



# 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:	<b>D/187-2023</b>	Contact:	Kathy McDonald
Notice Date:	18 September 2024	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	<b>LG Resorts No 3 Pty Ltd A.C.N. 662 327 540</b>		
Postal address:	<b>C/- Capricorn Survey Group PO BOX 1391 ROCKHAMPTON QLD 4700</b>		
Phone no:	07 4927 5199	Mobile no:	0407 581 850
Email:	<a href="mailto:reception@csqcq.com.au">reception@csqcq.com.au</a>		

I acknowledge receipt of the above application on 21 December 2023 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for Material Change of Use for a Retirement Facility (353 Sites)**

## PROPERTY DESCRIPTION

Street address:	930-960 Norman Road and 19 McMillan Avenue, Parkhurst
Real property description:	Lots 7 to 10 on RP603508

**Dear** LG Resorts No 3 Pty Ltd

I advise that, on 10 September 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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>Road Works</i> <i>Access and Parking Works</i> <i>Sewerage Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Site Works</i> <i>Landscaping Works</i>
Building Works	
Plumbing and Drainage Works	

#### 4. SUBMISSIONS

Properly made submissions were made in relation to the application.

There were two (2) properly made submissions received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Peter McKee	18 Vermont Drive, Parkhurst	<a href="mailto:Rockypete71@gmail.com">Rockypete71@gmail.com</a>
2. Dianne Upton	Nil	<a href="mailto:Dido0011@hotmail.com">Dido0011@hotmail.com</a>

#### 5. 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 (Generally)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			
Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold— (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at	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@dsvl.glp.qld.gov.au">RockhamptonSARA@dsvl.glp.qld.gov.au</a> <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

premises wholly or partly in the excluded area However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.			
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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>
Master Plan	Jared Poole Desgin	11 April 2024	BP1426/03.01	E
Staging Plan	Jared Poole Desgin	12 April 2024	BP1426/03.02	B
Footpath and Walking Network Plan	Jared Poole Desgin	11 April 2024	BP1426/03.03	C
Clubhouse – Ground Floor Plan	Jared Poole Desgin	06 September 2023	BP1426/04.01	A
Clubhouse - Elevations	Jared Poole Desgin	06 September 2023	BP1426/04.02	A
Clubhouse - Elevations	Jared Poole Desgin	06 September 2023	BP1426/04.03	A
Dwelling Type A	Jared Poole Desgin	06 September 2023	BP1426/05.01	A
Dwelling Type B	Jared Poole Desgin	06 September 2023	BP1426/05.02	A
Dwelling Type C	Jared Poole Desgin	06 September 2023	BP1426/05.03	A
Statement of Landscape Intent	Zone Landscape Architecture	15 December 2023	L23171	A
Flood Report	Westera Partners	09 July 2024	S23-055	C
Stormwater Management Report	Westera Partners	01 March 2024	S23-055	B
Engineering Services Report	Westera Partners	01 March 2024	S23-055	B
Preliminary Cover Sheet	Westera Partners	01 March 2024	S23-055-PG01	A
Preliminary Civil Notes & Legend	Westera Partners	01 March 2024	S23-055-PC01	A

