



Decision Notice Approval (amended)

Planning Act Form 5 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 Planning Act 2016, and Section 334 of the Sustainable Planning Act 2009

Application number:	D/278-2011	Contact:	Kathy McDonald
Notice Date:	28 October 2020	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Powercat Developments Pty Ltd Tte		
Postal address:	C/- Adapt Town Planning (Liam Pinese)		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above change application on 4 August 2020 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use and Operational Works for a Shop (four tenancies) and Advertising Sign (pylon sign)

PROPERTY DESCRIPTION

Street address:	28 Main Street, Park Avenue
Real property description:	Lot 1 on SP232206, Parish of Murchison

OWNER DETAILS

Name:	Powercat Developments Pty Ltd Tte
Postal address:	
Dear Powercat Developments Pty Ltd Tte	
I advise that, on 22 October 2020 the above change 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.	

CHANGES TO CONDITIONS

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

1)	Condition 2.1	Changed	18 July 2014
2)	Condition 2.1	Changed	24 May 2016
3)	Condition 3.1	Changed	24 May 2016
4)	Condition 5.3	Changed	24 May 2016
5)	Condition 5.4	Changed	24 May 2016
6)	Condition 16.5	Amended	22 October 2020

7)	Condition 18.1	Changed	18 July 2014
8)	Condition 18.1	Changed	24 May 2016

1. DETAILS OF THE APPROVAL

	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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use - Operational work	<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
Reconfiguring a Lot	
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Site Works</i> <i>Landscaping Works</i>
Building Works	
Plumbing and Drainage Works	

4. SUBMISSIONS

Properly made submissions were received from:

1)	M Hendricks	Wolter Consulting Group, PO Box 436, New Farm QLD 4005
2)	F Goodwin	The Goodwin Group, PO Box 1479, Kenmore QLD 4069

5. REFERRAL AGENCIES

NIL

6. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	0649 SD151, Revision D	4 May 2016
Floor Plan	0649 SD152, Revision B	4 May 2016
Elevations – Retail	0649 SD157, Revision B	4 May 2016
Stormwater Management Plan	1391 – SWMP01	11 January 2016
Information Response	11032	21 December 2011

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

The standard relevant periods stated in section 85 of *Planning Act 20016* 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	Minor change to Development Permit D/278-2011 for a Material Change of Use for Shops (four tenancies) and Operational Works for an Advertising Sign (pylon sign)	
Reasons for Decision	<p>a) Assessment of the change against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Neighbourhood Centre Zone Code 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Neighbourhood Centre Zone Code PO9	<p>The proposal does not comply with Acceptable Outcome 9.1 Where adjoining a residential zone, non-residential uses operate between the hours of 06:00 and 22:00.</p> <p>As part of this amendment, and to comply with the existing approval, Council requested an Acoustic Report be supplied as per condition 16.6.</p> <p>The report was reviewed and found noise nuisance conditions currently on the development approval are appropriate to manage any future issues and the amended hours to the loading dock will have minimal impact on the adjoining residential lots having regard to hours of operation and noise, through sufficient separation and landscaping buffers.</p> <p>Therefore the proposal is considered to achieve the performance outcome.</p>
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application. 	

9. RIGHTS OF APPEAL

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular

applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

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

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

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.

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

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

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

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. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Adriaan Stander <u>ACTING OPERATIONS MANAGER</u> <u>DEVELOPMENT ASSESSMENT</u>	Date: 29 May 2012
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12. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 28 October 2020
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Attachment 1 – Conditions of the approval

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

Attachment 2—Extract on appeal rights

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 All infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Reconfiguring a Lot (access easement);
 - 1.6.2 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage Works
 - (v) Site Works; and
 - (vi) Landscaping Works.
 - 1.6.3 Plumbing and Drainage Works; and
 - 1.6.4 Building Works.
- 1.7 All Development Permits for Reconfiguring a Lot, Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 The following lots must be amalgamated prior to the issue of a Development Permit for Building Works for stage one:
- (i) Lot 1 on RP607946;
 - (ii) Lot 2 on RP607946;

- (iii) Lot 2 on RP617448;
- (iv) Lot 1 on RP620251; and
- (v) Lot 2 on RP620251.

