

24 April 2018

Our Ref: 1182173  
File Ref: 05/APP/02  
Your Ref: 10124/-/-  
Enquiries: Prue Miller

BNC Planning Pty Ltd (Australia)  
18 Ingham Road  
TOWNSVILLE QLD 4810

Sent via email: [bnc@bncplanning.com.au](mailto:bnc@bncplanning.com.au)

Dear Sir

**Decision Notice**  
(Given under s63 of the *Planning Act 2016*)

The Assessment Manager acknowledges receipt of the above application on 6 March 2018 and wishes to advise that the application was assessed and decided under delegated authority on 20 April 2018 with a recommendation of approval. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below.

**Applicant details**

---

Applicant name: BNC Planning Pty Ltd

**Location details**

---

Street address: 23 - 31 Gill Street  
Real property description: Lot 1 on RP700200  
Current lawful use: Commercial Use  
Local government area: Charters Towers Regional Council

**Application details**

---

Application number: BWAP 18/28  
Approval type: Preliminary Approval  
Development type: Building Works Assessable  
Category of assessment: Code Assessment  
Description of development: Internal fit out and alterations to the external façade  
Definition of use: N/A  
Categorising instrument: Charters Towers Planning Scheme 2011

**1. Details of the approval**

---

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

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Carrying out building work ( <i>assessable under the Building Act 1975</i> )	Schedule 9, part 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 2. Conditions of approval

Conditions of this approval are included within **Attachment 1**.

## 3. Approved plans and specifications

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

Drawing Title:	Author:	Date:	Sheet Name:	Revision:
JLL1702-WD-02	Tippett Schrock Architects	29 November 2017	Floor Plan	A
JLL1702-WD-10	Tippett Schrock Architects	30 November 2017	Site Plan	A
JLL1702-WD-06	Tippett Schrock Architects	29 November 2017	Signage Details	A

The approved plans in relation to this approval are included within **Attachment 2**.

## 4. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of 2 years.

## 5. Further development permits

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

1. Building Works – Class 5

## 6. Referral agencies

There were no Referral agencies for this application.

The conditions imposed by the referral agencies are included within **Attachment 1**.

## 8. Notice of reasons

The notice of reasons are included within **Attachment 3**.

## 9. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

## 10. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application 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.qld.gov.au/courts/planning-and-environment-court>.

*Appeal by an applicant*

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the development application;
- A provision of the development approval;
- The decision to give a preliminary approval when a development permit was applied for; or
- A deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

*Appeal by a submitter*

A submitter for a development application may appeal to the Planning and Environment Court against:

- Any part of the development application for the development approval that required impact assessment; or
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

For further information please contact Council's Prue Miller, Project Officer, 07 4761 5526.

Yours faithfully



David Metcalfe  
Assessment Manager  
Director Planning & Community Services



## Attachment 1—Conditions of the approval

### Part 1—Conditions imposed by the assessment manager

Condition Number	Condition	Timing																				
Approved Plans/Documents																						
1.	<p>Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</p> <table><tr><th>Drawing Title:</th><th>Author:</th><th>Date:</th><th>Sheet Name:</th><th>Revision:</th></tr><tr><td>JLL1702-WD-02</td><td>Tippett Schrock Architects</td><td>29 November 2017</td><td>Floor Plan</td><td>A</td></tr><tr><td>JLL1702-WD-10</td><td>Tippett Schrock Architects</td><td>30 November 2017</td><td>Site Plan</td><td>A</td></tr><tr><td>JLL1702-WD-06</td><td>Tippett Schrock Architects</td><td>29 November 2017</td><td>Signage Details</td><td>A</td></tr></table>	Drawing Title:	Author:	Date:	Sheet Name:	Revision:	JLL1702-WD-02	Tippett Schrock Architects	29 November 2017	Floor Plan	A	JLL1702-WD-10	Tippett Schrock Architects	30 November 2017	Site Plan	A	JLL1702-WD-06	Tippett Schrock Architects	29 November 2017	Signage Details	A	At all times
Drawing Title:	Author:	Date:	Sheet Name:	Revision:																		
JLL1702-WD-02	Tippett Schrock Architects	29 November 2017	Floor Plan	A																		
JLL1702-WD-10	Tippett Schrock Architects	30 November 2017	Site Plan	A																		
JLL1702-WD-06	Tippett Schrock Architects	29 November 2017	Signage Details	A																		
Special																						
2.	The applicant is to re-design and re-submit to Council an alternate all access design in accordance with AS1428 Design for access and mobility and the <i>Disability Discrimination Act 1992</i> without compromising the integrity of the existing heritage values of the premises. The all access design is not to remove, alter or damage the existing marble step located at the shop front of the premises.	Prior to the lodgement of Development Application for Building Works.																				
General																						
3.	The applicant is to comply with all the conditions of this development permit, undertake and meet the cost of all works reasonably associated with the development including any necessary alteration, relocation or damage of services, public utility mains and installation costs.	At all times																				
4.	Where discrepancy or conflict exists between the conditions of this development permit and the approved plan/documents, the requirements of the condition(s) will prevail.	At all times																				
5.	The applicant is to repair any damage to existing kerb and channel, footpath, roadway or other infrastructure that may occur during any works carried out in association with the development.	As part of construction works																				
6.	Any relocation and/or alteration to any public utility installation required because of any works carried out about this development must be carried out by the applicant and at no cost to Council in accordance with the relevant Council policy and/or Australian Standard.	As part of construction works																				
Environmental																						
7.	Hours of construction must be in accordance with the provisions of any relevant local law or, in the absence of any relevant local law, the hours of construction must be limited to 0630-1830 Monday to Saturday and not at all on Sunday and public holidays, unless otherwise approved in writing by Council. Noise generated from construction must be in accordance with the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 2008</i> .	As part of construction works																				
8.	The applicant is to ensure that construction works occur so they do not cause unreasonable interference with the amenity of adjoining premises	As part of construction																				





