



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/73-2024	Contact:	Sophie Muggeridge
Notice Date:	19 February 2025	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	George Henry Rose		
Postal address:	C/- GSPC PO BOX 379 GRACEMERE QLD 4702		
Phone no:	07 4922 7033	Mobile no:	N/A
Email:	admin@gspc.com.au		

I acknowledge receipt of the above application on 14 June 2024 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Childcare Centre

PROPERTY DESCRIPTION

Street address:	7, 9 and 11 Denning Street, Park Avenue
Real property description:	Lot 43, 42 and Lot 41 on RP607265

Dear George Henry Rose

I advise that, on 11 February 2025 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i> <i>Roof and Allotment Drainage Works</i>
Building Works	<i>Building Works</i>
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. Erica Nolan	19 Denning Street PARK AVENUE QLD 4701	nolans@internode.on.net
2. Rita Hatfield	12 Denning Street PARK AVENUE QLD 4701	N/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
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 (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The chief executive of the department in which the <i>Planning Act 2016</i> is administered: State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> 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

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>
Site Features Plan	Rufus Design group	6 September 2024	230612-03	6
Floor Plan	Rufus Design group	6 September 2024	230612-04	6
Elevations	Rufus Design group	6 September 2024	230612-05	6
Section & North Elevation	Rufus Design group	6 September 2024	230612-06	6
Traffic Engineering Report	Hayes Traffic Engineering	September 2024	241263	DA-V01
Traffic Engineering Advice	Hayes Traffic Engineering	6 November 2024	241263	-
Stormwater Management Plan	Dileigh Consulting Engineers	19 September 2024	D24.192-RP01	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

Description of the development
Material Change of Use for a Childcare Centre
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; • Low Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code;

<ul style="list-style-type: none"> • Waste Management Code; and • Water and Sewer 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>	
<p>Assessment Benchmark</p>	<p>Reasons for the approval despite non-compliance with benchmark</p>
<p>Strategic Framework</p>	<p>3.3 Settlement Pattern 3.3.8 Element – Urban and new urban 3.3.8.1 Specific Outcome (8)</p> <p>The proposed development does not comply with Specific Outcome (8) of the Urban and new urban theme of the Strategic Framework as the proposed Childcare Centre is not considered to only service the needs of the immediate local residential community.</p> <p>Despite this, the proposed development does comply on balance with the remaining relevant overall outcomes of the Urban and new Urban area theme because the proposed childcare centre is small in scale with a capacity of 78 and will provide employment opportunities to the region. Furthermore, the development is not an expansion of the Specialised Centre Zone as a Childcare Centre is considered a consistent land use within the Low Density Residential Zone. The proposed building is designed to maintain an attractive streetscape and align with the amenity of the surrounding residential area whilst encouraging a pedestrian network.</p> <p>Therefore, the proposed development is taken to comply, on balance with the Specific Outcomes of the Urban and new urban theme of the Strategic Framework.</p>
<p>Low Density Residential Zone</p>	<p>Low Density Residential Zone Purpose (2), (e), (iii) and (vi)</p> <p>The proposed development does not comply with the following Overall Outcomes of the Low Density Residential Zone Code Purpose:</p> <p>(iii) which states “<i>primarily function to service the needs of the immediate local residential community</i>”; and</p> <p>(vi) ‘part’ which states “<i>have direct access to higher order roads (minor urban collector or higher) and are in proximity to public transport</i>”</p> <p>The proposed childcare centre is located on a low order road (Urban access street) and the service provided is available to the wider community.</p> <p>Despite this, the proposed development can comply with the remaining Overall Outcomes (i), (ii), (iv) and (v) for a non-residential development because:</p> <p>The proposed building is designed to maintain an attractive streetscape and align with the amenity of the surrounding residential area whilst encouraging a pedestrian network. Furthermore, the increased traffic to the area is mitigated against due to the required number of vehicle parking spaces being located wholly on site and continuous no stopping line marking conditions imposed to reduce off-site parking and road congestion. The proposed Childcare Centre is small in scale and within close proximity to public transport (90 metres away) and will not detract from the role and function of centres nor result in the expansion of a centre zone as a Childcare Centre is considered a consistent land use within the Low Density Residential Zone.</p> <p>Therefore, the proposed development is taken to comply, on balance with the</p>

purpose of the Low Density Residential Zone Code.

Performance Outcome (PO) 13

The proposed development does not comply with Acceptable Outcome (AO) 13.3 because the length of exterior walls are between 23 to 32.3 metres, where AO13.1 requires the length of exterior walls to be a maximum length of 12 metres.

