

Gladstone Regional Council

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Please address all correspondence to The Chief Executive Officer

Contact Officer: Shaunte Farrington

Our Ref: DA/28/2020

26 November 2021

Stockwell Shores Estate Pty Ltd C/- Callum Scott & Zone Planning Group PO Box 3144 SOUTH BRISBANE QLD 4101

Dear Sir/Madam

# CHANGED NOTICE OF DECISION PLANNING ACT 2016 S83

DA/28/2020 - MATERIAL CHANGE OF USE - IMPACT RETIREMENT FACILITY (MANUFACTURED HOUSING ESTATE - 201 DWELLINGS) (5 STAGES) 13 WATERMARK AVENUE, AGNES WATER QLD 4677 LOT 300 SP 264827

Reference is made to the above Development Application and the Notice of Decision dated 13 April 2021 and your request for a Change Application dated 13 October 2021.

I wish to advise that the Request to Change application was assessed under Delegated Authority on 23 November 2021 where it was decided to approve the Change. To ensure that these changes are consolidated into your approval, Council has issued the attached Changed Notice of Decision with the changes included.

Should you have any questions or require further clarification in relation to any matters raised in the Decision Notice, please do not hesitate to contact Council's Planning Officer Shaunte Farrington on (07) 4970 0700.

Yours sincerely

H A ROBERTSON

MANAGER DEVELOPMENT SERVICES



### CHANGED NOTICE OF DECISION - DA/28/2020 PLANNING ACT 2016 S83

Application:	Material Change of Use - Impact - Retirement Facility (Manufactured Housing Estate – 201 Dwellings) (5 Stages)		
Applicant Name & Address:	Stockwell Shores Estate Pty Ltd C/- Callum Scott & Zone Planning Group PO Box 3144 SOUTH BRISBANE QLD 4101		
Owner:	Stockwell Shores Estate Pty Ltd		
Subject Land:	13 Watermark Avenue, AGNES WATER QLD 4677		
Location:	Lot 300 SP 264827		
Zoning:	Emerging Community Zone		
Site Area:	10.53 hectares		
Definition of Use:	Retirement Facility:  A residential use of premises for an integrated community and specifically built and designed for older people. The use includes independent living units and may include serviced units where residents require some support with health care and daily living needs. The use may also include a manager's residence and office, food and drink outlet, amenity buildings, communal facilities and accommodation for staff.		
Submissions Received:	Seven (7) Properly Made Submissions		
Change Application Received:	13 October 2021		
Planning Scheme:	Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2		

You are advised that your Change Application (minor) was Approved. The conditions relevant to this approval are attached. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

#### 1. NATURE OF CHANGES

The nature of the changes are:-

- Condition 1, 13-16, 18, 33, 36, 40, 43, 45 Amended
- Condition 10 Deleted

#### 2. BENCHMARKS APPLIED TO THE DEVELOPMENT

The following is a description of the assessment benchmarks applying to the development:

Benchmarks applying to the development:	Benchmark reference:
State Planning Policy July 2017	<ul> <li>Water Quality; and</li> <li>State Interest – Natural Hazards, Risk and Resilience.</li> </ul>
Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2	

### 3. CURRENCY PERIOD FOR THE APPROVAL

It is noted that the date the approval takes effect remains in accordance with the original Notice of Decision dated 13 April 2021. This Changed Notice of Decision does not restart the above periods.

### 4. APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

Drawing	Rev	Description	Author	Date
Number				
DA-020	Н	Site Plan	CPO Architects	-
DA-021	F	Staging Plan	CPO Architects	-
DA-021A	С	Easement Plan	CPO Architects	-
DA-022	Е	Entrance Details	CPO Architects	-
DA-023	С	Parking Details 1	CPO Architects	-
DA-024	С	Parking Details 2	CPO Architects	-
DA-100	Α	Livewell Centre	CPO Architects	-
DA-102	Α	Livewell Centre – Elevations	CPO Architects	-
DA-103	Α	Livewell Centre - Elevations	CPO Architects	-
C-SAW-00C-1	Α	Site Plan – Skillion Façade	<b>CPO Architects</b>	22/07/2021
C-SAW-00C-2	Α	Floor Plan – Skillion	CPO Architects	22/07/2021
		Façade		
C-SAW-00C-4	Α	Elevations – Skillion	CPO Architects	22/07/2021
		Façade		
C-SAW-00C-5	Α	Elevations – Skillion	CPO Architects	22/07/2021
		Façade		
C-SAW-00F-1	Α	Site Plan – Gable Façade	CPO Architects	24/08/2021
C-SAW-00F-2	Α	Floor Plan – Gable Façade	CPO Architects	24/08/2021
C-SAW-00C-4	Α	Elevations – Gable Façade	CPO Architects	24/08/2021
C-SAW-00F-5	Α	Elevations – Gable Façade	CPO Architects	24/08/2021
C-SAW-00H-1	С	Site Plan – Hip Façade	CPO Architects	27/07/2021
C-SAW-00H-2	С	Floor Plan – Hip Façade	CPO Architects	27/07/2021
C-SAW-00H-4	С	Elevations – Hip Façade	CPO Architects	27/07/2021
C-SAW-00H-5	С	Elevations – Hip Façade	CPO Architects	27/07/2021
C-SAW-00K-1	С	Site Plan – Gable Façade	CPO Architects	03/08/2021
C-SAW-00K-2	С	Floor Plan – Gable Façade	<b>CPO Architects</b>	03/08/2021

C-SAW-00K-4	С	Elevations – Gable Façade	CPO Architects	03/08/2021
C-SAW-00K-5	С	Elevations – Gable Façade	CPO Architects	03/08/2021
C-SAW-00R-1	С	Site Plan – Hip Façade	CPO Architects	30/07/2021
C-SAW-00R-2	С	Floor Plan – Hip Façade	CPO Architects	30/07/2021
C-SAW-00R-4	С	Elevations – Hip Façade	CPO Architects	30/07/2021
C-SAW-00R-5	С	Elevations – Hip Façade	CPO Architects	30/07/2021
C-SAW-00W-1	В	Site Plan – Gable Façade	CPO Architects	02/08/2021
C-SAW-00W-2	В	Floor Plan – Gable Façade	CPO Architects	02/08/2021
C-SAW-00W-4	В	Elevations – Gable Façade	CPO Architects	02/08/2021
C-SAW-00W-5	В	Elevations – Gable Façade	CPO Architects	02/08/2021

#### 5. OTHER NECESSARY DEVELOPMENT PERMITS

Listed below are other development permits that are necessary to allow the development to be carried out:-

- 1. Operational Works
- 2. Building Works
- 3. Plumbing & Drainage Works

#### 6. NOTICE OF REASONS

The following provides the Notice of Reasons under section 83 of the *Planning Act 2016:* 

### **Description of the development:**

The approved development is for a Material Change of Use of premises for a Retirement Facility.

#### Assessment benchmarks:

Benchmarks applying to the development:	Benchmark reference:
State Planning Policy July 2017	<ul> <li>Water Quality; and</li> <li>State Interest – Natural Hazards, Risk and Resilience.</li> </ul>
Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2	<ul> <li>Strategic Framework;</li> <li>Biodiversity Overlay Code;</li> <li>Bushfire Hazard Overlay Code;</li> <li>Steep Land Overlay Code;</li> <li>Emerging Community Zone Code;</li> <li>Development Design Code; and</li> <li>Landscaping Code.</li> </ul>

#### Reasons for the assessment managers decision:

- 1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
- 2. The Application is deemed compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*.

