



## DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 23 May 2018, Weipa Town Authority decided to approve the application in full, subject to conditions. Details of the decision are as follows:

### 1. APPLICATION DETAILS

<b>Application Number:</b>	P18-006
<b>Properly Made Date:</b>	28 March 2018
<b>Decision Date:</b>	23 May 2018
<b>Planning Scheme:</b>	Advisory Development Plan for Weipa Local Government Area 1996

### 2. APPLICANT DETAILS

<b>Name:</b>	RJ Potter Investments Pty Ltd
<b>Postal Address:</b>	PO Box 1118 WEIPA QLD 4874
<b>Email Address:</b>	<a href="mailto:barrababe@msn.com">barrababe@msn.com</a>

### 3. PROPERTY DETAILS

<b>Street Address:</b>	21 Fairway Avenue, Rocky Point
<b>Real Property Description:</b>	Lot 51 on MP39525
<b>Local Government Area:</b>	Weipa Town Authority

### 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for *Duplex Dwelling*

### 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	Feb. 2018	WD-1/1	-	Marshall Design
Floor Plan	Feb. 2018	WD-1/2	-	Marshall Design
Elevations Plan	Feb. 2018	WD-1/3	-	Marshall Design

- 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) covered and one (1) uncovered on-site car parking space must be provided and retained exclusively for the use of each unit within the approved *Duplex Dwelling* (refer to Condition 2.1).
- 3.2 A minimum of one (1) on-site visitor car parking space must be provided and retained exclusively for the use of dwelling unit within the *Duplex Dwelling* (refer to Condition 2.1).

*Advisory Note: The driveway is considered an acceptable area for the location of a visitor car parking space, and parking may be provided in tandem.*

- 3.3 A crossover and driveway, constructed of concrete or paving block and that is a minimum width of seven (7) metres, must be provided as per the approved Site Plan (refer to Condition 2.1) and to the satisfaction of Weipa Town Authority.

### 4. Landscaping

For each lot development must provide:

- 4.1 A landscaped strip with a minimum width of one (1) metre must be provided/retained and maintained along the frontage of each lot (internal to the site), excluding driveways.

- 4.2 The landscaped area must predominantly contain plant species that are native to the region.

## **5. Stormwater Drainage**

The duplex development must provide:

- 5.1 Stormwater drainage from paved and roofed areas must be discharged to the internal access roads or as otherwise required or agreed to in writing by Weipa Town Authority.
- 5.2 The approved development must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## **6. Bin Storage**

For each unit:

- 6.1 The approved dwelling unit must be provided with an area for the storage of a 240 litre refuse bin which is screened from the view of other units and from the public realm.

## **7. Clothes Drying Facility**

- 7.1 Each dwelling unit must be provided with an outdoor clothes drying facility.

## **8. Noise**

For each duplex dwelling development:

- 8.1 Noise from any air conditioning unit must not exceed the following levels when measured at any neighbours' premises:
- a. 7 am to 10 pm (every day) – Noise must be no louder than five (5) decibels (A) above background noise;
  - b. 10 pm to 7 am (every day) – Noise must be no louder than three (3) decibels (A) above background noise.

## **9. Soil Erosion, Minimisation, Sediment Control and Dust Control**

- 9.1 During the construction phase of this development the developer is responsible for the installation and maintenance of erosion and sediment management facilities.
- 9.2 The developer is responsible for the suppression of dust arising from the construction work and/or the cartage of material that may cause a nuisance to adjoining properties.

## **10. Environmental Consideration**

- 10.1 Construction on each lot must comply with the *Environmental Protection Act 1994* to prevent or minimise either environmental harm or nuisance.

## **11. Definitions**

- 11.1 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.

## 8. STATEMENT OF REASONS

### 8.1 Description of Development –

The development application for a Development Permit for Material Change of Use for *Duplex Dwelling* approved as per Decision Notice P18-006.

