



# Decision Notice Approval (amended)

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

Application number:	D/109-2024	Contact:	Aidan Murray
Notice Date:	8 April 2026	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	CDC Queensland		
Postal address:	C/- Reel Planning Pty Ltd Unit 1/9 Camford Street MILTON QLD 4064		
Phone no:	07 4921 7002	Mobile no:	NA
		Email:	jacob@reelplanning.com

I acknowledge receipt of the above change application on 18 February 2026 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for Material Change of Use for a Transport Depot (Bus Depot) and Operational Works for Advertising Devices (wall sign and fence sign)**

## PROPERTY DESCRIPTION

Street address:	338-380 Bolsover Street, Depot Hill
Real property description:	Lot 1 on SP351325

Dear CDC Queensland

I advise that, on 25 March 2026 the above change application was:

approved in full with conditions\* (refer to the conditions contained in **Attachment 1**)

\*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

## CHANGES TO CONDITIONS

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

1)	Condition 2.1	Changed
2)	Condition 3.1	Changed
3)	Condition 3.3	New
4)	Condition 3.4	New
5)	Condition 5.4	Changed
6)	Condition 5.9	Changed
7)	Condition 5.10	Deleted

8)	Condition 7.4	Changed
9)	Condition 7.6	Deleted
10)	Condition 7.7	Deleted
11)	Condition 7.8	Deleted
12)	Condition 7.9	New
13)	Condition 7.10	New
14)	Condition 7.11	New
15)	Condition 7.12	New
16)	Condition 9.7	New

**1. DETAILS OF THE APPROVAL**

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use -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

**2. CONDITIONS**

This approval is subject to the conditions in Attachment 1.

**3. FURTHER DEVELOPMENT PERMITS REQUIRED**

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>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. REFERRAL AGENCIES – NIL**

**5. THE APPROVED PLANS**

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

**Material Change of Use:**

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Concept 2 Stage 1 & 2 Site Plan	Janes and Stewart Structures Pty Ltd	16 January 2026	SK01(4) / 25109	Rev. 4
Concept 2 Stage 1, 2 & 3 Site Plan	Janes and Stewart Structures Pty Ltd	16 January 2026	SK02(4) / 25109	Rev. 4
Concept 2 Stage 1 & 2 Stormwater	Janes and Stewart Structures Pty Ltd	16 January 2026	SK03(4) / 25109	Rev. 4
Concept 2 Stage 1, 2 & 3 Stormwater	Janes and Stewart Structures Pty Ltd	16 January 2026	SK04(4) / 25109	Rev. 4
Concept 2 Stage 1 & 2 19m Semi Turnpaths	Janes and Stewart Structures Pty Ltd	16 January 2026	SK05(4) / 25109	Rev. 4
Concept 2 Stage 1 & 2 26m B Double Turnpath	Janes and Stewart Structures Pty Ltd	16 January 2026	SK06(4) / 25109	Rev. 4
Concept 2 Stage 1 & 2 Bus Turnpaths	Janes and Stewart Structures Pty Ltd	16 January 2026	SK07(4) / 25109	Rev. 4
Concept 2 Stage 1 & 2 14.5m Bus Turnpaths into Workshop	Janes and Stewart Structures Pty Ltd	16 January 2026	SK08(4) / 25109	Rev. 4
Concept 2 Stage 1 & 2 19m Semi Turnpath Through Fuel Bay	Janes and Stewart Structures Pty Ltd	16 January 2026	SK09(3) / 25109	Rev. 3
Concept 2 Stage 1, 2 & 3 19m Semi Turnpaths	Janes and Stewart Structures Pty Ltd	16 January 2026	SK10(2) / 25109	Rev. 2
Concept 2 Stage 1, 2 & 3 Bus Turnpaths	Janes and Stewart Structures Pty Ltd	16 January 2026	SK11(2) / 25109	Rev. 2
Concept 2 Stage 1, 2 & 3 14.5m Bus Turnpaths into Workshop	Janes and Stewart Structures Pty Ltd	16 January 2026	SK12(2) / 25109	Rev. 2
Concept 2 Stage 1, 2 & 3 19m Semi Turnpath Through Fuel Bay	Janes and Stewart Structures Pty Ltd	16 January 2026	SK13(2) / 25109	Rev. 2
Stormwater Management Report	Janes and Stewart Structures Pty Ltd	9 February 2026	25109REP01	A
Transport Engineering Report	TTM Group	16 August 2024	-	3

