

12 June 2026

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2022_5106/1 (Doc ID 1372025)
Your Ref: 2025-06-60 - Maranos Fuel - Depot Staff Accommodation

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

Marano Investments Pty Ltd
C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873

Email: admin@aspireqld.com

Dear Sir

Extension Application for Development Permit for a Material Change of Use for an Undefined Use for Staff Accommodation at 2 Mijo Road and 739-743 Mossman Daintree Road Miallo On Land Described as Lot 1 on RP710645 and Lots 2 and 3 on SP251530

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

Please quote Council's application number: MCUI 2022_5106/1 in all subsequent correspondence relating to this development application.

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. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
(2210-31511 SRA)

encl.

- Decision Notice
 - Reasons for Decision
- Advice For Appeals (Decision Notice)
- Existing Approval



Decision Notice

Approval (with continued conditions)

Given under s 87 of the Planning Act 2016

Applicant Details

Name: Marano Investments Pty Ltd (ACN 680 070 535)
Postal Address: C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873
Email: admin@aspireqld.com

Property Details

Street Address: 2 Mijo Road and 739-743 Mossman Daintree Road, Miallo.
Real Property Description: Lot 1 on RP710645, Lots 2 and 3 on SP251530
Local Government Area: Douglas Shire Council

Details of Proposed Development

Extension Application to the currency period for the Development Permit for a Material Change of Use for an Undefined Use for Staff Accommodation for four dwelling units for a further six (6) years up to and including 10 January 2033.

Decision

Date of Decision: 12 June 2026
Decision Details: Approved.

Existing Approval

Copy of the existing approval is attached.

Further Development Permits

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

- All Building Work

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

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse on 10 January 2033 in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights of Appeal

The rights of applicants 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.

Existing Approval (Doc ID 1123019)

10 January 2023

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2022_5106/1 (Doc ID 1123019)
Your Ref: 2022-08-15 – Marano's Fuel – 2 Mijo Road, Miallo

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

Marano Enterprises (Miallo) Pty Ltd
C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873

Email: admin@aspireqld.com

Dear Sir

**Development Application for a Material Change of Use for
An Undefined Use for Staff Accommodation
At 2 Mijo Road and 739 & 743 Mossman Daintree Road Miallo
On Land Described as Lot 1 on RP710645 and Lots 2 & 3 on SP251530**

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

Please quote Council's application number: MCUI 2022_5106/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoye
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Marano Enterprises (Miallo) Pty Ltd
Postal Address: C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
Mossman Qld 4873
Email: admin@aspireqld.com.au

Property Details

Street Address: 2 Mijo Road and 739 & 743 Mossman Daintree Road Miallo
Real Property Description: Lot 1 on RP710645 and Lots 2 & 3 on SP251530
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for a Material Change of Use for an Undefined Use (Staff Accommodation).

Decision

Date of Decision: 10 January 2023
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
Site Plan	Unauthored Plan included in application (Council document 1115337) received 10 October 2022.	10 October 2022

Drawing or Document	Reference	Date
The Trinity - Floor Plan	Superior Steel Frames, Standard Model, Drawing 03.	26 June 2018
The Trinity - Elevations	Superior Steel Frames, Standard Model, Drawing 04.	26 June 2018
The Trinity – 3D Views	Superior Steel Frames, Standard Model, Drawing 05.	26 June 2018
The Airlie - Floor Plan	Superior Steel Frames, Standard Model, Drawing 03.	26 June 2018
The Airlie - Elevations	Superior Steel Frames, Standard Model, Drawing 04.	26 June 2018
The Airlie – 3D Views	Superior Steel Frames, Standard Model, Drawing 05.	26 June 2018
Site Locality Plan	Dirt Professionals.	4 October 2022
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	27 August 2020

Assessment Manager Conditions & Advices

Conditions

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

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the Commencement of Use, except where specified otherwise in these conditions of approval.

Staging

3. The development may be staged whereby:

Stage 1 – Use of one, single bedroom unit and one two-bedroom unit; and

Stage 2 - Use of one, single bedroom unit and one two-bedroom unit.

All necessary infrastructure and ancillary structures for the ultimate development including the carpark, vehicle access, onsite wastewater, water connection and landscaping must be provided in Stage 1. Stage 1 must precede Stage 2.

Roofed Rubbish Bin Area

4. Provide a roofed and bunded refuse bin area and fitted with a bucket trap that connects to the onsite wastewater treatment.

Water Supply Works

5. Undertake the following water supply works internal to the subject land:
 - a. Provide a single water connection to the premises in accordance with the regional FNQROC Development Manual;

The above works must be designed and constructed in accordance with the *FNQROC Regional Development Manual*.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the Commencement of Use.

General External Works

6. Undertake the following external works:
 - a. Provide a vehicle crossover from the property boundary to the constructed sealed road pavement in Mijo Road to FNQROC Regional Development Manual standard drawing S1105.

The crossover is to be provided prior to the Commencement of Use.

Flood Consideration

7. All units must have a minimum finished floor height that is commensurate to achieve flood immunity plus a freeboard of 300mm.

Minimum Floor to Ceiling Clearance

8. All units must have a minimum floor to ceiling clearance of 2.7 metres.

On-Site Effluent Disposal

9. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Vehicle Parking

10. The development must provide a minimum of four car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. The carparking area must be suitably illuminated to provide safe access and use.

Vegetation Buffer

11. Provide a four metre wide landscape buffer of deep planting to the east of the car parking area and access driveway. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping. The landscape plan does not need to be professionally drawn but does need to be of a standard which clearly illustrates those areas to be planted. The approval of the landscaping plan and completion of all works must be undertaken in accordance with the endorsed plan prior to Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Damage to Council Infrastructure

12. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Lawful Point of Discharge

13. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Land Use

14. The use of the accommodation is only for the provision for employees, and their families, associated with the fuel distribution and ancillary uses (office, vehicle maintenance) occurring on the land.

Amalgamation Required

15. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 2 and 3 on SP251530 and Lot 1 on RP710645 into one (1) lot. The Plan of Survey must be registered with the Department of Resources at the applicant's / owner's cost prior to Commencement of Use.

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. 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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Infrastructure Charges Notice

5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

Note: the land on which the undefined use is being established, is currently vacant and is afforded a credit for a three-bedroom dwelling as per the *Planning Act 2016*. This infrastructure charges credit has been utilised for this approval.

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*.

