

2 March 2026

**Enquiries:** Georgia Graham  
**Our Ref:** SITE 2026\_5894/1(Doc ID 1351536)  
**Your Ref:** 20261355

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

Austart Homes Pty Ltd  
C/- Buildable Approvals Pty Ltd  
Suite 2.7, 2 Chelsea Lane  
REDLYNCH QLD 4870

**Email:** admin@buildable.com.au

Dear Sir/Madam

**Concurrence Agency Response for Alternate Siting Request (Single Storey Detached Dwelling and Garage)  
At 6 Kurrubal Close BONNIE DOON  
On Land Described as Lot 214 on SP 336777**

The referral agency material for the development application described below was properly referred to Douglas Shire Council on 16 February 2026.

Please quote Council's application number: SITE 2026\_5894/1 in all subsequent correspondence relating to this matter.

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

Yours faithfully



**For**  
**Leonard Vogel**  
**Manager Environment & Planning**

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: Austart Homes Pty Ltd  
Postal Address: C/- Buildable Approvals Pty Ltd  
Suite 2.7, 2 Chelsea Lane  
REDLYNCH QLD 4870  
Email: charmaine@austarthomes.com.au

## Assessment Manager

Name: Buildable Approvals Pty Ltd  
Postal Address: PO Box 74  
REDLYNCH QLD 4870  
Email: admin@buildable.com.au

## Property Details

Street Address: 6 Kurrubal Close BONNIE DOON  
Real Property Description: Lot 214 on SP 336777  
Site Area: 721m<sup>2</sup>  
Local Government Areas: Douglas Shire Council

## Application Details

Proposed Development: Alternate Siting Request (Single Storey Detached Dwelling and Garage)

## Aspects of development and type of approval being sought

Development Permit for Building Work – *Queensland Development Code*, Part MP 1.2 (lots 450m<sup>2</sup> and over) – Alternative Siting Request.

Performance Criteria	Acceptable Solution	Proposal
P1	6000mm from road	3000mm for portion of the bedroom and entry porch

## Decision

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Date of Decision: 2 March 2026

Decision Details: Approved

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

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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	802KUR Sheet 1 of 10, Austart Homes	11 January 2026
Floor Plan	802KUR Sheet 2 of 10, Austart Homes	11 January 2026
Elevations	802KUR Sheet 4 of 10, Austart Homes	11 January 2026
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Rural Allotment Access	Standard Drawing S1105 Issue F	27 August 2020
Concrete Driveway for Allotment Access	Standard Drawing S1110 issue F	27 August 2020

## Concurrence Agency Conditions & Advices

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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](http://www.douglas.qld.gov.au).

## Reasons for Decision

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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 16/02/2026 under s54 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**

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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.

