

Our Ref: Q23084  
Council Ref: DA/28/2022



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**26 April 2023**

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Zone Planning QLD Pty Ltd  
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The Chief Executive Officer  
Gladstone Regional Council  
PO Box 29  
GLADSTONE QLD 4680

**Via Email**      [info@gladstone.qld.gov.au](mailto:info@gladstone.qld.gov.au)

Dear Sir/Madam,

**REQUEST FOR A MINOR CHANGE TO APPROVAL  
PURSUANT TO SECTION 78 OF THE *PLANNING ACT 2016*  
DEVELOPMENT APPROVAL FOR A DEVELOPMENT PERMIT  
FOR A MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT (3 STAGES)  
2744 ROUND HILL ROAD, AGNES WATER  
(LOT 36 RP 619982)**

We write on behalf of our client, Goora Gan Steiner School, to request a change to a Development Approval pursuant to Section 78 of the *Planning Act 2016*. The proposed change is in relation to Development Approval – DA/28/2022, most recently issued by Council on 13 December 2022 for the purposes of establishing an Educational Establishment at the site over three stages.

In order to constitute a change application (Minor) under section 78 of the *Planning Act 2016* (the Act), the proposed change must not result in a substantially different development. As outlined in Section 5.0 of this request, the proposed change does not result in a substantially different development.

In accordance with the requirements of Section 79 of the *Act* please find enclosed:

- Completed relevant Forms (**Attachment 1**);
- Existing Current Approval (**Attachment 2**);
- Revised Architectural Package (**Attachment 3**);
- Traffic Impact Statement (**Attachment 4**);
- Development Tribunal Appeal (**Attachment 5**); and
- Adopted Infrastructure Charge Notice (**Attachment 6**).

The lodgement fee for this application is calculated at \$2,211. We request Council raise an electronic notice to pay for the Council fee upon receipt of this application.



## 1 SITE DETAILS

Table 1: Site & Application Details

SITE DETAILS	
Address	2744 Round Hill Road, Agnes Water QLD 4677
Real Property Description	Lot 36 RP 619982
Site Area	1.9 Ha
Landowner	Goora Gan Steiner School Incorporated
Local Government Area	Gladstone Regional Council
Planning Scheme Zone	Rural Residential Zone Bicentennial Drive Enterprise Precinct
APPLICATION DETAILS	
Application Type	Minor Change
Applicant	Goora Gan Steiner School
Contact Person	Zone Planning QLD Shaunte Farrington / Stephen Enders 07 4972 3831   sfarrington@zoneplanning.com.au

Figure 1 below illustrates the site.



Figure 1: Aerial Photograph of Site (Source: GRC Mapping)



## 2 PLANNING PROVISIONS

The subject development was approved under the current Gladstone Regional Council Planning Scheme. The applicable Planning Scheme provisions that were in effect at the time of lodgement are summarised in **Table 2** below.

Table 2: Planning Parameters

STATUTORY REQUIREMENT	RELEVANT / COMMENT
Regional Plan Designation	Priority Living Area
Local Government Authority	Gladstone Regional Council
Zone	Rural Residential Zone
Precinct	Bicentennial Drive Enterprise Precinct
Level of Assessment	Impact Assessable
Overlay Mapping / Development Codes	> Biodiversity Overlay

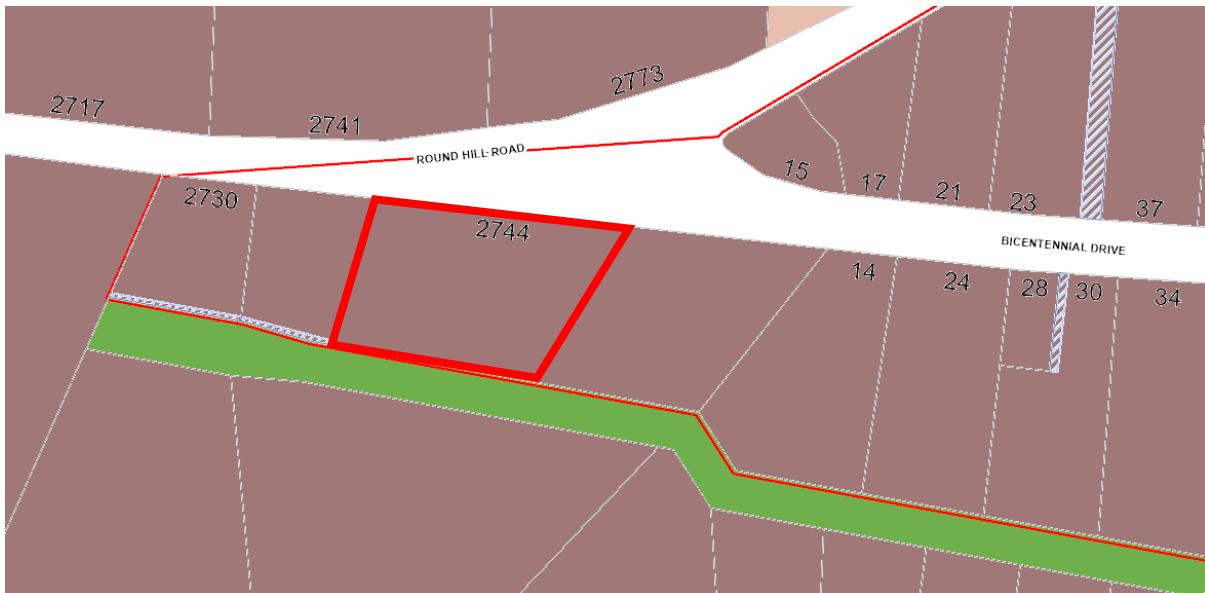


Figure 2: Zone Mapping Extract





### 3 APPROVAL HISTORY

On 2 September 2022, Gladstone Regional Council issued a Decision Notice approving a Development Permit for a Material Change of Use for an Educational Establishment over three stages at the subject site (Council Ref: DA/28/2022). The approved development is shown below in **Figure 3**.

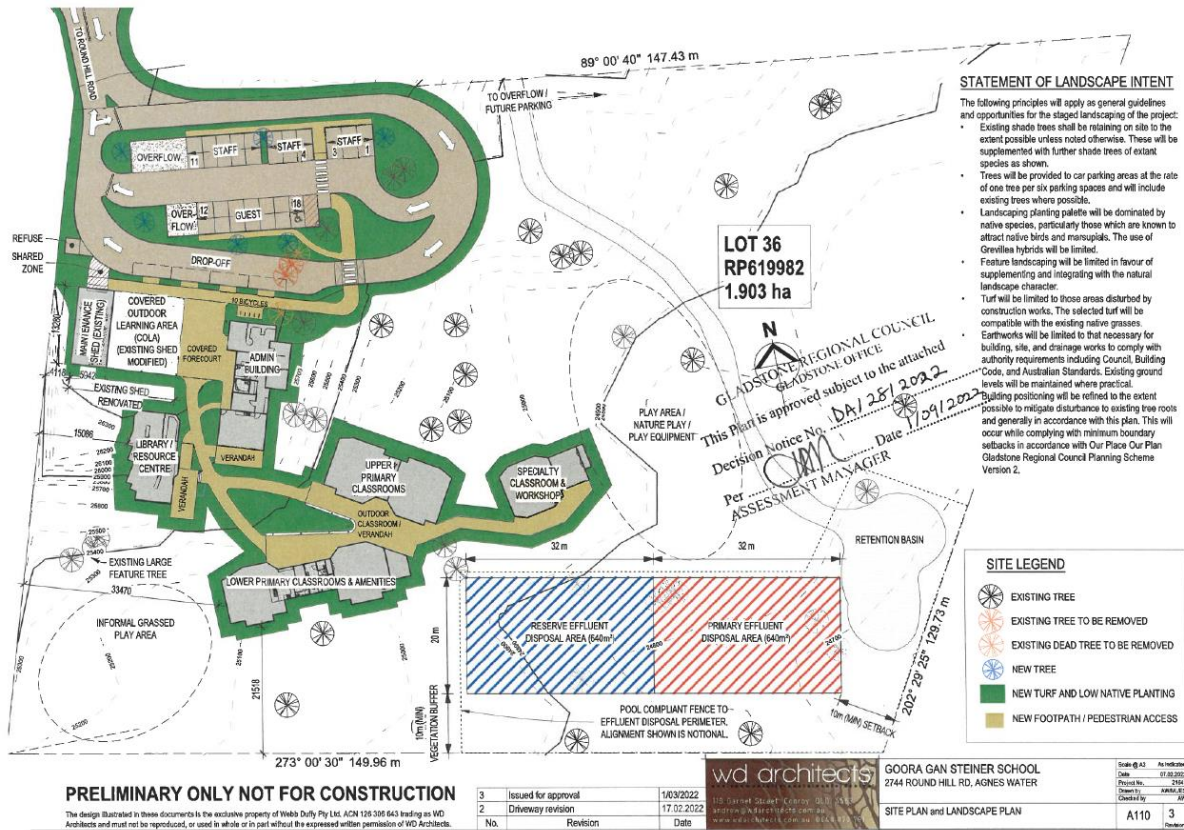


Figure 3: Approved Educational Establishment

On the 12 September 2022, the Applicant suspended the appeal period and made representations against the Decision Notice. The representations included clarification on terminology, pedestrian footpath, shade trees, street trees and fencing. Additional material and representation justification was submitted to Council for consideration on 22 September 2022 and 14 October 2022.

Within the correspondence dated 14 October 2022, the Applicant appears to reference a meeting was held with Council Officers where several items were resolved. However, the pedestrian footpath and associated fencing were discussed with additional representations submitted.

Although the original Decision Notice was approved under Delegated Authority, the change representations were presented to a Council General Meeting. Council officers recommended several conditions be retained with only one condition proposed to be amended to reduce the amount of boundary fencing. The Councillors voted in favour of the Officer’s recommendation (GM/22/4888 Council Resolution) which saw a Negotiated Decision Notice later issued on 13 December 2022.





## 4 PROPOSED CHANGE

It is proposed to make a change to the existing abovementioned Development Approval in accordance with s78 the Act.

The proposed changes to the approved development, briefly summarised, include amendments to the approved plans to update the administration and classroom buildings, and further representations against the previously submitted operational works wording, turning treatment, pedestrian footpath and associated boundary fencing. As a result, the proposal will incorporate a minor increase in the overall Gross Floor Area (GFA) which was a direct result from a recent submission for grant funding.

With regard to the revised layout, amendments to the approved plans include:

- › Updated Administration Building layout and roof form; and
- › Minor revisions to the Classroom Building layout.

The proposed changes are identified below in **Figure 4** and **5**.

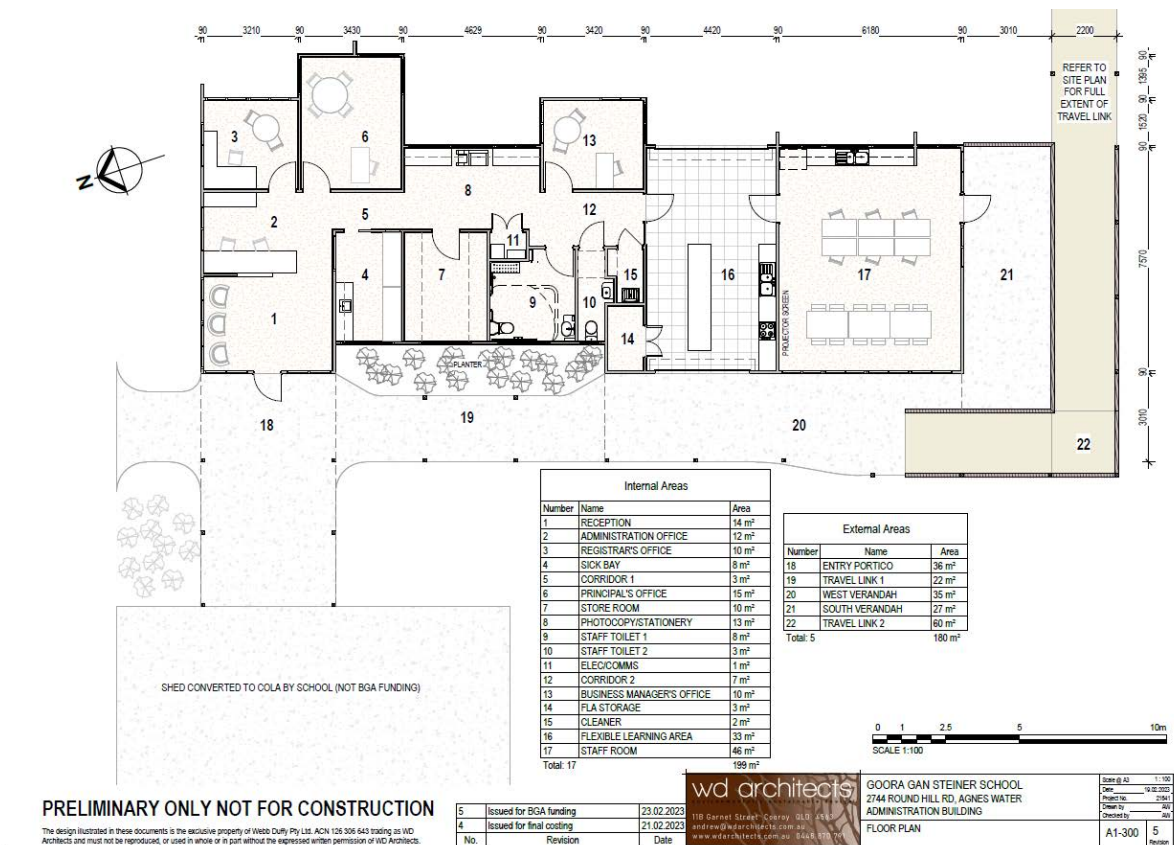


Figure 4: Proposed Adminstrative Building

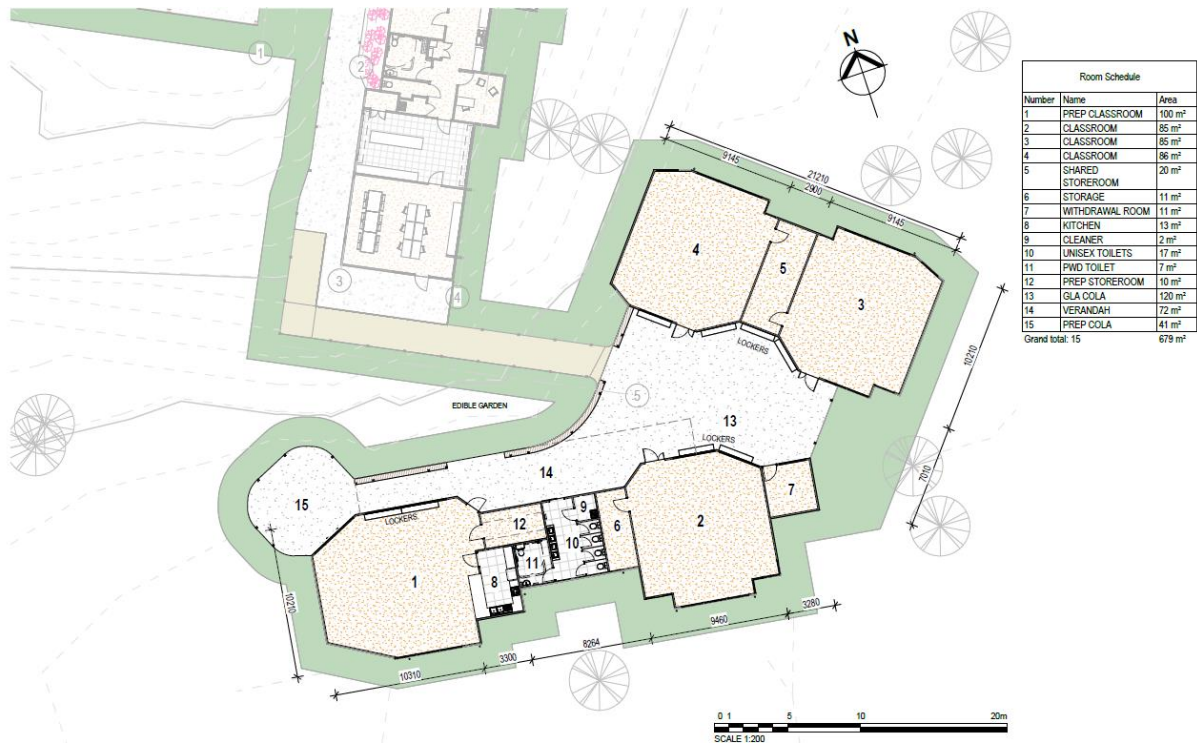


Figure 5: Proposed Classroom Building



## 5 PLANNING ACT 2016 REQUIREMENTS

It is contended that the subject application is consistent with the requirements for a Minor Change Application under the Act. The key consideration as to whether the proposal can be dealt with as a minor change is the test as to whether the changed proposal is 'substantially the same'.

Schedule 2 of the Act states the following:

**Minor change** means a change that

(b) For a development approval –

- (i) would not result in substantially different development; and
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—
  - (A) the inclusion of prohibited development in the application; or
  - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
  - (C) referral to extra referral agencies, other than to the chief executive; or
  - (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or
  - (E) public notification if public notification was not required for the development application.

In relation to parts (b)(ii) of the 'Minor Change test', the proposed change is considered to comply with the above as it does not:

- include prohibited development;
- trigger referral to a new referral agency or require a previous referral agency to assess the application against new matters; or
- trigger public notification if the development application including the change, were made when the change application is made.

In regard to 'substantially different development' we note that Schedule 1 of the Development Assessment Rules 2017 provide guidance for what constitutes a substantially different development. This test is outlined below:

**A change may be considered to result in a substantially different development if the proposed change:**

**(a) involves a new use;**

There is no new use involved with the proposed change.

**(b) results in the application applying to a new parcel of land; or**

The proposed change does not result in the application applying to a new parcel of land.





**(c) dramatically changes the built form in terms of scale, bulk and appearance; or**

The built form outcome for the development is not considered to dramatically change in terms of scale, bulk or appearance. Importantly, each structure will remain single storey and reflective of the same design vernacular to that already approved. Accordingly, the built form, scale and appearance of the overall development is not dissimilar or substantially different to the existing effective approval.

**(d) changes the ability of the proposed development to operate as intended; or**

The proposed changes are not considered to alter the ability of the proposed facility to operate as intended.

**(e) removes a component that is integral to the operation of the development; or**

The proposed changes, as outlined in Section 4 of this submission, will not remove a component that is integral to the operation of the facility.

**(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or**

The proposed changes will have no result in adverse impacts on existing approved traffic flows into or out of the site. As a result, there is no change or impact on the transport network.

**(g) introduces new impacts or increase the severity of known impacts; or**

The proposed changes are not considered to introduce any new impacts or increase the severity of any known impacts associated with the development of the subject site.

**(h) removes an incentive or offset component that would have balanced a negative impact of the development; or**

We are not aware of the proposed changes resulting in an incentive or offset component that would have balanced a negative impact of the development being removed.

**(i) impacts on infrastructure provision;**

No impacts are expected to occur on infrastructure provisions for the site, as a result of the change.

Based on the above assessment of the proposed changes against the 'substantially different development' test, the changes are not considered to result in substantially different development.

In light of the above, the proposed change is considered to be consistent with the Minor Change provisions of the *Planning Act 2016*.



## 6 CHANGE TO DEVELOPMENT CONDITIONS

Now that it has been determined that the proposed changes do not result in a substantially different development and meets the requirements outlined within the definition of a Minor Change, the Applicant seeks to make changes to the suite of conditions. For ease of reference, Council's conditions of approval which we are seeking to modify are identified below, with our representations outlined in normal type, and final condition amendments are identified in **bold** and deletions in ~~strike through~~.

### CONDITION 1 – APPROVED PLANS

#### 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
A110	3	Site Plan and Landscape Plan	WD Architects	01/03/2022
A120	1	Roadworks and Parking Layout	WD Architects	01/03/2022
A130	1	Staging Plan	WD Architects	01/03/2022
A300	2	Administration Building Floor Plan	WD Architects	01/03/2022
A400	2	Administration Building Sections	WD Architects	01/03/2022
A500	2	Administration Building Elevations	WD Architects	01/03/2022
A900	2	Administration Building Perspectives	WD Architects	01/03/2022
A300	2	Classroom Building Floor Plan	WD Architects	01/03/2022
A400	2	Classroom Building Sections	WD Architects	01/03/2022
A500	2	Classroom Building Elevations	WD Architects	01/03/2022
A900	2	Classroom Building Perspectives	WD Architects	01/03/2022
A300	1	Proposed Library/Resource Centre Floor Plan	WD Architects	01/03/2022
A500	1	Proposed Library/resource Centre Elevations and Sections	WD Architects	01/03/2022
A900	1	Proposed Library/resource Centre Perspectives	WD Architects	01/03/2022
A300	2	Speciality Classroom and Workshop Floor Plan	WD Architects	01/03/2022
A500	2	Speciality Classroom and Workshop Elevations and Sections	WD Architects	01/03/2022
A900	2	Speciality Classroom and Workshop Perspectives	WD Architects	01/03/2022



And supporting documents:

Document Number	Revision	Description	Author	Date
21562	-	Effluent Disposal Report	Engineers Plus	April 2022
21562	-	Site Specific Stormwater Management Report	Engineers Plus	April 2022
-	-	Traffic Impact Assessment	Access Traffic Consulting	March 2022
21110	-	Noise Impact Assessment	SoundBase Consulting Engineers	21 April 2022

### Representations

The proposed changes will result in revisions to the administration and classroom approved plans. The revision to the development is a direct outcome from a recent funding submission to assist in constructing Stage 1. Notably, the building height will remain as single storey with only minor alterations to the layout and roof form. As such, it is requested that the following plans are updated within Condition 1:

Drawing Number	Revision	Description	Author	Date
<b>A110</b>	<b>5</b>	<b>Site Plan &amp; Landscape Plan</b>	<b>WD Architects</b>	<b>20/04/2023</b>
A120	1	Roadworks & Parking Layout	WD Architects	01/03/2022
A130	1	Staging Plan	WD Architects	01/03/2022
<b>A1-300</b>	<b>5</b>	<b>Administration Building Floor Plan</b>	<b>WD Architects</b>	<b>23/02/2023</b>
A400	2	Administration Building Sections	WD Architects	01/03/2022
<b>A1-500</b>	<b>2</b>	<b>Administration Building Elevations</b>	<b>WD Architects</b>	<b>01/03/2022</b>
A900	2	Administration Building Perspectives	WD Architects	01/03/2022
<b>A2-300</b>	<b>4</b>	<b>Classroom Building Floor Plan</b>	<b>WD Architects</b>	<b>23/02/2023</b>
A400	2	Classroom Building Sections	WD Architects	01/03/2022
A500	2	Classroom Building Elevations	WD Architects	01/03/2022
A900	2	Classroom Building Perspectives	WD Architects	01/03/2022
A300	1	Proposed Library/Resource Centre Floor Plan	WD Architects	01/03/2022
A500	1	Proposed Library/Resource Centre Elevations & Sections	WD Architects	01/03/2022
A900	1	Proposed Library/Resource Centre Perspectives	WD Architects	01/03/2022
A300	2	Speciality Classroom & Workshop Floor Plan	WD Architects	01/03/2022
A500	2	Speciality Classroom & Workshop Elevations & Sections	WD Architects	01/03/2022
A900	2	Speciality Classroom & Workshop Perspectives	WD Architects	01/03/2022





## OPERATIONAL WORKS

### CONDITION 2

2. A Development Permit for Operational Works must be obtained from Council prior to the commencement of ~~construction~~ for Stage 1. The Development Application for Operational Works is to include the following:
- Earthworks (including retaining walls);
  - Road works (including signage);
  - Pedestrian / Cycle Footpath works;
  - Stormwater Management (quantity, quality, flood and drainage control);
  - Street lighting, electrical and telecommunications; and
  - Landscaping, environmental protection and associated works.

#### Representations

With reference to the term 'construction', it is requested that this is amended to state civil works or alike to ensure the applicant can commence building works simultaneously at the subject site to achieve funding deadlines.

### CONDITION 8

8. ~~Prior to the lodgement of any~~ Operational Works application, the Applicant must submit for approval to Council, an Engineering Services Report prepared by a Registered Professional Engineer of Queensland (RPEQ) that assess and recommends the necessary onsite water requirements for the entire proposed development, noting the relevant water standard qualities that must be adhered to.

#### Representations

It is requested that this condition is amended to state **As part of the Development Application for Operational Works for Stage 1**. This is to allow the separation of some of the civil works application requirements to occur to align with the funding commitments associated with the construction of the school.

## TRANSPORTATION SERVICES

### CONDITION 14

14. As part of the Development Application for Operational Works for Stage 1, the Applicant must construct the ~~channelised right-turn treatments lane~~ as per the approved Traffic Impact Assessment Report.

