



## Decision Notice Approval (amended)

Planning Act Form 5 (version 1.1 effective 22 June 2018) made under Section 282 of the Planning Act 2016 for a decision notice (approval) under s83 Planning Act 2016, and Section 3.5.15 of the Integrated Planning Act 1997

Application number:	D-R/1340-2006/A	Contact:	Brendan Standen
Notice Date:	28 November 2022	Contact Number:	1300 22 55 77

### APPLICANT DETAILS

Name:	<b>Quinglen Ten Pty Ltd</b>		
Postal address:	<b>C/- Reel Planning Pty Ltd PO BOX 2088 MILTON QLD 4063</b>		
Phone no:	-	Mobile no:	0414251472
		Email:	kieran@reelplanning.com

I acknowledge receipt of the above change application on 28 October 2022 and confirm the following:

### DEVELOPMENT APPROVAL

**Development Permit for a Material Change of Use (Extensions to Hotel)**

### PROPERTY DESCRIPTION

Street address:	800 Yaamba Road, Parkhurst
Real property description:	Lot 40 on SP300134 (Previously known as Lot 2 on RP609987), Parish of Murchison

### OWNER DETAILS

Name:	Quinglen Ten Pty Ltd
Postal address:	C/- Parkhurst Tavern 800 Yaamba Road PARKHURST QLD 4702

**Dear** Quinglen Ten Pty Ltd

I advise that, on 28 November 2022 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 2	changed	4 June 2007
2)	Condition 2	changed	13 August 2015
1)	Condition 4(a)	Changed	28 November 2022
2)	Condition 13	Deleted	28 November 2022

3)	Condition 14	Changed	28 November 2022
4)	Condition 15	Deleted	28 November 2022

### 1. DETAILS OF THE APPROVAL

	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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use	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
Building Works	

### 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	For an application involving	Name of agency	Status	Address
<b>LAND RELATING TO A STATE-CONTROLLED ROAD</b>				
	Development on land contiguous to a State Controlled road and for:- a) <b>Material change of use</b> assessable against the planning scheme b) <b>Reconfiguring a lot</b> unless – <ul style="list-style-type: none"> <li>The total number of lots is not increased; and</li> <li>The total number of lots abutting the State-controlled road is not increased;</li> </ul> c) <b>Operational work</b> (not associated with a material change of use assessable against the planning scheme or reconfiguring a lot mentioned above) <ul style="list-style-type: none"> <li>Associated with access to a State-controlled road; or</li> <li>For filling or excavation; or</li> <li>Involving the redirection or intensification of site</li> </ul>	Department of Infrastructure, Local Government and Planning  Previously known as: Department of Transport and Main Roads	Concurrence	Online: <a href="http://www.dilgp.qld.gov.au/MyDA">www.dilgp.qld.gov.au/MyDA</a> <u>S</u>  Postal: PO Box 113 Rockhampton Qld 4700

	For an application involving	Name of agency	Status	Address
	stormwater from the land, through a pipe with a cross-sectional area greater than 625cm <sup>2</sup> that directs stormwater to a State-controlled road.			

## 5. THE APPROVED PLANS

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

- Plan No. MCU1'A', MCU2'A', MCU3'A', MCU4'A' MCU5'A' drawn by R.J. Clelland and dated 15 October 2006; and
- Response to Development Application Letter by R.J. Clelland and dated 15 October 2006
- Extent of Landscaping Areas plan dated 28 November 2022

## 6. CURRENCY PERIOD FOR THE APPROVAL

In accordance with the provisions of the *Integrated Planning Act 1997* this Development Permit for a Material Change of Use (Extensions to Hotel) has a relevant period of four (4) years from the date the approval takes effect.

