

7 April 2026

Enquiries: Neil Beck
Our Ref: OP 2025_5862/1 (1354903)
Your Ref: HIC944-00001

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

G Arygrou
C/- Sparke Helmore Lawyers
PO Box 5330
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Operational Works (Remediation Works – Earthworks & Landscaping) - 16-22 Murphy Street Port Douglas
On Land Described as Lot 5 RP: 747683**

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

Please quote Council's application number: OP 2025_5862/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

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



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: G Arygrou
Postal Address: C/- Sparke Helmore Lawyers
PO Box 5330
CAIRNS QLD 4870
Email: sangeetha.badya@sparke.com.au or

Property Details

Street Address: 16-22 Murphy Street PORT DOUGLAS
Real Property Description: LOT: 5 RP: 747683
Local Government Area: Douglas Shire Council

Details of Proposed Development

Operational Works (Remediation Works - Earthworks and Landscaping)

Decision

Date of Decision: 7 April 2026
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	Reference	Date
Contour Survey of revegetated area	PTD17397-107	16 December 2025
Contour Survey of revegetated area (nominating cut and fill)	PTD17397-107	16 December 2025

Landscape Planting Plan	Hortulus	3 October 2024
Audit of Landscape Planting Plan	Hortulus	15 December 2025

Assessment Manager Conditions & Advices

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

Except where modified by these conditions of approval.

Landscape

2. All landscaping works completed on the site must be maintained at all times and be kept free of weed species. An audit of the landscaping works is to be undertaken in December 2026 to identify if further replacement planting is required as a consequence of tree mortality or weak growth rates. The findings of the audit is to be submitted to the Chief Executive Officer. Works are to be undertaken in accordance with the findings of the audit within 6 weeks of the audit being endorsed by the Chief Executive Officer.
3. The areas in the vicinity of the Ergon Works adjacent the driveway as identified by Copelin Civil must be turfed or vegetated and mulched with suitable plant species following completion of the works.

Earthworks

4. The earthworks undertaken to reprofile the site must be monitored annually for the next 3 years from the date of this Development Permit by an appropriately qualified geotechnical consultant noting the possibility of localised slumping to occur. The inspection of the works is to be undertaken in April / May following the end of the wet season with any remedial works identified by the inspection being completed by the Applicant.

Sediment and Erosion Control

5. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. Soil and sediment erosion control measures installed on site must be maintained to ensure sediment is not released from the site.

Advices

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse two (2) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the Planning Act 2016.
2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry

season periods.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Further Development Permits

