



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)

Application number:	D/170-2022	Contact:	Kathy McDonald
Notice Date:	12 January 2026	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Gemstone Lifestyle No 3 Pty Ltd		
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700		
Phone no:	N/A	Mobile no:	0407 581 850
Email:	reception@csgcq.com.au		

I acknowledge receipt of the above change application on 22 July 2025 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Staged Retirement Facility (57 Dwellings)

PROPERTY DESCRIPTION

Street address:	192 Dean Street, Berserker
Real property description:	Lot 8 on SP358032

Dear Gemstone Lifestyle No 3 Pty Ltd

I advise that, on 5 January 2026 the above change application was:

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)	Condition 2.1	Changed	27 August 2024
2)	Condition 2.1	Changed	21 January 2025
3)	Condition 2.1	Changed	5 January 2026
4)	Condition 3.4	Changed	27 August 2024
5)	Condition 4.4	Deleted	27 August 2024
6)	Condition 4.7	Changed	5 January 2026
7)	Condition 4.12	Changed	27 August 2024

8)	Condition 4.12	Changed	5 January 2026
9)	Condition 4.19	Changed	27 August 2024
10)	Condition 4.20	New	5 January 2026
11)	Condition 5.4	Changed	27 August 2024
12)	Condition 5.9	Changed	27 August 2024
13)	Condition 5.10	Deleted	27 August 2024
14)	Condition 5.11	New	27 August 2024
15)	Condition 6.10	Changed	27 August 2024
16)	Condition 6.10	Changed	5 January 2026
17)	Condition 6.11	Changed	27 August 2024
18)	Condition 6.12	New	27 August 2024
19)	Condition 6.12	Deleted	5 January 2026
20)	Condition 6.13	New	5 January 2026
21)	Condition 7.1	Deleted	27 August 2024
22)	Condition 9.4	New	27 August 2024
23)	Condition 9.5	New	27 August 2024
24)	Condition 9.6	New	27 August 2024
25)	Condition 10.6	Changed	27 August 2024
26)	Condition 10.11	New	27 August 2024
27)	Condition 10.12	New	27 August 2024
28)	Condition 11.1	Changed	27 August 2024
29)	Condition 15.3	New	5 January 2026
30)	Condition 15.4	New	5 January 2026
31)	Condition 15.5	New	5 January 2026
32)	Conditions 16.1 to 16.4	New	27 August 2024
33)	Condition 16.1	Changed	21 January 2025
34)	Condition 16.2	Changed	5 January 2026
35)	Condition 16.5	New	5 January 2026
36)	Condition 17.1	New	27 August 2024
37)	Conditions 18.1 to 18.3	New	27 August 2024
38)	Item 6	Changed	21 January 2025

1. DETAILS OF THE APPROVAL

The following approvals are given:

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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

4. SUBMISSIONS

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

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

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Catherine and Michael Cherry	190 Dean Street, Berserker	cathgleeson@hotmail.com
2. Callum McMahon and Helena Ashurst	180 Stamford St, Berserker	helena.ashurst@raywhite.com

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
STATE TRANSPORT INFRASTRUCTURE (Generally)			
<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	The chief executive of the department in which the <i>Planning</i>	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u>

<p>stated in schedule 20, column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p> <p>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p>	<p>Act 2016 is administered:</p> <p>State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</p>		<p>https://prod2.dev-assess.qld.gov.au/suite/</p> <p>Email: RockhamptonSARA@dsg.ilgp.qld.gov.au</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
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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>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Master Plan	Jared Poole Design	20 November 2024	BP1485/03.01	U
Fencing Plan	Living Gems	14 May 2024	BP1485/03.03	C
RV Parking Interface Plan	Zone Landscape Architecture	June 2025	L24029	A
Statement of Landscape Intent	Zone Landscape Architecture	16 May 2024	L24029	C
Stormwater Management Report	Westera Partners	22 March 2025	S24-018	A
Technical Memo (Traffic)	McMurtrie Consulting Engineers	16 July 2025	R031-24-25	A
Flood Technical Memorandum	Westera Partners	2 October 2025	S24-018	-
Vehicle Turn Paths	Westera Partners	29 May 2025	S24-018-VP01	A
Traffic Impact Assessment	McMurtrie Consulting Engineers	23 May 2023	063-21-22	A
Cover Sheet	Westera Partners	10 December 2024	S24-018-G01	B
Safety in Design	Westera Partners	10 December 2024	S24-018-G02	B
Civil Services Layout Plan	Westera Partners	10 December 2024	S24-018-G03	B
Civil Notes & Legend	Westera Partners	10 December 2024	S24-018-C01	B

