



Enquiries: Amanda Rykoff
Direct Phone: 07 3480 6514
Our Ref: DA/2023/5130
Your Ref: 230504.01
Date: 6 March 2024

MBDEV 8 Pty Ltd TTE
C/- Adams & Sparkes Town Planners
PO Box 1000
BUDDINA QLD 4575

Dear Applicant,

Re: DEVELOPMENT APPROVAL

Planning Act 2016

Development Application No.: DA/2023/5130

Property Location: 17 MacGinley Road UPPER CABOOLTURE

Property Description: Lot 5 SP 342336

Please be advised that on 06 March 2024 the above development application was approved by Council's Delegate as the Assessment Manager subject to conditions.

The following type of approval has been issued:

- Reconfiguring a Lot - Development Permit for Subdivision (1 into 3 lots)

The development allowed by this approval must be carried out in accordance with the attached Decision package.

In addition to this approval you may also be required to obtain a water approval from Unity Water.

Attached is an extract from the *Planning Act 2016* which details your appeal rights and the appeal rights of any submitters, if applicable, regarding this decision.

Should you have any further queries in relation to this decision, please contact Amanda Rykoff as referenced above.

Yours faithfully



Amanda Rykoff

Planner

Development Services

Enclosures: Attachment 1 - Decision Notice
Attachment 2 - Assessment Manager Conditions
Attachment 3 - Approved Plans/ Documents
Attachment 4 - Infrastructure Charges Notice
Attachment 5 - Appeal Rights

ATTACHMENT 1

Decision Notice

Decision Notice

Planning Act 2016, section 63

APPLICATION DETAILS

Application No: DA/2023/5130
Applicant: MBDEV 8 Pty Ltd TTE
Street Address: 17 MacGinley Road UPPER CABOOLTURE QLD 4510
Real Property Description: Lot 5 SP 342336
Planning Scheme: Moreton Bay Regional Council Planning Scheme

APPROVAL DETAILS

Date of Decision: 06 March 2024

The development application was approved by Council's Delegate as the Assessment Manager subject to conditions (refer Attachment 2).

APPROVAL TYPE	Development Permit	Preliminary Approval
Reconfiguring a Lot for Subdivision (1 into 3 Lots)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OTHER NECESSARY PERMITS

Listed below are other permit/s that are necessary to allow the development to be carried out:

- Operational Works – Electrical and Street Lighting

CURRENCY PERIOD OF APPROVAL

In accordance with section 85 of the *Planning Act 2016*, the currency period for each aspect of the development approval is as outlined below:

- Reconfiguring a Lot – 4 years from the date this approval starts to have effect.

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions under Chapter 4, section 145 of the *Planning Act 2016*.

Infrastructure Charges are applicable for this development approval.

ASSESSMENT MANAGER CONDITIONS

The conditions relevant to this development approval are listed in Attachment 2 of the Decision package.

APPROVED PLANS / DOCUMENTS

The approved plans and/or documents as listed below for this development approval are included in Attachment 3 of the Decision package.

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Subdivision	230428 Prop K	BENNETT + BENNETT	19/01/2024

ASSESSMENT BENCHMARKS

The Assessment Benchmarks that applied to the development from the following Categorising Instruments include;

Categorising Instrument (*Planning Regulation 2017*)

State Planning Policy

- *State Planning Policy 2017, Part E*

Regional Plan

- *South East Queensland Regional Plan 2023 (ShapingSEQ)*

Local Categorising Instrument (*Moreton Bay Regional Council Planning Scheme V6*)

- Reconfiguring a Lot Code - Rural Residential Zone

Local Categorising Instrument (*Variation Approval*)

Not applicable.

Local Categorising Instrument (*Temporary Local Planning Instrument*)

Not applicable.

REASONS FOR DECISION

Subject to development conditions being imposed (refer Attachment 2), the development can comply with the applicable Assessment Benchmarks against which the application was required to be assessed. For further details, refer to the Reasons for the Decision section of the Assessment Report which is available on Council's website (via *DA Tracker*) <https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Tracker> using the application number referenced in this Notice.

REFERRAL AGENCY CONDITIONS

There are no Referral Agencies applicable to this development approval.

APPEAL RIGHTS

Attachment 5 of the Decision package is an extract from the *Planning Act 2016* which details your appeal rights and the appeal rights of any submitters, if applicable, regarding this decision.

OTHER DETAILS

If you wish to obtain more information about Council's decision, please refer to the Assessment Report for the application on Council's (via *DA Tracker*) <https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Tracker> using the application number referenced in this Notice.

