



# Decision Notice Approval

Planning Act Form 2 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s63(2) Planning Act 2016

|                     |                  |                 |                 |
|---------------------|------------------|-----------------|-----------------|
| Application number: | D/25-2019        | Contact:        | Bevan Koelmeyer |
| Notice Date:        | 2 September 2019 | Contact Number: | 1300 22 55 77   |

## APPLICANT DETAILS

|                 |                          |        |  |
|-----------------|--------------------------|--------|--|
| Name:           | Aurizon Property Pty Ltd |        |  |
| Postal address: |                          |        |  |
| Phone no:       | Mobile no:               | Email: |  |

I acknowledge receipt of the above application on 3 April 2019 and confirm the following:

## DEVELOPMENT APPROVAL

|  |
|--|
| <b>Development Permit for a Material Change of Use for a Service Station</b> |
|--|

## PROPERTY DESCRIPTION

|                            |  |
|----------------------------|--|
| Street address:            | 715 Capricorn Highway, Gracemere       |
| Real property description: | Lot 7 on SP108697, Parish of Gracemere |

## OWNER DETAILS

|  |
|--|
| Name:  |
| Postal address:  |
| <b>Dear</b> Aurizon Property Pty Ltd   |
| I advise that, on 30 August 2019 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| Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval<br>- Material change of use | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## 2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

### 3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

| Type of development permit required | Subject of the required development permit   |
|-------------------------------------|--|
| Operational Works                   | <i>Access and Parking Works</i><br><i>Sewerage Works</i><br><i>Stormwater Works</i><br><i>Site Works</i><br><i>Roof and Allotment Drainage Works</i> |
| Building Works                      | <i>Demolition Works</i><br><i>Building Works</i>   |
| Plumbing and Drainage Works         |  |

### 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

| For an application involving  | Name of agency                         | Status      | Address  |
|---|--|-------------|--|
| <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—<br>(a) are within 25m of a State transport corridor; or<br>(b) are a future State transport corridor; or<br>(c) are—<br>(i) adjacent to a road that intersects with a State-controlled road; and<br>(ii) within 100m of the intersection | Department of Transport and Main Roads | Concurrence | Department of State Development, Manufacturing, Infrastructure and Planning<br><br>Online:<br><a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a><br><br>Postal:<br>PO Box 113<br>Rockhampton Qld 4700 |

### 5. THE APPROVED PLANS

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

| Drawing/report title | Prepared by       | Date         | Reference No. | Revision/ Issue |
|----------------------|-------------------|--------------|---------------|-----------------|
| Site Locality Plan   | TFA Project Group | 22 May 2019  | 18294-D01     | C               |
| Existing Site Views  | TFA Project Group | 7 March 2019 | 18294-D02     | B               |

|  |                                |               |           |   |
|--|--------------------------------|---------------|-----------|---|
| Proposed Overall Site Plan                             | TFA Project Group              | 18 June 2019  | 18294-D03 | C |
| Part Proposed Site Plan                                | TFA Project Group              | 18 June 2019  | 18294-D04 | C |
| Proposed Building Floor Plan                           | TFA Project Group              | 21 June 2019  | 18294 D05 | C |
| Building Elevations Sheet 1                            | TFA Project Group              | 21 June 2019  | 18294 D06 | C |
| Building Elevations Sheet 2                            | TFA Project Group              | 21 June 2019  | 18294 D07 | C |
| Car Canopy Elevations                                  | TFA Project Group              | 7 March 2019  | 18294 D08 | B |
| Truck Canopy Elevations                                | TFA Project Group              | 7 March 2019  | 18294 D09 | B |
| Overall Site Elevations                                | TFA Project Group              | 21 June 2019  | 18294 D10 | C |
| Perspective Views - Sheet 1                            | TFA Project Group              | 7 March 2019  | 18294 D11 | B |
| Perspective Views - Sheet 2                            | TFA Project Group              | 7 March 2019  | 18294 D12 | B |
| Tanker Unloading Path                                  | TFA Project Group              | 22 May 2019   | 18294-D13 | C |
| Delivery/Refuse Path                                   | TFA Project Group              | 22 May 2019   | 18294-D14 | C |
| Vehicle Queuing Plan                                   | TFA Project Group              | 22 May 2019   | 18294-D15 | C |
| Caravan Path   | TFA Project Group              | 22 May 2019   | 18294-D16 | C |
| Concept Landscaping Plan                               | TFA Project Group              | 22 May 2019   | 18294-D17 | C |
| Traffic Impact Assessment Report                       | McMurtrie Consulting Engineers | March 2019    | 049-18-19 | A |
| Technical Memorandum – RE: Water and Sewer Connections | McMurtrie Consulting Engineers | 7 March 2019  | 0491819   | A |
| Stormwater Management Plan                             | McMurtrie Consulting Engineers | 4 March 2019  | 0491819   | - |
| Oily Water Management Statement                        | TFA Project Group              | 13 March 2019 | 18294     | A |
| Waste Management Plan                                  | Aurizon                        | 2 April 2019  | -         | - |
| Response to Information Request                        | McMurtrie Consulting Engineers | 30 May 2019   | 049-18-19 | - |

