



SOUTH BURNETT
REGIONAL COUNCIL

Officer: Senior Planner - Sam
Direct Telephone: 07 4189 9100
Our Reference: MCU25/0002

31 July 2025

Nanango Theatre Company Inc.
C/-Swep Consulting
PO Box 283
NANANGO QLD 4615

South Burnett Regional Council

ABN 89 972 463 351

PO Box 336

Kingaroy QLD 4610

☎ 1300 789 279 or (07) 4189 9100

☎ (07) 4162 4806

✉ info@southburnett.qld.gov.au

🌐 www.southburnett.qld.gov.au

Dear Sir/Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 24 July 2025, Council's delegated authority decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU25/0002
Street Address: 48 Drayton Street NANANGO QLD 4615
Real Property Description: Lot 346 on SP313160
Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Theatre (Extension)
Date of Decision: 24 July 2025

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*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "**necessary infrastructure condition**" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

GENERAL

- GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing/ Document Title	Prepared by	Job No./ Plan No.	Rev.	Date
2024-041-001	Sweep Consulting	-	A	24/01/2025
Site Plan	Hbe Architects	23-10	-	Feb '23
Existing Floor Plan Demolition Plan	Hbe Architects	23-10	-	Feb '23
Proposed Floor Plan	Hbe Architects	23-10	-	Feb '23
Elevations	Hbe Architects	23-10	-	Feb '23

Timing: At all times.

- GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:
- Development Permit for Building Works; and
 - Permit for Plumbing and Drainage Works.
- GEN3. The approved development is a Material Change of Use for a Theatre, as shown on the approved plans and does not imply approval for other similar uses.

COMPLIANCE, TIMING AND COSTS

- GEN4. All conditions of the approval shall be complied with before the change occurs (prior to the commencement of the use) and while the use continues, unless otherwise noted within these conditions.
- GEN5. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified conditions of this approval.
- GEN6. Maintain the site in a clean and orderly state at all times.
- GEN7. All works, including the repair or relocation of services is to be completed at no cost to Council.

COMMENCEMENT OF USE

- GEN8. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:
- 1 Be submitted to the Manager, Planning and Development within a minimum of ten (10) business days prior to commencement of the approved use;
 - 2 Nominate the day the approved use is intended to commence; and
 - 3 Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval which demonstrates that all conditions of this approval have been complied with.

Note: Council offers condition compliance inspection, which currently attracts a fee \$465.00. However, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

REMOVAL OF EXISTING BUILDINGS

- ENG6. Remove all existing buildings located on the property prior to construction.

STORMWATER MANAGEMENT

- ENG7. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG8. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

- ENG9. Connect the development to Council's reticulated water supply system via a single connection.

SEWER

- ENG10. Connect the development to Council's reticulated sewerage system via a single connection.

ELECTRICITY AND TELECOMMUNICATION

- ENG11. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG12. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ENG13. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	State Assessment & Referral Agency PO Box 979 BUNDABERG QLD 4670 wbbsara@dsdilgp.qld.gov.au	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor or that is a future State transport corridor	The agency provided its response on 10 March 2025(Reference No. 2502-44602 SRA). A copy of the response is attached.

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
-	A	2024-041-001, prepared by Swep Consulting.	24/01/2025
23-10	-	Site Plan, prepared by Hbe Architects.	Feb '23
23-10	-	Existing Floor Plan Demolition Plan, prepared by Hbe Architects.	Feb '23
23-10	-	Proposed Floor Plan, prepared by Hbe Architects.	Feb '23
23-10	-	Elevations, prepared by Hbe Architects.	Feb '23

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

ADVICE

ADV1. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

ADV2. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

ADV3. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2027. Eligible development under this scheme is required to be completed by 31 December 2027.

For further information or application form please refer to the rules and procedures available on Council's website.

ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides *that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage."* Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

ADV5. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

CONCURRENCE AGENCY

ADV6. SARA has imposed conditions on the development permit as attached.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Permit for Plumbing and Drainage Works

SUBMISSIONS

Not Applicable.

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.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.southburnett.qld.gov.au, or at Council Offices.

