



# 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 Planning Act 2016

Application number:	<b>D/156-2023</b>	Contact:	Sophie Muggeridge
Notice Date:	11 November 2024	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	<b>ATG DEV 002 Pty Ltd</b>		
Postal address:	<b>C/- Mecone Emma Laing and Max Potter Level 2, 235 Edward Street, Rowes Arcade BRISBANE CITY QLD 4000</b>		
Phone no:	07 3556 4004	Mobile no:	n/a
Email:	<a href="mailto:elaing@mecone.com.au">elaing@mecone.com.au</a> <a href="mailto:mpotter@mecone.com.au">mpotter@mecone.com.au</a>		

I acknowledge receipt of the above change application on 19 September 2024 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for Material Change of Use for Two (2) Food and Drink Outlets, Reconfiguring a Lot for a Boundary Realignment (five lots into two lots) and Access Easement and Operational Work for Advertising Devices**

## PROPERTY DESCRIPTION

Street address:	65A George Street, 28, 30 and 34 Cambridge Street, Rockhampton City
Real property description:	Lot 2 on RP605704, Lot 1 on RP605704, Lot 3,4 and 5 on RP601157

**Dear ATG DEV 002 Pty Ltd**

I advise that, on 4 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 for the Material Change of Use which have been changed or deleted are as follows:

1)	Condition 2.1	Changed	4 November 2024
2)	Condition 4.8	Changed	4 November 2024
3)	Condition 7.6	Deleted	4 November 2024
4)	Condition 11.4	Deleted	4 November 2024

5)	Condition 15.4	Amended	4 November 2024
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## 1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use - Reconfiguring a lot - Operational work	<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>Access and Parking Works</i> <i>Sewerage Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage</i>
Building Works	<i>Demolition Works</i> <i>Building Works</i>
Plumbing and Drainage Works	

## 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
<b>STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor</i>			
Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the premises are within 25m of a State transport corridor; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots adjacent to the State transport corridor is increased; (iii) there is a new or changed access between the premises and the State	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:  State Development, Infrastructure,	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <u>Email:</u> <a href="mailto:RockhamptonSARA@dsdilp.qld.gov.au">RockhamptonSARA@dsdilp.qld.gov.au</a>

transport corridor; (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and (c) the reconfiguration does not relate to government supported transport infrastructure	Local Government and Planning (State Assessment and Referral Agency Department)		<u>Postal:</u> PO Box 113 Rockhampton Qld 4700
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor</i>			
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:  State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <u>Email:</u> <a href="mailto:RockhamptonSARA@dcdilg.p.qld.gov.au">RockhamptonSARA@dcdilg.p.qld.gov.au</a> <u>Postal:</u> 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	Prepared by	Date	Reference No.	Version/Issue
Proposed Lot Plan	Verve Building Design	20 October 2023	22091-DA08	A
Cover Page	Verve Building Design	14 December 2023	22091 - DA00	E
Existing Site Plan / Demolition Plan	Verve Building Design	20 October 2023	22091- DA01	A
Proposed Site Plan	Verve Building Design	06 September 2024	22091- DA02	C1
Building Elevations and Perspectives	Verve Building Design	15 November 2023	22091 - DA03	D
Building Elevations and Perspectives	Verve Building Design	15 November 2023	22091 – DA04	D
Building Elevations and Perspectives	Verve Building Design	6 November 2023	22091 - DA05	C
Building Elevations and Perspectives	Verve Building Design	6 November 2023	22091- DA06	C
Site Elevations and Perspectives	Verve Building Design	14 December 2023	22091 - DA07	E
Proposed Lot Plan	Verve Building Design	20 October 2023	22091- DA08	A

T1 Signage	Verve Building Design	14 December 2023	22091-DA09	A
Landscape Concept Plan	Alga	4 October 2024	23.231 Sheet 1	D
Proposed Planting Schedule	Alga	30 October 2023	23.231 Sheet 2	D
Proposed Planting Schedule	Alga	30 October 2023	23.231 Sheet 3	D
Stormwater Management Plan and Engineering Services Report	Nigel Fletcher & Associates	25 October 2023	230118C	A
Traffic Impact Assessment	Access Traffic Consulting	7 November 2023	EP00123-001	B
T! Signage Plan	Verve Building Design	14 December 2023	DA 09	A

## 6. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the Planning Act)

### Material Change of Use:

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016*, the development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

### Reconfiguring a Lot:

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016*, the development approval lapses if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within four (4) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

