



SOUTH BURNETT
REGIONAL COUNCIL

Enquiries: Senior Planner – Sam Dunstan
Telephone: 07 4189 9100
Our Reference: MCU24/0040

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

17 January 2025

Mr Peter Garmin
C/- Blok Modula
Level 1
1/121 Mica Street
CAROLE PARK QLD 4300

Dear Sir

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 24 November 2022. On 17 January 2025, Council decided your requested changes.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU24/0040
Street Address: 16 Rainforest Drive BUNYA MOUNTAINS
Real Property Description: Lot 16 on GTP1172
Planning Scheme: South Burnett Regional Council Planning Scheme

DECISION DETAILS

The following type of approval had been issued:

Minor Change to Existing Application (MCU22/0025) for Dwelling House

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

- A. Approve a change to the development approval subject to amended GEN1 and ENG8 conditions.

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 and maintained in accordance with the approved plans and documents and conditions to this development approval:

Drawing Title	Prepared By	Project No.	Drawing No./Rev	Date
Site Plan	Vokes and Peters	21845	DA001	26 Sep 2022
Floor Plan – Cabin	Vokes and Peters	21845	DA010	26 Sep 2022
Floor Plan – Utility Area	Vokes and Peters	21845	DA011	26 Sep 2022
Floor Plan – Outdoor	Vokes and Peters	21845	DA012	26 Sep 2022
Roof Plan	Vokes and Peters	21845	DA013	26 Sep 2022
Elevation north-east	Vokes and Peters	21845	CD100	26 Sep 2022
Elevation north-west	Vokes and Peters	21845	CD101	26 Sep 2022
Elevations south-west	Vokes and Peters	21845	DA102	26 Sep 2022
Elevation south-west (courtyard)	Vokes and Peters	21845	DA103	26 Sep 2022
Elevation south-east	Vokes and Peters	21845	CD104	26 Sep 2022
Site Plan with approved DA Reference	Blok	2404	DA01 Issue B	19/12/2024
West Elevation with Approved DA Reference	Blok	2404	DA02 Issue B	19/12/2024
East Elevation with Approved DA Reference	Blok	2404	DA03 Issue B	19/12/2024
Site Plan	Blok	2404	DA04 Issue C	19/12/2024
Ground Floor Plan	Blok	2404	DA05 Issue C	19/12/2024
Roof Plan	Blok	2404	DA06 Issue C	19/12/2024
Site Elevation – North	Blok	2404	DA07 Issue C	19/12/2024
Site Elevation – South	Blok	2404	DA08 Issue C	19/12/2024
Elevations – Dining	Blok	2404	DA09 Issue C	19/12/2024
Elevations – Living	Blok	2404	DA10 Issue C	19/12/2024

Amendment: Any references to a Firewood Shed to be removed from the proposal plans.

ENG8. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547 and the Queensland Plumbing and Wastewater Code. **Please note that the Bunya Mountains areas must connect to a sand filter type Treatment**

Plant for the collection, treatment, and disposal of wastewater. The Treatment Plant shall have a current Chief Executive approval through the Queensland Government.

All other conditions remain in place under Decision Notice MCU22/0025.

REFERRAL AGENCY CONDITIONS

Not Applicable.

APPROVED PLANS/DOCUMENTS

Plan No.	Rev.	Plan Name	Date
DA01	Issue B	<i>Site Plan with approved DA Reference</i> , prepared by Blok	19/12/2024
DA02	Issue B	<i>West Elevation with approved DA Reference</i> , prepared by Blok	19/12/2024
DA03	Issue B	<i>East Elevation with approved DA Refence</i> , prepared by Blok	19/12/2024
DA04	Issue C	<i>Site Plan</i> , prepared by Blok	19/12/2024
DA05	Issue C	<i>Ground Floor Plan</i> , prepared by Blok	19/12/2024
DA06	Issue C	<i>Roof Plan</i> , prepared by Blok	19/12/2024
DA07	Issue C	<i>Site Elevation – North</i> , prepared by Blok	19/12/2024
DA08	Issue C	<i>Site Elevation – South</i> , prepared by Blok	19/12/2024
DA09	Issue C	<i>Elevations – Dining</i> , prepared by Blok	19/12/2024
DA10	Issue C	<i>Elevations – Living</i> , prepared by Blok	19/12/2024

PLANS/DOCUMENTS REQUIRING AMENDMENT

The plans and / or documents requiring amendment for this development approval in accordance with Condition GEN1 are listed in the following tables:

Plans Requiring Amendment:

Plan No.	Rev.	Plan Name	Date
DA01	Issue B	<i>Site Plan with approved DA Reference</i> , prepared by Blok	19/12/2024
DA02	Issue B	<i>West Elevation with approved DA Reference</i> , prepared by Blok	19/12/2024
DA03	Issue B	<i>East Elevation with approved DA Refence</i> , prepared by Blok	19/12/2024
DA04	Issue C	<i>Site Plan</i> , prepared by Blok	19/12/2024
DA05	Issue C	<i>Ground Floor Plan</i> , prepared by Blok	19/12/2024
DA06	Issue C	<i>Roof Plan</i> , prepared by Blok	19/12/2024
DA07	Issue C	<i>Site Elevation – North</i> , prepared by Blok	19/12/2024
DA08	Issue C	<i>Site Elevation – South</i> , prepared by Blok	19/12/2024
DA09	Issue C	<i>Elevations – Dining</i> , prepared by Blok	19/12/2024
DA10	Issue C	<i>Elevations – Living</i> , prepared by Blok	19/12/2024

Amendment: Any references to a Firewood Shed to be removed from the proposal plans.

ADVISORY NOTES

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

All other conditions remain in place under Decision Notice MCU22/0025.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

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 Senior Planner on the above number.

