



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 (change application) Planning Act 2016, and Section 334 of the Sustainable Planning Act 2009

Application number:	D/35-2016	Contact:	Aidan Murray
Notice Date:	9 February 2026	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Cash Cow Pty Ltd		
Postal address:	C/- Masterplan SA Pty Ltd 14 Sunshine Cove Way MAROOCHYDORE QLD 4558		
Phone no:	N/A	Mobile no:	0426 610 025
		Email:	bradmant@masterplan.com.au

I acknowledge receipt of the above change application on 20 June 2025 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for a Transport Depot and Operational Works for Stormwater, Earthworks and an Advertising Device

PROPERTY DESCRIPTION

Street address:	165 Foster Street, Gracemere
Real property description:	Lot 15 on SP206688

OWNER DETAILS

Name:	Cash Cow Super Pty Ltd Tte
Postal address:	PO BOX 1727 ROCKHAMPTON QLD 4700

Dear Cash Cow Pty Ltd

I advise that, on 30 January 2026 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	Changed	30 January 2026
2)	Condition 1.10	New	30 January 2026
3)	Condition 1.11	New	30 January 2026
4)	Condition 1.12	New	30 January 2026
5)	Condition 1.13	New	30 January 2026

6)	Condition 2.1	Changed	30 January 2026
7)	Condition 3.2	Changed	30 January 2026
8)	Condition 10.4	New	30 January 2026
9)	Condition 10.5	New	30 January 2026
10)	Condition 11.4	New	30 January 2026
11)	Condition 11.5	New	30 January 2026
12)	Condition 17.3	New	30 January 2026
13)	Condition 18.1	Changed	30 January 2026

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use -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
Building Works	<i>Building Works</i> <i>Demolition Works</i>
Plumbing and Drainage Works	

4. REFERRAL AGENCIES - NIL

5. THE APPROVED PLANS

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

Material Change of Use:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Site Plan – Existing (Stage One)	Master Plan SA Pty Ltd	July 2024	40180.S1-3A	N/A
Site Plan – Proposed (Stage Two)	Master Plan SA Pty Ltd	November 2025	40180.S3-3A	N/A
Elevation Plan – Proposed Industrial Shed (Stage Two)	Master Plan SA Pty Ltd	January 2025	40180.E1-3A	N/A

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Elevation Plan – Proposed Office Building (Stages One and Two)	Master Plan SA Pty Ltd	June 2025	40180.E1-3B	N/A
HRV Swept Paths (Stages One and Two)	McMurtrie Consulting Engineers Pty Ltd	16 May 2025	R0022324011 - SK02	C
B99 Swept Paths (Stages One and Two)	McMurtrie Consulting Engineers Pty Ltd	16 May 2025	R0022324011 - SK03	C
Stormwater Management Plan (Stages One and Two)	McMurtrie Consulting Engineers Pty Ltd	14 May 2025	R002-23-24-011	A

Operational Works:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Title Sheet	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-0001	A
Civil Infrastructure Notes Sheet 1 of 2	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-0002	A
Civil Infrastructure Notes Sheet 2 of 2	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-0003	A
Safety in Design	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-0004	A
General Arrangement	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-1001	A
Typical Sections and Details	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-1002	A
Bulk Earthworks	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-1101	A
Erosion and Sediment Control Plan	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-1201	A
Pavement Setout Plan & Grading	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-2001	A
Stormwater Long Section & Details	McMurtrie Consulting Engineers Pty Ltd	5 November 2025	R0192526-3001	A

6. CURRENCY PERIOD FOR THE APPROVAL (change application)

The standard relevant periods stated in section 341 of *Sustainable Planning Act 2009* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. STATEMENT OF REASONS

Description of the development	
Material Change of Use for Transport Depot and Operational Works for Stormwater, Earthworks and an Advertising Device	
Reasons for Decision	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Medium Impact Industry Zone; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>Medium Impact Industry Zone</p> <p>Performance Outcome (PO) 2</p>	<p>The proposed development conflicts with Acceptable Outcome (AO) 2.1 which prescribes that buildings are setback from street frontages:</p> <p>(a) within twenty (20) per cent of the average front setback of adjoining buildings; or</p> <p>(b) where there are no adjoining buildings a minimum of six (6) metres.</p> <p>The proposed shed building has a setback from the street frontage approximately of approximately 4.5 metres. The setback of the office module is not explicitly stated but appears to be less than that of the shed. Neither building setback is consistent with the minimum requirements highlighted above.</p> <p>Despite the reduced setbacks, the proposed development incorporates landscaping along the street frontage which aids in contributing to an attractive streetscape, screening of the proposed development and softens the appearance of the development from the street.</p> <p>On balance, the reduced building setbacks don't detract from the streetscape amenity and while still allowing for landscaping at the front of the site. Therefore, the proposed development is taken to comply with PO 2.</p>

