



Your Reference:
Our Reference: DA 18-19-036
Contact: Kelli Doyle

22 March 2019

Rodney Faggotter
122 Spoonbill St
Longreach QLD 4730
centretune@tpg.com.au

Dear Rodney,

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 February 2019.

Applicant Details

Applicant Name: Mr Rodney Faggotter
Applicant contact details: 122 Spoonbill St, Longreach

Application details

Application Number: DA18/19-036
Approval sought: Development Permit for a Material Change of Use - Warehouse
Details of proposed development: The application seeks a development permit approval for a Material Change of Use - Warehouse



Location details

Street Address: 124 Spoonbill St, Longreach

Real property description: Part of Lot 99 on L3579 and identified as the 'Development Envelope' on approved Site Plan, reference DA18/19-036 A, dated 18 March 2019

Decision

Date of decision: Thursday, 21 March 2019

Decision details: Approved in full with conditions

Details of the approval

Development Permit Development Permit for a Material Change of Use – Warehouse

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:

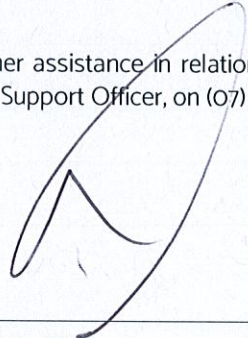
- Material Change of Use – 6 years

Approved plans and specifications

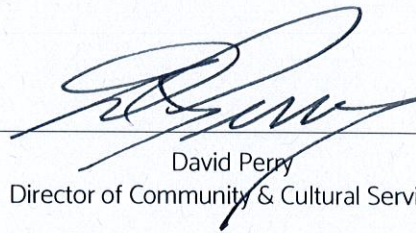
Drawing/report title	Prepared by	Date	Reference no.
Site Plan	Unknown	18 March 2019	DA18/19-036 A
Shed Floor and Elevation Plans	Longreach Bolted Sheds	18 March 2019	DA18/19-036 B

