



SOUTH BURNETT
REGIONAL COUNCIL

Enquiries: Planning Officer - Thomas
Telephone: 07 4189 9100
Our Reference: MCU25/0023

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

29 September 2025

G Crumpton & Sons & Co Pty Ltd
C/- ONF Surveyors
PO Box 896
KINGARROY QLD 4610

Dear Sir/Madam

Minor Change to an Existing Approval *Planning Act 2016*

I refer to your request to make a minor change to an existing approval issued on 14 September 2023. On 22 September 2025, Council's delegated authority decided your requested changes.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU25/0023
Street Address: 11135 Bunya Highway KINGARROY QLD 4610
Real Property Description: Lot 7 on SP303245
Planning Scheme: South Burnett Regional Council Planning Scheme

DECISION DETAILS

The following type of approval had been issued:

Minor Change to an Existing Development Approval for Material Change of Use – Warehouse (Storage Facility).

In relation to the request to make a change to the existing approval, Council decided to:

- A. Approve a change to condition/s GEN1 and Issue an updated Infrastructure Charges Notice.

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*.

Customer Service Centres

- ☐ **Blackbutt** 69 Hart Street
☐ **Kingaroy** 45 Glendon Street
☐ **Nanango** 48 Drayton Street

- ☐ **Murgon** 42 Stephens Street West
☐ **Wondai** Cnr Scott & Mackenzie Streets

CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

GENERAL

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

Drawing Title	Prepared by	Ref No.	Rev.	Date
General Site Layout	ATC Engineers and Project Managers	C-101	8	08-08-2023
General Site Layout	ATC Engineers and Project Managers	C-101	F	01/07/2025
Vehicle Turn Paths	Prepared by ATC Engineers and Project Managers	C-102	F	01/07/2025

GEN2. The approved hours of operation are 7:00am to 6:00pm. The site will be secured outside of these hours with no access available.

GEN3. A minimum 6 metre wide strip of landscaping is to be provided along the Bunya Highway frontage of the site (excluding vehicle manoeuvring areas). Plantings are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.

A detailed landscaping plan prepared and submitted to Council for approval prior to any work commencing on site.

GEN4. 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 Work.

GEN5. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

GEN6. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

APPROVED USE

GEN7. The approved development is a Material Change of Use for Warehouse (Storage Facility), as shown on the approved plans and does not imply approval for other similar uses. All storage is to be within the approved sheds and no outdoor storage of goods, vehicles or equipment is permitted.

COMPLIANCE, TIMING AND COSTS

GEN8. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

GEN9. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

MAINTENANCE

GEN10. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

GEN11. Maintain the site in a clean and orderly state at all times.

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.

STORMWATER MANAGEMENT

ENG6. Provide stormwater management generally in accordance with the Preliminary Stormwater Management Report prepared by ATC Engineers & Project Managers dated 30 November 2022.

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.

PARKING AND ACCESS - GENERAL

ENG9. Provide a minimum of 4 car parking spaces including a minimum of 1 person with disability (PWD) car parking spaces, generally in accordance with ATC Engineers & Project Managers drawing C-101 "General Site Layout" Issue 8 dated 8 August 2023.

ENG10. Design & construct all car parking spaces in accordance with AS2890.1, and PWD car parking spaces in accordance with AS2890.6.

ENG11. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

ENG12. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ELECTRICITY AND TELECOMMUNICATION

ENG13. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG14. 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.

ENG15. 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 AGENCY CONDITIONS

Please see attached Referral Agency Response for conditions.

APPROVED PLANS/DOCUMENTS

The approved plans for this development approval are listed in the following tables:

Approved Plans

Plan No.	Rev.	Plan Name	Date
C-101	F	<i>General Site Layout</i> , prepared by ATC Engineers and Project Managers.	01/07/2025
C-102	F	<i>Vehicle Turn Paths</i> , prepared by ATC Engineers and Project Managers.	01/07/2025

PLANS/DOCUMENTS REQUIRING AMENDMENT

Not Applicable.

ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

STANDARD ADVICE

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

ADV2. 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.

ADV3. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.

INFRASTRUCTURE CHARGES

ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV5. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

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

CONCURRENCE AGENCY

ADV6. The State Assessment and Referral Agency has imposed conditions on the development permit.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

Not Applicable.

REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

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.

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.

If you have any further queries in relation to the above, please contact Council's Planning Officer on the above number.

Yours faithfully



David Hursthouse

COORDINATOR DEVELOPMENT SERVICES

Encl. Adopted Infrastructure Charge Notice
 Approved Plans
 Referral Agency Response
 Appeal Rights

cc State Assessment and Referral Agency (SARA)

INFRASTRUCTURE CHARGES NOTICE

(Section 119 the Planning Act 2016)

APPLICANT:	G Crumptions & Sons & Co Pty Ltd C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610	
APPLICATION:	Minor Change to Stage 2 of Warehouse - Impact Assessable	
DATE:	23/09/2025	
FILE REFERENCE:	MCU25/0023	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$38,080.00	Total
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$38,080.00	Transport Network
	\$0.00	Parks and Land for Community Facilities Network
	\$0.00	Stormwater Network
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 7 on SP303245	
SITE ADDRESS:	11135 Bunya Highway, Kingaroy QLD 4610	
PAYABLE TO:	South Burnett Regional Council	
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Material Change of Use – When the change happens.	
OFFSET OR REFUND:	Not Applicable.	
This charge is made in accordance with South Burnett Regional Council's <i>Charges Resolution (No. 3) 2019</i>		

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
Other Industry-Warehouse (Storage Facility)	4706	m ² of GFA	\$8.00	CR Table 2.2	\$37,648.00
Commercial Office-Office	18	m ² of GFA	\$24.00	CR Table 2.2	\$432.00

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
Warehouse (Storage Facility) & Office	\$0.00	\$0.00	\$38,080.00	\$0.00	\$0.00	\$38,080.00
Total	\$0.00	\$0.00	\$38,080.00	\$0.00	\$0.00	\$38,080.00

** 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 <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>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.</p> <p>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.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>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.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

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.

