



# 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:	<b>D/102-2019</b>	Contact:	Thomas Gardiner
Notice Date:	19 March 2020	Contact Number:	1300 22 55 77

## APPLICANT DETAILS

Name:	<b>Veolia c/ATC Williams</b>		
Postal address:	<b>PO BOX 3309 NEWMARKET QLD 4051</b>		
Phone no:	Mobile no:	0415 524 399	Email: <a href="mailto:mallani@mcarthurplanning.com.au">mallani@mcarthurplanning.com.au</a>

I acknowledge receipt of the above application on 6 November 2019 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use for a High Impact Industry and Environmentally Relevant Activity 62 (Resource Recovery and Transfer Facility Operation)**

## PROPERTY DESCRIPTION

Street address:	4 Featherstone Street, Parkhurst
Real property description:	Lot 1 on RP617306, Parish of Murchison

## OWNER DETAILS

Name:	NPM Super Pty Ltd Tte
Postal address:	PO BOX 1471, YEPPOON QLD 4703
<b>Dear</b> Veolia c/ATC Williams	
I advise that, on <b>16 March 2020</b> the above development application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b> )	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

## 1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

## 3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

## 4. SUBMISSIONS

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

There was 1 properly made submissions received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. L A Sypher	Glenmyra, Alpha QLD 4724	<a href="mailto:info@tvaa.com.au">info@tvaa.com.au</a>

## 5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
<b>ENVIRONMENTALLY RELEVANT ACTIVITIES</b>			
<i>Schedule 10, Part 5, Division 4, Table 2 - Non-devolved environmentally relevant activities</i>			
Development application for a material change of use that is assessable development under section 8, if— (a) the environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and (b) the chief executive is not the prescribed assessment manager for the application	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:  Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <u>Email:</u> RockhamptonSARA@dsdmip.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

<b>STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor</i>			
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:  Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <u>Email:</u> RockhamptonSARA@dsdmip.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

## 6. THE APPROVED PLANS

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

Drawing/report title	Prepared by	Date	Reference number	Rev
Site Plan (Aerial)	ATC Williams	6 November 2019	SK101	D
Waste Transfer Facility Concept	ATC Williams	6 November 2019	SK102	B
Site Plan	Qantec McWilliam	9 May	05R092-C01	B
Footing and slab on ground layout footing and slab details	Qantec McWilliam	29 July 2005	05R092-S02	C
Shed Extension Layout and Elevations	Qantec McWilliam	9 May	05R092-S03	C
Shed Extension Dimension Layout	Qantec McWilliam	9 May	05R092-S04	A
Traffic Impact Statement	HIG	October 2019	P10426	-
Site Emergency Response Plan – Rockhampton Industrial Services	Veolia	21 August 2019	TEM-328-1	-
SHEQ Site Operational Management Plan	Veolia	21 August 2019	TEM-435-1	-
Hazardous Materials – Delivery, Storage & Handling Standard	Veolia	21 March 2019	STA-119-2	-

Traffic Management Plan	Veolia	21 August 2019	TEM-220-1	-
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**7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the *Planning Act*)**

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

**8. STATEMENT OF REASONS**

<b>Description of the development</b>	The proposed development is for a Material Change of Use for a High Impact Industry and Environmentally Relevant Activity 62 (Resource Recovery and Transfer Facility Operation)	
<b>Reasons for Decision</b>	<p>a) The proposed development will not compromise the viability of existing and future medium impact industry uses in the locality due to its restricted operations in terms of the type and quantity of waste that can be received in accordance with the Environmental Authority permit (ref: EA0002127);</p> <p>b) The facility is not permitted to receive any waste of an explosive nature, or putrescible, green, construction, clinical, biosecurity waste which would cause environmental harm or nuisance;</p> <p>c) Operations have been appropriately conditioned to prevent environmental nuisance to adjoining premises and sensitive receptors by way of impacts to air quality, noise, water (including groundwater), and soil contamination;</p> <p>d) The proposal is designed and managed to maintain safety to people and to avoid significant effects on the natural environment;</p> <p>e) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>g) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>h) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Medium Impact Industry Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>

