



Decision Notice Approval (amended)

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

Application number:	D-R/315-2004	Contact:	Sophie Muggeridge
Notice Date:	2 March 2022	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Rockhampton Australian South Sea Island Community		
Postal address:			
Phone no:	Mobile no:	N/A	
Email:			

I acknowledge receipt of the above change application on 25 November 2021 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use (Educational Establishment & Place of Public Worship)

PROPERTY DESCRIPTION

Street address:	70-72 Simpson Street Berserker
Real property description:	Lots 1, 2, 3 and 4 on RP607839, Parish of Archer

OWNER DETAILS

Name:	Rockhampton City Council
Postal address:	
Dear Rockhampton Australian South Sea Island Community	
I advise that, on 21 February 2022 the above change application was:	
<input checked="" type="checkbox"/> approved in full with conditions* (refer to the conditions contained in Attachment 1)	
*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.	

CHANGES TO CONDITIONS

The conditions which have been changed or cancelled are as follows:

1)	Condition 1	Changed	21 February 2022
2)	Condition 9	Changed	21 February 2022
3)	Condition 5	New	21 February 2022
4)	Condition 6	New	21 February 2022
5)	Condition 7	New	21 February 2022

6)	Condition 14	Deleted	21 February 2022
7)	Condition 15.1	New	21 February 2022
8)	Condition 20	Changed	21 February 2022
9)	Condition 21	Deleted	21 February 2022
10)	Condition 22	Deleted	21 February 2022
11)	Condition 23	Deleted	21 February 2022
12)	Condition 24	Changed	21 February 2022

1. DETAILS OF THE APPROVAL

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of use	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

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

NIL

4. REFERRAL AGENCIES

NIL

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
<i>Concept Sketch for "Heritage Hall" on "The Flat", Creek Street, Rockhampton North</i>	<i>Steelpac Building Systems</i>	<i>18 March 2004</i>	<i>Plan No. D315/2004/</i>	<i>N/A</i>
<i>Plan No. D315/2004/2</i>	<i>Ros Wallace</i>	<i>18 March 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Site Plan Issue A</i>	<i>FAM Branch, C & ESD Department of Families</i>	<i>June 2003</i>	<i>N/A</i>	<i>N/A</i>
<i>Traffic Report for Rockhampton South Sea Islander Association – Proposed Community Centre</i>	<i>Graham Scott & Associates Pty Ltd</i>	<i>January 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Drainage Report for Rockhampton South Sea Islander Association – Proposed Community Centre</i>	<i>Graham Scott & Associates Pty Ltd</i>	<i>January 2004</i>	<i>N/A</i>	<i>N/A</i>

<i>Floor Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Sub Floor Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Elevations</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Site Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>

6. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the Planning Act)

The standard relevant periods stated in section 85 of *Planning Act 2016* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. RIGHTS OF APPEAL

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

Appeal by an applicant

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

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

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

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

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

8. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.

Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

9. ORIGINAL DECISION ASSESSMENT MANAGER

Name: **Marco Alberti**
MANAGER PLANNING SERVICES

Date: 18 August 2004

10. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 2 March 2022
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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.]

Attachment 2—Extract on appeal rights

MATERIAL CHANGE OF USE:

CURRENCY PERIOD & APPROVED PLANS

1. a. In accordance with the provisions of the Integrated Planning Act 1997 this Development Permit for a Material Change of Use (Educational Establishment & Place of Public Worship) has a currency period of four (4) years from the date the approval takes effect.
- b. **The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended in red or by any condition of this development approval:**

Plan/Document Name	Prepared by	Date	Reference No.	Version / Issue
<i>Concept Sketch for "Heritage Hall" on "The Flat", Creek Street, Rockhampton North</i>	<i>Steelpac Building Systems</i>	<i>18 March 2004</i>	<i>Plan No. D315/2004/</i>	<i>N/A</i>
<i>Plan No. D315/2004/2</i>	<i>Ros Wallace</i>	<i>18 March 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Site Plan Issue A</i>	<i>FAM Branch, C & ESD Department of Families</i>	<i>June 2003</i>	<i>N/A</i>	<i>N/A</i>
<i>Traffic Report for Rockhampton South Sea Islander Association – Proposed Community Centre</i>	<i>Graham Scott & Associates Pty Ltd</i>	<i>January 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Drainage Report for Rockhampton South Sea Islander Association – Proposed Community Centre</i>	<i>Graham Scott & Associates Pty Ltd</i>	<i>January 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Floor Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Sub Floor Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Elevations</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>

ONLY' or similar meaning in a clear and legible font and of a size that is legible from Creek Street.

