



Decision Notice Approval

Planning Act Form 1 (version 1.0 effective 3 July 2017) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s63(2) Planning Act 2016

Application number:	D/90-2017	Contact:	Bevan Koelmeyer
Notice Date:	13 April 2018	Contact Number:	1300 22 55 77

APPLICANT DETAILS

Name:	G & L Thompson		
Postal address:	C/- Reel Planning CQ		
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above application on 28 July 2017 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Transport Depot and Extractive Industry

PROPERTY DESCRIPTION

Street address:	Lot 93 and Lot 96 Nine Mile Road, Pink Lily
Real property description:	Lot 93 and Lot 96 on PL4022, Parish of Karkol

OWNER DETAILS

Name:	G K Thompson and L R Thompson
Postal address:	
Dear G & L Thompson	
I advise that, on 10 April 2018 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

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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access Works</i> <i>Stormwater Works</i> <i>Site Works</i>
Building Works	

4. SUBMISSIONS

Properly made submissions were made in relation to the application.

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

Name of principal submitter	Residential or business address	Electronic address
1. Brenda May Stewart		

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Status	Address
Schedule 10, Part 20, Division 4, Table 3 - Material change of use of premises in wetland protection area			
Development application for a material change of use that is assessable development under a local categorising instrument, other than a material change of use relating to a domestic housing activity, government supported transport infrastructure or electricity operating works, if— (a) all or part of the premises are in a wetland protection area; and (b) the material change of use involves operational work that is high impact earthworks in a wetland protection area	Department of Environment and Heritage Protection	Concurrence	Department of Infrastructure, Local Government and Planning Online: www.dilgp.qld.gov.au/MyDAS2 Postal: PO Box 113 Rockhampton Qld 4700

6. THE APPROVED PLANS

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

Drawing/Report Title	Prepared by	Date	Reference Number	Version/ Issue
Site Concept Plan	Dileigh Consulting Engineers	February 2018	D16.150-SK01 (Sheet 1 of 5)	Rev. D

Locality Plan	Dileigh Consulting Engineers	February 2018	D16.150-SK01 (Sheet 2 of 5)	Rev. D
<u>Drawing/Report Title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference Number</u>	<u>Version/ Issue</u>
Access Swept Paths	Dileigh Consulting Engineers	February 2018	D16.150-SK04 (Sheet 4 of 5)	Rev. D
Access Site Distance Check	Dileigh Consulting Engineers	February 2018	D16.150-SK05 (Sheet 5 of 5)	Rev. D
Post Developed Stormwater Catchments	Dileigh Consulting Engineers	28 June 2017	D16.150-SK12 (Sheet 2 of 4)	Rev. A
Music Sub-Catchments	Dileigh Consulting Engineers	28 June 2017	D16.150-SK13 (Sheet 3 of 4)	Rev. A
Site Sections (Lot 93)	Dileigh Consulting Engineers	28 June 2017	D16.150-SK14 (Sheet 4 of 4)	Rev. A
Acid Sulphate Soils Report	Construction Sciences	8 August 2017	2128E.P.639	Version A
Site Concept Plan (Mitigation Map)	Dileigh Consulting Engineers	June 2017	D16.150-SK01 (Sheet 1 of 2)	Rev. B
HES Wetland Impact Assessment	Denley Environmental	26 June 2017	Nil	Version C
Engineering Report	Dileigh Consulting Engineers	16 November 2017	Nil	Rev. 03
Flood Study of Riverine Flooding	Dileigh Consulting Engineers	28 September 2017	Nil	Rev. 01

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

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.

8. STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use - Transport Depot and Extractive Industry
Reasons for Decision	<ul style="list-style-type: none"> a) The proposed Transport Depot is small-scale and will operate in conjunction with the Extractive Industry use which is a productive use of the small rural site. b) The subject site can be rehabilitated once the Extractive Industry has ceased. Therefore the development will not restrict the land being used for rural purposes in the future or possible State Infrastructure to utilise the land. c) The proposed activities will not restrict or adversely impact on the nearby rural uses or the capacity and safety of the road network. d) The proposal is well buffered to sensitive uses by both distance and landscape screening. e) The proposed development will not detract from the scenic landscape features and environmental characteristics of the locality. f) The flood impacts of the development are negligible with respect to both people and property. g) The proposed use does not compromise the strategic framework in the Rockhampton Region Planning Scheme 2015;

