

Form 6 Development Application Decision Notice (Stage 2)

Sustainable Planning Act 2009, Part 5, Sec 334 & 335.

Building Certifier Reference Number: **00027310**

Approval Type: **Development Permit For Building Works**

The Development Application was Assessed and: **Approved with Conditions**

Building Certifier Decision Date: **Thursday, 18 February 2021**

Local Government Area: **Brisbane City Council**

Applicant: **JDL Construction Group Pty Ltd**

Address of Site: **15 Vernon Terrace
Teneriffe QLD 4005**

Building Class & Description of Works:

2 Alterations to existing Unit

Real Property Description of Site or GPS Coordinates:

Lot Type	Lot No:	Plan Type	Plan Numbers(s)
Current	4	BUP	105312

Applicable Approvals & Planning Conditions

Build Over / Near Sewer Conditions, File No: n/a

Build Over / Near Stormwater Conditions, File No: n/a

Council Planning Approval File No: n/a

Local Plan: n/a

Plumbing Approval File No: By owner if required

Property Information No: n/a

THIS DEVELOPMENT PERMIT APPROVAL MUST BE READ IN CONJUNCTION WITH:

Reason for Refusal (If Applicable):	See Attachment A
Drawing Documents and Required Certificates Described as:	See Attachment A
Required inspections, conditions & other applicable codes for self assessable development:	See Attachment A

Date of This Notice: **Thursday, 18 February 2021** **Signature**

Certifier **CertificationNumber**

Seth Long A1094781



ATTACHMENT A

Applicant Name:	JDL Construction Group Pty Ltd	Landowner Name:	Kathryn Draper
Applicant Contact:	Kieran Lewis	Landowner Contact:	Kathryn Draper
Applicant Address:	63 Amelia Street Nundah QLD 4005	Landowner Address:	Unit 4, 15 Vernon Terrace Teneriffe 4005 QLD
Applicant Phone:	-	Landowner Phone:	-
Applicant e-mail:	kieran@jdlconstruction.com.au	Landowner e-mail:	kdr52116@bigpond.net.au

Required Inspections

Stage\Aspect	Description	Recommended Agent	Contact
Footing Stage	ENG Footings AND Slab Inspection	RPEQ Engineer	RPEQ Engineer
Frame Stage	ENG Frame Inspection	RPEQ Engineer	RPEQ Engineer
Fire Safety Stage	CERTIFIER Fire/sound wall separation Inspection	Building Certification Consultants Pty. Ltd.	07 3394 2744
Fire Safety Stage	CERTIFIER Fire/sound wall separation Inspection	Building Certification Consultants Pty. Ltd.	07 3394 2744
Final Stage	CERTIFIER Final Inspection	Building Certification Consultants Pty. Ltd.	07 3394 2744
Final Stage	CERTIFIER Final Inspection	Building Certification Consultants Pty. Ltd.	07 3394 2744

Early site/pre-footing inspections are required and are separate to engineer footings/slab inspections.

If an inspection is missed or cancelled less than 24 hours from the appointed date it is the responsibility of the builder/applicant/landowner - NO REFUND of this fee will be issued.

Certificate of inspection can only be accepted by a competent person - certificate may only be accepted if:

- Before the inspection, the Building Certifier has assessed the person as a competent person for the inspection and,
- The Building Certifier receives the certificate not later than five (5) business days after the person carried out the inspection

Please collate these certificates individually and ensure that each certificate is scanned / saved in PDF format only.