Yours faithfully



DAVID HURSTHOUSE
COORDINATOR DEVELOPMENT SERVICES

Enc: Adopted Infrastructure Charge Notice
 Approved Plans
 Referral Agency Response
 Appeal Rights

cc SARA

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Nanango Theatre Company Inc
PO Box 283
NANANGO QLD 4615

APPLICATION: Development Permit for a Material Change of Use
(Theatre Extension) - Impact Assessment

DATE: 17/07/2025

FILE REFERENCE: MCU25/0002

AMOUNT OF THE LEVIED CHARGE: **\$0.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$0.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$0.00	Stormwater Network

Comment: Section 120 of the Planning Act 2016 provides that an infrastructure charges notice may be for extra demand placed on Councils trunk infrastructure network. The proposal results in a minor increase in GFA, which would normally attract an Infrastructure Charge, however given the intermittent use of the site, the increase in demand on Councils networks will be negligible, hence no charge has been applied.

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an automatic increase. Refer to the Information Notice attached to this notice for more information on how the increase is worked out.

LAND TO WHICH CHARGE APPLIES: Lot 346 on SP313160

SITE ADDRESS: 48 Drayton Street, Nanango

PAYABLE TO: **South Burnett Regional Council**

WHEN PAYABLE: Material Change of Use – When the change happens.
(In accordance with the timing stated in Section 122 of the Planning Act 2016)

OFFSET OR REFUND: Not Applicable.

This charge is made in accordance with South Burnett Regional Council's ***Charges Resolution (No. 3) 2019***

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Special Use (Theatre Extension)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.*

INFORMATION NOTICE

Authority and Reasons for Charge This Infrastructure Charges Notice has been given in accordance with section 119 of the *Planning Act 2016* to support the Local government's long-term infrastructure planning and financial sustainability.

Appeals Pursuant to section 229 and Schedule 1 of the *Planning Act 2016* a person may appeal an Infrastructure Charges Notice. Attached is an extract from the *Planning Act 2016* that details your appeal rights.

Automatic Increase Provision of charge rate (\$) An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.

GST The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the *Planning Act 2016* are GST exempt.

Making a Payment This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.

To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.

An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au

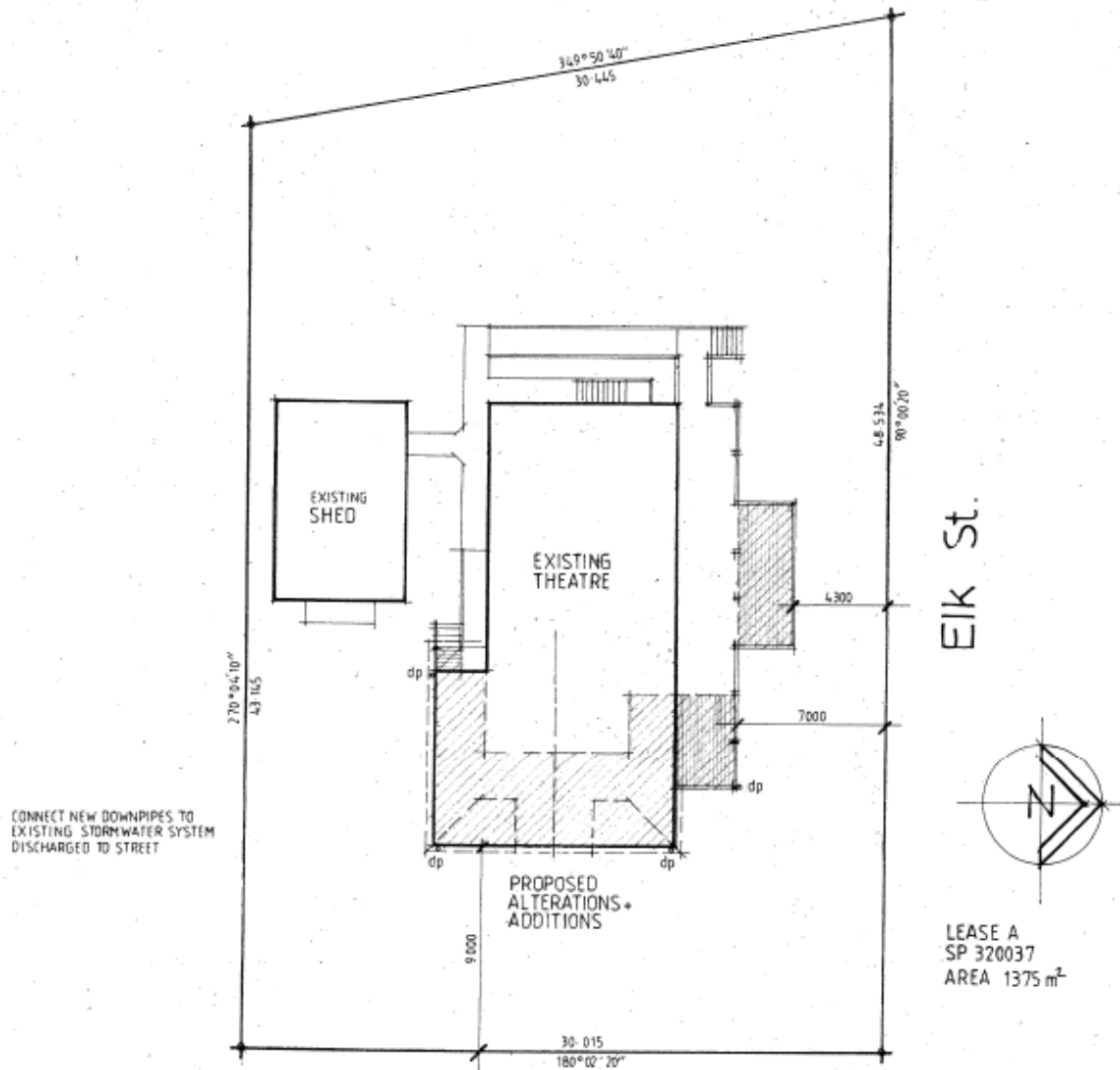
¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

