

3 July 2019

Our Ref: 1273589 File Ref: 05/APP/02 Enquiries: Prue Miller

Graham Ruddell Ruddzway Services Pty Ltd 35 Chelsea Drive CONDON QLD 4820

Sent via email: Graham.ruddell@ruddzwayservices.com.au

Dear Mr Ruddell

Changed Decision Notice

(Given under Section 83 of the Planning Act 2016)

The assessment manager acknowledges receipt of your change application (minor) on 28 June 2019 in relation to the decision notice dated 29 March 2018 and wishes to advise that the application was assessed and decided under delegated authority on 2 July 2019 with a recommendation of approval. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This changed decision notice replaces the original decision notice dated 29 March 2018.

Applicant details

Applicant name:

Graham T Ruddell

Location details

Street address:

47 Kathrine Road, HERVEY RANGE QLD 4817

Real property description:

Lot 3 on RP747056

Current lawful use:

Dwelling House and Relatives Apartment

Local government area:

Charters Towers Regional Council

Application details

Application number:

MC17/106

Approval type:

Development Permit Material Change of Use

Development type: Category of assessment:

Code Assessment

Description of development:

Commercial Use (venue pavilion and ancillary disabled toilet block)

Definition of use:

Premises in the form of a shopfront or office used for an activity or activities conducted for commercial gain or benefit not elsewhere defined. The term includes professional, personal, commercial services or tourist and

entertainment services.

Categorising instrument:

Aligned Dalrymple Shire Planning Scheme 2006

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1. Nature of the change(s) agreed to

The changes agreed to as part of this changed decision notice are:

- Removal of Condition 15 regarding no Camping, and
- 2. Allowing ten persons to camp on the premises associated with the use.

2. Details of the approval

Details of the approval are listed below in accordance with the Planning Regulation 2017.

	Planning Regulation	Development	Preliminary
	2017 reference	Permit	Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		\boxtimes	

3. Conditions of approval

Conditions of this approval are included within Attachment 1.

4. Approved plans and documents

The approved plans and/or documents for this development approval are listed below:

Drawing title:			Ref No:	Rev:	
Site Plan (as amended in red)	Building Design Centre	06-04-17	S1	С	
Existing Structures	Building Design Centre	06-04-17	S7	В	
Floor Plan	Building Design Centre	06-04-17	S2	В	
Pavilion Floor Plan	Building Design Centre	21-03-17	S5	В	
Section	Building Design Centre	21-03-17	S6	В	

The approved plans and/or documents in relation to this approval are included as an attachment.

5. Currency period for the development application approval

In accordance with section 85 of the Planning Act 2016, this approval has a currency period of six years.

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Building Works Venue Pavilion (Class 9b) and Ancillary Disabled Toilet (Class 10a), and
- 2. Plumbing and Drainage Works.

7. Referral agencies





There are no referral agencies for this application.

8. Submission(s)

Properly made submissions were not made in relation this development.

10. Other requirements under section 43 of the Planning Regulation 2017

There are no other requirements.

11. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. 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*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: http://www.courts.gld.gov.au/courts/planning-and-environment-court.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

Should you wish to discuss this matter, please contact Prue Miller, Planner on (07) 4761 5526.