Landscape Code	<p>Proposed landscaping is not provided in accordance with the requirements of the Landscape Code and Landscape design and street trees planning scheme policy. This includes for such matters as shade trees within parking areas.</p> <p>The proposed extent and type of landscaping on the site, which includes a buffer along the street frontage is generally considered appropriate to maintain the visual attraction of the place, soften the built form of the proposed development and screen the proposed development.</p> <p>Conditions of approval have been implemented requiring landscaping to be further enhanced where considered reasonable and relevant. Therefore, the proposed development is taken to comply with the overall purpose of the Landscape Code.</p>
Relevant Matters	
Not applicable to an assessable development application subject to code assessment.	
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 1.0); and • The common material, being the material submitted with the application. 	

8. 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*.

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.

9. 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.

10. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Date: 5 August 2016
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11. ASSESSMENT MANAGER

Name: Amanda O'Mara <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 9 February 2026
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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

Material Change of Use Conditions:

1.0 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 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 Where applicable, 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 Plumbing and Drainage Works;
 - 1.6.2 Building Works:
 - 1.6.2.1 Building Works; and
 - 1.6.2.2 Demolition Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 All engineering drawings/specifications, design and construction works must 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 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
- 1.10.1 Stage One – Includes the igloo structure, shipping containers and office structure (refer to “Site Plan – Existing”, Reference: 40180.S1-3A, dated July 2024); and
 - 1.10.2 Stage Two – Includes the proposed warehouse, sealed hardstand area, landscaping and removal/demolition of existing igloo structure and shipping containers (refer to “Site Plan – Proposed”, Reference: 40180.S3-3A, dated January 2025)
- Stage One must be completed prior to Stage Two.
- 1.11 The currency period for Stage Two is six (6) years from the date this minor change approval (amended decision notice) takes effect.
- 1.12 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Site Plan – Existing (Stage One)	Master Plan SA Pty Ltd	July 2024	40180.S1-3A	N/A
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- 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 endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1 and 18.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking Facilities"*.
- 3.2 All parking spaces, access driveway(s) and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted in accordance with the approved plans (refer to condition 2.1), specifically "Site Plan – Proposed", Reference: 40180.S3-3A, dated January 2025. The remaining site area must be constructed and surface treated with compacted gravel pavement. All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 3.3 All vehicles must ingress and egress the development in a forward gear.
- 3.4 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.5 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

4.0 SEWERAGE WORKS

- 4.1 All sewerage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008* and the *Plumbing and Drainage Act 2002*.
- 4.2 The development must be connected to Council's reticulated sewerage network.
- 4.3 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.

5.0 WATER WORKS

- 5.1 All water works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008* and the *Plumbing and Drainage Act 2002*.
- 5.2 The development must be connected to Council's reticulated water network.
- 5.3 A new water connection point must be provided for the development. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 5.4 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.
- 5.5 The applicant must ensure adequate firefighting protection is available from the existing hydrants within the Foster Street road reserve and also from the on-site firefighting equipment for the proposed development. Should adequate protection not be achievable, the upgrade of the on-site firefighting equipment, including water tanks and pumps may be required.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 All sanitary drainage works must be designed and constructed in accordance with regulated work under the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, and Council's Plumbing and Drainage Policies.
- 6.2 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 6.3 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.

7.0 STORMWATER WORKS

- 7.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1 and 18.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines* and sound engineering practice.
- 7.2 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.
- 7.3 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 All roof and allotment drainage must be designed and constructed in accordance with the approved plans (refer to condition 2.1 and 18.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines* and sound engineering practice.
- 8.2 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.

9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on earthworks for commercial and residential developments"* and the approved plans listed in Condition 18.1.

