



Officer: Planning Officer - Thomas  
Direct Telephone: 07 4189 9100  
Our Reference: RAL26/0005

24 April 2026

Blackbutt Central Pty Ltd  
C/- ONF Surveyors  
PO Box 896  
KINGAROY QLD 4610

Dear Sir/Madam

## **Amended Decision Notice**

### ***Planning Act 2016***

This decision notice replaces the decision notice issued on 15 April 2026, due to an administrative error.

I refer to your application and advise that on 8 April 2026, Council's Delegated Authority decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No: RAL26/0005  
Street Address: 80 Nanango Brooklands Road NANANGO QLD 4615  
Real Property Description: Lot 6 on RP809288  
Planning Scheme: South Burnett Regional Council

#### **DECISION DETAILS**

Type of Decision: Approval  
Type of Approval: Development Permit for Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots)  
Date of Decision: 8 April 2026

#### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

#### **INFRASTRUCTURE**

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

## ASSESSMENT MANAGER CONDITIONS

### GENERAL

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

Drawing No.	Drawing Title	Prepared By	Rev	Date
13947-P2	Proposal Plan of Lots 3, 900 Cancelling Lot 6 on RP809288	ONF Surveyors	A	18/9/2025

Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

**Timing:** At all times.

GEN2. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

### COMPLIANCE

GEN3. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan unless otherwise stated. It is the applicant's responsibility to notify Council to inspect compliance for conditions that are required to be satisfied prior to Council endorsing the Survey Plan.

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

### OUTSTANDING FEES

GEN5. Prior to sealing the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the Planning Regulation 2017.

**Timing:** As indicated.

### SURVEY MARKS

GEN6. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

**Timing:** As indicated.

### SURVEY PLAN ENDORSEMENT

RAL1. Lodgement of Survey Plan Endorsement must include the following:

- Completion of Council's Request - Approving Plan of Subdivision, Related Plans or Documents, Compliance with Conditions of Approval Form;
- All survey marks in their correct position in accordance with the Survey Plan;
- A compliance report demonstrating compliance with all associated development permit(s);

- d. One copy of the Survey Plan, easement documentation each fully executed for the lodgement with the Titles Office;
- e. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the Planning Regulation 2017; and
- f. Payment of any outstanding Infrastructure Charges.

**Advisory Note:** Council's Request - Approving Plan of Subdivision, Related Plans or Documents, Compliance with Conditions of Approval Form is found at [Forms | South Burnett Regional Council](#)

## **VALUATION FEES**

RAL2. Payment of Department of Natural Resources, 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 \$55.00 per lot, however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

**Timing:** As indicated.

## **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. Undertake Engineering designs and construction in accordance with the Planning Scheme, Standard Drawings, and relevant design manuals.

ENG3. 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**

ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

## **STORMWATER MANAGEMENT**

ENG6. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

ENG8. 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.

## **WATER SUPPLY**

- ENG9. Connect each lot to Council's reticulated water supply system as per Council's standards.
- ENG10. Design and construct all works in accordance with Council's requirements as set out in the WBBUWA Design and Construction Code", WSAA Guidelines and relevant development standards used by Council.

## **WATER – EXTENSION**

- ENG11. Design and construct a 100mm diameter water main extension from the intersection of Nanango Brooklands Road and McGinley Road to the Western boundary of Lot 900 to service the whole of the proposed development.

**Comment:** This condition is imposed pursuant to Section 145 of the Planning Act 2016.

- ENG12. Install fire hydrant valves to ensure that all allotments are within a distance of 40 metres of the nearest hydrant.
- ENG13. Provide isolation valves, hydrant markers and RPMs in accordance with WSAA Codes and Council's standards.
- ENG14. Design and construct all works in accordance with Council's requirements as set out in the WBBUWA Design and Construction Code and relevant development standards used by Council.
- ENG15. Submit to Council, the written consent from the property owner where such works require entry onto adjoining land prior to Council's approval of Operational Work.

