

4 March 2022

Enquiries: Daniel Lamond
Our Ref: BW 2021_4445/1 (1072242)

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

Russell Joshau
C/- Greg Skyring Design & Drafting Pty Ltd ATF The Skyring Family Trust
11 Noli Close
MOSSMAN QLD 4873

Dear Sir

**Development Application for Building Works Assessable Against the Planning Scheme
(Demolition, Addition and Renovation)
At 63 Stonewood Road DIWAN
On Land Described as LOT: 196 RP: 740952**

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

Please quote Council's application number: BW 2021_4445/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
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

Approval (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Russell Joshua C/- Greg Skyring Design & Drafting Pty Ltd
ATF The Skyring Family Trust
Postal Address: 11 Noli Close
MOSSMAN QLD 4873
Email: greg@skyringdesign.com.au

Property Details

Street Address: 63 Stonewood Road DIWAN
Real Property Description: LOT: 196 RP: 740952
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Building Works Assessable Against the Planning Scheme (Demolition, Addition and Renovation).

Decision

Date of Decision: 4 March 2022
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
3D Views	Greg Skyring Plan 304-19, sheet 1 of 10	21 January 2022
3D View- Front right	Greg Skyring Plan 304-19, sheet 2 of 10	21 January 2022
Site Plan	Greg Skyring Plan 304-19, sheet 4	21 January 2022

	of 10	
Floor Plan- Proposed	Greg Skyring Plan 304-19, sheet 6 of 10	21 January 2022
Floor Plan- Undercroft	Greg Skyring Plan 304-19, sheet 7 of 10	21 January 2022
Elevations- sheet 1	Greg Skyring Plan 304-19, sheet 8 of 10	21 January 2022
Elevations- sheet 1	Greg Skyring Plan 304-19, sheet 9 of 10	21 January 2022
Floor Plan, Elevations- Carport	Greg Skyring Plan 304-19, sheet 10 of 10	21 January 2022
Cut/ Fill Plan	ARO Plan ARO0096-SK02	24 January 2022
Vegetation Survey	ARO Plan ARO0096-SK03	21 January 2022

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.

Clearing limitation

3. Clearing is limited to the tree species as detailed in the ARO Drawing ARO0096-SK03.

Landscaping

4. Prior to commencement of use provide a remediation and landscaping plan to be endorsed by the Chief Executive Officer. The plan must detail plant locations, plant size and must be in accordance with *Planning Scheme Policy SC6.7 Landscaping*.

Prescribed Activity Permit

5. Obtain a prescribed activity permit in accordance with Council's *Subordinate Local Law No. 1- Administration- 2020* for the use of the Stonewood Road cul-de-sac for plant and material storage prior to the issued of a Development Permit for Building Work.

Erosion and Sediment Control

6. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual and must comply with the following:
 - a. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Building Work.

- b. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.
- c. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

Geotechnical Report

- 7. All works must be carried out in accordance with the requirements and recommendations from the Geotechnical Report ARO0096, certified by Rudd Rankine RPEQ 8452.

Building Colours

- 8. Prior to the issue of a Development Permit for Building Work, the external colours of the building must be submitted to Council for endorsement by the Chief Executive Officer. The external building colours must be reflective of the surrounding natural environment and must not be white or metallic.

System Sizing for On-site Effluent Disposal System

- 9. The office and media room are not to be used as bedrooms unless endorsed by the Chief Executive Officer.

