



Decision Notice Approval

Planning Act Form 1 (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016 for a decision notice (approval) under section 63(2) of the Planning Act 2016

Application number:	D/72-2023	Contact:	Aidan Murray
Notice Date:	20 December 2024	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Rockhampton Sports Club Pty Ltd				
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700				
Phone no:	07 4927 5199	Mobile no:	0407 581 850	Email:	reception@csgcq.com.au

I acknowledge receipt of the above application on 29 May 2023 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for a Major Sport, Recreation and Entertainment Facility (Multi-Purpose Sports Stadium) and Preliminary Approval for Building Works Assessable against the Planning Scheme

PROPERTY DESCRIPTION

Street address:	4 Graeme Acton Way, Wandal
Real property description:	Lot 40 on SP240869

Dear Rockhampton Sports Club Pty Ltd

I advise that, on 19 December 2024 the above development 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.

1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Building work assessable under the planning scheme - Material change of use	<input checked="" type="checkbox"/>	<input checked="" 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>Parking Works</i> <i>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Site Works</i> <i>Landscaping Works</i>
Building Works	<i>Demolition Works</i> <i>Building Works</i>
Plumbing and Drainage Works	

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
STATE TRANSPORT INFRASTRUCTURE (Generally)			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			
<p>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</p> <p>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p> <p>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p>	<p>The chief executive of the department in which the <i>Planning Act 2016</i> is administered:</p> <p>State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</p>	<p>Concurrence</p>	<p><u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City</p> <p><u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/</p> <p><u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au</p> <p><u>Postal:</u> PO Box 113 Rockhampton Qld 4700</p>

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>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Site Demo	Paynters	17 June 2023	A1-03	D
Site Plan Proposed [Amended by DTMR and SARA]	Paynters	19 May 2023	A1-04	D
Stadium Lower Concourse Plan	Paynters	30 June 2023	A1-05	F
Stadium Mid Concourse Plan	Paynters	17 June 2023	A1-06	E
Stadium Upper Concourse Plan	Paynters	17 June 2023	A1-07	E
North East Stadium Elevation	Paynters	30 June 2023	A1-08	F
South West Stadium Elevation	Paynters	30 June 2023	A1-09	F
Seating Capacity Plan	Paynters	17 June 2023	A1-10	E
Sections	Paynters	17 June 2023	A1-11	D
Path of Travel Exit Width	Paynters	17 June 2023	A1-12	D
Isometrics	Paynters	17 June 2023	A1-13	E
Perspectives	Paynters	17 June 2023	A1-14	E
South West Stadium – Setout Plan	Paynters	30 June 2023	A1-21	B
North East Stadium – Setout Plan	Paynters	17 June 2023	A1-22	A
Fencing Existing / Proposed	Paynters	17 June 2023	A1-25	A
Material Finishes and Samples	Paynters	17 June 2023	A1-30	A
Stadium Lower Concourse Areas Plan	Paynters	18 November 2024	A1-40	A
Linemarking and Signage Plan	Rytenskild	28 June 2024	22473-01	A
Linemarking and Signage Plan	Rytenskild	28 June 2024	22473-02	A
Linemarking and Signage Plan	Rytenskild	28 June 2024	22473-03	A
Linemarking and Signage	Rytenskild	28 June 2024	22473-04	A

Plan				
Flood Impact Assessment	AECOM	23 May 2023	60651466	A
Transport Impact Assessment	Rytenskild Traffic Engineering	11 December 2024	22473	5

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

The development approval lapses at the end of the following periods:

- (a) For any part of the development approval relating to a material change of use – if the change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached; and
- (b) For any other part of the development approval – if the development does not substantially start within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

