



Decision Notice Approval

Planning Act Form 1 (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016 for a decision notice (approval) under section 63(2) of the Planning Act 2016

Application number:	D/46-2021	Contact:	Bevan Koelmeyer
Notice Date:	8 July 2021	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Australian Independent Rural Retailers (AIRR)		
Postal address:	C/- Gideon Town Planning		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above application on 7 April 2021 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for Warehouses

PROPERTY DESCRIPTION

Street address:	46 Macquarie Street, Gracemere
Real property description:	Lot 67 on SP269034, Parish of Gracemere

OWNER DETAILS

Name:	B P Shepherd and S M Shepherd and C S Helliwell PR
Postal address:	
Dear Australian Independent Rural Retailers	
I advise that, on 1 July 2021 the above development application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1)	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

Please be advised that the following development permits are required to be obtained before the development can be carried out:

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Landscaping Works</i> <i>Site Works</i>
Building Works	<i>Demolition Works</i> <i>Building Works</i>
Plumbing and Drainage Works	

4. REFERRAL AGENCIES

NIL

5. THE APPROVED PLANS

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

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue
Surveyor's Detailed Survey Plan	Rufus Design	8 March 2021	210109 – 01	A
Site Plan	Rufus Design	26 May 2021	210109 – 02	-
Floor Plan - Overall	Rufus Design	26 May 2021	210109 – 03	-
Floor Plan – Warehouse 1	Rufus Design	26 May 2021	210109 – 04	-
Elevations – Warehouse 1	Rufus Design	26 May 2021	210109 – 05	-
Sections L & M & Whole Site Elevations	Rufus Design	26 May 2021	210109 – 06	-
B-Double Swept Paths	McMurtrie Consulting Engineers	21 May 2021	0782021-SK0001	A
Stormwater Management Layout	McMurtrie Consulting Engineers	-	0782021-SK0001	A
Stormwater Management Plan	McMurtrie Consulting Engineers	19 May 2021	078-20-21	A

6. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the *Planning Act*)

The standard currency periods stated in section 85 of *Planning Act 2016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for Warehouses	
Reasons for Decision	<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Medium Impact Industry Zone Code; • Airport Environs Overlay Code; • Access, Parking And Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these apart from the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Medium Impact Industry Zone Code	<p><u>PO2</u></p> <p>The development does not meet Acceptable Outcome 2.1(a) as not all of the proposed buildings are setback within 20 per cent of the average, front boundary setback of the buildings on adjoining properties, which results in an average, front boundary setback of approximately 10.25 metres. Warehouse 3 and the ancillary office and amenities building will comply with this setback recommendation, however the buildings of Warehouse 1 and Warehouse 2 will both be setback approximately 20.4 metres from the Douglas Street frontage boundary.</p> <p>However, the development will provide landscaping along all road frontage boundaries and the exterior walls of the buildings will include suitable design features related to articulation, colours or cladding, as required in Condition 10.4. The setback and design of the building in conjunction with the landscaping along the road frontage boundaries of the site is anticipated to contribute to an attractive streetscape.</p>
Landscape Code	<p><u>PO11</u></p> <p>The development does not meet Acceptable Outcome 11.1 as no shade trees are being provided within the car parking areas.</p> <p>However, a landscaping buffer area will be provided along all of the site's road frontage boundaries, with trees to be provided at a</p>	

		<p>minimum of five-metre intervals as required in Condition 23.5. This landscaping area is expected to reduce the heat stored in hard surfaces and reduce glare within car parking and internal access areas. Furthermore, this landscaping buffer is anticipated to soften the visual appearance of the overall development.</p>
	<p>Access, Parking and Transport Code</p>	<p><u>PO5</u></p> <p>The development does not meet Acceptable Outcome 5.1.1, as car parking spaces will not be provided on site at the rates set out in Table 9.3.1.3.2. This table recommends a total of 55 parking spaces be provided on site, however the development will only provide 20 parking spaces. Despite this, the applicant's report indicates that the use is only anticipated to have up to 10 employees and four (4) visitors on site at any given time and that this is consistent with other similar facilities they operate across Australia. In conjunction, Condition 14.2 has been included to ensure all staff car parking only occurs within the subject site.</p> <p>Therefore, the provision of 20 parking spaces on site is anticipated to be sufficient to meet the parking demand generated by the development and will not adversely impact the safety or capacity of the road network.</p> <p><u>PO7</u></p> <p>The development will gain access using both road frontages of Macquarie Street and Douglas Street, which are categorised as an Industrial Collector and an Industrial Access respectively, within Council's road hierarchy. All access to enter the site will only be via the higher-order road of Macquarie Street while access to egress the site will only be via the lower-order road of Douglas Street.</p> <p>Despite access to the site including the higher-order road, the access arrangement proposed will be effective in splitting vehicle movements generated by the development. Furthermore, the existing construction of Macquarie Street and the design of the access crossover for the development will be suitable to facilitate safe and efficient access into the site.</p> <p><u>PO12</u></p> <p>The development does not meet Acceptable Outcome 12.3 as Macquarie Street is classified as 'Industrial Collector' in Council's road hierarchy however no pedestrian footpath will be provided as required in the Capricorn Municipal Development Guidelines.</p> <p>However, Council's Engineers reviewed the existing design and traffic count for Macquarie Street and considered this road could be more appropriately classified as an 'Industrial Access' in Council's road hierarchy, which does not require a pedestrian footpath to be provided. Furthermore, it is not anticipated that the subject development will generate a demand for pedestrian or cyclist movements with trips anticipated to be primarily undertaken by light and heavy vehicles. The development is located on roads that are appropriately designed for the nature of traffic generated by the development while not adversely impacting upon the safety or efficiency of the transport network.</p>

