



Decision Notice Approval (amended)

Planning Act Form 5 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 (change application) Planning Act 2016, and Section 334 of the Sustainable Planning Act 2009

| | | | |
|---------------------|-------------------|-----------------|---------------|
| Application number: | D/280-2011 | Contact: | Amanda O'Mara |
| Notice Date: | 30 July 2020 | Contact Number: | 1300 22 55 77 |

APPLICANT DETAILS

| | | | |
|-----------------|---|--------|--|
| Name: | Pearlarm Pty Ltd | | |
| Postal address: | C/- Capricorn Survey Group (Cq) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700 | | |
| Phone no: | (07) 4927 5199 | Email: | reception@csgcq.com.au |

I acknowledge receipt of the above change application on 7 July 2020 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a House on each individual proposed allotment and Reconfiguring a Lot (one lot into fourteen lots)

PROPERTY DESCRIPTION

| | |
|----------------------------|--|
| Street address: | 11, 13, 15, 17 and 19 Eucalyptus Crescent, 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19 Amy Court, Norman Gardens (Previously known as 113 Eucalyptus Crescent, Norman Gardens) |
| Real property description: | Lot 55 on SP163812, Lot 1 on SP163932, Lot 2 on SP163932, Lot 3 on SP163932, Lot 4 on SP163932, Lot 5 on SP163932, Lot 6 on SP163932, Lot 7 on SP163932, Lot 8 on SP163932, Lot 9 on SP163932, Lot 10 on SP163932, Lot 11 on SP163932, Lot 12 on SP163932, Lot 13 on SP163932 and Lot 14 on SP163932 |

OWNER DETAILS

| | |
|---|---|
| Name: | Pearlarm Pty Ltd |
| Postal address: | 13 Tanby Point Close, EMU PARK QLD 4710 |
| Dear Pearlarm Pty Ltd I advise that, on 28 July 2020 the above change application was: <input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1) *Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency. | |

CHANGES TO CONDITIONS

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

| | | | |
|----|---------------|---------|------------------|
| 1) | Item 7 | Changed | 28 July 2020 |
| 2) | Condition 2.1 | Changed | 22 February 2017 |

| | | | |
|-----|----------------|---------|------------------|
| 3) | Condition 2.1 | Changed | 28 July 2020 |
| 4) | Condition 17.1 | Changed | 22 February 2017 |
| 5) | Condition 17.1 | Changed | 28 July 2020 |
| 6) | Condition 23.2 | New | 22 February 2017 |
| 7) | Condition 27.1 | Deleted | 28 July 2020 |
| 8) | Condition 27.2 | Deleted | 28 July 2020 |
| 9) | Condition 27.3 | Deleted | 28 July 2020 |
| 10) | Condition 27.4 | Deleted | 28 July 2020 |

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

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

| Type of development permit required | Subject of the required development permit |
|-------------------------------------|--|
| Operational Works | <i>Road Works</i> <i>Access</i> <i>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i> <i>Inter-Allotment Drainage Works</i> |

4. SUBMISSIONS

Properly made submissions **were** ☒/ **were not** ☐ made in relation to the application.

There were properly made submissions received from the following submitter(s);

| Name of principal submitter | Residential or business address | Electronic address (if provided) |
|-----------------------------|---------------------------------|----------------------------------|
| 1. J L Johnson, | 57 Fairybower Road, Fairybower | |

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

Referrals – triggered by other assessable development under schedule 7 of the Sustainable Planning Regulation 2009 (whether or not the development is also assessable under a planning scheme)

| | For an application involving | Name of agency | Status | Address |
|----------------------------|--|--|-------------|--|
| RECONFIGURING A LOT | | | | |
| | <p>If the reconfiguring involves land over two hectares in area, two or more lots are created and the size of any lot created is twenty-five (25) hectares or smaller, and either–</p> <p>(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</p> <p>(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.</p> | <p>Department of Infrastructure, Local Government and Planning</p> <p><i>(Previously known as Department of Environment and Resource Management)</i></p> | Concurrence | <p>Department of Infrastructure, Local Government and Planning</p> <p>Online: www.dilgp.qld.gov.au/MyDAS</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p> <p><i>(Previously known as Permit and License Management Implementation and Support Unit DERM)</i></p> |
| | <p>If any part of the lot is –</p> <p>(i) subject to an electricity easement; or</p> <p>(ii) within 100 metres of a substation site</p> | <p>The Chief Executive of the distribution entity or transmission entity (eg. <i>Energex, Ergon, Powerlink, etc</i>)</p> | Advice | <p>Principal Town Planner Ergon Energy PO Box 15107 City East Brisbane Qld 4002</p> |

