



Decision Notice Approval

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

Application number:	D/19-2022	Contact:	Aidan Murray
Notice Date:	20 December 2022	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Roxborough (Qld) Pty Ltd		
Postal address:	C/- Gideon Town Planning PO Box 450 ROCKHAMPTON QLD 4700		
Phone no:	N/A	Mobile no:	0402 066 532 Email: info@gideontownplanning.com.au

I acknowledge receipt of the above application on 28 February 2022 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for Outdoor Sales (Caravan and Recreational Vehicle Sales)

PROPERTY DESCRIPTION

Street address:	3 Glenmore Road, Park Avenue
Real property description:	Lot 43 on LN1499 and Lot 1 on CP848924

Dear Roxborough (Qld) Pty Ltd

I advise that, on 13 December 2022, the above development 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.

1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Access and Parking Works</i>
Building Works	<i>Demolitions Works; and Building Works</i>
Plumbing and Drainage Works	

4. SUBMISSIONS

Properly made submissions were made in relation to the application.

There were 67 submissions received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. John Casey	5 Snell Street, Koongal QLD 4701	john@caseyimaging.com
2. Louie Sypher	17 Reaney Street, Berserker QLD 4701	boomaroo61@gmail.com
3. John and Rhonda Denney	15 Slade Road, Beecher QLD 4680	denneysmail@yahoo.com.au
4. Gary Kayes	20 Yeppoon Crescent, Yeppoon QLD 4703	gkkayes@gmail.com
5. Helen Mackay	30a Ferguson Street, Emu Park QLD 4710	helmet55@gmail.com
6. Brett Else	28 Fisher Street, Gracemere QLD 4702	brettelse@bigpond.com
7. Susan Jensen	12 Samuel Crescent, Parkhurst QLD 4702	cqmechanicalsolutions@gmail.com
8. Paul Ashton	216 German Street, Norman Gardens QLD 4701	Pjashton2@bogpond.com
9. P and B Forbes	Unknown	Swagman2@msn.com
10. Vicki Porter	18 Meyenberg Court, Norman Gardens QLD 4701	denisevicki@hotmail.com
11. Denise McLeod	PO Box 10088 Frenchville QLD 4701	denisevicki@hotmail.com
12. Jeanette and Alan Toohey	4 Booth Court, Yeppoon QLD 4703	Jeanetter.toohey@bigpond.com
13. Des and Laraine Campbell	4 Permien Street, Norman Gardens QLD 4701	N/A
14. Ann Kennedy	3 Mooney Court, Marian QLD 4753	Annabell.kennedy@gmail.com
15. Robert Iffinger	22 Kavanagh Crescent, Koongal	Bob.iffinger@gmail.com

	QLD 4701	
16.Kerrod Casey	4 Woodford Way, Norman Gardens QLD 4701	Kerrod.casey@paleso.com.au
17.Robert & Amanda Searle	307 Diplock Street, Frenchville QLD 4701	Robert.searle@corrections.qld.gov.au
18.Terry Douglas	2 Broadhurst Drive, Gracemere QLD 4702	N/A
19.K Ross Gambling	72 Buxton Drive, Gracemere QLD 4702	Ross.gambling@gamil.com
20.Anne McBride	139 Venables Street, Frenchville QLD 4701	Ecoanne.31r@gmail.com
21.Ellis and Catherine Evans	66 Limpus Avenue, Keppel Sands QLD 4702	N/A
22.Lorraine Ryan	9/21-29 Lancaster Parade, Bateau Bay NSW 2261	Raine.ryan4@gmail.com
23.Michael and Marlene Rice	13 Orana Avenue, Boyne Island QLD 4680	N/A
24.Glen and Lorraine Hill	10 Danker Court, Norman Gardens QLD 4701	N/A
25.John and Cheryl Lamb	8 Booth Court, Cooe Bay QLD 4703	cheryljohnl@hotmail.com
26.Cameron Johnson	49184 Burnett Highway, Wura QLD 4714	cwcjohnson@gmail.com
27.Mary and Gary Bennet	1 Meadowvale Court, Norman Gardens QLD 4701	Elizabeth.benney@bigpond.com
28.Gordon and Elaine Jones	24 Pillich Street, Kawana QLD 4701	The3jones@bigpond.com
29. Joshua Love	57 Musgrave Street, Berserker QLD 4701	loveautos@westnet.com.au
30.Colin Jensen	60 Lucas Street, Berserker QLD 4701	cqmechanicalsolutions@gmail.com
31.Trichelle Bolch	32 Aspland Street, Gladstone QLD 4680	N/A
32.Shane Turner	16 Haven Close, Norman Gardens QLD 4701	Shane.toni4@gmail.com
33.Allan & Diane Sutton	6/57-59 Woodlands Avenue, Lugarno NSW 2210	ajdsutton@hotmail.com

