



# 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/127-2020	Contact:	Thomas Gardiner
Notice Date:	12 March 2021	Contact Number:	(07) 4932 9000

## APPLICANT DETAILS

Name:	<b>Kele Property Group (Qld) Pty Ltd</b>
Postal address:	<b>C/- Gideon Town Planning</b>
Mobile no:	Email:

I acknowledge receipt of the above application on 16 November 2020 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use for a Food and Drink Outlet (Drive-Through Coffee Shop) and Operational Works for an Advertising Device (Wall Sign and Projecting Sign)**

## PROPERTY DESCRIPTION

Street address:	40-44 Albert Street, Rockhampton City
Real property description:	Lots 1 to 3 on RP602012

## OWNER DETAILS

Name:	Jeha Nominees Pty Ltd
Postal address:	
<b>Dear Kele Property Group (Qld) Pty Ltd</b>	
I advise that, on 9 March 2021 the above development application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b> )	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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

### 4. SUBMISSIONS

Properly made submissions **were** made in relation to the application.

There were two (2) properly made submissions received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Royce James Edmund Goudie	26 George Street, Rockhampton City	<a href="mailto:Royce.goudie58@gmail.com">Royce.goudie58@gmail.com</a>
2. Joanne Weir	63 Murray Street, Rockhampton City QLD 4700	<a href="mailto:Joanne_w_1@hotmail.com">Joanne_w_1@hotmail.com</a>

### 5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
<b>STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)</b>			
<i>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</i>			
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— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:  Queensland Treasury (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <u>Email:</u> <a href="mailto:RockhamptonSARA@dsdmip.qld.gov.au">RockhamptonSARA@dsdmip.qld.gov.au</a> <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

## 6. THE APPROVED PLANS

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

Material Change of Use:

Drawing/report title	Prepared by	Date	Reference number	Rev
Location Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-001	15
Existing Site Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-002	15
Proposed Site Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-003	15
Floor Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-004	15
Layout Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-005	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-006	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-007	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-009	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-010	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-011	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-012	15
Stormwater Management Plan	McMurtrie Consulting Engineers	3 December 2020	036-20-21	B

Operational Works:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-006	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-007	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-009	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-010	15

## 7. 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.

## 8. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for a Material Change of Use for a Food and Drink Outlet (Drive-Through Coffee Shop) and Operational Works for an Advertising Device (Wall Sign and Projecting Sign)	
<b>Reasons for Decision</b>	<p>a) The proposed development will service the day-to-day needs of residents of the local neighbourhood and will provide a convenience function which will not compromise the role or function of centres;</p> <p>b) The proposed development has been designed to ensure that the amenity of the surrounding residential area is not compromised as a consequence of the development;</p> <p>c) 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>d) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Low Density Residential Zone Code;</li> <li>• Airport Environs Overlay Code;</li> <li>• Access, Parking And Transport Code;</li> <li>• Filling and Excavation Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code; and</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Density Residential Zone Code	<p>PO21</p> <p>The proposed operating hours are from 0500 to 1500, Sunday to Saturday. This does not comply with Acceptable Outcome 21.1.</p> <p>Despite this non-compliance, the proposed development is not expected to affect the amenity of adjoining, or surrounding, residential uses.</p> <p>The subject site will incorporate a 1.8 metre high acoustic fence, contiguous to the boundary of adjoining Lot 4 on RP602012.</p>

		<p>This will act as an appropriate noise mitigation measure from vehicles traversing the site adjacent to this common boundary.</p> <p>The design and layout of the proposed development will also ensure that adverse amenity impacts on the surrounding residential area are negligible. This includes locating the queueing space away from the adjoining residential allotment (positioned closer to Albert Street). This ensures vehicular noise from stationary cars is minimal to the adjoining residential property. The siting of the proposed building on the site is also oriented towards the Albert Street road frontage, enabling any amplified noise from persons taking or receiving orders to have negligible impact on adjoining residences.</p> <p>As such, the proposed development complies with the Performance Outcome.</p>
	Advertising Devices Code	<p>PO1</p> <p>The proposed Wall Sign and Projecting Sign do not comply with Acceptable Outcome 1.2, as Wall Signs are not envisaged in the Low Density Residential Zone. One (1) of the Wall Signs also projects further than 0.2 metres from the wall which it is affixed to.</p> <p>Despite this non-compliance, both signs will not cause a negative effect on the visual amenity of the surrounding area, particularly nearby residential properties.</p> <p>Both signs are oriented away from residential properties, and facing higher order roads, specifically Albert Street. The visual impact of both signs is therefore expected to be minimal and not contribute towards visual clutter particularly on the Albert Street road corridor. Further, their positioning towards the major road corridor is unlikely to cause an impact to the amenity of surrounding residential properties.</p> <p>As both signs are static (no digital images or movements), they will not impede vehicle or pedestrian movements, reduce safety levels, or resemble traffic or road signs.</p>
	Access, Parking and Transport Code	<p>PO1</p> <p>The access point into the subject site from George Street is within 25 metres of the signalised George and Albert Street intersection. The egress point onto Albert street is also within 20 metres of the unsignalised Albert Street and George</p>