Condition Number	Condition	Timing
	because of noise, vibration, electrical or electronic interference, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	works and thereafter
9.	The applicant is to ensure that the site including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state.	As part of construction works and thereafter
10.	All construction materials, wastes, waste skips, machinery and contractor's vehicles must be located and stored or parked within the site.	As part of construction works
<b>Building Works</b>		
11.	The applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the <i>Planning Act 2016</i> . Construction is to comply with the <i>Building Act 1975</i> , the <i>National Construction Code</i> and the requirements of other relevant authorities.	Prior to construction works
12.	Outdoor lighting is to comply with <i>Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting</i> . All lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.	At all times
<b>Transport and Access</b>		
13.	The applicant shall, if works are required, lodge and obtain approval for an application to carry out public access/footpath work as part of works within the Council controlled road reserve.	Prior to works within Council's road reserve
<b>Screening</b>		
14.	Install and maintain suitable screening to all air conditioning, plant and service facilities. Screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building.	Prior to the commencement of use and thereafter
<b>Loading and unloading of goods</b>		
15.	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 the loading or unloading of goods/cars on the public roadway system or verge be permitted.	At all times
End of assessment manager's conditions		

<b>Advisory Notes</b>	
<b>Hours of Work</b>	
A	Hours of construction and construction noise must be in accordance with any relevant local laws and/or the <i>Environmental Protection (Noise) Policy 2008</i> . To the extent there is an inconsistency, whichever is higher prevails.
<b>Aboriginal and Cultural Heritage</b>	
B	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> require anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. For further information please visit: <a href="https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care">https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care</a>



Workplace Health and Safety	
C	Ensure compliance with the <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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	
D	<p>Ensure compliance with the <i>Environmental Protection Act 1994</i>. 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.</p> <p>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.</p>
End of advisory notes	

