



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/125-2024	Contact:	Sophie Muggeridge
Notice Date:	8 May 2025	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Knightpro Pty Ltd Tte		
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700		
Phone no:	07 4806 6959	Mobile no: -	Email: info@gideontownplanning.com.au

I acknowledge receipt of the above application on 6 September 2024 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for Low Impact Industry, Warehouse and Outdoor Sales

PROPERTY DESCRIPTION

Street address:	3-15 Hensel Street, Park Avenue and 3 and 5 Horace Street, Park Avenue
Real property description:	Lot 1 -13 on SP351337

Dear Knightpro Pty Ltd Tte

I advise that, on **6 May 2025** 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 2.1	Changed	6 May 2025
2)	Condition 5.7	Changed	6 May 2025
3)	Condition 5.7.1	Deleted	6 May 2025
4)	Condition 5.7.2	Deleted	6 May 2025
5)	Condition 8.2	Changed	6 May 2025
6)	Condition 9.2	Changed	6 May 2025

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	☒	☐

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>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i> <i>Roof and Allotment Drainage Works</i>
Building Works	
Plumbing and Drainage Works	

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)			
<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 Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@dsdilgp.qld.gov.au <u>Postal:</u> PO Box 113

			Rockhampton Qld 4700
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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>
Site plans	DW Building Design	14 November 2024	24043-01	-
Technical Memorandum Lot 12 Stormwater	McMurtrie Consulting Engineers	12 February 2025	116-21-22	B

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 Low Impact Industry, Warehouse and Outdoor Sales	
Reasons for Decision	
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 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.	
Assessment Benchmarks	
The development was assessed against the following assessment benchmarks: • Local Government Infrastructure Plan; • Low Impact Industry Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • 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 exception listed below.	
Assessment Benchmarks	Reasons for the approval despite non-compliance with benchmark

Low Impact Industry Zone Code	PO1 The proposed development does not comply with Acceptable Outcome (AO) 1.1 because the proposal allows for buildings on Lot 6 to be 11.5 metres, where AO1.1 requires buildings to not exceed 10 metres. Despite this, the proposed development does not adversely impact on the character of the locality because: • The proposed height increase is minimal to the acceptable outcome requirements and will remain consistent with the character of the Low Impact Industry Zone; and • Lot 6 is a rear lot with the increased height having no impact to the main thoroughfare of the development being Knight Street. Therefore, the proposed development is taken to comply with Performance Outcome (PO) 2. PO2 The proposed development does not comply with Acceptable Outcome (AO) 2.1 because the proposal allows for buildings to be setback three (3) metres from Hensel Street and two (2) metres from Knight Street, where AO2.1 requires buildings to be setback a minimum of six (6) metres. Despite this, the proposed development does allow for an attractive streetscape and provide for landscaping within the front of the site because: • Landscaping for a width of two (2) metres has been conditioned along all primary road frontages; • Hensel Street is the primary road frontage of the development with all buildings being oriented to the road frontage. No access is achieved via Knight Street; and • Conditions have been imposed to ensure design controls are implemented into the design of the buildings. Therefore, the proposed development is taken to comply with Performance Outcome (PO) 2. PO7 The proposed development does not comply with Acceptable Outcome (AO) 7.1 because the proposal allows for landscaping to be a minimum width of one (1) metre along Knight Street where AO7.1 requires a minimum width of two (2) metres. Despite this, the proposal ensures that landscaping makes a positive contribution to the streetscape because: • Landscaping is proposed along all primary road frontages being Hensel Street and Horace Street, for a minimum width of two (2) metres with Knight Street being the rear boundary. Therefore, the proposed development is taken to comply with Performance Outcome (PO) 7.
Relevant Matters	
Not applicable to an assessable development application subject to code assessment.	
Matters prescribed by regulation	
• The Rockhampton Region Planning Scheme 2015 (version 4.4); • D/95-2019 – Reconfiguration a Lot (three lots into thirteen lots); • D/79-2022 – Operational Works for Road Works, Stormwater, Water Infrastructure, Drainage	

Work, Sewage Infrastructure and Site Works; and

- 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: 8 May 2025

C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dasilgp.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

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage;
 - (iv) Landscaping works; and
 - (v) Site Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 1.10 The use must not be commenced / established on the development site until the Survey Plan associated with Reconfiguring a Lot (three lots into thirteen lots) Amended Decision Notice dated 27 January 2022 for Development Application D/95-2019 is endorsed and registered with Titles Queensland.