## **VEHICLE ACCESS**

- ENG16. Design and construct an access to proposed lot 900, in accordance with Council's Standard Drawing No. 00049. Where a table drain is shallow, a 300mm RCBC can be used in lieu of a pipe.
- ENG17. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

## **TELECOMMUNICATION**

- ENG18. Provide telecommunication services to each lot in accordance with the standards and requirements of the relevant service provider.

**Note:** The area may only be serviced by NBN wireless, and no cable service is available. It is the applicant/developer's responsibility to confirm that the requirements under the section 372G/H of the Telecommunications Act 1997 (fibre ready facilities - pit and pipe) do not apply and that the subject site is 'exempt'.

[https://www.communications.gov.au/policy/policy\[1\]listing/exemption-pit-and-pipe-requirements](https://www.communications.gov.au/policy/policy[1]listing/exemption-pit-and-pipe-requirements)

## **ELECTRICITY**

- ENG19. Provide electricity supply to each lot within the development to comply with Ergon Energy's requirements.

ENG20. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

### SERVICES - EXISTING CONNECTIONS

ENG21. Ensure that all services provided to the existing house on proposed Lot 3 are wholly located within the lot(s) it serves.

### EROSION AND SEDIMENT CONTROL - GENERAL

ENG22. 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.

ENG23. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

### REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Advice	Ergon Energy GPO Box 1461 BRISBANE QLD 4001 townplanning@ergon.com.au	Schedule 10, Part 9, Division 2, Table 1 – Reconfiguring a lot subject to an easement or near a substation site	The agency provided its response on 11 February 2026 (Reference No. ECM 38787461). A copy of the response is attached.

A copy of any referral agency conditions is attached.

### APPROVED PLANS

The following plans are Approved plans for the development:

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
13947-P2	A	<i>Proposal Plan of Lots 3, 900 Cancelling Lot 6 on RP809288, prepared by ONF Surveyors.</i>	18/9/2025

### REFERENCED DOCUMENTS

Not Applicable.

### ADVISORY NOTES

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

## **STANDARD ADVICE**

ADV1. 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 the *Planning Act 2016* and before the development approval lapses under Section 85 of the *Planning Act 2016*.

## **ON-SITE WASTEWATER DISPOSAL**

ADV2. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Wastewater Code.

**Timing:** Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

## **HERITAGE**

ADV3. 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.

## **APPEAL RIGHTS**

ADV4. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

## **INFRASTRUCTURE CHARGES**

ADV5. Infrastructure charges are levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

## **DEVELOPER INCENTIVE**

ADV6. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2027. Eligible development under this scheme is required to be completed by 31 December 2027.

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

## PROPERTY NOTES

Not Applicable.

## VARIATION APPROVAL

Not Applicable.

## FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

## SUBMISSIONS

Not Applicable.

## RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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

## OTHER DETAILS

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

Yours faithfully



**KIMBERLEY DONOHUE**  
**ACTING MANAGER PLANNING & DEVELOPMENT**

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

cc Ergon Energy

# INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

**APPLICANT:** Blackbutt Central Pty Ltd  
C/-ONF Surveyors  
PO Box 896  
KINGAROY QLD 4610

**APPLICATION:** Code - Reconfiguring a Lot - 1 lot into 2 lots

**DATE:** 8 April 2026

**FILE REFERENCE:** RAL26/0005

**AMOUNT OF THE LEVIED CHARGE:** **\$14,662.00** **Total**  
(Details of how these charges were calculated are shown overleaf)

\$9,842.00	Water Supply Network
\$0.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	Parks and Land for Community Facilities Network
\$401.00	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 6 on RP809288

**SITE ADDRESS:** 80 Nanango Brooklands Road

**PAYABLE TO:** **South Burnett Regional Council**

**WHEN PAYABLE:** Reconfiguring a Lot – When South Burnett Regional Council approves the Plan of Subdivision.  
(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

