

Contact Officer: Helen McLaren-Greiss
Our Ref:DA/57/2017

19 December 2017

Captain Cook Holdings Pty Ltd
C/- Zone Planning Group
Stephen Enders
PO Box 5332
GLADSTONE QLD 4680

Dear Sir

DECISION NOTICE

Sustainable Planning Act S334 & S335

DEVELOPMENT APPLICATION NO. DA/57/2017
DEVELOPMENT PERMIT - RECONFIGURING A LOT - 1 INTO 2
LOCATION: PT (B) LOT 214 SP 262272,
ROUND HILL ROAD, AGNES WATER QLD 4677
DESCRIPTION: PT (B) LOT 214 SP 262272

Reference is made to the above development application, which was received by Council on 30 June 2017.

I wish to advise that the application was considered by Council at its 19 December 2017 Meeting where it was resolved to approve the application subject to conditions as set out in the following Decision Notice.

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 Helen McLaren-Greiss on 07 4977 6851.

Yours faithfully,



H A ROBERTSON
MANAGER DEVELOPMENT SERVICES



GLADSTONE
REGIONAL COUNCIL

DECISION NOTICE - DA/57/2017
SUSTAINABLE PLANNING ACT 2009 S335

Application:	Development Permit - ROL - 1 into 2
Applicant Name & Address:	Captain Cook Holdings Pty Ltd PO Box 373 AGNES WATER QLD 4677
Owner:	Captain Cook Holdings Pty Ltd
Subject Land:	Pt (b) Lot 214 SP 262272, Round Hill Road, AGNES WATER QLD 4677
Location:	Pt (b) Lot 214 SP 262272
Zoning:	Emerging Communities
Site Area:	30.686 hectares
Submissions Received:	13 Properly Made Submissions
Application Received:	30 June 2017

You are advised that your application was Approved in Full. 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. DETAILS OF THE APPROVAL

	Development Permit	Preliminary Approval
• Reconfiguring a lot	✓	x

2. RELEVANT PERIOD FOR THE APPROVAL

The relevant periods stated in section 341 of the *Sustainable Planning Act 2009* (SPA) apply to each aspect of development in this approval, as outlined below:-

Delete whichever is not applicable

- ✓ reconfiguring a lot not requiring operational works - 2 years
- ✓ reconfiguring a lot requiring operational works - 4 years
- ✓ any other development not listed above - 2 years

OR

- ✓ the following relevant periods apply to the following aspects of development in this approval:-

If there is 1 or more subsequent related approvals for a development approval for a material change of use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

3. APPROVED PLANS

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

Drawing Number	Revision	Description	Author	Date
SK-02-DA	A	Subdivision Plan	Zone Planning Group	23/08/2017

4. IDAS REFERRAL AGENCIES

The IDAS referral agencies applicable to this application are:-

- Department of Infrastructure, Local Government and Planning (Concurrence Agency)

5. SUBMISSIONS

There were 13 properly made submissions about the application. In accordance with S335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows:-

Name of principal submitter	Address
David & Margaretha Moon	26A The Crescent, Agnes Water
Kylee Chatfield	48 Seaspray Drive, Agnes Water
Nestbah Pty Ltd - Geoff Bonney	P.O. Box 688, Cleveland Qld 4163
Kusi Pty Ltd - Geoff Bonney	622 Captain Cook Drive, Agnes Water
Jason Bonney	18 Ferndale Street, Loja Qld 4179
Justin Law	Agnes Water Pharmacy, Shop 3/2 Heights Entrance, Agnes Water
Peter Kinder	Foodworks Agnes, Lot 1 Round Hill Rd, Agnes Water
Neil Collins	Shop 1, Agnes Central Shopping Centre, Heights Entrance Road, Agnes Water
M. Morrison	2 Shady Lane, Agnes Water
David & Marilyn Hazzard	28 The Crescent, Agnes Water
Michelle Irvine	8 Waterfront Drive, Agnes Water
Kevin Manning	175 Lady Elliott Dv, Agnes Water
Dave Maunders	142 Fitzroy Crescent, Agnes Water

6. APPEAL RIGHTS

Attached is an extract from the SPA which details your appeal rights and the appeal rights of any submitters regarding this decision.

7. 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 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- 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 2 of this decision notice.

Note that in the case of a development approval for a material change of use or for reconfiguring a lot, if there is 1 or more subsequent related approvals the relevant period for the material change of use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 341 of SPA for further information.

Should you wish to discuss this matter further, please contact Council's **Planning Officer Helen McLaren-Greiss** on 07 4977 6851.

