

12 November 2025

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2025\_5839/1 (1333915)  
**Your Ref:**

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

Port Phillip Enterprises Pty Ltd (Tte)  
C/- Aspire Town Planning  
PO Box 1040  
MOSSMAN QLD 4873

Dear Sir/Madam

**Development Application for Material Change of Use-Code (Dual Occupancy)**  
**At 1/9 Sand Street PORT DOUGLAS**  
**On Land Described as LOT: 1 TYP: SP PLN: 118440**

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

Please quote Council's application number: MCUC 2025\_5839/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



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

**Decision Notice**

- Approved Drawing(s) and/or Document(s)
- Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



## Decision Notice

### Approval (with conditions)

*Given under s 63 of the Planning Act 2016*

#### Applicant Details

Name: Port Phillip Enterprises Pty Ltd (Tte)  
Postal Address: C/- Aspire Town Planning  
PO Box 1040  
MOSSMAN QLD 4873  
Email: admin@aspireqld.com

#### Property Details

Street Address: 1/9 Sand Street PORT DOUGLAS  
Real Property Description: LOT: 1 TYP: SP PLN: 118440  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit- Material Change of Use (Dual Occupancy)

#### Decision

Date of Decision: 12 November 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.

Drawing or Document	Reference	Date
Proposed Site Plan	Officefora Plan PL01.00	No date
Demolition Plan	Officefora Plan PL02.00	No date
General Arrangement Plan	Officefora Plan PL03.00	No date
North Elevations	Officefora Plan PL09.00	No date

South Elevations	Officefora Plan PL09.01	No date
East Elevations	Officefora Plan PL09.02	No date
West Elevations	Officefora Plan PL09.03	No date
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

### **Assessment Manager Conditions & Advices**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to endorsement of the Survey Plan except otherwise nominated in these conditions of approval.

### **Landscaping**

3. The site must be landscaped in accordance with a landscaping plan. The plan must;
  - a. Be made up of 70% native vegetation species;
  - b. be in accordance with Planning Scheme Policy SC6.7;
  - c. include dense planting of the setback area at the frontage around the pool paving;
  - d. may include a 600mm strip of planting outside the front boundary fence;

The plan must be submitted for endorsement by the Chief Executive Officer prior to the issue of a development permit for building works and must be implemented prior to commencement of use.

### **Car Parking**

4. The site must accommodate no less than two vehicle parking spaces in accordance with AS2890.

### **Access Crossover**

5. A single width access crossover must be installed prior to commencement of use. The crossover design must be in accordance with FNQROC Development Manual standard drawing S1015.

### **Lawful Point of Discharge**

6. The site must achieve a lawful point of discharge for stormwater such that there are no worsening effects to surrounding properties and no ponding occurs.

### **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).

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### **Further Development Permits**

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

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### **Currency Period for the Approval**

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

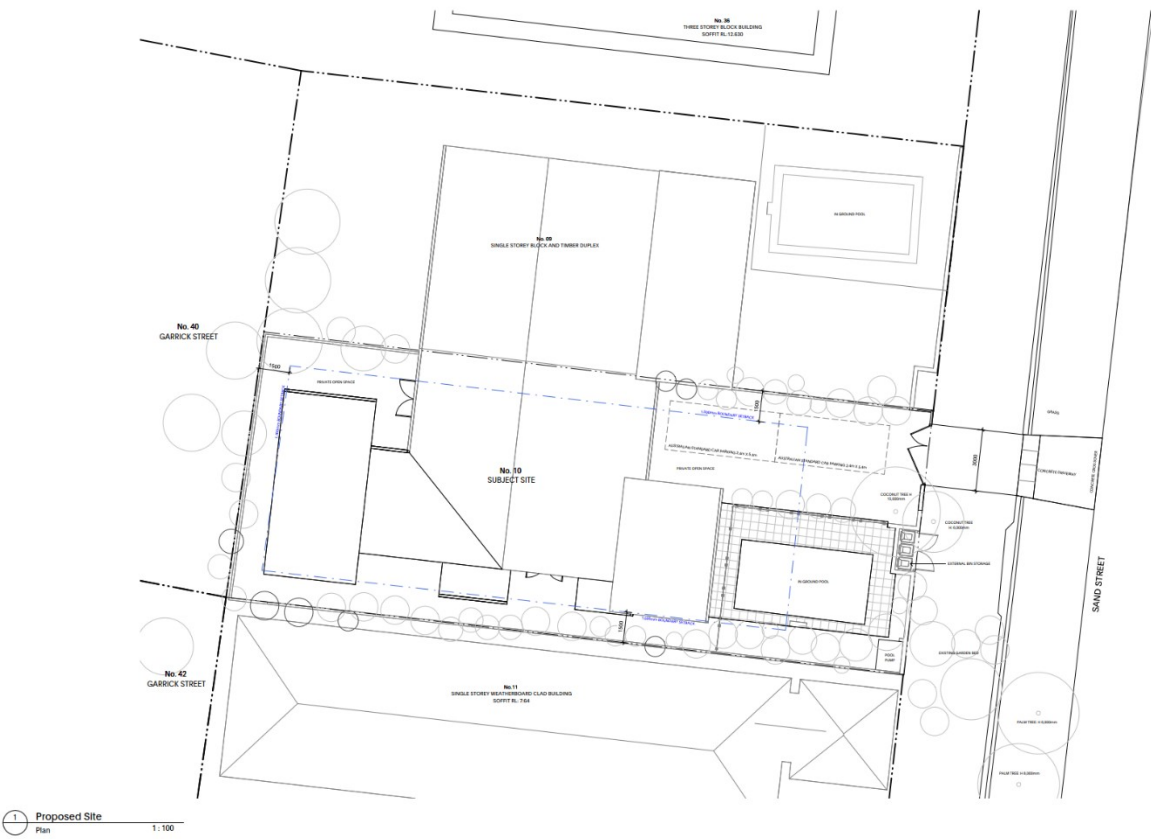
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### **Rights to make Representations & Rights of Appeal**

