



# Decision Notice Approval (amended)

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 Planning Act 2016

Application number:	D/52-2019	Contact:	Kathy McDonald
Notice Date:	15 September 2021	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	Parkhurst Holdings Pty Ltd		
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700		
Phone no:	07 4927 5199	Mobile no:	Email: <a href="mailto:reception@csgcq.com.au">reception@csgcq.com.au</a>

I acknowledge receipt of the above change application on 25 August 2021 and confirm the following:

## DEVELOPMENT APPROVAL

Development Permit for Reconfiguring a Lot (two lots into twelve lots) Lily Place Estate
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## PROPERTY DESCRIPTION

Street address:	777 Yaamba Road, Parkhurst
Real property description:	Lots 20 and 30 on SP314611, Parish of Murchison

## OWNER DETAILS

Name:	Parkhurst Holdings Pty Ltd
Postal address:	PO BOX 442, YEPPOON QLD 4703
<b>Dear</b> Parkhurst Holdings Pty Ltd	
I advise that, on <b>9 August 2021</b> the above change application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b> )	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

## CHANGES TO CONDITIONS

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

1)	Item 5	Changed	9 August 2021
2)	Condition 2.1	Changed	9 August 2021
3)	Condition 7.12	New	9 August 2021

## 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a lot	<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>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Site Works</i>
Building Works	<i>Demolition Works</i>

## 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Status	Address
<b>STATE TRANSPORT INFRASTRUCTURE (State transport corridors and future State transport corridors)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor</i>			
Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the premises are within 25m of a State transport corridor; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots adjacent to the State transport corridor is increased; (iii) there is a new or changed access between the premises and the State transport corridor; (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and (c) the reconfiguration does not relate to government supported transport infrastructure	Department of Transport and Main Roads	Concurrence	Department of State Development, Manufacturing, Infrastructure and Planning  Online: <a href="http://www.dilgp.qld.gov.au/MyDAS2">www.dilgp.qld.gov.au/MyDAS2</a>  Postal: PO Box 113 Rockhampton Qld 4700

<b>STATE TRANSPORT INFRASTRUCTURE (Generally)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			
<p>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</p> <p>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p> <p>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p>	<p>Department of Transport and Main Roads</p>	<p>Concurrence</p>	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Online: <a href="http://www.dilgp.qld.gov.au/MyDAS2">www.dilgp.qld.gov.au/MyDAS2</a></p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>

## 5. 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	Rev
Stormwater Management Plan (including Hydraulic Impact Assessment)	Knobel Engineers	12 June 2020	K4820-0003	B
Reconfiguration Plan	Capricorn Survey Group	7 September 2021	7249-03-ROL	D
Cover Sheet	Siris Consulting Engineers	June 2020	SCE-115/001	A
Site Layout Plan	Siris Consulting Engineers	June 2020	SCE-115/002	A
Staging Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/003	A
Proposed Staging Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/004	A
Earthworks Plan General Layout	Siris Consulting Engineers	June 2020	SCE-115/006	A
Earthworks Plan – Sheet 1	Siris Consulting	June 2020	SCE-115/007	A

Drawing/report title	Prepared by	Date	Reference number	Rev
	Engineers			
Earthworks Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/008	A
Earthworks Plan – Sheet 3	Siris Consulting Engineers	June 2020	SCE-115/009	A
Roadworks Plan	Siris Consulting Engineers	June 2020	SCE-115/010	A
Road Long Section Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/011	A
Road Long Section Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/012	A
Intersection & Vehicle Turn Paths	Siris Consulting Engineers	June 2020	SCE-115/013	A
Cul-de-sac & Intersection Set-out Details	Siris Consulting Engineers	June 2020	SCE-115/014	A
Stormwater General Layout	Siris Consulting Engineers	June 2020	SCE-115/015	A
Stormwater Layout Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/016	A
Stormwater Layout Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/017	A
Sewerage Plan General Layout	Siris Consulting Engineers	June 2020	SCE-115/018	A
Sewerage Layout Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/019	A
Sewerage Layout Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/020	A
Sewerage Layout Plan – Sheet 3	Siris Consulting Engineers	June 2020	SCE-115/021	A
Sewerage Long Section Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/022	A
Sewerage Long Section Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/023	A
Sewerage Long Section Plan – Sheet 3	Siris Consulting Engineers	June 2020	SCE-115/024	A
Water & Electrical Services General Layout	Siris Consulting Engineers	June 2020	SCE-115/025	A

