



Your Reference:-
Our Reference: DA 18-19-015
Contact: Kelli Doyle

30 January 2019

Joanne Curtis
PO Box 182
Longreach QLD 4730
Brecken.Curtis@sproutag.com.au

Dear Joanne,

Decision notice - approval (with conditions)

(Given under section 63 of the *Planning Act 2016*)

The development application described below was properly made to Longreach Regional Council on 12 October 2018.

Applicant Details

Applicant Name: Mrs Joanne Curtis
Applicant contact details: PO Box 182, Longreach

Application details

Application Number: DA18/19-015
Approval sought: Development Permit for a Material Change of Use - Dwelling House (Shed)
Details of proposed development: The application seeks a development permit approval for a Material Change of Use - Dwelling House (Shed)

Location details

Street Address: 140 Cassowary Street, Longreach

Real property description: Lots 1 & 2 on RP617827

Decision

Date of decision: 24 January 2019

Decision details: Approved in full with conditions

Details of the approval

Development Permit Development Permit for a Material Change of Use - Dwelling House (Shed)

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 application can be carried out:

Building Works - Development Permit

Properly made submissions

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

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

A copy of the relevant appeal provisions are attached.

Currency period of the approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*, being:

- Material Change of Use - 6 years

Approved plans and specifications

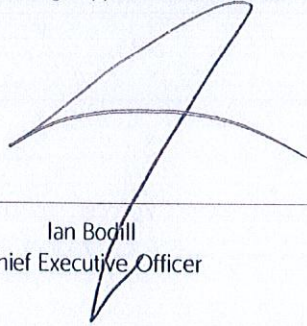
Drawing/report title	Prepared by	Date	Reference no.
Site plan	Unknown	20/12/2018	DA18/19-015 A



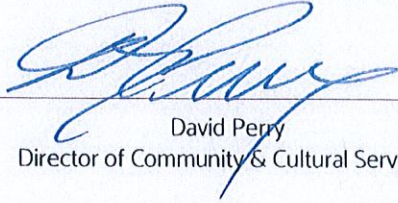
Proposed shed plans	Northern Engineers	Consulting	20/12/2018	DA18/19-015 B
---------------------	-----------------------	------------	------------	---------------

Should you require further assistance in relation to this matter, please do not hesitate to contact Kelli Doyle, Council's Town Planning Support Officer, on (07) 4658 4111.

Sincerely



Ian Bodill
Chief Executive Officer



David Perry
Director of Community & Cultural Services





**Longreach
Regional Council**
Ilfracombe Isisford Longreach Yaraka

Address all correspondence to:
Chief Executive Officer
PO Box 144, Ilfracombe QLD 4727
Tel: (07) 4658 4111 | Fax: (07) 4658 4116
Email: assist@longreach.qld.gov.au
ABN: 16 834 804 112

Your Reference:-
Our Reference: DA 18-19-015
Contact: Kelli Doyle

30 January 2019

Joanne Curtis
PO Box 182
Longreach QLD 4730
Brecken.Curtis@sproutag.com.au

Dear Joanne,

Statement of Reasons

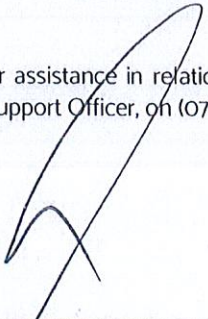
Reasons for decision

In accordance with Section 63(5)(d) of the *Planning Act 2016*, the reasons for Longreach Regional Council's decision to approve the proposed development are as follows:

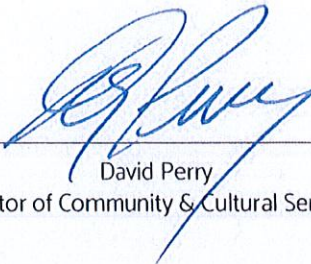
- the proposal is generally capable of complying with the requirements, performance criteria and acceptable solutions of the assessment benchmarks;
- the proposal is considered to be consistent with the character of the surrounding area;
- the proposal is ancillary in nature to the existing dwelling house;
- the proposal includes sufficient landscaping to soften the built form and enhance the character of Hawk Lane and Pelican Street;
- the site's unique location (surrounded by 3 roads and adjoined by only 1 neighbour) and the separation of the shed from the adjoining dwelling house maintain and protect residential amenity; and
- the proposal will remove goods currently stored in the Town Common.

