



# Blackall-Tambo Regional Council

Blackall-Tambo Regional Council

6 Coronation Drive, BLACKALL QLD 4472  
PO Box 21, BLACKALL QLD 4472  
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[admin@btrc.qld.gov.au](mailto:admin@btrc.qld.gov.au)  
[www.btrc.qld.gov.au](http://www.btrc.qld.gov.au)

ABN: 42 062 968 922

## DECISION NOTICE APPROVAL

*PLANNING ACT 2016, SECTION 63*

I refer to your application and advise that on 20 November 2024, 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 14-2024-2025  
**Properly Made Date:** 08 October 2024  
**Decision Date:** 20 November 2024  
**Planning Scheme:** Blackall-Tambo Region Planning Scheme 2020

### 2. APPLICANT DETAILS

**Name:** Red Ridge (Interior Queensland) Ltd  
**Postal Address:** PO Box 8103  
WOOLLOONGABBA QLD 4102  
**Email Address:** [luke@igplan.com.au](mailto:luke@igplan.com.au)

### 3. PROPERTY DETAILS

**Street Address:** 53, 57-61 and 63-67 Shamrock Street, Blackall  
**Real Property Description:** Lot 2 on SP142683, Lot 2 on RP616262, Lot 2 on RP607008,  
Lot 1 on RP607613 and Lot 1 on RP602469  
**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 Community activities (Community use)

## **5. CURRENCY PERIOD**

This development approval will lapse at the end of the period set out in section 85(1)(a) of the *Planning Act 2016*.

## **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	Revision Number	Date
Proposed Site Plan	-	-	27 September 2024 (Received date)
Proposed Precinct Plan	-	-	27 September 2024 (Received date)
Proposed Site Elevations	-	-	27 September 2024 (Received date)
Proposed Sections	-	-	27 September 2024 (Received date)
Main Entry Elevations	-	-	27 September 2024 (Received date)

- 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 HOURS OF OPERATION**

- 3.1 The use is permitted to operate from 6:00 am to 10:00pm 7 days a week.

### **4.0 ACCESS AND PARKING**

- 4.1 Provide and maintain access a left in only access from Shamrock Street in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawings, from the General Development Code of the Blackall-Tambo Region Planning Scheme.
- 4.2 Provide and maintain access from Thistle Street in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawings, from the General Development Code of the Blackall-Tambo Region Planning Scheme.
- 4.3 Provide a minimum nine (9) onsite car parking spaces. All car parking spaces must be clearly delineated by either line-marking or signage.
- 4.4 Install and maintain directional signage within the site to ensure the orderly and efficient movement of vehicles.
- 4.5 Design and construct and maintain all car parking, service vehicle parking and manoeuvring areas in accordance with the approved plans (see Condition 2.1) and *AS2890.1 – Parking Facilities* and *Austroads Publication AP-G34-13 – Austroads Design Vehicle and Turning Path Templates*

### **5.0 ROOF AND ALLOTMENT DRAINAGE**

- 5.1 Discharge of all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.

### **6.0 STORMWATER WORKS**

- 6.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

### **7.0 FINISHED FLOOR LEVEL**

- 7.1 The finished floor level of habitable spaces must achieve a minimum 300mm freeboard above the defined flood level of 282 metres Australian Height Datum for Blackall.

### **8.0 LANDSCAPING**

- 8.1 Establish and maintain landscaping generally in accordance with the approved plans.
- 8.2 The landscaping must predominantly contain species consisting of native, drought tolerant groundcovers, shrubs, small trees and trees.

## **9.0 SEWERAGE AND WATER**

- 9.1 The premises must be connected to Council's reticulated water and sewerage network.
- 9.2 All works must be designed, constructed and maintained in accordance with the approved plans (refer to Condition 2.1), the *Plumbing and Drainage Act*, *Water Services Association of Australia (WSAA), 2011, "WSA 03-11 Water Supply Code of Australia" Version 3.1* and *Queensland Department of Energy and Water Supply, 2010, Planning Guidelines for Water Supply and Sewerage*.
- 9.3 Remove all redundant water supply and sewerage infrastructure, including but not limited to pipes and connection points.

