

7 April 2026

**Enquiries:** Neil Beck  
**Our Ref:** OP 2026\_5895/1 (1359472)  
**Your Ref:** LU23291

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

Tamasine Dale  
Lekker Urban Pty Ltd  
PO Box 8  
Stratford

Dear Sir

**Development Application for Operational Works (Access driveway and crossover)  
For 24 Murphy Street Port Douglas being Lot 1 on PTD PLN: 2095**

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

Please quote Council's application number: OP 2026\_5895/1 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: Tamasine Dale  
Postal Address: Lekker Urban Pty Ltd  
PO Box 8  
Stratford  
Email:

### Property Details

Street Address: 24 Murphy Street PORT DOUGLAS  
Real Property Description: LOT: 1 TYP: PTD PLN: 2095  
Local Government Area: Douglas Shire Council

### Details of Proposed Development

Operational Works - Access driveway and crossover

### 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
Cover Sheet & Drawing Schedules	LU23291-CP-100 Issue B	5 December 2025
Construction Notes	LU23291-CP-101 Issue B	5 December 2025

Erosion & Sediment Control Notes & Details	LU23291-CP-102 Issue B	5 December 2025
Civil Works Layout	LU23291-CP-200 Issue B	5 December 2025
Long Section – Access Driveway	LU23291-CP-300 Issue B	5 December 2025
Typical Section & Details	LU23291-CP-400 Issue B	5 December 2025
Annotated Cross Sections – Access Driveway	LU23291-CP-401 Issue B	5 December 2025
Annotated Cross Sections – Access Driveway	LU23291-CP-402 Issue B	5 December 2025
Stormwater Long Section & Calculations	LU23291-CP-600 Issue B	5 December 2025
Stormwater Catchment Plan	LU23291-CP-601 Issue B	5 December 2025

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

### **Assessment Manager Conditions & Advices**

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

Except where modified by these conditions of approval.

### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to the completion of the works except where otherwise nominated in these conditions of approval.

### **Geotechnical & Civil Works**

3. The applicant must undertake a geotechnical assessment of the batter upslope from the driveway to assess the stability and factor of safety of the batter profile. The assessment must include the full length of the driveway and must demonstrate that the batter profile will achieve a low to very low rating under the AGS Guidelines and factors of Safety exceeding 1.5 in dry conditions and 1.3 in saturated conditions. Where the batter profile does not achieve these geotechnical outcomes, the batter must be reprofiled or provided

with suitable geotechnical support treatment to achieve the required geotechnical outcomes. All works on the driveway batters are at the applicant's cost. The investigation must be endorsed by the Chief Executive officer prior to requesting a pre-start meeting.

Following any reprofiling or geotechnical remedial works for the full length of the driveway batter, the works must be inspected and certified by a suitably qualified and experienced geotechnical engineer as achieving the required stability outcomes. The batter certification must be provided prior to works acceptance for the driveway.

### **Murphy Street Infrastructure'**

4. Ownership, operation and maintenance of the private access driveway infrastructure will vest at all times with the owner of 24 Murphy Street for which the infrastructure services.

### **Erosion and Sediment Control**

5. Erosion and Sediment Control Measures as nominated in Drawing No. LU23291-CP-102 Issue B prepared by Lekker Urban must be installed prior to earthworks commencing to the extent relevant and must be maintained in accordance with the maintenance schedule as nominated for the duration of the operational works.

### **Traffic Management**

6. A Traffic Management Plan (TMP) must be prepared by the contractor and provided to Council prior to the Prestart Meeting. The TMP is to address, but is not limited to:
  - Management of traffic movements including pedestrians along Murphy Street throughout the duration of the works;
  - Sequencing of the works;
  - Access to the unit development opposite the site;
  - Setdown areas for deliveries / materials if required; and
  - Access routes.

The contractor must provide the TMP at least 7 days prior to the proposed start date. The TMP must be approved by the Chief Executive Officer prior to works commencing on site. A copy of the approved TMP must be available to all contractors prior to the Commencement of Works.

### **Advice**

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
  
3. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

#### **Further Development Permits**

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Not applicable

#### **Concurrence Agency Response**

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Not Applicable

#### **Currency Period for the Approval**

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This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

