



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/25-2020	Contact:	Brendan Standen
Notice Date:	4 July 2023	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Pearl Energy Pty Ltd		
Postal address:	C/- Gideon Town Planning PO BOX 450 ROCKHAMPTON QLD 4700		
Phone no:	Mobile no:	Email: info@gideontownplanning.com.au	

I acknowledge receipt of the above application on 26 February 2020 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for Service Station, Reconfiguring a Lot (one lot into two lots and access easements) and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3)

PROPERTY DESCRIPTION

Street address:	1018-1038 Yaamba Road, Parkhurst
Real property description:	Lot 81 on SP300144, Parish of Murchison

Dear Pearl Energy Pty Ltd

I advise that on **27 June 2023** 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use - Reconfiguring a lot - 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>Access and Parking Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i> <i>Roof and Allotment Drainage Works</i>
Building Works	
Plumbing and Drainage Works	

4. SUBMISSIONS

Properly made submissions were made in relation to the application.

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

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Gabriele and Marisa Demedio	4 Wills Court, Mount Ommaney	gdemedio@hotmail.com
2. Brad and Karen Stevens	22 Kildare Crescent, Parkhurst QLD 4702	b.k.stevens@bigpond.com

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
INFRASTRUCTURE-RELATED REFERRALS (Electricity Infrastructure)			
<i>Schedule 10, Part 9, Division 2, Table 1 – Reconfiguring a lot subject to an easement or near a substation site</i>			
Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the lot is subject to an easement— (i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and (ii) for a transmission grid or supply network; or (b) part of the lot is within 100m of a substation site	The chief executive of the distribution entity or transmission entity: Ergon Energy	Advice	<u>Postal:</u> Ergon Energy (Town Planning) PO Box 1090 Townsville Qld <u>Email:</u> townplanning@ergon.com.au
<i>Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or</i>			

<i>subject to an easement</i>			
<p>Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if—</p> <p>(a) all or part of the premises are within 100m of a substation site; or</p> <p>(b) both of the following apply—</p> <p>(i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act;</p> <p>(ii) the easement is for a transmission grid or supply network</p>	<p>The chief executive of the distribution entity or transmission entity:</p> <p>Ergon Energy</p>	Advice	<p><u>Postal:</u></p> <p>Ergon Energy (Town Planning)</p> <p>PO Box 1090</p> <p>Townsville Qld</p> <p><u>Email:</u></p> <p>townplanning@ergon.com.au</p>
STATE TRANSPORT INFRASTRUCTURE (Generally)			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			
<p>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</p> <p>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p> <p>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p>	<p>The chief executive of the department in which the <i>Planning Act 2016</i> is administered:</p> <p>State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</p>	Concurrence	<p><u>In person:</u></p> <p>Level 2, 209 Bolsover Street, Rockhampton City</p> <p><u>Online lodgement using MyDAS2:</u></p> <p>https://prod2.dev-assess.qld.gov.au/suite/</p> <p><u>Email:</u></p> <p>RockhamptonSARA@ds.dilgp.qld.gov.au</p> <p><u>Postal:</u></p> <p>PO Box 113</p> <p>Rockhampton Qld 4700</p>
STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor</i>			
<p>Development application for reconfiguring a lot that is assessable development under section 21, if—</p> <p>(a) all or part of the premises are within 25m of a State transport corridor; and</p>	<p>The chief executive of the department in which the <i>Planning</i></p>	Concurrence	<p><u>In person:</u></p> <p>Level 2, 209 Bolsover Street, Rockhampton City</p> <p><u>Online lodgement using</u></p>

<p>(b) 1 or more of the following apply—</p> <p>(i) the total number of lots is increased;</p> <p>(ii) the total number of lots adjacent to the State transport corridor is increased;</p> <p>(iii) there is a new or changed access between the premises and the State transport corridor;</p> <p>(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</p> <p>(c) the reconfiguration does not relate to government supported transport infrastructure</p>	<p><i>Act 2016</i> is administered:</p> <p>State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</p>		<p><u>MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700</p>
<p><i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor</i></p>			
<p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p>	<p>The chief executive of the department in which the <i>Planning Act 2016</i> is administered:</p> <p>State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</p>	Concurrence	<p><u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700</p>