	<p>h) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>i) 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"> • Rural Zone Code; • Extractive Industry Code; • Access, Parking and Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Flood Hazard Overlay Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; • Acid Sulfate Soils Overlay Code; and • Airport Environs Overlay Code. 									
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> <table border="1" data-bbox="526 1140 1411 1944"> <thead> <tr> <th data-bbox="526 1140 828 1226">Assessment Benchmark</th> <th data-bbox="828 1140 1411 1226">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 1226 828 1518">Rural Zone Code</td> <td data-bbox="828 1226 1411 1518">The application has demonstrated that the Transport Depot use will be of a small-scale and that its amenity impacts such as dust, traffic and noise can be appropriately managed through its operations and with effective conditions. Furthermore the use supports the Extractive Industry which is a consistent use within the purpose of the zone and will safely and efficiently integrate with the transport network.</td> </tr> <tr> <td data-bbox="526 1518 828 1776">Extractive Industry Code</td> <td data-bbox="828 1518 1411 1776">The application has demonstrated that the development will be appropriately screened for nearby sensitive land uses with a proposed vegetation buffer toward its road frontage with Nine Mile Road. The proposed internal access will be constructed of gravel hardstand and surface treated as required to minimise the effect of dust emissions.</td> </tr> <tr> <td data-bbox="526 1776 828 1944">Access, Parking and Transport Code</td> <td data-bbox="828 1776 1411 1944">The access driveway will be sealed and is proposed to be located within Council's road reserve as the best outcome to ensure the development efficiently and safely integrates with the road network.</td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	Rural Zone Code	The application has demonstrated that the Transport Depot use will be of a small-scale and that its amenity impacts such as dust, traffic and noise can be appropriately managed through its operations and with effective conditions. Furthermore the use supports the Extractive Industry which is a consistent use within the purpose of the zone and will safely and efficiently integrate with the transport network.	Extractive Industry Code	The application has demonstrated that the development will be appropriately screened for nearby sensitive land uses with a proposed vegetation buffer toward its road frontage with Nine Mile Road. The proposed internal access will be constructed of gravel hardstand and surface treated as required to minimise the effect of dust emissions.	Access, Parking and Transport Code	The access driveway will be sealed and is proposed to be located within Council's road reserve as the best outcome to ensure the development efficiently and safely integrates with the road network.
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark									
Rural Zone Code	The application has demonstrated that the Transport Depot use will be of a small-scale and that its amenity impacts such as dust, traffic and noise can be appropriately managed through its operations and with effective conditions. Furthermore the use supports the Extractive Industry which is a consistent use within the purpose of the zone and will safely and efficiently integrate with the transport network.									
Extractive Industry Code	The application has demonstrated that the development will be appropriately screened for nearby sensitive land uses with a proposed vegetation buffer toward its road frontage with Nine Mile Road. The proposed internal access will be constructed of gravel hardstand and surface treated as required to minimise the effect of dust emissions.									
Access, Parking and Transport Code	The access driveway will be sealed and is proposed to be located within Council's road reserve as the best outcome to ensure the development efficiently and safely integrates with the road network.									

	Flood Hazard Overlay Code	The site-based flood hazard assessment demonstrated that the development has a negligible impact to the flood levels and velocity for off-site and does not provide an increased risk to people or property. The development will not have trafficable access during a flood event however the flood contingency plan will ensure the operations are resilient in their processes to evacuate the site before inundation occurs.
Matters raised in submissions	Issue	How matter was dealt with
	Rural Character	The application demonstrated that the Extractive Industry can be supported as a productive use of the land whilst managing associated environmental and amenity impacts. The Transport Depot operates in association with the mining use and is co-located for operational efficiency benefits.
	Flood Levels	The application's site-based flood assessment demonstrated the change to flood levels was negligible and determined there is not an increased risk to people or property.
	Dust	The dust emissions for the development will be managed through operational requirements to secure extractive materials when stored and transported from the site. Furthermore, nuisance complaints received by Council will require the applicant to undergo monitoring of the issue and provide mitigation measures.
	Noise	The noise emissions for the development will be managed through appropriate operating hours and through managing vehicle movements to ensure the operational scale is managed. Furthermore, nuisance complaints received by Council will require the applicant to undergo monitoring of the issue and provide mitigation measures.
	Traffic	The application's traffic impact assessment demonstrated the development would not have a detrimental impact to the road network having regard to both safety and capacity. Furthermore the operating hours and the vehicle movements have been managed in conditions to ensure the operation remains at a scale appropriate in maintaining the surrounding local amenity.
	Ring Road Alignment	The application is not proposing any buildings or structures within the alignment and the Department of Transport and Main Roads did not make formal representations to object to the application during the public notification stage. Furthermore, the extractive pit can be rehabilitated to facilitate the alignment once the project is more mature and the State take action to acquire the land associated with the development. It is considered unreasonable to refuse the application due to the uncertainty with

