



## Decision Notice Approval (negotiated)

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 s76 Planning Act 2016

Application number:	D/99-2019	Contact:	Amanda O'Mara
Notice Date:	29 June 2020	Contact Number:	1300 22 55 77

### APPLICANT DETAILS

Name:	<b>Gabriele &amp; Marisa Demedio C/- ADAMS + SPARKES Town Planning and Development</b>		
Postal address:			
Phone no:	Mobile no:	Email:	

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

### DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use for a Short Term Accommodation and Relocatable Home Park**

### PROPERTY DESCRIPTION

Street address:	998-1002 and 1014-1016 Yaamba Road, Parkhurst
Real property description:	Lot 3 and Lot 4 on SP316476 (previously known as Lot 80 on SP300143 and Lot 4 on SP307744), Parish of Murchison

### OWNER DETAILS

Name:	G Demedio and M Demedio
Postal address:	
<b>Dear M Demedio and G Demedio</b>	
I advise that, on <b>23 June 2020</b> the above development application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b> )	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

### CHANGES TO CONDITIONS

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

1)	Item 6	Changed	23 June 2020
2)	Condition 1.9	New	23 June 2020
3)	Condition 1.10	New	23 June 2020
4)	Condition 2.1	Changed	23 June 2020
5)	Condition 3.5	Changed	23 June 2020
6)	Condition 3.6	Changed	23 June 2020

7)	Condition 5.13.4	Changed	23 June 2020
8)	Condition 5.13.6	Changed	23 June 2020
9)	Condition 8.6	Changed	23 June 2020

### 1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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

### 2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

### 3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Parking Works</i> <i>Stormwater Works</i> <i>Roof and Allotment Drainage Works</i> <i>Site Works</i>
Plumbing and Drainage Works	
Building Works	<i>Demolition Works</i> <i>Building Works</i>

### 4. SUBMISSIONS

Properly made submissions were made in relation to the application.

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

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Angela Collins		

### 5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Status	Address
<b>STATE TRANSPORT INFRASTRUCTURE (Generally)</b>			
<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	Department of Transport and Main Roads	Concurrence	Department of State Development, Manufacturing,

<p>categorising instrument or section 21, if—</p> <p>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(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</p> <p>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.</p>			<p>Infrastructure and Planning</p> <p>Email: <a href="mailto:RockhamptonSARA@dsdmip.qld.gov.au">RockhamptonSARA@dsdmip.qld.gov.au</a></p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
<p><b>STATE TRANSPORT INFRASTRUCTURE (State transport corridors and future State transport corridors)</b></p>			
<p><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>			
<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>Department of Transport and Main Roads</p>	<p>Concurrence</p>	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p> <p>Email: <a href="mailto:RockhamptonSARA@dsdmip.qld.gov.au">RockhamptonSARA@dsdmip.qld.gov.au</a></p> <p>Postal: PO Box 113 Rockhampton Qld 4700</p>
<p><b>ELECTRICITY INFRASTRUCTURE</b></p>			
<p><i>Schedule 10, Part 9, Division 1, Division 2, Table 1 – Reconfiguring a lot subject to an easement or near a substation site</i></p>			

