



Your Reference:
Our Reference: DA20/21-009 Minor Change
Contact: Kelli Doyle

3 June 2021

Hirst Mechanical Services
PO Box 534
LONGREACH QLD 4730

Attention: Peter Hirst

Dear Peter

**DECISION NOTICE
APPROVAL (MINOR
CHANGE)**

PLANNING ACT 2016, SECTION 83

I refer to your application and advise that on 27 May 2021, 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: DA20/21-009

Properly Made Date: 9 March 2021

Decision Date for
Development Application: 27 August 2018

Decision Date: 27 May 2021

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



2. APPLICANT DETAILS

Name: Hirst Mechanical Services

Postal Address: PO Box 534
LONGREACH QLD 4730

Email Address: hirsty@tpg.com.au

3. PROPERTY DETAILS

Street Address: Spoonbill Street, Longreach

Real Property Description: Lot 100 and Lot 101 on SP255292

Local Government Area: Longreach Regional Council

4. DECISION DETAILS

The following type of approval has been amended on 27 May 2021:

- Development Permit D17/18-003 for Material Change of Use for Low Impact Industry (Mechanical Shed)

5. CURRENCY PERIOD

This Material Change of Use

6. NATURE OF THE CHANGES

The nature of the changes are:

- Amendments to Condition 2.1;
- Removal of Condition 3.2;
- Amendments to Condition 4.3;
- Amendments to Condition 7.1;
- Removal of Condition 9.3;
- Amendments to Condition 10.1;
- Removal of Condition 12.1; and 12.3-12.6;
- New Condition 19.

The changes to the conditions relate to the following:

- an increase of the enclosed area of the proposed general purpose shed by approximately 4.4m²;
- an increase in the total building envelope of the proposed general purpose shed by 108m²;
- a reduction the building envelope of the proposed mechanical shed by approximately 52m²;
- a net reduction in the Gross Floor Area of both buildings by approximately 47.49m²; and
- provision of a semi-permanent and unenclosed 'igloo' shelter, to be mounted between two storage containers on the site.

7. ASSESSMENT MANAGER CONDITIONS

1. NATURE OF DECISION

- 1.1 *Approval is granted for a development permit for a Material change of use for Low impact industry (mechanical shed) at Spoonbill Street, Longreach on land described as Lots 100 & 101 on SP255292.*

Relevant Period

- 1.2 *The relevant period for this approval is in accordance with Section 229 of the Planning Act 2016.*

Compliance Timing

- 1.3 *Comply with all conditions of this development approval at no cost to Council and prior to the commencement of the use, unless otherwise stated in a specific condition.*

Notification of Commencement of Use

- 1.4 *The applicant must give Council a written notice of commencement for the development which contains the following:*
- application number;*
 - site address;*
 - name and telephone number (work and after hours) of the a suitable contact person to arrange a site inspection;*
 - the commencement date for the use.*

Timing

The notification is to be sent directly to Council's Planning Department and must be provided within 1 week of the use commencing.

2 APPROVED DOCUMENTS

2.1 The development of the site must be carried out generally in accordance with the following approved plans and documents; except as altered by other conditions of this development approval:

<i>Plan / Document Title</i>	<i>Drawing Number</i>	<i>Date</i>	<i>Prepared by</i>
Site plan	WK17-0014-A01 Rev D	08/06/17	Osborn consulting engineers
Site plan	WK17-0195-A01 Rev B	16/04/2021	Osborn consulting engineers
Proposed ground floor plan (amended)	WK17-0014-A02 Rev D	08/06/17	Osborn consulting engineers
Proposed first floor plan	WK17-0014-A03 Rev D	08/06/17	Osborn consulting engineers
Proposed ground (office) floor plan	WK17-0014-A04 Rev D	08/06/17	Osborn consulting engineers
Mechanical shed elevations (amended)	WK17-0014-A05 Rev D	08/06/17	Osborn consulting engineers
Proposed floor plan (shed) (amended)	WK17-0195-A02 Rev B	29/05/17	Osborn consulting engineers
Slab & Foundation Layout	WK17-0195-S01	24/03/2021	
Structural Elevations	WK17-0195-S03	24/03/2021	Osborn consulting engineers
Code of Practice for general environmental duty		November 2017	Hirst Mechanical

Decision notice and approved plans/drawings to be submitted with subsequent application(s)

Timing

As indicated within the wording of the condition.

