

Council File Reference: 491718-1
Council Contact: Brett Walsh
Council Contact Phone: 07 4651 5625

28 July 2021

Barcaldine Regional Council
PO Box 191
BARCALDINE QLD 4725

Dear Jenny,

Development Application

A Development Permit DA-491718 for a Material Change of Use for Outdoor Recreation (Barcaldine Recreation Park) - Amendment to Approval

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 Barcaldine Executive Office on 07 4651 5621.

Yours faithfully



Brett Walsh
Acting Chief Executive Officer

DECISION NOTICE APPROVAL (MINOR CHANGE)

PLANNING ACT 2016, SECTION 83

I refer to your application and advise that on 21 July 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: DA-491718

Properly Made Date: 16 July 2021

Decision Date for Development Application: 16 January 2019

Decision Date for Change Application: 21 July 2021

Planning Scheme: Barcaldine Shire Planning Scheme 2006 (v2)

2. APPLICANT DETAILS

Name: Barcaldine Regional Council

Postal Address: C/- Murray & Associates (QLD) Pty Ltd
PO Box 665
EMERALD QLD 4720

Email Address: andrewb@mursurv.com

3. PROPERTY DETAILS

Street Address: 1 Kurrajong Drive, Barcaldine QLD 4725

Real Property Description: Lot 9 on SP297069

Local Government Area: Barcaldine Regional Council

4. DECISION DETAILS

The following type of approval has been amended:

- Development Permit DA-491718 for a Material Change of Use for Outdoor Recreation (Barcaldine Recreation Park)

5. CURRENCY PERIOD

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

6. NATURE OF CHANGES

The nature of the changes are:

- Amendment to Condition 1.1
- Replace Condition 7 (including Conditions 7.1 and 7.2) with new Condition 7

The changes to the conditions relate to the following:

- Condition 7 of the original approval required the preparation of a Flood Hazard Assessment Study to demonstrate that the development does not result in a material increase in the extent or severity of flood in terms of on-site and off-site flood hazard impacts.
- The Flood Hazard Assessment Study has been completed and is included as an approved document entitled 'Flood Risk Assessment – Barcaldine Ski Park Flood Mitigation' by ACS Engineers in Condition 1.1 of this changed approval.
- At its Council Meeting of 16 June 2021, Council resolved to adopt the flood mitigation measures contained in the Flood Hazard Assessment Study. Specific design elements of these mitigation measures are detailed in the 'BRC Flood Mitigation – Embankment layout plan and section' by ACS Engineers, which is included as an approved plan in Condition 1.1 of this changed approval.
- Condition 7.1 is amended to reflect the implementation of the mitigation measures contained in the approved Flood Hazard Assessment Study.
- Condition 7.2 is amended to reflect the flood mitigation strategy recommended by ACS Engineers for a lowered embankment generally in accordance with the approved 'BRC Flood Mitigation – Embankment layout plan and section'.

7. ASSESSMENT MANAGER CONDITIONS

1.0 APPROVED PLANS AND DOCUMENTS

- 1.1 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:

Title	Plan number	Revision	Date	Prepared by
General Layout, Typical Sections and Details	160158-1/01	P1	18/11/2016	GBA Consulting Engineers
Amenities Building – Location and 3D Views	160158-2/01	P2	04/12/2017	GBA Consulting Engineers
Amenities Building – Layout Plan	160158-2/02	P2	04/12/2017	GBA Consulting Engineers
Amenities Building – Elevations	160158-2/02	P2	04/12/2017	GBA Consulting Engineers
Plan Showing Offsets from	17-412 (1 of 1)	A	09/02/2018	SMK Consultants

Property Boundaries and Proposed Pond				
BRC Flood Mitigation – Embankment layout plan and section	190005 ACS– 190005-FMT - Sheets 1, 2, 3	A	23/06/21	ACS Engineers

Title	Document number	Revision	Date	Prepared by
Cultural Heritage Risk Assessment Barcaldine Water Ski and BMX Park	160158	Approve	05/05/2017	GBA Consulting Engineers
Flood Hazard Assessment Study – Barcaldine Ski Park Flood Mitigation	190005	4	01/06/2021	ACS Engineers