6. THE APPROVED PLANS

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

Material Change of Use:

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue/Rev
Development Site Plan	Verve Building Design Co	14 March 2023	22175 DA01	E
Building Elevations & Perspectives	Verve Building Design Co	14 March 2023	22175 DA03	D
Building Elevations & Perspectives	Verve Building Design Co	14 March 2023	22175 DA04	D
Subdivision Plan	Verve Building Design Co	14 March 2023	22175 DA06	D
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	25 November 2022	007-18-19	C

Flood Impact Assessment & Stormwater Management Plan	McMurtrie Consulting Engineers	06 March 2023	J20037	R1v3
Environmental Noise Assessment Proposed Service Station	RoadPro Acoustics	2 December 2022	1376R1-R0	0
Landscape Concept Plan (DA)	Madden Landscape Architects Pty Ltd	December 2022	LA-DA-CP-01	-
Landscape Concept Plan (DA)	Madden Landscape Architects Pty Ltd	December 2022	LA-DA-CP-02	-

Reconfiguration of Lot:

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue/Rev
Subdivision Plan	Verve Building Design Co	14 March 2023	22175 DA06	D

Operational Works Conditions:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Signage Plan & Details	Verve Building Design Co	14 March 2023	22175 DA07	C

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

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016*, the development approval lapses if the first 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.

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016*, the development approval lapses if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within four (4) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

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.

8. STATEMENT OF REASONS

Description of the development
Material Change of Use for Service Station, Reconfiguring a Lot (One Lot into Two Lots and Access Easements) and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3)
Reasons for Decision
<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>
Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Strategic Framework;
- Low Density Residential Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Filling and Excavation Code;
- Reconfiguring a Lot Code;
- Advertising Devices Code; and
- Flood Hazard Overlay Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Strategic Framework	<p>3.3.8.1 (1) (8) (9)</p> <p>The proposed development presents conflicts with aspects of the Strategic Framework. This notably includes specific outcomes (1), (8) and (9) relating to the settlement pattern theme for the urban and new urban designation. These specific outcomes identify that the area provides primarily for residential activities and non-residential activities when they provide a localised service function for the immediate local residential community.</p> <p>While the specific outcomes are focused on the above, they do not preclude non-residential uses occurring within the urban and new urban designation, rather that residential uses prevail. The proposed development seeks to occupy approximately ten percent (10%) of the site for a service station activity. The rest of the site remains undeveloped and zoned Low Density Residential. The proposed development has been designed and conditioned to ensure it does not prejudice future development over Proposed Lot 2.</p> <p>What is taken to be a 'localised service function' in this instance is considered to go beyond the immediate bounds of Parkhurst. The reason being the site is located on a State-controlled road that provides linear development that is generally highway focussed and servicing transient customers. Notwithstanding this, it is acknowledged it may only service a relatively small portion of the immediate local community.</p> <p>In instances where there are clear conflicts with the specific outcomes of the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p>
Low Density Residential Zone Code	<p>PO16</p> <p>The proposed development does not comply with aspects of relating to instances where non-residential uses can occur in the Low Density Residential Zone. Conflicts may exist with outcomes relating to development being small-scale and consistent with the surrounding built form and functioning to service the needs of the immediate local residential community.</p>