#### Representations

Upon further review of the condition, there appears to be an incorrect reference from the approved Traffic Impact Assessment. It is therefore requested that the condition reference turn treatments to reflect both the auxiliary left turn and basic right turn design recommendations for the site.



## CONDITION 15

15. As part of the first application for Operational Works, the Applicant is to submit a Pedestrian/Cycle Network Plan demonstrating provision of a concrete footpath with a minimum width of 2.5 metres to be located within the road reserve and to be constructed:-

- along the frontage of the subject site;
- inclusive of a delineated road crossing of Round Hill Road;
- continue along the northern side of Round Hill Road; and
- connect into the footpath network at the frontage of 2853 Round Hill Road (Lot 214 on SP262272) required as a Condition of DA/18/2017 for the Shopping Centre.

The design of which shall comply with Austroads Standards and Council's Standard Drawing Concrete Pathway/Bikeway Details and is to be certified by an RPEQ experienced in that type of work. The footpath is to be constructed and on maintenance prior to the commencement of use of the first stage.

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

### Representations

With reference to Round Hill Road, it is understood that the road is considered as a Rural Sub-Arterial in terms of hierarchy. The current speed environment for the portion of the site that fronts Round Hill Road up to the proposed termination point at Lot 214 is signed at 80km/hr.

As per Council's Road Hierarchy Policy, an *Arterial* road is the highest order of road, whose main function is to provide the principal links between centres and rural regions. Within an urban area, they should have the capacity to be developed into multi-lane facilities with access control being a desirable feature to enhance traffic flow. Consequently, development of maximum traffic capacity must be the prime consideration.

It is understood that the adjoining property (2773 Round Hill Road) sought Council to consider a signalised intersection to facilitate safe vehicular movement on the off-centre T-intersection. However, during the application assessment process, it is understood Council maintained the policy position that a four-leg roundabout designed at 100km/hr speed environment should be constructed.

As part of the Information Request Response, the engaged Applicant provided further justification regarding the preferred design option of signalised light intersection or proposing to reduce the speed environment from Bicentennial Drive to the township of Agnes Water to a 60km/hr environment. Upon review of the material submitted within the Operational Works application, Council have issued a Further Advice Notice stipulating the design speed should be 100km/hr with no consideration of a proposed pedestrian footpath to the subject site (2744 Round Hill Road).

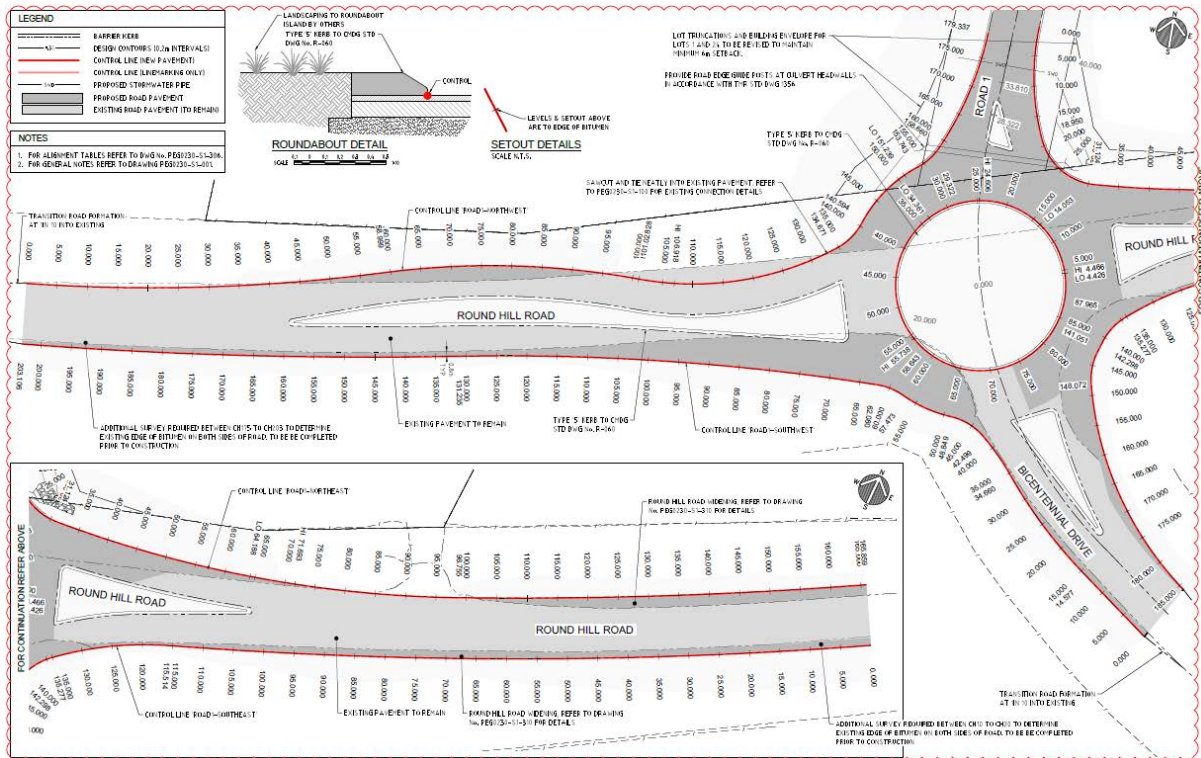


Figure 6: Proposed Roundabout Design for 2773 Round Hill Road

The current policy position from Council appears to maintain the function of the Sub-Arterial Rural Road as a priority, rather than the safety and function of the intersection for pedestrian movement.

The requirement for a pedestrian crossing within proximity to this roundabout to Round Hill Road connecting to a footpath on the northern side would be in contradiction with Council wanting to maintain the function of Round Hill Road as a sub-arterial with a sign posted speed of 80km/hr and design speed of 100km/hr.

As previously highlighted by the engaged Traffic Engineer, the proposed pedestrian crossing and pathway would promote pedestrian activity in an unsafe speed environment and put children's safety at risk.

The Officer's proposed position of the footpath running along the northern side of Round Hill Road would require additional road crossings near:

- The proposed roundabout leg into 2773 Round Hill Road subject site (dual lanes)
- The proposed sub-arterial road bi-pass road (identified in the LGIP)
- The commercial crossover from the approved Service Station



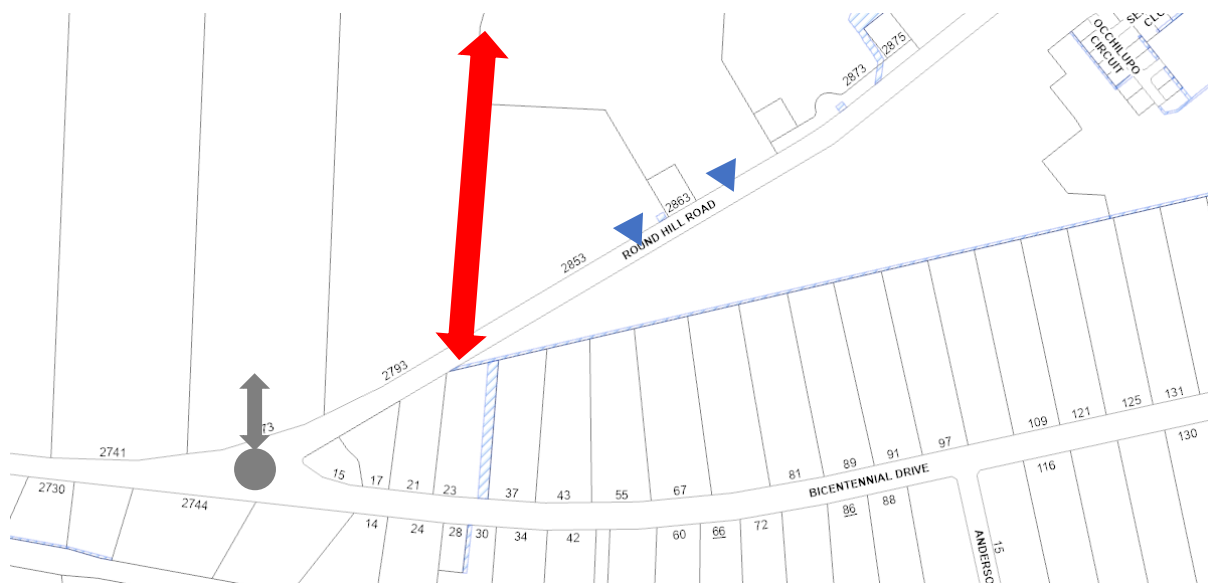


Figure 7: Required External Crossings

As previously highlighted by the Applicant and engaged Traffic Engineer, the road corridor along Round Hill Road up to the approved Shopping Centre encounters varying terrain typologies along the northern side of the road shoulder and a table drain along the southern side of the road corridor. This further restricts the necessary safety separation distances for a shared pathway and the current road environment. Subsequently, highlighting the unfeasible connection between the subject site and future Shopping Centre.

Upon review of the Officer’s Town Planning Report presented at the General Meeting regarding the previously submitted representations, it is acknowledged that the Officer’s referenced the requirements within the Development Design Code in the Planning Scheme. Below is an extract from the relevant assessment benchmarks.

<p><b>PO13</b></p> <p>Footpaths provide pedestrian and bicycle access to site, which is designed to:</p> <ul style="list-style-type: none"><li>a. provide safe movement;</li><li>b. avoid unnecessary conflict between pedestrians, bicycles and motor vehicles;</li><li>c. include durable and stable materials; and</li><li>d. match any adjacent footpath.</li></ul>	<p><b>AO13</b></p> <p>Footpaths are:</p> <ul style="list-style-type: none"><li>a. provided to the full road frontage and designed in accordance with the Engineering Design Planning Scheme Policy;</li><li>b. connected to the existing footpath network; and</li><li>c. certified by a Registered Professional Engineer of Queensland.</li></ul>
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Figure 8: Extract from Planning Scheme

It is argued that the current condition does not facilitate safe movement, avoid conflict between the motor vehicles and match any adjacent footpaths. As such, it is further sought that the proposal is re-assessed against the Purpose and Strategic Framework within the Planning Scheme rather than the Performance Outcome in which the pathway could not feasibly comply with. The Overall Outcomes within the Development Design Code state the following:



The purpose of the code will be achieved through the following overall outcomes:

- a. Development is adequately serviced by utility and access infrastructure including roads, water, waste water, power, telecommunications, stormwater management and waste management.
- b. The integrity and **efficiency** of utility and **access infrastructure** systems is **maintained**.
- c. Environmental values of receiving water are protected from adverse development impacts arising from stormwater quality and flow.
- d. Environmental values of receiving water are protected from waste water impacts.
- e. Environmental values of receiving water are protected from development impacts arising from the creation or expansion of non-tidal artificial waterways.
- f. Public health and safety are protected and damage or nuisance caused by stormwater is avoided.
- g. Stormwater is designed to maintain or recreate natural hydrological processes and minimise run-off.
- h. **The function, safety and efficiency of the transport network is optimised.**
- i. Development within close proximity to existing or future public passenger transport facilities supports an integrated approach to land use and transport integration.
- j. Development provides adequate on-site vehicular access and adequate parking and servicing facilities for vehicles and parking facilities for bicycles.
- k. **Access, parking, servicing and associated manoeuvring areas are designed to be safe, functional and meet the reasonable demands generated by the development.**
- l. **Provision of safe and non-discriminatory public and pedestrian access is provided.**
- m. Works in public streets and spaces enhance the pedestrian amenity and improve streetscape appearance.
- n. Sensitive land uses in close proximity to activities generating amenity impacts are located and designed to mitigate their impacts.
- o. Waste generation is minimised and re-use and recycling increased.
- p. Development provides for the storage of generated waste in an environmentally acceptable and nuisance free manner and waste storage facilities are functionally appropriate for users of the facilities, and
- q. Developments accessed by common private title have appropriate fire hydrant and infrastructure and unimpeded access to emergency service vehicles for the protection of people, property and environment from fire and chemical incidents.

\*Bolded for reference

The Overall Outcomes note in several instances that access to development should be designed to achieve safe and functional needs. The pathway requirement clearly does not facilitate safe or necessary connection needs to the urban centre. As previously noted in the application common material and representations from the Applicant and engaged Traffic Engineer, the Educational Establishment does not intend to promote pedestrian connections, rather a service bus and opportunity for vehicle drop off and pick up at the subject site.

In summary, it is requested that Council review the Planning Scheme requirements and policy position to require the development to design and construct a pathway connection that cannot be reasonably delivered within the context of this site and is not required.



If Council does not support the Traffic Engineer's advice and review of the Planning Scheme requirements, it is highlighted to Council that the condition currently imposed would meet the criteria of a Conversation Application to deem the non-trunk infrastructure to trunk infrastructure.

This is evident when applying the assessment to Section 7.2 of the Adopted Infrastructure Charge Resolution (AICR) which states:

- (i) *For infrastructure to be considered trunk infrastructure, each of the following criteria must be met:*
- a) *The relevant infrastructure has been specifically designed (i.e. has the capacity) to service other developments in the area;*
  - b) *The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in a Local Government Infrastructure Plan (LGIP), or a charges resolution for the area;*
  - c) *The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with Section 665 of the Sustainable Planning Act 2009;*
  - d) *The infrastructure delivers the desired standard of service; and*
  - e) *The type, size and location of the infrastructure are the most cost effective option for servicing multiple users in the area.*

Upon review of the criteria and recent interpretation from Development Tribunal Appeal No. 19-044 (**Attachment 5**), the conditioned footpath would achieve criteria 7.2 (i) (a), (c), (d) and (e) due to the location and current condition standard being 2.5m. This condition can provide for the function of trunk footpaths as the infrastructure meets the required standards for a shared path to accommodate pedestrians and cyclists, which requires a minimum width of 2.5m. As the footpath is conditioned to be 2.5m wide, the infrastructure is consistent with the function of trunk footpath infrastructure. Additionally, this trunk footpath standard would further service four allotments along Round Hill Road being:

ADDRESS	DESCRIPTION	CURRENT USE
2741 Round Hill Road	Lot 6 RP 616792	Tourist Park
2773 Round Hill Road	Lot 7 RP 616792	Approved Rural Residential Subdivision
2793 Round Hill Road	Lot 8 RP 616792	Undeveloped
2853 Round Hill Road	Lot 214 SP 162272	Approved Shopping Centre, Service Station & Subdivision

As part of the Decision Notice package, an Adopted Infrastructure Charge Notice was issued for the development dated 2 September 2022 (**Attachment 6**). After the applicable Vacant Lot Credit has been applied, the development's total levied charge would total \$22,250.00. During the subsequent Operational Works permit, a Bill of Quantities (BOQ) would be endorsed by a RPEQ that would determine the applicable works cost in accordance with Section 6.3 of the AICR. This is expected to well exceed the current levied charge by which Council would be subject to Section 129 (3) of PA which would require the difference of the costs to be refunded to the Applicant.

It is advised that if Council maintains its position that a footpath is required, the Applicant intends to lodge a Conversion Application to seek confirmation that this infrastructure is trunk.





#### **CONDITION 16**

16. An Operational Plan to address Pedestrian & Cycle safety of patrons of the facility shall be submitted to Council prior to commencement of the use.

#### Representations

Subject to Council's determination on Condition 15, this condition may either become redundant or require further amendments.

#### Option 1:

If Condition 15 is deleted, it would be suggested that this condition is retained with the below amendments to the wording:

An Operational Plan to ensure the safety of patrons of the facility shall be submitted to Council prior to commencement of the use. This plan may include how the Educational Establishment provides bus services only and deters pedestrian and bicycle access from the Agnes Water township.

#### Option 2:

If Condition 15 is retained, it would be suggested that this condition is deleted. The proposed footpath would become a Council asset which services multiple properties along Round Hill Road. As such, an Operational Plan provided to Council would not remove liability of Council or the individuals utilising the public infrastructure. The Goora Gan Steiner school will run awareness programs and correspondence to the patrons to ensure they are aware of the sites' preferred accessibility methods. This is however not a Planning Scheme requirement, rather an internal procedural policy that would be regularly updated.

#### **CONDITION 18**

18. Prior to the commencement of Stage 1, a minimum of 10 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3.

#### Representations

Subject to Council's determination on Condition 15, this condition may either become redundant or require further amendments. If Council acknowledges the unfeasible pathway requirement and deletes the condition, it is further requested that Condition 18 is removed to ensure access to the facility is via the provided bus service or private vehicle/s.

#### **LANDSCAPING**

#### **CONDITION 25**

25. Prior to the commencement of use of Stage 1, construction of a minimum ~~1.8m high screen fence for the full extent of the development footprint to the western side boundary and a 1.2m high post and wire fence for the remaining western boundary and the full extent of the eastern and rear~~ boundaries must be completed. Details of which are to be included within any Development Application for Building Works.



### Representations

The Goora Gan Steiner school wishes to protect native wildlife populations and their movements to the extent possible, including retaining almost all of the existing vegetation. Fencing the south and east boundaries would adversely affect wildlife movements through the subject site. To allow this to occur at the subject site, it is requested that Condition 25 be amended. This type of fencing is present in all rural schools throughout the region and other areas.

## 7 ASSESSING & DECIDING MINOR CHANGES

As per Section 81 of the Act, the Responsible Entity must consider. The following details the Applicant's response to this criteria with respect to the proposed Minor Change.

### ***(a) the information the applicant included with the application; and***

Please consider the material provided in this change request.

### ***(b) if the responsible entity is the assessment manager and submissions were properly made about the development application—the submissions; and***

The proposed changes are not expected to have any impact on the submissions against the original application.

### ***(c) any pre-request response notice or response notice given in relation to the change application; and***

No pre-request response notice relates to the proposed change.

### ***(d) all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and***

With respect to section 81(2)(d) of the Act, the Act goes on to further detail the assessment requirements against this provision. Section 81(3) outlines that the Responsible Entity:

- a. must assess against, or have regard to, the matters that applied when the development application was made; and*
- b. may assess against, or have regard to, the matters that applied when the change application was made.*

The approval was issued under the current Gladstone Regional Council Planning Scheme. As the assessment criteria remains unchanged between the lodgement of this change request and the previous approval, the change is considered to remain compliant with the assessment benchmarks within the Scheme.

### ***(e) another matter that the responsible entity considers relevant.***

It is noted that the Assessment Manager may consider another matter that they consider to be relevant.



## 8 INFRASTRUCTURE CHARGES

The issued Adopted Infrastructure Charge Notice noted that the proposal had a total of 890m<sup>2</sup> GFA. Based on the proposed changes, it is expected that these charges would be updated to reflect the following:

USE TYPE	QUANTITY X CHARGE	TOTAL
Community Service	879m <sup>2</sup> GFA @ \$45/m <sup>2</sup>	\$39,555
Less Credits (existing lot)	\$17,800.00	\$17,800
<b>Total Applicable Charge</b>		<b>\$21,755</b>

It is further requested that the notice is staged to reflect the following payments:

- > Stage 1 – (\$28,822.50 - \$17,800.00) = \$11,022.50
- > Stage 2 - \$5,355.00
- > Stage 3 - \$5,377.50

Subject to the outcome of Condition 15 pertaining to trunk pathway infrastructure, an offset would be applicable which would qualify for a reduction of charges and further refund of the cost of works. The final charge amount payable would need to be adjusted.

## 9 SUMMARY

This application seeks Council's approval for a Minor Change to a current development approval for a Development Permit for a Material Change of Use for an Educational Establishment over three stages.

Specifically, the proposed changes result in minor revisions to the administration and classroom buildings and consideration of the current requirement for a pedestrian footpath along a sub-arterial rural road.

Based on the assessment contained herein, it is contended that the proposed changes are minor in nature and in accordance with the relevant provisions of the *Planning Act 2016*.

We trust this information is sufficient for your purposes; however, should you require any further details or clarification, please do not hesitate to contact Shaunte Farrington or the undersigned on 07 4972 3831.

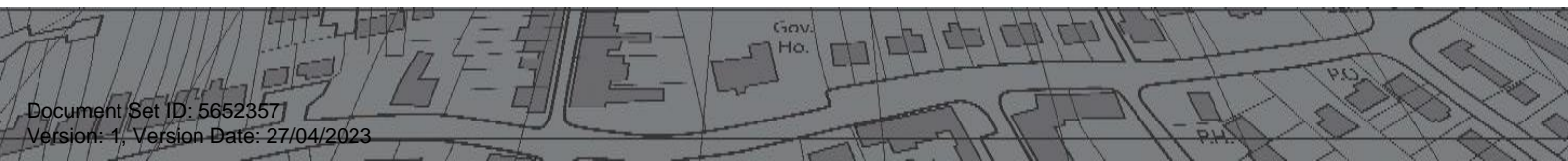
Yours sincerely

**Stephen Enders | Director**  
**ZONE PLANNING QLD**



# ATTACHMENT 1

## Completed PA Form 5



# Change application form

**Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.**

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

**Note:** All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	GOORA GAN STEINER SCHOOL INCORPORATED
Contact name (only applicable for companies)	C/- ZONE PLANNING GROUP
Postal address (P.O. Box or street address)	PO BOX 5332
Suburb	GLADSTONE
State	QLD
Postcode	4680
Country	AUSTRALIA
Email address (non-mandatory)	SFARRINGTON@ZONEPLANNING.COM.AU
Mobile number (non-mandatory)	07 4972 3831
Applicant's reference number(s) (if applicable)	Q23095

## 2) Owner's consent - Is written consent of the owner required for this change application?

**Note:** Section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- Yes – the written consent of the owner(s) is attached to this change application  
 No

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

#### 3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**  
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		2744	ROUND HILL ROAD	AGNES WATER
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4677	36	RP619982	GLADSTONE
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



**Queensland  
Government**



**3.2) Coordinates of premises** (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

**3.3) Additional premises**

Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application

Not required

**PART 3 – RESPONSIBLE ENTITY DETAILS**

**4) Identify the responsible entity that will be assessing this change application**

**Note:** see section 78(3) of the Planning Act 2016

GLADSTONE REGIONAL COUNCIL

**PART 4 – CHANGE DETAILS**

**5) Provide details of the existing development approval subject to this change application**

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	DA/28/2022	SEPT 2022	GLADSTONE REGIONAL COUNCIL

**6) Type of change proposed**

**6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):**

MINOR CHANGE – SEE ATTACHED REPORT

**6.2) What type of change does this application propose?**

Minor change application – proceed to Part 5

Other change application – proceed to Part 6

## PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 <b>Note:</b> section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

**Note:** To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes
9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?
<input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work?
<input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.
10) Referral details – Does the change application require referral for any referral requirements?
<b>Note:</b> The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the <a href="#">Referral checklist for building work</a> is also completed.
11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application <b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties</li> <li>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> Further advice about information requests is contained in the <a href="#">DA Forms Guide: Forms 1 and 2</a> .
12) Further details
<input type="checkbox"/> Part 7 of DA Form 1 – Development application details is completed as if the change application was a development application and is provided with this application.

## PART 7 – CHECKLIST AND APPLICANT DECLARATION

### 13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and  Yes
- for an other change all relevant referral requirement(s) in 10)

**Note:** See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application  Yes  
 Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application  Yes  
 Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application  Yes

**Note:** This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application  Yes

**Note:** Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

### 14) Applicant declaration

- By making this change application, I declare that all information in this change application is true and correct.
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY**

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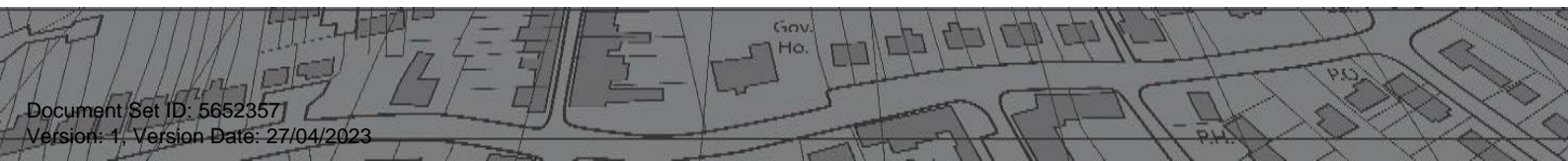
Date received:  Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date received form sighted by assessment manager			
Name of officer who sighted the form			



# ATTACHMENT 2

## Existing Approval Documents





Contact: Development Services  
Our Ref: DA/28/2022

13 December 2022

Goora Gan Steiner School Incorporated  
C/- Angelo Oliaro  
Angelo Oliaro Town Planning  
56 Honiton Street  
TORQUAY QLD 4655

Dear Sir

**NEGOTIATED NOTICE OF DECISION**  
**PLANNING ACT 2016 S76**

**DA/28/2022 - MATERIAL CHANGE OF USE - IMPACT**  
**EDUCATIONAL ESTABLISHMENT (3 STAGES)**  
**2744 ROUND HILL ROAD, AGNES WATER QLD 4677**  
**LOT 36 RP 619982**

Reference is made to the above Development Application and to your request to make representations in relation to certain matters within Council's Notice of Decision dated 2 September.

