



Decision Notice Approval

Planning Act Form 1 (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016 for a decision notice (approval) under section 63(2) of the Planning Act 2016

Application number:	D/186-2023	Contact:	Sophie Muggeridge
Notice Date:	11 June 2024	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Besix Watpac Pty Ltd		
Postal address:	C/- PSA Consulting (Australia) Pty Ltd PO BOX 10824 BRISBANE QLD 4000		
Phone no:	N/A	Mobile no:	0411 952 964
Email:	cliff.schmidt@psaconsult.com.au		

I acknowledge receipt of the above application on 20 December 2023 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for Alterations and Additions to existing High Impact Industry (Abattoir)

PROPERTY DESCRIPTION

Street address:	484 Lakes Creek Road, Koongal
Real property description:	Lot 1 on CP888744 and Lot 1 on RP603369

Dear Besix Watpac Pty Ltd,

I advise that, on 5 June 2024 the above development 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.

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<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>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i>
Building Works	<i>Demolition Works</i> <i>Building Works</i>
Plumbing and Drainage Works	

4. SUBMISSIONS

Properly made submissions were not made in relation to the application.

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
INFRASTRUCTURE-RELATED REFERRALS (Electricity Infrastructure)			
<i>Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or subject to an easement</i>			
Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if— (a) all or part of the premises are within 100m of a substation site; or (b) both of the following apply— (i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act; (ii) the easement is for a transmission grid or supply network	The chief executive of the distribution entity or transmission entity: Ergon Energy	Advice	<u>Postal:</u> Ergon Energy (Town Planning) PO Box 1090 Townsville Qld <u>Email:</u> townplanning@ergon.com.au
STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)			
<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	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/

(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	State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)		<u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700
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TIDAL WORKS OR WORK IN A COASTAL MANAGEMENT DISTRICT

Schedule 10, Part 17, Division 3, Table 6 - Material change of use involving work in a coastal management district

Development application for a material change of use that is assessable development under a local categorising instrument, if carrying out the change of use will involve— (a) operational work that— (i) is carried out completely or partly in an erosion prone area in a coastal management district; and (ii) is extracting, excavating or filling 1000m ³ or more, or clearing native vegetation from an area of 1000m ² or more; or (b) building work, carried out completely or partly in an erosion prone area in a coastal management district, if the building work involves increasing the gross floor area on the premises by 1000m ² or more <i>Examples for paragraph (b)—</i> 1 - There are no existing buildings or structures on the premises and the building work involves constructing 1 or more new buildings with a total gross floor area of 1000m ² 2 - There is an existing building on the premises and the building work involves an extension of the gross floor area of the building by 1000m ²	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> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700
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6. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Coversheet	Besix Watpac	29 November 2023	KB-AR-SKT-0000	C
Overall Site Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1001	C

Overall Ground Floor Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1200	C
Ground Floor – Existing Titan Shed	Besix Watpac	29 November 2023	KB-AR-SKT-1207	B
Overall First Floor Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1210	C
Overall Roof Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1240	C
Elevations – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1301	C
Overall Site Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2001	C
Overall Ground Floor Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2200	C
Storage Shed – Ground Floor and Elevations - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2201	C
Overall First Floor Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2210	C
External Elevations – Proposed Sheet 1	Besix Watpac	29 November 2023	KB-AR-SKT-2301	C
Roof Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2400	C
Sections – Proposed Sheet 1	Besix Watpac	29 November 2023	KB-AR-SKT-2401	C
Coversheet	Besix Watpac	18 September 2023	PF-AR-SKT-0001	C
Site Plan Overall - Demolition	Besix Watpac	18 September 2023	PF-AR-SKT-1000	C
Ground Floor Plan - Demolition	Besix Watpac	18 September 2023	PF-AR-SKT-1201	C
Upper Deck Level - Demolition	Besix Watpac	18 September 2023	PF-AR-SKT-1210	C
Site Plan	Besix Watpac	18 September 2023	PF-AR-SKT-2100	C
Ground Floor	Besix Watpac	18 September 2023	PF-AR-SKT-2200	C
Conveyor Floor Level Plan	Besix Watpac	18 September 2023	PF-AR-SKT-2210	C
Control Room Floor Level Plan	Besix Watpac	18 September 2023	PF-AR-SKT-2220	C
Sections Sheet 1	Besix Watpac	18 September 2023	PF-AR-SKT-2221	C
Roof Plan Overall	Besix Watpac	18 September 2023	PF-AR-SKT-2401	C
External Elevations Sheet 1	Besix Watpac	18 September 2023	PF-AR-SKT-3101	C

