



TORRES SHIRE COUNCIL

*To lead, provide & facilitate a sustainable,
safe & culturally vibrant community*

P O Box 171
THURSDAY ISLAND 4875

Telephone (07) 4069 1336
Facsimile (07) 4069 1845

Our Reference: IDAS 21/11
Your Reference:

21 July 2021

JT Marine Services Pty Ltd as Trustee for D&R Property Trust
c/- P R Planning
PO Box 597
BUNGALOW QLD 4870

Delivered via email: peter@prplanning.com

Dear Peter

Decision Notice

Given under section 63 of the Planning Act 2016

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined by Torres Shire Council at the Council Meeting dated 20 July 2021.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	IDAS 21/11
Street Address:	Airport Road, Horn Island (Horn Island Airport)
Real Property Description:	Lot 1 SP142709 (over proposed Lease N, O, and Q on Lot 1 SP142709)
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>

DECISION DETAILS

Council on 20 July 2021, decided to issue the following type of approval:

Development Permit for Material Change of Use – Undefined Use (Aircraft Maintenance Hangar).

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

REFERRAL AGENCIES

Not applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Please be advised that the following development permits are to be obtained before the development can be carried out:

1. Development Permit for Building Works
2. Development Permit for Plumbing and Drainage Works

PROPERLY MADE SUBMISSIONS

A review of Council's records indicates that no submissions were received during the public notification period.

REASONS FOR THE DECISION

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007;
- The development will facilitate ongoing aviation activities associated with the Horn Island Airport;
- The subject site is not subject to defined natural risks or hazards or environmental values that cannot be resolved under exemptions.
- The lease area ensures the safe operation of the airport and its activities.

OTHER REQUIREMENTS UNDER SECTION 43 OF THE *PLANNING REGULATION 2017*

Not applicable

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice.

RIGHTS OF APPEAL

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

For further information, please contact Torres Shire Council on (07) 4069 1336.

Yours faithfully



Dalassa Yorkston
Chief Executive Officer

- Enc. **Attachment 1** – Conditions imposed by the Assessment Manager
Attachment 2 – Approved Plans
Attachment 3 – Notice about a Decision Notice
Attachment 4 - Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

ATTACHMENT 1 – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer at all times unless otherwise stated.

Timing: At all times.

- 1.2 Where these conditions refer to “TSC” in relation to requiring Torres Shire Council to approve or be satisfied as to any matter, or conferring on the TSC a function, power or discretion, that role of the TSC may be fulfilled in whole or in part by a delegate appointed for that purpose by TSC.

Timing: At all times.

- 1.3 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.

Timing: At all times.

- 1.4 Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant TSC policies, guidelines, standards, and the FNQROC Development Manual.

Timing: At all times.

2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Drawing Number	Revision	Date
Locality Plan & Site Plan	1488-DD-A-101	P1	27/11/2020
Floor Plan	1488-DD-A-200	P2	27/11/2020
Elevations	1488-DD-A-300	P2	27/11/2020
Proposed Aircraft Hangar Building	1488-DD-SK-01	P8	27/11/2020

Timing: At all times.

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

Timing: At all times.

3.0 ACCESS AND PARKING WORKS

- 3.1 Design and construct the vehicle crossover to the Access Road in accordance with the approved plans and the relevant *FNQROC Development Manual* standard.

Timing: Prior to commencement of the use and at all times thereafter.

- 3.2 Provide a minimum of two (2) staff/visitor car parking spaces.

Timing: Prior to commencement of the use and at all times thereafter.

- 3.3 Design and construct all car parking and vehicle manoeuvring areas in accordance with the approved plans, *FNQROC Development Manual*, *Australian Standard AS2890 "Off Street Car Parking"*, *Manual of Uniform Traffic Control Devices (Queensland)*.

Timing: Prior to commencement of the use and at all times thereafter.

- 3.4 All car parking and vehicle manoeuvring areas must be asphalt sealed or concrete sealed, to the satisfaction of Council.

Timing: Prior to commencement of the use and at all times thereafter.

- 3.5 Vehicle access to the site is only permitted at the approved vehicle crossover location as shown on the approved plans.

Timing: At all times.

4.0 STORMWATER AND ROOF AND ALLOTMENT DRAINAGE

- 4.1 All roof and allotment runoff from the development site must be directed to a lawful point of discharge and must not restrict, impair, or change the natural flow of runoff water or cause nuisance to surrounding land or infrastructure in accordance with the *Queensland Urban Drainage Manual (QUDM)*.

