



Your Reference:
Our Reference: DA18/19-049
Contact: Kelli Doyle

2 July 2019

Centwest Unit Trust as Trustees for Centwest Engineering & Steel Supplies Pty Ltd
C/- Ian Harris
PO Box 426
LONGREACH QLD 4730
E-mail: ian@centwest.com.au

Dear Ian

DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 27 June 2019, 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 18/19-049
Properly Made Date: 1 May 2019
Decision Date: 27 June 2019
Planning Scheme: *Longreach Regional Council Planning Scheme 2015 (v2.1)*

2. APPLICANT DETAILS

Name: Centwest Unit Trust as Trustee for Centwest Engineering & Steel Supplies Pty Ltd
Postal Address: C/- Ian Harris
PO Box 426
LONGREACH QLD 4730
Email Address: ian@centwest.com.au

3. PROPERTY DETAILS

Street Address: 3 Miner Road, LONGREACH

Real Property Description: Lot 2 on SP175982

Local Government Area: Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for *Low Impact Industry*

5. CURRENCY PERIOD

The use of the subject land must be commenced within a period of six (6) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

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. In the event that the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 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 permit:

Plan/Document Name	Plan/Document Number	Revision	Date	Prepared by
Site Plan	Drawing No. 01	-	25-05-2019	Centwest Engineering & Steel Supplies
Elevations	Drawing No. 02	-	01-04-2019	Centwest Engineering & Steel Supplies

- 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 must prevail.
- 2.3 Provide and have approved by Council an amended Site Plan, prior to the issue of a building permit, showing the approved 'Proposed Light Industry Shed' sufficiently setback from the front property boundary to cater for the maximum design vehicle anticipated for the site.

Advisory Note: Council is concerned that 10 metres is insufficient for vehicle manoeuvring between the approved shed and front property boundary, factoring in a two (2) metre wide landscape strip and approximate 5.4 metre long car parking space.

3.0 ACCESS AND PARKING WORKS

- 3.1 Provide and retain a minimum of five (5) car parking spaces on-site. All car parking spaces must be clearly delineated by either line-marking or signage.
- 3.2 Construct and maintain all car parking spaces and vehicle manoeuvring areas associated with the approved development to an all-weather standard, suitable for a two-wheel drive car.
- 3.3 Design, construct and maintain all car parking and access works generally in accordance with the approved plans, *Australian Standard AS2890 "Parking Facilities"* (Parts 1 to 6) and *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.4 Vehicular access to/from Miner Road is only permitted at the approved access locations to Miner Road, as shown on the approved plans. Vehicles are not permitted to enter or exit the site at any other location unless otherwise approved in writing by Council.
- 3.5 Construct and maintain the vehicular accesses in accordance with the *Institute of Public Works Engineering Australia Standard Drawing No. RS-051 (vehicle crossing for industrial driveway)*.

Advisory Note: In accordance with section 5.7 and specifically Table 5.7.1 (Operational Work) of the Planning Scheme, Operational Work for a driveway crossover is prescribed as 'Accepted subject to requirements.' The requirements is the Works Code of the Planning Scheme.

- 3.6 All vehicles must enter and exit the site in a forward gear.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 Discharge all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.
- 4.2 All roof water must be discharged to Miner Road via kerb adaptors. Alternatively, roof water may be captured in rainwater tanks for use on-site.

5.0 SITE WORKS

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

- 5.2 Implement and maintain an Erosion and Sediment Control Plan (ESCP) on-site, in accordance with the *Best Practice Erosion and Sediment Control (BPESC)* document, for the duration of the works, and until such time all exposed soil areas are permanently stabilised. The ESCP must be available on-site for inspection by Council Officers during the works.

6.0 ENVIRONMENTAL HEALTH

- 6.1 Undertake the approved development so there is negligible environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, vibration, odour, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, oil or otherwise
- 6.2 Maintain outdoor lighting to comply with AS4282 – 1997 “*Control of Obstructive Effects of Outdoor Lighting*”.
- 6.3 In accordance with the Environmental Protection (Waste Management) Regulations, all waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.
- 6.4 All waste must be collected by a commercial contractor, unless otherwise agreed to in writing by Council.
- 6.5 All waste (for example, general waste, recyclable waste, pallets, empty drums etcetera) must be stored within a waste storage area located on an elevated pad above the Defined Flood Level for the site, unless otherwise agreed to in writing by Council. The waste storage area must be screened from view from Miner Road.

Advisory Note: *The flood level for the site can be provided by Council upon request.*

- 6.6 All hazardous materials must be stored a minimum of 500mm above the Defined Flood Level for the site.
- 6.7 Any spillage of environmentally hazardous liquids or other materials must be cleared, and the land restored to its previous environmental condition as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 6.8 Contaminants such as oils or chemicals must not be released onto unsealed surface areas (for example, gravel or exposed soil).

7.0 SERVICES

- 7.1 Connect the development to Council’s reticulated water network, in the instance the site is not currently connected.

