



SOUTH BURNETT
REGIONAL COUNCIL

Project Lead: Senior Planner - Vanessa
Direct Telephone: 07 4189 9100
Our Reference: MCU25/0009

31 July 2025

M & K Usher
C/- ONF Surveyors
PO Box 896
KINGAROY QLD 4610

South Burnett Regional Council

ABN 89 972 463 351

PO Box 336

Kingaroy QLD 4610

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☎ (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 24 July 2025, 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: MCU25/0009
Street Address: 6 Moonya Street KINGAROY QLD 4610
Real Property Description: Lot 54 on RP49433
Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use for Dual Occupancy (2 x 4 Bedrooms)
Date of Decision: 24 July 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

GENERAL

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

Drawing Title	Prepared by	Ref No.	Rev.	Date
Site Plan	Blueprint Drafting Services	24-3451-SPY Sheet 1	-	13/05/2025
Floor Plan	Blueprint Drafting Services	24-3451-SPY Sheet 2	-	13/05/2025
Western & Southern Elevations	Blueprint Drafting Services	24-3451-SPY Sheet 3	-	13/05/2025
Eastern & Northern Elevations	Blueprint Drafting Services	24-3451-SPY Sheet 4	-	13/05/2025
Landscape Concept Plan	Marion Birkenbeil	LD-02	B	13/05/2025

Timing: At all times.

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

GEN3. The development herein approved may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Works; and
- Permit for Plumbing and Drainage Works.

APPROVED USE

GEN4. The approved development is a Material Change of Use for Dual Occupancy (2 x 4 bedrooms) as shown on the Approved Plans and does not infer approval to use the premises for other land uses. This approval does not imply approval for other similar uses (e.g. Short term accommodation).

DEVELOPMENT PERIOD – MCU

GEN5. The *relevant period* for this development approval for a Material change of use is six (6) years after the development approval starts to have affect. The development approval will lapse unless otherwise agreed.

COMPLIANCE

GEN6. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

MAINTAINANCE

GEN7. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

GEN8. Maintain the site in a clean and orderly state at all times.

COMMENCEMENT OF USE

GEN9. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:

- 7.1 Be submitted to the Manager, Planning and Development within a minimum of ten (10) business days prior to commencement of the approved use;
- 7.2 Nominate the day the approved use is intended to commence; and
- 7.3 Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval which demonstrates that all conditions of this approval have been complied with.

Note: Council offers condition compliance inspection, which currently attracts a fee \$453.50. However, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

MATERIAL CHANGE OF USE

MCU1. Each unit is to be provided with external clothes drying facilities in the positions shown on the approved Site Plan 24-3451-SPY (Sheet 1).

MCU2. A letter box shall be provided on the Moonya Street alignment for each habitable unit, including the body corporate if appropriate. Each box shall be distinguished with a number corresponding with each unit number.

MCU3. Each dwelling unit is to be readily identified by number.

LANDSCAPING

MCU4. All 'landscaping areas' to be in accordance with the approved Landscape Concept Plan LD-02 dated 13 May 2025.

Timing: Prior to the use commencing

REFUSE STORAGE COLLECTION

MCU5. Any areas that are dedicated for the collection and/or storage of solid waste on the premises are to be:

- a) level;
- b) provided with impervious hard stand and drained; and
- c) screened around the full perimeter.

FENCING

MCU6. Fence construction between private open space areas of unit is to be solid screen fencing to a minimum height of 1.5m and not exceeding 1.8m.

MCU7. Fences or walls proposed along road frontages are to be maximum 1.2m in height if of solid construction or maximum of 1.5m in height, if gaps permit 50% transparency, except where providing screening to bin storage area.

MCU8. Fence construction along the eastern, northern and western property boundary is to be solid screen fencing to a height not exceeding 1.8m.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel.
- ENG8. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
- ENG9. 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.

WATER SUPPLY

- ENG10. Connect each premises or premises group within the development to Councils reticulated water supply network via a single connection, in accordance with the WBBROC Water Services Design and Construction Code and Queensland Plumbing and Wastewater Code.
- ENG11. Each meterable premises shall have its own water meter as per the requirements of the Queensland Plumbing and Wastewater Code.

