



27 April 2023

Tanya & David Neal
C/- Michel Group Services Pty Ltd
PO Box 2695
Nerang BC QLD 4211

Sent via email: Leigh.fox@mgs-gc.com.au

Dear Leigh

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 22/23-004
Properly Made Date: 10 January 2023
Decision Date: 20 April 2023
Planning Scheme: *Longreach Regional Planning Scheme 2015 (v2.1)*

2. APPLICANT DETAILS

Name: Tanya & David Neal
C/- Michel Group Services Pty Ltd
Postal Address: PO Box 2695
Nerang BC QLD 4211
Email Address: Leigh.fox@mgs-gc.com.au

3. PROPERTY DETAILS

Street Address: Crossmoor Road, Longreach
Real Property Description: Lot 162 on CP851193

Local Government Area: Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (1 lot into 2 lots)

5. CURRENCY PERIOD

In accordance with section 85 (1) (b) (ii) of the *Planning Act 2016*, this development approval lapses if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within 4 years after the approval starts to have effect.

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
Subdivision Plan Lot 162 on CP851193 Crossmoor Road Longreach	19018-1	A	24/11/2022

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 ENDORSEMENT OF SURVEY PLAN

3.1 Council will not endorse or release the survey plan for this development until such time as:

- (a) All conditions of this development approval for Reconfiguring a Lot have been fully satisfied, unless the condition is otherwise stated as relating to a future land use;
- (b) A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and
- (c) All outstanding rates and charges relating to the site have been paid.

4.0 STORMWATER WORKS

4.1 Discharge all minor stormwater flows that fall or pass onto each lot to the lawful point of discharge without causing annoyance or nuisance to any person in accordance with the Queensland Urban Drainage Manual (QUDM).

5.0 WATER SUPPLY

5.1 Each lot must be provided with on-site water supply in accordance with Planning scheme policy 1 – Works.

6.0 SERVICES

6.1 Electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider. Each connection point must be wholly contained within the respective lot boundary.

6.2 Any service connection to an existing building that traverses a lot boundary is to be:

- (a) removed; or
- (b) relocated so that it does not traverse a lot boundary; or
- (c) covered by an easement.

7.0 ON-SITE SEWAGE TREATMENT & DISPOSAL

7.1 Each lot must maintain on-site sewage treatment and disposal in accordance with the requirements of the *Plumbing and Drainage Act 2018*, including the Queensland Plumbing and Wastewater Code, at all times.

8.0 ACCESS WORKS

8.1 Each lot must maintain separate access from Crossmoor Road.

9.0 ASSET MANAGEMENT

- 9.1 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 Reconfiguring a Lot (1 lot into 2 lots) as per Decision Notice DA 22/23-004.

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 7.2.1 (Airport Environs Overlay Code)• Section 7.2.2 (Flood Overlay Code)• Section 8.3.1 (Reconfiguring a Lot 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 proposal will formalise an existing situation.
- (b) The existing site is subject to a Flood Management Plan that can be utilised for the future lot reconfiguration, therefore minimising flood risk for the site.
- (c) The development can be appropriately serviced.
- (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.

