

12 December 2025

Enquiries: Jenny Elphinstone
Our Ref: SITEX 2025_5872/1(Doc ID 1339076)
Your Ref: 6197/25

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

Lee Haereroa Eagleview Trust Pty Ltd
C/ Rapid Building Approvals
2-4 Stanton Road
SMITHFIELD QUEENSLAND 4878

Attention Mr Ryan Bird

Email: approvals@rapidapprovals.com.au

Dear Sir

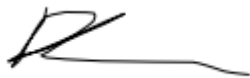
**Concurrence Agency Response for Alternate Siting Request (Dwelling house)
Alternate Siting Request Referral
At 85A Mitre Street Craiglie
On Land Described as Lot 1 on SP332666**

The referral agency material for the development application described below was properly referred to Douglas Shire Council on 4 December 2025.

Please quote Council's application number: SITE 2025_5872/1 in all subsequent correspondence relating to this matter.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

cc. Rapid Building Approvals - approvals@rapidapprovals.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: Lee Haereroa Eagleview Trust Pty Ltd
C/ Rapid Building Approvals
Postal Address: 2-4 Stanton Road
Smithfield Queensland 4878
Email: approvals@rapidapprovals.com.au

Assessment Manager

Name: Rapid Building Approvals
Postal Address: 2-4 Stanton Road
Smithfield Queensland 4878
Email: approvals@rapidapprovals.com.au

Property Details

Street Address: 85A Mitre Street Craiglie
Real Property Description: Lot 1 on SP332666
Site Area: 601m²
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	The outermost projections of the building are located 6000mm from road.	4196mm for the balcony to the first floor bedroom and 4546mm for the building eave for part of the building, being for a bedroom to the front boundary.

Performance Criteria	Acceptable Solution	Proposal
P2	The outermost projections of the building are located 1500mm for the ground floor and 2000mm for the first floor level from the side/rear boundary.	<p>850mm for the building eave to the northern boundary for parts of both ground and first floors.</p> <p>1185mm for the garage on the ground floor from the southern side boundary.</p> <p>716mm for part of the ground floor and part of the first floor from the southern boundary.</p>

Decision

Date of Decision: 12 December 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
Lower Floor Plan	Dixon Homes Job 3823.	21 November 2025
Upper Floor Plan	Dixon Homes Job 3823.	21 November 2025
Elevations	Dixon Homes Job 3823.	21 November 2025
Setout on Contour and Detail Survey Plan	Dixon Homes set out details on RPS Drawing AU004352-189, dated 22 October 2025 with Dixon Homes annotations	1 December 2025
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 and P2 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 4 December 2025 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.

[illegible]

3823

Unauthorised use of these
Dixon System's plans constitutes
a breach of the Copyright Act and
make you liable for significant
damages.