		<p>Lane intersection. Both crossovers do not comply with Acceptable Outcome 1.1(a).</p> <p>Despite this non-compliance, the siting of this crossover is not expected to affect the safety or function of the transport network, including the operation of the intersection. The application was referred to the Department of Transport and Main Roads, who advised that they had no objection to the proposed development, and in particular, its impact on the George and Albert Street intersection.</p> <p>The proposed development is also considered to comply with the Performance Outcome. The application has provided an appropriate number of on-site car parking spaces and sufficient vehicle queuing spaces on-site expected for a Food and Drink Outlet, and in accordance with the Access, Parking and Transport Code.</p> <p>Further, the nature of traffic entering the site from the George Street crossover will not cause a conflict with vehicles using the George and Albert Street intersection.</p> <p>This is because patrons accessing the site from George Street will have to exit the site from the proposed crossover on Albert Street, after ordering goods from the drive-through building.</p> <p>The egress point onto Albert Street is also not expected to compromise the functionality of the road network. In particular, the George Lane and Albert Street intersection. A traffic assessment provided by the applicant demonstrated that the crossover complied with the Safe Intersection Sight Distance when looking west towards the Hospital for both George Lane and the site egress onto Albert Street.</p> <p>As such, the proposed development is considered to comply with this performance outcome.</p>
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	Consistency with the Low Density Residential Zone and compromising residential character and amenity	<p>Both submissions stated that the proposed development is not consistent with the intent of the Low Density Residential Zone, and should not be supported.</p> <p>The Low Density Residential Zone does make provision for some non-residential uses to occur within the zone. These are summarised in section 2(e) and Performance Outcome 16 of the zone code.</p>

		<p>It is considered that the development application has demonstrated compliance with the requirements for non-residential uses to occur in this zone. Compliance has been achieved through the following:</p> <ul style="list-style-type: none"> <li>• The proposed facility will service the needs of the immediate local residential community, particularly The Range and Wandal;</li> <li>• The subject site has direct access to a higher-order road. Albert Street is classified as a 'Major Urban Collector';</li> <li>• The proposed facility will not detract from the role and function of centres, nor result in the expansion of a centres zone. This is because the proposed development accommodates one (1) single tenancy; and</li> <li>• The site layout and other mitigation measures ensure that there are negligible impacts on the amenity of the surrounding residential area. This is also reinforced through several development conditions.</li> </ul> <p>As such, it is considered that the proposed development is appropriate for the site, and is an acceptable form of non-residential development to occur in the Low Density Residential Zone.</p>
	Operating hours	<p>Both submissions raised concerns regarding the proposed operating hours. The applicant has applied to operate from 0500 to 1500, seven (7) days a week.</p> <p>The proposed operating hours do not comply with Acceptable Outcome 21.1 of the Low Density Residential Zone Code. Despite this non-compliance, the proposed development is not expected to affect the amenity of adjoining, or surrounding, residential uses.</p> <p>The subject site will incorporate a 1.8 metre high acoustic fence, contiguous to the boundary of adjoining Lot 4 on RP602012. This will act as an appropriate noise mitigation measure from vehicles traversing the site adjacent to this common boundary. The proposed plans of development also include landscaping and screening directly along the internal driveway to mitigate any amenity impacts.</p> <p>The design and layout of the proposed</p>

