

29 April 2026

Enquiries: Kieren Nyko
Our Ref: SITE 2026_5927/1 (Doc ID 1362729)
Your Ref: 20261532

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

NQ Homes Tropical Living Pty Ltd
PO Box 863
PORT DOUGLAS QLD 4877

Email: cindy@nqhomes.com.au

Dear Sir/Madam

**Concurrence Agency Response for Alternate Siting Request Referral
For Dwelling House
At 49 Pecten Avenue PORT DOUGLAS
On Land Described as Lot on 62 on RP726589**

The referral agency material for the development application described below was properly referred to Douglas Shire Council on 21 April 2026.

Please quote Council's application number: SITE 2026_5927/1 in all subsequent correspondence relating to this matter.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

cc. GMA Certification Group Pty Ltd - adminpd@gmacert.com.au

encl.

- Approved Drawing(s) and/or Document(s)
- FNQROC Development Manual Standard Drawing/s for vehicle access
- Advice For Making Representations and Appeals

Concurrence Agency Response

Given under s 56 of the Planning Act 2016

Applicant Details

Name: NQ Homes Tropical Living Pty Ltd
 Postal Address: PO Box 863
 PORT DOUGLAS QLD 4877
 Email: cindy@nqhomes.com.au

Assessment Manager

Name: GMA Certification Group Pty Ltd
 Postal Address: PO Box 831
 PORT DOUGLAS QLD 4877
 Email: adminpd@gmacert.com.au

Property Details

Street Address: 49 Pecten Avenue PORT DOUGLAS
 Real Property Description: Lot 62 on RP 726589
 Site Area: 809m²
 Local Government Areas: Douglas Shire Council

Application Details

Proposed Development: Alternate Siting Request (Dwelling House)

Aspects of development and type of approval being sought

Development Permit for Building Work – *Queensland Development Code*, Part MP 1.2 (lots 450m² and over) – Alternative Siting Request.

Performance Criteria	Acceptable Solution	Proposal
P1	(a) For a detached dwelling, garage or a carport the minimum <i>road setback</i> is - (i) 6m	The Dwelling house is to be located 5.2 metres from the eave to the road boundary in lieu of the Acceptable Solution of 6 metres.

Decision

Date of Decision: 29 April 2026

Decision Details: Approved

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
Contour Plan	Job Number: 498TL, (Sheet 1 of 11), Prepared by NQ Homes Pty Ltd	10/04/2026
Floor Plan	Job Number: 498TL, (Sheet 2 of 11), Prepared by NQ Homes Pty Ltd	10/04/2026
Elevations 1	Job Number: 498TL, (Sheet 4 of 11), Prepared by NQ Homes Pty Ltd	10/04/2026
Elevations 2	Job Number: 498TL, (Sheet 5 of 11), Prepared by NQ Homes Pty Ltd	10/04/2026
Setout Plan	Job Number: 498TL, (Sheet 10 of 11), Prepared by NQ Homes Pty Ltd	10/04/2026
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete Driveway for Allotment Access	Standard Drawing S1110 issue F	27 August 2020

Concurrence Agency 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.
2. Vehicle access to the property must be constructed in accordance with the Standard Drawing for such works as detailed in the FNQROC Regional Development Manual. A copy of the Standard Drawing forms part of the Approved Plans attached to this Concurrence Agency response.

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.
2. This approval does not negate the requirement for compliance with all other relevant

Council Local Laws and other statutory requirements.

3. 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.

Reasons for Decision

1. The reasons for this decision are:
 - a. to ensure the development satisfies the Performance Criteria stated in P1 of MP1.2, of the Queensland Development Code.
2. Findings on material questions of fact:
 - a. The development application was properly referred to the Douglas Shire Council on 21 April 2026 under s54 of the *Planning Act 2016* and Part 2 of the Development Assessment Rules; and
 - b. The development application contained a report that Council reviewed together with Council's own investigation in making its referral agency assessment.
3. Evidence or other material on which findings were based:
 - a. The development triggered referral agency assessment under Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*;
 - b. Council undertook an assessment in accordance with the provisions of sections 55 and 56 of the *Planning Act 2016*.; and
 - c. The relevant provisions of the Queensland Development Code.

