

Enquiries: Planning Team  
Telephone: 07 4189 9100  
Our Reference: RAL25/0028

South Burnett Regional Council  
ABN 89 972 463 351  
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Kingaroy QLD 4610  
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🌐 www.southburnett.qld.gov.au

24 September 2025

Edgewater Farming Co Pty Ltd  
C/- ONF Surveyors  
54 Darley Crossing Road  
NANANGO QLD 4615

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 27 May 2025. On 24 September 2025, Council decided your requested changes.

Details of the decision are as follows:

### APPLICATION DETAILS

Application No: RAL25/0028  
Street Address: McNamara Road, BROOKLANDS  
Real Property Description: Lot 101 on SP176673  
Lot 199 on FY2614  
Planning Scheme: South Burnett Regional Council Planning Scheme

### DECISION DETAILS

The following type of approval had been issued:

Minor Change to Existing Approval to RAL25/0001

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

- A. Approve a change to condition/s ENG8;
- B. Refuse to change condition ENG9; and
- C. Include a property note PN1 regarding Electricity supply.

### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is 12 months 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*.

## CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

### GENERAL

GEN1. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Drawing Title	Prepared by	Ref No.	Rev.	Date Drawn
Boundary Realignment	ONF Surveyors	12609P/1	-	1/10/2024
Figure 6 Clearing Assessment	Range Environmental Consultants	J002313	-	13/03/2025

**Timing:** At all times.

### DOCUMENTS REFERRED TO IN THIS APPROVAL

Drawing Title	Prepared by	Ref No.	Ver.	Date
Bushfire Management Report	Range Environmental	J02069	2	13/03/2025
Ecological Advice Letter	Range Environmental	J002313	-	21/03/2025

GEN2. All works, including the repair or relocation of services is to be completed at no cost to Council.

### COMPLIANCE

GEN3. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with Conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

### OUTSTANDING FEES

GEN4. Prior to the sealing of the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being a charge over the subject land under any Act in accordance with Schedule 18, Section 69 of the *Planning Regulation 2017*.

**Timing:** As indicated.

### SURVEY MARKS

GEN5. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

**Timing:** As indicated.

## PLANNING

GEN6. All development involving the emission of noise, odour and dust from ongoing uses, building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the *Environmental Protection Act 1994*.

**Timing:** As indicated.

## PROPERTY BOUNDARIES

GEN7. All existing on-site structures, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross a property boundary.

## ENVIRONMENT

ENV1. The development must be carried out in accordance with the Approved Range Environmental Management Report as referenced at GEN1 of this conditions package and noting the following:

- Future dwelling requirements are to be in accordance with section 4 of report J02069;
- All lots are to be provided with dedicated firefighting water storage with a permanent volume of water available solely for firefighting purposes of not less than 10,000 litres for each building, as specified in the report J02069; and
- All future purchasers of the subject lots to be notified of bushfire management requirements at time of sale and/or other method of disposal.

Provide certification to Council from an accredited bushfire professional which certifies that the subdivisional works have been constructed in accordance with the bushfire management conditions of this Development Approval where relevant.

**Timing:** As indicated.

## VALIDITY OF BUSHFIRE MANAGEMENT REPORT

BMR1. Prior to sealing of the survey plan, provide written evidence from an accredited bushfire professional that the approved Bushfire Management Report (BMR) and its recommendations are current and in accordance with the BMR disclaimer.

**Timing:** As indicated.

## VALUATION FEES - RAL

RAL1. Payment of Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$107.00 (2 x \$53.50); however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

## CLEARING OF VEGETATION – BIODIVERSITY

RAL2. Clearing of vegetation on proposed Lot 2 to be conducted in accordance with Figure 6 – Clearing Assessment of the Ecological Advice Letter.

RAL3. The maximum clearing footprint for the Building Location Envelopment (BLE) and Asset Protection Zone (APZ) must be pegged by a surveyor prior to plan sealing.