Yours faithfully



David Hursthouse

ACTING MANAGER PLANNING & DEVELOPMENT

Encl. Adopted Infrastructure Charge Notice
 Approved Plans
 Appeal Rights

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Peter Gamin
C/- Vokes and Peters
3/270 Montague Rd
WEST END QLD 4104

APPLICATION: Dwelling house

DATE: 22/11/2022

FILE REFERENCE: MCU22/0025

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

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 16 GTP1172

SITE ADDRESS: 16 Rainforest Drive, Bunya Mountains

PAYABLE TO: **South Burnett Regional Council**

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

OFFSET OR REFUND: Not Applicable.

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

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

Discounts*

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

Sewerage

Adopted Charges

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

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Use (3 or more bed)	1	Dwelling	\$2,410.00	CR Table 2.1	\$2,410.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Dwelling House)	1	Dwelling	\$2,410.00	CR Table 2.1	\$2,410.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Use (3 or more bed)	1	Dwelling	\$2,009.00	CR Table 2.1	\$2,009.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Dwelling House)	1	Dwelling	\$2,009.00	CR Table 2.1	\$2,009.00

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
Dwelling House	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <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 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@sbrc.qld.gov.au</p>

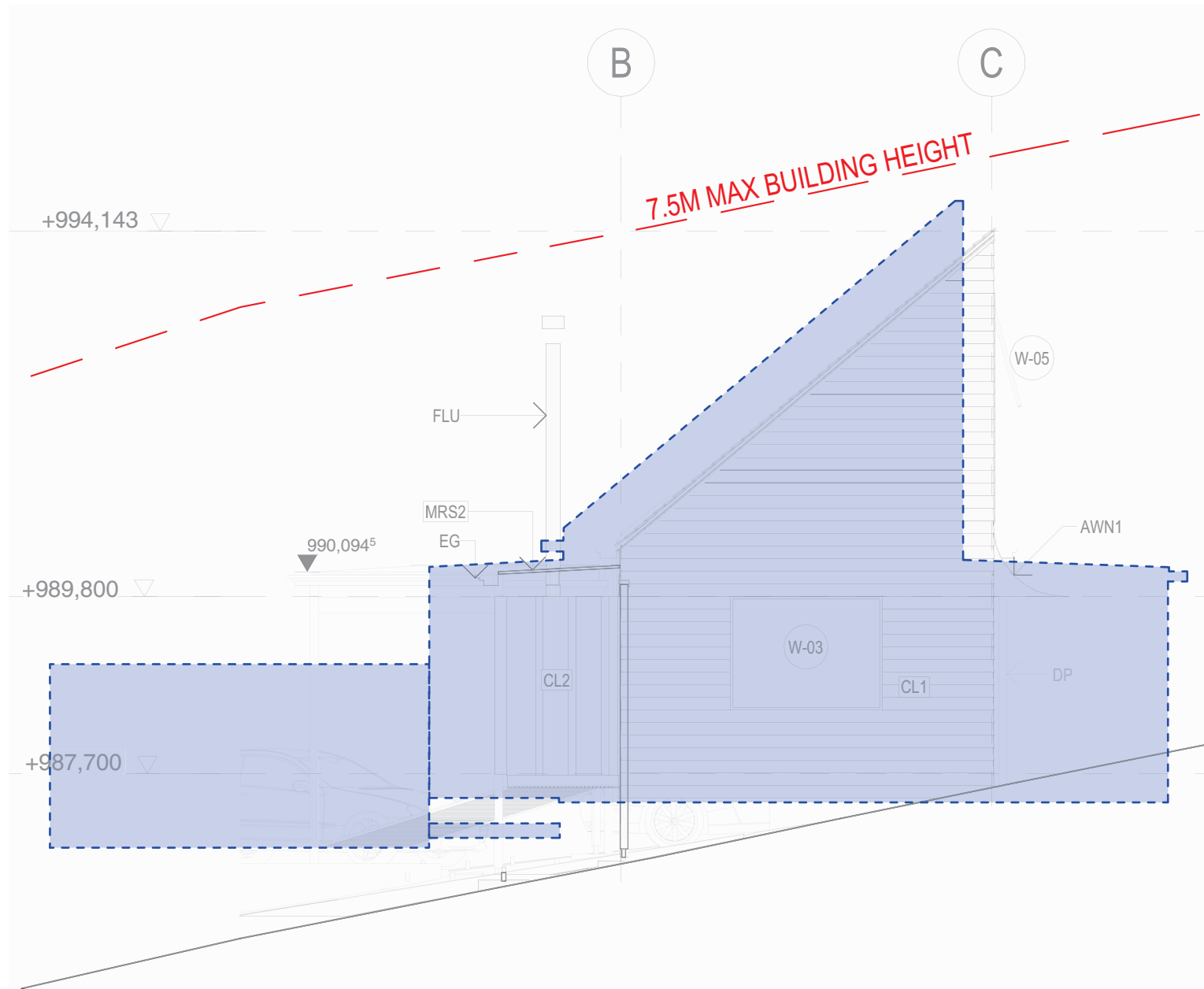
¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge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