		<p><u>PO18</u></p> <p>The development will not provide formal bicycle parking or end of trip facilities. However, the subject development is not anticipated to generate a demand for bicycle movements. Despite this, should any employees choose to cycle, informal parking could be undertaken on site such as within the warehouse buildings, or the ancillary office and amenities building.</p>
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application. 	

8. APPEAL RIGHTS

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

Appeal by an applicant

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

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

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

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

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

9. 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.

10. ASSESSMENT MANAGER

Name: Amanda O'Mara <u>ACTING COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 8 July 2021
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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.]

Attachment 2—Extract on appeal rights

1.0 ADMINISTRATION

- 1.1 The Developer and their 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 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage;
 - (vi) Landscaping; and
 - (vii) Site Works.
 - 1.4.2 Plumbing and Drainage Works; and
 - 1.4.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.5 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.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

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:

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue
Surveyor's Detailed Survey Plan	Rufus Design	8 March 2021	210109 – 01	A
Site Plan	Rufus Design	26 May 2021	210109 – 02	-
Floor Plan - Overall	Rufus Design	26 May 2021	210109 – 03	-
Floor Plan – Warehouse 1	Rufus Design	26 May 2021	210109 – 04	-
Elevations – Warehouse 1	Rufus Design	26 May 2021	210109 – 05	-
Sections L & M & Whole Site Elevations	Rufus Design	26 May 2021	210109 – 06	-
B-Double Swept Paths	McMurtrie Consulting Engineers	21 May 2021	0782021-SK0001	A
Stormwater Management Layout	McMurtrie Consulting Engineers	-	0782021-SK0001	A
Stormwater Management Plan	McMurtrie Consulting Engineers	19 May 2021	078-20-21	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 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Stage One – Warehouse 1, Warehouse 2, and Office & Amenities; and

3.1.2 Stage Two – Warehouse 3.

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

Stage One must be completed prior to Stage Two.

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

4.0 ROAD WORKS

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

- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 The northern side of Douglas Street must be upgraded for the full frontage of the development site. This upgrade must match the existing alignment and standard of the Douglas Street and Macquarie Street intersection, and continue from the existing kerb and channel located at this intersection. These upgrades must include kerb and channel, and drainage infrastructure.

Note: Douglas Street surface and subsurface drainage design must be provided at Operational Works (road works) stage for the upgrade.

- 4.4 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*.

5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 “Parking facilities”* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 A minimum of twenty (20) parking spaces must be provided for the development and this must include a minimum of one (1) universal access parking space, in accordance with the approved plans (refer to condition 2.1).
- 5.4 All internal access, car parking and vehicle manoeuvring areas must be concrete paved or sealed to Council’s satisfaction.
- 5.5 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 “Parking facilities - Off-street parking for people with disabilities”*.
- 5.6 All parking spaces must be line-marked in accordance with *Australian Standard AS2890 “Parking facilities”* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.7 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 “Design for access and mobility”*.
- 5.8 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 5.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 “Manual of uniform traffic control devices”* and *Australian Standard AS2890.1 “Parking facilities – Off-street car parking”*.
- 5.10 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 “Parking facilities - Off street commercial vehicle facilities”*.
- 5.11 All vehicles must ingress and egress the development in a forward gear.
- 5.12 All vehicles must ingress the development site from Macquarie Street. In this regard, appropriate signage and/or line-marking must be included with the Operational Works application.

5.13 All vehicles must egress the development site via Douglas Street. In this regard, appropriate signage and/or line-marking must be included with the Operational Works application.

6.0 WATER WORKS

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

6.2 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, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (water works).

6.3 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.

6.4 The existing 150 millimetres diameter water main located within the Douglas Street/Macquarie Street intersection must be extended along Douglas Street for the full frontage of the development site. Fire hydrant(s) must be provided at appropriate intervals and at termination point.

6.5 A new water connection point must be provided to the development from the water supply network provided in accordance with condition 6.4. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

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

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

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

7.0 PLUMBING AND DRAINAGE WORKS

7.1 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 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

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

7.3 The existing sewerage connection point(s) must be retained, and upgraded if necessary, to service the development.

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

7.5 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy-duty trafficable lids.