Reasons for approval despite any non-compliance with certain benchmarks:

Benchmark reference:	Reasons for the approval despite non-compliance with benchmark:
Biodiversity Overlay Code - Table 8.2.3.3.1 – Assessment Benchmarks	Compliance with Biodiversity Overlay Code  – Table 8.2.4.3.1 via endorsed Ecological Assessment Report.
Bushfire Hazard Overlay Code - Table 8.2.4.3.1 – Acceptable Outcome 2.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Performance Outcome 2 via a condition.
Bushfire Hazard Overlay Code - Table 8.2.4.3.1 - Acceptable Outcome 3, 4.1 and 4.2.	Compliance with Bushfire Hazard Overlay Code.
Bushfire Hazard Overlay Code - Table 8.2.4.3.1 – Acceptable Outcome 5.1 to 5.3.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 5.1 to 5.3 via a condition.
Steep Land Overlay Code – Table 8.2.12.3.1 – Assessment Benchmarks	Compliance with Steep Land Overlay Code – Table 8.2.12.3.1 – via a condition.
Emerging Community Zone Code – 6.2.19.3.1 – Acceptable Outcome 4.1.	Compliance with Emerging Community Zone Code – 6.2.19.3.1 – Performance Outcome 4.
Development Design Code – 9.3.2.3.1 – Acceptable Outcome 1.1 to 3.2.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 to 3.2 via a condition.
Development Design Code – 9.3.2.3.1 – Acceptable Outcome 5.2 and 6.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.2 and via a condition.
Development Design Code – 9.3.2.3.1 – Acceptable Outcome 8.1 to 8.3.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 8.1 to 8.3 10 via a condition.
Development Design Code – 9.3.2.3.1 – Acceptable Outcome 13.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13 via a condition.
Development Design Code – 9.3.2.3.1 – Acceptable Outcome 31.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 31 via a condition.
Landscaping Code – 9.3.5.3.1 – Assessment Benchmarks.	Compliance with Landscaping Code – Table 9.3.5.3.1 – via a condition.

Relevant Matters under Section 45(5)(b) of the Act that the Development was Assessed Against:

N/A

Matters raised in Submissions and Council's response in dealing with these matters:

Submission	Officer's Response
The Shores Estate	
	The Shores Estate Development Permit was approved to facilitate residential lots complemented by future dwelling houses. The Development Permit did not include a Plan of Development or Code to further restrict Dwelling Houses; this is generally regulated by

the developer through the sale of the land.

Notwithstanding this, the subject site is located within the Emerging Community Zone under the Planning Scheme which seeks to facilitate land for future urban development that is managed in a timely conversion. The planning scheme provides guidance on housing stock, density and ultimately the transition of the land for urban purposes. The proposed development has demonstrated compliance with the planning scheme which will provide further housing mix in the form of a retirement facility (lifestyle resort) and complementary building designs via with two five themes (each varying colour/treatments options).

Vegetation clearing in the balance parcel will destroy the bushland and habitat. How will the impacts of the clearing be handled to reduce nuisance on the residents living next door? The subject site is located within the Emerging Community Zone which is considered under the Planning Regulation as urban zoned land. As such, the vegetation clearing proposed in conjunction with the conducted environment impact study is considered to comply with the vegetation clearing codes. However, to ensure adequate measures are installed to reduce impacts from clearing, a condition has been recommended that the works are conducted within the subsequent Operational Works permit. This will ensure appropriate hours of operation, sediment control measures and dust separation are considered during the site clearing and earthworks phase.

#### Access to community and medical facilities

There are limited medical services in town.

There is an existing approval (DA/53/2017) for a Hospital, Retirement Facility and Reconfiguring of Lot (1 into 2) at Lot 2 SP 117407, Agnes Water. This approval seeks to allow future construction of facilities such as, a Hospital, Health Care Services and Residential Care Facilities. Those future services would offer additional medical facilities for the Agnes Water and Seventeen Seventy area.

The provision of services comes with the increase in demand and Council's role is to support the growth in line with the provisions of the planning scheme.

There is a shortage of rentals, which may result in future difficulties for staff.

The planning scheme's structure plan for Agnes Water has included appropriate zoning for commercial, industrial and community development to occur. To date, approvals which may provide further employment diversification for the Urban Centre remain current, awaiting construction. With the increase of permanent residents in the Agnes

Water area, this may assist in future investment. Notwithstanding this, employment opportunities may arise from the construction and/or ongoing maintenance of this development.

The gated community includes a tennis court/bowls green area and other recreational facilities that will be developed in stage 1. The residents living in this gated community and their visiting guests will have exclusive use of these recreational facilities.

Approximately 2.5kms away is the established 1770 Bowls Club Incorporated located along Captain Cook Drive, opposite the Edge on Beaches Resort. Unlike the proposed green, which looks like it would only consist of a few rinks, the 1770 Bowls Club has a full size green (eight rinks) in excellent condition, has retractable shade over the green and facilities (club house) that are well maintained.

New members, both new to the game and those who already play, are always welcome to join the club. The club play regularly, conduct tournaments, have club visits, and offer coaching. It is a great place to meet, enjoy other people and participate in an outdoor activity. The club has a presence in the community.

Allowing a private bowls green to go ahead would encourage residents of this development to become closed, in that there is no encouragement for them to integrate with the existing community. This would be in conflict with councils five-year Community Development Strategy and Action Plan.

The Applicant has advised that products similar to this nature generally include low scale facilities to increase internal amenities and landscaped areas. It should be noted that the scale and operation of the internal amenities are considered low scale and would not compete with the existing commercial and community facilities within the area, rather the development has the potential to encourage patrons into bowls and the use of the bowls club for access to competition.

#### Design and siting

The proposed development is not in line with the average density of 15 per hectare net. The development should consider a minimum 4m wide easement to ensure a setback buffer, boundary fences of minimum 2.4 m high on the southern side to counteract the sloping land (fences must be uniform style and colour for all adjoining southern properties), and plant mature buffer

The Applicant states that the lot sizes are suited for the demographic, namely downsizers and able-bodied travellers, who do not wish to maintain a large landscaped backyards. The proposal has included internal pocket parks and landscaping outside of the residential lots which are maintained by the onsite manager for the residents to enjoy.