Timing: At all times.

- 4.2 All stormwater infrastructure must be designed, constructed, and maintained in accordance with the *FNQROC Development Manual* and the *Queensland Urban Drainage Manual*.

Timing: At all times.

5.0 WATER AND SEWERAGE SUPPLY

- 5.1 Connect the development to Council's reticulated water network.

Timing: Prior to commencement of the use and at all times thereafter.

- 5.2 Ensure the property service connections and water meters servicing the development are installed by Council at the applicant's cost.

Timing: Prior to commencement of the use and at all times thereafter.

- 5.3 Remove all redundant water infrastructure, including but not limited to pipes and connection points.

Timing: Prior to commencement of the use and at all times thereafter.

- 5.4 Design and construct all water and in accordance with the approved plans, *FNQROC Development Manual*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.

Timing: Prior to commencement of the use and at all times thereafter.

6.0 SERVICES

- 6.1 Electricity and telecommunication services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

Timing: Prior to commencement of the use.

7.0 AMENITY AND ENVIRONMENTAL HEALTH

- 7.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise.

Timing: At all times.

- 7.2 Install and operate all outdoor lighting to comply with *AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting"*.

Timing: At all times.

8.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

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

Timing: Prior to commencement of the use.

- 8.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the *FNQROC Development Manual* as it relates to the construction phase. The ESCS must be available for inspection by TSC officers during the construction phase.

Timing: Prior to commencement of the use.

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

Timing: Prior to commencement of the use.

9.0 ASSET MANAGEMENT

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

Timing: At all times.

ADVISORY NOTES

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the Planning Act 2016.
2. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
3. Infrastructure Charges must be paid to Council when the change of use occurs as stated in the *Planning Act 2016* as indicated on the Infrastructure Charges Notice at the rate applicable at the time of payment.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. The *Environmental Protections Act 1994* states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities, involved in civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council.

6. In accordance with the Environmental Protection (Water & Wetland Biodiversity) Policy 2019, all sand, silt, mud, paint, cement, concrete, builders waste or rubbish shall not be permitted to enter or be placed where it could reasonably be expected to more into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

7. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to Commencement of Works.
 8. This development approval does not authorise any activity that may harm Aboriginal and Torres Strait Islander cultural heritage. It is also advised that any land use activities must comply with the *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Heritage Act 2003*.
 9. An application to TSC is required for water and/or sewerage services to be connected to a property. The developer should contact TSC for further information on the necessary forms and application process.
 10. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the *EPBC Act* can be obtained from the Department of Agricultural, Water and the Environment website <https://www.environment.gov.au/epbc/about>
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ATTACHMENT 2 – APPROVED PLANS

PROPERTY INFORMATION:
 LOT NUMBER: 14 & 15
 PROPERTY: 2787
 SITE AREA: 2.739 ha

SITE NOTES:

1. ALL DIMENSIONS IN METRES.
2. SOUTH EAST CORNER INDICATIVE ONLY. CONTRACTOR TO VERIFY ON SITE.
3. REFER TO APPROVED PLANS FOR BOUNDARIES FOR WINDMILL AREA.
4. REFER TO APPROVED PLANS FOR BOUNDARIES FOR WINDMILL AREA.
5. EXISTING SERVICES AND UTILITIES TO BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION. ALL SERVICES TO BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION. ALL SERVICES TO BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION.
6. DISBURSE RAINWATER TO THE STREET OR TO A DRAINAGE SYSTEM.
7. APPROVED PLANS SHOW THE LOCATION OF ALL SERVICES TO BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION.
8. THE PLANNED ON SITE ALL HAVE CONTROLLED PLACEMENT AND SHALL BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION.
9. POSITIONS OF EXISTING SERVICES ARE TAKEN FROM AS SHOWN ON THE PLANS.
10. CONTRACTOR TO ALLOW FOR ANY SERVICES TO BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION.

