

Our Reference: RAL/2026/1299  
CS Portal Reference: DA-52389  
Officer: Kasey McKillop  
Contact: (07) 4692 0159  
Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

**Development Application Decision Notice**  
**APPROVAL**  
*Planning Act 2016 Section 63*

Jamie Barkla  
C/- Smk Qld  
PO Box 422  
GOONDIWINDI QLD 4390

Email: [tom@smkqld.com.au](mailto:tom@smkqld.com.au)

25 June 2026

Dear Sir

**Location:** 2389 Toowoomba-Karara Road, FELTON QLD 4358  
**Property Description:** Lot 4064 A341849, Lot 2884 A341849, Lot 1 RP23232 and Lot 2 RP59169  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Reconfiguring a Lot - Boundary Realignment 4 into 4 Lots and Access Easement, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 25 June 2026. The following provides all the relevant details:

#### Details of Approval

Development Permit – Reconfiguring a Lot - Boundary Realignment 4 into 4 Lots and Access Easement

#### Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

#### Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

#### Currency Period

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

#### Further Development Permits Required

- Operational Work (if required)
- **Special Note:** A development permit may be required for Operational Work for clearing of vegetation designated as "endangered" on freehold land. Such application will need to be made to the Department of Resources. Please seek clarification from the Department **before** undertaking any detailed design work.

#### Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Survey Plan

#### Submissions

Not applicable – no part of the application required notification.

#### Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Matthew Coleman  
Principal Planner, Planning Branch



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

<b>APPLICATION NUMBER:</b>	RAL/2026/1299
<b>APPLICANT:</b>	Jamie Barkla C/ SMK QLD PTY LTD
<b>LOCATION:</b>	2389 Toowoomba-Karara Road, FELTON QLD 4358
<b>PROPERTY DESCRIPTION:</b>	Lot 4064 A341849, Lot 2884 A341849, Lot 1 RP23232 and Lot 2 RP59169
<b>APPROVED USE:</b>	Boundary Realignment 4 into 4 Lots and Access Easement
<b>ZONING / PRECINCT:</b>	Rural Zone / R1 – 100ha Precinct

#### A. ASSESSMENT MANAGER'S CONDITIONS:

Assessment Manager's Conditions		
No.	Condition	The time by which the condition must be met, implemented or complied with

#### GENERAL

APPROVED DEVELOPMENT		
1.	This Development Approval is for Reconfiguring a Lot, being a Boundary Realignment of four (4) into four (4) lots and 1 x Access Easement.	At all times.
APPROVED PLANS		
2.	The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval:  <b>Plan No:</b> 260II-I <b>Description:</b> Proposal Plan for ROL Boundary Realignment Application 4 Lots into 4 Lots on 2389-2423 Toowoomba Karara Rd, prepared by SMK QLD and dated 9/04/2026. <b>Amendments:</b> Nil	At all times.
LOT NUMBERING		
3.	The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).	At all times following the registration of the survey plan.
EASEMENT IDENTIFICATION		
4.	The identification of approved easements must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).	At all times following the registration of the easement documentation.

<b>COUNCIL APPROVAL OF PLANS, DOCUMENTS &amp; WORKS</b>		
5.	Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the <i>Planning Regulation 2017</i> . For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.	As part of a plan sealing application.

## **DEDICATIONS, AGREEMENT AND CONTRIBUTIONS**

<b>FEES AND CHARGES</b>		
6.	All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.	Prior to or at the same time as lodgement of a plan sealing application.
<b>EASEMENTS</b>		
7.	An easement for access purposes must be registered in favour of approved Lot 3 against the title of approved Lot 4. The easement must be a minimum 20 metres wide and must be the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.	Prior to or at the same time as the registration of the survey plan.
8.	Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.	Prior to or at the same time as lodgement of a plan sealing application.
9.	Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.	Prior to the registration of the easement.
10.	Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.	Prior to the registration of the easement.

## **WORKS**

<b>STORMWATER DRAINAGE</b>		
11.	All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development.	Prior to the lodgement of a plan sealing application and maintained at all times thereafter.
<b>AIR QUALITY IMPACT MITIGATION</b>		
12.	Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the <i>Air Quality Objectives</i> listed in the <i>Environmental Protection (Air) Policy 2019</i> as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational works.	At all times during all site works.
13.	All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place:  13.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of <i>Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method</i> .	At all times during all site works.
<b>CONSTRUCTION WASTE MANAGEMENT &amp; STORAGE</b>		
14.	Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the <i>Waste Reduction and Recycling Act 2011</i> .	At all times during all site works.

