

7 November 2018

Enquiries: Jenny Elphinstone Tel 07 4099 9482 *AE*  
Our Ref: MCUC 2888/2018 (Doc ID 879410)  
Your Ref: 20184261

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

Mr James Meecham  
C/ GMA Certification Group  
PO Box 831  
**PORT DOUGLAS QLD 4877**

Dear Sir

**DEVELOPMENT APPLICATION FOR A DWELLING HOUSE (CODE ASSESSMENT)  
AT 37-39 SNAPPER ISLAND DRIVE, WONGA  
ON LAND DESCRIBED AS LOT 33 ON RP903504**

Council refers to the above development application lodged with Council and as properly made on the 15 October 2018.

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

Please be advised that Council's Rates have been notated identifying that the land owner has taken responsibility for the flooding risk away from Council as owner intends to construct the house at the ground level of approximately 3.2 m AHD. The house will have a finished floor level of approximately 3.5 m AHD and this is on the understanding that Council normally requires habitable rooms of buildings to have a minimum floor level of 3.7 m AHD. Refer to MCUC 2888/2018 (Council document ID: 879410).

Please quote Council's application number: MCUC 2888/2018 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482 or at [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

Yours faithfully

  
**PAUL HOYE**  
Manager Sustainable Communities

encl.

- Decision Notice
- Approved Plans
- Applicant's Rights to make representations and applicant's appeal rights.

## DOUGLAS SHIRE COUNCIL

### DECISION NOTICE — APPROVAL (WITH CONDITIONS) (GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016*)

Thank you for your development application detailed below which was properly made on the 15 October 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows.

#### 1. Applicant's details

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Name: James Meecham  
Postal Address: C/ GMA Certification Group  
PO Box 831  
Port Douglas Qld 4877

#### 2. Location details

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Street address: 37-39 Snapper Island Drive, Wonga Beach  
Real property description: Lot 33 on RP903504  
Assessment Manager: Douglas Shire Council

#### 3. Details of the proposed development

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Development Permit for a Material Change of Use and for Building Work Made Assessable  
Development Against the Planning Scheme for a Dwelling House.

#### 4. Decision

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Decision details: Development Permit approved in full with conditions.  
These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.  
Date of decision: 7 November 2018.

#### 5. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Plan	Robert Colefax	9 October 2018	Proposed Residence at No.39 Snapper Island Drive, Wonga Beach, Drawing DD1	Revision BA

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Floor Plan	Robert Colefax	9 October 2018	Proposed Residence at No.39 Snapper Island Drive, Wonga Beach, Drawing DD2	Revision BA
Elevations	Robert Colefax	9 October 2018	Proposed Residence at No.39 Snapper Island Drive, Wonga Beach, Drawing DD3	Revision BA
Elevations	Robert Colefax	9 October 2018	Proposed Residence at No.39 Snapper Island Drive, Wonga Beach, Drawing DD4	Revision BA
Wastewater Management System	Earth Test	October 2018	SI 388-18Report.doc	N/A

## 6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

## 7. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development permit for Building work for all buildings, sheds and structures.

Note separate permits are required for the installation of plumbing fixtures and an onsite waste water treatment facility under the Queensland *Plumbing and Drainage Act 2002*.

## 8. Properly made submissions

Not applicable — No part of the application required public notification.

## 9. Referral agencies for the application

Not applicable.

