

30 June 2020

Janelle Noonan  
PO Box 5250  
GLADSTONE QLD 4680

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

Dear Ms Noonan

**DECISION NOTICE - CHANGE APPLICATION FOR CHANGE OTHER – DA2020/01/03**  
(GIVEN UNDER S83 PLANNING ACT 2016)

GPC as the Assessment Manager (responsible entity) has agreed to make the change to the development approval as requested. Find attached the Decision Notice for the Change Application for a Change Other to DA2020/01/02 for the following development:

**1. Description Of Proposed Development**

Change Application for Change - Other to a Material change of use development approval for a restaurant/café (addition of Shop and Function facility).

**2. Changed Conditions**

Two conditions have been added.

Condition 10:

***Public use of the temporary licenced grassed area must be maintained at all times except:***

- ***during functions held in this area that have been approved by GPC; or***
- ***when alcohol is being consumed that was not purchased from the licenced premises, i.e. only alcohol purchased at approved use to be consumed in this area.***

Condition 15:

***The approved maximum number of people for functions is 150 people.***

***Note: The minimum number of people to constitute a function is considered to be 30 people (in the context of exclusive use of the temporary licence common area).***

One condition has been changed.

Condition 13:

Approved Restaurant / café **and Shop** operating hours are:

- Sunday to Wednesday 5am to 5pm; and
- Thursday to Saturday 5am to 11pm.

**Approved Function facility operating hours are:**

- **Sunday to Saturday 7am to 11pm.**

### 3. Changed Approved Plans/Drawings/Specifications

The following drawings have been removed to the list of Approved Plans:

| Drawing/report title  | Prepared by | Date       | Reference no. | Ver. |
|---|-------------|------------|---------------|------|
| <b>Aspect of development: Material Change of Use / Port Application</b>         |             |            |               |      |
| Savour Marina (SM) Defined Areas - Temporary licence common area and stage area | GPC         | 12/03/2020 |               |      |

The following drawings have been added to the list of Approved Plans:

| Drawing/report title  | Prepared by | Date | Reference no.                           | Ver. |
|---|-------------|------|---|------|
| <b>Aspect of development: Material Change of Use / Port Application</b> |             |      |   |      |
| <b>Defined Areas (Highlighted)</b>                                      | GPC         |      | <b>Map 1 – as amended on 30/06/2020</b> |      |
| <b>Defined Areas Survey Plan (Highlighted)</b>                          | GPC         |      | <b>Map 2</b>                            |      |
| <b>Shop / Convenience Store within Lease Area</b>                       | GPC         |      | <b>Map 3</b>                            |      |
| <b>Shop / Convenience Store Display Shelves</b>                         | GPC         |      | <b>Photo 1</b>                          |      |
| <b>Shop / Convenience Store Display Shelves</b>                         | GPC         |      | <b>Photo 2</b>                          |      |

### 4. Changed Advice

One new advice has been added.

Advice No. 3

**3. The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.**

For further information please contact Judy Horsfall, Planning Officer, on 07 4976 1314 or the undersigned, on 07 4976 1287 or via email [planning@gpcl.com.au](mailto:planning@gpcl.com.au).

Yours sincerely



**Erin Clark**  
**Principal Planner**  
30 June 2020

Enc. Changed Decision Notice DA2020/01/03

30 June 2020

 Janelle Noonan  
 PO Box 5250  
 GLADSTONE QLD 4680

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

Dear Ms Noonan

### DECISION NOTICE – CHANGE APPLICATION FOR CHANGE OTHER – DA2020/01/03

(GIVEN UNDER S83 PLANNING ACT 2016)

This changed decision notice replaces the decision notices dated 24 February 2020 and 28 May 2020. Previous changes are shown in *italics* font. Changes under this approval are shown in ***italicised bold*** font.

#### 1. Application Details

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

|                                     |  |
|-------------------------------------|--|
| Application Number:                 | <b>DA2020/01/03</b>  |
| Applicant Name:                     | <b>Savour Marina operating as Flavours Marina</b>  |
| 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:                   | <b><i>Change Application for a Change Other to an approval for a Material Change of Use for restaurant / café</i></b>                      |
| Details of Proposed Development:    | <b>Additional uses for Shop and Function facility</b>  |
| Location Street Address:            | <b>Shop 1, 72 Bryan Jordan Drive<br/>GLADSTONE QLD 4680</b>  |
| Location Real Property Description: | <b>Tenancy #1, Part of Lot 210 on SP120888</b>   |
| Land Owner:                         | <b>Gladstone Ports Corporation Limited</b>   |
| Present Zoning & Precinct           | <b>Strategic Port Land – Marine Industry</b>   |

## 2. Details Of Proposed Development

Change Application for a Change Other to existing approval for a Material Change of Use for a restaurant / café - addition of Shop and Function facility (maximum of 150 people) uses.

## 3. Details Of Decision

This development application was **decided on 24 February 2020**, *the minor change decided on 28 May 2020 and the change other decided on 30 June 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, **shop and function facility**.