|                         |       |                  |                                   |   |
|-------------------------|-------|------------------|-----------------------------------|---|
| Contour & Detail Survey | Veris | 12 February 2019 | 400217-005-CD01<br>(Sheet 3 of 4) | A |
| Contour & Detail Survey | Veris | 12 February 2019 | 400217-005-CD01<br>(Sheet 4 of 4) | A |

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

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

## 7. STATEMENT OF REASONS

|  |  |  |
|--|--|--|
| <b>Description of the development</b>        | The proposed development is for a Material Change of Use for a Service Station   |  |
| <b>Reasons for Decision</b>                  | <p>a) The Service Station has been suitably located and designed to minimise any potential adverse amenity impacts to sensitive land uses or residentially zoned land;</p> <p>b) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>c) The proposed development does not compromise the relevant <i>State Planning Policy</i>; 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 impact industry zone code;</li> <li>• Access, parking and transport code;</li> <li>• Landscape code;</li> <li>• Stormwater management code;</li> <li>• Waste management code;</li> <li>• Water and sewer code;</li> <li>• Acid sulfate soils overlay code</li> <li>• Airport environs overlay code</li> <li>• Bushfire hazard overlay code;</li> <li>• Biodiversity overlay code;</li> <li>• Flood hazard overlay code;</li> <li>• Special management overlay code; and</li> <li>• Steep land overlay 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 exception listed below.   |  |
|  | <b>Assessment</b>  | <b>Reasons for the approval despite non-compliance</b> |

|   | Benchmark   | with benchmark   |
|---|---|--|
|   | Low Impact Industry Zone Code   | The sales area is ancillary to the Service Station. Furthermore, the scale of the sales area is commensurate with similar facilities operating on major highway frontage sites such as the Capricorn Highway. Furthermore, the Service Station has been appropriately located and designed to minimise the potential for any adverse amenity impacts to sensitive land uses or residentially zoned land. |
| <b>Matters prescribed by regulation</b> | i) The <i>State Planning Policy – Part E</i> ;<br>ii) The <i>Central Queensland Regional Plan</i> ;<br>iii) The <i>Rockhampton Region Planning Scheme 2015</i> ; and<br>iv) The common material, being the material submitted with the application. |  |

## 8. APPEAL RIGHTS

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

### Appeal by an applicant

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

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

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

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

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

## 9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

## 10. ASSESSMENT MANAGER

|   |            |                        |
|---|------------|------------------------|
| Name: <b>Tarnya Fitzgibbon</b><br><b>COORDINATOR</b><br><b>DEVELOPMENT ASSESSMENT</b> | Signature: | Date: 2 September 2019 |
|---|------------|------------------------|

**Attachment 1 – Conditions of the approval**

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

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

**Attachment 2—Extract on appeal rights**

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a letter of compliance for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use  
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Access and Parking Works;
    - (ii) Sewerage Works;
    - (iii) Stormwater Works;
    - (iv) Roof and Allotment Drainage;
    - (v) Site Works;
  - 1.5.2 Plumbing and Drainage Works;
  - 1.5.3 Building Works:
    - (i) Demolition Works; and
    - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