### 9.2 Assessment Benchmarks –

The following are the benchmarks applying for this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"> <li>• Section 2.1 (Principal Aim of the ADP)</li> <li>• Section 2.2 (Supplementary Aims of the ADP)</li> <li>• Section 4.1 (Residential)</li> <li>•</li> </ul>	<i>Advisory Development Plan for Weipa Local Government Area 1996</i>
All	<i>Planning Policy Number 1 Duplex Dwelling &amp; Multiple Dwelling Design and Siting</i>
<ul style="list-style-type: none"> <li>• State Interest for Strategic Airports and Aviation Facilities</li> <li>• State Interest for Liveable Communities</li> </ul>	<i>State Planning Policy July 2017</i>

### 9.3 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 residential development to occur;
- (b) The built form of the proposal, with respect to height, setbacks, bulk, form and appearance is consistent with that exhibited in the surrounding residential area; and
- (c) The proposal will not prejudice other development from occurring on adjoining or nearby sites.

### 9.4 Matters Raised in Submission

No submissions received during notification period.

### 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 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) Will increase the amount of housing options available to resident and non-resident workers in Weipa.
- (b) The development is able to comply with Planning Policy Number 1, specifically:
- (i) The proposal does not exceed the density control;
  - (ii) Suitable vehicle access, driveways and car parking has been provided;
  - (iii) On-site open space has been provided in excess of what is required;
  - (iv) Building setbacks have been provided in excess of what is required;
  - (v) The maximum building height does not exceed that prescribed by the Policy; and
  - (vi) Landscape screening has been conditioned along the front property boundary.
- (c) The development does not compromise the relevant State interests and is able to comply with the relevant State interest policies and assessment benchmarks; and
- (d) 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 are required:

- Building 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: Lucy Boxall

Signature:  Date: 25 May 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—

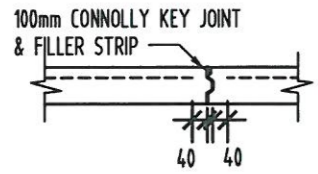
- (a) the respondent for the appeal; and
- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
- (ca) for an appeal about a change application under schedule 1, table 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.

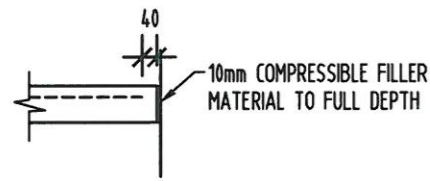
(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(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



C.J. - CONTROL JOINT

SHOULD BE PROVIDED AT MAXIMUM 3.0m CENTRES, AT ANY CHANGES IN SHAPE, AT ANY CHANGES IN DIRECTION ESPECIALLY WHERE A RE-ENTRANT CORNER MAY BE FORMED AND AT ANY RIGID STRUCTURES THAT MAY PREVENT MOVEMENT AND INCREASE THE RISK OF CRACKING eg. MANHOLES, PITS ETC.



