

21 January 2025

Enquiries: Rebecca Taranto
Our Ref: BW 2025_5710/2 (Doc ID:1275290)
Your Ref: 7398

J B Francisco
22 Atherton Street
Mossman QLD 4873

Dear Sir/Madam

**Development Application for Building Work Assessable Against Plan Scheme
(Patio and ensuite)
At 490 Miallo Bamboo Creek Road Bamboo
On Land Described as Lot 2 on SP102166**

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

Please quote Council's application number: BW 2025_5710/2 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Rebecca Taranto on telephone 07 4099 9444.

Yours faithfully



Neil Beck
Acting Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision - response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)



Amended Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: J B Francisco
Postal Address: 22 Atherton Street
Mossman QLD 4873
Email: admin@bakerbuildingcert.com.au

Property Details

Street Address: 490 Miallo Bamboo Creek Road Bamboo
Real Property Description: Lot 2 on SP102166
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Building Work Assessable Against the Planning Scheme (Patio and ensuite)

Decision

Date of Decision: 21 January 2025
Decision Details: Approved (subject to conditions)

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

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

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Proposed Patio Ensuite Extension	Unauthored Drawing Council Doc id; 1274494	Submitted to Council on 16 January 2025
General	MAL Engineers Drawing No. Q24530-ST-01	12 December 2024

	Revision A	
Roof and Floor Plan and Elevations	MAL Engineers Drawing No. Q24530-ST-02 Revision A	12 December 2024
Wall Bracing Schedule and Notes	MAL Engineers Drawing No. Q24530-ST-03 Revision A	12 December 2024
Slab and Roof Details	MAL Engineers Drawing No. Q24530-ST-04 Revision A	12 December 2024
Typical Load Bearing Timber Wall Frame	MAL Engineers Drawing No. Q24530-ST-05 Revision A	12 December 2024
Typical Bracing Wall Detail	MAL Engineers Drawing No. Q24530-ST-05 Revision A	12 December 2024

Assessment Manager Conditions & Advices

In accordance with the *Planning Act 2016*, the following conditions are to attach to any development approval:

1. The development is undertaken in accordance with the facts and circumstances set out in the development application referred to Council.

Storm water

2. All stormwater from the property must be directed to a lawful point of discharge such that it does not create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Advice

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

Site Survey

2. It is advised that a suitably qualified surveyor be engaged to survey the allotment boundaries prior to construction of the patio and extension to the dwelling.
3. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
4. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au.

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 two (2) 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 is attached.

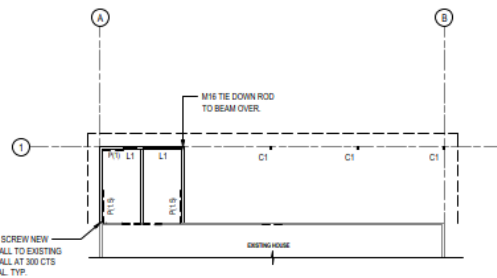
Approved Drawing(s) and/or Document(s)



Page 6 of 22

DATE PLOTTED: 01 November 2025 11:54 AM BY: MEL BROWN

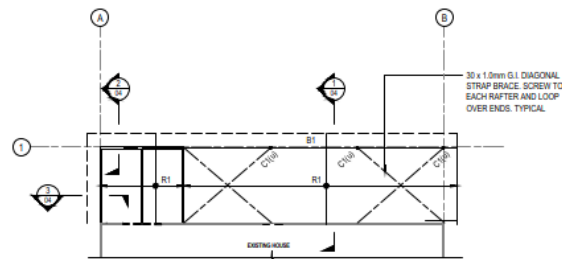
Q:\The Client\B&B\Drawings - MAL Engineers\Drawings\Drawings\490 Miallo\490 Miallo\Drawings\Q24530-ST-03.dwg