2750 CEILING HEIGHT
2800 PITCHING POINT

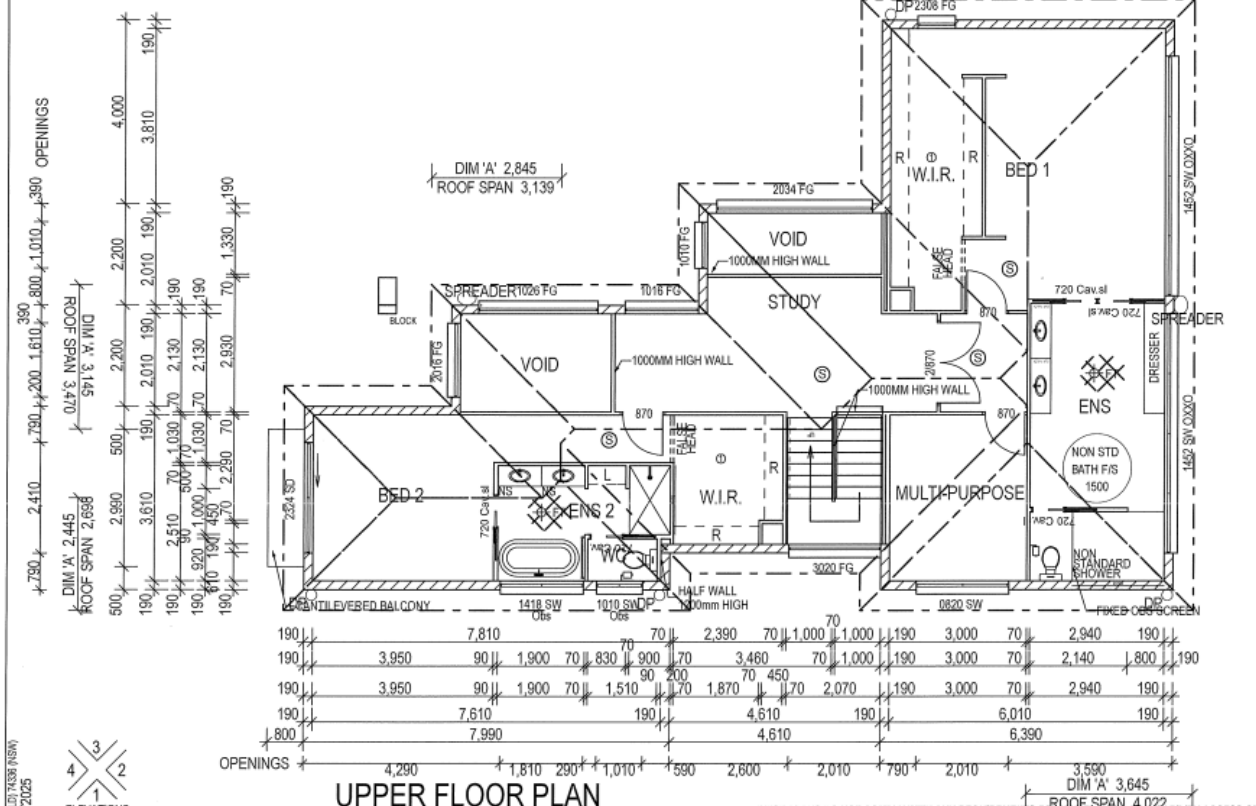
200MM SUSPENDED SLAB

Perth Date: 25/12/2025
k3cm10b41e4

3823

255 cm 3823 k3cm10b41e4

ROOF PITCH 25° OVERHANG 450mm



UPPER FLOOR PLAN

THESE PLANS DO NOT COMPLY WITH ANY REQUIREMENTS FOR WHEELCHAIR OR DISABILITY ACCESS OR ACCESSIBLE LIVING

LINTELS INDICATED ON FLOOR

PLAN ARE NOT TO BE QUOTED.

L3 190 x 35 F17 KD

L4 220 x 35 F17 KD

L5 220 x 70 F17 KD

L6 240 x 70 F17 KD

L7 165 x 65 HYNE 17C

L8 230 x 65 HYNE 17C

L9 295 x 65 HYNE 17C

L17 85 x 8 FLAT BAR

MIN. 90mm END SUPPORT

L18 100 x 100 x 6 ANGLE

L19 150 x 100 x 8 ANGLE

MIN. 150mm END SUPPORT

L20 100 x 100 x 10 EQUAL ANGLE

WITH 200 x 8 MS PLATE

STITCH WELDED TO BACK

MIN 180 END SUPPORT

Beams and lintels may be

substituted by the builder with

suitable alternative product

* WINDOWS:

PV-Permanent Vent

OS-Oblique Safety Glass

SG-Safety Glass

X-Movable Panel

O-Fixed Panel

CB-Colonial Bars

FT-Fixture Trap, Not floor

WRAK 2100 UNO

Head height 200 series block



Home to 70,000 Australians
WWW.DIXONHOMES.COM.AU
1300 10 10 10
Admired since 1959

LOWER FLOOR AREA 194.59 M2
UPPER FLOOR AREA 155.23 M2
PORCH/CARPORT AREA 40.43 M2
BALCONY AREA 2.39 M2
PATIO % OF FOOTPRINT 17.2%

SCALE 1:100
Metal 25°
190 BLOCK
LOWER CEILING HT 2750
UPPER CEILING HT 2750
WIND RATING C2

LINTELS

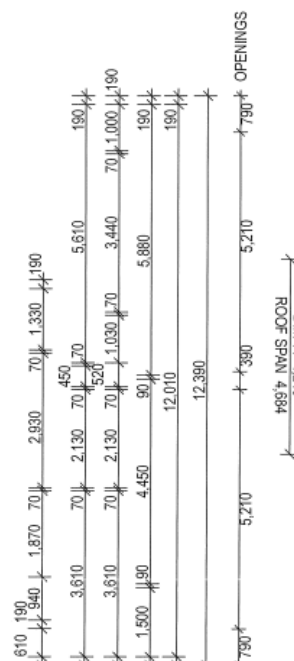
THESE PLANS DO NOT COMPLY WITH ANY REQUIREMENTS FOR WHEELCHAIR OR DISABILITY ACCESS OR ACCESSIBLE LIVING