Yours faithfully

Marnie Taylor

Director Corporate and Community Services





Attachment 1-Conditions of the approval

Condition Number	Condition						Timir	ng	
Approved	Plans								
1	The development must be completed and maintained generally in accordance with the following application, documentation and plans, accepted by Council on 31 July 2017, all relating to Development Application No. MC17/15, except where varied by the conditions of this development approval:								S
	Drawing Title: Prepared By: Date: Ref No: Rev:								
	Site Plan	Building Centre	Design	06-04-17	S1	В			
	Existing Structures	Building Centre	Design	06-04-17	S7	В			
	Floor Plan	Building Centre	Design	06-04-17	52	В			
	Pavilion Floor Plan	Building Centre	Design	21-03-17	S5	В			
	Section	Building Centre	Design	21-03-17	S6	В			
General									
3	of the						comm of the therea	e use ifter	
4	Alterations to public any of the works ari	utilities, mai sing from thi	ns and serv is approval	ices made ne including we	ecessary rel orks to rest	lating to ore and	Prior comm		the nent
5	reinstate all roads are to be completed at no cost to Council. Unless otherwise stated, all work must be designed, constructed and maintained in accordance with any relevant local government policies, guidelines and standards applicable at the time the works are approved to be undertaken.								
Amended P									
6	Provide an amende changes required by endorsed plans mus approval is sought.	y these cond	ditions for	endorsemen	it. A copy	of the	Prior applica being buildin	made	
Access 7	Construct and (1)								
	Construct one (1) ne accordance with the maintenance of the a	e approved	plans, at	no cost to	o Council.	ment in Future	Prior comme of the		the nent
Carparking	and Internal Works								
8	Provide a minimum of bus car parking spac with the following real The car parking sturfed, drained ar	es on the sub quirements: paces and in	oject site. T ternal traff	he internal v	vorks must	comply	Prior comme of the		the nent

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Condition	Condition	Timing			
Number	b) All car parking spaces and internal traffic manoeuvring areas are to be				
	designed and constructed to comply with Australian Standard AS 2890.1 Off-street Car Parking other than the requirement for sealing. c) Drainage through and from all trafficable areas and production activities must be designed to minimise surface flow velocities. d) Car parking spaces are to be maintained and available at all times. e) Provide internal signage to alert vehicular traffic of pedestrians and other vehicular traffic including movement of traffic entering and				
	exiting the premise.				
9	Trafficable areas must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to: a) Keeping surfaces clean; b) Using turf to control stormwater and erosion and sediment; c) Using water sprays; and d) Adopting and adhering to speed limits.	At all times			
Loading and	d Unloading	<u></u>			
10	All loading and unloading of goods/cars related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will overflow car parking or the loading or unloading of goods/cars on the public roadway system or verge be permitted.				
11	All bulk pick-up and drop-off of guests associated with a function on the site must be located and appropriately marshalled so as not to cause a nuisance to any property owner or the public by way of people congregating or car parking.				
Landscaping	g				
12	Landscaping and fencing/gate must be completed in accordance with the approved plan and must be maintained in accordance with the plan.	Prior to the commencement of works and thereafter			
13	Incorporate and maintain the existing established/mature trees in situ onsite.	At all times			
Stormwater					
14	Site stormwater runoff are collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow.	At all times			
Camping					
15	No persons are permitted to camp on the premises.	At all times			
16	There is to be a maximum of ten persons camping at any given time associated with the use.	At all times			
17	The length of stay is restricted to one night and departure is to have taken place by 10:00am.	At all times			
18	Camping is restricted to the onsite car park.	At all times			
Waste Mana	gement				
16	The waste bin and rubbish areas must be situated on an imperviously paved area located and screened in such a way that they are not visible from Kathrine Road or from neighbouring properties, and in a manner that	At all times			