I wish to advise that your request was considered by Council at its 6 December 2022 General Meeting where it was resolved to agree to the representations in part as set out in the following Negotiated Notice of Decision. The Negotiated Notice of Decision replaces the Notice of Decision previously issued and dated 2 September 2022.

Should you have any questions or require further clarification in relation to any matters raised in the Negotiated Notice of Decision, please do not hesitate to contact Council's Development Services Department on (07) 4970 0700.

Yours faithfully



**H A ROBERTSON**  
**MANAGER DEVELOPMENT SERVICES**

**NEGOTIATED NOTICE OF DECISION - DA/28/2022**  
**PLANNING ACT 2016 S76**

Application:	Material Change of Use - Impact - Educational Establishment (3 Stages)
Applicant Name & Address:	Goora Gan Steiner School Incorporated C/- Angelo Oliaro Angelo Oliaro Town Planning 56 Honiton Street TORQUAY QLD 4655
Owner:	Goora Gan Steiner School Incorporated
Subject Land:	2744 Round Hill Road, AGNES WATER QLD 4677
Location:	Lot 36 RP 619982
Zoning:	Rural Residential – Bicentennial Drive Enterprise
Site Area:	1.9 Ha
Definition of Use:	Educational Establishment: <i>Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation.</i>
Submissions Received:	One (1) Not Properly Made Submission
Application Received:	29 April 2022
Planning Scheme:	<i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i>

You are advised that your application was Approved in Part Negotiated. 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**

	<b>Development Permit</b>	<b>Preliminary Approval</b>
• <b>Material change of use</b> made assessable by the planning scheme	✓	x

**2. NATURE OF CHANGES**

The nature of the changes are:

- Condition 25 – Amended

**3. 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
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none"> <li><i>Natural Hazards Risk and Resilience</i></li> </ul>
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i>	<ul style="list-style-type: none"> <li><i>Strategic Framework;</i></li> <li><i>Bushfire Hazard Overlay Code</i></li> <li><i>Emerging Community Zone Code;</i></li> <li><i>Development Design Code;</i></li> <li><i>Landscaping Code.</i></li> </ul>

#### 4. CURRENCY PERIOD FOR THE APPROVAL

The currency periods stated in section 85 of the *Planning Act 2016* apply to each aspect of development in this approval, as outlined below unless otherwise conditioned within this approval:-

- ✓ material change of use - 6 years

#### 5. APPROVED PLANS

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

Drawing Number	Revision	Description	Author	Date
A110	3	Site Plan and Landscape Plan	WD Architects	01/03/2022
A120	1	Roadworks and Parking Layout	WD Architects	01/03/2022
A130	1	Staging Plan	WD Architects	01/03/2022
A300	2	Administration Building Floor Plan	WD Architects	01/03/2022
A400	2	Administration Building Sections	WD Architects	01/03/2022
A500	2	Administration Building Elevations	WD Architects	01/03/2022
A900	2	Administration Building Perspectives	WD Architects	01/03/2022
A300	2	Classroom Building Floor Plan	WD Architects	01/03/2022
A400	2	Classroom Building Sections	WD Architects	01/03/2022
A500	2	Classroom Building Elevations	WD Architects	01/03/2022
A900	2	Classroom Building Perspectives	WD Architects	01/03/2022
A300	1	Proposed Library/Resource Centre Floor Plan	WD Architects	01/03/2022
A500	1	Proposed Library/Resource Centre Elevations and Sections	WD Architects	01/03/2022
A900	1	Proposed Library/Resource Centre Perspectives	WD Architects	01/03/2022
A300	2	Specialty Classroom and Workshop Floor Plan	WD Architects	01/03/2022

A500	2	Specialty Classroom and Workshop Elevations and Sections	WD Architects	01/03/2022
A900	2	Specialty Classroom and Workshop Perspectives	WD Architects	01/03/2022

And supporting documents

Document Number	Revision	Description	Author	Date
21562	-	Effluent Disposal Report	Engineers Plus	April 2022
21562		Site Specific Stormwater Management Report	Engineers Plus	April 2022
-	-	Traffic Impact Assessment	Access Traffic Consulting	March 2022
21110	-	Noise Impact Assessment	SoundBase Consulting Engineers	21 April 2022

## 6. OTHER NECESSARY DEVELOPMENT PERMITS

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

1. Building Works;
2. Plumbing & Drainage Works; and
3. Operational Works.

## 7. NOTICE OF REASONS

The following provides the Notice of Reasons under section 63(5) of the *Planning Act 2016*:

### Description of the development:

The approved development is for a Material Change of Use of Premises for an Educational Establishment (3 Stages).

### Assessment Benchmarks:

Benchmarks applying to the development	Benchmark reference
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none"> <li>• <i>Natural Hazards Risk and Resilience</i></li> </ul>
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i>	<ul style="list-style-type: none"> <li>• <i>Strategic Framework;</i></li> <li>• <i>Bushfire Hazard Overlay Code</i></li> <li>• <i>Emerging Community Zone Code;</i></li> <li>• <i>Development Design Code;</i></li> <li>• <i>Landscaping Code.</i></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:**

<b>Benchmark reference</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 and 2.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 and 2.1 via conditions.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1 to 6.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1 to 6 via conditions.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 8.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 8 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9 via a condition.
Development Design Code – Table 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 – Table 9.3.2.3.1 – Acceptable Outcome 18.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 18 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Performance Outcome 6.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Performance Outcome 6 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1 and 7.2.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1 and 7.2 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 Councils response in dealing with these matters:**

N/A

**Matters prescribed by a Regulation:**

1. The *State Planning Policy July 2017 – Part E*;
2. The *Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2*

**8. SUBMISSIONS**

There were no properly made submissions about the application.



## 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 Notice of Decision 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:
  - When the submitter's appeal ends; or
  - 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 Development Services Department on (07) 4970 0700.

Yours faithfully



H A ROBERTSON  
**MANAGER DEVELOPMENT SERVICES**

**Attached:     Conditions**  
**Appeal Rights**  
**Approved Plans**

**ASSESSMENT MANAGER CONDITIONS - DA/28/2022**

**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:

<b>Drawing Number</b>	<b>Revision</b>	<b>Description</b>	<b>Author</b>	<b>Date</b>
A110	3	Site Plan and Landscape Plan	WD Architects	01/03/2022
A120	1	Roadworks and Parking Layout	WD Architects	01/03/2022
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-	-	Traffic Impact Assessment	Access Traffic Consulting	March 2022
21110	-	Noise Impact Assessment	SoundBase Consulting Engineers	21 April 2022

### Operational Works

2. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction for Stage 1. The Development Application for Operational Works is to include the following:
  - a. Earthworks (including retaining walls);
  - b. Road works (including signage);
  - c. Pedestrian / Cycle Footpath works;
  - d. Stormwater Management (quantity, quality, flood and drainage control);
  - e. Street lighting, electrical and telecommunications; and
  - f. Landscaping, environmental protection and associated works.
3. 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 <http://www.cmdg.com.au/index.htm>.*

### Building, Plumbing and Drainage Works

4. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016* for each stage. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
5. 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* for each stage. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.

6. Prior to the commencement of the use for each stage, 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 other uses in the surrounding area.
7. Prior to the commencement of the use for each stage, 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.

### **Water Infrastructure**

8. Prior to the lodgement of any Operational Works application, the Applicant must submit for approval to Council, an Engineering Services Report prepared by a Registered Professional Engineer of Queensland (RPEQ) that assess and recommends the necessary onsite water requirements for the entire proposed development, noting the relevant water standard qualities that must be adhered to.
9. Prior to the commencement of the use for each stage, the Applicant must install and construct the necessary water facilities as per Condition 8 approved Engineering Services Report for onsite Water.

### **Sewerage Infrastructure**

10. As part of any Development Application for Plumbing and Drainage Works, the Applicant must design and construct the onsite effluent disposal system as recommended in the approved Effluent Disposal Report.
11. As part of the Development Application for Plumbing and Drainage Works for Stage 1, the Applicant must install the recommended fencing and planting as outlined in the approved Effluent Disposal Report.
12. Any future request to connect into Council Sewerage Infrastructure once available shall be at the expense of the owner.

### **Stormwater Infrastructure**

13. As part of the Development Application for Operational Works for Stage 1, the Applicant is to submit for approval by Council an amended Site Based Stormwater Management Plan. The Site Based Stormwater Management Plan must address both stormwater quantity and quality and be in accordance with the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Our Place Our Plan Gladstone Regional Council Planning Scheme* and the *State Planning Policy – July 2017*. The Site Based Stormwater Management Plan must be certified by a Registered Professional Engineer of Queensland experienced in this type of work

### **Transportation Services**

14. As part of the Development Application for Operational Works for Stage 1, the Applicant must construct the channelised right turn treatment lane as per the approved Traffic Impact Assessment Report.

15. As part of the first application for Operational Works, the Applicant is to submit a Pedestrian/Cycle Network Plan demonstrating provision of a concrete footpath with a minimum width of 2.5 metres to be located within the road reserve and to be constructed:-
- along the frontage of the subject site;
  - inclusive of a delineated road crossing of Round Hill Road;
  - continue along the northern side of Round Hill Road; and
  - connect into the footpath network at the frontage of 2853 Round Hill Road (Lot 214 on SP262272) required as a Condition of DA/18/2017 for the Shopping Centre.

The design of which shall comply with Austroads Standards and Council's Standard Drawing Concrete Pathway/Bikeway Details and is to be certified by an RPEQ experienced in that type of work. The footpath is to be constructed and on maintenance prior to the commencement of use of the first stage.

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

16. An Operational Plan to address Pedestrian & Cycle safety of patrons of the facility shall be submitted to Council prior to commencement of the use.
17. Prior to the commencement of Stage 1, a minimum of 18 car parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all 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.
18. Prior to the commencement of Stage 1, a minimum of 10 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3.
19. As part of the Development Application for Operational Works for Stage 1, a Commercial Driveway is to be constructed in accordance with 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 <http://www.cmdg.com.au/index.htm>.*

20. Prior to the commencement of Stage 1, shade street trees are to be constructed within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces 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.

## **Landscaping**

21. As part of the Development Application for Operational Works for Stage 1, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.



22. As part of the Development Application for Operational Works for Stage 1, a full 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 Landscaping Plan must include all recommendations outlined in the supporting approved reports, approved plans and conditioned within this package. The full Landscaping Plan is to be certified by a Landscape Architect.
23. As part of the first Development Application for Operational Works for Stage 1, 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 full Landscaping Plan.

*Advisory Note: Council's construction specification is located Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.*

24. As part of the Development Application for Operational Works for Stage 1, street trees are to be constructed along the Round Hill Road frontage, at a rate of 1 tree per 10m 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.

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

25. **Prior to the commencement of use of Stage 1, construction of a minimum 1.8m high screen fence for the full extent of the development footprint to the western side boundary and a 1.2m high post and wire fence for the remaining western boundary and the full extent of the eastern and rear boundaries must be completed. Details of which are to be included within any Development Application for Building Works.**

## **Waste Management**

26. As part of any Development Application for Operational Works for Stage 1, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan is to be in accordance with the Waste Management Planning Scheme Policy of the Gladstone Regional Planning Scheme.
27. Prior to the commencement of the use for Stage 1, refuse bins are to be provided in accordance with the Waste Management Plan.
28. Prior to the commencement of the use for Stage 1, the waste storage area/s 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.
29. Prior to the commencement of the use for Stage 1, 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.

### **Environmental Health**

30. At all times, the development must achieve the noise generation levels set out in the *Environmental Protection (Noise) Policy 2019*, as amended.
31. At all times, the development must achieve the air quality design objectives set out in the *Environmental Protection (Air) Policy 2019*, as amended.
32. Upon commencement of the use, should service deliveries occur outside the timeframes of 7am-7pm, an Environmental Management Plan is to be submitted to Council for approval which outlines the management strategies to minimise noise impacts to the adjacent residential uses. The Environmental Management Plan is to be in accordance with the maximum limits as per the *Environmental Protection (Noise Policy) 2008* under the *Environmental Protection Act 1994*.

### **Lawful Commencement**

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

### ***END OF CONDITIONS***

### **Advice to Applicant:**

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

## **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.

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p><b>2. Change applications</b></p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

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



<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>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—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>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—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>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</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

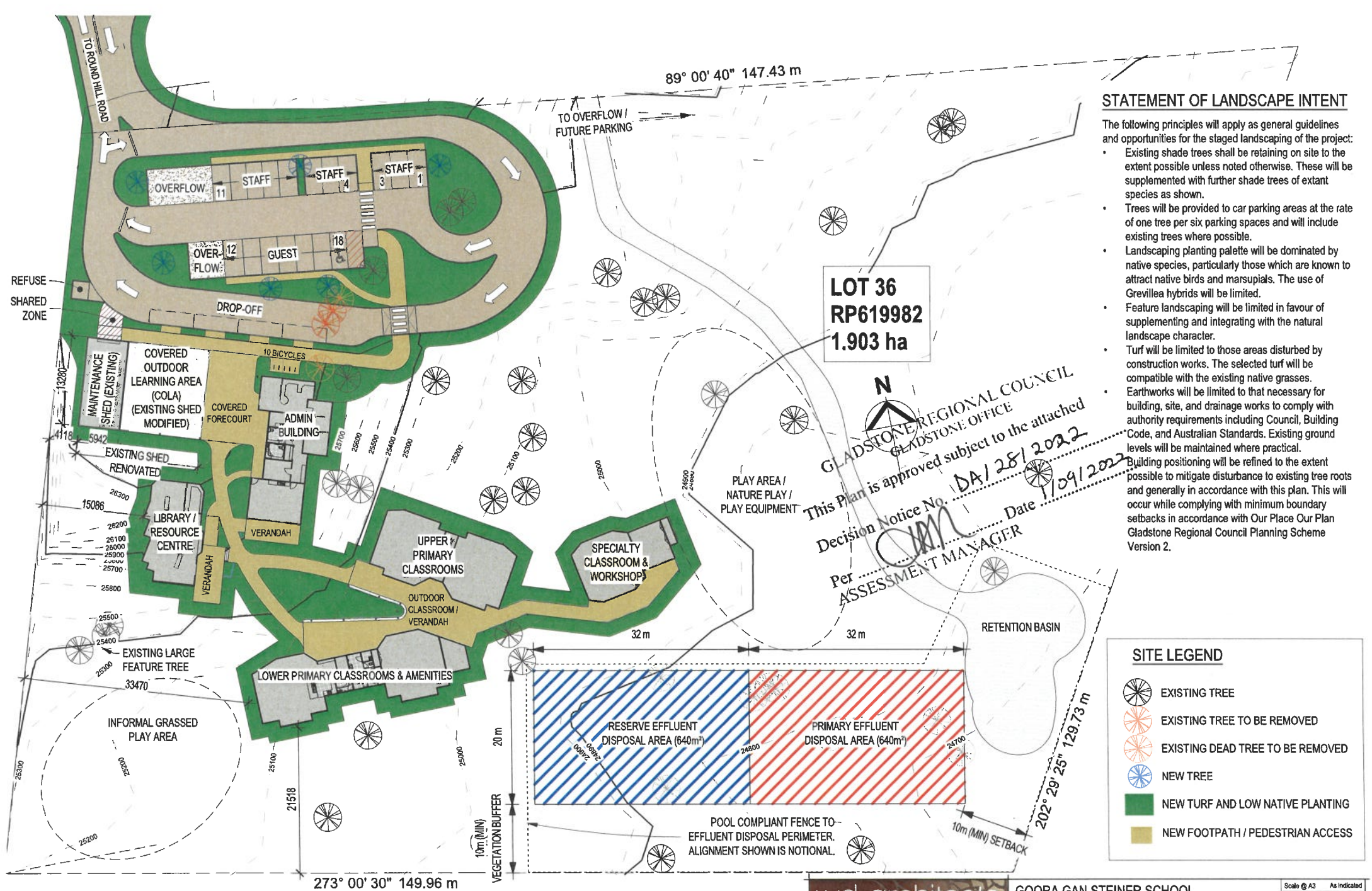
<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

<b>Table 3 Appeals to a tribunal only</b>			
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 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval  2 A private certifier for the development application related to the approval

<b>Table 3 Appeals to a tribunal only</b>			
<p><b>2. Inspection of building work</b> 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p><b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b> An appeal may be made against—</p> <p>(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</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p><b>4. Local government failure to decide application under the Building Act</b> An appeal may be made against a local government’s failure to decide an application under the Building Act within the period required under that Act.</p>			



<b>Table 3 Appeals to a tribunal only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 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	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent 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	—	—



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3	Issued for approval	1/03/2022
2	Driveway revision	17.02.2022
No.	Revision	Date

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**GOORA GAN STEINER SCHOOL**  
2744 ROUND HILL RD, AGNES WATER

**SITE PLAN and LANDSCAPE PLAN**

Scale @ A3	As Indicated
Date	07.02.2022
Project No.	21641
Drawn by	AWM/ALES
Checked by	AW
A110	3
	Revision



### PARKING CALCULATIONS

BUILDING	GFA
ADMIN	166
MAINTENANCE SHED	82
UPPER PRIMARY	184
LOWER PRIMARY & AMENITIES	233
SPECIALTY CLASSROOM & WORKSHOP	108
LIBRARY / RESOURCE CENTRE	113
<b>TOTAL</b>	<b>886 m<sup>2</sup></b>

1 CARPARK SPACE REQUIRED PER 50 m<sup>2</sup> GFA = 18 CAR SPACES REQUIRED  
 PLUS ADDITIONAL 3 DROP-OFF SPACES  
 1 BICYCLE SPACE REQUIRED PER 100 m<sup>2</sup> GFA = 9 BICYCLE SPACES REQUIRED

### SITE LEGEND

- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING DEAD TREE TO BE REMOVED
- NEW TREE
- NEW TURF AND LOW NATIVE PLANTING
- NEW FOOTPATH / PEDESTRIAN ACCESS



This Plan is approved subject to the attached  
 Decision Notice No. 00-189/1747-43 Date 1/09/2022  
 GLADSTONE REGIONAL COUNCIL  
 GLADSTONE OFFICE  
 MANAGER

## Roadworks and Parking Layout

1 : 300

**PRELIMINARY ONLY NOT FOR CONSTRUCTION**

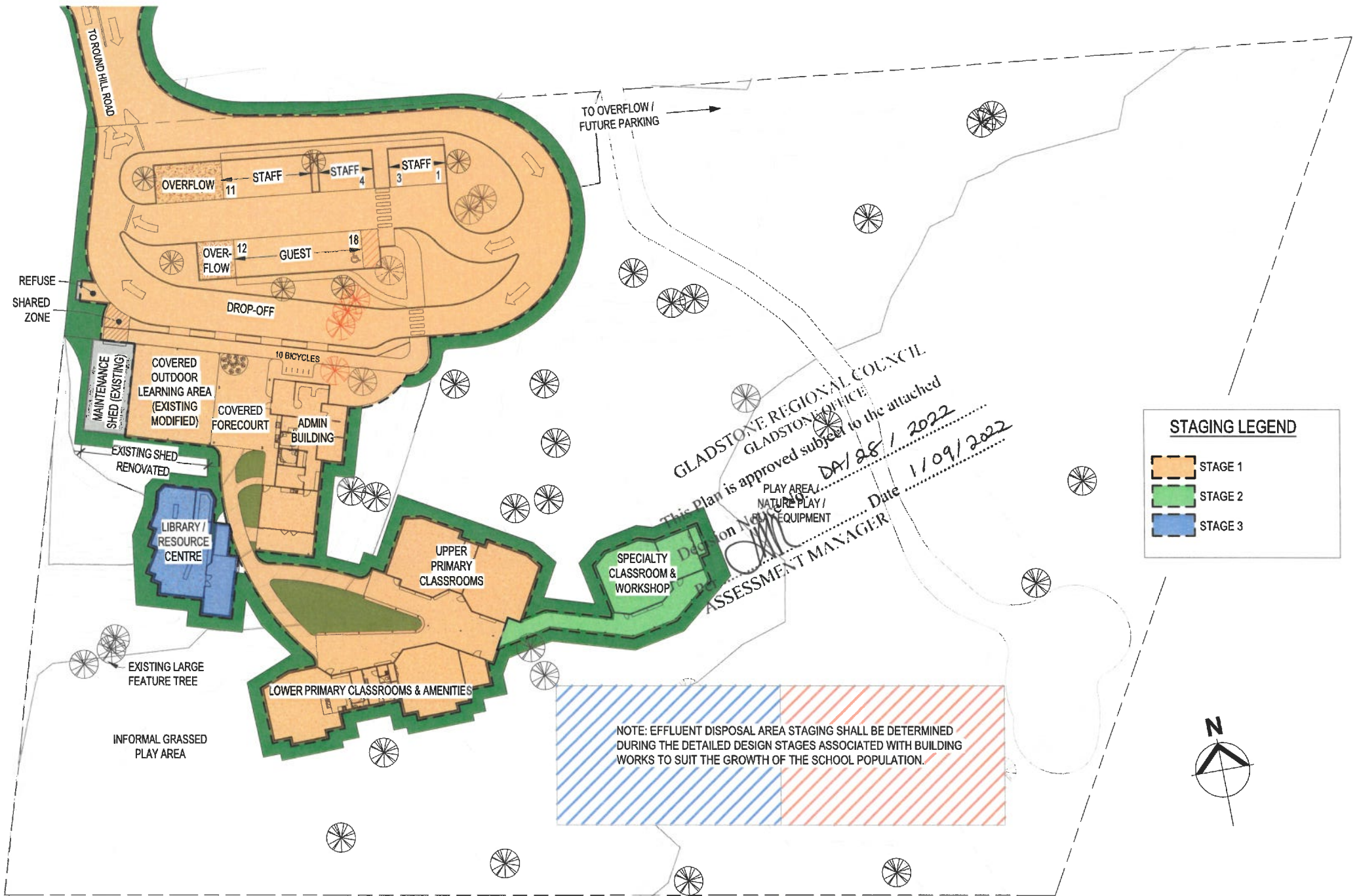
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No.	Revision	Date
1	Issued for approval	1/03/2022

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<b>GOORA GAN STEINER SCHOOL</b> 2744 ROUND HILL RD, AGNES WATER		Scale @ A3 As Indicated
ROADWORKS AND PARKING LAYOUT		Date 07.02.2022
		Project No. 21641
		Drawn by AW
		Checked by AW
A120	1	Revision





**STAGING LEGEND**

- STAGE 1
- STAGE 2
- STAGE 3

NOTE: EFFLUENT DISPOSAL AREA STAGING SHALL BE DETERMINED DURING THE DETAILED DESIGN STAGES ASSOCIATED WITH BUILDING WORKS TO SUIT THE GROWTH OF THE SCHOOL POPULATION.