Concurrence Agency Response

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment and Referral Agency (SARA).	2210-31511 SRA	14 November 2022	1116529

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

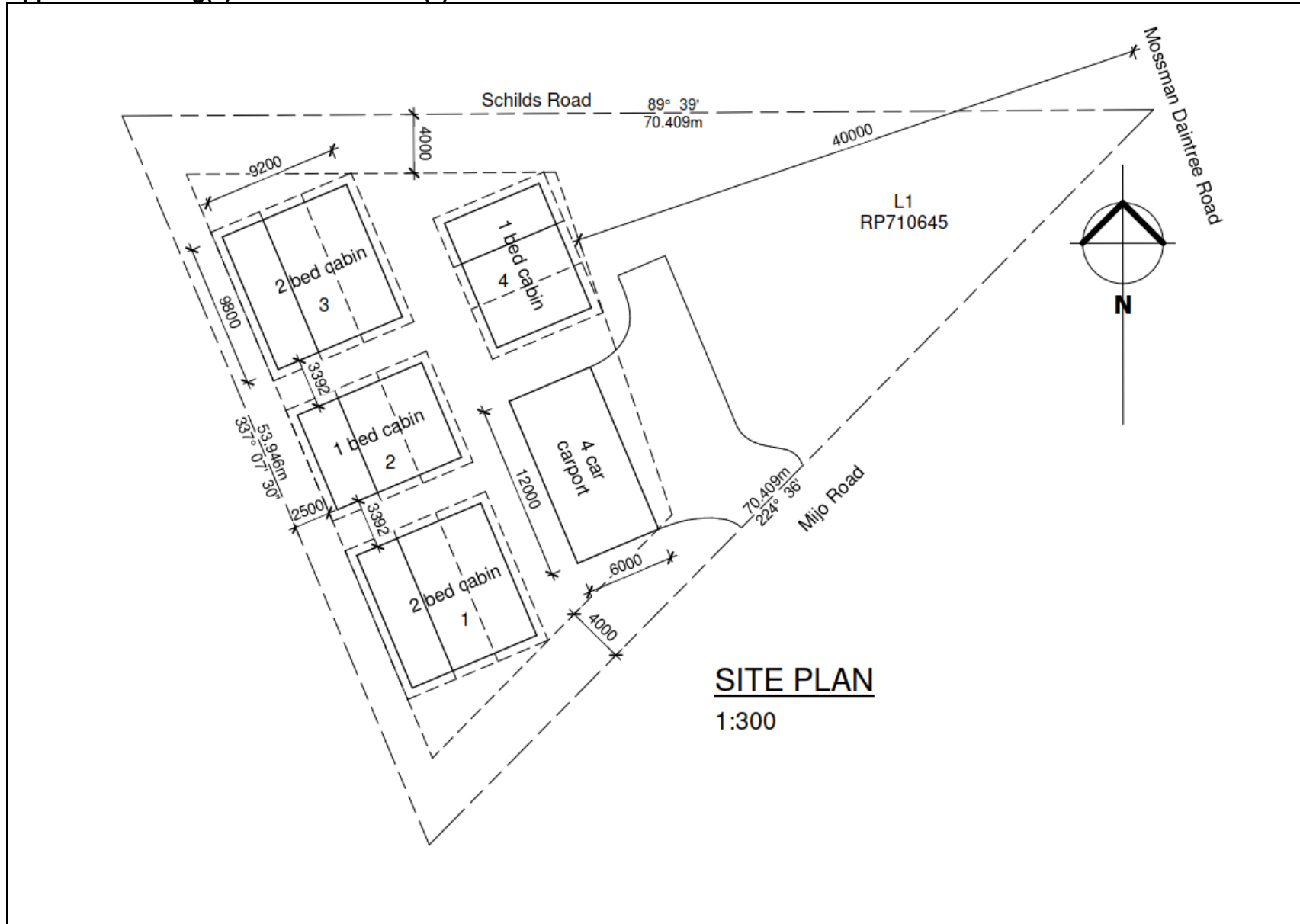
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

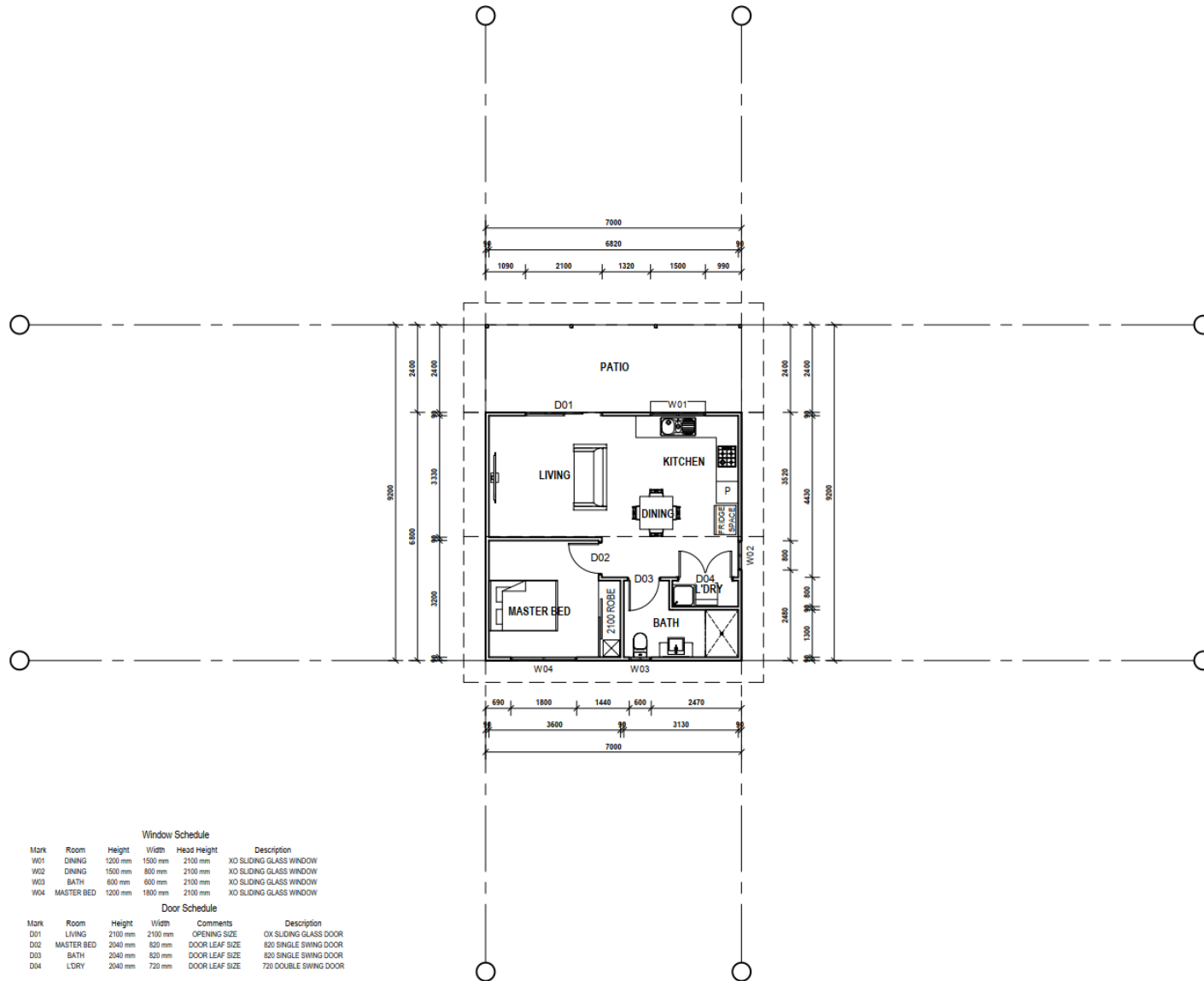
Approved Drawing(s) and/or Document(s)