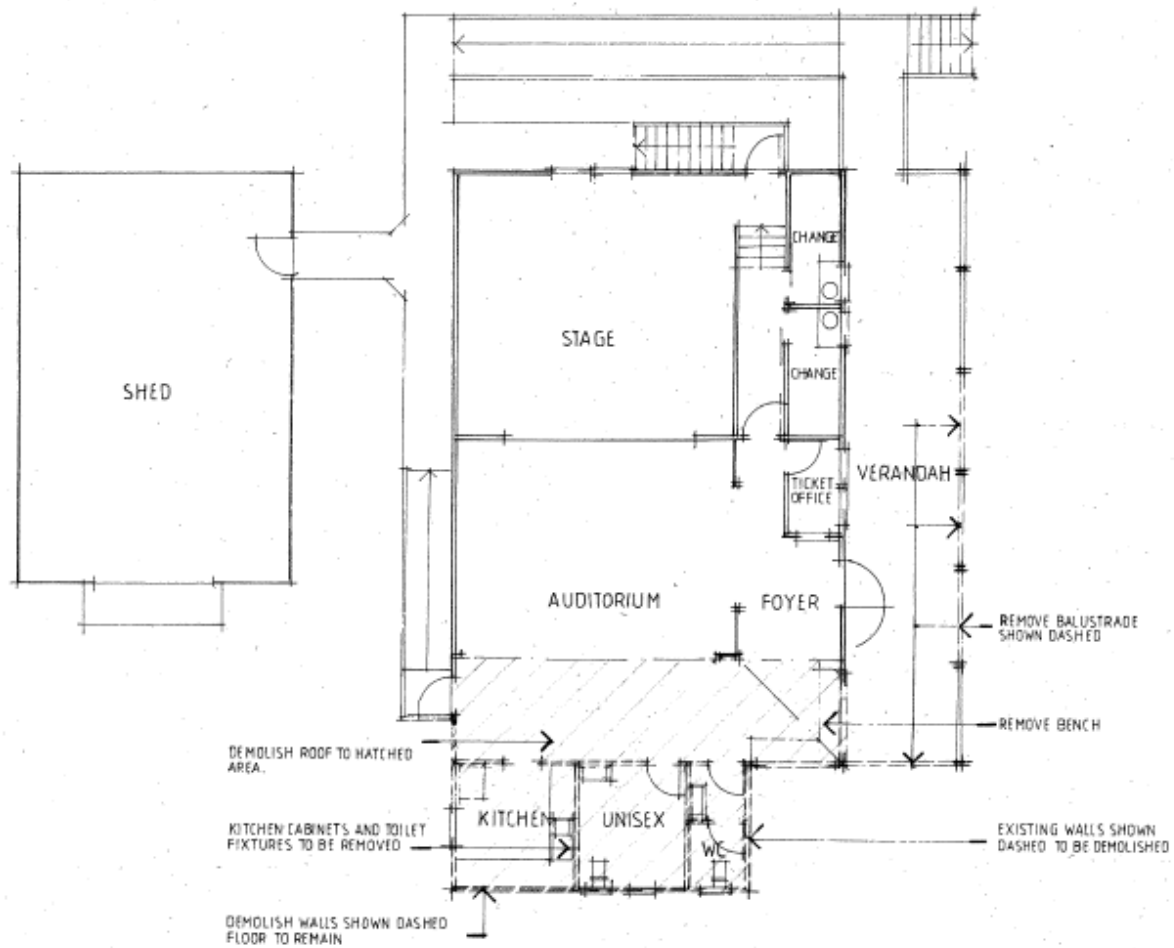
Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Finance & Liveability, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@sbrc.qld.gov.au



