

31 January 2025

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2024_5675/1 (Doc ID1272711)
Your Ref: WP23 036 JAB DA01

Jabalbina Yalanji Aboriginal Corporation RNTBC
C/- wildPLAN Pty Ltd
PO Box 8028
CAIRNS QLD 4870

Email: dominic@wildplan.com.au

Attention Mr Dominic Hammersley

Dear Sir

**Development Application for Material Change of Use (Impact Assessment) for an
Undefined Use (Administration and Works Depot with Ancillary Ranger Accommodation)
At 51 Pringle Street Mossman, on Land Described as Lot 1 on RP732161**

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

Please quote Council's application number: MCUI 2024_5675/1 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



Neil Beck
A/ Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - 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: Jabalbina Yalanji Aboriginal Corporation RNTBC

Postal Address: C/- wildPLAN Pty Ltd
PO Box 8028
Cairns Qld 4870.

Email: dominic@wildplan.com.au

Property Details

Street Address: 51 Pringle Street, Mossman.

Real Property Description: Lot 1 on RP732161.

Local Government Area: Douglas Shire Council.

Details of Proposed Development

Development Permit for Material Change of Use (Impact Assessment) for an Undefined Use (Administration and Works Depot with Ancillary Ranger Accommodation).

Decision

Date of Decision: 31 January 2025.

Decision Details: Approved (subject to conditions).

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

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

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

| Drawing or Document | Reference | Date |
|---------------------|---|--------------|
| Cover Sheet | Indij Design, Project 2223-140, Drawing A100. | July 2024 |
| Site Layout | Indij Design, Project 2223-140, Drawing A201. | 22 July 2024 |
| Planning Overlays | Indij Design, Project 2223-140, Drawing A202. | July 2024 |
| Office Details | Indij Design, Project 2223-140, Drawing A203. | July 2024 |

| Drawing or Document | Reference | Date |
|---------------------|---|-----------|
| Cabin Details | Indij Design, Project 2223-140, Drawing A204. | July 2024 |
| Communal Kitchen | Indij Design, Project 2223-140, Drawing A205. | July 2024 |
| Minor Building | Indij Design, Project 2223-140, Drawing A206. | July 2024 |
| Landscape Plan | Indij Design, Project 2223-140, Drawing A207. | July 2024 |
| Elevations | Indij Design, Project 2223-140, Drawing A301. | July 2024 |
| 3D Images | Indij Design, Project 2223-140, Drawing A901. | July 2024 |
| Site Photos | Indij Design, Project 2223-140, Drawing A902. | July 2024 |

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

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 Commencement of Use, except where specified otherwise in these conditions of approval.

Land Use

3. The use of the accommodation is only for the temporary provision for employees, and their families, associated with the Ranger Station Program and ancillary uses (office, vehicle maintenance) occurring on the land. No long-term or permanent accommodation is to be provided.

A manager or their representative / employee must be available at all times for persons while they are temporarily accommodated on the land.

Fire Pit

4. Use of the fire pit is limited to traditional smoking ceremonies and traditional cooking practices. Any such use must meet the Council's Local Law requirements and must not cause an environmental nuisance.

Hours of Use

5. Other than the temporary occupation of the approved cabins for visiting employees and affiliated Rangers / Trainees and associated activities, operating vehicles associated with use, including the loading and unloading of vehicles, machinery, plant equipment and materials must not occur:
 - a. before 6.30 am or after 6:00 pm Monday to Friday;
 - b. before 6.30 am or after 1:00 pm Saturdays; or
 - c. on Sundays or Public Holidays.

Unless otherwise authorised by the Chief Executive Officer for specific projects over limited periods.

Water Supply and Sewerage Works

6. The development must maintain a single internal sewer connection and a single water connection.

The applicant must provide a report assessing the water supply and sewerage works external to the site identifying the existing water supply and sewerage infrastructure and:

- a. Include any augmentation of the existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties; and
- b. Include any augmentation of the existing sewers downstream of the site, to the extent required to accommodate the increased flows generated by the development.

The report is to be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Where augmentation is necessary the applicant must undertake the external work prior to the commencement of use. Any required external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

On site Vehicle Parking

7. The development must provide a minimum of twenty-five (25) car parking spaces including one disability driver car parking space. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street carparking 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.

Wheel stops are to be provided to car parking spaces.

Sufficient line marking is to be provided to direct pedestrian traffic from the parking area at the premises entry to the front office door.

Provide four (4) secured, on-site bicycle parking in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles.

The onsite parking must be provided prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief Executive Officer.

Wash Down Bay

8. The wash down for the boat shed must be bunded and the waste be connected to sewer.

This area must be used for vehicle washdown unless a separate, bunded and covered vehicle wash down bay is provided.

External Lighting

9. All outdoor lighting must be designed, installed, operated and maintained to comply with the requirements of the Australian Standard AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

Landscaping Plan

10. Submit a Landscape Plan detailing updated landscaping to existing beds including new fencing (standard height of 1.8m) to the adjacent residential properties. The landscape plan must detail:
 - a. Hardy species that have regard to Council's Planning Scheme Policy No.7 Landscaping;

- b. Species that provide an attractive entry to compliment the car parking area off Pringle Street;
- c. Landscaped areas adjoining the parking areas and driveways must be protected by a 150 mm high vertical concrete kerb or similar obstruction; and
- c. Inclusion of new acoustic timber fencing to the northern and eastern boundaries of the site.

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.

The land is to be maintained free of declared pest plants. Declared pest plants include locally declared and State declared pest plants.

Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Roofed Rubbish Bin Area

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

Fuel storage

- 12. All fuels must be stored in an undercover and secure location at all times.

All fuel storage must be secured and bunded and comply with AS1940:2017 Storage and Handling of Flammable and Combustible Materials.

Fuel storage in excess of 10,000 litres is not permitted on the site.

Contaminants

- 13. All reasonable and practicable measures must be taken to prevent pollution to the existing open drains, waterways or drainage lines, as a result of silt and sediment run-off from the storage of raw materials, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged or in-directly released to any watercourses or stormwater systems.

Disposal of Garden Waste and Other Waste

- 14. The incineration of garden waste and other waste is not permitted at the development site. All waste must be disposed of in a lawful manner.

Storage of Raw Materials

- 15. All bulk materials held on the site must be contained with the bunded concreted bin areas to the satisfaction of the Chief Executive Officer.

Fire Management

- 16. Mulch kept at the premises must be:
 - a. Limited to the existing storage bays;
 - b. Must be broken-up, turned and sufficiently watered to prevent self-combustion. Mulch must not be mechanically compacted; and
 - c. Provided with a hose connection to the water supply.

Off-Site Impacts.

- 17. Noise, odours or airborne particulates must not cause environmental nuisance to any sensitive receptor. In accordance with the Environmental Protection Act 1994, any emission of noise and dust from activities on site must ensure that the emissions are consistent with the Environmental Protection (Noise) Policy 2008 and the Environmental Protection (Air) Policy 2008.

The applicant is responsible for protecting nearby property owners from dust, noise and odour emissions arising from any activities and must comply with any lawful instruction from the Council if in the Chief Executive Officer's opinion a dust, noise or odour nuisance exists.

Storage of Machinery, Plant and Materials

18. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

All loading, unloading and vehicle maintenance must only occur on the land. These activities are not to be undertaken on the adjacent Pringle Street.