	<p>Medium Impact Industry Zone Code (PO7)</p>	<p>The proposal does not provide landscaping across the entire Featherstone Street road frontage. There is no landscaping proposed at the northern end of this road frontage.</p> <p>The proposed development is using an existing industrial site which did not previously accommodate landscaping at this section of the Featherstone Street road frontage. Notwithstanding, the absence of landscaping at this section of Featherstone Street is not expected to cause any visual amenity issues to nearby industrial premises or the surrounding area.</p>
	<p>Medium Impact Industry Zone Code (PO13)</p>	<p>The proposal will involve the outdoor storage of empty bins in a semi-enclosed area. The outdoor storage of these materials is not expected to cause any off-site impacts to surrounding premises or sensitive receptors.</p> <p>All waste received at the premises will be stored completely indoors in accordance with the Environmental Authority (EA) Permit (ref: EA0002127). The conditions of the EA permit state that there are to be no off-site impacts as a consequence of the use by way of impacts on air quality, noise, soil contamination, or water (including ground water).</p>
<p><b>Matters raised in submissions</b></p>	<p><b>Issue</b></p> <p>Storage of regulated waste (Categories 1 and 2)</p>	<p><b>How matter was dealt with</b></p> <p>The Environmental Authority (EA) permit (ref: EA0002127) includes a condition which limits the type of waste that will be received at the site (refer to Condition W1 of the EA permit). This condition does not include chemical waste, lead and lead compounds (excluding intact lead acid batteries), mercury and mercury compounds, pesticides, clinical related waste or waste of an explosive nature. The proposed development is not approved to receive or store these materials.</p> <p>The proposed development will not be receiving any general putrescible waste or solid waste at the site. This means that the site will not have a Municipal Solid Waste transfer station odour profile. The proposed use will focus on receiving liquid and general industrial waste that is non-putrescible and is unlikely to attract vectors or pose a risk to public health. The approved compounds that can be received or stored at the subject site have been conditioned by the Department of Environment and Science as part of the EA permit (refer to Condition W1 of the EA permit). All liquid waste has been conditioned to be stored within containers that have a secondary containment system to prevent any release of contaminants to land, groundwater, or surface</p>

		waters (refer to Condition G8 of the EA permit).
	Storing of green waste	<p>The proposed development has not been approved to receive any green waste. The Environmental Authority (EA) permit (ref: EA0002127) has not included green waste as a compound that can be received and stored at the subject site. As such, there will be no risk to public health or amenity from receiving or storing green waste as the site has not been approved for this purpose by the Department of Environment and Science (refer to Condition W1 of the EA permit). There will not be any stockpiling of green waste on the subject site which will attract any vectors including flies, mice, rats or harmful gases which may cause an environmental nuisance or compromise public health.</p>
	Proximity to the Rockhampton Heritage Village	<p>The proposal will not have any adverse effects on the patrons using the Rockhampton Heritage Village. All activities associated with the transfer and decanting of waste will occur within the confines of the southern building located on the subject site. Condition G2 of the Environmental Authority (EA) permit (ref: EA0002127) states that all approved waste must be received and stored in a bunded area in an enclosed building at all times. As such, there is not expected to be any impacts on amenity to patrons using the Rockhampton Heritage Village. There will be no stockpiling of any waste (including solid waste) outdoors which would also affect visual amenity or cause an environmental nuisance to those patrons by way of odour. Further, all liquid waste has been conditioned to be stored within containers that have a secondary containment system to prevent any release of contaminants to land, groundwater, or surface waters (refer to Condition G8 of the EA permit).</p> <p>The nature of the use means that there are likely to be no risks to public health or environmental nuisance including odour or air quality issues. Outdoor activity associated with the use is restricted to truck movements (including semi-trailers and B-doubles), and the parking of those vehicles at the northern and eastern sections of the subject site. It is not expected that these internal vehicle movements will affect the safety, health or amenity of patrons using the Rockhampton Heritage Village.</p> <p>The EA permit has also conditioned that odours and airborne contaminants must not cause an environmental nuisance to any sensitive place or</p>

