



Decision Notice Approval (amended)

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

Application number:	D/1195-2009	Contact:	Kathy McDonald
Notice Date:	21 February 2022	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Hickey Oatley Planning & Development Pty Ltd		
Postal address:			
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above 'other change' application on 10 January 2022 and confirm the following:

DEVELOPMENT APPROVAL

'Other Change' to a Development Permit for Material Change of Use for a Restaurant (and drive through) and Operational Works (Advertising)

PROPERTY DESCRIPTION

Street address:	160-164 George Street and 166 George Street, Rockhampton City
Real property description:	Lot 11, Lot 2 and Lot 3 on RP600117 and Lot 6 on SP238732 Parish of Rockhampton

OWNER DETAILS

Name:	Selden Pty Ltd
Postal address:	
Dear Hickey Oatley Planning & Development Pty Ltd	
I advise that, on 14 February 2022 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)	Section 6	Changed	14 February 2022
2)	Condition 1.1	Changed	14 February 2022
3)	Condition 1.2	Changed	14 February 2022
4)	Condition 1.8	Changed	14 February 2022

1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use -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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
INFRASTRUCTURE-RELATED REFERRALS (Electricity Infrastructure)			
<i>Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or subject to an easement</i>			
Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if— (a) all or part of the premises are within 100m of a substation site; or (b) both of the following apply— (i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act; (ii) the easement is for a transmission grid or supply network	The chief executive of the distribution entity or transmission entity: Ergon Energy	Advice	<u>Postal:</u> Ergon Energy (Town Planning) PO Box 1090 Townsville Qld townplanning@ergon.com.au

STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)

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

<p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p>	<p>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@dsdilg.p.qd.gov.au</p> <p><u>Postal:</u> PO Box 113 Rockhampton Qld 4700</p>
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5. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Location Plan / Drawing Index	A 000 REV A	26 October 2019
Existing / Demolition Site Plan	A 100 Rev B	26 October 2019
Proposed Site Plan	A 101 Rev B	26 October 2019
Site Plan, Final	SK15-REV6	As Amended 25-08-2009
Pedestrian Connectivity & Equitable Access	SK25-REV1	As Amended 25-08-2009
Landscape Concept Plan, Final	090407 LCP- REV B	7 April 2009
Landscape Concept Plan, Interim	090601 LCP- REV C	2 June 2009
Traffic Impact Assessment - Lambert & Rehbein	Ref: B08628TR001_REVC	10 June 2009
Response to Request for Information - Lambert & Rehbein	Ref: B08628TL003	17 September 2009
Lighting and Acoustic Report- ASK Consulting Engineers Pty Ltd	4998R01V02.doc	9 June 2009
Waste Management Report- WBP Architects	2020-705-003	7 July 2009
Site Waste Storage Plan, Interim	SK22-REV1	As Amended 25-08-2009

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Waste Storage Plan, Final	SK23-REV1	As Amended 25-08-2009
Part Equipment Plan	SK24-REV1	As Amended 25-08-2009
Stormwater Quantity Management Report- MRG Water Consulting Pty Ltd	1319/Rev 1	September 2009
Signage Details	A 200 Rev B	26 October 2019
Order Canopy Details	A 201 Rev B	26 October 2019
Site Signage Plan & Signage Elevations, Final	SK18-REV5	February 2009 Amended 29 May 2009
Site Signage Plan & Signage Elevations, Interim	SK21-REV3	February 2009 Amended 27 July 2009

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 an 'Other Change' to a Development Permit for a Material Change of Use for a Restaurant (and drive through) and Operational Works (Advertising)
Reasons for Decision	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 benchmarks: <ul style="list-style-type: none"> • Specialised Centre Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code.
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and wholly complies without exception.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); 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: Cecil Barnard <u>OPERATIONS MANAGER – DEVELOPMENT AND ASSESSMENT</u>	Date: 17 May 2010
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11. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 21 February 2022
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dasilgp.qd.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

Material change of Use:

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>
Location Plan / Drawing Index	A 000 REV A	26 October 2019
Existing / Demolition Site Plan	A 100 Rev B	26 October 2019
Proposed Site Plan	A 101 Rev B	26 October 2019
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Site Waste Storage Plan, Interim	SK22-REV1	As Amended 25 August 2009
Site Waste Storage Plan, Final	SK23-REV1	As Amended 25 August 2009
Part Equipment Plan	SK24-REV1	As Amended 25 August 2009
Stormwater Quantity Management Report- MRG Water Consulting Pty Ltd	1319/Rev 1	September 2009