2.2 A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any operational works or building works application relating to or arising from this development approval.

<p><i>Decision notice and approved plans/drawings to be retained on site</i></p> <p>2.3 A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.</p>	<p><i>Timing</i></p> <p>At all times.</p>
<p>3. OPERATION</p>	
<p><i>Code of practice</i></p> <p>3.1 Operation and management of the use must be consistent with the Code of Practice for general environmental duty, prepared for HIRST MECHANICAL, Spoonbill Street, Longreach, dated 2017.</p> <p>3.2 The storage shed located in the south western corner of the site and illustrated on drawing number WK17-0195-A01 can not be used to undertake work on vehicles.</p>	<p><i>Timing:</i></p> <p>At all times.</p>
<p>4. AMENITY</p>	
<p><i>Hours of operation</i></p> <p>4.1 Hours of operation are limited to:</p> <ul style="list-style-type: none"> a. 7:00am – 6:00pm Monday to Saturday; and b. 8:00am – 4:00pm on Sundays and Public Holidays; c. Outside the hours stated in (a) and (b) not more than an average of twice per fortnight, over a 12 month period. 	<p><i>Timing</i></p> <p>At all times once use has commenced.</p>
<p><i>Location of equipment and ventilation units</i></p> <p>4.2 All service equipment and mechanical ventilation associated with the use of the premises must be installed, located and screened to the satisfaction of the Chief Executive Officer and must not cause nuisance or disturbance to persons outside the boundaries of the premises.</p>	<p><i>Timing</i></p> <p>At all times once use has commenced.</p>
<p><i>Refuse storage area</i></p> <p>4.3 A screened refuse storage area must be located on-site and:</p> <ul style="list-style-type: none"> a. Located and designed consistent with Site plan, drawing number WK17-001-A01-Rev-D WK17-0195-A01 Rev B, dated 08/06/17 17/05/17; and b. Include screening on the northern and eastern side at a minimum 	<p><i>Timing</i></p> <p>Prior to the commencement of the use and maintained for the life of the development.</p>

<p>height of 1.5 metres; and</p> <p>c. Must be screened at a maximum transparency of 50%.</p>	
<p>Screening of storage</p> <p>4.4 The storage of any machinery, materials or vehicles (other than parked employee or visitor vehicles) must be screened or located at the rear of the property so as not to be visible from any road that the site fronts.</p> <p>4.5 The location of outdoor storage is to be to the satisfaction of the Chief Executive Officer.</p>	<p>Timing</p> <p>Location to be submitted to Council prior to the commencement of construction.</p> <p>At all times once use has commenced.</p>
<p>No nuisance from lighting</p> <p>4.6 All external lighting devices provided as part of the approved development must:</p> <p>a. be positioned on the premises and shielded so as not to cause glare or other nuisance to surrounding residents and motorists; and</p> <p>b. not exceed 8.0 lux at 1.5 meters beyond the boundary of the site.</p>	<p>Timing</p> <p>At all times.</p>
<p>Roof to be non-reflective</p> <p>4.7 The roof must be constructed with non-reflective finishes so as not to cause glare or other nuisance to surrounding residents, to the satisfaction of the Chief Executive Officer.</p>	<p>Timing</p> <p>At all times.</p>
<p>Boundary fencing</p> <p>4.8 Deleted</p> <p>4.9 A 1.8m high chainmesh fence (all similar) is erected on all side and rear boundaries.</p>	<p>Timing</p> <p>At all times.</p>
<p>Noise</p> <p>4.10 Noise from any activities approved on the site must not cause environmental nuisance by exceeding the noise generation levels set out in the Environmental Protection (Noise) Policy 2008, as amended.</p>	<p>Timing</p> <p>At all times.</p>
<p>Air quality</p> <p>4.11 The release of noxious or offensive odours or any other noxious or offensive airborne contaminants outlined in the Environmental</p>	<p>Timing</p> <p>At all times.</p>



Protection (Air) Policy 2008, as amended and must not cause environmental nuisance.

