**Mackay Regional Council**

Development Planning and Engineering

Standard Conditions Package

September - 2023

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# Lawful Conditions

When conditioning an approval for development, Council must ensure that conditions remain lawful. To achieve this, lawful conditions must satisfy the statutory tests in the *Planning Act 2016* and the common law tests established by the Courts.

*Statutory Tests*

This test outlines that conditions must:

1. Be relevant to, but not create an unreasonable imposition on, the development or use of premises as a consequent of the development, or
2. Be reasonably required in relation to the development or use of premises because of the development.

*Common Law Tests*

Common law is tested against 13 drafting principles, including:

1. A condition must be for a legitimate planning purpose;
2. A condition must be final, in that it must not defer an important aspect of the approval for future consideration;
3. A condition must not be vague or uncertain;
4. A condition must not require onerous supervision by the relevant authorities;
5. A condition cannot modify a development, such that it results in a different development that was applied for by the Applicant;
6. An unlawful condition cannot be made lawful because it is accepted by the Applicant;
7. A condition cannot require an indemnity;
8. A condition can only require the preservation of land for future major road infrastructure if the infrastructure is recognised in the planning document in a definite way;
9. A condition cannot create an unlawful fetter on the future exercise of Council's discretion;
10. A condition can prevent a use commencing until certain criteria are satisfied;
11. A condition can be used to establish a trial period to determine how the use will operate, if objective criteria are used;
12. A condition can be used to limit the type of use which is approved; and
13. A condition should be draft to reflect whether it is to have a continuing effect after the approved development is completed or is to expire once the approved development is completed.

*Rules for Interpreting Lawful Conditions*

1. Any uncertainty should be construed in favour of the landowner.
2. A sensible rather than a legalistic approach should be adopted in interpretation (however an everyday person would understand that condition).
3. A condition should be interpreted without reference to extrinsic material except in very limited circumstances.
4. A condition must be interpreted in accordance with its written terms and not what the parties intended.
5. An explanatory state or guideline may be considered in interpreting a condition when there is ambiguity.
6. A condition must be construed in the context of the approval and not in isolation.

# Material Change of Use – Defined Activity Groups

| **Activity Group** | **Uses** |
| --- | --- |
| [Retail/Commercial/Centre Activities](#_Material_Change_of_10) | Agricultural Supplies StoreAdult StoreBarHotelFood and Drink OutletFunction FacilityFuneral ParlourHealth Care ServicesOfficeService StationShopShopping CentreShowroomTheatreVeterinary ServiceNightclub Entertainment Facility |
| [Community Activities](#_Material_Change_of_1) | ClubCommunity Care CentreCommunity UseEducational EstablishmentEmergency ServicesHospitalPlace of WorshipChild Care Centre |
| [Community Facilities](#_Material_Change_of_2) | Air ServiceLandingPort ServiceCemeteryCrematoriumDetention FacilityEnvironment FacilityParking StationOutstation |
| [Industry Activities](#_Material_Change_of_3) | Hardware and Trade SuppliesHigh impact IndustryLow Impact IndustryMarine IndustryMedium Impact IndustryResearch and Technology IndustryService IndustrySpecial IndustryTransport DepotWarehouse |
| [Intensive Rural Activities](#_Material_Change_of_4) | Animal keepingAquacultureIntensive Animal IndustryIntensive Horticulture |
| [Multiple Dwelling Activities](#_Material_Change_of_5) | Dual OccupancyMultiple DwellingResidential Care FacilityRetirement FacilityRooming AccommodationShort-term Accommodation |
| [Accommodation](#_Material_Change_of_6) | Party HouseTourist ParkResort ComplexNature Based TourismNon-resident Workforce AccommodationRural Workers’ AccommodationRelocatable Home Park |
| [Residential](#_Material_Change_of_7) | Dwelling UnitCaretaker’s AccommodationCommunity ResidenceHome-Based Business |
| [Outdoor Business Activities](#_Material_Change_of_8) | Extractive IndustryBulk Landscape SuppliesExtractive IndustryGarden CentreOutdoor SalesWholesale NurseryWineryMarket |
| [Recreation Activities](#_Material_Change_of_9) | Indoor Sport and RecreationOutdoor Sport and RecreationMajor Sport, Recreation and Entertainment FacilityMotor Sport FacilityParkTourist Attraction |
| [Utility Activities](#_Material_Change_of_10) | Major Electricity InfrastructureRenewable Energy FacilitySubstationUtility InstallationTelecommunications Facility  |
| [Dwelling House](#_Material_Change_of_11) | Dwelling House including Bushfire Hazard Overlay Conditions |

# Material Change of Use – Standard Conditions for all Uses

The following conditions are to be considered for all Material Change of Use Development Applications and applied where reasonable and relevant:

Development Planning:

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Plan(s) and/or Document(s) to be Amended**

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

| **Condition** | **Timing** |
| --- | --- |
|  | **Carry Out the Approved Development**Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
2. The below conditions of approval and the requirements of Council’s Planning Scheme and the relevant Planning Scheme Policies; and
3. Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required**1. Submit an amended<Site Plan, Name of Report> incorporating the following:
	1. <insert required amendments>
 | Prior to any approval for operational works.ORPrior to commencement of use. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to any approval for operational works.ORPrior to commencement of use. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to commencement of use. |
|  | **Maintain the Approved Development**Maintain the approved development generally in accordance with the approved plan(s), document(s), conditions of approval, and any other approval required by the conditions. | At all times. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. | At all times. |
|  | **Notice of Intention to Commence Use**Return the attached ‘Notice of Intention to Commence Use’ confirming that the development complies with all conditions of the approval.  | Prior to commencement of use. |
|  | **Plumbing and Drainage Works**1. Obtain a plumbing and drainage works permit in accordance with the *National Construction Code* and the *Plumbing and Drainage Act 2018*.
 | Prior to commencing plumbing works.  |
| 1. Obtain a final plumbing and drainage works certificate verifying the work has been completed in accordance with a) above.
 | At the completion of plumbing works.  |
|  | **Building Work** 1. Obtain a building work development permit in accordance with the *Building Act 1975* and the *Planning Act 2016.*
 | Prior to commencing building works.  |
| 1. Obtain a *Form 21 Final Inspection Certificate / Form 11 Certificate of Occupation* verifying the work has been completed in accordance with a) above.

***Drafting Note:*** *Form 21 is used for single detached class 1a buildings and class 10 buildings or structures. Form 11 is required for all building work except for single detached class 1a buildings and class 10 buildings or structures.* ***<delete on review>*** | At the completion of building works.  |
|  | **Operational Works**1. Obtain an Operational Works – Development Permit for the following:
2. Civil Works

OR1. Water
2. Sewerage
3. Roadworks
4. Access and Car Parking
5. Landscaping
6. Stormwater
7. Earthworks
 | Prior to commencing any assessable works on-site. |
| 1. Submit a Construction Operational Works Notice to Commence Works for the following:
2. Civil Works

OR1. Water
2. Sewerage
3. Roadworks
4. Access and Car Parking
5. Landscaping Works
6. Stormwater
7. Earthworks
 | Prior to commencement of works. |
| 1. Obtain an Acceptance of Works or On Maintenance for the works completed.

***Drafting Note:*** *Delete if no Operational Works application required.* ***<delete on review>*** | At the completion of operational works.  |
|  | **Subdivision Plan Endorsement** Lodge for approval by Council, an application for survey plan endorsement which includes:1. Payment of the application fee in accordance with Council’s fees and charges at the time of lodgement;
2. All survey marks in their correct position in accordance with the survey plan;
3. A Statement of Compliance Report demonstrating compliance with all associated development permit(s);
4. A copy of the survey plan and/or easement documentation;
5. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
6. Payment of any outstanding Levied Charges.

*Advisory Note: Refer to Council’s Website for further information:* [*Subdivision Plans*](https://www.mackay.qld.gov.au/business/planning_and_development/development_applications_and_assessment/subdivision_plans)*.****Drafting Note:*** *Delete if no Subdivision Plan Endorsement required.* ***<delete on review>*** | On lodgement of an application for subdivision plan endorsement. |
|  | **Referral Agency**Provide written confirmation to Council that the conditions of the Referral Agency response dated <insert date> (reference: <insert date>) or as amended have been complied with. | At all times. |
|  | **Amalgamation of Lots**Amalgamate Lots <insert lots to be amalgamated>. | Prior to commencement of use. |
|  | **Develop in Stages**Develop the site generally in accordance with the stages identified on the approved plans in consecutive order. Development must comply with each condition of the approval as it relates to each stage, unless otherwise stated in the condition.***Drafting Note:*** *include where staging is proposed* ***<delete on review>*** | At all times.  |
|  | **Demolish Structures** Demolish and/or remove all structures not associated with the approved development. *Advisory Note: Demolition/removal will likely require a Development Permit for Building Works for Demolition under the Planning Act 2016 and issue of a Form 21 Final Inspection Certificate.*  | As part of building works.  |
|  | **Certification of Building Height**Provide a *Form 43 Aspect Certificate (QBCC Licensee)* demonstrating that the overall height of the floor and ‘as-constructed’ roof levels are in accordance with the approved plans.***Drafting Note:*** *This condition is only required when height compliance is a genuine assessment consideration.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Street Numbering and Building Names**Ensure street numbers and any building names are predominantly displayed at the road frontage of the site. | Prior to commencement of use. |
|  | **Screening of Loading Facilities and Plant Areas**Screen with appropriate materials and/or landscaping all loading/unloading facilities, air-conditioning, plant areas and other outdoor storage facilities on the site from direct view of any adjoining neighbours, public space or any road frontage.***Drafting Note:*** *For Industrial/Commercial uses.* ***<delete on review>*** | Prior to commencement of use. |
|  | **On-site Services**Screen with appropriate materials and/or landscaping all rainwater tanks, hot water tanks, gas bottles, air conditioners, clothes lines and the like from direct view of any adjoining neighbours, public space or any road frontage.***Drafting Note:*** *For Residential uses.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Refuse Storage Area**Construct a refuse storage area provided in the location shown on the approved plans of development and the following:1. Contain an impervious surface area; and
2. Contain sufficient space for the storage of adequately sized refuse and recycling bins; and
3. Be screened so that they are not visible from the road frontage/s and adjoining properties.
 | Prior to commencement of use. |
|  | **Boundary Fencing**Construct a minimum 1.8m high screen fence along the <insert boundary/boundaries> of the development. | Prior to commencement of use. |
|  | **Front Fencing**Ensure that any front fencing and/or walls are limited to the following:1. 1.2m in height if solid; or
2. 1.5m in height if at least 50% visually transparent; or
3. Submit for approval a Fencing Plan demonstrating height and materials for the fencing; and
4. Implement the requirements of the approved Fencing Plan.

***Drafting Note:*** *Street fencing requirements should respond to the character of the surrounding area.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Acoustic Screen Fence**Construct a XXm high acoustic screen fence along the <insert boundary/boundaries> of the development. | Prior to commencement of use. |
|  | **Acoustic Attenuation**1. Provide the acoustic attenuation measures as specified in the approved <name of acoustic report>, including the following:
2. <insert recommendations>
3. Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in accordance with the approved report.
 | Prior to commencement of use. |
|  | **External Lighting**Install any external lighting in accordance with *AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*. | Prior to commencement of use. |
|  | **Pedestrian Lighting**Install lighting in any pedestrian areas that require illumination in accordance with *AS/NZS 1158.3.1:2020 Lighting for Roads and Public Spaces - Pedestrian area (Category P) lighting – Performance and Design Requirements*. | Prior to commencement of use. |
|  | **General Amenity Provision**Ensure the use is managed so that the amenity of the area is not adversely affected through:1. The transport of materials or goods to or from the subject site; and
2. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, water products, grit or oil; and
3. The location of all service equipment, lighting and air conditioning units as to not cause nuisance to neighbouring properties.
 | At all times. |
|  | **Electrical and Telecommunications** Ensure the development is provided with electricity and telecommunications infrastructure.ORProvide written confirmation from the electricity and telecommunication authorities stating that services are provided to each Dwelling.Such confirmation from the electricity provider (Ergon Energy) must be in the form of a ‘Certificate of Supply’, or alternatively a receipt for the full payment of the amount detailed under an ‘Offer of Supply’.Such confirmation from the telecommunications provider (NBN Co.) must be in the form of a receipt for the full payment of the NBN Co. ‘Development Application’ or alternatively provide Council with a copy of the NBN Co. Certificate of Practical Completion.***Drafting Note:*** *Second option is for uses where there are individual dwellings (Multiple Dwelling)****. <delete on review>*** | Prior to commencement of use.ORPrior to commencement of use or lodgement of subdivision plan, whichever occurs first. |
|  | **Bicycle Parking Facilities**Install secure bicycle parking facilities for a minimum of <insert no.> bicycles.Bicycle parking is to be provided in accordance with *AS2890.3:2015 Parking Facilities – Bicycle Parking.* | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****.*** *Condition is to start with a noun (doing word such as Submit, Demonstrate, Construct etc)* ***<delete on review>*** | Insert timing  |

**Development Engineering:**

| **Condition** | **Timing** |
| --- | --- |
|  | **Minimum Floor Levels**Construct the finished floor level of each building to the higher of the following:1. 300mm above the Defined Flood Event (DFE). The DFE for this site at the time of approval is XXm AHD, bringing the finished floor level to XXm AHD;
2. 300mm above the top of kerb;
3. 300mm above the crown of the road;
4. 225mm above ground level;
5. A level which allows the connection of all sanitary fixtures to the designated sewer connection point by means of sanitary drainage which complies with Australian Standard *AS/NZS 3500.1:2021 Plumbing and Drainage - Water Services*.
 | As part of building works. |
|  | **Roadworks** Design and construct road widening for the full frontage of the site on <insert street name> in accordance with Council’s *Planning Scheme Policy – Geometric Road Design* and as prescribed below:<insert any additional requirements>. | As part of operational works.  |
|  | **Access**Use the existing driveway and crossover for access to the site only. ORConstruct a commercial/industrial/residential invert crossing and concrete driveway for access to <insert street> at the location shown on the approved plans, in accordance with Council’s Standard Drawing No. A3-00773 Invert Type Vehicle Crossing for Kerb and Channel. The concrete pavement must be designed to suit the site conditions and the proposed use.ORUndertake the following: 1. Obtain a Minor Works Permit in accordance with *Local Law No. 1 (Administration) 2011;* and
2. Construct an invert crossing and concrete driveway for access to <insert street> at the location shown on the approved plans, in accordance with Council’s *Standard Drawing No. A3-0773 Invert Type Vehicle Crossing for Kerb and Channel;* and
3. Remove the redundant crossover and driveway section within the verge along <insert street>; and
4. Reinstate or repair any damaged kerbs; and
5. Re-turf any damaged verge areas.