WALL PLAN
SCALE 1:100

WALL BRACING SCHEDULE AND NOTES

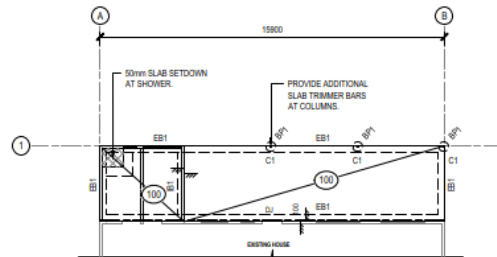
- P(X) PLYWOOD BRACING (6.4 MM RATING) FIXED IN ACCORDANCE WITH AS1684.2 TABLE 8.18(N).
(X) DENOTES LENGTH OF PLY BRACING. REFER DRAWING ST-03.
--- WALLS SHORTER THAN 300mm TO HAVE M12 TIE DOWN RODS EACH END.
--- CEILING DIAPHRAGM ACTION IS REQUIRED TO DISTRIBUTE LOADS TO BRACING WALLS.



ROOF FRAMING PLAN
SCALE 1:100

FRAMING LEGEND

- C1 --- 75 x 4 SHS COLUMN.
B1 --- 125 x 75 x 4 RHS BEAM.
R1 --- 150 x 45 LVL RAFTER AT 900 CTS MAX.
L1 --- 95 x 45 LVL or 150 x 45 LVL LINTEL.



SLAB AND FOOTING PLAN
SCALE 1:100

- FOOTING DESIGN BASED ON ASSUMED STIFF CLAYDENSE SAND WITH 100 kPa ALLOWABLE BEARING PRESSURE AND 20 kPa ALLOWABLE SKIN FRICTION ON SITE, AND CLASS 'M' SITE.
--- SOIL CONDITIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.
--- 100mm MINIMUM THICK SLAB ON GROUND (UNO).
--- 1 LAYER SLAB MESH TOP THROUGHOUT. 300mm LAP MINIMUM. 32mm THK POLYETHYLENE MEMBRANE WITH TAPERED JOINTS ON 50mm THK COMPACTED SAND BEDDING UNDER SLAB ON GROUND.
--- N12 TRIMMER CONTINUOUS TOP UNDER SLAB REINFORCEMENT TO ALL SLAB EDGES. LAP 600 MINIMUM.

SLAB LEGEND

- BP1 --- 450 DIA. x 700 DEEP MIN. BORED PIER.
EB1 --- 300 WIDE x 400 DEEP SLAB EDGE BEAM.
IB1 --- 300 WIDE x 400 DEEP SLAB EDGE BEAM.



Rev	Date	Issued For Construction	Description	ML	SL	RL
A	12/12/24	ISSUED FOR CONSTRUCTION				

CERTIFICATION

COPYRIGHT ©
These designs and drawings are copyright and are not to be used or reproduced without the written permission of MAL ENGINEERS PTY LTD (ACN 636 773 781). The contents of this drawing are electronically generated and are confidential and may only be used for the purpose for which they were intended. This is an uncontrolled document issued for information purposes only, unless the checked sections are signed and approved. Signed dimensions take precedence over scale. Do not scale from this drawing.



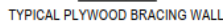
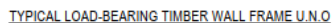
Drawn	Date	Checked	Date	Approved	Date
MAL	4/12/24	MAL	4/12/24	MAL	4/12/24

Client	Project	Drawn	Checked	Approved
JASMINE QUAID	PROPOSED EXTENSION 490 MIALLO, BAMBOO CREEK ROAD	MAL	MAL	MAL
	GROUND SLAB, WALL AND ROOF FRAMING PLANS			

Scale	AS SHOWN	Size	A1
Author	AHD	Scale	AS SHOWN
Drawing Number	Q24530-ST-03	Revision	A



