

25 June 2025

Our Ref: PA7830
Your Ref: P11122-Aurora Estate Charleville
Enquire to: Justin Kronk
Telephone: (07) 4656 8355

Murweh Shire Council
c/- Harrison Infrastructure Group
PO Box 18132
Clifford Gardens, Toowoomba
QLD 4350

E-mail: murray.neumann@hig.com.au

Dear Sir/Madam

Decision Notice – Approval

Given under section 63 of the Planning Act 2016

The development application was as approved by Murweh Shire Council in full, subject to conditions.

Details of the decision are as follows:

DATE OF DECISION

Council approved the Development Application at the Council meeting on 18 June 2025.

APPLICATION DETAILS

Application No:	PA7830
Approval Sought:	Development Permit for Reconfiguring a Lot
Description of the Development	1 lot into 65 residential lots, 2 park lots and 1 pump station lot
Planning Scheme:	<i>Murweh Shire Council Planning Scheme 2017 (Version 2)</i>

LOCATION DETAILS

Street Address:	High Street and Racecourse Road, Charleville
Real Property Description:	Lot 500 SP343472



DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (1 lot into 65 residential lots, 2 park lots and 1 pump station lot)

CURRENCY PERIOD

The use of the subject land must be commenced within a period of four (4) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

Not applicable – no part of the application required public notification.

REFERRAL AGENCIES

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA) Darling Downs South West Regional Office PO Box 825 Toowoomba QLD 4350 Ph: 07 3452 6897 Email: ToowoombaSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1

Referral Agency response provided in Attachment 2.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works

OTHER REQUIRMENTS UNDER SECTION 43 OF THE PLANNING REGULATION 2017

Not Applicable.

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice (Attachment 3).

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the Planning Act 2016 is attached (Attachment 5).

OTHER DETAILS

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Murweh Shire Council on (07) 4656 8355.

DELEGATED PERSON

Name: Justin Kronk Signature:



Enc. **Attachment 1** – Conditions imposed by the Assessment Manager

Attachment 2 – Conditions imposed by a Referral Agency

Attachment 3 – Approved Plans

Attachment 4 – Notice about a Decision Notice

Attachment 5 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITIONS	CONDITION TIMING
1.0	Parameters of Approval	
1.1	The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer at all times unless otherwise stated.	At all times.
1.2	The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.	At all times.
1.3	The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.	At all times.
1.4	Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines and standards.	At all times.
1.5	Stages to be developed in chronological order as identified on the approved plans. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.	At all times.

2.0	Approved Plans and Documents				
2.1	The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit.				At all times
	Drawing No.	Document Name	Revision	Date	Drawn by
	C-C0101	Lot layout – option 2-sheet 1	A	14/11/24	Harrison Infrastructure Group
	C-C0102	Lot layout – option 2-sheet 2	A	25/03/2025	Harrison Infrastructure Group
	C-LS0101	Street tree plan	A	Undated	Harrison Infrastructure Group
	Documents referred to in this approval				
	Document Name		Dated	Completed by	

	Review of Environmental Factors Report	13/12/2024	Redleaf Group	
	Stormwater Management Plan	7 April 2025	Harrison Infrastructure Group	
	Engineering Infrastructure report	1 April 2025	Harrison Infrastructure Group	
	Desktop Cultural Heritage and Native Title Assessment	November 2024	Redleaf Group	
2.2	Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.			At all times.

3.0	Operational Work			
3.1	Obtain a Development Permit for Operational Work for Engineering work including road work, earthworks, stormwater, water and sewerage infrastructure, footpaths and landscaping.			Prior to commencement of any works required by this development.

4.0	Stormwater Drainage			
4.1	All stormwater drainage must be discharged to an approved legal point of discharge.			At all times.
4.2	Any site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site.			At all times.
4.3	Design and construct all stormwater works in accordance with the approved plans, and the provisions of a Development Permit for Operational Works.			Prior to Council endorsement of the Survey Plan.

5.0	Water and Sewerage			
5.1	The development must be connected to Council's reticulated water network with sufficient capacity for domestic and firefighting purposes.			Prior to Council endorsement of the Survey Plan.
5.2	The development must be connected to Council's reticulated sewerage network.			Prior to Council endorsement of the Survey Plan.
5.3	Design and construct all sewerage and water works in accordance with the approved plans, and the provisions of a Development Permit for Operational Works.			Prior to Council endorsement of the Survey Plan.