Lawful Point of Discharge

19. 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.

Details of Development Signage

20. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Construction Signage

21. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;
- b. Project Coordinator;
- c. Architect / Building Designer; and
- d. Builder;

Stockpiling and Transportation of Fill Material

22. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
- b. before 7:00 am or after 6:00 pm Monday to Friday;
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.

Damage to Council Infrastructure

23. 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.

Advice

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 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. The subject site is located within a pest quarantine area declared under section 4(1) of the Plant Protection (Electric Ant) Quarantine Notice 2006. The Plant Protection (Electric Ant) Quarantine Notice 2006 places restrictions on the movement of electric ants and “high risk items” within and out of the pest quarantine area and places certain obligations and restrictions on landowners within the quarantine area. For further information on the Plant Protection (Electric Ant) Quarantine Notice 2006 consult either the Department of Employment, Economic Development and Innovation (21-23 Redden Street, Cairns), Council’s Land Protection Unit or the following website: www.deedi.qld.gov.au
4. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements. In particular the applicant’s attention is directed to the following subordinate Local Law, that may change from time to time, for external fires.

Douglas Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2020.

Schedule 3 Prohibited Fires

Section 7(2)

| | Column 1 | Column 2 |
|---|--|--|
| | Applicable part of local government’s area | Prohibited fire |
| 1. | Entire local government area | <p>A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100 metres of a residence unless:</p> <ul style="list-style-type: none"> (a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking purposes; or (b) a Traditional Smoking Ceremony;² and (c) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke created by the fire. <p>In this section—</p> <p><i>reasonable and practical measures</i> include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promotes efficient combustion of the fuel.</p> <p><i>suitable fuel</i> does not include grass cuttings, leaves.</p> |
| 2. | Entire local government area | A person must not light or maintain a fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation, annoyance or distress to others. |
| <p>²<i>Traditional Smoking Ceremony</i> means a cultural or spiritual activity conducted by a Traditional Owner which usually involves the smouldering of native plants to produce smoke which is believed to have cleansing properties and the ability to ward off bad spirits.</p> | | |

5. Within the Douglas Shire some advertising devices are regulated by the Council's Planning Scheme and others are regulated by the Council's Local Laws. Prior to the display of advertising devices consideration is to be given to the Planning Scheme and the Local Laws and any necessary approval gained.
6. 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

7. 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 Operational Work – where necessary under the conditions of approval.

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 six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Properly Made Submissions

Kerrie vanderDonk 49 Pringle Street, Mossman Q 4873.

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*.

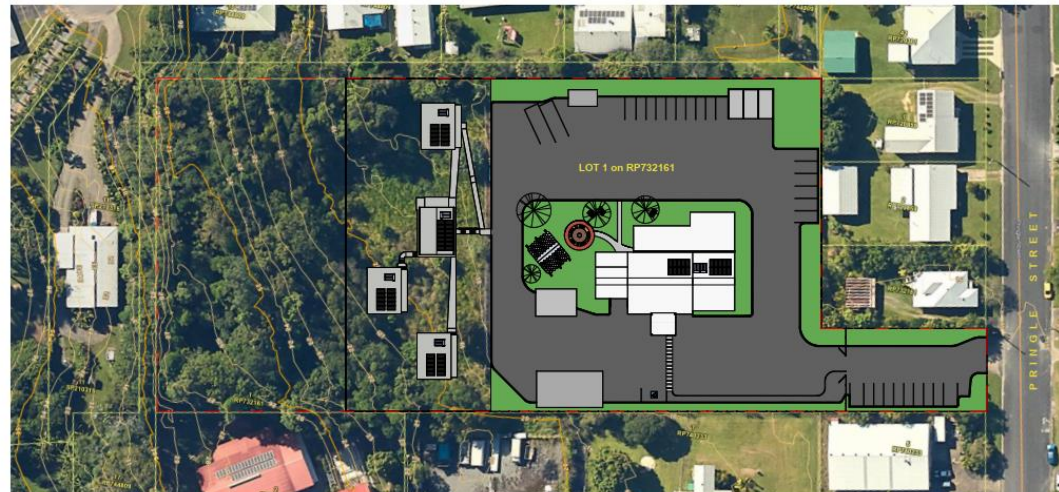
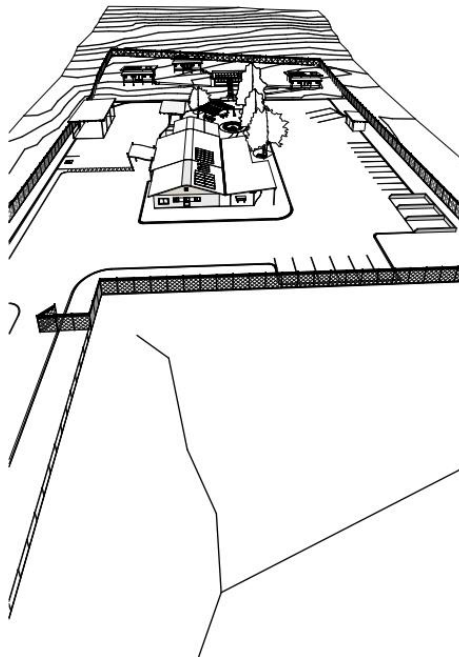
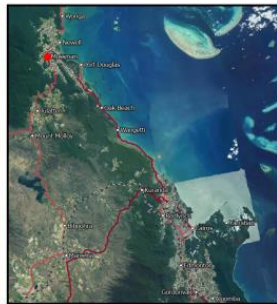
A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s) Note – The plans below will require amending in order to comply with conditions of this Decision Notice.

JABALBINA OFFICE PROJECT

51 PRINGLE ST, MOSSMAN
JABALBINA

| DRAWING LIST | | |
|--------------|-------------------|-----|
| DWG No. | DESCRIPTION | REV |
| A100 | COVER SHEET | |
| A201 | SITE LAYOUT | |
| A202 | PLANNING OVERLAYS | |
| A203 | OFFICE DETAILS | |
| A204 | CABIN DETAILS | |
| A205 | COMMUNAL KITCHEN | |
| A206 | MINOR BUILDINGS | |
| A207 | LANDSCAPE PLAN | |
| A301 | ELEVATIONS | |
| A901 | 3D IMAGES | |
| A902 | SITE PHOTOS | |