Site Plan	Westera Partners	29 May 2025	S24-018-C02	H
Existing Features & Development Plan	Westera Partners	10 December 2024	S24-018-C03	B
Civil Works Plan 1 of 4	Westera Partners	15 December 2025	S24-018-C04	F
Civil Works Plan 2 of 4	Westera Partners	15 December 2025	S24-018-C05	G
Civil Works Plan 3 of 4	Westera Partners	29 May 2025	S24-018-C06	G
Civil Works Plan 4 of 4	Westera Partners	29 May 2025	S24-018-C07	G
Typical Details	Westera Partners	10 December 2024	S24-018-C08	C
Road No.1 Longitudinal Section	Westera Partners	10 December 2024	S24-018-C09	B
Road No.2 Longitudinal Section	Westera Partners	14 March 2025	S24-018-C10	D
Signs & Line Marking Plan	Westera Partners	16 December 2024	S24-018-C11	D
Intersection 1 of 2	Westera Partners	10 December 2024	S24-018-C12	B
Intersection 2 of 2	Westera Partners	14 March 2025	S24-018-C13	D
Pavement & Jointing Plan	Westera Partners	14 March 2025	S24-018-C14	E
Pavement & Jointing Details	Westera Partners	29 May 2025	S24-018-C15	D
Stormwater Layout Plan 1 of 4	Westera Partners	16 December 2024	S24-018-C16	D
Stormwater Layout Plan 2 of 4	Westera Partners	10 December 2024	S24-018-C17	E
Stormwater Layout Plan 3 of 4	Westera Partners	29 May 2025	S24-018-C18	G
Stormwater Layout Plan 4 of 4	Westera Partners	29 May 2025	S24-018-C19	F
Stormwater Longitudinal Section Line 1	Westera Partners	14 March 2025	S24-018-C20	C
Stormwater Longitudinal Section Lines 2-4	Westera Partners	14 March 2025	S24-018-C21	D
Stormwater Longitudinal Section Lines 5-6	Westera Partners	14 March 2025	S24-018-C22	C
Stormwater Longitudinal Section	Westera Partners	14 March 2025	S24-018-C23	C

Lines 1a – 7a				
Stormwater Longitudinal Section Lines 9a – 15a	Westera Partners	14 March 2025	S24-018-C24	C
Stormwater Longitudinal Section Lines 17a – 22a	Westera Partners	14 March 2025	S24-018-C25	C
Stormwater Longitudinal Section Lines 24a – 29b	Westera Partners	14 March 2025	S24-018-C26	C
Stormwater Longitudinal Section Lines 30b – 35a	Westera Partners	14 March 2025	S24-018-C27	C
Stormwater Longitudinal Section Lines 37a – 44b	Westera Partners	14 March 2025	S24-018-C28	C
Stormwater Longitudinal Section Lines 45a – 51a	Westera Partners	14 March 2025	S24-018-C29	C
Stormwater Longitudinal Section Lines 53a – Club House	Westera Partners	5 September 2024	S24-018-C30	C
Stormwater Details 1 of 2	Westera Partners	14 March 2025	S24-018-C31	D
Stormwater Details 2 of 2	Westera Partners	14 March 2025	S24-018-C32	D
Stormwater Catchment Plan	Westera Partners	14 March 2025	S24-018-C33	F
Stormwater Calculations 5% Aep Hydrology	Westera Partners	14 March 2025	S24-018-C34	D
Stormwater Calculations 5% Aep Hydraulics	Westera Partners	14 March 2025	S24-018-C35	D
Stormwater Calculations 1% Aep Hydrology	Westera Partners	14 March 2025	S24-018-C36	D
Stormwater Calculations 1% Aep Hydraulics	Westera Partners	14 March 2025	S24-018-C37	D
Earthworks Site Plan	Westera Partners	29 May 2025	S24-018-E01	G
Earthworks Plan 1 of 4	Westera Partners	10 December 2024	S24-018-E02	D
Earthworks Plan 2 of 4	Westera Partners	10 December 2024	S24-018-E03	F
Earthworks Plan 3 of 4	Westera Partners	29 May 2025	S24-018-E04	F
Earthworks Plan 4 of 4	Westera Partners	29 May 2025	S24-018-E05	F