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

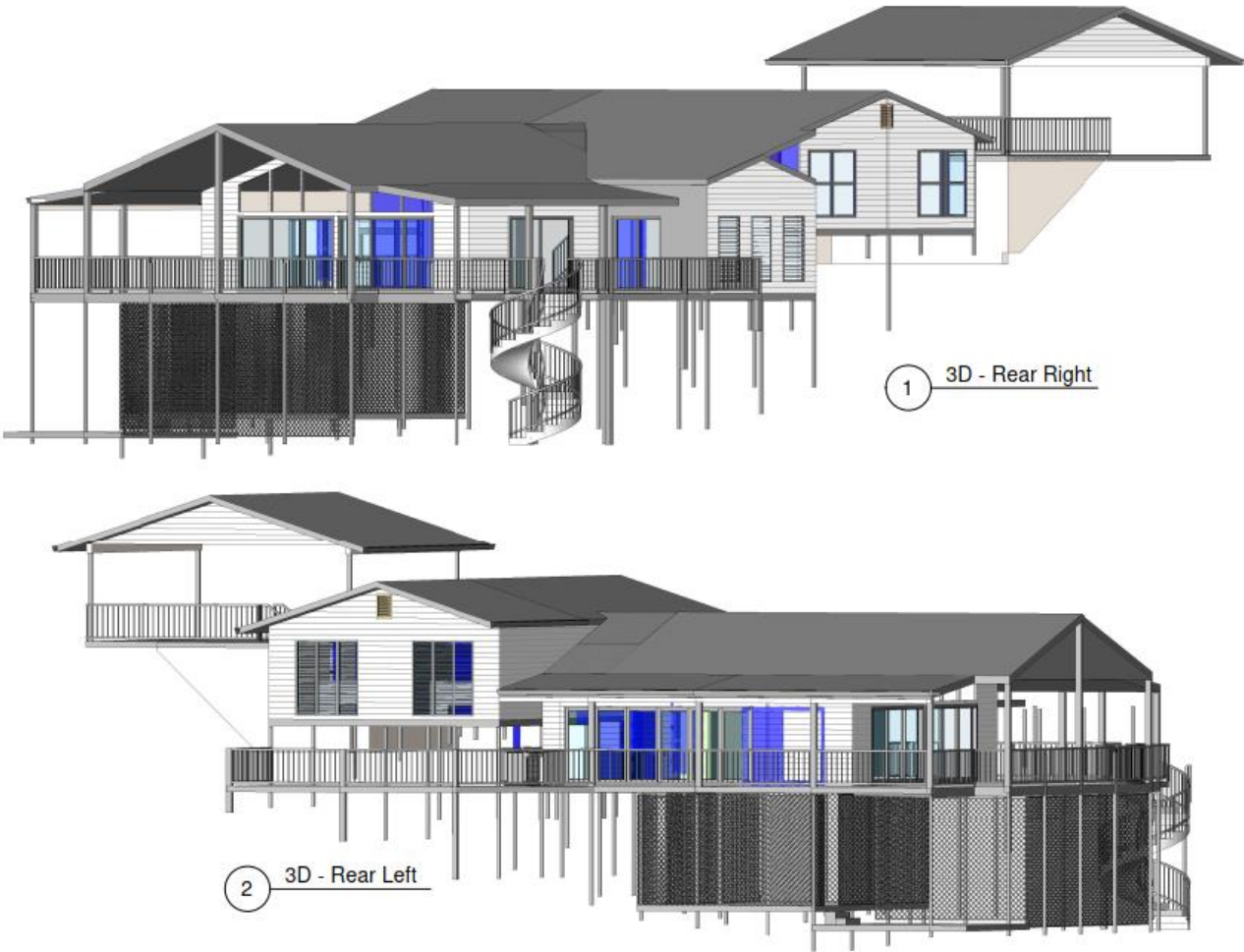
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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)



GREG SKYRING <i>Design</i> and DRAFTING Pty. Ltd. <small>Lic Under QBSA Act 1991 - No 1040371</small> 11 Noli Close, Mossman Q. 4873 <small>Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au</small>	PROJECT Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	CLIENT R. Joshua		WIND CLASS C2	PLAN NUMBER 304-19	SHEET 1 of 10
		SCALES	PLAN TITLE 3D Views	DATE OF ISSUE prelim 21.01.22	REV	



3D View - Front Right
NTS

GREG SKYRING
Design and DRAFTING Pty. Ltd.
Lic Under QBSA Act 1991 - No 1040371

PROJECT

Alterations and Additions to Existing Residence,
1196 RP740952 63 Stonewood Road NIWAN

