

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 19/01
Your Reference:

1 March 2023

Community Enterprise Queensland
c/ RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Delivered via email: owen.caddick-king@rpsgroup.com.au

Dear Sir

Decision Notice (Minor Change) *Given under section 83 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 24 February 2023.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	IDAS 21/02
Street Address:	3 Outie Street, Horn Island
Real Property Description:	Lot 21 on W11071
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>

DECISION DETAILS

The original Decision Notice was dated 21 April 2021.

Council at its meeting held on 24 February 2023, decided to issue the following type of approval:

- Change Application (Minor) - Development Permit for Material Change of Use (Multiple Dwelling Unit x 3)

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that the original development approval took 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 Works

PROPERLY MADE SUBMISSIONS

Not applicable.

REASONS FOR THE DECISION

The proposed changes to the internal layout and change to carparking and access arrangements are minor and will not have an adverse impact on the amenity of adjoining lots.

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.

Timing: At all times.

- 1.2 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.

Timing: At all times.

- 1.3 The Developer must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works undertaken as part of the development. Any damage that 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 Torres Shire Council Planning Scheme, FNQROC Development Manual and any other relevant guideline and standards.

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 noted below, except where amended by the conditions of this permit.

Title	Document No.	Date	Prepared by
Proposed site and floor plans	21E358 sheet A002	December 20 Revision 2	PAWA architecture

Title	Document No.	Date	Prepared by
Proposed Site Plan	21E358 sheet A002	10/02/23 Rev 5	PAWA architecture
Floor Plan	21E358 sheet A102	10/02/23 Rev 5	PAWA architecture

- 2.2 Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.

Timing: At all times.

3.0 ACCESS AND PARKING

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

Timing: *At all times.*

- 3.2 Provide a minimum of one (1) carparking space for each unit and one (1) visitor car parking spaces. The visitor parking space must not be for the exclusive use of any single dwelling unit and must remain for communal use.

Timing: *At all times.*

- 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: *At all times.*

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

Timing: *At all times.*

4.0 STORMWATER

- 4.1 Lawful point of discharge for the two new units and associated carparking is Outie Street. Discharge all minor stormwater flows that fall or pass onto the site to the lawful point of discharge without causing annoyance or nuisance to any person 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 LANDSCAPING

- 5.1 Establish, maintain and retain all landscaping within the designated landscaped gardens at indicated on the approved plans. The landscaping must be established and maintained in accordance with Schedule 7 of the Torres Shire Planning Scheme 2007. The planting must predominantly contain plant species that are endemic to the region.

Timing: *At all times.*

6.0 WATER SUPPLY

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

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

- 6.2 Ensure the property service connections and water meters servicing the development are installed by Council at the applicant's cost. A separate water meter must be provided for each dwelling unit.

Timing: Prior to commencement of the use.

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

Timing: Prior to commencement of the use.

7.0 SEWERAGE SUPPLY

- 7.1 Connect the development to Council's reticulated sewerage network.

Timing: At all times.

- 7.2 Remove all redundant sewer infrastructure, including but not limited to pipes and connection point.

Timing: Prior to commencement of use.

8.0 FINISHED FLOOR LEVEL

- 8.1 A finished floor level (FFL) of 4.52 AHD is achieved for all habitable areas.

Timing: At all times.

9.0 SERVICES

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

Timing: At all times.

10.0 WASTE MANAGEMENT

- 10.1 A designated area for waste storage must be provided for each unit. The storage area must be appropriately screened from view from any road or adjoining property.

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

11.0 FENCES

- 11.1 Construct fences in accordance with the approved plan of development

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

12.0 EROSION AND SEDIMENT CONTROL

- 12.1 Implement and maintain the ESCP for the duration of the construction works, and until such time all exposed soil areas are permanently stabilised (e.g. turfed, hydro mulched, concreted on landscaped etc.).

Timing: Prior to commencement of use.

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 provision 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. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. 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 there '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.