### Operational Works when combined with Material Change of Use

The development approval lapses at the end of the following periods:

- (a) For any part of the development approval relating to a material change of use – if the change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached; and
- (b) For any other part of the development approval – if the development does not substantially start within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

## 7. STATEMENT OF REASONS

<b>Description of the development</b>
Material Change of Use for two (2) Food and Drink Outlets, Reconfiguring a Lot for a Boundary Realignment (five lots into two lots) and Access Easement and Operational Work for Advertising Devices (2x Fascia Signs, 4x Freestanding Signs, 1 x Roof Sign and 2x Wall Signs)
<b>Reasons for Decision</b>
<ol style="list-style-type: none"> <li>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</li> <li>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</li> </ol>

**Assessment Benchmarks**

The development was assessed against the following assessment benchmarks:

- Specialised Centre Zone Code;
- Airport Environs Overlay Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Filling and Excavation Code;
- Reconfiguring a Lot Code; and
- Advertising Devices Code.

**Compliance with assessment benchmarks**

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
Specialised Centre Zone	<p><b>Performance Outcome (PO) 1</b></p> <p>The proposed development does not wholly satisfy Acceptable Outcome (AO)1.1 (d) which stipulates that a pedestrian entry door be visible and accessible from the street. The pedestrian entry doors of Tenancy 1 and 2 are orientated internally to the site and not visible from George Street, with access to the site directly from Campbell Street.</p> <p>As George Street is a State Controlled Road, the proposed development triggered referral to the State Assessment Referral Agency (SARA) for assessment. Conditions have been imposed by SARA that no access to the proposed development from George Street be permitted. The design of the development has therefore been restricted to address the Campbell Street frontage, access specifically, which incorporates the design features of a separate pedestrian access to the site from the internal driveway, stemming from the lower order road of Campbell Street. Moreso, the buildings for both tenancies will be provided with carparking directly adjoining the premises, thereby reducing the need for pedestrian movements within the carparking and access areas.</p> <p>On this basis, the development is considered to comply with PO1 as the development has been designed to create a safe pedestrian focused environment.</p> <p><b>Performance Outcome (PO) 14</b></p> <p>The proposed development does not satisfy Acceptable Outcomes (AOs) 14.1 and 14.2 as the buildings' main entrance does not address the public place, nor does the development provide an active street frontage to George and Cambridge Street, as the main entrance does not address the principal street or the street corner.</p> <p>As per the response to PO1 above, George Street is identified as a State Controlled Road and conditions have been imposed to restrict access to the site from George Street. This condition therefore limits the capacity of the development to actively engage the main entrance from the principal street or street corner.</p> <p>Furthermore, Tenancy 1 and 2 entrances, despite not directly addressing the</p>

	<p>street frontages, have incorporated design features such as landscaping for the full length of Tenancy 1 property boundary on Cambridge Street and George Street Road boundary. Directional signage displaying 'entry and exit' to the site from Cambridge Street will direct customers into the site from which active building frontages are enhanced internally with signage, carparking and large entry doors and windows. A visually prominent eight (8) metre high pylon sign, located on the corner of George and Cambridge Street, displaying Tenancy 1 and 2 logos will further enhance its location when viewed from the Street.</p> <p>On balance, the proposed development complies with PO14 as the buildings and associated design elements include components that enhance their location.</p> <p><b>PO28</b></p> <p>The proposed development does not wholly comply with Acceptable Outcome (AO) 28 which stipulates that hard surfaces areas are interspersed with spaces between buildings and car park areas vegetated or covered with sails.</p> <p>The development will incorporate a drive-through facility for each of the two tenancies, with a dedicated access easement over the entry and exit and internal carriageways/driveway. As the access within the development site to both tenancies traverses Lot 1, with each tenancy's carparking directly off the access easement, it is not considered practical or safe for the development to provide landscaping within the internal access. Moreso, general easement schedules prohibit any permanent structures or landscaping to be located within the designated easement.</p> <p>Landscaping is incorporated along all property boundaries to assist in visual amenity to the site. Shade trees are incorporated into the landscaping design to provide shade to pedestrians and vehicles. On this basis, the proposed development is considered to advance the overall purpose of the Specialised Centre Zone Code as the landscaping will contribute to the overall greening of the area.</p>
<p>Access, Parking and Transport Code</p>	<p><b>PO5</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 5.1 Table 9.3.1.3.2 which requires on-site queuing space for a food and drink outlet for at least (10) vehicles. Tenancy 2 proposes a drive through coffee shop that indicates a queue storage of nine (9) vehicles.</p> <p>Despite the vehicle queuing storage to be under the rates specified, this shortfall for the drive-through coffee can be justified by the vehicle queuing provided by Tenancy 1, which demonstrates queuing storage for eleven (11) vehicles, exceeding the requirement by one (1). The additional vehicle queuing storage provided by Tenancy 1 in the central parking isle offsets the vehicle queuing shortfall of Tenancy 2. Notwithstanding this, it is expected that Tenancy 1 and 2 will not have coinciding peak hours of operation, with the drive-through coffee expected to have a peak hour operation in the AM when Tenancy 1 (Oporto) is closed or operating at a reduced capacity. Conversely, Tenancy 1 will operate at a peak capacity during PM, when the proposed coffee shop is closed for business.</p> <p>Furthermore, the proposed development does not achieve compliance with Acceptable Outcome (AO) 5.2 as manoeuvring of waste collection services will not occur wholly within each perspective lot.</p> <p>The Traffic Impact Assessment report demonstrates that waste collection vehicles will be required to manoeuvre into the opposing lot to access the refuse containers in the designated waste collection area of each tenancy. To address the non-compliance, it has been condition (4.4) as part of the approval that the access easement is extended to include the manoeuvring areas and swept vehicle paths of waste servicing vehicles, eliminating any restrictions associated with the waste collection and allowing for the right of access into the opposing lot for the purposes of vehicle manoeuvring for waste collection.</p> <p>On this basis, the proposed development is taken to comply with Performance Outcome (5) as it is anticipated that on-site vehicle parking and queuing provisions will meet the demand generated by the development and is supported</p>