Comment: For the avoidance of doubt, each lot shall have a master meter, with each dwelling having its own sub-meter.

SEWERAGE

ENG12. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.

ENG13. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

ENG14. Do not build works within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).

ENG15. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.

ENG16. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.

ENG17. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

PARKING AND ACCESS - GENERAL

ENG18. Design all access driveways, and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

ENG19. Construct all access, driveway, manoeuvring, and parking areas with concrete, asphalt or a two-coat bitumen seal.

ENG20. Provide 1 car park space for each unit, and 4 visitor car parks.

ENG21. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

VEHICLE ACCESS

ENG22. Construct a residential crossover between the property boundary and the edge of the Moonya Street pavement, having a minimum width of 6 metres, generally in accordance with Council's Standard Drawing No. 00048.

ENG23. 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 (e.g. power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

REDUNDANT CROSSOVERS

ENG24. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent along the frontage of the site.

ELECTRICITY AND TELECOMMUNICATION

ENG25. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG26. 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.

ENG27. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Document No.	Rev.	Document Name	Date
24-3451-SPY Sheet 1	-	<i>Site Plan</i> , prepared by Blueprint Drafting Services	13/05/2025
24-3451-SPY Sheet 2	-	<i>Floor Plan</i> , prepared by Blueprint Drafting Services	13/05/2025
24-3451-SPY Sheet 3	-	<i>Western & Southern Elevations</i> , prepared by Blueprint Drafting Services	13/05/2025
24-3451-SPY Sheet 4	-	<i>Eastern & Northern Elevations</i> , Blueprint Drafting Services	13/05/2025
LD-02	B	<i>Landscape Concept Plan</i>	13/05/2025

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

ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that *"A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage."* Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail

and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

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

INFRASTRUCTURE CHARGES NOTICE

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

DEVELOPER INCENTIVE

ADV5. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 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

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

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, or at Council Offices.

Yours faithfully



DAVID HURSTHOUSE
COORDINATOR DEVELOPMENT SERVICES

Enc: Adopted Infrastructure Charge Notice
 Approved Plans
 Appeal Rights

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: M & K Usher
ONF Surveyors
PO Box 896
KINGAROY QLD 4610

APPLICATION: Material Change of Use -- Dual Occupancy -- Impact Assessable

DATE: 24 July 2025

FILE REFERENCE: MCU25/0009

AMOUNT OF THE LEVIED CHARGE: **\$20,085.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$9,842.00	Water Supply Network
\$5,423.00	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 54 on RP494433

SITE ADDRESS: 6 Moonya St, Kingaroy

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
Residential Use – 3 or more bed	2	dwelling	\$9,842.00	CR Table 2.1	\$19,684.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$9,842.00	CR Table 2.1	\$9,842.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Use – 3 or more bed	2	dwelling	\$5,423.00	CR Table 2.1	\$10,846.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$5,423.00	CR Table 2.1	\$5,423.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Use – 3 or more bed	2	dwelling	\$2,410.00	CR Table 2.1	\$4,820.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$2,410.00	CR Table 2.1	\$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	2	dwelling	\$2,009.00	CR Table 2.1	\$4,018.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$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
Residential Use – 3 or more bed	2	dwelling	\$401.00	CR Table 2.1	\$802.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	Allotment	\$401.00	CR Table 2.1	\$401.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Residential Use – 3 or more bed	\$9,842.00	\$5,423.00	\$2,410.00	\$2,009.00	\$401.00	\$20,085.00
Total	\$9,842.00	\$5,423.00	\$2,410.00	\$2,009.00	\$401.00	\$20,085.00

