



Decision Notice Approval

Planning Act Form 2 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s63(2) Planning Act 2016

Application number:	D/146-2017	Contact:	Jonathon Trevett-Lyall
Notice Date:	27 July 2018	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Corbet Property Pty Ltd		
Postal address:	C/- TFA Project Group, Damien Mackay PO BOX 2339 FORTITUDE VALLEY QLD 4006		
Phone no:	07 3854 2910	Mobile no:	Email: damien.mackay@tfa.com.au

I acknowledge receipt of the above application on 19 December 2017 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Service Station and Ancillary Food and Drink Outlet

PROPERTY DESCRIPTION

Street address:	Lot 1 Capricorn Highway, Gracemere
Real property description:	Lots 1 and 2 on RP617280, Parish of Gracemere

OWNER DETAILS

Name:	Corbet Property Pty Ltd Tte
Postal address:	
Dear Corbet Property Pty Ltd	
I advise that, on 24 July 2018 the above development application was:	
<input checked="" type="checkbox"/> 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage</i> <i>Site Works</i> <i>Advertising Device</i>
Plumbing and Drainage Works	
Building Works	

4. SUBMISSIONS

Properly made submissions were made in relation to the application.

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

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. James Bradshaw		
2. Gracemere Industry Inc		

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Status	Address
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	Department of Transport and Main Roads	Concurrence	Department of Infrastructure, Local Government and Planning Online: www.dilgp.qld.gov.au/MyDAS2 Postal: PO Box 113

(ii) within 100m of the intersection			Rockhampton Qld 4700
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6. 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>Plan/Document Reference</u>	<u>Dated</u>
Contour and Detail Survey of Lot 1 & 2 on RP617280	R17005-1, Rev A1	23 Feb 2017
Proposed Site Plan	16273 D03, Rev B	11 Apr 2018
Proposed Building Floor Plan	16273 D04, Rev A	30 Nov 2017
Proposed Building Elevations Sheet 1	16273 D05, Rev A	30 Nov 2017
Proposed Building Elevations Sheet 2	16273 D06, Rev A	30 Nov 2017
Proposed Car Canopy Elevations Sheet 1	16273 D07, Rev A	30 Nov 2017
Proposed Car Canopy Elevations Sheet 2	16273 D08, Rev A	30 Nov 2017
Proposed Truck Canopy Elevations – Sheet 1	16273 D09, Rev A	30 Nov 2017
Proposed Truck Canopy Elevations – Sheet 2	16273 D10, Rev A	30 Nov 2017
Swept Path Analysis – Fuel Delivery Tankers	16273 D11, Rev B	11 Apr 2018
Swept Path Analysis – Service Vehicle	16273 D12, Rev B	11 Apr 2018
Swept Path Analysis – Truck Parking	16273 D13, Rev B	11 Apr 2018
Swept Path Analysis – Queuing Plan	16273 D14, Rev B	11 Apr 2018
Conceptual Stormwater Management Plan	16273 D17, Rev B	11 Apr 2018
Post-Development Flood Storage Plan	16273 D18, Rev B	16 Apr 2018
Concept Landscape Plan	16273 D20, Rev B	11 Apr 2018
Turn Lane Concept – Channelised Right Turn	B17141-SK-003, Rev A	19 Mar 2018
Site Based Stormwater Management Plan	16273, Rev D	9 May 2018
Environmental Noise Impact Report	17061 Report rev.1	1 Dec 2017

