



# Decision Notice Approval (amended)

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 (change application) Planning Act 2016, and Section 3.5.15 of the Integrated Planning Act 1997

Application number:	<b>D-R/705-2008</b>	Contact:	Brendan Standen
Notice Date:	13 November 2024	Contact Number:	1300 22 55 77

## APPLICANT DETAILS

Name:	<b>E O Peff and R R Perren</b>		
Postal address:	<b>C/- Capricorn Survey Group (CQ) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700</b>		
Phone no:	N/A	Mobile no:	0407 581 850
		Email:	reception@csgcq.com.au

I acknowledge receipt of the above change application on 18 September 2024 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for Reconfiguring a Lot for a Subdivision (one lot into eleven lots) (Stages 1A, 1B and 2)**

## PROPERTY DESCRIPTION

Street address:	229 and 237 German Street, Norman Gardens
Real property description:	Lot 35 and Lot 200 on SP285391

**Dear E O Peff and R R Perren**

I advise that, on 5 November 2024 the above change application was:

approved in full with conditions\* (refer to the conditions contained in **Attachment 1**)

\*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

## CHANGES TO CONDITIONS

The conditions which have been changed or cancelled are as follows:

1)	Item 6	changed	19 November 2013
2)	Item 6	changed	15 June 2015
3)	Item 7	amended	5 November 2024
4)	Condition 1.1	changed	11 April 2016
5)	Condition 1.1	amended	5 November 2024
6)	Condition 1.7	changed	5 November 2024
7)	Condition 1.8	changed	11 April 2016
8)	Condition 1.8	amended	5 November 2024

9)	Condition 1.9	changed	11 April 2016
10)	Condition 1.9	amended	5 November 2024
11)	Condition 1.10	new	5 November 2024
12)	Condition 1.11	new	5 November 2024
13)	Condition 2.5	amended	5 November 2024
14)	Condition 2.6	changed	5 November 2024
15)	Condition 2.7	new	11 April 2016
16)	Condition 3.3	new	5 November 2024
17)	Condition 5.6	amended	5 November 2024
18)	Condition 5.8	new	11 April 2016
19)	Condition 6.4	changed	5 November 2024
20)	Condition 6.9	deleted	5 November 2024
21)	Condition 6.10	new	11 April 2016
22)	Condition 6.11	new	11 April 2016
23)	Condition 6.12	new	11 April 2016
24)	Condition 6.13	new	5 November 2024
25)	Condition 11.3	new	5 November 2024
26)	Condition 11.4	new	5 November 2024
27)	Condition 11.5	new	5 November 2024
28)	Condition 11.6	new	5 November 2024
29)	Condition 11.7	new	5 November 2024
30)	Condition 11.8	new	5 November 2024
31)	Condition 11.9	new	5 November 2024
32)	Condition 13.1	changed	19 November 2013
33)	Condition 13.1	changed	15 June 2015
34)	Condition 13.1	amended	5 November 2024
35)	Note 8	deleted	5 November 2024

**1. DETAILS OF THE APPROVAL**

	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. CONDITIONS**

This approval is subject to the conditions in Attachment 1.

**3. FURTHER DEVELOPMENT PERMITS REQUIRED**

Please be advised that the following development permits are required to be obtained before the development can be carried out:

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>Sewer Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i> <i>Roof and Allotment Drainage Works</i>

#### 4. REFERRAL AGENCIES

The following Referral Agency was activated by this application.

	For an application involving	Name of agency	Status	Address
<b>RECONFIGURATION OF A LOT</b>				
	If the reconfiguring involves land over two hectares in area, two or more lots are created and the size of any lot created is twenty-five (25) hectares or smaller, and the land contains-  (i) A category 1,2 or 3 area shown on a property map of assessable vegetation; or (ii) Remnant vegetation	Department of Infrastructure, Local Government and Planning	Concurrence Agency	Online: <a href="http://www.dilgp.qld.gov.au/MyDAS">www.dilgp.qld.gov.au/MyDAS</a>  Postal : PO Box 113 Rockhampton Qld 4700

