

Our reference: SDA-0916-033984

19 June 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

Notice of decision

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 334 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning as the assessment manager advises that the development application described below has been approved subject to conditions.

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 *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact me on (07) 3452 7693, or email paul.beutel@dilgp.qld.gov.au and I will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Beutel', with a stylized, cursive script.

Paul Beutel
Manager – SARA Brisbane Region

enc: Decision notice
 Attachment 1—Assessment manager conditions
 Attachment 2—SPA appeal provisions
 Attachment 3—Approved plans

Decision notice

(Given under section 334 of the *Sustainable Planning Act 2009*)

Assessment manager decision

Date of decision: 19 June 2017
Decision details: Approved subject to conditions

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 particular conditions of this approval, nominated an entity to be the assessing authority under section 255D(3) of the *Sustainable Planning Act 2009*.

Approved plans

Copies of the following approved plans are included within Attachment 4:

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 19.06.17
Mowbray Park: Demolition Plans Sheet 4	Brisbane City Council – City Projects Office	10.02.17	CD131022	As amended in red by DILGP on 19.06.17
Mowbray Park: Cut and Fill Plan – Sheet 3	Brisbane City Council – City Projects Office	10.02.17	CD131022	

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 19.06.17
Mowbray Park: Concept Landscape Plans Sheet 4	Brisbane City Council – City Projects Office	10.02.17	CD131022	As amended in red by DILGP on 19.06.17
Concept Design	Tract Consultants Pty Ltd	07.06.17	0717-0305-00_D000-01	04
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 341 of the Act.

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 the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

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—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act 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 19.06.17. (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 19.06.17. (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 07.06.17, reference 0717-0305-00_D000-01 and revision 04. (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 07.06.17, reference 0717-0305-00_D000-01 and revision 04; • 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 19.06.17, which reflects items (i) to (viii) 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 • 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 into proposed additional parkland adjacent to the bus stop (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</p>	

No.	Conditions of development approval	Condition timing
	<p>removed and replaced with turf.</p> <p>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.</p> <p>viii. The under-storey plants, bollards and excess mulch within the central revegetation area must be removed and replaced with turf.</p> <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> <ol style="list-style-type: none"> Reflect the requirements set out in part (a) of this condition. 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>	<p>(d) For the duration of works and to be maintained</p>
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> <ol style="list-style-type: none"> Scope of work documentation High resolution photographs of elements of cultural heritage significance, as well as significant views and individual trees within the area impacted along the southern edge of Mowbray Park as a result of the proposed development 	<p>(a) – (c) Prior to the commencement of works</p>

No.	Conditions of development approval	Condition timing
	<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 19.06.17 (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—Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act 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

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Attachment 2—SPA Appeal Provisions

***Sustainable Planning Act 2009*—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

Chapter 6 Integrated development assessment system (IDAS)

Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

Chapter 7 Appeals, offences and enforcement

Part 1 Planning and Environment Court

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

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

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

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

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - ii. a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 11 Making and appeal to Court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (b) the assessment manager for the development application to which the notice relates; and
 - (c) any entity that was a concurrence agency for the development application to which the notice relates; and

- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - i. the assessment manager is the respondent; and
 - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