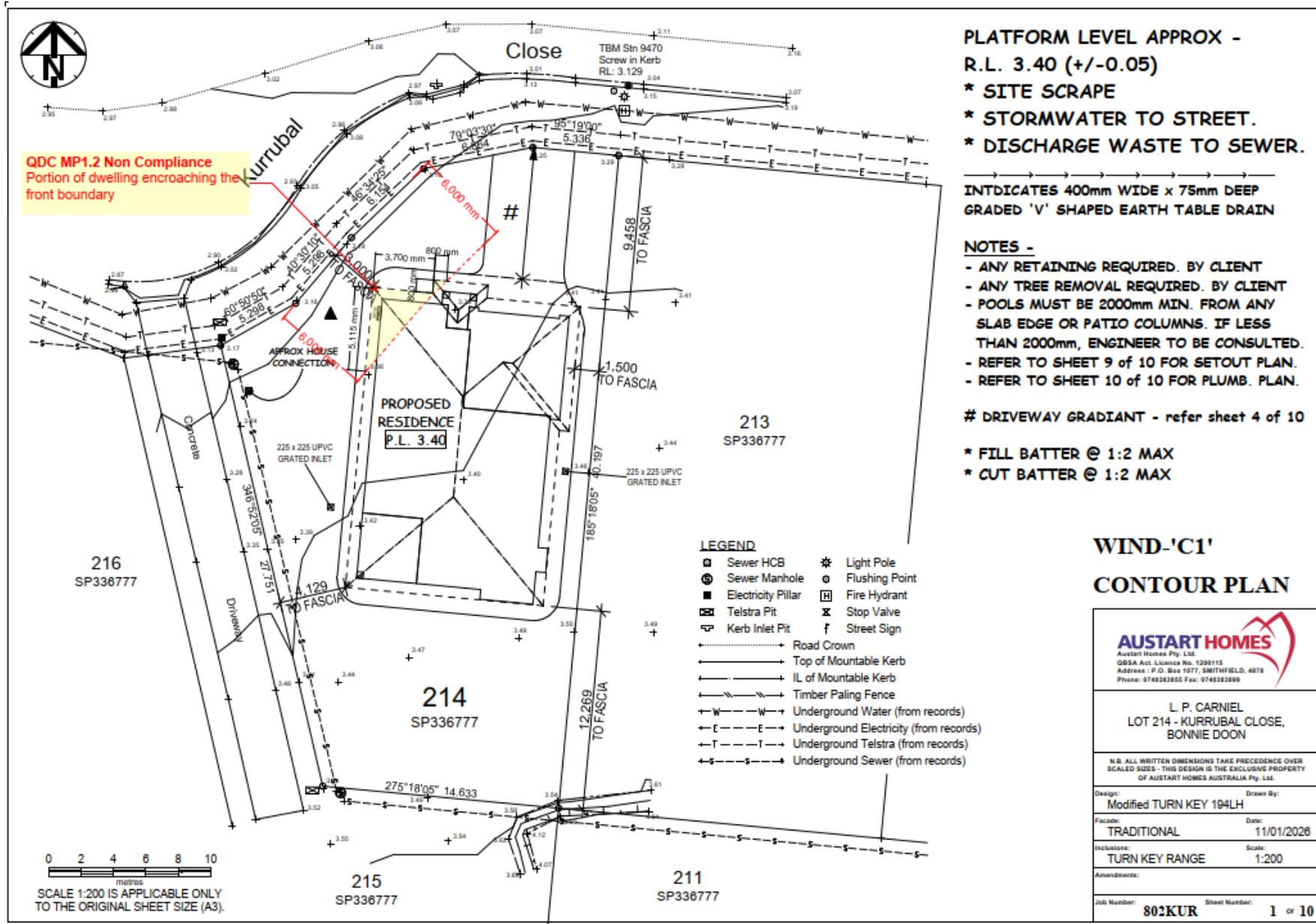
### **Rights to make Representations & Rights of Appeal**

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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. 3.40 (+/-0.05)  
\* SITE SCRAPER  
\* STORMWATER TO STREET.  
\* DISCHARGE WASTE TO SEWER.