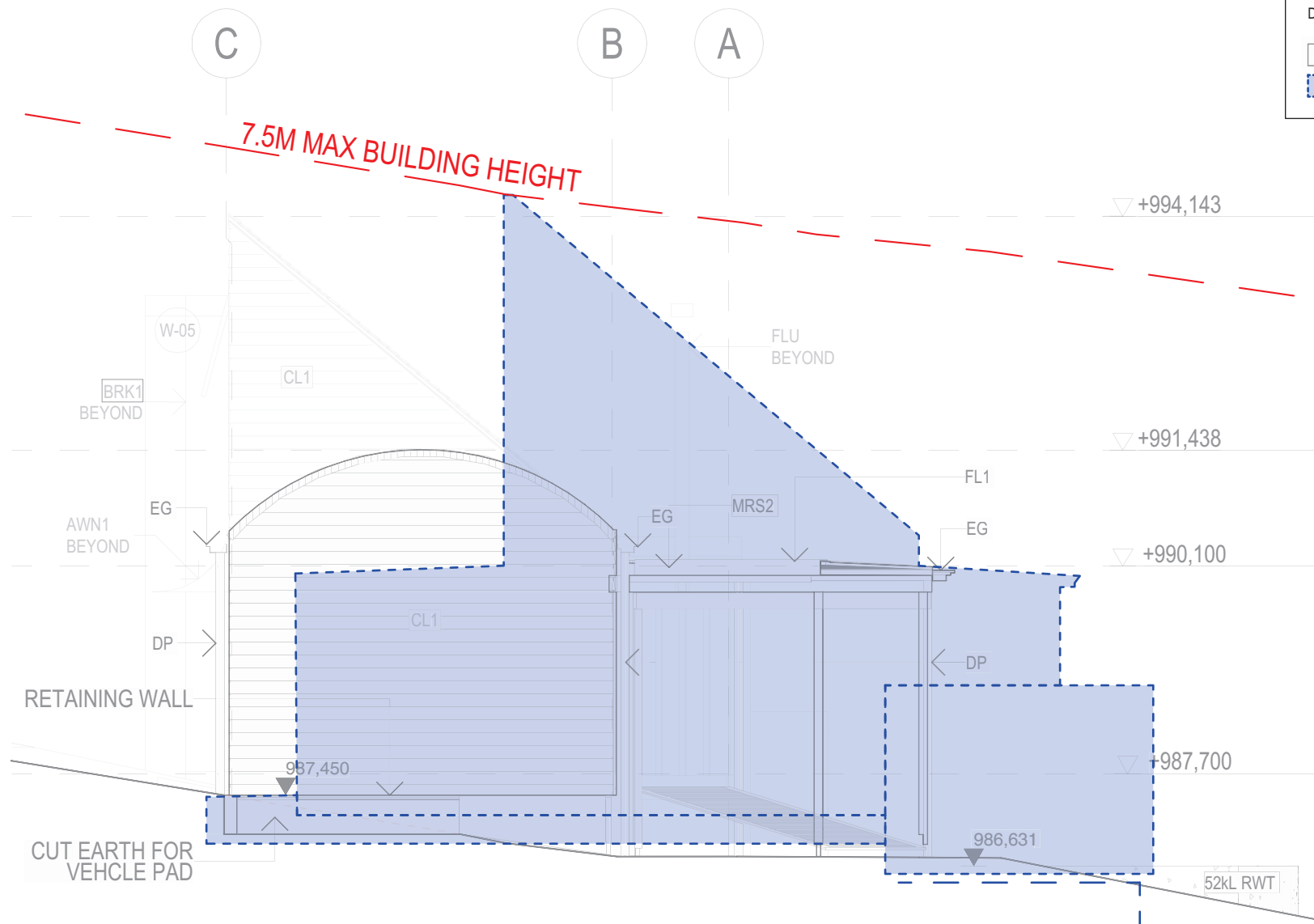
Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Finance and Liveability, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@sbrc.qld.gov.au