***Drafting Note:*** *Only use a)-e) above if no Op Works trigger****.*** *Each aspect to be considered in context i.e. if a specific access location is required then include crossover requirement* ***<delete on review>*** | At all times.ORPrior to commencement of use. ORPrior to commencement of use. |
|  | **On-Site Car Parking Requirements**1. Construct a minimum of <insert no.> car parking space in accordance with *AS/NZS 2890.1:2004 Parking facilities – Off-street Car Parking* andAustroads.
2. Construct disability car parking spaces in accordance with *AS 2890.6:2022 Parking Facilities - Off-Street Parking for People with Disabilities*, including parking bay dimensions and shared area.
3. Construct all driveway and vehicular manoeuvring areas being imperviously sealed, drained and line marked.
 | Prior to commencement of use. |
| 1. Ensure all car parking spaces are designed to allow all vehicles to drive forwards when both entering and leaving the property.

***Drafting Note:*** *delete d) above if agreeing to an alternate design* ***<delete on review>*** | At all times. |
|  | **Car Park Kerbing**1. Provide a 125mm high vertical concrete kerb adjacent to the car parking area/s; and
2. Provide wheel stops to car parking bays abutting walls, footpaths and landscaping.
 | Prior to commencement of use. |
|  | **Speed Control in On-Site Car Parking Area**Construct a physical means of speed control at the car parking area exit point near the front alignment generally in accordance with the Department of Transport and Main Roads Guideline: *Treatment options to improve safety of pedestrians, bicycle riders and other path users at driveways.****Drafting Note:*** *condition is only required where there is conflict between pedestrians and vehicles at driveways.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Use of On-Site Car Parking Areas**1. Ensure the area/s set aside for parking, vehicle manoeuvring and loading and unloading are not used for the storage or placement of goods or materials.
2. Ensure the loading and unloading of vehicles, or vehicles waiting to be loaded or unloaded, and the delivery of goods to and from the premises are located entirely within the site and be conducted to cause minimum interference with other vehicular traffic.
3. Ensure the car parking spaces designated as ‘Staff’ on the approved plans are signed accordingly.

***Drafting Note:*** *use c) where designated staff parking is proposed* ***<delete on review>*** | At all times. |
|  | **Concrete Footpath** Construct a XXm wide footpath for the full frontage of the site along <insert street/s> generally in accordance with Council’s *Standard Drawing No. A2-00500 Concrete Footpath*. OR**Concrete Footpath and Street Planting**Construct a full verge width footpath and provide street planting for the full frontage of the site along <insert street>. The footpath and street planting must be designed and constructed generally in accordance with Council’s *Standard Drawing No. A3-00848 Footpath Treatment to CBD Periphery Zones*.***Drafting Note:*** *Use full verge width footpath for sites within the CBD Zone, Principal Centre, Major Centre, District Centre, Local Centre and other zoned areas where appropriate. Street planting is identified on this plan* ***<delete on review>*** | Prior to commencement of use. |
|  | **Street Planting** Provide street planting generally in accordance with Council’s *Planning Scheme Policy – Landscap*e.***Drafting Note:*** *do not use if conditioning CBD Zone footpath as street tree requirements are already identified on this plan* ***<delete on review>*** | Prior to commencement of use. |
|  | **Landscaping Plan**1. Submit a Landscaping Plan prepared by a Landscape Architect/Designer (if the landscaping is minor and does not include any public works) generally in accordance with Council’s *Planning Scheme Policy – Landscape* which includes:
2. <insert specific requirements such as a landscape buffer in a certain location>; and
3. Landscape specifications of sufficient detail that identifies the landscape works to be carried out; and
4. Plant schedule detailing the number of plants, species, pot size and height at planting; and
5. Details of soil and mulch types, including depths, areas of turf, garden edges and paving finishes; and
6. The location and species of any existing trees, with an indication as to whether each tree is proposed to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree; and
7. Planting of street trees within road reserve; and
8. Details and specifications for any disturbed areas such as turfing of the verge and weed eradication and grassing internally.

***Drafting Note:*** *Delete this condition if a suitable landscaping plan has been provided as common material.* ***<delete on review>*** | As part of any operational works application. |
| 1. Provide the landscaping in accordance with the approved Landscaping Plan.
 | Prior to commencement of use. |
|  | **Geotechnical Report** 1. Submit a Geotechnical Design Report prepared by a suitably qualified geotechnical professional where development is located on land that has an existing or approved slope in excess of 15%. The Report must:
2. Demonstrate that the development and areas surrounding the development will have a ‘low’ level of landslide risk in accordance with Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007; and
3. Include certification of the civil/structural design by a Registered Professional Engineer of Queensland (RPEQ).
 | As part of any operational works application.  |
| 1. Provide certification that the risk level in relation to landslide affecting the development and area surrounding the development is certified as ‘low’ at completion of the development in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007.*
 | Prior to commencement of use.  |
|  | **Retaining Walls**1. Ensure all retaining walls exceeding 1m in height are designed and certified by a Registered Professional Engineer of Queensland (RPEQ), taking into consideration the following:
2. Retaining walls are not to impede, concentrate or pond stormwater from adjoining properties; and
3. Include subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings contained within the subject land being retained; and
4. Do not in any way impact or encroach on the properties adjoining the subject land or the road reserve.
 | As part of any operational works application.  |
| 1. Obtain and provide to Council a signed *Form 15 Compliance Certificate* for building design or specification.
 | As part of any operational works application.  |
| 1. Obtain and provide to Council a signed *Form 16 Inspection Certificate* or *Form 12 Aspect Inspection Certification (Appointed Competent Person)*.
 | Prior to commencement of use. |
|  | **Stormwater Quality – Low Risk**Develop and implement Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council’s *Planning Scheme Policy – Healthy Waters*. ***Drafting Note:*** *Condition to be used when classified as ‘Low Risk’.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Stormwater Quality – High Risk** 1. Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer of Queensland (RPEQ) being a Civil Engineer in accordance with Council’s *Planning Scheme Policies; Stormwater Drainage Design and Healthy Waters* and *MUSIC Guidelines*.

The report must include engineering drawings with details of the proposed Stormwater Quality Improvement Devices (SQIDs) and an electronic copy of the MUSIC model.***Drafting Note:*** *If a SBSMP has been submitted and approved as part of the DA do not include parts a) and b)**of this condition, only c), d) and e)* ***<delete on review>*** | As part of any operational works application. |
| 1. Obtain approval from Council for the Site Based Stormwater Management Plan in accordance with a) above; and
 | Prior to commencement of works on-site. |
| 1. Implement the requirements and recommendations of the approved Site Based Stormwater Management Plan.
 | Prior to commencement of use. |
| 1. As an alternative to a) - c) above, submit an application under Council’s Policy 087 Voluntary Mechanism for Stormwater Quality Management. Install a Gross Pollutant Trap (GPT) in accordance with Council’s *Planning Scheme Policy – Healthy Waters* Stormwater Quality Best Management Practices

OR1. Proceed under Council’s *Policy 087 Voluntary Mechanism for Stormwater Quality Management* following the application submitted to Council with the Development Application for this Material Change of Use that has been assessed and accepted. Install a Gross Pollutant Trap (GPT) in accordance with Council’s *Planning Scheme Policy – Healthy Waters* Stormwater Quality Best Management Practices. The voluntary contribution amount must be paid prior to the commencement of use.

***Drafting Note:*** *GPT**is only required for commercial/industrial lots as per Policy 087.* ***<delete on review>*** | As part of any operational works application.Prior to commencement of use. |
|  | **Lawful Point of Discharge**Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.The lawful point of discharge for this property is <insert location>.***Drafting Note:*** An easement may be required if there is no direct access to a LPoD ***<delete on review>*** | At all times. |
|  | **Drainage Easement**Provide a drainage easement/s in accordance with Council’s *Planning Scheme Policy – Stormwater Drainage Design*. Easement locations are to be demonstrated as part of an Operational Works Development Application. | Prior to commencement of use. |
|  | **Concentration of Stormwater**Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining. | At all times. |
|  | **Erosion and Sediment Control** 1. Submit an Erosion and Sediment Control Program (ESCP) in accordance with Council’s *Planning Scheme Policy – Healthy Waters*.

The Erosion and Sediment Control Program must detail the devices and techniques used in every step of construction stage to manage and control erosion and sediments. It must also include the control measures taken to prevent erosion and sedimentation of stockpile areas.***Drafting Note:*** *Only use where Healthy Waters Code is triggered.* ***<delete on review>*** | As part of any operational works application. |
| 1. Obtain approval from Council for the Erosion and Sediment Control Program in accordance with a) above.
 | Prior to commencement of use. |
| 1. Implement the approved Erosion and Sediment Control Program.
 | Prior to commencement of use. |
|  | **Water and Sewer Connections** Ensure the development is connected to the existing reticulated water and sewer services provided to the site. A detailed services plan/s that shows connection of water and sewerage must be submitted as part of an Operational Works Development Application.ORUndertake the following water supply and sewerage works in accordance with Council’s *Planning Scheme Policy – Water and Sewerage (CTM Water Alliance)*: 1. Service the development by a single internal water and sewerage connection made clear of any buildings or structures;
2. Design and install water supply sub-metering in accordance with the *Plumbing and Drainage Act 2018, Water Supply (Safety and Reliability) Act 2008* and Council’s *Policy 055 Sub-metering (Potable Water Supply)*;
3. Any redundant sewer property connections and water connections must be decommissioned and removed; and
4. All works must be carried out in accordance with the Approved Plan/s, to the requirements and satisfaction of Council.

***Drafting Note:*** *Delete as required.* ***<delete on review>*** | At all times.ORAs part of operational works.  |
|  | **On-site Water Supply** Provide a potable on-site water supply sized to cater for the intended use on the lot. ***Drafting Note:*** *To be used where development is not serviced by reticulated water.* ***<delete on review>*** | Prior to commencement of use.  |
|  | **On-site Wastewater Treatment**Provide an on-site wastewater treatment system and effluent disposal area in accordance with *Plumbing and Drainage Act 2018*, *AS/NZS 1547:2012 On-site Domestic Wastewater Management* and *Queensland Plumbing and Wastewater Code.* *Advisory Note: Any new wastewater treatment unit or land application system will require a plumbing an drainage permit prior to the commencement of work.****Drafting Note:*** *To be used where development is not serviced by reticulated sewerage.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Live Connections**Contact Council to carry out all live water and sewerage connections. This is at the Applicant’s expense. | Prior to commencement of use. |
|  | **Direct Pumping from Reticulation System (Break Tanks)**Install break tanks in accordance with Australian Standard *AS/NZS 3500.1:2021 Plumbing and Drainage - Water Services*. Pumping direct from Council water mains for potable or firefighting supply is not permitted. | Prior to commencement of use. |
| 1.
 | **Acid Sulfate Soils** Submit, for approval by Council, a Site Based Acid Sulfate Soil Environmental Management Plan prepared by a suitably qualified professional if the proposed works trigger the State Planning Policy or Mackay Region Planning Scheme for acid sulfate soils. | Prior to request for prestart meeting.  |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use - Retail/Commercial/Centre Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Agricultural Supplies Store
2. Adult Store
3. Bar
4. Hotel
5. Food and Drink Outlet
6. Function Facility
7. Funeral Parlour
8. Health Care Services
 | 1. Office
2. Service Station
3. Shop
4. Shopping Centre
5. Showroom
6. Theatre
7. Veterinary Service
8. Nightclub Entertainment Facility
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Front Glazing and Street Activation**Ensure all glazing along the <insert street> frontage remains uncovered and free of signage, stickers, frosting, curtains, blinds and the like, unless otherwise approved by Council in writing.***Drafting Note:*** *This condition is to ensure street activation and can be adjusted.* ***<delete on review>*** | At all times.  |
|  | **Premises Hours of Operation**Ensure the hours of operation are limited as follows:1. 7.00 am to 8.00 pm Monday to Thursday;
2. 7.00 am to 9.00 pm Friday and Saturday; and
3. 8.00 am to 8.00 pm Sunday.

***Drafting Note:*** *This condition is only if a Centre Activity is within or adjoins a sensitive land use zone or limit hours in accordance with an acoustic report****. <delete on review>*** | At all times. |
|  | **Privacy Screening**1. Provide privacy screening or alternate treatments to the windows along the <insert location> or the upper floor of the building.
2. Ensure treatments consist of one or more of the following:
	1. Sill heights at a minimum of 1.5m above floor level; or
	2. Be treated with frosted or tinted glazing; or
	3. Treated with some other form of alternative screening such as a permanent screening device, or otherwise as agreed to in writing by Council.

***Drafting Note:*** *This condition is to be used when upper level rooms overlook habitable rooms and/or private open space of adjoining properties****. <delete on review>*** | Prior to commencement of use. |
|  | **Front Glazing and Street Activation**All glazing along the <insert street> frontage is to remain 100% transparent and free of obstructions such as signage, stickers, frosting, curtains, blinds and the like. | At all times. |
|  | **End of Trip Facilities**Ensure that end of trip facilities are provided within the <nominate location> for the sole use of all staff. At a minimum, the following must be provided for the end of trip facilities only (note that these facilities are to be in addition to all other similar facilities throughout the office building/shopping centre):1. One male and one female shower (one of these may be co-located with the disabled toilet, should it be achievable); and
2. Two lockers dedicated to and easily accessible from each shower; and
3. One wash basin dedicated to and within each shower.

***Drafting Note:*** *This condition is only required if the use is for a major development (commercial office building, shopping centre, tertiary education facility or hospital) and with a floor area greater than 2,000m*2:***<delete on review>*** | Prior to commencement of use. |
|  | **Liquid Waste Disposal**Obtain a trade waste approval from Council that meets the requirements of Council’s *Trade Waste Management Plan*.***Drafting Note:*** *This condition is only required if Liquid waste disposal is a requirement of the use. i.e. Food and Drink Outlet****. <delete on review>*** | Prior to commencement of use. |
|  | **Liquid Contaminants – Storage**Provide and maintain adequate storage areas for liquid contaminants such as paints, thinners, cleaning solvents, detergents and oils to prevent contaminated washdown waters and material from entering waterways, soil or ground water.***Drafting Note:*** *This condition is only required if the use is storing liquid contaminants****<delete on review>*** | Prior to commencement of use. |
|  | **Spillage – Materials and Equipment to Contain and Clean up**Ensure that appropriate materials and equipment are available on site at all times to contain and clean up spills of potentially polluting materials.An inventory of all clean up and containment materials and equipment, and documented emergency response and clean up procedures must be kept on site.***Drafting Note:*** *This condition is only required if this is likely to be a requirement of the approved use i.e. Service Station* ***<delete on review>*** | Prior to commencement of use. |
|  | **Storage of Hazardous Materials**Ensure any storage of hazardous materials and chemicals are located a minimum of 300mm above the Defined Flood Event (DFE). The DFE for this site at the time of approval is XXm AHD.***Drafting Note:*** *This condition is only required if the use involves the storage of hazardous materials and within a flood prone area* ***<delete on review>*** | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Community Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Club
2. Community Care Centre
3. Community Use
4. Child Care Centre
 | 1. Educational Establishment
2. Emergency Services
3. Hospital
4. Place of Worship
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Premises Hours of Operation**1. Limit the hours of operation to between x:xxam to x:xxpm Monday to <insert day>.
2. Ensure the use of the outdoor play areas is limited to x:xxam to x:xxpm

***Drafting Note:*** *Part b) is required where use of Child Care Centre play areas or the like is limited by the acoustic report.* ***<delete on review>*** | At all times. |
|  | **Operating Capacity**Ensure the capacity of the Child Care Centre is limited to a maximum of <insert no.> children on-site at any time.***Drafting Note:*** *Use for Child Care Centre, Educational Establishment or other use where car parking is relevant to children.* ***<delete on review>*** | At all times. |
|  | **End of Trip Facilities**Ensure that end of trip facilities are provided within the administration building for the sole use of all staff. At a minimum, the following must be provided for the end of trip facilities only (note that these facilities are to be in addition to all other similar facilities throughout the school/hospital):1. One male and one female shower (one of these may be co-located with the disabled toilet, should it be achievable); and
2. Two lockers dedicated to and easily accessible from each shower; and
3. One wash basin dedicated to and within each shower.

