

31 October 2019

Enquiries: Daniel Lamond
Our Ref: MCUC 2019_3278/1 (926225)
Your Ref:

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

S J Read & T J Read
C/- Patrick Clifton, GMA Certification
PO Box 831
PORT DOUGLAS QLD 4877

Email: adminpd@gmacert.com.au or

Dear Sir/Madam

**Development Application for Material Change of Use (Dwelling House)
At Cape Tribulation Road COW BAY
On Land Described as LOT: 338 RP: 738178**

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

Please quote Council's application number: MCUC 2019_3278/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully

Paul Hoye
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: S J Read & T J Read
Postal Address: C/- Patrick Clifton, GMA Certification
PO Box 831
PORT DOUGLAS QLD 4877
Email: adminpd@gmacert.com.au or

Property Details

Street Address: Cape Tribulation Road COW BAY
Real Property Description: LOT: 338 RP: 738178
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit- Material Change of Use (Dwelling House).

Decision

Date of Decision: 31 October 2019
Decision Details: Approved (subject to conditions)

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

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
Site Plan	WD00, Rev P3 prepared by Robert F Colefax	30 August 2019
Floor Plan and Roof Plan	WD01, Rev P3 prepared by Robert F Colefax	30 August 2019
Elevations	WD02, Rev P3 prepared by Robert F Colefax	30 August 2019

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - 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.

On-Site Effluent Disposal

3. 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.

Vegetation Clearing

4. Existing vegetation on the subject land must be retained in all areas which are not made accepted development for operational works. Any further clearing outside the accepted development provisions requires an Operational Works development approval.

Sediment and Erosion Control

5. Provide sediment and erosion control measures to stop prescribed contaminants entering the water course at the Western end of the allotment during the construction process.

Landscaping

6. Provide a Landscape buffer of dense planting with a seven (7) metre thickness along the boundary adjoining lot 337 on RP738178 for the areas where a vegetation buffer does not exist along the boundary. Species for planting are to be endorsed by the Chief Executive Officer prior to planting, with all plantings in place prior to commencement of use.

Site Plan

7. Provide an amended site plan detailing;
 - a. the extent of existing vegetation and clearing on site;
 - b. the top of bank of the creek at the western end of the site;
 - c. the setback distances for the proposed house from the top of creek bank and allotment boundaries;
 - d. the access driveway.

The amended site plan is to be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

House Siting

8. The house must not be sited any closer than ten (10) metres from the top of the creek bank at the Western end of the allotment.

ADVICE NOTES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
2. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.
3. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. 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

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 out in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

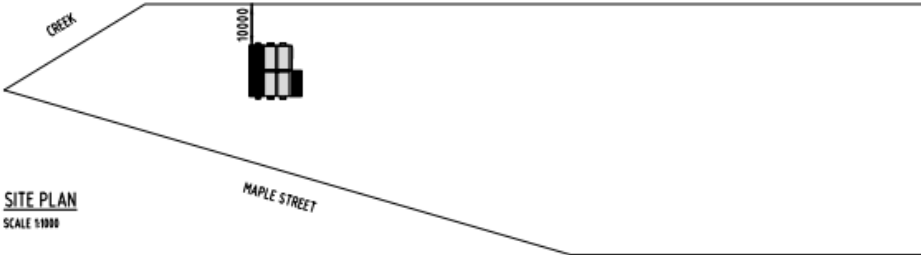
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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 are attached.

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



SITE PLAN
SCALE 1:1000

GENERAL NOTES

ALL CONTRACTORS SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO HAVE PREFERENCE OVER SCALED DIMENSIONS.

FIGURED DIMENSIONS TO HAVE PREFERENCE OVER SCALED DIMENSIONS.

ALL CONSTRUCTION & WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AUST. STANDARDS, THE NATIONAL CONSTRUCTION CODE (NCC) AND LOCAL COUNCIL REQUIREMENTS.

PROVIDE SMOKE ALARMS IN COMPLIANCE WITH AS3786, TO BE CONNECTED TO CONSUMER MAINS SMOKE ALARMS ARE ALSO TO BE INTERCONNECTED AS PER NCC PAR 3.7.2.2.

ALL PRIMARY BUILDING ELEMENTS TO BE TERMITE RESISTANT.

ALL GLAZING INCLUDING SHOWER DOORS & SCREENS TO COMPLY WITH AS1288.

MASONRY BLOCKWORK CONSTRUCTION TO AS3300.

SITE PLAN

- EXCAVATE FOOTINGS TO THE REQUIRED SIZES AND DEPTHS. CONFIRM THAT BEARING CAPACITY IS ADEQUATE.
- PROVIDE EVEN PLAN BEARING SURFACES FOR FOOTINGS STEPPED TO ACCOMMODATE CHANGES IN LEVELS. MAKE STEPS IN APPROPRIATE COURSES FOR BLOCKWORK.
- INSTALL APPROVED SOIL EROSION BARRIERS AROUND SITE IN ACCORDANCE WITH E.P.A. AND LOCAL AUTHORITY REQUIREMENTS.