SITE PLAN 1:200

date	Feb 23
drawn	M. Allen
scale	1:200
sheet	1
job No.	23-10
PROPOSED ALTERATIONS + ADDITIONS NANANGO THEATRE COMPANY ELK ST AND GEORGE ST N. NANANGO.	
51 Prince Street The City of Nanango P.O. Box 2000 Nanango, Qld 4640 Tel: 08 9395 0000 Email: info@nanango.qld.gov.au	
the architects the city of nanango	

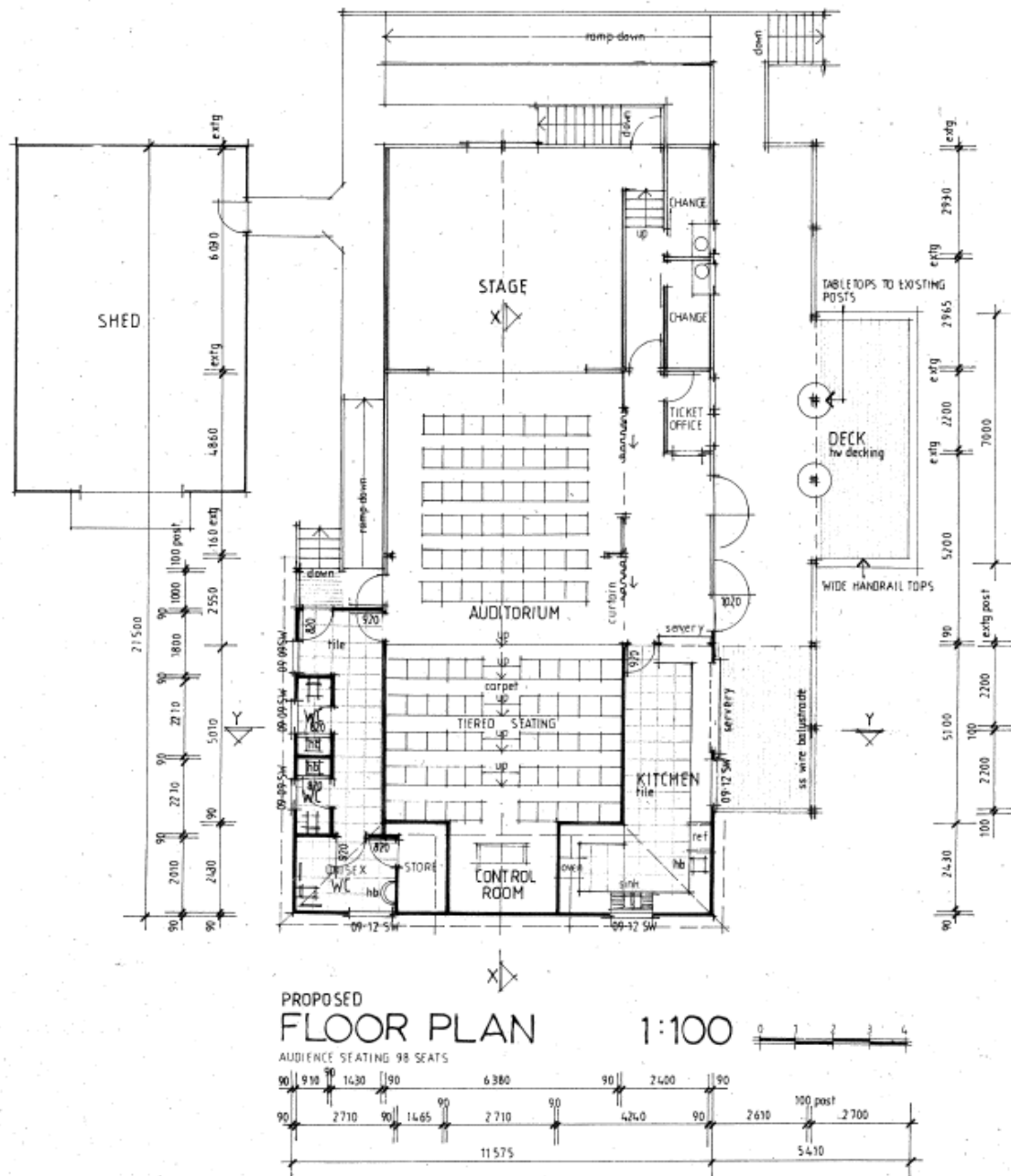


EXISTING
FLOOR PLAN 1:100
DEMOLITION PLAN

date	17/10/23
drawn	M. Jones
scale	1:100
sheet	2