Preliminary Civil Works Site Plan	Westera Partners	09 July 2024	S23-055-PC02	B
Preliminary Catchments Plan	Westera Partners	09 July 2024	S23-055-PC03	B
Preliminary Civil Works Plan 1 Of 4	Westera Partners	09 July 2024	S23-055-PC04	B
Preliminary Civil Works Plan 2 Of 4	Westera Partners	09 July 2024	S23-055-PC05	B
Preliminary Civil Works Plan 3 Of 4	Westera Partners	09 July 2024	S23-055-PC06	B
Preliminary Civil Works Plan 4 Of 4	Westera Partners	09 July 2024	S23-055-PC07	B
Preliminary Channel Sections	Westera Partners	09 July 2024	S23-055-PC08	B
Preliminary Stormwater Tank Details 1 Of 3	Westera Partners	09 July 2024	S23-055-PC09	A
Preliminary Stormwater Tank Details 2 Of 3	Westera Partners	09 July 2024	S23-055-PC10	A
Preliminary Stormwater Tank Details 3 Of 3	Westera Partners	09 July 2024	S23-055-PC11	A
Preliminary Earthworks Site Plan	Westera Partners	09 July 2024	S23-055-PE01	B
Preliminary Earthworks Plan 1 Of 4	Westera Partners	09 July 2024	S23-055-PE02	B
Preliminary Earthworks Plan 2 Of 4	Westera Partners	09 July 2024	S23-055-PE03	B
Preliminary Earthworks Plan 3 Of 4	Westera Partners	09 July 2024	S23-055-PE04	B
Preliminary Earthworks Plan 4 Of 4	Westera Partners	09 July 2024	S23-055-PE05	B
Preliminary Earthworks Section 1 Of 2	Westera Partners	01 March 2024	S23-055-PE06	A
Preliminary Earthworks Section 2 Of 2	Westera Partners	01 March 2024	S23-055-PE07	A
Preliminary Erosion & Sediment Control Plan Pre-Bulk Earthworks	Westera Partners	01 March 2024	S23-055-PESC01	A
Preliminary Erosion & Sediment Control Plan Post Bulk Earthworks	Westera Partners	01 March 2024	S23-055-PESC02	A
Preliminary Erosion & Sediment Control Details 1	Westera	01 March 2024	S23-055-PESC03	A

Of 2	Partners			
Preliminary Erosion & Sediment Control Details 2 Of 2	Westera Partners	01 March 2024	S23-055-PESC04	A
Preliminary Erosion & Sediment Control Notes	Westera Partners	01 March 2024	S23-055-PESC05	A
General Layout	Westera Partners	09 July 2024	S23-055-FL01	B
Detail Road Layout	Westera Partners	09 July 2024	S23-055-FL02	B
Detail Road Layout	Westera Partners	09 July 2024	S23-055-FL03	B
Typical Road Cross Sections	Westera Partners	09 July 2024	S23-055-FL04	B

**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**

<b>Description of the development</b>
Material Change of Use for a Retirement Facility (353 Sites)
<b>Reasons for Decision</b>
<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>
<b>Assessment Benchmarks</b>
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Local Government Infrastructure Plan;</li> <li>• Strategic Framework;</li> <li>• Low Density Residential Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code;</li> <li>• Water and Sewer Code;</li> <li>• Filling and Excavation Code;</li> </ul>

- Biodiversity Areas Overlay Code; and
- Flood Hazard Overlay 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.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<p><b>Strategic Framework</b></p>	<p><b>3.3 Settlement Pattern</b></p> <p><b>3.3.9 Element – Future Urban</b></p> <p><b>3.3.9.1 Specific Outcome (2)</b></p> <p>The proposed development partly conflicts with Specific Outcome (2) of the Future Urban Settlement Pattern under the Strategic Framework because urban development is not expected to occur within future urban areas before 2031.</p> <p>The subject site is only partly located within the Future Urban designation of the Strategic Framework. Majority of the development’s footprint is located in the Urban Infill and Intensification designation which the development has no conflict with.</p> <p>Rockhampton’s growth is currently focused on the northern suburbs, in particular the area of Parkhurst. This being considered, despite the conflict with the Future Urban designation the development is consistent with the pattern of growth as outlined in strategic framework maps (SFM-1 to SFM-4); and</p> <p>Complies with specific outcome (15) of the Urban and New Urban settlement pattern which states that: Future greenfield development in Rockhampton is directed to Norman Gardens and Parkhurst to avoid areas affected by flooding to the south and west and steep land/environmental constraints to the east.</p> <p>Therefore, on balance the proposal complies with the Settlement Pattern theme of the Strategic Framework.</p>
<p><b>Local Government Infrastructure Plan</b></p>	<p><b>Table SC3.4.2 Schedule of works – Sewerage network</b></p> <p>An alternative delivery method for sewerage infrastructure for connection to the development site will be via a 150-millimetre diameter non-trunk sewerage gravity main which will be constructed from the 300-millimetre diameter sewerage gravity main along Rachel Drive and Norman Road and terminate at the south-western corner of the development site.</p>
<p><b>Low Density Residential Zone Code</b></p>	<p><b>Performance Outcome (PO) 18</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 18.1 because the Retirement Facility is not located within close proximity (200 metres) to a park, centre zone or major community facility.</p> <p>Despite this, the subject site is considered highly accessible and provides convenience for the following reasons:</p> <p>The development is located approximately 650 metres (walking distance) from Parkhurst Shopping Centre (District Centre Zone);</p> <p>Is located approximately 450 metres (walking distance) from the Rockhampton Heritage Village; and</p> <p>Approximately 400 metres North to an accessible bus stop along Jones Street and 500 metres West to another bus stop along Yaamba Road.</p> <p>To the extent any conflicts are identified the proposed development is</p>