Drawing/report title	Prepared by	Date	Reference number	Rev
Water & Electrical Services Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/026	A
Water & Electrical Services Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/027	A

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

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

**7. STATEMENT OF REASONS**

<b>Description of the development</b>	The proposed development is for Reconfiguring a Lot (two lots into twelve lots) Lily Place Estate	
<b>Reasons for Decision</b>	<p>a) The development will provide adequate, serviced and accessible land for high impact industry;</p> <p>b) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>c) 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>d) The proposed development does not compromise the relevant State Planning Policy.</p>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• High Impact Industry Zone Code;</li> <li>• Reconfiguring a Lot Code;</li> <li>• Steep Land Overlay Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Reconfiguring a Lot Code	<p>PO7</p> <p>The proposal does not comply with Acceptable Outcome 7.1 which requires the resulting lots to be a minimum size of 10,000 square metres.</p> <p>Proposed Lot 9 is 9,550 square metres. This is a minor deviation from the preferred lot size for the zone, however is considered an appropriate size to</p>

		accommodate future land uses that are consistent with the High Impact Industry Zone. Therefore the proposal is considered to achieve the overarching performance outcome.
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 8. RIGHTS OF APPEAL

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

### Appeal by an applicant

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

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

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

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

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

## 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. ORIGINAL DECISION ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR DEVELOPMENT ASSESSMENT</b>	Date: 11 August 2020
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## 11. ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 15 September 2021
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - [RockhamptonSARA@dSDLGP.qd.gov.au](mailto:RockhamptonSARA@dSDLGP.qd.gov.au)

**Attachment 1 – Conditions of the approval**

**Part 1 – Conditions imposed by the assessment manager** *[Note: where a condition is imposed about infrastructure under Chapter 4 of the Planning Act 2016, the relevant provision of the Act under which this condition was imposed must be specified.]*

**Part 2 – Conditions required by the referral agency response**

**Attachment 2—Extract on appeal rights**

1.0 ADMINISTRATION

1.2 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

1.3 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.

1.4 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:

1.4.1 to Council’s satisfaction;

1.4.2 at no cost to Council; and

1.4.3 prior to the issue of the Survey Plan Approval Certificate,

unless otherwise stated.

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 issue of the Survey Plan Approval Certificate, unless otherwise stated.

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

1.6.1 Operational Works:

(i) Road Works;

(ii) Sewerage Works;

(iii) Water Works;

(iv) Stormwater Works; and

(v) Site Works.

1.6.2 Building Works:

(i) Demolition 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:

Drawing/report title	Prepared by	Date	Reference number	Rev
Stormwater Management Plan (including Hydraulic	Knobel	12 June 2020	K4820-0003	B

Drawing/report title	Prepared by	Date	Reference number	Rev
Impact Assessment)	Engineers			
Reconfiguration Plan	Capricorn Survey Group	7 September 2021	7249-03-ROL	D
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Water & Electrical Services Plan – Sheet 1	Siris Consulting Engineers	June 2020	SCE-115/026	A
Water & Electrical Services Plan – Sheet 2	Siris Consulting Engineers	June 2020	SCE-115/027	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 six (6) discrete stages, namely:

- 3.1.1 Lot 6 and balance lot (Stage One);
- 3.1.2 Lot 1 and Lot 5 plus balance lot (Stage Two);
- 3.1.3 Lot 4 plus balance lot (Stage Three);
- 3.1.4 Lot 2 and Lot 3 plus balance lot (Stage Four);
- 3.1.5 Lots 10, 11 and 12 (Stage 5);
- 3.1.6 Lots 7, 8 and 9 (Stage 6).

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

3.2 The stages are required to be undertaken in chronological order.

3.3 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 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) at the time of making the application.
- 4.4 All new roads shown on the approved plans (refer to condition 2.1), must comply with the requirements for road classification of “*Industrial Access*” in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.5 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.6 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.

#### 5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works required by this development approval.
- 5.2 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*, *Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 All lots within the development must be connected to Council’s reticulated sewerage network. Each lot must be provided with its own separate sewerage connection point, located wholly within its respective property boundary.
- 5.4 Sewerage infrastructure must be provided to the upstream development boundary for connectivity.
- 5.5 Any proposed sewerage access chambers located within a park or reserve, or below a ten per cent (10%) Annual exceedance probability level must be provided with bolt down lids.
- 5.6 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.7 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.

