



Decision Notice Refusal

Planning Act Form 3 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016 for a decision notice (refusal) under s63(2) of the Planning Act 2016

Application number:	D/190-2025	Contact:	Sophie Muggeridge
Notice Date:	2 June 2026	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	S L Barbour and J J Meek		
Postal address:	C/- Gideon Town Planning PO BOX 450 ROCKHAMPTON CITY QLD 4700		
Phone no:	074806 6959	Mobile no:	NA
Email:	info@gideontownplanning.com.au		

DEVELOPMENT APPROVAL

Development Permit for a Reconfiguring a Lot for a Subdivision (one lot into two lots)
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PROPERTY DESCRIPTION

Street address:	53603 Burnett Highway, Bouldercombe
Real property description:	Lot 3 on SP103240

Dear S L Barbour and J J Meek

I advise that, on **26 May 2026** the above development application was refused.

1. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
INFRASTRUCTURE-RELATED REFERRALS (Electricity Infrastructure)			
<i>Schedule 10, Part 9, Division 2, Table 1 – Reconfiguring a lot subject to an easement or near a substation site</i>			
Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the lot is subject to an easement— (i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and	The chief executive of the distribution entity or transmission entity: Powerlink & Ergon Energy	Advice	<u>Postal:</u> Ergon Energy (Town Planning) PO Box 1090 Townsville Qld

(ii) for a transmission grid or supply network; or (b) part of the lot is within 100m of a substation site			Powerlink (Property Services) PO Box 1193 Virginia Qld Email: townplanning@ergon.com.au Property@powerlink.com.au
STATE TRANSPORT INFRASTRUCTURE (State Transport Corridors and Future State Transport Corridors)			
<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor</i>			
Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the premises are within 25m of a State transport corridor; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots adjacent to the State transport corridor is increased; (iii) there is a new or changed access between the premises and the State transport corridor; (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and (c) the reconfiguration does not relate to government supported transport infrastructure	The chief executive of the department in which the <i>Planning Act 2016</i> is administered: Department of State Development, Infrastructure and Planning (State Assessment and Referral Agency)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700

2. DETAILS OF REFUSAL

☒ The assessment manager was not directed to refuse the application by a referral agency
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3. STATEMENT OF REASONS

Description of the development
Reconfiguring a Lot for a Subdivision (one lot into two lots)
Reasons for Refusal
a) The proposed development does not comply with the State Planning Policy 2017 (Part E – State Interest Policies and Assessment Benchmarks), as the proposed lot sizes are significantly below those supported by the State without sufficient planning justification. b) The proposal is inconsistent with the Strategic Framework of the Rockhampton Region Planning Scheme 2015 (Version 5), as it results in the fragmentation of rural land below the intended minimum lot sizes, thereby undermining the desired settlement pattern. c) The proposed subdivision will fragment an existing rural landholding currently used for cattle grazing and create Lot 2 (4.8 hectares), which is not of sufficient size to sustain a viable or productive rural

use. As a result, the development facilitates a rural lifestyle outcome that is inconsistent with the purpose and intent of the Rural Zone and undermines the ongoing agricultural use of the land. d) The subdivision will result in the fragmentation of land identified as productive agricultural land under the Agricultural Land Classification (ALC) overlay. e) The application has not been supported by an agronomist report prepared by a suitably qualified professional to demonstrate that the subdivision will not alienate agricultural land or reduce its productive capacity. f) The application does not provide a comprehensive assessment against the Strategic Framework and fails to demonstrate how the proposed development maintains the intended settlement pattern. g) The reliance on historic fragmentation in the surrounding locality as justification is not supported, as it does not reflect the current strategic intent of the planning scheme or State Planning Policy. h) The application has not provided any relevant matters, such as overriding community, economic or planning need, to support the proposal despite the high level conflicts with the Planning Scheme.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- State Planning Policy 2017 – Part E
- Local Government Infrastructure Plan
- Strategic Framework
- Rural Zone Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Special Management Area Overlay Code
- Steep Land Overlay Code
- Access, Parking and Transport Code
- Landscape Code
- Stormwater Management Code
- Water and Sewer Code
- Filling and Excavation Code
- Reconfiguring a Lot Code

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and presents conflicts with *State Planning Policy 2017* and elements of the *Rockhampton Region Planning Scheme 2015 (v5)*.