Not applicable

Concurrence Agency Response

Not applicable

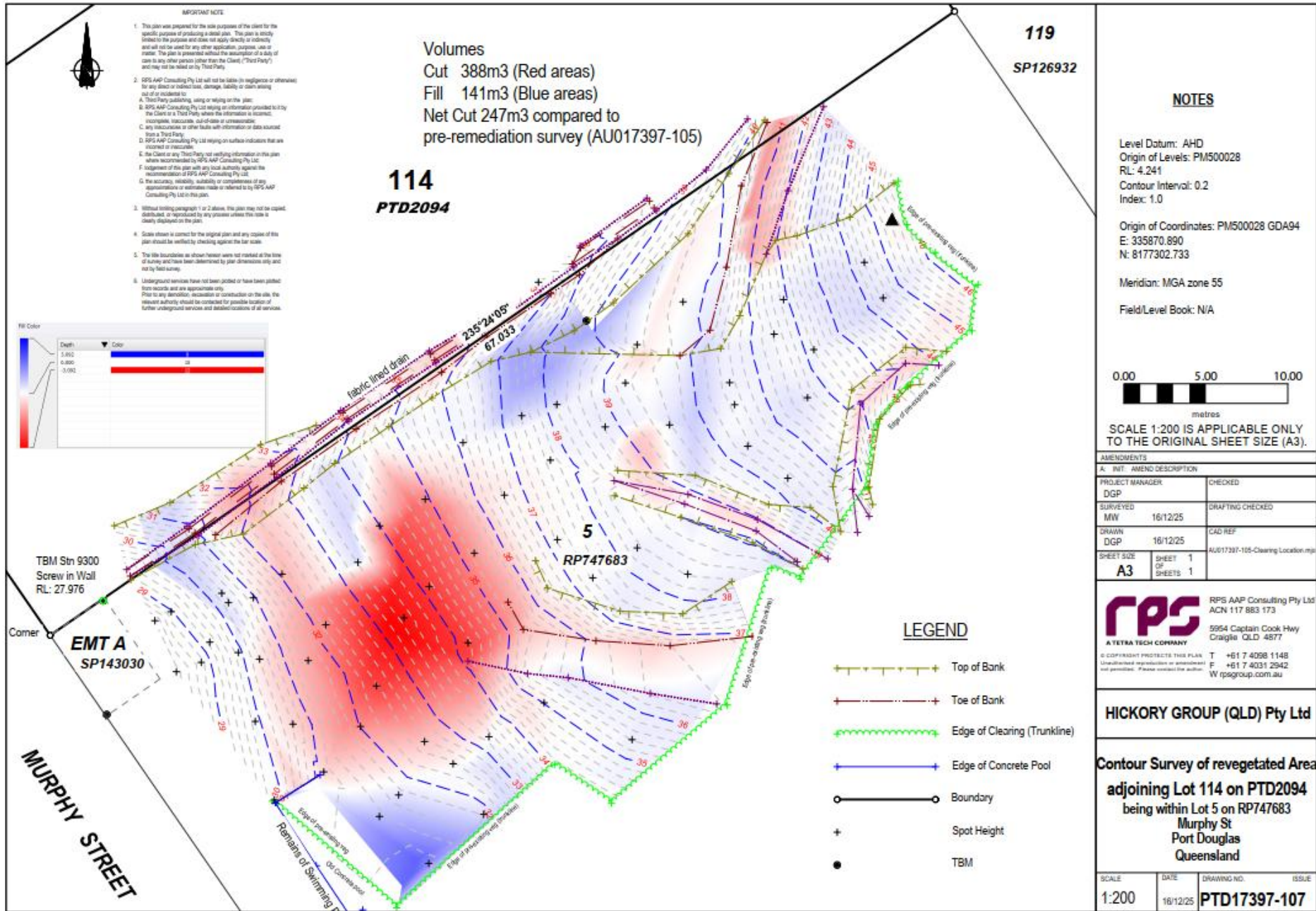
Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.



- IMPORTANT NOTE**
- This plan was prepared for the sole purpose of the client for the specific purpose of producing a detail plan. This plan is strictly limited to the purpose and shall not apply directly or indirectly and shall not be used for any other application, purpose, use or matter. The plan is prepared without the assumption of a duty of care to any other person other than the Client ("Third Party") and may not be relied on by Third Party.
 - RPS AAP Consulting Pty Ltd will not be liable in negligence or otherwise for any direct or indirect loss, damage, liability or claim arising out of or incident to:
 - Third Party publishing, using or relying on this plan;
 - RPS AAP Consulting Pty Ltd relying on information provided to by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unrepresentative;
 - Any inaccuracies or other faults with information or data sourced from a Third Party;
 - RPS AAP Consulting Pty Ltd relying on surface indicators that are incorrect or misleading;
 - the Client or any Third Party not providing information in this plan where recommended by RPS AAP Consulting Pty Ltd;
 - judgement of this plan with any local Authority against the recommendation of RPS AAP Consulting Pty Ltd;
 - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS AAP Consulting Pty Ltd in this plan.
 - Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed or reproduced in any manner unless this note is clearly displayed on the plan.
 - Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
 - The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey.
 - Underground services have not been plotted or have been plotted from records and are approximate only. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and demarcations of all services.

