



**SOUTH BURNETT**  
**REGIONAL COUNCIL**

Officer: Planning Officer – Zack Soper  
Direct Telephone: 07 4189 9100  
Our Reference: MCU24/0034

3 February 2025

C & R Fitz-Herbert  
C/- ONF Surveyors  
PO Box 896  
KINGARROY QLD 4610

**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 3 February 2025, Council decided, via delegate authority, to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: MCU24/0034  
Street Address: 206 Haly Creek Road GOODGER QLD 4610  
Real Property Description: Lot 5 on RP173327  
Planning Scheme: South Burnett Regional Council

#### DECISION DETAILS

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use – Secondary Dwelling  
Date of Decision: 3 February 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

### CONDITIONS

GEN1. The development must be completed and maintained in accordance with the approved plans and documents and conditions to this development approval:

#### Approved Plans

Document Title	Prepared by	Ref no.	Revision	Date
Proposed Site Plan	Newman Design & Drafting	A001	2A	18/09/24
Proposed floor plan	Newman Design & Drafting	A002	2A	18/09/24
Proposed Front and Left-side Elevations	Newman Design & Drafting	A003	2A	18/09/24
Proposed Rear and Right-side Elevations	Newman Design & Drafting	A004	2A	18/09/24

#### Approved Document

Document Title	Prepared by	Ref no.	Revision	Date
Bushfire Hazard Assessment	Wollemi Eco-Logical	24560	-	10/12/24

### DEVELOPMENT PERIOD - MCU

MCU1. The currency period for this development approval for Material Change of Use for a Dwelling house (Secondary Dwelling) is six (6) years after the development approval starts to have effect. The development approval will lapse unless the use is commenced, and all works and stages required to be given to Council for approval is provided within this period.

MCU2. The use of the approved dwelling shall be undertaken in accordance with the definition in the South Burnett Regional Council Planning Scheme 2017 v1.4.

*Secondary Dwelling – A dwelling, whether attached or detached, that is used in conjunction with, and subordinate to, a dwelling house on the same lot.*

**Note:** The approved 'secondary dwelling' is not an approved use for Short-term accommodation, which will require a separate land use permit under the SBRC Planning Scheme 2017.

### ENVIRONMENT (BUSHFIRE MANAGEMENT)

MCU3. The development must be carried out in accordance with the Approved *Wollemi Eco-Logical Bushfire Hazard Assessment* as referred to in **GEN1** of this conditions package and noting the following:

- Building works to be carried out in accordance with recommendations in Section 4 (where relevant to Material Change of Use);
- The proposed development is serviced by tank water. It is recommended that a minimum 10,000L water be accessible within 10m of the proposed development.
- 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 Secondary Dwelling has been constructed in accordance with the bushfire management conditions of this Development Approval.

**Timing:** prior to commencement of the use, and to be maintained 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. 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.

## ELECTRICITY AND TELECOMMUNICATION

- ENG7. Connect the lot to electricity and telecommunication services.

### REFERRAL AGENCIES

Not Applicable.

### APPROVED PLANS

The following plans are Approved plans for the development:

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
A001	2A	<i>Proposed Site Plan</i> , prepared by Newman Design & Drafting	18/09/2024
A002	2A	<i>Proposed Floor Plan</i> , prepared by Newman Design & Drafting	18/09/2024
A003	2A	<i>Proposed Front &amp; Left-side Elevations</i> , prepared by Newman Design & Drafting	18/09/2024
A004	2A	<i>Proposed Rear &amp; Right-side Elevations</i> , prepared by Newman Design & Drafting	18/09/2024

## REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

### Referenced Documents

Document No.	Rev.	Document Name	Date
24560	-	<i>Bushfire Hazard Assessment</i> , prepared by Wollemi Eco-Logical	10/12/2024

## 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. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.
- ADV2. 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.
- ADV3. 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.
- 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.



## PROPERTY NOTES

The following property notes will be placed against the subject property in Council's property record system:

### PROPERTY NOTE

PN1. Lot 5 on RP173327 is subject to an approved bushfire hazard assessment. The dwelling house/habitable building is to be sited in accordance with the approved location of the approved hazard assessment.

Document Title	Prepared by	Ref no.	Revision	Date
Bushfire Hazard Assessment	Wollemi Eco-Logical	24560	-	10/12/24

## VARIATION APPROVAL

Not Applicable.

## FURTHER DEVELOPMENT PERMITS REQUIRED

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

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

Yours faithfully



DAVID HURSTHOUSE  
COORDINATOR DEVELOPMENT SERVICES

Enc: Adopted Infrastructure Charge Notice  
Approved Plans/Documents  
Appeal Rights

## INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

<b>APPLICANT:</b>	Clare & Robert Fitz-Herbert C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610	
<b>APPLICATION:</b>	Material Change of Use for Secondary Dwelling -- Code Assessable	
<b>DATE:</b>	03 February 2025	
<b>FILE REFERENCE:</b>	MCU24/0034	
<b>AMOUNT OF THE LEVIED CHARGE:</b> (Details of how these charges were calculated are shown overleaf)	<b>\$ 3,157.00</b>	<b>Total</b>
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$1,722.00	Transport Network
	\$1,435.00	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 5 on RP173327	
<b>SITE ADDRESS:</b>	206 Haly Creek Road GOODGER	
<b>PAYABLE TO:</b>	<b>South Burnett Regional Council</b>	
<b>WHEN PAYABLE:</b> (In accordance with the timing stated in Section 122 of the Planning Act 2016)	Material Change of Use – When the change happens.	
<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

#### Discounts\*

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

### Sewerage

#### Adopted Charges

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

#### Discounts\*

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

### Transport

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
1 or 2 bedroom dwelling	1	Dwelling	\$1,722.00	-	\$1,722.00

#### Discounts\*

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

### Parks and Land for Community Facilities

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
1 or 2 bedroom dwelling	1	Dwelling	\$1,435	-	\$1,435

#### Discounts\*

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

### Adopted Charges

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

### Discounts\*

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

## Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Secondary Dwelling (2 beds Room)	\$0.00	\$0.00	\$1,722.00	\$1,435.00	\$0.00	\$ 3,157.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,722.00</b>	<b>\$1,435.00</b>	<b>\$0.00</b>	<b>\$ 3,157.00</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

<b>Authority and Reasons for Charge</b>	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.
<b>Appeals</b>	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.
<b>Automatic Increase Provision of charge rate (\$)</b>	<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 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.</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>
<b>GST</b>	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.
<b>Making a Payment</b>	<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 <a href="mailto:info@southburnett.qld.gov.au">info@southburnett.qld.gov.au</a></p>

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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.