#### **Rights to make Representations & Rights of Appeal**

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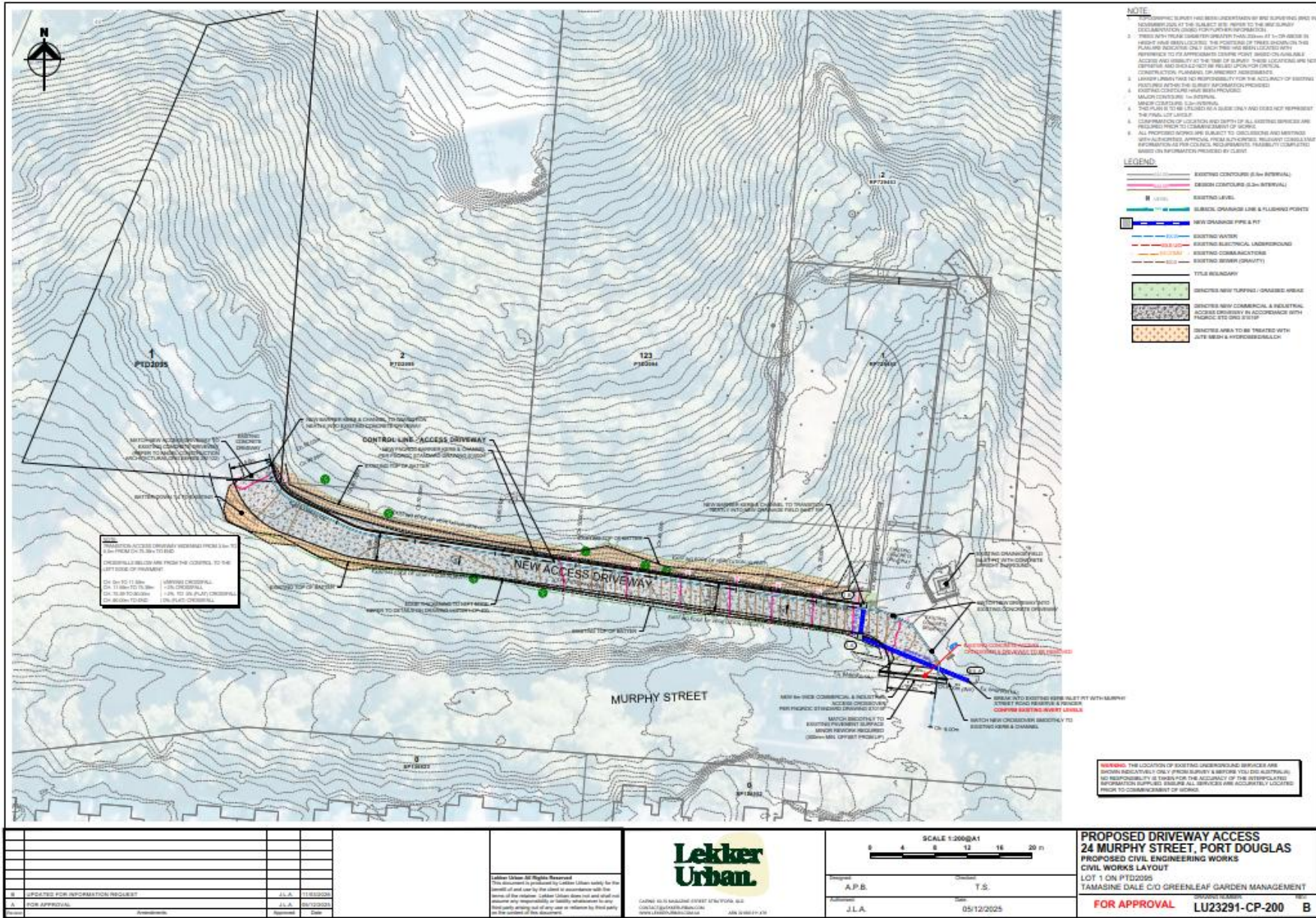
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.









**NOTE**

1. ALL INFORMATION SUPPLIED HAS BEEN OBTAINED BY THE SURVEYING OFFICE IN ACCORDANCE WITH THE SURVEY ACT 1981 AND THE SURVEY REGULATIONS 1981.
2. THIS PLAN IS A GENERAL PLAN AND DOES NOT SHOW THE EXACT LOCATION OF THE PROPERTY AND SHOULD NOT BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PREPARED.
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4. THE PLAN IS TO BE USED AS A GUIDE ONLY AND DOES NOT REPRESENT THE FINAL DESIGN.
5. THE PLAN IS TO BE USED AS A GUIDE ONLY AND DOES NOT REPRESENT THE FINAL DESIGN.
6. THE PLAN IS TO BE USED AS A GUIDE ONLY AND DOES NOT REPRESENT THE FINAL DESIGN.

