



Decision Notice Approval (amended)

Planning Act Form 5 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under S334 of the Sustainable Planning Act 2009

Application number:	D/648-2012	Contact:	Kathy McDonald
Notice Date:	30 May 2023	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	QRR Properties Pty Limited		
Postal address:	C/- Gideon Town Planning PO BOX 450 ROCKHAMPTON QLD 4700		
Phone no:	Mobile no:	Email: info@gideontownplanning.com.au	

I acknowledge receipt of the above change application on 14 March 2023 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for a Public Facility (Waste Disposal Station) and an Environmentally Relevant Activity (ERA 60 - Waste Disposal)

PROPERTY DESCRIPTION

Street address:	231 Lucas Street, Gracemere
Real property description:	Lot 1 on RP604651, Parish of Gracemere

Dear QRR Properties Pty Limited

I advise that, on **23 May 2023** 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 7	Changed	23 May 2023
2)	Condition 2.1	Changed	19 January 2016
3)	Condition 2.1	Changed	23 May 2023
4)	Condition 8.3	Changed	19 January 2016
5)	Condition 13.2	Deleted	23 May 2023

1. DETAILS OF THE APPROVAL

		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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use		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 checked="" type="checkbox"/>	<input type="checkbox"/>
	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

Please be advised that the following development permits are required to be obtained before the development can be carried out:

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access Works</i> <i>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i>
Building Works	
Plumbing and Drainage Works	

4. SUBMISSIONS

Properly made submissions **were** made in relation to the application.

There were properly made submissions received from the following submitter(s):

Name and address of principal submitter
1) G Jensen, 197 Lucas Street, Gracemere Qld 4702
2) J Graham, 215 Lucas Street, Gracemere Qld 4702
3) D James, 10 William Close, Gracemere Qld 4702
4) C and V Legrady, 7 William Close, Gracemere Qld 4702
5) S Misztal, 11 William Close, Gracemere Qld 4702
6) S Zackeresew, 4 Joseph Street, Gracemere Qld 4702
7) B Lloyd, 5 Joseph Street, Gracemere Qld 4702
8) C Clark, 27 Joseph Street, Gracemere Qld 4702

9) J L Keepkie, 226 Lucas Street, Gracemere Qld 4702
10) G A Keepkie, 240 Lucas Street, Gracemere Qld 4702
11) D Keepkie, 226 Lucas Street, Gracemere Qld 4702
12) C Charlton, 4 Conway Court, Gracemere Qld 4702
13) J Coombs, 3 Conway Court, Gracemere Qld 4702
14) I Findlay, 14 Joseph Street, Gracemere Qld 4702
15) B Greaney, 6 Joseph Street, Gracemere Qld 4702
16) S Drake, 48 Lillypilly Avenue, Gracemere Qld 4702
17) P Tonkin, 8 Annie Close, Gracemere Qld 4702
18) N Spann, 15 William Close, Gracemere Qld 4702
19) P Comollatti, 20 William Close, Gracemere Qld 4702
20) M Barley, 191 Lucas Street, Gracemere Qld 4702
21) R Williams, 2 William Close, Gracemere Qld 4702
22) B Sullivan, 10 Boatwright Avenue, Gracemere Qld 4702
23) H Hawkes, 10A Boatwright Avenue, Gracemere Qld 4702
24) B Douglas, 10A Boatwright Avenue, Gracemere Qld 4702
25) M Lewinton, 13 Boatwright Avenue, Gracemere Qld 4702
26) E Lewinton, 13 Boatwright Avenue, Gracemere Qld 4702
27) K Draheim, 21 Boatwright Avenue, Gracemere Qld 4702
28) B Dodd, 18 Boatwright Avenue, Gracemere Qld 4702
29) L Medlin, 20 Boatwright Avenue, Gracemere Qld 4702
30) A Ogle, 2 Joseph Street, Gracemere Qld 4702
31) G Klerkx, 8 Conway Court, Gracemere Qld 4702
32) B Keehn, 41 Rosewood Avenue, Gracemere Qld 4702
33) A Scarborough, 13 Zamia Way, Gracemere Qld 4702
34) R Rogers, 16 Zamia Way, Gracemere Qld 4702
35) G Chippendale, 48 Rosewood Avenue, Gracemere Qld 4702
36) J Richards, 20 Zamia Way, Gracemere Qld 4702

37) P Small, 13 Zamia Way, Gracemere Qld 4702
38) M Byrne, 4 Zamia Way, Gracemere Qld 4702
39) T Blake, 7 McCarthy Street, Gracemere Qld 4702
40) A Millen, 15 Conway Court, Gracemere Qld 4702
41) C Peterson, 3 Boatwright Avenue, Gracemere Qld 4702

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	For an application involving	Name of agency	Status	Address
ENVIRONMENTALLY RELEVANT ACTIVITIES				
1	A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 5, item 5	Department of Environment and Heritage Protection	Concurrence	Administration Officer Permit and Licence Management Implementation and Support Unit Department of Environment and Heritage Protection GPO Box 2454 Brisbane Qld 4001