		commercial place (refer to Condition A1 of the EA permit).
	Impacts of air emissions on adjoining premises and neighbouring properties	<p>There is not expected to be any environmental nuisance (air quality and odour) caused by the proposed development. Condition G2 of the Environmental Authority (EA) permit (ref: EA0002127) states that all approved waste must be received and stored in a bunded area in an enclosed building at all times. This includes transferring waste from collection vehicles into self-bunded storage tanks and intermediate bulk containers.</p> <p>Insignificant emissions of vents/relief valves (e.g. in containers or self-bunded tanks) and decanting of small batches of material (not including oily water or septic water) with adequate ventilation are associated with the operation of the use. Due to their low concentration, they are not expected to cause any impact to sensitive receptors or adjoining premises. This condition also prohibits any outdoor storage of waste compounds which would generate odour.</p> <p>The proposed development will not receive any putrescible or solid waste which would cause negative implications on air quality to adjoining premises and neighbouring properties. The site has not been approved to receive this type of waste as conditioned under the EA permit (refer to Condition W1).</p> <p>Condition A1 of the EA permit states that any odours or airborne contaminants must not cause an environmental nuisance to any sensitive place or commercial place. If there is a breach of this condition, it must be reported to the Department of Environment and Science within 24 hours (refer to condition G1 of the EA permit).</p>
	Off-site impacts in the event of a fire, explosion or toxic release	<p>Several interior alterations to the existing buildings on the subject site will ensure that hazardous materials and chemicals are stored appropriately. This includes the following measures:</p> <ul style="list-style-type: none"> <li>• Rollover bunds with a net height of 100mm installed beneath each of the roller doors; and</li> <li>• Installing an internal besser-block sealed bund wall with a minimum width of 200mm.</li> </ul> <p>These measures provide a total secondary containment storage volume of approximately</p>

		<p>43.2kL. Condition G8 of the Environmental Authority (EA) permit (ref: EA0002127) also requires that chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system (SCS). The EA permit defines an SCS as a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters. Conditions A1 and WT1 of the EA permit require that any contaminants must not cause an environmental nuisance or harm to air and any waters respectively. If there is a breach of these conditions, it must be reported to the Department of Environment and Science within 24 hours (refer to condition G1 of the EA permit). All flammable liquids will be stored in self-bunded storage tanks. The EA permit also requires these liquids to be stored within an SCS to prevent the release of any contaminants. Waste of an explosive nature has not been approved to be received at the subject site, in accordance with Condition W1 of the EA permit.</p> <p>The applicant has also provided thorough documentation regarding emergency management responses and an operational management plan. This was a requirement of condition G4 of the EA permit which requires procedures to be developed for the activity which minimises the risk of environmental harm (including risks to public safety). This includes establishing control measures that prevent environmental harm; establishing an inspection and maintenance program which ensures that all plant and equipment are maintained in a proper and effective condition; and conduct detailed, annual reviews of environmental risks and environmental performance.</p>
	<p>Visual Amenity impacts (particularly from the Bruce Highway)</p>	<p>The proposed use will not involve the outdoor storage of waste or stockpiling of goods at the subject site. There will be no putrescible or solid waste received or temporarily stored at the subject site. All non-putrescible waste will be stored within the southern building on the subject site, with empty containers and bins being unloaded and stored inside the northern building. No waste will be visible from the Bruce Highway as there is no outdoor storage proposed. The Department of Environment and Science has conditioned that all approved waste must be received and stored in an enclosed building at all times (refer to condition G2 of the EA permit). The EA permit prohibits the storage of any waste</p>