Earthworks Sections 1 of 2	Westera Partners	14 March 2025	S24-018-E06	D
Earthworks Sections 2 of 2	Westera Partners	14 March 2025	S24-018-E07	D

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

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016*, the development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

8. STATEMENT OF REASONS

Description of the development	
'Other Change' to Material Change of Use for a Staged Retirement Facility (57 Dwellings)	
Reasons for Decision	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • Low Density Residential Zone Code; • Flood Hazard Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Low Density Residential Zone Code	<p>Performance Outcome (PO) 18</p> <p>The proposed development does not comply with AO18.1 because the Retirement Facility is not located within close proximity (200 metres) to a park, centre zone or major community facility.</p> <p>Despite this, the subject site is considered highly accessible and provides convenience for the following reasons:</p>

	<p>The development is located approximately 600 metres (walking distance) from the Neighbourhood Centre Zone on Berserker Street and Elphinstone Street directly west of the subject site; and</p> <p>Is located approximately 600 metres (walking distance) from Rigarfsford Park south-east of the subject site along Elphinstone Street, which is suitable for general sport and recreation activities; and</p> <p>A bus stop is located directly fronting the subject site along Dean Street which will provide residents with easily accessible public transport.</p> <p>Furthermore, Dean Street is categorised as an Urban Sub Arterial Road and has sufficient capacity to cater for the vehicle movements associated with the development.</p> <p>To the extent any conflicts are identified the proposed development is considered to comply with the following higher order provisions of the Planning Scheme:</p> <p>6.2.1.2 (2)(c) (Overall Outcomes Low Density Residential Zone) – The proposed development maintains a low-rise setting.</p> <p>3.3.8.1 (5)(f) (Strategic Framework, Settlement Pattern, Element – Urban and New Urban) – The proposed development assists in providing housing choice and lifestyle options.</p> <p>Therefore, the development is taken to comply with PO18.</p>
<p>Matters raised in submissions</p>	
<p>The proposal was the subject of public notification between 3 June 2024 and 28 June 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) not properly made submissions were received.</p>	
<p>Construction concerns including requesting compensation for residents adjoining the development site for dust damage to private property, noise and tradespeople within the immediate area.</p>	<p>The submitters raised concerns with the length of construction time it may take to develop the site regarding dust impacts and noise to the surrounding properties and the possibility of receiving compensation.</p> <p>Compensation is not provided to neighbouring properties for development purposes regarding construction requirements. Operational Works conditions of approval and requirements in the Environmental Protection Act 1994 ensures that all environmental measures can be enforced during construction to protect the amenity of adjoining premises or the surrounding area from emission of light, noise, odour or dust.</p>
<p>Property boundary concerns</p>	<p>The submitter raised concerns with existing fences being damaged during construction.</p> <p>All boundary fences proposed will be constructed 100 millimetres from each boundary, abutted up against existing fences. If access to any adjoining private property is required, this matter is dealt with directly by the developer and with the property owner.</p>
<p>Bin Pad Placement</p>	<p>The submitter raised concerns with the location of a Bin Pad in the south-west corner of the subject site and its proximity to the adjoining properties outdoor entertainment area.</p> <p>The location of the Bin Pad is approximately 25 metres away from the adjoining property boundary to the south. This is more than the minimum two (2) metre requirement as stipulated in the Waste Management Code under the <i>Rockhampton Region Planning Scheme (2015)</i>.</p>
<p>Matters prescribed by regulation</p>	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 4.4). • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application. 	

9. 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 an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application 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.

10. 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.

11. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Kathy McDonald <u>ACTING COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Date: 23 January 2025
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12. ASSESSMENT MANAGER

Name: Amanda O'Mara <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 12 January 2026
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dsgilqp.qld.gov.au

Attachment 1 – Conditions of the approval

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

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under section 145 of the Planning Act 2016, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage; and
 - (v) Site Works.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works:
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 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.
- 1.10 Lot 8 on RP607712 and Lot 24 on RP607814 must be amalgamated and registered as one lot prior to the commencement of the use.

