



Your Reference:
Our Reference: DA18/19-048
Contact: Kelli Doyle

22 May 2019

Leigh Fox
Michel Group Services Pty Ltd
PO Box 2695
NERANG BC QLD 4211
E-mail - leigh.fox@mgs-GC.com.au

Dear Leigh

DECISION NOTICE
APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 16 May 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 18/19-048
Properly Made Date:	16 April 2019
Decision Date:	16 May 2019
Planning Scheme:	<i>Longreach Regional Council Planning Scheme 2015 (v2.1)</i>

2. APPLICANT DETAILS

Name:	Tanya & David Neal
Postal Address:	C/- Michel Group Services Pty Ltd PO Box 2695



NERANG BC QLD 4211

Email Address: leigh.fox@mgs-GC.com.au

3. PROPERTY DETAILS

Street Address: Lot 162 Crossmoor Road, Longreach

Real Property Description: Lot 162 on CP851193

Local Government Area: Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for *Tourist Park* (15 Accommodation Tents and Manager's Residence).

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.

To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.

- 1.5 The approved development is for *Tourist Park* as per the definition under the *Longreach Regional Planning Scheme 2015 (V2.1)*. The 'Existing House' shown on the approved plans is permitted to be used as the manager's residence for the tourist park.

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
Location Plan	SK01	B	02-04-2019
Site Plan	SK02	B	02-04-2019
4.2m Couples Deluxe tent with Bathroom & Kitchenette	-	-	-
6.3m Family Deluxe tent with Bathroom & Kitchenette	-	-	-
6.3m Deluxe Gazebo with Kitchenette	-	-	-
Site & Soil Wastewater Evaluation Report	CWW:1736.19	-	11-04-2019

- 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 Submit to and have approved by Council, prior to commencement of the use, a Flood Management Plan (FMP) that demonstrates the development site is located where there is sufficient flood warning time to enable safe evacuation. In demonstrating this, the FMP should include the following, unless otherwise agreed to in writing by Council:

- 2.3.1 Flooding characteristics (the size and extent of flood);
- 2.3.2 Effective warning time and rate of rise of floodwater, which is influenced by catchment characteristics and the rainfall event(s) that caused the flood;
- 2.3.3 Flood free or low flood hazard access, by way of trafficable roads to facilitate evacuation or provision of supplies;
- 2.3.4 Availability of emergency evacuation options including the ability to leave the flood affected land on foot (wading) or by vehicle, distance from flood free ground, and degree of isolation;
- 2.3.5 Trigger conditions for evacuation; and
- 2.3.6 Roles and responsibilities of the manager/employees in implementing the FMP.

Once approved by Council, the FMP will become an approved document supplementing the list in condition 2.1.

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- 2.4 Implement the approved Flood Management Plan.
 - 2.5 Make available a copy of the Flood Management Plan in each approved tent and any communal areas.
 - 2.6 Submit and have approved by Council, prior to commencement of the use, a plan indicating the location of waste storage areas. The method of waste removal, via Council or another waste contractor, must also be advised for approval.

3.0 ACCESS AND PARKING WORKS

- 3.1 Provide and retain a minimum of 16 car parking spaces on-site for exclusive use by guests in accordance with the approved plans. 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.

Advice Note: The vehicle manoeuvring areas include the existing and proposed sections of the driveway from Crossmoor Road to the parking areas.


- 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 Crossmoor Road is only permitted at the 'Existing Access Way' location as shown on the approved plans. Vehicles are not permitted to enter or exit the site in any other location.
- 3.5 Vehicular access must be constructed and maintained in accordance with the *Institute of Public Works Engineering Australia Standard Drawing No. RS-056 (vehicle crossing for rural driveway)*.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 All roof and allotment drainage must be discharged 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.

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.

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- 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 no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, waste water, 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.

7.0 AIRPORT ENVIRONS

- 7.1 Construct and operate the approved development such that it does not involve:
- 7.1.1 Straight parallel lines of lighting 500m to 100m long;
 - 7.1.2 Lighting that extends more than three (3) degrees above the horizon;
 - 7.1.3 Flare plumes;
 - 7.1.4 Buildings with reflective cladding;
 - 7.1.5 Upward shining lights;
 - 7.1.6 Flashing lights; or
 - 7.1.7 Sodium lights.

8.0 SERVICES

- 8.1 Connect the development to Council’s reticulated water network.

