



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

23 May 2023

The Bird Cage Hotel Pty Ltd
C/- Patricia Skinner
PO Box 435
EMERALD QLD 4720

Attention: Patricia Skinner

Dear Patricia,

DECISION NOTICE APPROVAL (MINOR CHANGE)

PLANNING ACT 2016, SECTION 83

I refer to your application and advise that on 20 April 2023, 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 22/23-009
Properly Made Date:	17 April 2023
Decision Date for previous Development Application:	17 June 2021
Decision Date for Change Application:	20 April 2023
Planning Scheme:	<i>Longreach Regional Planning Scheme 2015 (v2.1)</i>

2. APPLICANT DETAILS

Name:	The Bird Cage Hotel Pty Ltd
Postal Address:	C/- Patricia Skinner PO Box 435 EMERALD QLD 4720
Email Address:	skindesign@bigpond.com

3. PROPERTY DETAILS

Street Address:	31 Duck Street, Longreach
Real Property Description:	Lot 1 on RP894227
Local Government Area:	Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been amended on 20 April 2023:

- Development Permit for Material Change of Use (Extension to existing Hotel)

5. CURRENCY PERIOD

In accordance with section 85 of the Planning Act 2016, the currency period for this development approval is six (6) years starting the day that this development approval takes effect.

6. NATURE OF THE CHANGES

The nature of the changes are:

- Amendment to Condition 2.1 (Approved Plans and Documents)

Changes are summarised as follows:

- Addition of a 27m² extension to the existing gaming room.

7. 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 use 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 Floor Plan	261405.3	B	29-04-2021
Proposed Elevations & Sections	261405.4	B	29-04-2021
Proposed Landscaping Plan	261405.L2	A	30-03-2021
Proposed Site/Floor Plan	261405.3	D	23-03-2023
Proposed Elevations & Sections	261463.4	D	23-03-2023

- 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 SERVICES

- 4.1 Maintain all reticulated water and sewerage connections to the premises.
- 4.2 Maintain electricity and telecommunication services to the premises in accordance with the standards and requirements of the relevant service provider.

5.0 AMENITY

- 5.1 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, odour, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, grit, oil or otherwise.
- 5.2 Outdoor lighting must comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*.

6.0 LANDSCAPING

- 6.1 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.
- 6.2 Ensure the landscaped areas are subject to water and maintenance during the establishment phase, and ongoing maintenance and replanting as required.

7.0 CONSTRUCTION ACTIVITIES

- 7.1 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.
- 7.2 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)*.
- 7.3 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.

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”).

8. STATEMENT OF REASONS

8.1 Description of Development

The development application is for a Development Permit for Material Change of Use for a *Tourist Park* (150 caravan and camping sites).

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">• Centre Zone Code (section 6.2.1)• Airport Environs Overlay Code (section 7.2.1)• Works Code (section 8.3.2)• Landscape Code (section 8.3.3)	<i>Longreach Regional Planning Scheme 2015 (v2.1)</i>

8.3 Relevant Matters

There are no relevant matters for this application.

8.4 Matters Raised in Submission

No submissions were received for this development application.

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 hotel, at the scale proposed, is a consistent use in the Centre Zone.
- b) The Bird Cage Hotel is a long-established centre use and the expectation of the community can reasonably consider its on-going use and improvement. The extensions will enhance the usability, appeal and experience of the hotel in its current form without causing adverse amenity impacts.
- c) Built form improvements will continue to provide for an attractive and activated streetscape.
- d) Infrastructure connections, vehicle access and parking and other utilities are appropriate for the use.
- e) The development complies with all applicable assessment benchmarks of the Planning Scheme.
- f) 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

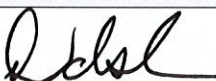
Permits and approvals for building work, plumbing and any other related works should be obtained prior to commencement of the building works authorised by this permit.

11. OTHER DETAILS

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 Longreach Regional Council on (07) 4658 4111 or via email assist@longreach.qld.gov.au.

12. DELEGATED PERSON

Name: Brett Walsh

Signature:  Date: 23 May 2023

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