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

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

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

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

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

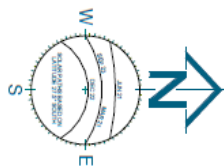
Enquiries

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

Note

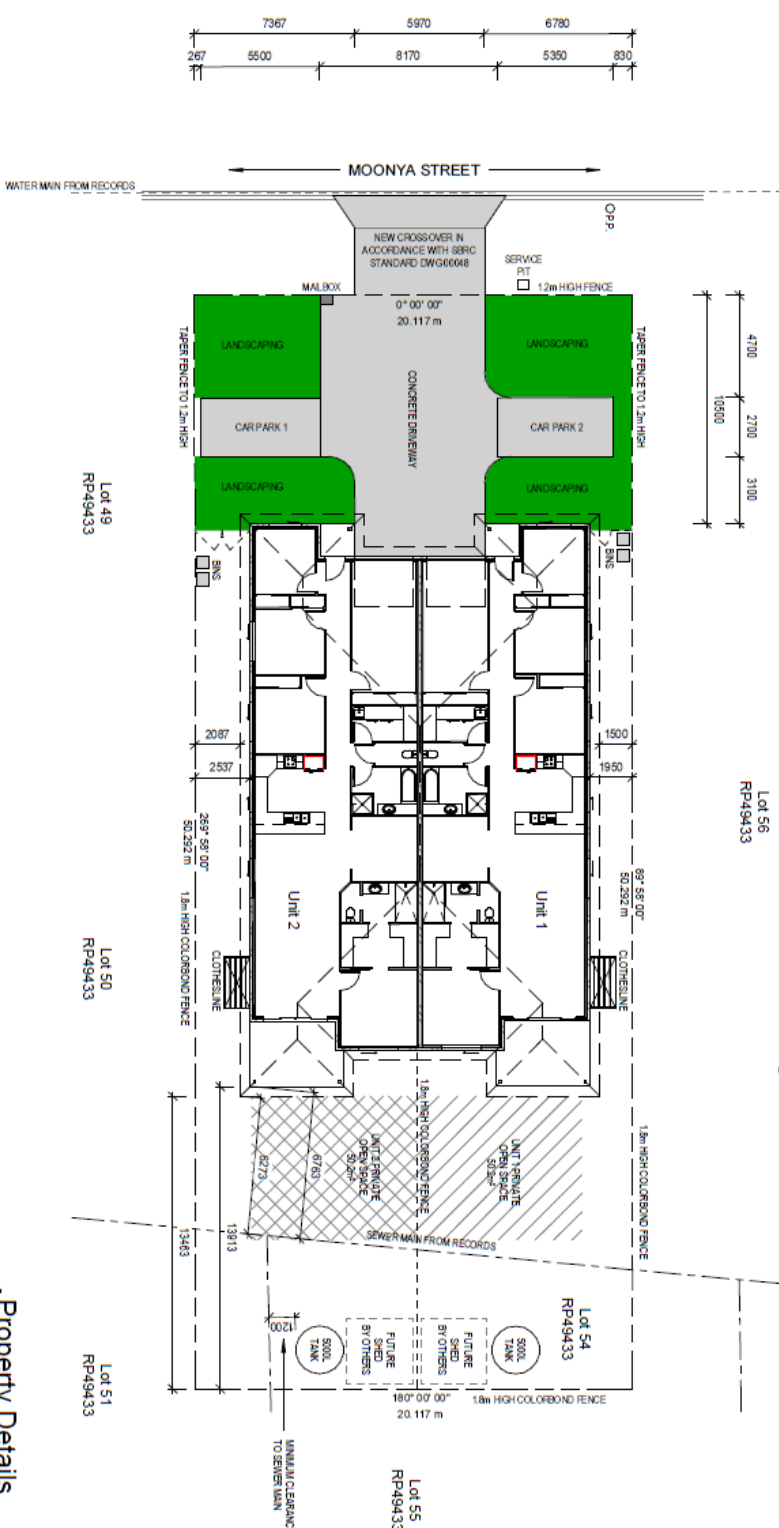
EACH UNIT ACCESS, WC & BATHROOM TO COMPLY WITH THE REQUIREMENTS OF THE LIVABLE HOUSING DESIGN STANDARD. STEP FREE ACCESS THROUGH GARAGE, STEP FREE & HOBLESS ACCESS TO SHOWER.

CONCEPTUAL ISSUE ONLY
These documents are conceptual ONLY. They must not be used for certification and/or construction purposes.