This plan is approved subject to the attached  
 Decision Notice DA/28/2022 Date 11/09/2022  
 ASSESSMENT MANAGER

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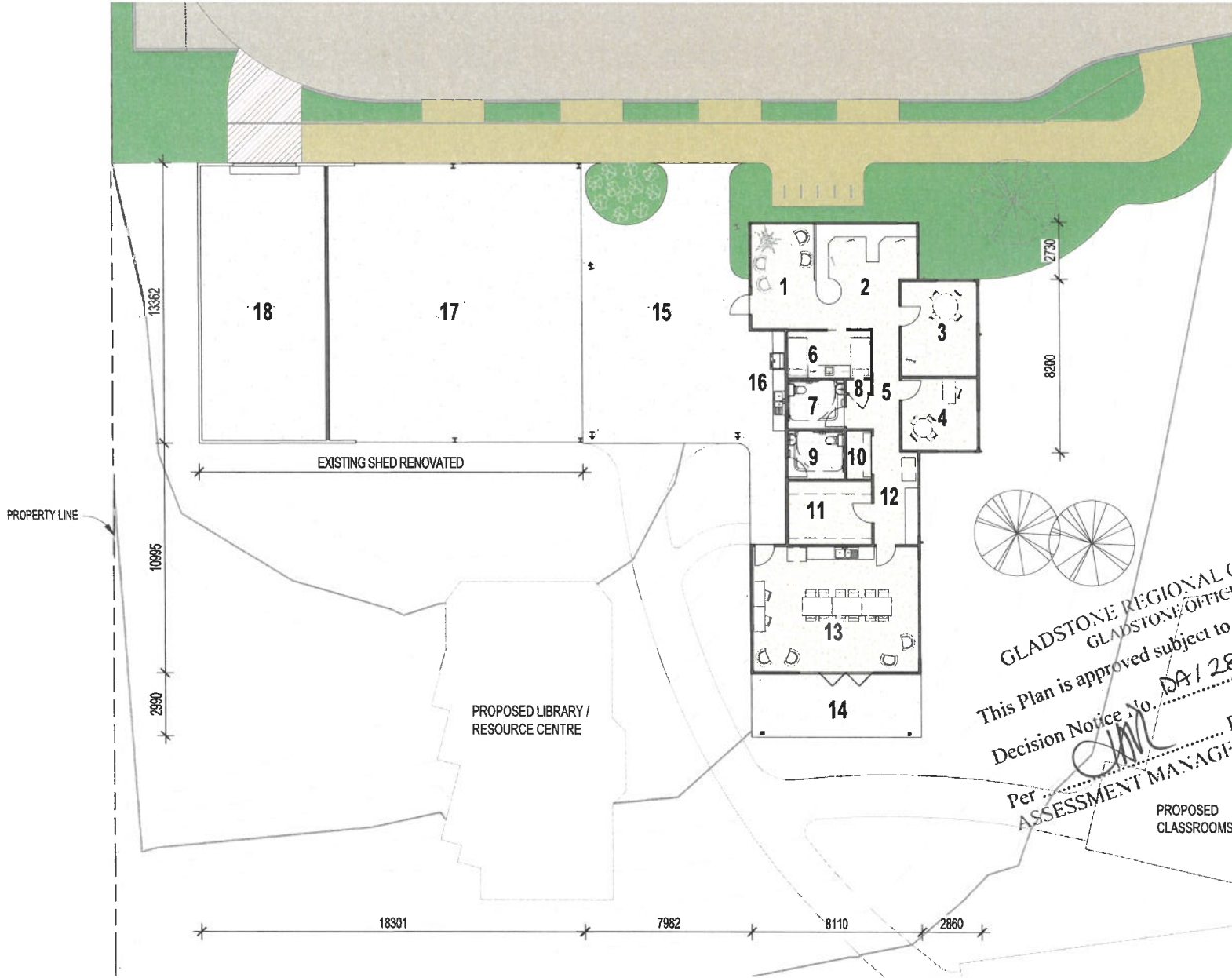
No.	Revision	Date
1	Issued for approval	1/03/2022

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**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL RD, AGNES WATER

STAGING PLAN

Scale @ A3	1:500
Date	07.02.2022
Project No.	21641
Drawn by	AW/MIL
Checked by	AW
<b>A130</b>	<b>1</b>
	Revision



Room Schedule		
Number	Name	Area
1	RECEPTION	15 m <sup>2</sup>
2	ADMINISTRATION OFFICE	22 m <sup>2</sup>
3	PRINCIPAL'S OFFICE	16 m <sup>2</sup>
4	OFFICE	12 m <sup>2</sup>
5	CORRIDOR	9 m <sup>2</sup>
6	SICK BAY	9 m <sup>2</sup>
7	STAFF TOILET 1	6 m <sup>2</sup>
8	ELEC/COMMS	1 m <sup>2</sup>
9	STAFF TOILET 2	6 m <sup>2</sup>
10	SERVER	3 m <sup>2</sup>
11	RECORDS/STORE ROOM	12 m <sup>2</sup>
12	PHOTOCOPY/STATIONARY	9 m <sup>2</sup>
13	STAFF ROOM	47 m <sup>2</sup>
14	STAFF COVERED AREA	24 m <sup>2</sup>
15	ENTRY COVERED AREA	113 m <sup>2</sup>
16	OUTDOOR KITCHEN	11 m <sup>2</sup>
17	COVERED OUTDOOR LEARNING AREA	162 m <sup>2</sup>
18	MAINTENANCE SHED	82 m <sup>2</sup>
Grand total: 18		559 m <sup>2</sup>

GLADSTONE REGIONAL COUNCIL  
 GLADSTONE OFFICE  
 This Plan is approved subject to the attached  
 Decision Notice No. DA/28/2022  
 Per *[Signature]* Date 1/09/2022  
 ASSESSMENT MANAGER

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No.	Revision	Date
2	Issued for approval	01.03.2022
1	Issued for coordination	15.02.2022

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 www.wdarchitects.com.au 0448 870 791

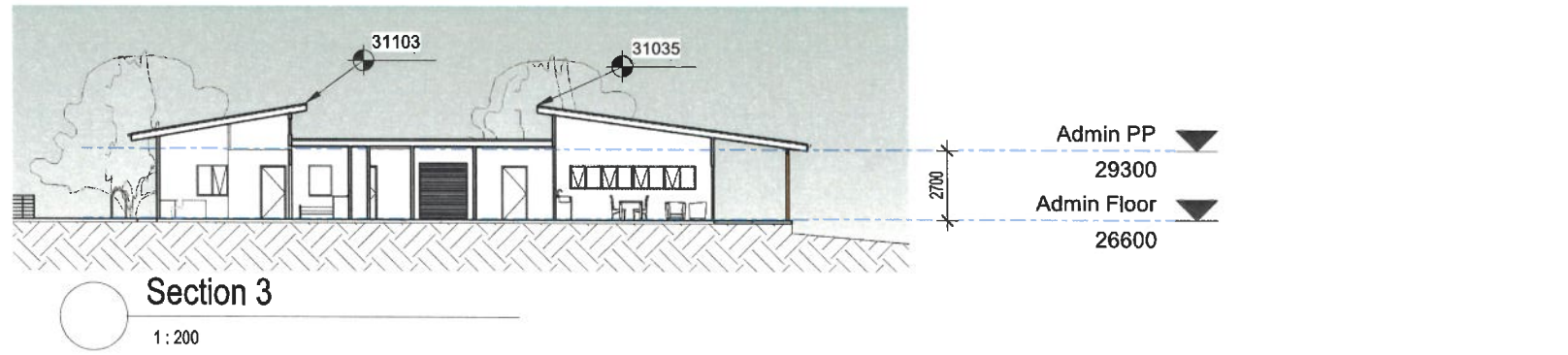
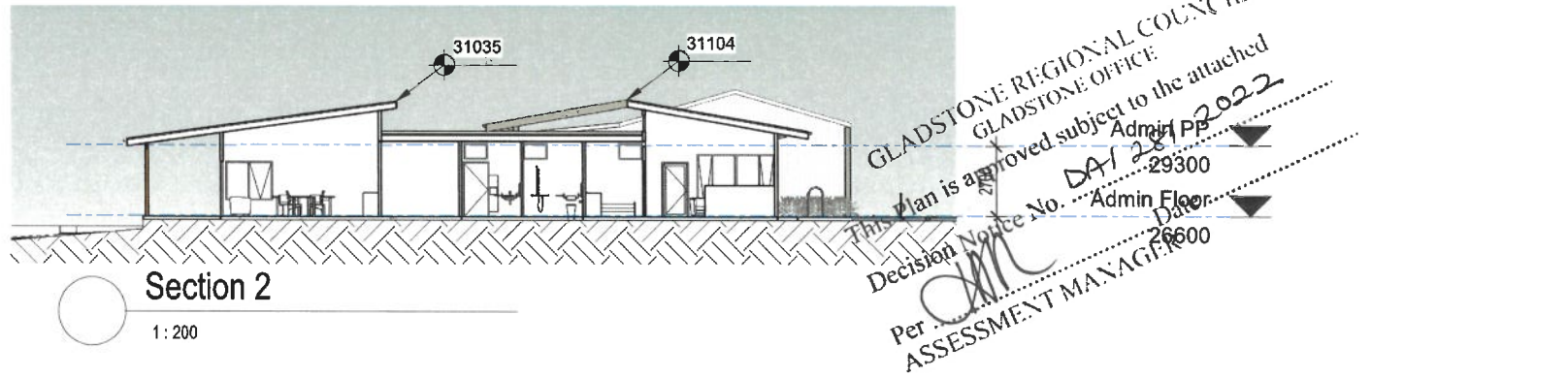
**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL ROAD, AGNES WATER  
 ADMINISTRATION BUILDING and COLA

FLOOR PLAN

Scale @ A3 1:200  
 Date 21.01.22  
 Project No. 641  
 Drawn by AWWML  
 Checked by AW

A300 2  
 Revision





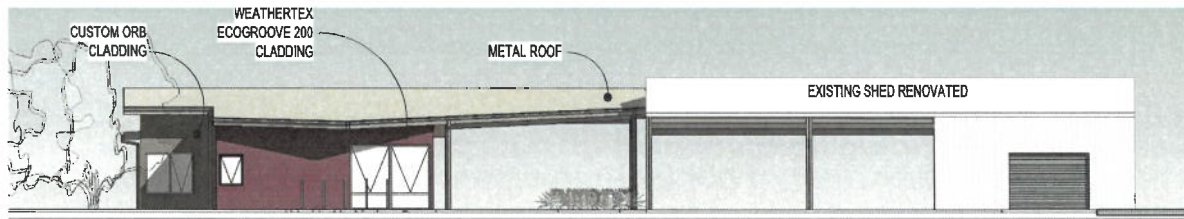
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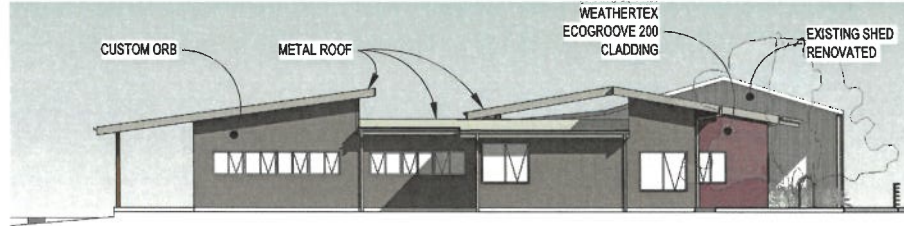
2	Issued for approval	01.03.2022
1	Issued for coordination	15.02.2022
No.	Revision	Date

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GOORA GAN STEINER SCHOOL 2744 ROUND HILL ROAD, AGNES WATER ADMINISTRATION BUILDING and COLA		Scale @ A3 1:200 Date 21.01.22 Project No. 641 Drawn by ML Checked by AW
SECTIONS		A400 2 Revision



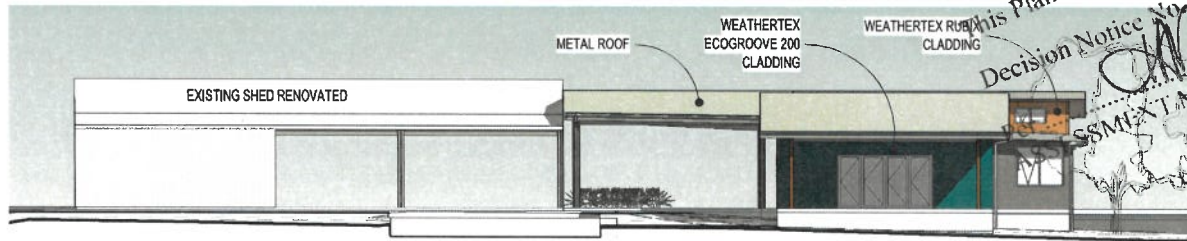
○ North Elevation  
1 : 200



○ East Elevation  
1 : 200



○ West Elevation  
1 : 200



○ South Elevation  
1 : 200

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Decision Notice No. DA/ 28/ 2022  
Date 1/09/2022  
SSM - XT MANAGER

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No.	Revision	Date

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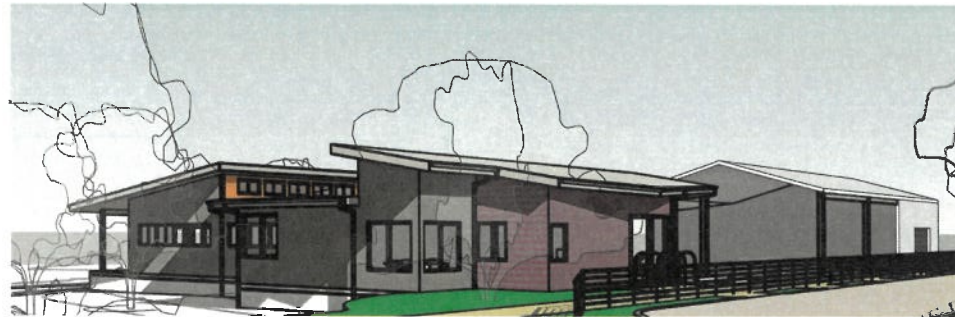
**GOORA GAN STEINER SCHOOL**  
2744 ROUND HILL ROAD, AGNES WATER  
ADMINISTRATION BUILDING and COLA  
ELEVATIONS

Scale @ A3	1 : 200
Date	21.01.22
Project No.	641
Drawn by	ML
Checked by	AW
<b>A500</b>	<b>2</b>
	Revision

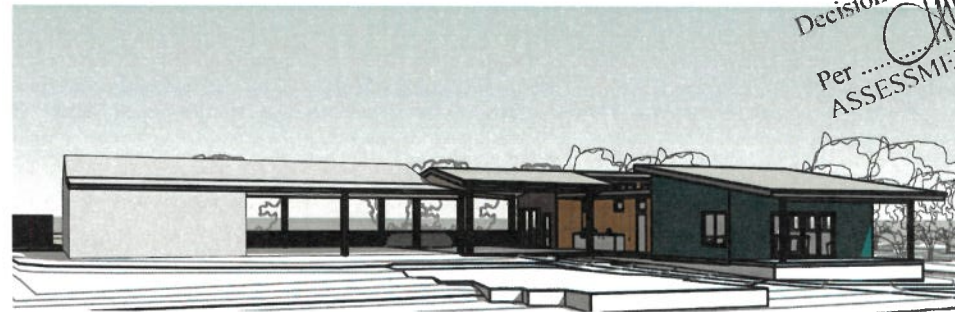




○ North View



○ East View



○ South View

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No.	Revision	Date

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GOORA GAN STEINER SCHOOL  
 2744 ROUND HILL ROAD, AGNES WATER  
 ADMINISTRATION BUILDING and COLA  
 PERSPECTIVES

Scale @ A3	
Date	21.01.22
Project No.	641
Drawn by	ML
Checked by	AW
A900	2
	Revision



Room Schedule		
Number	Name	Area
1	CLASSROOM	100 m <sup>2</sup>
2	CLASSROOM	85 m <sup>2</sup>
3	CLASSROOM	85 m <sup>2</sup>
4	CLASSROOM	85 m <sup>2</sup>
5	STOREROOM	7 m <sup>2</sup>
6	STOREROOM	7 m <sup>2</sup>
7	STORAGE	2 m <sup>2</sup>
8	STORAGE	2 m <sup>2</sup>
9	CLEANERS	2 m <sup>2</sup>
10	UNISEX TOILETS	16 m <sup>2</sup>
11	PWD TOILET	7 m <sup>2</sup>
12	STOREROOM	4 m <sup>2</sup>
13	COVERED AREA	179 m <sup>2</sup>
14	WITHDRAWAL ROOM	15 m <sup>2</sup>
Grand total: 14		596 m <sup>2</sup>

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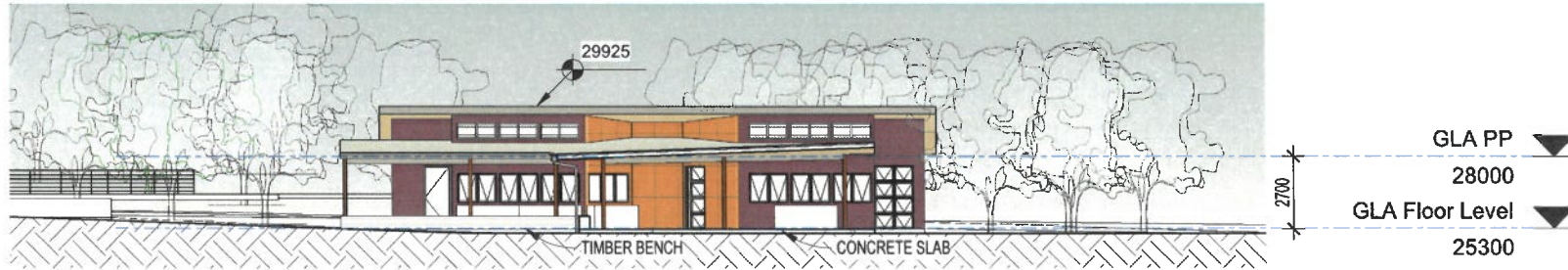
2	Issued for approval	01.03.2022
1	Issued for coordination	15.02.2022
No.	Revision	Date

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**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL ROAD, AGNES WATER  
 CLASSROOM BUILDINGS  
 FLOOR PLAN

Scale @ A3	1:200
Date	07.02.22
Project No.	641
Drawn by	AW
Checked by	AW
A300	2
	Revision

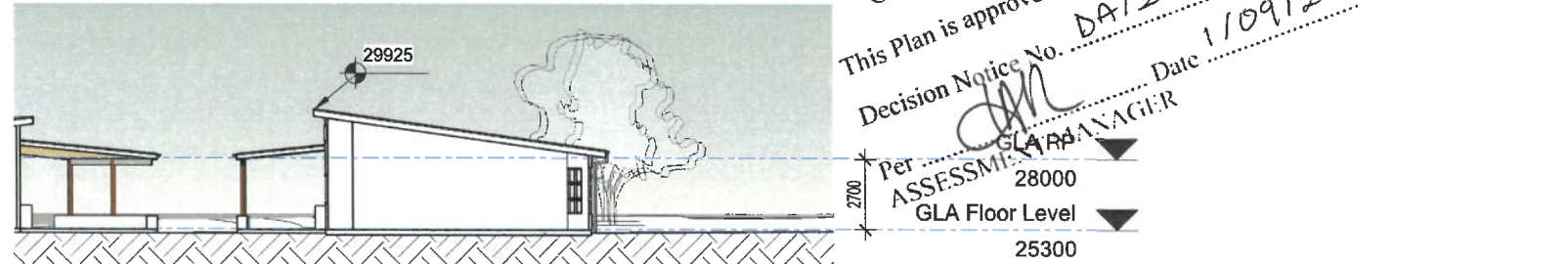




Section 1  
1:200



Section 2  
1:200



Section 3  
1:200

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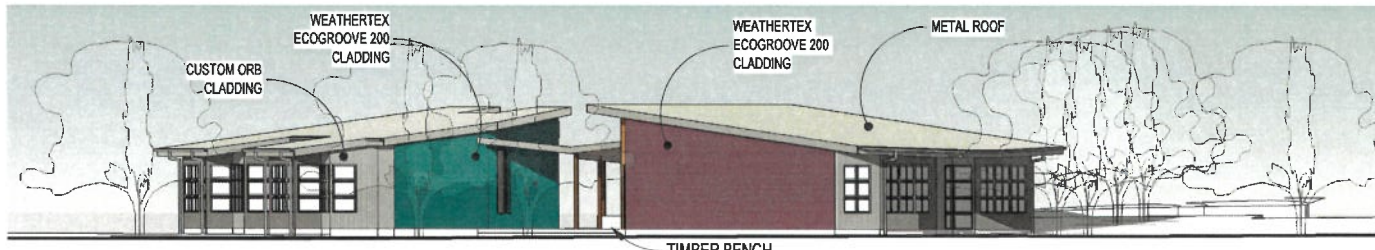
2	Issued for approval	01.03.2022
1	Issued for coordination	15.02.2022
No.	Revision	Date

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andrew@wdarchitects.com.au  
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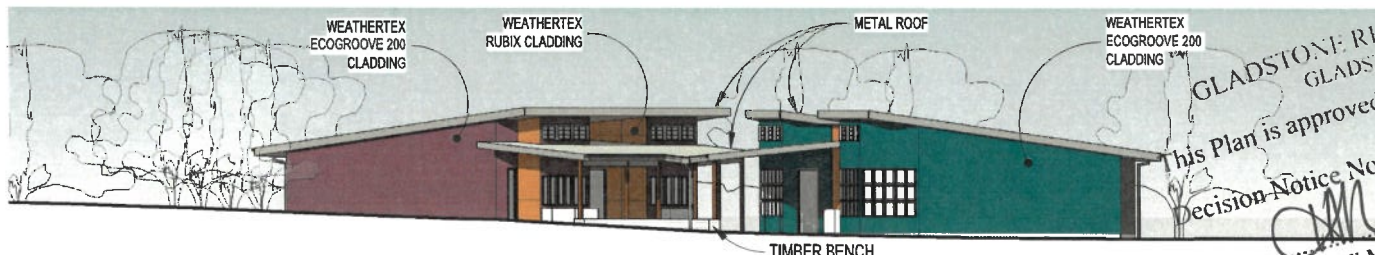
GOORA GAN STEINER SCHOOL 2744 ROUND HILL ROAD, AGNES WATER CLASSROOM BUILDINGS		Scale @ A3 1:200 Date 07.02.22 Project No. 641 Drawn by ML Checked by AW
SECTIONS	A400	2 Revision



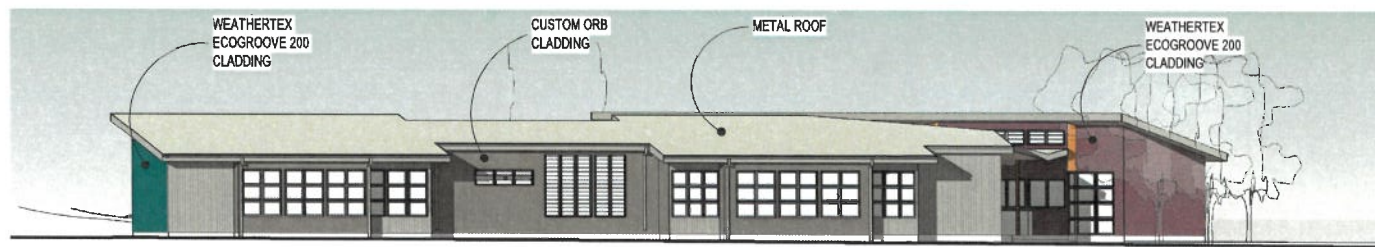
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1 : 200



○ East Elevation  
1 : 200



○ West Elevation  
1 : 200



○ South Elevation  
1 : 200

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**GOORA GAN STEINER SCHOOL**  
2744 ROUND HILL ROAD, AGNES WATER  
CLASSROOM BUILDINGS  
ELEVATIONS

Scale @ A3	1 : 200
Date	07.02.22
Project No.	641
Drawn by	ML
Checked by	AW
A500	2
	Revision





○ North View



○ South East View



○ North West View

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 Date 1/09/2022  
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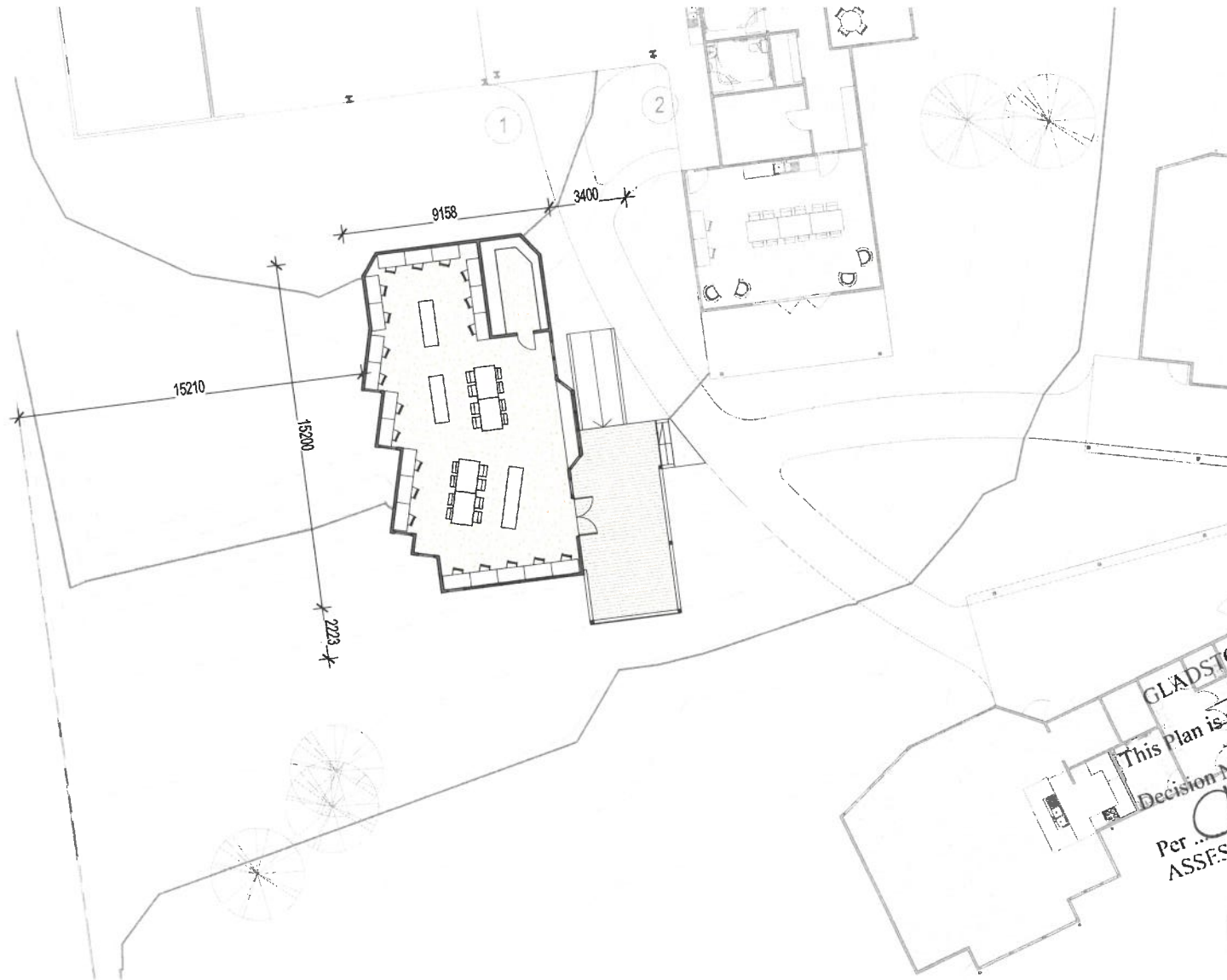
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1	Issued for coordination	15.02.2022