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:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Master Plan	Jared Poole Design	20 November 2024	BP1485/03.01	U
Fencing Plan	Living Gems	14 May 2024	BP1485/03.03	C
RV Parking Interface Plan	Zone Landscape Architecture	June 2025	L24029	-
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Technical Memo (Traffic)	McMurtrie Consulting Engineers	16 July 2025	R031-24-25	A
Flood Technical Memorandum	Westera Partners	2 October 2025	S24-018	-
Vehicle Turn Paths	Westera Partners	29 May 2025	S24-018-VP01	A
Traffic Impact Assessment	McMurtrie Consulting Engineers	23 May 2023	063-21-22	A
Cover Sheet	Westera Partners	10 December 2024	S24-018-G01	B
Safety in Design	Westera Partners	10 December 2024	S24-018-G02	B
Civil Services Layout Plan	Westera Partners	10 December 2024	S24-018-G03	B
Civil Notes & Legend	Westera Partners	10 December 2024	S24-018-C01	B
Site Plan	Westera Partners	29 May 2025	S24-018-C02	H
Existing Features & Development Plan	Westera Partners	10 December 2024	S24-018-C03	B
Civil Works Plan 1 of 4	Westera Partners	15 December 2025	S24-018-C04	F
Civil Works Plan 2 of 4	Westera Partners	15 December 2025	S24-018-C05	G
Civil Works Plan 3 of 4	Westera Partners	29 May 2025	S24-018-C06	G
Civil Works Plan 4 of 4	Westera Partners	29 May 2025	S24-018-C07	G
Typical Details	Westera Partners	10 December 2024	S24-018-C08	C
Road No.1 Longitudinal Section	Westera Partners	10 December 2024	S24-018-C09	B
Road No.2	Westera Partners	14 March 2025	S24-018-C10	D

Longitudinal Section				
Signs & Line Marking Plan	Westera Partners	16 December 2024	S24-018-C11	D
Intersection 1 of 2	Westera Partners	10 December 2024	S24-018-C12	B
Intersection 2 of 2	Westera Partners	14 March 2025	S24-018-C13	D
Pavement & Jointing Plan	Westera Partners	14 March 2025	S24-018-C14	E
Pavement & Jointing Details	Westera Partners	29 May 2025	S24-018-C15	D
Stormwater Layout Plan 1 of 4	Westera Partners	16 December 2024	S24-018-C16	D
Stormwater Layout Plan 2 of 4	Westera Partners	10 December 2024	S24-018-C17	E
Stormwater Layout Plan 3 of 4	Westera Partners	29 May 2025	S24-018-C18	G
Stormwater Layout Plan 4 of 4	Westera Partners	29 May 2025	S24-018-C19	F
Stormwater Longitudinal Section Line 1	Westera Partners	14 March 2025	S24-018-C20	C
Stormwater Longitudinal Section Lines 2-4	Westera Partners	14 March 2025	S24-018-C21	D
Stormwater Longitudinal Section Lines 5-6	Westera Partners	14 March 2025	S24-018-C22	C
Stormwater Longitudinal Section Lines 1a – 7a	Westera Partners	14 March 2025	S24-018-C23	C
Stormwater Longitudinal Section Lines 9a – 15a	Westera Partners	14 March 2025	S24-018-C24	C
Stormwater Longitudinal Section Lines 17a – 22a	Westera Partners	14 March 2025	S24-018-C25	C
Stormwater Longitudinal Section Lines 24a – 29b	Westera Partners	14 March 2025	S24-018-C26	C
Stormwater Longitudinal Section Lines 30b – 35a	Westera Partners	14 March 2025	S24-018-C27	C

