



27 May 2024

Glenn Watson
c/ Innovate Urban
PO Box 8170
CAIRNS QLD 4870

Delivered via email: peter@innovateurban.com.au

Dear Sir

Decision Notice – Approval
Given under section 63 of the Planning Act 2016

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was approved by Weipa Town Authority in full, subject to conditions.

Details of the decision are as follows:

DATE OF DECISION

Weipa Town Authority approved the Development Application at the WTA General Meeting held on 22 May 2024.

APPLICATION DETAILS

Application No:	DA240002
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development	Home Based Business (Tyre replacement service)
Planning Scheme:	Weipa Town Planning Scheme 2019 (v1.0)

LOCATION DETAILS

Street Address:	6 Acacia Court, Rocky Point
Real Property Description:	Lot 306 MPH36387

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use – Home Based Business (Tyre replacement service)

CURRENCY PERIOD

The approval takes effect in accordance with section 71 of the *Planning Act 2016*. The approved use must cease operations as per condition 6.1 of the development approval.

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

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

REFERRAL AGENCIES

There were no referral agencies as part of this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

- None

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or seek clarification about any of these details, please contact Weipa Town Authority on (07) 4030 9400.

DELEGATED PERSON

Name: Matthew Turnbull

Signature:

Matthew Turnbull

Date: 27 May 2024

Enc. **Attachment 1** – Conditions imposed by the Assessment Manager

Attachment 2 – Approved Plans

Attachment 3 – Notice about a Decision Notice

Attachment 4 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

ATTACHMENT 1**CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

No.	Condition	Condition Timing						
1.0 Parameters of Approval								
1.1	The operator is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the operator at all times unless otherwise stated.	At all times.						
1.2	Where these conditions refer to "WTA" in relation to requiring Weipa Town Authority to approve or be satisfied as to any matter, or conferring on the WTA a function, power, or discretion, that role of the WTA may be fulfilled in whole or in part by a delegate appointed for that purpose by WTA	At all times.						
1.3	The operator/applicant is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed by WTA to create a hazard to the community, it must be repaired immediately.	At all times.						
2.0 Approved Plans and Documents								
2.1	<p>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:</p> <table border="1"> <thead> <tr> <th>Document Name</th> <th>Drawing No.:</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Site Plan - Home based business – 6 Acacia Court, Rocky Point</td> <td>DA001</td> <td>19 March 2024</td> </tr> </tbody> </table>	Document Name	Drawing No.:	Date	Site Plan - Home based business – 6 Acacia Court, Rocky Point	DA001	19 March 2024	At all times.
Document Name	Drawing No.:	Date						
Site Plan - Home based business – 6 Acacia Court, Rocky Point	DA001	19 March 2024						
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.	At all times.						
3.0 Limitations of Use								
3.1	The area of the Home Based Business use is limited to the area as shown on the approved plan of development, being 15m ² within the garage for the changing of tyres and 35m ² storage area.	At all times						
3.2	All tyre changing services must be undertaken within the designated garage.	At all times						
3.3	All tyres must be stored in the designated storage area.	At all times						
3.4	The tyre storage area must be appropriately screened to ensure no tyres are visible from adjoining properties or road frontage.	At all times						
3.5	Tyre changing equipment is limited to a hydraulic jack, a tyre changing machine, rattle gun and air compressor located within an acoustic enclosure.	At all times						
3.6	The Home Based Business must be conducted by the resident of the premises and must not involve any other employees.	At all times						

3.7	Delivering of the tyres to the premises is limited to a trailer towed by a standard passenger vehicle. The tyres must be unloaded and stored in the designated area as soon as practical.	At all times
4.0 Hours of Operation		
4.1	The Home Based Business must only be conducted between the hours of 7am-4pm Monday to Friday and 9am-1pm Saturday. The business must not operate on a Sunday or public holiday.	At all times
5.0 Maximum customers per day		
5.1	The Home Based Business must not generate more than five (5) customers per day.	At all times
5.2	Customer appointments must be scheduled to have, wherever possible, only one (1) customer on site at any given time.	At all times
6.0 Cessation of Use		
6.1	The approved Home Based Business use must cease operations within five (5) years of the approval taking effect or change of ownership of the premises, whichever occurs first.	At all times
6.2	Written notice must be provided to Weipa Town Authority confirming the date the Home Based Business ceases operations.	Cessation of use
7.0 Management of used or end of life (EOL) tyres		
7.1	All used or end of life (EOL) tyres must be returned, wherever possible, to the customer for reuse or lawful disposal.	At all times, wherever possible
7.2	If a tyre cannot be returned to a customer, the operator must lawfully dispose of the tyre. The tyre must not be stored at the premises. Note: if the Home Based Business operator transports the EOL tyres to a waste facility, waste tracking documentation must be completed in accordance with the requirements of the Department of Environment and Science. Requirements include, but not limited to: waste is transported from the premises free of charge; no more than 250kg of waste is transported by vehicle and appropriate waste tracking documentation is completed.	As soon as practical and at all times.
7.3	Prior to returning tyres to the customer, the inside of each tyre must be tagged with a painted yellow strip. Note: The painted tag or mark can be applied either by spray, brush or similar method.	At all times
7.4	An information sheet on the management and lawful disposal of tyres must be drafted for approval by WTA delegated officer. Note: An example of the information to be provided in the information sheet is provided in Advice Clause 2.	Within one (1) month of the approval taking effect
7.5	A copy of the WTA approved information sheet must be provided to each customer.	At all times
8.0 Customer Register		
8.1	A customer register must be kept and maintained at all times. The register must include: (a) date of service; (b) name and residential address of customer; (c) number of tyres returned to customer;	At all times

	(d) tyre brand, tyre width, tyre height and rim diameter (for example Dunlop P265/70 16)	
8.2	If required, the customer register must be made available for inspection by WTA authorised officer.	At all times
9.0 Hazard reduction		
9.1	Tyres stored on the premises must be stored to manage and reduce hazard risk from fire, pest and vermin.	At all times.
9.2	Appropriate firefighting equipment for a fire involving tyres must be kept at the premises and maintained at all times.	At all times
10.0 Signage not permitted		
10.1	No signage is permitted to be installed for the Home Based Business.	At all times
11.0 Amenity and Environmental Health		
11.1	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.	At all times.