**LEGEND**

- EXISTING CONTOURS (0.5m INTERVAL)
- DESIGN CONTOURS (0.5m INTERVAL)
- EXISTING LEVEL
- DESIGN LEVEL
- SUBJECT CHANGE LINE & FLUSHING POINTS
- NEW CHANGE PIPE & FIT
- EXISTING WATER
- EXISTING ELECTRICAL UNDERGROUND
- EXISTING COMMUNICATIONS
- EXISTING SEWER (GRAVITY)
- TITLE BOUNDARY
- INDICATES NEW TYPING / CHANGES MADE
- INDICATES NEW COMMERCIAL & RESIDENTIAL ACCESS DRIVEWAY & ACCORDANCE WITH TYPICAL SETBACKS
- INDICATES AREA TO BE TREATED WITH ASPHALT & HYDROSEALING

**NOTES**

1. TRANSITION ACCESS DRIVEWAY WIDENING FROM 3m TO 4m FROM CH 78.80 TO CH 80.00
2. CH 80.00 TO CH 81.00
3. CH 81.00 TO CH 82.00
4. CH 82.00 TO CH 83.00
5. CH 83.00 TO CH 84.00
6. CH 84.00 TO CH 85.00
7. CH 85.00 TO CH 86.00
8. CH 86.00 TO CH 87.00
9. CH 87.00 TO CH 88.00
10. CH 88.00 TO CH 89.00
11. CH 89.00 TO CH 90.00
12. CH 90.00 TO CH 91.00
13. CH 91.00 TO CH 92.00
14. CH 92.00 TO CH 93.00
15. CH 93.00 TO CH 94.00
16. CH 94.00 TO CH 95.00
17. CH 95.00 TO CH 96.00
18. CH 96.00 TO CH 97.00
19. CH 97.00 TO CH 98.00
20. CH 98.00 TO CH 99.00
21. CH 99.00 TO CH 100.00

**WARNING:** THE LOCATION OF EXISTING UNDERGROUND SERVICES ARE SHOWN INDICATIVELY ONLY (FROM SURVEY) & BEFORE YOU DIG MUST VERIFY THE LOCATION OF ALL SERVICES. YOU ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SUPPLIED. ENSURE ALL SERVICES ARE ACCURATELY LOCATED PRIOR TO COMMENCEMENT OF WORKS.

NO.	DATE	DESCRIPTION	BY	CHECKED
1	11/12/2024	ISSUED FOR APPROVAL	J.L.A.	T.S.
2	05/12/2025	FOR APPROVAL	J.L.A.	T.S.

**Legend**

- EXISTING CONTOURS (0.5m INTERVAL)
- DESIGN CONTOURS (0.5m INTERVAL)
- EXISTING LEVEL
- DESIGN LEVEL
- SUBJECT CHANGE LINE & FLUSHING POINTS
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- INDICATES NEW COMMERCIAL & RESIDENTIAL ACCESS DRIVEWAY & ACCORDANCE WITH TYPICAL SETBACKS
- INDICATES AREA TO BE TREATED WITH ASPHALT & HYDROSEALING

**Lekker Urban**

10/100 BROADWAY STREET, PORT DOUGLAS QLD 4870  
 CONTACT: 07 4900 1000  
 WWW.LEKKERURBAN.COM.AU

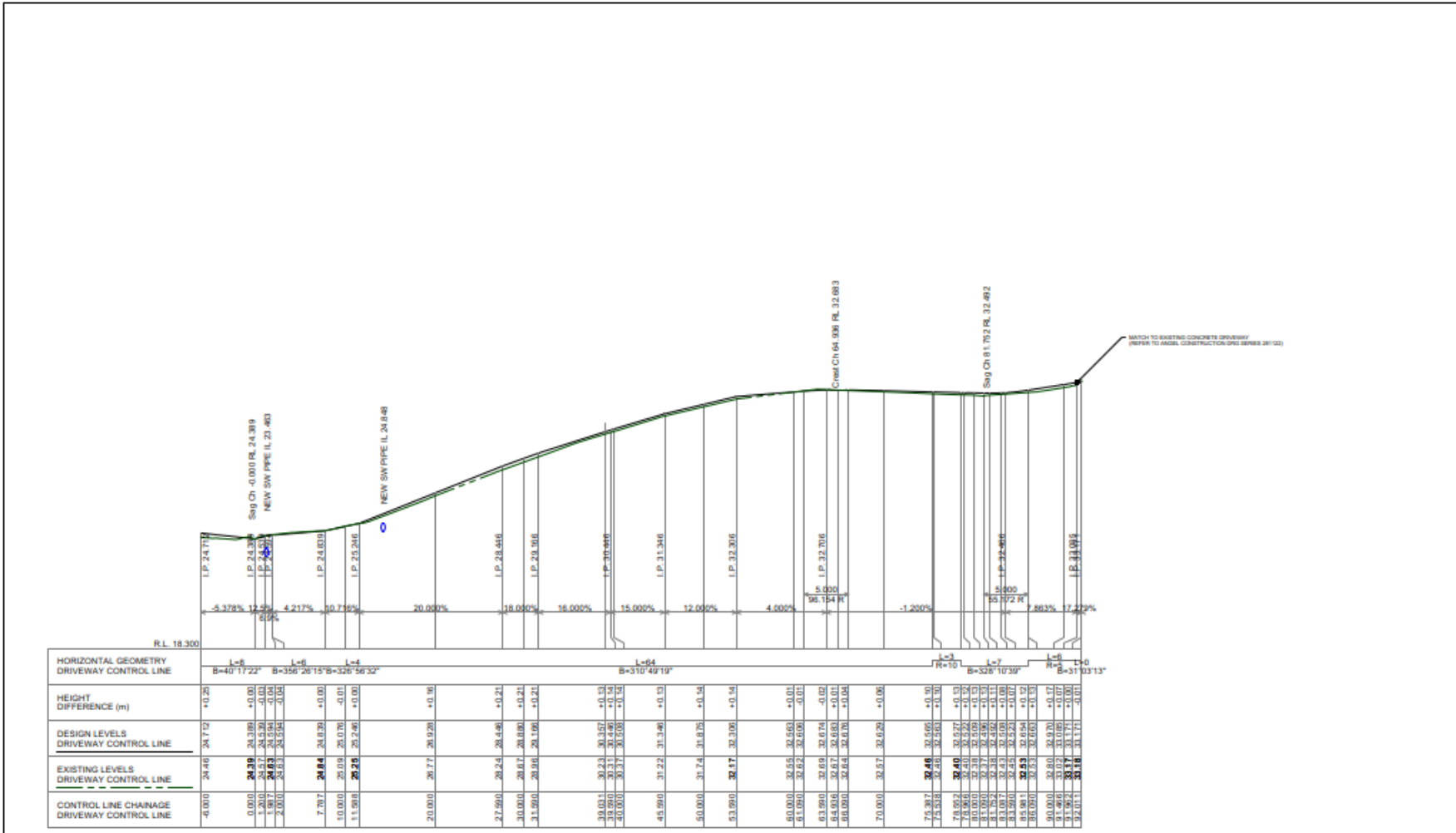
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A.P.B. T.S.