Assessment Benchmark	Reasons for non-compliance with benchmark
State Planning Policy 2017	Part E: State Interest policies and assessment benchmarks – State Interest Theme (2) Planning for Economic Growth - Agriculture The proposed development compromises the agriculture policy (2) which states: <i>(2) Agricultural Land Classification (ALC) Class A and Class B land is protected for sustainable agricultural use by:</i> a) <i>avoiding fragmentations of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture.</i>

	b) <i>avoiding development that will have an irreversible impact on, or adjacent to, ALC Class A or Class B land; and</i> c) <i>maintaining or enhancing land conditions and the biophysical resources underpinning ALC Class A or Class B land.</i> Queensland's agricultural resources are of state and national importance and should be protected from incompatible uses and irreversible impacts that would compromise existing or potential productivity. The proposed development conflicts with this state interest policy because: • The subdivision will result in the fragmentation of productive agricultural land identified on the Agricultural Land Classification (ALC) overlay maps. • The fragmentation of the site further increases the potential for urban encroachment land uses to be established on agricultural resources. • The subdivision will result in land sizes that are incompatible and inconsistent with the Agricultural Land Classification (ALC) overlay maps, subsequently imposing unviable rural land that would not easily be restored once separated. • The application material was unable to demonstrate through an agronomist report from a suitably qualified person that the areas mapped as Agricultural Land Classification (ALC) are incapable of being utilised in a productive capacity and consequently must not be divided thereby reducing the potential productive agricultural land. Therefore, the proposed development is considered to compromise Part E: State Interest policies and assessment benchmarks – State Interest: Theme (2) Planning for Economic Growth - Agriculture.
Strategic Framework	3.3 Settlement Pattern - 3.3.6 Element – Rural; and 3.8 Natural Resources and economic – 3.8.4 Element – Rural Land The proposed development conflicts with the following 3.3.6.1 Specific Outcomes of the Settlement Pattern theme, Element – Rural: (1) <i>Rural land is not used for urban development and is to be protected for its productive, landscape and natural resource values.</i> (4) <i>Development will not alienate or impact on the productive agricultural capacity of rural areas.</i> (6) <i>Subdivision of rural land will be regulated by minimum lot sizes established to maintain the productive potential of the land. The amalgamation of existing smaller lots into larger proportions is encouraged.</i> (7) <i>Subdivision of rural land into rural residential lots will not occur, including areas adjoining land designated for rural residential development.</i> Additionally, the proposed development does not comply with the following 3.8.4.1 Specific Outcomes of the Natural Resources and Economic theme, Element – Rural Land: (1) <i>Land with productive capacity including land identified on the Agricultural Land Classification (ALC) overlay maps and land suitable for intensive horticulture or any emerging productive rural use is protected.</i> (2) <i>The loss of productive rural land is minimised by limiting urban development to the areas as shown on the strategic framework maps (SFM-1 to SFM-4).</i> (3) <i>No further fragmentation of rural land for rural residential or rural lifestyle development is supported, other than land already designated for that purpose.</i> (4) <i>Productive rural land, which is not identified for future urban development is protected from development that would alienate, fragment or otherwise limit its potential for productive rural uses.</i> The proposed development compromises the above specific outcomes of the strategic framework because:

	• The subdivision will result in the fragmentation of productive agricultural land identified on the Agricultural Land Classification (ALC) overlay maps. • The application material indicates that the subject site is currently utilised for rural purposes, namely cattle grazing. Given the proposed lot size of 4.8 hectares for Lot 2, the subdivision will result in the creation of a parcel that is not of sufficient size to support a productive rural use. • Council officers acknowledge that the subject site adjoins smaller rural lots with established rural lifestyle development. However, the intent of the rural designation under the current <i>Rockhampton Region Planning Scheme 2015</i> is for larger land parcels to be retained and amalgamation of existing smaller lots into larger proportions is encouraged in order to protect the productive potential of rural land. • The subject site is located outside of the Strategic Framework - settlement pattern maps (SFM-1 to SFM-4) including the Priority Infrastructure Area and Gracemere Local Government Infrastructure Plan projection areas. This conflicts with 3.3.1 of the overall Strategic Outcomes (1), (2) and (3) of the Settlement Pattern Theme. This is further enforced by the following overall Strategic Outcomes of 3.3 Settlement Pattern theme: (15) <i>Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.</i> (16) <i>The productive capacity of all rural land is protected.</i> (17) <i>Rural lands and natural areas are maintained for their rural and landscape values.</i> Therefore, the proposed development is considered to compromise the strategic intent of the <i>Rockhampton Region Planning Scheme 2015</i>.
Rural Zone Code	6.7.4.2 Purpose (1) (a) and (c) and (2) (e), (f) and (i) The proposed development conflicts with the purpose of the Rural Zone Code, specifically: (1) (a) <i>ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area; and</i> (b) <i>prevent the establishment of development which may limit the productive capacity of the land.</i> Additionally, the proposed development does not comply with the following Overall Outcomes of the Rural Zone Code Purpose: (2) (e) <i>development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development.</i> (f) <i>all rural land is maintained in large land holdings to protect the agricultural production capacity. In this regard, the reconfiguration of land only occurs when lot size is 100 hectares unless otherwise stated in a precinct; and</i> (i) <i>urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone.</i> The proposed development does not comply with the overall purpose and intent of the rural zone because: • The site is shown as being partially mapped within the Agricultural Land Classification, which identifies the site as being suitable for primary production and cropping. It has been further demonstrated throughout the application material that the current primary use of the site is for cattle grazing. The application has not demonstrated through an agronomist report from a suitably