ELEVATION KEY

FLOOR AREAS LEGEND	
LIVING	47.59 m ²
PATIO	16.81 m ²
	64.40 m ²



Window Schedule

Mark	Room	Height	Width	Head Height	Description
W01	DINING	1200 mm	1500 mm	2100 mm	XO SLIDING GLASS WINDOW
W02	DINING	1500 mm	800 mm	2100 mm	XO SLIDING GLASS WINDOW
W03	BATH	600 mm	600 mm	2100 mm	XO SLIDING GLASS WINDOW
W04	MASTER BED	1200 mm	1800 mm	2100 mm	XO SLIDING GLASS WINDOW

Door Schedule

Mark	Room	Height	Width	Comments	Description
D01	LIVING	2100 mm	2100 mm	OPENING SIZE	OX SLIDING GLASS DOOR
D02	MASTER BED	2040 mm	820 mm	DOOR LEAF SIZE	620 SINGLE SWING DOOR
D03	BATH	2040 mm	820 mm	DOOR LEAF SIZE	620 SINGLE SWING DOOR
D04	LDRY	2040 mm	720 mm	DOOR LEAF SIZE	720 DOUBLE SWING DOOR

NOTE: (1). VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2). VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION. (3). FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. (4). ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (5). SUBSTITUTION OF ANY STRUCTURAL MEMBERS, & OR VARIATIONS TO ANY PART OF THE DESIGN, WILL VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING

THE TRINITY

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FLOOR PLAN

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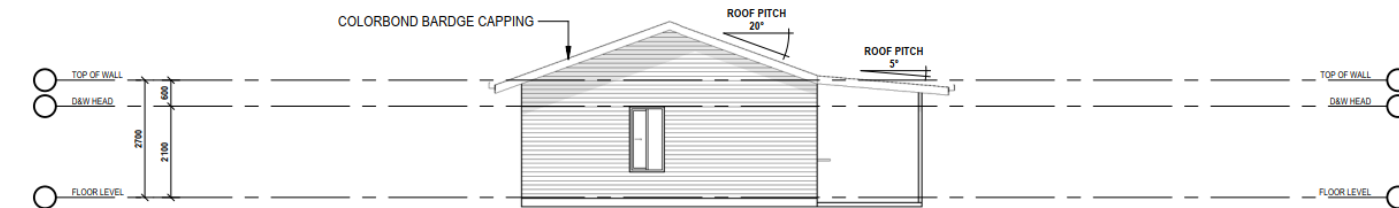
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**SUPERIOR STEEL FRAMES
STANDARD MODEL**



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 ATHERTON QLD 4883
 33-35 ALBRECHT ST
 TOLGA INDUSTRIAL ESTATE, QLD, 4882
 PH: 07 4095 4008
 EMAIL: info@superiorsteelframes.com.au
 WEB: www.superiorsteelframes.com.au

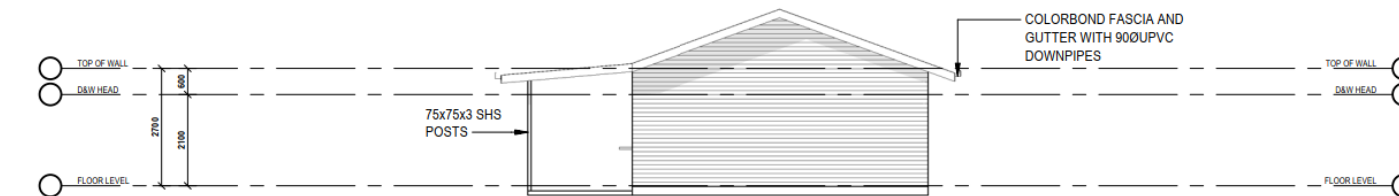
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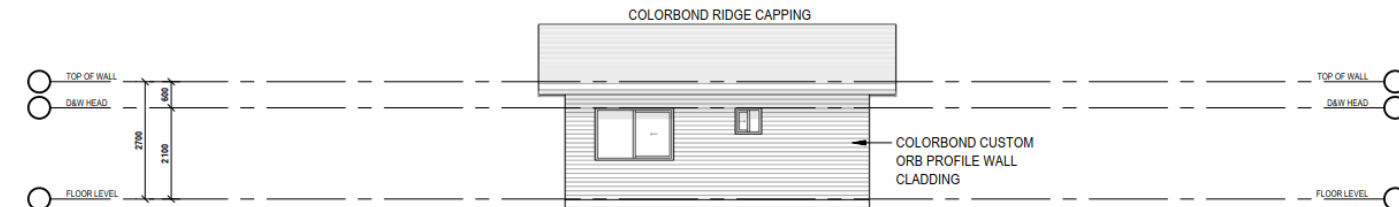
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ELEVATION 2