Overall Site Plan – Existing / Demolition	Besix Watpac	29 November 2023	TEYS-AR-SKT-1001	C
Overall Site Plan - Proposed	Besix Watpac	29 November 2023	TEYS-AR-SKT-2001	C
Cover Sheet	Besix Watpac	15 September 2023	WO-AR-SKT-0000	C
Site Plan	Besix Watpac	15 September 2023	WO-AR-SKT-2100	C
Ground and First Floor Plan	Besix Watpac	15 September 2023	WO-AR-SKT-2200	H
Roof Plan	Besix Watpac	15 September 2023	WO-AR-SKT-2260	C
Section – Sheet 1	Besix Watpac	15 September 2023	WO-AR-SKT-2401	D
Elevations Sheet 1	Besix Watpac	15 September 2023	WO-AR-SKT-3300	E

7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the *Planning Act*)

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.

8. STATEMENT OF REASONS

Description of the development
Material Change of Use for Alterations and Additions to existing High Impact Industry (Abattoir)
Reasons for Decision
<p>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</p> <p>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.</p>
Assessment Benchmarks
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • High Impact Industry Zone Code; • Access, Parking and Transport Code; • Landscape Code;

<ul style="list-style-type: none"> • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Biodiversity Areas Overlay Code; • Coastal Protection Overlay Code; and • Flood Hazard Overlay Code. 	
<p>Compliance with assessment benchmarks</p>	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>High Impact Industry Zone Code</p>	<p>Performance Outcome (PO) 17 and 20</p> <p>The proposed development presents conflicts with the above mentioned Performance Outcomes with potential impacts on the amenity of the nearby residential zone and sensitive land uses(s) by way of noise, dust, lighting, odours and hours of operation or unsightly activities.</p> <p>The nearest dwelling house (not associated with the development) is located approximately 200 metres to the north.</p> <p>The proposed upgrades to the knocking box, plate freezer, works office and storage shed will not worsen the amenity of existing or future residents in the area as appropriate separation is maintained. The upgrades are purely required to modernise and improve operations and will not result in any changes to the overall processing activities, including production levels, traffic, staff numbers, waste, hours of operation or potential environmental impacts.</p> <p>The established development has an Environmental Authority in place, ERA (25) as it involves “Meat Processing (including rendering) more than 50,000 tonnes of meat or meat products in a year”. This permit is regulated by the Department of Environment and Science.</p> <p>As such, the development can be undertaken with minimal amenity impact on nearby sensitive land uses and is considered to align with the purpose of the zone and Lakes Creek Precinct.</p>
<p>Coastal Protection Overlay Code</p>	<p>Performance Outcome (PO) 1</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 1.3 because the ground floor of the works office and storage shed are enclosed. Where AO1.3 stipulates ground floors are not enclosed underneath to allow for flow-through water movement.</p> <p>Despite this conflict the works office is located to avoid adverse coastal hazard impacts and designed to respond to flooding potential and maintain personal safety at all times because:</p> <ul style="list-style-type: none"> • A 10 metre development free buffer has been allocated within the erosion prone area from the property boundary along the river landwards, to safeguard and protect life, buildings, and infrastructure from potential impacts of coastal erosion. This buffer provides ample space for machinery and equipment to work within, should future mitigation works be required; and • The ground floor level of the new building is set to be at a height of 8.2 metres which is 500 millimetres above the 1% AEP flood level. <p>Simultaneously the storage shed also maintains a 10 metre development free</p>