5. 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.
6. 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.
7. No building materials or the like are to be stored on the footpath unless an appropriate approval from Council is obtained, including the payment of associated fees.
8. 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.
9. 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 Agriculture, Water and the Environment website <https://www.environment.gov.au/epbc/about>
10. 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*.

ATTACHMENT 2 – APPROVED PLANS

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

SHEET LIST

SHEET No.	SHEET NAME
A000	COVER SHEET
A001	EXISTING SITE PLAN
A002	PROPOSED SITE PLAN
A102	FLOOR PLAN

PROPOSED SUPERMARKET CONVERSION TO STAFF ACCOMODATION FOR CEQ OUTIE ST, HORN ISLAND, QLD



TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Change Application (Minor) - Development Permit for Material Change of Use (Multiple Dwelling Unit x 3)

Lot: Lot 21 on W11071

Referred to in Council's Decision Notice

Approval Date: 24 February 2023



**ISSUED FOR
APPROVAL**

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rev.	date	description	by	consultant	consultant
5	10/02/23	APPROVAL AMENDMENTS	TJB		

DRAWING CHECKED
ANDREW MCFADDEN BArch
ARCHITECT
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client
COMMUNITY ENTERPRISE QUEENSLAND

project
**SUPERMARKET CONVERSION TO STAFF
ACCOMODATION, HORN ISLAND, QLD**

drawing title
COVER SHEET

north

drawn TJB	checked AJM
scale at A1	date Issue Date
project # 21E358	sheet # A000
	issue 5

**TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Change Application (Minor) - Development Permit for Material Change of Use (Multiple Dwelling Unit x 3)

Lot: Lot 21 on W11071

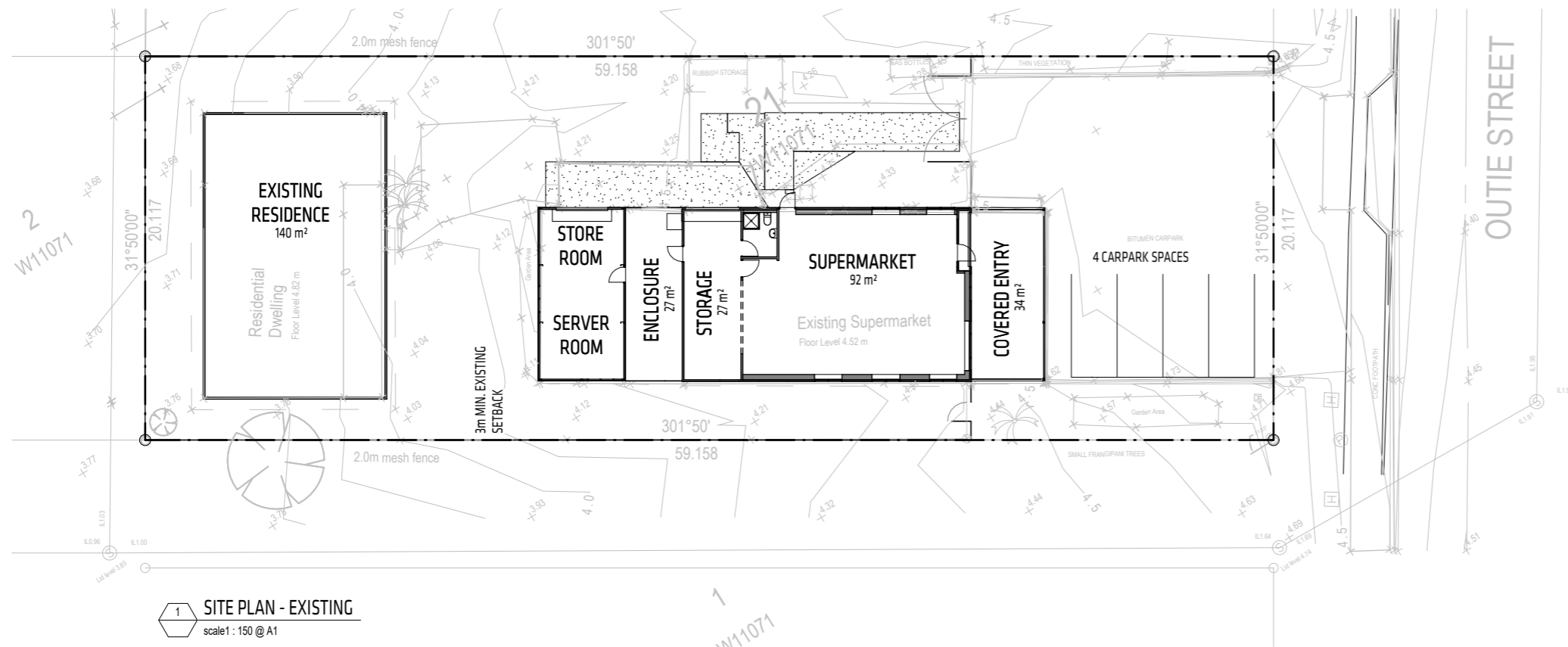
Referred to in Council's Decision Notice

