



Your Reference:
Our Reference: DA19/20-004
Contact: Kelli Doyle

19 December 2019

Mr Lachlan Arthur
163 Ibis Street
LONGREACH QLD 4730

Dear Lachlan

DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 12 December 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 19/20-004

Properly Made Date: 19 November 2019

Decision Date: 12 December 2019

Planning Scheme: *Longreach Regional Council Planning Scheme 2015 (v2.1)*

2. APPLICANT DETAILS

Name: Lachlan Joseph Arthur

Postal Address: 163 Ibis Street
LONGREACH QLD 4730

Email Address: lacarpentry@hotmail.com

3. PROPERTY DETAILS

Street Address: 159 Ibis Street, LONGREACH

Real Property Description: Lot 224 on L3576

Local Government Area: Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Building Work (150m² Shed)

5. CURRENCY PERIOD

The development must be substantially started within two (2) years from the date the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the development not be substantially started within this period, the approval is taken to have lapsed.

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 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of building work and to Council's satisfaction, unless otherwise stated.

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
Proposed Site Plan	-	-	-
Building Layout	No 1910005 - 1	-	14/11/19

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.

3.0 ROOF AND ALLOTMENT DRAINAGE WORKS

3.1 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.

4.0 AMENITY

4.1 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, smell, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, grit, oil or otherwise.

4.2 Outdoor lighting must comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*.

5.0 AIRPORT ENVIRONS

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

- 5.1.1 Straight parallel lines of lighting 500m to 100m long;
- 5.1.2 Lighting that extends more than three (3) degrees above the horizon;
- 5.1.3 Flare plumes;
- 5.1.4 Buildings with reflective cladding;
- 5.1.5 Upward shining lights;
- 5.1.6 Flashing lights; or
- 5.1.7 Sodium lights.

6.0 CONSTRUCTION ACTIVITIES

6.1 Construction activity and noise must be limited during earthworks and construction of the approved development to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.

6.2 The construction of any works must be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the relevant provisions of Planning Scheme Policies No. 1 – Works Planning Scheme policy under Schedule 5 of the *Longreach Regional Planning Scheme 2015 (v2.1)*.

- 6.3 All construction materials, waste, waste skips and machinery must be located and stored or parked within the development site, unless otherwise approved in writing by Council.

7. ADVISORY NOTES

1. Permits and approvals for building work, plumbing and any other related works should be obtained prior to commencement of the building works authorised by this permit.
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. To preserve the residential use rights of the premises, it is recommended that the dwelling house be replaced within two years of this approval taking effect. Council may take compliance action if the shed is not ancillary to a dwelling house by this time.

8. STATEMENT OF REASONS

8.1 Description of Development –

The development application for a Development Permit for Building Work assessable against the Planning Scheme (150m² Shed) approved as per Decision Notice DA 19/20-004.

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 6.2.6 (Low Density Residential Zone Code) 	<i>Longreach Regional Council Planning Scheme 2015 (v2.1)</i>
<ul style="list-style-type: none"> • Planning for Infrastructure (State Interest for 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:

The building work, being the construction of a shed as a domestic outbuilding, is in keeping

- (a) with the character of the neighbourhood and will not result in unacceptable outcomes to residential amenity;
- (b) The siting of the shed, including its road boundary setbacks, will not result in unacceptable impacts in terms of neighbourhood privacy and overshadowing;
- (c) The shed is the first step to re-instating the residential use of the land and will be ancillary to the primary dwelling house once constructed; and
- (d) The development complies the applicable assessment benchmarks of the Planning Scheme and State Planning Instruments.

9. REFERRAL AGENCIES

There were no referral agencies as part of this application.

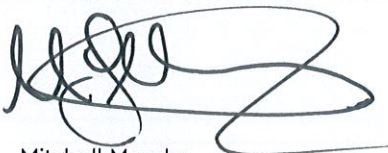
10. FURTHER DEVELOPMENT PERMITS REQUIRED

The following further development permits are required:

- Building Work; and
- Plumbing and Drainage Work.

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

ATTACHMENT 1

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