***Drafting Note:*** *This condition is only required if the use is for a major development (commercial office building, shopping centre, tertiary education facility or hospital) and with a floor area greater than 2,000m*2:***<delete on review>*** | Prior to commencement of use. |
|  | **Front Glazing and Street Activation**All glazing along the <insert street> frontage is to remain 100% transparent and free of obstructions such as signage, stickers, frosting, curtains, blinds and the like. | At all times. |
|  | **Liquid Waste Disposal**Obtain a trade waste approval from Council which meets the requirements of Council’s *Trade Waste Management Plan*.***Drafting Note:*** *This condition is only required if Liquid waste disposal is a requirement of the use. i.e. Dentist/Health Care Service.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Liquid Contaminants – Storage**Provide and maintain adequate storage areas for liquid contaminants such as paints, thinners, cleaning solvents, detergents and oils to prevent contaminated washdown waters and material from entering waterways, soil or ground water.***Drafting Note:*** *This condition is only required if the use is storing liquid contaminants.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Storage of Hazardous Materials**Ensure any storage of hazardous materials and chemicals are located a minimum of 300mm above the Defined Flood Event (DFE). The DFE for this site at the time of approval is XXm AHD.***Drafting Note:*** *This condition is only required if the use involves the storage of hazardous materials and within a flood prone area* ***<delete on review>*** | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Community Facilities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Air Service
2. Cemetery
3. Crematorium
4. Detention Facility
5. Environment Facility
 | 1. Landing
2. Outstation
3. Parking Station
4. Port Service
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Environmental Protection (Air) Policy 2019** Ensure the approved cremator/s operate within the acceptable air quality standards specified in the *Environmental Protection (Air) Policy 2019* with respect to air quality impacts on residences and other sensitive land uses.***Drafting Note:*** *This condition is only required for a Crematorium* ***<delete on review>*** | At all times. |
|  | **Limitations of Use (Visitation/Services)**Ensure that no customers or clients visit, deliver to or pick up from the property.OREnsure the use does not generate more than <insert number> customers attending the site on any single day and <insert number> customers present on site at any one time.OREnsure that no funeral, memorial or celebration services are held at the premises. Public access to the premises is limited to persons undertaking cultural or religious activities on the deceased. ***Drafting Note:*** *This condition is only required for a Crematorium.* ***<delete on review>*** | At all times. |
|  | **Security Fencing** Construct a minimum 1.8m high security fence around the infrastructure. The fence is to be locked at all times.***Drafting Note:*** *This condition is to be used for any use that requires security fencing.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Liquid Waste Disposal**Obtain a trade waste approval from Council which meets the requirements of Council’s *Trade Waste Management Plan*.***Drafting Note:*** *This condition is only required if Liquid waste disposal is a requirement of the use. i.e. Dentist****. <delete on review>*** | Prior to commencement of use. |
|  | **Liquid Contaminants – Storage**Provide and maintain adequate storage areas for liquid contaminants such as paints, thinners, cleaning solvents, detergents and oils to prevent contaminated washdown waters and material from entering waterways, soil or ground water.***Drafting Note:*** *This condition is only required if the use is storing liquid contaminants.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Storage of Hazardous Materials**Ensure any storage of hazardous materials and chemicals are located a minimum of 300mm above the Defined Flood Event (DFE). The DFE for this site at the time of approval is XXm AHD.***Drafting Note:*** *This condition is only required if the use involves the storage of hazardous materials and within a flood prone area* ***<delete on review>*** | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Industry Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Hardware and Trade Supplies
2. High impact Industry
3. Low Impact Industry
4. Marine Industry
5. Medium Impact Industry
 | 1. Research and Technology Industry
2. Service Industry
3. Special Industry
4. Transport Depot
5. Warehouse
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Liquid Waste Disposal**Obtain a trade waste approval from Council which meets the requirements of Council’s *Trade Waste Management Plan*.***Drafting Note:*** *This condition is only required if Liquid waste disposal is a requirement of the use. i.e. Dentist.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Liquid Contaminants – Storage**Provide and maintain adequate storage areas for liquid contaminants such as paints, thinners, cleaning solvents, detergents and oils to prevent contaminated washdown waters and material from entering waterways, soil or ground water.***Drafting Note:*** *This condition is only required if the use is storing liquid contaminants.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Storage of Hazardous Materials**Ensure any storage of hazardous materials and chemicals are located a minimum of 300mm above the Defined Flood Event (DFE). The DFE for this site at the time of approval is XXm AHD.***Drafting Note:*** *This condition is only required if the use involves the storage of hazardous materials and within a flood prone area* ***<delete on review>*** | Prior to commencement of use. |
|  | **Security Fencing** Construct a minimum 1.8m high security fence around the infrastructure. The fence is to be locked at all times.***Drafting Note:*** *This condition is to be used for any use that requires security fencing.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Rural and Intensive Rural Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Animal keeping
2. Aquaculture
3. Intensive Animal Industry
4. Intensive Horticulture
 | 1. Rural Industry
2. Animal Husbandry
3. Cropping
4. Permanent Plantation
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Fencing**Construct a minimum 1.8m high fence designed to prevent the escape of animals by climbing, jumping or digging. ***Drafting Note:*** *This condition is to be used for Animal Keeping and Intensive Animal Industry.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Safety and Warning Signs**Ensure safety and warning signage is provided, which communicates information about the facility-related safety issues and discourage unauthorised access. All signs must: 1. be satisfactorily visible and legible;
2. be maintained at all times; and
3. be located on the primary frontage of the property addressing <insert street name>.
 | At all times. |
|  | **Rehabilitation**[insert specific rehabilitation requirements relevant to development and site constraints. Any requirements should be consistent with internal officer advice and recommendations set out in DA consultant supporting reporting]. ***Drafting Note:*** *Some examples may include:*1. *all poultry enclosures and associated infrastructure must be removed from the site;*
2. *the site is made suitable for other uses compatible with the rural locality; and*
3. *the visual amenity of the site is restored.* ***<delete on review>***
 | Within (X) months of the cessation of use. |
|  | **Extent of Approved Use**The approved Intensive Animal Industry is approved for a maximum of <insert no. of approved animals> on the site.ORThe approved use is limited to the following:1. <insert no. approved> kennels in total within the approved area identified on the site plan; and
2. <insert no. approved animals> in total for training, working, and/or breeding are approved on the subject lot at any one time.

***Drafting Note:*** *For Intensive Animal Industry or Animal Keeping.* ***<delete on review>*** | At all times. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Multiple Dwelling Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Dual Occupancy
2. Multiple Dwelling
3. Residential Care Facility
 | 1. Retirement Facility
2. Rooming Accommodation
3. Short-term Accommodation
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Community Management Statement**Ensure that any Community Management Statement for the development reflects the following:1. Car parking provisions;
2. Landscaping requirements;
3. Communal open space and recreational areas;
4. Bin storage requirements and collection locations; and
5. Stormwater management requirements.
 | Prior to lodgement of the subdivision plan. |
|  | **Extent of Dwellings**Develop the dwellings on the site as follows:1. <No. of Dwellings> containing <No. of bedrooms>; and
2. <No. of Dwellings> containing <No. of bedrooms>.
 | Prior to commencement of use or prior to lodgement of the subdivision plan, whichever occurs first. |
|  | **Electrical Fixtures**Construct all electrical fixtures a minimum of 300mm above the Defined Flood Event (DFE). The DFE for this site at the time of approval is XXm AHD. | As part of building works. |
|  | **Privacy Screening**1. Provide privacy screening or alternate treatments to the windows along the <insert location> or the upper floor of the building.
2. Ensure treatments consist of one or more of the following:
3. Sill heights at a minimum of 1.5m above floor level; or
4. Be treated with frosted or tinted glazing; or
5. Treated with some other form of alternative screening such as a permanent screening device, or otherwise as agreed to in writing by Council.

***Drafting Note:*** *This condition is to be used when upper level rooms overlook habitable rooms and/or private open space of adjoining properties.* ***<delete on review>*** | Prior to commencement of use or prior to lodgement of the subdivision plan, whichever occurs first. |
|  | **Clothes Drying Facilities**Ensure all external clothes drying facilities are entirely screened from adjoining properties and public spaces. | Prior to commencement of use or prior to lodgement of the subdivision plan, whichever occurs first. |
|  | **Mailboxes**Install mailboxes of a useable size that are conveniently located at the front entrance of the site. | Prior to commencement of use or prior to lodgement of the subdivision plan, whichever occurs first. |
|  | **Length of Stay**Ensure that guests do not stay on site any longer than three consecutive months.***Drafting Note:*** *For Short-Term Accommodation.* ***<delete on review>*** | At all times. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Accommodation

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Party House;
2. Tourist Park;
3. Resort Complex;
4. Nature Based Tourism;
 | 1. Non-resident Workforce Accommodation;
2. Rural Workers’ Accommodation; and
3. Relocatable Home Park.
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Length of Stay**Ensure that guests do not stay on site any longer than a maximum of four consecutive weeks.***Drafting Note:*** *For Nature Based Tourism.* ***<delete on review>*** | At all times. |
|  | **Extent of Development**Develop the site as follows:1. A maximum of <insert no.> cabins and <insert no.> tent/caravan sites; and
2. Ensure that each cabin does not exceed <insert no.> bedrooms and the Gross Floor Area as demonstrated on the approved plans of development.

OR1. A maximum of <insert no.> sites for self-contained recreational vehicles. Each site is permitted to accommodate a maximum of one self-contained recreational vehicle per site

***Drafting Note:*** *For Self-Contained Recreational Vehicle Grounds.* ***<delete on review>*** | At all times. |
|  | **Potable Water Supply**Provide the development with a reliable supply of potable water that includes the following on-site storage:1. A minimum of 45,000L, plus 2,000L per guest able to be accommodated on the premises.

***Drafting Note:*** *For Nature Based Tourism when no reticulated water supply is available.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Internal Roadways**Ensure the internal roadways within the approved development have a minimum width of 4m, have a maximum gradient of 12.5% and are sealed in all areas where the slope of the land is 10% or greater. | Prior to commencement of use. |
|  | **Site Emergency Management Plan**Submit to Council for approval a Site Emergency Management Plan, prior to the commencement of use for each stage, that incorporates the following as a minimum: 1. How the stages of emergency will be managed; and
2. Communication methods with visitors staying on the site; and
3. How an evacuation will be managed staying on the site; and
4. Where visitors will congregate on the site and how this area will be accessed ensuring that the land to be travelled is not flood prone. A diagram is to be provided demonstrating the safe evacuation route and evacuation location/meeting point as a minimum.
 | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Residential

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Dwelling Unit
2. Caretaker’s Accommodation
 | 1. Home Based Business
2. Community Residence
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Caretakers Dwelling** Ensure the Dwelling is occupied by persons associated with the primary use of the site. This is deemed to include persons such as the Manager, Caretaker or other employee and the immediate family of any such person.***Drafting Note:*** *This condition is only required for a Caretaker’s Residence.* ***<delete on review>*** | At all times. |
|  | **No Display or Sale of Goods on Premises**Ensure there are no goods being displayed publicly and/or offered for sale on or from the premises. | At all times. |
|  | **Persons Conducting Business**Ensure the business is conducted by a person/s resident on the property and a maximum of two employees that do not live at the property. ***Drafting Note:*** *This condition is only required for a Home Based Business.* ***<delete on review>*** | At all times. |
|  | **Number of Clients/Customers**Ensure the number of clients/customers attending the premises for the approved Home Based Business is restricted to;1. 6 customers / clients on any single day (by appointment); and
2. 2 customers / clients present on site at any one time.

***Drafting Note:*** *This condition is only required for a Home Based Business.* ***<delete on review>*** | At all times. |
|  | **Number of Commercial Vehicles**Ensure no more than one commercial vehicle associated with the occupation is present at the site at any time.***Drafting Note:*** *This condition is only required for a Home Based Business.* ***<delete on review>*** | At all times. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Outdoor Business Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

|  |  |
| --- | --- |
| 1. Extractive Industry
2. Bulk Landscape Supplies
3. Extractive Industry
4. Garden Centre
 | 1. Outdoor Sales
2. Wholesale Nursery
3. Winery
4. Market
 |

| **Condition** | **Timing** |
| --- | --- |
|  | **Premises Hours of Operation**Ensure the hours of operation are limited as follows:1. 7.00 am to 8.00 pm Monday to Thursday;
2. 7.00 am to 9.00 pm Friday and Saturday; and
3. 8.00 am to 8.00 pm Sunday.

