

12 December 2025

Our Ref: 5148990
File Ref: MCU2025/0009
Enquiries: Luke Acreman

Goldtower Properties
C/- Northpoint Planning
Attn: Meredith Hutton
PO Box 4
TOWNSVILLE QLD 4810

Sent via email: hello@northpointplanning.com.au

Dear Meredith,

Negotiated Decision Notice

(Given under Section 76 of the *Planning Act 2016*)

The assessment manager wishes to advise your representations were assessed and decided under delegated authority on 12 December 2025 with a recommendation of approval. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This negotiated decision notice replaces the original decision notice dated 5 November 2025.

Applicant details

Applicant name: Goldtower Properties C/- Northpoint Planning

Location details

Street address: 2-10 Samuel Harry Close, Queenton, QLD, 4820
Real property description: Lot 7, Lot 8, Lot 9 and Lot 10 SP303374
Current lawful use: Vacant industrial land

Application details

Application number: MCU2025/0009
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Code Assessment
Description of development: Industrial equipment hire facility
Definition of use: Outdoor Sales
Categorising instrument: 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*.



Date: 12 December 2025
Ref No: 5148990

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input 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 including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th><th>Revision:</th></tr><tr><td>Concept Site Layout Plan (as amended in red)</td><td>North Consulting Engineers</td><td>12/08/2025</td><td>GDTC0100/VH01</td><td>P3</td></tr><tr><td>Concept Site Layout Plan</td><td>North Consulting Engineers</td><td>12/08/2025</td><td>GDTC0100/VH01</td><td>P4</td></tr><tr><td>Open Office Floor Plan</td><td>M&P Services (QLD)</td><td>-</td><td>17749-MPS-01 (Sheet 1)</td><td>1</td></tr><tr><td>Open Office Elevations</td><td>M&P Services (QLD)</td><td>-</td><td>17749-MPS-01 (Sheet 2)</td><td>1</td></tr><tr><td>Audit Office Floor Plan</td><td>M&P Services (QLD)</td><td>-</td><td>15558-MPS-01 (Sheet 1)</td><td>1</td></tr><tr><td>Audit Office Elevations</td><td>M&P Services (QLD)</td><td>-</td><td>15558-MPS-01 (Sheet 2)</td><td>1</td></tr><tr><td>2-Pan Toilet Plans</td><td>M&P Services (QLD)</td><td>-</td><td>18055-MPS-01 (Sheet 1)</td><td>1</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Concept Site Layout Plan (as amended in red)	North Consulting Engineers	12/08/2025	GDTC0100/VH01	P3	Concept Site Layout Plan	North Consulting Engineers	12/08/2025	GDTC0100/VH01	P4	Open Office Floor Plan	M&P Services (QLD)	-	17749-MPS-01 (Sheet 1)	1	Open Office Elevations	M&P Services (QLD)	-	17749-MPS-01 (Sheet 2)	1	Audit Office Floor Plan	M&P Services (QLD)	-	15558-MPS-01 (Sheet 1)	1	Audit Office Elevations	M&P Services (QLD)	-	15558-MPS-01 (Sheet 2)	1	2-Pan Toilet Plans	M&P Services (QLD)	-	18055-MPS-01 (Sheet 1)	1	At all times
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Date: 12 December 2025
Ref No: 5148990

Condition Number	Condition					Timing
	2-Pan Toilet Elevations	M&P Services (QLD)	-	18055-MPS-01 (Sheet 2)	1	
Special – Vehicle Repair, Servicing and Maintenance						
2)	The designated ‘Workshop’ area must be used solely for light ancillary activities directly associated with the operation of the Outdoor Sales use. Activities shall be limited to plant inspections, operational checks, and minor maintenance tasks only. Medium to large-scale repairs of vehicles, equipment, or plant are not permitted on the site.					At all times
General						
3)	a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) in all instances b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and a) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.					At all times
Damage						
4)	The developer is responsible for the repair of any damage that is caused to Council’s infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.					At all times
Compliance with Council Standards						
5)	All design and construction for the development must be in accordance with Council’s Policies, Engineering Design Guidelines, Standard Drawings and Standard Specifications.					At all times
Existing Services						
6)	Written confirmation of the location of existing services for the land must be provided to Council. Arrange registration of necessary easements in favour of Council prior to the commencement of use.					Prior to commencement of the use
Environmental						
7)	Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties in accordance with the requirements of the <i>Environmental Protection Act 1994</i>					At all times



Condition Number	Condition	Timing
8)	Ensure that: a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants b) The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state, and c) All construction materials are contained wholly within the premises.	As part of construction works
9)	Where contaminated soils are evident, remedial works must be undertaken in accordance with <i>Environmental Protection Act 1994</i> . Where contaminated soils are identified, Council must be notified and provided with an appropriate Contaminated Soil Remedial Plan.	As part of operational and/or building works
10)	Flammable and combustible liquids are to be stored and handled in accordance with AS1940 The storage and handling of flammable and combustible liquids.	As part of construction and to be maintained
Operational Works		
11)-	A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following: a) Earthworks b) Road works (i.e. crossovers) c) Water Infrastructure d) Stormwater Management	Prior to building works commencing
12)-	The Development Application for Operational Works is to be designed and constructed in accordance with Australian Standards, the Development Works Code inclusive of Schedule 4.2 Development Works Planning Scheme Policy of the Charters Towers Regional Town Plan, STRAT0028/Roads Infrastructure Road Risk Management Strategic Policy and any other applicable standards at the time of lodgement. All Operational Works that relate to this development must be accepted as on maintenance by Council.	As part Operational Works
Building, Plumbing and Drainage Works		
11)	Obtain a Development Permit and Building Final for Building Works in accordance with the <i>Planning Act 2016</i> . Construction is to comply with the <i>Building Act 1975</i> , the <i>National Construction Code</i> and the requirements of other relevant authorities.	Prior to construction
12)	Obtain a Permit for Plumbing and Drainage Works and Final Inspection Certificate in accordance with the <i>Plumbing and Drainage Act 2018</i> and the <i>Plumbing and Drainage Regulation 2019</i> . Construction is to comply with the <i>National Construction Code: Volume Three – Plumbing Code of Australia 2019</i> , the <i>Queensland Plumbing and Waste Water Code 1: 2019</i> and the requirements of other relevant authorities.	Prior to construction



