



22 August 2024

Our Ref: 4966296
File Ref: PBW2024/0002
Enquiries: Peter Boyd

CKIA PTY LTD
PO Box 425
CHARTERS TOWERS QLD 4820

Sent via email: Cib2882@hotmail.com

Dear Chris,

Decision Notice – Approval
(Given under Section 63 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 20 August 2024. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: CKIA PTY LTD – Trading as CB Homes and Extensions

Location details

Street address: 85 Church Street, Charters Towers QLD 4820
Real property description: Lot 1 MPH866

Application details

Application number: PBW2024/0002
Approval type: Preliminary Approval
Development type: Building Work assessable against the Planning Scheme
Category of assessment: Code Assessment
Description of development: Extension to Dwelling house
Categorising instrument: Charters Towers Regional Town Plan Version 2
Charters Towers Regional Town Plan Version 2

1. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.

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| | Planning Regulation 2017 reference | Development Permit | Preliminary Approval |
|---|---|--------------------------|-------------------------------------|
| Development on a local heritage place (<i>other than a Queensland heritage place</i>) Building work assessable under the planning scheme | Schedule 10, part 8, division 1, subdivision 1 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Conditions of approval

| Condition Number | Condition | Timing | | | | | | | | | | | | | | | | | | | | |
|--------------------------|---|--------------|-----------------|-------|---------------|-----------------|-------------|--------|----------------|---------------------|-------------|--------|----------------|---------------------|-------------|--------|----------------|-----------|-------------|--------|-----------------|--------------|
| Approved Plans/Documents | | | | | | | | | | | | | | | | | | | | | | |
| 1) | <div>Development is to be carried out generally in accordance with the submitted application and supporting documentation except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><th>Document:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th></tr><tr><td>Demolition Plan</td><td>C&B Designs</td><td>4/3/24</td><td>23-172 Sheet 7</td></tr><tr><td>Proposed Floor Plan</td><td>C&B Designs</td><td>4/3/24</td><td>23-172 Sheet 8</td></tr><tr><td>Proposed Elevations</td><td>C&B Designs</td><td>4/3/24</td><td>23-172 Sheet 9</td></tr><tr><td>Roof Plan</td><td>C&B Designs</td><td>4/3/24</td><td>23-182 Sheet 14</td></tr></table> | Document: | Prepared by: | Date: | Reference No: | Demolition Plan | C&B Designs | 4/3/24 | 23-172 Sheet 7 | Proposed Floor Plan | C&B Designs | 4/3/24 | 23-172 Sheet 8 | Proposed Elevations | C&B Designs | 4/3/24 | 23-172 Sheet 9 | Roof Plan | C&B Designs | 4/3/24 | 23-182 Sheet 14 | At all times |
| Document: | Prepared by: | Date: | Reference No: | | | | | | | | | | | | | | | | | | | |
| Demolition Plan | C&B Designs | 4/3/24 | 23-172 Sheet 7 | | | | | | | | | | | | | | | | | | | |
| Proposed Floor Plan | C&B Designs | 4/3/24 | 23-172 Sheet 8 | | | | | | | | | | | | | | | | | | | |
| Proposed Elevations | C&B Designs | 4/3/24 | 23-172 Sheet 9 | | | | | | | | | | | | | | | | | | | |
| Roof Plan | C&B Designs | 4/3/24 | 23-182 Sheet 14 | | | | | | | | | | | | | | | | | | | |
| General | | | | | | | | | | | | | | | | | | | | | | |
| 2) | <div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) in all instances</div> <div>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</div> <div>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</div> | At all times | | | | | | | | | | | | | | | | | | | | |
| Environmental | | | | | | | | | | | | | | | | | | | | | | |
| 3) | The applicant is to ensure that erosion and sediment control management is undertaken and maintained to prevent soil erosion and sediment runoff to watercourses and Council's stormwater drainage system. Erosion and sediment control is to be in accordance with <i>International Erosion Control Association -Best Practice Erosion & Sediment guidelines</i> and the <i>Queensland Urban Drainage Manual 2017</i> . | At all times | | | | | | | | | | | | | | | | | | | | |
| 4) | The works associated with the development must be limited to 6:30- 18:30 Monday to Saturday and not at all on Sunday and Public Holidays and noise generated from construction must be within the limited defined by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 2019</i> . | At all times | | | | | | | | | | | | | | | | | | | | |
| Operations | | | | | | | | | | | | | | | | | | | | | | |

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charters Towers.qld.gov.au | **ABN.** 67 731 313 583

www.charters Towers.qld.gov.au



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| Condition Number | Condition | Timing |
|------------------|---|--------------|
| 5) | <p>The applicant is to ensure that the site and the adjoining Council controlled road reserved are kept in a safe, clean and tidy state throughout demolition.</p> <p>All materials, waste, skip bins, machinery and contractors vehicles must be stored or parked within the site.</p> | At all times |

Advisory Notes

Scale or Intensity of Use

- A. Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the relevant provisions.

Local and State Heritage

- B. The Charters Towers Regional Council local government area contains significant Local and State heritage features including stone pitch kerbing and channels and footbridges. Persons damaging or removing Local or State heritage features may be prosecuted and fined with the maximum penalty under the *Planning Act 2016*. Please contact Council prior to commencing any works, to determine if there are any Local or State heritage features within or adjacent to the premises.

