

Our Ref: LM:MF:DA/4195:D20/24007
Your Ref: R8-20

25 August 2020

Kenneth & Karen White
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 30 June 2020.

Applicant details

Applicant name: Kenneth & Karen White
C/- U&i Town Plan

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

Application details

Application number: DA/4195

Approval sought: Development Permit for Reconfiguring a Lot

Description of the development proposed: Reconfiguring One (1) Lot into Four (4) Lots

Location details

Street address: 44 Garden Street Cooktown

Real property description: Lot 135 on C17949

Decision

Date of decision: 25 August 2020

Decision Details: Approved in full with conditions. These conditions are set out in Attachment 1.

Details of the approval

Development Permit Reconfiguring a Lot (1 Lot into 4 Lots)

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. Works within Council's Road Reserve Permit

Properly made submissions

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

Referral Agencies

Not applicable – no part of the application required a referral under the *Planning Regulation 2017*.

Approved plans and specifications

Copies of the approved plans are enclosed in Appendix 'A'.

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

A handwritten signature in black ink, appearing to read 'Lisa Miller', with a horizontal line underneath.

Lisa Miller
Manager Planning and Environment
Cook Shire Council

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

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 Proposal Plan (Appendix 'A') submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Development Plans – One (1) into Four (4) Lots – Plan # R8-20 (1) – Date: 19.03.19 – Prepared by Thomas Stanley Lowe on 10.07.19;
 - Identification Survey of Lot 135 on C17949 – Job No. 2533 – IS234801.

Access

2. Plans showing the location of the access driveway to proposed Lot 1, must be submitted to Council's Manager Engineering for approval and be supported by a Traffic Management Plan undertaken by a suitably qualified person for works within the road reserve.

Access to proposed Lot 1 must be sealed with reinforced concrete from the property boundary to the road pavement, and be constructed prior to the endorsement of the survey plan and in accordance with the requirements of the FNQROC Development Manual; Drawing Number S1105, and Design Manual D1, Road Geometry, section D1.17.

3. Plans showing the location of access driveways to proposed Lots 2, 3, and 4 must be submitted to Council's Manager Engineering for approval and be supported by a Traffic Management Plan, undertaken by a suitably qualified person, for works within the road reserve, at the time of lodgement of a building application.

Approved access driveways, must be constructed prior to the issue of a Certificate of Classification, for any structure built on proposed Lots 2, 3, and 4. The access must be sealed with reinforced concrete from the property boundary to the road pavement, and be constructed in accordance with the requirements of the FNQROC Development Manual; Drawing Number S1105, and Design Manual D1, Road Geometry, section D1.17.

4. The location of access driveways and site distance provision must be in accordance with AS2890 – Parking Facilities – Off Street Parking.
5. The future driveways shall:
 - a. Avoid reversing movement into or out of the development (except in the case of individual dwelling houses);
 - b. Provide safety for pedestrians by ensuring adequate site distance;
 - c. Provide adequate clearance between vehicles turning path and physical constraints within the property.

Water Supply

6. Proposed Lots 1, 2, 3, and 4 must be able to be connected to the reticulated water supply prior to Council endorsement of the Plan of Survey.
7. Proposed Lots 1, 2, 3, and 4 must be connected to Council's reticulated water supply prior to the issue of a Certificate of Classification, for any structure/s built on the lots created.

Sewerage

8. Proposed Lots 1, 2, 3 and 4 must be able to be connected to the reticulated sewerage scheme prior to Council endorsement of the Plan of Survey.
9. Proposed Lots 1, 2, 3, and 4 must be connected to Council's reticulated sewerage scheme prior to the issue of a Certificate of Classification for any construction or Plumbing Compliance Certificate, for any structure/s built on the lots created.

Stormwater Discharge

10. Stormwater drainage must be directed to a legal point of discharge. Any future buildings must direct stormwater from the roof top, to an approved legal point of discharge via a stormwater pipe.

Electricity

11. Each proposed lot must be provided with a reliable electricity supply at the time of construction of a dwelling house. Written evidence of such electricity supply must be provided prior to the issue of a Certificate of Classification for a dwelling built on the lots created.

Fire Management

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

Environmental Protection

13. No state declared or environmental pest, plants, or animals are to be introduced onto the property
14. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

Public Utilities

15. The developer is responsible for the cost of any alteration to Public Utilities as a result of complying with the conditions of this approval.
16. Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

Compliance

17. All relevant Condition of this Development Permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement, unless stated otherwise.