## 10. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*, being six (6) years from the date of approval.

## 11. Reasons for decision

The reasons for this decision are:

- A. Sections 60 and 63 of the *Planning Act 2016*:
1. The conditions and advices as per Schedule 1;
  2. To ensure the development satisfies the benchmarks of the 2018 Douglas Shire Council Planning Scheme; and
  4. To ensure compliance with the *Planning Act 2016*.
- B. Findings on material questions of fact:
1. The application was properly lodged to the Douglas Shire Council on the 15 October 2018 under section 51 of the *Planning Act 2016*;
- C. Evidence or other material on which findings were based:
1. Council undertook an investigation of assessment of the development, against the State Development Requirements and the 2018 Douglas Shire Council Planning Scheme in making its assessment manager decision;
  2. Council undertook an assessment in accordance with the provisions of section 60 of the *Planning Act 2016*; and
  3. The following findings are made:
    - a. Subject to amended assessment manager's conditions the development satisfactorily meets the State Planning Policy considerations and the 2018 Douglas Shire Council Planning Scheme requirements sufficient for the assessment of the applications against section 60 of the *Planning Act 2016*.
    - b. In regards to Section 63(iii)(e) of the *Planning Act 2016*:

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p><i>Flood and Storm Tide Overlay</i></p> <p>PO1 Development is located and designed to:</p> <ul style="list-style-type: none"><li>ensure the safety of all persons;</li><li>minimise damage to the property and content of buildings;</li><li>provide suitable amenity;</li><li>Minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</li></ul> <p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p><b>Flood Inundation</b></p> <p>There is no known flood study for this site or for the other older developed area of Wonga Beach. The floodplain mapping is a general overlay. The land was originally developed to a level of approximately 3.2 m AHD.</p> <p>It is generally considered that land in a coast floodplain area should achieve a minimum floor height of 3.7 m AHD, including a 300 mm freeboard. The owners have acknowledged that the proposed level is less than that desired by Council. A condition states that the owner is responsible for flooding and council's rates will be so notated.</p> <p>This nominated level will be recorded to the rates parcel as a notation for any future purchasers to be aware that the flood level for the Q100 for this site is unknown.</p> <p>Further safety is available to residents through Council's disaster management planning and identified evacuation areas.</p>

## 12. Rights of appeal

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The rights of applicants to make representations and the 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*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's right to make representations and appeal rights.

## **SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**

### **PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

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

#### **Minimum Fill and Floor Levels - Flood**

3. The land owner is responsible for all risks associated with flooding where the finished habitable floor level is less than 3.7 m AHD.

#### **Lawful Point of Discharge**

4. 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.