Workplace Health and Safety

- C. Ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health and Safety Act 2011*. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

Environmental nuisance

- D. Ensure compliance with the *Environmental Protection Act 1994*. It 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 and construction 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 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 because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.



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3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of two years.

4. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- 1) Development Permit for Building Works

5. Submission(s)

There were no submissions for this application.

6. Submission(s)

There were no submissions for this application.

7. Notice of Reasons

This Notice is prepared in accordance with Section 3(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

| Notice of reasons | | |
|--|--|--|
| Description of the development: | The proposed development is for a Preliminary Approval for Building Works (Patio extension) at 85 Church Street, Charters Towers QLD 4820. | |
| Reasons for the decision: | The proposal and supporting documentation has demonstrated sufficient merit against the relevant benchmarks to warrant approval. | |
| Assessment benchmarks: | The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan Version 2 including the: 1) Heritage Overlay Code. | |
| | The proposed development was assessed against all the assessment benchmarks listed above and complies except for those listed and responded to below. | |
| | Assessment benchmark: | Reasons for the approval despite non-compliance with benchmark: |
| | NA | NA |

8. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

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9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

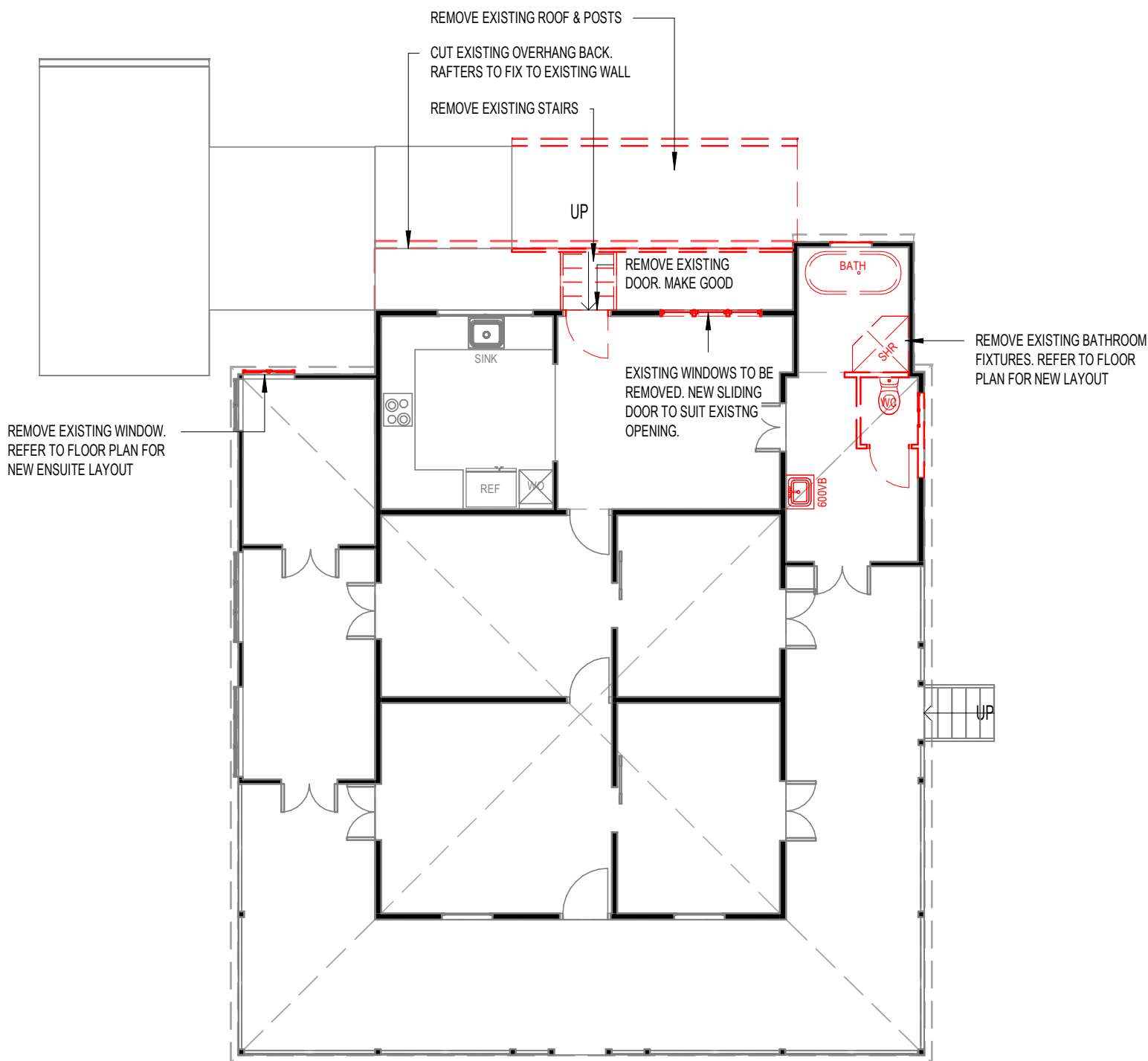
An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

Should you wish to discuss this matter, please contact Peter Boyd, Consultant Planner on (07) 4761 5300.