- 1.2 Implement the recommendations of the Cultural Heritage Risk Assessment, herein listed under item 1.1, submitted to Council in support of the development application, and more specifically the following:
- a) The cultural heritage mitigation strategies listed in Table 1 on page iii of the approved document be included on the project design and construction plan;
 - b) Establishment of an 'Exclusion Zone' with fencing and/or signage around the 'Exclusion Zone Scatter';
 - c) Restricted access to 'Cultural Heritage Significant Area' to the south west section of the site, which is to be submitted to the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Register as an Aboriginal cultural site under the status of an 'Artefact Scatter' in accordance with figure 3 of the approved document;
 - d) Traditional Owner Field Officer (TOFO) site monitoring requested during the first day of excavations in the front paddock area at the location of the ski lake excavation and filling works, to inspect for any potential sub-surface cultural material;
 - e) Should any material of a cultural nature be located on site during project operations, all works in the immediate location of the finds must be halted until further clearance can be undertaken by Bidjara representatives and suitably qualified personnel; and
 - f) Relocation of the historic tractor to Barcaldine Historical Society museum / storage place.
- 1.3 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.
- 1.4 The approved use must be conducted generally in accordance with the facts and circumstances as set out in the application submitted to Council.

1.5 A copy of this decision notice and stamped approved plans/drawings must be submitted with any development application for building work relating to or arising from this development approval.

1.6 A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

2.0 COMPLIANCE TIMING

2.1 Comply with all conditions of this development approval at no cost to Council and prior to the Final Inspection Certificate by a Building Certifier or commencement of the use, whichever comes first unless otherwise stated in a specific condition.

3.0 AMENITY

3.1 Undertake the activities associated with the construction between the hours of 6:30am and 6:30pm, Monday to Saturday. Construction works are not permitted to be carried out on Sundays or public holidays without the prior written approval of the Chief Executive Officer.

3.2 Undertake the use so that there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reasons of the emission of vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products, grit, oil or otherwise.

3.3 Conduct the activity in a manner that achieves the acoustic quality objectives outlined in Schedule 1 of the Environmental Protection (Noise) Policy 2008 and does not allow the unreasonable emission of noise to the environment.

3.4 A Noise Impact Assessment Study must be prepared that has regard to the proposed operations of the recreation park, including acceptable hours of operation, and include details of mitigation measures to address any adverse impacts to sensitive receptors, such as nearby dwelling houses. The Noise Impact Assessment Study must be submitted to Council for the Chief Executive's endorsement prior to, or with, the submission of any development application prior to commencement of use.

3.5 Angle or shade lighting is to be used to illuminate the premises, so that light does not directly illuminate or cause any environmental nuisance (e.g. glare) to nearby premises or roads. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

4.0 BUILDING AND CERTIFICATION

4.1 Demolish or relocate off site all existing buildings and/or structures on site that are made redundant by the development. Ensure all services to the existing buildings and/or structures are disconnected and where required capped prior to demolition commencing.

5.0 ACCESS AND PARKING WORKS

- 5.1 The internal access driveway must be designed and constructed to a paved surface standard in accordance with *Austrroads* standards and *Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access* of the Barcaldine Shire Planning Scheme 2006, or to other accepted and Council endorsed engineering standards. Appropriate signage and line marking shall be provided.
- 5.2 All vehicles up to the maximum design vehicle for the premises, inclusive of refuse collection vehicles, must be able to enter and exit the site in a forward gear. Loading and unloading areas must be located clear of visitor parking areas.
- 5.3 Car parking shall be constructed generally in accordance with the approved plans and in accordance with *AS2890.1 – Off Street Car Parking*.
- 5.4 Disabled car parking is to be constructed generally in accordance with the approved plans and the *AS2890.6 – Off Street Parking for people with Disabilities*.

6.0 EXCAVATION AND FILLING

- 6.1 A Development Permit for Operational Works is required for the filling and/or excavation works.
- 6.2 No fill is to be imported and placed on the site for the BMX bike track.

Advisory note: The State Planning Policy 2017 Mapping identifies the footprint of the BMX track located in the Flood Hazard Area. Preliminary calculations of the excavation to fill ratio for the ski lake is estimated at 1:125. It is expected that the excess material will be used to form the BMX track and will not result in a net increase in fill across the entire development site.

- 6.2 Effective erosion and sedimentation control must be provided at all times during the works, including post construction in accordance with *Schedule 1, Division 1: Standards for Construction Activities, Section 1.1* of the Barcaldine Shire Planning Scheme 2006. Runoff from all areas where the natural surface is disturbed by construction shall be free of pollutants and / or sediment before it is dispersed to stable areas or directed to existing stormwater drains or natural watercourses.

7.0 FLOOD HAZARD ASSESSMENT STUDY

- 7.1 A Flood Hazard Assessment Study must be prepared to demonstrate that the development does not result in a material increase in the extent or severity of flood in terms of on-site and off-site flood hazard impacts. Where impacts from the development are known, further hazard and risk assessment is required to be undertaken to identify mitigation measures that ensure the safety of people is protected and the risk of harm to property and the natural environment from flood is minimised to an acceptable or tolerable level.