	<p>Despite this, the proposal is considered to on balance comply for the following reasons:</p> <ul style="list-style-type: none"> • The design of the proposed development in conjunction with conditions of approval seek to ensure there are no adverse offsite impacts to the residential character and amenity of the surrounding area. Specifically, this is achieved through acoustic barriers, landscaping and operational restrictions for the activity; • The development is consistent with aspects of the surrounding built form. The surrounding built form is characterised by a combination of industrial, commercial and short and long term accommodation activities. Industrial development prevails on the western side of Yaamba Road and in this context the proposed built form is consistent; • The development provides a convenience function for road users of Yaamba Road (Bruce Highway). The proposal will provide refuelling and rest facilities including for heavy vehicles north of the Rockhampton Ring Road's (RRR) intersection with Yaamba Road, which avoids heavy vehicles having to re-enter Rockhampton City and undermine the purpose of the RRR project; • The site does not adjoin an existing centre zone and has been designed and conditioned to minimise impacts on local amenity and the local street network. <p>To the extent any conflicts are identified with PO16 and are not otherwise overcome by higher order provisions in the Planning Scheme, regard to relevant matters is considered to outweigh those conflicts.</p> <p>PO21</p> <p>The proposed development does not comply with AO21.1 because the hours of operation for the service station are 24 hours, seven (7) days per week, rather than being restricted to 07:00 to 22:00.</p> <p>Despite this, the application material demonstrated the use can operate 24 hours, seven days per week without adversely impacting on adjoining land uses and the surrounding area. This includes:</p> <ul style="list-style-type: none"> • The site design and recommendations (namely acoustic fencing and restricting the operation of mobile refrigeration vehicles) ensure the acoustic quality objective criteria during the day, evening and night set by the <i>Environmental Protection (Noise) Policy 2019</i> can be achieved; and • Conditions of approval have been included that regulates outdoor lighting so as not to cause nuisance to nearby residents and motorists. <p>Therefore, the development is taken to comply with PO21. To the extent any conflicts are identified with PO21, regard to relevant matters is considered to outweigh those conflicts.</p>
Landscape Code	<p>PO11</p> <p>The proposed development does not comply with AO11.1-11.3 because shade tree planting within the car parking area adjoining the service station building is not provided in accordance with the rates set out in the Landscape Code.</p> <p>Despite this, the approved vehicle parking area adjoining the service station building does not practically allow for shade tree planting given the awning. Landscaping within and around the site, including shade tree planting along the rear boundary of the heavy vehicle parking area, does assist in reducing the visual appearance of car parking areas, provide shade, reduce glare and reduce heat stored in hard surfaces.</p> <p>Therefore, the development is taken to comply with PO11.</p>
Advertising Devices	<p>PO1</p>

Code	<p>The proposed development does not comply with AO1.2 because it involves a freestanding sign and wall signs in the Low Density Residential Zone.</p> <p>Despite this, the signage is a consequence of the service station activity, which is the more prominent feature on the site. The freestanding sign and wall signs are considered to be appropriately designed and sited for the following reasons:</p> <ul style="list-style-type: none"> • The signs present towards Yaamba Road, which is a high order road where the streetscape is characterised by a combination of industrial and commercial uses, which all provide similar types of signage; • Is designed, sited and been conditioned to ensure it does not compromise vehicle or pedestrian safety. Specifically, all signage is contained within the site and conditions of approval have been imposed around limiting lighting, visual displays and acoustics impacts; and • Due to the combination of land use activities along Yaamba Road, including residential activities, there is not a proliferation of signage. There are no advertising devices immediately north of the site. The industrial activities on the western side of Yaamba Road and the short-term accommodation to the south provide business wall signs and pylon signs. <p>Therefore, the development is taken to comply with PO1.</p> <p>PO2</p> <p>The proposed development does not comply with AO2.1 because the pylon sign incorporates a digital display for fuel prices.</p> <p>Despite this, the illumination associated with the digital display of fuel prices, rather than for example a billboard with images, is considered very minor. Notwithstanding this, conditions of approval have been imposed that limit the luminance levels.</p> <p>Therefore, the development is taken to comply with PO2.</p>
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Relevant Matters

The proposed development was assessed against the following relevant matters:

- The proposal and site are significant in the context of providing dedicated heavy vehicle parking, refuelling and rest facilities along the Bruce Highway, particularly having regard to the Rockhampton Ring Road (RRR) alignment:
 - Yaamba Road (Bruce Highway) is categorised as a Highway and is a significant road transport corridor on the east coast of Queensland. An average of 2,640 heavy vehicles transit through Rockhampton daily.
 - The intent of the RRR project is, among other things, to provide freight efficiencies and improve travel times. Vehicles will therefore seek to utilise the Ring Road, bypassing existing service stations within the city that cater for heavy vehicles.
 - The site is located approximately 3.5 kilometres (km) north of the Yeppoon Road-Yaamba Road intersection, which is where the RRR links back up to the existing Highway. Therefore, the site's location is important in servicing road users and fulfilling the intent of the RRR project.
- There are no service stations north of the site for 318 kilometres that provide modern facilities that offer truck lounge, B-Double access and truck parking. Therefore, there is a planning need to provide these facilities.
- There is a planning need to provide improved service stations outside Rockhampton City. The current zoning and availability of otherwise appropriately zoned land north of RRR intersection with Yaamba Road does not accommodate service stations suitable for heavy vehicles.
- There is an established mixed land use pattern on the eastern side of Yaamba Road in proximity to the site. There is a combination of short-term accommodation, service station, hotel, educational establishment and long-term accommodation uses.
- The service station development represents a relatively small footprint on the site, accounting for approximately ten percent (10%) of site area. The service station does not prejudice residential