	qualified person that the subdivision will not alienate agricultural land and limit the productive capacity of the land. • Council officers acknowledge historical subdivisions have occurred within the surrounding area and that the proposed reconfiguration aligns with the existing lot pattern. However, the rural zone under the current <i>Rockhampton Region Planning Scheme 2015</i> requires rural land to be protected in large holdings to accommodate uses consistent with the zone. It has been demonstrated that the subdivision will result in fragmentation of the existing rural use that currently operates over the subject site while creating a rural lifestyle development which is inconsistent with the zone. • The current rural zone can accommodate smaller land parcels. However, this is only supported within the Alton Downs Precinct or Cropping and Intensive Horticulture Precinct. The subject site is not located within or near these precincts and therefore the minimum lot size of 100 hectares prevails. • The subject site is located outside of the designated growth area, Priority Infrastructure Area and Gracemere Local Government Infrastructure Plan projection areas. Therefore, the proposed development is not considered to comply with the overall purpose of the Rural Zone Code. Performance Outcome (PO) 34 The proposed development does not comply with Acceptable Outcome (AO) 34.1 because the proposed lot sizes of 27.1 and 4.8 hectares respectively, do not meet the minimum lot size of 100 hectares required in the rural zone. The subdivision conflicts with performance outcome 34 of the Rural Zone code because: Council acknowledges that the reconfiguration proposed responds appropriately to the site's topography, natural drainage, and environmental constraints, avoiding all mapped biodiversity, flood and steep land areas. However, the development involves the further subdivision of land that is currently utilised for animal grazing. Given the proposed lot size of 4.8 hectares for Lot 2, the subdivision will result in the creation of a parcel that is not of sufficient size to support grazing purposes. Therefore, the proposed development, on balance does not comply with Performance Outcome 34 as the suitability of the land for a primarily grazing purpose prevails.
Reconfiguring of a Lot Code	Performance Outcome (PO) 7 The proposed development does not comply with Acceptable Outcome (AO) 7.1 because the proposed subdivision does not meet the dimensions and minimum areas of lots in accordance with Table 9.3.5.3.2 — Minimum lot sizes and dimensions. Performance Outcome 7 specifically requires that lots have a regular shape and consistent dimension to facilitate the efficient development of the land for its intended purpose. As demonstrated, the subdivision will subsequently impose unviable rural land for its intended rural purpose. Furthermore, overall outcome (2) (a), (ii) of the Reconfiguring a Lot Code likewise requires the productive potential of rural land is maintained which has not been demonstrated through an agronomist report from a suitably qualified person. Therefore, the proposal does not comply with PO 7; Or the purpose of the Reconfiguration of a Lot Code.
Special Management Overlay Code	Performance Outcome (PO) 4 The proposed development does not comply with Acceptable Outcome (AO) 4.1 because an additional lot is created as part of the subdivision within land mapped as Special Management Area Overlay.

