



Our Ref: LM:MF:DA/4127:D20/14118
Your Ref: 1906-11760-SPL

26 May 2020

Core Collective Architects
LongHouse, 6 Evans Street
Hobart Tasmania 7000
Attention: Ryan Strating

Dear Mr Strating

Decision Notice - Approval (with conditions)
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on 11 February 2020.

Applicant details

Applicant name: Core Collective Architects
C/- Ryan Strating

Applicant contact details: LongHouse, 6 Evans Street
Hobart Tasmania 7000

Application details

Application number: DA/4127

Approval sought: Development Permit for a Material Change of Use

Description of the development proposed: Food and Drink Outlet and Short Term Accommodation (4 x Units)

Location details

Street address: 111 Charlotte Street Cooktown

Real property description: Lot 910 on C1793

Decision

Date of Decision: 26 May 2020

Decision Details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Details of the approval

Development Permit Material Change of Use for Food and Drink Outlet and Short Term Accommodation (4 x Units)

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Carrying out Building Works;
2. Plumbing and Drainage Works.

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter	Referral Role
Chief Executive - Department of State Development, Manufacturing, Infrastructure and Planning Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: (07) 07 4048 1111 Email: CairnsSARA@dsmip.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/	Schedule 10, Part 8, Division 2, Subdivision 3, Table 2, Item 1 (10.8.2.3.2.1) – Material Change of Use of premises on a lot adjacent to a Queensland Heritage Place	Concurrence

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in Attachment 1.

Currency period for the approval

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

Lapsing of approval if development started but not completed

Any period required under a development condition.

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*. 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*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (Attachment 2).

For further information please contact Council's Planning Officer Michael Fallon on (07) 4082 0500.

Yours sincerely



Lisa Miller
Manager Planning and Environment
Cook Shire Council

cc: Chief Executive – Department of State Development, Manufacturing, Infrastructure and Planning
Far North Queensland Regional Office
Cairns QLD 4870
Email: CairnsSARA@dsmip.qld.gov.au

enc: **Attachment 1 (Part 1)** – Conditions imposed by the Assessment Manager (Council)

Attachment 1 (Part 2) – Conditions imposed by a Concurrence Agency

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

Attachment 1 (Part 1) – Conditions imposed by the Assessment Manager (Council)

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the following plans submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Cover Page – Core Collective Architects – Lot 910 on C1793, Charlotte Street, Cooktown – Job No.:1813 – DWG No.: A-00 – DA 02 03.2020 Development Application RFI – Date: 03.2020;
 - Site Plan – Existing, Demolition & Excavation – Core Collective Architects – Lot 910 on C1793, Charlotte Street, Cooktown – Job No.:1813 – DWG No.: A-01 – DA 02 03.2020 Development Application RFI – Date: 02.2020;
 - Site Plan – Proposed – Core Collective Architects – Lot 910 on C1793, Charlotte Street, Cooktown – Job No.:1813 – DWG No.: A-02 – DA 02 03.2020 Development Application – Date: 02.2020;
 - Proposed Floor Plan – Lower & Ground Floor – Core Collective Architects – Lot 910 on C1793, Charlotte Street, Cooktown – Job No.:1813 – DWG No.: A-03 – DA 02 03.2020 Development Application RFI – Date: 03.2020;
 - Proposed Floor Plan – Upper Floor – Core Collective Architects – Lot 910 on C1793, Charlotte Street, Cooktown – Job No.:1813 – DWG No.: A-04 – DA 02 03.2020 Development Application RFI – Date: 03.2020;
 - Elevations – Core Collective Architects – Lot 910 on C1793, Charlotte Street, Cooktown – Job No.:1813 – DWG No.: A-05 – DA 02 03.2020 Development Application RFI – Date: 03.2020.

Water Supply

2. The development must be connected to the reticulated water supply at the time of construction at full cost to the applicant.
3. Water service connection for the development must be a minimum of 32mm service.

Sewerage

4. The development must be connected to the reticulated sewerage scheme at the time of construction, at full cost to the applicant. Plans must be submitted for approval by Council's Plumbing Inspector prior to works commencing.

Amenity

5. There shall be no adverse impact on the amenity of the surrounding area by reason of light, nuisance, dust or noise.

Access

6. Access to the proposed development must be from Charlotte Street.

Stormwater

7. Stormwater drainage must be in accordance with the approved plans and be directed to a legal point of discharge.

Electricity

8. The development must be connected to the reticulated electricity supply.

Landscaping

9. Landscaping must be provided as follows:

- Plantings must be in accordance with Council's Landscaping Planning Scheme Policy;
- Landscaped areas must be subject to regular and on-going maintenance, including the timely replacement of damaged or dead plants; and
- Landscaping must enhance the residential amenity of the development.