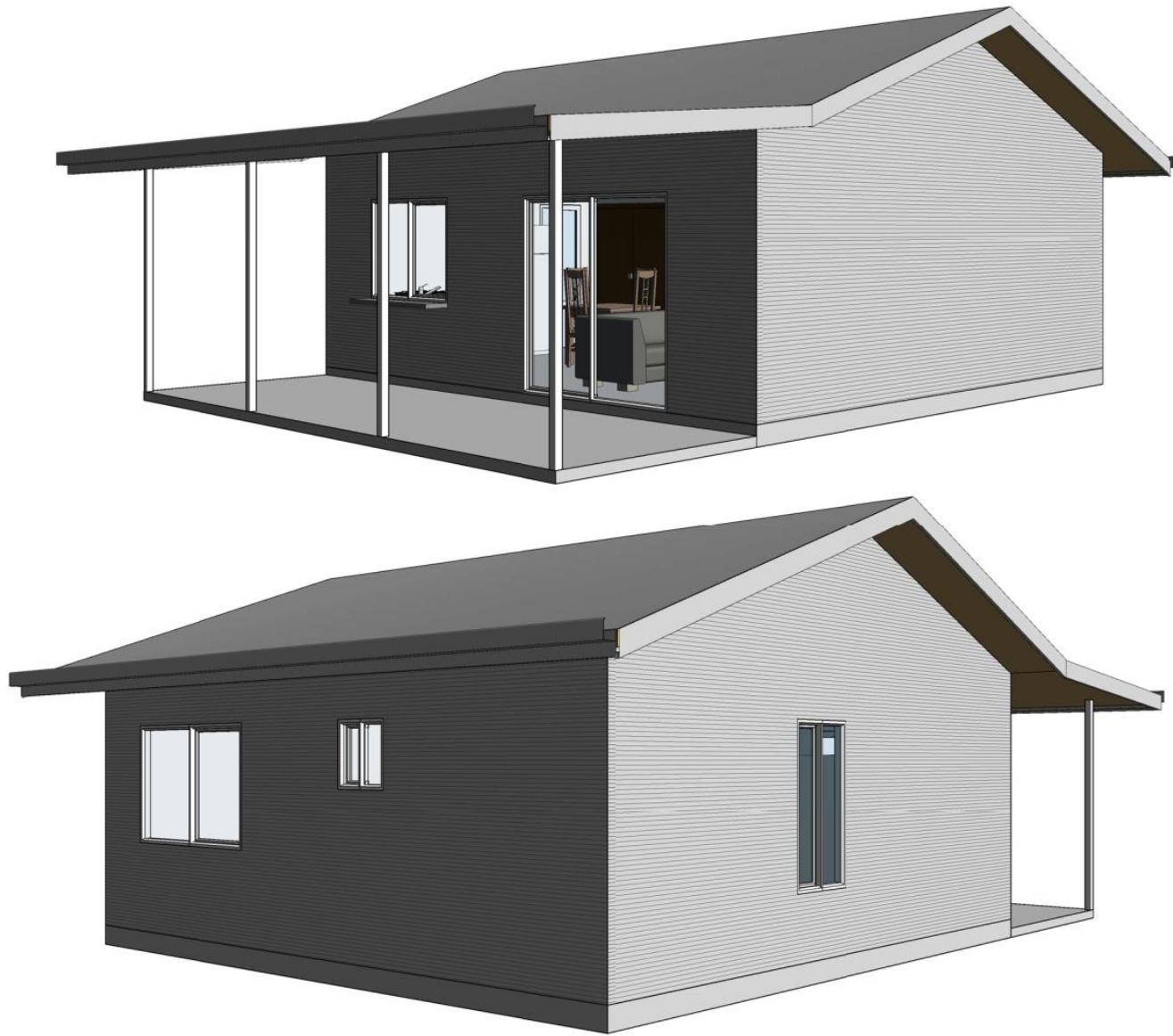
ELEVATION 3




ELEVATION 4

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THE TRINITY	
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SUPERIOR STEEL FRAMES STANDARD MODEL	
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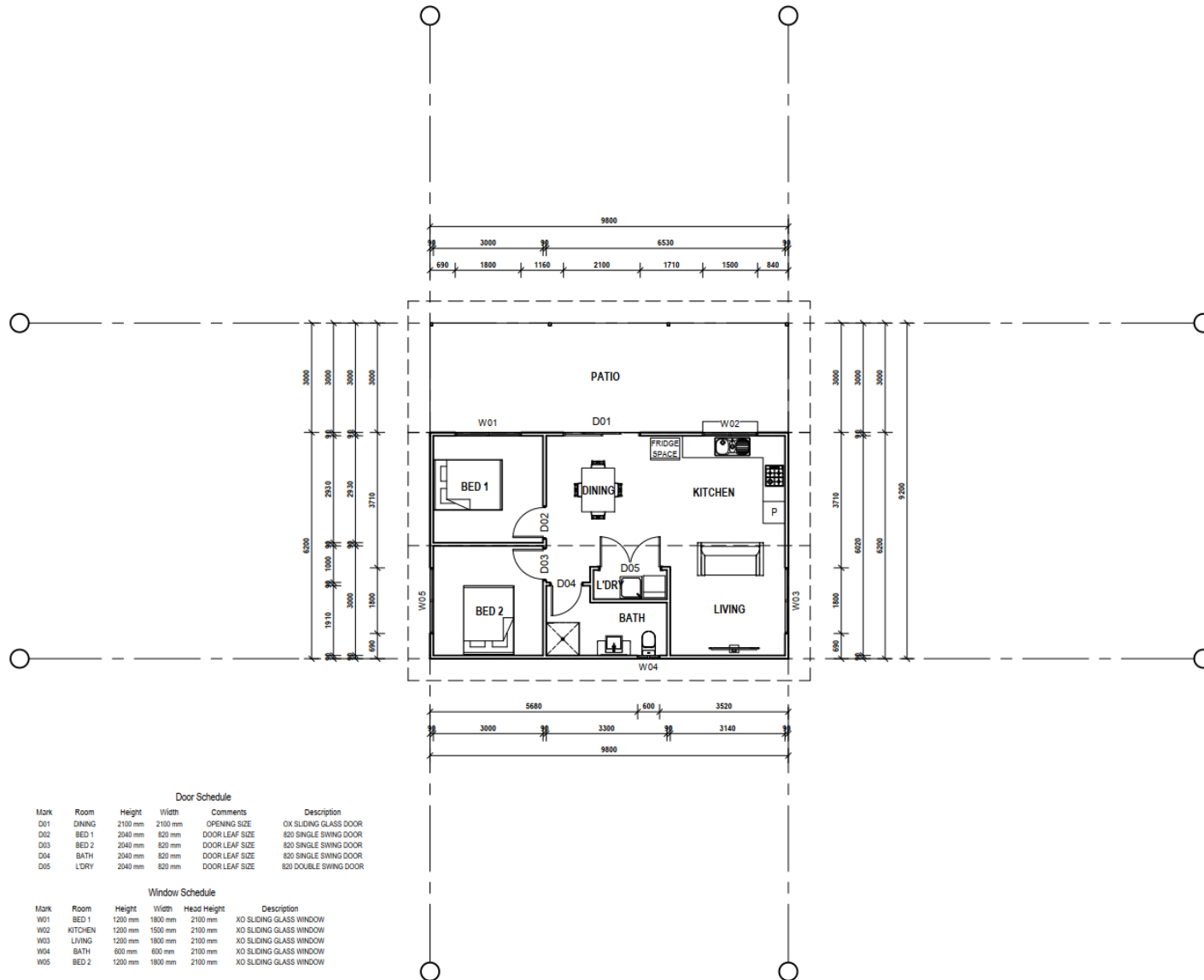
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ELEVATION KEY