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Condition Number	Condition	Timing
	ensures vermin and mosquito harbourage is prevented. Any waste stored at the site must be regularly removed by a licensed regulated waste removalist and is to be disposed of in an approved waste collection facility.	
17	Refuse collection and service vehicle movement associated with the approved use (including loading and unloading) must not occur outside the hours of 6am and 6pm Monday to Friday and 7am and 2pm Saturdays and Sundays.	At all times
Storage Ar		
18	All equipment, machinery, goods and materials must be in a covered & enclosed fixed building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.	At all times
Signage		
19	Ensure that any advertising devices included on awnings do not exceed 1.2m² and advertising devices that are signs on building facades do not exceed 2.4m².	At all times
Hours of O		
20	On any function day, the approved use must not operate outside the hours of 10:00am to 11:00pm. The departure of the last guests and staff must be no later than 12:00pm.	At all times
21	The restriction on operating hours for the site must be included in any venue hire contract or other arrangement established between the site owner/manager and the venue hirer.	At all times
Dust Contro	ol .	
22	Undertake dust suppression for the site to ensure the proposed use does not to create a dust nuisance to surrounding areas and residents.	Prior to the commencement of works and thereafter
Acoustic Ar		
23	Amplified sound and entertainment must only be provided within the pavilion area and not in any outdoor area associated with the pavilion.	At all times
24	Noise emanating from amplified sound and entertainment (or related activities) at the pavilion must not exceed: a) 70dB(A) between 10:00am and 10:00pm; and b) 50dB(A) between 10:00pm and 11:00pm; or c) 10dB(A) above the background level between 10:00pm and 12:00pm.	At all times
25	Where a fixed in-house music system and speaker(s) are installed within the pavilion, a sound limiting device must be fitted to the in-house entertainment system that prevents the emission of amplified sound above limits set in this Decision Notice.	At all times
	To ensure acoustic emission levels are maintained in accordance with this Decision Notice live musicians are not permitted to use their own portable amplification and speaker systems and are required to utilise the in-house entertainment system.	
26	The sound limiting device must be tested and calibrated by a qualified acoustic technician annually to ensure compliance with conditions of this Decision Notice. Evidence of the sound limiting device calibration must be made available to a Council officer upon request.	At all times







Condition Number	Condition	Timing
27	Where a fixed in-house music system and speaker(s) are installed within the pavilion, certification must be submitted to Council by a qualified person that the sound systems are fitted with appropriate sound limiting devices demonstrating compliance with the requirements of this Decision Notice. No fireworks, lighting displays or any other similar intrusive activities are	At all times
28	permitted on the site without the written consent of adjoining properties. The use of helicopters and drones for any purpose including photography is not permitted on the site.	At all times
29	All noise emanating from the site must not exceed Condition 24 in accordance with this Decision Notice. This includes all other acoustic operational matters including but not limited to, the following: a) Plant and equipment noise limits and control i.e. portable cold rooms, any fixed air conditioning plant and associated equipment required for functions b) Patron noise	At all times
Night Light		
30	Ensure that sufficient night lighting is provided within the development area. All night lighting is to be designed and constructed to ensure that light emitted from the subject site does not create an environmental nuisance having regard to the following provisions: a) Environmental Protection Act 1994 b) Environmental Protection Regulation 2008 c) Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting	At all times
Onsite Staff	f and Visitor Facilities	
31	Provide and maintain a sufficient supply of potable water for all staff and visitors associated with the approved use. The water must satisfy the Australian Drinking Water Guidelines or relevant standards applicable at time of approval.	Prior to the commencement of the use and thereafter
Bushfire Ma	nagement	
32	The use must be carried out in accordance with a Bushfire Management Plan for the development prepared by a qualified person and endorsed by a Queensland Fire and Rescue Authority (QFRS) with a copy of the QFRS written endorsement provided to Council prior to the commencement of use.	At all times
Limitations		
33	This approval is for the Material Change of Use ONLY all buildings notated on the approved plans will require a building application.	At all times
Sewage		
34	Council notes that there is an existing Plumbing and Drainage Application (Council reference PD17/65) over Lot 3 on RP747056. In the event this application has been submitted for anticipated compliance with the requirements of this Condition package an amended onsite design will be required.	At building application stage
	If the abovementioned application is not associated with this Condition	

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Condition Number	Condition	Timing			
	package it is required as part of this approval that a Plumbing and Drainage Permit is required in accordance with the Plumbing Code of Australia 2011 and the Queensland Plumbing and Wastewater Code.				
Water					
35	Submit a report to Council written by a suitably qualified person stating that the onsite bore can deliver a water supply suitable for domestic purposes with a continuous flow rate of 0.25 litres per second.	At building application stage			