		<p>development will also ensure that adverse amenity impacts on the surrounding residential area are negligible. This includes locating the queueing space away from the adjoining residential allotment (positioned closer to Albert Street). This will ensure that vehicular noise from stationary cars is minimal to the adjoining residential property. The siting of the proposed building on the site is also oriented towards the Albert Street road frontage, enabling any amplified noise from persons taking or receiving orders to have negligible impact on adjoining residences.</p> <p>One (1) submission also raised concern with delivery vehicles entering the site before 0500, which may cause an unacceptable noise impact on the surrounding residential area. Condition 16.3 prohibits delivery and waste collection vehicles from entering or exiting the site prior to 0700, on Mondays to Saturdays, and prior to 0800 on Sundays.</p>
	Vehicle queueing	<p>Both submissions raised concerns with relation to on-site vehicle queuing. The submissions focussed on the specific number of vehicles queuing on-site (up to 10), and the potential environmental effects from smoke pollution and noise from queued vehicles.</p> <p>The Access, Parking and Transport Code under the current planning scheme requires on-site queuing for at least ten (10) vehicles. The Site Plan demonstrates that provision for queuing of more than ten (10) vehicles is made on-site, plus a short term car parking bay to the west of the proposed building. The proposed development therefore complies with the queuing requirements under the Access, Parking and Transport Code.</p> <p>To address issues relating to smoke and noise from queued vehicles, Council has conditioned that noise generated from the proposed development must not cause an environmental nuisance (refer to condition 15.2). An additional condition also requires the proposed development not to cause a significant impact on the amenity of adjoining premises or the surrounding area, by way of odour impacts (refer to condition 15.3). Condition 15.4 then makes provision for nuisance monitoring to be undertaken if Council receives a genuine complaint of nuisance, resulting from any noise or odour</p>



		<p>impacts.</p> <p>The proposed site layout has also been designed to minimise any amenity impacts from queued vehicles to the adjoining premise and surrounding area. This includes siting the vehicular queuing area and short term waiting bay, as close as possible to Albert Street.</p> <p>The location of the queued space is approximately fourteen metres away from the adjoining residence located at Lot 4 on RP602860. The site layout also incorporates a perimeter fence which will screen vehicles from the adjoining residence, minimising noise impacts to this property. This fence complies with the requirements for fencing under the Low Density Residential Zone Code (refer to response below for further detail).</p> <p>As such, on-site vehicle queuing is not expected to affect the amenity of adjoining residences or the surrounding area. Specifically, from noise and smoke pollution. Council has also included conditions requiring nuisance monitoring to be undertaken where Council is in receipt of a genuine complaint.</p>
	Inadequate fencing	<p>A submission stated that the proposed fencing surrounding the proposed development was inadequate as a mitigation measure. This is because many of the surrounding residential houses are elevated.</p> <p>The proposed development complies with Acceptable Outcome 21.2 under the Low Density Residential Zone Code. This outcome requires non-residential uses to provide a 1.8 metre high solid screen fence along side and rear property boundaries. The proposed site plan makes provision for a 1.8 metre high solid wood fence along the common boundary between the subject site and adjoining Lot 4 on RP602860.</p> <p>As such, the proposed development is considered to comply with the assessment benchmarks relating to fencing requirements for non-residential development in the Low Density Residential Zone.</p>
	Light pollution from premises and vehicles	<p>A submission raised concern regarding potential light pollution from the proposed development. Light pollution would potentially be sourced from vehicles entering the premises and from the illuminated signage which may affect the</p>

		<p>living areas of surrounding properties which are elevated.</p> <p>Vehicles entering the site, outside of daylight hours in the morning, are not expected to cause a nuisance to surrounding residences. Lights from vehicles are not expected to protrude into the living spaces of nearby dwellings, which are predominantly located on an elevated level. A 1.8 metre high fence between the development site and adjoining Lot 4 on RP602012 will also minimise light emissions into the ground floor of the adjoining property. There is also no night time operation proposed as part of the development.</p> <p>Other lighting associated with the proposed development is also restricted by several conditions. Condition 15.1 restricts any lighting devices to be positioned so as not to cause glare or other nuisance to nearby residents and motorists. Council has also conditioned luminance restrictions for the proposed advertising devices (refer to condition 20.1). These conditions reflect the luminance requirements outlined in the current planning scheme under Table 9.3.2.3.3. <i>Maximum luminance of an advertising device for land use zones</i>. This condition ensures compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices.</p>
	Loss of affordable housing in inner city	<p>A submission raised that the three (3) Dwelling Houses on the subject site provided an affordable housing (rental option) for current tenants. Removing these houses would cause the tenants hardship to find new accommodation in a competitive rental market.</p> <p>The impact of the proposed development on housing affordability, and the competitiveness of the rental market are not relevant planning considerations in the assessment of this development application.</p>
	Traffic impacts on George Lane	<p>A submission stated that there would be a significant increase of traffic into George Lane (identified as an urban lane way). The submission cited that there would be an increase of up to 44 vehicles per hour (vph) into the laneway during peak times, and 22vph during low-peak times, adding a further 15vph to the existing road network.</p>