Yours faithfully,



H A ROBERTSON
MANAGER DEVELOPMENT SERVICES

Attached: **Conditions**
 Appeal Rights
 Approved Plans
 Referral Agency Response



ASSESSMENT MANAGER CONDITIONS - DA/57/2017
SUSTAINABLE PLANNING ACT S335

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
SK-02-DA	B	Proposed Subdivision Plan	Zone Planning Group	23/08/2017

- a. Prior to the lodgement of a request for Survey Plan Endorsement, an amended Plan of Subdivision is to be provided to Council for approval. The Plan of Subdivision is to include a 40 metre wide strip of land along the entire Western boundary of the site for the purpose of the Agnes Water Second Arterial Route.

Special Conditions

2. As part of the lodgement of a request for Survey Plan Endorsement, the Applicant is to dedicate at no cost to Council a 40 metre wide road reserve located along the entire Western boundary of the site for the purpose of the Agnes Water Second Arterial Route.

Water Infrastructure

3. Prior to the lodgement of a request for Survey Plan Endorsement, a water service connection is to be provided from Council's water supply infrastructure to the property boundary of proposed Lot 2. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.
4. Prior to the lodgement of a request for Survey Plan Endorsement, 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 <http://www.gladstone.qld.gov.au/forms>.

Sewerage Infrastructure

5. Prior to the lodgement of a request for Survey Plan Endorsement, a separate sewer connection is to be provided from Council's reticulated sewer infrastructure to the property boundary of proposed Lot 2. The location and size of the sewer service is to be determined in consultation with Council.
6. Prior to the lodgement of a request for Survey Plan Endorsement, connections to Council's live sewerage 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 Sewer is found at <http://www.gladstone.qld.gov.au/forms>.

Electrical, Telecommunication and Gas services

7. Prior to the lodgement of a request for Survey Plan Endorsement, a Certificate of Supply shall be provided to demonstrate connection of electricity supply to each proposed lot.

Advisory Note: The Ergon Energy Rockhampton Office are available on (07) 49311012.

8. Prior to the lodgement of a request for Survey Plan Endorsement, a Certificate of Supply shall be provided to demonstrate connection of telecommunication supply to each proposed lot.

Advisory Note: The Telstra Smart Communities Team are available on 1800 226 543. 1800 687 626

Survey Plan Endorsement

9. As part of the lodgement for Survey Plan Endorsement, the Applicant is to provide to Council at no cost to Council, one copy of the fully executed Easement Documentation in accordance with Council's Standard Easement Document for the following:

- a. Sewer easement in favour of Council and over the existing sewer main located at the South-East corner of proposed Lot 2 burdening proposed Lot 2 having a minimum width in accordance with Council's Engineering Standard for Sewerage Reticulation.

Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.

10. Lodgement of Survey Plan Endorsement must include the following:

- 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 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 <http://www.gladstone.qld.gov.au/forms>.

Advice to Applicant:

An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately.



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0717-040985
Your reference: DA/57/2017

3 August 2017

The Chief Executive Officer
Gladstone Regional Council
info@gladstone.qld.gov.au

Attention: Helen McLaren-Greiss

Dear Madam

Concurrence agency response - no requirements

Round Hill Road - Agnes Water QLD 4677
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 19 July 2017.

Applicant details

Applicant name: Captain Cook Holdings Pty Ltd
Applicant contact details: C/- Zone Planning Group PO Box 3805
BURLEIGH TOWN QLD 4220

Site details

Street address: Round Hill Road - Agnes Water
Real property description: 214 SP262272
Local government area: Gladstone Regional Council

Application details

Proposed development: Development Permit for Reconfiguring a lot (1 into 2 lots)
Preliminary approval (s.242 SPA) for Material change of use
for Dwelling house, Dual occupancy and Code

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 3, Item 2—Development impacting on State transport infrastructure

No requirements

The department advises the assessment manager, under section 287(2)(a) of the *Sustainable Planning Act 2009*, that it has no requirements relating to the application.

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Maaret Sinkko, Principal Planning Officer on (07) 4924 2907 or via email RockhamptonSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Signature
placeholder

Anthony Walsh
Manager Planning

cc: Captain Cook Holdings Pty Ltd, dkrause@zoneplanning.com.au; your ref: Z17091

Division 8 **Appeals to court relating to
development applications and
approvals**

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 the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (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—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be 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—general

- (1) A submitter for a development application may appeal to the court only against—

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- (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.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or

-
- (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
 - (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) 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.
- (3) 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.
- (4) 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.

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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.

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- (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.