The recommended conditions regarding

trees at Stage 1 of the development. setbacks, fencing, landscaping and general These are to be planted directly behind siting of the development all assist to ensure the fence on the southern side of the development integrates with proposed development, to minimise approved/emerging residential form within the disruption to existing properties and neighbourhood and advances the residential block light and noise pollution. intent conveyed by the Planning Scheme. Light disruptions, especially due to the The Landscaping Intent package has indicated slope of the land to be given greater lighting around the proposed community consideration. The development should facilities and parking areas. This is to ensure consider lighting for night activities the internal movements within the subject site associated with the tennis court. comply with Crime Prevention Through Environment Design (CPTED). However, to bowling green or pool area, as well as other areas such as the caravan achieve the Australian Standards for outdoor storage and parking area. lighting, a condition has been recommended to achieve the AS standard and install the necessary shades on downlit lighting. These design elements will assist in reducing any adverse lighting impacts on the adjoining residents. The staged delivery of the development along The development would have the appearance of an abandoned caravan with the architectural design themes proposed for the dwellings ensures the development is park. consistent with the residential nature of the Road Network The density The Traffic Impact Assessment prepared by of the proposed development will result in an increase in Rytenskild Traffic Engineering notes Watermark the volume of traffic on both Watermark Avenue is classified as an Urban Residential Avenue and Tavern Road. Collector Road, in accordance with the Gladstone Planning Scheme. The traffic carrying functions of an Urban Collector Road is 3000 trips per day. As part of the conducted Traffic Impact Assessment, the projected trip generation from the proposed development is in the order of 1600 trips per day. Therefore, the proposed development is in accordance with the expected trips for that road classification as depicted within the Road Hierarchy Policy. The parking facility located off Occhilupo Circuit The proposed parking area and washdown facility is located over the does not depict any landscaping buffers similar watercourse with a setback of less than to the parking area off Watermark Avenue. As 1m to the adjoining residents. such, it is recommended that the Landscaping Plan include a landscape buffer of 4m between parking areas and external site boundaries. The proposed plan does not include Residents will have the option to store boats in the designated secured RV Parking area as areas for people with boats etc, which is a major recreational activity in the area. managed by the onsite property managers. Furthermore, residents within the proposed Retirement Facility and within the Agnes Water

Urban Centre can consider offsite storage

areas within the industrial estate.

Infrastructure and Services

The water supply at Agnes Water is limited. The proposed density will severely impact on water and sewer services. Will additional upgrades cost the ratepayer?	As part of the Development Application for Operational Works, the Applicant is required to submit for approval a Sewer and Water Master Plan for the entire development, with consideration regarding staging. This technical report will provide additional information regarding the appropriate sizing and location of any connections to Council's networks. Any upgrades as a result of the development will be delivered at the Applicant's expense.
We also request the current 'swale/drain' located behind the properties to remain and not be blocked nor filled.	As per the recommended condition, the Applicant is required to install and maintain the engineer designed swale drains for the purpose of stormwater management within the subject site.

#### Matters prescribed by a Regulation:

- 1. The State Planning Policy July 2017 Part E;
- 2. The Central Queensland Regional Plan; and
- 3. The Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2.

#### 7. REFERRAL AGENCIES

The referral agencies applicable to this application are:-

 Department of State Development, Manufacturing, Infrastructure and Planning – State Assessment Referral Agency
 Referral agency response dated 22 October 2020.

#### 8. SUBMISSIONS

There were seven (7) properly made submissions about the application. The name and address of the principal submitter for each properly made submission are as follows:-

Name of principal submitter	Address
Mrs S M Jones	PO Box 505, Agnes Water QLD 4677
Mr P R Jones	PO Box 505, Agnes Water QLD 4677
Mrs F Wintle	139 Bicentennial Drive, Agnes Water QLD 4677
Mr W E Wintle	139 Bicentennial Drive, Agnes Water QLD 4677
Ms J S Bedford	12 Toft Street, Bundaberg QLD 4670
1770 Bowls Club Incorporated C/-	PO Box 263, Agnes Water QLD 4677
Owen Capon	
Ms M G Morrison	PO Box 269, Agnes Water QLD 4677

#### 9. APPEAL RIGHTS

Schedule 1 of the *Planning Act 2016* details your appeal rights and the appeal rights of any submitters regarding this decision.

#### 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

- If there is a submitter and the applicant does not appeal the decision, the earlier date of either:
  - o When the submitter's appeal ends; or
  - o The day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

#### 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 if:-

- for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 3 of this Notice of Decision;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 3 of this Notice of Decision;
- for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated in section 3 of this Notice of Decision.

Should you wish to discuss this matter further, please contact Council's Planning Officer Shaunte Farrington on (07) 4970 0700.

Yours sincerely

H A ROBERTSON

MANAGER DEVELOPMENT SERVICES

Attached: Conditions

Appeal Rights
Approved Plans

**Referral Agency Response** 



### **ASSESSMENT MANAGER CONDITIONS - DA/28/2020**

### **Approved Documentation**

1. Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

Drawing Number	Revision	Description	Author	Date
DA-020	Н	Site Plan	СРО	-
			Architects	
DA-021	F	Staging Plan	СРО	-
			Architects	
DA-021A	С	Easement Plan	CPO Architects	-
DA-022	Е	Entrance Details	CPO Architects	-
DA-023	С	Parking Details 1	CPO Architects	-
DA-024	С	Parking Details 2	CPO Architects	-
DA-100	Α	Livewell Centre	CPO Architects	-
DA-102	А	Livewell Centre – Elevations	CPO Architects	-
DA-103	А	Livewell Centre - Elevations	CPO Architects	-
C-SAW-	Α	Site Plan - Skillion	СРО	22/07/2021
00C-1	^	Façade	Architects	ZZ/OT/ZOZ I
C-SAW-	Α	Floor Plan – Skillion	СРО	22/07/2021
00C-2		Façade	Architects	
C-SAW-	Α	Elevations - Skillion	СРО	22/07/2021
00C-4		Façade	Architects	
C-SAW-	Α	Elevations – Skillion	СРО	22/07/2021
00C-5		Façade	Architects	
C-SAW-	Α	Site Plan – Gable	СРО	24/08/2021
00F-1		Façade	Architects	
C-SAW-	Α	Floor Plan – Gable	СРО	24/08/2021
00F-2		Façade	Architects	
C-SAW-	Α	Elevations - Gable	СРО	24/08/2021
00C-4		Façade	Architects	
C-SAW-	Α	Elevations – Gable	СРО	24/08/2021
00F-5		Façade	Architects	
C-SAW-	С	Site Plan – Hip	СРО	27/07/2021
00H-1		Façade	Architects	0=10=10 c c :
C-SAW-	С	Floor Plan – Hip	СРО	27/07/2021
00H-2		Façade	Architects	0=10=10001
C-SAW-	С	Elevations – Hip	CPO	27/07/2021
00H-4		Façade	Architects	

		-		
C-SAW-	С	Elevations – Hip	СРО	27/07/2021
00H-5		Façade	Architects	
C-SAW-	C	Site Plan – Gable	СРО	03/08/2021
00K-1		Façade	Architects	
C-SAW-	С	Floor Plan – Gable	СРО	03/08/2021
00K-2		Façade	Architects	
C-SAW-	С	Elevations - Gable	СРО	03/08/2021
00K-4		Façade	Architects	
C-SAW-	С	Elevations - Gable	СРО	03/08/2021
00K-5		Façade	Architects	
C-SAW-	С	Site Plan – Hip	СРО	30/07/2021
00R-1		Façade .	Architects	
C-SAW-	С	Floor Plan – Hip	СРО	30/07/2021
00R-2		Façade	Architects	
C-SAW-	С	Elevations - Hip	СРО	30/07/2021
00R-4		Façade	Architects	
C-SAW-	С	Elevations - Hip	СРО	30/07/2021
00R-5		Façade	Architects	
C-SAW-	В	Site Plan - Gable	СРО	02/08/2021
00W-1		Façade	Architects	
C-SAW-	В	Floor Plan – Gable	СРО	02/08/2021
00W-2		Façade	Architects	
C-SAW-	В	Elevations – Gable	СРО	02/08/2021
00W-4		Façade	Architects	
C-SAW-	В	Elevations - Gable	СРО	02/08/2021
00W-5		Façade	Architects	
00W-4 C-SAW-		Façade Elevations – Gable	Architects CPO	

