

### Blackall-Tambo Regional Council

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ABN: 42 062 968 922

# DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 20 November 2024, 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 21-2024-2025

**Properly Made Date:** 

17 October 2024

**Decision Date:** 

20 November 2024

Planning Scheme:

Blackall-Tambo Region Planning Scheme 2020

## 2. APPLICANT DETAILS

Name:

Blackall Tambo Regional Council C/- Murray & Associates

(QLD) Pty Ltd

Postal Address:

PO Box 665

**EMERALD QLD 4720** 

**Email Address:** 

andrewb@mursurv.com

## 3. PROPERTY DETAILS

Street Address:

67 - 69 Shamrock Street, Blackall

Real Property Description:

Lot 1 & 2 on RP602469

Local Government Area:

Blackall-Tambo Regional Council

## 4. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Reconfiguring a Lot (Boundary Realignment

– 2 lots into 2 lots)

### 5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(b) 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
Proposed Boundary Realignment	400879	-	08/10/24
Proposed Lots 11 and 12			

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 ENDORSEMENT OF SURVEY PLAN

- 3.1 Council will not endorse or release the survey plan for this development until such time as:
  - (a) All conditions of this development approval for Reconfiguring a Lot have been fully satisfied (where required);

- (b) A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council (where required); and
- (c) All outstanding rates and charges relating to the site have been paid.

#### 4.0 ASSET MANAGEMENT

4.1 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.

## 5.0 EXISTING USES

5.1 All existing uses are to be fully contained on their own lot including, access, parking and services.

## 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 Reconfiguring a Lot (Boundary Realignment— 2 lots into 2 lots) approved as per Decision Notice DA 21-2024-2025.

### 8.2 Assessment Benchmarks

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

Benchmark applying for the development	Benchmark refe	rence	
<ul><li>Reconfiguring a Lot Code</li><li>Township Zone Code</li></ul>	Blackall-Tambo Scheme 2020	Region	Planning

## 8.3 Relevant Matters

Nil.

#### 8.4 Matters Raised in Submission

The development application did not require public notification.

## 8.5 Reasons for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- a) The realignment results in the creation of two lots that meet the minimum lot size requirements.
- b) The proposed reconfiguration will ensure both uses can operate whilst being wholly contained on their own lots
- c) Each site can be serviced by all necessary urban services.
- d) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

## 9. PROPERLY MADE SUBMISSIONS

The development application did not require public notification.

### 10. REFERRAL AGENCIES

The development application did not require referral to any referral agencies.

## 11. FURTHER DEVELOPMENT PERMITS REQUIRED

No further development permits required.

## 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: Mike Lollback

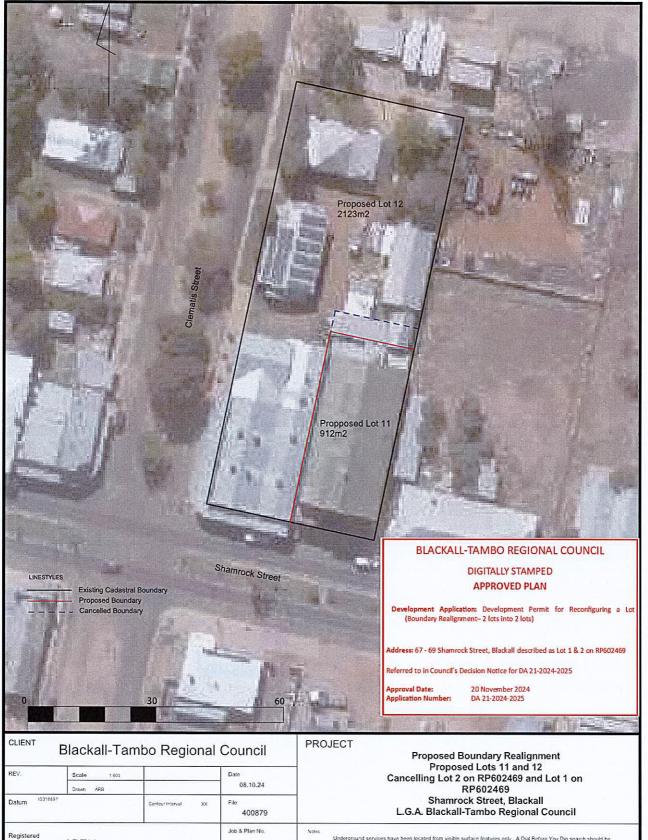
Signature:

Date: 04.12.2024

Encl: Attachment 1 – Approved Plan

Attachment 2 - Appeal Provisions

## Attachment 1 - Approved Plan





**ABELL** 

Surveyor

Murray Building, 15-17 Currie St. Nambour Ph.(07)5441 2188 P.O. Box 246 Branch Offices at Maroochydore Caboolture Chinchilla Roma Gympie & Emerald Underground services have been located from visible surface features only. A Dial Before You Dig search should be performed before the commencement of any excavation work, The property boundaries shown have not fully been investigant for the purposes of this survey. For an accurate determination of the boundaries, antidentification survey will be required.



