

Council File Reference: 072122
Council Contact: Brett Walsh
Council Contact Phone: 07 4651 5625

11 October 2021

Clontarf Pastoral CQ Pty Ltd

C/- Gideon Town Planning
PO Box 450
Rockhampton City Q 4700

Email: info@gideontownplanning.com.au

Dear Sir or Madam,

Development Application

Development Permit for Reconfiguring a Lot by Boundary Realignment (Two (2) Lots into Two (2) Lots)

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



for
Brett Walsh
Acting Chief Executive Officer

DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 11 October 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 072122
Properly Made Date: 24 August 2021
Decision Date: 11 October 2021
Planning Scheme: Aramac Shire Planning Scheme 2006 (Version 2)

2. APPLICANT DETAILS

Name: Clontarf Pastoral CQ Pty Ltd
Postal Address: C/- Gideon Town Planning
PO Box 450
Rockhampton City Q 4700
Email Address: info@gideontownplanning.com.au

3. PROPERTY DETAILS

Street Address: 4265 Barcaldine Aramac Road, Aramac
Real Property Description: Lot 12 on RY26 and Lot 13 on RY26
Local Government Area: Barcaldine Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot by Boundary Realignment (Two (2) Lots into Two (2) Lots)

5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(b) 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 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.
- 1.3 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.
- 1.4 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 to create a hazard to the community, it must be repaired immediately.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 ENDORSEMENT OF SURVEY PLAN

- 2.1 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.

3.0 APPROVED PLANS

- 3.1 The approved development must be completed and maintained generally in accordance with the approved plan of development, except where amended by the conditions of this decision notice:

Plan/Document Name	Drawing Number	Version	Date
Proposed Boundary Realignment of Lots 12 & 13 RY26	21045	01	01-07-2021

- 3.2 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.

4.0 ACCESS

- 4.1 The existing access to Lot 12 from Barcaldine Aramac Road must be maintained.
- 4.2 The existing access to Lot 13 from Pendine Road must be maintained.

7. ADVISORY NOTES

1. 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.
2. 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.
3. 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 is for a Development Permit for Reconfiguring a Lot by Boundary Realignment (Two (2) Lots into Two (2) Lots).

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">• Reconfiguring a Lot Code	<i>Aramac Shire Planning Scheme 2006</i>
<ul style="list-style-type: none">• Part E – Regional policies and land use strategies	<i>Central West Regional Plan 2009</i>
<ul style="list-style-type: none">• Part E - State interest policies and assessment benchmarks:<ul style="list-style-type: none">○ Planning for economic growth (Agriculture)○ Planning for the environment and heritage (Biodiversity)○ Planning for Infrastructure (Transport Infrastructure)	<i>State Planning Policy 2017</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 proposed boundary realignment seeks to rationalise the separation of uses and building work belonging to each lot by following an existing fence line. The proposed lots will continue to remain viable for primary production and will not result in the fragmentation of Good Quality Agricultural Land.
- b) The size and layout of proposed lots will remain consistent with local rural character.
- c) Each lot has lawful road access and is benefited by services to the extent necessary for their respective rural uses.
- d) The proposal does not conflict with the needs of the local community and its reasonable development expectations for land within the Rural Zone.
- e) The development does not conflict with 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 application did not require referral to a referral agency.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Further development permits will not be required.

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: 11 October 2021

Encl: **Attachment A** – Stamped Approved Plan
Attachment B – Extract of Appeal Provisions

Attachment A

Stamped Approved Plan

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 B

Extract of 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