Referrals –in relation to development made assessable against a local government’s planning scheme

| | For an application involving | Name of agency | Status | Address |
|-------------------------------|--|--|-------------|--|
| MATERIAL CHANGE OF USE | | | | |
| | <p>If involving a lot which is 2 hectares or larger and:</p> <p>(i) For other development which is not sole or community residence clearing:</p> <p>a) Additional exempt operational work could be undertaken 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>b) The additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous</p> | <p>Department of Infrastructure, Local Government and Planning</p> <p><i>(Previously known as Department of Environment and Resource Management)</i></p> | Concurrence | <p>Department of Infrastructure, Local Government and Planning</p> <p>Online: www.dilgp.qld.gov.au/MyDAS</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p> <p><i>(Previously known as Permit and License Management Implementation and Support Unit DERM)</i></p> |

| | For an application involving | Name of agency | Status | Address |
|--|---|---|-------------|--|
| | land or land the subject of a lease issued under the <i>Land Act 1994</i> for agricultural purposes. | | | |
| | Development on land that: (i) is for an aspect of development identified in schedule 12; and (ii) is for a purpose or on land mentioned in schedule 12, column 1; and (iii) Meets the threshold mentioned in schedule 12, column 2 for the purpose or land | Department of Infrastructure, Local Government and Planning (Previously known as Department of Transport and Main Roads) | Concurrence | Department of Infrastructure, Local Government and Planning Online: www.dilgp.qld.gov.au/MyDAS Postal: PO Box 113 Rockhampton Qld 4700 (Previously known as Fitzroy Region Rockhampton Office) |
| | On land that: (i) is for an aspect of development identified in schedule 13; and (ii) is for a purpose or on land mentioned in schedule 13, column 1; and (iii) Meets the threshold mentioned in schedule 13, column 2 for the purpose or land | Department of Infrastructure, Local Government and Planning (Previously known as Department of Transport and Main Roads) | Concurrence | Department of Infrastructure, Local Government and Planning Online: www.dilgp.qld.gov.au/MyDAS Postal: PO Box 113 Rockhampton Qld 4700 (Previously known as Fitzroy Region Rockhampton Office) |

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>Reference</u> | <u>Dated</u> |
|--|----------------------|------------------|
| Reconfiguring a Lot | | |
| Proposed Subdivision – Stage 2: 14 Standard Lots | NR9010B | 21 February 2017 |
| Landscaping Plan | 1021011-12P (Rev. A) | 9 December 2011 |
| Bushfire Management Plan | 40498 Version 4 | 14 August 2011 |
| Layout Plan | 1021011-01P (Rev. B) | 6 December 2011 |
| Sewer, Water, Electrical | 1021011-02P(Rev. B) | 6 December 2011 |
| Site Based Stormwater Management Plan | 1021011 Revision A | 6 December 2011 |
| Stability Assessment | 111-10088 | July 2011 |
| Building Location Envelope Plan | 7738-01-BLE Issue A | 26 June 2020 |

| Material Change of Use | | |
|---|---------------------|------------------|
| Fairfield Estate Stage 2 Covenant | Annexure A | 31 November 2011 |
| Proposed Subdivision – Stage 2: 14 Standard Lots | NR9010B | 21 February 2017 |
| Bushfire Management Plan | 40498 Version 4 | 14 August 2011 |
| Property Vegetation Management Plan | QU0033P Version 1 | 5 September 2011 |
| Building Location Envelope Plan | 7738-01-BLE Issue A | 26 June 2020 |

