



Decision Notice Approval

SUSTAINABLE PLANNING ACT 2009, SECTION 334 AND 335

Application number:	D/39-2017	Contact:	Bevan Koelmeyer
Date of Decision:	26 October 2018	Contact Number:	1300 22 55 77

1. APPLICANT DETAILS

Name:	Blue Dolphin Pty Ltd		
Postal address:	C/- Vision Surveys Qld		
Phone no:	Mobile no:	Email:	

2. PROPERTY DESCRIPTION

Street address:	229 German Street, Norman Gardens
Real property description:	Lot 35 on SP285391, Parish of Murchison

3. OWNER DETAILS

Name:	Blue Dolphin Pty Ltd Tte
Postal address:	

4. DEVELOPMENT APPROVAL

Development Permit for Reconfiguring a Lot (one lot into two lots)
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5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• Reconfiguring a lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. THE RELEVANT PERIOD

The standard relevant periods stated in section 341 of *Sustainable Planning Act 2009* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. THE APPROVED PLANS

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

Drawing/report title	Prepared by	Date	Reference number	Version/issue
Proposal Plan	Vision Surveys	16 July 2018	D16025-PP-01, Sheet 1 of 3	Rev H
Proposal Plan - Slopes	Vision Surveys	16 July 2018	16025-PP-01, Sheet 3 of 3	Rev. H
Slope Stability Assessment Report	Construction Sciences	18 May 2017	2128E.P.531	A

Concept General Arrangement Plan	Premise	13 December 2017	VIS-0018, SKC006	Rev. 1
Stormwater Management Plan	Premise	8 February 2018	VIS0018, R01	Rev. B
Environmental & Bushfire Review (Management and Mitigation Measures)	Vision Surveys	9 February 2017	16025 – Environmental & Bushfire Review	Rev. A
Bushfire Hazard Assessment – Response to Further Information Request (Management and Mitigation Measures)	E2M	21 September 2018	-	-
Figure 4: Bushfire Attack Level and Asset Protection Zone	E2M	21 September 2018	QEJ18084	Rev. A
Bushfire Advice - Figure 2: Observed Vegetation Communities	E2M	2 July 2018	QEJ18084	Rev. A

8. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required	Subject of the required development permit
Operational Works	<i>Access Works</i> <i>Water Works</i>

9. SUPERSEDED PLANNING SCHEME **YES**

10. REFERRAL AGENCIES **NIL**

11. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

12. 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 339 and 340 of *Sustainable Planning Act 2009* for further details).

13. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Signature:	Date: 30 October 2018
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1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Survey Plan Approval Certificate,
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Access Works; and
 - (ii) Water Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 A Community Management Statement in accordance with the approved site layout plan (refer to condition 2.1) must be submitted and signed by Council prior to the issue of the Survey Plan Approval Certificate.
- 1.9 Street numbering for the development must be in accordance with *Australian/New Zealand Standard for Rural and Urban Addressing (AS4819:2011)*.

Note: Council will allocate street numbering to the development in accordance with this standard at the time of issuing the Survey Plan Approval Certificate.

2.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Version/issue
Proposal Plan	Vision Surveys	16 July 2018	D16025-PP-01, Sheet 1 of 3	Rev H
Proposal Plan - Slopes	Vision Surveys	16 July 2018	16025-PP-01, Sheet 3 of 3	Rev. H
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Bushfire Advice - Figure 2: Observed Vegetation Communities	E2M	2 July 2018	QEJ18084	Rev. A

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

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 an application for a Development Permit for Operational Works.

3.0 ACCESS WORKS

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

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

3.3 All vehicular access to and from proposed Lot 1 and 2 (inclusive) must be via the proposed common property only. Direct vehicular access via existing fire trails is prohibited.

3.4 A four (4) metre wide shared concrete driveway, shared vehicle turning area and two (2) 2.5 metre wide concrete driveways for independent lot access, must be

