

DEVELOPMENT APPLICATION – DA 43-2022-2023 – 5810 SCRUBBY CREEK ROAD, SCRUBBY CREEK**EXECUTIVE SUMMARY**

The Applicant, Scrubby Creek Sport Club Inc, seeks a Development Permit for a Material Change of Use for Outdoor Sport and Recreation over land at 5810 Scrubby Creek Road, Scrubby Creek formally described as Lot 1 on GW56.

Scrubby Creek Sports Club intends to build a new facility with a completely lockable, level concrete floor, all new electrical wiring and mains power board, all new plumbing within the phone service area which incorporates the bar, kitchen and office under one roof.

The new facility will be contained in a 240m² building and is associated with the existing Outdoor sport and recreation use of the land.

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 Outdoor Sport and Recreation, 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 Outdoor Sport and Recreation over land at 5810 Scrubby Creek Road, Scrubby Creek formally described as Lot 1 on GW56, 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
Floor Plan	-	-	20/10/2022
Front and Back Elevation	-	-	20/10/2022
Left and Right Elevation	-	-	20/10/2022
Perspectives	-	-	27/03/2022

- 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 STORMWATER WORKS

- 3.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

4.0 AMENITY AND ENVIRONMENTAL HEALTH

- 4.1 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, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 4.2 Any proposed outdoor lighting must comply with AS4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.

5.0 ASSET MANAGEMENT

- 5.1 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.

6.0 CONSTRUCTION ACTIVITIES

- 6.1 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.
- 6.2 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	5810 Scrubby Creek Road, Scrubby Creek, QLD 4478
RPD	Lot 1 on GW56
Site Area	162,000m ²
Landowner	Department of Resources
Existing use of land	Sports club
Existing development approval	N/A
APPLICATION DETAILS	
Application No.	DA43-2022-2023
Applicant	Scrubby Creek Sports Club Inc
Application description	Development Application for a Development Permit for Material Change of Use for Outdoor Sport and Recreation
Decision due date	8 September 2023
Main Issues/Resolution	Nil
STATUTORY DETAILS	
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020
Overlays	N/A
Zone	Rural Zone
Precinct	N/A
Land use definition	Outdoor Sport and Recreation
Category of Assessment	Code Assessment

2.0 PROPOSAL BACKGROUND

TABLE 2 – OVERVIEW OF DEVELOPMENT ASSESSMENT PROCESS

Application lodged and properly made	21 July 2023
Decision due	8 September 2023

3.0 SITE AND SURROUNDS DESCRIPTION

The subject site (Figure 1 below) is located at 5810 Scrubby Creek Road, Scrubby Creek, formally described as Lot 1 on GW56. The subject site has an area of 162,000m² and is accessed via Scrubby Creek Road. The site contains an existing club known as the Scrubby Creek Sports Club.

The site is located in a Rural area and is surrounded by large rural lots.



Figure 1 – Aerial of subject site (Source: QLD Government DAMS Mapping)

4.0 DESCRIPTION OF PROPOSAL

Scrubby Creek Sports Club intends to build a new facility with a completely lockable, level concrete floor, all new electrical wiring and mains power board, all new plumbing within the phone service area which incorporates the bar, kitchen and office under one roof.

The new facility (see Figure 2 for perspective) will be contained in a 240m² building and is associated with the existing Outdoor sport and recreation use of the land.



Figure 2 – Perspective of building (Source: R&F Steel Buildings)

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

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 a waterway for waterway barrier works, however the proposed building will be located outside the waterway. As a result, the proposal will require referral to the State Assessment and Referral Agency.

Approval history / lawful use of the premises and adjoining premises

The site contains existing buildings associated with the sports club. The proposal involves the replacement of one of those buildings. It is considered the proposal will not impact other existing buildings or infrastructure on the site.

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 internally referred to Council due to the minor nature of the application.

5.1.2 Owners Consent

As the site is subject to a ‘Lands Lease’ tenure the applicant was required to seek owners consent to lodge the development application. Council assisted the applicant in obtaining owner’s consent. The Department of Resources granted owners consent on 21 July 2023.