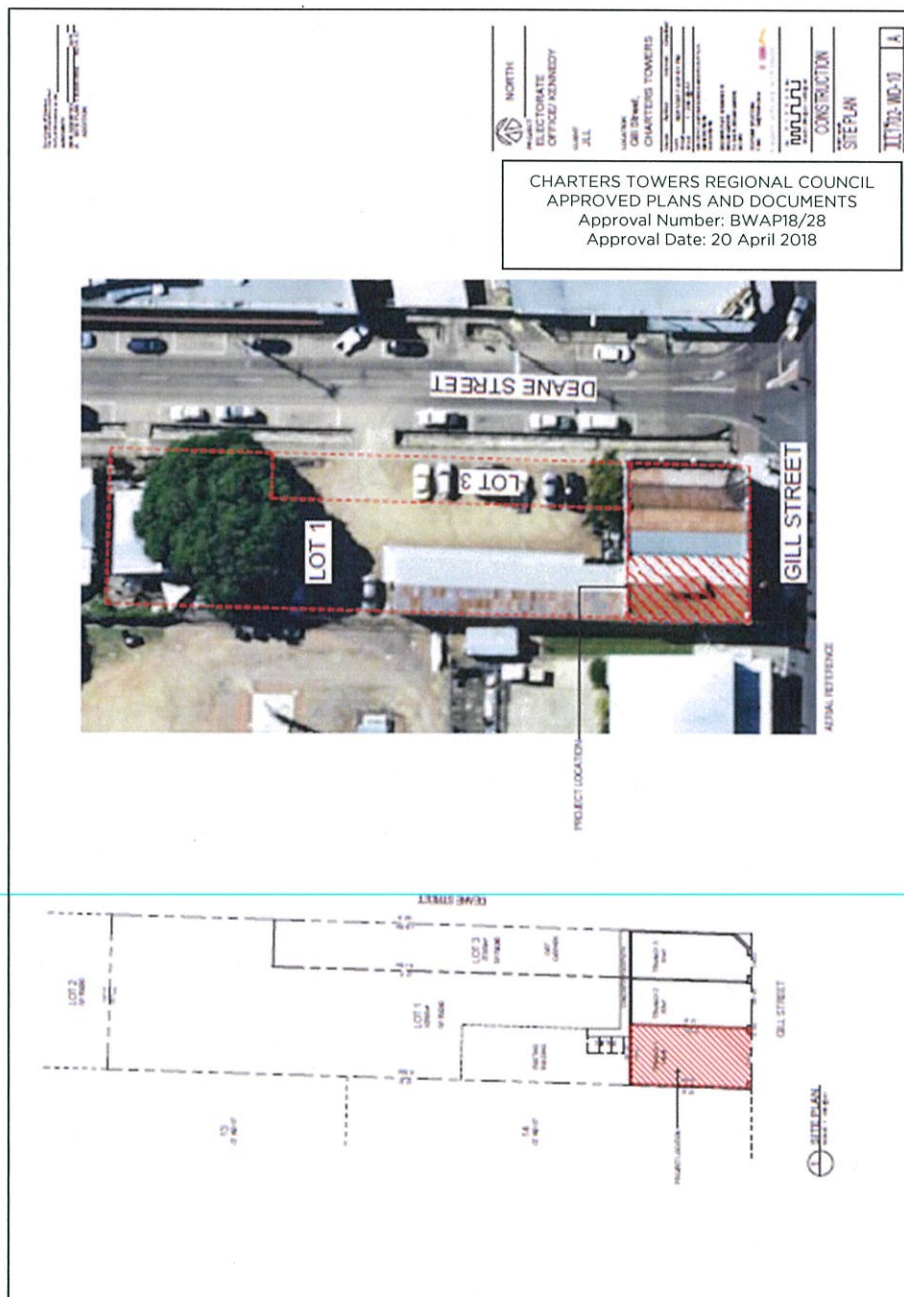
**Part 2—Conditions required by the referral agency response**

Not applicable.





