

10 November 2021

**Enquiries:** Jenny Elphinstone  
**Our Ref:** BW 2021\_4478/1 (Doc ID 1048548)  
**Your Ref:** 211357/01

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

Angel Construction  
C/- The Building Approval Company  
PO Box 74  
**REDLYNCH QLD 4870**

Email: [planning@tbac.com.au](mailto:planning@tbac.com.au)

Attention Mr Johnathan Burns

Dear Sir

**Development Application for Building Work Made Assessable  
Against the Planning Scheme (Secondary dwelling)  
At 1387 Mossman Daintree Road Rocky Point  
On Land Described as Lot 2 on RP748809**

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

Please quote Council's application number: BW 2021\_4478/1 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 Hoyer**  
**Manager Environment & Planning**

encl.

- 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 section 63 of the Planning Act 2016*

#### Applicant Details

Name: Angel Construction

Postal Address: C/- The Building Approval Company  
PO Box 74  
REDLYNCH QLD 4870

Email: [planning@tbac.com.au](mailto:planning@tbac.com.au)

#### Property Details

Street Address: 1387 Mossman Daintree Road Rocky Point

Real Property Description: Lot 2 on RP748809

Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for Building Work made Assessable Against the Planning Scheme for a Secondary dwelling.

#### Decision

Date of Decision: 10 November 2021

Decision Details: Approved (subject to conditions)

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

Copy 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	Scope Town Planning Drawing as submitted to Council on 8 November 2021 (Council document 1048414)	Undated.

Drawing or Document	Reference	Date
Notes	TMI Consulting, project TMI21002-3, Sheet S01, Revision A)	25 October 2021
Ground and Floor Plans	TMI Consulting, project TMI21002-3, Sheet S02, Revision A)	25 October 2021
Wall and Roof Plans	TMI Consulting, project TMI21002-3, Sheet S03, Revision A)	25 October 2021
Sections 1	TMI Consulting, project TMI21002-3, Sheet S04, Revision A)	25 October 2021
Sections 2	TMI Consulting, project TMI21002-3, Sheet S05, Revision A)	25 October 2021
Details	TMI Consulting, project TMI21002-3, Sheet S01, Revision A)	25 October 2021

## Assessment Manager Conditions & Advices

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### 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; 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 Commencement of use, except where specified otherwise in these conditions of approval.

### Vegetation Clearing

3. Existing vegetation on the subject land must be retained in all areas other than the vegetation required to be removed for the construction of the secondary dwelling and the access off the main driveway. Any further clearing that does not comply with the Planning Scheme vegetation damage assessment benchmarks requires an Operational Works Approval.

### On-Site Effluent Disposal

4. The method of on-site effluent disposal must be in accordance with the current requirements of the Queensland Plumbing & Wastewater Code.

## External building colours

5. External building colours must not be white and must be non-reflective. Colours must be reflective of the surrounding natural environment. The proposed colour scheme of: Colourbond roof and gutter - Windspray; external weatherboards- Grey Pail; and window frames – white, are considered acceptable and meet this condition.

An alternative colour scheme must be provided to Council for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

## Advices

1. 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 Section 85 of the Planning Act 2016.
2. A Development Permit for Building Work is required for the shed / structure.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://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](http://www.douglas.qld.gov.au).

## Further Development Permits

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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

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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*.

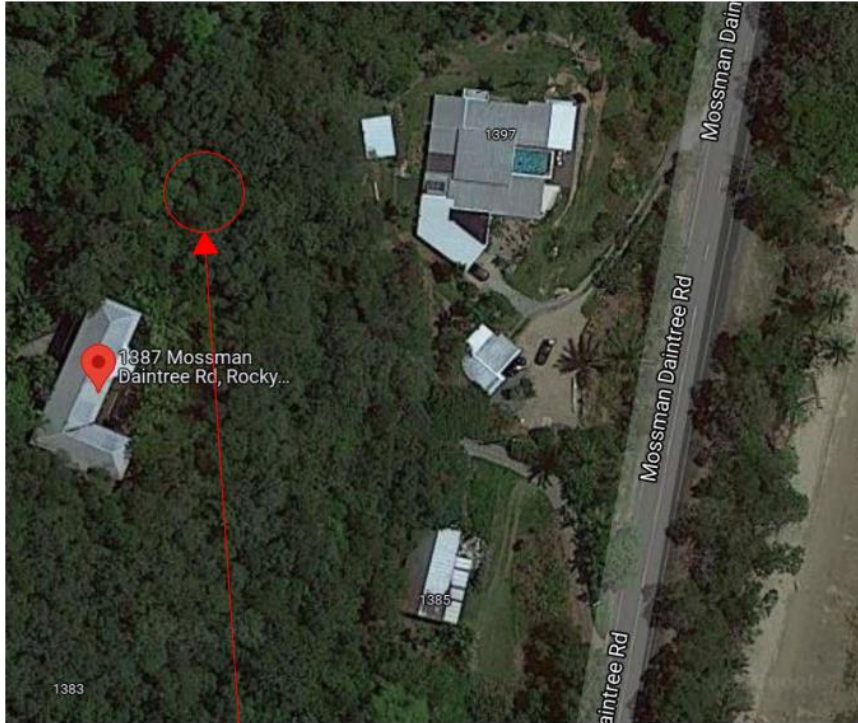
## Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