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 use of the land for Outdoor Sport and Recreation use will result in and intensified use on the land associated with the existing sports club. Under the Planning Scheme, the defined use relevant to the proposal is Outdoor Sport and Recreation:

Outdoor sport and recreation means the use of premises for—

(a) a recreation or sporting activity that is carried on outdoors and requires areas of open space;
or (b) providing and selling food and drink, change room facilities or storage facilities, if the use is ancillary to the use in paragraph (a).

In accordance with Table 4.4.2 of the Planning Scheme Outdoor Sport and Recreation 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 new building will be of a form and scale that suits the site and its surroundings
- The new building will have substantial setbacks that will comply with QDC requirements
- The new building is single storey and is of height that is consistent with other buildings onsite
- The site has existing parking sufficient to service the use
- The site is serviced by existing onsite water and sewer as well as electricity and telecommunications services
- A condition has been imposed to ensure stormwater is appropriately managed.

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 as the proposal will not conflict with rural land uses, the site contains a long established outdoor sport and recreation use and the proposed development remains consistent with that use

In summary, this planning assessment demonstrates that the development is consistent with the relevant assessment benchmark of the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmarks to ensure on-going compliance.

6.0 CONCLUSION

Development Permit for Material Change of Use for Outdoor Sport and Recreation over land at 5810 Scrubby Creek Road, Scrubby Creek formally described as Lot 1 on GW56, 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 Code 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:

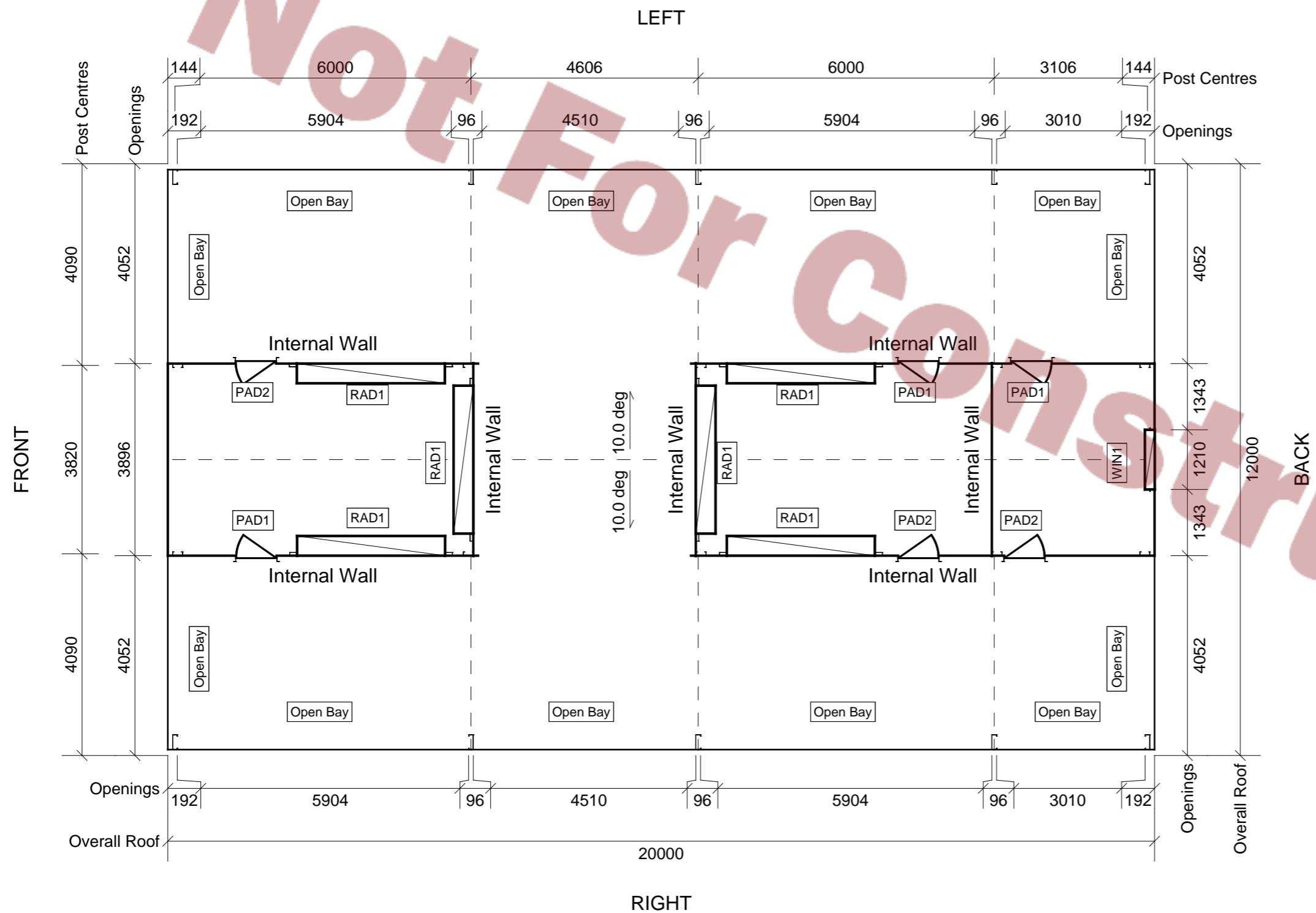
- a) Outdoor Sport and Recreation is an acceptable use in the Rural Zone;
- b) The new building will be of a form and scale that suits the site and its surroundings;
- c) The site is sufficiently serviced and has access to telecommunications, electricity, onsite water and sewer; and

