



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/64-2018	Contact:	Bevan Koelmeyer
Notice Date:	4 June 2020	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	Rockhampton Regional Council		
Postal address:	C/O - Gideon Town Planning		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above change application on 24 April 2020 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Community Use and Operational Works for an Advertising Device (wall sign)
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PROPERTY DESCRIPTION

Street address:	220 and 208 Quay Street, Rockhampton City
Real property description:	Lot 100 on SP300269 and Lot 3 on RP619454, Parish of Rockhampton

OWNER DETAILS

Name:	Rockhampton Regional Council and Rockhampton Regional Council
Postal address:	
Dear Rockhampton Regional Council	
I advise that, on 3 June 2020 the above change application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1)	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

CHANGES TO CONDITIONS

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

1)	Item 5	Changed	3 June 2020
2)	Condition 2.1	Changed	3 June 2020

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use -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

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Status	Address
QUEENSLAND HERITAGE PLACE			
<i>Schedule 10, Part 8, Division 2, Subdivision 3, Table 1 - Assessable development under s15(1)</i>			
Development application for assessable development under section 15(1), unless the chief executive is the prescribed assessment manager for the application	Department of Environment and Heritage Protection	Concurrence	Department of State Development, Manufacturing, Infrastructure and Planning Online: https://planning.dsdmp.qld.gov.au/ Postal: PO Box 113 Rockhampton Qld 4700
<i>Schedule 10, Part 8, Division 2, Subdivision 3, Table 2 - Assessable development under s15(2)</i>			
Development application for assessable development under section 15(2), unless the chief executive is the prescribed assessment manager for the application	Department of Environment and Heritage Protection	Concurrence	Department of State Development, Manufacturing, Infrastructure and Planning

			<p>Online: https://planning.dsdmip.qld.gov.au/</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
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INFRASTRUCTURE-RELATED REFERRALS

Schedule 10, Part 9, Division 2, Table 2 - Material change of use of premises near a substation site or subject to an easement

<p>Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if—</p> <p>(a) all or part of the premises are within 100m of a substation site; or</p> <p>(b) both of the following apply—</p> <p>(i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act;</p> <p>(ii) the easement is for a transmission grid or supply network.</p>	Ergon Energy	Concurrence	<p>Ergon Energy</p> <p>Online: https://www.ergon.com.au</p> <p>Postal: PO Box 1090 Townsville QLD 4810</p>
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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	Version /issue
DA Existing and Proposed Site Plans	Conrad Gargett	19 March 2020	DD-AR-A-DA104	Rev D
DA Demolition Plan	Conrad Gargett	19 June 2018	DD-AR-A-DA201	Rev C
DA Gallery Level G – Plan	Conrad Gargett	19 March 2020	DD-AR-A-DA202	Rev D
DA Gallery Level 01 – Plan	Conrad Gargett	22 May 2020	DD-AR-A-DA203	Rev E
DA Gallery Level 02 – Plan	Conrad Gargett	19 March 2020	DD-AR-A-DA204	Rev D
DA Gallery Level 03 (Plant) – Plan	Conrad Gargett	19 June 2018	DD-AR-A-DA205	Rev C
DA Elevations	Conrad Gargett	19 June 2018	DD-AR-A-DA301	Rev C
DA Elevations	Conrad Gargett	19 June 2018	DD-AR-A-DA302	Rev C
DA Sections	Conrad Gargett	19 June 2018	DD-AR-A-DA351	Rev C

Drawing/report title	Prepared by	Date	Reference number	Version/issue
Sections 07-09	Conrad Gargett	7 January 2019	CD-AR-A-3504	Rev K
DA Proposed Landscape Plan	Conrad Gargett	19 June 2018	DD-LA-0-DA101	Rev B
Vehicle Turnpath Plan	Calibre	18 June 2018	17-000551	Rev A
Proposed Service Layout	Calibre	18 June 2018	17-000551	Rev A
Waste Management	Ttm	18 June 2018	-	Rev 2
Engineering Infrastructure Report	Calibre	18 June 2018	17-000551	Rev B