REQUIRED CERTIFICATES *

Certificate	Comments
1 CERTIFIER (STAGE) Fire/sound aspects inspection Form 16	Certifier to provide a Form 16 certificate for fire and sound wall inspection/s.
1 Electrical - General & energy eff. - Class 2-9	Certificate from electrician stating that lighting and power has been installed in accordance with AS1680.1 and BCA Section J6 and that all electrical wiring has been completed to AS3000.
2 Electrical - Smoke alarm install - Class 2-4	Electrical certificate for installation of photoelectric, hard-wired, smoke alarms within the SOU in accordance with BCA Part E2, AS3786 and the Building Regulation 2006.
3 Engineer inspections - Class 2-9	Provide one overall certificate from a structural RPEQ stating that all structural components have been inspected to comply with the relevant Australian Standards, Building Act 1975, BCA Volume 1 and approved structural plans.
4 Fire hazards - Floor linings	Certificate from floor coverings' manufacturer/supplier to indicate fire hazard indices of floor covering in CRF/m2 (Critical Radiant Flux per m2)
5 Fire hazards - Wall and ceiling linings	Certificate from wall and ceiling linings manufacturer to indicate 'Group Number' achieved by installed material is in accordance with BCA Specification C1.10 Table 3.
6 Fire penetration and sealing - Electrical	Certificate from the QBCC Passive fire lic. installer or inspector responsible for the fire stopping to electrical cable, conduit and bus-tray penetrations confirming that they have been installed in accordance with the manufacturer's tested specifications.
7 Fire penetration and sealing - Hydraulic	Certificate from the QBCC Passive fire lic. installer or inspector responsible for the fire stopping to plumbing and hydraulic penetrations confirming that they have been installed in accordance with the manufacturer's tested specifications.

ATTACHMENT A

REQUIRED CERTIFICATES *

<u>Certificate</u>	<u>Comments</u>
8 Fire penetration and sealing - Mechanical	Certificate from the QBCC Passive fire lic. installer or inspector responsible for the fire stopping to mechanical duct and pipework penetrations confirming that they have been installed in accordance with the manufacturer's tested specifications.
9 Glazing - Showers, robe, splashback, mirrors - Install	Certificate of installation for shower-screens, glazed robe doors, glass splashback and mirrors as applicable.
10 Glazing - Showers, robe, splashback, mirrors - Supply	Certificate of manufacture for shower-screens, glazed robe doors, glass splashback and mirrors as applicable.
11 Glazing - Windows and doors - Install	Certificate from QBCC licensed; window installer, builder or carpenter that glazed assemblies have been installed and comply with AS2047 and AS1288.
12 Glazing - Windows and doors - Manufacture	Certificate from the QBCC lic. window and door manufacturer that all assemblies have been manufactured in accordance with AS1288 and AS2047. Certificate shall state:
13 Mechanical extraction	Certificate for mechanical air-extraction to bathrooms, WCs and laundries.
14 Mechanical services compliance	Certificate from QBCC lic. mechanical services contractor stating that the mechanical systems, HVAC and air-conditioning systems have been installed and commissioned to comply with AS1668.2 and approved plans.
15 Plumbing - Gas installation	Provide a copy of the gas installation certificate.
16 Plumbing - Roof-water drainage	Certificate for roof-water/stormwater collection and legal discharge as per NCC/BCA, AS3500.3, approved plans and local council requirements.
17 Plumbing final - Class 2-9	Provide council plumbing inspection clearance from council.
18 Prefabricated frames, floors and roof trusses	Provide the specifications and Form 15 for the vergola structure.
19 Roof installation compliance	Certificate from roof installer confirming roof has been installed in accordance with AS1562 part 1,2, 3 and manufacturers specifications.
20 Smoke detection and alarm certification - Class 2-4	Certificate from the QBCC licensed contractor responsible for the installation of the thermal/smoke detection/alarm system (inc. building occupant warning system) to indicate aspect has been installed and commissioned in accordance with AS1670.1 and AS3786.
21 Sound attenuation certificate	Certificate from contractor responsible for the installation of the sound attenuation systems to the following areas in accordance with manufacturer's installation requirements and;
22 Termite protection	Certificate from licensed termite barrier installer and their treated area plan/s indicating the location of all installed barriers as per BCA and AS3660.1 and AS3660.2.
23 Waterproofing - General	Certificate from the QBCC licensed contractor stating that the application of waterproofing to internal areas has been installed in accordance with AS3740 and manufacturer's requirements. Certificate is to detail the product/s used and locations used. Required to:

** Additional certificates may be requested upon inspection of the building work.*

Building Conditions

Standard Building Conditions

- 1 The building the subject of this approval has been assessed under BCA Volume 1: 2019.1 as Class 2, requiring Type A fire resistance construction.
- 2 This approval is valid for twelve (12) months from the date of first approval listed on the Form 6 - Decision Notice.
The Building Approval timing may be limited in time by the expiry date of any applicable Development Approval/s from local council whichever is the earlier date.
All building work must be commenced and completed within this time to avoid any extension of time approvals to our building approval and/or council development approval/s (if applicable) and to avoid any additional fees.
Refer to attached appeal provisions in respect to the development/building approval.
- 3 Licensed Surveyor shall certify the maximum overall height of the building is no greater than 8.50 metres above natural ground level (as defined by local government) at any point.
The highest point of the building must not exceed the allowable height limit above natural ground surface from the local council.
Licensed surveyors height certificate is required prior to issue of Form 11 or Form 21, confirming that the building does not exceed _____metres above natural ground level (as defined by local government); as per D.A. Condition _____. We recommend that the builder or applicant obtain contours, datums and a height certificate from a Licensed Surveyor to confirm that the proposed building plans will comply with any minimum or maximum levels prior to any commencement of work on site.
- 4 Protection of openings in external walls to comply with C3.2 and C3.4 unless varied by a fire engineering report referenced in this building approval.
- 5 Electrical certificate for installation of photoelectric, hard-wired, smoke alarms within the SOU in accordance with BCA Part E2, AS3786 (and AS1670.1 where applicable) and the Building Regulation 2006.
- 6 Stair and balustrade to comply with BCA Vol1 Clause D2.16, D2.17 and AS 1170.1.
Balustrade design to ensure a sphere of 125mm can not pass through and is a minimum of 1000mm high, for stairs this height can be reduced to 865mm measured vertically above the nosing line.
For floors more than 4m above surface beneath, balustrade must not facilitate climbing between 150mm and 760mm.
Glass balustrade must have an interlinking handrail as per BCA and AS1288:2006.
Heat soaked glass MUST BE used where height exceeds 5.0m above ground level.
Stainless Steel balustrades to comply with the specific requirements of BCA Vol 1 Table D2.16a. Certificate to be provided by installer to confirm compliance with necessary requirements.
Please be aware that changes in temperature may render the balustrades to be unlawful and reduce the safety element.
Owner to ensure compliance of the stainless steel balustrades at all times.

Slip Resistance for treads, walkways, ramps and landings must be not less than as required by BCA Table D2.14 where tested in accordance with AS4586:
- 7 All structural work requires certification by a RPEQ registered structural engineer, unless otherwise noted in this approval.
Building Act 1975, S70 applies for approvals issued where full or partial engineering documentation has not been received and therefore it is automatically conditioned that documentation be provided to the certifier for approval prior to works commencing for the relevant part.
(1) This section applies if—
(a) supporting documents for a building development application are in the form of engineer's drawings or other engineering details; and
(b) the drawings or details were not included with the application; and
(c) the application is approved.
(2) Work on any footings for the building work must not start until the drawings and details for the footings have been approved by the building certifier.
(3) A stage of the building work must not be started until the drawings and details for the stage have been approved by the building certifier.
- 8 Termite protection to comply with BCA Vol.1. B1.4 And AS3660 and manufacturers specifications. Applicable where a 'primary building element' is subject to attach by subterranean termites.
Certificate and installation map/s are to be supplied at final from a licensed applicator for an approved method.
Regular inspections and maintenance are to be carried out (as required of the approved system) to ensure there is no breach of the termite barrier/s.
- 9 The applicant must ensure that ONE legible set of the current, approved drawings for the development is available for inspection on the building site while the building work is in progress.
- 10 Building set out survey to be complete prior to commencement of construction. Survey Certificate to be handed to Building Certifier prior to footing inspection.
- 11 The Building works are to be carried out in accordance with the Building Code of Australia and all Relevant Codes and Standards applicable at the time of granting of this approval and any conditions or notations endorsed on the approval documents.
- 12 Egress, Fire Hydrant, Fire Hose reel coverage and emergency lighting have been assessed on the approved floor plan only.
Further "Tenancy Fit Out" may require a re- design of egress provisions, hydrant/ hose reel coverage and emergency lighting and a separate building approval.
- 13 Stormwater drainage to comply with BCA Vol .1 and AS/NZS 3500.3.2. or AS/NZS 3500.3.2. or AS/NZS 3500.5 and Council requirement.
- 14 The building shall be provided with hose reels installed in accordance with E1. 4 of the Building Code of Australia and Australian Standard AS 2441.
After the building has reached an effective height of 12m - the required fire hydrants and fire hose reels must be operational in at least every storey that is covered by the roof or the floor structure above, except the 2 uppermost storeys; and any required booster connections must be installed - BCA E1.9 (b).
- 15 The separating walls between units and wall between units and common stairwell shall have a F.R.L. (fire resistance level) not less than _____.