## **10.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY**

- 10.1 The premises must be connected to electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

## **11.0 WASTE MANAGEMENT**

- 11.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:
  - 11.1.1 Designed to not cause nuisance to neighbouring properties;
  - 11.1.2 Screened from any road frontage or adjoining property;
  - 11.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the use.

## **12.0 AMENITY AND ENVIRONMENTAL HEALTH**

- 12.1 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, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 12.2 Install and operate all outdoor lighting to comply with AS4282 – 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".

## **13.0 ASSET MANAGEMENT**

- 13.1 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.

## **14.0 CONSTRUCTION ACTIVITIES**

- 14.1 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.
- 14.2 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, and potentially for operational 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 Community activities (Community use) approved as per Decision Notice DA 14-2024-2025.

### 8.2 Assessment Benchmarks

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

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"><li>Township Zone Code</li><li>General Development Code</li></ul>	<i>Blackall-Tambo Region Planning Scheme 2020</i>

### 8.3 Relevant Matters

Nil.

### 8.4 Matters Raised in Submission

The 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) Community activities (Community use) is an acceptable use in the Commercial Precinct of the Township Zone;

- b) The proposal includes a compliant height, setbacks and site cover;
- c) The proposal has been designed to ensure habitable areas are a minimum 300mm above the defined flood level;
- d) Conditions have been imposed to ensure the operation of the use is undertaken in way not to cause nuisance to surrounding land
- e) The proposal utilises a mix of materials and finishes that provides a positive contribution to the commercial precinct. The proposal will create a landmark destination that will add to the attraction of the commercial precinct;
- f) The site is sufficiently serviced and has access to telecommunications, electricity, reticulated water and sewer; and
- g) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

#### 9. PROPERLY MADE SUBMISSIONS

The application did not require public notification.

#### 10. REFERRAL AGENCIES

The development application required referral to the State Assessment and Referral Agency (SARA). SARA issued a referral agency response on 18 October 2024 (ref: 2410-42853 SRA).

#### 11. FURTHER DEVELOPMENT PERMITS REQUIRED

Further development approvals may be required.

#### 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: Mike Lollback

Signature:

Date: 04.12.2024

Encl: **Attachment A** – Approved Plans  
**Attachment B** – SARA Referral Agency Response  
**Attachment C** – Appeal Provisions