Relevant Period

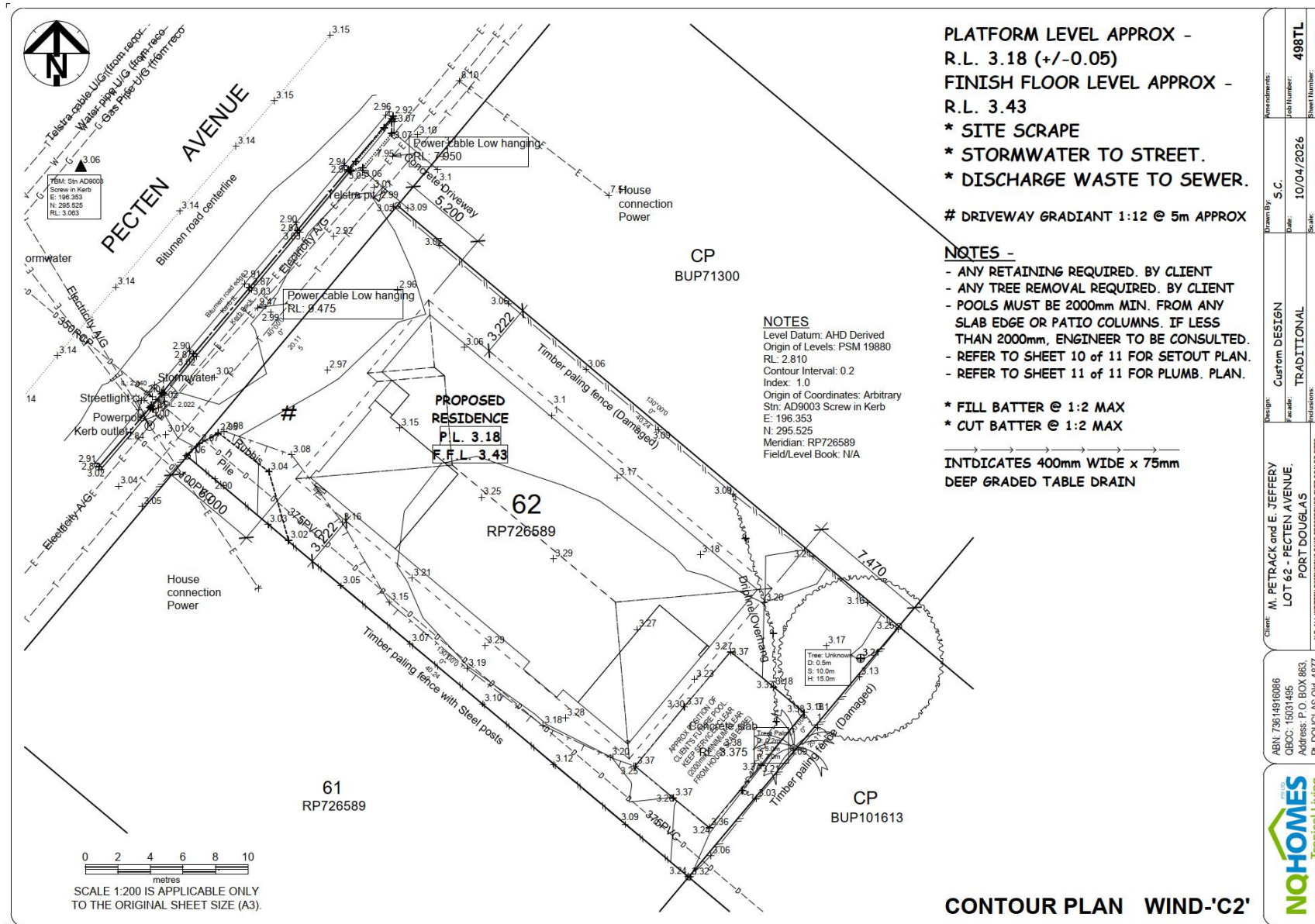
Under the *Planning Act 2016*, Council requires that the relevant period of approval for any development is to be two (2) years starting the day the approval takes effect.

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)



PLATFORM LEVEL APPROX -
R.L. 3.18 (+/-0.05)
FINISH FLOOR LEVEL APPROX -
R.L. 3.43

- * SITE SCRAPER
- * STORMWATER TO STREET.
- * DISCHARGE WASTE TO SEWER.

DRIVEWAY GRADIANT 1:12 @ 5m APPROX

NOTES -

- ANY RETAINING REQUIRED. BY CLIENT
- ANY TREE REMOVAL REQUIRED. BY CLIENT
- POOLS MUST BE 2000mm MIN. FROM ANY SLAB EDGE OR PATIO COLUMNS. IF LESS THAN 2000mm, ENGINEER TO BE CONSULTED.
- REFER TO SHEET 10 of 11 FOR SETOUT PLAN.
- REFER TO SHEET 11 of 11 FOR PLUMB. PLAN.

* FILL BATTER @ 1:2 MAX
* CUT BATTER @ 1:2 MAX

INTDICATES 400mm WIDE x 75mm DEEP GRADED TABLE DRAIN

NOTES
Level Datum: AHD Derived
Origin of Levels: PSM 19880
RL: 2.810
Contour Interval: 0.2
Index: 1.0
Origin of Coordinates: Arbitrary
Stn: AD9003 Screw in Kerb
E: 196.353
N: 295.525
Meridian: RP726589
Field/Level Book: N/A

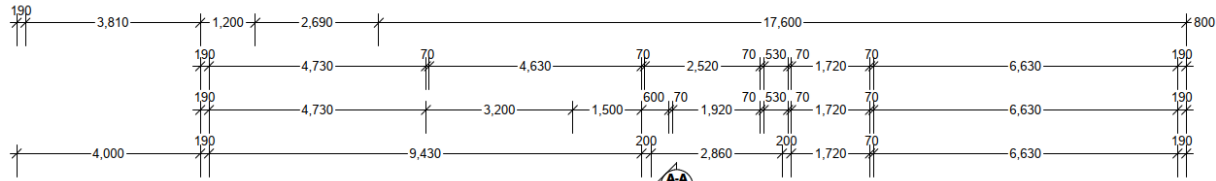
0 2 4 6 8 10
metres
SCALE 1:200 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3).

Amendments:	Drawn By:	Client:	ABN: 736 149 6086
Job Number: 498 TL	S.C.	M. PETRACK and E. JEFFERY	QBCC: 15031465
Sheet Number: 1 of 11	Date: 10/04/2026	LOT 62 - PECTEN AVENUE,	Address: P.O. BOX 863,
Scale: 1: 200	Indicator:	PORT DOUGLAS	PT. DOUGLAS Qld 4871
	Custom DESIGN	<small>IF ANY PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER, IT IS PROHIBITED.</small>	
	TRADITIONAL		
	PREMIUM		

