

1 October 2019

Enquiries: Daniel Lamond
Our Ref: BW 2019_3267/1 (922285)
Your Ref:

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

The Shed Company Cairns
C/- Baker Building Certification
PO Box 1083
TOLGA QLD 4883

Email: admin@bakerbuildingcert.com.au or

Dear Sir/Madam

**Development Application for Carport
At 141 Davidson Street PORT DOUGLAS
On Land Described as LOT: 7 RP: 749721**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: BW 2019_3267/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully

Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approved (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: The Shed Company Cairns
Postal Address: C/- Baker Building Certification
PO Box 1083
TOLGA QLD 4883
Email: admin@bakerbuildingcert.com.au or

Property Details

Street Address: 141 Davidson Street, Port Douglas
Real Property Description: LOT: 7 RP: 749721
Local Government Area: Douglas Shire Council

Details of Proposed Development

Building Work Assessable Against the Planning Scheme (Carport)

Decision

Date of Decision: 1 October 2019
Decision Details: Development Permit

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
Site Plan	Con Aramentos, prepared by the Shed Company Pty Ltd	Submitted with application 4 September 2019
Building Layout	Keith1907003-2	14 August 2019

TNC Engineering Form 15	RPEQ Certified by Rohan Nancarrow on behalf of TNC Engineering Pty Ltd	24 September 2019
General Notes	Plan prepared by TNC Engineers Pty Ltd, Drawing # TCAR190069 - 2	24 September 2019
Layout	Plan prepared by TNC Engineers Pty Ltd, Drawing # TCAR190069 - 3	24 September 2019
Specification Sheet	Plan prepared by TNC Engineers Pty Ltd, Drawing # TCAR190069 - 4	24 September 2019
Bracing	Plan prepared by TNC Engineers Pty Ltd, Drawing # TCAR190069 - 5	24 September 2019
Concrete Piers	Plan prepared by TNC Engineers Pty Ltd, Drawing # TCAR190069 - 6	24 September 2019

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Damage to Council Infrastructure

3. In the event that any part of Council's sewer infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner/ builder must notify Council immediately of the affected infrastructure and have it repaired or replaced at the applicants/owners/builders cost, prior to the issue of a final certificate for building approval.

