



Decision Notice Approval

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

| | | | |
|---------------------|-------------|-----------------|---------------|
| Application number: | D/69-2017 | Contact: | Amanda O'Mara |
| Notice Date: | 01 May 2020 | Contact Number: | 1300 22 55 77 |

APPLICANT DETAILS

| | |
|-----------------|----------------------------------|
| Name: | The Trust Company Limited |
| Postal address: | C/- Cardno |
| Mobile no: | Email: |

I acknowledge receipt of the above application on 23 August 2019 and confirm the following:

DEVELOPMENT APPROVAL

| |
|--|
| Development Permit for an 'Other Change' to a Material Change of Use for a Shopping Centre, Theatre (extension) and Food and Drink Outlet |
|--|

PROPERTY DESCRIPTION

| | |
|----------------------------|---|
| Street address: | 331 Yaamba Road, Park Avenue |
| Real property description: | Lot 201 on SP236447 and Lot 1 on SP203617, Parish of Archer |

OWNER DETAILS

| | |
|--|---------------------------|
| Name: | The Trust Company Limited |
| Postal address: | |
| Dear The Trust Company Limited | |
| I advise that, on 28 April 2020 the above development 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. | |

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| Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use |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

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

| For an application involving | Name of agency | Status | Address |
|---|---|-------------|--|
| STATE TRANSPORT INFRASTRUCTURE (Generally) | | | |
| <i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</i> | | | |
| Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold— (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose. | The chief executive of the department in which the <i>Planning Act 2016</i> is Administered: Department of State Development, Manufacturing, Infrastructure and Planning | Concurrence | Department of State Development, Manufacturing, Infrastructure and Planning Online lodgement using MyDAS2: https://prod2.dev-assess.qld.gov.au/suite/ Email: RockhamptonSARA@dsdmip.qld.gov.au Postal: PO Box 113 Rockhampton Qld 4700 |

| STATE TRANSPORT INFRASTRUCTURE (State transport corridors and future State transport corridors) | | | |
|---|---|-------------|--|
| <i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor</i> | | | |
| <p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p> | <p>The chief executive of the department in which the <i>Planning Act 2016</i> is Administered: Department of State Development, Manufacturing, Infrastructure and Planning</p> | Concurrence | <p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Online lodgement using MyDAS2:</p> <p>https://prod2.dev-assess.qld.gov.au/suite/</p> <p>Email: RockhamptonSARA@dsdmip.qld.gov.au</p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p> |
| INFRASTRUCTURE-RELATED REFERRALS (Electricity Infrastructure) | | | |
| <i>Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or subject to an easement</i> | | | |
| <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> | <p>The chief executive of the distribution entity:</p> | Advice | <p><u>Postal:</u> Ergon Energy (Town Planning) PO Box 1090 Townsville Qld</p> <p><u>Email:</u> townplanning@energyq.com.au</p> |

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 |
|---|-------------------------|--------------|------------------|-----------------|
| Cover Sheet | Commercial Design Group | 3 March 2020 | DA001-F | F |
| Proposed Carpark Level Plan – Stage 1 | Commercial Design Group | 3 March 2020 | DA010-F | F |
| Ergon Easement Overlay (Amended by Ergon) | Commercial Design Group | 6 April 2020 | DA101-J | J |

