

DEVELOPMENT APPLICATION – DA 13-2022-2023 – 655 GLENRUSK ROAD, BLACKALL**EXECUTIVE SUMMARY**

The Applicant, Lifespring Outdoor Centre Pty Ltd, seeks a Development Permit for a Material Change of Use for Nature-based tourism over land at 655 Glenrusk Road, Blackall, formally described as Lot 18 on EV42.

The proposal involves the reuse of existing buildings on site for hosting groups of up to 25 people for camps and similar activities. Outdoor education will be offered through outdoor activities like initiatives, orienteering, raft building, geocaching and archery.

Under the *Blackall-Tambo Region Planning Scheme 2020* (the Planning Scheme), the subject site is in the Rural Zone. The defined use that has been applied for, being 'Nature-based Tourism', is subject to Code Assessment in the Rural Zone.

Based on an assessment of the proposal in accordance with the Code Assessment process articulated in the *Planning Act 2016*, this decision report recommends approval of the development application, subject to the conditions stated herein.

RECOMMENDATION

THAT Blackall-Tambo Regional Council approves the application for a Development Permit for Material Change of Use for Nature-based tourism over land at 655 Glenrusk Road, Blackall, formally described as Lot 18 on EV42, subject to the following 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 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 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.
- 1.5 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.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

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 Number	Date
Site Plan	DA-01	-	30/11/2022 (Received date)

- 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 PARAMETERS OF USE

- 3.1 The use is permitted to accommodate a maximum of 25 occupants at any one time.
- 3.2 Guest must be accommodated within the existing buildings onsite.

4.0 SERVICES

- 4.1 Existing onsite water supply and onsite sewerage system must be maintained to ensure it is suitable to service the development.
- 4.2 Maintain the existing telecommunications service and electricity supply to the development.

4.0 STORMWATER WORKS

- 4.1 Stormwater from the approved development must drain to a lawful point of discharge. Stormwater run-off 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.

5.0 ACCESS

- 5.2 Maintain the existing crossover to the Glenrusk Road.
- 5.2 Internal access tracks from the main access road to the development must be maintained (flat graded).
- 5.3 Install and maintain directional signage within the site to ensure the orderly and efficient movement of vehicles.

6.0 AMENITY

- 6.1 The development site must be maintained in a clean, safe and tidy condition.
- 6.2 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 water-borne contaminants, noise, dust, lighting, odour, wastewater, waste products, oil or otherwise.

7.0 WASTE MANAGEMENT

- 7.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:
- 7.1.1 Designed to not cause nuisance to neighbouring properties;
 - 7.1.2 Screened from any road frontage or adjoining property;

7.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the development.

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 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.

9.2 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

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. 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.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation 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.
- D. 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").

1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS	
Site address	655 Glenrusk Road, Blackall QLD 4472
RPD	Lot 18 on EV42
Site Area	6206.011 hectares
Landowners	Philip Lloyd Walker
Existing use of land	Cattle Station, Dwelling house and various outbuildings
Existing development approval	N/A
APPLICATION DETAILS	
Application No.	DA13-2022-2023
Applicant	Lifespring Outdoor Centre Pty Ltd
Application description	Development Application for a Development Permit for Material Change of Use for Nature-based Tourism
Decision due date	27 January 2023
Main Issues/Resolution	Nil
STATUTORY DETAILS	
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020
Overlays	Blackall (and surrounds) Flood Hazard Map
Zone	Rural
Land use definition	Nature-based tourism
Category of Assessment	Code Assessment

2.0 PROPOSAL BACKGROUND

TABLE 2 – OVERVIEW OF DEVELOPMENT ASSESSMENT PROCESS

Application lodged	30 November 2022
Decision due	27 January 2023

3.0 SITE AND SURROUNDS DESCRIPTION

The subject site is located at 655 Glenrusk Road, Blackall, formally described as Lot 18 on EV42. The subject site has an area of 6206.011 hectares and has extensive frontage to Glenrusk Road. The site, known as Westhill contains a cattle station, a dwelling house and various other structure such as sheds.

The site is adjoined by large rural properties.