7.6 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 2018* and Council's Plumbing and Drainage Policies.

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

7.8 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

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 required by this development approval.
- 8.2 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 8.2.1 MUSIC (Model for urban Stormwater Improvement Conceptualisation) model for the assessment of the water quality;
 - 8.2.2 demonstration of how all roof drainage and allotment runoff, during major storm event, from northern catchment discharged to proposed detention basin;
 - 8.2.3 details of proposed on-site detention systems and associated outlet systems required to mitigate the impacts of the proposed development on existing systems;
 - 8.2.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 8.2.5 demonstration of how major design storm from southern catchment discharged to a lawful point in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*; and
 - 8.2.6 details of all calculations, assumptions and data files (where applicable).
- 8.3 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including detention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 8.4 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner/operator.
- 8.5 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.6 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 8.7 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 9.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

- 9.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 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 on the development site.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that 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 that are intended to be used to transport fill to or from the development site; and
 - 10.2.5 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.
- 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 surrounding land or infrastructure.
- 11.0 BUILDING WORKS
- 11.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 11.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site, including but not limited to the existing shed and dwelling as shown on the 'Surveyor's Detailed Survey Plan' approved plan (refer to condition 2.1).
- 11.3 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction.
- 11.4 All exterior walls of 'Warehouse 1', 'Warehouse 2', and 'Warehouse 3' as shown on the approved plans (refer to condition 2.1), must be either:
- (i) articulated so they do not exceed a length of fifteen (15) metres without a change in plane of at least 0.75 metre depth; or
 - (ii) painted with at least two (2) colours, each of which covers at least ten (10) per cent of total exterior wall area; or
 - (iii) covered with at least two (2) different types of cladding material, each of which covers at least ten (10) per cent of total exterior wall area.
- 11.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

- 11.6 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 11.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 11.6.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 11.6.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 11.6.4 setback a minimum of two (2) metres from any road frontage; and
 - 11.6.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2019*. As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 12.0 LANDSCAPING WORKS
- 12.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 12.2 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 12.3 A Landscaping Plan must be submitted with the application for a Development Permit for Operational Works (landscaping works). The plan must be designed in accordance with the requirements of *Planning Scheme Policy 6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 12.4 At least 50 per cent of all new plantings must be locally native species. Plant species chosen must not include undesirable species and species chosen must be selected from sources recommended by *Planning Scheme Policy 6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 12.5 Landscaping areas must be designed and established in accordance with layout 'Buffer Type B' in the *Planning Scheme Policy 6.12 - Landscape Design and Street Trees Planning Scheme Policy*. Plantings must be provided at the following minimum density rates:
- 12.5.1 trees at five (5) metre intervals;
 - 12.5.2 shrubs at two (2) metre intervals; and
 - 12.5.3 groundcovers at one (1) metre intervals.
- 12.6 The landscaping design must comply with *Australian Standard AS1428 parts 1, 2, 3 and 4 - Design for access and mobility*.
- 12.7 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 12.7.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 12.7.2 adversely affect any road lighting or public space lighting; or
 - 12.7.3 adversely affect any Council infrastructure, or public utility plant.
- 12.8 The landscaped areas must be subject to:
- 12.8.1 a watering and maintenance plan during the establishment moment; and
 - 12.8.2 an ongoing maintenance and replanting programme.

13.0 ELECTRICITY AND TELECOMMUNICATIONS

13.1 The development must be connected to electricity and telecommunications services in accordance with the standards and requirements of the relevant service providers.

14.0 ASSET MANAGEMENT

14.1 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.

14.2 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.

14.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

15.0 ENVIRONMENTAL

15.1 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:

15.1.1 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

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

15.2 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.

16.0 OPERATING PROCEDURES

16.1 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 Douglas Street or Macquarie Street.

16.2 All staff car parking must occur within the subject site.

16.3 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:

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

16.3.2 fences and screens are maintained;

16.3.3 no waste material is stored external to the waste storage area/s;

16.3.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

16.4 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

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. 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 5. Advertising Device(s)

Any Advertising device associated with or attached to the development must be carried out in accordance with the Advertising Devices Code in the *Rockhampton Region Planning Scheme 2015*.

NOTE 6. Infrastructure Charges Notice

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

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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

<p>1. Development applications An appeal may be made against—</p> <ol style="list-style-type: none"> (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	1 A concurrence agency that is not a co-respondent

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
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.			
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
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.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

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

<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) The was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

**Table 2
Appeals to the P&E Court only**

<p>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—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-

**Table 2
Appeals to the P&E Court only**

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

**Table 2
Appeals to the P&E Court only**

An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

**Table 3
Appeals to the tribunal only**

1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

Table 3 Appeals to the tribunal only			
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	-	-