**Blackall-Tambo Regional Council**

6 Coronation Drive, BLACKALL QLD 4472
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admin@btrc.qld.gov.au
www.btrc.qld.gov.au

ABN: 42 062 968 922

# Blackall-Tambo Regional Council

## DECISION NOTICE APPROVAL

*PLANNING ACT 2016, SECTION 63*

I refer to your application and advise that on 20 October 2021, Blackall-Tambo Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

### 1. APPLICATION DETAILS

| | |
|---|---|
| **Application Number:** | DA 07-2021-2022 |
| **Properly Made Date:** | 10 August 2021 |
| **Decision Date:** | 20 October 2021 |
| **Planning Scheme:** | Blackall-Tambo Region Planning Scheme 2020 |

### 2. APPLICANT DETAILS

| | |
|---|---|
| **Name:** | Mr Matthew James Adams |
| **Postal Address:** | 11 Woodbine Street<br>Blackall QLD 4472 |
| **Email Address:** | mjadamswelding@gmail.com |

### 3. PROPERTY DETAILS

| | |
|---|---|
| **Street Address:** | 23 Violet Street, Blackall |
| **Real Property Description:** | Lot 28 on SP210376 |
| **Local Government Area:** | Blackall-Tambo Regional Council |

### 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for Low Impact Industry and Hardware and Trade Supplies

## 5. CURRENCY PERIOD

In accordance with section 85 (1) (a) (ii) of the Planning Act 2016, this development approval lapses if the first change of use does not happen within six (6) years after the approval starts to have effect.

## 6. ASSESSMENT MANAGER CONDITIONS

### 1.0 PARAMETERS OF APPROVAL

1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.

1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.

1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.

1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.

1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.

1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

### 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 the conditions of this permit:

| Plan/Document Name | Plan/Document Number | Date |
|---|---|---|
| Site Plan | Sheet 1 of 1 | 27-07-2021 |
| Floor & Roof Plan Elevations | Sheet 2 of - | 15-09-2021 |
| Elevations | Sheet 3 of - | 15-09-2021 |
| Elevations (Storage Shed) | - | 30-04-2021 |

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

## 3.0 ACCESS AND PARKING WORKS

3.1 Provide and maintain a minimum of seven (7) formalised car parking spaces on-site in front of the main workshop building. All car parking spaces must be clearly identified by either line-marking or signage.

3.2 Construct and maintain all car parking spaces and vehicle manoeuvring areas to an all-weather standard, suitable for a two-wheel drive car.

3.3 Design, construct and maintain all car parking and access works generally in accordance with the *Australian Standard AS2890.1 "Parking Facilities"* and *Austroads Publication AP-G34-13 – Austroads Design Vehicles and Turning Path Templates.*

3.4 Construct and maintain two sealed vehicle crossovers from Violet Street generally in accordance with the standard drawing, *Figure 1 – Vehicle Crossover – Non-Piped*, from the General Development Code of the *Blackall-Tambo Region Planning Scheme.* The crossovers must be clearly identified by way of signage for either staff/customer access or heavy vehicle access.

3.5 All vehicles must enter and exit the site in a forward gear.

3.6 All activities associated with the approved development must occur within the boundaries of the site and not on adjoining land or road reserve. This includes, but is not limited to, parking, loading and unloading of vehicles (including heavy vehicles and staff and customer vehicles).

## 4.0 STORMWATER WORKS

4.1 All stormwater must drain to a lawful point of discharge, being to Violet Street. All stormwaters must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

## 5.0 ENVIRONMENTAL HEALTH

5.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, odour, wastewater, waste products, oil or otherwise.

5.2 Maintain outdoor lighting to comply with *AS4282 Control of Obstructive Effects of Outdoor Lighting.*

5.3 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 adjoining properties or infrastructure.

5.4 All waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.

5.5 Contaminants such as oils or chemicals must not be released into unsealed surface areas (i.e. gravel, exposed soil or landscaped areas).

5.6 Activities in the workshop and involving any washdown area must be undertaken on a sealed surface drained to an oil/water separator for treatment to the regulated standard before entering Council's sewer network.