- 9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.3 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).
- 9.4 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 10.0 BUILDING WORKS
- 10.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.
- 10.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 10.3 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1 and 18.1) and the *Environmental Protection Regulation 2008* and must be:
- 10.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 10.3.2 aesthetically screened from any road frontage or adjoining property;
 - 10.3.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 10.3.4 setback a minimum of two (2) metres from any road frontage; and
 - 10.3.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.
- 10.4 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 10.5 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 11.0 LANDSCAPING WORKS
- 11.1 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 are locally native to the Central Queensland region due to their low water dependency.
- 11.2 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.
- 11.3 The landscaped areas must be subject to:
- 11.3.1 a watering and maintenance plan during the establishment moment; and
 - 11.3.2 an ongoing maintenance and replanting programme.
- 11.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 11.4.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 11.4.2 adversely affect any road lighting or public space lighting; or
 - 11.4.3 adversely affect any Council infrastructure, or public utility plant.
- 11.5 Landscaping must be provided along the entire Foster Street road frontage of the site for a minimum width of two (2) metres, except where broken up by an approved vehicle crossover (driveway), as shown in the approved plans (refer to condition 2.1).
- 12.0 ELECTRICITY

- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 13.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 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 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 16.0 ENVIRONMENTAL HEALTH
- 16.1 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 16.2 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the reticulated sewerage network in accordance with a trade waste permit.
- 16.3 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 17.0 OPERATING PROCEDURES
- 17.1 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 Foster Street.
- 17.2 All waste storage areas must be:
- 17.2.1 kept in a clean and tidy condition; and
- 17.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 17.3 All surface treatments must be operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the 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 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

Operational Works Conditions:

18.0 ADMINISTRATION

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.

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- 18.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 18.3 If after the issue of this permit for construction, errors, omissions or insufficient details are noted on the construction plans, such deficiencies must be made good during construction and Council reserves the right to withhold approval of construction until such remedies are complete.
- 18.4 When the approved engineering plans and the *Capricorn Municipal Development Guidelines* are silent on any matter regarding specifications for materials (to be permanently incorporated into the works) or silent on any matter regarding construction standards, then the specified requirements in the Standard Specification – Roads (Main Roads) and Standard Drawings – Roads (Main Roads) must prevail.
- 18.5 A Pre-Start meeting must be held, prior to the commencement of any construction, between the Consulting Engineer, the Principal Contractor and Council in accordance with Section CP1.08 – Notice to Commence Works and CP1.09 – Prestart Meeting of the *Capricorn Municipal Development Guidelines*. Prestart meetings must be booked with a minimum of five (5) business days' notice being given to Council.
- The following information must be presented prior or at the meeting:
- 18.5.1 a copy of the Contractor's Public Liability Insurance Policy for a minimum of ten (10) million dollars indemnifying Council against all claims resulting from the construction works of this Development;
- 18.5.2 notification of the Principal Contractor for the works pursuant to the *Work Health and Safety Act 2011*;
- 18.5.3 evidence of payment of QLeave (when applicable);
- 18.6 Under Part 1 Clause 1.10 of the Manual of Uniform Traffic Control Devices Queensland, Council delegates the Principal Contractor the responsibility for the erection of all regulatory signs, as outlined in the above document.
- 18.7 All works must be supervised by a Registered Professional Engineer of Queensland who is experienced in all aspects of civil construction. All works must comply with the *Capricorn Municipal Design Guidelines*.
- 18.8 Council reserves the right for uninterrupted access to the site at all times.
- 18.9 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.
- 18.10 All works must comply with *Capricorn Municipal Design Guidelines*.
- 18.11 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not 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.
- 19.0 COSTS/CONTRIBUTIONS
- 19.1 Maintenance charges, in accordance with Council's Policy, must be paid to Council prior to the acceptance of the works 'on defects'.

20.0 INSPECTION REQUIREMENTS

- 20.1 The fees for the number of inspections undertaken must be paid prior to the commencement of the use/release of the final survey plan. Inspections with less than the mandatory level of notice will incur additional fees at the Contractor's cost. Joint inspections with the Consulting Engineer, Contractor and Rockhampton Regional Council Works Inspector are required. All works must conform with the inspection and test plan as defined by the *Capricorn Municipal Design Guidelines* including;
- 20.2 Council's minimum inspection programme is as follows; however this does not preclude the requirement for further inspections if deemed appropriate by Council Engineers.
- | | | | |
|--------|------------------|-------------|----------------------|
| 20.2.1 | earthworks | c212/visual | completion of survey |
| 20.2.2 | ashphalt | c245/visual | spraying of preprime |
| 20.2.3 | concrete | c271/visual | surface finish |
| 20.2.4 | stormwater pipes | c220/visual | prior to backfill |
| 20.2.5 | subsoil drainage | c230/visual | prior to backfill |
| 20.2.6 | topsoil | c273/visual | completion of works |

21.0 ROADWORKS

- 21.1 A maximum grade of two and a half percent (2.5%) will be maintained from the back of the kerb for a minimum distance of three (3) metres towards the lot boundaries.

22.0 ACCESS

- 22.1 All access works must be constructed in accordance with the *Capricorn Municipal Development Guidelines*.