CLIENT

R. Joshua

SCALES

PLAN TITLE

WIND CLASS

C2

PLAN NUMBER

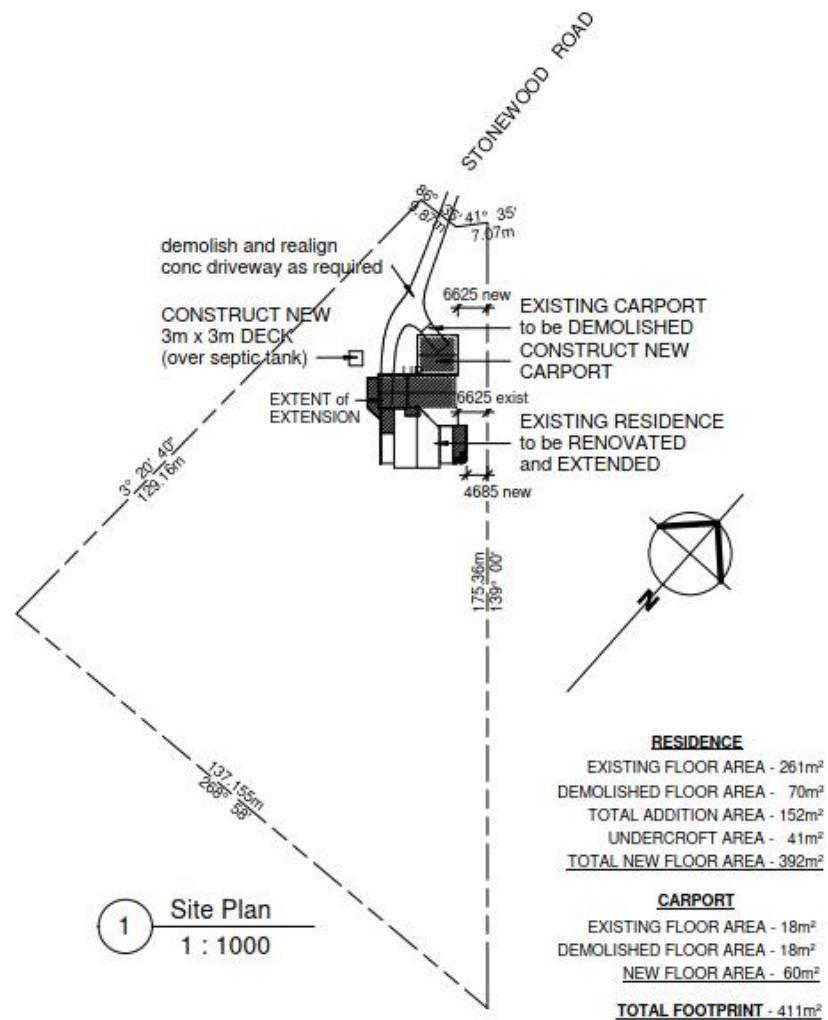
304-19

DATE OF ISSUE

SHEET

2 of 10

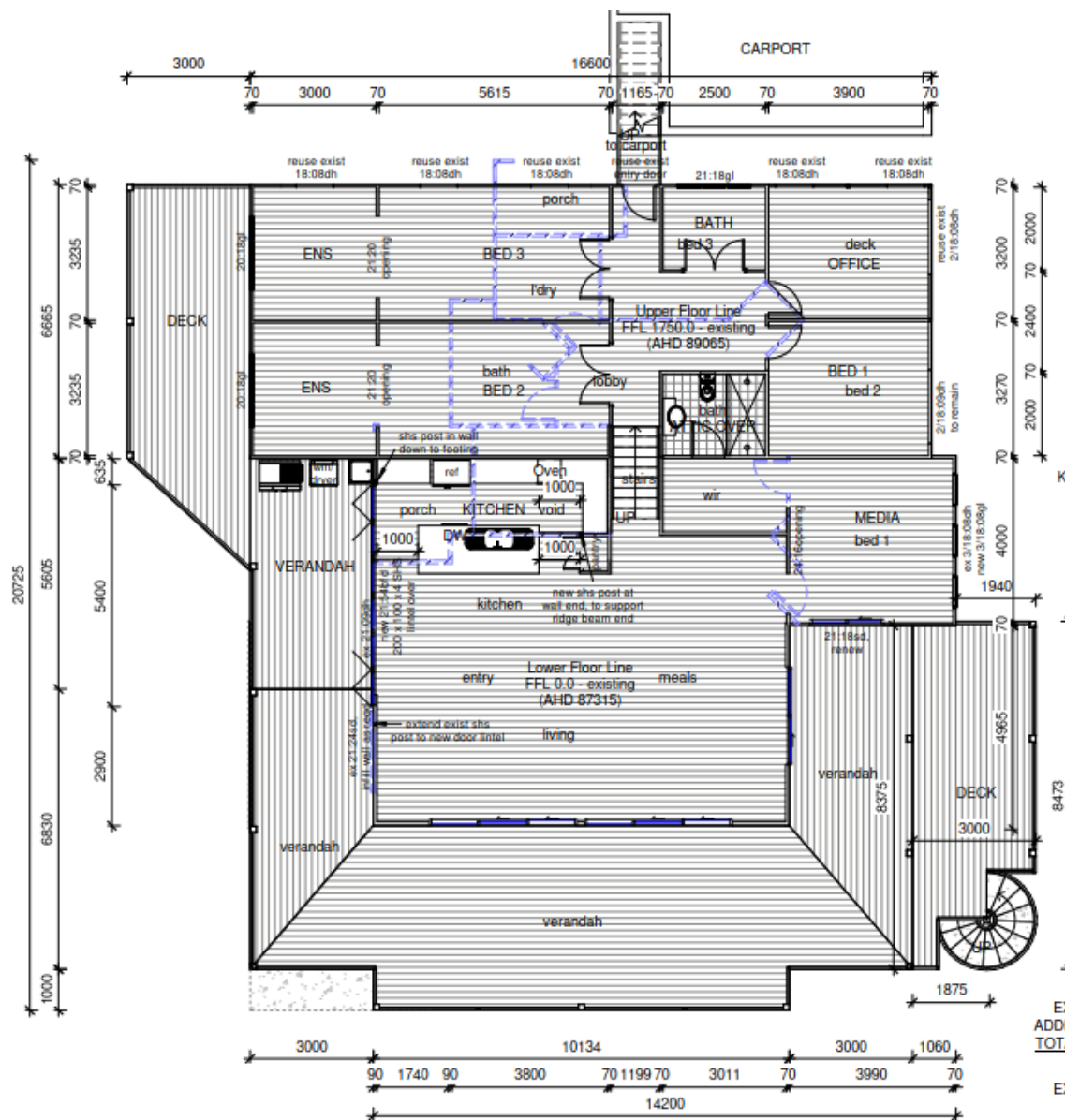
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PROJECT
 Alterations and Additions to Existing Residence,
 L196 RP740952, 63 Stonewood Road, DIWAN