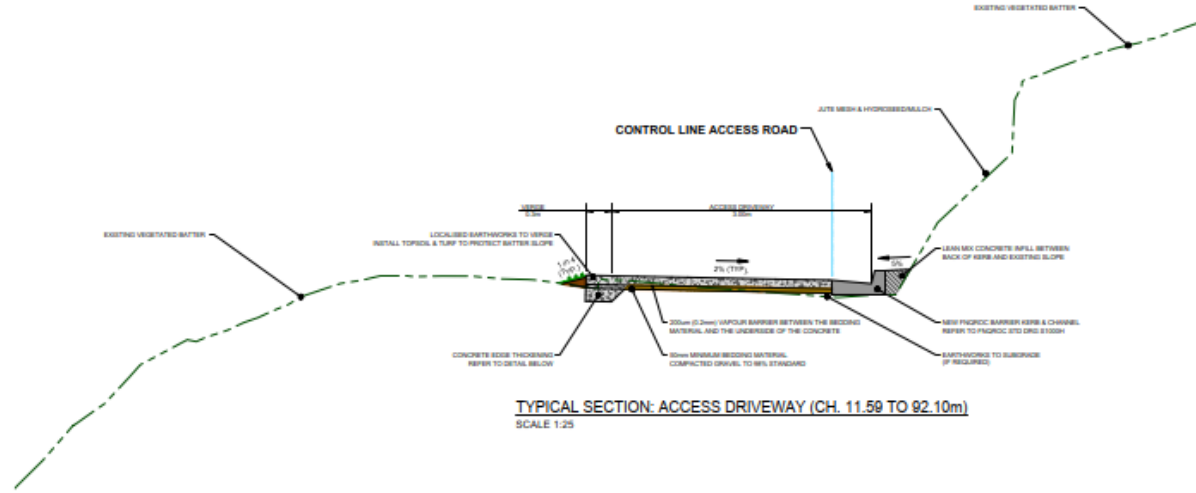
J.L.A. 05/12/2025

**PROPOSED DRIVEWAY ACCESS**  
**24 MURPHY STREET, PORT DOUGLAS**  
**PROPOSED CIVIL ENGINEERING WORKS**  
**CIVIL WORKS LAYOUT**  
 LOT 1 ON PTD2095  
 TAMASINE DALE C/O GREENLEAF GARDEN MANAGEMENT  
 T.S.  
**FOR APPROVAL LU23291-CP-200 B**



**NOTES:**

1. CONCRETE SHALL BE ORDER 100 MM IN ACCORDANCE WITH AS1379 AND KEMO
2. ALL CONCRETE TO BE BROOM FINISHED
3. EXPANSION JOINTS TO BE 10MM THICK, CLOSED CELL CROSS LAMINATED POLYURETHANE FOAM (80 TO 100 kg/m<sup>3</sup>) WITH 12mm ROUND GALVANISED CORNERS AT 80mm CENTERS
4. SUBGRADE TO BE COMPACTED TO MIN STANDARD COMPACTION
5. REFER TO PAVEMENT STANDARD DRAINAGE DATA FOR ADDITIONAL NOTES & DETAILS
6. REFER TO PAVEMENT 3D CONCRETE WORK FOR ADDITIONAL DETAILS & SPECIFICATIONS