7. STATEMENT OF REASONS

Description of the development	
Material Change of Use for a Major Sport, Recreation and Entertainment Facility (Multi-Purpose Sports Stadium) and Preliminary Approval for Building Works Assessable against the Planning Scheme	
Reasons for Decision	
<ul style="list-style-type: none"> a) 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; and b) 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. 	
Assessment Benchmarks	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Sport and Recreation Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Biodiversity Overlay Code; and • Flood Hazard Overlay Code. 	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark

<p>Sport and Recreation Zone Code PO5</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 5.1 which prescribes a maximum height of twelve (12) metres for buildings and structures in the Rockhampton major sports precinct, whereas the development proposes a maximum building height of 15.63 metres.</p> <p>Despite this, the proposed development is consistent with the related Performance Outcome (PO) 5 on the grounds that the proposed height and scale of the stadium stands:</p> <ul style="list-style-type: none"> • are generally consistent with the surrounding low-medium rise and scale of the locality; • Do not adjoin a residential zone and do not detract from the visual amenity of residential areas; and • Are physically distanced from residential areas to avoid overshadowing or overlooking of those areas. <p>Therefore, the proposed development is taken to comply with PO5.</p>
<p>Access, Parking and Transport Code PO5</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 5.1 which prescribes on-site parking is provided which is sufficient to accommodate the amount of vehicular traffic likely to be generated by the major sport and recreation facility. Additionally, AO5.2 prescribes all parking, loading and manoeuvring facilities for visitors and employees to be located on-site, while AO5.3 prescribes manoeuvring facilities are to be of adequate dimensions to prevent any queuing in a roadway. The related Performance Outcome (PO) 5 states that provision is made for on-site vehicle parking:</p> <p>(a) to meet the demand likely to be generated by the development; and</p> <p>(b) to avoid on-street parking where it would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.</p> <p>The development proposal does not implement any additional parking spaces or manoeuvring areas on-site and therefore these areas must be accommodated within the road reserve and public space. The applicant provided a Traffic Impact Assessment in relation to this proposal which was assessed and considered by Council officers.</p> <p>No additional access provisions are proposed for the development. There is existing off-street parking near the existing sports club building, with additional parking on the opposite side of Graeme Acton Way. Conditions have been implemented as part of the approval requiring the existing unsealed parking area be formalised, providing approximately 100 additional parking spaces opposite the facility. In terms of the smaller, more frequent events, it is not expected that an event of that size would cause any adverse impacts to the network given the available capacity in most intersections and existing parking provisions. It would also be comparable to other events held in the vicinity using nearby facilities such as tennis tournaments or school carnivals.</p> <p>Parking during the large events is still a concern, particularly given the development's potential to generate more traffic than the figures provided in the Transport Impact Assessment (TIA) state. The TIA has claimed there are over 800 on-street spaces available within a 10-minute walk and have also indicated that the Showgrounds and adjacent school grounds could potentially be used for additional parking, although nothing has been confirmed in this regard.</p> <p>It is noted the applicant is proposing a bus laydown / parking area on the northern side of Graeme Acton Way to the north of the site, with a new pedestrian footpath proposed between the laydown and the development site. Additionally, a shuttle drop-off point will be provided where the on-street parking along the Graeme Acton Way frontage is located during the proposed road closures. Where buses and shuttles are utilised for an event, these facilities will improve the safety and convenience of patrons using these services as well as reduce the need for private vehicle parking. The Department of Transport and Main Roads (DTMR) and State Assessment Referral Agency (SARA) as well as Council have provided</p>