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

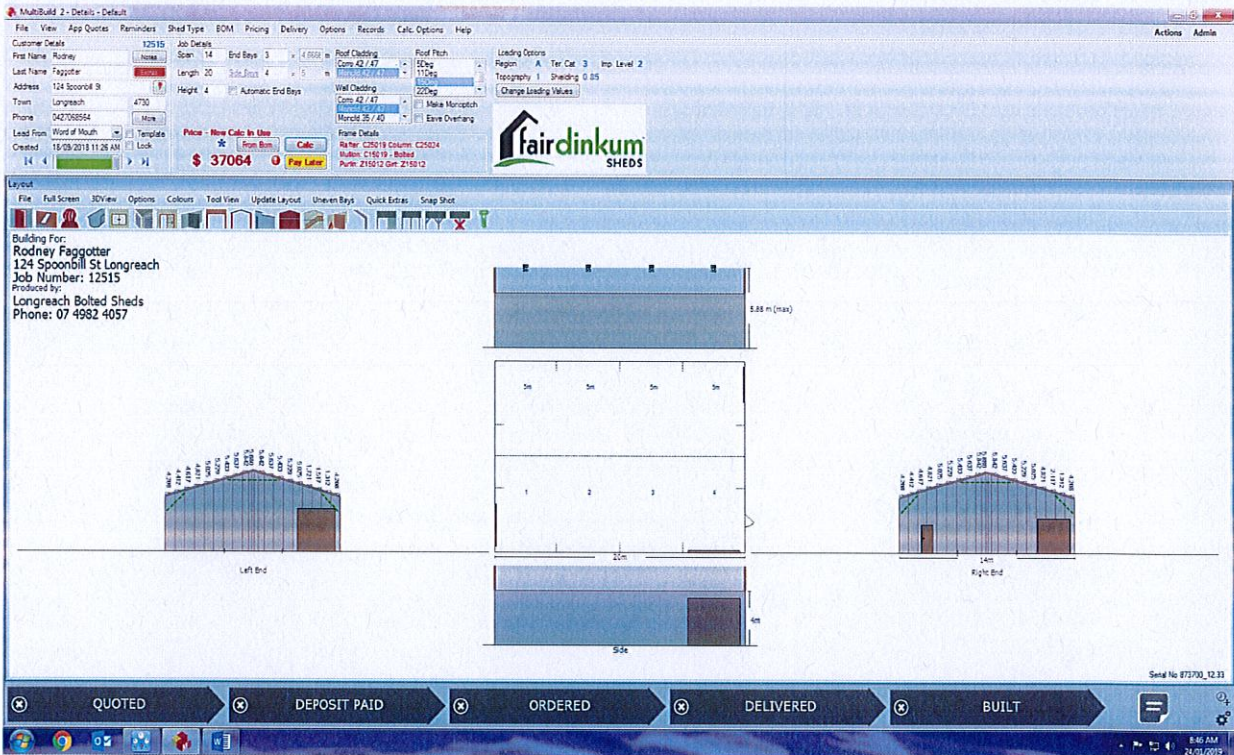


Ian Bodill
Chief Executive Officer



David Perry
Director of Community & Cultural Services

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Director of Community and
Cultural Services

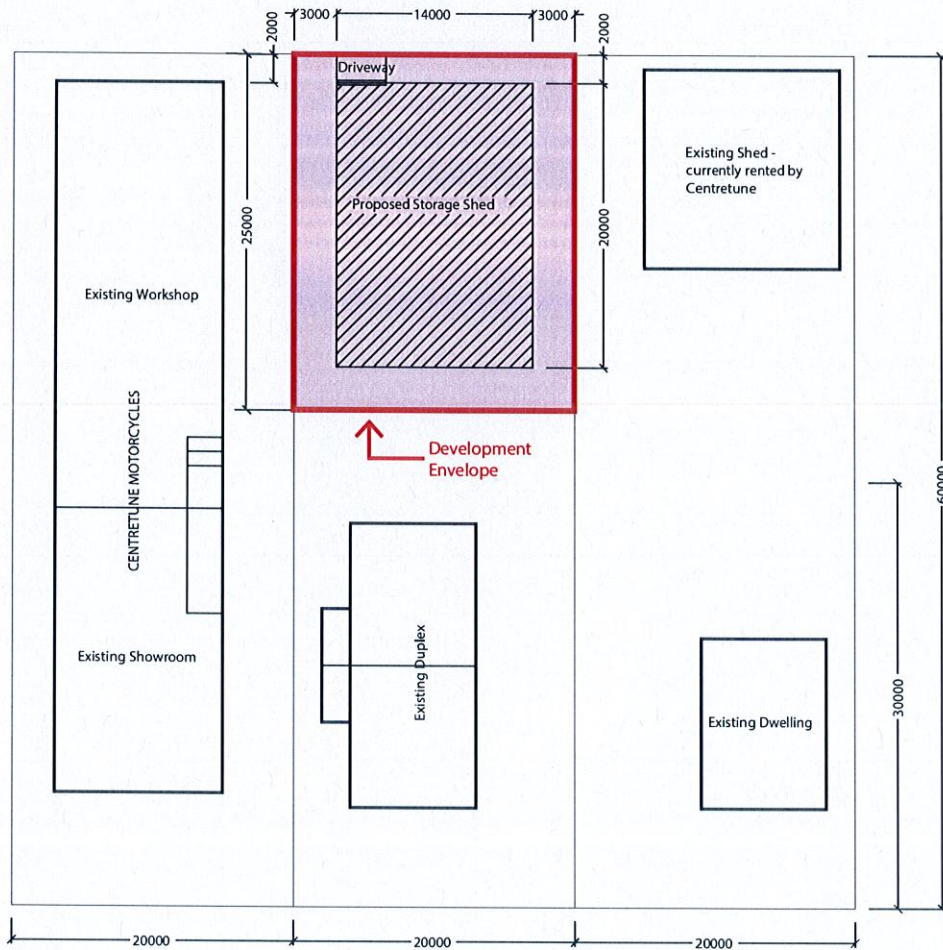


Shed Floor and Elevation Plans
 MCU 18/19-036 B
 18 March 2019

Shop 3/23 Hospital Rd, Emerald QLD 4720
 P: 07 4982 4057 E: andy_58@bigpond.net.au



Swan Street



Site Plan
MCU 18/19-036 A
18 March 2019

Spoonbill Street

Standard Conditions – Material Change of Use

1. NATURE OF DECISION

- 1.1 Approval is granted for a development permit for a Material Change of Use for a Warehouse at 124 Spoonbill Street, Longreach on land described as Part of Lot 99 on L3579 and identified as the 'Development Envelope' on the approved Site Plan, reference DA18/19-036 A, dated 18 March 2019.
- 1.2 The approved Warehouse and its associated infrastructure and utility areas are to be wholly contained within the nominated Development Envelope.