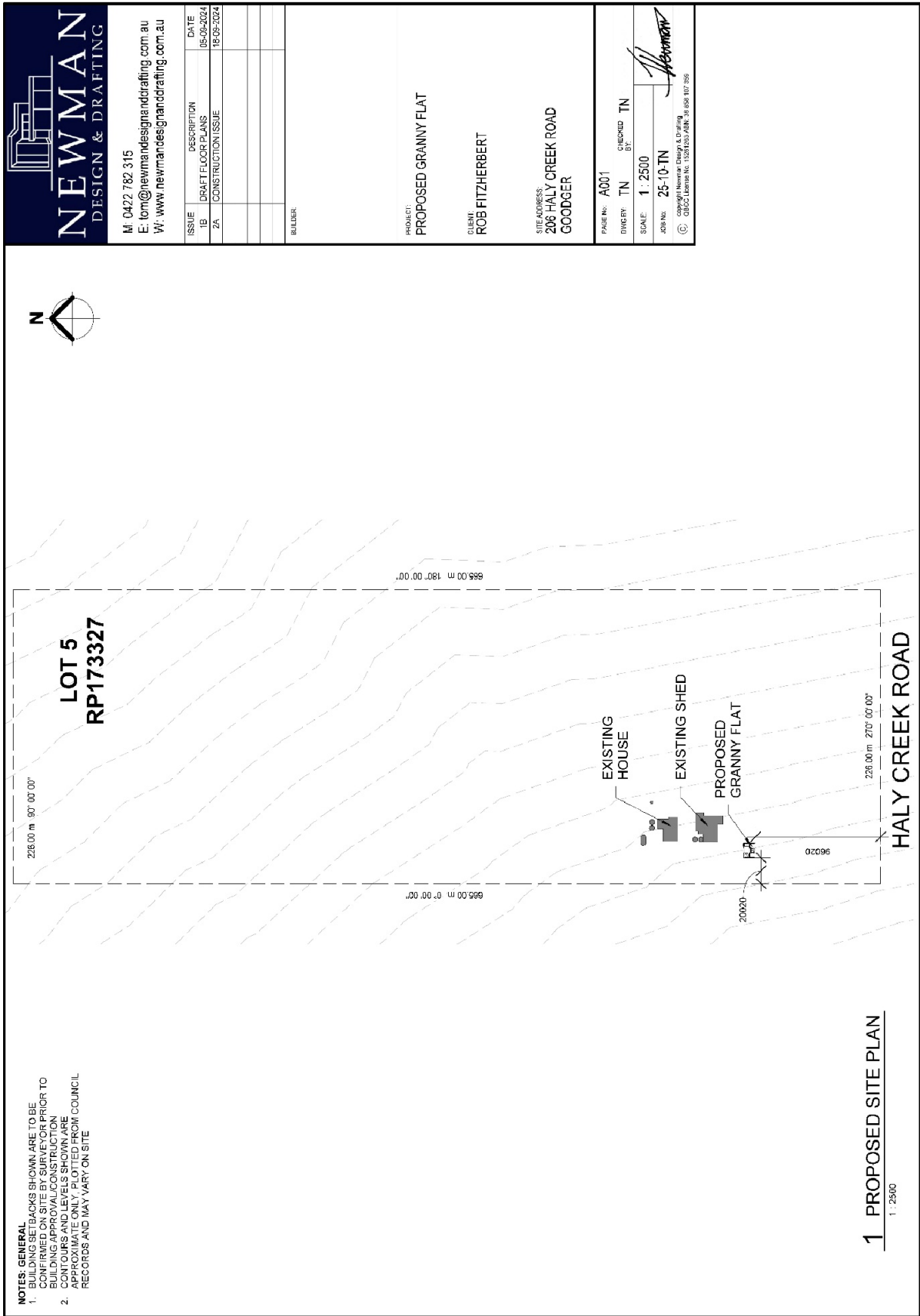
Payment can be made at any of the following South Burnett Regional Council Offices:

- 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)