***Drafting Note:*** *This condition is only if a Centre Activity is within or adjoins a sensitive land use zone or limit hours in accordance with an acoustic report****. <delete on review>*** | At all times. |
|  | **Haul Route**Limit haulage and vehicle access to the existing approved haul route via <insert land description>, unless otherwise approved by Council. OR Limit haulage and vehicle access to <insert details of new proposed access and refer to plans of approval>, unless otherwise approved by Council.  | At all times. |
|  | **Extent and limits of extraction**Ensure the limit of extraction is delineated by the plan titled “<insert plan description>". The determined limit of extraction must be clearly and permanently marked with delineator posts on the ground by a licensed surveyor prior to the commencement of use. A metes and bounds description of the land and buffer area must also be provided to Council prior to commencement of use. The buffer areas must not be used for general site operations nor contain extracted material at any time. OR <insert other limit – e.g. Sand extraction from the subject site is limited to 100,000 tonne per year *unless otherwise approved by the Chief Executive Officer>*.  | At all times. |
|  | **Rehabilitation**<insert specific rehabilitation requirements relevant to development and site constraints. Any requirements should be consistent with internal officer advice and recommendations set out in DA consultant supporting reporting>. ***Drafting Note:*** *Some options may include:**Ensure the pits are backfilled with clean, inert material to existing natural ground levels in accordance with an environmental licence. The backfill areas must be revegetated with native grasses or revegetated suitable for an alternative rural use.* *At the conclusion of backfilling operations, clean fill must be placed over the backfilled pits to a depth of 0.5 metres and profiled to facilitate surface drainage. A further 0.2 metres of topsoil must be placed over the fill to provide a suitable substrate for seedling germination and establishment. The final contours shall be determined in accordance with the detailed hydraulic modelling completed for the site.* *Ensure that slumping of the buried material does not alter the long-term contours of the site. When seeding the site so as to prevent erosion, turf species such as Buffalo Grass or Green Couch should be included in the site cover.* ***<delete on review>*** | Within (X) months of the cessation of use. |
|  | **Liquid Waste Disposal**Obtain a trade waste approval from Council which meets the requirements of Council’s *Trade Waste Management Plan*.***Drafting Note:*** *This condition is only required if Liquid waste disposal is requirement of the use. i.e. Food and Drink Outlet.* ***<delete on review>*** | Prior to discharge of trade waste to Council’s sewer. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Recreation Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

1. Indoor Sport and Recreation;
2. Outdoor Sport and Recreation;
3. Major Sport, Recreation and Entertainment Facility;
4. Motor Sport Facility;
5. Park; and
6. Tourist Attraction.

| **Condition** | **Timing** |
| --- | --- |
|  | **Event Traffic Management Plan**Ensure that traffic control, traffic controller locations, traffic controller numbers, and signage is carried out in accordance with the approved traffic management plan. ORCarry out the use of the premises in accordance with the approved Event Traffic Management Plan. Traffic management practices and consultation with Council for events on the premises must be undertaken in accordance with the provisions of the approved Event Traffic Management Plan. | At all times.  |
|  | **Liquid Waste Disposal**Obtain a trade waste approval from Council that meets the requirements of Council’s *Trade Waste Management Plan.***Drafting Note:** This condition is only required if Liquid waste disposal is a requirement of the use. i.e. Food and Drink Outlet. **<delete on review>** | Prior to discharge of trade waste to Council’s sewer. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Utility Activities

This package applies to the following land uses under Mackay Region Planning Scheme 2017:

1. Major Electricity Infrastructure;
2. Renewable Energy Facility;
3. Substation; and
4. Utility Installation; and
5. Telecommunications Facility

| **Condition** | **Timing** |
| --- | --- |
|  | **Security Fencing** Construct a minimum 1.8m high security fence around the infrastructure. The fence is to be locked at all times.***Drafting Note:*** *This condition is to be used for a Telecommunications Facility or any other use that requires security fencing.* ***<delete on review>*** | Prior to commencement of use. |
|  | **Safety and Warning Signs**Ensure safety and warning signage is provided, which communicates information about the facility-related safety issues and discourages unauthorised access. All signs must: 1. Be satisfactorily visible and legible;
2. Be maintained at all times; and
3. Be located on the primary frontage of the property addressing <insert street name>.
 | At all times. |
|  | **Rehabilitation**[insert specific rehabilitation requirements relevant to development and site constraints. Any requirements should be consistent with internal officer advice and recommendations set out in DA consultant supporting reporting]. ***Drafting Note:*** *Some examples may include:*1. *Ensure the <nominate structure> and associated infrastructure is removed from the site;*
2. *Ensure the site is made suitable for other uses compatible with the rural locality; and/or*
3. *Ensure the visual amenity of the site is restored.* ***<delete on review>***
 | Within (X) months of the cessation of use. |
|  | **Maximum Height** Ensure the structure does not exceed a height limit of <nominate maximum height> measured from natural ground level. |  |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Material Change of Use – Dwelling House including Bushfire Hazard Overlay Conditions

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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**Plan(s) and/or Document(s) to be Amended**

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|  | **Carry Out the Approved Development**Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
2. The below conditions of approval and the requirements of Council’s Planning Scheme and the Planning Scheme Policies; and
3. Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required**1. Submit an amended<Site Plan, Name of Report> incorporating the following:
	1. <insert required amendments>
 | Prior to an approval for Operational Works.ORPrior to commencement of use. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to any approval for operational works.ORPrior to commencement of use. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to commencement of use. |
|  | **Bushfire Management** 1. Provide a Bushfire Management Plan in accordance with the methodology in the *Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document and Planning Scheme Policy – Bushfire*. The plan must demonstrate how the risks to public safety and the environment from the storage of hazardous substances on the site will be mitigated to an acceptable or tolerable level; and
 | Prior to obtaining a Development Permit for Building Work.  |
| 1. Obtain approval from Council for the Bushfire Management Plan in accordance with a) above; or
 | Prior to obtaining a Development Permit for Building Work. |
| 1. Implement the requirements and recommendations of the approved Bushfire Management Plan. The approved document will form part of the approval.
 | Prior to commencement of use. |
| 1. Alternatively, submit a written assessment by a suitably qualified bushfire consultant confirming that the site is not in a bushfire hazard area or within 100m of a bushfire hazard area
 | Prior to obtaining a Development Permit for Building Work. |
|  | OR1. Carry out the development in accordance with the approved Bushfire Management Plan, including the following recommendations:
2. A 5,000 / 10,000 / 25,000 litre static water tank designated solely for fire-fighting purposes with an approved fire brigade coupling. This is to be located within 20m of the development and either below ground, constructed of, or shielded by non-combustible materials;
3. A minimum 4m wide, all weather access driveway with a gradient not exceeding 12.5% and the provision of an onsite turnaround area for emergency services vehicles*;* and
4. Onsite landscaping and vegetation management must be carried out and maintained in accordance with the recommendations.

*Advisory note: Swimming pools, farm ponds, and dams are not considered reliable sources of static water supply in Queensland due to regular drought events.* | Prior to issue of *Form 21 Final Inspection Certificate*. |
|  | **Asset Protection Zones**1. Establish an Asset Protection Zone as follows:
2. Has a minimum radius of:
	1. XX metres to the north,
	2. XX metres to the south,
	3. XX metres to the east, and
	4. XX metres to the west of the Dwelling House; and
3. Achieves a radiant heat flux of a maximum of 29 kW/m²; and
4. Submit to Council, a Form 16 Inspection Certificate signed by a Building Certifier, certifying that the Dwelling House has been designed and constructed to achieve a radiant heat flux level of 29kW/m2 or less.
 | Prior to issue of *Form 21 Final Inspection Certificate*. |
|  | **Maintain the Approved Development**Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions. | At all times. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. | At all times. |
|  | **Plumbing and Drainage Works**1. Obtain a plumbing and drainage works permit in accordance with the National Construction Code and the *Plumbing and Drainage Act 2018*.
 | Prior to commencing plumbing works.  |
| 1. Obtain a final plumbing and drainage works certificate verifying the work has been completed in accordance with a) above.
 | Prior to commencement of use. |
|  | **Building Works** 1. Obtain a building works development permit in accordance with the *National Construction Code* and the *Planning Act 2016*.
 | Prior to commencing building works.  |
| 1. Obtain a *Form 21 Final Inspection Certificate* verifying the work has been completed in accordance with a) above.
 | Prior to commencement of use. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

Advisory Notes

| **Assessment Manager’s Advice** |
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| 1.
 | **Access**Any proposal to construct a vehicle crossover to XXXX will require the submission of a Minor Works Permit application to Council.**Note:** only required if no existing constructed access or new access required ***<delete on review>.*** |
|  | **Build Over or Adjacent a Sewer/Infrastructure**The site plan submitted indicates the proposed building work is located within the zone of influence of the existing sewerage infrastructure. Building work over or near relevant infrastructure must be assessed against the Queensland Development Code Mandatory Part 1.4 (MP1.4) “Building over or near relevant infrastructure”. It is recommend that you seek advice from a Building Certifier to ensure the performance criteria and acceptable solutions of MP1.4 have been met.**Note:** only required if Dwelling House is near sewer infrastructure ***<delete on review>.*** |
|  | **Cultural Heritage**The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care forindigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care. Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the *Aboriginal Cultural Heritage Act 2003*. Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the *Aboriginal Cultural Heritage Act 2003*.The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed [here](https://www.qld.gov.au/firstnations/environment-land-use-%20native-title/cultural-heritage/cultural-heritage-duty-of-care). |
|  | **Environmental Nuisance**Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the *Environmental Protection Act 1994* to any sensitive receptor as stated within Schedule 1 of the *Environmental Protection (Noise) Policy 2019*.It is the Applicant and owners responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays. |
|  | **Sedimentation Control**It is the Applicant/owner’s responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways. |
|  | **Cyclone Watch Site Management**All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works. |
|  | **General Safety of Public During Construction**It is the principal contractor’s responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the *Work Health and Safety Act 2011.* Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person. |
|  | **Bushfire**The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with *AS3959-2009 Construction of buildings in bushfire-prone areas.* |

# Reconfiguring a Lot – Boundary Realignment

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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**Plan(s) and/or Document(s) to be Amended**

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|  | **Carry Out the Approved Development**Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
2. The below conditions of approval and the requirements of Council’s Planning Scheme and the relevant Planning Scheme Policies; and
3. Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required**1. Submit an amended<Site Plan, Name of Report> incorporating the following:
2. <insert required amendments>
 | Prior to any approval for operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to any approval for operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Maintain the Approved Development**Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions. | At all times. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. | At all times. |
|  | **Tradeable Development Rights Staging Requirements**Submit the survey plans for the sending lots (being amalgamated) and the receiving lot (being subdivided) to Council for endorsement simultaneously. The sending lots plan for proposed Lot <insert Lot> must be registered and a new title created before Council will release the survey plan for the receiving lot, being proposed Lots <insert lots>.Alternatively, the sending lots can be amalgamated and evidence of the creation of the new title for Lot <insert lot> can be provided as part of the application for the endorsement of Lots <insert lots>. | On lodgement of an application for subdivision plan endorsement. |
|  | **Existing Services**Submit written confirmation, or a services plan demonstrating, that all existing services are located within the lot that they serve. ***Drafting Note:*** include where unable to determine where existing services are on the site. MADI identifies sewer/water and a site inspection will identify overhead power ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Demolish and/or Remove Structures/Buildings** Demolish and/or remove all structures/buildings on proposed Lot <XX>. *Advisory Note: Demolition/removal will likely require a Development Permit for Building Works for Demolition under the Planning Act 2016 and issue of a Form 21 Final Inspection Certificate.* ***Drafting Note:*** include where new boundary traverses existing structures/buildings ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
| 1.
 | **Fire Separation** Provide a *Form 43 Aspect Certificate (QBCC Licensee)* demonstrating that the existing Dwelling House meets the requirements of the *National Construction Code* for fire separation distances.***Drafting Note:*** include where boundary clearances are less than the QDC AO solutions ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Subdivision Plan Endorsement** Lodge for approval by Council, an application for subdivision plan endorsement which includes:1. Payment of the application fee in accordance with Council’s fees and charges at the time of lodgement; and
2. All survey marks in their correct position in accordance with the survey plan; and
3. A Statement of Compliance Report demonstrating compliance with all associated development permit(s); and
4. A copy of the survey plan and/or easement documentation; and
5. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017.*

*Advisory Note: Refer to Council’s Website for further information:* [*Subdivision Plans*](https://www.mackay.qld.gov.au/business/planning_and_development/development_applications_and_assessment/subdivision_plans)*.* | On lodgement of an application for subdivision plan endorsement. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Reconfiguring a Lot – Rural and Rural Residential Zone

Development Planning:

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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**Plan(s) and/or Document(s) to be Amended**

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| **Condition** | **Timing** |
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|  | **Carry Out the Approved Development**Carry out the approved development in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
2. The below conditions of approval and the requirements of Council’s Planning Scheme and the relevant Planning Scheme Policies; and
3. Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required** 1. Submit an amended<Site Plan, Name of Report> incorporating the following:
2. <insert required amendments>
 | Prior to any approval for operational works.  OR  Prior to lodgement of an application for subdivision plan endorsement. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to any approval for operational works. OR  Prior to lodgement of an application for subdivision plan endorsement. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Maintain the Approved Development**Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions. | At all times. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. | At all times. |
|  | **Tradeable Development Rights Staging Requirements**Submit the survey plans for the sending lots (being amalgamated) and the receiving lot (being subdivided) to Council for endorsement simultaneously. The sending lots plan for proposed Lot <insert Lot> must be registered and a new title created before Council will release the survey plan for the receiving lot, being proposed Lots <insert lots>.Alternatively, the sending lots can be amalgamated and evidence of the creation of the new title for Lot <insert lot> can be provided as part of the application for the endorsement of Lots <insert lots>. | On lodgement of an application for subdivision plan endorsement. |
|  | **Existing Services**1. Submit written confirmation, or a services plan demonstrating, that all existing services, including on-site services, are located within the lot that they serve.
2. Ensure that Lot/s <insert lots number/s> containing the existing Dwelling House achieves compliance with the land application system setback distances required by the *Plumbing and Drainage Act 2018* is achieved.

*Advisory Note: Any relocation/modification of the existing wastewater treatment unit or land application system will require a plumbing approval prior to the commencement of work.****Drafting Note:*** include where unable to determine where existing services are on the site. MADI identifies sewer/water and a site inspection will identify overhead power ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Electricity Services**1. Provide evidence demonstrating that Lot/s <insert lots number/s> are able to connect to reticulated power by submitting one of the following:
	1. A copy of a Supply Available letter from the Distribution Network Service Provider (Ergon Energy); or
	2. A quote from the Distribution Network Service Provider (Ergon Energy) for the works that are required to provide reticulated power to each lot.
2. Acknowledge in writing that purchasers from the developer will be made aware in the contract of sale that Lot/s <insert lots number/s> is not connected to reticulated power. A notation to this effect will be placed on Council’s rates database.

**Drafting Note:** No new road – Rural Residential and Rural ***<delete on review>***ORProvide evidence demonstrating that the development has been provided with underground/overhead reticulated power by submitting one of the following:1. A copy of a Certificate of Electrical Supply from the Distribution Network Service Provider (Ergon Energy); or
2. A copy of a Certificate of Acceptance from the Distribution Network Service Provided (Ergon Energy); or
3. A bill from the Distribution Network Service Provider (Ergon Energy) that is less than one year old.

**Drafting Note:** New road – Rural Residential and Rural ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Telecommunications Services**1. Provide evidence demonstrating that Lot/s <insert lots number/s> are able to connect to telecommunications by submitting one of the following:
	1. A quote from Telstra or NBN for the works that are required to provide reticulated telecommunications; or
	2. Evidence that Lot/s <insert lots number/s> has mobile phone coverage; or
	3. A bill from the Telstra or NBN that is less than one year old.
2. Acknowledge in writing that purchasers from the developer will be made aware in the contract of sale that Lot/s <insert lots number/s> is not connected to reticulated telecommunications and that a mobile service with the appropriate coverage may be required. Should a quote be obtained, a copy is to be included in the contract of sale. A notation to this effect will be placed on Council’s rates database.

