

Council File Reference: 092021  
Council Contact: Brett Walsh  
Council Contact Phone: 07 4651 5625

22 December 2020

Carolyn Madders  
C/- Gatley Building Design  
PO Box 1530  
Bundaberg QLD 4670

Sent via email: [admin@gatleybuildingdesign.com.au](mailto:admin@gatleybuildingdesign.com.au)

Dear Sir/Madam,

**Development Application**

**A Development Permit for a Material Change of Use for:**

- **Visitor Accommodation (an additional five (5) cabins and seven (7) caravan parking sites)**

---

We refer to the assessment of the abovementioned development application.

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

If you have any queries please contact Brett Walsh at the Barcardine Executive Office on 07 4651 5621.

Yours faithfully



**Brett Walsh**  
**Acting Chief Executive Officer**

---

# DECISION NOTICE APPROVAL

---

PLANNING ACT 2016, SECTION 83

---

I refer to your application and advise that on 22 December 2020, Barcaldine Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

---

## 1. APPLICATION DETAILS

**Application Number:** DA-20251  
**Properly Made Date:** 1 September 2020  
**Decision Date:** 22 December 2020  
**Planning Scheme:** Barcaldine Shire Planning Scheme 2006 (v2)

## 2. APPLICANT DETAILS

**Name:** Carolyn Madders  
**Postal Address:** C/- Gatley Building Design  
PO Box 1530  
BUNDABERG QLD 4670  
**Email Address:** [admin@gatleybuildingdesign.com.au](mailto:admin@gatleybuildingdesign.com.au)

## 3. PROPERTY DETAILS

**Street Address:** 106 and 112 Elm Street, and 113 Ash Street and 5 Box Street, BARCaldine QLD 4725  
**Real Property Description:** Lot 802 and 809 on RY184 and Lots 1 – 4 on RP603055  
**Local Government Area:** Barcaldine Regional Council

## 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for a Material Change of Use for Visitor Accommodation (Five (5) Cabins and Seven (7) Caravan Parking Spaces).

## 5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(a) of the *Planning Act 2016*.

## 6. ASSESSMENT MANAGER CONDITIONS

### 1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 All conditions, works, and requirements of this development approval must be undertaken and completed prior to commencement of the use and maintained at all times thereafter, unless otherwise stated.
- 1.3 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.4 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed by Council to create a hazard to the community, it must be repaired immediately.
- 1.6 All development conditions contained in this development approval about *infrastructure* under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

### 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Drawing Number	Revision	Date
Site Plan	20314-01	-	18-05-2020
Context Plan	20314-13	-	18-05-2020
Floor Plan – Single Bed Cabin & Accessible Cabin	20314-02	-	18-05-2020
Elevations – Single Bed Cabin	20314-03	-	18-05-2020
Elevations – Accessible Cabin	20314-04	-	18-05-2020
Floor Plan & Elevations – Barbecue Shelter	20314-05	-	18-05-2020
Floor Plan & Elevations –	20134-06	-	18/05/2020

Amenities Block			
Turning Path – Car & Caravan	20314-07	-	18-05-2020
Turning Path – Car & Caravan	20314-08	-	18-05-2020
Turning Path – Car & Caravan	20314-09	-	18-05-2020
Turning Path – Car	20314-10	-	18-05-2020
Turning Path – Car	20134-11	-	18-05-2020
Turning Path – Car	20314-12	-	18-05-2020

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 LIMITATIONS OF OPERATION

3.1 Hours of operation are limited from 7:00am to 9:00pm Monday to Sunday. No new guests are to be accepted into the Visitor Accommodation outside these hours.

***Advisory note:*** This relates to office hours and when guests may be accepted into the Visitor Accommodation. It is accepted the use is an accommodation activity and guests (already checked in) will be staying 24 hours a day.

3.2 The Visitor Accommodation over Lot 3 and 4 on RP603055 and Lot 809 on RY184 must be necessarily associated and integrated with the Visitor Accommodation over Lot 802 on RY184 and Lot 1 and Lot 2 on RP603055. No lot is permitted to operate independent of the other lots forming part of this development approval.

***Advisory note:*** The Visitor Accommodation has been approved on the basis that it forms part of the existing Visitor Accommodation over Lot 1 and Lot 2 on RP603055 and Lot 809 on RY184. The reason being that it relies on certain services and facilities of this development, including but not limited to vehicle access, service vehicle arrangements, amenities, existing connections, and administration.

### 4.0 ACCESS AND PARKING WORKS

4.1 Design, construct and maintain the Elm Street crossovers in accordance with the approved plans (see Condition 2.1) and *Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.3(2) of the Barcaldine Shire Planning Scheme 2006.*

4.2 Design and construct and maintain all car parking, service vehicle parking and manoeuvring areas in accordance with the approved plans (see Condition 2.1) and *Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.2(1)(b) of the Barcaldine Shire Planning Scheme 2006.*

4.3 All car parking and vehicle manoeuvring areas must be either asphalt sealed or concreted, except for those areas contained in Lot 3 and Lot 4 on RP603055, which may be turfed.

4.4 No vehicle ingress is permitted into Lot 809 on RY184 from Elm Street. All vehicles must enter Lot 809 on RY184 via Lot 802 on RY184 and exit via the Elm Street crossover. Only one-way vehicle movements are permitted.

4.5 Install legible signage that clearly indicates one-way vehicle movement within Lot 809 on RY184 (see Condition 4.4.).

## **5.0 ROOF AND ALLOTMENT DRAINAGE**

5.1 Discharge of all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.

## **6.0 STORMWATER WORKS**

6.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with *Division 5: Standards for Stormwater Drainage, Section 5.1* of the *Barcaldine Shire Planning Scheme 2006* and the *Queensland Urban Drainage Manual*.

