

Our Ref: LM:MF:DA/4162:D20/14173
Your Ref: M3-20

27 May 2020

RM & CM Fitzgerald
C/- U&i Town Plan
PO Box 426
Cooktown QLD 4895
Attention: Ramon Samanes

Dear Mr Samanes

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 18 March 2020.

Applicant details

Applicant name: RM & CM Fitzgerald
C/- U&i Town Plan

Applicant contact details: U&i Town Plan
PO Box 426
Cooktown QLD 4895

Application details

Application number: DA/4162

Approval sought: Development Permit for a Material Change of Use

Description of the development proposed: Non-resident Workforce Accommodation (1 Unit)

Location details

Street address: Peninsula Development Road Lakeland

Real property description: Lot 10 on SP254684

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 a Non-resident Workforce Accommodation (1 Unit)

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.

Properly made submissions

Not applicable - no part of the application required public notification.

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@dsgmip.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors (material change of use).	Concurrence

Approved plans and specifications

Copies of the approved 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 be 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@dsgmip.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*).

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the following plans (Appendix 'A') submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Proposed Site Plan – Non-resident Workforce Accommodation (1 Unit) – Lot 10 on SP254684;
 - Site Plan, General Notes, etc. – Job No. 920662 Sheet No. 1 – Certified by KFB Engineers – Dated 08.08.2019;
 - Elevations, Notes, etc. – Job No. 920662 Sheet No. 2 – Certified by KFB Engineers – Dated 08.08.2019;
 - General Arrangement Plan, Notes, etc. – Job No. 920662 Sheet No. 3 – Certified by KFB Engineers – Dated 08.08.2019;
 - Section A, Details, Notes, etc. – Job No. 920662 Sheet No. 4 – Certified by KFB Engineers – Dated 08.08.2019;
 - Section B, Details, Notes, etc. – Job No. 920662 Sheet No. 5 – Certified by KFB Engineers – Dated 08.08.2019;
 - Footing Plan, Details, Notes, etc. – Job No. 920662 Sheet No. 6 – Certified by KFB Engineers – Dated 08.08.2019;
 - Roof Framing Plan, Details, Notes, etc. – Job No. 920662 Sheet No.7 – Certified by KFB Engineers – Dated 08.08.2019;
 - Roof Framing Plan, Details, Notes, etc. – Job No. 920662 Sheet No. 8 – Certified by KFB Engineers – Dated 08.08.2019.

Access

2. The road access location is to be located generally in accordance with TMR Layout Plan (90B – 23.03km), prepared by Queensland Government Transport and Main Roads, dated 30/04/2020, Reference TMR20-29841(500-248) and Issue A.

Internal Driveway

3. The internal driveway must be located as per the approved Proposed Site Plan – Non-resident Workforce Accommodation (1 Unit) – Lot 10 on SP254684.

Water Supply

4. A potable water supply must be provided to the property at the time of the issue of the building approval. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of water supply is available within the allotment, the Applicant can provide certified evidence as to water flow rates and the water quality of bore water or other supply to eliminate or reduce the requirement of on-site water storage.

Effluent Disposal

5. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – ‘On-site domestic wastewater management’. Details must be provided at the time of lodgement of a Plumbing and Building application.

Electricity

6. The proposed development must be connected to reticulated electricity at the time of building application. If the development is proposed to be connected to another means of electricity supply, details of this supply must be provided for Council approval at the time of building application.

Amenity

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

Fire Management

8. The development must be maintained at all times to a standard so as not to create a fire hazard.

Stormwater

9. Stormwater must be directed to a legal point of discharge.

Environmental Protection

10. During the construction stage of the dwelling house, the Applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Erosion Protection

11. The development site must be landscape with appropriate native trees and shrubs to prevent erosion and silt runoff from the site once construction of the dwelling house is complete.

Public Utilities

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

Compliance

13. All relevant conditions of this development permit must be complied with prior to the use commencing.

Currency Period

14. The currency period for this Development Approval is six (6) years. Should the use not be established within this time, the approval shall lapse.

Outstanding Charges

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

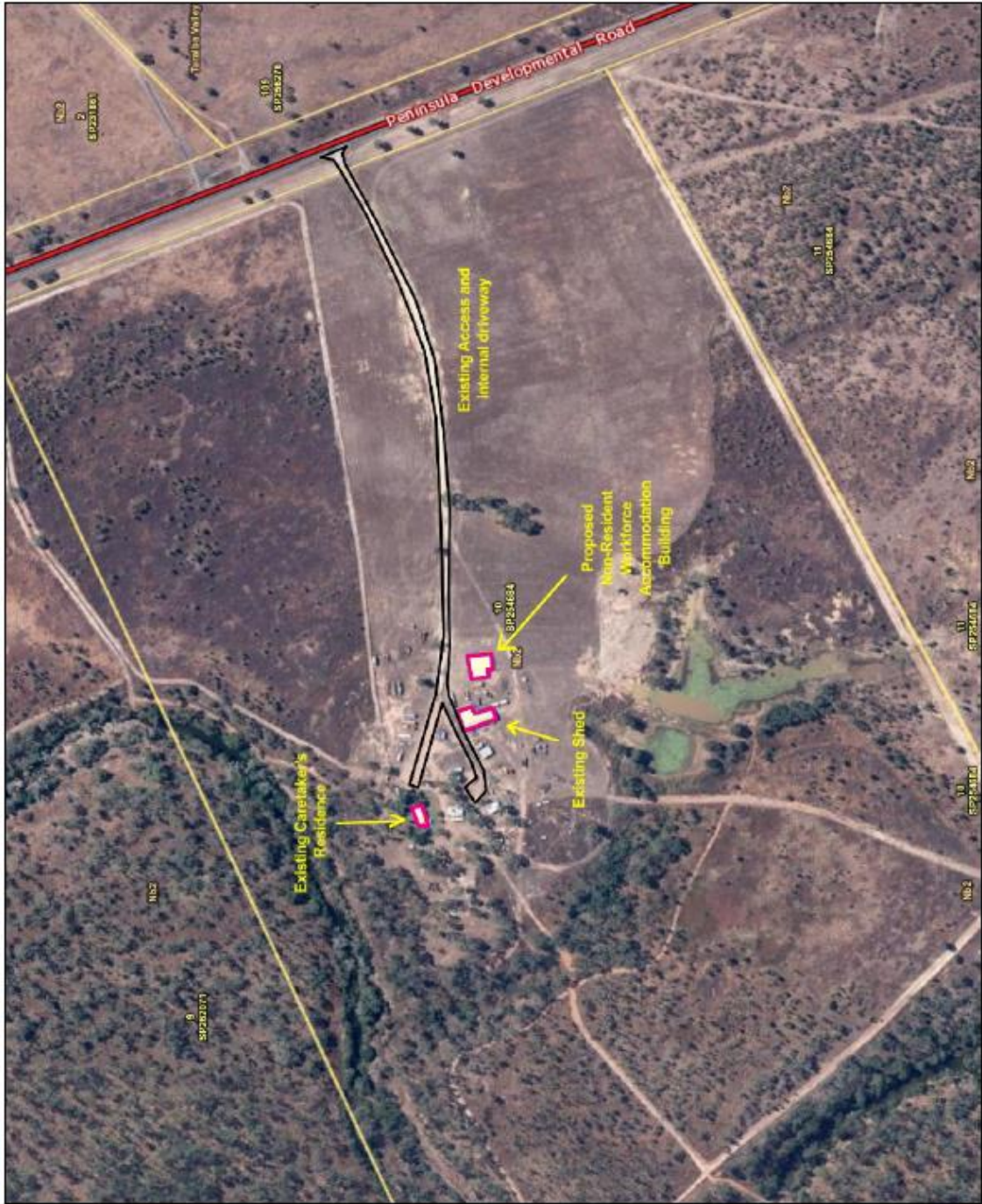
A. Assessment Manager (Council) Advice

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.