#### 5. THE APPROVED PLANS

The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Plan Number	Date
Proposal Plan* <i>*Relevant to Stage 1A only</i>	14227-PP-02 Revision A Sheet 1 of 1	8 March 2016
Reconfiguration Plan (1 into 10 Lots)	9362-01-ROL Issue A – Sheet 1 of 3	23 August 2024
Reconfiguration Plan (1 into 10 Lots)	9362-01-ROL Issue A – Sheet 2 of 3	23 August 2024
Reconfiguration Plan (1 into 10 Lots)	9362-01-ROL Issue A – Sheet 3 of 3	23 August 2024
Stormwater Drainage Strategy Naturelands Estate prepared by McMurtrie Consulting Engineers	0880708, Revision B	10 December 2009

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Date</u>
Slope Stability Assessment Proposed Residential Subdivision Lot 2 RP614467 229-237 German Street, Norman Gardens prepared by Cardno Bowler	8846SK.09	10 May 2009

## 6. CURRENCY PERIOD FOR THE APPROVAL

The standard relevant periods stated in Section 3.5.21 of *Integrated Planning Act 1997* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

## 7. RIGHTS OF APPEAL

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

### Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

**Attachment 2** is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

## 8. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.


Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

## 9. ORIGINAL DECISION ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b>MANAGER DEVELOPMENT AND BUILDING</b>	Date: 14 April 2016
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## 10. ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 13 November 2024
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C/C Department of State Development, Manufacturing, Infrastructure and Planning- [RockhamptonSARA@dndmip.qld.gov.au](mailto:RockhamptonSARA@dndmip.qld.gov.au)

**Attachment 1 – Conditions of the approval**

**Part 1 – Conditions imposed by the assessment manager** *[Note: where a condition is imposed about infrastructure under Chapter 4 of the Planning Act 2016, the relevant provision of the Act under which this condition was imposed must be specified.]*

**Part 2 – Conditions required by the referral agency response**

**Attachment 2—Extract on appeal rights**

1.0 ADMINISTRATION

1.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Date</u>
Proposal Plan* <i>*Relevant to Stage 1A only</i>	14227-PP-02 Revision A Sheet 1 of 1	8 March 2016
Reconfiguration Plan (1 into 10 Lots)	9362-01-ROL Issue A – Sheet 1 of 3	23 August 2024
Reconfiguration Plan (1 into 10 Lots)	9362-01-ROL Issue A – Sheet 2 of 3	23 August 2024
Reconfiguration Plan (1 into 10 Lots)	9362-01-ROL Issue A – Sheet 3 of 3	23 August 2024
Stormwater Drainage Strategy Naturelands Estate prepared by McMurtrie Consulting Engineers	0880708, Revision B	10 December 2009
Slope Stability Assessment Proposed Residential Subdivision Lot 2 RP614467  229-237 German Street, Norman Gardens prepared by Cardno Bowler	8846SK.09	10 May 2009

1.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.

1.3 Where these Conditions refer to “Council” in relation to requiring Council to approve or to 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 the Council.

1.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.

1.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council.

1.6 The following further development permits are required prior to the commencement of any works on the site:

1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking;
- (iii) Sewerage Works;
- (iv) Water Works;