EXISTING SERVICES:
 1. EXISTING SERVICES TO BE MAINTAINED AND NOT TO BE REMOVED OR DISCONNECTED PRIOR TO ANY CONSTRUCTION.
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ABBREVIATIONS:
 A: AREA
 B: BOUNDARY
 C: CONSTRUCTION
 D: DIMENSION
 E: EXISTING
 F: FLOOR LEVEL
 G: GRASS
 H: HATCH
 I: INTERIOR
 J: JOINT
 K: KITCHEN
 L: LAUNDRY
 M: MAIN
 N: NORTH
 O: OFFICE
 P: PARKING
 Q: QUANTITY
 R: ROAD
 S: SERVICE
 T: TYPICAL
 U: UTILITY
 V: VENT
 W: WALL
 X: WINDOW
 Y: YARD
 Z: ZONE

REFER FACILITY PLAN

HOURLS LAKE AIRPORT - LOCALITY PLAN

REFER SITE PLAN

HOURLS LAKE AIRPORT - FACILITY PLAN

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APPROVED PLAN (S) OF DEVELOPMENT	DATE: 21/09/2021	POSITION: DCRS
PROJECT INFORMATION:		
PROJECT NAME: [Blank]		
PROJECT NUMBER: [Blank]		
PROJECT LOCATION: [Blank]		
PROJECT DESCRIPTION: [Blank]		
PROJECT CONTACT: [Blank]		
PROJECT STATUS: [Blank]		
PROJECT APPROVAL: [Blank]		
PROJECT REVIEW: [Blank]		
PROJECT SIGNATURE: [Blank]		
PROJECT DATE: [Blank]		

