

Our Reference: MCUI/2011/5705/A
Contact Officer: Jayden Forbes-Mitchell
Contact: (07) 4688 6662
Email: development@tr.qld.gov.au

Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Sustainable Planning Act 2009 Section 376

MG & HL Payne trading as Acacia Sheds & Patios
PO Box 102
HIGHFIELDS QLD 4352

Email: acaciasheds@gmail.com

6 September 2017

Dear Sir/Madam

Location: 17-23 Alexander Street, NORTH TOOWOOMBA QLD 4350
Property Description: Lot 1 RP151672
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

I refer to your request received on 22 June 2017 for a change to the development approval for Material Change of Use – Impact – Extension to Community Club approved on 1 May 2012.

On the 5 September 2017, the request for a change to the development approval was approved as per the attached Schedule. All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

Attached is an extract from the *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully



Richard Green
Senior Planner, Development Services

SCHEDULE 1

DEVELOPMENT PERMIT FOR EXTENSION TO COMMUNITY CLUB

APPLICATION NUMBER:	MCUI/2011/5705/A
APPLICANT:	MG & HL Payne trading as Acacia Sheds & Patios
LOCATION:	17-23 Alexander Street, NORTH TOOWOOMBA QLD 4350
PROPERTY DESCRIPTION:	Lot 1 RP151672
APPROVED USE:	Request to Change Approval – Extension to Community Club
ZONING:	Community Facilities Zone / Government Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PARAMETERS OF APPROVAL

- The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this approval.
- Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

GENERAL

APPROVED AND AMENDED PLANS

- ~~The development must be carried out generally in accordance with the Approved Plan/s listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:~~

~~3.1 Description: Locality Plan, received by Council on 17 October 2011
Amendments: Nil~~

~~3.2 Description: Partial Site Plan, received by Council on 17 October 2011
Amendments: Nil~~

~~3.3 Plan No: 322882-GA
Description: Floor Plan and Elevations A and B, prepared by Ranbuild and received by Council on 17 October 2011
Amendments: Nil~~

~~3.4 Plan No: 322882-GA
Description: Elevation 1 and 5, prepared by Ranbuild and received by Council on 17 October 2011
Amendments: Nil~~

3. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval:

Plan No: T0444

Description: Identification Survey, prepared by MinStaff Survey Pty Ltd, dated 8 September 2011 and received by Council 20 June 2017

Amendments: Nil

Plan No: Nil

Description: Site Detail, received by Council 20 June 2017

Amendments: Nil

Plan No: 10703

Description: Elevations and Floor Plan, prepared by Acacia Sheds & Patios, received by Council 31 August 2017

Amendments: Nil

Plan No: HFLD10650

Description: Shed Extension Exterior Elevations, prepared by Fair Dinkum Sheds, dated 10 May 2017 and received by Council 20 June 2017

Amendments: Nil

PARTICULAR USE

4. This Development Permit is for the particular use(s) stated, Extension to Community Club (shed) of ~~135m²~~ **202.5m²** GFA as shown on the Approved Plans, and does not imply or comprise an approval for any other use(s).

FENCING - ADJACENT TO PUBLIC PLACES

5. Provide fencing adjacent to public places (streets, public walkways, laneways and open space areas) that maintains a minimum transparency of 50% of the surface of the fence above 1.2m in height, and is located so as not to prohibit views of entrances and exits to buildings.
6. Fencing materials must be non-reflective and of materials and colours that are compatible with other fences and buildings in the locality. For the purposes of this condition, the 'locality' includes all properties either side of the street within the block (ie. that section of the street between two intersecting streets) that the subject land is located.
7. Pay the total cost of the new fencing.

