



# Decision Notice Approval

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

Application number:	D/128-2022	Contact:	Brendan Standen
Notice Date:	5 May 2023	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	Keppel Developments Pty Ltd		
Postal address:	C/- Capricorn Survey Group (CQ) PO BOX 1391 ROCKHAMPTON QLD 4700		
Phone no:	07 4927 5199	Mobile no:	0407 581 850
Email:	<a href="mailto:reception@csgcq.com.au">reception@csgcq.com.au</a>		

I acknowledge receipt of the above application on 16 September 2022 and confirm the following:

## DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for Multiple Dwelling (12 Units)
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## PROPERTY DESCRIPTION

Street address:	Lot 270 Yeppoon Road, Norman Gardens
Real property description:	Lot 270 on SP294281, Parish of Murchison

### Dear Keppel Developments Pty Ltd

I advise that, on **27 April 2023** the above development application was:

☒ approved in full with conditions\* (refer to the conditions contained in **Attachment 1**)

\*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

## 1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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

## 2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

## 3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Earthworks</i>
Building Works	
Plumbing and Drainage Works	

#### 4. SUBMISSIONS

Properly made submissions were made in relation to the application.

There were six (6) properly made submissions received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Harley Radel	17 Diploma St, Norman Gardens QLD 4701	<a href="mailto:choozy13@gmail.com">choozy13@gmail.com</a>
2. Ainslee and Josh Mitchell	Not Provided	<a href="mailto:ainslee_deeth@hotmail.com">ainslee_deeth@hotmail.com</a>
3. Liam Hill and Kaitlyn Murphy	19 Diploma Street, Norman Gardens Qld 4701	<a href="mailto:Warriors-95@hotmail.com">Warriors-95@hotmail.com</a>
4. Terence Norton	8 College Drive, Norman Gardens Qld 4701	<a href="mailto:Aussiebloke011@gmail.com">Aussiebloke011@gmail.com</a>
5. Dr Derek Carter and Mrs Donna Carter	1 Diploma Street, Norman Gardens Qld 4701	<a href="mailto:78carterdl@gmail.com">78carterdl@gmail.com</a>
6. Robert and Judy Couper	23 Diploma Street, Norman Gardens Qld 4701	<a href="mailto:j.couper@cqu.edu.au">j.couper@cqu.edu.au</a>

#### 5. REFERRAL AGENCIES

NIL

#### 6. THE APPROVED PLANS

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

Plan/Document Name	Prepared by	Date	Reference No.	Version/Issue
Overall Site Plan	Dezign Elements	22 March 2023	S-05	-
Site Plan – Landscaping	Dezign Elements	22 March 2023	S-06	-
Floor Plan – Type 1	Dezign Elements	22 March 2023	S-07	-
Elevations	Dezign Elements	22 March 2023	S-09	-
Elevations	Dezign Elements	22 March 2023	S-10	-

Crestwood College Drive Cul-de-sac	Hartecs	16 December 2021	Sketch 1	
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## 7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the *Planning Act*)

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016*, the development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

## 8. STATEMENT OF REASONS

<b>Description of the development</b>	Material Change of Use for Multiple Dwelling (12 Units)	
<b>Reasons for Decision</b>	<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>	
<b>Assessment Benchmarks</b>	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Low Density Residential Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code;</li> <li>• Water and Sewer Code;</li> <li>• Airport Environs Overlay Code;</li> <li>• Biodiversity Overlay Code; and</li> <li>• Bushfire Hazard Overlay Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Strategic Framework	<p><b>3.3 Settlement Pattern</b></p> <p><b>3.3.8.1 (6)</b></p> <p>The proposed development conflicts with elements of specific outcome 3.3.8.1 (6) of the Strategic Framework because the site is not located on a higher order road or within 200 metres (m) (taken to be a 'convenient walking distance' by the Planning Scheme) to centres or major facilities.</p> <p>Despite this, specific outcome 3.3.8.1 (5)(f) contemplates a range of housing and lifestyle options in the Urban and New Urban area designation. The proposed development provides housing choice for people seeking to live in low-rise residential development, and also assists in softening housing pressures and by extension providing more</p>

