



Decision Notice Approval (amended)

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

Application number:	D/589-2013	Contact:	Aidan Murray
Notice Date:	19 April 2023	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Nine Mile Sands Pty Ltd T/A Rockhampton Sands		
Postal address:	C/- Groundwork Plus PO BOX 1779 MILTON QLD 4064		
Phone no:	Mobile no:	Email: slyons@groundwork.com.au	

I acknowledge receipt of the above change application on 3 December 2021 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for an Extractive Industry (Sand Quarry)
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PROPERTY DESCRIPTION

Street address:	Lot 250 Fogarty Road, Fairy Bower
Real property description:	Lot 250 on R2621

Dear Nine Mile Sands Pty Ltd T/A Rockhampton Sands

I advise that on 12 April 2023 the above change application was:

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

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

CHANGES TO CONDITIONS

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

1)	Item 6	changed	12 April 2023
2)	Condition 1.6	changed	12 April 2023
3)	Condition 1.7	changed	12 April 2023
4)	Condition 2.1	changed	12 April 2023
5)	Condition 3.1	changed	12 April 2023
6)	Condition 3.2	changed	12 April 2023
7)	Condition 3.3	changed	12 April 2023
8)	Condition 3.4	new	12 April 2023

9)	Condition 3.5	new	12 April 2023
10)	Condition 4.1	deleted	12 April 2023
11)	Condition 4.2	deleted	12 April 2023
12)	Condition 4.3	deleted	12 April 2023
13)	Condition 4.4	changed	12 April 2023
14)	Condition 4.5	new	12 April 2023
15)	Condition 4.6	new	12 April 2023
16)	Condition 4.7	new	12 April 2023
17)	Condition 4.8	new	12 April 2023
18)	Condition 4.9	new	12 April 2023
19)	Condition 5.1	deleted	9 June 2016
20)	Condition 5.2	changed	9 June 2016
21)	Condition 5.3	deleted	12 April 2023
22)	Condition 6.1	deleted	12 April 2023
23)	Condition 6.2	deleted	12 April 2023
24)	Condition 6.4	deleted	12 April 2023
25)	Condition 7.3	deleted	9 June 2016
26)	Condition 7.4	deleted	12 April 2023
27)	Condition 7.5	deleted	9 June 2016
28)	Condition 7.6	deleted	12 April 2023
29)	Condition 7.7	deleted	12 April 2023
30)	Condition 7.8	changed	12 April 2023
31)	Condition 7.9	changed	12 April 2023
32)	Condition 9.1	deleted	9 June 2016
33)	Condition 9.2	deleted	9 June 2016
34)	Condition 9.3	deleted	9 June 2016
35)	Condition 9.4	deleted	9 June 2016
36)	Condition 9.6	deleted	9 June 2016
37)	Condition 9.7	changed	12 April 2023
38)	Condition 10.2	deleted	12 April 2023
39)	Condition 10.5	changed	12 April 2023
40)	Condition 10.8	deleted	12 April 2023
41)	Condition 10.9	deleted	9 June 2016
42)	Condition 10.10	deleted	9 June 2016

43)	Condition 10.11	new	12 April 2023
44)	Condition 10.12	new	12 April 2023
45)	Condition 10.13	new	12 April 2023
46)	Condition 10.14	new	12 April 2023
47)	Condition 11.1	new	12 April 2023
48)	Advisory Note 1	changed	12 April 2023
49)	Advisory Note 2	deleted	12 April 2023
50)	Advisory Note 4	deleted	12 April 2023
51)	Advisory Note 5	deleted	12 April 2023
52)	Advisory Note 7	deleted	12 April 2023
53)	Advisory Note 8	new	12 April 2023
54)	Advisory Note 9	new	12 April 2023
55)	Advisory Note 10	new	12 April 2023
56)	Advisory Note 11	new	12 April 2023
57)	Advisory Note 12	new	12 April 2023
58)	Advisory Note 13	new	12 April 2023
59)	Advisory Note 14	new	12 April 2023

1. DETAILS OF THE APPROVAL

The following approvals are given:

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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	Site Works
Building Works Assessable against the Planning Scheme (Preliminary Approval)	
Building Works Assessable against the Building Assessment Provisions	

4. SUBMISSIONS

A properly made submission was made in relation to the application.

