

DECISION NOTICE

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

Application Details

Connection Application No:	2018013137-S1
Street Address:	16 and 22 Vieritz Road, BELLMERE, QLD, 4510
Property Description:	Lot 1 and Lot 25 RP218952
Local Government Area:	Moreton Bay Regional Council
Development Estate Name:	N/A
Development Stage Number:	N/A

Decision Details

Decision:	Approval
Decision Date:	5 th March 2019
Assessment Officer:	Ross Gregory
Category of Connection:	Other
Approval Phase:	Network Works Approval
Approval Type	Extension of Unitywater Networks
Description:	Networks Works Application for Sewer and Water Reticulation

Conditions

This approval authorises the connection of network infrastructure and/or property services infrastructure at Lot 1 and Lot 25 RP218952 to Unitywater's infrastructure subject to the following conditions.

General Condition		Timing
GEN 1	When approval lapses	
	Ensure the water connection aspects of this water approval are carried out within 4 years of the date of this water approval taking effect.	At all times.

Network Works Approval Conditions		Timing
NWA 1	<i>Construct approved Network Works design</i>	
	<p>a) Construct the water supply and sewerage network works in accordance with:</p> <ol style="list-style-type: none"> i. conditions of this water approval and ii. the documents and drawings (including the Statement of Alternative Solutions, where relevant) as listed in the Table of Approved Documents and Drawings. <p>b) Generate as-constructed drawings and data which detail the works constructed in accordance with the <i>South East Queensland Water Supply and Sewerage Design and Construction Code – Asset Information Specification</i> and submit these to Unitywater’s satisfaction.</p> <p>This condition is imposed under section 99BRDJ of the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i>.</p>	<p>a) At all times during construction and until Network Works are accepted ‘Off-Maintenance’.</p> <p>b) Prior to issue of the Certificate of Completion.</p>
NWA 3	<i>Pre-start Meeting</i>	
	<p>Construction of the water supply and sewerage works must not commence until a joint Pre-start Meeting has occurred, between:</p> <ol style="list-style-type: none"> (a) the responsible consulting engineer; (b) the principal contractor and the subcontractor (if any); and (c) a Unitywater development officer. 	Prior to the commencement of construction.
NWA 4	<i>Works at Applicant’s expense</i>	
	<p>The Applicant is responsible for all costs associated with the works that need to be constructed to comply with conditions unless otherwise stated in the condition.</p>	At all times during construction and until works are accepted ‘Off-Maintenance’.
NWA5	<i>Standards</i>	
	<p>Construct all works in accordance with the approved drawings, the <i>South East Queensland Water Supply and Sewerage Design and Construction Code</i>, Unitywater’s Connections Administration Manual, other conditions stated in this Decision Notice for a water approval.</p> <p>Note: Where works shown on the approved drawings have an omission, or are inconsistent with, or in conflict with the <i>South East Queensland Water Supply and Sewerage Design and Construction Code</i> and this approval has not authorised the omission, inconsistency or conflict under a Statement of Alternative Solutions as listed in the Table of Approved Documents and Drawings, the <i>South East Queensland Water Supply and Sewerage Design and Construction Code</i> shall prevail.</p>	At all times during construction and until works are accepted ‘Off-Maintenance’.

NWA 6	<i>Council development permit consistent with connection approval</i>	
	<p>Demonstrate a Council development permit has been issued that is consistent with the Unitywater connection approval.</p> <p>OR</p> <p>Submit a written statement to Unitywater, describing the reasons why the Council development permit is not able to be demonstrated, and provide evidence of Unitywater acceptance of the statement.</p>	Prior to request for a Pre-start Meeting.
NWA7	<i>Workplace Health and Safety</i>	
	<p>Comply with the <i>Work Health and Safety Act</i> and Regulations.</p> <p>Note: Should the Applicant fail to appoint a Principal Contractor within the meaning of that <i>Act</i> within the time required, the Applicant shall be the Principal Contractor under that <i>Act</i> and shall perform all duties of the Principal Contractor including but not limited to:</p> <ul style="list-style-type: none"> • Giving notice to the Director of Accident Prevention prior to commencing notifiable work; and • Payment of the relevant fees under the <i>Act</i>. 	At all times during construction and until works are accepted 'Off-Maintenance'.
NWA 8	<i>Documentation requirements as a single package prior to On-Maintenance inspection</i>	
	Submit documentation as a single package in compliance with requirements of the <i>South East Queensland Water Supply and Sewerage Design and Construction Code</i> , Connections Administration Manual and the Accreditation and Certification Manual.	Within 5 business days from the notification date for On-Maintenance inspection.