		<p>outdoors.</p> <p>Vehicle movements, including semi-trailers and B-Doubles will be visible from the Bruce Highway and Featherstone Street. There is proposed heavy vehicle parking on the eastern boundary of the site, adjacent to the Bruce Highway which will be visible to motorists. This car parking is not expected to cause any impacts to visual amenity and is consistent with existing development in the surrounding area. There are also no additional structures proposed as part of the development which would compromise the built form of the surrounding Medium Impact Industry Zone.</p>
	<p>Conflict of land use (zoning requirements)</p>	<p>The submission expressed concern regarding the proposal for a High Impact Industry use, in a Medium Impact Industry Zone. It also discussed potential implications on existing businesses in the surrounding area.</p> <p>The proposed development conflicts with the intent of the Medium Impact Industry Zone. However, an assessment of the proposal against the Strategic Framework outlines that the use can be supported on the subject site and does not compromise the overarching intent of the planning scheme. This is based on the following grounds:</p> <ul style="list-style-type: none"> <li>• The strategic intent of this area does not preclude or restrict a High Impact Industry use from occurring in these areas (referring to an Industrial Area identified under the Strategic Framework);</li> <li>• Limited quantities of waste will be received at the site (maximum of 2,200 tonnes per annum) and will only be stored temporarily before being processed off-site;</li> <li>• The proposed activities (for receiving and temporarily storing regulated waste) will not cause an environmental nuisance as all activities will occur indoors in bunded areas (as conditioned by the Environmental Authority (EA) permit;</li> <li>• All waste will be stored within the existing buildings which will be fitted with internal besser-block sealed bund walls providing a significant containment storage volume;</li> <li>• The facility will not receive any putrescible, green, construction, clinical or biosecurity waste which would attract vectors or cause an environmental</li> </ul>

		<p>nuisance or public health risk to residential areas or adjoining premises; and</p> <ul style="list-style-type: none"> <li>• There will be no solid waste received at the site and no outdoor storage of waste which would impact visual amenity or affect air quality.</li> </ul> <p>The application was also the subject of an Environmental Authority (EA) permit (ref: EA0002127). The conditions of the EA permit have restricted the types of waste that can be received at the site; included contingencies regarding the safe storage of liquid; and prevention of any off-site impacts which may cause an environmental nuisance or present a safety risk.</p> <p>As such, the proposed development is not considered to be an incompatible use within this locality due to receiving limited quantities of the approved waste (as conditioned under the EA permit) and minimal off-site impacts to sensitive land uses and adjoining premises.</p>
<p><b>Matters prescribed by regulation</b></p>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 9. APPEAL RIGHTS

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

### Appeal by an applicant

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

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

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

### Appeal by an eligible submitter

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

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

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

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

#### 10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

#### 11. ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 19 March 2020
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C/C Department of State Development, Manufacturing, Infrastructure and Planning - [RockhamptonSARA@dsmip.qld.gov.au](mailto:RockhamptonSARA@dsmip.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



# Attachment 1 – Part 1 Rockhampton Regional Council Conditions

Planning Act 2016

## 1.0 ADMINISTRATION

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

## 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Rev
Site Plan (Aerial)	ATC Williams	6 November 2019	SK101	D
Waste Transfer	ATC Williams	6 November 2019	SK102	B

Facility Concept				
Site Plan	Qantec McWilliam	9 May	05R092-C01	B
Footing and slab on ground layout footing and slab details	Qantec McWilliam	29 July 2005	05R092-S02	C
Shed Extension Layout and Elevations	Qantec McWilliam	9 May	05R092-S03	C
Shed Extension Dimension Layout	Qantec McWilliam	9 May	05R092-S04	A
Traffic Impact Statement	HIG	October 2019	P10426	-
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Hazardous Materials – Delivery, Storage & Handling Standard	Veolia	21 March 2019	STA-119-2	-
Traffic Management Plan	Veolia	21 August 2019	TEM-220-1	-

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- 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*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 All access, car parking and vehicle manoeuvring areas for passenger vehicles (B85 / B99), Heavy Rigid Vehicle (HRV-12.5m) and Articulated Vehicle (AV-19m) must be paved or sealed to Council's satisfaction.
- 3.4 The existing accesses (northern and southern accesses) from Featherstone Street to the development site must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 Access to Featherstone Street from the northern driveway must be limited to 'left out' only. 'No Entry' and 'Exit Only' signage must be installed at appropriate location for this driveway.