Engineering Certification

4. Works must be carried out in accordance with the certified engineering plans prepared by TNC Engineers Pty Ltd.

Lawful Point of Discharge

5. All roof water from the shed must be directed to a lawful point of discharge.

Further Development Permits

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

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

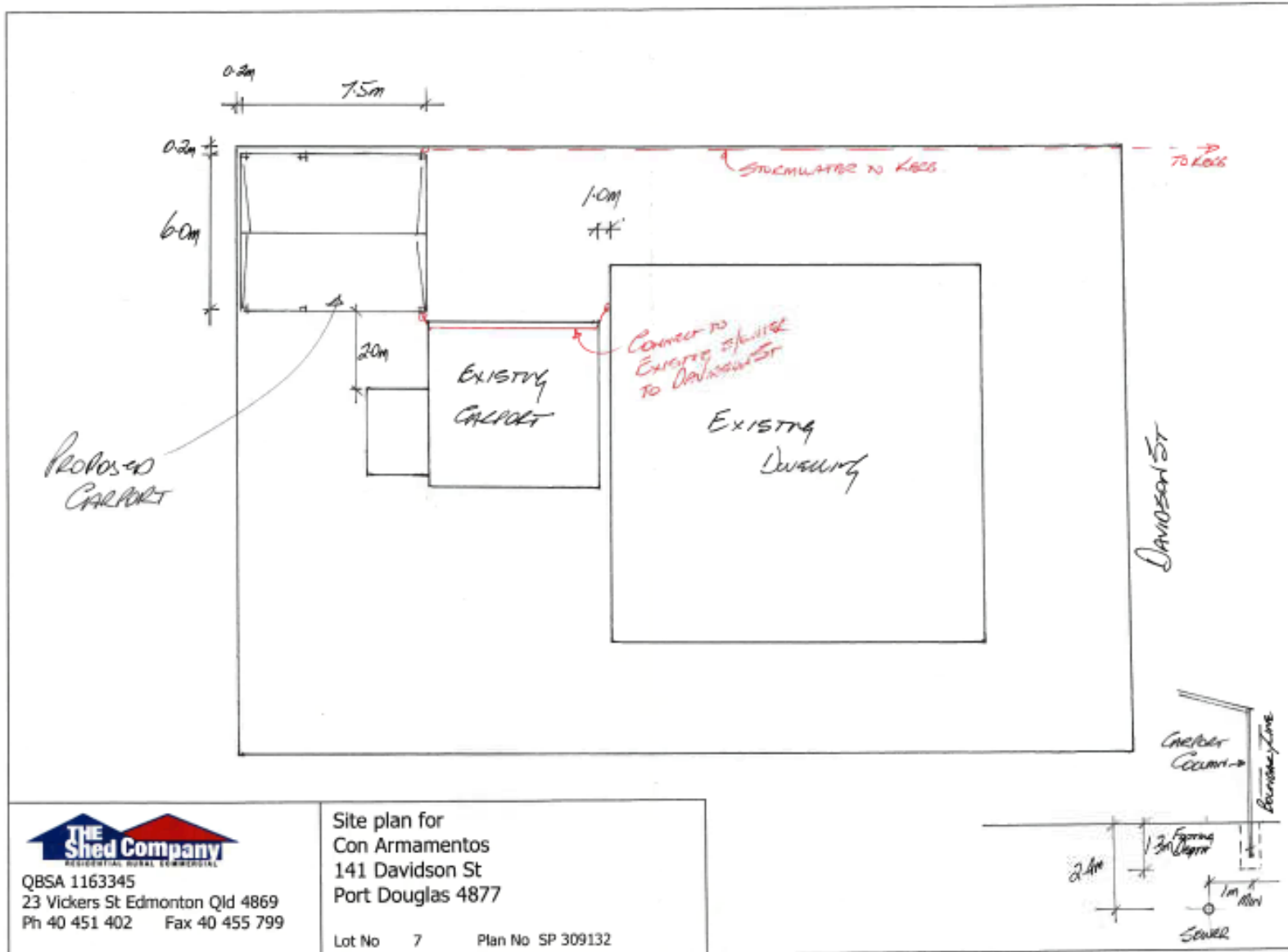
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

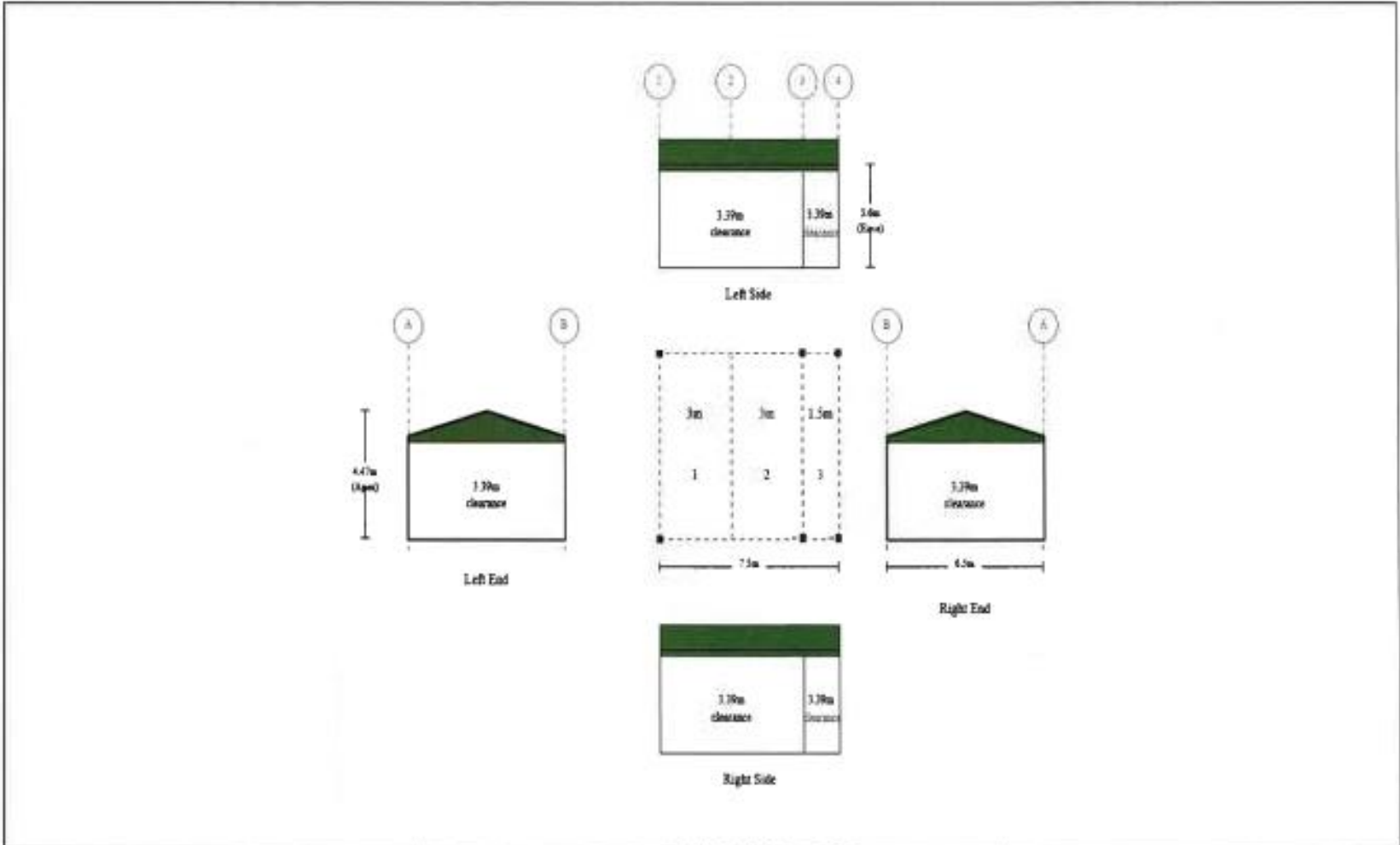
Approved Drawing(s) and/or Document(s)