job No.	23-10

PROPOSED ALTERATIONS + ADDITIONS
NANANGO THEATRE COMPANY
ELK ST AND GEORGE ST N. NANANGO.

hpe
architects
HUGHES PARTNERS
54 BELLA STREET
NANANGO NSW
2546
P 02 3800 9666
M 0800 966 666
H www.hughespartners.com.au

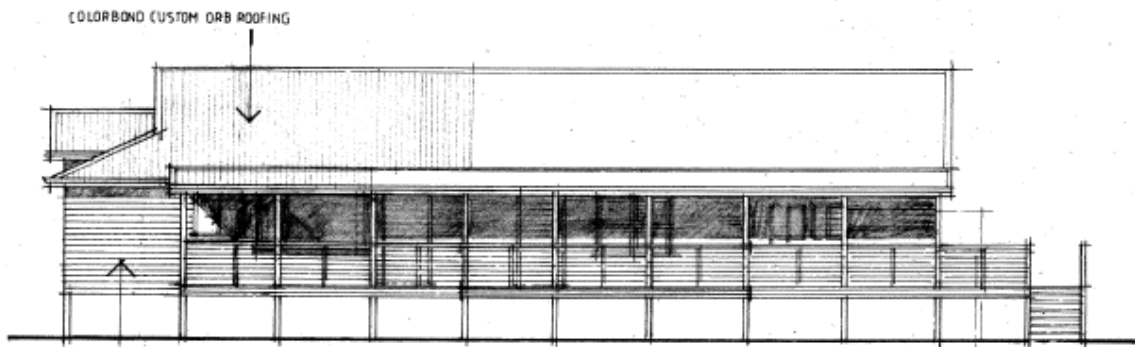


date	Feb '23
drawn	M. Brown
scale	1:100
sheet	3
job No.	23-10

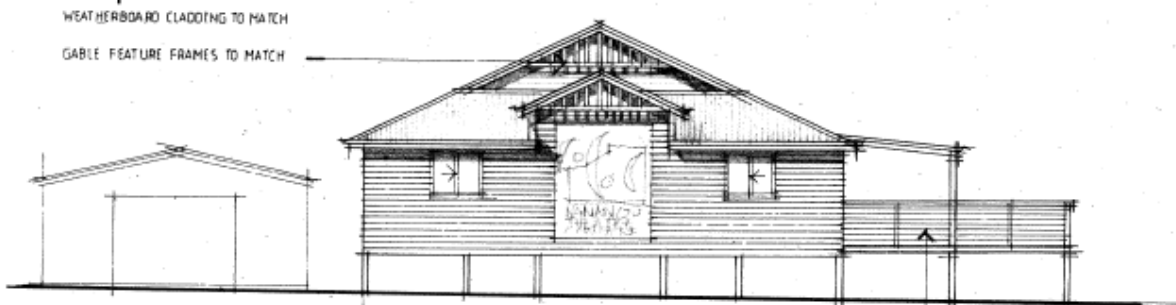
PROPOSED ALTERATIONS + ADDITIONS
NANANGO THEATRE COMPANY
 ELK ST AND GEORGE ST N. NANANGO.