Stormwater Longitudinal Section Lines 37a – 44b	Westera Partners	14 March 2025	S24-018-C28	C
Stormwater Longitudinal Section Lines 45a – 51a	Westera Partners	14 March 2025	S24-018-C29	C
Stormwater Longitudinal Section Lines 53a – Club House	Westera Partners	5 September 2024	S24-018-C30	C
Stormwater Details 1 of 2	Westera Partners	14 March 2025	S24-018-C31	D
Stormwater Details 2 of 2	Westera Partners	14 March 2025	S24-018-C32	D
Stormwater Catchment Plan	Westera Partners	14 March 2025	S24-018-C33	F
Stormwater Calculations 5% Aep Hydrology	Westera Partners	14 March 2025	S24-018-C34	D
Stormwater Calculations 5% Aep Hydraulics	Westera Partners	14 March 2025	S24-018-C35	D
Stormwater Calculations 1% Aep Hydrology	Westera Partners	14 March 2025	S24-018-C36	D
Stormwater Calculations 1% Aep Hydraulics	Westera Partners	14 March 2025	S24-018-C37	D
Earthworks Site Plan	Westera Partners	29 May 2025	S24-018-E01	G
Earthworks Plan 1 of 4	Westera Partners	10 December 2024	S24-018-E02	D
Earthworks Plan 2 of 4	Westera Partners	10 December 2024	S24-018-E03	F
Earthworks Plan 3 of 4	Westera Partners	29 May 2025	S24-018-E04	F
Earthworks Plan 4 of 4	Westera Partners	29 May 2025	S24-018-E05	F
Earthworks Sections 1 of 2	Westera Partners	14 March 2025	S24-018-E06	D
Earthworks Sections 2 of 2	Westera Partners	14 March 2025	S24-018-E07	D

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.

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 Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Double barrier lines must be marked in the centre of Dean Street fronting the proposed access driveway to prevent right turn onto the development site from the Dean Street.
- 3.4 A concrete footpath, with a minimum width of 1.5 metres, must be constructed on the eastern side of Dean Street for the full frontage of the development site.
- 3.5 Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".
- 3.6 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".
- 3.7 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with Australian Standard AS1158 "Lighting for roads and public spaces".

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 DELETED
- 4.5 A new access to the development must be provided at Dean Street. A small traffic island with a 'No Right Turn' sign must be installed in the access driveway to prevent right turn onto Dean Street.
- 4.6 Access to development site from Dean Street must be limited to 'left in, left out' only.
- 4.7 All vehicular access to and from the development must be via Dean Street and Edington Street only.
- 4.8 Service and delivery vehicles, including refuse collection vehicles must be via Dean Street only.
- 4.9 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.10 All vehicles must ingress and egress the development in a forward gear.
- 4.11 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities".
- 4.12 On-site car parking spaces must be provided in accordance with the land use as prescribed under the *Rockhampton Region Planning Scheme 2015* Version 4.4, Table 9.3.1.3.2 Parking Requirements.

Note: a minimum of one (1) space per two (2) dwellings for the first twenty-five (25) dwellings and one (1) space per four (4) dwellings thereafter.

One (1) space for a bus or taxi where the building contains more than thirty (30) dwellings; and one (1) space per four (4) dwellings for visitors; and

Recreational vehicle (RV) parking spaces must be provided on-site to meet the demand likely generated by the development.
- 4.13 Universal access parking spaces must be provided on-site in accordance with Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities".

- 4.14 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.15 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.16 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices" and Australian Standard AS2890.1 "Parking facilities – Off-street car parking".
- 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of Australian Standard AS1158 "Lighting for roads and public spaces".
- 4.18 All internal pedestrian pathways must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".
- 4.19 A pedestrian pathway with a minimum width of 1.8 metres must be constructed to provide residents access to/from Stamford Street.
- 4.20 The new access point along the Edington Street will serve the RV parking compound only. All vehicle manoeuvring associated with the RV parking is to be conducted on-site.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 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.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 The existing water connection point(s) must be disconnected. A new water connection point must be provided to the development site from existing 100 millimetre diameter main in Stamford Street. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.5 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.6 **Note:** A 100 millimetre internal water main may be required within the internal road network for fire-fighting purposes. This requirement must be finalised by a suitable qualified person.
- 5.7 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 5.8 All internal plumbing and sanitary drainage works must be completely independent for each dwelling unit.
- 5.9 Sewer connections, access chambers 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.
- 5.10 DELETED
- 5.11 The existing sewerage infrastructure located adjacent to the southern property boundary must be decommissioned as identified on the approved plans (see condition 2.1). Council's ownership finishes at the existing access chamber on the eastern side of the easement. All proposed sewerage works internal to the site will be privately owned and maintained.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 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).

- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 Easements must be provided over all land assessed to be within the inundation area in a one per cent (1%) Annual exceedance probability flood event.
- 6.6 Note: The pedestrian access from the site to Stamford Street is permitted within easement area.
- 6.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 6.8 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner.
- 6.9 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.
- 6.10 A Bio-retention basin must be constructed and landscape in accordance with the approved plans and Council's Stormwater quality requirements. Any application for Development Permit for Operational Works (Stormwater works) must be accompanied by detailed engineering and landscape plans for the bio-retention basin. The design must.
 - 6.10.1 Comply with current best practice guidelines for water quality treatment, stormwater management and Bioretention Technical Design Guidelines.
 - 6.10.2 Ensure the filter media, underdrain system, and hydraulic configuration comply with Council's specifications and relevant standards.
 - 6.10.3 Provide landscaping suitable for the local climate and incorporates predominantly native, deep-rooted species tolerant of wet and dry conditions.
 - 6.10.4 Include shade trees where practical without compromising hydraulic performance.
 - 6.10.5 Ensure all areas outside garden beds are fully turfed.
 - 6.10.6 Maximises infiltration and ensures the basin drains in accordance with Queensland Urban Drainage Manual (QUDM) and Bio-retention Technical Design Guidelines requirements.
 - 6.10.7 Provide maintenance access in accordance with Council / QUDM requirements.
- 6.11 The detailed design of the combined treatment/detention tank as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). 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).
- 6.12 DELETED
- 6.13 The owner of the premises must ensure that the private bio-retention basin is maintained in accordance with the approved design and performance standards. This includes:
 - 6.13.1 The property owner is responsible for all ongoing maintenance of the bio basin to ensure it operates effectively as a stormwater treatment device;
 - 6.13.2 Regular inspection (minimum quarterly and after significant rainfall event);
 - 6.13.3 Removal of accumulated sediment, litter and debris;
 - 6.13.4 Maintenance of vegetation, including replacement of dead or unhealthy plants;
 - 6.13.5 Clearing of inlet and outlet structures to prevent blockage;

- 6.13.6 The bio basin must continue to function as designed to meet water quality objectives and prevent pollutants from entering the stormwater system;
- 6.13.7 Maintenance activities must be documented in a logbook and made available to Council upon request; and
- 6.13.8 The owner must allow Council or its representatives reasonable access to inspect the bio basin when required.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 DELETED

- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.5 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).

9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 9.2 All building works for Class 1 and Class 10 buildings must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 9.3 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the Environmental Protection Regulation 2019 and must be:
 - 9.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.3.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 9.3.3 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the Plumbing and Drainage Act 2018.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

- 9.4 Boundary fencing must be erected along the common boundary of the subject development site prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 9.5 The private open space area provided for each unit must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 9.6 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 10.0 LANDSCAPING WORKS
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 10.2 Landscaping must be designed in accordance with the requirements of Australian Standard AS 1428 — Design for access and mobility.
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 10.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 10.4.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 10.4.2 adversely affect any road lighting or public space lighting; or
 - 10.4.3 adversely affect any Council infrastructure, or public utility plant.
- 10.5 The landscaped areas must be subject to:
- 10.5.1 a watering and maintenance plan during the establishment phase; and
 - 10.5.2 an ongoing maintenance and replanting programme.
- 10.6 Existing established street trees located along Dean Street must be retained where deemed healthy and in good form. Where replacement of street trees is necessary they must be provided in accordance with the approved plans (refer to condition 2.1) and the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 10.7 The street trees required by condition 10.6 must be one or a combination of the following species:
- 10.7.1 *Buckinghamia celcissma* – Ivory Curl
 - 10.7.2 *Corymbia ptychocarpa* –Swamp Bloodwood
 - 10.7.3 *Cupaniopsis anacardioides* – Tuckeroo
 - 10.7.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
 - 10.7.5 *Harpullia pendula* – Tulip wood
 - 10.7.6 *Melicope elleryana*- Pink Flowering Euodia
 - 10.7.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
 - 10.7.8 *Waterhousia floribunda* – Weeping Lilly Pilly
 - 10.7.9 *Xanthostemon chrysanthus* – Golden Penda
- 10.8 The street trees must:
- 10.8.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
 - 10.8.2 Be at least three (3) metres from a driveway;
 - 10.8.3 Be at least five (5) metres apart; and
 - 10.8.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 10.9 Street trees must be maintained by the owner / developer until established.