490 Lodging appeal stops particular actions

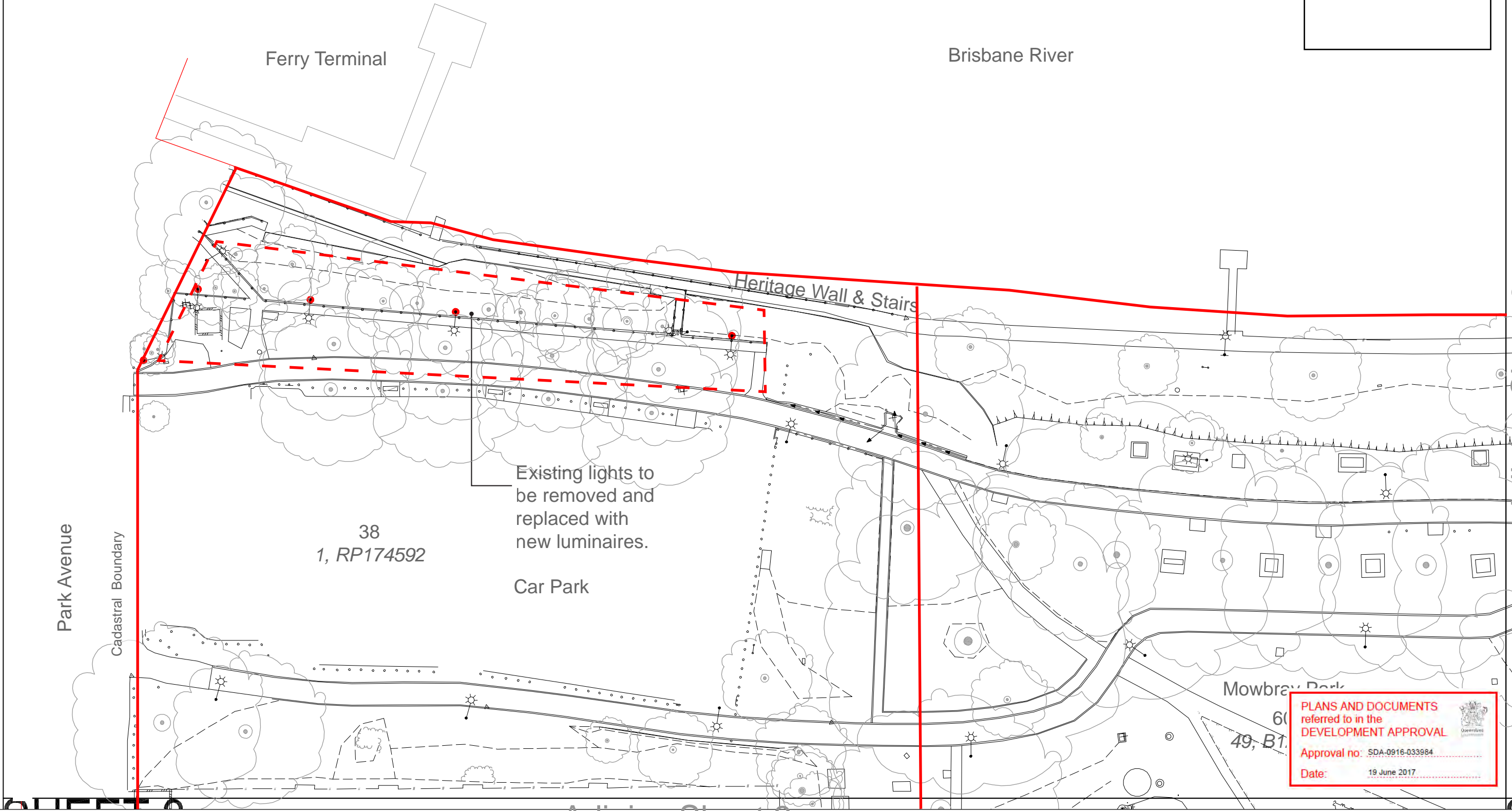
- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Our reference: SDA-0916-033984

Attachment 3—Approved plans

SHEET 1



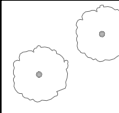
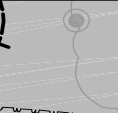
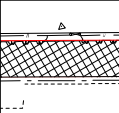


Subject to DILGP approval



Adjoins Sheet 2

Adjoins 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
---	-----------------------------	---	-------------------------------	---	------------------------------	---	----------------------------------	---	--------------------------	---	---	---	-----------------

SHEET 2

Subject to DILGP approval

Adjoins Sheet 1

Brisbane River

Boat House

Mowbray Park
(No works in this
section of park)

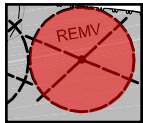
60
49, B123411

78
50, B123411

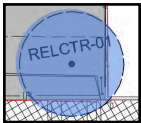
Cadastral Boundary

PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL
Approval no: SDA-0916-033984
Date: 19 June 2017

