

SARA reference: 2507-47430 SPD

Applicant reference: 2023-06-66 - Douglas Shire Council - Lot 6 Gorge Road, Mossman Gorge

24 September 2025

Douglas Shire Council  
c/- Daniel Favier (Aspire Town Planning and Project Services)  
PO Box 1040  
MOSSMAN QLD 4873  
admin@aspireqld.com

Attention: Daniel Favier

Dear Mr Favier

## SARA change application decision—Gorge Road, Mossman Gorge

(Given under section 83 of the *Planning Act 2016*)

I refer to your application made on 5 August 2025 to the State Assessment and Referral Agency (SARA) requesting a change to an existing development approval issued on 4 June 2025 issued by the assessment manager as per s83(3)(b) of the *Planning Act 2016* for the following:

- Development Permit for Reconfiguring a Lot for a Staged Reconfiguration in two stages for: Stage 1 - 1 lot into 2 lots; and Stage 2 - Boundary Realignment for 2 lots into 2 lots

SARA has assessed your application to make a change to the existing development approval.

### Decision for change application

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Date of decision: 24 September 2025

SARA reference: 2507-47430 SPD

Decision details: Make the change and amend existing conditions

Changes agreed to:

1. Amend Condition 1 of the SARA referral agency response to ensure clearing of vegetation cannot occur within areas identified as Area B (B1-B5) on new VMP (VMP 2507-47430 SPD) attached to this decision.
2. Amend Condition 2 of the SARA referral agency response to ensure that certain built infrastructure cannot be established within areas identified as Area C (C1-C2) on new VMP (VMP 2507-47430 SPD) attached to this decision

Reasons: The reasons for the responsible entity decision are in **Attachment 1**

The following copy of the referral agency response including the above changes replaces the previous referral agency response issued for the original development application issued on 23 May 2025 under SARA reference 2503-44955 SRA.

## Changed response

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|                            |  |
|----------------------------|--|
| Outcome:                   | Referral agency response - with conditions   |
| Date of original response: | 23 May 2025  |
| Original reference:        | 2503-44955 SRA   |
| Conditions:                | The conditions in <b>Attachment 2</b> must be attached to any development approval |
| Advice:                    | Changed Advice to the applicant is in <b>Attachment 3</b>                          |

## Development details

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|                            |  |
|----------------------------|--|
| Description:               | Referral agency response - with condition  |
| SARA role:                 | Referral agency  |
| SARA triggers:             | Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) – Reconfiguring a lot involving clearing native vegetation |
| Assessment manager:        | Douglas Shire Council  |
| Street address:            | Gorge Road, Mossman Gorge  |
| Real property description: | Lot 6 on SP343110  |
| Applicant name:            | Douglas Shire Council  |
| Applicant contact details: | C/- Aspire Town Planning and Project Services<br>PO Box 723<br>MOSSMAN QLD 4873<br>admin@aspireqld.com                                 |

## Additional details

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|  |   |
|--|---|
| Native title considerations:                 | Native Title has been extinguished over the proposed dealing area as the whole area is covered by a Previous Exclusive Possession Act (PEPA) in accordance with section 23B(2)(c)(ii) of the <i>Native Title Act 1993</i> . |
| <i>Human Rights Act 2019</i> considerations: | A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.    |

## Dispute resolution

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|         |   |
|---------|---|
| Appeal: | The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a change application are set out in Chapter 6, Part 1 of the <i>Planning Act 2016</i> . Copies of the relevant provisions are in <b>Attachment 4</b> . |
|---------|---|

For further information please contact Rodney O'Brien, Principal Planning Officer, on 07 4616 7304 or via email [ToowoombaSARA@dsdilgp.qld.gov.au](mailto:ToowoombaSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to be 'GB' followed by a stylized flourish.

Geoff Broadbent  
Principal Planning Officer

enc      Attachment 1 – Reasons for responsible entity decision  
            Attachment 2 – Changed referral agency conditions  
            Attachment 3 – Changed advice to the applicant  
            Attachment 4 – Appeal provisions  
            Attachment 5 – Documents referenced in conditions

## Attachment 1—Reasons for responsible entity decision

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(Given under section 83(9) of the *Planning Act 2016*)

### The reasons for SARA's decision are:

The change to the development complies with State Code 16: Native vegetation clearing of the SDAP. Specifically, the development will not have any significant impact on native vegetation or regional ecosystems.