	<p>conditions regarding the provisions of these facilities.</p> <p>Worst-case vehicle numbers based on the aforementioned travel survey ratio for a patronage of 6,000 and 1.6 people per car is approximately 2,900 vehicles (using the 79 per cent travel by car figure in the survey), compared with the 1,100 adopted in the TIA. A Traffic Management Plan (TMP) may not be able to address the parking shortfall unless it has provisions for alternative parking areas such as the school and showgrounds, which may not always be available when required due to concurrent events. Council has imposed a condition to ensure that larger events proposed at the development site do not run concurrently with other significant events to alleviate and avoid cumulative parking and road congestion issues.</p> <p>Council has implemented a number of reasonable and relevant conditions to address the parking and traffic associated with the development in way that seeks to ensure the development is effectively managed to reduce and mitigate resulting impacts as much as feasibly possible.</p> <p>The non-compliance with AO5.1, AO5.2 and AO5.3 and corresponding Performance Outcome are considered low-level conflicts and on balance the proposed development generally complies with the remainder of the Assessment Benchmarks and any non-compliance is managed through appropriate mitigation measures.</p>
<p>Access, Parking and Transport Code PO12</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 12.1 which prescribes that traffic generated by the development is safely accommodated within the design capacity of roads as provided in SC6.15 — Road infrastructure and hierarchy planning scheme policy.</p> <p>Performance Outcome (PO) 12 prescribes that development is located on roads that are appropriate for the nature of traffic (including vehicles, pedestrians and cyclists) generated, having regard to the safety and efficiency of the transport network.</p> <p>The proposed bus laydown area will require some widening to Graeme Acton Way. No details of the proposed widening have been provided at this stage however the detailed design of these works can be addressed at the Operational Works stage. The Department of Transport and Main Roads (DTMR) and State Assessment Referral Agency (SARA) have provided conditions regarding the bus / taxi set-downs and bus layover areas, as well as the pedestrian path from the bus set-down and layover areas to the intersection with Raymond Huish Drive.</p> <p>The submitted traffic modelling suggests the development related traffic for the small to medium size events up to 2000 patrons will not cause any of the affected intersections to fail (where they did not fail in the 'base case') so no other upgrades to the road network are proposed. Traffic movements for the larger events (greater than 2000 patrons) will be subject to a Traffic Management Plan (TMP) so intersection performance should be appropriately managed through this process. Reasonable and relevant conditions have been implemented to support this process and outcome to ensure the safety and efficiency of the transport network is maintained.</p> <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 12.</p>
<p>Flood Hazard Overlay Code PO4</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 4.1 which states that development does not involve new buildings and structures where located in the Fitzroy River – H3-H4 or H5-H6 or Creek catchment flood planning area 1. Furthermore, Performance Outcome (PO) 4 requires that development does not involve the further intensification of land uses and does not increase the risk to people and property.</p> <p>The subject site is affected by both Fitzroy River and local catchment flooding. Flood modelling has been undertaken to identify any off-site impacts resulting from the proposed development.</p> <p>The modelling showed some minor impacts to the subject site, Graeme Acton</p>

	<p>Way, Sir Raymond Huish Drive and the school grounds opposite, with an increase in peak flood levels within the open space areas and Graeme Acton Way reserve of up to 172 millimetres during the local catchment event. A letter from the flood consultant in response to the increases within the school site has stated that the impacts do not constitute 'actionable nuisance'. A letter of acknowledgement has been provided by the school regarding the associated flood impacts. Given that Graeme Acton Way is inundated during the minor events, any small increase in depth as a result of the development is unlikely to be considered a nuisance. Consideration towards the trafficability of Graeme Acton will be required at the Operational Works stage subject to additional detailed assessment.</p> <p>The development is not expected to impact on riverine flooding given the slow-moving nature of the flood storage area it is located in. The flood levels in the area are controlled primarily by the conveyance of the main river channel and the minor loss in flood storage will have a negligible effect on flood levels. It should also be noted the local catchment modelling for the area had not been adopted at the time the application was lodged (the application was lodged when version 2.2 of the Planning Scheme was in effect whereas the updated flood modelling was adopted in version 4.4 of the Planning Scheme).</p> <p>The non-compliance with AO4.1 and corresponding Performance Outcome is considered a low-level conflict and on balance the proposed development complies with the remainder of the Assessment Benchmarks.</p>
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 2.2); and • Central Queensland Regional Plan 2013; • The common material, being the material submitted with the application. 	