# And supporting documents

Documen t Number	Revision	Description	Author	Date
PEG0467 _L002	10	Engineering Services Report	Pinnacle Engineering Group	November 2020
20110	2	Traffic Impact Assessment	Rytenskild Traffic Engineering	18/11/2020
Z20156	-	Waste Management Plan	Zone Planning Group	12/11/2020
PEG0467	10	Site Based Stormwater Management Plan	Pinnacle Engineering Group	18/11/2020
-	-	Landscape Intent Package	Green Synthesis Design	-
-	-	Economic Need Assessment	Foresight Partners Pty Ltd	17/11/2020
-	-	Response to GRC Approval Conditions	Access Traffic Consulting	6/10/2021

# **Special Conditions**

2. At all times, the Retirement Facility must not exceed the development yield of 201 sites.

- 3. Prior to lodging the first Operational Works to Council, the Applicant must amend the Site Plan to include the following changes:
  - a. Each dwelling site adjoining a Rural Residential Zone must be a minimum of 300m2 in area; and
  - b. The proposed rear landscape buffer directly adjoining the Rural Residential Zone is to be increased to 5m off the boundary. The relevant dwellings must maintain a minimum offset of 1.5m off the dwelling site boundary in addition to the landscape buffer
  - c. The proposed parking area off Occhilupo Circuit should include a landscape buffer a minimum of 4m from the adjoining residential common boundary.
- 4. At all times, the Retirement Facility must operate in accordance with the *Manufactured Homes (Residential Uses) Act 2003.*
- 5. At all times, strata titling of induvial sites will not be permitted.
- 6. Communal facilities must be accessible for the sole use of the residents and their guests and must be provided in a central location. Construction shall be in accordance with the *Disability Discrimination Act 1992*.
- 7. Upon commencement of the use, the identified RV parking must remain as ancillary parking for the Retirement Facility residents.

#### **Operational Works**

- 8. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction of each applicable stage. The Development Application for Operational Works is to include the following:
  - a. Vegetation Clearing;
  - b. Earthworks (including retaining walls) (as applicable);
  - c. Road works (including signage and footpaths) (as applicable);
  - d. Water Infrastructure (Stage 1);
  - e. Sewer Infrastructure (Stage 1);
  - f. Stormwater Management (quantity, quality, flood and drainage control) (as applicable):
  - g. Erosion and Sediment Control (as applicable);
  - h. Construction Management;
  - i. Street lighting, electrical and telecommunications (Stage 1); and
  - j. Landscaping, environmental protection and associated works (as applicable).
- 9. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Gladstone Regional Council Planning Scheme* or any other applicable standards at the time of lodgement. Prior to the commencement of the use, all Operational Works conditioned by this approval must be accepted "on maintenance" by Council.

Advisory Note: The Capricorn Municipal Development Guidelines within the Engineering Design Planning Scheme Policy is the current document for preparing any Development Application for Operational Works which is found at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.

#### **Bushfire Hazard**

#### 10. Deleted.

11. As part of the first Development Application for Operational Works, the Applicant must ensure adequate firefighting protection is available from the onsite firefighting equipment for the proposed development at each stage. The firefighting strategy for the entire development must be designed and approved by a hydraulic engineer or other suitably qualified person. The strategy must demonstrate each stage is adequately serviced.

#### **Biodiversity**

12. As part of any Development Application for Operational Works, the Applicant must implement the Mitigation Measures outlined in the approved Ecological Assessment Report.

#### **Building, Plumbing and Drainage Works**

- 13. Prior to the commencement of the use of each Retirement Dwelling, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
- 14. Prior to the commencement of the use of each Retirement Dwelling, the Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
- 15. Prior to the commencement of the use of each Retirement Dwelling, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
- 16. Prior to the commencement of the use of each Retirement Dwelling, the development is to incorporate a variety of at least four different textures, colours and designs within the external façade of the building. Details of the proposed colour scheme, materials and finishes for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.
- 17. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
- 18. Prior to the commencement of the use of each Retirement Dwelling, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.
- 19. As part of any Building Works, the location of the proposed buildings shall comply with Council Policy P-2015/36 Building Over or Adjacent to Council Infrastructure.

- 20. As part of any Building Works, where a habitable room window is within 9m of another habitable room window or private open space of another Dwelling adjacent to the premises:
  - a. Windows are provided with fixed translucent glazing, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or
  - b. Windows are provided with fixed with permanent external screens that are:
    - i. Solid translucent screens; or
    - ii. Perforated panels or trellises that have a maximum of 50% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and
    - iii. Offset a minimum of 300mm from the wall of the building.

#### **Water Infrastructure**

- 21. As part of the first Development Application for Operational Works, the Applicant is to provide a Water Master Plan (including modelling) for approval by Council for the entire development site. The assessment shall include a staging assessment to ensure all infrastructure is appropriately sized.
- 22. As part of the first Development Application for Operational Works, a water service connection is to be provided from Council's water supply infrastructure to the front property boundary (Watermark Avenue). Council's water supply infrastructure is to be extended to the front property boundary. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.
- 23. As part of the first Development Application for Operational Works, the proposed development must provide a master meter at the property boundary and sub meters for each dwelling in accordance with the Queensland Plumbing and Drainage Code. Sub-meters must be purchased from Council.
  - Note: Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 24. As part of the first Development Application for Operational Works, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.
  - Advisory Note: Council's Application for Water Service is found at <a href="http://www.gladstone.qld.gov.au/forms">http://www.gladstone.qld.gov.au/forms</a>.

#### **Sewerage Infrastructure**

- 25. As part of the first Development Application for Operational Works, the Applicant is to provide a Sewer Master Plan (including modelling) for the approval by Council for the entire development site prior to the lodgement of the first Development Application for Operational Works. The assessment shall include a staging assessment to ensure all infrastructure is appropriately sized.
- 26. As part of the first Development Application for Operational Works, the Applicant is to construct a new sewer main from Sewer Manhole 217069 to a new manhole adjacent to the property boundary of Lot 3 SP221743.

- 27. Prior to the commencement of the use, all sanitary drainage is to drain into a new 1050mm diameter privately owned maintenance hole prior to connecting to Council's sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.
- 28. Prior to the commencement of the use, connections to Council's live sewerage network must be carried out under the supervision of Council. The cost of these works are to be borne by the Applicant.

Advisory Note: Council's Application for Sewer is found at <a href="http://www.gladstone.qld.gov.au/forms">http://www.gladstone.qld.gov.au/forms</a>.

#### **Stormwater Infrastructure**

- 29. Prior to the commencement of the use, all stormwater infrastructure is to be constructed on the site generally in accordance with the approved Site Based Stormwater Management Plan outlined in Condition 1 and any associated Operational Works approval, including quality and quantity infrastructure. The stormwater infrastructure is to be in accordance with the Engineering Design Planning Scheme Policy under the Gladstone Regional Planning Scheme, State Planning Policy and Queensland Urban Drainage Manual.
- 30. As part of the Development Application for Operational Works for each stage, the retention basins must be constructed at the applicable stages of the development.