Advisor	y Notes
	tion of food and alcohol
A	All foods are to be prepared and distributed by a suitably qualified caterer in accordance with
	the Food Act 2006.
В	This approval does not constitute an approval for the distribution of alcohol.
	*Note: liquor licenses are issued by the Queensland Government and require a separate approval
	g Chapel
E	This approval does not include the establishment or use of a fixed wedding chapel.
Notice of	of Intention to Commence Use
D	Please provide written notification of the commencement of the use to Council within 20
	business days after the approved use has commenced. This will allow Council to accurately
Caple of	record the commencement date which is relevant to the validity of this approval.
E Scale of	Intensity of Use
	The subject land is to be used for a venue pavilion and ancillary disabled toilet block, catering for
	no more than one hundred and twenty (120) guests at any one time. Any proposal to increase
	the scale or intensity of the use on the subject land, that is assessable development under the
	Planning Scheme, would be subject to a separate application for assessment in accordance with
	the <i>Planning Act 2016</i> and would have to comply with the requirements of the relevant provisions.
Require	d Approvals
F	A Development approval for Building and Plumbing & Drainage Work will be required, with a
	permit for these works issued prior to any works commencing.
Works in	Road Reserve
G	Pursuant to section 75 of the Local Government Act 2009, Council's written approval is required
	to carry out works on a road, or interfere with a road or its operation. This requirement applies
	to all Council-controlled roads within its local government area. The process for obtaining
	approval is set out in Council's Local Law No. 1 (Administration) 2011. Approval must be
	obtained prior to the commencement of the works.
Hours of	
Н	Hours of construction and construction noise must be in accordance with any relevant local laws
	and/or the Environmental Protection (Noise) Policy 2008. To the extent there is an
	inconsistency, whichever is higher prevails.
Aborigin	al and Cultural Heritage
	The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003
	require anyone who carries out a land-use activity to exercise a duty of care. Land users mus
	take all reasonable and practicable measures to ensure their activity does not harm Aboriginal o
	Torres Strait Islander cultural heritage. For further information please visit:
	https://www.datsip.gld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-
	heritage/cultural-heritage-duty-care
Norkpla	ce Health and Safety



Ensure compliance with the Work Health and Safety Act 2011. It states that the project manager/developer is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

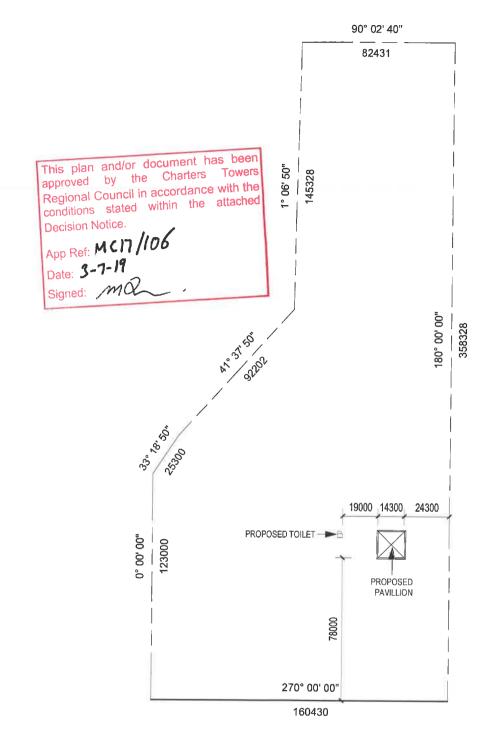
Environmental Nuisance

Ensure compliance with the *Environmental Protection Act 1994*. It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Currency Period

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of six (6) years.





