

Our reference: SDA-0916-033984

17 July 2017

Brisbane City Council – City Projects Office
GPO Box 1434
Brisbane, QLD 4001

Issued via email: BI-CPO-PlanEnv@brisbane.qld.gov.au

Attention: Mr Anthony Franklin

Dear Anthony

Negotiated decision notice

38, 60 & 78 Lytton Road, East Brisbane, QLD 4169 – Lot 1 on RP174592, Lot 49 on B123411 and Lot 50 on B123411

(Given under section 76(2) of the *Planning Act 2016*)

The Department of Infrastructure, Local Government and Planning received representations under section 75 of the *Planning Act 2016* on 7 July 2017. This negotiated decision notice replaces the decision notice dated 19 June 2017.

The changes agreed to are:

Amendment to condition 2(a) iii and associated plans

1. Ten (10) fig trees (*Ficus obliqua*), are to be planted along the proposed shared path within of Mowbray Park, with an additional three (3) included along the proposed shared path immediately to the east of Mowbray Park.
2. Fig trees (*Ficus obliqua*), must be minimum 1,000L bag stock or ex-ground stock.

Amendment to condition 2(a) iv and associated plans:

1. Existing mature fig trees labelled as 45 and 46 must be relocated along the proposed shared path within Mowbray Park.

Applicant details

Applicant name: Brisbane City Council

Site details

Lot on plan: Lot 1 on RP174592, Lot 49 on B123411 and Lot 50 on B123411

Local government area: Brisbane City Council

Application details

Proposed development: Development Permit to Carry out Building Work – Building work on a Queensland Heritage Place

Development Permit for Reconfiguring a Lot – Boundary realignment (3 into 3) on a Queensland Heritage Place

A decision notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Planning Act 2016*.
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Paul Beutel, Manager – SARA Brisbane Region on (07) 3452 7693, or email paul.beutel@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Patrick Atkinson
Director

enc: Negotiated decision notice
Attachment 1—Assessment manager conditions
Attachment 2—Appeal provisions
Attachment 3—Approved plans

Negotiated decision notice

(Given under section 76(2) of the *Planning Act 2016*)

Assessment manager decision

Date of decision: 17 July 2017
 Decision details: Approved subject to conditions

This negotiated decision notice replaces the decision notice dated 19 June 2017.

Aspects of development and development approval granted

Development Permit to Carry out Building Work – Building work on a Queensland Heritage Place

Development Permit for Reconfiguring a Lot – Boundary realignment (3 into 3) on a Queensland Heritage Place

Conditions

This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for conditions of this approval, nominated an entity to be the assessing authority under the *Planning Act 2016*.

Approved plans

Copies of the following approved plans are included within Attachment 3:

| Drawing/Report Title | Prepared by | Date | Reference no. | Version/Issue |
|---|--|----------|---------------|--|
| Aspect of development: Building work | | | | |
| Mowbray Park: Demolition Plans Sheet 1 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | |
| Mowbray Park: Demolition Plans Sheet 2 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | |
| Mowbray Park: Demolition Plans Sheet 3 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | As amended in red by DILGP on 17.07.17 |
| Mowbray Park: Demolition Plans Sheet 4 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | As amended in red by DILGP on 17.07.17 |
| Mowbray Park: Cut and Fill Plan – Sheet 3 | Brisbane City Council – City | 10.02.17 | CD131022 | |

| | | | | |
|---|--|----------|----------------------|--|
| | Projects Office | | | |
| Mowbray Park: Cut and Fill Plan – Sheet 4 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | |
| Mowbray Park: Lighting Fitting and Furniture Sheet | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | |
| Mowbray Park: Concept Landscape Plans Sheet 3 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | As amended in red by DILGP on 17.07.17 |
| Mowbray Park: Concept Landscape Plans Sheet 4 | Brisbane City Council – City Projects Office | 10.02.17 | CD131022 | As amended in red by DILGP on 17.07.17 |
| Concept Design | Tract Consultants Pty Ltd | 13.07.17 | 0717-0305-00_D000-01 | 05 |
| Concept Design – War Memorial Inset Plan | Tract Consultants Pty Ltd | 30.05.17 | 0717-0305-00_D000-01 | 02 |
| Aspect of development: Reconfiguring a lot | | | | |
| Proposal Plan of Proposed Land Acquisition Locality of East Brisbane, Parish of South Brisbane, County of Stanley | Brisbane City Council – City Projects Office | 12.09.16 | SUR131022-01 | A |

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 85 of the *Planning Act 2016*.

Applicant details

Applicant name: Brisbane City Council – City Projects Office
 Applicant contact details: GPO Box 1434
 Brisbane, QLD 4001
BI-CPO-PlanEnv@brisbane.qld.gov.au

Application details

Level of assessment: Code assessment
 Properly made date: 17 October 2016

Site details

Street address: 38, 60 & 78 Lytton Road, East Brisbane, QLD 4169

Lot on plan: Lot 1 on RP174592, Lot 49 on B123411 and Lot 50 on B123411

Name of owner: Brisbane City Council

Referral agencies

There were no referral agencies for this application.

Further development permits or compliance permits

Not applicable

Self-assessable codes

Not applicable

Compliance assessment

Not applicable

Properly made submissions

Not applicable—No part of the application required impact assessment.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are enclosed.

Our reference: SDA-0916-033984

Attachment 1—Assessment manager conditions

| No. | Conditions of development approval | Condition timing |
|--|---|--|
| Development Permit to Carry out Building Work | | |
| Queensland heritage place—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions: | | |
| 1. | <p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> (a) Mowbray Park: Demolition Plans Sheet 1, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 and reference CD131022. (b) Mowbray Park: Demolition Plans Sheet 2, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 and reference CD131022. (c) Mowbray Park: Demolition Plans Sheet 3, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 reference CD131022, as amended in red by DILGP on 17.07.17. (d) Mowbray Park: Demolition Plans Sheet 4, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 reference CD131022, as amended in red by DILGP on 17.07.17. (e) Mowbray Park: Cut and Fill Plan – Sheet 3, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 and reference CD131022. (f) Mowbray Park: Cut and Fill Plan – Sheet 4, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 and reference CD131022. (g) Mowbray Park: Lighting Fitting and Furniture Sheet, prepared by Brisbane City Council – City Projects Office, dated 10.02.17 and reference CD131022. (h) Concept Design, prepared by Tract Consultants Pty Ltd, dated 13.07.17, reference 0717-0305-00_D000-01 and revision 05. (i) Concept Design - War Memorial Inset Plan, prepared by Tract Consultants Pty Ltd, dated 30.05.17, reference 0717-0305-00_D000-01 and revision 02. | For the duration of works |
| 2. | (a) Produce an amended concept landscape plan, prepared by a suitably qualified landscape architect that reflects the works proposed on Mowbray Park: Concept Landscape Plans Sheet 3 and 4, prepared by Brisbane City Council – | (a) – (c) Prior to the commencement of works |

