



# 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 (change application) Planning Act 2016

Application number:	<b>D/95-2019</b>	Contact:	Aidan Murray
Notice Date:	28 January 2022	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	<b>Knightpro Pty Ltd</b>		
Postal address:			
Phone no:	Mobile no:	Email:	

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

## DEVELOPMENT APPROVAL

**Development Permit for Reconfiguring a Lot for (three lots into thirteen lots)**

## PROPERTY DESCRIPTION

Street address:	33-53 Knight Street, Park Avenue
Real property description:	Lot 2 and Lot 3 on RP611882 and Lot 4 on SP134379, Parish of Murchison

## OWNER DETAILS

Name:	QRN Property Pty Ltd
Postal address:	
<b>Dear Knightpro Pty Ltd</b>	
I advise that, on 21 January 2022 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	27 January 2022
2)	Condition 2.1	Changed	27 January 2022
3)	Condition 4.1	Changed	27 January 2022
4)	Condition 5.5	Changed	27 January 2022
5)	Condition 8.8	Changed	27 January 2022
6)	Note 6	Changed	27 January 2022

## 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a lot	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>Inter-allotment Drainage Works; and</i> <i>Site Works</i>
Building Works	<i>Demolition Works</i>
Plumbing and Drainage Works	

## 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 (Generally)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			
Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold— (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at	Department of Transport and Main Roads	Concurrence	Department of State Development, Manufacturing, Infrastructure and Planning  Online: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a>  Postal: PO Box 113 Rockhampton Qld 4700

premises wholly or partly in the excluded area			
<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>			
<p>Development application for reconfiguring a lot that is assessable development under section 21, if—</p> <p>(a) all or part of the premises are within 25m of a State transport corridor; and</p> <p>(b) 1 or more of the following apply—</p> <p>(i) the total number of lots is increased;</p> <p>(ii) the total number of lots adjacent to the State transport corridor is increased;</p> <p>(iii) there is a new or changed access between the premises and the State transport corridor;</p> <p>(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</p> <p>(c) the reconfiguration does not relate to government supported transport infrastructure</p>	Department of Transport and Main Roads	Concurrence	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Online: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a></p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 – Reconfiguring a lot near a State-controlled road intersection</i>			
<p>Development application for reconfiguring a lot that is assessable development under section 21, if—</p> <p>(a) all or part of the premises are—</p> <p>(i) adjacent to a road (the relevant road) that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection; and</p> <p>(b) 1 or more of the following apply—</p> <p>(i) the total number of lots is increased;</p> <p>(ii) the total number of lots adjacent to the relevant road is increased;</p> <p>(iii) there is a new or changed access between the premises and the relevant road; and</p> <p>(c) the reconfiguration does not relate to government supported transport infrastructure</p>	Department of Transport and Main Roads	Concurrence	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Online: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</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

Reconfiguration Plan (3 Lots into 12 Lots + Drainage Reserve)	Capricorn Survey Group (CQ) Surveying & Planning Solutions	6 December 2021	7822-01-ROL	B
General Longitudinal Sections	McMurtrie Consulting Engineers	27 June 2020	0591819-SK-0004	B
General Typical Sections	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0005	C
General Services Layout	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0006	A
General Services Layout	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0007	A
General Services Layout	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0008	A
General Sewerage Longsection	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0009	A
General Sewerage Longsection	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0010	A
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	October 2019	059-18-19	B

#### 6. 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.

#### 7. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for Reconfiguring a Lot (three lots into thirteen lots)
<b>Reasons for Decision</b>	<ul style="list-style-type: none"> <li>a) The development will provide adequate, serviced and accessible land for low impact industry and its construction can be achieved with minimal impacts on nearby sensitive land uses;</li> <li>b) The development will not result in any material increase to the potential flood impacts to people, property or infrastructure;</li> <li>c) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>d) 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;</li> <li>e) The proposed development does not compromise the relevant State Planning Policy; and</li> <li>f) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an</li> </ul>

	aspect of the assessment benchmarks.	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Low Density Residential Zone Code;</li> <li>• Reconfiguring a Lot Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code;</li> <li>• Water and Sewer Code; and</li> <li>• Flood Hazard Overlay 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(s) listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Flood Hazard Overlay Code (PO14)	<p>A portion of proposed Lot 12 and the stormwater basin (Lot 13) is affected by flooding, however the extent will not impact on the ability for Lot 12 to be developed.</p> <p>Therefore, the development will not result in any material increase to the potential flood impacts to people, property or infrastructure.</p>
<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>;</li> <li>• Surrounding use of adjacent premises in terms of commensurate and consistent development form; 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><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Date: 7 April 2020
---	--------------------

