



Decision Notice Approval (amended)

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 (change application) Planning Act 2016

Application number:	D/30-2019	Contact:	Aidan Murray
Notice Date:	9 April 2024	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Benevolent Aged Care Ltd		
Postal address:	C/- Adams + Sparkes Town Planning and Development PO BOX 1000 BUDDINA QLD 4575		
Phone no:	n/a	Mobile no:	n/a
Email:	admin@astpd.com.au		

I acknowledge receipt of the above change application on 1 March 2024 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for a Residential Care Facility, Retirement Facility and Community Use

PROPERTY DESCRIPTION

Street address:	60 West Street, The Range
Real property description:	Lots 2 and 4 on SP329080

Dear Benevolent Aged Care Ltd

I advise that, on 3 April 2024 the above change application was:

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

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

CHANGES TO CONDITIONS

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

1)	Condition 1.6	Deleted	10 May 2022
2)	Condition 2.1	Changed	8 December 2020
3)	Condition 3.1	Changed	8 December 2020
4)	Condition 6.8	Deleted	4 April 2024

1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

4. SUBMISSIONS

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

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>
Basement Site Master Plan	SD-0101	24 September 2019
Ground Level Site Master Plan	SD-0102	24 September 2019
Level 1 Site Master Plan	SD-0103	24 September 2019
Level 2 Site Master Plan	SD-0104	16 July 2019
Basement Staging Plan	AS-CD-0301, DA01	29 September 2020
Ground Level MS Plan	AS-CD-0901, DA1	17 November 2020
Level 1 MS Plan	AS-CD-0902, DA1	17 November 2020

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Level 2 MS Plan	AS-CD-0903, DA1	17 November 2020
Building A (RAC) Ground Level GA Plan	A-SD-1001	16 July 2019
Building A (RAC) Level 1 GA Plan	A-SD-1002	16 July 2019
Building A (RAC) Level 2 GA Plan	A-SD-1003	16 July 2019
Building A (RAC) Level 3 GA Plan	A-SD-1004	16 July 2019
Building A (RAC) Roof Plan	A-SD-1005	16 July 2019
Building A (RAC) North East Elevation and South East Elevation	A-SD-2001	16 July 2019
Building A (RAC) North West Elevation and South West Elevation	A-SD-2002	16 July 2019
Building B (ILU) Basement GA Plan	B-SD-1001	24 September 2019
Building B (ILU) Ground Level GA Plan	B-SD-1002	24 September 2019
Building B (ILU) Ground Level Kitchen / Laundry GA	B-SD-1003	21 March 2019
Building B (ILU) Level 1 GA Plan	B-SD-1004	24 September 2019
Building B (ILU) Level 2 GA Plan	B-SD-1005	8 March 2019
Building B (ILU) Level 3 GA Plan	B-SD-1006	8 March 2019
Building B (ILU) Level 4 GA Plan	B-SD-1007	8 March 2019
Building B (ILU) Roof Plan	B-SD-1008	8 March 2019
Building B (ILU) North East Elevation	B-SD-2001	24 September 2019
Building B (ILU) Cambridge Street Elevation	B-SD-2002	24 September 2019
Building B (ILU) South West Elevation	B-SD-2003	8 March 2019
Building B (ILU) North West Elevation	B-SD-2004	8 March 2019
Building C (RAC) Car Park Level GA Plan	C-SD-1001	8 March 2019
Building C (RAC) Ground / Street Level GA Plan	C-SD-1002	8 March 2019

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Building C (RAC) Level 1 GA Plan	C-SD-1003	8 March 2019
Building C (RAC) Level 2 GA Plan	C-SD-1004	8 March 2019
Building C (RAC) Roof Plan	C-SD-1005	8 March 2019
Building C (RAC) North West and South West Elevations	C-SD-2001	8 March 2019
Building C (RAC) South East and North East Elevations	C-SD-2002	8 March 2019
West and Cambridge Street Elevations	SD-0201	24 September 2019
Lennox and Voss Park Elevations	SD-0202	16 July 2019
Site Sections	SD-0301	16 July 2019
Landscape Concept	1018050	4 April 2019
Engineering Infrastructure Report	18-001613	8 April 2019
Traffic Engineering Report	DA RFI V02b	September 2019
Waste Management Plan	-	August 2019
RE: 60 West Street, The Range – Benevolent Aged Care, Rockhampton Airport Obstacle Limitation Surfaces Study	062701-01	No date.