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 www.wdarchitects.com.au 0448 878 78

GOORA GAN STEINER SCHOOL 2744 ROUND HILL ROAD, AGNES WATER CLASSROOM BUILDINGS		Scale @ A3
PERSPECTIVES		Date 07.02.22
		Project No. 641
		Drawn by ML
		Checked by AW
A900	2	Revision

Room Schedule		
Number	Name	Area
04	STOREROOM	10 m <sup>2</sup>
05	LIBRARY	103 m <sup>2</sup>
06	VERANDAH	33 m <sup>2</sup>
Grand total: 3		147 m <sup>2</sup>



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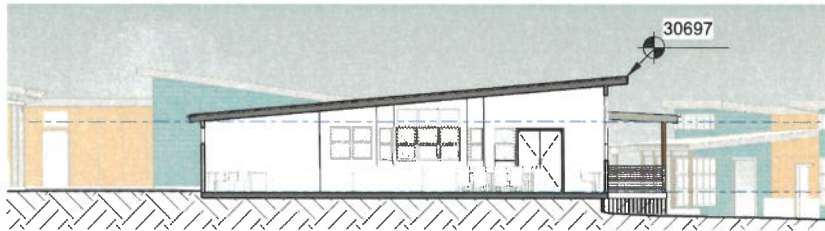
No.	Revision	Date
1	Issued for approval	01.03.2022

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 andrew@wdarchitects.com.au  
 www.wdarchitects.com.au 0448 870 791

**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL ROAD, AGNES WATER  
 PROPOSED LIBRARY/RESOURCE CENTRE  
 FLOOR PLAN

Scale @ A3	1:200
Date	07.02.22
Project No.	641
Drawn by	SP
Checked by	AW
<b>A300</b>	<b>1</b>
	Revision

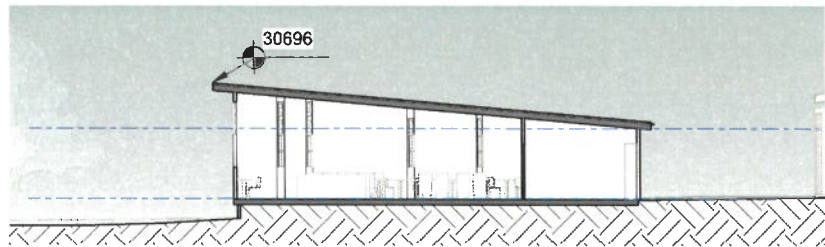




Pitching Point ▼  
28990  
Floor Level LIB ▼  
26390

**Section 1**

1 : 200



Pitching Point ▼  
28990  
Floor Level LIB ▼  
26390

**Section 2**

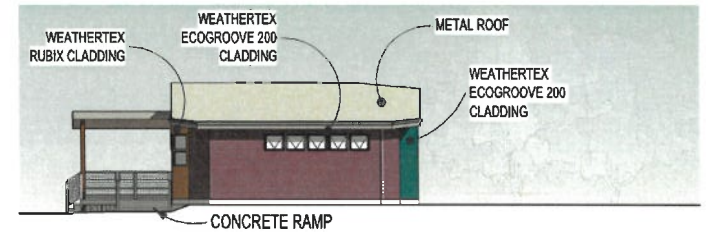
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Pitching Point ▼  
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Floor Level LIB ▼  
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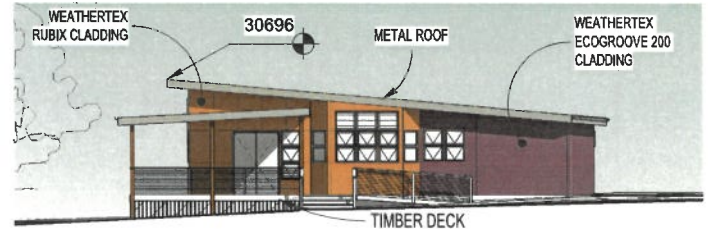
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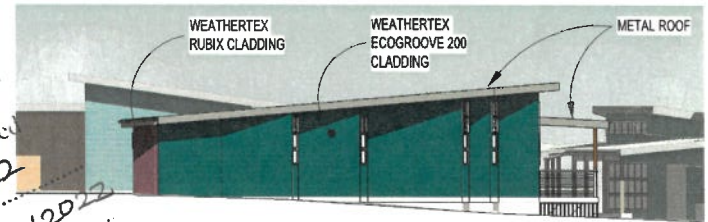
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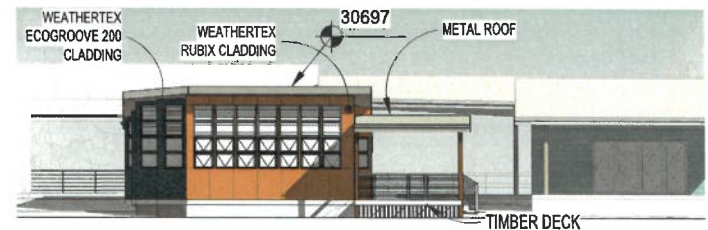
**East Elevation**

1 : 200



**West Elevation**

1 : 200



**South Elevation**

1 : 200

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GOORA GAN STEINER SCHOOL 2744 ROUND HILL ROAD, AGNES WATER PROPOSED LIBRARY/RESOURCE CENTRE ELEVATIONS AND SECTIONS		Scale @ A3 Date 07.02.22 Project No. 641 Drawn by SP Checked by AW
A500	1	Revision





○ South View



○ East View

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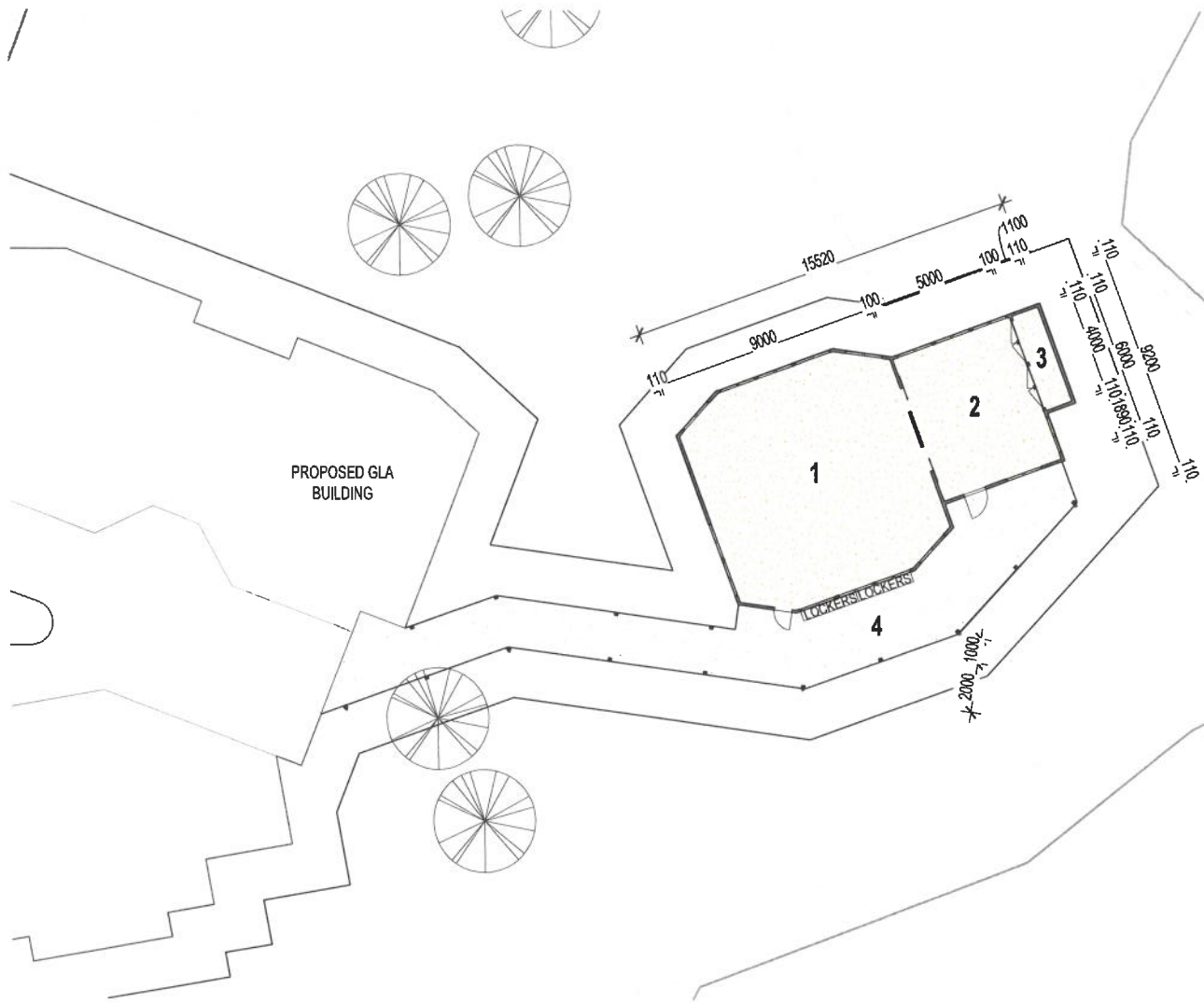
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<b>GOORA GAN STEINER SCHOOL</b> 2744 ROUND HILL ROAD, AGNES WATER PROPOSED LIBRARY/RESOURCE CENTRE		Scale @ A3 Date 07.02.22 Project No. 641 Drawn by SP Checked by AW
<b>PERSPECTIVES</b>		A900   1 Revision



Room Schedule		
Number	Name	Area
1	SPECIALTY CLASSROOM	78 m <sup>2</sup>
2	WORKSHOP	30 m <sup>2</sup>
3	STORAGE	4 m <sup>2</sup>
4	COVERED AREA	82 m <sup>2</sup>
Grand total: 4		195 m <sup>2</sup>

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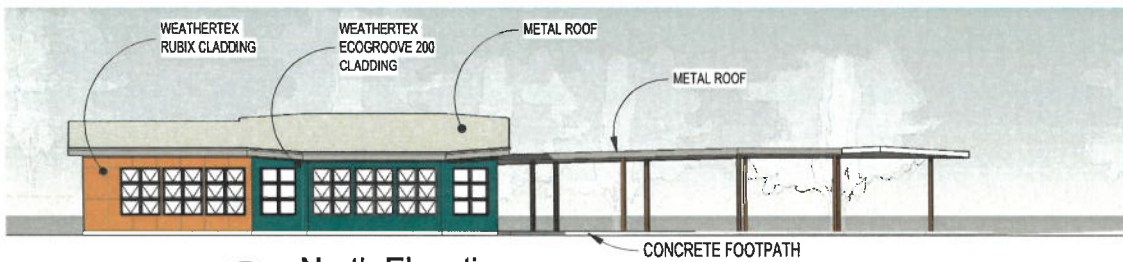
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No.	Revision	Date

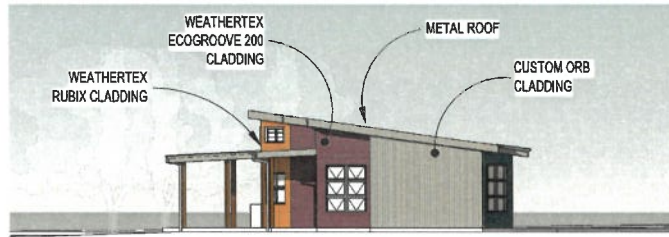
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GOORA GAN STEINER SCHOOL 2744 ROUND HILL ROAD, AGNES WATER SPECIALTY CLASSROOM and WORKSHOP		Scale @ A3 1:200
FLOOR PLAN		Date 07.02.22
A300		Project No. 641
2		Drawn by SP
Revision		Checked by AW

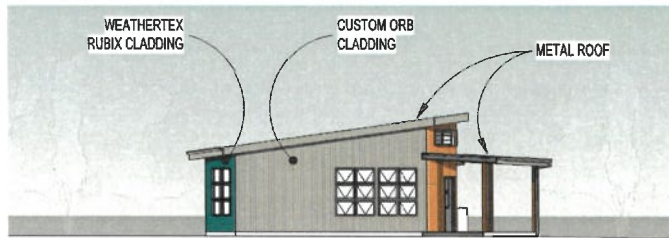




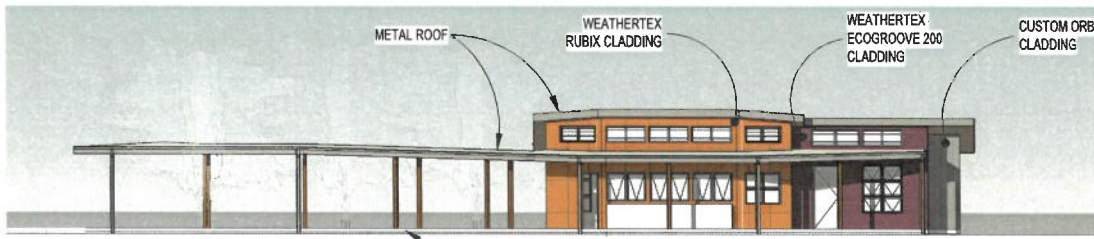
North Elevation  
1 : 200



East Elevation  
1 : 200



West Elevation  
1 : 200

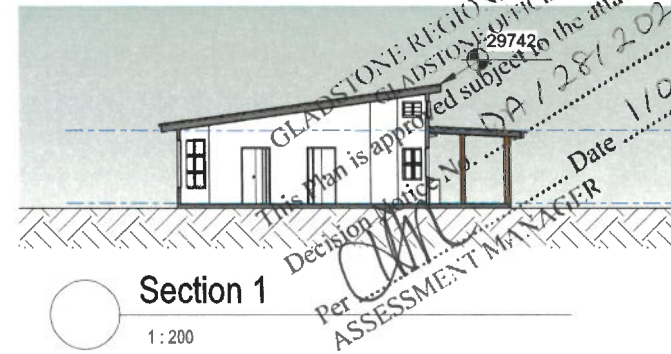


South Elevation  
1 : 200

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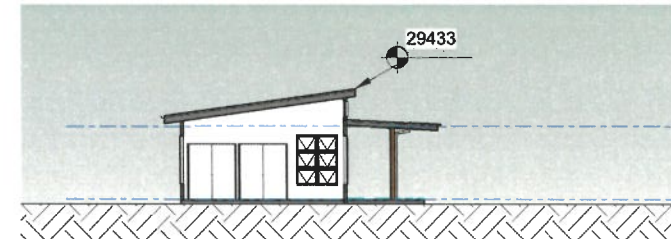
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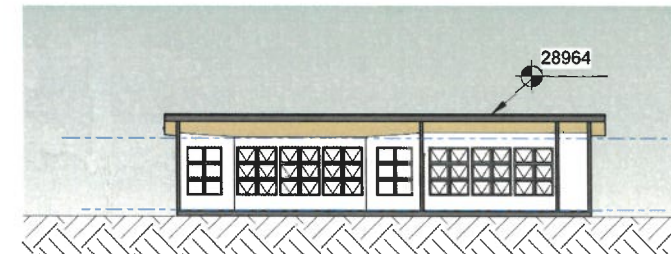
Section 1  
1 : 200

SPC PP	▼
28000	
Floor Level SPC	▼
25300	



Section 2  
1 : 200

SPC PP	▼
28000	
Floor Level SPC	▼
25300	



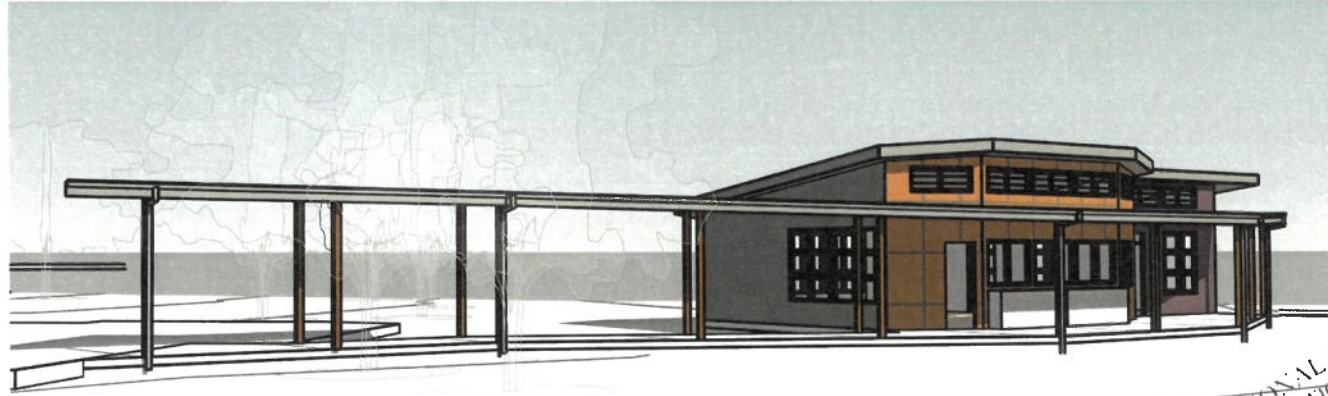
Section 3  
1 : 200

SPC PP	▼
28000	
Floor Level SPC	▼
25300	

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**GOORA GAN STEINER SCHOOL**  
2744 ROUND HILL ROAD, AGNES WATER  
SPECIALTY CLASSROOM and WORKSHOP  
ELEVATIONS and SECTIONS

Scale @ A3	1 : 200
Date	07.02.22
Project No.	641
Drawn by	SP
Checked by	AW
A500	2
	Revision



○ South West View



○ North West View

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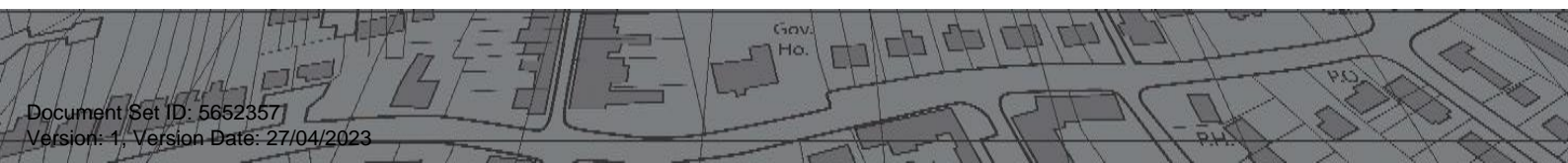
**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL ROAD, AGNES WATER  
 SPECIALTY CLASSROOM and WORKSHOP  
 PERSPECTIVES

Scale @ A3	
Date	07.02.22
Project No.	641
Drawn by	SP
Checked by	AW
A900	2
	Revision

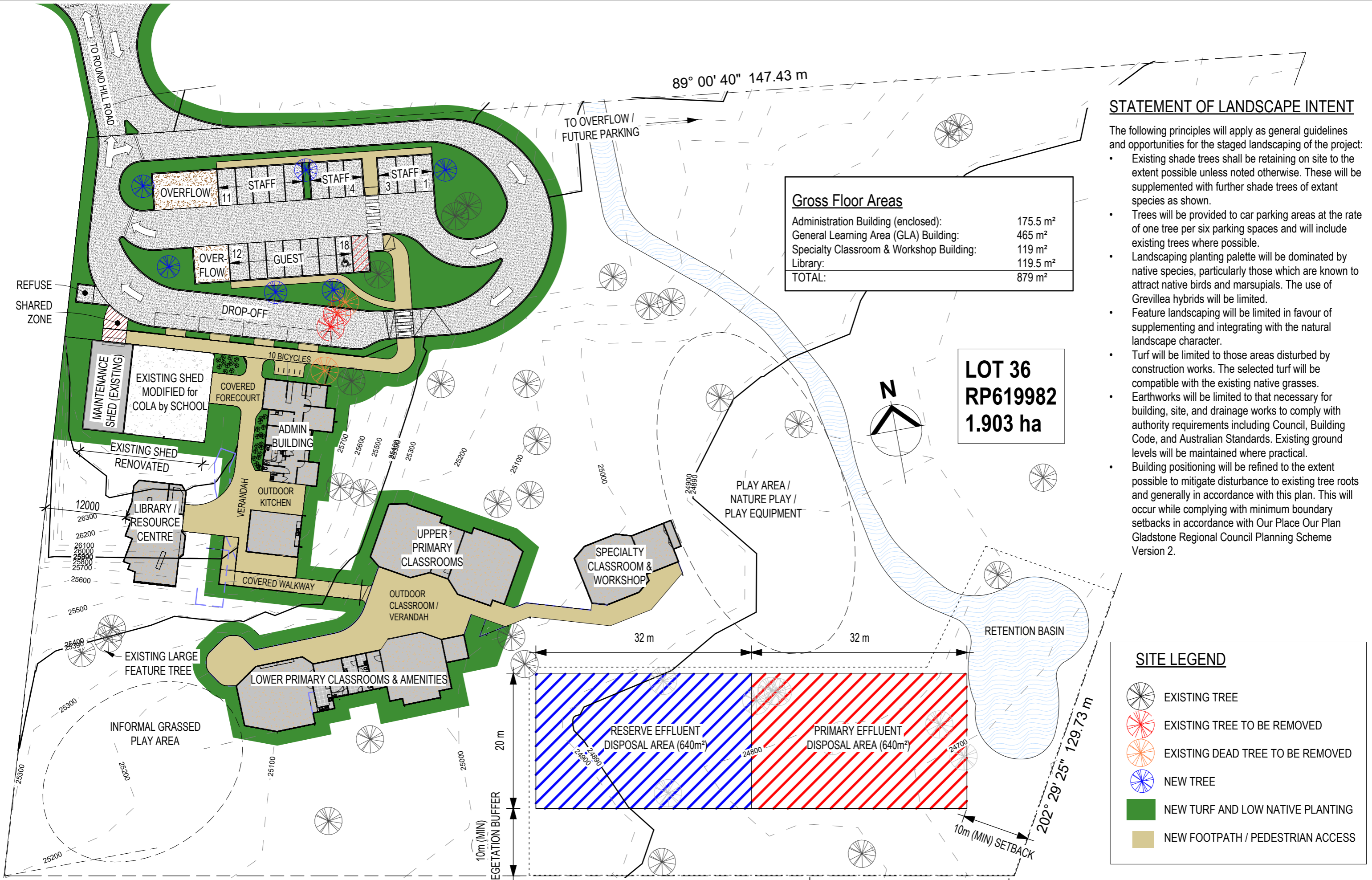


# ATTACHMENT 3

## Revised Architectural Package







**Gross Floor Areas**

Administration Building (enclosed):	175.5 m <sup>2</sup>
General Learning Area (GLA) Building:	465 m <sup>2</sup>
Specialty Classroom & Workshop Building:	119 m <sup>2</sup>
Library:	119.5 m <sup>2</sup>
<b>TOTAL:</b>	<b>879 m<sup>2</sup></b>

**LOT 36  
RP619982  
1.903 ha**

**STATEMENT OF LANDSCAPE INTENT**

- The following principles will apply as general guidelines and opportunities for the staged landscaping of the project:
- Existing shade trees shall be retaining on site to the extent possible unless noted otherwise. These will be supplemented with further shade trees of extant species as shown.
  - Trees will be provided to car parking areas at the rate of one tree per six parking spaces and will include existing trees where possible.
  - Landscaping planting palette will be dominated by native species, particularly those which are known to attract native birds and marsupials. The use of Grevillea hybrids will be limited.
  - Feature landscaping will be limited in favour of supplementing and integrating with the natural landscape character.
  - Turf will be limited to those areas disturbed by construction works. The selected turf will be compatible with the existing native grasses.
  - Earthworks will be limited to that necessary for building, site, and drainage works to comply with authority requirements including Council, Building Code, and Australian Standards. Existing ground levels will be maintained where practical.
  - Building positioning will be refined to the extent possible to mitigate disturbance to existing tree roots and generally in accordance with this plan. This will occur while complying with minimum boundary setbacks in accordance with Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2.