development from occurring within Proposed Lot 2 or adjoining land.	
Matters raised in submissions	
Cultural heritage	<p>The submitter raised concern the unique cultural heritage of Parkhurst would be compromised by the proposed development. The cultural heritage values raised include the site was once part of a property that provided open space and clean living.</p> <p>The site is not identified in the Planning Scheme or under State legislation as being either a local or State heritage place. The gradual transition of undeveloped land within the Priority Infrastructure Area to urban activities is an ordinary consequence of population growth and development.</p>
Pedestrian and cyclist safety	<p>The submitter raised concern the proposed development would compromise pedestrian and cyclist safety. There is an existing shared path along the site's frontage to Yaamba Road, which will be interrupted at the vehicle crossover location.</p> <p>A shared pathway has recently been extended from Stirling Drive to the north through to Olive Street to the south, for a distance of approximately 1.4km. It is acknowledged pedestrian and cyclist interactions should be limited where possible; however, the shared path is already interrupted by residential and commercial activities, including tourist parks and a service station.</p> <p>Irrespective of the type of development occurring on the site, a new crossover from Yaamba Road would likely be required for the site to realise its full development potential. The reason being that access is restricted from the north and south, and there are no future trunk infrastructure works planned to the east to extend Norman Road to provide access from the rear.</p>
Undermine tourism and economy	<p>The submitter raised concern the proposed development would undermine existing tourism in Parkhurst, and consequently the local economy, because it would adversely impact the current "country town" brand of the locality.</p> <p>Parkhurst is not recognised as a tourism destination within the Region. That part of Yaamba Road within Parkhurst is, however, recognised as providing highway dependent development, such as short-term accommodation that by extension supports tourism and the local economy.</p> <p>The design of the proposed development in conjunction with conditions of approval imposed by Council ensure the development will not compromise the ability of adjoining land to be developed for the purpose it was zoned (Low Density Residential).</p>
Devaluing of land	<p>The submitter raised concern the proposed development would result in the loss of property value. Property value is not a matter Council must or may have regard to under the <i>Planning Act 2016</i>.</p>
Loss of fertile farming land	<p>The submitter raised concern the development would result in the loss of fertile farming land. The site is not mapped as being Good Quality Agriculture Land and is zoned Low Density Residential Development under the <i>Rockhampton Region Planning Scheme 2015</i>. The site would ultimately be developed for urban activities.</p>
Loss of environmental values	<p>The submitter raised concern the proposed development would result in the removal of three (3) large gum trees, result in contamination of soils and groundwater and have adverse impact on the environment.</p> <p>The site is not mapped as containing any matters of local or environmental State significance. The development has also been designed and conditioned to ensure it meets the stormwater quality objectives contained in the <i>State Planning Policy July 2017</i>.</p>

