



Blackall-Tambo Regional Council

Blackall-Tambo Regional Council

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ABN: 42 062 968 922

NEGOTIATED DECISION NOTICE

PLANNING ACT 2016, SECTION 63

I refer to your application and the change representation made in respect to the decision notice and advise that on 15 February 2023, Council agreed with the change representation. Details of the decision are as follows:

1. APPLICATION DETAILS

Application Number:	DA37-2021-2022
Properly Made Date:	26 April 2022
Decision Date:	14 December 2022
Negotiated Decision Date:	15 February 2023
Planning Scheme:	Blackall-Tambo Region Planning Scheme 2020

2. APPLICANT DETAILS

Name:	New Beginnings Church Blackall Mr Robert Engwicht
Postal Address:	PO Box 203 BLACKALL QLD 4472
Email Address:	bobby.engwicht@outlook.com

3. PROPERTY DETAILS

Street Address:	18 Leek Street, Tambo
Real Property Description:	Lot 1 on CP900484
Local Government Area:	Blackall-Tambo Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for a Tourist Park

- Development Permit for Reconfiguring a Lot (1 lot into 2 lots)

5. CHANGE REPRESENTATIONS

Agree to amend condition 3.1.

6. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(a) and 85(1)(b) of the *Planning Act 2016*.

7. ASSESSMENT MANAGER CONDITIONS

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Thistle Street Aspect	Page 1	-	25/05/2022
Layout Proposed Site Plan	Page 3	-	26/05/2022 (Received date)
Caravan Park Proposed Site Plan	Page 4	-	26/05/2022 (Received date)

Type A & Shower-WC-Vanity & Elevations	Page 5	-	26/05/2022 (Received date)
Type B & C & Shower-WC-Vanity & Elevations	Page 6	-	26/05/2022 (Received date)
Type D & Laundry-WC-Shower & Elevations	Page 7	-	26/05/2022 (Received date)
Proposed Dwelling – Lower and Upper Floor	Page 8	-	26/05/2022 (Received date)
Proposed Dwelling Aspects	Page 9	-	26/05/2022 (Received date)
Site Layout	DWG-S01	A	26/09/2022
General Arrangement	CE22056-301-GA	A	19/10/2022
Landscape Plan Planting Plan	IY-666-18LE	-	19/10/2022

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3.0 LIMITATIONS OF OPERATION

3.1 Hours of operation are limited from ~~7:00am to 6:00pm~~ **6:00am to 7:00pm** Monday to Sunday. No new guests are to be accepted into the Tourist Park outside these hours.

Advisory note: This relates to office hours and when guests may be accepted into the Tourist Park. It is accepted the use is an accommodation activity and guests (already checked in) will be staying 24 hours a day.

3.2 The Tourist Park is limited to a maximum of 16 caravan sites.

4.0 ENGINEERING CERTIFICATION

4.1 Prior to commencement of any engineering works, a Development Permit for Operational Work must be obtained, where required, for the following engineering works:

- 4.1.1 Road works and access and parking works
- 4.1.2 Reticulated water supply connection
- 4.1.3 Reticulated sewer supply
- 4.1.4 Earthworks
- 4.1.5 Stormwater works

4.2 For the submission, detailed design documentation must be provided and a Registered Professional Engineer of Queensland (RPEQ) must certify the engineering drawings and specifications for the engineering work.

4.3 An Engineer's Certificate of Construction must be signed and submitted to Council by a RPEQ verifying that all works have been carried out in accordance with the relevant standards, drawings, the development permit for operational works, and any specifications that result from the submission for engineering certification.

5.0 ACCESS AND PARKING WORKS

5.1 Design, construct and maintain the Thistle Street crossover in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing,

Figure 2 – Vehicle Crossover – Piped, from the General Development Code of the Blackall-Tambo Region Planning Scheme.

- 5.2 Design and construct the upgrade to Thistle Street and the intersection of Leek and Thistle Street, at no cost to Council, in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standards detailed in the *Capricorn Municipal Development Guidelines (including Standard Drawings and Specifications, Construction Specifications and Procedures, Design Specifications and Purchase Specifications)*.
- 5.3 Provide and maintain a minimum of eighteen (18) car parking spaces on-site for guests, four (4) car parking on-site for guests and two (2) car parking spaces for the caretaker's residence. All car parking spaces must be clearly delineated by either line-marking or signage.
- 5.4 Design and construct and maintain all car parking, service vehicle parking and manoeuvring areas in accordance with the approved plans (see Condition 2.1) and *AS2890.1 – Parking Facilities* and *Austrroads Publication AP-G34-13 – Austrroads Design Vehicle and Turning Path Templates*.
- 5.5 All car parking, caravan sites and vehicle manoeuvring areas must be either compacted gravel or concrete.
- 5.6 Install and maintain directional signage within the site to ensure the orderly and efficient movement of vehicles.
- 5.7 Provide dedicated visitor car parking areas generally in accordance with the approved plans (Condition 2.1).

6.0 FLOOD

- 6.1 Maintain and implement a current Flood Evacuation Plan for the approved use.
 - 6.2.1 The Flood Evacuation Plan must consider:
 - 6.2.1 Trigger conditions for evacuation;
 - 6.2.2 Flood free or low flood hazard access, by way of trafficable roads to facilitate evacuation or provision of supplies;
 - 6.2.3 Location of local evacuation centres; and
 - 6.2.4 Roles and responsibilities of the manager/employees in implementing the Flood Evacuation Plan.
- 6.4 Make available a copy of the Flood Evacuation Plan on site at all times.

