



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 Planning Act 2016

Application number:	D/97-2015	Contact:	Lana Groves
Notice Date:	4 July 2024	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Daisy CJC Pty Ltd		
Postal address:	C/- Adams + Sparkes Town Planning PO BOX 1000 BUDDINA QLD 4575		
Phone no:	Mobile no:	Email: admin@astpd.com.au	

I acknowledge receipt of the above change application on 12 October 2023 and confirm the following:

DEVELOPMENT APPROVAL

'Other Change' to Development Permit for Material Change of Use for a Childcare Centre

PROPERTY DESCRIPTION

Street address:	4-6 John Street, Gracemere
Real property description:	Lot 505 on R2642

Dear Daisy CJC Pty Ltd

I advise that, on 25 June 2024 the above change 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.

CHANGES TO CONDITIONS

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

1)	Condition 1.6.1	Changed	25 June 2024
2)	Condition 1.10	New	25 June 2024
3)	Condition 2.1	Changed	25 June 2024
4)	Condition 3.3	Changed	25 June 2024
5)	Condition 4.6	Changed	25 June 2024
6)	Condition 6.8.5	Changed	25 June 2024
7)	Condition 10.1	Deleted	25 June 2024

8)	Condition 10.2	Deleted	25 June 2024
9)	Condition 10.3	Deleted	25 June 2024
10)	Condition 10.4	Deleted	25 June 2024
11)	Condition 13.3	Changed	25 June 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	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>Road Works Access and Parking Works Stormwater Works Roof and Allotment Drainage Works; and Site Works</i>
Building Works	
Plumbing and Drainage Works	

4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
INFRASTRUCTURE-RELATED REFERRALS (Electricity Infrastructure)			
<i>Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or subject to an easement</i>			
Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if— (a) all or part of the premises are within 100m of a substation site; or (b) both of the following apply— (i) all or part of the premises are subject to an easement for the benefit of a	The chief executive of the distribution entity or transmission entity: Ergon Energy	Advice	<u>Postal:</u> Ergon Energy (Town Planning) PO Box 1090 Townsville Qld townplanning@ergon.com.au <u>u</u>

distribution entity, or transmission entity, under the Electricity Act; (ii) the easement is for a transmission grid or supply network			
STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor</i>			
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	The chief executive of the department in which the <i>Planning Act 2016</i> is administered: State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@dildip.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

5. THE APPROVED PLANS

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

Plan/Document Name	Plan/Document Number	Dated
Cover Page	5773-DA01- Issue 02	9 August 2023
Site Plan	5773-DA02- Issue 02	9 August 2023
Floor Plan – Kindergarten	5773-DA03- Issue 02	9 August 2023
Floor Plan – Childcare Centre	577-DA04- Issue 02	9 August 2023
Child Care Elevations	5773-DA05- Issue 01	9 July 2015
Kindergarten Elevations	5773-DA06- Issue 01	9 July 2015
Site Based Stormwater Management Plan	CC-7334 Rev B	December 2023
Landscape Notes and Schedules	5773_L01-01_A	July 2023
Landscape Details	5773_L07-01_A	July 2023
Landscape Details	5773_L07-02_A	July 2023
Landscape Layout Plan	5773_L02-02_A	July 2023
Landscape Planting Plan	5773_L03-01_A	July 2023

6. 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.

7. STATEMENT OF REASONS

Description of the development	
'Other Change' to Material Change of Use for a Childcare Centre	
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; • District Centre Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
District Centre Zone Code	<p>Performance Outcome 2</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 2.2 which stipulates that ground level buildings have a minimum floor to ceiling height of four (4) metres. The proposed kindergarten building has a floor to ceiling height of 2.7 metres.</p> <p>Despite the non-compliance, the proposed kindergarten building is situated between two established residential developments with existing dwelling houses to the left and right common boundaries (Lot 506 on R2642 and Lot 2 on RP860004), with the built form of the neighbouring dwellings typical of low-density housing, that being single, detached and small in scale. The proposed kindergarten building is of similar size and scale to the immediate and surrounding built form and will integrate with the surrounding developments and the existing childcare building on site.</p> <p>Therefore, the proposed kindergarten building is considered to comply with Performance Outcome (PO) 2 as the development is of a height and scale consist with that of a low-medium rise development and maintains the residential amenity of the adjoining residential zones.</p>

Performance Outcome 3

The proposed development does not comply with Acceptable Outcome (AO) 3.1.1 as the kindergarten building does not propose awnings in accordance with the *Gracemere district centre concept plan*.