6.0	Street trees			
6.1	Provide street trees in accordance with the approved plans, and the provisions of a Development Permit for Operational Works.			Prior to Council endorsement of the Survey Plan.

7.0	Footpath			
7.1	Provide a pedestrian footpath and associated kerb ramps in accordance with the approved plans, and the provisions of a Development Permit for Operational Works.			Prior to Council endorsement of the Survey Plan.

8.0	Road name (Stage 3)	
8.1	Submit for consideration and approval by Council or delegated officer the new road name.	Prior to Council endorsement of the Survey Plan for Stage3.

9.0	Streetlighting	
9.1	Provide street lighting in accordance with the relevant Australian Standard.	Prior to Council endorsement of the Survey Plan.

10.0	Electricity & Telecommunications	
10.1	Electricity and telecommunication services must be provided to each lot, or arrangements made in accordance with the standards and requirements of the relevant service provider.	Prior to Council endorsement of the Survey Plan.
10.2	Evidence must be provided confirming all services and infrastructure are wholly contained within the boundary of the proposed new lots.	Prior to Council endorsement of the Survey Plan.

11.0	Amenity and Environmental Health	
11.1	Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise.	At all times.

12.0	Site Works and Erosion and Sediment control	
12.1	Site works must be constructed such that they do not, at any time, in any way restrict, impair, or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure	Prior to the commencement of any construction works required by this development.
12.2	Prepare and implement an Erosion and Sediment Control Strategy (ESCS). The ESCS must consider erosion control and slope stability measures to be implemented during all stages of construction including during the clearing of vegetation. The ESCS must be available for inspection by Council officers during the construction phase.	Prior to the commencement of any construction works required by this development.
12.3	Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted, or landscaped).	Prior to the commencement of any construction works required by this development.

13.0	Compliance	
13.1	All relevant conditions of this development permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement	Prior to Council endorsement of the Survey Plan.

14.0	Outstanding Charges	
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14.1	All rates, service charges, interest and other charges levied on the land are to be paid prior to Council endorsement of the Plan of Survey.	Prior to Council endorsement of the Survey Plan.
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ASSESSMENT MANAGER (COUNCIL) ADVISORY NOTES

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the Planning Act 2016.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
3. General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
4. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

CONDITIONS IMPOSED BY A REFERRAL AGENCY

Attached under separate cover (this page has been intentionally left blank)

SARA reference: 2505-45847 SRA
Council reference: PA7830
Applicant reference: P11122

6 June 2025

Chief Executive Officer
Murweh Shire Council
PO Box 63
CHARLEVILLE QLD 4470
mail@murweh.qld.gov.au

Attention: Justin Kronk

Dear Mr Kronk,

SARA referral agency response—High Street and Racecourse Road, Charleville

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 8 May 2025.

Response

Outcome:	Referral agency response – No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	6 June 2025
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development Permit for Reconfiguring a Lot – 1 lot into 65 residential lots, 2 park lots and 1 pump station lot
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) Development impacting on state transport infrastructure
SARA reference:	2505-45847 SRA

Assessment manager: Murweh Shire Council
 Street address: High Street and Racecourse Road, Charleville
 Real property description: Lot 500 on SP343472
 Applicant name: Murweh Shire Council
 Applicant contact details: PO Box 18132, Clifford Gardens
 Toowoomba QLD 4350
 murray.neumann@hig.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Lawson Costello, A/Senior Planning Officer, on (07) 4924 2914 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Rodney O'Brien
 Principal Planning Officer

cc Murweh Shire Council, murray.neumann@hig.com.au

enc Attachment 1 – Advice to the applicant
 Attachment 2 – Reasons for referral agency response
 Attachment 3 – Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.2). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

SARA assessed the development application against the following code of the State Development Assessment Provisions (SDAP) version 3.2:

- State code 6: Protection of state transport networks

The development complies with all relevant performance outcomes of State code 6 (version 3.2). Specifically:

- The development does not create a safety hazard for users of state transport infrastructure
- The development does not result in a worsening of the physical condition or operating performance of the state transport network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.2, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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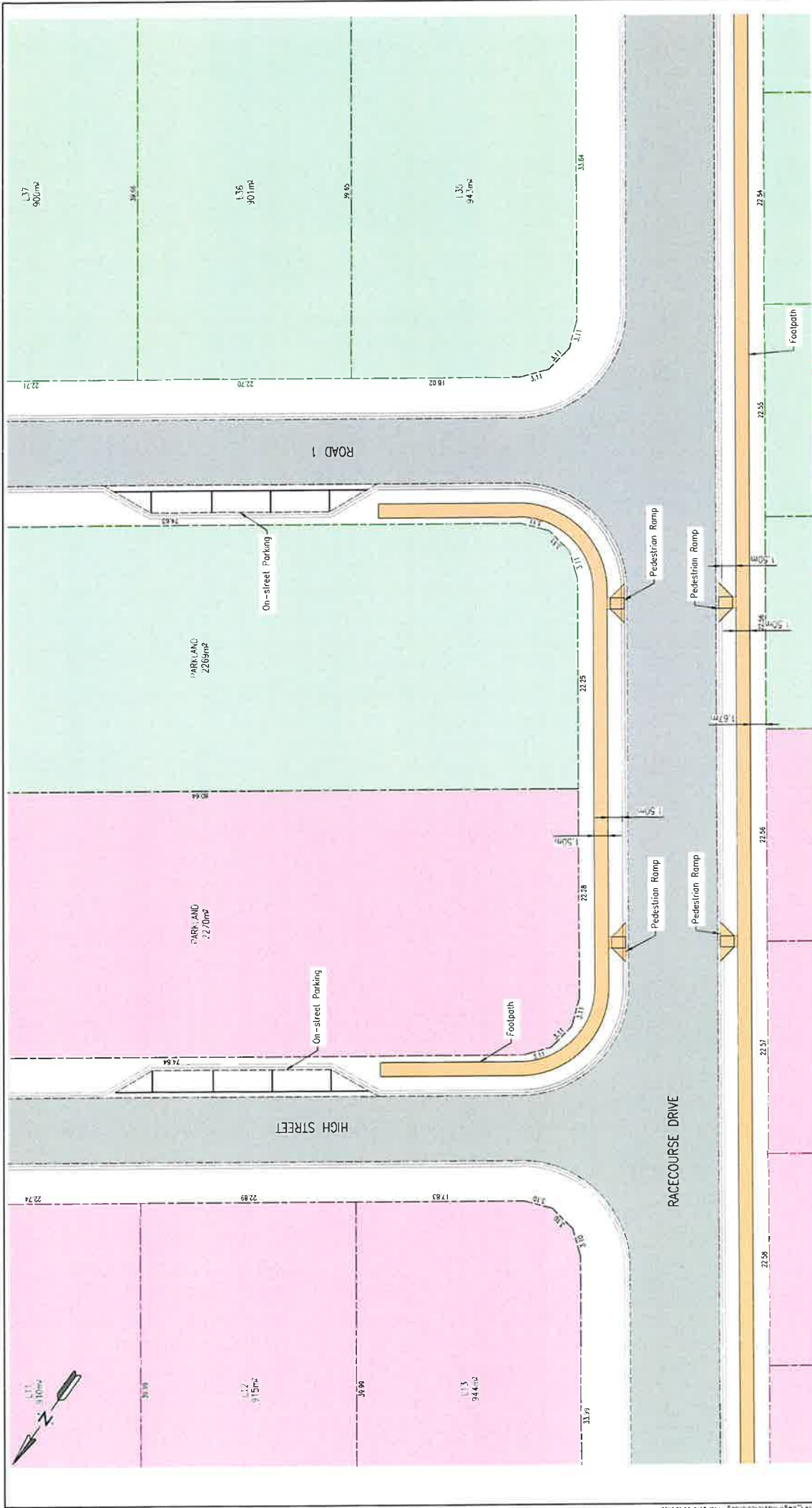
APPROVED PLANS

Attached under separate cover (this page has been intentionally left blank)



Stage	Lots	Average lot size (m ²)	Total area (m ²)
1	12	1000	12000
2	11	1059	11431
3	14	1009	14122
4	12	1002	12033
5	16	1004	16064
2	Parkland		22710
2	Pump Station		682
3	Parkland		2269

AURORA ESTATE CONCEPT LOT LAYOUT - OPTION 2
SCALE 1:750(A1) 1:1500(A3)



LOT AND STAGE DETAILS

Stage	Lots	Average lot size (m²)	Total area (m²)
1	12	1000	12004
2	11	1039	11431
3	14	1009	14122
4	12	1002	12033
5	16	1004	16064
2	Parkland Pump Station		2270
3	Parkland		667
			2269

LEGEND:

Proposed Property Boundary

MURWEH SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Reconfiguring
4.1.31
Last Details: LIA 3003/24/472
Referenced in Council's Decision Notice
Approval Date: 18 June 2025
Application Number: 247830