	<p>by reasonable and relevant conditions.</p> <p><b>PO10</b></p> <p>The proposed development does not wholly comply with Performance Outcome (PO) 10 which stipulates that parking and servicing areas are kept accessible and available for their intended use at all times during the normal business hours of activity.</p> <p>The designated waste storage and collection area of tenancy 1 is located off the drive-through vehicle queuing area, while access to tenancy 2 waste storage and refuse collection is off the proposed internal access easement.</p> <p>Despite the non-compliance, tenancy 1 hours of operation are proposed from 9am to 10pm, with a condition of approval requiring that waste collection services must occur outside of business operating hours between 7am to 9am hours to ensure access to the waste storage area is available.</p> <p>On this basis, it is not considered applicable based on the needs and business operations that servicing areas are to be accessible during normal business hours.</p>
Landscape Code	<p><b>PO11</b></p> <p>The proposed development does not wholly comply with Acceptable Outcome (AO)11.1 as no shade trees have been proposed in the car parking area for Tenancy 2 at the rates of one (1) tree per three (3) car parks, as specified.</p> <p>Despite the non-compliance, the development proposes landscaping in the form of shade trees, shrubs and ground cover along all property boundaries. The landscaping is incorporated to improve visual amenity and allows for screening for neighbouring properties. All landscaping internally has been removed to allow for safe and efficient vehicle movement throughout the development. Where possible, the landscaping has been relocated within the existing landscaped areas of the site.</p> <p>Therefore, the proposed development is taken to comply with the Performance Outcome (PO) 11 as the development incorporates a mix of landscaping (including shade trees) that contributes positively to the built form and provides shade for the development.</p>
Waste Management Code	<p><b>PO1</b></p> <p>The proposed development does not wholly comply with Acceptable Outcome (AO) 1.1 as the waste storage areas have not been designed in accordance with SC6.20 Waste Management Planning Scheme Policy, SC6.20.7 specifically, which requires that access to the waste storage areas must be available at all times.</p> <p>The designated waste storage and collection area of tenancy 1 is located off the drive-through vehicle queuing area, while access to tenancy 2 waste storage and refuse collection is off the proposed internal access easement.</p> <p>Despite the non-compliance, tenancy 1 hours of operation are proposed from 9am to 10pm, with a condition of approval requiring that waste collection services must occur outside of business operating hours between 7am to 9am hours to ensure access to the waste storage area is available.</p> <p>On balance, the proposed development advances the overall purpose of the Waste Management Code as the development provides for adequate on-site waste management to deal with the expected volume of waste generated by the development and will be screened from view when external to the site, therefore maintaining public health and streetscape amenity, and is supported by reasonable and relevant conditions.</p>
Advertising Devices Code	<p><b>PO1</b></p> <p>The proposed development does not wholly comply with Acceptable Outcome (AO) 1.1 as the advertising devices exceed the maximum total sign face area permissible for all advertising devices at the premise on the George Street road frontage of 41.126 square metres, based on the boundary calculation method. The</p>