As the nature of the development is for a childcare centre that proposes a building setback of 12.690 metres from the road reserve it is not considered practical for awnings to be built to the road boundary.

Further to this, the site is located in-between two residential developments, Lot 2 adjoining the left common boundary and Lot 506 adjoining the right common boundary. The buildings setbacks of both lots from John Street boundary are approximately six (6) metres and 11 metres respectively. The adjoining sites does not make provisions for a footpath or awnings built to the street frontage, thereby making continuous weather protection in the form of awnings, unachievable for the proposed development.

On this basis, it is not considered practical based on the needs of the development or adjoining land uses that awnings be provided, with the non-compliance with Performance Outcome (PO) 3 considered to be a low-level conflict.

Performance Outcome (PO) 4

The proposed development does not comply with Acceptable Outcome (AO) 4.1.1 as the proposed kindergarten building is not built to the road boundary in accordance with Figure 6.3.3.3 1b *Gracemere district centre concept plan*.

Despite the non-compliance, as the proposed development is for a childcare centre it is not considered practical based on the needs of the development that the building is built to the street frontage and may pose an increased safety risk to children. The development will provide landscaping along the entire length of the fence line adjoining the road boundary at John Street, in turn softening the built form and breaking up the building's wall plane when viewed from John Street. Furthermore, a pedestrian path has been constructed in the road reserve, completed as part of the original development approval.

On this basis, the proposed development is taken to comply with Performance Outcome (PO) 4 as the childcare building creates a pedestrian orientated street frontage and avoids large, blank walls when viewed from John Street.

Performance Outcome 12

The proposed development does not comply with Acceptable Outcome (AO) 12.1 as the building's main entrance does not face a public place.

Despite the non-compliance, the proposed childcare proposes a pedestrian path and ramp leading directly from the existing pedestrian path in the road reserve in John Street to the front entrance of the building. In addition, the building will include an expansive 350 square metre landscaped outdoor play area orientated towards John Street, enhancing the development and creating an active street frontage when viewed from John Street and surrounding public places.

Therefore, the proposed development is considered to comply with Performance Outcome (PO) 12.

Performance Outcome 13

The proposed development does not comply with Performance Outcome (PO) 13 which requires that the development;

- (a) Creates a safe, active and inclusive environment with uses that operate during the day and night;

