



Amended Decision Notice Approval

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

Application number:	D/125-2017	Contact:	Bevan Koelmeyer
Notice Date:	12 August 2021	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Red Lion Property Holdings Pty Ltd Tte		
Postal address:	C/- Reel Planning		
Phone no:	N/A	Mobile no:	Email:

I acknowledge receipt of the above application on 3 December 2020 and confirm the following:

DEVELOPMENT APPROVAL

Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (Extensions)
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PROPERTY DESCRIPTION

Street address:	138 and 142 Denham Street, Allenstown
Real property description:	Lot 100 on SP300289 (previously known as Lots 1 and 2 on RP600326), and Lot 1 on RP602347

OWNER DETAILS

Name:	Red Lion Property Holdings Pty Ltd Tte
Postal address:	
Dear Red Lion Property Holdings Pty Ltd Tte	
I advise that, on 10 August 2021 the above development 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.	

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<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>Access and Parking Works</i> <i>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i> <i>Roof and Allotment Drainage Works</i>
Building Works	<i>Demolition Works</i> <i>Building Works</i>
Plumbing and Drainage Works	

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:

Drawing/report title	Prepared by	Date	Reference number	Revision
Proposed Site Plan	Lotus	6 September 2018	Nil	F
Floor Plan & Elevations	Lotus	6 September 2018	Nil	F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001	A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil	-
Layout Plan	Hartecs	January 2021	1093-MCU1	B
Elevations	Hartecs	Undated	1093-MCU4	A
Stormwater Management Plan	Hartecs	January 2021	1093-MCU2	B
Turn Templates	Hartecs	January 2021	1093-MCU3	B
Architects Details	Hartecs	Undated	1093-MCU4	B
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1
Site Plan and Elevations (Stage Two) – Proposed Hotel Room	Unnamed	Undated	1093-MCU4	C

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

The standard currency 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 Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions)	
Reasons for Decision	<p>a) The proposed development will not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015 (version 2.1)</i>;</p> <p>b) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>c) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low-Medium Density Residential Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Strategic Framework; and Low-Medium Density Residential Zone Code (PO13)	<p>Despite the extensions in Stage 2 and 3 only resulting in an additional 180 square metres of gross floor area and an ancillary carpark, as the existing development is not small in scale the proposed extensions are inconsistent with the Low-Medium Density Residential Zone.</p> <p>However, the proposed development is to extend the Red Lion Hotel, which is a longstanding establishment in the local area that has serviced the entertainment needs of local residents for many years. The development is anticipated to accommodate more patrons and enhance the Hotel's overall experience enjoyed by its patrons. The extension is anticipated to positively contribute to local economic growth by facilitating additional employment opportunities within the business. Primary access to the site is via Denham Street,</p>

	<p>which is a higher order road that has sufficient capacity to safely accommodate traffic generated by the subject development. The development will be serviced by appropriate infrastructure such as water, sewer, electricity and telecommunications. The site is not constrained by any designated natural environment or natural hazards. Furthermore, the development is appropriately designed and suitable conditions have been imposed to ensure amenity in the surrounding area is protected. Therefore, the development is consistent with the Strategic Framework.</p>
<p>Low-Medium Density Residential Zone Code</p>	<p><u>PO10</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 10.1(b) and Acceptable Outcome 10.3, as the new hotel room to be constructed in Stage 3 of the development will be built to the road frontage boundary of Denham Street and includes an exterior wall exceeding a length of 15 metres.</p> <p>The hotel room will be constructed by enclosing the outdoor dining area established in Stage 2 of the development and will only be seven (7) metres in width along the Denham Street road frontage. However, the proposed building setback is consistent with the existing Hotel building's setback to the road frontage boundaries of both Denham Street and West Street. Additionally, there is a landscaping area established approximately five (5) metres from the hotel room along the proposed carpark.</p> <p>The new hotel room represents a small extension and integrates with the built form of the existing Hotel. Furthermore, the landscaping areas provided on-site are anticipated to assist in softening the appearance of the development while positively contributing to the overall appearance of the Hotel along Denham Street.</p> <p><u>PO21</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 21.1, as it will operate between the hours of 10:00 to 00:00. However, it is noted that the operating hours for the Hotel extensions are consistent with the longstanding Hotel's existing operating hours.</p> <p>Furthermore, the applicant undertook a Noise Impact Assessment for Stage 2 of the development for the outdoor dining area with recommendations including roof treatment for acoustic absorption, noise limits on amplified music, as well as general administrative controls including accepting deliveries and using the waste bins only during daytime hours to minimise and reduce annoyance during the night-time. These same general administrative controls have also been imposed for Stage 3 of the development. Furthermore, suitable conditions have been imposed to ensure light, odour or dust does not become an environmental nuisance. Additionally, should a genuine complaint be received in relation noise, the owner will be required to undertake nuisance monitoring supported by a report with mitigation measures.</p>