	• Council acknowledges that the Special Management Area Overlay has been applied surrounding an industrial property that no longer operates. However, the property maintains the Medium Impact Industry Zone for future industrial uses and the area surrounding still identifies an area that may be impacted upon by industrial or landfill activities; and • The new proposed Lot 2 is only partially affected by the Special Management Area Overlay with an area size of approximately 2.6 hectares unencumbered that can be suitable developed. This can provide sufficient separation distance that will provide an effective natural buffer to mitigate any potential air, light, noise or odour emissions that may be generated from a future industrial land use Therefore, the proposal can be conditioned to comply with PO 4 of the Special Management Area Overlay Code.
Relevant Matters	
The proposed development does not display any relevant matters outside of the matters prescribed by regulation; or to which regard was had.	
Matters raised in submissions	
The proposal was the subject of public notification between 16 March 2026 and 4 April 2026, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and one (1) properly made submission and 33 not properly made submissions were received.	
Submitters in Support of the Development	Response
The lot configuration is consistent with the pattern of adjoining lots.	Council officers acknowledge historical subdivisions have occurred within the surrounding area, however the zoning under the current planning scheme requires rural zone land to be protected in large holdings to accommodate uses consistent with the zone. It has been demonstrated that the subdivision will result in fragmentation of the existing rural lot.
The subdivision does not introduce an incompatible land use within the locality.	The proposal has identified the intent of Lot 2 is for a rural lifestyle development. The subdivision will result in land sizes that are incompatible and inconsistent with the Rural Zone and Agricultural Land Classification (ALC) overlay maps, subsequently creating unviable rural land that would not easily be restored once separated.
The subdivision creates an additional rural lifestyle property which is consistent with the surrounding area.	Council officers acknowledge historical subdivisions have occurred within the surrounding area and that the proposed reconfiguration aligns with the existing lot pattern. However, the rural zone under the current <i>Rockhampton Region Planning Scheme 2015</i> requires rural land to be protected in large holdings to accommodate uses consistent with the zone. It has been demonstrated that the subdivision will result in fragmentation of the existing rural use that currently operates over the subject site while creating a rural lifestyle development which is inconsistent with the zone.
The additional lot is not suitable for intensive agricultural and commercial purposes.	The creation of a proposed Lot 2 for rural lifestyle purposes is inconsistent with the intended role and function of the Rural Zone, which is to primarily accommodate and protect land for rural activities. As such, the site should be retained as a single consolidated parcel.
The reconfiguration will not create adverse impacts on neighbouring	Council acknowledges that the subdivision and or subsequent establishment of a rural lifestyle development on proposed Lot 2 will not impact upon adjoining properties or the broader

properties or the broader Bouldercombe and Gracemere areas.	community. Nonetheless, the development does not reflect the existing and strategic intent of the Rural Zone which is predominantly for rural activities and to prevent the establishment of development which may limit the productive capacity of the land.
The subdivision meets the demand for rural residential lots within the locality.	As per reflected in the Strategic Framework of the <i>Rockhampton Region Planning Scheme 2015</i>, rural residential development is limited to existing designated areas for the following reasons: • protect existing agricultural land, natural resources and the natural environment; • protect natural and scenic landscapes; • maximise the use of existing available infrastructure; • encourage urban development into defined urban areas and new urban areas as identified on the strategic framework maps (SFM-1 to SFM-4); and • avoid impeding the efficient expansion of the urban footprint. Rural residential development should only occur within the identified rural residential designated areas as shown on the strategic framework maps (SFM-1 to SFM-4). No further expansion of rural residential areas is supported.
The proposed access for Lot 2 will not increase significant traffic to the area or impact the safe operation of the road.	Due to the site's location along a State-Controlled Road, (Burnett Highway) all access arrangements and traffic impacts are assessed by the Department of Transport and Main Roads.
Matters prescribed by regulation	
• The Rockhampton Region Planning Scheme 2015 (version 5). • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application.	

4. SUBMISSIONS

A properly made submission was made in relation to the application from the following submitter:

Name of principal submitter	Residential or business address	Electronic address (if provided)
1. Mikaela Humble	61 Crones Road, Bouldercombe QLD 4702	mikaela.cooling1992@gmail.com

5. HUMAN RIGHTS ACT

The relevant provisions of the *Human Rights Act 2019* have been considered as part of the decision making process for this development permit.

6. 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.

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

Attachment 1 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights.

7. ASSESSMENT MANAGER

Name:	Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature:		Date:	2 June 2026
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dsdilgp.qld.gov.au

Attachment 1 – Extract on appeal rights

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)

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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 – - The incorrect application of gross floor area for a non-residential development - Applying an incorrect 'use category', under a regulation, to the development (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 Appeals to the P&E Court only
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.

Table 2 Appeals to the P&E Court only			
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 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

Table 2 Appeals to the P&E Court only			
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 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.			

Table 3 Appeals to the tribunal only			
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)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
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.			
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	-	-