5.7 Areas for storage of chemicals, fuel or other hazardous materials must be sufficiently bunded.

5.8 Any spillage of environmentally hazardous liquids or other materials must be cleared as quickly as practicable and must not enter Council's network or be hosed or swept onto unsealed ground.

## 6.0 SERVICES

6.1 The premises must be connected to Council's reticulated water and sewerage networks.

6.2 Electricity and telecommunication services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

## 7.0 LANDSCAPING AND FENCING

7.1 Establish and maintain landscaping on the site in accordance with the approved site plan (Condition 2.1). The landscaping must predominantly contain species that are endemic to the region due to their low water dependency.

7.2 Ensure the landscaped areas are subject to water and maintenance during the establishment phase, and an ongoing maintenance and replanting programme as required.

7.3 Boundary fencing with a minimum height of 1.8 metres must be installed along each boundary of the property, except where allowance must be made for the vehicle access from Violet Street.

## 8.0 ASSET MANAGEMENT

8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

## 9.0 CONSTRUCTION ACTIVITIES

9.1 Prior to construction of the vehicle accesses and water and sewer connections, forms for a Minor Works on Road Application and a Water/Sewer Connection Application (as updated) must be completed and submitted to Council to notify the details of work being undertaken.

9.2 Implement and maintain an Erosion and Sediment Control Plan (ESCP) on-site, in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* document (as amended) for the duration of the works, and until such time all exposed soil areas are permanently stabilised. The ESCP must be available on-site for inspection by Council Officers during the works.

9.3 The construction of any works must be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the provisions of any relevant standards under the *Blackall-Tambo Region Planning Scheme.*

9.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.

9.5 Construction activity and noise must be limited to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.

## 7. ADVISORY NOTES

**A.** Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.

**B.** This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.

**C.** General environmental duty under the Environmental Protection Act 1994 and subordinate legislation 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.

**D.** This development approval does not authorise any activity that may harm 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").

## 8. STATEMENT OF REASONS

### 8.1 Description of Development

The development application is for a Development Permit for Material Change of Use for Low Impact Industry and Hardware and Trade Supplies approved as per Decision Notice DA 07-2021-2022.

### 8.2 Assessment Benchmarks

The following are the benchmarks that are applicable to this development:

| Benchmark applying for the development | Benchmark reference |
|---|---|
| • General Development Code | *Blackall-Tambo Region Planning Scheme 2020* |

### 8.3 Relevant Matters

Nil.

### 8.4 Matters Raised in Submission

The development application did not require public notification.

### 8.5 Reason for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- A Low Impact Industry and Hardware and Trade Supplies are consistent uses in the Industrial Precinct of the Township Zone;
- The scale and character of the built form is suitable for the site and surrounding area.
- Development will be operated in a manner that is compatible with the amenity of the precinct and environmental impacts will be minimised;
- Access and parking can be set out in a safe, efficient and legible manner on the site;
- Development will be adequately serviced by sealed vehicle crossovers and reticulated water supply and sewerage connections;
- The development outcome is consistent with the General Development Code of the Planning Scheme; and
- Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

## 9. PROPERLY MADE SUBMISSIONS

The development application did not require public notification.

## 10. REFERRAL AGENCIES

The development application did not require referral to any referral agencies.

## 11. FURTHER DEVELOPMENT PERMITS REQUIRED

The following further development permits are required:

- Building Work; and
- Plumbing and Drainage Work.

## 12. RIGHTS OF APPEAL

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (included in the attachment to this decision notice). 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).*

## 13. DELEGATED PERSON

**Name**: A. Rutherford **Signature**: **Date**: 21 October 2021

Encl: **Attachment 1** – Stamped Approved Plan
**Attachment 2** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)