**Timing:** As indicated.

Minor Change to Existing Approval – RAL25/0028

Customer Notice Change to

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

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

- RAL4. Prior to clearing, an assessment and marking is completed of any hollow trees in the Category A or B area within Figure 6 – Clearing Assessment of the Ecological Assessment. These hollow bearing trees must not be cleared. A copy of a marked-up plan indicating all hollow trees to be retained, is to be provided to Council at the time of the lodgement of the survey plan.

**Timing:** At all times.

- RAL5. Prior to clearing, a Protected Plants Flora Survey Report is to be conducted in accordance with the Flora Survey Guideline - Protected Plants (DES 2020) in accordance with section 1.1.4 – Nature Conservation Act 1992 of the Ecological Advice Letter.

**Comment:** This must be done prior to any clearing works and with sufficient lead time for an exemption of clearing permit to be issued by DES.

**Timing:** 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 Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Be responsible for any alteration 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

- ENG3. 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.
- ENG4. 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

- ENG5. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

### VEHICLE ACCESS

- ENG6. Construct a crossover generally in accordance with Council's Standard Drawing No. 00049, to proposed Lot 2.

### TELECOMMUNICATION

- ENG7. Provide telecommunications to all lots within the development.

## **ELECTRICITY**

ENG8. ~~Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements. The development is to be serviced as follows:~~

- 8.1 **Provide a reticulated electricity supply to Proposed Lot 1 to comply with Ergon Energy's requirements.**
- 8.2 **Proposed Lot 2 is to be serviced as follows:**
  - a. **Provide a reticulated electricity supply to comply with Ergon Energy's requirements; or**
  - b. **Where upon evidence of written agreement from Ergon Energy, provide detailed specifications of an alternative power source for the lot;**
  - c. **Submit confirmation from a suitably qualified professional that the alternative power source is at all times reasonably capable of meeting demand/consumption intended for the site and in accordance with the classification of the particular building sought (building classification to be taken as that in effect at the time for any new structure or event triggering the need for upgrade to existing work);**
  - d. **Submit a statutory declaration confirming the landowner agrees to assume full responsibility for provision of a suitable power source to the site in accordance with South Burnett Regional Council Planning Scheme Policy; and**
  - e. **Future owners must be notified that responsibility to provide a suitable power source to the site must be assumed upon receipt of property deeds.**

ENG9. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

## **EROSION AND SEDIMENT CONTROL - GENERAL**

ENG10. 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.

## **PROPERTY NOTE AND ADVICE NOTE**

PN1. Please note that Boldery Road from approx. Ch 2860 (access to 290 Boldery Road) through to the access for Lot 2 is a 'Track' and will not be maintained by Council. Any prospective purchaser shall satisfy themselves that they are accepting of the current and future condition of Boldery Road

## **ELECTRICITY – PROPERTY NOTE**

PN2. Under condition ENG8, where Council deems Item 8.2 has been satisfied, the following note to be recorded as a property note:

**Proposed Lot 2 (was Lot 101 on SP176673) does not have a reticulated electricity supply connection. It is the land owner's responsibility to provide a reliable power source to service the property, either via the reticulated electricity network or an**

alternative energy source in accordance with condition ENG8 of Council's Decision Notice RAL25/0028.

All other conditions remain in place under Decision Notice RAL25/0001.

#### REFERRAL AGENCY CONDITIONS

Not Applicable.

#### APPROVED PLANS/DOCUMENTS

The approved plans and / or documents for this development approval are listed in the following tables:

##### Approved Plans

Drawing Title	Prepared by	Ref No.	Rev.	Date Drawn
Boundary Realignment	ONF Surveyors	12609P/1	-	1/10/2024
Figure 6 Clearing Assessment	Range Environmental Consultants	J002313	-	13/03/2025

##### Approved Documents

Drawing Title	Prepared by	Ref No.	Ver.	Date
Bushfire Management Report	Range Environmental	J02069	2	13/03/2025
Ecological Advice Letter	Range Environmental	J002313	-	21/03/2025

#### PLANS/DOCUMENTS REQUIRING AMENDMENT

Not Applicable.

#### ADVISORY NOTES

- ADV1. The **relevant period** for the development approval (Reconfiguring a Lot) shall be 12 months starting the day the approval is granted or takes effect. In accordance with Section 85(1)(b) of the *Planning Act 2016*, the development approval for Reconfiguring a Lot lapses if a plan for the Reconfiguration that is required to be given to a local government is not given.