1.11 A reciprocal access easement must be registered over Lot 666 on SP152707 and Lot 1 on LN1242 prior to the commencement of any works on site (refer to condition 5.12).

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 the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	0649 SD151, Revision D	4 May 2016
Floor Plan	0649 SD152, Revision B	4 May 2016
Elevations – Retail	0649 SD157, Revision B	4 May 2016
Stormwater Management Plan	1391 – SWMP01	11 January 2016
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2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of 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 a Development Application for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in two (2) discrete stages in accordance with the approved plans (refer to condition 2.1).

3.1.1 Stage one, consisting of one (1) shop to be completed within four (4) years from the date of this approval; and

3.1.2 Stage two, consisting of three (3) shops to be completed within four (4) years from the date of this approval.

3.2 Stage one must be completed prior to Stage two, however both stages may be undertaken simultaneously.

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

3.4 All access and parking works, road works, landscaping works and the covered walkway fronting Main Street must be completed as part of Stage one.

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 on the site.

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, relevant parts of the

Australian Standards, the Manual of Uniform Traffic Control Devices and the provisions of Development Permit for Operational works (road works).

- 4.3 Undertake works on the carriageway of Main Street, including the following as a minimum:
 - 4.3.1 Modifications to existing bikeways, on-street parallel car parking bays and associated pavement markings to provide sight distances for all ingress and egress movements;
 - 4.3.2 Install 'No Stopping' signage in Main Street on the approach and departure sides of the access to allow safe ingress and egress movements; and
 - 4.3.3 Road signage and pavement markings.
- 4.4 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the development side of Main Street for the full frontage of the site.
- 4.5 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. 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"*.
- 4.6 All pathways must incorporate kerb ramps at all road crossing points.
- 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 site.
- 5.2 All works must be designed and constructed in accordance the approved plans (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, relevant parts of the *Australian Standards AS2890 "Off Street Car Parking"*, and the provisions of Development Permit for Operational Works (access and parking works).
- 5.3 A minimum of forty-one (41) off-street car parks must be provided on-site.
- 5.4 Parking spaces one (1), two (2) and thirty-six (36) to thirty-eight (38) must be designated as "staff parking only" to provide adequate queuing distance (two (2) car queuing distance) clear of parking spaces at the ingress to the site.
- 5.5 All parking, access and manoeuvring areas must be paved or sealed.
- 5.6 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 5.7 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*.
- 5.8 All stormwater from the access and parking areas must be drained to the lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 5.9 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 5.10 The maximum size vehicle to access the site must only be a Semi-trailer (nineteen (19) metres).
- 5.11 All loading and unloading activities must only be carried out within the designated bays.
- 5.12 An appropriate reciprocal easement for the purpose of access via adjacent lots Lot 666 on SP152707 and Lot 1 on LN1242 must be registered prior to the commencement of any

works on site. Any such easement must provide rights to all intended vehicle manoeuvrings including semi-trailers (nineteen (19) metres) and Heavy Rigid Vehicles (12.5 metres) manoeuvring.

- 5.13 The ingress and egress movements of customer and staff vehicles must be only via the proposed two way access crossover at the Main Street frontage of the site.
- 5.14 All service and delivery vehicles, including refuse collection vehicles, must only enter the site via an upgraded access crossover at Haynes Street through the proposed reciprocal access easement on Lot 666 on SP152707 and Lot 1 on LN1242, and exit via the western customer and staff access crossover onto Main Street. The service and delivery vehicles must not enter the site via the Main Street frontage or exit via Haynes Street.
- 5.15 The left turning movements of semi-trailers (nineteen (19) metres) towards the eastern side of Main Street must not be allowed and appropriate signs must be installed to this effect.
- 5.16 All vehicular ingress and egress to and from the site must be in a forward direction. All reasonable measures must be adopted to prohibit use of each ingress or egress facility by all vehicles over and above the nominated design vehicle.
- 5.17 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*, including line marking for build-outs and regulatory signage to restrict the southern circulation aisle to "left –out only".