- 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 followed by the most updated set of approved plans (dated 26 October 2019).
- 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.
- 1.6 The following further development permits are required prior to the commencement of any works on the site:
 - 1.61 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Roof and Allotment Drainage;
 - (vii) Site Works; and
 - (viii) Landscaping.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 The use must be carried over Lot 3 on RP 600117, Lot 2 on RP 600117, Lot 11 on RP600117 and Lot 6 on SP238732 generally in accordance with the approved plans. To be clear, the use must be carried out over all four allotments. Cessation of the restaurant use over any of the allotments will be a contravention of this approval.
- 1.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 1.10 All engineering drawings for Operational Works must be signed and certified by a Registered Professional Engineer of Queensland as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. A suitably qualified, Registered Professional Engineer of Queensland shall supervise the works on the applicant's behalf. A certificate of construction compliance must be submitted by a Registered Professional Engineer of Queensland verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specification.
- 1.11 All operational works must be supervised by a suitably qualified and Registered Professional Engineer of Queensland, who must issue to Council a certificate as to the satisfactory completion of the work.
- 2.0 ROAD WORKS
- 2.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
- 2.2 All road works and associated stormwater drainage system works must be designed generally in accordance with Design Guidelines D1 (Geometric Road Design) and Design Guideline D5 (Stormwater Drainage Design), which form part of the Capricorn Municipal Development Guidelines, unless noted otherwise in these conditions.

- 2.3 The engineering design of all new roads and associated stormwater drainage systems, both internal and external to the site, submitted as part of any application for a Development Permit for Operational Works (Road Works) must be prepared and certified by a registered professional engineer.
- 2.4 All Road Works detailed, or foreshadowed, in the approved plans (refer Condition 1.1) must be undertaken, at no cost to Council, prior to the commencement of the use.
- 2.5 Any additional works, without limitation, required as a consequence of any Road Works, must be undertaken at no cost to Council, prior to the commencement of the use.
- 2.6 All new roads and intersections, and any modifications to existing roads or intersections, must be provided with road and public space lighting in accordance with the AS1158 suite of standards.
- 2.7 All areas of any existing or proposed road reserve disturbed as a consequence of road works, or any other works, must be suitably shaped, topsoiled, turfed or hydromulched, or similarly treated, and maintained to the satisfaction of Council.
- 2.8 A steel-reinforced concrete footpath, a minimum of 1.2 metre wide, must be reinstated/constructed for the full length of the property frontage to George Street, prior to the commencement of the use. The footpath must be in accordance with the Capricorn Municipal Development Guidelines (CMDG). A Development Permit for Operational Works (Road Works) must be obtained prior to the commencement of any works in the road reserve.
- 2.9 All pathways must comply with AS1428 'Design for Access and Mobility', and the Capricorn Municipal Development Guidelines.
- 2.10 All pathways located within any road reserve, or public use land, must be provided with public space lighting in accordance with AS/NZS1158 'Lighting for roads and public spaces'.
- 2.11 Any application for a Development Permit for Operational Works (Road Works) must be accompanied by full engineering design details for all reinforced concrete pathway works.
- 2.12 All standards for pathways must also apply where they cross any vehicular access locations. The maximum crossfall requirement of 1 (vertical) in 40 (horizontal) must be achieved on all external pathways where they cross any vehicular access.
- 2.13 The finished surface of all pathways must be flush with all existing services. (Note: in some cases, this may require alterations to existing public utility infrastructure. The developer must be responsible for obtaining all relevant approvals and undertaking these modifications, if required.)
- 2.14 Provide right turn lane in Denham Street for vehicles turning right into George Lane. This facility must be provided within the existing vegetated median island. A Development Permit for Operational Works (Road Works) must be obtained prior to the commencement of any works in the laneway.
- 3.0 ACCESS AND PARKING
- 3.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 3.2 All vehicle parking spaces must be provided on site and must generally be in accordance with the endorsed plans (refer to condition 1.1).
- 3.3 All parking areas must be clearly line marked in accordance with Councils' requirements.
- 3.4 All vehicle parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (Access and Parking). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).
- 3.5 The engineering design of all access and parking areas, submitted as part of any application for a Development Permit for Operational Works (Access and Parking) must be prepared and certified by a registered professional engineer.

