



**Longreach
Regional Council**
Ilfracombe Isisford Longreach Yaraka

**Address all correspondence to:
Chief Executive Officer
PO Box 144, Ilfracombe QLD 4727
Tel: (07) 4658 4111 | Fax: (07) 4658 4116
Email: assist@longreach.qld.gov.au
ABN: 16 834 804 112**

Your Reference:
Our Reference: DA19/20-007
Contact: Kelli Doyle

23 September

Samuel Nisbet
C/- Renee Wall
Wall Planning and Environmental Consulting
PO Box 345
Clermont QLD 4721

Dear Samuel

DECISION NOTICE APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 17 September 2020, 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 19/20-007
Properly Made Date: 16 June 2020
Decision Date: 17 September 2020
Planning Scheme: *Longreach Regional Planning Scheme 2015 (v2.1)*



2. APPLICANT DETAILS

Name: Samuel Nibset

Postal Address: C/- Renee Wall
Wall Planning & Environmental Consulting
PO Box 345
Clermont QLD 4721

Email Address: renee.wall@wallplanning.com.au

3. PROPERTY DETAILS

Street Address: 44 Lark Street, Longreach

Real Property Description: Lot 28 on L35712

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
- Development Permit for Reconfiguring a Lot (One (1) Lot into Two (2) Lots)

5. CURRENCY PERIOD

The currency period for each aspect of development are as follows:

- Material Change of Use - In accordance with section 85 (1) (a) (ii) of the *Planning Act 2016*, this development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect.
- Reconfiguring a Lot - In accordance with section 85 (1) (b) (ii) of the *Planning Act 2016*, this development approval lapses if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within 4 years after the approval starts to have effect.

6. ASSESSMENT MANAGER CONDITIONS

PART A: CONDITIONS APPLICABLE TO BOTH RECONFIGURING A LOT AND MATERIAL CHANGE OF USE

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 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 for the development. To the extent 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.
- 1.6 All conditions, works, or requirements of this development approval must be undertaken and completed prior to the sealing of the survey plan for the Reconfiguring a Lot, or the commencement of use for the Material Change of Use, whichever occurs first, and 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 plan, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision	Date
Proposal Plan	20247-PP-01	0	05/05/2020
Longreach Bolted Sheds (floor plan and elevations)	-	-	24/04/2020

- 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 The shed on Lot 282 can be positioned generally in accordance with either of the locations shown as 'new location' or 'proposed shed' on the approved Proposal Plan referenced in Condition 2.1.

3.0 ACCESS WORKS

3.1 Construct and maintain the vehicular accesses to each lot, as shown on the approved Proposal Plan referenced in Condition 2.1, in accordance with the *Institute of Public Works Engineering Australia Standard Drawing No. RS-051 (vehicle crossing for industrial driveway)*.

4.0 EARTHWORKS

4.1 Carry out earthworks to provide each lot with a minimum finished floor level of 185m AHD.

4.2 Earthworks must be carried out in accordance with the *Australian Standard AS 3798 Guidelines on Earthworks for Commercial and Residential Developments*.

4.3 Ensure the excavating or filling does not concentrate or divert stormwater or floodwater onto adjoining land to a degree that is worse than the pre-development scenario.

4.4 Ensure the excavation or filling does not result in the ponding or permanent retention of surface water either on the site or on adjoining land.

4.5 Ensure areas of fill and excavation are graded, compacted and planted and/or mulched, unless otherwise approved, immediately after the dumping operation is complete and at all times thereafter.

5.0 STORMWATER WORKS

5.1 All stormwater must drain to a demonstrated lawful point of discharge for each lot and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

5.2 Where the lawful point of discharge for each lot is via inter-allotment drainage, easements must be provided in favour of Council to convey stormwater to the road.

6.0 SERVICES

6.1 Each lot must be connected to Council's reticulated water network and each connection point must be wholly contained within the respective lot boundary.

6.2 Electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.



7.0 ENGINEERING CERTIFICATION

7.1 Prior to commencement of any engineering works, a Development Permit for Operational Work must be obtained, where required, for the following engineering works:

- 7.1.1 Access and parking works
- 7.1.2 Reticulated water supply connection
- 7.1.3 Earthworks
- 7.1.4 Stormwater works

For the submission, detailed design documentation must be provided and a Registered Professional Engineer of Queensland (RPEQ) must certify the engineering drawings and specifications for the engineering work.