		the operational date of the alignment project and as the land uses subject to the application can otherwise be supported.
	Water Table (Hydrology)	The development involving extraction is required to return any water contacted back to the pit and this must not be contaminated. The application included an initial assessment which indicated there are no acid sulphate soils within the extractive pit. The applicant is required to conduct a more prior to operational works. If acid sulphate soils are found, the applicant will need to prepare a management plan which includes addressing the water table/hydrology matter with respect to water contacted by the extractive operations.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>. • The common material, being the material submitted with the application. 	

9. RIGHTS OF APPEAL

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

Appeal by an applicant

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

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

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

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

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

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

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

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

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

11. ASSESSMENT MANAGER

Name: Amanda O'Mara <u>ACTING COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 13 April 2018
--	------------	---------------------

C/C. Department of Infrastructure, Local Government and Planning - RockhamptonSARA@dilgp.qld.gov.au

Attachment 1 – Conditions of the approval

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

Part 2 – Conditions required by the referral agency response

Attachment 2 – Extract on appeal rights

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) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works;
 - (iv) Site Works; and
 - 1.5.2 Building Works.
- 1.6 The following Development Permits may be required (refer to condition 5.3) prior to the commencement of any works associated with their purposes:
- 1.6.1 Plumbing and Drainage Works
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works (if required) must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 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:

<u>Drawing/Report Title</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference Number</u>	<u>Version/ Issue</u>
Site Concept Plan	Dileigh Consulting Engineers	February 2018	D16.150-SK01 (Sheet 1 of 5)	Rev. D
Locality Plan	Dileigh Consulting Engineers	February 2018	D16.150-SK01 (Sheet 2 of 5)	Rev. D
Access Swept Paths	Dileigh Consulting Engineers	February 2018	D16.150-SK04 (Sheet 4 of 5)	Rev. D
Access Site Distance Check	Dileigh Consulting Engineers	February 2018	D16.150-SK05 (Sheet 5 of 5)	Rev. D
Post Developed Stormwater Catchments	Dileigh Consulting Engineers	28 June 2017	D16.150-SK12 (Sheet 2 of 4)	Rev. A
Music Sub-Catchments	Dileigh Consulting Engineers	28 June 2017	D16.150-SK13 (Sheet 3 of 4)	Rev. A
Site Sections (Lot 93)	Dileigh Consulting Engineers	28 June 2017	D16.150-SK14 (Sheet 4 of 4)	Rev. A
Acid Sulphate Soils Report	Construction Sciences	8 August 2017	2128E.P.639	Version A
Site Concept Plan (Mitigation Map)	Dileigh Consulting Engineers	June 2017	D16.150-SK01 (Sheet 1 of 2)	Rev. B
HES Wetland Impact Assessment	Denley Environmental	26 June 2017	Nil	Version C
Engineering Report	Dileigh Consulting Engineers	16 November 2017	Nil	Rev. 03
Flood Study of Riverine Flooding	Dileigh Consulting Engineers	28 September 2017	Nil	Rev. 01

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.

3.0 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

3.3 Construction of the proposed access and associated road widenings at the intersection of Edwards Road and Nine Mile Road in accordance with the requirements of the *Capricorn Municipal Development Guidelines*, *Austrroads Guidelines* and the *Main Roads Planning and Design Manual*.

3.4 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*.

4.0 ACCESS WORKS

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

4.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).

4.3 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

4.4 The existing access to the development at Nine Mile Road must be closed.

4.5 A new access to the development must be provided within the unformed road reserve to align with Edward Street.

Note: 'Works In Road Reserve' (WIRR) approval must be obtained by the applicant to construct a private access within the road reserve.