	<p>considered to comply with the following higher order provisions of the Planning Scheme:</p> <p>6.2.1.2 (2)(c) (Overall Outcomes Low Density Residential Zone) – The proposed development maintains a low-rise setting.</p> <p>3.3.10.1 (5)(a) and (b) (Strategic Framework, Settlement Pattern, Element – Urban Infill and Intensification) – The proposed development provides for a choice of housing types and contributes to “affordable living” by including smaller and inexpensive options close to centres.</p> <p>Therefore, the development is taken to comply with PO18.</p>
<b>Relevant Matters</b>	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
<b>Matters raised in submissions</b>	
The proposal was the subject of public notification between 26 April 2024 and 22 May 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) properly made submissions and one (1) not properly made submission was received.	
Construction concerns for residents adjoining the development site in regard to dust and noise.	<p>The submitters raised concerns with the length of construction time it may take to develop the site regarding dust and noise to the surrounding properties.</p> <p>Operational Works conditions of approval and requirements in the Environmental Protection Act 1994 ensures that all environmental measures can be enforced during construction to protect the amenity of adjoining premises or the surrounding area from emission of light, noise, odour or dust.</p>
Location of Fire Hydrants.	<p>The submitter asked if consideration could be given to relocate a fire hydrant from the development site into their adjoining property so that it could service their site and others in the event of a fire.</p> <p>There are three (3) fire hydrants connected to Council water infrastructure and located within the development site. Being a private lot, this infrastructure is encumbered by an easement in favour of Council. It is not feasible to relocate this infrastructure, and it can be utilised by Queensland Fire and Emergency Services in the event of a fire for all residences in the immediate area.</p>
Norman Road and McMillian Avenue condition in regard to safety and lighting.	<p>The submitters raised concerns with the lack of lighting and pedestrian infrastructure along Norman Road and McMillian Avenue, in particular along Norman Road at the corner of Mason Avenue.</p> <p>Norman Road is classified as a Major Urban Collector Road and will be required to be upgraded to this standard, ultimately. The works required by this development include widening along the full frontage side of the development site (from Mason Avenue to McMillian Avenue) to an eight (8) metre wide road. Kerb and channel, 1.5 metres wide pedestrian pathway, public lighting, and drainage infrastructure will be included and have been conditioned.</p> <p>McMillan Avenue is classified as a Major Rural Collector. There is no requirement to provide a pedestrian pathway or public lighting.</p>
Norman Road and McMillian Avenue concerns with the current speed limits.	<p>The submitters raised concerns with the current speed limit of Norman Road and McMillian Avenue.</p> <p>The speed limit of a road is set by The Department of Transport and Main Roads and Local Government (Council) as per The Queensland Road Safety Technical User Volumes (QRSTUV): Guide to Speed Management</p>

	<p>which contains the methods and procedures in relation to setting speed limits, installed on the transport network.</p> <p>Council may monitor and undertake a speed limit review of Norman Road and McMillian Avenue once infrastructure has been installed, upgraded and the use commenced.</p>
Clearing occurring prior to completion of the public notification stage.	<p>The submitters raised concerns that the clearing of vegetation on the subject site has been undertaken prior to a land use approval.</p> <p>The subject site is not mapped as containing regulated vegetation. Any clearing of vegetation would be considered exempt clearing work with no requirement for a permit.</p>
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The Rockhampton Region Planning Scheme 2015 (version 4.4);</li> <li>• Central Queensland Regional Plan 2013; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 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*.

### Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

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: <b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 18 September 2024
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dsdilgp.qld.gov.au

**Attachment 1 – Conditions of the approval**

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

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

**Attachment 2—Extract on appeal rights**

1.0 ADMINISTRATION

- 1.1 The 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) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Stormwater Works;
    - (v) Roof and Allotment Drainage;
    - (vi) Site Works; and
    - (vii) Landscaping Works;
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 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 All works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards, unless otherwise stated.
- 1.8 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.
- 1.9 Lot 7 on RP603508, Lot 8 on RP603508 and Lot 9 on RP603508 must be amalgamated and registered as one lot prior to the commencement of the use.

- 1.10 Lot 10 on RP603508 must be amalgamated with Lots 7, 8 and 9 and registered as one lot prior to the commencement of Stage three (3) or Stage four (4), whichever occurs first.
- 1.11 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 were 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>
Master Plan	Jared Poole Desgin	11 April 2024	BP1426/03.01	E
Staging Plan	Jared Poole Desgin	12 April 2024	BP1426/03.02	B
Footpath and Walking Network Plan	Jared Poole Desgin	11 April 2024	BP1426/03.03	C
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Engineering Services Report	Westera Partners	01 March 2024	S23-055	B
Preliminary Cover	Westera	01 March 2024	S23-055-PG01	A

Sheet	Partners			
Preliminary Civil Notes & Legend	Westera Partners	01 March 2024	S23-055-PC01	A
Preliminary Civil Works Site Plan	Westera Partners	09 July 2024	S23-055-PC02	B
Preliminary Catchments Plan	Westera Partners	09 July 2024	S23-055-PC03	B
Preliminary Civil Works Plan 1 Of 4	Westera Partners	09 July 2024	S23-055-PC04	B
Preliminary Civil Works Plan 2 Of 4	Westera Partners	09 July 2024	S23-055-PC05	B
Preliminary Civil Works Plan 3 Of 4	Westera Partners	09 July 2024	S23-055-PC06	B
Preliminary Civil Works Plan 4 Of 4	Westera Partners	09 July 2024	S23-055-PC07	B
Preliminary Channel Sections	Westera Partners	09 July 2024	S23-055-PC08	B
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Preliminary Stormwater Tank Details 2 Of 3	Westera Partners	09 July 2024	S23-055-PC10	A
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Preliminary Earthworks Plan 2 Of 4	Westera Partners	09 July 2024	S23-055-PE03	B
Preliminary Earthworks Plan 3 Of 4	Westera Partners	09 July 2024	S23-055-PE04	B
Preliminary Earthworks Plan 4 Of 4	Westera Partners	09 July 2024	S23-055-PE05	B

Preliminary Earthworks Section 1 Of 2	Westera Partners	01 March 2024	S23-055-PE06	A
Preliminary Earthworks Section 2 Of 2	Westera Partners	01 March 2024	S23-055-PE07	A
Preliminary Erosion & Sediment Control Plan Pre-Bulk Earthworks	Westera Partners	01 March 2024	S23-055-PESC01	A
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Preliminary Erosion & Sediment Control Details 1 Of 2	Westera Partners	01 March 2024	S23-055-PESC03	A
Preliminary Erosion & Sediment Control Details 2 Of 2	Westera Partners	01 March 2024	S23-055-PESC04	A
Preliminary Erosion & Sediment Control Notes	Westera Partners	01 March 2024	S23-055-PESC05	A
General Layout	Westera Partners	09 July 2024	S23-055-FL01	B
Detail Road Layout	Westera Partners	09 July 2024	S23-055-FL02	B
Detail Road Layout	Westera Partners	09 July 2024	S23-055-FL03	B
Typical Road Cross Sections	Westera Partners	09 July 2024	S23-055-FL04	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 stages, namely:

3.1.1 Sites 1 to 57, Sites 184 to 187, and Sites 326 to 353 (Stage One).

3.1.2 Sites 114 to 183, Sites 188 to 202 (Stage Two); and

3.1.3 Sites 58 to 113, Sites 276 to 288, and Sites 309 to 325 (Stage Three) and,

3.1.4 Sites 203 to 275 and Sites 289 to 308 (Stage Four).

in accordance with the approved plan (refer to condition 2.1).