| No. | Conditions of development approval | Condition timing |
|-----|---|------------------|
| | <p>City Projects Office, dated 10.02.17 and reference CD131022. This plan must be varied generally in accordance with:</p> <ul style="list-style-type: none"> • Concept Design, prepared by Tract Consultants Pty Ltd, dated 13.07.17, reference 0717-0305-00_D000-01 and revision 05; • Concept Design - War Memorial Inset Plan, prepared by Tract Consultants Pty Ltd, dated 30.05.17, reference 0717-0305-00_D000-01 and revision 02; and • Mowbray Park: Concept Landscape Plans Sheet 3 and 4, prepared by Brisbane City Council – City Projects Office, dated 10.02.17, reference CD131022 amended in red by DILGP on 17.07.17, which reflects items (i) to (ix) below. <p>i. Landscape improvement works must be undertaken between the East Brisbane War Memorial and Lytton Road as shown on “Inset A”, including:</p> <ul style="list-style-type: none"> • Two (2) additional bench seats on concrete hardstand facing the East Brisbane War Memorial • Concrete garden edging to contain a structured hierarchy of mass planting/screening between the additional bench seats and hedge • Relocated floodlight to illuminate the East Brisbane War Memorial • Flag pole to remain in existing location. <p>ii. Extend the 1.2 metre high hedge planting along the proposed shared path.</p> <p>iii. Thirteen (13) new fig trees must be planted along the proposed shared path (referenced “NEW 1-13”), with the following specifications:</p> <ul style="list-style-type: none"> • Species: <i>Ficus obliqua</i> • Minimum 1,000L bag stock or ex-ground stock • Minimum height of 6 metres, 3.5 metre crown spread, 150 millimetre calliper and 1.5 metre clear trunk. <p>iv. The existing mature fig trees 45 and 46 must be relocated along the proposed shared path (referenced “RELCTR 45 – 46”).</p> <p>v. Trees 16, 17 and 18 (referenced “RELCTR 16-18”) must be deleted from the landscape concept plan to maximise functional open space.</p> <p>vi. The existing hedging adjoining the pathway east of the East Brisbane War Memorial must be removed and replaced with turf.</p> | |

| No. | Conditions of development approval | Condition timing |
|-----|--|--|
| | <ul style="list-style-type: none"> vii. The under-storey plants and excess mulch in the garden bed behind the East Brisbane War Memorial must be removed and replaced with turf. viii. The under-storey plants, bollards and excess mulch within the central revegetation area and garden bed must be removed and replaced with turf. ix. New tree uplights must be relocated to reflect the new locations of fig trees. <p>(b) Produce an amended arboricultural impact assessment report, prepared by an arborist with minimum qualification under the Australian Qualifications Framework of Level 5. This report must:</p> <ul style="list-style-type: none"> i. Reflect the requirements set out in part (a) of this condition. ii. Include tree protection strategies and recommendations for retained and relocated trees impacted by the proposed works. <p>(c) Submit the amended concept landscape plan prepared under part (a) of this condition and amended arboricultural impact assessment report prepared under part (b) of this condition to the Department of Infrastructure, Local Government and Planning via BrisbaneSARA@dilgp.qld.gov.au.</p> <p>(d) Carry out landscaping works, tree relocation works and tree protection works in accordance with the amended concept landscape plan and the strategies and recommendations outlined in the amended arboricultural impact assessment report as required by part (a), (b) and (c) of this condition.</p> | (d) For the duration of works and to be maintained |
| 3. | <p>(a) Prepare an archival recording, by a suitably qualified specialist with an understanding of the Draft Mowbray Park Conservation Management Plan, prepared by Brisbane City Council, dated 11.04.2017, version 6.</p> <p>(b) Undertake the archival recording in accordance with the technical requirements of the 'Archival Recording of Heritage Places' guideline, prepared by the Department of Environment and Heritage Protection under section 173 of the <i>Queensland Heritage Act 1992</i> and include:</p> <ul style="list-style-type: none"> i. Scope of work documentation ii. High resolution photographs of elements of cultural heritage significance, as well as significant views and individual trees within the area impacted along | (a) – (c) Prior to the commencement of works |

| No. | Conditions of development approval | Condition timing |
|-----|---|--|
| | <p>the southern edge of Mowbray Park as a result of the proposed development</p> <p>iii. A key plan or plans, an index sheet and a photographic report of photographs taken for (ii) above.</p> <p>(c) Submit an electronic copy of the scope of work document and archival recording to Environmental Services and Regulation, Department of Environment and Heritage Protection at palm@ehp.qld.gov.au.</p> | |
| 4. | <p>If relocated trees 45, 46 or 47 shown on <i>Mowbray Park: Concept Landscape Plans Sheet 4</i>, prepared by Brisbane City Council – City Projects Office, dated 10.02.2017, reference CD131022, as amended in red by DILGP on 17.07.17 (referenced “RELCTR 45 – 47”), are identified as dead, dying or beyond curative repair, they must be removed and replaced in situ with a mature fig tree with the following specifications:</p> <p>(a) Species: <i>Ficus benjamina</i></p> <p>(b) Minimum height of 8 metres</p> <p>(c) Minimum crown spread of 15 metres</p> | For eighteen (18) months from the commencement of works |
| 5. | Allow access to the Queensland heritage place by Department of Environment and Heritage Protection officers if requested. | For the duration of works |
| 6. | <p>(a) Provide written notice to Environmental Services and Regulation, the Department of Environment and Heritage Protection at palm@ehp.qld.gov.au of the commencement of works. The notice must reference: ‘SDA-0916-033984 - Mowbray Park and East Brisbane War Memorial, Condition 6.’</p> <p>(b) Provide written notice to Environmental Services and Regulation, the Department of Environment and Heritage Protection at palm@ehp.qld.gov.au of the completion of works the subject of this approval. The notice must state ‘SDA-0916-033984 – Mowbray Park and East Brisbane War Memorial, Condition 6.’</p> | <p>(a) Prior to the commencement of the works</p> <p>(b) Within ten (10) working days of completion of works</p> |

| No. | Conditions of development approval | Condition timing |
|---|---|---|
| Development Permit for Reconfiguring a Lot | | |
| Queensland heritage place—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition: | | |
| 1. | <p>The development must be carried out generally in accordance with the following plan:</p> <p>(a) Proposal Plan of Proposed Land Acquisition Locality of East Brisbane, Parish of South Brisbane, County of Stanley, prepared by Brisbane City Council – City Projects Office, dated 12.09.2016, reference SUR131022-01, revision A.</p> | Prior to submitting the Plan of Survey to the local government for approval |

Our reference: SDA-0916-033984

Attachment 2—Appeal Provisions

***Planning Act 2016* – Appeal provisions**

The following provisions are the **appeal rights** as defined in the *Planning Act 2016*, schedule 2.

Chapter 6 Dispute resolution

Part 1 Appeal rights

228 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The appeal period is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

229 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
- (ca) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (d) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (ca); and
 - (e) for an appeal to the P&E Court—the chief executive; and
 - (f) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

230 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

231 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Schedule 1 Appeals

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or

- (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

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

1. Development applications

An appeal may be made against—

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

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

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|-------------------------------|--------------------------------|--|--|
| The applicant | The assessment manager | If the appeal is about a concurrence agency's referral response—the concurrence agency | <ol style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application |

2. Change applications

An appeal may be made against—

- (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or
- (b) a deemed refusal of a change application.

