



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/96-2024	Contact:	Aidan Murray
Notice Date:	16 December 2024	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Peacefield ATF The Peacefield Trust Pty Ltd		
Postal address:	C/- PSA Consulting (Australia) Pty Ltd PO BOX 10824 BRISBANE QLD 4000		
Phone no:	N/A	Mobile no:	0411 952 964 Email: cliff.schmidt@psaconsult.com.au

I acknowledge receipt of the above application on 29 July 2024 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for an Intensive Animal Industry (expansion to poultry egg layer farm)

PROPERTY DESCRIPTION

Street address:	6 Smalls Road, Hamilton Creek
Real property description:	Lot 1 on MPH12210, Lot 2 on MPH14362, Lot 1 on MPH11307 and Lot 1 on MPH12220

Dear Peacefield ATF The Peacefield Trust Pty Ltd,

I advise that, on 10 December 2024 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<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 Works</i> <i>Stormwater 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

Properly made submissions **were** made in relation to the application.

There were two (2) properly made submissions received from the following submitter(s);

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Deslea Crough	19 Smalls Creek Road, Hamilton Creek	deslea1@bigpond.com
2. Greg Passmore	15 Smalls Creek Road, Mt Morgan	gregpassmore666@gmail.com

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:

Plan / Document Name	Prepared by	Date	Reference No.	Version / Issue
Farm Layout	3Daro	Received 22 October 2024	A101	Rev. 1
Single Shed Layout	Santrev	19 January 2024	A102	A
Shed Elevations	Santrev	19 January 2024	A200	A
Cover Sheet, Locality Plan & Drawing Schedule	Premise	27 June 2024	C001	A
Safety in Design Report	Premise	27 June 2024	C002	A
General Notes	Premise	27 June 2024	C003	A
Roadworks & Stormwater Drainage Plan	Premise	27 June 2024	C210	A
Site-based Stormwater Management Plan	Storm Water Consulting	20 June 2024	J10721	1.0
Sight Distance Assessment	PSA Consulting	22 July 2024	-	-

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

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016*, the development approval lapses if the first 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.

8. STATEMENT OF REASONS

Description of the development	
Material Change of Use for Intensive Animal Industry (expansion to poultry egg layer farm)	
Reasons for Decision	
<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>	
Assessment Benchmarks	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • Rural Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; and • Steep Land Overlay Code. 	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Biodiversity Overlay Code PO4 and PO5	<p>Performance Outcome 4 (PO 4) prescribes that unimpeded movement of terrestrial and aquatic fauna are associated with or are likely to use the biodiversity corridor as part of their normal life cycle by:</p> <p>(a) ensuring development, including roads, pedestrian access and in-stream structures, do not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors;</p> <p>(b) providing effective wildlife movement infrastructure in accordance with best practice and directing fauna to locations where wildlife movement infrastructure has been provided to enable fauna to safely negotiate a</p>