- 3.2 Stage One (sites only) must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.
- 3.3 The currency period for Stage One is six (6) years from the date this approval takes effect.
- 3.4 The currency period for Stages Two, Three and Four is fifteen (15) years from the date this approval takes effect.
- 3.5 The secondary clubhouse facilities (summer house) must be provided when the 30<sup>th</sup> dwelling house site is delivered.
- 3.6 The primary clubhouse facilities must be provided when the 150<sup>th</sup> dwelling house site is delivered.
- 3.7 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant Australian Standards and Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) at the time of making the application.
- 4.4 Norman Road must be designed and constructed to Major Urban Collector standard, with half road construction along the full frontage of the development site extending two (2) metres beyond the centreline of the road and have a minimum width of eight (8.0) metres. Where kerb and channel exists on the western side of Norman Road north of McMillian Avenue, the ultimate width of Norman Road at Major Urban Collection standard is to be realised. Kerb and channel, pedestrian pathways, lighting, and drainage infrastructure must be included. This trunk infrastructure has been identified as T-10 in the *Local Government Infrastructure Plan* and is conditioned under section 128 of the *Planning Act 2016*.
- 4.5 Land is to be dedicated to Council for additional road reserve to appropriately accommodate a Major Urban Collector Road hierarchy with adequate verge.
- 4.6 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the development side of Norman Road for the full frontage of the development site.
- 4.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.8 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.9 All pathways must incorporate kerb ramps at all road crossing points.
- 4.10 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.11 Dedicated pedestrian linkages must be provided in accordance with the 'Footpath and Walking Network' approved plan (refer to condition 2.1).
- 5.0 ACCESS AND PARKING WORKS
- 5.1 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.

- 5.2 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*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All access, parking and vehicle manoeuvring areas must be concrete paved in accordance with the approved site plan (refer to condition 2.1).
- 5.4 A minimum of one hundred and eighty (180) parking spaces must be provided on-site. This includes one hundred and twenty-eight (128) visitor car parking spaces and fifty-two (52) recreational vehicle parking spaces.
- 5.5 Each Dwelling must be provided with two (2) car parking spaces, which may be provided in tandem, with at least one (1) space being covered.
- 5.6 A new access to the development must be provided at Norman Road and McMillian Avenue.
- 5.7 Service and delivery vehicles, including refuse collection vehicles must be via Norman Road only.
- 5.8 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.9 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"*.
- 5.10 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"*.
- 5.11 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).
- 5.12 Any application for a development permit for operational works (access and parking works) must be accompanied by detailed and scaled plan, which demonstrate the turning movement/swept paths of the largest vehicle to access the development site including refuse collection.
- 5.13 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-streetcar parking"*.
- 5.14 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.15 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.16 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 SEWERAGE WORKS
- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 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*, and *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network via a "Special Sewerage Arrangement".

6.4 A 150-millimetre diameter non-trunk sewerage gravity main must be constructed from a new access chamber to be provided in the south western corner of the development site, connecting to the existing 300-millimetre diameter sewerage gravity main located at the Rachel Drive and Percy Street intersection. An access chamber must be provided at the connection of the existing 300-millimetre diameter sewerage main and at the termination point. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.

6.5 A new sewerage connection point must be provided to the proposed development from the sewerage infrastructure to be constructed in accordance with condition 6.4.

Note: The sewerage connection point to be provided for the development cannot command the development via gravity. A private pump station and raising main will be required to service the development and must comply with *Australian Standard AS3500.2 "Sanitary Plumbing and Drainage"*. A private pump station and raising main is to be approved as a part of Plumbing and Drainage Works.

6.6 Any proposed sewerage access chamber located within a park or reserve, or below a ten per cent (10%) Annual exceedance probability flood level, must be provided with bolt down lids.

6.7 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.

6.8 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.

## 7.0 WATER WORKS

7.1 All water 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 and Plumbing and Drainage Act 2018*.

7.2 The development must be connected to Council's reticulated water network.

7.3 The existing water connection point must be capped off. A new water connection point must be provided from the 200-millimetre diameter water main located within the eastern side of Norman Road. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

7.4 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.

7.5 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.

7.6 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.

## 8.0 PLUMBING AND DRAINAGE WORKS

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

8.2 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*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

8.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.