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

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

| | | | |
|---|------------------------|---|---|
| 1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice | The responsible entity | If an affected entity starts the appeal—the applicant | 1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application |
|---|------------------------|---|---|

3. Extension applications

An appeal may be made against—

- (a) The assessment manager's decision about an extension application; or
- (b) A deemed refusal of an extension application.

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

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|---|------------------------|---|--|
| 1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application | The assessment manager | If a concurrence agency starts the appeal—the applicant | If a chosen assessment manager is the respondent—the prescribed assessment manager |

4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
- (i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge:

- the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category', under a regulation, to the development
- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

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

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|--|--|--|--|
| The person given the infrastructure charges notice | The local government that gave the infrastructure charges notice | — | — |

5. Conversion applications

An appeal may be made against—

- (a) the refusal of a conversion application; or
- (b) a deemed refusal of a conversion application.

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|-------------------------------------|---|--|--|
| The applicant | The local government to which the conversion application was made | — | — |

6. Enforcement notices

An appeal may be made against the decision to give an enforcement notice.

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

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|---|--------------------------------------|--|---|
| The person given the enforcement notice | The enforcement authority | — | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |

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

| | | | |
|--|--|--|--|
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p> | Another eligible submitter for the application |
| <p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person dissatisfied with the decision | The local government to which the claim was made | — | — |
| <p>Table 2</p> <p>Appeals to the P&E Court only</p> | | | |
| <p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p> | The Minister | — | If an owner or occupier starts the appeal—the owner of the registered premises |

| 6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure. | | | |
|---|----------------------------------|---------------------------------------|---|
| Table 2 Appeals to the P&E Court only | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions. | The local government | — | — |
| Table 3 Appeals to a tribunal only | | | |
| 1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A building advisory agency for the development application related to the approval | The assessment manager | The applicant | 1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval |
| Table 3 Appeals to a tribunal only | | | |
| 2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant for the development approval | The person who made the decision | — | — |

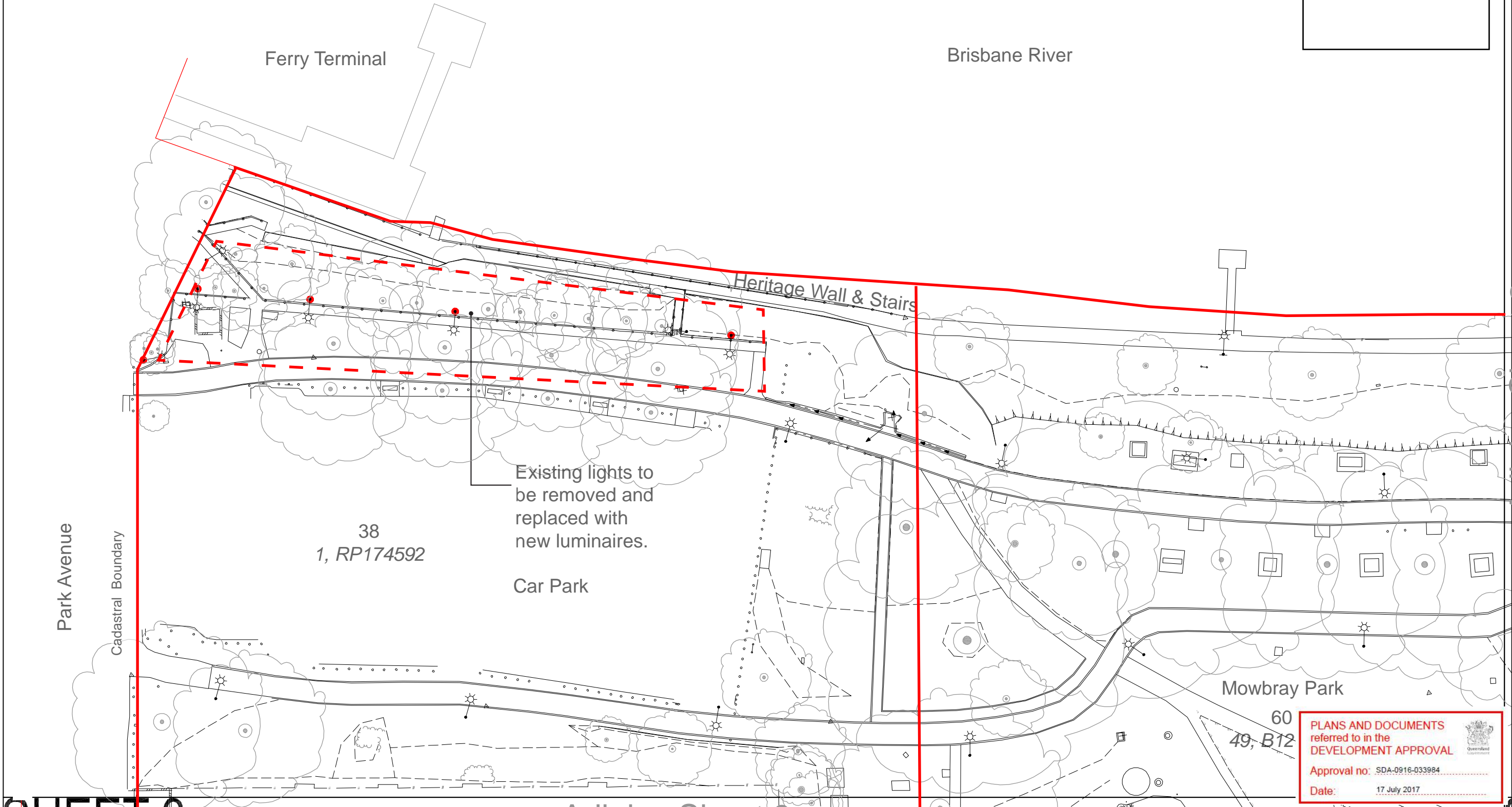
| 3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5. | | | |
|---|--|--|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who received, or was entitled to receive, notice of the decision | The person who made the decision | — | — |
| 4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act. | | | |
| Table 3 Appeals to a tribunal only | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who was entitled to receive notice of the decision | The local government to which the application was made | — | — |

Our reference: SDA-0916-033984

Attachment 3—Approved plans

SHEET 1

Subject to DILGP approval



Legend

- Existing tree to be removed
- Existing tree to be relocated
- Existing tree to be retained
- Removal of turf or planting area
- Removal of existing path
- Existing lights to be removed and replaced with new luminaires
- Extent of works

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL
Approval no: SDA-0916-033984
Date: 17 July 2017

SHEET 2

Subject to DILGP approval

Adjoins Sheet 1

Brisbane River

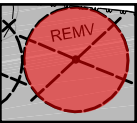
Boat House

Mowbray Park
(No works in this section of park)
78
50, B123411

Cadastral Boundary

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL
Approval no: SDA-0916-033984
Date: 17 July 2017