	<p>development area; and</p> <p>(c) separating fauna from potential hazards through the use of appropriate fencing.</p> <p>Furthermore, Acceptable Outcome (AO) 5.1 prescribes that Development retains and protects native fauna feeding areas, nesting, breeding and roosting sites within the identified wildlife habitats.</p> <p>The site is located within a wide biodiversity corridor running generally east-west across the site. The proposed development is located within and immediately adjacent to the existing farm buildings and as such minimises impacts on stands of native vegetation, riparian corridors and watercourses. Nine (9) trees in the immediate area of the existing farm are proposed to be removed. The relevant part of the site is not mapped as an area of State or Local environmental significance and the trees are surrounded by on-site infrastructure, internal access roads and operational areas. Accordingly, the clearing is not expected to result in any significant environmental impacts and will not lessen the function of the wider biodiversity corridor.</p> <p>Therefore, the proposed development is taken to comply with Performance Outcome 4 and 5.</p>
Access, Parking and Transport Code PO2	<p>The proposed development does not comply with Acceptable Outcome (AO) 2.1 as it requires the removal of three (3) existing trees within the road reserve to achieve the required sight distances at the northern access driveway. This is supported by a sight lines analysis prepared by PSA Consulting. There are no other significant obstructions noted within the field of view from both the site access and required positions along Smalls Road. Overall, the access driveways and removal of three (3) trees do not disrupt existing road or footpath infrastructure but will require Council approval (as it is located in Council road reserve). Therefore, the proposed development is taken to comply with Performance Outcome (PO) 2</p>
Relevant Matters	
<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
Matters raised in submissions	
<p>The proposal was the subject of public notification between 9 September 2024 and 30 September 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) submissions were received.</p>	
Construction works have commenced	<p>Submission/s raised concerns and questioned why works have already commenced.</p> <p>The replacement of the existing Layer Shed 1, demolition of the three (3) pullet / rearing sheds and the upgrade of the cold storage area do not increase the gross floor area or result in an increase to the scale and intensity of the pre-existing land use activity on the site. Therefore, these works do constitute a Material Change of Use and have been commenced under a Building Works Approval. Accordingly, a Building Works Approval was obtained for these works and construction has commenced in accordance with the Building Works permit (Council Reference: B/113-2024-PC).</p> <p>In addition, an Operational Works approval has been obtained for earthworks associated with shed 4.</p>
Construction noise	<p>Submission/s raised concerns about increased noise levels from heavy machinery starting early in the morning to late afternoon seven days a week.</p> <p>Construction of the replacement shed on site commenced in accordance with the above mentioned Building Works approval.</p>

	<p>Earthworks also commenced in accordance with an Operational Works approval which includes a condition to ensure impacts from construction works are minimised:</p> <p>“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 <i>Environmental Protection Act</i> and <i>Environmental Protection Regulations</i> must be observed at all times, unless otherwise approved by Council in writing.”</p>
<p>Operational noise</p>	<p>Submission/s raised concerns regarding noise emissions from machinery running all night, such as automatic feeders as well as increased noise levels from the additional birds.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Environmental emissions, including noise, are managed by the existing EA approval number 13600000014 administered by the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>Once development is completed, most activities on the site, such as farm management, feed deliveries, egg collection and the like will occur during daylight hours (6am – 6pm) and are expected to be consistent with the current operations. Limited operations outside of these hours may occasionally include the delivery and collection of birds to and from the farm at the beginning and end of each operational cycle. Potential noise emissions are mitigated through the following existing and proposed measures:</p> <ul style="list-style-type: none"> • Automatic feeders do not run between 08:00pm and 4:00am where the birds are expected to sleep, and the lights in the sheds will be switched off. • The replacement sheds will be climate-controlled and constructed with insulated panel walls. Reducing the noise from birds is not audible outside the sheds. No roosters will be housed on site. Modern equipment including ventilation fans, conveyors, feed delivery systems and egg collection systems, will be installed in the new sheds and will be designed to minimise noise emissions. • On-site staff will be responsible for monitoring, maintaining and replacing faulty or noisy equipment. Staff and contractors (e.g. drivers) will also be required to undertake operations in a responsible manner to minimise noise emissions, including: <ul style="list-style-type: none"> ○ Avoidance the use of unnecessary or noisy equipment. ○ Entering and existing the site in a calm manner. ○ Maintaining a low-speed environment for vehicles moving around the site. ○ Maintaining the gravel running surfaces to ensure any pot holes are filled.
<p>Odour</p>	<p>Submission/s raised concerns regarding an increase in odour emissions from the property due to the increase in bird numbers.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Environmental emissions, including odour, are better managed by the existing EA approval number 13600000014 administered by the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The existing farm contains seven (7) poultry sheds housing up to 148,000 birds. As part of the proposed development, five (5) of these sheds will be demolished</p>