ATTACHMENT 2

Assessment Manager Conditions of Approval

CONDITION		TIMING
RECONFIGURING A LOT - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
2	Water	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ul style="list-style-type: none"> (a) a reticulated water supply network connection is available to the land; (b) all the requirements of Unitywater have been satisfied. 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
3	Telecommunications Infrastructure	
	Provide a ‘Telecommunications Infrastructure Provisioning Confirmation’ or a ‘Telecommunications Network Infrastructure Notification’ letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
4	Existing Service Connections	
	Submit certification from a suitably qualified person that: <ol style="list-style-type: none"> 1. All of the existing service connections (electricity, telecommunications, water) to an existing building or a private property pole is wholly contained in the lot it serves; and 2. Any electricity connections and infrastructure made redundant by the development is removed with the land reinstated. 	Prior to Council endorsement of any survey plan.
5	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an electricity supply network has or will be constructed within all new roads and along the frontage of each proposed lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
B	Provide an electricity supply connection to each proposed lot as follows:	

CONDITION		TIMING
	<ul style="list-style-type: none"> Lot 5 and Lot 7 - Overhead connection to a private property pole (if required) within proximity to the front boundary of the lot or underground. Lot 6 - Either provide an overhead electrical connection to a private property pole within the lot, then underground for the full length of the access handle or provide an underground connection. 	
C	<p>Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that:</p> <ol style="list-style-type: none"> any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and any electricity connections and infrastructure made redundant by the development is removed with the land reinstated. 	
6	Street Trees	
	Provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
7	Certify Lots are in Accordance with Approved Plan	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
8	Payment of Rates	
	Pay all outstanding rates and charges applicable to the subject land.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
9	Plan of Development - All Lots	
	Development must comply with the approved Plan of Development unless otherwise approved in writing by Council.	To be maintained at all times.
10	Advice to Purchasers Regarding Plan of Development - All Lots	
	Acknowledge in writing that potential purchasers will be advised of the approved Plan of Development for Lot 5, Lot 6 and Lot 7 and the requirement to comply with the approved Plan of Development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).

CONDITION		TIMING
DEVELOPMENT ENGINEERING		
11	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
12	Alterations and Relocation of Existing Services	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
13	Stormwater	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
14	Existing Driveway Crossover	
	Remove completely any redundant driveway crossovers fronting MacGinley Road. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
15	Rear Allotment Access Driveway - Lot 6	
	<p>Design and construct a shared residential rear allotment access driveway, from the back of kerb for the full length of the access handle of Lot 6, in accordance with the approved plan of the development.</p> <p>The following are the minimum requirements:</p> <ol style="list-style-type: none"> 1. Design loading of 2.5x10³ Equivalent Standard Axles (ESA) for each lot entitled to use the driveway; 2. Minimum sealed width must be 3.0m; 3. The construction must be reinforced concrete slabs or a 2-coat sealed gravel or 25mm asphalt sealed gravel pavement with a minimum gravel class of 2.1 and minimum thickness of 150mm; 4. Appropriate longitudinal drainage, cross drainage and scour/erosion protection works must be provided; 5. General maximum longitudinal grade must be 16%, unless approved otherwise; 6. Install conduits for underground electricity supply and telecommunications including draw wires within and for the entire length of the access handle; 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

CONDITION	TIMING
7. Design and construct a driveway crossover from the constructed road to the site in accordance with MBRC Standard Drawing RS-049 and RS-050.	

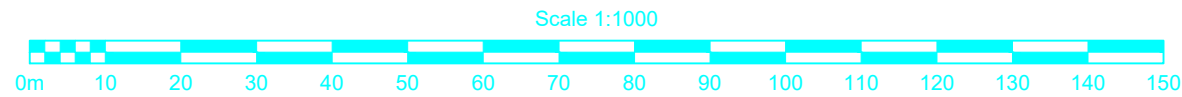
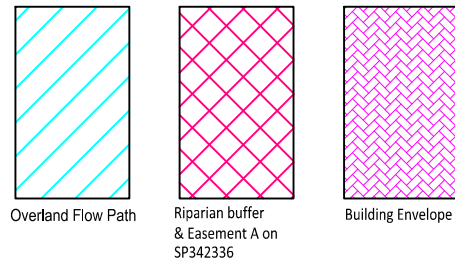
ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
3	Biosecurity Act 2014 - Fire Ant Control
	<p>Significant portions of the Moreton Bay are within Fire Ant Biosecurity Zone 2 and must remain vigilant for the presence of fire ants. Under the Biosecurity Act 2014, individuals and businesses are responsible for ensuring that they follow the movement controls for specific organic materials to help prevent the spread of fire ants within South East Queensland's fire ant biosecurity zones. Movement of a fire</p>

	<p>ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit.</p> <p>More information is available on https://www.fireants.org.au/treat/business-and-industry/movement-controls</p>
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PROPERTY NOTES	
4	Additional Development Requirements
	<p>The following property note will be attached to Council's database for Lot 5, Lot 6 and Lot 7.</p> <p><i>“Additional development requirements apply to this lot. Any development on this lot must be in accordance with the approved plan and associated conditions.</i></p> <p><i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website www.moretonbay.qld.gov.au.”</i></p>