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)



officefora  
Level 1/54 Rupert St,  
Dunedin VIC 3000  
info@officefora.com  
t +61 866 765 845  
www.officefora.com

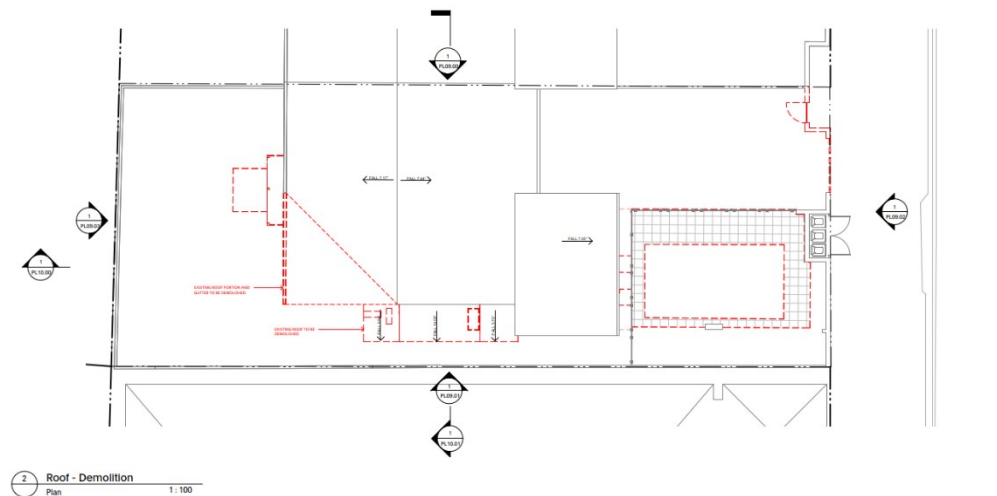
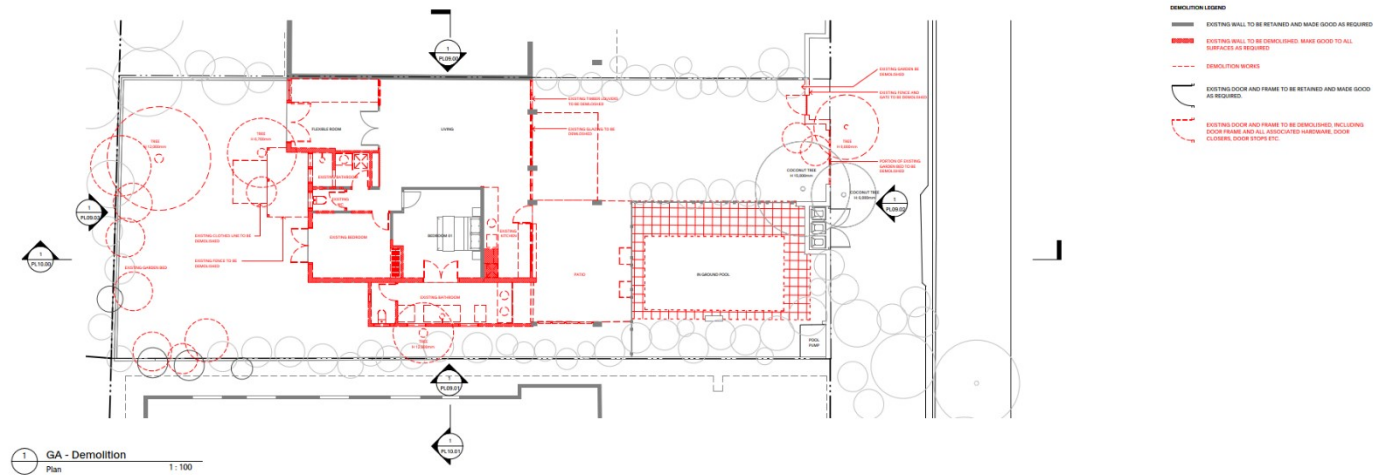
Rev	Date	Chgd	Issue
1			Proposed Site Plan

Business / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. All dimensions are to be made known to the Architect / Designer before any work commencing on site. All site drawings shall be submitted for review and finalisation shall commence prior to the return of signed shop drawings.