		<p>The statement relating to 44vph entering the site via the laneway is inaccurate. The TIA report shows a peak of 18vph entering site from George Lane and 1vph exiting (refer to Figure 3 in the Traffic Impact Assessment). Very few, if any vehicles will enter or leave the site to/from the North Street end of George Lane as it is not logical to do so when other more convenient accesses are provided as part of the site layout and design.</p> <p>The development will not contribute significant 2-way traffic in George Lane as practically all traffic leaves via the exit directly to Albert Street in accordance with the swept paths contained in the Traffic Impact Assessment (TIA).</p> <p>The development is also contributing significantly to the widening of the laneway along its frontage to facilitate site access. As shown in the TIA, the frontage to George Lane is widened through the site access, the loading bay and more generous turn radii onto Albert Street. This will be further refined as part of a future Operational Works application to Council for assessment.</p>
	Parking problems in proximity to the site	<p>A submission raised concerns with the affect the proposed development would have on a pre-existing car parking problem in proximity to the site. Specifically, the lack of on-street car parking on George and Murray Streets. This is further exacerbated when football matches are played at Browne Park.</p> <p>The proposed development has achieved compliance with the car parking requirements under the Access, Parking and Transport Code under the current planning scheme. For a Food and Drink Outlet, the car parking requirements are one (1) space per fifteen metres of Gross Floor Area (GFA). The GFA of the proposed facility is 49 square metres. Therefore, the on-site car parking requirements for the proposed development were three (3) on-site car parking spaces, or part thereof. As demonstrated on the Site Plan, the applicant has complied with this requirement.</p> <p>Given the nature of the use, for a drive-through facility, it is not anticipated that patrons would utilise any on-street car parking on either George or Murray Streets. Patrons accessing the site are expected to</p>

		<p>access the site using their private vehicles, without the need to park, given the nature of the use for a drive-through facility. Further, there is no provision on-site for dining facilities which would necessitate the need for additional on-site car parking facilities, or use of on-street car parking spaces on George or Murray Streets.</p> <p>The submission also raised concerns with no lined car parking spaces on George Street. There is no requirement for the current development application to incorporate lined car parking spaces on George Street. Further, the proposed development will not be utilising on-street car parking spaces.</p> <p>It is therefore considered that the proposed development has provided vehicle parking which is functional and sufficient to meet the demands likely to be generated by the development.</p>
	Building not consistent with surrounding urban form	<p>A submission stated that the proposed building associated with the development was not consistent with the surrounding urban form. The area is located in a residential zone, and is surrounded by elevated weatherboard and fibro sheeted dwellings.</p> <p>The size of the proposed building will be approximately 49 square metres. It is considered that the size of this building is 'small-scale' in terms of its built form. While the proposed development will displace existing residential uses, the built form is consistent with existing non-residential uses in proximity to the site located on Albert Street. These include a car sales yard, several short-term accommodation (Motel) uses, and Service Stations. The proposed development is therefore considered to be consistent with the surrounding built form and streetscape.</p> <p>The proposed building has also achieved compliance with the height and setback requirements outlined in the Low Density Residential Zone Code for new buildings (refer to AO1.1 and AO13.1).</p>
	The proposed development does not service local needs	<p>A submission stated that the proposed development would not service the needs of the local community. The submission referenced the proximity of the site to the Rockhampton Base Hospital, which accommodates a café, and the presence of the Fast Lane drive-through coffee shop located at Lot 11 on SP129161. The</p>

		<p>submission also referenced the proximity of other coffee shops located on George and Archer Streets.</p> <p>The proposed development largely complies with the requirements for non-residential development located in the Low Density Residential Zone (refer to Performance Outcome 16). The facility is expected to service the day-to-day needs of residents of the local neighbourhood. In particular, residents from Wandal and The Range. It will also service persons travelling from north Rockhampton who require access to the Base Hospital and surrounding schools. In this regard, the proposed development is anticipated to provide a convenience function as envisaged for non-residential development in the Low Density Residential Zone.</p> <p>The coffee shops referenced in the submission are not considered to detract from the proposed facility, or result in the proliferation of similar facilities in the Rockhampton region. The coffee shops located at the Base Hospital serves a specific function for servicing patients, staff and families utilising this medical facility. The coffee shop located at the corner of George and Archer Streets (referenced in the submission) also serves a different function for dine-in customers, with no drive-through facility included. While the Fast Lane drive-through coffee shop located at Lot 11 on SP129161 provides a similar function to the proposed development, this facility services a different catchment to the proposed development. Specifically, it services patrons travelling into Rockhampton from Allenstown, Depot Hill, Port Curtis and Gracemere.</p> <p>As such, the proposed development is anticipated to service the needs of the surrounding residential community. Further, it does not result in a proliferation of coffee-shops, or drive-through coffee shops in the Rockhampton region.</p>
	Development will detract from Centres Zones	<p>A submission stated that the proposed development will both detract from the role and function of centres zones and result in the expansion of a centres zone.</p> <p>It is considered that the proposed Food and Drink Outlet will not undermine the viability and functionality of existing centres in the Rockhampton region. The subject site is located in the 'urban area' designation</p>

