



## Decision Notice Approval (amended)

Planning Act Form 2 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s81 (change application) Planning Act 2016, and Section 334 of the Sustainable Planning Act 2009

Application number:	<b>D/84-2014</b>	Contact:	Thomas Gardiner
Notice Date:	25 February 2019	Contact Number:	1300 22 55 77

### APPLICANT DETAILS

Name:	<b>Glenmore Holdings (Aust) Pty Ltd</b>		
Postal address:	<b>C/- Capricorn Survey Group (CQ) Pty Ltd</b>		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above application on 8 February 2019 and confirm the following:

### DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use and Reconfiguring a Lot for a Preliminary Approval to Vary the Effect of the Planning Scheme for a Material Change of Use for Residential Purposes and Reconfiguring a Lot (2 lots into 201 lots)**

### PROPERTY DESCRIPTION

Street address:	54-102 and 263 Belmont Road, Parkhurst
Real property description:	Lot 102 on RP860099 and Lot 129 on PL4021 Parish of Murchison

### OWNER DETAILS

Name:	G L Birkbeck
Postal address:	
<b>Dear</b> Glenmore Holdings (Aust) Pty Ltd	
I advise that, on <b>21 February 2019</b> the above development 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 1	changed	21 February 2019
2)	Item 2	changed	21 February 2019
3)	Item 3	changed	21 February 2019
4)	Item 4	changed	21 February 2019

5)	Previous Item 8	changed	11 September 2015
6)	Item 6	changed	21 February 2019
7)	Condition 1.1.1	changed	21 February 2019
8)	Condition 1.1.2	changed	21 February 2019
9)	Condition 1.1.3	changed	21 February 2019
10)	Condition 1.1.10	changed	21 February 2019
11)	Condition 3.1	changed	11 September 2015
12)	Condition 3.1	changed	21 February 2019
13)	Condition 3.3	new	21 February 2019
14)	Condition 4.3	deleted	11 September 2015
15)	Condition 8.1	changed	11 September 2015
16)	Condition 10.4	changed	11 September 2015
17)	Condition 12.7	changed	11 September 2015
18)	Condition 14.5	deleted	11 September 2015

#### 1. DETAILS OF THE APPROVAL

	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 - 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

NIL

#### 4. SUBMISSIONS

Properly made submissions were made in relation to the application.

There was 1 properly made submission received from the following submitter;

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Dr Peter Dunbar	C/- RPS Group Australia, PO Box 1559, Fortitude Valley QLD 4006	<a href="mailto:Prue.fitzgerald@rpsgroup.com.au">Prue.fitzgerald@rpsgroup.com.au</a>

#### 5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	For an application involving	Name of agency	Status	Address
<b>CLEARING VEGETATION</b>				
4	Reconfiguring a lot that is two	Department of State	Concurrence	Online: <a href="http://www.dsdlp.qld.gov.au/MyDAS">www.dsdlp.qld.gov.au/MyDAS</a>

	<b>For an application involving</b>	<b>Name of agency</b>	<b>Status</b>	<b>Address</b>
	hectares larger, if - (a) the size of any lot created is twenty-five (25) hectares or smaller, and (b) either— (i) the reconfiguration involves operational works made assessable under schedule 3, part 1, table 4, item 1, other than operational work that is only the clearing of regulated regrowth vegetation; or (ii) on any lot created, additional exempt operational work, other than operational work that is only the clearing of regulated regrowth vegetation, could be carried out.	Development, Infrastructure and Planning	Agency	Postal: PO Box 113 Rockhampton Qld 4700
<b>LAND IN OR NEAR A WETLAND</b>				
<b>43a</b>	Reconfiguring a lot if— (a) any part of the land is situated in a wetland protection area; and (b) the reconfiguration results in more than 6 lots, or any lot created is less than 5ha; and (c) the reconfiguration involves operational work that is high impact earthworks in a wetland protection area, other than for a domestic housing activity.	Department of State Development, Infrastructure and Planning	Concurrence Agency	Online: <a href="http://www.dsdlp.qld.gov.au/MyDAS">www.dsdlp.qld.gov.au/MyDAS</a>  Postal: PO Box 113 Rockhampton Qld 4700