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

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

8. STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use for a Service Station and Ancillary Food and Drink Outlet
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<p>Reasons for Decision</p>	<p>a) The proposal takes advantage of the site's high exposure and accessibility to the Capricorn Highway servicing the needs of highway travellers, truck drivers, and the surrounding rural and industrial businesses;</p> <p>b) The required cut and fill within the Flood Hazard Overlay area for the proposed development will not have a negative impact on adjoining properties or the local waterways;</p> <p>c) Design, construction and maintenance procedures have been implemented to mitigate potential issues with the underground petroleum storage systems prior to and post a flood level event;</p> <p>d) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>f) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>g) 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>					
<p>Assessment Benchmarks</p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Rural zone code; • Acid sulfate soils overlay code; • Flood hazard overlay code; • Access, parking and transport code; • Advertising devices code; • Filling and excavation code; • Landscape code; • Stormwater management code; • Waste management code; • Water and sewer code; and • Works code. 					
<p>Compliance with assessment benchmarks</p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> <table border="1" data-bbox="526 1686 1406 1959"> <thead> <tr> <th data-bbox="526 1686 829 1770">Assessment Benchmark</th> <th data-bbox="829 1686 1406 1770">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 1770 829 1959">Flood Hazard Overlay Code</td> <td data-bbox="829 1770 1406 1959">There will be some structures developed within the Flood Hazard Overlay Area; however the design, construction and maintenance of these structures have been conditioned to be resilient to a flood level event.</td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	Flood Hazard Overlay Code	There will be some structures developed within the Flood Hazard Overlay Area; however the design, construction and maintenance of these structures have been conditioned to be resilient to a flood level event.
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark					
Flood Hazard Overlay Code	There will be some structures developed within the Flood Hazard Overlay Area; however the design, construction and maintenance of these structures have been conditioned to be resilient to a flood level event.					

	Access, Parking and Transport Code	Wy Wurry Road will be upgraded to a minimum standard to accommodate the movement of B-triple vehicles. The intersection at Malchi Nine Mile Road and Wy Wurry Road will be upgraded to accommodate safe turning movements in all directions for multiple B-Triple vehicles at the same time.
Matters raised in submissions	Issue	How matter was dealt with
	The impact of cut and fill on the surrounding area.	The flood storage capacity of the development site has increased by approximately 300 cubic metres which will not have an impact on the surrounding area.
	Safety of the existing and future traffic with the turning movements of B-triple vehicles.	An Operational Works (road works) application will be required which will have detailed plans for the extension to the channelised right and intersection works for the auxiliary left. This will ensure that entry and exit into Wy Wurry Road will not negatively impact on the safety of existing and future traffic.
	Potential dust issues and leaching of contaminants into the underground water supply in the truck parking area.	The contaminants within the development site will be treated via best practice device methods and will meet the water quality design objectives as per the <i>State Planning Policy</i> . Regular maintenance of the compacted gravel parking area has been conditioned. A standard condition regarding impacts on the amenity of adjoining premises in relation to the emission of light, noise, odour or dust is included in the conditions.
	The potential impacts of noise from the development on the adjoining property.	The recommendations from the approved "Environmental Noise Impact Report", including a four (4) metre high acoustic barrier between the development site and the adjoining residential property, have been conditioned. A standard condition regarding impacts on the amenity of adjoining premises in relation to the emission of light, noise, odour or dust is included in the conditions.
	Hall Road should not be contemplated at all for access to the site.	There will be no access to or from Hall Road at all times.
	The site is in a rural area namely precinct K which was never allowed to be changed to Industrial or commercial use.	The previous scheme has been superseded by the Rockhampton Region Planning Scheme 2015 and is being assessed under different requirements.

	<p>A large portion of money has been invested into the Gracemere Industrial Area on the southern side of the Capricorn Highway. The Gracemere Industrial Area would be a more appropriate site for the development of a Service Station.</p>	<p>Due to the constraints on the proposed development site, the types of development that can occur are limited. The proposed site is ideally located to service the needs of highway travellers and truck drivers, The location of the proposed Service Station near the Gracemere Industrial Area will foster the economic development potential of the nearby industrial sites.</p>
<p>Matters prescribed by regulation</p>	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>. • The common material, being the material submitted with the application. 	

9. APPEAL RIGHTS

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

Appeal by an applicant

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

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

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

Appeal by an eligible submitter

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

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

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

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

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

11. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 27 July 2018
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C/C Department of State Development, Manufacturing, Infrastructure and Planning - RockhamptonSARA@dsmip.qld.gov.au

Attachment 1 – Conditions of the approval

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

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights

ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Roof and Allotment Drainage;
 - (vii) Site Works; and
 - (viii) Advertising device.
 - 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 Lot 1 on RP617280 and Lot 2 on RP617280 must be amalgamated and registered as one lot prior to the commencement of the use.