## 7. 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.

## 8. 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.

**9. ORIGINAL DECISION ASSESSMENT MANAGER**

Name: <b>Petrus Barry</b> <b><u>ACTING MANAGER</u></b> <b><u>DEVELOPMENT AND BUILDING</u></b>	Date: 19 January 2007
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**10. ASSESSMENT MANAGER**

Name: <b>Amanda O'Mara</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature: 	Date: 5 December 2022
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C/C Department of State Development, Manufacturing, Infrastructure and Planning- [RockhamptonSARA@dsdmip.qld.gov.au](mailto:RockhamptonSARA@dsdmip.qld.gov.au)

**Attachment 1 – Conditions of the approval**

**Part 1 – Conditions imposed by the assessment manager** [Note: where a condition is imposed about infrastructure under Chapter 4 of the Planning Act 2016, the relevant provision of the Act under which this condition was imposed must be specified.]

**Part 2 – Conditions required by the referral agency response**

**Attachment 2—Extract on appeal rights**

**Relevant Period and Approved Plans**

- (1) a) In accordance with the provisions of the *Integrated Planning Act 1997* this Development Permit for a Material Change of Use (Extensions to Hotel) has a relevant period of four (4) years from the date the approval takes effect.
- b) This Development Permit shall be in accordance with the following approved plans:-
- Plan No. MCU1'A', MCU2'A', MCU3'A', MCU4'A' MCU5'A' drawn by R.J. Clelland and dated 15 October 2006; and
  - Response to Development Application Letter by R.J. Clelland and dated 15 October 2006.

Except as otherwise amended by conditions in this approval.

**Hours of Operation**

- (2) Unless otherwise approved in writing by Council, the owner of the land is to ensure that hours of operation shall be as follows:
- 8:00am to 4:00am, Monday to Sunday.
- No work on Christmas Day, Good Friday and Anzac Day as prescribed under the *Liquor Act 1992*.

**Hours of Construction and Environmental Mitigation Measures**

- (3) Unless otherwise approved in writing by Council, the owner of the land shall ensure that building work on a building site is carried out in a way that does not:-
- a) make or cause audible noise to be made from the building work on a Sunday or public holiday, at any time or on a Saturday or business day, before 6.30 a.m. or after 6.30 p.m.; or
- b) allow dust or other airborne particulates to leave the property unless all practical and reasonable measures have been taken; or
- c) allow any materials or waste products (solid or liquid) to leave the building site.

Dust from any earthworks associated with the construction of the proposed development shall be managed to a standard or degree sufficient to ensure no dust nuisance is generated beyond the boundaries of the site, unless all practical and reasonable measures have been taken to the satisfaction of the Chief Executive Officer or their representative.

**Access and Car Parking**

- (4) (a) The owner of the land is to provide a minimum of 56 off-street car parking spaces generally as shown on Plan No. MCU4'A' drawn by R.J. Clelland and dated 15 October 2006. The car parking areas and driveways shall be constructed, sealed, landscaped, maintained and drained to the satisfaction of the Chief Executive Officer or their representative and in accordance with the Parking and Access Code.
- (b) The owner shall ensure that the proposed parking areas are: -
- (i) Built with a gradient in accordance with the relevant provisions of Australian Standards AS/NZS2890.1:2004; and

- (ii) Covered with a dust free surface and a pavement thickness that has a 20 year life cycle, certified as being so by a suitably qualified person such as a Registered Professional Engineer of Queensland; and
    - (iii) To provide drainage of all stormwater to the kerb and channel or an alternative lawful point of discharge.
  - (c) The owner shall ensure that the proposed parking areas (including parking spaces, aisle widths etc.) comply with the dimension requirements of AS/NZS2890.1:2004.
- (5) The owner of the land is to ensure that all redundant vehicular crossing/s shall be removed and replaced with Council's standard kerb and channel in accordance with the Capricorn Municipal Development Manual (CMDM) drawing SD-R-041, prior to the commencement of use.
  - (6) The owner of the land is to ensure, prior to the commencement of the use that the driveway and car-parking area is separated from the landscaped area by the construction of a minimum 150 mm high kerb or dwarf wall that are maintained to the satisfaction of the Chief Executive Officer or their representative.
  - (7) All works (including driveway cross overs) shall be designed and constructed in accordance with the Capricorn Municipal Development Manual.
  - (8) The owner of the land is to ensure that staff and visitors vehicles are parked in the spaces provided on the subject premises and not on landscaping areas during the operation of the use. Car parks designated for visitor use shall be used by visitors only and not by staff.
  - (9) The owner of the land shall ensure that any damage to infrastructure including public pathways, kerb and channel and the like caused as a result of the development is repaired or reinstated to the standard required if it were new works.
  - (10) The owner shall ensure that any alterations necessitated or caused by the development to public utility (water, sewerage, etc.) mains, services or installations are carried out at no cost to Council.