| Drawing/report title | Prepared by | Date | Reference number | Version / issue |
|--|-------------------------|-------------------|-------------------------|------------------------|
| Proposed Roof Plan – Stage 1 | Commercial Design Group | 3 March 2020 | DA012-D | D |
| Proposed Elevations – Stage 1 | Commercial Design Group | 3 March 2020 | DA030-C | C |
| Proposed Landscape Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA060-D | D |
| Proposed Carpark Level Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA100-F | F |
| Proposed Retail Level Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA101-I | I |
| Proposed Roof Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA102-E | E |
| Proposed Landscape Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA600-E | E |
| Swept Path Analysis 12.5 HRV | Cardno | 22 May 2017 | CEB06360-SK05 | B |
| Swept Path Analysis – 19m AV | Cardno | 22 May 2017 | CEB06360-SK06 | B |
| Swept Path Analysis – 9.5m RoRo RCV | Cardno | 31 June 2019 | CEB06360-SK09 | B |
| Swept Path Analysis 12.5m HRV | Cardno | 31 June 2019 | CEB06360-SK10 | B |
| Swept Path Analysis 8.8m MRV | Cardno | 31 June 2019 | CEB06360-SK11 | B |
| Stormwater Management Plan | Cardno | 21 June 2017 | 423117-036-R1V1 | 1 |
| Proposed Pipe Realignment (Stormwater) | Cardno | 13 June 2017 | 423117-036-R1V1A | 1 |
| Civil Engineering Response | Cardno | 22 June 2017 | 170620 | 1 |
| Traffic Engineering Response | Cardno | 21 September 2017 | CEB06360 | - |
| Proposed Expansion – Sheet 1 of 2 | Cardno | 8 June 2017 | R2017033-CI-SK02 | C |
| Proposed Expansion – Sheet 2 of 2 | Cardno | 8 June 2017 | R2017033-CI-SK03 | C |
| Traffic Impact Assessment | Cardno | June 2017 | CEB06360 - 002 | 002 |
| Traffic Impact Assessment | Cardno | 7 August 2019 | CEB06360A - 001 | 001 |
| Proposed Carpark Level Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA010-E | E |
| Proposed Roof Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA012-C | C |
| Proposed Elevations – Stage 1 | Commercial Design Group | 14 June 2019 | DA030-B | B |

| Drawing/report title | Prepared by | Date | Reference number | Version / issue |
|--|-------------------------|---------------|------------------|-----------------|
| Perspectives – Stage 1 | Commercial Design Group | 14 June 2017 | DA090-A | B |
| Perspectives | Commercial Design Group | 14 June 2017 | DA900-B | B |
| Proposed Landscape Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA050-C | C |
| Proposed Carpark Level Plan – Stage 2 | Commercial Design Group | 3 July 2019 | DA100-E | E |
| Proposed Retail Level Plan – Stage 2 | Commercial Design Group | 5 August 2019 | DA101-H | H |
| Proposed Section & Elevation – Stage 2 | Commercial Design Group | 3 July 2019 | DA200-C | C |
| Proposed Elevations – Stage 2 | Commercial Design Group | 3 July 2019 | DA300-C | C |
| Proposed Landscape Plan – Stage 2 | Commercial Design Group | 3 July 2019 | DA600-D | D |
| Materials Palette | Commercial Design Group | 14 June 2017 | DA800-B | B |

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

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

7. STATEMENT OF REASONS

| | |
|---|--|
| Description of the development | Material Change of Use for a Shopping Centre, Theatre (extension) and a Food and Drink Outlet |
| Reasons for Decision | <p>a) The proposed change does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>b) Assessment of the change 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>c) The proposed development does not compromise the relevant State Planning Policy.</p> |
| Assessment Benchmarks | <p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Major Centre Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. |
| Matters prescribed by regulation | <ul style="list-style-type: none"> • <i>The State Planning Policy – Part E</i>; • <i>The Central Queensland Regional Plan</i>; • <i>The Rockhampton Region Planning Scheme 2015</i>; |

| | |
|--|---|
| | <ul style="list-style-type: none"> The common material, being the material submitted with the application. |
|--|---|

8. APPEAL RIGHTS

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

Appeal by an applicant

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

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

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

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

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

9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

10. ASSESSMENT MANAGER

| | | |
|---|------------|-------------------|
| Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT | Signature: | Date: 01 May 2020 |
|---|------------|-------------------|