**TYPICAL SECTION: ACCESS DRIVEWAY (CH. 11.59 TO 92.10m)**  
SCALE 1:25



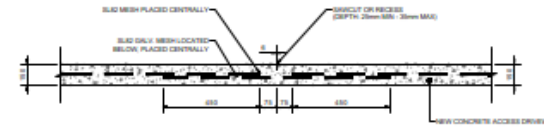
**DETAIL: FOAM & SEALANT**  
SCALE N.T.S.



**DETAIL: EDGE THICKENING**  
SCALE 1:10

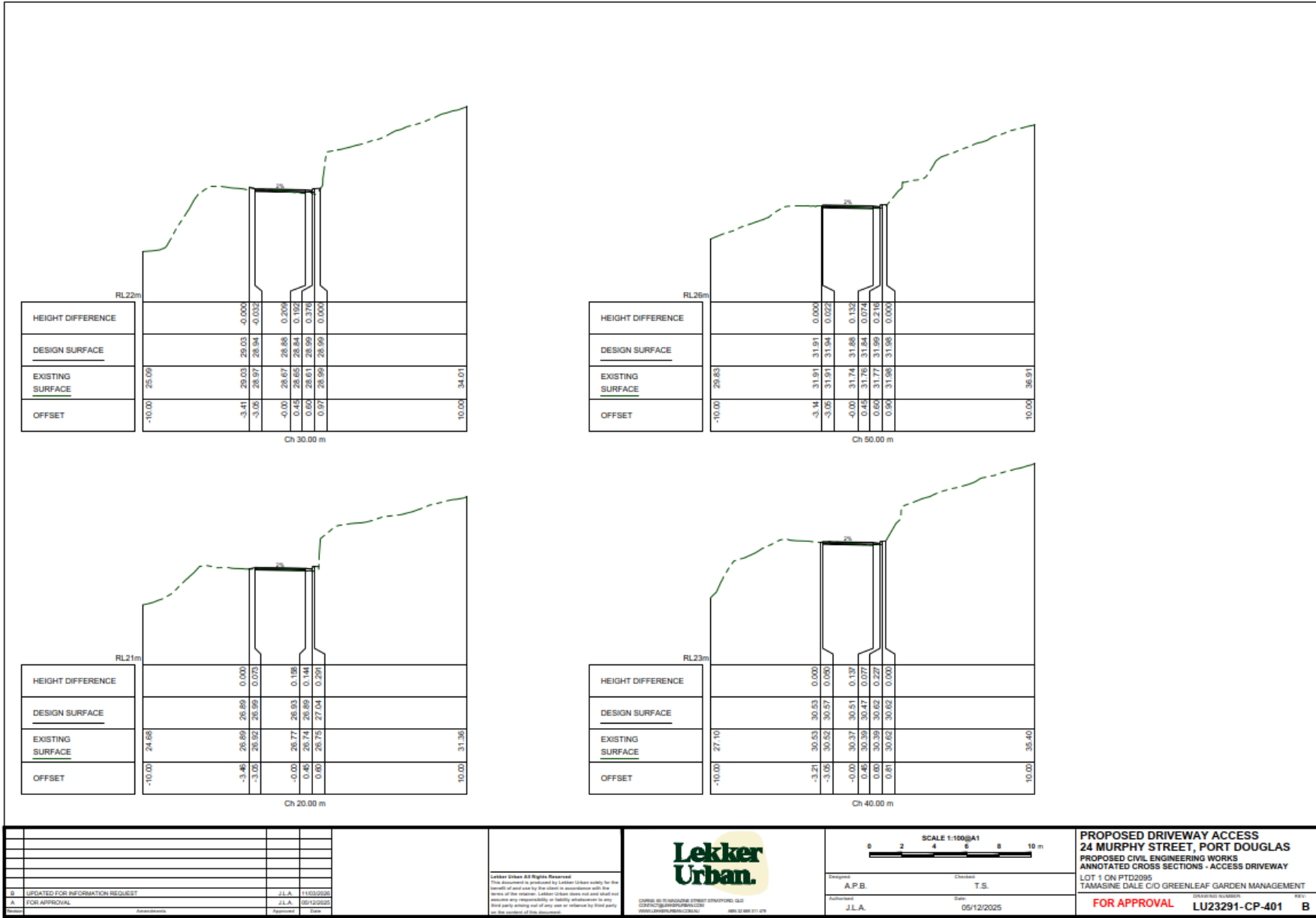