Development application for reconfiguring a lot that is assessable under section 21, if—  (a) all or part of the lot is subject to an easement—  (i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and  (ii) for a transmission grid or supply network; or  (b) part of the lot is within 100m of a substation site.	The Chief Executive of the distribution entity or transmission entity	Advice Agency	Principal Town Planner Ergon Energy PO Box 264 Fortitude Valley QLD 4006
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## 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	Revision
Engineering Infrastructure Report	Calibre	10 October 2019	18-002864	A
Proposed Site Plan	Calibre	9 October 2019	18-002864 – SK002	2
Stormwater Layout Plan	Calibre	9 October 2019	18-002864 – SK004	2
Services Layout	Calibre	9 October 2019	18-002864 – SK006	2
Vehicle Swept Paths	Calibre	25 November 2019	18-002864 – SK007	3
Vehicle Swept Paths	Calibre	25 November 2019	18-002864 – SK008	3
Floor Plan and Elevations	Rufus Design Group	4 October 2019	181015 – 02	01
Floor Plan and Elevations	Rufus Design Group	4 October 2019	181015 – 03	01
Floor Plan and Elevations	Rufus Design Group	4 October 2019	181015 – 04	01
Floor Plan	Rufus Design Group	4 October 2019	181015 – 05	01
Floor Plan	Rufus Design Group	4 October 2019	181015 – 06	01
Elevations	Rufus Design Group	4 October 2019	181015 – 07	01
Landscape Master Plan	AT Landscape	19 September 2019	008554	A
Stormwater Quality (Section 5)	Calibre	-	18-002864-C SMP01B	B
Master Site Plan	Rufus Design Group	20 May 2020	181015-02	07

Cabins Setout Plan	Rufus Design Group	20 May 2020	181015-03	07
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## 7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the Planning Act)

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

## 8. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for Material Change of Use for Short Term Accommodation and a Relocatable Home Park	
<b>Reasons for Decision</b>	<p>a) The proposed Relocatable Home Park provides alternative housing to meet changing demographic needs for the region;</p> <p>b) The proposed Short Term Accommodation is merely an extension to the existing use on site and reflects a built form consistent with the Zone;</p> <p>c) The density of the entire development is less than that of a traditional residential subdivision;</p> <p>d) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>e) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>f) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>g) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Low Density Residential Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code;</li> <li>• Water and Sewer Code;</li> <li>• Flood Hazard Overlay Code; and</li> <li>• Steep Land Overlay Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Density Residential Zone Code	Whilst the proposed development is not currently located within 200 metres of a centre, the proposal remains highly accessible. The proposal is aimed at a specific demographic which are

		likely to rely on the use of motor vehicles and is not of a density that would warrant proximity of a centre as it reflects a density similar to that of a residential subdivision. In addition, the site has direct access to a State controlled road, therefore will not impact on the local amenity and local street network.
		The proposal provides an overall density of approximately one (1) dwelling per 905 square metres, being far less than the maximum permitted for the zone. In addition, the built form, design and the provision of communal spaces on site will ensure the character and amenity of the Low Density Residential Zone is maintained.
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	Electromagnetic Fields (EMF) impacts have not been considered.	An EMF Report was undertaken and prepared by a suitably qualified professional.  The EMF levels taken along the boundary of the property, and the development were very low and well within the recommended max exposure levels set by the Australian Protection and Nuclear Safety Agency (ARPANSA).  For future growth in surrounding areas, the current flow through these lines will increase, therefore, cause the electromagnetic field levels to increase. However, they will never increase so much that they'll reach the limit set by ARPANSA.
	No landscape buffer to address visual amenity impacts from the power line traversing the site.	The use of landscaping to screen the infrastructure would be ineffective given the height and alignment of this infrastructure across the site. The scale of planting that would be required to screen this infrastructure would be significant and could potentially present maintenance issues or hazards to this infrastructure. In addition, the power line is no more intrusive than standard overhead power lines within residential areas and with single storey dwellings proposed will not be in direct line of sight of the residents.
	Energy Queensland's access along the easement has not been maintained.	Conditions of the approval have been proposed to ensure Energy Queensland's access is maintained. Gates will be installed within the Energy Queensland easement at the northern and southern property boundaries to allow Energy Queensland unimpeded access along the easement. In addition, the car parking within the easement will be trafficable to ensure Energy Queensland's heavy vehicles can traverse the easement corridor.
<b>Matters prescribed by</b>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> </ul>	

<b>regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and</li> <li>• <i>The common material, being the material submitted with the application.</i></li> </ul>
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## 9. 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*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