C/C Department of State Development, Manufacturing, Infrastructure and Planning - RockhamptonSARA@dsgmip.qld.gov.au
 C/C Ergon Energy (Town Planning) - townplanning@energyq.com.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 and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Parking Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage; and
 - (vi) Site Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 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 (excluding Demolition 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 |
|---|-------------------------|--------------|------------------|-----------------|
| Cover Sheet | Commercial Design Group | 3 March 2020 | DA001-F | F |
| Proposed Carpark Level Plan – Stage 1 | Commercial Design Group | 3 March 2020 | DA010-F | F |
| Ergon Easement Overlay (Amended by Ergon) | Commercial Design Group | 6 April 2020 | DA101-J | J |
| Proposed Roof Plan – Stage 1 | Commercial Design Group | 3 March 2020 | DA012-D | D |
| Proposed Elevations – Stage 1 | Commercial Design Group | 3 March 2020 | DA030-C | C |
| Proposed Landscape Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA060-D | D |
| Proposed Carpark Level Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA100-F | F |
| Proposed Retail Level Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA101-I | I |
| Proposed Roof Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA102-E | E |
| Proposed Landscape Plan – Stage 2 | Commercial Design Group | 3 March 2020 | DA600-E | E |
| Swept Path Analysis 12.5 HRV | Cardno | 22 May 2017 | CEB06360-SK05 | B |
| Swept Path Analysis – 19m AV | Cardno | 22 May 2017 | CEB06360-SK06 | B |
| Swept Path Analysis – 9.5m RoRo RCV | Cardno | 31 June 2019 | CEB06360-SK09 | B |
| Swept Path Analysis 12.5m HRV | Cardno | 31 June 2019 | CEB06360-SK10 | B |
| Swept Path Analysis 8.8m MRV | Cardno | 31 June 2019 | CEB06360-SK11 | B |
| Stormwater Management Plan | Cardno | 21 June 2017 | 423117-036-R1V1 | 1 |

| Drawing/report title | Prepared by | Date | Reference number | Version / issue |
|--|-------------------------|-------------------|------------------|-----------------|
| Proposed Pipe Realignment (Stormwater) | Cardno | 13 June 2017 | 423117-036-R1V1A | 1 |
| Civil Engineering Response | Cardno | 22 June 2017 | 170620 | 1 |
| Traffic Engineering Response | Cardno | 21 September 2017 | CEB06360 | - |
| Proposed Expansion – Sheet 1 of 2 | Cardno | 8 June 2017 | R2017033-CI-SK02 | C |
| Proposed Expansion – Sheet 2 of 2 | Cardno | 8 June 2017 | R2017033-CI-SK03 | C |
| Traffic Impact Assessment | Cardno | June 2017 | CEB06360 - 002 | 002 |
| Traffic Impact Assessment | Cardno | 7 August 2019 | CEB06360A - 001 | 001 |
| Proposed Carpark Level Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA010-E | E |
| Proposed Roof Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA012-C | C |
| Proposed Elevations – Stage 1 | Commercial Design Group | 14 June 2019 | DA030-B | B |
| Perspectives – Stage 1 | Commercial Design Group | 14 June 2017 | DA090-A | B |
| Perspectives | Commercial Design Group | 14 June 2017 | DA900-B | B |
| Proposed Landscape Plan – Stage 1 | Commercial Design Group | 3 July 2019 | DA050-C | C |
| Proposed Carpark Level Plan – Stage 2 | Commercial Design Group | 3 July 2019 | DA100-E | E |
| Proposed Retail Level Plan – Stage 2 | Commercial Design Group | 5 August 2019 | DA101-H | H |
| Proposed Section & Elevation – Stage 2 | Commercial Design Group | 3 July 2019 | DA200-C | C |
| Proposed Elevations – Stage 2 | Commercial Design Group | 3 July 2019 | DA300-C | C |
| Proposed Landscape Plan – Stage 2 | Commercial Design Group | 3 July 2019 | DA600-D | D |
| Materials Palette | Commercial Design Group | 14 June 2017 | DA800-B | 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 PARKING WORKS
- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any parking works on the development site.
- 3.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (parking works).
- 3.3 All parking spaces and vehicular manoeuvring areas associated with the proposed development must be concrete paved or asphalt sealed.
- 3.4 All vehicles must ingress and egress the development in a forward gear.
- 3.5 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 3.6 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 3.7 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 3.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 3.9 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.10 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.11 The development must provide two (2) multiple bike racks with seven (7) bicycle parking spaces each. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.
- 4.0 SEWERAGE WORKS
- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 4.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 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.

- 4.5 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.
- 4.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.7 The existing section of 150 millimetre diameter non-trunk sewerage main connecting the existing Food and Drink Outlet must be decommissioned back to the existing manhole. The section of redundant 150 millimetre diameter sewerage infrastructure must be capped and abandoned.

Note: Prior to decommissioning an inspection must be required to ensure that no other internal sanitary drains are connected to this sewerage main.