ATTACHMENT 3

Approved Plans / Documents



LEGEND

- ⊠ ELP ELECTRICITY PILLAR
 - Ⓣ TELECOMMUNICATIONS MARKER
 - Ⓢ GAS LINE MARKER
 - Ⓦ WATER LINE MARKER
 - Ⓢ STORMWATER M/H
 - Ⓢ WATER VALVE
 - Ⓢ SEWER MANHOLE
 - Ⓢ TRAFFIC LIGHTS
 - Ⓢ TRAFFIC SIGNAL CONTROL BOX
 - COMMS PILLAR
 - Ⓢ FIRE HYDRANT
 - Ⓢ SIGN
 - Ⓢ PALM TREE
 - Ⓢ TREE
 - Ⓢ WM WATER METER
 - Ⓢ SURVEY STN
 - Ⓢ PERMANENT SURVEY MARK
 - Ⓢ PP POWER POLE
 - Ⓢ LP STREET LIGHT
 - Ⓢ E ELECTRICITY MARKER
-
- SW — STORM WATER
 - S — SEWER MAIN
 - G — GAS MAIN
 - W — WATER MAIN
 - T — COMMUNICATION
 - E — ELECTRICITY

- NOTES:
1. Drawn to scale on an A3 sheet.
 2. Areas & dimensions are subject to Survey, Engineering design & Council Approval
 3. All dimensions are vide title and subject to confirmation by survey.

K	Layout revised	CEJ	19/01/2024
H	Lot 5 Subdivision	CEJ	31/07/2023
G	2m wide road dedication & Easement	CEJ	18/07/2023
E	Shed locations/Revised lots	CEJ	17/05/2023
D	Revised Lots	CEJ	8/05/2023
C	Revised Lots	CEJ	24/03/2023
B	Revised Lot numbers	CEJ	15/03/2023
A	Original Issue	CEJ	9/03/2023

Issue	Revision	Int	Date
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Title:
Proposed Subdivision
 Over Lot 5 on SP342336
 Macginley Road, Caboolture

Client:	Grizzly Projects
Locality:	Upper Caboolture
Local Gov:	MBRC
Prepared By:	CEJ
Surveyed By:	NA
Approved:	CEJ
Date Created:	19/1/24
Scale:	1:1000
Comp File:	230428
Plan No:	230428 Prop K



ATTACHMENT 4

Infrastructure Charges Notice

The Infrastructure Charges Notice applicable to the development is as follows:

Infrastructure Charges Notice (s119 Planning Act 2016)

Moreton Bay Regional Council
PO Box 159, CABOOLTURE QLD 4510
ABN 92 967 232 136



Applicant: MBDEV 8 Pty Ltd TTE
Applicant Address: 6 Elke Close BUDERIM QLD 4556
Date of Notice: 15 February 2024
(s121(3)(a) Planning Act 2016)
Notice Reference Number: DA/2023/5130

APPROVAL DETAILS:

Approval No.: DA/2023/5130
Type of Approval: Development Permit for Reconfiguring a Lot
Approval Description: Reconfiguring a Lot - Development Permit for Subdivision (1 into 3 lots)

PREMISES TO WHICH THE CHARGES APPLY: (s121(1)(c) Planning Act 2016)

Property Address: 17 MacGinley Road UPPER CABOOLTURE QLD 4510
Real Property Description: Lot 5 SP 342336

LEVIED CHARGE:

Version of Charges Resolution: Ver 10 - 5 October 2022

Current Amount of the Levied Charge **\$40,358.40**
(s121(1)(a) Planning Act 2016)

Notes:

- 1) See "CHARGE DETAILS" below for details of how the charge has been worked out.
- 2) This infrastructure charge does not include the levied charges payable for water supply and sewerage networks to be levied by the Northern SEQ Distributor-Retailer Authority (trading as Unitywater).

DATE CHARGES ARE PAYABLE: (s121(1)(d) Planning Act 2016)

The levied charges are payable in accordance with the timing stated in section 122 of the *Planning Act 2016*, namely:

For reconfiguring a lot - when the Council approves the plan of reconfiguration.

Before paying the total levied charges you must request an Infrastructure Charges Fee Statement showing the total levied charge payable at the time of payment. Refer to the 'Important Information' section below for details.