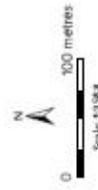
Proposed Site Plan - Non-resident Workforce Accommodation (1 unit)

Lot 10 on SP254684 (drawing 1.0)

A product of
Queensland Globe



Legend located on next page



Printed at A3
 Date: 9/12/2019
 Projection: Web Mercator (EPSG:3857)
 For more information, visit: <http://digital.qld.gov.au/infocentre>

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Queensland Government
 Department of Natural Resources, Mines and Energy

INTERMEDIATE PROTECTION NOTE
PROTECTION OF STRUCTURAL ELEMENTS
FROM SUBTERRANEAN SERVICES

THE BUILDER IS TO ADVISE THE LOCAL AUTHORITY & OWNER OF THE PROPOSED METHOD OF PROTECTION IN ACCORDANCE WITH A.S.3386.1 ON A L.A. ADOPTED OPTION.
 IF NO ADVICE IS GIVEN THE SYSTEM OF PROTECTION SHALL BE:
 - ABSENCE OF SUSCEPTIBLE STRUCTURAL ELEMENTS.
 - A.S. 1584 "VISUAL BARRIERS"
 AT LEAST ONE (1) DURABLE NOTICE GIVING SUCH ADVICE & MAINTENANCE REQUIREMENTS MUST BE PERMANENTLY KEPT IN THE ASSET MANAGEMENT BUILDING FILE.
 SUCH AS INSIDE THE ELECTRICITY METER BOX.

GENERAL NOTES

- WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE WORKPLACE HEALTH & SAFETY ACT & THE CONDITIONS & BY-LAWS OF THE LOCAL AUTHORITY.
- RETENTIONED DOCUMENTS MAKING UP PART OF THESE DRAWINGS
 - A.S.2070 RESIDENTIAL FOOTINGS AND SLABS
 - S¹ SOIL CLASSIFICATION - HISTORICAL
 - BUILDING CODE OF AUSTRALIA - BOARD16 Volume 2
 - SHIP Building & Material Products - "Technical Data"
- MATERIALS & WORKMANSHIP SHALL BE NEW & IN GOOD ORDER & COMPLY WITH RELEVANT STATE & LOCAL AUTHORITY BUILDING REGULATIONS.
- ELECTRIC LIGHTING & POWER INSTALLATION SHALL BE CARRIED OUT BY A QUALIFIED LICENSED ELECTRICAL CONTRACTOR.
- ROOF SHEETING SHALL BE FIXED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS TO CONFORM WITH THE DESIGN WIND SPEED BELOW.

Verify Dimensions & Levels on site before commencing work.
 Use figured dimensions - DO NOT SCALE
 If in doubt ASK.

CERTIFIED AS STRUCTURALLY ADEQUATE

KPB Engineers **CH & Structural**
 10/1000 St. Johns Rd. Unit 101, Lakeside QLD 4207
 1300 733 333 | 07 5530 1111 | info@kpbengineers.com.au

Date: 08/07/19 Signed: [Signature] REFC: REC 07115
 Job No: K-02054

08.08.19 Issue for ENGINEERING CERTIFICATION
 15.07.19 Issue for ENGINEERING CHECK

DATE SUBJECT

AMENDMENTS

QUESTON DESIGN

10/1000 St. Johns Rd. Unit 101, Lakeside QLD 4207
 1300 733 333 | 07 5530 1111 | info@queston.com.au
 ABN: 44 711 711 485

building designers
 association of
 Queensland Inc.
lo11
 CHARTERED MEMBER

Robert EDWARDS (Asst.Chp.-Ch.Eng.)
 Ch.M. B.S.A. Queensland
 BSA Eco-Design Smart Building Designer
 QUALIFIED "GREENSMART" PROFESSIONAL
 Q.B.S.A. Lic. No. 081176
 Building Design - Medium Rise

EX. UNAPPROVED DWELLING

As Constructed & Upgrading
 Peninsula Development Rd
 Lot 10 on SP254684
 via Lakeland

COOK SHIRE COUNCIL

SITE PLAN, GENERAL NOTES, etc.

CLIENT

Jerome Builders qbcc Lic. # 17200
 for Jack & Cheryl Fitzgerald

JOB No. 920662
 SHEET No. 1

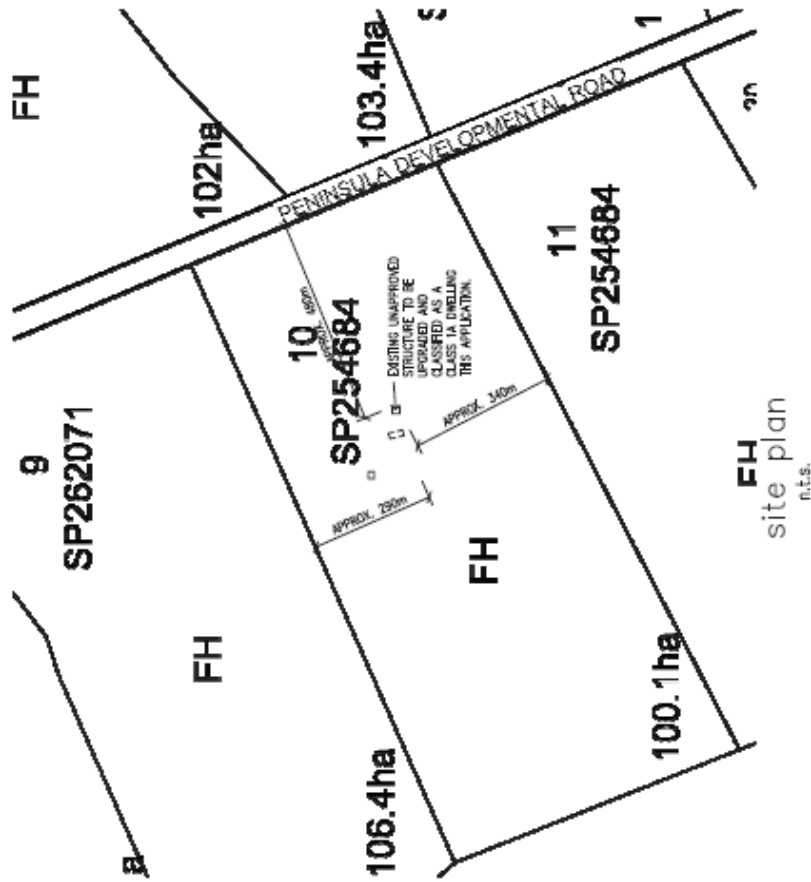
WIND CLASSIFICATION
 DESIGN WIND SPEED, DETERMINED IN ACCORDANCE WITH A.S. 4055-2012 "Wind loads for housing"

Geographic Region	Terrain Category	Shielding Classification	Topographic Classification
B	T02	NS	T0

W41N/N3

DRAWING INDEX

- SHT. No. DESCRIPTION**
- 1 SITE PLAN, GENERAL NOTES, etc.
 - 2 ELEMENTS, NOTES, etc.
 - 3 GENERAL ARRANGEMENT PLAN, NOTES, etc.
 - 4 SECTION A, NOTES, DETAILS, etc.
 - 5 SECTION B, NOTES, DETAILS, etc.
 - 6 FOOTING PLAN, DETAILS, NOTES, etc.
 - 7 FLOOR FRAMING PLAN, DETAILS, NOTES, etc.
 - 8 ROOF FRAMING PLAN, DETAILS, NOTES, etc.
 - 9 PLUMBING PLAN, NOTES, etc.
 - 10 ELECTRICAL PLAN, ENERGY EFFICIENCY NOTES, etc.



ROOF SHEET NOTES

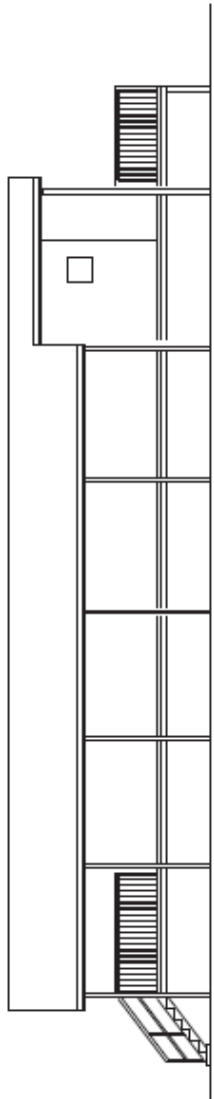
The roofing shall be 0.42 mm BWP aluminium corrugated in accordance with AS 1387 in situ. Standing Seam shall be protected steel sheet to AS 1387 with a minimum yield stress of 550MPa (Grade 650) and an AZ150 zinc-aluminium coating.

