

Decision Notice Approval (amended)

Planning Act Form 2 (version 1.0 effective 3 July 2017) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s81 Planning Act 2016

Application number:	D/279-2013	Contact:	Amanda O'Mara
Notice Date:	6 March 2014	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Keppel Developments Pty Ltd		
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above application on 1 August 2017 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Reconfiguring a Lot (two lots into eighty-one lots, plus public use land and balance) - Crestwood Estate Stages 3B, 9, 10A, 10B, 11A and 11B

PROPERTY DESCRIPTION

Street address:	830-850 Norman Road, Norman Gardens, Parish of Murchison
Real property description:	Lot 901 on SP294281 and Lot 1 on RP618770 (previously known as Lot 300 on SP216105 and Lot 1 on RP6187705)

OWNER DETAILS

Name:	Keppel Developments Pty Ltd
Postal address:	
<p>Dear Keppel Developments Pty Ltd</p> <p>I advise that, on 14 September 2017</p> <p>the above development application was:</p> <p><input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1)</p> <p>*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.</p>	

CHANGES TO CONDITIONS

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

1)	Condition 2.1	changed	24 March 2016
2)	Condition 2.1	changed	23 January 2017
3)	Condition 2.1	changed	11 September 2017
4)	Condition 3.1	changed	11 September 2017
5)	Condition 8.16	new	23 January 2017
6)	Condition 15.0	new	11 September 2017
7)	Condition 15.1	new	11 September 2017
8)	Item 4	changed	11 September 2017
9)	Item 7	changed	23 January 2017
10)	Item 7	changed	11 September 2017

1. DETAILS OF THE APPROVAL

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval	<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 Works</i> <i>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Inter-allotment Drainage Works</i> <i>Site Works</i>

4. SUBMISSIONS

Properly made submissions were received from:

1)	M Newell - 19 Bruce Hiskens Court, Norman Gardens
2)	K M Rundle and J C J Rundle - 1016 Yeppoon Road, Ironpot

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

Referrals – Other development made assessable under schedule 3 (whether or not the development is also assessable under a planning scheme, temporary local planning instrument or preliminary approval to which section 242 of the *Sustainable Planning Act* applies)

	For an application involving	Name of agency	Status	Address
LAND RELATING TO A STATE-CONTROLLED ROAD				
2	Reconfiguring a lot if— (a) any part of the land— (i) is within 25m of a State-controlled road; or (ii) is future State-controlled road; or (iii) abuts a road that intersects with a State-controlled road that is within 100m of the land; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots abutting the State-controlled road is increased; (iii) there is a new or changed access between the land and the State-controlled road	Department of Infrastructure Local Government and Planning (Previously known as Department of Transport and Main Roads)	Concurrence	Fitzroy/Central Regional Office Level 2, 209 Bolsover Street PO Box 113 Rockhampton QLD 4700

Referrals - Development made assessable under a planning scheme, temporary local planning instrument, preliminary approval to which section 242 of the *Sustainable Planning Act* applies or State planning regulatory provisions

	For an application involving	Name of agency	Status	Address
LAND RELATING TO A STATE-CONTROLLED ROAD				
1	Making a material change of use of premises if any part of the land— (a) is within 25m of a State-controlled road; or (b) is future State-controlled road; or (c) abuts a road that intersects with a State-controlled road within 100m of the land	Department of Infrastructure Local Government and Planning (Previously known as Department of Transport and Main Roads)	Concurrence	Fitzroy/Central Regional Office Level 2, 209 Bolsover Street PO Box 113 Rockhampton QLD 4700
DEVELOPMENT IMPACTING ON A STATE-CONTROLLED ROAD				
2	An aspect of development identified in schedule 9 that— (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold— (i) for development in LGA population 1— mentioned in schedule 9, column 2	Department of Infrastructure Local Government and Planning (Previously known as Department of Transport and Main Roads)	Concurrence	Fitzroy/Central Regional Office Level 2, 209 Bolsover Street PO Box 113 Rockhampton QLD 4700

	For an application involving	Name of agency	Status	Address
	<p>for the purpose; or (ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose.</p> <p>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</p>			

6. THE APPROVED PLANS

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

Plan/Document Name	Plan/Document Reference	Dated
Reconfiguration of a Lot, Stages 3B, 9, 10A, 10B, 11A & 11B	5782-03-ROL, Revision C	26 July 2017
Engineering Infrastructure Report	R12063 - Issue B	13 September 2013
Stormwater Management Report	R12063 – Issue A	19 June 2013
Flood Study	Job No: R1031/01-3	18 June 2008

7. CURRENCY PERIOD FOR THE APPROVAL (S.85)

The standard relevant periods stated in section 85 of *Planning Act 20016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

8. STATEMENT OF REASONS

Description of the development	Reconfiguring a Lot (two lots into eighty-one lots, plus public use land and balance) - Crestwood Estate Stages 3B, 9, 10A, 10B, 11A and 11B
Reasons for decision	The request for a permissible change is considered reasonable and meets the requirements of the assessment benchmarks prescribed under section 81 (2) of the <i>Planning Act 2016</i> and does not compromise the intent of the <i>Rockhampton Region Planning Scheme 2015</i> .