#### **Transportation Services**

- 31. Prior to commencement of Stage 1, the Applicant is to dedicate the full Watermark Road Extension (the entire area as described within Easement B on SP 221743) as Road Reserve.
- 32. Where Watermark Avenue has not already been extended, the Applicant is to extend Watermark Avenue as an 11m wide Residential Collector, within a 22m (minimum) road reserve, 120m (min) to the south of the existing seal and construct an 11m wide Residential Collector, within a 22m (min) road reserve, from the extended portion of Watermark Avenue to an appropriately designed cul-de-sac adjacent to the primary access to the Development, on the alignment shown on the approved drawings. This is to form part of the first Development Application for Operational Works

OR

Where Watermark Avenue has already been extended, the Applicant is to construct an 11m wide Residential Collector, within a 22m (minimum) road reserve, from Watermark Avenue to an appropriately designed cul-de-sac adjacent to the primary access to the Development, on the alignment shown on the approved drawings. This is to form part of the first Development Application for Operational Works.

- 33. Prior to the commencement of the use of the relevant stages, the following car parking spaces must be provided in accordance with the approved plans.
  - a. Prior to commencement of Stage 1, a minimum of 41 visitor car parking, 34 RV parking and 2 bus spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. The communal spaces and associated vehicle movement areas are to be constructed, sealed, line marked, provided

- with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and AS2890.1.
- b. Prior to commencement of Stage 2, a minimum of 5 additional visitor car parking and 18 RV parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. The communal spaces and associated vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and AS2890.1.
- c. Prior to commencement of Stage 4, a minimum of 15 additional visitor car parking and 2 RV parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. The communal spaces and associated vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and AS2890.1.
- 34. Prior to the commencement of the use of Stage 1, a minimum of four (4) bicycle spaces are to be constructed onsite within walking distance to the communal facilities. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).
- 35. Prior to the commencement of the use of Stage 1, a 9m wide Type B2 Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway off Watermark Avenue.
  - Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines Drawings and Specifications at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.
- 36. Prior to the commencement of the use of Stage 2, a 9m wide Type B2 Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway off Occhilupo Circuit.
  - Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines Drawings and Specifications at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.
- 37. Prior to the commencement of the use, any damage to the driveway crossing and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing Urban Commercial/Industrial Driveway.
  - Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines Drawings and Specifications at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.
- 38. Prior to the commencement of the use for each stage, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.

- 39. Prior to the commencement of the use, any manholes located on the proposed driveway are to be covered with Class D Covers to AS 3996, and are to be maintained at finished surface levels and remain accessible at all times.
- 40. Prior to the commencement of the use of Stage 1, the Applicant must construct a 2 metre wide concrete footpath for the full extent of Watermark Avenue and the new proposed road, from the existing footpath to the front of the development, in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.

#### **Retaining Walls**

41. As part any Development Application for Operational Works, any new retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to maintain the visual amenity of the streetscape. The treatments must complement with the proposed colour pallet of the proposed buildings.

#### Landscaping

42. As part of the first Development Application for Operational Works, a Master Landscaping Plan is to be provided in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. The Master Landscaping Plan is to be certified by a Landscape Architect.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.

- 43. Prior to commencement of the use for each stage, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the Master Landscaping Plan. Alternatively, a manual watering plan is to be provided to Council for approval detailing the intended water frequency to maintain landscaping on site.
- 44. Prior the commencement of Stage 1, street trees are to be constructed along Watermark Avenue, at a rate of 1 tree per 10m in accordance with Table 9.3.4.3.2 Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines Landscaping C273 Construction Specification.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <a href="http://www.cmdg.com.au/index.htm">http://www.cmdg.com.au/index.htm</a>.

45. The Applicant is required to complete the following fencing requirements throughout the entire development and relevant stages:

- a. As part of the first Development Application for Operational Works, the Applicant must construct a temporary fence with associated material screening to the full extent of the northern and western boundaries.
- b. Prior to the commencement of the use of each stage, the Applicant must install a minimum of 1.8m high acoustic fencing in accordance with the Staging Plan. This acoustic fencing will replace the temporary fencing conducted in (a).

#### **Waste Management**

- 46. Prior to the commencement of the use of each stage, refuse bins are to be provided in accordance with the approved Waste Management at a rate of:
  - a. Residential Dwellings: 1 x 240L General Waste wheelie bin and 1 x 240L Recyclable Waste wheelie bin per dwelling; and
  - b. Club House: 1 x 1.1m3 General Waste Bulk Bins and 1 x 1.1m3 Recyclable Waste Bulk Bins.
- 47. Prior to the commencement of the use of each stage, the waste storage area/s at the community facilities are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure the area can be easily and effectively cleaned.
- 48. Prior to the commencement of the use of each stage, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
  - a. Outdoor storage areas are situated in locations not visible from the street; and
  - b. A 1.8m solid screen fence is located around storage areas.

#### **Electrical, Telecommunication and Gas services**

- 49. As part of any Development Application for Operational Works, all electrical (and telecommunication) conduits are to be installed (including conduits under roads, under concrete pathways and beneath retaining walls etc.) together with the associated infrastructure (including electrical pits, light pole and sub-station footings etc.).
- 50. Prior to the commencement of Stage 1, a Certificate of Supply shall be provided to demonstrate connection of electricity supply to the subject site.
  - Advisory Note: The Ergon Energy Rockhampton Office are available on (07) 49311012.
- 51. Prior to commencement of Stage 1, a Certificate of Supply shall be provided to demonstrate connection of telecommunication supply to the subject site.
  - Advisory Note: The Telstra Smart Communities Team are available on 1800 226 543.

#### **Survey Plan Endorsement**

52. Prior to commencement of Stage 1, the Lodgement of Survey Plan Endorsement must include the following to demonstrate compliance with the relevant conditions of this approval and the subsequent Operational Works:

- a. Completion of Council's Request Assessment and Endorsement of a Survey Plan Form:
- b. All survey marks in their correct position in accordance with the Survey Plan;
- c. A Compliance Report demonstrating compliance with all associated Development Permit(s);
- d. One copy of the Survey Plan and Easement Documentation, each fully executed for the lodgement with the Titles Office;
- e. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
- f. Payment of any outstanding Adopted Infrastructure Charges.

Advisory Note: Council's Request - Assessment and Endorsement of a Survey Plan Form is found at <a href="http://www.gladstone.qld.gov.au/forms.">http://www.gladstone.qld.gov.au/forms.</a>

53. The Applicant is to provide at no cost to Council, one copy of the fully executed Easement Documentation (in accordance with Councils Standard Easement Document) subject to the final design and requirements of the Operational Works permit.

#### **Lawful Commencement**

- 54. Prior to the commencement of the use for each stage, the Applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
- 55. Upon receipt of confirmation from Council that the relevant conditions of this staged Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

#### **Advice to Applicant:**

The Applicant is required to comply with the Acceptable Outcomes within the Emerging Community Zone Code for a Sales Office at all times. If the Sales Office operates outside of the minimum requirements, a Material Change of Use of premises for a Sales Office will be required.