Despite this, the proposed development is designed and located to an appropriate scale and size and is integrated into the streetscape and built form because:

- The proposed building is articulated with various materials to maintain the amenity of the area;
- Landscaping is proposed along all four property boundaries to soften the appearance of the building; and
- Is integrated with the streetscape with a pedestrian path proposed along the full frontage of the development site along Boland Street and Denning Street.

Therefore, the proposed development is taken to comply with PO 13.

Performance Outcome (PO) 16

The development complies with all the Performance Outcomes of 16, with the exception of Performance Outcome (f) which states “*does not adjoin an existing centre zone*” and no acceptable outcome is nominated.

The Childcare Centre site is located in the Low Density Residential Zone. Adjoining the proposal site to the east and south is commercial shops that front a State controlled road ‘Yaamba Road’ and are located in the Specialised Centre Zone.

Despite this, the proposed development is a consistent use in the Low Density Residential Zone, however, is not supported within the adjoining centre zoning. The proposed development does not take away from the intention of the adjoining centre, with the adjoining commercial tenants being oriented towards Yaamba Road rather than utilising the transport network proposed by the Childcare Centre.

Therefore, the proposed development is taken to comply with PO 16.

Performance Outcome (PO) 17

The proposed development does not comply with Acceptable Outcome (AO) 17.1 because the subject site is located on urban access streets, being Denning Street and Boland Street, where AO17.1 requires non-residential development to be located on a higher order road.

Despite this, the traffic impact assessment concluded that the surrounding road network is functional and has sufficient capacity to accommodate the traffic generated from the development because:

- The proposed development provides the required number of vehicle parking spaces wholly onsite;
- Conditions are incorporated to restrict off street vehicle parking through continuous no stopping line marking along the full development site frontage along with all existing parking restrictions maintained on Boland Street;
- The configuration allows for ingress and egress vehicle movements to be dispersed over both road frontages, directing traffic to exit onto Boland Street; and
- Due to the nature of the development, the maximum number of long-term vehicle parking spaces being occupied is 13, with all other parking spaces being transient.

Therefore, the proposed development is taken to comply with PO 17.

	<p>Performance Outcome (PO) 21</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 21.1 because the development proposes hours of operation from 6:30am to 6:30pm five days a week, where AO21.1 requires non-residential land uses to operate between the hours of 07:00 and 22:00.</p> <p>Despite this, the proposed development minimises adverse impacts on the amenity of adjoining land uses and surrounding area because:</p> <ul style="list-style-type: none"> • The development would not impact adjoining land uses to the east and south as these are commercial premises with similar operating hours; and • Landscaping and fencing along all property boundaries and outdoor play areas will enhance the amenity to the surrounding area. <p>Therefore, the proposed development is taken to comply with PO 21.</p>
<p>Relevant Matters</p>	
<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
<p>Matters raised in submissions</p>	
<p>The proposal was the subject of public notification between 26 September 2024 and 21 October 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two properly made submissions were received.</p>	
<p>Traffic Congestion</p>	<p>The submitters raised concern that the proposed childcare centre will increase traffic to the area and cause congestion.</p> <p>While the proposed site is located on an urban access street, the increased traffic generated from the development has been mitigated against in the following ways:</p> <ul style="list-style-type: none"> • The proposed development provides the required number of vehicle parking spaces wholly onsite; • The configuration allows for ingress and egress vehicle movements to be dispersed over both road frontages, directing traffic to exit onto Boland Street; and • Council has imposed a condition that requires a continuous no stopping line to be provided along the full frontage of the development on Denning Street along with all existing parking restrictions maintained on Boland Street; <p>Furthermore, due to the nature of the development, a maximum of 13 vehicle parking spaces will be occupied for long periods of time, with the remaining parking spaces being transient to allow for parents/caregivers to drop off and pick up children. The traffic movements will also vary depending on when children are dropped off and picked up throughout the day.</p>
<p>Matters prescribed by regulation</p>	
<ul style="list-style-type: none"> • 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*.

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: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 19 February 2025
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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 Unless otherwise stated, 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,
- 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) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Site Works; and
 - (vi) Landscaping Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 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 41, 42 and 43 on RP607265 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Site Features Plan	Rufus Design group	6 September 2024	230612-03	6
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Traffic Engineering Advice	Hayes Traffic Engineering	6 November 2024	241263	-
Stormwater Management Plan	Dileigh Consulting Engineers	19 September 2024	D24.192-RP01	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 ROAD WORKS

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

- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, relevant Australian Standards and Austroads Guidelines, and the provisions of a Development Permit for Operational Works (road works).

- 3.3 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the development side of Boland Street and Denning Street for the full frontage of the development site.