CHARGE DETAILS: (s121(1)(b) Planning Act 2016)						
PROPOSED DEVELOPMENT						
Description	Base Charge Rate	Quantity	Base Charge	Council Proportion	Indexation	Total
Proposed Lots 5,6 & 7	Per Lot	3.00	\$20,179.20	60%	Nil.	\$60,537.60
CREDITS						
Description	Base Charge Rate	Quantity	Base Charge	Council Proportion	Indexation	Total Credit
Residential Use 3 or more Bedroom Dwelling - Existing	Dwelling	1.00	\$20,179.20	60%	Nil.	-\$20,179.20
OFFSET						
Refer below for details						\$0
LEVIED CHARGE						Total
						\$40,358.40

OFFSET / REFUND DETAILS: (s121(1)(f) Planning Act 2016)

In accordance with s121(1)(f) of the *Planning Act 2016*, this table identifies whether an offset or refund applies and, if so, information about the offset or refund, including when any refund will be given

Does an offset or refund apply? No

Timing of Refund: N/A

Infrastructure Charges Notice (s119 Planning Act 2016)

Moreton Bay Regional Council
PO Box 159, CABOOLTURE QLD 4510
ABN 92 967 232 136



INFRASTRUCTURE AGREEMENT ESTABLISHMENT COST DETAILS:

IA Number (Council Ref):
Description:
Agreement Commencement Date:

Infrastructure ID Number	Infrastructure Item Description	Delivery Status	Original Agreed Value of Item ¹	Previous Value of Item Used ²	New Value of Item Used ³	Value of Item left Available ⁴
			\$			

DA Offset Number	DA Number and Condition Number	Infrastructure Item	Establishment Cost

NOTES:

1. Represents the amount of the original value of the infrastructure item agreed in the infrastructure agreement.
2. Represents the amount (if any) of the original agreed value applied as an offset, or refunded, previously (eg an earlier stage of the development).
3. Represents the amount of the original agreed value applied as an offset, or to be refunded, under this Infrastructure Charges Notice.
4. Represents the amount of the original agreed value that remains available after the issuing of this Infrastructure Charges Notice.

IMPORTANT INFORMATION:

PAYMENT

This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to MORETON BAY REGIONAL COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

LEVIED CHARGE IS SUBJECT TO AUTOMATIC INCREASES (s121(1)(e) Planning Act 2016)

In accordance with section 121(1)(e) of the *Planning Act 2016*, the Levied Charge in this notice will be automatically increased from the date of this notice until the date of payment, following the methodology in Council's charges resolution. Under that methodology, an automatic increase will be the lesser of:

- (a) the difference between the levied charge and the maximum adopted charge that Council could have levied for the development when the charge is paid; or
- (b) the increase worked out using the PPI, adjusted according to the 3-yearly PPI average, for the period starting on the day the charge was levied, and ending on the day the charge is paid.

Where indexation is applicable, an [online spreadsheet calculator](#) is available to assist with making the calculation.

Council takes no responsibility for the accuracy of the calculator.

REQUEST FOR AN UPDATED CALCULATION AND INFRASTRUCTURE CHARGES FEE STATEMENT

For confirmation of the current charges applicable for this development and to obtain an Infrastructure Charges Fee Statement, you may submit a [request](#) to Council. To avoid having to make repeat requests, it is recommended that your request is not made until you are ready to make payment of the infrastructure charges.

GOODS AND SERVICES TAX

GST is not applicable to the Infrastructure Charges contained in this Notice.

APPEAL RIGHTS (s121(3)(b) Planning Act 2016)

You have a right to appeal against the decision to give this notice. Attached is an extract from schedule 1 of the *Planning Act 2016* detailing your appeal rights

REPRESENTATIONS ABOUT THIS NOTICE

During your appeal period (see s229(3)(d) *Planning Act 2016*), you may make representations about this notice under section 125 of the *Planning Act 2016*. Section 126 of the *Planning Act 2016* allows you to suspend your appeal period if you need more time to make such representations

INFRASTRUCTURE CHARGE ENQUIRIES

Enquiries regarding this infrastructure charge notice should be directed to MORETON BAY REGIONAL COUNCIL, Development Services, during office hours, Monday to Friday on phone (07) 3205 0555.

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ol style="list-style-type: none">(a) the refusal of all or part of the development application; or(b) the deemed refusal of the development application; or(c) a provision of the development approval; or(d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager’s decision on the extension application; or (b) a deemed refusal of the extension application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— (a) the notice involved an error relating to— (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development (ii) the working out of extra demand, for section 120; or (iii) an offset or refund; or (b) there was no decision about an offset or refund; or (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The local government that gave the enforcement notice	—	—

Table 2 Appeals to the P&E Court only			
<p>1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
5. Registered premises			
An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws			
An appeal may be made against a decision of a local government, or conditions applied, under a local law about—			
(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or			
(b) the erection of a building or other structure.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals			
An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 3 Appeals to a tribunal only			
<p>2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Failure to decide an application or other matter under the Building Act An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p>			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The entity that failed to make the decision	—	—
<p>5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—

ATTACHMENT 5

Appeal Rights

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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.

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- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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.

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- (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 the 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, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.