



# Decision Notice Approval

Planning Act Form 1 (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016 for a decision notice (approval) under section 63(2) of the Planning Act 2016

Application number:	<b>D/111-2025</b>	Contact:	Aidan Murray
Notice Date:	26 November 2025	Contact Number:	07 4936 8099

## APPLICANT DETAILS

Name:	<b>B P Bashford</b>		
Postal address:	<b>C/- Town Planning &amp; Development Consultants, Central Queensland Unit 3, 280 Murray Street ALLENSTOWN QLD 4700</b>		
Phone no:	-	Mobile no:	0480625020
		Email:	admin@tpdcqld.com.au

I acknowledge receipt of the above application on 6 August 2025 and confirm the following:

## DEVELOPMENT APPROVAL

<b>Development Permit for Material Change of Use for a Multiple Dwelling (Four Units)</b>
---

## PROPERTY DESCRIPTION

Street address:	1 Reservoir Street, Gracemere
Real property description:	Lot 1 on RP616784

Dear B P Bashford,

I advise that, on 20 November 2025 the above development application was:

approved in full with conditions\* (refer to the conditions contained in **Attachment 1**)

\*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

## 1. DETAILS OF THE APPROVAL

The following approvals are given:

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

## 3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	Access and Parking Works
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
<b>STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)</b>			
<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:  Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department)	Concurrence	<b>In person:</b> Level 2, 209 Bolsover Street, Rockhampton City <b>Online lodgement using MyDAS2:</b> <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> <b>Email:</b> <a href="mailto:RockhamptonSARA@ds.dilgp.qld.gov.au">RockhamptonSARA@ds.dilgp.qld.gov.au</a> <b>Postal:</b> 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	Prepared by	Date	Reference No.	Version / Issue
3D View 1 and 3D View 2	DW Building Design	30 July 2025	25065-01	1
Site Features Plan	DW Building Design	30 July 2025	25065-02	1
Floor Plan	DW Building Design	30 July 2025	25065-03	1
Elevation 1, Elevation 2, Elevation 3 and Elevation 4	DW Building Design	30 July 2025	25065-04	1

#### 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

<b>Description of the development</b>	
Material Change of Use for a Multiple Dwelling (Four Units)	
<b>Reasons for Decision</b>	
<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>	
<b>Assessment Benchmarks</b>	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Local Government Infrastructure Plan;</li> <li>• Strategic Framework;</li> <li>• Low Density Residential 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>Compliance with assessment benchmarks</b>	
<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>	
<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
<b>Low Density Residential Zone Code</b>	<p><b>Performance Outcome (PO) 13</b></p> <p>The proposed development conflicts with Acceptable Outcome (AO) 13.1 (e) which prescribes that the rear boundary setback is four (4) metres unless to a laneway. The proposed new building for units 3 and 4 instead has a rear boundary setback of 1.594 metres to the outermost projection.</p> <p>Furthermore, the northern side wall of unit 3 and the southern side wall of unit 4 are 14.07 metres in length, which conflicts with the maximum exterior wall length of twelve (12) metres prescribed by AO 13.3. The relevant walls only marginally exceed the prescribed maximum length and do have windows which provide some partial articulation, light and ventilation for the dwellings.</p> <p>Despite the conflicts with certain parts of the Acceptable Outcomes, the development's alternative solution can achieve the relevant requirements of Performance Outcome (PO) 13. On balance, it is considered that the development is located and designed so that buildings and structures make provision for:</p> <ol style="list-style-type: none"> <li>a. an appropriate scale and size that reflects the purpose of the zone;</li> <li>b. access to natural light and ventilation;</li> <li>c. landscaping;</li> </ol>