Approval Date: 24 February 2023

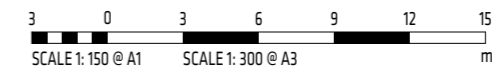


SITE LOCALITY

3 LOCALITY PLAN
scale 1 : 5000 @ A1



1 SITE PLAN - EXISTING
scale 1 : 150 @ A1



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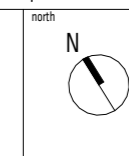
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project
**SUPERMARKET CONVERSION TO STAFF
ACCOMMODATION, HORN ISLAND, QLD**

drawing title
EXISTING SITE PLAN



drawn	checked
TJB	AJM
scale	date
As indicated at A1	Issue Date
project #	sheet #
21E358	A001
	issue
	5

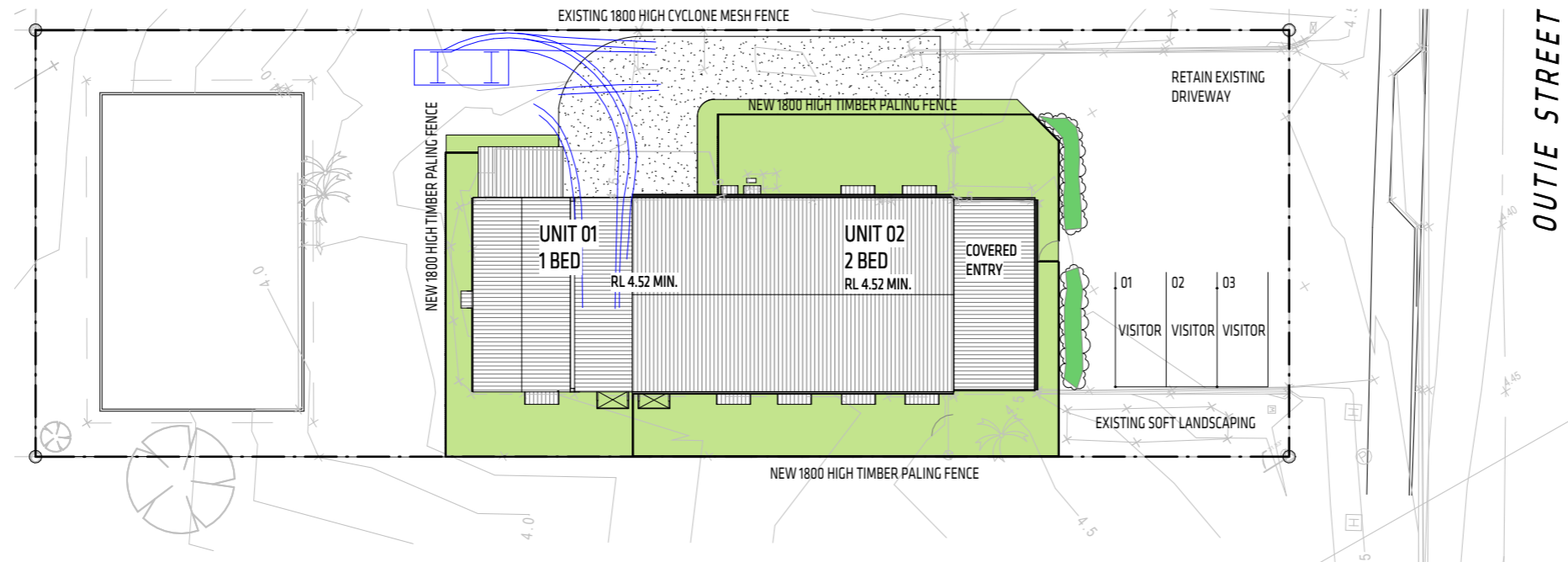
**TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Change Application (Minor) - Development Permit for Material Change of Use (Multiple Dwelling Unit x 3)