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



APPROX LOCATION OF WORKS



**SITE PLAN**

1387 MOSSMAN DAINTREE ROAD, ROCKY POINT 4873



# NEW RESIDENCE

## GENERAL NOTES

- THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH OTHER SPECIFICATIONS AND WITH SUCH FURTHER DETAILS AND INSTRUCTIONS WHICH MAY BE ISSUED. REFER ALL DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH WORK.
- CONSTRUCTION OF ALL STRUCTURAL AND CIVIL WORK SHALL COMPLY WITH CURRENT EDITIONS OF RELEVANT SAA CODES.
- PLAN SET-OUT DIMENSIONS ARE NOMINAL ONLY, CONFIRM ON SITE. DIMENSIONS SHALL BE VERIFIED BEFORE COMMENCING CONSTRUCTION. DO NOT SCALE DRAWINGS TO OBTAIN DIMENSIONS.
- THROUGHOUT CONSTRUCTION, THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERSTRESSED.
- ALL DIMENSIONS ARE IN MILLIMETRES U.N.O.
- PROPRIETARY ITEMS (E.G. PURLINS, ROOF/WALL SHEETING, BOLTS ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATION.

## DESIGN CRITERIA

- THE STRUCTURAL ELEMENTS HAVE BEEN DESIGNED FOR LOADS AS NOMINATED:
- WIND LOADS TO AS1170.2 - V<sub>sit</sub> = 65m/s
- LIVE LOAD - 2 kPa

## FOOTING NOTES

- SITE CLASSIFICATION: CLASS M TO AS2870.
- SANITARY ARTICULATION REQUIRED, REFER TO DETAILS.
- AN ALLOWABLE BEARING PRESSURE FOR HIGH LEVEL FOOTINGS OF 100kPa HAS BEEN USED IN THE DESIGN OF THE FOOTINGS.
- WHERE REQUIRED FOUNDING MATERIAL IS DEEPER THAN THE UNDERSIDE OF THE HIGH LEVEL FOOTINGS AS DETAILED, ALLOW TO BACKFILL ADDITIONAL EXCAVATION WITH N20 CONCRETE.
- ALL FOOTING EXCAVATIONS SHALL BE FORMED AS NECESSARY WHEN THE EXCAVATED FACE IS NOT STABLE, DEWATERED AND CLEANED OF LOOSE AND SOFT MATERIAL PRIOR TO PLACING CONCRETE.

## CONCRETE

- ALL WORKMANSHIP AND MATERIALS SHALL CONFORM WITH THE CURRENT EDITIONS OF AS1379, AS3600, AS3610 AND AS4671 EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
- PROJECT ASSESSMENT OF STRENGTH IN ACCORDANCE WITH AS1379 SHALL BE ADOPTED FOR SAMPLING AND TESTING.
- CURE ALL CONCRETE BY AN APPROVED METHOD FOR A MINIMUM OF 3 DAYS AFTER HARDENING, UNLESS NOTED OTHERWISE.
- FORMWORK SHALL REMAIN UNDISTURBED FOR THE MINIMUM STRIPPING TIMES SPECIFIED IN AS3610 UNLESS OTHERWISE APPROVED.

## CHEMSET FIXING NOTES

- CHEMSET REO 502 OR APPROVED EQUIVALENT.
- USE 4.6/S GALVANIZED THREADED ROD WHERE EMBEDMENT EXCEEDS TYPICAL ANCHOR LENGTH.
- EDGE DISTANCE: > 40 CONCRETE, 100 BLOCK, U.N.O.
- N12 EMBEDMENT: 200
- M12 EMBEDMENT: 125
- M16 EMBEDMENT: 150

