



Decision Notice Approval (negotiated)

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 s76 Planning Act 2016

Application number:	D/117-2025	Contact:	Aidan Murray
Notice Date:	23 February 2026	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Olcomi Property Pty Ltd		
Postal address:	C/- Gideon Town Planning PO BOX 450 ROCKHAMPTON QLD 4700		
Phone no:	07 4806 6959	Mobile no:	N/A
Email:	Info@gideontownplaning.com.au		

I acknowledge receipt of the above application on 15 August 2025 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for a Multiple Dwelling (24 Units)

PROPERTY DESCRIPTION

Street address:	108 Farm Street, Kawana
Real property description:	Lot 33 on RP601940, Lot 2 on RP612122

Dear Olcomi Property Pty Ltd

I advise that, on **17 February 2026** 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.

CHANGES TO CONDITIONS

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

1)	Condition 3.8	Changed	17 February 2026
2)	Condition 4.3	Changed	17 February 2026
3)	Condition 4.5	Changed	17 February 2026
4)	Condition 6.4	Deleted	17 February 2026
5)	Condition 9.12	New	17 February 2026

1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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"/>
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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>Roof and Allotment Drainage Works</i>
Building Works	
Plumbing and Drainage Works	

4. REFERRAL AGENCIES - NIL

5. THE APPROVED PLANS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Overall Site Plan	Dezign Elements	13 October 2025	21_163 S-03	DA2
Proposed Part Site & Flood Overlay	Dezign Elements	13 October 2025	21_163 S-04	DA2
Proposed Site & Levels	Dezign Elements	13 October 2025	21_163 S-05	DA2
Block 1 Floor Plans (Units 1-4)	Dezign Elements	13 October 2025	21_163 S-06	DA2
Block 1 Elevations	Dezign Elements	13 October 2025	21_163 S-07	DA2
Block 2 Floor Plans (Units 5-16)	Dezign Elements	13 October 2025	21_163 S-08	DA2
Block 2 Elevations	Dezign Elements	13 October 2025	21_163 S-09	DA2
Block 3 Floor Plans (Units 17-24)	Dezign Elements	13 October 2025	21_163 S-10	DA2
Block 3 Elevations	Dezign Elements	13 October 2025	21_163 S-11	DA2
Landscaping Plan	Dezign Elements	13 October 2025	21_163 S-12	DA2
Traffic Impact Assessment	McMurtrie Consulting	23 April 2025	R066-24-25	A

	Engineers			
Stormwater Management Plan	McMurtrie Consulting Engineers	14 July 2025	R066-24-25	B
Technical Memorandum	McMurtrie Consulting Engineers	07 October 2025	R066-24-25	-

6. 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.

7. STATEMENT OF REASONS

Description of the development	
Material Change of Use for a Multiple Dwelling (24 Units)	
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	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Low Density Residential Zone Code; • Flood Hazard Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Low Density Residential Zone Code	<p>Performance Outcome (PO) 13</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 13.1(a) which prescribes that carports and garages are set back a minimum of six (6) metres from all road frontages. The proposed site layout includes two parking spaces with an open carport awning at the front of the site which are located approximately two (2) metres from the site frontage to Hollingsworth Street.</p>