7. CURRENCY PERIOD FOR THE APPROVAL

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 Residential Care Facility, Retirement Facility and Community Use
Reasons for Decision	<p>a) The development contributes to the diversification of residential land uses in the zone by providing intergenerational housing options for Rockhampton's growing ageing population;</p> <p>b) The subject site is located in direct proximity to critical related health care infrastructure, including the Rockhampton Base Hospital and Hillcrest Private Hospital, which will service the needs of residents residing at the premises;</p> <p>c) The design of the facility will exhibit a high degree of visual amenity by using variations in colour, materials and landscaping treatments which are complementary to the surrounding area in order to maintain the immediate residential streetscape and character;</p>

	<p>d) The development does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>f) The development does not compromise the relevant State Planning Policy.</p>	
Assessment Benchmarks	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Low Density Residential Zone Code; • Access, Parking and Transport Code; • Airport Environs Overlay Code • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer 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(s) listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Airport Environs Overlay Code	<p>The Obstacle Limitation Surface (OLS) assessment concluded the height of the tallest building (Building B), which will be 39.64 metres AHD, is approximately 13.86 metres below the upper limit of the inner horizontal surface for the Rockhampton Airport. Therefore, while the site is located within the horizontal extent of the Rockhampton Airport, the height of the tallest building will not intrude into the obstacle limitation surfaces of the Rockhampton Airport.</p>
	Low Density Residential Zone Code	<p>The height of the tallest building will be approximately 36 metres, which exceeds the height requirement for the zone. However, the architectural design of the building generates a high degree of visual interest using variations in colour, angles and materials, which are complementary to the surrounding area. The built form will also create appealing open space areas, orientated towards all elevations of the proposed buildings in order to create an attractive streetscape.</p> <p>The topography of the site also falls approximately eight (8) metres from west to</p>

		<p>east, with the tallest building being located on the lowest point of the site. The position of these buildings on the lowest point of the site will significantly reduce the visual amenity impacts for residents located on Lennox Street who are positioned approximately ten (10) metres higher than the subject site.</p> <p>Photomontage views of the proposed development from the perspective of the residential properties on the western side of Lennox Street were also provided. These images demonstrate that views of Mount Archer and the Berserker Ranges will be uncompromised as a result of the proposal.</p> <p>The applicant also provided shadow diagrams which provide visual information to demonstrate how access to sunlight will change to the surrounding residents as a result of the proposal. The shadow diagrams demonstrated that access to natural light for residents located on Lennox and Cambridge Streets will largely be unaffected with the exception of the Winter solstice which may cause some minor shadowing impacts to some residents on Cambridge Street. However, these impacts are considered to be negligible.</p>
		<p>The infringements on the prescribed road boundary setback are considered very minor and will not affect the amenity of the surrounding area; not compromise the safety of the road network; nor cause any impacts to natural light, ventilation, privacy and noise attenuation. The proposed buildings are also partially screened by landscaping proposed within the road verge which will soften any impacts to surrounding residents.</p>
		<p>The subject site is located further than 200 metres from the nearest major hospital (Rockhampton Base Hospital and Hillcrest Private Hospital).</p> <p>Notwithstanding, the site is for the redevelopment of an existing Residential Care Facility. The subject site is located within reasonable distance to the Rockhampton Base Hospital, which is approximately 400 metres to the west of the site. The use of the premises for a Residential Care Facility is very close to this supporting major infrastructure which will provide for the safety and convenience of Rockhampton's elderly population using the premises.</p>