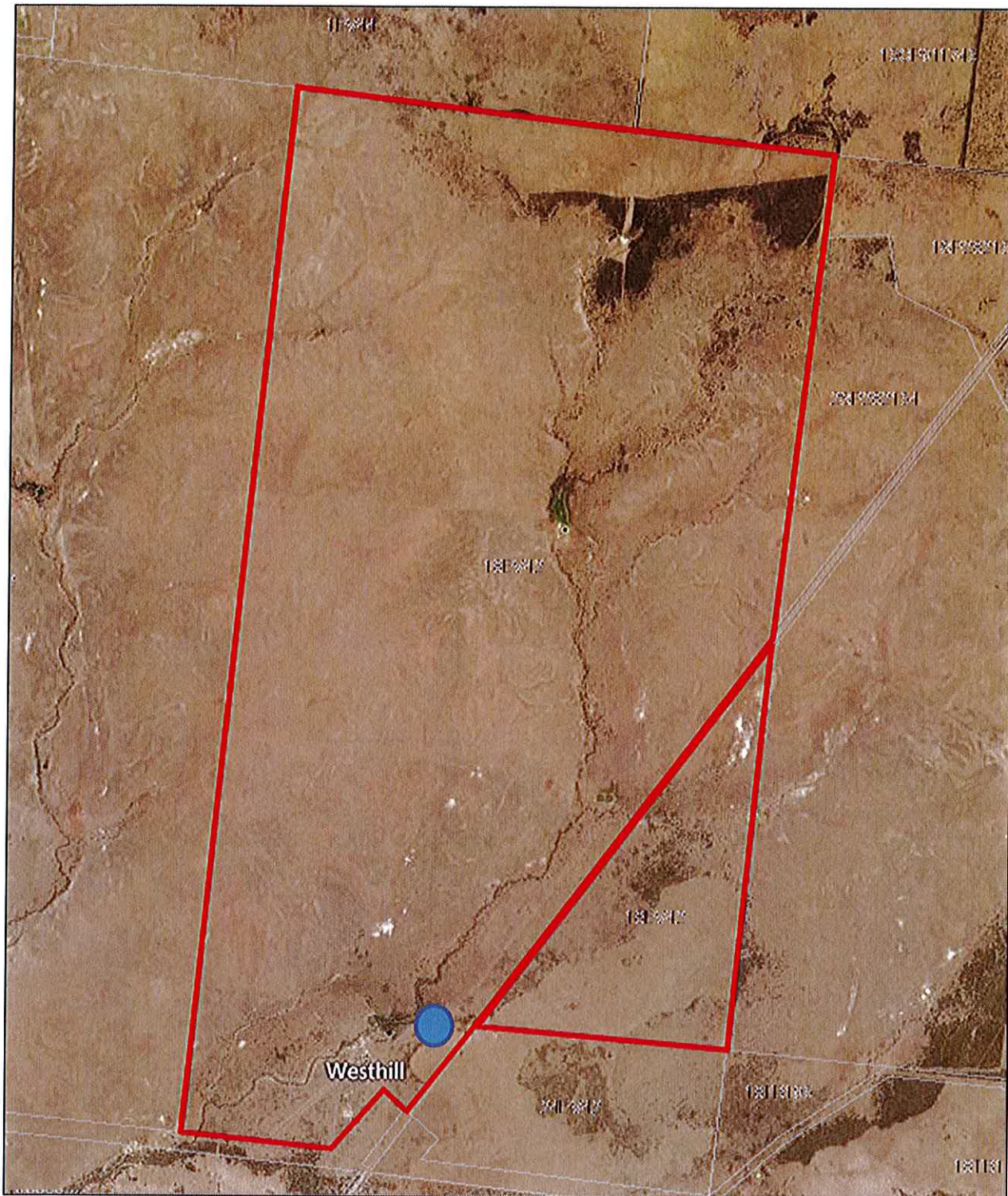


Figure 1 – Aerial of subject site – location denoted by blue circle (Source: QLD Government DAMS Mapping)