ATTACHMENT A

Building Conditions

than / / .

Fire walls to commence at footings or ground slab and shall extend to the underside of the non-combustible roof sheeting including eaves. They shall finish hard against the external wall separated by a damp proof membrane. No timber or combustible material is to cross the separation wall. Roof battens are permitted to cross, provided they are no greater than 75 x 50 mm and have the gap between the top of the wall and the underside of the roof sheeting packed with mineral wool fibre or similar fire resistance material.

- 16 Fire/ Sound separation to walls/floors to be inspected by Approved Competent Person. Certificate is required from QBCC Licensed Contractor with appropriate P.I. Insurance.
Any penetrations to fire rated elements are to be fire stopped to achieve the fire rating of the element being protected. To be in accordance with the BCA C3.15 Openings for services installations and specification and C3.15 Penetration of walls, floors and ceilings by services.
Certification is required for any fire stopping installation.
- 17 Floor surfaces and coverings to be even and slip resistant, without obstructions that might create tripping or stumbling hazards, in accordance with the BCA.
- 18 Glazed assemblies to comply with BCA Vol 1 Clause B1.4 and F1.13 and AS 2047 and AS1288
- 19 Fire hydrants to comply with BCA Vol 1 Part E1.3 and AS 2419.1.
The building shall be provided with fire hydrants installed in accordance with Australian Standard AS 2419 refer QFRS approval and conditions where applicable.
After the building has reached an effective height of 12m - the required fire hydrants and fire hose reels must be operational in at least every storey that is covered by the roof or the floor structure above, except the 2 uppermost storeys; and any required booster connections must be installed - BCA E1.9 (b).
- 20 Identification survey to be conducted and site boundaries to be re-pegged prior to commencement of constructions.
- 21 Provide mechanical ventilation in accordance with AS1668.2 and AS/NZS 3666.1 to a habitable room, office, shop, factory, workroom, sanitary compartment, bathroom, shower room, laundry and other rooms that are occupied.
- 22 It is the applicant/builder/developer's responsibility to obtain other additional local authority approvals as required.
- 23 The applicant /owner and/ or builder is required to ensure that the building works that are the subject of this approval comply with the requirements of any applicable local planning instrument or any lawful local law or local law policy.
- 24 Any cutting or filling of the site or construction of retaining walls or other structure on the site, shall not jeopardise any existing overland flow drainage system or cause ponding or nuisance from stormwater to neighbouring properties.
- 25 Installations in exits and paths of travel to comply with D2.7.
- 26 Where applicable, building works associated or related to any plumbing and drainage work are not to be carried out unless Development Approval for such plumbing & drainage works has been obtained from the Relevant Local Government.
- 27 Portable fire extinguishers shall be provided in accordance with E1.6 of the Building Code of Australia and Australian Standard AS2444, and installed in the location, type and capacity applicable to the hazard.
In a building under construction - install not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit or temporary stairway of exit as per BCA E1.9.
- 28 Local Government approval will be required to reconnect to combined sewer. It is the owner's responsibility to ensure that the proposed building work does not interfere with the house drain. Hydraulic engineer design will be required to eliminate any additional loads to sewer line.
- 29 Inspection, installation, commissioning certificates signed by a competent person (AS APPROVED BY THE CERTIFIER) supplied at final inspection stage may be requested to be accompanied by a statement of qualifications and experience of the competent person in the form of a curriculum vitae.
- 30 All roofwater must be discharged to a lawful point of stormwater discharge as defined by the relevant Local Government. Roof water to be discharged to:
 - Street Channel.
- 31 Erosion and Sediment control measures should be put in place before any site works occur. Runoff from building sites which carries sand, silt, and clay is a major contributor to the degradation of the creeks and waterways. Failure to control such runoff is an offence under the Environment Protection Act (EPA) for which on-the-spot fines apply.
- 32 Openings for services in building elements required to have an FRL or a resistance to the incipient spread of fire to comply with C3.15.
- 33 Council Sewer/Water Main/Stormwater crosses this site see attached property search. Ensure you conduct Dial Before You Dig searches before commencing on site!
- 34 Addition/relocation of the Special Fire Services installed in the tenancy may require referral to the QFRS for assessment of the Special Fire Services. DO NOT commence these works without Certifier Approval.
- 35 Signage shall not be included in this approval. A separate application is required with Local Government. Site information signage may be required by a Local Government planning approval condition. Workplace Health and Safety signage may also be required.
- 36 The separating walls between the SOU's and SOU's and any plant room, stairway, public corridor, public lobby and the like to have Rw & Ctr (airborne) not less than 50 and be of discontinuous construction if wall separates bathroom, sanitary compartment, laundry or kitchen from a habitable room in an adjoining unit (other than a kitchen) or an SOU from a plant room or lift shaft. Where duct, soil, waste or water supply pipe (including ducts or pipes located in wall/floor cavities) serve or pass through more than one SOU the duct or pipe work must be separated from the rooms of any SOU by construction having Rw & Ctr (airborne) not less than 40 if the adjacent room is a habitable room other than a kitchen or 25 if the adjacent room is a kitchen or non-habitable room.
- 37 Sound transmission class to be not less than as prescribed in F5.2, F5.3, F5.4, & F5.5.
- 38 Sustainable Housing Measures that are required for applications submitted after 1st March 2009:
 - 4-star Water Efficiency Labelling and Standards (WELS) Scheme rated toilets
 - 80 per cent energy efficient globes to all fixed internal lighting (inc. Garages & Covered Outdoor eg: patios).
 - Water efficient outdoor irrigation system with a maximum flow rate of nine litres per minute.