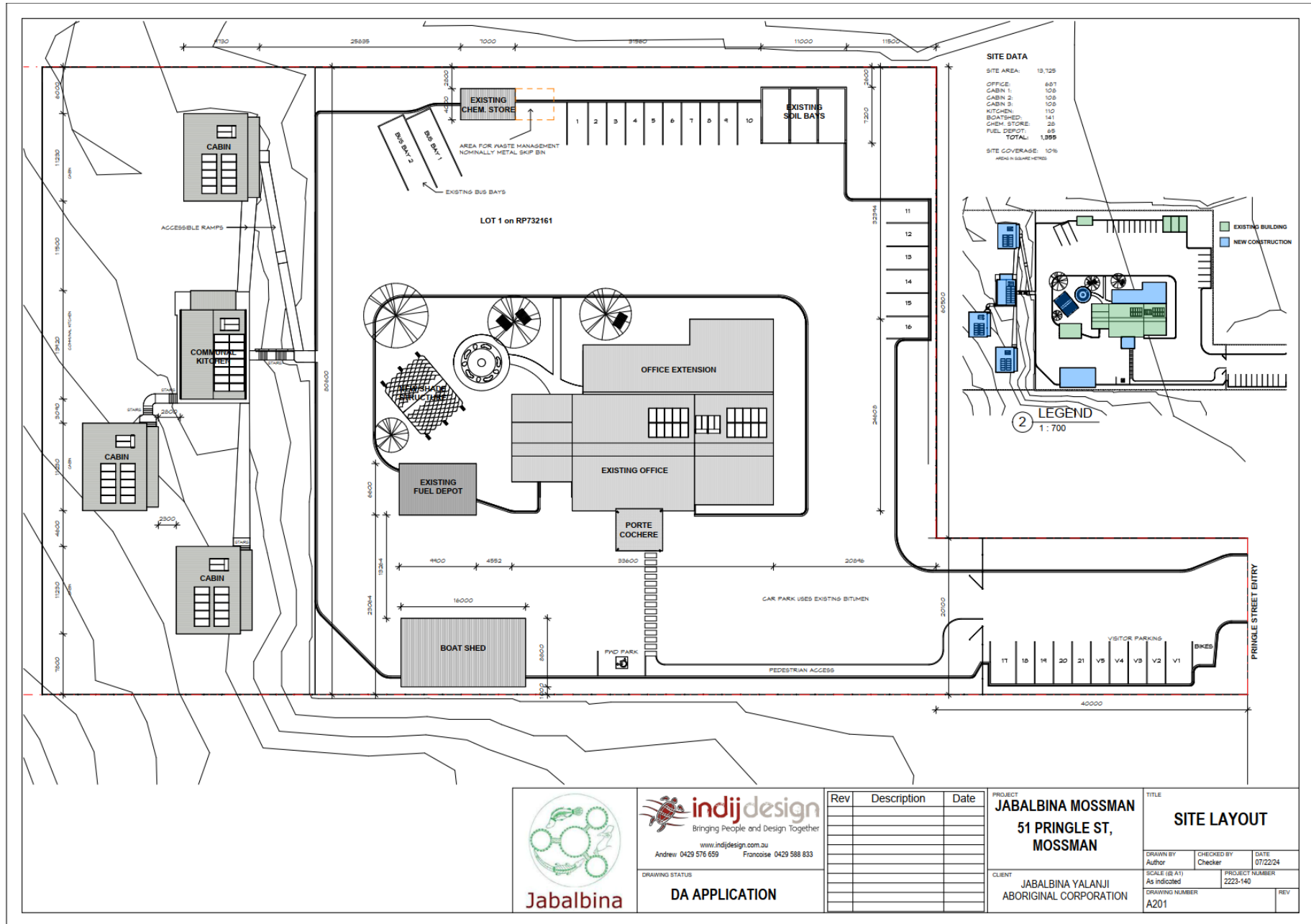
1 SITE
1 : 500

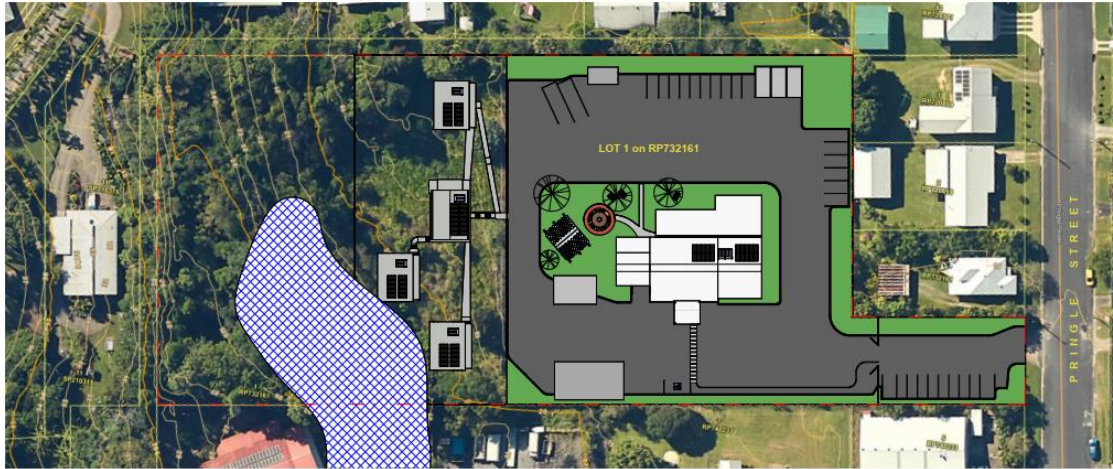
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| PROJECT | JABALBINA MOSSMAN |
| | 51 PRINGLE ST, MOSSMAN |
| CLIENT | JABALBINA YALANJI ABORIGINAL CORPORATION |

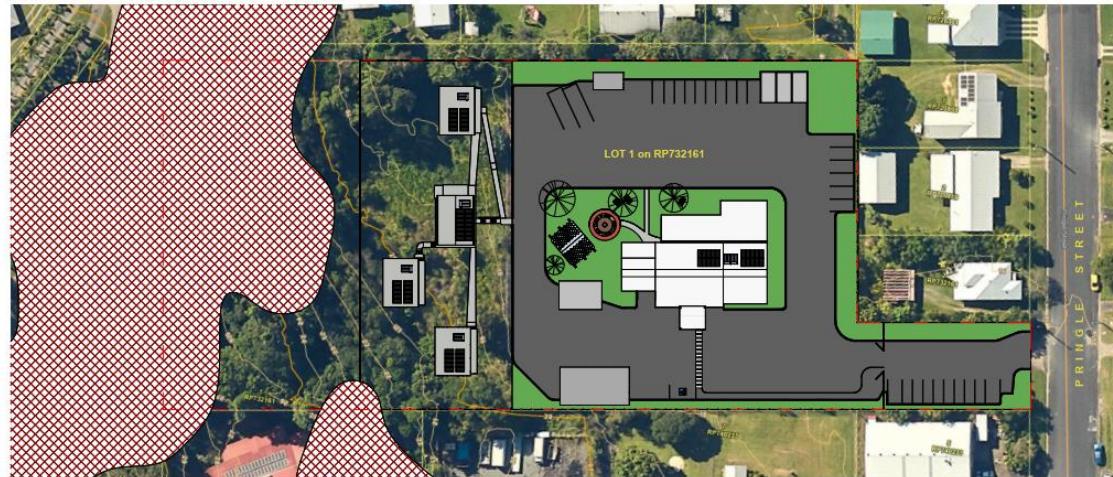
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| TITLE | | |
| COVER SHEET | | |
| DRAWN BY AL | CHECKED BY AL | DATE JUL 24 |
| SCALE (if A1) 1 : 500 | PROJECT NUMBER 2223-140 | |
| DRAWING NUMBER A100 | | P |

