



# Decision Notice Approval

SUSTAINABLE PLANNING ACT 2009, SECTION 334 AND 335

Application number:	<b>D/90-2015</b>	Contact:	Amanda O'Mara
Date of Decision:	<b>28 August 2018</b>	Contact Number:	1300 22 55 77

## 1. APPLICANT DETAILS

Name:	<b>St. Luke's Healing Foundation</b>		
Postal address:			
Phone no:	Mobile no:	Email:	

## 2. PROPERTY DESCRIPTION

Street address:	342-350 Holt Street, Frenchville
Real property description:	Lot 153 on RP866052, Parish of Archer

## 3. OWNER DETAILS

Name:	St Luke's Healing Foundation
Postal address:	

## 4. DEVELOPMENT APPROVAL

<b>Development Permit for a Material Change of Use for a House</b>
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## 5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• <b>Material change of use</b> made assessable by the planning scheme	YES	NO

## 6. THE RELEVANT PERIOD

The standard relevant periods stated in section 341 of *Sustainable Planning Act 2009* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

## 7. THE APPROVED PLANS

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

Plan/Document Name	Plan Number	Dated
Bushfire Assessment and Management Plan	QEJ16019 Rev 1	18 June 2018
Layout & Details	0731415-01 Rev F	26 June 2018
Longsection	0731415-02 Rev F	26 June 2018

<b>Plan/Document Name</b>	<b>Plan Number</b>	<b>Dated</b>
Cross Sections 1	0731415-03 Rev F	26 June 2018
Cross Sections 2	0731415-04 Rev F	26 June 2018
Proposed Site Plan	1402-01 DA1.1	3 July 2018
Slope Stability Assessment	16064-001-Rev 0	1 April 2016
Stormwater Management Plan	Revision B	2 September 2016

**8. FURTHER DEVELOPMENT PERMITS REQUIRED**

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

**9. SUPERSEDED PLANNING SCHEME** NO

**10. REFERRAL AGENCIES** NIL

**11. SUBMISSIONS**

Properly made submissions were received from:

1) Sandra Thomas
2) Dr P J Thomas
3) Allan Grant
4) Carl Burgoyne
5) Liane Spence
6) Alan Spence
7) Joy Baker
8) Steve Leighton
9) Stuart Dean
10) Lexie Irving
11) David Irving
12) Peter Breed
13) H L Back
14) Annelize Van Zyl

15)	Barbara Norton
16)	Danny Norton
17)	Ross Quinn
18)	Mark Byrne
19)	Kathryn Byrne
20)	Connor Byrne
21)	Robert Payne
22)	Brett Hogg
23)	Ainsley Galloway
24)	Amy Garner
25)	Lorelle Cheesman
26)	Susan Vignale
27)	Mark Vignale
28)	Neville Messer
29)	Carol Messer
30)	W I Maclean
31)	Fiona Gorman
32)	Neale Krause
33)	Terry Kirwin
34)	Jodi Liddell
35)	Justin Nothling
36)	Georgina Harch
37)	Murray Harch

**12. RIGHTS OF APPEAL**

Rights of appeal in relation to this application are attached.

**13. 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.

This approval will lapse unless substantially commenced within the above stated relevant periods (refer to sections 339 and 340 of *Sustainable Planning Act 2009* for further details).

**14. ASSESSMENT MANAGER**

Name: <b>Tarnya Fitzgibbon</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature:	Date: 30 August 2018
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## ADMINISTRATION

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

## 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Bushfire Assessment and Management Plan	QEJ16019 Rev 1	18 June 2018
Layout & Details	0731415-01 Rev F	26 June 2018
Longsection	0731415-02 Rev F	26 June 2018
Cross Sections 1	0731415-03 Rev F	26 June 2018
Cross Sections 2	0731415-04 Rev F	26 June 2018
Proposed Site Plan	1402-01 DA1.1	3 July 2018
Slope Stability Assessment	16064-001-Rev 0	1 April 2016
Stormwater Management Plan	Revision B	2 September 2016

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works/Building Works.

### 3.0 ACCESS WORKS

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

3.2 All access 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 works).

3.3 Suitable guardrails must be installed along the downslope side of the proposed access as per the requirements of Austroads. Details of the guardrails must be submitted with the Operational Works application.

3.4 The access must be privately owned and maintained by the owner of Lot 153 on RP866052.

3.5 All 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 works).

3.6 All vehicles must ingress and egress the development in a forward gear.

### 4.0 PLUMBING AND DRAINAGE WORKS

4.1 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 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

4.2 The development must be connected to Council's reticulated sewerage and water networks. The owner must enter into a special water supply and sewerage arrangement for the provision of these services.

- 4.3 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person. This may include on-site storage tanks and associated pumping equipment.
- 4.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.5 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 5.0 STORMWATER WORKS
- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 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).
- 5.3 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.
- 5.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an amended Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The amended Stormwater Management Plan must clearly demonstrate that:
- 5.4.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2014* and sound engineering practice;
  - 5.4.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
  - 5.4.3 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 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).
- 6.3 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.

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
  - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 7.2.5 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.
- 7.3 Cut and fill of the subject allotment 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.
- 7.4 Cut and fill of the subject allotment must be undertaken in accordance with the recommendations of the *Slope Stability Report* (refer to condition 2.1).
- 7.5 Slope stability must be managed as follows:
- 7.5.1 all engineering drawings/specifications and designs must be in accordance 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;
  - 7.5.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
  - 7.5.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 7.6 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.7 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 surrounding land or infrastructure.
- 7.8 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 7.9 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's satisfaction, or in accordance with the approved landscaping plan; or
  - (ii) removed for disposal at a location approved by Council,
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.



## 8.0 BUILDING WORKS

8.1 The House must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Assessment and Management Plan (refer to condition 2.1).

## 9.0 GEOTECHNICAL

9.1 All construction works must be designed and completed in accordance with the recommendations in the Slope Stability Assessment report (refer to condition 2.1).

9.2 Slope stability must be managed as follows:

9.2.1 all engineering drawings/specifications and designs must be in accordance with the requirements of relevant *Australian Standards* and must be approved by a Registered Professional Engineer of Queensland;

9.2.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and

9.2.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.

## 10.0 ELECTRICITY

10.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

## 11.0 TELECOMMUNICATIONS

11.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

## 12.0 ASSET MANAGEMENT

12.1 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.

12.2 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.

12.3 '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)*.

## 13.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;

- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 13.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 13.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Hazard Assessment and Management Plan (refer to condition 2.1).
- 13.4 An Environmental Management Plan must be prepared and submitted with the submission of the first application for a Development Permit for Operational Works / prior to the commencement of any works on the development site. The Environmental Management Plan must be supported by an Ecological Report, identifying all ecologically attributes and values of the site in addition to the potential impacts (with the necessary mitigation and rehabilitation measures) as set out in *Planning Scheme Policy No. 1 Preparation of Ecological Assessment Report and Environmental Management Plans* in the *Rockhampton City Plan 2005*.
- 14.0 OPERATING PROCEDURES
- 14.1 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 Woodland Drive.
- 14.2 The owner or occupier must place Council's standard 240 litre wheelie bins at the end of Woodland Drive for collection.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

The following is an extract from the *Sustainable Planning Act* (Chapter 7).

## Division 8 Appeals to court relating to development applications

### 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of a development application;
  - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 424;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

### 462 Appeals by submitters

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

### 464 Appeals by advice agency submitters

- (1) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

### 465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

### 466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

### 467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.