## **Attachment A – Approved Plans**

b. Proposed Site Plan

Legend

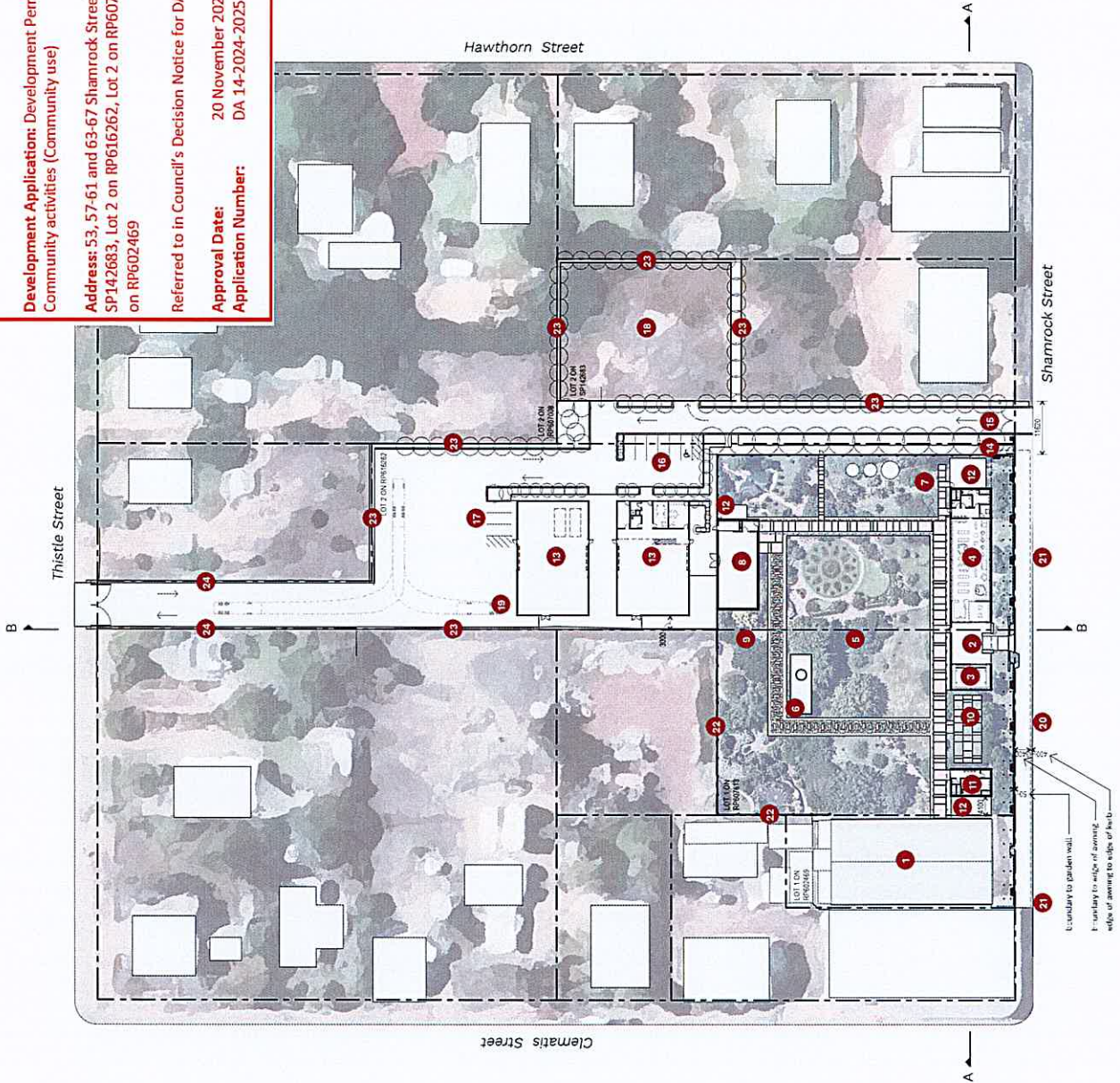
- 1 Existing Theatre, not in scope (Proposed First Nations Interpretive Centre)
- 2 Entry
- 3 History & Genealogy
- 4 Library & Amenities
- 5 Interpretive/Museum Garden
- 6 Water Feature
- 7 Outdoor Play Area
- 8 Temporary Exhibition Space
- 9 Garden (future Exhibition zone)
- 10 Paving/events/catering space
- 11 Amenities
- 12 Plant/services
- 13 Collection Storage Areas for Social History Material
- 14 Footpath
- 15 Driveway
- 16 Carpark (6 cars)
- 17 Carpark (3 cars)
- 18 Overflow parking
- 19 Bin collection area
- 20 On-street bus parking for 1no. Coach
- 21 On-street car parking
- 22 2.4m high concrete block garden wall
- 23 1.8m high boundary fence
- 24 No fence



BLACKALL-TAMBO REGIONAL COUNCIL  
DIGITALLY STAMPED  
APPROVED PLAN

Development Application: Development Permit for a Material Change of Use for Community activities (Community use)  
Address: 53, 57-61 and 63-67 Shamrock Street, Blackall described as Lot 2 on SP142683, Lot 2 on RP616262, Lot 2 on RP607008, Lot 1 on RP607613 and Lot 1 on RP602469

Referred to in Council's Decision Notice for DA 14-2024-2025  
Approval Date: 20 November 2024  
Application Number: DA 14-2024-2025