CLIENT R. Joshua		WIND CLASS C2	PLAN NUMBER 304-19	SHEET 4 of 10
SCALES 1 : 1000	PLAN TITLE Site Plan	DATE OF ISSUE prelim 21.01.22		



1 Floor Plan - Proposed
1 : 100

- LEGEND**
- exist stud framed external and internal walls, gyprock to int generally, villaboard to bathroom, select boards to external
 - denotes exist walls to be removed
 - new stud framed external and internal walls, lined as above
 - As above with 4mm F22 structural ply lining extra to one face, nail fixed for bracing (see bracing notes).
 - Floor Waste (optional)
 - Waterproof wet area to AS3740.
 - Smoke alarms to AS3786.
 - Lift-off hinges to WC - where pan is within a 1200 radius from door hinge
 - Denotes location of M12 galv hold down bolts, M16 at roof beam ends
 - exist room use (lower case)
 - new room use (upper case)

- WINDOW and DOOR LEGEND**
- td timber door, suitable for location
 - ftd feature timber door, suitable for location
 - gsd alum framed glass swing door
 - rd colorbond roller door
 - bfd bifold door
 - sw alum framed single sliding window
 - sw/sw alum framed single sliding window over single sliding window
 - gl glass louvres in Altair frame
 - dh double hung window

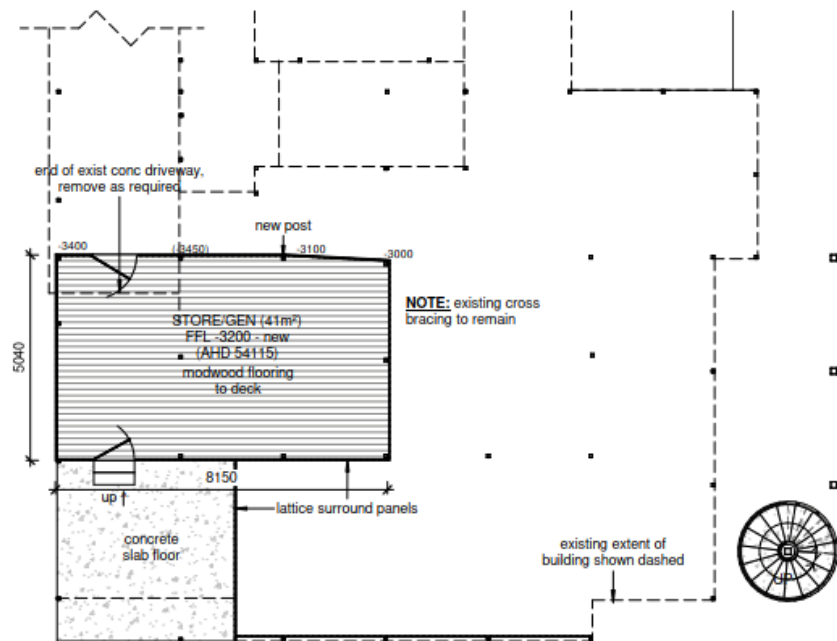
NOTE: all windows and doors are colour coated aluminium framed uno, fitted with grey glass and flymesh

REV	DATE	DESCRIPTION
GREG SKYRING <i>Design and DRAFTING</i> Pty. Ltd. Lic Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au		
PROJECT Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN		
PLAN TITLE Floor Plan - Proposed		
CLIENT R. Joshua		
SCALES 1 : 100	WIND CLASS C2	PLAN NO 304-19 SHEET NO 6 of 10 REV.