6.0 SEWERAGE WORKS

- 6.1 The development must be connected to Council's reticulated sewerage network.
- 6.2 All 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* and the *Plumbing and Drainage Act*.
- 6.3 The existing sewerage main located within Lot 2 on RP607946 must be decommissioned back to the western boundary of Lot 2 on RP607946 and a new access chamber must be provided. The section of redundant sewerage main must be removed.
- 6.4 A new sewerage connection point must be provided to the development site from the new sewer access chamber located within Lot 2 on RP607946 adjacent to western boundary. The new connection must be at a location and depth which commands the entire allotment.
- 6.5 A trafficable cast-iron cover must be provided on the connection point where it is located within a trafficable area.
- 6.6 Should any sewerage access chambers be located within a trafficable area, the access chamber must be raised or lowered to suit the finished surface level. The finished access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber.
- 6.7 A sewerage trade waste permit must be obtained for the discharge of any additional non-domestic waste into Council's sewerage reticulation system. Arrestor traps must be installed where commercial or non-domestic wastewater is proposed to be discharged into the system.
- 6.8 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

6.9 All sanitary drainage works must be completely independent for each tenancy and must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council Plumbing and Drainage Policies.

7.0 WATER WORKS

7.1 The development must be connected to Council's reticulated water supply network.

7.2 All 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* and the *Plumbing and Drainage Act*.

7.3 The existing water connection must be upgraded to service the proposed development. The upgrade must be a combined fire and domestic metered connection.

7.4 The proposed development must be provided with a master meter at the property boundary and sub meters for each individual tenancy in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.

7.5 Adequate domestic and fire fighting protection must be provided to the proposed development. This may include the provision of an internal pillar hydrant, storage tanks, pumps, etcetera. The domestic and fire fighting protection must be certified by a hydraulic consultant.

7.6 All internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

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 on the site.

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

8.3 The proposed development must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns or flood storage areas, or have the potential to cause damage to other infrastructure.

8.4 Any application for a Development Permit for Operational Works must be accompanied by a detailed Stormwater Management Plan prepared by suitably qualified Registered Professional Engineer of Queensland, for the development site. In particular, the Stormwater Management Plan must clearly demonstrate that:

8.4.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Healthy Waters Guidelines*, and sound engineering practice;

8.4.2 it complies generally to the drainage strategy (refer to Condition 2.1), including any modifications required by this approval;

8.4.3 the stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;

8.4.4 each part of the lot is self draining and flood free;

- 8.4.5 the volume of detention provided, subject to final design, is sufficient to attenuate the peak discharge from the site to ensure non-worsening for a range of design rainfall events up to and including the 100 year Average Recurrence Interval event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 8.4.6 all components of the Bio-retention system along western boundary of the site including extended detention, surcharge pit, overflow pit and its outlet are designed and constructed such a way that site runoff during a 1 (one) in 100 year Average Recurrence Interval event does not cause actionable nuisance, specifically to adjacent properties along the western boundary and within the site;
- 8.4.7 the vehicular and pedestrian amenity and safety criteria in accordance with *Queensland Urban Drainage Manual*. In particular, demonstrate compliance with respect to depth and duration of detention ponding in car park areas, flow widths, depths and velocities, particularly at the car park access point along the Main Street frontage and more specifically in run off events from longer duration design storms that may result in extended periods of ponding in the car park detention areas; and
- 8.4.8 the potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 4/10 – Healthy Waters*.

