



27 April 2023

Justin Griffiths
C/- Wall Planning & Environmental Consulting
Level 22, Northbank Plaza, 69 Ann Street
Brisbane QLD 4000

Sent via email: mail@wallplanning.com.au

Dear Renee

DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 20 April 2023, Longreach Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

1. APPLICATION DETAILS

Application Number: DA 22/23-003
Properly Made Date: 19 December 2022
Decision Date: 20 April 2023
Planning Scheme: *Longreach Regional Planning Scheme 2015 (v2.1)*

2. APPLICANT DETAILS

Name: Justin Griffiths
C/- Wall Planning & Environmental Consulting
Postal Address: Level 22, Northbank Plaza, 69 Ann Street
Brisbane QLD 4000
Email Address: mail@wallplanning.com.au

3. PROPERTY DETAILS

Street Address: 41 Plover Street, Longreach
Real Property Description: Lot 1 on SP302027

Local Government Area: Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for a Club, Indoor Sport and Recreation, Educational Establishment and a Multiple Dwelling (4 units)

5. CURRENCY PERIOD

The currency period for this development approval is six (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.)

6. ASSESSMENT MANAGER CONDITIONS

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.4 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed by Council to create a hazard to the community, it must be repaired immediately.
- 1.5 All development conditions contained in this development approval about *infrastructure* under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.
- 1.6 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, and to be maintained at all times thereafter, unless otherwise stated.

APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this approval:

Plan/Document Name	Plan/Document Number	Revision	Date
Site Plan	SK1	-	28 November 2022 (Received date)
Plans	SK2	-	28 November 2022 (Received date)
Elevations	SK3	-	28 November 2022 (Received date)

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

3.0 HOURS OF OPERATION

3.1 Hours of operation are limited to the following:

- Club and Indoor Sport and Recreation - 4pm – 9pm – Monday to Sunday
- Educational Establishment – 7.30am – 6pm – Monday to Friday.

4.0 ACCESS AND PARKING WORKS

4.1 Provide a minimum twenty (20) car parking spaces for the shared use of the Club, Indoor Sport and Recreation and Educational Establishment uses.

4.2 Provide a minimum four (4) car parking spaces for residents and a minimum two (2) car parking spaces for visitors for the Multiple dwelling.

4.3 All car parking spaces must be clearly delineated by either line-marking or signage.

4.4 Design, construct and maintain sealed car parking spaces and vehicle manoeuvring areas associated with the approved development to the satisfaction of Council.

4.5 Design, construct and maintain all car parking and access works generally in accordance with the approved plans, *Australian Standard AS2890 "Parking Facilities"* (Parts 1 to 6), *Manual of Uniform Traffic Control Devices (Queensland)*, and *Planning Scheme Policy 1 – Works*.

4.6 Construct and maintain a new crossover to the Multiple dwelling from Plover Street in accordance with the approved plans and the *Institute of Public Works Engineering Australia Standard Drawing No. RS-049*.

4.7 Upgrade the existing crossovers to Crane Street to ensure they are designed and constructed in accordance with the *Institute of Public Works Engineering Australia Standard Drawing No. RS-049*.

5.0 STORMWATER WORKS

5.1 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.

Advisory Note: Stormwater run-off from new sealed access and parking areas must not be concentrated to a single point of discharge and rather will likely need to sheet-flow to garden and grassed areas.

- 5.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

6.0 SERVICES

- 6.1 Maintain all reticulated water and sewerage connections to the premises in accordance with the standards prescribed in Table SC5.1.2.6 (Water and Sewer Standards) of *Planning Scheme Policy 1 – Works*. Each use is to be connected to Council's reticulated water and sewer services.
- 6.2 Maintain electricity and telecommunication services to the premises in accordance with the standards and requirements of the relevant service provider. Each use is to be connected to electricity and telecommunications services.

7.0 LANDSCAPING AND FENCING

- 7.1 Establish and retain all landscaping generally in accordance with the approved plans. Provide a minimum 1m landscape buffer to the western boundary of the Multiple dwelling.


The landscaping must predominantly contain species that are endemic to the region due to their low water dependency.

- 7.2 Ensure the landscaped areas are subject to water and maintenance during the establishment phase, and an ongoing maintenance and replanting programme as required.
- 7.3 Provide a maximum 1.2m fence to the Plover Street and Cassowary Street frontages of the Multiple dwellings.

