



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/201-2024	Contact:	Kathy McDonald
Notice Date:	29 July 2025	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	LG Resorts No 3 Pty Ltd A.C.N. 662 327 540		
Postal address:	C/- Capricorn Survey Group (CQ) PO BOX 1391 ROCKHAMPTON QLD 4700		
Phone no:	(07) 4927 5199	Mobile no:	0407 581 850
Email:	reception@csqcq.com.au		

I acknowledge receipt of the above application on 18 December 2024 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Retirement Facility (170 Sites)

PROPERTY DESCRIPTION

Street address:	19, 29 and 71 McMillan Avenue, Parkhurst
Real property description:	Lots 7 to 12 on RP603508

Dear LG Resorts No 3 Pty Ltd A.C.N. 662 327 540

I advise that, on 22 July 2025 the above development application was:

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

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

1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	☒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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

4. SUBMISSIONS

Properly made submissions **were** ☒/were not ☐ made in relation to the application.

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

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Raymond and Helen Medlin	962 Norman Road, Parkhurst	raymedlin@outlook.com

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
STATE TRANSPORT INFRASTRUCTURE (Generally)			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i>			
Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold— (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area However, if the development is for a	The chief executive of the department in which the <i>Planning Act 2016</i> is administered: Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.			
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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>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Master Plan	Living Gem	14 May 2025	LG-PKH-DWG-MP-A-A010	AP
Staging Plan	Living Gem	-	LG-PRH-DWG-MP-A-A050	A
Footpath and Walking Network Plan	Jared Poole Desgin	11 April 2024	BP1426/03.03	C
Dwelling Type A	Jared Poole Desgin	6 September 2023	BP1426/05.01	A
Dwelling Type B	Jared Poole Desgin	6 September 2023	BP1426/05.02	A
Dwelling Type C	Jared Poole Desgin	6 September 2023	BP1426/05.03	A
Temporary Access	Living Gem	-	LG-PRH-DWG-MP-A-A051	A
Statement of Landscape Intent	Living Gem	3 June 2025	L23171	D
Traffic Engineering Report	Colliers	17 April 2025	23BRT0757	A
Engineering Services Report	Westera Partners	13 March 2025	S25-028	A
Flood Report	Westera Partners	13 March 2025	S25-028	A
Stormwater Management Plan	Westera Partners	13 March 2025	S25-028	A
Cover Sheet	Westera Partners	February 2025	S25-028-G01	A
Civil Notes & Legend	Westera Partners	February 2025	S25-028-PC01	A
Site Plan	Westera Partners	February 2025	S25-028-PC02	A
Catchment Plan	Westera Partners	February 2025	S25-028-PC03	A

Civil Works Plan 1 of 4	Westera Partners	February 2025	S25-028-PC04	A
Civil Works Plan 2 of 4	Westera Partners	February 2025	S25-028-PC05	A
Civil Works Plan 3 of 4	Westera Partners	February 2025	S25-028-PC06	A
Civil Works Plan 4 of 4	Westera Partners	February 2025	S25-028-PC07	A
Channel Sections	Westera Partners	February 2025	S25-028-PC08	A
Preliminary Stormwater Tank Details 1 of 5	Westera Partners	February 2025	S25-028-PC09	A
Preliminary Stormwater Tank Details 2 of 5	Westera Partners	February 2025	S25-028-PC10	A
Preliminary Stormwater Tank Details 3 of 5	Westera Partners	February 2025	S25-028-PC11	A
Preliminary Stormwater Tank Details 4 of 5	Westera Partners	February 2025	S25-028-PC12	A
Preliminary Stormwater Tank Details 5 of 5	Westera Partners	February 2025	S25-028-PC13	A

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

Description of the development
Material Change of Use for a Retirement Facility (170 Sites)
Reasons for Decision
a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.
Assessment Benchmarks
The development was assessed against the following assessment benchmarks: • Local Government Infrastructure Plan; • Strategic Framework; • Low Density Residential Zone Code;

- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Filling and Excavation Code;
- Biodiversity Areas Overlay Code; and
- Flood Hazard Overlay Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Strategic Framework	3.3 Settlement Pattern 3.3.9 Element – Future Urban 3.3.9.1 Specific Outcome (2) The proposed development partly conflicts with Specific Outcome (2) of the Future Urban Settlement Pattern under the Strategic Framework because urban development is not expected to occur within future urban areas before 2031. The subject site is only partly located within the Future Urban designation of the Strategic Framework. Majority of the development's footprint is located in the Urban Infill and Intensification designation which the development has no conflict with. Rockhampton's growth is currently focused on the northern suburbs, in particular the area of Parkhurst. This being considered, despite the conflict with the Future Urban designation the development is consistent with the pattern of growth as outlined in strategic framework maps (SFM-1 to SFM-4); and Complies with specific outcome (15) of the Urban and New Urban settlement pattern which states that: Future greenfield development in Rockhampton is directed to Norman Gardens and Parkhurst to avoid areas affected by flooding to the south and west and steep land/environmental constraints to the east. Therefore, on balance the proposal complies with the Settlement Pattern theme of the Strategic Framework.
Local Government Infrastructure Plan	Table SC3.4.2 Schedule of works – Sewerage network An alternative delivery method for sewerage infrastructure for connection to the development site will be via a temporary sewerage pumping station located in the southwestern corner of the development site and a 100 millimetre diameter private sewer rising main that will discharge into the existing 150-millimetre diameter sewerage gravity main within 20 Rachel Drive. This temporary infrastructure will be privately owned and maintained until such time as Council delivers the trunk sewerage network required to service the northeastern Parkhurst catchment. When this occurs into the future the private infrastructure will be decommissioned, and the development site will connect via gravity to the trunk network.

Low Density Residential Zone Code	Performance Outcome (PO) 18 The proposed development does not comply with Acceptable Outcome (AO) 18.1 because the Retirement Facility is not located within close proximity (200 metres) to a park, centre zone or major community facility. Despite this, the subject site is considered highly accessible and provides convenience for the following reasons: The development is located approximately 650 metres (walking distance) from Parkhurst Shopping Centre (District Centre Zone); Is located approximately 450 metres (walking distance) from the Rockhampton Heritage Village; and Approximately 400 metres North to an accessible bus stop along Jones Street and 500 metres West to another bus stop along Yaamba Road. To the extent any conflicts are identified the proposed development is considered to comply with the following higher order provisions of the Planning Scheme: 6.2.1.2 (2)(c) (Overall Outcomes Low Density Residential Zone) – The proposed development maintains a low-rise setting. 3.3.10.1 (5)(a) and (b) (Strategic Framework, Settlement Pattern, Element – Urban Infill and Intensification) – The proposed development provides for a choice of housing types by providing smaller convenient options close to centres. Therefore, the development is taken to comply with PO18.
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
Matters raised in submissions	
The proposal was the subject of public notification between 29 May 2025 and 24 June 2025, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and one (1) properly made submission was received.	
Submitter Concerns	Response
Natural Water Course Submitter raised concerns that the earthworks involved with the development have altered the natural water course and that the capacity of the open drain proposed within the development site may not cope in times of heavy rainfall causing the water to back up onto the adjoining property.	As a result of this submission, Council officers re-assessed the amended flood report submitted and determined that the proposed open channel drain 'section A' would need to be extended to ensure its capacity can withstand flows. Additionally, it was found that the fence adjoining the northern boundary was solid and may impact or obstruct flows. Conditions 9.10, 9.11, 9.12 and 9.13 have been appropriately imposed in this regard.
Non-Planning matter Submitter raised concerns that the excessive earthworks involved with the development have altered the natural ground level, so much so that the adjoining properties natural ground level is now lower than the development sites; and this will in effect decrease the value of land of the lower adjoining property.	Property value is not a matter Council can have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application.

Matters prescribed by regulation
• The Rockhampton Region Planning Scheme 2015 (version 4.4). • Central Queensland Regional Plan 2013. • D/187-2023 - Material Change of Use for a Retirement Facility (335 Sites); and • 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: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 29 July 2025
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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.]

