



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: P18-005
Properly Made Date: 12 March 2018
Decision Date: 24 April 2018
Planning Scheme: Advisory Development Plan for Weipa Local Government Area 1996

2. APPLICANT DETAILS

Name: Ashlenn Baylis
Postal Address: PO Box 1286
WEIPA QLD 4874
Email Address: outoftheashes@outlook.com.au

3. PROPERTY DETAILS

Street Address: 12 Anzac Avenue, ROCKY POINT
Real Property Description: Lot 20 on MP38188
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* (Professional Permanent Beauty Services)

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	-2018	P18-005_01	-	-
Floor Plan	-2018	P18-005_02	-	-

- 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 one (1) sealed on-site car parking space must be provided for use by customers. Customer parking is not be permitted on the 'grass in the front yard' (refer to Condition 2.1).

Advisory note: the exiting driveway is considered an acceptable area for the location of customer car parking. Car parking spaces may be provided in tandem.

4. Operation of Home Occupation

- 4.1 The approved *Home Occupation* activity is restricted to permanent beauty services (i.e. cosmetic tattooing only).
- 4.2 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.
- 4.3 The *Home Occupation* activity is permitted only to operate within 'Bedroom 4' (refer to Condition 2.1).

- 4.4 No more than one (1) light commercial vehicle (two tonnes maximum) associated with the occupation is at any time present and no fuelling, maintenance or repairing of motor vehicles is carried out on the site.
- 4.5 No more than one non-resident employee is permitted on-site at any 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 operator is responsible for adequate waste storage and collection from the *Home Occupation* 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. Definitions

5.1 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.

6. Advice

- 6.1 This approval does not give licence or permit to undertake permanent beauty services under any other legislation other than the *Planning Act 2016*. Other licenses and permits may be required from other authorities and Acts to undertake this use and it is the business operator's responsibility to obtain all relevant permits and licenses.

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:

- The site is located in the Residential Preferred Dominant Land Use Area, which is generally the most appropriate location for *Home Occupation* to occur;
- 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
- The proposal will not result in any external impacts stemming from noise, dust odour or air emissions.

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:

- The development is able to comply with Section 2.2 (Supplementary Aims of the ADP) and Section 4.1 (Residential) specifically –
 - 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
 - Conditions of approval have been included that ensure the approved use maintains compliance with provisions of the ADP for the duration of its use.
- The development does not compromise the relevant State interests and is able to comply with the relevant State interest policies and assessment benchmarks; and
- 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

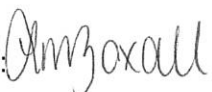
10. OTHER DETAILS

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

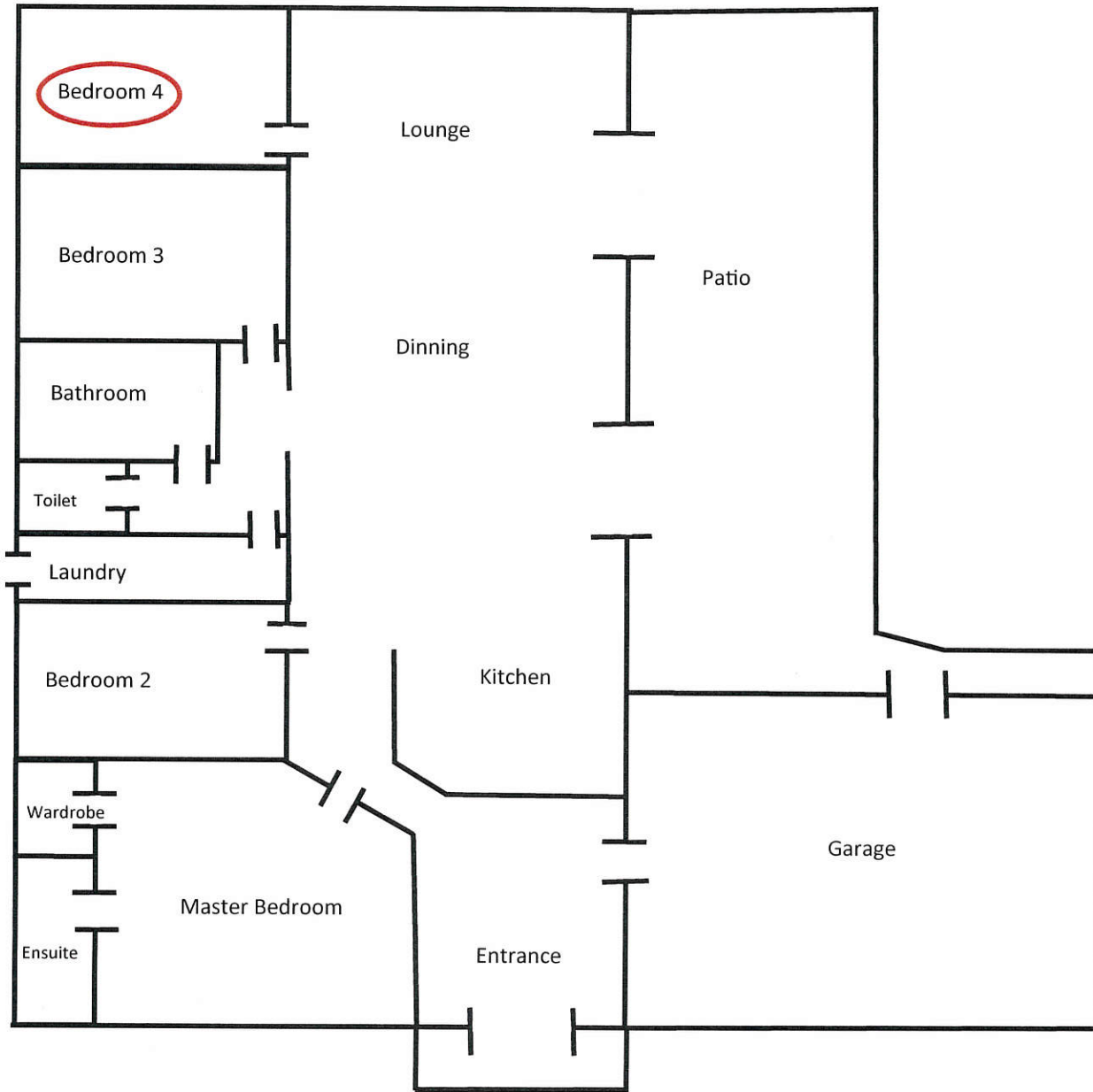
- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; 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.