Relevant Period

- 1.3 The relevant period for this approval is in accordance with Section 85 of the *Planning Act 2016*.

Compliance Timing

- 1.4 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

- 1.5 The applicant must give Council a written notice of commencement for the development which contains the following:
- application number;
 - site address;
 - name and telephone number (work and after hours) of a suitable contact person to arrange a site inspection;
 - 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	DA18/19-036 A	18 March 2019	Unknown
Shed Floor and Elevation Plans	DA18/19-036 B	18 March 2019	Longreach Bolted Sheds

Amended plans/drawings to be submitted

- 2.2 Amended plans/drawings must be submitted showing the following amendments in accordance with the conditions of approval:

- Location of the Finch Lane vehicular access
- Location of waste storage and collection areas
- Location of all fencing
- Location of landscaping along Finch Lane and within the Development Envelope.

Timing

The amended plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to the earlier of:

- (i) Issue of a development permit for the carrying

Information note:

The amended plans/drawings, when approved by the Chief Executive Officer, will be the approved plans/drawings forming part of this approval and a stamped copy will be returned to the applicant. The development must be carried out in general accordance with the approved plans/drawings.

out of building work;
or
(ii) Commencement of the use of premises.

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

2.1 A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any operational works or 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

2.2 A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

Timing

At all times.

3 AMENITY

Loading and unloading – hours of operation

3.1 Vehicle loading and/or unloading are limited to:
a. 6:00am – 6:00pm Monday to Friday; and
b. 7:00am – 12:00pm Saturday; and
c. No operation of Sundays and Public Holidays.

Timing

At all times once use has commenced.

Location of equipment and ventilation/refrigeration units

3.2 All service equipment, mechanical ventilation and refrigeration units 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.

Refuse storage area

3.3 A screened refuse storage area must be located on-site and be located behind the main building façade.

Timing

Prior to the commencement of the use and maintained for the life of the development.

Screening of storage

3.4 The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road that the

Timing

At all times once use has commenced.

site fronts.

3.5 The location of outdoor storage is to be to the satisfaction of the Chief Executive Officer.

No nuisance from lighting

3.6 All external lighting devices provided as part of the approved development must:

- a. be positioned on the premises and shielded so as not to cause glare or other nuisance to surrounding residents and motorists; and
- b. not exceed 8.0 lux at 1.5 meters beyond the boundary of the site.

Timing

At all times.

Roof to be non-reflective

3.7 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.

Boundary fencing

3.9 A 1.8m high screen fence is erected on all side and rear boundaries, including the western boundary of the nominated Development Envelope to separate the warehouse use from the site's residential dwelling.

Timing

At all times.

4 CAR PARKING, LOADING & UNLOADING

Loading and unloading of vehicles – operations

4.1 Loading and unloading of vehicles must:

- a. Not cause undue disruption in Finch Lane; and
- b. As practically possible, stand entirely within the site when waiting to be loaded and unloaded.

Timing

At all times once use has commenced.

5 ACCESS, KERB & CHANNEL, FOOTPATHS

Access location

5.1 Access from Spoonbill St is not permitted. Access to the warehouse must occur from Finch Lane.

Timing

At all times.

Design of cross-over

5.2 A vehicular crossing (location as per the approved plans) in Finch Lane must be constructed by the applicant (at no cost to Council) in accordance with the following Council Standard Drawing/s for vehicular crossings in accordance with Institute of Public Works Engineering Australasia (IPWEA) Standard Drawing RS-051, Vehicle Crossings – Heavy Duty.

Timing

Prior to the commencement of the use.

Access to the building

5.3 Any stairs, ramps, associated handrails and tactile ground surface indicators must be located wholly within private property.

Timing

At all times.

6 LANDSCAPING

6.1 A landscape plan must be submitted to the satisfaction of Council that provides;

- a. landscaped garden beds a minimum 1m wide along the Finch Lane frontage of the site in areas not covered by ancillary infrastructure associated with the warehouse use.
- b. landscaped garden beds, comprising of predominantly native species and trees and shrubs, in various locations within the nominated Development Envelope.