ATTACHMENT A

Building Conditions

- 4-star Minimum Energy Performance Standard (MEPS) rated air-conditioners.
- 39 WC Doors to comply with BCA Vol1 Clause F.5. The door to open outward, or slide, or removal hinges unless a space of 1.2m between the pan and door is available.
- 40 Wet areas to comply with BCA Vol1 Part F1.7 and AS3740
- 41 Principal Contractors have particular workplace health and safety obligations under this Act. Owners of domestic premises to be constructed, are not Principal Contractors unless they are in control of the building work, hold an owner builder permit and intend to reside at the premises. Contact your nearest office of the Division of Workplace Health and Safety for information.

Application Specific Conditions

- 1 The building work is approved for the Building Act 1975 and the Building Code of Australia requirements.
- 2 Building Act 1975, S84 - Approval must not be inconsistent with particular earlier approvals or accepted development. Construction to be in accordance with the Local Government approvals (where applicable). ANY deviation from the planning approval will require written approval from the private planner or council planning delegate and may also require an amendment to this building approval.
No alterations are to occur on site without seeking written advice.
- 3 All building work must comply with the Assessment Manager's Conditions (building certifier).
- 4 Alterations made in red on ANY approved plans must be adhered to and supersede particulars of relevant plans.

Before you Begin Work

- 1 The nominated contractor on site must carry out their own relevant property services searches to confirm location of any essential services. Seek Local Government and Dial Before You Dig (www.1100.com.au) searches before commencing any construction works on site.

Occupation Or Use Of Building

- 1 The building/structure is not to be occupied and does not become lawful until a Certificate of Classification or Final Certificate has been issued (where required).

Warnings & Advisory Notes

- 1 These Advisory Notes do not form part of this approval or the conditions attached thereto. The following Advisory Notes are intended to provide guidance to the applicant where necessary and inform the applicant of actions that Local, State or Federal Government departments may take with respect to the development site or the approval:
- 2
 - 1) The principle contractor (nominated builder) must hold the correct and current licence for the class of building, relevant construction type, no. of storeys and size of building approved.
 - 2) All sub-contractors must hold the relevant and current license (QBCC or otherwise) for the work being carried out under their contracted scope.
 - 3) An applicant may not become "owner-builder" by default when the previously nominated principle contractor (nominated builder) for the project is no longer contractually available (either by termination, breach of contract, bankruptcy, death or otherwise) to complete the project. The owner must immediately contact this office to discuss replacement builders. An owner builder project may be terminated under our terms of engagement.
- 3 All plumbing, electrical and building products, fittings and materials on this project must comply with the appropriate Watermark, CodeMark Certification and Australian Standards. It is the responsibility of the applicant, building designer/specifier, builder, owner and sub contractors to ensure that all products and materials supplied and installed comply with Watermark, CodeMark Certification and Standards Australia. For Further information visit: www.standards.org.au and www.abcb.gov.au.