8. APPEAL RIGHTS

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*. 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 out 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. ASSESSMENT MANAGER

Name: Amanda O’Mara COORDINATOR <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 20 December 2024
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dasilgp.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 owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 Unless otherwise stated, all conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a letter of compliance for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Roof and Allotment Drainage Works;
 - (vii) Site Works; and
 - (viii) Landscaping Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 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.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Site Demo	Paynters	17 June 2023	A1-03	D
Site Plan Proposed [Amended by DTMR and SARA)	Paynters	19 May 2023	A1-04	D
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Stadium Mid Concourse Plan	Paynters	17 June 2023	A1-06	E
Stadium Upper Concourse Plan	Paynters	17 June 2023	A1-07	E
North East Stadium Elevation	Paynters	30 June 2023	A1-08	F
South West Stadium Elevation	Paynters	30 June 2023	A1-09	F
Seating Capacity Plan	Paynters	17 June 2023	A1-10	E
Sections	Paynters	17 June 2023	A1-11	D
Path of Travel Exit Width	Paynters	17 June 2023	A1-12	D
Isometrics	Paynters	17 June 2023	A1-13	E
Perspectives	Paynters	17 June 2023	A1-14	E
South West Stadium – Setout Plan	Paynters	30 June 2023	A1-21	B
North East Stadium – Setout Plan	Paynters	17 June 2023	A1-22	A
Fencing Existing / Proposed	Paynters	17 June 2023	A1-25	A
Material Finishes and Samples	Paynters	17 June 2023	A1-30	A
Stadium Lower Concourse Areas Plan	Paynters	18 November 2024	A1-40	A
Linemarking and	Rytenschild	28 June 2024	22473-01	A

Signage Plan				
Linemarking and Signage Plan	Rytenskild	28 June 2024	22473-02	A
Linemarking and Signage Plan	Rytenskild	28 June 2024	22473-03	A
Linemarking and Signage Plan	Rytenskild	28 June 2024	22473-04	A
Flood Impact Assessment	AECOM	23 May 2023	60651466	A
Transport Impact Assessment	Rytenskild Traffic Engineering	11 December 2024	22473	5

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

3.0 STAGED DEVELOPMENT

3.1 This development approval is for the development to be undertaken in two (2) discrete stages, namely:

3.1.1 Southwest grandstand including lower, middle and upper concourses (Stage One); and

3.1.2 Northeast grandstand (Stage Two); and

in accordance with the approved plan A1-40 "Stadium Lower Concourse Areas Plan" (refer to condition 2.1).

The stages are required to be undertaken in chronological order.

3.2 The currency period for both Stages One and Two is eight (8) years from the date this approval takes effect.

3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

4.2 All road 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 Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).

4.3 An amended Event Traffic Management Plan, including a revised Traffic Guidance Scheme for all likely events greater than 2,000 patrons must be submitted for review and approval prior to the commencement of the use. The plan and scheme must be certified by a Registered Professional Engineer of Queensland (RPEQ) and must include but not be limited to the following:

4.3.1 The event type and expected attendance including a risk adverse approach considering maximum patron attendance.

4.3.2 Traffic Management Plan for each event type, unless not required based on reasonable justification.

4.3.3 Transport and Traffic Management before, during and after the events.

4.3.4 Identify the different transport modes and appropriate transport routes.

4.3.5 Demonstrate a reasonable split for the transport modes and availability of resources.

4.3.6 Proposed road closures.

4.3.7 Pedestrian and cyclist safety.

Note: Consideration must be given to diverting all pedestrian movements across the North Street rail crossing via the North Street underpass.