**DETAIL: EXPANSION JOINT (E.J)**  
SCALE 1:10

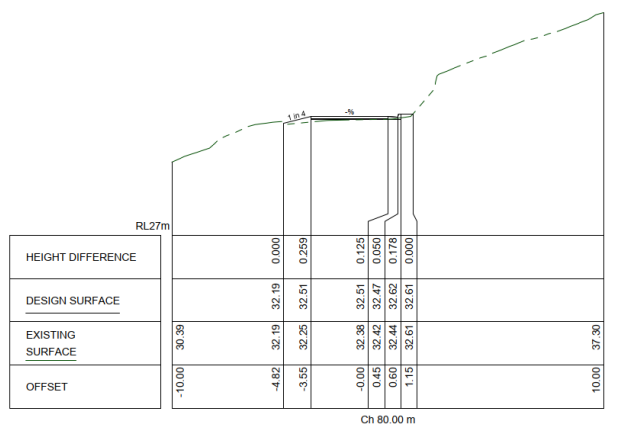
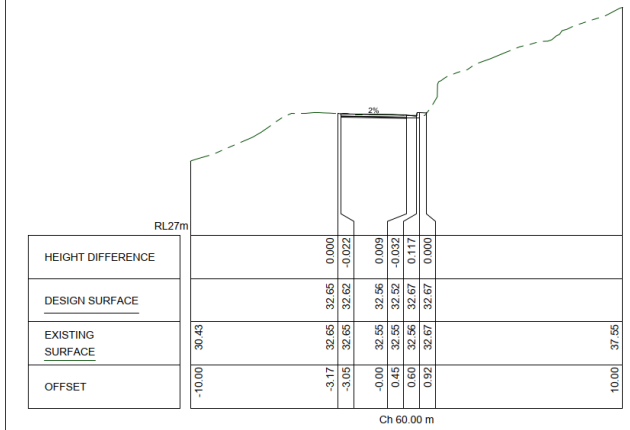
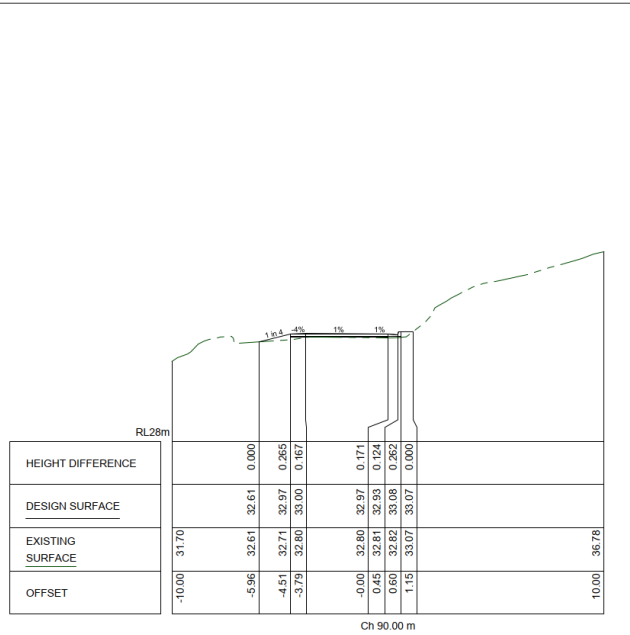
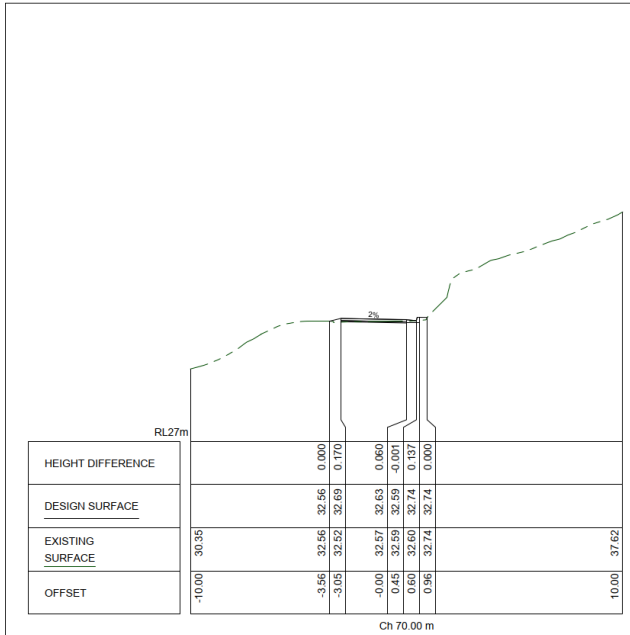