Should you require further assistance in relation to this matter, please do not hesitate to contact Kelli Doyle, Council's Town Planning Support Officer, on (07) 4658 4111.

Sincerely



Ian Bodill
Chief Executive Officer



David Perry
Director of Community & Cultural Services

Longreach Regional Council – Standard Conditions for use in Development Assessment

1. NATURE OF DECISION

- 1.1 Approval is granted for a Development Permit for a Material Change of Use for a Dwelling house (Shed) at 140 Cassowary Street, Longreach on land described as Lots 1 & 2 on RP617827.

Relevant Period

- 1.2 The relevant period for this approval is in accordance with Section 85(1)(a) of the *Planning Act 2016*.

Compliance Timing

- 1.3 Comply with all conditions of this development approval at no cost to Council and prior to the commencement of the use, unless otherwise stated in a specific condition.

Notification of Commencement of Use

- 1.4 The applicant must give Council a written notice of commencement for the development which contains the following:
- a. application number;
 - b. site address;
 - c. name and telephone number (work and after hours) of a suitable contact person to arrange a site inspection;
 - d. the commencement date for the use.

Timing

The notification is to be sent directly to Council's Planning Department and must be provided within 1 week of the use commencing.

2. APPROVED DOCUMENTS

- 2.1 The development of the site must be carried out generally in accordance with the following approved plans and documents; except as altered by other conditions of this development approval:

Plan / Document Title	Drawing Number	Date	Prepared by
Site plan	No: 001	20/12/2018	C.J. Feltham Pty Ltd Town Planning and Project Management
Foundation plan and member layout	LGRH12503 Sheet 1 of 6	20/12/2018	Fair Dinkum Sheds
Elevations	LGRH12503 Sheet 2 of 6	20/12/2018	Fair Dinkum Sheds
Elevations	LGRH12503 Sheet 6 of 6	20/12/2018	Fair Dinkum Sheds

Decision notice and approved plans/drawings to be submitted with subsequent application(s)

- 2.3 A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building works application relating to or arising from this development approval.

Timing

As indicated within the wording of the condition.

Decision notice and approved plans/drawings to be retained on site

- 2.4 A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be

Timing

At all times.

read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

3. OPERATION AND USE

- 3.1 The approved development must be used only for storage ancillary to residential use on Lot 1 RP617827 and for no other purpose.

Timing:
At all times.

4. AMENITY

Location of equipment and ventilation units

- 4.1 All service equipment and mechanical ventilation associated with the use of the premises must be installed, located and screened to the satisfaction of the Chief Executive Officer and must not cause nuisance or disturbance to persons outside the boundaries of the premises.

Timing
At all times once use has commenced.

Roof to be non-reflective

- 4.2 The roof must be constructed with non-reflective finishes so as not to cause glare or other nuisance to surrounding residents, to the satisfaction of the Chief Executive Officer.

Timing
At all times.

Noise

- 4.3 Noise from any activities approved on the site must not cause environmental nuisance by exceeding the noise generation levels set out in the *Environmental Protection (Noise) Policy 2008*, as amended.

Timing
At all times.

Air quality

- 4.4 The release of noxious or offensive odours or any other noxious or offensive airborne contaminants outlined in the *Environmental Protection (Air) Policy 2008*, as amended and must not cause environmental nuisance.

Timing
At all times.

5. ACCESS, KERB & CHANNEL, FOOTPATHS

Design of cross-over

- 5.1 A vehicular crossing (driveway entry within the road reserve) must be designed and constructed by the applicant (at no cost to Council) in accordance with the Institute of Public Works Engineering Australia Standard Drawing RS-051.

Timing
Prior to the commencement of the use.

Reconstruction of kerb and channel/footpath

- 5.2 Where a kerb and channel/ footpath is removed or damaged, the applicant must reconstruct the kerb and channel/footpath for the full frontage of the development site, at no cost to Council in accordance with the Institute of Public Works Engineering Australia Standard Drawings RS-065 and RS-080.