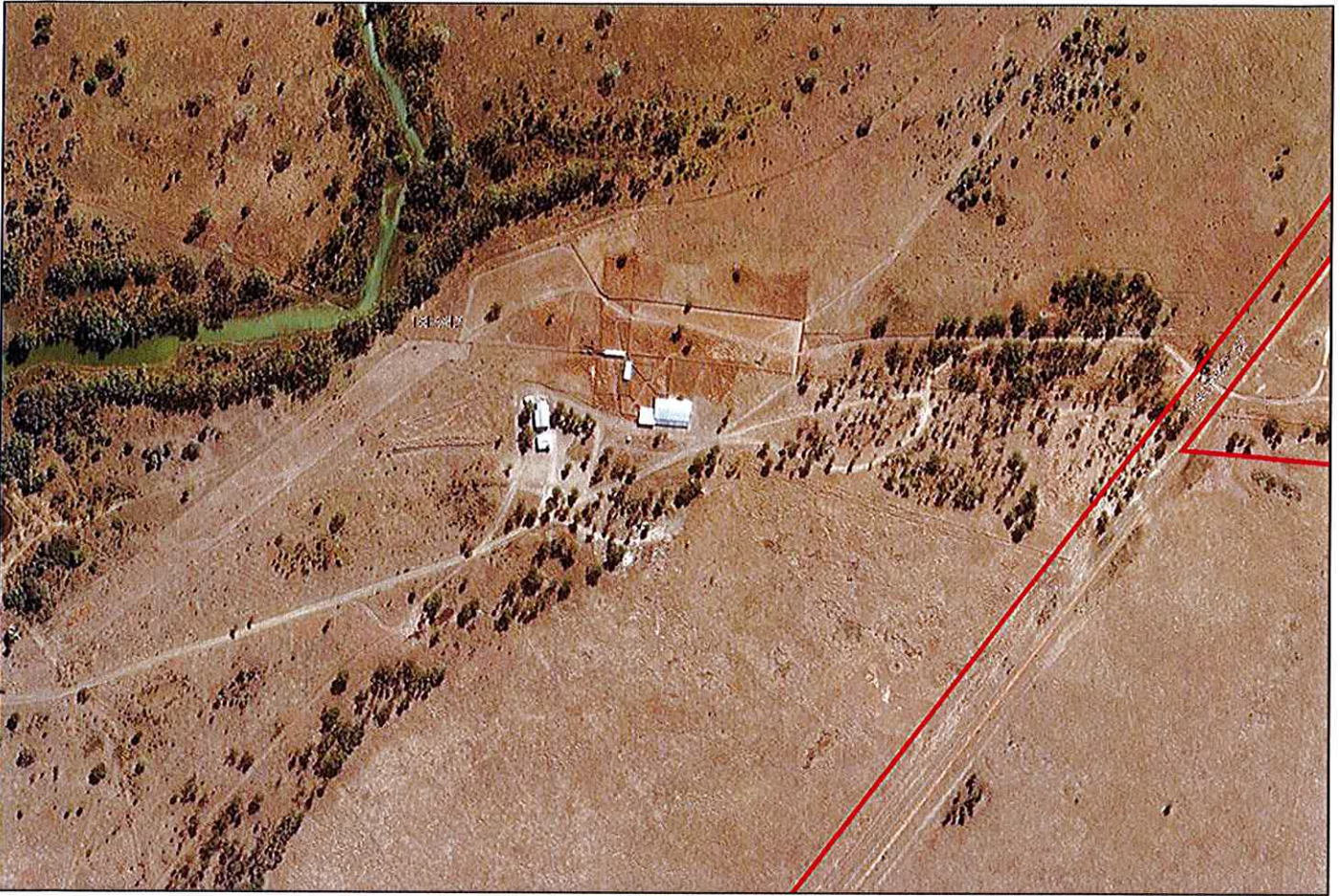


Figure 2 – Aerial of Nature-based tourism site – (Source: QLD Government DAMS Mapping)

4.0 DESCRIPTION OF PROPOSAL

The proposal involves the reuse of existing buildings on site for hosting groups of up to 25 people for camps and similar activities. Outdoor education will be offered through outdoor activities like initiatives, orienteering, raft building, geocaching and archery.

Access is provided from an existing access location on Glenrusk Road. The access location is accessible from both Jericho Road and Evora Road.

Attachment A provides a copy of the proposal plan referenced in the recommendation.