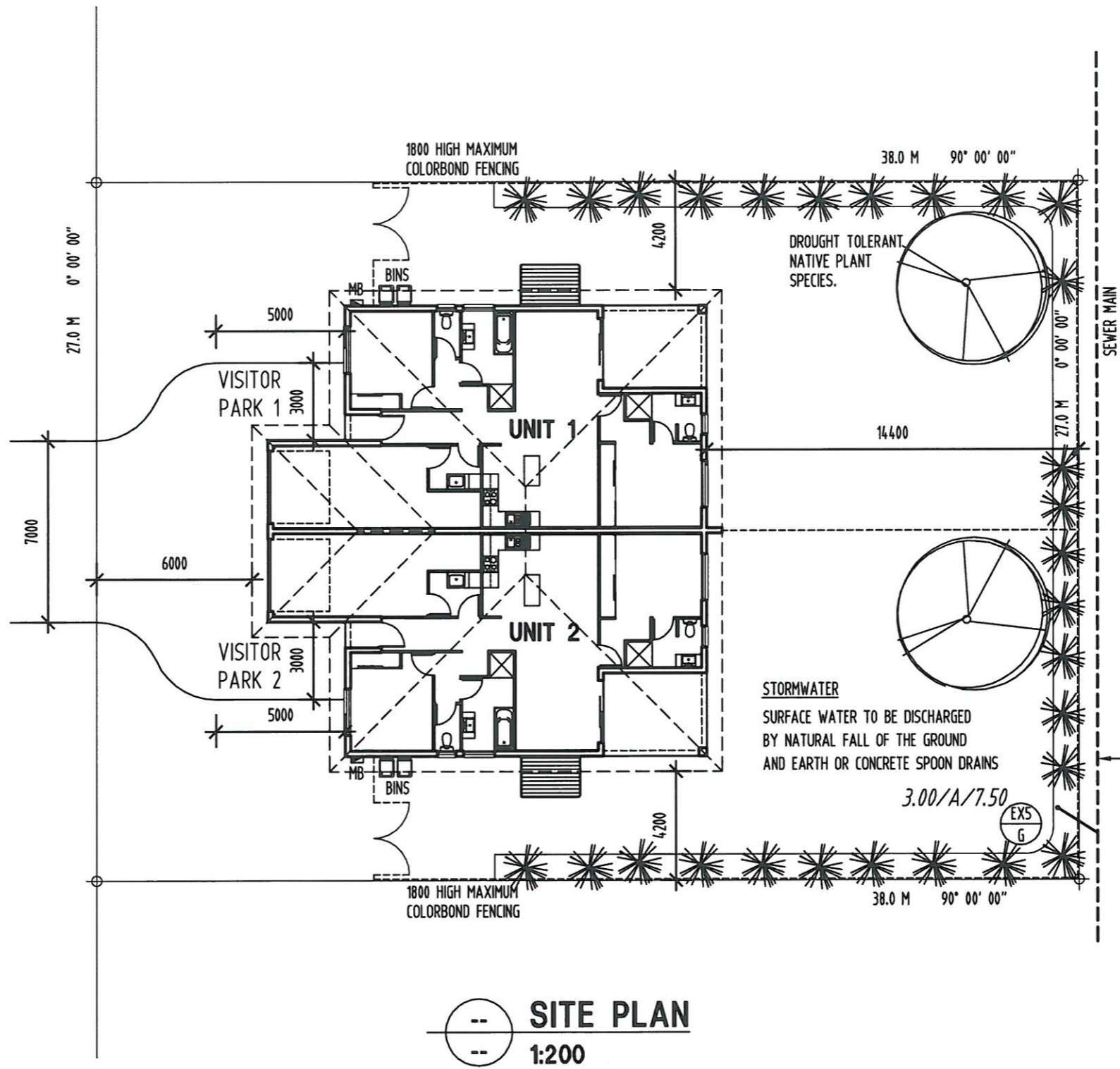
I.J. - ISOLATION JOINT  
TYPICAL ALONG BUILDING/DRIVEWAY JUNCTION

DRIVEWAY - 100mm SLAB  
SL72 MESH - 40 TOP COVER  
N20 GRADE CONCRETE

**APPROVED**  
TOWN PLANNING SECTION  
WEIPA TOWN AUTHORITY  
P18-006  
DATE: 23-05-2018

**TERMITE CONTROL**  
ALL PRIMARY BUILDING ELEMENTS - TERMITE RESISTANT

- GENERAL NOTES**
- TIMBER MEMBER SIZES AND CONNECTIONS NOT SHOWN ON PLANS SHALL COMPLY WITH AS 1684.3
  - ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT S.A.A. CODES AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITY EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.
  - EXECUTION AND CONTROL TESTING OF EARTHWORKS AND ASSOCIATED SITE PREPARATION WORKS SHALL COMPLY WITH A.S. 3798.
  - ALL DIMENSIONS SHOWN SHALL BE VERIFIED ON SITE
  - IF ANY DISCREPANCY OCCURS ON THE ENGINEERS DRAWINGS THE CONTRACTOR SHALL ASSUME THE LARGER/GREATER. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH ANY WORK. SUBSTITUTIONS MUST BE APPROVED BY THE ENGINEER.



