



Decision Notice Approval

SUSTAINABLE PLANNING ACT 2009, SECTION 334 AND 335

Application number:	D/40-2017	Contact:	Brandon Diplock
Date of Decision:	17 July 2018	Contact Number:	1300 22 55 77

1. APPLICANT DETAILS

Name:	St Aubins Village C/- Adams+Sparkes Town Planning		
Postal address:			
Phone no:	Mobile no:	Email:	

2. PROPERTY DESCRIPTION

Street address:	73-75 Canoona Road, West Rockhampton
Real property description:	Lots 5, 6 & 7 on RP603199, Parish of Rockhampton

3. OWNER DETAILS

Name:	W R Gillham
Postal address:	

4. DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Function Facility with Ancillary Short-Term Accommodation and Food & Drink Outlet

5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• Material change of use made assessable by the planning scheme	YES	NO

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:

Plan/Document Name	Plan Number	Dated
Proposed Plan	6499-01-MCU (1/1) – Rev B	17 June 2018

8. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required	Subject of the required development permit
Operational Works	<i>Access and Parking Works</i> <i>Site Works</i> <i>Allotment Drainage</i>

9. SUPERSEDED PLANNING SCHEME NO

10. 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
QUEENSLAND HERITAGE PLACE				
19	Development on a Queensland heritage place made assessable under schedule 3, part 1, table 5, item 2	Department of State Development, Manufacturing, Infrastructure and Planning (Previously known as Department of Infrastructure, Local Government and Planning)	Concurrence Agency	Online: https://prod2.dev-assess.qld.gov.au/suite/ Postal: PO Box 113 Rockhampton Qld 4700

11. SUBMISSIONS NIL

12. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

13. 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).

14. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Signature:	Date: 18 July 2018
---	------------	--------------------

C/C. Department of Infrastructure, Local Government and Planning - RockhamptonSARA@dsdmip.qld.gov.au

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 commencement of the use,

unless otherwise stated.

1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.5.1 Operational Works:

(i) Access and Parking Works;

(ii) Allotment Drainage; and

(iii) Site Works.

1.6 All Development Permits for Operational Works must be obtained prior to the commencement of the use.

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 An easement must be registered over Lot 7 on RP603199 in favour of Lots 5 and 6 on RP603199 to allow vehicle access and parking to the development.

1.10 Where Lot 7 on RP603199 changes ownership and requires the removal of the approved access and parking arrangement, a new plan outlining the proposed changes is to be submitted to Council for approval.

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>Plan/Document Reference</u>	<u>Dated</u>
Proposed Plan	6499-01-MCU (1/1) – Rev B	17 June 2018

- 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 AND PARKING WORKS
- 3.1 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.
- 3.2 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).
- 3.3 Proposed new access from Canoona Road to the car parking area on Lot 7 RP603199 must comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.4 The existing access from Kalare Street to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 All internal access, parking and vehicle manoeuvring areas must be constructed of Type 2 Unbound material, Subtype 2.5, with minimum California Bearing Ratio (soaked) of 15. All surfaces must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.
- 3.6 When Council receive dust complaints, Council will conduct nuisance monitoring, to investigate any genuine complaint of nuisance caused by dust. If deemed appropriate, the entire driveway, proposed parking spaces and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction for the prevention of dust generation.
- 3.7 Service and delivery vehicles, including refuse collection vehicles, must enter / exit the site via Kalare Street only.
- 3.8 All vehicles must ingress and egress the development in a forward gear.
- 3.9 A minimum of twenty-one (21) parking spaces must be provided on-site.
- 3.10 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"*.
- 3.11 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).
- 3.12 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.

- 3.13 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 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 2002* and Council's Plumbing and Drainage Policies.
- 4.2 The development must be connected to Council's reticulated water networks.
- 4.3 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 On-site water supply for firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This must be certified by a hydraulic engineer or other suitably qualified person.
- 4.5 Any alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.6 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.
- 4.7 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.
- 4.8 The existing on-site sewerage facilities must be adequate for the ancillary activities (short-term accommodation, food and drink outlet). Should the existing on-site sewerage facilities not be adequate, an upgrade of the system must be provided. The upgrade must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.9 The existing on-site sewerage facilities are not adequate to cater for a wedding function. Where any function is proposed on the site portable toilet facilities must be provided to accommodate the guests. All waste from portable toilet facilities must be disposed at Council's sewage treatment plant by a regulated waste disposal contractor. The regulated waste disposal contractor must be licensed and must have an Agreement with Council.
- 5.0 ALLOTMENT DRAINAGE WORKS
- 5.1 A Development Permit for Operational Works (allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 5.2 All 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 (allotment drainage works).
- 5.3 All allotment runoff (including runoff from gravel car park) 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 or worsening to surrounding land or infrastructure.
- 6.0 SITE WORKS
- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:

- 6.2.1 the location of cut and/or fill;
 - 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 6.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 6.2.5 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.
- 6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.4 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.
- 6.5 All site works must be undertaken to ensure that there is:
- 6.5.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 6.5.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 6.5.3 a lawful point of discharge to which the approved works drain during construction phase.
- 7.0 BUILDING WORKS
- 7.1 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and *Environmental Protection Regulation 2008* and must be:
- 7.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 7.1.2 aesthetically screened from any road frontage or adjoining property;
 - 7.1.3 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; and
 - 7.1.4 should the residential type bins not be adequate for the development; commercial type bins must be required and must be serviced by a commercial contractor.
- 7.2 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- 7.3 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event must be designed and constructed using suitable flood resilient materials.
- 7.4 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 7.5 Any application for a Development Permit for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by a suitably qualified Registered Professional Engineer of Queensland, which

demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.

8.0 ELECTRICITY

8.1 Electricity connections must be provided to the proposed development to the standards of the relevant authorities.

9.0 TELECOMMUNICATIONS

9.1 Telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

10.0 ASSET MANAGEMENT

10.1 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.

10.2 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.

11.0 ENVIRONMENTAL

11.1 The 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:

11.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

12.0 ENVIRONMENTAL HEALTH

12.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

12.2 Noise emitted from the activity must not cause an environmental nuisance.

12.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

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 Canoona Road or Kalare Street.

13.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.

13.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:

13.3.1 the area is kept in a clean and tidy condition;

- 13.3.2 fences and screens are maintained;
- 13.3.3 no waste material is stored external to the waste storage area/s;
- 13.3.4 contaminants / washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
- 13.3.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*.

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 Partnerships website www.datsip.qld.gov.au.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 6. 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 7. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliance with standard *Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 8. Flood Contingency Plan

- 7.1 The developer must prepare a Flood Contingency Plan for the subject site that addresses but is not limited to the following:

- 7.1.1 Evacuation times;
- 7.1.2 Evacuation routes
- 7.1.3 Types of vehicles required for evacuation purposes;
- 7.1.4 Details the storage or removal of materials, goods or equipment during times of flood;
- 7.2 Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage to property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event.
- 7.3 It is the responsibility of the owner or occupier of the land to implement to contingency plan during a flood event or if there is a risk of flooding near the land



**Concurrence Agency Conditions -
Department of State Development,
Manufacturing, Infrastructure and Planning**

SUSTAINABLE PLANNING ACT 2009

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.