QBSA 1163345
23 Vickers St Edmonton Qld 4869
Ph 40 451 402 Fax 40 455 799

Site plan for
Con Armamentos
141 Davidson St
Port Douglas 4877

Lot No 7 Plan No SP 309132



Purchase Name: Citi Acasentis
 Site Address:
 Ref # KEITH1907003-2 Print Date: 14/08/19

Building Layout
 Ref: KEITH1907003-2

Seller: THE Shed Company Cairns
 Name: Keith Osborne
 Phone: (07) 4045 1402
 Fax: (07) 4045 5799
 Email: cairns@theshedcompany.com.au





Department of Housing and Public Works
**Form 15 - Compliance certificate
 for building design or
 specification**

Version 4 - July 2017

NOTE: This is to be used for the purposes of section 10 of the *Building Act 1975* and/or section 46 of the *Building Regulation 2006*.

RESTRICTION: A building certifier (class B) can only give a compliance certificate about whether building work complies with the BCA or a provision of the Queensland Development Code (QDC). A building certifier (Class B) can not give a certificate regarding QDC boundary clearance and site cover provisions.

1. Property description

This section need only be completed if details of street address and property description are applicable.

E.g. in the case of (standard/generic) pool design/shed manufacture and/or patio and carport systems this section may not be applicable.

The description must identify all land the subject of the application.

The lot and plan details (e.g. SP/FP) are shown on title documents or a rates notice.

If the plan is not registered by title, provide previous lot and plan details.

Street address (include no., street, suburb/locality and postcode)

141 Davidson St
 PORT DOUGLAS, Qld 4877

Lot and plan details (attach list if necessary)

In which local government area is the land situated?

Douglas Shire Council

2. Description of component/s certified

Clearly describe the extent of work covered by this certificate, e.g. all structural aspects of the steel roof beams.

Steel framed building and foundations as described in drawings referenced Job# 190069

3. Basis of certification

Detail the basis for giving the certificate and the extent to which tests, specifications, rules, standards, codes of practice and other publications, were relied upon.

As per attached letter for Con Armentos at 141 Davidson St, PORT DOUGLAS, QLD, Australia, 4877 for job number 190069

4. Reference documentation

Clearly identify any relevant documentation, e.g. numbered structural engineering plans.

Covering letter of certification
 ShedSafe Site Specific Design Criteria Analysis
 TCAR190069 - 2 General Notes
 TCAR190069 - 3 Layout
 TCAR190069 - 4 Specification Sheet
 TCAR190069 - 5 Bracing
 TCAR190069 - 6 Concrete Piers
 TCAR190069 - 7 Slab Dimensions
 TCAR190069 - 8 Connection Details
 TCAR190069 - 9 Flashing Fixing Details

LOCAL GOVERNMENT USE ONLY

Date received	Reference Number/s
---------------	--------------------

5. Building certifier reference number

Building certifier reference number

NA

6. Competent person details

A competent person for building work, means a person who is assessed by the building certifier for the work as competent to practice in an aspect of the building and specification design, of the building work because of the individual's skill, experience and qualifications in the aspect. The competent person must also be registered or licensed under a law applying in the State to practice the aspect.