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction.
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage;
 - (vi) Site Works; and
 - (vii) Landscaping Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lot 7, 8, 9, 10, 11 and 12 on RP603508 must be amalgamated and registered as one lot prior to the commencement of Stage 2.
- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Master Plan	Living Gem	14 May 2025	LG-PKH-DWG-MP-A-A010	AP
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Site Plan	Westera Partners	February 2025	S25-028-PC02	A
Catchment Plan	Westera Partners	February 2025	S25-028-PC03	A
Civil Works Plan 1 of 4	Westera Partners	February 2025	S25-028-PC04	A

Civil Works Plan 2 of 4	Westera Partners	February 2025	S25-028-PC05	A
Civil Works Plan 3 of 4	Westera Partners	February 2025	S25-028-PC06	A
Civil Works Plan 4 of 4	Westera Partners	February 2025	S25-028-PC07	A
Channel Sections	Westera Partners	February 2025	S25-028-PC08	A
Preliminary Stormwater Tank Details 1 of 5	Westera Partners	February 2025	S25-028-PC09	A
Preliminary Stormwater Tank Details 2 of 5	Westera Partners	February 2025	S25-028-PC10	A
Preliminary Stormwater Tank Details 3 of 5	Westera Partners	February 2025	S25-028-PC11	A
Preliminary Stormwater Tank Details 4 of 5	Westera Partners	February 2025	S25-028-PC12	A
Preliminary Stormwater Tank Details 5 of 5	Westera Partners	February 2025	S25-028-PC13	A

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 STAGED DEVELOPMENT

3.1 The ultimate development including Development Permit D/187-2023 is to be undertaken in stages, namely:

3.1.1 Sites 3 to 13 (Stage One); and

3.1.2 Sites 1 to 2 and Sites 14 to 505 (Stage Two).

in accordance with the approved plan (refer to condition 2.1).

3.2 This development approval is for the delivery of 170 sites within Stage Two, namely:

3.2.1 Sites 86 to 95 and Sites 124 to 242;

3.2.2 Sites 279 to 282 and Sites 300 to 307;

3.2.3 Sites 322 to 329 and Sites 342 to 349;

3.2.4 Sites 359 to 366 and Sites 372 to 375.

3.3 The stages are required to be undertaken in chronological order.

3.4 The currency period for Stage One is six (6) years from the date this approval takes effect.

3.5 The currency period for Stage Two is fifteen (15) years from the date this approval takes effect.

3.6 The secondary facilities (lifestyle pavilion, sports precinct and summer house) must be provided when the following dwelling sites are delivered:

3.6.1 Summer House – prior to the 120th dwelling site being delivered;

3.6.2 Sports Precinct – prior to the 300th dwelling site being delivered; and

3.6.3 Lifestyle Pavilion – prior to the 450th dwelling site being delivered.

3.7 The primary clubhouse facilities (country club) must commence when the 50th dwelling site is delivered and be completed when the 150th dwelling site is delivered.

3.8 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

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

4.2 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 Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).

4.3 McMillian Avenue must be designed and constructed to Major Urban Collector standard for the full frontage of the development site to the proposed new access locations when provided.

4.3.1 The first access on the east west section of McMillian Avenue for the RV Compound.

4.3.2 and the second access proposed off McMillian Avenue on the north south section adjacent to the northern boundary of the site.

The works required include half road construction along the development side of McMillian Avenue with an eight (8) metre wide carriageway. Kerb and channel, public lighting, pedestrian pathways, and drainage to be included. This trunk infrastructure has been identified as T-107 and part of T-92 in the Local Government Infrastructure Plan and is conditioned under section 128 of the Planning Act 2016.

4.4 A 2.5 metre wide strip of land, along the eastern boundary adjacent to McMillan Avenue, must be dedicated to Council for additional road reserve to appropriately accommodate a Major Urban Collector Road hierarchy.

4.5 An appropriate truncation must be required at the corner of Lot 11 on RP603508 and Lot 12 on RP603508 adjoining McMillian Avenue to ensure safety, visibility and infrastructure access.

4.6 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the development side of McMillan Avenue for the full frontage of the development site when the McMillian Avenue frontage works referred to in condition 5.3 are relevant.