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

	<b>For an application involving</b>	<b>Name of agency</b>	<b>Status</b>	<b>Address</b>
<b>DEVELOPMENT IMPACTING ON A STATE TRANSPORT INFRASTRUCTURE</b>				
<b>2</b>	An aspect of development identified in schedule 9 that— (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold— (i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or (ii) for development in LGA population 2—mentioned in schedule 9, column 3	Department of State Development, Infrastructure and Planning	Concurrence Agency	Online: <a href="http://www.dsdlp.qld.gov.au/MyDAS">www.dsdlp.qld.gov.au/MyDAS</a>  Postal: PO Box 113 Rockhampton Qld 4700

	<b>For an application involving</b>	<b>Name of agency</b>	<b>Status</b>	<b>Address</b>
	for the purpose.			
<b>CLEARING VEGETATION</b>				
<b>10</b>	<p>Material change of use of a lot that is 2ha or larger, if—</p> <p>(a) for development for which a preliminary approval is sought under the Act, section 242, the lot contains either—</p> <p>(i) native vegetation shown on the regional ecosystem map or remnant map as remnant vegetation; or</p> <p>(ii) native vegetation in a category A area or category B area shown on a PMAV; or</p> <p>(b) for other development that is not sole or community residence clearing—</p> <p>(i) additional exempt operational work could be carried out because of the material change of use or the development involves operational work made assessable under schedule 3, part 1, table 4, item 1; and</p> <p>(ii) the additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land or land the subject of a lease issued under the Land Act 1994 for agriculture or grazing purposes</p>	Department of State Development, Infrastructure and Planning	Concurrence Agency	<p>Online: <a href="http://www.dsdip.qld.gov.au/MyDAS">www.dsdip.qld.gov.au/MyDAS</a></p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
<b>LAND IN OR NEAR A WETLAND</b>				
<b>21A</b>	<p>Material change of use, other than a material change of use relating to a domestic housing activity, government supported transport infrastructure or electricity infrastructure, if—</p> <p>(a) any part of the land is situated in a wetland protection area; and</p> <p>(b) the material change of use involves operational work that is high impact earthworks in a wetland protection area</p>	Department of State Development, Infrastructure and Planning	Concurrence Agency	<p>Online: <a href="http://www.dsdip.qld.gov.au/MyDAS">www.dsdip.qld.gov.au/MyDAS</a></p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>

## 6. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes	Revision C	August 2015
Material Change of Use (Residential Lots + Public Use Land)	7066-01-MCU	8 February 2019
Concept Plan (201 Lots + Public Use Land)	5892-01-CPT Revision H Sheet 1 of 1	7 May 2014
Proposed Staging Plan	R12394 - Staging	Undated
Landscape Concept Plan	S1501822 Dwg No 1 of 3	27 March 2015
Landscape Concept Plan – Park Detail	S1501822 Dwg No 2 of 3	27 March 2015
Landscape Concept Plan – Northern Shelter and Active Play Park Area Detail	S1501822 Dwg No 3 of 3	27 March 2015
Stormwater Management Report – Riverside Estate	R12394, Issue C	December 2014
Infrastructure Report – Riverside Estate	R1294 – Revision C	December 2014
Traffic Impact Assessment Report	R12394, Issue A	12 December 2014
Water and Sewer Network Analysis report	1335	16 January 2015

## 7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the Planning Act) (change application)

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

## 8. 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*.

### Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment

- a variation request.