NWA 10	<i>Provide structural certification for retaining walls</i>	
	<p>Where retaining walls are proposed to be constructed over or adjacent to proposed or existing sewerage mains, provide Unitywater with a RPEQ structural certification that addresses the following points:</p> <ul style="list-style-type: none"> • Walls have been constructed in accordance with approved retaining wall and relevant sewerage design drawing(s) included in the Table of Approved Documents and Drawings; • Wall(s) must be self-supporting in event of sewerage pipe excavation; • A minimum distance of 300mm between the outside of the sewerage pipe or sewerage maintenance hole and the retaining wall has been achieved; • No loads from retaining wall impact on the sewerage pipe trench; • The base of retaining wall footings are located below zone of influence of the sewerage pipe; and • A minimum distance of 600mm between the outside of bored holes and the outside of any sewerage pipe has been achieved. 	Prior to request for On-Maintenance inspection.
NWA 11	<i>Provide structural certification for construction of sewerage bridging</i>	
	Provide Unitywater with RPEQ structural certification for the structural bridging as designed for building or structures over the proposed or existing sewerage mains that certifies the structural bridging has been achieved consistent with the detail shown on the approved design drawing(s), included in the Table of Approved Documents and Drawings .	Prior to request for On-Maintenance inspection.
NWA 13	<i>Easements</i>	
	<p>Easements must be provided over sewerage mains and/or rising mains as per requirements of the SEQ WS&S D&C Code.</p> <p>Note: Easement terms will be the most current registered dealing held by the Department of Natural Resources & Mines and will not be altered or amended.</p>	Prior to the issue of the Certificate of Completion
NWA 14	<i>Special Condition 1 – Prior to Pre-Start</i>	
	Provide written evidence from MBRC confirming acceptance of water main deflection as shown on Detail '01' of Drawing Number 18-209-30 Rev C.	Prior to requesting a Pre-Start meeting.

NWA 15	<i>Special Condition 2 – Existing Sewer Main Operation, Access and Removal</i>	
	<p>a) The existing sewer main traversing this site is to remain operational and accessible to Unitywater maintenance crews at all times during construction</p> <p>b) Remove identified sections of existing sewer mains from site</p>	<p>a) At all times during construction and until the sewer live works have been completed</p> <p>b) After Unitywater have carried out all live sewer works associated with this approval</p>
NWA 17	<i>Special Construction Condition – Bridging Details in Council Approved Stormwater Drainage Design</i>	
	<p>Sewerage Reticulation:</p> <p>Demonstrate the Council approved stormwater drawings contain the stormwater/sewer bridging detail consistent with the detail shown on the approved sewer drawing 18-209-25 Rev B for this Stage of development.</p>	At the time of Pre-Start meeting.