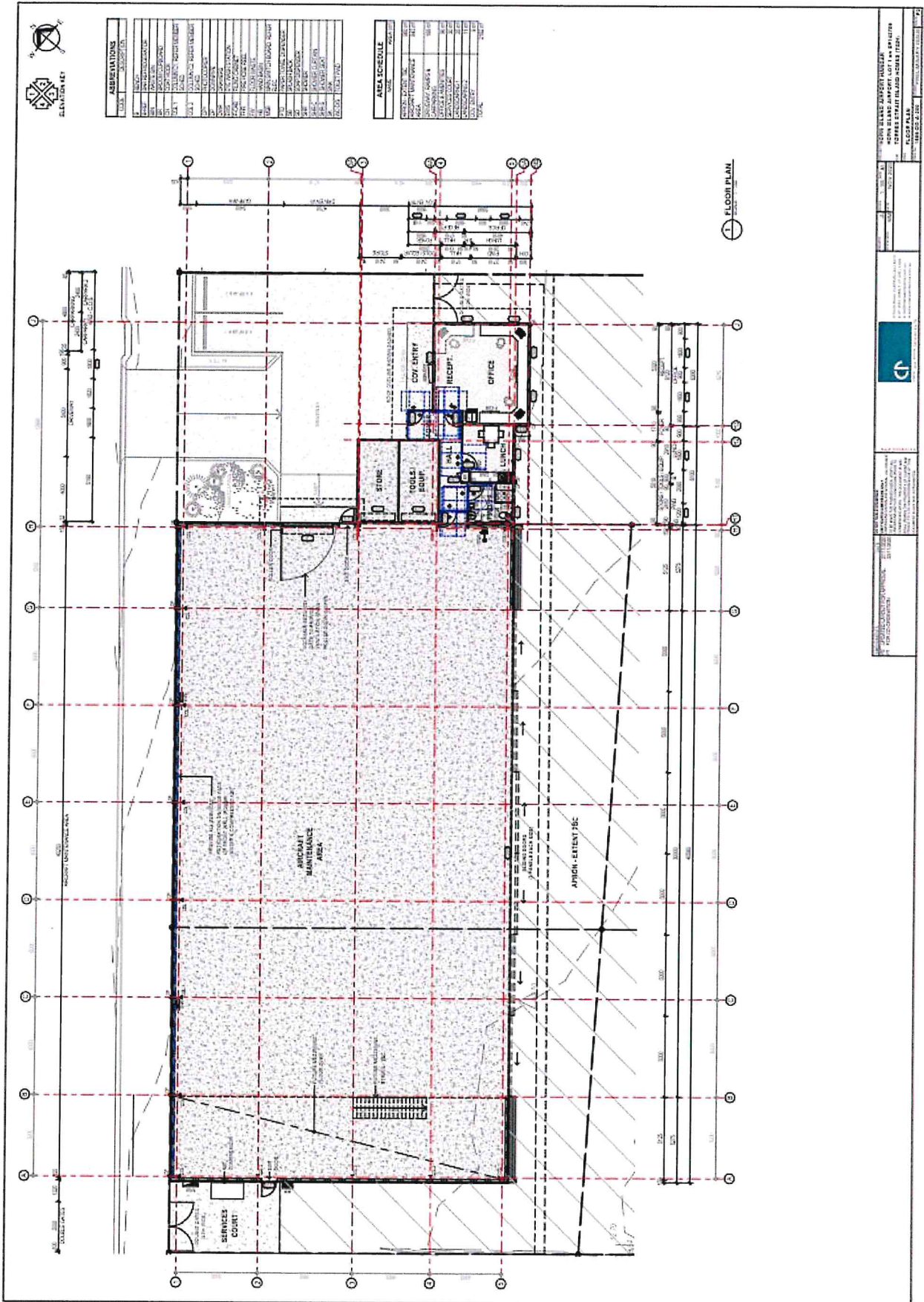
APPROVED PLAN (S) OF DEVELOPMENT

Ref No: P.A.S 21/11

Date: 21/02/2021

Signed: [Signature]

Position: P.A.S



NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	CONCRETE	m ²			
2	BRICKWORK	m ²			
3	ROOFING	m ²			
4	GLASS	m ²			
5	PAINT	m ²			
6	WATER	m ³			
7	ELECTRICITY	kWh			
8	PLUMBING	m			
9	MECHANICAL	m			
10	LABOUR	hr			
11	CEILING	m ²			
12	FLOORING	m ²			
13	DOORS	no.			
14	WINDOWS	no.			
15	STAIRS	m ²			
16	ROOFING	m ²			
17	PAINT	m ²			
18	WATER	m ³			
19	ELECTRICITY	kWh			
20	PLUMBING	m			