Yours faithfully



Hayley Thompson
Executive Manager Corporate & Community Building



1

DEMOLITION PLAN

1 : 100 AT A3 SHEET SIZE



PROJECT ISSUE & DESCRIPTION

A- B.A./CONSTRUCTION ISSUE - 04-03-2024

FOR CONSTRUCTION

NOTES:

THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT. COMPLY WITH ALL RELEVANT AUTHORITY REG. & B.S.A. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS - DO NOT SCALE DRAWING. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.



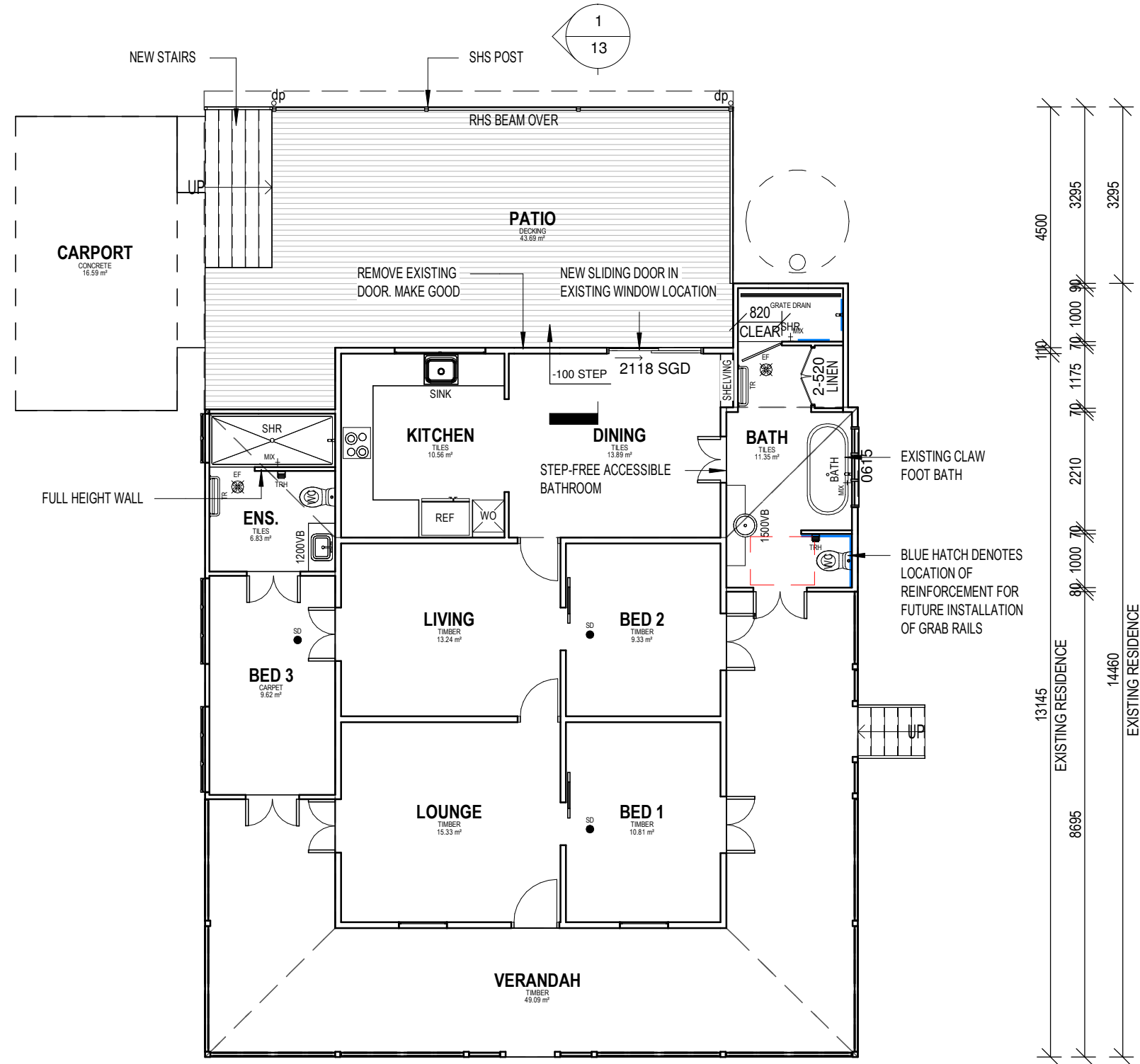
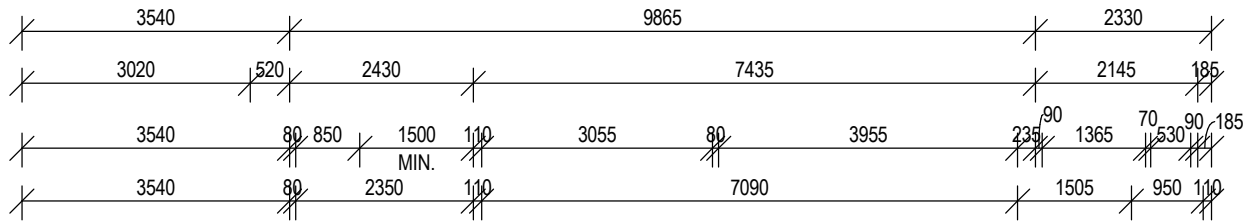
PROJECT:
RENOVATION/EXTENSION