If no relevant law requires the individual to be licensed or registered to be able to give the help, the certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help.

If the chief executive issues any guidelines for assessing a competent person, the building certifier must use the guidelines when assessing the person.

Name (in full)

Rohan Nancarrow

Company name (if applicable)

Contact person

TNC ENGINEERING PTY LTD
ACN 19 610 855 260

Rohan Nancarrow

Phone no. (business hours)

Mobile no.

Fax no.

(07) 5594 2012

(07) 5594 2022

Email address

engineer@steelx.com.au

Postal address

5004 Emerald Islands Dr
Carrara, Qld 4221

Licence or registration number (if applicable)

RPEQ 13750

7. Signature of competent person

This certificate must be signed by the individual assessed by the building certifier as competent.

Signature

Date



24/09/2019

The *Building Act 1975* is administered by the Department of Housing and public Works

GENERAL NOTES

These documents show the general arrangement of the building and include some items not supplied (refer to the quotation for nomination of all items to be provided). All items not nominated therein shall be supplied and installed by others.

DESIGN CRITERIA

These building plans have been prepared to comply with the standards nominated in the engineer's letter. All plans are not to Scale.

The plans provided here are the latest at the time of print. Earlier plans provided may have become outdated due to engineering changes and should not be used. The plans and drawings are extensive and give all the information needed for a competent person to erect the building. The building is not designed to stand up by itself when it is partially complete. Consequently, construction bracing is critical during erection.

The owner has been requested to check off the BOM after the building delivery. You should check that you are able to locate all materials nominated in the BOM. You should also confirm that the length and size (including thickness), nominated in the BOM is what has been provided. Any missing items are the responsibility of the client once correct delivery has been confirmed as per Terms and Conditions of Sale.

The structure has been designed to allow for less than 50% of the cross-section exposed to the wind under the roof to be blocked by goods or materials in accordance with AS/NZS1170.2 2011. Blocking more than 50 % of the cross - section under the roof with goods or materials will change the loads on the structure which have not been allowed for.

ADDITIONAL DOCUMENTATION TO BE SUPPLIED BY PURCHASER/OWNER

The Purchaser/Owner is responsible for:

- *Provision of Soils Report for the site and in the building area on which the building is to be erected
- *Site/Drainage Plans
- *Any other plans not covered by these engineering plans requested by the local Council or the authority

BUILDING CONSTRUCTION REQUIREMENTS

The Purchaser/Owner is to be ensured that all building construction is carried out in accordance with the Plans, the Construction Manual and the Bill of Materials (BOM).

SLAB DETAILS - GENERAL

* The minimum size of Piers under the columns and End Wall Mullions are nominated below. When the slab and piers are poured as one pour, the depth of the pier is to the top of the slab.

* Pier Reinforcement: for any piers over 1100mm, deformed bar to within 100mm of base and minimum 75mm top cover. Minimum side cover 75mm, maximum 100mm. Rod to be caged horizontally at least twice and at a maximum of 300mm spacing. Tie with a minimum of 6mm diameter cage tie. Where pier diameter is less than 450mm diameter, use 4 N12. For diameters equal to and over 450mm, use 4 N16.

* Shed design has the columns embedded into the concrete 600mm.

* This measurement is from the top of the finished slab.

* Pier and Slab design covers sites with a minimum of 100kPa safe bearing capacity soil classification A, S or M for a class 10a building. Other than this, owner to provide slab and pier details.

* Designs are in accordance with AS 3600:2009

* All concrete to be in accordance with AS 3600:2009. Minimum 25 Mpa, with 80mm slump.

* Concrete should be cured for 7 days before commencing construction of the building.

* Refer to connection details.

* Saw construction joints to be 25mm deep x 5mm wide. Saw cuttings shall take place no later than 24 hours after pouring. Saw construction joints to be placed at a maximum spacing of 6.3m (in both the length and the span). Care should be taken to avoid construction cuts intersecting where any fixing to the slab is to be made.