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

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

7. STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Community Use and Operational Works for an Advertising Device (wall sign)
Reasons for Decision	<p>a) The proposed building reflects and responds to the scale of the adjoining heritage built form and through its visually interesting design contributes to the overall streetscape of the Quay Street Precinct;</p> <p>b) The development is not anticipated to adversely impact the safety or capacity of the road network or unduly impact on local amenity;</p> <p>c) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>d) 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>e) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>f) 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 proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Principal centre zone code; • Acid sulfate soils overlay code; • Access, parking and transport code; • Landscape code; • Stormwater management code; • Waste management code; • Water and sewer code; • Advertising devices code; • Biodiversity overlay code; and

	<ul style="list-style-type: none"> Heritage place overlay 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 exception(s) listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Principal centre zone code	The building reflects and responds to the scale of the adjoining heritage Customs House built form. Furthermore, the building contributes to the overall Quay Street streetscape by incorporating a visually interesting design with a different height that provides a visually interesting skyline for the precinct and greater CBD area.
	Access, parking and transport code	The development will utilise the Rockhampton CBD's existing on-street parking. Whilst some impact to the capacity of the existing on-street parking and road network is expected, the development is not anticipated to unduly impact local amenity or the safety of the road network. Furthermore, Council's <i>CBD Redevelopment Framework</i> identifies future projects anticipated to increase the number of on-street and off-street parking spaces in the CBD. In conjunction the development's colonnade walkway will integrate with anticipated future projects to improve pedestrian connectivity in the CBD. As a result it is anticipated that future CBD projects will support the access, parking and transport demands generated by the subject development while maintaining local amenity and safety.
	Advertising devices code	The advertising device is designed and sited in a manner that is not anticipated to adversely impact on the visual amenity of the streetscape or adversely affect the safety of the road network.
Matters prescribed by regulation	<ul style="list-style-type: none"> (i) The <i>State Planning Policy – Part E</i>; (ii) The <i>Central Queensland Regional Plan</i>; (iii) The <i>Rockhampton Region Planning Scheme 2015</i>; (iv) Surrounding use of adjacent premises in terms of commensurate and consistent development form; and (v) The common material, being the material submitted with the application. 	

8. RIGHTS OF APPEAL

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

Appeal by an applicant

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

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

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

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

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

9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

10. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR DEVELOPMENT ASSESSMENT</u>	Date: 7 February 2019
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11. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 4 June 2020
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C/C Department of State Development, Manufacturing, Infrastructure and Planning - RockhamptonSARA@dsgmip.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 for a Community 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) Access Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage;
 - (iv) 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.

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:

Drawing/report title	Prepared by	Date	Reference number	Version /issue
DA Existing and Proposed Site Plans	Conrad Gargett	19 March 2020	DD-AR-A-DA104	Rev D
DA Demolition Plan	Conrad Gargett	19 June 2018	DD-AR-A-DA201	Rev C
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DA Gallery Level 01 – Plan	Conrad Gargett	22 May 2020	DD-AR-A-DA203	Rev E
DA Gallery Level 02 – Plan	Conrad Gargett	19 March 2020	DD-AR-A-DA204	Rev D
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DA Elevations	Conrad Gargett	19 June 2018	DD-AR-A-DA301	Rev C
DA Elevations	Conrad Gargett	19 June 2018	DD-AR-A-DA302	Rev C
DA Sections	Conrad Gargett	19 June 2018	DD-AR-A-DA351	Rev C
Sections 07-09	Conrad Gargett	7 January 2019	CD-AR-A-3504	Rev K
DA Proposed Landscape Plan	Conrad Gargett	19 June 2018	DD-LA-0-DA101	Rev B
Vehicle Turnpath Plan	Calibre	18 June 2018	17-000551	Rev A
Proposed Service Layout	Calibre	18 June 2018	17-000551	Rev A
Waste Management	Ttm	18 June 2018	-	Rev 2
Engineering Infrastructure Report	Calibre	18 June 2018	17-000551	Rev B