d) 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) 8 August 2023</p>	
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Attachment A – Proposal Plans

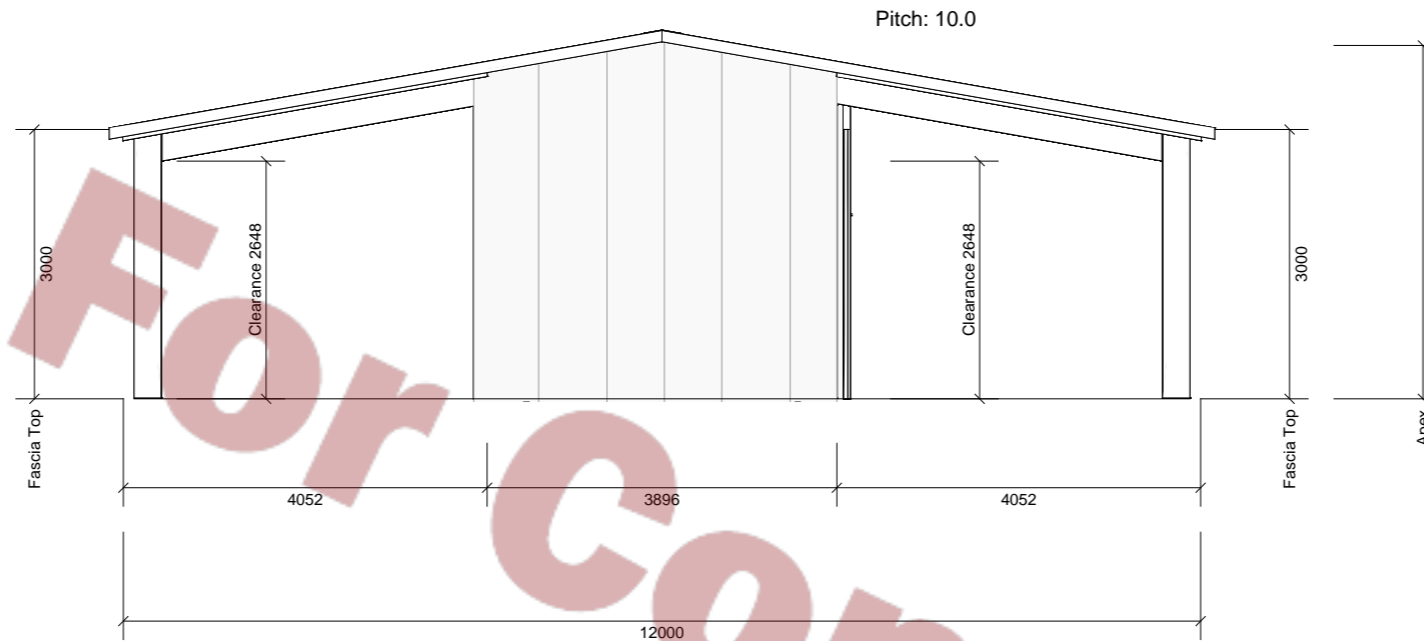
Opening Legend	
PAD1	2040h x 820w
PAD2	2040h x 820w
RAD1	2400h x 3000w
WIN1	900h x 1210w