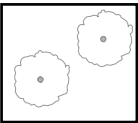
Legend



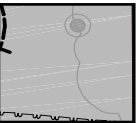
Existing tree
to be removed



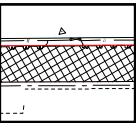
Existing tree to be
relocated



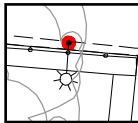
Existing tree to be
retained



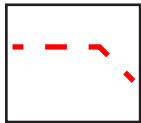
Removal of turf or
planting area



Removal of
existing path

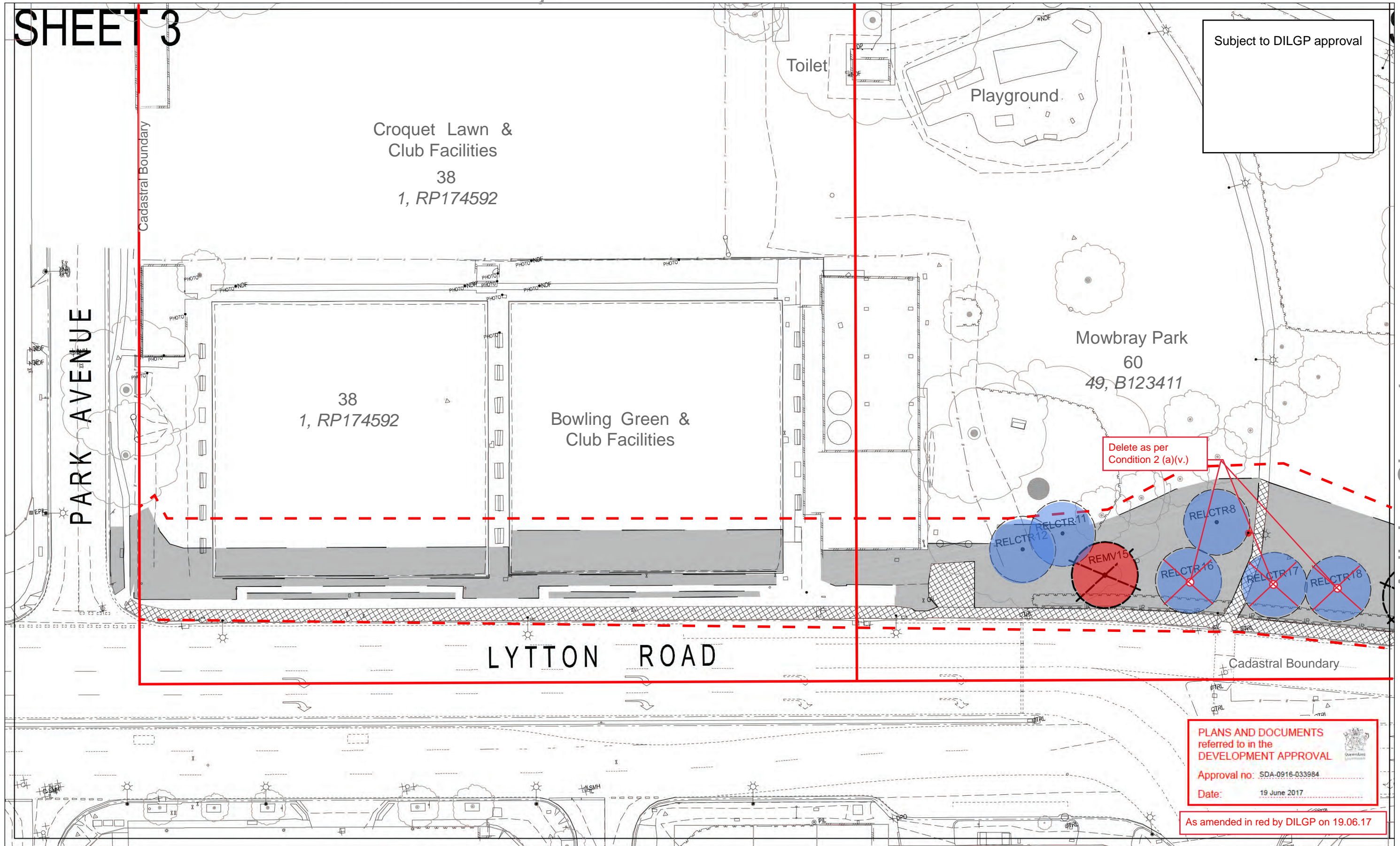


Existing lights to be
removed and replaced
with new luminaires.



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.)

Tree 21

Mowbray Park
78
50, B123411

60
49, B123411

War Memorial

Cadastral Boundary

LYTTON ROAD

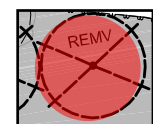
PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0916-033984