		<p>under the Strategic Framework. This designation states that small-scale Food and Drink Outlets are appropriate for the designation, provided that they service the needs of the local residential community. The proposed development is considered to service this function, and complies with Performance Outcome 16 in the Low Density Residential Zone, relating to non-residential development.</p> <p>The proposed development, which is for a single tenancy, does not constitute the expansion of a centres zone. While the subject site is in proximity to centres zoned land, the proposed development is not expected to detract from their functionality or viability, given the small-scale (singular) nature of the use.</p>
	Overlooking residences of	<p>Both submissions raised concerns regarding loss of privacy resulting from the proposed development 'overlooking' into nearby residential properties. One submission also stated that as the proposed development would be visible from each of the surrounding residential properties which would affect their enjoyment of their property.</p> <p>The proposed building associated with the development will not have the ability to overlook into adjoining or nearby residential properties. The proposed building is low-rise with a maximum height of approximately 7.6 metres to the top eave. This complies with the building height requirements for the Low Density Residential Zone (8.5 metres), as outlined in Acceptable Outcome 1.1 of the zone code. Given the proposed building is low-rise, and the proposed development is surrounded by a 1.8 metre high fence where adjoining residential properties, the proposed development, particularly the building, does not present the opportunity to overlook into adjoining residences.</p> <p>The same submission expressed concern regarding surrounding residential properties being able to 'overlook' into the development site, also causing a loss of privacy. To reiterate, the proposed development complies with the height requirements for new buildings in the Low Density Residential Zone Code (refer to Acceptable Outcome 1.1). The proposed building is low-rise, and does not present any opportunity for the proposed development to overlook into adjoining or</p>

		<p>surrounding properties. Further, the height, and orientation of the proposed building is not anticipated to be visually intrusive and generally complies with the requirements for new buildings under the current planning scheme.</p>
	<p>Safety concerns from patrons finding out where residents live</p>	<p>A submission raised concerns for the safety of surrounding residences. With patrons using the site they may discover where residents live, presenting personal safety risks.</p> <p>Interactions between patrons and residents is difficult for Council to mitigate as part of this development approval. Any civil interaction between surrounding residences and patrons which may present an abject safety concern would become a police matter. The proposed development itself is not expected to cause any additional safety issues to surrounding residences by way of its operation.</p>
	<p>Proposed signage is visually intrusive (size and lights)</p>	<p>A submission raised concern regarding the visual obtrusiveness of the proposed advertising devices associated with the development. The submission stated that the sign would be visible from residential properties, obtrusive, and lit up.</p> <p>The advertising devices are defined as a Wall Sign and Projecting Sign under the current planning scheme. Sign 1, which is on the south-eastern façade of the building has a total face area of 6 square metres. Sign 2, located on the north-eastern façade of the building will have two (2) face areas, with a total face area of 9 square metres. Sign 2 also projects slightly from the proposed building.</p> <p>The location of Sign 2, including its projection, does not project or face towards any residential properties in proximity to the site. The positioning of this sign is oriented towards George Street, which is facing towards a car sales yard. The opposite side of this sign, facing to the east, is the projected portion of the sign from the main building. It is not considered that this minor projection of Sign 2, facing to the east, will be visually obtrusive to surrounding residences, particularly on Murray Street.</p> <p>The size of both signs are also considered to be compatible with the character of the proposed building which they will be attached to. The visual impact of both signs is not expected to contribute to visual clutter along the Albert Street road corridor.</p>