## STRUCTURAL STEEL

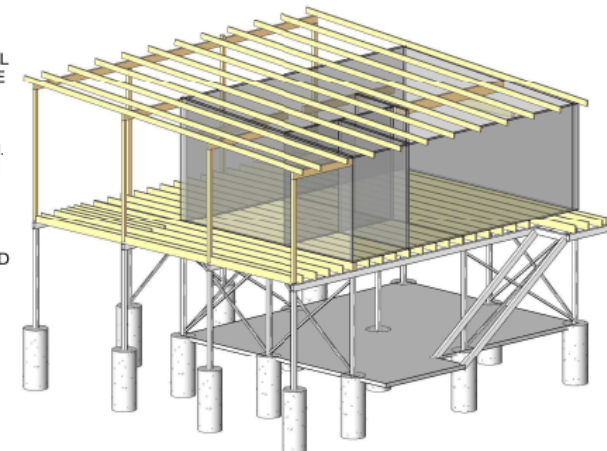
- ALL MATERIALS AND WORKMANSHIP SHALL CONFORM WITH CURRENT EDITIONS OF AS4100, AS1554.1 AND 2 AND AS4600 EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
- ALL STEEL SHALL COMPLY WITH THE FOLLOWING U.N.O. :-  
HOT ROLLED - GRADE 300 TO AS 3679.1  
SHS AND RHS - GRADE 350 TO AS 1163  
CHS - GRADE 250 TO AS 1163  
FLAT PLATE - GRADE 300 TO AS 3679.1
- THE MINIMUM TREATMENT FOR STRUCTURAL SHALL BE AS FOLLOWS U.N.O. :-  
(A) INTERNAL STEELWORK (I.E. PROTECTED FROM CLIMATE) - ABRASIVE BLAST CLEAN TO GRADE Sa2.5 TO AS1627.9. APPLY ONE COAT OF GOOD QUALITY ALKYD PRIMER (ZINC PHOSPHATE) MINIMUM DRY FILM THICKNESS OF 50 MICRONS  
(B) EXTERNAL STEELWORK (I.E. EXPOSED TO CLIMATE) - HOT DIP GALVANIZE TO AS4680, OR DURAGAL WITH APPROVED PAINT SYSTEM TO MANUFACTURER'S RECOMMENDATIONS.
- MINIMUM WELDING REQUIREMENTS IF NOT OTHERWISE SPECIFIED SHALL BE AS FOLLOWS: ALL WELDS CATEGORY S.P 6mm CONTINUOUS FILLET WELDS, OR WHERE NOTED, COMPLETE PENETRATION BUTT WELDS (C.P.B.W.) USING E48XX ELECTRODES WITH CATEGORY S.P. INSPECTION WITH ALL WELDS 100% VISUALLY SCANNED, ALL TO AS1554.1 UNLESS NOTED OTHERWISE. ALL WELDING SHALL BE PERFORMED BY A QUALIFIED WELDER IN ACCORDANCE WITH AS1554.1.
- SITE WELDS WHERE NOTED IN THE DOCUMENTATION SHALL BE THOROUGHLY WIRE BRUSHED, CLEANED AND PAINTED IN WITH AN APPROVED ZINC RICH PAINT SYSTEM.
- ALL BOLTS, NUTS AND WASHERS, INCLUDING HOLD DOWN BOLTS, CAST-IN FERRULES, CAST-IN PLATES AND MASONRY ANCHORS ARE TO BE HOT DIP GALVANISED U.N.O. ALL GALVANISED COMPONENTS TO BE CAST INTO CONCRETE MUST BE PASSIVATED.
- ALL STRUCTURAL STEEL FIXING DETAILS ARE TO BE BASED ON AISC STANDARDIZED STRUCTURAL CONNECTIONS U.N.O.

## TIMBER

- ALL WORKMANSHIP, MATERIALS AND CONSTRUCTION SHALL CONFORM WITH CURRENT EDITIONS OF AS1684, AS1720 AND THE NCC.
- ALL PROPRIETARY ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S DETAILS.
- ALL MEMBERS ARE TO BE SOLID, UNJOINED TIMBER OF SIZES AND GRADES AS NOMINATED ON THE DRAWINGS.
- PROVIDE TIMBER SIZED WASHERS FOR ALL BOLTED TIMBER CONNECTIONS. WASHER TO BE AGAINST TIMBER.
- ALL FRAMING TO BE MGP12 U.N.O.
- ALL ENCLOSED TIMBER TO BE H2 TREATED UNO.
- EXPOSED TIMBER TO BE MIN H3 TREATED WITH ADDITIONAL DPM AND CAPPING TO MANUFACTURER'S REQUIREMENTS AS REQUIRED.

## DRAWING LIST

SHEET	REVISION	SHEET NAME
S01	A	NOTES
S02	A	GROUND & FLOOR PLANS
S03	A	WALL & ROOF PLANS
S04	A	SECTIONS 1
S05	A	SECTIONS 2
S06	A	DETAILS



Registered Professional Engineer 699704  
Mr Sean F. Edwards  
MEEAust CPBEng (Civil/Structural)  
RPED No 6138  
NT-BPBC-76906ES  
RBP (V) EC37110  
Signature: \_\_\_\_\_ Date: 25/10/21  
Registered Professional Engineer in the  
area of practice in Civil / Structural

