



# Decision Notice Approval (amended)

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 (change application) Planning Act 2016

Application number:	D/171-2021	Contact:	Lana Groves
Notice Date:	23 May 2024	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	<b>S6 Grace Medical Pty Ltd</b>				
Postal address:	<b>PO BOX 3601 RED HILL ROCKHAMPTON QLD 4701</b>				
Phone no:	n/a	Mobile no:	n/a	Email:	biztechcoach2020@gmail.com

I acknowledge receipt of the above change application on 24 January 2024 and confirm the following:

## DEVELOPMENT APPROVAL

<b>Development Permit for a Material Change of Use for Health Care Services, Shop (Pharmacy) and Operational Works for Advertising Devices</b>
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## PROPERTY DESCRIPTION

Street address:	90 and 94 High Street, Berserker
Real property description:	Lot 1-3 on RP605736

<p><b>Dear</b> S6 Grace Medical Pty Ltd,</p> <p>I advise that, on 14 May 2024 the above change application was:</p> <p><input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b>)</p> <p>*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.</p>
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## CHANGES TO CONDITIONS

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

1)	Item 6	Changed	14 May 2024
2)	Condition 2.1	Changed	14 May 2024

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval	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

- Material change of use		
- Operational work		

**2. CONDITIONS**

This approval is subject to the conditions in Attachment 1.

**3. FURTHER DEVELOPMENT PERMITS REQUIRED**

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

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access and Parking Works</i> <i>Sewerage Works</i> <i>Roof and Allotment Drainage Works</i>
Building Works	<i>Demolition Works</i> <i>Building works</i>
Plumbing and Drainage Works	

**4. SUBMISSIONS** **NIL**

**5. REFERRAL AGENCIES** **NIL**

**6. 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>
Cover Sheet	Raunik Design Group Architects	19 April 2024	23946-DD-00	
Level 1 Ground / Site Plan	Raunik Design Group Architects	19 April 2024	23946-DD-01	G
Level 2	Raunik Design Group Architects	19 April 2024	23946-DD-02	E
Elevations	Raunik Design Group Architects	19 April 2024	23946-DD-03	E
3D View – North West	Raunik Design Group Architects	19 April 2024	23946-DD-04	B
3D View – North East	Raunik Design Group Architects	19 April 2024	23946-DD-05	B
Site Area Summary	Raunik Design Group Architects	19 April 2024	23946-DD-06	A
Signage Pylon Concept	Raunik Design Group Architects	19 April 2024	23946-DD-07	A
Vehicle Swept Path Refuse Truck	Dileigh Civil/Structural Design & Project Management	20 July 2022	D21.546-01	B
Stormwater Management Report	Dileigh Civil/Structural Design & Project Management	13 May 2022	D21.546-RP01(B) SWMP	B

**7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the Planning Act) (change application)**

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.

## 8. STATEMENT OF REASONS

<b>Description of the development</b>	
Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices	
<b>Reasons for Decision</b>	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates 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>b) The proposed development does not compromise the relevant <i>State Planning Policy</i> or <i>Central Queensland Regional Plan</i>; and</p> <p>c) 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>• Strategic Framework;</li> <li>• Low Density Residential Zone Code;</li> <li>• Airport Environs Overlay 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>• Advertising Devices 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 Density Residential Zone Code	<p><b>PO13</b></p> <p>The development does not comply with AO13.3 as the eastern exterior wall of the building exceeds 12 metres (m) in length, being 48.95m.</p> <p>Despite this, the combination of building height below that contemplated for the zone, the wall presenting to a side boundary rather than directly to the street, adequate side boundary setbacks and provision made for landscaping to soften the bulk of the wall to the adjoining properties all assist in ensuring compliance with PO13. Specifically:</p>