## **7.0 SEWERAGE AND WATER**

7.1 The premises must be connected to Council's reticulated water and sewerage network.

7.2 All works must be designed, constructed and maintained in accordance with the approved plans (refer to Condition 2.1), Water Supply (Safety and Reliability) Act, the Plumbing and Drainage Act and *Division 3 – Standards for Water Supply, section 3.1* and *Division 4 – Standards for Sewerage, Section 4.1* of the *Barcaldine Shire Planning Scheme 2006*.

7.3 Remove all redundant water supply and sewerage infrastructure, including but not limited to pipes and connection points.

## **8.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY**

8.1 The premises must be connected to electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

## **9.0 WASTE MANAGEMENT**

9.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:

9.1.1 Designed to not cause nuisance to neighbouring properties;

9.1.2 Screened from any road frontage or adjoining property;

9.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the Visitor Accommodation.

## **10.0 AMENITY AND ENVIRONMENTAL HEALTH**

- 10.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 10.2 Install and operate all outdoor lighting to comply with AS4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.

## **11.0 LANDSCAPING**

- 11.1 Establish and maintain landscaping generally in accordance with the approved plans.
- 11.2 The landscaping must predominantly contain species consisting of native, drought tolerant groundcovers, shrubs, small trees and trees.

## **12.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL**

- 12.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 12.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the standards contained in *Schedule 1, Division 1: Standards for Construction Activities, Section 1.1* of the *Barcaldine Shire Planning Scheme 2006*.
- 12.3 Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted or landscaped).

## **13.0 ASSET MANAGEMENT**

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

## **7. ADVISORY NOTES**

- 1. The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 2. 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.
- 3. 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.

4. General environmental duty under the Environmental Protection Act 994 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.
5. 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").

## **8. STATEMENT OF REASONS**

### **8.1 Description of Development**

The development application for a Development Permit for Material Change of Use for Visitor Accommodation.

### **8.2 Assessment Benchmarks**

The following are the benchmarks that are applicable to this development:

<b>Benchmark applying for the development</b>	<b>Benchmark reference</b>
<ul style="list-style-type: none"><li>• Commercial Zone Code</li></ul>	<i>Barcaldine Shire Planning Scheme 2006 (v2)</i>
<ul style="list-style-type: none"><li>• State interest for Planning for Infrastructure (Transport Infrastructure)</li></ul>	<i>State Planning Policy July 2017</i>
<ul style="list-style-type: none"><li>• Part D – Regional activity centres network</li><li>• Part E– Regional policies and land use strategies</li></ul>	<i>Central West Regional Plan 2009</i>
<ul style="list-style-type: none"><li>• State Code 1: Development in a State-controlled Road Environment</li></ul>	<i>State Development Assessment Provisions (v2.3)</i>

### **8.3 Relevant Matters**

Not applicable.

### **8.4 Matters Raised in Submission**

The development application did not require public notification.

### **8.5 Reason for Decision**

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- a) The development complies with, or can be conditioned to comply with, the applicable assessment benchmark (the Commercial Zone Code) under the Planning Scheme.
- b) Visitor Accommodation is a supported land use in the Commercial Zone and is within the reasonable development expectations for land in the Commercial Zone.

- c) The Visitor Accommodation assists in providing an identifiable, vibrant and compact business core that services the Barcardine region by offering short-term accommodation that supports the tourism industry.
- d) Conditions of approval ensure the development is operated in a manner that protects and enhances the scale, intensity, form and character of the Commercial zone.
- e) The development does not compromise the relevant elements of the Central West Regional Plan and State Planning Policy.

**9. PROPERLY MADE SUBMISSIONS**

The development application did not require public notification.

**10. REFERRAL AGENCIES**

The Department of State Development, Infrastructure, Local Government and Planning was a referral agency for the application:

PLANNING REGULATIO N 2017	FOR AN APPLICATION INVOLVING	NAME OF AGENCY	STATUS	ADDRESS
<b>Material change of use of premises near a State transport corridor</b>				
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	Development application for a material change of use, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The Chief Executive  Department of State Development, Infrastructure, Local Government and Planning	Concurrence Agency	Department of State Development, Infrastructure, Local Government and Planning  Mackay Isaac Whitsunday Region Office PO Box 257 MACKAY QLD 4740 Ph: (07) 4898 6888 Email: <a href="mailto:MIWSARA@dilgp.qld.gov.au">MIWSARA@dilgp.qld.gov.au</a>  MyDAS2 online referrals: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a>

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

The following further development permits will be required:

- Building Work; and



- Plumbing and Drainage Work.

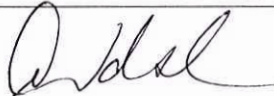
## 12. RIGHTS OF APPEAL

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:



Date: 22 December 2020

Encl: **Attachment 1** – Stamped Approved Plan

**Attachment 2** – Concurrence Agency Response

**Attachment 3** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)

# Attachment 1

Stamped Approved Plans

# Attachment 2

Concurrence Agency Response

---

**ALPHA OFFICE**

Phone: 07 4985 1166

Fax: 07 4985 1162

**ARAMAC OFFICE**

Phone: 07 4652 9900

Fax: 07 4652 9990

**BARCALDINE OFFICE**

Phone: 07 4651 5600

Fax: 07 4651 1778

# **Attachment 3**

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

---

**ALPHA OFFICE**

Phone: 07 4985 1166

Fax: 07 4985 1162

**ARAMAC OFFICE**

Phone: 07 4652 9900

Fax: 07 4652 9990

**BARCALDINE OFFICE**

Phone: 07 4651 5600

Fax: 07 4651 1778