23.0 STORMWATER

- 23.1 The design, construction and maintenance of the bio-retention system is to comply with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Design Guidelines*.
- 23.2 All stormwater management systems must comply with the requirements of the *Queensland Urban Drainage Manual* and *State Planning Policy 2014*.

24.0 SITWORKS

- 24.1 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 properties or infrastructure.

25.0 ENVIRONMENTAL MANAGEMENT

- 25.1 All vegetation which cannot be mulched on site for use on this development or an approved place of use, must be disposed of at a suitable place of disposal. Burning is not permitted.
- 25.2 The Principal Contractor will check Erosion and Sediment Control Measures at the start and end of each day of construction adjacent to any disturbed surfaces.

26.0 UTILITY SERVICES

- 26.1 All works within three (3) metres of a gas main require a spotter.

27.0 AS CONSTRUCTED REQUIREMENTS

- 27.1 "As constructed" plans in the prescribed digital formats must be submitted to Council for review with a minimum of forty-eight (48) hours prior to inspections or placing the construction "On Defects/Liability Period". The data is to be submitted in accordance with the Rockhampton Regional Council Digital "As Constructed" Document and emailed to enquiries@rrc.qld.gov.au with a cover note detailing the Development Application No., legal description of the land, address, estate/subdivision name and stage, consultants name and contact details. The final approval of the "As Constructed" submission in accordance with the *Submission of Digital As Constructed Manual* shall occur prior to the commencement of the defects liability period.
- 27.2 Engineering plans incorporating variations of design, requirements of these conditions and deficiencies must be clearly titled "as-constructed information" and must be submitted to Council at least forty eight hours prior to "on defect" inspection.

- 27.3 By submitting the “As Constructed” information to Council, the Consultant grants Council a royalty-free, perpetual, non-exclusive, non-cancellable, non-transferable licence to:
- a) use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property (including by development and distribution of a Derivative Product); and
 - b) sublicense Council's right to use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property, subject to the terms of this Licence.

27.4 Interpretation of the above intellectual property condition will be subject to the following definitions:

“**Intellectual Property**” in relation to the “As Constructed” information, includes all copyright, and all rights in relation to registered and unregistered trademarks (including service marks), registered designs and confidential information (including trade secrets and know-how), and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields; and

“**Derivative Product**” means a distinct product in which the Intellectual Property is altered, abridged or supplemented, and/or which incorporates additional functionality.

28.0 DOCUMENTATION

28.1 All engineering drawings for operational works must be signed and certified by a Registered Professional Engineer Queensland as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. The works must be supervised on the applicant's behalf by a suitably qualified Registered Professional Engineer Queensland. All designs, specifications and management plans must be certified, by a suitably qualified professional identifying the certifier's full name and accreditation/registration number, as complying with all relevant Codes and Standards.

For the purpose of this statement, a ‘suitably qualified professional’ is a person with tertiary qualification and professional affiliation in the field of engineering or science relevant to the design, specifications and/or management plan and who has at least two years' experience in management in that field. Where the designs, specifications and/or management plans involve different fields, a certification is required from a suitability qualified professional for each separate field.

28.2 An Engineers' Certificate of Construction and As Constructed Certification must be submitted by a Registered Professional Engineer of Queensland verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specifications.

29.0 DEFECTS/MAINTENANCE

29.1 Operational Works approvals requiring ‘as constructed data’ associated with a Material Change of Use approval will go ‘on defects’ at the date of Council's acceptance of the Engineers' Construction Certificate and ‘As Constructed’ Certification.

29.2 The satisfactory performance, repairs and maintenance of all assets, infrastructure and its components, constructed, installed and/or purchased by the developer must remain the sole responsibility of the developer during the maintenance period. The developer must take all reasonable steps to ensure that the works are not damaged and/or vandalised prior to the works being accepted ‘off maintenance’ by Council.

ADVISORY NOTES

NOTE 6. Aboriginal Cultural Heritage

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

NOTE 7. 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 8. Water

In accordance with the *Water Supply (Safety and Reliability) Act 2008*, it is an offence to interfere with a service provider and Fitzroy River Water is the department responsible for water and sewerage services. Fitzroy River Water can provide cost estimates for any water and sewerage works if required.

NOTE 9. The Capricorn Municipal Development Guidelines Construction Specifications must be used for the construction works.

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

<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 concurrency 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 concurrency agency, other than the chief executive, for the application	The assessment manager	If a concurrency 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	-	-
<p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2			
Appeals to the P&E Court only			
<p>1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
<p>2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for	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**

the change application			
<p>3. Eligible submitter and eligible advice agency appeals An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>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</p> <p>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>	The Minister	-	<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	-	-