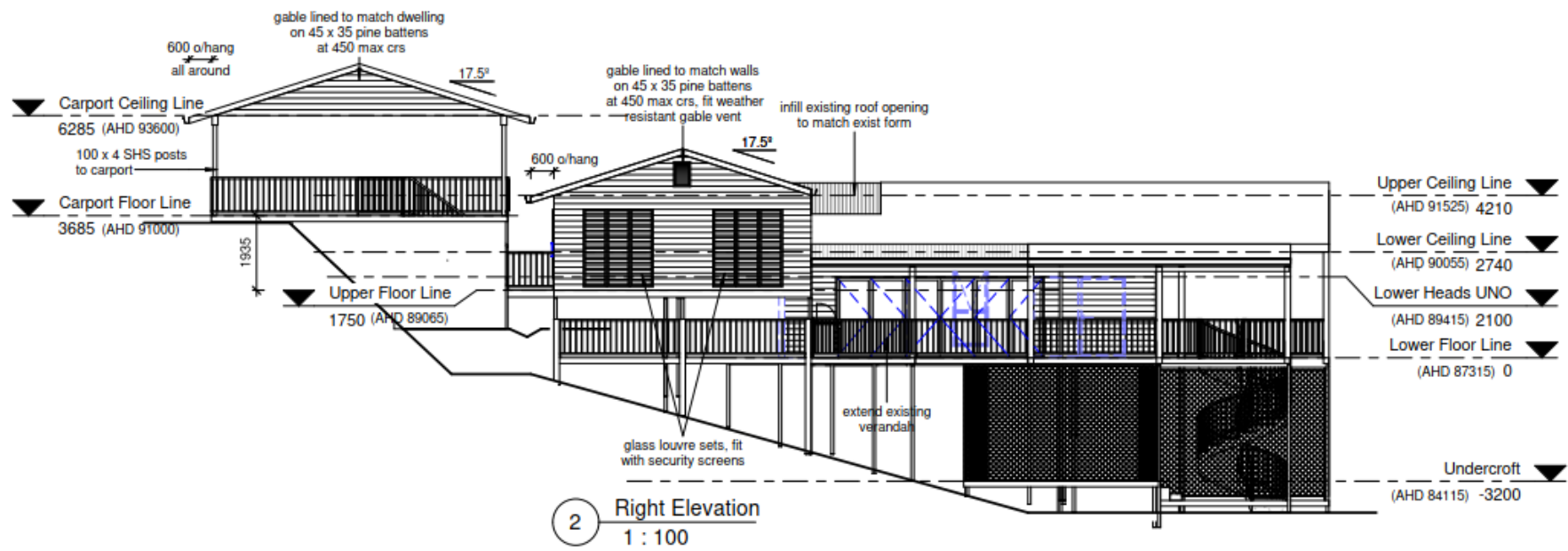
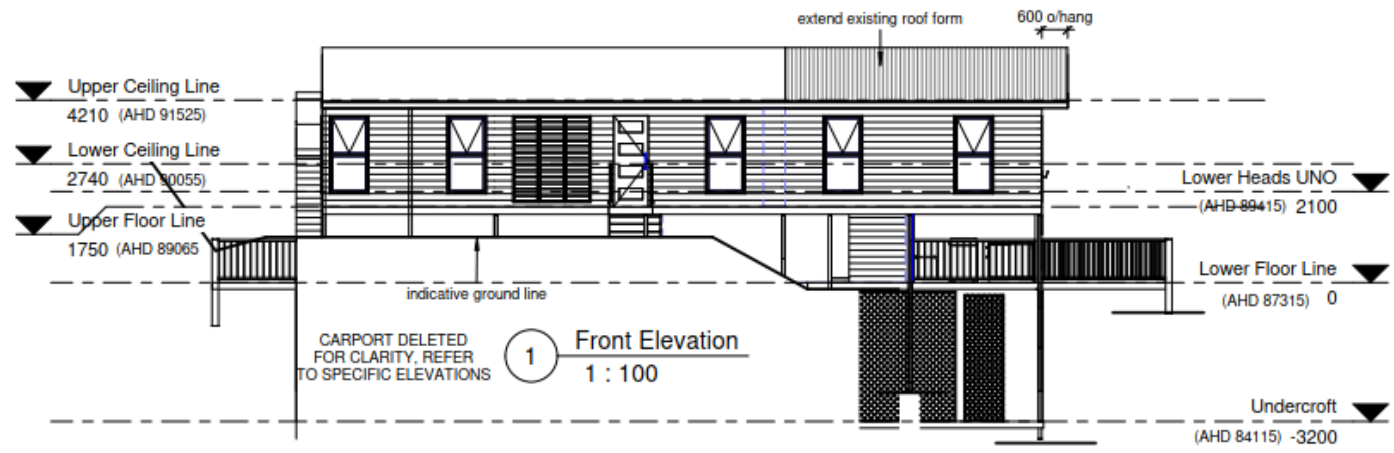
RESIDENCE
 EXISTING FLOOR AREA - 269m² **
 ADDITIONAL FLOOR AREA - 83m²
 TOTAL NEW FLOOR AREA - 344m²

