

Council File Reference: 331819  
Council Contact: Brett Walsh  
Council Contact Phone: 07 4651 5625

14 June 2019

T R & K J Gelth and A L & L S Cowper  
C/- Mr Fraser Webb  
Hoffmann Surveyors  
PO Box 364  
LONGREACH QLD 4730

**Development Application**

**Development Permit for Reconfiguring a Lot (3 Lots into 2 Lots)**

**Lot 200 on SP252175, Lot 201 on SP276169 and Lot 200 on SP276169 -  
39, 45 and 51 Gordon Street, ARAMAC**

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We refer to the assessment of the abovementioned development application.

Pursuant to section 83 of the *Planning Act 2016*, please find enclosed the negotiated **Decision Notice**.

If you have any queries please contact Brett Walsh at the Barcardine Executive Office on 4651 5621.

Yours faithfully



✓ **Steven Boxall**  
**Chief Executive Officer**

# NEGOTIATED DECISION NOTICE

PLANNING ACT 2016, SECTION 63

I refer to your application and the change representation made in respect to the decision notice and advise that on 14 June 2019, Council agreed with the change representation. Details of the decision are as follows:

## 1. APPLICATION DETAILS

**Application Number:** DA331819  
**Properly Made Date:** 25 February 2019  
**Decision Date:** 14 June 2019  
**Planning Scheme:** Aramac Shire Planning Scheme 2006 (Version 2)

## 2. APPLICANT DETAILS

**Name:** T R & K J Geltch and A L & L S Cowper  
**Postal Address:** C/- Mr Fraser Webb  
Hoffmann Surveyors  
PO Box 364  
LONGREACH QLD 4730  
**Email Address:** [Fraser.Webb@hoffmannsurveyors.com.au](mailto:Fraser.Webb@hoffmannsurveyors.com.au)

## 3. PROPERTY DETAILS

**Street Address:** 39, 45 and 51 Gordon Street, ARAMAC  
**Real Property Description:** Lot 200 on SP252175, Lot 201 on SP276169 and Lot 200 on SP276169  
**Local Government Area:** Barcaldine Regional Council

## 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (3 Lots into 2 Lots)

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (3 Lots into 2 Lots)

## 5. APPROVED PLANS AND DOCUMENTS

A copy of the following plan is enclosed:

Plan Title	Drawing No.	Revision	Prepared by	Date
Proposed lots 200 and 201	B19004-PRO-001	B	Hoffmann Surveyors	27/03/2019

## **6. CURRENCY PERIOD**

This development approval will lapse at the end of the period set out in section 85(b) of the *Planning Act 2016*: for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—

- (i) the period stated for that part of the approval; or
- (ii) (ii) if no period is stated — 4 years after the approval starts to have effect.

## **7. ASSESSMENT MANAGER CONDITIONS**

### **1.0 ENDORSEMENT OF SURVEY PLAN**

1.1 Council will not endorse or release the survey plan for this development until such time as:

- (a) All conditions attached to this development approval for Reconfiguring a Lot have been fully satisfied;
- (b) A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and
- (c) All outstanding rates and charges relating to the site have been paid.

### **2.0 APPROVED PLANS AND DOCUMENTS**

2.1 The approved development must be completed and maintained generally in accordance with the approved plan of development *Proposed lots 200 and 201*, Drawing Number B19004-PRO-001, Revision B, dated 27 March 2019 and prepared by Hoffmann Surveyors.

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

### **3.0 EROSION AND SEDIMENT CONTROL**

3.1 Install, monitor and amend where necessary erosion and sediment control measures during all phases of the development to ensure all reasonable and practicable measures are taken to prevent environmental harm.

### **4.0 ELECTRICITY**

4.1 Prior to Council's approval of the survey plan, submit certification from a cadastral surveyor or engineer that certifies:

- 4.1.1 that an electrical connection has been provided to approved lots 200 and 201;
- 4.1.2 that all redundant electrical connections have been removed and the land reinstated.