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officefora

Project	10 Sand Street	Project No	2023
10 Sand Street, Port Douglas, QLD 4077			
Title	Proposed Site Plan	Draw No	PL01.00
Scale	BAT 1:100	Author	
Drawn By		Date	



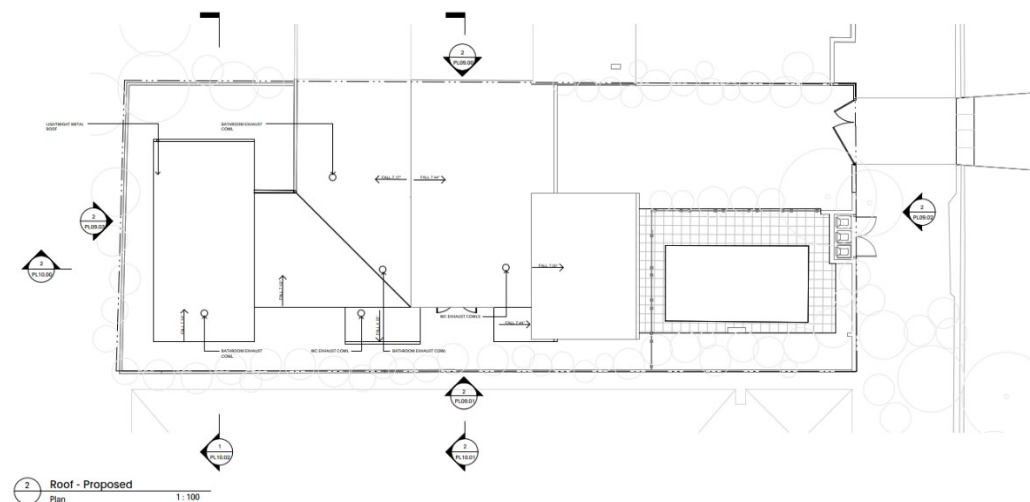
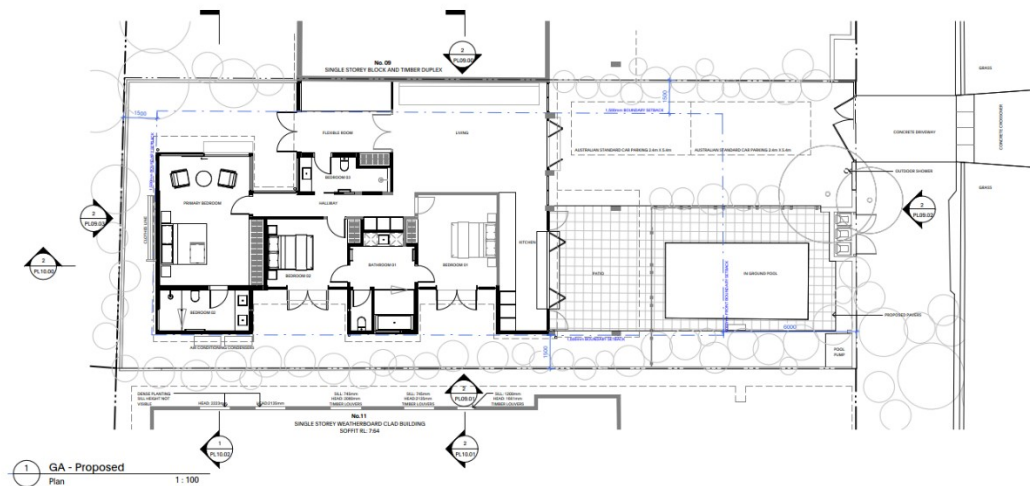
**officelara**  
Level 1/84 Report 01,  
Contingency VIC 2006  
www.officelara.com  
or +61 450 760 840  
www.officelara.com  
© OFFICE FORA ABN 52 647 881 721

Rev Date Chd Issue

**officelara**

Project	10 Sand Street	Project No	2503
10 Sand Street, Port Douglas, QLD 4877			
Title	Demolition Plan	Draw No	PL02.00
Scale	1:100	Date	Rev
Drawn By	Author	Date	Rev





officefora  
Level 1/84 Rupert St,  
Collingwood VIC 3068  
info@officefora.com  
m +61 455 765 848  
www.officefora.com

Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. All dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the Architect / Designers immediately prior to any work commencing. No work shall commence until the submitted for review and manufacture shall not commence prior to the return of stamped shop drawings.