Condition Number	Condition	Timing
Transport and Parking		
13)	A total of 5 car parking spaces (one per staff member, plus two for visitors) are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with and <i>AS2890.1 Off-Street Car Parking</i> and the <i>Manual of Design Vehicles and Turning Path Templates SAA HB 72 (AUSTROADS 1995)</i> .	As part of construction
14)	All areas of the site that are not sealed must be treated with a durable hardstand surface (e.g. compacted gravel, pavement) to ensure dust suppression, operational safety, durability and to reduce ongoing maintenance issues. The surface treatment must be maintained in good condition at all times to prevent erosion, sediment runoff, and nuisance impacts. All areas of the site must be treated and maintained in accordance with the approved Concept Site Layout Plan (Drawing GDTC0100/VH01) as referenced in Condition 1	As part of construction, and at all times
15)	All parking, loading, servicing activities must be undertaken wholly within the site. No reliance must be placed on on-street parking to accommodate vehicles associated with the development use including staff, visitors and service vehicles.	At all times
16)	Provide a clearly defined pedestrian access to the office building and amenities which: <ul style="list-style-type: none"> a. provides for pedestrian movements that avoid high-volume traffic areas b. minimise the potential for vehicular and pedestrian conflict c. minimise likely vehicle operating speeds and congestion levels at conflict points. 	As part of construction
17)	Construct one driveway crossover at the frontage of Hugh Quinn Crescent, and one driveway crossover on Samuel Harry Close in accordance with Council's standard drawing <i>CTRC-003 Roads commercial driveway slab</i>	As part of construction
Water and Sewer		
18)	Lodge and have approved, an application for connection to water supply as part of the development's connection into Council's controlled water service infrastructure.	Prior to works on Council's water infrastructure
19)	Provide a 25mm water meter service connection from Council's water supply infrastructure to the front property boundary at no cost to Council.	As part of construction
20)	Lodge and have approved an application for sewer main cut-in for connection to sewer supply as part of connection to Council's controlled sewer service infrastructure.	Prior to works on Council's sewer infrastructure



Condition Number	Condition	Timing
Stormwater		
21)	Submit for approval by Council, a Site Based Stormwater Management Plan. The Site Based Stormwater Management Plan must address both stormwater quantity and quality and be in accordance with the <i>Queensland Urban Drainage Manual 2016</i> and <i>AS3500.3:2018 Plumbing and Drainage - Stormwater Drainage</i> . The Site Based Stormwater Management Plan must be certified by a Registered Professional Engineer of Queensland experienced in this type of work.	Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of the use, whichever comes first
Waste Management		
22)	Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.	As part of construction and to be maintained
External Lighting		
23)	Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in Australian Standard 4282:2023 – Control of the obtrusive effects of outdoor lighting.	Prior to commencement of use and to be maintained
Landscaping		
24)	Provide a minimum 2.0 metre landscaping buffer to the full extent of the Hugh Quin Crescent and Samuel Harry Close frontages, as indicated on the approved plan 'Concept Site Layout Plan', prepared by Northern Consulting Engineers, 12/08/2025.	Prior to the commencement of the use and to be maintained
25)	Landscaping works and plant selection are to be undertaken to ensure: <ul style="list-style-type: none"> a. Climatically appropriate species are planted; b. Planting densities and stock sizes are suitable for their location, purpose and hardiness; and c. Landscape elements do not interfere with sightlines 	As part of landscaping works and to be maintained
Lawful Commencement		
26)	Written notice must be given to Council that the development fully complies with this Development Permit.	Prior to the commencement of the use
27)	Notify Council within 20 business days that this approved use has lawfully commenced.	As indicated

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 <i>Planning Act 2016</i> and would have to comply with the requirements of the relevant provisions.



Advisory Notes	
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 <i>Planning Act 2016</i> . 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.
Aboriginal and Cultural Heritage	
C.	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care
Abandoned Mine Shafts	
D.	The city of Charters Towers is subject to a significant number of abandoned mine shafts due to the former gold rush era. It is recommended that all searches be undertaken through the Queensland State Government's Department of Natural Resources Mines and Energy (DNRME) to ensure that the development is not unduly impacted upon by these shafts. The DNRME can be contacted on 13 74 68.
Wet Tropics World Heritage Area	
E.	Land within the Charters Towers Regional Council local government area falls within the Wet Tropics World Heritage Area and is governed by the <i>Wet Tropics World Heritage Protection and Management Act 1993</i> and the <i>Wet Tropics Management Plan 1998</i> . Prior to carrying out works, it is advised that you contact the Wet Tropics Management Authority on (07) 4241 0500 or by post at PO Box 2050 CARINS QLD 4870. For further information including viewing the Act, Management Plan and Interactive Mapping, please visit: http://www.wettropics.gov.au/
Workplace Health and Safety	
F.	Ensure compliance with the <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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.