Outstanding Charges

18. All rates, service charges, interest and other charges levied on the land are to be paid prior to Council endorsement of the Plan of Survey.

Infrastructure Charges

19. Infrastructure Charges must be paid to Council prior to Council endorsement of the Plan of Survey as indicated on the attached Adopted Infrastructure Charges Notice (Appendix 'B') at the rate applicable at the time of payment.

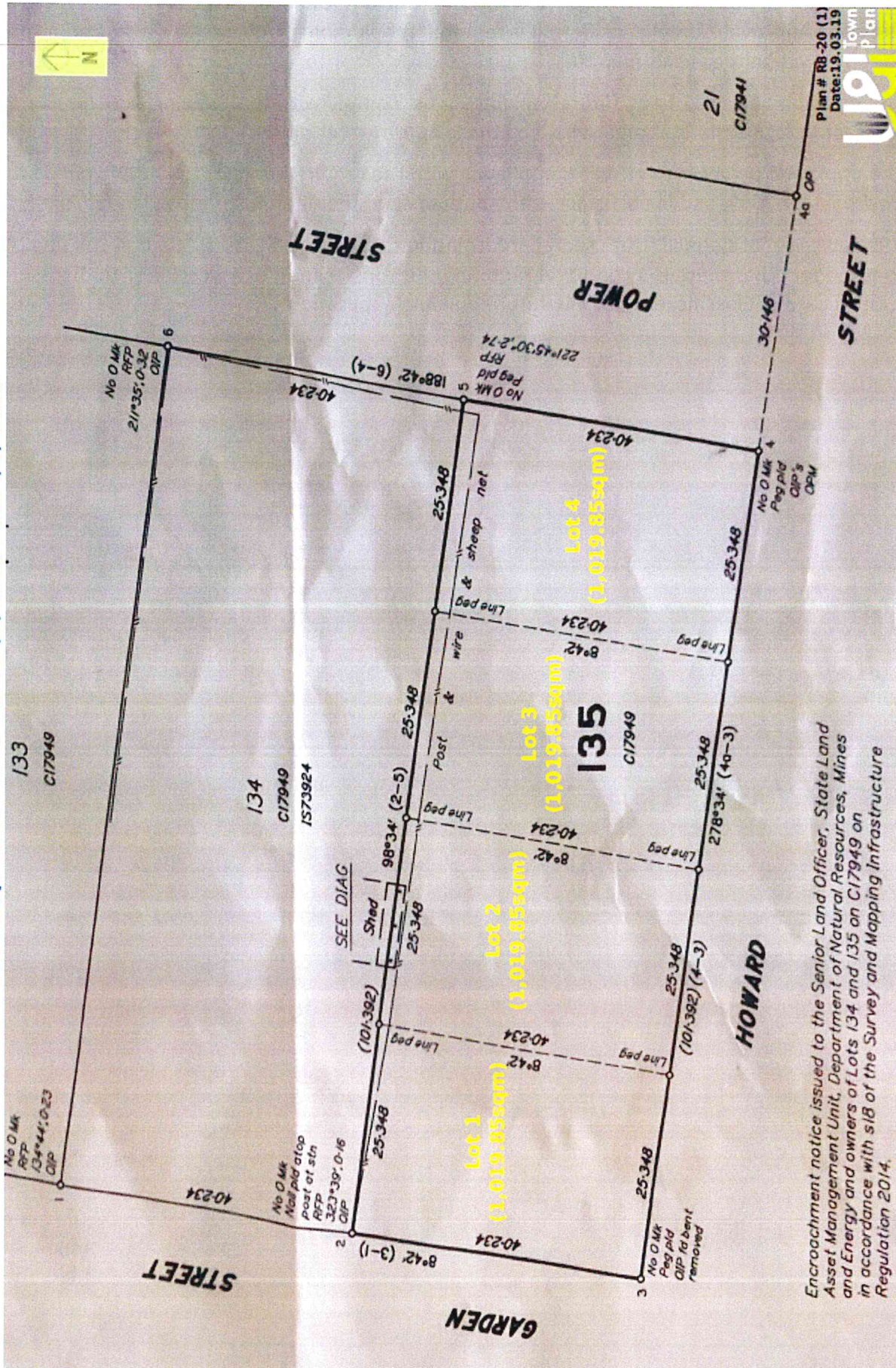
Endorsement

20. The Reconfiguring a lot approval authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or this approval will lapse.