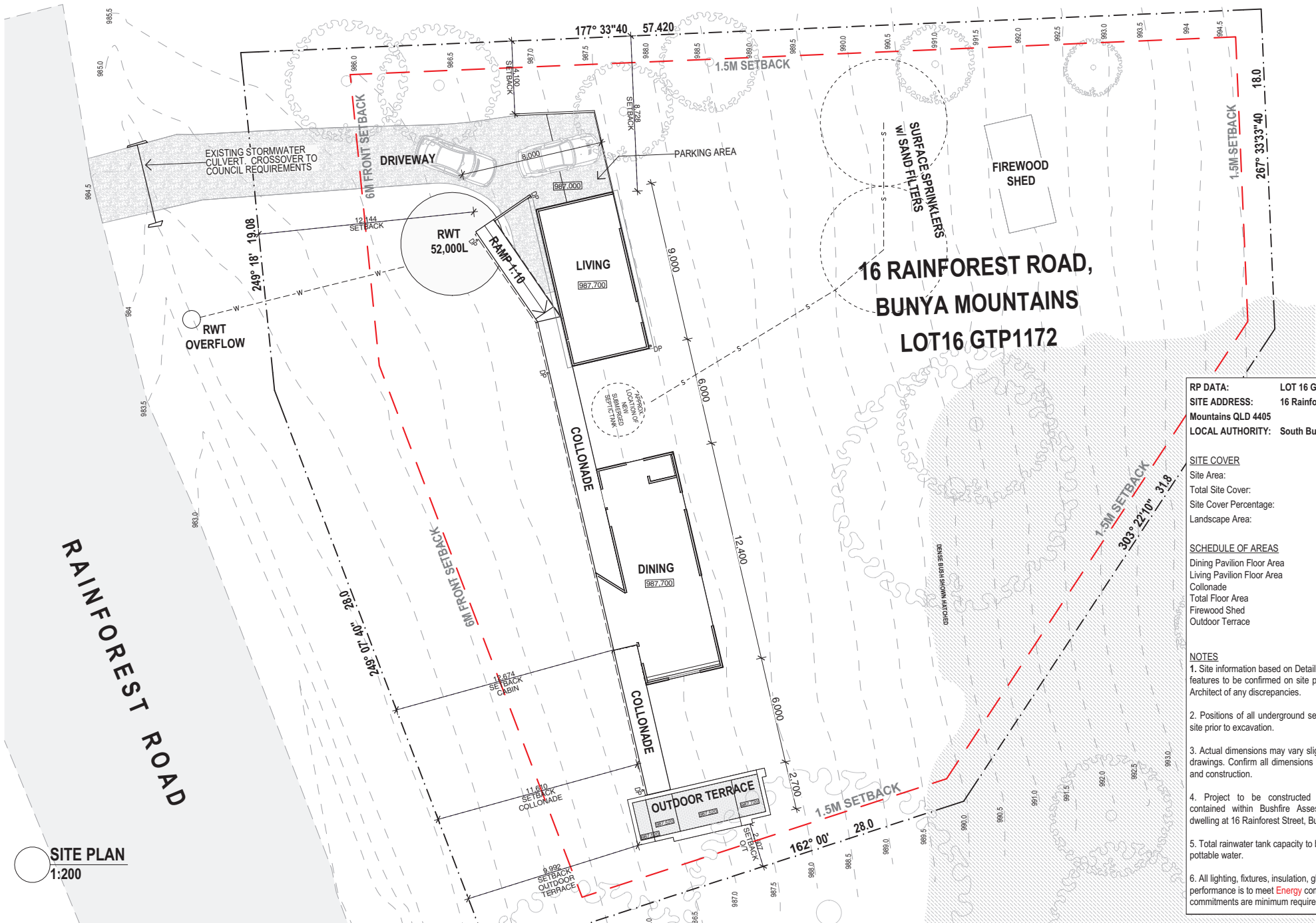
DRAWING LEGEND	
	PROPOSED NEW DA
	APPROVED DA 2022

E-04 Elevation West - With Approved DA Reference
1:50

	Bunya Mountains Cabin 16 Rainforest Road Bunya Mountains QLD 4405	REV	ID	BY	DESCRIPTION	DATE		PROJECT 2404	DRAWING WEST ELEVATION WITH APPROVED DA REFERENCE	SCALE: 1:50 @ A3 DATE PLOTTED: 19/12/2024	DRAWING NO: DA02	ISSUE: B
		A			DA PRELIMINARY ISSUE	27/09/2024						
		B		BS	DA FURTHER ADVICE	19/12/2024						



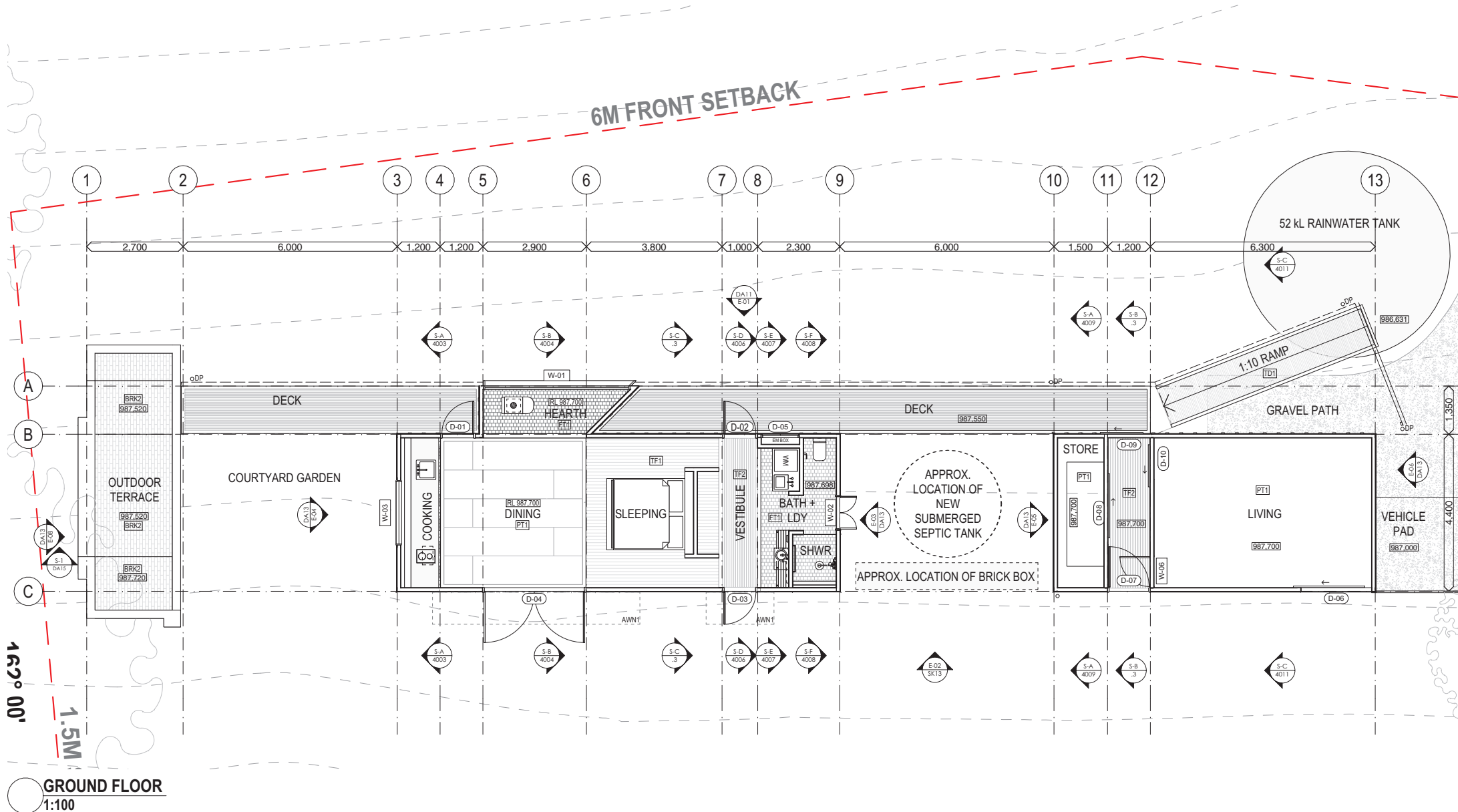
E-06 Elevation East - With Approved DA Reference
1:50




RP DATA:	LOT 16 GTP1172
SITE ADDRESS:	16 Rainforest Road Bunya Mountains QLD 4405
LOCAL AUTHORITY:	South Burnett Regional Council
SITE COVER	
Site Area:	2246m ²
Total Site Cover:	151.2m ²
Site Cover Percentage:	7%
Landscape Area:	1955.6m ²
SCHEDULE OF AREAS	
Dining Pavilion Floor Area	56.3m ²
Living Pavilion Floor Area	39.2m ²
Collonade	39m ²
Total Floor Area	134.5m ²
Firewood Shed	16.7m ²
Outdoor Terrace	21.4m ²
NOTES	
1. Site information based on Detail Survey. All levels and site features to be confirmed on site prior to construction. Notify Architect of any discrepancies.	
2. Positions of all underground services to be confirmed on site prior to excavation.	
3. Actual dimensions may vary slightly from those shown on drawings. Confirm all dimensions on site prior to fabrication and construction.	
4. Project to be constructed as per recommendations contained within Bushfire Assessment Report for New dwelling at 16 Rainforest Street, Bunya Mountains.	
5. Total rainwater tank capacity to be min. 52,000L for potable water.	
6. All lighting, fixtures, insulation, glazing and overall thermal performance is to meet Energy commitments. All Energy commitments are minimum requirements only.	