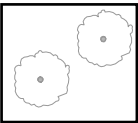
Legend



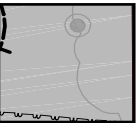
Existing tree to be removed



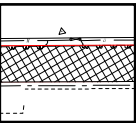
Existing tree to be relocated



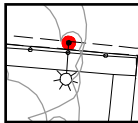
Existing tree to be retained



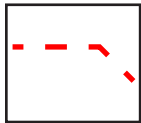
Removal of turf or planting area



Removal of existing path

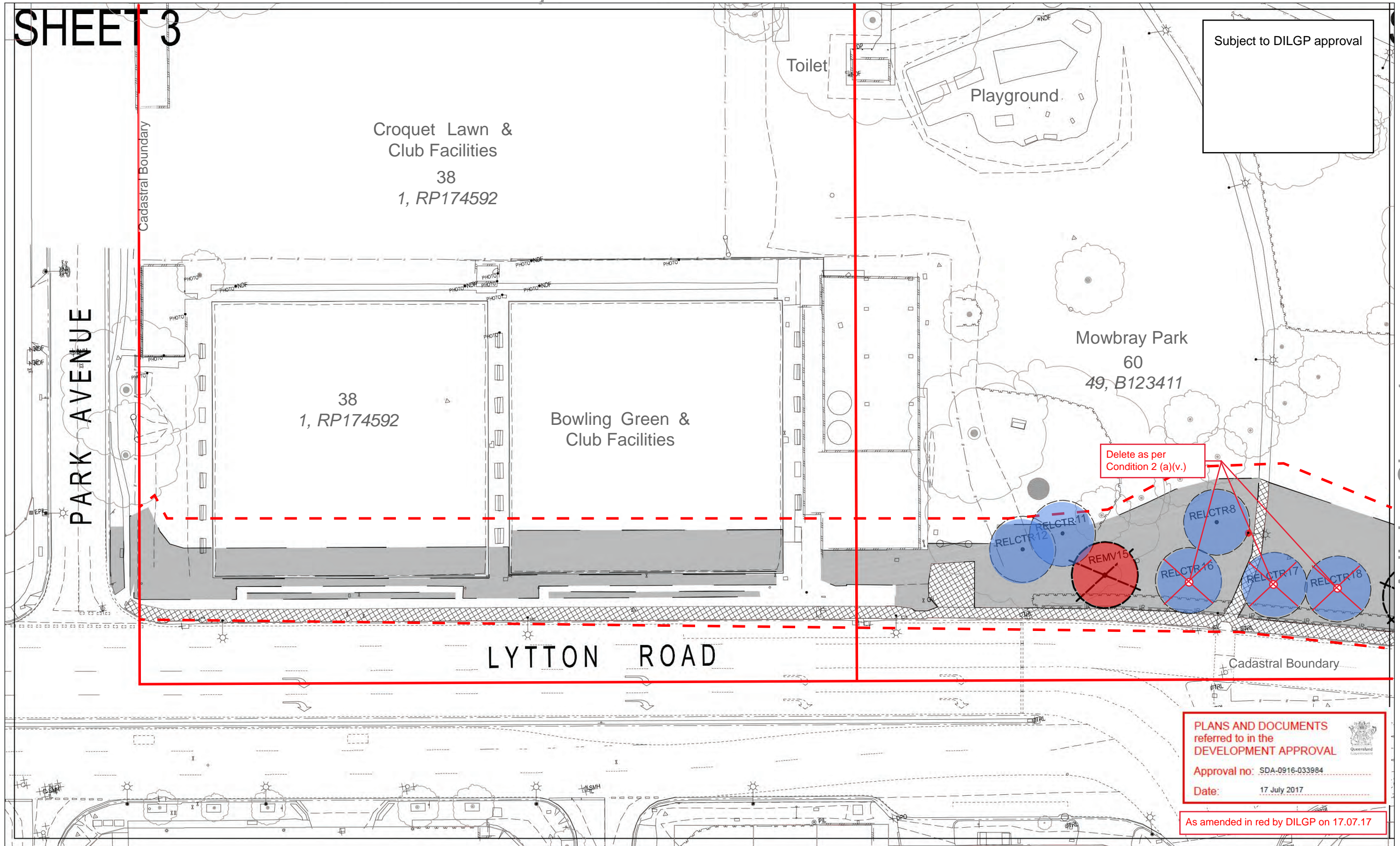


Existing lights to be removed and replaced with new luminaires.



Extent of works

SHEET 3



Legend

- Existing tree to be removed
- Existing tree to be relocated
- Existing tree to be retained
- Removal of turf or planting area
- Removal of existing path
- Existing lights to be removed and replaced with new luminaires.
- Extent of works

Refer to Arboricultural Impact Assessment report for tree assessment and recommendations.

SHEET 4

Subject to DILGP approval

Remove under-storey plants and bollards as per Condition 2 (a)(viii.)

Remove under-storey plants as per Condition 2 (a)(vii.)

Remove existing hedging as per Condition 2 (a)(vi.)

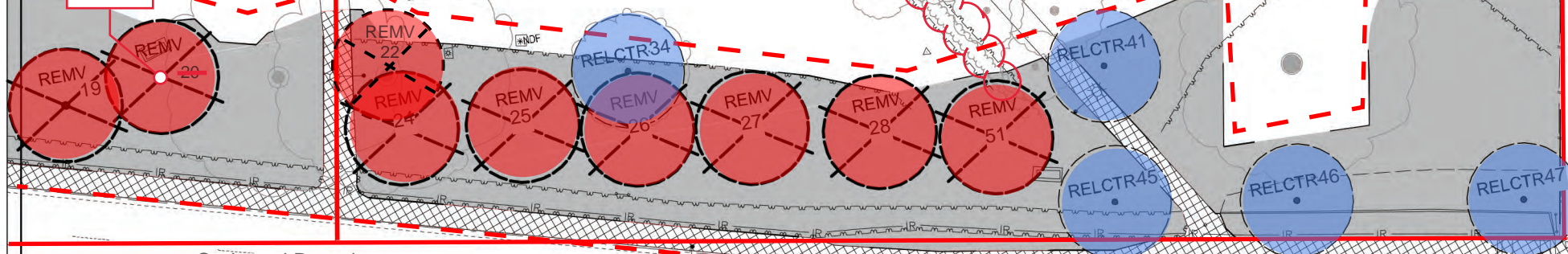
Adjoins Sheet 3

Mowbray Park
78
50, B123411

60
49, B123411

War Memorial

Tree 21



Cadastral Boundary

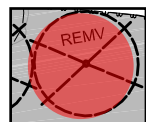
LYTTON ROAD

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL
Approval no: SDA-0916-033984
Date: 17 July 2017

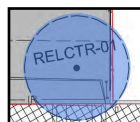
As amended in red by DILGP on 17.07.17

Legend

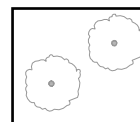
Refer to Arboricultural Impact Assessment report for tree assessment and recommendations.