The Stormwater Management Plan must be accompanied by:

- 8.4.9 full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy;
- 8.4.10 detailed engineering plans with the details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy. This also includes any works within Easement A on RP886441 located on Lot 7 on RP606730, and upgrading works of the existing channel within the drainage easement on Lot 7 on RP606730, and provision of suitable channel / invert profile on Council controlled land to blend with the natural watercourse;
- 8.4.11 all existing and new channels are upgraded and constructed to cater with the discharge from the development site up to a 1 (one) in 100 year Average Recurrence Interval event.
- 8.4.12 documentation which identifies and outlines the ongoing management and maintenance requirements of the Bio-Retention systems, sediment traps and other elements of the approved stormwater strategy;
- 8.4.13 details of the ongoing maintenance and management actions required with regard to the land within the easement on Lot 7 on RP606730 granted in favour of the development site for stormwater drainage. Provide sufficient documentary records that the maintenance of the private land within the easement on Lot 7 on RP606730 shall be entirely at the cost of the benefited lot (s) and that the owner of the said land has agreed to the maintenance and management strategies and arrangements; and

- 8.4.14 pro-forma copies of such records necessary to demonstrate the ongoing compliance and management sign off of the implementation of the approved stormwater strategy. Include such documents as required to be appropriately actioned and that any shortcomings identified during regular inspections are rectified within agreed time frames. Such pro-forma evidence must include, but not limited to, roles and responsibilities, details of responsible officers, inspection schedules, inspection and cleaning records, water quality monitoring schedules and testing results.
- 8.5 The maximum bank slope of any grass channel that is associated with this application must be 1:6;
- 8.6 During the entire period of use of the site for the approved development, maintain ongoing and continuous records of the relevant management and maintenance activities related to the ongoing implementation and upkeep of the approved Stormwater Management Plan in accordance with condition 8.4 above. Keep such records, such that, after the expiration of the first five (5) years, a minimum of five (5) continuous years of records can be made available to Council at any time, for inspection and audit purposes.
- 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 site.
- 9.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 9.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties 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.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- (i) the location of cut and/or fill;
 - (ii) the type of fill to be used and the manner in which it is to be compacted;
 - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - (v) the maintenance of access roads to and from the 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 Standards 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 adjoining or down stream properties or any infrastructure.

11.0 BUILDING WORKS

- 11.1 End-of-trip facilities must be provided for use by employees of the tenancies. The facilities must be suitably signed and must be available at all times that the uses operate.
- 11.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed five (5) decibels (A) above the background ambient noise level, measured at the boundaries of the subject site.
- 11.3 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed five (5) decibels (A) above the background ambient noise level, measured at the boundaries of the subject site.
- 11.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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"*.
- 11.5 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided 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 a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 11.6 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.

12.0 LANDSCAPING WORKS

- 12.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 12.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
- 12.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, planter boxes, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.

- 12.2.2 A "Planting Plan" and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 12.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 12.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 12.5 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works).
- 12.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 13.0 ELECTRICITY AND TELECOMMUNICATIONS
- 13.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 13.2 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.
- 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 at full cost to the Developer.
- 14.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 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 Manual for Submission of Digital As Constructed Information.
- 15.0 ENVIRONMENTAL
- 15.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

15.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / 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.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

15.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

15.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan have been approved by Council as part of Development Permit for Operational Works.

15.5 The Environmental Management Plan and an Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The approved Environmental Management Plan and an Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.