A Food Business License and Design Application may be required in accordance with the *Food Act 2006*. If this license is applicable, it is required to be lodged to Council prior to the commencement of the use and remain current for the life of the Retirement Facility use. Furthermore, a Trade Waste License may be required.

Council provides a certification service for any Building Certification requirements.

A Changed Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development will be provided separately to accommodate the change in construction of each Retirement Dwelling House per the overall applicable stages.

# 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 the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
- (h) a decision to give an enforcement notice—
  - (i) in relation to a matter under paragraphs (a) to (g); or
  - (ii) under the Plumbing and Drainage Act 2018; or
- (i) an infrastructure charges notice; or
- (j) the refusal, or deemed refusal, of a conversion application; 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.
- (8) In this section—

storey see the Building Code, part A1.1.

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

### 1. Development applications

For a development application other than an excluded application, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if	
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	any)  1 A concurrence agency that is not a co-respondent  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

For a change application other than an excluded application, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of the change application.

	Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
1	lumn 1 pellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
1 2	The applicant If the responsible entity is the	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application	
	assessment manager—an affected entity that gave a pre-request notice or response notice			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

For an extension application other than an extension application called in by the Minister, an appeal may be made against—

- (a) the assessment manager's decision on the extension application; or
- (b) a deemed refusal of the extension application.

	Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
Co	lumn 1	Column 2	Column 3	Column 4	
Ap	pellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)	
1 2	The applicant 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—

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development
- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (b) there 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) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	by election (if	
			any)	
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice			
5. Conversion applica	tions			
An appeal may be ma	de against—			
(a) the refusal of a co	onversion application;	or		
(b) a deemed refusal	of a conversion applic	ation.		
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	by election (if	
			any)	
The applicant	The local government to which the conversion application was made			
6. Enforcement notice	es			
An appeal may be ma	de against the decision	to give an enforcemer	nt notice.	
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	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	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	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

For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
development application—an eligible submitter for the	<ol> <li>For a development application—the assessment manager</li> <li>For a change application—the responsible entity</li> </ol>	<ol> <li>The applicant</li> <li>If the appeal is about a concurrence agency's referral response—the concurrence agency</li> </ol>	Another eligible submitter for the application

# Table 2 Appeals to the P&E Court only

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

Col	umn 1	Column 2	Column 3	Column 4
Apı	pellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)
2	For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application	<ol> <li>For a development application—the assessment manager</li> <li>For a change application—the responsible entity</li> </ol>	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3	An eligible advice agency for the development application or change application			

4. Compensation claims

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

Table 2 Appeals to the P&E Court only				
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	by election (if	
			any)	
A person dissatisfied with the decision	The local government to which the claim was made	_	_	
5. Registered premise	es s			
An appeal may be ma	de against a decision o	of the Minister under ch	napter 7, part 4.	
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	by election (if	
			any)	
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister		If an owner or occupier starts the appeal—the owner of the registered premises	

#### 6. Local laws

An appeal may be made against a decision of a local government, or conditions applied, under a local law about—

- (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or
- (b) the erection of a building or other structure.

Table 2 Appeals to the P&E Court only				
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	by election (if	
			any)	
A person who—	The local	_	_	
(a) applied for the decision; and	government			
(b) is dissatisfied with the decision or conditions.				

# Table 3 Appeals to a tribunal only

### 1. Building advisory agency appeals

An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	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

# Table 3 Appeals to a tribunal only

#### 2. Inspection of building work

An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The applicant for the development approval	The person who made the decision	_	

- 3. Certain decisions under the Building Act and the *Plumbing and Drainage Act 2018* An appeal may be made against—
- (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or
- (b) a decision under the *Plumbing and Drainage Act 2018*, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision		

4. Local government failure to decide application under the Building Act

An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.

Table 3 Appeals to a tribunal only									
Column 1	Column 2	Column 3	Column 4						
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)						
A person who was entitled to receive notice of the decision	The local government to which the application was made								

5. Failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018* 

An appeal may be made against a failure to make a decision under the *Plumbing and Drainage Act 2018*, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision		



			TOTAL - 105	TOTAL *9	TOTAL - 4	TOTAL - 1	TOTAL - 7	TOTAL - 12	TOTAL - 29	TOTAL - 1	TOTAL - 9	TOTAL - 9	TOTAL - 14	TOTAL • 1	TOTAL LOTS - 201	
	105 319m² 33 269m² (31.6%)	949m²	304m²	MIN 320m²	323m²	MIN 304m² e Access)	272m²	288m²	269m²	387m² ales Office)	MIN 300m²	285m²	317.9m²	270m²	TOTA	
SITEDATA	TOTAL SITE AREA SITE COVER	RECREATION CENTRE	LOT TYPE A (16m x 19m)	LOT TYPE B (16m x 20m MIN)	(17m × 19m)	LOT TYPE D MIN 3 (16m x 19m Side Access)	LOT TYPE E (16m x 17m)	LOT TYPE F (16m x 18m)	LOT TYPE G (142m x 19m)	LOT TYPE H 387m² (21.5m x 18m Sales Office)	LOT TYPE! (15m x 20m MiN)	LOT TYPE J	LOT TYPE K (18.7 x 17m)	LOT TYPE L (18 x 15m)		DADKING

61 (INCLUDING 1 PWD) 1 PER 10 SITES (21 PARKS) 54 1 PER 4 SITES (51 PARKS) 201 MIN 1 PER SITE VISITOR PARKING SPACES CAR RATIO REQUIRED PARKING SPACES CAR RATIO REQUIRED RV PARKING SPACES CAR RATIO REOUIRED **BUS PARKING SPACES** PARKING

4m SEPARATION TO LOT WIDTHS FOR RISING MAIN, LOCATION TO BE CONFIRMED ON SITE

EASEMENT ZONE

WORKSHOP

GYM

TENNIS (3)

DETENTION BASIN TO ENGINEERS DETAILS

COMMUNITY

417.780 m

**EASEMENT ZONE** 

32,000 m 339° 38° 00°

P

RISING MAIN TO LAND SURVEYORS DETAILS

104.130 m

69.35.00

SALES

SECONDARY SITE ACCESS WITH PEDESTRIAN GATE

EASEMENT

PEDESTRIAN GATES ACCESS EASEMENT

(E)

EASEMENT ZONE

m 030.68

69° 34' 45' 52 000 m

SENSCAPE CLOSE

This Plan is approved subject to the attached

Decision Notice No. DR. (28. 12.02.