### Appeal by an applicant

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

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

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

### Appeal by an eligible submitter

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

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

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

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

## 10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

## 11. ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b>ACTING COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature:	Date: 29 June 2020
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C/C Department of State Development, Manufacturing, Infrastructure and Planning - [RockhamptonSARA@dsmip.qld.gov.au](mailto:RockhamptonSARA@dsmip.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**





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## Attachment 1 – Part 1 Rockhampton Regional Council Conditions

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Planning Act 2016

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- 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) Stormwater Works;
    - (iii) Roof and Allotment Drainage;
    - (iv) 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.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
- 1.9.1 Short Term Accommodation - Stage 4; and
  - 1.9.2 Relocatable Home Park - Stage 5,

in accordance with the approved plans (refer to condition 2.1). Stage 4 must be completed prior to stage 5.

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

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	Revision
Engineering Infrastructure Report	Calibre	10 October 2019	18-002864	A
Proposed Site Plan	Calibre	9 October 2019	18-002864 – SK002	2
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Cabins Setout Plan	Rufus Design Group	20 May 2020	181015-03	07
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*Note: 'Concept Stormwater Management Plan & Flood Impact Assessment Report' dated 26 November 2019, Revision B has not been approved. An updated report accompanied with appropriate modelling is to be provided at Operational Works stage.*

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 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 car parking, internal access and vehicle manoeuvring area must be concrete paved or asphalt sealed.

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

3.5 A minimum of 22 parking spaces must be provided on-site for the Short Term Accommodation. This includes 20 covered car parking spaces and 2 visitor parking spaces.

3.6 A minimum of 83 parking spaces must be provided on-site for the Relocatable Home Park. This includes 55 covered car parking spaces and 28 visitor parking spaces.

3.7 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"*.

3.8 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (parking works).

3.9 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"*.

3.10 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

3.11 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

3.12 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

3.13 The car parking proposed within the Energy Queensland easement must be trafficable to ensure Energy Queensland's heavy vehicles can traverse the easement corridor.

### 4.0 PLUMBING AND DRAINAGE WORKS

4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development*

*Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.*

- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 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.
- 4.6 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.7 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.8 All internal plumbing and sanitary drainage works must be completely independent for each unit / tenancy.
- 4.9 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 4.10 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 4.11 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4* for flood affected areas.
- 4.12 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.

## 5.0 STORMWATER WORKS

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

Note: The peak water surface elevation (PWSE), extent, depth and velocity for the pre and post development scenarios along with comparison maps demonstrating no external impacts are to be provided.

- 5.4 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 defined flood / storm event, for the post-development conditions.
- 5.5 Easements must be provided over all land assessed to be within a one percent (1%) Annual Exceedance Probability defined flood / storm event, inundation area that convey the upstream external runoff / flood.