7.0 SITE MANAGEMENT PLAN

- 7.1 Maintain and implement a site management plan for the Tourist Park. The site management plan is to include measures to manage operational aspects of the development including, but not limited to, hours of operation, noise management, site care and maintenance, complaints management and refuse management.

8.0 ROOF AND ALLOTMENT DRAINAGE

- 8.1 Discharge of all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.

9.0 STORMWATER WORKS

- 9.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

10.0 SEWERAGE AND WATER

- 10.1 The premises must be connected to Council's reticulated water and sewerage network.
- 10.2 All works must be designed, constructed and maintained in accordance with the approved plans (refer to Condition 2.1), the *Plumbing and Drainage Act, Water Services Association of Australia (WSAA), 2011, "WSA 03-11 Water Supply Code of Australia" Version 3.1* and *Queensland Department of Energy and Water Supply, 2010, Planning Guidelines for Water Supply and Sewerage*.
- 10.3 Remove all redundant water supply and sewerage infrastructure, including but not limited to pipes and connection points.

11.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

- 11.1 The premises must be connected to electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

12.0 WASTE MANAGEMENT

- 12.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:
- 12.1.1 Designed to not cause nuisance to neighbouring properties;
 - 12.1.2 Screened from any road frontage or adjoining property;
 - 12.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the Tourist Park.

13.0 AMENITY AND ENVIRONMENTAL HEALTH

- 13.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 13.2 Install and operate all outdoor lighting to comply with *AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting"*.

14.0 LANDSCAPING

- 14.1 Establish and maintain landscaping generally in accordance with the approved plans.

14.2 The landscaping must predominantly contain species consisting of native, drought tolerant groundcovers, shrubs, small trees and trees.

15.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

15.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

15.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* (as amended).

15.3 Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted or landscaped).

16.0 ASSET MANAGEMENT

16.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

ADDITIONAL CONDITIIONS FOR RECONFIGURING OF A LOT (1 LOT INTO 2 LOTS)

17.0 ENDORSEMENT OF SURVEY PLAN

17.1 Council will not endorse or release the survey plan for this development until such time as:

- (a) All conditions attached to this development approval for Reconfiguring a Lot have been fully satisfied;
- (b) A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and
- (c) All outstanding rates and charges relating to the site have been paid.

18.0 APPROVED PLANS AND DOCUMENTS

18.1 The approved reconfiguration of a lot must be completed and maintained generally in accordance with the lot layout shown on Layout Proposed Site Plan with reference Page 3 and dated 26/05/2022 (received date).

18.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

19.0 ACCESS

19.1 The existing access to Leek Street for the Church must be maintained.

20.0 SERVICES

20.1 Each proposed lot must have separate services.

21.0 PUBLIC UTILITIES

- 21.1 The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
- 21.2 Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.
- 21.3 Any damage caused to any public utility during the course of construction shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council prior to the sealing of the Survey Plan.

8. ADVISORY NOTES

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").
- E. The Tourist Park will require approval to operate under Schedule 14 of the Blackall-Tambo Regional Council Subordinate Local Law No.1 (Administration) 2010.

9. PROPERLY MADE SUBMISSIONS

- Deborah Heap
51-53 Garden Street, BLACKALL QUEENSLAND 4472
info@blackallcaravanpark.com.au
- Robert & Chris Parnaby
143 Thistle Street, BLACKALL QUEENSLAND 4472
cparnaby@bigpond.com
- Brett & Kirsty Hayman
7 Leek Street, BLACKALL QUEENSLAND 4472
kg_langdon@bigpond.com
- Todd & Melissa De Hennin

26 Leek Street, BLACKALL QUEENSLAND 4472
todd_dehennin@me.com

- Jason & Mari Yaxley
28 Bedford Street, BLACKALL QUEENSLAND 4472
jasonyaxley@protonmail.com
- David & Kahlee Dendle
140 Thistle Street, BLACKALL QUEENSLAND 4472
dkdendle@aol.com.au
- Christopher & Rosemary Heard
43 Walter Street, BLACKALL QUEENSLAND 4472
- Kahlee Dendle
140 Thistle Street, BLACKALL QUEENSLAND 4472

10. REFERRAL AGENCIES

The application did not require referral to any referral agencies.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

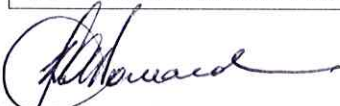
The following further development permits are required:

- Operational Work
- Building Work; and
- Plumbing and Drainage Work.

12. 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* (included in the attachment to this decision notice). 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*).

13. DELEGATED PERSON



DA Howard
CHIEF EXECUTIVE OFFICER

16 February 2023

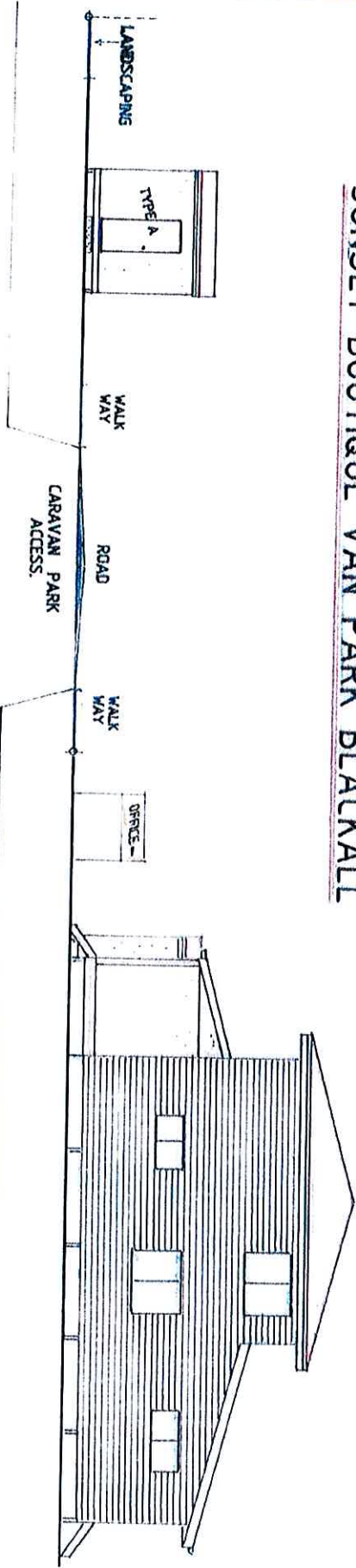
Encl: **Attachment A** – Approved Plans
Attachment B – Appeal Provisions