L17 85 x 8 FLAT BAR
MIN. 90mm END SUPPORT
L18 100 x 100 x 6 ANGLE
L19 150 x 100 x 8 ANGLE
MIN. 150mm END SUPPORT
L20 100 x 100 x 10 EQUAL ANGLE
WITH 200 x 8 MS PLATE
STITCH WELDED TO BACK
MIN 180 END SUPPORT

Beams and lintels may be
substituted by the builder with
suitable alternative product

* WINDOWS:
PV-Permanent Vent
OS-Oblique Safety Glass
SG-Safety Glass
X-Movable Panel
O-Fixed Panel
CB-Colonial Bars
FT-Fixture Trap, Not floor
WRAK 2100 UNO

Head height 200 series block



COMPLIANCE INDEMNITY

The owner confirms that the land and the dwelling are not subject to Town Planning conditions and/or covenants which require the developer's and/or local authority approvals, and the owner indemnifies the builder and designer against any loss however sustained due to the owners failure to ensure compliance.

Owner: _____ Witness: _____ Date: ____/____/____

COVENANT APPROVAL

Developer/Agent: _____ Estate: _____

Signature: _____ Witness: _____ Date: ____/____/____

Only sign if 100% correct. If not correct please contact your consultant.

CLIENT: _____ DATE: 1/12/25

CLIENT: _____

BUILDER: _____ DATE: 1/12/25

NOT TO BE MODIFIED WITHOUT WRITTEN AUTHORITY

AB THOMAS EAGLEVIEW P/L ATF

Lot 1 Mitre Street, PORT DOUGLAS

QLD, 4877

RP. SP 332666 MAP REF.

3823

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Dixon System's plans constitutes
a breach of the Copyright Act and
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damages.

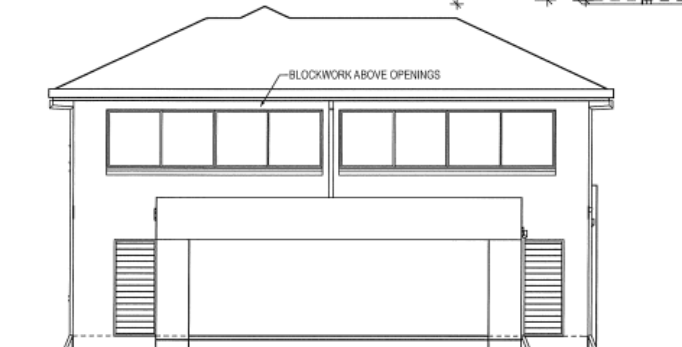
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k3cm0b41e4

250mm0203k3cm0b41e4



ELEVATION 1



ELEVATION 2



ELEVATION 4



ELEVATION 3

ARTICULATION JOINT SPACING: 5m

UNAWARDED LTD. LIC. 35379 (QLD) 74386 (NSW)
DRAWN BY: dab 21/11/2025
DRAWN FOR: Carrington, Cairns
Carrington Homes

Home to 70,000 Australians
WWW.DIXONHOMES.COM.AU
1300 10 10 10
Desired since 1959

LOWER FLOOR AREA 194.59 M2
UPPER FLOOR AREA 155.23 M2
PORCH/CARPORT AREA 40.43 M2
BALCONY AREA 2.39 M2
PATIO % OF FOOTPRINT 17.2%

SCALE 1:100
ROOF Metal 25°
EXT WALL 190 BLOCK
LOWER CEILING HT 2750
UPPER CEILING HT 2750
WIND RATING C2

NOTE: WINDOWS AND DOORS SHOWN
ARE STANDARD BLOCKS ONLY.
FOR DETAIL ON PANEL SIZE & POSITION
SEE CODES ON THE FLOOR PLAN.
WINDOW SIZE AND STYLE ARE INDICATIVE
ONLY AND MAY VARY DEPENDING ON SUPPLIER

Plan Dimensions/Errors and Omissions.
Where inadvertent changes to the originally specified
dimensions and/or spaces occur, the Owner(s) will only be
entitled to compensation for consequential financial loss on a
resale basis, as assessed by a registered valuer nominated
by the Queensland Institute of Valuers and a refund for
items charged for, but not incorporated in the Contract

Only sign if 100% correct. If not correct please contact your consultant.