	<p>(b) Actively faces and integrates with the street frontage including smaller shops front premises, sleaving larger buildings; and</p> <p>(c) Is designed to promote the use of public transport, walking and cycling.</p> <p>The development involves the extension of the existing childcare centre, which does not include a use for shops, nor does it promote the use of public transport, walking and cycling, with business operating times that do not extend past 1830 hours.</p> <p>Despite the non-compliance, the proposed development is not located near the shopping centre complex in Gracemere which requires provisions for pedestrian movements or located on streets required to provide active street frontages, as intended in the purpose of the District Centre Zone. Moreso, as the development is situated between two low-density residential developments, it is not considered necessary that the development integrate with the street frontage or is designed to promote the use of public transport, walking or cycling, based on the needs of the development.</p> <p>The non-compliance with the corresponding Performance Outcome is considered a low-level conflict and on balance, the proposed development complies with the remainder of the Assessment Benchmarks.</p>
	<p>Performance Outcome 23</p> <p>The proposed development does not wholly comply with Acceptable Outcome (AO) 23.1 which requires hard surface areas are interspersed with spaces between buildings and car park areas, vegetated or covered with fabric sails.</p> <p>There is no landscaping or fabric shade sails proposed for the carparking area adjoining the northern wall of the proposed kindergarten building.</p> <p>Despite the non-compliance, an existing established garden occupying an area to the left of the carparking adjoining the proposed kindergarten building is provided, with an additional landscaped area proposed to the right. The proposed footpath in front of the carparking adjoining the wall to the north, prevents the establishment of shade sails or landscaping between the carparking and the proposed kindergarten building.</p> <p>Notwithstanding, the existing landscaping in front of the internal carparking areas and the existing childcare building, and the proposed landscaping in the outdoor play area of the kindergarten building, provides a break in the impervious areas over the site, avoiding large expanses of roofing and parking areas that contribute to the creation of 'heat islands'.</p> <p>On this basis, the proposed development is considered to achieve compliance with Performance Outcome (PO) 23.</p>
	<p>Performance Outcome 24</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 24.1 as no street trees are permitted to be planted in the road reserve adjacent John Street, due to the location of Council infrastructure.</p> <p>In lieu of street tree planting, the development proposes landscaping for the full length of the outdoor playground adjoining John Street road boundary, including four (4) large trees, and has been supported by concept landscape plan.</p> <p>Therefore, it is considered that the proposed development achieves the purpose of the District Centre Zone, as the extension to the childcare centre will provide landscaping that will actively contribute to the overall greening of the city.</p>
<p>Access, Parking</p>	<p>Performance Outcome 5</p>

<p>and Transport Code</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 5.1.1 as carparking is not provided at the rates set out in Table 9.3.1.3.2 of one (1) space per full time employee plus one (1) space per six (6) children. A total of 37 carparking spaces is required for the proposed development, based on a total of 123 children in addition to the sixteen (16) staff members.</p> <p>The kindergarten extension proposes fifteen (15) car parking spaces in addition to the nineteen (19) existing carparking spaces for the established childcare centre, totalling thirty-four (34) cumulatively parking spaces.</p> <p>Despite the shortfall of three (3) car parking spaces, it is considered that adequate provision has been made for on-site car parking appropriate with the demand likely generated by the development such that on-street car parking should not be required. It is anticipated that pick-up and drop-off times of children will be intermittent, with all customer carparking unlikely occupied at the same time, requiring fewer on-site car parking spaces.</p> <p>Therefore, the development is considered to comply with Performance Outcome (PO) 5.</p> <hr/> <p>Performance Outcome 12</p> <p>The proposed development does not comply with Acceptable Outcome (PO) 12.2 which stipulates that a road or street does not connect with another road or street that is more than two (2) levels higher or lower in the road hierarchy. John Street is Major Urban Collector Road, connecting to the State Controlled Road of Lawrie Street, which is three (3) levels higher in the road hierarchy.</p> <p>Despite the non-compliance with AO12.2, as the proposed development triggered referral to the State Assessment Referral Agency (SARA), a Traffic Impact Assessment (TIA) was provided by Empire Engineering consulting engineers as part of the response to SARA's information request. The TIA demonstrates that the increase in traffic generated by the proposed development has been accounted for in the recent upgrades to the Lawrie Street and John Street road network. The upgrades will continue to perform sufficiently within the road network based on the projected increases to traffic volumes of the proposed development.</p> <p>On this basis, the proposed development is taken to comply with Performance Outcome (PO) 12 as it is considered that the proposed childcare centre is located on a road that is considered appropriate for the nature of traffic generated by the development.</p>
<p>Landscape Code</p>	<p>Performance Outcome 11</p> <p>The proposed development does not wholly comply with Acceptable Outcomes (AO)11.1 to 11.6 as shade trees are not provided within the car parking areas at a rate of one (1) tree per three (3) car parks.</p> <p>Despite the non-compliance, the applicant has provided a concept landscape plan which proposes;</p> <ul style="list-style-type: none"> • Four (4) shade trees in the southern (left) common boundary; • Three (3) shade trees located in the garden between the carparking and the building; • Four shade (4) trees located in the playground area adjoining John Street. <p>In addition to shade trees, the concept landscape plan demonstrates a detailed landscaped playground area with the inclusion of medium shrubs, foliage plants and ground cover species.</p> <p>Furthermore, the established vegetation in the existing landscaped areas adjoining the left and right common boundary, and behind the proposed</p>