										<div><div>CERTIFICATION</div><div><p>16 LANCING RD RD 16780</p></div><div><div>COPYRIGHT</div><div><p>These designs and drawings are copyright and are not to be used or reproduced without the written permission of MAL ENGINEERS PTY LTD (ACN 177 171 311). The contents of this drawing are electronically generated, confidential and may only be used for the purpose for which they were intended. This is an unclassified document issued for information purposes only, unless the checked sections are signed and approved. If signed dimensions take precedence over scale. Do not scale from this drawing.</p></div></div><div></div><div><div>Drawn: _____ Date: 4.12.24</div><div>Rev: _____ Date: 4.12.24</div><div>Checked: _____ Date: 4.12.24</div><div>Rev: _____ Date: 4.12.24</div><div>Designed: _____ Date: 4.12.24</div><div>Rev: _____ Date: 4.12.24</div><div>Checked: _____ Date: 4.12.24</div><div>Approved: _____</div><div>16 LANCING RD RD 16780</div></div></div>										<div><div>Client: JASMINE QUAD</div><div>Project: PROPOSED EXTENSION 480 MIALLO, BAMBOO CREEK ROAD</div><div>Title: SLAB AND FOOTING DETAILS</div></div> <div><div>FOR CONSTRUCTION</div></div>																																							
<table><tr><th>Rev</th><th>Date</th><th>Issued For</th><th>By</th><th>Check</th><th>Rev</th><th>Date</th><th>Issued For</th><th>By</th><th>Check</th></tr><tr><td>A</td><td>12.12.24</td><td>ISSUED FOR CONSTRUCTION</td><td>_____</td><td>_____</td><td>ML</td><td>ML</td><td>ML</td><td>_____</td><td>_____</td></tr></table>										Rev	Date	Issued For	By	Check	Rev	Date	Issued For	By	Check	A	12.12.24	ISSUED FOR CONSTRUCTION	_____	_____	ML	ML	ML	_____	_____	<table><tr><th>Rev</th><th>Date</th><th>Issued For</th><th>By</th><th>Check</th><th>Rev</th><th>Date</th><th>Issued For</th><th>By</th><th>Check</th></tr><tr><td>A</td><td>12.12.24</td><td>ISSUED FOR CONSTRUCTION</td><td>_____</td><td>_____</td><td>ML</td><td>ML</td><td>ML</td><td>_____</td><td>_____</td></tr></table>										Rev	Date	Issued For	By	Check	Rev	Date	Issued For	By	Check	A	12.12.24	ISSUED FOR CONSTRUCTION	_____	_____	ML	ML	ML	_____	_____
Rev	Date	Issued For	By	Check	Rev	Date	Issued For	By	Check																																																		
A	12.12.24	ISSUED FOR CONSTRUCTION	_____	_____	ML	ML	ML	_____	_____																																																		
Rev	Date	Issued For	By	Check	Rev	Date	Issued For	By	Check																																																		
A	12.12.24	ISSUED FOR CONSTRUCTION	_____	_____	ML	ML	ML	_____	_____																																																		
<p>Drawing Number: Q24530-ST-04</p>										<p>Revision: _____</p>																																																	



PLYWOOD TO CONFORM WITH THE PAA/JAS-ANZ TESTED
STRUCTURAL' PRODUCT CERTIFICATION SYSTEM AND BE
BRANDED ACCORDINGLY COMPLYING WITH AS/NZS 2269.
PLYWOOD TO BE TREATED TO H2 LEVEL.

1. RACKING CAPACITY 6.4 kNm (U.L.T.) REFER PLAN FOR LENGTH OF BRACING WALL.
2. AT INTER TENANCY WALLS VILBOARD 9mm THICK IS TO BE USED INSTEAD OF PLYWOOD. BRACING IS TO BE TAKEN DOWN TO SLAB OR BLOCKWORK.