5. CAR PARKING, LOADING & UNLOADING

Off-street car parking

5.1 Off-street car parking facilities must be designed, constructed and maintained to the satisfaction of the Chief Executive Officer and at no cost to Council in accordance with the following:

- a. A minimum of 15 off-street car parking spaces must be provided on-site in accordance with:

 - i. The plan/s of development referred to in this development approval; and*
 - ii. Australian/New Zealand Standards AS/NZS 2890.1:2004 Parking facilities - Off-street car parking; and*
 - iii. AS 2890.2-2002 Parking facilities - Off-street commercial vehicle facilities.**
- b. The off-street car parking facilities must only be used for vehicle parking.*
- c. The off-street car parking facilities must be sealed or constructed of a suitable alternative material for all-weather use.*

Timing

Prior to the commencement of the use.

At all times after the commencement of the use.

Freely accessible car parking

5.2 All car parking spaces must be freely accessible to employees and visitors for the time the use is open for business. Car parking spaces for employees and visitors must have no gateways, doors or similar devices which restrict vehicular access.

Timing

At all times the use is open for business.

Off street car parking design

- 5.3 Off street car parking facilities:*
- a. clearly identify staff and visitor parking, generally in accordance with the plan/s of development referred to in this development approval; and*
 - b. must include line marking consistent with the requirements of*

Timing

Prior to the commencement of the use.





<i>AS/NZS2890.1:2004 Parking facilities – Off-street car parking.</i>	
<p><i>Loading and unloading of vehicles – operations</i></p> <p>5.4 <i>Loading and unloading of vehicles must:</i></p> <ul style="list-style-type: none">a. <i>be conducted wholly within the site; and</i>b. <i>stand entirely within the site when waiting to be loaded and unloaded.</i>	<p><i>Timing</i></p> <p><i>At all times once use has commenced.</i></p>
<p><i>Safe manoeuvring</i></p> <p>5.5 <i>All vehicles must enter and exit the site in a forward gear.</i></p>	<p><i>Timing</i></p> <p><i>At all times once use has commenced.</i></p>
6. ACCESS, KERB & CHANNEL, FOOTPATHS	
<p><i>Alterations in the road reserve</i></p> <p>6.1 <i>Any alterations in the road reserve must provide for equitable access, including satisfaction of the requirements of AS1428 Design for access and mobility as if they applied to the road reserve.</i></p>	<p><i>Timing</i></p> <p><i>Prior to the commencement of the use.</i></p>
<p><i>Design of cross-over</i></p> <p>6.2 <i>A vehicular crossing (driveway entry within the road reserve) must be designed and constructed by the applicant (at no cost to Council) in accordance with the Institute of Public Works Engineering Australia Standard Drawing RS-051.</i></p>	<p><i>Timing</i></p> <p><i>Prior to the commencement of the use.</i></p>
<p><i>Reconstruction of kerb and channel/footpath</i></p> <p>6.3 <i>Where a kerb and channel/ footpath is removed or damaged, the applicant must reconstruct the kerb and channel/footpath for the full frontage of the development site, at no cost to Council in accordance with the Institute of Public Works Engineering Australia Standard Drawings RS-065 and RS-080.</i></p>	<p><i>Timing</i></p> <p><i>Prior to the commencement of the use.</i></p>
<p><i>Access to the building</i></p> <p>6.4 <i>Any stairs, ramps, associated handrails and tactile ground surface indicators must be located wholly within private property.</i></p>	<p><i>Timing</i></p> <p><i>At all times.</i></p>



<p>Redundant vehicular crossings</p> <p>6.5 All redundant vehicle crossings must be removed and kerb and channel reinstated. The removal and reinstatement must be to the satisfaction of the Chief Executive Officer, at no cost to Council.</p>	<p>Timing</p> <p>Prior to the commencement of the use.</p>
<p>Design of commercial driveway</p> <p>6.6 The approved driveway must comply with AS2890.2-2002 Parking facilities - Off-street commercial vehicle facilities. Where the gradient of driveways exceeds 12.5%, safe pedestrian access facilities must be provided to Council's satisfaction (eg. handrails, steps and/or cleats).</p>	<p>Timing</p> <p>Prior to the commencement of the use.</p>
<p>7. LANDSCAPING</p>	
<p>Landscaping to be undertaken in accordance with approved plans</p> <p>7.1 Landscaping is to be undertaken generally in accordance with approved plan titled Site plan, WK17-0014-A01-Rev-D WK17-0195-A01 Rev B, dated 06/06/17 17/05/217, prepared by Osborn consulting engineers.</p>	<p>Timing</p> <p>Prior to the commencement of the use.</p>
<p>Use of quality landscape materials</p> <p>7.2 All plants, materials, hardscape and watering systems shown on the approved landscaping plan must be of acceptable quality and be installed and maintained to the satisfaction of the Chief Executive Officer, prior to the commencement of the use.</p>	<p>Timing</p> <p>At all times.</p>
<p>8. ADVERTISING DEVICES</p>	
<p>Advertising device approval required</p> <p>8.1 No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device).</p>	<p>Timing</p> <p>At all times.</p>

9. EROSION AND SEDIMENT CONTROL

Preparation of an erosion and sediment control plan required

Timing

Prior to the commencement of works.