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: Cecil Barnard <u>OPERATIONS MANAGER</u> <u>DEVELOPMENT ASSESSMENT</u> | Date: 24 July 2012 |
|--|--------------------|

11. ASSESSMENT MANAGER

| | | |
|---|---|--------------------|
| Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u> | Signature:  | Date: 30 July 2020 |
|---|---|--------------------|

C/C Department of State Development, Manufacturing, Infrastructure and Planning- 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

PART A – RECONFIGURING A LOT (ONE LOT INTO FOURTEEN LOTS)

1.0 ADMINISTRATION

- 1.1 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.
- 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 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.
- 1.5 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.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Inter-allotment Drainage Works;
 - (vii) Landscaping Works; and
 - (viii) Site Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 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.
- 1.9 The Survey Plan for Reconfiguring a Lot (one lot into fourteen lots) in Part A of these conditions must be registered with the Titles Office prior to the commencement of works for Material Change of Use for a House on each individual allotment in Part B of the conditions.
- 1.10 An access easement must be registered in accordance with the approved plans for Lot 3 and Lot 13. The access easement servicing lot three must also be extended to the fire trail to provide access for emergency services.

- 1.11 An access easement must be provided along the fire trail shown on the approved plans for emergency services. This easement must be maintained and the growth of vegetation located within the easement restricted by the property owner.

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 the conditions of this permit:

| <u>Plan/Document Name</u> | <u>Reference</u> | <u>Dated</u> |
|--|----------------------|------------------|
| Proposed Subdivision – Stage 2: 14 Standard Lots | NR9010B | 21 February 2017 |
| Landscaping Plan | 1021011-12P (Rev. A) | 9 December 2011 |
| Bushfire Management Plan | 40498 Version 4 | 14 August 2011 |
| Layout Plan | 1021011-01P (Rev. B) | 6 December 2011 |
| Sewer, Water, Electrical | 1021011-02P(Rev. B) | 6 December 2011 |
| Site Based Stormwater Management Plan | 1021011 Revision A | 6 December 2011 |
| Stability Assessment | 111-10088 | July 2011 |
| Building Location Envelope Plan | 7738-01-BLE Issue A | 26 June 2020 |

- 2.2 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.

- 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 a Development Application 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 on the site.

- 3.2 All 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 the provisions of a Development Permit for Operational Works (road works).

- 3.3 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) and road reserve(s) at the time of making the application.

- 3.4 The proposed new road (Amy Court) must be designed and constructed to an Access Place standard (5.5 metres wide), with kerb and channel and drainage infrastructure.

- 3.5 Any application for a Development Permit for Operational Works (road works) must be accompanied by a road safety audit on the proposed barrier that adequately demonstrates that it is suitable for its intended function.

- 3.6 The design and construction of all terminating roads must include a permanent turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection 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.

- 3.9 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works).
- 3.10 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 4.3 Access to lots 6, 7 and 8 must be constructed from the edge of the constructed roadway to the property boundary of each lot and positioned in accordance with relevant standards with respect to adequate sight distance. Access to all remaining lots must be constructed as shown on drawing 1021011-01P Revision B prepared by McMurtrie Consulting Engineers. Construction must be either reinforced concrete not less than hundred (100) millimetres deep or a compacted gravel pavement not less than hundred (100) millimetres deep sealed with either twenty-five (25) millimetres of asphaltic concrete, hot sprayed bitumen consisting of a primer and two (2) seal coats, or approved segmental pavers
- 4.4 Any application for Operational Works (access works) must adequately demonstrate that site distance in accordance with the relevant standards is available with respect to the driveways for Lots 6, 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 on the site.
- 5.2 All 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, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 All lots within the development must be connected to Council's reticulated sewerage network.
- 5.4 Each lot must be must be provided with its own separate sewer connection point, located wholly within its respective property boundaries and serviced via a gravity connection point to Council's reticulated sewerage network.
- 5.5 Any sewerage access chambers located within a park or reserve, or below a Q10 flood event, must be provided with bolt down lids.
- 5.6 A trafficable cover must be provided on the connection points where they are to be located within a trafficable area.
- 5.7 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*.