- 4.4 A dedicated temporal taxi rank must be provided adjacent to the Graeme Acton Way frontage of the site, generally in accordance with the Line-marking and Signage Plan prepared by Rytenskild Traffic Engineering, dated 28 June 2024, as amended in red by the State Assessment Referral Agency (SARA).
- 4.5 A dedicated temporal passenger loading zone must be provided adjacent to the Graeme Acton Way frontage of the site, generally in accordance with the Line-marking and Signage Plan prepared by Rytenskild Traffic Engineering, dated 28 June 2024, as amended in red by SARA.
- 4.6 A dedicated bus set-down facility must be provided along the Graeme Acton Way frontage of the development site, generally in accordance with the Line-marking and Signage Plan prepared by Rytenskild Traffic Engineering, dated 28 June 2024, as amended in red by SARA.
- 4.7 A dedicated bus/coach set-down facility and bus layover zone must be provided on the northern side of Graeme Acton Way to the north-west of the proposed stadium, generally in accordance with the Line-marking and Signage Plan prepared by Rytenskild Traffic Engineering, dated 28 June 2024, as amended in red by the SARA. Any widening to accommodate the bus set-down and existing on-street bicycle lane must be carried out by the developer at no cost to Council. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 4.8 A concrete pathway, with a minimum width of four (4) metres, must be constructed on the northern side of Graeme Acton Way from the northern extent of the proposed bus set-down / layover area to the intersection of Graeme Acton Way and Sir Raymond Huish Drive as shown on the Line-marking and Signage Plan prepared by Rytenskild Traffic Engineering, dated 28 June 2024, as amended in red by SARA.
- 4.9 Provide two (2) dedicated persons with disabilities (PWD) passenger loading bays located either side of the pedestrian crossing in Graeme Acton Way, generally in accordance with the Line-marking and Signage Plan prepared by Rytenskild Traffic Engineering, dated 28 June 2024, as amended in red by SARA.
- 4.10 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.11 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"*.
- 4.12 All pathways must incorporate kerb ramps at all road crossing points.
- 4.13 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*.
- 5.0 PARKING WORKS
- 5.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any parking works on the development site.
- 5.2 All parking 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 (parking works).
- 5.3 Additional on-street parking spaces must be provided on the southern side of Graeme Acton Way, opposite the subject development, from the end of the existing formalised parking area to the intersection of Sir Raymond Huish Drive.
- 5.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.5 All vehicles must ingress and egress the development in a forward gear.
- 5.6 Accessible parking spaces must be provided on-site where required by the National Construction Code (NCC) and designed in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.

- 5.7 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (parking works).
- 5.8 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"*.
- 5.9 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.12 Bicycle parking facilities must be provided in accordance with SC6.4 — *Bicycle network planning scheme policy* and *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.
- 5.13 End-of-trip facilities must be provided in accordance with the *Queensland Development Code, Mandatory Part 4.1 "Sustainable buildings, End of trip facilities"*.
- 6.0 SEWERAGE WORKS
- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network.
- 6.4 A Sewerage Network Analysis must be carried out to determine the suitability of any existing or proposed sewerage infrastructure necessary to service the proposed development. The developer must provide details of the nominated simultaneous demand and include an assessment of the nominated emergency storage and any potential upgrades required to the network infrastructure (pumps / rising mains) to accommodate the additional loading created by the development.
- 6.5 An off-line emergency storage tank with capacity to suit the four (4) hour emergency requirements of the *Capricorn Municipal Development Guidelines* must be provided for the development. Details of the storage tank and certification of the design must be provided with the Operational Works application.
- 6.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.7 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 7.0 WATER WORKS
- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 7.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (water works).
- 7.3 The development must be connected to Council's reticulated water network.
- 7.4 A Water Network Analysis must be carried out to determine the suitability of any existing or proposed water supply infrastructure necessary to service the development. The developer must provide demand data to enable the network analysis of the external infrastructure required to service the development.