The sheeting shall be crest fixed to the purlins with No.12x45mm Hex. Head, self drilling, self tapping screws with Neoprene washers (4 fasteners/sheet) in accordance with Australian Standard AS3386, Class 3, shall be used at every rib, at every support with side lap spacers provided at rib span 7' required.

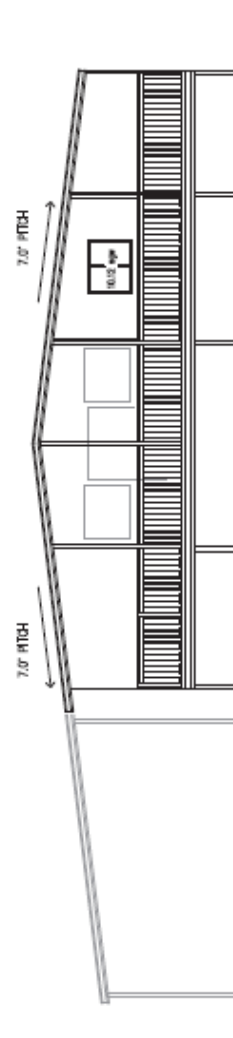
Sheets shall be laid in such a manner that the approved side lap forces away from the prevailing weather. A minimum of 25mm shall be provided for projection into gutters. The eaves shall be finished with a minimum of 150mm overhang.

All sheeting shall be fixed in a weather like manner, leaving the job clean and weathertight. Repair metal fasteners with touch-up paint supplied by the roof manufacturer.

All details (nuts, screws, corrugs, flaps etc.) shall be cleaned off daily.



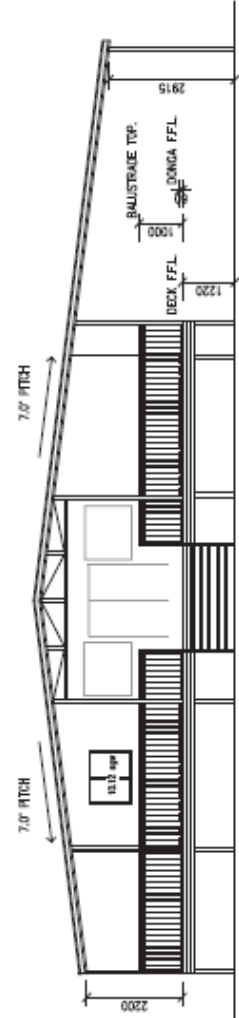
ELEVATION 4 (Western)



ELEVATION 3 (Southern)



ELEVATION 2 (Eastern)



ELEVATION 1 (Northern)

elevations
1:100

OTHER EXIST BALUSTRADE IS TO BE RAISED 100mm OF TOP PLATE ADDED TO COMPLY. MIN HEIGHT 1000mm

CERTIFIED AS STRUCTURALLY ADEQUATE

KFB Engineers civil & structural
15002 Penna St, Cairns QLD 4870
P: 07 4033000 | M: 07 4033000 | E: info@kfbengineers.com.au

Date: 08.06.19 08:00 AM RPSID No: 27113
Job No: 14-0204 RPSID No: 27113

08.06.19	Issue for ENGINEERING CERTIFICATION
15.07.19	Issue for ENGINEERING CHECK
DATE	SUBJECT

AMENDMENTS

Robert EDWARDS (Asst.Dip.Civ.Eng.)
Ch.M. B.O.A. Queensland
BDA Eco-Design Smart Building Designer
QUALIFIED "GREENSMART" PROFESSIONAL
Q.B.S.A. Lic. No. 081176
Building Design - Medium Rise

EX. UNAPPROVED DWELLING

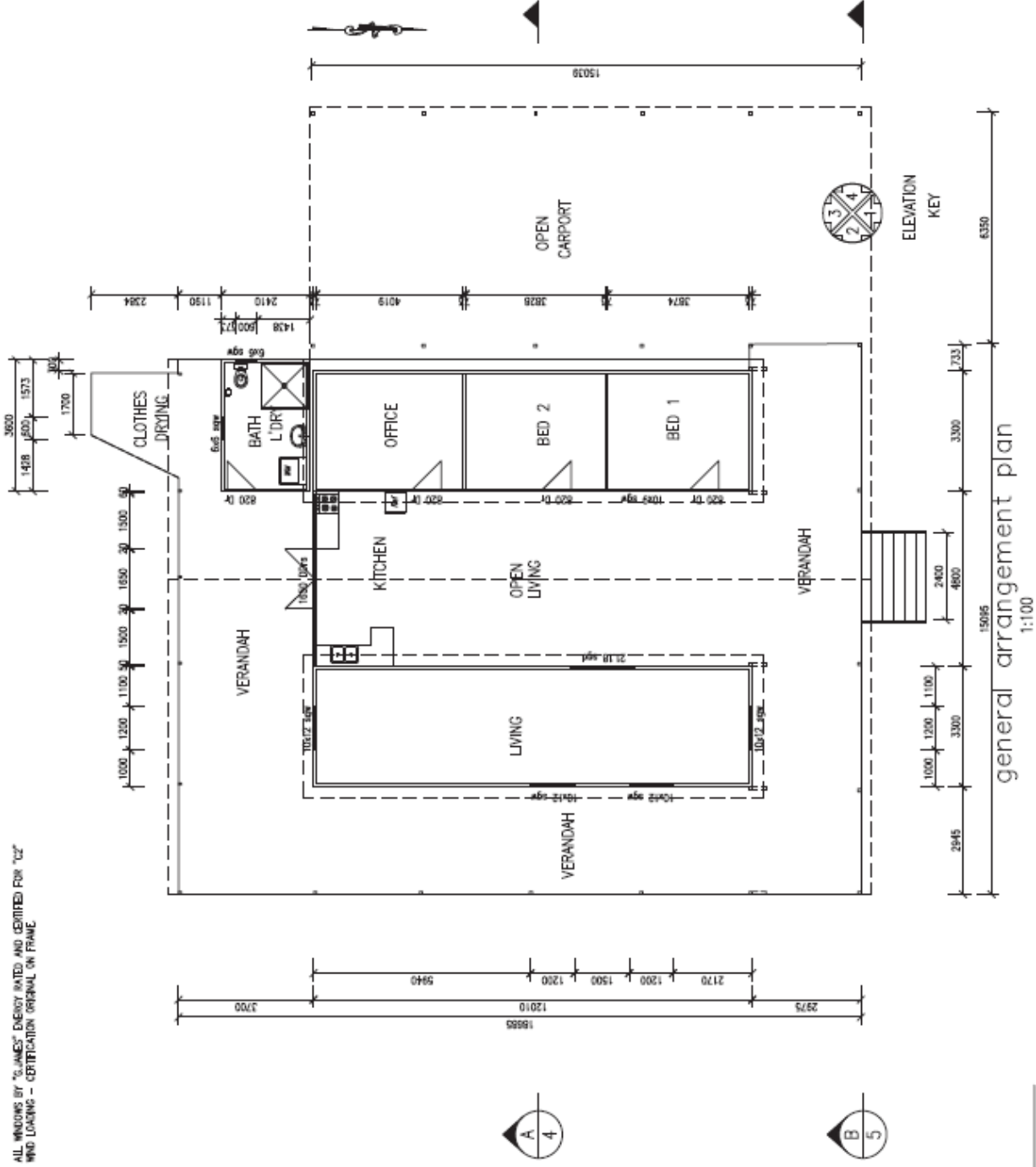
As Constructed & Upgrading
Peninsula Development Rd
Lot 10 on SP254684
via Lakelands

COOK SHIRE COUNCIL
ELEVATIONS, NOTES, etc.

CLIENT
Jerome Builders qboc Lic. # 17200
for Jack & Cheryl Fitzgerald

JOB No. 920662
SHEET No. 2

ALL WINDOWS BY "GLIMEX" ENERGY RATED, AND CERTIFIED FOR "U2" AND LOADING - CERTIFICATION ORIGINAL ON FRAME



STAIR/BALUSTRADE NOTES

REDS	GOINGS	QUANTITY
(mm)	(2RH-G)	
MAX. MIN.	MAX. MIN.	MAX. MIN.
190 115	355 240	700 550

REFER SECTION 3.9.1 "STAR CONSTRUCTION" OF THE B.C.A. Volume 2

REDS & GOING DIMENSIONS TO BE CONSTANT TRENDS TO HAVE NON-SLIP FINISH OR STRIP NEAR EDGE OF NOSINGS.