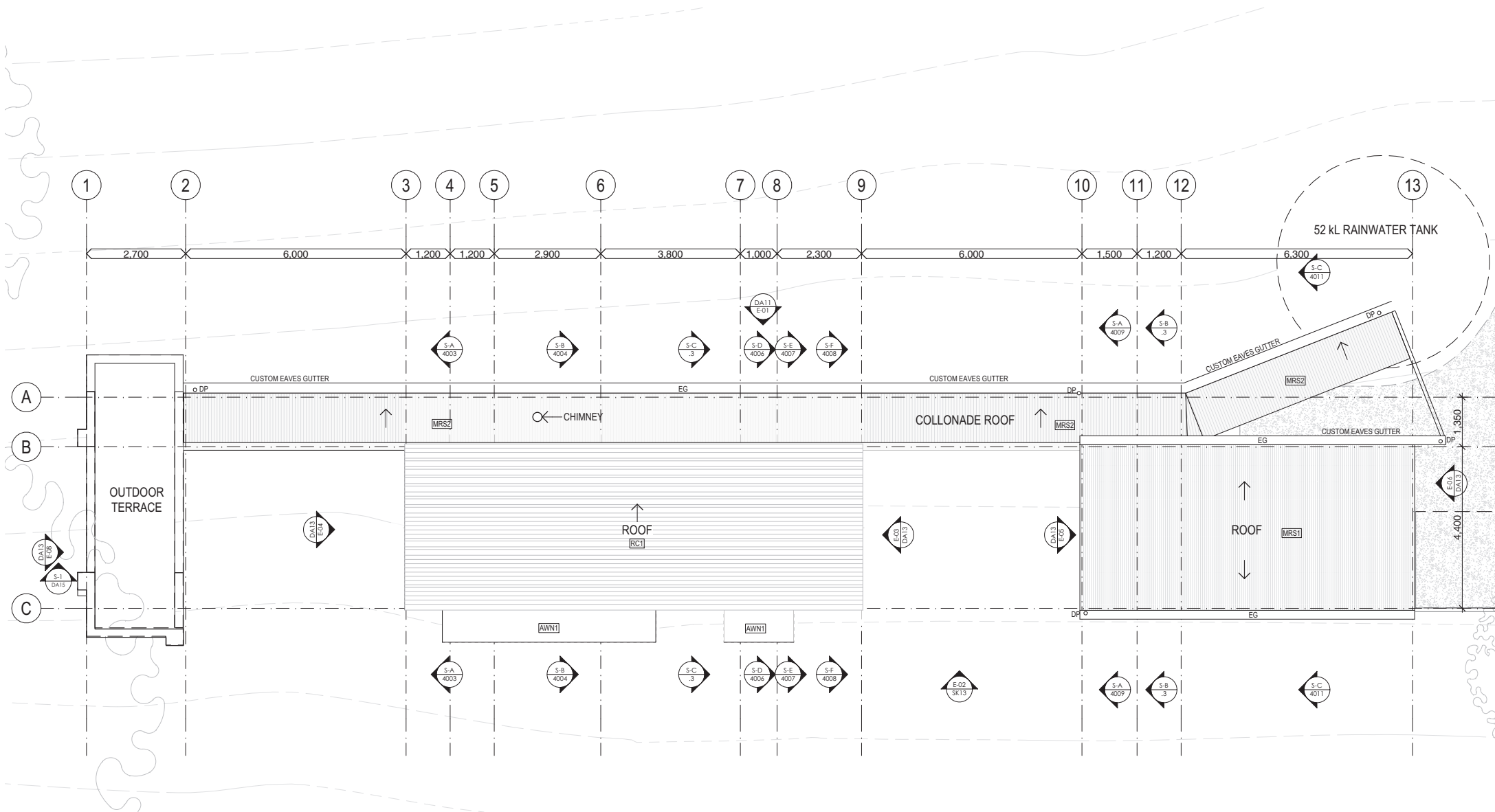
blok	Bunya Mountains Cabin 16 Rainforest Road Bunya Mountains QLD 4405	REV	ID	BY	DESCRIPTION	DATE		PROJECT 2404	DRAWING SITE PLAN	SCALE: 1:50, 1:200 @ A3 DATE PLOTTED: 19/12/2024	DRAWING NO: DA04	ISSUE: C
		A			DA PRELIMINARY ISSUE	27/09/2022						
		B			DA ISSUE	18/10/2024						
		C		BS	DA FURTHER ADVICE	19/12/2024						

SCHEDULE OF AREAS	
Dining Pavilion Floor Area	56.3m ²
Living Pavilion Floor Area	39.2m ²
Collonade	39m ²
Total Floor Area	134.5m ²
Firewood Shed	16.7m ²
Outdoor Terrace	21.4m ²



blok	Bunya Mountains Cabin 16 Rainforest Road Bunya Mountains QLD 4405	REV	ID	BY	DESCRIPTION	DATE		PROJECT 2404	DRAWING GROUND FLOOR PLAN	SCALE: 1:100, 1:50 @ A3 DATE PLOTTED: 19/12/2024	DRAWING NO: DA05	ISSUE: C
		A			DA PRELIMINARY ISSUE	27/09/2024						
		B			DA ISSUE	18/10/2024						
		C		BS	DA FURTHER ADVICE	19/12/2024						
		Ph 07 3108 0642		E info@blokmodular.com.au		Level 1, 1/121 Mica Street, Carole Park Q 4300						

SCHEDULE OF AREAS	
Dining Pavilion Floor Area	56.3m ²
Living Pavilion Floor Area	39.2m ²
Collonade	39m ²
Total Floor Area	134.5m ²
Firewood Shed	16.7m ²
Outdoor Terrace	21.4m ²