- 3.6 Existing vehicular crossover located between northern and southern access must be made redundant and removed from the site and must be replaced by Council standard kerb and channel.
- 3.7 All vehicles must ingress and egress the development in a forward gear.
- 3.8 Existing car parking space located at the south eastern corner of the development site must be upgraded to comply with the *Australian Standard AS2890 "Parking facilities"* requirements.
- 3.8.1 A minimum of fourteen (14) parking spaces for passenger vehicles (B85 / B99) must be provided at this location. This includes one (1) universal access parking space and two (2) turnaround bays at the end of the parking bay.
- 3.9 A minimum of Nine (9) additional car parking spaces for passenger vehicles (B85 / B99) must be provided on-site, fronting the northern building.
- 3.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.11 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.12 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"*.
- 3.13 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.14 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.15 Unbroken yellow edge line (on-street parking restrictions) must be provided along the eastern side of Featherstone Street, adjacent to the kerb, for the full frontage of development site.
- 3.16 Appropriate physical barrier like bollards or similar treatments must be installed along northern boundary to protect neighbouring building from reversing Heavy Rigid Vehicle. The physical barrier must be designed to withstand the forces created from reversing Heavy Rigid Vehicle.
- 3.17 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 passenger vehicles (B85 and B99) from northern and southern car parking area.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 4.2 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.3 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

- 4.5 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 4.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 6.0 SITE WORKS
- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.0 BUILDING WORKS
- 7.1 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the Environmental Protection Regulation 2008 and must be:
- 7.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 7.1.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 7.1.3 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;
  - 7.1.4 setback a minimum of two (2) metres from any road frontage; and
  - 7.1.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- 8.0 ELECTRICITY
- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.0 TELECOMMUNICATIONS
- 9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

## 10.0 ASSET MANAGEMENT

- 10.1 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.
- 10.2 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.

## 11.0 ENVIRONMENTAL

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

## 12.0 ENVIRONMENTAL HEALTH

- 12.1 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"*.
- 12.2 Noise emitted from the activity must not cause an environmental nuisance.
- 12.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 12.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

## 13.0 OPERATING PROCEDURES

- 13.1 Public and third party use of the resource recovery facility and transfer station facility is not permitted. The use of the premises is restricted to the commercial waste collection entity operating from the subject site.
- 13.2 Outdoor storage of waste is not permitted on the subject site. All waste must be received and stored in a bunded area in an enclosed building at all times.
- 13.3 The hours of operations for the development must be limited to:
  - 13.3.1 0600 hours to 1800 hours on Monday to Friday, and
  - 13.3.2 prompt 0700 hours to 1200 hours on Saturday,with no operations on Sundays or Public Holidays.
- 13.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Featherstone Street.



- 13.5 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 13.5.1 the area is kept in a clean and tidy condition;
  - 13.5.2 fences and screens are maintained;
  - 13.5.3 no waste material is stored external to the waste storage area/s;
  - 13.5.4 all wash down of refuse containers takes place in the existing washdown facility; and
  - 13.5.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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 5. Duty to Notify of Environmental Harm

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

NOTE 6. Infrastructure Charges Notice

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



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

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*Planning Act 2016*

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

### Appeal rights

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

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

#### 230 Notice of appeal

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

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

#### 231 Other appeals

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

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

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

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

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

**Schedule 1**

**Appeals section 229**

**1 Appeal rights and parties to appeals**

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

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

1. Development applications An appeal may be made against— <ol style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ol>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

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

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

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

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

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

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

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

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

An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 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)



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



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## **ATTACHMENTS (for office use only)**

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APPROVED PLANS AND OR REFERRAL AGENCY CONDITIONS

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### APPROVED PLANS



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Document

### REFERRAL AGENCY CONDITIONS



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Document

### ENVIRONMENTAL AUTHORITY CONDITIONS **(Information Only)**



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Document