VEGETATION TO REAR OF PROPERTY NOT SHOWN FOR CLARITY





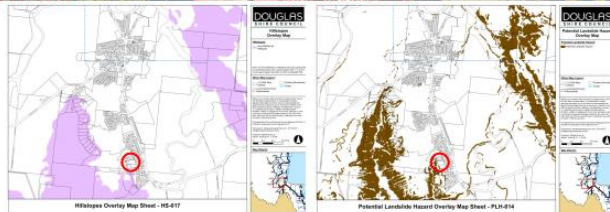
① HILLSLOPE OVERLAY
1 : 500



② LANDSLIDE OVERLAY
1 : 500



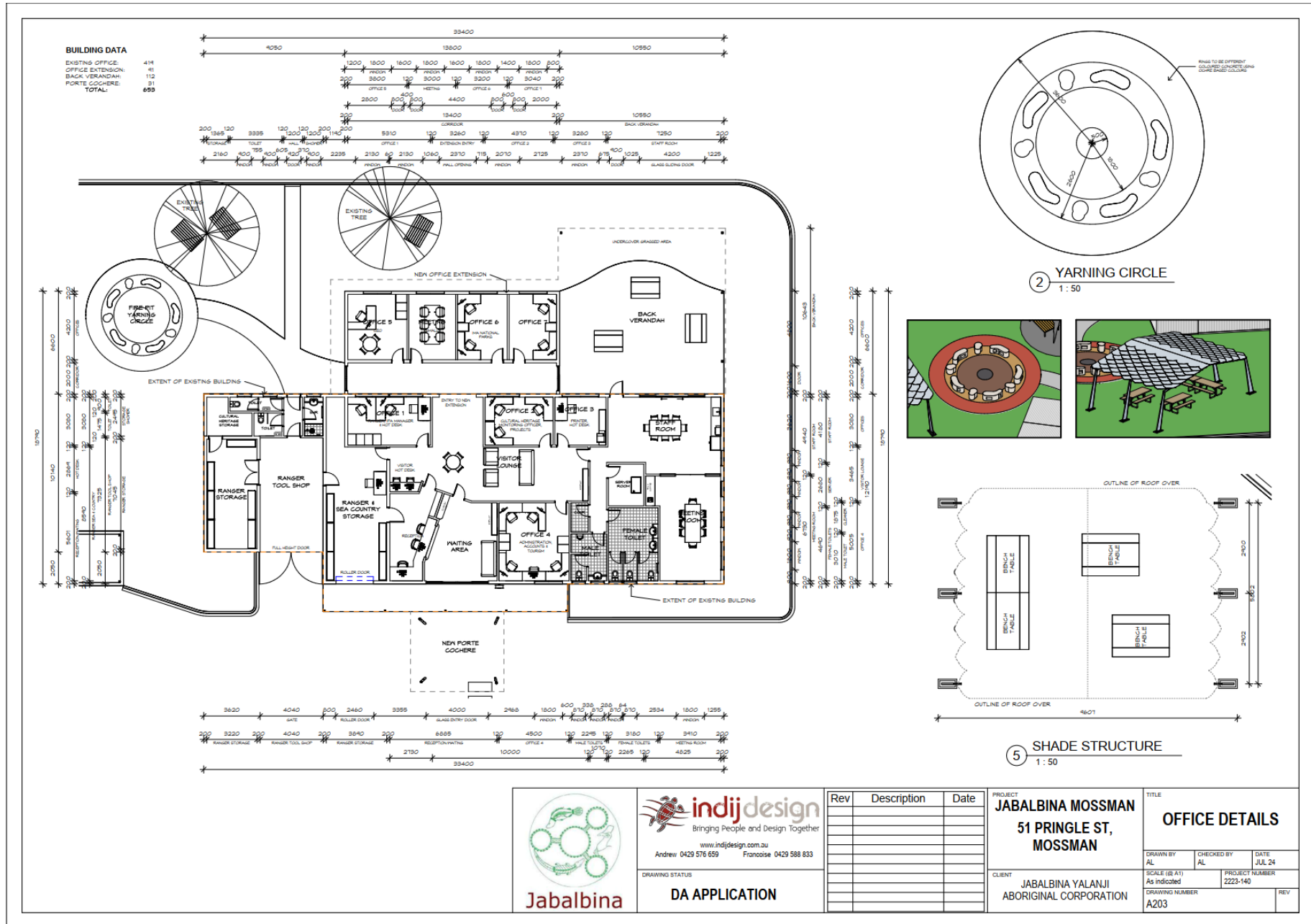
SITE PHOTOS OF REAR SLOPE WITH VEGETATION

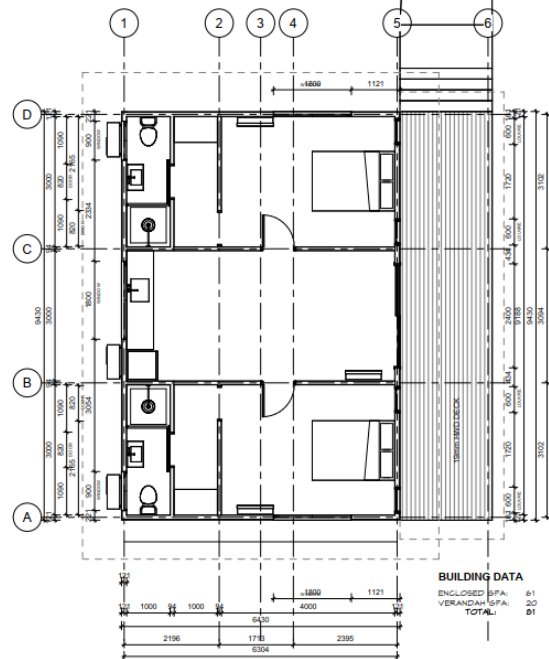


DRAWING STATUS
DA APPLICATION

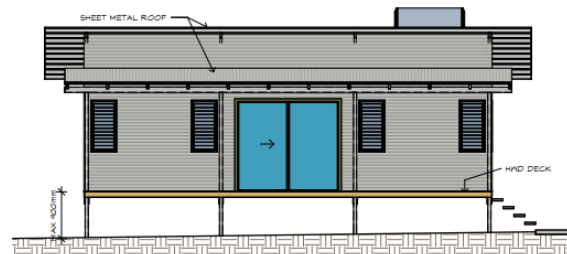
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| PROJECT JABALBINA MOSSMAN 51 PRINGLE ST, MOSSMAN | | TITLE PLANNING OVERLAYS | |
| CLIENT JABALBINA YALANJI ABORIGINAL CORPORATION | DRAWN BY AL | CHECKED BY AL | DATE JUL 24 |
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| | DRAWING NUMBER A202 | | REV |

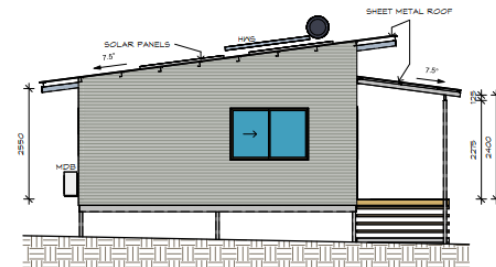




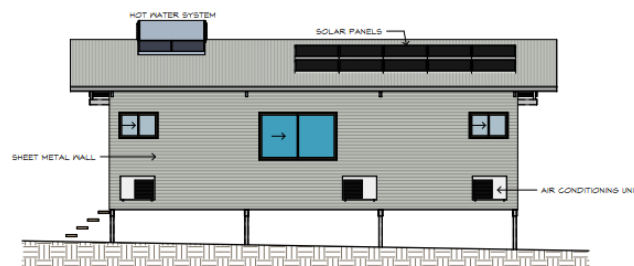
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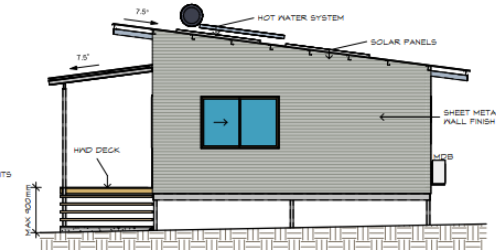
2 CABIN FRONT ELEV
1: 50