**Drafting Note:** No new road – Rural Residential and Rural ***<delete on review>***ORProvide evidence demonstrating that the development has been connected to reticulated telecommunications by submitting one of the following:1. Signed Telstra Agreement; or
2. Telstra Telecommunications Network Infrastructure Provisioning Confirmation; or
3. NBN Co. Certificate of Practical Completion; or
4. A receipt for the works that are to be completed (NBN or Telstra).

**Drafting Note:** New road – Rural Residential and Rural ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Demolish and/or Remove Structures/Buildings**Demolish and/or remove all structures/buildings on proposed Lot <XX>. *Advisory Note: Demolition/removal will likely require a Development Permit for Building Works for Demolition under the Planning Act 2016 and issue of a Form 21 Final Inspection Certificate.* | Prior to lodgement of an application for subdivision plan endorsement. |
| 1.
 | **Fire Separation** Provide a *Form 43 Aspect Certificate (QBCC Licensee)* demonstrating that the existing Dwelling House meets the requirements of the *National Construction Code* for fire separation distances.***Drafting Note:*** include where boundary clearances are less than the QDC AO solutions. ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Subdivision Plan Endorsement** Lodge for approval by Council, an application for survey plan endorsement which includes:1. Payment of the application fee in accordance with Council’s fees and charges at the time of lodgement;
2. All survey marks in their correct position in accordance with the survey plan;
3. A Statement of Compliance Report demonstrating compliance with all associated development permit(s);
4. A copy of the survey plan and/or easement documentation;
5. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
6. Payment of any outstanding Levied Charges.

*Advisory Note: Refer to Council’s Website for further information:* [*Subdivision Plans*](https://www.mackay.qld.gov.au/business/planning_and_development/development_applications_and_assessment/subdivision_plans)*.* | On lodgement of an application for subdivision plan endorsement. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

**Development Engineering:**

| **Condition** | **Timing** |
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|  | **Water and Sewer Connections**Undertake the following water supply and sewerage works internal to the subject land in accordance with Council’s *Planning Scheme Policy - Water and Sewerage (CTM Water Alliance):*1. Provide separate water connections to each proposed lot;
2. Provide separate sewer connections to each proposed lot;
3. Any redundant sewer property connections and water connections must be decommissioned and removed; and
4. All works must be carried out in accordance with the Approved Plan/s, to the requirements and satisfaction of Council.

***Drafting Note:*** *Delete either water/sewer or both if no reticulated supply in the area.* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Sewer Easements**Provide a sewer easement/s in accordance with Council’s *Planning Scheme Policy - Water and Sewerage (CTM Water Alliance).* All costs associated with the registration of the easement are at the developer’s expense.***Drafting Note:*** *Delete if no sewer easements required.* ***<delete on review>*** | On lodgement of an application for subdivision plan endorsement. |
|  | **On-site Wastewater Disposal**Submit a geotechnical report (soil test) prepared by a suitably qualified geotechnical professional demonstrating that the lot is suitable to accommodate an on-site wastewater treatment system and effluent disposal area that is in accordance with Australian Standard *AS/NZS 1547:2012 On-site domestic-wastewater management.****Drafting Note:*** *Geotechnical report is only required on lots within the Landslide Hazard Overlay and <2ha OR not within Landslide Hazard Overlay but <2000m2.* ***<delete on review>*** | Prior to any approval for operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
|  | **Stormwater Quality – Low Risk**Develop and implement Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council’s *Planning Scheme Policy – Healthy Waters*. ***Drafting Note:*** *Condition* ***t****o be used when classified as ‘Low Risk’.* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Drainage Works**Design and construct all necessary stormwater management and drainage works (internal and external to the land) required to satisfactorily drain the subject land. The subject land must be drained to the satisfaction of Council, incorporating:1. Drainage infrastructure in accordance with Council’s *Planning Scheme Policy – Stormwater Design*;
2. <insert any additional requirements>;
3. Provide detailed design drawings of all stormwater infrastructure required as a result of the development to Council for approval; and
4. Carry out all works in accordance with the approved plan(s).
 | As part of operational works.  |
|  | **Concentration of Stormwater**Carry out the development to ensure that adjoining properties are protected from ponding nuisances and/or a concentration of stormwater flows. | At all times. |
|  | **Lawful Point of Discharge**Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.  The lawful point of discharge for this property is <insert location>.***Drafting Note:*** An easement may be required if there is no direct access to a LPoD. ***<delete on review>*** | At all times. |
|  | **Access**Undertake the following:1. Obtain a Minor Works Permit in accordance with *Local Law No. 1 (Administration) 2011*. <only to remain when there is no Operational Works application required>;
2. Construct an invert crossing and concrete driveway / rural access to Lot/s <insert> at the locations shown on the Approved Plans, in accordance with Council’s *Standard Drawing No. A3-0773 Invert Type Vehicle Crossing for Kerb and Channel OR A3-08323 Typical Minor Access Details for Council Rural Roads*;
3. Remove the redundant crossover and driveway section within the verge along <insert street>;
4. Reinstate or repair any damaged kerbs; and
5. Re-turf any damaged verge areas.

***Drafting Note:*** *Each aspect to be considered in context i.e. if a specific access location is required then include crossover requirement.* ***<delete on review>*** | As part of operational works. ORPrior to lodgement of an application for subdivision plan endorsement. |
|  | **Sealed Driveway**Construct a minimum 3m wide sealed driveway extending for the full length of the access handle for Lot/s <insert>. All stormwater drainage and services for the subject lot are to be located within the access handle and must be installed prior to the construction of the driveway and associated landscaping.***Drafting Note:*** *include when a battle-axe style layout and determine level of construction required (e.g. concrete/bitumen etc).* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Access to Lot <insert>**Ensure that vehicle access to Lot <insert> is achieved via the shared driveway over Lot <insert>.Direct vehicle access and/or an additional access crossover for Lot <insert> from <insert street> is not permitted.*Advisory Note: A Rates Notation to this effect will be placed on the property file.* | At all times. |
|  | **Geotechnical Report**1. Submit a Geotechnical Design Report prepared by a suitably qualified geotechnical professional where development is located on land that has an existing or approved slope in excess of 15%. The Report must:
2. Demonstrate that the development and areas surrounding the development will have a ‘low’ level of landslide risk in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007*; and
3. Include certification of the civil/structural design by a Registered Professional Engineer of Queensland (RPEQ).
 | As part of any operational works application. |
| 1. Provide certification that the risk level in relation to landslide affecting the developer and area surrounding the development is certified as ‘low’ at completion of the development in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007.*
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Retaining Walls**1. Ensure all retaining walls exceeding 1m in height are designed and certified by a Registered Professional Engineer of Queensland (RPEQ), taking into consideration the following:
2. Retaining walls are not to impede, concentrate or pond stormwater from adjoining properties; and
3. Include subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings contained within the subject land being retained; and
4. Do not in any way impact or encroach on the properties adjoining the subject land or the road reserve.
5. Obtain and provide to Council a signed F*orm 15 Compliance Certificate* for building design or specification.
 | As part of any operational works application.  |
| 1. Obtain and provide to Council a signed Form 16 Inspection Certificate or *Form 12 Aspect Inspection Certification* (Appointed Competent Person).
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Reconfiguring a Lot – Small (no asset construction)

Development Planning:

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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**Plan(s) and/or Document(s) to be Amended**

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| **Condition** | **Timing** |
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|  | **Carry Out the Approved Development**Carry out the approved development generally in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
2. The below conditions of approval and the requirements of Council’s Planning Scheme and the relevant Planning Scheme Policies; and
3. Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required**1. Submit an amended<Site Plan, Name of Report> incorporating the following:
	1. <insert required amendments>
 | Prior to lodgement of operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to any approval for operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Maintain the Approved Development**Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions. | At all times. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. | At all times. |
|  | **Operational Works**1. Obtain an Operational Works – Development Permit for the following:
2. Civil Works

OR1. Water
2. Sewerage
3. Roadworks
4. Access and Car Parking
5. Landscaping
6. Stormwater
7. Earthworks
 | Prior to commencement of works. |
| 1. Submit a Construction Operational Works Notice to Commence Works for the following:
2. Civil Works

OR1. Water
2. Sewerage
3. Roadworks
4. Access and Car Parking
5. Landscaping Works
6. Stormwater
7. Earthworks
 | Prior to commencement of works. |
| 1. Obtain an Acceptance of Works or On Maintenance for the works completed.

***Drafting Note:*** delete condition if Op Works is not triggered ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
| **Referral Agency**Provide written confirmation to Council that the conditions of the Referral Agency response dated <insert date> (reference: <insert date>) or as amended have been complied with. | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Demolish and/or Remove Structures/Buildings** Demolish and/or remove all structures/buildings on proposed lot <XX>. *Advisory Note: Demolition/removal will likely require a Development Permit for Building Works for Demolition under the Planning Act 2016 and issue of a Form 21 Final Inspection Certificate.*  | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Fire Separation** Provide a *Form 43 Aspect Certificate (QBCC Licensee)* demonstrating that the existing Dwelling House meets the requirements of the *National Construction Code* for fire separation distances.***Drafting Note:*** include where boundary clearances are less than the QDC AO solutions ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Existing Services**Submit written confirmation, or a services plan demonstrating, that all existing services are located within the lot that they serve. ***Drafting Note:*** include where unable to determine where existing services are on the site. MADI identifies sewer/water and a site inspection will identify overhead power ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Electricity Services**Provide evidence demonstrating the development has been connected to reticulated power by submitting one of the following:1. A copy of a Certificate of Electrical Supply from the Distribution Network Service Provided (Ergon Energy); or
2. A copy of a Certificate of Acceptance from the Distribution Network Service Provider (Ergon Energy).

**Drafting Note:** Urban, Industrial, Township, infill areas. ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Telecommunications Services**Provide evidence demonstrating the development has been connected to reticulated telecommunications by submitting one of the following:1. Signed Telstra Agreement; or
2. Telstra Telecommunications Network Infrastructure Provisioning Confirmation; or
3. NBN Co. Certificate of Practical Completion; or
4. A receipt for the works that are to be completed (NBN or Telstra).

**Drafting Note:** Urban, Industrial, Township, infill areas. ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Service Conduits**Provide service conduits to Lot <insert rear lot reference>, together with associated access pits (if necessary), to extend from the front boundary to the end of the access driveway.**Drafting Note:** Include when a battle-axe style layout. ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Subdivision Plan Endorsement** Lodge for approval by Council, an application for survey plan endorsement which includes:1. Payment of the application fee in accordance with Council’s fees and charges at the time of lodgement; and
2. All survey marks in their correct position in accordance with the survey plan; and
3. A Statement of Compliance Report demonstrating compliance with all associated development permit(s); and
4. A copy of the survey plan and/or easement documentation;
5. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
6. Payment of any outstanding Levied Charges.

*Advisory Note: Refer to Council’s Website for further information:* [*Subdivision Plans*](https://www.mackay.qld.gov.au/business/planning_and_development/development_applications_and_assessment/subdivision_plans)*.* | On lodgement of an application for subdivision plan endorsement. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

**Development Engineering:**

| **Condition** | **Timing** |
| --- | --- |
|  | **Access**Undertake the following:1. Obtain a Minor Works Permit in accordance with *Local Law No. 1 (Administration) 2011*. <only to remain when there is no Operational Works application required>;
2. Construct an invert crossing and concrete driveway / rural access to Lot/s <insert> at the location/s shown on the Approved Plans, in accordance with Council’s *Standard Drawing No. A3-0773 Invert Type Vehicle Crossing for Kerb and Channel OR A3-08323 Typical Minor Access Details for Council Rural Roads*;
3. Remove the redundant crossover and driveway section within the verge along <insert street>;
4. Reinstate or repair any damaged kerbs; and
5. Re-turf any damaged verge areas.

***Drafting Note:*** *Each aspect to be considered in context i.e. if a specific access location is required then include crossover requirement.* ***<delete on review>*** | Prior to lodgement of an application for survey plan endorsement. |
|  | **Access to Lot <insert>**Ensure that vehicle access to Lot <insert> is achieved via the shared driveway over Lot <insert>.Direct vehicle access and/or an additional access crossover for Lot <insert> from <insert street> is not permitted.*Advisory Note: A Rates Notation to this effect will be placed on the property file.* | At all times. |
|  | **Access/Services Easement**Register an access/services easement over Lot <insert> for the benefit of Lot <insert>. A copy of the easement documents must be submitted to Council for approval. | On lodgement of an application for subdivision plan endorsement. |
|  | **Sealed Driveway**Construct a minimum 3m wide concrete driveway extending for the full length of the access handle for Lot/s <insert>. All stormwater drainage and services for the subject lot are to be located within the access handle and must be installed prior to the construction of the driveway and associated landscaping.***Drafting Note:*** *include when a battle-axe style layout.* ***<delete on review>*** | Prior to lodgement of an application for survey plan endorsement. |
|  | **Landscaping – Access Handle**1. Provide landscaping, having a minimum width of 1m, along both sides of the access handle.

***Drafting Note:*** *include when a battle-axe style layout. This outcome refers to AO10.2 of the ROL code and a performance solution may be sort. Condition as necessary.* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
| 1. Maintain the landscaping.
 | At all times. |
|  | **Street Tree Planting** Provide street planting within the development in accordance with Council’s *Planning Scheme Policy – Landscap*e.Alternatively, make payment to Council for the required number of street trees in accordance with Council’s *Schedule of Fees and Charges*.  | Prior to lodgement of an application for survey plan endorsement. |
|  | **Retaining Walls** 1. Ensure all retaining walls exceeding 1m in height are designed and certified by a Registered Professional Engineer of Queensland (RPEQ), taking into consideration the following:
2. Retaining walls are not to impede, concentrate or pond stormwater from adjoining properties; and
3. Include subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings contained within the subject land being retained; and
4. Do not in any way impact or encroach on the properties adjoining the subject land or the road reserve.
5. Obtain and provide to Council a signed *Form 15 Compliance* *Certificate* for building design or specification.
 | As part of any operational works application. |
| 1. Obtain and provide to Council a signed F*orm 16 Inspection Certificate* or *Form 12 Aspect Inspection Certificate (Appointed Competent Person)*.
 | Prior to lodgement of an application for survey plan endorsement. |
|  | **Stormwater Quality – Low Risk**Develop and implement Stormwater Quality Best Management Practices (SQBMPs) in accordance with Council’s *Planning Scheme Policy – Healthy Waters*. ***Drafting Note:*** *Condition* ***t****o be used when classified as ‘Low Risk’.* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Concentration of Stormwater**Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. Stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be free draining. | At all times. |
|  | **Lawful Point of Discharge**Direct all stormwater from the land to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.The lawful point of discharge for this property is <insert location>.***Drafting Note:*** *An easement may be required if there is no direct access to a LPoD.* ***<delete on review>*** | At all times. |
|  | **Drainage Easement**Provide a drainage easement/s in accordance with Council’s *Planning Scheme Policy – Stormwater Drainage Design*. Easement locations are to be demonstrated as part of an Operational Works Development Application.***Drafting Note:*** *Delete if no drainage easements required.* ***<delete on review>*** | On lodgement of an application for subdivision plan endorsement. |
|  | **Water and Sewer Connections** Undertake the following water supply and sewerage works internal to the subject land in accordance with Council’s *Planning Scheme Policy - Water and Sewerage (CTM Water Alliance):*1. Provide separate water connections to each proposed lot;
2. Provide separate sewer connections to each proposed lot;
3. Any redundant sewer property connections and water connections must be decommissioned and removed; and
4. All works must be carried out in accordance with the Approved Plan/s, to the requirements and satisfaction of Council.