**DETAIL: CONTRACTION JOINT (CJ)**  
SCALE 1:10

						DRAWING NOT TO SCALE Designer: A.P.B. Checker: T.S. Date: 05/12/2025		<b>PROPOSED DRIVEWAY ACCESS</b> <b>24 MURPHY STREET, PORT DOUGLAS</b> PROPOSED CIVIL ENGINEERING WORKS TYPICAL SECTION & DETAILS LOT 1 ON PTD2095 TAMASINE DALE C/O GREENLEAF GARDEN MANAGEMENT FOR APPROVAL <span style="float: right;">REV: LU23291-CP-400 B</span>	
REVISIONS NO. DATE BY 01 11/05/2024 J.L.A. 02 05/12/2025 J.L.A.	APPROVED FOR: [Signature] DATE: 05/12/2025	CONTACT: 07 5540 0177 CONTACT@LEKKERURBAN.COM WWW.LEKKERURBAN.COM							



<p><b>Lekker Urban</b></p> <p>CONSULTING ENGINEERS</p> <p>100/100 BROADWAY, SUITE 100</p> <p>PORT DOUGLAS, QLD 4171</p> <p>PH: 07 5599 2121</p>		<p>SCALE 1:100 @ A1</p> <p>0 2 4 6 8 10 m</p>	<p><b>PROPOSED DRIVEWAY ACCESS</b>  <b>24 MURPHY STREET, PORT DOUGLAS</b>          PROPOSED CIVIL ENGINEERING WORKS          ANNOTATED CROSS SECTIONS - ACCESS DRIVEWAY          LOT 1 CN PTD2195          TAMASINE DALE C/O GREENLEAF GARDEN MANAGEMENT</p>
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FOR APPROVAL		J.L.A.	05/12/2025
Amendments		Approved	Date

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 07553 311 478

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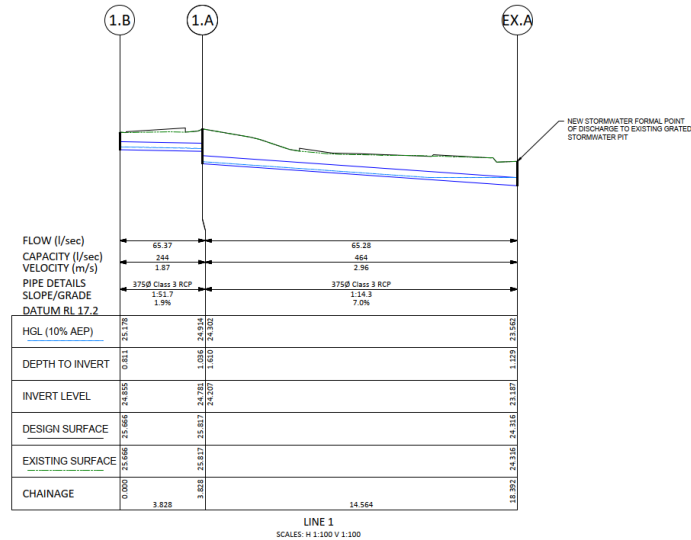
Designed	A.P.B.	Checked	T.S.
Authorised	J.L.A.	Date	05/12/2025

**PROPOSED DRIVEWAY ACCESS**  
**24 MURPHY STREET, PORT DOUGLAS**  
 PROPOSED CIVIL ENGINEERING WORKS  
 ANNOTATED CROSS SECTIONS - ACCESS DRIVEWAY  
 LOT 1 ON PTC22095  
 TAMASINE DALE C/O GREENLEAF GARDEN MANAGEMENT

DRAWING NUMBER: **LU23291-CP-402** REV: **A**

**FOR APPROVAL**

DRAINAGE PIT SCHEDULE												
Pit No.	Pit Type	Pit Width	Pit Length	Outlet Diameter	Outlet Invert RL	Inlet Diameter	Inlet Invert RL	Pit Depth	Pit Lid Level	Easting	Northing	Comment
		(mm)	(mm)	(mm)	(m)	(mm)	(m)	(m)	(m)	(m)	(m)	
EX.A	EXISTING GRATED KERB INLET	600	600			375	23.187	1.129	24.316	336276.35	8177040.168	BREAK INTO EXISTING STORMWATER PIT WITHIN MURPHY STREET & RENDER
1.A	FIELD INLET PIT (GRATED)	600	600	375	24.207	375	24.781	1.610	25.817	336267.93	8177052.051	NEW 600 x 600 GRATED FIELD INLET PIT WITH GRATED GALVANISED HINGED GRATE (CLASS D) REFER TO FNGROC STD DRG S10700 FOR ADDITIONAL NOTES & DETAILS
1.B	FIELD INLET PIT (GRATED)	600	600	375	24.855			0.968	25.843	336270.29	8177054.908	NEW 600 x 600 GRATED FIELD INLET PIT WITH GRATED GALVANISED HINGED GRATE (CLASS D) REFER TO FNGROC STD DRG S10700 FOR ADDITIONAL NOTES & DETAILS