21	MECHANICAL	m			
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35	CEILING	m ²			
36	FLOORING	m ²			
37	DOORS	no.			
38	WINDOWS	no.			
39	STAIRS	m ²			
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43	ELECTRICITY	kWh			
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95	CEILING	m ²			
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100	ROOFING	m ²			

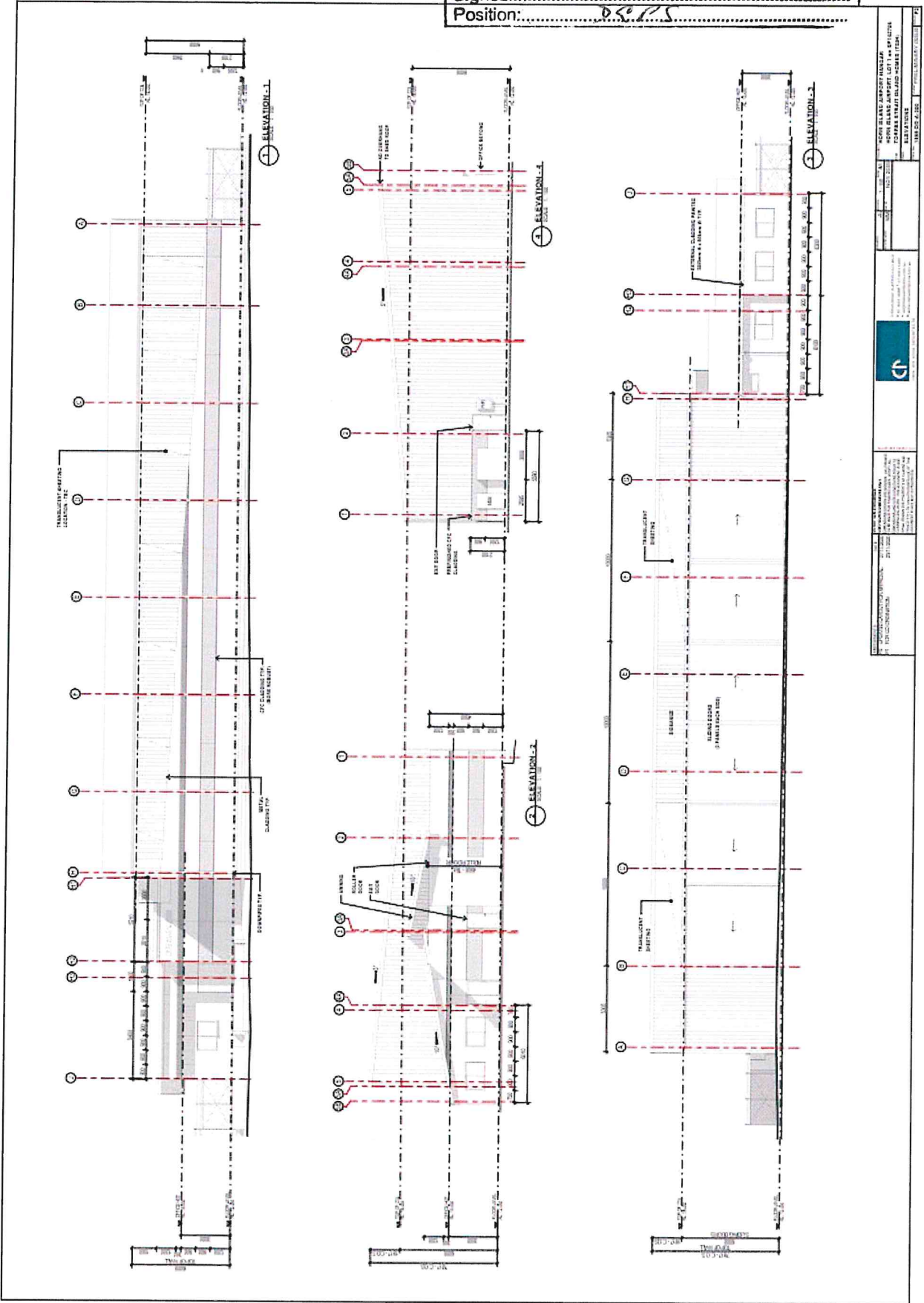
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96	FLOORING	m ²			
97	DOORS	no.			
98	WINDOWS	no.			
99	STAIRS	m ²			
100	ROOFING	m ²			