	<p>and replaced by two (2) new egg layer sheds. With the changed shed design, the potential odour and dust emissions from the farm is not expected to result in any additional impact compared to historic operations on the site. The proposed replacement sheds are expected to improve environmental performance as:</p> <ul style="list-style-type: none"> • The older sheds with open curtain sides and dirt floors will be replaced by modern, climate-controlled sheds with concrete floors which reduces the amount of dust generated by bird activity within the sheds. • The proposed shed designs will incorporate improved climate control and litter management. • The incorporation of manure extraction belts allows for regular collection of manure from within the sheds (weekly) to reduce ammonia build up, enhance air quality, improve animal welfare and reduce the risk of odour emissions compared to the old sheds. • The modern aviary systems, nest boxes, and food and water systems allow manure to quickly dry out within the sheds, reduce the risk of ammonia build up (associated with wet floors) and minimise the risk of odour production. • The retained sheds are located centrally on the farm site, with the ventilation fans at the rear of the sheds, providing greater setbacks to the nearest rural dwellings. <p>In response to the submissions, the applicant has proposed to install a vegetated environmental buffer at the rear of the sheds as shown in the approved plans. The proposed vegetative buffer is expected to further reduce the potential for odour impacts, compared to the modelled outcomes.</p>
<p>Hours of operation</p>	<p>Submission/s noted an increase to the hours of operation from 6am to 6pm seven days a week compared to the previous owners only working 7:30am to 3:30pm weekdays.</p> <p>As a livestock operation with animals permanently accommodated on the site, the farm will need to operate 24 hours a day, 7 days a week. However, a majority of daily activity on site will be carried out between 6.00am and 6.00pm. Therefore, most activities on the site will occur during daylight hours and the proposed hours are not unexpected or unusual for agricultural activity (e.g. truck movements and farm operations) in a rural area. Staff shifts are as follows:</p> <ul style="list-style-type: none"> • Two (2) staff are employed seven days a week, 7am - 3.30pm with two (2) additional ground keeping and maintenance staff employed three (3) days per week (Monday, Wednesday and Friday) from 7am - 2pm. In addition, there is an onsite manager. • The applicant advised that previously staff number were nine (9) persons per day as the previous operator graded (washed and packaged) on-site. Only packing is undertaken as part of the current operation. <p>The operations outside of daylight hours are not regular and may include the delivery and collection of birds to and from the farm at the beginning and end of each laying cycle. The applicant advised the purpose of this is to ensure bird transportation occurs in accordance with the <i>CSIRO Model Code of Practice for the Welfare of Animals: Land Transport of Poultry</i> with transportation only occurring during periods when the temperature is cooler to reduce stress on the birds.</p>
<p>Lifestyle impacts</p>	<p>Submission/s raised concerns that the increased hours of operation will impact on nearby residents' lifestyle.</p> <p>The proposed development involves expansion of an existing intensive animal industry and aligns with the purpose of the Rural Zone. As part of the expansion, the applicant seeks to modernise the existing infrastructure, transition from cage-laid to barn-laid egg production systems, improve operations and reduce the potential environmental impacts at the site.</p> <p>The Smalls Road Poultry Farm has operated on the site in some capacity since</p>