AURORA ESTATE, CHARLEVILLE
STAGE CONCEPT PLANNING

MURWEH SHIRE COUNCIL
95-101 ALFRED ST
CHARLEVILLE QLD 4470

HIG HARRISON
INFRASTRUCTURE GROUP
www.hig.com.au

AURORA ESTATE CONCEPT LOT LAYOUT - OPTION 2 - SHEET 2

PROJECT:
AURORA ESTATE, CHARLEVILLE
STAGE CONCEPT PLANNING

CLIENT:
MURWEH SHIRE COUNCIL
95-101 ALFRED ST
CHARLEVILLE QLD 4470

REVISIONS

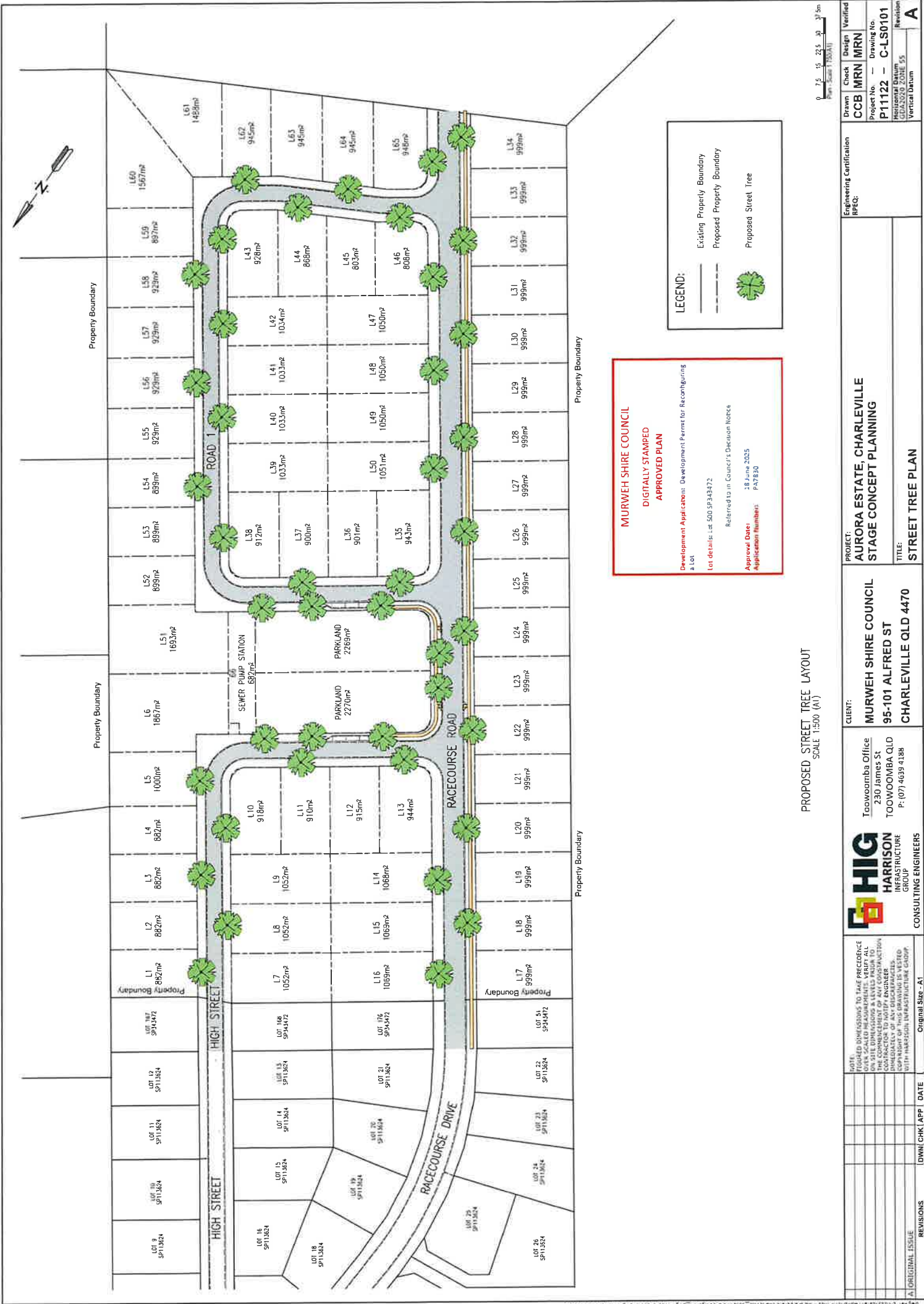
ISSUED FOR INFORMATION	DATE	BY	APP
	25/03/25	JRB	JRB

NOTES:
1. ALL DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.
3. THIS PLAN IS TO BE USED IN CONJUNCTION WITH HARRISON INFRASTRUCTURE GROUP.