Attachment A – Approved Plans

RECEIVED
26 MAY 2022

BY:

SUNSET BOUTIQUE VAN PARK BLACKALL



THISTLE STREET ASPECT

**PROPOSED CARAVAN PARK AT LOT 1
CORNER OF LEEK STREET & THISTLE STREET
BLACKALL 4472 QUEENSLAND.
FOR NEW BEGINNINGS CHURCH BLACKALL**

BLACKALL-TAMBO REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use for a Tourist Park and Development Permit for Reconfiguring a Lot (1 lot into 2 lots)
Address: 18 Leek Street, Blackall described as Lot 1 on CP900484
Referred to In Council's Negotiated Decision Notice for DA 37-2021-2022

Approval Date: 15 February 2023
Application Number: DA 37-2021-2022

- CONTENTS**
- 1/Heading page.
 - 2/Existing site plan.
 - 3/Proposed subdivision layout
 - 4/Proposed Caravan park layout
 - 5/Type A layout small caravans
 - 6/Type B and C layout large caravans
 - 7/Type D layout laundry
 - 8/Dwelling floor plan
 - 9/Dwelling elevations
 - 10/Hastens surveying showing the allotment is all above Blackall flood level RL 282m AHD.

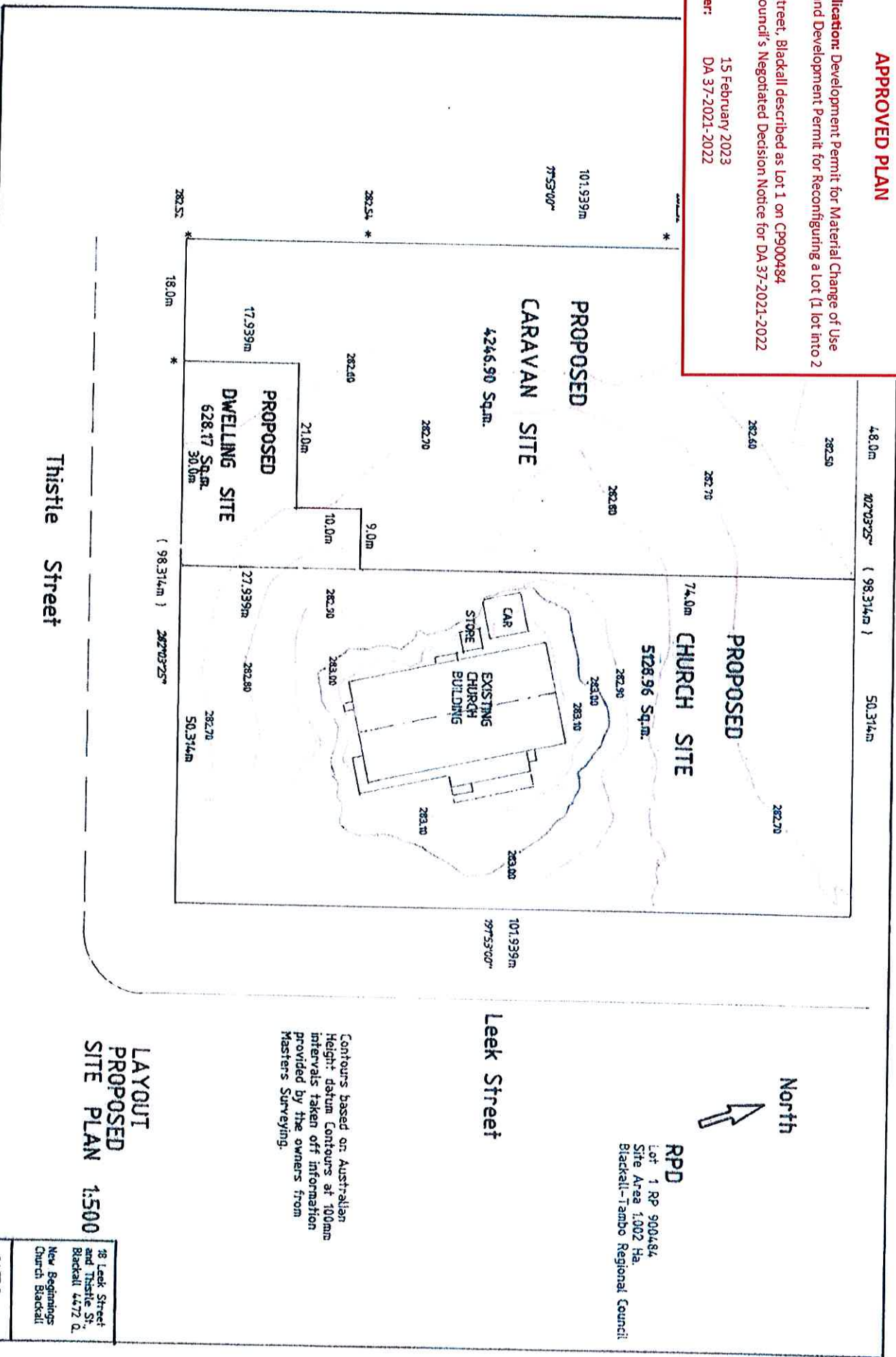
DATE	11-03-2022	OSPA Licence No: 231346 MB 0411.190.019 © All Rights Reserved	AMENDED PLAN 25/5/2022
SCALE	1:100 and as marked.		
DRAWN	John Butler		
LOCAL AUTHORITY	BLACKALL-TAMBO REGIONAL COUNCIL		
PAGE 1			