9. RIGHTS OF APPEAL

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

Appeal by an applicant

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

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

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

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

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

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.

This approval will lapse unless substantially commenced within the above stated relevant periods (refer to sections 85 of *Planning Act 2016* for further details).

11. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Date: 10 March 2014
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12. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Signature:	Date: 14 September 2017
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C/C. Department of Infrastructure, Local Government and Planning - RockhamptonSARA@dilgp.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 Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Inter-allotment Drainage Works; and
 - (vii) Site Works
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration of a Lot, Stages 3B, 9, 10A, 10B, 11A & 11B	5782-03-ROL, Revision C	26 July 2017
Engineering Infrastructure Report	R12063 - Issue B	13 September 2013
Stormwater Management Report	R12063 – Issue A	19 June 2013
Flood Study	Job No: R1031/01-3	18 June 2008

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in six (6) discrete stages, namely:

- 3.1.1 Lots 75, 86, 87, 101, 102, and 105 (Stage 3B);
- 3.1.2 Lots 196 to 211 and Public Use Land (Stage 9);
- 3.1.3 Lots 212 to 218 and Lots 226 to 232 (Stage 10A);
- 3.1.4 Lots 219 to 225 (Stage 10B);
- 3.1.5 Lots 233 to 240, Lots 252 to 256, Lots 265 to 269 and Public Use Land (Stage 11A); and
- 3.1.6 Lots 241 to 251, Lots 257 to 264 and Lot 270 (Stage 11B).

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

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

3.3 Stage 3B or Stage 9 must be completed prior to start any of the other stages.

3.4 The Public Use Land along Yeppoon Road must be dedicated on the Survey Plan at appropriate stage(s) determined during the Operational Works stage by Council, and must be accessible at all times and must not be gated.

3.5 Truncations must be applied to all corner allotments in accordance with Council requirements.

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 on the site.

4.2 All 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 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) within and road reserve(s) at the time of making the application.

4.4 Any application for operational works (road works) must accompany a master road hierarchy plan in accordance with *Capricorn Municipal Development Guidelines* which includes the details of the proposed road classifications, and associated cross sections and demonstrate that the proposed road classifications can accommodate the intended traffic generated in a design horizon.

4.5 All proposed road reserves including the extensions to the existing road such as Geoff Wilson Drive, Stan Jones Street and associated new stormwater systems must be designed and constructed in accordance with *Capricorn Municipal Development Guidelines*.

4.6 The pavement widths of the relevant roads must be transitioned to the existing pavements to the satisfaction of Council and/or in accordance with *Capricorn Municipal Development Guidelines*.

4.7 All new cul-de-sac roads shown on the approved plans (refer to condition 2.1) including associated stormwater drainage systems must comply with all requirements for a road classification of "Access Place" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

4.8 The design and construction of all temporary terminating roads must include a temporary turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle. The temporary sealed turning area must permit the unimpeded development of the adjacent allotments. This may require extensions to the road pavement or road reserves

4.9 The intersection of Norman Road and Foulkes Street must be upgraded to a suitably configured signalised standard to cater for the full development of the Crestwood Estate. The developer must construct the intersection, or as an alternative to developer construction, the developer may enter into an infrastructure agreement with Council on terms acceptable to Council, whereby Council will undertake the required construction and the developer will reimburse Council an agreed proportion of the costs of the same. If an infrastructure agreement is entered, the developer must also reimburse Council its legal costs associated with drafting and negotiating the agreement. The intersection must be constructed in accordance with the following:

4.9.1 The signalised intersection must comply with the 'Road Planning and Design Manual', and the 'Guide to Traffic Engineering Practice' series of Austroads publications. The

'Road Planning and Design Manual' must take precedence if there is any inconsistency between the two publications.

- 4.9.2 The configuration of the signalised intersection must provide for all traffic movements at the ten year post-completion of development design horizon such that a minimum overall level of service of 'C' is provided for the intersection.
- 4.9.3 The geometric design of all through-road elements on Norman Road must be based on a minimum design speed of sixty (60) kilometres per hour.
- 4.9.4 Category V3 road lighting must be provided in accordance with Australian and New Zealand Standard AS/NZS1158, and extended as necessary to comply with all other specified requirements in the Australian Standard AS1158 suite of standards.
- 4.9.5 Road signage and pavement markings must be installed in accordance with the Manual of Uniform Traffic Control Devices.
- 4.10 All pathways and access ramps must be designed and constructed in accordance with *Capricorn Municipal Development Guidelines*. 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"*.
- 4.11 All pathways must incorporate kerb ramps at all road crossing points, where applicable.
- 4.12 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*.
- 4.13 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.

