



Decision Notice Approval (amended)

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 Planning Act 2016

Application number:	D/66-2019	Contact:	Amanda O'Mara
Notice Date:	21 September 2021	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Aurizon Operations Limited		
Postal address:	Andrew Batts GPO BOX 456 BRISBANE QLD 4001		
Phone no:	Mobile no: 0447 844 960	Email:	Andrew.Batts@aurizon.com.au

I acknowledge receipt of the above change application on 19 July 2021 and confirm the following:

DEVELOPMENT APPROVAL

Preliminary Approval for a Material Change of Use for a Variation Request - Rockhampton Railyards Local Plan

PROPERTY DESCRIPTION

Street address:	338-380 and 338-380A Bolsover Street, Depot Hill
Real property description:	Lots 1, 2 and 3 on SP318446 (Previously known as Lot 32 and 33 on SP131823 and Lot 38 on SP131824), Parish of Rockhampton

OWNER DETAILS

Name:	QRN Property Pty Ltd
Postal address:	1/305 Edward Street, Brisbane Qld 4000
Name:	Linfox Australia Railhead Property No 2 Pty Ltd
Postal address:	Level 2, 493 St Kilda Road, Melbourne Vic 3004

Dear Aurizon Operations Limited

I advise that, on 14 September 2021 the above change application was:

approved in full with conditions* (refer to the conditions contained in **Attachment 1**)

*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

CHANGES TO CONDITIONS

The conditions which have been changed or cancelled are as follows:

1)	Item 6	Changed	14 September 2021
2)	Condition 2.1	Changed	14 September 2021

1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. VARIATION APPROVAL DETAILS

A preliminary approval which includes a variation approval is given and the assessment manager has approved a variation to the local planning instrument(s) : <i>Rockhampton Region Planning Scheme 2015</i>
The variation(s) approved is for the Rockhampton Railyards Local Plan

3. CONDITIONS

This approval is subject to the conditions in Attachment 1.

4. SUBMISSIONS

Properly made submissions were made in relation to the application.

There was one (1) properly made submission received from the following submitter;

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Linfox Australia Pty Ltd	C/- RPS, 55 English Street, Essendon Fields VIC 3041	stephen.mason@rpsgroup.com.au

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Status	Address
QUEENSLAND HERITAGE PLACE			
<i>Schedule 10, Part 8, Division 2, Subdivision 3, Table 1 - Assessable development under s15(1)</i>			
Development application for assessable development under section 15(1), unless the chief executive is the prescribed assessment manager for the application	Department of Environment and Heritage Protection	Concurrence	Department of State Development, Manufacturing, Infrastructure and Planning Online: www.dilgp.qld.gov.au/MyDAS2 Postal: PO Box 113 Rockhampton Qld 4700
STATE TRANSPORT INFRASTRUCTURE (Generally)			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			

<p>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</p> <p>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p> <p>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p>	<p>Department of Transport and Main Roads</p>	<p>Concurrence</p>	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Online: www.dilgp.qld.gov.au/MyDAS2</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
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STATE TRANSPORT INFRASTRUCTURE (State transport corridors and future State transport corridors)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor

<p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p>	<p>Department of Transport and Main Roads</p>	<p>Concurrence</p>	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Online: www.dilgp.qld.gov.au/MyDAS2</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
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6. THE APPROVED PLANS

The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Drawing/report title	Prepared by	Date	Reference number	Rev
Rockhampton Railyards Local Plan Code	Aurizon	22 June 2021	-	9

Engineering Advice for MCU Preliminary Approval	McMurtrie Consulting Engineers	15 May 2020	0911819	-
Rockhampton Railyards Illustrative Masterplan	Place design group	18 June 2019	3019023S	A
Figure 6 – Masterplan	Place Design Group	-	-	-
Rockhampton Workshops and Roundhouse Conservation Management Plan	Thom Blake & Peter Marquis-Kyle	July 2019	-	2.3

7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the Planning Act)

The standard relevant periods stated in section 85 of *Planning Act 20016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

8. STATEMENT OF REASONS

Description of the development	The proposed development is for a Preliminary Approval for a Material Change of Use for a Variation Request – Rockhampton Railyards Local Plan
Reasons for Decision	<p>a) The proposal will provide for a mix of uses which will make a valuable addition to the employment and community fabric of the region.</p> <p>b) The heritage listed buildings will be retained on site and will not be adversely impacted by the proposal, with appropriate and consistent land uses being proposed.</p> <p>c) Assessment of the development against the Strategic Framework and relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>d) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Special Purpose Zone Code; • Reconfiguring a Lot Code; • Advertising Devices Code; • Flood Hazard Overlay Code; • Acid Sulfate Soil Overlay Code; • Heritage Place Overlay Code; • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; • Work Code; and • Water and Sewer Code.

Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Special Purpose Zone Code – Depot Hill Rail Precinct	6.7.6.2 (3) (c) The purpose of the Depot Hill Rail Precinct does not support Medium Impact Industry uses. The proposed Rockhampton Railyards Local Plan Code identifies Medium Impact Industry uses as consistent. However, the Code has Performance Outcomes / Acceptable Outcomes in place to ensure there will be minimal impact on the surrounding area. In addition, the site has historically been utilised for a range of industrial uses ancillary to the railway operations, which were similar in nature to Medium Impact Industry uses.
Matters raised in submissions	Issue	How matter was dealt with
	Concerned the introduction of sensitive land uses on the site will not give rise to reverse amenity issues or lead to restrictions on Linfox's current operation or impede growth or intensification of their operations into the future.	The applicant has provided an updated Rockhampton Railyards Local Plan Code which includes additional Performance Outcomes to ensure sensitive land uses do not compromise the productivity of the surrounding industrial uses and that internal rooms and spaces are designed, located and constructed to minimise noise intrusion from external sources. Furthermore, outdoor activity areas are required to be screened from adjoining properties and the street. The inclusion of these provisions will ensure the impacts of air and noise emissions from surrounding industrial uses do not give rise to reverse amenity issues.
	Concerned the ability for trucks to access the intermodal terminal will be diminished by incompatible uses, as Bolsover Street is a vital arterial road that is relied upon by the intermodal operation.	The proposed Rockhampton Railyards Local Plan Code requires roads and other infrastructure to have a sufficient capacity to accommodate demands generated by the development. Any development triggering a development application under the Rockhampton Railyards Local Plan Code will also be required to meet the requirements of the Access, Parking and Transport Code in the <i>Rockhampton Region Planning Scheme 2015</i> . Therefore, the proposal should not impact on the ability for trucks to access the adjoining property.
Matters prescribed by regulation	<input type="checkbox"/> The <i>Rockhampton Region Planning Scheme 2015</i> ; and <input type="checkbox"/> The common material, being the material submitted with the application.	

9. RIGHTS OF APPEAL

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision 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 by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.


Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

11. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Date: 2 March 2021
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12. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 21 September 2021
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Attachment 1 – Conditions of the approval

Part 1 – Conditions imposed by the assessment manager [Note: where a condition is imposed about infrastructure under Chapter 4 of the *Planning Act 2016*, the relevant provision of the Act under which this condition was imposed must be specified.]

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights

ADMINISTRATION

- 1.1 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.2 Unless otherwise agreed, all conditions, works, or requirements of this approval must be undertaken and completed to Council’s satisfaction, at no cost to Council.
- 1.3 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.4 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.5 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Rev
Rockhampton Railyards Local Plan Code	Aurizon	22 June 2021	-	9
Engineering Advice for MCU Preliminary Approval	McMurtrie Consulting Engineers	15 May 2020	0911819	-
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Figure 6 – Masterplan	Place Design Group	-	-	-
Rockhampton Workshops and Roundhouse Conservation Management Plan	Thom Blake & Peter Marquis-Kyle	July 2019	-	2.3

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of the first application for a Development Permit over the subject land.

3.0 REQUIRED DEVELOPMENT PERMIT(S)

3.1 Other development permits which are necessary to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:

3.1.1 Development permit(s) for Material Change of Use (where required);

3.1.2 Development permit(s) for carrying out Operational Work (where required);

3.1.3 Development permit(s) for all necessary Plumbing and Drainage Works; and

3.1.4 Development permit(s) for carrying out Building Work.

4.0 PLANNING FRAMEWORK

4.1 The Rockhampton Railyards Local Plan Code is an independent document which is the reference for the determination of any development over the subject land. (refer to condition 2.1).