	<p>1959 and is an established existing lawful land use in the context of the locality. The poultry farm is the only commercial scale egg layer farm in the Central Queensland region. The ongoing operation of the farm is crucial to secure the long-term supply of locally sourced barn-laid eggs in the region in the midst of a well-documented national egg shortage.</p> <p>Subject to reasonable and relevant conditions on the subject development approval and existing environmental approval, the development can be undertaken in a manner that mitigates potential impacts beyond the site and ensures environmental values on the site and surrounding areas are protected. Accordingly, the proposed development is considered to consistent with the purposes of the Rural Zone without impacting on the lifestyle of local residents.</p>
<p>Potential health impacts</p>	<p>Submission/s raised concerns about potential health risks associated with the increase in bird numbers to surrounding residents' health, particularly in relation to a bird flu outbreak. Confirmation was sought regarding the precautions in place to prevent such incidents.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Environmental emissions, including health risks, are managed by the existing EA approval number 1360000014 administered by the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The proposed operations is not expected to increase risks associated with avian influenza. The new modernised and enclosed sheds will prevent contact with wild fowl which may carry the vector. The operation of a layer farm is required to follow strict national and state level biosecurity requirements. In accordance with these standards, the applicant proposes to adopt a range of biosecurity control measures to minimise the risk of disease outbreaks including:</p> <ul style="list-style-type: none"> • The application of strict controls regarding site access to prevent unauthorised visitors to the farm that may bring disease or other risks to the property. • Sanitation Procedures (shower in / shower out) for staff entering and exiting the farm, and sanitation procedures (foot baths, handwashing etc) for staff entry to individual sheds. • Cleaning and sanitation of sheds between batches. • Minimisation of wild bird attractants including regular slashing of the surrounding paddocks, appropriate selection of landscaping species, secure storage of feed, immediate cleaning of any spillage. • Containment of the layer birds within the sheds. • Regular shed inspections by managers to identify deceased birds or any signs of illness in the flock. <p>In the unlikely event an emergency animal disease (EAD) outbreak at the farm is detected, the operators will immediately implement quarantine procedures, contact the Department of Agriculture and Fisheries who will take control of the site and provide further instructions.</p> <p>Due to the strict bio-security procedures in place, the risks to residents off site from the operations is minimal.</p>
<p>Consultation</p>	<p>Submission/s raised concerns about a lack of consultation with neighbouring residents regarding future plans for the business.</p> <p>Public notification was undertaken in accordance with the requirements under the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and <i>Development Assessment Rules</i>. Further to this matter, the applicant proposed that the farm manager would meet with surrounding residents to inform them of the proposed project and</p>

	address concerns.
<p>Traffic safety concerns</p>	<p>Submission/s raised concerns that the access to the property is causing a safety risk to traffic travelling along Smalls Road, particularly due to the lack of visibility on the crest of the hill.</p> <p>With the current operation, the majority of trucks and staff vehicles entering and exiting the site occurs at the southern end of the property via an informal driveway. Staff parking has also historically occurred on the verge, within the road reserve. As part of this application and the conditions imposed, site access to the farm for trucks and staff vehicles is to be achieved via two (2) formalised driveways connecting to Smalls Road. These driveways are intended to be upgraded and formalised as part of this development application. The southern driveway will be used for trucks entering the farm while the northern driveway will be used for trucks exiting farm.</p> <p>A sight lines analysis has been prepared by traffic engineers from PSA Consulting which demonstrates that the driveway location in the northern part of the site achieves the required sight distances, with no major obstructions noted within the field of view from both the site access and required positions along Smalls Road. Removal of three (3) trees within the road reserve is required which can be undertaken with Council's consent. The existing driveway at the southern end of the farm is located on the crest of the hill where a vehicle will be visible for traffic in both directions.</p> <p>In response to the submissions, the applicant has provided a formal on-site parking area located off the southern driveway to provide for staff car parking. This parking area will remove the informal parking which has historically occurred within the road reserve and is potentially not visible to north bound traffic due to the crest on Smalls Road. Conditions have also been imposed to ensure that parking associated with the land use occurs on the site rather than within the road reserve.</p>
<p>Vermin</p>	<p>Submission/s raised concern that there will be an increase in vermin because of the expanded operation.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Vermin management is addressed by the regulators of the existing EA approval number 13600000014, that being the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The operation of an egg layer farm is required to follow strict national and state guidelines, which contain several mitigation and management measures for pest and vermin management. These management measures can be overseen by the on-site manager and include, but are not limited to:</p> <ul style="list-style-type: none"> • Best practice management of sheds to prevent odour emissions which may attract pests. • Diversion of water around sheds to minimise pooling or wet spots in proximity to the farms. • Regular removal of manure from the sheds to reduce emissions. • Adoption of good sanitation and housekeeping practices including immediate cleaning up spilt feed, regular removal of mortalities from the sheds. • Minimisation of wild bird attractants including regular slashing of the surrounding paddocks, appropriate selection of landscaping species, secure storage of feed, immediate cleaning of any spillage. • Selective use of insecticides if required. • Maintaining a rodent baiting program.