#### **Operational Works:**

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Image 1: Signage side of workshop 1.0m(H) x 7.5m(W) – Stanley St	Reel Planning	Received 16 August 2024	-	-
Image 2: Signage outside office 1.5m(H) x 3.0m(W) – Stanley St	Reel Planning	Received 16 August 2024	-	-

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

The development approval lapses at the end of the following periods:

- (a) For any part of the development approval relating to a material change of use – if the change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached; and
- (b) For any other part of the development approval – if the development does not substantially start within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

## 7. STATEMENT OF REASONS

<b>Description of the development</b>	
Material Change of Use for a Transport Depot (Bus Depot) and Operational Works for Advertising Devices (wall sign and fence sign)	
<b>Reasons for Decision</b>	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) 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 development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Local Government Infrastructure Plan;</li> <li>• Special Purpose 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>• Flood Hazard Overlay Code;</li> <li>• Steep Land Overlay Code; and</li> <li>• Advertising Devices 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>
Special Purposes Zone Code PO6  Landscape Code	The proposed development does not comply with Acceptable Outcome (AO) 6.1 of the Special Purpose Zone Code which prescribes a minimum of ten percent (10%) total site be provided as landscaping. Stage 1 has a total landscaped area of thirteen per cent (13%) while Stages 2 and 3 of the development will have a total landscaped area equal to seven per cent (7%).

PO1	<p>Despite this, the proposed development still contains landscaping and streetscaping that benefits public streets and spaces along Stanley Street and to a lesser extent along Campbell Street. The updated landscaping, subject to reasonable and relevant conditions, will enhance the appearance of the development. Existing street trees will be retained and maintained throughout the three proposed stages of development.</p> <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 6 of the Special Purpose Zone Code and PO1 of the Landscape Code.</p>
<p>Special Purposes Zone Code PO10</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 10.2 which prescribes that buildings on corner sites provide active frontages to both street frontages and the main entrance faces the principal street or street corner.</p> <p>Despite this, the proposed development still emphasises the importance of the location and adequately addresses the public space. The existing office building faces Stanley Street as the higher order and primary street frontage while new buildings that are proposed are adjacent to or setback further than the existing office building and workshop buildings. The public site access will be adequately signed and is adjacent to the office building, supporting the development as legible, accessible and useable in its interactions with the public streetscape and space.</p> <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 10.</p>
<p>Special Purposes Zone Code PO12</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 12.1 which prescribes that hard surface areas are interspersed with spaces between buildings and car park areas, vegetated or covered with fabric sails.</p> <p>Despite this, it is acknowledged the proposed development will generally maintain and re-use the existing development and hardstand areas pre-existing on the site. It is unlikely the proposal will create any additional or worsen 'heat islands' compared to the existing pre-development site conditions.</p> <p>The non-compliance with AO12.1 and corresponding Performance Outcome (PO) 12 is considered a low-level conflict and on balance the proposed development complies with the remainder of the Assessment Benchmarks.</p>
<p>Advertising Devices Code PO1</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 1.2 which prescribes a maximum sign face area for each specific sign type based on zoning and other factors.</p> <p>In the Special Purpose Zone, the maximum sign face area for a wall sign is prescribed as four (4) square metres whereas the proposal results in wall sign of 7.5 square metres. Furthermore, fence signs are prescribed to have a maximum height of one (1) metre and maximum sign face area of three (3) square metres whereas the proposal is for 4.5 square metres.</p> <p>Despite this, the proposed signage is considered to be consistent with the character and amenity of the area because the signs:</p> <ul style="list-style-type: none"> <li>• Do not adversely impact on the visual amenity of the buildings, streetscape and locality;</li> <li>• Are integrated with overall design of the on-site development;</li> <li>• Do not visually dominate the premises, streetscape or locality;</li> <li>• Do not impede vehicle or pedestrian movements or reduce safety levels;</li> <li>• Do not resemble traffic or road signs; and</li> <li>• Do not result in unnecessary advertising.</li> </ul> <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 1.</p>
<b>Relevant Matters</b>	

Not applicable to an assessable development application subject to code assessment.

#### Matters prescribed by regulation

- The Rockhampton Region Planning Scheme 2015 (version 4.4); and
- The common material, being the material submitted with the application.