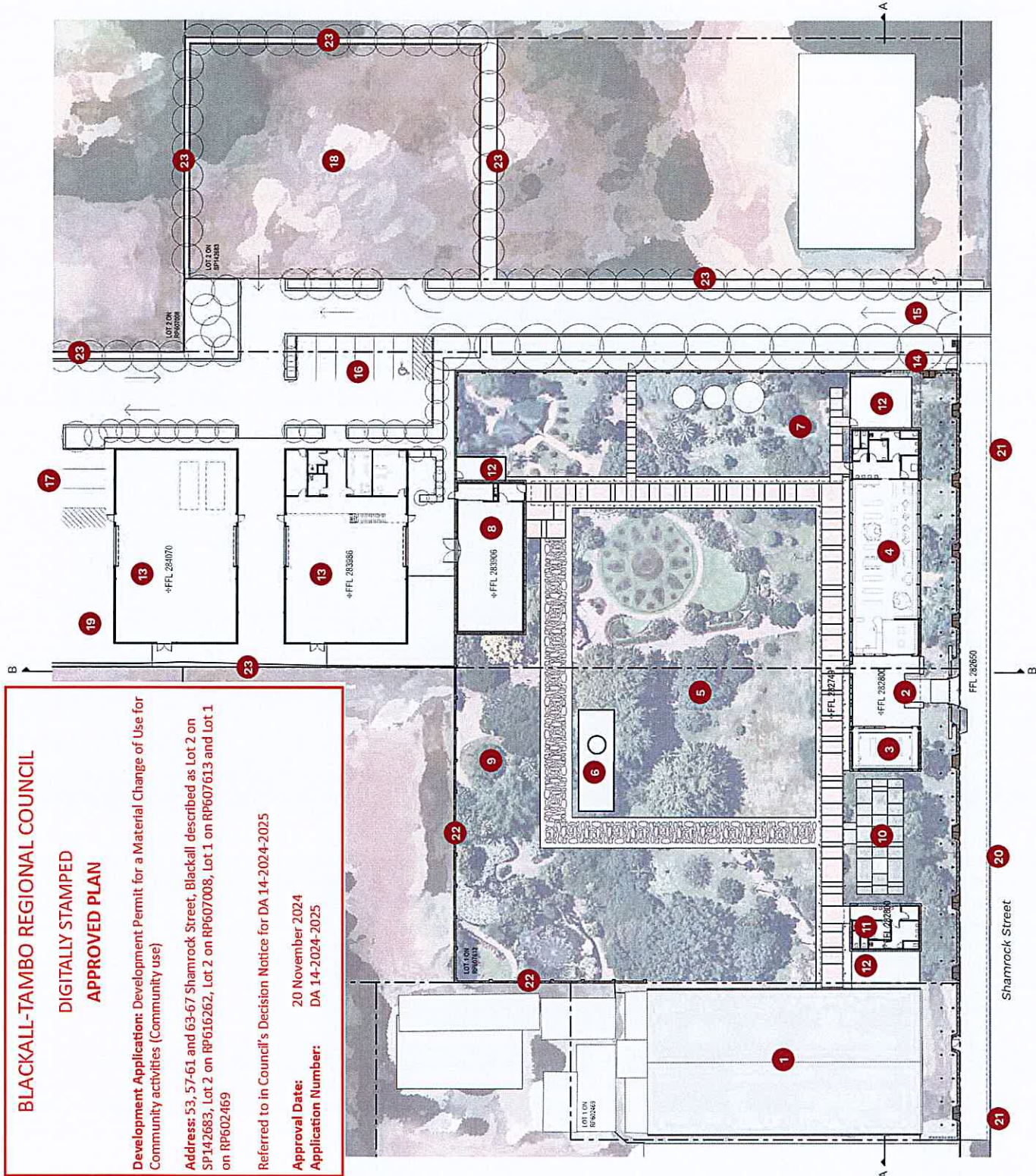
d. Proposed Precinct Plan

Legend

- 1 Existing Theatre, not in scope (Proposed First Nations Interpretive Centre)
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- 5 Interpretive/Museum Garden
- 6 Water Feature
- 7 Outdoor Play Area
- 8 Space for Temporary Exhibitions
- 9 Garden (future Exhibition zone)
- 10 Paving/events/catering space
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- 21 On-street car parking
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- 23 1.8m high boundary fence