4.6 The proposed access located within the road reserve must be maintained by the owner of the subject site at no cost to Council.

4.7 All vehicles must ingress and egress the development in a forward gear.

4.8 Any application for a Development Permit for Operational Works (access) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.

4.9 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"*.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All water works must be designed and constructed in accordance with the *Water Supply (Safety and Reliability) Act 2008* and *Plumbing and Drainage Act 2002*.

5.2 On-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

5.3 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. The on-site sewerage treatment and disposal area must not be located within the existing wetland areas or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

Note: Alternatively, a portable toilet is accepted in place of on-site sewerage treatment and disposal being provided. The portable toilet must be appropriately secured to ensure it is resilient to weather conditions and must be located 500 millimetres above the Q100 Defined Flood Level. Waste generated by the portable toilet must be disposed of, when

required, by an authorised regulated waste company. No contaminants are permitted to be released to land or water.

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

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 Washdown bay must not be drained direct to the proposed wetland/detention basin without the water being treated. An oil and grease separator must be provided to the proposed washdown bay outlet. Oil and grease separator must be maintained by the owner at no cost to Council as per manufacture's standards.
- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.7 Any excavation or filling works occurring within the sand extractive area must not concentrate or divert stormwater into an adjoining property exceeding the existing pre-development scenario. Furthermore, should pondage occur this must be managed on-site and must not cause or allow ponding of water on any adjoining property. Any discharge of such pondage water to adjacent properties must be approved prior to any such occurrence.
- 6.8 The detention basin/bio-basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans, specifications and a maintenance plan for the detention basin/proposed on Lot 93, and the design must:
- 6.8.1 be suitable to the climate and incorporate predominately native species;
 - 6.8.2 maximise areas suitable for on-site infiltration of stormwater;
 - 6.8.3 incorporate shade trees; and
 - 6.8.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 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.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 Any application for a Development Permit for Operational Works (site works) must be accompanied by a detailed acid sulphate soil investigation report considering the whole extraction area. Should the results of the investigation indicate the presence of acid sulphate soils, then an appropriate management plan must be 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*.
- 8.5 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.
- 8.6 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).
- 8.7 All site works must be undertaken to ensure that there is:
- 8.7.1 a lawful point of discharge to which the approved works drain during construction phase.

9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the proposed structures on the development site.
- 9.2 All buildings or structures located on site must not exceed a maximum height of ten (10) metres above the natural ground level.
- 9.3 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability (AEP) flood event must be designed and constructed using suitable flood resilient materials.
- 9.4 A sealed area for the storage of oils, fuel and other fluids must be provided and must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability (AEP) floods inundation level.
- 9.5 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability (AEP) flood level.

10.0 LANDSCAPING WORKS

- 10.1 A landscape buffer must be provided towards the front boundary of Lot 93 on PL4022. The buffer must be of an adequate length to screen the development from residences located to the east on the other side of Nine Mile Road. The buffer must incorporate dense planting of mature trees and be suitably designed in accordance with *Rockhampton Region Planning Scheme 2016 - Planning Scheme Policy 6.12*.
- 10.2 The landscaping buffer must be established within six (6) months of this decision taking effect, and is to predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 10.3 The landscape buffer must be subject to:
- 10.3.1 a watering and maintenance plan during the establishment moment; and
 - 10.3.2 an ongoing maintenance and replanting programme.
- 10.4 Landscaping, or any part thereof, upon reaching full maturity, must not obstruct sight visibility zones as defined in the *Austroroads 'Guide to Traffic Engineering Practice'* series of publications.

11.0 ELECTRICITY

- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

12.0 TELECOMMUNICATIONS

- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

13.0 ASSET MANAGEMENT

- 13.1 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.
- 13.2 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.

14.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 14.2 The Erosion and Sediment Control Plan must be prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed,

hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

- 14.3 No works are to commence on the site unless and until an Erosion and Sediment Control Plan has been approved by Council.

15.0 ENVIRONMENTAL HEALTH

- 15.1 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"*.

- 15.2 Noise emitted from the activity must not cause an environmental nuisance.

- 15.3 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.

- 15.4 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.

- 15.5 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:

15.5.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;

15.5.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and

15.5.3 waste bags and ties.

