



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 3.5.15 of the Integrated Planning Act 1997

Application number:	D-R/942-2008	Contact:	Kathy McDonald
Notice Date:	18 November 2020	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Edenbrook Land Pty Ltd		
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above change application on 30 October 2020 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Reconfiguring a Lot (nineteen lots Edenbrook - Stage 2A, 2B, 2C)

PROPERTY DESCRIPTION

Street address:	Lot 253 Edenbrook Drive, Parkhurst
Real property description:	Lot 253 on SP320090, Parish of Murchison

OWNER DETAILS

Name:	Edenbrook Land Pty Ltd
Postal address:	
Dear Edenbrook Land Pty Ltd	
I advise that, on 12 November 2020 the above change application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1)	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

CHANGES TO CONDITIONS

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

1)	Item 5	Changed	12 November 2020
2)	Condition 1.1	Changed	12 November 2020
3)	Condition 9.1	Changed	12 November 2020

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road works</i> <i>Sewerage works</i> <i>Water works</i> <i>Stormwater works</i> <i>Site works</i> <i>Landscaping</i>

4. REFERRAL AGENCIES

NIL

5. THE APPROVED PLANS

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

Plan/Document Name	Plan Number	Dated
Reconfiguration Plan	6650-2C-ROL, Revision C	5 November 2020
Edenbrook Developments, Proposed Subdivision, Stage 2 Allotment Layout	7119-46 REV 1	19 May 2011
Landscape Concept Plan – Stage 2 Open Space Parkland	72414_L_CP_02_1.01(04)	16 May 2011
Ramsey Creek Flood Study Adjacent Belmont Road	534 for PMM	June 2005

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

The standard relevant periods stated in section 85 of *Planning Act 2016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. STATEMENT OF REASONS

Description of the development	The proposed development is for Reconfiguring a Lot (twenty lots Edenbrook - Stage 2A, 2B, 2C)
Reasons for Decision	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.
Assessment Benchmarks	The proposed development was assessed against the following assessment benchmark and wholly complies without exception. <ul style="list-style-type: none"> • Reconfiguration a Lot Code under the <i>Rockhampton City Plan 2005</i>.
Relevant Matters	The proposal has been assessed against the suite of conditions which accompany the Preliminary Approval overriding the planning scheme for a Material Change of Use (Residential and Mixed Use Development), and the relevant specific outcomes of the approval. Whilst there are some points of disagreement between the position of the applicant and Council officers, the actual layout is considered to be generally in accordance with the tenet of the Preliminary approval.
Matters prescribed by regulation	<ul style="list-style-type: none"> • <i>Rockhampton City Plan 2005</i>; and • The common material, being the material submitted with the application.

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: **BRETT BACON**
STRATEGIC MANAGER –
PLANNING AND DEVELOPMENT

Date: 26 November 2009

11. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 18 November 2020
--	------------	------------------------

Attachment 1 – Conditions of the approval

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

Attachment 2 – Extract on appeal rights

1.0 ADMINISTRATION

- 1.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Reconfiguration Plan	6650-2C-ROL, Revision C	5 November 2020
Edenbrook Developments, Proposed Subdivision, Stage 2 Allotment Layout	7119-46 REV 1	19 May 2011
Landscape Concept Plan – Stage 2 Open Space Parkland	72414_L_CP_02_1.01(04)	16 May 2011
Ramsey Creek Flood Study Adjacent Belmont Road	534 for PMM	June 2005

- 1.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 1.3 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.
- 1.4 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.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council, prior to the release of the Final Survey Plan.
- 1.6 The following further development permits are required, prior to the commencement of any works, with the exception of Site Works, with on the site:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Site Works; and
 - (vi) Landscaping.
- 1.7 All detailed engineering reports, designs, drawings, and the like, submitted as part of any application for a Development Permit for Operational Work, must be:-
- 1.7.1 Accompanied by appropriate plans and construction documentation, certified by a Registered Professional Engineer of Queensland;
- 1.7.2 Be in accordance with the Capricorn Municipal Design Guidelines (CMDG) requirements; and

1.7.3 Adopt the Australian Height Datum as the vertical datum and the Geocentric Datum of Australian 1994 coordinate reference system as the horizontal datum.