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 No. | Revision/ Issue |
|------------------------------|-------------------|--------------|---------------|-----------------|
| Site Locality Plan           | TFA Project Group | 22 May 2019  | 18294-D01     | C               |
| Existing Site Views          | TFA Project Group | 7 March 2019 | 18294-D02     | B               |
| Proposed Overall Site Plan   | TFA Project Group | 18 June 2019 | 18294-D03     | C               |
| Part Proposed Site Plan      | TFA Project Group | 18 June 2019 | 18294-D04     | C               |
| Proposed Building Floor Plan | TFA Project Group | 21 June 2019 | 18294 D05     | C               |
| Building Elevations Sheet 1  | TFA Project Group | 21 June 2019 | 18294 D06     | C               |
| Building Elevations Sheet 2  | TFA Project Group | 21 June 2019 | 18294 D07     | C               |
| Car Canopy Elevations        | TFA Project Group | 7 March 2019 | 18294 D08     | B               |
| Truck Canopy Elevations      | TFA Project Group | 7 March 2019 | 18294 D09     | B               |
| Overall Site Elevations      | TFA Project Group | 21 June 2019 | 18294 D10     | C               |
| Perspective Views - Sheet 1  | TFA Project Group | 7 March 2019 | 18294 D11     | B               |
| Perspective Views - Sheet 2  | TFA Project Group | 7 March 2019 | 18294 D12     | B               |
| Tanker Unloading Path        | TFA Project Group | 22 May 2019  | 18294-D13     | C               |
| Delivery/Refuse Path         | TFA Project Group | 22 May 2019  | 18294-D14     | C               |
| Vehicle Queuing Plan         | TFA Project Group | 22 May 2019  | 18294-D15     | C               |



|  |                                |                  |                                |   |
|--|--------------------------------|------------------|--------------------------------|---|
| Caravan Path   | TFA Project Group              | 22 May 2019      | 18294-D16                      | C |
| Concept Landscaping Plan                               | TFA Project Group              | 22 May 2019      | 18294-D17                      | C |
| Traffic Impact Assessment Report                       | McMurtrie Consulting Engineers | March 2019       | 049-18-19                      | A |
| Technical Memorandum – RE: Water and Sewer Connections | McMurtrie Consulting Engineers | 7 March 2019     | 0491819                        | A |
| Stormwater Management Plan                             | McMurtrie Consulting Engineers | 4 March 2019     | 0491819                        | - |
| Oily Water Management Statement                        | TFA Project Group              | 13 March 2019    | 18294                          | A |
| Waste Management Plan                                  | Aurizon                        | 2 April 2019     | -                              | - |
| Response to Information Request                        | McMurtrie Consulting Engineers | 30 May 2019      | 0491819                        | - |
| Contour & Detail Survey                                | Veris                          | 12 February 2019 | 400217-005-CD01 (Sheet 3 of 4) | A |
| Contour & Detail Survey                                | Veris                          | 12 February 2019 | 400217-005-CD01 (Sheet 4 of 4) | A |

- 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 commencement of the use.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 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.
- 3.2 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).
- 3.3 All parking areas and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 3.4 All vehicles must ingress and egress the development in a forward gear.
- 3.5 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 3.6 Access to the existing uses west of the development area on the balance site and lots adjacent to the development site via Wheatboard Road (refer to Condition 2.1 -'Figure 4 of the Traffic Impact Assessment Report'):
  - 3.6.1 Must be maintained in accordance with 'Figure 4 of the Traffic Impact Assessment Report' (refer to Condition 2.1).
  - 3.6.2. Must be appropriately designed to accommodate the largest vehicle that utilises this access.
  - 3.6.3. Any widening or proposed changes required to this access must be finished to the same standard as the current access road.
  - 3.6.4. Details of the turning circles for the largest vehicle that accesses the adjacent sites and any required signage and line-marking must be demonstrated and included with any application for a Development Permit for Operational Works (access and parking works).
- 3.7 Access to the eastern balance portion of the subject site is to be maintained via the site's main internal circulation road intersecting with Capricorn Highway via a two-way, two-lane circulation roadway to be constructed in accordance with the approved plans (refer condition 2.1).
- 3.8 A minimum of forty-six (46) parking spaces must be provided on-site for light vehicles and must include a minimum of one (1) universal access parking space. A further three (3) parking spaces must be provided for light vehicles with caravans in accordance with the approved plans (refer condition 2.1).
- 3.9 A minimum of eight (8) road train parking spaces and three (3) B-double truck parking spaces must be provided on-site in accordance with the approved plans (refer condition 2.1).
- 3.10 Universal access parking space(s) must be designed in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.11 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).
- 3.12 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrates that turning movements/swept paths for all vehicles accessing the development site can be achieved in a forward gear including refuse collection vehicles.
- 3.13 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 3.14 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.15 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.16 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