An applicant may request Council to extend the relevant period provided that such request is made in accordance with Section 86 of *Planning Act 2016* and before the development approval lapses under Section 85 of the *Planning Act 2016*.

- 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 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 to Appeal Rights.

#### **INFRASTRUCTURE CHARGES NOTICE**

- 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 2025. Eligible development under this scheme is required to be completed by 31 December 2025.

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

- ADV6. 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 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.

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

#### **FUTURE DWELLING HOUSES AND BUSHFIRE MANAGEMENT**

- ADV7. All future Dwellings should be designed and constructed to meet the prevailing standards to ensure suitable Bushfire Attack Levels (BALs). Although the bushfire risk appears to be low in accordance with SBRC overlay mapping, bushfire risk to built assets should be effectively managed/addressed at design and construction phase of future dwellings through the following:
- National Construction Code; and
  - Australian Standard Construction of Buildings in Bushfire Prone Areas (AS3050-2018); and Ongoing vegetation management.
- ADV8. The Bushfire Hazard Advice Letter will be noted on Council's Rates Search System and will hence be discoverable information.

**All other conditions relating to RAL25/0001 remain applicable to this development approval.**

## PROPERTY NOTES

### PROPERTY NOTE AND ADVICE NOTE

PN1. Please note that Boldery Road from approx. Ch 2860 (access to 290 Boldery Road) through to the access for Lot 2 is a 'Track' and will not be maintained by Council. Any prospective purchaser shall satisfy themselves that they are accepting of the current and future condition of Boldery Road

### ELECTRICITY – PROPERTY NOTE

PN2. Under condition ENG8, where Council deems Item 8.2 has been satisfied, the following note to be recorded as a property note:

**Proposed Lot 2 (was Lot 101 on SP176673) does not have a reticulated electricity supply connection. It is the land owner's responsibility to provide a reliable power source to service the property, either via the reticulated electricity network or an alternative energy source in accordance with condition ENG8 of Council's Decision Notice RAL25/0028.**

## VARIATION APPROVAL

Not Applicable.

## FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

## 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](http://www.southburnett.qld.gov.au), or at Council Offices.

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

Yours faithfully



David Hursthouse  
**COORDINATOR DEVELOPMENT SERVICES**

Encl.    Adopted Infrastructure Charge Notice  
          Approved Plans/Documents  
          Appeal Rights

## INFRASTRUCTURE CHARGES NOTICE

*(Section 119 of the Planning Act 2016)*

<b>APPLICANT:</b>	Edgewater Farming Co Pty Ltd 54 Darley Crossing Road NANANGO QLD 4615	
	C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610	
<b>APPLICATION:</b>	Minor Change to Boundary Realignment - 2 lots into 2 lots	
<b>DATE:</b>	24/09/2025	
<b>FILE REFERENCE:</b>	RAL25/0028	
<b>AMOUNT OF THE LEVIED CHARGE:</b> <i>(Details of how these charges were calculated are shown overleaf)</i>	<b>\$0.00</b>	<b>Total</b>
	\$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
<b>AUTOMATIC INCREASE OF LEVIED CHARGE:</b>	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.	
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 199 on FY2614 Lot 101 on SP176673	
<b>SITE ADDRESS:</b>	McNamara Road, Brooklands	
<b>PAYABLE TO:</b>	<b>South Burnett Regional Council</b>	
<b>WHEN PAYABLE:</b> <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Reconfiguring a Lot – When South Burnett Regional Council approves the Plan of Subdivision.	
<b>OFFSET OR REFUND:</b>	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
Reconfiguring a Lot (2 into 2)	2	Allotments	\$2,410.00	CR Table 2.3	\$4,820.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lots	2	Allotments	\$2,410.00	CR Table 2.3	\$4,820.00

### Parks and Land for Community Facilities

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (2 into 2)	2	Allotments	\$2,009.00	CR Table 2.3	\$4,018.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lots	2	Allotments	\$2,009.00	CR Table 2.3	\$4,018.00

## 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
Reconfiguring a Lot (2 into 2)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