B. Assessment Manager (Council) Advice

1. A development permit is required for carrying out any Building work and a Plumbing and Drainage Approval/Compliance Permit is required for plumbing and drainage works prior to any construction on these allotments.
2. The erection and use of any future buildings must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
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. It is advised that Council’s rate search information for proposed Lots 2, 3, and 4 will be noted to the effect that there is a condition requiring the construction of access prior to the issue of a Certificate of Classification for any future building application.

Development Plans - One (1) into Four (4) Lots



Encroachment notice issued to the Senior Land Officer, State Land Asset Management Unit, Department of Natural Resources, Mines and Energy and owners of Lots 134 and 135 on C17949 in accordance with s18 of the Survey and Mapping Infrastructure Regulation 2014.

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals. This Plan was prepared by Thomas Stanley Lowe on 10.07.19



SURVEY REPORT

PURPOSE OF SURVEY

To carry out an identification survey of Lot 135 on C17949 required prior to construction of a house.

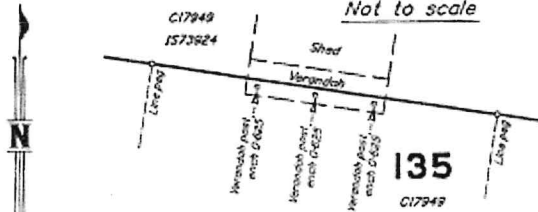
Plans used - C17949, IS73924, IS123794, IS129911, IS140277, IS166336, IS221378 and DP124680.

Methodology and datum

The survey was carried out using traditional electronic Total Station. To start with OIP's were found near str's 6 and 7 on plan IS73924. Using the bearing computed these two OIP's, I then computed and found the bent OIP at strn 4 on IS73924. I then set up on the newly placed pin at strn 4 and turned the angle and found the OIP at strn 5 on IS73924 as well as the OIP at strn 16 on IS221378. I then computed the OIP at strn 9 on IS73924 and the OIP at strn 10 which incidently is the only OIP on IS73924 which is 1-0 m inside the boundary, this is because there is a huge granite boulder covering the position at 1-0 m out into the street at strn 10 on IS73924.