AMENITY

VISUAL AND GENERAL AMENITY

8. Any graffiti on the buildings/structures/fences on the subject land must be immediately removed.
9. All buildings/structures and the subject land must be maintained in a clean and tidy manner, at all times.
10. Any plant located on the roof top of buildings/structures must be enclosed by visual screening devices equal to height of the highest part of that plant.
11. Open storage areas, loading areas, refuse storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

LANDSCAPING

12. Submit to the Manager, Development Assessment for approval, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must be submitted to Council prior to the commencement of any works on the subject land.
13. The Landscape Plan must address the performance criteria listed below and must show the information outlined in the relevant section of the Planning Scheme:
 - 13.1 To enhance the appearance of the development internally and externally; and
 - 13.2 To make a positive contribution to the streetscape; and
 - 13.3 To screen unsightly objects from public view; and
 - 13.4 To contribute to a comfortable living environment by providing shade to reduce glare, heat absorption and radiation; and
 - 13.5 To ensure private open space is useable; and
 - 13.6 To provide long term erosion protection; and
 - 13.7 To integrate with existing vegetation and other natural features of the site and adjoining lands; and
 - 13.8 To provide adequate vehicle sightlines and road safety.
14. The Landscape Plan must also detail:
 - 14.1 The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; and
 - 14.2 The number and size of plants; and
 - 14.3 The typical planting detail including preparation, backfill, staking and mulching.
15. Prepare and landscape the subject land in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Manager, Development Assessment. Any amendments approved in writing by the Manager Development Assessment are taken to be a part of the approved Landscape Plan.
16. A landscape strip having a minimum width of 1 metre must be provided along the boundary of the subject lease area adjacent to public places (streets, public walkways, laneways and open space areas).
17. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times.
18. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.
19. A minimum of 70% of landscaped areas must be retained as a permeable surface.

LIGHTING

INDOOR AND OUTDOOR LIGHTING FOR SAFETY & SECURITY

20. Outdoor security lighting must ensure safety of users of the development by:
 - 20.1 Providing outdoor lighting in accordance with *Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
 - 20.2 The use of vandal resistant lighting in public or publicly accessible areas.
21. All lighting provided for the proposed development must not involve lighting that shines light above the horizontal, or coloured or flashing lights, or sodium lights, or flare plumes and must not involve configurations of lights in straight parallel lines 500m to 1000m long.
22. Lighting must be provided to the entries and exits of the approved buildings;

OUTDOOR LIGHTING – IMPACT MITIGATION

23. The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:
 - 23.1 Providing Outdoor Lighting that is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*; and
 - 23.2 Installation of outdoor lighting that:
 - (i) Provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
 - (ii) Is directed onto the subject land and away from neighbouring properties; and
 - (iii) Uses shrouding/baffling devices to preclude light overspill onto surrounding properties where necessary.

WASTE COLLECTION

24. The refuse and recycling bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them.
25. The collection of putrescible waste arising from the activities undertaken on this development must be collected and removed at periods not exceeding seven days.
26. The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.
27. Waste removal is to be conducted between the hours of 7.00am and 6.00pm, excluding Sundays and Public Holidays.
28. Refuse and recycling bin collection areas must be maintained to ensure that:
 - 28.1 Waste containers are kept in a clean state and in good repair;
 - 28.2 Waste containers are provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;

28.3 All waste containers supplied are kept within the boundaries of the premises; and

28.4 There is unobstructed access to the containers for the removal of waste.

REFUSE

WASTE MANAGEMENT

29. All waste generated from construction of the development must be effectively controlled on site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

30. All waste generated on site must be managed in accordance with the waste management hierarchy as detailed in the *Environmental Protection (Waste Management) Policy 2000*.

COMMUNITY SAFETY

31. The development must be designed and constructed to enhance community safety by ensuring:

31.1 Vandal proof materials which are hardy and easily removable are used in the construction and finishing of the development;

31.2 Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development; and

32. The development and hard landscaping must not use/comprise highly reflective materials that create slippery or otherwise hazardous conditions.

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

33. Plans and specifications for all work associated with car parking and vehicular accesses, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Qld. A Registered Professional Engineer Qld must supervise the execution of the works, all work detailed on a Certificate of Supervision, and a copy of the supervision certificate submitted to Council upon completion.

34. Where any condition refers to, or requires, an Engineer to perform any task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000.

LOCATION/DAMAGE TO SERVICES AND ASSETS

35. All services/assets which may be affected by the proposed development, both above and below the ground, must be located for alignment and/or level prior to the commencement of any design work for the development and prior to any building works. Any conflict with an existing service must be referred to the relevant authority for determination.