Advisory Notes	
Environmental nuisance	
G.	<p>Ensure compliance with the <i>Environmental Protection Act 1994</i>. 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.</p> <p>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.</p>
Airport Operations	
H.	Where works may impact on the safety operation of the Charters Towers Airport such as the use of cranes, industrial lighting or involve impacts such as gaseous plumes, it is advised that you contact one of Council's Airport Reporting Officer(s) on (07) 4761 5300 prior to works commencing.
Ergon Energy and Telstra Corporation Contact Details	
I.	<p>Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below:</p> <ul style="list-style-type: none"> a) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or b) NBN Co – 1800 687 626.
Council Forms, Policies and Drawings	
J.	<p>In achieving compliance with conditions, the below Council forms will need to be completed for this development:</p> <ul style="list-style-type: none"> a) Standard drawings and specifications for driveways and roads b) F0313 – Request for water supply connection or disconnection c) F0347 – Application for sewer main cut-in

3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period six 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. Building Works
2. Plumbing and Drainage Works

5. Referral agencies

Not applicable.



6. Submission(s)

Not applicable.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the development:	Development Permit for a Material Change of Use for Outdoor Sales	
Reasons for the decision:	The proposed development was assessed against the Charters Towers Regional Town Plan Version 2 and was found to generally comply with the relevant Acceptable Outcomes and Performance Outcomes. Where compliance was not achieved, appropriate conditions have been applied to ensure compliance.	
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan Version 2 including the: <ul style="list-style-type: none"> 1) Industrial zone code 2) Development works code 3) Landscaping Code 	
	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	N/A	N/A
Relevant matters:	N/A	
Matters raised in submissions:	Submission Point:	Council Response:
	N/A	N/A

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

There are no other requirements.

9. Infrastructure charges notice

No infrastructure charges are applicable to this development under the Council's current Infrastructure Charges Resolution

10. 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



Date: 12 December 2025

Ref No: 5148990

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*.

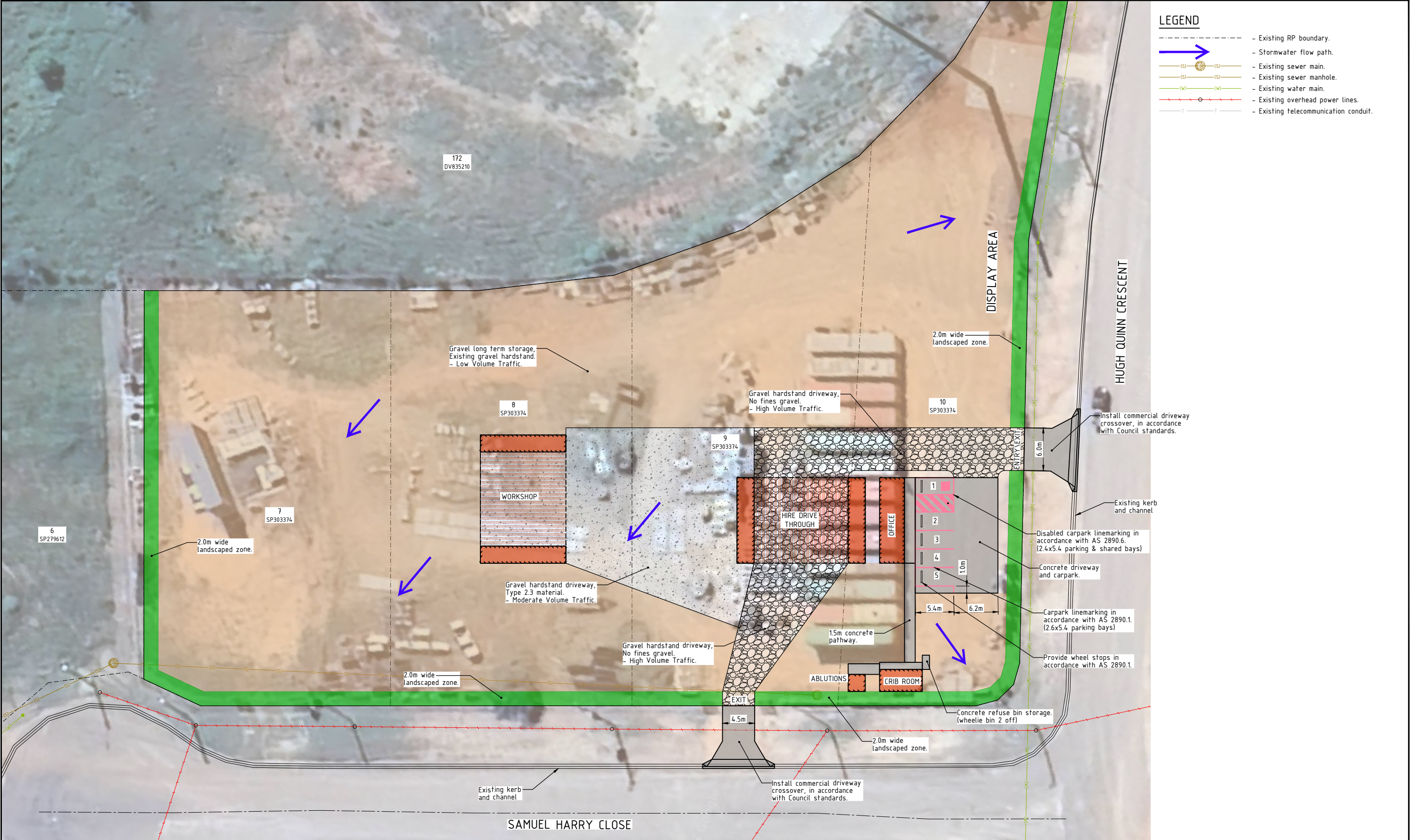
Should you wish to discuss this matter, please contact Council on (07) 4761 5300.