2.0 ROAD WORKS

2.1 A Development Permit for Operational Works (Road Works) must be obtained prior to the commencement of any works, with the exception of Site Works, on the site, or in any road reserve.

2.2 Road works must be designed and constructed generally in accordance with the endorsed plans (refer Condition 1.1), the Capricorn Municipal Development Guidelines and the provisions of a Development Permit for the Operational Works (road works), unless noted otherwise in these conditions.

2.3 The intersection of William Palfrey Drive and Belmont Road must provide a Level of Service of "C" based on the traffic generated for 10 year post completion for approved development (Stages 1A and 2). A staged design and construction of the intersection must be permitted provided it matches the traffic generated for the existing lots and lots with Operational Works approval and a ten (10) year design horizon.

Any application for a Development Permit for Operational Works for Stage 2 must be accompanied by a layout for this future ultimate intersection, including provisional design of future splitter islands and intersection lighting, and demonstrating compatibility with the interim intersection treatment.

2.4 The Roads designated as Road D and the "New Road" in front of proposed lots 143 to 148 must be designed as Access Streets in accordance with the Capricorn Municipal Development Guidelines id est minimum 7.5 metres wide pavement (measured invert to invert) within a minimum of sixteen (16) metres road reserves and connect smoothly to Stage 1 with the extensions of these proposed roads into adjacent stages demonstrated to be compatible with future development of the adjacent stages.

2.5 The public use land (road reserve) between lots 201 and 213 must be developed as a pedestrian access only with a 1.2 metres concrete path and street lighting with significant landscaping and/or a bollard system and/or with post and rail fencing installed to prevent vehicular traffic access.

2.6 The design of the existing Belmont Road for the full frontage of the subject land must be reviewed for geometric design of all through-road elements for sixty (60) kilometres per hour and a programme proposed for upgrading over successive future stages by the Developer to a Rural Minor Collector Road with an asphalt seal and pavement width of eight (8) metres.

2.7 The kerb ramps at all legs of all internal intersections must be designed and constructed to accommodate pedestrian traffic.

2.8 All paths must be steel reinforced concrete and designed and constructed in accordance with the Capricorn Municipal Development Guidelines and AS1428 "Design for Access and Mobility". All paths located within a road reserve or public use land must be provided with public space lighting in accordance with AS/NZS1158 "Lighting for Roads and Public Spaces".

The specified requirements for pathways must also apply where the paths cross any vehicular access. The maximum cross fall requirement of 2.5 percent must be achieved on the pathway where it intersects the vehicle access for the full width of the access. The finished surface of all pathways must be flush with all new and existing services.

2.9 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Where possible, retaining walls must be wholly contained within proposed private allotments and not constructed as Council-owned infrastructure.

2.10 Temporary sealed turning areas must be constructed on the ends of all roads terminating at or near the end of the stage id est at the ends of roads designated B, C, D and E and must

still permit the unimpeded development of the adjacent allotments. This may require extensions to the road reserves and/or provision of easements on the extensions of these roads.

- 2.11 The application for a Development Permit for Operational Works (road works) must demonstrate that vehicular access to each lot is practical and complies with the Capricorn Municipal Development Guidelines.
- 2.12 Single chord truncations are permitted to simplify service infrastructure provided the single chord is equal to or larger than the combined standard 3 chord truncation.