* Second Pour Jointing (refer to construction manual):

1. Surface of first pour must be scabbled.

2. All loose debris must be vacuumed from hole.

3. Apply heavy coat of bondcrete or similar adhesive prior to second pour.

4. Apply suitable protective coating to the embedded portion of the columns.

* Where columns or end wall mullions have been removed, piers are not required.

* End wall mullion spacing may move due to location of openings or doors. Check layout and component position plan, and relocate piers as required.

* The Slab Plan indicates those parts of the slab which are 50mm below main slab/piers.

For Class A, S or M Sites

* Slab thickness to be a minimum of 100mm with SL 72 mesh and 40mm top cover.

SFS1040 - 450mm dia x 1000mm deep, centered to the C Section

BRACING NOTES

* Refer to Connection Details.

* All Cross Bracing is achieved with 1.2mm Strap G450.

* Cross bracing is to be fixed taut and secured with 14.20 x 22 frame screws at each end, quantity as per connection details.

* All Columns and End Wall Mullions are fixed Column in Concrete.

* Fly bracing to be fixed to the purlins/girts on all mid portal rafters, columns and end wall mullions. Fly bracing is to be fitted to every second purlin/girt, or, on every one, where the spacing between fly braces would exceed the maximum specified below for the relevant column/rafter size:

C150 - maximum 1800mm spacing
C200, C250 - maximum 2200mm spacing
C300 - maximum 2800mm spacing
C350 - maximum 2800mm spacing

* All bracing strap ends to be located as close as practical to structural member's (columns, rafters, mullions) centerline.

BOLTS

* Unless otherwise nominated, all bolts are grade 4.6

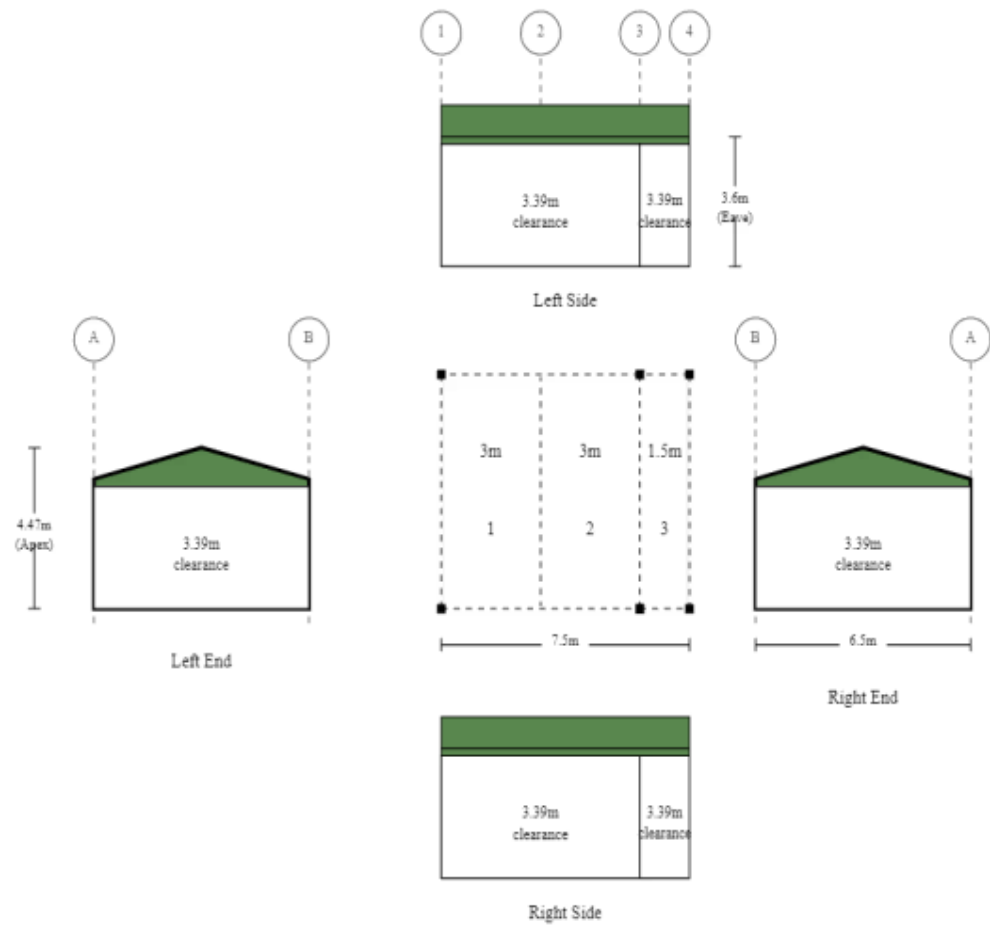
* All tensioned bolts shall be tensioned using the part turn method (refer to AS4100). For the erector, full details are in the construction manual.