Timing
Prior to the commencement of the use.

Redundant vehicular crossings

Timing

- 5.3 All redundant vehicle crossings must be removed and kerb and channel reinstated. The removal and reinstatement must be to the satisfaction of the Chief Executive Officer, at no cost to Council. **Timing**
Prior to the commencement of the use.

6. LANDSCAPING

- Landscaping to be undertaken in accordance with approved plans** **Timing**
6.1 Landscaping is to be undertaken generally in accordance with approved plan titled *Site plan, No. 001, dated 20/12/18, prepared by C.J. Feltham Pty Ltd Town Planning and Project Management.* **Timing**
Prior to the commencement of the use.

- Use of quality landscape materials** **Timing**
At all times.

- 6.2 All plants, materials, hardscape and watering systems shown on the approved site plan must be of acceptable quality consistent with the outcomes of the Landscape Code in the *Longreach Regional Planning Scheme 2015* and be installed and maintained to the satisfaction of the Chief Executive Officer, prior to the commencement of the use.

7. CONSTRUCTION ACTIVITY AND NOISE

- Management of construction activity** **Timing**
At all times while works are occurring.

- 7.1 Construction activity must be limited to the hours of 6.30am to 6.30pm Monday to Saturdays, with no work to occur on Sundays or Public Holidays.

- 7.2 The release of dust and particulate matter from construction activities must not cause an environmental nuisance.

Noise management

- Timing**
At all times while works are occurring.
- 7.3 Noise from construction activities must not cause an environmental nuisance.

8. ENGINEERING

- Rectification** **Timing**
At all times

- 8.1 Be responsible for the full cost of any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

Stormwater Quantity - Connection

- Timing**
8.2 Connect the development to the existing stormwater system at no cost to Council. **Timing**
Prior to the commencement of the use.

Stormwater Quantity - Lawful Point of Discharge

- Timing**
8.3 Lawful point of discharge for the development is kerb and channel in Hawk Lane or Pelican Street. **Timing**
Prior to the commencement of the use.

8.4 Discharge all storm flows up to Q100 ARI that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

9. ELECTRICITY

Electricity - General

- 9.1 Provide electricity supply to the development in accordance with Schedule 5.1 of the Longreach Planning Scheme and the Energex - Underground Distribution Construction Manual.
- 9.2 Submit to Council written confirmation from an electricity provider that an agreement has been made for the supply of electricity to the development.
- 9.3 Do not install property poles; flying fox overhead connections.

Timing

Prior to the commencement of the use.

10. GENERAL

- 10.1 Pay all outstanding rates, sewerage, cleaning, water charges or other charges due to Council prior to the issuing of any building certification of the proposal.

Timing

As indicated within the wording of the condition

ADVICE

(a) When an Application Lapses

Should the development not be completed within the relevant period, this approval will lapse. A new application will need to be made to Council, unless an approval has been obtained for an extension of this period.

For your information

(b) Changes requiring further approval

Changes to the approved design that are not generally in accordance with the approved plans/drawings require approval in accordance with the *Planning Act 2016*.

For your information

The *Planning Act 2016* and *Development Assessment Rules* sets out the procedures for changing approvals where the change can be classified as a permissible change. If the change is not a permissible change, a new development approval is required.

(c) Appeal rights

(d)

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to Chapter 6 of the *Planning Act 2016*. A copy of that section is attached to the decision notice.

Timeframes associated with appeals are set out in attached information.

(e) Applicant's responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

For your information

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

- a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the *Environmental Protection Act 1994* of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity');
- c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);
- d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;
- i) Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds \$80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the *Building and Construction Industry (Portable Long Service Leave) Act 1991*; and
- ii) Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

(f) Aboriginal Cultural Heritage Act

The *Aboriginal Cultural Heritage Act 2003* ('AHCA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- a. Is not negated by the issuing of this development approval;
- b. Applies on all land and water, including freehold land;
- c. Lies with the person or entity conducting an activity; and
- d. If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that

For your information

which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the AHCA.