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>Plan/Document Reference</u>	<u>Dated</u>
Contour and Detail Survey of Lot 1 & 2 on RP617280	R17005-1, Rev A1	23 Feb 2017
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Site Based Stormwater Management Plan	16273, Rev D	9 May 2018
Environmental Noise Impact Report	17061 Report rev.1	1 Dec 2017

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 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*, and relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Wy Wurry Road must be upgraded to rural minor collector standard level with a minimum seal width of 6.5 metres to accommodate B-Triple vehicles for the full frontage of the development site.
- Note: the existing crown elevation of the Wy Wurry Road must be maintained for the full frontage of the development site, no filling is permitted. Hydraulic capacity of the existing box culvert at Wy Wurry Road must be maintained.
- 3.4 The existing Malchi Nine Mile Road/Wy Wurry Road intersection must be upgraded to accommodate safe turning movements in all directions for multiple B-Triple vehicles at the same time.
- 3.5 The existing channelised right (CHR) from Malchi Nine Mile Road into Wy Wurry Road must be upgraded to accommodate B-Triple vehicles in accordance with the approved plans (refer to condition 2.1).
- 3.6 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*.
- 3.7 Any proposed retaining structure/retaining wall (irrespective of height) within a road reserve must be separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (road works).
- 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 two-way access cross-over to the development must be provided at Wy Wurry Road in accordance with the approved plans (refer to condition 2.1) to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 An ‘Exit only’ cross-over to the development must be provided at Wy Wurry Road in accordance with the approved plans (refer to condition 2.1) to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.6 Articulated Vehicles or higher must only egress from the development site via the ‘Exit Only’ crossover to Wy Wurry Road (refer to condition 2.1).
- 4.7 Direct vehicle access to the development from Malchi Nine Mile Road is prohibited.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 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”*.
- 4.10 A minimum of sixteen (16) parking spaces must be provided on-site for passenger cars in accordance with the approved plans (refer to condition 2.1). This includes a minimum of one (1) universal access parking space.

- 4.11 A minimum of fourteen (14) truck parking spaces must be provided on-site in accordance with the approved plans (refer to condition 2.1).
- 4.12 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"*.
- 4.13 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).
- 4.14 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.
- 4.15 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"*.
- 4.16 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.18 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network via a 'Special Sewerage Arrangement'.
- 5.4 All sewerage infrastructure associated with the 'special sewerage arrangement' must be privately owned and maintained.
- 5.5 A 'Trade Waste Permit' must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 6.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, and Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 The development must be connected to Council's reticulated water network via a 'Special Water Supply Arrangement'.
- 6.4 All water supply infrastructure associated with 'special water supply arrangement' must be privately owned and maintained.

- 6.5 Adequate firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person in accordance with the *Capricorn Municipal Development Guidelines* and *Water Supply (Safety and Reliability) Act 2008*.

Note: This may include the provision of water storage tanks and connection to the reticulated water supply network.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the development prior to commencement of any plumbing and drainage works within the development site.
- 7.2 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 2002*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 8.2 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*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 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.
- 8.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 8.5 The installation of gross pollutant traps and filters must be in accordance with the relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps and filters must be the responsibility of the property owner or operator.
- 8.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 8.7 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin/proposed within the development site, and the design must:
- 8.7.1 be suitable to the climate and incorporate predominately native species;
 - 8.7.2 maximise areas suitable for on-site infiltration of stormwater;
 - 8.7.3 incorporate shade trees;
 - 8.7.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched;
 - 8.7.5 include a maintenance plan for the proposed detention basin system; and
 - 8.7.6 ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences).

9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 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.
- 9.2 All roof and allotment drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 9.3 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.