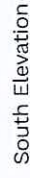
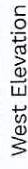
brian hooperarchitect  
m3architecture  
Blackall Cultural Precinct



**BLACKALL-TAMBO REGIONAL COUNCIL**  
**DIGITALLY STAMPED**  
**APPROVED PLAN**

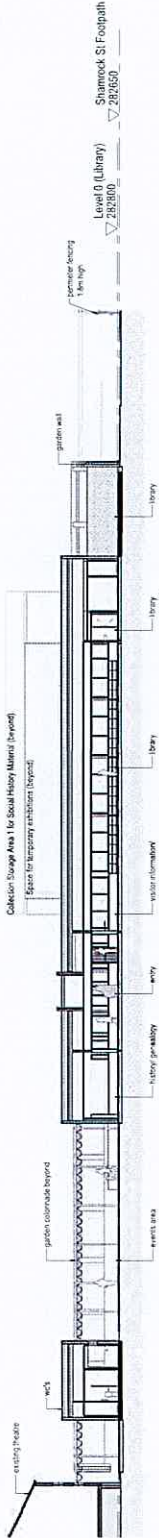
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**Approval Date:** 20 November 2024  
**Application Number:** DA 14-2024-2025

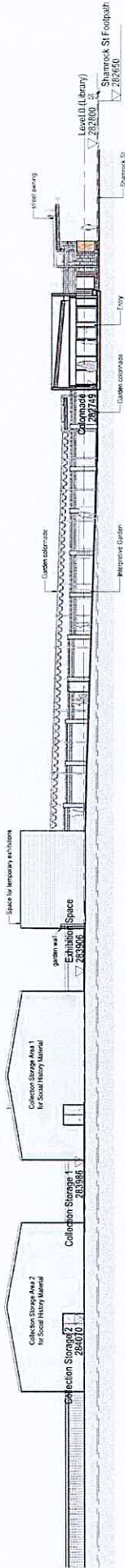


Blackall Cultural Precinct

f. Proposed Sections



Site Section East - West



Site Section North - South



**BLACKALL-TAMBO REGIONAL COUNCIL**

**DIGITALLY STAMPED**

**APPROVED PLAN**

**Development Application:** Development Permit for a Material Change of Use for Community activities (Community use)

**Address:** 53, 57-61 and 63-67 Shamrock Street, Blackall described as Lot 2 on SP142683, Lot 2 on RP616262, Lot 2 on RP607008, Lot 1 on RP607613 and Lot 1 on RP602469

