



DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 28 March 2018, Weipa Town Authority decided to approve the application in full, subject to conditions. Details of the decision are as follows:

1. APPLICATION DETAILS

Application Number: P17-013
Properly Made Date: 12 January 2018
Decision Date: 28 March 2018
Planning Scheme: Advisory Development Plan for Weipa Local Government Area 1996

2. APPLICANT DETAILS

Name: Weipa Property Trust
Postal Address: PO Box 7524
GARBOTT QLD 4814
Email Address: terryb@kowarimotors.com.au

3. PROPERTY DETAILS

Street Address: 7 Christie Avenue, NANUM
Real Property Description: Lot 11 on MP37500
Local Government Area: Weipa Town Authority

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots)

5. CURRENCY PERIOD

The currency period for this development approval is four (4) years in accordance with section 85 (1)(b)(ii) of the *Planning Act 2016*.

6. ASSESSMENT MANAGER CONDITIONS

1. General

- 1.1 In accordance with section 85 (1)(b) of the *Planning Act 2016*, this development approval lapses if a plan for the reconfiguration that, under the Land Title Act 1994, is required to be given Weipa Town Authority for approval is not given within four (4) years after the approval starts to have effect.
- 1.2 Weipa Town Authority 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; and
 - (b) All outstanding rates and charges relating to the site have been paid; and
 - (c) A statement demonstrating compliance with all conditions attached to this development approval for Reconfiguring a Lot has been submitted to Weipa Town Authority.

2. Approved Drawings and Documents

- 2.1 The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing or Document	Reference	Date
Proposed Reconfiguration	34449/001	27-11-2017

3. Sewerage Works

- 3.1 Each lot must be provided with its own separate sewerage connection point, located wholly within its respective property boundary.
- 3.2 All sewerage works must be designed and constructed in accordance with the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual, *Water Supply (Safety and Reliability) Act 2008* and *Plumbing and Drainage Act 2002*, and relevant *Australian Standards*.
- 3.3 All works must be supervised and certified by a Registered Professional Engineer of Queensland (RPEQ).

4. Plumbing and Drainage Works

- 4.1 Each lot must be provided with its own separate reticulated water connection point, located wholly within its respective property boundary.
- 4.2 All works must be designed and constructed in accordance with the FNQROC Development Manual, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and relevant *Australian Standards*.
- 4.3 All works must be supervised and certified by an RPEQ.

5. Lawful Point of Discharge

- 5.1 All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Superintendent or delegate.
- 5.2 Each of the lots must be drained to the kerb and channel, unless otherwise approved by the Superintendent or delegate.

6. Electricity and Telecommunications

- 6.1 Written evidence of negotiations with the electricity supply authority and the telecommunication authority must be submitted to the Weipa Town Authority stating that both an electricity supply and telecommunications service will be provided to each lot prior to the endorsement of a Survey Plan.

7. Asset Management

- 7.1 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 Weipa Town Authority.
- 7.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 7.3 'As Constructed' information pertaining to assets to be handed over to Weipa Town Authority and those which may have an impact on Weipa Town Authority's existing and future assets must be provided prior to the endorsement of the survey plan. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

8. STATEMENT OF REASONS

8.1 Description of Development –

The development application for a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots).

9.2 Assessment Benchmarks –

The Planning Regulation 2017, Schedule 12, Part 3 contains the relevant assessment criteria. In the absence of any assessment benchmarks in the ADP, the assessment benchmarks of the draft planning scheme have been used.

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"> • Part 8.3.1 Reconfiguring a Lot Code 	<i>Draft Weipa Town Planning Scheme v1.4</i>

9.3 Relevant Matters –

The matters relevant to the proposed changes and assessment benchmarks are as follows:

- (a) The site is currently improved by two single detached dwellings with separate road frontage and therefore perceivably exists as two separate lots;
- (b) Each proposed lot complies with the minimum lot size and frontage for the Low Density Residential zone under the Draft Planning Scheme; and
- (c) The proposal will not prejudice other development from occurring on adjoining or nearby sites.

9.4 Matters Raised in Submission

Public notification not applicable to Reconfiguring a Lot Development.

9.5 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 is able to comply with Part 8.3.1 Reconfiguring a Lot Code of the Draft Planning Scheme, specifically:
 - (i) Each lot exceeds the minimum lot size of 800m²
 - (ii) Each lot exceeds the minimum 20 metre frontage.
- (b) The development does not compromise the relevant State interests; and
- (c) On balance, the application should be approved because the circumstances favour Weipa Town Authority exercising its discretion to approve the application.

10 REFERRAL AGENCIES

There were no referral agencies as part of this application.

11 FURTHER DEVELOPMENT PERMITS REQUIRED

The following further Development Permits may be required:

- Operational Work; and
- Plumbing and Drainage Work.

12 OTHER DETAILS

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Weipa Town Authority on ☎ 4030 9400.

13 DELEGATED PERSON

Name: Judey Browne

Signature:  Date: 28 March 2018

Enc: Approved Plans
Appeal Rights

Appeal Rights

The following is an extract from the *Planning Act 2016* (Chapter 6 – Part 1)

Chapter 6 Dispute resolution

Part 1 Appeal rights

228 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

229 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (ca) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (d) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (ca); and
 - (e) for an appeal to the P&E Court—the chief executive; and
 - (f) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The service period is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person