

27 February 2020

Janelle Noonan  
PO Box 5250  
GLADSTONE QLD 4680

Email: [janellenoonan@hotmail.com](mailto:janellenoonan@hotmail.com)

Dear Ms Noonan

**DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2020/01**

(GIVEN UNDER S63 PLANNING ACT 2016)

**1. Application Details**

This development application was **properly made** to the Gladstone Ports Corporation Limited on **10 February 2020**.

|                                     |  |
|-------------------------------------|--|
| Application Number:                 | DA2020/01  |
| Applicant Name:                     | Savour Marina operating as Flavours Marina   |
| Applicant Contact Details:          | Janelle Noonan<br>PO Box 5250<br>GLADSTONE QLD 4680<br><br>Email: <a href="mailto:janellenoonan@hotmail.com">janellenoonan@hotmail.com</a> |
| Approvals Sought:                   | Material Change of Use for restaurant or café  |
| Details of Proposed Development:    | Establishing a café/restaurant   |
| Location Street Address:            | Shop 1, 72 Bryan Jordan Drive<br>GLADSTONE QLD 4680  |
| Location Real Property Description: | Tenancy #1, Part of Lot 210 on SP120888  |
| Land Owner:                         | Gladstone Ports Corporation Limited  |
| Present Zoning & Precinct           | Strategic Port Land – Marine Industry  |

## 2. Details Of Proposed Development

Material change of use for a restaurant or café.

## 3. Details Of Decision

This development application was **decided** on **24 February 2020**.

This development application is **approved in full with conditions**. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

This application is **not** taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

## 4. Details Of Approval

This development approval is a **Development Permit** given for:

- a) Material Change of Use for restaurant or café.

## 5. Conditions

This development approval is subject to the conditions in Attachment 1 - Part 1.

## 6. Further Development Permits

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

1. Building certification; and
2. Plumbing and drainage certification.

## 7. Properly made submissions

Not applicable – No part of the application required public notification.

## 8. Approved Plans and Specifications –

Copies of the following plans, specifications and/or drawings are enclosed in **Attachment 2**:

| Drawing/report title                                 | Prepared by                     | Date       | Reference no.        | Version |
|--|---------------------------------|------------|----------------------|---------|
| <b>Aspect of development: Material Change of Use</b> |                                 |            |                      |         |
| Coversheet – 3D View                                 | CJF Design and Drafting Pty Ltd | 23/01/2020 | Draw. No. A101       |         |
| Site Plan  | CJF Design and Drafting Pty Ltd | 23/01/2020 | Draw. NO. A102       |         |
| Floor Plan   | CJF Design and Drafting Pty Ltd | 23/01/2020 | Draw. A103           |         |
| Elevations   | CJF Design and Drafting Pty Ltd | 23/01/2020 | Draw. A104           |         |
| Calliope Air conditioning – Kitroom – Coldroom plan  | Askin                           | 07/02/2020 | Draw. IPQL139295-001 |         |
| Bar plan   |                                 | 21/01/2019 | Draw. 001A           |         |
| Kitchen plan   |                                 |            |                      |         |

## 9. Currency Period for the Approval

This development approval will lapse at the end of the periods set out below:

- For Material Change of Use this approval lapses 6 years after this approval decision date – reference section 85 of the *Planning Act 2016*.

## 10. Rights of Appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

**Attachment 3** is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

For further information please contact Judy Horsfall, Planning Officer, on 07 4976 1314 or via email [horsfallj@gpcl.com.au](mailto:horsfallj@gpcl.com.au) or Erin Clark, Principal Planner, on 07 4976 1287 or via email [clarke@gpcl.com.au](mailto:clarke@gpcl.com.au).

Yours sincerely



**Erin Clark**  
**Principal Planner**  
27 February 2020

Cc: Gladstone Regional Council

Enc. Attachment 1: Conditions of Approval  
Part 1 – Conditions imposed by the assessment manager

Attachment 2: Approved plans and specifications

Attachment 3: Extract of appeal provisions

# ATTACHMENT 1: CONDITIONS OF APPROVAL

## PART 1: ASSESSMENT MANAGER CONDITIONS

This development approval is subject to each the following conditions which are stated by GPC, the assessment manager.

### Part 1a: Approval sought under *Planning Act 2016* – Development Permit for Material Change of Use on Strategic Port Land

#### GENERAL

1. The proposed development must be carried out generally in accordance with the plans as lodged with the application except where modified by conditions of this permit.
2. Unless otherwise stated, all conditions must be completed prior to the commencement of the use.
3. Where additional “approval” is required under these conditions by the Gladstone Ports Corporation for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from the Gladstone Ports Corporation. Only in this manner can compliance with the condition be achieved.
4. All other relevant regulatory approvals must be obtained before commencement of works or operation of the facility.
5. The proponent must inform GPC of completion of works within 14 days of practical completion and undertake a site inspection with GPC. The proponent must also certify that the development is constructed as per design and provide RPEQ certification that the development has been constructed in accordance with the approved plans.
6. The proponent must at its cost and expense, keep and maintain the subject area, including existing services, in a state that is satisfactory to the Port.