Engineering Certification
JRB MRN MRN
Project No. — Drawing No. P11122 — C-C0102
Horizontal Datum: GDA2020 ZONE 55
Vertical Datum: A

Drawn JRB
Check MRN
Design MRN
Verified MRN

Scale: 1:200 (A1) 1:400 (A3)



LEGEND:

- Existing Property Boundary
- Proposed Property Boundary
- Proposed Street Tree

MURWEH SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot
Lot details: Lot 500 SP343472
Referred to in Council's Decision Notice
Approval Date: 18 June 2025
Application Number: PA2830

PROPOSED STREET TREE LAYOUT
SCALE 1:500 (A1)



NOTES:				REVISIONS			
FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER UNFIGURED DIMENSIONS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION WORK SHALL BE THE RESPONSIBILITY OF THE ENGINEER. THE ENGINEER'S SUPERVISION OF THIS DRAWING IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE INFRASTRUCTURE GROUP WITH HARRISON INFRASTRUCTURE GROUP.				DATE	DRAWN	CHECK	APP
A ORIGINAL ISSUE							
Original Size - A1				CONSULTING ENGINEERS			
Toowoomba Office 230 James St TOOWOOMBA QLD P: (07) 4639 4188				HARRISON INFRASTRUCTURE GROUP			
CLIENT:				MURWEH SHIRE COUNCIL			
95-101 ALFRED ST CHARLEVILLE QLD 4470				PROJECT:			
AURORA ESTATE, CHARLEVILLE STAGE CONCEPT PLANNING				Engineering Certification NPEC:			
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Verified				MRN			
Project No.				Drawing No.			
P11122				C-LS0101			
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NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	PA7830
Applicant:	Murweh Shire Council c/ Harrison Infrastructure Group
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	1 lot into 65 residential lots, 2 park lots and 1 pump station lot
Street Address:	High Street and Racecourse Road, Charleville
Real Property Description:	Lot 500 SP343472
Planning Scheme:	<i>Murweh Shire Council Planning Scheme 2017 (Version 2)</i>
Land Zoning:	Township zone, Residential precinct
Assessment Type:	Code

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot - 1 lot into 65 residential lots, 2 park lots and 1 pump station lot
Date of Decision:	18 June 2025

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Categorising Instrument (*Planning Regulation 2017*)

- Schedule 12A

Categorising Instrument (State Planning Policy - July 2017)

Local Categorising Instrument (Murweh Shire Council Planning Scheme 2017 v2):

Assessment benchmarks

- Reconfiguration of a lot code

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

Not applicable – no part of the application required public notification.

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- (a) The proposal is compliant with the assessment benchmarks and consistent with the Murweh Shire Planning Scheme 2017 (v2).
- (b) The lot layout has been designed providing residential lots that are suitable for residential uses consistent with the zoning intent.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not applicable.

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not applicable.

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not applicable.

OTHER DETAILS

If you wish to obtain more information about Council's decision, please refer to Council's webpage at <https://www.murweh.qld.gov.au/Home>

APPEAL RIGHTS

(Planning Act 2016 & Planning Regulation 2017)

Attached under separate cover (this page has been intentionally left blank)

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) 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
 - (g) 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
- (h) 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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the **appointer**) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

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.

- (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> <ul 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	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
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change 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 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 or made to the chief executive under section 87A, 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.			

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.			

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 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
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.			
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
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— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.

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 party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
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— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Table 2
Appeals to the P&E Court only

3. Eligible submitter and eligible advice agency appeals

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—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

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>

4. Compensation claims

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

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 dissatisfied with the decision	The local government to which the claim was made	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			

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 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> <p>3 If the decision is to amend the registration of premises to include additional land in the affected area for the premises—an owner or occupier of premises within the additional land who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises

Table 2
Appeals to the P&E Court only

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.

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.

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 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
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.			
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	—	—
3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against— <ul style="list-style-type: none"> (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 (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. 			

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 received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
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.			
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	—	—
5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i> 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.			