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## DECISION NOTICE APPROVAL

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PLANNING ACT 2016, SECTION 63

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I refer to your application and advise that on 21 September 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>	P18-014
<b>Properly Made Date:</b>	24 August 2018
<b>Decision Date:</b>	21 September 2018
<b>Planning Scheme:</b>	Advisory Development Plan for Weipa Local Government Area 1996

### 2. APPLICANT DETAILS

<b>Name:</b>	RTA Weipa Pty Ltd
<b>Postal Address:</b>	C/- Brazier Motti Pty Ltd PO Box 1185 CAIRNS QLD 4870
<b>Email Address:</b>	<a href="mailto:Erin.berthelsen@braziermotti.com.au">Erin.berthelsen@braziermotti.com.au</a>

### 3. PROPERTY DETAILS

<b>Street Address:</b>	17 Wattle Terrace, TRUNDING QLD 4874
<b>Real Property Description:</b>	Lot 652 on SP218884 and Lot 638 on MP37564
<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 *Community and Special Use* (Extension to Existing Child Care Centre and Ancillary Car Parking)

### 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:

<b>Drawing title</b>	<b>Date</b>	<b>Reference</b>	<b>Revision</b>	<b>Drawn by</b>
Site Plan	14-08-2018	SD100	A	Mark Williams Architectures

- 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.
- 2.3 Elevation plans for all approved new building work must be submitted to Weipa Town Authority for approval prior to commencement of the use.

### **3. Operation of Approved Use**

- 3.1 The approved *Community and Special Use* activity is for an extension to an existing child care centre and ancillary car parking only.
- 3.2 A maximum of 128 children associated with the approved use are permitted on-site at any given time.
- 3.3 Hours of operation are limited to:
- (a) 06:30 to 17:30 Monday to Friday.
- 3.4 The approved use 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.
- 3.5 The owner of the premises is responsible for adequate waste storage and collection from the approved use 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

approved use, the owner/operator is to arrange the necessary provisions for servicing at no cost to Weipa Town Authority.

#### **4. Car Parking and Access**

- 4.1 All access and parking works must be designed and constructed in accordance with the approved plan (refer to Condition 2.1) and *Australian Standard AS2890 "Parking facilities"*.
- 4.2 All car parking and access areas must be paved or sealed to the Town Authority's satisfaction. Weipa Town Authority will accept a two-coat seal in lieu of asphalt or concrete.
- 4.3 All vehicles must ingress and egress the approved car parking area in a forward gear.
- 4.4 A minimum of 17 parking spaces must be provided, as per the approved site plan (refer to Condition 2.1).
- 4.5 Parking spaces must be line-marked in accordance with the approved site plan (refer to Condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"*.
- 4.6 An easement must be registered and retained over the approved car parking area in Lot 638 on MP37564, burdening that part of the land to Lot 652 on SP218884.

#### **5. Pedestrian and Bicycle Path**

- 5.1 A 2.0-metre-wide shared pedestrian and bicycle path must be designed and constructed in accordance with *The Far North Queensland Regional Organisation of Councils Regional Development Manual (Version 7 – 2017)* at the following locations:
  - 5.1.1 The full frontage of Lot 638 on MP37564, to the extent there is no vehicular crossover, such that it connects with the alignment of the existing path to the north; and
  - 5.1.2 The full frontage of Lot 466 on MP38598 such that it connects with the alignment of the existing path to the south.
- 5.2 The shared pedestrian and bicycle paths conditioned on the eastern and western sides of Wattle Terrace must be designed and constructed such that they provide access onto the Wattle Terrace carriageway, providing a legible path for pedestrian and cycles.

#### **6. Road Works and Signage**

- 6.1 At the existing four-way intersection of Wattle Terrace, provide Give Way Signage and associated Give Way/ Centre line marking to the Wattle Terrace eastbound and westbound legs in accordance with Figure 4.2.2 (B) of the *Traffic and Road Use Manual – Volume 3: Part 2 – Pavement Marking Usage*. The works must be designed and certified by a Registered Professional Engineer of Queensland (RPEQ).

