



# 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 (change application) and s86 (extension application) Planning Act 2016

Application number:	<b>3116275-2006</b>	Contact:	Thomas Gardiner
Notice Date:	13 December 2019	Contact Number:	1300 22 55 77

## APPLICANT DETAILS

Name:	<b>Glen Lynch and Judith Lynch C/- ADAM + SPARKES</b>		
Postal address:			
Phone no:	Mobile no:	Email:	

I acknowledge receipt of the above extension and change application on 13 November 2019 and confirm the following:

## DEVELOPMENT APPROVAL

<b>Development Permit for a Material Change of Use for a Hotel and Shop</b>
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## PROPERTY DESCRIPTION

Street address:	2 John Street, Gracemere
Real property description:	Lot 506 on R2642 and Lot 507 on R2642, Parish of Gracemere

## OWNER DETAILS

Name:	G R Lynch and J A Lynch
Postal address:	
<b>Dear</b> Glen Lynch and Judith Lynch	
I advise that, on 10 December 2019 the above extension and change application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in <b>Attachment 1</b> )	
*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)	Item 6	changed	10 December 2019
2)	Condition 1.0	changed	26 July 2010
3)	Condition 1.0	changed	11 February 2013
4)	Condition 1.0	changed	24 July 2013
5)	Condition 1.0	changed	3 March 2015
6)	Condition 1.0	changed	10 December 2019
7)	Condition 11.0	deleted	3 March 2015

8)	Condition 12.0	deleted	3 March 2015
9)	Note 1	new	3 March 2015

### 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use	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
Operational Works	<i>Sewer Works</i> <i>Stormwater Works</i> <i>Landscaping Works</i>
Building Works	
Plumbing and Drainage Works	

### 4. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

	<u>For an application involving</u>	<u>Name of agency</u>	<u>Status</u>	<u>Address</u>
<b><u>MATERIAL CHANGE OF USE</u></b>				
	On land contiguous to a <b>State-controlled road</b>	Department of State Development, Infrastructure and Planning  Rockhampton SARA  (Previously - Department of Main Roads)	Concurrence	PO Box 113, Rockhampton Qld 4700 <a href="mailto:RockhamptonSARA@dsdip.qld.gov.au">RockhamptonSARA@dsdip.qld.gov.au</a>

## 5. THE APPROVED PLANS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan	DA1.01, Issue A	15 March 2013
Ground Floor – Area Plan	DA2.01, Issue A	15 March 2013
First Floor – Area Plan	DA2.02, Issue A	15 March 2013
Ground Floor Plan (part 1)	DA2.04, Issue A	15 March 2013
Ground Floor Plan (part 2)	DA2.05, Issue A	15 March 2013
First Floor Plan	DA2.06, Issue A	15 March 2013
Elevations 1	DA3.01, Issue A	15 March 2013
Elevations 2	DA3.02, Issue A	15 March 2013

## 6. CURRENCY PERIOD FOR THE APPROVAL

The currency period for this Development Permit expires on 13 February 2024.

## 7. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for a Minor Change and Extension to the Currency Period to Development Permit AF-31-16.275 for a Material Change of Use for a Hotel and Shop
<b>Reasons for Decision</b>	<p>a) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>b) 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>c) The proposed development does not compromise the relevant State Planning Policy.</p>
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• District Centre Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>
<b>Matters prescribed by regulation</b>	<p>(i) <i>The State Planning Policy – Part E</i>;</p> <p>(ii) <i>The Central Queensland Regional Plan</i>;</p>

	(iii) The <i>Rockhampton Region Planning Scheme 2015</i> ; (iv) The common material, being the material submitted with the application.
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## 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: <b>Tarnya Fitzgibbon</b> <b>COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Date: 14 February 2007
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## 11. ASSESSMENT MANAGER

Name: <b>Amanda O'Mara</b> <b>ACTING COORDINATOR</b> <b>DEVELOPMENT ASSESSMENT</b>	Signature:	Date: 13 December 2019
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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**