	<p>total sign face area on George Street Road frontage is 55.7 square metres.</p> <p>Despite the non-compliance with AO1.1, the total sign face area of the proposed advertising devices is considered proportional to the total sign face area of other existing advertising devices associated with food and drink outlets located within the Specialised Centre Zone evident along higher order (state-controlled) roads. Further to this, it is not considered that the advertising devices adversely or visually dominate the premise when viewed from George Street.</p> <p>Furthermore, several of the advertising devices associated with Tenancy 1 conflict with certain aspects of Acceptable Outcome (AO) 1.2 and the sign specific outcomes prescribed by Table 9.3.2.3.2, which are as follows:</p> <ul style="list-style-type: none"> <li>• The proposal includes four (4) freestanding signs (2 x pylon signs) and (2x billboard signs), with outcomes specifying that only one (1) freestanding sign be located at the premise.</li> <li>• The proposed freestanding signs (banner signs) (2x) on the site are located within 100 metres of each other along George Street road frontage in the direction of northbound traffic, and the freestanding (pylon) signs (2x) on the Cambridge Street road frontage facing eastbound traffic.</li> <li>• One of the freestanding (pylon) sign exceeds the maximum sign face area height permitted of five (5) metres, with a combined sign face height of six (6) metres.</li> <li>• The two (2) proposed freestanding (pylon) signs are not setback a minimum of three (3) metres from the property boundaries, or half the sign height.</li> </ul> <p>Despite these conflicts, the proposed advertising devices are generally consistent with the Advertising Devices Code and achieve the overall Performance Outcome (PO) 1, on the basis that:</p> <ul style="list-style-type: none"> <li>• It is not considered that the advertising devices visually dominate tenancy 1 or adversely impact on the amenity of the premises or streetscape.</li> <li>• The proposed 1.5 metre landscaping buffer along the George Street road boundary, and landscaping on the Campbell Street road boundary softens the appearance of the advertising devices.</li> <li>• The four (4) freestanding signs are located within landscaped areas and therefore will not adversely impact upon vehicle or pedestrian movements, will not interfere with sight lines or reduce safety levels to, from or within the site.</li> </ul>
<b>Relevant Matters</b>	
Not applicable to an assessable development application subject to code assessment.	
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 4.4); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 8. 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.

#### 9. 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.

#### 10. ORIGINAL DECISION ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Date: 26 February 2024
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#### 11. ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 11 November 2024
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dasilgp.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**



# Attachment 1 – Part 1 Rockhampton Regional Council Conditions

Planning Act 2016

## RECONFIGURING A LOT

### 1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development must be undertaken, completed, and be accompanied by a compliance with condition notice for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Building Works:
    - (i) Demolition Works
- 1.7 Street numbering for the development must be in accordance with *Australian/New Zealand Standard for Rural and Urban Addressing (AS4819:2011)*. Council will allocate street numbering to the development in accordance with this standard at the time of issuing the Survey Plan Approval Certificate.
- 1.8 The Survey Plan must be registered with Titles Queensland prior to the commencement of use for Stage 1 of the Material Change of Use for two (2) Food and Drink Outlets.
- 1.9 The access easement is to be extended to include the manoeuvring area and vehicle swept paths of waste servicing vehicles as identified in the Traffic Impact Assessment relating to the Material Change of Use component. The vehicle swept path of the waste servicing vehicles must be contained entirely within the easement.
- 1.10 The extended access easement must be included in the Survey Plan to be lodged with Council prior to the issue of the Survey Plan Approval Certificate.

### 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 any condition of this development approval:

Plan/Document Name	Prepared by	Date	Reference No.	Version/Issue
Proposed Lot Plan	Verve Building Design	20 October 2023	22091-DA08	A

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

### 3.0 SEWERAGE WORKS

- 3.1 All lots within the development must be connected to Council's reticulated sewerage network. Each lot must be provided with its own separate sewerage connection point, located wholly within its respective property boundary.
- 3.2 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

### 4.0 WATER WORKS

- 4.1 All lots within the development must be connected to Council's reticulated water network.
- 4.2 All redundant existing water connection point(s) must be disconnected. New water connection points must be provided for proposed Lots 1 and 2. An hydraulic engineer or other suitably qualified person must determine the size of connection(s) required.