10.0 SITE WORKS

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 10.2.1 the location of cut and/or fill;
 - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 10.2.5 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.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 10.4 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.
- 10.5 Any 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 (site works).
- 10.6 All site works must be undertaken to ensure that there is:
 - 10.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 10.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 10.6.3 a lawful point of discharge to which the approved works drain during construction phase.

11.0 BUILDING WORKS

- 11.1 A Development Permit for Building Works must be obtained prior to commencement of any works within the development site.
- 11.2 All fuel bowsers must be located such that they are resilient to the 1% AEP inundation level.
- 11.3 The underground petroleum storage system and associated structures must be designed and constructed as per *Australian Standard AS4897 "The design, installation and operation*

- of underground petroleum storage systems*". The design must be carried out and signed by a suitably qualified Registered Professional Engineer of Queensland.
- 11.4 The underground petroleum storage system must have measures implemented that will mitigate the potential buoyancy of the underground tanks during a flood event.
- Note: This may include increasing the burial depth, the use of deadmen anchors, adding extra weight with a concrete collar, using hold down straps attached to a bottom hold down pad, or a combination of these measures.
- 11.5 All practicable measures must be taken to prevent loss of containment from any underground petroleum storage system. A leak detection system must be installed, maintained and documented in compliance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"* and manufacturer's instructions. The leak detection system must be inspected at a sufficient frequency, sensitivity and reliability to provide a high level of confidence that any release of a petroleum product will be detected.
- 11.6 Stage 1 Vapour Recovery Systems must be installed for all tanks used for the storage of petroleum products. The Vapour Recovery System must be designed and installed in accordance with the following:
- 11.6.1 mixing of product must be prevented in pipework common to more than one tank;
- 11.6.2 spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser; and
- 11.6.3 the vapour recovery point must be located within 2 metres of the respective fill point.
- 11.7 Impervious paved waste storage area/s must be provided for the development in accordance with the *Environmental Protection Regulation 2008* and must be:
- 11.7.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 11.7.2 screened so as not to be visible from a public space;
- 11.7.3 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;
- 11.7.4 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 2002*.
- 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.
- 11.8 The finished floor level (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- 11.9 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 11.10 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 11.11 A Development Permit for Operational Works (Advertising device) must be submitted for approval by Council for the signage; other than those that are exempt or self-assessable under the applicable Advertising Devices Code in the Council Planning Scheme.

12.0 ELECTRICITY

12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

13.0 TELECOMMUNICATIONS

13.1 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.

14.0 ASSET MANAGEMENT

14.1 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.

14.2 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.

14.3 '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)*.

15.0 ENVIRONMENTAL HEALTH

15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

15.2 Noise emitted from the activity must not cause an environmental nuisance.

15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust. Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled "Environmental Noise Impact Report", prepared for Corbet Property Pty Ltd, 1 December 2017, section 6.0, page 10.

15.4 When requested by Council, monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. The monitoring data, an analysis of the data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any nuisance mitigation measures identified in the assessment to be implemented within appropriate timeframes.

Note: Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

15.5 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.

15.6 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.

15.7 As soon as possible after becoming aware of any discrepancy detected by the leak detection system (refer to condition 11.6), action must be taken:

- 15.7.1 to investigate the discrepancy as per *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*;
 - 15.7.2 if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak; and
 - 15.7.3 if the existence of a leak is confirmed, to identify the source of the leak and cease using the tank until the leak is appropriately fixed.
- 15.8 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.
- 15.9 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 reticulated sewerage network in accordance with a trade waste permit.
- 16.0 OPERATING PROCEDURES
- 16.1 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 Malchi Nine Mile Road and Wy Wurry Road.
- 16.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 16.3 Where un-sealed surface treatments are utilised, Council may require these areas to be sealed if the unsealed surface creates a dust nuisance that cannot be rectified by other surface treatments.
- 16.4 All surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 16.5 A review of the compacted gravel heavy vehicle parking area is to be undertaken every six (6) months or after a flood event and any issues must be rectified within three (3) months of the review. The review must be part of the site's operational management plan, must be documented, and a copy of the maintenance program must be available for inspection by Council officers on-site at all times.
- 16.6 All waste must be stored within a waste storage area. The owner of the land must ensure that:
- 16.6.1 the area is kept in a clean and tidy condition;
 - 16.6.2 fences and screens are maintained;
 - 16.6.3 no waste material is stored external to the waste storage area/s;
 - 16.6.4 all wash down of refuse containers takes place in the existing washdown facility;
 - 16.6.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*; and
 - 16.6.6 all waste must be disposed via a private contractor.
- 16.7 Prior to a flood event, the owner or occupier must:
- 16.7.1 shut off all power to any underground petroleum storage system related equipment, including dispensers, pumps, and other associated devices;
 - 16.7.2 ensure that all openings on top of any tanks have been fastened and locked securely in place;