34. Mark Dalton	24 Limpus Avenue, Keppel Sands QLD 4702	m.d.dalton@hotmail.com
35. Lyle Titmarsh	40 Hunter Street, West Rockhampton QLD 4700	lyletitmarsh@gmail.com
36. Chantal Titmarsh	40 Hunter Street, West Rockhampton QLD 4700	chantitmarsh@gmail.com
37. Jeanie Conachan	27 Schlencker Drive, Glenlee QLD 4711	jeanieconachan@bigpond.com
38. Errol Conochan	27 Schlencker Drive, Glenlee QLD 4711	ejconachan@bigpond.com
39. Nathan Brown	19 Tawarra Crescent, Gracemere QLD 4702	Nathan.brown@foxmowing.com.au
40. Geoff Stroud	15487 Dawson Highway, Bauhinia QLD 4718	gstroud@gmx.com
41. Nathan Jones	5-7 Fraser Street, Park Avenue QLD 4701	Nathan.jones@oasis.life
42. Roy Woolward	31 Outrigger Drive, Mulambin QLD 4703	rdwoolward@yahoo.com.au
43. Debbie Dalton	24 Limpus Avenue, Keppel Sands QLD 4702	m.d.dalton@hotmail.com
44. Mark Dalton	24 Limpus Avenue, Keppel Sands QLD 4702	m.d.dalton@hotmail.com
45. Penny Brown	203 Alexandra Street, Kawana QLD 4701	info@cqcabinetmarkers.com.au
46. Neil and Donna Clark	61 Bramble Street, Norman Gardens QLD 4701	Alberta084@outlook.com
47. Ruth Selke	108 Bartlem Road, Westwood QLD 4702	ruthselke@gmail.com
48. Ryan Knowles	581 Yeppoon Road, Limestone Creek QLD 4701	N/A
49. Delmai Titmarsh	26 Limpus Avenue, Keppel Sand QLD 4702	N/A
50. John Titmarsh	26 Limpus Avenue, Keppel Sand QLD 4702	N/A
51. Rose Ladymake	Mackay	N/A
52. Jadie & Isaac Cooper	59 Old Gracemere Road, Fairy Bower QLD 4700	cooperjadie@gmail.com & claytonjadie12@gmail.com

53.Heather Malone	68 Limpus Avenue, Keppel Sands QLD 4702	N/A
54.Jeff Morris	68 Limpus Avenue, Keppel Sands QLD 4702	N/A
55.Tom Titmarsh	113 Coowonga Road, Coowonga QLD 4703	reception@mtarchermedical.com.au
56.Karen Clayton	12 Ballard Street, Lakes Creek QLD 4701	reception@mtarchermedical.com.au
57.G.T Countryman	Hidden Valley Road, Yeppoon QLD 4703	reception@mtarchermedical.com.au
58.Cathy and Bruce Pope	48 Bridget Street, Emu Park QLD 4710	Pope_dog@hotmail.com
59.R Easey	190 Ashford Street, Gracemere QLD 4702	N/A
60.Narelle Crack	107 Martin Crescent, Benarkin North QLD 4314	N/A
61.Roslyn McCart	22-28 Willandra Road, Greenbank QLD 4124	N/A
62.Patricia Johnston	67 Sondra Lena Drive, Glenlee QLD 4711	N/A
63.Yvonne Green	7 Kerr Street, Park Avenue QLD 4701	N/A
64.Monica and Alexander Green	60 Upper Dawson Road, Allenstown QLD 4700	N/A
65.Christine Hardacre	9 Peregrin Court, Parkhurst Qld 4702	christinehardacre@outlook.com
66.Bill Wieden	20 Turner Court, Parkhurst QLD 4702	N/A
67.Wayne and Linda Feeney	447 Quay Street, Depot Hill QLD 4700	wfeeney@bigpond.com