		<p>The proposal will exceed the prescribed unit density for the Low Density Residential Zone (one (1) unit per 400m²). Despite this non-compliance, the proposal is for the redevelopment of the existing Benevolent Aged Care Facility to accommodate Rockhampton's increased ageing population. The proposed built form is considered necessary to accommodate the region's ageing population as there are currently limited options for seniors living, other than the traditional nursing home model or gated retirement villages.</p> <p>Photomontage views of the proposed development provided by the applicant from the perspective of the residential properties on the western side of Lennox Street were also provided. These images demonstrate that views of Mount Archer and the Berserker Ranges will be uncompromised as a result of the proposal.</p> <p>It is also considered that the proposed built form represents a rational development outcome for the zone as it is consistent with the amenity and characteristics of the surrounding area, as well as being in very close proximity to major supporting infrastructure including the Rockhampton Base Hospital and Hillcrest Private Hospital.</p> <p>The proposal will involve the removal of existing street trees which exceed four (4) metres in height. These street trees are located on Lennox Street and West Street.</p> <p>A Landscape Master Plan was submitted as part of the development application. This plan shows that new street trees will be planted on West, Cambridge, and Lennox Streets to offset the removal of the existing trees. The new street trees will ensure that the existing residential streetscape is maintained, while ensuring that the bulk and scale of the proposed built form is adequately screened from adjoining and surrounding residences.</p>
	<p>Access, Parking and Transport Code</p>	<p>The proposed new access to Building B is within 20 metres of the unsignalised West / Cambridge Street intersection. This new crossover facilitates access to the Porte Cochere and drop off point to the renovated Jean May building on West Street.</p> <p>The new crossover is an "entry" only point, which connects to an exit point located further from the intersection, and provides access to</p>

		<p>a basement car park beneath Building B which is for long-term parking for residents. Given the nature of the new crossover, and its function, it is not anticipated that its construction and ongoing use will cause any traffic hazard to road network or the nearby intersection.</p>
		<p>The proposal will make provision of 75 on-site car parking spaces, which is a minor shortfall from the required amount across the combined land uses.</p> <p>In addition to the on-site car parks provided, there is also a large number of existing on-street car parks located on both West and Lennox Streets, and to a lesser extent Cambridge Street. These existing on-street car parks are currently utilised by staff and visitors utilising the existing Benevolent Aged Care facility located at the site.</p> <p>The expansion to the existing use is not anticipated to cause an adverse effect to the road network by using on-street car parks. While there is a minor shortfall in the number of on-site car parks required, the number provided is considered to be sufficient to meet the demand likely to be generated from the development.</p>
<p>Matters prescribed by regulation</p>	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>; • Surrounding use of adjacent premises in terms of commensurate and consistent development form; and • The common material, being the material submitted with the application. 	
<p>Relevant Matters</p>	<p>The development was assessed against the following relevant matters:</p> <p><u>Planning need</u></p> <p>Evidence indicates that the percentage of Rockhampton's "retirement age" population will increase by approximately 30.4% by 2026. The proposed development is considered necessary to broaden Rockhampton's currently limited options for retirement and senior's accommodation, particularly in proximity to the Central Business District (CBD).</p> <p>It is considered that the proposal will address a future planning need by providing another housing option for Rockhampton's ageing population which is forecasted to increase significantly by 2026.</p>	

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.

