

Decision Notice

Planning Act 2016

10th May, 2021.

Attention: Anna Booth
Booth Farming Pty Ltd
PO Box 26
CLARE. QLD 4807
Email: anna@boothfarming.com.au

Dear Sir/Madam,

I refer to your application and advise that Development Application **MCU21/0004** was assessed and approved in full subject to conditions. The decision was made by the Assessment Manager on the date below.

Details of decision are as follows:

Application Details

Application Number:	MCU21/0004
Street Address:	3232 Ayr Dalbeg Road, Clare.
Real Property Description:	Lot 69 on GS259
Planning Scheme	Burdekin Shire Planning Scheme 2011

Decision Details

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use - Rural Workers Camp
Date of Decision:	10 th May, 2021

Currency Period of Approval

The currency period for this development approval is 6 years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

Please note that in terms of the Planning Act, the currency period can only be extended if the request is received before the approval lapses (see Section 85 "Lapsing of approval at end of currency period")

Infrastructure

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "**necessary infrastructure condition**" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

Assessment Manager Conditions

General

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 All rates and charges, in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.
- 1.3 The development and conduct of the approved use of the premises and the construction and maintenance of any building on the premises must be generally in accordance with the supporting material included in the application. (except where modified by the conditions of this Development Permit and any approval issued there under).

Building Work

- 2.1 A development permit for Building Works is to be obtained before any building works are carried out on the premise.
- 2.2 Provide evidence that the proposed Dwelling Unit and any other structures have had a classification approval granted under the provisions contained in the *Building Act 1975* and subordinate legislation prior to the commencement of the intended use.

Notice of Intention to commence the use

3. Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.

Public Utility Services/Damage

- 4.1 The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.
- 4.2 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

Roadworks

5. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

Drainage

- 6.1 The approved development and use(s) 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.
- 6.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Access and Carparking

- 7.1 Access to the premises, car parking and manoeuvring areas must be constructed in a dust suppressant material to the satisfaction of the Chief Executive Officer.
- 7.2 Parking space for all vehicles must be contained within the property boundary of the development site.

Environment and Health

- 8.1 Buildings, facilities and all equipment must comply and be maintained at all times in accordance with the provisions of the relevant Local Law.
- 8.2 Detailed plans of proposed buildings or alterations, which comply with local law requirements, including details of all facilities, must be submitted and approved prior to the occupancy or use of any buildings used in connection with the accommodation business.
- 8.3 The accommodation business and all ancillary activities must be conducted within the boundaries of premises that are the subject of this approval.

Referral Agencies

Referral Status	Referral Agency and Address	Referral Trigger from Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q4810 Email: NQSARA@dsdmip.qld.gov.au	Site 25m State Transport corridor– Schedule 10, Part 9, Division 4, Subdivision 2, table 4

Approved Plans

The approved plans for this development approval are as submitted with the application.

Referenced Documents

Not Applicable.

Advisory Notes

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

- *The operator of the premises must hold a licence with Burdekin Shire Council for the operation of the accommodation premises under the provisions of the Local Government Act 2009 and Local laws proclaimed pursuant to the Act.*
- *The activity must be operated in accordance with Council's Waste Management Policy and the Environmental Protection (waste management) regulation 2000 to meet capacity for additional maximum accommodation capacity.*
- *Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers in conjunction with this approval.*
- *All Plumbing and drainage works are to comply with Plumbing Act and Codes of Australia.*
 - *Plumbing permits will have to be lodged for any modifications or additions of buildings with plumbing installed.*
 - *On-Site effluent treatment systems will have to be approved to handle any changes to the numbers of occupants in a building.*
 - *Any new or upgrades to On-site effluent treatment plants to be installed will have to be designed by a licenced designer.*

Property Notes

Not Applicable.

Variation Approval

Not Applicable.

Further Development Permits Required

Development Permit for Building and Plumbing Work.

Submissions

Not Applicable.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

Assessment Manager
Signature:



Date: 10th May, 2021

Enc: Appeal Rights
Statement of Reasons
Referral Agency Response

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (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.

230 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
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) 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 (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and

- (g) 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 has 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.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Statement of Reasons

Planning Act 2016 & The Planning Regulation 2017

This notice is prepared in accordance with s63(5) and s83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Rural zone code

REASONS FOR THE DECISION

Following an assessment of the development application against the assessment benchmarks above, it was determined the proposed development be approved for the following reasons:

- The development design is considered appropriate to allow effective use of the land in accordance with the provisions of the Planning Scheme;
- The proposed activities will not restrict or adversely impact on the nearby rural uses or the capacity and safety of the road network; and
- The proposal is well buffered to sensitive uses by distance.



SARA reference: 2102-21313 SRA
Council reference: MCU21/0004
Applicant reference: -

31 March 2021

Burdekin Shire Council
PO Box 974
AYR Qld 4807
enquiries@burdekin.qld.gov.au

Attention: Mr Shane Great

Dear Mr Great

SARA response—3232 Ayr Dalbeg Road, Clare

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 10 March 2021.

Response

Outcome:	Referral agency response - No requirements
	Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	31 March 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use for Rural Workers Camp
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a state controlled road corridor	
SARA reference:	2102-21313 SRA	
Assessment Manager:	Burdekin Shire Council	

Street address: 3232 Ayr Dalbeg Road, Clare
Real property description: Lot 69 on GS259
Applicant name: Booth Farming Pty Ltd
Applicant contact details: PO Box 26
Clare QLD 4807
anna@boothfarming.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Catherine Hobbs, Principal Planning Officer, on 4758 3412 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Booth Farming Pty Ltd, anna@boothfarming.com.au
enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	The owner of the land is responsible for all costs associated with maintenance of the road access (including driveways) at all time.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The development does not create a safety hazard for users of a state-controlled road
- The development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- The development does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- The development does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- The development does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- The development does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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