

Our Reference: MCUI/2025/8560  
Officer: Jun Ong  
Contact: 07 4688 9555  
Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

**Development Application Decision Notice  
APPROVAL**

*Planning Act 2016 Section 63*

VALKNUT MEADERY PTY LTD  
47 Orchard Road  
CROWS NEST QLD 4355

Email: [info@valknutmeadery.com.au](mailto:info@valknutmeadery.com.au)

11 May 2026

Dear Sir

**Location:** 47 Orchard Road, CROWS NEST QLD 4355  
**Property Description:** Lot 1 RP206031  
**Relevant Planning Scheme:** Toowoomba Regional Planning Scheme 2012

The Development Application for Material Change of Use - Impact – Winery (Meadery), 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 8 May 2026. The following provides all the relevant details:

**Details of Approval**

Development Permit – Material Change of Use - Impact – Winery (Meadery)

**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)(a)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if the first material change of use under this Development Approval has not happened within six (6) years of this Development Approval starting to have effect.

**Further Development Permits Required**

- Building Work
- Plumbing and Drainage Work

### Submissions

There were no properly made submissions received for this application.

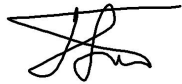
### Rights of Appeal

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



Jayden Forbes-Mitchell  
Lead Senior Planner, Planning Branch

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

|                              |                                                                       |
|------------------------------|-----------------------------------------------------------------------|
| <b>APPLICATION NUMBER:</b>   | MCUI/2025/8560                                                        |
| <b>APPLICANT:</b>            | VALKNUT MEADERY PTY LTD                                               |
| <b>LOCATION:</b>             | 47 Orchard Road, CROWS NEST QLD 4355                                  |
| <b>PROPERTY DESCRIPTION:</b> | Lot 1 RP206031                                                        |
| <b>APPROVED USE:</b>         | Winery (Meadery)                                                      |
| <b>ZONING / PRECINCT:</b>    | Rural Residential Zone / Precinct 1 (4000m <sup>2</sup> min) Precinct |

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

##### APPROVED USE

1. This Development Approval is for a Material Change of Use for a Winery (Meadery) with a maximum gross floor area of 55m<sup>2</sup> for Mead production activities and 54m<sup>2</sup> for Cellar Door sales and tastings. The use is subject to the following limitations:
  - 1.1 Maximum capacity of 20 patrons within the site at any one time;
  - 1.2 Maximum annual production capacity of 8,000 litres; and
  - 1.3 Cellar Door sales of takeaway and on-site tastings are limited only to the mead produced on the premises.

##### CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

## APPROVED PLANS

6. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval below:

**Plan No:** Unnumbered

**Description:** Site Plan – Valknut Meadery, prepared by the Valknut Meadery Pty Ltd, undated and received by Council on 27 January 2026

**Amendments:** Nil

**Plan No:** Unnumbered

**Description:** Valknut Meadery Floor Plan, prepared by Valknut Meadery Pty Ltd, undated and received by Council on 27 January 2026

**Amendments:** Nil

**Plan No:** Unnumbered

**Description:** Valknut Meadery Floor Plan (Tasting Room), prepared by Valknut Meadery Pty Ltd, undated and received by Council on 27 January 2026

**Amendments:** Nil

**Plan No:** JB.149583, Page 4 of 6

**Description:** Shed Floor Plan, prepared by Totalspan Titanium and dated 8 May 2025

**Amendments:** Nil

**Plan No:** JB.149583, Page 5 of 6

**Description:** Elevations (South and East), prepared by Totalspan Titanium and dated 8 May 2025

**Amendments:** Nil

**Plan No:** JB.149583, Page 6 of 6

**Description:** Elevations (North and West), prepared by Totalspan Titanium and dated 8 May 2025

**Amendments:** Nil

## AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

7. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

## DEVELOPMENT CONSTRAINTS

### BUSHFIRE MANAGEMENT - SUPPLY OF WATER

8. The development 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 any domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of a building.
9. 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:
- 9.1 The domestic take off from the tank is at or above the 10,000 litre point; and
- 9.2 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.

10. The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric 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.
11. A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

## **WORKS**

### **STORMWATER DRAINAGE**

12. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.

### **STORMWATER DISCHARGE**

13. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.
14. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
15. Stormwater must be dispersed as sheet flow.
16. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

### **AIR QUALITY IMPACT MITIGATION**

17. 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 *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
18. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
  - 18.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

### **CONSTRUCTION NOISE IMPACT MITIGATION**

19. Building work (as per the definition of the *Environmental Protection Act 1994*) 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.

### **EROSION & SEDIMENT CONTROL**

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.

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.
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.
23. All disturbed areas must be mulched or turfed as soon as possible during construction.

## **SERVICES & UTILITIES**

### **ON-SITE WASTEWATER TREATMENT & DISPOSAL**

24. The development must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. The area nominated on the Approved Plans for the wastewater treatment and effluent disposal, including irrigation areas, are maintained for this purpose for the life of the approval.
25. The wastewater treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
26. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

### **WATER SUPPLY**

27. The development must be connected to Council's reticulated water supply in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

## **AMENITY & OPERATION OF USE**

### **VISUAL AMENITY**

28. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
29. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
30. All fixed mechanical plants must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
31. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

### **FENCING & WALLS (GENERAL)**

32. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.