Volumes
 Cut 388m3 (Red areas)
 Fill 141m3 (Blue areas)
 Net Cut 247m3 compared to
 pre-remediation survey (AU017397-105)

114
PTD2094

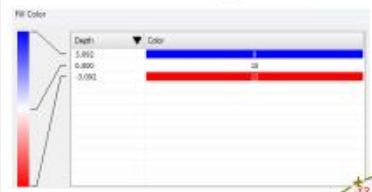
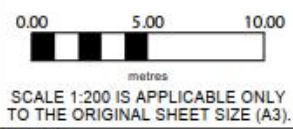
119
SP126932

NOTES

Level Datum: AHD
 Origin of Levels: PM500028
 RL: 4.241
 Contour Interval: 0.2
 Index: 1.0

Origin of Coordinates: PM500028 GDA94
 E: 335870.890
 N: 8177302.733

Meridian: MGA zone 55
 Field/Level Book: N/A



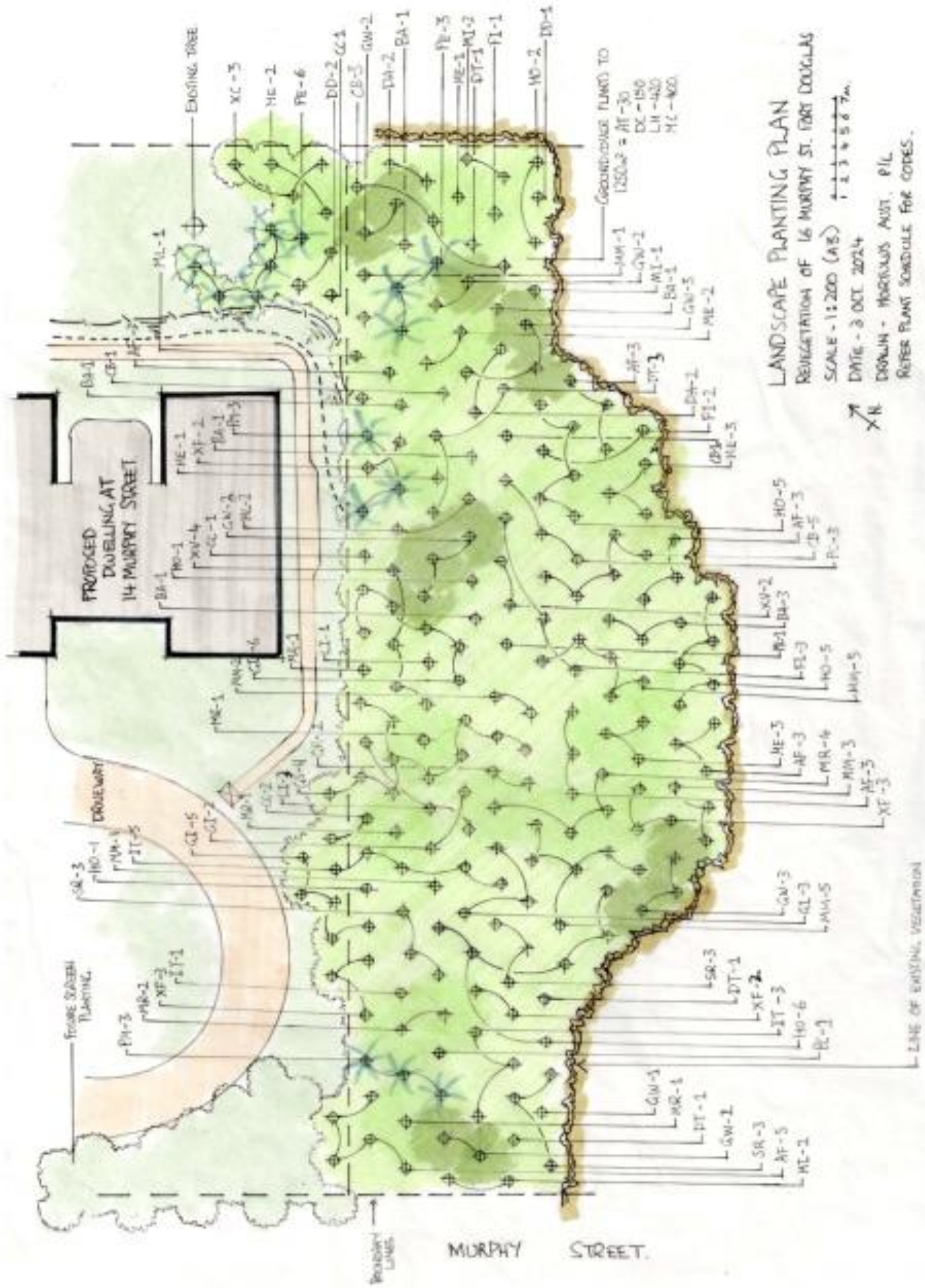
AMENDMENTS	
A:	INT: AMEND DESCRIPTION
PROJECT MANAGER	DGP
SURVEYED	MW 16/12/25
DRAWN	DGP 16/12/25
SHEET SIZE	A3
SHEET OF	1
SHEETS	1