There was one (1) properly made submission received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Jacqueline & Jarrod Scott	489-509 Nine Mile Road, Fairy Bower 4700	lionviewlivestock@hotmail.com

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	For an application involving	Name of agency	Status	Address
DEVELOPMENT IMPACTING ON A STATE-CONTROLLED ROAD				
2	An aspect of development identified in schedule 9 that— (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold— (i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or (ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose. However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.	Department of Infrastructure, Local Government and Planning	Concurrence	Online: www.dsdlp.qld.gov.au/MyDAS Postal: PO Box 113 Rockhampton Qld 4700

6. THE APPROVED PLANS

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

Plan / Document Name	Plan / Document Number	Revision / Issue	Dated	Stages
Site Based Management Plan	4363	-	27 November 2013	1
Road Impact Assessment report by McMurtrie Consulting Engineers	026-10-11	-	29 November 2010	1
Site Layout Plan	2493.DRG.003	Revision 4	11 July 2022	All Stages
Traffic and Pavement Impact Assessments	2022-705_10574_TIA	Issue 2	5 July 2022	2 and 3
Rockhampton Sand Quarry – Responses to Council's Traffic Matters	2022-705_10574_TIA	N/A	16 September 2022	2 and 3
Rockhampton Sands Quarry Environmental Management Plan	2493_610_002	Issue 2	June 2022	2 and 3

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

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016*, the development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

8. STATEMENT OF REASONS

Description of the development	Material Change of Use for Extractive Industry (Sand Quarry)	
Reasons for Decision	<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Rural Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; • Flood Hazard Overlay Code; • Steep Land Overlay Code; • Access, Parking And Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Extractive Industry Code PO2	<p>The development does not comply with Acceptable Outcome (AO) 2.1, which requires a vegetated buffer with a minimum width of thirty (30) metres along all boundaries of the site. A vegetation buffer has not been proposed by the Applicant or conditioned to be provided.</p> <p>The extraction and operations areas are not located near a state-controlled road or residential zoned land and is approximately 500 metres from the nearest sensitive land use (dwelling houses on surrounding rural properties). As such, a vegetated buffer or screening along the property boundaries is not considered necessary or practical to maintain the amenity of surrounding residents. Conditions of approval have been included referencing the relevant</p>

		environmental standards (e.g. environmental nuisance and amenity under <i>Environmental Protection Act 1994</i>). The development is considered to achieve the intent of the Performance Outcome (PO) 2 and Overall Outcomes of the Extractive Industry Code.
	Extractive Industry Code PO4	The development does not comply with AO4.1 as the internal roads are not sealed. Instead, internal haul roads will be a gravel surface and regularly maintained and dampened by a water cart to reduce the potential dust impacts external to the site. This is considered sufficient to achieve the PO4 where supported by reasonable and relevant conditions within the associated Environmental Approval.
	Extractive Industry Code PO5	The development does not comply with AO5.1, which requires security fencing be provided for the full length of the site perimeter around stockpiles and operations areas. The site instead has standard rural fencing around the property boundaries with a security gate at vehicle access point from Fogarty Road. The fencing and gate currently provided as well as the site location and other factors are considered sufficient to not comprise public safety and ensure risks are minimal, thereby achieving PO5.
	Access, Parking and Transport Code PO6	The application does not comply with AO6.1 as the on-site parking, access and manoeuvring facilities, are not sealed but are instead constructed of gravel. The site is located in the Rural Zone and well separated from any sensitive land uses. The nearest land use is another extractive industry on a separate property. The risk of amenity impacts from dust is therefore considered low risk subject to appropriate mitigation measures. Conditions of approval require that all access works are designed and constructed in accordance with Capricorn Municipal Guidelines and relevant Australian Standards. Based on the above, parking and servicing facilities are designed to meet user requirements and therefore comply with PO6.
	Bushfire Hazard Overlay Code PO2	The site is located within the Rural Zone where reticulated water supply is not available. The development conflicts with AO2.1.2 which prescribes that a water tank be provided within ten (10) metres of a building or structure. The applicant has instead proposed an alternative solution to utilise water trucks that are already used as part of the sand quarry operations, as well as having access to water from the quarry sump and sediment basin if required during a bushfire event. The alternative solutions provide adequate and accessible water supply for firefighting purposes in an emergency thereby achieving PO2.
	Flood Hazard Overlay Code PO4	The development does not comply with AO 4.1.1 as there are buildings proposed / located on-site in the Extreme (H5) Flood Hazard Overlay area. The applicant must obtain separate approvals in relation to the Planning Scheme and the Building Assessment Provisions for the proposed buildings. Advisory Notes 11 and 12 address these requirements. The Building Works Assessable against the Planning Scheme application will need to demonstrate there will be no increase to the flood risk towards people and property to thereby achieve the intent of PO4.
	Flood Hazard Overlay	The development does not comply with AO17.1, which prescribes that development does not involve filling with a