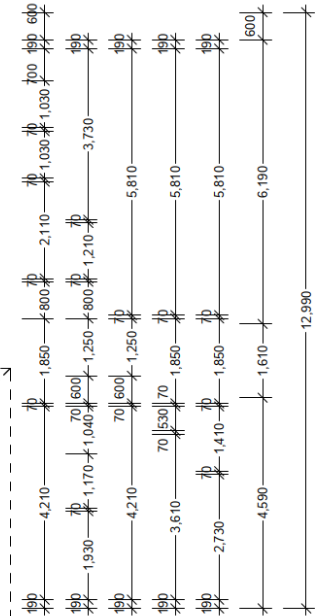
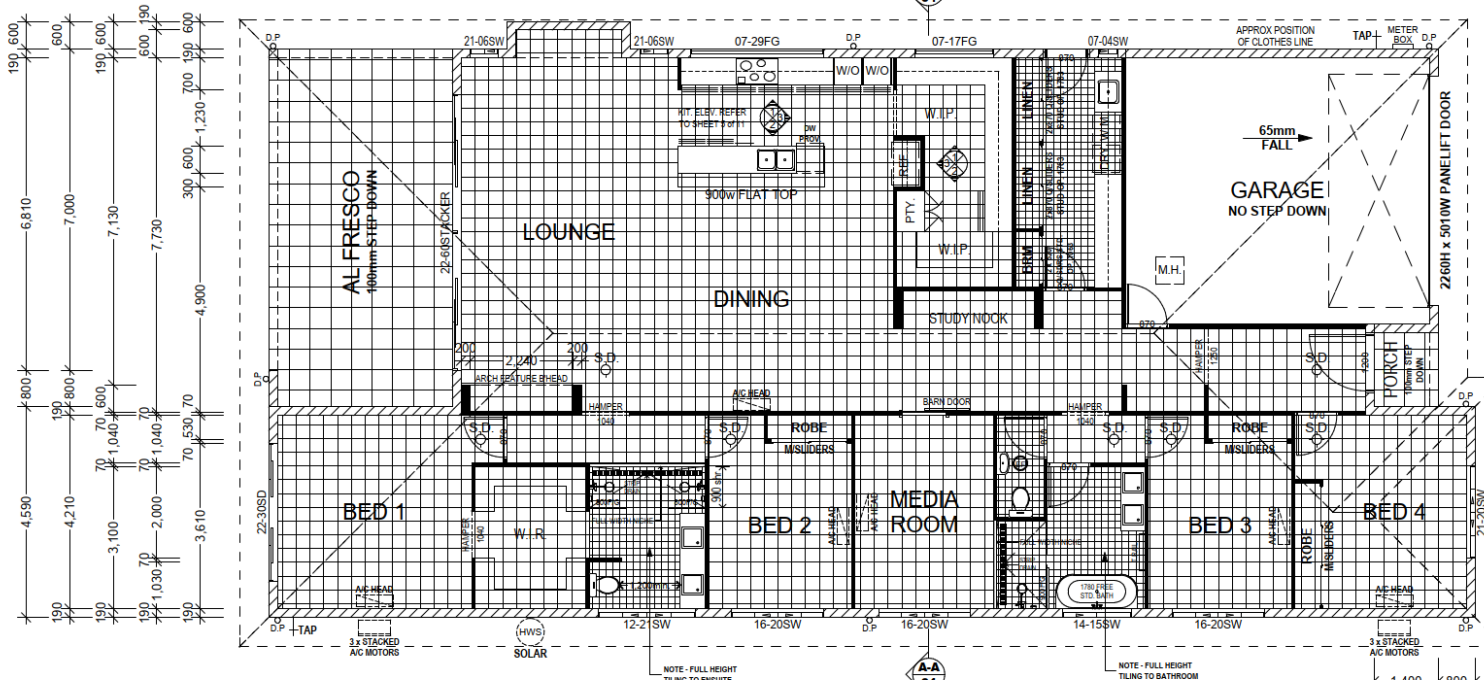
CONTOUR PLAN WIND-'C2'



ELEVATION KEY



ENERGY EFFICIENCY NOTES:
 : ALL TAPWARE & SHOWERS TO BE 3 STAR min.
 : ALL TOILETS TO BE 4 STAR min.
 : SOLAR HOT WATER SYSTEM TO BE INSTALLED.



FLOOR AREAS
 LIVING - 246.47
 GARAGE - 41.19
 AL FRESCO - 31.20
 PORCH - 2.25
 TOTAL - 321.11m²
 34.55 SQUARES

NOTE - "LIVABILITY NOGGINGS" TO ALL WET AREAS. REFER SHEET 3 of 11 FOR DETAILS

NOTE - ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)

* NOTE - ALL CABINET WORK AND ALL SHELVES BY CLIENT, AS PER CONTRACT

GENERAL NOTES :
 : Solar block 2 to all alum. framed glass doors and windows.
 : Dishwasher prov. with SPP and cold water plumbing.
 : Lift off hinges to wc.
 : Mechanical exhaust to wc with no external opening.
 : Niches - 900H base with a 2100H head U.N.O.
 : Hampers and Openings - 2100H head U.N.O.
 : Bulkheads - 2100H U.N.O.



ABN: 73614916086
 QBCC: 15031495
 Address: P.O. BOX 863,
 PT. DOUGLAS Qld. 4877

FLOOR PLAN WIND-'C2'

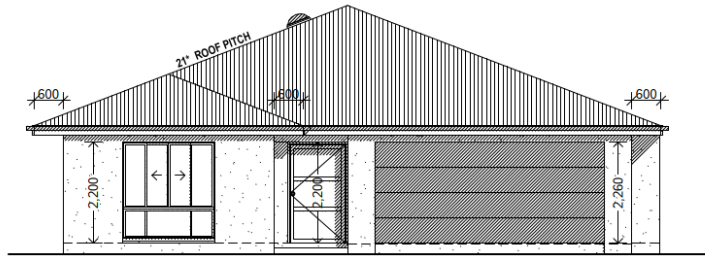
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client: M. PETRACK and E. JEFFERY
 LOT 62 - PECTEN AVENUE,
 PORT DOUGLAS