## 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. *Appropriate liquor licence/s;*
2. Building certification; and
3. 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. No. A103 |         |

| Drawing/report title  | Prepared by                            | Date                         | Reference no.                                  | Version |
|---|--|------------------------------|--|---------|
| Elevations  | CJF Design and Drafting Pty Ltd        | 23/01/2020                   | Draw. No. A104                                 |         |
| Calliope Air conditioning – Kitroom – Coldroom plan   | Askin                                  | 07/02/2020                   | Draw. No. IPQL139295-001                       |         |
| Bar plan  |  | 21/01/2019                   | Draw. No. 001A                                 |         |
| Kitchen plan  |  |                              |  |         |
| <i>Plan and Details – proposed deck</i>   | <i>CJF Design and Drafting Pty Ltd</i> | <i>16/03/2020</i>            | <i>Draw. No. A101</i>                          |         |
| <del><i>Savour Marina (SM) Defined Areas – Temporary licence common area and stage area</i></del> | <del><i>GPC</i></del>                  | <del><i>12/03/2020</i></del> |  |         |
| <b><i>Defined Areas (Highlighted)</i></b>   | <b><i>GPC</i></b>                      |                              | <b><i>Map 1 – as amended on 30/06/2020</i></b> |         |
| <b><i>Defined Areas Survey Plan (Highlighted)</i></b>   | <b><i>GPC</i></b>                      |                              | <b><i>Map 2</i></b>                            |         |
| <b><i>Shop / Convenience Store within Lease Area</i></b>  | <b><i>GPC</i></b>                      |                              | <b><i>Map 3</i></b>                            |         |
| <b><i>Shop / Convenience Store Display Shelves</i></b>  | <b><i>GPC</i></b>                      |                              | <b><i>Photo 1</i></b>                          |         |
| <b><i>Shop / Convenience Store Display Shelves</i></b>  | <b><i>GPC</i></b>                      |                              | <b><i>Photo 2</i></b>                          |         |

## 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 the undersigned, on 07 4976 1287 or via email [planning@gpcl.com.au](mailto:planning@gpcl.com.au).

Yours sincerely



**Erin Clark**  
**Principal Planner**  
30 June 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

In general the development proposal is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). 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* – 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. **Public use of the temporary licenced grassed area must be maintained at all times except:**
  - *during functions held in this area that have been approved by GPC; or*
  - *when alcohol is being consumed that was not purchased from the licenced premises, i.e. only alcohol purchased at approved use to be consumed in this area.*
12. Colours of new structures e.g. roofs, guttering, posts, downpipes etc. must be matched to existing structures.



13. 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.

14. Approved restaurant / café **and Shop** operating hours are:

- Sunday to Wednesday 5am to 5pm
- Thursday to Saturday 5am to 11pm.

**Approved Function facility operating hours are:**

- **Sunday to Saturday 7am to 11pm.**

15. **The approved maximum number of people for functions is 150 people.**

**Note: The minimum number of people to constitute a function is considered to be 30 people (in the context of exclusive use of the temporary licence common area).**

16. Amplified music must not be played outside after 10pm. Where amplified music is played inside, doors must be closed after 10pm.

17. 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

18. 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.

19. 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.

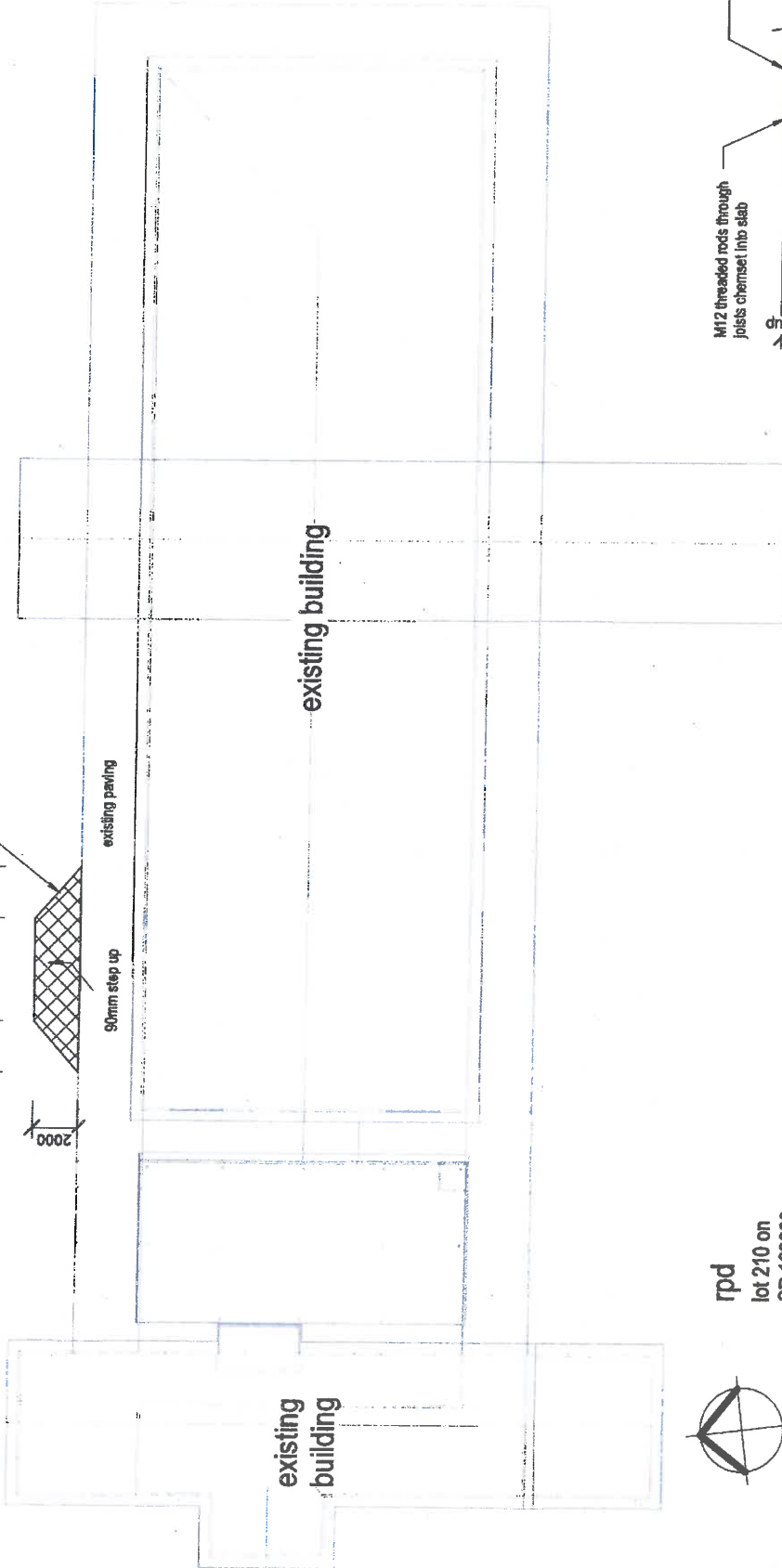
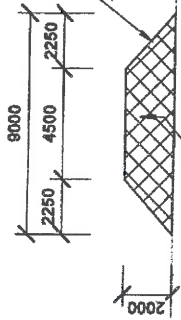
## PART 1B: ASSESSMENT MANAGER ADVICE NOTES