### Material used in the assessment of the change application:

- The change application material and submitted plans
- Technical agency advice
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 3.2)
- The Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 2—Changed referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at **Attachment 5**)

| No.  | Conditions  | Condition timing  |
|--|---|-------------------|
| <b>Reconfiguring a Lot</b>   |   |                   |
| Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) – Reconfiguring a lot involving clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): |   |                   |
| 1.   | <p>Clearing of vegetation must not occur within the areas identified as Area B (B1-B5) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference <del>VMP 2503-44955</del> SRA <b><u>VMP 2507-47430 SPD</u></b>, Sheet 1 of 1, version 1, <del>dated 23 May 2025</del>; and</p> <p>(b) Attachment to Vegetation Management Plan <del>VMP 2503-44955</del> SRA <b><u>VMP 2507-47430 SPD</u></b>, Derived Reference Points for GPS.</p>   | At all times      |
| 2.   | <p>Built infrastructure, other than for fences, roads, underground services, firebreaks and fire management, must not be established, constructed or located within Area C (C1-C2) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference <del>VMP 2503-44955</del> SRA <b><u>VMP 2507-47430 SPD</u></b>, Sheet 1 of 1, version 1, <del>dated 23 May 2025</del>; and</p> <p>(b) Attachment to Vegetation Management Plan <del>VMP 2503-44955</del> SRA <b><u>VMP 2507-47430 SPD</u></b>, Derived Reference Points for GPS.</p> | At all times      |
| 3.   | Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.  | Prior to clearing |

## Attachment 3—Changed advice to the applicant

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| General advice |  |
|----------------|--|
| 1.             | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.2). If a word remains undefined it has its ordinary meaning. |

## **Attachment 4—Appeal provisions**

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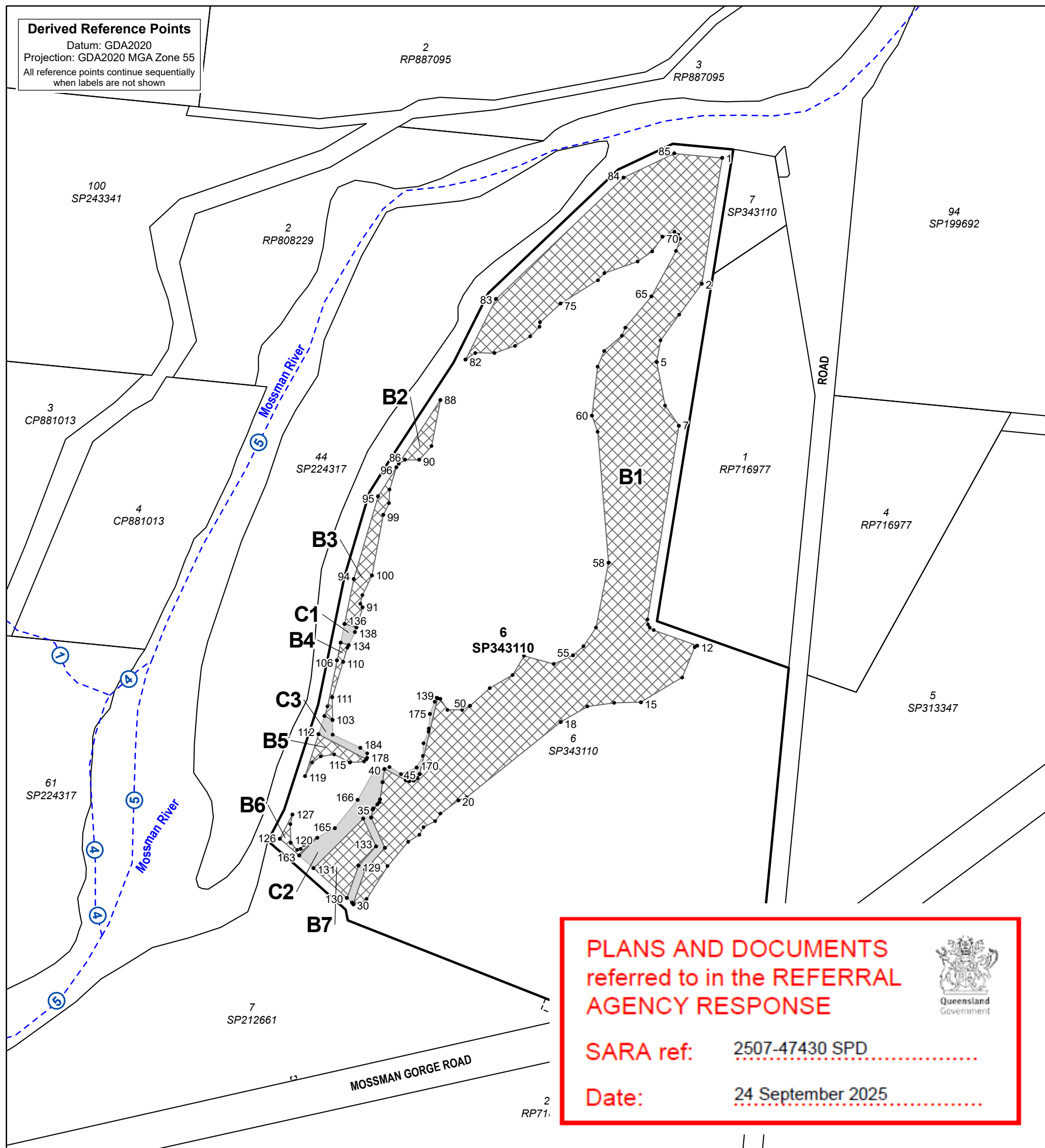
(page left intentionally blank)