- 3.6 Any application for a Development Permit for Operational Works (Access and Parking) must demonstrate, and include certification from a registered professional engineer, that:
- 3.6.1 All vehicular accesses comply with the Australian Standard 2890 series of publications;
 - 3.6.2 All parking areas comply with the Australian Standard 2890 series of publications;
 - 3.6.3 A continuous accessible path of travel (accessway) is (or can be) provided, in accordance with the Australian Standard 1428 series of publications, from the George Street and Denham Street footpaths to all publicly accessible building entrances;
 - 3.6.4 Stormwater discharge from all access and parking areas is drained to the kerb and channel, or an alternative lawful point of discharge, to the satisfaction of Council; and
 - 3.6.5 All parking controls and signage complies with the requirements of the Manual of Uniform Traffic Control Devices.
- 3.7 All vehicular access to, and egress from, the development must be in a forward gear.

4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 4.2 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the *Water Supply (Safety and Reliability) Act 2008* and *Plumbing and Drainage Act, 2002*. Council's preference is that an existing sewer connection be re-used if possible.
- 4.3 All access chambers, inspection openings and jump-ups located within trafficable areas must be raised or lowered to suit the driveway/carpark finish surface levels and provided with trafficable lids.
- 4.4 Driveway/Carparks must be sloped away from all access chambers, inspection openings and jump-ups to prevent stormwater infiltration.
- 4.5 In accordance with the *Water Supply (Safety and Reliability) Act 2008*, a Trade Waste Permit is required for the discharging of commercial waste into Council's reticulated sewerage network.
- 4.6 The proposed development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy (BOALGSIP). It is noted that the sections of sewer located within the development site have been identified as in need of rehabilitation and have been included into Fitzroy River Water's current relining program. The proposed development has been assessed against the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy (BOALGSIP) and the following are required.
- 4.6.1 The proposed building's footing design must be certified by a Registered Professional Engineer of Queensland and submitted to Fitzroy River Water (FRW) for review.
 - 4.6.2 Piers must be provided in the proposed building's footings to bridge the sewer. Piers must provide a minimum horizontal clearance of 2.0 metres from the sewer and be founded a minimum of 300 millimetres below the invert level of the sewer.
 - 4.6.3 A post-construction CCTV inspection of the sewerage infrastructure must be conducted within seven (7) days of practical completion of construction. CCTV inspection results must be submitted to Fitzroy River Water (FRW) for review.
 - 4.6.4 A registered easement must be established over the total footprint of the building within the 45degree zone of influence as outlined in the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy (BOALGSIP). The easement must be granted to Rockhampton Regional Council (RRC) for the "provision of works, including any service, facility or activity of whatever description which the

Grantee has authority to undertake, directly or indirectly in the exercise by it of its duties under the *Local Government Act 2009*, and *Water Supply (Safety and Reliability) Act 2008* or otherwise directly related to sewerage purposes". Examples of relevant easement documentation can be found accompanying the Building Over/ Adjacent to Local Government Sewer Infrastructure: Technical Guidelines.

- 4.6.5 No construction is permitted over or a sewerage jump-up or connection point. The existing connection point must be disconnected and a new connection point provided at the existing access chamber within the development site. The existing internal drainage must be redirected to this new connection point.
- 4.6.6 The proposed directional sign located near the George Lane entrance/exit must be relocated to provide a minimum horizontal clearance of 2.0 metres from the sewer.
- 4.6.7 Prior to the commencement of construction onsite, the exact location and depth of the sewerage infrastructure must be obtained. Any discrepancies between the actual and recorded location and depths must be reported to Fitzroy River Water (FRW) for further investigation before proceeding.
- 4.6.8 Payment of a Sewer Rehabilitation Contribution Fee of \$153.30.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 5.2 The proposed development must connect to Council's reticulated water supply network in accordance with the *Water Supply (Safety and Reliability) Act 2008*.
- 5.3 Sub-metering must be provided in accordance with the *Water Supply (Safety and Reliability) Act 2002*, the *Plumbing and Drainage Act 2002*, and Council's Sub-metering Policy.