FLOOR AREAS LEGEND	
LIVING	60.76 m ²
PATIO	23.40 m ²
	90.16 m ²



Door Schedule

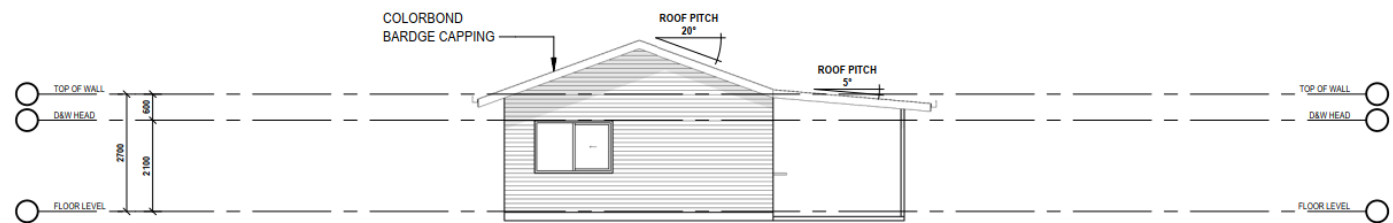
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D01	DINING	2100 mm	2100 mm	OPENING SIZE	OX SLIDING GLASS DOOR
D02	BED 1	2040 mm	820 mm	DOOR LEAF SIZE	820 SINGLE SWING DOOR
D03	BED 2	2040 mm	820 mm	DOOR LEAF SIZE	820 SINGLE SWING DOOR
D04	BATH	2040 mm	820 mm	DOOR LEAF SIZE	820 SINGLE SWING DOOR
D05	L'DRY	2040 mm	820 mm	DOOR LEAF SIZE	820 DOUBLE SWING DOOR

Window Schedule

Mark	Room	Height	Width	Head Height	Description
W01	BED 1	1200 mm	1800 mm	2100 mm	XO SLIDING GLASS WINDOW
W02	KITCHEN	1200 mm	1500 mm	2100 mm	XO SLIDING GLASS WINDOW
W03	LIVING	1200 mm	1800 mm	2100 mm	XO SLIDING GLASS WINDOW
W04	BATH	600 mm	600 mm	2100 mm	XO SLIDING GLASS WINDOW
W05	BED 2	1200 mm	1800 mm	2100 mm	XO SLIDING GLASS WINDOW

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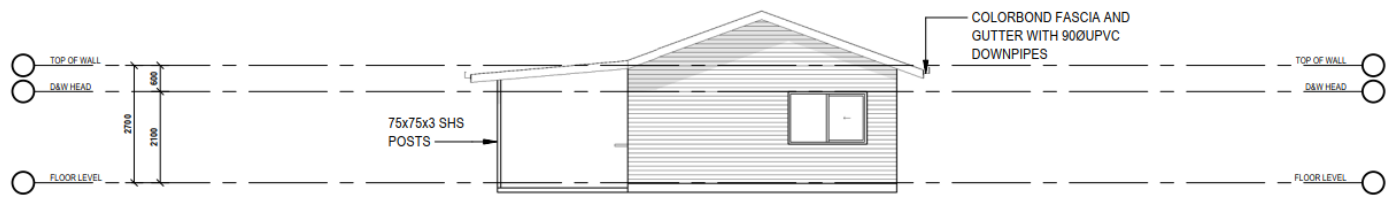
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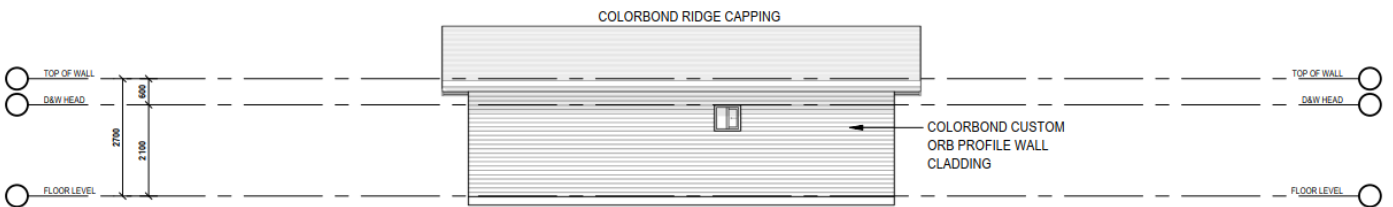
ELEVATION 1