### **Amenity**

- (11) The owner of the land is to ensure that the colour treatment as proposed in Plan No. MCU5'A' for the building on Yaamba Road is applied prior to the operation of any business from the premises.
- (12) The owner of the land shall ensure that all external air conditioning units, ventilation and ducting systems are visually screened from all roads and adjoining properties to the satisfaction of the Chief Executive Officer or their representative.

### **Fencing**

- (13) **DELETED**

### **Landscaping**

- (14) Landscaping must be established and maintained in all areas shown on the approved 'Extent of Landscaping Areas' plan dated 28 November 2022, generally as follows:
  - (a) Planting types used within the landscaping areas must include either trees, shrubs or groundcovers, or any combination of these planting types.
  - (b) Landscaping, or any part thereof, upon reaching full maturity, must not:
    - (i) obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
    - (ii) adversely affect any road lighting or public space lighting; or
    - (iii) adversely affect any Council infrastructure, or public utility plant.

- (c) The landscaped areas must be subject to:
- (i) a watering and maintenance plan during the establishment moment; and
  - (ii) an ongoing maintenance and replanting programme.

(15) **DELETED**

**Lighting**

- (16) The owner of the land is to ensure that any outdoor lighting is installed and maintained in accordance with Australian Standard AS4282 "Control of the obtrusive effects of Outdoor Lighting" and the Noise and Light Nuisance Code under the Rockhampton City Plan.
- (17) The owner of the land is to ensure that all lighting is positioned/shielded so as not to cause a light spillage nuisance off-site, during the operation of the use. Light spillage from sources such as traffic movements to and from the site, security and flood lighting must be managed in such a way not to cause a nuisance off site.

**Signage**

- (18) The owner of the land is to ensure that no further advertising signage shall be erected, other than those exempt under Council's Signage Code under the Rockhampton City Plan, without the prior consent of Council.

**Storage**

- (19) The owner of the land is to ensure that all works carried out on the site and all storage of materials shall be contained wholly within the buildings and not visible from any street frontage during the operation of the development.

**Stormwater**

- (20) All stormwater runoff from the subject land shall be collected on site and discharged via pipes to the existing stormwater drainage system on site generally in accordance with Plan No. MCU4'A' drawn by R.J. Clelland and dated 15 October 2006.

**Infrastructure Contributions (Fitzroy River Water)**

- (21) A payment of infrastructure contributions in accordance with Planning Policy Number 11 (Water Supply and Sewerage Development Infrastructure Contribution) and Council's Guidelines for Infrastructure Contribution applies. The amounts shown are applicable for the current financial year and are reviewed each financial year.

For the subject development, a contribution towards the following water and wastewater infrastructure components has been assessed.

<b>Description</b>	<b>Rate per unit (\$)</b>	<b>Amount (\$)</b>
Glenmore Water Treatment Plant Upgrade	832.90	832.90
Sewerage Treatment Plant Upgrade	978.33	978.33
Hadgraft Street Pump Station Upgrade	306.07	306.07
Parkhurst Sewer Extension	580.51	580.51
Parkhurst Water Reservoir	1,609.31	1,609.31
Parkhurst Collector Sewer	1,186.24	1,186.24
<b>Total</b>	<b>5,493.36</b>	<b>5,493.36</b>

The above assessment of \$5,493.36 has been based on 1 additional pedestals for the subject land for the subject development. The above payment is to be made to

Council by the owner of the land, within fourteen (14) days of building approval for each unit at the rate applicable at the time of payment.