**Attachment 1** – Stamped Approved Plans

BLACKALL-TAMBO REGIONAL COUNCIL

DIGITALLY STAMPED

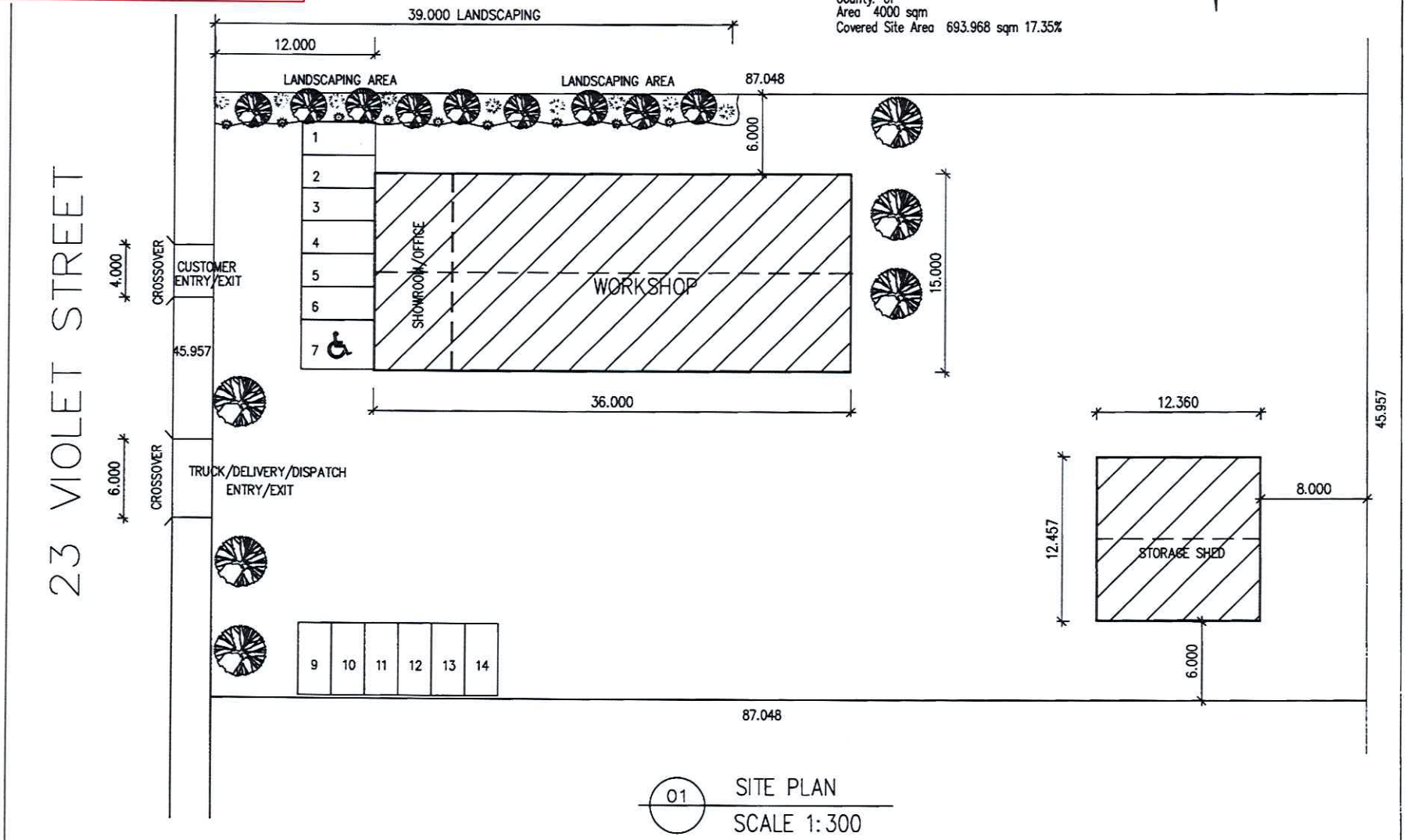
**APPROVED PLAN**

**Development Application:** Development Permit for Material Change of Use for a Low Impact Industry and Hardware and Trade Supplies
**Address:** 23 Violet Street, Blackall, described as Lot 28 on SP210376
Referred to in Council's Decision Notice for DA 07-2021-2022

**Approval Date:** 20 October 2021
**Application Number:** DA 07-2021-2022

## SITE DETAILS

Lot number: 28
Registered Plan number: S.P.210376
Parish: of
County: of
Area 4000 sqm
Covered Site Area 693.968 sqm 17.35%




01 SITE PLAN
SCALE 1:300


Robert Eyres Design & Drafting
1 Taupo Place,
Parkinson Qld 4115
Ph (07) 3272 8862
QBCC 74745
email admin@redds.com.au


PROPOSED DEVELOPMENT PLAN
FOR Mr Mathew Adams
AT 23 Violet Street,
Blackall Qld 4472

TITLE Site Plan
DATE 27-7-21
SCALE 1:300

PROJECT No. 8843
SHEET No. 1 of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DO NOT SCALE FROM PLANS.
ALL DIMENSIONS AND LEVELS TO BE VERIFIED ON SITE AT SETOUT.