	<ul style="list-style-type: none"> <li>• Maximum height for the exterior wall exceeding 12m in length is approximately 3.9m, which is below the 8.5m maximum height limit prescribed for the Zone.</li> <li>• The wall presents towards the eastern adjoining lots, being used for residential purposes, rather than the street so has less of an impact on streetscape amenity.</li> <li>• The side boundary setback is 2.4m, which exceeds the 1.5m setback normally required for a building or structure with the same building height.</li> <li>• Conditions of approval have been included requiring landscape screening along part of the eastern boundary to soften the bulk of the exterior wall.</li> </ul> <p>Therefore, the development is considered to comply with PO13.</p> <p><b>PO16</b></p> <p>The development does not comply with aspects of PO16, including it is not small scale in terms of what is generally contemplated for the Zone and does not service the day-to-day needs of residents of the local neighbourhood or is not a community or emergency facility.</p> <p>Despite this, the development complies with the remaining outcomes sought for PO16. Specifically:</p> <ul style="list-style-type: none"> <li>• The existing character and level of amenity for the area is characterised by a combination of both residential and non-residential development.</li> <li>• The built form is generally consistent with that exhibited along High Street, particularly west of the site. A range of commercial activities in buildings with a non-residential appearance extend west of the site on both the northern and southern side of High Street.</li> <li>• The site does not adjoin an existing centre zone and an Economic Impact Assessment demonstrates the development is unlikely to compromise the role or function of existing centres.</li> <li>• The site is located on a higher order road and has a bus stop within 20m that provides bus services that connect it with other areas in Rockhampton.</li> <li>• A Traffic Impact Assessment demonstrates the development will not compromise the safety or efficiency of the local road network, subject to some minor road works.</li> </ul> <p>Therefore, on balance the development is considered to comply with PO16. To the extent any conflicts are identified with PO16 regard to relevant matters are considered to outweigh those conflicts.</p>
<p>Access, Parking and Transport Code</p>	<p><b>PO5</b></p> <p>The development does not comply with AO5.1.1 as 42 on-site car parking spaces are required where 34 are provided.</p> <p>Despite this, adequate provision has been made for on-site car parking commensurate with likely demand generated by the development such that on-street car parking should not be required. The car parking rate for AO5.1.1 has been calculated for the two individual uses (Health Care Service and Shop) operating independently. However, there are synergies between these uses that will mean customers will likely use both at the same time, requiring fewer on-site car parking spaces.</p> <p>Therefore, the development is considered to comply with PO5.</p>

	<p><b>PO14</b></p> <p>The development does not comply with AO14.2 as direct access to the property is from High Street, which is classified as an Urban Sub-Arterial road.</p> <p>Despite this, a Traffic Impact Assessment has been provided by the Applicant and conditioned, which demonstrates access to High Street can be provided without compromising the safety or efficiency of the local road network, subject to some minor upgrades. The minor upgrade includes an auxiliary left turn lane. It is also noted the site has no other road frontage.</p> <p>Therefore, the development is considered to comply with PO14.</p>
Landscape Code	<p><b>PO6</b></p> <p>The development does not comply with AO6.5 as landscaping has not been provided to create a ‘three-tier’ landscape treatment in all areas indicated on the approved plans for landscaping.</p> <p>Despite this, adequate area and locations for landscaping have been shown on the approved plans and conditions of approval have been included requiring landscaping that achieves compliances with PO6. Specifically, this includes:</p> <ul style="list-style-type: none"> <li>• Groundcover and shrubs along the front property boundary and at the perimeter of the car parking area.</li> <li>• Shade tree planting within the car parking area.</li> <li>• Screen planting along part of the eastern property boundary to reduce the bulk of the building to the eastern adjoining properties and soften the hard surface of the 48.95m long exterior wall.</li> <li>• The requirement for at least fifty (50) percent of all new plantings to be locally native species with low water dependency.</li> </ul> <p>Therefore, the development is considered to comply with PO6.</p>
Waste Management Code	<p><b>PO3</b></p> <p>The development does not comply with AO3.1 as the waste storage area is located immediately adjoining the northern side boundary, rather than being setback a minimum of two (2) metres.</p> <p>Despite this, a 1.8m high screening fence has been conditioned around the waste storage area, along with requirements to ensure it can be appropriately cleaned and drained. Further, the northern adjoining property is developed with offices rather than residential uses, which are considered to be a less sensitive use. On this basis, the waste storage area minimises adverse impacts on adjoining properties.</p> <p>Therefore, the development is considered to comply with PO3.</p>
Advertising Devices Code	<p><b>PO1</b></p> <p>The free-standing sign does not comply with AO1.2 as it is located in the Low Density Residential Zone; is setback less than three (3) metres from a property boundary and has a sign face height of 5.9 metres.</p> <p>Despite this, in the context of the main building, which will be the predominant built form on the site, and existence of other commercial uses on High Street to the west that include free standing signs, the free-standing sign is not considered to adversely impact on streetscape amenity, impede vehicle or pedestrian movements or result in the proliferation of advertising devices.</p> <p>Therefore, the free-standing sign is considered to comply with PO1.</p>
<p><b>Relevant Matters</b></p>	

The proposed development was assessed against the following relevant matters:

- An Economic Impact Assessment demonstrates there is an overriding planning need for the development. There is a significant demand for health care and pharmaceutical services, driven by high rates of illness, chronic disease and mental health issues, particularly in the surrounding suburbs and Rockhampton more broadly.
- There is a growing demand and expectation by consumers for convenience health care services that are consolidated at a single location. Therefore, given the level of demand for health care services in the region and consumer expectations, the development is considered to be of a reasonable and appropriate size.
- An Economic Impact Assessment demonstrates the development will not have an undue level of impact on the role or function of centres but would generate positive economic and community benefits for local residents.