CARPORT
 EXISTING FLOOR AREA - 18m² *
 NEW FLOOR AREA - 60m²

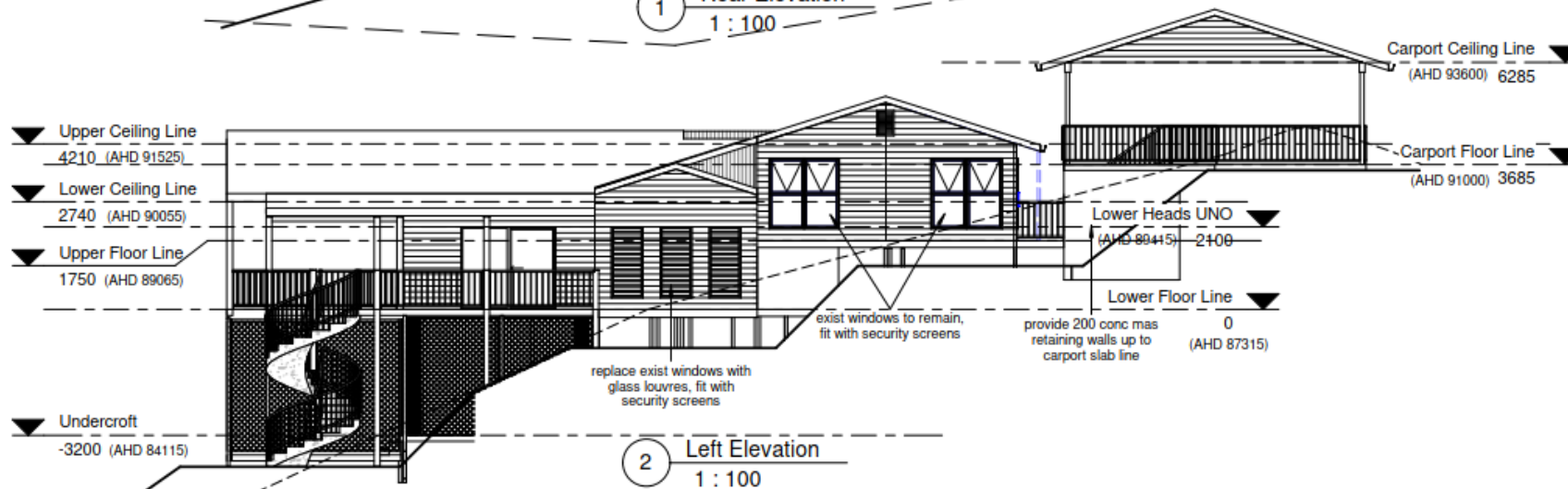
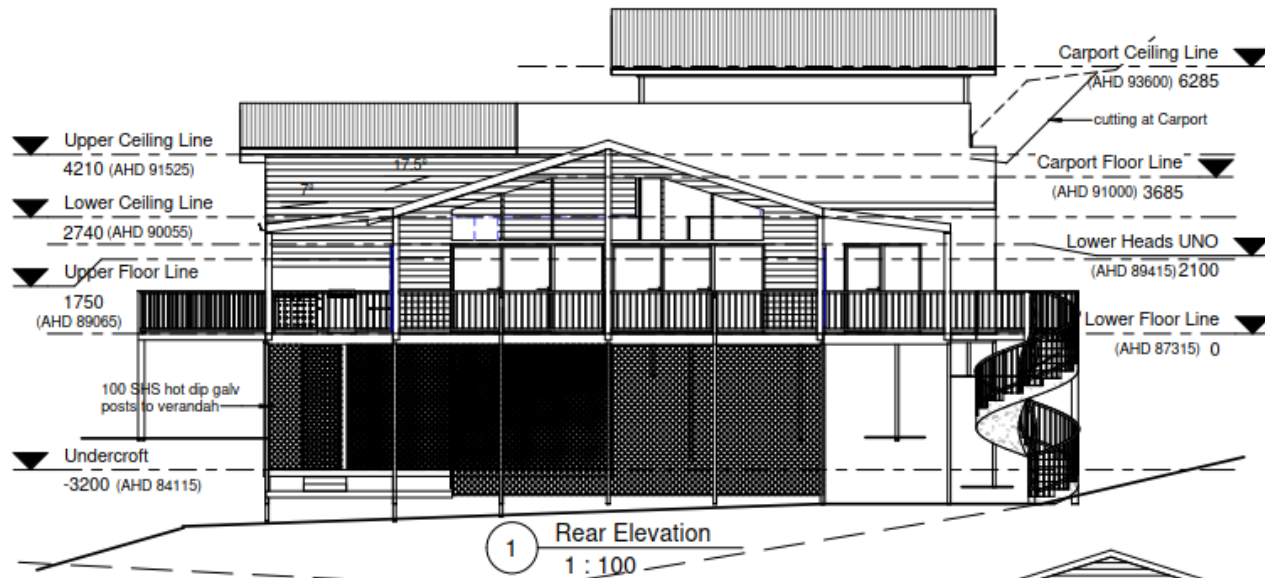
** - minor areas demolished and repurposed
 * - demolish existing



1 Floor Plan - Undercroft
1 : 100



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		SCALES 1 : 100	PLAN TITLE Elevations - Sheet 1	DATE OF ISSUE prelim 21.01.22	REV



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PROJECT

Alterations and Additions to Existing Residence,
L196 RP740952, 63 Stonewood Road, DIWAN