Note: A minimum of one (1) metre separation must be provided between proposed concrete pathway and existing kerb and channel at the frontage of the development.

- 3.4 On-street parking must be prohibited within the Denning Street development side frontage. A yellow continuous no-stopping line must be marked on Denning Street for the full frontage of the development site to satisfy this requirement.

Note: Existing all hour parking restrictions on the Boland Street development side frontage must be retained.

- 3.5 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

- 3.6 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.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.

- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 A new 'Entry Only' access point to the development must be provided at Denning Street and a new 'Exit Only' access point must be provided at Boland Street.
- 4.5 All vehicular access, including refuse collection vehicles, to the development must enter via Denning Street and exit via Boland Street.
- 4.6 All redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.9 A minimum of twenty-six (26) parking spaces must be provided on-site. This include thirteen (13) staff car parking spaces, thirteen (13) visitor parking spaces and one (1) universal parking space.
- 4.10 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".
- 4.11 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).
- 4.12 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.13 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-street Car parking"*.
- 4.14 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.15 Bicycle parking facilities must be provided in accordance with Bicycle Network Planning Scheme Policy and the AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 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.
- 5.2 A Development Permit for Plumbing and Drainage Works must also be obtained for the proposed building structures on the development site.
- 5.3 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.
- 5.4 The development must be connected to Council's reticulated sewerage and water networks.
- 5.5 The development must be connected to the reticulated water supply network and sewerage network via a single water supply service connection and a single sewerage service connection (jump-up) respectively and all other redundant water/sewerage service connections must be removed. A hydraulic engineer or other suitably qualified person must determine the size of the water connection required.

- 5.6 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.8 A sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 5.9 The development must comply with Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure." Any approval required under Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 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).
- 6.3 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.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 6.6 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.
- 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 7.1 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.
- 7.2 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).
- 7.3 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.
- 8.0 SITE WORKS
- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

- 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 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.
- 8.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 9.0 **BUILDING WORKS**
- 9.1 The three (3) existing residential dwellings on the subject land must be demolished and/or removed and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 9.2 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of construction of any new structures on the development site.
- 9.3 Any building plant must be screened from view of the street by one or more of the following:
- 9.3.1 a solid screen fence, or
- 9.3.2 a roof design feature; or
- 9.3.3 a wall; or
- 9.3.4 dense vegetation; or
- 9.3.5 be located within, underneath or central to the building so as to not be visible from the street.
- 9.4 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".
- 9.5 A minimum 1.8 metre high fence must be erected along the north, east and south property boundaries.
- 9.6 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:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 9.6.2 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;
- 9.6.3 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;
- 9.6.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- 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.
- 10.0 **LANDSCAPING WORKS**
- Internal Landscaping Works**
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 10.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.

- 10.3 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:
- 10.3.1 trees at five (5) metre intervals;
 - 10.3.2 shrubs at two (2) metre intervals; and
 - 10.3.3 groundcovers at one (1) metre intervals.
- 10.4 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:
- 10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 10.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.5 Shade trees must comply with the following requirements:
- 10.5.1 Be planted clear of services and utilities;
 - 10.5.2 Be planted clear of park furniture and embellishments;
 - 10.5.3 Not obstruct pedestrian or bicycle traffic; and
 - 10.5.4 Comply with crime prevention through environmental design principles
- 10.6 Shade trees shown on the Proposed Site Plan (refer to condition 2.1) must be retained and maintained.
- 10.7 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.8 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 10.8.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 10.8.2 adversely affect any road lighting or public space lighting; or
 - 10.8.3 adversely affect any Council infrastructure, or public utility plant.
- 10.9 The landscaped areas must be subject to:
- 10.9.1 a watering and maintenance plan during the establishment moment; and
 - 10.9.2 an ongoing maintenance and replanting programme.

External Landscaping Works

- 10.10 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 10.11 Two street trees are to be provided within the Boland Street road reserve.
- 10.12 The street trees required by condition 10.11 must be one or a combination of the following species:
- 10.12.1 *Buckinghamia celcissima* – Ivory Curl
 - 10.12.2 *Melicope elleryana*- Pink Flowering Euodia
- 10.13 Street trees must be maintained by the owner / developer 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.
- 10.14 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 10.15 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the Capricorn Municipal Development Guidelines.
- 10.16 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.

- 10.17 Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider.
- 11.2 A Certificate of Electricity Supply from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.2 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.*)
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 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.
- 13.3 '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).
- 14.0 ENVIRONMENTAL
- 14.1 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.
- 14.2 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the Capricorn Municipal Design Guidelines, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.