The landscape plan must reflect the approved layout (including amendments through this approval) and comply with the Landscape code. The plan must also demonstrate the following:

- a. Locations and names of existing and proposed trees;
- b. Location of drainage, sewerage and other underground services and overhead power lines;
- c. Fence sizes and materials;
- d. Locations and species of proposed plants;
- e. A method of retaining roof storm water for irrigation maintenance of landscaped areas.

Timing

Approval of proposed landscape work must be obtained prior to the earlier of:

- (i) the commencement of operational works (landscaping); or
- (ii) the issue of a certificate of classification

Use of quality landscape materials

6.2 All plants, materials, hardscape and watering systems proposed in response to condition 6.1 must be of acceptable quality and be installed and maintained to the satisfaction of the Chief Executive Officer, prior to the commencement of the use.

Timing

At all times.

7 ADVERTISING DEVICES

Advertising device approval required

7.1 No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device).

Timing

At all times.

8 EROSION AND SEDIMENT CONTROL

Erosion and sediment control

8.1 Erosion and sediment control:

- a. Erosion, sediment and dust control measures must be implemented in accordance with the approved plan/drawings and the *Best Practice Erosion &*

Timing

At all times while works are occurring.

9 WASTE

Design of waste storage facilities

- 9.1 Sufficient waste storage including general waste, recyclable waste and other development-specific waste types are to be provided wholly within nominated Development Envelope.
- 9.2 Waste and recycling storage facilities must be provided in accordance with the following provisions:
- a. Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
 - b. Waste storage area must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.
 - c. The applicant must enter into a contract/agreement with a private waste collector, if using skip bins;
 - d. General waste in wheelie bins must be brought to the kerbside for collection;
 - e. The applicant must contact Council for the supply of wheelie bins, at their cost.

Timing

Prior to the commencement of the use.

10 FLOODING

Design requirements for development in the floodplain

- 10.1 Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.
- 10.2 The Finished Floor Level (FFL) of the Warehouse must be at the same Finished Floor Level (FFL) as the adjoining development located at 122 Spoonbill Street, Longreach.

Timing

At all times.

11 CONSTRUCTION ACTIVITY AND NOISE

Management of construction activity

- 11.1 Construction activity must be limited to the hours of 6.30am to 6.30pm Monday to Saturdays, with no work to occur on Sundays.
- 11.2 The release of dust and particulate matter from construction activities must not cause an environmental nuisance.

Timing

At all times while works are occurring.

Noise management

11.3 Noise from construction activities must not cause an environmental nuisance.

Timing

At all times while works are occurring.

12 ENGINEERING**General – Engineering standard**

12.1 Construct all works in accordance with the approved plans of development and in accordance with Council's adopted standards.

Timing

As indicated within the wording of the condition

12.2 The cost of carrying out works and providing services to the proposed development, as required by the conditions of approval, shall be at the expense of the applicant.

Rectification

12.3 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.

Timing

At all times

Stormwater Quantity - Lawful Point of Discharge

12.4 Lawful point of discharge for the development is in Finch Lane.

Timing

Prior to the commencement of the use.

13 SEWERAGE/WASTE WATER INFRASTRUCTURE**Wastewater**

13.1 If required, connect the development to Council's wastewater reticulation system via internal reticulation works, at the applicant's cost.

Timing

Prior to the commencement of the use.

13.2 A Plumbing Application must be submitted to Council.

14 WATER SUPPLY RETICULATION

14.1 If required, connect the development to Council's water reticulation system via internal reticulation works, at the applicant's cost.

Timing

Prior to the commencement of the use.

14.2 A Plumbing Application must be submitted to Council.

15 ELECTRICITY AND TELECOMMUNICATIONS**Electricity and Telecommunications - General**

15.1 Provide electricity supply and telecommunications to the development at the applicant's cost.

Timing

Prior to the commencement of the use.

16 GENERAL

- 16.1 If any item of cultural heritage is identified during site works, all works must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
- 16.2 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* sets out the procedures for changing approvals where the change can be classified as a minor change. If the change is not a minor change, the change application must be assessed in accordance with Section 86 of the *Planning Act 2016*.

(c) Appeals

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to Schedule 1 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.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in Sections 308(3)5 of the *Planning Act 2016*, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to Schedule 1 of the *Planning Act 2016*. A copy of that section is attached to the decision notice.

A right of appeal to the Planning and Environment Court

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(d) Applicant's responsibilities

For your information

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

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.

(e) Aboriginal Cultural Heritage Act

For your information

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 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.

