



# Decision Notice Approval

*Planning Act Form 1 (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016 for a decision notice (approval) under section 63(2) of the Planning Act 2016*

Application number:	D/55-2020	Contact:	Bevan Koelmeyer
Notice Date:	16 October 2020	Contact Number:	1300 22 55 77

## APPLICANT DETAILS

Name:	RCI Group		
Postal address:	C/- Gideon Town Planning		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above application on 3 June 2020 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (two (2) Freestanding Signs and one (1) Fascia Sign)**

## PROPERTY DESCRIPTION

Street address:	12 Queen Elizabeth Drive and 36 Brown Street, Berserker
Real property description:	Lot 1 on SP152745 and Lot 3 on RP605097

## OWNER DETAILS

Name:	J E Boswood and G A Boswood
Postal address:	
Name:	K W Slotosch
Postal address:	

**Dear RCI Group**

I advise that, on 13 October 2020 the above development application was:

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

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

## 1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use - 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
Operational Works	<i>Parking Works</i> <i>Sewerage Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Site Works</i>
Building Works	<i>Demolition Works</i> <i>Building Works</i>
Plumbing and Drainage Works	

## 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
<b>STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)</b>			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor</i>			
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The chief executive of the department in which the <i>Planning Act 2016</i> is administered:  Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <u>Email:</u> <a href="mailto:RockhamptonSARA@dsdmip.qld.gov.au">RockhamptonSARA@dsdmip.qld.gov.au</a> <u>Postal:</u> 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:

Drawing/report title	Prepared by	Date	Reference number	Rev
Title Page and Site Locality Plan	The Retail Group	3 September 2020	TP01	P3
Proposed Site Plan	The Retail Group	3 September 2020	TP03 (Sheet 3 of 6)	P8
Proposed Floor Plan	The Retail Group	3 September 2020	TP04	P3
Proposed Elevations	The Retail Group	3 September 2020	TP05	P3
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	14 May 2020	075-19-20	A
Existing Conditions & Demolition Plan	The Retail Group	29 April 2020	TP02	P1
Proposed Sweep Paths – Services & Delivery Trucks	The Retail Group	3 September 2020	TP03A	P2
Signage Details	The Retail Group	3 September 2020	TP06	P3
Stormwater Catchment Area Plan	Eclipse Consulting Engineers	14 August 2020	C03-B	B
Stormwater Drainage Plan	Eclipse Consulting Engineers	14 August 2020	C04-B	B
External Pavement Plan	Eclipse Consulting Engineers	14 August 2020	C05-B	B
Stormwater Details	Eclipse Consulting Engineers	14 August 2020	C06-B	B
Stormwater Details	Eclipse Consulting Engineers	14 August 2020	C07-B	B
Landscape Plan	JK's Garden Creations	12 August 2020	Sheet 2 of 3	-
Specification Plan	JK's Garden Creations	12 August 2020	Sheet 3 of 3	-
Environmental Noise Assessment	Roadpro Acoustics	29 May 2020	1316R1-R0	-

## 6. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the *Planning Act*)

The standard currency periods stated in section 85 of *Planning Act 2016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

## 7. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for Material Change of Use for a Service Station and Operational Works for Advertising Devices (two (2) Freestanding Signs and one (1) Fascia Sign)
<b>Reasons for Decision</b>	a) The development fronting Queen Elizabeth Drive is anticipated to provide a pedestrian-friendly environment with safe and comfortable circulation both internal and external to the site;

