



# Decision Notice Approval

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

Application number:	D/139-2022	Contact:	Kathy McDonald
Notice Date:	7 March 2023	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	<b>Beef To Reef 1 Pty Ltd</b>		
Postal address:	<b>C/- Capricorn Survey Group (CQ) PO BOX 1391 ROCKHAMPTON QLD 4700</b>		
Phone no:	Mobile no: 0407581850	Email:	<a href="mailto:reception@csgcq.com.au">reception@csgcq.com.au</a>

I acknowledge receipt of the above application on 18 October 2022 and confirm the following:

## DEVELOPMENT APPROVAL

**Development Permit for Material Change of Use for a Warehouse (storage yard) and Operational Works for Bulk Earthworks**

## PROPERTY DESCRIPTION

Street address:	392C Alexandra Street, Parkhurst
Real property description:	Lot 5 on SP333392, Parish of Murchison

**Dear Beef To Reef 1 Pty Ltd**

I advise that, on 28 February 2023 the above development application was:

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

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

## 1. DETAILS OF THE APPROVAL

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use -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

## 2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

### 3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Access and Parking Works</i> <i>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i>
Building Works	
Plumbing and Drainage Works	

### 4. REFERRAL AGENCIES

NIL

### 5. THE APPROVED PLANS

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

<u>Plan/ Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Title Page	Dileigh Civil/Structural Design & Project Management	19 December 2022	D22.320	-
Existing Site Catchments	Dileigh Civil/Structural Design & Project Management	25 January 2023	D22.320-SW01	B
Proposed Layout and Catchments	Dileigh Civil/Structural Design & Project Management	16 February 2023	D22.320-SW02	C
Bio-Retention Details	Dileigh Civil/Structural Design & Project Management	25 January 2023	D22.320-SW03	B
Title Page	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-00	
Existing Features and Services	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-01	D
Proposed Layout	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-02	D

Earthworks Plan	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-03	D
Earthworks Profile Sections	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-04	D
Sediment and Erosion Control Plan	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-06	D
Environmental Management Notes	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-07	D
Future Sewer Longitudinal Section	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-05	D

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

The development approval lapses at the end of the following periods:

- (a) For any part of the development approval relating to a material change of use – if the change of use does not happen within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached; and
- (b) For any other part of the development approval – if the development does not substantially start within six (6) years after the approval starts to have effect, if not stated otherwise in the conditions of approval attached.

## 7. STATEMENT OF REASONS

<b>Description of the development</b>	Material Change of Use for Warehouse (Storage Yard) and Operational Works for Bulk Earthworks	
<b>Reasons for Decision</b>	<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Low Impact Industry 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; and</li> <li>• Filling and Excavation 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 exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Impact Industry Zone Code	<p>PO4</p> <p>The proposal does not comply with Acceptable Outcome 4.1 as the proposed development does not promote pedestrian use and no pedestrian entries are proposed as part of the development.</p> <p>Vehicle access to the site will be gained via Bush Crescent with an internal gravel access track leading to the rear western corner of the site where the office, amenities and three (3) on-site car parks for staff only will be located.</p> <p>Despite the conflict with this performance outcome, the development is considered to generally comply with the intent and overall outcomes of the Low Impact Industry Zone as the functional needs of the development prevail over the built form and site layout.</p>
<b>Matters prescribed by regulation</b>	The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and The common material, being the material submitted with the application.	

## 8. APPEAL RIGHTS

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

### Appeal by an applicant

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

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

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

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

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

## 9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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

Or

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

## 10. ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature: 	Date: 7 March 2023
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### **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.]

### **Attachment 2—Extract on appeal rights**

**MATERIAL CHANGE IN USE CONDITIONS**

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Access and Parking Works;
    - (ii) Sewerage Works;
    - (iii) Water Works; and
    - (iv) Stormwater Works;
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 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 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

## 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:

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Future Sewer Longitudinal Section	Dileigh Civil/Structural Design & Project Management	9 February 2023	D22.320-05	D

- 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.

## 3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 All access and 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 (access and parking works).
- 3.3 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.
- 3.4 A new access to the development must be provided in accordance with the approved plans (refer Condition 2.1).
- 3.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 3.6 All vehicles must ingress and egress the development in a forward gear.
- 3.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

3.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

#### 4.0 SEWERAGE WORKS

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

4.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).