## **Attachment 5—Documents referenced in conditions**

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Datum: GDA2020  
Projection: GDA2020 MGA Zone 55  
All reference points continue sequentially  
when labels are not shown

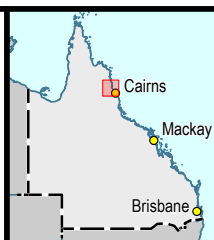


Datum: GDA2020

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

**This plan must be read in conjunction with conditions attached to 2507-47430 SPD**

Note: This is a colour map and must be reproduced in colour



**Plan of Area B (Parts B1 - B7) and Area C (Parts C1 - C3) in Lot 6 on Plan SP343110**

eLVAS Case ID: 2025/002309



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**VMP**  
**2507-47430 SPD**  
Sheet 1 of 1

**Attachment: 2507-47430 SPD**  
**Derived Reference Points**  
**Datum: GDA2020, Projection: MGA Zone 55**

**Notes:** Derived Reference Points are provided to assist in the location of Area boundaries.

Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

| Part ID | Unique ID | Easting | Northing |
|---------|-----------|---------|----------|
| B1      | 1         | 324119  | 8178764  |
| B1      | 2         | 324097  | 8178633  |
| B1      | 3         | 324074  | 8178600  |
| B1      | 4         | 324054  | 8178574  |
| B1      | 5         | 324050  | 8178551  |
| B1      | 6         | 324059  | 8178505  |
| B1      | 7         | 324073  | 8178484  |
| B1      | 8         | 324040  | 8178281  |
| B1      | 9         | 324041  | 8178276  |
| B1      | 10        | 324043  | 8178273  |
| B1      | 11        | 324047  | 8178270  |
| B1      | 12        | 324092  | 8178254  |
| B1      | 13        | 324090  | 8178253  |
| B1      | 14        | 324077  | 8178221  |
| B1      | 15        | 324034  | 8178195  |
| B1      | 16        | 324006  | 8178194  |
| B1      | 17        | 323978  | 8178190  |
| B1      | 18        | 323950  | 8178174  |
| B1      | 19        | 323851  | 8178095  |
| B1      | 20        | 323843  | 8178092  |
| B1      | 21        | 323824  | 8178078  |
| B1      | 22        | 323818  | 8178070  |
| B1      | 23        | 323806  | 8178064  |
| B1      | 24        | 323802  | 8178056  |
| B1      | 25        | 323790  | 8178049  |
| B1      | 26        | 323768  | 8178023  |
| B1      | 27        | 323747  | 8177989  |
| B1      | 28        | 323738  | 8177984  |
| B1      | 29        | 323733  | 8177983  |
| B1      | 30        | 323732  | 8177984  |
| B1      | 31        | 323745  | 8178019  |
| B1      | 32        | 323766  | 8178042  |
| B1      | 33        | 323751  | 8178074  |
| B1      | 34        | 323753  | 8178083  |
| B1      | 35        | 323754  | 8178083  |
| B1      | 36        | 323758  | 8178088  |
| B1      | 37        | 323760  | 8178090  |
| B1      | 38        | 323761  | 8178093  |