CLIENT: *AT* DATE: 1/12/25

CLIENT: *AT*

BUILDER: *AT* DATE: 1/12/25

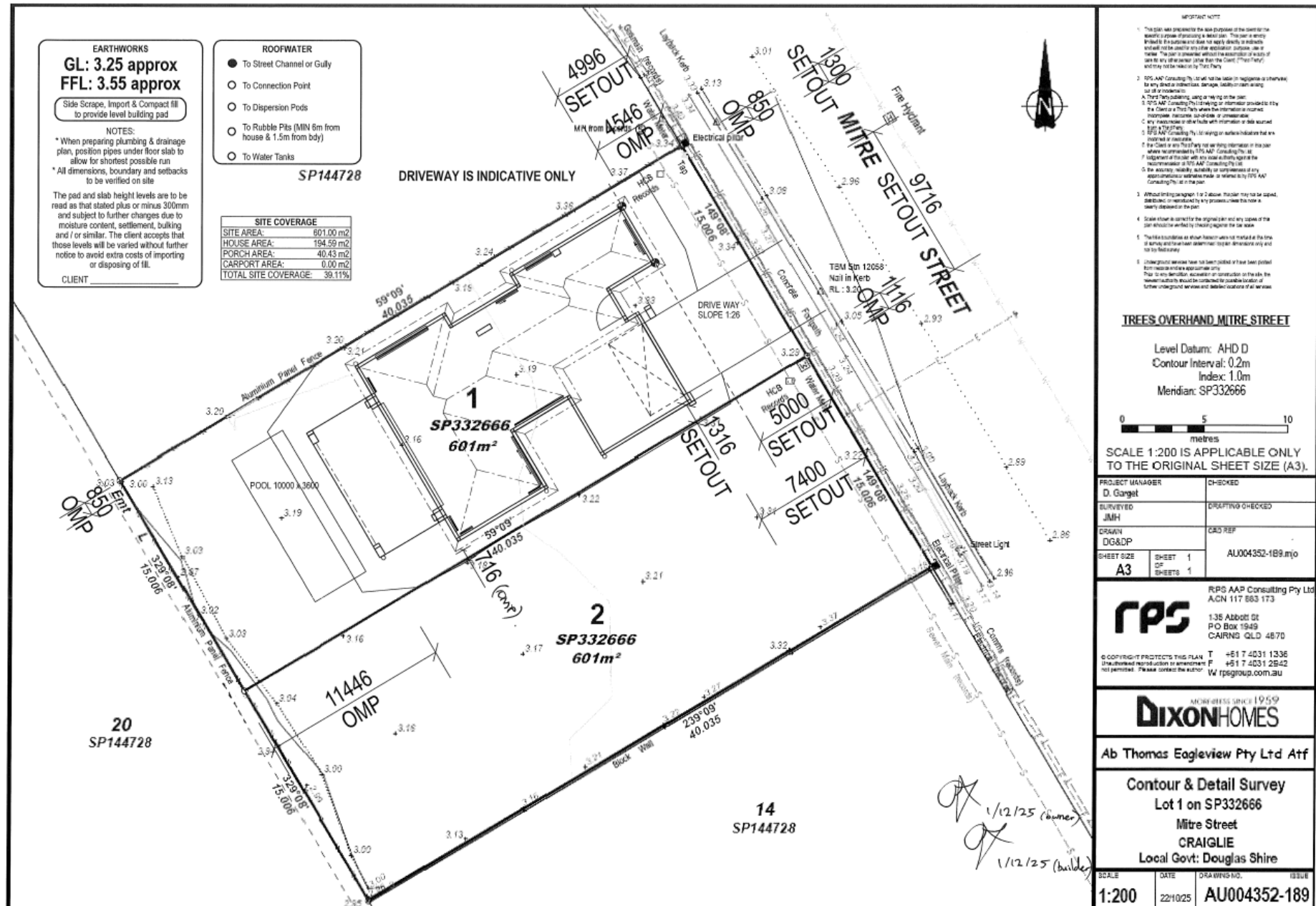
NOT TO BE MODIFIED WITHOUT