4.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.8 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for roads and public spaces"*.

4.9 All pathways must incorporate kerb ramps at all road crossing points.

4.10 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*.

4.11 Dedicated pedestrian linkages must be provided in accordance with the 'Footpath and Walking Network' approved plan (refer to condition 2.1).

5.0 ACCESS AND PARKING WORKS

5.1 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.

5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

5.3 All access, parking and vehicle manoeuvring areas must be concrete paved or asphalt sealed in accordance with the approved site plan (refer to condition 2.1).

Note: Recreational Vehicle (RV) compound must be concrete paved, or asphalt sealed when access from McMillan Avenue is opened / constructed.

- 5.4 On-site car parking spaces must be provided in accordance with the land use as prescribed under the *Rockhampton Region Planning Scheme 2015* Version 4.4, Table 9.3.1.3.2 Parking Requirements.
- Note: a minimum of one (1) space per four (4) dwellings for visitor parking is required and recreational vehicle (RV) parking spaces must be provided on-site to meet the demand likely generated by the development.
- 5.5 Each dwelling must be provided with two (2) car parking spaces, which may be provided in tandem, with at least one (1) space being covered.
- 5.6 A new access to the development must be provided at Norman Road and McMillian Avenue.
- 5.7 A secondary access onto McMillian Avenue must be provided prior to establishing more than two hundred (200) dwelling sites.
- 5.8 Service and delivery vehicles, including refuse collection vehicles must be via Norman Road only.
- 5.9 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.10 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"*.
- 5.11 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.12 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).
- 5.13 Any application for a development permit for operational works (access and parking works) must be accompanied by detailed and scaled plan, which demonstrate the turning movement/swept paths of the largest vehicle to access the development site including refuse collection.
- 5.14 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory, or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-streetcar parking"*.
- 5.15 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.16 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.17 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 SEWERAGE WORKS
- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 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*, and *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 A temporary 100-millimetre diameter non-trunk sewerage rising main must be constructed from a private sewerage pump station to be provided in the south-western corner of the development site, connecting to the existing 150-millimetre diameter sewerage gravity main located within the park at 20 Rachel Drive, Parkhurst. A discharge chamber must be provided at the connection of the existing 150-millimetre diameter gravity sewerage main. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 6.4 Upon completion of the external trunk sewerage network in the future by Council, the proposed private sewerage pump station and rising main must be decommissioned and removed. A new sewerage connection point is to be provided from the trunk sewerage main to service the site, designed and constructed to accommodate the ultimate development via gravity.

- 6.5 The proposed temporary 100-millimetre diameter non-trunk sewerage raising main and pump station must be privately owned and maintained at no cost to Council.
- 6.6 Any proposed sewerage access chamber located within a park or reserve, or below a ten per cent (10%) Annual exceedance probability flood level, must be provided with bolt down lids.
- 6.7 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 6.8 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 7.0 WATER WORKS
- 7.1 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 2018*.
- 7.2 The development must be connected to Council's reticulated water network.
- 7.3 The existing water connection point must be capped off. A new water connection point must be provided from the 200-millimetre diameter water main located within the eastern side of Norman Road. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 7.4 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 7.5 The 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.
- 7.6 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.
- 8.0 PLUMBING AND DRAINAGE WORKS
- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 8.2 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*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 9.0 STORMWATER WORKS
- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwaters must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering, or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 9.4 A Drainage Easement must be provided over all land assessed to be within a post-development one (1%) Annual Exceedance Probability defined flood / storm event, inundation area.
- 9.5 A Stormwater channel must be provided along the western and northern boundaries to contain the overland flow that traverses the development site. This trunk infrastructure has been identified as D-4 in the *Local Government Infrastructure Plan* and is conditioned under section 128 of the *Planning Act 2016*.

Note: Channel freeboard must be provided in accordance with *Queensland Urban Drainage Manual* requirements and demonstrated at Operational Works (Stormwater Works) stage.