Yours faithfully



Timna Green
Manager Planning & Development





LAYOUT PLAN

LEVEL DATUM A.H.D.
Horizontal Datum GDA' 94, Zone 55
Refer PSM 52172 RL, 289.279
NEW QUEEN ROAD



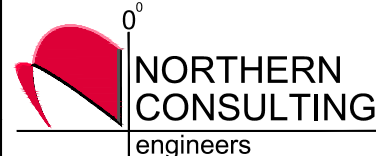
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ENGINEERING CERTIFICATION

Signed:
DEREK ROBERT CONLEY SAW - RPEQ No. 7363

THE ORIGINAL OF THIS DOCUMENT IS COMPLETED TO THE SCALE NOTED.
AS REPRODUCTION CAN DISTORT SIZE & SHAPE USE ONLY THE DIMENSIONS
PROVIDED ON ARCHITECTURAL &/OR ENGINEERING DRAWINGS. VERIFY
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All work is to be carried out in accordance
with LOCAL AUTHORITY'S standard details.

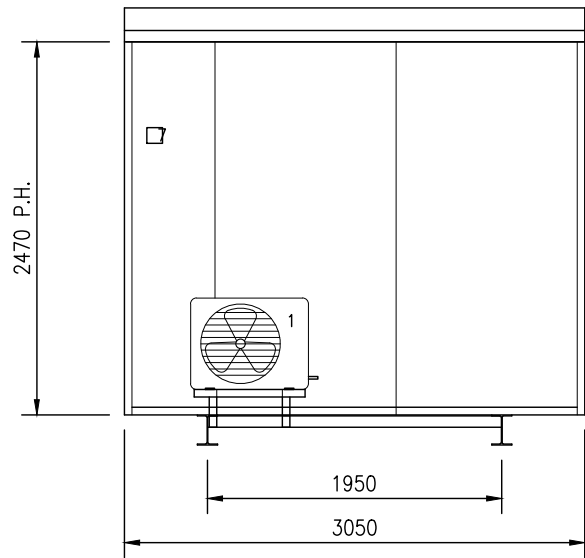


Civil | Structural | Forensic
Traffic | Flood Modelling

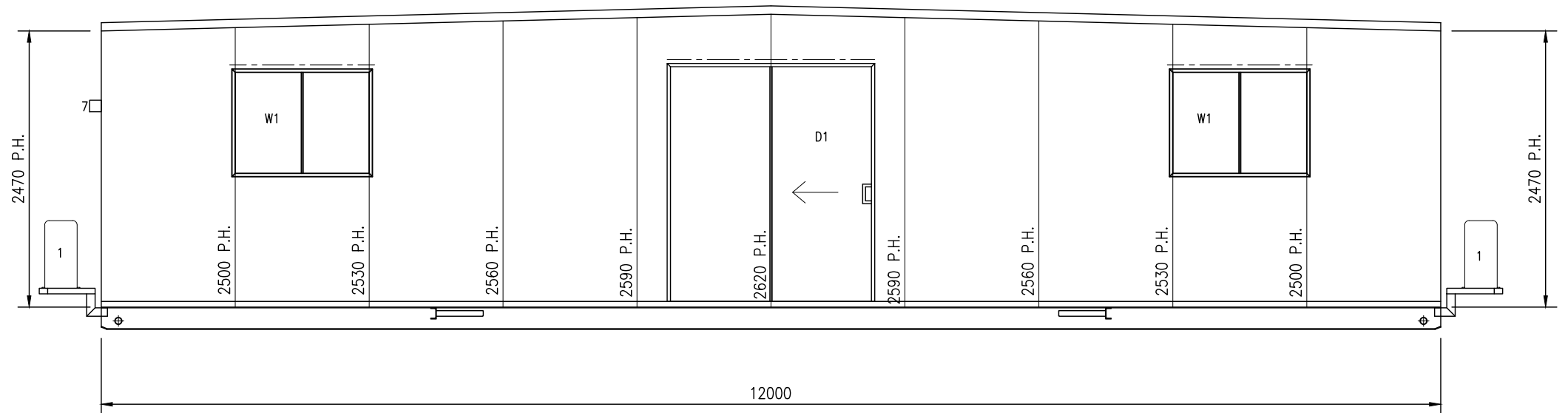
TOWNSVILLE | SUNSHINE COAST
BRISBANE | NEW ZEALAND
T: +617 4725 5550 E: mail@nceng.com.au
W: www.nceng.com.au

P4 PRELIMINARY - NOT FOR CONSTRUCTION - ISSUED FOR APPROVAL.
P3 PRELIMINARY - NOT FOR CONSTRUCTION - ISSUED FOR APPROVAL.
P2 PRELIMINARY - NOT FOR CONSTRUCTION - ISSUED FOR APPROVAL.
P1 PRELIMINARY - NOT FOR CONSTRUCTION - ISSUED FOR APPROVAL.

