

Decision Notice Approval (amended)

Planning Act Form 2 (version 1.0 effective 3 July 2017) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s81 Planning Act 2016

Application number:	D/389-2010	Contact:	Brandon Diplock
Notice Date:	14 April 2011	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Korte Nominees Pty Ltd A.C.N. 124 692 511		
Postal address:	C/- Capricorn Survey Group (CQ) Pty Ltd		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above application on 7 July 2017 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Cabin Park (thirty seven cabins and ancillary buildings)

PROPERTY DESCRIPTION

Street address:	984-986 Yaamba Road, Parkhurst
Real property description:	Lot 21 on SP171783, Parish of Murchison

OWNER DETAILS

Name:	Korte Nominees Pty Ltd Tte
Postal address:	
Dear	Korte Nominees Pty Ltd A.C.N. 124 692 511
I advise that, on 4 September 2017	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1)	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

CHANGES TO CONDITIONS

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

1)	Item 6	changed	6 May 2014
2)	Item 6	changed	15 June 2016
3)	Item 7	changed	6 May 2014
4)	Item 7	changed	31 October 2015
5)	Item 7	changed	15 June 2016
6)	Condition 1.1	changed	6 May 2014
7)	Condition 1.1	changed	22 April 2015
8)	Condition 1.1	changed	31 October 2015
9)	Condition 1.1	changed	24 May 2016
10)	Condition 1.1	changed	15 June 2016
11)	Condition 1.1	changed	1 September 2017
12)	Condition 1.9	changed	6 May 2014
13)	Condition 1.9	changed	24 May 2016
14)	Condition 3.3	deleted	31 October 2015
15)	Condition 3.4	deleted	31 October 2015
16)	Condition 3.6	changed	31 October 2015
17)	Condition 10.2	changed	22 April 2015
18)	Condition 10.2	changed	29 October 2015
19)	Condition 10.2	changed	1 September 2017

1. DETAILS OF THE APPROVAL

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval	<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>Access and Parking Works</i> <i>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Site Works</i> <i>Landscaping Works</i>

Building Works	
Plumbing and Drainage Works	

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	For an application involving	Name of agency	Status	Address
MATERIAL CHANGE OF USE				
	On land contiguous to a State-controlled road	Department of Infrastructure, Local Government and Planning (previously Department of State Development, Infrastructure and Planning)	Concurrence Agency	Online: www.dilgp.qld.gov.au/MyDAS Postal: PO Box 113 Rockhampton Qld 4700

5. THE APPROVED PLANS

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

Plan/Document Name	Plan Number	Dated
Concept Plan – Proposed GFA Amendment	5139-01-GFA Revision B	5 June 2017
Proposed Motel and Cabin Park – Stage 2A & 2B – Proposed Site Master Plan	DA01 Revision D	6 June 2016
Proposed Motel and Cabin Park Expansion – Stage 2 Typical Cabin Elevations and Floor Plans	DA02	24 August 2010
Proposed Restaurant Development – Construction Staging Plan	17004 Sheet 1 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Floor Plan	17004 Sheet 2 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Elevations	17004 Sheet 3 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Roof Plan	17004 Sheet 4 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Slab Plan	17004 Sheet 5 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Sections	17004 Sheet 6 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Disabled WC Detail Plan	17004 Sheet 7 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Kitchen Plan	17004 Sheet 8 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – Kitchen Elevations	17004 Sheet 9 of 10 Revision 06	13 April 2017
Proposed Restaurant Development – 3D Views	17004 Sheet 10 of 10 Revision 06	13 April 2017

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Proposed Sewer Strategy	090084/SK10 (B)	N/A
Proposed Stormwater Management	090084/SK3 REV 1	October 2009
Waste Management Report	090084	January 2010

6. CURRENCY PERIOD FOR THE APPROVAL (S.85)

The standard relevant periods stated in section 85 of *Planning Act 20016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. STATEMENT OF REASONS

Description of the development	Material Change of Use for Cabin Park (thirty seven cabins and ancillary buildings)
Reasons for decision	The request for a permissible change is considered reasonable and meets the requirements of the assessment benchmarks prescribed under section 81 (2) of the <i>Planning Act 2016</i> and does not compromise the intent of the <i>Rockhampton Region Planning Scheme 2015</i> .

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.

This approval will lapse unless substantially commenced within the above stated relevant periods (refer to sections 85 of *Planning Act 2016* for further details).

10. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Erin McCabe <u>ACTING OPERATIONS MANAGER</u> <u>DEVELOPMENT ASSESSMENT</u>	Date: 15 April 2011
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11. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 4 September 2017
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C/C. Department of Infrastructure, Local Government and Planning - RockhamptonSARA@dilgp.qld.gov.au

Attachment 1 – Conditions of the approval

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

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights



Attachment 1 – Part 1

Rockhampton Regional Council Conditions

PLANNING ACT 2016

1.0 ADMINISTRATION

- 1.1 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:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Concept Plan – Proposed GFA Amendment	5139-01-GFA Revision B	5 June 2017
Proposed Motel and Cabin Park – Stage 2A & 2B – Proposed Site Master Plan	DA01 Revision D	6 June 2016
Proposed Motel and Cabin Park Expansion – Stage 2 Typical Cabin Elevations and Floor Plans	DA02	24 August 2010
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<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Proposed Restaurant Development – 3D Views	17004 Sheet 10 of 10 Revision 06	13 April 2017
Proposed Sewer Strategy	090084/SK10 (B)	N/A
Proposed Stormwater Management	090084/SK3 REV 1	October 2009
Waste Management Report	090084	January 2010

- 1.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 1.3 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council, prior to the commencement of use.
- 1.6 Any reference in these conditions to publications must be considered as the publication current as at the date of this approval, as amended.
- 1.7 The following further development permits are required prior to the commencement of any works on the site:
- 1.7.1 Operational Works:
- (i) Access and Parking Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Site Works; and
 - (vi) Landscaping Works.
- 1.7.2 Plumbing and Drainage Works; and
- 1.7.3 Building Works.
- 1.8 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.
- 1.9 This approval is for development associated with Stage 2 Cabin Park (two cabins), Stage 2A (Restaurant) and Stage 2B Cabin Park (thirty-five cabins). Any works associated with this Development Permit for a Material Change of Use for a Cabin Park (thirty seven cabins and ancillary buildings) must not commence unless all works associated with stage one Development Approval D/1747-2009 are completed.
- 1.10 All internal access roads and necessary infrastructure must be connected to the development area, prior to commencement of any works for this stage.
- 2.0 ACCESS AND PARKING WORKS
- 2.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any works on the site.

- 2.2 All parking and vehicle manoeuvring areas must be sealed to the satisfaction of Council and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works). The layout must be generally in accordance with the approved plans (refer to condition 1.1).
- 2.3 Off-Street parking, circulation roads and all associated vehicle manoeuvring areas, must be designed and constructed in accordance with *the Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 Parking Facilities*.
- 2.4 A minimum of one hundred and thirteen (113) car parking spaces, two (2) universal car parking spaces and three (3) mini bus parking spaces must be provided in accordance with the approved plans (refer to condition 1.1).
- 2.5 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*.
- 2.6 A fully dimensioned and properly scaled plan showing swept vehicle paths, for the largest vehicle intended to access the site, must be provided with any application for a Development Permit for Operational Works (access and parking works). The plan must demonstrate that the swept vehicle paths will not impact any structures or landscaping.
- 2.7 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 - Lighting for Roads and Public Spaces*.
- 3.0 SEWERAGE WORKS
- 3.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 3.2 The development must be connected to Council's reticulated sewerage network in accordance with the *Water Supply (Safety and Reliability) Act* and *Plumbing and Drainage Act*.
- 3.3 Deleted.
- 3.4 Deleted.
- 3.5 Any application for Plumbing and Drainage Works must be accompanied by a sewerage reticulation network analysis. The analysis is required to determine if the existing sewerage network is adequate to cater for the additional loading generated by the proposed development. The sewerage reticulation network analysis will also determine the necessary additional infrastructure required, in order to satisfy the design criteria outlined in the Department of Environment and Resource Management *Planning Guidelines for Water Supply and Sewerage*.
- 3.6 All internal sanitary drainage works, must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 3.7 A trade waste permit must be obtained for any non-domestic waste which is proposed to be discharged to the reticulated sewerage system. Arrestor traps must be provided for discharge of commercial or non-domestic sewerage waste in accordance with the *Plumbing and Drainage Act*.
- 4.0 WATER WORKS
- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 4.2 The development must be connected to Council's reticulated water supply network in accordance with the *Water Supply (Safety and Reliability) Act* and *Plumbing and Drainage Act*. The proposed water reticulation works, including connections to the existing system, must be carried out in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.3 The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council, in accordance with the provisions of the *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.

Act. In particular connection to the 600 millimetre diameter watermain on the western of Yaamba Road.