CLIENT

R. Joshua

WIND CLASS

C2

PLAN NUMBER

304-19

SHEET

9 of 10

SCALES

1 : 100

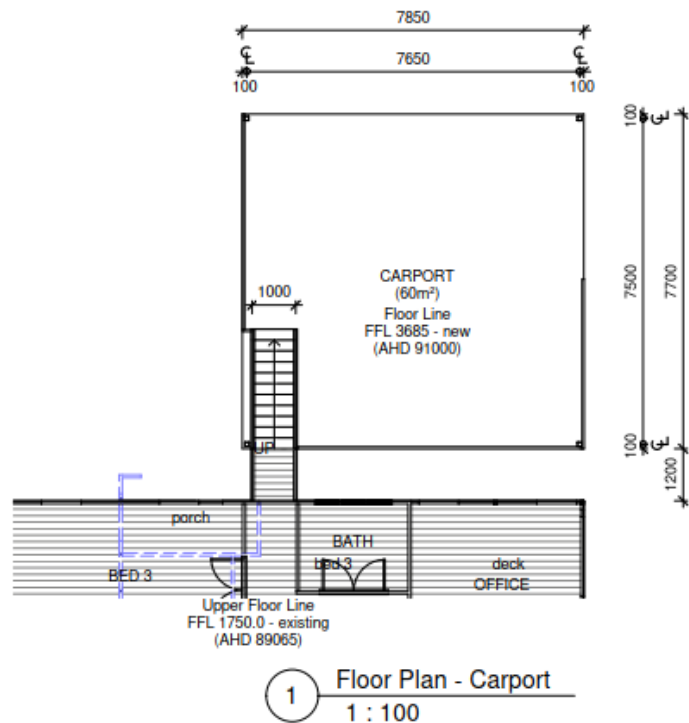
PLAN TITLE

Elevations - Sheet 2

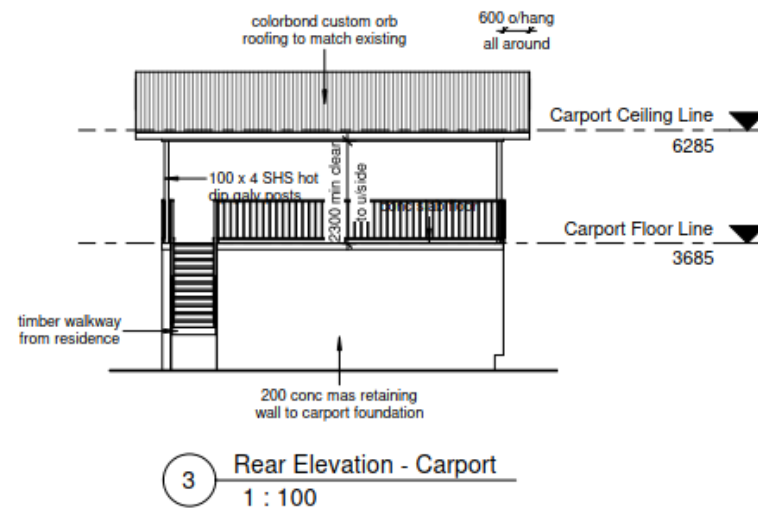
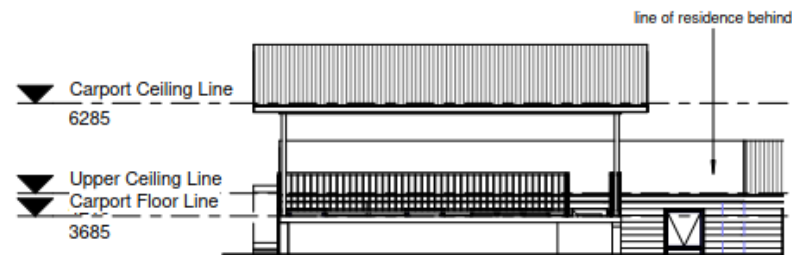
DATE OF ISSUE

prelim
21.01.22

REV



REFER ALSO TO:
ELEVATIONS - SHEET 8, RIGHT ELEVATION
ELEVATIONS - SHEET 9, LEFT ELEVATION



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L196 RP740952, 63 Stonewood Road, DIWAN

CLIENT R. Joshua	WIND CLASS C2	PLAN NUMBER 304-19	SHEET 10 of 10
SCALES 1 : 100	PLAN TITLE Floor Plan, Elevations - Carport	DATE OF ISSUE prelim 21.01.22	REV

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LEGEND

	MASSIVE BLOCKWORK RETAINING WALL
	CUT AREA
	FILL AREA



44 Melbourne Street
Cairns, QLD 4870
T 07 4381 6807

E: info@arocairns.com.au
W: www.arocairns.com.au
ABN: 98 641 461 256

63 STONEWOOD ROAD

CUT / FILL PLAN

ARO0096-SK02 1:50
A1 Full Size
Ascd No. ARO0096-SK02(1) 24th January 2022



AREA ANTUNDO LARGO ROCK

BETWEEN CARPORT AND HOUSE, ABOVE CARPORT AND AREA TO THE IMMEDIATE NORTH OF THE CORNER OF THE HOUSE

THERE IS A LARGE MACABANGA INDIAN ABOVE THE AREA TO BE EXCAVATED THAT IS AT THE END OF ITS LIFE AND IS LEAVING TOWARDS THE CAMPING.