CLIENT:
N MOSSMAN

SITE:
85 CHURCH STREET
CHARTERS TOWERS

BUILDER:

| | | |
|-----------|-----------------------|-------------------|
| DATE: | 5/03/2024 10:18:54 AM | JOB NO. 23-172 |
| DRAWN: | KS | |
| SCALE: | 1 : 100 | |
| SHEET No. | 7 | CLIENT JOB NO. |



DESIGN WIND CLASSIFICATION : N2

DOWNPIPES :
ALL DOWNPIPES TO BE DISCHARGED ONTO 300x300 CONCRETE SPLASHPADS. ALTERNATIVELY PIT AND PIPE STORMWATER TO KERB & CHANNEL AS PER BUILDER'S SPEC.

NOTE :
TOILET DOORS TO BE PROVIDED WITH LIFT OFF HINGES TO ALL RELEVANT BCA REQUIREMENTS.

CONDENSATION MANAGEMENT:
1. PLIABLE BUILDING MEMBRANE TO COMPLY WITH PART 3.8.7.2 VOL 2 NCC 2019 BCA.
2. FLOW RATE & DISCHARGE OF EXHAUST SYSTEMS TO COMPLY WITH PART 3.8.7.3 VOL 2 NCC 2019 BCA
3. VENTILATION OF ROOF SPACES TO COMPLY WITH PART 3.8.7.4 VOL 2 NCC 2019 BCA

STEELWORK:
TO COMPLY WITH A.S.4100 & A.S.4600 ALL STEELWORK TO BE PRIMED AND PAINTED. ALL WELDS TO BE 6.0mm CONTINUOUS FILLET WELDS (CFW).

ALL STAIRS, LANDINGS, THRESHOLDS, BALUSTRADES & HANDRAILS TO COMPLY WITH H5D2 & H5D3 OF NCC 2022.

INTERNAL TIMBER FRAMED WALLS :
TIMBER STUD WALLS WITH 70x35 MGP10 STUDS AT 450 CRS, 1/ROW OF NOGGING, SHEET BOTH SIDES WITH 10mm PLASTERBOARD, 6.0mm F/C SHEETING TO WET AREAS.

| LEGEND | |
|----------------------|---|
| SD | INTERLINKED SELF CONTAINED SMOKE ALARMS TO COMPLY WITH A.S. 3786 AND BE CONNECTED TO THE CONSUMER MAINS POWER WITH BATTERY BATTERY BACK UP. |
| MBOX | METER BOX POWER SUPPLY |
| EWS | ELECTRIC HOT WATER SYSTEM |
| GAS/HWS | GAS HOT WATER SYSTEM |
| GB | GAS BOTTLES |
| EF | EXHAUST FAN 25Ltrs/sec for bath/wc rooms EXHAUST FAN 40Ltrs/sec for laundry/kitchen |
| FW | FLOOR WASTE |
| TAP | EXTERNAL GARDEN TAP |
| GAS | EXTERNAL GAS POINT |
| dp | 90mm UPVC DOWN PIPE |
| TRH | TOILET ROLL HOLDER |
| TR | TOWEL RAIL |
| HT | HAND TOWEL HOLDER |
| SH | SHELVES |
| SH | SHOWER HEAD |
| CSH | CEILING SHOWER HEAD |
| WINDOW & DOOR SIZING | EXAMPLE: 1518 = 1500 HIGH x 1800 WIDE |



| AREAS | |
|-------------------|-----------|
| EXISTING LIVING | 110.55 m² |
| EXISTING SHED | 56.58 m² |
| EXISTING VERANDAH | 50.68 m² |
| PROPOSED PATIO | 43.44 m² |
| CARPORT | 16.59 m² |
| TOTAL | 277.84 m² |

NOTE :
ALL VESSELS (SUCH AS A BASIN OR BATH) IN WET AREAS MUST BE PROVIDED WITH IN-BUILT OVERFLOW PROTECTION; AND
- WATER CLOSET CISTERNS IN WET AREAS MUST INCORPORATE AN INTERNAL OVERFLOW WHICH DIRECTS ANY OVERFLOWING WATER TO THE WATER CLOSET PAN; AND
- FLEXIBLE HOSE ASSEMBLIES USED FOR THE CONNECTION OF FIXTURES CONTAINED IN WET AREAS MUST BE FITTED WITH FLOOD STOP SAFETY VALVES APPROVED UNDER WMTS-4798

PROPOSED FLOOR PLAN

1 : 100 AT A3 SHEET SIZE

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A- B.A./CONSTRUCTION ISSUE - 04-03-2024

FOR CONSTRUCTION

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DESIGNS
BUILDING DESIGN & DRAFTING
ABN: 112 837 297
Licence No. 1072298
66 Bayswater Road, Hyde Park QLD 4812
PO Box 4257, Vincent QLD 4814
Tel: (07) 4779 4199