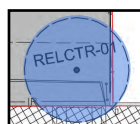
Date: 19 June 2017

As amended in red by DILGP on 19.06.17

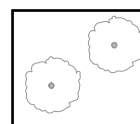
Legend



Existing tree to be removed



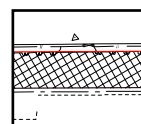
Existing tree to be relocated



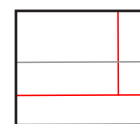
Existing tree to be retained



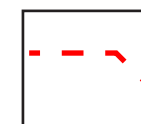
Removal of turf or planting area



Removal of existing path



Cadastral Boundary

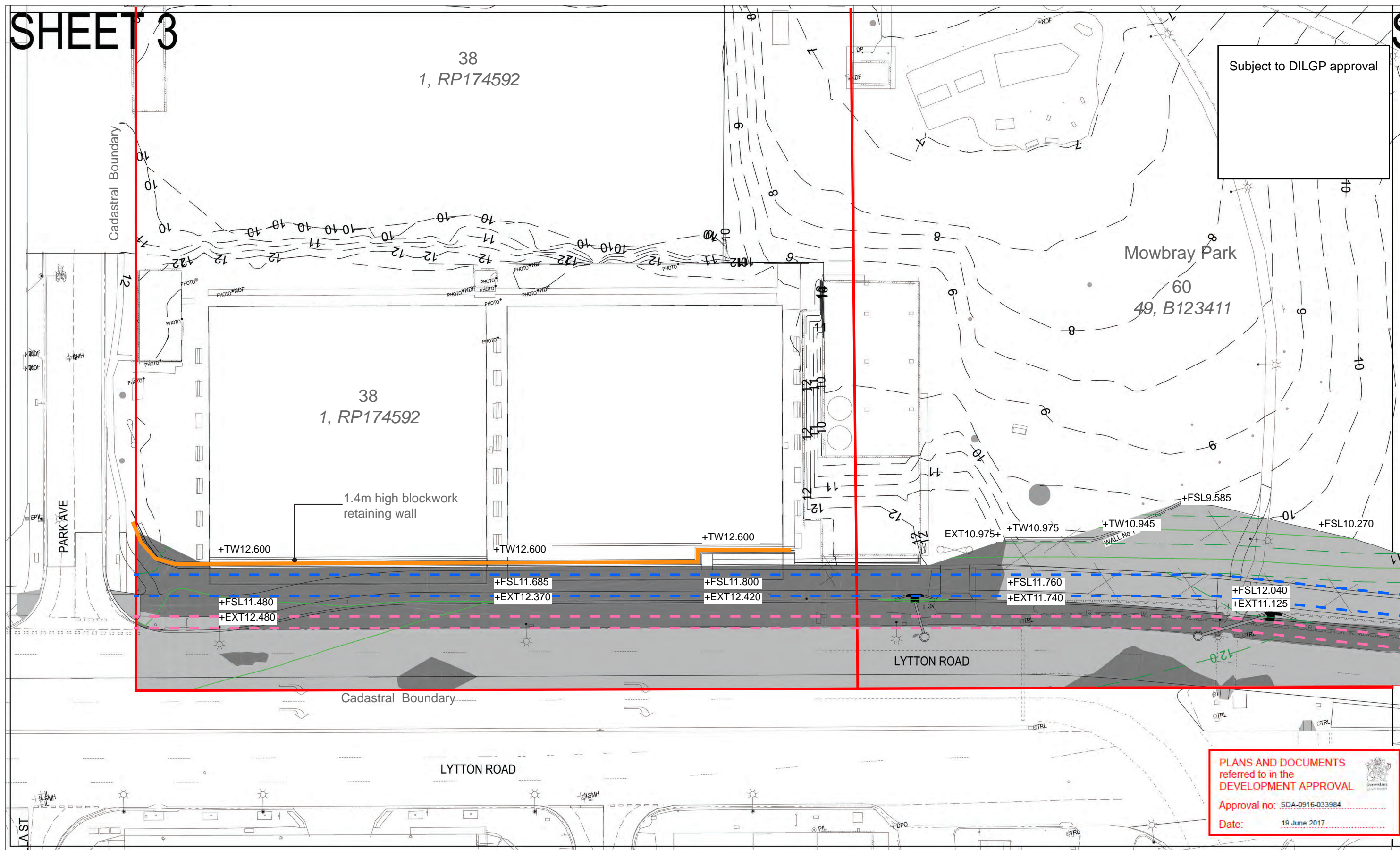


Extent of works

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



SHEET 3



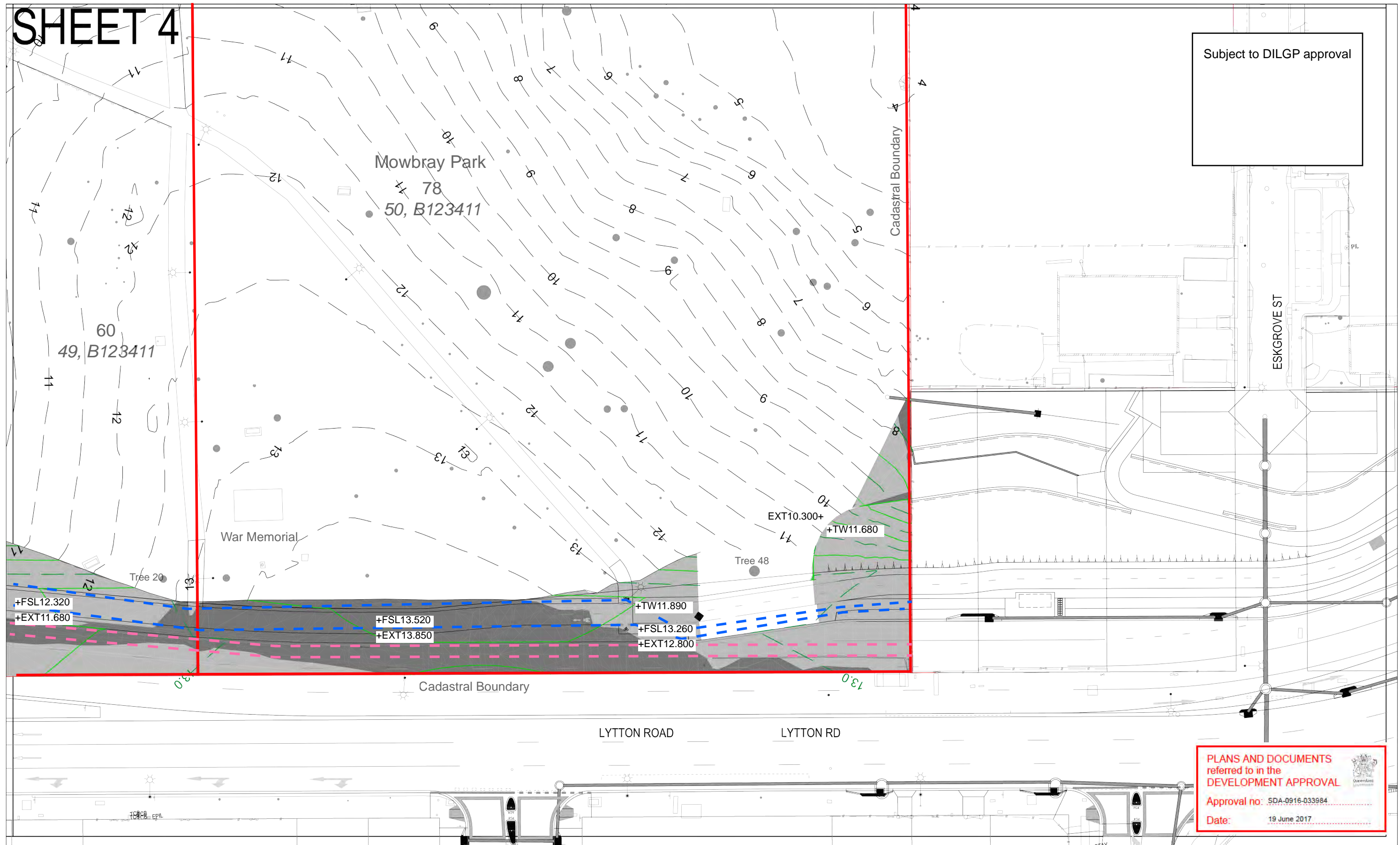
Refer to civil engineering services plans for detail.