5. REFERRAL AGENCIES

NIL

6. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Site Plan	Designtek	24 February 2022	2012-04 A01	A

Proposed Floor Plan	Designtek	24 February 2022	2012-04 A02	A
Perspective Views	Designtek	24 February 2022	2012-04 A03	A
Perspective Views	Designtek	24 February 2022	2012-04 A04	A
Flood Impact Investigation	TriCAD Design	15 March 2022	55H01	2

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

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

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; 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.

8. STATEMENT OF REASONS

Description of the development	Material Change of Use for Outdoor Sales (Caravan and Recreational Vehicle Sales)	
Reasons for Decision	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 some aspects of the planning scheme (zone purpose and strategic framework).	
Assessment Benchmarks	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Sport and Recreation Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code; • Biodiversity Areas Overlay Code; • Coastal Protection Overlay Code; • Flood Hazard Overlay Code; • Steep Land Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Flood Hazard	Acceptable Outcome AO1.1 requires that, for non-residential

<p>Overlay Code PO1</p>	<p>development, at least 30% of gross floor area of all new buildings and structures be located 500 millimetres above the defined flood level. The proposed development does not achieve this as the proposed new workshop building is located fully within the high flood hazard category (H3) for riverine flooding. The new workshop building is proposed as a replacement for an existing building being demolished and will be located on the same part of the land as the previous building. The application included a flood impact investigation report for the development, prepared by Registered Professional Engineer of Queensland (RPEQ). Council officers have reviewed the flood impact investigation report and deemed that flood risk and potential impacts to the site and surrounding area are not worsened by the development in comparison to the existing situation and pre-development scenario, generally in accordance with Acceptable Outcome AO1.2. Furthermore, the development can achieve Performance Outcome PO1 subject to a suitable contingency plan / emergency management plan being adopted by the operator. The level of risk can be considered acceptable subject to reasonable and relevant conditions as implemented by this development permit.</p>
<p>Flood Hazard Overlay Code PO4</p>	<p>The proposed development includes the construction of a new workshop building, replacing an existing building which is to be demolished, located fully within the high flood hazard category (H3) for riverine flooding. The proposal does not fully comply with Acceptable Outcome AO4.1. While it does not increase the gross floor area (compared to the previous building), the finished floor level is not 500 millimetres above the defined flood level. The new workshop building is proposed as a replacement for an existing building being demolished and will be located on the same part of the land as the previous building. Based on these factors and a review of the submitted flood impact investigation report, the development does not result in increased risk to people and property and is therefore deemed to generally comply with Performance Outcome PO4.</p>
<p>Sport and Recreation Zone Code PO12</p>	<p>The proposed development does not comply with Performance Outcome PO12 as the outdoor sales (caravan and RV sales) land use is not ancillary to or in support of a primary use on the site for a sport and recreation use. In this instance, consideration has been given to the relevant matters detailed below which are deemed to outweigh the conflict with Performance Outcome PO12.</p>
<p>Sport and Recreation Zone Code 6.4.1.2 Purpose (1) (c), (d) and (e) (2) (a) and (b)</p>	<p>The proposed development is for an Outdoor Sales land use involving Caravan and RV Sales, which is not consistent with the purpose of the Zone, particularly purpose provisions (1)(c), (d) and (e) and overall outcomes (2)(a) and (2)(b). The outdoor sales land use is not ancillary to nor does it directly support sport and recreation uses on the subject site or within the zone. In this instance, consideration has been given to the relevant matters detailed below which are deemed to outweigh the conflict with the purpose and overall outcomes of the Sport and Recreation</p>