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><u>MANAGER DEVELOPMENT</u></b> <b><u>AND BUILDING</u></b>	Date: 15 September 2015
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#### 11. ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature:	Date: 25 February 2019
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C/C Department of State Development, Manufacturing, Infrastructure and Planning- [RockhamptonSARA@dsdmip.qld.gov.au](mailto:RockhamptonSARA@dsdmip.qld.gov.au)

#### Attachment 1 – Conditions of the approval

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

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

#### Attachment 2—Extract on appeal rights

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this approval:

- 1.1.1 **Applicant** means Glenmore Holdings (Aust) Pty Ltd C/- Capricorn Survey Group (CQ) Pty Ltd being the applicant for the application for preliminary approval with respect to the Subject Land.
- 1.1.2 **Approval** means the approval of the Application by the Council on 26 May 2015, as amended.
- 1.1.3 **Application** means the Application made by the Applicant to Council dated 3 April 2014 over the Subject Land for Preliminary Approval varying the effect of Council's Planning Scheme and Reconfiguring a Lot (two lots into two hundred and one lots).
- 1.1.4 **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.5 **Council** means Rockhampton Regional Council. Where conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.1.6 **Developer** means the Glenmore Holdings (Aust) Pty Ltd or the registered proprietor and any occupier of the Subject Land.
- 1.1.7 **Environmental Management Plan** means a plan prepared and approved in accordance with Condition 21.0.
- 1.1.8 **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), parks, open space and conservation areas, water and sewerage services, stormwater, drainage and community facilities.
- 1.1.9 **Sustainable Planning Act 2009** means the *Sustainable Planning Act 2009* as amended from time to time.
- 1.1.10 **Subject Land** means ~~Lot 2 on RP609985~~, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison, situated at ~~46-48~~, 54-102 and 263 Belmont Road, Parkhurst, having a total area of 51.329 hectares.
- 1.1.11 **Planning Scheme** means *Rockhampton City Plan 2005* as amended from time to time, or any other subsequent replaced planning scheme.
- 1.1.12 **Preamble** means an introduction which provides guidance and background to a condition. While a preamble does not form part of the condition it can be used for the purpose of understanding and interpreting a condition.
- 1.1.13 **Master Plan Development Document** means the Riverside Estate Development Document which includes the assessment table, definitions and development codes being a plan of the proposed development for a material change of use which affects Council's Planning Scheme with respect to the subject land which in particular:
- (i) states what development is:
    - (a) Assessable Development (requiring code or impact assessment); or

- (b) Self-assessable Development; or
- (c) Exempt Development; and
- (ii) Identifies codes for the development.

2.0 ADMINISTRATION

- 2.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 2.2 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 2.3 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 This is a preliminary approval for a Material Change of Use to vary the affect of Council's Planning Scheme under section 242 of the *Sustainable Planning Act 2009* for Residential development, on the subject land, generally in accordance with the following plans and documents, except where amended by the Conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Concept Plan (201 Lots + Public Use Land)	5892-01-CPT Revision H Sheet 1 of 1	7 May 2014
Material Change of Use (Residential Lots + Public Use Land	7066-01-MCU	8 February 2019
Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes	Revision C	August 2015

- 3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.3 Updated plans reflecting the revised development footprint (refer to Condition 3.1 and plan labelled “Material Change of Use (Residential Lots + Public Use Land)”) must be submitted prior to the endorsement of the Survey Plan Approval Certificate for the first stage of the Reconfiguring a Lot (refer to Condition 9.1).

Note: Updated plans for the Reconfiguring a Lot will require a change to Condition 8.1 prior to the endorsement of the Survey Plan Approval Certificate.

4.0 PLANNING FRAMEWORK

- 4.1 All development must be in accordance with the Riverside Estate Development Document (refer to condition 3.1) unless otherwise conditioned.
- 4.2 To remove any doubt:
  - 4.2.1 any development on the Subject Land, which is not identified in the Riverside Estate Development Document must be:
    - (i) if it is a Material Change of Use – impact assessable (pursuant to the Level of Assessment Table in the Master Plan Development Document); or



- (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme; and
- 4.2.2 any development on the Subject Land, which is identified in the Riverside Estate Development Document and which conflicts with the purpose of the applicable codes or conditions of this Approval, must be:
  - (i) if it is a Material Change of Use – impact assessable; or
  - (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme.
- 5.0 **RELEVANT PERIOD**
- 5.1 The standard relevant periods stated in section 341 and 343 of the *Sustainable Planning Act 2009* apply to each aspect of development in this approval.
- 6.0 **ASSET MANAGEMENT**
- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at the full cost to the Developer.
- 6.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 6.3 '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 Manual for Submission of Digital As Constructed Information.