STORM WATER NOTES

- DOWNPIPES TO DISCHARGE TO REAR EASEMENT WITH COUNCIL APPROVAL.
- ENSURE STORMWATER RUNOFF IS DIRECTED AWAY FROM RESIDENCE AND ADJOINING PROPERTIES.
- DOWNPIPE LOCATIONS TO VERIFIED ON SITE BY LICENSED PLUMBER IN ACCORDANCE WITH PART 3.5.2. B.C.A. REQUIREMENTS.

WET AREAS NOTE:

THE WALL / FLOOR JUNCTION OF THE ENTIRE ROOM ARE TO BE WATERPROOFED.

THE FLASHING THROUGH THE WALL / FLOOR JUNCTION IS TO CONTINUE THROUGH THE DOORWAY OPENING.

INSTALL A WET STOP ANGLE AT WET AREA DOORWAYS.

FALL FLOOR TO FLOOR WASTE.

CARRY OUT WATERPROOFING TO AS3740.

DRAINAGE NOTES

- THE DRAINAGE LAYOUT SHOWN IS INDICATIVE ONLY. ALL WORK SHALL BE CARRIED OUT BY A LICENSED PLUMBER.
- PLUMBER TO CONFIRM EXISTING PLUMBING & VENTING ON SITE.
- ALL NEW WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE PLUMBING & DRAINAGE ACT 2002, CAIRNS CITY REGULATIONS AND OTHER RELEVANT AUSTRALIAN STANDARDS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING SURFACE & INVERT LEVELS PRIOR TO CONSTRUCTION.
- ALL DRAINAGE SHALL BE 100mm UPVC AT MIN. GRADE OF 1:60.
- TERMINATE VENT PIPES IF REQUIRED IN ACCORDANCE WITH AS3500.

SMOKE ALARM NOTES

- BE PHOTOELECTRIC (AS 3786-2014) AND
- NOT ALSO CONTAIN AN IONISATION SENSOR, AND
- BE HARDWIRED TO THE MAINS POWER SUPPLY WITH A SECONDARY POWER SOURCE (I.E. BATTERY); AND
- BE INTERCONNECTED WITH EVERY OTHER SMOKE ALARM IN THE DWELLING SO ALL ACTIVATE TOGETHER.

SMOKE ALARMS MUST BE INSTALLED ON EACH STOREY:

- IN EACH BEDROOM, AND
- IN HALLWAYS WHICH CONNECT BEDROOMS AND THE REST OF THE DWELLING; OR
- IF THERE IS NO HALLWAY, BETWEEN THE BEDROOMS AND OTHER PARTS OF THE STOREY; AND
- IF THERE ARE NO BEDROOMS ON A STOREY AT LEAST ONE SMOKE ALARM MUST BE INSTALLED IN THE MOST LIKELY PATH OF TRAVEL TO EXIT THE DWELLING.

ELECTRICAL NOTES

ALL ELECTRICAL WIRING & ELECTRICAL INSTALLATIONS ARE TO COMPLY WITH AS/NZS3000:2007 WIRING RULES. EXHAUST FANS & RANGEHOODS ARE TO BE VENTED DIRECTLY OUTSIDE & NOT INTO THE ROOF CAVITY.

NOTE: CEILING FANS TO BE INSTALLED SUCH THAT THE UNDERSIDE OF THE BLADES ARE AT 2400mm ABOVE FFL.

ALL ELECTRICAL WORK SHALL BE CARRIED OUT BY A LICENSED ELECTRICAL CONTRACTOR IN ACCORDANCE WITH AS 3000. ALL LIGHTING AND SWITCHES IN TYPE AND LOCATION TO BE CONFIRMED WITH OWNER UNLESS SHOWN OTHERWISE.

REQUIREMENTS FOR SUSTAINABLE BUILDINGS ACCEPTABLE SOLUTIONS:

TAPWARE:

SHOWER ROSES TO BE AAA RATING WHEN ASSESSED AGAINST AS/NZ 6400:2004 OR A 3 STAR RATING UNDER THE WATER EFFICIENCY LABELLING SCHEME (MELS).