## **SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES**

33. The allocation of car parking spaces between employees, residents and visitors as applicable, must be distinctly identified and adequately sign-posted to clearly direct vehicular traffic to these respective areas.

## **TRANSPORT, VEHICULAR ACCESS & PARKING**

### **PROVISION OF VEHICULAR ACCESS**

34. The vehicle access from the subject land to Orchard Road must be sealed from the road edge to the property boundary. The access must be designed, as specifically required below:
- 34.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
  - 34.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
  - 34.3 The vehicle access (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage; and
  - 34.4 The relevant service authorities must be contacted and their requirements complied with.

### **ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING**

35. The premises must be provided with a minimum eight (8) on-site car parking spaces inclusive of one (1) PWD car parking space. Car parking and manoeuvring areas must be:
- 35.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
  - 35.2 Provided with a gravel surface and otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
  - 35.3 Designed and constructed in accordance with the requirements of AS2890;
  - 35.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009;
  - 35.5 Accessible and available to the general public and staff during approved hours of operation;
  - 35.6 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
  - 35.7 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

## ENVIRONMENT & WASTE

### ACOUSTIC AMENITY - GENERAL

36. Unless otherwise approved in writing by Council, the approved use must not operate outside the following hours:
- 36.1 Mead production activities: 7:00AM to 6:00PM, Monday to Sunday; and
- 36.2 Cellar Door sales and tastings: 11:00AM to 6:00PM, Friday to Sunday.
37. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 7:00AM to 6:00PM, Monday to Sunday.

*Note: Service vehicles do not include waste collection vehicles or activities.*

### ACOUSTIC AMENITY - NOISE LIMITS

38. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor.
39. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures*.

### ACOUSTIC AMENITY - COMPLAINTS MANAGEMENT

40. A noise complaints management procedure for the subject land must be prepared and include the following:
- 40.1 A process for communicating to employees and visitors their responsibility to minimise their noise impacts on nearby receptors;
- 40.2 A contact details and name of person with whom complaints can be lodged;
- 40.3 A clearly defined procedure for responding to and investigating complaints; and
- 40.4 A notification protocol to all complainants of the outcome of complaint investigations.
41. A record of all noise complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

### ACOUSTIC AMENITY - MECHANICAL PLANT

42. All "refrigeration equipment", "pumps", "regulated devices", and "air conditioning equipment" as defined by the *Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

#### **AIR QUALITY & AMENITY - AIR RELEASE LIMITS**

43. 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 Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.
44. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

45. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
46. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
47. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

#### **STORMWATER QUALITY**

48. Contaminants or contaminated water that may have any potential adverse impacts on the water quality of the water resource catchment must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time.

#### **WASTE MANAGEMENT (GENERAL)**

49. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

#### **WASTE MANAGEMENT (BIN PROVISION & STORAGE)**

50. Refuse storage facilities must be provided generally in accordance with the following:
  - 50.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
  - 50.2 Provision of a constructed communal bin store with an impervious hardstand base for the permanent storage location of all wheelie bins, each having minimum dimensions of 1m<sup>2</sup> per bin, located no closer than 2m to any fresh air intake of a habitable room;
  - 50.3 Refuse storage facilities must be screened from public vantage points; and

- 50.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

#### **WASTE MANAGEMENT (REMOVAL)**

51. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 51.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
  - 51.2 General waste must be collected and removed at periods not exceeding seven days;
  - 51.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
  - 51.4 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

#### **ECOLOGICAL PRESERVATION & MANAGEMENT**

52. Unless otherwise approved in writing by Council in writing, no vegetation is to be removed or disturbed as a part of the approved use.
53. All building envelopes, ancillary structures, and effluent disposal areas are to be located within areas clear of vegetation.

#### **B. ADVICES:**

##### **GENERAL ADVICES**

##### **INFRASTRUCTURE CHARGES**

- 1) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

##### **OTHER LAWS & REQUIREMENTS**

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* 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 *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au). 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 *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

##### **WHEN APPROVAL STARTS TO HAVE EFFECT**

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

## **WHEN APPROVAL LAPSES**

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

## **CLEARING OF NATIVE VEGETATION**

- 7) The subject land supports regulated vegetation under the *Vegetation Management Act 1999* (VMA). The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VMA. For further information regarding exempt clearing activities please contact your local office of the Department of Resources.

## **CLEARING OF PROTECTED PLANTS**

- 8) In accordance with *Nature Conservation (Animals) Regulation 2020* you must check the flora survey trigger map, prior to the clearing of any native plants found on the subject land to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Science. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

## **EXCAVATION & FILLING**

- 9) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m<sup>3</sup> of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

## **ENVIRONMENTAL HARM**

- 10) The *Environmental Protection Act 1994* (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.

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.

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.

## **WATER POLLUTION**

- 11) In accordance with the *Environmental Protection Act 1994*, 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.

## **FIRE ANTS**

- 12) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

## **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.