#### ENGINEERING

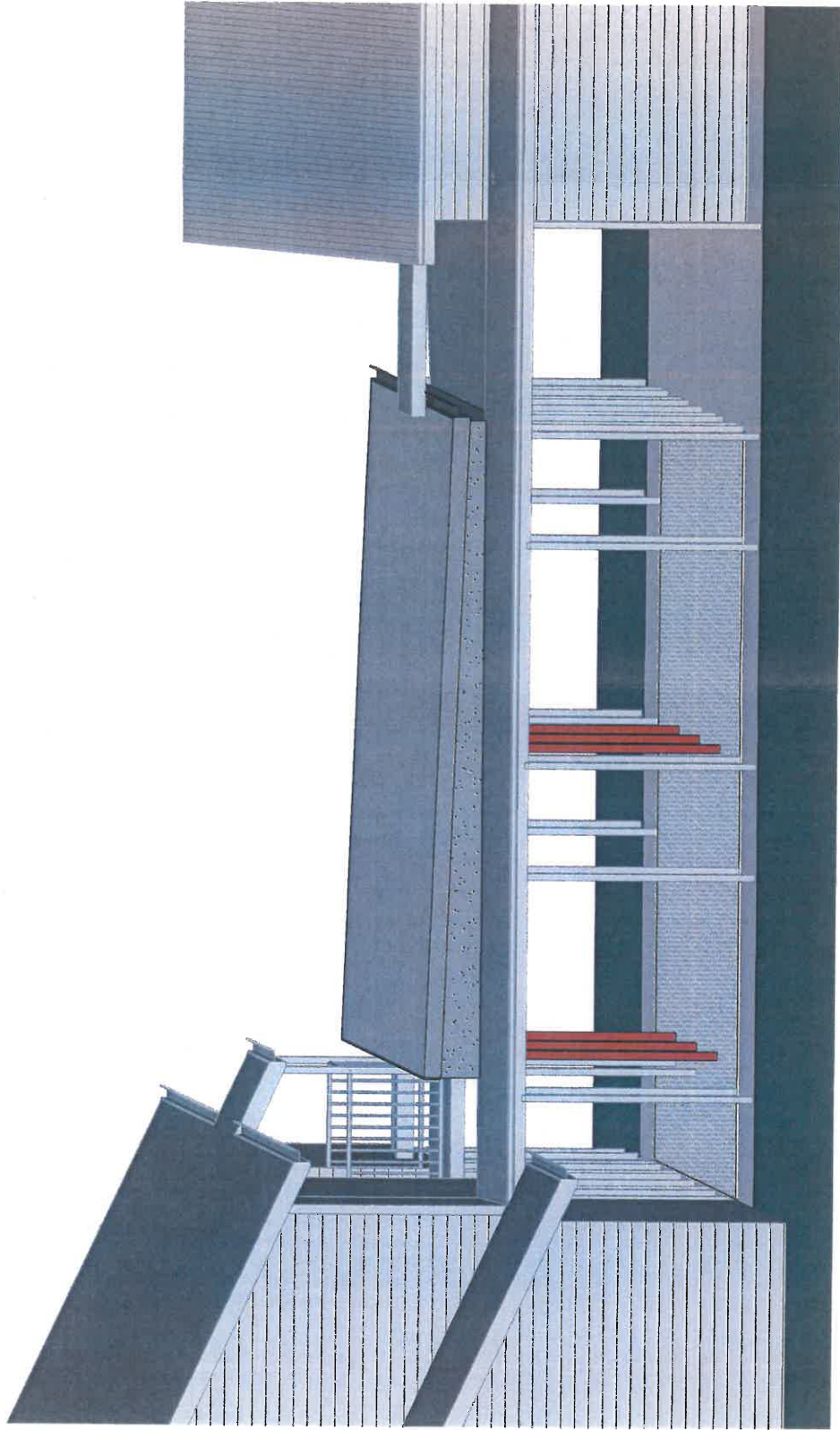
7. The proponent must supply the Port with “As Constructed” plans in both hard copy (2 of) and electronic (CAD format) which illustrates all infrastructure on Port land which is associated with the activity (e.g. detailed positions of underground services, footing drawings).
8. The proponent is required to apply for and obtain from GPC a Permit to Dig/Excavate prior to commencing works by contacting the Port Infrastructure Asset Manager on 4976 1332.
9. Advertising signage must be attached to the alfresco structure unless otherwise approved in writing by GPC.
10. Pedestrian movement through the alfresco area must be safe and free of congestion at all times.
11. Colours of new structures e.g. roofs, guttering, posts, downpipes etc. must be matched to existing structures.
12. Any site lighting used during construction or operations must not impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary.
13. Approved restaurant / café operating hours are:
  - Sunday to Wednesday 5am to 5pm
  - Sunday to Wednesday 5pm to 11pm for hire functions/events only
  - Thursday to Saturday 5am to 11pm.

14. Amplified music must not be played outside after 10pm. Where amplified music is played inside, doors must be closed after 10pm.
15. Any damage to grassed GPC areas, landscaping, services or irrigation infrastructure caused as a result of construction must be remediated upon completion of works to the satisfaction of GPC.

## **ENVIRONMENT**

16. Gladstone Ports Corporation Environment Hotline (07) 4976 1617) is to be notified of the occurrence of any;
  - reportable release/spill of contaminants (e.g. fuels, chemicals);
  - any environmental complaints received by the holder of this approval; and
  - non-compliance with conditions of this approval or any environmental approval obtained.
17. Any spillage of sediment, wastes, contaminants, or other materials must be cleaned immediately. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such materials to any stormwater drainage system, roadside gutters or waters.