Refuse Bins

10. Refuse bins must not be stored on the Charlotte Street frontage for any period greater than twenty-four (24) hours.
11. All bins and waste storage areas are to be located on site and screened so as to not be visible from the street or neighbouring properties.

Infrastructure Agreement

12. The applicant must enter into an infrastructure agreement with Council for a car parking contribution prior to the commencement of the use.

Colour Scheme

13. The colour scheme used on the development must be sympathetic to the buildings architectural style and the streetscape generally. Details of the colour scheme to be used must be submitted to Council's Manager Planning and Environment for approval at the time of building application.

Outstanding Charges

14. All rates, service charges, interest and other charges levied on the land are to be paid prior to the certificate of classification.

Infrastructure Charges

15. Infrastructure charges must be paid to Council at the time of building application for the Short Term Accommodation and Food and Drink Outlet use indicated on the Adopted Infrastructure Charges Notice ('Appendix 'B') at the rate applicable at the time of payment.

Public Utilities

16. The developer is responsible for the cost of any alterations to public utilities as a result of complying with the conditions of this approval.

Currency Period

17. The currency period for this development approval is six (6) years. Should the use of the Short Term Accommodation and Food and Drink Outlet not be established within this time, the approval shall lapse.

Environmental Protection

18. The development is to comply with the provisions of the *Environmental Protection Act 1994* in relation to dust, noise, wastewater and any other contaminants that may cause environmental harm or nuisance, particularly during construction activities.

Filling and Excavation

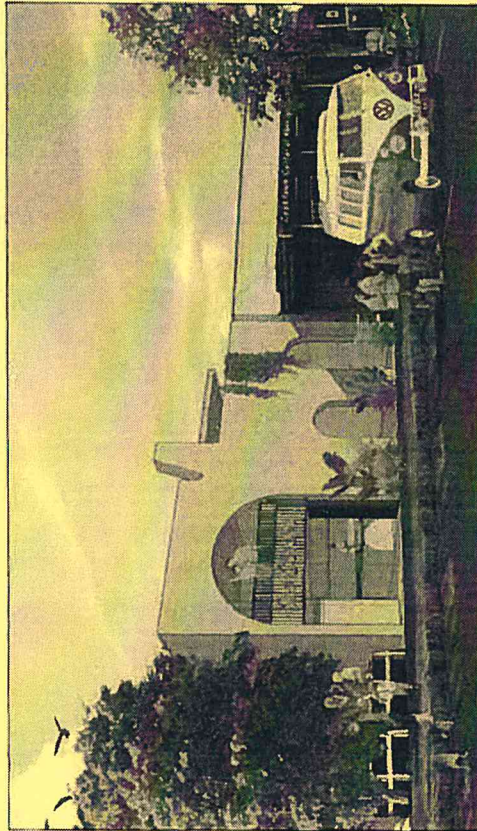
19. Filling and excavation works are to comply with the FNQROC Development Manual.

B. Assessment Manager (Council) Advice

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/Compliance Permit is required for plumbing and drainage works prior to construction of any buildings associated with this development.
2. The applicant/owner must notify Council of their intention to commence the use after acceptance of and compliance with these conditions, or negotiated decisions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
3. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003*, and in particular - 'the duty of care' that it imposes on all landowners.
4. The food business must comply with the *Food Standards Code* and a person must apply for a food business licence before commencement of trade. An application for a licence should be submitted to Council including detailed plans of the proposed layout and fit out of the kitchen and associated activities.

NEW BUILD
Lot 910 ON C1793 Charlotte Street,
Cooktown QLD 4895

DEVELOPMENT APPLICATION



Charlotte Street perspective

OWNERS: MICHAEL MCHAMARA
ARCHITECT: RYAN STRATING CORE COLLECTIVE ARCHITECTS
ACCREDITATION: 0611(LAS)
BUILDING PRACTITIONER: CCK652M
LAND TITLE REFERENCE NUMBER: LOT 910 ON C1793

DRAWING SCHEDULE:

REV	DESCRIPTION
02	A-00 COVER PAGE
02	A-01 SITE PLAN - EXISTING, DEMOLITION & EXCAVATION
02	A-02 SITE PLAN - PROPOSED
02	A-03 PLAN - LOWER & GROUND FLOOR
02	A-04 PLAN - UPPER FLOOR
02	A-05 ELEVATIONS