- 4.8 As part of Stage Two works the sewerage easement schedule that contains 225 millimetre diameter non-trunk sewerage infrastructure must be amended for the permission to construct the building over the easement.
- 4.9 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.10 Any application for a Development Permit for Operational Works (sewerage works) must be accompanied by an approved Sewerage Network Analysis Report. The sizes, layout and connection of non-trunk sewer mains must be in accordance with the approved Sewerage Network Analysis Report.
- 4.11 A new private sewer connection is to be provided for the proposed Food and Drink Outlet from the existing manhole located within the carpark adjacent to Moores Creek Road.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 5.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 The development must be connected to Council's reticulated water network.
- 5.4 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.6 As part of Stage Two works the existing 100 millimetre diameter non-trunk water main located underneath the proposed building must be decommissioned. The section of redundant 100 millimetre diameter water infrastructure must be capped and abandoned. A fire hydrant must be provided at the termination point.
- 5.7 As part of Stage Two works adequate fire fighting protection for Lot 2 on GTP60143 must be demonstrated as part of this development and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.8 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.9 Easements must be provided over all council owned and maintained water infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.
- 5.10 Any application for a Development Permit for Operational Works (water works) must be accompanied by an approved Water Supply Network Analysis Report. The sizes, layout

and connection of non-trunk water mains must be in accordance with the approved Water Supply Network Analysis Report.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 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.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 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.
- 6.4 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 2002* and Council's Plumbing and Drainage Policies.
- 6.5 Amended sewerage/sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 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).
- 7.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The existing section of 915 millimetre diameter reinforced concrete stormwater main located adjacent to the building must be decommissioned. The section of redundant stormwater infrastructure must be removed from the site.
- 7.5 A new 900 millimetre and 1050 millimetre nominal diameter reinforced concrete stormwater main must be constructed along the western boundary of the development site and discharged to Moores Creek in accordance with the approved plans (refer to condition 2.1).
- 7.6 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the stormwater management design objectives in *State Planning Policy 2016*.
- 7.7 Easements must be provided over Council owned stormwater infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines or Queensland Urban Drainage Manual*.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 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.
- 8.2 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).

- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the post development condition.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 9.2.1 the location of cut and/or fill;
 - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 9.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.

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

- 9.4 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.

- 9.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

- 9.6 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 10.2 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.

- 10.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

- 10.4 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:

- 10.4.1 designed and located so as not to cause a nuisance to neighbouring properties;

- 10.4.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 10.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 10.4.4 setback a minimum of two (2) metres from any road frontage; and
- 10.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.

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.

11.0 LANDSCAPING WORKS

- 11.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 11.2 The landscaped areas must be subject to:
 - 11.2.1 a watering and maintenance plan during the establishment moment; and
 - 11.2.2 an ongoing maintenance and replanting programme.

12.0 ELECTRICITY / ERGON ENERGY EASEMENT

- 12.1 Underground electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.2 Any alterations to the approved plans (refer to Condition 2.1) should be resubmitted to Ergon Energy.
- 12.3 Satisfactory clearance from all structures to the existing electricity wires must be maintained in accordance with the Electrical Safety Regulations 2013.
- 12.4 No civil works are to occur within five (5) metres of any part of an Ergon Energy structure (e.g. tower base, pole or stay) without Ergon's approval.
- 12.5 Natural ground level on the easement must not be disturbed without Ergon Energy's approval.
- 12.6 Proposed underground services such as stormwater, sewerage, water and the like are to be kept to the outer edge of the easement. Services crossing the easement should be as near as practicable to right angles to the overhead conductor direction and not within 10 metres of any tower, pole or stay. Pipelines and crossings are to be clearly marked.
- 12.7 The identification, assessment and mitigation of any possible hazards in the service due to electromagnetically induced voltages, is the responsibility of the Developer.
- 12.8 Any costs incurred by Ergon Energy as a result of the works on the easement are to be met by the property Developer / owner.
- 12.9 Access to the easement and access along the easement must be available to Ergon Energy personnel, including vegetation crews and regular routine line inspection crews, and heavy equipment, such as Heavy Trucks, Machinery and Cranes for construction, maintenance and emergency services, at all times.