Unitywater Approved Plans

Unitywater Approved Plans			
Plan Number	Title	Prepared by	Date
18-209-24 Rev C	Sewerage Reticulation Layout Plan	KN Group	21.02.19
18-209-25 Rev B	Sewerage Reticulation Notes (as marked-up in red by Unitywater)	KN Group	21.02.19
18-209-26 Rev C	Sewerage Reticulation Longitudinal Section Sheet 1 (as marked-up in red by Unitywater)	KN Group	21.02.19
18-209-27 Rev C	Sewerage Reticulation Longitudinal Section Sheet 2 (as marked-up in red by Unitywater)	KN Group	21.02.19
18-209-28 Rev C	Water Reticulation Layout Plan	KN Group	21.02.19
18-209-29 Rev B	Water Reticulation Live Connection Details	KN Group	21.02.19
18-209-30 Rev C	Water Reticulation Notes	KN Group	21.02.19

3. Advisory Notes	
3.1	<i>Infrastructure charges</i>
	<p>Payment of Levied Charges is required in accordance with Unitywater's Infrastructure Charges for water supply and sewerage. Unitywater may give the Applicant an Infrastructure Charges Notice within 10 business days after the giving of this Decision Notice.</p> <p>From 1 July 2014, all Infrastructure Charges for water supply and sewerage infrastructure networks controlled by Unitywater, regardless of when the Infrastructure Charges Notice was issued, shall be paid directly to Unitywater.</p>
3.2	<i>Works in roads</i>
	<p>Where works associated with the Connection Application results in works to be carried out in a publicly controlled place e.g. roads, it is the Applicant's responsibility to gain the necessary approvals from the relevant authority e.g. council, Department of Transport and Main Roads. It is the Applicant's responsibility to ensure that it has all necessary consents and approvals to carry out any works in a publicly controlled place prior to starting any such works.</p> <p>The approval for works in roads must be attached to the Request for Pre-start Meeting form.</p>
3.3	<i>State Assessment and Referral Agency (SARA)</i>
	<p>This approval relates to Connection Application requiring approval under the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> only. It is the Applicant's responsibility to ensure any works requiring approval/s under the <i>Sustainable Planning Act 2009</i> (Qld) are obtained from <i>State Assessment and Referral Agency (SARA)</i> prior to the request for a Pre-start Meeting.</p>
3.4	<i>Fire flow</i>
	<p>The use of pressure boosting pumps for fire flow purposes that are proposed to connect directly to Unitywater's water mains may not be permitted by Unitywater. Enquire with Unitywater's Development Services team prior to lodging a connection approval application to ascertain the appropriate requirements in relation to the use of directly connected pressure boosting pumps.</p>
3.5	<i>The Aboriginal Cultural Heritage Act 2003</i>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004 and establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Unitywater strongly advises the Applicant to contact the Cultural Heritage Co-ordination Unit on 07 3247 6212 to discuss any obligations under the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
3.6	<i>Level of service</i>
	<p>The Water and Sewerage Services Code for Small Customers in South East Queensland and the Unitywater's Customer Service Standard specify the level of service for Unitywater's water and sewerage services.</p>
3.7	<i>Other services</i>
	<p>It is the Applicant's responsibility to acquire the necessary approvals from the relevant authority or service provider to alter or relocate their service.</p>