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 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: Taryna Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Date: 21 October 2019
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12. ASSESSMENT MANAGER

Name: Kathy McDonald PRINCIPAL PLANNING OFFICER	Signature: 	Date: 9 April 2024
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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



Attachment 1 – Part 1

Rockhampton Regional Council Conditions

Planning Act 2016

ADMINISTRATION

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Basement Site Master Plan	SD-0101	24 September 2019
Ground Level Site Master Plan	SD-0102	24 September 2019
Level 1 Site Master Plan	SD-0103	24 September 2019
Level 2 Site Master Plan	SD-0104	16 July 2019
Basement Staging Plan	AS-CD-0301, DA01	29 September 2020
Ground Level MS Plan	AS-CD-0901, DA1	17 November 2020
Level 1 MS Plan	AS-CD-0902, DA1	17 November 2020
Level 2 MS Plan	AS-CD-0903, DA1	17 November 2020
Building A (RAC) Ground Level GA Plan	A-SD-1001	16 July 2019
Building A (RAC) Level 1 GA Plan	A-SD-1002	16 July 2019
Building A (RAC) Level 2 GA Plan	A-SD-1003	16 July 2019
Building A (RAC) Level 3 GA Plan	A-SD-1004	16 July 2019
Building A (RAC) Roof Plan	A-SD-1005	16 July 2019
Building A (RAC) North East Elevation and South East Elevation	A-SD-2001	16 July 2019
Building A (RAC) North West Elevation and South West Elevation	A-SD-2002	16 July 2019
Building B (ILU) Basement GA Plan	B-SD-1001	24 September 2019
Building B (ILU) Ground Level GA Plan	B-SD-1002	24 September 2019
Building B (ILU) Ground Level Kitchen / Laundry GA	B-SD-1003	21 March 2019

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Building B (ILU) Level 1 GA Plan	B-SD-1004	24 September 2019
Building B (ILU) Level 2 GA Plan	B-SD-1005	8 March 2019
Building B (ILU) Level 3 GA Plan	B-SD-1006	8 March 2019
Building B (ILU) Level 4 GA Plan	B-SD-1007	8 March 2019
Building B (ILU) Roof Plan	B-SD-1008	8 March 2019
Building B (ILU) North East Elevation	B-SD-2001	24 September 2019
Building B (ILU) Cambridge Street Elevation	B-SD-2002	24 September 2019
Building B (ILU) South West Elevation	B-SD-2003	8 March 2019
Building B (ILU) North West Elevation	B-SD-2004	8 March 2019
Building C (RAC) Car Park Level GA Plan	C-SD-1001	8 March 2019
Building C (RAC) Ground / Street Level GA Plan	C-SD-1002	8 March 2019
Building C (RAC) Level 1 GA Plan	C-SD-1003	8 March 2019
Building C (RAC) Level 2 GA Plan	C-SD-1004	8 March 2019
Building C (RAC) Roof Plan	C-SD-1005	8 March 2019
Building C (RAC) North West and South West Elevations	C-SD-2001	8 March 2019
Building C (RAC) South East and North East Elevations	C-SD-2002	8 March 2019
West and Cambridge Street Elevations	SD-0201	24 September 2019
Lennox and Voss Park Elevations	SD-0202	16 July 2019

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Sections	SD-0301	16 July 2019
Landscape Concept	1018050	4 April 2019
Engineering Infrastructure Report	18-001613	8 April 2019
Traffic Engineering Report	DA RFI V02b	September 2019
Waste Management Plan	-	August 2019
RE: 60 West Street, The Range – Benevolent Aged Care, Rockhampton Airport Obstacle Limitation Surfaces Study	062701-01	No date.

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

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

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in three (3) discrete stages, namely:

3.1.1 Stage 1;

3.1.2 Stage 2a and 2b; and

3.1.3 Stage 3.

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

The stages are not required to be undertaken in any chronological order.

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*, relevant *Australian Standards*, *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 On-street parking spaces along Lennox Street and West Street must be lined marked for the full frontage of the development site. Appropriate line marking must be provided to this effect in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities and the provisions of a Development Permit for Operational Works (Road Works)*.

Note: No on-street parking will be approved on West Street between the proposed new driveway access to Building B and West Street/Cambridge Street intersection.