6. ENVIRONMENTAL AUTHORITY

ERA 60 – Waste disposal – 1 (a) – Operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) – less than 50,000t

7. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Cover Sheet	D12.42	Undated
Site Plan	D12.42-01 Revision 1	June 2012
Waste Disposal Facility Plan	D12.42-02 Revision 1	June 2012
Stormwater Management	D12.42-06 Revision 2	March 2013
Waste Disposal Facility Plan	D12.42-08 Revision 1	March 2013
Environmental Noise Level Study for Proposed Waste Disposal Facility	Page 11 of 28 R13059/D2804/Rev.0	3 July 2013
Landscaping Buffer Sketch	D12.42OW-SK1 Revision 1	August 2015

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

The standard relevant periods stated in section 341 of *Sustainable Planning Act 2009* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

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 D/648-2012 - Decision Notice (amended)

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 a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval 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 <u>MANAGER DEVELOPMENT AND BUILDING</u>	Date: 21 January 2016
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12. ASSESSMENT MANAGER

Name: Brendan Standen <u>PRINCIPAL PLANNING OFFICER</u>	Signature: 	Date: 30 May 2023
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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.]

Attachment 2—Extract on appeal rights

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works;
 - (iv) Site Works;
 - (v) Landscaping Works;
 - 1.6.2 Building Works; and
 - 1.6.3 Plumbing and Drainage Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 The approval is limited to a period of twenty (20) years from the approval effective date. Thereafter the use shall cease to be lawful.

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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Cover Sheet	D12.42	Undated
Site Plan	D12.42-01 Revision 1	June 2012
Waste Disposal Facility Plan	D12.42-02 Revision 1	June 2012
Stormwater Management	D12.42-06 Revision 2	March 2013

Waste Disposal Facility Plan	D12.42-08 Revision 1	March 2013
Environmental Noise Level Study for Proposed Waste Disposal Facility	Page 11 of 28 R13059/D2804/Rev.0	3 July 2013
Landscaping Buffer Sketch	D12.42OW-SK1 Revision 1	August 2015

2.2 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 a Development Application for Operational Works.

3.0 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).

3.3 Lucas Street must be widened on the development side with kerb and channel, asphalt sealed pavement and stormwater drainage to a minimum standard of six (6) metres of sealed pavement from the road centreline to the kerb invert for the full frontage of the site. Tapers must be provided at either end.

3.4 A Basic Right Turn Treatment in accordance with the Department of Main Roads Planning and Design Manual must be provided on the western side of Lucas Street. Widening must consist of an asphalt sealed pavement and appropriate stormwater drainage.

3.5 Parking on both sides of Lucas Street must be restricted in the vicinity of the development access to ensure vehicles entering and exiting the site do not obstruct through traffic.

3.6 Traffic signs and pavement markings must be provided in accordance with the Manual of Uniform Traffic Control Devices – Queensland. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the Manual of Uniform Traffic Control Devices – Queensland.

3.7 Category P3 street lighting must be provided for the full frontage of the site.

4.0 ACCESS WORKS

4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking Facilities" and the provisions of a Development Permit for Operational Works (access works).

4.3 All trafficable areas within the Waste Transfer Area must be sealed and drained.

4.4 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate that the access is of suitable dimensions for a single articulated (nineteen (19) metre) design vehicles to lawfully enter and exit the site.

4.5 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by details of how transportation of soil/ sediment into the road reserve by vehicles leaving the site will be prevented.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

5.2 On-site sewerage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

5.3 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a report prepared by a Registered Professional Engineer of Queensland, demonstrating how the stormwater harvesting proposed will be carried out in accordance with the requirements of the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Reuse.
- 6.3 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the Queensland Urban Drainage Manual, the Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.4 All stormwater not collected and harvested on the site must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the water quality objectives of the State Planning Policy 4/10 – Healthy Waters.
- 6.6 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 6.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 6.7.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
 - 6.7.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
 - 6.7.3 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;
 - 6.7.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - 6.7.5 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;
 - 6.7.6 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;
 - 6.7.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another 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; and
 - 6.7.8 details of all calculations, assumptions and data files (where applicable).

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by a site based management plan which clearly addressed the following:
- 7.2.1 Dust suppression
 - 7.2.2 Compaction method suitable for future use of the site.
 - 7.2.3 Site filling sequence
 - 7.2.4 Stormwater flow paths and storage during the operational and post operational stages of the development.
 - 7.2.5 Finished surface levels
 - 7.2.6 Cleaning of access roads to and from the site.
- 7.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).
- 7.3.1 Should preliminary testing demonstrate that acid sulphate soils are present in the areas to be excavated or filled, an acid sulphate soils investigation following the procedure outlined in Step 2 in Section 6 of the guideline should be carried out and a report provided.
 - 7.3.2 Investigation boreholes should be to a depth of one (1) metre below the anticipated depth of disturbance and to at least three (3) metres depth in areas to be filled. Boreholes should be drilled within areas where the road works, water reticulation, sewerage reticulation, and electricity distribution and telecommunications infrastructures will be located.
 - 7.3.3 If there will be groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities, then a groundwater investigation will need to be undertaken in accordance with Section 7 of the State Planning Policy 2/02 guideline.
 - 7.3.4 Sampling associated with the acid sulfate soils investigation should follow the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland (Ahern et al 1998). Laboratory analysis associated with the acid sulphate soils investigation should follow the Laboratory Methods Guidelines of the Queensland Acid Sulphate Soil Technical Manual.
- 7.4 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 adjoining properties or infrastructure.
- 7.5 All site works must be undertaken to ensure that there is:
- 7.5.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.5.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 7.5.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