Lot: Lot 21 on W11071

Referred to in Council's Decision Notice

Approval Date: 24 February 2023



1 SITE PLAN - PROPOSED
scale 1 : 150 @ A1

- ENCLOSURE INFILL MATERIALS TO COVERED ENTRY TO BE REMOVED, STRUCTURAL POSTS AND ROOF TO REMAIN, LINING TO UNDERSIDE TO BE ADDED

- NEW GRASSED AREA
- NEW SOFT LANDSCAPING INCORPORATING ENDEMIC SPECIES



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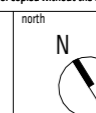
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ACCOMMODATION, HORN ISLAND, QLD**

drawing title
PROPOSED SITE PLAN



drawn TJB	checked AJM
scale 1:150 at A1	date Issue Date
project # 21E358	sheet # A002
	issue 5

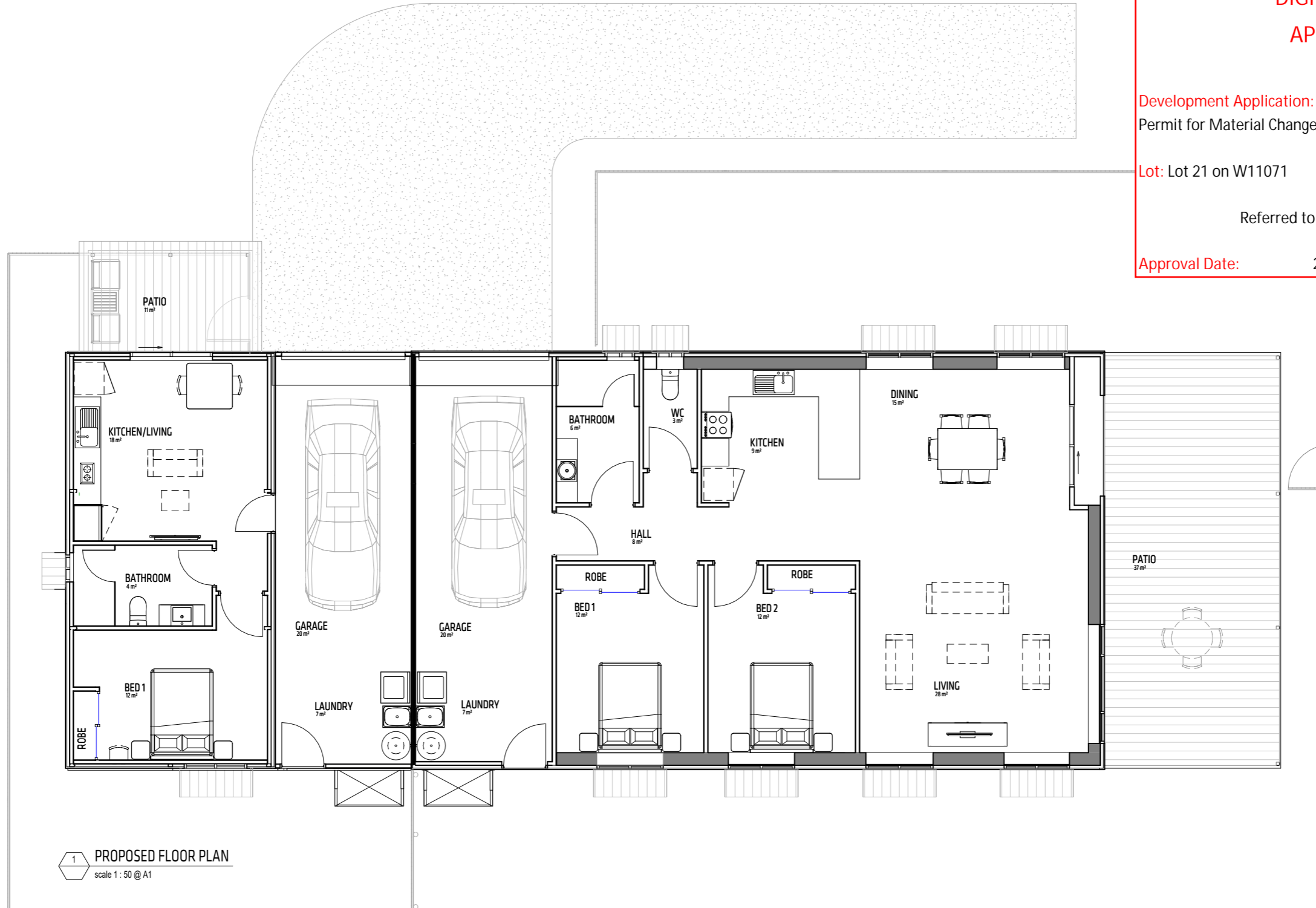
**TORRES SHIRE COUNCIL
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APPROVED PLAN**