BALUSTRADE 100mm MIN. HEIGHT

SLAT SPACING 125mm MAX.

BOTTOM RAIL 125mm MAX. ABOVE DECK.

200mm MIN. HEAD CLEARANCE

TRENDS SPAN 800 (EYR) 38mm F11

STRINGER 22x65 F11 HAUSING 15mm

HORIZONTAL 70x70 F11

CERTIFIED AS STRUCTURALLY ADEQUATE

KFB Engineers
 15/45 Penn St, Suite 1105, PO Box 8119
 4117 Adelaide | Tel: 08 8341 1111 | www.kfbengineers.com.au

Date: 03/01/19
 Job No: K-6384
 Project No: 0711

[Signature]

DATE	SUBJECT
08.08.19	Issue for ENGINEERING CERTIFICATION
15.07.19	Issue for ENGINEERING CHECK

AMENDMENTS

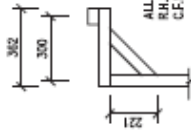
Robert EDWARDS (Asst.Pr.Ch.Eng.)
 Ch.M. B.D.A. Queensland
 BQA Eco-Design Smart Building Designer
 QUALIFIED "GREENSMART" PROFESSIONAL
 O.B.S.A. Lic. No. 081176
 Building Design - Medium Rise

EX. UNAPPROVED DWELLING
 As Constructed & Upgrading
 Peninsula Development Rd
 Lot 10 on SP254684
 via Lakeland

COOK SHIRE COUNCIL
 GENERAL ARRANGEMENT PLAN,
 NOTES, etc.
 CLIENT
 Jerome Builders qbcc Lic. # 17200
 for Jack & Cheryl Fitzgerald

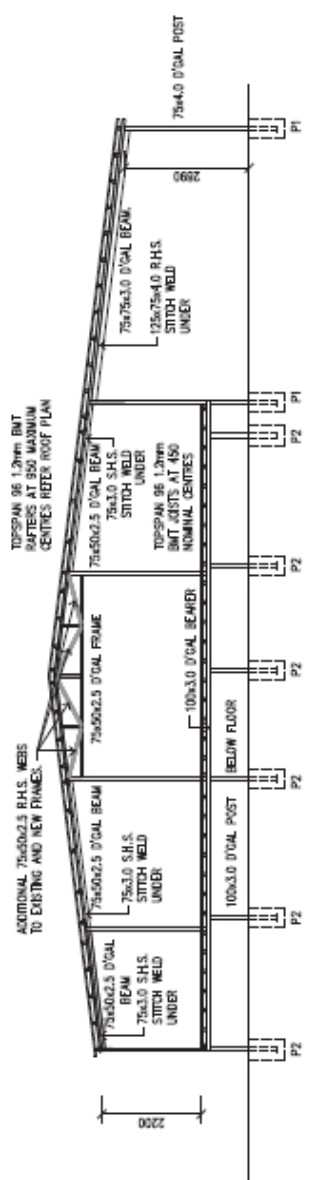
JOB No. 920662
 SHEET No. 3

general arrangement plan
 1:100

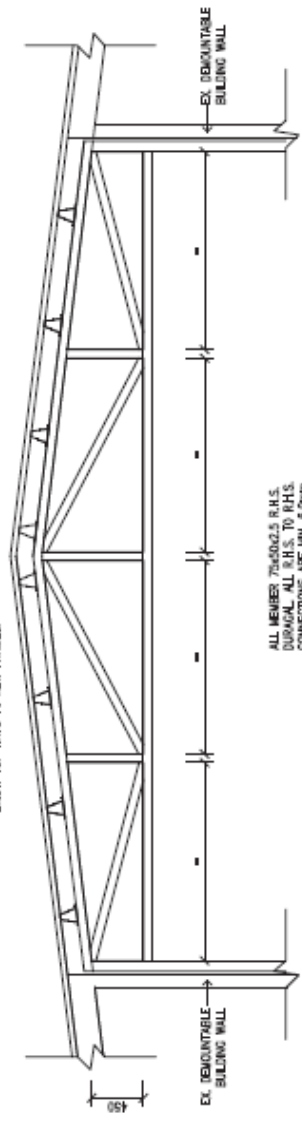


ALL MEMBERS 75x30x2.5 D'GAL
R.H.S. FULL PERIMETER 6.0mm
C.F.W. STOUT AT 45°

offset beam detail
1:20



section B
1:100



ALL MEMBER 75x30x2.5 R.H.S.
DIAGONAL ALL R.H.S. TO R.H.S.
CONNECTIONS ARE MIN 6.0mm
C.F.W. ALONG CONTACTING EDGES.
ALL WELDS WIRE BRUSH CLEAN
AND COOL ONLY. PAINTED.

detail "FB2"
1:25
NEW FRAMES

CERTIFIED AS STRUCTURALLY ADEQUATE

KFB Engineers **CH & Structural**
15000 Pennant Hills | PO Box 477, Callaghan NSW
1500 Australia | Tel: 02 9088 8888 | Email: info@kfb.com.au

Date: 08/08/19
Job No: 1470304
Spec No: 0711

08/08/19	Issue for ENGINEERING CERTIFICATION
15/07/19	Issue for ENGINEERING CHECK
DATE	SUBJECT

AMENDMENTS

Robert EDWARDS (Asst.Pr.Ch.Eng.)
Ch.M. B.D.A. Queensland
BGA Eco-Design Smart Building Designer
QUALIFIED "GREENSMART" PROFESSIONAL
O.B.S.A. Lic. No. 081176
Building Design - Medium Rise

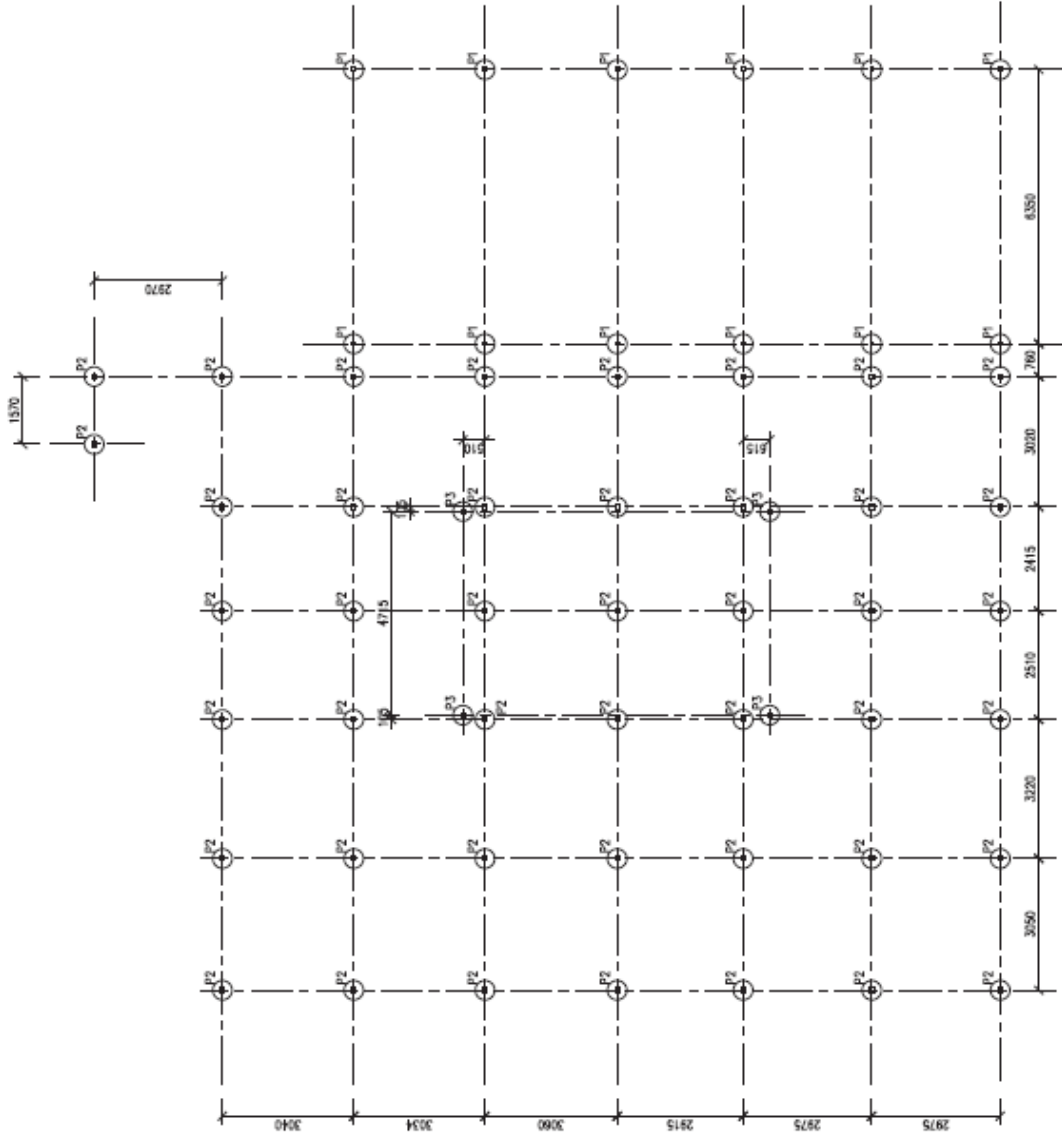
EX. UNAPPROVED DWELLING
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Lot 10 on SP254684
via Lakeland