8.0 LANDSCAPING WORKS

- 8.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 8.2 Landscaping must be provided along the frontage of the site in accordance with the approved plans (refer to condition 2.1) and a Development Permit for Operational Works (Landscaping).
- 8.3 Landscape buffering must be provided along the length of the western boundary for a width of five (5) metres where possible whilst also maintaining a minimum clear width of six (6) metres for access

within the easement. The buffer must comprise a mixture of trees (minimum mature height of six (6) metres) and shrubs/hedging (minimum mature height of 1.8 metres).

- 8.4 The landscape buffer as required in condition 8.3 must be planted on a 1.2 metre earth mound.
- 8.5 The Landscape buffering required in Condition 8.3 must achieve a minimum level of seventy-five (75) per centum opacity within two (2) years of being planted.
- 8.6 Trees, as required in condition 8.3 must incorporate a minimum of thirty (30) per centum advanced plant stock, to create an immediate effect.
- Note: Trees a minimum of two (2) metres in height constitute 'advanced plant stock'.
- 8.7 The plantings selected for the buffers must incorporate a minimum of seventy (70) per centum species native to the Central Queensland Region.
- 8.8 As part of the Development Permit for Operational Works (landscaping works) a landscaping plan must be submitted addressing the post operational phase of the development.
- 8.9 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 8.10 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

9.0 BUILDING WORKS

- 9.1 An acoustic barrier must be constructed in accordance with the approved plans (refer condition 2.1) and must be:
- 9.1.1 located behind the landscaping buffer as conditioned in condition 8.2 to improve the visual impact of the barrier;
 - 9.1.2 at least 2.4 metres higher than the level of activities on the subject site, both with respect to the landfill and truck movements relative to the waste stockpiles;
 - 9.1.3 continuous and gap free (excluding the access);
 - 9.1.4 have a minimum surface area density of 10 kilograms per square metre; and
 - 9.1.5 constructed of suitable materials which may include:
 - (i) reinforced concrete;
 - (ii) concrete block;
 - (iii) brick;
 - (iv) hebel panel;
 - (v) sheet metal at least two (2) millimetres thick;
 - (vi) minimum 7.5 millimetre thick fibrous cement sheets;
 - (vii) earth mound;
 - (viii) lapped timber palings, for example kiln dried softwood palings at least fifteen (15) millimetres thick and overlapped a minimum of twenty-five (25) millimetre or at least nineteen (19) millimetres thick and overlapped a minimum of fifteen (15) millimetres.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

11.0 ASSET MANAGEMENT

- 11.1 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 at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 '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 Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 12.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation for the construction and post construction phases of work.
- 12.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 12.4 The Erosion and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for

example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

13.0 OPERATING PROCEDURES

13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Lucas Street.

13.2 DELETED

13.3 All waste management systems must be in accordance with the Environmental Protection (Water) Policy and regulations and Council's water management policies.

13.4 The hours of operations must be limited to:

(i) 0700 hours to 1800 hours on Monday to Friday, and

(ii) 0800 hours to 1700 hours on Saturday; with

(iii) no operations on Sunday or Public Holidays.

13.5 Appropriate dust suppression methods, such as water trucks and sprinkler systems must be utilised during the operation of the facility to ensure no increase in dust nuisance to surrounding residents.

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 Multicultural Affairs website: www.datsima.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 *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

The *Workplace Health and Safety Act* 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. Adopted Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Adopted Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 6. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

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—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
 - (2) An appellant may start an appeal within the appeal period.
 - (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note—
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
 - (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
 - (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

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—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and

- (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) 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
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection
 - (6) 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—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

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

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

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 agency's referral response—the	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment manager is the respondent—

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
		concurrency agency	the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>An appeal may be made against—</p> <p>(a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or</p> <p>(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 concurrency 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</p> <p>An appeal may be made against—</p> <p>(a) the assessment manager's decision about an extension application; or</p> <p>(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 concurrency agency, other than the chief executive, for the application	The assessment manager	If a concurrency agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <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 <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) The was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

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

Table 2 Appeals to the P&E Court only			
<p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
<p>2. Eligible submitter appeals 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.</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	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

Table 2 Appeals to the P&E Court only			
the change application			
<p>3. Eligible submitter and eligible advice agency appeals An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (b) a variation request.</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 An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (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 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 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	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			
<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	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>
<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 (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-