Traffic	<p>The submitter raised concern the proposed development would compromise the safety and efficiency of Yaamba Road, and that traffic assessments would not have had regard to the completed Rockhampton Northern Access Upgrade (RNAU).</p> <p>Yaamba Road is a State-controlled road. The development application was assessed by the Department of Transport and Main Roads, having regard to the changed traffic conditions as a result of the RNAU. The State provided a concurrence agency response with conditions. Therefore, it is taken the State is satisfied the proposed development will not compromise the safety or efficiency of the road network, subject to conditions.</p>
Lack of need	<p>The submitter raised concern there is a lack of need for the proposed development given there are already two (2) service stations within Parkhurst and there is no need for an additional service station.</p> <p>The existing two service stations are located at Parkhurst Town Centre and the Parkhurst Motel and Van Park. Neither of these two service stations are suitable to cater for heavy vehicles in the quantity that will be bypassing Rockhampton City.</p>
Acoustic impacts	<p>The submitters raised concern the proposed development would adversely impact on residential amenity because of noise levels.</p> <p>A Noise Impact Assessment was provided with the application material, which demonstrates noise impacts can be mitigated to achieve the acoustic quality objectives and background creep criteria. This is principally achieved through sound barriers (acoustic fences) and operational measures, including prohibiting mobile refrigeration units operating between 10:00pm and 6:00am.</p>
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 <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 4 July 2023
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dsdilgp.qld.gov.au

Attachment 1 – Conditions of the approval

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

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights

MATERIAL CHANGE OF USE CONDITIONS

1.0 ADMINISTRATION

- 1.1 The 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) Access and Parking Works;
 - (ii) Water Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Site Works; and
 - (vi) Landscaping Works
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 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:

Plan/Document Name	Prepared by	Date	Reference No.	Version/Issue/Rev
Development Site Plan	Verve Building Design Co	14 March 2023	22175 DA01	E
Building Elevations & Perspectives	Verve Building Design Co	14 March 2023	22175 DA03	D
Building Elevations & Perspectives	Verve Building Design Co	14 March 2023	22175 DA04	D
Subdivision Plan	Verve Building Design Co	14 March 2023	22175 DA06	D
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	25 November 2022	007-18-19	C
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Landscape Concept Plan (DA)	Madden Landscape Architects Pty Ltd	December 2022	LA-DA-CP-02	-

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Submit to Council for approval, prior to submission of a development application for Operational Works for Landscaping Works, an amended Development Site Plan that shows the following:
- 2.3.1 A 2.5 metre wide landscaped area located on the southern side of the acoustic barrier fence at the southern extent of the service station. This landscaped area must be provided for the full extent of the acoustic barrier fence; and
- 2.3.2 A 2.5 metre wide landscaped area on the northern side of the acoustic barrier fence at the northern extent of the service station. This landscaped area must be provided for the full extent of the acoustic barrier fence.
- 2.4 Submit to Council for approval, prior to submission of a development application for Operational Works for Landscaping Works, an amended Subdivision Plan that shows the following:
- 2.4.1 The 2.5 metre wide landscaped area at the northern side of the acoustic barrier fence, required by condition 2.3, included wholly within proposed Lot 1.
- Alternatively, submit to Council for approval, an amended acoustic barrier fence design that is wholly contained within the proposed Lot 1 boundary that provides additional articulation (recesses etc.) and landscaping along the northern side of the acoustic barrier fence.
- 2.5 Submit to Council for approval, prior to submission of a Building Application, amended Building Elevation and Perspectives Plans that show elevation plans for the proposed acoustic barrier fence with at least three (3) variations in textures, materials and colours for the full extent of the acoustic barrier fence (exterior to the service station).

Note: Treatments on the eastern side of the acoustic barrier fence must be capable of being maintenance free.

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All car parking and access areas and manoeuvring areas must be 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 Two new accesses (Entry only – northernmost one and Exit only – southernmost one) to the development must be provided from the Yaamba Road (Bruce Highway).
- 3.5 A minimum of fourteen (14) parking spaces including one person with disability (PWD) parking space must be provided on-site. Additionally, nine (9) parking spaces for articulated vehicles (AV) must be provided on-site. This includes two B-Double parking spaces.
- 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 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 3.9 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"*.
- 3.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.12 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 4.2 All water 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 the provisions of a Development Permit for Operational Works (water works).
- 4.3 The development must be connected to Council's reticulated water network.
- 4.4 A 150 millimetre diameter Water Main must be constructed (extended) from the existing fire hydrant at the common boundary with Lot 3 on SP316476 and Lot 81 on SP300144 along Yaamba Road (Bruce Highway) reserve to the full frontage of the development site. This water main must be terminated at the common boundary of Lot 81 on SP300144 and Lot 72 on SP258697 and a Fire Hydrant (FH) must be installed at the termination point.