COOK SHIRE COUNCIL
SECTION B, DETAILS, NOTES, etc.
CLIENT
Jerome Builders qbcc Lic. # 17200
for Jack & Cheryl Fitzgerald

JOB No. 920662
SHEET No. 5

FOOTING KEY

- FOOTING "F1" EXCAVATION 800mm MIN. DEEP x450# 75x25x4.0 D'GAL POST CAST IN 650mm MIN. WTH 90x150x8.0PL BASE PLATE C.F.W. TO BASE.
- FOOTING "F2" EXCAVATION 800mm MIN. DEEP x450# 100x100x4.0 D'GAL POST CAST IN 650mm MIN. WTH 110x150x8.0PL BASE PLATE C.F.W. TO BASE.
- FOOTING "F3" EXCAVATION 900mm MIN. DEEP x450# 75x25x4.0 D'GAL POST CAST IN 750mm MIN. WTH 90x150x8.0PL BASE PLATE C.F.W. TO BASE. NEW INSTALLATION. ACTUAL LOCATION TO BE DETERMINED OFF EXISTING STRUCTURES. POSTS LOCATED ADJACENT TO THE EXTERNAL WALLS OF THE OBVIOUSLY EXISTING AND CLEAR OF OPENINGS IN THOSE WALLS. MAX. 360 FROM THE NEXT FRAME ROOF SUPPORT.



footings plan
1:100

as constructed form site measurements – sample footings excavated

CERTIFIED AS STRUCTURALLY ADEQUATE
 **KFB Engineers** CIVIL & STRUCTURAL
 100/100/4.0 D'GAL POST CAST IN 650mm MIN. WTH 90x150x8.0PL BASE PLATE C.F.W. TO BASE.
 Date: 08/10/19 Signed: [Signature] REVIC. No.: 0711

08.08.19	Issue for ENGINEERING CERTIFICATION
15.07.19	Issue for ENGINEERING CHECK
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AMENDMENTS
 Robert EDWARDS (Asst.Chp.Ch.Eng.)
 Ch.M. B.D.A. Queensland
 BQA Eco-Design Smart Building Designer
 QUALIFIED "GREENSMART" PROFESSIONAL
 O.B.S.A. Lic. No. 081176
 Building Design – Medium Rise

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 via Lakeland
 COOK SHIRE COUNCIL
 FOOTING PLAN, DETAILS,
 NOTES, etc.
 CLIENT
 Jerome Builders qbcc Lic. # 17200
 for Jack & Cheryl Fitzgerald

JOB No. **920662**
 SHEET No. **6**

CONNECTION KEY (U.N.O.)

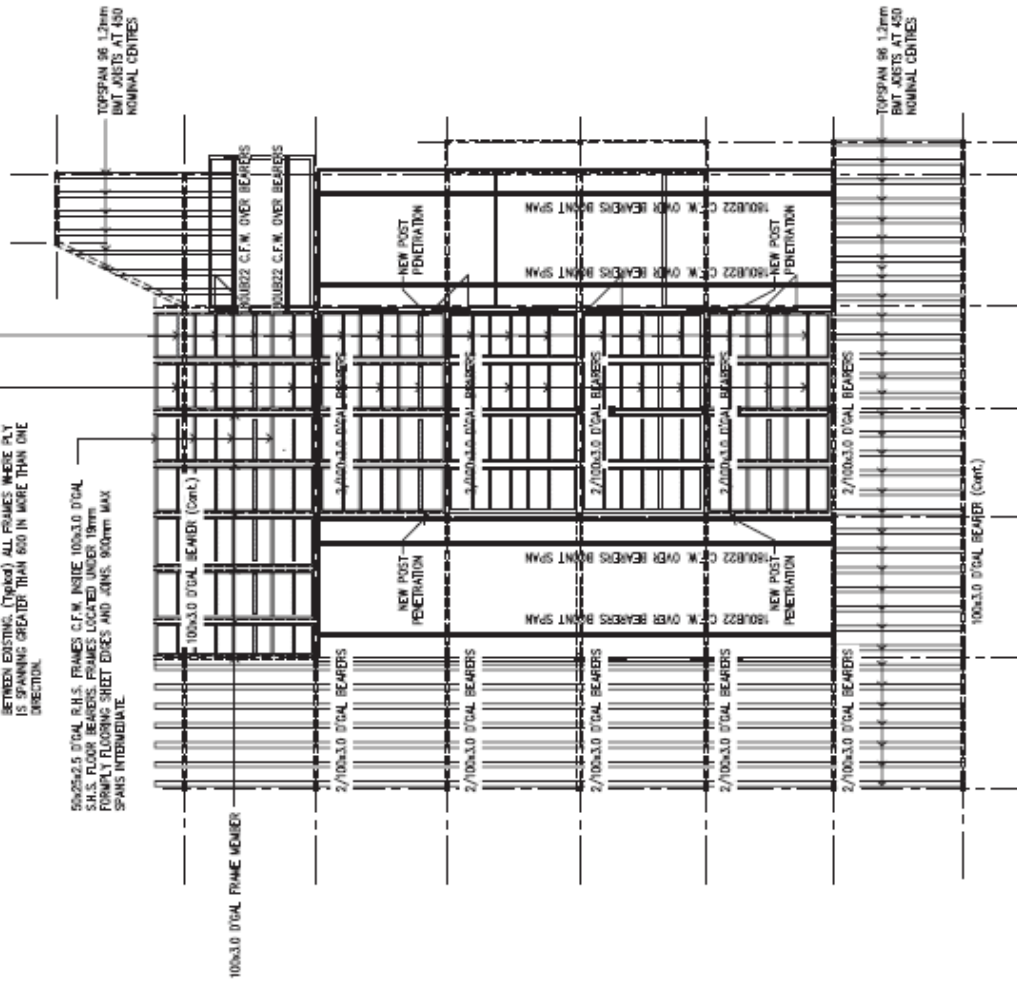
ALL S.H.S. TO SRS AND UB CONNECTIONS ARE MIN. 200mm C.F.W. ALONG CONTACTING EDGES. ALL WELDS CLEAN AND COLD GALV. PAINTED.

TOPSPAN TO S.H.S. MIN. TWO (2) ϕ 14x100mm HEX HEAD SELF DRILLING SCREWS.

NEW POST PENETRATIONS - PRE-WARE EXCAVATION, 450x450x600mm DEEP, C.F.W. 75x4.0 D'GAL POST UNDER EXIST. 100x3.0 BEAMER WITH BASE PLATE ATTACHED AND GALVANIZED, 100 CONCRETE FILL EXCAVATION, ALLOW 7 DAYS CURING, C.F.W. NEW FRAME SUPPORT POST OVER EXIST. 100x3.0 BEAMER AND COLD GALV. WELD.