9.1 *An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Best Practice Erosion & Sediment Control (IECA Australasia, November 2008). The plan must:*

- a. *Ensure that all reasonable and practicable measures are implemented to minimise short and long-term erosion and adverse effects of sediment transport;*
- b. *Relate to each phase of works (including clearing, earthworks, civil construction, services installation and landscaping/rehabilitation) and detail the type, location, sequence and timing of measures and action to effectively minimise erosion, manage flows and capture sediment;*
- c. *Be consistent with current best practice standards to the extent that the standards are not inconsistent with the conditions of approval and taking into account all environmental constraints including erosion hazard, season, climate, soil and proximity to waterways; and*
- d. *Include monitoring requirements, and clearly outline the need to adjust or maintain erosion and sediment control and site management practices to achieve the above requirements.*

Compliance with the sediment control plan

Timing

At all times while works are occurring.

9.2 *All works must be carried out and completed and all maintenance and monitoring implemented in accordance with the erosion and sediment control plan, to the satisfaction of the Chief Executive Officer, and at no cost to Council.*

Erosion and sediment control

9.3 *Deleted*

10. WASTE

Design of waste storage facilities

Timing

Prior to the commencement of the use.

10.1 Waste facilities must be designed and constructed in accordance with Site plan prepared by Osborn Consulting Engineers, dated ~~08/06/17~~ 17/05/17-Rev-D Rev B.

10.2 Sufficient waste storage including general waste, recyclable waste and other development-specific waste types are to be provided within the site.

10.3 Waste and recycling storage facilities must be provided in accordance with the following provisions:

- a. Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
- b. Waste storage area for waste containers must be constructed of a solid concrete base or acceptable equivalent;
- c. Waste storage area must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway;
- d. The applicant must enter into a contract/agreement with a private waste collector, if using skip bins;
- e. General waste in wheelie bins must be brought to the kerbside for collection;
- f. The applicant must contact Council for the supply of wheelie bins, at their cost.

11. HAZARDOUS CHEMICALS

Hazardous chemicals

Timing

At all times.

11.1 Hazardous chemicals are stored, treated and managed in accordance with the Code of Practice for general environmental duty, Prepared for HIRST MECHANICAL, Spoonbill Street, Longreach, dated November



<p>2017.</p> <p>11.2 Hazard chemicals are stored above 185m AHD at all times.</p>	
<p>12. FLOODING</p>	
<p>No loss of floodplain storage</p> <p>12.1 Deleted</p>	<p><i>Timing</i></p> <p>At all times.</p>
<p>Site level</p> <p>12.2 The finished floor level of the proposed mechanical shed and the proposed general purpose shed must be at a height of 184.54 AHD or greater.</p>	<p><i>Timing</i></p> <p>Prior to use of the site commencing.</p>
<p>Design requirements for development in the floodplain</p> <p>12.3 Deleted</p> <p>12.4 Deleted</p> <p>12.5 Deleted</p> <p>12.6 Deleted</p>	
<p>13. CONSTRUCTION ACTIVITY AND NOISE</p>	
<p>Management of construction activity</p> <p>13.1 Construction activity must be limited to the hours of 6.30am to 6.30pm Monday to Saturdays, with no work to occur on Sundays or Public Holidays.</p> <p>13.2 The release of dust and particulate matter from construction activities must not cause an environmental nuisance.</p>	<p><i>Timing</i></p> <p>At all times while works are occurring.</p>