Note: Should the Reconfiguring a Lot component be completed prior to Material Change of Use component this water main must be completed under the Reconfiguring a Lot component.

- 4.5 A new water connection point must be provided to the development from the new 150 millimetre water main at Yaamba Road required by Condition 4.4. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 4.6 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the proposed building structure on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 A new sewerage connection point must be provided to the development from the existing 225 millimetre sewerage main located within the subject site.
- 5.5 Sewer connections within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater discharge must be lawful and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation tank.
- 6.5 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.6 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).
- 6.7 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner.
- 6.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.9 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for

Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:

- 6.9.1 be suitable to the climate and incorporate predominately native species;
- 6.9.2 maximise areas suitable for on-site infiltration of stormwater;
- 6.9.3 incorporate shade trees; and
- 6.9.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

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

- 6.10 The on-site detention area must be completely outside of the existing sewerage easement.
- 6.11 Proposed drainage channels must be able to accommodate the one per cent (1%) Annual exceedance probability flood event plus have appropriate freeboard in accordance with the Queensland Urban Drainage Manual (QUDM).

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the proposed building structures on the development site.
- 9.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
 - 9.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.2.2 screened so as not to be visible from a public space;
 - 9.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;

- 9.2.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.3 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.
- 9.4 The finished floor level of all proposed building structures (refer to condition 2.1) must be a minimum of 500 millimetres above the one per cent (1%) annual exceedance probability flood inundation level.
- 10.0 LANDSCAPING WORKS
- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 10.2 Submit to Council for approval, prior to submission of a development application for Operational Works for Landscaping Works, an amended Landscape Concept Plan that provides the following:
- 10.2.1 Landscaping within the landscaped areas required by conditions 2.3 that includes a vegetated buffer, created through a two tier planting approach consisting of:
- 10.2.1.1 A minimum of two (2) shade or rounded canopy trees for every five (5) linear metres or part thereof of the length of the vegetated buffer;
- 10.2.1.2 A minimum of two (2) shrubs for every three (3) linear metres or part thereof of the length of the vegetated buffer.
- 10.3 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).
- 10.4 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 10.5 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:
- 10.5.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 10.5.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.6 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.7 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.
- 10.8 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 10.8.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
- 10.8.2 adversely affect any road lighting or public space lighting; or adversely affect any Council infrastructure, or public utility plant
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 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"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, odour, noise or dust.
- 14.4 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*.
- 14.5 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.
- 14.6 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 14.7 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. 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.
- 14.8 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 14.8.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 14.8.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 14.8.3 waste bags and ties.
- 14.9 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.10 Regulated waste and any other contaminated waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 14.11 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.
- 15.0 OPERATING PROCEDURES

- 15.1 Noise barrier fencing must be established, retained and maintained in accordance with section 6.1 of the approved Environmental Noise Assessment and approved plan (refer to condition 2.1).
- 15.2 Mobile refrigeration plant (vehicles with generators or refrigeration equipment) is not permitted to be used on-site between 22:00 and 06:00.

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. 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 3. 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 4. 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 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include food preparation/sale. Approval for such activities is required before ‘fitout’ and operation.

NOTE 6. Heavy Vehicle Parking Signage

A subsequent development permit for Operational Work (Access and Parking) will include a condition requiring signage to be installed at the designated heavy vehicle parking areas advising of Condition 15.2 of this development approval as it relates to the Material Change of Use component.

RECONFIGURING A LOT CONDITIONS

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 issue of the Survey Plan Approval Certificate,
- 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 issue of the Survey Plan Approval Certificate, 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) Water Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Easements A and B over Lot 1 must provide unrestricted access to Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate. The easement must be in favour of Lot 2.
- 1.9 A stormwater easement (Easement E) must be provided over Lot 1. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate.
- 1.10 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:

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue/Rev
Subdivision Plan	Verve Building Design Co	14 March 2023	22175 DA06	D

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Submit to Council for approval prior to survey plan endorsement, an amended Subdivision Plan that shows the following:
 - 2.3.1 The 2.5 metre wide landscaped area on the northern side of the acoustic barrier fence, required by Condition 2.3 of this development approval relating to the Material Change of Use component, included within proposed Lot 1. If the Material Change of Use for Service Station does not get acted upon, an amended Subdivision Plan is not required to be submitted for approval.