ATTACHMENT A

Approved Drawing Numbers

Architectural

Archetype Design and Projects #2006KD

Structural

Hughes Beal & Wright #2020-019-1 & 2020-019-2A

Approved Fire Safety Schedule

Measure	Design Standard	Maintenance Standard
Smoke detection for smoke control system (Spec E2.2a Clause 6)	BCA E2.2 & Spec. E2.2a & AS1670.1	AS1851; QDC MP6.1

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Please refer to next page.*

SUSTAINABLE PLANNING ACT 2009
APPEAL PROVISIONS FOR APPLICANTS
Chapter 7 Appeals, offences and enforcement
Part 1 Planning and Environment Court

Division 8 Appeals to court relating to development applications and approval

s461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following- [s 462] Sustainable Planning Act 2009 Chapter 7 Appeals, offences and enforcement Part 1 Planning and Environment Court Page 318 Reprint 1D effective 20 September 2010
- (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after-
- (a) if a decision notice or negotiated decision notice is given-the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise-the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters-general

- (1) A submitter for a development application may appeal to the court only against-
- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
- (a) the giving of a development approval; [s 463] Sustainable Planning Act 2009 Chapter 7 Appeals, offences and enforcement Part 1 Planning and Environment Court Reprint 1D effective 20 September 2010 Page 319
 - (b) any provision of the approval including-
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter-
- (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

Division 11 Making an appeal to court

481 How appeals to the court are started

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

Division 13 Court process for appeals

492 Hearing procedures

The procedure for hearing an appeal is to be under the rules of court and the orders or directions of the court or the Chief Judge.
Note- See section 446(4) for when an order or direction of the court or the Chief Judge prevails over the rules of court.

496 Appeal decision

- (1) In deciding an appeal the court may make the orders and directions it considers appropriate.
- (2) Without limiting subsection (1), the court may-
 - (a) confirm the decision appealed against; or
 - (b) change the decision appealed against; or
 - (c) set aside the decision appealed against and make a decision replacing the decision set aside.
- (3) If the court acts under subsection (2)(b) or (c), the court's decision is taken, for this Act, other than this division, to be the decision of the entity making the appealed decision.
- (4) If the appeal is an appeal against the decision of a building and development committee, the court may return the matter to the committee with a direction that the committee make its decision according to law.

SUSTAINABLE PLANNING ACT 2009
APPEAL PROVISIONS FOR APPLICANTS
Chapter 7 Appeals, offences and enforcement
Part 2 Building and development dispute resolution committees

Division 4 Appeals to committees about development applications and approvals

Subdivision 1 Appeals about particular material changes of use

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

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following-
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after-[s 520] Sustainable Planning Act 2009 Chapter 7 Appeals, offences and enforcement Part 2 Building and development dispute resolution committees Reprint 1D effective 20 September 2010 Page 351
 - (a) if a decision notice or negotiated decision notice is given-the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise-the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

Subdivision 2 Appeals about conditions of particular development approvals

522 Appeal by applicant-condition of particular development approval

- (1) This section applies to a development application if-
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole occupancy units.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the **applicant's appeal period**) after-[s 523] Sustainable Planning Act 2009 Chapter 7 Appeals, offences and enforcement Part 2 Building and development dispute resolution committees Reprint 1D effective 20 September 2010 Page 353
 - (a) if a decision notice or negotiated decision notice is given-the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise-the day a decision notice was required to be given to the applicant.
- (5) In this section-

sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.

storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than-

 - (a) a space containing only-
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.

Subdivision 2 Appeals about development applications and approvals

527 Appeals by applicants

- (1) An applicant for a development application may appeal to a building and development committee against any of the following-
 - (a) the refusal, or the refusal in part, of the application;
- [s 528] Sustainable Planning Act 2009 Chapter 7 Appeals, offences and enforcement
Part 2 Building and development dispute resolution committees Page 356 Reprint 1D effective 20 September 2010
- (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after-
 - (a) if a decision notice or negotiated decision notice is given-the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise-the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.