- (v) Stormwater Works;
  - (vi) Roof and Allotment Drainage;
  - (vii) Site Works;
  - (viii) Landscaping.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 This Development Permit gives approval for the development to be undertaken in three (3) stages.
- 1.8.1 Stage 1A which involves the creation of Lot 35 and Lot 200;
  - 1.8.2 Stage 1B which involves the creation of Lots 28 to 33; and
  - 1.8.3 Stage 2 which involves the creation of Lots 1 to 4.
- 1.9 Unless otherwise expressly stated by Council, the conditions of this Approval must be read as being applicable to all three stages of the development.
- 1.10 The Building Location Envelope shown on proposed Lot 33 is not approved.
- 1.11 The currency period for all stages is until 13 November 2028.
- 2.0 ROAD WORKS
- 2.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
- 2.2 Road works and associated drainage must be designed and constructed generally in accordance with the *Capricorn Municipal Development Guidelines*.
- 2.3 All engineering designs of all new roads and associated stormwater drainage systems, both internal and external to the site, submitted as part of any application for a Development Permit for Operational Works (Road Works) must be prepared and certified by a registered professional engineer.
- 2.4 Any damage to infrastructure including public pathways, kerb and channel and the like caused as a result of the development must be repaired to the standard required as if it were new works.
- 2.5 Kerb and channel and road widening must be constructed in German Street in front of Lots 28 to 32.
- 2.6 New *cul-de-sac* roads shown on the approved plans (refer to condition 1.1) must comply with the requirements “*Local Access*” in accordance with the *Capricorn Municipal Development Guidelines*.
- 2.7 Stage 1A - Kerb and channel and road widening must be constructed in German Street for the frontage of Lot 35.
- 3.0 ACCESS AND PARKING
- 3.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 3.2 All car parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).
- 3.3 A seven (7) metre wide access easement must be provided within proposed Lot 32 to service proposed Lots 31 and 32. A five (5) metre wide access driveway must be constructed within the access easement.
- 4.0 SEWERAGE WORKS
- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 4.2 The development site must connect to Council’s reticulated sewerage network in accordance with the *Water Supply (Safety & Reliability) Act 2008*.
- 4.3 Each allotment within the development site must be provided with its own separate sewer connection point.

- 4.4 Construction of sewerage works external and sewerage works internal must be in accordance with the approved plans and specifications of a Development Permit for Operational Works (sewerage works).
- 4.5 Easements must be established over all sewer mains within the development site. Easement widths must be in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.6 Sewerage works external and sewerage works internal must be contributed to Council.
- 4.7 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure.
- 5.0 WATER WORKS
- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 5.2 The development site must connect to Council's reticulated water supply network in accordance with the *Water Supply (Safety & Reliability) Act 2008*.
- 5.3 Each allotment within the development site must be provided with its own separate water connection point.
- 5.4 Construction of water supply works external and water supply works internal must be in accordance with the approved plans and specifications of a Development Permit for Operational Works (water works).
- 5.5 Water supply works external and water supply works internal must be contributed to Council.
- 5.6 The proposed water mains servicing Lots 1 to 4 and 33 must be 150 millimetres in diameter.
- 5.7 Any construction works proposed in the vicinity of Council's existing water supply infrastructure must not adversely affect the integrity of the infrastructure.
- 5.8 Stage 1A - The proposed Lot 35 must be connected to the Council's reticulated water supply network via a 'special water supply arrangement'.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 6.2 All stormwater drainage systems must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Design Guidelines*, unless noted otherwise.
- 6.3 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Master Drainage Plan, prepared and certified by a registered professional engineer, which as a minimum:
- 6.3.1 establishes lawful points of discharge in accordance with the Two Point Test contained within the *Queensland Urban Drainage Manual*;
  - 6.3.2 demonstrates how the Drainage Plan for the post-development scenario complies with the *Queensland Urban Drainage Manual*; and
  - 6.3.3 provides detailed engineering design for all new drainage systems, and modifications to existing drainage systems, required to appropriately and adequately manage stormwater collection and discharge from the subject land and provide for the conveyance of major event flows through the subject land consistent with the provisions of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.4 The stormwater management plan provided as part of a development application for Operational Works (stormwater works) must be prepared in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must:
- 6.5.1 be accompanied by a site-based stormwater management plan, addressing stormwater runoff, sediment, and water quality for the proposed development; and
  - 6.5.2 demonstrate how the development meets the water quality objectives of the Queensland Water Quality Guidelines.



- 6.6 Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure.
- 6.7 All finished floor levels for habitable buildings must be such that a freeboard above the 100 year Average Recurrence Interval rainfall event is provided in accordance with the provisions of the Queensland Urban Drainage Manual. Any application for a Development Permit for Operational Works (stormwater works), must demonstrate that this condition is satisfied.
- 6.8 Any temporary stormwater outlets, and any stormwater discharge from uncompleted works, must drain to a legal point of discharge.
- 6.9 DELETED.
- 6.10 Stage 1A - Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure.
- 6.11 Stage 1A - A Stormwater Easements must be established over proposed Lot 200.
- 6.12 Stage 1A - The applicant will ensure that erosion and sedimentation controls are implemented and monitored at all times during the construction phase in accordance with the Capricorn Municipal Design Guidelines.
- 6.13 A minimum ten (10) metre wide drainage easement must be provided along the western boundary of proposed Lot 32 to cover the existing drainage flow path, unless otherwise agreed to in writing by Council.