- 6.2 Install a speed bump and associated “Shared Zone” signage in accordance with Figure 3.2 of *AS1742.4 – 2008* and Figure C1 of *AS1742.13 – 2009* at the southern boundary of Lot 652 on SP218884 (as annotated on the approved site plan) to create a shared zone in the vicinity of the development site car parking areas. The works must be designed and certified by an RPEQ.

## **7. Landscaping**

- 7.1 A landscaping strip with a nominal width of 1.5 metres must be provided, retained and maintained, internal to the site, along the full frontage of the approved car parking area over Lot 638 on MP37564 within 12 months of the approved use commencing, unless otherwise agreed to in writing by Weipa Town Authority.

*Advice Note: The car parking area will be required to be setback from the front property boundary to allow the required landscaped area.*

- 7.2 The landscape area must predominately contain plant species that are native to the Far North Queensland region, and the Western Cape York Peninsula more specifically.

## **8. Stormwater Drainage**

- 8.1 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.
- 8.2 Stormwater drainage from the site and from paved and roofed areas must be discharged to a lawful point of discharge, approved in writing by Weipa Town Authority.

## **9. Environmental Health**

- 9.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as to not cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 “Control of the obstructive effects of outdoor lighting”*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

## **10. Erosion and Sediment Control**

- 10.1 An Erosion and Sediment Control Plan prepared by an RPEQ must be:
- 10.1.1 Implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are predominantly stabilised (for example turfed, hydro mulched, concreted, landscaped); and
  - 10.1.2 Available on-site for inspection by Town Authority officers whilst works are being carried out.

## 11. Operating Procedures

- 11.1 All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors vehicles must not occur within Wattle Terrace.

## 12. Definitions

12.1 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. ADVISORY NOTES

### **NOTE 1 – General Environmental Duty**

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

### **NOTE 2 – General Safety of Public during Construction**

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works, being construction on a road.

### **NOTE 3 – Aboriginal Cultural Heritage**

This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).

## 8. STATEMENT OF REASONS

### 8.1 Description of Development –

The development application for a Development Permit for Material Change of Use for *Community and Special Use* (Extension to Existing Child Care Centre and Ancillary Car Parking) approved as per Decision Notice P18-014.

### 8.2 Assessment Benchmarks –

The following are the benchmarks applying for this development:

Benchmark applying for the development	Benchmark reference
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<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 4.2 (Industry)</li> </ul>	<i>Advisory Development Plan for Weipa Local Government Area 1996</i>
<ul style="list-style-type: none"> <li>• Planning for Infrastructure (State Interest for Strategic Airports and Aviation Facilities)</li> </ul>	<i>State Planning Policy July 2017</i>
<ul style="list-style-type: none"> <li>• Regional Policy 1</li> </ul>	<i>Cape York Regional Plan</i>

### **8.3 Relevant Matters –**

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

- (a) The development site is located in the Residential Preferred Dominant Land Use area, at or in proximity to an established child care centre;
- (b) The proposal is for the material increase in intensity and scale of the existing child care centre, and establishment of an ancillary car parking area over and unimproved lot; and
- (c) There is an apparent overriding community need for additional child care in Weipa and Napranum.

### **8.4 Matters Raised in Submission**

No submissions received during notification period.

### **8.5 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 2.1 (Principal Aim of the ADP), Section 2.2 (Supplementary Aims of the ADP) and Section 4.1 (Residential) specifically –
  - (i) The proposal does not compromise the health, safety, environmental or general welfare of the community;
  - (ii) The proposal has been conditioned to ensure the potential for adverse impacts on existing levels of residential amenity are mitigated to an acceptable level;
  - (iii) The proposal will not prejudice other preferred development from occurring on surrounding lots or in the wider area;
  - (iv) Conditions of approval have been included that ensure the approved use maintains compliance with provisions of the ADP for the duration of its use; and
  - (v) There is an overriding community need for additional places in new or existing child care centres in Weipa and Napranum.
- (b) The development does not compromise the relevant State interests and is able to comply with the relevant State interest policies and assessment benchmarks;
- (c) The development advances Regional Policy 1 of the Cape York Regional Plan by promoting economic development in Weipa; and
- (d) On balance, the application should be approved because the circumstances favour Weipa Town Authority exercising its discretion to approve the application.

## **9. REFERRAL AGENCIES**

There were no referral agencies as part of this application.