**SITE LEGEND**

	EXISTING TREE
	EXISTING TREE TO BE REMOVED
	EXISTING DEAD TREE TO BE REMOVED
	NEW TREE
	NEW TURF AND LOW NATIVE PLANTING
	NEW FOOTPATH / PEDESTRIAN ACCESS

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No.	Revision	Date
5	Issued for minor change	20/04/2023
4	Issued for BGA funding	23/02/2023

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**GOORA GAN STEINER SCHOOL**  
2744 ROUND HILL RD, AGNES WATER

SITE PLAN and LANDSCAPE PLAN

Scale @ A3	As indicated
Date	07.02.2022
Project No.	21641
Drawn by	AW/MLES
Checked by	AW
<b>A110</b>	<b>5</b>
	Revision





Room Schedule		
Number	Name	Area
1	PREP CLASSROOM	100 m <sup>2</sup>
2	CLASSROOM	85 m <sup>2</sup>
3	CLASSROOM	85 m <sup>2</sup>
4	CLASSROOM	86 m <sup>2</sup>
5	SHARED STOREROOM	20 m <sup>2</sup>
6	STORAGE	11 m <sup>2</sup>
7	WITHDRAWAL ROOM	11 m <sup>2</sup>
8	KITCHEN	13 m <sup>2</sup>
9	CLEANER	2 m <sup>2</sup>
10	UNISEX TOILETS	17 m <sup>2</sup>
11	PWD TOILET	7 m <sup>2</sup>
12	PREP STOREROOM	10 m <sup>2</sup>
13	GLA COLA	120 m <sup>2</sup>
14	VERANDAH	72 m <sup>2</sup>
15	PREP COLA	41 m <sup>2</sup>
Grand total: 15		679 m <sup>2</sup>

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No.	Revision	Date
4	Issued for BGA funding	23.02.2023
3	Revised for BGA application	01.12.2022

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GOORA GAN STEINER SCHOOL  
 2744 ROUND HILL ROAD, AGNES WATER  
 CLASSROOM BUILDINGS

FLOOR PLAN

Scale @ A3	1 : 200
Date	19.02.23
Project No.	641
Drawn by	AW
Checked by	AW

A2-300	4
	Revision



Room Schedule		
Number	Name	Area
04	STOREROOM	10 m <sup>2</sup>
05	LIBRARY	103 m <sup>2</sup>
06	VERANDAH	Not Enclosed
Grand total: 3		113 m <sup>2</sup>

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No.	Revision	Date
2	Revised site position and verandah	24.04.2023
1	Issued for approval	01.03.2022

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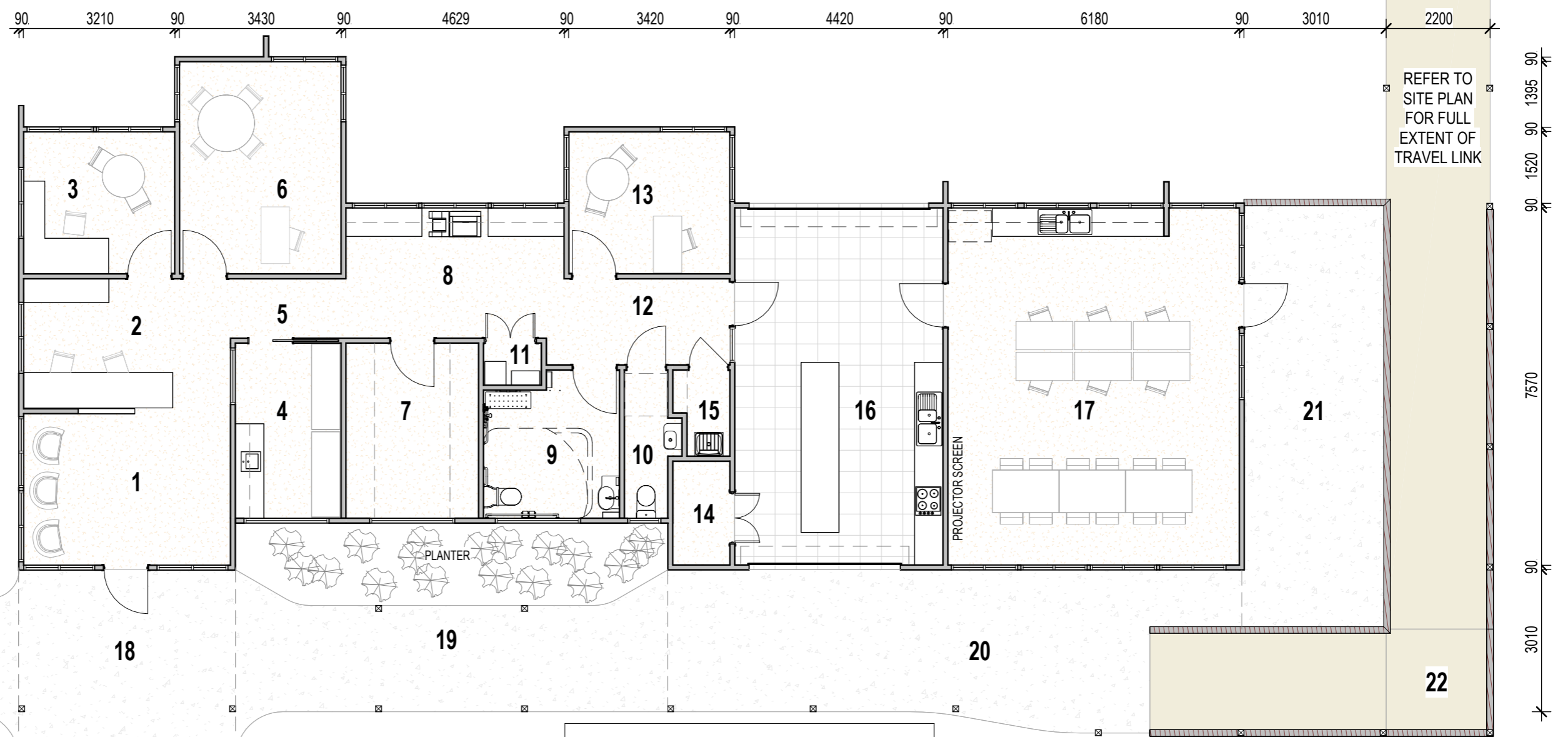
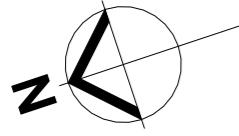
**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL ROAD, AGNES WATER  
 PROPOSED LIBRARY/RESOURCE CENTRE

FLOOR PLAN

Scale @ A3	1 : 200
Date	07.02.22
Project No.	641
Drawn by	SP
Checked by	AW

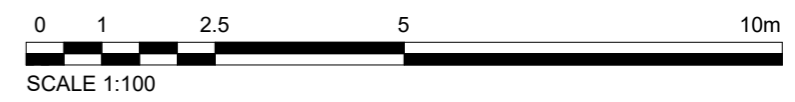
A300	2
	Revision





Internal Areas		
Number	Name	Area
1	RECEPTION	14 m <sup>2</sup>
2	ADMINISTRATION OFFICE	12 m <sup>2</sup>
3	REGISTRAR'S OFFICE	10 m <sup>2</sup>
4	SICK BAY	8 m <sup>2</sup>
5	CORRIDOR 1	3 m <sup>2</sup>
6	PRINCIPAL'S OFFICE	15 m <sup>2</sup>
7	STORE ROOM	10 m <sup>2</sup>
8	PHOTOCOPY/STATIONERY	13 m <sup>2</sup>
9	STAFF TOILET 1	8 m <sup>2</sup>
10	STAFF TOILET 2	3 m <sup>2</sup>
11	ELEC/COMMS	1 m <sup>2</sup>
12	CORRIDOR 2	7 m <sup>2</sup>
13	BUSINESS MANAGER'S OFFICE	10 m <sup>2</sup>
14	FLA STORAGE	3 m <sup>2</sup>
15	CLEANER	2 m <sup>2</sup>
16	FLEXIBLE LEARNING AREA	33 m <sup>2</sup>
17	STAFF ROOM	46 m <sup>2</sup>
Total: 17		199 m <sup>2</sup>

External Areas		
Number	Name	Area
18	ENTRY PORTICO	36 m <sup>2</sup>
19	TRAVEL LINK 1	22 m <sup>2</sup>
20	WEST VERANDAH	35 m <sup>2</sup>
21	SOUTH VERANDAH	27 m <sup>2</sup>
22	TRAVEL LINK 2	60 m <sup>2</sup>
Total: 5		180 m <sup>2</sup>



## PRELIMINARY ONLY NOT FOR CONSTRUCTION

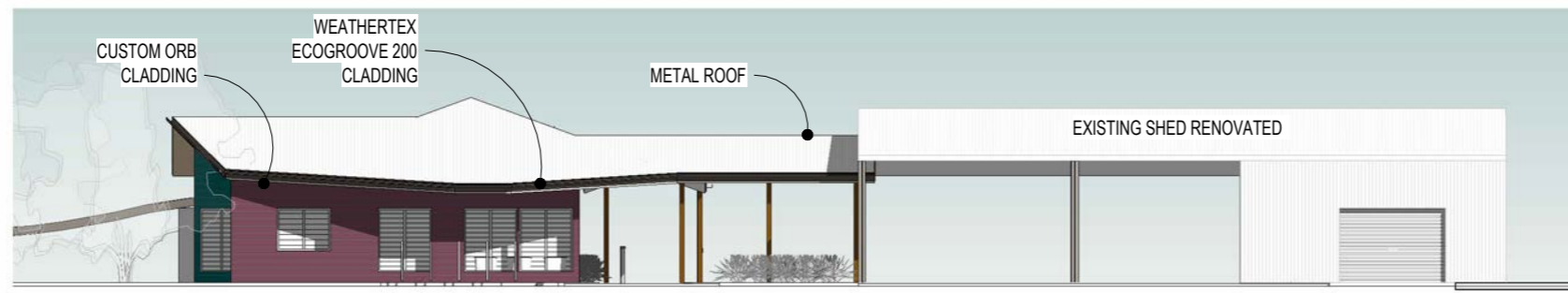
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No.	Revision	Date
5	Issued for BGA funding	23.02.2023
4	Issued for final costing	21.02.2023

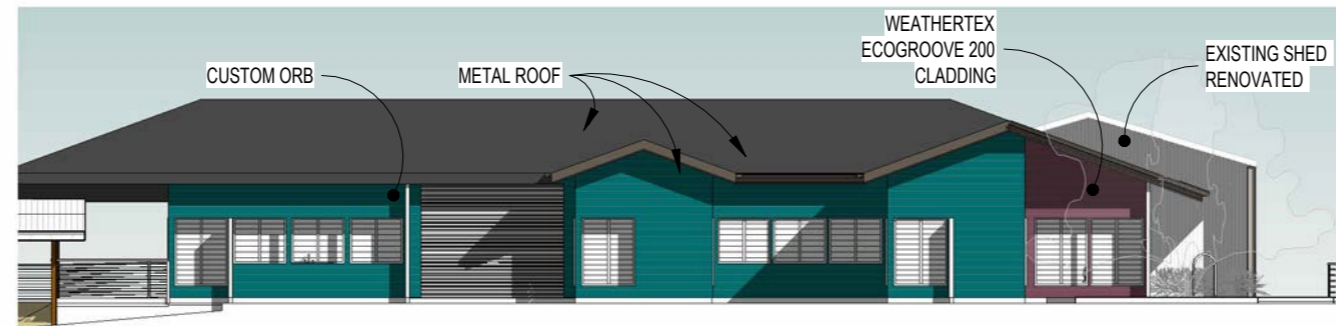
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**GOORA GAN STEINER SCHOOL**  
 2744 ROUND HILL RD, AGNES WATER  
 ADMINISTRATION BUILDING  
 FLOOR PLAN

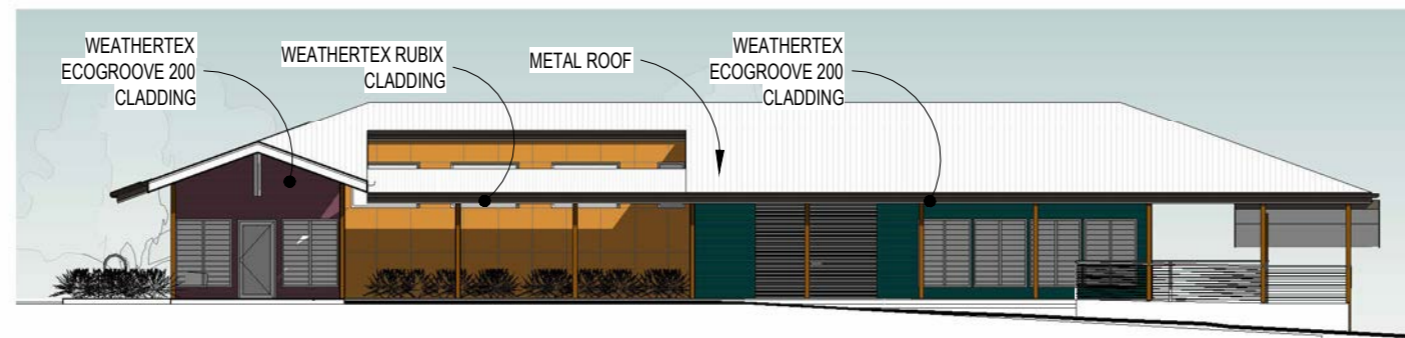
Scale @ A3	1 : 100
Date	19.02.2023
Project No.	21641
Drawn by	AW
Checked by	AW
<b>A1-300</b>	<b>5</b>
	Revision



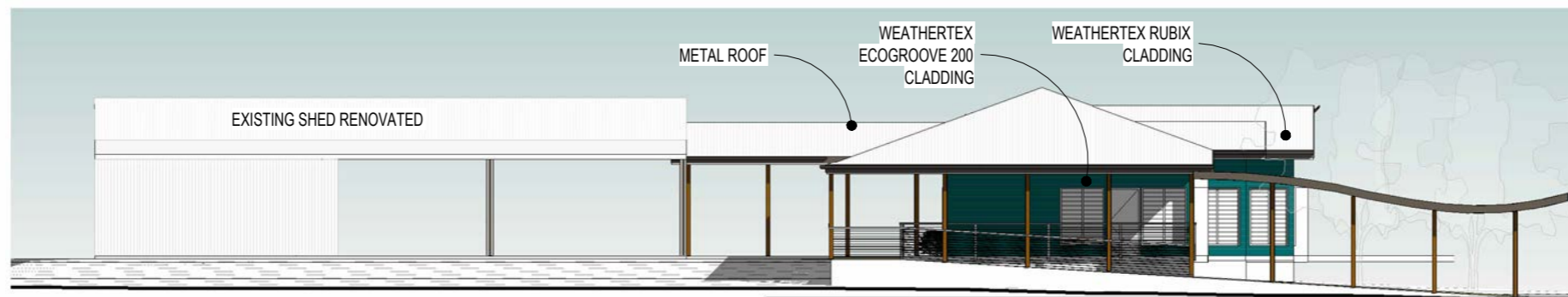
○ North Elevation  
1 : 200



○ East Elevation  
1 : 200



○ West Elevation  
1 : 200



○ South Elevation  
1 : 200

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No.	Revision	Date
2	Issued for approval	01.03.2022
1	Issued for coordination	15.02.2022

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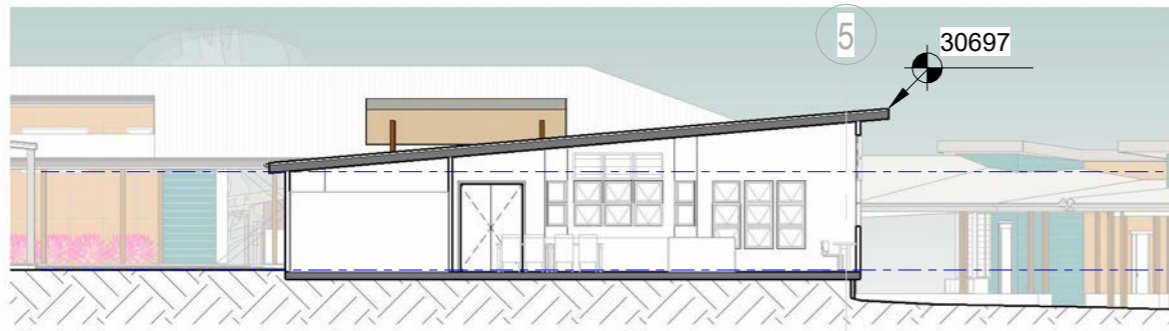
GOORA GAN STEINER SCHOOL  
 2744 ROUND HILL RD, AGNES WATER  
 ADMINISTRATION BUILDING

ELEVATIONS

Scale @ A3	1 : 200
Date	19.02.2023
Project No.	21641
Drawn by	AW
Checked by	AW

A1-500	2 Revision
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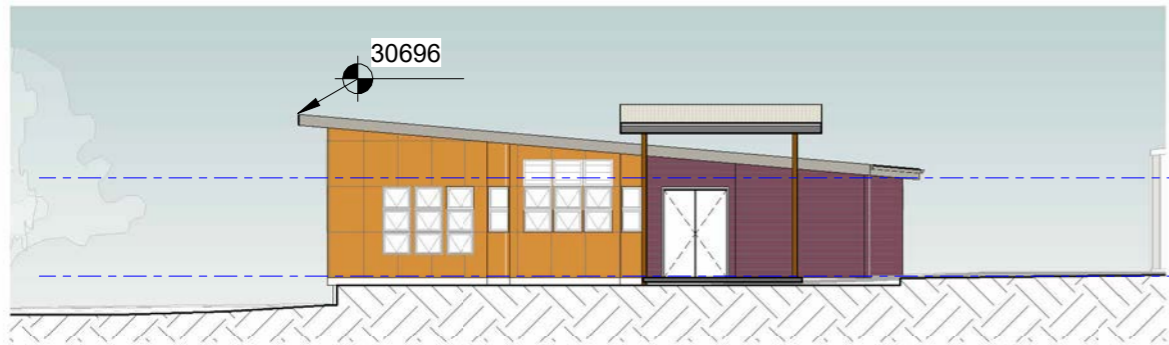




Pitching Point ▼  
28990  
Floor Level LIB ▼  
26390

### Section 1

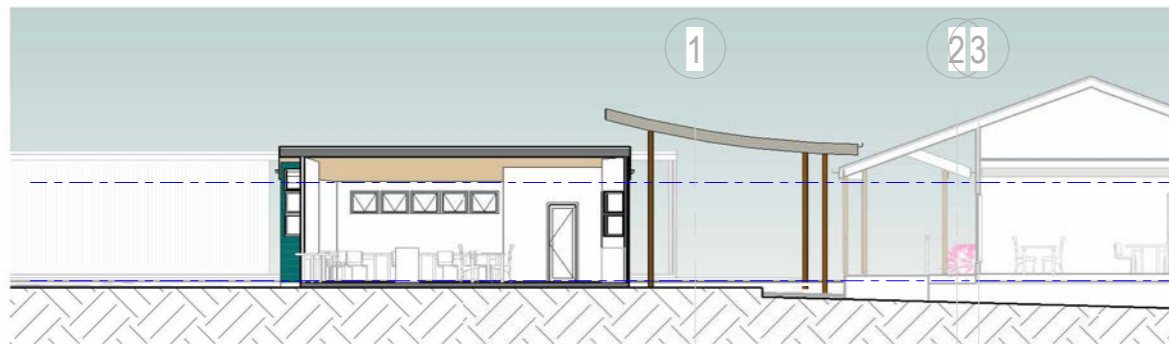
1 : 200



Pitching Point ▼  
28990  
Floor Level LIB ▼  
26390

### Section 2

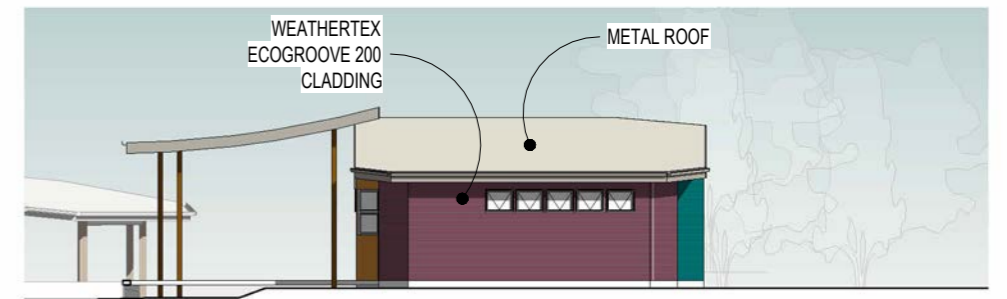
1 : 200



Pitching Point ▼  
28990  
Floor Level LIB ▼  
26390

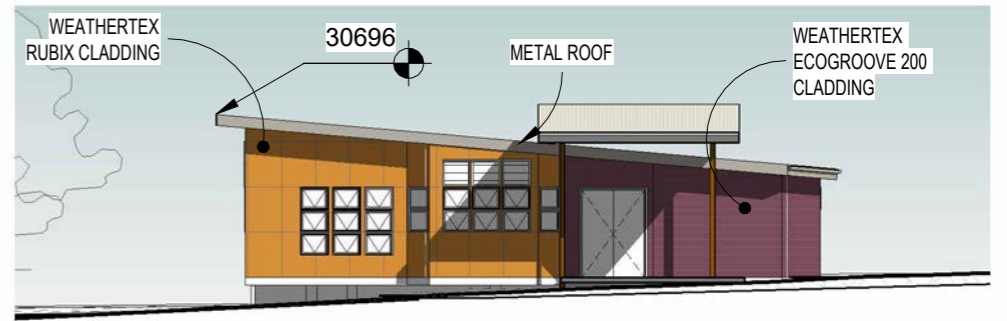
### Section 3

1 : 200



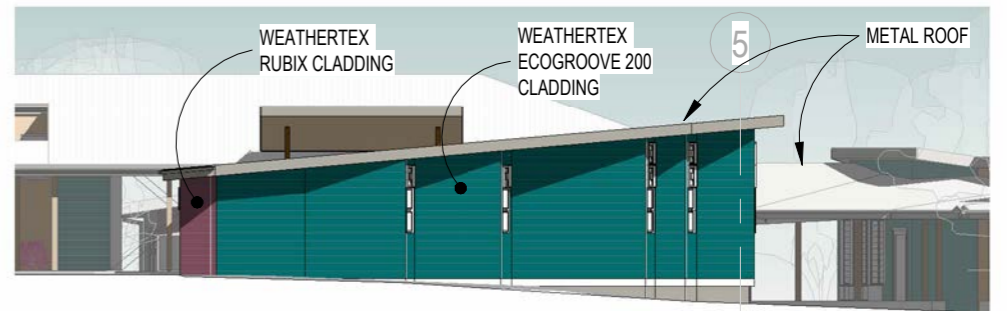
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1 : 200



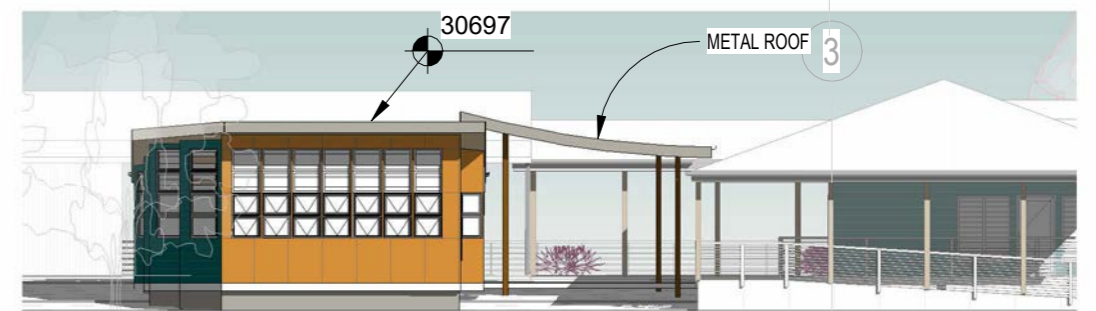
### East Elevation

1 : 200



### West Elevation

1 : 200



### South Elevation

1 : 200

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No.	Revision	Date
2	Revised site position and verandah	24.04.2023
1	Issued for approval	01.03.2022

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GOORA GAN STEINER SCHOOL  
2744 ROUND HILL ROAD, AGNES WATER  
PROPOSED LIBRARY/RESOURCE CENTRE  
ELEVATIONS AND SECTIONS

Scale @ A3	1 : 200
Date	07.02.22
Project No.	641
Drawn by	SP
Checked by	AW
<b>A500</b>	<b>2</b>
	Revision



○ South View

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No.	Revision	Date
2	Revised site position and verandah	24.04.2023
1	Issued for approval	01.03.2022

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GOORA GAN STEINER SCHOOL  
 2744 ROUND HILL ROAD, AGNES WATER  
 PROPOSED LIBRARY/RESOURCE CENTRE

PERSPECTIVES

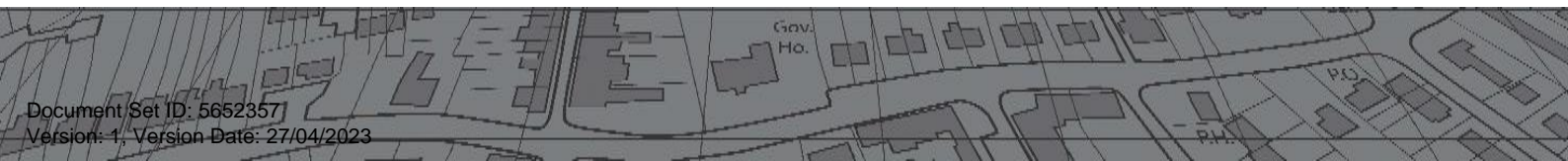
Scale @ A3	
Date	07.02.22
Project No.	641
Drawn by	SP
Checked by	AW

A900	2
	Revision



# ATTACHMENT 4

## Traffic Impact Statement





15 September 2022

Our Ref: G000122-001  
Your Ref: DA/28/2022

Gladstone Regional Council  
PO Box 29  
Gladstone QLD 4680

Attention: Tegan McDonald

**Project: Educational Establishment (Goora Gan Steiner School), 2744 Round Hill Road, Agnes Water**  
**Subject: Response to GRC Development Approval Conditions**

## 1.0 Project Context

Access Traffic Consulting were engaged by Goora Gan Steiner School Incorporated to prepare a traffic impact assessment (TIA) report as part of the development application package for the proposed educational establishment (school) development at 2744 Round Hill Road, Agnes Water.