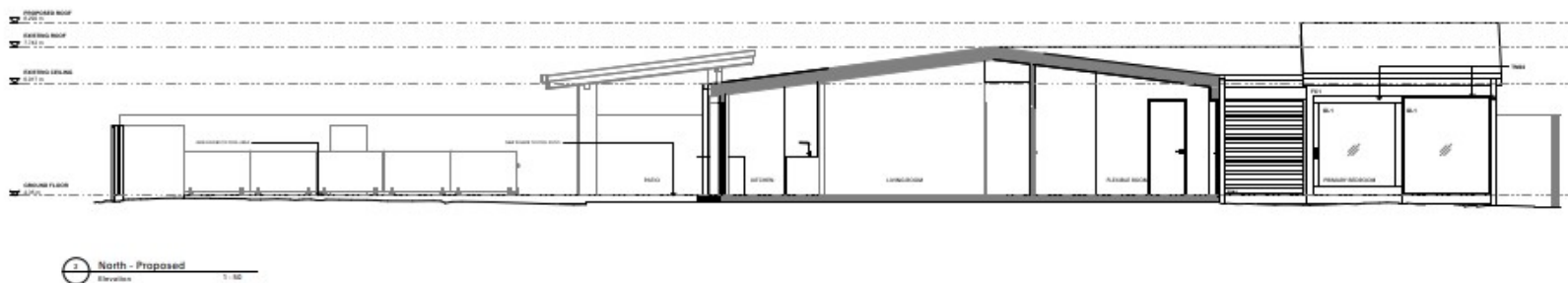
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Rev	Date	Chgd	Issue
1			

officefora



Project	10 Sand Street	Project No	2500
	10 Sand Street, Port Douglas, QLD 4877		
Title	General Arrangement Plan		
Scale (A1)	1:100	Dwg No	PL03.00
Drawn By	Author	Date	Rev



**EXISTING & NEW**

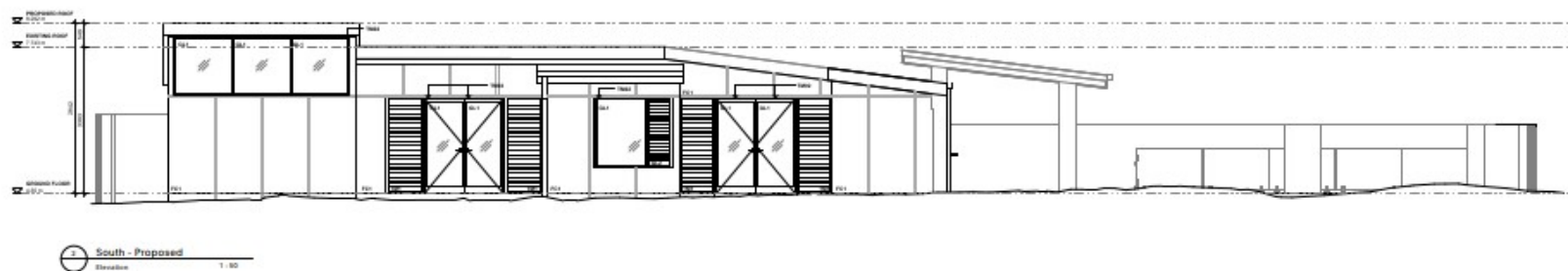
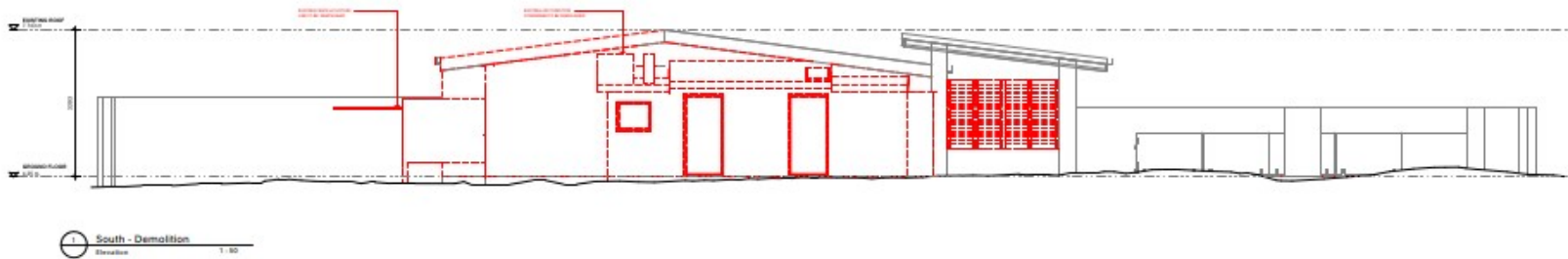
	601 Panel
	610 Plasterboard/Cladding
	611 Glass Glass
	612 Glass Louver
	101 Timber Louver
	102 Timber Window Joinery