3.17 Pedestrian crossings (zebra) must be provided in accordance with the approved site plan (refer to Condition 2.1) and must be designed and constructed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

#### 4.0 SEWERAGE WORKS

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

4.2 All 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, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

4.3 The development must be connected to Council's reticulated sewerage network via a special sewerage arrangement as follows:

4.3.1 A privately owned sewerage pump station must be provided within the subject site and a sewerage rising main must be constructed along the south-eastern boundary to a receiving chamber located close as practical to the existing access chamber in Salmon Street road reserve.

4.3.2 The receiving manhole is to be connected by 150 millimetre diameter gravity main to the existing manhole 4C/3.

4.3.3 The proposed receiving sewerage access chamber must be provided with a bolt down lid.

4.3.4 All sewerage infrastructure associated with the special sewerage arrangement must be privately owned and maintained at no cost to Council.

4.3.5 Approval from Fitzroy River Water is required for the connection via the special sewerage arrangement.

4.4 A 'Trade Waste Permit' 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.

#### 5.0 PLUMBING AND DRAINAGE WORKS

5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the development prior to the commencement of any plumbing and drainage works within the development site.

5.2 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of all buildings or structures on the development site.

5.3 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 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

5.4 The development must be connected to Council's reticulated sewerage and water networks.

5.5 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.

5.6 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.

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

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 2002* and Council's Plumbing and Drainage Policies.

## 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 The removal of gross pollutants must occur upstream of the bio-retention basin in accordance with relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).

6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

6.7 The bio-retention basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the basin, and the design must:

6.7.1 be suitable to the climate and incorporate predominately native species;

6.7.2 maximise areas suitable for on-site infiltration of stormwater;

6.7.3 incorporate shade trees; and

6.7.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the bio-retention basin as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed bio-retention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

## 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 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.
- 8.0 SITE WORKS
- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
  - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 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.
- 9.0 BUILDING WORKS
- 9.1 A Development Permit for Building Works must be obtained prior to commencement of any building works within the development site.
- 9.2 All buildings and structures shown on the approved plans (refer to Condition 2.1 -Contour & Detail Survey, 12 February 2019, 400217-005-CD01, Sheet 3 & 4 of 4) must be demolished and/or removed from the site prior to the commencement of the use. A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing buildings or structures on the development site.
- 9.3 The underground petroleum storage system must be designed, constructed and installed in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*.
- 9.4 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 9.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.6 Access to and use of the land which is 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.
- 9.7 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 2008* and must be:

- 9.7.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 9.7.2 screened to obstruct from view the contents of the waste storage area;
- 9.7.3 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;
- 9.7.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

Note: 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.

9.8 Any Advertising Device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

#### 10.0 ELECTRICITY

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

#### 11.0 TELECOMMUNICATIONS

11.1 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.

Note: The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

#### 12.0 ASSET MANAGEMENT

12.1 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.

12.2 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.

12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

#### 13.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;

- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 13.2 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 implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

#### 14.0 ENVIRONMENTAL HEALTH

- 14.1 Noise emitted from the activity must not cause an environmental nuisance.
- 14.2 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.
- 14.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, 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.
- 14.4 An incidents register must be kept at the premises and it must record any incidents including but not limited to:
- 14.4.1 any fire at the premises; and
  - 14.4.2 any release of contaminants not in accordance with the development approval conditions.
- 14.5 All plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the safety and efficiency of the equipment.
- 14.6 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 14.7 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 14.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
  - 14.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - 14.7.3 waste bags and ties.
- 14.8 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.9 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.

- 14.10 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 14.11 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 14.11.1 the date, quantity and type of waste removed;
  - 14.11.2 a copy of any licensed waste transport vehicle docket;
  - 14.11.3 the name of the licensed regulated waste removalist and/or disposal operator; and
  - 14.11.4 the intended treatment and/or disposal destination of the waste.

These records must be available for inspection by Council when requested.

- 14.12 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.
- 14.13 Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow, to detect leaks and for the inspection and maintenance of environmental control measures, such as: bunding, wastewater containment devices, interceptors and acoustic enclosures.