3.0 SEWERAGE WORKS

- 3.1 A Development Permit for Operational Works (Sewerage Works) must be obtained prior to the commencement of any works on the site.
- 3.2 Each lot must be connected to Council's sewerage reticulation system prior to the release of the Final Survey Plan.
- 3.3 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the sewerage infrastructure, caused by the construction of the proposed development, must be borne by the applicant.
- 3.4 A registered easement must be provided over all sewerage infrastructure located within private property. For details regarding sizing and location refer to the Capricorn Municipal Development Guidelines.
- 3.5 The provision of reticulated sewerage services to all the proposed allotments is required in accordance with the *Water Supply (Safety and Reliability) Act*. The proposed sewerage reticulation works, including connections to the existing system, must be carried out in accordance with the Capricorn Municipal Development Guidelines.
- 3.6 Where any sewerage works are proposed within adjacent properties, evidence of written consent from the owners of those properties must be provided with any application for a Development Permit for Operational Works (Sewerage Works).
- 3.7 Connection to the existing sewerage reticulation system must generally be in accordance with the sewerage strategy submitted with the application.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (Water Works) must be obtained prior to the commencement of any works on the site.
- 4.2 Each lot must be connected to Council's water supply reticulation system prior to the release of the Final Survey Plan.
- 4.3 Any construction works proposed in the vicinity of Council's existing water supply infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the water supply infrastructure, caused by the construction of the proposed development, must be borne by the applicant.
- 4.4 A registered easement must be provided over all water supply infrastructure located within private property. The minimum width of the easement to be registered for the trunk water main is five metres.
- 4.5 The provision of reticulated water supply services to all the proposed allotments must be in accordance with the *Water Supply (Safety and Reliability) Act*. The proposed water reticulation works, including connections to the existing system, must be carried out in accordance with the Capricorn Municipal Development Guidelines.
- 4.6 Connection to the existing water supply reticulation system must generally be in accordance with the water supply strategy submitted with the application.

4.7 Where any water supply works are proposed within adjacent properties, evidence of written consent from the owners of those properties must be provided with any application for a Development Permit for Operational Works (Water Works).

5.0 STORMWATER

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

5.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual, the Capricorn Municipal Development Guidelines and sound engineering practice. All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect external land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure items.

5.3 Any application for a Development Permit for Operational Works (stormwater) must be accompanied by:-

5.3.1 A site-based stormwater management plan that addresses stormwater runoff, sediment and water quality for the proposed development to determine the impact on the receiving waters, to demonstrate that no adverse impact arises from the development of the subject land and that the amount of pollutants entering the system are significantly reduced;

5.3.2 Drainage calculations for all on-street underground pipe systems (Q5) in Stage 2 with a fully developed upstream catchment, an assessment of the Q100 demonstrating compliance with the Queensland Urban Drainage Manual major flow parameters at all the critical locations and the Capricorn Municipal Development Guidelines and establishment of the legal point of discharge in accordance with the two point test contained within the Queensland Urban Drainage Manual; and

5.3.3 A stormwater drainage strategy for Stage 2 demonstrating its compatibility with the future overall development of the subject site.

5.4 The site-based stormwater management plan must implement best practice stormwater management utilised by the implementation of current relevant industry codes such as Queensland Urban Drainage Manual, Water Sensitive Urban Design and/or Brisbane City Council Water Quality Management Guidelines or similar to significantly achieve reduction in pollution loads entering the stormwater system.

The Council's preference is that the site-based stormwater management plan must generally provide for low maintenance practical systems.

The proposed site-based stormwater management plan strategy must be submitted and approved prior to any application for a Development Permit for Operational works (stormwater works) for Stage 2.

5.5 Inter-allotment drainage, designed and constructed generally to Queensland Urban Drainage Manual Level II must be provided to any lot where it cannot be satisfactorily demonstrated that roofwater drainage associated with dwelling construction on that lot, could reasonably be directed to the frontage kerb and channel. The hydrologic and hydraulic design of roofwater drainage must take into account the increase in average roof areas of contemporary dwellings (minimum 300 square metres per residence).

5.6 Any proposed allotments containing stormwater mains must be covered by easements in gross. Roofwater drainage easements must be a minimum of three (3) metres wide and trunk drainage easements must be a minimum of five (5) metres wide.

6.0 SITE WORKS

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

- 6.2 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by an earthworks plan which clearly identifies the following:
- (i) the location of cut and/or fill;
 - (ii) the impact of filling on the Q100 inundation levels of Ramsey Creek;
 - (iii) the type of fill to be used and the manner in which it is to be compacted;
 - (iv) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - (v) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - (vi) 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.