DRAWN BY Robert Eyres

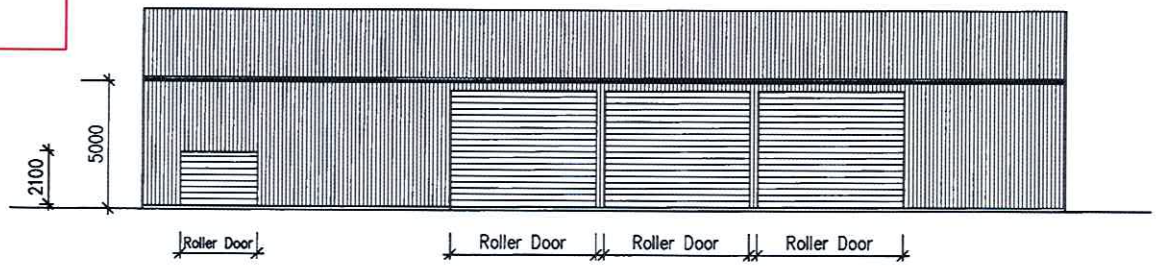
BLACKALL-TAMBO REGIONAL COUNCIL

DIGITALLY STAMPED

**APPROVED PLAN**

**Development Application:** Development Permit for Material Change of Use for a Low Impact Industry and Hardware and Trade Supplies
**Address:** 23 Violet Street, Blackall, described as Lot 28 on SP210376
Referred to in Council's Decision Notice for DA 07-2021-2022

**Approval Date:** 20 October 2021
**Application Number:** DA 07-2021-2022

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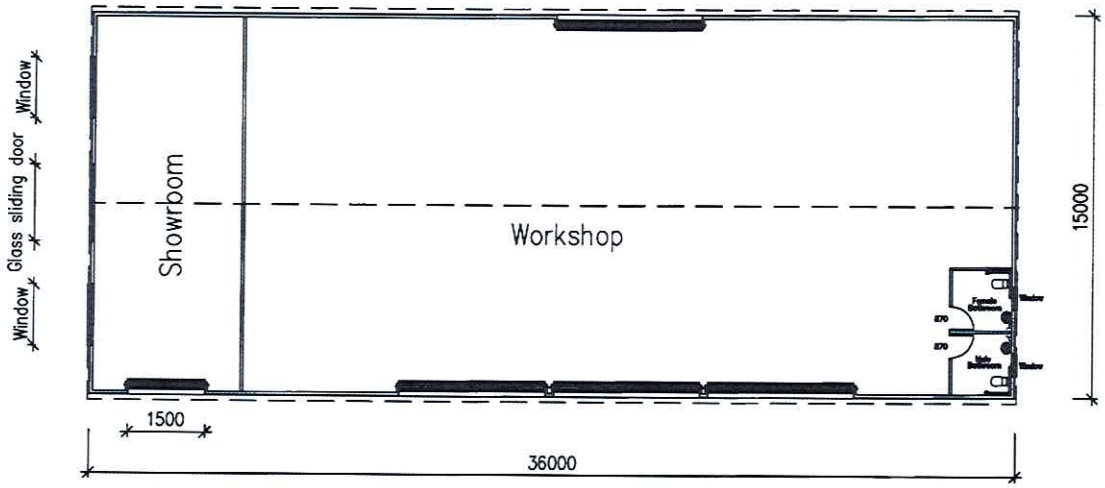
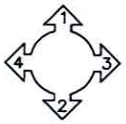
SCALE 1:500




02 FLOOR & ROOF PLAN
SCALE 1:500


Robert Eyres Design & Drafting
1 Taupo Place,
Parkinson Qld 4115
Ph (07) 3272 8862
QBCC 74745
email admin@redds.com.au