## **PART B – RECONFIGURING A LOT (THREE LOTS INTO 201 LOTS)**

- 7.0 **ADMINISTRATION**
- 7.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 7.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 7.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 7.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 7.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 7.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 7.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access Works;
    - (iii) Sewerage Works;
    - (iv) Water Works;

- (v) Stormwater Works;
- (vi) Inter-allotment Drainage Works;
- (vii) Site Works; and
- (viii) Landscaping Works

7.6.2 Building Works; and

7.6.3 Plumbing and Drainage Works.

7.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

7.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

8.0 APPROVED PLANS AND DOCUMENTS

8.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Concept Plan (201 Lots + Public Use Land)	5892-01-CPT Revision H Sheet 1 of 1	7 May 2014
Proposed Staging Plan	R12394 - Staging	Undated
Landscape Concept Plan	S1501822 Dwg No 1 of 3	27 March 2015
Landscape Concept Plan – Park Detail	S1501822 Dwg No 2 of 3	27 March 2015
Landscape Concept Plan – Northern Shelter and Active Play Park Area Detail	S1501822 Dwg No 3 of 3	27 March 2015
Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes	Revision C	August 2015
Stormwater Management Report – Riverside Estate	R12394, Issue C	December 2014
Infrastructure Report – Riverside Estate	R1294 – Revision C	December 2014
Traffic Impact Assessment Report	R12394, Issue A	12 December 2014
Water and Sewer Network Analysis report	1335	16 January 2015

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

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

## 9.0 STAGED DEVELOPMENT

9.1 This approval is for a development to be undertaken in fourteen (14) discrete stages, namely:

9.1.1 Lot 1, 2, 18, 19, 53 to 58, and Lot 94 to 97 (Stage 9A);

9.1.2 Lot 59 to 64, and Lot 81 to 93 (Stage 9B);

9.1.3 Lot 3 to 9, and Lot 13 to 17 (Stage 10);

9.1.4 Lot 20, 39, 40, and Lot 46 to 52 (Stage 11A);

9.1.5 Lot 65 to 80 (Stage 11B);

9.1.6 Lot 21 to 25, Lot 34 to 38, Lot 41 to 45, and Public Use Land (Stage 12A);

9.1.7 Lot 10 to 12, Lot 26 to 33, and Public Use Land (Stage 12B);

9.1.8 Lot 98 to 101, Lot 121 to 128, Lot 137 to 140, and Public Use Land (Stage 13);

9.1.9 Lot 156, 157, and Lot 181 to 191 (Stage 14A);

9.1.10 Lot 142 to 145, Lot 152 to 155, Lot 158 to 161, Lot 192 to 194, and Public Use Land (Stage 14B);

9.1.11 Lot 102 to 109, and Lot 117 to 120 (Stage 15A);

9.1.12 Lot 110 to 116, Lot 129 to 136, and Lot 171 to 174 (Stage 15B);

9.1.13 Lot 146 to 151, Lot 167 to 170, and Lot 175 to 178 (Stage 16A);

9.1.14 Lot 162 to 166, Lot 179, 180, and Lot 195 to 201 (Stage 16B);

Staging must take place in a coordinated and a planned manner having regard to the orderly sequence in provision of access and infrastructure and having regard to condition 12.7.

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

9.3 The "Public Use Land" must be dedicated as "Drainage Reserve/Public Use Land" on the Survey Plan for Stage 12A, 12B, 13 and 14B.

## 10.0 ROAD WORKS

10.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.

10.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).

10.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.

10.4 Belmont Road must be designed and constructed to a Major Urban Collector standard, with half road construction along the development side and having a minimum width of ten (10) metres of the carriageway width. kerb and channel, pedestrian pathways and drainage infrastructure must be included. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.

10.4.1 Widening of Belmont Road from the southern boundary to the entrance roundabout must be carried out as part of Stage 9A and having a minimum width

of ten (10) metres of the carriageway width from the existing kerb and channel on the other side of Belmont Road.