Note: A newly created lot cannot be built on until the approved plan of subdivision is registered with the State Department of Resources – Titles Office.

- 1.11 Development on proposed Lots 1 to 11 must be in accordance with the use definitions set out under Condition 1.11.1 and 1.11.2; and development on proposed Lot 12 must be in accordance with the use definitions set out under Condition 1.11.1 to 1.11.3:

1.11.1 **Low impact industry** means the use of premises for an industrial activity—

- (a) that is the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products; and
- (b) that a local planning instrument applying to the premises states is a low impact industry; and
- (c) that complies with any thresholds for the activity stated in a local planning instrument applying to the premises, including, for example, thresholds relating to the number of products manufactured or the level of emissions produced by the activity.

For the purpose of the planning scheme a low impact industry is an industry activity that -

- (a) has one or more of the following attributes -
- (b) negligible impacts on sensitive land uses due to off-site emissions including aerosol, fume, particle, smoke, odour and noise;
- (c) minimal traffic generation and heavy-vehicle usage;
- (d) demands imposed upon the local infrastructure network consistent with surrounding uses;
- (e) off-site impacts from storage of dangerous food are negligible;
- (f) the use is primarily undertaken indoors; and
- (g) complies with any thresholds for the activity stated in SC1.1.2 industry thresholds.

1.11.2 **Warehouse** means the use of premises for—

- (a) storing or distributing goods, whether or not carried out in a building; or
- (b) the wholesale of goods, if the use is ancillary to the use in paragraph (a).

1.11.3 **Outdoor sales** means the use of premises for—

- (a) displaying, selling, hiring or leasing vehicles, boats, caravans, machinery, equipment or other similar products, if the use is mainly conducted outdoors; or
- (b) repairing, servicing, selling or fitting accessories for the products stated in paragraph (a), if the use is ancillary to the use in paragraph (a).

- 1.12 Unless otherwise expressly stated, the conditions of this development permit must be read as being applicable to all lots.

- 1.13 Infrastructure charges will be levied as per Council's Charges Resolution in effect at the time a Development Permit for Building Works is approved.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Site plans	DW Building Design	14 November 2024	24043-01	-
Technical Memorandum Lot 12 Stormwater	McMurtrie Consulting Engineers	12 February 2025	116-21-22	B

- 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.

Note: An access and parking plan for each lot must be submitted to council for approval at operational works stage.

- 3.2 All access and parking works must be designed and constructed in accordance with the *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 access, car parking and vehicle manoeuvring 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 All access to and from proposed Lots 1, 2, 3, 7 and 8 must be via the proposed internal new roads only. Direct vehicular access to Knight Street is prohibited.
- 3.5 All access to and from proposed Lot 12 must be via Horace Street.
- 3.6 Any redundant vehicular crossovers 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 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 3.9 On-site car parking spaces must be provided in each lot and land use as prescribed under the *Rockhampton Region Planning Scheme 2015 Version 4.4, Table 9.3.1.3.2 Parking Requirements*.
- 3.10 Articulated Vehicles (19 metres) or smaller, must be used to supply and remove goods or services to / from the proposed Lot 12.
- Note: Larger vehicles more than Articulated Vehicles (19 metres) in length are restricted to proposed Lot 12.
- 3.11 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"*.
- 3.12 Parking spaces must be line-marked in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.13 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 3.14 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"*.
- 3.15 Signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.16 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.17 All internal pedestrian pathways (if any) must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.18 Bicycle parking facilities must be provided in accordance with *SC6.4 — Bicycle network planning scheme policy*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*,

Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.6 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.7 The finished sewerage access chamber or lamphole surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 4.8 All internal plumbing and sanitary drainage works must be completely independent for each lot.
- 4.9 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the use on site, must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 4.10 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 All stormwater drainage works must be designed, constructed and 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).
- 5.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 Any application for a Development Permit for Operational Works (stormwater works) for each lot/development must be accompanied by a Site – based Stormwater Drainage Plan, prepared and certified by a *Registered Professional Engineer of Queensland* that as a minimum includes:
 - 5.4.1 demonstration of how minor and major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 5.4.2 engineering plans with details of any internal drainage systems including inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy;
 - 5.4.3 the pre-treatment device to limit the amount of litter, non-biodegradable pollutant and coarse sediment reaching to the lawful point of discharge;
 - 5.4.4 roof and allotment drainage is designed in accordance with *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*; and
 - 5.4.5 details of all calculations, assumptions and data files (where applicable).
- 5.5 The installation of pre-treatment device (GPT) must be in accordance with relevant *Australian Standards* and all maintenance of the pre-treatment device (GPT) must be the responsibility of the property owner or body corporate (if applicable).
- 5.6 All Stormwater proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where components for the system become unavailable, an alternative system approved by Council, is required to be

retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner/operator.

- 5.7 Any deviation from the approved stormwater technical memorandum (refer to condition 2.1), must be accompanied by an updated Stormwater Management Plan for Lot 12, prepared and certified by a Registered Professional Engineer of Queensland.

5.7.1 Deleted

5.7.2 Deleted

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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.
- 6.2 All roof and allotment drainage works must be designed and constructed in accordance with the *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).
- 6.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause an actionable nuisance or worsening to surrounding land or infrastructure.

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance or worsening to surrounding land or infrastructure.
- 7.4 All retaining structures above one (1) metre in height requires separate building approval and certification by a *Registered Professional Engineer of Queensland*.

8.0 LANDSCAPING WORKS

- 8.1 Landscaping must be constructed and/or established prior to the commencement of the use.

Internal Landscaping Works

- 8.2 Landscaping is provided along the following rates:
- 8.2.1 A minimum width of two (2) metres along the Hensel Street road frontage;
- 8.2.2 A minimum width of one (1) metre along the Knight Street road frontage; and
- 8.2.3 A minimum width of two (2) metres along the full frontage of Lot 12.
- 8.3 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 8.4 Planting types used within the landscaping areas 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:
- 8.4.1 trees at five (5) metre intervals;
- 8.4.2 shrubs at two (2) metre intervals; and
- 8.4.3 groundcovers at one (1) metre intervals.
- 8.5 At least fifty (50) per cent of all new plantings within the landscaping areas must be locally native species with low water dependency and must comply with the following requirements:
- 8.5.1 Plant species are chosen from sources recommended in Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy; and
- 8.5.2 Plant species must not include undesirable species identified in Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy.