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HICKORY GROUP (QLD) Pty Ltd

Contour Survey of revegetated Area adjoining Lot 114 on PTD2094 being within Lot 5 on RP747683
 Murphy St
 Port Douglas
 Queensland

SCALE	DATE	DRAWING NO.	ISSUE
1:200	16/12/25	PTD17397-107	



REVEGATION SITE SURVEY OF 16 MURPHY ST. PORT DOUGLAS

Prepared by John Sullivan Bach.App.Sc.Hort.

Hortulus Australia Pty/Ltd

PO Box 798 Port Douglas Q. 4877

15 December 2025.

INTRODUCTION

Hortulus Australia Pty Ltd has been asked to provide a Survey of vegetation for the site known as 16 Murphy Street, (Lot 5 on RP747683) Port Douglas, twelve months post revegetation. The site was covered with Jutemaster biodegradable geofabric to reduce erosion and weeds before being planted with locally native rainforest species on the 17th of December 2024. The site has been irrigated to ensure the survival of the planting.

THE PLAN

The landscaping plan referred to is "**Landscape Planting Plan, Revegetation of 16 Murphy Street, Port Douglas. Dated 3/10/2024. Drawn by Hortulus Australia P/L.**" (provided below)

This plan was discussed and accepted in principle at the meeting with GGI Landscape Architects representing the owners of 16 Murphy Street and Douglas Shire Council Planning Department representative Rebecca Toranto at a site meeting on the 14/11/2024. On this basis the planting proceeded as the Wet Season was due to begin.

On discussions with GGI Landscape Architect's Rebecca Gould and based on her report dated 21/11/24, some native species were changed with other adjustments due to availability of plants at the time of planting.

On the 3/2/2025, ten larger plants (45Ltr & 100Ltr bags) were requested by GGI Landscape architects for more immediate screening. These plants were installed. Further discussions with GGI Landscape Architects in May 2025, resulted in a further 8 larger plants being added at 45Ltr & 100Ltr sizes.

RELEVANT STANDARDS & REQUIREMENTS

The original plan was drawn by a qualified landscape designer, John Sullivan, holding a Bachelor of Applied Science in Environmental Horticulture & Landscape Design, and working professionally in the Douglas Shire for over 28 years.

The plan was derived in the knowledge that Flagstaff Hill is a transitioning landscape from dry forest dominated by wattle and gum trees toward rainforest species introduced by birds. Being an urban site, bush fire prone vegetation is inappropriate. The species selection was based on low flammability, with care given to increase biodiversity for local butterfly, bird, and reptile species. Retention of vegetation and continual canopy cover is important for the future scenic amenity of Flag Staff Hill so suitable species were used.

The design adheres to the Douglas Shire Planning Scheme 2018 with attention to; SC6.6 Landscape Values, SC6.7 Landscaping, SC6.7.8.1 Plant Species Schedule and the Douglas Shire Council's Landscaping Code (Policy 4.6.3).

VEGETATION SURVEY

On the request of Douglas Shire Council a site survey of the revegetation area was conducted on the 15th of December 2025. This was to determine the success of the planting to date. The site was traversed in section to identify the species & calculate the number of plants that either survived or have grown from natural recruitment. The result is in the table below showing the proposed plant numbers from the plan, compared to the number of plants surveyed to be onsite. Plants shown in red were substitutions either requested by GGI Landscape Architects or due to availability at the time or by natural seed recruitment of plants.