## 15.0 OPERATING PROCEDURES

- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within the Capricorn Highway.
- 15.2 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:
- 15.2.1 the area is kept in a clean and tidy condition;
  - 15.2.2 fences and screens are maintained;
  - 15.2.3 no waste material is stored external to the waste storage area/s;
  - 15.2.4 all wash down of refuse containers takes place in the existing washdown facility;
  - 15.2.5 all waste must be disposed via a private contractor; and
  - 15.2.6 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 15.3 The underground petroleum storage system must be maintained, tested and repaired in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*.
- 15.4 All certification and record-keeping requirements associated with the underground petroleum storage system must be maintained in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*. When requested, these records must be made available for inspection by Council.



## 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.

### NOTE 7. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

### NOTE 8. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property’s rating category, particularly in residential and rural zones. Please contact Council’s Rates Department should you require further information.



---

**Attachment 1 – Part 2**  
**Referral Agency Conditions - Department of**  
**State Development, Manufacturing,**  
**Infrastructure and Planning**

---

*Planning Act 2016*

---

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

### Appeal rights

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

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

#### Note—

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

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

#### 230 Notice of appeal

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

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

#### 231 Other appeals

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

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

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

#### 232 Rules of the P&E Court

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

**Schedule 1**

**Appeals section 229**

**1 Appeal rights and parties to appeals**

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

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

|   |                        |                                       |  |
|---|------------------------|---------------------------------------|--|
| <p>1. Development applications<br/>An appeal may be made against—</p> <ul 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> </ul> |                        |                                       |  |
| Column 1<br>Appellant   | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(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><br><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<br>3 Any eligible advice agency for the application<br>4 Any eligible submitter for the application  |
| <b>2. Change applications</b><br>An appeal may be made against—<br>(a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or<br>(b) a deemed refusal of a change application. |                        |   |   |
| Column 1<br>Appellant   | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any)                     | Column 4<br>Co-respondent by election<br>(if any)   |
| 1 The applicant<br>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<br>2 If a chosen assessment manager is the respondent—the prescribed assessment manager<br>3 A private certifier for the development application<br>4 Any eligible advice agency for the change application<br>5 Any eligible submitter for the change application |
| <b>3. Extension applications</b><br>An appeal may be made against—<br>(a) the assessment manager's decision about an extension application; or<br>(b) a deemed refusal of an extension application.                               |                        |   |   |
| Column 1<br>Appellant   | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any)                     | Column 4<br>Co-respondent by election<br>(if any)   |
| 1 The applicant<br>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><br/>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<br>Appellant  | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any)   |
| The person given the Infrastructure charges notice   | The local government that gave the infrastructure charges notice  | -                                     | -   |
| <p><b>5. Conversion applications</b><br/>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<br>Appellant  | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any)   |
| The applicant  | The local government to which the conversion application was made | -                                     | -   |
| <p><b>6. Enforcement notices</b><br/>An appeal may be made against the decision to give an enforcement notice.</p>   |   |                                       |   |
| Column 1<br>Appellant  | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(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><br/>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<br>Appellant  | Column 2<br>Respondent                              | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| A party to the proceedings for the decision  | The other party to the proceedings for the decision | -                                     | -   |

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

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

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

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

**Table 3  
Appeals to the tribunal only**

| 1. Building advisory agency appeals<br>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<br>Appellant  | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(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<br>2 A private certifier for the development application related to the approval |
| 3. Certain decisions under the Building Act and the Plumbing and Drainage Act<br>An appeal may be made against a decision under—<br>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or<br>(b) the Plumbing and Drainage Act, part 4 or 5. |                        |                                       |   |
| Column 1<br>Appellant  | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any)   |



| <b>Table 3</b><br><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                       | -                                     | -   |
| 4. Local government failure to decide application under the Building Act<br>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<br>Appellant   | Column 2<br>Respondent                                 | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| A person who was entitled to receive, notice of the decision  | The local government to which the application was made | -                                     | -   |



---

## ATTACHMENTS (for office use only)

---

APPROVED PLANS AND OR REFERRAL AGENCY CONDITIONS

---

### APPROVED PLANS



Adobe Acrobat  
Document

### REFERRAL AGENCY CONDITIONS



Adobe Acrobat  
Document