

11 April 2024

LYNP Projects & Constructions Pty Ltd
C/- Richard Sarafian
PO BOX 151
ROCKHAMPTON QLD 4700

Email: drsarafian@hotmail.com

Dear Sir/Madam,

DECISION NOTICE – EXTENSION APPLICATION – DEVELOPMENT PERMIT D/54-2017 FOR MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING (8 UNITS) LOCATED AT 41 EDWARD STREET, BERSERKER – DESCRIBED AS LOT 43 ON RP603466

Further to the Extension Application, received on 19 March 2024 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 three (3) years.

Advisory Note: The current notional expiry date as at the time this extension request was submitted was 20 March 2025, applying the extension to the COVID-19 emergency applicable event period under section 275R of the *Planning Act 2016*, the Minister for State Development, Infrastructure, Local Government and Planning which extended the currency period of Development Permits.

This approval will lapse if first change of use has not commenced by 20 March 2028.

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 questions regarding the above, please contact the undersigned by phone on 4932 9000 or by email at enquiries@rrc.qld.gov.au.

Yours faithfully,



Amanda O'Mara
Coordinator Development Assessment
Planning and Regulatory Services

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.

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