



Your Reference: -
Our Reference: DA 18/19-041
Contact: Kelli Doyle

22 May 2019

James Thomas Hook
PO Box 25
Longreach QLD 4730
hookie2@bigpond.com

Dear James,

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 16 May 2019.

Applicant Details

Applicant Name: James Thomas Hook
Applicant contact details: PO Box 25
Longreach QLD 4730
hookie2@bigpond.com

Application details

Application Number: DA 18/19 - 041
Approval sought: Development application for Material Change of Use –
Development Permit for Medium Impact Industry (cabinetry
business)
Details of proposed development: The application seeks a development permit approval to
establish a cabinetry business within an existing structure
over the subject site.

Location details

Street Address: 41 Eagle Street, Longreach
Real property description: Lot 23 on L53710

Decision

Date of decision: 16 May 2019
Decision details: Approved in full with conditions

Details of the approval

Development Permit Development application for Material Change of Use –
Development Permit for Medium Impact Industry (Cabinetry
business)

Conditions

This approval is subject to the conditions in Attachment 1.

Properly made submissions

The application was publicly notified in accordance with the Planning Act 2016. There were no submissions lodged during the notification period.

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:

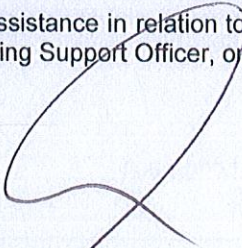
- Material Change of Use – 6 years

Approved plans and specifications

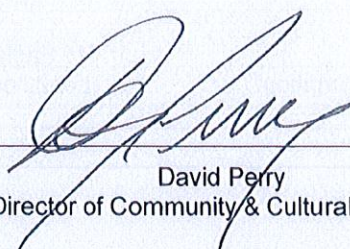
Plan / Document Title	Drawing Number	Date	Prepared by
Site Plan	DA18/19-041 A	11 March 2019	Unknown

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

Standard Conditions – Material Change of Use

1. NATURE OF DECISION

1.1 Approval is granted for a development permit for a Medium Impact Industry (Cabinetry business) at located at 41 Eagle Street, Longreach on land described as Lot 23 on L35710.

Relevant Period

1.2 The relevant period for this approval is in accordance with Section 85 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:

- 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	DA18/19-041 A	11 March 2019	Unknown

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

2.2 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

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

Timing

At all times.

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

3 AMENITY

Hours of operation

- 3.1 All activities associated with the approved development are limited to:
- a. 8:00am – 4:00pm Monday to Friday; and
 - b. 9:00am – 12:00pm Saturday

Timing

At all times once use has commenced.

Noise Attenuation – Sliding Doors

- 3.2 The sliding doors on the northern façade of the workshop, must remain closed during any use of any power tools on-site.

Timing

At all times once use has commenced.

Noise Attenuation – Panel saw

- 3.3 Use of the on-site panel saw is limited to the hours between 9:00am – 4:00pm, for a maximum of two hours per day.

Timing

At all times once use has commenced.

Air quality – dust extraction

- 3.4 All machines capable of generating powder, must be fitted with appropriate dust extractors to eliminate exposure to any potential dust particles.

Timing

At all times once use has commenced.

Onsite chemical storage

- 3.5 Storage of on-site chemicals is restricted to the following maximum quantities:
- Kerosene – 20-litres
 - Spray contact – 20 litres; and
 - Cleaning thinners – 5 litres

Timing

At all times once use has commenced.

Location of equipment and ventilation/refrigeration units

- 3.6 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

- 3.7 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

3.8 The storage of any machinery or materials must be screened so as not to be visible from any road that the site fronts.

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

Timing

At all times once use has commenced.

No nuisance from lighting

3.10 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.

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 Eagle Street, Swallow Street and Crow North 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

Design of cross-over

5.1 A vehicular crossing (location as per the approved plans) in Swallow Street 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

5.2 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. Tree/shrub planting along:
 - the southern side boundary, extending from the sites frontage to Eagle Street to the western

Timing

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

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> façade of the structure where the proposed use will be located; • the Eagle Street frontage, in areas that do not conflict with areas for vehicle access and car parking; and • the Swallow Street frontage, in areas that do not conflict with areas for vehicle access and car parking, up to the western façade of the structure where the proposed use will be located; | <ul style="list-style-type: none"> (i) the commencement of operational works (landscaping); or (ii) the issue of a certificate of classification |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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.

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 & Sediment Control* (IECA Australasia, November 2008).

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.

Timing

Prior to the commencement of the use.

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.

10 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.

Timing

At all times while works are occurring.

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

Noise management

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

Timing

At all times while works are occurring.

11 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

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 Where required, a Plumbing Application must be submitted to Council.

14 WATER SUPPLY RETICULATION

14.1 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 Where required, 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.

Timing

As indicated within the wording of the condition

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.

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*.

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*.

For your information

(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.

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.

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.

Timeframes associated with appeals are set out in attached information.

(d) Applicant's responsibilities

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

For your information

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

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;

For your information

- 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.