**officetora**  
 100 Sand Street, Suite 100  
 Melbourne, VIC 3000  
 Tel: 03 9593 3333  
 www.officetora.com.au

Rev Date Check Issue

**officetora**

Project	100 Sand Street, Suite 100	Project No.	1001
Title	North Elevations		
Scale	1:50 (as indicated)	Drawn by	PL08/02
Drawn by	Author	Date	Rev



**officefora**  
 10 Sand Street, Port Douglas, QLD 4077  
 Tel: +61 7 559 1800  
 www.officefora.com.au

Notation / Construction should refer to all dimensions, heights and areas, unless otherwise specified. Dimensions should be given in millimetres (mm) unless otherwise specified. Dimensions should be given in millimetres (mm) unless otherwise specified. Dimensions should be given in millimetres (mm) unless otherwise specified.

Rev. Date. Drawn. Issued.

10 Sand Street, Port Douglas, QLD 4077

10 Sand Street, Port Douglas, QLD 4077

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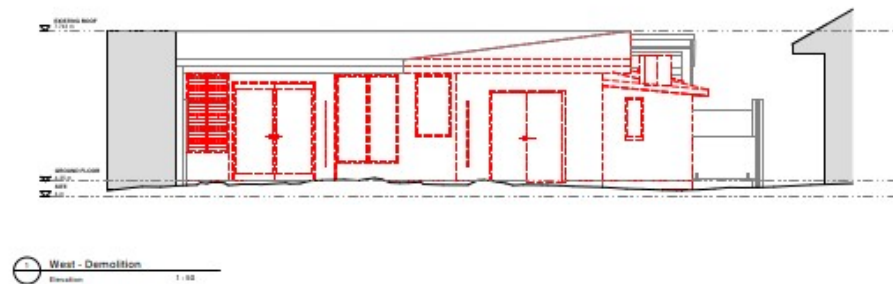
10 Sand Street, Port Douglas, QLD 4077

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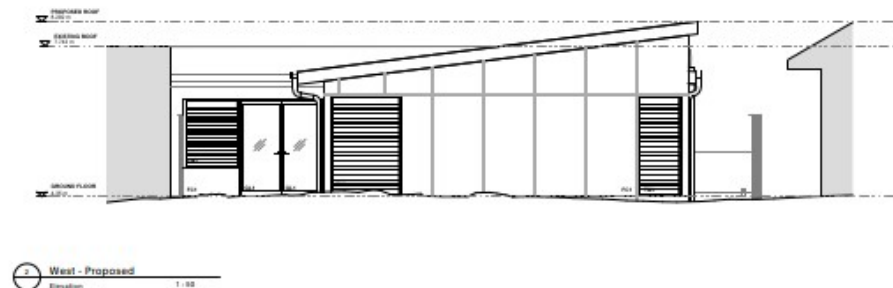
10 Sand Street, Port Douglas, QLD 4077

10 Sand Street, Port Douglas, QLD 4077





West - Demolition  
Elevation 1/8"



West - Proposed  
Elevation 1/8"

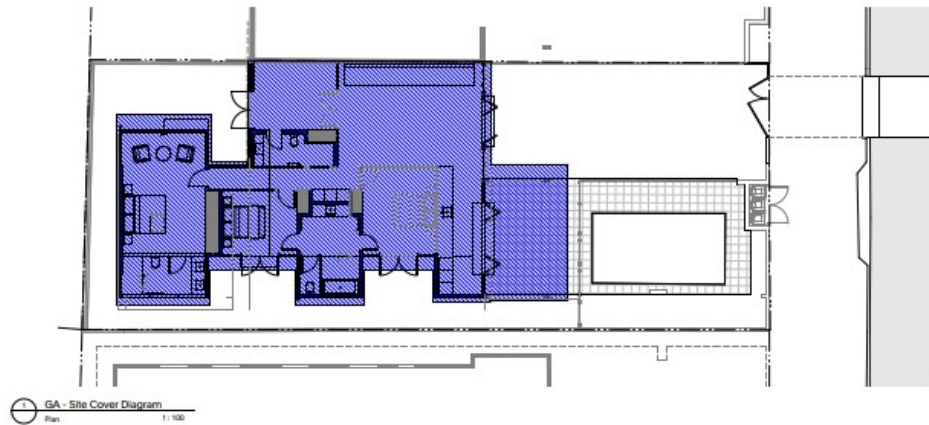


**officetora**  
1000 10th Street, Suite 100  
San Francisco, CA 94103  
Tel: 415 435 1000  
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Notwithstanding to whom these drawings are delivered, the user of these drawings shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The user shall also be responsible for ensuring that the drawings are used in accordance with the terms and conditions of the license agreement.

