# 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: | **D/83-2021** | Contact: | Bevan Koelmeyer |
| Notice Date: | 8 September 2021 | Contact Number: | 07 4936 8099 |

**APPLICANT DETAILS**

| | | |
|---|---|---|
| Name: | **Crompton Park Hack & Pony Club Inc** | |
| Postal address: | | |
| Phone no: | Mobile no: | Email: |

I acknowledge receipt of the above application on 1 July 2021 and confirm the following:

**DEVELOPMENT APPROVAL**

**Preliminary Approval for Building Works Assessable against Planning Scheme for Replacement of Existing Buildings**

**PROPERTY DESCRIPTION**

| | |
|---|---|
| Street address: | 49 Capricorn Highway, Fairy Bower |
| Real property description: | Lot 415 on LN2484, Parish of Rockhampton |

**OWNER DETAILS**

| | |
|---|---|
| Name: | Crompton Park Hack & Pony Club |
| Postal address: | |

**Dear** Crompton Park Hack & Pony Club Inc

I advise that, on 2 September 2021 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| Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval<br>- Building work assessable under the planning scheme | ☐ | ☒ |

**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 |
|---|---|
| Building Works | *Building Works; and*<br>*Demolition Works* |
| Plumbing and Drainage Works | |

## 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:**

| Drawing/report title | Prepared by | Date | Reference number | Revision |
|---|---|---|---|---|
| Site Plan | Design + architecture | 1 April 2021 | SK-001 | 1 |
| Internal Layout Concept Plan | - | - | - | - |
| Proposal Description (Existing Facilities and Proposed Facilities) | Gideon Town Planning | - | GTP_2018, Page 7 | - |
| Flood Statement | McMurtrie Consulting Engineers | 15 June 2021 | 122-20-21 | - |

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

The standard currency 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. STATEMENT OF REASONS

| | | |
|---|---|---|
| **Description of the development** | The proposed development is for Building Works Assessable against the Planning Scheme for the Replacement of Existing Buildings | |
| **Reasons for Decision** | a) The development does not involve the further intensification of land uses and does not increase the risk to people and property as a result of being effected by a flood hazard overlay; and<br>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. | |
| **Assessment Benchmarks** | The proposed development was assessed against the following assessment benchmarks:<br>• Flood Hazard Overlay Code. | |
| **Compliance with assessment benchmarks** | The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below. | |
| | **Assessment Benchmark** | **Reasons for the approval despite non-compliance with benchmark** |
| | Flood Hazard Overlay Code | The proposed development does not achieve Acceptable Outcome 4.1.1 or 4.1.3 as it involves the construction of a new building, which will not have a finished floor level of 500 |

| | | |
|---|---|---|
| | (PO4) | millimetres above the defined flood level.<br><br>However, the new building will effectively replace a number of existing buildings on the subject site performing the same functions including a canteen, storage, office and amenities. The new building will be 113.4 square metres in size, which represents an increase in gross floor area of approximately 17 square metres compared to the existing buildings. The finished floor level of the new building is anticipated to be built to approximately the natural ground level to integrate with the existing outdoor covered area located adjacent to the new building.<br><br>The development will have a negligible effect on flood characteristics within the large subject site, which is approximately 3.7 hectares in size and is not anticipated to alter flood characteristics off-site. Whilst the proposal results in a small increase of gross floor area this does not represent a further intensification of land uses as the building will be used to replace the existing buildings and their functions. Furthermore, the development is not anticipated to increase the risk to people or property. |
| **Matters prescribed by regulation** | • The *Rockhampton Region Planning Scheme 2015* (version 2.2); and<br>• The common material, being the material submitted with the application. | |

## 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: | **Tarnya Fitzgibbon**<br>**COORDINATOR**<br>**DEVELOPMENT ASSESSMENT** | Signature: | Date: | 8 September 2021 |

**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**

1.0 ADMINISTRATION

1.1 The Developer and their employee, agent, contractor or invitee 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 and completed:

1.3.1 to Council's satisfaction; and

1.3.2 at no cost to Council;

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 Plumbing and Drainage Works; and

1.4.2 Building Works:

(i) Building Works, and

(ii) Demolition Works.

1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

1.6 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 where amended by any condition of this development approval:

| Drawing/report title | Prepared by | Date | Reference number | Revision |
|---|---|---|---|---|
| Site Plan | Design + architecture | 1 April 2021 | SK-001 | 1 |
| Internal Layout Concept Plan | - | - | - | - |
| Proposal Description (Existing Facilities and Proposed Facilities) | Gideon Town Planning | - | GTP_2018, Page 7 | - |
| Flood Statement | McMurtrie Consulting | 15 June 2021 | 122-20-21 | - |

| | | | | |
|---|---|---|---|---|
| | Engineers | | | |

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.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Building Works.

3.0 PLUMBING AND DRAINAGE WORKS

3.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structures and proposed structures on the development site as per the approved 'Proposal Description' plan (refer to condition 2.1).

3.2 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

3.3 The development must be connected to Council's reticulated water network.

3.4 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.

3.5 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

4.0 SITE WORKS

4.1 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 a nuisance or worsening to surrounding land or infrastructure.

5.0 BUILDING WORKS

5.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and proposed building structures on the development site as per the approved 'Proposal Description' plan (refer to condition 2.1).

5.2 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.

5.3 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 300 millimetres above a one per cent (1%) Annual exceedance probability flood level.