THE MAXIMUM SPAN FOR 19mm PLY IS 600mm. ADDITIONAL 50x25x2.5 D'GAL FRAMES WELDED BETWEEN EXISTING. (Typed) ALL FRAMES WHERE PLY IS SPANNING GREATER THAN 600 IN MORE THAN ONE DIRECTION.

50x25x2.5 D'GAL S.H.S. FRAMES C.F.W. INSIDE 100x3.0 D'GAL S.H.S. FLOOR BEAMERS. FRAMES LOCATED UNDER 19mm FORMPLY FLOORING SHEET EDGES AND JOINS. 900mm MAX SPANS INTERMEDIATE.



floor framing plan
1:100

CERTIFIED AS STRUCTURALLY ADEQUATE

KPB Engineers certified structural
150-47 Jones St. Unit 1, PO Box 807, Glenfield, NSW 1511 Australia | 151 555 5555 | www.kpb.com.au

Date: 08/11/19 signed: [Signature] RFECS No.: 0711

DATE	ISSUE FOR ENGINEERING CERTIFICATION	SUBJECT
08.08.19	Issue for ENGINEERING CERTIFICATION	
15.07.19	Issue for ENGINEERING CHECK	

AMENDMENTS

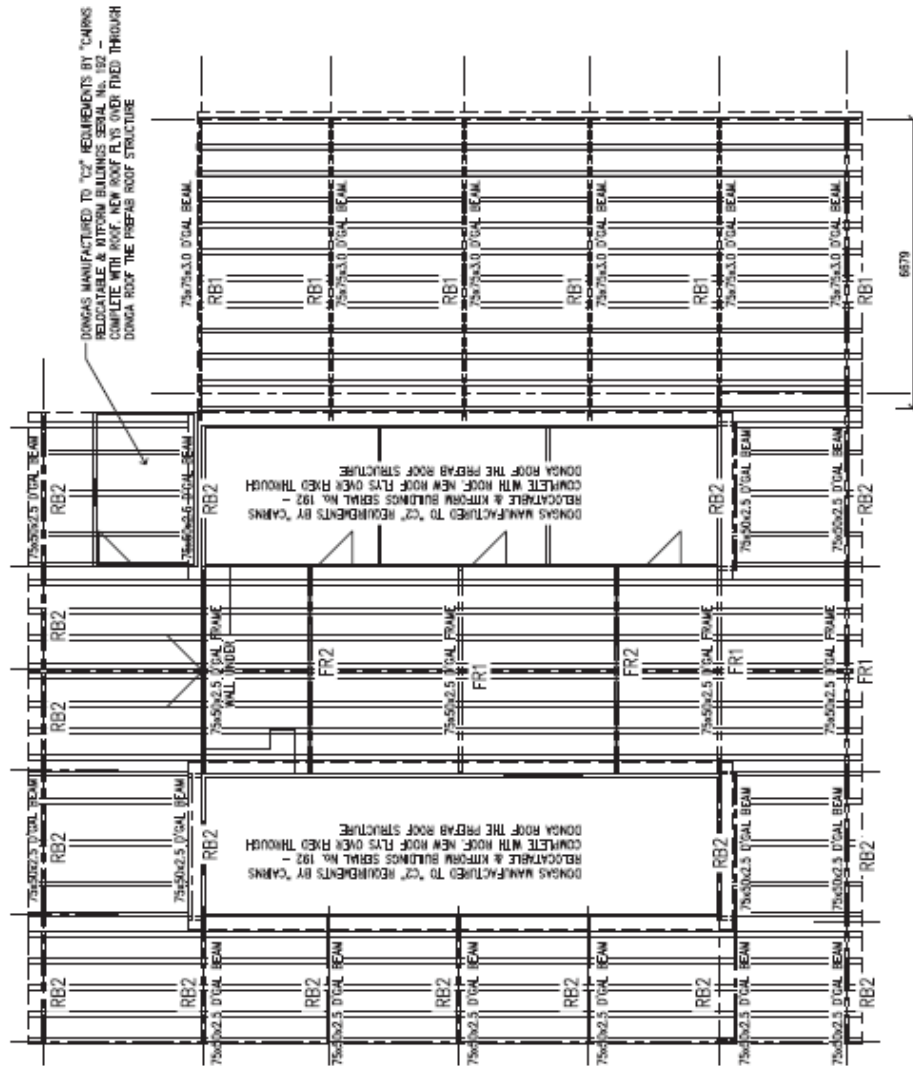
Robert EDWARDS (Asst.Pr.Ch.Eng.)
Ch.M. B.D.A. Queensland
BCA Eco-Design Smart Building Designer
QUALIFIED "GREENSMART" PROFESSIONAL
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Building Design - Medium Rise

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COOK SHIRE COUNCIL
ROOF FRAMING PLAN, DETAILS,
NOTES, etc.
CLIENT
Jerome Builders qbcc Lic. # 17200
for Jack & Cheryl Fitzgerald

JOB No. 920662
SHEET No. 7

CONNECTION KEY (U.N.O.)

ALL S.H.S. TO R.H.S. OR S.H.S. CONNECTIONS ARE PERMITTED C.F.W. ALONG CONTACTING EDGES. ALL WELDS CLEAN AND COOL D.G.V. PAINTED. TOPSPAN TO S.H.S. MIN. TWO (2) #4x100x2mm HEX HEAD SELF DRILLING SCREWS.



ROOF MEMBER UPGRADING KEY (U.N.O.)

- RB1 - 125x75x3.0 S'GAL R.H.S. ROOF BEAMER (WITH WELDED) (WELD 300 MISS 300) UNDER EXISTING 75x3.0 D'GAL ROOF BEAM. WIRE BRUSH AND CLEAN ALL WELDS AND COOL D.G.V. PAINT.
- RB2 - 75x75x3.0 S'GAL S.H.S. ROOF BEAMER (WITH WELDED) (WELD 300 MISS 300) UNDER EXISTING 75x3.0 D'GAL ROOF BEAM. WIRE BRUSH AND CLEAN ALL WELDS AND COOL D.G.V. PAINT.
- FR1 - AUGMENT EXISTING FRAMES BY WELDING 75x50x2.5 D'GAL WELDS INSIDE EXISTING FRAMES WHERE SHOWN. REFER DETAIL "FR1" SHEET 4.
- FR2 - FABRICATE NEW FRAMES TO MATCH AUGMENTED EXISTING (2 OF) SHOWN. REFER DETAIL "FR2" SHEET 5.

CERTIFIED AS STRUCTURALLY ADEQUATE

KFB Engineers
 151-4 Princes Office | PO Box 622, 5th & 6th
 West Terrace | North Adelaide | SA 5006
 www.kfb.com.au

Date: 08/07/19
 Job No: K-08584
 Project No: 07/11

Signature: [Signature]

08.08.19	Issue for Engineering Certification
15.07.19	Issue for Engineering Check
DATE	SUBJECT

AMENDMENTS

Robert EDWARDS (Asst.Chp.Ch.Eng.)
 Ch.M. B.D.A. Queensland
 BQA Eco-Design Smart Building Designer
 QUALIFIED "GREENSMART" PROFESSIONAL
 O.B.S.A. Lic. No. 081176
 Building Design - Medium Rise

EX. UNAPPROVED DWELLING
 As Constructed & Upgrading
 Peninsula Development Rd
 Lot 10 on SP254684
 via Lakeland
 COOK SHIRE COUNCIL

ROOF FRAMING PLAN, DETAILS,
 NOTES, etc.
 CLIENT
 Jerome Builders qbcc Lic. # 17200
 for Jack & Cheryl Fitzgerald

JOB No. 920662
 SHEET No. 8

roof framing plan
 1:50

D:\local\working files\14082019 jobs\920662 Project at Lakeland\As Constructed Dwelling

RA6-N



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

SARA reference: 2004-16323 SRA
Council reference: DA/4162
Applicant reference: M3-20

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—Peninsula Developmental Road, Lakeland - Material Change of Use—Non-resident workforce accommodation

(Referral agency response given under section 56 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 14 April 2020.