***Drafting Note:*** *Delete either water/sewer or both if no reticulated supply in the area.* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Sewer Easements**Provide a sewer easement/s in accordance with Council’s *Planning Scheme Policy - Water and Sewerage (CTM Water Alliance).* All costs associated with the registration of the easement are at the developer’s expense.***Drafting Note:*** *Delete if no sewer easements required.* ***<delete on review>*** | On lodgement of an application for subdivision plan endorsement. |
|  | **On-site Wastewater Disposal**1. Provide certification from a registered surveyor that the existing on-site wastewater system serving the Dwelling House on Lot <XX> (proposed to be retained with the development) is contained wholly within the new lot containing the Dwelling House and that compliance with the land application system setback distances required by the *Plumbing and Drainage Act 2018* is achieved.

*Advisory Note: Any relocation/modification of the existing wastewater treatment unit or land application system will require a plumbing approval prior to the commencement of work.****Drafting Note:*** *Only required where site is not serviced by reticulated sewer and an existing dwelling is proposed to remain* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement. |
| 1. Submit a geotechnical report (soil test) prepared by a suitably qualified geotechnical professional demonstrating that the lot is suitable to accommodate an on-site wastewater treatment system and effluent disposal area that is in accordance with Australian Standard *AS/NZS 1547:2012 On-site domestic wastewater management.*

***Drafting Note:*** *Geotechnical report is only required on lots within the Landslide Hazard Overlay and <2ha OR not within Landslide Hazard Overlay but are <2000m2.* ***<delete on review>*** | Prior to any approval of operational works. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Reconfiguring a Lot – Medium - Large (asset construction)

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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|  |  |  |  |
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**Plan(s) and/or Document(s) to be Amended**

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
|  |  |  |  |
|  |  |  |  |
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| **Condition** | **Timing** |
| --- | --- |
|  | **Carry Out the Approved Development**Carry out the approved development in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
2. The below conditions of approval and the requirements of Council’s Planning Scheme and the relevant Planning Scheme Policies;
3. Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required**1. Submit an amended<Site Plan, Name of Report> incorporating the following:
2. <insert required amendments>
 | Prior to lodgement of operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to any approval for operational works.ORPrior to lodgement of an application for subdivision plan endorsement. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Maintain the Approved Development**Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any other approval required by the conditions. | At all times. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. | At all times. |
|  | **Referral Agency**Provide written confirmation to Council that the conditions of the Referral Agency response dated <insert date> (reference: <insert date>) or as amended have been complied with. | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Service Conduits**Provide service conduits to the <insert rear lot reference>, together with associated access pits (if necessary), to extend from the front boundary to the end of the access driveway.**Drafting Note:** Include when a battle-axe style layout. ***<delete on review>*** | Prior to lodgement of an application for survey plan endorsement. |
|  | **Electricity Services**Provide evidence demonstrating that the development has been provided with underground/overhead reticulated power by submitting one of the following:1. A copy of a Certificate of Electrical Supply from the Distribution Network Service Provider (Ergon Energy); or
2. A copy of a Certificate of Acceptance from the Distribution Network Service Provided (Ergon Energy).
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Telecommunications Services**Provide evidence demonstrating that the development has been connected to reticulated telecommunications by submitting one of the following:1. Signed Telstra Agreement; or
2. Telstra Telecommunications Network Infrastructure Provisioning Confirmation; or
3. NBN Co. Certificate of Practical Completion; or
4. A receipt for the works that are to be completed (NBN or Telstra).
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

**Development Engineering:**

| **Condition** | **Timing** |
| --- | --- |
|  | **Water and Sewerage Reticulation** Provide a water and sewer reticulation system in accordance with Council’s *Planning Scheme Policy – Water and Sewerage (CTM Water Alliance).*Provide a Water and Sewer Network Analysis Report including pipe sizing, services to each lot, demand calculations (including to service surrounding land), high pressure requirements for relevant stages and ultimate and interim water and sewer pump station details.***Drafting Note:*** *Only required where Analysis Report has not been provided as part of DA* ***<delete on review>*** | As part of any operational works application. |
|  | **Water and Sewer Connections** Undertake the following water supply and sewerage works internal to the subject land in accordance with Council’s *Planning Scheme Policy - Water and Sewerage (CTM Water Alliance)*:1. Provide separate water connections to each proposed lot;
2. Provide separate sewer connections to each proposed lot;
3. Any redundant sewer property connections and water connections must be decommissioned and removed; and
4. All works must be carried out in accordance with the Approved Plan/s, to the requirements and satisfaction of Council.

***Drafting Note:*** *Delete either water/sewer or both if no reticulated supply in the area.* ***<delete on review>*** | Prior to lodgement of an application for survey plan endorsement. |
|  | **Flood Natural Hazard** Provide a Flood and Hydraulic Study in prepared by a Registered Professional Engineer of Queensland (RPEQ) accordance with Council’s *Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports.* The Study must: 1. Identify changes to existing flood and stormwater conditions for the range of design events. Changes to existing flood and stormwater conditions include diversion, concentrations and other flow characteristics of existing flood and stormwater conditions. Other flow characteristics include discharge (including peak flows and duration of flows), velocity, peak flood elevations and frequency of flows; and
2. Demonstrate and justify no adverse impacts to existing or future use of the land impacted by changes to existing flood and stormwater conditions.

Development levels are to be derived from the results identified in the study and must be in accordance with the 1% AEP + Climate Change for the lot levels. | As part of any operational works application. |
|  | **Stormwater Quality – High Risk**1. Submit a Site Based Stormwater Management Plan prepared by a Registered Professional Engineer of Queensland (RPEQ) being a Civil Engineer in accordance with Council’s *Planning Scheme Policies; Stormwater Drainage Design and Healthy Waters* and *MUSIC Guidelines.*

The report must include engineering drawings with details of the proposed Stormwater Quality Improvement Devices (SQIDs) and an electronic copy of the MUSIC model. ***Drafting Note:*** *If a SBSMP has been submitted and approved as part of the DA do not include parts a) and b****)*** *of this condition, only* ***<delete on review>*** | As part of any operational works application. |
| 1. Obtain approval from Council for the Site Based Stormwater Management Plan in accordance with a) above; and
 | Prior to commencement of works on-site. |
| 1. Implement the requirements and recommendations of the approved Site Based Stormwater Management Plan.
 | Prior to lodgement of an application for subdivision plan endorsement. |
| 1. As an alternative to a) – c) above, submit an application under Council’s Policy 087 Voluntary Mechanism for Stormwater Quality Management. Install a Gross Pollutant Trap (GPT) in accordance with Council’s Planning Scheme Policy – Healthy Waters Stormwater Quality Best Management Practices.

OR1. Proceed under Council’s *Policy 087 Voluntary Mechanism for Stormwater Quality Management* following the application submitted to Council with the Development Application for this Reconfiguration of a Lot that has been assessed and accepted. Install a Gross Pollutant Trap (GPT) in accordance with Council’s Planning Scheme Policy – Healthy Waters Stormwater Quality Best Management Practices. The voluntary contribution amount must be paid prior to lodgement of an application for subdivision plan endorsement.

***Drafting Note:*** *GPT is only required for commercial/industrial lots as per Policy 087.* ***<delete on review>*** | As part of any operational works application.ORPrior to lodgement of an application for subdivision plan endorsement. |
|  | **Drainage Works**Design and construct all necessary stormwater management and drainage works (internal and external to the land) required to satisfactorily drain the subject land. The subject land must be drained to the satisfaction of Council, incorporating:1. Drainage infrastructure in accordance with Council’s *Planning Scheme Policy – Stormwater Design*;
2. <insert any additional requirements>; and
3. Provide detailed design drawings of all stormwater infrastructure required as a result of the development to Council for approval;
4. Carry out all works in accordance with the approved plan(s).
 | As part of operational works |
|  | **Concentration of Stormwater**Ensure the development does not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. | At all times. |
|  | **Lawful Point of Discharge**Direct all stormwater from the site (including roof water) to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.  The lawful point of discharge for this property is <insert location>.***Drafting Note:*** An easement may be required if there is no direct access to a LPoD ***<delete on review>*** | At all times. |
|  | **Street Lighting** 1. Submit street lighting design in accordance with Council’s *Planning Scheme Policy – Geometric Road Design* and *AS/NZS 1158 series – Lighting for Road and Public Spaces*.
 | As part of any operational works application. |
| 1. Construct the street lighting in accordance with part a) above.
 | Prior to lodgement of an application for survey plan endorsement. |
|  | **Street Tree Planting** Provide street planting within the development in accordance with Council’s *Planning Scheme Policy – Landscap*e.Alternatively, make payment to Council for the required number of street trees in accordance with Council’s *Schedule of Fees and Charges.*  | Prior to lodgement of an application for subdivision plan endorsement |
|  | **Landscaping Plan**1. Submit a Landscaping Plan prepared by a Landscape Architect in accordance with Council’s *Planning Scheme Policy – Landscape* which includes:
2. <insert specific requirements such as a landscape buffer in a certain location>; and
3. Landscape specifications of sufficient detail that identifies the landscape works to be carried out; and
4. Plant schedule detailing the number of plants, species, pot size and height at planting; and
5. Details of soil and mulch types, including depths, areas of turf, garden edges and paving finishes; and
6. The location and species of any existing trees, with an indication as to whether each tree is proposed to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree; and
7. Planting of street trees within road reserve; and
8. Details and specifications for any disturbed areas such as turfing of the verge and weed eradication and grassing internally.

***Drafting Note:*** *Delete this condition if a suitable landscaping plan has been provided as common material.* ***<delete on review>*** | As part of any operational works application.  |
| 1. Provide the landscaping generally in accordance with the approved Landscaping Plan.
 | Prior to lodgement of an application for subdivision plan endorsement |
|  | **Road Works** Design and construct the internal road network in accordance with Council’s *Planning Scheme Policy – Geometric Road Design* and as prescribed below:1. All threshold intersection treatments must be as per Council’s *Standard Drawing A4-00185B Required Threshold and Intersection Treatments;*
2. <insert any additional requirements>.
 | As part of operational works.  |
|  | **Access**Undertake the following: 1. Construct an invert crossing and concrete driveway to Lot/s <insert> at the location/s shown on the Approved Plans, in accordance with Council’s *Standard Drawing No. A3-0773 Invert Type Vehicle Crossing for Kerb and Channel.*
2. Remove the redundant crossover and driveway section within the verge along <insert street>;
3. Reinstate or repair any damaged kerbs; and
4. Re-turf any damaged verge areas.

***Drafting Note:*** *Each aspect to be considered in context i.e. if a specific access location is required then include crossover requirement* ***<delete on review>*** | As part of operational works.  |
|  | **Temporary Turn Arounds** Construct temporary turn arounds (t-head) at each stage boundary within the balance land suitable for Council garbage truck 9.8m to undertake a three-point turn. Provide temporary access easements over each turn-around, with temporary fencing restricting access to balance land. | As part of operational works.  |
|  | **Street Names** Provide a list of street names for approval by Council and include the approved names on all relevant engineering drawings.***Drafting Note:*** *Only required if road names have not been provided at DA stage* ***<delete on review>*** | As part of any operational works application.  |
|  | **Sealed Driveway**Construct a minimum 3m wide concrete driveway for the full length of the access handle for Lot/s <insert>. All stormwater drainage and services for the subject lot are to be located within the access handle and must be installed prior to the construction of the driveway and associated landscaping. ***Drafting Note:*** *include when a battle-axe style layout* ***<delete on review>*** | Prior to lodgement of an application for subdivision plan endorsement |
|  | **Access to Lot <insert>**Ensure that vehicle access to Lot <insert> is achieved via the shared driveway over Lot <insert>.Direct vehicle access and/or an additional access crossover for Lot <insert> from <insert street> is not permitted.*Advisory Note: A Rates Notation to this effect will be placed on the property file.* | At all times. |
|  | **Allotment and Verge Gradings**Construct and drain allotments from the rear boundary to street frontages in accordance Council’s *Standard Drawing A3-870* being free draining, unless otherwise agreed to in writing by Council.  | As part of operational works.  |
|  | **Geotechnical Report**1. Submit a Geotechnical Design Report prepared by a suitably qualified geotechnical professional where development is located on land that has an existing or approved slope in excess of 15%. The Report must:
2. Demonstrate that the development and areas surrounding the development will have a ‘low’ level of landslide risk in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007*; and
3. Include certification of the civil/structural design by a Registered Professional Engineer of Queensland (RPEQ).
 | As part of any operational works application.  |
| 1. Provide certification that the risk level in relation to landslide affecting the development and area surround the development is certified as ‘low’ at completion of the development in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007.*
 | Prior to lodgement of an application for survey plan endorsement. |
|  | **Retaining Walls**1. Ensure all retaining walls exceeding 1m in height are designed and certified by a Registered Professional Engineer of Queensland (RPEQ), taking into consideration the following:
2. Retaining walls are not to impede, concentrate or pond stormwater from adjoining properties; and
3. Include subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings contained within the subject land being retained; and
4. Do not in any way impact or encroach on the properties adjoining the subject land or the road reserve.
 | As part of any operational works application.  |
| 1. Obtain and provide to Council a signed *Form 15 Compliance Certificate* for building design or specification.
 | As part of any operational works application.  |
| 1. Obtain and provide to Council a signed *Form 16 Inspection Certificate* or *Form 12 Aspect Inspection Certification (Appointed Competent Person).*
 | Prior to lodgement of an application for subdivision plan endorsement. |
|  | **Easements and Reserves** Register easements (excluding sewer) and reserves in accordance with Council’s *Planning Scheme Policy – Stormwater Drainage Design.* Provide sewer easements in accordance with Council’s *Planning Scheme Policy – Water and Sewerage (CTM Water Alliance).*All costs associated with the registration of the easement are at the developer’s expense.Public land is to be transferred to Council in ‘Fee Simple’ and at no cost to Council. | On lodgement of an application for survey plan endorsement. |
|  | **Subdivision Plan Endorsement** Lodge for approval by Council, an application for survey plan endorsement which includes:1. Payment of application fee in accordance with Council’s fees and charges at the time of lodgement;
2. All survey marks in their correct position in accordance with the survey plan;
3. A Statement of Compliance Report demonstrating compliance with all associated development permit(s);
4. A copy of the survey plan and/or easement documentation;
5. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
6. Payment of any outstanding Levied Charges.