INDICATES 400mm WIDE x 75mm DEEP  
GRADED 'V' SHAPED EARTH TABLE DRAIN

**NOTES -**

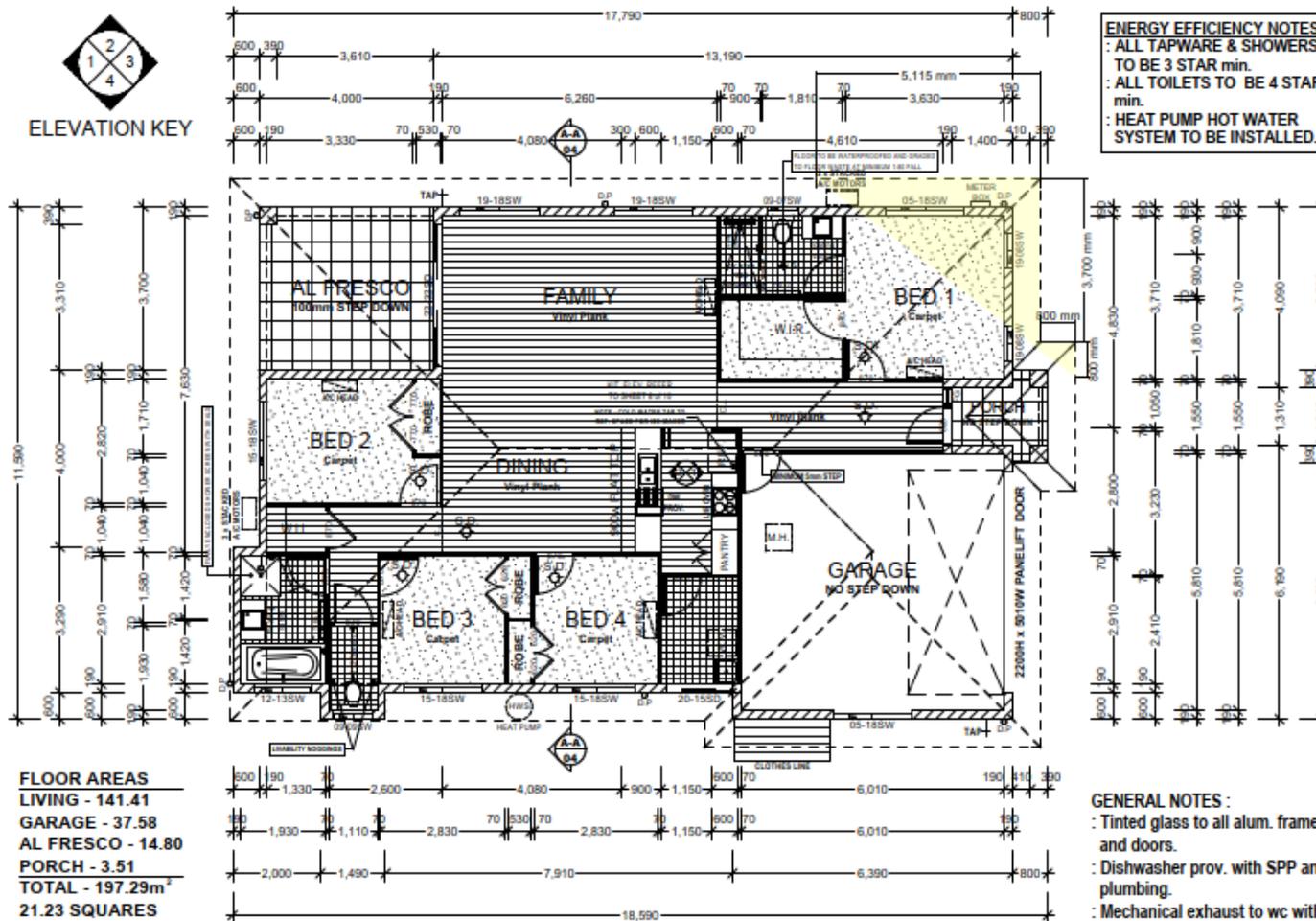
- ANY RETAINING REQUIRED. BY CLIENT
- ANY TREE REMOVAL REQUIRED. BY CLIENT
- POOLS MUST BE 2000mm MIN. FROM ANY SLAB EDGE OR PATIO COLUMNS. IF LESS THAN 2000mm, ENGINEER TO BE CONSULTED.
- REFER TO SHEET 9 of 10 FOR SETOUT PLAN.
- REFER TO SHEET 10 of 10 FOR PLUMB. PLAN.

# DRIVEWAY GRADIANT - refer sheet 4 of 10

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



ELEVATION KEY



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

**FLOOR AREAS**  
 LIVING - 141.41  
 GARAGE - 37.58  
 AL FRESCO - 14.80  
 PORCH - 3.51  
 TOTAL - 197.29m<sup>2</sup>  
 21.23 SQUARES

**GENERAL NOTES :**  
 : Tinted glass to all alum. framed glass doors and doors.  
 : Dishwasher prov. with SPP and cold water plumbing.  
 : 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 - 2200H U.N.O.

**NOTE - ALL HOT and COLD WATER PIPING TO GO THROUGH CEILING DOWN TO STUD WALLS, OTHER THAN PIPING FOR ISLAND BENCH, ALSO GAS PIPING (IF APPLICABLE) TO RUN THROUGH CEILING and STUD WALLS**  
 Step free access to the entry level and circulation spaces (ie. 1M clear width to hallways and 820mm clear openings widths to doors) through the dwellings must be provided in accordance with the NCC Standard for Liveable Housing Design. Install wall reinforcement as per the Liveable Housing Design  
 WATERPROOFING WET AREAS - Wet areas within the building must be waterproof or water resistant in accordance with NCC Vol. 2 Section H specifically ABCB Housing Provisions Standard 2022 Part 10.2 or AS3740-2021 and installed by a QBCC licensed installer.