- 9.6 All internal field inlets / pits must be fitted with gross pollutant traps in accordance with approved plans (refer to condition 2.1).
- 9.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 9.8 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.
- 9.9 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner/operator.
- 9.10 Proposed channel section A must be extended east up to proposed Lot / dwelling site 104.
- 9.11 Boundary fence proposed along northern boundary must be designed and constructed such that it must not obstruct or divert upstream overland flow.

Note: The fence must allow the natural passage of stormwater runoff to prevent redirection or concentration of flow that could cause erosion, flooding, actionable nuisance or worsening to surrounding land or infrastructure.

- 9.12 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Report, prepared and certified by a *Registered Professional Engineer of Queensland* that as a minimum includes:
 - 9.12.1 an assessment of the peak discharges for all rainfall events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the pre-development and post-development scenarios;
 - 9.12.2 the development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood / storm event, for the post development condition;
 - 9.12.3 pre-development, post-development and mitigated post-development hydrographs to demonstrates the effect of the proposed stormwater management strategies;
 - 9.12.4 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*; and
 - 9.12.5 the stormwater management plan is accompanied by full calculations and all details of the assumptions to support the proposed water quantity management strategy.

Note: The hydraulic capacity of a channel should be based on the expected channel conditions just prior to normal channel maintenance (i.e. prior to clearing, weeding, grass cutting).

- 9.13 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Flood Report, prepared and certified by a *Registered Professional Engineer of Queensland* that as a minimum includes:
 - 9.13.1 calibrate the proposed hydraulic model by using Council's Limestone Creek Local Catchment Study;
 - 9.13.2 climate change considerations in accordance with *Australian Rainfall and Runoff Guidelines*;
 - 9.13.3 2D downstream boundary condition must be based on the Council's Limestone Creek Local Catchment Study;
 - 9.13.4 Sensitivity analysis in accordance with *Australian Rainfall and Runoff Guidelines* and *Queensland Urban Drainage Manual*; and

- 9.13.5 consideration of storm events in excess of the major storm in accordance with *Queensland Urban Drainage Manual* requirements.

Note: Please refer to QUDM section 7.3.3.

10.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 10.1 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.
- 10.2 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*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 10.3 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.

11.0 SITE WORKS

- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 11.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair, or change the natural flow of runoff water, or cause an actionable nuisance or worsening to surrounding land or infrastructure.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidance on earthworks for commercial and residential development"*.
- 11.4 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.4.1 the location of cut and/or fill.
 - 11.4.2 the type of fill to be used and the way it is to be compacted.
 - 11.4.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.
 - 11.4.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 11.4.5 the maintenance of access roads to and from the development site so that they are free of all cuts and/or fill material and cleaned as necessary.
- 11.5 All retaining structures above one (1) meter height requires separate building approval and certification by a Registered Professional Engineer of Queensland.

12.0 BUILDING WORKS

- 12.1 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.
- 12.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 12.3 All building works for must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 12.4 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:
- 12.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 12.4.2 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;
 - 12.4.3 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;
 - 12.4.4 setback a minimum of two (2) metres from any road frontage; and
 - 12.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve

arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

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

- 12.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 12.6 Boundary fencing must be erected along the common boundary of the subject development site prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 12.7 The private open space area provided for each unit must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 12.8 All proposed structures including earthworks must be completely located outside of the existing water supply easement.
- 13.0 EXTERNAL LANDSCAPING WORKS
- 13.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 13.2 Street trees must be provided along Norman Road in accordance with the approved plans (refer to condition 2.1) and the requirements of Planning Scheme Policy *SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 13.3 The street trees required by condition 13.2 must be one or a combination of the following species:
 - 13.3.1 *Buckinghamia celcissma* – Ivory Curl
 - 13.3.2 *Corymbia ptychocarpa* – Swamp Bloodwood
 - 13.3.3 *Cupaniopsis anacardioides* – Tuckeroo
 - 13.3.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
 - 13.3.5 *Harpullia pendula* – Tulip wood
 - 13.3.6 *Melicope elleryana* - Pink Flowering Euodia
 - 13.3.7 *Syzygium leuhmanii* - Small Leafed Lilly Pilly
 - 13.3.8 *Waterhousia floribunda* – Weeping Lilly Pilly
 - 13.3.9 *Xanthostemon chrysanthus* – Golden Penda
- 13.4 The street trees must:
 - 13.4.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
 - 13.4.2 Be at least three (3) metres from a driveway;
 - 13.4.3 Be at least five (5) metres apart; and
 - 13.4.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 13.5 Street trees must be maintained by the owner 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.