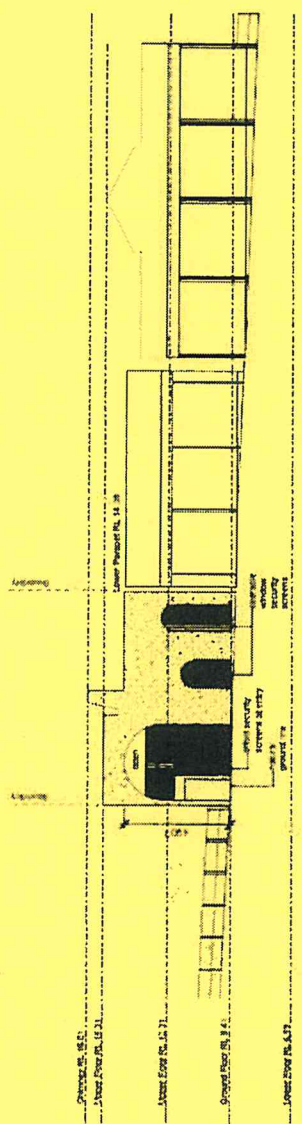
AREA ANALYSIS:

SITE TOTAL AREA	905 m ²
PROPOSED INTERNAL FLOOR AREAS	
GALE	176 m ²
UNITS	229 m ²
POOL	36 m ²
CIRCULATION	82 m ²
TOTAL AREA	483 m²

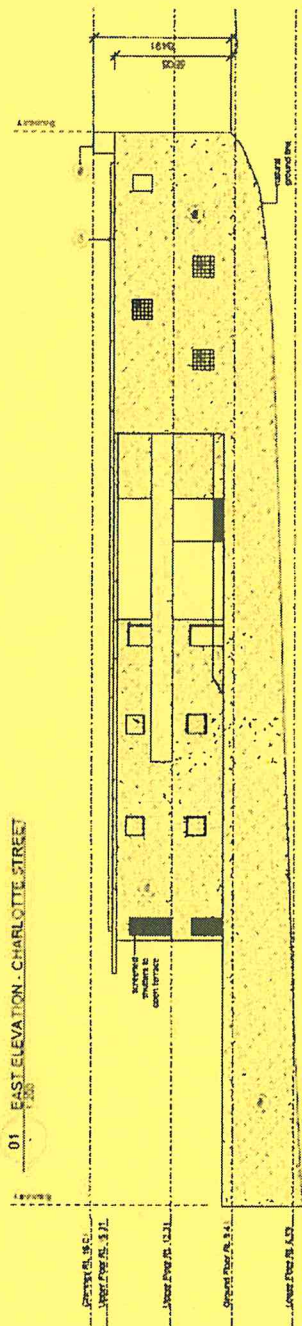
cone collective
 RYAN STRATING 0411 829 823 ryan@conecollective.com.au
 LEVEL 1, 30 ARCADE STREET HOBBART TAS 7000 AHN 83 733 306 779

Lot 910 on C1793, Charlotte Street, Cooktown

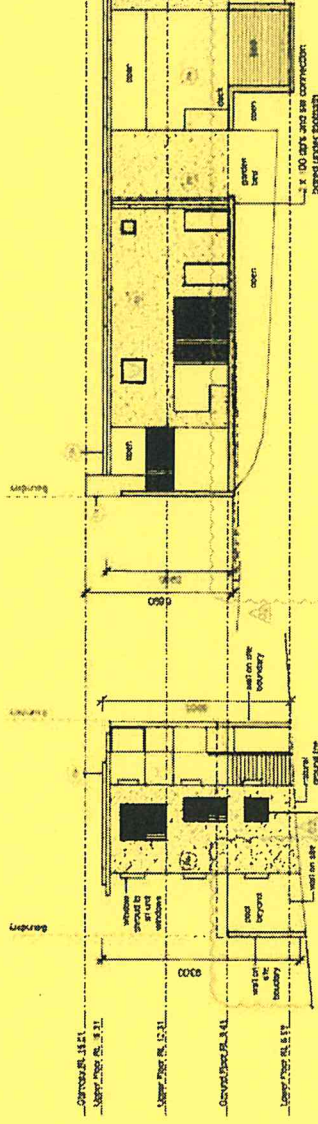
DA	REV	DATE	DESCRIPTION	BY	SCALE	STATUS
DA	02	03/2020	Development Application - RPT		1:100	Issue
DA	01	12/19	Development Application		1:100	Issue