**Referred to in Council's Decision Notice for DA 14-2024-2025**

**Approval Date:** 20 November 2024

**Application Number:** DA 14-2024-2025

g. Main Entry Elevations

BLACKALL-TAMBO REGIONAL COUNCIL

DIGITALLY STAMPED  
APPROVED PLAN

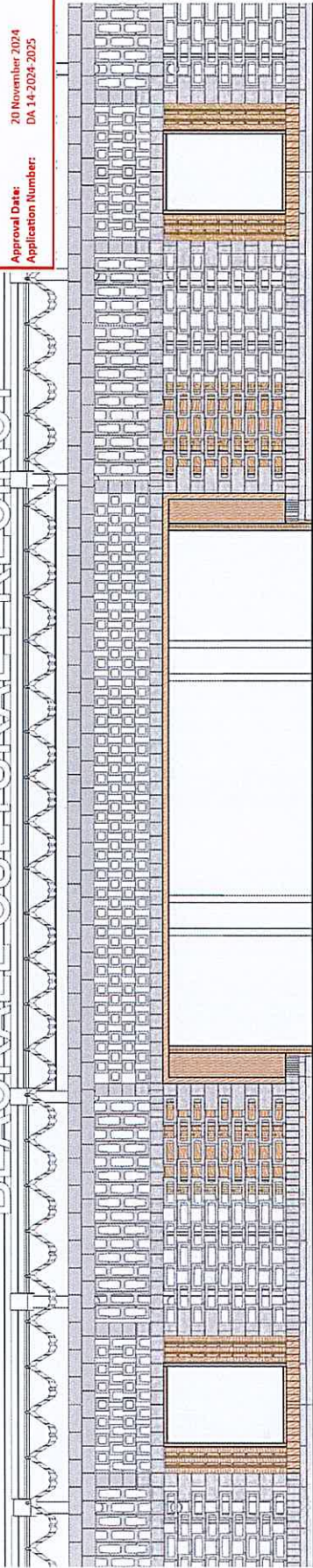
Development Application: Development Permit for a Material Change of Use for Community activities (Community use)

Address: 53, 57-61 and 63-67 Shamrock Street, Blackall described as Lot 2 on SP142683, Lot 2 on RP616202, Lot 2 on RP607008, Lot 1 on RP607613 and Lot 1 on RP602469

Referred to in Council's Decision Notice for DA 14-2024-2025

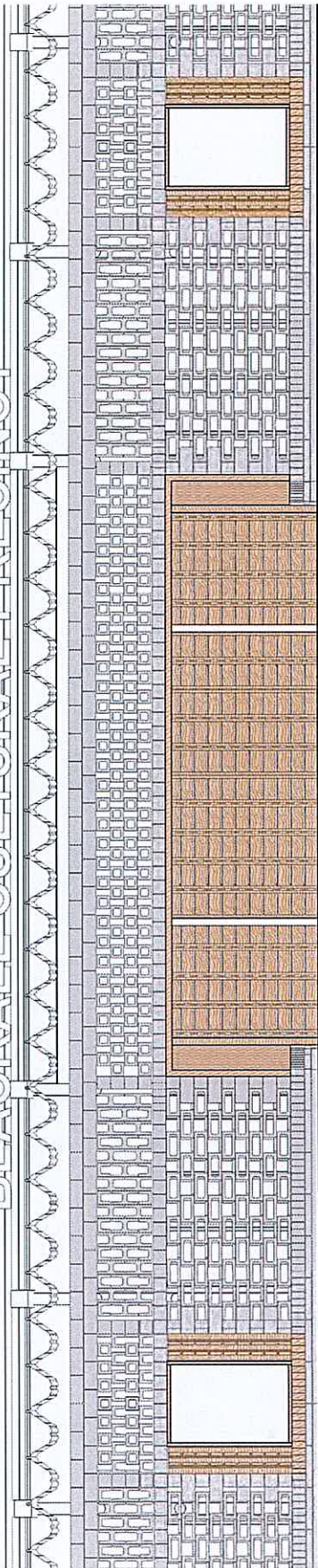
Approval Date: 20 November 2024  
Application Number: DA 14-2024-2025

BLACKALL CULTURAL PRECINCT



Shamrock Street Entry with Gates Open

BLACKALL CULTURAL PRECINCT



Shamrock Street Entry with Gates Closed



**Attachment B – SARA Referral Agency Response**



SARA reference: 2410-42853 SRA  
Council reference: DA14-2024-2025  
Applicant reference: 24.2297

18 October 2024

Chief Executive Officer  
Blackall Tambo Regional Council  
PO Box 21  
Blackall QLD 4472  
ceo@btrc.qld.gov.au

Attention:

Dear Sir/Madam

**SARA referral agency response—53 Shamrock Street,  
Blackall; 57-61 Shamrock Street, Blackall; 63 Shamrock  
Street, Blackall; 67 Shamrock Street, Blackall; 57 Shamrock  
Street, Blackall**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 11 October 2024.