- 7.5 A new water main extension from the existing Council network located on the corner of Graeme Acton Way and Exhibition Road to the development must be provided.
- 7.6 The connection to Council's reticulated water network must be a combined fire and domestic metered connection located at a point nominated by Council. A hydraulic engineer or other suitably qualified person must determine the size of this new infrastructure. Where the new water main is unable to provide sufficient fire-fighting capacity, a tank and pump system must be provided. Details of the proposed water supply for the development must be submitted with the Operational Works application.
- 7.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 7.8 Easements must be provided over all water infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 8.0 PLUMBING AND DRAINAGE WORKS
- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 8.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 8.4 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4 for flood affected areas*.
- 9.0 STORMWATER WORKS
- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 9.4 A revised Stormwater Management Plan (SMP) must be submitted with the Operational Works application. The revised SMP must provide details of how the additional runoff from the tennis court catchment will be accommodated within the site.
- 9.5 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 9.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 10.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 10.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 10.2 All roof and allotment 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 (roof and allotment drainage works).

- 10.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair, or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

11.0 SITE WORKS

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

- 11.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:

11.2.1 the location of cut and/or fill;

11.2.2 the type of fill to be used and the manner in which it is to be compacted;

11.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

11.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and

11.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.

- 11.3 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".

- 11.4 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulphate soils. If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated or filled, 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). The detailed investigation and associated management plan must be carried out in accordance with the *Queensland Acid Sulphate Soil Technical Manual* and *State Planning Policy 2017*.

- 11.5 An Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland*), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017*, *International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:

11.5.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

Note: Where engineering structures, either temporary or permanent, such as basins, channels, inlets, outlets and spillways etc form part of an Erosion and Sediment Control plan, the design and inspection of the structures must be undertaken by a Registered Professional Engineer of Queensland (RPEQ).

- 11.6 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

12.0 BUILDING WORKS

- 12.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

- 12.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 12.3 Access to and use of the land the subject of this application must comply with the provisions of the *Anti-Discrimination Act 1991*. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

- 12.4 All non-habitable areas subjected to flood inundation during a one per cent (1%) annual exceedance probability (AEP) flood event, must be designed and constructed using suitable flood resilient materials and construction techniques to reduce maintenance following flood events.
- 12.5 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 12.6 All building works proposed within the vicinity of Council's infrastructure must be undertaken in accordance with the *Queensland Development Code Mandatory Part 1.4 – for building over or near relevant infrastructure*.
- 13.0 LANDSCAPING WORKS
- 13.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 13.2 A Landscaping Plan must be submitted with the first application for a Development Permit for Operational Works for the development.
- 13.3 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 13.4 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 – Design for access and mobility*.
- 13.5 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 13.5.1 trees at five (5) metre intervals;
- 13.5.2 shrubs at two (2) metre intervals; and
- 13.5.3 groundcovers at one (1) metre intervals.
- 13.6 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 13.6.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 13.6.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 13.7 Any street trees or shade trees to be provided within Council road reserve must be detailed in the application seeking a Development Permit for Operational Works (landscaping works) and must be agreed to be Council.
- 13.8 Any street trees installed required by must be one or a combination of the following species:
- 13.8.1 *Buckinghamia celcissma* – Ivory Curl
- 13.8.2 *Corymbia ptychocarpa* –Swamp Bloodwood
- 13.8.3 *Cupaniopsis anacardioides* – Tuckeroo
- 13.8.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
- 13.8.5 *Harpullia pendula* – Tulip wood
- 13.8.6 *Melicope elleryana*- Pink Flowering Euodia
- 13.8.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
- 13.8.8 *Waterhousia floribunda* – Weeping Lilly Pilly
- 13.8.9 *Xanthostemon chrysanthus* – Golden Penda
- 13.9 Any street trees must:
- 13.9.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
- 13.9.2 Be at least three (3) metres from a driveway;
- 13.9.3 Be at least five (5) metres apart; and

