



# 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 s83 Planning Act 2016, and Section 334 of the Sustainable Planning Act 2009

Application number:	<b>D/139-2014</b>	Contact:	Thomas Gardiner
Notice Date:	22 October 2020	Contact Number:	1300 22 55 77

## APPLICANT DETAILS

Name:	<b>Aurizon Operations Limited</b>		
Postal address:	<b>C/- Andrew Batts</b>		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above change application on 9 October 2020 and confirm the following:

## DEVELOPMENT APPROVAL

<b>Development Permit for a Material Change of Use for a Transport Terminal</b>
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## PROPERTY DESCRIPTION

Street address:	Lot 111 Meteor Park Road, Kabra
Real property description:	Lot 111 on SP274654

## OWNER DETAILS

Name:	Stanwell Corporation Ltd
Postal address:	
<b>Dear Aurizon Operations Limited</b>	
I advise that, on 19 October 2020 the above change application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b> )	
*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)	Condition 2.1	Changed	19 October 2020
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## 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use	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"/>

## 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
Reconfiguring a Lot	
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Site Works</i>
Building Works	
Plumbing and Drainage Works	

## 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	For an application involving	Name of agency	Status	Address
<b>STATE-CONTROLLED ROAD</b>				
<b>1</b>	Making a material change of use of premises if any part of the land— (a) is within 25m of a State-controlled road; or (b) is future State-controlled road; or (c) abuts a road that intersects with a State-controlled road within 100m of the land	Department of State Development, Infrastructure and Planning	Concurrence Agency	Online: <i>RockhamptonSARA@dilgp.qld.gov.au</i>  Postal: PO Box 113 Rockhampton Qld 4700
<b>15A</b>	A material change of use of premises if any part of the land is— (a) within 25m of a railway or future railway land; or (b) future railway land	Department of State Development, Infrastructure and Planning	Concurrence Agency	Online: <i>RockhamptonSARA@dilgp.qld.gov.au</i>  Postal: PO Box 113 Rockhampton Qld 4700

## 5. 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 Number</u>	<u>Dated</u>
Administration Building Proposed Location	41-27647-SK700 Issue 3	22 September 2014
8.4x6.2m Office Floor Plan	81641-MPS-02, Revision 01	29 July 2020

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Site Works General Arrangement	AUR-Q-0598-0100 Issue 6	1 August 2014
Site Works Layout Plan	AUR-Q-0598-0101 Issue 5	1 August 2014
Building Works. General Arrangement Plans, Sections and Elevations	41-27647-SK301 Issue A	24 June 2014
Roadworks Typical Sections and Details	AUR-Q-0598-5000 Issue 4	1 August 2014
Roadworks Intersection Details	AUR-Q-0598-5300 Issue 4	1 August 2014
Stormwater Drainage Layout Plan	AUR-Q-0598-4000 Issue 5	1 August 2014
Erosion and Sediment Control Plan	AUR-Q-0598-1000 Issue 5	1 August 2014
Erosion and Sediment Control. Notes and Details	AUR-Q-0598-1001 Issue 5	1 August 2014
Carpark Detail	AUR-Q-0598-5301 Issue 4	1 August 2014
Signage and Line-marking Plan	AUR-Q-0598-5302 Issue 5	1 August 2014
Concept Design – Land Requirements	41-27674-SK102 Issue 5	5 August 2014
Road Impact Assessment	Document No. 02	28 February 2014
Sewage Treatment General Arrangement	AUR-Q-0598-9200 Issue 3	27 May 2014
Water Supply Main General Arrangement	AUR-Q-0598-9100 Issue 3	22 May 2014
Environmental Management Plan		March 2014
Landscape Design Notes and Schedules	AUR-Q-0598-9000 Issue 4	27 May 2014
Landscape Design Layout Plan	AUR-Q-0598-9001 Issue 4	27 May 2014
Landscape Design Details	AUR-Q-0598-9002 Issue 4	27 May 2014

#### **6. 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.

## 7. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for a Minor Change to Development Permit D/139-2014 for a Material Change of Use for a Transport Terminal
<b>Reasons for Decision</b>	<p>a) The proposed change does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>b) Assessment of the development against the 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;</p> <p>c) The proposed development does not compromise the relevant State Planning Policy; 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>
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• High Impact Industry Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Bushfire Hazard Overlay Code;</li> <li>• Landscape Code;</li> <li>• Special Management Area Overlay Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>• The common material, being the material submitted with the application.</li> </ul>

## 8. 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*.

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.