Advisory Notes

1.	This approval, granted under the provisions of the Planning Act 2016, shall lapse within five (5) years from the day the approval takes effect in accordance with the relevant provision s85 of the Planning Act 2016.
2.	<p>Minimum information to be provided in customer information sheet.</p> <p><i>Illegally dumped or inappropriately stored tyres present environmental, health and financial risks to communities across Queensland and Australia.</i></p> <p><i>Landowners incur clean-up costs resulting from tyres unlawfully dumped on their land, while poorly managed stockpiles can pose catastrophic fire risks, pest and vermin problems (including mosquitos) and waterway contamination.</i></p> <p><i>We all have an obligation to ensure our own actions do not harm our communities or environment.</i></p> <p><i>Within Weipa, Evans Landing landfill is the only site that is approved for tyre disposal. There are fees associated with accepting tyres at this location. A passenger tyre is approximately \$20 and a 4WD tyre \$26. (these fees are subject to change and the information sheet must be updated to reflect changes to the disposal fee).</i></p> <p><i>Under the Waste Reduction and Recycling Act 2011 there are a range of penalties for littering and illegal dumping. The maximum penalties for littering range from \$4644 to \$23220 and for illegal dumping - \$61920-\$309600. (the value of penalties increases annually).</i></p> <p><i>As a condition of my development approval, I am required to record the details and number of the returned tyres and link this with your customer record.</i></p>

	<i>As a condition of my development approval, I am required to tag the returned tyres with a yellow paint mark on the inside of the tyre.</i>
3.	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 WTA 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 WTA
4.	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.
5.	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”).

ATTACHMENT 2

APPROVED PLANS

Attached under separate cover (this page has been intentionally left blank)

ATTACHMENT 3**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- *the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- *any other information, documents or other material Weipa Town Authority was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	DA240002
Applicant:	Glenn Watson c/ Innovate Urban
Proposal:	Development Permit for Material Change of Use
Description of the Development:	Home Based Business (Tyre replacement service)
Street Address:	6 Acacia Court, Rocky Point
Real Property Description:	Lot 306 MPH36387
Planning Scheme:	Weipa Town Planning Scheme 2019 (v1.0)
Land Zoning:	Low Density Residential
Assessment Type:	Code

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use – Home Based Business (Tyre replacement service)
Date of Decision:	22 May 2024

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Categorising Instrument (*Planning Regulation 2017*)

This application did not trigger any matters prescribed by the regulation

Categorising Instrument (*State Planning Policy - July 2017*)**Local Categorising Instrument (*Weipa Town Planning Scheme 2019 v1.0*):**

- Low Density Residential Zone Code (6.2.1)
- Airport Overlay Code (7.2.1)

- Home based business Code (8.2.3)
- Parking and Access Code (8.3.2)

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

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

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- (a) The development has been accepted as a home based business based on the reduced scale of operations.
- (b) An assessment was made against the applicable assessment benchmarks and the proposed development can achieve compliance subject to reasonable and relevant conditions.
- (c) The scale of business operations as approved will not have an adverse impact on the residential amenity.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not applicable.

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not applicable.

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not applicable.

OTHER DETAILS

If you wish to obtain more information about Weipa Town Authority’s decision, including a copy of the Decision Notice, any conditions or plans relating to the development, please refer to Weipa Town Authority’s website.

ATTACHMENT 4

APPEAL RIGHTS
(Planning Act 2016 & Planning Regulation 2017)

Attached under separate cover (this page has been intentionally left blank).



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Legend located on next page

**WEIPA TOWN AUTHORITY
DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Development Permit for Material Change of Use for Home Based Business (Tyre replacement service)

Lot: 306 MPH36387

Referred to in WTA's Decision Notice

Approval Date: 22 May 2024

Application Number: DA240002



Scale: 1:200

Printed at: A3
Print date: 19/3/2024

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)
For more information, visit <https://qld.globe.information.qld.gov.au/help-info/Contact-us.html>



**Queensland
Government**
Department of Resources

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

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (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) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (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, section 316(2), 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.

Planning Act 2016

Schedule 1

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.

Planning Act 2016

Schedule 1

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

Planning Act 2016

Schedule 1

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)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<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>			

Planning Act 2016

Schedule 1

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 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice.			
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 local government that gave the enforcement notice	—	—

Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
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	—	—
2. Eligible submitter appeals 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— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			

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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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency’s referral response—the concurrence agency	Another eligible submitter for the application
<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>			

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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency’s referral response—the concurrence agency	Another eligible submitter for the application
4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).			
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	—	—

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
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— (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			
1. Building advisory agency appeals 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.			
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	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval

Planning Act 2016

Schedule 1

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. Failure to decide an application or other matter under the Building Act</p> <p>An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given 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 entity that failed to make the decision	—	—
<p>5. Failure to decide 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> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, 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	—	—