*Advisory Note: Refer to Council’s Website for further information:* [*Subdivision Plans*](https://www.mackay.qld.gov.au/business/planning_and_development/development_applications_and_assessment/subdivision_plans)*.* | On lodgement of an application for survey plan endorsement. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Overlays – Commonly used

| **Condition** | **Timing** |
| --- | --- |
| 1.
 | **Acid Sulfate Soils** Submit, for approval by Council, a Site Based Acid Sulfate Soil Environmental Management Plan prepared by a suitably qualified professional if the proposed works trigger the State Planning Policy or Mackay Region Planning Scheme for acid sulfate soils. | Prior to request for prestart meeting.  |
|  | **Flood Natural Hazard** 1. Provide a Flood and Hydraulic Study in prepared by a Registered Professional Engineer of Queensland (RPEQ) accordance with the *Guideline for Preparation of Flood and Stormwater Drainage Catchment Reports.* The Study must:
2. Identify changes to existing flood and stormwater conditions for the range of design events. Changes to existing flood and stormwater conditions include diversion, concentrations and other flow characteristics of existing flood and stormwater conditions. Other flow characteristics include discharge (including peak flows and duration of flows), velocity, peak flood elevations and frequency of flows; and
3. Demonstrate and justify no adverse impacts to existing or future use of the land impacted by changes to existing flood and stormwater conditions.

Development levels are to be derived from the results identified in the study and must be in accordance with the 1% AEP + Climate Change for the lot levels. | As part of any operational works application. |
| 1. Obtain approval from Council for the Flood and Hydraulic Study in accordance with a) above.
 | Prior to commencement of use. |
| 1. Implement the approved Flood and Hydraulic Study.
 | At all times. |
|  | **Geotechnical Report**1. Submit a Geotechnical Design Report prepared by a suitably qualified geotechnical professional where development is located on land that has an existing or approved slope in excess of 15%. The Report must:
2. Demonstrate that the development and areas surrounding the development will have a ‘low’ level of landslide risk in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007*;
3. Include certification of the civil/structural design by a Registered Professional Engineer of Queensland (RPEQ).
 | As part of any operational works application. |
| 1. Provide certification that the risk level in relation to the landslide affecting the development and area surrounding the development is certified as ‘low’ at completion of the development in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007.*
 | Prior to commencement of use.ORPrior to lodgement of an application for survey plan endorsement. |

# Referral Agency Response

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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**Plan(s) and/or Document(s) to be Amended**

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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| **Condition** | **Timing** |
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| 1.
 | **Carry Out the Approved Development**Carry out the approved development in accordance with the approved plan(s) and document(s), and the following:1. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports;
2. Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
3. Except where modified by these conditions of approval.
 | At all times. |
|  | **Obtain a Development Permit for Building Works**1. Obtain a building works development permit in accordance with the *National Construction Code* and the *Planning Act 2016.*
 | Prior to the commencement of building works. |
| 1. Obtain a *Form 21 Final Inspection Certificate / Form 11 Certificate of Occupation* verifying the work has been completed in accordance with a) above.

***Drafting Note:*** *Form 21 is used for single detached class 1a buildings and class 10 buildings or structures. Form 11 is required for all building work except for single detached class 1a buildings and class 10 buildings or structures.* ***<delete on review>*** | Following the completion of the building works. |
|  | **Limitation of Use**1. Ensure the development is not used for business activities. Any uses carried out in the development not considered ancillary to the residential use are not permitted; and
2. Ensure the development is not utilised as a habitable building unless otherwise approved by Council.

***Drafting Note:*** *Only required for residential sheds/structures.* ***<delete on review>***  | At all times. |
|  | **Design**Ensure the development is compatible with the design and appearance to the Dwelling House (e.g. consistent materials, roof pitch etc.) ***Drafting Note:*** *Only required for residential sheds/structures and only when appropriate giving consideration to the character of the area.* ***<delete on review>***OREnsure the open Carport structure remains open and is not enclosed at any elevation. OR**Amendment to Design**<insert as required>***Drafting Note:*** *Consider whether any design elements need to be addressed. i.e. increased set back, removal of certain elements i.e. windows, inclusion of privacy screening, etc.* ***<delete on review>*** | At all times. |
| 1.
 | **Access**Direct access to the structure/building from <insert Street name> is not permitted. Vehicular access must be via the existing crossover from <insert Street name>.***Drafting Note:*** *only required if siting dispensation is likely to lead to a request for secondary crossover or unlawful access that council will not support.* ***<delete on review>*** | At all times. |
|  | **Landscaping**Establish and maintain landscaping works that soften the visual impact between the approved development and adjoining lots/ street/ road. | As part of building works and at all times. |
|  | **Building over or near Relevant Infrastructure** Ensure construction is compliant with the *Queensland Development Code Mandatory Part MP1.4 – Building over or near relevant infrastructure*.  | As part of building works and at all times. |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Operational Works

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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**Plan(s) and/or Document(s) to be Amended**

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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| **Condition** | **Timing** |
| --- | --- |
|  | **Carry Out the Approved Development**Carry out the approved development in accordance with the approved plan(s) and document(s), and the following:1. The below conditions of approval and the requirements of Council’s Planning Scheme and the relevant Planning Scheme Policies; and
2. The specifications, facts and circumstances as set out in the development application submitted to Council, including recommendations and findings confirmed within technical reports; and
3. Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
4. Except where modified by these conditions of approval.
 | At all times. |
|  | **Amended Plan(s) and/or Document(s) Required**1. Submit an amended<Site Plan, Name of Report> incorporating the following:
2. <insert required amendments>
 | Prior to the lodgement of a construction operational works application. |
| 1. Obtain approval from Council for the amended plan(s)/document(s) in accordance with a) above.
 | Prior to the lodgement of a construction operational works application. |
| 1. Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.
 | Prior to works being requested on maintenance. OR Prior to request for acceptance of works.  |
|  | **Currency Period – Late QLeave**The currency period is six months from the date the approval takes effect. *Advisory Note: the six-month currency period is due to the delay on receiving the QLeave Potable Long Service Levy Payment.*  | At all times.  |
|  | **Referral Agency**Provide written confirmation to Council that the conditions of the Referral Agency response dated <insert date> (reference: <insert date>) or as amended have been complied with. | Prior to works being requested on maintenance. OR Prior to request for acceptance of works.  |
|  | **Design Assessment**This approval is issued on the understanding that the design complies with Council’s Planning Scheme, Policies, specifications and with all conditions of relevant decision notices.Council’s assessment of the design has been an audit only. In the issuing of this approval, Council makes no acknowledgement that the design meets the above requirements.It is a condition of this approval that any errors in the design including non-compliance with the standards, acts and regulations are the responsibility of the consulting engineer, and that any rectification costs which may be applicable must be borne by the Applicant. | At all times. |
|  | **Commencement of Works**Upon receipt of Council’s ‘Acceptance of Drawings for Construction’, it is the responsibility of the supervising engineer to address the following matters prior to the commencement of works:1. Lodge a Construction Operational Works application; and
2. Provide a copy of Council’s letter of ‘Acceptance of Drawings for Construction’ and this approval to the contractor as advice of specific conditions required by Council.

The Construction Operational Works application must include:1. Cover letter requesting a Pre-start meeting; and
2. Notice to Commence Works form; and
3. Payment of application fee in accordance with Council’s Schedule of Fees and Charges relevant to the financial year; and
4. A schedule of estimated cost of works for public and private components on which the fees are based; and
5. A Letter of Certification from the design engineer that the drawings stamped green ‘Accepted for Construction’ have not been amended; and
6. A copy of the supervising engineer’s approval of the Erosion and Sediment Control Program.
 | Prior to request for a pre-start meeting. |
|  | **Council Inspections** During construction, Council will conduct inspections of all works with specific inspections performed as detailed in Section 3.1.7 of the Mackay City Council *Development Manual, Volume 2 – Engineering, Council’s Development Construction Guidelines (Water Supply System and Sewerage works)* and Council’s *Construction Specifications (Works other than Water Supply System and Sewerage Systems works)*.The consultant must verify the adoption of Council’s inspection and testing requirements, including all hold points and witness points, noted in the abovementioned documents. | During construction.  |
|  | **Construction and Acceptance of Works**Construction of works must be carried out in accordance with the Council approved Engineering Drawings, other relevant approvals, Section 3 of the Mackay City Council *Development Manual Volume 2 – Engineering and* Council’s *Construction Specifications (Works other than Water Supply System and Sewerage System works)*. Design amendments must be separately approved by Council.All works must be the subject of supervision by, or under the direction of a Registered Professional Engineer of Queensland (RPEQ) in Civil Engineering and works must be subject to Certification at <Completion. No maintenance period is required for these works.> or <On and Off Maintenance.>  | During construction.  |
|  | **Maintenance Period**A maintenance period applies to all public infrastructure works. A minimum maintenance period of 12 months must apply from the date the works are accepted On Maintenance. A longer maintenance period will apply for stormwater quality improvement devices. The maintenance period for stormwater quality improvement devices will end when <insert information>. | From the date the works are accepted On Maintenance. |
|  | **On and Off Maintenance Procedures**Procedures for acceptance of works, on maintenance and off maintenance are detailed in Section 3.3 of Council’s *Development Manual, Volume 2 – Engineering*. Refer to Section 3.4 of Council’s *Development Manual, Volume 2 – Engineering* for works to be maintained during the maintenance period. | During construction. |
|  | **Damage to Infrastructure and Land**Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council. Pre and post development condition of Council infrastructures abutting the development including the ones that may be impacted by the development activities must be recorded with photographic evidence and must be provided to Council when requested. | At all times. |
|  | **Clearance to Council Infrastructure** Clearances to Council infrastructure must be in accordance with Council’s *Planning Scheme Policy – Water and Sewerage (CTM Water Alliance).* |  At all times. |
|  | **Construction Hours Restrictions**Carry out construction work only between the hours of 0630 to 1830 Monday to Saturday and not at all on Sundays and public holidays, unless otherwise approved by Council in accordance with section 440R of the *Environmental Protection Act 1994.* | During construction. |
|  | **Construction Nuisance and Annoyance**Ensure construction works do not cause unreasonable interference with the amenity of adjoining premise and any person by reason of noise, vibration, electrical interference, smell, fumes, vapour, steam, soot, ash, dust, silt, wastewater, waste products, grit, oil or otherwise. | During construction. |
|  | **As Constructed Drawings**Submit, for approval by Council, ‘As Constructed’ drawings (pdf and DWG format) prepared by a registered Surveyor. A digital Asset Design As Constructed (ADAC) XML file is required for all new donated civil infrastructure and associated assets. All ‘As Constructed’ works must be certified by the Registered Professional Engineer of Queensland (RPEQ) responsible for the supervision of the construction works.  | Prior to request for on maintenance inspection. |
|  | **Traffic Management and Road Closures**Submit a Traffic and Pedestrian Management Plan prepared by a suitably qualified traffic professional in accordance with *Queensland Manual of Uniform Traffic Controlled Devices.* Approval of the Traffic Management Plan may be granted by the issue of a ‘Letter of No Objection’. If the works require closure of part of the road, the Applicant will require a Temporary Road Closure Permit from the Queensland Police Service. Council may issue a ‘Letter of No Objection’ to the closure so that this can be obtained.  | Prior to request for a pre-start meeting. |
|  | **Information Sign – Works in Existing Roads**Erect a construction advisory road sign and regularly update and maintain the sign displaying the Applicant’s and contractor’s details and the expected completion date for works on existing roads. The sign shall be located so as be clearly legible to the public from of minimum 15m distance from the existing road on which the works are to be carried out on. | For the duration of works from commencement to acceptance of on maintenance. ORFor the duration of works from commencement toacceptance of works. |
|  | **Street Name Signs** Erect street signs showing street names and house numbers. Any existing street signs with house numbering that will be superseded by this development must be replaced with signs containing the new house numbering. | Prior to works being requested on maintenance. ORPrior to request for acceptance of works. |
|  | **Pavement Design** Submit for approval by Council, a revised pavement design. The revised pavement design must be in accordance with Council’s *Planning Scheme Policy – Pavement Design* and prepared by a suitably qualified and experienced professional engineer (RPEQ). The revised pavement design must include:1. Test locations (plan showing street name, chainage and offset from the road centreline); and
2. Laboratory test results of actual insitu CBR of subgrade material; and
3. Type of material and designation of layer; and
4. Detailed calculation of the pavement design; and
5. Subgrade improvement method in accordance with Austroads for locations that has CBR lesser than 3 including chainages where the subgrade improvement measure is incorporated; and
6. Any amendments to other affected infrastructure works.
 | Prior to subgrade proof roll hold point inspection.  |
|  | **Erosion and Sediment Control** Provide a copy of the supervising engineer’s approved Erosion and Sediment Control Program in accordance with Council’s *Planning scheme policy – Healthy Waters*. This Erosion and Sediment Control Program must detail the devices and techniques used throughout each construction stage. It must also include the control measures taken to prevent erosion and sedimentation of stockpile areas. | Prior to request for a pre-start meeting.  |
|  | **Bulk Earthworks** This approval for bulk earthworks is issued on the basis that Council has not undertaken a detailed review of the following components of the design:1. Allotment levels;
2. Roadworks;
3. Stormwater drainage (quantity and quality); and
4. Water and sewerage.

Upon a detailed review of the abovementioned components of the design, the earthworks levels may be subject to change to meet Council’s requirements. Council does not accept responsibility for any costs incurred in changes to earthworks levels resulting from conditions in subsequent Operational Works approvals from Council.  | At all times. |
|  | **Earthworks Batters**Where approved drawings do not include specifications for scour and erosion protection apply the following treatments to batter slopes: 1. Slopes of 1:6 or flatter – topsoil and seed; and
2. Slopes between 1:6 and 1:4 – topsoil and turf; and
3. Slopes of 1:4 or greater – submit proposed treatment to Council for approval prior to undertaking batter works; or
4. As approved by Council.
 | During construction. |
| 1.
 | **Acid Sulfate Soils** Submit, for approval by Council, a Site Based Acid Sulfate Soil Environmental Management Plan prepared by a suitably qualified professional if the proposed works trigger the State Planning Policy or Mackay Region Planning Scheme for acid sulfate soils. | Prior to request for prestart meeting.  |
|  | **Concentration of Stormwater** The development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties. | At all times. |
|  | **Stormwater Quality – High Risk** 1. Implement the approved Site Based Stormwater Management Plan.