	<p>buffer to avoid adverse coastal hazard impacts, however the ground floor level of the extension to the building will be set at a height of 7.435 metres which is below the 1% AEP flood level. Despite this, the buildings intended use and low likelihood of occupancy during a flood event is considered an acceptable outcome with no potential risk to personal safety.</p> <p>Therefore, the development is considered to achieve PO1</p>
	<p>Performance Outcome (PO) 3</p> <p>The proposed development conflicts with PO3 and no Acceptable Outcome (AO) is nominated.</p> <p>The proposed development is not for a coastal-dependent land use and the works office and storage shed are located within the erosion prone area overlay.</p> <p>Despite this, the development mitigates any increase in risk to people and property from adverse coastal erosion impacts as stipulated above a 10 metre development free buffer has been allocated within the erosion prone area from the property boundary along the river landwards, to safeguard and protect life, buildings, and infrastructure from potential impacts of coastal erosion. This buffer provides ample space for machinery and equipment to work within, should future mitigation works be required.</p> <p>The development does not materially increase the potential for coastal damage on the site or to other properties and therefore complies with the intent and overall outcomes of the Coastal Protection Overlay Code.</p>
<p>Flood Hazard Overlay Code</p>	<p>Performance Outcome (PO) 4</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 4.1.1 because the development involves new buildings and structures.</p> <p>The development is not considered to be a further intensification of the land use. The upgrades are purely required to modernise and improve operations and will not result in any changes to the overall processing activities, including production levels, traffic, staff numbers, waste, hours of operation or potential environmental impacts.</p> <p>The main components of the development (upgrades to the knocking box, plate freezer and works office) are all located 500 millimetres above the 1% AEP minimum flood level.</p> <p>As indicated, the storage shed is below the 1% AEP flood level. Despite this, the buildings intended use and low likelihood of occupancy during a flood event is considered an acceptable outcome with no potential risk to personal safety.</p> <p>Therefore, the development is considered to achieve PO4</p>
	<p>Performance Outcome (PO) 10 (b)</p> <p>The proposed development conflicts with PO10 (b) as the development will result in a change to depth and duration of floodwaters within the premises and no Acceptable Outcome (AO) is nominated.</p> <p>A flood impact assessment has been provided indicating localised increases to height and duration of inundation are expected within the subject site boundary.</p> <p>Despite this, the assessment shows no adverse impacts to neighbouring properties during a flood event and the proposed new knocking box, plate freezer, works office and storage shed siting, layout and access responds to the flood hazard and avoids unacceptable risk to personal safety.</p> <p>The development is compatible with the level of risk associated with the flood hazard. Therefore, the development complies with the intent and overall outcomes of the Flood Hazard Overlay Code.</p>
<p>Relevant Matters</p>	

The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.

Matters raised in submissions

The proposal was the subject of public notification between 7 March 2024 and 28 March 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.

Matters prescribed by regulation

- The Rockhampton Region Planning Scheme 2015 (version 4.4);
- Central Queensland Regional Plan 2013; and
- The common material, being the material submitted with the application.

9. APPEAL RIGHTS

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*. 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 out the applicant's appeal rights and the appeal rights of a submitter.

10. 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.

11. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 11 June 2024
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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 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 issue of the Certificate of Classification for the Building Works, unless otherwise stated.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
 - (i) Stormwater Works;
 - (ii) Roof and Allotment Drainage;
 - 1.4.2 Plumbing and Drainage Works; and
 - 1.4.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.5 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.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 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 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>
Coversheet	Besix Watpac	29 November 2023	KB-AR-SKT-0000	C
Overall Site Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1001	C
Overall Ground Floor Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1200	C
Ground Floor – Existing Titan Shed	Besix Watpac	29 November 2023	KB-AR-SKT-1207	B
Overall First Floor Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1210	C
Overall Roof Plan – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1240	C
Elevations – Existing / Demolition	Besix Watpac	29 November 2023	KB-AR-SKT-1301	C
Overall Site Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2001	C
Overall Ground Floor Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2200	C
Storage Shed – Ground Floor and Elevations - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2201	C
Overall First Floor Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2210	C
External Elevations – Proposed Sheet 1	Besix Watpac	29 November 2023	KB-AR-SKT-2301	C
Roof Plan - Proposed	Besix Watpac	29 November 2023	KB-AR-SKT-2400	C
Sections – Proposed Sheet 1	Besix Watpac	29 November 2023	KB-AR-SKT-2401	C