### **Fitzroy River Water (FRW)**

- (22) Any construction works proposed in the vicinity of Council's existing water supply and sewerage infrastructure shall not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development, shall be borne by the applicant.
- (23) Any proposed works on Council owned water and sewerage infrastructure, shall be carried out by FRW or and FRW approved contractor, at the developers expense.
- (24) The existing water and sewer connection points shall be retained to service the proposed development. FRW will not provide any additional or upgrade the existing water and sewer connection points unless requested by the applicant.
- (25) The above works shall be ordered / completed prior to the commencement of the use on-site.

### **Health Services**

- (26) An occupier of premises at or for which there is air conditioning equipment must not use or allow the use of the equipment:-
  - a) from 7.00 a.m. to 10.00 p.m. on any day if it makes noise or causes noise to be made of more than 50 dB(A); or
  - b) before 7.00 a.m. or after 10.00 p.m. on any day if it makes noise or causes noise to be made of more than the higher of the following:
    - i) 40 dB(A);
    - ii) 5 dB(A) above the background noise level.
- (27) The owner of the land is to ensure that all air conditioning units are located at least three (3) metres away from adjoining property boundaries.
- (28) Ensure that no emission (i.e. ash, dust, fumes, light, noise, odour, or smoke) from the premises causes unreasonable interference with someone's enjoyment of another place or an environmental value as required under the Part 2A Nuisance Provision of the *Environmental Protection Regulation 1998*.
- (29) Waste containers shall be kept: -
  - Securely covered at all times;
  - In a clean condition and in good repair;
  - At ground level;
  - In a position that allows unobstructed access;
  - On an imperviously paved area suitably drained to the satisfaction of the Chief Executive Officer or their representative;
  - In the vicinity of a hose and suitable hose cock to allow for easy cleaning; and
  - In a suitable enclosure.
- (30) No work is to commence on the site related to kitchen/food preparation areas, until a Food Business Licence is obtained.



**Advisory Comments (Please note that this is not a condition)**

- (1) That the applicant be advised that nothing in this Decision Notice alleviates the need to observe all relevant legislation, Council's Planning Schemes and Local Laws.
- (2) The applicant may be required to submit an operational works application if future work is proposed in relation to condition number 23 above.
- (3) The Food Business Licence is required in order to assess the adequacy in size of the kitchen/food preparation areas in relation to dining area and services that will be provided. Submit the application for an Amendment of Food Business Licence under the *Food Act 2006* at the earliest possible time. This may alleviate the need for layout/designs to be altered for compliance, e.g. plumbing/drainage points.

**BUILDING WORKS**

**Relevant Period and Approved Plans**

1. a) In accordance with the provisions of the *Integrated Planning Act 1997* this Preliminary Approval for Building Works for a Material Change of Use (Extensions to Hotel) has a relevant period of four (4) years from the date the approval takes effect.
- b) This Preliminary Approval shall be in accordance with the following approved plans: -
  - Plan No. MCU1'A', MCU2'A', MCU3'A', MCU4'A' MCU5'A' drawn by R.J. Clelland and dated 15 October 2006; and
  - Response to Development Application Letter by R.J. Clelland and dated 15 October 2006

Except as otherwise amended by conditions in this approval.

**Advisory Comments (Please note that this is not a condition)**

1. A copy of the Decision Notice and accompanying stamped approved plans for this Material Change of Use shall be submitted with any application for the carrying out of Building Work.



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**Attachment 1 – Part 2**  
**Referral Agency Conditions –**  
**Department of Infrastructure, Local Government**  
**and Planning**

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*PLANNING ACT 2016*

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

### Appeal rights

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

- (1) Schedule 1 states—
  - (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 agency's referral	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		response—the concurrence agency	manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>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&amp;E court; or (b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
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
<p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 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
<p>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"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect ‘use category’, under a regulation, to the development <ul style="list-style-type: none"> <li>(i) The working out of extra demands, for section 120; or</li> <li>(ii) An offset or refund; or</li> </ul> </li> </ul> b) The was no decision about an offset or refund; or  c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or  d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

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

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

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
application 2 For a change application—an eligible submitter for the change application	2 For a change application—the responsible entity	response—the concurrence agency	
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	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)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the</p>	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

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

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
<p>1. Building advisory agency appeals</p> <p>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</p> <p>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</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	-	-