--- SITE PLAN  
--- 1:200

**WIND CLASSIFICATION - C2**

WIND CLASSIFICATION	MAXIMUM DESIGN GUST WIND SPEED (M/S)	
	PERMISSIBLE STRESS	LIMIT STATE
C1	41 (W41C)	50
<b>C2</b>	<b>50 (W50C)</b>	<b>61</b>
C3	60 (W60C)	74



LOT 51  
MP 39525  
AREA = 1026m<sup>2</sup>  
PARISH OF FIFE  
COUNTY WEIPA

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION C2

*T. W. Kolber*  
**T. W. KOLBER**  
Consulting Engineer

3 CORNH CLOSE  
ATHERTON - QLD 4883  
PH: 07 48 95 092

Job Number **18041**  
Sheet Number **WD-1/1**  
Copyright Retained

Drawn **G.W.M.**  
Scale **AS SHOWN**  
Date **FEB. 2018**

**MARSHALL DESIGN**  
20 KABAN GROVE, TRINITY PARK. Ph: 07 4057 9985  
Email: george@marshalldesign.biz  
Q.B.C.C. No. 63487

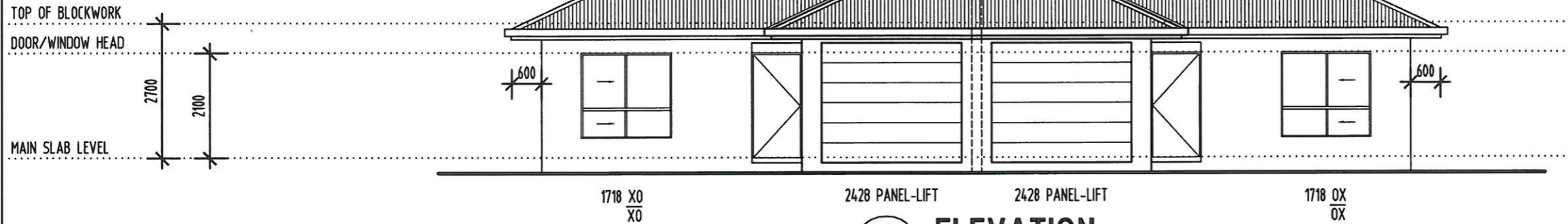
**Title 2 PROPOSED UNITS**  
**LOT 51 FAIRWAY AVENUE**  
**GOLF LINKS ESTATE, WEIPA**  
**For N. POTTER**





**WIND CLASSIFICATION - C2**

GARAGE DOOR IS TO COMPLY WITH THE AUSTRALIAN STANDARD AS/NZS 4505 & AS/NZS 1170.2  
ALL WINDOWS ARE TO COMPLY WITH PART 3.9.2.5 OF THE BCA VOLUME 2



**1 ELEVATION**  
2 1:100

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION C2

*[Signature]*  
**T. W. KOLBER**  
Consulting Engineer

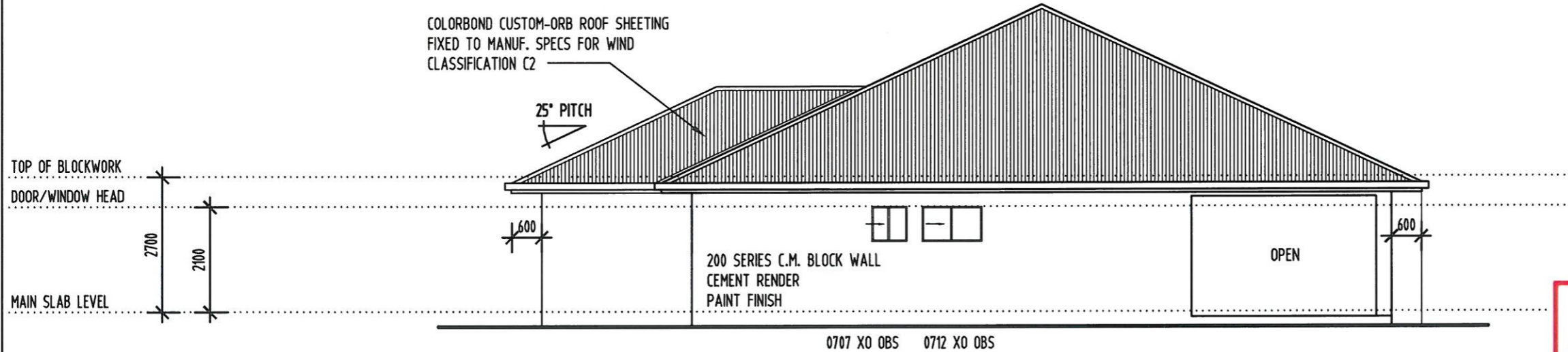
3 CORNHILL CLOSE  
ATHERTON - QLD 4883  
PH: 07 48 95 692