An Economic Impact Assessment demonstrates there are no or very limited appropriately zoned sites of a size that could reasonably accommodate health care and pharmaceutical services at a scale expected or required by consumers. The site is also located proximate to existing non-residential activities and a Major Centre Zone.

Matters raised in submissions	Issue	How matter was dealt with
	Nil	Nil
<b>Matters prescribed by regulation</b>		
<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>		

## 9. RIGHTS OF APPEAL

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

### Appeal by an applicant

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

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

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

### Appeal by 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. ORIGINAL DECISION ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Date: 30 August 2022
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#### 12. ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature: 	Date: 23 May 2024
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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



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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 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) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works; and
    - (iv) Roof and Allotment Drainage.
  - 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 Lots 1, 2 and 3 on RP605736 must be amalgamated and registered as one lot prior to the commencement of the use.

### 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
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Cover Sheet	Raunik Design Group Architects	19 April 2024	23946-DD-00	
Level 1 Ground / Site Plan	Raunik Design Group Architects	19 April 2024	23946-DD-01	G
Level 2	Raunik Design Group Architects	19 April 2024	23946-DD-02	E
Elevations	Raunik Design Group Architects	19 April 2024	23946-DD-03	E
3D View – North West	Raunik Design Group Architects	19 April 2024	23946-DD-04	B
3D View – North East	Raunik Design Group Architects	19 April 2024	23946-DD-05	B
Site Area Summary	Raunik Design Group Architects	19 April 2024	23946-DD-06	A
Vehicle Swept Path Refuse Truck	Dileigh Civil/Structural Design & Project Management	20 July 2022	D21.546-01	B
Stormwater Management Report	Dileigh Civil/Structural Design & Project Management	13 May 2022	D21.546-RP01(B) SWMP	B

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

### 3.0 ROAD WORKS

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

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

3.3 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

3.4 An Auxiliary Left Turn (short) lane is required for the entry access point to the development.

3.5 Drawing D21.546-SK06 submitted with the Traffic Impact Assessment (dated 10/05/2022) prepared by Dileigh Civil / Structural Design & Project Management is to be revised to reflect the approved access arrangement and submitted for approval with an application for a Development Permit for Operational Works.

### 4.0 ACCESS AND PARKING WORKS

4.1 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.

4.2 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).

4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 4.4 Two (2) new access points to the development must be provided from High Street. The eastern access is to provide for left-in ingress only and the western access is to provide for left-out egress only.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 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"*.
- 4.8 A minimum of thirty-four (34) parking spaces must be provided on-site.
- 4.9 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"*.
- 4.10 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.11 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"*.
- 4.12 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.13 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 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).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection points for Lots 1, 2 and 3 must be disconnected.
- 5.5 A new sewerage connection point must be provided for the development.
- 5.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.8 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.9 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 5.10 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.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 A Development Permit for Plumbing and Drainage Works must be obtained for the construction of new structures on the development site.
- 6.3 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.

- 6.4 The development must be connected to Council's reticulated water network.
- 6.5 The existing water connection points for Lot 1 and 2 on RP605736 must be disconnected. The existing water connection point for Lot 3 on RP605736 must remain to service the development. A hydraulic engineer or other suitably qualified person must determine whether the size of the existing connection is adequate.
- 6.6 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.
- 6.7 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 6.8 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.
- 6.9 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.10 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 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).
- 7.3 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.
- 7.4 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 All the roof drainage system (downpipes and gutters) for the proposed development (buildings) must be designed to accommodate the twenty percent (20%) Annual Exceedance Probability defined storm event from the roof area.
- 7.6 All the roof drainage pipes (downpipes) from the proposed development (buildings) must be connected to rainwater tanks which are used as the detention system.

#### 8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 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.

#### 9.0 BUILDING WORKS

- 9.1 The two (2) existing residential dwellings on the subject land must be demolished and/or removed and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 9.2 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of construction of any new structures on the development site.