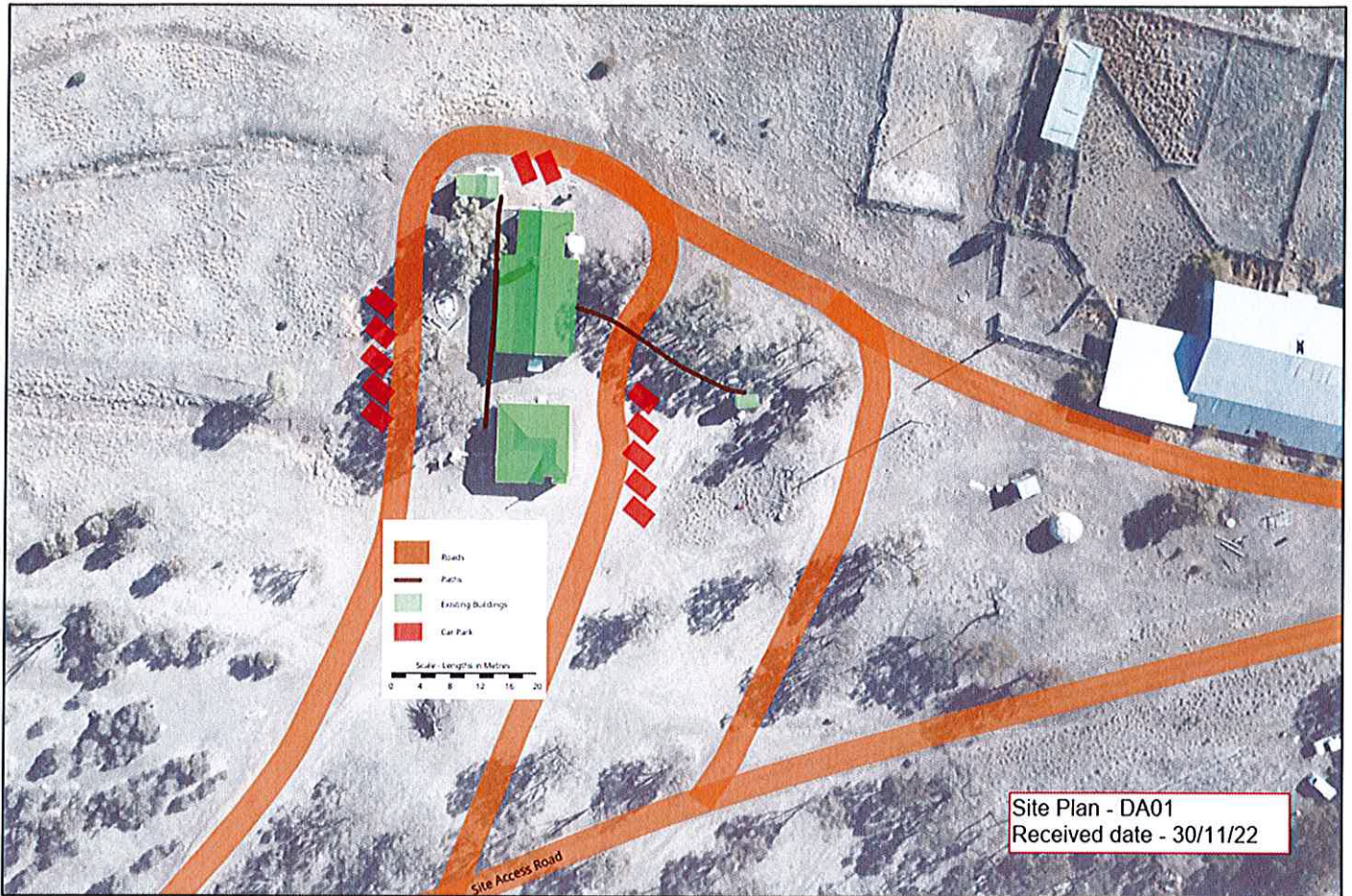


Figure 3 – Site layout (Source: Extract from proposal plan)

5.0 PLANNING ASSESSMENT

In accordance with section 45 (3) of the *Planning Act 2016*, Code Assessment is an assessment that must be carried out only –

- (a) Against the **assessment benchmarks in a categorising instrument** for the development; and
- (b) Having regard to **any matters prescribed by regulation** for this paragraph.

This framework for assessing Code assessable applications is explained as follows –

Code assessment is a 'bounded assessment' which means only the applicable assessment benchmarks and matters can be considered by Council in deciding the application.

The categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*, under which the applicable assessment benchmark is the General Development Code.

The Central West Regional Plan and the State Planning Policy

The Regional Plan and SPP are identified as being appropriately integrated in the Planning Scheme and therefore do not require further assessment. The assessment of the proposal against the Planning Scheme in section 5.2 below also functions as an assessment of these State Planning Instruments.