NOTE - Floating vanities. (Additional bracing and noggings will be required)

NOTE - "LIVABILITY NOGGINGS" TO ALL WET AREAS. REFER SHEET 3 of 10 FOR DETAILS

ALL DIMENSIONS SHOWN ARE TO FRAME AND BLOCKWORK, EXCLUDES GYPROC



**FLOOR PLAN**

L. P. CARNIEL  
 LOT 214 - KURRUBAL CLOSE,  
 BONNIE DOON

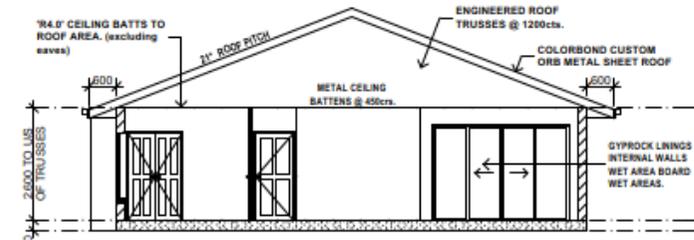
**WIND-'C1'**

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

Design:	Modified TURN KEY 194LH	Drawn By:		Amendments:	
Facade:	TRADITIONAL	Date:	11/01/2026	Job Number:	802KUR
Inclusions:	TURN KEY RANGE	Scale:	1 : 100	Sheet Number:	2 of 10



**Elevation 1**

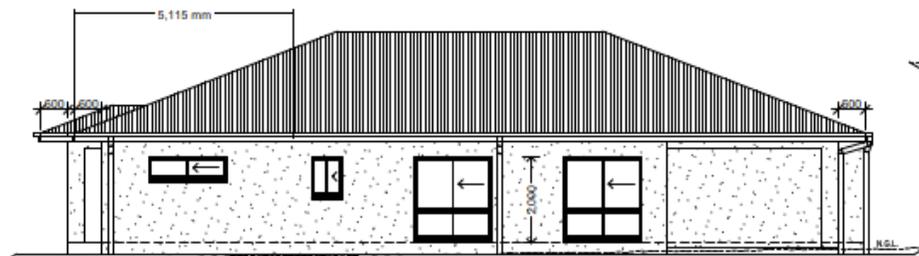
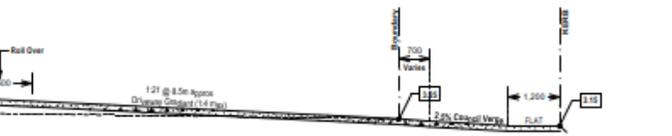


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'S' CLASS SITE AND WIND-'C1' WIND RATING.

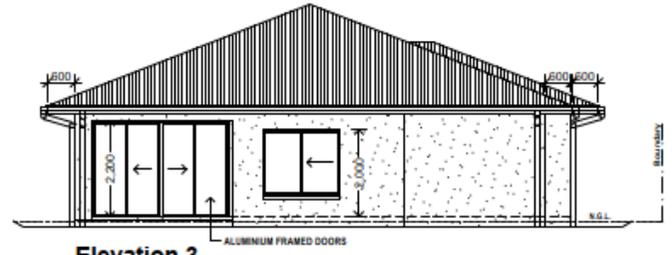
The requirements of the building code of Australia for the control of termites provides that if the primary building elements are of termite resistant materials then a barrier does not need to be installed. Austart Homes has elected to install the primary building elements of termite resistant materials plus provide a termite barrier at all penetrations through the concrete slab.



**Elevation 2**



**Elevation 4**



**Elevation 3**

FLY SCREENS ONLY TO ALL OPENING WINDOWS AND SLIDING GLASS DOORS, INCLUDING FRONT DOOR. (EXCLUDES GARAGE DOORS).

GRADE SITE AWAY FROM THE BUILDING AT A MINIMUM SLOPE OF 1:20 FOR A MINIMUM DISTANCE OF 1000mm TO PERIMETER, SO THAT THE WATER DRAINS TO THE ROAD OR UNDERGROUND DRAINAGE, NOT ONTO NEIGHBOURING PROPERTIES