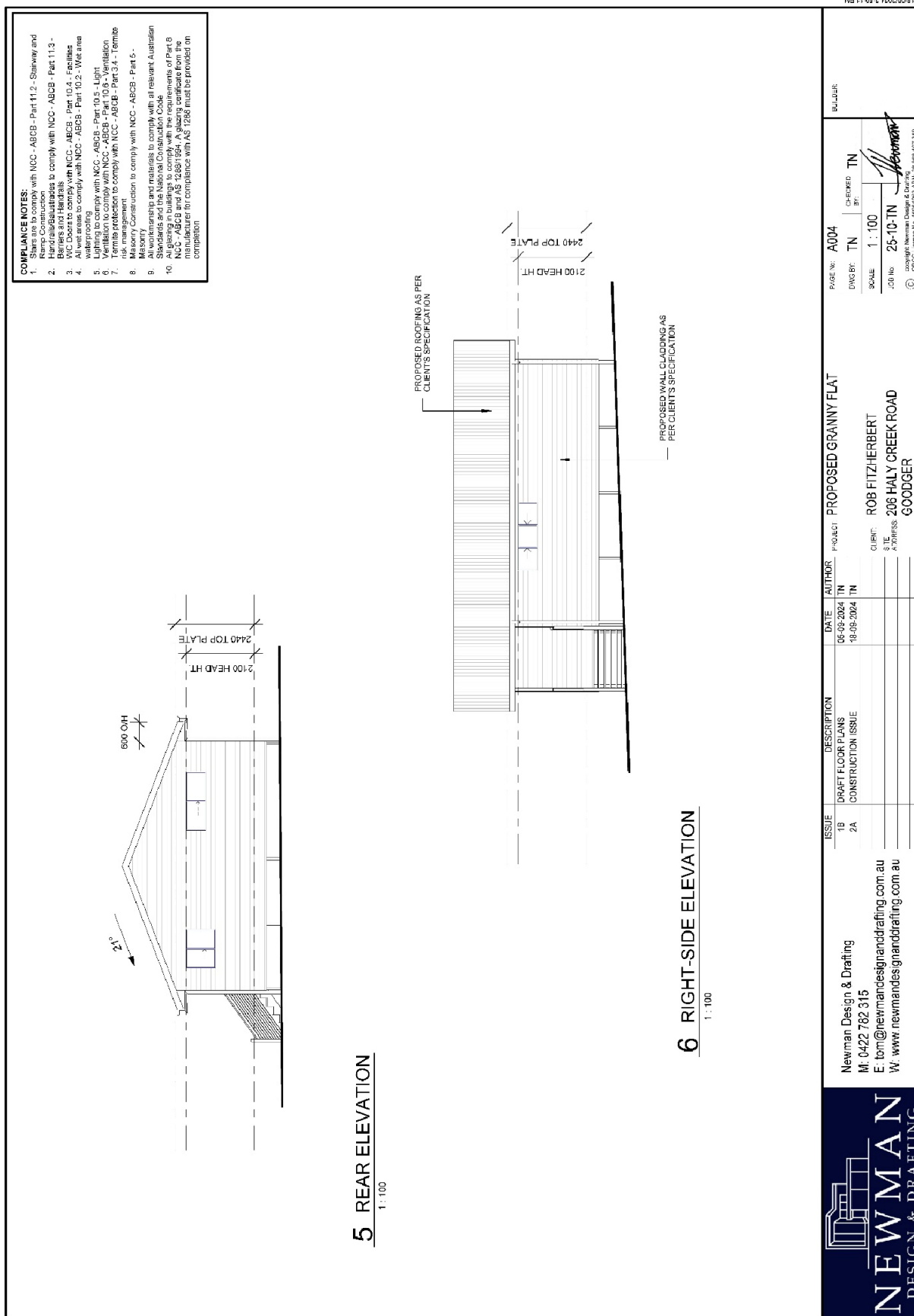


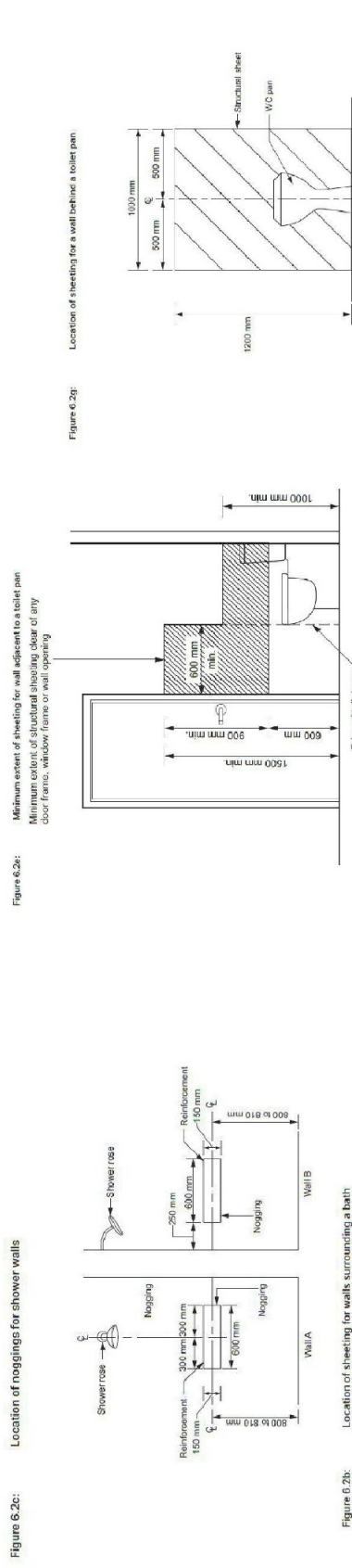
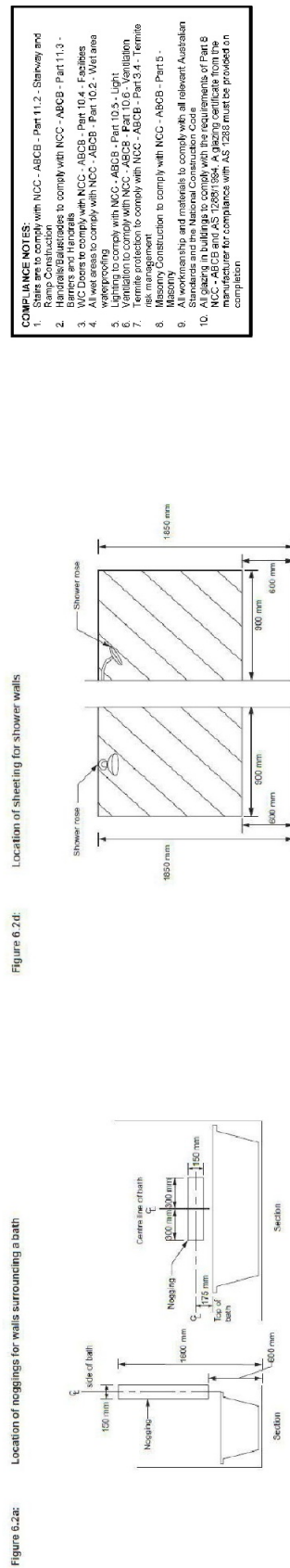






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**LIVEABLE HOUSING DESIGN STANDARD  
PART 6 - REINFORCEMENT OF BATHROOM AND  
SANITARY COMPARTMENT WALLS**


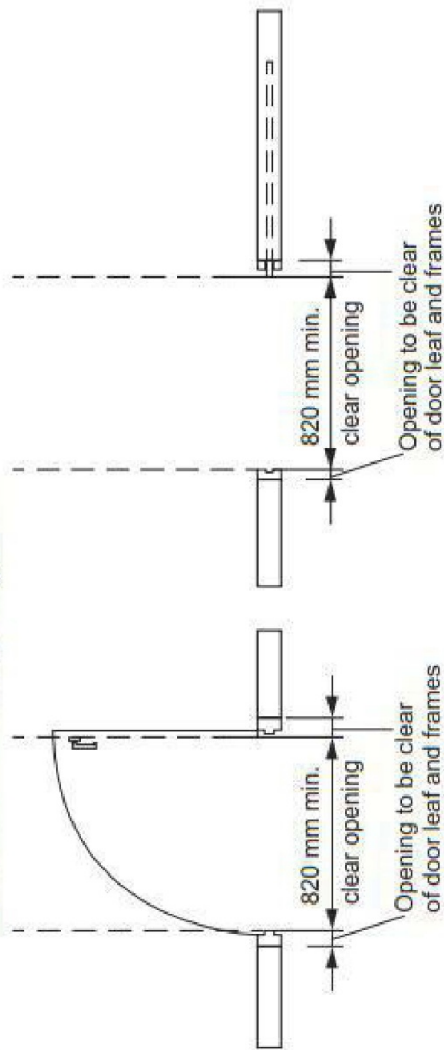
 <p><b>NEWMAN</b> DESIGN &amp; DRAFTING</p>	<p><b>Newman Design &amp; Drafting</b>  M: 0422 782 315  E: tom@newmandesigndrafting.com.au  W: www.newmandesigndrafting.com.au</p>		<p><b>PROPOSED GRANNY FLAT</b></p>		<p>PAGE NO: <b>A005</b></p>		<p>BUILDER</p>	
	ISSUE	DESCRIPTION	DATE	AUTHOR	DRAWN BY	CHECKED BY	<p>DATE/TIME</p>	
	1A	DRAFT FLOOR PLANS	06-09-2024	TN			<p>DATE/TIME</p>	
	2A	CONSTRUCTION ISSUE	16-09-2024	TN			<p>DATE/TIME</p>	
					<p>C. CLIENT: <b>ROB FITZHERBERT</b></p>			
					<p>SITE: <b>206 HALY CREEK ROAD</b></p>			
					<p>AD. ADDRESS: <b>GOODER</b></p>			
					<p>SCALE: <b>1 : 100</b></p>			
					<p>JOB NO: <b>25-10-TN</b></p>			
					<p>DATE/TIME: <b>16/09/2024</b></p>			

Figure 2.1:

Measurement of clear opening width



LIVEABLE HOUSING DESIGN STANDARD  
PART 2 - DWELLING ENTRANCE

- COMPLIANCE NOTES:**
1. Stairs to comply with NCC - ABCB - Part 11.2 - Stairway and Ramps
  2. Handrails/Balustrades to comply with NCC - ABCB - Part 11.3 - Barriers and Handrails
  3. NCC Doors to comply with NCC - ABCB - Part 10.4 - Easiness of Access
  4. All windows to comply with NCC - ABCB - Part 10.2 - Window waterproofing
  5. Lighting to comply with NCC - ABCB - Part 10.6 - Light
  6. Ventilation to comply with NCC - ABCB - Part 10.5 - Ventilation
  7. Termite protection to comply with NCC - ABCB - Part 10.3 - Termite management
  8. Masonry Construction to comply with NCC - ABCB - Part 5 - Masonry
  9. All workmanship and materials to comply with all relevant Australian Standards and the National Construction Code
  10. All glazing in buildings to comply with the requirements of Part 8 of the Building Code of Australia (BCA) and the relevant Australian Standard (AS) for glazing. All glazing must be provided in accordance with AS 1288 (must be provided on completion)



Newman Design & Drafting  
M: 0422 782 315  
E: [ton@newmandesignanddrafting.com.au](mailto:ton@newmandesignanddrafting.com.au)  
W: [www.newmandesignanddrafting.com.au](http://www.newmandesignanddrafting.com.au)

PROJECT: PROPOSED GRANNY FLAT  
CLIENT: ROB FITZHERBERT  
SITE ADDRESS: 208 HALY CREEK ROAD  
GOODGER

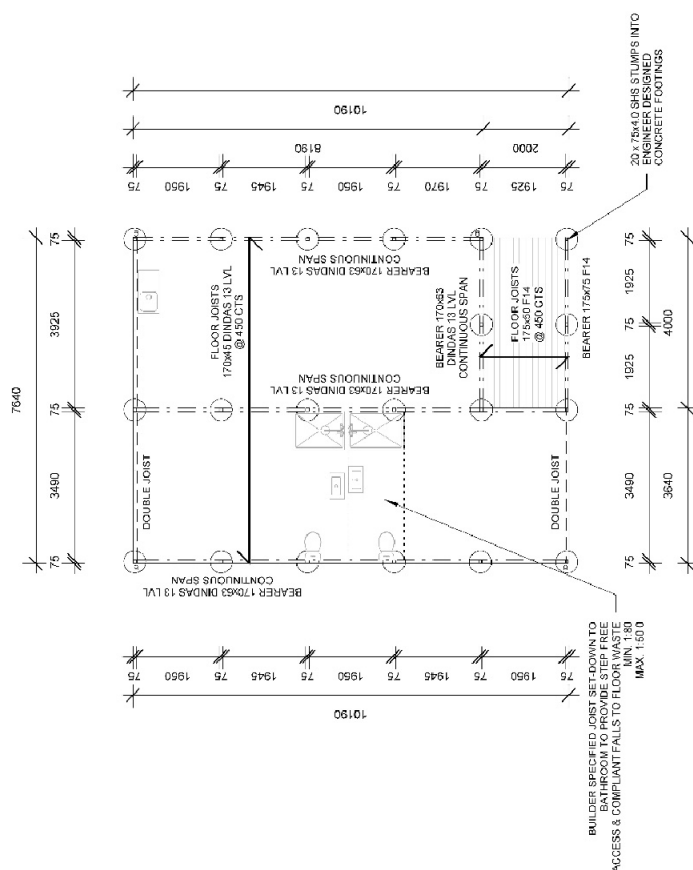
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AUTHOR: TN  
CHECKED BY: TN  
SCALE: 1:100  
JOB No: 25-10-TN  
BUILDER:

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2024/09/15 15:03:11 PM

1. Termite protection to comply with NCC - ABCB - Part 3.4 - Termit risk management & AS 3660.1.

- Footings & cables to be monolithic and comply with AS 2870.
- All penetrations through concrete slab monolithic (compliant with AS 2870) to have a minimum 50mm gap around cable to allow for manufacturer's expansion gap. Steel cables to be encased in a 20mm thick concrete sleeve, with a 10mm gap, water supply pipe, electrical conduit, racing pipes, and other penetrations through slab.
- Timber framing and timber decking on a concrete slab that complies with AS 2870 must be minimum of 75mm cover to additional concrete slab or additional timber ground floor joists. Timber framing and timber decking must be protected with Termimesh. Termimesh is to be fixed to main slab of dwelling with (screwing up) per termimeth installation details. Perimeter of slab to be protected with Termimesh to surrounding ground levels.
- Builder to install termite protection notice in electrical meter box and on inside of cupboard to exposed door.
- Owners are to ensure inspections are carried out in accordance with Termimeth's maintenance schedule, eg annually.
- Warning pipes of reeling of gasline to reduce the 75mm inspection zone will bridge the 75mm inspection zone and placed in the structure of a great fix (Termimeth installation and all other termimeth).

**NOTE:**  
DECK BEARER & JOISTS UPGRADED TO PROVIDE  
STEP-FREE ACCESS INTO ENTRY DOOR.  
BUILDER TO ENSURE STEP FREE ACCESS IS  
PROVIDED IF FLOOR JOISTS ARE REDUCED



## 7 PROPOSED SUB-FLOOR PLAN

: 100





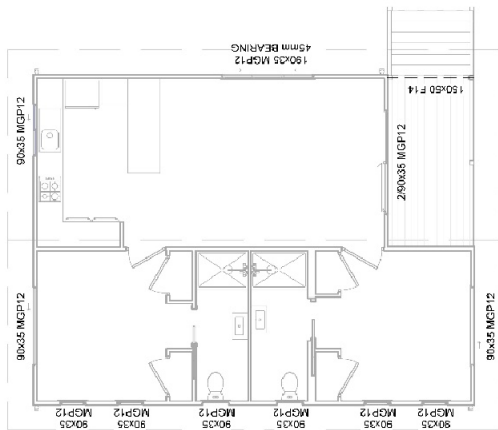


M 0422 782 315  
E: tom@newmandesignanddrafting.com.au  
W: www.newmandesignanddrafting.com.au

ISSUE	DESCRIPTION	DATE
1B	DRAFT FLOOR PLANS	05-09-2024
2A	CONSTRUCTION ISSUE	18-09-2024

BUILDER
PROJECT: PROPOSED GRANNY FLAT
CLIENT: ROB FITZHERBERT
SITE ADDRESS: 205 HALY CREEK ROAD GOODGER

PAGE No:	A009
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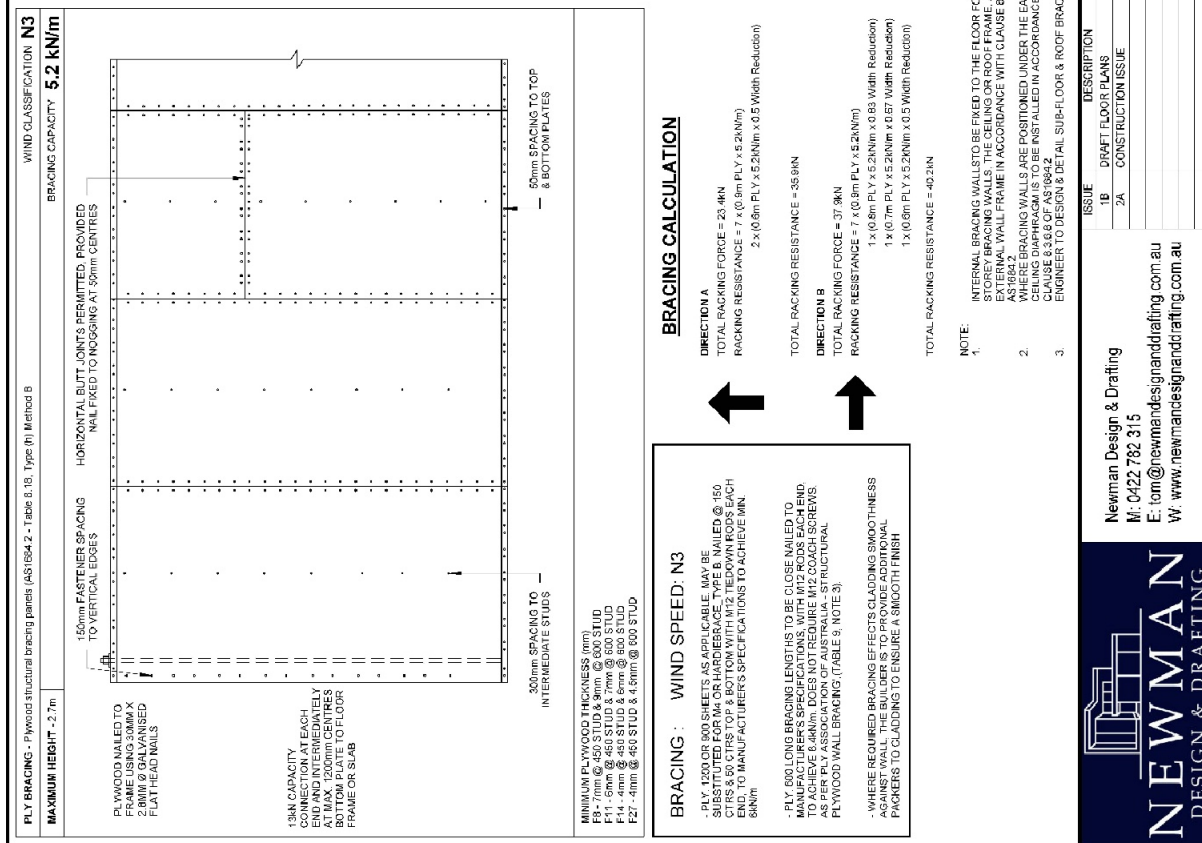