4.2 All development *must* be in accordance with the Rockhampton Railyards Local Plan Code (refer to condition 2.1).

4.3 All Other Development Codes and Overlay Codes referenced in the Rockhampton Railyards Local Plan Code Table of Assessment are contained in the *Rockhampton Region Planning Scheme 2015*. These Codes will apply and must be addressed when undertaking an assessment against the Rockhampton Railyards Local Plan Code (refer to condition 2.1). If an amendment has been made to the *Rockhampton Region Planning Scheme 2015* then the updated version must take precedence.

4.4 All Impact Assessable development applications identified in the Rockhampton Railyards Local Plan Code (refer to condition 2.1) must address and be in accordance with the Strategic Framework in the *Rockhampton Region Planning Scheme 2015*. If an amendment has been made to the *Rockhampton Region Planning Scheme 2015* then the updated version must take precedence.

5.0 INFRASTRUCTURE

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the Subject Land.

5.1 Infrastructure must be provided by the Developer in a coordinated and a planned manner having regard to the staging of the development in a logical and orderly sequence.

6.0 ROAD WORKS

6.1 All road and transport Infrastructure must be provided in accordance with the Rockhampton Railyards Local Plan Code and the *Capricorn Municipal Development Guidelines* or Council approved alternative. Where the Rockhampton Railyards Local Plan Code and the *Capricorn Municipal Development Guidelines* conflict, the *Capricorn Municipal Development Guidelines* prevail.

6.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015* / Rockhampton Railyards Local Plan Code or Operational Works (Road Works) must be accompanied by a Traffic Impact Assessment Report prepared and certified by a Registered Professional Engineer of Queensland (as approved by Council), which addresses, but is not necessarily limited to the following:

6.2.1 Existing traffic volumes on the adjacent roads and intersections expected to absorb development generated traffic;

- 6.2.2 Predicted future traffic volumes on the surrounding roads and intersections expected to absorb development generated traffic for a 10 year planning horizon starting from the year after the last stage of the development is expected to be completed;
- 6.2.3 The total traffic expected to be generated by the proposed development in AM. and PM. peak hours and total daily traffic;
- 6.2.4 The distribution of the development generated traffic to the local road network; and
- 6.2.5 An assessment of the impacts of the development generated traffic on the adjacent roads and intersections expected to absorb development generated traffic and recommendations regarding managing these impacts. In this regard, Council expects traffic modelling to be carried out using Sidra or alternatively approved traffic modelling software that addresses issues such as expected delays, queue lengths, Degree of Saturation, Level of Service and safety.

7.0 ACCESS AND PARKING WORKS

- 7.1 All Access and Parking must be provided in accordance with the *Rockhampton Region Planning Scheme 2015*, *Rockhampton Railyards Local Plan Code*, the *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking facilities"*. Where the *Rockhampton Railyards Local Plan Code* and the *Rockhampton Region Planning Scheme 2015 / Capricorn Municipal Development Guidelines* conflict, the *Capricorn Municipal Development Guidelines* prevail.
- 7.2 All internal access, parking and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction.
- 7.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 7.4 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 7.5 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 7.6 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 7.7 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 7.8 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 7.9 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 7.10 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

8.0 SEWERAGE

- 8.1 All Sewerage Infrastructure must be provided in accordance with *Rockhampton Railyards Local Plan Code*, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 8.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* or Operational Works (Sewerage Works) must be accompanied by a Sewerage

Network Analysis Report. The size and layout of the proposed reticulation mains must be in accordance with the Sewerage Network Analysis Report (as approved by Council).