1. *Part of the development applied for involves the sale and consumption of alcohol on the premises. In order for this to apply, the applicant is required to comply with the requirements of the Liquor Act 1992.*
2. *The uses involving the sale and consumption of alcohol on and off-premises must be consistent with the uses approved under this Development Approval DA2020/01/02.*
3. ***The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.***

# ATTACHMENT 2: APPROVED PLANS AND SPECIFICATIONS

**proposed outdoor deck**

(100mm thick slab with timber shot edge decking over see detail)



existing building

existing building

existing paving

90mm step up

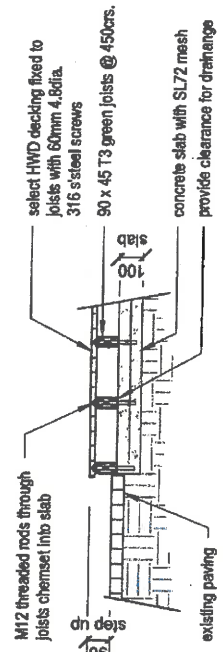
rpd

lot 210 on  
SP 120888  
local authority: GLADSTONE R.C.  
site area: 408.1 ha



1 plan  
1 : 200

bryan jordan drive



2 deck detail  
1 : 20

**APPROVED**  
22/05/2020 10:34:32 AM



*design and drafting pty ltd*

75 Pikes Crossing Road BENARABY Qld 4680  
m: 0420 925 877  
e: cvfogarty@bigpond.com  
www: 15660265

Proposed Deck for  
the GPA at the  
Visitor Information Centre, Bryan  
Jordan Drive GLADSTONE Q.