**ELEVATIONS**

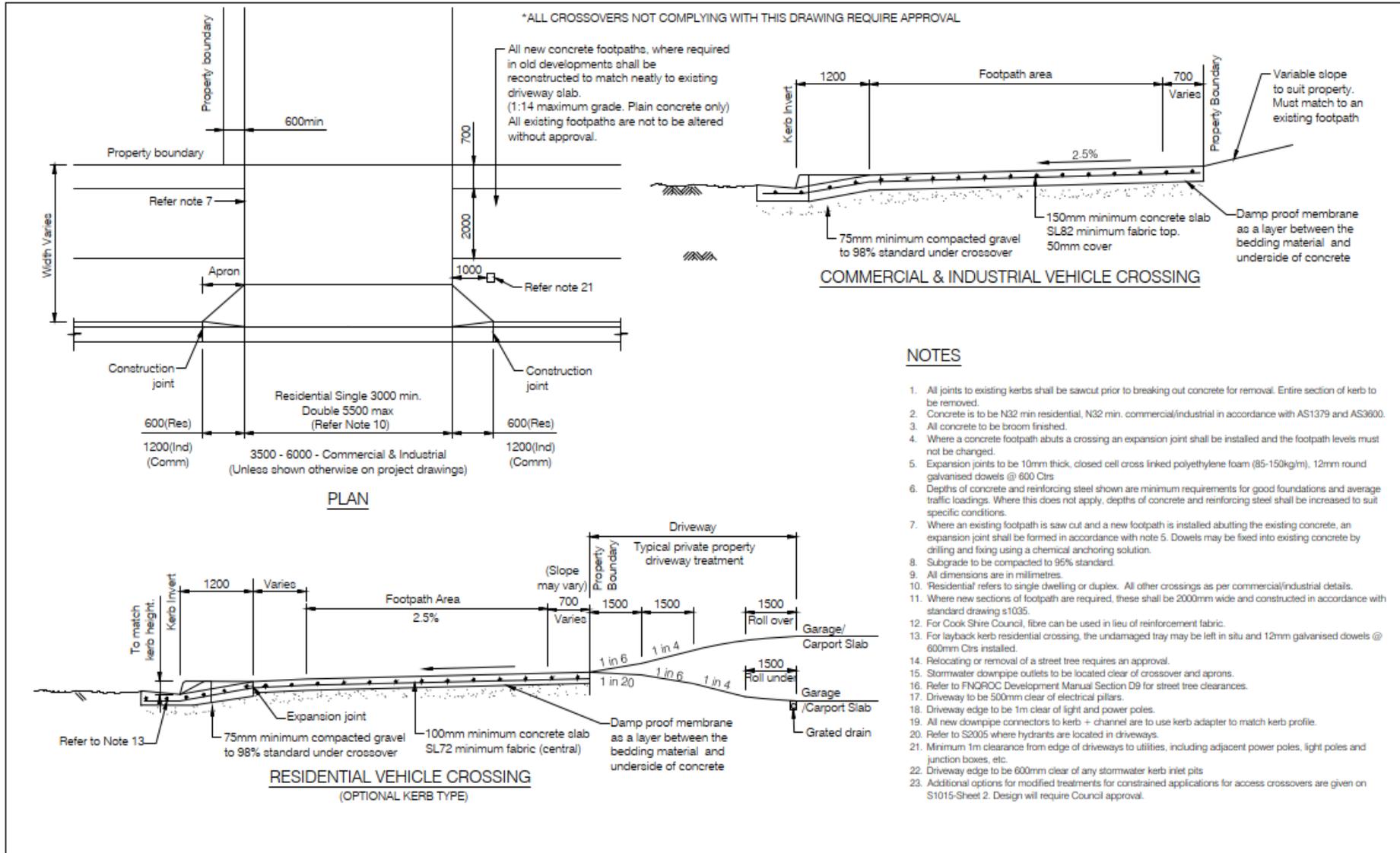
L. P. CARNIEL  
LOT 214 - KURRUBAL CLOSE,  
BONNIE DOON

**WIND-'C1'**

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

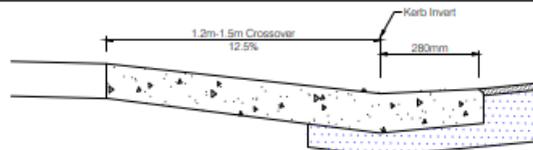
Design:	Modified TURN KEY 194LH	Drawn By:		Amendments:
Facade:	TRADITIONAL	Date:	11/01/2026	Job Number:
Inclusions:	TURN KEY RANGE	Scale:	1 : 100	Sheet Number:
				<b>802KUR</b> 4 of 10

# FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access

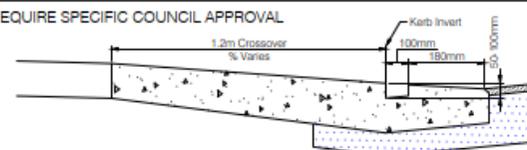


		<b>DISCLAIMER</b>			<b>ACCESS CROSSOVERS</b> Sheet 1 of 2	<b>Standard Drawing</b> <b>S1015</b>
		The authors and sponsoring organizations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly 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.				
F	NOTES AND FOOTPATH AREA AMENDED	05/12/23				
E	NEW DETAIL AND NOTES ADDED	27/08/20				
REVISIONS		DATE				