The Flood Hazard Assessment Study must include the following:

A. Flood Hazard Assessment Report

- i. Prepared and certified by a Register Practicing Engineer of Queensland (RPEQ) with experience in flood modelling and

- management in accordance with the industry best practice methodology;
- ii. Consider Council's flood and drainage studies for the catchment (it is understood preliminary modelling of the proposed development has been undertaken which has identified impacts to properties on the eastern side of Lagoon Creek); and
 - iii. As relevant, include accurate hydrological and hydraulic modelling of the waterway network and assessment of existing flooding and flood levels of major water systems including modelling of the 50%, 10%, 5%, 1% and 0.2% AEP (annual exceedance probability) flood events and the PMF (probable maximum flood).
- B. Flood Hazard Mitigation Report. This report is required to:
- i. be consistent with the international risk management standard *AS/NZ ISO 31000:2009 Risk Management*;
 - ii. assess the potential impacts of the development on the flood hazard;
 - iii. assess the potential impacts of flood hazard on the development and any affected properties external to the site;
 - iv. recommend strategies to be incorporated into the development to satisfy the requirements of the *Assessment benchmarks – natural hazards, risk and resilience* as it relates to flood hazard under the State Planning Policy 2017;
 - v. recommend strategies to be incorporated into the development to satisfy the requirements of *PC42 Flooding* under the Open Space and Recreation Zone Code, Table 4.7.3.4 – Part B, of the Barcaldine Shire Planning Scheme 2006 (V2).
 - vi. describe and evaluate the impact of the proposed mitigation strategies on the existing and likely future use of land and buildings in proximity to the proposed development; and
 - vii. address the following:
 - a. waterways, including bank stability;
 - b. impacts on properties both upstream and downstream and mitigation strategies to address the protection of life and property on these properties;
 - c. preferred areas and non-preferred areas on site for various activities, based on the probability of inundation and the volume and velocity of flows;
 - d. the use of flood resistant materials and construction techniques able to withstand relevant hydraulic and debris loads where appropriate;
 - e. the location and height of means of ingress and egress, including possible flood-free escape routes;
 - f. structural design, including the design of footings and foundations to take account of static and dynamic loads (including debris loads and any reduced bearing capacity owing to submerged soils);
 - g. the location and design of plant and equipment, including electrical fittings;
 - h. the storage of any materials which are likely to cause environmental harm if released as a result of inundation or stormwater flows;
 - i. the appropriate treatment of water supply, sanitation systems and other relevant infrastructure;

- ~~j. relevant management practices, including flood warning and evacuation measures;~~
- ~~k. details of detention / retention storages or any easements or reserves required for stormwater design.~~

7.1 Implement the mitigation measures identified in the Flood Risk Assessment – Barcaldine Ski Park Flood Mitigation, Rev. 4 dated 01/06/2021 and prepared by ACS Engineers, including the following:

- 7.1.1 Specific design elements for the protection of the ski park embankment during flood events;**
- 7.1.2 Design requirements of infrastructure associated with the ski park (buildings and services); and**
- 7.1.3 Operational requirements of the ski park with respect to flood events.**

~~7.2 The Flood Hazard Assessment Study must be submitted to Council for the Chief Executive's endorsement prior to, or with, the submission of any development application for operational work.~~

7.2 Implement the flood mitigation strategy recommended by ACS Engineers involving construction of a lowered embankment generally in accordance with plans prepared by ACS Engineers 190005 ACS-190005-FMT- Sheet 1,2 and 3 Revision A dated 23/06/21.

8.0 STORMWATER DRAINAGE

8.1 All stormwater, with the exception of water captured onsite in rainwater tanks, is to be drained from the site without causing annoyance or nuisance to any person to a point where it may be lawfully discharged.

8.2 The design and construction criteria included in the *Queensland Urban Drainage Manual (QDUM)* and *Schedule 1, Division 5: Standards for Stormwater Drainage, Section 5.1* of the Barcaldine Shire Planning Scheme 2006 are met.

9.0 POTABLE WATER SUPPLY

9.1 Provide a sufficient potable water supply to service the development.

9.2 A Drinking Water Quality Management Plan must be prepared and submitted to the Chief Executive Officer, or delegate for approval. The Plan shall make recommendations in relation to the extent of works that will be undertaken to provide a potable water supply to the development. The Plan will detail the monitoring, treatment and maintenance works that will be carried out to ensure that the quality of the drinking water is achieved. The Plan will address the Risk Management Aspects required by Queensland Health to comply with the Australian Drinking Water Guidelines. All proposed works are to be designed and carried out generally in accordance with Council's standards.