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

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

3.0 ACCESS WORKS

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

- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 All access, loading bay and vehicle manoeuvring areas must be concrete paved.
- 3.4 Service and delivery vehicles, including refuse collection vehicles must be via Quay Lane only.
- 3.5 A minimum of six (6), Class 2 bicycle parking facilities must be provided for employees and a minimum of four (4), Class 3 bicycle parking facilities must be provided for visitors. The bicycle parking facilities must encourage casual surveillance and be located at ground floor level.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 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.
- 4.2 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*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing water connection point(s) for Lot 100 on SP300269 must be disconnected. A new water connection point must be provided to the development. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 4.5 The existing sewerage connection point(s) for Lot 100 on SP300269 must be disconnected. A new sewerage connection point must be provided to the development from the existing sewer access chamber located within Quay Lane.
- 4.6 The internal plumbing of the existing building to be partially retained (i.e. southernmost building on site) (refer to condition 2.1), must be relocated to connect to the new connection point to be provided in accordance with condition 4.4.
- 4.7 The internal sanitary drainage of the existing building to be partially retained (i.e. southernmost building on site) (refer to condition 2.1), must be relocated to connect to the new connection point to be provided in accordance with condition 4.5.
- 4.8 Sewerage and water services to the southernmost building to be partially retained must be maintained throughout the proposed development.
- 4.9 Sewer connection 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.
- 4.10 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 4.11 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.
- 4.12 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* and Council's Plumbing and Drainage Policies.
- 4.13 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.

- 4.14 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 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).
- 5.3 All stormwater must be discharged to the existing 375 millimetre diameter stormwater main located within Lot 3 on RP619454, fronting the development site.
- 5.3.1 An access chamber must be constructed over the stormwater main to allow for a connection.
- 5.3.2 A backflow prevention device must be incorporated into the proposed drainage system to ensure stormwater does not flow back into the roof-water receiving access chamber or stormwater quality improvement device during times of flood.
- 5.4 The installation of the proposed stormwater quality improvement device must be in accordance with relevant *Australian Standards* and all maintenance of the proposed stormwater quality improvement device must be the responsibility of the property owner.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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.
- 6.2 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).
- 6.3 All roof and allotment drainage 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 or worsening to surrounding land or infrastructure.

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 a preliminary site investigation into acid sulphate soils. If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated or filled, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works). The detailed investigation and associated management plan must be carried out in accordance with the *Queensland Acid Sulphate Soil Technical Manual* and *State Planning Policy 2017*.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 8.2 The existing buildings on site (excluding the partial retention of the southernmost building) must be demolished in accordance with the approved plans (refer to condition 2.1).
- 8.3 A Building Over/Adjacent to Local Government Sewerage Infrastructure application must be submitted to Council for the assessment of the footing design at the Building Application stage. The existing sewerage main is greater than three (3) metres in depth and piers may be required for the footings to comply with Council's policy.
- 8.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 8.4.1 concealed from public view such that the contents of the waste storage area are not visible from any public place;
 - 8.4.2 of a sufficient size to accommodate residential / commercial type bins that will be serviced by a commercial contractor. Furthermore, there must be sufficient clearance around the bins for manoeuvring and cleaning purposes; and
 - 8.4.3 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act*.
- Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable, provided no wastewater is discharged from the site to the sewer network.
- 8.5 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"*.

9.0 LANDSCAPING

- 9.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.
- 9.2 The landscaped areas must be subject to:
- 9.2.1 a watering and maintenance plan during the establishment moment; and
 - 9.2.2 an ongoing maintenance and replanting programme.
- 9.3 Landscaping, or any part thereof, upon reaching full maturity, must not adversely affect any Council infrastructure, or public utility plant.

10.0 ELECTRICITY

- 10.1 Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities.

11.0 TELECOMMUNICATIONS

- 11.1 Underground telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

12.0 ASSET MANAGEMENT

- 12.1 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.

- 12.2 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.
- 12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Manual for Submission of Digital As Constructed Information*.
- 13.0 ENVIRONMENTAL
- 13.1 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 13.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 13.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 Noise emitted from the activity must not cause an environmental nuisance.
- 14.2 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 or dust.
- 14.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 14.4 Air conditioner units must be located so as not to cause a noise nuisance and maintained in proper working order at all times. Installation is to be as per manufacturer's directions to ensure that efficiency of the equipment.
- 15.0 OPERATING PROCEDURES
- 15.1 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 Quay Street or Quay Lane.
- 15.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 15.2.1 the area is kept in a clean and tidy condition;
- 15.2.2 no waste material is stored external to the waste storage area/s;
- 15.2.3 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 15.3 Bins (Waste and Recycle) collection for the proposed development must be from Quay Lane only. All bins must be transferred to and from Quay Lane from the dock yard (refer to condition 2.1) on collection day by the property owner.
- 15.4 All loading and/or unloading of delivery/collection vehicles must occur outside of standard business hours being 0800 to 1700 from Monday to Sunday, including Public Holidays.