Site Plan

Scale 1 : 200



Property Details

Lot 54 on RP49433
South Burnett Regional Council
Parish of Wooroolin
County of Fitzroy
Site Area = 1012m²
Site Coverage = 383.9m² / 37.9%
Landscape Area = 105.6m² / 10.4%

Revision	Date	Description	Designer
Revision Schedule			



Blueprint Drafting Services
ABN 82 732 843 577
Licensed Building Designer
QBCC # 1069555
5 Oxen Drive
JACOBS WELLS QLD 4208
0423 102 099
design@blueprintdrafting.net.au
www.blueprintdrafting.net.au

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8/2021

Client
MARK USHER

Project
PROPOSED DUAL OCCUPANCY

Site Address
**6 MOONYA STREET
KINGAROO QLD 4610**

Sheet Name
SITE PLAN

Scale
As indicated @ A3

Date
13th MAY 2025

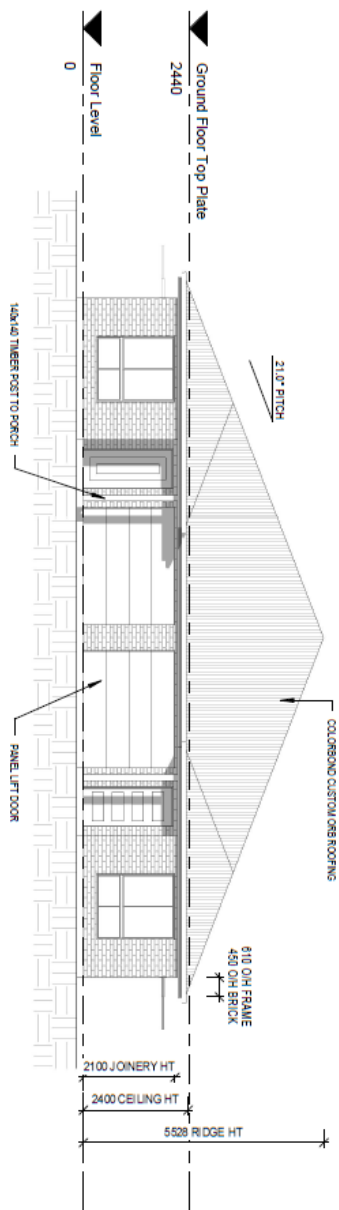
Designer
S. P. YOUNG

Approved

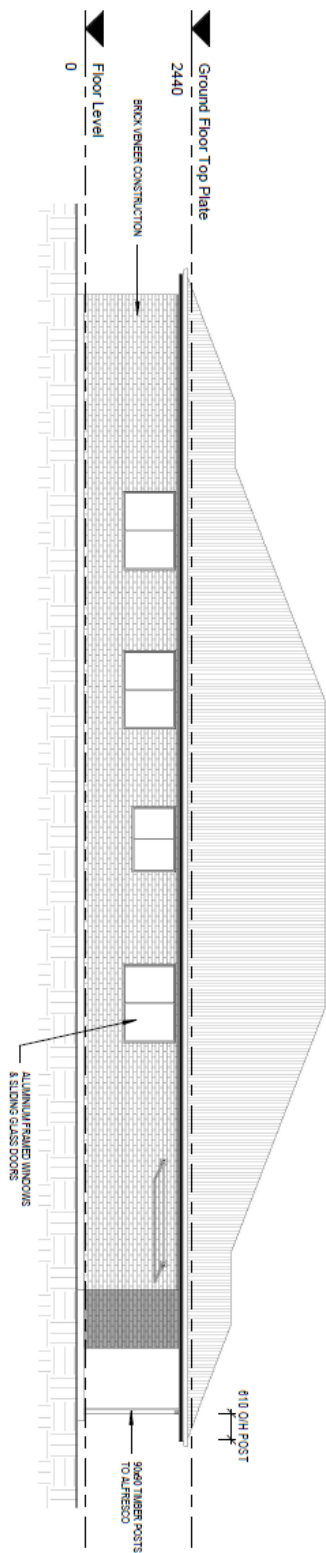
Project Number
24-3451-SPY

Sheet
1

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Western Elevation
Scale 1 : 100



Southern Elevation
Scale 1 : 100

Revision	Date	Description	Designer
Revision Schedule			



Blueprint Drafting Services
45N 82 732 843 577
L: 08 92 732 843 577
M: 08 92 732 843 577
O: 08 92 732 843 577