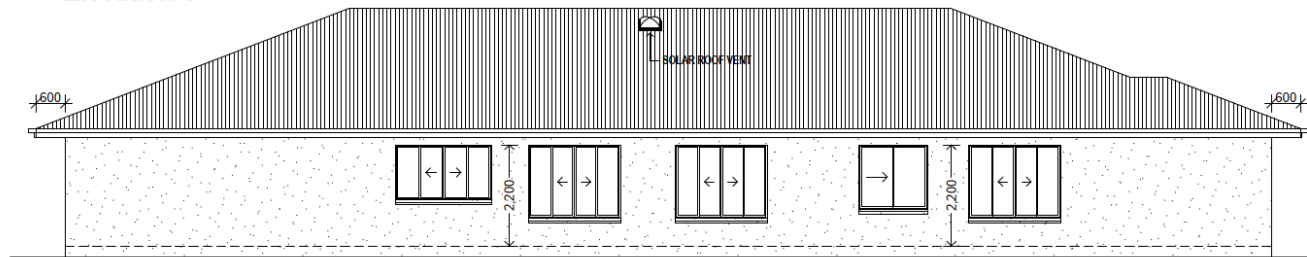
Design: Custom DESIGN
 Facade: TRADITIONAL
 Inclusions: PREMIUM

Drawn By: S.C.
 Date: 10/04/2026
 Scale: 1 : 100

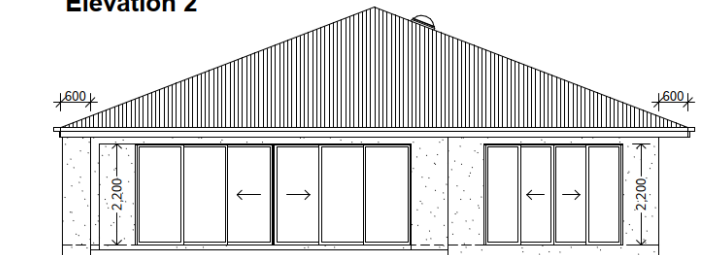
Amendments:
 Job Number: 498TL
 Sheet Number: 2 of 11



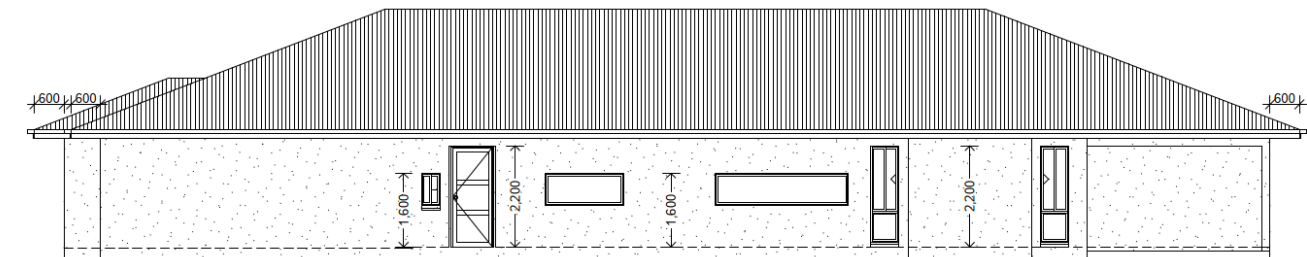
Elevation 1



Elevation 2



Elevation 3



Elevation 4



ABN: 73614916086
 QBCC: 15031495
 Address: P.O. BOX 863,
 PT. DOUGLAS Qld. 4877

ELEVATIONS-1

WIND-'C2'

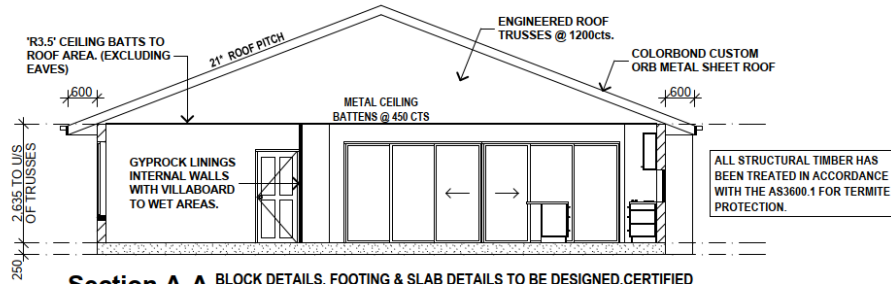
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client: M. PETRACK and E. JEFFERY
 LOT 62 - PECTEN AVENUE,
 PORT DOUGLAS

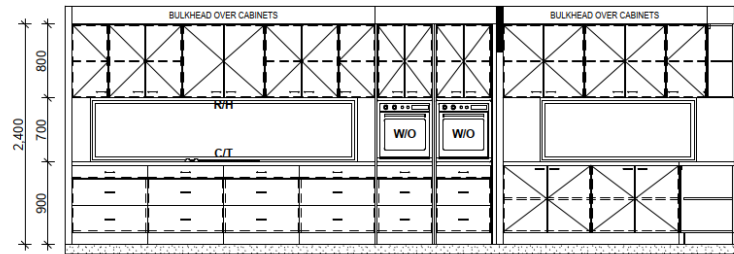
Design: Custom DESIGN
 Facade: TRADITIONAL
 Inclusions: PREMIUM

Drawn By: S.C.
 Date: 10/04/2026
 Scale: 1 : 100

Amendments:
 Job Number: 498TL
 Sheet Number: 4 of 11

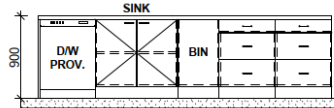


Section A-A BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'S' CLASS SITE AND WIND-'C2' WIND RATING.
N.T.S.