- 10.4.2 Widening of Belmont Road from the entrance roundabout to the northern boundary of the Public Use Land adjacent to the proposed Lot 9 must be carried out as part of Stage 12B and having a minimum width of ten (10) metres of the carriageway width from the existing kerb and channel on the other side of Belmont Road.
- 10.4.3 Widening of Belmont Road from the northern boundary of the Public Use Land adjacent to the proposed Lot 9 to the proposed Road 1 entrance must be carried out as part of Stage 15B and having a minimum width of ten (10) metres of the carriageway width from the future kerb and channel on the other side of Belmont Road..
- 10.5 All new roads shown on the approved plans (refer to condition 8.1), must comply with all requirements for road classification of "Access Place" or a "Access Street" or a "Minor Collector" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*. All roads must be above Q100 flood inundation level.
- 10.6 A turning area must be provided at the road end at the boundary of each stage(s) prior to the commencement of the use for such stage(s). Details of the turning areas, including practical vehicular and pedestrian access to lots, parking for adjacent lots and manoeuvring for a Council refuse collection vehicle must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.7 Construct a roundabout at the intersection of Belmont Road, Samuel Crescent and Road A in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and the Main Roads Planning and Design Manual. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 10.8 Construct a roundabout at the intersection of Road A, Road B and Road C in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and the *Main Roads Planning and Design Manual*. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 10.9 Additional land area must be dedicated along the Belmont Road development side to be able to provide a minimum verge width of five (5) metres between property boundaries and the edge of the carriageway. The alignment must be determined in consultation with Council and location details must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.10 All pathways must incorporate kerb ramps at all road crossings.
- 10.11 Traffic calming devices must be provided to control vehicle speeds within the Minor Collector and Access Streets. Details of traffic calming devices and practical access to adjacent allotments must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.12 A bus set-down area, including all weather shelter must be designed and constructed in accordance with the Public Transport Infrastructure Manual. The bus set-down area must be located within Belmont Road. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 10.13 All new traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland* and where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 10.14 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.
- 10.15 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Retaining walls must be

wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.

#### 11.0 ACCESS WORKS

- 11.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 11.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 11.3 All vehicular access to and from proposed Lot 1 to 9, Lot 88 to 107 and Lot 116 (inclusive) must be obtained via the proposed new internal roads only. Direct vehicular access to Belmont Road is prohibited. A property note to this effect will be entered against Lot 1 to 9, Lot 88 to 107 and Lot 116 (inclusive).
- 11.4 Vehicular access to and from proposed Lot 1 and 18 must be via the proposed Road C and for Lot 55 and 97 must be via the proposed Road B.
- 11.5 Access to proposed Lot 1, 18, 55, 72, 73, 87, 88, 97 and 107 must be constructed to a sealed or equivalent standard.

#### 12.0 SEWERAGE WORKS

- 12.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 12.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 12.3 All lots within the development must be connected to Council's reticulated sewerage network.
- 12.4 The initial three stages (stage 9A, 9B and 10) of the development must be serviced via a gravity sewerage main and the connection to the existing reticulated sewerage network must be at the northern side of the Belmont Road Sewerage Pump Station (SP038) in accordance with the Sewerage Network Analysis report (refer to condition 8.1).
- 12.5 A non-trunk sewerage pump station within the site and associated 100 millimetre diameter non-trunk sewerage rising main within the development must be constructed to discharge to the proposed gravity sewerage network under stage 9A, 9B and 10. The remaining eleven stages (stage 11A, 11B, 12A, 12B, 13, 14A, 14B, 15A, 15B, 16A and 16B) must be connected to the reticulated sewerage network via this sewerage pump station in accordance with Sewerage Network Analysis report (refer to condition 8.1). This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 12.6 A twenty (20) metre by twenty (20) metre freehold allotment area for a sewerage pump station site and adequate access easement for the sewerage pump station site must be dedicated in favour of Council.
- 12.7 In accordance with the Sewerage Network Analysis report (refer to condition 8.1), the final sewerage strategy must be as follows or alternatively construct sewerage infrastructure to convey sewage to the existing Council sewerage network and upgrade the capacity where necessary. Any proposed alternate strategy must be reviewed and approved by Council:
  - 12.7.1 a limit of ninety (90) allotments can be connected while the Edenbrook development remains connected to the Belmont Road Sewerage Pump Station network;
  - 12.7.2 an additional sixty-one (61) allotments can be connected once the Edenbrook development is disconnected; and

