



Our Ref: PA19-04
Your Ref: P71993

24 March 2020

Yarrabah Aboriginal Shire Council
C/- Planz Town Planning
PO Box 181
Edge Hill QLD 4870

Attention: Susie Lord

Dear Susie

**Decision Notice - approval (with conditions) for a Development Permit:
Material Change of use – Shopping Centre and Office**
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Yarrabah Aboriginal Shire Council on 18 March 2020. The Department of Aboriginal and Torres Strait Islander Partnerships prepared the report for as Assessment Manager).

Applicant details

Applicant name: Yarrabah Aboriginal Shire Council
C/- Planz Town Planning

Applicant contact details: PO Box 181
Edge Hill Qld 4870

Email address: info@planztp.com

Application details

Application number: PA19-04

Approval sought: Development Permit for a Material Change of Use

Description of the development: Shopping Centre and Office

Location details

Street address: Point Road and Noble Drive, Yarrabah
Real property description: Lot 907 SP284220; Lot 603 SP167913; Lot 213 SP284220

Decision

Date of decision: 18 March 2020

Decision Details: Approved in full with conditions. These conditions are set out in **Attachment 1** and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Details of the approval

Development Permit Material Change of Use

Conditions

This approval is subject to the conditions in **Attachment 1**.

Further development permits

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

1. Operational Works
2. Building Work
3. Plumbing and Drainage Work.

Properly made submissions

The application was code assessable. No submissions were received.

Referral Agencies

There were no referral agencies for the application.

Currency period for the approval

The use must be commenced within a period of six (6) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

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*. For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*). A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (**Attachment 2**).

Approved plans and specifications

Copies of the following plans are enclosed.



Plan / Document Name	Number	Reference	Date
Site Plan	Issue G	SD1002	08/11/2019
Yarrabah Retail Centre – Site Plan	A	SK-01	20/09/2019
Yarrabah Retail Centre - Floor Plan	A	SK-02	20/09/2019
Yarrabah Retail Centre – Elevations		SK-03	12/09/2019
Yarrabah Retail Centre – Elevations		SK-04	12/09/2019
Yarrabah Retail Centre – Reference Images		SK-05	12/09/2019
Yarrabah Retail Centre – Preliminary Construction Staging Plan		SK-06	19/09/2019
Yarrabah Retail Centre – Proposed Stage 2		SK-7	19/09/2019
Civil Works Plan	Rev 2	Q194102-C1-001	05/11/2019
Landscape Schematic Design	Rev 3	L1.01, L1.02	10/2019

Other details

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied upon when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Gerhard Visser of Department of Aboriginal and Torres Strait Islander Partnerships as the assessment manager on behalf of Yarrabah Aboriginal Shire Council on (07) 4252 5106.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Leon Yeatman', written over a white background.

Leon Yeatman
Chief Executive Officer

enc: **Attachment 1** – Conditions imposed by the assessment manager
Attachment 2 – Approved drawings
Attachment 3 – Extract of Appeal Provisions (Ch 6, Part 1 of the *Planning Act 2016*).

Copy to: Bianca Harris Senior Development Manager, Economic Development Queensland Bianca.Harris@dsmip.qld.gov.au
Gerhard Visser Department of Aboriginal & Torres Strait Islander Partnerships gerhard.visser@datsip.qld.gov.au

Attachment 1: Conditions of Approval
Shopping Centre and Office at Point Road and Noble Drive, Yarrabah

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| (1) | <p>Administration</p> <p>a) The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>b) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>c) The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards.</p> <p>d) The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p> | At all times |
| (2) | <p>Currency Period</p> <p>The currency period applicable to this approval: MCU & OW– 6 Years</p> | As per condition |
| (3) | <p>Approved Plans</p> <p>a) The development of the site is to be generally in accordance with the Approved Plans of Development, except as altered by any other condition of approval.</p> <p>b) Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the conditions of approval must prevail.</p> <p>c) Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the commencement of use.</p> | At all times |
| (4) | <p>General</p> <p>a) The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.</p> <p>b) All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made at the rate applicable at the time of payment.</p> | At all times |
| (5) | <p>Infrastructure</p> <p>a) The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.</p> <p>b) Where utilities traverse the subject property to service another lot, an easement must be created or alternate measure be implemented to protect the service infrastructure, to the satisfaction of Council's delegated officer. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement document.</p> <p>c) All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.</p> | Prior to the endorsement of certificate of occupancy |



- (6) **Water** Prior to the endorsement of certificate of occupancy
- a) The developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
 - b) The lots must be amalgamated prior to the commencement of the use; or A water service connection must be provided to each of the proposed lots in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (7) **Sewer** Prior to the endorsement of certificate of occupancy
- a) The developer is required to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
 - b) The lots must be amalgamated prior to the commencement of the use; or A sewer service connection must be provided to each of the proposed lots in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (8) **Stormwater / Drainage** Prior to the endorsement of certificate of occupancy
- a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
 - b) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
 - c) A drainage easement must be provided over the proposed stormwater drainage alignment and the existing drainage channel to Red Beach Road, to the satisfaction of Council's delegated officer.
 - d) The approved easement documents must be submitted at the same time the applicant/developer seeks endorsement of the plan of survey and must be lodged and registered with the Department of Natural Resources & Mines in conjunction with the plan of survey.
- (9) **Access** Prior to the endorsement of certificate of occupancy
- a) Access provision to all proposed allotments must be provided/constructed in accordance with FNQROC Development Manual standards (as amended). to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.
- (10) **Acid Sulfate Soils** At all times
- a) The potential disturbance and exposure of Acid Sulfate Soils must be monitored during the construction period.
 - b) If Acid Sulfate Soils is exposed it must be treated and disposed of to comply with industry standards.

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| (11) | Development | At all times |
| | <ul style="list-style-type: none"> a) The floor levels of the structures must comply with the requirements of; <ul style="list-style-type: none"> • MP 3.5 – Construction of buildings in flood hazard areas c) The new structures floor level must comply with the Yarrabah Council’s Define Flood Level of 1.9m AHD. d) The new structures must be designed in accordance with Australian Standards to withstand wind loads to at least the 0.2% (1 in 500) AEP wind event. b) The new structures within the storm tide areas should be designed to minimise the potential damage caused by storm tide and breaking waves. | |
| (12) | Construction | At all times |
| | <ul style="list-style-type: none"> a) Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety. | |
| (13) | Damage to Infrastructure | At all times |
| | <ul style="list-style-type: none"> a) In the event that any part of Council’s infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council. All works must be completed prior to the issue of a Compliance Certificate for the Plan of Survey. | |
| (14) | Sediment Management | At all times |
| | <ul style="list-style-type: none"> a) Relevant mitigation measures must be undertaken during construction and maintenance to minimize the rates of soil loss and sediment movement impacts. | |
| (15) | Infrastructure Services | Prior to the endorsement of certificate of occupancy |
| | <ul style="list-style-type: none"> a) The applicant/developer must ensure that an appropriate level of electricity supply is provided to the proposed lots; and/or b) Electricity provision certificate must be provided to the Local Authority c) The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to Proposed Lots and arrange provision of necessary conduits and enveloping pipes; and/or d) Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority. | |

Attachment 2 – Approved drawings

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ABN: 30 977 526 871

Attachment 3 – Extract of Appeal Provisions (Ch 6, Part 1 of the *Planning Act 2016*).