8.0 ENVIRONMENTAL HEALTH

- 8.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, vibration, odour, fumes, smoke, vapour, steam soot, ash, waste water, waste products, oil or otherwise
- 8.2 Maintain outdoor lighting to comply with AS4282 – 1997 "*Control of Obstructive Effects of Outdoor Lighting*".
- 8.3 In accordance with the Environmental Protection (Waste Management) Regulations, all waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.

9.0 EROSION AND SEDIMENT CONTROL

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- 9.1 Implement and maintain an Erosion and Sediment Control Plan (ESCP) on-site for the duration of the works, and until such time as all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, and landscaped). The ESCP must be available on-site for inspection by Council Officers during the works.
 - 9.2 The Erosion and Sediment Control Plan must be prepared in accordance with the Best Practice Erosion and Sediment Control document from the International Erosion Control Association, as updated from time to time.
 - 9.3 Where any component of the works is to be undertaken during the wet season (October to May), the Erosion and Sediment Control Plan must be submitted to Council for approval, prior to commencement of the works.

Advisory note: Schedule 5.1.2.5 of the Longreach Regional Council Planning Scheme (v2.1) references the Director of Infrastructure Services to undertake the assessment of the ESCP.

10.0 CONSTRUCTION ACTIVITIES

- 10.1 Construction activity and noise must be limited during earthworks and construction of the approved development to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.
- 10.2 The construction of any works must be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the relevant provisions of Planning Scheme Policy No. 1 – Works Planning Scheme Policy under Schedule 5 of the Longreach Regional Planning Scheme 2015 (v2.1).
- 10.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

ADVISORY NOTES

1. Prior to commencing any construction activities, the applicant/developer may be required to obtain further development permits for operational work (for example, for the relocation of the sewer line if this is required), building work, and plumbing and drainage work, as required under relevant legislation for this work.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
3. General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash,

fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

4. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).

7. STATEMENT OF REASONS

7.1 Description of Development

- Development Permit for Material Change of Use for a Club, Indoor Sport and Recreation, Educational Establishment and a Multiple Dwelling (4 units)

7.2 Assessment Benchmarks

The following are the benchmarks that are applicable to this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none">• Part 3 (Strategic Framework)• Section 6.2.6 (Low Density Residential Code)• Section 7.2.1 (Airport Environs Overlay Code)• Section 7.2.2 (Flood Overlay Code)• Section 8.3.2 (Works Code)• Section 8.3.3 (Landscape Code)	<i>Longreach Regional Planning Scheme 2015 (v2.1)</i>

7.3 Relevant Matters

There are no relevant matters for this application.

7.4 Matters Raised in Submission

Public notification of the application was required, however no properly made submissions were received.

7.5 Reason for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- (a) The site has been used for various non-residential uses for over 30 years and the addition of the new uses will provide uses that contribute to the local community’s wellbeing and will also play a function in bringing the community together.
- (b) The site is unique and has been used for over 30 years for non-residential type uses. This proposal generally takes advantage of existing buildings and the only new building proposed is for a Multiple dwelling which is a residential use.
- (c) It is considered that the proposal will support the needs of the immediate community and will be compatible with the local character and amenity.
- (d) The development complies or can be conditioned to comply, with the relevant assessment benchmarks of the Planning Scheme.
- (e) The development does not compromise the relevant elements of the Central West Regional Plan or State Planning Policy.

8. REFERRAL AGENCIES



Nil

9. FURTHER DEVELOPMENT PERMITS REQUIRED

Where required, permits and approvals for building work, plumbing and any other related works should be obtained prior to commencement of the works authorised by this permit.

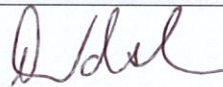
10. OTHER DETAILS

If you find any inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Longreach Regional Council on (07) 4658 4111 or via email assist@longreach.qld.gov.au.