BLACKALL-TAMBO REGIONAL COUNCIL

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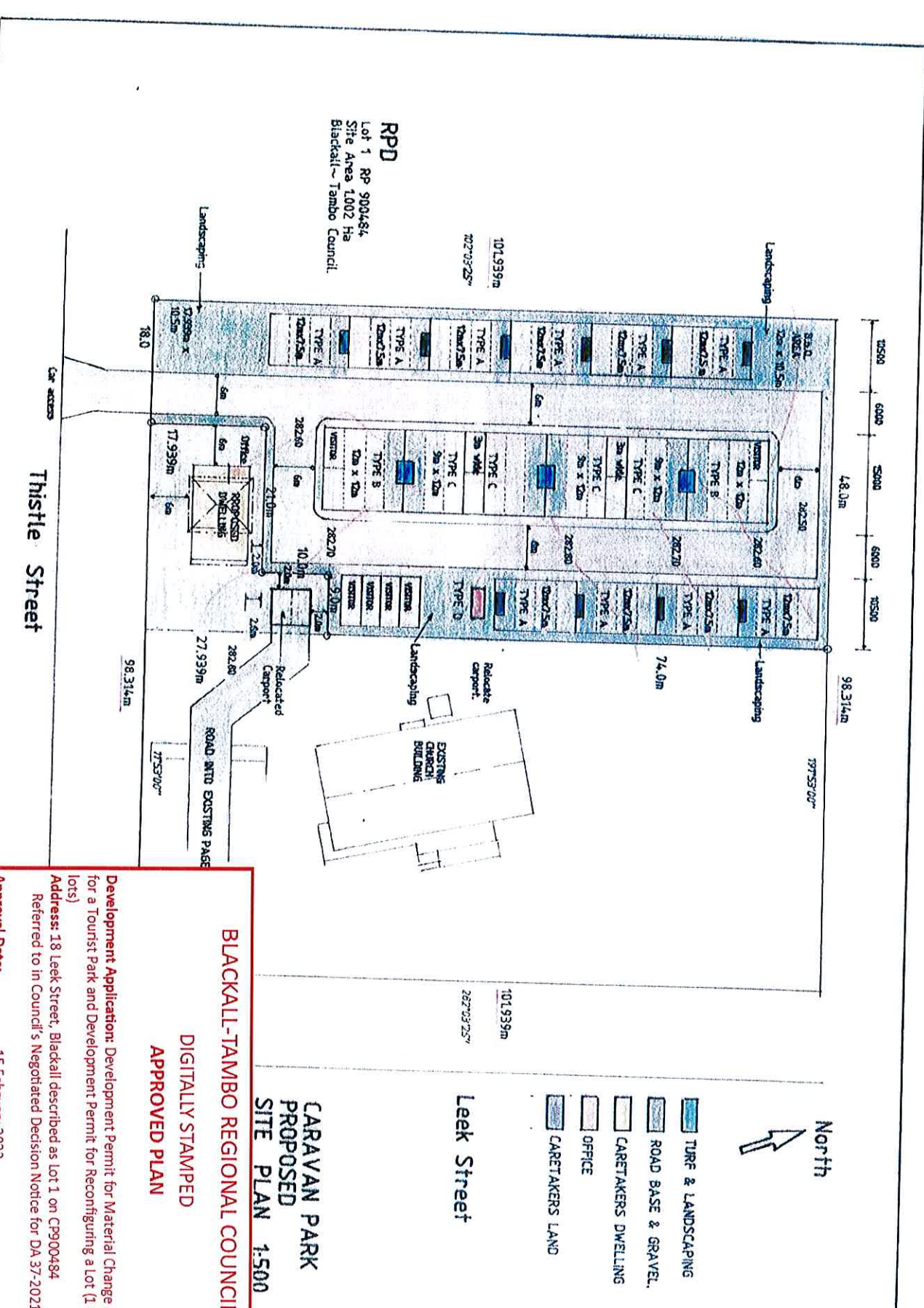


RPPD
 Lot 1 RP 900484,
 Site Area 1,002 Ha,
 Blackall-Tambo Regional Council

Contours based on Australian Height datum. Contours at 100mm intervals taken off information provided by the owners from Masters Surveying.

**LAYOUT
 PROPOSED
 SITE PLAN 1:500**

18 Leek Street
 and Thistle St.
 Blackall 4472 Q.
 New Beginnings
 Church Blackall



RPD
 Lot 1 RP 900484,
 Site Area 1002 Ha
 Blackall - Tambo Council.