4.3 The development must be connected to Council's reticulated sewerage network.

4.4 Any proposed sewerage access chamber located within a park or reserve, or below a ten per cent (10%) Annual exceedance probability flood level, must be provided with bolt down lids.

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 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

#### 5.0 WATER WORKS

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

5.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (water works).

5.3 The development must be connected to Council's reticulated water network.

5.4 A new water connection point must be provided at Bush Crescent. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

5.5 Adequate domestic and firefighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.

5.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

5.7 A road crossing water conduit and associated water service pipe works must be constructed across Bush Crescent and must be approved as part of a Development Permit for Operational Works (water works). This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.

**Note:** All work on live water mains must be undertaken by Fitzroy River Water (FRW)

#### 6.0 PLUMBING AND DRAINAGE WORKS

6.1 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.



## 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The 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.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
- 7.5.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
  - 7.5.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
  - 7.5.3 each part of every lot is self-draining;
  - 7.5.4 the volume of detention is sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance probability flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
  - 7.5.5 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017*;
  - 7.5.6 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
  - 7.5.7 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.6 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.
- 7.7 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 and specifications for the detention basin, and the design must:
- 7.7.1 be suitable to the climate and incorporate predominately native species;
  - 7.7.2 maximise areas suitable for on-site infiltration of stormwater;

7.7.3 incorporate shade trees; and

7.7.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin/s as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

## 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

8.1 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 and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

8.2 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.

## 9.0 SITE WORKS

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

9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.3 All site works must be undertaken to ensure that there is:

9.3.1 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;

9.3.2 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

9.3.3 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.

## 10.0 BUILDING WORKS

10.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

10.2 Waste storage area/s must be provided in accordance with the *Environmental Protection Regulation 2019* and must be designed and located so as not to cause a nuisance to neighbouring properties.

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

## 11.0 LANDSCAPING WORKS

11.1 Landscaping is provided along all road frontages of the site for a minimum width of two (2) metres.

**Note:** Council encourages existing established vegetation along all road frontages (Bush Crescent and McLaughlin Street) of the subject site be retained and integrated into landscaping.

- 11.2 Planting types used within landscaping areas must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
  - 11.2.1 trees at five (5) metre intervals;
  - 11.2.2 shrubs at two (2) metre intervals; and
  - 11.2.3 groundcovers at one (1) metre intervals.
- 11.3 At least fifty (50) per cent of all new plantings within the landscaping areas must be locally native species with low water dependency and must comply with the following requirements:
  - 11.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 11.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 11.4 Shade trees within the car parking area are to be provided. Each shade tree has a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
  - 11.4.1 One (1) tree per three (3) car parks.
- 11.5 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.
- 11.6 The landscaped areas must be subject to:
  - 11.6.1 a watering and maintenance plan during the establishment moment; and
  - 11.6.2 an ongoing maintenance and replanting programme.
- 12.0 ELECTRICITY
- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 14.0 ASSET MANAGEMENT
- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 15.0 ENVIRONMENTAL
- 15.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be 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.

#### 16.0 OPERATING PROCEDURES

- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Bush Crescent or McLaughlin Street.
- 16.2 A minimum 1.8 metre high security fence must be erected around the development site to ensure the safety of the public.
- 16.3 The development site must incorporate access control arrangements including:
- 16.3.1 providing warning information signs on all boundaries to prevent unauthorised entry; and
  - 16.3.2 provide safe vehicular access to the site.
- 16.4 Heavy vehicle movements (to and from the development site) is limited between the hours of 0700 and 1900. No heavy vehicles must enter the development site outside these times.
- 16.5 Noise emitted from the activity must not cause an environmental nuisance.
- 16.6 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.
- 16.7 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.
- 16.8 The storage of materials is restricted to the approved 'Stockpile/Storage Area' in accordance with the approved plans (refer to condition 2.1)
- 16.9 Development that involves the storage of materials on site that are capable of generating air contaminants either by wind or when disturbed are managed by a watering program so material cannot become airborne.
- 16.10 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.
- 16.11 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.
- 16.12 All waste storage areas must be:
- 16.12.1 kept in a clean and tidy condition; and
  - 16.12.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 16.13 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

## OPERATIONAL WORKS CONDITIONS

### 1.0 ADMINISTRATION

- 1.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this Decision Notice.