3.8	<i>Other approval requirements and compliance with all laws</i>
	<p>This approval only authorises the connection to Unitywater’s infrastructure. This approval does not remove the need for other approvals in order to carry out the necessary work for the development.</p> <p>For example, the Applicant should consider the need to comply with relevant standards and obtain approvals for impacts arising from sediment and erosion control, flora and fauna and traffic/roads, including traffic management etc.</p> <p>The Applicant is responsible for obtaining all necessary approvals for its development and complying with all laws including all environmental laws.</p>
3.9	<i>Third party property</i>
	<p>If any infrastructure authorised by this approval is to be constructed on property that is not owned or controlled by the Applicant, it is the Applicant’s or developer’s responsibility to gain the necessary consents to install that infrastructure.</p>
3.10	<i>Connection to Unitywater water supply network</i>
	<p>All works associated with live water mains must be carried out by Unitywater at the developer’s expense.</p> <p>Connections to the existing Unitywater water supply network must only be carried out by Unitywater Private Works section by application. Connections will only be completed after the new water supply infrastructure has been accepted ‘On-Maintenance’.</p> <p>Works on or in close proximity to existing Unitywater infrastructure require consultation with Unitywater Private Works prior to commencement of construction. Private Works shall be contacted (allow a minimum of five working days for processing) prior to commencing work. The requirement for a Network Intervention application will require additional processing time.</p> <p>Connections to the existing Unitywater sewerage network may be carried out in accordance with section 5.7.1 of the <i>Accreditation and Certification Manual</i>.</p>
3.11	<i>Errors and omissions</i>
	<p>This approval shall not be taken to mean that the drawings have been checked in detail, Unitywater accepts no responsibility whatsoever for the survey information, the design, or for the accuracy of any information or detail contained in the drawings and specifications.</p> <p>Where errors or omissions occur in the design drawings or specifications, or where works do not conform to or meet Unitywater standards, the Applicant shall be responsible for arranging rectification to comply with those standards at no cost to Unitywater.</p> <p>Where approved drawings contain insufficient detail, or do not contain details of works that are either necessary or associated with the development then these works shall be designed, approved and constructed to Unitywater standards, as required by Unitywater.</p> <p>Unitywater reserves the right to request amendment of the approved drawings or request further information should this become necessary. Only the approved drawings shall be used for construction.</p>
3.12	<i>Existing water meter(s)</i>

	<p>The Applicant is advised that if the existing water meter currently serving the property will no longer be required, an application (Standard Connection Request) must be made to Unitywater to disconnect the meter.</p> <p>A fee is applicable for the disconnection of services.</p> <p>Refer to Unitywater Fees and Charges schedule at: Pricing, fees and charges.</p>
3.13	<p><i>Private Works</i></p>
	<p>The Applicant is advised that all connection works by Unitywater Private Works are quoted on application.</p> <p>This requires the applicant to submit a completed Water Supply and Sewerage Services Private Works Application form to the email address on the form together with this water approval to enable a quotation to be produced by Private Works.</p> <p>Further information is available at: Changes to existing services</p> <p>Note: The Applicant must ensure works can commence within sixty (60) days once the quote has been paid. Unitywater reserves the right to requote when a period greater than 60 days from time for payment has elapsed.</p>
3.14	<p><i>Internal Review and Appeal Rights</i></p>
	<p>You have a right to apply for an internal review of the decision including the conditions attached to this decision. Under the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> an appeal against a decision must be, in the first instance, by way of an application for internal review.</p> <p>The attached information sheet provides information about the internal review and appeal processes, including how to apply and the details of the information required to be submitted with your application.</p> <p>Please note that any application for an internal review of this decision must be made within 30 business days after the date the application was decided (see Decision Details on Page 1).</p> <p>It is advised that prior to the submission of a formal application for internal review, the applicant should contact the responsible Unitywater officer to discuss the issues of concern. This can be done by emailing development.services@unitywater.com and it needs to be made clear in the email content that this initial enquiry is not a formal application for internal review, but instead is a preliminary enquiry to discuss issues that have been conditioned in the Unitywater Decision Notice and/or Infrastructure Charges Notice. The Unitywater officer and Development Services may consider changes to the Decision Notice and/or Infrastructure Charges Notice without the need of an Internal Review. This preliminary enquiry and consultation does not have an effect on the 30 business days of the 'decision period' and if the issue cannot be resolved within this time, the only recourse of Internal Review is as explained in the process above.</p>

Part Approval

N/A

Internal Review and Appeal Rights

You have a right to apply for an internal review of the decision including the conditions attached to this decision. Under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* an appeal against a decision must be, in the first instance, by way of an application for internal review.

The attached information sheet provides information about the internal review and appeal processes, including how to apply and the details of the information required to be submitted with your application.

Please note that any application for an internal review of this decision must be made within 30 business days after the date the application was decided (see Decision Details on Page 1).