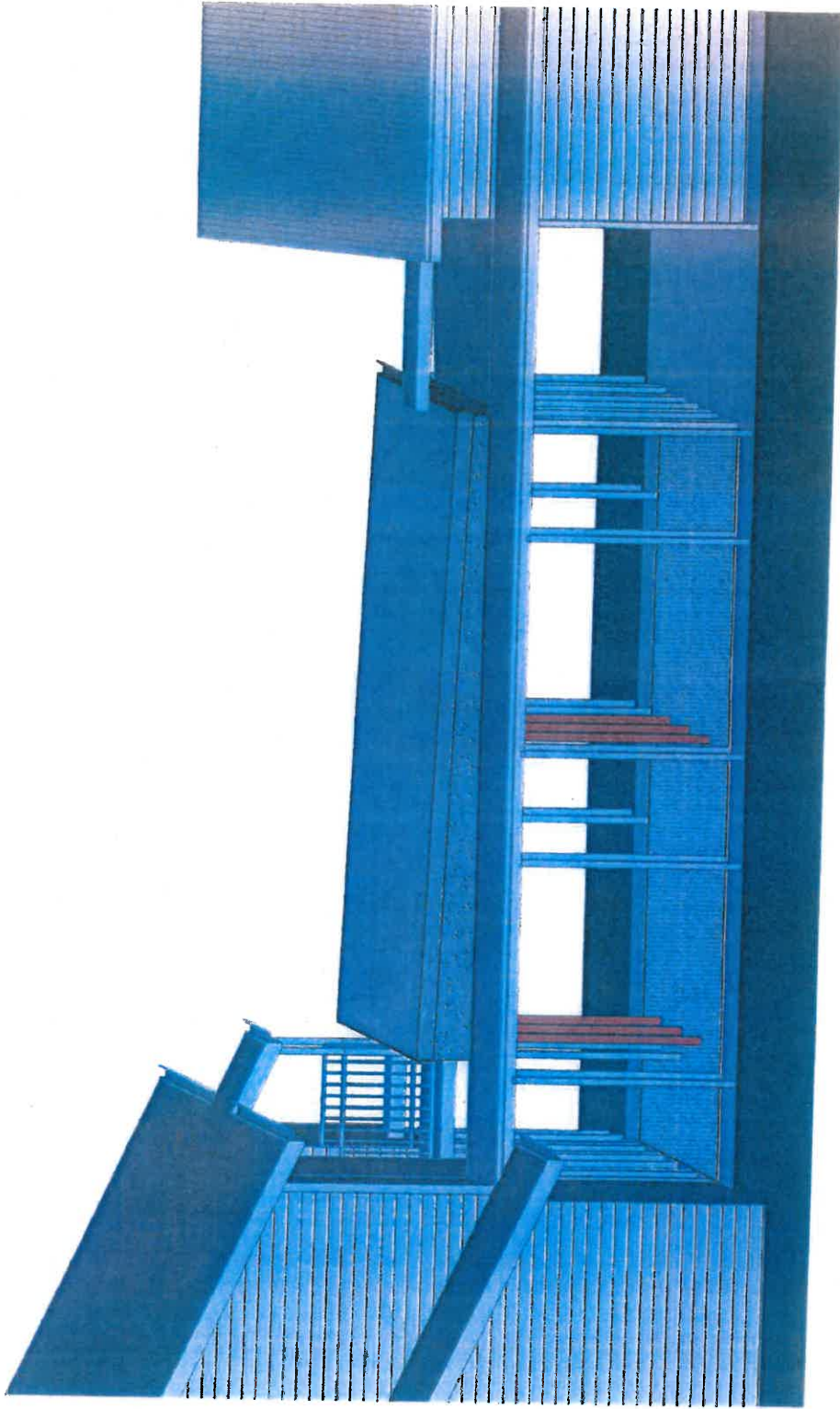
**PLAN & DETAILS**

|                   |                               |
|-------------------|-------------------------------|
| Project no: 10759 | Date: MAR 2020                |
| No. 1             | Description: FOR CONSTRUCTION |
| Date: 18/3/20     |                               |

A101

Scale at A3 As indicated

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**APPROVED**

*27/2/20*

**3D VIEW**

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

|     |                                  |         |
|-----|----------------------------------|---------|
| No. | Description                      | Date    |
| 1   | PRELIMINARY-not for construction | 23/1/20 |

**A101**

Scale at A3

*design and drafting pty ltd*

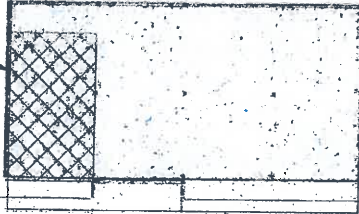
75 Pikes Crossing Road BENARABY Qld 4680  
e:cvfогarty@bigpond.com  
m:0420 925 877  
d:02 1200821  
Lic: 65196 505 509  
Lic: 16600869



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existing shade structure to be removed



existing building

existing building

proposed alfresco area



bryan jordan drive

APPROVED

27/2/20



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sec:196502985

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SITE PLAN

| No. | Description                      | Date    |
|-----|----------------------------------|---------|
| 1   | PRELIMINARY-not for construction | 23/1/20 |

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

A102

Scale at A3 1 : 200

**APPROVED**  
JA 27/2/20

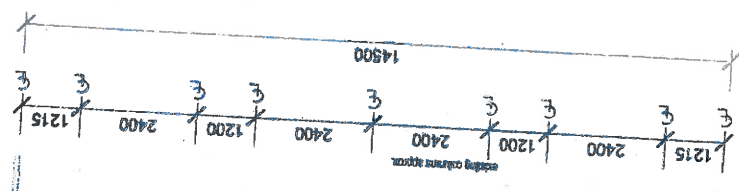
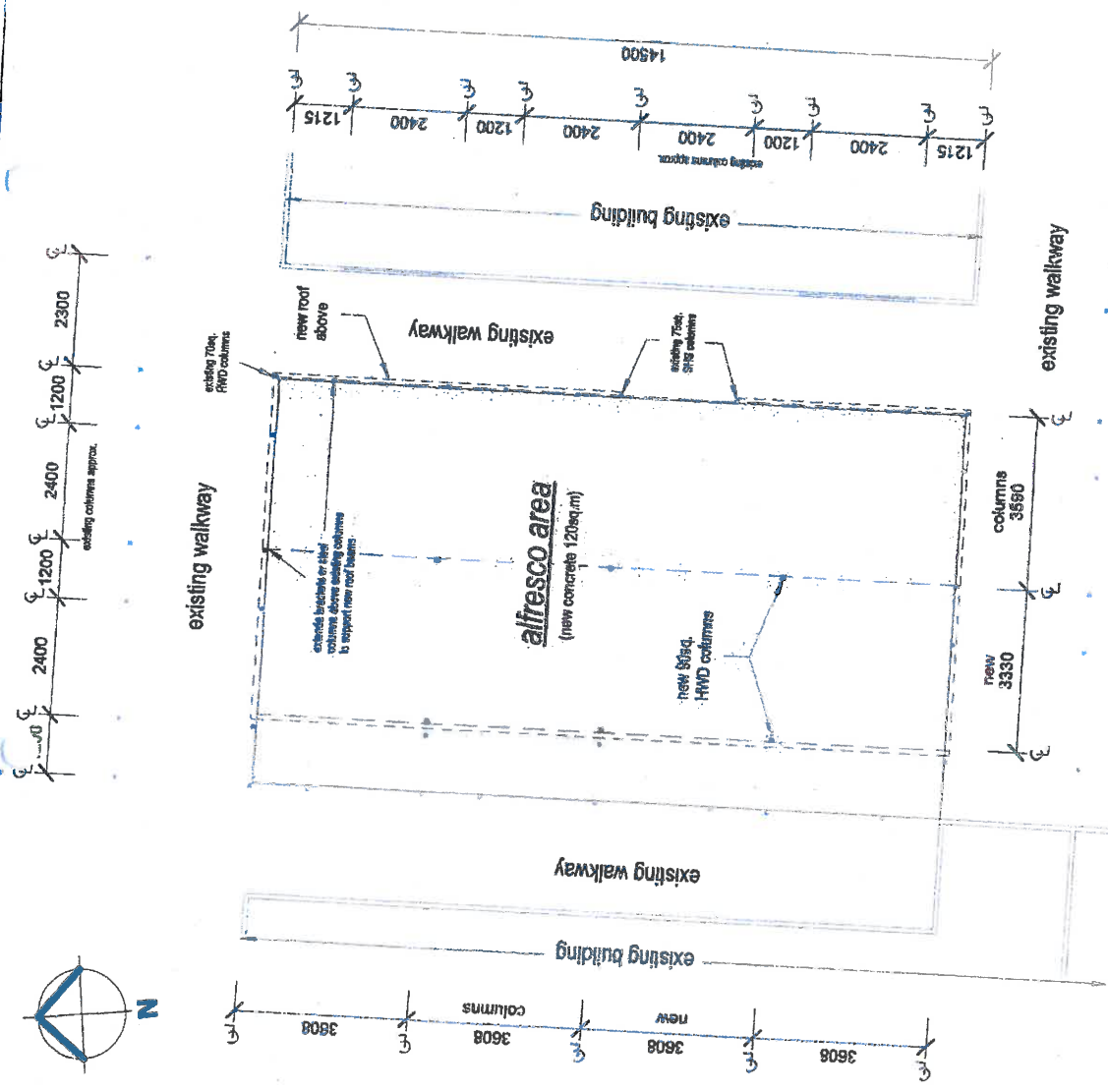
### FLOOR PLAN