ELEVATION 2



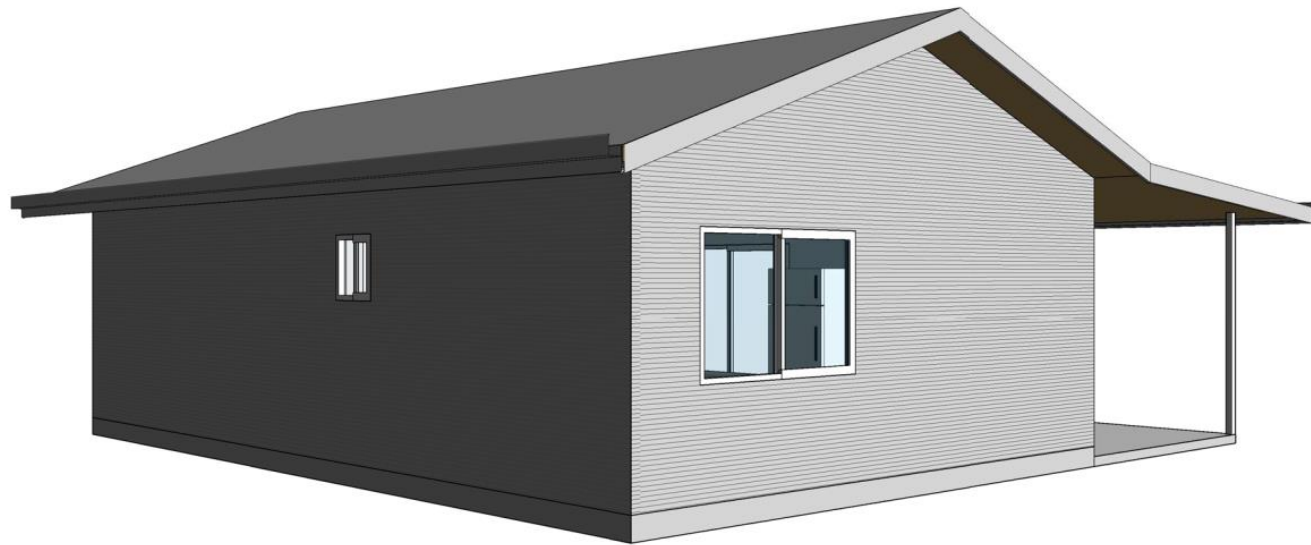
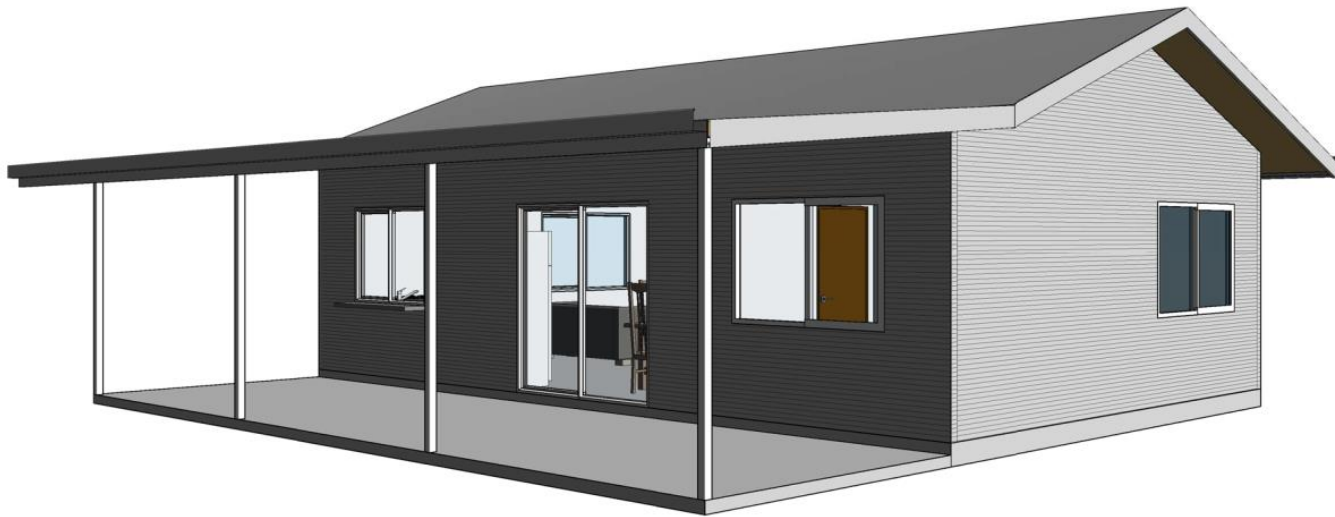
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ELEVATION 4

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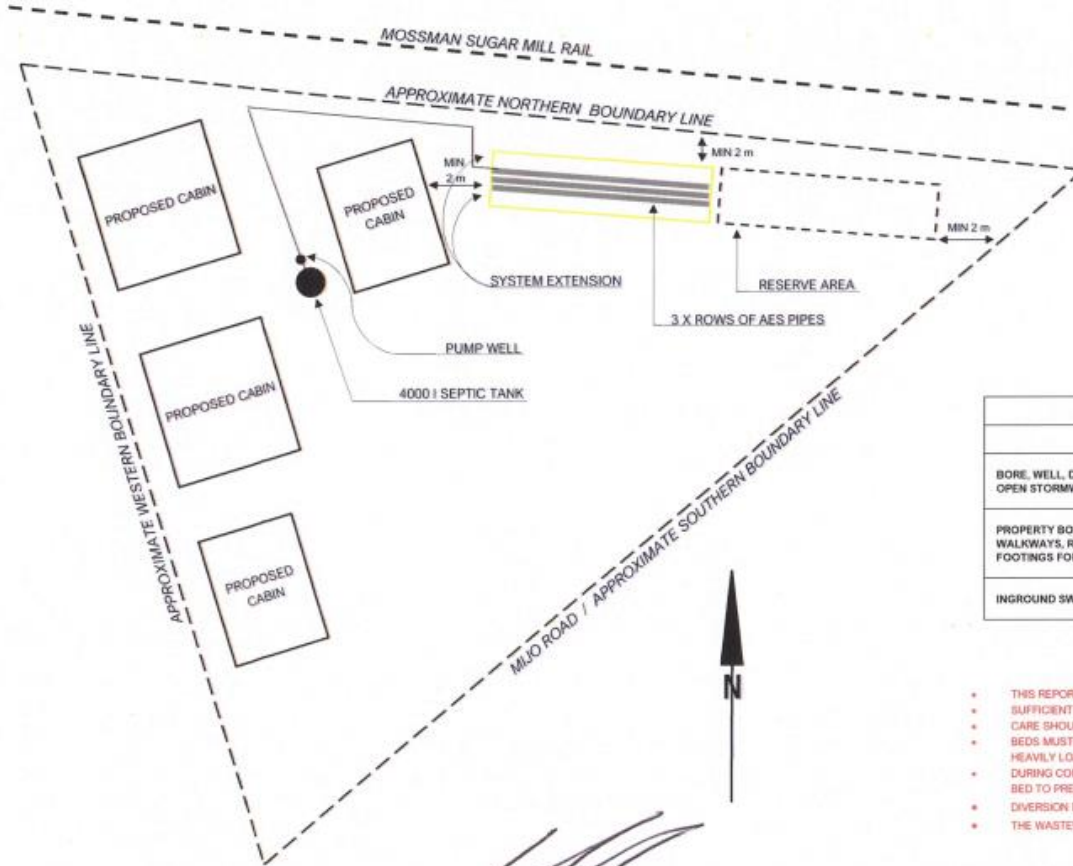
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NOT TO SCALE