- 5.6 The installation of bio-retention basin and detention basin must be in accordance with relevant *Australian Standards* and Section 5 of the Stormwater Quality Report (refer to Condition 2.1). All maintenance of the proposed bio-retention basin must be the responsibility of the property owner.
- 5.7 Sediment Forebay must be provided upstream of all proposed bio-retention basin. Sediment Forebay must be designed to:
- 5.7.1 remove particles that are one (1) millimetre or greater in diameter from the three (3) month average recurrence interval (ARI) storm event; and
  - 5.7.2 provide appropriate storage for coarse sediment to ensure desilting is required once every year.
  - 5.7.3 Alternatively, a proprietary product may be approved, if it is demonstrated that similar result will be achieved.
- 5.8 All nominated major overland flow paths (i.e. channels conveying one percent (1%) Annual Exceedance Probability defined flood / storm event), must be able to contain all batters necessary to accommodate the one percent (1%) Annual Exceedance Probability defined flood / storm event flows. Consideration must be given to incorporating a minimum blockage factor plus relevant channel freeboard and access provisions in accordance with the *Queensland Urban Drainage Manual*.
- 5.9 The proposed volume of storage (storage channel and within main channel) must be sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design storm events up to and including a one per cent (1%) Annual exceedance probability storm event plus the relevant storage freeboard and access provisions in accordance with the *Queensland Urban Drainage Manual*.
- 5.10 All proposed internal channel must be constructed as two-stage vegetated channel and floodway, where the main channel capacity must be within the range of Sixty-three percent (63%) to ten percent (10%) Annual Exceedance Probability storm flow and floodway capacity must be a one percent (1%) Annual Exceedance Probability storm flow in accordance with the *Queensland Urban Drainage Manual* requirements. Alternatively, any other drainage channel configuration will be approved, if it demonstrates a good hydraulic efficiency for a selected range of flood / storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood / storm.
- 5.11 The proposed cross drainage structure across internal channel must be designed and constructed considering appropriate blockage factor and must have immunity (and appropriate freeboard) during a one percent (1%) Annual Exceedance Probability defined storm / flood event. Alternatively, overtopping of the culvert is acceptable if it complies with condition 5.12.
- 5.12 The proposed cross drainage structure across the internal channel must be designed and constructed considering appropriate blockage factor and allowable depth velocity product(s) to ensure public / patrons safety in accordance with *Queensland Urban Drainage Manual* requirements.
- 5.13 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Concept Stormwater Management Plan and Flood Impact Assessment Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 5.13.1 that the submitted flood models must be updated with a sensitivity analysis by removing surface storage / hydraulic choking within the upstream catchment(s) and fully developed upstream catchment(s);
  - 5.13.2 the developed scenario probable maximum flood (PMF) model and the consequences due to the PMF;

- 5.13.3 severe storm impact statements which include how the proposed drainage system will address the performance objectives listed in *Queensland Urban Drainage Manual* section 7.2.4;
- 5.13.4 detailed engineering plans with a one percent (1%) Annual Exceedance Probability defined flood level and freeboard within the internal, external and storage channel;
- 5.13.5 how the flow from upstream northern catchment will be accommodated within the development site;
- 5.13.6 detailed design of the internal and external channel with velocity, channel lining, size, slopes etc. The design of the channels (internal and external) to be in accordance with *Queensland Urban Drainage Manual* and must ensure that no adverse flood impacts are caused on downstream properties, in particular, the 'True Blue Motel' (Lot 5 on SP307745) and the property to the south (Lot 4 on SP316476).

Note: If the existing drainage easement width is not suitable to accommodate proposed required channel, then the width of the easement must be increased.

- 5.13.7 storage details including high / low flow outlets details with pre and post development flow from the development;
- 5.13.8 cross section details of internal, external and storage channels at appropriate location;
- 5.13.9 identification and detailed design of all new drainage systems and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
- 5.13.10 the detailed design at the open channel transitions which as minimum should avoid excessive energy losses and surface waves or other turbulence;
- 5.13.11 full calculations with tuflow modelling files (both electronic model files and results files) and all details of the modelling assumptions to support the stormwater quantity and flood management strategy.

Note: Electronic copy of the model (containing five folders) / result / check files is to be provided. The data needs to be provided in the Rockhampton Regional Council format. A tuflow log (read me) file should be included for a reviewer to understand how and which files within the folders have been modified. Rockhampton Regional Council has provided the similar log file which needs to be updated. Please refer to section 2.3 and 1.1.2 of the document provided by Council for Naming Convention and example hydraulic model log.

- 5.14 All maintenance of the bio-retention systems, sediment basin / forebay, channels and other elements of the approved stormwater strategy must be the responsibility of the property owner / developer at no cost to Council.

## 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

## 7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
  - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 7.2.5 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.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.5 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).
- 7.6 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.
- 7.7 All site works must be undertaken to ensure that there is:
- 7.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
  - 7.7.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
  - 7.7.3 a lawful point of discharge to which the approved works drain during construction phase.

Easements will be required over any other land to accommodate the flows.

## 8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the development site.
- 8.2 The existing dwelling at the rear of the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 8.3 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"*.