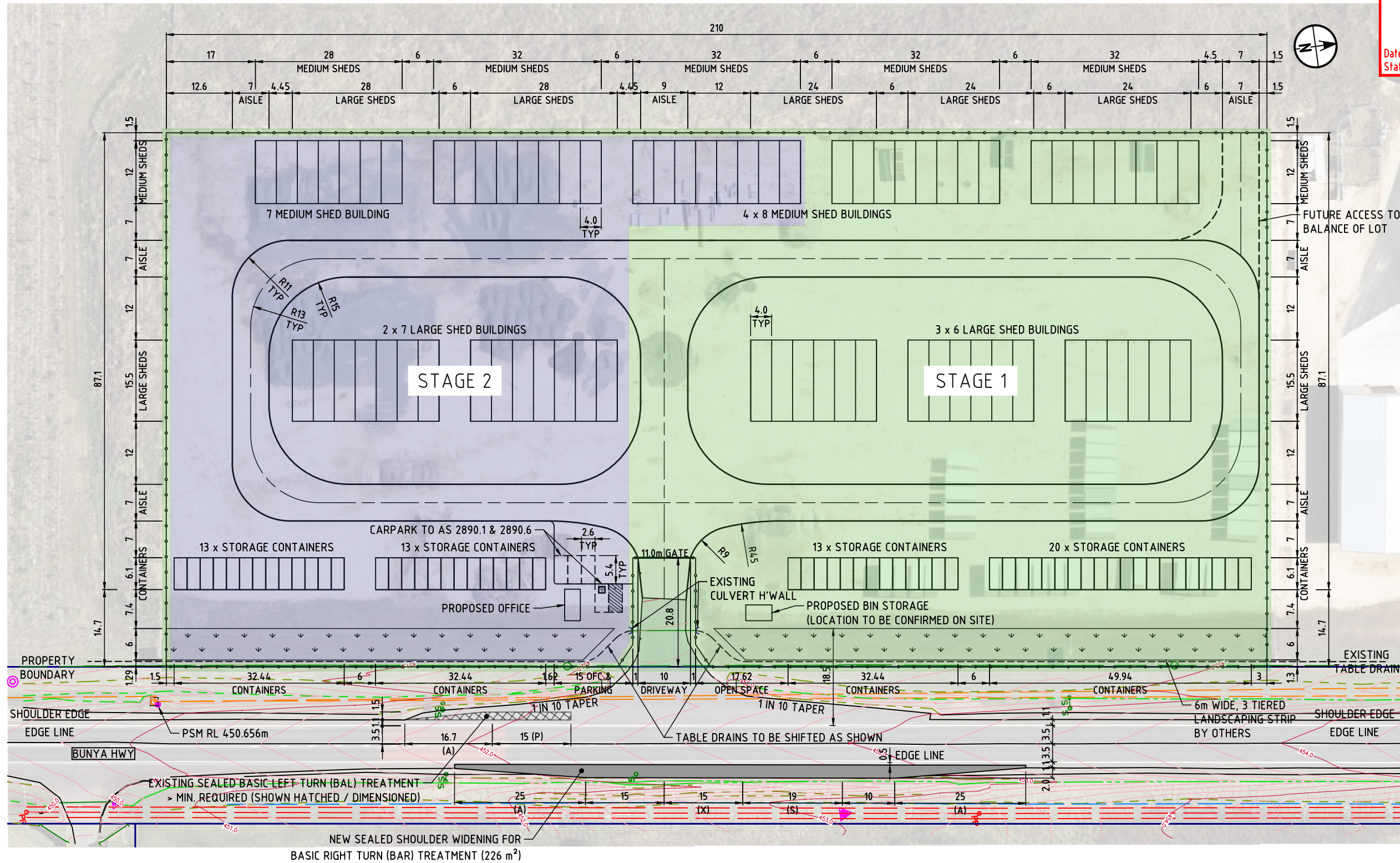
Enquiries

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

Printed: 01/07/2025 17:22:38 Filepath: C:\Users\ATC Engineers\Desktop\Philip De Guzman\ATC Engineers\Projects\22170 - Crumptions - Storage Sheds Bunya Hwy\Design - Plans\22170 Crumptions Storage Sheds Bunya Hwy APPROVAL-F 2025.07.01.dwg

Philip DE GUZMAN
RPEQ 21623

Date: 01/07/2025
Status: FOR APPROVAL-Not for Construction



GENERAL SITE LAYOUT
SCALE 1:800

FLOOR AREA SUMMARY			
TYPE	DIMENSIONS	NOS.	AREA
LARGE SHED	4.0m x 15.5m = 62m ²	32	1,984m ²
MEDIUM SHED	4.0m x 12.0m = 48m ²	39	1,872m ²
CONTAINERS	2.4m x 6.0m = 14.4m ²	59	850m ²
OFFICE	3.0m x 6.0m = 18m ²	1	18m ²
TOTAL		131	4,724m ²

- LEGEND:**
- PROPERTY BOUNDARY
 - EXISTING WATER MAIN
 - EXISTING POWER LINE (OVERHEAD)
 - EXISTING COMMS
 - EXISTING TABLE DRAIN INVERT
 - EXISTING TOP OF BATTER
 - EXISTING STOP VALVE
 - EXISTING POWER POLE
 - EXISTING TELSTRA PIT
 - EXISTING TELSTRA PIT OVAL
 - EXISTING SIGN
 - SURVEY - SCREW IN CONCRETE
 - SURVEY - PIN
 - SURVEY - PSM