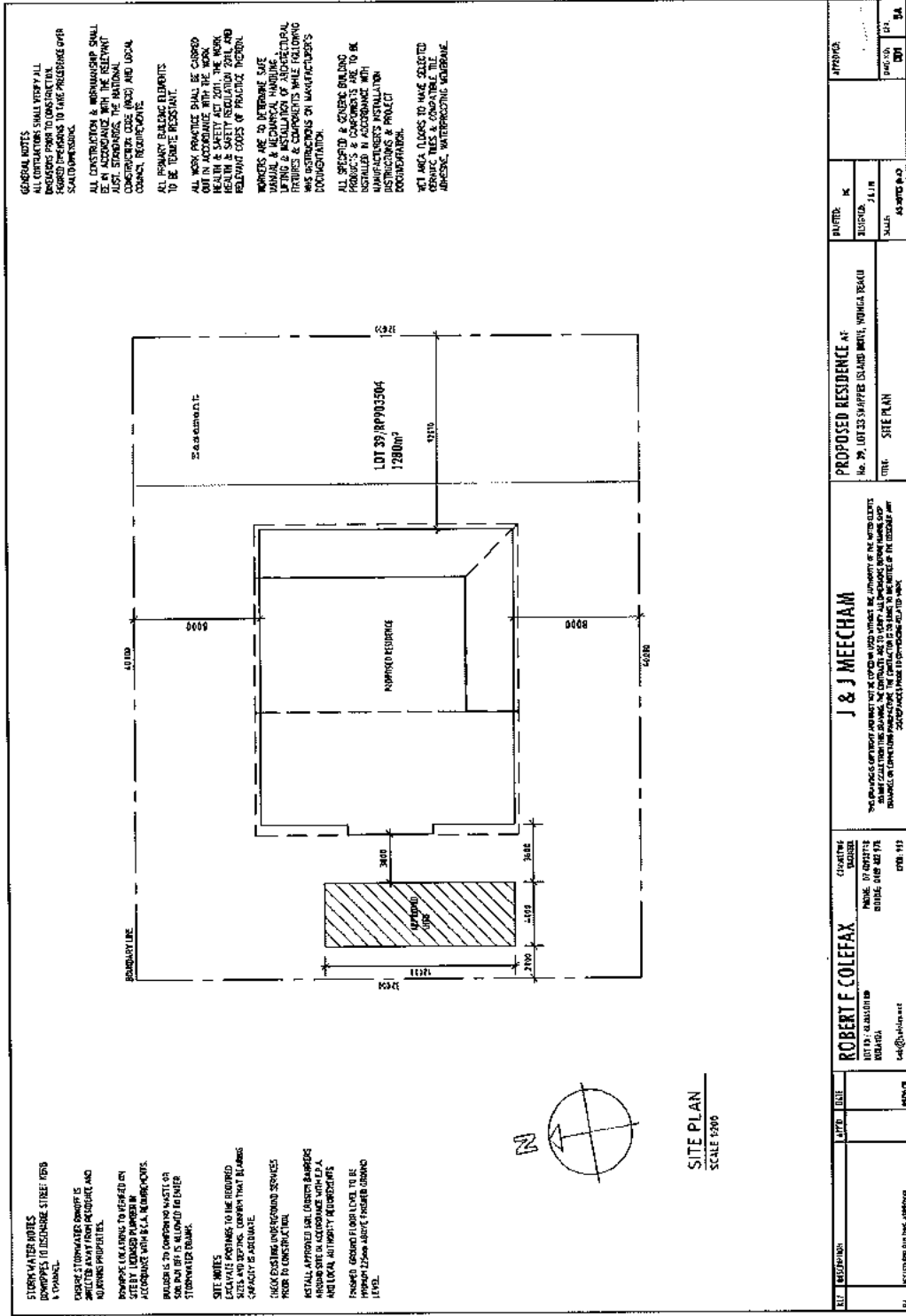
#### **Vehicle Crossover and Driveway**

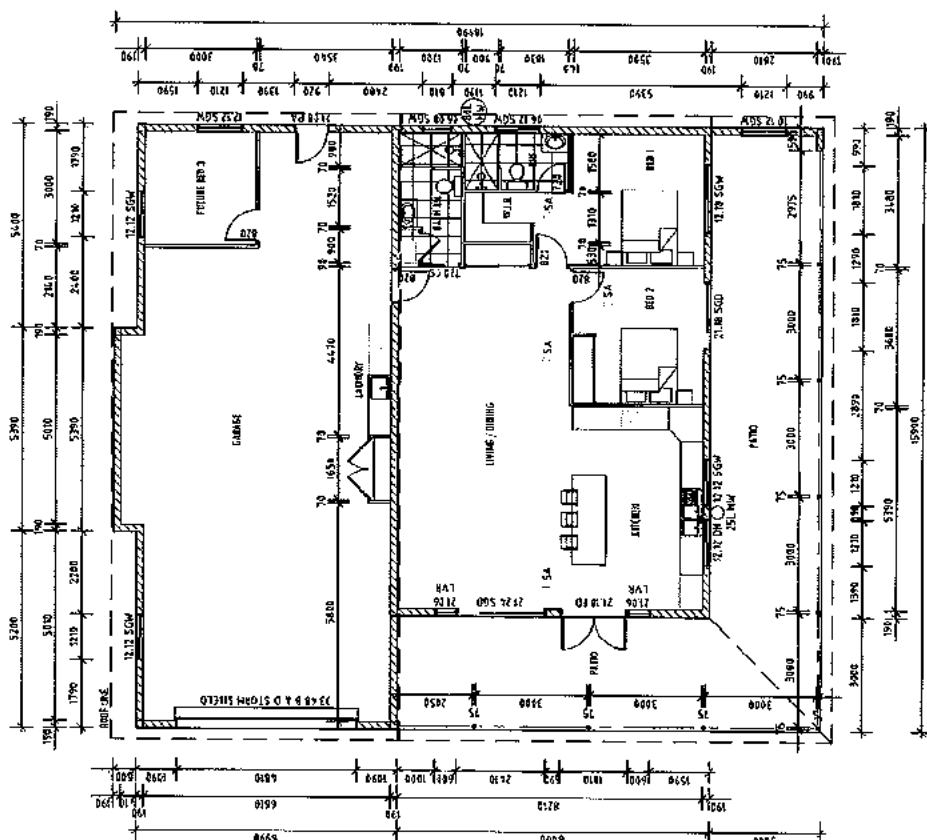
5. A single vehicle crossover and driveway must be constructed for the land use in accordance with the FNQROC Development Manual standard drawings for residential properties.