OTHER MATERIALS NOTES

* All Sheeting, Flashing and framing screws are Climaseal 4.

* All purlin material has Z350 zinc coating with minimum strength of 450MPa.

Purchaser Name: Con Aramentos		General Notes NOT FOR CONSTRUCTION Page 1 of 1 © Copyright Steelix IP Pty Ltd	Seller: THE Shed Company Cairns ULA Pty Ltd a/c Elms Harding Family Trust & KRLK Pty Ltd a/c Osborne Family Trust Phone: (07) 4045 1402 Fax: (07) 4045 5799 Email: cairns@theshedcompany.com.au	TNC ENGINEERING PTY LTD ACN: 610 855 260 ME Aust (Registered NER Structural & Civil) 2741240 QLD : RPEQ No. 13750, VIC : EC44684, TAS : CC6968, N.T. : 225521EB, Practising Professional Structural & Civil Engineers
Site Address: 141 Davidson St PORT DOUGLAS QLD 4877 Australia				Signature:  R. Nancarrow Date: 24/09/19
Drawing # TCAR190069 - 2	Print Date: 24/09/19			



Purchaser Name: Con Aramentos

Site Address: 141 Davidson St PORT DOUGLAS QLD 4877 Australia

Drawing # TCAR190069 - 3

Print Date: 24/09/19

Layout
NOT FOR CONSTRUCTION
 Not to Scale
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Seller: THE Shed Company Cairns
 ULA Pty Ltd aff Elms Harding Family Trust & KRUK Pty Ltd aff Osborne Family Trust
 Phone: (07) 4045 1402
 Fax: (07) 4045 5799
 Email: cairns@theshedcompany.com.au

TNC ENGINEERING PTY LTD
 ACN: 610 855 260
 ME Asst. (Registered NER Structural & Civil) 2741240
 QLD: RPEQ No. 13750; VIC: EC44884; TAS: CC6968; N.T.: 225521EB;
 Practising Professional Structural & Civil Engineers

Signature: *R. Nancarrow* R. Nancarrow
 Date: 24/09/19

MATERIAL SPECIFICATIONS

All dimensions are in metres. Pier sizes nominated are suitable for Class A, S or M sites. Refer to General Notes.

Building Dimensions

Categories	Span	Length	Pitch	Height	Grid(s)	Portal(s)
Main Building	6.5	7.5	15	3.6	A-B	1-4

Portal Frame Elements

Grid / Portal Number		1	2	3	4
Columns	A	SHS100x100x6mm	-	SHS100x100x6mm	SHS100x100x6mm
Pier	Diameter	0.45	-	0.45	0.45
	Depth	1	-	1	1
	B	SHS100x100x6mm	-	SHS100x100x6mm	SHS100x100x6mm
Pier	Diameter	0.45	-	0.45	0.45
	Depth	1	-	1	1
Railers	A - Apex	C15015	C15015	C15015	C15015
	Apex - B	C15015	C15015	C15015	C15015

Grid B - Pier depth increased to 1.8m depth

Bay Section Elements

Grid / Bay Number		1	2	3	Maximum
Bay Widths		3	3	1.5	
Roof Purlins	A - Apex	Z10010	Z10010	Z10010	
	Apex - B	Z10010	Z10010	Z10010	
Roof Purlin Spacing (End)	A - Apex	0.792	0.792	0.792	0.900
	Apex - B	0.792	0.792	0.792	0.900
Roof Purlin Spacing (Internal Spans)	A - Apex	0.792	0.792	0.792	1.100
	Apex - B	0.792	0.792	0.792	1.100
Eave Purlin	A	-	-	C20024	
	B	-	-	C20024	
Beam Over	A	C20024	C20024	-	
	B	C20024	C20024	-	
Side Girts Spacing (End)	A	0.11	0.11	0.11	1.050
	B	0.11	0.11	0.11	1.050
Side Girts Spacing (Internal)	A	0.11	0.11	0.11	1.050
	B	0.11	0.11	0.11	1.050