Existing tree to be removed



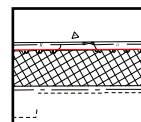
Existing tree to be relocated



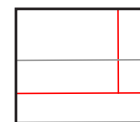
Existing tree to be retained



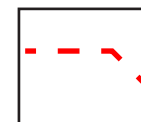
Removal of turf or planting area



Removal of existing path



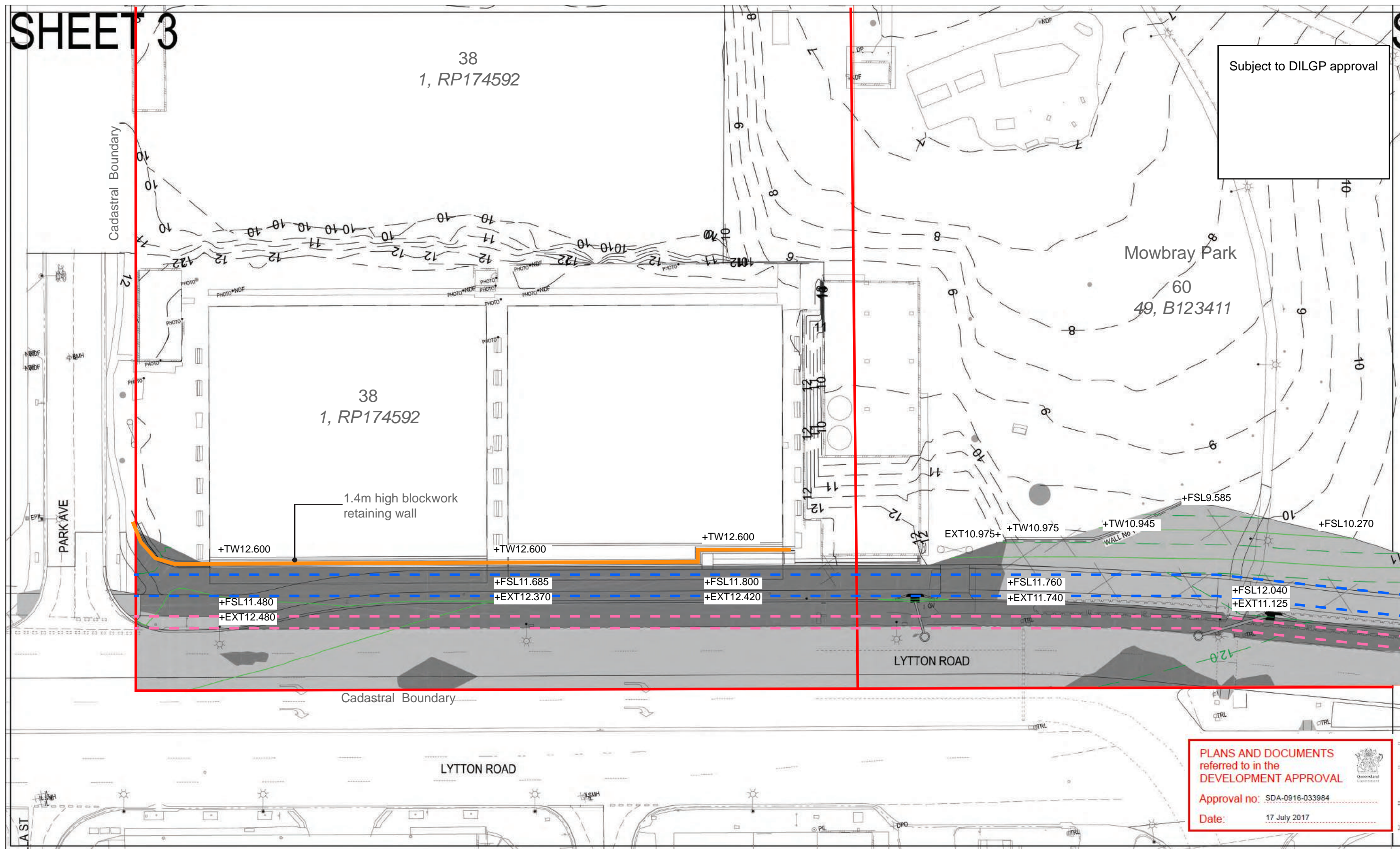
Cadastral Boundary



Extent of works



SHEET 3



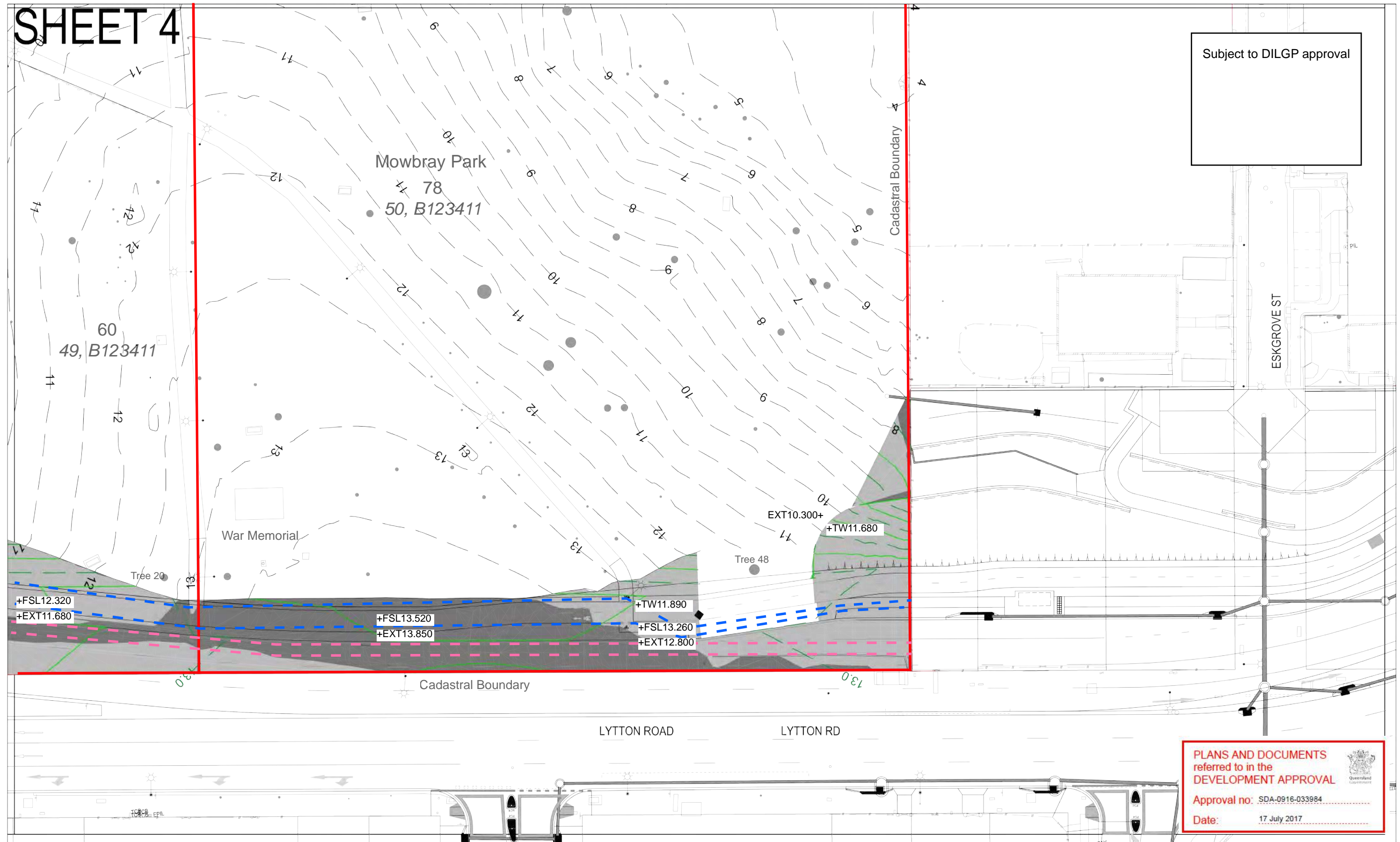
Refer to civil engineering services plans for detail.