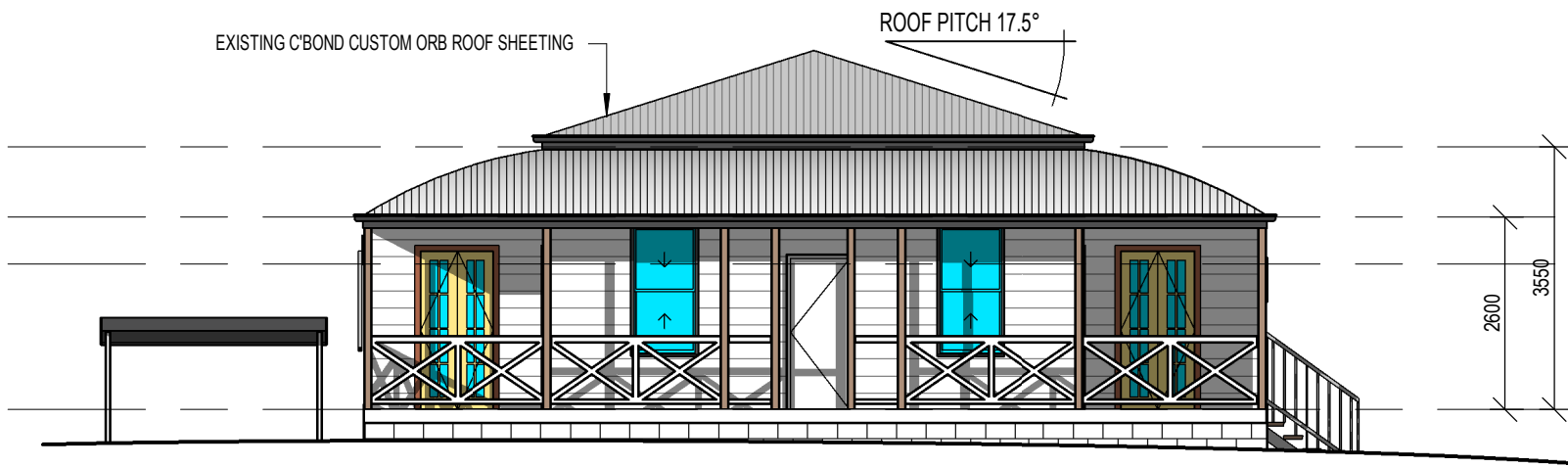
PROJECT:
RENOVATION/EXTENSION

CLIENT:
N MOSSMAN

SITE:
85 CHURCH STREET
CHARTERS TOWERS

BUILDER:

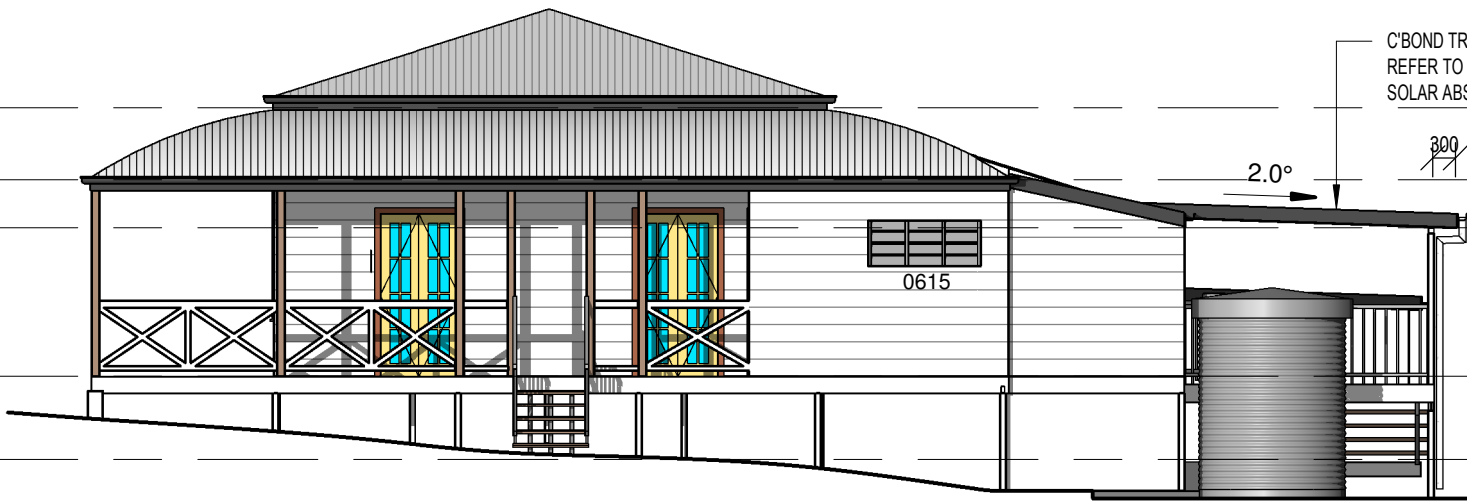
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| DATE: | 5/03/2024 10:18:55 AM | JOB NO. 23-172 |
| DRAWN: | KS | |
| SCALE: | 1 : 100 | |
| SHEET No. | 8 | CLIENT JOB NO. |