		<p>Additionally, the development does not meet the recommendations of Acceptable Outcome 21.2, as a 1.8 metres high screen fence has not been provided along the side boundary adjacent to the Oxford Street access handle and Lot 14 on RP600325. The existing fence will be maintained along this boundary, which is a mixture of screened and transparent fencing. However, it is noted that use of this access is limited to only service and delivery vehicles, which will use this access during daytime hours only.</p> <p>Therefore, the development has demonstrated it will minimise adverse impacts on the amenity of adjoining land uses and the surrounding area.</p>
		<p><u>PO24</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 24.1, as landscaping has not been provided for 10 per cent of the total site area. However, the existing Hotel located at Lot 100 on SP300289 includes approximately 51.5 square metres of landscaping and the subject extensions to the Hotel development will include an additional 78 square metres of landscaping being a 'vertical garden' located with the proposed carpark for Stage 2 of the development along the common boundary shared with Lot 13 on RP600325. Furthermore, it is noted that additional landscaping within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, the landscaping areas provided are anticipated to provide an attractive environment and enhance the overall appearance of the development.</p>
	<p>Landscape Code</p>	<p><u>PO6</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 6.5, as a three-tier landscaping treatment has not been provided. However, this is not considered necessary for the subject development, which is only for an extension to the existing Hotel. Furthermore, the landscaping areas that have been provided for the development are anticipated to be of a suitable size to complement the subject development and will include the use of suitable, local plant species that have a low water dependency.</p> <p><u>PO11</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 11.1 as no shade trees are being provided within the car parking area. It is noted that shade trees within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, landscaping areas have been provided along the carpark's common boundary with Lot 13 on RP600325 and adjacent to car parks numbered between 10 through to 18. Both areas will be established with vegetation which creates a 'vertical garden' appearance, with vegetation which is a minimum of</p>

		1.8 metres in height and this will include locally native plant species, which have a low water dependency. The landscaping areas provided for the development are anticipated to reduce the visual appearance of the development's car park and internal access areas.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application. 	

8. APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.

Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

10. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Signature:	Date: 12 August 2021
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Attachment 1 – Conditions of the approval

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

Attachment 2—Extract on appeal rights

PART A – Applies to All Stages

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any Operational Works required by this development approval:
- 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 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.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Deleted.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 Deleted.
- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Building Works.

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in three (3) stages, namely:
- 3.1.1 Cocktail room, hotel room, beer garden, storeroom, bar and grill and carpark (Stage One);
 - 3.1.2 Outdoor dining area and carpark (Stage Two); and

3.1.3 Hotel room (Stage Three).

in accordance with the approved plans (refer to conditions 13.1, 23.1 and 31.1).

3.2 The stages are required to be undertaken in chronological order.

3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 A Development Permit for Plumbing and Drainage Works must be obtained for both Stages One and Two. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.

4.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

4.3 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

4.4 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

4.5 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.

4.6 Sewer manholes and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

6.0 SITE WORKS

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

7.0 BUILDING WORKS

7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

7.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction.

7.3 Access to and use of the land the subject of this application must comply with the provisions of the Disability Discrimination Act 1992 and/or the Anti-Discrimination Act 1991. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

8.0 LANDSCAPING WORKS

8.1 All landscaping must be established generally in accordance with the approved plans (refer to conditions 13.1, 23.1 and 31.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly

contain plant species that are locally native to the Central Queensland region due to their low water dependency.

- 8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 8.3 The landscaped areas must be subject to:
 - 8.3.1 a watering and maintenance plan during the establishment moment; and
 - 8.3.2 an ongoing maintenance and replanting programme.