Advisory Note: *Council has a pre-existing agreement to connect the site to the reticulated water network. The developer should consult with Council regarding this connection.*

- 7.2 Provide and maintain on-site sewage treatment and disposal in accordance with the *Queensland Plumbing and Wastewater Code, AS/NZ 1547:2012 On-site domestic wastewater management, AS/NZS 3500.1.2003 Plumbing and drainage – Water services, AS/NZS 3500.2.2003 Plumbing and drainage – Sanitary plumbing and drainage* and the *BCA: National Construction Code Series 2014, Volumes Three – Plumbing Code of Australia*.

7.3 Electricity and telecommunication services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

8.0 ASSET MANAGEMENT

8.1 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.

9.0 LANDSCAPING

9.1 Establish and retain a two (2) meter wide landscaping strip, within three (3) months of this development approval taking effect, along the site's frontage to Miner Road, except at the location of an approved vehicle crossover. The landscaping must predominantly contain species that are endemic to the region due to their low water dependency. Landscaping plant species that have a screening function should be incorporated, for example shrubs and small trees.

9.2 Ensure the landscaped areas are subject to water and maintenance during the establishment phase, and an ongoing maintenance and replanting programme as required.

10.0 HOURS OF OPERATION

10.1 Operate the approved use only between the hours of 07:00 to 18:00, Monday to Saturday, with the exception of ancillary administrative functions undertaken on the site and within the 'Proposed Light Industry Shed' as shown on the approved plans, which may occur 24 hours a day, seven (7) days a week.

11.0 AIRPORT ENVIRONS

11.1 Construct and operate the approved development such that it does not involve:

- 11.1.1 Straight parallel lines of lighting 500m to 100m long;
- 11.1.2 Lighting that extends more than three (3) degrees above the horizon;
- 11.1.3 Flare plumes;
- 11.1.4 Buildings with reflective cladding;
- 11.1.5 Upward shining lights;
- 11.1.6 Flashing lights; or
- 11.1.7 Sodium lights.

12.0 FLOOD MANAGEMENT

12.1 In the event of a flood, all materials, tools and equipment associated with the approved use must be either secured or elevated above the Defined Flood Level such that they are not carried off-site by flood waters.

12.2 A detailed procedure for the evacuation of all vehicles and all persons must be presented to staff and located on the site where it is easily accessible and viewable by all employees and visitors.

7. ADVISORY NOTES

1. Further development permits for 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 and subordinate legislation 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").

8. STATEMENT OF REASONS

8.1 Description of Development

The development application for a Development Permit for Material Change of Use for a *Low Impact Industry* approved as per Decision Notice DA 18/19-049.

8.2 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"> • Section 6.2.4 (Industry Zone Code) • Section 8.3.2 (Works Code) • Section 8.3.3 (Landscape Code) • Section 7.2.1 (Airport Environs Overlay Code) • Section 7.2.2 (Flood Hazard Overlay Code) 	<i>Longreach Regional Council Planning Scheme 2015 (v2.1)</i>
<ul style="list-style-type: none"> • Planning for Infrastructure (State Interest strategic airports and aviation facilities) 	<i>State Planning Policy July 2017</i>

8.3 Relevant Matters

There are no relevant matters for this application.

8.4 Matters Raised in Submission

Not applicable. The development application was code assessable.

8.5 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 *Low Impact Industry* use is a consistent land use in the Industry Zone. The development is compatible with existing industrial character in the immediate vicinity of the site.
- (b) Off-site amenity impacts or environmental impacts are unlikely due to the relatively small scale of the use, owed to the activities typically associated with a *Low Impact Industry* use, and conditions of approval.
- (c) The development will be serviced by all necessary utilities, except for sewerage that will be treated on-site in accordance with the relevant standards under the Planning Scheme. Access and parking will be provided in accordance with Council standards.

- (d) The development complies with all applicable assessment benchmarks of the Planning Scheme. Importantly, the development advances the overall outcomes of the Industry Zone, which supports the establishment of low impact industry uses.
- (e) The development does not compromise the relevant elements of the Central West Regional Plan or the State Planning Policy, as reflected in the Planning Scheme.

9 REFERRAL AGENCIES

There were no referral agencies as part of this application.

10. FURTHER DEVELOPMENT PERMITS REQUIRED

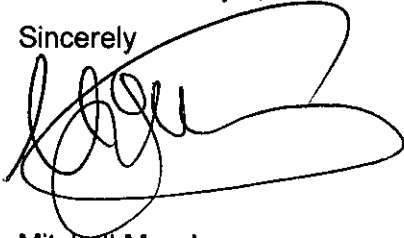
The following further development permits are required:

- Building Work; and
- Plumbing and Drainage Work.

A development permit for Operational Work may be required, as per the advisory notes contained in this decision notice.

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

Sincerely



Mitchell Murphy
Chief Executive Officer

Appeal Rights

The following is an extract from the *Planning Act 2016* (Chapter 6 – Part 1)

Chapter 6 Dispute resolution

Part 1 Appeal rights

228 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 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.

229 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, table 1, item 1—each principal submitter for the development application; and
- (ca) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (d) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (ca); and
- (e) for an appeal to the P&E Court—the chief executive; and
- (f) 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person