CAR PARKING AND ACCESS

9. **The owner of the land is to provide, prior to the commencement of the use, a minimum of six (6) car parks in accordance with Drawing No: 'Site Layout' Issue A, drawn by FAM Branch, C&ESD Department of Families, dated June 2003. All car parks shall be linemarked, and landscaped in accordance with the Transitional Town Planning Scheme for the City of Rockhampton. The owner of the land has the following options in relation to the surface material used for parking areas and accesses: -**
 - a. **Gravel material of a minimum diameter of 10mm and of a minimum depth of 200mm**
 - b. **Roadbase material with a minimum depth of 200mm**
 - c. **Bitumen seal or Concrete (shall be linemarked and drained in accordance with the Capricorn Municipal Development Manual)**

Option (a), (b) or (c) must be constructed to the satisfaction of Council prior to the commencement of the use. The surface material used is to be maintained during the operation of the use. At anytime in the future, if option a or b were chosen, when in the opinion of Council and/or when Council receive a justifiable written complaint from the time that the use commences that an access or parking area is causing an undue disturbance to surrounding residents, Council will require option (c) to be constructed, which shall be completed within three (3) months, from the date of notification from the Council.
10. **Staff and visitors vehicles are to be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas during the operation of the use.**
11. **The owner of the land shall ensure that all the driveways and carparking areas are separated from all landscaped areas by the construction of a minimum 150 mm high kerb or dwarf wall, prior to the commencement of the use.**
12. **A minimum of one (1) disabled car parking space shall be provided by the owner of the land within the parking facilities, prior to the commencement of the use. Dimensions and construction of the space shall be in accordance with Australian Standard AS2890.1: "Parking facilities – Off-street car parking".**
13. **The owner of the land shall ensure that all access driveways, parking spaces and circulation roadways and aisles shall be designed in accordance with AS2890.1-1993, Parking facilities, Part 1: Off-street car parking.**
14. **Deleted.**
15. **Application for the approval of two (2) vehicle crossovers as located on Drawing No: 'Site Layout' Issue A, drawn by FAM Branch, C&ESD Department of Families, dated June 2003 shall be submitted to and approved by Council's Building Services. This application is to be made in conjunction with the first building application to be lodged for the subject land. The relevant application forms are available from Building Services.**
- 15.1 **Vehicle access (From Creek Street) and car parking over lot 4 on RP607839 must be provided general in accordance with the approved 'Drawing No: 'Site Layout' Issue A, drawn by FAM Branch, C&ESD Department of Families, dated June 2003' (refer to Condition 1 (b)) dated June 2003.**

LOADING AND UNLOADING

16. All loading and unloading is to be undertaken on-site and shall not have a detrimental effect on the carparking or on-site vehicle movements. All vehicles entering and leaving the site shall do so in a forward gear.

LIGHTING

17. The owner shall ensure that any outdoor lighting is installed and maintained in accordance with Australian Standard AS4282 "Control of the obtrusive effects of Outdoor Lighting."
18. Light spillage from sources such as traffic movements to and from the site, security and flood lighting must be managed in such a way not to cause a nuisance off-site. Car parking areas are to be visually screened with landscaping and driveway accesses are not to be located adjacent to living areas of dwelling houses located on Creek Street to ensure that no light spillage impacts upon the residents in Creek Street.