Legend

| | | | | | | | | | | | | | | | | | | | | |
|--|---------------|--|--------------|--|--------------------|--|-------------------|--|-------------------|--|---------------------------|--|---------------------------|--|-----------------|--|-----------------|--|--------------------|--|
| | Proposed Fill | | Proposed Cut | | Cadastral Boundary | | Existing Contours | | Proposed Contours | | Existing Service Corridor | | Proposed Service Corridor | | Finished Levels | | Existing Levels | | Top of Wall Levels | |
|--|---------------|--|--------------|--|--------------------|--|-------------------|--|-------------------|--|---------------------------|--|---------------------------|--|-----------------|--|-----------------|--|--------------------|--|

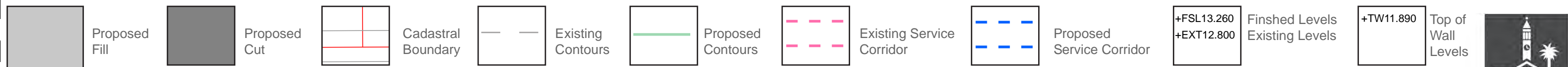
SHEET 4

Subject to DILGP approval



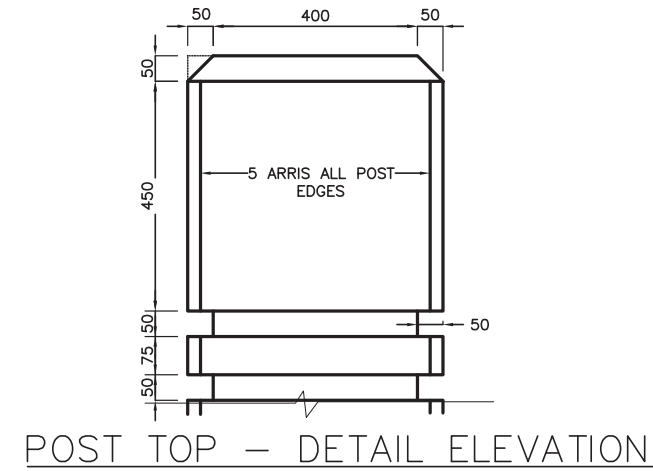
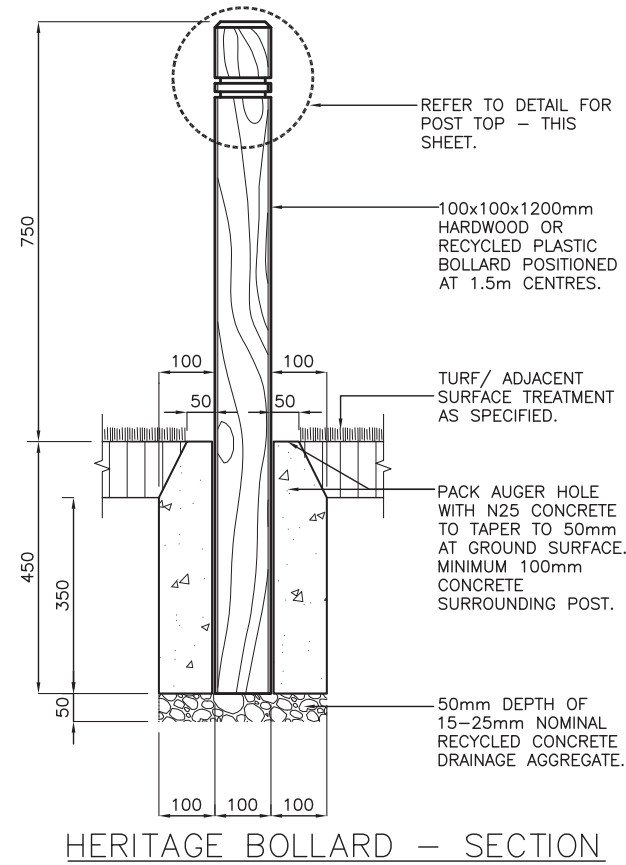
Refer to civil engineering services plans for detail.

Legend





Timber heritage style bollard to park frontage.



Subject to DILGP approval



Proposed light pole fitting

Park Light Pole –
5 x 5m 150mm-90mm O/D
Reducing basemount pole

Colour – Heritage Green

Height – 5 x 5 meter

Finishes – Hot Dipped
Galvanised



Proposed tree up-light
fitting

Refer to lighting engineers drawings for all electrical works.