# ATTACHMENT 2: APPROVED PLANS AND SPECIFICATIONS



**APPROVED**

*27/2/20*

**3D VIEW**

Proposed Alfresco for  
J & R Noonan at the  
Visitor Information Centre, Bryan  
Jordan Drive GLADSTONE Q.

|                   |                                  |                |
|-------------------|----------------------------------|----------------|
| Project no: 10744 |                                  | Date: JAN 2020 |
| No.               | Description                      | Date           |
| 1                 | PRELIMINARY-not for construction | 23/1/20        |

**A101**

Scale at A3

*design and drafting pty ltd*

75 Pikes Crossing Road BENARABY Qld 4680

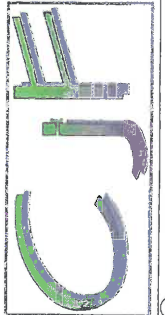
e: cvfogarty@bigpond.com

m: 0420 925 877

abcc: 1290821

abn: 63 156 505 985

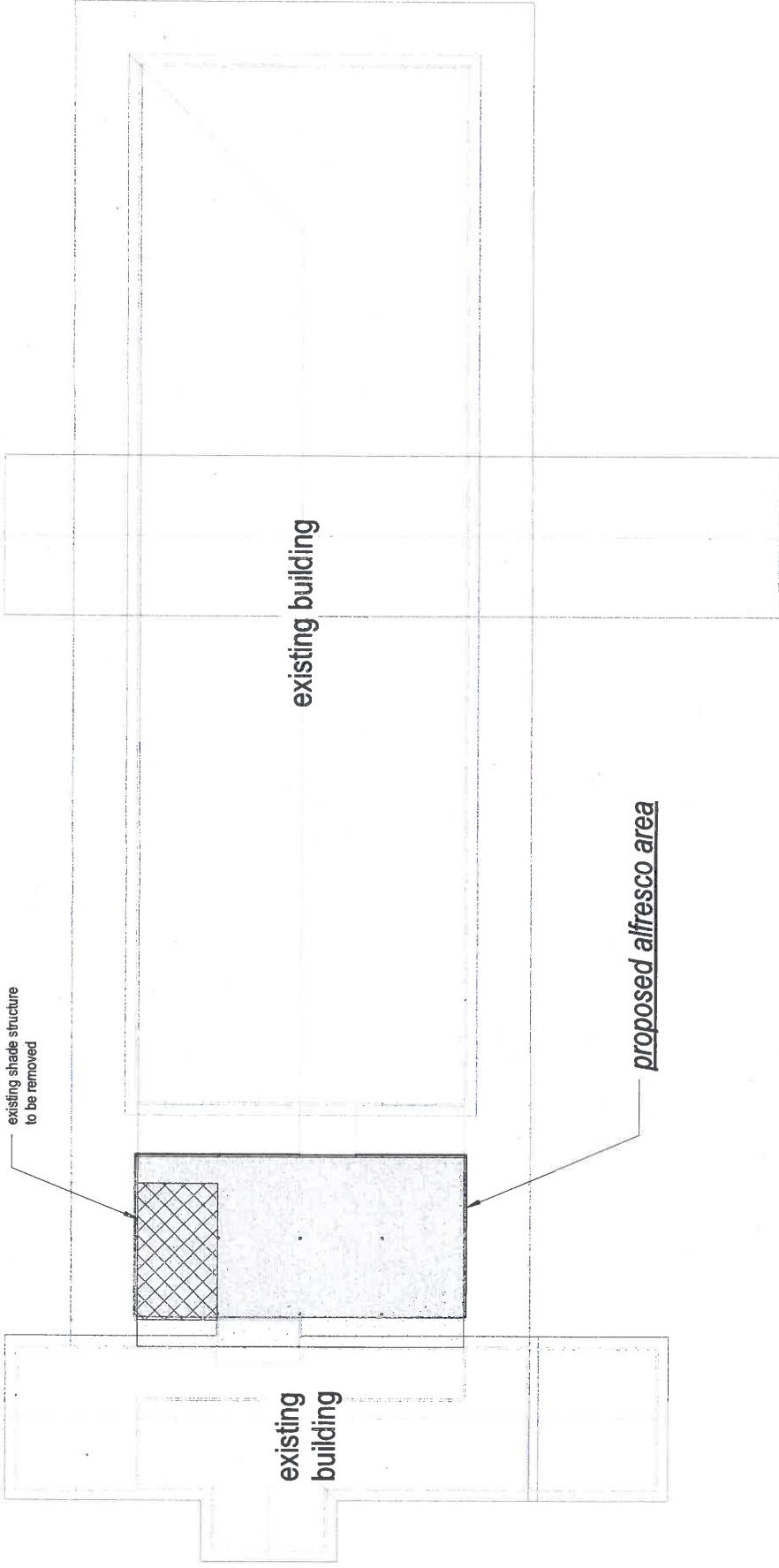
acn: 166905505



© Any form or replication of this drawing in full or in part without written permission from C J F Design and Drafting Pty Ltd constitutes an infringement of the copyright.

A104  
1  
north

existing shade structure  
to be removed



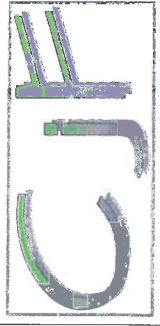
A104  
2  
West



bryan jordan drive

**APPROVED**

*27/2/20*



*design and drafting pty ltd*

75 Pikes Crossing Road BENARABY Qld 4680  
e: cvfogarty@bigpond.com  
m: 0420 925 877  
drc: 1250821  
abr: 65 156 505 505  
acc: 196905905

Proposed Alfresco for  
J & R Noonan at the  
Visitor Information Centre, Bryan  
Jordan Drive GLADSTONE Q.