- 12.7.3 the final fifty (50) allotments can be connected once the Belmont Road rising main has been redirected to the Edenbrook Sewerage Pump Station.
- 12.8 In accordance with the Sewerage Network Analysis report (refer to condition 8.1), the last fifty (50) allotments of the development must complete the following works to ultimately redirect the Belmont Road Sewerage Pump Station to the Edenbrook Sewerage Pump Station:
- 12.8.1 a new section of 100 millimetre diameter sewerage rising main must be constructed from the Belmont Road Sewerage Pump Station to the discharge chamber of the existing Edenbrook rising main.
- 12.8.2 a new discharge chamber must be constructed in Edenbrook Drive to discharge into the Edenbrook gravity sewerage network.
- 12.9 Sewerage infrastructure must be provided to the development boundary for connectivity.
- 12.10 Any proposed sewerage access chambers located within a park or reserve, or below a Q100 flood event, must be provided with bolt down lids.
- 12.11 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*.
- 13.0 WATER WORKS
- 13.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 13.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 13.3 All lots within the development must be connected to Council's reticulated water network.
- 13.4 A non-trunk water main not less than 200 millimetres in diameter must be constructed along the Belmont Road road reserve at the development side from the Belmont Road and Bellbird Drive intersection to the Belmont Road and Samuel Crescent intersection to service the development (in accordance with the Water Network Analysis report (refer to condition 8.1)). The connection point must be from the 200 millimetre water main at the intersection of Belmont Road and Bellbird Drive. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 13.5 The final sizes of the internal water mains must not be less than those detailed in the water supply network analysis report (refer to condition 8.1).
- 13.6 Water infrastructure must be provided to the development boundaries for connectivity.
- 13.7 All proposed water reticulation mains within the development site must be interconnected to eliminate dead ends and looped mains are permitted in cul-de-sacs.
- 13.8 Easements must be provided over all water supply 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*.
- 14.0 STORMWATER WORKS
- 14.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 14.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 14.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 14.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014*.
- 14.5 Each allotment must be designed so as to be flood free in a one in one hundred year flood event (100 year Average Recurrence Interval).
- 14.6 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.
- 14.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
  - 14.7.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
  - 14.7.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
  - 14.7.3 details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
  - 14.7.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
  - 14.7.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
  - 14.7.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
  - 14.7.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and
  - 14.7.8 details of all calculations, assumptions and data files (where applicable).
- 14.8 Proposed Public Use Lands and Stormwater Channels as identified on the approved plans (refer to condition 8.1) must be dedicated as detention basin and must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for proposed Stormwater Channels and Bio-retention basins and the design must:
  - 14.8.1 be suitable to the climate and incorporate predominately native species;
  - 14.8.2 maximise areas suitable for on-site infiltration of stormwater;

14.8.3 incorporate shade trees; and

14.8.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basins must include all required safety measures and facilities (for example child proof fences) to ensure the safety of the public and/or tenants (in particular young children). A management plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

#### 15.0 INTER-ALLOTMENT DRAINAGE

15.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.

15.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).

15.3 Inter-allotment drainage, must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof and allotment runoff associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.

15.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres. Easement documents must accompany the plan for endorsement by Council prior to the issue of the Compliance Certificate for the Survey Plan.

#### 16.0 SITE WORKS

16.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.

16.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:

16.2.1 the location of cut and/or fill;

16.2.2 the type of fill to be used and the manner in which it is to be compacted;

16.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

16.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

16.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.

16.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

16.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

16.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.

16.6 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 which are the subject of the Development Permit.