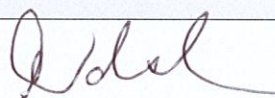
10. OTHER DETAILS

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

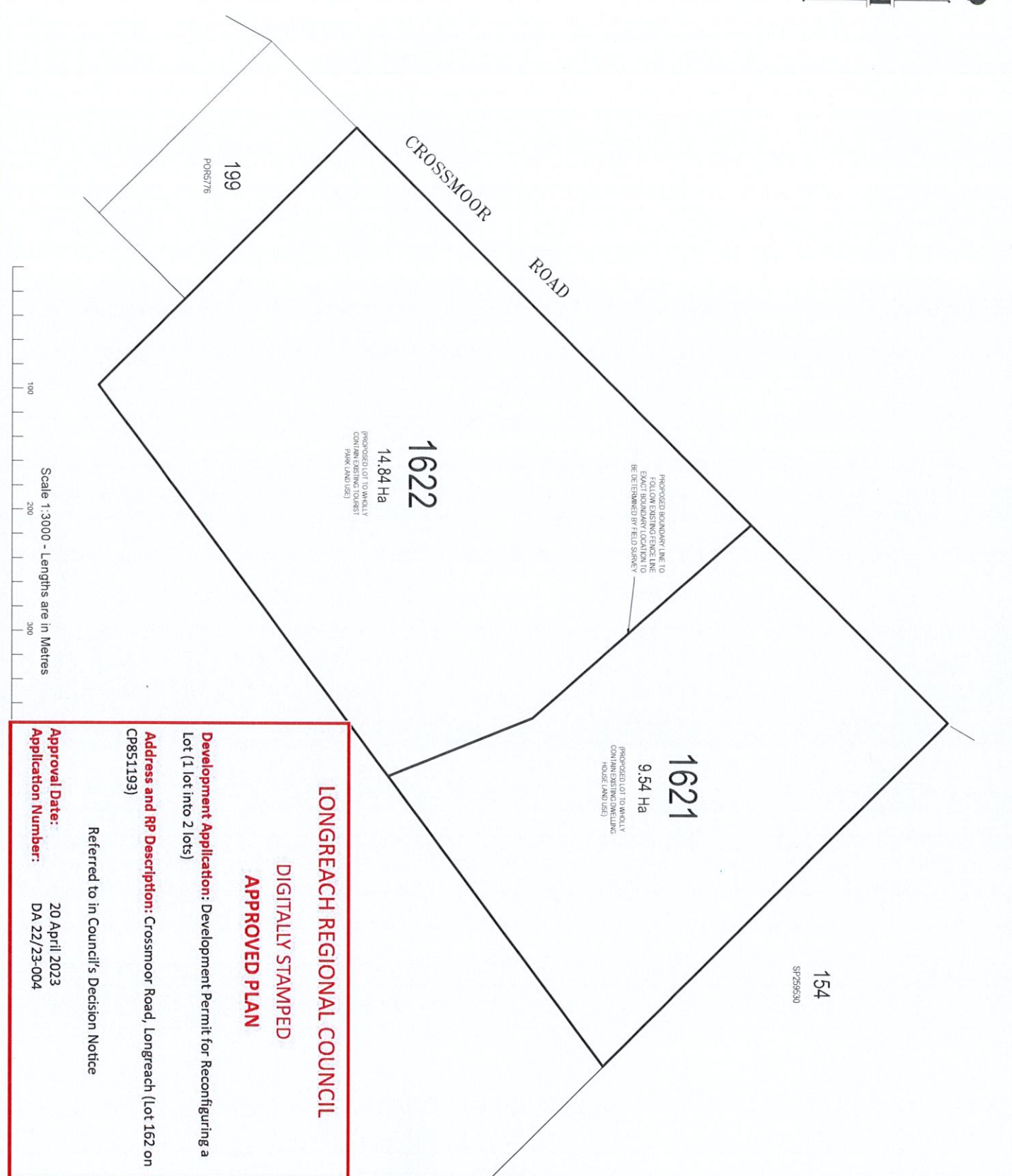
Encl: Attachment 1 – Approved Plan
Attachment 2 – Appeal Rights



Attachment A – Approved Plan



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



PROPOSED BOUNDARY LINE TO BE DETERMINED BY FIELD SURVEY
 EXACT BOUNDARY LOCATION TO BE DETERMINED BY FIELD SURVEY

PROPOSED LOT TO WHOLLY CONTAIN EXISTING DWELLING HOUSE (LAND USE)

PROPOSED LOT TO WHOLLY CONTAIN EXISTING TOWNHIST PARK (LAND USE)

LONGREACH REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot (1 lot into 2 lots)

Address and RP Description: Crossmoor Road, Longreach (Lot 162 on CP851193)

Referred to in Council's Decision Notice

Approval Date: 20 April 2023
Application Number: DA 22/23-004

ISSUE AMENDMENTS	SUBJECT	DATE
A	UPDATING BOUNDARY	16/12/22

- NOTES & DISCLAIMERS**
- This plan was prepared for TANVA & DAVID NEAL from existing records for the purpose of DESIGN and must not be used for any other purpose, particularly demolition, excavation or construction.
 - The title boundaries shown on this plan were not surveyed and have been compiled from CP851193 and not by field measurement and therefore could be subject to error.
 - Building locations shown on this plan are based on QLD Globe aerial photography and therefore may be incomplete and/or erroneous.
 - This note is an integral part of this plan.

NOTE

ALL LOT SIZES, EASEMENTS AND DIMENSIONS ARE SUBJECT TO SURVEY AND MAY DIFFER TO THIS PLAN AT THE TIME OF CREATION OF SURVEY PLAN

MICHEL
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PROJECT
 LOT 162 CROSSMOOR ROAD

CLIENT
 TANVA & DAVID NEAL

DRAWING TITLE
 SUBDIVISION PLAN
 LOT 162 ON CP851193
 CROSSMOOR ROAD
 LONGREACH

PARISH: LONGREACH		COUNTY: PORTLAND	
SCALE	DATE	DRAWN	DATE
1:3000 @ A3	23/11/2022	LF	
LEVEL DATUM	LEVEL ORIGIN	ORIGIN RL	
AMNUTH	COORD SYSTEM	COORD ORIGIN	
EASTING	NORTHING	SURVEYOR	
AUTOCAD FILE	SURVEY FILE	JOB No.	
CHECKED	QT	DATE IMAGED	
TR	TR	23/11/2022	
SHEET NUMBER 1 OF 2			
PANEL No.	ISSUE		
19018-1	A		

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.