6.0 PLUMBING AND DRAINAGE

- 6.1 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.
- 6.2 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act 2002*.
- 6.3 The internal drainage must be disconnected and redirected to the new sewer connection point.
- 6.4 A grease arrestor trap must be provided for the discharging of commercial waste into Council's reticulated sewerage network.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 7.2 Any Master Drainage Plan submitted as part of any Development Application for Operational Works (Stormwater Works) must be generally in accordance with the endorsed plan and the requirements of the Queensland Urban Drainage Manual and the Water Quality and Water Quantity Code in the Rockhampton City Plan.
- 7.3 Any Master Drainage Plan submitted as part of any application for a Development Permit for Operational Works (Stormwater Works) must demonstrate that any temporary stormwater outlet and any stormwater discharge from incomplete works, drains to a lawful point of discharge.
- 7.4 Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure.

- 7.5 All Stormwater Works approved as part of any Development Permit for Operational Works (Stormwater Works), must be constructed, at no cost to Council, prior to the commencement of use.
- 8.0 ROOF AND ALLOTMENT DRAINAGE
- 8.1 A Development Permit for Operational Works (roof and allotment drainage) must be obtained prior to the commencement of any works on the site.
- 8.2 All roof and allotment drainage must be collected on site and discharged via pipes to a Lawful Point of Discharge. All site drainage pipes must comply with the requirements of Australian Standard– Stormwater Drainage. The development must not adversely affect any other land by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure items.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any works on the site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- (i) the location of cut and/or fill;
 - (ii) the type of fill to be used and the manner in which it is to be compacted;
 - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - (v) the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 Any application for a Development Permit for Operational Works must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with State Planning Policy 2/02.
- If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works.
- 9.4 Any vegetation cleared or removed must be:
- 9.4.1 mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - 9.4.2 removed for disposal at a location approved by Council; within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 9.5 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by:
- 9.5.1 reasonable investigations to determine the presence and extent of any existing filled ground on the subject land (site investigations must assess the degree of compaction and composition of any existing filled ground and an assessment of the adequacy of existing filled ground including the extent of any remedial works required); and
 - 9.5.2 reasonable investigations and reasonable testing to ensure the subject land is free of contamination in accordance with the requirements of the *Contaminated Land Act 1991*.
- 10.0 LANDSCAPING
- 10.1 A Development Permit for Operational Works (landscaping) must be obtained prior to the commencement of any works on the site.

- 10.2 Any application for a Development Permit for operational Works (landscaping) must be in accordance with the approved concept plan in 1.1 above. The landscape plan must include, but is not limited to, the following:
- 10.2.1 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 (eg 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.
- 10.2.2 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 etc). All plants shall be located within an edged garden;
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
 - (v) mature screen planting on northern and western boundaries.
- 10.3 Any application for a Development Permit for Operational Works (Landscaping) must demonstrate that all proposed landscaping, or any part thereof, upon reaching full maturity, will not:
- 10.3.1 obstruct sight visibility zones as defined in the Austroads ‘Guide to Traffic Engineering Practice’ series of publications; or
- 10.3.2 adversely affect any road lighting or public space lighting; or
- 10.3.3 adversely affect any Council infrastructure, or public utility plant.
- 10.4 Any application for a Development Permit for Operational Works (Landscaping) must demonstrate that all proposed landscaping is wholly contained within the subject land.
- 10.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.6 The development to include a 2.5 metre acoustic barrier on the northern boundary and a 1.8 metre barrier on the western boundary as proposed in the Lighting and Acoustic Report.
- 11.0 ELECTRICITY AND TELECOMMUNICATIONS
- 11.1 Provide underground electricity and telecommunication connections to the proposed development to the requirements of the relevant authority.
- 11.2 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.
- 11.3 Road and public space lighting must be provided to all roads, intersections and public spaces in accordance with Australian Standard 1158 suite of standards, prior to commencement of use.
- 12.0 CONTRIBUTIONS/COSTS

- 12.1 Contributions must be paid to Council prior to the issue of a Development Permit for Building Works.

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>Current Total*</u>
PSP11	Water supply infrastructure	\$5265.00
PSP11	Sewerage infrastructure	\$3366.00

* 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.

- 12.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.
- 12.3 '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 commence of the use or the release of the Building Format Plan, whichever occurs the sooner. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 12.4 Payment of a Sewer Rehabilitation Contribution Fee of \$153.30 as reflected in 4.6.

13.0 ENVIRONMENTAL

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

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

- 13.2 Any application for a Development Permit for Operational Works or Development Permit for Building 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.