It is advised that prior to the submission of a formal application for internal review, the applicant should contact the responsible Unitywater officer to discuss the issues of concern. This can be done by emailing development.services@unitywater.com and it needs to be made clear in the email content that this initial enquiry is not a formal application for internal review, but instead is a preliminary enquiry to discuss issues that have been conditioned in the Unitywater Decision Notice and/or Infrastructure Charges Notice. The Unitywater officer and Development Services may consider changes to the Decision Notice and/or Infrastructure Charges Notice without the need of an Internal Review. This preliminary enquiry and consultation does not have an effect on the 30 business days of the 'decision period' and if the issue cannot be resolved within this time, the only recourse of Internal Review is as explained in the process above.

Advisory Notes

The following notes are included for guidance and information only and do not form part of the conditions of this approval.

Development Approval

This approval does not authorise development other than the connection approval. It is the applicant's responsibility to obtain any necessary development approvals for development related to this connection approval.

Infrastructure Charges

This approval may trigger an Infrastructure Charges Notice to be issued in accordance with Unitywater's Infrastructure Charges Schedule adopted under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*. If a charge is applicable, a separate Infrastructure Charges Notice will be given. This notice must be given to the applicant within 10 business days after the giving of this Decision Notice.

Aboriginal Cultural Heritage Act 2003

There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the Aboriginal Cultural Heritage Act 2003.

The ACH Act establishes a cultural heritage duty of care which provides that: "*A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.*" It is an offence to fail to comply with the duty of

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care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

Yours sincerely



Noel Killip
Team Leader Connection Approvals
Development Services
Unitywater

INFORMATION SHEET – REVIEWS AND APPEAL PROCESS

Division 1 Preliminary

99BRAW Meaning of *interested person* and *original decision*

- (1) An ***interested person*** for this part is an applicant under this chapter who—
- (a) has been given a decision notice; or
 - (b) if the period during which the application was required to be decided under the relevant connections policy has expired—has not been given a decision notice; or
 - (c) has had 1 or more of the following charges levied for a connection, other than for a standard connection—
 - (i) a connection charge;
 - (ii) a property service works charge;
 - (iii) a charge under an infrastructure charges notice; or
 - (d) has been given a notice under section 99BRDG about a conversion application, or there is a deemed refusal for the application.
- (2) Each of the following is an ***original decision***—
- (a) the decision or action for which a decision notice was given (an ***approval decision***);
 - (b) if the period during which an application was required to be decided under the connections policy has expired—the failure to give a decision notice for the application (a ***failure to decide***);
 - (c) the decision to levy a charge for a connection mentioned in subsection (1)(c)(i) or (ii) (a ***charge decision***);
 - (d) the decision to give an infrastructure charges notice;
 - (e) the refusal or deemed refusal of a conversion application (a ***conversion decision***).
- (3) However, for an original decision under subsection (2)(a), an interested person cannot appeal a water approval condition that became a condition under section 99BRAM.

99BRAX Other definitions for pt 4 In this part—

charge decision see section 99BRAW(2)(c).

conversion decision see section 99BRAW(2)(e).

deemed refusal, for a conversion application, means a refusal of the application that is taken to have happened if a decision is not made within the required period for the application.

required period, for a conversion application, see section 99BRDF(6).

standard appeal period, for an appeal under division 3 or 4, means—

- (a) if the notice for the review decision is given to the interested person—within 20 business days after the notice was given; and
- (b) otherwise—within 20 business days after the review decision is taken to have been made under section 99BRBC(4).

Division 2 Internal reviews

99BRAY Appeal process starts with internal review

An appeal of an original decision, other than an appeal against a compliance notice, must be, in the first instance, by way of an application for internal review.

99BRAZ Who may apply for review

- (1) An interested person for an original decision may apply for an internal review of the decision (an ***internal review application***).
- (2) An internal review application may be made only to the chief executive officer of the relevant distributor-retailer (the ***reviewer***).

99BRBA Requirements for making internal review application

An internal review application must be—

- (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
- (b) supported by enough information to enable the reviewer to decide the application; and
- (c) made within 30 business days after the day—
 - (i) for a failure to decide or a deemed refusal of a conversion application—the relevant decision was required to be made; or
 - (ii) otherwise—the original decision is made.