36. Any costs to repair damage caused to any Council asset as a result of the proposed development must be at the expense of the applicant. Any damage must be repaired immediately should hazards exist for pedestrian or vehicular safety, otherwise, all damage must be repaired as soon as reasonably possible, but no later than completion of works associated with the development.

STORMWATER – ON SITE DISCHARGE

37. Stormwater from new roofed areas (including overflow pipes from proposed rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary, so long as no nuisance results to any adjoining property owner and subject to the provision of appropriate erosion and sedimentation control devices at the outlet/s.

38. The stormwater must be dispersed as sheet flow, and be directed so as to not cause erosion or scouring. Design and construction of all internal stormwater drainage works must comply with the relevant section/s of AS/NZS 3500.3.2:1998 and the Queensland Urban Drainage Manual.

PEDESTRIAN FOOTPATHS

39. Safe pedestrian access along Council's footpath/s must be maintained at all times. Should access to the footpath/s need to be restricted, a separate Hoarding Permit must be obtained from Council's Regional Coordinator Traffic Management, prior to the commencement of the works.

PROVISION OF VEHICULAR ACCESS/COUNCIL APPROVALS

40. Vehicular property access to Cress Street must be sealed from the kerb to the proposed lease boundary. The access must be designed by a Registered Professional Engineer Qld and must include the provision of adequate access width, suitable tapers, flares, and/or radiused turnouts and any necessary signage, line marking or other devices to suit the proposed entry and exit manoeuvres. The following will also apply:
 - 40.1 The final design and layout of the property access must be subject to a separate approval and permit from Council, in conjunction with any other works external to the site, prior to the commencement of any construction within the road reserve.
 - 40.2 Both sides of the proposed property access must join neatly in line and level to the pedestrian footpath/verge with a maximum of 2.5% cross-fall for pedestrian movement across the access.
 - 40.3 The accesses must be located a minimum of 1 metre clear of existing power poles, streetlights, or any signage.
 - 40.4 The developer is responsible for any necessary relocation of existing services clear of the accesses that will serve the property and is required to contact all relevant authorities and comply with their requirements in relation to these works.
 - 40.5 Separate Council approval is required prior to any modification to the existing property accesses, the construction of any new property access, or the commencement of any other works within the road reserve, (i.e. any work outside boundaries of the site).

EROSION AND SEDIMENTATION CONTROL

41. All works necessary to control erosion and sedimentation and/or the loss and movement of soil during the period of construction must be provided. Such works must include, but not be limited to, the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to adjoining properties, roads and/or drainage systems. All disturbed areas must be mulched or turfed/grassed as soon as possible during construction. The following issues will require attention:
 - 41.1 Erosion and sedimentation controls must be implemented as necessary, and must be maintained at all times during the course of the project. Should the proposed controls prove to be ineffective then Council will require the developer to install additional measures.
 - 41.2 Measures must be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project.
 - 41.3 Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.

- 41.4 Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works must be at the developer's expense. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

SITE MANAGEMENT

42. Measures must be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

CONSTRUCTION MANAGEMENT

43. Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.

REINSTATEMENT OF ROAD/DRAINAGE SYSTEM

44. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works must be undertaken at no cost to Council. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

PARK ACCESS

45. Approval must be sought from Council's Park and Recreation Branch via Council's Customer Service Centre should the applicant wish to access Willowburn Oval (outside the established lease area) for any reason associated with the development.

Note: *Should Parks and Recreation Branch be agreeable to park access a daily access fee and the requirement of a bond in accordance with Council's adopted fees and changes may be payable. There will also be conditions specific to the proposed works including but not limited to timing of works (to ensure minimal impact on park users) and the provision of public liability insurance for all contractors.*

B. GENERAL ADVICES – MATERIAL CHANGE OF USE

Infrastructure Contributions / Charges

- 1) With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

Fire Ants

- 2) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply. Compliance with statutory provisions must be achieved.