TIMBER WALL FRAMING SCHEDULE - CYCLONIC AREA		
EXTERNAL LOAD BEARING WALLS (LBW) - MOPS1 UND.		
MEMBER	SIZE	FIXING & TIE-DOWN
TOP PLATE	275x90	
STUDS		SPACING OF TIE-DOWN FIXINGS: M12 4.6S CYCLONIC ROD - HOLD DOWN BOLT TO BE 900 MAX. CTS
2750	35 x 60 AT 450 CTS	
2750 UPTO 3000	45 x 60 AT 450 CTS	
3000 UPTO 3300	45 x 60 AT 300 CTS	
3300 UPTO 4000	240 x 90 AT 300 CTS	
BTM PLATE	35 x 90	
NOGGING	35 x 90 AT 1350 MAX CTS	
SILLS	SEE SILL SCHEDULE	
INTERNAL NON LOAD BEARING WALLS (LBW) - MOPS1 UND.		
MEMBER	SIZE	FIXING & TIE-DOWN
TOP PLATE	35 x 70	
STUDS		FIX BTM PLATES TO FLOOR STRUCTURE WITH M12 4.6S AT ENDS OF WALL, EACH END OF LINTEL AND INTERMEDIATE AT 1200 MAX. CTS
2750 UPTO 3000	350 x 70 AT 450 CTS	
3000 UPTO 3600	350 x 70 AT 450 CTS or 1/350 AT 450 CTS	
3600 UPTO 4200	350 x 90 AT 450 CTS	
BTM PLATE	35 x 90	
NOGGING	35 x 90 AT 1350 MAX CTS	

WALL STUDS, TOP AND BTM PLATES SHALL NOT BE NOTCHED OR TRENCHED. WALL FRAMING TO BE SEASONED AND O.D.S.P. TREATED.
RIBBON TOP PLATE SPICES AND TO BE STAGGERED.

NOTE: THE NO. OF STUDS INCLUDES THE SECONDARY JAMB STUD.

NOTE: USE 70 or 90mm TO MATCH NOMINAL STUD SIZE

[illegible]

CERTIFICATION

COPYRIGHT ©

These designs and drawings are copyright and are not to be used or reproduced without the written permission of MAL ELECTRONICS PTY LTD (ACN 636 773 781). The contents of this drawing are electronically generated, are confidential and may only be used for the purpose for which they were intended. This is an uncontrolled document issued for information purposes only, unless the checked sections are signed and approved. Figured dimensions take precedence over scale. Do not scale from this drawing.

M. LANCINI BSCD 1879



Drawn	DA
NB	4.12.2
Checked	DA
ML	4.12.2
Designed	DA
ML	4.12.2
Verified	DA
ML	4.12.2
Approved	
SA. J. SATHIYAN	7.12.2016