| B1      | 39        | 323763  | 8178111  |
| B1      | 40        | 323765  | 8178125  |
| B1      | 41        | 323788  | 8178113  |
| B1      | 42        | 323791  | 8178112  |
| B1      | 43        | 323796  | 8178113  |
| B1      | 44        | 323800  | 8178115  |
| B1      | 45        | 323802  | 8178120  |
| B1      | 46        | 323821  | 8178199  |
| B1      | 47        | 323824  | 8178198  |
| B1      | 48        | 323831  | 8178187  |
| B1      | 49        | 323846  | 8178187  |
| B1      | 50        | 323855  | 8178191  |
| B1      | 51        | 323875  | 8178210  |
| B1      | 52        | 323899  | 8178223  |
| B1      | 53        | 323911  | 8178243  |
| B1      | 54        | 323942  | 8178235  |
| B1      | 55        | 323962  | 8178244  |
| B1      | 56        | 323973  | 8178254  |
| B1      | 57        | 323987  | 8178273  |
| B1      | 58        | 324000  | 8178341  |
| B1      | 59        | 323988  | 8178478  |
| B1      | 60        | 323982  | 8178495  |
| B1      | 61        | 323988  | 8178546  |
| B1      | 62        | 323995  | 8178563  |
| B1      | 63        | 324014  | 8178579  |
| B1      | 64        | 324017  | 8178587  |
| B1      | 65        | 324044  | 8178620  |
| B1      | 66        | 324070  | 8178667  |
| B1      | 67        | 324075  | 8178680  |
| B1      | 68        | 324072  | 8178684  |
| B1      | 69        | 324069  | 8178687  |
| B1      | 70        | 324056  | 8178682  |
| B1      | 71        | 324045  | 8178667  |
| B1      | 72        | 324030  | 8178656  |
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| B1      | 74        | 323989  | 8178637  |
| B1      | 75        | 323949  | 8178612  |
| B1      | 76        | 323928  | 8178592  |
| B1      | 77        | 323927  | 8178588  |
| B1      | 78        | 323918  | 8178578  |
| B1      | 79        | 323902  | 8178568  |
| B1      | 80        | 323880  | 8178560  |
| B1      | 81        | 323860  | 8178561  |
| B1      | 82        | 323850  | 8178553  |
| B1      | 83        | 323882  | 8178617  |
| B1      | 84        | 324015  | 8178744  |
| B1      | 85        | 324069  | 8178769  |
| B2      | 86        | 323787  | 8178448  |
| B2      | 87        | 323780  | 8178444  |
| B2      | 88        | 323824  | 8178511  |
| B2      | 89        | 323814  | 8178463  |
| B2      | 90        | 323802  | 8178448  |
| B3      | 91        | 323742  | 8178294  |
| B3      | 92        | 323736  | 8178273  |
| B3      | 93        | 323723  | 8178277  |
| B3      | 94        | 323733  | 8178324  |
| B3      | 95        | 323759  | 8178410  |
| B3      | 96        | 323778  | 8178441  |
| B3      | 97        | 323771  | 8178417  |
| B3      | 98        | 323770  | 8178403  |
| B3      | 99        | 323764  | 8178391  |
| B3      | 100       | 323752  | 8178327  |