SITE LOCALITY PLAN

2 (LOT 1/RP710645) MIJO ROAD, MIALLO



OVERALL AES SYSTEM DIMENSIONS
FOR THE RAISED PUMPED SYSTEM
MINIMUM AES FOOTPRINT REQUIRED
15.6 m LONG X 3.85 m WIDE = 60.0 m²

AES PIPE SYSTEM DIMENSIONS
15.6 m LONG X 1.80 m WIDE
3 X ROWS OF AES PIPES
5 X FULL AES PIPE LENGTHS PER ROW

AES SYSTEM EXTENSION DIMENSIONS
15.6 m LONG X 2.05 m WIDE

MINIMUM SETBACK DISTANCES FOR AN ADVANCED SECONDARY TREATMENT SYSTEM			
SITE FEATURE	UP SLOPE	DOWN SLOPE	LEVEL
	BORE, WELL, DAM, WATERCOURSE, LAKE, BAY, ESTUARY, OPEN STORMWATER DRAINAGE CHANNEL OR DRAIN	10m	10 m
PROPERTY BOUNDARIES, PEDESTRIAN PATHS, WALKWAYS, RECREATION AREAS, RETAINING WALL AND FOOTINGS FOR BUILDINGS AND OTHER STRUCTURES	2 m	4 m	2 m
INGROUND SWIMMING POOLS	6 m	6 m	6 m

NOTES

- THIS REPORT MUST BE READ IN ITS ENTIRETY PRIOR TO THE CONSTRUCTION OF THE WASTEWATER AREA.
- SUFFICIENT FALL TO THE WASTEWATER AREA MUST BE CALCULATED PRIOR TO CONSTRUCTION.
- CARE SHOULD BE TAKEN THAT THE BASE OF THE SYSTEM IS LEVEL.
- BEDS MUST BE BUILT ALONG THE CONTOURS TO ENSURE EVEN DISTRIBUTION AND AVOID ANY ONE PART OF THE BED BEING MORE HEAVILY LOADED.
- DURING CONSTRUCTION RP AND SCARIFY THE BED TO A DEPTH OF 300 mm AND APPLY GYPSUM AT 1 kg/m² TO THE BASE OF THE BED TO PREVENT THE CLAY DISPERSING.
- DIVERSION DRAINS WILL NEED TO BE PUT IN PLACE TO DIVERT WATER AWAY FROM THE WASTEWATER AREA.
- THE WASTEWATER SYSTEM MUST BE INSTALLED AS PER THE MANUFACTURERS SPECIFICATIONS.

