

27 July 2023

Adpen Properties Pty Ltd
Adam Pennisi
PO BOX 604
NEW FARM QLD 4005

Email: Adam@adpen.com.au

Dear Sir,

**DECISION NOTICE – EXTENSION APPLICATION – DEVELOPMENT PERMIT D/85-2015
FOR MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (NINE UNITS)
SITUATED AT 25 CARD STREET, BERSERKER, DESCRIBED AS LOT 28 ON RP600772**

Further to the Extension Application, received on 23 June 2023, for an extension to the currency period for the above Development Permit, Council has considered the request pursuant to section 87 of the *Planning Act 2016* and has decided to give an extension of an additional two (2) years until 1 October 2025.

This approval will lapse if first change of use has not commenced by 1 October 2025.

This decision notice is given pursuant to section 87 of the *Planning Act 2016*. Appeal rights apply to the decision by Council as detailed over the page.

If you have any further queries relating to this matter, please contact Declan Cox on (07) 4932 9000.

Yours faithfully,



Amanda OMara
Coordinator Development Assessment

This extract is provided for information purposes only. Whilst care is taken to ensure the data is current, Council accepts no responsibility for reliance on this information where amendments to the legislation are not reflected in the information. The applicant must refer to the Act available on the Legislation Queensland website

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.
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- (2) Table 2 states the matters that may be appealed only to the P&E Court.
- (3) Table 3 states the matters that may be appealed only to the tribunal.
- (4) 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.
- (5) 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.
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Table 1

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

1. Development applications

For a development application other than a development application called in by the Minister, 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; 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.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager's decision on the extension application; or (b) a deemed refusal of the 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