Legend



SHEET 4

Subject to DILGP approval



PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL

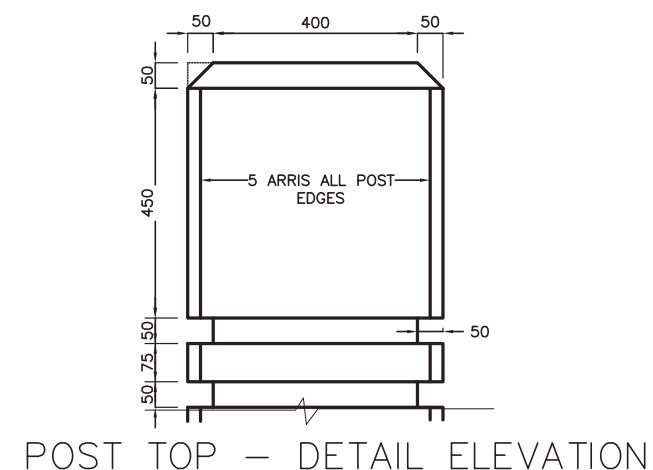
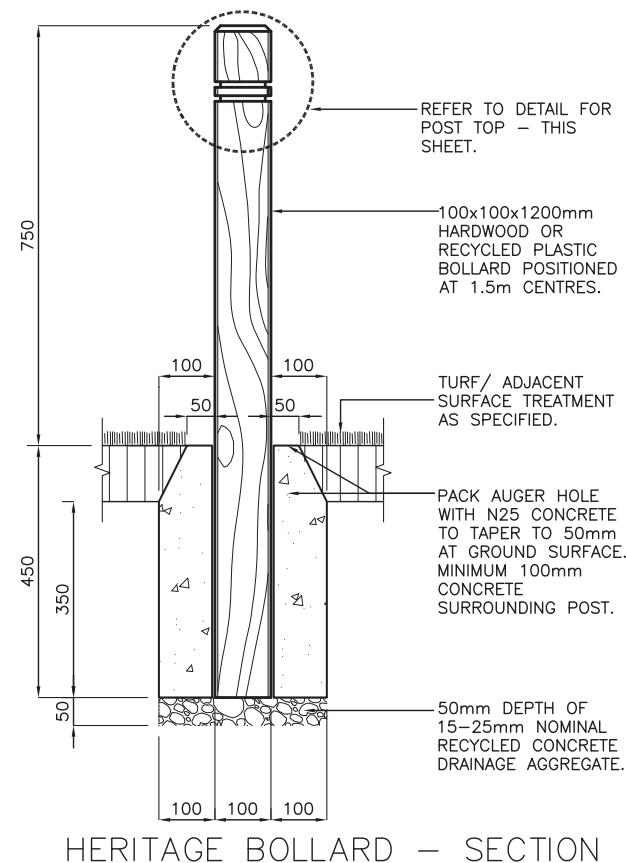
Approval no: SDA-0916-033984

Date: 19 June 2017

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	
--	---------------	--	--------------	--	--------------------	--	-------------------	--	-------------------	--	---------------------------	--	---------------------------	--	-----------------	--	-----------------	--	--------------------	--



Subject to DILGP approval

Timber heritage style bollard to park frontage.



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



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

Refer to lighting engineers drawings for all electrical works.