Response

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

Development details

Description:	Development permit	Material change of use for Non-resident Workforce Accommodation
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) - Material change of use within 25m of a state-controlled road	

Page 1 of 7

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

SARA reference: 2004-16323 SRA
Assessment Manager: Cook Shire Council
Street address: Peninsula Developmental Road, Lakeland
Real property description: Lot 10 on SP254684
Applicant name: RM & CM Fitzgerald
Applicant contact details: C/- U&i Town Plan
PO Box 426
Cooktown QLD 4895
ramon@uitownplan.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR20-029841 (500-248)
- Date: 1 May 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

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 4**.

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

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Signature
placeholder

cc RM & CM Fitzgerald C/- U&i Town Plan, ramon@uitownplan.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

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 plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises 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 generally in accordance with TMR Layout Plan (90B – 23.03km), prepared by Queensland Government Transport and Main Roads, dated 30/04/2020, Reference TMR20-29841(500-248) and Issue A.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the Planning Act 2016 its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	<p>Advertising Device</p> <p>Advertising advice should be obtained from the Department of Transport and Main Roads (DTMR) if the approved development intends to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposed development will be setback approximately 480 metres from the Peninsula Development Road (PDR).
- The existing vehicle access has been upgraded and complies with DTMR's access standards, and additional access works will not be required.
- The proposed development is considered to not increase traffic generation to the PDR.
- The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

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 4—Change representation provisions

(page left intentionally blank – attached separately)

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 Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

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.²
- 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.

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

² 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

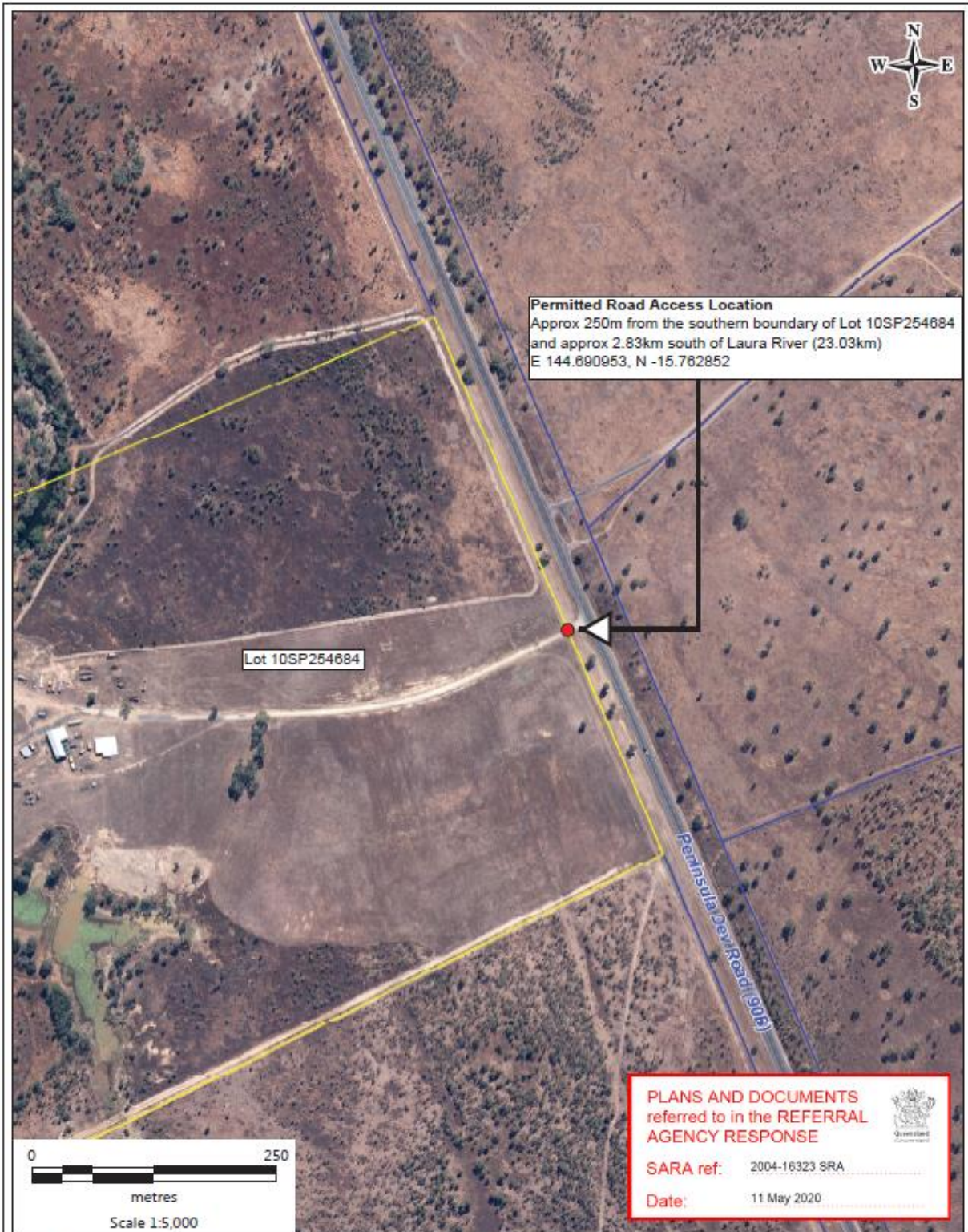
30 Representations about a referral agency response

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.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.

Attachment 5—Approved plans and specifications

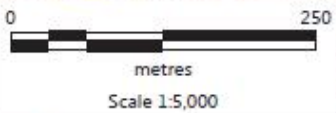
(page left intentionally blank – attached separately)



Permitted Road Access Location
 Approx 250m from the southern boundary of Lot 10SP254684
 and approx 2.83km south of Laura River (23.03km)
 E 144.690953, N -15.762852

Lot 10SP254684

Peninsula Drive Road (90B)



PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE

SARA ref: 2004-16323 SRA

Date: 11 May 2020

Branch/Unit: Corridor Management / Far North Region	
Projection/Datum: Geocentric Datum of Australia (GDA) 1994	
Land Parcels	Subject Land

**TMR Layout Plan
 (90B - 23.03km)**

Queensland Government Transport and Main Roads		
Plan: 1 / 1	Issue: A	Date: 30/04/2020
Drawn by: RPK		File ref: TMR20-29841 (500-248)

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Our ref TMR20-029841 (500-248)
Your ref M3-20
Enquiries Ronald Kaden



Department of
Transport and Main Roads

1 May 2020

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number DA/4162, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 10SP254684, the land the subject of the application, and the Peninsula Developmental Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address RM & CM Fitzgerald
c/- U&I Town Plan
PO Box 428
Cooktown QLD 4895

Application Details

Address of Property Peninsula Developmental Road, Lakeland QLD 4871
Real Property Description 10SP254684
Aspect/s of Development Development Permit for Material Change of Use for Non-resident Workforce Accommodation (1 Unit)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 250 metres from the southern boundary of Lot 10SP254684, in accordance with: 1. TMR Layout Plan (90B - 23.03km) issue A 30/04/2020	At all times.
2	Direct access is prohibited between the Peninsula Development Road and Lot 10SP254684 at any other location other than the permitted road access location described in Condition 1.	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Reasons for the decision

- a) The reasons for this decision are as follows:
- b) The proposed development does not require a new or changed access via the Peninsula Developmental Road however;
- c) The approval given by the department in 2013 was not made in the correct manner required by the TIA, therefore,
- d) The department has decided to issue a new decision.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Development Control Officer, Corridor Management should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A
Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (90B - 23.03km)	Queensland Government Transport and Main Roads	30 April 2020	TMR20-29841 (500-248)	A