**Advice Note:** *The drainage easement may overlap with the conditioned access easement.*

#### 7.0 ROOF AND ALLOTMENT DRAINAGE

- 7.1 A Development Permit for Operational Works (roof and allotment drainage) must be obtained prior to the commencement of any works on the site.
- 7.2 Inter-allotment drainage must be provided to any lot where it cannot be satisfactorily demonstrated that roofwater drainage associated with dwelling construction on that lot, could not reasonably be directed to the frontage kerb and channel.
- 7.3 All inter-allotment drainage must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* Level II.
- 7.4 Any proposed inter-allotment drainage must be contained within an easement, with a minimum width of three metres, granted in favour of Council. Easement documentation must be submitted with the Survey Plan.

#### 8.0 GEOTECHNICAL

- 8.1 All cut and fill on the site must be in accordance with the approved slope stability assessment report (refer to Condition 1.1).

#### 9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any works on the site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
  - (i) the location of cut and/or fill;
  - (ii) the type of fill to be used and the manner in which it is to be compacted;
  - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - (v) the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 Any vegetation cleared or removed must be:
  - (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or

(ii) removed for disposal at a location approved by Council;  
within sixty (60) days of clearing. Any vegetation removed must not be burnt.

#### 10.0 BUILDING

10.1 Where an existing building is located within the site, the applicant is to provide evidence from a licensed surveyor that clearances from the building to the proposed property boundaries and/or building construction conform to the requirements of the Building Act, Building Regulation and Queensland Development Code.

10.2 Any existing building within the site needing removal or relocation, must be undertaken in accordance with a Development Permit for Building Work.

#### 11.0 LANDSCAPING

11.1 A Development Permit for Operational Works (landscaping) must be obtained prior to the commencement of any works on the site.

11.2 Any application for a Development Permit for Operational Works (landscaping) must include, but is not limited to, the following:

11.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

11.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden;
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
- (v) The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

11.3 The "Planting Plan" must show at least one (1) street tree planted per 15 metres on each side of a new road (Sunset Drive extended).

11.4 The street trees required by condition 11.3 must be one or a combination of the following species:

- 11.4.1 *Buckinghamia celcissima* – Ivory Curl
- 11.4.2 *Corymbia ptychocarpa* –Swamp Bloodwood
- 11.4.3 *Cupaniopsis anacardioides* – Tuckeroo
- 11.4.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
- 11.4.5 *Harpullia pendula* – Tulip wood
- 11.4.6 *Melicope elleryana*- Pink Flowering Euodia
- 11.4.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
- 11.4.8 *Waterhousia floribunda* – Weeping Lilly Pilly
- 11.4.9 *Xanthostemon chrysanthus* – Golden Penda

11.5 The street trees must:

- 11.5.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
- 11.5.2 Be at least three (3) metres from a driveway;
- 11.5.3 Be at least five (5) metres apart; and
- 11.5.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 11.6 Street trees must be maintained by the owner / developer until established.
- Advice Note:** *Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per our requirements and in accordance with the current Street Tree Policy.*
- 11.7 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 11.8 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the *Capricorn Municipal Development Guidelines*.
- 11.9 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 12.0 **ELECTRICITY AND TELECOMMUNICATIONS**
- 12.1 Underground electricity and telecommunication connections to the proposed development must be provided to the requirements of the relevant authority.
- 12.2 The Plan of Survey will not be sealed unless and until evidence is provided of a non-refundable contract with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authority and until all relevant requirements of CP1.27.4 of the *Capricorn Municipal Development Guidelines* are met.
- 12.3 Street lighting and public space lighting must be provided in accordance with the relevant Australian Standards.
- 12.4 Written confirmation from an approved Telecommunications Agency must be provided to Council indicating that satisfactory arrangements have been made for the provision of telephone services to all lots within the subdivision or Community Title subdivision. The written confirmation must be submitted to Council prior to the commencement of operational works. Separate confirmations are required for each individual stage within any multi-staged development.
- 13.0 **CONTRIBUTIONS/COSTS**
- 13.1 Contributions must be paid to Council prior to the sealing of the Plan of Survey. The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:

<u>Policy</u>	<u>Contribution</u>	<u>Current Total*</u>	
PSP5	Open Space Infrastructure Contribution	1A	\$1,349.00
		1B	\$10,942.96
		2	\$5,471.48
PSP8	Road Infrastructure Contribution	1A	\$2,287.00
		1B	\$13,876.63
		2	\$6,938.32
PSP11	Water Supply Infrastructure	1A	\$2,155.00

<u>Policy</u>	<u>Contribution</u>	<u>Current Total*</u>	
		2	\$9,567.99
PSP11	Sewerage Infrastructure Contribution	1A	\$1,710.00
		1B	\$17,117.50
		2	\$8,558.75
* <i>The sums of money quoted will remain firm for a period of twelve (12) months, after which time, Council reserves the right to review same in accordance with the policies and rates and charges current at the time of payment.</i>			

- 13.2 Contributions must be paid to Council prior to the sealing of the Plan of Survey. The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:
- 13.3 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 at full cost to the developer.
- 13.4 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the release of the Plan of Survey. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works or a Development Permit for Building Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
  - (ii) erosion and silt/sedimentation management;
  - (iii) acid sulphate soils;
  - (iv) fauna management;
  - (v) vegetation management and clearing;
  - (vi) top soil management;
  - (vii) interim drainage plan during construction;
  - (viii) construction programme;
  - (ix) geotechnical issues;
  - (x) weed control;
  - (xi) bushfire management;
  - (xii) emergency vehicle access;
  - (xiii) noise and dust suppression; and
  - (xiv) waste management.
- 14.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
  - (ii) site location / topography;
  - (iii) vegetation;
  - (iv) site drainage;

- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

- 14.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 14.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in German Street, Sunset Drive, Retreat Avenue or Haven Close.

## NOTES

### Note 1. ABORIGINAL CULTURAL HERITAGE ACT, 2003

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"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

### Note 2. GENERAL ENVIRONMENTAL DUTY

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.

### Note 3. GENERAL SAFETY OF PUBLIC DURING CONSTRUCTION

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

### Note 4. BUSHFIRE

Material Change of Use for a Dwelling House over Lots 1, 3, 4 or 33 do not qualify under Schedule 6, Part 2 (2) of the *Planning Regulation 2017* as the proposed lot sizes exceed 2,000 square metres. A development application for Material Change of Use for a Dwelling House may constitute assessable development under the Planning Scheme.



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**Attachment 1 – Part 2**  
**Referral Agency Conditions –**  
**Department of Infrastructure, Local Government**  
**and Planning**

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*PLANNING ACT 2016*

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The following is an extract from the *Planning Act 2016*  
(Chapter 6)

### Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the **appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—  
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and

- (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
    - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection
  - (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

#### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section— **decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## Schedule 1

### Appeals section 229

#### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment



<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		response—the concurrence agency	manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications An appeal may be made against— (a) a responsible entity’s decision for a change application, other than a decision made by the P&amp;E court; or (b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<p>3. Extension applications An appeal may be made against— (a) the assessment manager’s decision about an extension application; or (b) a deemed refusal of an extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge –  <ul style="list-style-type: none"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect ‘use category’, under a regulation, to the development <ul style="list-style-type: none"> <li>(i) The working out of extra demands, for section 120; or</li> <li>(ii) An offset or refund; or</li> </ul> </li> </ul> </p> <p>b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development	1 For a development application—the assessment manager	1 The applicant 2 If the appeal is about a concurrence agency's referral	Another eligible submitter for the application

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
application 2 For a change application—an eligible submitter for the change application	2 For a change application—the responsible entity	response—the concurrence agency	
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	Another eligible submitter for the application
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the</p>	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

<b>Table 2 Appeals to the P&amp;E Court only</b>			
affected area for the registered premises who is dissatisfied with the decision			
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

<b>Table 3 Appeals to the tribunal only</b>			
<p>1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
<p>3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-