99BRBB Review decision

(1) The reviewer must, within the review decision period—

- (a) review the original decision the subject of the application; and
- (b) make a decision (the **review decision**) to—
 - (i) confirm the original decision; or
 - (ii) amend the original decision; or
 - (iii) substitute another decision for the original decision.

(2) The application must not be dealt with by—

- (a) the person who made the original decision; or
- (b) a person in a less senior office than the person who made the original decision.

(3) Subsection (2)—

- (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and
- (b) does not apply to an original decision made by the chief executive officer.

(4) If the review decision confirms the original decision, for the purpose of an appeal, the original decision is taken to be the review decision.

(5) If the review decision amends the original decision, for the purpose of an appeal, the original decision as amended is taken to be the review decision.

(6) In this section— **review decision period** means—

- (a) 15 business days after receiving an internal review application; or
- (b) another period agreed to between the distributor-retailer and the applicant.

99BRBC Notice of review decision

(1) The reviewer must, within 5 business days after the review decision period ends, give the applicant notice of the review decision (a **review notice**).

(2) The review notice must state the reasons for the review decision.

(3) If the review decision is not the decision sought by the applicant, the notice must also state the applicant may, within 20 business days after the review notice is given—

- (a) appeal against the decision to a building and development committee; or
- (b) appeal against the decision to the Planning and Environment Court.

(4) If the reviewer does not comply with subsection (1), the reviewer is taken to have made a decision confirming the original decision.

99BRBD Internal review stops particular actions

(1) If an internal review is started under this division, any work under a water approval must not be started until the review is decided or withdrawn.

(2) Despite subsection (1), if the reviewer is satisfied the outcome of the review would not be affected if the work is started before the review is decided, the reviewer may allow the work to start before the review is decided.

Division 3 Appeals to a building and development committee

99BRBE Appeals about applications for connections—general

(1) This section applies to an applicant for a connection if—
(a) for the application for a connection, the land to which the connection relates is subject to a development application mentioned in the Planning Act, section 519 or 522; and
(b) the applicant applied for internal review of an approval decision or failure to decide; and
(c) the review decision is not the decision sought by the applicant.

(2) The applicant may appeal to a building and development committee against any of the following—

- (a) a refusal, or an approval in part, of an application;
- (b) a water approval condition;
- (c) another matter stated in the approval.

(3) The appeal must be started within the standard appeal period.

99BRBF Appeals about applications for connections—particular charges

(1) This section applies to an applicant for a connection if—
(a) the applicant applied for internal review of a charge decision or a decision to give an infrastructure charges notice; and
(b) the review decision is not the decision sought by the applicant.

(2) The applicant may appeal to a building and development committee about the review decision.

(3) The appeal may be made only on 1 or more of the following grounds—

- (a) the decision involved an error relating to the application of the relevant charge;
- (b) if the decision is the giving of an infrastructure charges notice—
 - (i) the decision involved an error relating to—
 - (A) the working out, for section 99BRCJ, of additional demand; or
 - (B) an offset or refund; or
 - (ii) there was no decision about an offset or refund; or
 - (iii) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.

(4) To remove any doubt, it is declared that the appeal must not be about—

- (a) the relevant charge itself; or
- (b) for a decision about an offset or refund for an infrastructure charges notice—
 - (i) the establishment cost of infrastructure identified in the distributor-retailer's water netserv plan; or
 - (ii) the cost of infrastructure decided using the method included in the distributor-retailer's infrastructure charges schedule.

(5) The appeal must be started within the standard appeal period.

99BRBFA Appeals against refusal of conversion application

(1) This section applies to an applicant for a conversion application if—
(a) the applicant applied for internal review of the conversion decision; and
(b) the review decision is not the decision sought by the applicant.

(2) The applicant may appeal to a building and development committee against the review decision.

(3) The appeal must be started within the standard appeal period.