11. DELEGATED PERSON


Name: Brett Walsh

Signature:




Date: 27 April 2022

Encl: Attachment 1 – Approved Plans
Attachment 2 – Appeal Rights



Attachment A – Approved Plans



Attachment B – Extract of Appeal Provisions (Chapter 6, Part 1 of the *Planning Act 2016*)

LONGREACH REGIONAL COUNCIL

**DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Development Permit for a Material Change of Use for a Club, Indoor Sport and Recreation, Educational Establishment and a Multiple Dwelling (4 units)

Address and RP Description: 41 Plover Street, Longreach (Lot 1 on SP302027)

Referred to in Council's Decision Notice

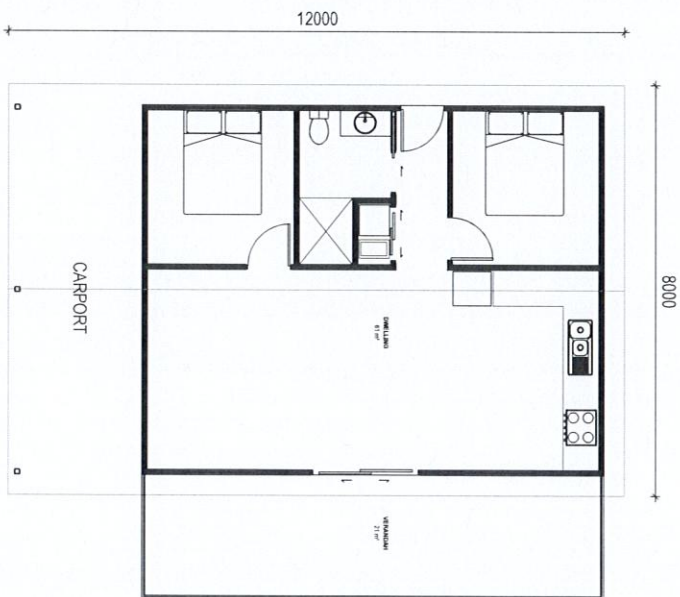
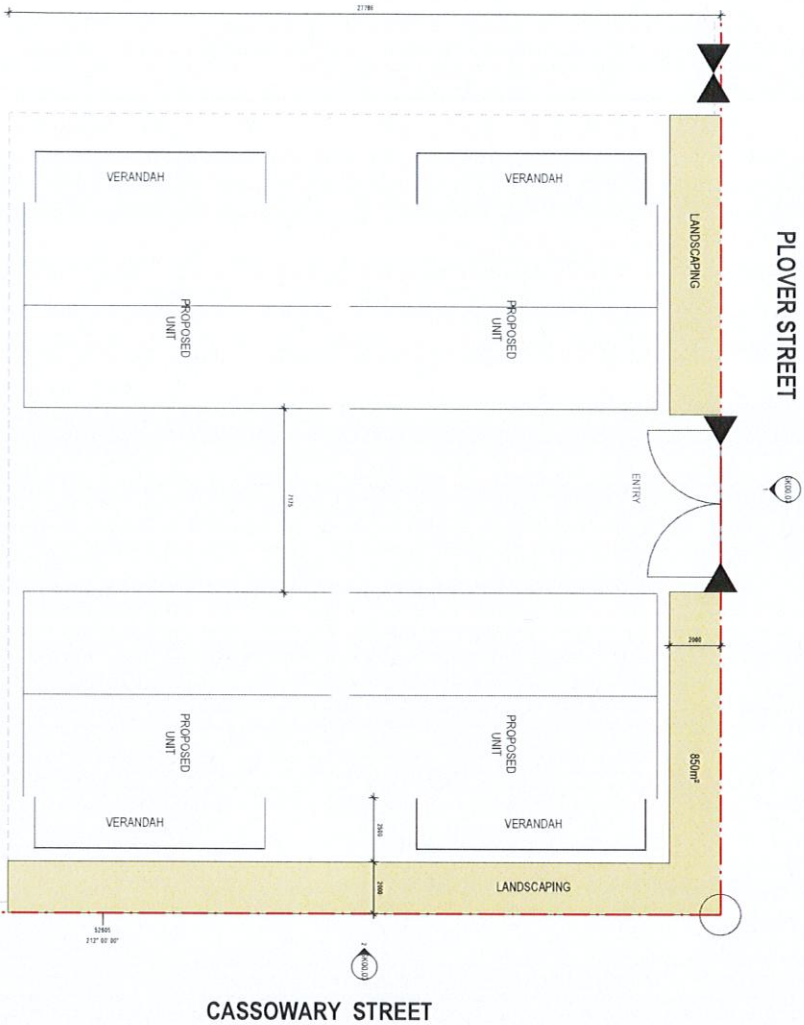
Approval Date: 20 April 2023