| Part ID | Unique ID | Easting | Northing |
|---------|-----------|---------|----------|
| B3      | 101       | 323742  | 8178307  |
| B3      | 102       | 323740  | 8178298  |
| B4      | 103       | 323711  | 8178176  |
| B4      | 104       | 323703  | 8178180  |
| B4      | 105       | 323706  | 8178190  |
| B4      | 106       | 323716  | 8178239  |
| B4      | 107       | 323719  | 8178257  |
| B4      | 108       | 323728  | 8178255  |
| B4      | 109       | 323726  | 8178252  |
| B4      | 110       | 323722  | 8178237  |
| B4      | 111       | 323711  | 8178200  |
| B5      | 112       | 323696  | 8178161  |
| B5      | 113       | 323746  | 8178135  |
| B5      | 114       | 323744  | 8178133  |
| B5      | 115       | 323729  | 8178132  |
| B5      | 116       | 323713  | 8178140  |
| B5      | 117       | 323699  | 8178138  |
| B5      | 118       | 323690  | 8178132  |
| B5      | 119       | 323682  | 8178118  |
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| B6      | 121       | 323674  | 8178040  |
| B6      | 122       | 323677  | 8178041  |
| B6      | 123       | 323681  | 8178046  |
| B6      | 124       | 323695  | 8178053  |
| B6      | 125       | 323676  | 8178034  |
| B6      | 126       | 323656  | 8178052  |
| B6      | 127       | 323669  | 8178077  |
| B6      | 128       | 323667  | 8178067  |
| B7      | 129       | 323738  | 8178024  |
| B7      | 130       | 323726  | 8177990  |
| B7      | 131       | 323691  | 8178021  |
| B7      | 132       | 323743  | 8178073  |
| B7      | 133       | 323756  | 8178044  |
| C1      | 134       | 323728  | 8178255  |
| C1      | 135       | 323719  | 8178257  |
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| C1      | 137       | 323736  | 8178273  |
| C1      | 138       | 323734  | 8178268  |
| C2      | 139       | 323821  | 8178199  |
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| C2      | 141       | 323800  | 8178115  |
| C2      | 142       | 323796  | 8178113  |
| C2      | 143       | 323791  | 8178112  |
| C2      | 144       | 323788  | 8178113  |
| C2      | 145       | 323765  | 8178125  |
| C2      | 146       | 323763  | 8178111  |
| C2      | 147       | 323761  | 8178093  |
| C2      | 148       | 323760  | 8178090  |
| C2      | 149       | 323758  | 8178088  |
| C2      | 150       | 323754  | 8178083  |
| C2      | 151       | 323753  | 8178083  |
| C2      | 152       | 323751  | 8178074  |
| C2      | 153       | 323766  | 8178042  |
| C2      | 154       | 323745  | 8178019  |
| C2      | 155       | 323732  | 8177984  |
| C2      | 156       | 323732  | 8177984  |
| C2      | 157       | 323731  | 8177985  |
| C2      | 158       | 323726  | 8177990  |
| C2      | 159       | 323738  | 8178024  |
| C2      | 160       | 323756  | 8178044  |
| C2      | 161       | 323743  | 8178073  |
| C2      | 162       | 323691  | 8178021  |
| C2      | 163       | 323676  | 8178034  |
| C2      | 164       | 323695  | 8178053  |
| C2      | 165       | 323713  | 8178063  |
| C2      | 166       | 323737  | 8178093  |
| C2      | 167       | 323753  | 8178121  |
| C2      | 168       | 323770  | 8178127  |
| C2      | 169       | 323782  | 8178120  |
| C2      | 170       | 323799  | 8178126  |
| C2      | 171       | 323805  | 8178139  |
| C2      | 172       | 323806  | 8178152  |
| C2      | 173       | 323811  | 8178164  |
| C2      | 174       | 323812  | 8178167  |
| C2      | 175       | 323813  | 8178183  |
| C2      | 176       | 323818  | 8178195  |
| C2      | 177       | 323820  | 8178199  |
| C3      | 178       | 323747  | 8178136  |
| C3      | 179       | 323746  | 8178135  |
| C3      | 180       | 323696  | 8178161  |
| C3      | 181       | 323703  | 8178180  |
| C3      | 182       | 323711  | 8178176  |
| C3      | 183       | 323711  | 8178161  |
| C3      | 184       | 323740  | 8178147  |
| C3      | 185       | 323747  | 8178141  |

**PLANS AND DOCUMENTS**  
referred to in the REFERRAL  
**AGENCY RESPONSE**



**SARA ref:** 2507-47430 SPD

**Date:** 24 September 2025

# Planning Act 2016 – Appeal provisions

The following provisions are the **appeal rights** as defined in the Planning Act 2016, schedule 2.