- 13.9.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 13.10 Street trees must be maintained by the occupier until established.
- Note:** Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per Council requirements and in accordance with the current Street Tree Policy.
- 13.11 Street tree planting must be carried out in accordance with the requirements of *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 13.12 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the *Capricorn Municipal Development Guidelines*.
- 13.13 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 13.14 Shade trees must comply with the following requirements:
- 13.14.1 Be planted clear of services and utilities;
 - 13.14.2 Be planted clear of park furniture and embellishments;
 - 13.14.3 Not obstruct pedestrian or bicycle traffic; and
 - 13.14.4 Comply with crime prevention through environmental design principles.
- 13.15 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 13.16 Each shade tree must have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
- 13.16.1 In single sided, angle or parallel bays – One (1) tree per three (3) car parks; and
 - 13.16.2 In double sided, angle or parallel bays – One (1) tree per six (6) car parks.
 - 13.16.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 13.17 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 13.18 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 13.19 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 13.19.1 obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - 13.19.2 adversely affect any road lighting or public space lighting; or
 - 13.19.3 adversely affect any Council infrastructure, or public utility plant.
- 13.20 The landscaped areas must be subject to:
- 13.20.1 a watering and maintenance plan during the establishment moment; and
 - 13.20.2 an ongoing maintenance and replanting programme.
- 13.21 Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 14.0 STREET LIGHTING
- 14.1 The developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with *AS1158 'Lighting for roads and public spaces'*.
- 14.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland (RPEQ).
- 15.0 ELECTRICITY

- 15.1 Electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 16.0 TELECOMMUNICATIONS
- 16.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits, pipes and conduits that provide a connection to the telecommunications network.
- Note: The *Telecommunications Act 1997 (Commonwealth)* specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 17.0 ASSET MANAGEMENT
- 17.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 17.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 17.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 18.0 ENVIRONMENTAL HEALTH
- 18.1 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"*.
- 18.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 18.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy 2019*.
- 19.0 OPERATING PROCEDURES
- 19.1 A maximum crowd size of 6,000 patrons is permitted for a major event associated with the subject development. Major events must not coincide with other major events in the vicinity i.e. Beef Week, Rockhampton Show, Rockhampton Swap, tennis / basketball tournaments and the like.
- 19.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Sir Raymond Huish Drive.
- 19.3 All waste storage areas must be:
- 19.3.1 kept in a clean and tidy condition; and
- 19.3.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 19.4 Commercial waste bins must be provided on-site within suitable 'Bin' storage areas and be collected by a private contractor. No kerbside collection or collection within the road reserve is permitted.
- 19.5 A Contingency Plan must be submitted to Council prior to the issue of the Development Permit for Building Works. The plan must demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how patrons will be notified in times of flood to collect possessions, clear the site, and vacate the

property. The principles of the Contingency Plan will be entered against Lot 40 on SP240869 as a property note.

NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.

- 19.6 It is the responsibility of the occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.

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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. General Environmental Duty

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

NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

NOTE 4. Asbestos Removal

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

NOTE 5. 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 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.



Attachment 1 – Part 2
Referral Agency Conditions – State
Development, Infrastructure, Local
Government and Planning (State
Assessment and Referral Agency
Department) *Planning Act 2016*

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— <ol style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

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

<p>4. Infrastructure charges notices 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 (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(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—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(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	-	-

**Table 2
Appeals to the P&E Court only**

<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 the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>3. Eligible submitter and eligible advice agency appeals 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</p>			

**Table 2
Appeals to the P&E Court only**

An appeal may be made against a decision of the Minister under chapter 7, part 4.			
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
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.			
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**

1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

Table 3			
Appeals to the tribunal only			
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	-	-



ATTACHMENTS (for office use only)

APPROVED PLANS AND OR REFERRAL AGENCY CONDITIONS

APPROVED PLANS



D72-2023 -
Approved Plans.pdf

REFERRAL AGENCY CONDITIONS



D72-2023 - Referral
Agency Conditions.pdf