- 8.6 Each shade tree(s) has/have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
 - 8.6.1 In single sided, angle or parallel bays - One (1) tree per three (3) car parks;
 - 8.6.2 In double sided, angle or parallel bays - One (1) tree per six (6) car parks.
 - 8.7 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay, and are protected by wheel stops or bollards as required.
 - 8.8 Shade trees must comply with the following requirements:
 - 8.8.1 Be planted clear of services and utilities;
 - 8.8.2 Be planted clear of park furniture and embellishments;
 - 8.8.3 Not obstruct pedestrian or bicycle traffic; and
 - 8.8.4 Comply with crime prevention through environmental design principles.
 - 8.9 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
 - 8.10 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
 - 8.11 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
 - 8.12 Landscaping, or any part thereof, upon reaching full maturity, must not:
 - 8.12.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 8.12.2 adversely affect any road lighting or public space lighting; or
 - 8.12.3 adversely affect any Council infrastructure, or public utility plant.
- External Landscaping Works
- 8.13 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
 - 8.14 A Landscaping Plan for the street trees must be submitted with the first application for a Development Permit for Operational Works. Landscaping must be constructed and/or established prior to the commencement of the use.
 - 8.15 Street trees must be provided at the following rates:
 - 8.15.1 One (1) street tree per lot.
 - 8.16 The street trees required by condition 8.15 must be one or a combination of the following species:
 - 8.16.1 *Buckinghamia celcissma* – Ivory Curl
 - 8.16.2 *Corymbia ptychocarpa* –Swamp Bloodwood
 - 8.16.3 *Cupaniopsis anacardioides* – Tuckerroo
 - 8.16.4 *Cupaniopsis parvisolia* – Small Leaf Tuckerroo
 - 8.16.5 *Harpullia pendula* – Tulip wood
 - 8.16.6 *Melicope elleryana*- Pink Flowering Euodia
 - 8.16.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
 - 8.16.8 *Waterhousia floribunda* – Weeping Lilly Pilly
 - 8.16.9 *Xanthostemon chrysanthus* – Golden Penda
 - 8.17 The street trees must:
 - 8.17.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
 - 8.17.2 Be at least three (3) metres from a driveway;

- 8.17.3 Be at least five (5) metres apart; and
- 8.17.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 8.18 Street trees must be maintained by the owner / developer until established.
Note: Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per our requirements and in accordance with the current Street Tree Policy.
- 8.19 Street tree planting must be carried out in accordance with the requirements of *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 8.20 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the Capricorn Municipal Development Guidelines.
- 8.21 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities, or unduly restrict visibility to pedestrians in verge areas*.
- 8.22 All landscaped areas (internal/external) must be subject to:
 - 8.22.1 a watering and maintenance plan during the establishment moment; and
 - 8.22.2 an ongoing maintenance and replanting programme.
- 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 The height of buildings and structures on Lot 6 must not exceed 11.5 metres above ground level. The height of buildings and structures on all other lots must not exceed ten (10) metres above ground level.
- 9.3 Site coverage on each lot does not exceed eighty (80) per cent of the total site area.
- 9.4 All buildings on Lots 1, 2, 3, 7 and 8 are setback a minimum of two (2) metres from Knight Street.
- 9.5 Buildings must set back three (3) metres from the Hensel Street road frontage.
- 9.6 Except where a wall is built directly against another wall, all new exterior walls on each lot are:
 - 9.6.1 articulated so they do not exceed a length of fifteen (15) metres without a change in plane of at least 0.75 metre depth; or
 - 9.6.2 painted with at least two (2) colours, each of which covers at least ten (10) per cent of total exterior wall area; or
 - 9.6.3 covered with at least two (2) different types of cladding material, each of which covers at least ten (10) per cent of total exterior wall area.
- 9.7 All ancillary office spaces and sales area must be oriented towards the primary street frontage.
- 9.8 All ancillary sale areas must not exceed ten (10) per cent of the total gross floor area.
- 9.9 Pedestrian entries:
 - 9.9.1 are visible from the street and visitor car parking areas; and
 - 9.9.2 incorporate sun and rain shelter, such as overhangs or awnings, that are a minimum of 900 millimetres wide from the external building face to the outermost projection.
- 9.10 Impervious paved waste storage areas must be provided in accordance with the *Environmental Protection Regulation 2019* and must be:
 - 9.10.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.10.2 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;
 - 9.10.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 9.10.4 setback a minimum of two (2) metres from any road frontage; and

- 9.10.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

- 9.11 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"*.
- 9.12 A minimum 1.8 metre high fence must be provided along all property boundaries.
- 9.13 Any building plant must be screened from view of the street by one or more of the following:
- 9.13.1 a solid screen fence, or
 - 9.13.2 a roof design feature; or
 - 9.13.3 a wall; or
 - 9.13.4 dense vegetation; or
 - 9.13.5 be located within, underneath or central to the building so as to not be visible from the street.