PROPOSED DEVELOPMENT PLAN
FOR Mr Mathew Adams
AT 23 Violet Street,
Blackall Qld 4472

TITLE: Floor & Roof Plan Elevations
DATE: 15-9-21
SCALE: 1:500

PROJECT No. 8843
SHEET No. 2 of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DRAWN BY Robert Eyres

BLACKALL-TAMBO REGIONAL COUNCIL

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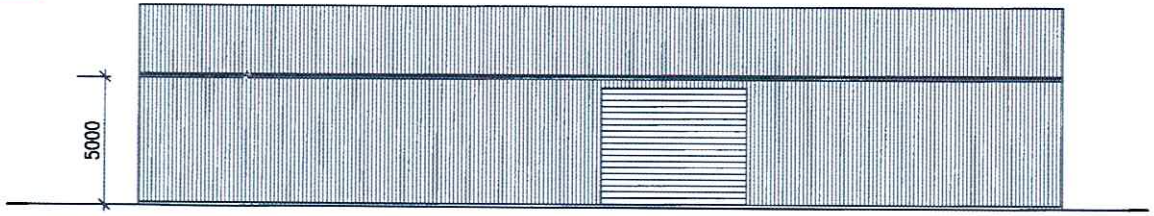
**APPROVED PLAN**

**Development Application:** Development Permit for Material Change of Use for a Low Impact Industry and Hardware and Trade Supplies
**Address:** 23 Violet Street, Blackall, described as Lot 28 on SP210376
Referred to in Council's Decision Notice for DA 07-2021-2022

**Approval Date:** 20 October 2021
**Application Number:** DA 07-2021-2022

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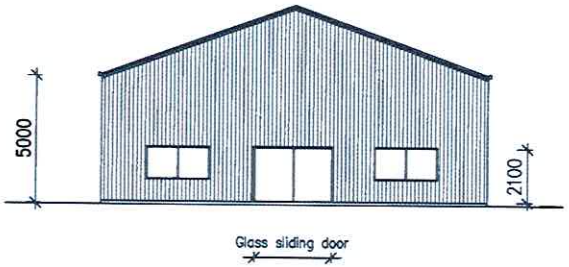
SCALE 1:500

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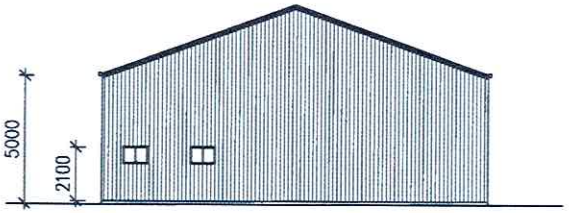
SCALE 1:500




03 ELEVATION 4 (EAST)
SCALE 1:500

Robert Eyres Design & Drafting
1 Taupo Place,
Parkinson Qld 4115
Ph (07) 3272 8862
QBCC 74745
email admin@redds.com.au

PROPOSED DEVELOPMENT PLAN
FOR Mr Mathew Adams
AT 23 Violet Street,
Blackall Qld 4472