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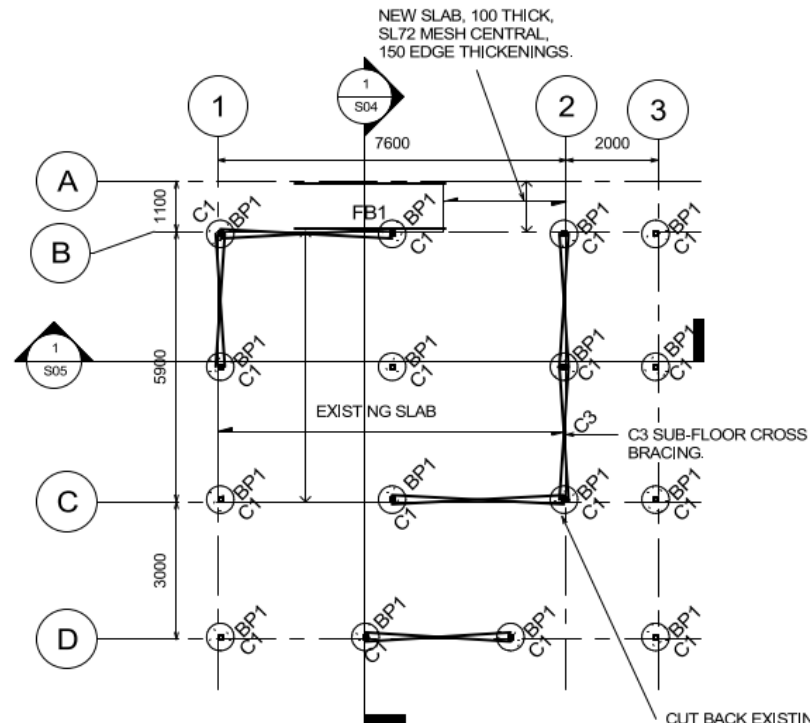
No.	Description	Date
1	PRELIMINARY	20/8/2021
2	SUB-FLOOR FRAMING REVISED	7/9/2021
A	CONSTRUCTION	25/10/2021

1387 MOSSMAN  
DAINTREE RD

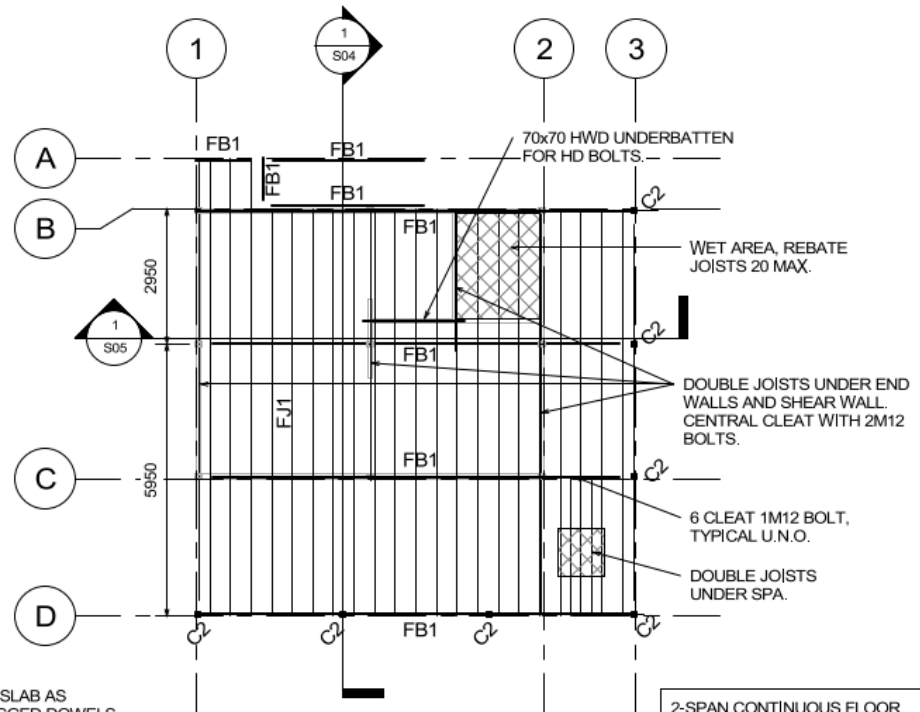
## NOTES

Date	25/10/2021	Project	TMI21002-3
Drawn by	RWM	Sheet	S01
Checked by	REM		
A3 Scale			

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**1 GROUND FLOOR**  
1 : 100



**2 FIRST FLOOR**  
1 : 100

#### FRAMING SCHEDULE

MARK	SECTION	COMMENTS
FB1	150x100x4 RHS	
FJ1	170x45-450	LVL OR 170x45 MGP12
L1	2/240x45	MGP12 OR 240x63 LVL.
L2	190x45	MGP12 OR 150x45 LVL
RB1	175x75 HWD	F14 OR 200x63 LVL.
RB2	250x75 HWD	F14 OR 240x63 LVL.
RJ1	140x45-900	MGP12 OR 130x45 LVL.