- 6.3 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.

7.0 LANDSCAPING

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

- 7.2 Any application for a Development Permit for operational Works (Landscaping) must be in accompanied by a landscape plan addressing the road reserve area between proposed lots 201 and 213 and the streetscape generally in accordance with the approved plan (refer condition 1.1) and must include, but is not limited to, the following:

7.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (for example: stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

7.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (i.e. paving, fences, garden bed edging etcetera); and
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

- 7.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

- 7.4 All fencing, and all landscaping, must be located wholly within the development site.

- 7.5 Landscaping, or any part thereof, upon reaching full maturity, must not:

- 7.5.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications; or
- 7.5.2 adversely affect any road lighting or public space lighting; or
- 7.5.3 adversely affect any Council infrastructure, or public utility plant.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Underground electricity and telecommunication connections must be provided to all lots within the proposed development to the requirements of each relevant utility service authority.
- 8.2 The Plan of Survey will not be sealed unless and until evidence is provided of a non-refundable contract with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authority.
- 8.3 Road and public space lighting must be provided to all roads, intersections and public spaces in accordance with the AS/NZS1158 suite of standards and as specified in the Capricorn Municipal Development Guidelines.

9.0 CONTRIBUTIONS/COSTS

- 9.1 Contributions must be paid to Council prior to the endorsement of the Final Plan of Survey. The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:

<u>Policy</u>	<u>Contribution</u>	<u>Stage</u>	<u>Current Total*</u>
Planning Policy Number 11	Water Supply Headworks Contribution	Stage 2A Stage 2B	\$46,645.00
Planning Policy Number 11	Sewerage Headworks Contribution	Stage 2A Stage 2B	\$53,029.00
Planning Policy Number 11	Water Supply Headworks Contribution	Stage 2C	\$36,848.76
Planning Policy Number 11	Sewerage Headworks Contribution	Stage 2C	\$41,892.00
* The sums of money quoted will remain firm for a period of twelve (12) months, after which time, Council reserves the right to review same in accordance with the policies and rates and charges current at the time of payment.			

- 9.2 A contribution of \$5,788.00 per lot, for external road work upgrades, must be paid to Council prior to the endorsement of the Final Plan of Survey.
- 9.3 Any alteration to electricity, telephone, water mains, sewerage mains, stormwater drainage systems, and/or any other public utility installations required as a consequence of the development, or in any way associated with the development, must be at full cost to the developer.
- 9.4 '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 to Council.

10.0 ENVIRONMENTAL

- 10.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) fauna management;
- (iv) vegetation management and clearing;
- (v) top soil management;
- (vi) interim drainage plan during construction;
- (vii) construction programme;
- (viii) geotechnical issues;
- (ix) weed control;
- (x) bushfire management;
- (xi) emergency vehicle access;
- (xii) noise and dust suppression; and
- (xiii) waste management.

10.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

10.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

10.4 Works must not commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

11.0 OPERATING PROCEDURES

11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

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 Partnerships website www.datsip.qld.gov.au.

NOTE 2. Dust Control

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 3. Sedimentation Control

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 4. Noise During Construction And Noise In General

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

NOTE 5. General Safety Of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

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> <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 agency's referral	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
		response—the concurrence agency	manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<p>3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or </p> <p>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>			

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

Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development	1 For a development application—the assessment manager	1 The applicant 2 If the appeal is about a concurrence agency's referral	Another eligible submitter for the application

Table 2			
Appeals to the P&E Court only			
application 2 For a change application—an eligible submitter for the change application	2 For a change application—the responsible entity	response—the concurrence agency	
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	Another eligible submitter for the application
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the</p>	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

Table 2 Appeals to the P&E Court only			
affected area for the registered premises who is dissatisfied with the decision			
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

Table 3 Appeals to the tribunal only			
<p>1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
<p>3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (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	-	-