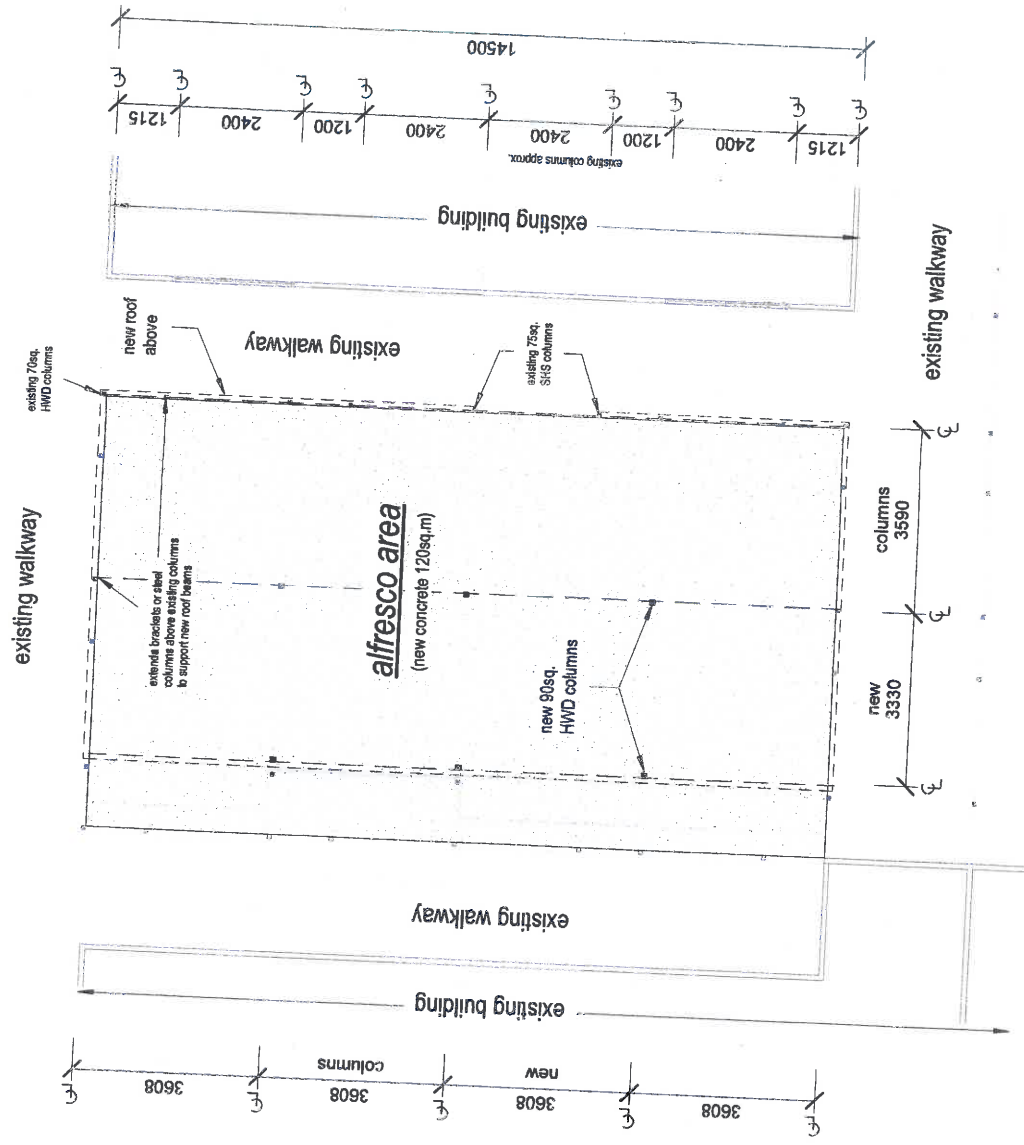
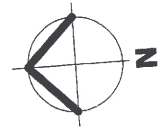
**SITE PLAN**

| Project no: 10744 |                                  | Date: JAN 2020 |
|-------------------|----------------------------------|----------------|
| No.               | Description                      | Date           |
| 1                 | PRELIMINARY-not for construction | 23/1/20        |

**A102**

Scale at A3 1 : 200





**APPROVED**

*JA 27/2/20*

**FLOOR PLAN**

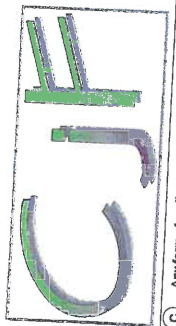
**Proposed Alfresco for J & R Noonan at the Visitor Information Centre, Bryan Jordan Drive GLADSTONE Q.**

|             |       |             |                                  |
|-------------|-------|-------------|----------------------------------|
| Project no: | 10744 | Date:       | JAN 2020                         |
| No.         | 1     | Description | PRELIMINARY-not for construction |
|             |       | Date        | 23/1/20                          |