## **10. FURTHER DEVELOPMENT PERMITS REQUIRED**

The following further Development Permits are required:

- Development Permit for Building Work; and
- Development Permit for Plumbing and Drainage Work.

## 11. 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.

## 12. DELEGATED PERSON

**Name:** Emily Peel

**Signature:**



**Date:** 21 September 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

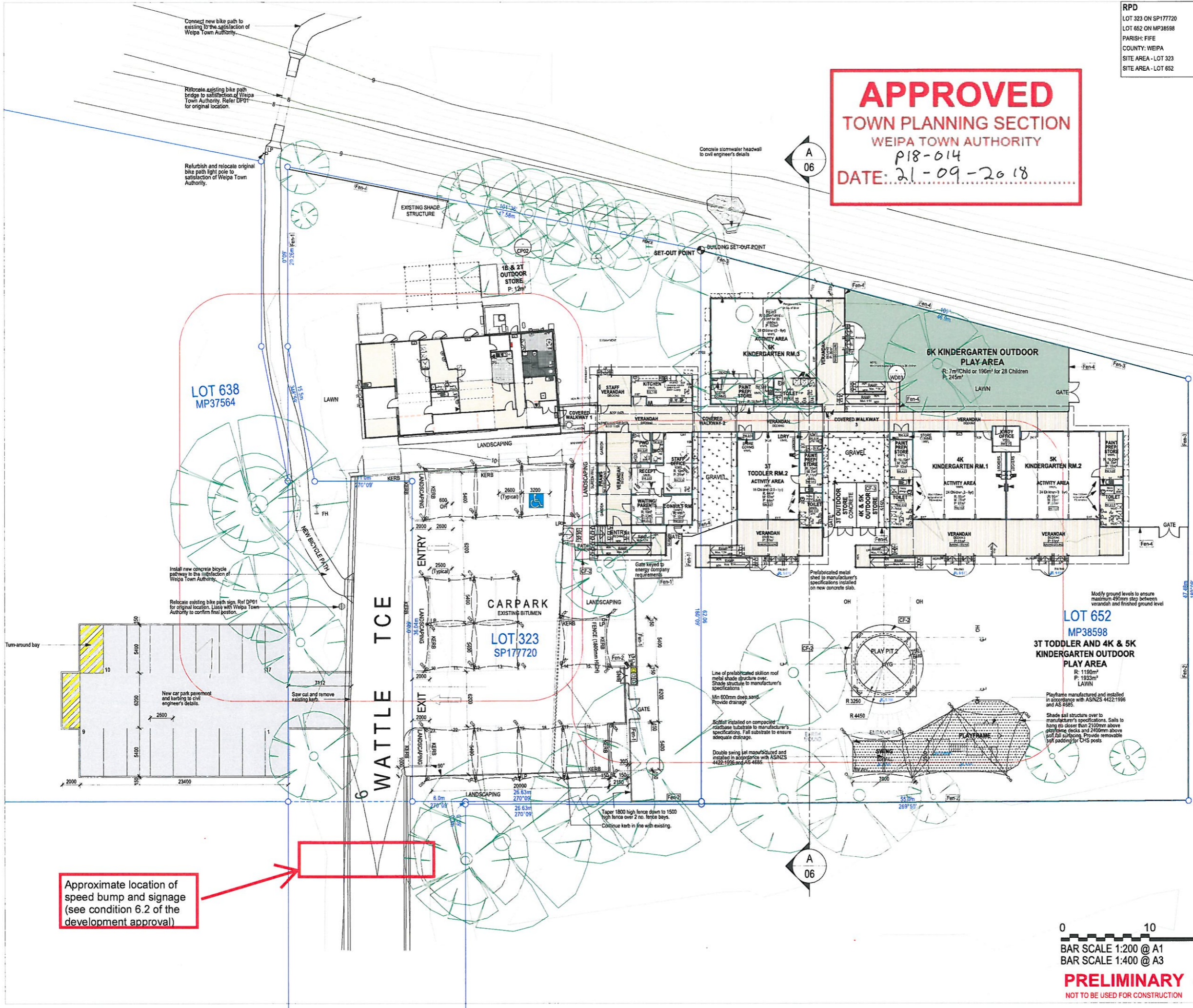


RPD  
 LOT 323 ON SP177720  
 LOT 652 ON MP38598  
 PARISH: FIFE  
 COUNTY: WEIPA  
 SITE AREA - LOT 323 = 2587sqm  
 SITE AREA - LOT 652 = 3012sqm