TITLE Elevations
DATE 15-9-21
SCALE 1:500

PROJECT No. 8843
SHEET No. 3 of

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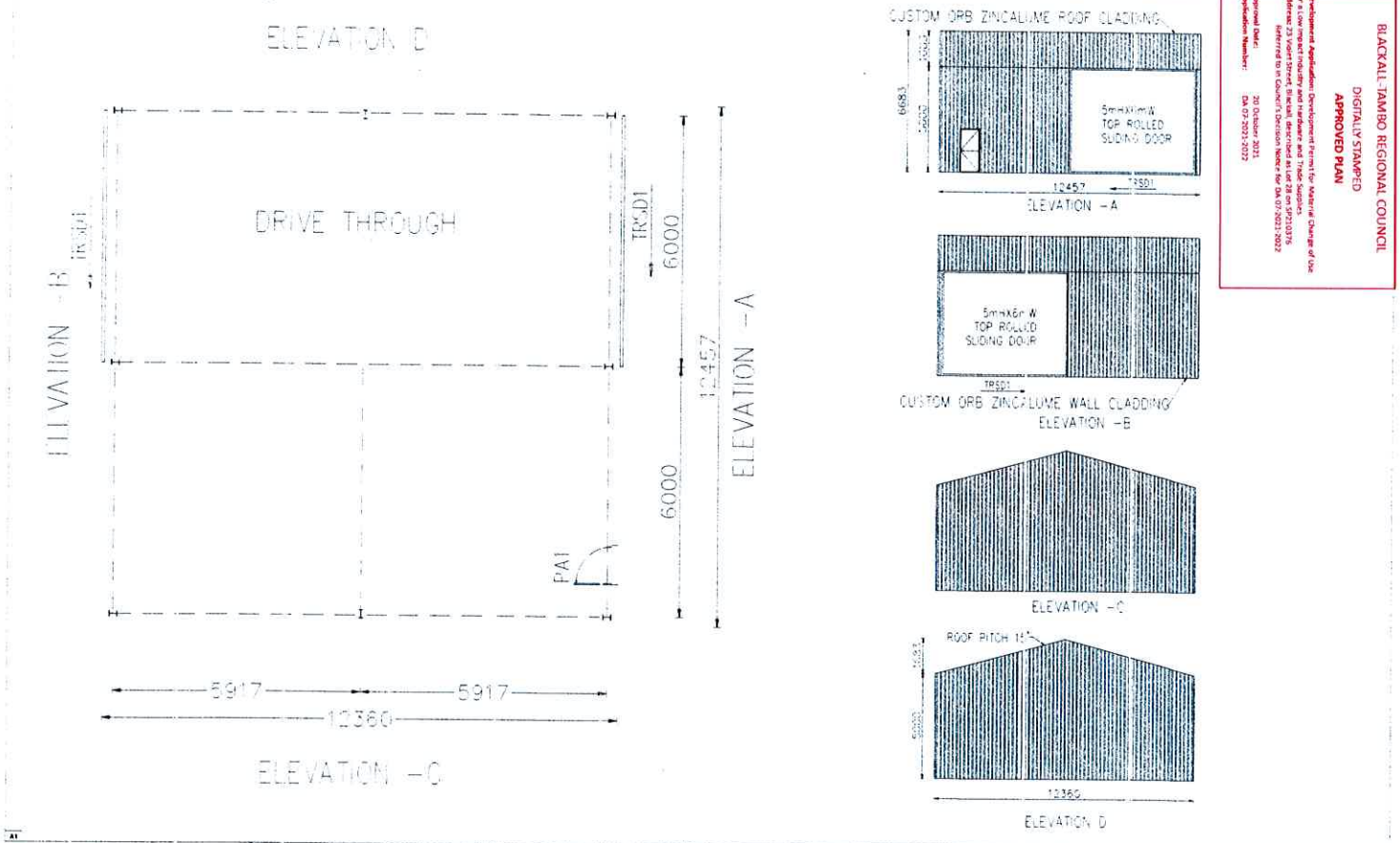
DRAWN BY Robert Eyres

Storage Shed.




BLACKALL-TAMBO REGIONAL COUNCIL
DIGITALLY STAMPED
**APPROVED PLAN**
Development Application: Development Permit for Material Change of Use for a Low impact Industry and Hardware and Trade Supplier
Address: 27 Pelican Street, Blackall, Lot 1 on RP 603375
Referred to in Council's Decision Notice for DA 07-2021-2022
Approval Date: 20 October 2021
Application Number: DA 07-2021-2022

A1

NOT FOR CONSTRUCTION

| Issue | Amendment | Drn | Appr | Date | Drawing Issue To | Drn | Date of Issue |
|---|---|---|---|---|---|---|---|

STATE WIDE SHEDS
3 Rivers Lane (P.O Box 809)
DUBBO NSW 2830
PH: (02) 68 84 4355
FAX: (02) 68 84 2442
www.statewidesheds.com.au

Drawn: K.H.
Date: 30-11-21

**MATHEW ADAMS**
BLACKALL QLD 4472

ELEVATIONS

**Attachment 2** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)

# Attachment 3 - Extract of Appeal Provisions



(2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

(3) In this section—

***conduct*** means an act or omission.

***representative*** means—

(a) of a corporation—an executive officer, employee or agent of the corporation; or

(b) of an individual—an employee or agent of the individual.