	<p>b) The proposed advertising devices are anticipated to integrate with the design of other development on the premises and the streetscape, whilst not adversely impacting upon the safety of the transport network;</p> <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;</p> <p>b) The proposed development does not compromise the relevant <i>State Planning Policy</i>; and</p> <p>c) 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>							
<p><b>Assessment Benchmarks</b></p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Specialised centre zone code;</li> <li>• Advertising devices code;</li> <li>• Access, parking and transport code;</li> <li>• Landscape code;</li> <li>• Stormwater management code;</li> <li>• Waste management code;</li> <li>• Water and sewer code;</li> <li>• Acid sulfate soils overlay code;</li> <li>• Airport environs overlay code; and</li> <li>• Flood hazard overlay code.</li> </ul>							
<p><b>Compliance with assessment benchmarks</b></p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> <table border="1" data-bbox="521 1251 1412 1982"> <thead> <tr> <th data-bbox="521 1251 695 1339">Assessment Benchmark</th> <th data-bbox="695 1251 1412 1339">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="521 1339 695 1772">Specialised Centre Zone Code (PO6)</td> <td data-bbox="695 1339 1412 1772">The fuel shop building will be oriented toward the site's fuel dispensing area and vehicular ingresses located on Queen Elizabeth Drive and Brown Street. The development includes a covered canopy walkway between the fuel shop and the fuel dispensing area. The building does not orient directly to the Queen Elizabeth Drive road frontage, however the design is not inconsistent with the existing development pattern along Queen Elizabeth Drive, particularly north of the subject site. The fuel shop building and overall site design is suitable and practical to accommodate the Service Station. Furthermore, the site's existing concrete pedestrian pathway along the entire road frontage, as well as the on-site covered walkway, are anticipated to provide safe and comfortable pedestrian circulation both internal and external of the site.</td> </tr> <tr> <td data-bbox="521 1772 695 1982">Advertising Devices Code (PO1)</td> <td data-bbox="695 1772 1412 1982">The existing freestanding sign located at 22 Queen Elizabeth Drive is small scale in terms of its height and sign-face area. It is anticipated this existing sign will be prominent from a different perspective along Queen Elizabeth Drive, compared to the development's freestanding signs. Therefore, it is anticipated that the separation distance from the existing sign would not result in the proliferation of unnecessary</td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	Specialised Centre Zone Code (PO6)	The fuel shop building will be oriented toward the site's fuel dispensing area and vehicular ingresses located on Queen Elizabeth Drive and Brown Street. The development includes a covered canopy walkway between the fuel shop and the fuel dispensing area. The building does not orient directly to the Queen Elizabeth Drive road frontage, however the design is not inconsistent with the existing development pattern along Queen Elizabeth Drive, particularly north of the subject site. The fuel shop building and overall site design is suitable and practical to accommodate the Service Station. Furthermore, the site's existing concrete pedestrian pathway along the entire road frontage, as well as the on-site covered walkway, are anticipated to provide safe and comfortable pedestrian circulation both internal and external of the site.	Advertising Devices Code (PO1)	The existing freestanding sign located at 22 Queen Elizabeth Drive is small scale in terms of its height and sign-face area. It is anticipated this existing sign will be prominent from a different perspective along Queen Elizabeth Drive, compared to the development's freestanding signs. Therefore, it is anticipated that the separation distance from the existing sign would not result in the proliferation of unnecessary
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	<p>advertising.</p> <p>Whilst the development includes two (2) freestanding signs, the 'P Express' sign will be located directly in front of the fuel shop and is anticipated to visibly present more so as part of this building, rather than as a freestanding sign. The on-site freestanding signs are not anticipated to obscure the view of one another. Furthermore, both signs are expected to be prominent from different perspectives along Queen Elizabeth Drive. Despite the freestanding signs not achieving the desired property boundary setback from Queen Elizabeth Drive, they are anticipated to integrate with the design of other development on the premises and are not anticipated to be visually dominant along the road corridor. Furthermore, the signs are not anticipated to resemble road or traffic signs or adversely affect safety levels of the road transport network.</p>
<p><b>Matters prescribed by regulation</b></p>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>

## 8. APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

### Appeal by an applicant

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

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

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

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

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

## 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. ASSESSMENT MANAGER

Name: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR</b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature:	Date: 16 October 2020
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C/C Department of State Development, Tourism and Innovation - [RockhamptonSARA@dsdmip.qld.gov.au](mailto:RockhamptonSARA@dsdmip.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**

**PART A – Material Change of Use**

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Parking Works;
    - (ii) Sewerage Works;
    - (iii) Stormwater Works;
    - (iv) Roof and Allotment Drainage;
    - (v) Site Works;
  - 1.5.2 Plumbing and Drainage Works;
  - 1.5.3 Building Works:
    - (i) Demolition Works; and
    - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lot 1 on SP152745 and Lot 3 on RP605097 must be amalgamated and registered as one lot prior to the commencement of the use.

