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**Weipa Town Authority**  
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## NOTICE ABOUT A DECISION

### DESCRIPTION OF THE DEVELOPMENT

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<b>Approval Type:</b>	Development Permit
<b>Description of the Use:</b>	<b>(Shop)</b> Drive through Bottle Shop
<b>Decision:</b>	Approved in full with conditions
<b>Decision Date:</b>	15/12/2017
<b>Application No:</b>	P17-009
<b>Location:</b>	1 Artie Wales Drive, Rocky Point Lot 1 on SP251088
<b>Applicant:</b>	EK Development Group

### APPLICABLE ASSESSMENT BENCHMARKS

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<b>Categorising Instrument</b>	Advisory Development Plan for Weipa Local Government Area
<b>Planning Regulation 2017</b>	Schedules 9 and 10
<b>Regional Plan</b>	Cape York Regional Plan
<b>State Codes</b>	Single State Code
<b>State Planning Policy</b>	Liveable Communities Mining and Extractive Resources Water Quality Natural Hazards, Risk and Resilience Strategic Airports and Aviation Facilities

### OTHER RELEVANT MATTERS

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In assessing the application, Weipa Town Authority had regard to:

- *The Weipa Advisory Development Plan*

## SUBMISSIONS

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Submissions were not received during the public notification period of this application.

## REASONS FOR THE DECISION

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Weipa Town Authority approved in full with conditions the application as it complied with the applicable assessment benchmarks. In particular:

The ADP's intent to avoid retail development in the Open Space Preferred Dominant Land Use Area is reflected in the table of assessment, prescribing a Shop as being 'Conflicting Development'; however, the 'Conflicting Development' definition provides scope for Weipa Town Authority to approve 'Conflicting Development' in the following circumstances:

- The proposal is relatively minor in scale;
- The previous use of the site; and
- The use is of an unusual character.

It is reasonable to approve the development, despite not complying with all provisions of the ADP (i.e. section 2.2 and 5.6), as it is demonstrated that it complies with the principal aim of the ADP, contained in section 2.1

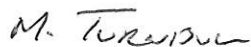
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*To encourage and facilitate the proper use and management of the resources of the Town of Weipa and to ensure that development and re-development occurs in a manner which will most effectively promote health, safety and convenience and the economic, cultural, environmental and general welfare of the community and the amenity of every part of the town.*

Weipa Town Authority in full with conditions the application despite the non-compliance the ADP as:

1. The scale of the proposal is limited to 80m<sup>2</sup>;
2. The use is commensurate with the use of the existing Weipa Bowls club and does not remove or detract from the open space/sport and recreation functions provided on site;
3. Will not have a detrimental external impact on the settlement pattern of the town or residential amenity nearby;
4. Conditions are imposed that are reasonable and relevant to the control of the use within its context.

Kind Regards.



Matthew Turnbull  
Public Works Coordinator.