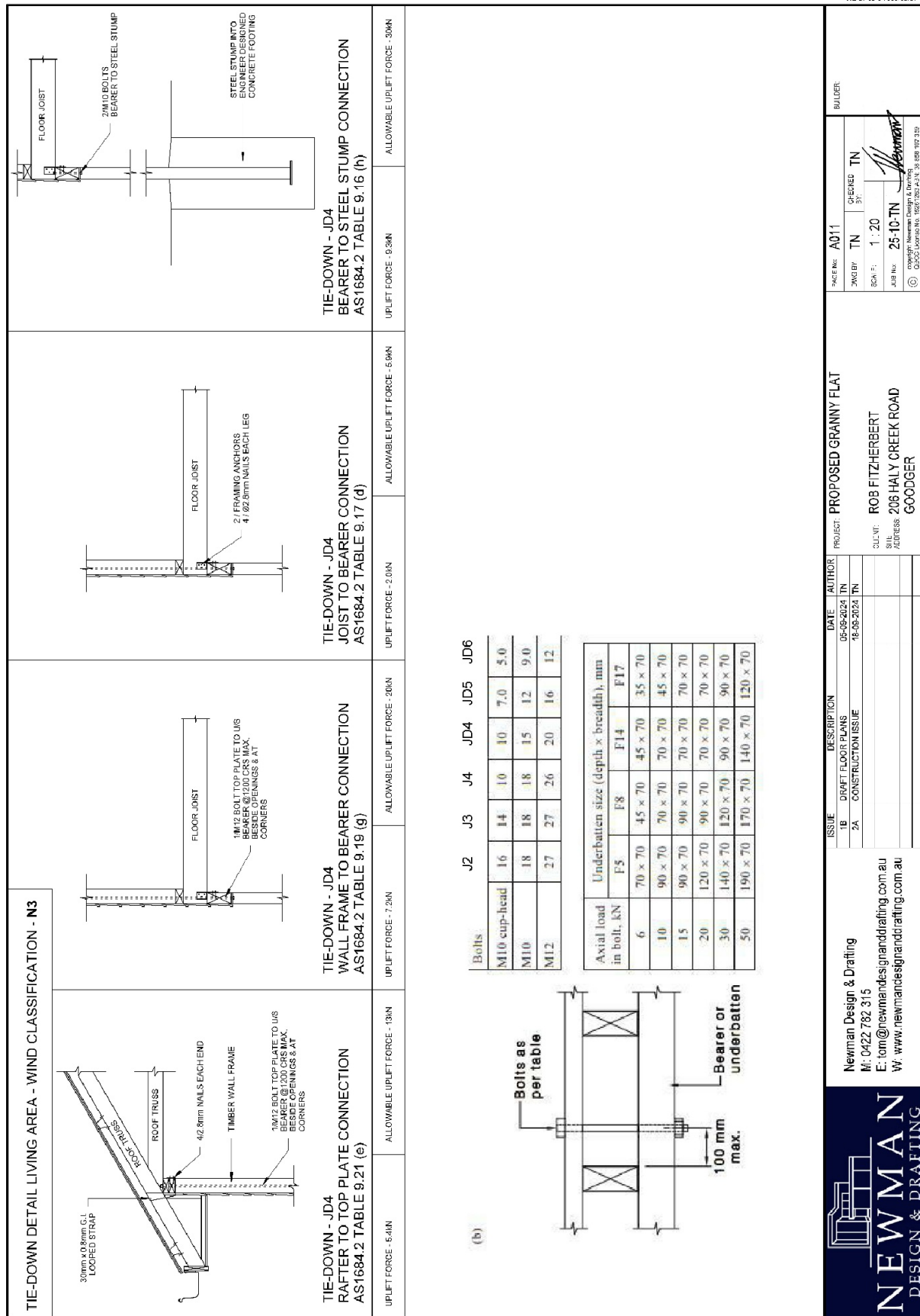
- LINTEL NOTES:**
1. TRUSSES MANUFACTURED TO DESIGN LINTELS & JAMB STUDS FOR WALL OPENINGS SITUATED UNDER GIRDER TRUSSES
  2. MINIMUM BEARING LENGTH = 35mm AT END
  3. REFER MANUFACTURER'S SPECIFICATIONS FOR BEARING LENGTHS REQUIRED FOR MANUFACTURED MEMBERS
  4. STUDS MAY BE REQUIRED IN ACCORDANCE WITH CLAUSE 6.3.2.3 - AS1684.2

## 9 PROPOSED LINTEL PLAN

1:100









**N** IN ACCORDANCE WITH MCC - AB08 - PART 7.4. GUTTERS & DOWNPIPES  
8-43500.3

**LOCATION:** 600DOGER  
210' north 5mm. ARI 20' Years  
260' north 5mm. ARI 100' Years

**ROOF PLAN AREA (A<sub>s</sub>) = 100.7**  
**NOMINAL ROOF SLOPE = 21°**  
**SLOPE FACTOR (F<sub>s</sub>) = 1.19**  
**EFFECTIVE ROOF CATCHMENT AREA (A<sub>e</sub> = A<sub>s</sub> × F<sub>s</sub>) = 119.8**  
**MINIMUM CATCHMENT OF ROOF PER VERTICAL DOWNPIPE = .44m<sup>2</sup>**

- TO ACHIEVE OVERFLOW, CAPACITY (L/Min) **1.5** TIMES OVERFLOW TO BE PROVIDED BY A CONTROLLED BACK GAP WITH:
  - PERMANENT MINIMUM 10mm (3/8") BRASSER
  - PERMANENT MINIMUM 10mm (3/8") BRASSER
  - FASCIA AT EVERY BRACKET
  - THE BACK OF THE GUTTER INSTALLED A MINIMUM 10mm BELOW THE TOP OF THE FASCIA
- -GUTTER MINIMUM CROSS SECTIONAL AREA =  $970mm^2$
- -VERTICAL DOWNPIPE MINIMUM SIZE = 9100 OR 10075



**GENERAL NOTES:**

- IN ACCORDANCE WITH CLAUSE 3.5.2 OF THE NCC
- GUTTERS MUST BE INSTALLED WITH A FALL OF NOT LESS THAN:
- A: 1:500 FOR EAVE GUTTERS, UNLESS FIXED TO METAL FASCIA
- B: 1:100 FOR BOX GUTTERS
- VALLEY GUTTERS ON A ROOF PITCHED GREATER THAN 12.5° MUST BE NO LESS THAN 400mm WIDE AND BE MADE TO ALLOW THE ROOF COVERINGS TO BE INSTALLED WITHOUT THE NEED FOR A VALLEY GUTTERS ON A ROOF PITCHED LESS THAN 12.5° MUST BE DESIGNED AS BOX GUTTERS
- DOWNPIPES MUST BE DESIGNED TO ALLOW DRAINS TO BE INSTALLED TO DISPOSE OF ROOF DRAINS
- DOWNPIPES MUST BE SEVERED TO ALLOW THEM TO OPEN UP



## 1 : 100

DOWNPIPE SCHEDULE		
DOWNPIPE	CATCHMENT AREA	GUTTER
A	30.0m <sup>2</sup>	5.7m
B	30.0m <sup>2</sup>	5.7m
C	30.0m <sup>2</sup>	5.7m
D	30.0m <sup>2</sup>	5.7m

 <b>NEWMAN</b> DESIGN & DRAFTING	Newman Design & Drafting M: 0422 782 315 E: <a href="mailto:ton@newmandesignanddrafting.com.au">ton@newmandesignanddrafting.com.au</a> W: <a href="http://www.newmandesignanddrafting.com.au">www.newmandesignanddrafting.com.au</a>		ISSUE 1B 2A	DESCRIPTION DRAFT FLOOR PLANS CONSTRUCTION ISSUE	DATE 06-09-2024 TN 19-05-2024 TN	AUTHOR TN	PROJECT: PROPOSED GRANNY FLAT	PAGE NO: A013 DWD BY: TN CHECKED BY: TN SCALE: 1:100 JOB NO: 25-10 TN SIGNED:  ④ 2024/09/06 Newman Design & Drafting ④ 2024/05/19 Newman Design & Drafting	BUILDING
							CLIENT: ROB FITZCHERBERT ADDRESS: 206 HALY CREEK ROAD GOODGER		



**Wollemi Eco-Logical**

Environmental Project Management | Bushfire Assessment | Vegetation Management

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## Bushfire Hazard Assessment

206 Haly Creek Road Goodger

Lot 5 on RP173327

South Burnett Regional Council, Qld

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Prepared by:

**Wollemi Eco-Logical Pty Ltd**

PO BOX 123

WAMURAN QLD 4512

Project Reference: 24560

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## Proviso

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It should be noted that the recommendations within this report have been formulated based on site conditions at the time of writing and utilising current best-practise hazard and impact assessment methodologies, and have been developed to reduce the potential severity of impacts on the proposed development in the event of a bushfire emergency rather than prevent impacts altogether. No guarantee is provided or assumed that the area will not be affected by bushfire at some time.