		Zone Code.
	<p>Strategic Framework</p> <p>3.3 Settlement Pattern</p> <p>3.3.1 (11)</p> <p>3.3.3 Element – Nature conservation, open space and natural corridor or link</p> <p>3.3.3.1 (1)</p> <p>3.3.8 Element – Urban and new urban</p> <p>3.3.8.1 (8)</p> <p>3.3.11 Element – Centres</p> <p>3.3.11.1 (2)</p> <p>3.3.12 Element – Specialised centres</p> <p>3.3.12.1 (4)</p>	<p>The proposed development was seen as representing a potential conflict to the settlement pattern and centres hierarchy as detailed by the Strategic Framework in Council's planning scheme. In support of the centres hierarchy, consideration was also given towards the Rockhampton Region Commercial Centres Study adopted by Council in 2021. In order to address, justify and overcome these conflicts, the applicant sought to rely on relevant matters by providing an economic impact assessment (EIA) prepared by a qualified economist in accordance with <i>the Economic impact assessment planning scheme policy (SC6.9)</i> adopted under Council's planning scheme. Council engaged an independent economist consultancy to conduct a peer review of the EIA. Assessment and peer review of the application material recommended that the EIA demonstrates sufficient economic, community and planning need for the proposed development based on the growing demand for caravan and RV sales in the region, the large economic catchment which stretches beyond the local government boundaries. Therefore, the land use of outdoor sales (caravan and RV sales) is not performing a local needs function and is unlikely to impact upon the already established centres in Rockhampton. Trading would be undertaken with clientele both within Rockhampton and the wider region. As a result, it is established that the proposal has an economic need to be located in Rockhampton. The expansion of the proposed facility is deemed to have a limited impact on the centres hierarchy or competitor facilities. Therefore, sufficient justification exists for the proposal based on the land use of outdoor sales, specifically for the sale of caravans and RVs.</p>
Relevant Matters	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • An economic impact assessment (EIA) demonstrates sufficient economic, community and planning need for the proposed development as it identifies a growing demand for caravan and RV sales in Central Queensland, which is best met in the Central Queensland context by being located in Rockhampton. • The expansion of the proposed facility would have limited impacts on the centres hierarchy and competitor facilities and will provide positive benefits to the local tourism industry and support associated activities. • Whilst the proposed facility would be ideally located in the Specialised Centre Zone (Musgrave Street Precinct – Outdoor Sales and Services Sub-Precinct), or on other sites not located in the Sport and Recreation Zone, there are reasons these sites do not represent suitable alternatives for the proposed use. Typically, potential alternative sites that would be appropriately zoned do not sufficiently meet the operational requirements of the proposed use and their clientele or are otherwise unavailable for development (e.g. through sale or lease). 	
Matters raised	Issue	How matter was dealt with

in submissions	All submissions received by Council were in support of the proposed development and no issues were raised that needed to be addressed.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application.

9. APPEAL RIGHTS

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

Appeal by an applicant

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

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

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

Appeal by an eligible submitter

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

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

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

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

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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


Or

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

Or

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

11. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 20 December 2022
---	---	------------------------

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

ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 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) Access and Parking 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 Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All conditions, works, and requirements of this development approval relating to Access and Parking Works must be undertaken and completed by submitting a development application to Council seeking a Development Permit for Operational Works. The Operational Works application must be lodged with Council within six (6) months of the date of this development approval taking effect. The works must not commence prior to a Development Permit for Operational Works being issued by Council for the works and must be completed within six (6) months from the date of that development approval taking effect, unless otherwise agreed in writing by Council.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 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.

- 1.10 Lot 1 CP848924 and Lot 43 LN1499 must be amalgamated and registered as one lot within 6 months of this development approval taking effect.