### **5.0 WATER AND SEWERAGE**

5.1 Prior to Council's approval of the survey plan, any redundant water and sewerage infrastructure, including but not limited to pipes and connection

points, from the lot to be cancelled (Lot 201 on SP276169) must be removed and the land reinstated.

#### **6.0 REDUNDANT VEHICULAR CROSSOVER (DELETED – 14 JUNE 2019)**

~~6.1 The redundant vehicular crossover from Lot 201 on SP276169 must be removed and new kerb and channel reinstated to be consistent with the adjacent kerb and channel road profile, where relevant.~~

#### **6.0 STORMWATER MANAGEMENT**

6.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage or nuisance to other land or infrastructure.

#### **7.0 PUBLIC UTILITIES**

7.1 The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.

8.2 Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.

8.3 Any damage caused to any public utility during the course of construction shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council prior to the sealing of the Survey Plan.

#### **8. ADVISORY NOTES**

1. The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
2. Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
3. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
4. Further written approval may be required to undertake any works to reinstate the kerb and channel (if applicable). The developer should consult with Council prior to the commencement of any works to confirm any consents that may be required to restore the road profile following the removal of the redundant vehicle crossover.
5. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.

6. General environmental duty under the Environmental Protection Act 1994 prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
7. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

#### 9. PROPERLY MADE SUBMISSIONS

Not applicable - the application was Code Assessable and therefore no part of the application required public notification.

#### 10. REFERRAL AGENCIES

Not applicable – the application did not require State agency referral.

#### 11. FURTHER DEVELOPMENT PERMITS REQUIRED

The following further development permits will be required:

- Building Work (demolition work); and
- Plumbing and Drainage Work (disconnecting plumbing).

#### 12. RIGHTS OF APPEAL

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (included in the attachment to this decision notice). For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

#### 13. DELEGATED PERSON

Name: *Brett Walsh* Signature: *[Handwritten Signature]* Date: 14.06.2019

Encl: Attachment 1 – Stamped Approved Plan  
Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)  
Attachment 3 – Statement of Reasons

# **Attachment 1**

## **Stamped Approved Plan**

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**ALPHA OFFICE**  
Phone: 07 4985 1166  
Fax: 07 4985 1162

**ARAMAC OFFICE**  
Phone: 07 4652 9999  
Fax: 07 4652 9990

**BARCALDINE OFFICE**  
Phone: 07 4651 5600  
Fax: 07 4651 1778

Rev.	Reason for Issue or Amendment	Date	Drawn	Checked	Surveyed
B	Part of existing shed to be removed to allow 3.0m clearance to boundary	27/03/2019	DC	FW	FW
A	Initial Issue	7/02/2019	DC	FW	FW