ISSUE	DESCRIPTION	DATE	DWN	DES	CHK	APP
F	MODIFIED ISSUE FOR APPROVAL	01/07/2025	PDG	PDG	AKC	AKC
E	MODIFIED ISSUE FOR APPROVAL	26/06/2025	PDG	PDG	AKC	AKC
D	MODIFIED ISSUE FOR APPROVAL	03/10/2024	PDG	PDG	AKC	AKC
C	MODIFIED ISSUE FOR APPROVAL	10/09/2024	PDG	PDG	AKC	AKC
B	MODIFIED ISSUE FOR APPROVAL	25/06/2024	PDG	PDG	AKC	AKC
A	ISSUE FOR APPROVAL	13/06/2024	PDG	PDG	AKC	AKC

NOTE: FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCIES. COPYRIGHT OF THIS DRAWING IS VESTED WITH ATC CONSULTING ENGINEERS AND PROJECT MANAGERS.



CLIENT
G. CRUMPTON & SONS & CO PTY LTD
35 MURPHYS ROAD
CRAWFORD QLD 4610

PROJECT
CRUMPTONS STORAGE SHEDS
11135 BUNYA HIGHWAY
KINGAROY QLD 4610
TITLE
GENERAL SITE LAYOUT

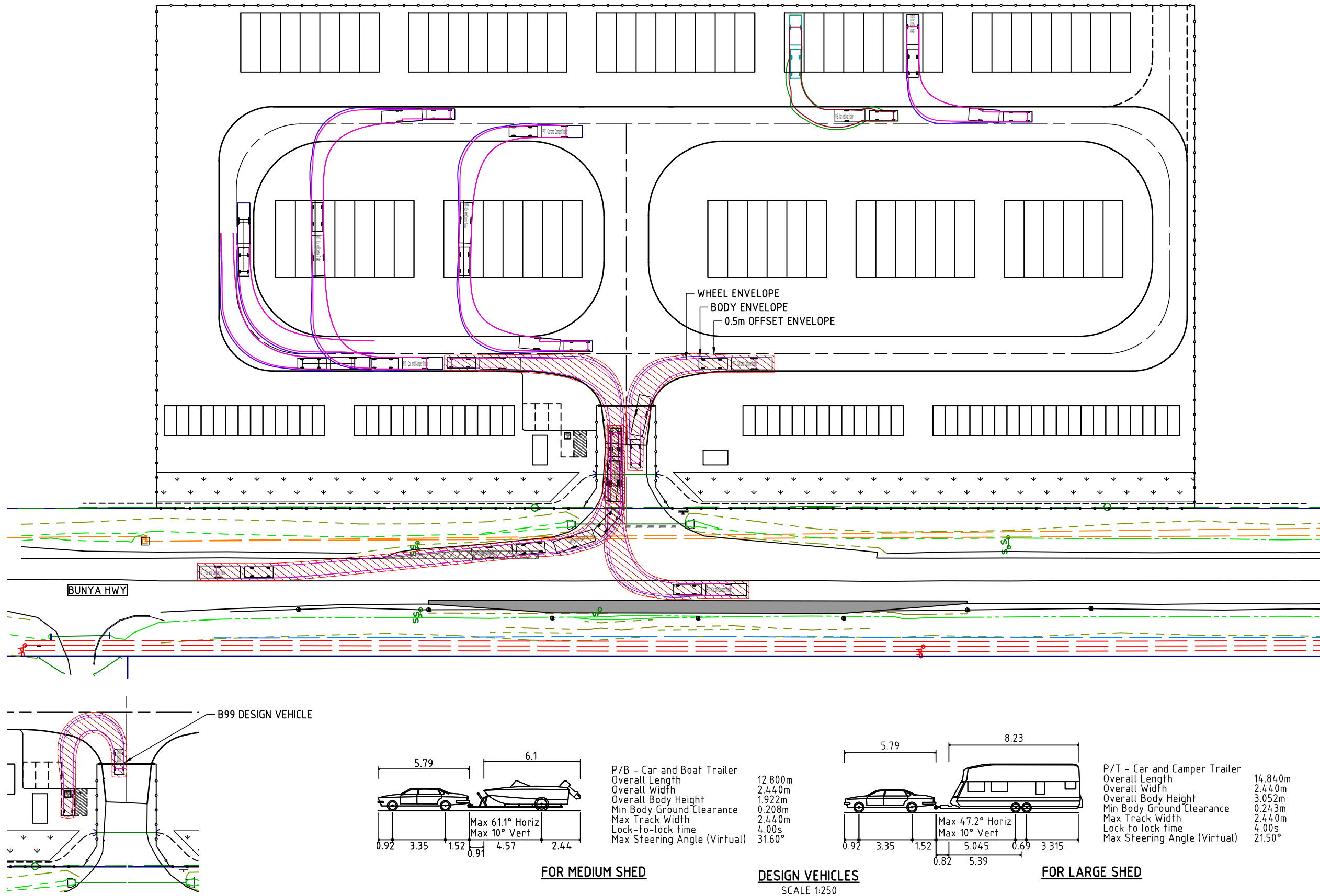
PROJECT NO. 22170	SIZE A3	UNITS m
COUNCIL RAL/MCU NO.		
COUNCIL OW NO.		
DRAWING NO. C-101	ISSUE F	