KATHERINE ROAD

SITE 1:2000

LOT:3 SURVEY PLAN 747056 AREA: 4.314 HA

SITE PLAN

1,	VERIFY ALL LEVELS & DIMENSIONS BEFORE COMMENCING
	ANY FABRICATION
2	CICLIDED DIMENSIONS TO TAKE EDECEDENCE OVER COMED

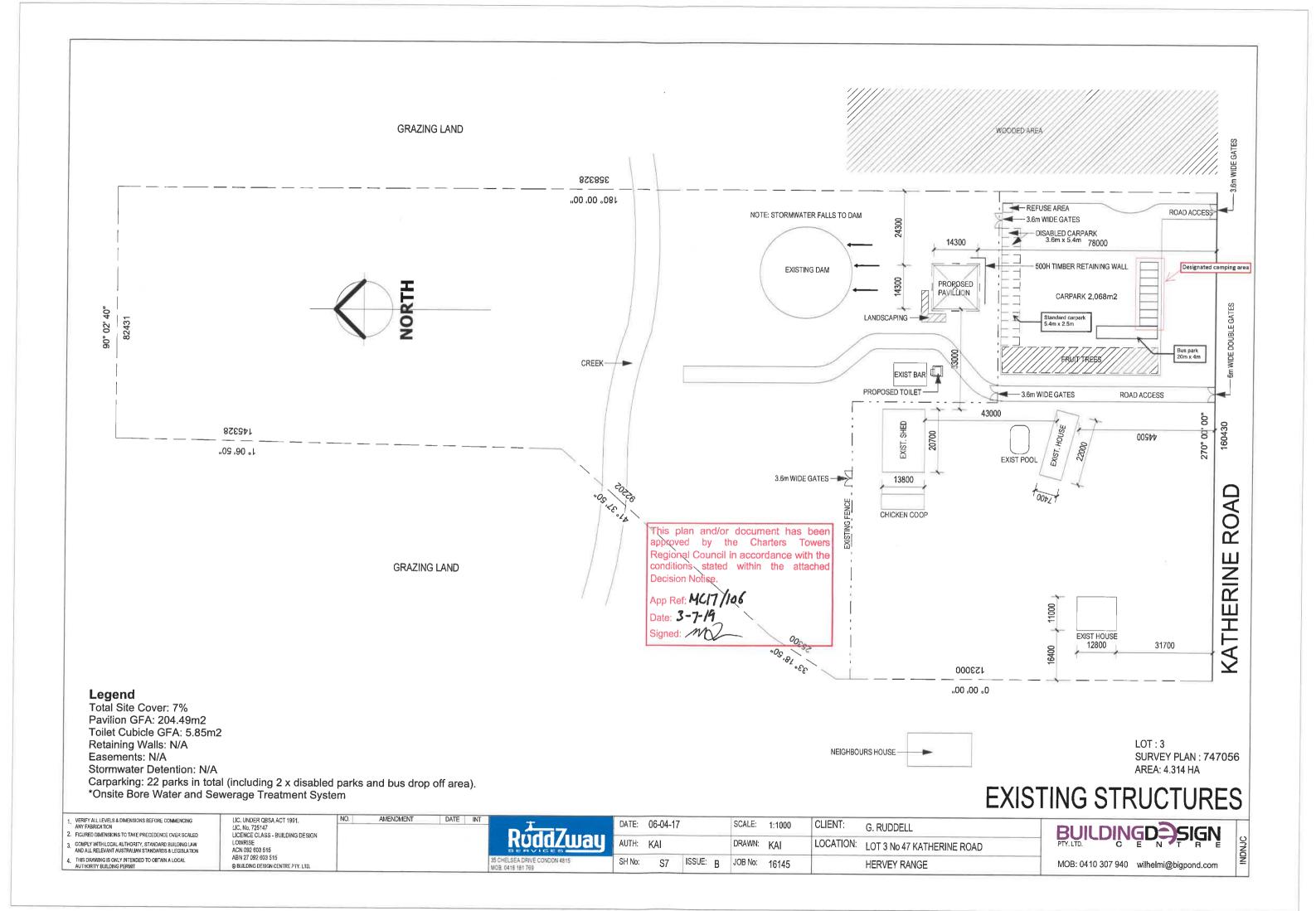
3. COMPLY WITH LOCAL AUTHORITY, STANDARD BUILDING LAW AND ALL RELEVANT AUSTRALIAN STANDARDS & LEGISLATION THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT

