
DECISION NOTICE
APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 15 April 2021, Barcardine 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-412021
Properly Made Date: 17 February 2021
Decision Date: 15 April 2021
Planning Scheme: Barcardine Shire Planning Scheme 2006 (v2)

2. APPLICANT DETAILS

Name: Davburn Pty Ltd & M Madders C/- Gatley
Building Design
Postal Address: PO Box 1530
BUNDABERG QLD 4670
Email Address: admin@gatleybuildingdesign.com.au

3. PROPERTY DETAILS

Street Address: 4 Box Street, Barcardine
Real Property Description: Lot 19 on RY219
Lot 20 on RY219
Local Government Area: Barcardine Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for a Material Change of Use for Commercial Premises and Shop

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	21572-01	-	28-01-2021
Floor Plan	21572-02	-	28-01-2021
Elevations – Existing Shed	21572-03	-	28-01-2021
MRV Turning Path	21572-05	-	28-01-2021

- 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.
- 3.2 Loading and unloading of goods only occur between 7:00am to 6:00pm Monday to Friday and 7:00am to 12:00 (noon) on Saturdays. No loading and unloading occurs on Sundays or public holidays.

4.0 ACCESS AND PARKING WORKS

- 4.1 Design, 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*, except for the four (4) 'overflow' car parking spaces as shown on the approved Site Plan.
- 4.2 All car parking and vehicle manoeuvring areas must be either asphalt sealed or concreted, except for the four (4) 'overflow' car parking spaces as shown on the approved Site Plan. Signage to the overflow parking is to be installed within the site and the number of car parks in the overflow area are to be signed and numbered. All access to the overflow area is to be via the approved vehicle crossovers to Box Street.
- 4.3 Vehicles must not access the overflow car parking spaces directly from Box Street. Vehicles are only permitted to access the overflow car parking spaces from within the premises via the existing crossovers.
- 4.4 Where the four (4) 'overflow' car parking spaces become frequently used, submit to Council for approval an amended Site Plan that shows a minimum of 15 car parking spaces and one (1) MRV parking space forming part of a single integrated vehicle parking and manoeuvring area, constructed to Council's standards (see Condition 4.4)

Advisory Note: 'Frequently used' is taken to mean that any of the overflow car parking spaces are relied on to provide on-site car parking for a single vehicle more than once per week.

- 4.5 Design, construct and maintain all car parking, service vehicle parking and manoeuvring areas in accordance with the amended approved Site Plan (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* within three (3) months of amended Site Plan being approved by Council.
- 4.6 All car parking and vehicle manoeuvring areas, as shown on the amended approved Site Plan (see Condition 4.3) must be either asphalt sealed or concreted.

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 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 Commercial Premises and Shop

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">Commercial Zone Code	<i>Barcaldine Shire Planning Scheme 2006 (v2)</i>
<ul style="list-style-type: none">State interest for Planning for Infrastructure (Transport Infrastructure – State-controlled Road)	<i>State Planning Policy July 2017</i>
<ul style="list-style-type: none">Part D – Regional activity centres networkPart E– Regional policies and land use strategies	<i>Central West Regional Plan 2009</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:

- The development complies with, or can be conditioned to comply with, the applicable assessment benchmark (the Commercial Zone Code) under the Planning Scheme.
- The performance outcome for on site car parking is assessed to be appropriate for the intended user with the potential for additional car spaces to be constructed if necessary in accordance with the conditions of approval.
- The uses of commercial premises and shop are supported in the Commercial Zone and is within the reasonable expectations for land uses in the Commercial Zone.
- Conditions of approval ensure the development is operated in a manner that protects and enhances the scale, intensity, form, use and character of the Commercial Zone.
- The development does not compromise the relevant elements of the Central West Regional Plan and State Planning Policy.
- There are no State agency requirements as access to Box Street will be maintained as existing and stormwater discharge is existing to Ash Street.

9. PROPERLY MADE SUBMISSIONS

The development application did not require public notification.

10. REFERRAL AGENCIES

Referral Trigger	Referral Agency and Address	Referral Status	Response
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	Department of State Development, Infrastructure, Local Government and Planning Mackay Isaac Whitsunday Region Office PO Box 257 MACKAY QLD 4740	Concurrence Agency	The Department provided their concurrence agency response with conditions on 1 June 2020. A copy of their response is attached, reference 2102-21290 SRA

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Please be advised the following development permits may be required to be obtained before the development can be carried out:

- Development Permit for Building Work
- Development Permit for Plumbing and Drainage Work

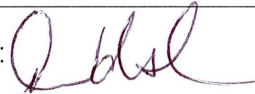
12. APPEAL RIGHTS

A copy of the relevant appeal provisions are attached.

13. DELEGATED PERSON

Name: Brett Walsh
April 2021

Signature:



Date: 15

DEPUTY CHIEF EXECUTIVE OFFICER

Enc:

Attachment 1 – APPROVED PLANS

Attachment 2 – SARA REFERRAL AGENCY RESPONSE

Attachment 3 – EXTRACT OF APPEAL PROVISIONS

Attachment 1 – APPROVED PLANS

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

Attachment 2 – SARA REFERRAL AGENCY RESPONSE

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Phone: 07 4985 1166
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**Attachment 3 - EXTRACT OF APPEAL PROVISIONS (CHAPTER
6, PART 1 AND SCHEDULE 1 OF THE *PLANNING ACT 2016*)**

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