Proposed light pole

War Memorial Pole –
2 x 4m 100mm O/D
basemount pipe pole

Colour – Heritage Green

Height – 2 x 4 meter

Finishes – Hot Dipped
Galvanised

PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL

Approval no: SDA-0916-033984

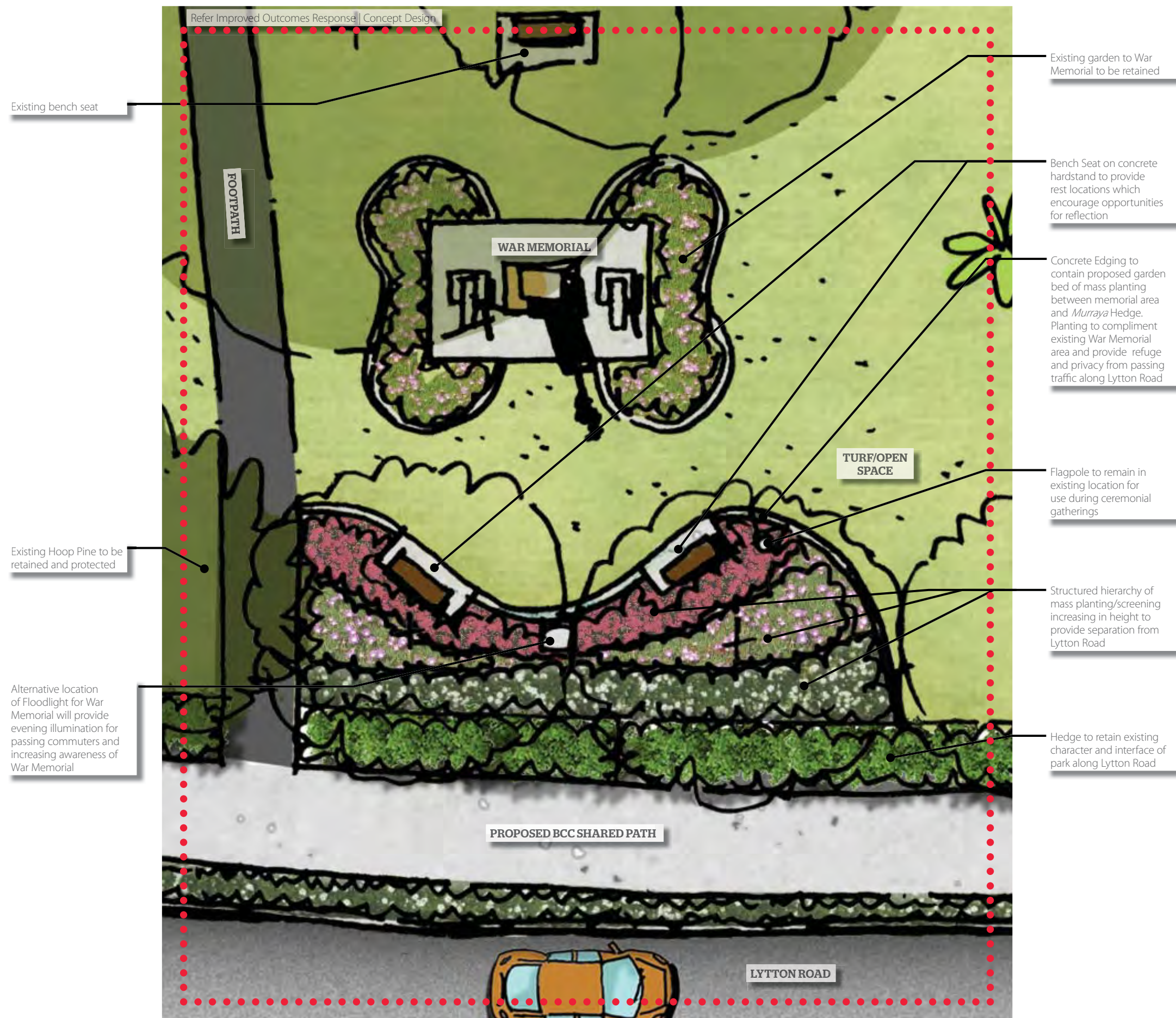
Date: 17 July 2017





PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL
Approval no: SDA-0916-033984
Date: 17 July 2017





PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL

Approval no: SDA-0916-033984

Date: 17 July 2017



Tract

CONCEPT DESIGN | WAR MEMORIAL INSET PLAN

DILGP - MOWBRAY PARK - LYTTON ROAD UPGRADE REVIEW

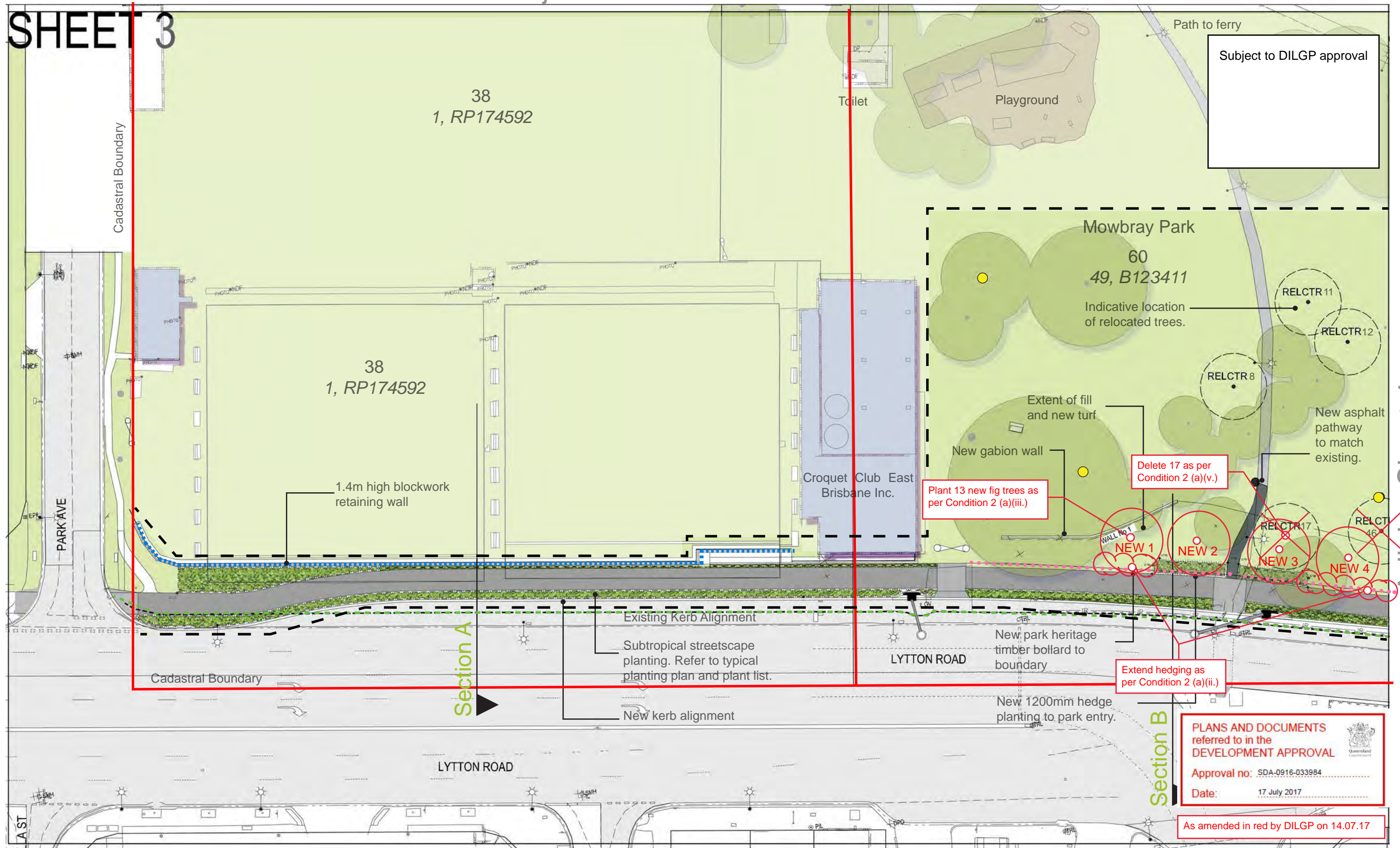
PROJECT_DRG NO 0717-0305-00_D000-01 REV 02 DRWN DG CHKD PM APPROV PM DATE 30.05.2017

SCALE 1:50 (A1) - 1:100 (A3)

0m 0.5 1 2.5



SHEET 3



Adjoins Sheet 4

Legend



Refer to lighting engineers drawings for all electrical works.

SHEET 4

Mowbray Park
78
50, B123411

Remove under-storey plants and bollards and turf as per Condition 2 (a)(viii.)

Remove under-storey plants and turf as per Condition 2 (a)(vii.)

Indicative location of relocated trees. Refer to arborist report.

Remove existing hedging as per Condition 2 (a)(vi.)

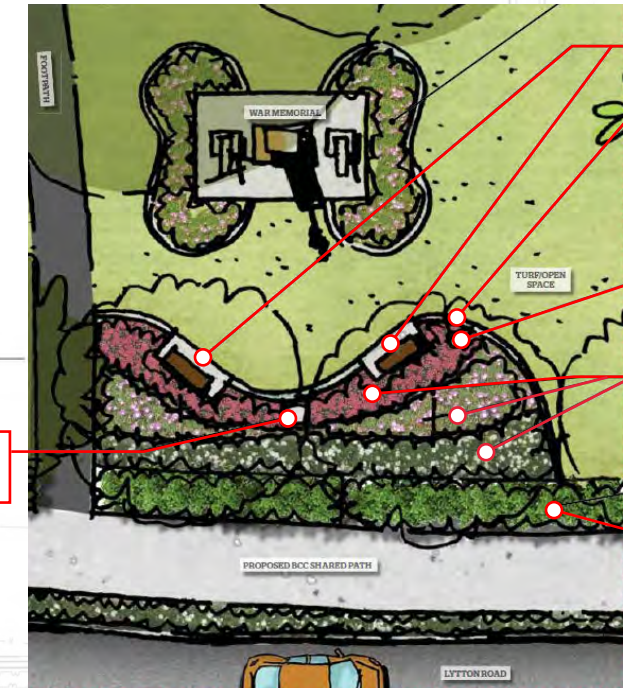
New asphalt pathway to match existing.