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

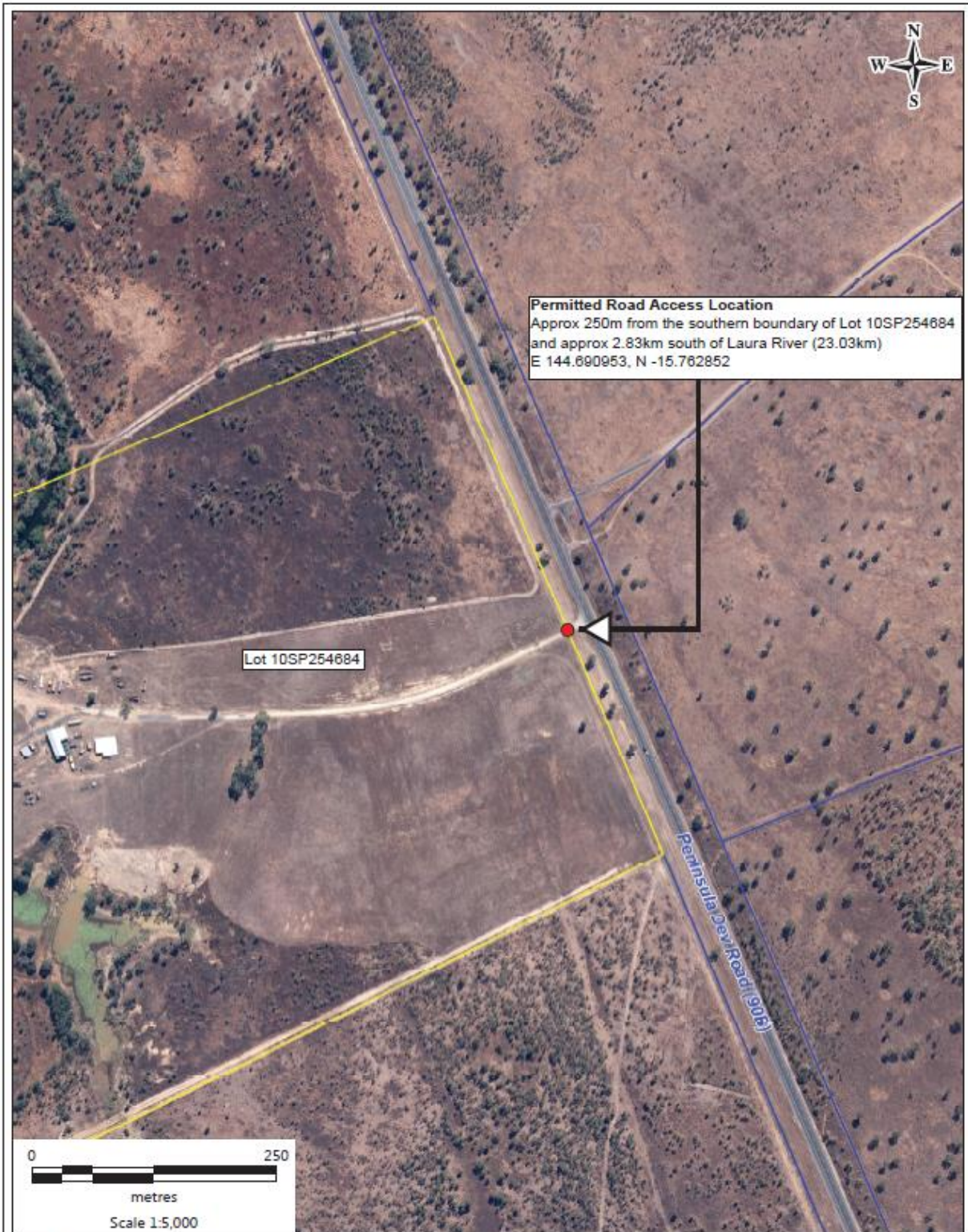
(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



Branch/Unit:
Corridor Management / Far North Region

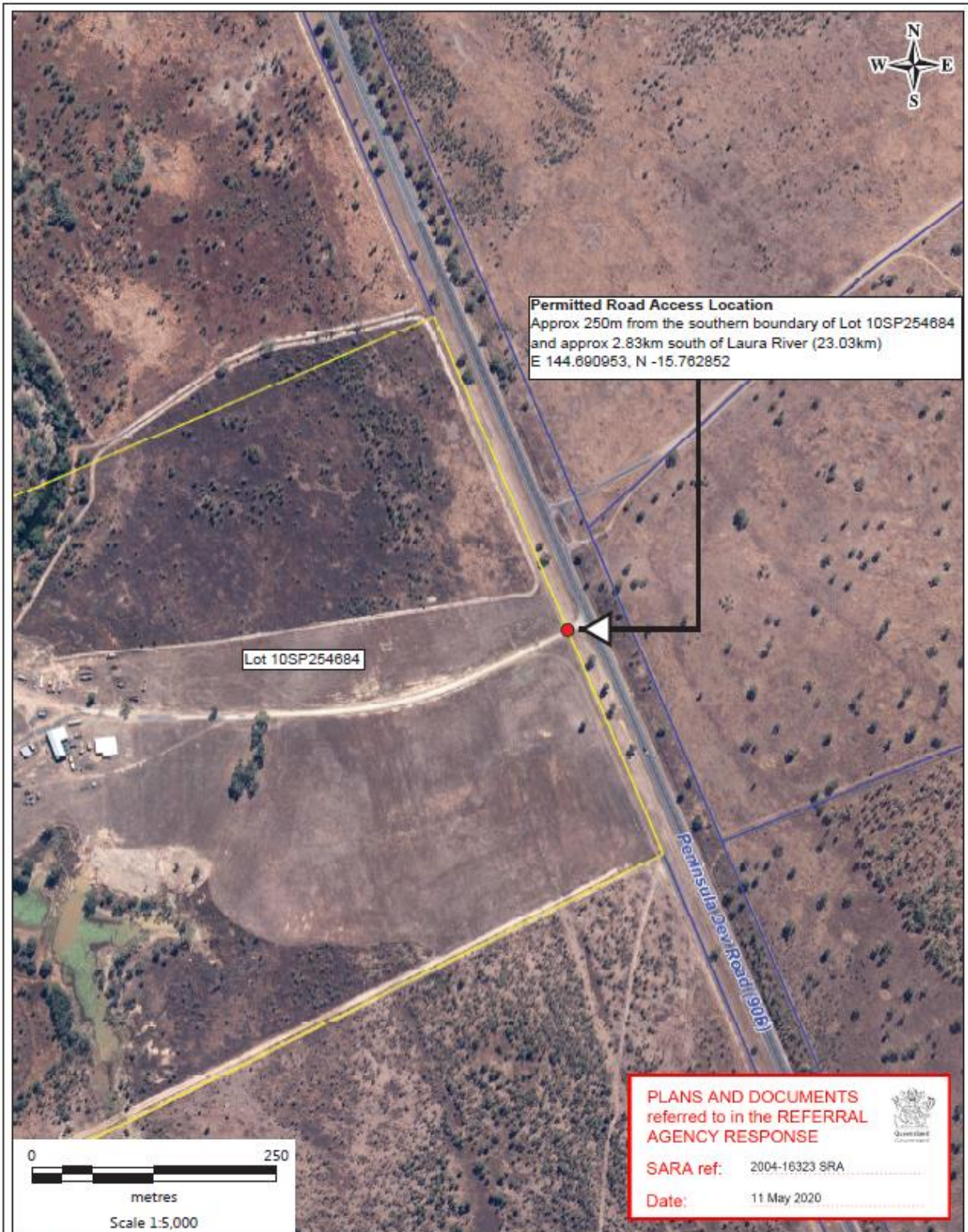
Projection/Datum: Geocentric Datum of Australia (GDA) 1994

Land Parcels
 Subject Land

TMR Layout Plan (90B - 23.03km)

Queensland Government Transport and Main Roads		
Plan: 1 / 1	Issue: A	Date: 30/04/2020
Drawn by: RPK		File ref: TMR20-29841 (500-248)

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Branch/Unit:
Corridor Management / Far North Region

Projection/Datum: Geocentric Datum of Australia (GDA) 1994

Land Parcels
 Subject Land

TMR Layout Plan (90B - 23.03km)

Queensland Government Transport and Main Roads		
Plan: 1 / 1	Issue: A	Date: 30/04/2020
Drawn by: RPK		File ref: TMR20-29841 (500-248)

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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.
- (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.

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

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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.

- (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—

- (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	<ol style="list-style-type: none"> 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
<p>2. Change applications For a change application other than an excluded application, an appeal may be made against—</p> <ol style="list-style-type: none"> (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)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<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"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <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&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</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(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</p> <p>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

Table 2 Appeals to the P&E Court only			
<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>			
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>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>			
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			
<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>			

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>

Table 3 Appeals to a tribunal only			
<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	—	—