***state of mind***, of a person, includes the person's—

(a) knowledge, intention, opinion, belief or purpose; and

(b) reasons for the intention, opinion, belief or purpose.

# Chapter 6 Dispute resolution

## Part 1 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



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(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 an appeal relating to the *Plumbing and Drainage Act 2018*—

(i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

(ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or



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(iii) otherwise—20 business days after the day the notice is given; or

(g) 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—



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(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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

(d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

(e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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).

(6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—

(a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or

(b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.



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(7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## 231 Non-appealable decisions and matters

(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,



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whether by the Supreme Court, another court, any tribunal or another entity; and

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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.

# Part 2 Development tribunal

## Division 1 General

### 233 Appointment of referees

(1) The Minister, or chief executive, (the ***appointer***) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

(a) has the qualifications or experience prescribed by regulation; and

(b) has demonstrated an ability—

(i) to negotiate and mediate outcomes between parties to a proceeding; and

(ii) to apply the principles of natural justice; and

(iii) to analyse complex technical issues; and

(iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.



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# 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



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(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 the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or

(h) a decision to give an enforcement notice—

(i) in relation to a matter under paragraphs (a) to (g); or

(ii) under the *Plumbing and Drainage Act 2018*; or

(i) an infrastructure charges notice; or

(j) the refusal, or deemed refusal, of a conversion application; 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.



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(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.

(8) In this section—

***storey*** see the Building Code, part A1.1.

| **Table 1**<br>**Appeals to the P&E Court and, for certain matters, to a tribunal** |
|---|
| 1. Development applications |
| For a development application other than an excluded application, 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. |



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

| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
|---|---|---|---|
| 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<br>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>For a change application other than an excluded application, an appeal may be made against—<br>(a) the responsible entity's decision on the change application; or<br>(b) a deemed refusal of the change application. | | | |



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| Table 1<br>Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---|---|
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election (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>For an extension application other than an extension application called in by the Minister, an appeal may be made against—<br>(a) the assessment manager's decision on the extension application; or<br>(b) a deemed refusal of the extension application. | | | |



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

| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent by election (if any) |
|---|---|---|---|
| 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 |

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

(ii) the working out of extra demand, for section 120; or

(iii) an offset or refund; or

(b) there 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) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.



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| Table 1<br>Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---|---|
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>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<br>by election (if<br>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<br>by election (if<br>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 |



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**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<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
|---|---|---|---|
| A party to the proceedings for the decision | The other party to the proceedings for the decision | — | — |

2. Eligible submitter appeals

For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

(a) any part of the development application or change application that required impact assessment; or

(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<br>by election (if<br>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 |



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**Table 2**
**Appeals to the P&E Court only**

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

(a) any part of the development application or change application that required impact assessment; or

(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 (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

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).



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| Table 2<br>Appeals to the P&E Court only | | | |
|---|---|---|---|
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person dissatisfied with the decision | The local government to which the claim was made | — | — |
| 5. Registered premises<br>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<br>by election (if<br>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. | | | |



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| Table 2<br>Appeals to the P&E Court only | | | |
|---|---|---|---|
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>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 a 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<br>by election (if<br>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 |



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**Table 3**
**Appeals to a tribunal only**

2. Inspection of building work

An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.

| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
|---|---|---|---|
| The applicant for the development approval | The person who made the decision | — | — |

3. Certain decisions under the Building Act and the *Plumbing and Drainage Act 2018*

An appeal may be made against—

(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or

(b) a decision under the *Plumbing and Drainage Act 2018*, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.

| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
|---|---|---|---|
| A person who received, or was entitled to receive, an information notice about the decision | The entity that 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.



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| Table 3<br>Appeals to a tribunal only | | | |
|---|---|---|---|
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who was entitled to receive notice of the decision | The local government to which the application was made | — | — |
| 5. Failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*<br>An appeal may be made against a failure to make a decision under the *Plumbing and Drainage Act 2018*, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act. | | | |
| Column 1<br>Appellant | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who was entitled to receive an information notice about the decision | The entity that failed to make the decision | — | — |



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