		<p>Regarding illumination, Council has conditioned luminance restrictions for the proposed advertising devices (refer to condition 20.1). These conditions reflect the luminance requirements outlined in the current planning scheme under Table 9.3.2.3.3. <i>Maximum luminance of an advertising device for land use zones</i>. This condition ensures compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices.</p>
	Impacts on Public Health (noise, odour, vibrations)	<p>A submission raised concerns regarding the potential impact the proposed development would have on public health outcomes for surrounding residences. In particular, noise and vibrations from cars, odour from rubbish and urine from humans, and dust.</p> <p>Condition 15.3 requires the proposed development not to cause any off-site impacts which would affect the amenity of adjoining or surrounding residences by way of noise, light, odour or dust. Condition 15.4 then requires the applicant to undertake nuisance monitoring in the event of a genuine complaint of nuisance.</p> <p>The submission specifically referenced additional odour caused by 'urine from humans'. While it is not envisaged for this to occur on the site, this type of offence is not regulated under the planning scheme, and is enforceable by the Queensland Police. The same submission also referenced vibrations from heavy vehicles and V6 and V8 engines. Council cannot enforce the type of motor vehicle which persons will utilise to access the subject site. However, in the assessment of the development application, Council was satisfied that the proposed development would not detract from the amenity of surrounding area by way of environmental nuisance. Any nuisance that is caused by the proposed development would be a contravention of conditions 15.3 and 15.4.</p>
	Impacts on housing supply and diversity	<p>A submission objected to the proposed development as it will have an impact on housing supply and diversity across the Rockhampton region, as a consequence of the loss of the three (3) residential properties on the subject site.</p> <p>The current planning scheme identifies development projections for intended residential growth up until 2036. This is</p>



		<p>reflected in zoning and development provisions under the current planning scheme which will accommodate Rockhampton's future residential growth. The planning scheme has identified sufficient land supply for future greenfield development up to 2026.</p> <p>While the proposed development will result in the loss of three (3) residential properties, this is not expected to be at the detriment of future residential growth in Rockhampton. It is also not considered to have an impact on the overall liveability of Rockhampton's residential communities.</p>
	Increased pedestrian traffic to the site	<p>A submission raised concerns regarding increased pedestrian activity to the site. This was a result of on-site staff car parking, and the proximity of a bus stop on Murray Street. The submission implied that increased pedestrian activity to the site would cause safety issues to surrounding residences and exacerbate existing car parking issues on Murray and George Streets.</p> <p>The proposed development is for a "drive-through" coffee shop. Pedestrian access to the site is expected to be minimal given the nature of the use. Most customers are expected to access the site using their private vehicle – the proposed development is designed for this purpose (i.e. makes no provision for on-site dining). As such, pedestrian traffic to the site is expected to be minimal and not the primary source of access for patrons.</p> <p>The proposed development also complies with the minimum number of car parking requirements for a Food and Drink Outlet. The requirement is for one (1) space per 15 square metres of Gross Floor Area in accordance with the Access, Parking and Transport Code.</p>
	Proposed access through refuge island on Albert Street will create crash zone	<p>A submission raised concern that the proposed access, cutting through the refuge island on Albert Street will create a high crash zone and cause congestion towards the Hospital, nursing home.</p> <p>The proposed road works will be designed and constructed in accordance with the relevant engineering standards. Similar refuge islands, which allow for the safe queuing of vehicles before undertaking a right turn, are incorporated in the local road network in proximity to the site. Examples include Archer Street, Fitzroy Street and</p>

		Denham Street.
	Environmental issues (coffee cups and cigarette butts)	<p>A submission objected to the proposed development as it will produce waste that cannot be recycled. In particular, "single use coffee cups" and the implications for household waste from purchasing coffee.</p> <p>The environmental impacts of the proposed development were assessed against the assessment benchmarks in the current planning scheme. The planning scheme does not include specific benchmarks for restricting the use of specific products for consumption which may affect the environment. In this regard, the presence of polyethylene coating inside single use coffee cups. As such, the sale of single use coffee cups from the proposed development is not taken to be a relevant consideration for the proposed development.</p> <p>The same submission also raised concerns with increased littering from cigarette butts from patrons utilising the proposed facility. Littering from cigarettes is regulated under the <i>Waste Reduction and Recycling Act 2011</i> and enforced by the Queensland Police. The current planning scheme has no mechanism for patrons using cigarettes on-site, nor are the conditions of approval able to restrict this. As the use of, and potential littering of cigarettes, is not reflected in the assessment benchmarks under the current planning scheme, it was not considered to be a relevant consideration for the proposed development.</p>
	Location of waste storage bins	<p>An assessment of the proposed waste storage area was conducted against the Waste Management Code and Waste Management Planning Scheme Policy under the current planning scheme. The waste storage area was taken to generally comply with the requirements of this code.</p> <p>Compliance with this code has been achieved by providing a 1.8 metre high fence around the waste storage area, ensuring the waste storage area is set back a minimum of two (2) metres from any boundary, and not directly locating the waste storage area adjoining residential uses on neighbouring properties. Condition 16.6.4 also requires that washdown of the waste storage area does not discharge onto neighbouring properties or adjoining</p>

		properties. The proposed development is considered to comply with the Waste Management Code by ensuring that the waste storage area is screened from adjoining properties and is located on-site in a manner which facilitates waste removal in a safe and efficient way.
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 9. 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*.

### Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

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.