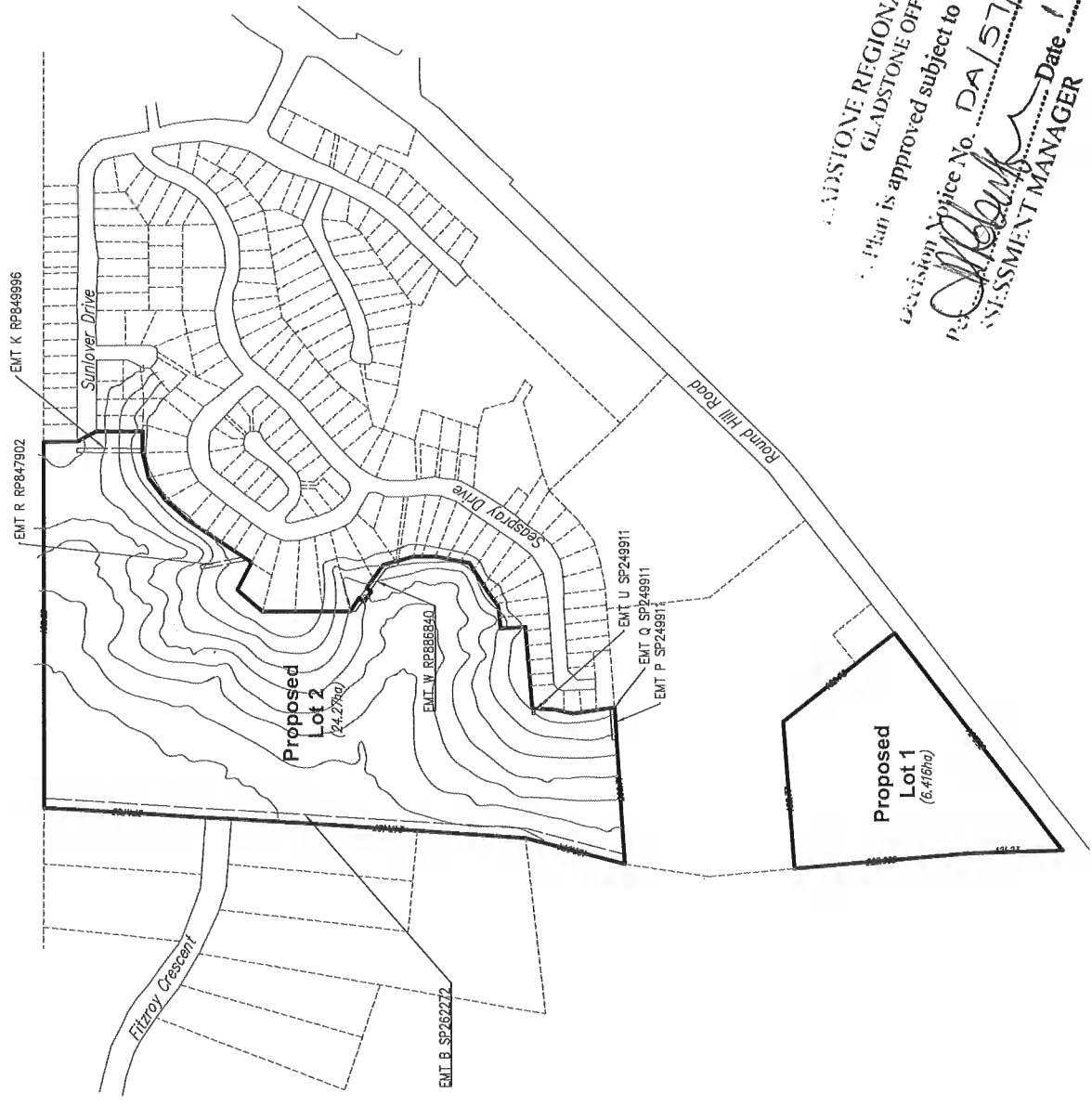
Division 9 Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.



GLADSTONE REGIONAL COUNCIL
 GLADSTONE OFFICE
 This Plan is approved subject to the attached
 Decision Notice No. DA/57/2017
 Date 19/12/17
 ASSESSMENT MANAGER

REVISION	Level Datum	Date	23 August 2017
	Origin	Comp By:	Z17091 - B
	Scale	DWG Name:	Z17091 - B
	1:7500	Local Authority:	GLADSTONE REGIONAL COUNCIL
	Sheet	Locality	
	A1	Job Reference:	Z17091
CLIENT		PROJECT	
CAPTAIN COOK HOLDINGS PTY LTD		Lot 214 Round Hill Road, Agnes Water	
PROPOSED SUBDIVISION PLAN		Plan Ref	SK-02-DA
		Rev	A

Note: Dimensions and areas are approximate only, and are subject to survey and Council approval.
 Dimensions have been rounded to the nearest 0.1 metres.
 The boundaries shown on this plan should not be used for final delineation design.
 Contours supplied by Terrestrial Mapping Technologies.

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