## 9.0 STORMWATER WORKS



- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 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*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwaters must drain to a 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.
- 9.4 A Drainage Easement must be provided over all land assessed to be within a post-development one (1%) Annual Exceedance Probability defined flood / storm event, inundation area.
- 9.5 A Stormwater channel must be provided along the western and northern boundaries to contain the overland flow that traverses the development site. This trunk infrastructure has been identified as D-4 in the *Local Government Infrastructure Plan* and is conditioned under section 128 of the *Planning Act 2016*.
- Note: Channel freeboard must be provided in accordance with *Queensland Urban Drainage Manual* requirements and demonstrated at Operational Works (Stormwater Works) stage.
- 9.6 All internal field inlets / pits must be fitted with gross pollutant traps in accordance with approved plans (refer to condition 2.1).
- 9.7 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).
- 9.8 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.
- 9.9 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner/operator.
- 10.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 10.1 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.
- 10.2 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*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 10.3 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.
- 11.0 SITE WORKS
- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.

- 11.2 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 an actionable nuisance or worsening to surrounding land or infrastructure.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidance on earthworks for commercial and residential development"*.
- 11.4 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.4.1 the location of cut and/or fill.
  - 11.4.2 the type of fill to be used and the way it is to be compacted.
  - 11.4.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.
  - 11.4.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 11.4.5 the maintenance of access roads to and from the development site so that they are free of all cuts and/or fill material and cleaned as necessary.
- 11.5 All retaining structures above one (1) meter height requires separate building approval and certification by a Registered Professional Engineer of Queensland.
- 12.0 BUILDING WORKS
- 12.1 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.
- 12.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 12.3 All building works for must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 12.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 12.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 12.4.2 surrounded by at least a 1.8-metre-high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 12.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 12.4.4 setback a minimum of two (2) metres from any road frontage; and
  - 12.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 12.5 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"*.

- 12.6 Boundary fencing must be erected along the common boundary of the subject development site prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 12.7 The private open space area provided for each unit must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 13.0 EXTERNAL LANDSCAPING WORKS
- 13.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 13.2 Street trees must be provided along Norman Road in accordance with the approved plans (refer to condition 2.1) and the requirements of Planning Scheme Policy SC6.12 - *Landscape Design and Street Trees Planning Scheme Policy*.
- 13.3 The street trees required by condition 13.2 must be one or a combination of the following species:
- 13.3.1 *Buckinghamia celcissma* – Ivory Curl
  - 13.3.2 *Corymbia ptychocarpa* –Swamp Bloodwood
  - 13.3.3 *Cupaniopsis anacardioides* – Tuckeroo
  - 13.3.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
  - 13.3.5 *Harpullia pendula* – Tulip wood
  - 13.3.6 *Melicope elleryana*- Pink Flowering Euodia
  - 13.3.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
  - 13.3.8 *Waterhousia floribunda* – Weeping Lilly Pilly
  - 13.3.9 *Xanthostemon chrysanthus* – Golden Penda
- 13.4 The street trees must:
- 13.4.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
  - 13.4.2 Be at least three (3) metres from a driveway;
  - 13.4.3 Be at least five (5) metres apart; and
  - 13.4.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 13.5 Street trees must be maintained by the owner until established.
- Note: Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per our requirements and in accordance with the current Street Tree Policy.
- Note: Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 13.6 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 13.7 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.
- 13.8 Any application for a Development Permit for Operational Works (landscaping works) must be accompanied by a detailed plan that demonstrates the proposed landscaping within the easement or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent will not affect / decrease the conveyance capacity of the channel.

Note: Landscaping within Drainage Easement A located on SP307472 or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent as identified on the approved plans (refer to condition 2.1) must be in accordance with Council's easement schedule.

#### 14.0 INTERNAL LANDSCAPING WORKS

- 14.1 Landscaping must be constructed and/or established in all relevant areas shown on the approved plans prior to the commencement of the use for that area (refer to condition 2.1).
- 14.2 Landscaping must be designed in accordance with the requirements of Australian Standard AS 1428 — Design for access and mobility.
- 14.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
  - 14.3.1 trees at five (5) metre intervals;
  - 14.3.2 shrubs at two (2) metre intervals; and
  - 14.3.3 groundcovers at one (1) metre intervals.
- 14.4 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:
  - 14.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 14.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 14.5 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 14.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
  - 14.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
  - 14.6.2 adversely affect any road lighting or public space lighting; or
  - 14.6.3 adversely affect any Council infrastructure, or public utility plant.
- 14.7 The landscaped areas must be subject to:
  - 14.7.1 a watering and maintenance plan during the establishment phase; and
  - 14.7.2 an ongoing maintenance and replanting programme.