Flammable and Combustible Liquids

- 3) Should flammable or combustible liquids be stored on the premises in quantities exceeding those deemed as a Minor Storage under Section 2 of AS 1940-1993 "The Storage and Handling of Flammable and Combustible Liquids", then the premises must be licensed in accordance with the *Dangerous Goods Safety Management Regulation 2001*.

Disposal of Construction & Demolition Material

- 4) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

On-Site Construction Waste Management

- 5) On-site construction waste management (including the storage and disposal of nightsoil) must comply with the *Environmental Protection (Waste Management) Regulation 2000*.

When Approval Takes Effect

- 6) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

When Approval Lapses

- 7) This approval will lapse in accordance with the provisions contained in Section 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

Buildings

- 8) The proposed development has only been assessed in accordance with the provisions of the Planning Scheme. No assessment has been made in respect of the provisions of the *Building Code of Australia and/or Queensland Development Code*.

Further Development Approvals - Sustainable Planning Act 2009

- 9) Further Development Permits, as required by the *Sustainable Planning Act 2009* for work associated with this approval including Building Works must be obtained and associated works completed in accordance with those development permits prior to the commencement of the use or as otherwise stated. The further development permits required are also referenced in Section 4 - Further Development Permits Required, of this Decision Notice.

Street Trees

- 10) Separate written approval from Council will be required for:
- 10.1 Any removal or modification of any existing Council street tree;
 - 10.2 Any disturbance of the root system within the drip line of the street tree; and/or
 - 10.3 The construction of an access driveway within the drip line of the street tree.

Property Services

- 11) **Please note that Property Services as representative owner will not be responsible for subsidising any fees and charges associated with the application and conditions of approval.**

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 2
- Approved Development Plans
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*.

SCHEDULE 2

CONCURRENCE AGENCY CONDITIONS

DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT

13 DEC 2011

Notice

Decision notice

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrency agency response) (decision notice) of the Sustainable Planning Act 2009 ("the Act").

Cc: Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGE FAIR QLD 4350
Attn: Gillian O'Brien

Cc: Toowoomba West Lions Club
C/- Stephen Grott Atf Toowoomba West Lions Club
10 Parkers Avenue
DALBY QLD 4405

Our reference: 379379
File reference: BNE46074

Re: Concurrence Agency Response

1. Application Details

Date application made to DERM: 29 Nov 2011

Development approval applied for: Development Permit

Aspect of development: *Sustainable Planning Regulation 2009 - Schedule 3, Part 1, Table 2, item 6*

Development description: Material Change of Use

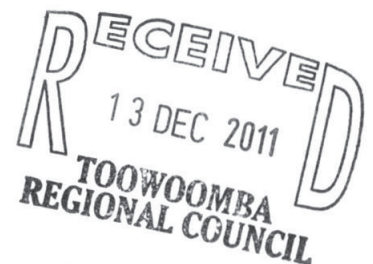
Property/Location description: 17-23 Alexander St, North Toowoomba (Lot(s) 1 & 2 RP151672)

2. The name and address of each referral agency is as follows.

Nil

3. The Chief Executive, Department of Environment and Resource Management (DERM) decision notice, for the aspect of development involved with the application the subject of this Notice is as follows.

- (a) Conditions should attach to any development approval, and those conditions are attached to this Notice.



(b) The application is taken to have been approved under section 287 of the Act.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at Department of Environment and Resource Management/ Waste Management Branch/ Contaminated land Unit and an electronic copy to palm@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

5. Additional comments or advice about the application

Nil

6. Information about the rights of appeal for the applicant any submitters are attached to this Notice.



Delegate
Kelli Ready
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Resource Management

5 December 2010

Enquiries:
Allen Johns
Department of Environment and Resource Management
Level 8, 400 George Street
BRISBANE QLD 4000
PO Box 15155
CITY EAST QLD 4002
Phone: (07) 3330 5694
Fax: (07) 3330 5754
Email: allen.johns@derm.qld.gov.au

Attachments

DERM Permit Project No. SPCL03504311

Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

DERM Permit ¹ number: SPCL03504311 (MCU)