101.939m
 202°03'25"

North

- TURF & LANDSCAPING
- ROAD BASE & GRAVEL,
- CARETAKERS DWELLING
- OFFICE
- CARETAKERS LAND

Leek Street

**CARAVAN PARK
 PROPOSED
 SITE PLAN 1:500**

BLACKALL-TAMBO REGIONAL COUNCIL

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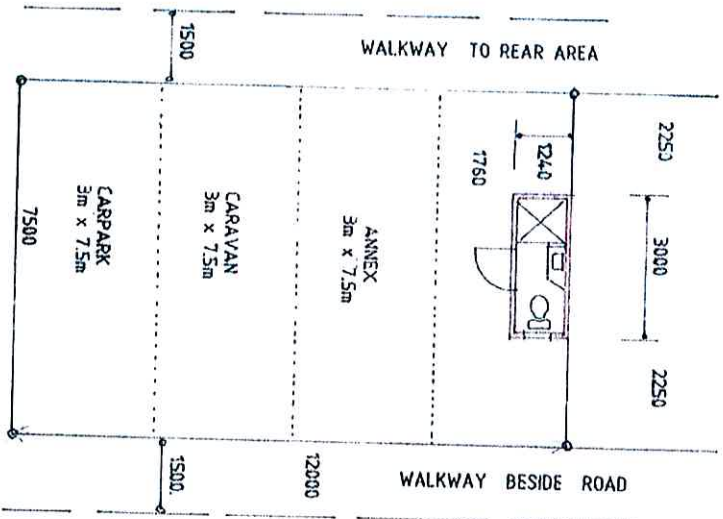
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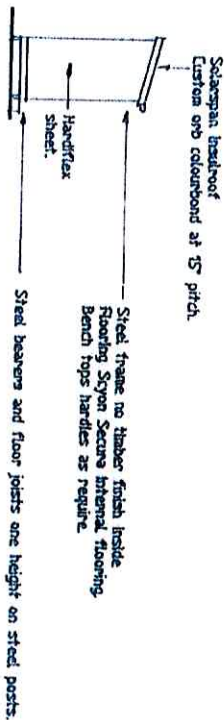
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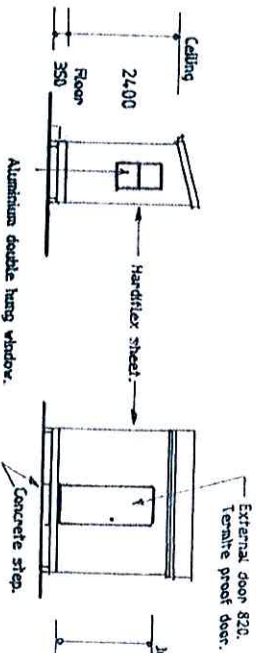
SHOWER-WC-VANITY 1:100



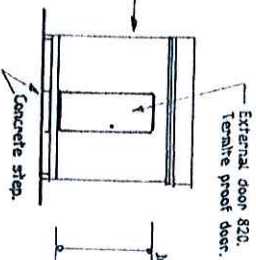
TYPE A



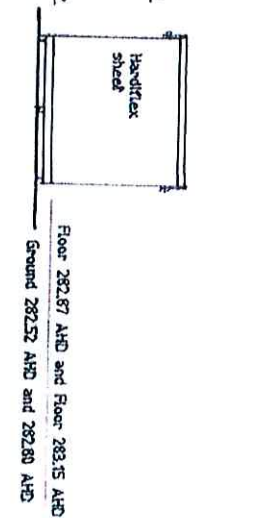
L.H. SIDE ELEVATION



R.H. SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

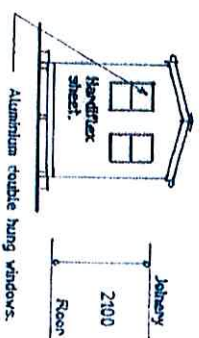
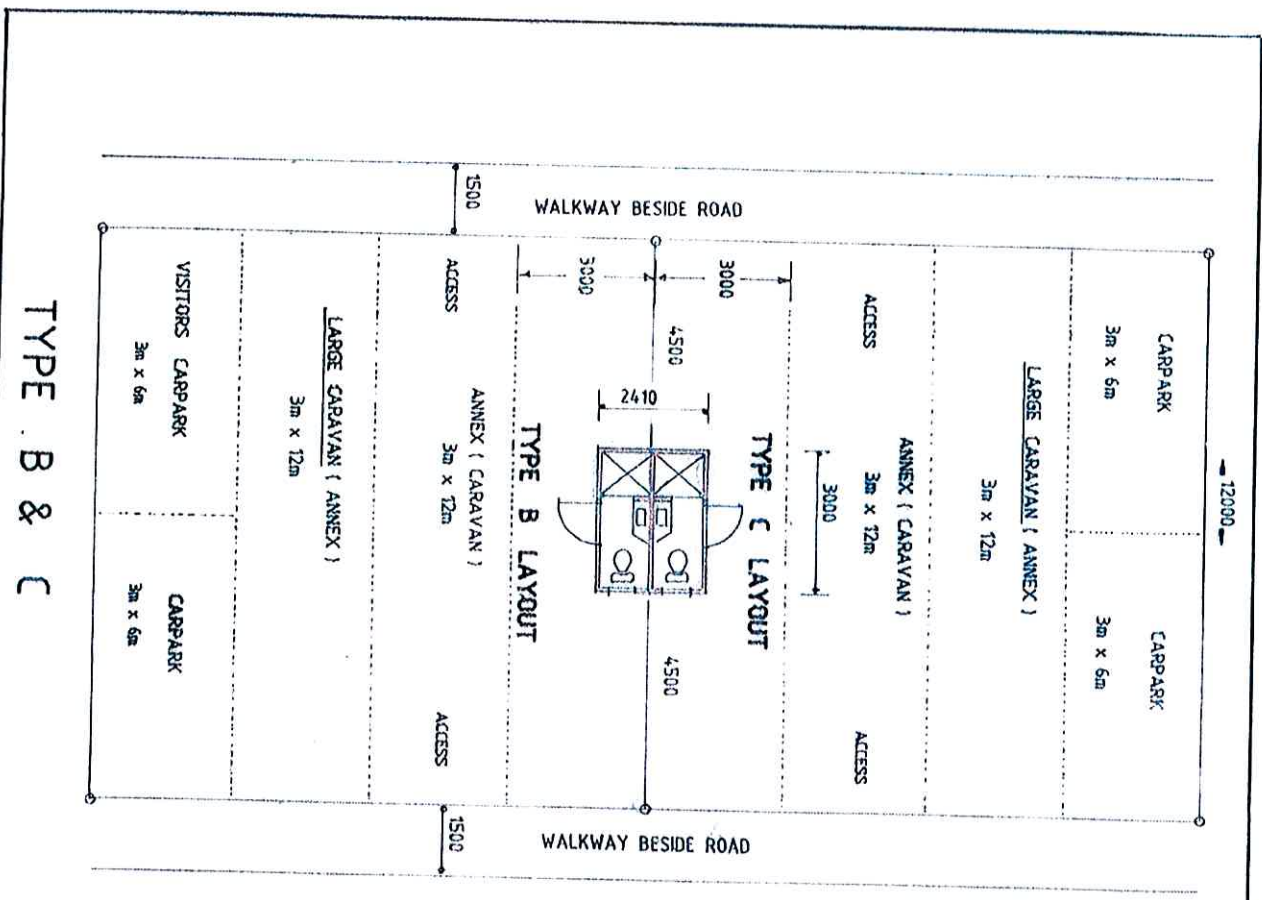
The floor level is 870/1150mm above the defined Blackall flood level of 282.00m AHD.