	<ul style="list-style-type: none"> <li>d. privacy and noise attenuation;</li> <li>e. screening of materials when stored outside buildings;</li> <li>f. integration with the streetscape and built form;</li> <li>g. orientated to the street frontage;</li> <li>h. landscape features of the site; and</li> <li>i. access to open space.</li> </ul> <p>Therefore, the proposed development is taken to comply with PO 13.</p>
<p><b>Low Density Residential Zone Code</b></p>	<p><b>Performance Outcome (PO) 18</b></p> <p>The proposed development conflicts with Acceptable Outcome (AO) 18.2 which prescribes that development for a multiple dwelling, has direct access to a minor urban collector road or higher order road.</p> <p>The site adjoins Reservoir Street (Urban Access Street) and McLaughlin Street which shares a road reserve with Capricorn Highway and therefore is technically categorised as Highway under the Road Hierarchy Information Overlay in the planning scheme. Despite this, McLaughlin Street is definitively not a highway but rather a local road which has no direct connection or access to Capricorn Highway. Based on the current, road width and road base material and maintenance standard assigned to it, McLaughlin Street is deemed to be equivalent to an Urban Access Street categorisation.</p> <p>Despite this, the development is relatively small in size and scale and is located approximately 500 metres from Old Capricorn Highway (Minor Urban Collector) 160 metres from the nearest bus stop on Reservoir Street. considered to be an accessible location that generally:</p> <ul style="list-style-type: none"> <li>a. provides for the safety and convenience of people using the premises;</li> <li>b. is in walkable proximity to centres of activity containing shopping, community facilities, and recreation and entertainment areas (e.g. Gracemere Shopping World and commercial development on McLaughlin Street and Lawrie Street);</li> <li>c. is in proximity to public transport facilities and public transport routes (e.g. bus stops on Reservoir Street and Archer Road); and</li> <li>d. does not impact on local amenity and the local street network.</li> </ul> <p>Therefore, the proposed development is taken to be generally consistent with PO 18 as well as the purpose and overall outcomes of the zone.</p>
<p><b>Low Density Residential Zone Code</b></p>	<p><b>Performance Outcome (PO) 19</b></p> <p>The proposed development conflicts with Acceptable Outcome (AO) 19.1 which prescribes that the number of dwellings does not exceed one (1) unit per 250 square metres of total site area. The total site area is 941 square metres while the proposed number of dwellings is four (4) units, resulting in a rate of one (1) dwelling per 235.25 square metres of site area</p> <p>Furthermore, the proposed development conflicts with the minimum site area of 1,000 square metres prescribed by AO 19.4 and Table 6.2.1.3.3, in comparison to actual total site area of 941 square metres.</p> <p>The above conflicts are considered minor in nature as the site area is only 59 square metres smaller overall and there is approximately 15 square metres less space per dwelling than that prescribed by the relevant Acceptable Outcomes. On balance, the multiple dwelling is considered to still be designed and sited in a manner that:</p> <ul style="list-style-type: none"> <li>a. is of an appropriate scale and size that reflects the purpose of the zone;</li> <li>b. is attractive in appearance, climate responsive and functional in design, and safe for residents;</li> <li>c. has regard to streetscape and street function, privacy, passive recreation</li> </ul>

	<p>and living space needs of residents; and</p> <p>d. does not compromise the character and amenity of the surrounding area.</p> <p>Therefore, the proposed development is taken to comply with PO 19.</p>
<b>Landscape Code</b>	<p>Proposed landscaping is not provided in fully accordance with the requirements of the Zone code and Landscape design and street trees planning scheme policy. This includes for such matters as shade trees within parking areas and vegetation buffers.</p> <p>Landscaping with turf is proposed for the development. No additional planting is proposed in the application. The proposed landscaping with turf is consistent with the surrounding area and suitable for the proposed function of the development and shall provide a safe and comfortable environment for the residents. Existing trees shall remain along McLaughlin Street road frontage.</p> <p>The existing extent and type of landscaping on the site, which includes planted garden beds and grassed areas, is considered appropriate to maintain the visual attraction of the place, soften the built form and screen the proposed development.</p> <p>Because of the small scale of the proposed development and existing screening from the street and adjoining properties, the requirement for additional landscaping is considered unreasonable and irrelevant.</p> <p>The non-compliance with some of Acceptable Outcomes is considered a low-level conflict and on balance the proposed development complies with the remainder of the Assessment Benchmarks.</p>
<b>Relevant Matters</b>	
<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
<b>Matters raised in submissions</b>	
<p>The proposal was the subject of public notification between 11 September 2025 and 03 October 2025, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.</p>	
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The Rockhampton Region Planning Scheme 2015 (version 5.0);</li> <li>• Central Queensland Regional Plan 2013; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## 8. APPEAL RIGHTS