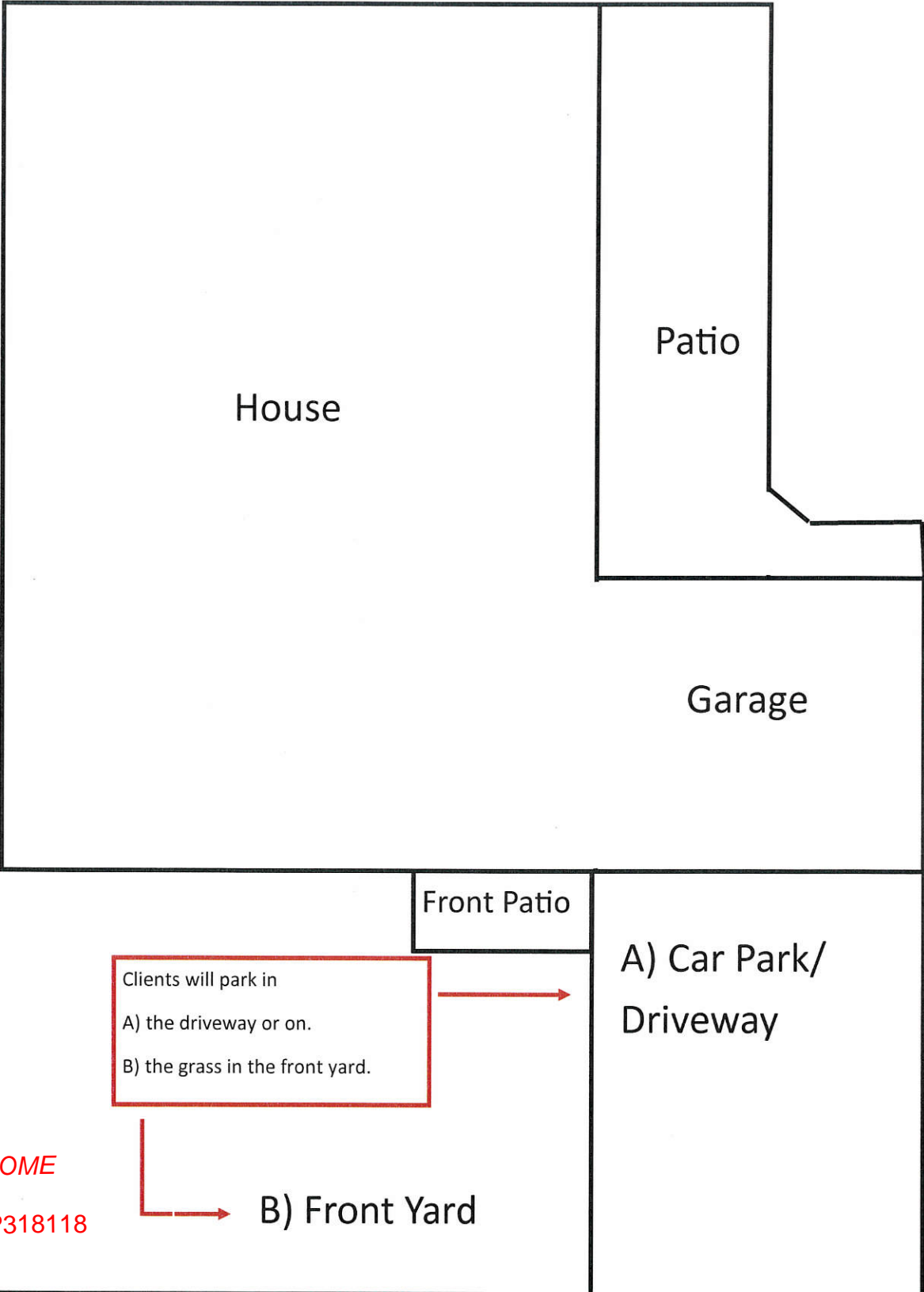
229 Notice of appeal

- (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

Bedroom 4 will be used as my
Cosmetic Tattoo room.



FLOOR PLAN
PROPOSED HOME
OCCUPATION
LOT 20 ON MP318118
P18-005_02



SITE PLAN
PROPOSED HOME
OCCUPATION
LOT 20 ON MP318118
P18-005_01



Street