BLACKALL-TAMBO REGIONAL COUNCIL

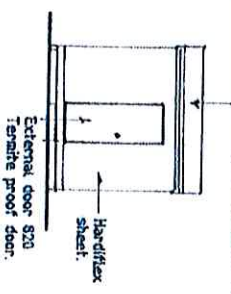
**DIGITALLY STAMPED
APPROVED PLAN**

SHOWER

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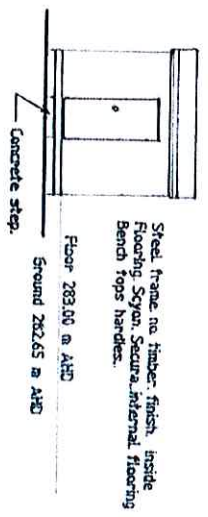
R.H. SIDE ELEVATION



FRONT ELEVATION



L.H. SIDE ELEVATION



REAR ELEVATION

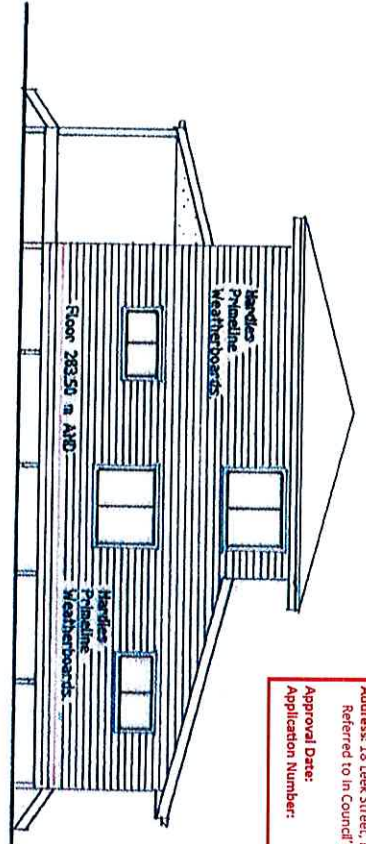
The floor level is 1000mm above the defined Blackall Flood level of 282.00m AHD

TYPE B & C LARGE CARAVANS

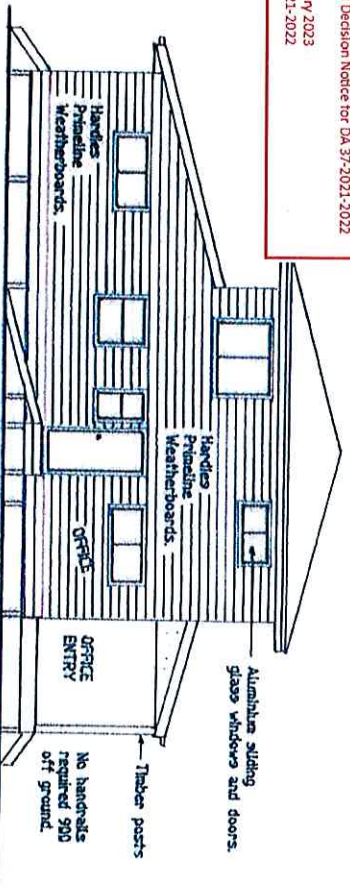
BLACKALL-TAMBO REGIONAL COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