10.0 ELECTRICITY

- 10.1 Electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.

11.0 TELECOMMUNICATIONS

- 11.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

12.0 ASSET MANAGEMENT

- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 12.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.

- 13.2 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland*), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017* and *Capricorn Municipal Design Guidelines* requirements, must be:
- 13.2.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
 - 13.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 Development achieves the noise generation levels set out in the *Environmental Protection (Noise) Policy 2019* as updated from time to time.
- 14.2 Development achieves the air quality design objectives set out in the *Environmental Protection (Air) Policy 2019* as updated from time to time.
- 14.3 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.
- 14.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council caused by noise, light, odour 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 and will require any mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 14.5 An incidents register must be kept at the premises and it must record any incidents including but not limited to:
- 14.5.1 any fire at the premises; and
 - 14.5.2 any release of contaminants not in accordance with the development approval conditions.
- 14.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 14.7 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 14.8 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 14.9 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 14.10 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 14.11 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 14.11.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 14.11.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 14.11.3 waste bags and ties.
- 14.12 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.

- 14.13 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 14.14 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 14.15 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 14.15.1 the date, quantity and type of waste removed;
 - 14.15.2 a copy of any licensed waste transport vehicle dockets;
 - 14.15.3 the name of the licensed regulated waste removalist and/or disposal operator; and
 - 14.15.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- 15.0 CHEMICAL STORAGE
- 15.1 Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures.
- 15.2 All banded compounds must have a drainage tap, with manual shut off valve and area appropriately signed to be closed and locked.
- 15.3 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.
- 16.0 MOTOR VEHICLE WORKSHOP OPERATIONS
- 16.1 No metal surface coating will be permitted other than the following:
- 16.1.1 Brushed finishes achieved by a hand brush with bristles; and/or
 - 16.1.2 Using hand held aerosol cans where the can and spray device forms one disposable unit and the can holds less than one (1) litre of product.
- 16.2 The workshop must have an impervious floor that is adequately banded and drains to a holding tank or the sewer through an approved oil interceptor/separation system.
- 17.0 WOODEN AND LAMINATED PRODUCT MANUFACTURING
- 17.1 All sawing, cutting and sanding operations must be conducted on a paved and covered area, and all floor waste including dust and wood shavings must be vacuumed or swept up.
- 17.2 Power tools used for sanding, sawing and cutting timber must be fitted with individual dust filters or connected to an efficient dust extraction system.
- 17.3 Dust must be extracted using an efficient collection system such as fabric dust collector or a high efficiency cyclone system.
- 17.4 Sawdust storage bins and hoppers must be designed to discharge dust with minimal spillage and emissions. Bins and hoppers must be emptied regularly and waste disposed of in covered trucks or containers.
- 18.0 OPERATING PROCEDURES
- 18.1 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 Knight Street, Horace Street, Park Street and Development Site Internal Road.
- 18.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
- 18.2.1 the area is kept in a clean and tidy condition;
 - 18.2.2 fences and screens are maintained;
 - 18.2.3 no waste material is stored external to the waste storage area/s;

- 18.2.4 all wash down of refuse containers takes place in an approved washdown facility;
- 18.2.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 18.3 No panel beating, spray-painting or any body works must be carried out on-site.
- 18.4 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 18.5 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ 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. Property Note (Access)

All vehicular access to and from the proposed Lots 1, 2, 3, 7 and 8 must be via internal road (new road) only. Property access to proposed Lot 12 must be via Horace Street. Direct vehicular access to Knight Street is prohibited.

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. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with Council’s Planning Scheme.



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

Planning Act 2016

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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

1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence 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 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 – - The incorrect application of gross floor area for a non-residential development - Applying an incorrect 'use category', under a regulation, to the development (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	-	-
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for	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			
3. Eligible submitter and eligible advice agency appeals An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
5. Registered premises 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

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