- 16.7 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
  - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 16.8 All site works must be undertaken to ensure that there is:
- 16.8.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
  - 16.8.2 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
  - 16.8.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

## 17.0 LANDSCAPING

- 17.1 Development permit for Operational Works (landscaping works) will be required to be lodged prior to the commencement of any landscaping works on this site.
- 17.2 The proposed development must have a minimum total area of at least 2.9 hectares dedicated to being suitable parkland as defined by *Planning Policy 5 – Open Space Infrastructure Policy* and must be generally in accordance with the approved plan (refer to condition 8.1). Any application for a Development Permit for Operational Works (landscaping works) must be accompanied by detailed plans and all public land along Ramsay Creek must comply with the following:
- 17.2.1 no development must occur within fifty (50) meters of the river bank. The riverbank is to be maintained as public open space and natural riparian wetland in accordance with state development conditions.
  - 17.2.2 be maintained to encourage nature regeneration of native forbs and grasses with small to medium trees and shrubs. Mature riparian canopy species are to be retained wherever possible to assist in maintaining the scenic amenity of this residential estate.
  - 17.2.3 all grassed open spaces must be accessible for maintenance purposes. Service access/s must be at least three (3) metres wide and secured by a lockable gate or pole.
- 17.3 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 8.1) and must include, but is not limited to, the following:
- 17.3.1 A plan documenting the “Extent of Works” and supporting documentation which includes:
    - (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
    - (ii) the extent of soft and hard landscape proposed;
    - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
    - (iv) underground and overhead services;

- (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
  - (vi) details of landscape structures including areas of deep planting; and
  - (vii) specification notes on mulching and soil preparation.
- 17.3.2 A "Planting Plan" and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
  - (ii) position and canopy spread of all trees and shrubs;
  - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
  - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 17.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 17.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 17.6 The establishment of the park and all landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the issue of the Compliance Certificate for the Survey Plan applicable to that stage.
- 17.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme to be provided in writing prior to the sealing of plans.
- 17.8 The Children's Play Equipment Area with additional Park Amenities must be constructed within the dedicated Active Park Area as illustrated within the Landscaping Plans (refer to condition 8.1). The Active Park and the Children's Play Equipment Area must comply with the following:
- 17.8.1 a playground area is constructed in accordance with revised Landscape Concept Plan (refer to condition 8.1);
  - 17.8.2 the playground is suitable for children between the ages of two (2) and twelve (12) and constructed in accordance with a local destination play space as defined by the Rockhampton Regional Council Playground Strategy;
  - 17.8.3 the active recreational playground area must be turfed and equipped with an installed irrigation system;
  - 17.8.4 additional park amenities be provided, for example picnic shelters, tables and benches;
  - 17.8.5 adequate vehicle parking must be provided (for consideration by Council at Operational Works stage);
  - 17.8.6 the playground area must be wheel chair accessible and have a grade no greater than one (1) in twenty (20) slope for eighty per cent (80%) of the area.
- Note: Council may consider a cash contribution to be negotiated in lieu of construction of a Children's Play Equipment area with additional Park Amenities.
- 17.9 Vehicle barriers must be constructed around all areas of public land with road frontage.

17.10 All allotments bordering onto Belmont Road (Lot 1 to 9, Lot 88 to 107 and Lot 116) must have a minimum two (2) metre high, double lapped and capped acoustic timber fence (having a minimum surface area density of ten (10) kilograms per square metre) along the full frontage of Belmont Road.

17.10.1 A minimum 0.75 metre wide landscaped strip must be provided for the full frontage of the acoustic fence facing Belmont Road to reduce the visual impact of the fence. The landscaped strip must be established within six (6) months of the approved operational works applicable to that stage.

17.11 The bike and pedestrian paths and the public open space area located in the main stormwater drain corridor must be generally in accordance with the approved plans (refer to condition 8.1).

17.12 All grassed landscaped areas must be established within six (6) months of the approved operational works applicable to that stage.

17.13 Bike and pedestrian paths must not be constructed on land that is susceptible to inundation by floodwaters.

Note: If the bike and pedestrian path along Ramsay Creek on the north-western portion of the development is susceptible to inundation by floodwaters, it must follow Road G, connecting onto the bike and pedestrian path within Road I.