Upon receipt of the TIA report as part of the development application, Council (GRC) have issued development approval conditions dated 2 September 2022, which included the following conditions regarding a requirement for external pedestrian and cycle network works

**15. As part of the first application for Operational Works, the Applicant is to submit a Pedestrian/Cycle Network Plan demonstrating provision of a concrete footpath with a minimum width of 2.5 metres to be located within the road reserve and to be constructed: -**

- along the frontage of the subject site.
- inclusive of a delineated road crossing of Round Hill Road.
- continue along the northern side of Round Hill Road.
- connect into the footpath network at the frontage of 2853 Round Hill Road (Lot 214 on SP262272) required as a Condition of DA/18/2017 for the Shopping Centre.

The design of which shall comply with Austroads Standards and Council's Standard Drawing Concrete Pathway/Bikeway Details and is to be certified by an RPEQ experienced in that type of work. The footpath is to be constructed and on maintenance prior to the commencement of use of the first stage.

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

**16. An Operational Plan to address Pedestrian & Cycle safety of patrons of the facility shall be submitted to Council prior to commencement of the use.**

This letter has therefore been prepared in response to GRC's Development Approval Conditions, in particular the conditioned requirement for the provision of approximately 500m of external shared pathway works on Round Hill Road, which is not considered to be reasonable or relevant to the development based on the negligible use of the requested infrastructure anticipated as a result of the operation of the proposed school use.

## 2.0 Response to Referral Agency Conditions

As identified above, the GRC conditioned provision of external shared pathway works on Round Hill Road, including a crossing of the link, is considered onerous, and not reasonable or relevant to the development based on the expected negligible use of the requested infrastructure as part of the proposed operation of the Goora Gan Steiner School. This can be concluded based on the following information:

- As noted in the previously provided TIA for the development, the applicant proposes that the school will be serviced by bus movements to/from the school from Agnes Water (likely to be an extension of the existing service for Agnes Water State School and Discovery Christian College). The provision of a bus service for student movements to/from the school is anticipated to significantly minimise the potential for pedestrian/cyclist movements.
- The applicant is also proposing to implement further student travel management measures as part of the operation of the school, with all enrolled students proposed to be required to agree to only travel to/from school via private vehicles or the proposed bus service.
- Notwithstanding the proposed restriction/removal of student pedestrian and bicycle movements to/from the school, further consideration of potential student trips via these modes was also undertaken, which identified the following:
  - A study into the travel behaviour to Queensland schools by the School of Environment and Science, Griffith University<sup>1</sup> identified the following characteristics of pedestrian and bicycle school trips, which are considered relevant to the proposed development:
    - The transport mode share for walking trips to/from private (non-government) schools was 2.75% for primary schools and 5.21% for secondary schools.
    - The transport mode share for bicycle trips to/from private (non-government) schools was 2.41% for primary schools and 1.84% for secondary schools.
    - The median travel distance to schools was 0.69km (walking) and 1.58km (bicycle) for primary school students, increasing slightly to 1.38km (walking) and 2.09km (bicycle) for secondary school students.
  - Based on the information regarding student travel behaviours above, the following conclusions can be made regarding potential pedestrian / bicycle student trips for the proposed development:
    - The distance to potential residential catchments to the north-east along Round Hill Road is approximately 2km, which exceeds the walking and bicycle distances for primary students as well as the walking distance for secondary students, and is at the upper limits for bicycle trips for secondary students. Based on this it is highly unlikely that any potential students to the school will travel to/from the north-east on Round Hill Road.

As such, it can be concluded that the requested pathway infrastructure on the northern side of Round Hill Road will not be utilised by students of the school, making it unreasonable for Council to request that this infrastructure be provided as part of the proposed school development.
- Finally, the requested pathway works are also anticipated to lead to safety concerns for vulnerable road users due to the current road environment of Round Hill Road in the vicinity of the proposed school, these include:
  - The conditioned pathway works include a requirement to provide a delineated crossing of Round Hill Road to connect the requested pathways along the site frontage and that on the northern side of Round Hill Road. Based on the rural nature of the adjacent section of Round Hill Road and the current 80km/h speed limit, it is not recommended that vulnerable road users (school children) be encouraged to undertake crossing movements in such a high speed environment.
  - The requested pathway on the northern side of Round Hill Road would be located along a rural section of the link, meaning that any pedestrian and cyclist movements on this pathway would be required to be completed in an isolated environment, without potential for passive surveillance from adjacent residential areas. This has the potential to increase the vulnerability of users of this pathway to crime, and as such it is not recommended that school students be encouraged to use this infrastructure.

As a result of the safety concerns highlighted above, it is not recommended that student movements be encouraged along the proposed pathway route to the north-east along Round Hill Road. As this route would then not be desirable for students, it is again considered unreasonable for Council to request that this infrastructure be provided as part of the proposed school development.

---

<sup>1</sup> Travel Behaviour Differences Between Private and Public School Students in South East Queensland (2019), Yiping Yan, Matthew Burke, Abraham Leung – School of Environment & Science, Griffith University

### 3.0 Conclusion / Recommendations

In light of the information provided above, it is recommended that the conditions 15 and 16 requesting the provision of the external shared pathway works (and associated planning documents) be removed.

I trust this is of assistance and if you have any further queries regarding the information provided above, please don't hesitate to contact me on 0402 180 902.

Regards,



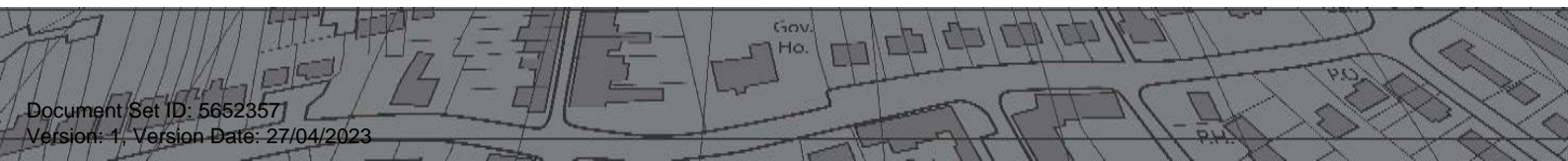
**Andrew Barrie**  
Director | Principal Traffic Engineer  
Access Traffic Consulting Pty Ltd  
BEng (Hons) | CPEng | RPEQ 12801





# ATTACHMENT 5

## Development Tribunal Appeal





## Development Tribunal – Decision Notice

---

### Planning Act 2016, section 255

<b>Appeal Number:</b>	<b>19-044</b>
<b>Appellant:</b>	Carfam Holdings Pty Ltd ACN 608 444 248
<b>Respondent:</b>	Gladstone Regional Council
<b>Site Address:</b>	2773 Round Hill Road, Agnes Water and described as Lot 7 on RP616792 – the subject site

---

### Appeal

This is an appeal under section 229 and Schedule 1, section 1(2)(j) and item 5 of Table 1, of the *Planning Act 2016 (PA)* against the Gladstone Regional Council's (**Respondent**) decision to refuse a conversion application made by the Appellant with respect to certain works conditioned by the Respondent in its decision to approve a development application for reconfiguring a lot to create 21 rural residential lots and a new internal road over the subject site, given by an Amended Negotiated Decision Notice dated 20 June 2018.

---

<b>Date and time of hearing:</b>	12pm, 11 March 2020
<b>Place of hearing:</b>	Front Meeting Room, Gladstone City Library, 39 Goondoon Street, Gladstone
<b>Tribunal:</b>	Samantha Hall – Chair Wendy Evans - Member Stafford Hopewell – Member
<b>Present:</b>	<b>Appellant</b> Stephen Enders – Agent for the Appellant  <b>Gladstone Regional Council</b> Helen Robertson – Manager Development Services Celisa Faulkner – Manager Asset Planning Shaunté Farrington – Senior Planning Specialist

---

### Decision:

The Development Tribunal (**Tribunal**), in accordance with section 254(2)(b) of the PA **changes** the decision of the Respondent to refuse the conversion application by:

- (a) approving the request in the conversion application to convert non-trunk water infrastructure to trunk water infrastructure, being condition 12 of the Amended Negotiated Decision Notice dated 20 June 2018; and

- (b) refusing the request in the conversion application to convert non-trunk road infrastructure to trunk road infrastructure, being condition 18 of the Amended Negotiated Decision Notice dated 20 June 2018.

In respect of the Tribunal's decision to approve the request to convert the non-trunk water infrastructure to trunk water infrastructure:

- (c) the Respondent must, within fourteen (14) days after the date the Tribunal's decision takes effect under the PA,<sup>1</sup> give a notice to the Appellant stating whether an offset or refund applies under Part 2 of Chapter 4 of the PA and if it does, information about the offset or refund<sup>2</sup>;
- (d) for the sake of clarity, section 142 of the PA applies.

### **Background:**

1. By an Amended Negotiated Decision Notice dated 20 June 2018, the Respondent advised the Appellant that it had decided to give a development approval for reconfiguring a lot to create 21 rural residential lots and a new internal road over the subject site, subject to various conditions (**ROL approval**).
2. On or about 29 May 2019, the Appellant made an application to the Respondent to convert non-trunk infrastructure to trunk infrastructure (**conversion application**).
3. The conversion application identified the following two relevant conditions of the ROL approval which required the provision of infrastructure that the conversion application contended was trunk infrastructure:

#### *“Water Infrastructure*

*12. As part of the first Operational Works application, the Applicant must;*

- (a) Demonstrate and have approved by Council that the reticulated water within the development will achieve the drinking water quality conforming to Australian Drinking Water Guidelines (2011) – updated October 2017 and water quality parameter limits set in Council's Engineering standard at any one time; and*
- (b) Extend the 150mm water main from Council's existing reticulated water main located at Round Hill Road to the boundary of the subject lot and through the full length of the proposed Rural Collector Road; and*
- (c) Create a water circulation loop (to be confirmed as part of Operational Works).*

#### *Transportation Services*

*18. As part of Operational Works, the Applicant is to construct a roundabout at the intersection of the proposed Rural Collector Road and Round Hill Road Intersection in accordance with the plans approved by Council as part of the Development Application and Operational Works application for Road works and Council's Engineering Standards at the time of the lodgement of the application and Austroads “Guide to Road Design Part 4B: Roundabouts”. The Applicant must consider the hierarchy of Round Hill Road in the design and construction of the proposed intersection. In accordance with Council's current road hierarchy, the section Round Hill Road along the frontage of the subject lot*

---

<sup>1</sup> See section 254(5) of the PA.

<sup>2</sup> See section 141 of the PA.

is classed as Rural Sub Arterial Road where the traffic speed environment is 100km/h and maximum design vehicle access is Class 10 (B-Double).”

4. On 21 August 2019, the Respondent advised the Appellant that it had decided to refuse the conversion application (**conversion refusal**).
5. The reasons given by the Respondent in the conversion refusal, are provided in full below:

**Table 1: Water Infrastructure (Condition 12 of the Negotiated Decision Notice)**

Part 7.2 Criteria for determining an application	Meets Criteria?	Council Comment
<p><b>7.2(i)(a) The relevant infrastructure has been [specifically] designed (i.e. has the capacity) to service other developments in the area.</b></p>	<p>No</p>	<p>The minimum size of the water main required for the development is 150mm as described within the Applicant’s response to Council’s Information Request.</p> <p>Subsequently, this water main has not been specifically designed to service other developments. Whilst it is acknowledged that there is capacity for other developments, this has not occurred via specific design above and beyond that required for this development.</p>
<p><b>7.2(i)(b) The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in a Local government Infrastructure Plan (LGIP), or a charges resolution for the area.</b></p>	<p>Yes</p>	<p>The Local Government Infrastructure Plan (LGIP) identifies other 150mm trunk water mains within the locality.</p>
<p><b>7.2(i)(c) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the Sustainable Planning Act 2009.</b></p>	<p>No</p>	<p>The condition relating to the water main is in accordance with s665 of the superseded <i>Sustainable Planning Act 2009</i> and the related s145 of the <i>Planning Act 2016</i>. That is, Condition 12 requires the provision of development infrastructure for the reticulated water network internal to the premises and connection of the premises to existing external reticulated water network. It also requires that the Applicant demonstrate compliance with drinking water quality guidelines which relates to public safety.</p>

<b>Part 7.2 Criteria for determining an application</b>	<b>Meets Criteria?</b>	<b>Council Comment</b>
<b>7.2(i)(d) The infrastructure delivers the desired standard of service.</b>	Yes	Condition 12 and any subsequent Operational Works (Water Infrastructure) approvals would result in infrastructure that was in accordance with the Capricorn Municipal Development Guidelines (CMDG).
<b>7.2(i)(e) The type, size and location of the infrastructure are the most cost-effective option for servicing multiple users in the area.</b>	Yes	The extension of the 150mm water main from Council's existing reticulated water main located at Round Hill Road to the boundary of the subject lot and through the full length of the proposed internal road represents the most direct and cost effective option.

**Table 2: Road Infrastructure (Condition 18 of the Negotiated Decision Notice)**

<b>Part 7.2 Criteria for determining an application</b>	<b>Meets Criteria?</b>	<b>Council Comment</b>
<b>7.2(i)(a) The relevant infrastructure has been [specifically] designed (i.e. has the capacity) to service other developments in the area.</b>	No	Round Hill Road is classed as a sub-arterial road in accordance with the CMDG which specifies that the minimum type of intersection is a T intersection or above for this hierarchy of road. As a 4-legged intersection is not considered acceptable on a sub-arterial road under the CDMG, the roundabout becomes the minimum acceptable intersection design option.  Subsequently, the roundabout has not been specifically designed to accommodate other developments as it is the minimum standard required by this development.
<b>7.2(i)(b) The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in a Local government Infrastructure Plan (LGIP), or a charges resolution for the area.</b>	Yes	The Local Government Infrastructure Plan (LGIP) identifies other roundabouts within the locality that are located on a sub-arterial road.



Part 7.2 Criteria for determining an application	Meets Criteria?	Council Comment
7.2(i)(c) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the <i>Sustainable Planning Act 2009</i> .	No	The condition relating to the roundabout is in accordance with the s665 of the superseded Sustainable Planning Act 2009 and the related s145 of the Planning Act 2016. That is, Condition 18 will result (a) in the connection of the development to the external road infrastructure network and (b) requires that the intersection meets the minimum standards to protect and maintains the safety and efficiency of the road network.
7.2(i)(d) The infrastructure delivers the desired standard of service.	Yes	Condition 18 will require the roundabout design to meet Austroads "Guide to Road Design Part 4B: Roundabouts and the relevant Engineering Standards at time of lodgement of the associated Operational Works application".  Subsequently, while the present design of the intersection may not meet desired standards, Condition 28 will require it to do so as part of the Operational Works application process.
7.2(i)(e) The type, size and location of the infrastructure are the most cost-effective option for servicing multiple users in the area.	Yes	The proposed roundabout would be conditioned to meet the minimum standards as part of any Operational Works application.  Subsequently, by meeting the minimum design standards, the infrastructure would provide the most cost effective option.

6. On 25 September 2019, the Appellant filed a Notice of Appeal / Application for Declaration with the Tribunal's Registrar to commence this appeal.
7. This appeal was heard by the Tribunal on 11 March 2020.
8. At the hearing, the parties and the Tribunal agreed to a number of steps to be undertaken to progress the appeal (**agreed steps**).
9. By email dated 11 March 2020, Stephen Enders of Zone Planning Group ACN 608 444 248 (Zone), on behalf of the Appellant, provided the following to the Tribunal's Registrar in accordance with the agreed steps:
  - (a) an electronic copy of Map 19 PFTI-Transport dated 15 November 2016; and

- (b) an electronic copy of Map 19 PFTI – Transport dated 15 September 2017.
10. By email dated 16 March 2020 to the parties, the Tribunal’s Registrar made the following directions (**Tribunal’s directions**) at the request of the Tribunal:
- “1. On or before 4pm on 20 March 2020, the Council is to provide to the Registry the following:
- a) an electronic copy of the Submissions of the Respondent dated 11 March 2020 that were circulated in hard copy at the hearing;
- b) an electronic copy of the maps that the Council officers produced at the hearing;
2. On or before 4pm on 9 April 2020, the Appellant is to provide to the Registry the following:
- a) written submissions providing the Appellant’s response to the Submissions of the Respondent dated 11 March 2020;
- b) written submissions identifying an alternate intersection option for the intersection of the subject site with Round Hill Road.
3. On or before 4pm on 8 May 2020 or 4 weeks from the date of receipt of the written submissions identified in paragraph 2(b) above, whichever is the later, the Council is to provide to the Registry the Council’s attitude toward any alternate intersection option identified by the Appellant in accordance with paragraph 2(b) above.”
11. By email dated 17 March 2020, from Bernadette Le Grand of the Respondent to the Tribunal’s Registrar, the Respondent provided the documents identified in paragraph 1 of the Tribunal’s directions.
12. By email dated 8 April 2020 from Mr Enders of Zone to the Tribunal’s Registrar, the Appellant provided the written submissions identified in paragraph 2 of the Tribunal’s directions (**Appellant’s submissions**).
13. By email dated 8 May 2020 from Ms Le Grand to the Tribunal’s Registrar, the Respondent provided the Respondent’s attitude to the Appellant’s submissions identified in paragraph 3 of the Tribunal’s directions (**Respondent’s response**).

#### **Jurisdiction:**

14. Schedule 1 of the PA states the matters that may be appealed to the Tribunal.<sup>3</sup>
15. Section 1(1) of Schedule 1 of the PA provides that Table 1 states the matters that may be appealed to a tribunal. However, pursuant to section 1(2) of Schedule 1 of the PA, Table 1 only applies to a tribunal if the matter involves one of a list of matters set out in sub-section (2).
16. Section 1(2)(j) of Schedule 1 of the PA, relevantly refers to a decision to refuse, or a deemed refusal, of a conversion application.
17. So, Table 1 of Schedule 1 of the PA applies to the Tribunal.
18. Under item 5 of table 1 of Schedule 1 of the PA, an appeal may be made against the refusal of a conversion application. The appeal is to be made by the applicant, who in

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<sup>3</sup> Section 229(1)(a) of the PA.

this case was the Appellant and the respondent to the appeal is the local government to which the conversion application was made, who in this case is the Respondent.

19. Section 55 of the *Planning Regulation 2017* provides that if a tribunal is to hear only a proceeding about an infrastructure charges notice or conversion application, the chairperson of the tribunal must be a lawyer. The constitution of this Tribunal satisfies that requirement.
20. The decision notice for the conversion application was dated 21 August 2019 and was received by the Appellant's agent, Zone, also on 21 August 2019<sup>4</sup>. In these circumstances, this appeal should have been started on or before 18 September 2019, being within 20 business days of the Respondent's decision being received by the Appellant.<sup>5</sup> As it happened, the Appellant filed a Notice of Appeal on 17 September 2019 naming the Appellant incorrectly<sup>6</sup> and paid the appeal fee the following day. The Appellant lodged a corrected Form 10 on or about 25 September 2019 and an excusal for this late lodged Form 10 was duly given under section 243 of the PA on 2 December 2019.
21. Accordingly, the Tribunal is satisfied that it has the jurisdiction to hear this appeal.

#### **Decision Framework:**

22. The decision notice the subject of this appeal was issued by the Respondent on or about 21 August 2019. At that time, the PA was in force.
23. The Appellant filed a Form 10 – Notice of Appeal / Application for Declaration on 25 September 2019.
24. The appeal is a PA appeal, commenced after 3 July 2017 under section 229 of the PA. As such, the appeal is to be heard and determined under the PA.
25. This is an appeal by the Appellant, the recipient of the conversion refusal and accordingly, the Appellant must establish that the appeal should be upheld.<sup>7</sup>
26. The Tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the Respondent which decided to give the conversion refusal the subject of this appeal.<sup>8</sup>
27. The Tribunal may (but need not) consider other evidence presented by a party with leave of the Tribunal<sup>9</sup>.
28. At the hearing of this appeal, the Respondent sought leave from the Tribunal to present other evidence to the Tribunal comprising a document titled "Submissions of Respondent" dated 11 March 2019 (Respondent's submissions).
29. The Appellant did not oppose the presentation of the other evidence by the Respondent and the Tribunal granted the leave sought by the Respondent during the hearing.

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<sup>4</sup> See Item 3 (Date written notice of decision received) of the Form 10 – Notice of Appeal / Application for Declaration of this appeal.

<sup>5</sup> Section 229(3) of the PA.

<sup>6</sup> The Appellant was described as 'Carfam Pty Ltd' instead of the correct name 'Carfam Holdings Pty Ltd'.

<sup>7</sup> Section 253(2) of the PA.

<sup>8</sup> Section 253(4) of the PA.

<sup>9</sup> Section 253(5)(a) of the PA.

30. The PA provides the Tribunal with broad powers to inform itself in the way it considers appropriate when conducting tribunal proceedings and may seek the views of any person<sup>10</sup>.
31. The Tribunal may consider other information that the Registrar asks a person to give to the Tribunal.<sup>11</sup>
32. At the hearing of this appeal, the parties and the Tribunal agreed to the parties providing additional information to the Tribunal and a timeline in which that information was to be given.
33. By email dated 11 March 2020, the Appellant provided two plans as anticipated by the agreed steps.
34. The Tribunal's directions, communicated to the parties on 16 March 2020, formalised the agreed steps.
35. By email dated 17 March 2020, the Respondent provided the documents identified in paragraph 1 of the Tribunal's directions.
36. The Appellant's submissions were provided to the Tribunal's Registrar by email dated 8 April 2020 and the Respondent's response was provided to the Tribunal's Registrar by email dated 8 May 2020.
37. The Tribunal is required to decide the appeal in one of the following ways set out in section 254(2) of the PA:
  - (a) *confirming the decision; or*
  - (b) *changing the decision; or*
  - (c) *replacing the decision with another decision; or*
  - (d) *setting the decision aside and ordering the person who made the decision to remake the decision by a stated time; or*
  - (e) *for a deemed refusal of an application:*
    - (i) *ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or*
    - (ii) *deciding the application.*

#### **Material Considered:**

38. The material considered in arriving at this decision comprises:
  - (a) 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Development Tribunals Registrar on 25 September 2019.
  - (b) A document titled "Submissions of Respondent" provided to the Tribunal in hard copy at the hearing on 11 March 2020 (**Respondent's submissions**).

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<sup>10</sup> Section 249 of the PA.

<sup>11</sup> Section 253 and section 246 of the PA.

- (c) An email dated 11 March 2020 from Stephen Enders of Zone, on behalf of the Appellant to the Registrar, Development Tribunals with attached:
  - (i) electronic copy of Map 19 PFTI-Transport dated 15 November 2016; and
  - (ii) electronic copy of Map 19 PFTI – Transport dated 15 September 2017.
- (d) An email dated 17 March 2020, from Bernadette Le Grand of the Respondent to the Registrar, Development Tribunals with attached:
  - (i) electronic copy of the Respondent’s submissions;
  - (ii) electronic copy of the maps that the Respondent’s officers produced at the hearing.
- (e) An email dated 8 April 2020, from Mr Enders of Zone to the Registrar, Development Tribunals with attached (**Appellant’s submissions**):
  - (i) written submissions providing the Appellant’s response to the Respondent’s submissions;
  - (ii) written submissions identifying an alternate intersection option for the intersection of the subject site with Round Hill Road.
- (f) An email dated 8 May 2020 from Ms Le Grand to the Registrar, Development Tribunals with attached (**Respondent’s response**):
  - (i) the Respondent’s attitude toward any alternate intersection option identified by the Appellant in the Appellant’s submissions.
- (g) Gladstone Regional Council Adopted Infrastructure Charges Resolution (No. 1) – 2015, Amendment No. 2 (7 March 2017) (**AICR**).
- (h) *Minister’s Guidelines and Rules under the Planning Act 2016*, July 2017 (**Minister’s Guidelines**).
- (i) *Planning Act 2016* (**PA**).
- (j) *Planning Regulation 2017* (**PR**).