MINIMUM 3 STAR WATER EFFICIENCY LABELLING AND STANDARDS RATING FOR

TAPS SERVING: LAUNDRY TUBS, KITCHEN SINKS AND BASINS

WATER SUPPLY:

IN A SERVICE AREA FOR RETAIL WATER SERVICE UNDER THE WATER ACT 2000, THE WATER SUPPLIED TO A NEW CLASS 1 BUILDING DOES NOT EXCEED PRESSURE LEVELS SET OUT IN AS/NZ 3550.1:2003 AND IF THE MAIN WATER PRESSURE EXCEEDS OR COULD EXCEED 500 Kpa, A WATER PRESSURE LIMITING DEVICE IS INSTALLED TO ENSURE THAT THE MAXIMUM OPERATING PRESSURE AT THE OUTLET WITHIN THE BOUNDARIES OF THE PROPERTY DOES NOT EXCEED 500 Kpa.

VOLUME OF WATER USED IN TOILET:

TOILET CISTERNS TO HAVE DUAL FLUSH CAPABILITY AND HAVE A MINIMUM 4 STAR WATER LABELLING AND STANDARDS RATING.

ENERGY EFFICIENT LIGHTING:

A MINIMUM OF 80% OF ALL INTERNAL FIXED LIGHTING MUST BE ENERGY EFFICIENT LIGHTING.


WINDOW/DOOR HARDWARE NOTES & FIXING

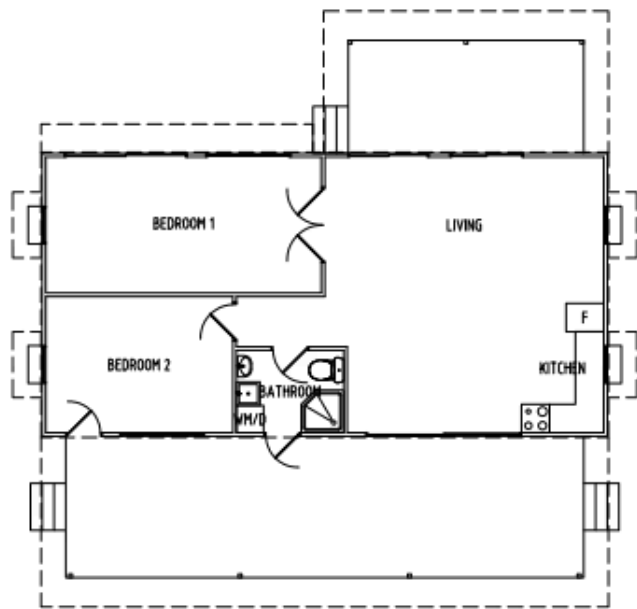
PROVIDE HARDWARE OF SUFFICIENT STRENGTH AND QUALITY TO PERFORM ITS FUNCTION, APPROPRIATE TO THE INTENDED CONDITIONS OF USE, SUITABLE FOR USE WITH ASSOCIATED HARDWARE AND FABRICATED WITH FIXED PARTS FIRMLY JOINED.

ENSURE WORKING PARTS ARE ACCURATELY FITTED TO SMOOTH CLOSE BEARINGS, WITHOUT BINDING OR STICKING, FREE FROM RATTLE OR EXCESSIVE PLAY, LUBRICATED WHERE APPROPRIATE.

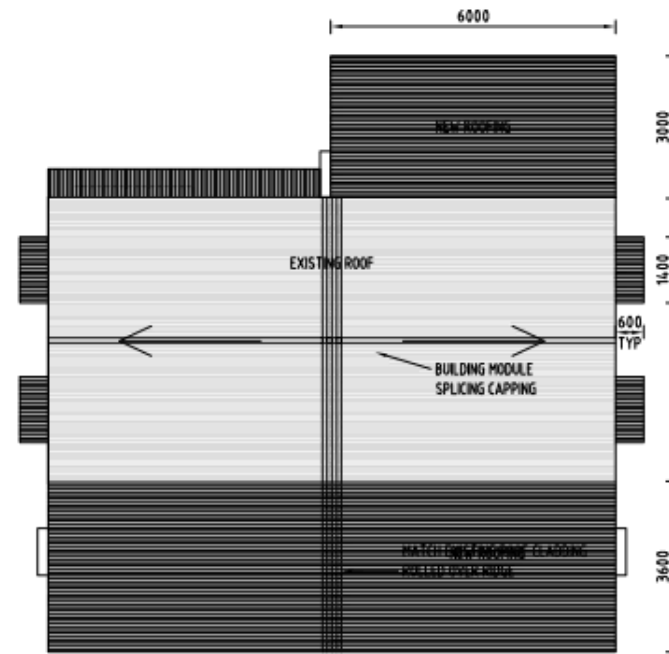
INSTALL BUTT HINGES IN DOOR SETS IN HOUSINGS EQUAL IN DEPTH TO THE THICKNESS OF THE HINGE LEAF (EXCEPT FOR HINGES DESIGNED FOR MOUNTING WITHOUT HOUSING), AND FIX WITH COUNTERSUNK SCREWS.

INSTALL DOOR STOPS BY FIXING ON FLOOR OR ON THE SKIRTING, AS APPROPRIATE, TO PREVENT THE DOOR FURNITURE STRIKING THE WALL OR OTHER SURFACE.