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### Water Supply

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 2)	2	Allotments	\$9,842.00	CR Table 2.3	\$19,684.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$9,842.00	CR Table 2.3	\$9,842.00

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### 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

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### Transport

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 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 Lot	1	Allotment	\$2,410.00	CR Table 2.3	\$2,410.00

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### Parks and Land for Community Facilities

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 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
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Existing Lot	1	Allotment	\$2,009.00	CR Table 2.3	\$2,009.00
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## Stormwater

### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 2)	2	Allotments	\$401.00	CR Table 2.3	\$802.00

### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$401.00	CR Table 2.3	\$401.00

## Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 2)	\$9,842.00	\$0.00	\$2,410.00	\$2009.00	\$401.00	\$14,662.00
<b>Total</b>	<b>\$9,842.00</b>	<b>\$0.00</b>	<b>\$2,410.00</b>	<b>\$2009.00</b>	<b>\$401.00</b>	<b>\$14,662.00</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)



420 Flinders Street, Townsville QLD 4810  
PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

11 February 2026

Chief Executive Officer  
South Burnett Regional Council  
*Attention: Thomas*  
*Via email: [info@sbrc.qld.gov.au](mailto:info@sbrc.qld.gov.au)*

cc Blackbutt Central Pty Ltd  
C/- ONF Surveyors  
*Attention: Chris Du Plessis*  
*Via email: [Kingaroy@onfsurveyors.com.au](mailto:Kingaroy@onfsurveyors.com.au)*

Dear Sir/Madam,

**Ergon Advice Agency Response**  
**Our Ref: ECM 38787461**

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

<b>Response</b>	
Outcome	Approved in full – No objection
Date of response	11 <sup>th</sup> February 2026
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	The works do not conflict with: <ul style="list-style-type: none"><li>▪ the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i></li><li>▪ the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 &amp; 5.</li></ul>
	The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website  
[www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

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**Development Details**

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Applicant	ONF Surveyors
Assessment Manager	South Burnett Regional Council
Council Application No.	RAL26/0005
Street Address	80 Nanango Brooklands Road, Nanango
RPD	Lot 6 on RP809288
Development Type	RoL 1 lot into 2 lots
Referral Trigger	<input checked="" type="checkbox"/> Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network; or part of the lot is within 100m of a substation site
Impacted Electrical Infrastructure	Emt E on RP176919 containing 66kv overhead line

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
MCU/ ROL/ OPW	<input checked="" type="checkbox"/> S56(1)(a) – no requirements for the application

Ergon's response has been provided relevant to the following plans and supporting documents. Any alterations to the plans and or document(s) identified below within Table 1 below are to be resubmitted to Ergon for comment.

<i>Table 1</i>			
<i>Plans forming part of this Approval</i>			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Proposal Plan of Lots 3, 900 Cancelling Lot 6 on RP809288</i>	<i>13947-P2</i>	<i>-</i>	<i>13/1/25</i>