<p><i>Noise management</i></p> <p>13.3 <i>Noise from construction activities must not cause an environmental nuisance.</i></p>	<p><i>Timing</i></p> <p><i>At all times while works are occurring.</i></p>
<p>14. EARTHWORKS</p>	
<p><i>Earthworks</i></p> <p>14.1 <i>Earthworks must comply with Australian Standards in the following manner:</i></p> <ul style="list-style-type: none">a. <i>The earthworks must be carried out in accordance with AS 3798-1996 Guidelines on earthworks for commercial and residential developments.</i>b. <i>Supervision of bulk earthworks must be to Level 1 and the frequency of field density testing must be in accordance with Table 8.1 of AS 3798-1996.</i>c. <i>Material must be placed in layers, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction of AS 3798-1996.</i> <p>14.2 <i>The design and construction of this development (including earthworks) must complement the existing topography to the maximum extent practicable. Cutting and filling within lots must also be kept to the absolute minimum practical extent.</i></p>	<p><i>Timing</i></p> <p><i>Forming part of the Operational Work application and at all times while works are occurring.</i></p>
<p>15. ENGINEERING</p>	
<p><i>General – Engineering standard</i></p> <p>15.1 <i>Construct all works in accordance with the approved plans of development and in accordance with Council's adopted standards.</i></p> <p>15.2 <i>The cost of carrying out works and providing services to the proposed development, as required by the conditions of approval, shall be at the</i></p>	<p><i>Timing</i></p> <p><i>As indicated within the wording of the condition</i></p>



expense of the applicant.

15.3 On completion of the works, "as constructed" plans shall be submitted to Council, with certification by a Registered Professional Engineer Queensland (RPEQ)-Civil, that the works have been completed in accordance with the endorsed plans and any approved modifications

Prior to undertaking any works required by the conditions of approval for vehicle crossovers, water supply connections, sewerage connections and stormwater drainage, engineering plans and specifications shall be prepared by a Registered Professional Engineer Queensland (RPEQ)-Civil in accordance with the relevant standards required by the conditions of approval, and shall be submitted to and for the endorsement of Council

Rectification

15.4 Be responsible for the full cost of any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

Timing

At all times

Stormwater Quantity - Connection

15.5 Connect the development to the existing stormwater system at no cost to Council.

Timing

Prior to the commencement of the use.



<p>Stormwater Quantity - Design</p> <p>15.6 Provide stormwater drainage for the development in accordance with the Queensland Urban Drainage Manual (QUDM) and the applicable planning scheme. Where there is any inconsistency, the applicable planning scheme takes precedence.</p> <p>15.7 Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.</p> <p>15.8 A stormwater management plan is prepared in accordance with the Queensland Urban Drainage Manual (QUDM) and is submitted to council prior to works at the site commencing.</p> <p>The stormwater management plan must ensure the site is self draining by grading land, the proposed and existing driveways towards lawful points of discharge and avoiding stagnation of stormwater causing drainage nuisance to adjoining properties.</p> <p>15.9 Deleted</p>	<p>Timing</p> <p>Prior to the commencement of the use.</p>
<p>Stormwater Quantity - Lawful Point of Discharge</p> <p>15.10 Stormwater from the development is directed to the lawful point of discharge being the kerb and channel in Spoonbill Street and/or the open stormwater drain to the south and west of the site.</p> <p>15.11 Deleted</p>	<p>Timing</p> <p>At all times</p>
<p>Stormwater Quantity - Stormwater Management On site</p> <p>15.12 Undertake the stormwater management on site in accordance with the Schedule SC5.1 of the Longreach Planning Scheme.</p> <p>15.13 Deleted</p> <p>15.14 Submit to Council, a Compliance Certificate from a Registered Professional Engineer Queensland (RPEQ), certifying that stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by Council.</p>	<p>Timing</p> <p>Prior to the commencement of the use.</p>

16. SEWERAGE/WASTE WATER INFRASTRUCTURE

Wastewater

- 16.1 Connect the development to Council's wastewater reticulation system via internal reticulation works, at the applicant's cost.
- 16.2 Ensure that all live connections to the existing wastewater reticulation main are to be performed by Council at the applicant's cost.
- 16.3 Lodge a private works application with Council for the installation of 150mm property service connection for the development site.
- 16.4 Ensure that any redundant wastewater connections within the site or servicing the development must be capped and sealed by Council at the applicant's cost. Any redundant pipework must be removed from the site.
- 16.5 Ensure that the property connection shall not be located within 1.5m of existing or proposed structures; the connection point shall be vertically open to the sky and easily accessible for future maintenance.

Timing

Prior to the commencement of the use.

17. WATER SUPPLY RETICULATION

- 17.1 Connect the development to Council's water reticulation system via internal reticulation works, at the applicant's cost.