### Findings of Fact:

The Tribunal makes the following findings of fact:

#### Application to convert infrastructure to trunk infrastructure

- 39. Section 139 of the PA provides that the applicant for development approval may apply to convert non-trunk infrastructure to trunk infrastructure. The application must be made:
  - (a) to the local government in writing; and
  - (b) within 1 year after the development approval starts to have effect.
- 40. A conversion application is required to be decided in accordance with section 140 of the PA. This requires the conversion application to be considered against the criteria stated in the Respondent’s charges resolution.
- 41. The AICR is the relevant charges resolution for the conversion application.



42. The AICR contains five criteria for determining a conversion application that are set out in section 7.2(i) of the AICR:
- (i) *For infrastructure to be considered trunk infrastructure, each of the following criteria must be met:*
    - (a) *The relevant infrastructure has been specifically designed (i.e. has the capacity) to service other developments in the area;*
    - (b) *The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in a Local Government Infrastructure Plan (LGIP), or a charges resolution for the area;*
    - (c) *The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with Section 665 of the Sustainable Planning Act 2009;*
    - (d) *The infrastructure delivers the desired standard of service; and*
    - (e) *The type, size and location of the infrastructure are the most cost effective option for servicing multiple users in the area.*
43. The Tribunal notes that the conversion application was made on behalf of the applicant by Zone by letter dated 29 May 2019 to the Respondent, which was within 1 year of the ROL approval dated 20 June 2018.
44. The Respondent considered the application and on 21 August 2019 gave the conversion refusal. The reasons for the conversion refusal are set out at paragraph 5 above.

The application of the criteria to the water infrastructure

45. Condition 12(b) of the ROL approval requires the Appellant to extend the 150mm water main from the Respondent's existing reticulated water main located at Round Hill Road to the boundary of the subject site and through the full length of the proposed Rural Collector Road.
46. The Appellant's material provides that the length of the required extension of the existing 150mm water main from where it ends on Round Hill Road to the boundary of the subject site is approximately 200m.
47. The proposed extension will traverse the frontage of 4 lots along Round Hill Road being:

<b>Address</b>	<b>Description</b>	<b>Current Use</b>
Round Hill Road	Lot 2 SP 257657	State owned - undeveloped
2863 Round Hill Road	Lot 1 on SP 196790	Fire station
Round Hill Road	Lot 214 on SP 262272	Undeveloped
2793 Road Hill Road	Lot 8 on RP 616792	Owned by Respondent - undeveloped

48. The Appellant submitted in its conversion application, and the Respondent agreed in its reasons for refusal, that three of the criteria, being (b), (d) and (e) of section 7.2(i) of the AICR were satisfied by the conversion application in relation to the water infrastructure.
49. The Tribunal is also satisfied that the conversion application complies with these criteria for the following reasons:
- (a) The water infrastructure with a 150mm diameter main is consistent with the function and purpose of other water infrastructure identified in the LGIP (section 7.2(i)(b) of the AICR);
  - (b) The water infrastructure with a 150mm diameter main delivers the desired standard of service (section 7.2(i)(d) of the AICR);
  - (c) The type, size and location of the water infrastructure, being the water main along Road Hill Round, are the most cost-effective option for servicing multiple uses in the area, being the lots fronting Round Hill Road between the subject site and the current extent of the water main (section 7.2(i)(e)).
50. The Respondent however is of the opinion that the conversion application does not satisfy the following criteria:
- (a) The water infrastructure has not been specifically designed to service other developments in the area (section 7.2(i)(a) of the AICR);
  - (b) The water infrastructure is consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the SPA (section 7.2(i)(c) of the AICR).

#### *Section 7.2(i)(a) of the AICR*

51. The Appellant submitted, and the Respondent acknowledged in the conversion refusal, that the 150mm external water main will have the capacity to service other developments in the area. The Tribunal accordingly accepts that the water infrastructure has capacity to service other developments in the area for the purpose of section 7.2(i)(a) of the AICR.
52. The Respondent however is of the opinion that because the capacity in the water infrastructure has not occurred via a specific design, above and beyond that required for the development, it does not satisfy the criterion.
53. The Tribunal does not agree with this interpretation and this is considered below in the Reasons for the Decision.

#### *Section 7.2(i)(c) of the AICR*

54. The Respondent is also of the opinion that the 150mm external water main, because it is connecting the subject site to the Respondent's external water infrastructure on Round Hill Road, is consistent with non-trunk infrastructure for which a condition may be imposed in accordance with section 665(2)(b) of the SPA.
55. Again, the Tribunal does not agree with the Respondent's interpretation and this is also considered below in the Reasons for the Decision.

#### The application of the criteria to the road infrastructure

56. Condition 18 of the ROL approval requires the Appellant to construct "a roundabout at the intersection of the proposed Rural Collector Road and Round Hill Intersection" in accordance with approved plans, the Respondent's engineering standards and Austroads 'Guide to Road Design Part 4B: Roundabouts'. In attending to the design, the

condition required the Appellant to consider the hierarchy of Road Hill Road (which, along the frontage of the subject site is classed as a sub arterial road, featuring a traffic speed environment of 100km/hour and maximum design vehicle access of Class 10 (B-double)).

57. The design of the conditioned intersection appears to have a varied history through the development application process, which the Appellant took some issue with, in its material.
58. The Respondent agreed in its reasons for refusal, that three of the criteria, being (b), (d) and (e) of section 7.2(i) of the AICR, were satisfied by the application in relation to the road infrastructure.
59. The Tribunal is satisfied that the conditioned roadworks the subject of this dispute, complies with these criteria for the following reasons:
- (a) The requirement for a roundabout on a sub arterial road is consistent with the function and purpose of other trunk infrastructure identified in the LGIP (section 7.2(i)(b) of the AICR);
  - (b) The conditioned roundabout is required to meet the desired standards of service (section 7.2(i)(d) of the AICR);
  - (c) The conditioned roundabout would, in meeting the minimum standards specified, represent the most cost effective option for servicing multiple users in the area (section 7.2(i)(e) of the AICR).
60. The Respondent however is of the opinion that the conversion application does not satisfy the following criteria:

- (a) The conditioned roundabout has not been specifically designed to service other developments in the area. The Respondent says that “*the minimum standard for an intersection with a sub-arterial road like Round Hill Road, under Capricorn Municipal Development Guidelines is a T-intersection or a roundabout*”, and that “*Council’s preference would have been a T-intersection having regard to the proximity to a possible future access road joining Round Hill Road further to this east*”<sup>12</sup>.

Condition 18 of the Amended Negotiated Decision Notice requires the construction of a minimum 28m diameter roundabout – which the Respondent says is the “*minimum required to meet the needs of connection of the development to the existing road network and to protecting or maintaining the safety and efficiency of the existing road infrastructure at that intersection*”<sup>13</sup>.

(section 7.2(i)(a) of the AICR);

- (b) The conditioned roundabout will result in the connection of the development to the external road infrastructure network, and further, it has been required to comply with the minimum standards. On this basis, the Respondent says condition 18 of the Amended Negotiated Decision Notice is consistent with a non-trunk infrastructure condition (section 7.2(i)(c) of the AICR).

61. The Appellant, subsequent to the hearing of the Tribunal and in response to the orders made, produced an alternate intersection option, for the intersection of the subject site with Round Hill Road in the Appellant’s submissions. That alternate intersection option, was presented in the form of a T-intersection which was located further to the east of the

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<sup>12</sup> See paragraph 2.6 of the Respondent’s Submissions.

<sup>13</sup> See paragraph 2.9 of the Respondent’s Submissions.

subject site and triggered some small internal changes to the subdivision proposed in order to accommodate the changed intersection design.

62. The Respondent provided a response position to the alternate intersection design in the Respondent's response. The Respondent expressed dissatisfaction with the alternate intersection proposal for five reasons. It is not considered necessary to understand these further here, as the amended plan has not been agreed and the Tribunal's decision will accordingly be made on the basis of condition 18 of the Amended Negotiated Decision Notice as presently drafted.

## **Reasons for the Decision:**

### *Water Infrastructure - section 7.2(i)(a) of the AICR*

63. In its reasons for the conversion refusal, the Respondent stated the "... water main has not been specifically designed to service other developments. Whilst it is acknowledged that there is capacity for other developments, this has not occurred via specific design above and beyond that required for this development".
64. As the Tribunal understood the Respondent's position, the Respondent submitted that it was insufficient that the infrastructure has capacity to service other developments in circumstances where the size of the water infrastructure required to service other developments is also the minimum required to service the proposed development.
65. In this case, because a 150mm diameter water main is required to service the proposed development, it is, in the Respondent's submission, immaterial that this provides capacity to service other developments because it is the minimum water infrastructure required to service the proposed development.
66. The PA requires a conversion application to be determined in accordance with the criteria in the AICR, which in turn must be consistent with the parameters for the criteria provided for under a guideline made by the Minister.
67. The relevant criterion in the Minister's Guideline is "the infrastructure has capacity to service other developments in the area"<sup>14</sup>.
68. The AICR criterion in section 7.2(i)(a), includes the requirement that the infrastructure has been "specifically designed (i.e. has the capacity) to service other developments in the area".
69. Despite the variation in wording of the criterion in the Minister's Guideline and that in the AICR, the Tribunal consider that there is no material difference in the two tests and the question is whether the infrastructure has "capacity" to service other developments in the area.
70. The infrastructure either has capacity to service other developments in the area or not. In the Tribunal's view, the extra wording used by the Respondent in the AICR that the infrastructure must be "specifically designed" does not alter the test and the finding of fact that needs to be made.
71. In this case, it is accepted by both parties that the water infrastructure has capacity to service other developments in the area, being the lots between the subject site and where the Respondent's water main currently terminates in Round Hill Road.

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<sup>14</sup> Minister's Guidelines and Rules under the *Planning Act 2016*, July 2017, section 4.1.a) at page 44.

72. In the Tribunal's opinion, the use of the wording "specifically designed" in the AICR criterion means no more than that the infrastructure has the capacity to service other developments in the area.
73. The Tribunal further considers that the criterion only requires that the infrastructure has capacity to service other developments in the area—there is no requirement imposed by the criterion that the infrastructure required to service the other developments in the area must be "above and beyond" that required to service the subject development.
74. The Respondent, in the Respondent's submissions, also raised the issue that at least two, possibly three, of the four lots the extension of the water main will pass, are unlikely to require connection within the next 10 to 15 years.
75. While the time of future development of these lots is uncertain, they are zoned and intended for urban development being included in either the Emerging Communities or Community Facilities zones. Further, Lot 214 has a development approval for a shopping centre.
76. As it was acknowledged by the parties that the water infrastructure has capacity to service other developments in the area, the Tribunal considers this criterion is satisfied.

*Water Infrastructure - section 7.2(i)(c) of the AICR*

77. The other criterion which the Respondent believes is not met is that the 150mm water main is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the SPA<sup>15</sup>.
78. Section 665(2) of the SPA relevantly provided that a condition for non-trunk infrastructure "*may be only about providing development infrastructure for 1 or more of the following –*
  - (a) *a network, or part of a network, internal to the premises;*
  - (b) *connecting the premises to external infrastructure networks;*
  - (c) *protecting or maintaining the safety or efficiency of the infrastructure network of which the non-trunk infrastructure is a component.*"
79. The SPA defines "non trunk infrastructure" as "development infrastructure other than trunk infrastructure".
80. In regard to section 7.2(i)(c) of the AICR, the Respondent says that the requirement to provide reticulated water internal to the subject site and the connection of the subject site to the external reticulated water network some 200 metres from the eastern boundary of the subject site, are both consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the SPA.
81. The Tribunal accepts that the provision of internal water reticulation is non-trunk infrastructure as set out in section 665(2)(a) of the SPA. However, while the external water infrastructure is necessary to supply water for the internal reticulation, this does not mean that the external water infrastructure required by the Respondent is necessarily consistent with non-trunk for which conditions may be imposed under section 665(2)(b) of the SPA.

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<sup>15</sup> Please note that the AICR refers to section 665 of the now repealed SPA. To avoid any confusion, the Tribunal acknowledges that this appeal is to be heard and determined under the PA and notes that section 145 of the PA is the equivalent to section 665 of the SPA and is in identical terms. The same applies to the definitions of "trunk infrastructure" and "non-trunk infrastructure" in both the SPA and the PA.



82. The Tribunal considers that the issue must be determined by reference to whether the construction of a 150mm diameter and 200 metre long water main external to the subject site is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the SPA.
83. The Appellant's submissions contend that the fact that the properties between the subject site and the existing water infrastructure network of the Respondent, will be able to connect to the external water infrastructure in the future, gives the external water infrastructure the character of trunk infrastructure.
84. In contrast, while the Respondent acknowledges that the connection to the Respondent's network will pass several properties, the Respondent submits that this does not change the character of the infrastructure, which is merely connecting the subject site to the external water infrastructure network.
85. Further, the Respondent considers that the 150 mm diameter water main being the minimum size required to service the development is relevant to that infrastructure being non-trunk infrastructure.
86. In the Tribunal's opinion, it is necessary to determine the character of the external water infrastructure connection to resolve this issue.
87. In this case, the water infrastructure between the subject site and the Respondent's water network is considered to be trunk infrastructure in nature having regard to the fact that it has the capacity to service other developments in the area and is consistent with the Respondent's trunk infrastructure standards.
88. Although a 150mm diameter water main is also the minimum standard required to service the proposed development, it is considered that this does not detract from the character of the water main as trunk infrastructure.
89. There is no evidence that the 150 mm water main is inadequate to service any future development between the subject site and the existing infrastructure of the Respondent or whether a higher standard will be required for trunk water infrastructure in the area. Indeed, the Respondent's conversion refusal acknowledges that the water infrastructure will provide capacity for other developments.
90. Given that the external water infrastructure will serve a trunk infrastructure purpose, the Tribunal considers the water infrastructure external to the subject site is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance of section 665 of the SPA or 145 of the PA.
91. The Tribunal accordingly considers this criterion is satisfied.

*Road Infrastructure - section 7.2(i)(a) of the AICR*

92. The Appellant's position in relation to criteria 7.2(i)(a) of the AICR concerning road infrastructure, is detailed at page 9 of its Conversion Application as follows:

*“Condition 18 relating to the road intersection upgrade works is of a design standard that exceeds the needs of the subject development (i.e. 21 rural residential lots). The wording of Condition 18 confirms the roundabout must “...consider the hierarchy of Round Hill road in the design and construction of the proposed intersection. In accordance with Council's current road hierarchy, the section Round Hill Road along the frontage of the subject lot is classed as Rural Sub Arterial Road where the traffic speed environment is 100km/hr and maximum design vehicle access is Class 10 (B-Double)”; and thereby will be designed to a sub-arterial road standard with speeds of 100km/hr and accommodating Class 10 (B-Double) heavy vehicles. Accordingly, the*

*infrastructure will be specifically designed (i.e. has the capacity) to service other developments in the area and contribute to the broader road network to a sub-arterial standard which is in excess to the design standard required to meet the needs of the subject development. Furthermore, it is considered this work will form part of the trunk road upgrades currently mapped to the frontage of the site as per Council's LGIP mapping".*

93. There is no material which supports or furthers these assertions made by Appellant, and further, no material disproving the Respondent's position that the conditioned roundabout is only the minimum required to meet the needs of connecting the proposed development to the existing road network and also the minimum required to protect or maintain the safety or efficiency of that existing road infrastructure at the intersection of Round Hill Road with the subject site<sup>16</sup>.
94. In the above circumstances, the Tribunal is not satisfied that the Appellant has established that this appeal should be upheld with respect to criteria 7.2(i)(a) of the AICR, regarding road infrastructure.

#### *Road Infrastructure - section 7.2(i)(c) of the AICR*

95. The Appellant's position in relation to criteria 7.2(i)(c) of the AICR concerning road infrastructure, is detailed at page 10 of its Conversion Application as follows:

*"As confirmed in Section 2 above, the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed as provided for by s145 of PA (equivalent to section 665 of the Sustainable Planning Act 2009).*

*Section 2(i) states that council may condition the provision of infrastructure where it forms the network (or part of a network) 'internal to the premises' – both the water and road works are located external to the site.*

*Section 2(ii) supports provision of infrastructure where it is 'connecting' the premises to external networks. In respect to the water infrastructure, this involves a substantial 'extension' of the water infrastructure (past other properties) in order to ultimately 'connect' to the infrastructure. The 'extension' of the infrastructure required for the development to connect is considered outside the provisions for s145 as a reasonable non-trunk infrastructure condition, and as such, considered trunk infrastructure.*

*Section 2(b)(iii) is applicable in terms of the road intersection; however, the extent of intersection upgrade works conditioned exceeds the needs of the development to provide safe access to/from the site and the conditioned design standard is of direct benefit to the sub-arterial road network more broadly. Furthermore, it is contended the intersection work forms part of the trunk road upgrades as currently mapped along the site frontage in Council's LGIP. Therefore, the road upgrade works (which forms part of the intersection work) is identified as trunk infrastructure by Council's LGIP and is also outside the provisions of s145."*

96. Again, as above, there is no additional material which supports or furthers these assertions made by the Appellant, and further, no material disproving the Respondent's position that the conditioned roundabout will only result in the connection of the proposed development to the external road infrastructure network and that its design was only the minimum required to protect and maintain the safety and efficiency of the road network.

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<sup>16</sup> See paragraph 2.9 of the Respondent's submissions.

97. Indeed, the Respondent afforded the Appellant an opportunity to identify an alternate intersection option, however the Tribunal was disappointed by the Appellant's submissions which, in the Tribunal's view, failed to address issues raised by the Respondent during the hearing of this appeal<sup>17</sup>.
98. Accordingly, the Tribunal is not satisfied that the Appellant has established that this appeal should be upheld with respect to criteria 7.2(i)(c) of the AICR, regarding road infrastructure.

*Conclusion*

99. The Tribunal concludes the following with respect to the conversion application:
- (a) The Tribunal approves the request in the conversion application to convert non-trunk water infrastructure to trunk water infrastructure, being condition 12 of the Amended Negotiated Decision Notice dated 20 June 2018.
  - (b) The Tribunal refuses the request in the conversion application to convert non-trunk road infrastructure to trunk road infrastructure, being condition 18 of the Amended Negotiated Decision Notice dated 20 June 2018.



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**Samantha Hall**

**Development Tribunal Chair**  
**Date: 24 July 2020**

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<sup>17</sup> The Respondent held a similar view as expressed in the Respondent's response.

## **Appeal Rights:**

Schedule 1, Table 2 (1) of the *Planning Act 2016* provides that an appeal may be made against a decision of a Tribunal to the Planning and Environment Court, 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.

The appeal must be started within 20 business days after the day notice of the Tribunal decision is given to the party.

The following link outlines the steps required to lodge an appeal with the Court.

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

## **Enquiries:**

All correspondence should be addressed to:

The Registrar of Development Tribunals  
Department of Housing and Public Works  
GPO Box 2457  
Brisbane QLD 4001

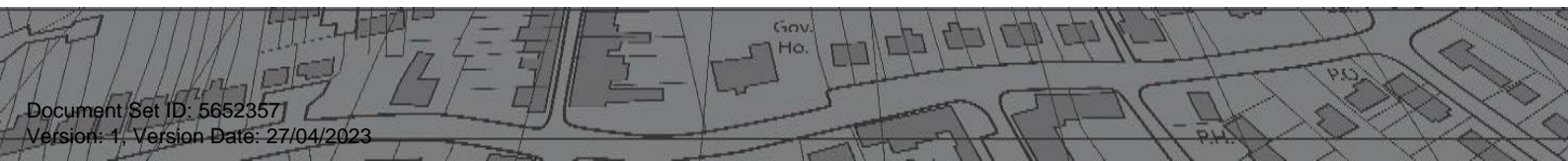
**Telephone (07) 1800 804 833**

**Email: [registrar@hpw.qld.gov.au](mailto:registrar@hpw.qld.gov.au)**



# ATTACHMENT 6

## Adopted Infrastructure Charge Notice





Our Ref: DA/28/2022 FM7.2

2 September 2022

Goora Gan Steiner School Incorporated  
C/- Angelo Oliaro  
Angelo Oliaro Town Planning  
56 Honiton Street  
TORQUAY QLD 4655

Dear Applicant

**ADOPTED INFRASTRUCTURE CHARGE NOTICE**

**DA/28/2022 - MATERIAL CHANGE OF USE - IMPACT  
EDUCATIONAL ESTABLISHMENT (3 STAGES)  
2744 ROUND HILL ROAD, AGNES WATER QLD 4677  
LOT 36 RP 619982**

Reference is made to Council's Decision Notice for Educational Establishment at 2744 Round Hill Road, AGNES WATER QLD 4677 which was approved under Delegated Authority on 1 September 2022.

Please find attached an Adopted Infrastructure Charge Notice which details the infrastructure charges applicable for the above mentioned development.

Should you have any queries in relation to this matter, please contact Tegan McDonald on (07) 4970 0700.

Yours sincerely



**H A ROBERTSON  
MANAGER DEVELOPMENT SERVICES**

**ADOPTED INFRASTRUCTURE CHARGE NOTICE**

**Planning Act 2016 s120 and s121**  
**State Planning Regulatory Provision (adopted charges)**

This Adopted Infrastructure Charge Notice relates to Development Application No: DA/28/2022 approved on 1 September 2022, for a Material Change of Use of Premises for an Educational Establishment (3 stages) located at 2744 Round Hill Road, AGNES WATER calculated in accordance with the Gladstone Regional Council Adopted Infrastructure Charge Resolution (No. 1) - 2015 - Amendment No. 2.

ISSUED TO (APPLICANT):	Goora Gan Steiner School Incorporated C/- Angelo Oliaro Angelo Oliaro Town Planning 56 Honiton Street TORQUAY QLD 4655
LAND TO WHICH THE CHARGE RELATES:	Lot 36 RP 619982
LANDOWNER:	Goora Gan Steiner School Incorporated
CALCULATION BREAKDOWN:	<ul style="list-style-type: none"> <li>• Charge Area #6</li> <li>• \$45/m2 GFA @ 890 GFA = \$40,050.00</li> <li>• Credit = Vacant Lot @ \$17,800.00</li> </ul>
AMOUNT OF THE CHARGE:	\$22,250
OFFSET:	Not Applicable to this development.
WHEN THE CHARGE IS PAYABLE:	The charge is payable prior to Council approving the plan of subdivision for the reconfiguration (as per Section 122 if the <i>Planning Act 2016</i> ).
PAYMENT OF CHARGE:	<p>Payment of this charge must be made to: -</p> <p>Gladstone Regional Council. PO Box 29 GLADSTONE DC QLD 4680</p> <p>Note: If paying by credit card a surcharge will apply.</p>

This notice will lapse if the development approval stops having effect.

**APPEAL RIGHTS**

Attached is an extract from the *Planning Act 2016* which details your appeal rights in relation to this Notice.

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## **Subdivision 5      Changing charges during relevant appeal period**

### **124      Application of this subdivision**

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

### **125      Representations about infrastructure charges notice**

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
  - (a) agrees with a representation; and
  - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (*a negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
  - (a) must be in the same form as the infrastructure charges notice; and
  - (b) must state the nature of the changes; and
  - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

## **126 Suspending relevant appeal period**

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

## **Division 3 Development approval conditions about trunk infrastructure**

### **Subdivision 1 Conditions for necessary trunk infrastructure**

#### **127 Application and operation of subdivision**

- (1) This subdivision applies if—
  - (a) trunk infrastructure—
    - (i) has not been provided; or
    - (ii) has been provided but is not adequate; and
  - (b) the trunk infrastructure is or will be located on—
    - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
    - (ii) other premises, but is necessary to service the subject premises.

## 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.

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ol style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ol>

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p><b>2. Change applications</b></p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

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

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p><b>4. Infrastructure charges notices</b></p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government



<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>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—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>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—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>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</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

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

<b>Table 3 Appeals to a tribunal only</b>			
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 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval  2 A private certifier for the development application related to the approval

<b>Table 3 Appeals to a tribunal only</b>			
<p><b>2. Inspection of building work</b> 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p><b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b> An appeal may be made against—</p> <p>(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</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p><b>4. Local government failure to decide application under the Building Act</b> An appeal may be made against a local government’s failure to decide an application under the Building Act within the period required under that Act.</p>			

<b>Table 3 Appeals to a tribunal only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 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	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent 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	—	—