AMENITY

19. No person shall cause any interference with the amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise or cause hazards likely in the opinion of Council to cause undue disturbance or annoyance to persons or affect property not connected with the uses;

LANDSCAPE PLAN

20. **All onsite landscaping must be provided/retained in accordance with the approved plans (refer to condition 1).**
21. **Deleted.**
22. **Deleted.**

FENCING

23. **Deleted.**

AMALGAMATION

24. **The owner of the land shall, prior to the commencement of the use, apply to the Department of Natural Resources and Mines to amalgamate Lots 1-4 on RP607839 into one title.**

STORMWATER

25. There must be no worsening of the stormwater drainage flow as a result of this application. Stormwater run-off must not be diverted, redirected intensified and/or concentrated in a manner that may cause or potentially cause a nuisance/damage to adjoining, upstream and downstream properties or a hazard to pedestrians.

Any structures on the proposed lots must be able to discharge its roof water to the kerb and channel in the street or Council stormwater pipes/pits located in near vicinity. Stormwater run off is required to be contained within the site's storm water easement. Site and drainage works shall be generally in accordance with drainage report design prepared by Graham Scott & Associates Stormwater discharge through overland flows (eg driveways) is required to comply with QUDM. Due to the minor nature of works, an operational works permit will not be required.

BUILDING WORKS

CURRENCY PERIOD AND APPROVED PLANS

1. a. In accordance with the provisions of the Integrated Planning Act 1997 this Preliminary Approval for Building Works (Educational Establishment & Place of Public Worship) has a currency period of four (4) years from the date the approval takes effect.
- b. This Preliminary Approval shall be in accordance with the following Plans and Reports: -

Plan/Document Name	Prepared by	Date	Reference No.	Version / Issue
<i>Concept Sketch for "Heritage Hall" on "The Flat", Creek Street, Rockhampton North</i>	<i>Steelpac Building Systems</i>	<i>18 March 2004</i>	<i>Plan No. D315/2004/</i>	<i>N/A</i>
<i>Plan No. D315/2004/2</i>	<i>Ros Wallace</i>	<i>18 March 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Site Plan Issue A</i>	<i>FAM Branch, C & ESD Department of Families</i>	<i>June 2003</i>	<i>N/A</i>	<i>N/A</i>
<i>Traffic Report for Rockhampton South Sea Islander Association – Proposed Community Centre</i>	<i>Graham Scott & Associates Pty Ltd</i>	<i>January 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Drainage Report for Rockhampton South Sea Islander Association – Proposed Community Centre</i>	<i>Graham Scott & Associates Pty Ltd</i>	<i>January 2004</i>	<i>N/A</i>	<i>N/A</i>
<i>Floor Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Sub Floor Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Elevations</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>
<i>Site Plan</i>	<i>Plan A Building – Building Design Service</i>	<i>6 November 2021</i>	<i>N/A</i>	<i>N/A</i>

2. All building works for buildings must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure. Alternatively, an application must be submitted to Council in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.
3. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

4. All proposed structures must be located a minimum of 1.0 metre from the sewerage connection point in accordance with the Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
5. **All building works for buildings must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure. Alternatively, an application must be submitted to Council in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy.**
6. **Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.**
7. **All proposed structures must be located a minimum of 1.0 metre from the sewerage connection point in accordance with the Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.**

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

Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and

- (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection
 - (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section— **decision** includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

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

1. Development applications An appeal may be made against—			
(a) the refusal of all or part of the development application; or			
(b) the deemed refusal of the development application; or			
(c) a provision of the development approval; or			
(d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral	1 A concurrence agency that is not a co-respondent 2 If a chosen Assessment

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
		response—the concurrence agency	manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<p>3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds a) The notice involved an error relating to – (i) The application of the relevant adopted charge; or Examples of errors in applying an adopted charge – <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (i) The working out of extra demands, for section 120; or (ii) An offset or refund; or </p> <p>b) The was no decision about an offset or refund; or c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development	1 For a development application—the assessment manager	1 The applicant 2 If the appeal is about a concurrence agency's referral	Another eligible submitter for the application

Table 2			
Appeals to the P&E Court only			
application 2 For a change application—an eligible submitter for the change application	2 For a change application—the responsible entity	response—the concurrence agency	
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	Another eligible submitter for the application
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the</p>	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises

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

Table 3 Appeals to the tribunal only			
<p>1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
<p>3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-