**1.0 APPROVED PLAN**

The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan	DA1.01, Issue A	15 March 2013
Ground Floor – Area Plan	DA2.01, Issue A	15 March 2013
First Floor – Area Plan	DA2.02, Issue A	15 March 2013
Ground Floor Plan (part 1)	DA2.04, Issue A	15 March 2013
Ground Floor Plan (part 2)	DA2.05, Issue A	15 March 2013
First Floor Plan	DA2.06, Issue A	15 March 2013
Elevations 1	DA3.01, Issue A	15 March 2013
Elevations 2	DA3.02, Issue A	15 March 2013

The use permitted as part of this approval is a Hotel and Shop and this approval has a currency period of 16 years and will remain in force until 13 February 2024. Should the development not be completed within this timeframe this approval will lapse and a new application will need to be made to Council unless an approval has been obtained for an extension of this period.

**Timing:**

To be maintained at all times after the commencement of the use.

**2.0 BUILDING CERTIFICATION**

Building plans are to be submitted to and approved by a registered building certifier. These plans are to be in accordance with the Building Act 1975 and the Standard Building Regulation 1993, Council's Local Planning Policies, the conditions of this approval and substantially in accordance with plans and documents submitted with this application and the Fitzroy Shire Planning Scheme 2005, apart from where amendments are required or dispensations have been granted in conjunction with this approval.

**Timing:**

Prior to the commencement of the use.

### 3.0 AMENITY – LANDSCAPING REQUIREMENTS

- (a) Provide a three (3) metre wide landscaped buffer to both side boundaries to screen the use from neighbouring properties. Landscaping is to be provided in accordance with approved scaled landscape drawings prepared by a suitably qualified professional. The plans should contain at least the following information:
- i. Surveyed location and botanical name of existing vegetation, including species' height and spread, specifying vegetation to be retained and that to be removed;
  - ii. Any structures or significant vegetation on adjoining properties or road reserve that could impact upon the site;
  - iii. Existing contours and proposed finished levels for earthwork;
  - iv. Location of existing and proposed services;
  - v. Location and detail of subsurface, stormwater drainage and overland flow path of grassed swales;
  - vi. General identification of hard and soft landscape treatments;
  - vii. Location, species' botanical name, numbers and size of all proposed planting; and
  - viii. Location of slope batters steeper than 1:4.
- (b) Before commencing the works obtain approval for the landscape plan from the Chief Executive Officer.

**Note:** The area immediately surrounding the hotel must be landscaped with fast growing trees and shrubs to achieve the requirements outline in point 'a' above. Trees and shrubs shall have a mature height of between 2.0 metres and 6.0 metres and utilise, wherever possible drought tolerant plant species appropriate for the local climatic conditions. This landscaping may include both soft and hard landscaping treatments and incorporate, if necessary, internal car parking allocations for this development.

**Timing:**

Prior to the commencement of the use and to be maintained at all times thereafter.

### 4.0 AMENITY – SCREEN FENCING

Erect a solid screen fence along the northern and eastern boundaries of the site to a height of 1.8 metres.

**Timing:**

Prior to the commencement of the use and to be maintained thereafter.

### 5.0 AMENITY – ADVERTISING

Advertising on the site shall be in accordance with the requirements set out in Fitzroy Shire Council (Control of Signs) Local Law No.9.

**Timing:**

To be maintained at all times after the commencement of the use.

### 6.0 AMENITY – LIGHTING

Angle or shade lighting used to illuminate any areas of the premises so the light does not directly illuminate or cause any environmental nuisance (eg. glare) to any nearby premises or roadways.

**Timing:**

To be maintained at all times after the commencement of use.

**7.0 AMENITY – SERVICE VEHICLES**

Limit the operation of delivery vehicles and/or waste collection services to between the hours of 7am and 10pm Monday to Saturday.

**Timing:**

To be maintained at all times.