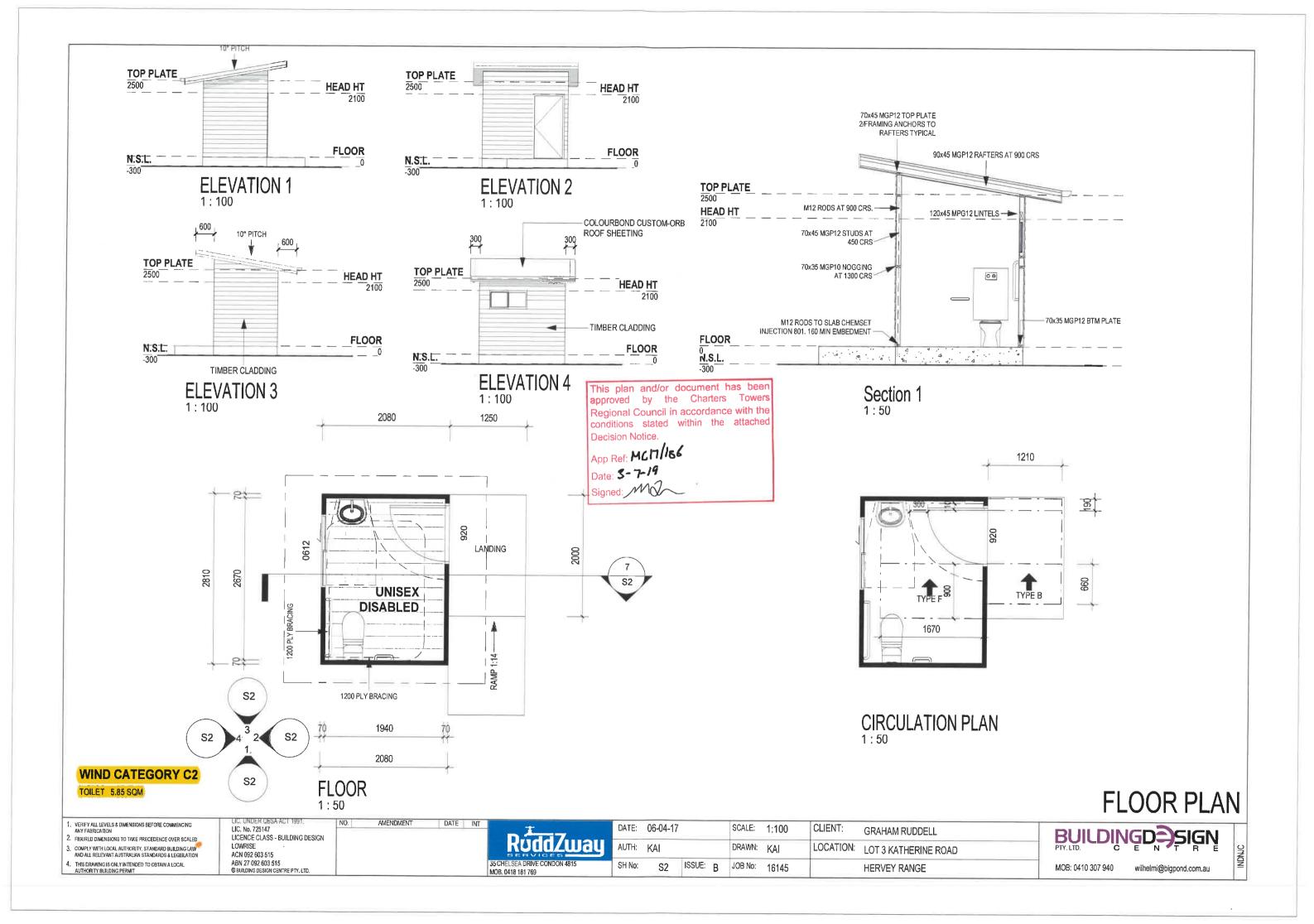
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ABN 27 092 603 515				
@ BUILDING DESIGN CENTRE PTY, LTD.				