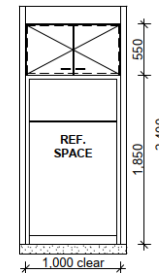


Kitchen Elevation 1
1: 50

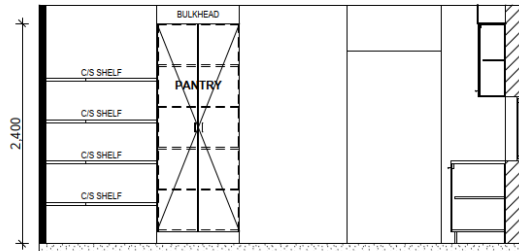
W.I.P. 1
1: 50



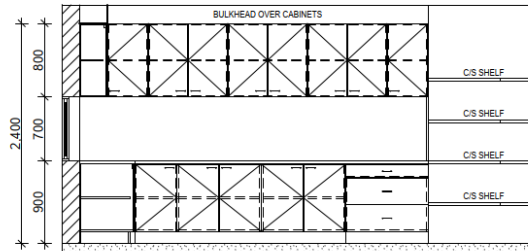
Kitchen Elevation 2
1: 50



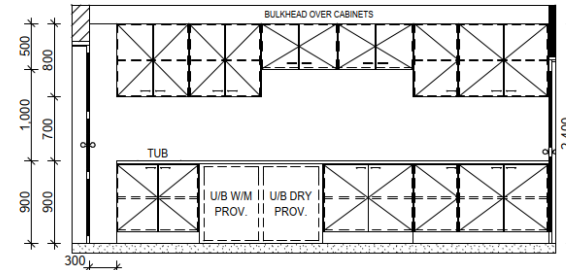
Kitchen Elevation 3
1: 50



W.I.P. 3
1: 50



W.I.P. 2
1: 50



Laundry Elevation
1: 50



ABN: 73614916086
QBCC: 15031495
Address: P.O. BOX 863,
Pt. DOUGLAS Qld. 4877

ELEVATIONS-2

WIND-'C2'

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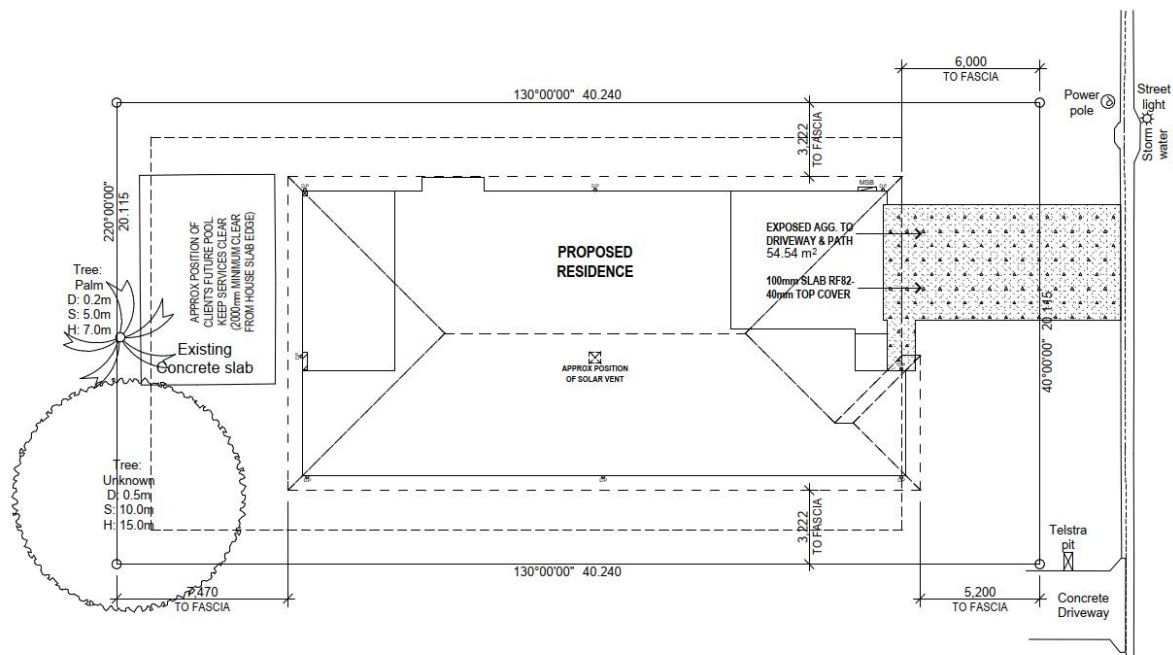
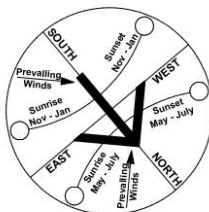
Client: M. PETRACK and E. JEFFERY
LOT 62 - PECTEN AVENUE,
PORT DOUGLAS