End Bay Section Elements

Grid / Portal Number		1	4	Maximum
End Girts	A - B	EAVE C20024	EAVE C20024	
End Girts Spacing (End)	A - B	0.11	0.11	1.050
End Girts Spacing (Internal)	A - B	0.11	0.11	1.050

Cladding Elements

Category	Colour	Product
Roof Sheeting	COLORBOND®/steel	CORODEK®/steel 0.42 BMT (0.47TCT)
Wall Sheeting	COLORBOND®/steel	CORODEK®/steel 0.42 BMT (0.47TCT)

Purchaser Name: Con Aramentos

Site Address: 141 Davidson St PORT DOUGLAS QLD 4877 Australia

Drawing # TCAR190089 - 4

Print Date: 24/09/19

Specification Sheet NOT FOR CONSTRUCTION

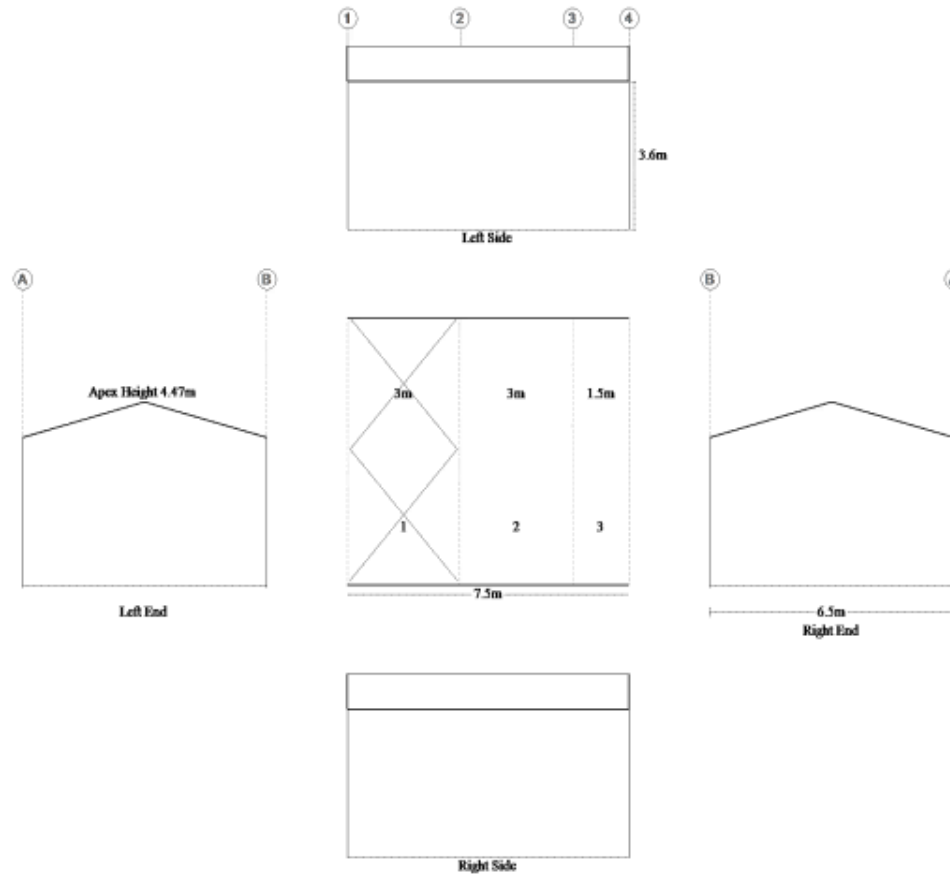
Page 1 of 1
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Seller: THE Shed Company Cairns
ULA Pty Ltd at Elms Harding Family Trust & KRJK Pty Ltd at Osborne Family Trust
Phone: (07) 4045 1402
Fax: (07) 4045 5750
Email: caims@theshedcompany.com.au

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Practising Professional Structural & Civil Engineers

Signature:  R. Nancarrow
Date: 24/09/19

Cross Bracing is achieved with 1.2mm Strap. Refer to Connection Details.