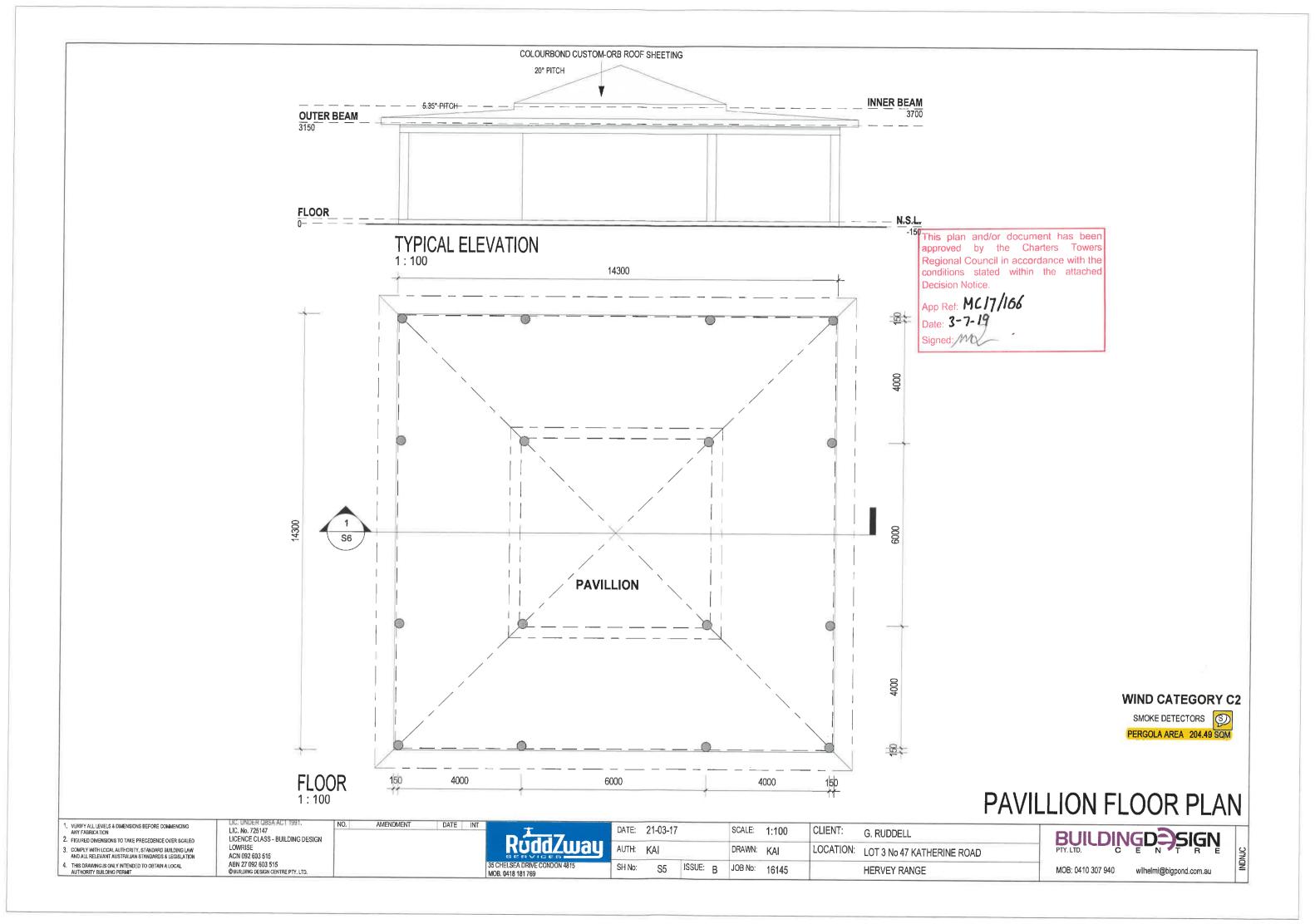
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	35 CHELSEA DRIVE CONDON 4815 MOB, 0418 181 769

