

Council File Reference: 262021
Council Contact: Brett Walsh
Council Contact Phone: 07 4651 5625

17 February 2021

Brett Jenkins
C/- Wall Planning and Environmental Consulting
PO Box 345
CLERMONT QLD 4721

Sent via email: mail@wallplanning.com.au

Dear Sir/Madam,

Development Application

A Development Permit for a Material Change of Use for:

- **Industry**

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



for
Anna Scott
Chief Executive Officer

DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 17 February 2021, 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: 262021
Properly Made Date: 8 December 2020
Decision Date: 17 February 2021
Planning Scheme: Barcaldine Shire Planning Scheme 2006 (v2)

2. APPLICANT DETAILS

Name: Brett Jenkins
Postal Address: C/- Wall Planning and Environmental Consulting
PO Box 345
CLERMONT QLD 4721
Email Address: mail@wallplanning.com.au

3. PROPERTY DETAILS

Street Address: 49 Lancewood Drive, Barcaldine
Real Property Description: Lot 53 on SP249553
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 Industry

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
Locality Plan / Site Plan / North Elevation (Lancewood Drive)	SD-01	4	21-01-2021
Floor Plan, Elevations and Structural Details	15/2	A	January 2003

- 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 ELEVATION AND FLOOR PLANS

- 3.1 Provide to Council for approval elevation and floor plans for the 'Administration and Showroom' building shown on the approved Site Plan (SD-01) prior to

obtaining a Development Permit for Building Work made assessable under the Building Act.

Advisory Note: *Once approved, the elevation and floor plans will form part of the approved plans and documents.*

4.0 LIMITATIONS OF OPERATION

- 4.1 Hours of operation are limited from 7:00am to 6:00pm Monday to Sunday.
- 4.2 Loading and unloading occurs only between the hours of 7:00am to 6:00pm Monday to Friday and 7:00am to 12:00 (noon) on Saturdays.
- 4.3 The ancillary office and showroom must be necessarily associated with and subordinate to the approved Industry use.

5.0 ACCESS AND PARKING WORKS

- 5.1 Design, construct and maintain the Lancewood 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.*
- 5.2 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.*
- 5.3 All car parking and vehicle manoeuvring areas must be either asphalt sealed or concreted.
- 5.4 No vehicle crossover is permitted to be constructed to Beefwood Road, unless otherwise agreed to in writing by Council.

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 *Schedule 1, 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 Construct and maintain an on-site effluent disposal system in accordance with the approved plans and *Schedule 1, Division 4: Standards for Sewerage, Section 4.2* of the *Barcaldine Shire Planning Scheme 2006*.

7.2 Connect the premises to Council's reticulated water supply system in accordance with *Schedule 1, Division 3: Standards for Water Supply, Section 3.1* of the *Barcaldine Shire Planning Scheme 2006*.

9.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

9.1 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

11.1 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

11.2 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.

13.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

13.1 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).

14.0 ASSET MANAGEMENT

- 14.1 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 Industry.

8.2 Assessment Benchmarks

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

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"> • Industry Zone Code 	<i>Barcaldine Shire Planning Scheme 2006 (v2)</i>
<ul style="list-style-type: none"> • State interest for Planning for Infrastructure (Agriculture – Stock Route Network) 	<i>State Planning Policy July 2017</i>

<ul style="list-style-type: none"> • Part D – Regional activity centres network • Part E– Regional policies and land use strategies 	Central West Regional Plan 2009
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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 Industrial Zone Code) under the Planning Scheme.
- b) 'Industry' is a supported land use in the Industrial Zone and is within the reasonable development expectations for land in the Industrial Zone.
- c) Conditions of approval ensure the development is operated in a manner that protects and enhances the scale, intensity, form and character of the Industrial Zone and more broadly.
- d) The development ensures that industry development is appropriately located to ensure that it does not adversely impact on other uses within other zones.
- 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 development application did not require referral to any referral agencies.

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: 17 February 2021

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

Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)