7.2 An Engineer's Certificate of Construction must be signed and submitted to Council by a RPEQ verifying that all works have been carried out in accordance with the relevant standards, drawings, the development permit for operational works, and any specifications that result from the submission for engineering certification.

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 CONSTRUCTION ACTIVITIES

9.1 Implement and maintain an Erosion and Sediment Control Plan (ESCP) on-site, in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* document (as amended) 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.

9.2 The construction of any works must be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the provisions of any relevant Planning Scheme Policies under the *Longreach Region Planning Scheme 2015 (v2.1)*.

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

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



ADVISORY NOTES

1. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for operational work, building work and plumbing and drainage work, as required under relevant legislation for this work.
2. Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
3. 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.
4. 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.
5. 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").

PART B – SUPPLEMENTARY CONDITIONS FOR RECONFIGURING A LOT

10.0 ENDORSEMENT OF SURVEY PLAN

10.1 Council will not endorse or release the survey plan for this development until such time as:

10.1.1 All conditions of this development approval for Reconfiguring a Lot have been fully satisfied;


10.1.2 A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and

10.1.3 All outstanding rates and charges relating to the site have been paid.

PART C – SUPPLEMENTARY CONDITIONS FOR MATERIAL CHANGE OF USE

11.0 COMMENCEMENT OF USE

11.1 The Material Change of Use relates to Lot 282 only, as shown on the Proposal Plan referenced in Condition 2.1.



11.2 The use must not commence until all conditions of this development approval for Material Change of Use have been fully satisfied.

12.0 ACCESS AND PARKING WORKS

12.1 Provide and maintain a minimum of five (5) car parking spaces on Lot 282. All car parking spaces must be clearly identified by either line-marking or signage.

12.2 Construct and maintain all car parking spaces and vehicle manoeuvring areas to an all-weather standard, suitable for a two-wheel drive car.

12.3 Design, construct and maintain all parking and access works generally in accordance with the approved plans, *Australian Standard AS2890 "Parking Facilities"*, *Manual of Uniform Traffic Control Devices (Queensland)*, and *Planning Scheme Policy 1 - Works*.

12.4 All vehicles must enter and exit Lot 282 in a forward gear.

12.5 All servicing, parking, loading and unloading of vehicles (including heavy vehicles) associated with the approved development must occur within the boundaries of Lot 282 and not on adjoining land or road reserve.

13.0 SEWERAGE SERVICES

13.1 Where reticulated sewerage connection is not available or possible, provide and maintain on-site sewerage treatment and disposal in accordance with *Planning Scheme Policy 1 - Works (Table SC5.1.2.6, item 4)*.


14.0 ENVIRONMENTAL HEALTH

14.1 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, dust, light, vibration, odour, fumes, smoke, vapour, steam, soot, wastewater, waste products, oil or otherwise.

14.2 Maintain outdoor lighting to comply with *AS4282 Control of Obstructive Effects of Outdoor Lighting*.

14.3 All site works must be constructed, and all roof and allotment drainage must be discharged, such that it does not in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

14.4 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.
- 14.5 Contaminants such as oils or chemicals must not be released into unsealed surface areas (i.e. gravel, exposed soil or landscaped areas).
- 14.6 Areas for storage of chemicals, fuel or other hazardous materials must be sufficiently bunded and must not be stored below the minimum finished floor level of 185m AHD.
- 14.7 Any spillage of environmentally hazardous liquids or other materials must be cleared as quickly as practicable and must not enter Council's network or be hosed or swept onto unsealed ground.
- 14.8 Any washdown area must be sufficiently bunded and drained and equipped with an oil/chemical separator to avoid hazardous materials entering the sewer network where run-off exceeds the regulated standard for wastewater entering Council's system.
- 14.9 Suitable dust suppressant measures must be applied to any unsealed areas to prevent dust from leaving the site, as required.
- 15.0 LANDSCAPING AND FENCING**
- 15.1 Establish and retain landscaping, via an appropriately installed irrigated system, with a minimum width of one metre along the road frontage of Lot 282. The landscaping must predominantly contain species that are endemic to the region due to their low water dependency.
- 15.2 Ensure the landscaped areas are subject to water and maintenance during the establishment phase, and an ongoing maintenance and replanting programme as required.
- 15.3 Boundary fencing must be installed along each boundary of Lot 282, except where allowance must be made for the vehicle access from Raven Road.