13.3 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.

13.4 No works can commence on the site unless and until an Environmental Management Plan and the Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

14.0 BUILDING

14.1 Buildings or other structures on the land must not be demolished and/or removed prior to the relevant Building Works approvals being obtained.

14.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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*'.

14.3 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.

14.4 All plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.

14.5 All waste is to be stored within the bin room and enclosed waste storage area eg. general waste, recyclable waste, pallets, oil containers and the like.

The owner of the land must ensure that the bin room and enclosed waste storage area are:

- Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place.
- Of a minimum size to accommodate two (2) commercial type bins of three (3) cubic metres each.

14.6 Should a washdown area be required it must be an impervious paved and drained washdown area. The areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

14.7 Any reflective material must have a level of light reflectivity of no more than twenty (20) percent and a level of heat transmission of not less than twenty (20) percent.

15.0 OPERATING PROCEDURES

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

15.2 Noise from the activity must not cause an environmental nuisance.

- 15.3 Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled 'Lighting and Acoustic Report, Rockhampton Hungry Jacks' prepared by ASK Consulting Engineers and dated 9 June 2009.
- 15.4 Should the development be found to be creating a noise nuisance, then the report titled 'Lighting and Acoustic Report, Rockhampton Hungry Jacks' prepared by ASK consulting Engineers and dated 9 June 2009 must be revised by the owner/operator within three (3) months and submitted to Council for approval with additional mitigation measures. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 15.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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'.
- 15.6 Odour/Smoke from the activity must not cause an environmental nuisance.
- 15.7 The maximum sized service vehicle permitted to service the site is a Medium Rigid Vehicle(MRV).
- 15.8 Waste containers must be kept in a clean condition and in good repair and located in the nominated position as indicated on Plan No. SK23 Rev.1 dated February 2009 (amended 8-07-2009)

Operational Works (Signage):

1.0 ADMINISTRATION

- 1.8 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>
Signage Details	A 200 Rev B	26 October 2019
Order Canopy Details	A 201 Rev B	26 October 2019
Site Signage Plan & Signage Elevations, Final	SK18-REV5	February 2009 Amended 29 May 2009
Site Signage Plan & Signage Elevations, Interim	SK21-REV3	February 2009 Amended 27 July 2009

- 1.9 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 1.10 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.
- 1.11 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.
- 1.12 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council.
- 1.13 The following further development permits are required prior to the commencement of any works on the site:

1.6.1 Building Works.

- 1.14 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 1.15 All structural work must be inspected and certified by a suitable qualified engineer within 20 business days upon completion of construction.
- 2.0 **BUILDING**
- 2.8 A certificate of structural adequacy and completed structural plans and specifications must be submitted as part of the application for a Development Permit for Building Works.
- 2.9 Any restoration works required on the existing sewerage infrastructure, caused by the construction of the proposed development, must be at no cost to Council.
- 2.10 The light from the premises must not exceed eight (8) lux at a distance of 1.5 metres outside the boundary of the site.
- 2.11 The luminance of the illuminated signs must not exceed 350 candles per square metres.
- 3.0 **CONTRIBUTIONS/COSTS**
- 3.8 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at no cost to Council.
- 4.0 **OPERATING PROCEDURES**
- 4.8 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in any street.
- 4.9 All signs must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed and secured to any supporting structure or device.
- 4.10 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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'.
- 4.11 The Directional Sign located near the George Lane entry/exit must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy (BOALGSIP). The sign must be relocated to provide a minimum horizontal clearance of 2.0 metres from the sewer.

ADVISORY NOTES

NOTE 1. **Aboriginal Cultural Heritage**

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

NOTE 2. **Asbestos Removal**

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

NOTE 3. **General Environmental Duty**

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash,

fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Fitzroy River Water (FRW)

Any construction works proposed in the vicinity of Council's existing water supply and/or sewerage infrastructure must not adversely affect the integrity of the infrastructure.

In accordance with the Water Supply (Safety and Reliability) Act 2008, it is an offence to interfere with a service provider's infrastructure. Rockhampton Regional Council is the service provider and FRW is the department responsible for water supply and sewerage services. FRW can provide private works quotations for any water supply and sewerage works if requested.

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

Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection
 - (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section— **decision** includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

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

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

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	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
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have			

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

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

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

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

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

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