51-6-2023 Drawn
 M. BROWN
 1:100 SCALE
 10/02/2023
 10/02/2023

the architects
 THE UNIVERSITY OF
 WISCONSIN

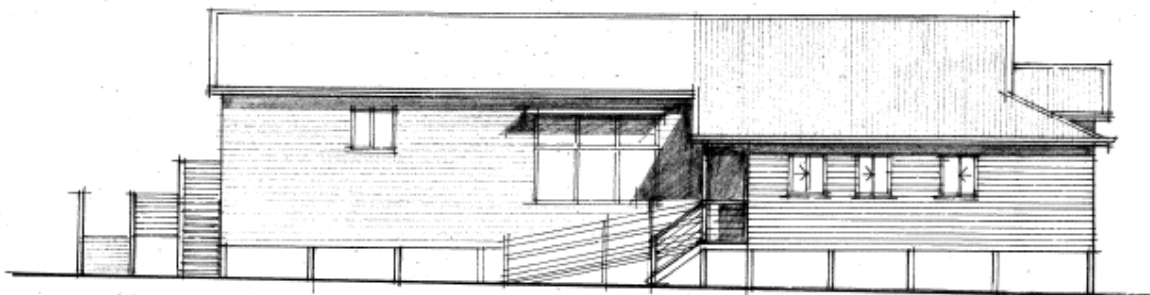


NORTH ELEVATION

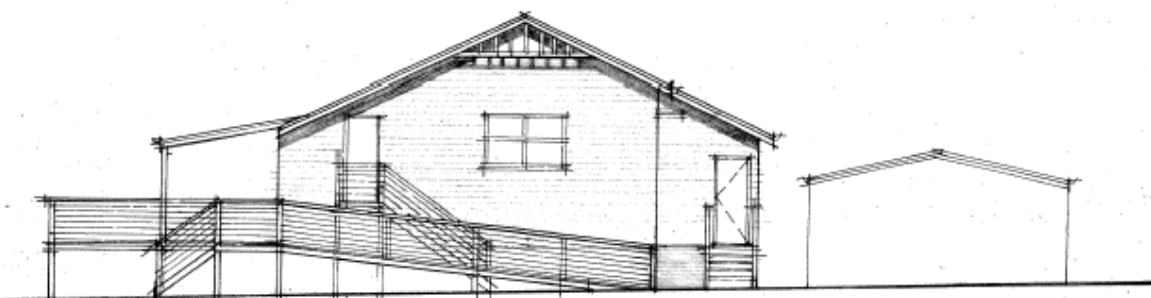


EAST ELEVATION

SS WIRE BALUSTRADE TO
MATCH EXISTING



SOUTH ELEVATION



WEST ELEVATION

date	Feb 23
drawn	Mason
scale	1:100
sheet	4
job No.	23-10
<p>PROPOSED ALTERATIONS + ADDITIONS NANANGO THEATRE COMPANY ELK ST AND GEORGE ST N. NANANGO.</p>	
<p>54 Belden Street The Grange Nanango NSW 2855 Tel: 08 9325 1234 Fax: 08 9325 1235 Email: info@nanangotheatre.com.au</p>	
<p>FFE architects 10/100 ELK STREET NANANGO NSW 2855</p>	