Standard Conditions – Material Change of Use

1. NATURE OF DECISION

- 1.1 Approval is granted for a development permit for a Material Change of Use for a Warehouse at 124 Spoonbill Street, Longreach on land described as Part of Lot 99 on L3579 and identified as the 'Development Envelope' on the approved Site Plan, reference DA18/19-036 A, dated 18 March 2019.
- 1.2 The approved Warehouse and its associated infrastructure and utility areas are to be wholly contained within the nominated Development Envelope.

Relevant Period

- 1.3 The relevant period for this approval is in accordance with Section 85 of the *Planning Act 2016*.

Compliance Timing

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Notification of Commencement of Use

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

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Site Plan	DA18/19-036 A	18 March 2019	Unknown
Shed Floor and Elevation Plans	DA18/19-036 B	18 March 2019	Longreach Bolted Sheds

Amended plans/drawings to be submitted

- 2.2 Amended plans/drawings must be submitted showing the following amendments in accordance with the conditions of approval:
- Location of the Finch Lane vehicular access
 - Location of waste storage and collection areas
 - Location of all fencing
 - Location of landscaping along Finch Lane and within the Development Envelope.

Timing

The amended plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to the earlier of:

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Information note:

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out of building work;
or
(ii) Commencement of the use of premises.

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

2.1 A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any operational works or 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

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Timing

At all times.

3 AMENITY

Loading and unloading – hours of operation

3.1 Vehicle loading and/or unloading are limited to:
a. 6:00am – 6:00pm Monday to Friday; and
b. 7:00am – 12:00pm Saturday; and
c. No operation of Sundays and Public Holidays.

Timing

At all times once use has commenced.

Location of equipment and ventilation/refrigeration units

3.2 All service equipment, mechanical ventilation and refrigeration units 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.

Refuse storage area

3.3 A screened refuse storage area must be located on-site and be located behind the main building façade.

Timing

Prior to the commencement of the use and maintained for the life of the development.

Screening of storage

3.4 The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road that the

Timing

At all times once use has commenced.

site fronts.

3.5 The location of outdoor storage is to be to the satisfaction of the Chief Executive Officer.

No nuisance from lighting

3.6 All external lighting devices provided as part of the approved development must:

- a. be positioned on the premises and shielded so as not to cause glare or other nuisance to surrounding residents and motorists; and
- b. not exceed 8.0 lux at 1.5 meters beyond the boundary of the site.

Timing

At all times.

Roof to be non-reflective

3.7 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.

Boundary fencing

3.9 A 1.8m high screen fence is erected on all side and rear boundaries, including the western boundary of the nominated Development Envelope to separate the warehouse use from the site's residential dwelling.

Timing

At all times.

4 CAR PARKING, LOADING & UNLOADING

Loading and unloading of vehicles – operations

4.1 Loading and unloading of vehicles must:

- a. Not cause undue disruption in Finch Lane; and
- b. As practically possible, stand entirely within the site when waiting to be loaded and unloaded.

Timing

At all times once use has commenced.

5 ACCESS, KERB & CHANNEL, FOOTPATHS

Access location

5.1 Access from Spoonbill St is not permitted. Access to the warehouse must occur from Finch Lane.

Timing

At all times.

Design of cross-over

5.2 A vehicular crossing (location as per the approved plans) in Finch Lane must be constructed by the applicant (at no cost to Council) in accordance with the following Council Standard Drawing/s for vehicular crossings in accordance with Institute of Public Works Engineering Australasia (IPWEA) Standard Drawing RS-051, Vehicle Crossings – Heavy Duty.

Timing

Prior to the commencement of the use.

Access to the building

5.3 Any stairs, ramps, associated handrails and tactile ground surface indicators must be located wholly within private property.

Timing

At all times.

6 LANDSCAPING

6.1 A landscape plan must be submitted to the satisfaction of Council that provides;

- a. landscaped garden beds a minimum 1m wide along the Finch Lane frontage of the site in areas not covered by ancillary infrastructure associated with the warehouse use.
- b. landscaped garden beds, comprising of predominantly native species and trees and shrubs, in various locations within the nominated Development Envelope.

The landscape plan must reflect the approved layout (including amendments through this approval) and comply with the Landscape code. The plan must also demonstrate the following:

- a. Locations and names of existing and proposed trees;
- b. Location of drainage, sewerage and other underground services and overhead power lines;
- c. Fence sizes and materials;
- d. Locations and species of proposed plants;
- e. A method of retaining roof storm water for irrigation maintenance of landscaped areas.