5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 5.3 Details of property accesses (as necessary) demonstrating compliance with the maximum allowable gradient must be provided with any application for a Development Permit for Operational Works (Access works).
- 5.4 As part of proposed stage 9, access driveway(s) must be designed and constructed for the proposed Lots 201 to 206 prior to the issue of the Compliance Certificate for the Survey Plan.

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 site.
- 6.2 All 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*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

- 6.3 All lots within the development must be connected to Council's reticulated sewerage network.
- 6.4 Sewerage infrastructure must be provided to the development boundary for connectivity.
- 6.5 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.6 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

7.0 WATER WORKS

- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 7.2 All 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*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 7.3 All lots within the development must be connected to Council's reticulated water network.
- 7.4 Water infrastructure must be provided to the development boundaries for connectivity.
- 7.5 All water main sizes, alignments and layout must be in accordance with the Water Supply Network Analysis Report findings and recommendations and must be finalised at the Operational Works (Water Works) Application Stage.
- 7.6 All internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater 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*, *State Planning Policy 4/10 – Healthy Waters Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 8.5 Any application for Operational works (Stormwater works) must identify all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.

- 8.6 Any application for Operational works (Stormwater works) must include an assessment of the major and minor rainfall event peak discharges for the all relevant development scenario(s).
- 8.7 All major stormwater drainage channels, major overland flow paths including cross drainage structures must be designed and constructed to cater fully developed and un-detained flows from the associated internal and external catchments in accordance with the approved Flood Study and in line with *Queensland Urban Drainage Manual*.
- 8.8 Drainage easement(s) must be dedicated in favour of Council to provide drainage corridors suitable for the conveyance of design stormwater flows (fully developed and un-detained flows) through the subject land during a 100 year Average Recurrence Interval (ARI) rainfall event.
- 8.8 The above drainage easement(s) must be detailed and suitably dimensioned on a layout plan. Any application for Operational works (Stormwater works) must include drainage calculations along with inundation layouts to demonstrate the sizing of these easements is adequate.
- 8.9 All land proposed and dedicated as major overland flow paths (Q100) must be able to contain all earthworks and batters and include a freeboard to the adjacent lots and access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*.
- 8.10 All proposed culverts/cross drainage structures must be designed and constructed considering twenty (20) percent blockage factor, and maximum flow depth over the cross drainage structure must be limited to 200 millimetres (maximum) demonstrating allowable velocity, depth product(s).
- 8.11 Any application for Operational works (Stormwater works) must include a detailed layout showing the hydraulic grade line along the full length of the subject main channel up to the lawful point of discharge including the variations at the proposed cross drainage structure, peak water surface level, and available freeboard to the adjacent allotments.
- 8.12 Each allotment must be designed so as to be flood free and self draining.
- 8.13 Any application for Operational works (Stormwater works) must include detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.
- 8.14 Detailed design of proposed bio-retention/detention basins and swale drains must include all required safety measures and facilities in accordance with *Queensland Urban Drainage Manual*.
- 8.15 A management and maintenance plan for the proposed bio-retention system/detention basins must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).
- 8.16 It is noted that the approved Flood Study for the Crestwood Estate identifies a Bio Retention Basin over proposed Lot 225. Any application for Operational Works (Stormwater works) must include details of how the proposed alternate water quality devices meet the requirements of *State Planning Policy 2016 - Water Quality*.
- 9.0 INTER-ALLOTMENT DRAINAGE
- 9.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.

- 9.2 Inter-allotment drainage, must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof water drainage associated with building construction on that lot, could reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge. The swale drainage systems for inter-allotment drainage are not approved.
- 9.3 Inter-allotment drainage systems and overland flow paths must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*.
- 9.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres.

10.0 SITE WORKS

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
 - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 10.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.4 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 adjoining properties or infrastructure.
- 10.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 10.6 A detailed inspection and as constructed record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 10.7 The detailed inspection and As Constructed record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.
- 10.8 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.

11.0 ELECTRICITY AND TELECOMMUNICATIONS

- 11.1 Underground electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority.
- 11.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

12.0 ASSET MANAGEMENT

- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 12.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and

- (xiv) waste management.
- 13.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 13.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 13.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, and landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 14.0 OPERATING PROCEDURES
- 14.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Yeppoon Road, Norman Road, Foulkes Street, Geoff Wilson Drive or Bruce Hiskins Court.
- 15.0 BUILDING WORKS
- 15.1 A minimum 1.8 metre high screen fence must be erected along the Norman Road frontage of the development site.

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 Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property 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* 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. Adopted Infrastructure Charges Notice

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



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

PLANNING ACT 2016

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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

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

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

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

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

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

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