		<p>affordable housing options for different socio-economic groups.</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p>
	<p>Low Density Residential Zoe Code</p>	<p><b>PO13</b></p> <p>The proposed development does not comply with AO13.1(e) because Unit 12 is located 1.8m from the rear (eastern) boundary rather than four (4) metres.</p> <p>Despite this, a suitable setback from the built form of Unit 12 and any future development on the vacant, eastern adjoining lot can still be achieved. The rear of the site contains a waterway (contained within the eastern adjoining lot), which is subject to creek catchment flooding. This flooding within an approximate 25m wide corridor provides a natural buffer between the proposed development and any future development on the eastern adjoining lot.</p> <p>On this basis, the proposed development is deemed to comply with PO13.</p> <p><b>PO13</b></p> <p>The proposed development does not comply with AO13.2 because the dwellings are not orientated toward the street and instead orientated internally to the access driveway.</p> <p>Despite this, design features along the front property boundary and landscaping assist in softening the proposed development's interface to the street and assist in its integration with the streetscape. Specifically, landscaping has been proposed and conditioned along the front property boundary and within the street, which assists in partially screening the development and integrating it with the existing street tree planting regime on College Drive. Articulation in the entry wall, in conjunction with the landscaping also assists in improving the interface to the street.</p> <p>On this basis, the proposed development is deemed to comply with PO13.</p> <p><b>PO18</b></p> <p>The proposed development does not comply with AO18.1 because the multiple dwelling is not located within close proximity (200m) to parks, centres or major community facilities, and does not have direct access to a higher order road.</p> <p>Despite this, the proposed development is considered to comply with PO18 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site is located approximately 680 metres (walking distance) from the Local Centre zone on the corner of Norman Road and Nagle Drive, with formed pedestrian footpaths commencing from the intersection of College Drive and Springfield Drive. This land will ultimately be developed for centre activities servicing Norman Gardens.</li> <li>• There is an expansive area zoned Open Space to the north-west of the site, which is suitable for general sport and recreation activities, albeit acknowledging it is also a reserve for drainage purposes. A picnic table and shade trees are also provided adjoining this area on Springfield Drive, approximately 280 metres from the subject site.</li> <li>• Springfield Drive and College Drive are classified as 'Major Urban Collector' and 'Urban Access Place' respectively. Both road types have capacity to cater for the vehicle movements and types associated with the development. It is noted that when the area</li> </ul>

		<p>was originally subdivided, the intent was for College Drive to continue through to provide access to growth areas (zoned Low Density Residential) to the northwest.</p> <p>To the extent any conflicts are identified the proposed development is considered to comply with the following higher order provisions of the Planning Scheme:</p> <ul style="list-style-type: none"> <li>• 6.2.1.2 (2)(c) (Overall Outcomes Low Density Residential Zone) – The proposed development maintains a low-rise setting.</li> <li>• 3.3.8.1 (5)(f) (Strategic Framework, Settlement Pattern, Element – Urban and New Urban) – The proposed development assists in providing housing choice and lifestyle options.</li> </ul> <p>To the extent any conflicts are identified that are not deemed to be balanced by compliance with the above higher order provisions, regard to relevant matters is considered to overcome these conflicts.</p> <p><b>PO19</b></p> <p>The proposed development does not comply with AO19.1 because the number of dwellings exceeds one (1) unit per 400m<sup>2</sup> of total site area. Proposed density is one (1) unit per 376m<sup>2</sup>.</p> <p>Despite this, this is only considered to be a minor deviation from the preferred dwelling density in the Low Density Residential Zone and to the extent there are any conflicts identified with the assessment benchmarks, these can be overcome having regard to relevant matters.</p> <p><b>PO19</b></p> <p>The proposed development does not comply with AO19.3 because a minimum of one (1) habitable room does not overlook the primary street frontage.</p> <p>The configuration of the subject site and site's location at the end of a cul-de-sac makes it impractical for each dwelling to be provided outlook on to College Drive. Despite, the site's location at the end of a cul-de-sac, which will be partially screened and softened through landscaping, is not considered to compromise the character or amenity of the street.</p> <p>On this basis, the proposed development is deemed to comply with PO19.</p>
	Waste Management Code	<p><b>PO3</b></p> <p>The proposed development does not comply with AO3.1 (b) because the waste storage area is located nearer than two (2) metres to the College Drive property boundary.</p> <p>Despite this, the waste storage area is appropriately screened from the street and adjoining properties by a concrete wall and landscaping. Conditions of approval have also been included requiring the waste storage area to be provided with washdown facilities to ensure they can be cleaned.</p> <p>On this basis, the proposed development is deemed to comply with PO3.</p>
<b>Relevant Matters</b>	<p>The proposed development was assessed against the following relevant matter:</p> <ul style="list-style-type: none"> <li>• There is an overriding planning and community need for additional and diverse housing in Rockhampton. Currently there is limited housing stock available, with very low vacancy rates. The proposed development will assist in increasing house stock and providing more affordable housing choice for existing and future residents.</li> </ul>	
<b>Matters</b>	<b>Issue</b>	<b>How matter was dealt with</b>