	<ul style="list-style-type: none"> Implementation of climate-controlled sheds with minimal entrance points for rodents.
<p>Increased runoff and flooding</p>	<p>Submission/s raised concerns regarding water run-off, especially during heavy rainfall, entering not only the northern gulleys, but also overflowing into the southern creeks as well. This resulted in concerns that run off from the table drains and culverts will cause flooding of residents' access road.</p> <p>With respect to stormwater quantity, the modelling undertaken by Storm Water Consulting Pty Ltd, shows that peak flows are marginally increased due to the proposed works. Mitigation of peak flows is proposed to ensure there is no worsening of downstream impacts. A detention basin is proposed, which is located within the overland flow path and formed by constructing an earth embankment. Pipes are proposed at the base of the earth embankment to control the flows rates discharging from the detention basin. The modelled stormwater results indicate that the proposed detention basin ensures that there is no material worsening of flows in all Annual Exceedance Probability (AEP) events (up to and including the one per cent (1%) AEP event), compared to the existing flow rate. The proposed works are therefore not considered to result in a material worsening on downstream properties.</p>
<p>Internal lighting</p>	<p>Submission/s sought confirmation that internal lighting will not impact upon neighbouring properties at night.</p> <p>The applicant proposes that internal lighting will not protrude outside the property boundary and will be directed inwards or suitably shielded from external view. It is a requirement and assessment benchmark of the planning scheme that any outdoor lighting be designed, installed and maintained in accordance with the parameters and requirements of the <i>Australian Standard AS 4282 — "Control of the obtrusive effects of outdoor lighting"</i>. A condition to this effect has been applied as part of this Development Permit.</p>
<p>Disposal of dead birds</p>	<p>Submission/s raised concerns regarding the disposal of dead birds on the property and sought clarification on the measures to prevent wild animals from removing them from the property. It was also asked if the disposal area can be fenced to prevent access from wild dogs and feral cats.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Disposal of dead birds is managed by the regulators of the existing EA approval number 13600000014, that being the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The applicant advised that historically, dead birds (mortalities) have been buried on the farm, but the new operators are currently in the process of implementing a composting regime on the site to improve mortality management.</p> <p>Over the course of a layer cycle, up to five per cent (5%) of the flock may be lost as mortalities. The sheds will be checked by the on-site manger daily and any deceased birds will be promptly removed from the sheds and transferred to the composting area. The collected mortalities are placed in the designated compost area and covered with a small amount of organic material (e.g. straw or woodchips), poultry manure and soil. A small amount of water is added to ensure water content levels remain between 40-60 per cent and periodically turned (aerated) which aids in the breakdown of organic matter into compost.</p> <p>The compost shed will be constructed within an existing shed on the site and will include a roof to protect from rain and maintain moisture levels, a concrete floor, block work wall and will be covered and fenced to keep out scavenging animals. There is currently a temporary composting arrangement on site that is enclosed and fenced so no scavenging animals and wild birds can enter.</p> <p>The composting process converts dead birds into a useful, inoffensive, stable end product (compost) that can be safely used as a crop fertiliser and/or soil</p>

	<p>improvement material. The principles of composting are relatively simple in that the micro-organisms are used to break down the mortalities are provided with a suitable environment conducive to their growth with appropriate food source, moisture levels and oxygen.</p> <p>The process of composting mortalities is regularly adopted by poultry operations throughout Australia. Well managed, small scale composting processes generally do not produce significant odours.</p>
Property values	<p>Submission/s raised concerns that proposed farm expansion will devalue their properties.</p> <p>Property value is not a matter Council can have regard to under the Planning Act 2016 when assessing and deciding a development application.</p>
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 4.4); and • Central Queensland Regional Plan 2013; • The common material, being the material submitted with the application. 	

9. APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. 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 out the applicant's appeal rights and the appeal rights of a submitter.