DIAGRAM

Not to scale

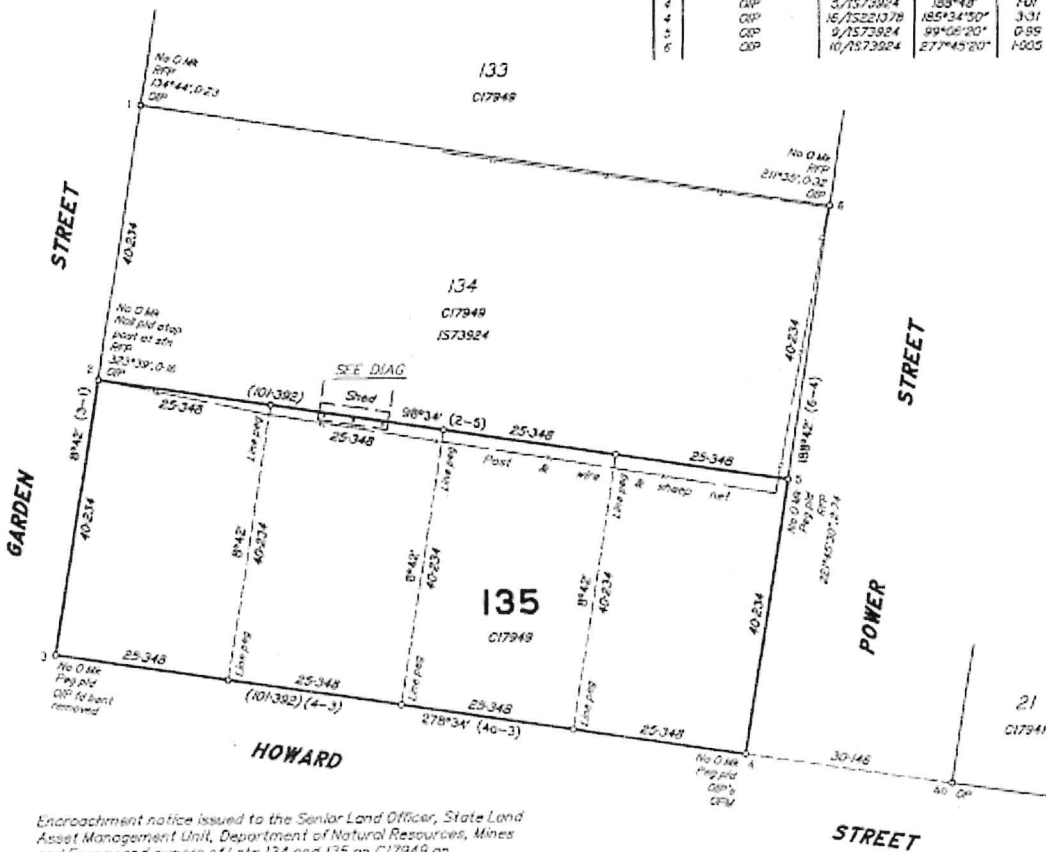


Permanent Marks

PM	Origin	Bearing	Dist	Nº	Type
4-GPM	27/15140277	100°17'	29.416	68542	Standard

Reference Marks

Strn	To	Origin	Bearing	Dist
1	OIP	7/IS73924	277°10'50"	0.995
2	OIP	6/IS73924	278°34'	1.02
3	OIP (to bent removed)	4/IS73924	189°42'	1.0
3	Pin	3/IS73924	189°20'40"	1.04
4	OIP	3/IS73924	183°48'	1.01
4	OIP	16/IS221378	185°34'50"	3.31
5	OIP	9/IS73924	89°06'20"	0.95
6	OIP	10/IS73924	277°45'20"	1.005



Encroachment notice issued to the Senior Land Officer, State Land Asset Management Unit, Department of Natural Resources, Mines and Energy and owners of Lots 134 and 135 on C17949 on in accordance with s18 of the Survey and Mapping Infrastructure Regulation 2014.

I, Thomas Stanley Lowe hereby certify that the land comprised in this plan was surveyed by me personally and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 10-07-2019.

Thomas Stanley Lowe
Coastal Surveyor

Date

Identification Survey of Lot 135 on C17949		Scale	1:600
		Original	Allot 5 of Sec 44
LOCAL GOVERNMENT Cook Shire Council		LOCALITY Cooktown	
Parish Cook	County Banks	Map Ref	7967-23334
Metric: Of IS73924	Job No	2533	
		15234801	

Appendix 'B' – Adopted Infrastructure Charges Notice

Our Ref: LM:MF:DA/4195:D20/23332

25 August 2020

Kenneth White and Karen White
C/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895

Dear Mr and Mrs White

ADOPTED INFRASTRUCTURE CHARGES NOTICE
DEVELOPMENT APPLICATION DA/4195

Proposal: Reconfiguration of one (1) Lot into four (4) Lots

Applicant: Kenneth White and Karen White
C/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895

Location of Site: 44 Garden Street Cooktown

Real Property Description: Lot 135 and C17949

Type of Development: Development Permit for Reconfiguring a Lot

CHARGES

Development Class	Charge	Unit of Measure	No of Units	Amount of Charge
Reconfiguring a Lot (Water Supply)	\$2,100.00	Per Allotment	4	\$8,400.00
Reconfiguring a Lot (Sewerage)	\$2,100.00	Per Allotment	4	\$8,400.00
Reconfiguring a Lot (Public Parks & Community Land)	\$840.00	Per Allotment	4	\$3,360.00
Reconfiguring a Lot (Transport)	\$2,520.00	Per Allotment	4	\$10,080.00
Reconfiguring a Lot (Stormwater)	\$840.00	Per Allotment	4	\$3,360.00
Total Charges				\$33,600.00

CREDIT CALCULATION

Development Class	Charge	Unit of Measure	No of Units	Amount of Charge
Reconfiguring a Lot (Water Supply)	\$2,100.00	Per Allotment	1	\$2,100.00
Reconfiguring a Lot (Sewerage)	\$2,100.00	Per Allotment	1	\$2,100.00
Reconfiguring a Lot (Public Parks & Community Land)	\$840.00	Per Allotment	1	\$840.00
Reconfiguring a Lot (Transport)	\$2,520.00	Per Allotment	1	\$2,520.00
Reconfiguring a Lot (Stormwater)	\$840.00	Per Allotment	1	\$840.00
Total Credit				\$8,400.00

NET ADOPTED INFRASTRUCTURE CHARGES SUMMARY

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$33,600.00	\$8,400.00	\$25,200.00

(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 prior to the Council endorsement of the Plan of Survey.

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

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- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (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
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <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	<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</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

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>			

<p align="center">Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal</p>			
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>	Another eligible submitter for the application

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	—	—