	<p>kindergarten building, is to be retained.</p> <p>On balance, the proposed development is taken to comply with Performance Outcome (11) as shade is provided within the carparking areas reducing the overall stored heat and glare.</p>
Relevant Matters	
Not applicable to an assessable development application subject to code assessment.	
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); • The common material, being the material submitted with the application. 	

8. 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*.

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.

9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

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

Or

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


Or

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

10. ORIGINAL DECISION ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon MANAGER DEVELOPMENT AND BUILDING	Date: 30 March 2016
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11. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 4 July 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.]

Part 2 – Conditions required by the referral agency response

Attachment 2—Extract on appeal rights



Attachment 1 – Part 1

Rockhampton Regional Council Conditions

Planning Act 2016

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and 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 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage Works;
 - (v) Site Works; and
 - (vi) Deleted.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 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.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 The currency period for the Kindergarten is six (6) years from the date this approval takes effect.

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 the conditions of this permit:

Plan/Document Name	Plan/Document Number	Dated
Cover Page	5773-DA01- Issue 02	9 August 2023

Plan/Document Name	Plan/Document Number	Dated
Cover Page	5773-DA01- Issue 02	9 August 2023
Site Plan	5773-DA02- Issue 02	9 August 2023
Floor Plan – Kindergarten	5773-DA03- Issue 02	9 August 2023
Floor Plan – Childcare Centre	577-DA04- Issue 02	9 August 2023
Child Care Elevations	5773-DA05- Issue 01	9 July 2015
Kindergarten Elevations	5773-DA06- Issue 01	9 July 2015
Site Based Stormwater Management Plan	CC-7334 Rev B	December 2023
Landscape Notes and Schedules	5773_L01-01_A	July 2023
Landscape Details	5773_L07-01_A	July 2023
Landscape Details	5773_L07-02_A	July 2023
Landscape Layout Plan	5773_L02-02_A	July 2023
Landscape Planting Plan	5773_L03-01_A	July 2023

2.2 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.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 ROAD WORKS

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

3.2 All 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 the provisions of a Development Permit for Operational Works (road works).

3.3 Provide an Urban Basic Right Turn (BAR) Treatment as per AUSTRROADS GTRD-Part 4A Figure 7.17 in order to permit through traffic to pass right turn vehicles stopped to turn right into the development access. This will require three (3) metres of widening of John Street at the opposite of the development side. Road widening works must be carried out for the full frontage of the site to ensure the BAR has sufficient length for safe and efficient traffic flow at John Street. Detailed design must be finalised at the operational works application stage. A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the development side of John Street for the full frontage of the site.

NOTE: The ten marked car parking spaces on John Street, opposite the childcare centre, will be removed by Council and the BAR reinstated in compliance with condition 3.3.

3.4 All pathways must incorporate kerb ramps at all road crossing points.

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

pavement markings must be modified in accordance with the Manual of Uniform Traffic Control Devices – Queensland.