## Chapter 6                      Dispute resolution

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### Part 1                      Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

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

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for 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, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 Other appeals**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

- (4) In this section—

**decision** includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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.

# Schedule 1 Appeals

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## 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) 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; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - i a development approval for which the development application required impact assessment; and
    - ii a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

**storey** see the Building Code, part A1.1.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

**1. Development applications**

For a development application other than a development application called in by the minister, an appeal may be made against—

- (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.

| <b>Column 1<br/>Appellant</b> | <b>Column 2<br/>Respondent</b> | <b>Column 3<br/>Co-respondent<br/>(if any)</b>   | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>   |
|-------------------------------|--------------------------------|--|--|
| The applicant                 | The assessment manager         | If the appeal is about a concurrence agency's referral response—the concurrence agency | <ol style="list-style-type: none"> <li>1. A concurrence agency that is not a co-respondent</li> <li>2. If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3. Any eligible advice agency for the application</li> <li>4. Any eligible submitter for the application</li> </ol> |

**2. Change applications**

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of a change application.

| <b>Column 1<br/>Appellant</b>   | <b>Column 2<br/>Respondent</b> | <b>Column 3<br/>Co-respondent<br/>(if any)</b>        | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>   |
|---|--------------------------------|---|--|
| <ol style="list-style-type: none"> <li>1. The applicant</li> <li>2. If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</li> </ol> | The responsible entity         | If an affected entity starts the appeal—the applicant | <ol style="list-style-type: none"> <li>1. A concurrence agency for the development application</li> <li>2. If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3. A private certifier for the development application</li> <li>4. Any eligible advice agency for the change application</li> <li>5. Any eligible submitter for the change application</li> </ol> |

| <b>3. Extension applications</b><br>For an extension application other than an extension application called in by the Minister, an appeal may be made against— <p>(a) The assessment manager's decision on the extension application; or</p> <p>(b) A deemed refusal of the extension application.</p>   |   |   |  |
|--|---|---|--|
| Column 1<br>Appellant  | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any)                   | Column 4 Co-respondent<br>by election (if<br>any)                                  |
| 1. The applicant<br>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 |
| <b>4. Infrastructure charges notices</b><br>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— <p>(a) the notice involved an error relating to—</p> <p>(i) the application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge:</p> <ul style="list-style-type: none"> <li>▪ the incorrect application of gross floor area for a non-residential development</li> <li>▪ applying an incorrect 'use category', under a regulation, to the development</li> </ul> <p>(ii) the working out of extra demand, for section 120; or</p> <p>(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) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p> |   |   |  |
| Column 1<br>Appellant  | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any)                   | Column 4 Co-respondent<br>by election (if<br>any)                                  |
| The person given the infrastructure charges notice   | The local government that gave the infrastructure charges notice  | —   | —  |
| <b>5. Conversion applications</b><br>An appeal may be made against— <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>  |   |   |  |
| Column 1<br>Appellant  | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any)                   | Column 4 Co-respondent<br>by election (if<br>any)                                  |
| The applicant  | The local government to which the conversion application was made | —   | —  |
| <b>6. Enforcement notices</b><br>An appeal may be made against the decision to give an enforcement notice.   |   |   |  |



| <b>Column 1<br/>Appellant</b>           | <b>Column 2<br/>Respondent</b> | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>  |
|---|--------------------------------|--|---|
| The person given the enforcement notice | The enforcement authority      | —  | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |

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

**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.

| <b>Column 1<br/>Appellant</b>               | <b>Column 2<br/>Respondent</b>                      | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b> |
|---|---|--|--|
| 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 application decided by the P&E Court or called in by the Minister, 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

| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>  | <b>Column 3<br/>Co-respondent<br/>(if any)</b>  | <b>Column 4 Co-respondent by election<br/>(if any)</b> |
|--|---|---|--|
| <ol style="list-style-type: none"> <li>1. For a development application—an eligible submitter for the development application</li> <li>2. For a change application—an eligible submitter for the change application</li> </ol> | <ol style="list-style-type: none"> <li>1. For a development application—the assessment manager</li> <li>2. For a change application—the responsible entity</li> </ol> | <ol style="list-style-type: none"> <li>1. The applicant</li> <li>2. If the appeal is about a concurrence agency's referral response—the concurrence agency</li> </ol> | Another eligible submitter for the application         |