Note: Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 13.6 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 13.7 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 13.8 Any application for a Development Permit for Operational Works (landscaping works) must be accompanied by a detailed plan that demonstrates the proposed landscaping within the easement or

proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent will not affect / decrease the conveyance capacity of the channel.

Note: Landscaping within Drainage Easement A located on SP307472 or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent as identified on the approved plans (refer to condition 2.1) must be in accordance with Council's easement schedule.

14.0 INTERNAL LANDSCAPING WORKS

- 14.1 Landscaping must be constructed and/or established in all relevant areas shown on the approved plans prior to the commencement of the use for that area (refer to condition 2.1).
- 14.2 Landscaping must be designed in accordance with the requirements of Australian Standard AS 1428 — Design for access and mobility.
- 14.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types.
- 14.4 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:
 - 14.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 14.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 14.5 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 14.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
 - 14.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 14.6.2 adversely affect any road lighting or public space lighting; or
 - 14.6.3 adversely affect any Council infrastructure, or public utility plant.
- 14.7 The landscaped areas must be subject to:
 - 14.7.1 a watering and maintenance plan during the establishment phase; and
 - 14.7.2 an ongoing maintenance and replanting programme.

15.0 STREET LIGHTING

- 15.1 The developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with Australian Standard AS1158 'Lighting for roads and public spaces'.
- 15.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.

16.0 ELECTRICITY

- 16.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 16.2 A Certificate of Electricity Supply from the relevant service provider must be provided to Council, prior to the commencement of the use.

Note: The applicant can enter a Negotiated Connection Establishment Contract with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a Certificate of Electricity Supply.

17.0 TELECOMMUNICATIONS

17.1 Provide Fibre-Ready pit and pipe telecommunications infrastructure to each lot within the development in accordance with the Australian Government '*Telecommunications infrastructure in new developments*' policy.

17.2 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

17.3 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use: -

NBN a '*Certificate of Practical Completion*',

Telstra a- '*Telecommunications Agreement/Provisioning Letter*',

A Licenced Carrier under the Telecommunications Act 1997- (*signed documentation from a Registered Professional Engineer Queensland -electrical engineer.*)

18.0 ASSET MANAGEMENT

18.1 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.

18.2 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.

18.3 '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).

19.0 ENVIRONMENTAL

19.1 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.

19.2 An Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the State Planning Policy 2017 and Capricorn Municipal Design Guidelines requirements, must be:

19.2.1 implemented, monitored, and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, landscaped).

19.2.2 The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

20.0 OPERATING PROCEDURES

- 20.1 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 Norman Road or McMillian Avenue.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism Department of Aboriginal and Torres Strait Islander Partnerships website <https://www.tatsipca.qld.gov.au> 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. 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 may include food business activities such as a commercial kitchen. Approval for such activities is required before 'fitout' and operation.

NOTE 5. Infrastructure Charges Notice

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

NOTE 6. Rating Category

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

NOTE 7. Advertising Devices

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

NOTE 8. Clearing within Road Reserve

Council approval must be obtained at Operational Works stage prior to the removal of or interference with street trees located on Council land including within Council road reserve. Unless stated in the conditions, this development permit does not constitute an approval for the removal of street trees.

NOTE 9. Standard Terms Document for Easements

Easement documents for Council infrastructure must utilise Council's standard terms document - 718579623 to accompany the Survey Plan for endorsement by Council.



Attachment 1 – Part 2
Referral Agency Conditions – State
Development, Infrastructure, Local
Government and Planning (State
Assessment and Referral Agency
Department) *Planning Act 2016*

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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

1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	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			
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – - The incorrect application of gross floor area for a non-residential development - Applying an incorrect ‘use category’, under a regulation, to the development - The working out of extra demands, for section 120; or - 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	-	-
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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

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			

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