**A103**

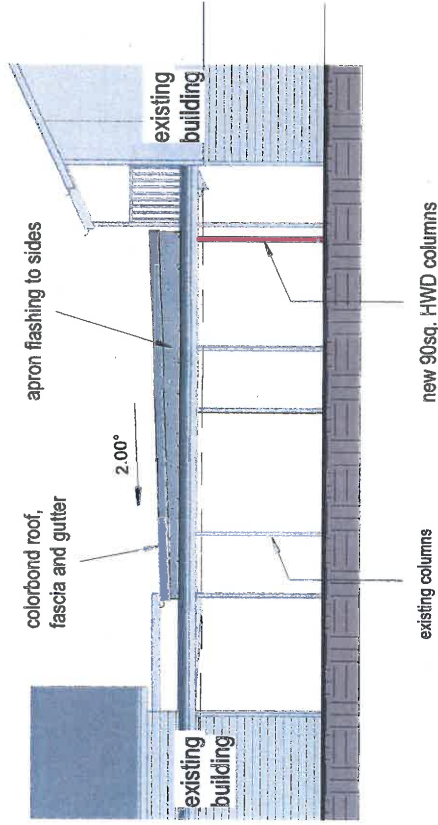
Scale at A3 1 : 100

*design and drafting pty ltd*



75 Pikes Crossing Road BENARABY Qld 4680  
m:0420 925 877  
e:cvfогarty@bigpond.com  
act: 19620585

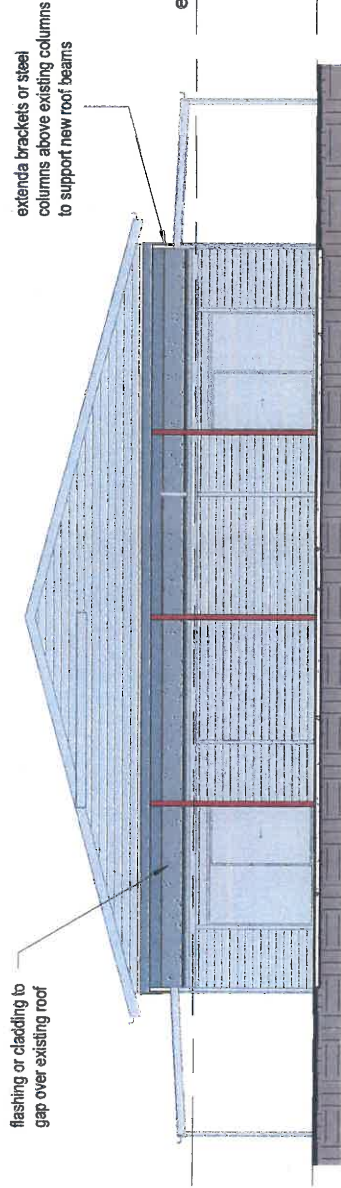
© Any form of replication of this drawing in full or in part without written permission from CJF Design and Drafting Pty Ltd constitutes an infringement of the copyright.



existing walkway roof  
2350

existing walkway paving

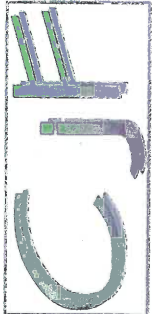
1 north  
1 : 100



2 west  
1 : 100

**APPROVED**

*GH 27/2/20*



*design and drafting pty ltd*

75 Pikes Crossing Road BENARABY Qld 4680  
e: cvfogarty@bigpond.com  
m: 0420 925 877  
act: 196909589

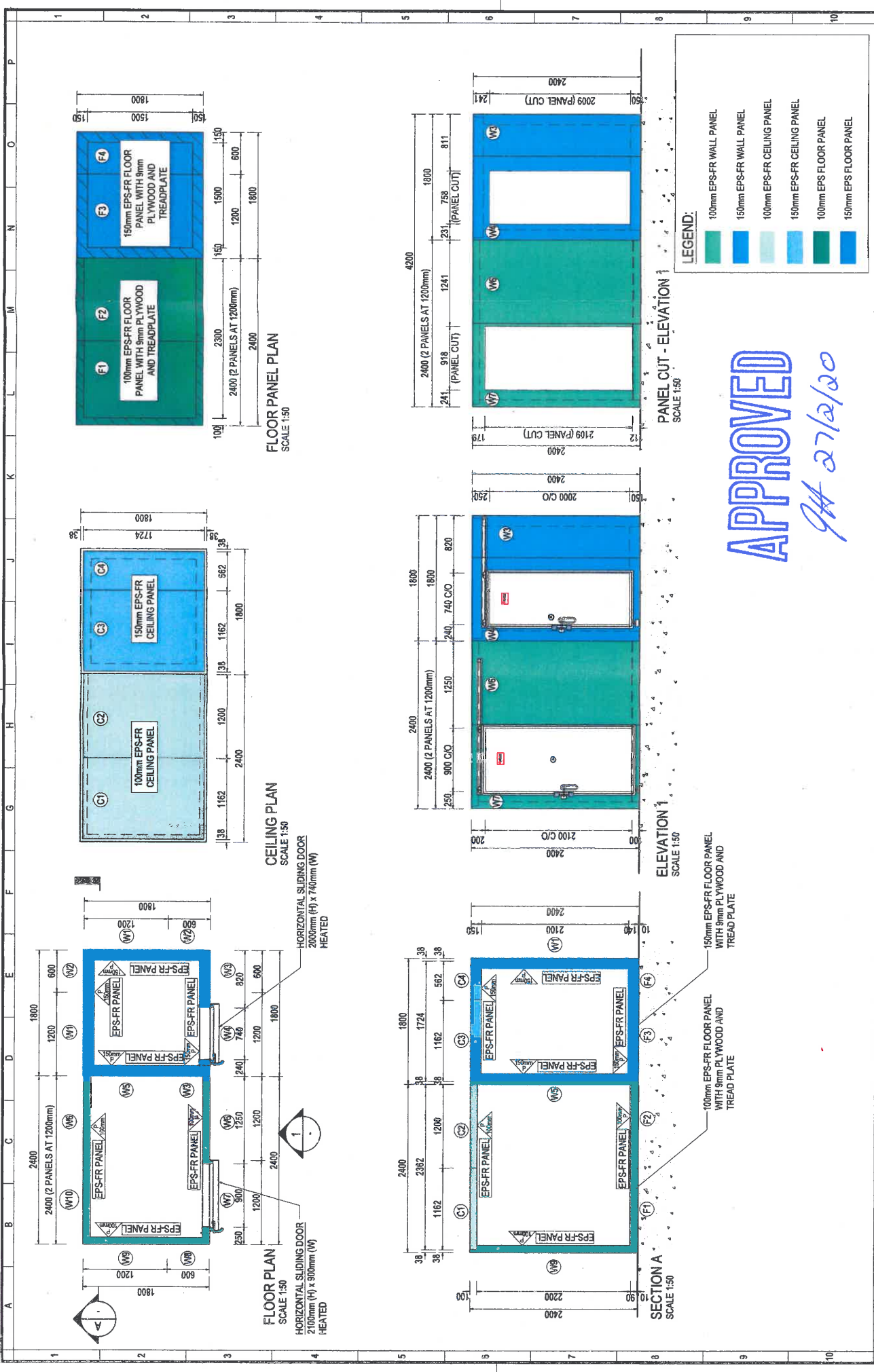
**Proposed Alfresco for  
J & R Noonan at the  
Visitor Information Centre, Bryan  
Jordan Drive GLADSTONE Q.**