ROOF PLAN
1:100

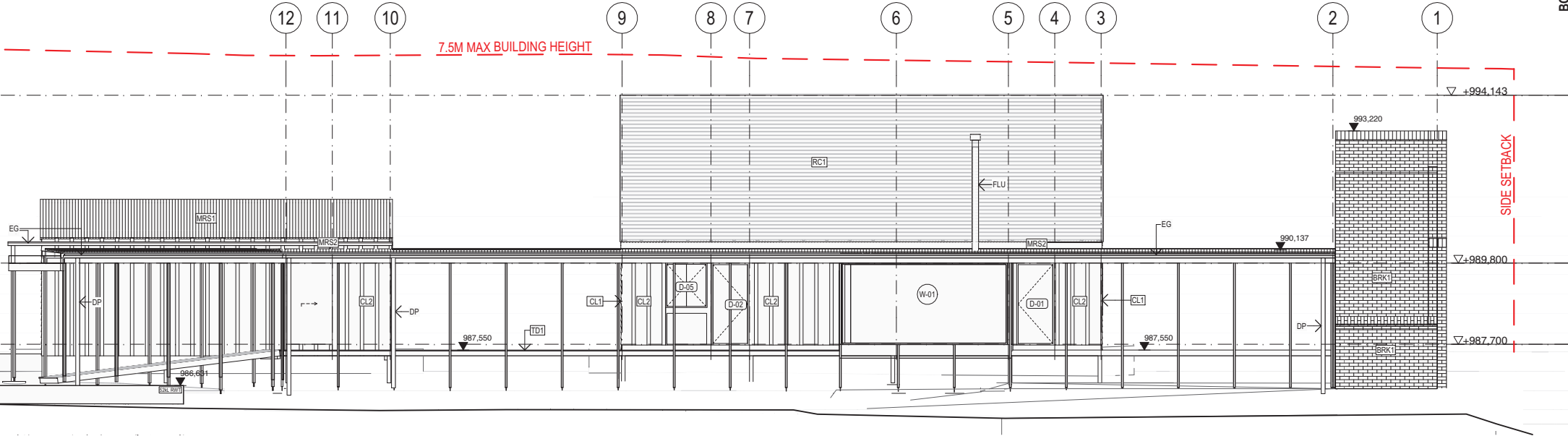
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		A			DA PRELIMINARY ISSUE	27/09/2024				DATE PLOTTED: 19/12/2024			
		B			DA ISSUE	18/10/2024							
		C		BS	DA FURTHER ADVICE	19/12/2024							

ELEVATION + SECTION LEGEND

NATURAL GROUND LINE
MAX BUILDING HEIGHT LEVEL

FINISHES LEGEND

- AWN1 CUSTOM ALUMINIUM HOOD
BRK1 WHITE BRICKS
BRK2 BRICK PAVERS
CL1 16mm WEATHERBOARD
HARDIE LINEA 150 (PF1)
CL2 6mm FIBRE CEMENT SHEETING
+ 90x20 BATTEN CLADDING (PF1)
DP ROUND STEEL DOWNPIPES
EG CUSTOM EAVES GUTTER
FL STEEL FLASHING
FT1 WET AREA FLOOR TILE
MRS1 LYSAGHT CUSTOM ORB METAL ROOF
SHEETING IN ZINC
MRS2 LYSAGHT TRIMDECK METAL ROOF
SHEETING IN ZINC
PF1 WALL PAINT MISSION BROWN
PF2 WALL PAINT BLACK
PF3 WALL PAINT WHISPER WHITE
PF4 WALL PAINT CHEROKEE RED
PLY1 PLYWOOD WALL SHEETING
PT1 PARTICLEBOARD FLOORING
RC1 16mm WEATHERBOARD
HARDIE LINEA 150 (PF1)
TD1 OILED HARDWOOD TIMBER DECKING
TF1 SOLID TIMBER FLOORING
TF2 TIMBER FLOORING
WT1 WET AREA WALL TILE



E-01 NORTH WEST ELEVATION
1:100

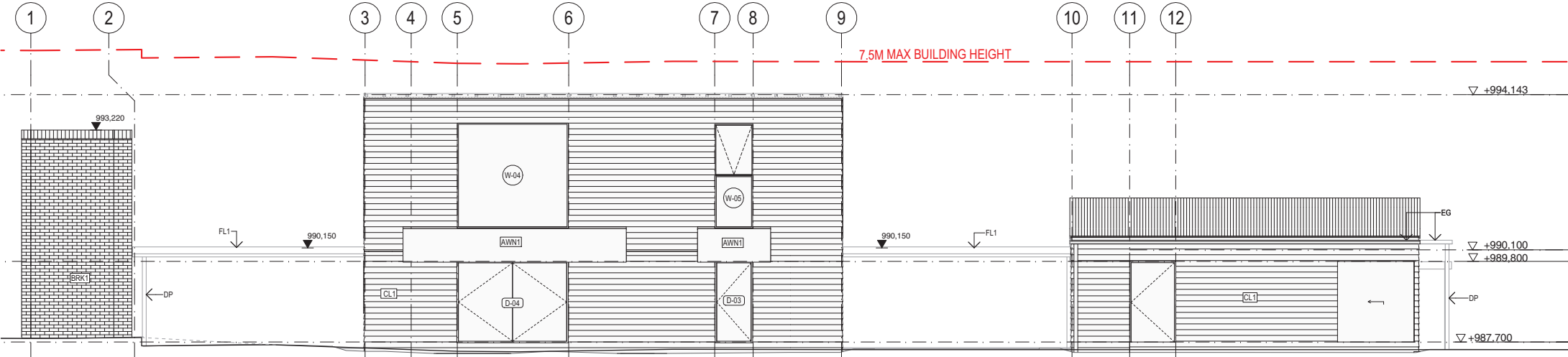
blok	Bunya Mountains Cabin 16 Rainforest Road Bunya Mountains QLD 4405	REV	ID	BY	DESCRIPTION	DATE	PROJECT 2404	DRAWING SITE ELEVATION - NORTH	SCALE: 1:50, 1:100 @ A3 DATE PLOTTED: 19/12/2024	DRAWING NO: DA07	ISSUE: C
		A	DG	ML	DA PRELIMINARY ISSUE	27/09/2022					
		B	DG	ML	DA ISSUE	18/10/2024					
		C	BS	DB	DA FURTHER ADVICE	19/12/2024					