10.0 SEWAGE TREATMENT

10.1 Connect the development to Council's sewerage infrastructure network.

11.0 VEGETATION MANAGEMENT

- 11.1 Undertake vegetation clearing of the 50 metre wide buffer to watercourse (Lagoon Creek) only within the development footprint of the ski lake, approved buildings and structures and their associated parking and access areas as identified on the approved plans. No clearing is permitted beyond the development footprint other than in accordance with section 4.7.3.4 Part B – Areas other than Protected Areas of the Barcaldine Shire Planning Scheme 2006.
- 11.2 Offset any clearing of vegetation within the 50 metre wide buffer to watercourse (Lagoon Creek) by planting trees, shrubs and grasses within the 'proposed vegetation / sound barrier trees and shrubs' area nominated on the approved plans. Plant the trees, shrubs and grasses within twelve months of the clearing occurring.

12.0 WASTE MANAGEMENT

- 12.1 Refuse storage area must be provided for the amenities building and maintained so as not to cause visual or odour nuisance to the surrounding properties. The refuse storage area must be screened from public view.

13.0 PROVISION OF UTILITIES

- 13.1 Documentary evidence to the Chief Executive Officer or delegate must be provided from relevant electrical and telecommunication service providers that satisfactory arrangements have been made for the provision of such services.

14.0 FOOD PREMISES

- 14.1 The food premises (kitchen area) is to be fitted out in accordance with the requirements of *Australia Standard 4674-2004: Design, construction and fit-out of Food Premises and Food Safety Standard 3.2.3, Food Premises and Equipment*.
- 14.2 Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard 16682.2-2002: The use of ventilation and air-condition in buildings* (specifically Section 5.10 – Air discharges).

15.0 CONSTRUCTION

- 15.1 The construction of all the works shall be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the provisions of the *Schedule 1, Division 1: Standards for Construction Activities, Section 1.1* of the Barcaldine Shire Planning Scheme 2006.
- 15.2 The construction of all works associated with the proposal shall be supervised by a Registered Practising Engineer Queensland (RPEQ) whose appointment shall require the approval of the Chief Executive Officer or delegate. On completion of the works the applicant/owner shall give to the Council a Certificate from the Engineer stating that the work of constructing the operational works has been completed in accordance with the plans and specification approved by Council.

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. 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 Outdoor Recreation

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">• Open Space and Recreation Zone Code	<i>Barcaldine Shire Planning Scheme 2006 (v2)</i>
<ul style="list-style-type: none">• State interest for – Natural hazards, risk and resilience	<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	<i>Central West Regional Plan 2009</i>
<ul style="list-style-type: none">• State Code 1: Development in a State-controlled Road Environment	<i>State Development Assessment Provisions</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) Outdoor Recreation is a supported land use in the Open Space and Recreation Zone.
- b) The development complies with, or can be conditioned to comply with, the applicable assessment benchmark (the Open Space and Recreation Zone Code) under the Planning Scheme.
- c) The development is conditional upon a Flood Hazard Assessment Study being completed that identifies mitigation measures for implementation to address off-site flood hazard impacts.
- d) The development will provide an important recreational asset for the enjoyment of the community, wider region and visitors, with direct and indirect social and economic benefits for Barcaldine.
- e) With the conditions imposed, the development satisfies 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:

The referral agencies for the application are:

Referral Agency	Referral Matter	Referral Role
Town Planning Ergon Energy PO Box 264 Fortitude Valley QLD 4006 Email: townplanning@ergon.com.au	Schedule 10, Part 9, Division 2, Table 2, Item (1)(b)	Advice
Chief Executive - Department of State Development, Manufacturing, Infrastructure and Planning Mackay Isaac Whitsunday Region Office PO Box 257 MACKAY QLD 4740 Ph: (07) 4898 6888 Email: MIWSARA@dndmip.qld.gov.au MyDAS2 online referrals: https://prod2.dev- assess.qld.gov.au/suite/	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item (1)(a) and (c)	Concurrence

11. FURTHER DEVELOPMENT PERMITS REQUIRED

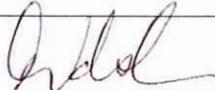
The following further development permits will be required:

- 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:** 28 July 2021
Acting Chief Executive Officer

Encl: **Attachment 1** - Referral Response & S62 Approval
Attachment 2 - Approved Plans
Attachment 3 - Appeal Provisions

Attachment 1

Referral Response & S62 Approval

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 2

Approved Plans

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

Appeal Provisions

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