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

### Appeal by an applicant

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

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

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

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

**Attachment 2** is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

#### **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. ASSESSMENT MANAGER**

Name: <b>Amanda O'Mara</b> <b>COORDINATOR</b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature: 	Date: 26 November 2025
--	---	------------------------

C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dsdilgp.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**



# Attachment 1 – Part 1 Rockhampton Regional Council Conditions

Planning Act 2016

## 1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction.
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.4.1 Operational Works:
    - (i) Access Works.
  - 1.4.2 Plumbing and Drainage Works; and
  - 1.4.3 Building Works.
- 1.5 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.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 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 were amended by any condition of this development approval:

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
3D View 1 and 3D View 2	DW Building Design	30 July 2025	25065-01	1
Site Features Plan	DW Building Design	30 July 2025	25065-02	1
Floor Plan	DW Building Design	30 July 2025	25065-03	1
Elevation 1, Elevation 2, Elevation 3 and Elevation 4	DW Building Design	30 July 2025	25065-04	1

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

### 3.0 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.
- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 All access areas must be concrete paved and must comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.4 A minimum of four (4) covered parking spaces (one per dwelling) and space for a minimum of at least two (2) additional parking spaces (for visitors) must be provided on-site.

Note: The approved plans (refer to condition 2.1) indicate there is enough space vehicle to park in the open driveway in front of the enclosed garage for each unit.

### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the development site.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded, if necessary, to service the development.
- 4.5 All internal plumbing and sanitary drainage works must be completely independent for each unit / tenancy.
- 4.6 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

### 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must not restrict or change the natural flow of runoff water or cause an actionable nuisance or worsening to surrounding land or infrastructure.
- 5.3 All roof water must be collected and discharged to the kerb and Channel in McLaughlin Street.

### 6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance or worsening to surrounding land or infrastructure.

### 7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 7.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 7.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

- 7.4 The private open space area provided for each unit / dwelling must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 8.0 ELECTRICITY
- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.0 TELECOMMUNICATIONS
- 9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.2 Provide internal and external conduit paths for all unit developments.
- 9.3 The conduits, pipes and cables required by condition 9.2 are located on private land and therefore ownership of the conduits, etc. will be with the owner of the land or a carrier that uses the conduit to carry its cables.
- 10.0 ASSET MANAGEMENT
- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.0 ENVIRONMENTAL
- 11.1 An Erosion Control and Stormwater Control Management Plan prepared and certified by a suitably qualified person (*Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland*) in accordance with the *State Planning Policy 2017* and *Capricorn Municipal Design Guidelines* requirements, must be:
- 11.1.1 implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 11.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 12.0 OPERATING PROCEDURES
- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Mclaughlin Street and Reservoir Street.
- 12.2 All waste storage areas must be:
- 12.2.1 kept in a clean and tidy condition; and
- 12.2.2 maintained in accordance with *Environmental Protection Regulation 2019*.

#### 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 Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.tatsipca.qld.gov.au>

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or

smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

NOTE 6. Clearing within Road Reserve

Council approval must be obtained at Operational Works stage (road works OR access works) prior to the removal of or interference with street trees located on Council land including within Council road reserve



---

**Attachment 1 – Part 2**  
**Referral Agency Conditions – State**  
**Development, Infrastructure, Local**  
**Government and Planning (State**  
**Assessment and Referral Agency**  
**Department) *Planning Act 2016***

---

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	1 A concurrence agency that is not a co-respondent

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

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

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

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

**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 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

**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.

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

**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).

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	-	-

**5. Registered premises**

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

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

**Table 3  
Appeals to the tribunal only**

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

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