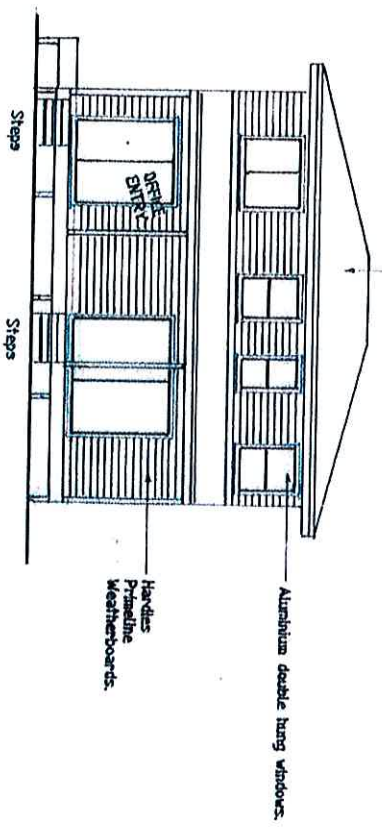
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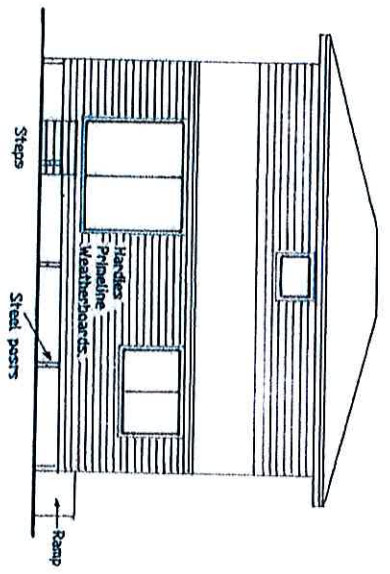
THISTLE STREET ASPECT