WRITTEN AUTHORITY

AB THOMAS EAGLEVIEW P/L ATF

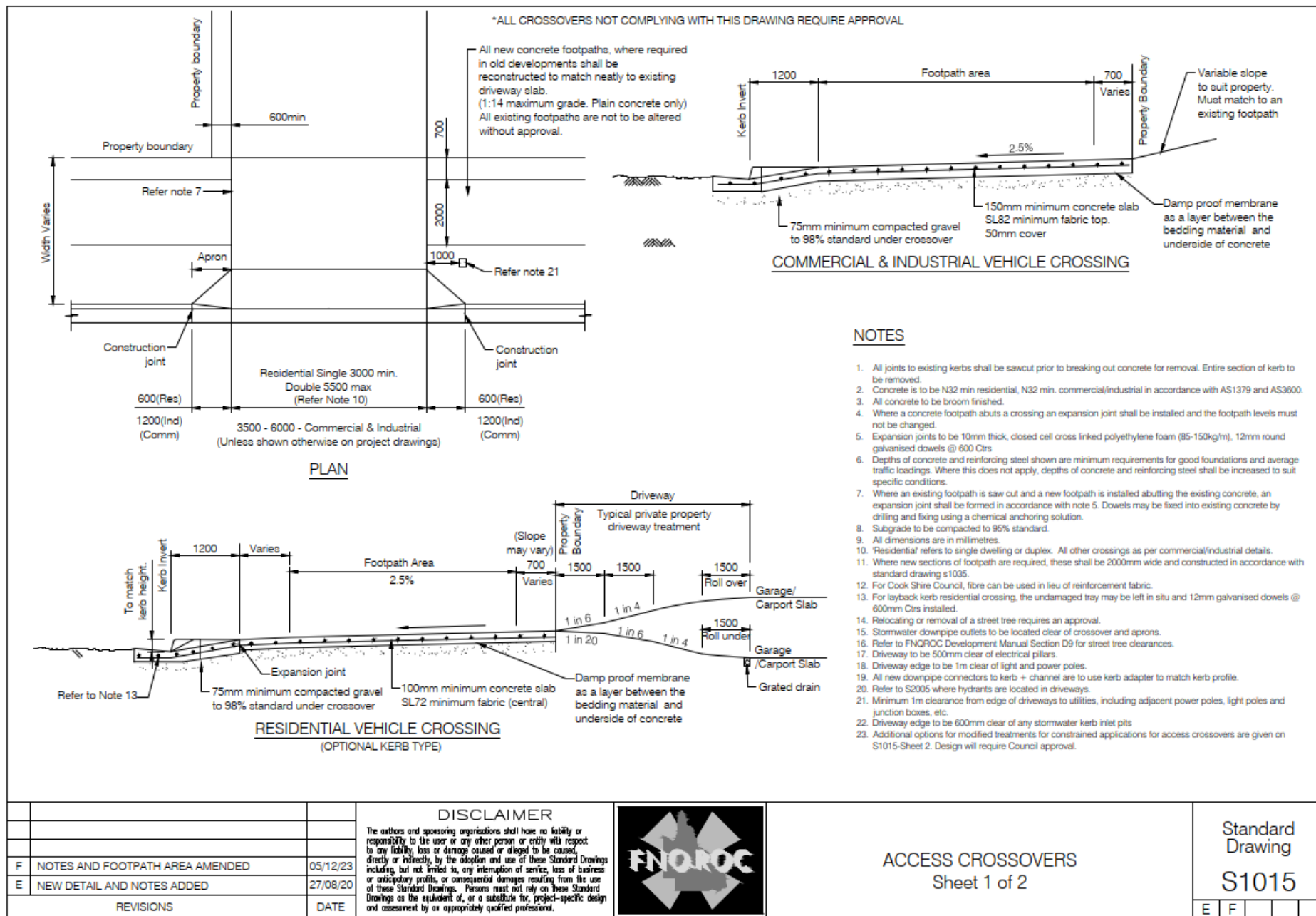
Lot 1 Mitre Street, PORT DOUGLAS
QLD, 4877