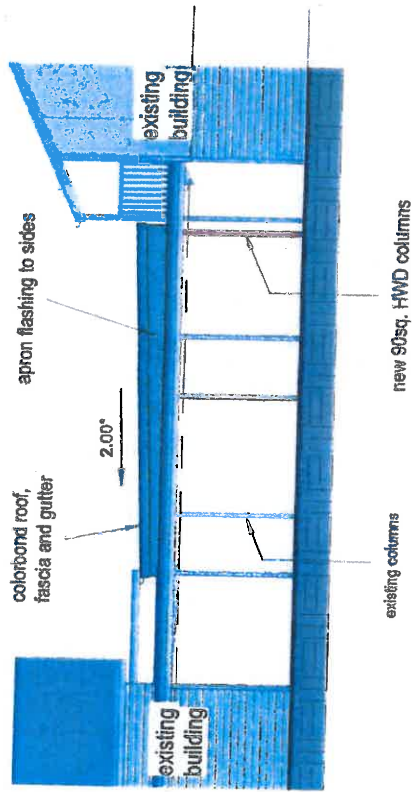
|     |                                  |         |
|-----|----------------------------------|---------|
| No. | Description                      | Date    |
| 1   | PRELIMINARY-not for construction | 23/1/20 |

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

*design and drafting pty ltd*  
 75 Pikes Crossing Road BENARABY Qld 4680  
 e: cvfogarty@bigpond.com  
 m: 0420 925 877  
 ph: 65 196 902 583  
 acn: 156502985

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 drc: 1220821





existing walkway roof  
2350

existing walkway paving  
0

1 north  
1 : 100

extends brackets or steel columns above existing columns to support new roof beams

flashing or cladding to gap over existing roof



2 west  
1 : 100

**APPROVED**

*gjh 27/2/20*



*design and drafting pty ltd*

75 Pikes Crossing Road BENARABY Qld 4680  
e: cvfogatry@bigpond.com  
m: 0420 925 877  
fax: 125021  
Abn: 92 196 502 989  
Lic: 15650955