Purchaser Name: Con Aramentos

Site Address: 141 Davidson St PORT DOUGLAS QLD 4877 Australia

Drawing # TCAR190069 - 5

Print Date: 24/09/19

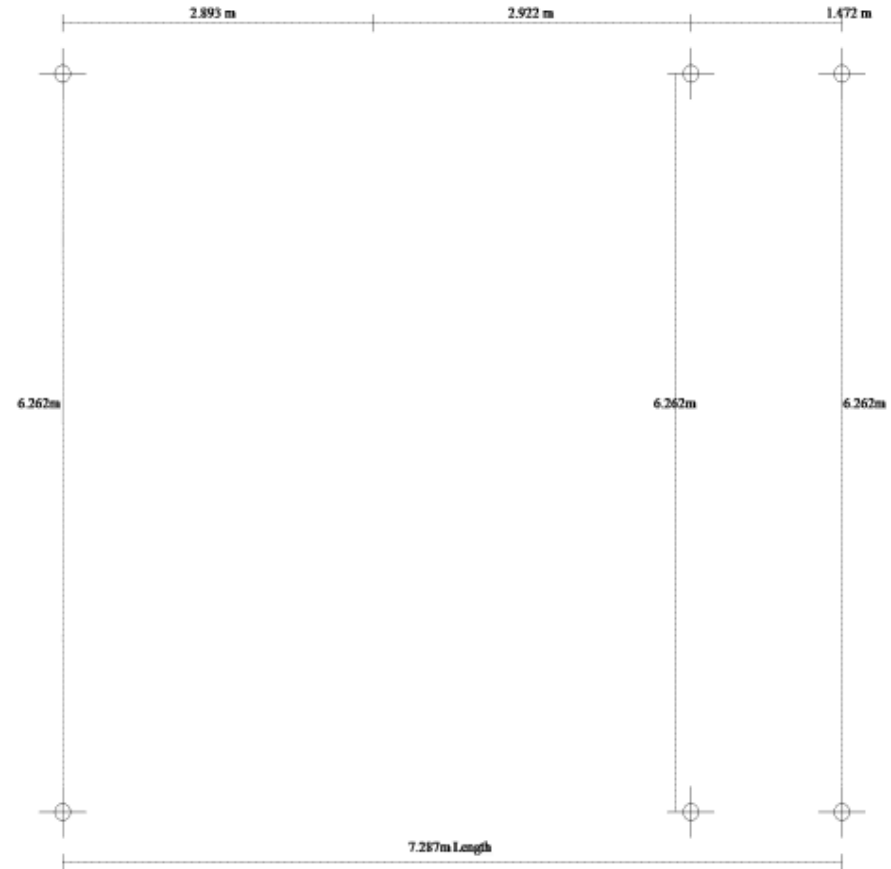
Bracing
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Seller: THE Shed Company Cairns
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 Practising Professional Structural & Civil Engineers

Signature:  R. Nancarrow
 Date: 24/09/19

These dimensions are provided as a guide only. It is the responsibility of the concreter to confirm that all dimensions are correct.



Purchaser Name: Con Aramentos

Site Address: 141 Davidson St PORT DOUGLAS QLD 4877 Australia

Drawing # TCAR190069 - 6

Print Date: 24/09/19

Concrete Piers
PIER MEASUREMENT ONLY. NOT FOR CONSTRUCTION
Not to Scale
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Seller: THE Shed Company Cairns
ULA Pty Ltd of Elms Harding Family Trust & KRUIK Pty Ltd of Osborne Family Trust
Phone: (07) 4045 1402
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Practising Professional Structural & Civil Engineers

Signature:  R. Nancarrow
Date: 24/09/19

Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a) to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b) to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a) the development application was properly lodged to the Douglas Shire Council 10 July 2019 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b) the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a) the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;
 - b) Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c) the applicant's reasons have been considered and the following findings are made:
 - i) Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

-
- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
 - (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
 - (3) Only 1 notice may be given.
 - (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
 - (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
 - (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
 - (4) A negotiated decision notice replaces the decision notice for the development application.
 - (5) Only 1 negotiated decision notice may be given.
 - (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

-
- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal
of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10
business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under
chapter 7, part 4, to register premises or to renew the
registration of premises—20 business days after a notice
is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—
20 business days after the infrastructure charges notice
is given to the person; or
 - (e) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and
Drainage Act 2018*, section 143(2)(a)(i), (b) or
(c)—5 business days after the day the notice is
given; or
 - (ii) for an appeal against a decision of a local
government or an inspector to give an action notice
under the *Plumbing and Drainage Act 2018*—5
business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

230 Notice of appeal

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

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- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.