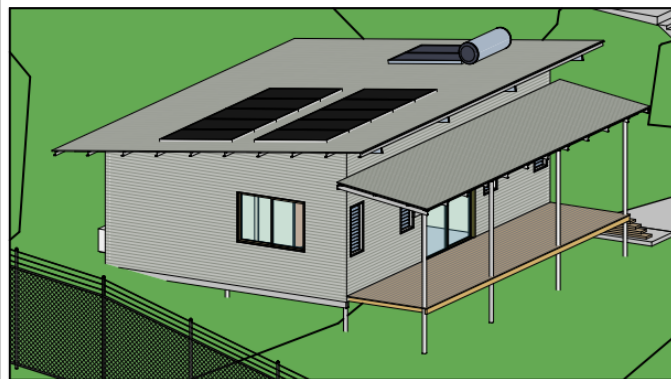
3 CABIN SOUTH ELEV
1: 50



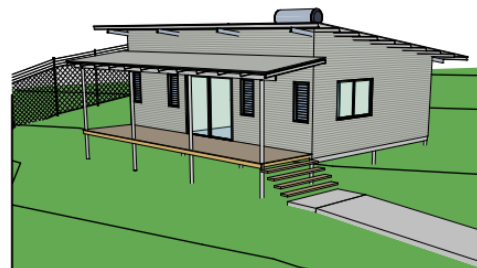
4 CABIN WEST ELEV
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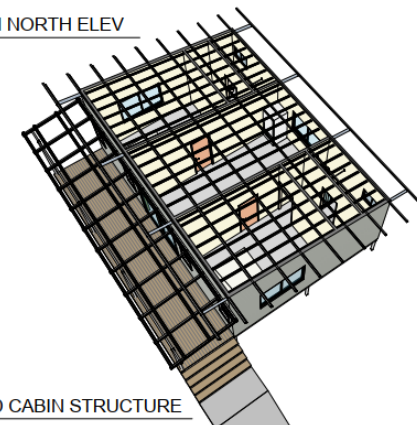
5 CABIN NORTH ELEV
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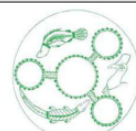
6 3D CABIN



7 CABIN PERSPECTIVE



8 3D CABIN STRUCTURE



Jabalbina

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Andrew 0429 576 659 Françoise 0429 588 833

DRAWING STATUS
DA APPLICATION

| Rev | Description | Date |
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PROJECT
JABALBINA MOSSMAN
51 PRINGLE ST,
MOSSMAN

CLIENT
JABALBINA YALANJJI
ABORIGINAL CORPORATION


TITLE
CABIN DETAILS

| DRAWN BY | CHECKED BY | DATE |
|----------------|----------------|--------|
| AL | AL | JUL 24 |
| SCALE (8 A1) | PROJECT NUMBER | |
| 1: 50 | 2223-140 | |
| DRAWING NUMBER | | REV |
| A204 | | |





Jabalbina



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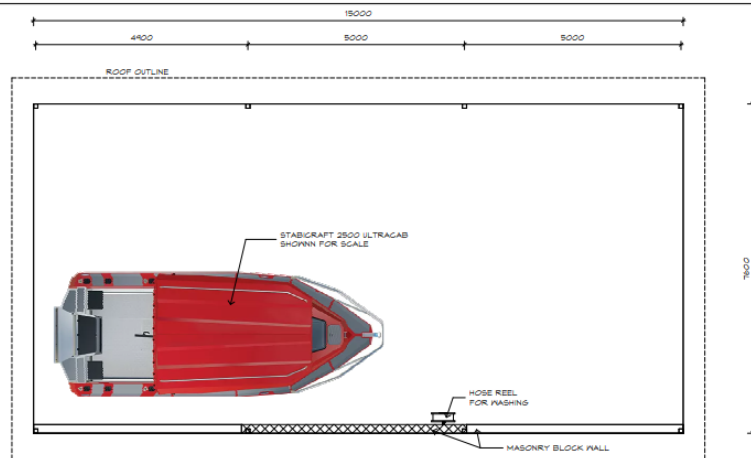
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PROJECT
JABALBINA MOSSMAN
51 PRINGLE ST,
MOSSMAN

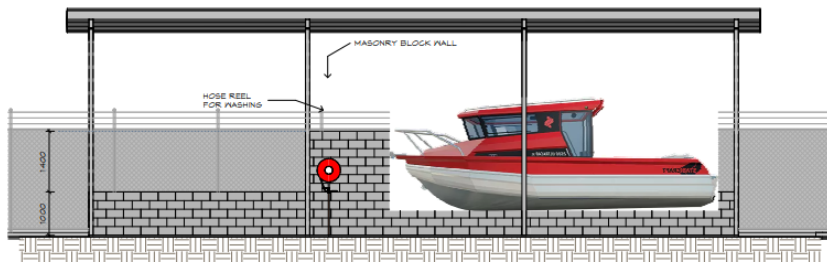
CLIENT
JABALBINA YALANJJI
ABORIGINAL CORPORATION

TITLE
COMMUNAL KITCHEN

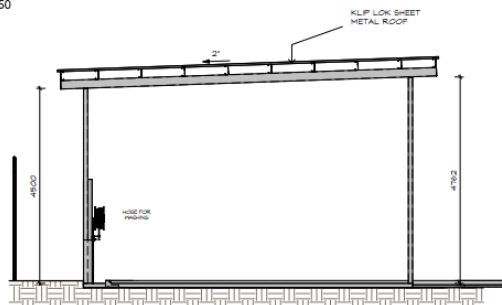
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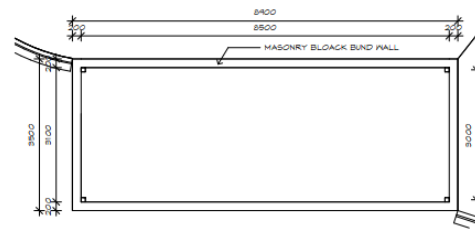
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1:50