#### 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 2002* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 All lots within the development must be connected to Council’s reticulated water network.

#### 7.0 STORMWATER WORKS

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

- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 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 defined flood event, for the post-development conditions.
- 7.5 Each allotment must be designed so as to be flood free in a one per cent (1%) Annual exceedance probability defined flood event.
- 7.6 Easements must be provided over any other land required to accommodate the flows associated with the subject development.
- 7.7 Easements must be provided over all land assessed to be within a one per cent (1%) Annual exceedance probability defined flood event, inundation area.
- 7.8 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.
- 7.9 A detention system, sufficient to attenuate the peak discharge from the development site to ensure no worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance probability defined flood event, must be designed and constructed in accordance with the provisions of the *Queensland Urban Drainage Manual*. Details of the proposed detention system and how the outflows are directed to the lawful point of discharge must be provided with the Operational Works application.
- 7.10 Detailed design of the proposed detention basin and any cross drainage structures must include all required safety measures and facilities to ensure the safety of the public in accordance with the *Queensland Urban Drainage Manual*.
- 7.11 Any application for a Development Permit for Operational Works (stormwater works) must demonstrate how the de-watering of the existing body of water on the site will be achieved whilst minimising the potential for contamination of the downstream ecosystem.
- 7.12 Easements must be provided over the full extent of the drainage channels within the development. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 8.0 SITE WORKS
- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
  - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.

- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.5 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 8.6 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's satisfaction, or in accordance with the approved landscaping plan; or
  - (ii) removed for disposal at a location approved by Council, within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 8.7 All site works must be undertaken to ensure that there is:
- 8.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;
  - 8.7.2 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
  - 8.7.3 a lawful point of discharge to which the approved works drain during the construction phase.

Easements will be required over any other land to accommodate the flows.

## 9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 9.2 Any structures not located wholly within the new lot boundaries must be removed or demolished.

## 10.0 STREET LIGHTING

- 10.1 The developer/contractor is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with *Australian Standard AS1158 'Lighting for roads and public spaces'*.
- 10.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.

## 11.0 ELECTRICITY

- 11.1 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.
- 11.2 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*.

- 11.3 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

## 12.0 TELECOMMUNICATIONS

- 12.1 Provide Fibre-Ready pit and pipe telecommunications infrastructure to each lot within the development in accordance with the Australian Government '*Telecommunications infrastructure in new developments*' policy.
- 12.2 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.
- 12.3 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 12.4 Evidence (see below) 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 e.g. This will be a letter from either :-

**NBN** a '*Certificate of Practical Completion*',

**Telstra** a-"*Telecommunications Agreement/Provisioning Letter*",

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

## 13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Survey Plan Approval Certificate. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

## 14.0 ENVIRONMENTAL

- 14.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
  - (ii) erosion and silt/sedimentation management;
  - (iii) acid sulfate soils;
  - (iv) vegetation management and clearing;
  - (v) top soil management;
  - (vi) interim drainage plan during construction;
  - (vii) construction programme;
  - (viii) weed control;
  - (ix) noise and dust suppression; and
  - (x) waste management.
- 14.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 14.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 14.4 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 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). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 15.0 OPERATING PROCEDURES
- 15.1 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 Yaamba Road (including the Service Road) or Boundary Road.

## 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 Partnerships website [www.datsip.qld.gov.au](http://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. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on 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—
- matters that may be appealed to—
    - either a tribunal or the P&E Court; or
    - only a tribunal; or
    - only the P&E Court; and
  - the person—
    - who may appeal a matter (the **appellant**); and
    - who is a respondent in an appeal of the matter; and
    - who is a co-respondent in an appeal of the matter; and
    - 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—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
  - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - 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
  - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - 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
  - 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—
- the adopted charge itself; or
  - for a decision about an offset or refund—
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - 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—
- is in the approved form; and
  - 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—

- the respondent for the appeal; and
  - each co-respondent for the appeal; and
  - for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - 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
  - for an appeal to the P&E Court—the chief executive; and
  - for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - 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—
- conduct engaged in for the purpose of making a decision; and
  - other conduct that relates to the making of a decision; and
  - the making of a decision or the failure to make a decision; and
  - a purported decision; and
  - a deemed refusal.

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

- is final and conclusive; and
- 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
- 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**

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

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

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

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

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

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

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

<b>Table 3</b>			
<b>Appeals to the tribunal only</b>			
		(if any)	(if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-