Professional Engineer details and registration information.



APPROVED PLAN (S) OF DEVELOPMENT

Ref No: 1DAS 21/11
 Date: 21/02/2021
 Signed: [Signature]
 Position: D.S.P.S.

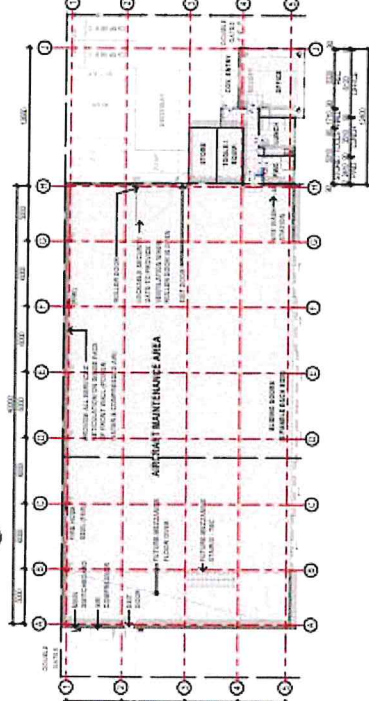
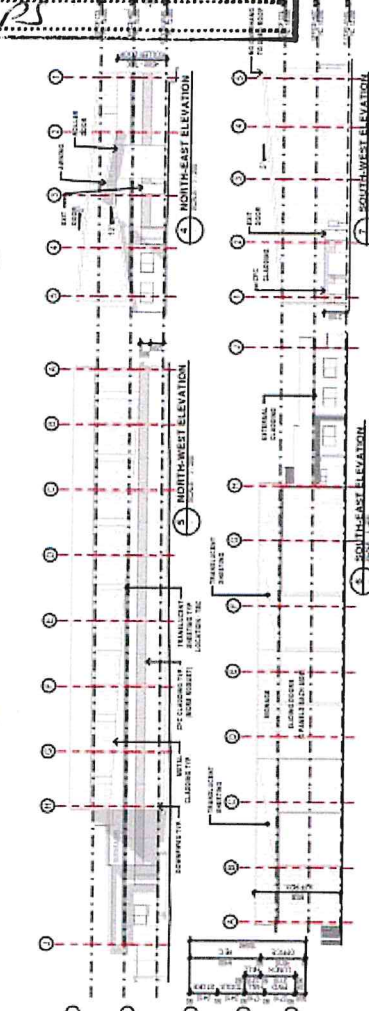
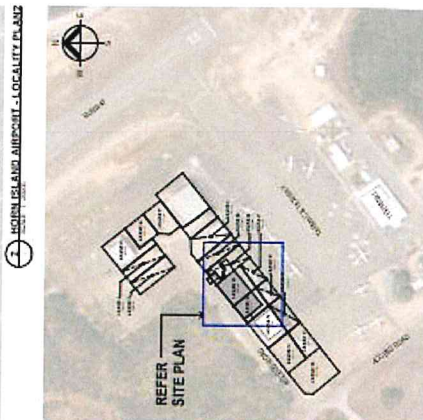
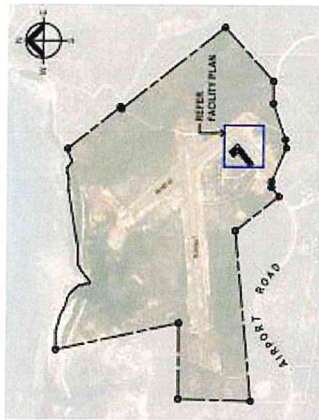
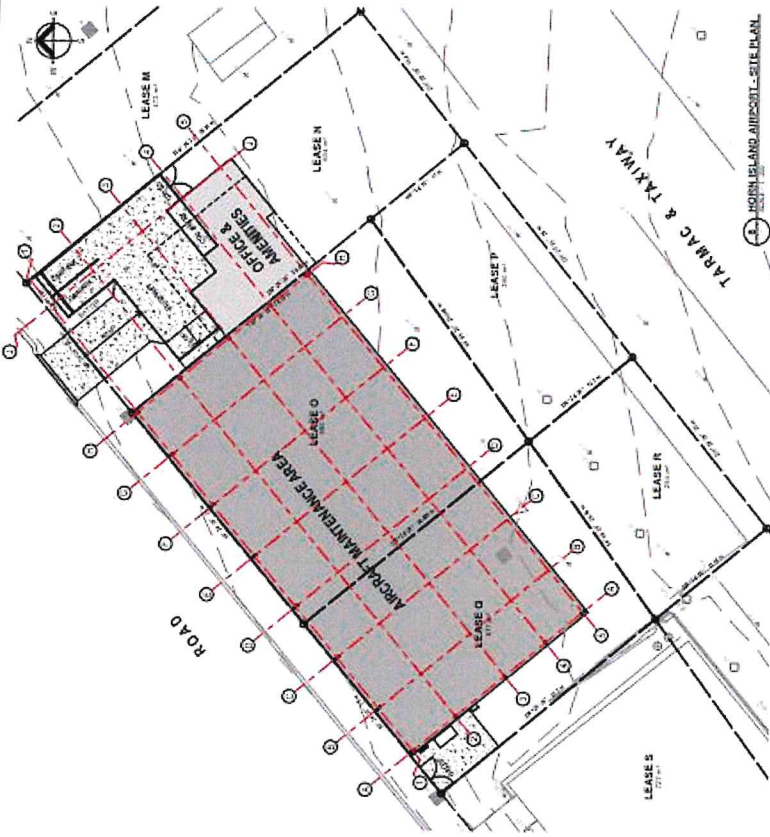
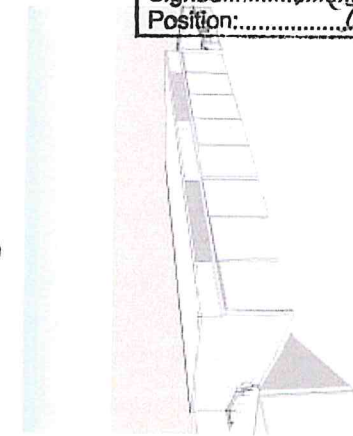
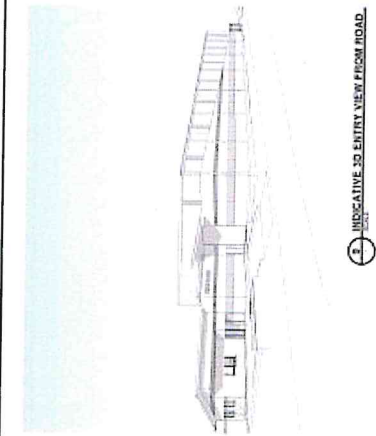


TORRES SHIRE COUNCIL PO BOX 171 THURSDAY ISLAND OLD 4875 TEL: 08 9075 1111 FAX: 08 9075 1112 WWW.TORRES.GOV.AU	
APPROVED PLAN (S) OF DEVELOPMENT REFERENCE TO THE TORRES SHIRE LOCAL GOVERNMENT ACT 1993 SECTION 154(1)(A) AND SECTION 154(1)(B)	
PROJECT NAME: <u>1DAS 21/11</u> PROJECT ADDRESS: <u>21/02/2021</u> PROJECT LOCATION: <u>D.S.P.S.</u>	
PROJECT DESCRIPTION: <u>[Blank]</u>	
PROJECT STATUS: <u>[Blank]</u>	
PROJECT DATE: <u>[Blank]</u>	