- 12.10 Rubbish, materials and / or tall equipment such as cranes and excavators are not permitted to be stored or used on the easement. Excavations or mounding of material under or close to conductors or Ergon structures is not permitted.
- 12.11 Ergon Energy must be notified of construction on or near the easement, conductors or structures prior to commencement of construction. All construction work must be clear of the easement unless construction risk hazard is identified. High voltage clearances must be maintained prior to construction commencing. Warning signs may be required during and after construction.
- 12.12 At all times the following clearance must be maintained from the top of any machinery moving in the vicinity of energised conductors:
- 12.12.1 33kV and 11kV conductors – three (3) metre minimum clearance
- 12.12.2 Should it be necessary to transport equipment or extend any equipment, such that these clearances cannot be confidently maintained, the Developer is required to contact Ergon Energy to ascertain whether a Safety Officer is required on-site. All operators of machinery are to be made aware of the presence of high voltage conductors.
- 12.13 Landscaping on the easement must have prior approval from Ergon Energy. Please submit the relevant landscaping design to the Principal Mains Design Engineer for approval. When considering landscape designs, the planting of trees must be kept to the edges of the easement and not under any overhead conductors. When mature, plants or trees must not grow in excess of 3.5 metres in height. Please refer to the Energex Guide to “Power line Friendly Plants” for recommended species.
- 12.14 All easement conditions must be maintained.
- 12.15 For Stage 2, the Developer must redesign the proposal so that no buildings or structures are situated within Ergon Easement G on RP843003, Emt K on SP220787 and Emt O on SP220778. Alternatively, the applicant may enter into an agreement with Ergon Energy to relocate or underground the existing electricity assets on site, where meeting the requirements of both Ergon Energy and the Electrical Safety Regulation 2013.
- 13.0 TELECOMMUNICATIONS
- 13.1 Underground telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 14.0 ASSET MANAGEMENT
- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 14.3 ‘As Constructed’ information pertaining to assets to be handed over to Council and those which may have an impact on Council’s existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 15.0 ENVIRONMENTAL
- 15.1 An 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:

- 15.1.1 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
- 15.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

16.0 OPERATING PROCEDURES

- 16.1 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 Moores Creek Road, Musgrave Street, High Street and Aquatic Place.
- 16.2 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:
 - 16.2.1 the area is kept in a clean and tidy condition;
 - 16.2.2 fences and screens are maintained;
 - 16.2.3 no waste material is stored external to the waste storage area/s;
 - 16.2.4 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 16.3 Noise emitted from the activity must not cause an environmental nuisance.
- 16.4 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.

17.0 STAGED DEVELOPMENT

- 17.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
 - 17.1.1 Stage one - Redevelopment of the existing Food and Drink Outlet and adjacent ancillary car parking; and
 - 17.1.2 Stage two - Redevelopment of the existing cinema complex and extension of the shopping centre;in accordance with the approved plans (refer to condition 2.1).
Stage one must be completed prior to stage two.
- 17.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

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.

NOTE 6. Infrastructure Charges Notice

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



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

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— <ol style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant | The assessment manager | If the appeal is about a concurrence | 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 |
| 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. | | | |
| 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 |
| 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. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application | The assessment manager | If a concurrence agency starts the appeal – the applicant | If a chosen assessment manager is the respondent – the prescribed assessment manager |

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

| | | | |
|--|---|---------------------------------------|---|
| <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 <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <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 imposed the amount.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the Infrastructure charges notice | The local government that gave the infrastructure charges notice | - | - |
| <p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant | The local government to which the conversion application was made | - | - |
| <p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the enforcement notice | The enforcement authority | - | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |

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

| | | | |
|--|---|---------------------------------------|---|
| <p>1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A party to the proceedings for the decision | The other party to the proceedings for the decision | - | - |

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

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

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

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

**Table 3
Appeals to the tribunal only**

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

**Table 3
Appeals to the tribunal only**

| | | | |
|--|--|---------------------------------------|---|
| A person who received, or was entitled to receive, notice of the decision | The person who made the decision | - | - |
| <p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who was entitled to receive, notice of the decision | The local government to which the application was made | - | - |