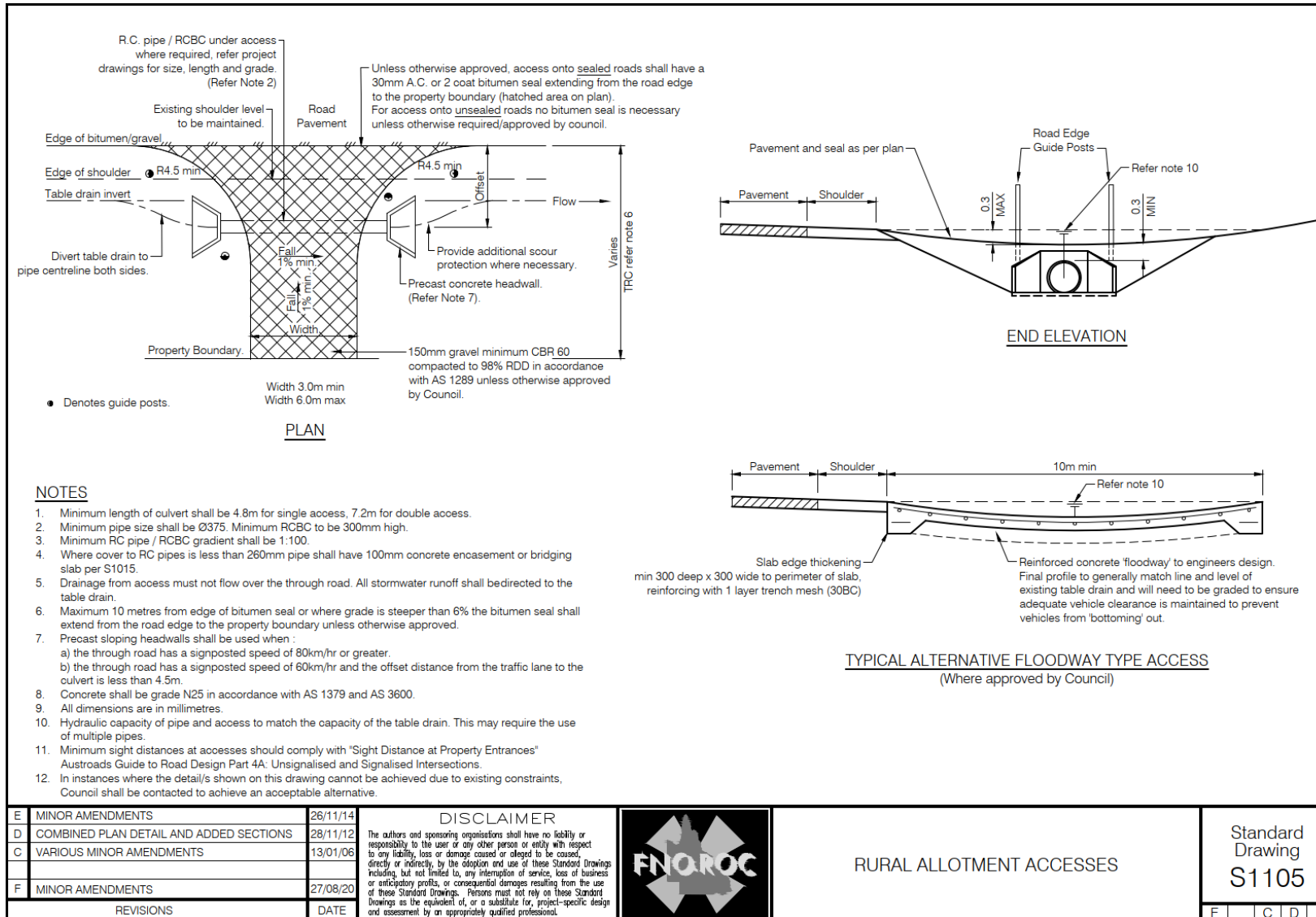
CHECKED BY: A. TUDINI SIGNATURE: _____

DATE: 04/10/2022

DIRT PROFESSIONALS

EMAIL: dirtprofessionals@bigpond.com

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



Concurrence Agency Conditions

RA9-N



SARA reference: 2210-31511 SRA
Council reference: MCUI 2022_5106/1
Applicant reference: 2022-08-15 – Marano's Fuel – 2 Mijo Road, Miallo

14 November 2022

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA response—Staff Accommodation for Marano's Fuel at Mijo and Mossman Daintree Road, Miallo

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 19 October 2022.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	14 November 2022
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .
Outcome:	Referral agency response - No requirements

Development details

Description:	Development permit	Material change of use (undefined use) for staff accommodation for four dwelling units
SARA role:	Referral Agency	

SARA trigger: **Schedule 10, Part 9, Division 4, Subdivision 2, Table 4** (Planning Regulation 2017) – Material change of use near a state-controlled road and intersection.

SARA reference: 2210-31511 SRA

Assessment Manager: Douglas Shire Council

Street address: 2 Mijo Road, 739 and 743 Mossman Daintree Road, Miallo

Real property description: Lot 1 on RP710645, Lot 2 on SP251530, and Lot 3 on SP251530

Applicant name: Marano Enterprises (Miallo) Pty Ltd T/A Marano's Fuel

Applicant contact details: C/- Aspire Town Planning and Project Services
PO Box 1040
Mossman QLD 4873
admin@aspireqld.com

Representations

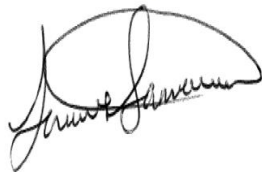
An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dSDLGP.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/Manager (Planning)

cc Marano Enterprises (Miallo) Pty Ltd T/A Marano's Fuel c/- Aspire Town Planning and Project Services,
admin@aspireqld.com

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment, as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Mossman Daintree Road, a state-controlled road, and the Mossman Daintree Road / Mijo Road intersection.
- Existing Marano's Fuel uses on site (over Lots 2 and 3 on SP251530), remain unchanged.
- The proposed accommodation (over Lot 1 on RP710645), will be setback approximately 40m from Mossman Daintree Road, and landscaping, signage, retaining structures, and excavation and filling work will not encroach into the state-controlled road corridor.
- Proposed vehicle access is to Mijo Road, a local road, and is located a sufficient distance from the Mossman Daintree Road / Mijo Road intersection to maintain safety for users of the state-controlled road.
- The Mossman Daintree Road / Mijo Road intersection can safely accommodate the increased traffic generated by the proposed small-scale development.
- Increased stormwater and drainage flow will be conveyed on-site and towards Mijo Road and Schilds Road, both local roads, with essential services and infrastructure able to be connected to Mijo Road.
- The proposed development is a noise sensitive development, however, no mandatory measures to mitigate impacts from transport corridor noise are required adjacent to this part of Mossman Daintree Road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Assessment Manager 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 13 October 2022 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 Environmental Management Zone Code, the Industry Zone and the Rural Zone;
 - 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.

Non-Compliance with Assessment Benchmarks

None. Development complies with the planning scheme and no concerns are raised.

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

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

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

-
- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
 - (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
 - (4) A negotiated decision notice replaces the decision notice for the development application.
 - (5) Only 1 negotiated decision notice may be given.
 - (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) 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
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

10 January 2023

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

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2022_5106/1 (Doc ID 1123019)
Your Ref: 2022-08-15 – Marano's Fuel – 2 Mijo Road, Miallo

Marano Enterprises (Miallo) Pty Ltd
C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873

Email: admin@aspireqld.com

Dear Sir

**Adopted Infrastructure Charge Notice
Development Application for a Material Change of Use for an Undefined Use
(Staff Accommodation)
At 2 Mijo Road and 739 & 743 Mossman Daintree Road Miallo
On Land Described as Lot 1 on RP710645 and Lots 2 & 3 on SP251530**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: MCUI 2022_5106 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



Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Marano Enterprises (Miallo) Pty Ltd T/A Marano's Fuel		N/A	0
DEVELOPERS NAME		ESTATE NAME	STAGE
2 Mijo Road, 739 & 743 Mossman Daintree Road	Miallo	Lot 1 on RP710645, Lots 2 and 3 on SP251530	P5631, P156625 & P156626,
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCU Undefined Use (Staff Accommodation)		MCUI 2022_5106/1	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1122401	1	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	
DSC Reference Doc. No.	VERSION No.		

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
Accommodation Short term 0	\$_per_1_bedroom_less_than_6_beds_per_room	6,502.02	2	\$13,004.04		
Accommodation_short_term 0	\$_per_2_bedrooms_in_a_suite	9,902.97	2	\$19,805.94		
	Total Demand			\$32,809.98		
Credit						
<u>Existing land use</u>						
3 or more bedroom dwelling 1 lot	\$_per_3_or_more_bedroom_dwelling	24,553.81	1	\$24,553.81		
Discount						
35% Discount for premises where there is no waste water connection				\$2,889.66		
	Total Credit & Discount		<i>Less</i>	-\$27,443.47		Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** \$5,366.51

Prepared by	J Elphinstone	15-Nov-22	Amount Paid	
Checked by	Neil Beck	15-Nov-22	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The above credit charge has been afforded for the vacant land on which the cabins will be established.

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) 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
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 86 and 87 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 11 June 2026 under section 86 of the *Planning Act 2016*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy, the 2026 Far North Queensland Regional Plan and Infrastructure Plan 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 Environmental Management Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of section 87 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to continued conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

None. Through the continuing conditions of the approval the development complies with the planning scheme and no concerns are raised.

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

(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.
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decision includes—

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- (c) the making of a decision or the failure to make a decision; and
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non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
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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—