99BRBG Application of relevant committee appeal provisions

(1) The relevant committee appeal provisions apply, with any necessary changes, to an appeal under this division as if a reference in the provisions to—

- (a) an assessment manager were a reference to the distributor-retailer; and
- (b) a development application were a reference to the application for the water approval; and
- (c) a development approval were a reference to a water approval; and
- (d) an appeal under the Planning Act were an appeal under this Act; and
- (e) an infrastructure charges notice under the Planning Act were an infrastructure charges notice under this Act; and
- (f) the period required under the Planning Act for lodging a document to start proceedings were a reference to the period required under this Act for lodging a document to start proceedings.

(2) In this section— **relevant committee appeal provisions** means—

- (a) the Planning Act, sections 536 to 537, 554 to 563, 564 (other than section 564(2)(d) and (e), 567, 569 and 569A; and
- (b) any definitions under that Act relevant to the sections mentioned in paragraph (a).

99BRBH Notice of appeal

(1) This section applies to an appeal under this division.

(2) The registrar of building and development committees must, within 10 business days after the day the appeal is started, give written notice of an appeal under this division to the distributor-retailer.

(3) The notice must state the grounds of the appeal.

99BRBI Respondent for appeals

(1) This section applies to an appeal under this division.

(2) The distributor-retailer is the respondent for the appeal and may be heard in the appeal as a party to the appeal.

99BRBJ Who must prove case for appeals

In an appeal by the applicant under this division, it is for the applicant to establish that the appeal should be upheld.

99BRBK Registrar must ask distributor-retailer for material in particular proceedings

(1) This section applies to an appeal under—

- (a) section 99BRBE if the applicant applied for internal review of a failure to decide; or
- (b) section 99BRBFA if the applicant applied for internal review of a deemed refusal of a conversion application.

(2) The registrar of building and development committees must ask the distributor-retailer to give the registrar—

- (a) all material, including plans and specifications, relevant to the application; and
- (b) a statement of the reasons the distributor-retailer had not decided the application during the period for deciding the application; and
- (c) any other information the registrar requires.

(3) The distributor-retailer must give the material mentioned in subsection (2) within 10 business days after the day the registrar asks for the material.

99BRBL Lodging appeal stops particular actions

(1) If an appeal is started under this division, any work under a water approval must not be started until the appeal is decided or withdrawn.

(2) Despite subsection (1), if the building and development committee is satisfied the outcome of the appeal would not be affected if the work is started before the appeal is decided, the committee may allow the work to start before the appeal is decided.

99BRBM Appeals may be combined with appeals under the Planning Act

(1) This section applies if—

- (a) an appeal is started under this division; and
- (b) an appeal is started under the Planning Act for a development application mentioned in section 99BRBE.

(2) The appeal under this division may be combined and heard with the appeal under the Planning Act.

Division 4 Appeals to the Planning and Environment Court

99BRBN Appeals about applications for connections—general

(1) This section applies to an applicant for a connection if—

- (a) the applicant applied for internal review of an approval decision or failure to decide; and
- (b) the review decision is not the decision sought by the applicant.

(2) The applicant may appeal against the review decision to the Planning and Environment Court.

(3) The appeal must be started within the standard appeal period.

99BRBO Appeals about applications for connections—particular charges

(1) This section applies to an applicant for a connection if—

- (a) the applicant applied for internal review of a charge decision or a decision to give an infrastructure charges notice; and
- (b) the review decision is not the decision sought by the applicant.

(2) The applicant may appeal against the review decision to the Planning and Environment Court.

(3) An appeal under this section may be made only on 1 or more of the following grounds—

- (a) the charge imposed by the distributor-retailer is so unreasonable that no reasonable distributor-retailer could have imposed it;
- (b) the decision involved an error relating to the application of the relevant charge;
- (c) if the decision is the giving of an infrastructure charges notice—
 - (i) the decision involved an error relating to—
 - (A) the working out, for section 99BRCJ, of additional demand; or
 - (B) an offset or refund; or
 - (ii) there was no decision about an offset or refund; or
 - (iii) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.