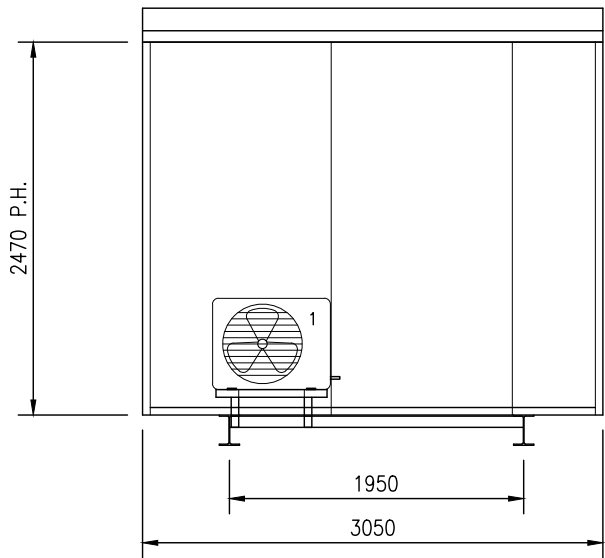
Issue	Description		Date
Drawn DC	In Association With	CONCEPT SITE LAYOUT PLAN	
Date 12/08/2025	GOLDTOWER Pty Ltd		
Checked DC	COMMERCIAL DEVELOPMENT	Drawing Number	
Reviewed DS	2-10 SMAUEL HARRY CLOSE CHARTERS TOWERS		
COPYRIGHT ©	(Lot 7, 8, 9 & 10 SP303374)		
		GDTTC0100/VH01	Issue P4