3.0 SEWERAGE WORKS

- 3.1 All sewerage 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*, and *Plumbing and Drainage Act 2018*.
- 3.2 All lots within the development must be connected to Council's reticulated sewerage network. Each lot must be provided with its own separate sewerage connection point, located wholly within its respective property boundary.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 4.2 All water 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 the provisions of a Development Permit for Operational Works (water works).

- 4.3 All lots within the development must be connected to Council's reticulated water network.
- 4.4 A 150 millimetre diameter Water Main must be extended from the existing fire hydrant located at the common boundary with Lot 3 on SP316476 and Lot 81 on SP300144 along Yaamba Road for the full frontage of the development site. This water main must be terminated at the common boundary of Lot 81 on SP300144 and Lot 72 on SP258697 and a Fire Hydrant (FH) must be installed at the termination point.

Note: Any works proposed within the state controlled corridor will require a road corridor permit to be obtained from Department of Transport and Main Roads (DTMR).

5.0 STORMWATER WORKS

- 5.1 All stormwater discharge must be lawful 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.
- 5.2 An easement must be provided over the one per cent (1%) annual exceedance probability inundation extents for the local catchment flooding over the site. The easement will be in favour of Council.

6.0 SITE WORKS

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

7.0 ELECTRICITY

- 7.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

8.0 TELECOMMUNICATIONS

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

9.0 ASSET MANAGEMENT

- 9.1 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.
- 9.2 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.
- 9.3 '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 issue of the Survey Plan Approval Certificate. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

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. 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 3. 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 4. 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 CONDITIONS

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 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>
Signage Plan & Details	Verve Building Design Co	14 March 2023	22175 DA07	C

- 2.2 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 DIGITAL SCREEN DISPLAY FEATURES

- 4.1 The digital display screen must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the screen malfunction.
- 4.2 The display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 4.3 The display screen must provide for on-site control, operation, configuration and diagnosis of the screen display.
- 4.4 Messages must remain static for a minimum dwell time of eight (8) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 4.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

5.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 5.1 The display screen must not be split to display multiple advertisements on the one (1) display screen.
- 5.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 5.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 5.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, and legible. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that vehicle drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 5.5 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- 5.6 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 5.7 Advertisements that incorporate moving visual images, such as videos or animations must not be displayed.
- 5.8 Advertising devices must not be capable of playing audio nor be synchronised with any outdoor sound system utilised for advertising purposes.

6.0 LUMINANCE

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

Table 2: Luminance levels for Advertising Devices
(Source: OMA)

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000	6000-7000 cd/m2	6000-7000 cd/m2

	cd/m2		
Morning/Evening/Twilight/inclement weather	1000 cd/m2	700 cd/m2	600 cd/m2
Night Time	500 cd/m2	350 cd/m2	300 cd/m2

Note:

Zone 1 very high ambient off street lighting i.e central city locations

Zone 2 high to medium off street ambient lighting

Zone 3 low levels of off street ambient lighting, i.e. most residential areas, rural areas.

7.0 BUILDING WORKS

7.1 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.

7.2 No external loadings are to occur to the existing 225 millimetre sewerage main from the proposed pylon signage footings/structure. Any damage caused to the existing 225 millimetre sewerage main during the signage construction must be rectified

8.0 ASSET MANAGEMENT

8.1 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:

8.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or

8.1.2 as soon as reasonably possible as agreed with Council.

9.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

9.1 Council reserves the right for uninterrupted access to the site at all times during construction.

9.2 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.

9.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

9.4 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.

9.5 The pylon sign must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.

9.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.

9.7 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".

9.8 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity.

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 the *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety of Public During Construction

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



Attachment 1 – Part 2
Referral Agency Conditions – State
Development, Infrastructure, Local
Government and Planning (State
Assessment and Referral Agency
Department) *Planning Act 2016*

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

Note—

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

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals

section 229

1 Appeal rights and parties to appeals

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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			
4. Infrastructure charges notices 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"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or b) The was no decision about an offset or refund; or 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

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

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

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	-	-
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.			
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	-	-