



DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 24 April 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: P18-003
Properly Made Date: 27 February 2018
Decision Date: 24 April 2018
Planning Scheme: Advisory Development Plan for Weipa Local Government Area 1996

2. APPLICANT DETAILS

Name: Jaimee Smith
Postal Address: PO Box 797
WEIPA QLD 4874
Email Address: jaimeesmith94@hotmail.com

3. PROPERTY DETAILS

Street Address: 10 Christie Avenue, NANUM
Real Property Description: Lot 5 on MP37500
Local Government Area: Weipa Town Authority

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for *Home Occupation* (Child Care)

5. CURRENCY PERIOD

The use of the subject land must be commenced within a period of six (6) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

6. ASSESSMENT MANAGER CONDITIONS

1. General

- 1.1 The use of the subject land must be commenced within a period of six (6) years from the date the approval takes effect in accordance with section 71 of the Planning Act 2016. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.
- 1.2 The conditions of the development permit must be effected prior to the commencement of the use, at no cost to Weipa Town Authority, except where specified otherwise in these conditions of approval.

2. Approved Plans 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 title	Date	Reference	Revision	Drawn by
Site Plan	-	P18-003_01	-	-

- 2.2 Where there is any conflict between the conditions of development approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3. Car Parking and Access

- 3.1 A minimum of three (3) sealed on-site car parking spaces must be provided and retained within the approved car parking area, generally in accordance with the approved Site Plan, exclusively for vehicles associated with the approved use (refer to Condition 2.1).
- 3.2 Signage must be placed in the car parking area, to the satisfaction of Weipa Town Authority, clearly indicating where visitor drop off/ parking is located.
- 3.3 No vehicles associated with the approved use are permitted to park on the verge of Christie Avenue (refer to Condition 2.1).

4. Operation of Home Occupation

- 4.1 The approved Home Occupation activity is for child care ancillary to the primary residential use only.
- 4.2 A maximum of seven (7) children associated with the use are permitted in the approved use area at any given time (refer to Condition 2.1).
- 4.3 No activities associated with the use are permitted to occur outside the approved use area (refer to Condition 2.1).
- 4.4 Hours of operation are limited to:
 - (a) 07:00 to 17:00 Monday to Friday;

(b) 09:00 to 16:00 Saturday, Sunday and public holidays.

- 4.5 No non-resident employees are permitted on-site at any given time.
- 4.6 The Home Occupation must not, in the opinion of the Weipa Town Authority, cause nuisance or annoyance to persons not associated with the occupation by reason of the emission of noise or by other reason.
- 4.7 No load may be imposed on any public utility undertaking which is significantly greater than that which is normally required by the use of the premises for dwelling purposes only.
- 4.8 The Home Occupation must not give rise to any pedestrian or vehicular traffic substantially greater than that which is normal to the neighbourhood in which the Home Occupation is located.
- 4.9 The owner of the premises is responsible for adequate waste storage and collection from the Home Occupation (Child Care) so as to not result in adverse amenity impacts external to the site. Where additional waste collection or waste bins are required to service the Home Occupation, the owner/operator is to arrange the necessary requirements for servicing at no cost to Weipa Town Authority.

5. Landscaping

- 5.1 A one (1) metre wide landscaping strip must be provided and maintained in the locations as marked on the approved site plan and within the subject site (refer to Condition 2.1).
- 5.2 The landscaped strips must predominantly contain plant species that are native to the region and must visually screen approved use from view from adjoining residential dwellings and public areas.
- 5.3 The landscaped strips must be subject to:
 - 5.3.1 A watering and maintenance plan during the establishment phase; and
 - 5.3.2 An ongoing maintenance and replanting programme

6. Definitions

- 6.1 In these conditions:
 - a. A reference to an Act includes all statutory instruments and subordinate legislation made under that Act; and
 - b. Terms used have the meaning contained in the Weipa Advisory Development Plan, the Planning Act 2016 or the relevant legislation referred to in these conditions, as the case may be.

7. Advice

- 7.1 This approval does not give licence or permit to undertake child care services under any other legislation other than the Planning Act 2016. Other licenses and permits may be required from other authorities to undertake the business of formal child care.

7. STATEMENT OF REASONS

7.1 Description of Development –

The development application for a Development Permit for Material Change of Use for *Home Occupation* (Child Care) approved as per Decision Notice P18-003.

7.2 Assessment Benchmarks –

The following are the benchmarks applying for this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none">• Section 2.1 (Principal Aim of the ADP)• Section 2.2 (Supplementary Aims of the ADP)• Section 4.1 (Residential)	<i>Advisory Development Plan for Weipa Local Government Area 1996</i>

7.3 Relevant Matters –

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

- (a) The site is located in the Residential Preferred Dominant Land Use Area, which is generally the most appropriate location for *Home Occupation* to occur;
- (b) The proposal will not result in any new buildings or structures and therefore the residential appearance of the site will be maintained when viewed from neighbouring properties and the public realm; and
- (c) It is understood there is currently an overriding need for child care options in Weipa Town Authority and neighbouring Napranum Aboriginal Shire.

7.4 Matters Raised in Submission

No submissions received during notification period.