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 on the site.
- 6.2 All lots within the development must be connected to Council's reticulated water supply network. Each lot must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 6.3 All 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, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.4 Adequate domestic and fire fighting protection must be provided to each proposed lot. This may include the provision of pillar hydrant, internal fire hydrant, storage tanks, pumps, etcetera. The domestic and fire fighting protection must be certified by hydraulic consultant.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect 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.
- 7.4 All stormwater works must be generally in accordance with the Site-Based Stormwater Management Plan (refer to condition 2.1), and meet the water quality objectives of *State Planning Policy 4/10 – Healthy Waters*.
- 7.5 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 7.6 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.
- 7.7 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:
 - 7.7.1 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;
 - 7.7.2 demonstration that the existing downstream stormwater systems are adequately sized to cater for the additional runoff associated with the subject development (where no detention is proposed);
 - 7.7.3 identification and design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - 7.7.4 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;
 - 7.7.5 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

7.7.6 details of all calculations, assumptions and data files (where applicable).

8.0 INTER-ALLOTMENT DRAINAGE

- 8.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 8.2 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 water drainage associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.
- 8.3 Inter-allotment drainage systems and overland flow paths must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*.
- 8.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
 - 9.2.1 the location of cut and/or fill;
 - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 9.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 9.2.5 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.
- 9.3 All site works must be carried out generally in accordance with requirements / recommendations of the Stability Assessment (refer to condition 2.1).
- 9.4 Cut and fill of the subject allotments must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 9.5 Slope stability must be managed as follows:
 - 9.5.1 all engineering drawings/specifications and designs must comply with the requirements of the relevant *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and must be approved by a Registered Professional Engineer of Queensland;
 - 9.5.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 9.5.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.

- 9.6 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.7 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.
- 9.8 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.
- 9.9 A detailed inspection and 'As Constructed' record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 9.10 The detailed inspection and 'As Constructed' record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.
- 9.11 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 9.12 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.
- 9.13 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.
- 9.14 All site works must be undertaken to ensure that there is:
- 9.14.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 9.14.2 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
 - 9.14.3 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.
- 10.0 **BUILDING WORKS**
- 10.1 All structures, particularly retaining walls must be located a minimum of two (2) meters clear of Council's existing water and sewerage infrastructure in accordance with *Queensland Development Code*.
- 10.2 All works must be undertaken in accordance with Council's Building Over / Adjacent to Local Government Sewerage Infrastructure Policy and any amendments.
- 11.0 **LANDSCAPING WORKS**
- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.

- 11.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
- 11.2.1 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 overlayed 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, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
- 11.2.2 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.
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads ‘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.
- 11.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 12.0 ELECTRICITY AND TELECOMMUNICATIONS
- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 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.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

- 13.2 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.
- 13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 14.0 ENVIRONMENTAL
- 14.1 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.
- 14.2 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) implementation, for the construction and post construction phases of work.
- 14.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

- 14.4 The development must be undertaken in accordance with the recommendations in the approved Bush Fire Management Plan (refer to condition 2.1).
- 14.5 The maintenance of the fire management trail must be the responsibility of the owner of the land (developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the developer in writing of their responsibility to comply with the requirements of the approved Bush Fire Management Plan (refer to condition 2.1).
- 14.6 All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS2959 "Construction in Bushfire Prone Areas"* and the approved Bush Fire Management Plan (refer to condition 2.1).

15.0 OPERATING PROCEDURES

- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in any public road.

PART B – MATERIAL CHANGE OF USE FOR A HOUSE ON EACH INDIVIDUAL ALLOTMENT

16.0 ADMINISTRATION

- 16.1 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.
- 16.2 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.
- 16.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 16.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use.
- 16.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use.
- 16.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 16.6.1 Plumbing and Drainage Works; and
- 16.6.2 Building Works.
- 16.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 16.8 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.