Assessment manager reference:	MCUI/2011/5705.1
Date application received:	29 Nov 2011
Permit type:	Development Permit
Date of decision:	5 Nov 2011
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation>
Jurisdiction(s):	Material change of use - Contaminated land - <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 23

Development Description(s)

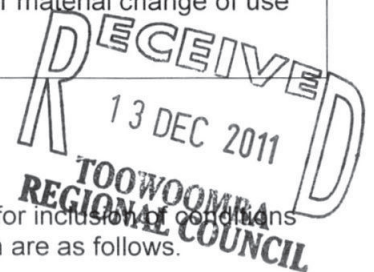
Property/Location		Development
Lot(s) 1 & 2 on RP151672	17-23 Alexander St, North Toowoomba	The proposal seeks approval for material change of use (MCU) – Storage Shed

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

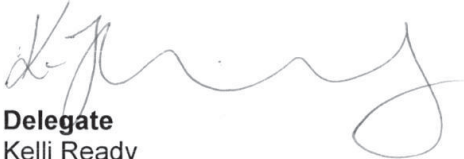
The Department of Environment and Resource Management is recognised as a concurrence agency under the *Sustainable Planning Regulation 2009* for the protection of the environment by the management of

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.



DERM Permit number: SPCL03504311 (MCU)

contaminated land. The Department of Environment and Resource Management concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.



Delegate
Kelli Ready
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Resource Management

CONDITIONS

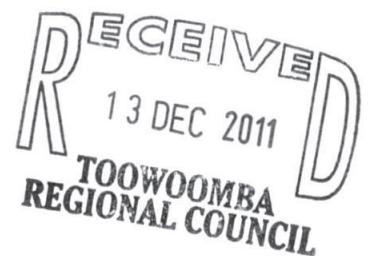
1. Excavated refuse shall be immediately covered by an appropriate HDPE liner or equivalent to manage odour and contaminant migration. All excavated refuse or contaminated soil not used for backfill is to be removed off-site within 48 hours of excavation.
2. Open excavations (exposing refuse material) shall be backfilled within 24 hours of initial excavation.
3. All underground services must be constructed in either uncontaminated material or in trenches in which the services are surrounded by a minimum of 0.5m of uncontaminated fill.
4. If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 381 of the EP Act.

Additional comments or advice about the application

The removal of any contaminated soil from land that is listed on the Environmental Management Register (EMR) requires prior approval from the Department of Environment and Resource Management (DERM) (Contaminated Land Unit) under the section 424 of the *Environmental Protection Act 1994* (EP Act).

END OF CONDITIONS



Chapter 7, Part 1, Division 8 of the Sustainable Planning Act 2009
Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Chapter 7, Part 1, Division 9 of the Sustainable Planning Act 2009
Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against a decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

470 Appeals against particular decisions about compliance assessment

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice:
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Chapter 7, Part 1, Division 10 of the Sustainable Planning Act 2009 Appeals to court about other matters

472 Appeal about extension of period under s 98

- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
- (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

473 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the Water Act 2000; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) development the assessing authority reasonably believe is causing erosion or sedimentation; or
 - (g) development the assessing authority reasonably believes is causing an environmental nuisance.

475 Appeals against local laws

- (1) This section applies if—
 - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
 - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.

- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

475A Appeals against decisions under ch 8A

- (1) A person who has been given an information notice for a decision of the Minister under chapter 8A, part 3 may appeal to the court against the decision.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the information notice is given.
- (3) If the Minister decides, under chapter 8A, part 3, to register premises or to renew the registration of premises, a relevant person for the premises who is dissatisfied with the decision may appeal to the court against the decision.
- (4) An appeal under subsection (3) must be started within 20 business days after the day notice about the registration or renewal is published under section 680Y.
- (5) In this section—
relevant person, for premises, means any owner or occupier of land in the affected area for the premises.