Note: Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per our requirements and in accordance with the current Street Tree Policy.

- 10.10 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 10.11 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 10.12 Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 11.0 ELECTRICITY
- 11.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Dean Street, Stamford Street or Edington Street.
- 15.2 No kerbside collection is permitted for waste bins. All waste must be stored and collected within the site.
- 15.3 The developer must prepare a Flood Contingency Plan for the subject site, specifically how access to the RV parking area will be restricted via the channel in times of flood. The plan must address but is not limited to the following:
- 15.3.1 Types of flooding occurring on the site, period of times that access/entry to the RV parking area will be cut, warning time prior to the event occurring, measures to be implemented to ensure the safety of property and people is maintained;
- 15.3.2 Evacuation routes;
- 15.3.3 Warning in advance to residents; and
- 15.3.4 Measure to be implemented to restrict access.
- Note: Council is not required to approve contingency plans, and Council does not accept any liability for loss of or damage of property, or injury or loss of life because of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event
- 15.4 It is the responsibility of the owner or occupier of the land to implement to contingency plan during a flood event or if there is a risk of flooding near the land.

- 15.5 A review and amendment of the Contingency Plan must be undertaken with any change in the owner or occupier of the land to demonstrate appropriate evacuation routes and preparation procedures during flood event or if there is a risk of flooding near the land.
- 16.0 STAGED DEVELOPMENT
- 16.1 This development approval is for a development to be undertaken in six (6) discrete stages, namely:
- 16.1.1 Stage One - Ten (10) dwelling, roundabout and three (3) carparks;
 - 16.1.2 Stage Two - Ten (10) dwellings;
 - 16.1.3 Stage Three - Ten (10) dwellings;
 - 16.1.4 Stage Four - Eight (8) dwellings and twelve (12) visitor carparks;
 - 16.1.5 Stage Five - Nineteen (19) dwellings; and
 - 16.1.6 Stage Six - Club house, hobby shed, pool, pickleball court, barbecue/s and five (5) visitor carparks and six (6) recreation vehicle (RV) carparks.
- in accordance with the approved staging plan (refer to condition 2.1).
- 16.2 The stages are not required to be undertaken in any chronological order.
- 16.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the stages(s) being developed.
- 16.4 The currency period for all Stages is six (6) years from the date this approval takes effect.
- 16.5 Road Works conditions 3.2, 3.3, 3.5 and Access and Parking Works condition 4.5, must be completed prior to the commencement of the use. Occupation of a dwelling must not occur until such time that formed internal access to that dwelling has been constructed and the dwelling is fully serviced.
- 17.0 STREET LIGHTING
- 17.1 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'.
- 18.0 ENVIRONMENTAL
- 18.1 The Erosion Control and Stormwater Control Management Plan in accordance with the Capricorn Municipal Design Guidelines, must be:
- 18.1.1 Implemented, monitored, and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, landscaped); and
 - 18.1.2 Available on-site for inspection by Council Officers whilst all works are being carried out.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. 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 3. 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 4. Property Note (Access)

All vehicular access to and from the development must be via Dean Street only. Direct vehicular access to Stamford Street or Edington Street is prohibited.

NOTE 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include a food business. Approval for such activities is required before 'fitout' and operation.

NOTE 6. Infrastructure Charges Notice

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

NOTE 7. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with Council's Planning Scheme.

NOTE 8. Standard Terms Document for Easements

Easement documents for Council infrastructure must utilise Council's standard terms document - 718579623 to accompany the Survey Plan for endorsement by Council.

NOTE 9. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

NOTE 10. Building Works

Council will be a referral agency for the Building Works Permit where the development does not comply with the *Queensland Development Code*. This Development Permit does not constitute a referral agency response from Council.

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals

section 229

1 Appeal rights and parties to appeals

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

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

<p>1. Development applications An appeal may be made against—</p> <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	1 A concurrence agency that is not a co-respondent

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

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

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	Column 4 Co-respondent by election

Table 2 Appeals to the P&E Court only			
		(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

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

Table 3 Appeals to the tribunal only			
<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

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