#### COLUMNS AND PIERS

MARK	SECTION	DESCRIPTION
BP1	600 DIA	1500 DEEP, N20 CONCRETE
C1	100x4 SHS	
C2	90x90 HWD	
C3	50x4 SHS	

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Mr Sean F. Edwards  
MBAust CPEng (Civil/Structural)  
RPEQ No 6138  
NT-BPCE-2690ES  
RBP (V) EC37110  
Signature: [Signature] Date: 25/10/21  
Registered Professional Engineer Register to the  
Special Practice of Civil / Structural

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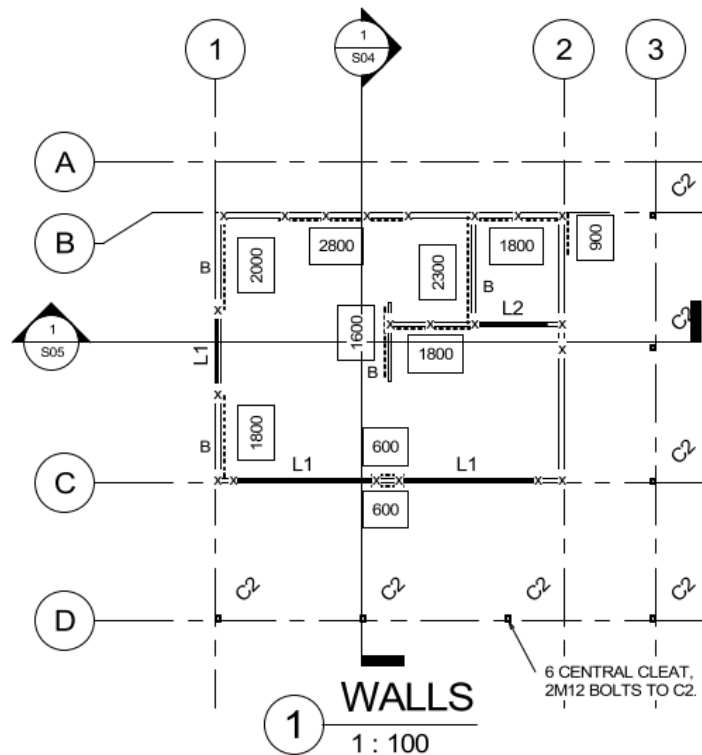
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#### GROUND & FLOOR PLANS

Date	25/10/2021	Project	TMI21002-3
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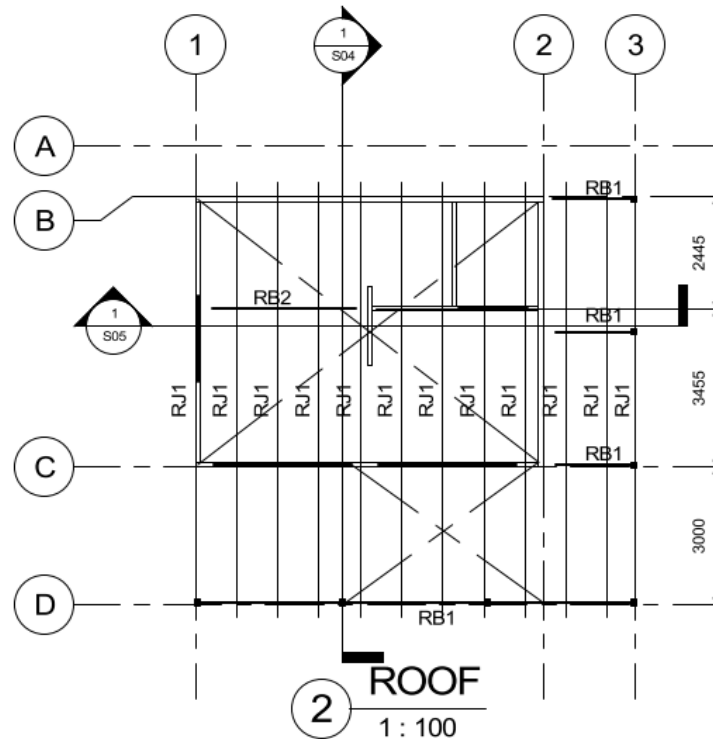


#### TIMBER WALLS

- COMMON STUDS: 90x35-450
- TOP PLATE: 2/45x90
- BOTTOM PLATE: 45x90
- JAMB STUDS: 2/90x35 UNLESS NOTED.
- LINTELS: 140x45 UNLESS NOTED.
- M12-900 HD RODS.

#### WALL DRAWING KEY

	DENOTES 1.2M LONG SHEAR WALL REFER TO DETAIL.
X	DENOTES M12 HD ROD.
O	DENOTES M16 HD ROD.
B	DENOTES BLOCKING TO TOP OF SHEARWALL, OR EQUIVALENT. REFER TO DETAIL.