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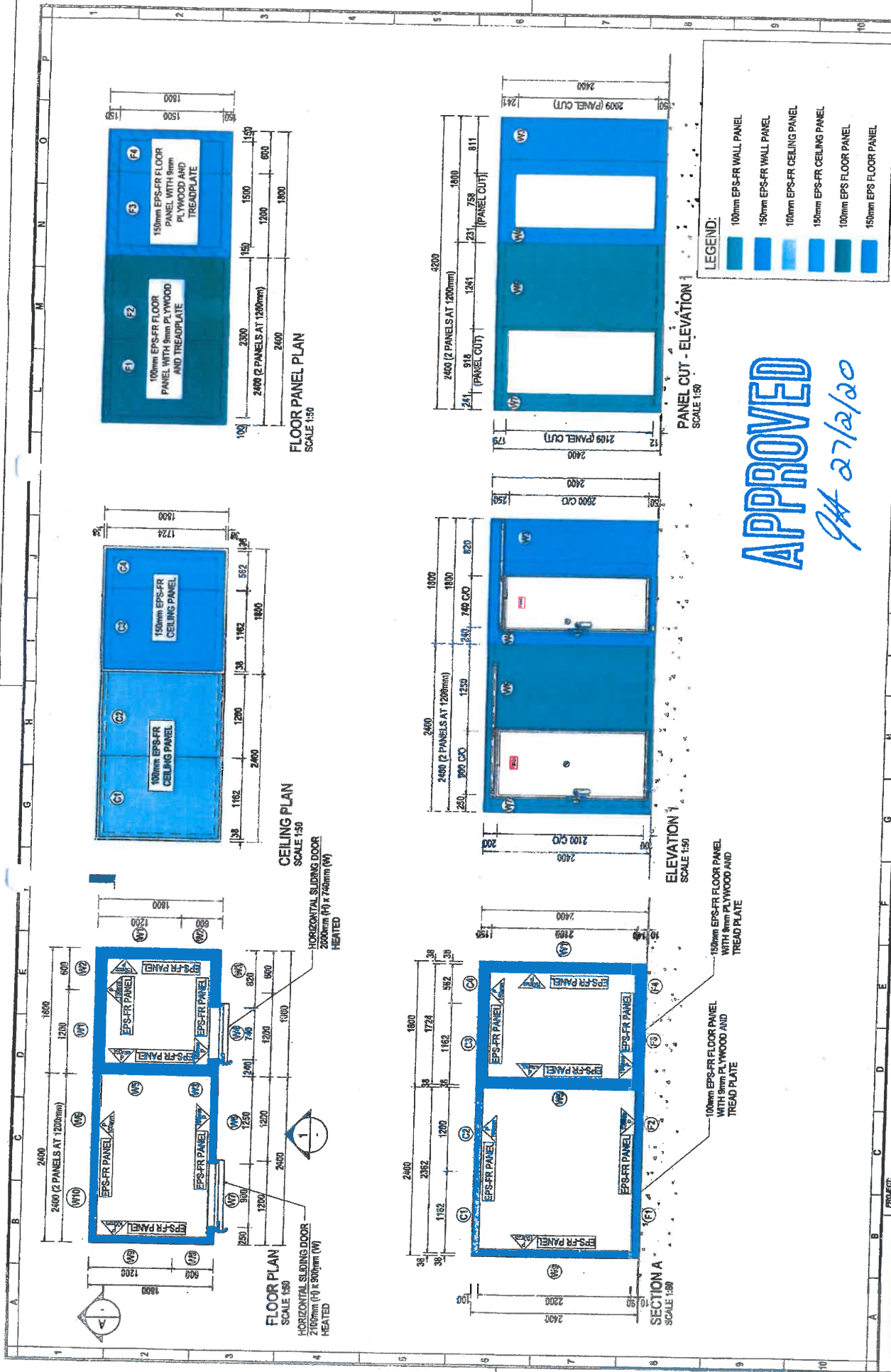
Proposed Alfresco for  
J & R Noonan at the  
Visitor Information Centre, Bryan  
Jordan Drive GLADSTONE Q.

**ELEVATIONS**

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

**A104**

Scale of A3 1 : 100



**LEGEND:**

|                   |                            |
|-------------------|----------------------------|
| [Light Blue Box]  | 100mm EPS-FR WALL PANEL    |
| [Medium Blue Box] | 150mm EPS-FR WALL PANEL    |
| [Light Blue Box]  | 100mm EPS-FR CEILING PANEL |
| [Medium Blue Box] | 150mm EPS-FR CEILING PANEL |
| [Light Blue Box]  | 100mm EPS FLOOR PANEL      |
| [Medium Blue Box] | 150mm EPS FLOOR PANEL      |

**ASKIN**  
Performance Panels  
www.askin.net.au  
SA P: 08 9388 0022  
VIC P: 08 9388 0022  
NSW P: 02 9532 2000  
WA P: 08 9232 1800