- 4.4 Any application for Plumbing and Drainage Works must be accompanied by a water reticulation network analysis. The water reticulation network analysis is required to ensure that the proposed development will have the minimum pressure and fire containment requirements in accordance with the design criteria in the Department of Environment and Resource Management *Planning Guidelines for Water Supply and Sewerage*. In addition, water services to the existing properties must not be adversely affected by this development.
- 4.5 Individual tenancies/sole occupancy units must be provided with sub metering in accordance with the *Queensland Plumbing and Wastewater Code* and *Council's Sub metering Policy*.
- 4.6 All internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 5.2 All stormwater drainage systems must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Design Guidelines*.
- 5.3 Stormwater runoff from the site must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 5.4 Any application for Operational Works (stormwater works) must be accompanied by a Management Strategy for the proposed retention 'lake' that clearly addresses the following issues:
 - 5.4.1 Risk management assessment including but not limited to safety and vector control; and
 - 5.4.2 Monitoring and maintenance strategy.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any works on the site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an Earthworks Plan which clearly identifies the following:
 - (i) the location of cut and/or fill;
 - (ii) the type of fill to be used and the manner in which it is to be compacted;
 - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - (v) the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 6.3 Any filling or changes to the site proposed as part of any works must be carried out in accordance with *Capricorn Municipal Design Guidelines*.

7.0 BUILDING

- 7.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site

7.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

7.3 Suitable waste management facilities must be provided for the development as part of this stage or earlier stages.

8.0 LANDSCAPING

8.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any works on the site.

8.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 1.1). The landscape plan must include, but is not limited to, the following:

8.2.1 A plan documenting the “Extent of Works” and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (example, stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

8.2.2 A “Planting Plan” and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (that is paving, fences, garden bed edging etcetera). All plants shall be located within an edged garden;
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
- (v) mature screen planting to the northern, southern and eastern boundaries.

8.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) Obstruct sight visibility zones as defined in the *Austrroads - Guide to Traffic Engineering Practice* series of publications; or
- (ii) Adversely affect any road lighting or public space lighting; or
- (iii) Adversely affect any Council infrastructure, or public utility plant.

8.4 All fencing and landscaping must be located wholly within the development.

8.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 Provide underground electricity and telecommunication connections to the proposed development to the requirements of the relevant authority.

9.2 Road and public space lighting, must be provided to all relevant internal roads, intersections and public spaces in accordance with the *Australian Standards AS1158 - Road Lighting*.

10.0 CONTRIBUTIONS/COSTS

10.1 Contributions must be paid to Council prior to the issue of a Development Permit for Building Works.

10.2 The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:

<u>Policy</u>	<u>Contribution</u>	<u>Current Total*</u>
PSP11	Water Supply Headworks	\$101,948.70
PSP11	Sewerage Headworks	\$102,821.60

*The amounts shown are relevant for the 2017/2018 financial year and must be reviewed to reflect the applicable rates current for the financial year at time of payment.

*The above assessment has been based on 19 pedestals for Restaurant and 37 cabins with 0.3 weighting factor for cabins.

*Stainless steel wall mounted step urinal is considered as one (1) pedestal.

10.3 Any alteration to electricity, telephone, and/or any other public utility installations required as a consequence of the development, or in any way associated with the development, must be at full cost to the developer.

10.4 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.

10.5 '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 commence of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

11.0 ENVIRONMENTAL

11.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters, where applicable:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) vegetation management and clearing;
- (iv) top soil management;
- (v) interim drainage plan during construction;
- (vi) construction programme;
- (vii) weed control;
- (viii) noise and dust suppression; and
- (ix) waste management.

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

- (i) objectives;

- (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation for the construction and post construction phases of work.
- 11.3 The Erosion and Sediment Control Plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.
- 11.4 The Environmental Management Plan and the Erosion and Sediment Control Plan to be approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 11.5 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan have been approved by Council as part of Development Permit for Operational Works.
- 12.0 OPERATING PROCEDURES
- 12.1 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 Yaamba Road.

NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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 Environment and Resource Management website http://www.derm.qld.gov.au/cultural_heritage/index.html

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the Workplace Health and Safety legislation.

NOTE 3. Dust Control

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 4. Sedimentation Control

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 5. Noise During Construction And Noise In General

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

NOTE 6. General Safety Of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

NOTE 7. Signage

Any signage proposed that is not self-assessable development or exempt development under the *Rockhampton City Plan 2005* will require a Development Permit for Operational 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

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 agency's referral response—the	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment manager is the respondent—

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
		concurrency agency	the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<p>3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or </p> <p>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	Column 2	Column 3	Column 4

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Appellant	Respondent	Co-respondent (if any)	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 (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	1 For a development application—the assessment manager 2 For a change application—the	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**

application—an eligible submitter for the change application	responsible entity		
<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</p>	The Minister	-	<p>If an owner or occupier starts the appeal – the owner of the registered premises</p>