PROPOSED ELEVATION 1

1

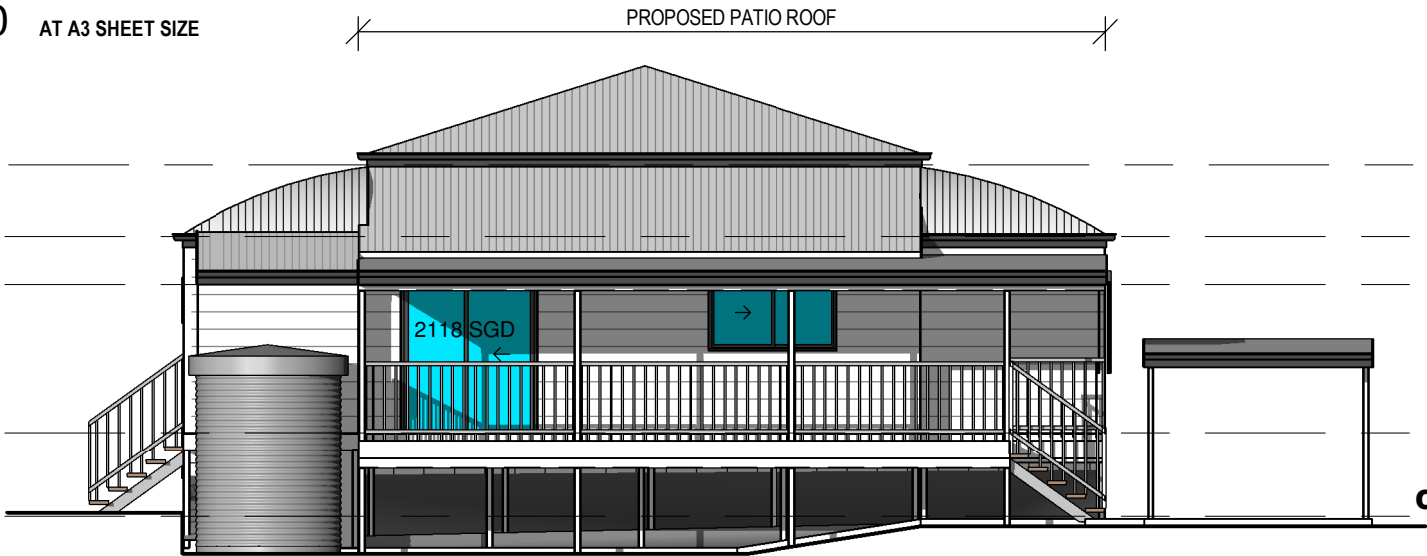
1 : 100 AT A3 SHEET SIZE



PROPOSED ELEVATION 2

2

1 : 100 AT A3 SHEET SIZE



PROPOSED ELEVATION 3

3

1 : 100 AT A3 SHEET SIZE

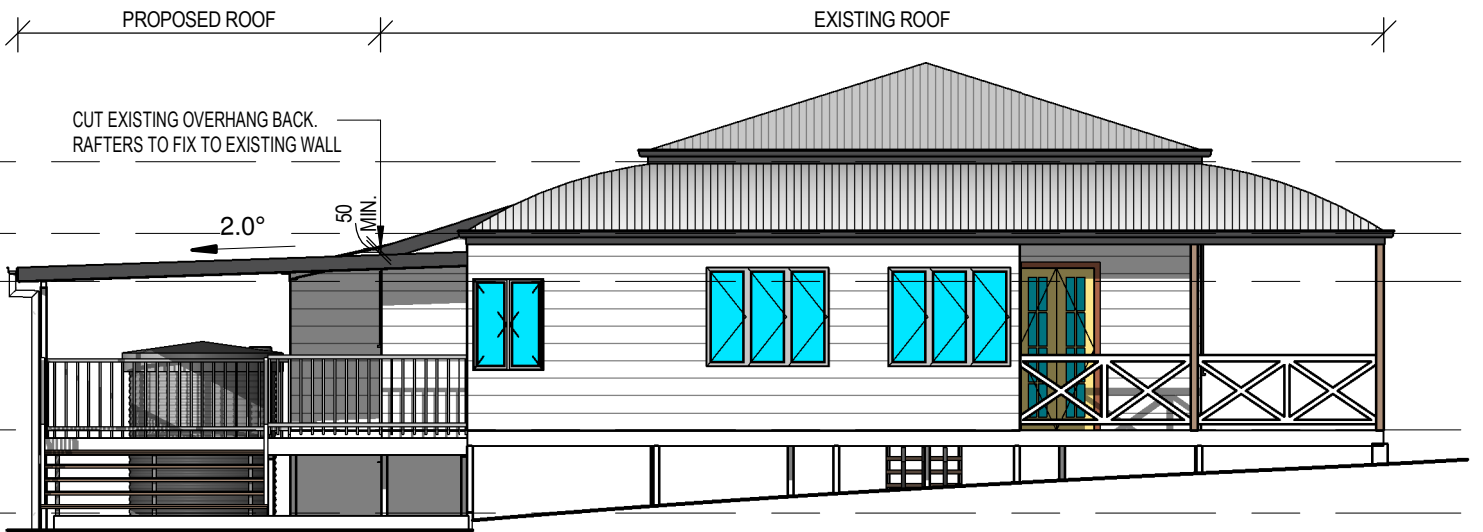
3.55 m WALL HT.