9.0 ENVIRONMENTAL HEALTH

- 9.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 9.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy 2019*.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

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 development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Denham Street, West Street or Oxford Street.
- 11.2 The hours of operations for the development site must be limited to 1000 hours to 0000 hours from Monday to Sunday including Public Holidays.
- 11.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1). The owner of the land must ensure that the area is kept:

- 11.3.1 in a clean and tidy condition;
- 11.3.2 fences and screens are maintained;
- 11.3.3 no waste material is stored external to the waste storage area/s;
- 11.3.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
- 11.3.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

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

PART B: Stage One

12.0 ADMINISTRATION

12.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

12.1.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Stormwater Works;
- (iii) Site Works;

12.1.2 Plumbing and Drainage Works; and

12.1.3 Building Works:

- (i) Demolition Works; and
- (ii) Building Works.

13.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Proposed Site Plan	Lotus	6 September 2018	Nil	F
Floor Plan & Elevations	Lotus	6 September 2018	Nil	F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001	A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil	-

14.0 ACCESS AND PARKING WORKS

- 14.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 14.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 14.4 The existing access from Denham Street to the development must be upgraded to a commercial access standard to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 14.5 Service and delivery vehicles including for the purpose of refuse collection, are not permitted to enter the site.
- 14.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 14.7 All vehicles must ingress and egress the development in a forward gear.
- 14.8 The access driveway to the site's proposed carpark on Denham Street must be confined within the extent of the development site's boundaries.
- 14.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 14.10 A minimum of 11 parking spaces must be provided on-site.
- 14.11 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 14.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 13.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.13 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard*

AS1742.1 "Manual of uniform traffic control devices" and Australian Standard AS2890.1 "Parking facilities – Off-street car parking".

14.14 All vehicle operation areas must be illuminated in accordance with the requirements of Australian Standard AS1158 "Lighting for roads and public spaces".

14.15 All internal pedestrian pathways must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".

15.0 SEWERAGE WORKS

15.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.

15.2 The development must be connected to Council's reticulated sewerage network and the existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.

15.3 Compliance with the Build Over Sewer Compliance Permit (Reference: 583-2017) is required, in particular:

15.3.1 The space around the subject access chamber must be constructed with all new walls/gates with a minimum offset of 1.2 metres from the centre of the access chamber.

15.3.2 Suitable ventilation must be provided with a minimum opening of 2.1 metres from the breezeway to the carpark.

15.3.3 The subject access chamber must have a gas tight sealed lid to ensure gases are not released into the covered area.

Note: In the event of a sewer surcharge or the access chamber lid becoming unsealed, please contact Fitzroy River Water (FRW) immediately to rectify.

16.0 WATER WORKS

16.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.

16.2 The development must be connected to Council's reticulated water network and the existing water connection point(s) must be retained and upgraded, if necessary, to service the development.

16.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

17.0 STORMWATER WORKS

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

17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

17.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

- 17.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy. In particular please indicate the location of the detention tank as outlined in the Stormwater Management Plan.
- 18.0 Deleted.
- 18.1 Deleted.
- 19.0 SITE WORKS
- 19.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 18.2.1 the location of cut and/or fill;
 - 18.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 18.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 18.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 19.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 19.5 Any retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 20.0 BUILDING WORKS
- 20.1 The proposed building must be designed to suit the Building Over/Adjacent to Local Government Sewerage Infrastructure Permit (Reference: 583-2017) conditions/plans.
- 20.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 13.1) and the *Environmental Protection Regulation 2019* and must be:
- 20.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 20.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 20.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor as Kerbside collection. No Waste Service Vehicles are permitted entry into the site.
 - 20.2.4 setback a minimum of two (2) metres from any road frontage; and
 - 20.2.5 provided with a suitable hosecock and hoses 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 the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

21.0 ENVIRONMENTAL HEALTH

21.1 All recommendations included in the Noise Impact Assessment (refer to condition 13.1) are to be implemented prior to the commencement of use of Stage One and maintained thereafter.

In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed abutting the northern boundary, in accordance with the 'Floor Plan & Elevations' (refer to condition 13.1) such that the noise criteria stipulated in the 'Noise Impact Assessment' (refer to condition 13.1) at a minimum, is achieved.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

PART C: Stage Two

22.0 ADMINISTRATION

22.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

22.1.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Roof and Allotment Drainage;
- (iii) Landscaping Works;

22.1.2 Plumbing and Drainage Works; and

22.1.3 Building Works:

- (i) Demolition Works.

22.2 Lot 100 on SP300289 and Lot 1 on RP602347 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.

22.3 The 'proposed carpark' must be completed prior to commencement of use of the 'proposed outdoor alfresco area' as shown on the Approved Plans (refer to condition 23.1). The existing carpark completed in Stage One of the development (refer to condition 13.1), must remain available until construction of the Stage Two carpark has been completed.