4.0 ACCESS 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 site.
- 4.2 All 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 parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 4.4 A new commercial access to the development must be provided at John Street in accordance with Capricorn Municipal Development Guideline standards.
- 4.5 All vehicles must ingress and egress the development in a forward gear.
- 4.6 A minimum of thirty-four (34) parking spaces must be provided on-site.
- 4.7 Universal access parking spaces must be provided in accordance with Australian Standard AS2890.6 “Parking Facilities - Off-Street parking for people with disabilities”.
- 4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standard AS1742.1 “Manual of Uniform Traffic Control Devices” and Australian Standard AS2890.1 “Parking Facilities – Off-street Car Parking”.
- 4.9 All internal pedestrian pathways must be designed and constructed in accordance with Australian Standard AS1428 “Design for Access and Mobility”.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All 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, and Plumbing and Drainage Act.
- 5.2 The development must be connected to Council’s reticulated water network and sewerage network.
- 5.3 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act and Council’s Plumbing and Drainage Policies.
- 5.4 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.
- 5.5 The proposed development must be provided with a master meter at the property boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council’s Sub-metering Policy.
- 5.6 The applicant must ensure adequate fire fighting protection is available from the existing hydrant within the John Street road reserve and also from the on-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, upgrade of on-site fire fighting equipment, internal pillar hydrant, water tanks, and pumps may be required.
- 5.7 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 5.8 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council’s sewerage reticulation. Arrestor traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

- 5.9 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the State Planning Policy 2014.
- 6.5 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 6.6 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 6.7 At least four (4) 100 millimetre diameter kerb adaptors must be installed to discharge stormwater into the kerb and channel.
- 6.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that;
- 6.8.1 All content of the stormwater management plan is in accordance with the Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Healthy Waters Guidelines, and sound engineering practice;
 - 6.8.2 The Stormwater discharge is to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual;
 - 6.8.3 Each part of the lot is self-draining;
 - 6.8.4 The volume of detention is sufficient to attenuate the peak discharge from the site to ensure non-worsening for a range of design rainfall events up to and including the 100 year Average Recurrence Interval (ARI) event, in accordance with the provisions of the Queensland Urban Drainage Manual;
 - 6.8.5 The potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 2017*;
 - 6.8.6 The stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
 - 6.8.7 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

7.0 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 site.
- 7.2 All roof and allotment drainage must be in accordance with the requirements of the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines.
- 7.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
 - 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 8.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 8.5 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 8.6 All site works must be undertaken to ensure that there is:
 - 8.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 8.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 8.6.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.

9.0 BUILDING WORKS

- 9.1 All waste storage areas must be:
 - 9.1.1 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
 - 9.1.2 of a minimum size to accommodate eight (8) 240 litre bins in accordance with the Environmental Protection Regulation 2019.
 - 9.1.3 Only four (4) 240 litre general waste bins and four (4) 240 litre recycle waste bins are approved for kerb side collection by Council.

- 9.2 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.
- 10.0 LANDSCAPING WORKS
- 10.1 Deleted
- 10.2 Deleted
- 10.3 Deleted
- 10.4 Deleted
- 11.0 ELECTRICITY AND TELECOMMUNICATIONS
- 11.1 Evidence must be provided of a Telecommunications Infrastructure Provisioning Confirmation and Certificate of Electricity Supply with the relevant service providers to provide the use with telecommunication and live electricity connections, in accordance with the requirements of the relevant authorities prior to the commencement of the use.
- 12.0 ASSET MANAGEMENT
- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 12.2 Any damage to existing water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in John Street, or Lawrie Street.
- 13.2 All waste storage areas must be:
- 13.2.1 kept in a clean and tidy condition; and
- 13.2.2 maintained in accordance with Environmental Protection Regulation 2019.
- 13.3 The hours of operation for the development site must be limited to:
- 13.3.1 0630 to 1830 on Monday to Friday.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.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 property 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 contributions in accordance with Council policies. The contributions are presented on an Infrastructure Charges Notice.

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

Appeal rights

229 Appeals to tribunal or P&E Court

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

230 Notice of appeal

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

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

231 Other appeals

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

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

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

232 Rules of the P&E Court

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

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

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
4. Infrastructure charges notices 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"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or 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			

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

Table 2 Appeals to the P&E Court only			
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

Table 2			
Appeals to the P&E Court only			
		(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

Table 2 Appeals to the P&E Court only			
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>6. Local laws 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	-	-

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

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