	<p>Furthermore, AO13.3 prescribes a maximum exterior wall length of twelve (12) metres whereas the development has some exterior walls extending beyond this up to 17.4 metres. Whilst the development conflicts with AO13.3, the exterior walls are softened and broken up visually by various features such as verandas, windows and changes in articulation.</p> <p>Despite these conflicts, the design of the proposed development ensures that the built form, siting and layout of the relevant buildings and structures is consistent with the provisions of the related Performance Outcome (PO) 13. Specifically, the relevant buildings and structures:</p> <ul style="list-style-type: none"> • Is of an appropriate scale and size to reflect the purpose of the Low Density Residential Zone; • Maintains access to natural light and ventilation; • Does not interfere with provision of landscaping on the site; • Maintains privacy and attenuation; • Does not detract from the streetscape and built form amenity of the site and surrounding properties, and • Does not interfere with access to or use of open space on the site. <p>Therefore, the proposed development is taken to comply with PO13.</p>
<p>Low Density Residential Zone Code</p>	<p>Performance Outcome (PO) 14</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 14.1 which prescribes that vehicle parking structures are located either behind the front building or below the front building. The proposed site layout includes two parking spaces with an open carport awning close to the Hollingsworth Street frontage, in front of the forward-most Block 1 of residential units.</p> <p>Despite this, the development provides an alternative solution whereby the parking structure is small in size, low profile, and partially screened by landscaping along the Hollingsworth Street frontage. The remaining parking structures are located behind the front building and set well back from the street frontage. On balance, the parking structures are either located or otherwise partially concealed and softened to maintain an attractive streetscape and built form.</p> <p>Therefore, the proposed development is taken to comply with PO 14.</p>
<p>Access, Parking and Transport Code</p>	<p>Performance Outcome (PO) 5</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 5.1 which prescribes that on-site car parking is provided at the rates set out in Table 9.3.1.3.2 of the access, parking and transport code. To comply with AO5.1, the development would need to provide thirty-six (36) total parking spaces for twenty-four (24) unit, based on the following rates:</p> <p>One (1) covered space per dwelling; and</p> <p>One (1) space per two (2) dwellings for visitors.</p> <p>The proposed number of parking spaces for the development is thirty-four (34), resulting in a shortfall of two (2) spaces, specifically relating to visitor parking.</p> <p>The related Performance Outcome (PO) 5 requires that provision is made for on-site vehicle parking:</p> <ol style="list-style-type: none"> a. to meet the demand likely to be generated by the development; and b. to avoid on-street parking where that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity. <p>Whilst it is considered that the site has sufficient open space and land area to accommodate the additional two parking spaces, it has been identified that the current design and layout would result in encroachment of the development into High (H3-H4) riverine and Planning Area 1 (local) flood risk areas on the site. This</p>

	<p>would potentially alter the flood assessment, impacts and level of risk to the site and surrounding areas.</p> <p>Therefore, the proposed development is taken to comply with the overall purpose of the Access, Parking and Transport Code. The non-compliance with PO 7 is considered a low-level conflict and on balance the proposed development complies with the remainder of the Assessment Benchmarks.</p>
<p>Access, Parking and Transport Code</p>	<p>Performance Outcome (PO) 7</p> <p>The proposed development conflicts with Performance Outcome (PO) 7 which prescribes that sites with more than one (1) road frontage (excluding laneways) gain access only from the lower order road, except if it will introduce traffic generated by a non-residential use into a street that is in a residential zone.</p> <p>The site has frontage to two (2) road reserves, those being Hollingsworth Street (Urban Sub-Arterial) and Farm Street (Urban Access Street). The development proposal involves vehicle access from the higher order road of Hollingsworth Street, conflicting with PO 7. However, Farm Street, the lower order road is significantly impacted by flooding, making it unsuitable for access arrangements. By directing vehicle access to Hollingsworth Street, this avoids the flood-affected area and results in a better overall outcome for the site and contributes to the optimisation of the function, safety and efficiency of the transport network.</p> <p>Therefore, the proposed development is taken to comply with the overall purpose of the Access, Parking and Transport Code. The non-compliance with PO 7 is considered a low-level conflict and on balance the proposed development complies with the remainder of the Assessment Benchmarks.</p>
<p>Access, Parking and Transport Code</p>	<p>Performance Outcome (PO) 14</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 14.2 which prescribes that no direct property access is gained to a highway, main road, urban arterial or sub arterial road as defined in SC6.15 — Road infrastructure and hierarchy planning scheme policy other than via a service road or a joint access arrangement with other sites.</p> <p>The site has frontage to two (2) road reserves, those being Hollingsworth Street (Urban Sub-Arterial) and Farm Street (Urban Access Street). The development proposal involves vehicle access from the higher order road of Hollingsworth Street, conflicting with PO 7. However, Farm Street, the lower order road is significantly impacted by flooding, making it unsuitable for access arrangements. By directing vehicle access to Hollingsworth Street, this avoids the flood-affected area ensures that development does not impact on the safety, operation or function of the road network or system.</p> <p>Therefore, the proposed development is taken to comply with PO 14.</p>
<p>Landscape Code</p>	<p>Performance Outcome (PO) 11</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 11.1 which prescribes that shade trees with a minimum height of two (2) metres are provided within car parking areas at a rate of one (1) tree per three (3) car parks in single sided, angle or parallel bays.</p> <p>The majority of parking spaces throughout the site are instead provided with carport shading. Shade trees are provided at the required rates in areas without carport dedicated shading. Where shade structures have been used instead of shade trees, landscaping has still been provided. The combination of shade structures and smaller landscaping vegetation still results in or supports:</p> <ul style="list-style-type: none"> (a) reduced / softened visual appearance; (b) provision of shade; (c) reduced glare; (d) reduced heat storage in hard surfaces;