## Response

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Outcome:	Referral agency response – with conditions
Date of response:	18 October 2024
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

## Development details

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Description:	Development permit	Material change of use for community activities (community use)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a state-controlled road	
SARA reference:	2410-42853 SRA	
Assessment manager:	Blackall Tambo Regional Council	
Street address:	53 Shamrock Street, Blackall; 57-61 Shamrock Street, Blackall; 63 Shamrock Street, Blackall; 67 Shamrock Street, Blackall; 57 Shamrock Street, Blackall	
Real property description:	2SP142683; 2RP607008; 1RP607613; 1RP602469; 2RP616262	
Applicant name:	Red Ridge (Interior Queensland) Ltd	
Applicant contact details:	PO Box 8103 Woolloongabba QLD 4102 luke@jgplan.com.au	
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: TMR24-043901</li> <li>• Date: 18 October 2024</li> </ul> <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at <a href="mailto:corridormanagement@tmr.qld.gov.au">corridormanagement@tmr.qld.gov.au</a>.</p>	
<i>Human Rights Act 2019</i> considerations:	Consideration of the <i>Human Rights Act 2019</i> sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.	

## Representations

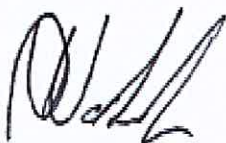
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An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email [RockhamptonSARA@dsdilgp.qld.gov.au](mailto:RockhamptonSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc Red Ridge (Interior Queensland) Ltd, [luke@jgplan.com.au](mailto:luke@jgplan.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1 – Material change of use near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The road access location is to be located at approximate chainage 101.3 kilometres and generally in accordance with Proposed Site Plan, prepared by brian hooper architect m3architecture, no reference, no date, as amended in red by SARA.	At all times.

## Attachment 2—Advice to the applicant

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General advice	
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|----|--|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning. |
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## Attachment 3—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA's decision are:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.0:
  - o State code 1: Development in a state-controlled road environment.
- The development complies with the assessment benchmarks of State code 1 of SDAP (version 3.0) in that the development:
  - o does not adversely impact the structural integrity or physical condition of the state controlled road.
  - o does not adversely impact the function and efficiency of the state controlled road.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

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## **Attachment 5—Documents referenced in conditions**