Per MINT MANAGET

GLADSTONE REGIONAL COUNCIL GLADSTONE OFFICE

69° 36'05' 35.512 m

DOG PARK

WATERMARK AVE

(S) BY PARKING

RV WASH DOWN AREA

PEDESTRIAN GATE

4m WIDE SWALE TO ENGINEERS DETAILS

x5 BICYCLE PARKS

(3)

ð

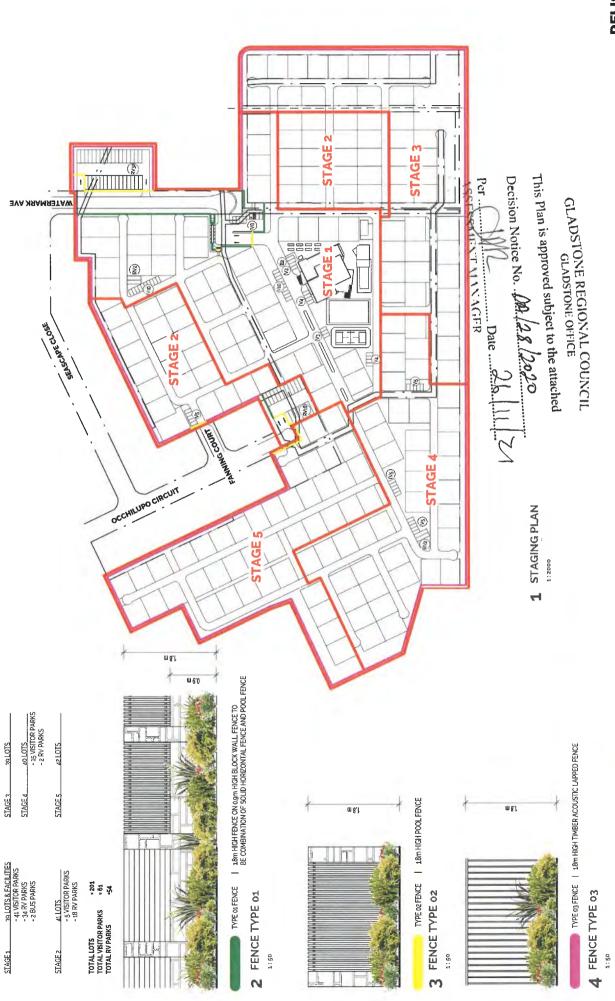
(<u>§</u>)

1 SITE PLAN

1:2000



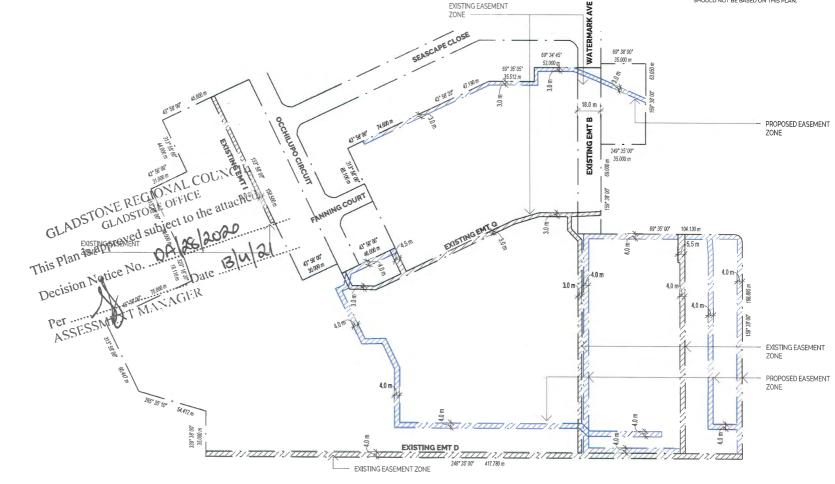
CPOARCHITECTS STOCKWELL



1.0 SITE PLANS / 1.01 STAGING PLAN

LOT 300 on SP264827 ROUND HILL ROAD, AGNES WATER, OLD 4677 STAGING PLAN

NOTE:
- SITE EXENTS INDICATIVE ONLY SUBJECT TO
DETAILED SURVEY
- LOCATION OF EXISTING SERVICES, BELOW/ABOVE
GROUND TO BE CONFIRMED
- SETBACKS ILLUSTRATED SUBJECT TO LOCAL
OUNCE, RECOURGEMENTS
- LAYOUTS ILLUSTRATED ARE INDICATIVE ONLY, THIS
NAMES OF THE SERVICE OF THE SERVICE



1 EASEMENT PLAN

1:2000







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### 2.0 BUILDING DETAILS / 2.00 LIVEWELL CENTRE

	RH	RENDERED FINISH	 WB1	HORIZONTAL CLADDING TYPE 1
	SA1	VERTICAL CLADDING TYPE 1	WB2	HORIZONTAL CLADDING TYPE 2
	SA2	VERTICAL CLADDING TYPE 2	MRS	METAL ROOF SHEETING
i j	FS	FEATURE STONE		CADE AND EXTERNAL COLOUR D BY PURCHASERS

- SITE EXENTS INDICATIVE ONLY SUBJECT TO DETAILED SURVEY

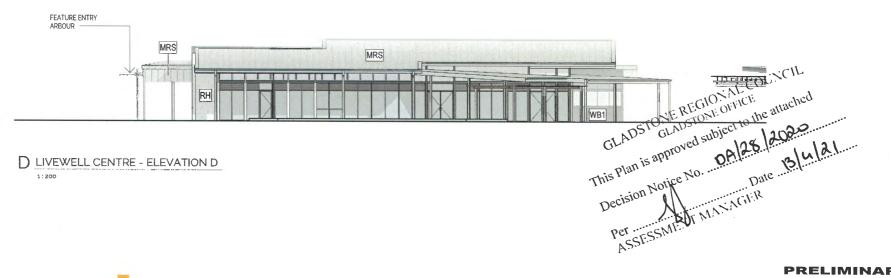
- LOCATION OF EXISTING SERVICES,
BELOW/ABOVE GROUNDTO BE CONFIRMED
- LAYOUTS ILLUSTRATED ARE INDICATIVE
ONLY, THIS PLAN IS SUBJECT TO FURTHER DETAILED INVESTIGATION BY RELEVANT AUTHORITIES, CONSULTANTS AND SITE

PARAMETERS. ANY DEVELOPMENT DECISIONS MADE ON SHOWN SITE SHOULD NOT BE BASED ON THIS PLAN.



LEGEND

C LIVEWELL CENTRE - ELEVATION C



**CPO** architects



**PRELIMINARY** 

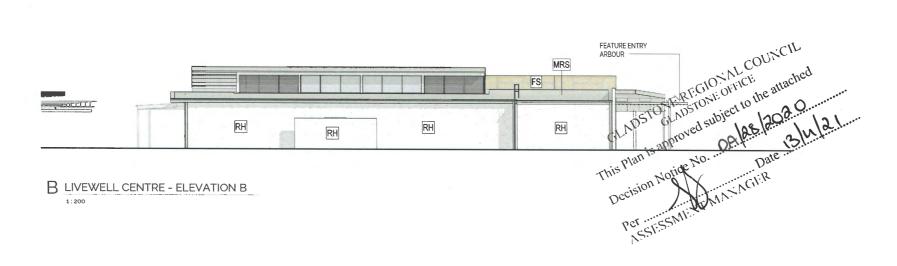
### 2.0 BUILDING DETAILS / 2.00 LIVEWELL CENTRE

# LEGEND RH RENDERED FINISH WB1 HORIZONTAL CLADDING TYPE 1 WB2 HORIZONTAL CLADDING TYPE 2 WB2 HORIZONTAL CLADDING TYPE 2 MRS METAL ROOF SHEETING FS FEATURE STONE NOTE: ALTERNATIVE FACADE AND EXTERNAL COLOUR SCHEMES TO BE SELECTED BY PURCHASERS

NOTE:
- SITE EXENTS INDICATIVE ONLY SUBJECT TO
DETAILED SURVEY
- LOCATION OF EXISTING SERVICES,
BELOW/ABOVE GROUND TO BE CONFIRMED
- LAYOUTS ILLUSTRATED ARE INDICATIVE
ONLY. THIS PLAN IS SUBJECT TO FURTHER
DETAILED INVESTIGATION BY RELEVANT
AUTHORITIES, CONSULTANTS AND SITE
PARAMETERS, ANY DEVELOPMENT DECISIONS
MADE ON SHOWN SITE SHOULD NOT BE BASED
ON THIS PLAN.