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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Main Street and Haynes Street.
- 16.2 All waste must be stored within the refuse storage area (such as general waste, recyclable waste, pallets, empty drums, etcetera). Receptacles must only be moved to the collection area at the designated collection time.
- 16.3 All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- 16.4 The refuse storage area must be:
- 16.4.1 constructed in accordance with the approved plans (refer to condition 2.1);
 - 16.4.2 screened to obstruct from view the contents of the bin compound;
 - 16.4.3 kept in a clean, tidy condition; and
 - 16.4.4 in accordance with *Environmental Protection (Waste Management) Regulations*.
- 16.5 Access to, and use of, the loading dock area must be limited to between 0500 and 1700 hours, Monday to Saturday (inclusive) only. Access to, and use of, the loading dock area must not occur on Sunday or any public holiday.
- 16.6 A noise report detailing the expected noise level impact of the proposed development on surrounding residences and recommendations regarding noise control measures to be incorporated into the proposed development must be submitted to Council prior to the issue of a Development Permit for Building Works. The report must be prepared by a suitably qualified person and include the following information:
- 16.6.1 hours of operation of the various components of the development and of the surrounding activities (including traffic movements if outside of these hours);
 - 16.6.2 source noise levels (for example human behavioural, plant equipment and car parking);
 - 16.6.3 predicted source noise levels at surrounding residences; and
 - 16.6.4 state of compliance of the noise sources with the noise limits both as individual noise sources and, as appropriate, the combined effect of different noise sources. The noise control measures must only be associated with the proposed development site. These may include, but are not limited to, acoustic barriers (for example fencing and construction material), location of air conditioning, refrigeration equipment, building opening placement relative to adjacent residential areas and limiting hours of operation.

All noise level measurements must be conducted and the report prepared in accordance with the Queensland Government, Environmental Protection Agency's "*Noise Measurement Manual*", and *Australian Standard AS1055.1-1997, "Acoustics – Description and Measurement of Environmental Noise, Part 1: General Procedures"*;

Noise attenuation measures contained within the recommendations of the report must be implemented and maintained to the satisfaction of Council.

- 16.7 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any complaint of nuisance caused by noise. The monitoring data,

an analysis of the data and a report, including noise mitigation measures, must be provided to the administering authority within fourteen (14) days of the completion of the investigation.

- 16.8 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy and noise monitoring conducted in accordance with the most recent edition of *Department of Environment and Resource Management Noise Measurement Manual*.

PART B - OPERATIONAL WORKS (Signage)

17.0 ADMINISTRATION

- 17.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 17.2 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 17.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 17.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use.
- 17.5 The following further development permits are required prior to the commencement of any works on the site:

1.6.1 Building Works.

- 17.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

18.0 APPROVED PLANS

- 18.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

Plan/Document Name	Plan Number	Dated
Site Plan	0649 SD151, Revision C	4 May 2016
Pylon Sign Details	0649 SD156, Revision B	4 May 2016

- 18.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 18.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

19.0 ASSET MANAGEMENT

19.1 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 at full cost to the Developer.

20.0 OPERATING PROCEDURES

20.1 All signage must only display or advertise a matter associated with the primary purpose for which the premises is used.

20.2 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.

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

21.0 CONSTRUCTION PROCEDURES

21.1 Council reserves the right for uninterrupted access to the site at all times during construction.

21.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times.

21.3 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not be adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense

21.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Main Street or Haynes Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act*, 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 Environment and Resource Management website www.derm.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property 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* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Infrastructure Charges Notice

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

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

Note—

See the P&E Court Act for the court's power to extend the appeal period.

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

230 Notice of appeal

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

D/278-2011 - Decision Notice (amended)

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

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
 - (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
 - (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
 - (4) In this section— **decision** includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
- non-appealable**, for a decision or matter, means the decision or matter—
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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

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

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

		concurrency agency	the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>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.</p>			
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
<p>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.</p>			
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
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
		(if any)	(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	-	-
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

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

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>the change application</p>			
<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>			
<p>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</p>	<p>1 For a development application—the assessment manager 2 For a change application—the responsible entity</p>	<p>1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>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</p>	<p>The Minister</p>	<p>-</p>	<p>If an owner or occupier starts the appeal – the owner of the registered premises</p>

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

Table 3 Appeals to the tribunal only			
<p>1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
<p>3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-



ATTACHMENTS

APPROVED PLANS



Adobe Acrobat
Document