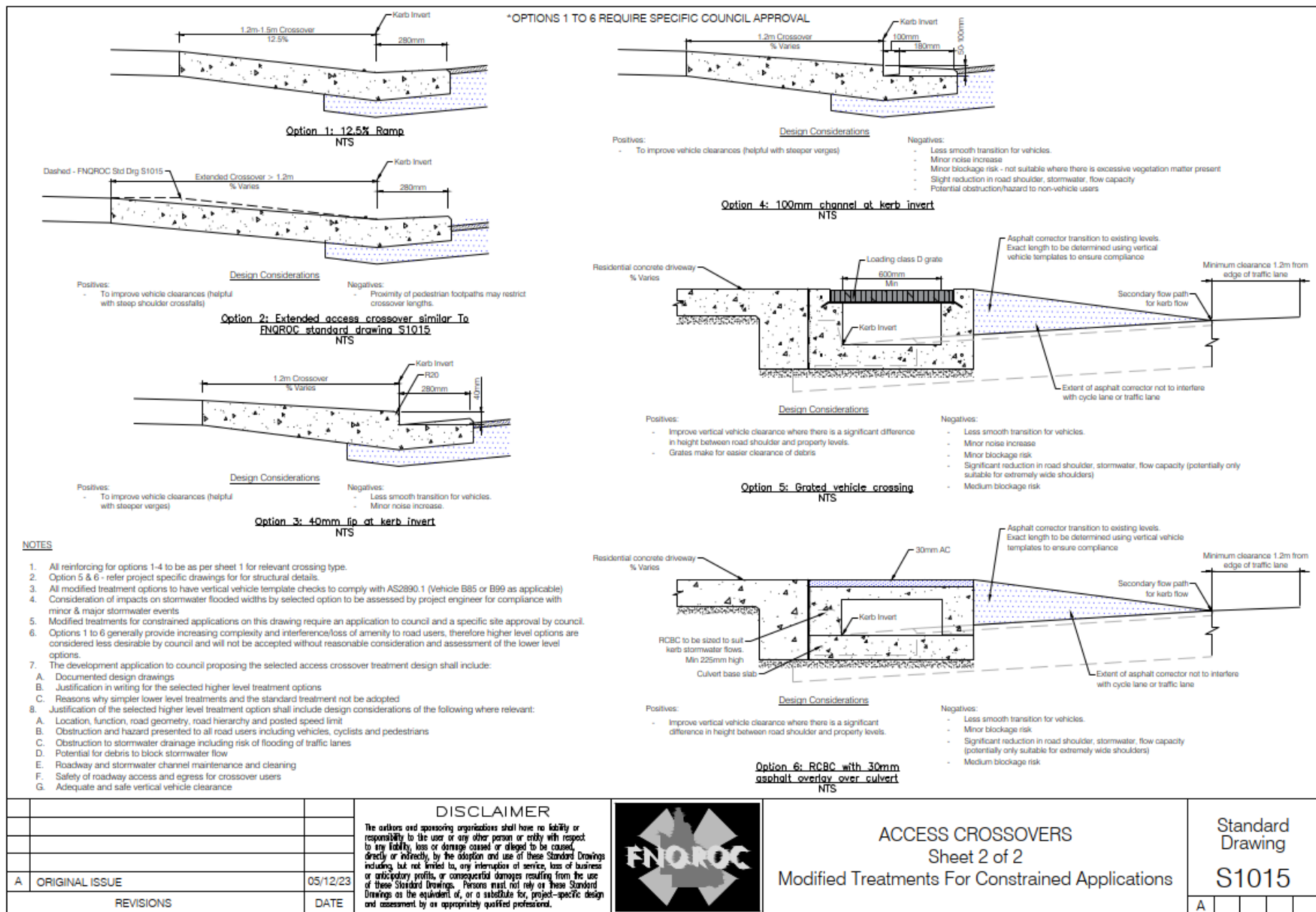
RP. SP 332666 MAP REF.

3823



FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access





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

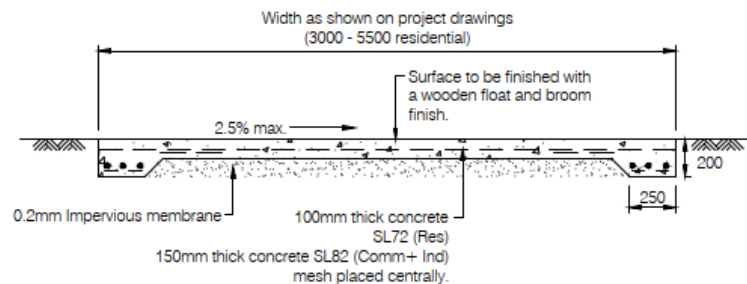
The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or 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