2.60 m VERANDAH

1.97 m BEAM HT.

0.00 m FLOOR PLAN

-1.10 m CARPORT LEVEL



PROPOSED ELEVATION 4

4

1 : 100 AT A3 SHEET SIZE

ALL STAIRS, LANDINGS, THRESHOLDS,
BALUSTRADES & HANDRAILS TO COMPLY
WITH H5D2 & H5D3 OF NCC 2022.



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FOR CONSTRUCTION

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CB
DESIGNS
BUILDING DESIGN & DRAFTING
ABN: 112 837 297
Licence No. 1072298
66 Bayswater Road, Hyde Park QLD 4812
PO Box 4257, Vincent QLD 4814
Tel: (07) 4779 4199

PROJECT:
RENOVATION/EXTENSION

CLIENT:
N MOSSMAN

SITE:
85 CHURCH STREET
CHARTERS TOWERS

BUILDER:

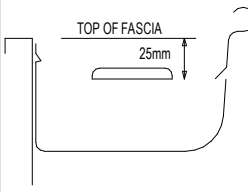
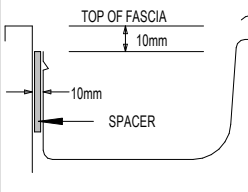
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| DATE: | 5/03/2024 10:18:57 AM | JOB NO. 23-172 |
| DRAWN: | KS | |
| SCALE: | 1 : 100 | |
| SHEET No. | 9 | CLIENT JOB NO. |

NOTE:
ALL DOWNPIPES & GUTTERS TO COMPLY WITH PART 3.5.3 OF THE NCC 2019 VOLUME 2.

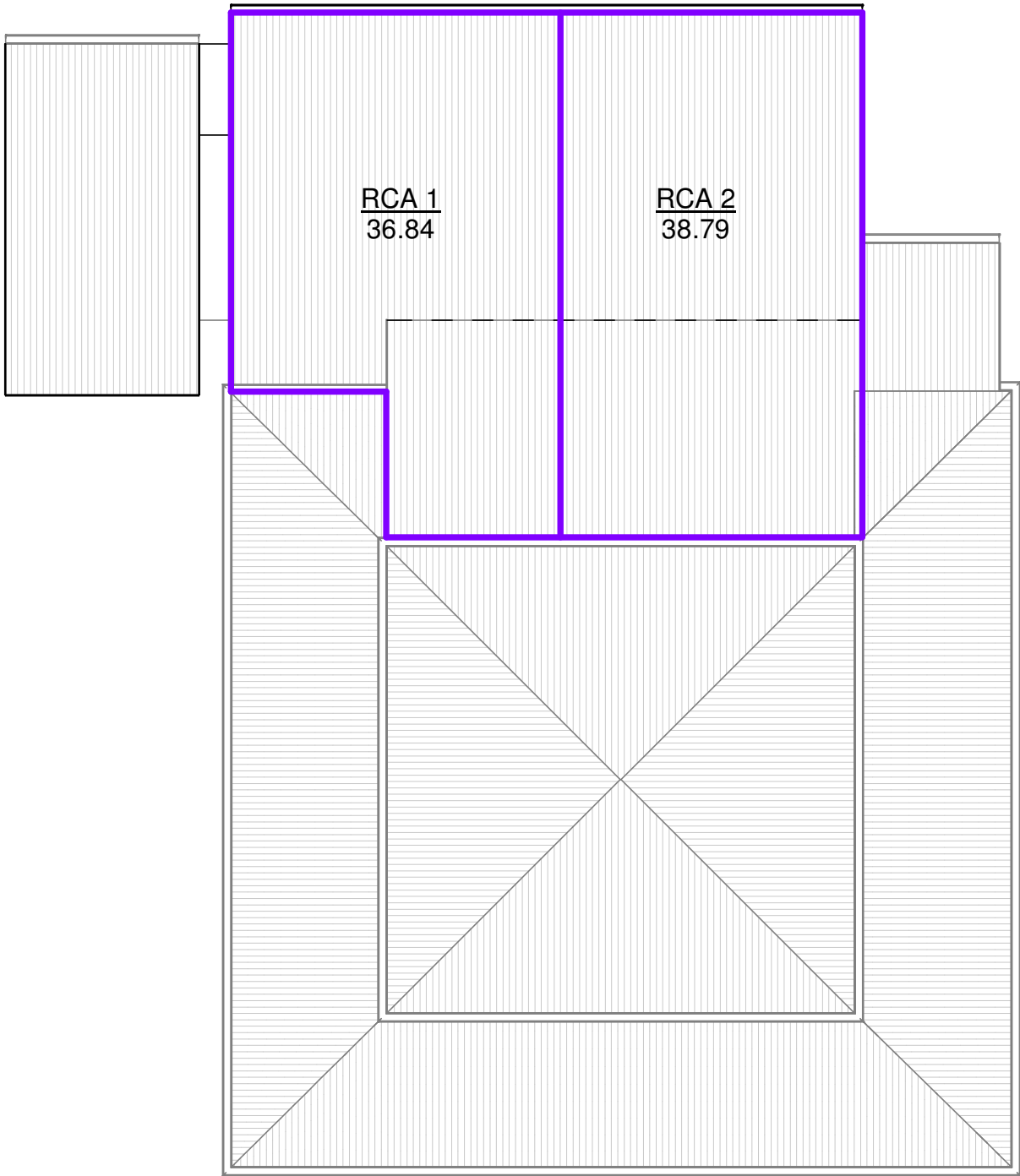
DOWNPIPES:
THIS PROJECT HAS BEEN DESIGNED TO USE 90mmØ UPVC DOWNPIPES IN ACCORDANCE WITH TABLE 3.5.3.2 c OF THE NCC 2019 VOLUME 2.