ELEVATION + SECTION LEGEND

— NATURAL GROUND LINE
- - - - - MAX BUILDING HEIGHT LEVEL

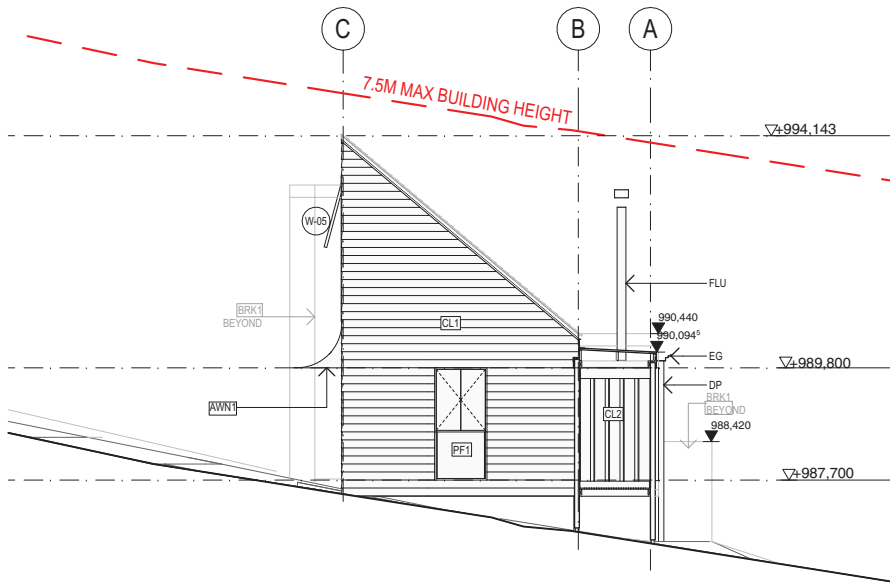
FINISHES LEGEND

AWN1 CUSTOM ALUMINIUM HOOD
BRK1 WHITE BRICKS
BRK2 BRICK PAVERS
CL1 16mm WEATHERBOARD
CL2 6mm FIBRE CEMENT SHEETING
+ 90x20 BATTEN CLADDING (PF1)
DP ROUND STEEL DOWNPIPES
EG CUSTOM EAVES GUTTER
FL STEEL FLASHING
FT1 WET AREA FLOOR TILE
MRS1 LYSAGHT CUSTOM ORB METAL ROOF
SHEETING IN ZINC
MRS2 LYSAGHT TRIMDECK METAL ROOF
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RC1 16mm WEATHERBOARD
HARDIE LINEA 150 (PF1)
TD1 OILED HARDWOOD TIMBER DECKING
TF1 SOLID TIMBER FLOORING
TF2 TIMBER FLOORING
WT1 WET AREA WALL TILE