## Contents

<b>1.0 INTRODUCTION.....</b>	<b>4</b>
1.1 Suitably Qualified Person.....	4
1.2 Subject Site .....	4
1.3 Proposed Development.....	5
<b>2.0 Bushfire Hazard Assessment .....</b>	<b>7</b>
2.1 Current Bushfire Hazard Mapping.....	7
2.2 On-Site Hazard Assessment.....	8
2.2.1 Site Inspection & Findings .....	9
2.2.2 Vegetation Classification .....	10
2.2.3 Potentially Hazardous Vegetation .....	12
<b>3.0 Bushfire Risk Mitigation.....</b>	<b>13</b>
3.1 Bushfire Attack Level Assessment .....	13
3.2 Council Code Assessment.....	13
3.3 SPP Assessment Benchmarks .....	14
3.3.1 Assessment Benchmark 3.....	14
3.3.2 Assessment Benchmark 4.....	14
3.3.3 Assessment Benchmark 5.....	15
3.3.4 Assessment Benchmark 6.....	15
3.3.5 Assessment Benchmark 7.....	15
<b>4.0 Recommendations and Conclusions .....</b>	<b>16</b>



## 1.0 INTRODUCTION

Wollemi Eco-Logical has been commissioned to undertake a Site-Specific Bushfire Hazard Assessment (BHA) for a proposed development on the subject site (**Figure 1**).

This report aims to assess the Bushfire Hazard and risk to the proposed development with regard to: the Queensland State Government Single State Planning Policy - Part E (SPP 2017); & the Bushfire Resilient Communities Technical Reference Guide (QFES, 2019); the *Australian Standard – Construction in Bushfire Prone Areas (AS3959:2018)*, and *Councils planning scheme where triggered*. These detail State and Council requirements and guidelines, with regard to Bushfire Hazard Assessment and Risk Mitigation, for the purpose of informing suitability of development applications.

The potential Bushfire Hazard acting on the proposed development, is informed by vegetation composition and extent, slope and industry standard fuel load classifications, and assessment methodologies.

This BHA has been prepared by a suitably qualified Bushfire Consultant with over 20 years relevant experience in Environmental Management & Bushfire Planning and Design experience specific to South East Queensland.

### 1.1 Suitably Qualified Person

This BMP has been prepared by Scott Edwards, a suitably qualified and experienced Bushfire Consultant with over 23 years of relevant experience in Environmental Management & Bushfire Planning and Design experience specific to South East Queensland. Scott is the Managing Director of Wollemi Eco-Logical Pty Ltd, and has Degree qualifications in Environmental Science supported by diverse experience in Ecological Assessment, Land Management and Environmental Resource Management consistent with the requirements for suitably qualified persons as per the *SPP State Planning Policy (SPP) – Natural Hazards, Risk & Resilience – Bushfire (DSDMIP 2019)* and the supporting document *Bushfire Resilient Communities Technical Reference Guide (QFES, 2019)*.

### 1.2 Subject Site

The subject site is located at 206 Haly Creek Road Goodger and is formally described as Lot 5 on RP173327. The subject site covers an area of 150,300sqm and is represented in Figure 1.





Figure 1: Subject Site

### 1.3 Proposed Development

It is understood a new secondary residential dwelling is proposed to be constructed on the subject site. The proposed development layout is represented in **Figure 2**.

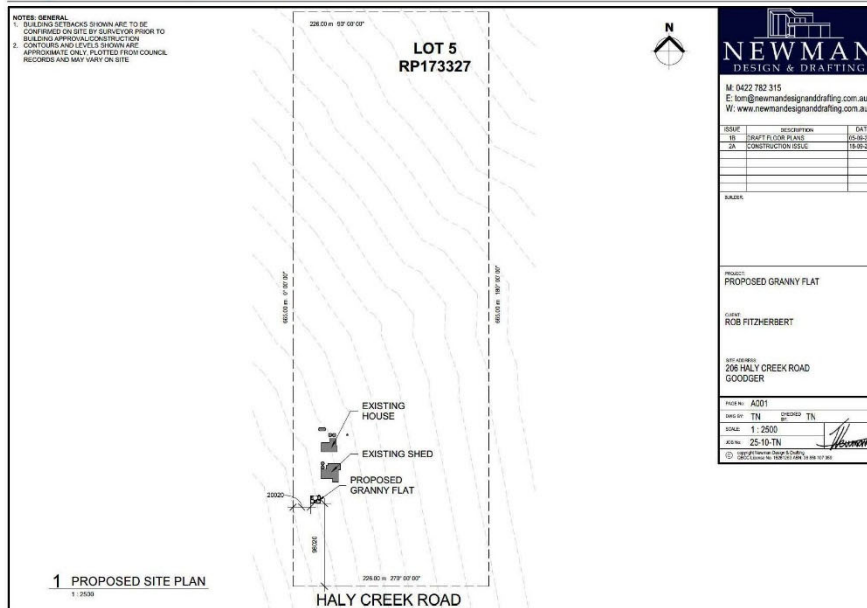


Figure 2: Proposed Development Layout

## 2.0 Bushfire Hazard Assessment

The prevalence of Bushfire in the landscape is dependent on vegetation type and fuel load available to sustain a bushfire. Bushfire intensity and rate of spread are influenced by fuel load, (including type and extent of vegetation), topography and to a lesser extent aspect. Land uses surrounding potentially hazardous vegetation, and consequently the connectivity of vegetation communities, all influence the potential for a bushfire to develop and be sustained.

### 2.1 Current Bushfire Hazard Mapping

A review of State Bushfire Hazard Overlay Mapping, as maintained by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP), revealed the site is within a potential bushfire hazard area (Figure 3).