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- 1.2 The Applicant is to supply one (1) set of the approved plans to the contractor to be retained on site at all times during construction.
- 1.3 Where there is any conflict between the conditions of approval and the details shown on the approved plans and documents, the conditions of this approval must prevail.
- 1.4 Where the conditions required the above plans or documents to be amended, the revised document(s) must be approved by Council, prior to any Pre-Start meeting for the works on the site.
- 1.5 If after the issue of this Decision Notice, any errors, omissions or insufficient details are noted on the approved plans, such deficiencies must be corrected prior to construction, or if noted during construction, approval obtained from Council to correct any error or omission. Council reserves the right to withhold approval of construction until such remedies are complete.
- 1.6 A Pre-Start meeting must be held, prior to the commencement of any work or construction, between any or all of the Site Superintendent / Consulting Engineer / Principal Contractor

and Council in accordance with *CMDG Section CP1.08 – Notice to Commence Works* and *CP1.09 – Prestart Meeting*.

**NOTE: Prestart Meetings are conducted with a minimum of five (5) business days' notice being given to Council.**

The following information must be presented prior or at the meeting:

- 1.6.1 A copy of the Contractor's Public Liability Insurance Policy for a minimum of twenty (20) million dollars indemnifying Council against all claims resulting from the construction works of this Development;
- 1.6.2 A Traffic Guidance Scheme for the works authorised by this development permit, with site access clearly identified.
- 1.6.3 Other items to be discussed (refer *CMDG Section CP1.09*):
  - a) Notification requirements for nearby residents – Residents to be identified will be identified at the pre start meeting;
  - b) introduction of the Council's representative(s), Consulting Engineers(s), Contractor(s) and any other relevant parties i.e. Geotechnical Engineers (if required);
  - c) review of relevant conditions of development approval;
  - d) review of Council's construction requirements;
  - e) review of the Contractor's Erosion Control and Stormwater Management Strategy;
  - f) site access conditions;
  - g) identification of areas to be left undisturbed;
  - h) any other relevant Acts;
  - i) provision of Construction Security Bond (if required);
  - j) Traffic Management Plan.
- 1.7 Under Part 1 Clause 1.6 of the *Manual of Uniform Traffic Control Devices Queensland, and AS 1742.3-2009*, Council delegates the Principal Contractor the responsibility for the placing of all regulatory signs, as outlined in the above documents.
- 1.8 All civil/engineering works must be supervised and inspected by a RPEQ who is experienced in all aspects of civil construction. All works must comply with the CMDG and other relevant standards and policies as conditioned in this Decision Notice.
- 1.9 Council reserves the right for uninterrupted access to the site at all times, starting with the Pre-Start Meeting to the completion of the work or issuance of the Compliance Letter.
- 1.10 All Construction works and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times, unless otherwise approved by Council in writing.
- 1.11 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure or public utilities will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the Developer's expense.
- 1.12 The Developer must be present for the final inspection at the completion of works, to be undertaken prior to the use commencing or the endorsement of the Survey Plan.

## **2.0 INSPECTION REQUIREMENTS**

- 2.1 Joint inspections with any of the Site Superintendent / Consulting Engineer / Contractor and Rockhampton Regional Council Works Inspector / Engineer are required. A minimum of twenty four (24) hours' notice is required. Council's minimum inspection programme is as follows:

### Site Works

4.2.1	earthworks	C213/visual	pre-start/completion
4.2.2	topsoil	C273/visual	completion of works

### Final Inspection

4.2.3	completion of works	visual	completion of works
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- 2.2 The inspection programme in condition 2.1 does not preclude the requirement for further inspections if deemed appropriate by Council Engineers.

## **3.0 EROSION AND SEDIMENTATION CONTROL**

- 3.1 The Developer will ensure that erosion and sedimentation controls are implemented, monitored, and maintained at all times in accordance with the CMDG, and the approved plan/s until all approved construction on the site has been completed. If the development is staged all erosion sediment controls are to be monitored and maintained until the completion of the development.
- 3.2 The Developer will check erosion and sediment control measures at the start and end of each day of construction adjacent to any disturbed surfaces.
- 3.3 If required, the erosion and sedimentation control measures are to be amended or upgraded by the Developer as directed by the Council, within an agreed timeframe.