**ELEVATIONS**

|             |       |             |                                  |
|-------------|-------|-------------|----------------------------------|
| Project no: | 10744 | Date:       | JAN 2020                         |
| No.         | 1     | Description | PRELIMINARY-not for construction |
|             |       | Date        | 23/1/20                          |

**A104**

Scale at A3 1 : 100



**APPROVED**  
*JA 27/2/20*

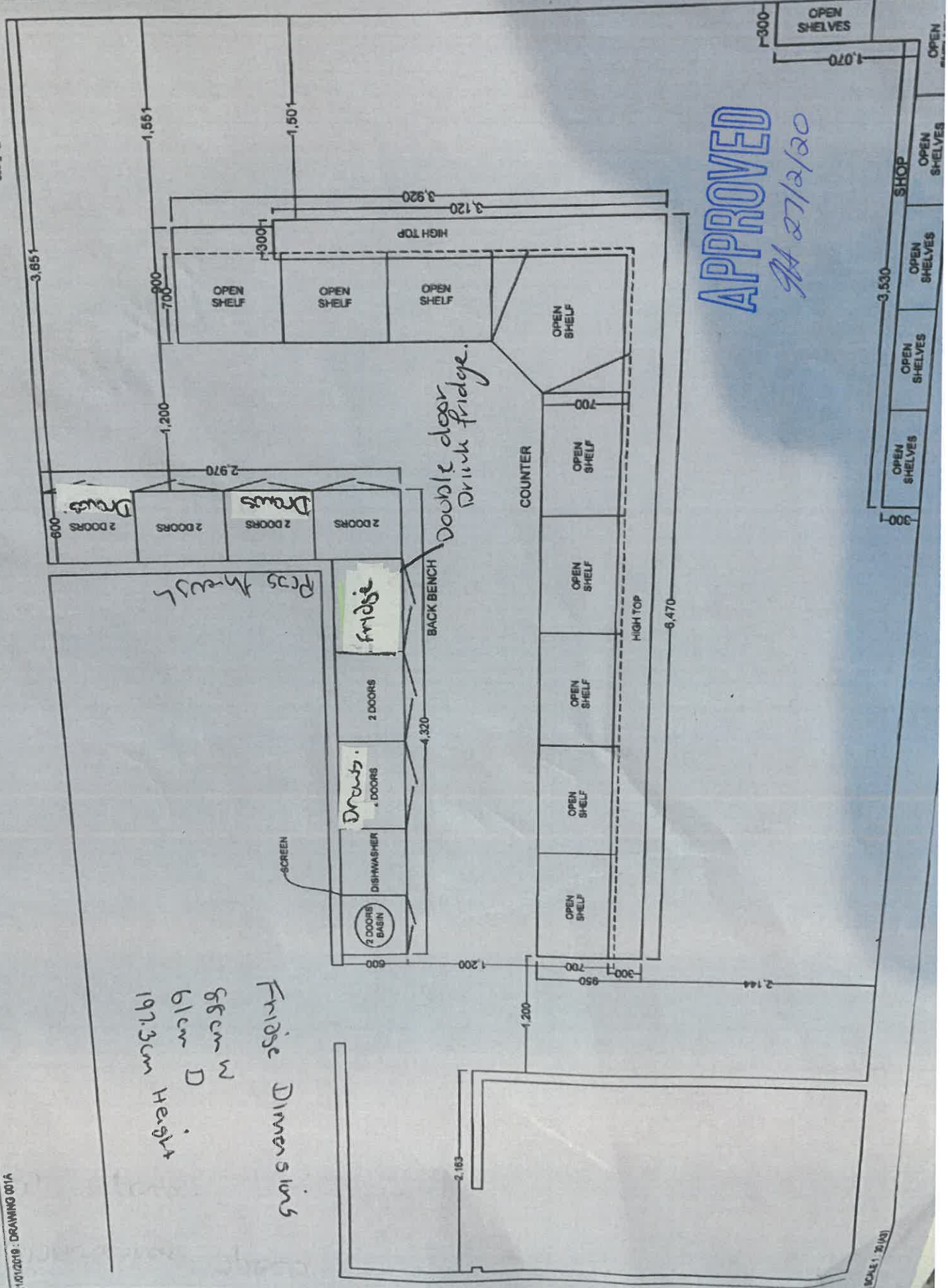
PROJECT: CALLIPE AIRCONDITIONING - KITROOM  
 FLOOR PLAN, FLOOR PANEL PLAN, CEILING PLAN, SECTION,  
 PANEL CUT - ELEVATION 1 & ELEVATION

www.askin.net.au  
 Performance Panels  
 P: 03 8252 4818 WA: P: 08 9248 4022  
 F: 03 8252 4818 VIC: P: 03 8252 4818  
 NSW: P: 03 8252 2598 NT: P: 08 8252 7189