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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


Or

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

Or

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

11. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 16 December 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

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 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 issue of the Certificate of Classification for the Building Works 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 issue of the Certificate of Classification for the Building Works, 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 Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland (RPEQ).
- 1.9 Lot 1 MPH12210, Lot 2 MPH14362, Lot 1 MPH11307 and Lot 1 MPH12220 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.10 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:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Farm Layout	3Daro	Received 22 October 2024	A101	Rev. 1
Single Shed Layout	Santrev	19 January 2024	A102	A
Shed Elevations	Santrev	19 January 2024	A200	A
Cover Sheet, Locality Plan & Drawing Schedule	Premise	27 June 2024	C001	A
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Roadworks & Stormwater Drainage Plan	Premise	27 June 2024	C210	A
Site-based Stormwater Management Plan	Storm Water Consulting	20 June 2024	J10721	1.0
Sight Distance Assessment	PSA Consulting	22 July 2024	-	-

- 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 works) must be obtained prior to the commencement of any access works on the development site.
- 3.2 All access 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 works).
- 3.3 All 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 works).
- 3.4 The existing accesses from Smalls Road to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 3.6 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"*. Any tree clearing to facilitate compliant sight distances must be carried out by the Applicant subject to consent from Council where located on Council land or road reserve.
- 3.7 All parking, loading and manoeuvring facilities for visitors and employees must be located on-site to meet the demand generated by the development to avoid parking of vehicles associated with the intensive animal industry within the road reserve of Smalls Road.
- 3.8 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The existing water connection point(s) must be retained, and upgraded, if necessary, to service the development.
- 4.4 Adequate domestic and fire-fighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.5 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 5.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 6.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

7.0 BUILDING WORKS

- 7.1 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.

- 7.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 7.3 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 8.0 LANDSCAPING WORKS AND VEGETATION BUFFER
- 8.1 A densely planted vegetation buffer must be established in accordance with the approved plans (refer to condition 2.1) to screen the development.
- 8.2 Vegetation within the nominated buffer, or any part thereof, upon reaching full maturity, must not:
- 8.2.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 8.2.2 adversely affect any road lighting or public space lighting; or
 - 8.2.3 adversely affect any Council infrastructure, or public utility plant.
- 8.3 The vegetation within the nominated buffer must be subject to:
- 8.3.1 a watering and maintenance plan during the establishment moment; and
 - 8.3.2 an ongoing maintenance and replanting programme.
- 9.0 GEOTECHNICAL
- 9.1 Slope stability must be managed as follows:
- 9.1.1 all engineering drawings/specifications and designs must be in accordance with the requirements of relevant *Australian Standards* and must be approved by a Registered Professional Engineer of Queensland;
 - 9.1.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 9.1.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 10.0 ASSET MANAGEMENT
- 10.1 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.
- 10.2 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.
- 11.0 ENVIRONMENTAL
- 11.1 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.
- 12.0 OPERATING PROCEDURES
- 12.1 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 Smalls Road.
- 12.2 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"*.

- 12.3 The hours of operations for the development site are 24 hours a day, 7 days a week. However, activities that have the potential to cause a noise nuisance should be limited to the hours of 6am to 6pm unless otherwise required by relevant legislation or a statutory instrument (e.g. Environmental Authority permit).
- 12.4 All surface treatments must be operated and maintained in a manner so that there is no significant impact as determined by Council 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.
- 12.5 Commercial waste bins must be provided on-site and be collected by a private contractor. No kerbside collection or collection within the road reserve is permitted.

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 5. General Safety Of Public During Construction

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

NOTE 6. Infrastructure Charges Notice

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

NOTE 7. Clearing within Road Reserve

Council approval must be obtained at Operational Works stage (access works) prior to the removal of or interference with street trees located on Council land or within Council road reserve. This applies to the proposed removal of three (3) street trees located near the northern access driveway, as proposed in the Sight Distance Assessment prepared by PSA Consulting (refer to Condition 2.1).

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) There was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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

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

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

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

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

Table 3			
Appeals to the tribunal only			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act</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	-	-