- 8.3 The development (all uses) must be connected to Council's reticulated sewerage network.
- 8.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 8.5 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

9.0 WATER WORKS

- 9.1 All Water Supply Network Infrastructure must be provided in accordance with Rockhampton Railyards Local Plan Code, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 9.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* or Operational Works (Water Works) must be accompanied by a Water Supply Network Analysis Report. The size and layout of the proposed reticulation mains must be in accordance with the Water Supply Network Analysis Report (as approved by Council).
- 9.3 The development (all uses) must be connected to Council's reticulated water supply network.
- 9.4 The existing water supply connection point(s) must be retained and upgraded, if necessary, to service the development.
- 9.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 9.6 Easements must be provided over all water infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

10.0 PLUMBING AND DRAINAGE WORKS

- 10.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 10.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 10.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 10.4 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

11.0 STORMWATER WORKS

- 11.1 All stormwater drainage works must be designed and constructed in accordance with the Rockhampton Railyards Local Plan Code, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *State Planning Policy 2017* and sound engineering practice.
- 11.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* or Operational Works (Stormwater Works) must be accompanied by Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland (as approved by Council) that as a minimum includes:

- 11.2.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
 - 11.2.2 an assessment of the peak discharges for all rainfall events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the pre-development and post-development scenarios;
 - 11.2.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 11.2.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 11.2.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 11.2.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
 - 11.2.7 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017*;
 - 11.2.8 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*;
 - 11.2.9 details of all calculations, assumptions and data files (where applicable);
 - 11.2.10 it incorporates details of ongoing maintenance and management actions required with regard to any proposed bio-retention systems, sediment traps and other elements of the approved stormwater strategy; and
 - 11.2.11 it includes sufficient documentary evidence to demonstrate that the maintenance of the bio-retention systems, sediment traps and other element of the approved stormwater strategy must be the responsibility of the property owner / body corporate at no cost to Councils.
- 11.3 All Roof and Allotment or Inter-allotment Drainage Works must be designed and constructed in accordance with the Rockhampton Railyards Local Plan Code, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *State Planning Policy 2017* and sound engineering practice.
 - 11.4 All Roof and Allotment or Inter-allotment Drainage runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
 - 11.5 All the non-council structures (railway structures including fence) must be completely removed from the drainage area (main drain area).
- 12.0 SITE WORKS
 - 12.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

- 12.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 12.3 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 13.0 BUILDING WORKS
- 13.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 13.2 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 13.3 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* must be accompanied by waste management report (general, recyclable and toxic waste) including but not limited to amount of waste generated from the development, bin types, number of bins, detail drawing of bin collection location, collection method, bin wash-down area etc.
- 14.0 STREET LIGHTING
- 14.1 The developer/contractor is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with *Australian Standard AS1158 'Lighting for roads and public spaces'*.
- 14.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.
- 15.0 ASSET MANAGEMENT
- 15.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 15.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 15.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 16.0 ENVIRONMENTAL
- 16.1 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme / Rockhampton Railyards Local Plan Code* must be accompanied the Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 16.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

16.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

17.0 OPERATING PROCEDURES

17.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Stanley Street, Denison Street, South Street, Bolsover Street, Francis Street, Arthur Street, Wood Street, Kent Street, Campbell Street and Arthur Street.

17.2 All waste storage areas must be:

17.2.1 kept in a clean and tidy condition; and

17.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Infrastructure Charges

Any development applications within the Rockhampton Railyards Local Plan are subject to infrastructure charges in accordance with Council policies.

NOTE 6. Building Works

A Building Works Permit for a change of building classification may be required in accordance with the *Building Act 1975*.

The following is an extract from the *Planning Act 2016* (Chapter 6)

Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- matters that may be appealed to—
 - either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
 - the person—
 - who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - 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—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - 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
 - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - 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
 - 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 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—
- is in the approved form; and
 - 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—

- the respondent for the appeal; and
 - each co-respondent for the appeal; and
 - for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - 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 (d); and
 - for an appeal to the P&E Court—the chief executive; and
 - for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - 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) 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.

231 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—
- conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

- non-appealable**, for a decision or matter, means the decision or matter—
- is final and conclusive; and
 - 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
 - is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 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

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (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.			
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	1 A concurrence agency that is not a co-respondent

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

		agency's referral response—the concurrence agency	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
<p>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.</p>			
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
<p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices 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 – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or b) The 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</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
imposed the amount.			
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.			
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.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

Table 2 Appeals to the P&E Court only			
		(if any)	(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
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>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—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or 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
<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>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)
1 A person given a decision notice about the decision 2 If the decision is to register premises or	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

Table 2 Appeals to the P&E Court only			
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>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			
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 the tribunal only			
<p>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.</p>			
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
<p>3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

Table 3			
Appeals to the tribunal only			
		(if any)	(if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-