*\* 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 average<sup>1</sup>. 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](mailto:info@southburnett.qld.gov.au)

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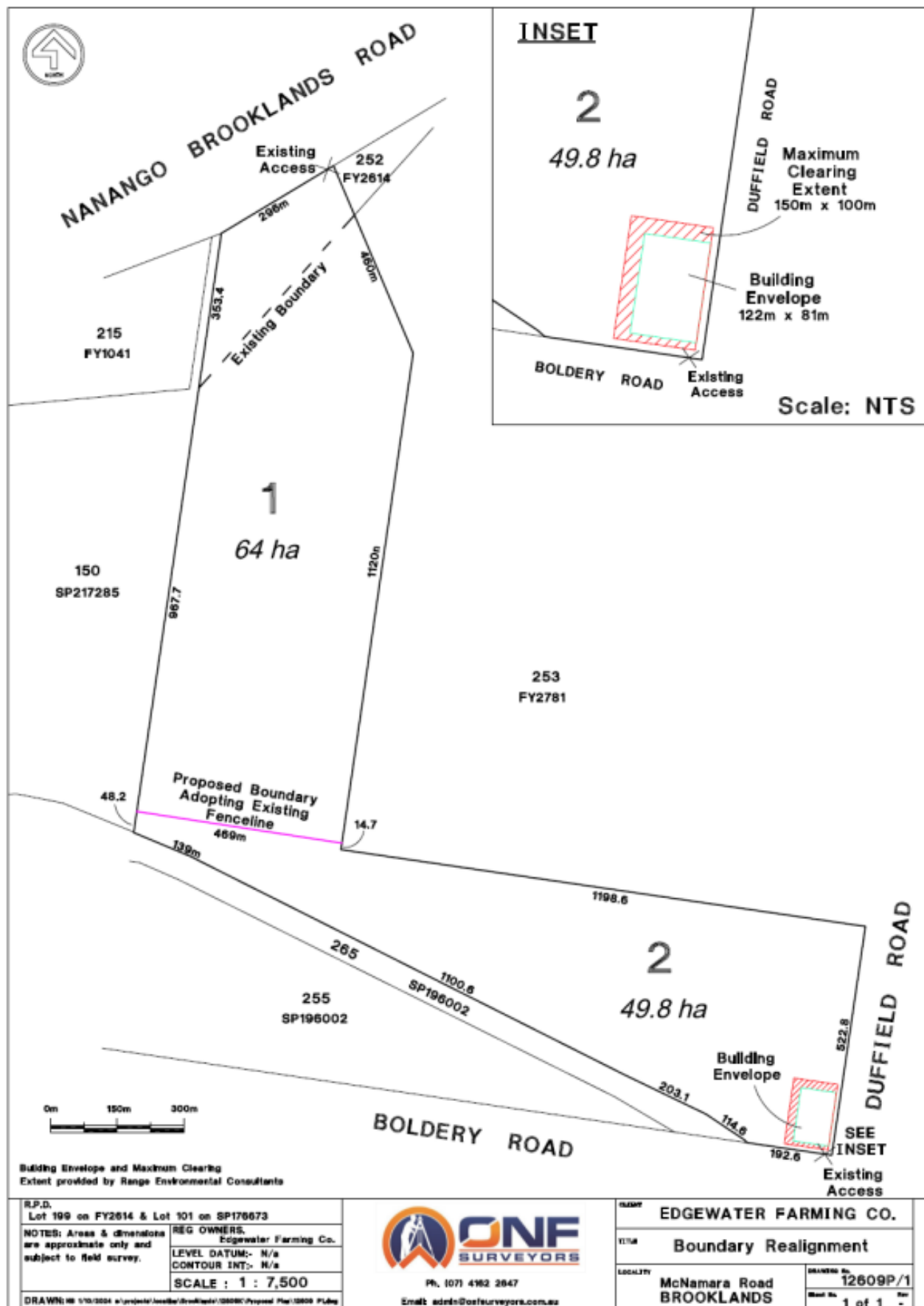
<sup>1</sup> 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – 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](mailto:info@sbrc.qld.gov.au)









# 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.