#### **11. ASSESSMENT MANAGER**

Name: <b>Tarnya Fitzgibbon</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature:	Date: 28 January 2022
---	------------	-----------------------

C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - [RockhamptonSARA@dasilgp.qd.gov.au](mailto:RockhamptonSARA@dasilgp.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**



---

# Attachment 1 – Part 1

## Rockhampton Regional Council Conditions

---

Planning Act 2016

---

### 1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
  - 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
  - 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
    - 1.3.1 to Council's satisfaction;
    - 1.3.2 at no cost to Council; and
    - 1.3.3 prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
  - 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
  - 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
    - 1.5.1 Operational Works:
      - (i) Road Works;
      - (ii) Sewerage Works;
      - (iii) Water Works;
      - (iv) Stormwater Works;
      - (v) Inter-allotment Drainage Works; and
      - (vi) Site Works.
    - 1.5.2 Plumbing and Drainage Works; and
    - 1.5.3 Building Works:
      - (i) Demolition Works.
  - 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
  - 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- ### 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
----------------------	-------------	------	------------------	-----

Reconfiguration Plan (3 Lots into 12 Lots + Drainage Reserve)	Capricorn Survey Group (CQ) Surveying & Planning Solutions	6 December 2021	7822-01-ROL	B
General Longitudinal Sections	McMurtrie Consulting Engineers	27 June 2020	0591819-SK-0004	B
General Typical Sections	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0005	C
General Services Layout	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0006	A
General Services Layout	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0007	A
General Services Layout	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0008	A
General Sewerage Longsection	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0009	A
General Sewerage Longsection	McMurtrie Consulting Engineers	24 January 2020	0591819-SK-0010	A
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	October 2019	059-18-19	B

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 ROAD WORKS

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

3.2 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 *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

3.3 Proposed Road 1 and Road 2 must be designed and constructed to Industrial Access standard with kerb and channel and drainage infrastructure.

3.4 The existing section of Park Street from Knight Street to the North Coast Railway Line must be designed and upgraded to an Industrial Access standard with kerb and channel and drainage infrastructure.

3.5 The existing intersection of Knight Street and Park Street must be redesigned and upgraded to accommodate a B-double combination vehicle.

3.6 The proposed T-intersection of Road 2 with Knight Street must be designed and constructed as left-in and left-out only as per the approved plans. (refer condition 2.1) The Left-out movement from the development site to Knight Street must be able to accommodate a B-double combination vehicle.

3.7 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*.

- 3.8 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.

#### 4.0 ACCESS WORKS

- 4.1 All vehicular access to and from proposed Lots 1, 2, 3, 7 and 8 must be via the proposed new roads only. Direct vehicular access to Knight Street is prohibited.

Note: A property note to this effect will be entered against Lots 1, 2, 3, 7 and 8.

#### 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 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 All sewerage mains, alignments and layouts must be in accordance with the approved plans (refer condition 2.1).
- 5.4 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.
- 5.5 Easements must be provided over new 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*.
- 5.6 The finished sewerage access chamber surface must be a sufficient level to avoid ponding of stormwater above the top of the chamber, a heavy duty trafficable lid must be provided in the trafficable area.
- 5.7 Any proposed sewerage access chambers located within a channel or below a ten percent (10%) Annual Exceedance Probability flood level must be provided with bolt down lids.

#### 6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 6.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 All lots within the development must be connected to Council's reticulated water network. Each lot must be provided with its own separate water connection point, located wholly within its respective property boundary.
- 6.4 All proposed reticulated water network mains must be interconnected to eliminate dead ends. Looped mains are permitted in cul-de-sacs.
- 6.5 All proposed internal reticulated water network mains are to be 150 millimetre diameter in size. The alignments and layout must be in accordance with the approved plans (refer condition 2.1) and the *Capricorn Municipal Development Guidelines (CMDG)*.

Note : The CMDG requires a 150 millimetre diameter main to be provided on both sides of the carriageway for industrial development.

- 6.6 A road crossing water conduit and associated water service pipe work must be constructed across Horace Street to service proposed Lots 12 and 13 and must be approved as part of a Development Permit for Operational Works (water works). This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.