Torres Shire Council
 PO Box 171
 THURSDAY ISLAND QLD 4875

APPROVED PLAN (S) OF DEVELOPMENT

Ref No: DA 2017/0001
 Date: 27/07/17
 Signed: [Signature]
 Position: DCPS



<p>1. NORTH ISLAND AIRPORT - LOCALITY PLAN</p> <p>2. NORTH ISLAND AIRPORT - FACILITY PLAN</p> <p>3. NORTH-EAST ELEVATION</p> <p>4. NORTH-WEST ELEVATION</p> <p>5. SOUTH-EAST ELEVATION</p> <p>6. AIRPORT MAINTENANCE AREA - FLOOR PLAN</p>	<p>7. SOUTH-EAST ELEVATION</p> <p>8. SOUTH-EAST ELEVATION</p> <p>9. SOUTH-EAST ELEVATION</p> <p>10. SOUTH-EAST ELEVATION</p> <p>11. SOUTH-EAST ELEVATION</p> <p>12. SOUTH-EAST ELEVATION</p> <p>13. SOUTH-EAST ELEVATION</p> <p>14. SOUTH-EAST ELEVATION</p> <p>15. SOUTH-EAST ELEVATION</p> <p>16. SOUTH-EAST ELEVATION</p> <p>17. SOUTH-EAST ELEVATION</p> <p>18. SOUTH-EAST ELEVATION</p> <p>19. SOUTH-EAST ELEVATION</p> <p>20. SOUTH-EAST ELEVATION</p> <p>21. SOUTH-EAST ELEVATION</p> <p>22. SOUTH-EAST ELEVATION</p> <p>23. SOUTH-EAST ELEVATION</p> <p>24. SOUTH-EAST ELEVATION</p> <p>25. SOUTH-EAST ELEVATION</p> <p>26. SOUTH-EAST ELEVATION</p> <p>27. SOUTH-EAST ELEVATION</p> <p>28. SOUTH-EAST ELEVATION</p> <p>29. SOUTH-EAST ELEVATION</p> <p>30. SOUTH-EAST ELEVATION</p> <p>31. SOUTH-EAST ELEVATION</p> <p>32. SOUTH-EAST ELEVATION</p> <p>33. SOUTH-EAST ELEVATION</p> <p>34. SOUTH-EAST ELEVATION</p> <p>35. SOUTH-EAST ELEVATION</p> <p>36. SOUTH-EAST ELEVATION</p> <p>37. SOUTH-EAST ELEVATION</p> <p>38. SOUTH-EAST ELEVATION</p> <p>39. SOUTH-EAST ELEVATION</p> <p>40. SOUTH-EAST ELEVATION</p> <p>41. SOUTH-EAST ELEVATION</p> <p>42. SOUTH-EAST ELEVATION</p> <p>43. SOUTH-EAST ELEVATION</p> <p>44. SOUTH-EAST ELEVATION</p> <p>45. SOUTH-EAST ELEVATION</p> <p>46. SOUTH-EAST ELEVATION</p> <p>47. SOUTH-EAST ELEVATION</p> <p>48. SOUTH-EAST ELEVATION</p> <p>49. SOUTH-EAST ELEVATION</p> <p>50. SOUTH-EAST ELEVATION</p> <p>51. SOUTH-EAST ELEVATION</p> <p>52. SOUTH-EAST ELEVATION</p> <p>53. SOUTH-EAST ELEVATION</p> <p>54. SOUTH-EAST ELEVATION</p> <p>55. SOUTH-EAST ELEVATION</p> <p>56. SOUTH-EAST ELEVATION</p> <p>57. SOUTH-EAST ELEVATION</p> <p>58. SOUTH-EAST ELEVATION</p> <p>59. SOUTH-EAST ELEVATION</p> <p>60. SOUTH-EAST ELEVATION</p> <p>61. SOUTH-EAST ELEVATION</p> <p>62. SOUTH-EAST ELEVATION</p> <p>63. SOUTH-EAST ELEVATION</p> <p>64. SOUTH-EAST ELEVATION</p> <p>65. SOUTH-EAST ELEVATION</p> <p>66. SOUTH-EAST ELEVATION</p> <p>67. SOUTH-EAST ELEVATION</p> <p>68. SOUTH-EAST ELEVATION</p> <p>69. SOUTH-EAST ELEVATION</p> <p>70. SOUTH-EAST ELEVATION</p> <p>71. SOUTH-EAST ELEVATION</p> <p>72. SOUTH-EAST ELEVATION</p> <p>73. SOUTH-EAST ELEVATION</p> <p>74. SOUTH-EAST ELEVATION</p> <p>75. SOUTH-EAST ELEVATION</p> <p>76. SOUTH-EAST ELEVATION</p> <p>77. SOUTH-EAST ELEVATION</p> <p>78. SOUTH-EAST ELEVATION</p> <p>79. SOUTH-EAST ELEVATION</p> <p>80. SOUTH-EAST ELEVATION</p> <p>81. SOUTH-EAST ELEVATION</p> <p>82. SOUTH-EAST ELEVATION</p> <p>83. SOUTH-EAST ELEVATION</p> <p>84. SOUTH-EAST ELEVATION</p> <p>85. SOUTH-EAST ELEVATION</p> <p>86. SOUTH-EAST ELEVATION</p> <p>87. SOUTH-EAST ELEVATION</p> <p>88. SOUTH-EAST ELEVATION</p> <p>89. SOUTH-EAST ELEVATION</p> <p>90. SOUTH-EAST ELEVATION</p> <p>91. SOUTH-EAST ELEVATION</p> <p>92. SOUTH-EAST ELEVATION</p> <p>93. SOUTH-EAST ELEVATION</p> <p>94. SOUTH-EAST ELEVATION</p> <p>95. SOUTH-EAST ELEVATION</p> <p>96. SOUTH-EAST ELEVATION</p> <p>97. SOUTH-EAST ELEVATION</p> <p>98. SOUTH-EAST ELEVATION</p> <p>99. SOUTH-EAST ELEVATION</p> <p>100. SOUTH-EAST ELEVATION</p>
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ATTACHMENT 3 – NOTICE ABOUT A DECISION NOTICE

