

13/09/2023

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

Your Reference:
Our Reference: DA230046

Leslie Ellis
10 Barrow Street
GAYNDAH QLD 4625

Dear Sir

RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HOME-BASED BUSINESS (MECHANIC) AT 10 BARROW STREET, GAYNDAH; LAND DESCRIBED AS 1RP117146

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 17 August 2023 and taken to be properly made on 18 August 2023.

Please find attached the Decision Notice for the above-mentioned development application.

Sections 71 and 72 of the Planning Act 2016 identifies when a development approval has effect and the development may start. In summary, a development approval generally has immediate effect, except when—

- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

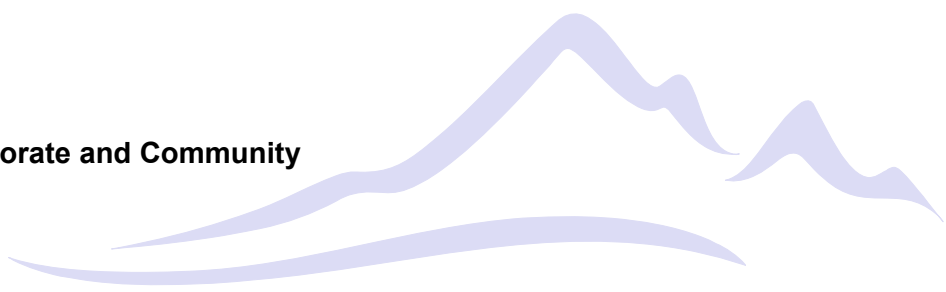
Please quote Council's application number: DA230046 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely,

for 

Kim Mahoney
General Manager – Corporate and Community

Enc: Decision notice
Approved plans



Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 17 August 2023 The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Leslie H Ellis
 Postal Address: 10 Barrow Street
 GAYNDAH QLD 4625
 Email: ellisfive@aapt.net.au
 Phone No.:
 Mobile No.: 0475 463 710

Location details

Street address: 10 BARROW STREET, GAYNDAH
 Real property description: 1RP117146
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230046
 Approval sought: Development Permit
 Description of development proposed: Material change of use — Home-based Business (Mechanic)

Decision

Date of decision: 13 September 2023
 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 a concurrence agency imposed them.

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in attachment 3—

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site plan	NBRC	13/09/2023		

Conditions

This approval is subject to the conditions in Attachment 1 and 2. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Further development permits

Not applicable

Properly made submissions

Not applicable — No part of the application required public notification.

Referral agencies for the application

Not applicable — This application did not require referral to a concurrence agency.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.85>. A hard copy of section 85 of *Planning Act 2016* can be provided upon request.

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* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>) and Schedule 1 of the *Planning Act 2016* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>). 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* – <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6-pt.2>). A hard copy of the appeal rights extracted from the *Planning Act 2016* can be provided upon request.

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully

for 

Kim Mahoney

General Manager – Corporate and Community

Enc: Attachment 1-conditions imposed by assessment manager
Attachment 2-approved plans
Attachment 3-appeal rights

Attachment 1 – Conditions Imposed by Assessment Manager

General

- 1) Carry out the approved development in accordance with the approved plans and documents identified in section 5 “Approved plans” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans and documents, the conditions prevail.
- 3) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4) Comply with all the conditions of this development permit prior to commencement of the use, and maintain compliance whilst the use continues.

Use

- 5) The business hours of operation are Monday to Friday and 8am to 5pm, excluding public holiday.
- 6) Two (2) permanent residents of the dwelling are permitted to work within the business.
- 7) Only one (1) non-resident employee is permitted on the premises at any one time.
- 8) Total gross floor area for the business is 65m² within the garage/shed as marked on the approved site plan.
- 9) Total usable area as marked on the approved plans is not to exceed 325m².
- 10) Parking of two (2) customer vehicles at any one time is permitted within the parking area marked on the approved site plan.
- 11) Sale of any goods from the premises other than those manufactured or serviced in the home based business is not permitted.
- 12) Hiring out of materials, goods, appliances or vehicles is not permitted;
- 13) Display of goods are not to be visible from outside the premises.
- 14) Storage of goods external to the building is only permitted with the marked area on the approved site plan
- 15) Waste oils collected and stored onsite must not exceed 1000 litre and must be disposed / collected by a registered waste handler at least every two (2) years.
- 16) Storage of commercial quantities of chemicals, gases or other hazardous materials is not permitted.
- 17) Fuelling of vehicles is not permitted.
- 18) Servicing, repairing or inspecting vehicles over four (4) tonnes GVM is not permitted at 10 Barrow Street, Gayndah.
- 19) Servicing, repairing or inspecting vehicles while parked on Barrow Street is not permitted.

- 20) Servicing, repairing or inspecting vehicles over four (4) tonnes GVM is permitted offsite to 10 Barrow Street, Gayndah
- 21) Emissions of ash, dust, fumes, grit, noise, smell, oil, smoke, soot, steam, vapour, vibration, wastewater or waste products must comply with the *Environmental Protection Act (QLD) 1994*.

Infrastructure

- 22) Design and implement a stormwater drainage system connecting to a lawful point of discharge in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*.
- 23) Connect the premises to the reticulated water supply and sewerage systems, and provide internal infrastructure as required to satisfy the demands of the development.

Vehicle parking and access

- 24) No additional vehicle access crossovers are permitted to the site for the purpose of servicing the business.
- 25) Parking of two (2) customer or client vehicles at any one time is permitted within the parking area marked on the approved site plan.
- 26) Customer vehicles are not to park in front of any other dwelling along Barrow Street.
- 27) Commercial vehicles, associated with the operation of the business, and parking on the premises or in the street are not to exceed four (4) tonnes capacity.
- 28) One (1) delivery vehicle visit per day is permitted.

Lighting

- 29) Lighting to be used within the development is to be designed and installed in accordance with AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause nuisance to occupants, nearby residents or passing motorists.
- 30) The vertical illumination resulting from direct or indirect light from the premises is eight lux or less when measured at ground level at any point 1.5 metres outside the site.

Signage

- 31) One (1) business name sign not exceeding 0.3m² in area can be displayed on the premises.

Existing Services and Structures

- 32) Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve.

Advice to the applicant

- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the North Burnett Regional Council website (www.northburnett.qld.gov.au). For information about State and Commonwealth requirements please consult with these agencies directly.
- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting

Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

- The operator must comply with their obligations under the *Transport Operations (Road Use Management—Road Rules) Regulations 2009* and the *Work Health and Safety Act 2011* in relation to safety obligations associated with service and delivery vehicles entering and exiting the site. Refer to the QFleet driver safety fact sheet—reversing safely.



Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

Attachment 2 – Approved Plans

Intentionally left blank

Please refer to the following pages for approved plans.



While every care is taken to ensure the accuracy of this data, the North Burnett Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibilities and all liabilities (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you may incur as a result of the data being inaccurate or incomplete in anyway and for any reason.

Site Plan
 10 Barrow Street
 Gayndah Q 4627

9/13/2023
 1 : 434



Attachment 3 – Appeal Rights Planning Act 2016

Intentionally left blank

Please refer to attached document or

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>