	Code PO17	<p>height greater than 100 millimetres. The bund walls constitute assessable Operational Works (site works) and require approval from Council. In order to comply with PO17, the applicant must demonstrate to Council that the development does not materially impede the flow of floodwaters through the site or cause unacceptable impacts external to the site. This is to be enforced through Condition 7.8 which requires the applicant to implement the following actions:</p> <ul style="list-style-type: none"> • A Flood Impact Assessment must be submitted with the Operational Works for site works. • All site works inclusive of stockpiles and/or banks/bund walls 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 an actionable nuisance to surrounding properties or infrastructure.
Relevant Matters	The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation (see below).	
Matters raised in submissions	Issue	How matter was dealt with
	Road safety concerns in relation to heavy vehicle use of Lion Creek Bridge (Nine Mile Road)	A traffic impact assessment and pavement impact assessment were provided by the applicant to support the application. This has been considered by Council officers and conditions have been included to ensure safe use of all road users accessing Lion Creek Bridge. As per condition 4.7, the developer must install two sets of roadside signs including 'Narrow Bridge' and 'Next 200m', to the south and north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed south of the Lion Creek Bridge with appropriate line markings. Nine Mile Road verges either side of the Lion Creek Bridge are to be maintained to improve sight distances.
	Road safety concerns as a result of degradation caused by high frequency of heavy vehicle trips on Nine Mile Road)	A traffic impact assessment and pavement impact assessment were provided by the applicant to support the application, which has been assessed by Council officers. Conditions of development require the applicant to pay a road maintenance levy to Council to contribute to maintenance and upkeep of Council's road network. Payments are required six monthly and are based on the amount of material processed at a per tonnage rate. The required rate of payment for each stage of the development and level of output is outlined in conditions 4.4, 4.5 and 4.6 and are subject to Consumer Price Index (CPI) increases to ensure adequate contribution is provided toward continued road maintenance and upkeep of affected roads. Furthermore, condition 4.8 requires the applicant to undertake a Road Safety Audit for Nine Mile Road prior to commencing extraction greater than 250,000 tonnes per annum. Any recommendations resulting from the Road Safety Audit must be implemented by the applicant.

	Flooding impacts from bund walls	<p>Establishment of bund walls around the extraction pit is a condition of the existing Environmental Authority (EA) approval to achieve flood immunity from a Q100 flood event (i.e., 1% Annual Exceedance Probability – AEP) and ensure flood water cannot enter the pits. There is no requirement on the EA approval for bunding around the whole of the site. Condition 7.8 addresses this concern in the following ways:</p> <ul style="list-style-type: none"> • A Flood Impact Assessment must be submitted with the Operational Works application for site works. • All site works inclusive of stockpiles and/or banks/bund walls must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
	Public notification not undertaken effectively	<p>All public notification actions were undertaken by the applicant as required in accordance with the <i>Planning Act 2016</i> and Development Assessment Rules:</p> <ul style="list-style-type: none"> • Notice published in newspaper on 27 July 2022; • Notice (sign) placed on premises from 27 July 2022 until 18 August 2022; • Adjoining land owners notified by mail on 26 July 2022.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application. 	

9. RIGHTS OF APPEAL

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

Appeal by an applicant

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

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

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

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

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

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

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter’s appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.


Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

11. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Date: 9 June 2016
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12. ASSESSMENT MANAGER

Name: Amanda O’Mara <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 19 April 2023
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dSDLGP.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

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Deleted.
 - (ii) Deleted.
 - (iii) Site Works.
- 1.6.2 Building Works Assessable against the Planning Scheme (Preliminary Approval)
- 1.6.3 Building Works Assessable against the Building Assessment Provisions
- 1.7 The Environmentally Relevant Activity Permit must be amended to reflect this development approval and approved by the Department of Environment and Science prior to the commencement of the use.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Plan / Document Number</u>	<u>Revision / Issue</u>	<u>Dated</u>	<u>Stages</u>
Site Based Management Plan	4363	-	27 November 2013	1
Road Impact Assessment report by McMurtrie Consulting Engineers	026-10-11	-	29 November 2010	1
Site Layout Plan	2493.DRG.003	Revision 4	11 July 2022	All Stages
Traffic and Pavement Impact Assessments	2022-705_10574_TIA	Issue 2	05 July 2022	2 and 3

<u>Plan / Document Name</u>	<u>Plan / Document Number</u>	<u>Revision / Issue</u>	<u>Dated</u>	<u>Stages</u>
Rockhampton Sand Quarry – Responses to Council’s Traffic Matters	2022-705_10574_TIA	N/A	16 September 2022	2 and 3
Rockhampton Sands Quarry Environmental Management Plan	2493_610_002	Issue 2	June 2022	2 and 3

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

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

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in three (3) discrete stages. The stages are to be carried out in accordance with the following parameters:

3.1.1 Stage 1 = maximum 100,000 tonnes per annum (tpa);

3.1.2 Stage 2 = maximum 250,000 tpa; and

3.1.3 Stage 3 = maximum 1,000,000tpa of which not more than 250,000tpa is permitted for supply to the general market, with any balance permitted for supply to the Rockhampton Ring Road (RRR) project.