New 1200mm high hedge planting to park entry.

Cadastral Boundary

INSET A

Undertake landscape improvement works as per Condition 2 (a)(i).



Relocate floodlight

Bench seats on hardstand.

Concrete edging.

Flagpole to remain.

Structured hierarchy of mass planting/screening.

Extended hedge.

Delete 18 as per Condition 2 (a)(v.)

New asphalt pathway to match existing.

See INSET A

Extent of fill and new turf

Delete 16 as per Condition 2 (a)(v.)

War Memorial

NEW 5

NEW 6

NEW 7

NEW 8

RELCTR 45

NEW 9

RELCTR 16

Tree 48

RELCTR 47

NEW 10

NEW 11

NEW 12

NEW 13

Plant 13 new fig trees as per Condition 2 (a)(iii.)

Cadastral Boundary

Extend hedging as per Condition 2 (a)(ii.)

Section C

New park heritage timber bollard

New 1200mm high hedge planting to park entry.

New kerb alignment

Subtropical streetscape planting. Refer to typical planting plan and plant list.

LYTTON ROAD

Section D

LYTTON RD

New pedestrian and cycle bridge over tree root. Approximately 16m long x 5.8m wide.

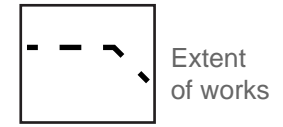
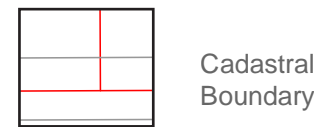
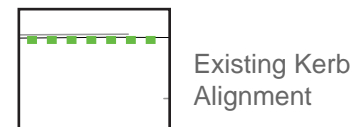
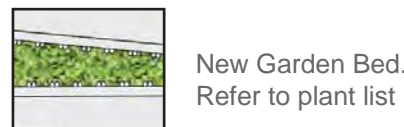
PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0916-033984

Date: 17 July 2017

As amended in red by DILGP on 17.07.17

Legend



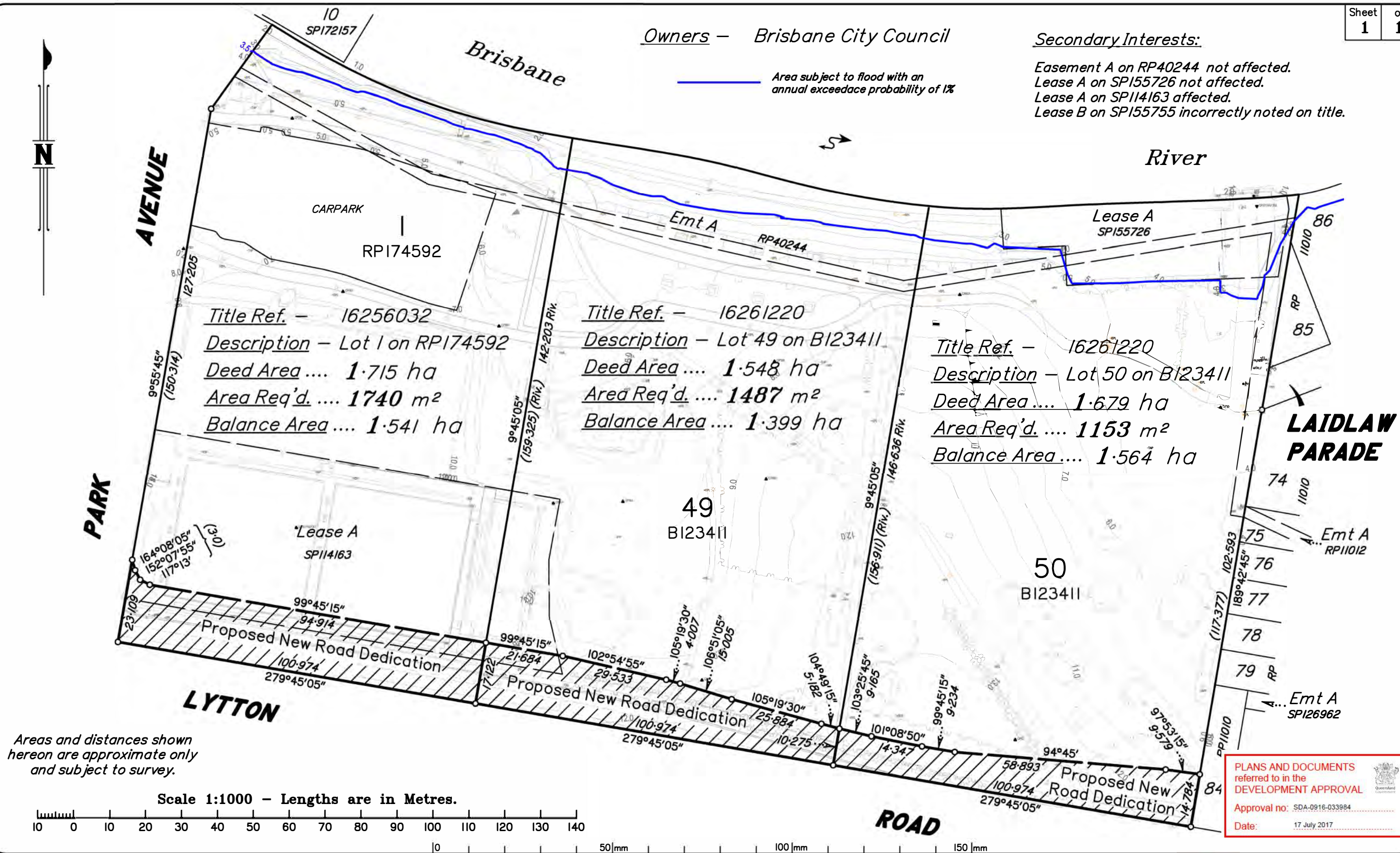
Refer to lighting engineers drawings for all electrical works.



Owners – Brisbane City Council

Secondary Interests:

Easement A on RP40244 not affected.
Lease A on SP155726 not affected.
Lease A on SP114163 affected.
Lease B on SP155755 incorrectly noted on title.



| |
|---------------------------------|
| Contact: Paul Comino |
| Section: Road Design |
| Phone: (302) 74829 |
| paul.comino@brisbane.qld.gov.au |
| Drawn: AJM 12/9/2016 |
| CAD Ref: SUR131022.dwg |

PROPOSAL PLAN

*of Proposed Land Acquisition
Locality of EAST BRISBANE, Parish of SOUTH BRISBANE, County of Stanley.*

Meridian: BCSG02 (IS258356)



City Projects Office

Level 1, Green Square
505 St Paul's Terrace,
Fortitude Valley Qld 4006

Dedicated to a better Brisbane

Project / Plan number

Amend

SUR131022-01

A

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