SCALE 1:400 (A1) - 1:800 (A3)

0m 4 8 20

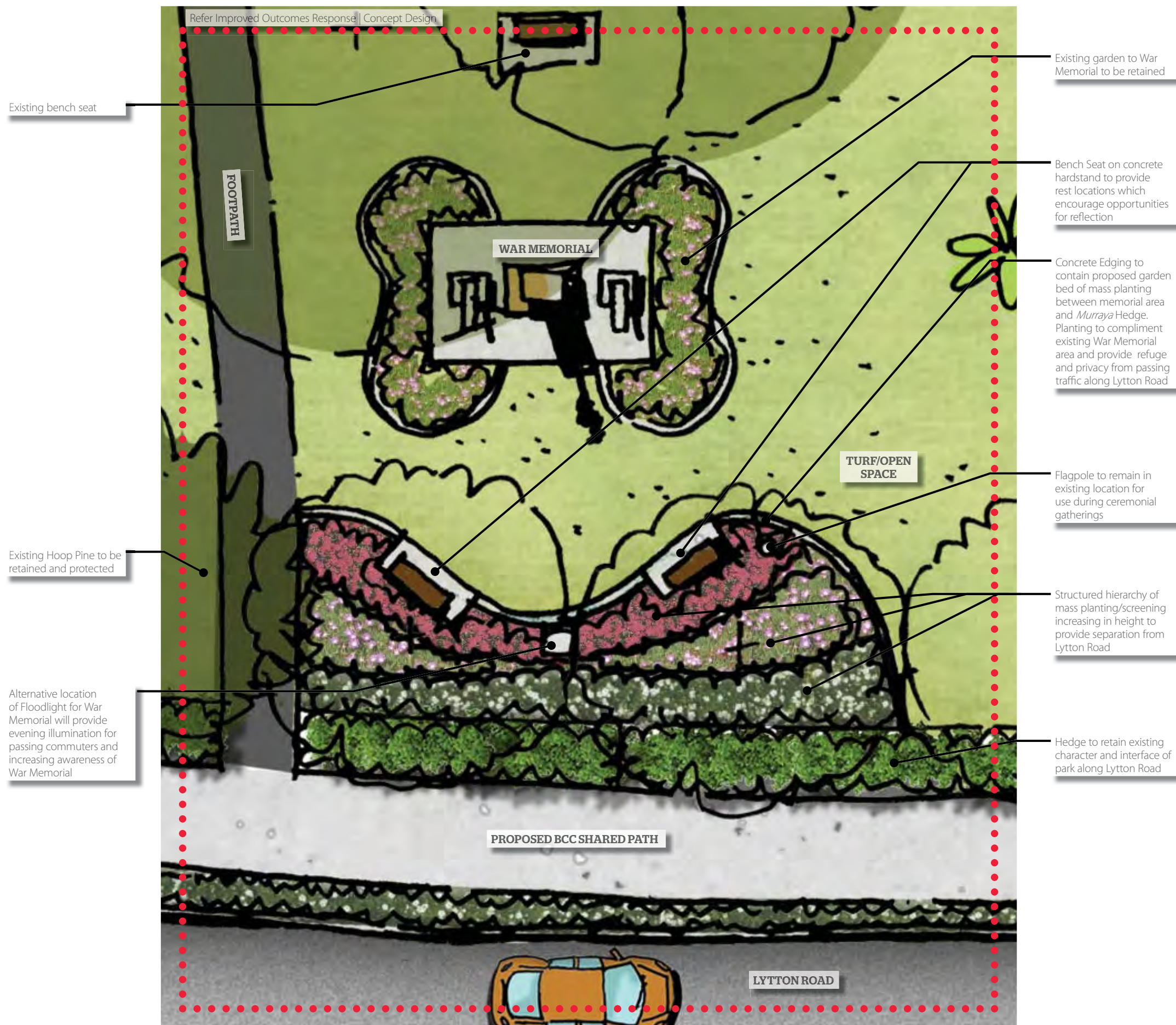
DILGP - MOWBRAY PARK - LYTTON ROAD UPGRADE REVIEW

CONCEPT DESIGN

PROJECT_DRG NO 0717-0305-00_D000-01 REV 04 DRWN DG CHKD PM APPROV PM DATE 07.06.2017



Tract



PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0916-033984

Date: 19 June 2017



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

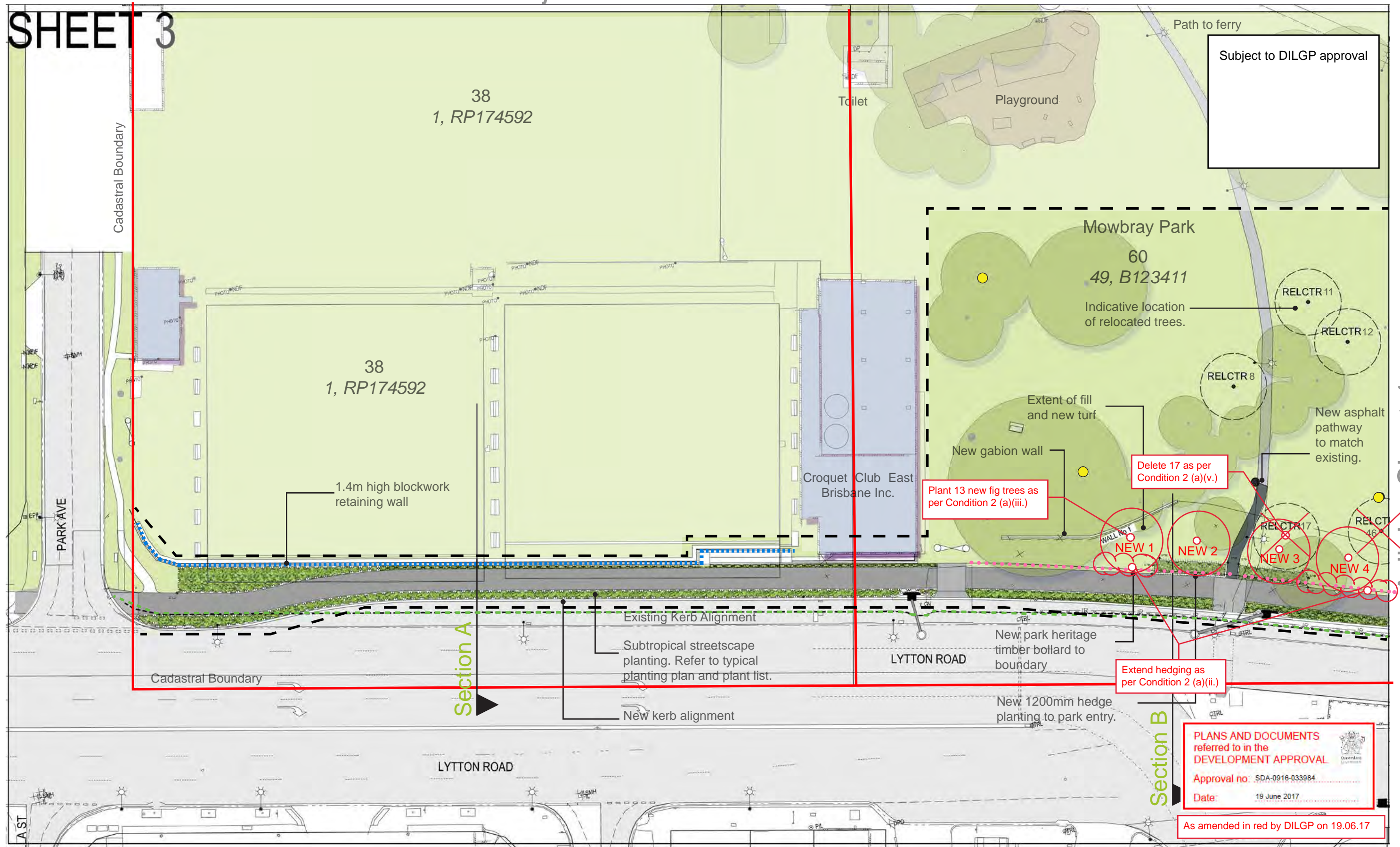
Tract



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

0m 0.5 1 2.5

SHEET 3



Adjoins Sheet 4

Legend

- Broom finished shared concrete path
- Existing Tree
- Relocated Tree refer to arborist report.
- New Tree Uplights
- New Garden Bed. Refer to plant list
- Existing Kerb Alignment
- Cadastral Boundary
- Extent of works

Refer to lighting engineers drawings for all electrical works.

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0916-033984

Date: 19 June 2017

As amended in red by DILGP on 19.06.17