	(e) harvesting of stormwater; (f) protection of damage from vehicles, (g) minimised risk of crime; (h) and prevents contaminated stormwater runoff. Therefore, the proposed development is taken to comply with PO 11.
Relevant Matters	
Not applicable to an assessable development application subject to code assessment.	
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 5.0); • The common material, being the material submitted with the application. 	

8. APPEAL RIGHTS

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

Appeal by an applicant

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

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

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

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

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

9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

10. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 23 February 2026
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Attachment 1 – Conditions of the approval

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

Attachment 2—Extract on appeal rights

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 Certificate of Classification for the Building Works, unless otherwise stated.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Water Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage Works;
 - (v) Site Works;
 - 1.4.2 Plumbing and Drainage Works; and
 - 1.4.3 Building Works.
- 1.5 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.
- 1.6 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 (RPEQ).
- 1.8 Lot 2 on RP612122 and Lot 33 on RP601940 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
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Block 2 Elevations	Dezign Elements	13 October 2025	21_163 S-09	DA2
Block 3 Floor Plans (Units 17-24)	Dezign Elements	13 October 2025	21_163 S-10	DA2
Block 3 Elevations	Dezign Elements	13 October 2025	21_163 S-11	DA2
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Stormwater Management Plan	McMurtrie Consulting Engineers	14 July 2025	R066-24-25	B
Technical Memorandum	McMurtrie Consulting Engineers	07 October 2025	R066-24-25	-

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

3.0 ACCESS AND PARKING WORKS

3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works 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 must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

3.4 A new access to the development must be provided at the Hollingsworth Street frontage of the site.

3.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

3.6 All vehicles must ingress and egress the development in a forward gear.

3.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveway in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

- 3.8 A minimum of thirty-six (36) parking spaces must be provided on-site in accordance with the approved plans (refer to condition 2.1). This includes twenty-four (24) covered car parking spaces and ten (10) visitor's parking spaces.
- 3.9 Accessible parking spaces must be provided on-site where required by the National Construction Code and designed in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.10 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).
- 3.11 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"*.
- 3.12 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.13 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.14 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.15 Bicycle parking facilities must be provided in accordance with *SC6.4 — Bicycle network planning scheme policy*. The bicycle parking facilities must accommodate parking spaces for a minimum of ten (10) bicycles, be located at 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 A 100 millimetre diameter non-trunk water main must be constructed across Hollingsworth Street and must be approved as part of a Development permit for Operational Works (water works). Alternatively, a new connection from the existing 150 millimetre water main along the Farm Street frontage of the site can be provided to service the development. Any new connection must be carried out by Fitzroy River Water as Private Works.
- 4.4 The development must be connected to Council's reticulated water supply network.
- 4.5 The fire hydrants on Farm Street must be accessible for emergency services (Queensland Fire Department) to service the development in an emergency situation and cannot be impeded by a boundary fence or similar obstruction.
- 4.6 Adequate domestic and fire-fighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated sewerage and water networks.
- 5.3 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 5.4 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.

- 5.5 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.
- 5.6 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.
- 5.7 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 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) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 DELETED
- 6.5 The installation of gross pollutant traps must be in accordance with relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 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. In this regard, the existing overland flows within the site must be considered as part of the development design and demonstrated with the Operational Works application.
- 8.0 SITE WORKS
- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.

- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 Compensatory earthworks must be carried out where there is a loss of flood storage resulting from any construction within the flood inundation area.
- 8.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.6 All site works must be undertaken to ensure that there is:
- 8.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 8.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 8.6.3 a lawful point of discharge to which the approved works drain during construction phase.
- 9.0 **BUILDING WORKS**
- 9.1 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.
- 9.2 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure"*.
- 9.3 All building works must be undertaken in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy and any permit obtained in respect of this policy.
- 9.4 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 9.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.6 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and *Environmental Protection Regulation 2019* and must be:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.6.2 aesthetically screened from any road frontage or adjoining property;
 - 9.6.3 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; and
 - 9.6.4 setback a minimum of two (2) metres from any road frontage or property boundary.
- 9.7 A minimum 1.8 metre high solid screen fence must be erected between all developed areas on the subject site and adjacent residential properties north and south of the development. This includes property boundaries adjoining car parking and vehicle trafficable areas.
- 9.8 The private open space area provided for each ground floor unit / dwelling must be fenced with a 1.8 metre high solid screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 9.9 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 700 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- Note: The additional 200mm of freeboard is required as a result of the climate change recommendations contained in the approved Stormwater Management Plan.
- 9.10 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 9.11 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.

9.12 No fencing is to be constructed along the Farm Street frontage to avoid any obstruction impacting the overland flow of flooding across the northern portion of the site.

10.0 LANDSCAPING WORKS

10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).

10.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.

10.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:

10.3.1 trees at five (5) metre intervals;

10.3.2 shrubs at two (2) metre intervals; and

10.3.3 groundcovers at one (1) metre intervals.

10.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:

10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*, and

10.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.

10.5 Shade trees must comply with the following requirements:

10.5.1 Be planted clear of services and utilities;

10.5.2 Be planted clear of park furniture and embellishments;

10.5.3 Not obstruct pedestrian or bicycle traffic; and

10.5.4 Comply with crime prevention through environmental design principles.

10.6 Shade trees within car parking areas must have a clean trunk with a minimum height of two (2) metres and are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.

10.7 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.

10.8 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.

10.9 Landscaping, or any part thereof, upon reaching full maturity, must not:

10.9.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;

10.9.2 adversely affect any road lighting or public space lighting; or

10.9.3 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. 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.

12.2 Provide internal and external conduit paths for all unit developments.

Note: The conduits, pipes and cables required by condition are located on private land and therefore ownership of the conduits, etc. will be with the owner of the land or a carrier that uses the conduit to carry its cables.

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

- 14.1 An Erosion Control and Stormwater Control Management Plan prepared and certified by a suitably qualified person (Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland) in accordance with the *State Planning Policy 2017* and *Capricorn Municipal Design Guidelines* requirements, must be
- 14.1.1 implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 14.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

15.0 OPERATING PROCEDURES

- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Hollingsworth Street or Farm Street.
- 15.2 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 15.3 All waste storage areas must be:
- 15.3.1 kept in a clean and tidy condition; and
- 15.3.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 15.4 Commercial waste bins must be provided on-site within the 'Bin' store area shown on the approved plans and be collected by a private contractor. No kerbside collection or collection within the road reserve is permitted.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.tatsipca.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. Property Note (Access)

All vehicular access to and from the development must be via Hollingsworth Street only. Direct vehicular access to Farm Street is prohibited.

NOTE 5. 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 6. Rating Category

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

NOTE 7. Flood Hazard Area *Rockhampton Region Planning Scheme 2015 (v5)*

The premises is included in a flood hazard area under the *Rockhampton Region Planning Scheme 2015 (v5.0)*.

NOTE 8. Creek Catchment Defined Flood Event

The premises is located in the Creek Catchment Defined Flood Event (information only) under the *Rockhampton Region Planning Scheme 2015 (v5)*. While this does not trigger assessment under the Planning Scheme it may have implications on building certification for the approved development.

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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

<p>1. Development applications An appeal may be made against—</p> <ul style="list-style-type: none"> (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 agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment manager is the respondent—the prescribed assessment

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 Appeals to the P&E Court only			
<p>1. Appeals from tribunal</p> <p>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	-	-
<p>2. Eligible submitter appeals</p> <p>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—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for	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

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

Table 2 Appeals to the P&E Court only			
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

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