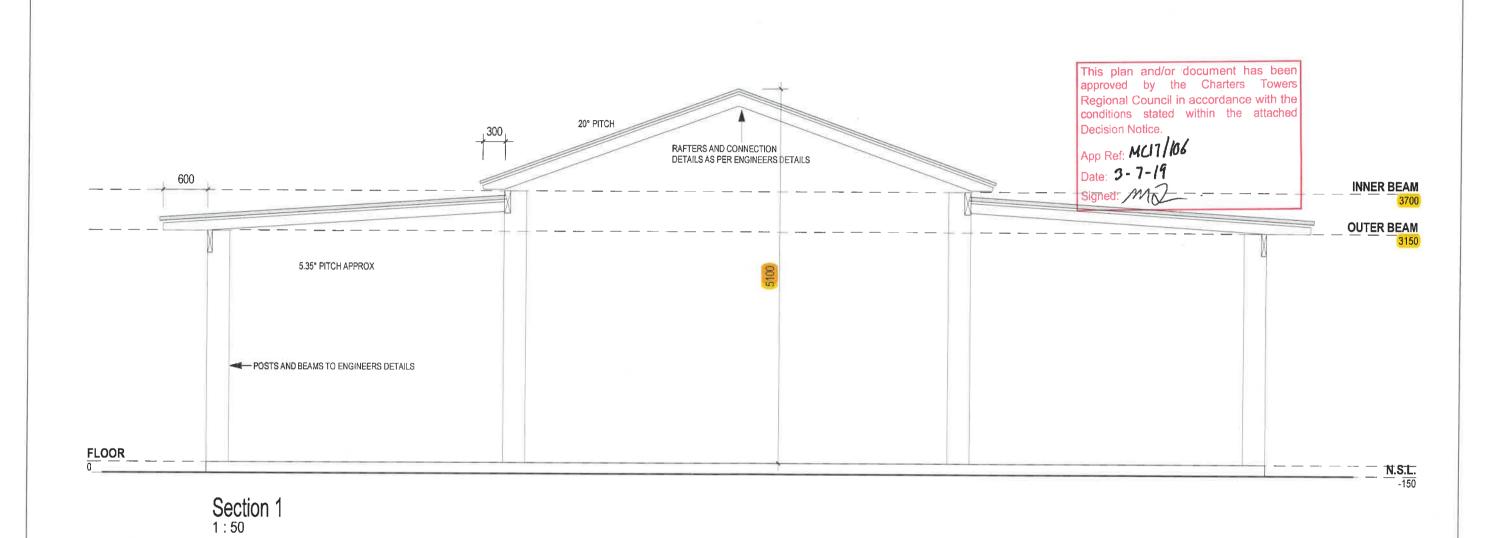
DATE:	06-04-17			SCALE:	1:2000	CLIENT:	GRAHAM RUDDELL	
AUTH:	KAI			DRAWN:	KAI	LOCATION:	LOT 3 KATHERINE ROAD	
SH No:	S1	ISSUE:	В	JOB No:	16145		HERVEY RANGE	

MOB: 0410 307 940 wilhelmi@bigpond.com.au









SECTION

 VERIFY ALL LEVELS & DIMENSIONS BEFORE COMMENCING ANY FABRICATION 2. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED

THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT

AMENDMENT LIC. No. 725147 LICENCE CLASS - BUILDING DESIGN ACN 092 603 515 ABN 27 092 603 515 © BUILDING DESIGN CENTRE PTY, LTD.

RuddZway MOB. 0418 181 769

DATE: 21-03-17 SCALE: 1:100 CLIENT: G. RUDDELL LOCATION: LOT 3 No 47 KATHERINE ROAD AUTH: KAI DRAWN: KAI SH No: S6 ISSUE: B JOB No: 16145 HERVEY RANGE

MOB: 0410 307 940 wilhelmi@bigpond.com.au