23.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	B
Elevations	Hartecs	Undated	1093-MCU4	A
Stormwater Management Plan	Hartecs	January 2021	1093-MCU2	B
Turn Templates	Hartecs	January 2021	1093-MCU3	B
Architects Details	Hartecs	Undated	1093-MCU4	B
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

24.0 ACCESS AND PARKING WORKS

- 24.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 24.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 23.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 24.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 24.4 The existing access from Denham Street, located between the new hotel room and proposed carpark, (refer to condition 23.1) must be secured with a gate and only used at times of kerbside refuse collection. Refuse collection vehicles are not permitted to enter from this point. Bollards or a similar deterrent (such as a fence or garden bed) must also be installed along the eastern edge of the carpark to prevent customer vehicle access into this existing driveway.
- 24.5 The Oxford Street access handle must be sealed and constructed in standard accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 24.6 The access from Denham Street to the proposed carpark as shown on the approved plans (refer to condition 23.1) must be constructed to a commercial standard in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 24.7 Service and delivery vehicles must only enter the site via the Oxford Street access handle between 0700 hours to 1600 hours on all days including Public Holidays. In accordance with the approved plans (refer to condition 23.1), the gate must be locked at all times outside of these hours.
- 24.8 All vehicles must ingress and egress the development in a forward gear.
- 24.9 A minimum of twenty (20) parking spaces must be provided on-site in total.
- Note: This will replace the 11 parking spaces provided on-site in Stage One of the development (refer to condition 14.10).
- 24.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 24.11 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 23.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 24.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 24.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 24.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 24.15 Informative signage must be placed at the Oxford Street access to notify users that this access is a private access, which is only to be used by service and delivery vehicles. This access must not be used by patrons, staff or the like to access the proposed carpark as shown on the approved plans (refer to condition 23.1).

25.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 25.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 25.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 23.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 26.0 SITE WORKS
- 26.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 27.0 BUILDING WORKS
- 27.1 The existing building at Lot 1 on RP602347 must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 28.0 LANDSCAPING WORKS
- 28.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval. A Landscaping Plan must be submitted with any application for a Development Permit for Operational Works (landscaping works).
- 28.2 Landscaping within the 'vertical garden' area along the common boundary with Lot 13 on RP600325 and in the landscaping area adjacent to parking spaces numbered 10 through to 18 (refer to condition 23.1), must be established and maintained at a minimum height of 1.8 metres above ground level.
- 29.0 ENVIRONMENTAL
- 29.1 An Erosion Control and Stormwater Control Management Plan prepared in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 30.0 ENVIRONMENTAL HEALTH
- 30.1 All recommendations included in the Noise Impact Assessment (refer to condition 23.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter for the outdoor dining area.
- Note: Any air-conditioning units proposed for the outdoor dining area must be located, installed and maintained at all times, so as not to cause a nuisance.
- 31.0 OPERATING PROCEDURES
- 31.1 A 1.8 metres high screen, double lapped and capped fencing must be established and maintained along the rear common boundary with Lot 2 on RP602347 and along the side common boundary with Lot 13 on RP600325 in accordance with the approved plans (refer to condition 23.1).
- 31.2 The existing fencing along the common boundary between the Oxford Street access handle and Lot 14 on RP600325 must be maintained. Screen fencing with a minimum height of 1.8 metres must be established and maintained along the common boundary adjacent to the Oxford Street access handle and Lot 2 on RP602347.

PART D: Stage Three

32.0 ADMINISTRATION

32.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

32.1.1 Plumbing and Drainage Works; and

32.1.2 Building Works.

33.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	B
Site Plan and Elevations (Stage Two) – Proposed Hotel Room	Unnamed	Undated	1093-MCU4	C
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

34.0 ROOF AND ALLOTMENT DRAINAGE WORKS

34.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 33.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

35.0 ENVIRONMENTAL HEALTH

35.1 All 'noise limits' and 'general administrative controls' included in the recommendations of the Noise Impact Assessment (refer to condition 33.1) are to be implemented prior to the commencement of use of Stage Three and maintained thereafter for the proposed hotel room.

Note: Any air-conditioning units proposed for the hotel room must be located, installed and maintained at all times, so as not to cause a nuisance.

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

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

<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or <p>b) The was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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

<p>1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-

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

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

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

An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

**Table 3
Appeals to the tribunal only**

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

Table 3 Appeals to the tribunal only			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-