#### **9. 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.

#### **10. ORIGINAL DECISION ASSESSMENT MANAGER**

Name: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Date: 9 September 2014
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#### **11. ASSESSMENT MANAGER**

Name: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature:	Date: 22 October 2020
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C/C Department of State Development, Manufacturing, Infrastructure and Planning- [RockhamptonSARA@dsmip.qld.gov.au](mailto:RockhamptonSARA@dsmip.qld.gov.au)

#### **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**

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 their purposes:
- 1.6.1 Reconfiguring a Lot.
- 1.6.2 Operational Works:
- (i) Road Works;
  - (ii) Access and Parking Works;
  - (iii) Water Works;
  - (iv) Stormwater Works;
  - (v) Roof and Allotment Drainage Works; and
  - (vi) Site Works.
- 1.6.3 Plumbing and Drainage Works; and
- 1.6.4 Building Works.
- 1.7 All Development Permits for 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.
- 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 Number</u>	<u>Dated</u>
Administration Building Proposed Location	41-27647-SK700 Issue 3	22 September 2014

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
8.4x6.2m Office Floor Plan	81641-MPS-02, Revision 01	29 July 2020
Site Works General Arrangement	AUR-Q-0598-0100 Issue 6	1 August 2014
Site Works Layout Plan	AUR-Q-0598-0101 Issue 5	1 August 2014
Building Works. General Arrangement Plans, Sections and Elevations	41-27647-SK301 Issue A	24 June 2014
Roadworks Typical Sections and Details	AUR-Q-0598-5000 Issue 4	1 August 2014
Roadworks Intersection Details	AUR-Q-0598-5300 Issue 4	1 August 2014
Stormwater Drainage Layout Plan	AUR-Q-0598-4000 Issue 5	1 August 2014
Erosion and Sediment Control Plan	AUR-Q-0598-1000 Issue 5	1 August 2014
Erosion and Sediment Control. Notes and Details	AUR-Q-0598-1001 Issue 5	1 August 2014
Carpark Detail	AUR-Q-0598-5301 Issue 4	1 August 2014
Signage and Line-marking Plan	AUR-Q-0598-5302 Issue 5	1 August 2014
Concept Design – Land Requirements	41-27674-SK102 Issue 5	5 August 2014
Road Impact Assessment	Document No. 02	28 February 2014
Sewage Treatment General Arrangement	AUR-Q-0598-9200 Issue 3	27 May 2014
Water Supply Main General Arrangement	AUR-Q-0598-9100 Issue 3	22 May 2014
Environmental Management Plan		March 2014
Landscape Design Notes and Schedules	AUR-Q-0598-9000 Issue 4	27 May 2014
Landscape Design Layout Plan	AUR-Q-0598-9001 Issue 4	27 May 2014
Landscape Design Details	AUR-Q-0598-9002 Issue 4	27 May 2014

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement 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 The Developer must provide and install signage required to reduce the posted speed limit on Power Station Road to sixty kilometres per hour (60km/hr) in the vicinity of the subject development, in accordance with the approved plans (refer to condition 2.1).
- 3.4 Any application for Operational Works (road works) must include a Road Safety Audit for the access to the subject development from Power Station Road in accordance with the recommendations in the Road Impact Assessment (refer to condition 2.1).
- 3.5 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 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 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Retaining walls must be wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.
- 3.8 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
- A detailed inspection and ‘as constructed’ record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall’s foundation ground conditions nominated in the design were inspected and achieved during construction.
- The approved design and/or construction of the retaining walls must not be modified or altered without Council’s prior written approval.
- 3.9 Unimpeded access to the existing rail underpass must be available at all times in accordance with the approved plans (refer to condition 2.1).
- 3.10 A thirty (30) metre wide road reserve must be dedicated through the lot prior to commencement of the use. The road reserve must provide practical connection from E Williams Road to Power Station Road generally in accordance with the approved plans (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 4.0 ACCESS AND PARKING WORKS
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking 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 and parking works).
- 4.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with the development must be concrete paved or asphalted.
- 4.4 A new access to the development must be provided in accordance with the approved plans (refer to condition 2.1).
- 4.5 All vehicles must ingress and egress the development in a forward gear.
- 4.6 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 4.7 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 4.8 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 site including refuse collection vehicles.
- 4.9 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"*.
- 4.10 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 4.11 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.12 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 5.0 WATER WORKS
- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, and the provisions of a Development Permit for Operational Works (water works).
- 5.3 A Development Permit for Operational Works (water works) is required for water works along Power Station Road and E Williams Road. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 5.4 The proposed water infrastructure along Power Station Road and E Williams Road must be privately owned and maintained at no cost to Council.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 6.2 On-site sewage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

- 6.3 Arrestor traps must be provided on any non-domestic discharges to protect the on-site sewerage facilities.
- 6.4 The on-site sewage treatment and disposal area must not be located within the water course or drainage channel and must not conflict with the separation distance as detailed in the *Queensland Plumbing and Wastewater Code*.
- 6.5 A Site Evaluation Report in accordance with the *Queensland Plumbing and Wastewater Code* for on-site sewage must be submitted with the Plumbing and Drainage application for the Building.
- 6.6 On-site water supply for domestic and fire fighting purposes must be provided. The domestic and fire fighting protection must be certified by a hydraulic engineer or other suitably qualified person.
- 7.0 STORMWATER WORKS
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 7.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014*.
- 7.5 The proposed development must achieve no increase in 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.
- 7.6 Each allotment must be designed so as to be flood free in a one in one hundred year flood event (100 year Average Recurrence Interval).
- 7.7 Easements must be provided over all land assessed to be within the one in one hundred year flood event (100 year Average Recurrence Interval) inundation area.
- 7.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
- 7.8.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines* and sound engineering practice;
  - 7.8.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
  - 7.8.3 identification of drainage catchment and drainage sub-catchment areas are included 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*;

- 7.8.4 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) is included for the pre-development and post-development scenarios;
- 7.8.5 each part of the lot is self-draining;
- 7.8.6 the volume of detention is sufficient to attenuate the peak discharge from the site to ensure non-worsening for a range of design rainfall events up to and including the 100 year Average Recurrence Interval (ARI) event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 7.8.7 the potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 2014*;
- 7.8.8 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
- 7.8.9 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.