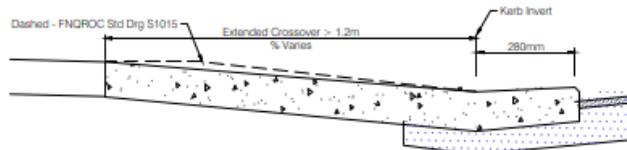
\*OPTIONS 1 TO 6 REQUIRE SPECIFIC COUNCIL APPROVAL



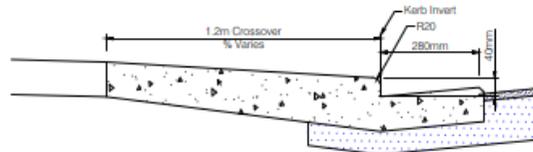
Option 1: 12.5% Ramp  
NTS



Option 4: 100mm channel at kerb invert  
NTS

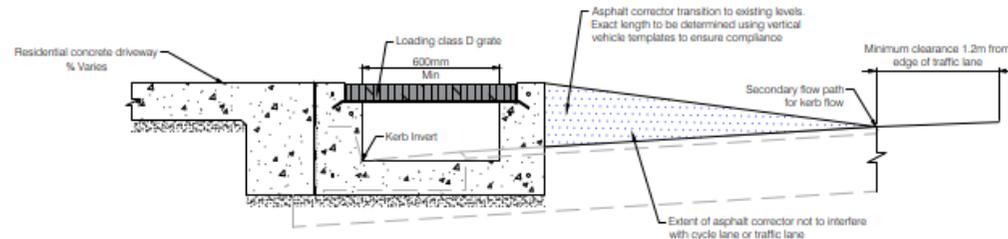


Option 2: Extended access crossover similar to  
FNQROC standard drawing S1015  
NTS



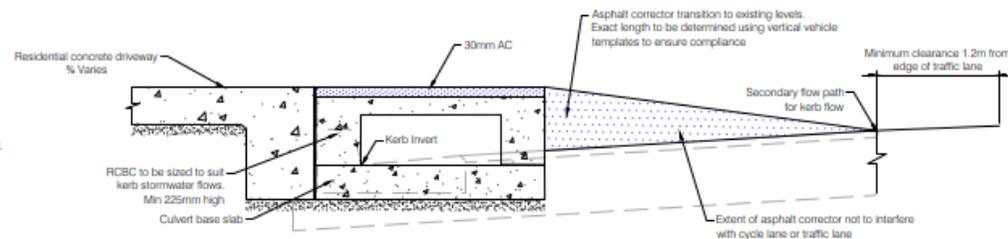
Option 3: 40mm lip at kerb invert  
NTS

- 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

**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 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 clearing
  - Safety of roadway access and egress for crossover users
  - Adequate and safe vertical vehicle clearance

**DISCLAIMER**

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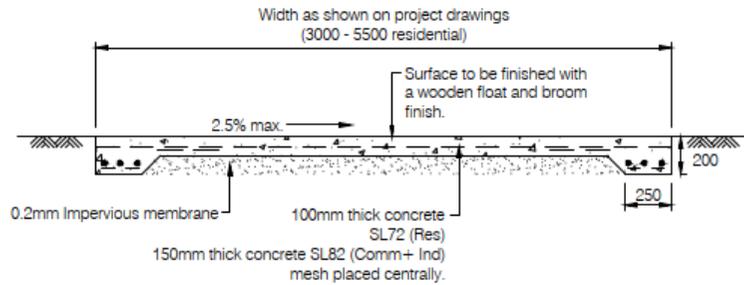


ACCESS CROSSOVERS  
Sheet 2 of 2  
Modified Treatments For Constrained Applications