Advisory Note: In accordance with section 5.7 and specifically Table 5.7.1. (Operational Work) of the Planning Scheme, Operational Work for a water supply connection is prescribed as ‘Accepted subject to requirements.’ The requirements are the Works Code of the Planning Scheme.

- 8.2 Provide the development with a supply of potable and general use water that has adequate capacity to cater for the Tourist Park. This includes capacity for consumption, domestic use, landscaping and firefighting.

8.3 Provide a water tank within 100 metres of each building (other than a class 10 building) for use as on-site water storage for firefighting, which:

8.3.1 Is of non-flammable construction;

8.3.2 Has a take-off connection at a level that allows 5,000 litres to be left available for access by fire fighters; and

8.3.3 Includes shielding of tanks and pumps.

8.4 Provide and maintain on-site sewerage treatment and disposal in accordance with the approved Site & Soil Wastewater Evaluation Report, 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*.

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

9.0 ASSET MANAGEMENT

9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

10.0 LANDSCAPING

10.1 Establish and retain all landscaping generally in accordance with the approved plans. The landscaping must predominantly contain species that are endemic to the Region due to their low water dependency.

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

7. ADVISORY NOTES

1. Prior to commencing any construction activities, the applicant/developer will be required to obtain 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* 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").
5. If food is to be made available/prepared for guests, then a licence under the Food Act may be required. Any provision of food must be at a small scale and ancillary to the Tourist Park use.
6. Natural/neutral colour tones, as reflected on the current approved plans, must be used in the construction of the tents for scenic amenity reasons, unless a change application is made to and approved by Council allowing otherwise.
7. Due to the scale of the Tourist Park and the peak design capacity required for the sewage treatment plant; sewage treatment may constitute an Environmentally Relevant Activity for which an Environmental Authority is required under the Environmental Protection Act/Regulation.
8. Part of the site is mapped as being located within the VHF Omnidirectional Range (VOR) Range 1,000m buffer of the Airport Environs Overlay Map (Aviation Facilities). Any development within the 1,000m buffer area must comply with the design standards identified in Figure 2 of the Airport Environs Overlay Code of the Planning Scheme.

8. STATEMENT OF REASONS

8.1 Description of Development –

The development application for a Development Permit for Material Change of Use for a *Tourist Park* (15 Accommodation Tents and Manager's Residence) approved as per Decision Notice DA 18/19-048

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 6.2.9 (Rural 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 for stock route network, flood hazard area and airport 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 tourist park, as a new tourism asset for Longreach, is a consistent land use in the Rural Zone. The development is compatible with local character and amenity and will not compromise the continued use of surrounding land for rural or agricultural activities.
- (b) The development will complement scenic amenity values of the rural locality and the wider downs country. The buildings comply with setback requirements, construction materials have a natural colour scheme and landscaping is proposed around recreational facilities. This will blend the development with the surrounding environment.
- (c) Off-site amenity impacts or environmental impacts are unlikely due to the small scale and low density of the development for accommodation purposes, and its separation from dwellings on nearby properties.
- (d) The development will be serviced by all necessary utilities and access and parking is provided in accordance with Council standards.
- (e) The Flood Management Plan and its availability to guests on-site is expected to achieve an acceptable level of flood hazard risk for the tourist park use, in accordance with the Flood Hazard Overlay Code.
- (f) The development complies, or can be conditioned to comply, with the other applicable assessment benchmarks of the Planning Scheme. Importantly, the development advances the overall outcomes of the Rural Zone Code, which supports the establishment of new tourism assets where appropriate.
- (g) The development does not compromise the relevant elements of the Central West Regional Plan and 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.

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

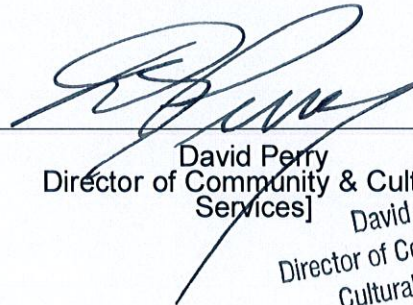
- (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (ca) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (d) each person 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

If you find any inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Kelli Doyle, Town Planning Support Officer on 4658 4111.

Sincerely



Ian Bodill
Chief Executive Officer



David Perry
Director of Community & Cultural Services]

David Perry
Director of Community and Cultural Services