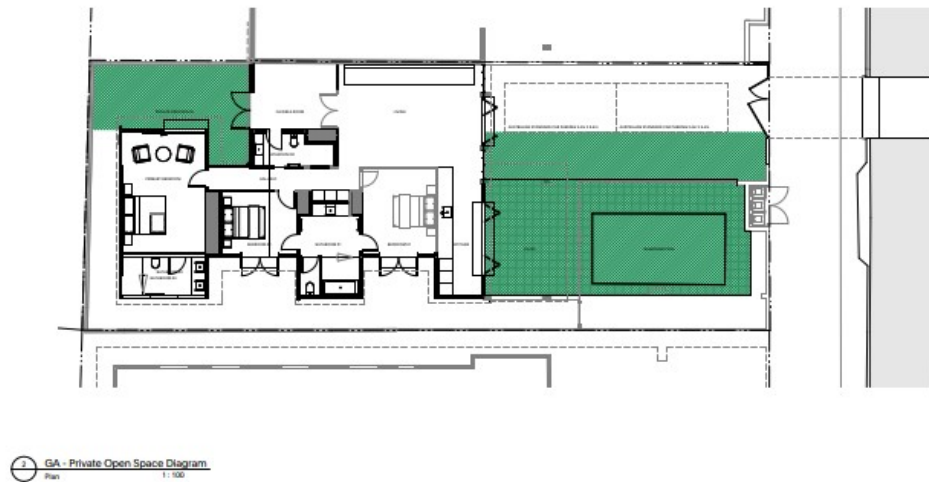
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Project	1000 10th Street, Suite 100	Project No.	2020
Title	West Elevation		
Scale	1/8" = 1'-0"	Drawn By	PL 05/03
Drawn By	Author	Date	Rev



AREA CALCULATION SUMMARY  
Site Area - 432.8m<sup>2</sup>

		Current	Proposed	Compliance
Blue Cover	64% - 280.8m <sup>2</sup>	64% - 280.8m <sup>2</sup>	64% - 280.8m <sup>2</sup>	Yes
Private Open Space	20% - 86.6m <sup>2</sup>	20% - 86.6m <sup>2</sup>	20% - 86.6m <sup>2</sup>	Yes