GUTTER TYPE:
RAINFALL INTENSITY 255 mm/h
THIS PROJECT HAS BEEN DESIGNED TO USE A TYPE 'E' GUTTER (150mm D GUTTER) WITH A CROSS SECTIONAL AREA OF 9000mm² AS OUTLINED IN TABLE 3.5.3.2 b OF THE NCC 2019 VOLUME 2. MAXIMUM ROOF COLLECTION AREA OF 60m²/DOWNSPIPE.

| OVERFLOW VOLUME FOR DEDICATED MEASURE (L/s/m) : | | | | | |
|---|------------------------------|-----|-----|-----|-----|
| DESIGN 5 MINUTE DURATION RAINFALL INTENSITY (mm/hr) FROM TABLE 3.5.3.1 d OF NCC 2019 VOL. 2 | ROOF CATCHMENT AREA (RCA) m² | | | | |
| | 30 | 40 | 50 | 60 | 70 |
| 300mm/hr | 2.5 | 3.3 | 4.2 | 5.0 | 5.8 |

| ADOPTED ACCEPTABLE OVERFLOW MEASURES (AAOM): | | |
|--|---------------------------|---|
| DESCRIPTION | OVERFLOW CAPACITY (L/s/m) | CONSTRUCTION |
| TYPE A FRONT FACE SLOTTED GUTTER WITH - (a) A MINIMUM SLOT OPENING AREA OF 1200mm² PER METER OF GUTTER; AND (b) THE LOWER EDGE OF THE SLOTS INSTALLED A MINIMUM OF 25mm BELOW THE TOP OF THE FASCIA. | 0.5 |  |
| TYPE B CONTROLLED BACK GAP WITH - (a) A PERMANENT MINIMUM 10mm SPACER INSTALLED BETWEEN THE GUTTER BACK AND THE FASCIA; AND (b) ONE SPACER PER BRACKET, WITH THE SPACER NOT MORE THAN 50mm WIDE; AND (c) THE BACK OF THE GUTTER INSTALLED A MINIMUM OF 10mm BELOW THE TOP OF THE FASCIA | 1.5 |  |
| ALL ROOF CATCHMENT AREAS TO BE DISCHARGED TO THE DOWNPIPE LOCATED DIRECTLY BELOW THE ZONE. ROOF CATCHMENT AREAS ARE MEASURED IN A HORIZONTAL PLANE AND MUST NOT BE USED FOR ROOF SHEETING TAKE OFF. | | |
| ACCEPTED OVERFLOW MEASURES MAY BE SUBSTITUTED WITH AN ALTERNATIVE MEASURE BY AN APPROVED SUPPLIER. DATA MUST BE PROVIDED TO THE BUILDING CERTIFIER AT TIME OF CERTIFICATION. | | |

| OVERFLOW MEASURE COMPLIANCE | | |
|-----------------------------|-----------|------------|
| ZONE | AREA (m²) | AAOM |
| RCA 1 | 36.84 | TYPE A & B |
| RCA 2 | 38.79 | TYPE A & B |



1

ROOF PLAN

1 : 100 AT A3 SHEET SIZE



| | | | | | | | | |
|---|--|--|--|----------------------------------|-----------------------|-------------------|--|--|
| PROJECT ISSUE & DESCRIPTION | | FOR CONSTRUCTION | <div></div> <div>DESIGNS</div> <div>BUILDING DESIGN & DRAFTING</div> <div>ABN: 112 837 297</div> <div>Licence No. 1072298</div> <div>66 Bayswater Road, Hyde Park QLD 4812</div> <div>PO Box 4257, Vincent QLD 4814</div> <div>Tel: (07) 4779 4199</div> | PROJECT: RENOVATION/EXTENSION | | BUILDER: | | |
| A- B.A./CONSTRUCTION ISSUE - 04-03-2024 | | | | CLIENT: N MOSSMAN | | | | |
| <div>NOTES:</div> <div>THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT.</div> <div>COMPLY WITH ALL RELEVANT AUTHORITY REG. & B.S.A. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS - DO NOT SCALE DRAWING.</div> <div>VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.</div> | | SITE: 85 CHURCH STREET CHARTERS TOWERS | | DATE: | 5/03/2024 10:18:59 AM | JOB NO. 23-172 | | |
| | | | | DRAWN: | KS | | | |
| | | | | SCALE: | 1 : 100 | | | |
| | | | | SHEET No. | 14 | CLIENT JOB NO. | | |

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (c)
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

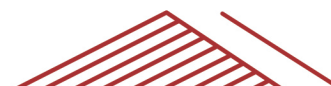
Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.



- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
- (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
- decision* includes–
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter–
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.