#### 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 8.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 8.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

#### 9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
  - 9.2.1 the location of cut and/or fill;
  - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 9.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 9.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.4 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.
- 9.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of

the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.

9.6 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit. Details of vegetation proposed to be cleared should be provided as part of the Environmental Management Plan.

9.7 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

## 10.0 BUILDING WORKS

10.1 The structure must not be located within the on-site sewage treatment and disposal area or conflict with the separation distance as detailed in the *Queensland Plumbing and Wastewater Code*.

10.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

10.3 Compliance with the *Environmental Protection (Waste Management) Regulation* for storage and collection of solid wastes. All waste storage areas must be:

10.3.1 imperviously paved to accommodate all refuse containers and aesthetically screened from any frontage or adjoining property;

10.3.2 sufficiently sized to accommodate commercial sized bins to be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and

10.3.3 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place.

## 11.0 LANDSCAPING WORKS

11.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use.

11.2 The landscaped areas must be subject to an ongoing maintenance and replanting programme.

## 12.0 ELECTRICITY AND TELECOMMUNICATIONS

12.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

12.2 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.

## 13.0 ASSET MANAGEMENT

13.1 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.

13.2 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.

#### 14.0 ENVIRONMENTAL

14.1 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.

14.2 Implement and maintain the Erosion Control and Stormwater Control Management Plan 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.

#### 15.0 OPERATING PROCEDURES

15.1 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 Power Station Road.

15.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

15.3 Contaminants/Wash-down must not be permitted to discharge into water courses, drainage lines or onto adjoining properties.

15.4 No washing of vehicles is permitted at this premises unless an approved wash down bay is built to prevent contamination of land and the stormwater system.

15.5 All chemical drum storage (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives and cleaning solvents) must be bunded so that the capacity of the bund is sufficient to contain at least one hundred per cent (100%) of the largest container plus twenty-five per cent (25%) of the total storage capacity.

15.6 When requested by Council noise monitoring must be undertaken and recorded within three (3) months, to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen (14) days of the completion of the investigation.

Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy* and noise monitoring conducted in accordance with the most recent edition of *Department of Environment and Heritage Protection Noise Measurement Manual*.

15.7 Noise, vibration, odour, dust, particulate matter and visible contaminants from the activity must not cause an environmental nuisance.

- 15.8 Noise, dust, and vibration mitigation measures must be constructed and implemented in accordance with the approved Environmental Management Plan (refer to condition 2.1).
- 15.9 Any contaminant (including a waste) must not:
- 15.9.1 be buried at the premises; or
  - 15.9.2 be in contact with soil at the premises; or
  - 15.9.3 directly or indirectly seep or penetrate into the soil or groundwater at the premises
- 15.10 No waste must be burnt or incinerated at the premises.
- 15.11 All regulated waste must only be removed from the premises by a licensed regulated waste transporter.
- 15.12 Where regulated waste is removed from the premises, the holder of this development approval must monitor and record the following:
- 15.12.1 the date, quantity and type of waste removed; and
  - 15.12.2 name of the licensed regulated waste removalist and/or disposal operator; and
  - 15.12.3 the intended treatment/disposal destination of the waste.
- 15.13 While carrying out an Activity, if a person becomes aware that serious or material environmental harm is caused or threatened by that activity or an associated activity, the person must notify their employer or Rockhampton Regional Council if the employer is not contactable.
- 15.14 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- (i) a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
  - (ii) a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - (iii) waste bags and ties.
- 15.15 All chemicals and other environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund.
- 15.16 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Such spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.

#### 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](http://www.datsima.qld.gov.au)

NOTE 2. 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 3. 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 4. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.



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**Attachment 1 – Part 2  
Referral Agency Conditions –  
Department of Infrastructure, Local Government  
and Planning**

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*PLANNING ACT 2016*

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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**

<p>1. Development applications An appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
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 An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&amp;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 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 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 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 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"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> <li>(i) The working out of extra demands, for section 120; or</li> <li>(ii) An offset or refund; or</li> </ul> </li> </ul> 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 imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		(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

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
<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)
<p>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</p>	<p>1 For a development application—the assessment manager            2 For a change application—the responsible entity</p>	<p>1 The applicant            2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<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)
<p>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</p>	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.</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	-	-

<b>Table 3 Appeals to the tribunal only</b>			
<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— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.</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	-	-