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Suite 101  
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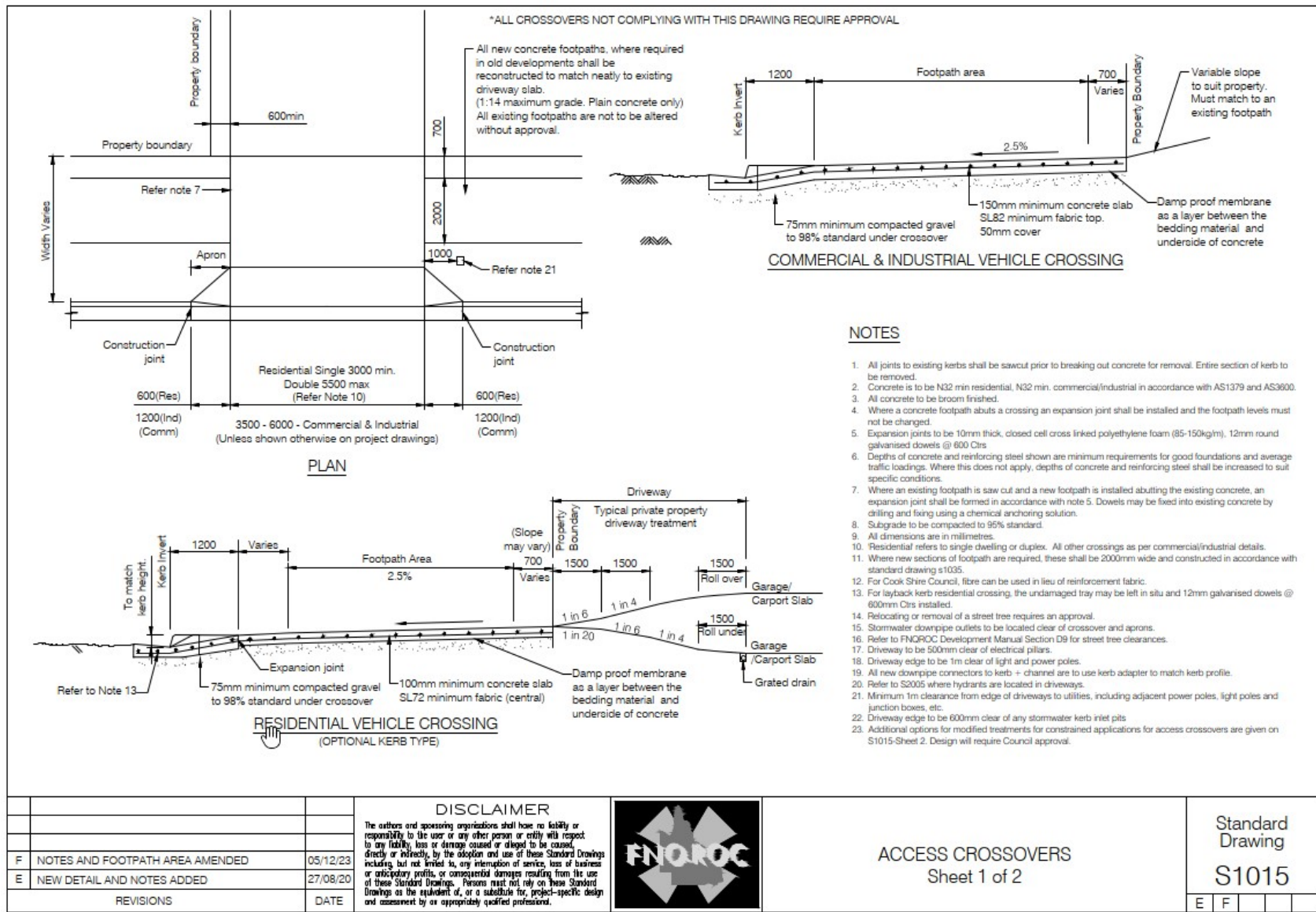
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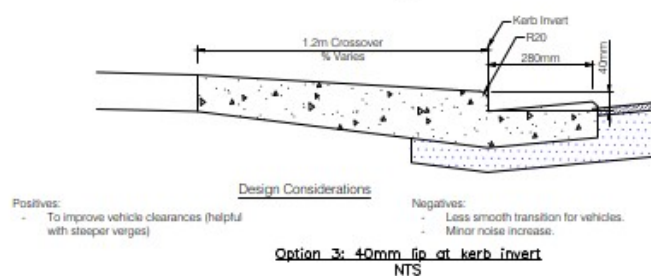
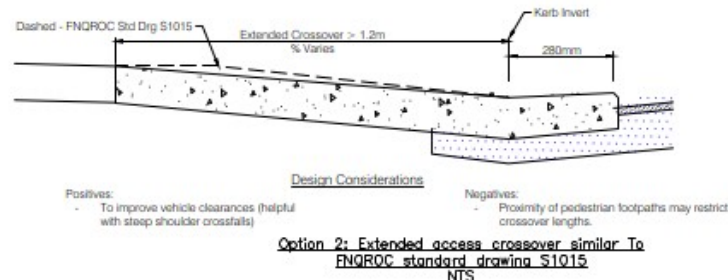
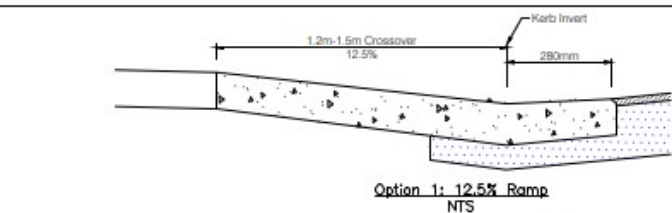
Rev: 01/2020

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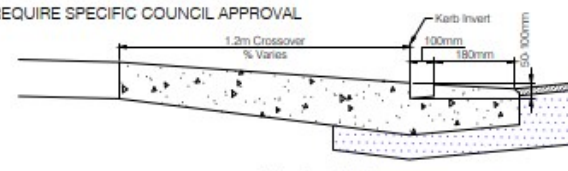
Project	10 Sand Street	Project No.	2020
Title	Area Calculation Plan		
Scale	1:100	Drawn By	PL31.00
Drawn By	Author	Date	Rev