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

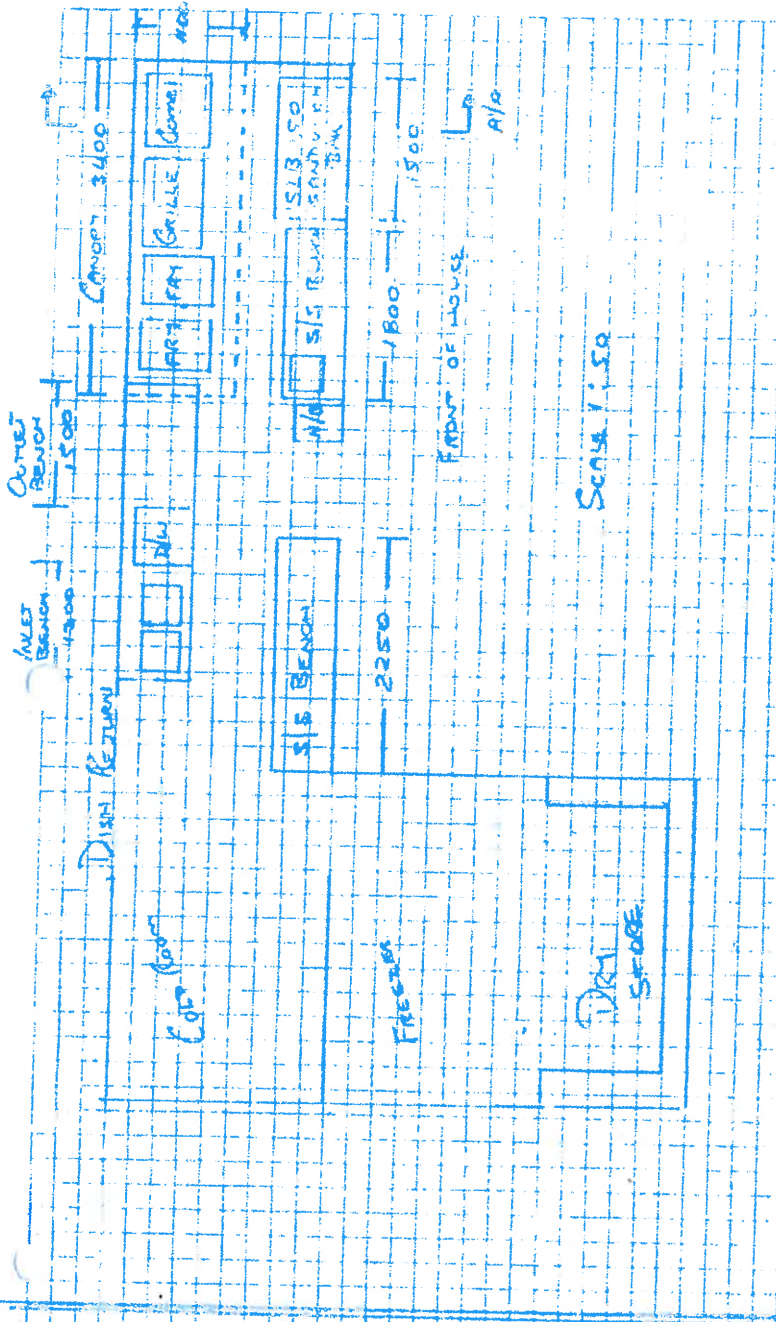
**ISSUED FOR APPROVAL**

|             |                |           |      |
|-------------|----------------|-----------|------|
| Checked By  | R VORWERK      | Date      | 1:50 |
| Drawn By    | D STRELLER     | Sheet No. | A3   |
| Issue date  | 07.02.2020     | Revision  |      |
| Drawing No. | IPQL139295-001 |           |      |

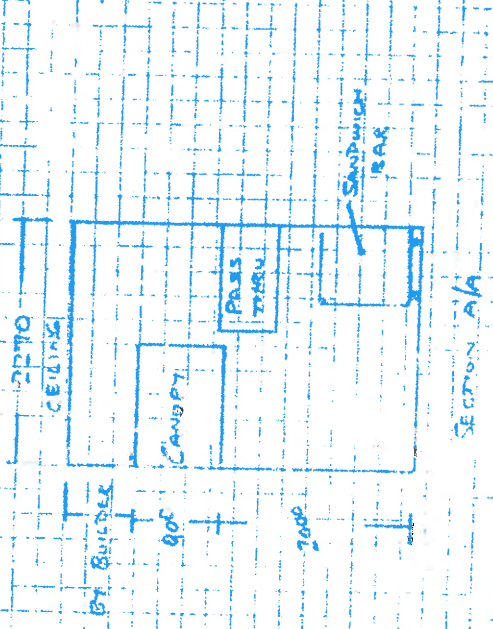
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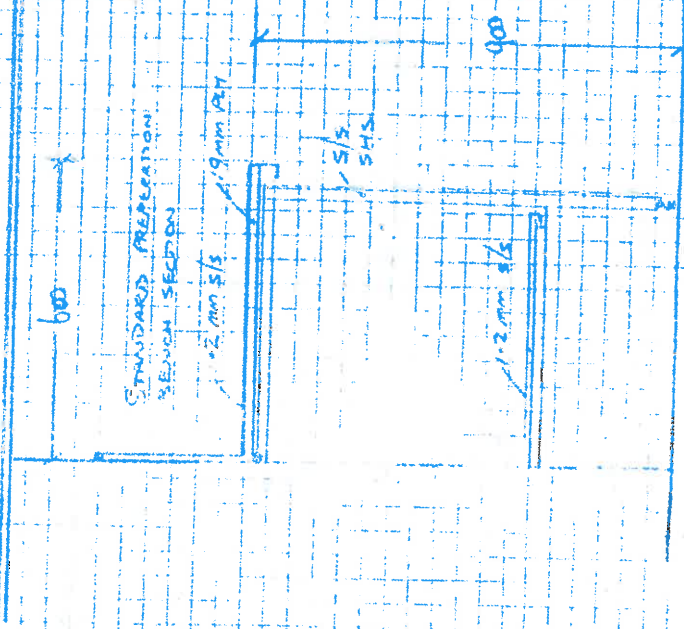


SCALE 1:50



SECTION A/A

SCALE 1:50



STANDARD PREPARATION SECTION

FLAVOUR MACHINE  
1/12 BRYAN JORDAN DRIVE  
MAOUM COMPLEX

APPROVED

27/2/20

**Map 1 – Defined Areas (Highlighted)**

**30 June 2020**



**Lease Area**

Lease to use area for Permitted Use (Café, Restaurant, **Shop and Function Facility**).  
Function allowed at FM's discretion.

**Permanent Licence Common Area**

Licence to use the area in conjunction with the Permitted Use. Only permitted user. Common open area that public will be able to access when café isn't open.  
Function allowed at FM's discretion.

**Temporary Licence Common Area and Stage Area**

Non-exclusive use for FM's customers to eat and drink in conjunction with the Permitted Use.  
Common open area where the public will be able to eat and drink at all times (~~inc~~ excluding functions and alcohol). Exclusive use for FM's customers to consume alcohol.  
Function allowed at GPC's sole discretion.