Design: Custom DESIGN
Facade: TRADITIONAL
Inclusions: PREMIUM

Drawn By: S.C.
Date: 10/04/2026
Scale: As Shown

Amendments:
Job Number: 498TL
Sheet Number: 5 of 11

**LOT 62 ON RP726589
PECTEN AVENUE,
PORT DOUGLAS**



PECTEN AVENUE



ABN: 73614916086
QBCC: 15031495
Address: P.O. BOX 863,
Pt. DOUGLAS Qld. 4877

SETOUT PLAN

WIND-'C2'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

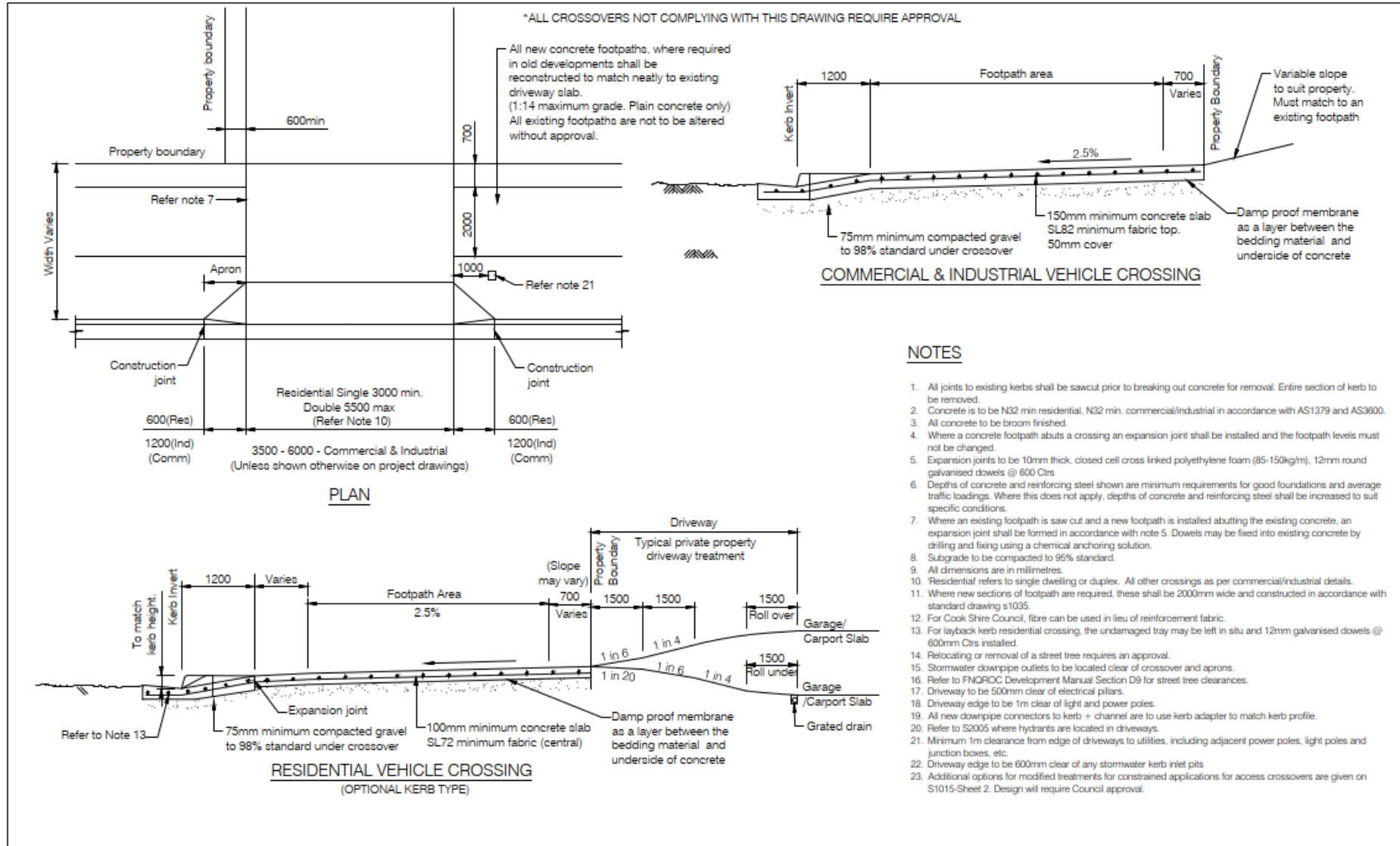
Client: **M. PETRACK and E. JEFFERY**
LOT 62 - PECTEN AVENUE,
PORT DOUGLAS

Design: **Custom DESIGN**
Facade: **TRADITIONAL**
Inclusions: **PREMIUM**

Drawn By: **S.C.**
Date: **10/04/2026**
Scale: **1 : 200**

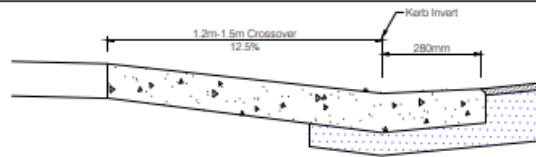
Amendments:
Job Number: **498TL**
Sheet Number: **10 of 11**

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access

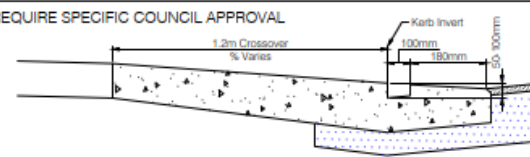


DISCLAIMER				ACCESS CROSSOVERS Sheet 1 of 2	Standard Drawing
The authors and sponsoring organizations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.					S1015
REVISIONS	DATE				E F

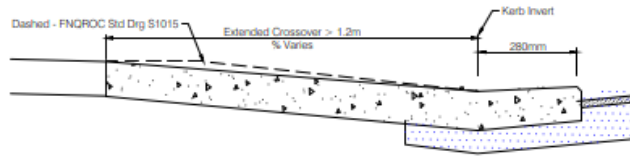
*OPTIONS 1 TO 6 REQUIRE SPECIFIC COUNCIL APPROVAL



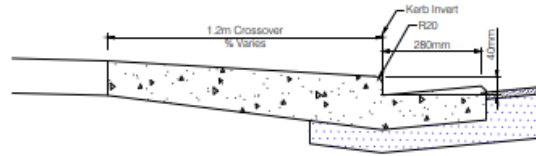
Option 1: 12.5% Ramp
NTS



Option 4: 100mm channel at kerb invert
NTS



Option 2: Extended access crossover similar to
FNQROC standard drawing S1015
NTS



Option 3: 40mm lip at kerb invert
NTS

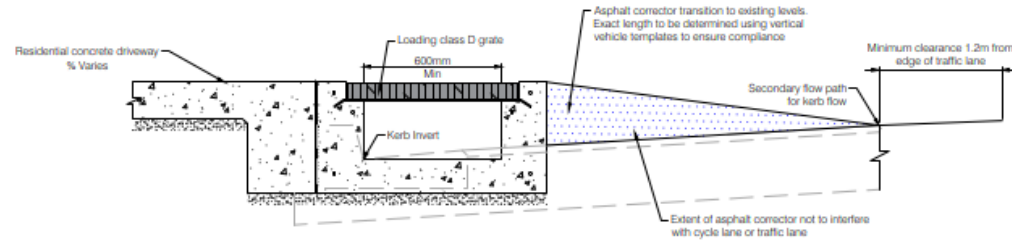
Design Considerations

Positives:

- To improve vehicle clearances (helpful with steeper verges)

Negatives:

- Less smooth transition for vehicles.
- Minor noise increase
- Minor blockage risk - not suitable where there is excessive vegetation matter present
- Slight reduction in road shoulder, stormwater, flow capacity
- Potential obstruction/hazard to non-vehicle users