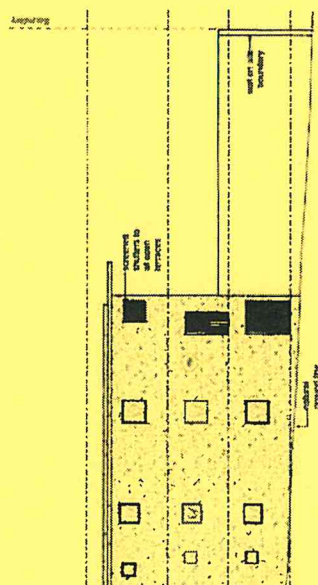
01 EAST ELEVATION - CHARLOTTE STREET
1:200



02 SOUTH ELEVATION
1:200



03 WEST ELEVATION
1:200



04 NORTH ELEVATION
1:200

cone collective
RYAN STRATING 0411 558 503 ryan@conecollective.com.au
LEVEL 1 30 ARGYLE STREET HORRAT 7000 ABN 63 732 306 779

Lot 910 on C1793, Charlotte Street, Cooktown

DA	02	03.2020	Development Application - RPI	date	03.2020	title	03/2020
DA	D1	12.19	Development Application	drawn	EP	scale	1:200
issue	rev no.	date	note	job no	813	comp no	A-415

G Glass
 GP Permeable glass units
 RB Reinforced Blocks
 CO Concrete



Appendix 'B'

Our Ref: LM:MF:DA/4127:D20/13009

26 May 2020

Core Collective Architects
C/- Ryan Strating
LongHouse, 6 Evans St
Hobart Tasmania 7000

Dear Mr Strating

**ADOPTED INFRASTRUCTURE CHARGES NOTICE
DEVELOPMENT APPLICATION DA/4127**

Proposal:	Material Change of Use for a Food and Drink Outlet and Short-term Accommodation (4 x Units)
Applicant:	Core Collective Architects C/- Ryan Strating LongHouse, 6 Evans St Hobart Tasmania 7000
Owner:	Michael McNamara & Robina Sharp
Location of Site:	111 Charlotte Street Cooktown
Real Property Description:	Lot 910 on C1793
Type of Development:	Material Change of Use (Code Assessable)

**ADOPTED INFRASTRUCTURE CHARGES for a Material Change of Use – Short Term
Accommodation (4 x Units):**

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Accommodation Short-Term)	\$750.00 (Water Supply)	Per suite (with 1 or 2 bedrooms)	4	\$3,000.00
Material Change of Use (Accommodation Short-Term)	\$750.00 (Sewerage)	Per suite (with 1 or 2 bedrooms)	4	\$3,000.00
Material Change of Use (Accommodation Short-Term)	\$900.00 (Transport)	Per suite (with 1 or 2 bedrooms)	4	\$3,600.00
Material Change of Use (Accommodation Short-Term)	\$300.00 (Public Parks & Community Land)	Per suite (with 1 or 2 bedrooms)	4	\$1,200.00
Material Change of Use (Accommodation Short-Term)	\$300.00 (Stormwater)	Per suite (with 1 or 2 bedrooms)	4	\$1,200.00
Total Charges				\$12,000.00

ADOPTED INFRASTRUCTURE CHARGES for a Material Change of Use – Food and Drink Outlet:

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Commercial – Retail)	\$16.20 (Water Supply)	\$ per m ² GFA	126m ²	\$2,041.20
Material Change of Use (Commercial – Retail)	\$16.20 (Sewerage)	\$ per m ² GFA	126m ²	\$2,041.20
Material Change of Use (Commercial – Retail)	\$21.60 (Transport)	\$ per m ² GFA	126m ²	\$2,721.60
Material Change of Use (Commercial – Retail)	\$0.00 (Public Parks & Community Land)	\$ per m ² GFA	126m ²	\$0.00
Material Change of Use (Commercial – Retail)	\$3.00 (Stormwater)	\$ per impervious m ²	123.4m ²	\$370.20
Total Charges				\$7,174.20

Credit Calculation:

Development Class	Charge	Unit of Measure	No of Units	Amount of Charge
Residential RAL	\$2,100.00 (Water)	Allotment	1	\$2,100.00
Residential RAL	\$2,100.00 (Sewer)	Allotment	1	\$2,100.00
Residential RAL	\$2,520.00 (Transport)	Allotment	1	\$2,520.00
Residential RAL	\$840.00 (Public Parks & Community Land)	Allotment	1	\$840.00
Residential RAL	\$840.00 (Stormwater)	Allotment	1	\$840.00
Total Credit				\$8,400.00

Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$19,174.20	\$8,400.00	\$10,774.20

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:

Payment of the total infrastructure charge must be made at the time of issuing the certificate of classification.