**ABBREVIATIONS**

CAP	CEILING ACCESS PANEL
CL	CENTRE LINE
CH	CONCRETE BLOCK
CHS	CIRCULAR HOLLOW SECTION
COL	COLUMN
CPD	CUPBOARD
CSK	CLEANER'S SINK
CU	CONDENSER UNIT
D	DOOR
DP	DOWNPIPE
DO	DRYER OVER
DW	DISHWASHER
EG	EAVES GUTTER
FB	FIRE BLANKET
FBRK	FACE BRICK
FC	FIBRE CEMENT SHEETING
FE	FIRE EXTINGUISHER
FG	FIXED GLASS
FGL	FINISHED GROUND LEVEL
FHR	FIRE HOSE REEL
FRZ	FREEZER
F/SH	FIXED SHELF
FW	FLOOR WASTE
HB	HAND BASIN
HDR	HANDRAIL
HC	HOSE COCK
HP	HOT PLATES
IL	INVERT LEVEL
LP	LIGHT POLE
LT	LAUNDRY TUB
LW	LOUVRE WINDOW
M	MINIMUM
MO	MICROWAVE
NGL	NATURAL GROUND LINE
OH	OVERHANG
OHC	OVERHEAD CUPBOARD
P	PROVIDED
PGL	PROPOSED GROUND LINE
R	REQUESTED
R/A	RETURN AIR
RBLKP	RENDERED BLOCK PAINTED
REF	REFRIGERATOR
RHO	RANGE HOOD OVER
RL	REDUCED LEVEL
RW	RETAINING WALL
SB	SUB-BOARD
SD	SLIDING DOOR
SHR	SHOWER
SHS	SQUARE HOLLOW SECTION
SK	SINK
SKT	SKIRTING
SL	SURFACE LEVEL
SLU	SLUICE
SPD	SOAP DISPENSER
SW	SLIDING WINDOW
TGSI	TACTILE GROUND SURFACE INDICATOR
TPTIT	TELECOMMUNICATIONS PIT
V	VALLEY
W	WINDOW
WC	WATER CLOSET (TOILET)
WC/C	WATER CLOSET CHILD (TOILET)
WH	WATER HEATER
WM	WASHING MACHINE
WMT	WATER METER
WO	WALL OVEN
WS	WHEEL STOP
YG	YARD GULLY

**APPROVED**  
 TOWN PLANNING SECTION  
 WEIPA TOWN AUTHORITY  
 P18-014  
 DATE: 21-09-2018



Approximate location of speed bump and signage (see condition 6.2 of the development approval)

A 8/14/18 Proposed Car Park Extension		A	
ISSUE	DATE	NOTE	BY
 <b>MARK WILLIAMS</b> architects			
2/1404 Logan Road MT GRAVATT EAST QLD 4122 T (07) 3349 7369   M 0413 431 695 MWArchitects.com.au   admin@mwaarchitects.com.au ABN 52 114 448 565			
PROJECT <b>CAPE KIDS KINDERGARTEN REDEVELOPMENT</b>			
ADDRESS <b>17 &amp; 17a Wattle Terrace WEIPA QLD 4874</b>			
CLIENT <b>RIO TINTO ALCAN WEIPA</b>			
DRAWING <b>OPTION A - SITE PLAN &amp; CARPARK EXTENSION</b>			
These drawings and design and the copyright thereof are the property of Mark Williams Architects and must not be used or retained or copied without the written permission of Mark Williams Architects.			
Use figured dimensions in preference to scale. All dimensions and levels to be verified on site. Do not assume - if in doubt ASK!			
PROJECT No:	09715	SCALE:	1:200 @ A1
DWG DATE	14/08/2018	DWG No:	REVISION
PRINT DATE	8/14/18	<b>SD 100 A</b>	
DRAWN	MJW	CHKD	MJW

0 10 20m

DWG SCALE 1:200 @ A1  
 BAR SCALE 1:400 @ A3

**PRELIMINARY**  
 NOT TO BE USED FOR CONSTRUCTION