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Philip DE GUZMAN
RPEQ 21623

Date: 01/07/2025
Status: FOR APPROVAL-Not for Construction



ISSUE	DESCRIPTION	DATE	DWN	DES	CHK	APP
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E	MODIFIED ISSUE FOR APPROVAL	26/06/2025	PDG	PDG	AKC	AKC
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C	MODIFIED ISSUE FOR APPROVAL	10/09/2024	PDG	PDG	AKC	AKC
B	MODIFIED ISSUE FOR APPROVAL	25/06/2024	PDG	PDG	AKC	AKC
A	ISSUE FOR APPROVAL	13/06/2024	PDG	PDG	AKC	AKC

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CLIENT
G. CRUMPTON & SONS & CO PTY LTD
35 MURPHYS ROAD
CRAWFORD QLD 4610

PROJECT
CRUMPTONS STORAGE SHEDS
11135 BUNYA HIGHWAY
KINGAROY QLD 4610
TITLE
VEHICLE TURN PATHS

PROJECT NO. 22170	SIZE A3	UNITS m
COUNCIL RAL/MCU NO.		
COUNCIL OWN NO.		
DRAWING NO. C-102	ISSUE F	

Our reference: 2508-47499 SPD
Your reference: 1189K

12 August 2025

G Crumpton & Sons & Co Pty Ltd
c/- ONF Surveyors, P O Box 896
KINGAROY QLD 4610
admin@onfsurveyors.com.au

Attention: Mr Chris Du Plessis

Dear Mr Du Plessis

Invalid application—not a minor change
(Related to section 78 of the *Planning Act 2016*)

The State Assessment and Referral Agency (SARA) received your change application for the following premises on 5 August 2025.

Location details

Street address:	11135 Bunya Highway, KINGAROY
Real property description:	Lot 7 on SP303245
Local government area:	South Burnett Regional Council

A review of the change application indicates the proposed change is not a minor change for a development approval under the *Planning Act 2016*.

The SARA considers the change would not result in a substantially different development and adversely impact the ability of the applicant to comply with current conditions relating to vehicular access and stormwater management as outlined within the SARA Referral Agency Response issued on 9 August 2023 (SARA reference: 2304-34339 SRA).

In addition, the proposed minor change as separately lodged with South Burnett Regional Council (SBRC) as a responsible entity is considered to be 'generally in accordance' with the SARA Referral Agency Response.

You will be further advised about a refund of your application fee.

For further information please contact Peter Mulcahy, Principal Planning Officer, on 33076152 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to be 'LL' followed by a long horizontal stroke.

Luke Lankowski
Manager, Planning Services

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.