REV	DESCRIPTION	DATE	CONSULTING ENGINEER		PROJECT:	PROPOSED DWELLING at: LOT 336 MAPLE STREET, COWBAY	SCALE:	AS NOTED	APPROVED:
			ROBERT F COLEFAX	TROY READ					
			LOT 10 / 48 MASONIS RD KILBEANDA, 4801	PHONE: 07 4893718 MOBILE: 9489 402 970	<small>THIS DRAWING IS COPYRIGHT AND MUST NOT BE COPIED OR USED WITHOUT MY AUTHORITY. DO NOT SCALE FROM THIS DRAWING. THE CONTRACTORS ARE TO VERIFY ALL DIMENSIONS BEFORE MAKING SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO BRING TO THE NOTICE OF THE DESIGNER ANY DISCREPANCIES PRIOR TO COMMENCING RELATED WORK.</small>				
P3	ISSUED FOR REVIEW	30/06/2019	rbk@colfax.net	RPEQ-993		SITE PLAN			
						 ELEVATIONS			
							A3 TITLE		
							PROJECT NO: 19062	DS1 NO: W000	REV: P3



FLOOR PLAN
SCALE 1:100



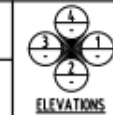
ROOF PLAN
SCALE 1:100

REV	DESCRIPTION	DATE
P3	ISSUED FOR REVIEW	30/08/2019

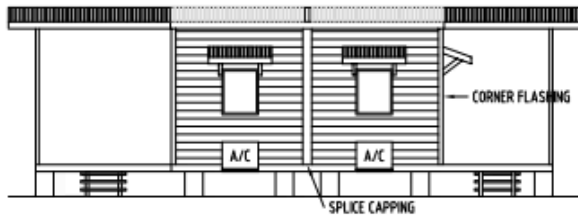
ROBERT F COLEFAX CONSULTING ENGINEER
 LOT 10 / 48 MASONS RD KURAJINDA, 4001
 PHONE: 07 48938718 MOBILE: 0489 402 970
 rfc@coifax.net RPEQ: 993

TROY READ
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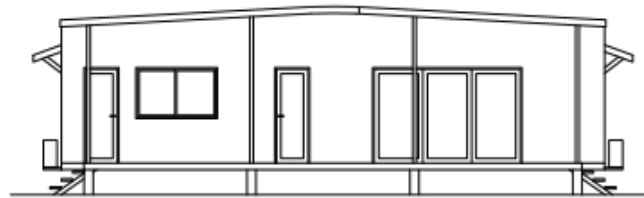
PROJECT: PROPOSED DWELLING @ LOT 338 MAPLE STREET, COWBAY
 TITLE: FLOOR PLAN & ROOF PLAN



SCALE: AS NOTED
A3 TITLE
 PROJECT NO: 19062
 DGI NO: W001 REV: P3



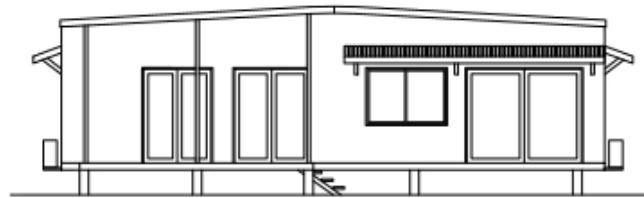
ELEVATION 1
1:100



ELEVATION 2
1:100



ELEVATION 3
1:100



ELEVATION 4
1:100

REV	DESCRIPTION	DATE	ROBERT F COLEFAX CONSULTING ENGINEER LOT 10 / 48 MASONS RD KIRANDRA, 4881 PHONE: 07 48938718 MOBILE: 0409 482 970 rob@cofax.net RPED: 993		TROY READ <small>THIS DRAWING IS COPYRIGHT AND MUST NOT BE COPIED OR USED WITHOUT MY AUTHORITY. DO NOT SCALE FROM THIS DRAWING. THE CONTRACTORS ARE TO VERIFY ALL DIMENSIONS BEFORE MAKING SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO BRING TO THE NOTICE OF THE DESIGNER ANY DISCREPANCIES PRIOR TO COMMENCING RELATED WORK.</small>	PROJECT: PROPOSED DWELLING at: LOT 338 MAPLE STREET, COWBAY TITLE: ELEVATIONS		SCALE: AS NOTED A3 TITLE PROJECT NO: 19062	APPROVED: DGT NO: WD02 REF: P3
P3	ISSUED FOR REVIEW	30/08/2019							

Reasons for Decision

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a) to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b) 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 July 2019 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 Conservation 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.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment

[s 74]

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.

Extracts from the Planning Act 2016 – Appeal Rights

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.
- (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, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.