ISSUED FOR APPROVAL

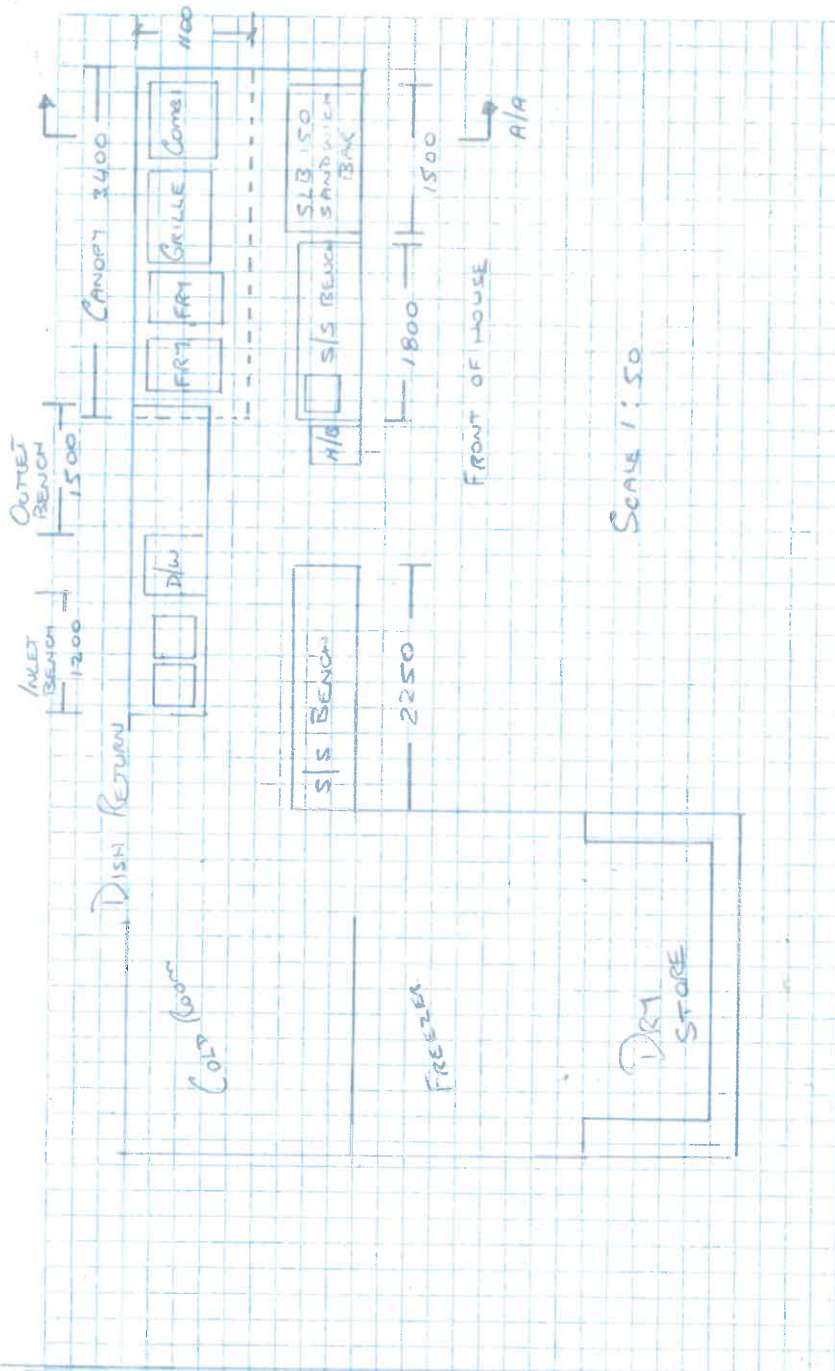
Checked By: R VORWERK  
 Drawn By: D STRELLER  
 Issue Date: 07.02.2020  
 Drawing No.: IPQL139295-001