## **4.0 SITEWORKS**

- 4.1 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 adjoining properties or infrastructure.
- 4.2 All earthworks must be undertaken in accordance with *AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 4.3 All earthworks quality control and testing will be in accordance with *AS1289.5.1.1*.
- 4.4 A water truck must be onsite to ensure that dust is appropriately suppressed such that it is not creating a nuisance to surrounding properties while earthworks are being undertaken.
- 4.5 The Developer will ensure all construction related vehicles do not at any time restrict property access within Bush Crescent.
- 4.6 The Developer will ensure all earth moving equipment is parked and stored at all times within the site.
- 4.7 The Developer will ensure that the Bush Crescent site frontage including kerb, channels and roads, remain clear of debris, mud and building materials at all times.

## **5.0 VEGETATION MANAGEMENT**

- 5.1 Prior to commencement of any works, trees marked for removal must be mulched and all mulch stockpiled on site or removed from site and stored at an approved location. All the vegetative material including shrubs, weeds, grass etc. must be removed from site and deposited at an approved location such as the Council Landfill. **Burning off is not permitted.**
- 5.2 All vegetation which cannot be mulched on site for use on this development or an approved place of use, must be disposed of at a suitable place of disposal. **Burning off is not permitted.**

## **6.0 FINAL INSPECTION OR WORKS ACCEPTANCE PROCEDURE**

- 6.1 The Final Inspection requires attendance by:
- 4.2.1 the Consulting Engineer of the project
  - 4.2.2 the Contractor
  - 4.2.3 Council's nominated representative.

- 6.2 It is the responsibility of the Developer and the Consulting Engineer to ensure the necessary requirements of the works are to an acceptable standard (as defined in approved design and construction documentation) prior to the conduct of an "Works Acceptance" inspection.
- 6.3 With respect to the Erosion Control and Stormwater Management Measures, the Contractor's Erosion Control and Stormwater Management Strategy is to include the Maintenance period and shall include the following:
- 4.2.1 Plan to monitor the erosion prevention and sediment control measures following rainfall;
  - 4.2.2 Follow-up repair work where necessary;
  - 4.2.3 Removal of temporary structures such as sediment traps when vegetation has re-established to an acceptable level;
  - 4.2.4 Mulch and replant areas where revegetation has not been successful.
- 6.4 The general requirements to be met prior to Council's Final Inspection of the works are as follows:
- 4.2.1 the site is clean, tidy (including mowing of grass to ensure that infrastructure can be located), free of rubbish, rocks, sticks, unauthorised stockpiles, etc;
  - 4.2.2 allotment earthworks and site grading to be free draining and in accordance with the approved design;
  - 4.2.3 relevant Erosion Control and Stormwater measure are in place; and
  - 4.2.4 integrity of environmentally significant areas is maintained;
- 6.5 The Consulting Engineer is responsible for confirming that the approved works have been completed and the above listed items are in accordance with the approved drawings, Council's technical specifications and accepted engineering and landscaping practice prior to requesting a Final Inspection. Failure to do so may result in cancellation of the inspection and incur a reinspection fee.
- 6.6 Further to the above, and prior to the final inspection, the Consulting Engineer shall be responsible for the completion of the "Works Acceptance" Inspection Checklist as appropriate to the works being constructed. <http://www.cmdg.com.au/Guidelines/Constuction%20&%20Approval%20Procedures/Constuction%20Procedures/Works%20acceptance%20inspection%20checklist.DOC>
- 6.7 The completed checklist shall be presented to the relevant Council Officer at the Final Inspection. The Council Officer will not undertake a detailed check of all items raised in the checklist but will examine some aspects of the works on an audit basis. The original of the completed checklist shall be retained with the records for the project upon completion of the works.