476 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

477 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - *the incorrect application of gross floor area for non-residential development*
 - *applying an incorrect 'use category' under an SPRP (adopted charges) to the development*
 - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
 - (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Chapter 7, Part 2, Division 11 of the Sustainable Planning Act 2009 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
 - (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and

- (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
- (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance Assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
 - (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
 - (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
 - (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appeal is under section 472 or 475—the local government; or
 - (b) if the appeal is under section 475A(1)—the Minister; or
 - (c) if the appeal is under section 475A(3)—the Minister and the owner of the registered premises; or
 - (d) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (e) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
 - (f) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (g) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (h) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.

- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

- (1) For an appeal under section 468 or 469—
 - (a) the compliance assessor is the respondent; and
 - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
 - (a) the entity that gave the notice to which the appeal relates is the respondent; and
 - (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.
- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

487 Respondent and co-respondents for appeals under div 10

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

489 Minister entitled to be party to an appeal involving a State Interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Chapter 7, Part 2, Division 12 of the Sustainable Planning Act 2009 Alternative dispute resolution

491 ADR process applies to proceedings started under this Part

- (1) The Civil Proceedings Act 2011, part 6 (the *ADR provisions*) applies to proceedings started under this part.
- (2) To the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.
- (3) If a dispute in a proceeding under this part is referred to a dispute resolution process under the ADR provisions—
 - (a) the proceeding is not stayed unless the court orders otherwise; and
 - (b) the court must not decide the proceeding until the dispute resolution process under the ADR provisions has been finalised.
- (4) In applying the ADR provisions to a proceeding under this part—
 - (a) a reference to a court is taken to be a reference to the Planning and Environment Court; and
 - (b) definitions and other interpretative provisions of the Civil Proceedings Act 2011 relevant to the ADR provisions apply.

Chapter 7, Part 2, Division 12A of the Sustainable Planning Act 2009 ADR registrar

491A Definition for div 12A

In this division—
ADR registrar means a registrar or court officer of the District Court appointed as an ADR registrar of the court by the principal registrar of the court, in consultation with the Chief Judge of the District Court.

491B Power of ADR registrar

- (1) The Chief Judge of the District Court may issue directions about the matters in which the ADR registrar may exercise a power of the court under this part.
- (2) The court may direct the ADR registrar in a particular matter to hear and decide a proceeding started under this part.
- (3) Despite section 457(1), (4) and (9) to (14), if the court directs the ADR registrar under subsection (2) and the ADR registrar decides the proceeding, each party to the proceeding bears the party's own costs for the proceeding.
- (4) In exercising a power of the court under this division, the ADR registrar must act as quickly, and with as little formality and technicality, as is consistent with a fair and appropriate consideration of the issues.
- (5) A decision, direction or act of the ADR registrar made, given or done under this part, may be reviewed by the court.
- (6) An application for the review of a decision, direction or act of the ADR registrar made, given or done under this part, must be made within—
 - (a) 21 days after the decision, direction or act complained of is made, given or done; or
 - (b) any further period allowed by the court.

491C Reference by ADR registrar

- (1) If a proceeding before the ADR registrar appears to the ADR registrar to be proper for the decision of the court, the ADR registrar may refer the matter to the court.
- (2) If the ADR registrar refers a matter to the court, the court may dispose of the matter or refer it back to the ADR registrar with any direction that the court considers appropriate.

Chapter 7, Part 2, Division 4 of the Sustainable Planning Act 2009
Appeals to committees about development applications and approvals

Subdivision 1 Appeals about particular material changes of use

519 Appeal by applicant—particular development application for material change of use of premises

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

520 Appeal about decision relating to extension for development approval

- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) A person to whom a notice is given under section 389 in relation to the development approval, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
- (3) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

521 Appeal about decisions relating to permissible changes

- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) The following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the development approval, other than a deemed refusal of the request—
 - (a) if the responsible entity for making the change is the assessment manager for the development application to which the approval relates—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the development application—the person who made the request.
- (3) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

Subdivision 2 Appeals about conditions of particular development approvals

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—

- (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole occupancy units.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
 - (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
 - (4) The appeal must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
 - (5) In this section—**sole-occupancy unit**, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person. **storey** means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
 - (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.