SMALL PLANTS BELOW 1/2" CONSIST MAINLY OF SEEDLING SPECIES. NONSEEDLING NONHORMONE BERRY SEEDLING PLANTS - ALL WILL BE GIFTED ON 10/1/78. PLANTED IN REVEGETATION TYPE OF OTHER SIDE OF CRACK TO BOUNDARY. ADDITIONAL: ACORNIA, PICES VINCIGRIS, FICUS CONCORDIA, PICES VIRGINICA, PLATANUS OCCIDENTALIS (BART), GLOOMBERG PHILLYRIA, MACHONIA, HEDYCLIMA, DANIELIS MICROGLOUS AND MICROMERIA INAEQUALIS, M. INEQUICOLOR AND M. THOMPSON. ALL OF THESE WILL BE COLLECTED AND PLANTED IN REVEGETATION TYPE ON OTHER SIDE OF CRACK TO HOUSE ON GIFTED TO HAWAIIAN PLANT SOCIETY, HONOLULU, HI.

THERE IS A ROW OF GARDENIA SCHRELLA BETWEEN THE LARVE ROOM AND THE DIVINITY, AS THESE ARE NOT HARMFUL TO THE INSECT AREA, THESE WILL BE REMOVED. THEY WERE PLANTED AS A HEDGE ABOUT 5 YEARS AGO.

CONSIDERABLE RELATIVE CARBONATE AND TO WEIGH FOR LARGE ROCK

TABLE 1. *Continued*

EXPERIMENTAL PROCEDURES

LANDSCAPING FOOTWORK

1. COMPLETELY STABILIZE THE SITE.
2. ENSURE THAT ANY PART OF THE SITE THAT IS NOT WOODPICKER IS CONCRETE (PAVED SURFACE, INCLUDING DRIVE).
3. THE FLOORING IS CONTROLLER AND DOES NOT CONTAIN ANY DANGERS.
4. IMPROVE ACCESS TO THE HOUSE - CONCRETE.
5. ENSURE UNDERDOOR ACCESS TO HOUSE FROM CAMPUS.

HERMANN BONHART, HERZOG VON, FLORIANER, BRUNNENHOF, MÜLLERSTRASSE 10, 10119 BERLIN, GERMANY, HAS PLANTED 1000 PLANTS OF THE FOLLOWING SPECIES: *HELMINTHIA* *BALLS*-*SEEDLINGS* AND *SELMERIA* *KONIGS*. ALL PLANTS WILL BE SOLELY FROM THE AREA TO BE EXCAVATED AND POTTED OR PLACED IN A GROW ON MIXTURE, FOR REPAIRING ON COMPLETION OF CONSTRUCTION, ABOUT 10 USUALS BURNING WILL BE PLANTED THROUGHOUT THE AREA TO BE LANDSCAPED AS WELL. ALL WALL MIDS OF THE SITE DO NOT SURFACE WILL BE MAINTAINED INCLUDING THE INTERIOR HERBARIUM AND CONTAINED WITH COCONUT FIBRE SWIMMERS TO EXPOSE GROUND SURFACE WHILE HER PLANTING CONSIDERATIONS. THIS IS CONSIDERED TO BE THE GROUND WASH WITH THE GROUND SIDE OF THE HOUSE. THE PLANTING CONSIDERATIONS HAVE BEEN FOUR PLANTS WERE TAKEN ON HOUSE SIDE AND THE OTHER TWO WERE TAKEN ON THE OTHER SIDE OF THE PROPERTY AND WERE TAKEN.



BATTERY ELECTROLYTE RETURNING VIA

- | | |
|---|---|
|  | PLANT IDENTIFICATION No. REPT (CALL FOR DETAILS) |
|  | COVERAGE INCLUDING ALL TO BE PROTECTED AND PRESERVED (AT THE TOP OF THE HIGHEST RETAINING WALL) |
|  | AREA TO BE PROTECTED |
|  | AREA TO BE EXCAVATED |

1	MIRIAMAN HARBARD'S BLACK PAINT THREE MET FRAMES BECAUSE OF 1-3/4 FEET AND MORE THAN 20CM IN HEIGHT.
2	ADRIENNE'S KIDNEY, MORE MORE THAN 15CM DIAMETER
3	PIERS VANHAGEN, LESS THAN TEN INCHES
4	FLORIANE DUBOIS, ALL EXCEPT 3 LESS THAN 10CM DIAMETER, ONE 17CM DIAMETER (LEAVE OTHER SYSTEMS SUPPORT, PIERS CONNECT, UP TO 20CM IN HEIGHT)
5	SHAWANA MORGAN, SEVEN UP TO 2CM IN DIAMETER, ONE OF 12 IN DIAMETER
6	WACAGUNA OF PROBABLY IN HARBARD, LESS THAN 2CM IN DIAMETER
7	GLENNON CHAMBER, SOME UP TO 15CM IN DIAMETER
8	CHALCOPPER CALLEWA, 7 UP TO 15CM IN DIAMETER, ONE AT 17CM IN DIAMETER



63 STONEWOOD ROAD

ARO0096-SK03 15

ARC0096-SK03 At Full Size

Acad No. ABO0096-SM20111 21st January 2012

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 3 November 2021 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 Conservation 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.

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.

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—
 - (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.