



# Decision Notice Approval (amended)

SUSTAINABLE PLANNING ACT 2009, SECTION 376

Application number:	<b>D/78-2015</b>	Contact:	Thomas Gardiner
Date of Decision:	<b>9 July 2015</b>	Contact Number:	1300 22 55 77

## 1. APPLICANT DETAILS

Name:	<b>P. Rofe</b>		
Postal address:	<b>C/- Capricorn Survey Group</b>		
Phone no:	Mobile no:	Email:	

## 2. PROPERTY DESCRIPTION

Street address:	67 North Street, The Range		
Real property description:	Lot 12 on RP603082, Parish of Rockhampton		

## 3. OWNER DETAILS

Name:	Peter Bryan Campion Rofe		
Postal address:			

## 4. DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use for a Commercial Premises (Health or Medical Services)**

## 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
Site Plan	6219-01-MCU-B / Rev B	28 May 2015
Elevation & Floor Plan Views	6219-01-MCU-B / Rev B	28 May 2015

## 8. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required	Subject of the required development permit
Operational Works	Access and Parking Works Roof and Allotment Drainage
Building Works	
Plumbing and Drainage Works	

9. SUPERSEDED PLANNING SCHEME NO

## 10. CHANGES TO CONDITIONS

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

1)	Condition 4.9	new	4 November 2015
2)	Condition 11.3	changed	9 July 2015

11. REFERRAL AGENCIES NIL

## 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.

## 14. ORIGINAL DECISION ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b><u>MANAGER DEVELOPMENT AND BUILDING</u></b>	Date: 13 July 2015
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## 15. ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b><u>MANAGER DEVELOPMENT AND BUILDING</u></b>	Signature:	Date: 9 November 2015
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1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, 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) Access and Parking Works; and
  - (ii) Roof and Allotment Drainage 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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Document Number / Rev</u>	<u>Dated</u>
Site Plan	6219-01-MCU-B / Rev B	28 May 2015
Elevation & Floor Plan Views	6219-01-MCU-B / Rev B	28 May 2015

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 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 site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All parking spaces, access driveway(s), pedestrian pathway and vehicular manoeuvring areas associated with this proposed development must be concrete paved or sealed.
- 3.4 The existing access from Talford Lane to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*. The width of driveway must be a minimum of 5.5 metres.
- 3.5 Any redundant vehicular crossover must be replaced by Council standard kerb and channel.
- 3.6 'No Left Turn' signage must be installed on the departure sides of the access as Talford Lane is a one-way road.
- 3.7 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 3.9 Parking spaces must be line-marked as shown in the 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).
- 3.10 Appropriate physical barrier like bollards or similar treatments must be installed to isolate the car parking area from the pedestrian pathway for the safety of pedestrians.
- 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*, *Plumbing and Drainage Act*, 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.
- 4.3 The existing sewerage and water connection point(s) must be retained and upgraded if necessary, to service the development.
- 4.4 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.
- 4.5 All internal plumbing and sanitary drainage works must be completely independent for each unit / tenancy.

- 4.6 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.
- 4.7 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.8 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 4.9 Prior to undertaking notifiable works an assessment of building over council infrastructure is required.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 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.
- 5.2 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).
- 5.3 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.
- 6.0 SITE WORKS
- 6.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.2 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.
- 6.3 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 7.0 BUILDING WORKS
- 7.1 All external elements, such as air conditioners must be adequately screened from public view to Council's satisfaction.
- 7.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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"*.
- 7.3 The development must comply with the *Environmental Protection Regulation 2008* for the storage and collection of general and clinical wastes. All waste storage areas must be:
- 7.3.1 Impervious paved and aesthetically screened from any road frontage or adjoining property;

7.3.2 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;

7.3.3 Clinical wastes must be serviced by qualified commercial contractors.

## 8.0 LANDSCAPING WORKS

8.1 Provide landscaping between the subject development site and adjacent residential premises.

8.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

8.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

## 9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

9.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

## 10.0 ASSET MANAGEMENT

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

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

## 11.0 OPERATING PROCEDURES

11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in North Street or Talford Lane.

11.2 All waste storage areas must be:

11.2.1 kept in a clean and tidy condition; and

11.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

11.3 The hours of operations must be limited to:

11.3.1 0800 hours to 1730 hours on Monday to Friday, with

11.3.2 no operations on Saturday, Sunday or Public Holidays.

## 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 Multicultural Affairs website [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

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.





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## ATTACHMENTS

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### APPROVED PLANS



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Document