#### ROOF BATTENS

- 45x70 MGP12 BATTENS.
- 325 MAX OVERHANG.
- SPACE TO SHEETING REQUIREMENTS (1200 MAX).
- 1/14g-100 BATTEN SCREW, TYPICAL.
- ADOPT 45x90 BATTENS FOR 600 OVERHANG, DOUBLE BACKSPAN.

RJ1 - CONTINUOUS AS SHOWN.  
IF SINGLE SPAN, INCREASE MEMBERS  
TO 170x45 MGP12 OR 150x45 LVL.

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Mr Sean F. Edwards  
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RPEQ No 6138  
NT-8P8CE-2006/ES  
RBP 15/04/2011  
Signature: *[Signature]* Date: 25/10/21  
Registered Professional Engineer in the  
State of Queensland Civil / Structural

#### FRAMING SCHEDULE

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FJ1	170x45-450	LVL OR 170x45 MGP12
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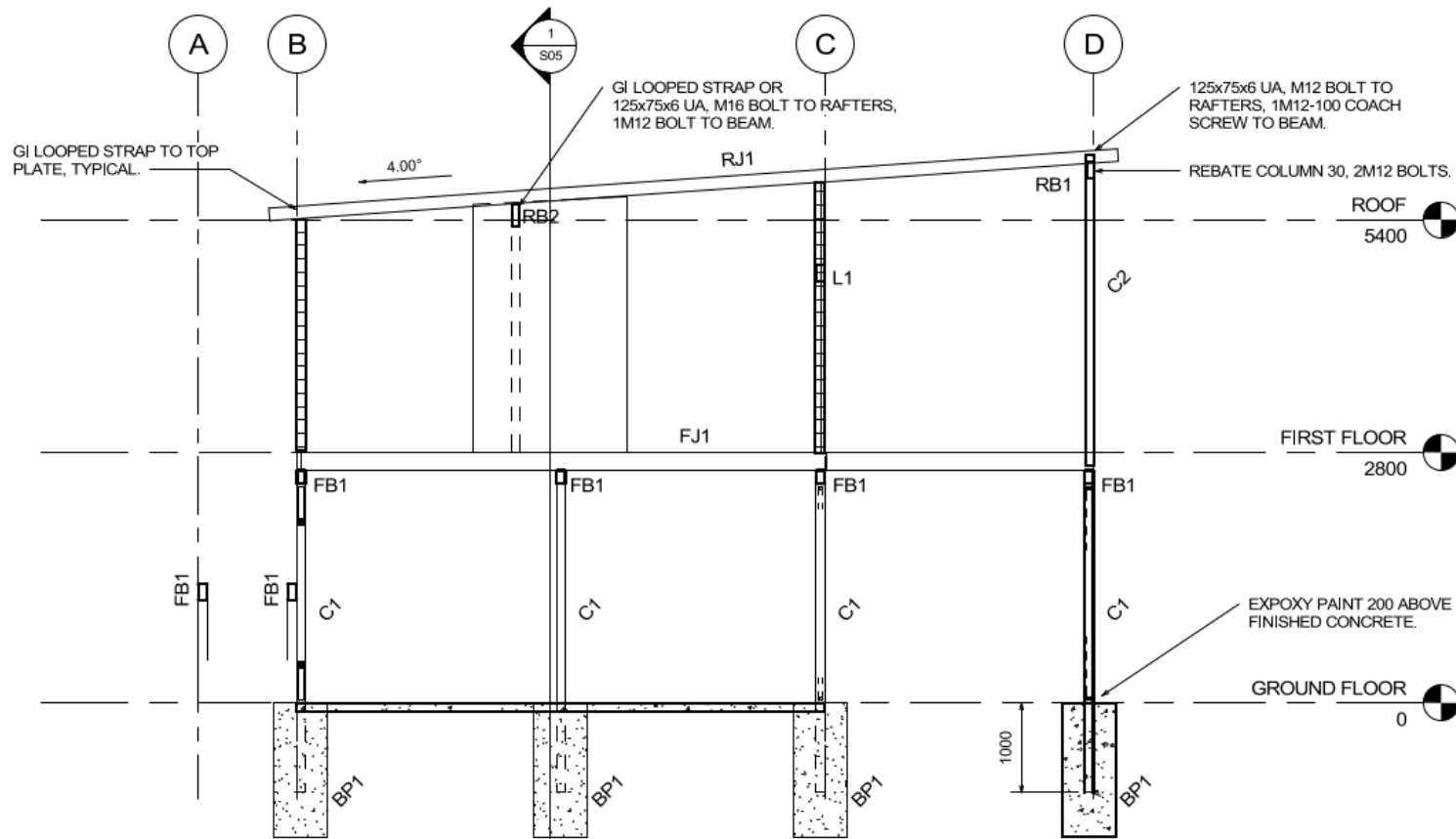
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#### WALL & ROOF PLANS