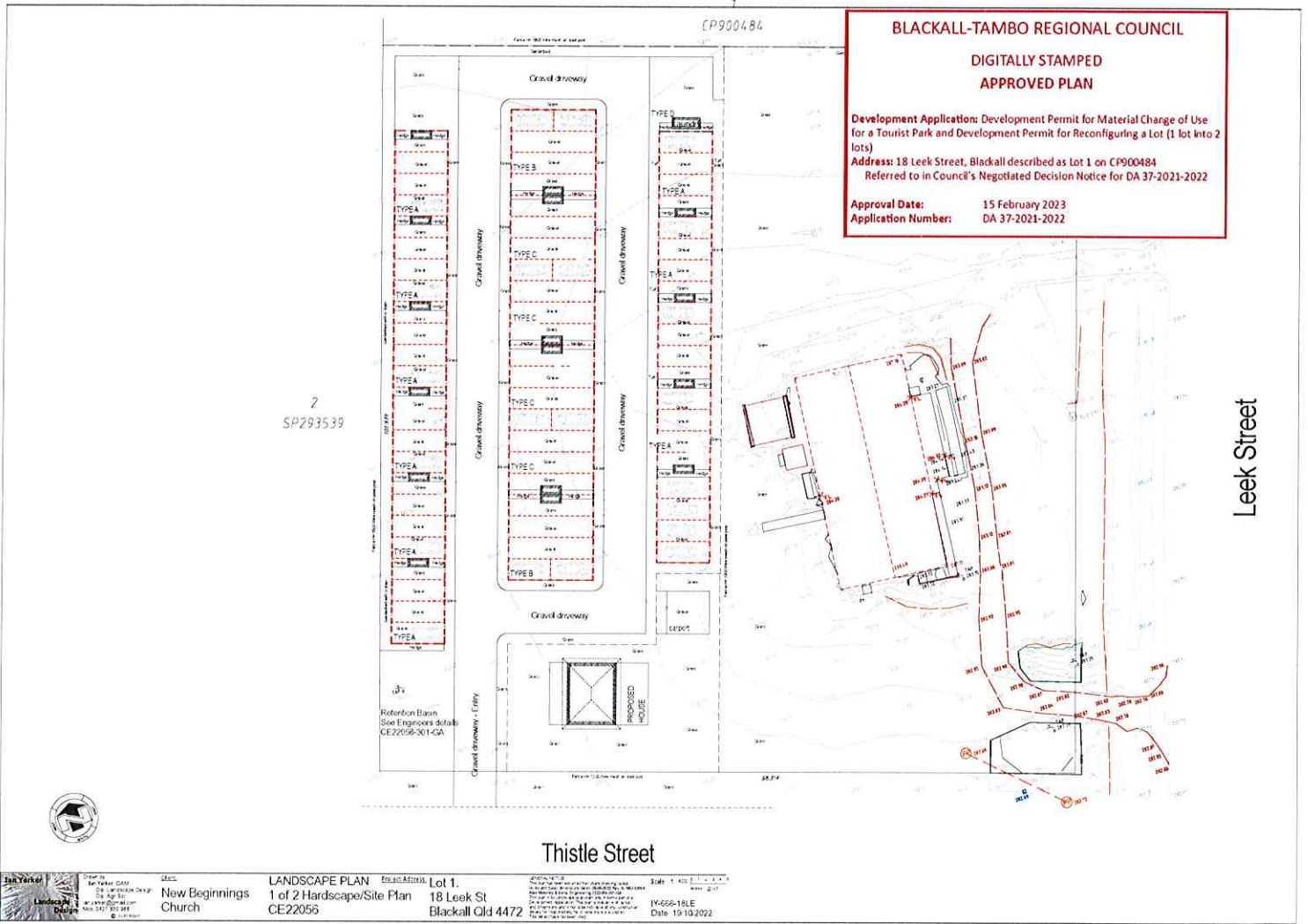
CARAVAN PARK ASPECT



CARAVAN PARK ACCESS ASPECT



LEEK STREET ASPECT



BLACKALL-TAMBO REGIONAL COUNCIL

**DIGITALLY STAMPED
APPROVED PLAN**

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2
SP293539

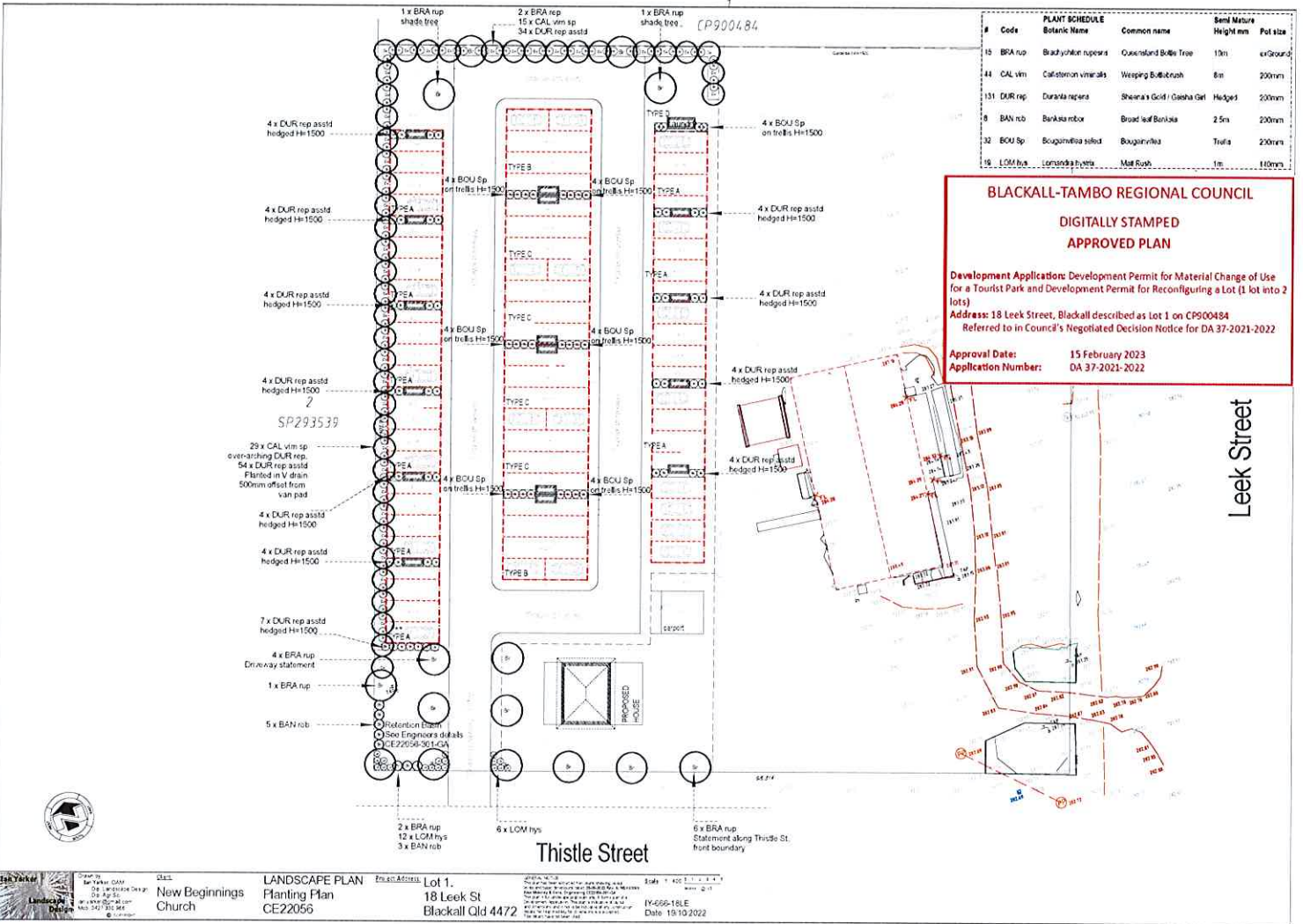
Retention Basin
See Engineers details
CE22056-361-GA

Thistle Street

Leek Street

LANDSCAPE PLAN **Final** **Lot 1**
1 of 2 Hardscape/Site Plan **18 Leek St**
CE22056 **Blackall Qld 4472**

Scale: 1:400
 Date: 18/10/2022



#	Code	PLANT SCHEDULE	Botanic Name	Common name	Seed Mature Height mm	Pot size
15	BRA rup	Bradyrhizon rupestris	Queensland Bottle Tree	13m	exGround	
44	CAL vim	Callistemon viminalis	Weeping Bottlebrush	6m	200mm	
131	DUR rep	Duranta repens	Shiraz's Gold / Goshu Girl	Hedges	200mm	
8	BAN rob	Banksia robur	Broad leaf Banksia	2.5m	200mm	
32	BCU Sp	Bougainvillea spectabilis	Bougainvillea	Trellis	200mm	
16	LOM hys	Lomandra hystrix	Maid Rush	1m	110mm	

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Leek Street



Client:
 New Beginnings Church

LANDSCAPE PLAN
 Planting Plan
 CE22056

Project Address: Lot 1,
 18 Leek St
 Blackall Qld 4472

Scale: 1:100
 Date: 19/10/2022

Attachment B – Appeal Provisions

Attachment 3 - Extract of Appeal Provisions

Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

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

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

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- (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.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision* includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter—
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

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

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

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
1. Development applications For a development application other than an excluded application, an appeal may be made against— <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	<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>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>			

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

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 Appeals to the P&E Court only			
<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	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	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 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	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— <ul style="list-style-type: none"> (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure. 			

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</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 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></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 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</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>			

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	—	—