### 5.0 ELECTRICITY

- 5.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

### 6.0 TELECOMMUNICATIONS

- 6.1 Telecommunications services must be provided to each lot in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

### 7.0 BUILDING WORKS

- 7.1 The existing dwellings on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

### 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.
- 8.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

### 9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within Cambridge Street or Campbell Lane.

## ADVISORY NOTES

### NOTE 1. 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"). 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. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

**MATERIAL CHANGE OF USE FOR TWO (2) FOOD AND DRINK OUTLETS**

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
  - 1.2 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
  - 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
    - 1.3.1 to Council's satisfaction;
    - 1.3.2 at no cost to Council; and
    - 1.3.3 prior to the commencement of the use, unless otherwise stated.
  - 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
  - 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
    - 1.5.1 Operational Works:
      - (i) Access and Parking Works;
      - (ii) Sewerage Works;
      - (iii) Stormwater Works;
      - (iv) Roof and Allotment Drainage;
    - 1.5.2 Plumbing and Drainage Works; and
    - 1.5.3 Building Works:
      - (i) Demolition Works; and
      - (ii) Building Works.
  - 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
  - 1.7 The Survey Plan for the Reconfiguring a Lot for a boundary realignment (five lots into two lots) and Access Easement must be registered with Titles Queensland prior to commencement of the use.
  - 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
  - 1.9 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.
  - 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Cover Page	Verve Building Design	14 December 2023	22091 - DA00	E
Existing Site Plan / Demolition Plan	Verve Building Design	20 October 2023	22091- DA01	A
Proposed Site Plan	Verve Building Design	06 September 2024	22091- DA02	C1
Building Elevations and Perspectives	Verve Building Design	15 November 2023	22091 - DA03	D
Building Elevations and Perspectives	Verve Building Design	15 November 2023	22091 – DA04	D
Building Elevations and Perspectives	Verve Building Design	6 November 2023	22091 - DA05	C
Building Elevations and Perspectives	Verve Building Design	6 November 2023	22091- DA06	C
Site Elevations and Perspectives	Verve Building Design	14 December 2023	22091 - DA07	E
Proposed Lot Plan	Verve Building Design	20 October 2023	22091- DA08	A
T1 Signage	Verve Building Design	14 December 2023	22091-DA09	A
Landscape Concept Plan	Alga	4 October 2024	23.231 Sheet 1	D
Proposed Planting Schedule	Alga	30 October 2023	23.231 Sheet 2	D
Proposed Planting Schedule	Alga	30 October 2023	23.231 Sheet 3	D
Stormwater Management Plan and Engineering Services Report	Nigel Fletcher & Associates	25 October 2023	230118C	A
Traffic Impact Assessment	Access Traffic Consulting	7 November 2023	EP00123-001	B

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

### 3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Tenancy 1, access, parking, detention basin (Stage One); and

3.1.2 Tenancy 2, parking (Stage Two), in accordance with the approved Site Plan (refer to condition 2.1).

Stage One must be completed prior to Stage Two.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

#### 4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.5 All vehicles must ingress and egress the development in a forward gear.
- 4.6 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.7 Access easements must be provided for unimpeded public access through the proposed development in accordance with the approved plans (refer to condition 2.1).
- 4.8 A minimum of fourteen (14) parking spaces must be provided on-site.
- 4.9 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.10 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.11 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices" and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.12 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.13 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

#### 5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.5 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.6 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 5.7 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

5.8 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

#### 6.0 PLUMBING AND DRAINAGE WORKS

6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.

6.3 The development must be connected to Council's reticulated sewerage and water networks.

6.4 Internal Plumbing and Sanitary Drainage of proposed buildings must be contained within the lot it serves.

6.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.

6.6 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

6.7 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.

#### 7.0 STORMWATER WORKS

7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.

7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

7.5 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).

7.6 Deleted.

#### 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.

8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

#### 9.0 SITE WORKS

9.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

- 9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.3 All site works must be undertaken to ensure that there is:
- 9.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
  - 9.3.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
  - 9.3.3 a lawful point of discharge to which the approved works drain during construction phase.
- Easements will be required over any other land to accommodate the flows.

## 10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 10.2 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 10.3 All building works must be undertaken in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy and any permit obtained in respect of this policy.
- 10.4 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 10.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.6 Access to and use of the land the subject of this application must comply with the provisions of the Anti-Discrimination Act 1991. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 10.7 A minimum two (2) metre high solid acoustic screen fence must be erected along the northern side property boundary adjoining Lot 1 on RP602015 and the eastern side property boundary adjoining Campbell Lane.