### **PART 1B – ADVICE NOTES**

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect 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. Note – Council holds no relevant flood study for this area.
4. The current FNQROC Development Manual (Version 7) Standard Drawings for vehicle access crossovers and driveways are included in Schedule 2. Note a development permit for operational work is required where these required works are inconsistent with the FNQROC Development Manual.
5. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
6. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

# Approved plans and specifications





RECEIVED BY CHIEF OF POLICE  
JAN 10 1964

**FOR NOTES**

THESE BOOKS  
ARE AVAILABLE FROM THE  
PUBLISHERS

BRITISH AIR FORCE  
FROM STUDYING NATIONAL INTELLIGENCE REPORTS OF HIGHER  
TWO SEVERAL CENTRAL ISLANDS OF SMOKEWAVE AIRCRAFT  
5341000 0000000

THIS FROM ALL SOURCE OF CONTACT WITH COMPANY PEOPLE TO  
THEIR OWNERS WITHIN

### ADDITIONAL ALARMS NOTE

[illegible]

**FLOOR PLAN**  
**SCALE 1/100**

### QUESTIONS & NOTES:

TO REMAIN  
LOUVER  
SLIDING GLASS DOOR  
PERSONAL ACCESS DOOR  
FRONT DOOR  
SHOCK ALARM  
HOT WATER TANK  
DOORS & WINDOWS TO HAVE ALUMINUM FRAMES & CLEAN CO-  
LATERALS REPAIRED INTERNALLY TO MATCH EXISTING  
WALLS TO OUTSIDE OF EXTERNAL BLOCK WALLS  
TO DIFFERENTIAL  
AS TO GARAGE & BATHROOM  
TO CHANGE FLOOR, SET DOWN ROOM FROM MOORE SLAB  
TO PAVING FLOOR, 2' DOWN STEP DOWN FROM MOORE SLAB  
TO 10' MIN. AHEAD FROM MOORE

**REQUIREMENTS FOR  
SUSTAINABLE BUILDINGS**

TABLE:

DO NOT FORGET TO ORDER YOUR 3 STAR RAINING COAT THE LATER THE BETTER!