- 4.4 The existing 'Loading Zone' signs on Lennox Street must be removed and the pavement area must be utilised for rear-in angled parking spaces.
- 4.5 A concrete pathway, with a minimum width of 1.2 metres, must be constructed to match the existing pathway of Cambridge and Lennox Street for the full frontage of the development site.
- 4.6 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.7 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"*.
- 4.8 All pathways must incorporate kerb ramps at all road crossing points.
- 4.9 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*.
- 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*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 The existing accesses to the development at Lennox Street must be consolidated to one access location.
- 5.5 Two (2) new accesses to the development must be provided at West Street (refer to condition 2.1).
- 5.6 Service and delivery vehicles, including refuse collection vehicles must be via Cambridge Street access only.
- 5.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.8 All vehicles must ingress and egress the development in a forward gear.
- 5.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 5.10 A minimum of 75 parking spaces must be provided on-site.
- 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 plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.

- 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-street car 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, Plumbing and Drainage Act 2017* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network.
- 6.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.5 A section of existing 150 millimetre diameter Gravity Sewerage Main must be diverted around proposed Building B in accordance with the approved plans (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 128 of the *Planning Act 2016*.
- 6.6 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.
- 6.7 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.
- 6.8 DELETED
- 6.9 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.10 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.

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 2002*.
- 7.2 The development must be connected to Council's reticulated water network.
- 7.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 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 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 structure 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 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 Engineering Infrastructure Report (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 9.4 Easements must be provided over any other land required to accommodate the flows associated with the subject development.
- 9.5 Easements must be provided over all land assessed to be within the inundation area in a one per cent (1%) Annual exceedance probability flood event.
- 9.6 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).
- 9.7 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.
- 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*, 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 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.2.1 the location of cut and/or fill;
 - 11.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 11.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 11.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 11.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 11.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 11.5 Any retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 11.6 All site works must be undertaken to ensure that there is:
- 11.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 11.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 11.6.3 a lawful point of discharge to which the approved works drain during construction phase.
- 12.0 **BUILDING WORKS**
- 12.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and proposed structures on the development site.
- 12.2 Any additional structures proposed on top of the approved buildings which have not been identified on the approved plans (refer to condition 2.1) must be referred to the Rockhampton Regional Airport for approval prior to construction to ensure that there is no obstruction into the Obstacle Limitation Surface.
- Note: This includes any additional masts, aerials, satellites, chimneys or the like.
- 12.3 There must be no light sources or reflective surfaces installed on any of the proposed buildings which may generate a distraction to pilots during both construction and throughout the commencement of the use.
- 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 2008* and must be:
- 12.4.1 of a sufficient size to accommodate commercial type 2 x 6m³ Skip Bins, 4 x 200L Recycle Bins, 10 x 240L Recycle Bins, 1 x small Bin and 1 x 8m³ large Skip Bin that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 12.4.2 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.

13.0 LANDSCAPING WORKS

- 13.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.
- 13.2 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.
- 13.3 Council approval must be obtained prior to the removal or interference of street trees located on Council land in accordance with Council's Tree Management Policy.

14.0 ENVIRONMENTAL HEALTH

- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as to not 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"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine 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 Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

15.0 ELECTRICITY

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

16.0 TELECOMMUNICATIONS

- 16.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

17.0 ASSET MANAGEMENT

- 17.1 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.
- 17.2 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.
- 17.3 '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)*.

18.0 OPERATING PROCEDURES

- 18.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within West Street, Cambridge Street or Lennox Street.
- 18.2 The Rockhampton Regional Airport must be notified of any temporary obstacles that may infringe the Obstacle Limitation Surface (OLS), prior to the commencement of any construction works on the site. If the obstacle does infringe, a "Notice to Airmen" (NOTAM) must be lodged with the relevant aviation authority to notify aircraft pilots of the obstacle, prior to works taking place.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. 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 4. Licensable Activities

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

NOTE 5. 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 6. Infrastructure Charges Notice

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

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— (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 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <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			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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	-	-
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	Column 4 Co-respondent by election

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

Table 2 Appeals to the P&E Court only			
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>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(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—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(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	Column 4 Co-respondent by election

Table 3			
Appeals to the tribunal only			
		(if any)	(if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-