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A3 Scale	As indicated		

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Registered Professional Engineer 699704  
 Mr Sean F. Edwards  
 MIE Aust CPENG (Civil/Structural)  
 RPED No 6138  
 NT-BPCE 2000ES  
 RBP (V) EC37110  
 Signature: \_\_\_\_\_ Date: 25/10/21  
 Registered as a Structural Professional Engineer in the  
 area of practice of Civil / Structural

# SECTION 1 1 : 50

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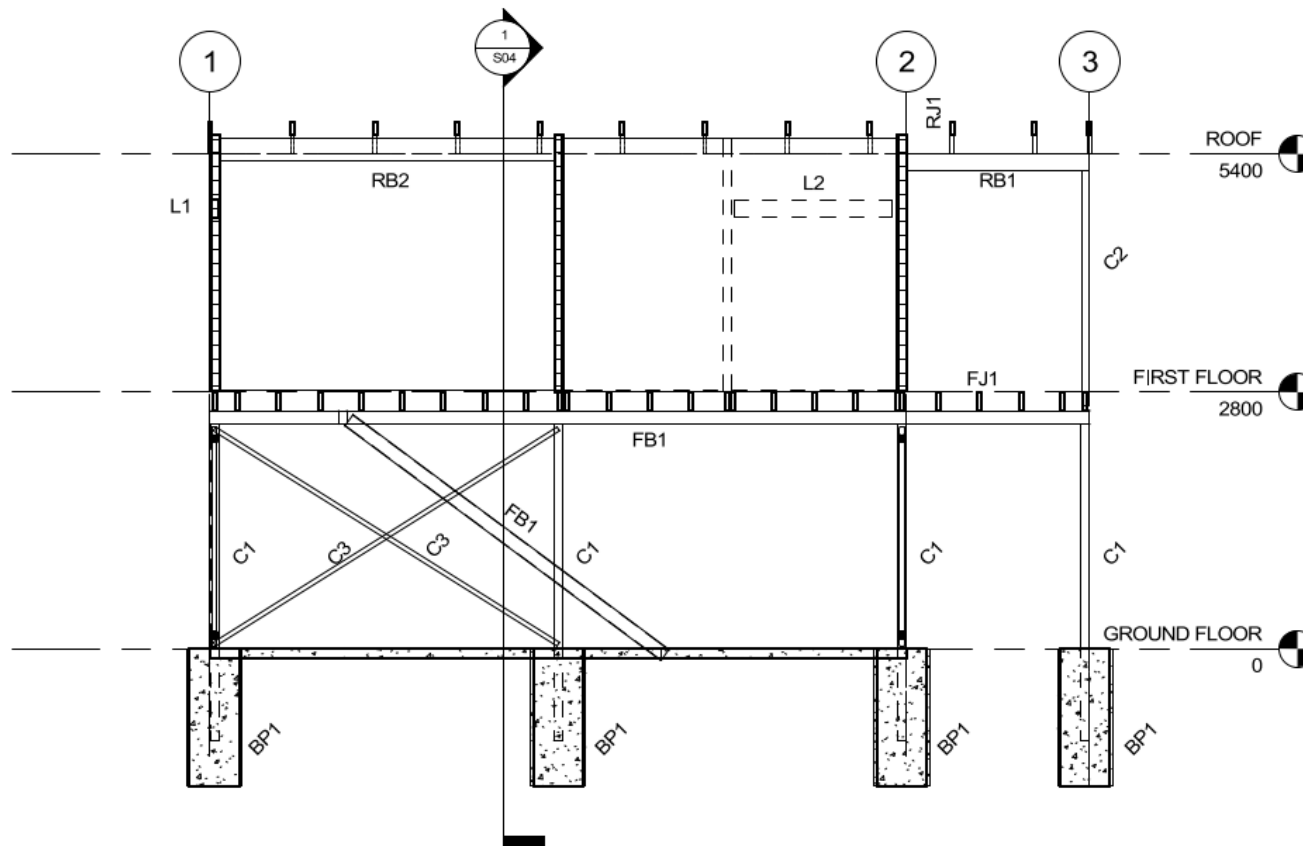
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## SECTIONS 1

Date	25/10/2021	Project	TMI21002-3
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A3 Scale	1 : 50		

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Registered Professional Engineer 699704  
 Mr Sean F. Edwards  
 MBE Aust CP Eng (Civil/Structural)  
 RPEQ No 6138  
 NT-BP9CE: 26906ES  
 RBP (V) 10/21 CG37110  
 Signature: *[Signature]* Date: 25/10/21  
 Registered Professional Engineer in the  
 special division of Civil / Structural