NOTICE ABOUT A DECISION NOTICE

In accordance with section 63(4) and (5) of the *Planning Act*

DESCRIPTION OF THE DEVELOPMENT

Application number:	IDAS 21/11
Property description:	Lot 1 on SP142709 (Lease N, O, and Q on Lot 1 SP142709)
Approval sought:	Development Permit for Material Change of Use
Description of the development:	Undefined Use (Aircraft Maintenance Hangar)
Decision:	Approved with Conditions
Decision date:	20 July 2021

APPLICABLE ASSESSMENT BENCHMARKS

Planning Scheme:	Torres Shire IPA Planning Scheme 2007 (Version Amendment 1 – 19 January 2016) <ul style="list-style-type: none">• Desired Environmental Outcomes• Special Purpose Zone Code• Cultural Heritage Overlay Code• Natural Features Overlay Code
State Planning Policy (SPP):	State Planning Policy (July 2017)
Planning Regulation 2017:	The application did not trigger any matters prescribed by the regulation.

PUBLIC NOTIFICATION

The application is Impact Assessable. No submissions were received.

REASONS FOR THE DECISION

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

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007;
- The development will facilitate ongoing aviation activities associated with the Horn Island Airport;
- The subject site is not subject to defined natural risks or hazards or environmental values that cannot be resolved under exemptions;
- The lease area ensures the safe operation of the airport and its activities.

ATTACHMENT 4 – EXTRACT OF APPEAL PROVISIONS

Attached under separate cover. This page has been intentionally left blank.

(2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

(3) In this section—

conduct means an act or omission.

representative means—

(a) of a corporation—an executive officer, employee or agent of the corporation; or

(b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

(a) knowledge, intention, opinion, belief or purpose; and

(b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

(i) who may appeal a matter (the **appellant**); and

(ii) who is a respondent in an appeal of the matter; and

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

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

Note—

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

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

230 Notice of appeal

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

-
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

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

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

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

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

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

storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			

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

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

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

<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

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

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

(a) any part of the development application or change application that required impact assessment; or

(b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

4. Compensation claims

An appeal may be made against—

(a) a decision under section 32 about a compensation claim; or

(b) a decision under section 265 about a claim for compensation; or

(c) a deemed refusal of a claim under paragraph (a) or (b).

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
<p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>

Table 3 Appeals to a tribunal only			
<p>2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government’s failure to decide an application under the Building Act within the period required under that Act.</p>			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—