- 15.6 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.

- 15.7 All fuel dispensing areas must be drained to a holding tank. Contaminants within the holding tank must be removed and disposed of as regulated waste (for example, fuel, oil). Clean water can then be deposited to the stormwater system.

16.0 OPERATING PROCEDURES

- 16.1 The extractive industry is approved for extracting and screening activities at a maximum threshold of 4,999 tonnes per annum. The development must be undertaken in accordance with the approved plans (refer to condition 2.1) and is not to include blasting or dredging.

Note: A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.

- 16.2 During the course of the extractive industry use, overburden material is to be progressively returned to the worked areas. Rehabilitation must be the subject of ongoing management and maintenance during the course of the use and include revegetation of worked areas using appropriate species endemic to the area. Once the use has ceased, within six (6) months, the site must be fully rehabilitated and revegetated to reflect the pre-development condition of the land.

- 16.3 All overburden extraction material must be stored on the site's elevated gravel hardstand pad (refer to condition 2.1) at least 500 millimetres above the Q100 Defined Flood Level.

Note: Any incidental stock piling occurring within the extraction area must not exceed three (3) metres above the pre-development ground level scenario.

- 16.4 Any water encountered within the extractive pit must be appropriately returned free of contaminants, to within the pit. This water must not be pumped or extracted in any way as part of sand extraction operations for external use or drainage purposes.
- 16.5 To prevent the emission of dust, all extraction materials must be securely covered when stored and/or transported to or from the site.
- 16.6 The hours of operations for the development site must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Friday, and
 - (ii) 0630 hours to 1430 hours on Saturday,
- with no operations on Sundays or Public Holidays.
- 16.7 Truck movements (to and from the development site) are to involve a maximum of ten (10) vehicle trips, on average, per day.
- Note: One (1) trip is equivalent to the movements to arrive and depart the development site, or vice versa.
- 16.8 Vehicle servicing and maintenance is only to occur within the dedicated vehicle maintenance shed as per the approved plans (refer to condition 2.1).
- 16.9 For public safety purposes, it is the responsibility of the owner to keep (or upgrade) the site's existing fencing and ensure it is maintained for security and safety purposes.
- 16.10 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.
- 16.11 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.
- 16.12 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment. All surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 16.13 Contaminated water must not be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.
- 16.14 The developer must prepare a Flood Contingency Plan for the subject site that addresses but is not limited to the following:
- 16.14.1 The evacuation time;
 - 16.14.2 The distance to flood free land;
 - 16.14.3 The evacuation route; and
 - 16.14.4 The stage of the flood (defined flood event) when evacuation routes will be cut.
 - 16.14.5 Trigger points related to the Fitzroy River Gauge Height so adequate notice is given for evacuation. Supportive details as to how the amount of water over the evacuation route was determined for each trigger point;
 - 16.14.6 Details of how and where workshop items, motor parts, tyres, fluids and other equipment are to be stored 500 millimetres above the Q100 Defined Flood Level so they are not washed away; and
 - 16.14.7 Details of where the vehicles are to be stored during Flood Events

Note: It is the responsibility of the owner or occupier of the land to implement the contingency plan during a flood event or if there is a risk of flooding near the land. A review and amendment of the plan must be undertaken with any change in the owner or occupier of the land. Council is not required to approve the Flood Contingency Plan and does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the plan or failing to use the plan during a flood event.

- 16.15 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) which is located on the elevated gravel hardstand pad (refer to condition 2.1) at least 500 millimetres above the Q100 Defined Flood Level. The owner of the land must ensure that:
- 16.15.1 the area is kept in a clean and tidy condition;
 - 16.15.2 no waste material is stored external to the waste storage area/s;
 - 16.15.3 must be treated properly within the site or removed by the owner;
 - 16.15.4 all wash down of refuse containers takes place in the existing washdown facility;
 - 16.15.5 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
 - 16.15.6 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 16.16 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 Nine Mile Road.

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. 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 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities such as motor vehicle workshop operations. Approval for such activities is required before 'fitout' and operation.

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Clearing within Road Reserve

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage

Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.



**Attachment 1 – Part 2
Referral Agency Conditions - Department of
Infrastructure, Local Government 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— <ul 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 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) There was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>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</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<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	-	-