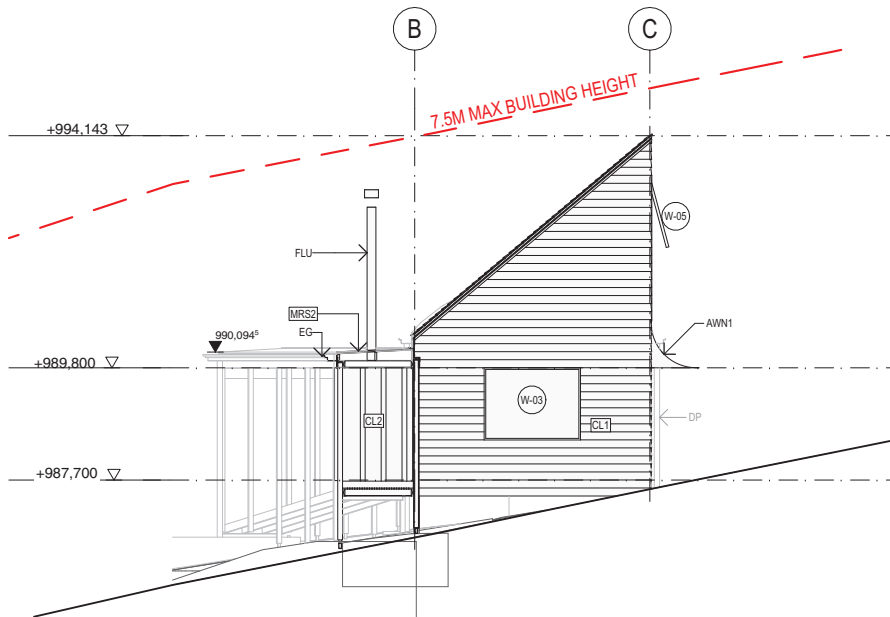


E-02 SOUTH EAST ELEVATION
1:100

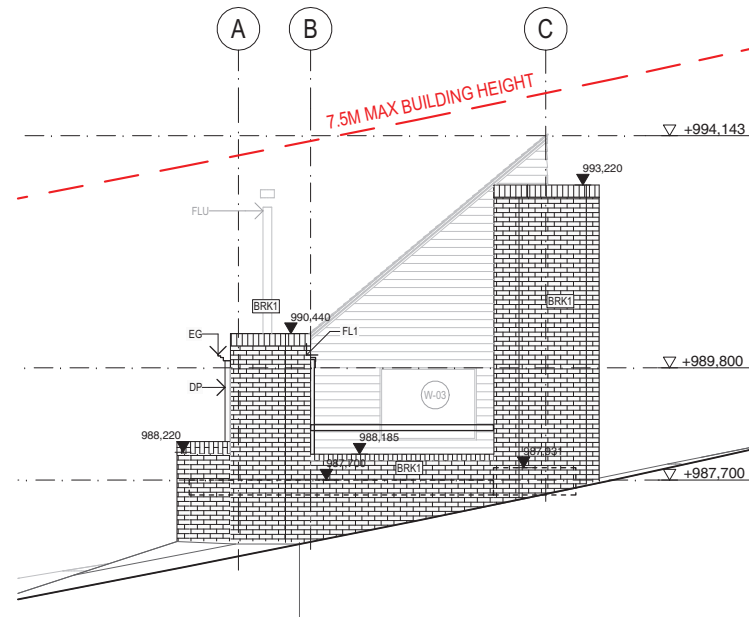
blok	Bunya Mountains Cabin 16 Rainforest Road Bunya Mountains QLD 4405	REV	ID	BY	DESCRIPTION	DATE	PROJECT 2404	DRAWING SITE ELEVATION - SOUTH	SCALE: 1:100, 1:50 @ A3 DATE PLOTTED: 19/12/2024	DRAWING NO: DA08	ISSUE: C
		A	DG	ML	DA PRELIMINARY ISSUE	27/09/2022					
		B	DG	ML	DA ISSUE	18/10/2024					
		C	BS	DB	DA FURTHER ADVICE	19/12/2024					



E-03 NORTH EAST ELEVATION - DINING
1:100



E-04 SOUTH WEST ELEVATION - DINING
1:100



E-08 SOUTH WEST ELEVATION - OUTDOOR TERRACE
1:100

ELEVATION + SECTION LEGEND

- NATURAL GROUND LINE
- - - - - MAX BUILDING HEIGHT LEVEL

FINISHES LEGEND

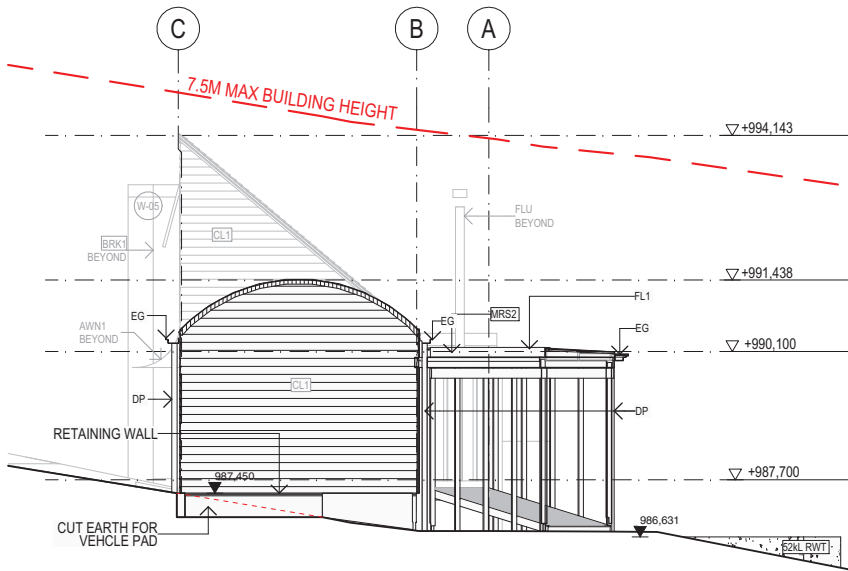
- AWN1 CUSTOM ALUMINIUM HOOD
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- BRK2 BRICK PAVERS
- CL1 16mm WEATHERBOARD
- CL2 HARDIE LINEA 150 (PF1)
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- DP ROUND STEEL DOWNPIPES
- EG CUSTOM EAVES GUTTER
- FL STEEL FLASHING
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- MRS1 LYSAGHT CUSTOM ORB METAL ROOF SHEETING IN ZINC
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- RC1 HARDIE LINEA 150 (PF1)
- TD1 OILED HARDWOOD TIMBER DECKING
- TF1 SOLID TIMBER FLOORING
- TF2 TIMBER FLOORING
- WT1 WET AREA WALL TILE

ELEVATION + SECTION LEGEND

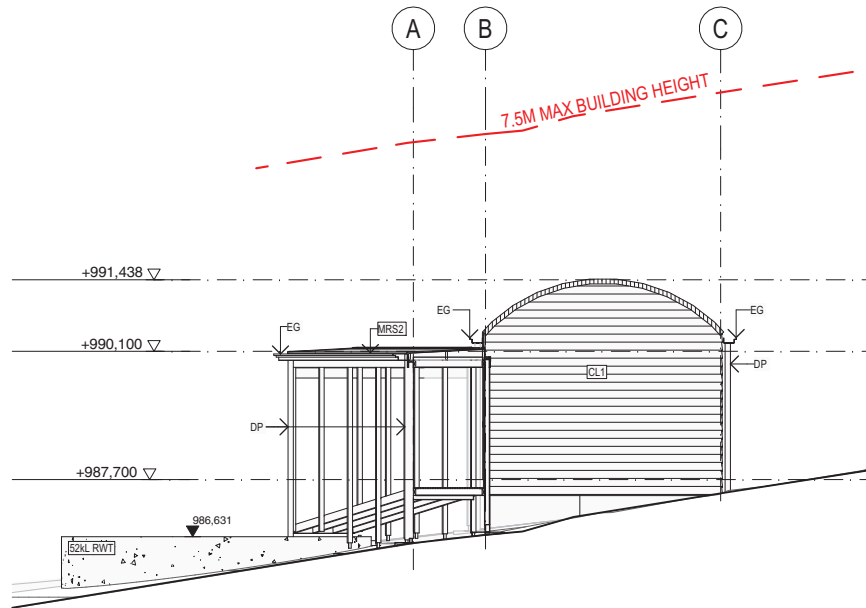
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HARDIE LINEA 150 (PF1)
TD1 OILED HARDWOOD TIMBER DECKING
TF1 SOLID TIMBER FLOORING
TF2 TIMBER FLOORING
WT1 WET AREA WALL TILE



E-06 NORTH EAST ELEVATION - LIVING
1:100



E-05 SOUTH WEST ELEVATION - LIVING
1:100

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.