## **7.0 AS CONSTRUCTED REQUIREMENTS**

- 7.1 Digital As Constructed plans in the prescribed digital formats must be submitted to Council and approved prior to the works being accepted for the Final Inspection. The As Constructed data will only be approved after the final site inspection has been passed by Council. Refer to Council's website <http://www.rockhamptonregion.qld.gov.au/PlanningBuilding/Development-Applications/Lodging-a-Development-Application/As-Constructed-Submissions> as to how to submit the data and then email to [enquiries@rrc.qld.gov.au](mailto:enquiries@rrc.qld.gov.au) with a cover note detailing the Development Application No., legal description of the land, address, estate/subdivision name and stage, Consultant's name and contact details.
- 7.2 Any works that involve the alteration of ground surface levels (cut or fill) require spot heights and any digital elevation models or line work in digital AutoCAD format over the affected lots must be in accordance with As Constructed Data Guidelines – 5.6.



### 7.3 Compliance/Certifications (CMDG – CP1.21)

Council requires that the As Constructed documentation be supported by appropriate certifications in accordance with the following requirements:

- 1) All As Constructed works must also be certified by the Consulting Engineer responsible for design of the works. The certification must note that the design intent and function of the proposed works have not been compromised by the constructed works. To this extent, the Consulting Engineer will be responsible for checking the As Constructed details so that the tolerances for construction are within specified limits.
- 2) It is recognised that in some circumstances, the tolerances for construction are exceeded. In these instances, the Consulting Engineer will be responsible for performing confirmation design calculations to ensure that the original design intent and function are not compromised.
- 3) If the As Constructed details indicate a change to the design intent or function of the works, revised design calculations shall be provided by the Consulting Engineer to indicate the acceptability of the proposed change relative to Council's requirements. Council's approval of the change is required prior to the formal acceptance of the works.
- 4) The Consulting Engineer shall be responsible for the completion of the "Statement of Compliance - As Constructed works", which satisfies the requirements for Certification.

7.4 By submitting the As Constructed information to Council, the Consultant grants Council a royalty-free, perpetual, non-exclusive, non-cancellable, non-transferable licence to:

- 1) use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property (including by development and distribution of a Derivative Product); and
- 2) sublicense Council's right to use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property, subject to the terms of this Licence.

Interpretation of the above intellectual property condition will be subject to the following definitions:

**"Intellectual Property"** in relation to the As Constructed information, includes all copyright, and all rights in relation to registered and unregistered trademarks (including service marks), registered designs and confidential information (including trade secrets and know-how), and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields; and

**"Derivative Product"** means a distinct product in which the Intellectual Property is altered, abridged or supplemented or which incorporates additional functionality.

## 8.0 DOCUMENTATION

- 8.1 All engineering drawings for operational works must be signed and certified by a RPEQ as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. The works must be supervised on the Developer's behalf by a suitably qualified RPEQ. All designs, specifications and management plans must be certified, by a suitably qualified professional identifying the certifier's full name and accreditation/registration number, as complying with all relevant Codes and Standards.
- 8.2 For the purpose of this statement, a 'suitably qualified professional' is a person with a tertiary qualification and professional affiliation in the field of engineering or science relevant to the design, specifications or management plan and who has at least two years' experience in management in that field. Where the design, specifications or management plans involve different fields, a certification is required from a suitably qualified professional for each separate field.

- 8.3 An Engineer's Certificate of Construction and As Constructed Certification must be signed and submitted by a RPEQ verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specifications.

#### 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.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 development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' 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. Advertising Device

Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

NOTE 6. Water

In accordance with the *Water Supply (Safety and Reliability) Act 2008*, it is an offence to interfere with a service provider and Fitzroy River Water is the department responsible for water and sewerage services. Fitzroy River Water can provide cost estimates for any water and sewerage works if required.

The CMDG Construction Specifications must be used for the construction works.

Please contact Rockhampton Regional Council's Plumbing Compliance section to organise a Plumbing and Drainage permit for any alterations to the private plumbing pipework.

NOTE 7. Infrastructure Charges Notice

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

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.

<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	1 A concurrence agency that is not a co-respondent

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		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
<b>2. Change applications</b> 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
<b>3. Extension applications</b> An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<p><b>4. Infrastructure charges notices</b>            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</li> </ul> <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><b>5. Conversion applications</b>            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><b>6. Enforcement notices</b>            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

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
<p><b>1. Appeals from tribunal</b>            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	-	-

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
<p>2. Eligible submitter appeals</p> <p>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—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<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</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<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</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
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	-	-

<b>Table 3 Appeals to the tribunal only</b>			
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)



<b>Table 3</b>			
<b>Appeals to the tribunal only</b>			
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</p> <p>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	-	-