17.0 APPROVED PLANS AND DOCUMENTS

- 17.1 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> |
|---|--------------------------------|------------------|
| Fairfield Estate Stage 2 Covenant | Annexure A | 31 November 2011 |
| Proposed Subdivision – Stage 2: 14 Standard Lots | NR9010B | 21 February 2017 |

| | | |
|-------------------------------------|---------------------|------------------|
| Bushfire Management Plan | 40498 Version 4 | 14 August 2011 |
| Property Vegetation Management Plan | QU0033P Version 1 | 5 September 2011 |
| Building Location Envelope Plan | 7738-01-BLE Issue A | 26 June 2020 |

17.2 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.

17.3 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 commencement of the use.

18.0 ACCESS WORKS

18.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 17.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).

19.0 SEWERAGE WORKS

19.1 All houses must be connected to Council's reticulated sewerage network.

19.2 Should the sewerage connection point be located within a trafficable area, it must be raised or lowered to suit the driveway finished surface levels and provided with a trafficable brass cover.

19.3 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, and *Plumbing and Drainage Act*.

19.4 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

20.0 WATER WORKS

20.1 All houses must be connected to Council's reticulated water network.

20.2 Should the water meter be located within a trafficable area, it must be raised or lowered to suit the driveway finished surface levels and provided with a heavy duty steel lid.

20.3 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, and *Plumbing and Drainage Act*.

20.4 All internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

21.0 ROOF AND ALLOTMENT DRAINAGE WORKS

21.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

21.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

22.0 SITE WORKS

22.1 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.

22.2 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.

23.0 BUILDING WORKS

- 23.1 All works must be undertaken in accordance with Council's Building Over / Adjacent to Local Government Sewerage Infrastructure Policy and any amendments.
- 23.2 The proposed building envelope must be located outside of the easement areas located within Lot 12. The existing easements are located adjacent to the western and southern boundaries.

24.0 LANDSCAPING WORKS

- 24.1 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 24.2 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

25.0 ELECTRICITY AND TELECOMMUNICATIONS

- 25.1 Underground electricity and telecommunication connections must be provided to each dwelling house to the standards of the relevant authorities.

26.0 ASSET MANAGEMENT

- 26.1 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.
- 26.2 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.

27.0 ENVIRONMENTAL

- 27.1 Deleted
- 27.2 Deleted
- 27.3 Deleted
- 27.4 Deleted
- 27.5 The development must be undertaken in accordance with the recommendations in the approved Bush Fire Management Plan (refer to condition 17.1).
- 27.6 The maintenance of the fire management trail must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the relevant property owners in writing of their responsibility to comply with the requirements of the approved Bush Fire Management Plan (refer to condition 17.1).
- 27.7 All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS2959 "Construction in Bushfire Prone Areas"* and the approved Bush Fire Management Plan (refer to condition 17.1).

28.0 OPERATING PROCEDURES

- 28.1 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 any public road.

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

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 *Workplace 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. Adopted Infrastructure Charges Notice

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

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals

section 229

1 Appeal rights and parties to appeals

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

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

| <p>1. Development applications</p> <p>An appeal may be made against—</p> <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. | | | |
|--|------------------------|---|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant | The assessment manager | If the appeal is about a concurrence agency's referral response—the | <p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen Assessment manager is the respondent—</p> |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|------------------------|---|---|
| | | concurrence agency | the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application |
| 2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| 1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice | The responsible entity | If an affected entity starts the appeal—the applicant | 1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application |
| 3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| 1 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 |
| 4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> The incorrect application of gross floor area for a non-residential development Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or 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 imposed the amount. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent | Column 4 Co-respondent by election |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---------------------------------------|---|
| | | (if any) | (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 |

| Table 2 Appeals to the P&E Court only | | | |
|---|---|---|---|
| 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 (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 |

| Table 2 Appeals to the P&E Court only | | | |
|---|---|---|--|
| the change application | | | |
| 3. Eligible submitter and eligible advice agency appeals An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (b) a variation request. | | | |
| 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 |
| 4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b). | | | |
| 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 | - | - |
| 5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| 1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision | The Minister | - | If an owner or occupier starts the appeal – the owner of the registered premises |

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

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



ATTACHMENTS

APPROVED PLANS



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document

REFERRAL AGENCY



Adobe Acrobat
Document