## Attachment 2—Approved Plans

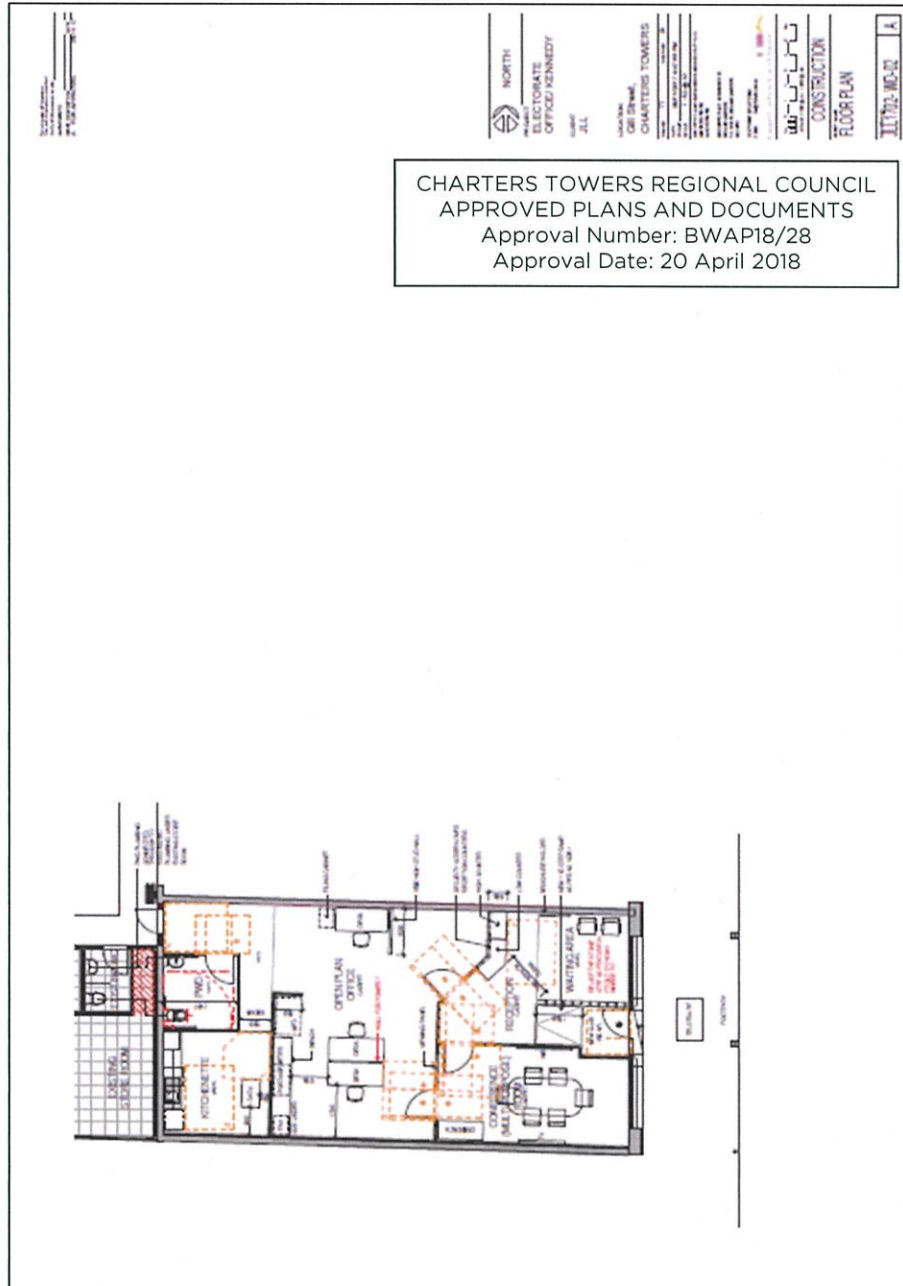


PO Box 189 Charters Towers Qld 4820

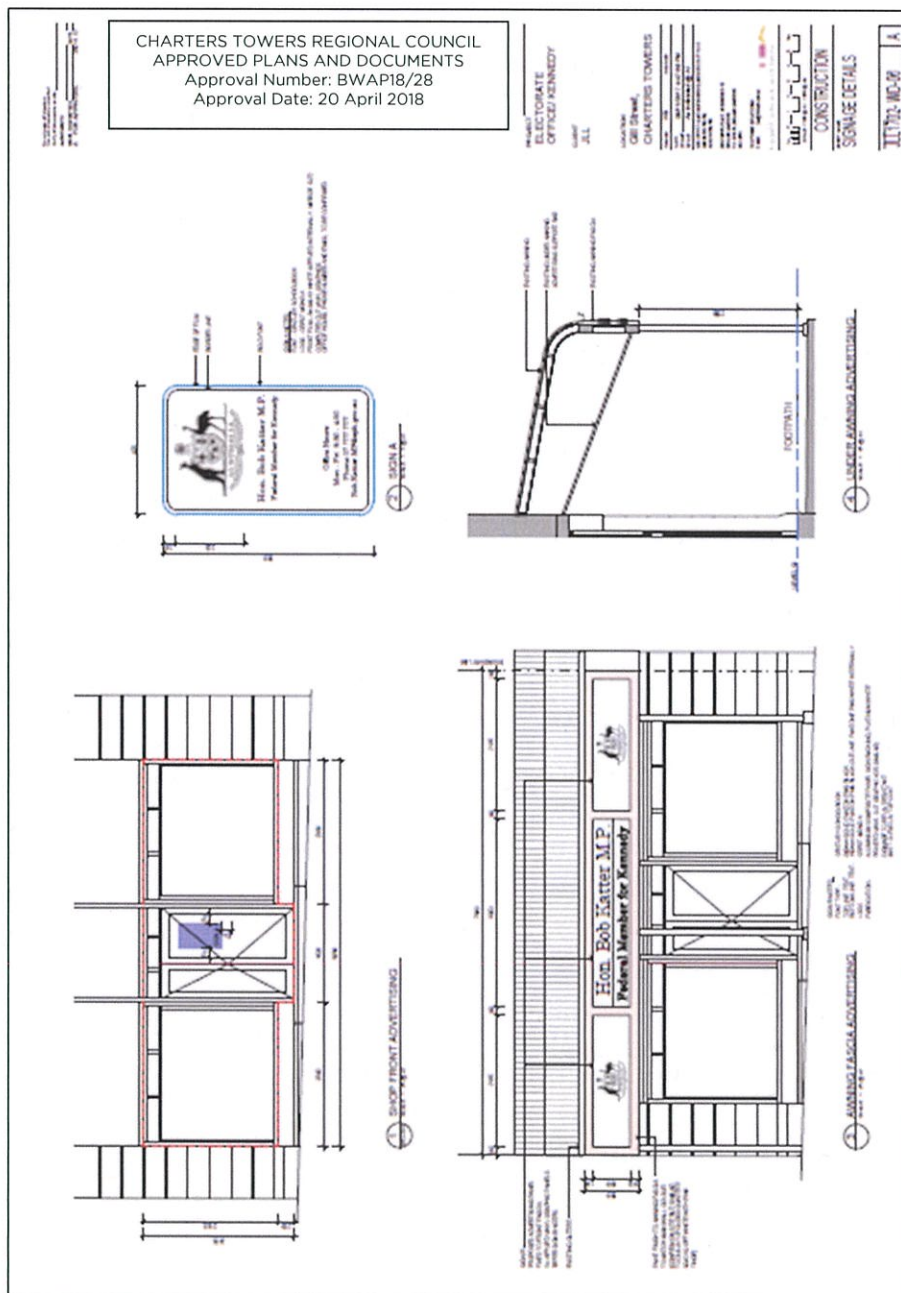
**ADMINISTRATION:** 12 Mosman Street Charters Towers Qld 4820 Australia