**General Advice:**

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

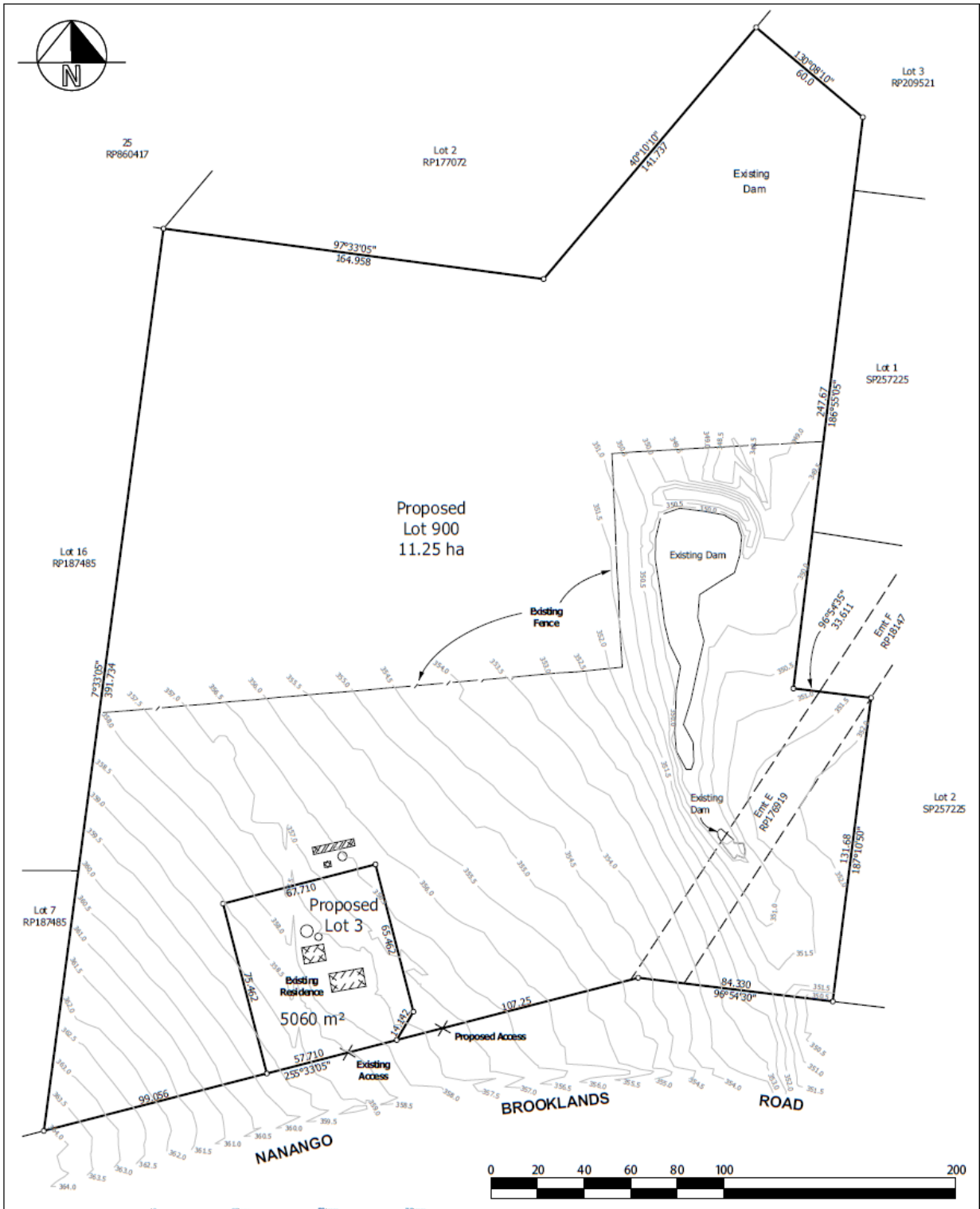
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).


Should you require any further information on the above matter, please contact the undersigned on 0428 943 997 or via email at [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Scott Pearson', with a long horizontal flourish extending to the right.

**Scott Pearson**  
Senior Town Planner



Notes:	Level Datum		Surveyed		Project:	 Brisbane & Sunshine Coast - Ph. 5422 0200 South Burnett & Western Downs - Ph. 4162 2647 Email: admin@onfsurveyors.com.au
	AHD-D	OPM 202813	MV & NC	11/09/2025		
The title boundaries shown herein were not marked by the author at the time of survey and have been determined by plan dimensions only and not by field measurement.	Level Origin		Drawn		Client:	Computer File K:\P\PROJECTS\LEGATION\NANANGO\PH2176_00 Nanango Brooklands Rd, Blackbutt Central 13947_P2 - Development Application\Proposal Plan
	OPM 202813	NC	13/01/2025	<b>Blackbutt Central</b> <b>Property Limited</b>		
						Job No. 13947 Scale (A3) 1:1500 Sheet 1 of 1

# 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.