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.)

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

New asphalt pathway to match existing.

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

New asphalt pathway to match existing.

New 1200mm high hedge planting to park entry.

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

See INSET A

Extent of fill and new turf

War Memorial

Tree 20

Tree 48

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

Relocate existing mature fig trees 45 and 46 as per Condition 2 (a)(iv.)

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

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

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

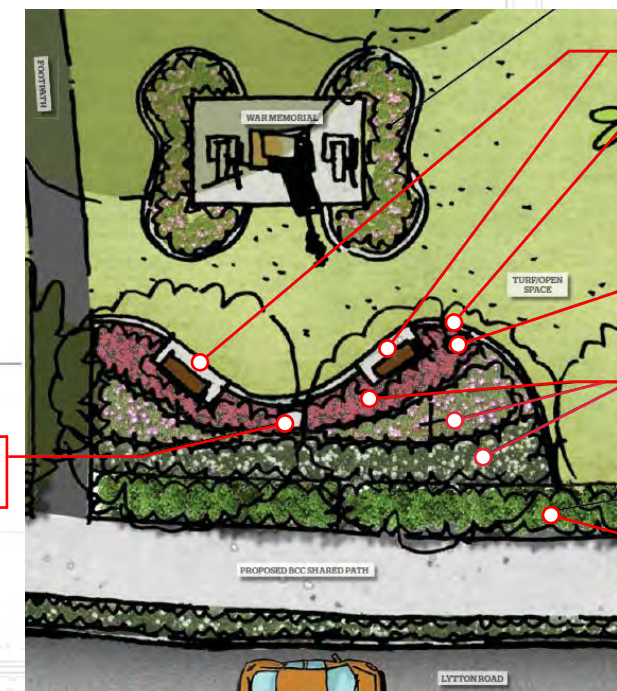
Approval no: SDA-0916-033984

Date: 19 June 2017

As amended in red by DILGP on 19.06.17

INSET A

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



Bench seats on hardstand.

Concrete edging.

Flagpole to remain.

