



# Blackall-Tambo Regional Council

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## DECISION NOTICE APPROVAL

*PLANNING ACT 2016, SECTION 63*

I refer to your application and advise that on 20 September 2023, Blackall-Tambo Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

### 1. APPLICATION DETAILS

**Application Number:** DA 03-2023-2024  
**Properly Made Date:** 14 July 2023  
**Decision Date:** 20 September 2023  
**Planning Scheme:** Blackall-Tambo Region Planning Scheme 2020

### 2. APPLICANT DETAILS

**Name:** Barcoo Retirement Village Incorporated  
**Postal Address:** PO Box 277  
Blackall QLD 4472  
**Email Address:** [barcooretirement@bigpond.com](mailto:barcooretirement@bigpond.com)

### 3. PROPERTY DETAILS

**Street Address:** 80 Thistle Street, Blackall  
**Real Property Description:** Lot 4 on SP159849 and Lot 1 on RP608399  
**Local Government Area:** Blackall-Tambo Regional Council

### 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for a Retirement Facility

## 5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(a) of the *Planning Act 2016*.

## 6. ASSESSMENT MANAGER CONDITIONS

### 1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

### 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Barcoo Retirement Facility Extension Site Plan	DA03-2023-2024	-	14/07/2023 (Received date)

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

### 3.0 BUILDING DESIGN

- 3.1 The scale, design and materials of the proposed units are to be generally in accordance with the existing units onsite.

#### **4.0 ACCESS AND PARKING WORKS**

- 4.1 Provide and maintain a minimum of 1 car parking space per unit.

#### **5.0 STORMWATER WORKS**

- 5.1 Stormwater from the approved development must drain to a lawful point of discharge. Stormwater run-off must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

#### **6.0 ENVIRONMENTAL HEALTH**

- 6.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, vibration, odour, fumes, smoke, vapour, steam, soot, wastewater, waste products, oil or otherwise.
- 6.2 Maintain outdoor lighting to comply with *AS4282 Control of Obstructive Effects of Outdoor Lighting*.
- 6.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 6.4 In accordance with the Environmental Protection (Waste Management) Regulations, all waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.

#### **7.0 SERVICES**

- 7.1 The additional units must be serviced by the premises' existing connection to Council's reticulated water and sewerage networks.
- 7.2 Electricity and telecommunication services must be provided to the additional units in accordance with the standards and requirements of the relevant service provider.

#### **8.0 FINISHED FLOOR LEVEL**

- 8.1 The finished floor level of the additional units must achieve a minimum 300mm freeboard above the defined flood level of 283 metres Australian Height Datum for Blackall.

#### **9.0 ASSET MANAGEMENT**

- 9.1 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 Council.

## **10.0 CONSTRUCTION ACTIVITIES**

- 10.1 Prior to construction of the vehicle access and water and sewer connections, forms for a Minor Works on Road Application and a Water/Sewer Connection Application must be completed and submitted to Council to notify the details of work being undertaken.
- 10.2 Implement and maintain an Erosion and Sediment Control Plan (ESCP) on-site, in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* document (as amended) for the duration of the works, and until such time all exposed soil areas are permanently stabilised. The ESCP must be available on-site for inspection by Council Officers during the works.
- 10.3 The construction of any works must be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the provisions of any relevant standards under the *Blackall-Tambo Region Planning Scheme*.
- 10.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.
- 10.5 Construction activity and noise must be limited to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.

## **7. ADVISORY NOTES**

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation 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.
- D. 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 is for a Development Permit for Material Change of Use for a Retirement Facility approved as per Decision Notice DA 03-2023-2024.

## 8.2 Assessment Benchmarks

The following are the benchmarks that are applicable to this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"><li>• Strategic Framework</li><li>• General Development Code</li><li>• Township Zone Code</li></ul>	<i>Blackall-Tambo Region Planning Scheme 2020</i>

## 8.3 Relevant Matters

Nil.

## 8.4 Matters Raised in Submission

Nil.

## 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 Purpose of the Township zone is to provide for a variety of uses and activities to service local residents, including, business, community, education, industrial, open space, recreation, residential or retail uses or activities. The proposal will serve a local need for housing for ageing residents.
- b) The scale, density and character of the units will complement and be compatible with the surrounding development pattern.
- c) A condition has been included to ensure the proposed units include a minimum habitable floor level 300mm above the Blackall flood level.
- d) The development can be connected to reticulated water and sewer as well as telecommunications and electricity services.
- e) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

## 9. PROPERLY MADE SUBMISSIONS

Nil.

## 10. REFERRAL AGENCIES

The application did not require referral to any referral agencies.

## 11. FURTHER DEVELOPMENT PERMITS REQUIRED

The following further development permits may be required:

- Building Work; and
- Plumbing and Drainage Work.

## 12. RIGHTS OF APPEAL

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (included in the attachment to this decision notice). For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

## 13. DELEGATED PERSON

Name: D A Howard

Signature:



Date:

27/9/23

Encl: **Attachment A** – Approved Plans  
**Attachment B** – Appeal Provisions

**Attachment A – Approved Plan**

**Attachment B – Appeal Provisions**