ADVISORY NOTES

1. Activities on Lot 282 must be undertaken in accordance with the approved use definition for Low Impact Industry as defined under the *Longreach Region Planning Scheme*:

Low Impact Industry means -

Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- *negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise;*

- *minimal traffic generation and heavy-vehicle usage;*
- *demands imposed upon the local infrastructure network consistent with surrounding uses;*
- *the use generally operates during the day (eg. 7.00am to 6.00pm);*
- *offsite impacts from storage of dangerous goods are negligible;*
- *the use is primarily undertaken indoors.*

7. STATEMENT OF REASONS

7.1 Description of Development –

The development application is for a Development Permit for Material Change of Use for Low Impact Industry and Reconfiguring a Lot (One (1) Lot into Two (2) Lots) approved as per Decision Notice DA 19/20-007:

7.2 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"> • Part 3 (Strategic Framework) • Section 6.2.4 (Industry Zone Code) • Section 7.2.1 (Airport Environs Overlay Code) • Section 7.2.2 (Flood Overlay Code) • Section 8.3.1 (Reconfiguring a Lot Code) • Section 8.3.2 (Works Code) • Section 8.3.3 (Landscape Code) 	<i>Longreach Regional 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>
<ul style="list-style-type: none"> • Part D – Regional activity centres network • Part E – Regional policies and land use strategies 	<i>Central West Regional Plan 2009</i>
<ul style="list-style-type: none"> • State Code 6: Protection of State Transport Networks 	<i>State Development Assessment Provisions (v2.6)</i>

7.3 Relevant Matters –

There are no relevant matters for this application.

7.4 Matters Raised in Submission

No submissions received.

7.5 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 material change of use is consistent with the intent of the Industry Zone Code, which supports low impact industry at the scale proposed.
- (b) The reconfiguring a lot is consistent with the intent of the Reconfiguring a Lot Code as it results in two new lots that are each appropriately serviced and above the minimum lot size for the Industry Zone.
- (c) Proposed development is consistent with the Flood Hazard Overlay Code as it will not result in new lots in high or extreme flood hazard areas and will not adversely impact local flood characteristics based on internal Council development engineering advice.
- (d) The development has been conditioned to comply with the other relevant assessment benchmarks of the Planning Scheme relating to engineering works, landscaping and amenity.
- (e) The development does not compromise the relevant elements of the Central West Regional Plan and State Planning Policy.


8. REFERRAL AGENCIES

PLANNING REGULATION 2017	NAME OF AGENCY	STATUS	ADDRESS
Material change of use of premises near a State transport corridor			
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1	The Chief Executive Queensland Treasury	Concurrence Agency	Queensland Treasury Fitzroy and Central Regional Office PO Box 113 Rockhampton QLD 4700 Email: rockhamptonSARA@dsgmip.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/

9. FURTHER DEVELOPMENT PERMITS REQUIRED

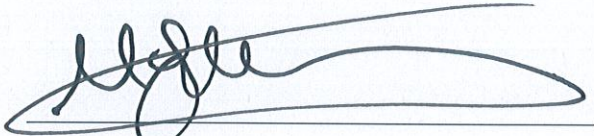
The following further development permits are required:

- Operational Work;
- Plumbing and Drainage Work; and
- Building Work.

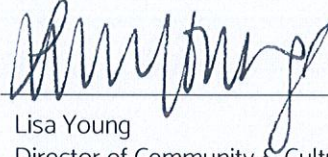


Should you require further assistance in relation to this matter, please do not hesitate to contact Kelli Doyle,
Town Planning Support Officer, on (07) 4658 4111.

Sincerely



Mitchell Murphy
Chief Executive Officer



Lisa Young
Director of Community & Cultural Services

Encl: Attachment 1 - Approved Plans
Attachment 2 - Referral Agency Response
Attachment 3 - Appeal Rights