Timing

Approval of proposed landscape work must be obtained prior to the earlier of:

- (i) the commencement of operational works (landscaping); or
- (ii) the issue of a certificate of classification

Use of quality landscape materials

6.2 All plants, materials, hardscape and watering systems proposed in response to condition 6.1 must be of acceptable quality and be installed and maintained to the satisfaction of the Chief Executive Officer, prior to the commencement of the use.

Timing

At all times.

7 ADVERTISING DEVICES

Advertising device approval required

7.1 No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device).

Timing

At all times.

8 EROSION AND SEDIMENT CONTROL

Erosion and sediment control

8.1 Erosion and sediment control:

- a. Erosion, sediment and dust control measures must be implemented in accordance with the approved plan/drawings and the *Best Practice Erosion &*

Timing

At all times while works are occurring.

9 WASTE

Design of waste storage facilities

Timing

- 9.1 Sufficient waste storage including general waste, recyclable waste and other development-specific waste types are to be provided wholly within nominated Development Envelope.
- 9.2 Waste and recycling storage facilities must be provided in accordance with the following provisions:
- a. Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
 - b. Waste storage area must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.
 - c. The applicant must enter into a contract/agreement with a private waste collector, if using skip bins;
 - d. General waste in wheelie bins must be brought to the kerbside for collection;
 - e. The applicant must contact Council for the supply of wheelie bins, at their cost.
- Prior to the commencement of the use.

10 FLOODING

Design requirements for development in the floodplain

Timing

- 10.1 Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.
- 10.2 The Finished Floor Level (FFL) of the Warehouse must be at the same Finished Floor Level (FFL) as the adjoining development located at 122 Spoonbill Street, Longreach.
- At all times.

11 CONSTRUCTION ACTIVITY AND NOISE

Management of construction activity

Timing

- 11.1 Construction activity must be limited to the hours of 6.30am to 6.30pm Monday to Saturdays, with no work to occur on Sundays.
- 11.2 The release of dust and particulate matter from construction activities must not cause an environmental nuisance.
- At all times while works are occurring.

Noise management

11.3 Noise from construction activities must not cause an environmental nuisance.

Timing

At all times while works are occurring.

12 ENGINEERING**General – Engineering standard**

12.1 Construct all works in accordance with the approved plans of development and in accordance with Council's adopted standards.

Timing

As indicated within the wording of the condition

12.2 The cost of carrying out works and providing services to the proposed development, as required by the conditions of approval, shall be at the expense of the applicant.

Rectification

12.3 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.

Timing

At all times

Stormwater Quantity - Lawful Point of Discharge

12.4 Lawful point of discharge for the development is in Finch Lane.

Timing

Prior to the commencement of the use.

13 SEWERAGE/WASTE WATER INFRASTRUCTURE**Wastewater**

13.1 If required, connect the development to Council's wastewater reticulation system via internal reticulation works, at the applicant's cost.

Timing

Prior to the commencement of the use.

13.2 A Plumbing Application must be submitted to Council.

14 WATER SUPPLY RETICULATION

14.1 If required, connect the development to Council's water reticulation system via internal reticulation works, at the applicant's cost.

Timing

Prior to the commencement of the use.

14.2 A Plumbing Application must be submitted to Council.

15 ELECTRICITY AND TELECOMMUNICATIONS**Electricity and Telecommunications - General**

15.1 Provide electricity supply and telecommunications to the development at the applicant's cost.

Timing

Prior to the commencement of the use.

16 GENERAL

- 16.1 If any item of cultural heritage is identified during site works, all works must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
- 16.2 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* sets out the procedures for changing approvals where the change can be classified as a minor change. If the change is not a minor change, the change application must be assessed in accordance with Section 86 of the *Planning Act 2016*.

(c) Appeals

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to Schedule 1 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.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in Sections 308(3)5 of the *Planning Act 2016*, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to Schedule 1 of the *Planning Act 2016*. A copy of that section is attached to the decision notice.

A right of appeal to the Planning and Environment Court

regarding this decision is available, pursuant to Schedule 1 of the *Planning Act 2016*. A copy of that section is attached to the decision notice.

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(d) Applicant's responsibilities

For your information

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

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.

(e) Aboriginal Cultural Heritage Act

For your information

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 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.