400879

Electricity Manhole **⊞**EMH Power Pole

EPL Electricity Pillar EPIT Electricity Pit GRATE Stormwater Grate Swith

Gas Infrastructure o O SMH Sewer Manhole gSV Scower Valve

Telstra Pillar Water Meter Water Valve

Stormwater Manhole



## Attachment 2 – Appeal Provisions

## Schedule 1 Appeals

section 229

## 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- (ii) the building is, or is proposed to be, not more than 3 storeys; and
- (iii) the proposed development is for not more than 60 sole-occupancy units; or
- (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
- (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
- (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
- (h) a decision to give an enforcement notice—
  - (i) in relation to a matter under paragraphs (a) to (g); or
  - (ii) under the Plumbing and Drainage Act 2018; or
- (i) an infrastructure charges notice; or
- (j) the refusal, or deemed refusal, of a conversion application; or
- (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.

## Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal

## 1. Development applications

For a development application other than an excluded application, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Appeals to		able 1 d, for certain matters,	to a tribunal
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol> <li>A concurrence agency that is not a co-respondent</li> <li>If a chosen assessment manager is the respondent—th e prescribed assessment manager</li> <li>Any eligible advice agency for the application</li> <li>Any eligible submitter for the application</li> </ol>

## 2. Change applications

For a change application other than an excluded application, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of the change application.

	Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
	lumn 1 pellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent	
			(if any)	by election (if any)	
1 2	The applicant If the responsible entity is the assessment	The responsible entity	If an affected entity starts the appeal—the applicant	<ul><li>1 A concurrence agency for the development application</li><li>2 If a chosen</li></ul>	
	manager—an affected entity that gave a pre-request notice or response notice			assessment manager is the respondent—th e prescribed assessment manager	
				3 A private certifier for the development application	
				4 Any eligible advice agency for the change application	
				5 Any eligible submitter for the change application	

## 3. Extension applications

For an extension application other than an extension application called in by the Minister or made to the chief executive under section 87A, an appeal may be made against—

- (a) the assessment manager's decision on the extension application; or
- (b) a deemed refusal of the extension application.

	Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
10	olumn 1 opellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
1 2	The applicant For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager	

## 4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
  - (i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development
  - (ii) the working out of extra demand, for section 120; or
  - (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	_	
5. Conversion applica An appeal may be ma (a) the refusal of a co (b) a deemed refusal	de against— onversion application		

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if any)
The applicant	The local government to which the conversion application was made		

## 6. Enforcement notices

An appeal may be made against the decision to give an enforcement notice.

Appeals to t		ole 1 for certain matters,	, to a tribunal
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The person given the enforcement notice	The enforcement authority		If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government
		and Drainage Act 201  n to give an enforceme	
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The person given the enforcement notice	The local government that gave the enforcement notice	_	_

# Table 2 Appeals to the P&E Court only

## 1. Appeals from tribunal

An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—

- (a) an error or mistake in law on the part of the tribunal; or
- (b) jurisdictional error.

Table 2 Appeals to the P&E Court only				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent	
rippellum	Respondent	(if any)	by election (if any)	
A party to the proceedings for the decision	The other party to the proceedings for the decision	_	_	

## 2. Eligible submitter appeals

For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

	lumn 1 pellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
2	For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application	<ol> <li>For a development application—the eassessment manager</li> <li>For a change application—the responsible entity</li> </ol>	concurrence agency's referral	Another eligible submitter for the application

## Table 2 Appeals to the P&E Court only

## 3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

Co	lumn 1	Column 2	Column 3	Column 4
Ap	pellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)
2	For a development application—an eligible submitter for the development application  For a change application—an eligible submitter for the change application	<ol> <li>For a development application—the e assessment manager</li> <li>For a change application—the e responsible entity</li> </ol>	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3	An eligible advice agency for the development application or change application			

## 4. Compensation claims

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

Table 2 Appeals to the P&E Court only				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
A person dissatisfied with the decision	The local government to which the claim was made		_	

## 5. Registered premises

An appeal may be made against a decision of the Minister under chapter 7, part 4.

			Table 2 the P&E Court only	
Co	lumn 1	Column 2	Column 3	Column 4
Ap	pellant	Respondent	Co-respondent	Co-respondent
			(if any)	by election (if any)
1	A person given a decision notice about the decision	The Minister		If an owner or occupier starts the appeal—the owner of the registered premises
2	If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision			premises
3	If the decision is to amend the registration of premises to include additional land in the affected area for the premises—an owner or occupier of premises within the additional land who is dissatisfied with the decision			

## Table 2 Appeals to the P&E Court only

## 6. Local laws

An appeal may be made against a decision of a local government, or conditions applied, under a local law about—

- (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or
- (b) the erection of a building or other structure.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
11.1		(if any)	by election (if
			any)
A person who—  (a) applied for the decision; and	The local government		
(b) is dissatisfied with the decision or conditions.			

## Table 3 Appeals to a tribunal only

## 1. Building advisory agency appeals

An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.

-	Table 3 Appeals to a tribunal only		
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval
			2 A private certifier for the development application related to the approval

## 2. Inspection of building work

An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if any)
The applicant for the development approval	The person who made the decision		_

- 3. Certain decisions under the Building Act and the *Plumbing and Drainage Act 2018* An appeal may be made against—
- (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or
- (b) a decision under the *Plumbing and Drainage Act 2018*, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.

	Table 3 Appeals to a tribunal only		
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision		

4. Failure to decide an application or other matter under the Building Act

An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if any)
A person who was entitled to receive notice of the decision	The entity that failed to make the decision		

5. Failure to decide an application or other matter under the *Plumbing and Drainage Act* 2018

An appeal may be made against a failure to make a decision under the *Plumbing and Drainage Act 2018* within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.

Table 3 Appeals to a tribunal only			
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	_	_