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b. Proposed Site Plan

Legend

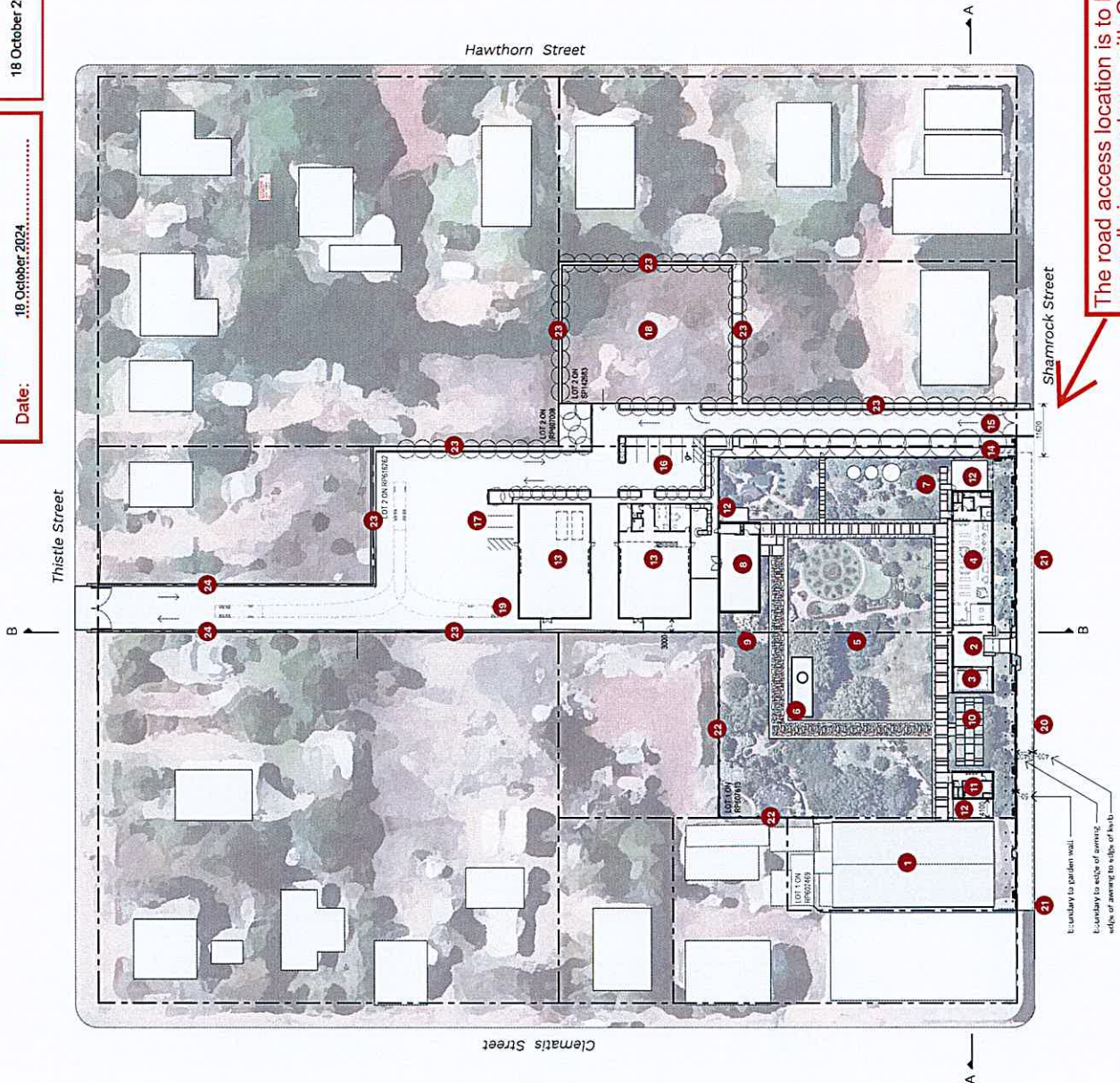
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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2410-42853 SBA  
Date: 18 October 2024

Amended in red by SARA on 18 October 2024



## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

## **Attachment C – Appeal Provisions**

## **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 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.

- (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.

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
1. Development applications For a development application other than an excluded application, an appeal may be made against— <ol style="list-style-type: none"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ol>

**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 applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p><b>2. Change applications</b></p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister or made to the chief executive under section 87A, 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.			

**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)
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</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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	—	—
<b>5. Conversion applications</b> 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	—	—
<b>6. Enforcement notices</b> An appeal may be made against the decision to give an enforcement notice.			

**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 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

**7. Enforcement notices under the *Plumbing and Drainage Act 2018***

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 local government that gave the enforcement notice	—	—

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

**1. Appeals from tribunal**

An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—

- (a) an error or mistake in law on the part of the tribunal; or
- (b) jurisdictional error.

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

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p><b>2. Eligible submitter appeals</b></p> <p>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—</p> <p>(a) any part of the development application or change application 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>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>	<p>Another eligible submitter for the application</p>

**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 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>	<p>Another eligible submitter for the application</p>

**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).

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			

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

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<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 affected area for the registered premises who is dissatisfied with the decision</p> <p>3 If the decision is to amend the registration of premises to include additional land in the affected area for the premises—an owner or occupier of premises within the additional land who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises

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

<b>Table 3</b> <b>Appeals to a tribunal only</b>
<b>1. Building advisory agency appeals</b> An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.

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

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>
<p><b>2. Inspection of building work</b></p> <p>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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p><b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b></p> <p>An appeal may be made against—</p> <p>(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</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, 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.</p>			

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

<b>Table 3</b> <b>Appeals to a tribunal only</b>			
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 an information notice about the decision	The entity that failed to make the decision	—	—