Option 5: Grated vehicle crossing
NTS

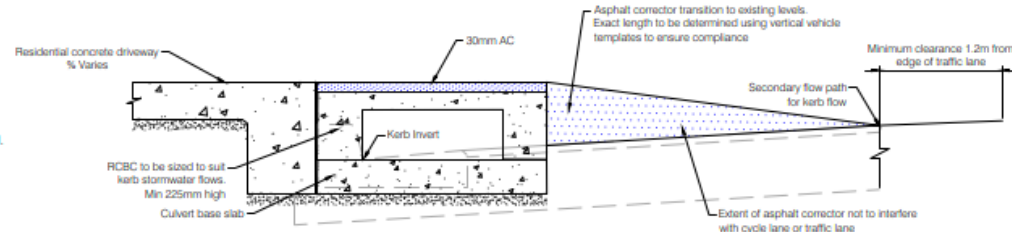
Design Considerations

Positives:

- Improve vertical vehicle clearance where there is a significant difference in height between road shoulder and property levels.
- Grates make for easier clearance of debris.

Negatives:

- Less smooth transition for vehicles.
- Minor noise increase
- Minor blockage risk
- Significant reduction in road shoulder, stormwater, flow capacity (potentially only suitable for extremely wide shoulders)
- Medium blockage risk



Option 6: RCBC with 30mm
asphalt overlay over culvert
NTS

Design Considerations

Positives:

- Improve vertical vehicle clearance where there is a significant difference in height between road shoulder and property levels.

Negatives:

- Less smooth transition for vehicles.
- Minor blockage risk
- Significant reduction in road shoulder, stormwater, flow capacity (potentially only suitable for extremely wide shoulders)
- Medium blockage risk

Design Considerations

Positives:

- To improve vehicle clearances (helpful with steep shoulder crossfalls)

Negatives:

- Proximity of pedestrian footpaths may restrict crossover lengths.

Design Considerations

Positives:

- To improve vehicle clearances (helpful with steeper verges)

Negatives:

- Less smooth transition for vehicles.
- Minor noise increase.

NOTES

- All reinforcing for options 1-4 to be as per sheet 1 for relevant crossing type.
- Option 5 & 6 - refer project specific drawings for structural details.
- All modified treatment options to have vertical vehicle template checks to comply with AS2890.1 (Vehicle B85 or B99 as applicable)
- Consideration of impacts on stormwater flooded widths by selected option to be assessed by project engineer for compliance with minor & major stormwater events
- Modified treatments for constrained applications on this drawing require an application to council and a specific site approval by council.
- Options 1 to 6 generally provide increasing complexity and interference/loss of amenity to road users, therefore higher level options are considered less desirable by council and will not be accepted without reasonable consideration and assessment of the lower level options.
- The development application to council proposing the selected access crossover treatment design shall include:
 - Documented design drawings
 - Justification in writing for the selected higher level treatment options
 - Reasons why simpler lower level treatments and the standard treatment not be adopted
 - Justification of the selected higher level treatment option shall include design considerations of the following where relevant:
 - Location, function, road geometry, road hierarchy and posted speed limit
 - Obstruction and hazard presented to all road users including vehicles, cyclists and pedestrians
 - Obstruction to stormwater drainage including risk of flooding of traffic lanes
 - Potential for debris to block stormwater flow
 - Roadway and stormwater channel maintenance and cleaning
 - Safety of roadway access and egress for crossover users
 - Adequate and safe vertical vehicle clearance

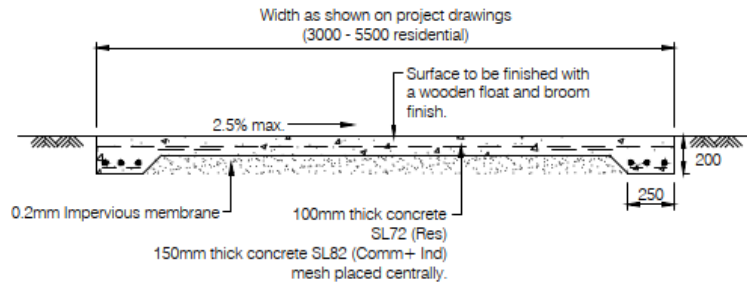
DISCLAIMER

The authors and approving organizations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



ACCESS CROSSOVERS
Sheet 2 of 2
Modified Treatments For Constrained Applications

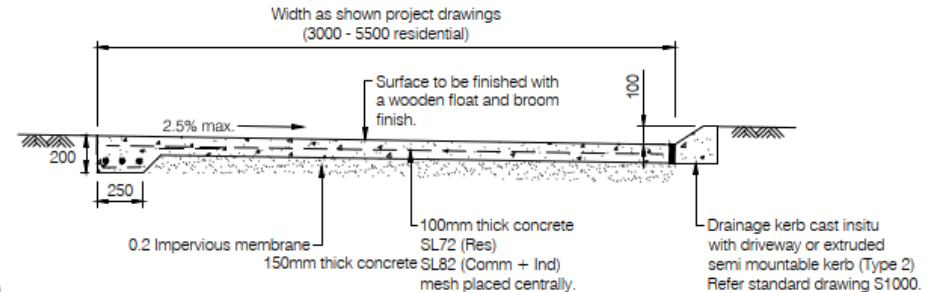
Standard
Drawing
S1015



CONCRETE DRIVEWAY - TYPE 1

(Without drainage)