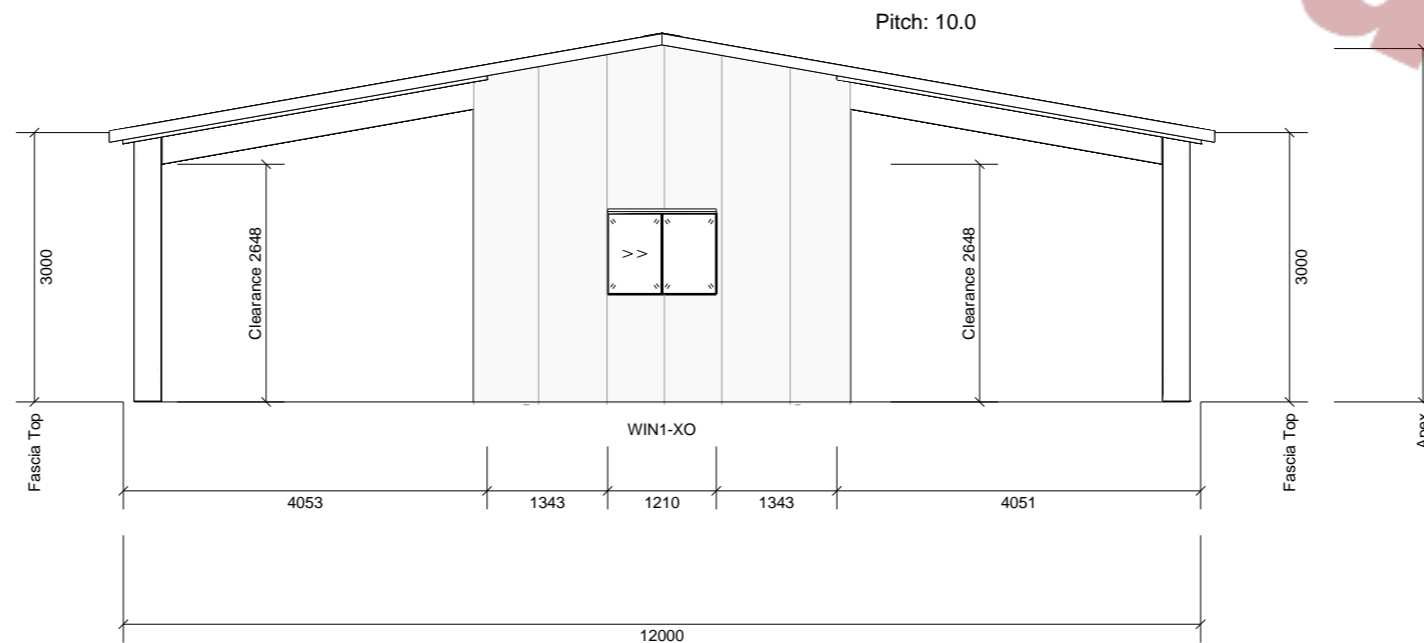
Floor Plan

 <p>R&F Steel Buildings Charleville QBCC Lic. Lot 110 Industrial Estate, Charleville QLD 4470</p> <p>T 07 4654 1522 E charleville@rfsteelbuildings.com.au</p>	PROJECT NO: P9866Q2	CUSTOMER: Scrubby Creek Gun Club	SITE: Langlo Rd Scrubby Creek, QLD 4478	DATE: 20/10/2022
	PROJECT NAME: Scrubby Creek Gun Club		LOT: RP/SP:	ULT WIND SPEED: 40.95 m/s SERVICEABILITY: 33.67 m/s
	JOB NAME: Scrubby Creek Gun Club	DRAWING No: -Scrubby Creek Gun Club:Floor Plan		

Not For Construction



FRONT ELEVATION



BACK ELEVATION



R&F Steel Buildings Charleville
ABN: 45 145 757 928

R&F Steel Buildings Charleville
QBCC Lic.