### 8. RIGHTS OF APPEAL

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

#### Appeal by an applicant

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

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

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

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

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

### 9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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


Or

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

### 10. ORIGINAL DECISION ASSESSMENT MANAGER

Name : :	<b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Date: 11 November 2024
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### 11. ASSESSMENT MANAGER

Name : :	<b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 8 April 2026
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#### Attachment 1 – Conditions of the approval

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

#### Attachment 2—Extract on appeal rights

**Material Change of Use for a Transport Depot (Bus Depot)**

1.0 ADMINISTRATION

1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:

1.3.1 to Council's satisfaction;

1.3.2 at no cost to Council; and

1.3.3 prior to the commencement of the use,

unless otherwise stated.

1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

1.5 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) Road Works;

(ii) Access and Parking Works;

(iii) Stormwater Works;

(iv) Roof and Allotment Drainage; and

(v) Site Works.

1.5.2 Plumbing and Drainage Works; and

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.

1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

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:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
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Stormwater Management Report	Janes and Stewart Structures Pty Ltd	9 February 2026	25109REP01	A
Transport Engineering Report	TTM Group	16 August 2024	-	3

- 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.
- 3.0 STAGED DEVELOPMENT
- 3.1 This development approval is for a development to be undertaken in three (3) discrete stages, namely:
- 3.1.1 Stage One (1) and Stage Two (2); and
- 3.1.2 Stage Three (3),
- in accordance with the approved plans (refer to condition 2.1). Stage One (1) and Stage Two (2) are to be undertaken concurrently and prior to Stage Three (3).
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 3.3 The currency period for Stages One (1) and Stage Two (2) is six (6) years from the date this approval takes effect.
- 3.4 The currency period for Stage Three (3) is twelve (12) years from the date this approval takes effect.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 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).
- 4.3 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the southern side of Stanley Street for the full frontage of the development site.
- 4.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.5 All pathways must incorporate kerb ramps at all road crossing points.
- 5.0 ACCESS AND PARKING WORKS
- 5.1 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.
- 5.2 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).
- 5.3 All access, parking, vehicle manoeuvring, and bus storage 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).
- 5.4 All the existing access(es) from Stanley Street to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*. Appropriate regulatory and directional signage, line marking and any necessary physical treatment (e.g. traffic islands or medians) must be installed at all access points based on the required ingress and egress movements and any associated restrictions.
- 5.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.6 All vehicles must ingress and egress the development in a forward gear.

- 5.7 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"*.
- 5.8 All access must be located minimum one (1) metre from any street signage, power poles, streetlights, access chamber, gully pits or other Council assets.
- 5.9 A minimum of twenty-three (23) car parking spaces must be provided on-site for Stage 1 and 2.
- 5.10 DELETED
- 5.11 Accessible parking spaces must be provided on-site where required by the National Construction Code and designed in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.12 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).
- 5.13 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"*.
- 5.14 Signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.15 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.16 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 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* and Council's Plumbing and Drainage Policies.
- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 The existing sewerage connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 Sewer connection(s) and water meter box(es) located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.9 The existing domestic water connection point(s) must be capped off. A combined fire and domestic meter must be provided on the 100 millimetre water main located within the development site. The combined fire and domestic meter must be in accordance with *Capricorn Municipal Development Guidelines* requirements.
- 6.10 The water infrastructure (100 millimetre water main and fire hydrants) located within the development site, after the combined fire and domestic meter, must be privately owned and maintained.
- 7.0 STORMWATER WORKS
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.

- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a 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 an actionable nuisance or worsening to surrounding land or infrastructure.
- 7.4 Gross pollutant traps must be installed in field inlets / pits identified in the approved Stormwater Management Report (refer to condition 2.1).
- 7.5 The installation of gross pollutant traps must be 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).
- 7.6 DELETED
- 7.7 DELETED
- 7.8 DELETED
- 7.9 All proposed field inlets / pits located within trafficable area must be installed with heavy-duty trafficable lid (Class D).
- 7.10 A bio-retention basin must be constructed and landscaped in accordance with the approved plans and Council's stormwater quality requirements. Any application for Development Permit for Operational Works (stormwater works) must be accompanied by detailed engineering and landscape plans for the bio-retention basin. The design must:
- 7.10.1 comply with current best practice guidelines for water quality treatment, stormwater management and *Bioretention Technical Design Guidelines*;
  - 7.10.2 ensure the filter media, underdrain system, and hydraulic configuration comply with Council's specifications and relevant standards;
  - 7.10.3 provide landscaping suitable for the local climate and incorporates predominantly native, deep-rooted species tolerant of wet and dry conditions;
  - 7.10.4 include shade trees where practical without compromising hydraulic performance;
  - 7.10.5 ensure all areas outside garden beds are fully turfed;
  - 7.10.6 maximises infiltration and ensures the basin drains within 48 to 72 hours after a design storm event;
  - 7.10.7 provide maintenance access in accordance with Council requirements.
- 7.11 The owner of the premises must ensure that the private bio-retention basin and any associated proprietary stormwater quality treatment devices are maintained in accordance with the approved design documents and performance standards. The ongoing maintenance requirements include, but are not limited to, the following:
- 7.11.1 the property owner is responsible for all ongoing maintenance of the bio-retention basin and proprietary stormwater quality treatment devices to ensure they continue to operate effectively as stormwater treatment systems;
  - 7.11.2 undertake regular inspections of the system at a minimum frequency of quarterly and after significant rainfall events;
  - 7.11.3 remove accumulated sediment, litter and debris as required to maintain system performance;
  - 7.11.4 maintain vegetation within the bio-retention system, including the replacement of dead, dying or unhealthy plants to ensure appropriate treatment function;
  - 7.11.5 keep all inlet and outlet structures clear and unobstructed to prevent blockages and ensure effective hydraulic operation;
  - 7.11.6 ensure the bio-retention basin and proprietary stormwater quality treatment devices continue to function as designed, meet water quality objectives, and prevent pollutants from entering the stormwater network;

- 7.11.7 record all maintenance activities in a maintenance logbook and make the logbook available to Council upon request;
  - 7.11.8 provide reasonable access for Council or its authorised representatives to inspect the bio-retention basin and associated proprietary stormwater quality treatment devices when required;
  - 7.11.9 where replacement cartridges or other proprietary components become unavailable, an alternative system approved by Council must be retrofitted to achieve an equivalent pollutant-reduction outcome; and
  - 7.11.10 all costs associated with the maintenance, repair, replacement or retrofitting of the bio-retention basin and proprietary stormwater quality treatment must be borne by the site owner or operator.
- 7.12 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a complete electronic modelling package using industry-standard stormwater quality modelling software (e.g. MUSIC). The submission must include the electronic model files, results files and full details of all modelling assumptions used to justify the proposed water quality management strategy.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 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.
  - 8.2 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).
  - 8.3 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 an actionable nuisance or worsening to surrounding land or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
  - 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
    - 9.2.1 the location of cut and/or fill;
    - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
    - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
    - 9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
    - 9.2.5 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.
  - 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
  - 9.4 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.
  - 9.5 All retaining structures above one (1) metre in height requires separate building approval and certification by a *Registered Professional Engineer of Queensland*.
  - 9.6 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.
  - 9.7 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by a Flood Statement, prepared and certified by a *Registered Professional Engineer of Queensland* that as a minimum includes:
    - 9.7.1 details of the assessed flood characteristics at the site and how the proposed development will impact upon and be impacted upon by a Defined Flood Event with recommendations included outlining how these impacts will be reduced or mitigated.

Note: The development site is located within the South Rockhampton catchment and is subject to minor impacts from the one (1) per cent Annual Exceedance Probability (AEP) Local Storm / Overland Flow flooding. The affected area is located in the eastern corner and the south-western corner of the site. Any earthworks or site works proposed within these flood-affected areas must not cause actionable nuisance or worsening of flooding, stormwater flows or drainage conditions to surrounding land or infrastructure.

## 10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 10.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 10.3 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:
  - 10.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 10.3.2 surrounded by at least a 1.8-metre-high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 10.3.3 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;
  - 10.3.4 setback a minimum of two (2) metres from any road frontage; and
  - 10.3.5 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*.

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.

## 11.0 LANDSCAPING

- 11.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 11.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 11.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
  - 11.3.1 trees at five (5) metre intervals;
  - 11.3.2 shrubs at two (2) metre intervals; and
  - 11.3.3 groundcovers at one (1) metre intervals.
- 11.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
  - 11.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 11.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 11.5 All existing street trees along the site frontages of Stanley Street and Campbell Street must be retained. Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 11.6 Shade trees must comply with the following requirements:
  - 11.6.1 Be planted clear of services and utilities;
  - 11.6.2 Be planted clear of park furniture and embellishments;
  - 11.6.3 Not obstruct pedestrian or bicycle traffic; and
  - 11.6.4 Comply with crime prevention through environmental design principles.