#### 15.0 STREET LIGHTING

- 15.1 The developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with Australian Standard AS1158 'Lighting for roads and public spaces'.
- 15.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.

#### 16.0 ELECTRICITY

- 16.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 16.2 A Certificate of Electricity Supply from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The applicant can enter a Negotiated Connection Establishment Contract with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a Certificate of Electricity Supply.

#### 17.0 TELECOMMUNICATIONS

17.1 Provide Fibre-Ready pit and pipe telecommunications infrastructure to each lot within the development in accordance with the Australian Government '*Telecommunications infrastructure in new developments*' policy.

17.2 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

17.3 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use: -

**NBN** a '*Certificate of Practical Completion*',

**Telstra** a- "*Telecommunications Agreement/Provisioning Letter*",

**A Licenced Carrier** under the Telecommunications Act 1997- (*signed documentation from a Registered Professional Engineer Queensland -electrical engineer.*)

#### 18.0 ASSET MANAGEMENT

18.1 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.

18.2 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.

18.3 '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).

#### 19.0 ENVIRONMENTAL

19.1 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.

19.2 An Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (Certified Professional in Erosion and Sediment Control or a

Registered Professional Engineer of Queensland), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the State Planning Policy 2017 and Capricorn Municipal Design Guidelines requirements, must be:

19.2.1 implemented, monitored, and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, landscaped).

19.2.2 The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

## 20.0 OPERATING PROCEDURES

20.1 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 Norman Road or McMillian Avenue.

## 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. General Safety of Public During Construction

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

### NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include food business activities such as a commercial kitchen. Approval for such activities is required before 'fitout' and operation.

### 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.

### NOTE 6. 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 7. Building Works

Council will be a referral agency for the Building Works Permit where the development does not comply with the *Queensland Development Code*. This Development Permit does not constitute a referral agency response from Council.

NOTE 8. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

NOTE 9. Standard Terms Document for Easements

Easement documents for Council infrastructure must utilise Council's standard terms document - 718579623 to accompany the Survey Plan for endorsement by Council.



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

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

### Appeal rights

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

- (1) Schedule 1 states—
    - (a) matters that may be appealed to—
      - (i) either a tribunal or the P&E Court; or
      - (ii) only a tribunal; or
      - (iii) only the P&E Court; and
    - (b) the person—
      - (i) who may appeal a matter (the **appellant**); and
      - (ii) who is a respondent in an appeal of the matter; and
      - (iii) who is a co-respondent in an appeal of the matter; and
      - (iv) who may elect to be a co-respondent in an appeal of the matter.
  - (2) An appellant may start an appeal within the appeal period.
  - (3) The **appeal period** is—
    - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
    - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
    - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
    - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
    - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
    - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note—  
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
  - (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
  - (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
    - (a) the adopted charge itself; or
    - (b) for a decision about an offset or refund—
      - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
      - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

#### 230 Notice of appeal

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

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

#### 231 Other appeals

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

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

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

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

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

**Schedule 1**

**Appeals section 229**

**1 Appeal rights and parties to appeals**

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

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

<p>1. Development applications An appeal may be made against—</p> <ol style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ol>			
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

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

<p><b>4. Infrastructure charges notices</b> 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"> <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</li> </ul> <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) The 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><b>5. Conversion applications</b> 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><b>6. Enforcement notices</b> 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><b>1. Appeals from tribunal</b> 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><b>2. Eligible submitter appeals</b>                  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><b>3. Eligible submitter and eligible advice agency appeals</b>                  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><b>4. Compensation claims</b>                  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><b>5. Registered premises</b></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)

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act            An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-



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## **ATTACHMENTS (for office use only)**

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APPROVED PLANS AND OR REFERRAL AGENCY CONDITIONS

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### APPROVED PLANS

Please Refer to Separate Pathway Document (APPROVED PLANS)

### REFERRAL AGENCY CONDITIONS



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