- 16.7.3 ensure that the seals on the spill bucket plungers are operational; and
- 16.7.4 close the shear valve on pressurised piping.
- 16.8 Following a flood event, the owner or occupier must review the integrity of the underground petroleum storage system prior to recommencement of operations. The review of the underground petroleum storage system must follow these guidelines:
 - 16.8.1 shut off all power to any underground petroleum storage system related equipment, including dispensers, pumps, and other associated devices;
 - 16.8.2 determine if the underground petroleum storage system has leaked. If a leak is discovered, isolate the area to prevent unauthorised access and notify the local authorities;
 - 16.8.3 determine if water or debris has entered the underground petroleum storage system by using daily inventory control and stock reconciliation as a method of leak detection. If excessive water is found or inventory control shows a loss of product, a suitably qualified person/contractor should be engaged to determine if the liquid should be removed from the tank. A full integrity test should be conducted and any repairs completed before the tank is put back into service;
 - 16.8.4 inspect all measures that have been implemented to mitigate the buoyancy of the underground petroleum storage system ensuring that the tank has not shifted and the integrity of the mitigation measures remain intact;
 - 16.8.5 all equipment including pumps, shear valves, fill pipes, and vent lines must be checked and cleaned;
 - 16.8.6 clean and empty spill boxes and sumps, including those under the dispensers. Inspect the piping and fittings for damage and possible leaks;
 - 16.8.7 drain and flush the interstitial space in double walled tanks and pipe work and check the leak detection system to ensure it is functioning as designed;
 - 16.8.8 any work carried out on the underground petroleum storage system must be conducted by an appropriately qualified person/contractor;
 - 16.8.9 maintain on-site all certification from the qualified person/contractor conducting the work that all aspects of the underground petroleum storage system have been checked and the system is safe to return to service; and
 - 16.8.10 return power to the underground petroleum storage system only after being cleared by a suitably qualified electrical contractor.
- 16.9 A Flood Contingency Plan must be submitted to Council prior to the issue of the Development Permit for Building Works. The plan must demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the customers and employees of the business will collect possessions, move their vehicle to appropriately high ground, clear the site and vacate the property in a flood event. The principles of the Contingency Plan will be entered as a property note against the property.

NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.
- 16.10 It is the responsibility of the owner or occupier of the land from time to time to implement the Flood Contingency Plan during a flood event or if there is a risk of flooding near the land.
- 16.11 A review and amendment of the Flood Contingency Plan must be undertaken with any change in the owner or occupier of the land. The amended Flood Contingency Plan must demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.

16.12 A copy of the most up to date version of the Flood Contingency Plan must be available for inspection by Council officers on-site at all times.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

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 premises, Council’s Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities would be the storage, preparation and sale of food. Approval for such activities is required before ‘fitout’ 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 development site must be via Wy Wurry Road. Direct vehicular access to Malchi Nine Mile Road is prohibited.

NOTE 6. Property Note (Contingency Plan)

A complete copy of the Development Approval and any documents conditioned by this development approval (including the Contingency Plan or an updated Contingency Plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

NOTE 7. Infrastructure Charges Notice

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

NOTE 8. Clearing within Road Reserve

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.



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

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

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

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

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

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

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

Table 2 Appeals to the P&E Court only			
An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

Table 3 Appeals to the tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

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