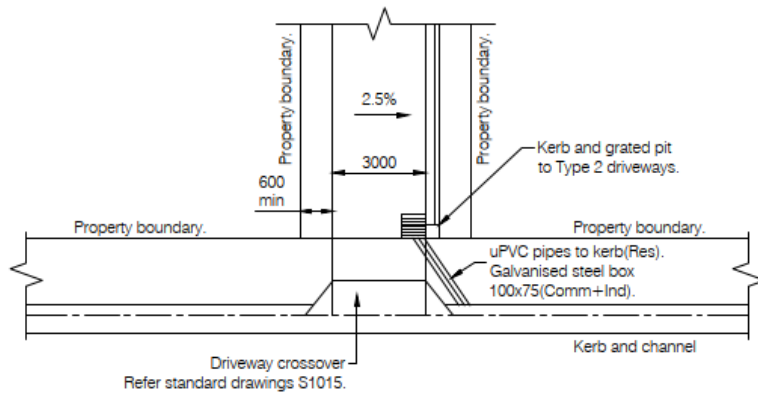
F8 TM 3BAA (Res)
F11 TM 3BAA (Comm + Ind)



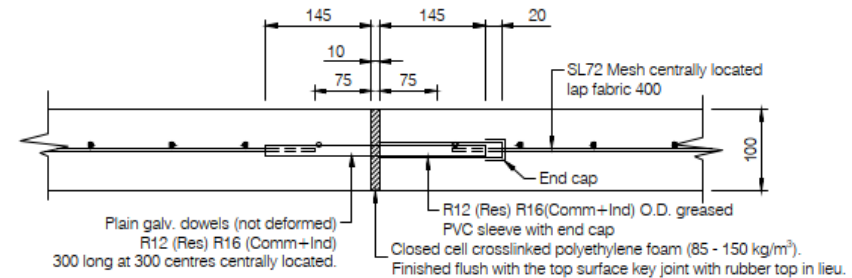
CONCRETE DRIVEWAY - TYPE 2

(With drainage)

Closed cell cross linked polyethylene foam with 12mm galvanised dowels @ 600mm Ctrs

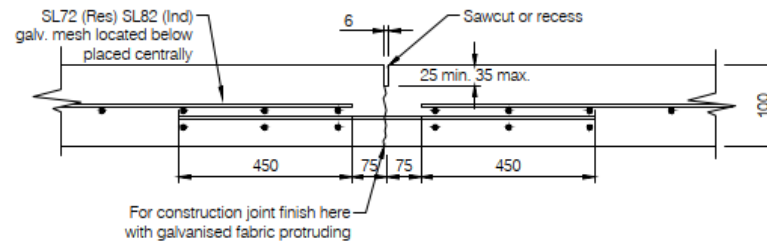


TYPICAL DRIVEWAY LAYOUT



EXPANSION JOINT

Spacing 16000 max.



CONTRACTION JOINT

Spacing 4000 max.

NOTES

1. For driveway alignment, longitudinal grade and associated drainage details refer project drawings.
2. Concrete is N32 minimum in accordance with AS 1379 and AS 3600.
3. Construction joints shall be provided at 4.0m max. Ctrs with expansion joints or approved equivalent @ 16.0m max. Ctrs.
4. All dimensions to be in millimetres.
5. 'Residential' refers to single dwelling/duplex.
6. For commercial or industrial driveways 150mm thick N32 concrete and SL82 mesh.
7. Access to Gross Pollutant Traps (GPT) to be min 3.5m wide to commercial/ industrial driveway standard.

DISCLAIMER

The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



CONCRETE DRIVEWAY FOR ALLOTMENT ACCESS

Standard Drawing

S1110

F	G		
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Part 7: Miscellaneous

29 Missed referral agency

- 29.1 This section applies if, at any time before the application is decided, an applicant has not referred the application to a referral agency referred to in section 55(1) of the Act or to another referral agency for all referral requirements under section 55(2) of the Act in the time provided to refer the application (a **missed referral agency**).²¹
- 29.2 A **party** to the application may, by notice given to each other party to the application, advise the parties that the applicant has not referred the application in accordance with section 54(1) of the Act.
- 29.3 Despite section 31.1(a) and subject to section 31.4 where notice has been given under section 29.2, the application does not lapse as a result of a missed referral agency.²²
- 29.4 The applicant must refer the application in accordance with section 5.1, as if ‘the day after part 1 has ended’ is ‘after the day the applicant gave or received notice about a missed referral agency’.
- 29.5 Part 2 and part 3 apply to the missed referral agency once action is taken under section 29.4.
- 29.6 Despite section 11.1, any referral agency referred the development application as a result of this section may make an information request.
- 29.7 If a notice about a missed referral agency is given before part 5 starts, then part 5 cannot start before part 2 has ended in relation to the missed referral agency.²³
- 29.8 If part 4 applies to the application, the giving of a notice under this section has no effect on any actions already undertaken under part 4.

30 Representations about a referral agency response

- 30.1 An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.²⁴

31 Lapsing of the application

- 31.1 An application lapses if the applicant does not carry out the following actions in the prescribed period, including any further agreed period under the relevant section—
 - (a) give the referral agency material to each referral agency that is party to the application and advise the assessment manager when the referral agency material was given under section 5, section 27 or section 29, as relevant to the application;²⁵ or
 - (b) undertake the actions to publicly notify the application requiring public notification; or
 - (c) give a notice of compliance under section 18 to the assessment manager for the application

²¹ As provided for under section 5.

²² As set out in section 31.4, this section has no effect where a missed referral notice has already been given about the missed referral agency.

²³ Section 23.2 describes the effect on the decision period if part 5 had already commenced before notice about the missed referral had been given.

²⁴ An applicant may elect, under section 32, to stop the assessment manager’s decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

²⁵ This provision is subject to section 29.3.

Q1 - P1: Application
Q1 - P12: Referral
Q1 - P13: Information request
Q1 - P14: Public notification
Q1 - P15: Decision
Q1 - P16: Changes to app and ref agency
Q1 - P17: Miscellaneous
Q12 - P1: Application
Q12 - P2: Information request
Q12 - P3: Public notification
Q12 - P4: Decision
Q12 - P5: Miscellaneous
Schedules

- (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.

Note—

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

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

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

Note—

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

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

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

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- (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—