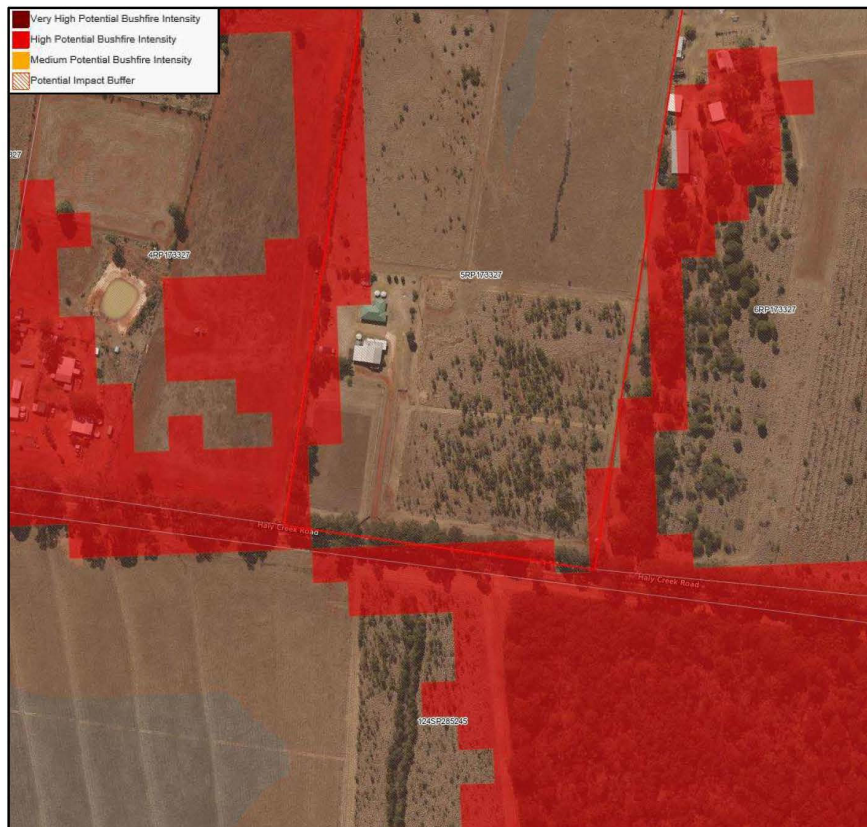


Figure 3: State Bushfire Hazard Overlay Mapping

## 2.2 On-Site Hazard Assessment

This site-specific Bushfire Hazard Assessment and Management Plan, references: *State Planning Policy (SPP) – Natural Hazards, Risk & Resilience – Bushfire* (DSDMIP 2019); *A new methodology for state-wide mapping of bushfire prone areas in Queensland*. CSIRO, Australia. (2014)<sup>1</sup>; the Bushfire Resilient Communities Technical Reference Guide (QFES, 2019)<sup>2</sup>; the Bushfire Attack Level (BAL), Building setback requirements and Construction Standards as per the Australian Standard AS 3959- 2018 - *Construction of buildings in bushfire prone areas*<sup>3</sup>; and current industry best-practice assessment and Risk Mitigation Measures in compliance with the SPP Assessment Benchmarks where triggered.

Two key features of the landscape strongly contribute towards the behaviour of bushfires:

1. Vegetation community structure/composition

The structure and composition of vegetation communities determine the rate at which dry fuel accumulates. Some vegetation communities protect fuel from drying out in all but extreme bushfire seasons, making the vegetation susceptible to very destructive bushfires, whilst other vegetation communities may expose fuels to drying and therefore be frequently available for burning.

2. Slope

As a general rule, bushfire intensity and the rate of spread of bushfires rises in proportion to slope, with bushfires burning faster uphill and slower downhill. Studies have shown that the speed and intensity of fires moving up slopes generally doubles every 10 degrees of slope. Steeper slopes also increase the difficulty of constructing ring roads and firebreaks and limit the access for emergency crews.

Several investigative tools were utilised to determine the site specific bushfire hazard risk including:

- A review of local aerial photography;
- A review of site and local topography;
- Review of site development plan;
- A review of DERM Regional Ecosystem Mapping; and
- An inspection of the site.

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<sup>1</sup> This methodology updates the calculations apparent in the Australian Standard AS3959: 2018 based on current fire weather modelling and includes detailed Vegetation Hazard Classes, used to inform State-wide Mapping.

<sup>2</sup> The Bushfire Resilient Communities Technical Reference Guide (QFES, 2019), supports the SPP 2019 by providing technical guidance for bushfire hazard assessment and bushfire management Planning.

<sup>3</sup> The Australian Standard AS3959: 2018 defines Fire Danger Index as the chance of a fire starting, its rate of spread, its intensity and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both the long and short term drought effects.



The risk assessment comprised an analysis of the site and the surrounding lands (i.e. within 100m) to determine characteristic bushfire risk based on Vegetation Hazard Classifications for vegetation within 100m of the site.

### 2.2.1 Site Inspection & Findings

A site inspection was completed on the 6<sup>th</sup> December 2024 to verify the bushfire hazard mapping over the site and surrounds. All vegetated areas of the site and within 100m of the proposed development site were assessed during the site investigations.

A summary of the findings of the site inspection is provided:

1. Site access is via Haly Creek Road, a formed public roadway, from the immediate south of the site.
2. The subject site currently contains an established dwelling and associated infrastructure.
3. The site has a mild downslope from the southwest to northeast at <2 degrees.
4. Regulated Vegetation as maintained by Qld Department of Resources (DoR), does not map the site or adjacent areas to the north, south, east and west as containing remnant vegetation. Nearest adjacent mapped RE, is mapped as being present to the southeast of the subject site, with patches mapped as containing Regional Ecosystem (RE) 12.5.6b (dominant), described as '*Eucalyptus siderophloia*, *E. propinqua*, *E. microcorys* and/or *E. pilularis* open forest on remnant Tertiary surfaces. Usually deep red soils' (Refer **Figure 4**). This RE is mapped as being present as roadside corridors, with a patch of regrowth forest present further south. It is noted that these vegetation communities are located >200m from the proposed development location.
5. Adjacent vegetation to the north and west of the proposed development contains scattered vegetation associated with predominantly managed grasslands and rural land uses.
6. Adjacent vegetation to the east consists of a regrowth patch of trees associated with grassland and rural land uses.
7. Adjacent vegetation to the south consists of narrow corridors of woodland associated with the road reserve. These corridors are <20m in width and meet the exclusions for low threat vegetation as per corridor filtering.



Figure 4: Regional Ecosystem Mapping

### 2.2.2 Vegetation Classification

The structure and composition of vegetation communities determine the rate at which dry fuel accumulates. Some vegetation communities protect fuel from drying out in all but extreme bushfire seasons, making the vegetation susceptible to very destructive bushfires, whilst other vegetation communities may expose fuels to drying and therefore be frequently available for burning.

Vegetation communities surrounding the proposed development were referenced against mapped RE's in the general vicinity, and Vegetation Hazard Classifications and Potential Fire-line Intensity calculations as detailed in the CSIRO (2014) report. Potential Fuel Load

calculations were undertaken on site to validate vegetation classifications and subsequently potential bushfire hazard to the proposed development.

Vegetation ecotones result in varying fuel load availability. Subsequently, vegetation communities have been referenced against predominant vegetation with highest fuel loads with regard to potential sources of Bushfire Hazard posed to the proposed development. Observed vegetation communities are described in **Table 1**.

Table 1 Vegetation Hazard Classifications

Direction of Bushfire Hazard	Vegetation Description (Sub-Unit – if relevant)	DNRM Regional Ecosystem	Vegetation Hazard Class (CSIRO, 2014)	Potential Fuel Load (t/ha)	Potential Fire-line Intensity (kw/m)	Potential Bushfire Hazard
North & West	Managed rural land uses	NA	Class 41.4 Discontinuous low grass or tree cover	3t/ha	<1000	Not BPA
East	Scattered regrowth associated with grassland	NA	Class 40.4 Continuous low grass or tree cover	5t/ha	<4000	Low
South (<90m)	Managed rural land uses	NA	Class 41.4 Discontinuous low grass or tree cover	3t/ha	<1000	Not BPA
South (>90-100m)	Narrow corridor of roadside vegetation	NA	Corridor Filtering Applied	NA	<4000	Low

Vegetation Hazard classification as described in **Table 1**, are visually represented in **Figure 5**, with inclusion of Potential Impact Buffer areas, as defined by a 100m setback from verified medium or higher, potentially hazardous vegetation.



Figure 5: Vegetation Hazard Classification

### 2.2.3 Potentially Hazardous Vegetation

Based on the above assessment, vegetation within 100m of the proposed development location has been classified as posing a low threat bushfire hazard, or not to be within a bushfire prone area.



## 3.0 Bushfire Risk Mitigation

### 3.1 Bushfire Attack Level Assessment

The Building Code of Australia (BCA) requires all Class 1-3 and Class 10a buildings associated with a dwelling, to be constructed in accordance with the Australian Standard 3959 (2018) - *Construction of buildings in bushfire-prone areas* (AS 3959-2018). This standard provides minimum construction standards for new dwellings in designated Bushfire Prone Areas.

The construction standards are intended to improve the performance of buildings subjected to burning debris, radiant heat or flame contact. The AS3959-2018 methodology prescribes Bushfire Attack Levels (BAL's) to the facades of proposed buildings to which corresponding construction safety standards are applied. AS3959-2018 defines Bushfire Attack Levels as:

*'A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, which is the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.'*

In accordance with the Australian Standard – *Construction of Buildings in Bushfire-prone Areas* (AS 3959, 2018), an assessment of the required construction standards for the proposed development has been undertaken.