3.2 Stage one must be completed prior to any other Stage. Stages 2 and 3 must be undertaken in chronological order or may be undertaken concurrently.

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

3.4 The maximum quantity of material hauled from the site must not exceed the limits associated with each stage in Condition 3.1.

3.5 Stage 3 must cease operation upon completion of the RRR project or when a maximum haulage of 4 million tonnes has been supplied to the RRR project from commencement, whichever occurs first.

4.0 ROAD WORKS

4.1 Deleted.

4.2 Deleted.

4.3 Deleted.

4.4 For Stage 1, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months, which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the March 2014 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
0-100,000 tonnes	\$0.22 per tonne

Note: CPI of March 2014 – 105.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

4.5 For Stage 2, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months, which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
100,001 - 250,000 tonnes	\$0.422 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.6 For Stage 3, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 -1,000,000 tonnes	\$0.496 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.7 Prior to commencing haulage from site greater than 100,000tpa (applies to Stages 2 and 3), two sets of roadside signs including 'Narrow Bridge' (W4-1) and 'Next 200m' (R9-6) must be installed at 200m south and 200m north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed at 15m south of the Lion Creek Bridge with appropriate line markings.
- 4.8 Prior to commencing haulage from site greater than 250,000tpa or commencing supply to the RRR project (applies to Stage 3) the developer is to undertake a Road Safety Audit of Nine Mile Road for the development traffic scenario up to 1,000,000tpa. The road safety audit is to be prepared by a Registered Professional Engineer of Queensland (RPEQ) and is to be submitted to and approved by Council.

Note: If necessary, the developer will need to apply for a subsequent Change to the Development Approval or an Operational Works (Road Works) application to action any recommendations of the road safety audit.

- 4.9 For Stage 3, a 'bridge/major drainage structures' levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 -1,000,000 tonnes	\$0.11 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

5.0 ACCESS WORKS

5.1 Deleted.

5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines and relevant Australian Standards.

5.3 Deleted.

6.0 STORMWATER WORKS

6.1 Deleted.

- 6.2 Deleted.
- 6.3 All stormwater drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 6.4 Deleted.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 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.
- 7.3 Deleted.
- 7.4 Deleted.
- 7.5 Deleted.
- 7.6 Deleted.
- 7.7 Deleted.
- 7.8 A Flood Impact Assessment, prepared and endorsed by a Registered Professional Engineer of Queensland (RPEQ), must be submitted with the Operational Works (site works). All site works inclusive of stockpiles, hardstand areas and/or banks and bund walls 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 an actionable nuisance to surrounding properties or infrastructure.
- 7.9 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes;
 - (ii) removed for disposal at a location approved by Council within sixty (60) days of clearing; or
 - (iii) Burned in accordance with a permit obtained from the local Fire Warden.
- 7.10 All site works must be undertaken to ensure there is:
- 7.10.1 No increase in upstream or downstream flood levels for all levels of immunity up to Q100; and
 - 7.10.2 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.
- 8.0 ASSET MANAGEMENT
- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 9.0 ENVIRONMENTAL
- 9.1 Deleted.
- 9.2 Deleted.
- 9.3 Deleted.