Division 5 Appeals to committees about compliance assessment

523 Appeal against decision on request for compliance assessment

- (1) A person who is given an action notice about a request for compliance assessment of development, a document or work may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

524 Appeal against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to a building and development committee against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

525 Appeals against particular decisions about compliance assessment

- (1) A person who is given any of the following notices may appeal to a building and development committee against the decision in the notice—
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 6 Appeals to committees about building, plumbing and drainage and other matters

Subdivision 1 Preliminary

526 Matters about which a person may appeal under div 6
An appeal to a building and development committee under this division may only be about—

- (a) a matter under this Act that 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 the *Plumbing and Drainage Act 2002*;
or
- (b) a matter that under another Act may be appealed to a building and development committee; or
- (c) a matter prescribed under a regulation.

Subdivision 2 Appeals about development applications and approvals

527 Appeals by applicants

- (1) An applicant for a development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

528 Appeal by advice agency

- (1) An advice agency may, within the limits of its jurisdiction, appeal to a building and development committee about the giving of a development approval if the development application involves code assessment for the aspect of building work to be assessed against the Building Act.
- (2) The appeal must be started—
 - (a) within 10 business days after the day the decision notice or negotiated decision notice is given to the advice agency; or
 - (b) for a deemed approval for which a decision notice or negotiated decision notice has not been given—within 20 business days after receiving a copy of the deemed approval notice for the application from the applicant.

529 Appeal about decision relating to extension for development approval

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

530 Appeal about decision relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the approval, other than a deemed refusal of the request—
 - (a) if the responsible entity for making the change is the assessment manager for the application to which the approval relates—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application to which the approval relates—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

531 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b), giving a decision to change or cancel a condition of a development approval, has been given may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Subdivision 3 Other matters

532 Appeals for building and plumbing and drainage matters

- (1) If—
 - (a) a person has been given, or is entitled to be given—
 - (i) an information notice under the Building Act about a decision other than a decision under that Act made by the *Queensland Building and Construction Commission*; or
 - (ii) an information notice under the *Plumbing and Drainage Act 2002* about a decision under part 4 or 5 of that Act; or
 - (b) a person—
 - (i) was an applicant for a building development approval; and
 - (ii) is dissatisfied with a decision under the Building Act by a building certifier or referral agency about inspection of building work the subject of the approval;
 the person may appeal against the decision to a building and development committee.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the decision.
- (3) If—
 - (a) under the Building Act, a person makes an application other than a building development application to a local government; and
 - (b) the period required under that Act for the local government to decide the application (the **decision period**) has passed; and
 - (c) the local government has not decided the application; the person may appeal to a building and development committee against the lack of the decision and for the committee to decide the application as if it were the local government.
- (4) An appeal under subsection (3) must be started within 20 business days after the end of the decision period.

533 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to a building and development committee against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

534 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the building and development committee, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the Water Act 2000; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
 - (g) development the assessing authority reasonably believes is causing an environmental nuisance.

Division 7 Appeals about particular charges

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
 - (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
 - (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

Division 8 Making appeals to building and development committees

536 How appeals to committees are started

- (1) A person starts an appeal by lodging written notice of appeal, in the approved form, with the registrar of building development committees.
- (2) The notice of appeal must state the grounds of the appeal and be accompanied by the fee prescribed under a regulation.

537 Fast-track appeals

- (1) A person who is entitled to start an appeal under this part, may, by written request, ask the chief executive to appoint a building and development committee to start hearing the appeal within 2 business days after starting the appeal.
- (2) A request made under subsection (1) must be accompanied by the fee prescribed under a regulation.
- (3) The chief executive may grant or refuse the request.
- (4) The chief executive may grant the request only if all the parties to the appeal, including any person who could elect to become a co-respondent, have agreed in writing to the request.
- (5) If the chief executive grants the request, the chief executive may as a condition of granting the request require the person making the request to pay—
 - (a) the reasonable costs of the respondent and any co-respondents for the appeal after the request is granted; and
 - (b) an additional fee prescribed under a regulation.
- (6) If the request is granted, any notice of appeal to be given and any election to be a co-respondent to the appeal under this part must be given or made before any hearing for the appeal starts.