Standard  
Drawing  
S1015

REVISIONS	DATE
A ORIGINAL ISSUE	05/12/23

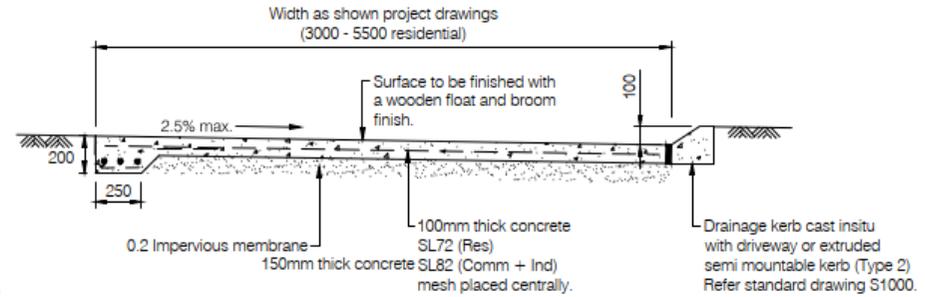
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**CONCRETE DRIVEWAY - TYPE 1**

(Without drainage)

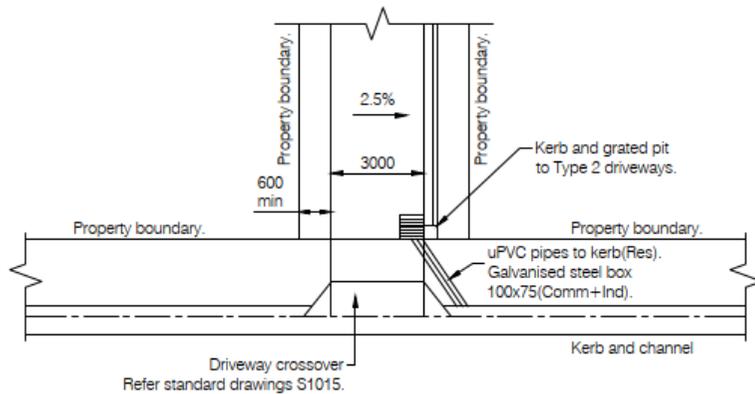
F8 TM 3BAA (Res)  
F11 TM 3BAA (Comm + Ind)



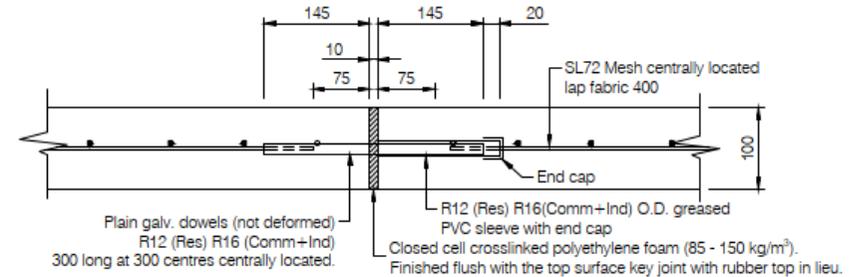
**CONCRETE DRIVEWAY - TYPE 2**

(With drainage)