## 10. 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.

## 11. ASSESSMENT MANAGER

Name: <b>Amanda OMara</b> <b>ACTING COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature:	Date: 12 March 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.]

***Part 2 – Conditions required by the referral agency response***

**Attachment 2—Extract on appeal rights**

#### **Material Change of Use conditions**

##### **1.0 ADMINISTRATION**

- 1.1 The Developer and their 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 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.
  - 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
    - 1.4.1 Operational Works:
      - (i) Road Works;
      - (ii) Access and Parking Works;
      - (iii) Stormwater Works;
      - (iv) Roof and Allotment Drainage;
      - (v) Site Works;
    - 1.4.2 Plumbing and Drainage Works;
    - 1.4.3 Building Works:
      - (i) Demolition Works; and
      - (ii) Building Works.
  - 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 Lot 1, 2 and 3 on RP602012 must be amalgamated and registered as one (1) lot prior to the commencement of the use.
- ##### **2.0 APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Rev
Location Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-001	15

Existing Site Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-002	15
Proposed Site Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-003	15
Floor Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-004	15
Layout Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-005	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-006	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-007	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-009	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-010	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-011	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-012	15
Stormwater Management Plan	McMurtrie Consulting Engineers	3 December 2020	036-20-21	B

- 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 **ROAD WORKS**
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A channelised right turn lane with a minimum queue length of 20 metres is to be constructed in Albert Street to allow a right turn into George Lane (refer to condition 2.1).
- 3.4 'Keep Clear' linemarking across Albert Street is to be installed to prevent vehicles queueing over the access to George Lane.
- 3.5 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the western side of George Street and the northern side of Albert Street for the full frontage of the development site (refer to condition 2.1). Both pathways must be constructed to match neatly with the existing kerb ramps at the corner of George Street and Albert Street.
- 3.6 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

#### 4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be concrete paved or sealed to the satisfaction of Council.
- 4.4 New accesses to the development must be provided at George Street, George Lane and Albert Street in accordance with the approved plans (refer to condition 2.1).
- 4.5 All vehicular access to the development must be ingress only via George Lane or left in at George Street and egress to the development site via a left out at Albert Street or left out at George Street only. Appropriate signage must be installed on the approach and departure sides of the access as required.
- 4.6 Service and delivery vehicles, including refuse collection vehicles, must be via George Lane only.
- 4.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 A minimum of three (3) parking spaces must be provided on-site.
- 4.10 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"*.
- 4.11 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.12 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"*.
- 4.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.14 All vehicle operation areas must be sufficiently illuminated to ensure the safe manoeuvring of vehicles and pedestrians throughout the development site.
- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure and construction of new structures on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.

- 5.4 The existing water connection point located within Lot 2 on RP602012 must be retained, and upgraded if necessary, to service the development. Any redundant water connection points for Lots 1 and 3 on RP602012 are to be disconnected.
- 5.5 The existing sewer connection point for Lot 2 on RP602012 must be retained, and upgraded if necessary, to service the development. Alternatively a new sewerage connection point for the development from the reticulated sewerage network may be provided and all of the redundant sewer connection points disconnected. The existing sewer connection points at Lots 1 and 3 on RP602012 must be disconnected.
- 5.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.7 Sewer connections 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.
- 5.8 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 5.9 If required, 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.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 7.1 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.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.



- 7.4 Stormwater line 1/2 to 1/1 must be modified to avoid the acute connection to the stormwater pit. Design details are to be included in the Operational Works application for roof and allotment drainage works.

## 8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 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.
- 8.3 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.

## 9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and construction of new structures on the development site.
- 9.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 9.3 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.
- 9.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 9.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.4.2 aesthetically screened from any road frontage or adjoining property;
  - 9.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 9.4.4 setback a minimum of two (2) metres from any road frontage; and
  - 9.4.5 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 2018*.

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.

- 9.5 A minimum 1.8 metre high screen fence must be erected between the subject development site and the adjacent residential property (Lot 4 on RP602012) to the north of the development.

## 10.0 LANDSCAPING WORKS

- 10.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscaped areas must predominantly contain plant species that have low water dependency.

## 11.0 ELECTRICITY

- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

## 12.0 TELECOMMUNICATIONS

- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

## 13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 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.
- 13.3 '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)*.

## 14.0 ENVIRONMENTAL

- 14.1 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 14.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
  - 14.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

## 15.0 ENVIRONMENTAL HEALTH

- 15.1 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"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 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, odour, noise or dust.
- 15.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation

## 16.0 OPERATING PROCEDURES

- 16.1 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 George Street, Albert Street or George Lane.
- 16.2 The hours of operations for the development site must be limited to:
- (i) 0500 hours to 1500 hours on Sunday to Saturday.