- 9.4 Deleted.
- 9.5 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans. Any additional vegetation clearing on the subject site must be in accordance with the requirements of the *Vegetation Management Act 1999* and the planning scheme current at the time of the proposed clearing.
- 9.6 Deleted.
- 9.7 The operator must implement measures for the control of weed infestations during excavation, processing or transport of material in accordance with an approved Weed and Pest Control Plan. A Weed and Pest Control must be kept on-site and available for inspection.
- 10.0 OPERATING PROCEDURES
- 10.1 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 Fogarty Road or Nine Mile Road.
- 10.2 Deleted.
- 10.3 The hours of operations must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Saturday; and
 - (ii) no operations on Sunday or Public Holidays
- 10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 10.5 All waste materials and consumables generated by the operation must be immediately removed from site and disposed of at a licensed waste receiver. Any chemicals, fuels or consumables in containers of greater than 15 litres must be stored within a secondary containment system.
- 10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 10.7 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*'.
- 10.8 Deleted.
- 10.9 Deleted.
- 10.10 Deleted.
- 10.11 B-Double or larger vehicles are not permitted to enter or be used within the subject site.
- Note:** B-Double or larger vehicles are not permitted to use Fogarty Road and Nine Mile Road as it is not a B-Double route, except where an appropriate National Heavy Vehicle Regulator Permit has been obtained.
- 10.12 The processing of End of Waste Code (EOWC) resources can occur on-site where ancillary to the primary extractive industry land use occurring on the site. Suitable ancillary activities include processing of:
- (i) concrete products (concrete washout and returned hardened concrete from concrete plants);
 - (ii) recovered pavement products (removed, surplus and/or unused asphalt, bitumen, road base and sub-base materials)
 - (iii) brick, tile and masonry products; and
 - (iv) coal combustion products (Furnace Bottom Ash from Stanwell Power Station).
- Note:** The developer must maintain registration to the End of Waste Codes for the relevant resources used in this activity, including EOWC Recycled Aggregates, EOWC Returned Concrete, EOWC Solid Concrete Washout and EOWC Coal Combustion Products.
- 10.13 The developer must limit the range of products produced using EOWC resources to those that are required to be mixed or blended with or added to extracted material and the resulting by-products. The above activities are only considered ancillary to the approved Extractive Industry use on the site where consistent with the following parameters:

- 10.13.1 The maximum quantity of EOWC resource that is imported to the site is limited to 15% of the quantity of material extracted in that year.
 - 10.13.2 The maximum quantity of EOWC resource that is sold and exported from the site is limited to 10% of the quantity of material extracted in that year.
 - 10.13.3 The EOWC resources used on site are limited to those required to be mixed or blended with extracted material from the site.
 - 10.13.4 The maximum quantity of material outgoing from the site (i.e., both produced and sold) is within the limits considered as part of the approved Traffic and Pavement Impact Assessment report prepared by Traffic and Transport Plus.
 - 10.13.5 Any waste generated during this activity that is not re-used as a resource must be disposed of at an approved facility that is the holder of a relevant ERA for the type of waste being disposed. Stockpiling of waste at the site is not permitted. Disposal of waste to landfill at the site is not permitted.
- 10.14 A record of all weighbridge receipts must be kept on-site for Council inspection as requested. Weighbridge receipts must be recorded, maintained and retained for a minimum period of ten (10) years.
- 11.0 PLUMBING AND DRAINAGE WORKS
- 11.1 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

ADVISORY 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships www.dsdsatsip.qld.gov.au/

NOTE 2. Deleted.

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 property during all stages of the development including earthworks, construction and operation.

NOTE 4. Deleted.

NOTE 5. Deleted.

NOTE 6. 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 7. Deleted.

NOTE 8. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

NOTE 9. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 10. Environmental Nuisance

Emissions from the activity must not cause an environmental nuisance.

NOTE 11. Building Work

A Development Permit for Building Works assessable against the Building Assessment Provisions must be obtained for any buildings or structures on the site.

NOTE 12. Building Work Assessable Against the Planning Scheme

A Preliminary Approval for Building Works Assessable against the Planning Scheme must be obtained for any buildings or structures on the site. An application must be made to Council and be accompanied by a Flood Impact Assessment prepared and endorsed by a Registered Engineer Professional of Queensland (RPEQ).

NOTE 13. Plumbing and Drainage Work

All regulated internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

NOTE 14. Sanitary Drainage Work

On-site sewerage treatment and disposal must be provided in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

All regulated sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.

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—
- matters that may be appealed to—
 - either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
 - the person—
 - who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - 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—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - 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
 - 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - is in the approved form; and
 - succinctly states the grounds of the appeal.
- The notice of appeal must be accompanied by the required fee.
- 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—

- the respondent for the appeal; and
 - each co-respondent for the appeal; and
 - for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - 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
 - for an appeal to the P&E Court—the chief executive; and
 - for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - 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

- 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.
- The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- 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.
- In this section— **decision** includes—
 - conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

- non-appealable**, for a decision or matter, means the decision or matter—
- is final and conclusive; and
 - 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
 - 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

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- 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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications An appeal may be made against—</p> <p>(a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or</p> <p>(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—</p> <p>(a) the assessment manager's decision about an extension application; or</p> <p>(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</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"> • 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>b) The 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</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
imposed the amount.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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

Table 2 Appeals to the P&E Court only			
		(if any)	(if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

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

Table 3 Appeals to the tribunal only			
<p>1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
<p>3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

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