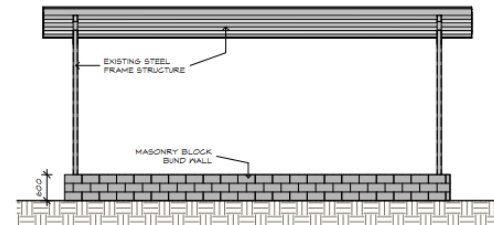
3 BOATSHED ELEV 2
1:50



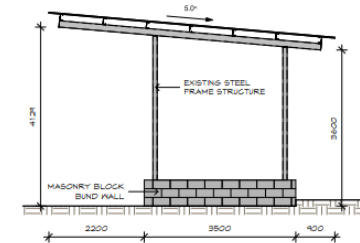
2 BOATSHED ELEV 1
1:50



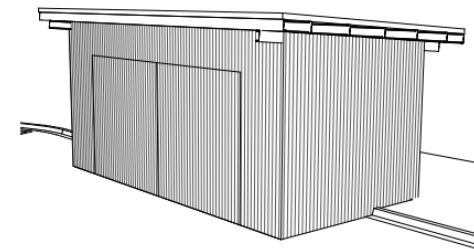
4 FUEL DEPOT PLAN
1:50



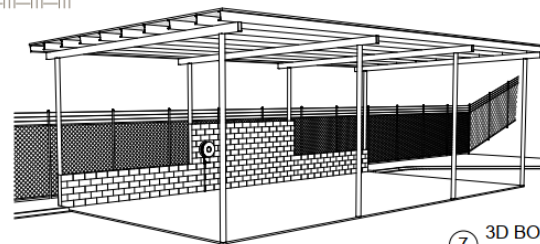
5 FUEL DEPOT ELEV 2
1:50





6 FUEL DEPOT ELEV 1
1:50

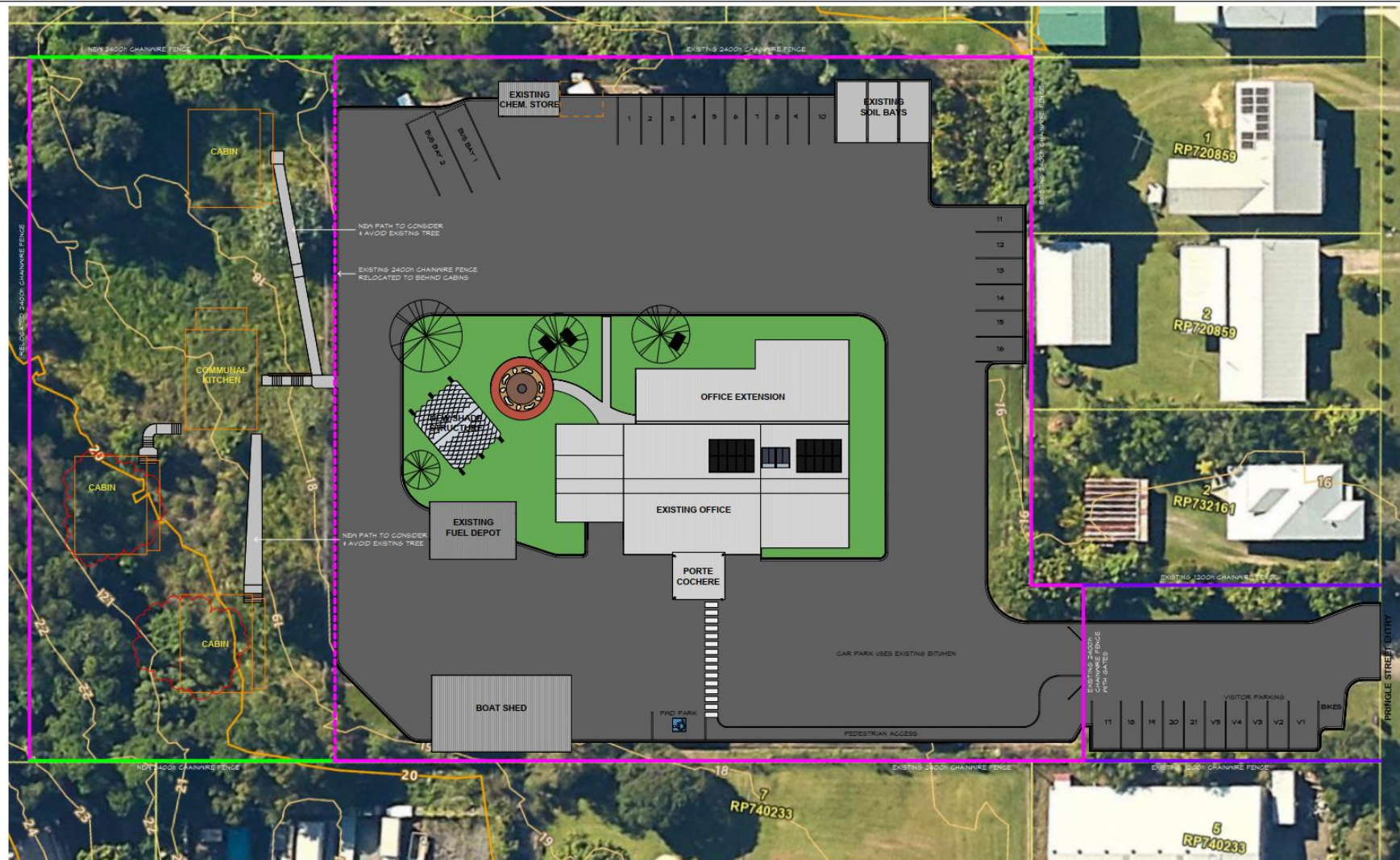


8 3D CHEMICAL STORE



7 3D BOATSHED

| | | | | | | |
|--|--|--|--|----------------------------|--|-----|
|  Jabalbina |  Bringing People and Design Together www.indijdesign.com.au Andrew 0429 576 659 Françoise 0429 588 833 | Rev Description Date | PROJECT JABALBINA MOSSMAN 51 PRINGLE ST, MOSSMAN | | TITLE MINOR BUILDINGS | |
| | | | CLIENT JABALBINA YALANJJI ABORIGINAL CORPORATION | | DRAWN BY AL SCALE (B1) 1:50 DRAWING NUMBER A206 | |
| DRAWING STATUS DA APPLICATION | | CHECKED BY AL DATE JUL 24 | | PROJECT NUMBER 2223-140 | | REV |



NOTES

- BOTTOM OF HILL HAS BEEN CLEARED FOR A SIGNIFICANT AMOUNT OF TIME AND DOES NOT APPEAR TO HAVE REMNANT FOREST (REFER PHOTOS DMS14023 (4) AND 2).
- CABINS LOCATED TO PROVIDE MINIMAL VEGETATION REMOVAL (SHOWN IN RED CLOUDS).
- EXISTING VEGETATION BEDS AROUND PERIMETER TO BE RENOVATED WITH FRESH VEGETATION.
- EXISTING FENCE TO BE USED. REAR FENCE TO BE DISMANTLED AND RELOCATED TO REAR OF CABINS.
- NEW FENCE TO EXTEND EXISTING FENCE ON NORTH AND SOUTH BOUNDARIES.
- PEDESTRIAN SAFE ZONE FROM FRONT CARPARKS TO OFFICE ENTRANCE. ZEBRA CROSSING TO BE INSTALLED ACROSS MAIN PART OF CARPARK.