Structured hierarchy of mass planting/screening.

Extended hedge.

Relocate floodlight

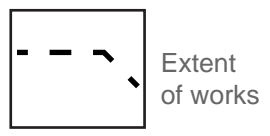
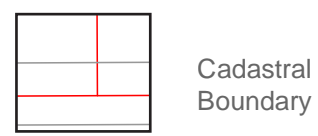
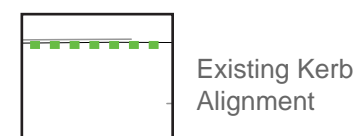
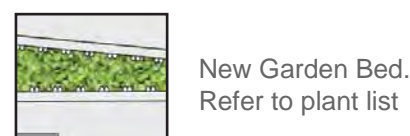
RELCTR 45

RELCTR 46

Section C

Section D

Legend



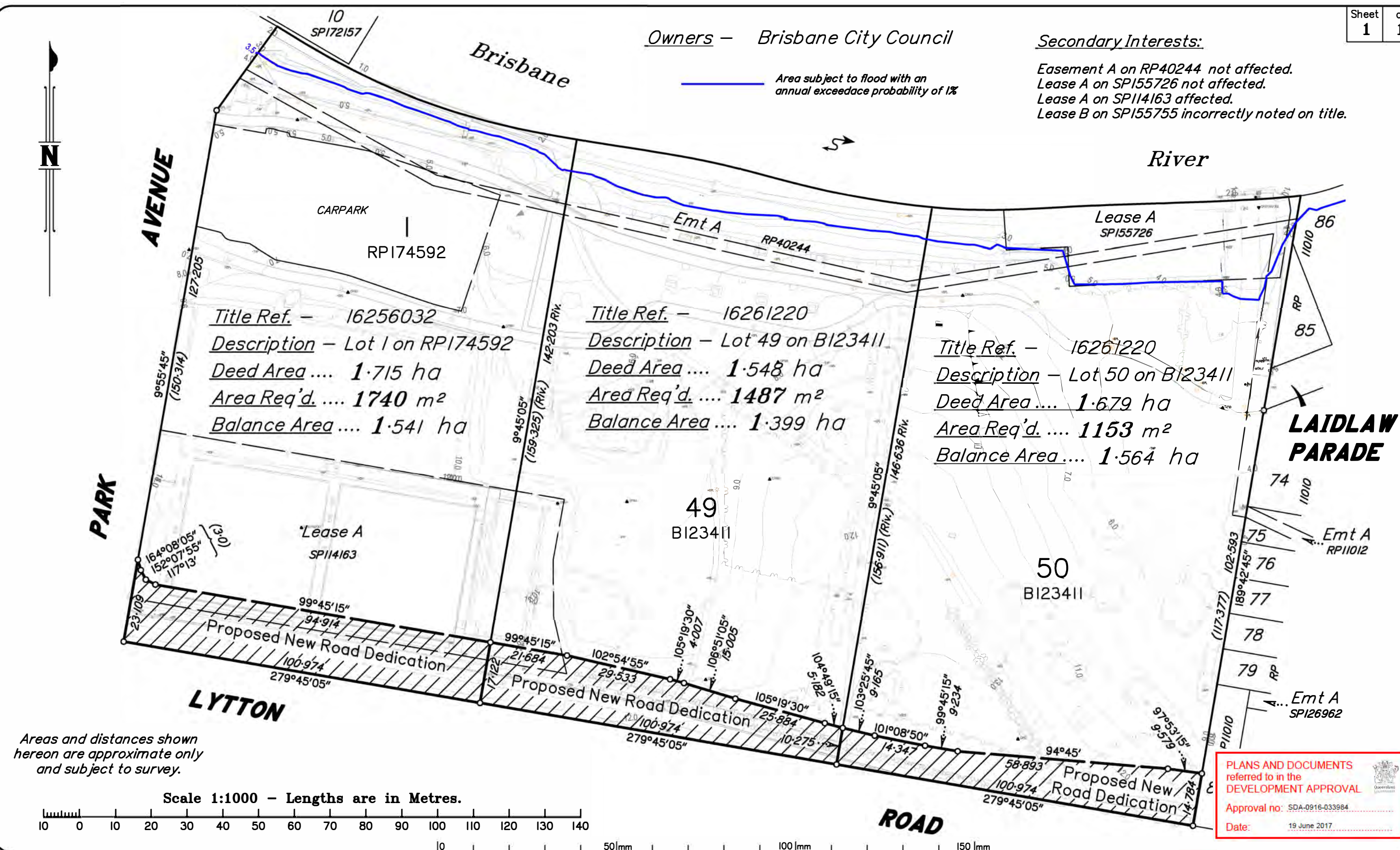
Refer to lighting engineers drawings for all electrical works.



Owners – Brisbane City Council

Secondary Interests:

Easement A on RP40244 not affected.
Lease A on SPI55726 not affected.
Lease A on SPI14163 affected.
Lease B on SPI55755 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)

SECURITY LABEL: FOR OFFICIAL USE ONLY



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