PLANT SCHEDULE; 16 Murphy Street revegetation

CODE	BOTANICAL NAME	COMMON NAME	PLAN NO.	SURVEY NO.	
Native Trees & Shrubs substitutions in red			3/10/2024	15/12/2025	
AF	<i>Atractocarpus fitzalanii</i>	Brown Gardenia	20	22	8x4
BA	<i>Brachychiton acerifolius</i>	Illawarra Flame tree	8	7	10x4
CA	<i>Cupaniopsis anacardioides</i>	Tuckeroo		18	8x6
CB	<i>Carallia brachiata</i>	Corky Bark Tree	13	11	12x5
CC	<i>Cyathea cooperi</i>	Sun Tree Fern	4	3	6x4
CE	<i>Cerbera floribunda</i>	Cassowary Plum		3	10x5
CF	<i>Cupaniopsis flagelliformis</i>	Northern Tuckeroo		2	8x6
DA	<i>Dillenia alata</i>	Red Beech Tree	4	4	6x5
DC	<i>Diploglottis campbellii</i>			2	8x6
DD	<i>Darlingia darlingiana</i>	Brown Silky Oak	3	5x 400mm	10x6
DT	<i>Deplanchea tetraphylla</i>	Golden Bouquet Tree	5	6	10x6
ET	<i>Eucalyptus tereticornis</i>	Blue gum		18	30x10
FI	<i>Ficus virgata</i>	Native Fig Tree	6	8	15x10
FO	<i>Ficus opposita</i>	Sandpaper Fig		5	6x6
GI	<i>Graptophyllum ilicifolium</i>	Native holly	16		4x2
GR	<i>Graptophyllum spinigerum</i>	Northern holly	2		4x2
GA	<i>Gardenia actinocarpa</i>	Daintree Gardenia		7	6x3
GS	<i>Gardenia scabrella</i>	Cape York Gardenia	11		4x1
GW	<i>Garcinia warrenii</i>	Native Mangosteen	13		8x4
HO	<i>Homalanthus populifolius</i>	Bleeding Heart Tree	20		6x6
IT	<i>Ixora timorensis</i>	Native Ixora	9		6x4
LI	<i>Leea indica</i>	Bandicoote berry	4	4	4x4
MA	<i>Melastoma affine</i>	Blue Tongue		2	2x2
MB	<i>Melaleuca Leucadendra</i>	Paperbark Tree		3	12x6
MC	<i>Macaranga tanarius</i>			5	6x6

ME	<i>Melicope elleryana</i>	Ulysses Tree	12	11	12x6
MI	<i>Mimusops elengi</i>	Mimusops Tree	5	3	10x6
ML	<i>Maniltoa lenticellata</i>	Native Handkerchief Tree	4	4	12x6
MM	<i>Micromelum minutum</i>	Lime Berry	17		6x4
MR	<i>Melicope rubra</i>	Dwarf Ulysses Tree	10	4	6x3
PC	<i>Phaleria clerodendron</i>	Native daphnia	4	12	6x4
PH	<i>Phyllanthus cuscutiflorus</i>	Pink Phyllanthus		27	6x3
PE	<i>Ptycosperma elegans</i>	Solitare Palm	9	19	8x3
PM	<i>Ptycosperma macartheri</i>	Macarther Palm	6	11	8x3
RT	<i>Rhus taitensis</i>	Native Rhus		3	6x6
SA	<i>Syzygium angophoroides</i>	Yarrabah Satinash		7x 100Ltr bag	12x6
SR	<i>Syzygium sp. "Rocky River"</i>	Dwarf Lilly Pilly	9		4x2
SW	<i>Syzygium wilsonii</i>	Powder Puff Lilly Pilly		8	6x3
TL	<i>Tristaniopsis laurina</i>	Water Gum		5x 400mm	8x6
XC	<i>Xanthostemon chrysanthus</i>	Golden Penda Tree	3	7	12x6
XF	<i>Xanthostemon chrysanthus 'Fairhill Gold'</i>	Dwarf Golden penda	10	10	6x5
XV	<i>Xanthostemon verticillatus</i>	Bloomfeild Penda Tree	6	4	3x1
TOTAL TREES			233	270	
Native Groundcovers					
AT	<i>Aristolochia tagala</i>	Dutchman's Pipe Vine	30	4	5x5
DC	<i>Dianella caerulea</i>	Blue Flax Lily	150	200	0.7x0.7
LH	<i>Lomandra hystrix</i>	Mat Rush	420	456	1x1
TOTAL			600	660	

CONCLUSION

The status of the planting from the table above shows an additional 37 trees have been added since the original plan either by request or from natural recruitment of local species. This provides a high density of approximately 1 tree/3.6m². The density of ground cover plants is at 1 plant/1.5m². In addition to this there has been strong recruitment of two local sedges, *Mariscus javanica* and the local Bamboo Sedge.