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access





\*OPTIONS 1 TO 6 REQUIRE SPECIFIC COUNCIL APPROVAL



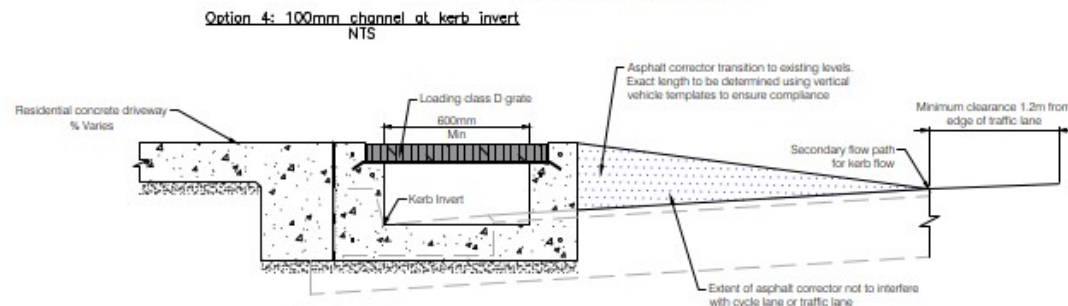
**Design Considerations**

**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



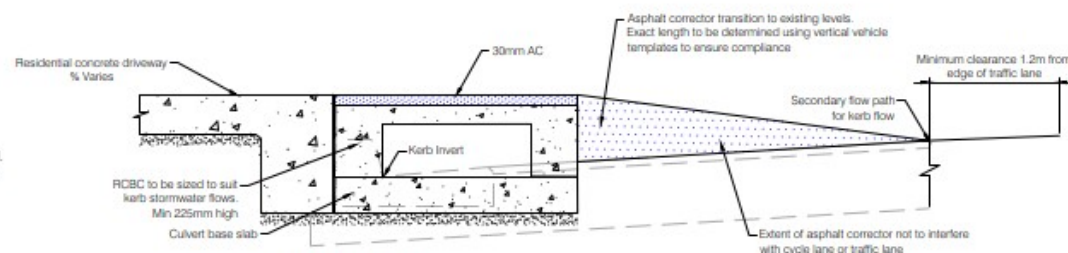
**Design Considerations**

**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



**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 structural details.
- All modified treatment options to have vertical vehicle template checks to comply with AS2990.1 (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 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 anticipated 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

A



Width as shown project drawings  
(3000 - 5500 residential)

max. →

Surface to be finished with a wooden float and broom finish.

100

100mm thick concrete SL72 (Res)

150mm thick concrete SL82 (Comm + Ind) mesh placed centrally.

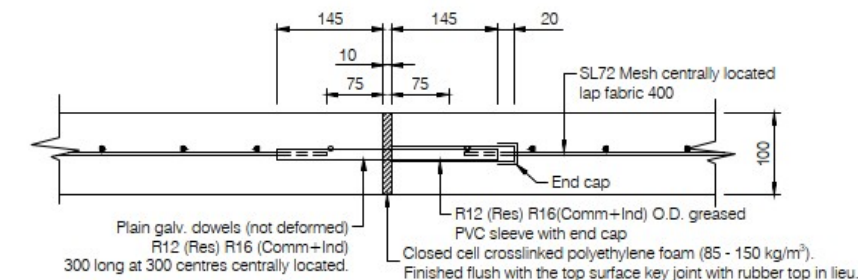
Drainage kerb cast in situ with driveway or extruded semi mountable kerb (Type 2)  
Refer standard drawing S1000.

CONCRETE DRIVEWAY - TYPE 2

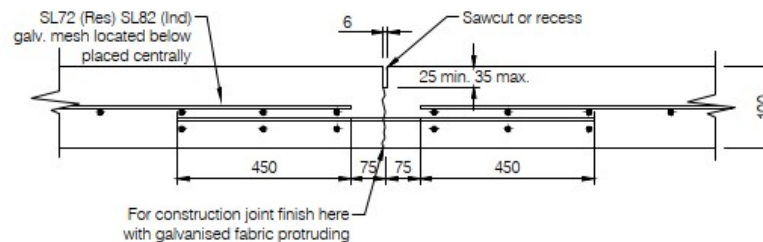
Closed cell cross linked polyethylene foam with 12mm galvanised dowels @ 600mm Ctrs



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.



Spacing 16000 max.



Spacing 4000 max.

Page 15 of 26

## Reasons for Decision

1. *The reasons for this decision are:*
  - a. *Sections 60, 62 and 63 of the Planning Act 2016;*
  - b. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
  - c. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
  - a. *the development application was properly lodged to the Douglas Shire Council 25/09/2025 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
  - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
  - a. *the development triggered assessable development under the Assessment Table associated with the Medium Density Residential Zone Code;*
  - b. *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
  - c. *the applicant's reasons have been considered and the following findings are made:*
    - i. *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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*relevant preliminary approval* means a preliminary approval given under the old Act by an entity other than a private certifier.

## **Division 2            Changing development approvals**

### **Subdivision 1        Changes during appeal period**

#### **74        What this subdivision is about**

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### **75        Making change representations**

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—

- 
- (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or
    - (ii) a development condition imposed under a direction given by the Minister under part 6, division 2; or
    - (iii) a development condition imposed under a direction given by the chief executive under section 106ZF(2); or
  - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(d).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
  - (3) Only 1 notice may be given.
  - (4) If a notice is given, the appeal period is suspended—
    - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
    - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
      - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
      - (ii) the assessment manager gives the applicant the decision notice for the change representations; or
      - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
  - (5) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
  - (b) the assessment manager gives the applicant the decision notice for the change representations; or
  - (c) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

*Note—*

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local

- government area—the relevant local government;  
and
- (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
  - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

## Subdivision 2 Changes after appeal period

### 77 What this subdivision is about

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

### 78 Making change application

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

*Note—*

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

- (2) 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—