Coversheet	Besix Watpac	18 2023	September	PF-AR-SKT- 0001	C
Site Plan Overall - Demolition	Besix Watpac	18 2023	September	PF-AR-SKT- 1000	C
Ground Floor Plan - Demolition	Besix Watpac	18 2023	September	PF-AR-SKT- 1201	C
Upper Deck Level - Demolition	Besix Watpac	18 2023	September	PF-AR-SKT- 1210	C
Site Plan	Besix Watpac	18 2023	September	PF-AR-SKT- 2100	C
Ground Floor	Besix Watpac	18 2023	September	PF-AR-SKT- 2200	C
Conveyor Floor Level Plan	Besix Watpac	18 2023	September	PF-AR-SKT- 2210	C
Control Room Floor Level Plan	Besix Watpac	18 2023	September	PF-AR-SKT- 2220	C
Sections Sheet 1	Besix Watpac	18 2023	September	PF-AR-SKT- 2221	C
Roof Plan Overall	Besix Watpac	18 2023	September	PF-AR-SKT- 2401	C
External Elevations Sheet 1	Besix Watpac	18 2023	September	PF-AR-SKT- 3101	C
Overall Site Plan – Existing / Demolition	Besix Watpac	29 2023	November	TEYS-AR-SKT- 1001	C
Overall Site Plan - Proposed	Besix Watpac	29 2023	November	TEYS-AR-SKT- 2001	C
Cover Sheet	Besix Watpac	15 2023	September	WO-AR-SKT- 0000	C
Site Plan	Besix Watpac	15 2023	September	WO-AR-SKT- 2100	C
Ground and First Floor Plan	Besix Watpac	15 2023	September	WO-AR-SKT- 2200	H
Roof Plan	Besix Watpac	15 2023	September	WO-AR-SKT- 2260	C

Section – Sheet 1	Besix Watpac	15 September 2023	WO-AR-SKT-2401	D
Elevations Sheet 1	Besix Watpac	15 September 2023	WO-AR-SKT-3300	E

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 PLUMBING AND DRAINAGE WORKS

3.1 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.

3.2 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.

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

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

3.5 All sanitary drainage works must comply with Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4 for flood affected areas.

4.0 STORMWATER WORKS

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

4.2 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).

4.3 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.

4.4 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).

4.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 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.

5.2 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).

- 5.3 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.

6.0 SITE WORKS

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

- 6.2 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.

- 6.3 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

7.0 BUILDING WORKS

- 7.1 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.

- 7.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 7.3 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".

- 7.4 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.

- 7.5 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.

- 7.6 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.

- 7.7 Any application for a Development Permit for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by a suitably qualified Registered Professional Engineer of Queensland, which demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.

8.0 ASSET MANAGEMENT

- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

9.0 ENVIRONMENTAL

- 9.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;

- (ii) site location and 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.

9.2 The Erosion Control Plan must be:

9.2.1 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); and

9.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.

10.0 OPERATING PROCEDURES

10.1 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.

10.2 All waste storage areas must be:

10.2.1 kept in a clean and tidy condition; and

10.2.2 maintained in accordance with *Environmental Protection Regulation 2019*.

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

NOTE 2. 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 3. 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 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. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.



Attachment 1 – Part 2
Referral Agency Conditions – State
Development, Infrastructure, Local
Government and Planning (State
Assessment and Referral Agency
Department) *Planning Act 2016*

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	1 A concurrence agency that is not a co-respondent

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

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) There was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
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	-	-
<p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
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	-	-
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
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

Table 2			
Appeals to the P&E Court only			
<p>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—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
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	-	-

Table 2 Appeals to the P&E Court only			
<p>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.</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	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 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— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (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 An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (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>			

Table 2 Appeals to the P&E Court only			
An appeal may be made against a decision of the Minister under chapter 7, part 4.			
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 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	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
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	-	-

Table 3 Appeals to the tribunal only			
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.			
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
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

Table 3			
Appeals to the tribunal only			
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</p> <p>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	-	-