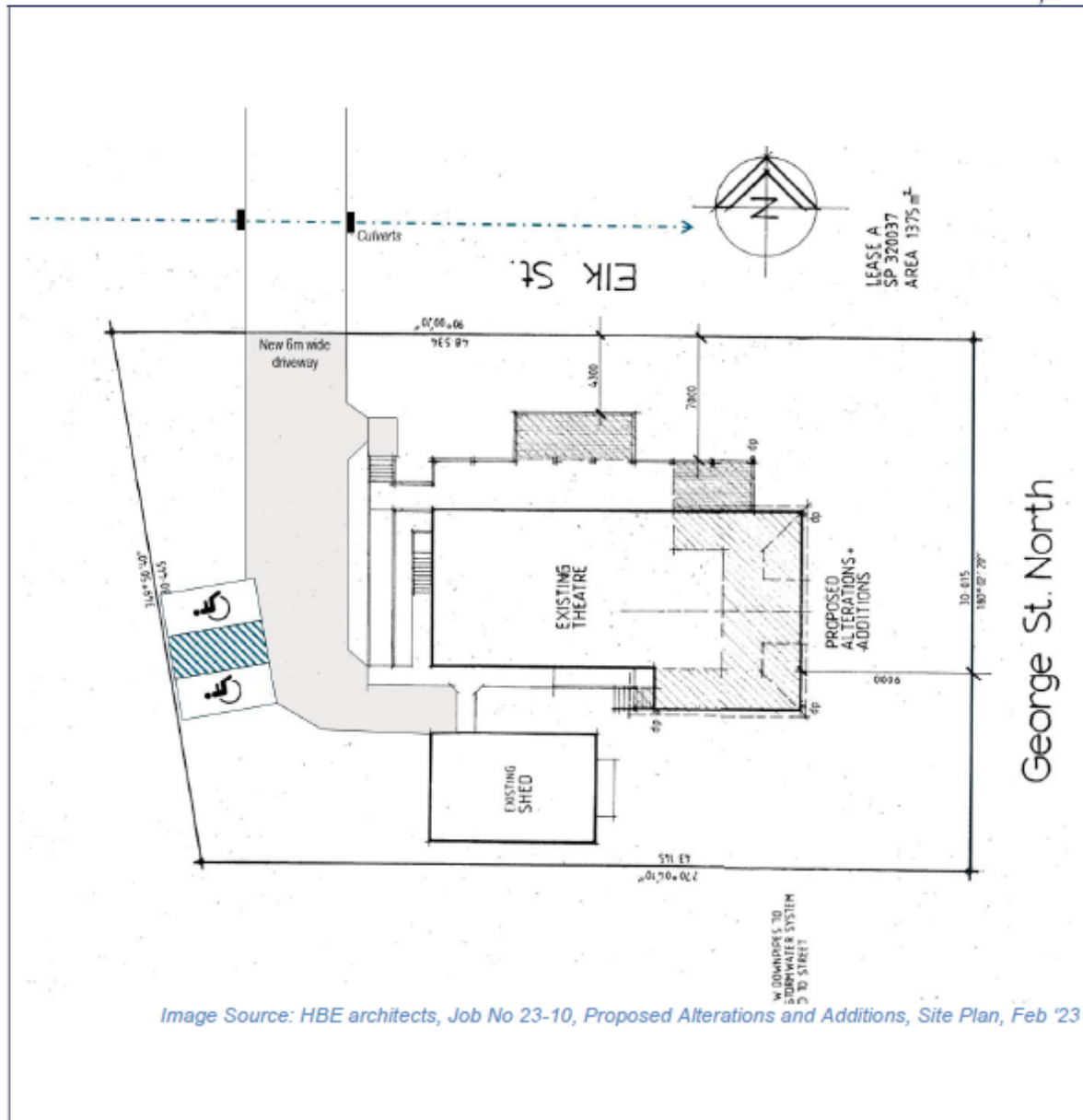


Image Source: HBE architects, Job No 23-10, Proposed Alterations and Additions, Site Plan, Feb '23

	 17 Taylor Street East ROMA Q 4455 ABN: 74 997 813 346	Drawing No.: 2024-041-001	Revision: A
			Date: 24/01/2025
		Title: Parking and Access Layout	Client: Nanango Theatre Company
Site: Cnr Elk & George St, Nanango Lease A in Lot 346 SP313160			



SARA reference: 2502-44602 SRA
Council reference: MCU25/0002
Applicant reference: 2024-041

10 March 2025

Chief Executive Officer
South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
info@southburnett.qld.gov.au

Attention: Ms Sam Dunstan

Dear Ms Dustan

SARA Referral Agency Response—48 Drayton Street, NANANGO

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 12 February 2025.

Response

Outcome:	Referral agency response under Section 56(1)(a) of the <i>Planning Act 2016</i> (no requirements).
Date of response:	10 March 2025
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit	Material Change of Use (MCU) – Theatre
SARA role:	Referral agency	

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) – Material change of use of premises near a State transport corridor

SARA reference: 2502-44602 SRA

Assessment manager: South Burnett Regional Council

Street address: 48 Drayton Street, NANANGO

Real property description: Lot 346 on SP313160

Applicant name: Nanango Theatre Company Incorporated
C/- Swep Consulting

Applicant contact details: PO Box 257
CHINCHILLA QLD 4413
kate@swepcon.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning Services

cc Nanango Theatre Company Incorporated
C/- Swep Consulting
kate@swepcon.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

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

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The proposed development complies with State Code 1: Development in a state-controlled road environment as the nature, scale and location of the proposed development is not considered to adversely impact on the safety and operating performance of the State-controlled road network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.2, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

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

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

230 Notice of appeal

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

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

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –

decision includes-

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

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

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

232 Rules of the P&E Court

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