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:

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Environmental Noise Assessment	Roadpro Acoustics	29 May 2020	1316R1-R0	-
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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 approval by Council prior to the submission of an application for a Development Permit for Building Works.
- 3.0 **PARKING WORKS**
- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (parking works).
- 3.3 All parking areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (parking works).
- 3.4 Service and delivery vehicles, including refuse collection vehicles, must ingress and egress the site via Queen Elizabeth Drive only. Ingress or egress from these vehicles via Brown Street is not permitted.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 3.6 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 3.7 A minimum of nine (9) parking spaces must be provided on-site in accordance with the approved plans (refer to condition 2.1).
- 3.8 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.9 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.10 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"*.
- 3.11 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.12 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.13 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

#### 4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 4.2 The development must be connected to Council's reticulated sewerage network.
- 4.3 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.4 A new sewerage access chamber must be constructed on the existing sewerage main a minimum of 1.5 metres from the eastern boundary of Lot 3 on RP605097 and outside the footprint of the proposed canopy.  
Note: The section of redundant sewerage main and access chamber must be removed from the development site.
- 4.5 A new sewerage connection point must be provided to the development site from the access chamber to be constructed in accordance with condition 4.4.
- 4.6 Any proposed sewerage access chamber located below the ten per cent (10%) Annual exceedance probability flood level must be provided with bolt down lids.
- 4.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy-duty trafficable lids.
- 4.8 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.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.5 Sewer connections and 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.
- 5.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 5.7 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4* for flood-affected areas.

#### 6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

6.4 The application for a Development Permit for Operational Works (stormwater works) must include an amended Water Cycle Management Plan that considers all events up to and including the one percent annual exceedance probability (1% AEP).

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.

7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

#### 8.0 SITE WORKS

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

8.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

8.3 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.

8.4 All site works must be undertaken to ensure that there is:

8.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;

8.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and

8.4.3 a lawful point of discharge to which the approved works drain during construction phase.

#### 9.0 BUILDING WORKS

9.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works within the development site.

9.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing buildings or structures on the development site. All buildings and structures shown on the approved plans (refer to condition 2.1) must be demolished and/or removed from the site prior to the commencement of the use.

9.3 Access to and use of the land which is the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

9.4 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.

- 9.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.6 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.6.2 screened so as not to be visible from a public space;
  - 9.6.3 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;
- 9.7 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 9.8 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 10.0 LANDSCAPING WORKS
- 10.1 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 landscaped areas must predominantly contain plant species that have a low water dependency.
- 10.2 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.
- 10.3 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;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.4 The landscaped areas must be subject to:
- 10.4.1 a watering and maintenance plan during the establishment moment; and
  - 10.4.2 an ongoing maintenance and replanting programme.
- 11.0 STREET LIGHTING
- 11.1 The developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with *Australian Standard AS1158 'Lighting for roads and public spaces'*.
- 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.
- 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.
- 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 undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 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 *Asset Design and As Constructed Manual (ADAC)*.
- 15.0 ENVIRONMENTAL
- 15.1 The Erosion Control and Stormwater Control Management Plan 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 Noise mitigation measures are to be adopted in accordance with the approved 'Environmental Noise Assessment' (refer to condition 2.1).
- 16.2 Noise emitted from the activity must not cause an environmental nuisance.
- 16.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 16.4 The underground petroleum storage system must be designed, constructed, installed, maintained, tested and repaired, where necessary, in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*.
- 16.5 All certification and record-keeping requirements associated with the underground petroleum storage system must be maintained in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*. When requested, these records must be made available for inspection by Council.
- 16.6 An incidents register must be kept at the premises and it must record any incidents including but not limited to:
- 16.6.1 any fire at the premises; and
- 16.6.2 any release of contaminants not in accordance with the development approval conditions.
- 16.7 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 16.8 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 16.9 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 sewer network in accordance with a trade waste permit.
- 16.10 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that

is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:

- 16.10.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
  - 16.10.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - 16.10.3 waste bags and ties.
- 16.11 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.
  - 16.12 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
  - 16.13 Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures.
  - 16.14 All fuel dispensing areas must be drained to a holding tank or to the sewer through a trade waste approved oil interceptor/separation system.
- 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 development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Brown Street.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Activities such as food storage, preparation and sale. Approval for such activities is required before 'fitout' and operation.