**WINDOW LEGEND**

SGD SLIDING GLASS DOOR  
AL ALUMINIUM LOUVRE  
O FIXED PANEL  
X SLIDING PANEL  
OBS OBSCURE GLASS

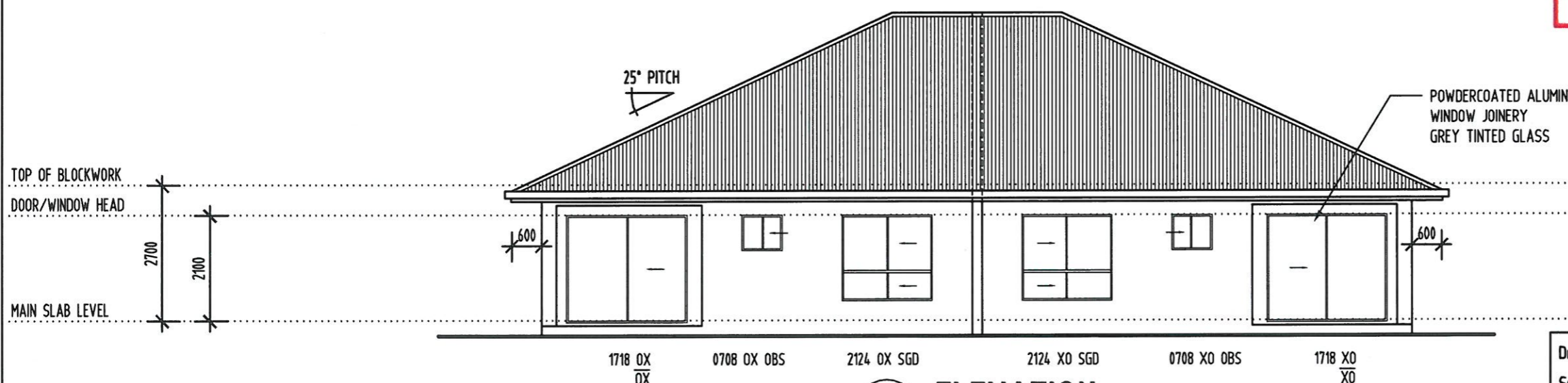
**EXAMPLE**  
1518 OX 1500 H x 1800 W - FIXED / SLIDING

**EXAMPLE**  
1812 AL 1800 H x 1200 W - ALUMINIUM LOUVRES



**2 ELEVATION**  
2 1:100 ELEVATION 4 SIMILAR - MIRRORED

**APPROVED**  
TOWN PLANNING SECTION  
WEIPA TOWN AUTHORITY  
P18-006  
DATE: 23-05-2018



**3 ELEVATION**  
2 1:100

Drawn G.W.M. Job Number **18041**  
Scale AS SHOWN Sheet Number **WD-1/3**  
Date FEB. 2018 © Copyright Retained  
Client:- **MARSHALL DESIGN**  
O.B.C.C. No. 63407  
N. POTTER - LOT 51 FAIRWAY AVE, G.I.E., WEIPA.