## 11.0 LANDSCAPING WORKS

- 11.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 11.2 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 11.2.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 11.2.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 11.3 Shade trees must comply with the following requirements:
- 11.3.1 Be planted clear of services and utilities;
  - 11.3.2 Be planted clear of park furniture and embellishments;
  - 11.3.3 Not obstruct pedestrian or bicycle traffic; and
  - 11.3.4 Comply with crime prevention through environmental design principles.
- 11.4 Deleted.
- 11.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 11.6 The landscaped areas must be subject to:
- 11.6.1 a watering and maintenance plan during the establishment moment; and



11.6.2 an ongoing maintenance and replanting programme.

## 12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 12.3 '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 commencement of the use. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

## 13.0 ENVIRONMENTAL

- 13.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the Capricorn Municipal Design Guidelines, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

## 14.0 ENVIRONMENTAL HEALTH

- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or odour. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

## 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 development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Cambridge Street, or Campbell Lane.
- 15.2 The hours of operations for Tenancy one must be limited to:
- 15.2.1 0900 hours to 2200 hours on Monday to Sunday.
- 15.3 The hours of operations for Tenancy two must be limited to:
- 15.3.1 0500 hours to 2200 hours on Monday to Sunday.
- 15.4 The loading and/or unloading of delivery and waste collection vehicles for tenancy one is limited between the hours of 0700 and 0900 Monday to Sunday, and 0700 and 1800 Monday to Sunday for tenancy two. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 15.5 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 15.6 All waste storage areas must be:
- 15.6.1 kept in a clean and tidy condition; and
- 15.6.2 maintained in accordance with *Environmental Protection Regulation 2019*.

## ADVISORY NOTES

NOTE 1. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 4. 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 5. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

NOTE 6. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

## OPERATIONAL WORKS FOR ADVERTISING DEVICES

<b><u>Abbreviation / Term</u></b>	<b><u>Meaning</u></b>
Ambient light sensor	Measures the surrounding ambient light
Animation	A simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.
AS/NZS	Australian and New Zealand Standard
Cd	Candela – a unit of luminous intensity
Dwell time	The length of time an image displays on the screen.
Luminance	Brightness (intensity of light) leaving the display, which is measured in Candela per square metre.
OMA	Outdoor Media Authority Digital Guideline

RPEQ	Registered Professional Engineer of Queensland
Video	A recording or the streaming of moving visual images captured by or using a video camera or similar device.

## 1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 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.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further development permits are required prior to the commencement of any works on the site:
- 1.4.1 Building Works.
- 1.5 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 advertising device 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>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
T! Signage Plan	Verve Building Design	14 December 2023	DA 09	A

- 2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 2.3 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 OPERATING PROCEDURE

- 3.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 3.2 All text and images displayed on the approved advertising device:
- 3.2.1 must be static;
- 3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
- 3.2.3 must not involve moving parts or flashing lights.
- 3.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and 'Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers'.

## 4.0 LUMINANCE

- 4.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 2 below.

Table 2: Luminance levels for Advertising Devices  
(Source: OMA)

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m2	6000-7000 cd/m2	6000-7000 cd/m2
Morning/Evening/Twilight/inclement weather	1000 cd/m2	700 cd/m2	600 cd/m2
Night Time	500 cd/m2	350 cd/m2	300 cd/m2

Note:

Zone 1 very high ambient off street lighting i.e central city locations

Zone 2 high to medium off street ambient lighting

Zone 3 low levels of off street ambient lighting, i.e. most residential areas, rural areas.

5.0 BUILDING WORKS

5.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

6.0 ASSET MANAGEMENT

6.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:

6.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or

6.1.2 as soon as reasonably possible as agreed with Council.

7.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

7.1 Council reserves the right for uninterrupted access to the site at all times during construction.

7.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times, unless otherwise approved by Council in writing.

7.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

7.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.

7.5 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.

7.6 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".

7.7 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity

ADVISORY NOTES

NOTE 1. 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 2. 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.

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.

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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	1 A concurrence agency that is not a co-respondent

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<b>2. Change applications</b> An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
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
<b>3. Extension applications</b> 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.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
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
<b>4. Infrastructure charges notices</b> 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> 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			



<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
imposed the amount.			
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	Column 4 Co-respondent by election

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
		(if any)	(if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	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)
1 A person given a decision notice about the decision 2 If the decision is to register premises or	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>			
renew the registration of premises—an owner or occupier of premises in the 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	Column 4 Co-respondent by election

<b>Table 3</b>			
<b>Appeals to the tribunal only</b>			
		(if any)	(if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-