- constructed within the common property in accordance with the approved plans (refer to condition 2.1).
- 3.5 A five (5) metre wide concrete access driveway must be constructed within the German Street road reserve and to provide a two-way driveway, must extend a minimum of ten (10) metres within the access handle of the common property.
- 4.0 SEWERAGE WORKS
- 4.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 4.2 The development must be connected to Council's reticulated sewerage network via a 'special sewerage arrangement'.
- Note: Some areas of proposed Lot 1 may not be able to connect into Council's reticulated sewerage network as a gravity service connection. In this case a private sewerage pump must be installed.
- 4.3 The existing sewerage connection point located within the common property must be retained to service the development.
- 5.0 WATER WORKS
- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 5.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 All lots within the development must be connected to Council's reticulated water network.
- 5.4 A 100 millimeter diameter water main must be constructed and must extend approximately 50 metres along the alignment of the common property and be installed with a Fire Hydrant. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 5.5 An easement must be granted to Council for maintenance of the water main and fire hydrant. The easement must be a minimum width of 5 metres in accordance with the *Capricorn Municipal Development Guidelines*.
- 5.6 The existing water connection point(s) must be disconnected. Two (2) new water connection points must be provided for proposed Lot 1 and 2 from the proposed 100 millimetre diameter water main.
- 6.0 STORMWATER WORKS
- 6.1 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*, and sound engineering practice.
- 6.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting

existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

7.0 SITE WORKS

- 7.1 Cut and fill of the subject allotment(s) must be undertaken in accordance with the recommendations of the *Slope Stability Assessment Report* (refer to condition 2.1).
- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.3 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.
- 7.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 7.5 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 'Building over or near relevant infrastructure.'* The structure must be self-supporting and must not apply any additional load to Council's sewerage infrastructure.

8.0 ELECTRICITY

- 8.1 Underground electricity services to each lot must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 8.2 A *Certificate of Electricity Supply* from the relevant service provider must be provided to Council, prior to the issue of the Survey Plan Approval Certificate.

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

9.0 TELECOMMUNICATIONS

- 10.0 Telecommunications services must be provided to each lot in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 10.1 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the issue of the Survey Plan Approval Certificate.

Note: This will be a letter from either:

NBN a "*Certificate of Practical Completion*";

Telstra a "*Telecommunications Agreement/Provisioning Letter*"; or

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

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.
- 11.3 '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 Asset Design and As Constructed Manual (ADAC).

12.0 ENVIRONMENTAL

- 12.1 The development must be undertaken in accordance with the recommendations in the approved "*Environmental & Bushfire Review*" and "*Bushfire Hazard Assessment – Response to Further Information Request*" (refer to condition 2.1.). Where there is a conflict between the abovementioned plans, the latter must take precedence.
- 12.2 The site must be cleared of all vegetation and thereafter, be maintained in a low-fuel state in accordance with "*Bushfire Advice - Figure 2: Observed Vegetation Communities*" and "*Bushfire Hazard Assessment – Response to Further Information Request*" (refer to condition 2.1).
- 12.3 All cleared vegetation must be removed from the site on the same day or as soon as practical. The cleared vegetation must not be burnt.
- 12.4 The following requirements apply to future buildings, structures and the property generally with respect to the bushfire hazard:
- 12.4.1 All future buildings and structures must not be located within the 'Bushfire Attack Level – Flame Zone' refer to "*Figure 4: Bushfire Attack Level and Asset Protection Zone*" (refer to condition 2.1).
- 12.4.2 All future buildings and structures must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and in accordance with the Bushfire Attack Level indicated in "*Figure 4: Bushfire Attack Level and Asset Protection Zone*" (refer to condition 2.1).
- 12.4.3 The property generally, both internal and external to the building envelopes, must be maintained in a low-fuel state in accordance with the approved plans for the *Environmental & Bushfire Review* and *Bushfire Hazard Assessment – Response to Further Information Request* (refer to condition 2.1.).
- 12.4.4 All future buildings, structures and the property generally must be in accordance with the mitigation measures included in the *Environmental & Bushfire Review* and *Bushfire Hazard Assessment – Response to Further Information Request* (refer to condition 2.1.).

Where there is a conflict between the abovementioned plans, the latter must take precedence.

13.0 OPERATING PROCEDURES

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

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.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Clearing within Road Reserve

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 6. Property Note (Slope Stability)

All future structures including dwelling houses within the subject allotment(s) must be constructed in accordance with the recommendations of the *Slope Stability Assessment Report* (refer to condition 2.1).

NOTE 7. Property Note (Bushfire Hazard)

All future buildings, structures and the property generally with respect to the bushfire hazard must be done in accordance with: *Australian Standard AS3959*

“Construction of buildings in bushfire-prone areas”, “Environmental & Bushfire Review” and “Bushfire Hazard Assessment – Response to Further Information Request” and “Figure 4: Bushfire Attack Level and Asset Protection Zone”. Refer to the approved plans (condition 2.1) of D/39-2017.

The following is an extract from the *Sustainable Planning Act* (Chapter 7).

Division 8 Appeals to court relating to development applications

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 424;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

- (1) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

- (b) any part of the approval relating to the assessment manager's decision under section 327.
- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.