As per the above description, assessable vegetation within 100m of the proposed development meets the requirements for *'Exclusions for Low Threat Vegetation and Non-Vegetated Areas'* within the AS3959-2018.

Consequently, the proposed development is not considered to be within a Bushfire Prone Area, and is subject to a Bushfire Attack Level (BAL) **BAL-LOW**. There is insufficient risk to warrant specific construction requirements. Refer to Section 4 in the Australian Standard – *Construction of Buildings in Bushfire-prone Areas* (AS 3959, 2018).

### 3.2 Council Code Assessment

South Burnett Regional Council (SBRC) Information Request (IR) dated 6<sup>th</sup> November 2024, identifies Performance Outcome 21 (PO21) of the Rural Zone Code prescribing 'development is not placed at an unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people from bushfire'. However, upon Review, PO21 of the SBRC Rural Zone Code states 'a Secondary dwelling must be subsidiary to its primary dwelling'. No reference to the above quoted statement from the IR has been found in the Rural Zone Code nor the Bushfire Hazard Overlay code.

As per the above classification of low bushfire hazard within 100m of the proposed development, no further assessment against the SBRC Rural Zone Code relevant to Bushfire, is deemed triggered, and the proposed development is considered to be in compliance with the code.

### 3.3 SPP Assessment Benchmarks

*'Assessment benchmarks are required to enable the assessment of proposed development in bushfire prone areas... to ensure the risk of bushfire affecting proposed new development is mitigated to an acceptable or tolerable level'* (DSDMIP 2019). The following sections addresses applicable Assessment Benchmarks.

#### 3.3.1 Assessment Benchmark 3

**Assessment Benchmark 3** states: *'Development...avoids natural hazards areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level'*.

It is noted that the proposed development does not involve reconfiguring a lot creating, nor vulnerable uses or community infrastructure providing essential services. Consequently the proposed development is considered to be in accordance with Assessment Benchmark 3, and no further assessment against Assessment Benchmark 3 is applicable.

#### 3.3.2 Assessment Benchmark 4

**Assessment Benchmark 4** states: *'Development supports and does not hinder, disaster management response or recovery capacity or capabilities'*. Development is *'to ensure emergency services can respond effectively, development is located within a reticulated water supply area or includes a dedicated static water supply that is available solely for fire-fighting purposes and can be accessed by fire-fighting vehicles'*.

##### *Emergency Services Access & Egress*

New developments in bushfire prone areas should be serviced by safe access/exit points for both occupants and emergency services personnel in the event of an emergency. It is noted the proposed development is located immediately adjacent Haly Creek road to the south. Site access is considered to accommodate a turning area for fire-fighting appliances in accordance with *Qld Fire & Emergency Services (QFES) Fire Hydrant and Vehicle Access Guideline*. As per the above assessment, vegetation within 100m of the proposed development location has been classified as posing a low threat bushfire hazard, or not prone to bushfire. Consequently, the proposed site access is considered appropriate to service the proposed development in the event of a bushfire emergency, in compliance with Assessment Benchmark 4.

##### *Water Availability for Fire-Fighting Purposes*

The proposed development is serviced by tank water. It is recommended that a minimum 10,000L water be accessible within 10m of the proposed development.

As per the above assessment, vegetation within 100m of the proposed development location has been classified as posing a low threat bushfire hazard, or not prone to bushfire. Consequently, fighting purposes will be considered appropriate to service the proposed development in the event of a bushfire emergency, in compliance with Assessment Benchmark 4.

It is noted the proposed development is not a reconfiguration of a lot. Consequently, the provision of Asset Protection Zones are not triggered for the proposed development, and no further assessment against Assessment Benchmark 4 is applicable.

### 3.3.3 Assessment Benchmark 5

**Assessment Benchmark 5** states: *'Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties'*.

Specifically, this benchmark refers to: *Assessable Material Change of Use* involving *landscaping and open space to comprise protective landscape treatments that are designed to ensure potential available fuel load is maintained at <8t/ha in aggregate and discontinuous; and where involving a requirement for revegetation or rehabilitation within a bushfire prone area, revegetation is located outside an Asset Protection Zone (APZ) and maintains available fuel load <8t/ha in aggregate and discontinuous.*

As per the above assessment, vegetation within 100m of the proposed development location has been classified as posing a low threat bushfire hazard, or not prone to bushfire. Consequently, the proposed development is not considered to directly nor indirectly increase the severity of potential impacts from a bushfire, and is considered to be in compliance with Assessment Benchmark 5.

### 3.3.4 Assessment Benchmark 6

**Assessment Benchmark 6** states: *'Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided'*. It is noted that the proposed development does not involve the storage or release of hazardous materials.

Consequently, no further assessment against Assessment Benchmark 6 for the proposed development is deemed applicable.

### 3.3.5 Assessment Benchmark 7

**Assessment Benchmark 7** states: *'The natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced'*. This assessment benchmark is superficially triggered *'where a requirement for an Asset Protection Zones exists'*.

It is noted the proposed development does not involve a requirement for an APZ as per Assessment Benchmark 4 response above. Consequently, no further assessment against Assessment Benchmark 7 for the proposed development is deemed applicable.

## 4.0 Recommendations and Conclusions

This report details the assessment of Bushfire Hazard acting on the proposed development, with consideration to the requirements of: the *Queensland State Government Single State Planning Policy - Part E* (SPP 2017); the *Bushfire Resilient Communities Technical Reference Guide* (QFES, 2019); the Australian Standard (AS 3959-2018) - *Construction of buildings in bushfire prone areas*;

This assessment has confirmed vegetation within 100m of the proposed development location has been classified as posing a low threat bushfire hazard, or not to be within a bushfire prone area (Refer Section 2.2).

The following Bushfire Risk Mitigation Measures, as detailed above, have been reviewed and are considered appropriate to substantially mitigate the Bushfire Hazard acting on the proposed development:

- Bushfire Attack Level assessment has been considered (refer Section 3.1). The proposed development is not considered to be within a Bushfire Prone Area, and is subject to a Bushfire Attack Level (BAL) **BAL-LOW**.
- Compliance against the SBRC Rural Zone Code have been considered (refer Section 3.2). As per the above classification of low bushfire hazard within 100m of the proposed development, no further assessment against the SBRC Rural Zone Code relevant to Bushfire, is deemed triggered, and the proposed development is considered to be in compliance with the code.
- Assessment against and deemed to be in accordance with the requirements of the SPP Assessment Benchmarks (refer Section 3.3).

This assessment has been undertaken based on vegetative condition and bushfire hazards identified on and adjacent the subject site in December 2024.

It should be noted that the recommendations within this BHA have been formulated based on site conditions at the time of writing and utilising current best-practise hazard and impact assessment methodologies, and have been developed to reduce the potential severity of impacts on the proposed development in the event of a bushfire emergency rather than prevent impacts altogether. No guarantee is provided or assumed that the area will not be affected by bushfire at some time.

Site occupants should seek advice from the local fire authority every 5 years (as a minimum) to ensure the subject recommendations remain appropriate as site conditions and hazard assessment methodologies may change over time.

Bushfires are an intrinsic part of Australia's environment, are often unpredictable, and have potentially extremely serious consequences. All Queenslanders should be familiar with the official Bushfire Warnings system and have a completed Bushfire Survival Plan. Print ready guides for preparing a Bushfire Survival Plan and to assist in the interpretation of the official





Bushfire Warnings system are available for download from the Rural Fire Service Queensland website – <https://ruralfire.qld.gov.au/bushfires/>.

There are three formal Bushfire Warning levels:



**Advice**

Monitor conditions and review your bushfire survival plan.



**Watch and act**

Conditions are changing. Start taking action and follow your bushfire survival plan.



**Emergency Warnings**

You are in danger. Act on your bushfire survival plan now.

# 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.