Rev	Description	Approved	Date
B	UPDATED FOR INFORMATION REQUEST	J.L.A.	11/03/2026
A	FOR APPROVAL	J.L.A.	05/12/2025

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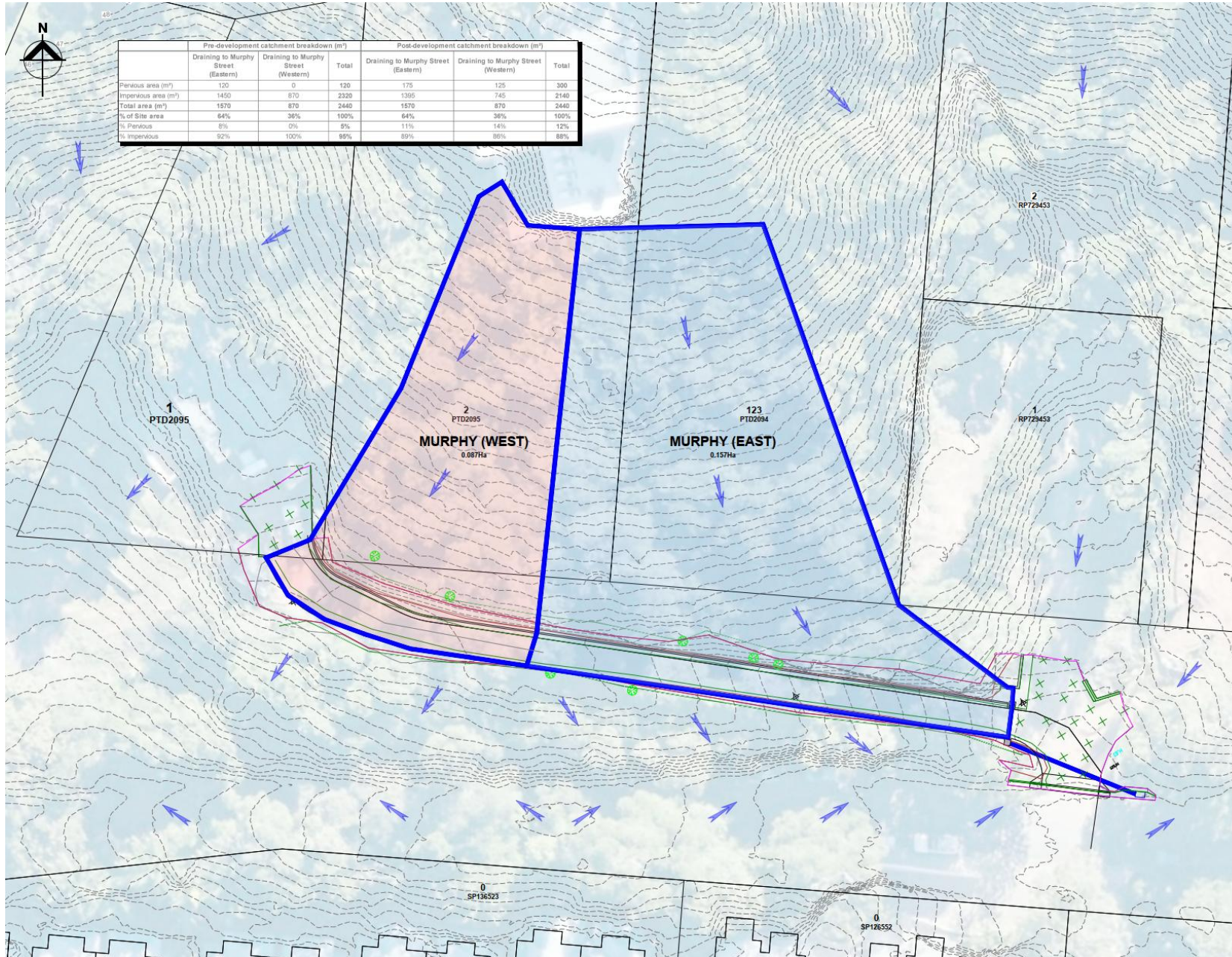
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Designed: A.P.B. Checked: T.S.  
Authored: J.L.A. Date: 05/12/2025

**PROPOSED DRIVEWAY ACCESS  
24 MURPHY STREET, PORT DOUGLAS**  
PROPOSED CIVIL ENGINEERING WORKS  
STORMWATER LONGSECTION & CALCULATIONS

LOT 1 ON PTD2095  
TAMASINE DALE C/O GREENLEAF GARDEN MANAGEMENT

FOR APPROVAL DRAWING NUMBER: **LU23291-CP-600** REV: **B**



## ***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 February 2026 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]

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*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]

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- (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.

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**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—