17.14 The proposed northern picnic shelter is not approved due the access pathway being susceptible to inundation by floodwaters. Alternative and/or additional picnic shelter locations (including public benches) must be demonstrated in the application for a Development Permit for Operational Works (landscaping works).

#### 18.0 PUBLIC LAND:

18.1 All public land must be designed and constructed generally in accordance with the approved plans (refer to condition 8.1).

18.2 Eighty per cent (80%) of all natural grass cover and other designated grassed area must be covered within six (6) months of the subdivision works being placed on maintenance.

18.3 The owner of land will be required to provide a maintenance bond to be decided under an operational works permit to be held for the maintenance and establishment of the public open space for twelve (12) months after the sealing of any plans relating to Lots 102 on RP860099 and Lot 129 on PL4021.

#### 19.0 ELECTRICITY AND TELECOMMUNICATIONS

19.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

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

#### 20.0 ASSET MANAGEMENT

20.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

20.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

20.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to

the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

## 21.0 ENVIRONMENTAL

21.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

21.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) staged implementation, for the construction and post construction phases of work.

21.3 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.

21.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

## 22.0 OPERATING PROCEDURES

22.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of

construction machinery or contractors' vehicles will be permitted in Council owned roadways.

### 23.0 INFRASTRUCTURE COSTS

23.1 The development is located completely outside the priority infrastructure area. As per section 650 of the *Sustainable Planning Act 2009* Council requires additional trunk infrastructure costs. As the development is adjacent to and will be serviced to the desired standard of service for charge area 1, as outlined in the *Adopted Infrastructure Charges Resolution, 2014 (No. 4)*, the calculation of the establishment cost of trunk infrastructure for charge area 1 applies. An additional charge of \$14,000.00 per lot is required and is payable to Council prior to the issue of the Compliance Certificate for the Survey Plan for each stage.

### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act*, 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 Environment and Resource Management website [www.derm.qld.gov.au](http://www.derm.qld.gov.au)

#### NOTE 2. General Environmental Duty

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

#### NOTE 3. General Safety Of Public During Construction

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

#### NOTE 4. Property Notes

- (i) All vehicular access to and from proposed Lot 1 to 9, Lot 88 to 107 and Lot 116 (inclusive) must be obtained via the proposed new internal roads only. Direct vehicular access to Belmont Road is prohibited.
- (ii) All allotments bordering onto Belmont Road (Lot 1 to 9, Lot 88 to 107 and Lot 116) must have a minimum two (2) metre high, double lapped and capped acoustic timber fence (having a minimum surface area density of ten (10) kilograms per square metre) along the full frontage of Belmont Road. This must be constructed by the developer and maintained by the owner of each applicable allotment.

#### NOTE 5. Adopted Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.



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

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*PLANNING ACT 2016*

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

### Appeal rights

#### 229 Appeals to tribunal or P&E Court

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

#### 230 Notice of appeal

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

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

#### 231 Other appeals

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

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

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

#### 232 Rules of the P&E Court

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

## Schedule 1

### Appeals section 229

#### 1 Appeal rights and parties to appeals

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

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

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



<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		concurrency agency	the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>An appeal may be made against—</p> <p>(a) a responsible entity's decision for a change application, other than a decision made by the P&amp;E court; or</p> <p>(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 concurrency 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</p> <p>An appeal may be made against—</p> <p>(a) the assessment manager's decision about an extension application; or</p> <p>(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 concurrency agency, other than the chief executive, for the application	The assessment manager	If a concurrency agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices</p> <p>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"> <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</li> </ul> <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	Column 4 Co-respondent by election

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		(if any)	(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— (a) the refusal of a conversion application; or (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

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
<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— (a) an error or mistake in law on the part of the tribunal; or (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	-	-
<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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for	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

<b>Table 2 Appeals to the P&amp;E Court only</b>			
the change application			
<p><b>3. Eligible submitter and eligible advice agency appeals</b>            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><b>4. Compensation claims</b>            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><b>5. Registered premises</b>            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 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

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

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