- 11.7 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 11.8 Shade trees shown on the Concept Plan (refer to condition 2.1) must be retained and maintained.
- 11.9 Each shade tree must have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
- 11.9.1 In single sided, angle or parallel bays – One (1) tree per three (3) car parks; and
  - 11.9.2 In double sided, angle or parallel bays – One (1) tree per six (6) car parks.
  - 11.9.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 11.10 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 11.11 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.
- 11.12 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 11.12.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
  - 11.12.2 adversely affect any road lighting or public space lighting; or
  - 11.12.3 adversely affect any Council infrastructure, or public utility plant.
- 11.13 The landscaped areas must be subject to:
- 11.13.1 a watering and maintenance plan during the establishment moment; and
  - 11.13.2 an ongoing maintenance and replanting programme.
- 12.0 ELECTRICITY
- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 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, pipes and conduits that provide a connection to the telecommunications network.
- 14.0 ASSET MANAGEMENT
- 14.1 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.
- 14.2 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.
- 14.3 '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).
- 15.0 ENVIRONMENTAL
- 15.1 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.

15.2 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland*), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017* and *Capricorn Municipal Design Guidelines* requirements, must be:

15.2.1 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

15.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.

## 16.0 ENVIRONMENTAL HEALTH

16.1 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"*.

16.2 Noise emitted from the activity must not cause an environmental nuisance.

16.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.

16.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

16.5 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

16.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.

16.7 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.

16.8 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.

16.9 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.

16.10 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:

16.10.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;

16.10.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and

16.10.3 waste bags and ties.

- 16.11 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.
- 16.12 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.
- 16.13 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 16.14 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 16.14.1 the date, quantity and type of waste removed;
  - 16.14.2 a copy of any licensed waste transport vehicle dockets;
  - 16.14.3 the name of the licensed regulated waste removalist and/or disposal operator; and
  - 16.14.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- 16.15 All fuel dispensing areas must be drained to the sewer through a trade waste approved oil interceptor/separation system.
- 16.16 The workshop must have an impervious floor that is adequately bunded and drains to a holding tank or the sewer through an approved oil interceptor/separation system.
- 17.0 OPERATING PROCEDURES
- 17.1 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 Stanley Street or Campbell Street.
- 17.2 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:
- 17.2.1 the area is kept in a clean and tidy condition;
  - 17.2.2 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
  - 17.2.3 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 17.3 No panel beating, spray-painting or any body works must be carried out on-site.
- 17.4 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 17.5 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways, overland flow paths or stormwater system.
- 17.6 Commercial waste bins must be provided on-site within the 'Refuse Area' store area shown on the approved plans (condition 2.1) and be collected by a private contractor. No kerbside collection or collection within the road reserve is permitted.

#### 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au)

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4. 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. Duty to Notify of Environmental Harm

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

NOTE 6. 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 7. Infrastructure Charges Notice

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

**Operational Works for Advertising Devices (wall sign and fence sign)**

ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further development permits are required prior to the commencement of any works on the site:
  - 1.4.1 Building Works.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 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>
Image 1: Signage side of workshop 1.0m(H) x 7.5m(W) – Stanley St	Reel Planning	Received 16 August 2024	-	-

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Image 2: Signage outside office 1.5m(H) x 3.0m(W) – Stanley St	Reel Planning	Received 16 August 2024	-	-

- 2.2 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.
- 2.3 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.
- 3.0 OPERATING PROCEDURE
- 3.1 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.
- 3.2 All text and images displayed on the approved advertising device:
- 3.2.1 must be static;
- 3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
- 3.2.3 must not involve moving parts or flashing lights.
- 3.3 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*'.
- 4.0 BUILDING WORKS
- 4.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 5.0 ASSET MANAGEMENT
- 5.1 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:
- 5.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
- 5.1.2 as soon as reasonably possible as agreed with Council.
- 6.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE
- 6.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 6.2 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, unless otherwise approved by Council in writing.
- 6.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 6.4 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.
- 6.5 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.

#### 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au)

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NOTE 4. General Safety of Public During Construction

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

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— <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 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 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 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
<b>4. Infrastructure charges notices</b> An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> <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               <ul style="list-style-type: none"> <li>(i) The working out of extra demands, for section 120; or</li> <li>(ii) An offset or refund; or</li> </ul> </li> </ul> b) The was no decision about an offset or refund; or			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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

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

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

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

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