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DRAWING STATUS

DA APPLICATION

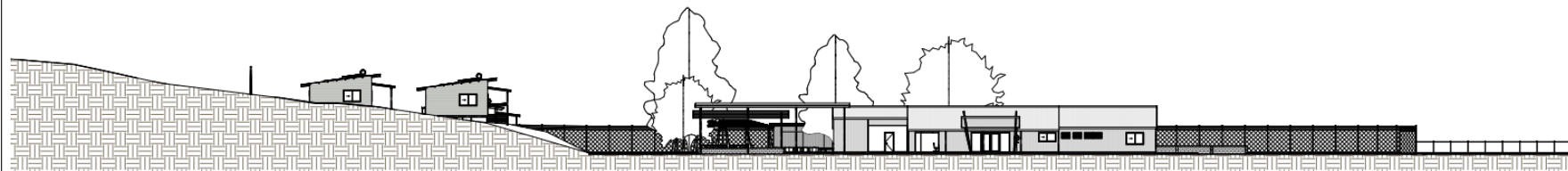
| Rev | Description | Date |
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| 1 | Vegetation Plan | 29 JUL 24 |
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PROJECT
JABALBINA MOSSMAN
51 PRINGLE ST,
MOSSMAN

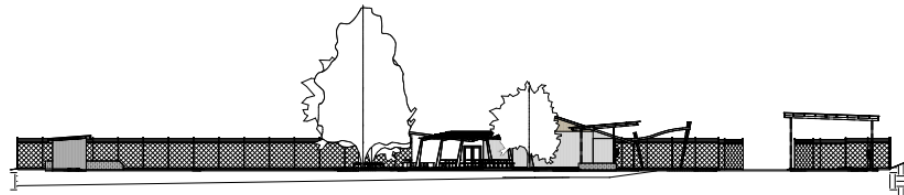
CLIENT
JABALBINA YALANJJI
ABORIGINAL CORPORATION

TITLE
LANDSCAPE PLAN

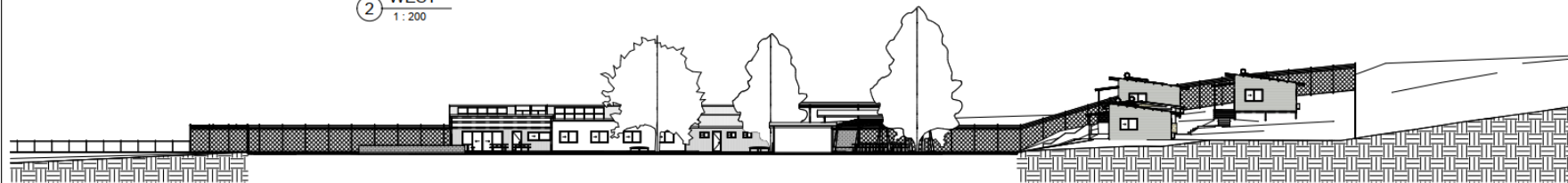
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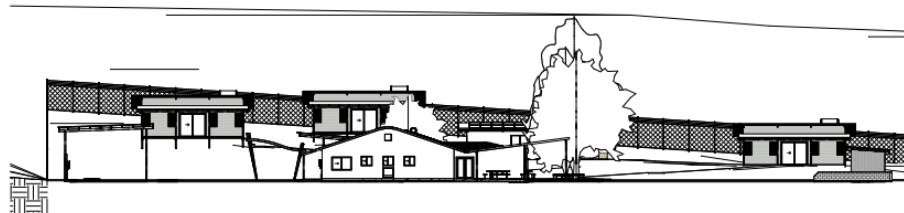
① SOUTH
1 : 200



② WEST
1 : 200



③ NORTH
1 : 200



④ EAST
1 : 200

VEGETATION TO REAR OF PROPERTY NOT SHOWN FOR CLARITY



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DRAWING STATUS

DA APPLICATION

| Rev | Description | Date |
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PROJECT
JABALBINA MOSSMAN
51 PRINGLE ST,
MOSSMAN

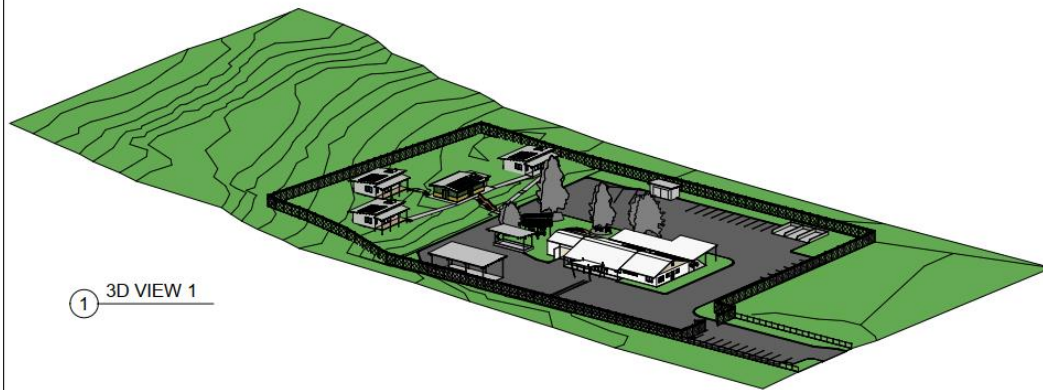
CLIENT
JABALBINA YALANJJI
ABORIGINAL CORPORATION

TITLE
ELEVATIONS

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| DRAWN BY AL | CHECKED BY AL | DATE JUL 24 |
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| SCALE (B A1) 1 : 200 | PROJECT NUMBER 2223-140 |
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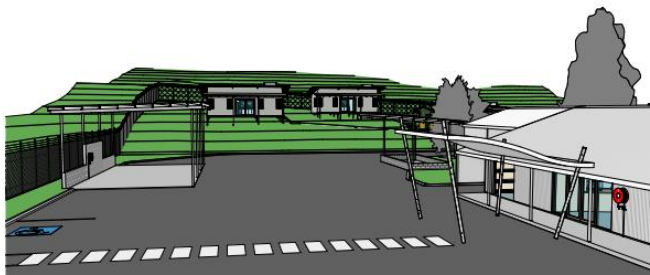
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| DRAWING NUMBER A301 | REV |
|------------------------|-----|



① 3D VIEW 1



② SITE PERSPECTIVE



③ 3D VIEW 2



④ 3D VIEW 3



⑤ 3D VIEW 4

VEGETATION TO REAR OF PROPERTY NOT SHOWN FOR CLARITY



Jabalbina



DRAWING STATUS

DA APPLICATION

| Rev | Description | Date |
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PROJECT
JABALBINA MOSSMAN
51 PRINGLE ST,
MOSSMAN

CLIENT
JABALBINA YALANJJI
ABORIGINAL CORPORATION

TITLE
3D IMAGES

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| DRAWN BY AL | CHECKED BY AL | DATE JUL 24 |
| SCALE (1:100) | PROJECT NUMBER 2223-140 | REV |
| DRAWING NUMBER A901 | | |



FRONT GATE (IN FROM PRINGLE STREET)



VIEW FROM FRONT GATE TO PRINGLE STREET



VIEW FROM FRONT GATE INTO PROPERTY



EXISTING OFFICE BUILDING



EASTERN SIDE OF OFFICE BUILDING



NORTHERN SIDE OF OFFICE BUILDING



VIEW TO FUEL DEPOT AND HILLSIDE



VIEW TO HILLSIDE



CHEMICAL STORE



Jabalbina



DRAWING STATUS

DA APPLICATION

| Rev | Description | Date |
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PROJECT
JABALBINA MOSSMAN
51 PRINGLE ST,
MOSSMAN

CLIENT
JABALBINA YALANJJI
ABORIGINAL CORPORATION

TITLE
SITE PHOTOS

| | | |
|------------------------|----------------------------|-------------------|
| DRAWN BY AL | CHECKED BY AL | DATE 29 JUL 24 |
| SCALE (1@ A1) | PROJECT NUMBER 2223-140 | REV |
| DRAWING NUMBER A902 | | |

Reasons for Decision

The reasons for this decision are:

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 on 16 October 2024 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 Industry 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. The Industry Zone is the only zone that can accommodate the development. Use of land in other zones would not yield the best and highest use of other land. The Planning Scheme does not anticipate this type of development being undertaken.
 - ii. The proposed development supports the strategic outcomes related to providing for a range of employment opportunities for local Indigenous communities;
 - iii. The proposed development acknowledges, supports and furthers culture training and leaning within the Shire; and
 - iv. Subject to conditions, the site can adequately contain the use and the development satisfactorily meets the Planning Scheme benchmarks.