- 15.5 A Heavy Rigid Vehicle, being 12.5 metres in length, or a smaller vehicle, must be used for the delivery and collection of goods or services to/from the loading dock in accordance with the approved plans (refer to condition 2.1).
- 15.6 Where the Heavy Rigid Vehicle must reverse into the site via the dock yard on Quay Lane, to ensure the manoeuvring is completed safely and to eliminate the potential for accidents/injuries, a minimum of two (2) spotters must be used at all times.

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.

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. Licensable Activities

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

NOTE 5. General Safety Of Public During Construction

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

Part B – Operational Works for an Advertising Device (wall sign)

16.0 ADMINISTRATION

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

Drawing/report title	Prepared by	Date	Reference number	Version /issue
DA Elevations	Conrad Gargett	19 June 2018	DD-AR-A-DA301	Rev C

- 16.2 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.
- 16.3 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.

- 16.4 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.
- 16.5 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.
- 16.6 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.
- 16.7 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 16.8 The following further development permits are required prior to the commencement of any works on the site:
- 1.8.1 Building Works.
- 16.9 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 16.10 Any proposed 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.
- 17.0 OPERATING PROCEDURE
- 17.1 All text and images displayed on the billboard must be static, not imitate a traffic control device or include traffic instructions (for example ‘stop’), and not involve moving parts or flashing lights.
- 17.2 All signage must be maintained by the premises owner, to a standard that ensures public safety and doesn't adversely impact the visual amenity.
- 18.0 DIGITAL SCREEN DISPLAY FEATURES
- 18.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
- 18.2 The Advertising Device display screen must incorporate a light sensor to detect the amount or level of ambient light surrounding a display and adjust the intensity of the display in accordance with the requirements of Condition 19.1.
- 18.3 The Advertising Device display screen must provide for in situ control, operation, configuration and diagnosis of the screen display.
- 18.4 Messages must remain static for a minimum dwell time of 10 seconds and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 18.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).
- 19.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT
- 19.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.
- 19.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 19.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 19.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a

sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

19.5 Changeover animation effects such as ‘fade’, ‘zoom’, or ‘fly-in’ between advertisements must not be used.

19.6 A blank black, white, or any coloured screen must not be displayed between advertisements.

19.7 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera or similar device. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

19.8 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

20.0 ILLUMINANCE AND LUMINANCE

20.1 Luminance levels of the Advertising Device must not exceed the applicable levels listed in Table 1 below:

Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	All Colours		Bailey’s Sign Nit Setting	
			Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Table 1: Luminance levels Advertising Device

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square metre (cd/m²). It is often used to describe the perceived brightness of a light source.

20.2 Any lighting devices associated with the signage, 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’.

21.0 ASSET MANAGEMENT

21.1 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 full cost to the Developer.

22.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 22.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 22.2 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 *Environmental Protection Regulations 2008* must be observed at all times.
- 22.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 22.4 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.
- 22.5 The Advertising Device 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.
- 22.6 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.
- 22.7 All electrical services and systems must comply with '*Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations*'.
- 22.8 All signage 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.
- 22.9 The Advertising Device must be maintained in a safe, clean, tidy and slightly condition at all times.

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 and Multicultural Affairs website: 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* and *Public Health Act 2005*.

NOTE 8. General Environmental Duty- *Environmental Protection Act 1994, sec.319*

A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (**the general environmental duty**).

In deciding the measures required to be taken, regard must be had to, for example—

- (a) the nature of the harm or potential harm; and
- (b) the sensitivity of the receiving environment; and
- (c) the current state of technical knowledge for the activity; and
- (d) the likelihood of successful application of the different measures that might be taken; and
- (e) the financial implications of the different measures as they would relate to the type of activity.

NOTE 9. General Safety Of Public During Construction

The *Work Health and Safety Act* 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.



**Attachment 1 – Part 2
Referral Agency Conditions - Department of
State Development, Manufacturing,
Infrastructure and Planning and Ergon
Energy**

Planning Act 2016

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

Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.

(3) Also, table 1 does not apply to a tribunal if the matter involves—

 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

(4) Table 2 states the matters that may be appealed only to the P&E Court.

(5) Table 3 states the matters that may be appealed only to the tribunal.

(6) In each table—

 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.

(7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<p>3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or </p> <p>b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have</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	-	-