Payment Details:

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

Adopted Infrastructure Charge is Subject to Price Variation

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Planning Officer Michael Fallon on (07) 4082 0500.

Yours faithfully



Linda Cardew
Chief Executive Officer
Cook Shire Council

Attachment 1 (Part 2) – Conditions imposed by the Concurrence Agency

RA9-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 2002-15470 SRA
Council reference: DA/4127
Applicant reference: 1908-11780-SPL

18 March 2020

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown Qld 4895
mail@cook.qld.gov.au

Attention: Michael Fallon

Dear Sir/Madam

SARA response—111 Charlotte Street, Cooktown – Material Change of Use for Food and Drink Outlet and Short-term Accommodation (Adjacent to Queensland Heritage Place)

(Referral agency response given under section 58 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 26 February 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	18 March 2020
Advice:	Advice to the applicant is in Attachment 1.
Reasons:	The reasons for the referral agency response are in Attachment 2.

Development details

Description:	Development permit	Material Change of Use for Food and Drink Outlet and Short-Term Accommodation (4 x Units)
SARA role:	Referral Agency.	

Page 1 of 5

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street Cairns
PO Box 2358, Cairns QLD 4870

SARA trigger: Schedule 10, Part 8, Division 2, Subdivision 3, Table 2 (Planning Regulation 2017) – Material change of use of premises adjoining a Queensland heritage place (Early Granite Kerbing and Channelling)

SARA reference: 2002-15470 SRA

Assessment Manager: Cook Shire Council

Street address: 111 Charlotte Street, Cooktown

Real property description: Lot 910 on C1793

Applicant name: Core Collective Architects

Applicant contact details: 6 Evans Street, Macquarie Point
Hobart TAS 7000
ryan@corecollective.com.au

Representations

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 3.

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

For further information please contact Anthony Westbury, Planning Officer, on 0740373215 or via email CaimsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Core Collective Architects, ryan@corecollective.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
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) [v2.6]. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 50(7) of the *Planning Act 2016*)

- The department carried out an assessment of the development application against the State Development and Assessment Provisions (SDAP), State Code 14: Queensland heritage, and has found that the proposed development complies with the relevant assessment benchmarks as follows:
 - There is currently no constructed vehicle access at the kerb and no vehicle access is proposed.
 - Works within the road reserve are limited to widening the existing footpath to the site boundary, with the heritage kerb and channel remaining untouched by the development.
 - The new building does not intrude into or over-hang the kerbing and channeling, and will not have a detrimental impact on the cultural heritage significance of the Qld heritage place.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- The *State Development Assessment Provisions* (version [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 3—Change representation provisions

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding representations about a referral agency response (concurrency).

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency 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 concurrency 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 concurrency 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.²
- 28.3. A concurrency 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 concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency 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 concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

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

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.³

³ 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.

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

- (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

(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—

-
- (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.

- (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.
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- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
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- (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.

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.

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.

Schedule 1

- (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 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— <ul style="list-style-type: none">(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.

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	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change 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)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
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>(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"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect 'use category', under a regulation, to the development <p>(ii) the working out of extra demand, for section 120; or</p> <p>(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&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.</p>			
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	—	—
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
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

<p align="center">Table 2 Appeals to the P&E Court only</p>			
<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
<p>Column 1 Appellant</p>	<p>Column 2 Respondent</p>	<p>Column 3 Co-respondent (if any)</p>	<p>Column 4 Co-respondent by election (if any)</p>
<p>A party to the proceedings for the decision</p>	<p>The other party to the proceedings for the decision</p>	<p>—</p>	<p>—</p>
<p>2. Eligible submitter appeals</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>			
<p>Column 1 Appellant</p>	<p>Column 2 Respondent</p>	<p>Column 3 Co-respondent (if any)</p>	<p>Column 4 Co-respondent by election (if any)</p>
<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			
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>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—</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>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>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

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 person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

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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 person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
<p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<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 align="center">Table 3 Appeals to a tribunal only</p>			
<p>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.</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>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> 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>			
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	—	—
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			

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 person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, 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.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—