(4) To remove any doubt, it is declared that the appeal must not be about—

- (a) the relevant charge itself; or
- (b) for a decision about an offset or refund for an infrastructure charges notice—

- (i) the establishment cost of infrastructure identified in the distributor-retailer's water netserv plan; or
- (ii) the cost of infrastructure decided using the method included in the distributor-retailer's infrastructure charges schedule.

(5) The appeal must be started within the standard appeal period.

99BRBOA Appeals against refusal of conversion application

(1) This section applies to an applicant for a conversion application if—

- (a) the applicant applied for internal review of the conversion decision; and
- (b) the review decision is not the decision sought by the applicant.

(2) The applicant may appeal to the Planning and Environment Court against the review decision.

(3) The appeal must be started within the standard appeal period.

99BRBP Appeals about water connection compliance notices

(1) This section applies if a person is given a compliance notice.

(2) The person may appeal against the decision to the Planning and Environment Court.

(3) The appeal must be started within 20 business days after the water connection compliance notice is given to the person.

99BRBQ Application of relevant court provisions

(1) The relevant court appeal provisions apply, with any necessary changes, to an appeal under this division as if a reference in the provisions to—

- (a) an appellant were a reference to the applicant; and
- (b) a respondent were a reference to the distributor-retailer; and
- (c) a development application were a reference to the application for the water approval; and
- (d) a development approval were a reference to the water approval; and
- (e) an appeal under the Planning Act were an appeal under this Act; and
- (f) an enforcement notice were a water connection compliance notice.

(2) In this section— **relevant court appeal provisions** means—

- (a) the Planning Act, chapter 7, part 1, divisions 11 to 13 other than sections 482 to 490, 493 and 495 (3) to (5); and
- (b) any definitions under that Act relevant to the provisions mentioned in paragraph (a).

99BRBR Notice of appeal to other parties

- (1) The applicant must give notice of the appeal to the distributor-retailer.
- (2) The notice must be given within 10 business days after the appeal is started.
- (3) The notice must state the grounds of the appeal.

99BRBS Stay of operation of water connection compliance notice

(1) If the applicant gives a notice of appeal about a water connection compliance notice, the operation of the compliance notice is stayed until the earliest of the following to happen—

- (a) the Planning and Environment Court, on the application of the distributor-retailer, decides otherwise;
- (b) the appeal is withdrawn;
- (c) the appeal is dismissed.

- (2) However, subsection (1) does not apply if the compliance notice is about—
- (a) a work, if the water connection compliance notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the *Water Act 2000*; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) works the assessing authority reasonably believes is causing erosion or sedimentation; or
 - (g) works the assessing authority reasonably believes is causing an environmental nuisance; or
 - (h) action required to stop damage or further damage to the distributor-retailer's water infrastructure.

99BRBT Respondent for appeals

The distributor-retailer is the respondent for the appeal and may be heard in the appeal as a party to the appeal.

99BRBU Who must prove case for appeals

In an appeal by the applicant under this division, it is for the applicant to establish that the appeal should be upheld.

99BRBV Lodging appeal stops particular actions

(1) If an appeal, other than an appeal under section 99BRBP, is started under this division, any work under a water approval must not be started until the appeal is decided or withdrawn.

(2) Despite subsection (1), if the Planning and Environment Court is satisfied the outcome of the appeal would not be affected if the work is started before the appeal is decided, the court may allow the work to start before the appeal is decided.

99BRBW Appeals may be combined with appeals under the Planning Act

(1) This section applies if—

- (a) an appeal is started under this division; and
- (b) an appeal is started under the Planning Act for a development application which relates to land the subject of the application of a water approval.

(2) The appeal under this division may be combined and heard with the appeal under the Planning Act.

FOR MORE INFORMATION OR THE LATEST VERSION PLEASE REFER TO:

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/S/SouthEQWDisA09.pdf>