- 16.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 16.4 Operations on the development 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.
- 16.5 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 condition 2.1). The owner of the land must ensure that:
- 16.5.1 the area is kept in a clean and tidy condition;
  - 16.5.2 fences and screens are maintained;
  - 16.5.3 no waste material is stored external to the waste storage area/s;
  - 16.5.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
  - 16.5.5 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](http://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. Licensable Activities

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

NOTE 5. General Safety Of Public During Construction

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

**NOTE 6. Infrastructure Charges Notice**

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

**Operational Work (Advertising Device) conditions**

**17.0 ADMINISTRATION**

- 17.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 17.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 17.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 17.4 The following further development permits are required prior to the commencement of any works on the site:
- 17.4.1 Building Works.
- 17.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

**18.0 APPROVED PLANS AND DOCUMENTS**

- 18.1 The approved advertising device 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>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-006	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-007	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-009	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-010	15

- 18.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 18.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 18.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.
- 18.5 Any proposed minor changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant.

**19.0 OPERATING PROCEDURE**

- 19.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.

- 19.2 All text and images displayed on the approved advertising device:
- 19.2.1 must be static;
  - 19.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
  - 19.2.3 must not involve moving parts or flashing lights.
- 19.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*' and '*Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers*'.

## 20.0 LUMINANCE

- 20.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 2 below.

**Table 2: Luminance levels for Advertising Devices**

**(Source: OMA)**

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m2	6000-7000 cd/m2	6000-7000 cd/m2
Morning/Evening/Twilight/incllement weather	1000 cd/m2	700 cd/m2	600 cd/m2
Night Time	500 cd/m2	350 cd/m2	300 cd/m2

Note:

- Zone 1 very high ambient off street lighting i.e central city locations
- Zone 2 high to medium off street ambient lighting
- Zone 3 low levels of off street ambient lighting, i.e. most residential areas, rural areas.

## 21.0 ASSET MANAGEMENT

- 21.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:
- 21.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
  - 21.1.2 as soon as reasonably possible as agreed with Council.

## 22.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 22.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 22.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.
- 22.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

- 22.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 22.5 The Signs must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 22.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 22.7 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".
- 22.8 All advertising devices 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 be maintained in a safe, clean, condition that does not adversely impact the visual amenity of the site.

### **ADVISORY NOTES**

**NOTE 7. Aboriginal Cultural Heritage Act, 2003**

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

**NOTE 8. 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 9. 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.



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**Attachment 1 – Part 2**  
**Referral Agency Conditions - Queensland**  
**Treasury (State Assessment and Referral**  
**Agency Department)** *Planning Act 2016*

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

## Appeal rights

### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
    - (a) matters that may be appealed to—
      - (i) either a tribunal or the P&E Court; or
      - (ii) only a tribunal; or
      - (iii) only the P&E Court; and
    - (b) the person—
      - (i) who may appeal a matter (the **appellant**); and
      - (ii) who is a respondent in an appeal of the matter; and
      - (iii) who is a co-respondent in an appeal of the matter; and
      - (iv) who may elect to be a co-respondent in an appeal of the matter.
  - (2) An appellant may start an appeal within the appeal period.
  - (3) The **appeal period** is—
    - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
    - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
    - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
    - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
    - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
    - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note—**  
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
  - (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
  - (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
    - (a) the adopted charge itself; or
    - (b) for a decision about an offset or refund—
      - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
      - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

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

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

### 231 Other appeals

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

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

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

### 232 Rules of the P&E Court

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



## Schedule 1

### Appeals section 229

#### 1 Appeal rights and parties to appeals

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

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

1. Development applications An appeal may be made against— <ol style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ol>			
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

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		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
<b>2. Change applications</b> 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
<b>3. Extension applications</b> 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 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><b>4. Infrastructure charges notices</b> 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"> <li>The incorrect application of gross floor area for a non-residential development</li> <li>Applying an incorrect 'use category', under a regulation, to the development</li> </ul> <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) The was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p><b>5. Conversion applications</b> 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><b>6. Enforcement notices</b> 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><b>1. Appeals from tribunal</b> 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**

**2. Eligible submitter appeals**

An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—

- (a) any part of the development application for the development approval that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development 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

**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.

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

**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).

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	-	-

**5. Registered premises**

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
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
<b>6. Local laws</b> 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	-	-

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
<b>1. Building advisory agency appeals</b> 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
<b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b> 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)

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<b>4. Local government failure to decide application under the Building Act</b> 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.			
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	-	-