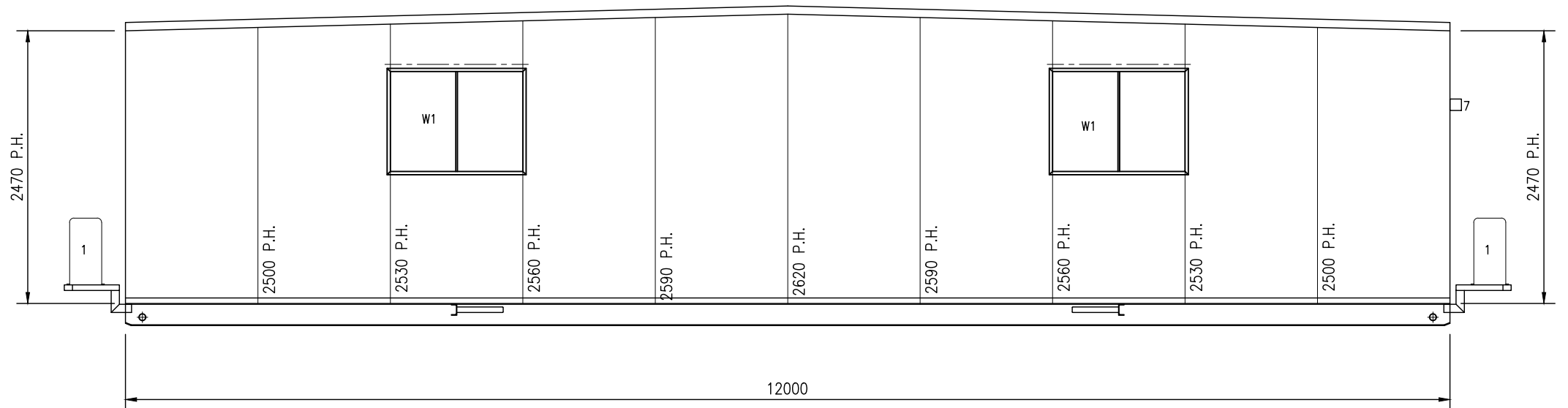
ELEVATION 01
L/H SIDE 02



ELEVATION 02
FRONT 02

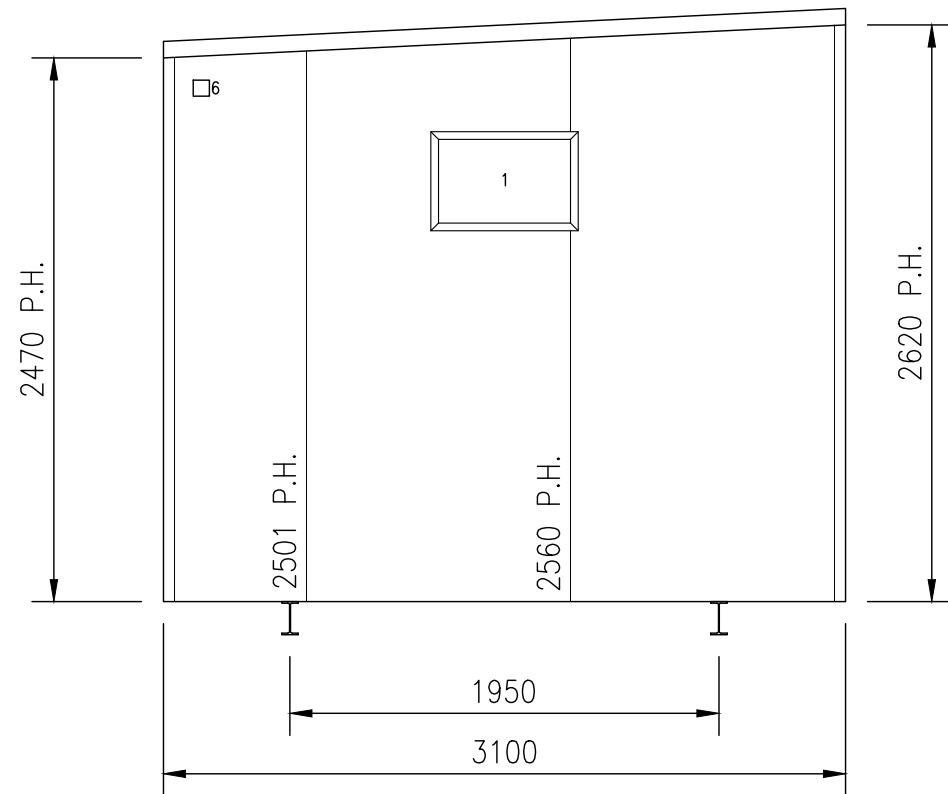


ELEVATION 03
R/H SIDE 02

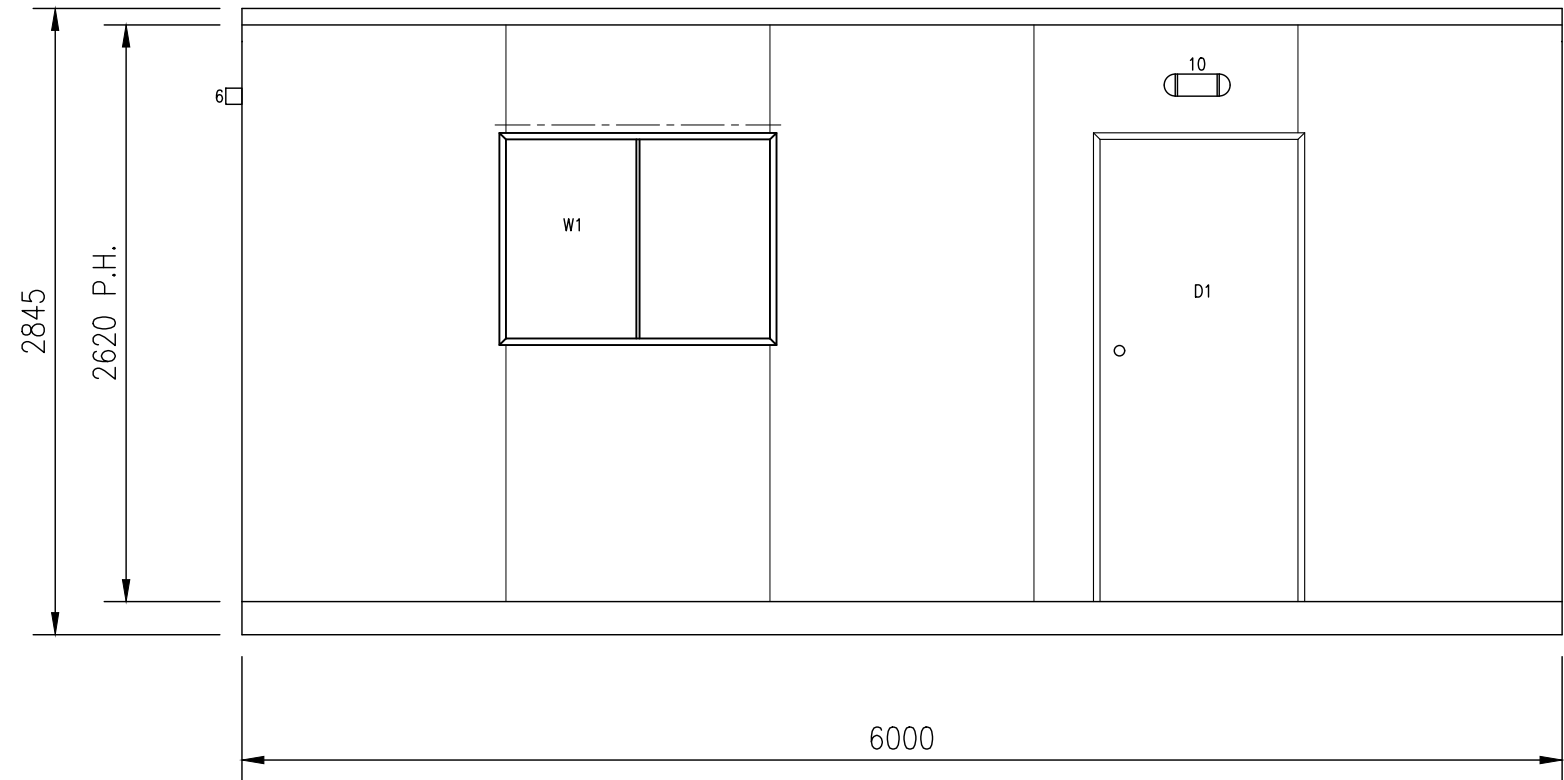


ELEVATION 04
REAR 02





ELEVATION 01
L/H SIDE 02



ELEVATION 02
FRONT 02



M&P SERVICES
(QLD) Pty Ltd



1 Diesel Drive
Paget, Queensland, 4740
Australia
Phone: (07) 4965 7777
Fax: (07) 4898 0599
Email: enquiries@mpservices.net.au

This drawing remains the property of M&P Services (Qld) Pty Ltd. The whole or part thereof can not be copied, reproduced or loaned in any form without their approval. Drawings are indicative, dimensions may change slightly during construction.