The Local Government Infrastructure Plan

By Council resolution, there is no Local Government Infrastructure Plan in place for the Council Area and Council ceases to charge Adopted Infrastructure Charges for any new development. In turn, this assessment benchmark does not apply to the development and an Infrastructure Charges Notice does not form part of this recommendation.

Schedules 9 and 10 of the Planning Regulation

Schedule 9 relates to building work under the Building Act, which is not relevant to this application for material change of use but may be relevant to a subsequent building work application for the construction of the development.

The site is mapped as containing native vegetation and waterways for waterway barrier works. The proposal will be undertaken in existing buildings and will not impact on native vegetation or waterways and did not require referral to the State Assessment and Referral Agency (SARA).

Approval history / lawful use of the premises and adjoining premises

It is considered that the existing cattle station, dwelling house and other structures have been lawfully established.

Common material

The application material and subsequent correspondence with Council officers and the applicant has been considered in the preparation of this recommendation.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent that the assessment benchmark and matter is relevant to the development.

5.1.1 Internal Officer Comments

The application was not referred internally to Council as the use will be undertaken in existing buildings and the site is serviced by rural services and existing access.

5.2 BLACKALL-TAMBO REGION PLANNING SCHEME 2020

Under the Planning Scheme the development constitutes a Material Change of Use, which is defined in the Planning Act as:

- a) ***the start of a new use of the premises;***
- b) *the re-establishment on the premises of a use that has been abandoned;*
- c) *a material increase in the intensity or scale of the use of the premises.*

The addition of a new dwelling house will result in the start of a new use. Under the Planning Scheme, the defined use relevant to the proposal is Nature-based tourism:

Nature-based tourism means the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation or interpretation of—

- (a) *an area of environmental, cultural or heritage value; or*
- (b) *a local ecosystem; or*
- (c) *the natural environment.*

In accordance with Table 4.4.2 of the Planning Scheme Nature-based tourism in the Rural Zone is subject to Code Assessment.

5.2.1 Assessment of Codes

The following codes are relevant to the proposed development.

General Development Code

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the General Development Code. In particular:

- The existing site cover will not be increased as a result of this proposal as it involves the reuse of existing buildings

- All setbacks are existing and will not change as a result of this proposal
- The proposal is not expected to generate an unmanageable increase in local traffic
- Sufficient car parking has been provided to accommodate the amount of vehicle traffic likely to be generated by the use
- The site has existing access from Glenrusk Road that is suitable for the proposed use
- The site has existing telecommunications and power supply
- The site contains an existing water tank with filter for guests
- The site contains an existing onsite sewerage septic system
- There will be no change to built form and no earthworks, therefore there will be no change to onsite stormwater flow or management
- The site is not affected by bushfire or flooding impacts
- No vegetation will be removed as part of the proposal.

Rural Zone Code

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the Rural Zone Code. In particular the proposal will not conflict with the existing Cattle station onsite, the proposed use will use existing disused buildings that are well separated from agricultural uses onsite and the surrounding area.

In summary, this planning assessment demonstrates that the development is consistent with the relevant assessment benchmarks of the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmarks to ensure on-going compliance in terms of land use, amenity and servicing.

6.0 CONCLUSION

Development Permit for Material Change of Use for Nature-based tourism over land at 655 Glenrusk Road, Blackall, formally described as Lot 18 on EV42, is recommended for approval, subject to the conditions outlined in this report.

This recommendation is based on an assessment of the proposal in accordance with the Planning Act for applications requiring Impact assessment, which demonstrates the proposal's consistency with the Planning Scheme and other relevant assessment matters.

In accordance with the requirements for a decision notice under section 63 the Act, the notice must state the reasons for the decision. For this development, the statement of reasons, being the grounds for approval, will feature on the decision notice as follows:

- Nature-based tourism is an acceptable use in the Rural Zone;
- There will be no increase in site cover as the proposal will reuse existing buildings;
- The site is sufficiently serviced and has existing access, telecommunications, electricity, onsite water and onsite sewerage;
- Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

<p>Assessment Officer (Author):</p> <p>Tim O'Leary Principal Planner (Reel Planning) 17 January 2023</p>	
--	--

Site Plan - DA-01
Received date - 30/11/22



	Roads
	Paths
	Existing Buildings
	Car Park

Scale - Lengths in Metres

Site Access Road