## 7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 7.2 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 7.3 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 7.4 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

## 8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 8.2 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an amended stormwater management plan. The amended plan must ensure the discharge arrangements conditioned below in 8.3 and 8.4 are incorporated and any consequential changes to the management of stormwater reported.
- 8.3 A portion of the stormwater runoff and roof and allotment drainage from the northern section of the development site and Knight Street will continue to be discharged via kerb and channel and a piped network connecting to the existing piped network that runs through the Department of Transport and Main Roads site. The existing internal pit and pipe network is to be abandoned and removed from site and new stormwater infrastructure constructed as per the approved plans (refer condition 2.1). This run-off must not be directed to the detention/bio-retention basin.
- 8.4 The remaining section of the northern portion of the development site is to be discharged via kerb and channel, a piped network and a grass lined open channel to a detention basin located within the southern portion of the site. The southern portion of the site will discharge directly to the detention basin.
- 8.5 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.6 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 8.7 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability defined flood event, for the post-development conditions.
- 8.8 The proposed Lot 13 must be dedicated to Council as freehold land in trust, at no cost to Council.
- 8.9 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 retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 8.10 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*.
- 8.11 Proposed Lot thirteen (13) 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 the detention basin/proposed Lot thirteen (13), and the design must:

- 8.11.1 be suitable to the climate and incorporate predominately native species;
- 8.11.2 maximise areas suitable for on-site infiltration of stormwater;
- 8.11.3 incorporate shade trees; and
- 8.11.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin 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 maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

- 8.12 The location of the detention basin within proposed Lot thirteen (13) must be clear of the area affected by riverine or creek flooding.
- 8.13 All existing stormwater infrastructure within Lot 2 and Lot 3 on RP611882 and Lot 4 on SP134379, including pits and pipes, are to be abandoned and removed from site.
- 8.14 Easements must be provided over all stormwater drainage infrastructure (Council's owned / to be own infrastructure only) located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.

#### 9.0 INTER-ALLOTMENT DRAINAGE WORKS

- 9.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works required by this development approval.
- 9.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).
- 9.3 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council's easement. Easement widths must be in accordance with the *Capricorn Municipal Design Guidelines* or *Queensland Urban Drainage Manual* requirements.

#### 10.0 SITE WORKS

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
  - 10.2.1 the location of cut and/or fill;
  - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 10.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 10.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 10.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

10.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

#### 11.0 BUILDING WORKS

11.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.

11.2 Any structures not located wholly within the new lot boundaries must be removed or demolished.

#### 12.0 STREET LIGHTING

12.1 The developer 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'*.

12.2 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.

#### 13.0 ELECTRICITY

13.1 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.

13.2 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*.

#### 14.0 TELECOMMUNICATIONS

14.1 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.

14.2 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.*)

#### 15.0 ASSET MANAGEMENT

15.1 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.

15.2 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.

15.3 '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).

## 16.0 ENVIRONMENTAL

16.1 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.

16.2 An 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.

## 17.0 OPERATING PROCEDURES

17.1 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 Knight Street, Park Street or Horace Street.

## ADVISORY NOTES

### NOTE 1. Stormwater Works

Evidence of written consent from the adjoining property (Lot 1 on RP814700) must be provided to Council, for the proposed stormwater works and connection located within the corner of the allotment. The consent must be provided to Council with the submission of the Operational Works application.

### NOTE 2. Aboriginal Cultural Heritage

NOTE 3. 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 <http://www.dsdsatsip.qld.gov.au/>.

### NOTE 4. 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 5. 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 6. Property Note (Access)

All vehicular access to and from proposed Lots 1, 2, 3, 7 and 8 must be via Road 1 only. Direct vehicular access to Knight Street is prohibited.

NOTE 7. Infrastructure Charges Notice

Council has resolved not to issue an Amended Infrastructure Charges Notice for this minor amendment because there are no changes to the number of lots. The original Infrastructure Charges Notice remains payable.

NOTE 8. Building over or near Sewer Infrastructure

Proposed Lots 3 and 5 contain existing sewer infrastructure. All building works and operational works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*

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.

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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
<b>2. Change applications</b> An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<b>3. Extension applications</b> An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<b>4. Infrastructure charges notices</b> 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			

<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</b>			
<b>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>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	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>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	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	-	-