Lot 110 Industrial Estate, Charleville QLD 4470

T 07 4654 1522
E charleville@rfsteelbuildings.com.au

PROJECT NO: **P9866Q2**

CUSTOMER: **Scrubby Creek Gun Club**

SITE: **Langlo Rd
Scrubby Creek, QLD 4478**

DATE: **20/10/2022**

PROJECT NAME: **Scrubby Creek Gun Club**

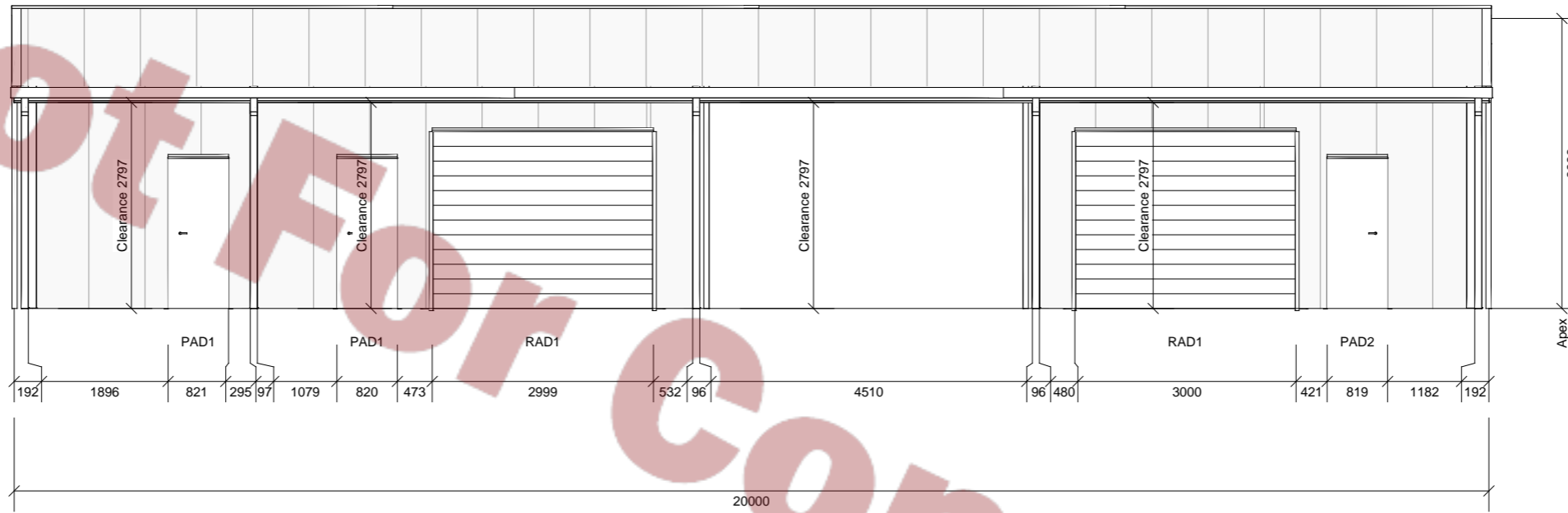
LOT: **RP/SP:**

ULT WIND SPEED: **40.95 m/s**
SERVICEABILITY: **33.67 m/s**

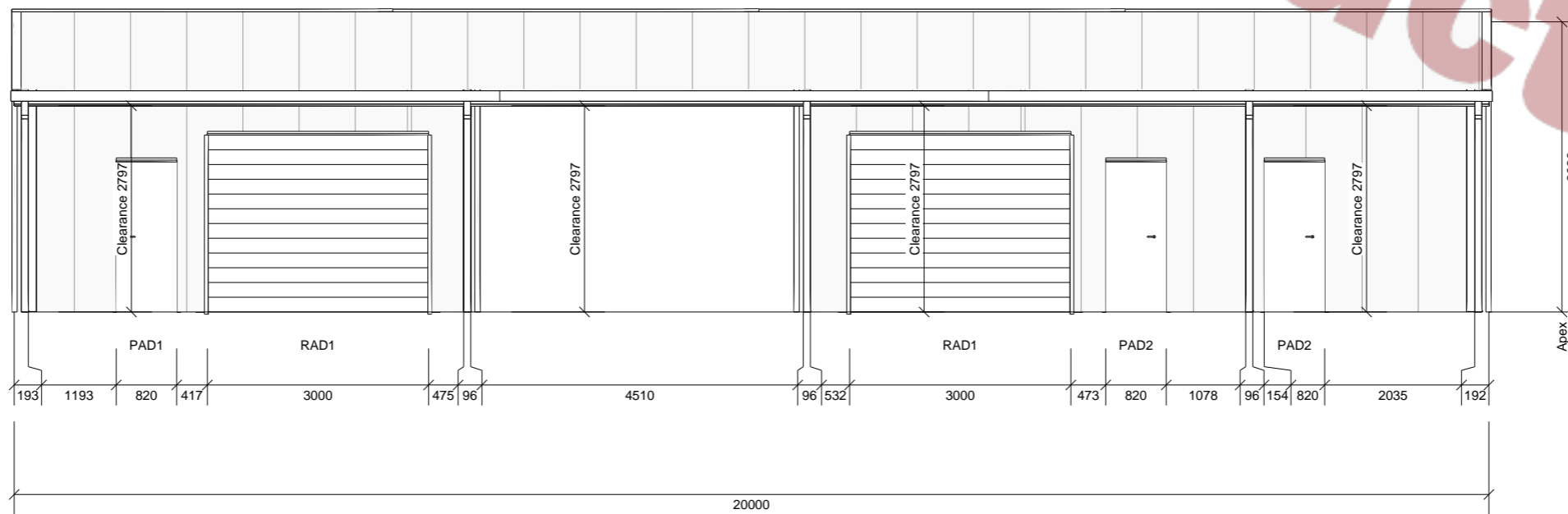
JOB NAME: **Scrubby Creek Gun Club**

DRAWING No: **-Scrubby Creek Gun Club:Elevation**

NOT FOR CONSTRUCTION



LEFT ELEVATION



RIGHT ELEVATION



R&F Steel Buildings Charleville
ABN: 45 145 757 928

R&F Steel Buildings Charleville
QBCC Lic.

Lot 110 Industrial Estate, Charleville QLD 4470

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CUSTOMER: **Scrubby Creek Gun Club**

PROJECT NAME: **Scrubby Creek Gun Club**

JOB NAME: **Scrubby Creek Gun Club**

SITE: **Langlo Rd
Scrubby Creek, QLD 4478**


LOT: **RP/SP:**

DRAWING No: **-Scrubby Creek Gun Club:Elevation**

DATE: **20/10/2022**

ULT WIND SPEED: **40.95 m/s**
SERVICEABILITY: **33.67 m/s**



 <p>R&F Steel Buildings Charleville QBCC Lic. Lot 110 Industrial Estate, Charleville QLD 4470</p> <p>T 07 4654 1522 E charleville@rfsteelbuildings.com.au</p> <p>R&F Steel Buildings Charleville ABN: 45 145 757 928</p>	PROJECT NO: P9866Q2	CUSTOMER: Scrubby Creek Gun Club	SITE: Lango Rd Scrubby Creek, QLD 4478	DATE: 27/03/2022
	PROJECT NAME: Scrubby Creek Gun Club	LOT: RP/SP:		ULT WIND SPEED: 40.95 m/s
	JOB NAME: Scrubby Creek Gun Club	DRAWING No: -Scrubby Creek Gun Club:		SERVICEABILITY: 33.67 m/s

Perspectives