- 8.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 8.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 8.4.2 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;
  - 8.4.3 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;
- Note: Waste collection must be on the site. Kerb side collection is not approved.
- 8.4.4 setback a minimum of two (2) metres from any road frontage;
  - 8.4.5 provided with a suitable hosecock and hoses at the washdown bay 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 2018*.
- Note: Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 8.5 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood / storm inundation level. This level should be demonstrated for each proposed unit / dwelling at the Operational Works application stage.
- 8.6 Approval from Council must be required for any works proposed within the sewerage easement area.
- 8.7 Gates must be installed within the Energy Queensland easement at the northern and southern property boundaries to allow Energy Queensland unimpeded access along the easement. The gates must be six (6) metres wide comprising of two (2) three (3) metre gates that swing open.
- 9.0 LANDSCAPING WORKS
- All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.
- 9.1 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
  - 9.2 The landscaped areas must be subject to:
    - 9.2.1 a watering and maintenance plan during the establishment moment; and
    - 9.2.2 an ongoing maintenance and replanting programme.
- 10.0 ELECTRICITY
- 10.1 Underground electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 11.0 TELECOMMUNICATIONS
- 11.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 ASSET MANAGEMENT



- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 12.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

### 13.0 ENVIRONMENTAL

- 13.1 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:
  - 13.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
  - 13.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

### 14.0 ENVIRONMENTAL HEALTH

- 14.1 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 14.2 Air conditioning units must be located so as not to cause a noise nuisance and maintained in proper working order at all times.

### 15.0 OPERATING PROCEDURES

- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Yaamba Road.
- 15.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
  - 15.2.1 the area is kept in a clean and tidy condition;
  - 15.2.2 fences and screens are maintained;
  - 15.2.3 no waste material is stored external to the waste storage area/s;
  - 15.2.4 all wash down of refuse containers takes place in the proposed wash-down facility; and
  - 15.2.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 15.3 A Medium Rigid Vehicle (8.80 metres) or smaller must be used to supply and remove goods or services to / from the development site.

## ADVISORY NOTES

### NOTE 1. Aboriginal Cultural Heritage

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

### NOTE 2. Asbestos Removal

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

### NOTE 3. General Environmental Duty

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

### NOTE 4. 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. 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.



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

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*Planning Act 2016*

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

### Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- matters that may be appealed to—
    - either a tribunal or the P&E Court; or
    - only a tribunal; or
    - only the P&E Court; and
  - the person—
    - who may appeal a matter (the **appellant**); and
    - who is a respondent in an appeal of the matter; and
    - who is a co-respondent in an appeal of the matter; and
    - who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
  - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note—  
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- the adopted charge itself; or
  - for a decision about an offset or refund—
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - the cost of infrastructure decided using the method included in the local government's charges resolution.

#### 230 Notice of appeal

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

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

#### 231 Other appeals

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

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

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

#### 232 Rules of the P&E Court

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

## Schedule 1

### Appeals section 229

#### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
1. Development applications An appeal may be made against— (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 agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment manager is the respondent—the prescribed assessment

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

			<p>manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p>2. Change applications</p> <p>An appeal may be made against—</p> <p>(a) a responsible entity's decision for a change application, other than a decision made by the P&amp;E court; or</p> <p>(b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>An appeal may be made against—</p> <p>(a) the assessment manager's decision about an extension application; or</p> <p>(b) a deemed refusal of an extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal – the applicant</p>	<p>If a chosen assessment manager is the respondent – the prescribed assessment manager</p>
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> <li>(i) The working out of extra demands, for section 120; or</li> <li>(ii) An offset or refund; or</li> </ul> </li> </ul> <p>b) 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)

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

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

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

the change application			
<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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>4. Compensation claims            An appeal may be made against—            (a) a decision under section 32 about a compensation claim; or            (b) a decision under section 265 about a claim for compensation; or            (c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises            An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or 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



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

<p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

**Table 3  
Appeals to the tribunal only**

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