Alternatively, a Contingency Plan must be submitted to Council prior to the issue of the Development Permit for Building Works. The plan must include details of preparation procedures for the building during a flood event or if there is a risk of flooding near the land. The principles of the Contingency Plan will be entered against Lot 415 on LN2484 as a property note.

Note: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.

5.4 Any application for a Development Permit for Building Works must be accompanied by a detailed structural engineering report and a building certificate prepared by a suitably

qualified Registered Professional Engineer of Queensland, which demonstrates that the building has been designed to withstand the forces created by floodwaters and debris loading.

6.0 ASSET MANAGEMENT

6.1 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.

7.0 ENVIRONMENTAL

7.1 Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be 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). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

8.0 OPERATING PROCEDURES

8.1 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 Capricorn Highway or Old Capricorn Highway.

8.2 It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.

8.3 A review and amendment of the Contingency Plan must be undertaken with any change in the owner or occupier of the land to demonstrate appropriate preparation procedures during a flood event or if there is a risk of flooding near the land.

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 Aboriginal and Torres Strait Islander and Partnerships website: www.datsip.qld.gov.au

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. 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 4. 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 5. Property Note (Contingency Plan)

A complete copy of the Development Approval and any documents conditioned by this development approval (including the Contingency Plan or an updated Contingency Plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

NOTE 6. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

# Attachment 2 - Appeal Rights

*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**

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<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
|---|---|---|---|
| The applicant | The assessment manager | If the appeal is about a concurrence | 1 A concurrence agency that is not a co-respondent |

| Table 1<br>Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---|---|
| | | agency's referral response—the concurrence agency | 2 If a chosen Assessment manager is the respondent—the prescribed assessment manager<br>3 Any eligible advice agency for the application<br>4 Any eligible submitter for the application |
| 2. Change applications<br>An appeal may be made against—<br>(a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or<br>(b) a deemed refusal of a change application. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| 1 The applicant<br>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<br>2 If a chosen assessment manager is the respondent—the prescribed assessment manager<br>3 A private certifier for the development application<br>4 Any eligible advice agency for the change application<br>5 Any eligible submitter for the change application |
| 3. Extension applications<br>An appeal may be made against—<br>(a) the assessment manager's decision about an extension application; or<br>(b) a deemed refusal of an extension application. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| 1 1 The applicant<br>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<br>Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---|---|
| 4. Infrastructure charges notices<br>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds<br>a) The notice involved an error relating to –<br>(i) The application of the relevant adopted charge; or<br>Examples of errors in applying an adopted charge –<br>• The incorrect application of gross floor area for a non-residential development<br>• Applying an incorrect 'use category', under a regulation, to the development<br>(i) The working out of extra demands, for section 120; or<br>(ii) An offset or refund; or<br>b) The was no decision about an offset or refund; or<br>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or<br>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| The person given the Infrastructure charges notice | The local government that gave the infrastructure charges notice | - | - |
| 5. Conversion applications<br>An appeal may be made against—<br>(a) the refusal of a conversion application; or<br>(b) a deemed refusal of a conversion application. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| The applicant | The local government to which the conversion application was made | - | - |
| 6. Enforcement notices<br>An appeal may be made against the decision to give an enforcement notice. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(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<br>Appeals to the P&E Court only | | | |
|---|---|---|---|
| 1. Appeals from tribunal<br>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—<br>(a) an error or mistake in law on the part of the tribunal; or<br>(b) jurisdictional error. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| A party to the proceedings for the decision | The other party to the proceedings for the decision | - | - |

| Table 2<br>Appeals to the P&E Court only | | | |
|---|---|---|---|
| 2. Eligible submitter appeals<br>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—<br>(a) any part of the development application for the development approval that required impact assessment; or<br>(b) a variation request. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| 1 For a development application—an eligible submitter for the development application<br>2 For a change application—an eligible submitter for the change application | 1 For a development application—the assessment manager<br>2 For a change application—the responsible entity | 1 The applicant<br>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<br>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—<br>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or<br>(b) a variation request. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| 1 For a development application—an eligible submitter for the development application<br>2 For a change application—an eligible submitter for the change application<br>3 An eligible advice agency for the development application or change application | 1 For a development application—the assessment manager<br>2 For a change application—the responsible entity | 1 The applicant<br>2 If the appeal is about a concurrence agency's referral response—the concurrence agency | Another eligible submitter for the application |
| 4. Compensation claims<br>An appeal may be made against—<br>(a) a decision under section 32 about a compensation claim; or<br>(b) a decision under section 265 about a claim for compensation; or<br>(c) a deemed refusal of a claim under paragraph (a) or (b). | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| A person dissatisfied with the decision | The local government to which the claim was made | - | - |
| 5. Registered premises | | | |

| Table 2<br>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<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| 1 A person given a decision notice about the decision<br>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<br>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—<br>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or<br>(b) the erection of a building or other structure. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| A person who—<br>(a) applied for the decision; and<br>(b) is dissatisfied with the decision or conditions. | The local government | - | - |

| Table 3<br>Appeals to the tribunal only | | | |
|---|---|---|---|
| 1. Building advisory agency appeals<br>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<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(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<br>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<br>An appeal may be made against a decision under—<br>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or<br>(b) the Plumbing and Drainage Act, part 4 or 5. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |

| Table 3<br>Appeals to the tribunal only | | | |
|---|---|---|---|
| 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<br>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<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election<br>(if any) |
| A person who was entitled to receive, notice of the decision | The local government to which the application was made | - | - |