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>
Site Plan	Designtek	24 February 2022	2012-04 A01	A
Proposed Floor Plan	Designtek	24 February 2022	2012-04 A02	A
Perspective Views	Designtek	24 February 2022	2012-04 A03	A
Perspective Views	Designtek	24 February 2022	2012-04 A04	A
Flood Impact Investigation	TriCAD Design	15 March 2022	55H01	2

- 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 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 required by this development approval.
- 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 Internal vehicle access and manoeuvring area 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 A minimum of twenty-two (22) parking spaces must be provided on-site.
- 3.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.7 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).
- 3.8 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"*.
- 3.9 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.10 All access, parking and vehicle manoeuvring areas must be constructed, operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded, if necessary, to service the development.
- 4.5 Adequate firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.6 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.7 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.
- 4.8 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4* for flood affected areas.
- 5.0 STORMWATER WORKS
- 5.1 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* and sound engineering practice.
- 5.2 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.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 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* and sound engineering practice.
- 6.2 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.
- 7.0 SITE WORKS
- 7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.0 BUILDING WORKS
- 8.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any new building works on the site.
- 8.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 8.3 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:
- 8.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.3.2 screened so as not to be visible from a public space;
 - 8.3.3 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.
- 8.4 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 8.5 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 9.0 LANDSCAPING WORKS
- 9.1 The existing landscaping in all areas shown on the approved plans (refer to condition 2.1) must be retained and maintained by the owner.
- 9.2 Any new landscaping works must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 9.3 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:
- 9.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 9.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 9.4 Shade trees must comply with the following requirements:
- 9.4.1 Be planted clear of services and utilities;
 - 9.4.2 Be planted clear of park furniture and embellishments;
 - 9.4.3 Not obstruct pedestrian or bicycle traffic; and
 - 9.4.4 Comply with crime prevention through environmental design principles.
- 9.5 Shade trees shown on the approved plans (refer to condition 2.1) must be retained and maintained.
- 9.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 9.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 9.6.2 adversely affect any road lighting or public space lighting; or
 - 9.6.3 adversely affect any Council infrastructure, or public utility plant.
- 9.7 The landscaped areas must be subject to:
- 9.7.1 a watering and maintenance plan during the establishment moment; and
 - 9.7.2 an ongoing maintenance and replanting programme.
- 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.
- 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.
- 13.0 ENVIRONMENTAL HEALTH
- 13.1 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"*.
- 13.2 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.
- 13.3 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.
- 13.4 The ancillary workshop must have an impervious floor that is adequately bunded and drained to a holding tank.
- 14.0 OPERATING PROCEDURES
- 14.1 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 Glenmore Road.
- 14.2 The standard hours of operations for the use must be limited to:
- 14.2.1 0700 hours to 1800 hours on Monday to Friday, and
- 14.2.2 0700 hours to 1300 hours on Saturday,
- with no operations on Sundays or Public Holidays.
- 14.3 Approval of the outdoor sales land use includes the hosting of occasional ancillary events in support of the primary use that are intended to promote new product launches. In this context, the ancillary events:
- Must be directly related to the primary outdoor sales land use and associated sale products;
 - May host no more than 100 guests;
 - Must not occur more frequently than once every six (6) months;
 - May occur later than the standard operating hours but must not occur later than 2200 hours; and

- Must not include any accommodation or overnight caravan stays of guests.
- 14.4 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:
- 14.4.1 the area is kept in a clean and tidy condition;
 - 14.4.2 fences and screens are maintained; and
 - 14.4.3 no waste material is stored external to the waste storage area.
- 14.5 No panel beating, spray-painting or any body works must be carried out on-site.
- 14.6 No washdown area is approved for the development. 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.
- 14.7 A Contingency Plan / Emergency Management Plan must be provided to Council prior to the issue of the Development Permit for Building Works. The plan must demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the owner or occupier of the land will clear the site and vacate the property in a flood event. The principles of the Contingency Plan will be entered against Lot 1 on CP848924 and Lot 43 on LN1499 as a property note.
- NOTE: Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.
- 14.8 It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan / Emergency Management Plan during a flood event or if there is a risk of flooding near the land.
- 14.9 A review and amendment of the Contingency Plan / Emergency Management Plan must be undertaken with any change in the owner or occupier of the land to demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.

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

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. Property Note (Contingency Plan)

A complete copy of the Development Approval and any documents conditioned by this development approval (including the Contingency Plan or an updated Contingency Plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

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.

NOTE 8. Advertising Devices

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.

NOTE 9. Building Works

A Building Works Permit for a change of building classification may be required in accordance with the *Building Act 1975*.

NOTE 10. Rating Category

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

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

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

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

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

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

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

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

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