**3. Eligible submitter and eligible advice agency appeals**

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

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

| <b>Column 1<br/>Appellant</b> | <b>Column 2<br/>Respondent</b> | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b> |
|-------------------------------|--------------------------------|--|--|
|-------------------------------|--------------------------------|--|--|

|  |   |   |  |
|--|---|---|--|
| <ol style="list-style-type: none"> <li>1. For a development application—an eligible submitter for the development application</li> <li>2. For a change application—an eligible submitter for the change application</li> <li>3. An eligible advice agency for the development application or change application</li> </ol>   | <ol style="list-style-type: none"> <li>1. For a development application—the assessment manager</li> <li>2. For a change application—the responsible entity</li> </ol> | <ol style="list-style-type: none"> <li>1. The applicant</li> <li>2. If the appeal is about a concurrence agency's referral response—the concurrence agency</li> </ol> | Another eligible submitter for the application                                 |
| <b>4. Compensation claims</b><br>An appeal may be made against— <ol style="list-style-type: none"> <li>(a) a decision under section 32 about a compensation claim; or</li> <li>(b) a decision under section 265 about a claim for compensation; or</li> <li>(c) a deemed refusal of a claim under paragraph (a) or (b).</li> </ol>   |   |   |  |
| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>  | <b>Column 3<br/>Co-respondent<br/>(if any)</b>  | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>                     |
| A person dissatisfied with the decision  | The local government to which the claim was made  | —   | —  |
|  |   |   |  |
| <b>5. Registered premises</b><br>An appeal may be made against a decision of the Minister under chapter 7, part 4.   |   |   |  |
| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>  | <b>Column 3<br/>Co-respondent<br/>(if any)</b>  | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>                     |
| <ol style="list-style-type: none"> <li>1. A person given a decision notice about the decision</li> <li>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</li> </ol>   | The Minister  | —   | If an owner or occupier starts the appeal—the owner of the registered premises |
| <b>6. Local laws</b><br>An appeal may be made against a decision of a local government, or conditions applied, under a local law about— <ol style="list-style-type: none"> <li>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</li> <li>(b) the erection of a building or other structure.</li> </ol> |   |   |  |

| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>      | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>  |
|--|-------------------------------------|--|---|
| A person who—<br>(a) applied for the decision;<br>and<br>(b) is dissatisfied with the<br>decision or conditions.   | The local government                | —  | —   |
| <b>Table 3</b><br><b>Appeals and tribunal only</b>   |                                     |  |   |
| <b>1. Building advisory agency appeals</b><br>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.   |                                     |  |   |
| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>      | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>  |
| A building advisory agency for<br>the development application<br>related to the approval   | The assessment manager              | The applicant                                  | 1. A concurrence<br>agency for the<br>development application<br>related to the approval<br><br>2. A private<br>certifier for the<br>development application<br>related to the approval |
| <b>2. Inspection of building work</b><br>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.  |                                     |  |   |
| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>      | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>  |
| The applicant for the<br>development approval  | The person who made the<br>decision | —  | —   |
| <b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b><br>An appeal may be made against—<br>(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<br>(b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act. |                                     |  |   |
| <b>Column 1<br/>Appellant</b>  | <b>Column 2<br/>Respondent</b>      | <b>Column 3<br/>Co-respondent<br/>(if any)</b> | <b>Column 4 Co-respondent<br/>by election (if<br/>any)</b>  |
| A person who received, or was<br>entitled to receive, an<br>information notice about the<br>decision   | The person who made the<br>decision | —  | —   |
| <b>4. Local government failure to decide application under the Building Act</b><br>An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.   |                                     |  |   |

| Column 1<br>Appellant  | Column 2<br>Respondent                                    | Column 3<br>Co-respondent<br>(if any) | Column 4 Co-respondent<br>by election (if<br>any) |
|--|---|---------------------------------------|---|
| A person who was entitled to<br>receive notice of the decision | The local government to which<br>the application was made | —                                     | —   |