Application Number: DA 22/23-003

EXISTING USE RIGHTS
 MATERIAL CHANGE OF USE REQUIRED
 GATE
 FENCE

Address: 41 Plover St, Longreach
Property Description: Lot 1 on SP 302027
Area: 1,249 ha
Local Authority: Longreach





LONGREACH REGIONAL COUNCIL

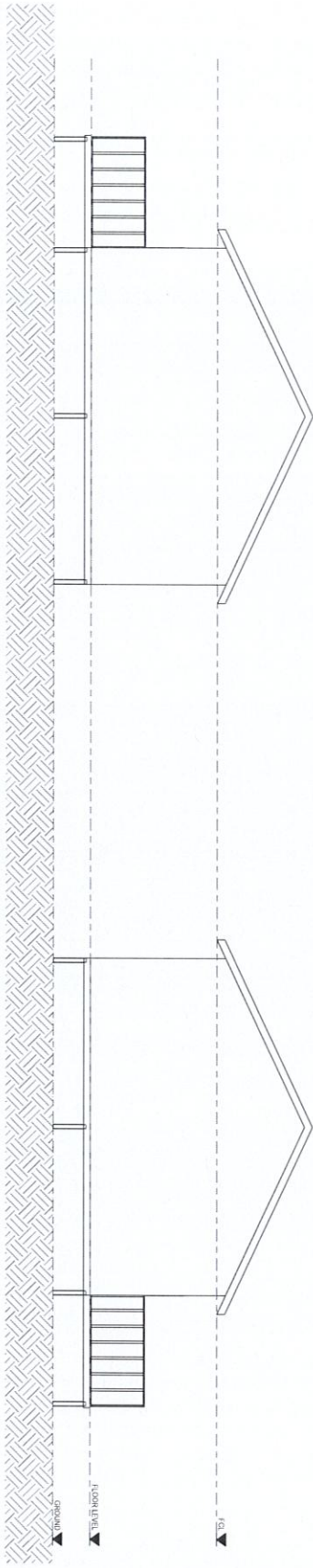
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for a Material Change of Use for a Club, Indoor Sport and Recreation, Educational Establishment and a Multiple Dwelling (4 units)
Address and RP Description: 41 Plover Street, Longreach (Lot 1 on Sp9302027)

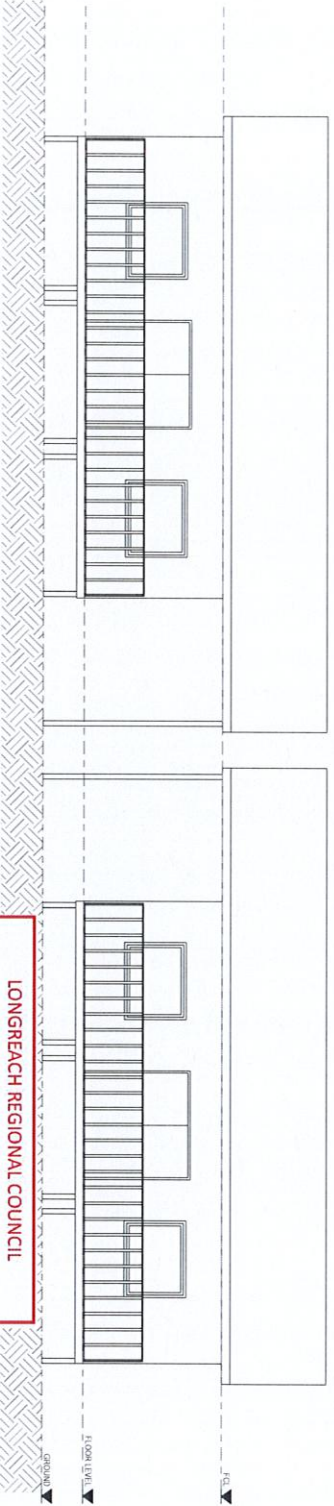
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1:50
Plover St Elevation



1:50
Cassowary St Elevation



LONGREACH REGIONAL COUNCIL
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APPROVED PLAN

Development Application: Development Permit for a Material Change of Use for a Club, Indoor Sport and Recreation, Educational Establishment and a Multiple Dwelling (4 units)
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Referred to in Council's Decision Notice

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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 the 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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 rules of the P&E Court.