Assessment Benchmarks

The following are the benchmarks applying to the development.

| Benchmarks applying for the development | Benchmark reference |
|--|--|
| Strategic Framework Industry Zone Code Mossman Local Plan Code Industry Activities Code Acid sulphate soils overlay Code Natural areas overlay code Transport Network Overlay Code Access, Parking and Servicing Code Environmental Performance Code Filling and Excavation Code Infrastructure Works Code Landscaping Code Vegetation Management Code | Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018 |

Consideration of Grounds of Submission

| Submission Ground | Consideration |
|---|---|
| The development will impact heavily not only on my property but will impact neighbouring properties as well. | Through the conditions of the approval the impacts of the development can be limited to the site. The location of residential uses close to or near to industrial areas, results in reverse amenity issues. A residence in such a location cannot expect a very high amenity. |
| The development will exacerbate noise and emission levels from vehicles and machinery during the setup and post development use. | The conditions of use limit the days and hours of operation of the depot that are consistent with an industrial use in an industrial zone. |
| There is enough room inside the compound for a visitor carpark. A carpark outside of the compound will create nuisance noise and emissions to the neighbouring residential lot. A walkway from this area outside the compound is not necessary. | The car parking area outside the compound is an existing, legitimate activity. Conditions of the approval require new acoustic fencing that will reduce the impact of noise and emissions to the neighbouring residential lots. |
| Existing light towers admit a high level of light into the neighbouring property that cause a nuisance and impact on the surrounding wildlife that inhabit the site and neighbouring lots. | A Condition of approval limits spill lighting to the Australian Standard. |
| <p>The development will impact the existing fauna, through loss of habitat and disturbances of habitat, (Green and feeding corridors).</p> <p>The landscaping area to the residential properties should be well planned and consist of a planted green verge of natives & endemic groups of plants planted to act as a screening, habitat and noise reducing, as well as enhancing the appearance of both properties.</p> | <p>The land is included in the Industrial Zone and the vegetation could be removed and this area developed for further industrial use. Other than a former creek line, the western part of the site is not identified as holding any recognised natural area status. This area could be cleared and used for industrial development. The positioning of a limited number of buildings for accommodation and associated use retains much of this green space and provides an appropriate setting for this component.</p> <p>A condition of the approval requires the landscaping setbacks to be improved with species as per the Planning Scheme Policy.</p> |
| The description of the use, worded as an <i>Undefined Use</i> , could possibly lead or change the proposed use of this property at any given time. This may enable the property being used for anything. I really do not trust this Undefined Use definition. | An approval is limited to the facts and circumstances of the submitted application. The conditions of approval also limit the use. |
| The use of an open fire pit for traditional smoking ceremonies and cultural activities such as cooking I believe is not justified as this development site is not of cultural significance. Cooking facilities would be and are already located in the existing building on the property. Again, adding to emissions. | The use of the fire pit is subject to the Council's Local Law for open fires within 100 metres of a nearby residence. |
| The development proposal has insufficient information. | The application has sufficient information to clarify the proposed use. |

| Submission Ground | Consideration |
|---|---|
| I am also concerned for the definition of Ranger! As well the definition of Ranger's Accommodation. Is Accommodation really required? | The temporary accommodation of visiting rangers provides a cultural support for these individuals who usually reside in remote locations and do not have supportive local, family accommodation. The temporary accommodation enables a fully supportive program to visiting and developing rangers. |
| I am concerned for my property's projected marketability. | Under the <i>Planning Act 2016</i> a matter of a person's opinion or a person's circumstances, financial or otherwise, are not planning considerations. |
| I hope Jabalbina Yalanji Aboriginal Corporation RNTBC finds a better suited site for this development. | The site was identified by the applicant as being, "an ideal location for the Jabalbina operations as it facilitates operational efficiency with an opportunity to provide community integration." The land is considered sufficient to accommodate the use and associated impacts. |

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 assessment manager gives the applicant the decision notice for the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2), the appeal period is suspended from the day the representations are made until—
 - (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or

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

76 Deciding change representations

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

- (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

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

78 Making change application

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

Note—

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

- (2) A change application must be made to the responsible entity for the application.

78A Responsible entity for change applications

- (1) The *responsible entity* for a change application is—
 - (a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or

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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and
Drainage Act 2018*, section 143(2)(a)(i), (b) or
(c)—5 business days after the day the notice is
given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
- (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
- (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the ***appointer***) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

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

31 January 2025

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2024_5675/1 (Doc ID 1272711)
Your Ref: WP23 036 JAB DA01

Jabalbina Yalanji Aboriginal Corporation RNTBC
C/- wildPLAN Pty Ltd
PO Box 8028
CAIRNS QLD 4870

Email: dominic@wildplan.com.au

Attention Mr Dominic Hammersley

Dear Sir

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use (Impact Assessment for Undefined
Use (Administration and Works Depot with Ancillary Ranger Accommodation)
At 51 Pringle Street Mossman
On Land Described as Lot 1 on RP732161**

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 2024_5675/1 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



Neil Beck
A/ 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

| | | | |
|---|----------------|--|------------------------|
| Jabalbina Yalanji Aboriginal Corporation RNTBC | | NA | 0 |
| DEVELOPERS NAME | | ESTATE NAME | STAGE |
| 51 Pringle Street | Mossman | Lot 1 on RP732161 | 3060 |
| STREET No. & NAME | | SUBURB | LOT & RP No.s |
| MCUI Undefined Use (Administration and Works Depot with ancillary Ranger Accommodation). | | 2024_5675 | 6 |
| DEVELOPMENT TYPE | | COUNCIL FILE NO. | VALIDITY PERIOD (year) |
| 1272827 | | Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL | |
| DSC Reference Doc . No. | | VERSION No. | |
| 1 | | | |

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 Additional Demand | | | | | | |
| Commercial_office | Office | \$_per_m²_GFA | 151.22 | 243.36 | \$36,800.90 | |
| Accommodation_short_term | Tourist_park_cabins | \$_per_2_bedroom_in_a_cabin | 10,679.62 | 3 | \$32,038.86 | |
| | Total Demand | | | | \$68,839.76 | |
| Credit | | | | | | |
| <u>Existing land use</u> | | | | | | |
| Reduction Provision | 50% reduction for not for profit organisation | 50% reduction | | | \$34,419.88 | |
| | | | | | | Prior arrangement for online payment via invoicing - see below. |
| | | | | | | Code 895 GL GL7500.135.825 |

Required Payment or Credit

TOTAL

\$34,419.88

| | | | | |
|--------------|---|----------|-------------|--|
| Prepared by | J Elphinstone | 8-Jan-25 | Amount Paid | |
| Checked by | D Lamond | 9-Jan-25 | Date Paid | |
| Date Payable | MCU - prior to the commencement of use | | Receipt No. | |
| Amendments | | Date | Cashier | |

Note:

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.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

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 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 any representations made by the recipient.
- (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.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the 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 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 appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and
Drainage Act 2018*, section 143(2)(a)(i), (b) or
(c)—5 business days after the day the notice is
given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
- (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
- (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and