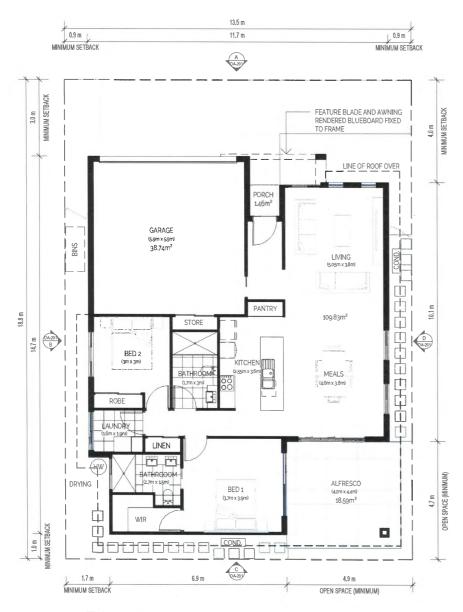
A LIVEWELL CENTRE - ELEVATION A







### 2.0 BUILDING DETAILS / 2.01 HOUSING TYPES



1 FLOOR PLAN - COCKATOO 1:100



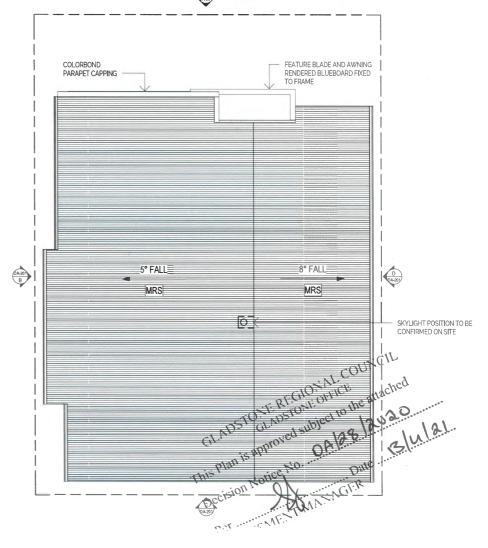


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20200070 DA-200 A

2 BED LOT - 253m2 - SITE EXENTS INDICATIVE ONLY SUBJECT TO DETAILED SURVEY - LOCATION OF EXISTING SERVICES, (18,75m x 13,5m) BELOW/ABOVE GROUND TO BE CONFIRMED - LAYOUTS ILLUSTRATED ARE INDICATIVE PORCH 146m² ONLY, THIS PLAN IS SUBJECT TO FURTHER ALFRESCO 18,59m² DETAILED INVESTIGATION BY RELEVANT INTERNAL LIVING 109.83m<sup>2</sup> AUTHORITIES, CONSULTANTS AND SITE PARAMETERS, ANY DEVELOPMENT DECISIONS GARAGE 38.74m<sup>2</sup> MADE ON SHOWN SITE SHOULD NOT BE BASED 168.62m<sup>2</sup>



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TOTAL

2 ROOF PLAN - COCKATOO 1:100









## NOTE: - SITE E-SENTS INDICATIVE ONLY SUBJECT TO DETAILED SURVEY - LOCATION OF EXISTING SERVICES, BELOW/ABOVE GROUND TO BE CONFIRMED - SETBACKS ILLUSTRATED SUBJECT TO LOCAL. COUNCIL REQUIREMENTS - LAYOUTS ILLUSTRATED ARE NDICATIVE ONLY, THIS NOTESTICATION BY RELEVANT AUTHORITIES, CONSULTANTS AND SITE PARAMETIESS, ANY CONSULTANTS AND SITE PARAMETIESS, ANY EVELOPMENT DECISIONS MADE ON SHOWN SITE SHOULD NOT BE BASED ON THIS PLAN. 1.0 SITE PLANS / 1.02 RV PARKING DETAILS RV PARKING ACCESS GATE PEDESTRIAN RV ACCESS GATE PARKING SLIDING VEHICLE ACCESS GATE GLADSTONE REGIONAL COUNCIL GLADSTONE OFFICE This Plan is approved subject to the attached



Version: 1, Version Date: 29/11/2021

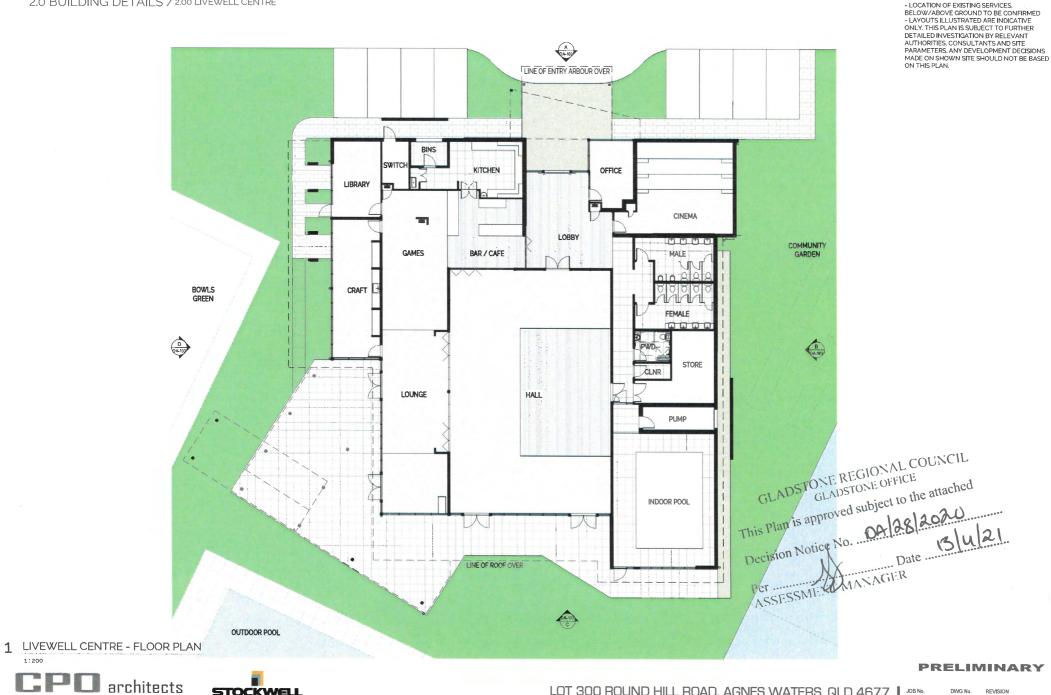
1 RV PARKING DETAIL PLAN 2

1:200









STOCKWELL

NOTE:

DETAILED SURVEY

- SITE EXENTS INDICATIVE ONLY SUBJECT TO