# 1 SECTION 2 1 : 50

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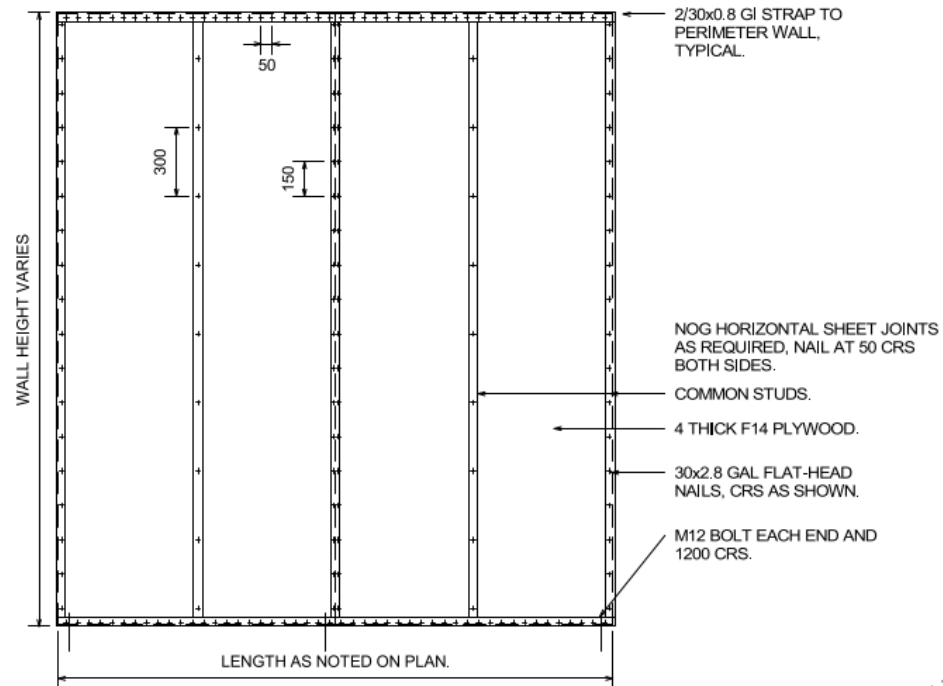
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## SECTIONS 2

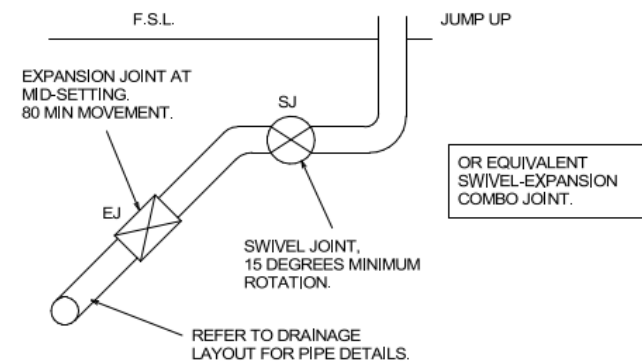
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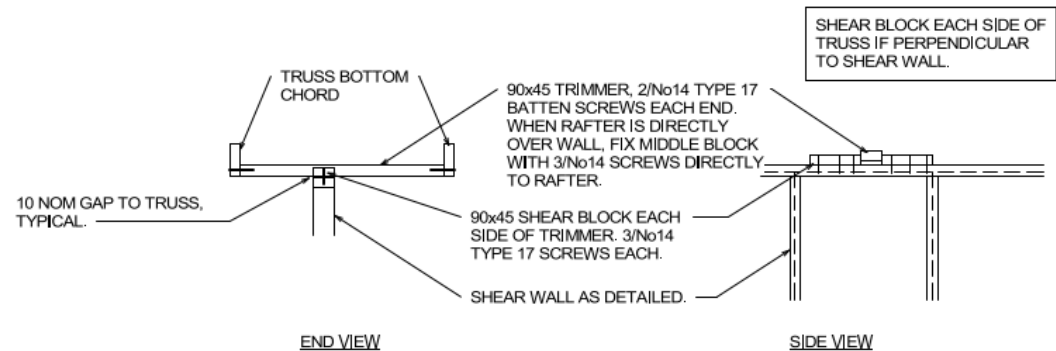


1 BRACING WALLS  
1 : 20

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Mr Sean F. Edwards  
MIE Aust CP Eng (Civil/Structural)  
RPEQ No 6138  
NT-BP/ICE 200665  
RBP (VW) EC37110  
Signature: *[Signature]* Date: 25/10/21  
Registered Professional Engineer in the  
State of practice of Civil / Structural



3 ARTICULATION DETAILS  
1 : 20



2 SHEARWALL BLOCKING  
1 : 20

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No.	Description	Date
A	CONSTRUCTION	25/10/2021

1387 MOSSMAN  
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## DETAILS

Date	25/10/2021	Project	TMI21002-3
Drawn by	RWM	Sheet	S06
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## 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 10 November 2021 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;
  - 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

Through the conditions of the approval the 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) 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.