7.5 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 Section 2.2 (Supplementary Aims of the ADP) and Section 4.1 (Residential) specifically –
 - (i) The proposal will not adversely affect the amenity of the locality due to traffic, noise, scale or loss of privacy given its relatively small-scale and consistency with the form and type of development in the surrounding area; and
 - (ii) Conditions of approval have been included that ensure the approved use maintains compliance with provisions of the ADP for the duration of its use.
- (b) The development does not compromise the relevant State interests and is able to comply with the relevant State interest policies and assessment benchmarks; and
- (c) On balance, the application should be approved because the circumstances favour Weipa Town Authority exercising its discretion to approve the application.

8. REFERRAL AGENCIES

There were no referral agencies as part of this application.

9. FURTHER DEVELOPMENT PERMITS REQUIRED

- Nil

10. 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.

11. DELEGATED PERSON

Name: Lucy Boxall

Signature:  **Date:** 24 April 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—

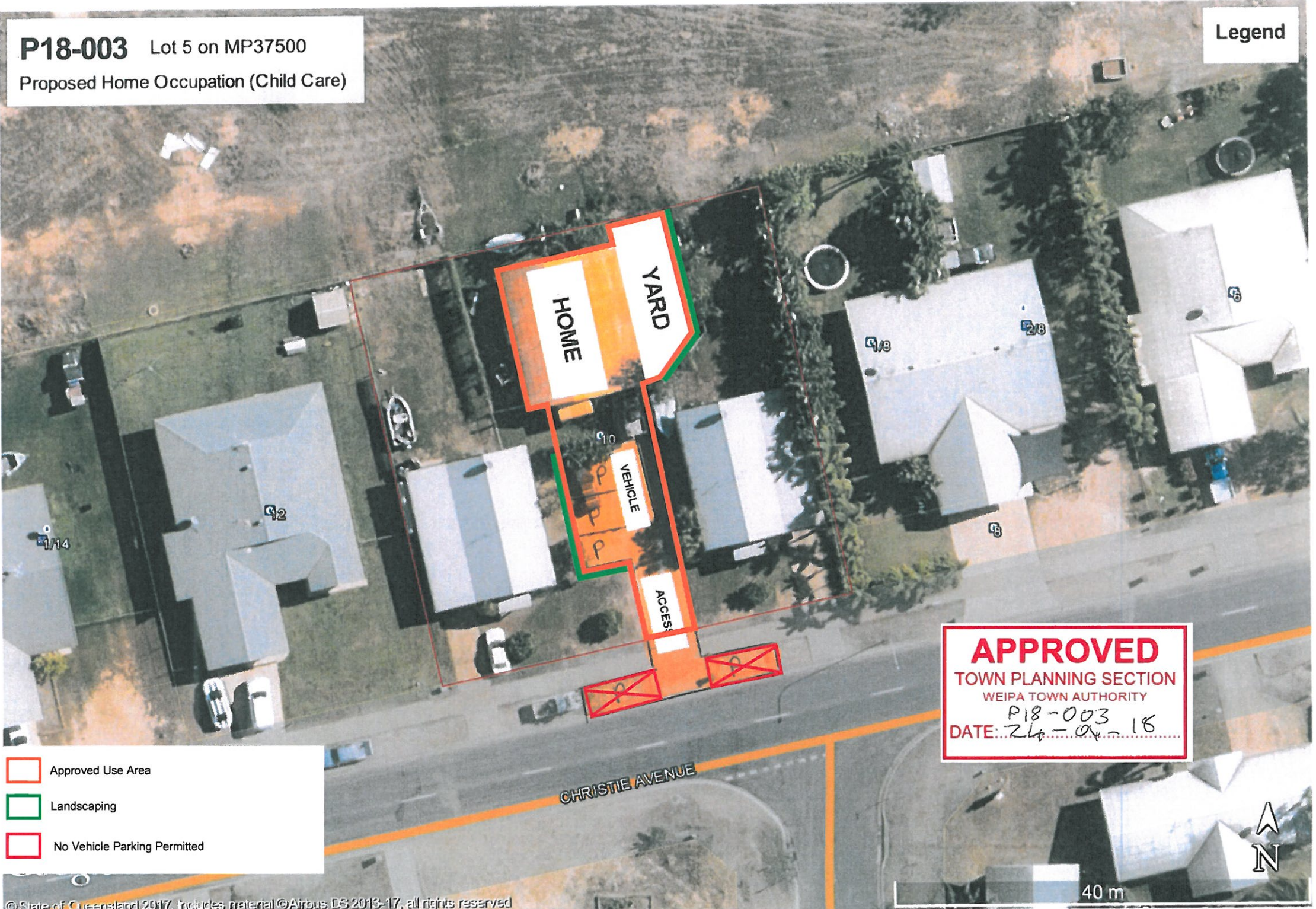
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.

(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

P18-003 Lot 5 on MP37500
Proposed Home Occupation (Child Care)

Legend



APPROVED
TOWN PLANNING SECTION
WEIPA TOWN AUTHORITY
P18-003
DATE: 24-04-18

-  Approved Use Area
-  Landscaping
-  No Vehicle Parking Permitted