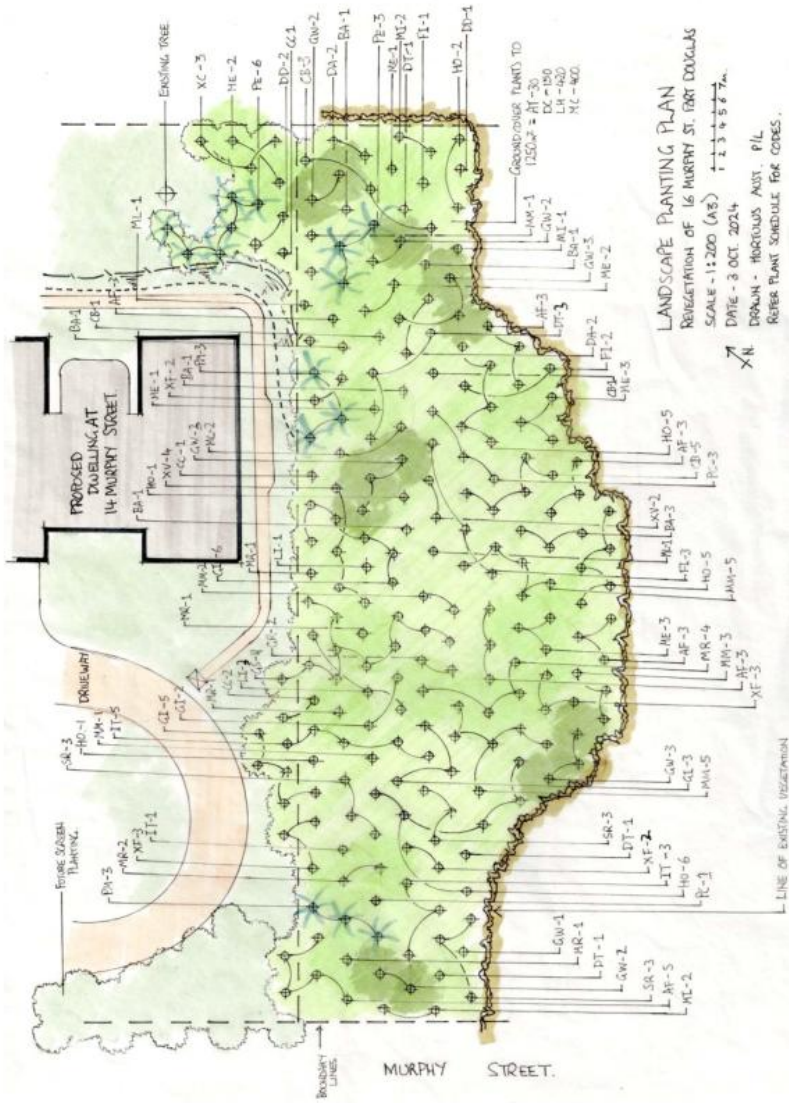
The photos below show the area of planting in February 2025, just after planting and again in September 2025. Good growth rates have been achieved, and the project delivers a much greater biodiversity than what was present prior to the site disturbance.



Photo February 2025



Photo September 2025



Reasons for Decision

1. *The reasons for this decision are:*
 - a. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - b. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - c. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council 18 November 2025 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Environmental Management zone;*
 - 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]

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

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

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

75 Making change representations

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

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

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

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

76 Deciding change representations

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

Note—

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

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

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

Subdivision 2 Changes after appeal period

77 What this subdivision is about

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

78 Making change application

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

Note—

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

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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

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

Note—

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

decision includes—

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

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- (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—