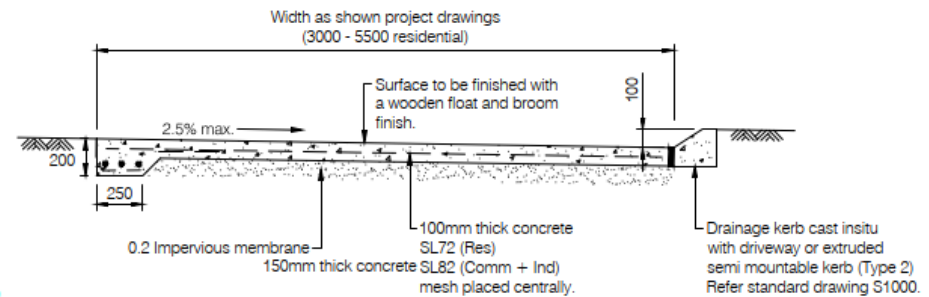
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CONCRETE DRIVEWAY - TYPE 1

(Without drainage)

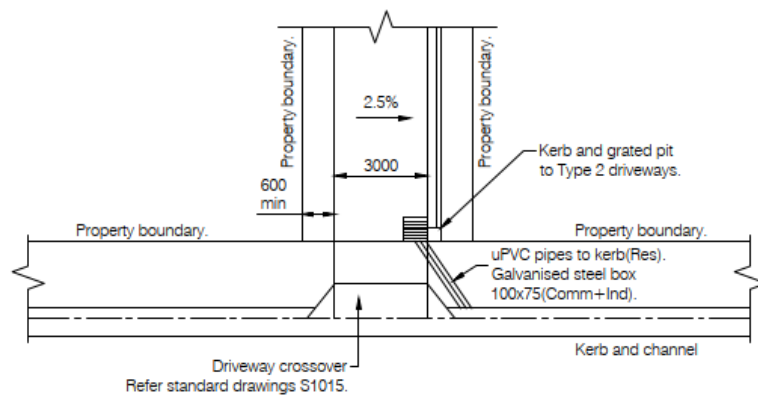
F8 TM 3BAA (Res)
F11 TM 3BAA (Comm + Ind)



CONCRETE DRIVEWAY - TYPE 2

(With drainage)

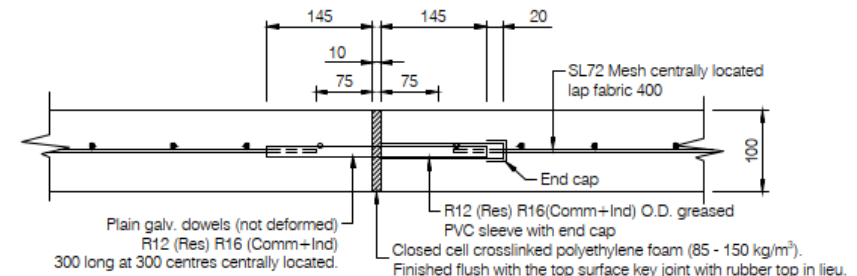
Closed cell cross linked polyethylene foam
with 12mm galvanised dowels @ 600mm Ctrs



TYPICAL DRIVEWAY LAYOUT

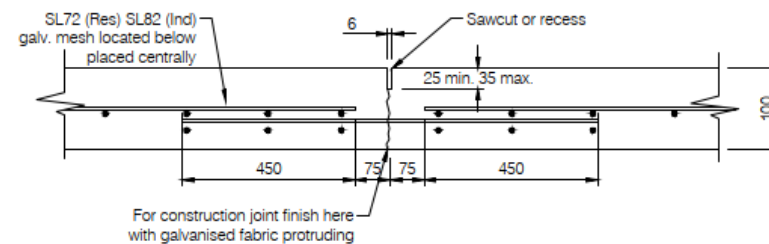
NOTES

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.



EXPANSION JOINT

Spacing 16000 max.



CONTRACTION JOINT

Spacing 4000 max.

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

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—
- 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
 - undertake the actions to publicly notify the application requiring public notification; or
 - 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.

Ch1 – Pt1:
Application

Ch1 – Pt2:
Referral

Ch1 – Pt3:
Information
request

Ch1 – Pt4:
Public notification

Ch1 – Pt5:
Decision

Ch1 – Pt6:
Changes to app
and ref agency
material

Ch1 – Pt7:
Miscellaneous

Ch2 – Pt1:
Application

Ch2 – Pt2:
Information
request

Ch2 – Pt3:
Public notification

Ch2 – Pt4:
Decision

Ch2 – Pt5:
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

- (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—