OR1. Make voluntary contribution payment in accordance with approved application under Council’s *Policy 087 Voluntary Mechanism for Stormwater Quality Management*.
 | Prior to works being requested on maintenance. ORPrior to request for acceptance of works.  |
|  | **Live Water and Sewerage Connections** Ensure all water connections and live sewer work is undertaken by Council at the Applicant’s expense.  | During construction.  |
|  | **Dirt, Debris and Concrete Slurry** Ensure that all dirt, debris and concrete slurry is removed from the pathway, roadway, stormwater drains and kerb and channel upon completion of the works. | Prior to works being requested on maintenance. ORPrior to request for acceptance of works.  |
|  | **Geotechnical Certification**Provide geotechnical certification that the risk level in relation to the landslide affecting the development and areas surrounding the development is certified as ‘low’ at completion of the development in accordance with *Landslide Risk Management Australian Geomechanics Journal Vol 42 No.1 March 2007*.***Drafting note:*** *Only required if located within the landslide risk hazard overlay.*  | Prior to works being requested on maintenance. ORPrior to request for acceptance of works. |
|  | **Retaining Walls** Obtain and provide to Council a signed *Form 16 Inspection Certificate* or *Form 12 Aspect Inspection Certification (Appointed Competent Person).****Drafting note:*** *Only required when development has retaining walls and Form 15 has been submitted with the Operational Works application.*  | Prior to works being requested on maintenance. ORPrior to request for acceptance of works. |
|  | **Landscaping** Provide a separate set of irrigation plans for submission and approval prior to any landscape works being constructed. Drawings must include water main connection, water meter and reduced pressure zone device type and location, all pipe and drip line specifications. The system must be compatible with Council’s “Irrinet” system.Planting establishment and maintenance shall be carried out to produce and maintain healthy and vigorous growth and a landscaped product which complies with the design intent.OR where private worksEstablishment and maintenance shall be carried out to produce and maintain healthy and vigorous growth and a landscaped product which complies with the design intent.Provide an irrigation system for the landscaping within the development site as part of the establishment measures.  | Prior to request for prestart meeting and during construction. |
|  | **Haul Routes**Ensure heavy vehicles associated with the development only utilise the haulage routes identified in the approved plans and documents as follows:1. <Insert description of haulage route>.

OREnsure heavy vehicles associated with the development only use the following haulage routes: 1. <Insert description of haulage route>.
 | During construction. |
|  | **Source of Fill Material** Obtain approval from Council if fill material is to be brought from an external premises. Soil used for filling is not to be stockpiled in locations that will cause nuisance to adjoining premises or a road frontage. | Prior to request for prestart meeting.  |
|  | **Spillage onto Existing Roads**Clean those parts of the access route to the site that are affected by any material dropped, deposited or spilled on the roads as a result of construction processes associated with the site.  | At all times during construction. |
|  | **Haulage of Fill/Spoil Material**1. Submit a Pavement Impact Assessment prepared by a Registered Professional of Queensland (RPEQ) identifying the impacts on the pavement condition of the Council controlled road in the identified haulage route due to increased heavy vehicle traffic movements associated with the bulk earthworks.

*Advisory Note: when measuring degradation, the road classification and its corresponding road standard under Council’s desired standards of service must be applied.*1. Obtain approval from Council for the Pavement Impact Assessment in accordance with a) above.
2. Utilise the haulage route identified and certified in accordance with a) above for all truck movements associated with the bulk earthworks, unless otherwise approved by Council.
 | Prior to transportation of material on Council controlled roads.  |
|  | **Compliance with other Decision Notice(s)** Comply with all conditions and requirements of the decision notice(s) detailed below:1. OW-xxx-xx issued on Month Day, Year, and
2. DA-xxxx-xx issued on Month Day, Year.
 | At all times.  |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Minor Works

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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The recommendations outlined in the above report/s must be implemented prior to the commencement of the use.

| **Condition** | **Timing** |
| --- | --- |
|  | **Carry Out the Approved Development**Carry out the approved development in accordance with the approved plan(s) and document(s), and the following:1. The below conditions of approval and the requirements of all Policies and Local Laws relating to works within the road reserve; and
2. Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail; and
3. Except where modified by these conditions of approval.
 | At all times. |
|  | **Inspections** Obtain a prepour inspection prior to concrete placement. Council is to be notified a minimum of one business day prior to the inspection taking place. *Advisory Note: For inspections, please contact Council on 1300 622 529.* | Prior to concrete placement. |
|  | **Existing Assets** 1. All costs associated with any alterations to Council infrastructure shall be borne by the Applicant;
2. Any costs incurred by Council in maintaining or restoring work areas due to neglect on the part of the Applicant will be charged to the account of the Applicant;
3. If any kerb service marker is impacted, it must be re-instated to the same position on the kerb;
4. Any existing electrical and communication kerb service markers need to be re-instated to the same location; and
5. Works to existing footpaths and kerb are to have joints with Y12 dowels 300mm long at 400mm spacings.
 | As part of construction. |
|  | **Insurance Policy** Obtain and carry an Insurance Policy indemnifying Council against any public liability arising from construction.  | Prior to commencing works and at all times. |
|  | **Before You Dig Australia** Undertake a Before You Dig Australia enquiry to establish the nature, location and depth of any underground infrastructure associated with any utility service.  | Prior to any excavation works.  |
|  | **Traffic Management and Road Closures**Submit a Traffic and Pedestrian Management Plan prepared by a suitably qualified traffic professional in accordance with *Queensland Manual of Uniform Traffic Controlled Devices.* Approval of the Traffic Management Plan may be granted by the issue of a ‘Letter of No Objection’. If the works require closure of part of the road, the Applicant will require a Temporary Road Closure Permit from the Queensland Police Service. Council may issue a ‘Letter of No Objection’ to the closure so that this can be obtained.  | Prior to commencing works.  |
|  | **Clearance to Ergon Services**Maintain a minimum of 3m (or as required by Ergon standard) electrical safety clearance between Ergon low and high voltage services for both construction and maintenance phases. | During construction and at all times.  |
|  | **Stormwater** Connect stormwater pipes from the Dwelling House, Shed and/or property to the kerb adaptors to be installed in accordance with Council’s *Standard Drawing No. A3-03871B Standard Kerb and Channel Drainage Connections*.***Drafting Note:*** *this condition is only to be used when stormwater works are required within the road reserve and stormwater connection fee has been paid.* ***<delete on review>*** | As part of construction. |
|  | **Invert Crossing (Urban)**Construct the invert crossing in accordance with Council’s *Standard Drawing No. A3-00773 Invert Type Vehicle Crossing for Kerb and Channel* being plain grey concrete and the following:1. To be perpendicular for the first 3m from the kerb; and
2. To be clear of any stormwater gully pits and manholes; and
3. Ensure a minimum clearance of 1m to any street trees, electrical assets or telecommunication pits.
 | As part of construction. |
|  | **Rural Access**1. Construct the rural access in accordance with Council’s *Standard Drawing No. A3-08323 Typical Minor Access Details for Council Rural Roads, and if required A3-08252 Calculation Tables Minor Rural Access Culvert Size;* and
2. Ensure a minimum clearance of 1m to any street trees, electrical assets or telecommunication pits.
 | As part of construction. |
|  | **Sewer Manholes** Provide Class D Trafficable Lids to sewer manholes where constructed into any new driveway access. Any height adjustments are to be undertaken by Council, at the Applicant’s cost. *Advisory note: Please contact* *quotes.water@mackay.qld.gov.au* *to obtain a quote for the proposed works.*  | As part of construction.  |
|  | **Street Trees Impacted by Minor Works** 1. Remove the existing street tree; and
2. Council will proceed with planting of a new street tree as per payment received in accordance with Council’s *Schedule of Fees and Charges.*
 | As part of construction. |
|  | **Currency Period** This approval shall lapse at the expiration of one year from the date of this approval. | At all times.  |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

| **Advisory Note** |
| --- |
|  | **Relation to other Approvals** This permit does not override any decision or condition applied as part of a development application regarding this land parcel.  |
|  | **Relation to Land** This permit relates to future Lot XX on SPXXX only. This lot has not yet been registered at the time of this permit being issued.  |

# Signs

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped ‘Approved Subject to Conditions’ which forms part of this approval, unless otherwise specified by any condition of this approval.

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| **Plan/ Document Name** | **Drawing Number** | **Prepared by** | **Date** |
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| **Condition** | **Timing** |
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|  | **Carry Out the Approved Development**Locate and construct the sign in accordance with the approved plan(s) and document(s). Any changes or additions to the sign and its contents must be submitted for approval by Council. | At all times. |
|  | **Insurance Policy** Obtain and carry an Insurance Policy indemnifying Council against any public liability arising from the construction and operation of the sign. | Prior to commencing building works and at all times. |
|  | **Engineering Certification** Obtain a *Form 43 Aspect Certificate (QBCC Licensee)* attesting to the structural adequacy of the sign and provide it to Council if requested at any time. | Prior to commencing building works. |
|  | **Clearance to Ergon Services**Provide a minimum of 3m (or as required by Ergon standards) electrical safety clearance between Ergon low and high voltage services for both construction and maintenance phases.  | During building works and at all times.  |
| 1.
 | **Obtain a Development Permit for Building Works**Obtain a Development Permit for Building Works and *Form 21 Final Inspection Certificate* in accordance with the *National Construction Code* and the *Planning Act 2016*. | Prior to commencing building Works.  |
|  | **Currency Period** This approval shall lapse at the expiration of six months from the date of this approval unless the sign has been erected. | At all times.  |
|  | **Illumination**Ensure the maximum average luminance of external illumination or internal illumination of the advertising device is <500cd/m2 (CBD) 350cd/m3 (Industrial, commercial, entertaining and community centres)> OR <300cd/m2 (Rural and residential)> in accordance with *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* Table 1. ***Drafting note:*** *This condition is only required for signage with internal/external illumination.* ***<delete on review>*** | At all times |
|  | **Maximum luminance**Ensure the Electronic Display Component (EDC) devices are operated in compliance with *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting* and have maximum luminance during varying light conditions as follows: 1. During the daytime – 6000cd/m2;
2. At dawn and dusk - 600cd/m2;
3. At night – 300cd/m2.

***Drafting note****: This condition is only required for signage with electronic display components.* ***<delete on review>*** | At all times |
|  | **Compliance Report**Submit to Council a written report which shows the maximum luminance (nits) vs brightness/dimming settings for the advertising device and can be used to check the maximum luminance for daytime, dawn/dusk and night time are being complied with by comparing the brightness/dimming settings during the operational period. ***Drafting note:*** *This condition is only required for signage with electronic display components.* ***<delete on review>*** | Prior to commencement of use of the advertising device. |
|  | **Dwelling time** Ensure advertisements on the advertising device have a dwell time of <25 seconds or longer (visible from a road with a speed limit of 80km per hour or more)> OR <10 seconds or longer (visible from a road with a speed limit of less than 80km per hour)>.***Drafting note:*** *This condition is only required for signage with electronic display components.* ***<delete on review>*** | At all times |
|  | **Display Content Criteria**Ensure the advertising device (including announcements and messages) which displays or includes an EDC component complies with the specific display content criteria as specified in *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* Schedule 4 General criteria for installation, erection and display of advertising devices.***Drafting note:*** *This condition is only required for signage with electronic display components.* ***<delete on review>*** | At all times |
|  | **Electrical** Ensure all electrical services and systems comply with the following: 1. A*S/NZS 3000:2018 (Amended) Electrical installations (known as the Australian/New Zealand Wiring Rules)* and the requirements of the supply authority;
2. All conduits, wiring, switches or other electrical apparatus installed on the advertisement are to be concealed from general view; and
3. No electrical equipment may be mounted on an exposed surface.

***Drafting note:*** *This condition is only required for signage with electronic display components.* ***<delete on review>*** | At all times |
|  | **Insert subject matter** Insert subject matter***Drafting Note:*** *For the Officer to include non-standard Condition/s****. <delete on review>*** | Insert timing  |

# Advisory Notes (for DA)

| **Assessment Manager’s Advice** |
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|  | **Infrastructure Charges Notice**A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.The amount in the Infrastructure Charges Notice has been calculated according to Council’s Adopted Charges Resolution.Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Council for review of the charge amount prior to payment. The time when payment is due is contained in the Infrastructure Charges Notice.ORNo Infrastructure Charges Notice is applicable to this development as the credits on the land exceed the charges. |
|  | **Cultural Heritage**The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care forindigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care. Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the *Aboriginal Cultural Heritage Act 2003*. Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the *Aboriginal Cultural Heritage Act 2003*.The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed [here](https://www.qld.gov.au/firstnations/environment-land-use-%20native-title/cultural-heritage/cultural-heritage-duty-of-care). |
|  | **Environmental Authority**It is the Applicant/Owner’s responsibility to ensure all relevant Environmental Authority approvals are in place for any Environmentally Relevant Activity. Schedule 2 of the *Environmental Protection Regulation 2017* prescribes Environmentally Relevant Activities and their aggregate environmental scores. |
|  | **Environmental Nuisance**Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the *Environmental Protection Act 1994* to any sensitive receptor as stated within Schedule 1 of the *Environmental Protection (Noise) Policy 2019*.It is the Applicant and owners responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays. |
|  | **Sedimentation Control**It is the Applicant/owner’s responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways. |
|  | **Cyclone Watch Site Management**All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works. |
|  | **Local Laws**The approved development must also comply with Council’s current Local Laws under the *Local Government Act 2009*. |
|  | **Advertising Sign Approval**No advertising sign and/or advertising device is to be erected without separate Council approval, where required. Where not meeting accepted provisions, an application to Council under Subordinate Local Law 1.4 must be made and approved prior to any such sign or device being erected. |
|  | **General Safety of Public During Construction**It is the principal contractor’s responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the *Work Health and Safety Act 2011.* Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person. |
|  | **Bushfire**The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with *AS3959-2009 Construction of buildings in bushfire-prone areas.* |

# Advisory Notes (for OW/PTW)

| **Assessment Manager’s Advice** |
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|  | **Cultural Heritage**The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care forindigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care. Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the *Aboriginal Cultural Heritage Act 2003*. Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of Applicant under the terms of the *Aboriginal Cultural Heritage Act 2003*.The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed [here](https://www.qld.gov.au/firstnations/environment-land-use-%20native-title/cultural-heritage/cultural-heritage-duty-of-care). |
|  | **Dust Control**It is the applicant/owner’s responsibility to ensure compliance section 319 General Environmental Duty of the *Environmental Protection Act 1994*, and to implement all reasonable and practicable measures to prevent or minimize environmental harm, including but not limited to harm caused by dust, ash, fumes, light, odour or smoke, emanating beyond the boundaries of the development site during all stages of the development including earthworks and construction stages. |
|  | **Environmental Nuisance**Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the *Environmental Protection Act 1994* to any sensitive receptor as stated within Schedule 1 of the *Environmental Protection (Noise) Policy 2019*.It is the Applicant and owners responsibility to ensure compliance with Section 440R of the *Environmental Protection Act 1994*, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays. |
|  | **Noise During Construction and Noise in General** It is the applicant/owner’s responsibility to ensure compliance with chapter 8, part 3B of the *Environmental Protection Act 199*4. |
|  | **Sedimentation Control**It is the Applicant/owner’s responsibility to ensure compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994* to prevent soil erosion and contamination of the stormwater drainage system and waterways. |
|  | **Cyclone Watch Site Management**All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works. |
|  | **General Safety of Public During Construction**It is the principal contractor’s responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the *Work Health and Safety Act 2011.* Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person. |
|  | **Contaminated Land**It is strictly the applicant/owner’s responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land. |