**BARCALDINE REGIONAL COUNCIL**

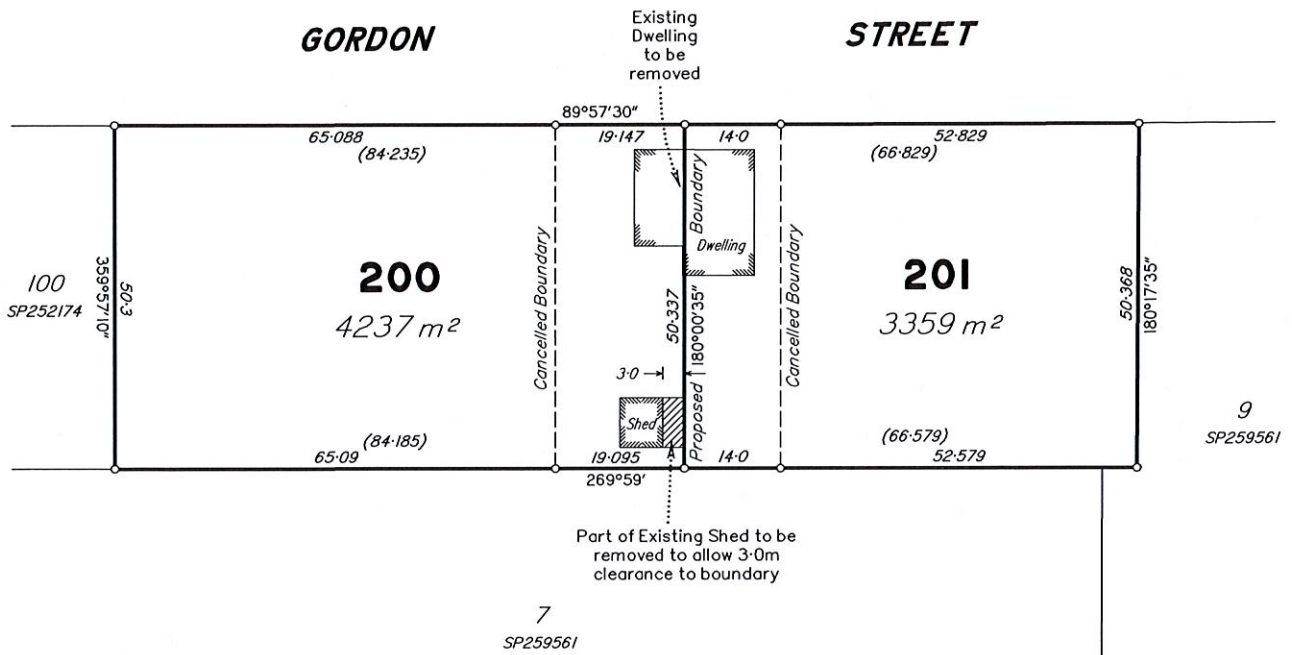
**DIGITALLY STAMPED  
APPROVED PLAN**

**Development Application:**  
Development Permit for Reconfiguring a Lot (3 Lots into 2 Lots)

**Lot and Address:**  
Lot 200 on SP252175, Lot 201 on SP276169 and Lot 200 on SP276169 - 39, 45 and 51 Gordon Street, ARAMAC

Referred to in Council's Negotiated Decision Notice

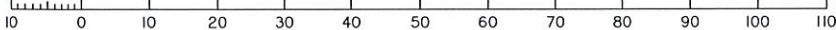
**Approval Date:** 14 June 2019  
**Application Number:** 331819



This plan was prepared as a proposed realignment of boundaries and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealing involving the land. This note is an integral part of the plan.

Plan of Proposed Lots 200 & 201  
Cancelling Lot 200 on SP252175 and  
Lots 200 & 201 on SP276169

Scale 1: 750 – Lengths are in Metres.



**HOFFMANN SURVEYORS**

Rockhampton Longreach Blackall Charleville

Phone: 07 4922 3834 | Email: hoffmannsurveyors.com.au

Project: Geltch/Cowper Boundary 43 Gordon Street Aramac		Local Government: BARCALDINE R C		Locality: ARAMAC	
Title: Proposed Lots 200 and 201		Co-ord System: COORDSYS	Level Datum: LEVELDATUM	Origin: SP276169	
Client: Barcaldine Regional Council		Scale: 1:750 at A3	Sheet: SHEET 1	Drawing No: B19004-PRO-001	Revision: B

# **Attachment 2**

Extract of Appeal Provisions (Chapter 6, Part 1  
and Schedule 1 of the *Planning Act 2016*)

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**BARCALDINE OFFICE**  
Phone: 07 4651 5600  
Fax: 07 4651 1778



# Attachment 3

## Extract of Appeal Provisions

The following is an extract from the *Sustainable Planning Act 2009* (Chapter 7)

### **MATERIAL CHANGE OF USE, RECONFIGURING A LOT & OPERATIONAL WORKS**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
  - (i) a condition of, or lack of condition for, the approval; or
  - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or

(b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

(a) development for an aquacultural ERA; or

(b) development that is—

(i) a material change of use of premises for aquaculture; or

(ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;

(b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

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(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given.