**8.0 TRAFFIC AND TRANSPORT – CAR PARKING**

Provide 118 car parking spaces including two (2) marked spaces for disabled persons and for the manoeuvring of the same on-site in accordance with an approved plan. All car parking spaces are to be designed in accordance with the Australian Standards for Off-Street Parking (ie. AS 2890.1-1993) and incorporate either a 150mm concrete curb or other approved

**Timing:**

Prior to the commencement of the use and to be maintained at all times thereafter.

**9.0 TRAFFIC AND TRANSPORT – PAVEMENT CONSTRUCTION**

Construct pavements for car parking bays and access ways in one (1) of the following:

- a) Reinforced concrete with a minimum thickness of 100mm for parking areas and 150mm for access ways;
- b) Asphalt surfacing (25mm minimum for parking area and 35mm for manoeuvre areas) on top of a suitably designed gravel base; or
- c) Approved concrete pavers, on top of a suitably designed gravel base.

Pavements are to be designed by a Civil Engineer and line marked in accordance with Council's standards.

**Timing:**

Prior to the commencement of the use and to be maintained at all times thereafter.

**10.0 WATER AND SEWERAGE – CONNECT TO WATER SUPPLY AND SEWERAGE SYSTEMS**

Connect the development to Council's reticulated water supply and sewerage systems at a location to be determined by Council during Operational Works.

Note: Reference should be made to the current Gracemere Water Supply and Sewerage Planning Reports when determining the servicing requirements of this development. All works identified within these reports required for the servicing of this development shall be designed and constructed at the developer's expense.

**11.0 Deleted****12.0 Deleted****13.0 TRAFFIC AND TRANSPORT – CONSTRUCTION WORKS****External Road Network**

All works carried out on Council's road network shall be designed and constructed in accordance with the Capricorn Municipal Development Manual unless otherwise specified below:

## John Street

Design and construct John Street including road widening's, associated kerb and channel and drainage works along the full frontage of the development. The final width of John Street shall be 12.0 metres.

### **Pedestrian Footpath**

Design and construct a 2.0 metre wide concrete dual use pathway along the site's full frontage to Lawrie Street and John Street in accordance with the Capricorn Municipal Development Manual.

### **General**

Design plans for all works must be lodged and approved by the Chief Executive Officer prior to construction.

### **Timing:**

Prior to the commencement of the use.

## 14.0 STORMWATER DRAINAGE - GENERAL

Drainage from the development shall not adversely impact adjoining lots. Where an adverse impact is identified the developer is required to submit details of adequate measures to offset such.

During Operational Works the applicant/landowner must demonstrate that the existing stormwater infrastructure in John Street and Lawrie Street is sufficient to handle a 1 in 10 year ARI storm event.

### **Timing:**

Prior to the commencement of the use.

## 15.0 STORMWATER DRAINAGE – GENERAL

- a) Adequately cater for all stormwater draining to the land, or stormwater flow paths, which are interfered with by the development, or filling of the subject land.
- b) Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required. The drainage system is to be designed to cater for a fully developed upstream catchment.

### **Timing:**

Prior to the commencement of the use.

## 16.0 WORKS – APPLICANT'S EXPENSE

All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by Council or otherwise, shall be at the developer's expense unless otherwise specified.

### **Timing:**

Prior to the commencement of the use.

## 17.0 WORKS – START OF WORKS

Work shall not commence on the construction (or upgrading) of any proposed (or existing) road, park or other facility under (or proposed to be transferred to) the control, trusteeship or ownership of Council until:



- a) All engineering plans, drawings, specifications and drainage calculations for the work have been lodged for Council approval;
- b) Council's written approval for (a) has been issued; and
- c) Any appeal, which has been lodged against Council's decision to approve (with or without conditions) the development application, has been decided or resolved.

#### ADVISORY NOTES

##### NOTE 1. Infrastructure Charges

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



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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**

<p>1. Development applications An appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
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

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

		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

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

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

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

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