CLIENT: **M&P SERVICES (QLD) PTY. LTD.**
SITE LOCATION: **MACKAY, QLD**

DESCRIPTION:
6.0x3.1m I-AUDIT OFFICE ELEVATIONS

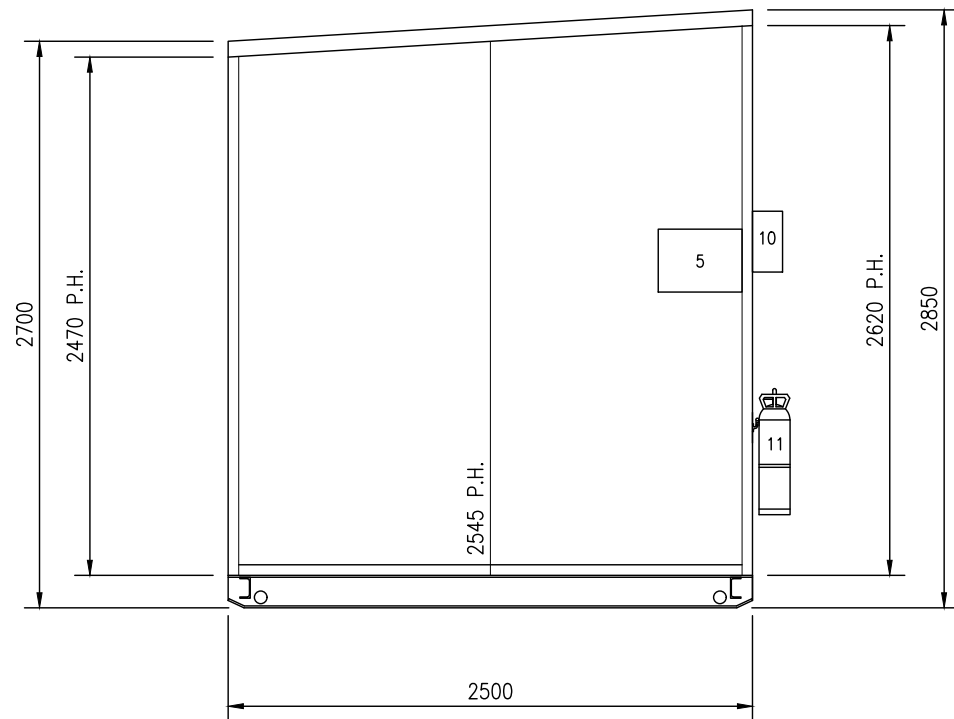
CLIENT SIGNATURE:

DATE SIGNED:

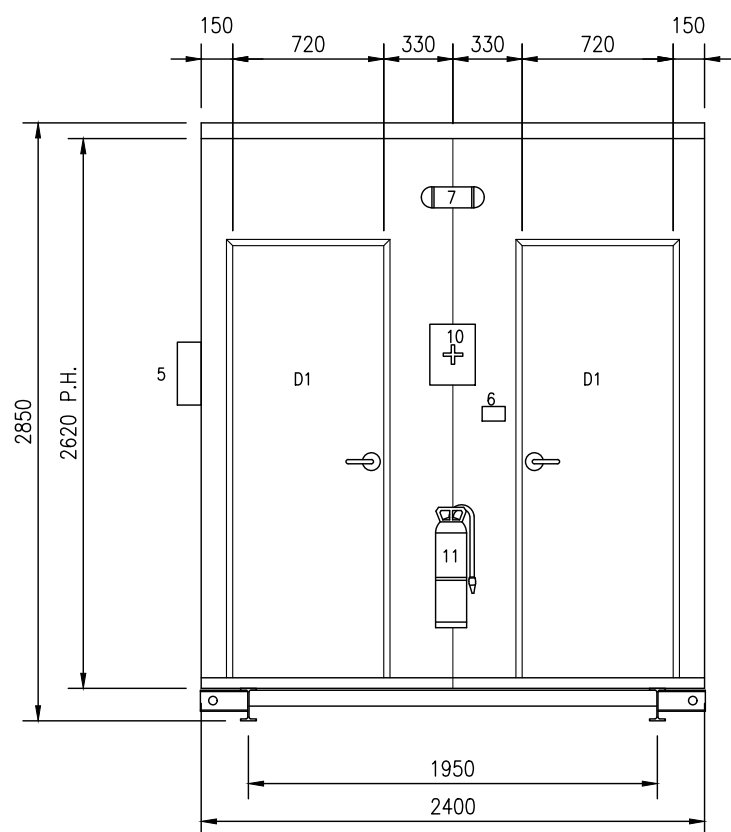
DRAWN: **JKH**
CHECKED:
DATE: **05-10-2021**
SIZE: **A3**
SCALE: **NOT TO SCALE DO NOT SCALE**