5 O'Connell Drive
JACOBS WELLS QLD 4208
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Author

Client

MARK USHER

Project
PROPOSED DUAL
OCCUPANCY

Site Address
6 MOONVA STREET
KINGAROO QLD 4610

Sheet Name

ELEVATIONS

Scale
1 : 100 @ A3

Date
13th MAY 2025

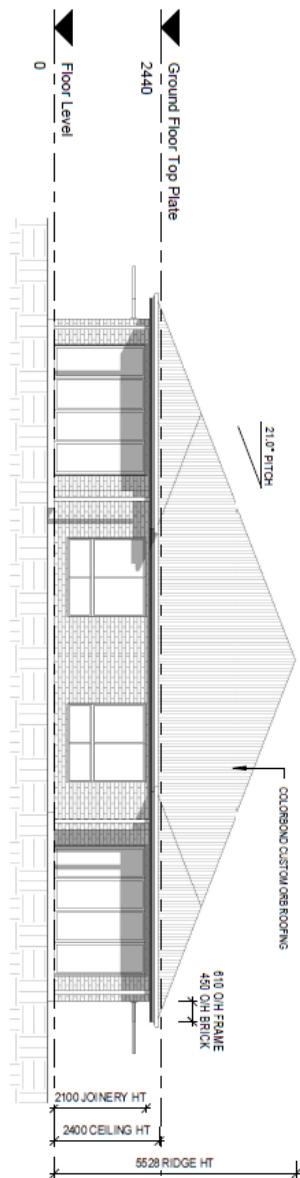
Designer
S.P. YOUNG

Approved

Project Number
24-3451-SPY

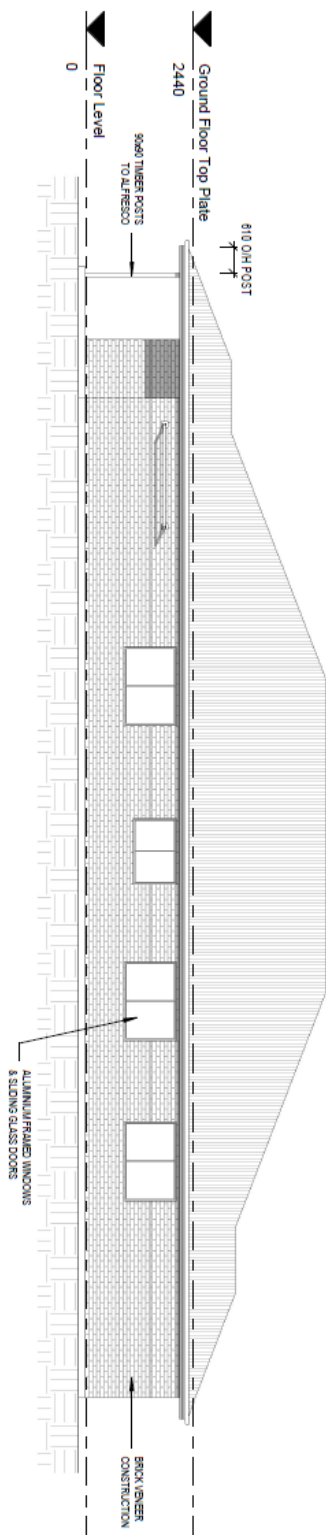
Sheet
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Eastern Elevation

Scale 1 : 100



Northern Elevation

Scale 1 : 100

Revision	Date	Description	Designer
Revision Schedule			



Blueprint Imaging Services
10000 10th Avenue S.E.
Burnsville, MN 55335
CIBC # 1066955

5. Drawing Date
JACOBS HILL QLD 4028

0423 123 099

design@blueprintimaging.net.au
www.blueprintimaging.net.au

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BLUED

Client

MARK USHER

Project

PROPOSED DUAL
OCCUPANCY

Site Address

6 MOONYA STREET
KINGCAROL QLD 4610

Client Name

ELEVATIONS 2

Scale

1 : 100 @ A3

Date

13th MAY 2025

Designer

Checked

Approved

S.P. YOUNG

Project Number

24-3451-SPY

Sheet

4

Title

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.