Development Application: Change Application (Minor) - Development Permit for Material Change of Use (Multiple Dwelling Unit x 3)

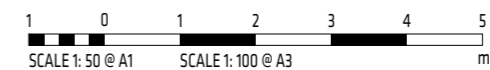
Lot: Lot 21 on W11071

Referred to in Council's Decision Notice

Approval Date: 24 February 2023



1 PROPOSED FLOOR PLAN
scale 1 : 50 @ A1



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rev.	date	description	by	consultant	consultant
5	10/02/23	APPROVAL AMENDMENTS	TJB		

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COMMUNITY ENTERPRISE QUEENSLAND
project
**SUPERMARKET CONVERSION TO STAFF
ACCOMMODATION, HORN ISLAND, QLD**

drawing title
FLOOR PLAN
north

drawn	checked
TJB	AJM
scale	date
1 : 50 at A1	Issue Date
project #	sheet #
21E358	A102
	issue
	5

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ATTACHMENT 3 – NOTICE ABOUT A DECISION NOTICE

NOTICE ABOUT A DECISION NOTICE

In accordance with section 83(9) of the *Planning Act*

DESCRIPTION OF THE DEVELOPMENT

Application number:	IDAS 21/02
Property description:	Lot 21 on W11071
Approval sought:	Change Application (Minor) - Development Permit for Material Change of Use
Description of the development:	Multiple Dwelling Units x 3
Decision:	Approved subject to conditions
Decision date:	24 February 2023

APPLICABLE ASSESSMENT BENCHMARKS

Planning Scheme:	Torres Shire IPA Planning Scheme 2007 (Version Amendment 1 – 19 January 2016) <ul style="list-style-type: none">• Business Zone Code• Multiple Dwelling Unit Code• Special Management Area – Acid Sulfate Soils
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 original application was subject to public notification, however no submissions were received.

REASONS FOR THE DECISION

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

- The proposed changes to the staging of development is consistent with the approval and introduces no new impacts.

ATTACHMENT 4 – EXTRACT OF APPEAL PROVISIONS

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

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

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

<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<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</p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Local government failure to decide application under the Building Act</p> <p>An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			

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