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

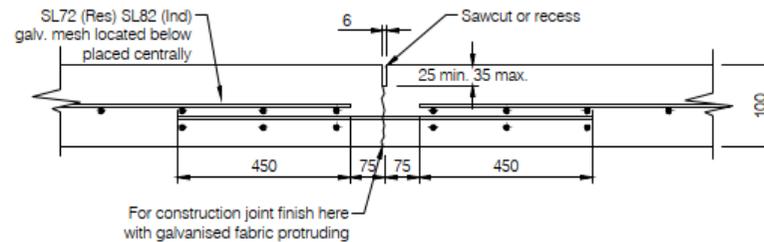


**TYPICAL DRIVEWAY LAYOUT**



**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.

REVISIONS	DATE
G MINOR AMENDMENTS TO NOTES	05/12/23
F NOTE ADDED	27/08/20

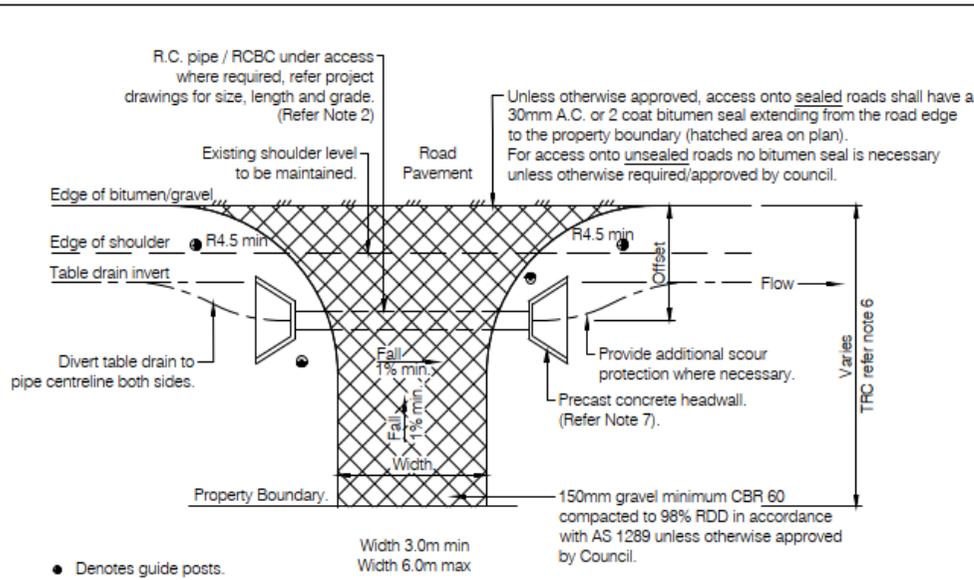
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**CONCRETE DRIVEWAY FOR ALLOTMENT ACCESS**

Standard Drawing  
**S1110**

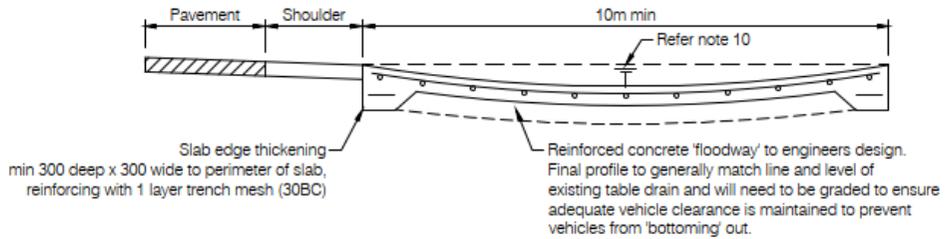
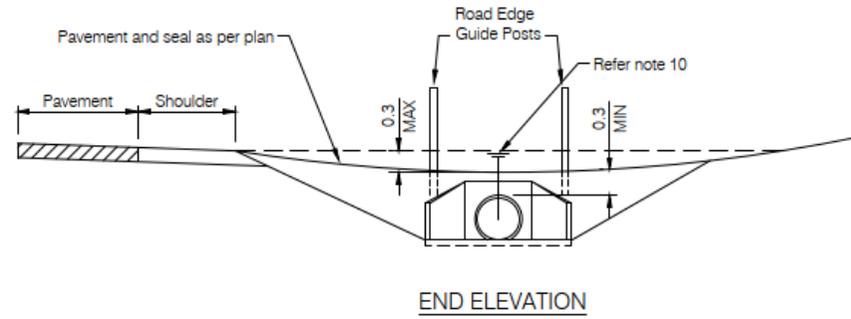
F	G		
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**PLAN**

**NOTES**

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 260mm pipe shall have 100mm concrete encasement or bridging slab per S1015.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Maximum 10 metres from edge of bitumen seal or where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when :  
a) the through road has a signposted speed of 80km/hr or greater.  
b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N32 minimum in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.
10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes.
11. Minimum sight distances at accesses should comply with "Sight Distance at Property Entrances" Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
12. In instances where the detail/s shown on this drawing cannot be achieved due to existing constraints, Council shall be contacted to achieve an acceptable alternative.



**TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS**  
(Where approved by Council)

REVISIONS	DATE
G MINOR AMENDMENT TO NOTES	05/12/23
F MINOR AMENDMENTS	27/08/20

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**RURAL ALLOTMENT ACCESSES**

Standard Drawing	
S1105	
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**).<sup>21</sup>
- 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.<sup>22</sup>
- 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.<sup>23</sup>
- 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.<sup>24</sup>

### 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;<sup>25</sup> 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

<sup>21</sup> As provided for under section 5.

<sup>22</sup> 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.

<sup>23</sup> 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.

<sup>24</sup> 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.

<sup>25</sup> This provision is subject to section 29.3.

CH1 - Pt: Application

CH1 - Pt2: Referral

CH1 - Pt3: Information request

CH1 - Pt4: Public notification

CH1 - Pt5: Decision

CH1 - Pt6: Changes to app and ref agency

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

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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—