Timing

Prior to the commencement of the use.

18. ELECTRICITY AND TELECOMMUNICATIONS

Electricity and Telecommunications - General

- 18.1 Provide electricity supply and telecommunications to the development in accordance with Schedule 5.1 of the Longreach Planning Scheme and the Energex - Underground Distribution Construction Manual.
- 18.2 Submit to Council written confirmation from an electricity provider that an agreement has been made for the supply of electricity to the development.
- 18.3 Submit to Council written confirmation from a telecommunications carrier that an agreement has been made for the supply of telecommunications to the development.
- 18.4 Do not install property poles; flying fox overhead connections.

Timing

Prior to the commencement of the use.

19. CONTAINER SHELTER

19.1 The proposed container mounted shade structure must be located on part of the site where it does not affect the ability of vehicles (up to the maximum design vehicle) to enter, manoeuvre, operate or exist the site in forward gear.

Timing:

At all times.

19.2 The container mounted shelter must be appropriately set back from site boundaries (minimum distance of two metres or where not otherwise varied by building certification requirements) to allow for the provision of landscaping that is consistent with the Site Plan, drawing number WK17-0195-A01 Rev B, 17/05/17.

19.3 The container mounted shelter must not be enclosed at any time. The shelter is to remain open at both ends at all time.

19.4 Maximum building height of the container shelter must not exceed 6.5 metres above ground level.

19.5 A maximum of one (1) container mounted shelter is permitted on-site, unless otherwise approved in writing by Council.

20. GENERAL

20.1 If any item of cultural heritage is identified during site works, all works must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

Timing

As indicated within the wording of the condition

20.2 Pay all outstanding rates, sewerage, cleaning, water charges or other charges due to Council prior to the issuing of any building certification of the proposal.

ADVICE

(a) When an Application Lapses

For your information

Should the development not be completed within the relevant period, this approval will lapse. A new application will need to be made to Council, unless an approval has been obtained for an extension of this period.

(b) Changes requiring further approval

For your information

Changes to the approved design that are not generally in accordance with the approved plans/drawings require approval in accordance with the

Planning Act 2016.

The Planning Act 2016 sets out the procedures for changing approvals where the change can be classified as a permissible change. If the change is not a permissible change, a new development approval is required.

(c) Appeals

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 229 of the Planning Act 2016. A copy of that section is attached to the decision notice.

Timeframes associated with appeals are set out in attached information.

(d) Applicant's responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

For your information

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

- a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;*
- b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the Environmental Protection Act 1994 of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity');*
- c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);*

- d *Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;*
- i) *Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds \$80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and*
- ii) *Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.*

(e) Aboriginal Cultural Heritage Act

The Aboriginal Cultural Heritage Act 2003 ('AHCA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- a. *Is not negated by the issuing of this development approval;*
- b. *Applies on all land and water, including freehold land;*
- c. *Lies with the person or entity conducting an activity; and*
- d. *If breached, is subject to criminal offence penalties.*

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

For your information

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the AHCA.

(f) Referral agency advice

For your information

The State Assessment and Referral Agency (SARA) provided advice within their correspondence dated 29 September 2017 for the following state interest:

- *Schedule 7, Table 3, Item 1 – State-controlled*

8. REFERRAL AGENCIES

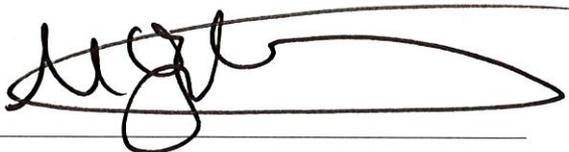
Department of Infrastructure, Local Government and Planning

9. FURTHER DEVELOPMENT PERMITS REQUIRED

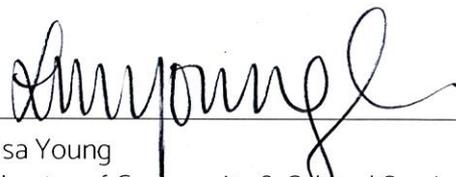
- Development Permit for Carrying Out Building Work;
- Development Permit for Operational Works.

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



Mitchell Murphy
Chief Executive Officer



Lisa Young
Director of Community & Cultural Services

Encl: Attachment 1 – Approved Plans
Attachment 2 – Appeal Rights
Attachment 3 – Assessment manager conditions and appeal provisions