# Attachment 3

## Statement of Reasons

### Notice about decision Statement of reasons

*PLANNING ACT 2016, SECTION 63(5)*

<b>Description of the Development</b>	Development Application (Code assessable) for a Development Permit - Reconfiguring a Lot for Three (3) Lots into Two (2) Lots
<b>Application number</b>	DA33189
<b>Address</b>	39, 45 and 51 Gordon Street, ARAMAC
<b>Property description</b>	Lot 200 on SP252175 and Lots 200 and 201 on SP276169
<b>Type of approval</b>	Development Permit for Reconfiguring a Lot
<b>Decision</b>	Approved in full with conditions
<b>Date of approval</b>	14 June 2019
<b>Reasons for Decision</b>	<p>a) The Reconfiguring of a Lot results in lots with a total site area of 4,237m<sup>2</sup> and 3,359m<sup>2</sup> which exceed the required minimum lot size of 800m<sup>2</sup> within the Small Town Zone, as prescribed by the Reconfiguring a Lot Code.</p> <p>b) The proposed development also results in lots with road frontages in excess of the prescribed 18m within the Small Town Zone, as prescribed by the Reconfiguring a Lot Code.</p> <p>c) The site is serviced by all necessary urban utilities for the continuing residential use of land, and access and parking is provided in accordance with Council standards.</p> <p>d) The site is not affected by any Land Characteristics Maps (except for the Stat-controlled Road feature that encompasses the entire town) and will not result in off-site impacts that may affect these mapped local planning interests, such as Good Quality Agricultural Land.</p> <p>e) The proposal does not conflict with the needs of the local community and its reasonable development expectations for land within the Small Town Zone.</p> <p>f) The development does not compromise the relevant elements of the Central West Regional Plan and State Planning Policy.</p>
<b>Assessment Benchmarks</b>	<p>The Proposed Development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>▪ Reconfiguring a Lot Code – Part 5 of the <i>Aramac Shire Planning Scheme 2006 (Version 2)</i></li> </ul>
<b>Compliance with</b>	The development is assessed against the assessment benchmarks listed above and complies.

<b>Benchmarks</b>	<ul style="list-style-type: none"> <li>▪ The proposed lots achieve the prescribed minimum site area of 800m<sup>2</sup> within the Small Town Zone.</li> <li>▪ The proposed lots achieve the prescribed minimum road frontages of 18m within the Small Town zone.</li> <li>▪ Each proposed lot is currently connected to Council's reticulated water supply, effluent disposal system and electricity supply, with no changes proposed.</li> <li>▪ No increases in stormwater runoff are anticipated by the proposed boundary realignment.</li> <li>▪ There are no proposed changes to the subject lots' vehicle access points.</li> <li>▪ Changes to the roads are not required.</li> <li>▪ No additional habitable buildings are proposed as part of the reconfiguration of land.</li> <li>▪ Excavation and filling is not required as part of the proposal.</li> <li>▪ There is no significant vegetation located on the site, nor is the land identified as Good Quality Agricultural Land.</li> <li>▪ Conditions have been imposed to protect and where necessary alter the existing services and infrastructure connected to the existing dwelling houses on each lot.</li> <li>▪ The subject land does not involve land with slopes in excess of 15%.</li> </ul>
<b>Matters prescribed by Regulation</b>	<ul style="list-style-type: none"> <li>▪ The Central West Regional Plan, to the extent the Regional Plan is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;</li> <li>▪ The State Planning Policy, to the extent the SPP is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;</li> <li>▪ Any development approval for, and any lawful use of, the premises or adjacent premises; and</li> <li>▪ The common material.</li> </ul>
<b>Relevant matters for impact assessable development</b>	Not applicable – the proposal was subject to code assessment.
<b>Matters raised in submissions for impact assessable development</b>	Not applicable – the proposal did not require public notification.

If you find an inaccuracy in any of the information provided above or have an enquiry or seek clarification about any of these details, please contact Council.