Scale: 1:50  
 Standard: A3

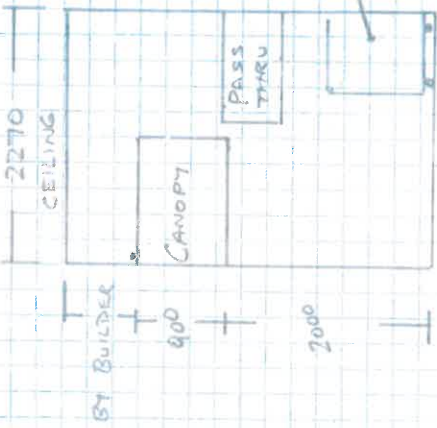


**APPROVED**  
 RA 27/2/20

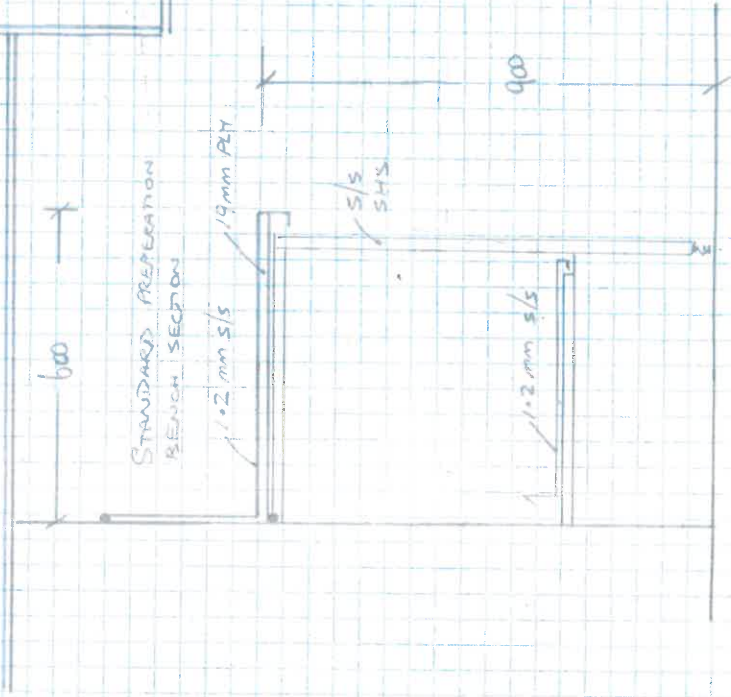
Fridge Dimensions  
 61cm W  
 191.3cm Height



SCALE 1:50



SECTION A/A  
SCALE 1:50



STANDARD PREPARATION  
BENCH SECTION

FLAVOURS MAENNA  
1/72 BRYAN JORDAN DRIVE  
MAENNA COMPLEX

APPROVED

SA 27/2/20

# ATTACHMENT 3: EXTRACT OF APPEAL PROVISIONS

## Schedule 1 Appeals

section 229

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- 
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
  - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the *Plumbing and Drainage Act 2018*; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.



- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—  
*storey* see the Building Code, part A1.1.

| <b>Table 1</b><br><b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |
|---|
| <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"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ul> |

| <b>Table 1</b><br><b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |                        |  |   |
|---|------------------------|--|---|
| Column 1<br>Appellant   | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The applicant   | The assessment manager | If the appeal is about a concurrence agency's referral response—the concurrence agency | <p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p> |
| <p><b>2. Change applications</b></p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p> |                        |  |   |

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

| <b>Table 1</b>  |                               |  |   |
|---|-------------------------------|--|---|
| <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |                               |  |   |
| Column 1<br>Appellant   | Column 2<br>Respondent        | Column 3<br>Co-respondent<br>(if any)                          | Column 4<br>Co-respondent<br>by election (if<br>any)                                      |
| <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><b>4. Infrastructure charges notices</b></p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p> |                               |  |   |

| <b>Table 1<br/>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |   |                                       |   |
|---|---|---------------------------------------|---|
| Column 1<br>Appellant   | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The person given the infrastructure charges notice  | The local government that gave the infrastructure charges notice  | —                                     | —   |
| <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<br>Appellant   | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The applicant   | The local government to which the conversion application was made | —                                     | —   |
| <p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>  |   |                                       |   |
| Column 1<br>Appellant   | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The person given the enforcement notice   | The enforcement authority   | —                                     | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |

| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>  |  |  |   |
|---|--|--|---|
| <p><b>1. Appeals from tribunal</b></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<br>Appellant   | Column 2<br>Respondent   | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| A party to the proceedings for the decision   | The other party to the proceedings for the decision  | —  | —   |
| <p><b>2. Eligible submitter appeals</b></p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p> |  |  |   |
| Column 1<br>Appellant   | Column 2<br>Respondent   | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>   | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

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

**3. Eligible submitter and eligible advice agency appeals**  
 For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

| Column 1<br>Appellant  | Column 2<br>Respondent   | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
|--|--|--|---|
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

**4. Compensation claims**  
 An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>  |  |                                       |  |
|---|--|---------------------------------------|--|
| Column 1<br>Appellant   | Column 2<br>Respondent                           | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)                           |
| A person dissatisfied with the decision   | The local government to which the claim was made | —                                     | —  |
| <p><b>5. Registered premises</b><br/>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>  |  |                                       |  |
| Column 1<br>Appellant   | Column 2<br>Respondent                           | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)                           |
| <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><b>6. Local laws</b><br/>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> |  |                                       |  |



| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>   |                        |                                       |  |
|--|------------------------|---------------------------------------|--|
| Column 1<br>Appellant  | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who—<br>(a) applied for the decision; and<br>(b) is dissatisfied with the decision or conditions. | The local government   | —                                     | —  |

| <b>Table 3<br/>Appeals to a tribunal only</b>   |                        |                                       |  |
|---|------------------------|---------------------------------------|--|
| <p><b>1. Building advisory agency appeals</b></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<br>Appellant   | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)   |
| A building advisory agency for the development application related to the approval  | The assessment manager | The applicant                         | <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> |

| <b>Table 3<br/>Appeals to a tribunal only</b>  |                                   |                                       |  |
|--|-----------------------------------|---------------------------------------|--|
| <p><b>2. Inspection of building work</b><br/>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<br>Appellant  | Column 2<br>Respondent            | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| The applicant for the development approval   | The person who made the decision  | —                                     | —  |
| <p><b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b><br/>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<br>Appellant  | Column 2<br>Respondent            | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who received, or was entitled to receive, an information notice about the decision  | The entity that made the decision | —                                     | —  |
| <p><b>4. Local government failure to decide application under the Building Act</b><br/>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>   |                                   |                                       |  |

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