**PART B – Operational Works for Advertising Devices**

18.0 ADMINISTRATION

18.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

18.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

18.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

18.4 The following further development permits are required prior to the commencement of any works on the site:

18.4.1 Building Works.

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

19.0 APPROVED PLANS AND DOCUMENTS

19.1 The approved advertising devices must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

Plan/Document Name	Prepared by	Date	Reference Number	Revision
Proposed Site Plan	The Retail Group	3 September 2020	TP03 (Sheet 3 of 6)	P8
Signage Details	The Retail Group	3 September 2020	TP06	P3

19.2 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.

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

19.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

19.5 Any proposed minor changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant.

20.0 OPERATING PROCEDURES

- 20.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 20.2 All text and images displayed on the approved advertising devices:
  - 20.2.1 must be static;
  - 20.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
  - 20.2.3 must not involve moving parts or flashing lights.
- 20.3 Advertising devices must not be capable of playing audio nor be synchronised with any outdoor sound system utilised for advertising purposes.
- 20.4 Any lighting devices associated with the advertising devices, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and 'Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers'.

21.0 LUMINANCE

- 21.1 Luminance levels of the advertising devices must not exceed the applicable levels below:

Maximum luminance for lighting conditions	
Sun on face of signage	Maximum Output
Day Time (full light conditions)	7000 candelas per square metre
Day Time (dawn, dusk and inclement weather)	600 candelas per square metre
Night Time	300 candelas per square metre

22.0 ASSET MANAGEMENT

- 22.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:
  - 22.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
  - 22.1.2 as soon as reasonably possible as agreed with Council.

23.0 CONSTRUCTION AND MAINTENANCE

- 23.1 The fascia sign, as shown as 'Mobil Berserker' on the approved plans (refer to condition 19.1), must not project outwards any further than 100 millimetres from the fascia.
- 23.2 Council reserves the right for uninterrupted access to the site at all times during construction.
- 23.3 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 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.
- 23.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 23.5 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 the developer's expense.

- 23.6 The advertising devices must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 23.7 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 23.8 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".
- 23.9 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity of the site.
- 24.0 **OPERATING PROCEDURES**
- 24.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Brown Street.

#### **ADVISORY NOTES**

NOTE 6. **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 Aboriginal and Torres Strait Islander Partnerships website: [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

NOTE 7. **Asbestos Removal**

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

NOTE 8. **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 9. **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.



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**Attachment 1 – Part 2**  
**Referral Agency Conditions - Department of**  
**State Development, Tourism and Innovation**

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*Planning Act 2016*

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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.

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
1. Development applications An appeal may be made against— <ol style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ol>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<b>2. Change applications</b> An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<b>3. Extension applications</b> An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<p><b>4. Infrastructure charges notices</b>            An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect ‘use category’, under a regulation, to the development               <ul style="list-style-type: none"> <li>(i) The working out of extra demands, for section 120; or</li> <li>(ii) An offset or refund; or</li> </ul> </li> </ul> <p>b) There was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>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 (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p><b>5. Conversion applications</b>            An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(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><b>6. Enforcement notices</b>            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

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
<p><b>1. Appeals from tribunal</b>            An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(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	-	-

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

<p><b>2. Eligible submitter appeals</b> 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 the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p><b>3. Eligible submitter and eligible advice agency appeals</b> 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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p><b>4. Compensation claims</b> 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><b>5. Registered premises</b></p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

<b>Table 3 Appeals to the tribunal only</b>			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)



<b>Table 3</b>			
<b>Appeals to the tribunal only</b>			
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</p> <p>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	-	-