JASMINE QUAID
PROPOSED EXTENSION
490 MIALLO, BAMBOO CREEK ROAD

STUD WALL FRAMING DETAILS

100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0%

FOR CONSTRUCTION

Diagrams

		Scale	Unit
--	--	-------	------

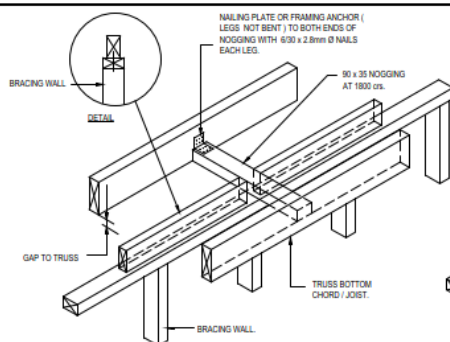
A

HD		AS SHOWN	
----	--	----------	--

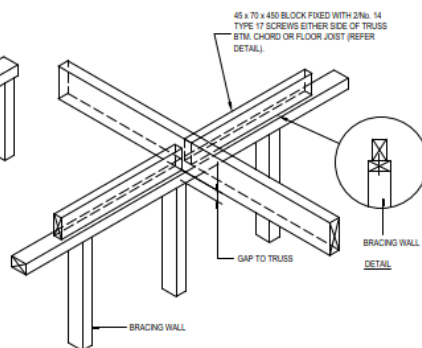
Drawing

Number

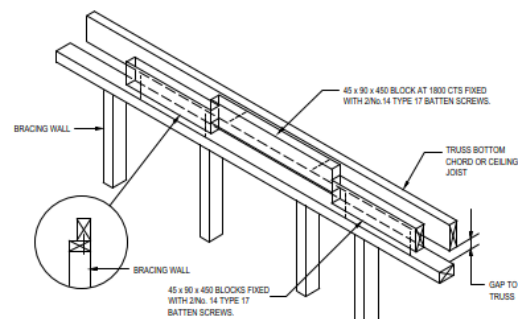
CAD File: C:\Users\elli OneDrive - MML Engineers\Documents\Project\Jobs\Calnet\2014\CE-8530-4100\Multi-Burkeco Overhead Road - CAD - A-Mech\A-Mech\CE-8530-37-4100\MML.Dwg



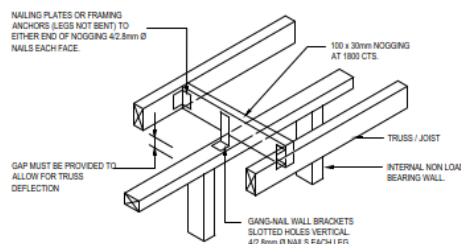
TYPICAL BRACING WALL TO TRUSS / RAFTER
CONNECTION.
PARALLEL TO TRUSS OR RAFTER



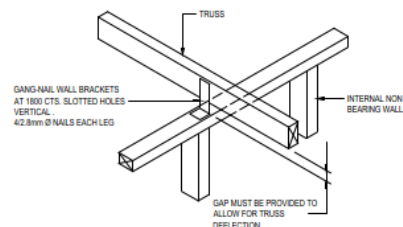
TYPICAL BRACING WALL TO TRUSS / RAFTER
PERPENDICULAR TO TRUSS / RAFTER
FIX EVERY 2nd TRUSS OR RAFTER.



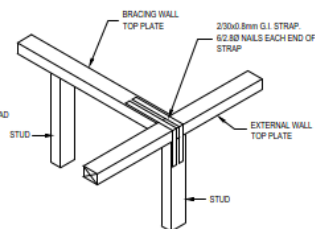
TYPICAL BRACING WALL TO TRUSS / RAFTER
ADJACENT TO TRUSS OR RAFTER.



TYPICAL NON LOAD BEARING WALL
PARALLEL TO TRUSS OR RAFTER



TYPICAL NON LOAD BEARING WALL
PERPENDICULAR TO TRUSSES




TYPICAL BRACING WALL TO EXTERNAL WALL CONNECTION

[illegible]

CERTIFICATION


M. LANCINI IPFC 16176

COPYRIGHT 

These designs and drawings are copyright and are not to be used or reproduced without the written permission of IAL ENGINEERS PTY LTD (ACN 636 773 781). The contents of this drawing are electronically generated, are confidential and may only be used for the purpose for which they were intended. This is an uncontrolled document and for information purposes only, unless the checked sections are signed and approved. Figured dimensions take precedence over scale. Do not scale from this drawing.



Drawn	Date
IN	4.12.24
Checked	Date
ML	4.12.24
Designed	Date
ML	4.12.24
Verified	Date
ML	XXX
Approved	
M. LANCINI	12.12.24

Client	JASMINE QUAID
Project	PROPOSED EXTENSION 490 MIALLO, BAMBOO CREEK ROAD
Title	BRACING WALL CONNECTION DETAILS

FOR CONSTRUCTION			
Date		Scale	Size
AHD		AS SHOWN	A1
Drawing Number			Revision
Q24530-ST-05			A

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. 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 15/01/2025 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 Rural 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.

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 assessment manager gives the applicant the decision notice for 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) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2), the appeal period is suspended from the day the representations are made until—
 - (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or

- (c) 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.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is 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.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

- (1) A person may make an application (a *change application*) to change a development approval.

Note—

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

- (2) A change application must be made to the responsible entity for the application.

78A Responsible entity for change applications

- (1) The *responsible entity* for a change application is—
 - (a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or

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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and
Drainage Act 2018*, section 143(2)(a)(i), (b) or
(c)—5 business days after the day the notice is
given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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