WIND RATING: C2			
FLOOR LOAD: 3.0kPa/1.8kN			
REVISION	01	ISSUED FOR APPROVAL	
DESCRIPTION OF CHANGES			DATE CHANGED

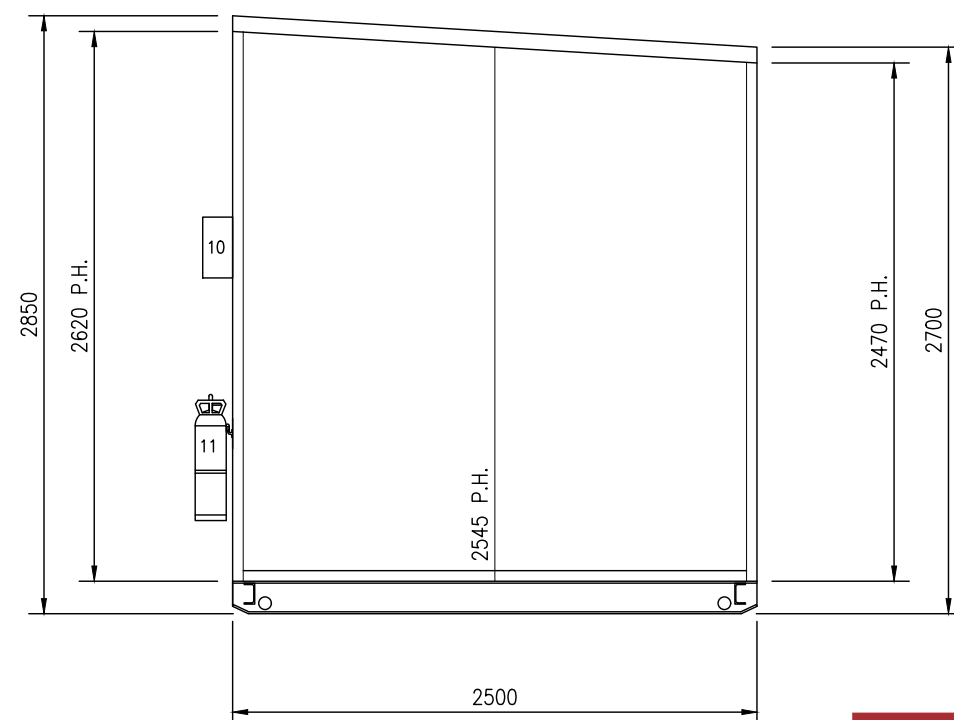
JOB/DRAWING NUMBER:
15558-MPS-01
REVISION: **01** SHEET: **2**



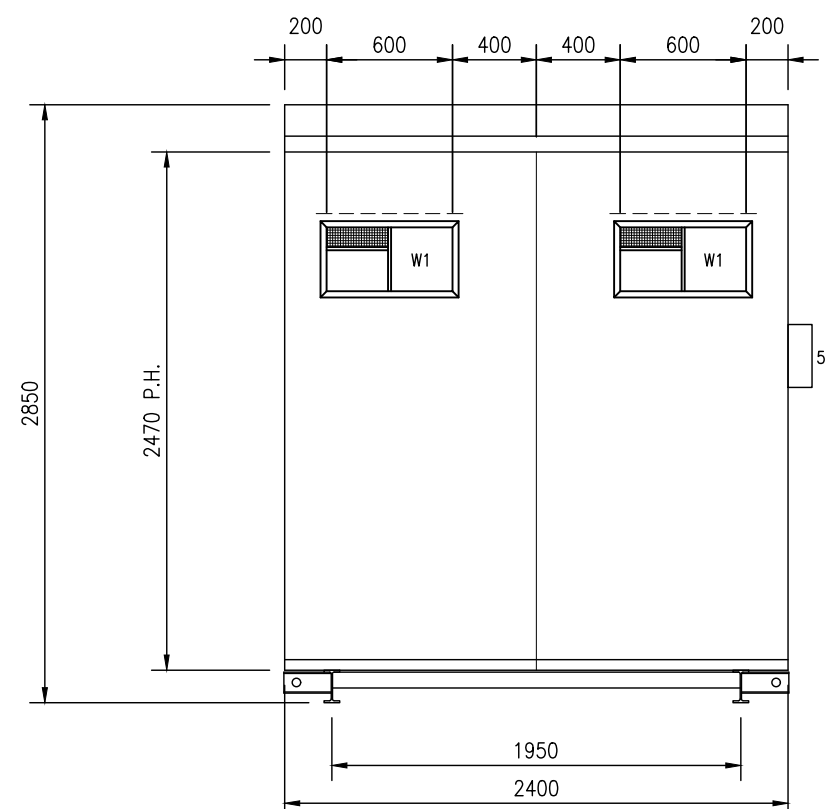
ELEVATION 01
L/H SIDE 02



ELEVATION 02
FRONT 02




ELEVATION 03
R/H SIDE 02



ELEVATION 04
REAR 02



 <p>1 Diesel Drive Paget, Queensland, 4740 Australia Phone: (07) 4965 7777 Fax: (07) 4898 0599 Email: enquiries@mps-services.net.au</p>	<p>This drawing remains the property of M&P Services (Qld) Pty Ltd. The whole or part thereof can not be copied, reproduced or loaned in any form without their approval. Drawings are indicative, dimensions may change slightly during construction.</p>	CLIENT: M&P SERVICES (QLD) PTY. LTD. SITE LOCATION: MACKAY, QLD	DESCRIPTION: 2.5x2.4m 2-PAN TOILET ELEVATIONS	CLIENT SIGNATURE: DATE SIGNED:	DRAWN: JKH CHECKED: DATE: 08-08-2024 SIZE: A3	WIND RATING: C2 FLOOR LOAD: 3.0kPa/1.8kN SCALE: NOT TO SCALE DO NOT SCALE	JOB/DRAWING NUMBER: 18055-MPS-01	
							REVISION: 01	SHEET: 2

Minister: Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Agency: Department of State Development, Infrastructure and Planning

Minister: Minister for Housing and Public Works and Minister for Youth

Agency: Department of Housing and Public Works

Planning Act 2016

Reprint current from 18 July 2025 to date (accessed 4 August 2025 at 10:33)

[Chapter 6](#) > Part 1

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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see [section 106ZJ](#).

- (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.

s 229 amd 2018 No. 17 s 178; 2022 No. 11 s 38; 2024 No. 13 s 77; 2025 No. 14 s 86 sch 1

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.

s 230 and 2017 No. 12 s 50; 2019 No. 11 s 172

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.

s 231 and 2017 No. 12 s 51; 2019 No. 11 s 173; 2020 No. 28 s 74A

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.