15.	The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the <i>Environmental Protection Regulation 2019</i> .	At all times during all site works.
16.	Fires are not to be lit to dispose of demolition or construction waste.	At all times during all site works.
17.	No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:  17.1 Elsewhere within this Development Approval;  17.2 In accordance with an associated Development Permit for Operational Work;  17.3 In association with and in accordance with an Environmental Authority issued under the <i>Environmental Protection Act 1994</i> ;  17.4 In accordance with either a general or specific approval of a resource for recycling (in accordance with the End of Waste Codes) issued under the <i>Waste Reduction and Recycling Act 2011</i> ; or  17.5 In accordance with a written approval issued by Council under the <i>Environmental Protection Regulation 2019</i> relating to the depositing or disposal of general waste from a premises not serviced by Council.	At all times during all site works.
18.	Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.	At all times.
<b>CONSTRUCTION NOISE IMPACT MITIGATION</b>		
19.	Building work (as per the definition of the <i>Environmental Protection Act 1994</i> ) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.	At all times during all site works.
<b>EROSION &amp; SEDIMENT CONTROL</b>		
20.	Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.	At all times during all site works.
21.	Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.	At all times during all site works.
22.	Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.	At all times during all site works.
<b>DAMAGE TO SERVICES &amp; ASSETS</b>		
23.	Protect Council and public utility services and assets. Where any damage is caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:  23.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or  23.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier; and	At all times during site works.

	23.3 Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.	
24.	Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Planning Scheme Policy PSP No.2 at no cost to Council.  <i>Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.</i>	At all times.

## TRANSPORT & ACCESS

<b>ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY</b>		
25.	All works carried out on or near roadways must be adequately signed in accordance with the <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i> .  <i>Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.</i>	At all times.
26.	Safe pedestrian access along Council's footpaths must be maintained.  <i>Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.</i>	At all times.
<b>ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)</b>		
27.	A driveway crossover (crossing of the verge) and an all-weather driveway from the Nunkulla Road edge to the property boundary must be constructed for Lot 3 for the full extent of the access easement in accordance with the following requirements:  27.1 The <i>Department of Transport and Main Roads standard drawing 1807 (drawing 1 and 2)</i> , and in accordance with <i>Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)</i> ;  27.2 The driveway crossover (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%;  27.3 The driveway crossover (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;  27.4 An all-weather driveway must be constructed for the full extent of the access easement and must be a minimum width of 3 metres; and  27.5 The driveway must be constructed so as not to concentrate stormwater runoff onto neighboring properties.	Prior to the lodgement of a plan sealing application.

## ECOLOGY

<b>REMOVAL OF EXISTING TREES AND VEGETATION</b>		
28.	<p>Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must include:</p> <p>28.1 Stump grinding to below finished surface level;</p> <p>28.2 Rectification to the finished surface levels and materials;</p> <p>28.3 No damage to other vegetation to be retained; and</p> <p>28.4 No burning of removed vegetation and debris; and</p> <p>28.5 Conclude with the area being stabilised against erosion rehabilitated and vegetated.</p> <p><i>Note: Any processing of trees or vegetation must be carried out in a safe manner and without exceeding the noise and air emission levels listed or prescribed in this Development Approval.</i></p>	At all times during site works.
<b>FAUNA MANAGEMENT DURING REMOVAL OF EXISTING TREES AND VEGETATION</b>		
29.	<p>A legislative compliant Fauna Spotter Catcher must be engaged to manage fauna prior and during clearing to</p> <p>29.1 Ensure works are carried out in accordance with the <i>Nature Conservation Act 1992</i>.</p> <p>29.2 Undertake pre-clearing inspections including fauna relocation and removal or blocking of all vacant hollows;</p> <p>29.3 Ensure clearing works avoids nesting times of animals and birds;</p> <p>29.4 Co-ordinate staging and sequence of clearing with fauna protection;</p> <p>29.5 Protect and recover fauna during clearing operations (not previously removed); and</p> <p>29.6 Manage the translocation of animals and recovery procedures in accordance with relevant legislation.</p>	At all times during site works.
<b>BUSHFIRE MANAGEMENT - FUTURE DWELLING REQUIREMENTS</b>		
30.	All future dwellings on bushfire prone approved Lot 3 must be provided with a water storage reservoir having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of the dwelling.	At all times.
31.	<p>Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:</p> <p>31.1 the domestic take off from the tank is at or above the 10,000 litre point; and</p> <p>31.2 standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.</p>	At all times.
32.	The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric	At all times.

	pump with auxiliary power supply or a petrol driven firefighting pump) and hose of sufficient length to easily reach around to all sides of the dwelling.	
33.	A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.	At all times.