**PH.** (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** [mail@charters Towers.qld.gov.au](mailto:mail@charters Towers.qld.gov.au) | **ABN.** 67 731 313 583

[www.charters Towers.qld.gov.au](http://www.charters Towers.qld.gov.au)







PO Box 189 Charters Towers Qld 4820

**ADMINISTRATION:** 12 Mosman Street Charters Towers Qld 4820 Australia

**PH.** (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** [mail@charterstowers.qld.gov.au](mailto:mail@charterstowers.qld.gov.au) | **ABN.** 67 731 313 583

[www.charterstowers.qld.gov.au](http://www.charterstowers.qld.gov.au)



### Attachment 3—Notice of reasons

This notice is prepared in accordance with s63(5) 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. This includes 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*.

<b>Description of the development:</b>	Building Works Assessable against the Planning Scheme	
<b>Assessment benchmarks:</b>	The proposed development was assessed against the following assessment benchmarks: <ul style="list-style-type: none"> <li>Heritage Overlay Code</li> </ul>	
<b>Relevant matters:</b>	Not applicable – code assessable	
<b>Matters raised in submissions:</b>	Not applicable – code assessable	
<b>Reasons for decision:</b>	The development was assessed against all the assessment benchmarks listed above and complies with all, with the exceptions listed below:	
	<b>Assessment benchmark:</b>	<b>Reasons for the approval despite non-compliance with benchmark:</b>
	Heritage Overlay Code Overall Outcome (b)	<p>The development application has been Conditioned to comply with Specific Outcome 5 and 6. Council is requesting that the proposed works are redesigned to respect the cultural heritage of the step and building at large.</p> <p>It is acknowledged that the existing door does not represent cultural or heritage values. Notwithstanding this the sill and markings/lettering within the sill are of significant cultural and heritage value. The applicant has stated in the common material that the works is reversible - however no guarantee can be provided that the sill will not break/ascertain damage throughout the removal process. It is concluded that the removal of the step does not protect and maintain heritage values in the use, re-use, and development of places that are of heritage significance.</p>
	Heritage Overlay Code Specific Outcome 5 and 6	<p>The development application has been Conditioned to comply with Specific Outcome 5 and 6. Council is requesting that the proposed works are redesigned to respect the cultural heritage of the step and building at large.</p> <p>Council assessment of the proposal concludes that the removal of the step and subsequent alterations/cutting of the concrete slab to provide a compliant gradient does not retain the cultural heritage significance. The changes to the access door and subsequent heights further impacts on the level of heritage value retention.</p>