**APPROVED**  
*GA 30/6/20*

**Map 2 – Defined Areas Survey Plan (Highlighted)**

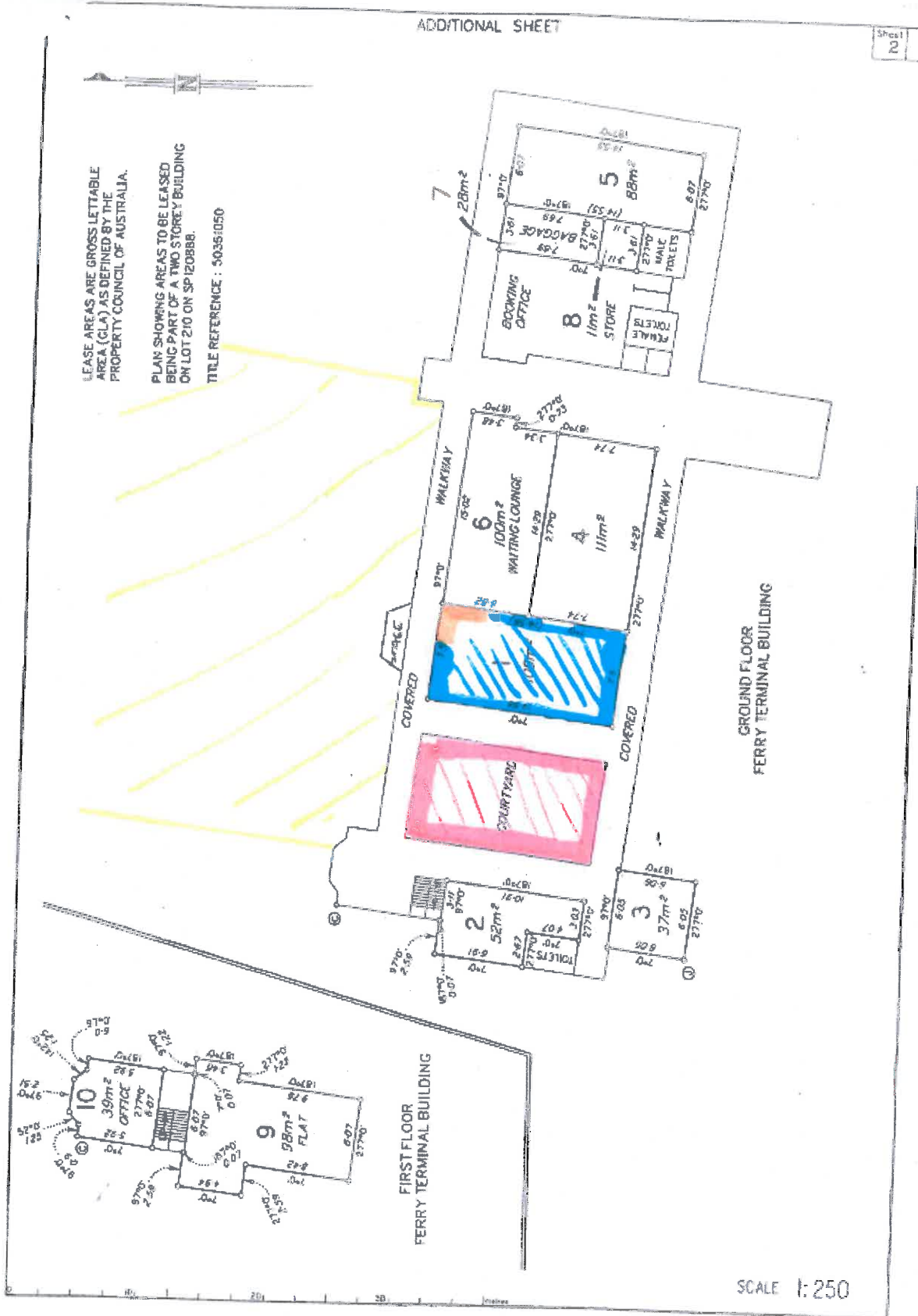
ADDITIONAL SHEET

Sheet  
No  
P.03

LEASE AREAS ARE GROSS LETTABLE  
AREA (GLA) AS DEFINED BY THE  
PROPERTY COUNCIL OF AUSTRALIA.

PLAN SHOWING AREAS TO BE LEASED  
BEING PART OF A TWO STOREY BUILDING  
ON LOT 210 ON SP120888.

TITLE REFERENCE : 50351050



**APPROVED**

*JA 30/6/20*



Photo 1 – Shop / Convenience Store Display Shelves



APPROVED

*JM 30/6/20*

Photo 2 – Shop / Convenience Store Display Shelves



APPROVED  
JH 30/6/20

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

| <b>Table 1</b><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)   |
| <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> |                               |  |  |

| <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)                                      |
| <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</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)  |
| The person given the infrastructure charges notice   | The local government that gave the infrastructure charges notice  | —                                     | —   |
| <p><b>5. Conversion applications</b></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><b>6. Enforcement notices</b></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> |



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| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>  |  |  |   |
|---|--|--|---|
| <p><b>3. Eligible submitter and eligible advice agency appeals</b></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<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> |
| <p><b>4. Compensation claims</b></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>  |  |  |   |

| <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> |  |                                       |  |

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| <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></p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>  |                                   |                                       |  |
| Column 1<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></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p> |                                   |                                       |  |
| 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></p> <p>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>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<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            | —                                     | —  |