## B. ADVICES:

No.	General Advice
<b>INFRASTRUCTURE CHARGES</b>	
1.	Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the <i>Planning Act 2016</i> .
<b>OTHER LAWS &amp; REQUIREMENTS</b>	
2.	This Development Approval relates to development requiring approval under the <i>Planning Act 2016</i> only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
3.	Carrying out works on a road or interfering with the road or its operation will require a permit under <i>Subordinate Local Law No. 1.15 (2020)</i> . The application form can be found on Council's website at <a href="http://www.tr.qld.gov.au">www.tr.qld.gov.au</a> . For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
4.	The development has only been assessed in accordance with the provisions of the <i>Toowoomba Regional Planning Scheme 2012</i> . No assessment has been made in respect of the provisions of the <i>Building Code of Australia</i> and/or the <i>Queensland Development Code</i> .
<b>WHEN APPROVAL STARTS TO HAVE EFFECT</b>	
5.	This Development Approval starts to have effect in accordance with the provisions of Section 71 of the <i>Planning Act 2016</i> .
<b>S73 PLANNING ACT 2016</b>	
6.	Pursuant to <i>Section 73 of the Planning Act 2016</i> , a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.
<b>WHEN APPROVAL LAPSES</b>	
7.	This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the <i>Planning Act 2016</i> , unless otherwise stated elsewhere within this Development Approval.
<b>ENVIRONMENTAL HARM</b>	
8.	<p>The <i>Environmental Protection Act 1994</i> (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.</p> <p>Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.</p> <p>Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.</p>
<b>ENVIRONMENT PROTECTION &amp; BIODIVERSITY CONSERVATION ACT 1999</b>	
9.	An additional approval from the Commonwealth Government under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) may be required in relation to the approved development. The EPBC Act relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land.

	<p>These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.</p> <p>The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.</p> <p>Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.</p>
<b>DISPLACEMENT OF FAUNA SPECIES</b>	
10.	<p>The subject land may support native fauna species and other animals. Development activities must ensure negligent or wilful harm to fauna does not occur. A site walk through prior to ground disturbance and tree clearing is advised to check for resident fauna species. Liaison with officers from the Queensland Parks and Forest Service should be undertaken if native species are found on site. Consideration should also be given to the animal welfare provisions of the <i>Animal Care and Protection Act 2001</i>.</p>
<b>WATER POLLUTION</b>	
11.	<p>In accordance with the <i>Environmental Protection Act 1994</i>, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.</p>
<b>WORKS WITHIN A WATERCOURSE</b>	
12.	<p>The development may involve works within a watercourse which will require referral to the Department of Resources under the <i>Water Act 2000</i> and <i>Planning Act 2016</i> at the time of making an application for Operational Work.</p>
<b>ABORIGINAL CULTURAL HERITAGE ACT 2003</b>	
13.	<p>There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the <i>Aboriginal Cultural Heritage Act 2003</i> ("ACH Act").</p> <p>The ACH Act establishes a cultural heritage duty of care which provides that: "<i>A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.</i>" It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.</p> <p>You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.</p>
<b>FIRE ANTS</b>	
14.	<p>14.1 Please be aware that the Red Imported Fire Ant (<i>Solenopsis Invicta</i>) (RIFA) is listed under Schedule 1A of the <i>Biosecurity Regulation 2016</i> as Category 1 Restricted Matter and may affect stages of your proposed development.</p> <p>14.2 Areas within, or within the proximity of this LGA have been identified as having an infestation of the RIFA. Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Biosecurity Zone prior to commencing earthworks. It should be noted that works involving the movement of soil or other fire ant carrier material may be subject to a Biosecurity Instrument Permit, and failure to obtain any necessary approvals from Biosecurity Queensland is an offence. It is part of the General Biosecurity Obligation (GBO) to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 22 68.</p> <p>14.3 Penalties may apply for committing any offense relating to illegal movement of materials or failure to meet the GBO.</p> <p>14.4 The Fire Ant Restricted Area, Biosecurity zones, and other general information can be viewed on the National Fire Ant Eradication Program (NFAEP) website <a href="https://www.fireants.org.au/">https://www.fireants.org.au/</a>.</p>

	<p>14.5 If you think your development or associated works may have a significant impact on a matter of biosecurity related significance, or if you are unsure, please contact the Biosecurity Queensland on 13 22 68 or via <a href="https://www.dpi.qld.gov.au/contact/report-a-biosecurity-pest-or-disease">https://www.dpi.qld.gov.au/contact/report-a-biosecurity-pest-or-disease</a>.</p> <p>14.6 Training relating to the identification and treatment of RIFA, as well as handling of carrier materials for business and individuals is recommended for all staff that may deal with recognised RIFA carriers. Training can be found via <a href="https://www.fireants.org.au/tools/training">https://www.fireants.org.au/tools/training</a>.</p>
--	--

**C. ATTACHMENTS:**

- Approved Development Plans
- Appeal provisions pursuant to the *Planning Act 2016*.

**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.
- (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.
- (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.