



Your Reference:  
Our Reference: 21/22-003 ROL  
Contact: Kelli Doyle

25 October 2021

Martyn Smith  
C/- Andrews Town Planning  
47 St Johns Avenue  
ASHGROVE QLD 4060

**Attention:** Frank Andrews  
**Sent via email:** [frank@andrewstownplanning.com.au](mailto:frank@andrewstownplanning.com.au)

Dear Frank

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## **DECISION NOTICE APPROVAL**

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*PLANNING ACT 2016, SECTION 63*

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I refer to your application and advise that on 21 October 2021, Longreach Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

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### **1. APPLICATION DETAILS**

**Application Number:** DA 21/22-003

**Properly Made Date:** 25 August 2021

**Decision Date:** 21 October 2021

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



## 2. APPLICANT DETAILS

**Name:** Martyn Smith

**Postal Address:** C/- Andrews Town Planning  
47 St Johns Avenue  
ASHGROVE QLD 4060

**Email Address:** [frank@andrewstownplanning.com.au](mailto:frank@andrewstownplanning.com.au)

## 3. PROPERTY DETAILS

**Street Address:** 114 and 116 Eagle Street, Longreach

**Real Property Description:** Lot 313 on L3571 and Lot 314 on L3571

**Local Government Area:** Longreach Regional Council

## 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot by Boundary Realignment (Two (2) Lots into Two (2) Lots)

## 5. CURRENCY PERIOD

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

### 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 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.
- 1.4 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.5 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, unless otherwise stated.

**2.0 APPROVED PLAN**

- 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 approval:

Plan	Plan Number	Date
Plan of Proposal ROL Lots 11 & 12 & EMT A Cancelling Lot 313 & 314 on L3571	1274-D4	16/08/2021

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plan, the conditions of approval must prevail.

**3.0 ENDORSEMENT OF SURVEY PLAN**


- 3.1 Council will not endorse or release the survey plan for this development until such time as:
  - 3.1.1 All conditions of this development approval for Reconfiguring a Lot have been fully satisfied;
  - 3.1.2 A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and
  - 3.1.3 All outstanding rates and charges relating to the site have been paid.

**4.0 EASEMENTS**

- 4.1 Easement/s for services, of a minimum width of three (3) metres, are to be registered over approved Lot 12 in favour of approved Lot 11.

**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 Provide and maintain reticulated water and sewerage connections to each lot.

- 6.2 Provide and maintain electricity and telecommunication services to each lot in accordance with the standards and requirements of the relevant service provider.

## 7.0 ASSET MANAGEMENT

- 7.1 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.

## 8.0 CONSTRUCTION ACTIVITIES

- 8.1 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)*.

- 8.2 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.

- 8.3 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.

<b>7. ADVISORY NOTES</b>
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1. 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.
2. 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.

3. 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”).
4. This approval is issued under the *Planning Act 2016* and does not include an assessment against the *Building Act 1975*. Alterations may be required to existing buildings to ensure compliance with the building assessment provisions. The developer should seek advice from a suitably qualified person before proceeding with the development.

## 8. STATEMENT OF REASONS

### 8.1 Description of Development

The development application is for a Development Permit for Reconfiguring a Lot by Boundary Realignment (Two (2) Lots into Two (2) Lots) approved as per Decision Notice DA 21/22-003.

### 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"><li>• Section 6.2.1 (Centre Zone Code)</li><li>• Section 7.2.1 (Airport Environs Overlay Code)</li><li>• Section 8.3.1 (Reconfiguring a Lot Code)</li><li>• Section 8.3.2 (Works Code)</li><li>• Section 8.3.3 (Landscape Code)</li></ul>	<i>Longreach Regional Planning Scheme 2015</i> (v2.1)

### 8.3 Relevant Matters

There are no relevant matters for this application.

### 8.4 Matters Raised in Submission

Public notification of the application was not required.

### 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 development provides two lots that are consistent with the minimum lot size of the Centre Zone and facilitates the ongoing use of the subject site for purposes intended in the Centre Zone.
- The development complies, or can be conditioned to comply, with all relevant assessment benchmarks.

- The development does not compromise the relevant elements of the Central West Regional Plan and State Planning Policy.

**9. REFERRAL AGENCIES**

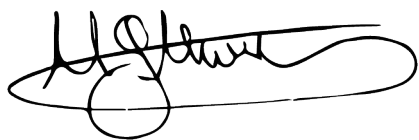
Nil.

**10. FURTHER DEVELOPMENT PERMITS REQUIRED**

Nil.

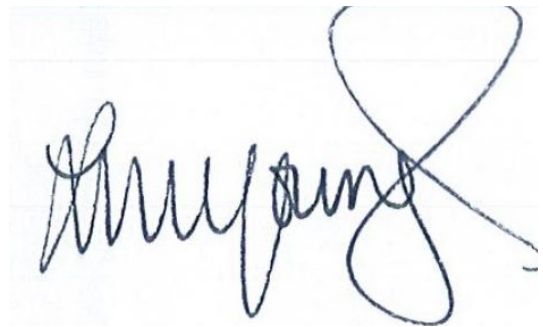
Should you require further assistance in relation to this matter, please do not hesitate to contact Kelli Doyle, Support Services Officer, on (07) 4658 4111.

Sincerely



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Mitchell Murphy  
Chief Executive Officer



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Lisa Young  
Director of Community & Cultural Services

**Encl:** Attachment 1 – Approved Plans  
Attachment 2 – Appeal Rights