raised in submissions	Reduced privacy to nearby residents	<p>Submitters along College Drive and Diploma Street raised concern that the proposed development would reduce their privacy. Privacy concerns primarily related to reduced privacy because of overlooking into backyards and into houses from residents within the proposed development.</p> <p>The subject site sits at a lower elevation than those lots along Diploma Street. In addition, a 1.8-metre-high fence exists along the common boundary between the subject site and lots along Diploma Street, which effectively makes it very difficult for the proposed development to 'overlook' those lots. The proposed development is not considered to practically compromise privacy of nearby residents.</p>
	Compromises stormwater and sewer infrastructure	<p>Submitters raised concern that reticulated stormwater and sewer infrastructure running along the common boundary of the subject site and lots fronting Diploma Street (although fully contained within the lots fronting Diploma Street) would not be accessible for maintenance and repair because of the proposed development.</p> <p>The reticulated stormwater and sewer infrastructure is contained in an approximate four (4) metre wide easement entirely within those lots fronting Diploma Street. The purpose and width of this easement is to ensure that suitable access is possible to this infrastructure for maintenance and repair. The proposed development will not compromise Council's ability to maintain its infrastructure.</p>
	Inconsistent with prevailing development in the area	<p>Submitters raised concern that the proposed development is inconsistent with the prevailing built form and land use in the surrounding area.</p> <p>These concerns are addressed in response to PO18 and PO19 of the Low Density Residential Zone Code.</p>
	Reduced land value	<p>Submitters raised concern the proposed development would reduce the value of their land.</p> <p>Land value is not a matter Council must or may have regard to under the <i>Planning Act 2016</i>.</p>
	Location of waste storage area	<p>Submitters raised concern that the waste storage area, which was originally proposed in the south-western corner of the site (closer to the dwellings on College Drive), would cause odour issues to nearby residents.</p> <p>In response to this the Applicant provided amended proposal plans that relocated the waste storage area further to the north, on the opposite side of the driveway and further away from dwellings on College Drive. Conditions of approval have also been imposed requiring the waste storage area to be screened and provided with cleaning facilities.</p>
	College Drive is not appropriately formed	<p>Submitters raised concern that College Drive termination is not a cul-de-sac and that vehicles are currently informally encroaching onto the verge to turnaround, and that it would limit opportunities for on-street carparking.</p> <p>Conditions of approval have been imposed requiring a cul-de-sac to be formed at the end of College Drive. The cul-de-sac design will be formalised through a subsequent development application seeking a Development Permit for Operational Works.</p> <p>The proposed development has provided on-site car parking in accordance with the requirements of the <i>Rockhampton Region Planning Scheme 2015</i> (v2.2) and reliance on on-street parking should be unnecessary. Similarly, the existing dwellings along College Drive should have sufficient on-site car parking.</p>

	Noise of electric gate	<p>Submitters raised concern that an electric gate would be too noisy given the frequency it would be required to be opened and closed by residents of the proposed development.</p> <p>A condition of approval has been imposed that prohibits an electric gate from being installed at the entrance to the proposed development.</p>
	Increase to creek flooding levels	<p>Submitters raised concern that the additional runoff from impervious areas of the proposed development would increase the creek catchment flood level.</p> <p>Conditions of approval have been included that require the Applicant to obtain a subsequent Development Permit for Operational Works (Stormwater Works) that addresses stormwater quantity. At this point in time it would be necessary to demonstrate stormwater discharge does not adversely affect surrounding land or infrastructure in comparison to the pre-development condition.</p>
	Loss of rear access to dwellings on Diploma Street	<p>A submitter raised concern that the proposed development would result in the loss of rear access to their dwelling on Diploma Street.</p> <p>The subject site is freehold land that is zoned for residential development. Adjoining landowners should not be relying on another freehold lot for property access unless it is formalised through an access easement or other formal agreement.</p>
	Traffic congestion	<p>Submitters raised concern the proposed development would increase vehicle traffic along College Drive and the local road network, causing increased congestion and noise to existing residents.</p> <p>When College Drive was originally formed, the intent was for it to continue through to provide connection to land zoned Low Density Residential to the north-west, which is not yet fully developed. This continuation of College Drive and connection to the road network to the north-west would have resulted in vehicle movements beyond that anticipated for the proposed development.</p> <p>In addition, Council's Development Engineering Unit has undertaken an assessment and determined there is sufficient capacity in the local road network to cater for the proposed development, without compromising the safety or efficiency of that network.</p>
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 9. APPEAL RIGHTS

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

### Appeal by an applicant

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

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

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

### Appeal by an eligible submitter

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

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

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

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

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

This development approval takes effect:

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


Or

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

Or

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

### **11. ASSESSMENT MANAGER**

Name:	<b>Amanda O'Mara</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature:		Date:	5 May 2023
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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 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 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.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Stormwater Works;
    - (iv) Roof and Allotment Drainage;
    - (v) Earthworks;
  - 1.6.2 Plumbing and Drainage Works; and
  - 1.6.3 Building Works.
- 1.7 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.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

#### 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</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference</u>	<u>Version/Issue</u>
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<u>Name</u>			<u>No.</u>	
Overall Site Plan	Design Elements	22 March 2023	S-05	-
Site Plan – Landscaping	Design Elements	22 March 2023	S-06	-
Floor Plan – Type 1	Design Elements	22 March 2023	S-07	-
Elevations	Design Elements	22 March 2023	S-09	-
Elevations	Design Elements	22 March 2023	S-10	-
Crestwood College Drive Cul-de-sac	Hartecs	16 December 2021	Sketch 1	

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

### 3.0 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

3.3 A turning area must be provided at the end of College Drive adjacent to the subject lot in accordance with the approved plans. This will require extensions to the road pavement and road reserves. Details of the turning area, including manoeuvring for a refuse collection vehicle must be demonstrated in any application for a Development Permit for Operational Works (road works).

3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

### 4.0 ACCESS AND PARKING WORKS

4.1 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.

4.2 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).

4.3 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).

4.4 A new access to the development must be provided at the end of College Drive.

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

4.6 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).

### 5.0 PLUMBING AND DRAINAGE WORKS

5.1 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.

5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply*

(*Safety and Reliability*) Act 2008, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 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.
- 5.5 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 5.6 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.

## 6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater 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 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
  - 6.4.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
  - 6.4.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
  - 6.4.3 each part of the lot is self-draining;
  - 6.4.4 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017*;
  - 6.4.5 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support the proposed water quality management strategy; and
  - 6.4.6 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

- 6.5 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.
- 8.0 EARTHWORKS
- 8.1 A Development Permit for Operational Works (Earthworks) 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 (Earthworks) 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 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.
- 8.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (Earthworks).
- 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 external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 9.3 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"*.
- 9.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 9.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.4.2 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;
  - 9.4.3 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
  - 9.4.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 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 Deep tree planting must be provided where the 'Garden Store' is shown on the approved plans.

- 10.3 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 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 Street trees must be planted along the site's frontage to College Drive generally in accordance with the approved plans, and around the northern head of the cul-de-sac.
- Note:** If the road reserve for College Drive is extended to accommodate the cul-de-sac, street trees must be provided within the new road reserve in accordance with these conditions of approval.
- 10.6 The street trees must be one or a combination of the following species:
- 10.6.1 *Buckinghamia celcissma* – Ivory Curl
  - 10.6.2 *Corymbia ptychocarpa* – Swamp Bloodwood
  - 10.6.3 *Cupaniopsis anacardioides* – Tuckeroo
  - 10.6.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
  - 10.6.5 *Harpullia pendula* – Tulip wood
  - 10.6.6 *Melicope elleryana* - Pink Flowering Euodia
  - 10.6.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
  - 10.6.8 *Waterhousia floribunda* – Weeping Lilly Pilly
  - 10.6.9 *Xanthostemon chrysanthus* – Golden Penda
- 10.7 The street trees must:
- 10.7.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
  - 10.7.2 Be at least three (3) metres from a driveway;
  - 10.7.3 Be at least five (5) metres apart; and
  - 10.7.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 10.8 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.
- 10.9 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.
- 11.0 ELECTRICITY
- 11.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and 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.
- 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 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.

#### 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 College Drive.
- 15.2 All waste storage areas must be:
- 15.2.1 kept in a clean and tidy condition; and
  - 15.2.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 15.3 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.
- 15.4 No electric gate is permitted to be installed at the entrance to the site.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

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

##### NOTE 3. General Safety of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

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

## Appeal rights

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

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

### 230 Notice of appeal

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

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

### 231 Other appeals

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

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

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

### 232 Rules of the P&E Court

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



## Schedule 1

### Appeals section 229

#### 1 Appeal rights and parties to appeals

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

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

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

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

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<b>4. Infrastructure charges notices</b> 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"> <li>The incorrect application of gross floor area for a non-residential development</li> <li>Applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<b>5. Conversion applications</b> 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	-	-
<b>6. Enforcement notices</b> 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

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

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

**2. Eligible submitter appeals**

An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—

- (a) any part of the development application for the development approval that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

**3. Eligible submitter and eligible advice agency appeals**

An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or the change application, for the development approval, that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

**4. Compensation claims**

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-

**5. Registered premises**

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
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
<b>6. Local laws</b> 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	-	-

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
<b>1. Building advisory agency appeals</b> 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
<b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b> An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<b>4. Local government failure to decide application under the Building Act</b> 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	-	-