- 9.3 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 9.4 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.
- 9.5 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 9.6 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 2019* and must be:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.6.2 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;
  - 9.6.3 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;
  - 9.6.4 setback a minimum of two (2) metres from any road frontage; and
  - 9.6.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.7 A minimum 1.8-metre-high screen fence must be erected between the subject development site and adjacent residential properties south and east of the development.
- 10.0 LANDSCAPING WORKS
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 10.2 The landscaped areas must be subject to:
- 10.2.1 a watering and maintenance plan during the establishment moment; and
  - 10.2.2 an ongoing maintenance and replanting programme.
- 10.3 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 parts 1, 2, 3 and 4 — Design for access and mobility*.
- 10.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 10.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.5 Landscaping screening must be established and maintained along the eastern side boundary, extending from the alignment of the northern exterior wall of the 'Allied Health' tenancy south for a minimum of thirty (30) metres and:
- 10.5.1 Include plant species that have a minimum mature height of three (3) metres; and
  - 10.5.2 Provides a minimum porosity of fifty (50) percent between 1.8 metres and three (3) metres in height for that part of the eastern exterior wall where landscape screening is required.
- 10.6 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 10.7 Each shade tree(s) has/have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
- 10.7.1 One (1) tree per three (3) car parks;

- 10.7.2 One (1) tree per six (6) car parks; and
- 10.7.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 10.8 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.9 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.10 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. 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.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 '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)*.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
  - (ii) site location and topography;
  - (iii) vegetation;
  - (iv) site drainage;
  - (v) soils;
  - (vi) erosion susceptibility;
  - (vii) erosion risk;
  - (viii) concept;
  - (ix) design; and
  - (x) implementation,
- for the construction and post-construction phases of work.
- 14.2 The Erosion 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.

## 15.0 ENVIRONMENTAL HEALTH

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

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

15.3 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.

15.4 Airconditioning units must be located so as not to cause a noise nuisance and maintained in a proper working order at all times. Installation is to be as per manufacturer's directions to ensure the efficiency of the equipment. Any external plant equipment e.g., Airconditioning units will have to be located and screened appropriately so as not to impact negatively on the amenity of the surrounding residential properties.

## 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 High Street.

16.2 The hours of operations for the development site must be limited to:

- (i) 0800 hours to 1700 hours on Monday to Saturday, with no operations on Sundays or Public Holidays.

16.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

16.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:

16.4.1 the area is kept in a clean and tidy condition;

16.4.2 fences and screens are maintained;

16.4.3 no waste material is stored external to the waste storage area/s;

16.4.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

16.5 The approved 'Shop' use is restricted to that tenancy shown as 'Pharmacy' on the approved plans (refer to Condition 2.1). The Shop use is restricted to the sale of pharmaceutical goods.

## 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 Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.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. 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. Infrastructure Charges Notice

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

**OPERATIONAL WORKS (ADVERTISING DEVICES)**

1.0 ADMINISTRATION

1.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

1.4 The following further development permits are required prior to the commencement of any works on the site:

1.4.1 Building Works.

1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Level 1 Ground / Site Plan	Raunik Design Group Architects	19 April 2024	23946-DD-01	G
Elevations	Raunik Design Group Architects	19 April 2024	23946-DD-03	E
Signage Pylon Concept	Raunik Design Group Architects	19 April 2024	23946-DD-07	A

2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

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

3.0 OPERATING PROCEDURE

3.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.

3.2 All text and images displayed on the approved advertising device:

3.2.1 must be static;

3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and

3.2.3 must not involve moving parts or flashing lights.

- 3.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and 'Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers'.
- 4.0 **ASSET MANAGEMENT**
- 4.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:
- 4.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
- 4.1.2 as soon as reasonably possible as agreed with Council.
- 5.0 **ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE**
- 5.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 5.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.
- 5.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 5.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 5.5 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 5.6 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".
- 5.7 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity of the site.

## **ADVISORY NOTES**

### **NOTE 1. Aboriginal Cultural Heritage Act, 2003**

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander 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. 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.



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— <ol style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ol>			
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>4. Infrastructure charges notices</b> An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> <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> b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have			

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

<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	Column 4 Co-respondent by election

<b>Table 2 Appeals to the P&amp;E Court only</b>			
		(if any)	(if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

<b>Table 2 Appeals to the P&amp;E Court only</b>			
renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision			
<p><b>6. Local laws</b>            An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

<b>Table 3 Appeals to the tribunal only</b>			
<p><b>1. Building advisory agency appeals</b>            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><b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b>            An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p><b>4. Local government failure to decide application under the Building Act</b>            An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent	Column 4 Co-respondent by election

<b>Table 3</b>			
<b>Appeals to the tribunal only</b>			
		(if any)	(if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-



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## ATTACHMENTS (for office use only)

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Plans and Referral Agency Response

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### APPROVED PLANS



D171-2021 -  
Amended Plans.pdf