1999

EFFICIENTLY LABELING AND  
STANDARDIZING RATING FOR CAPS  
LAUNDRY TUBS  
KITCHEN SINKS  
AND  
BATHS

WATER SUPPLY

WATER SERVICE UNDER THE  
WATER ACT 2000. THE WATER  
SUPPLIED TO A SINK CLASS 1  
MUM DASH DRY'S NOT FIFTEEN

WATER PRESSURE EXCEEDS  
THE BOUNDARIES OF THE  
PROPERTY DOES NOT EXCEED 50 PSI

VOLUME OF WATER USED IN

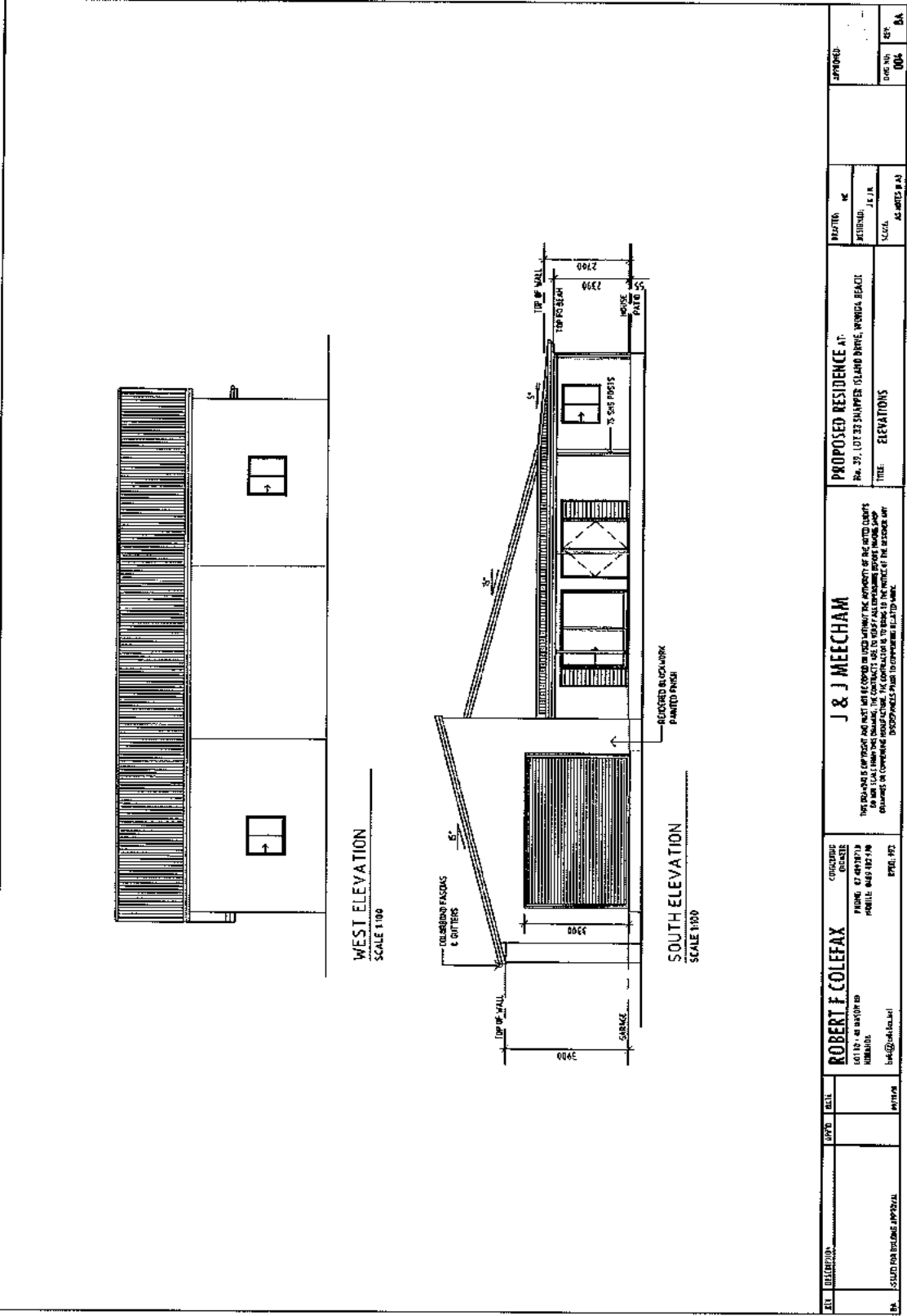
MULTI-TESTING TO MEASURE DRAIN  
FLUSH CAPABILITY AND MEET A  
NUMBER OF STAR WATER  
LABELLING AND STANDARDS  
A TONG

ENERGY EFFICIENT LIGHTING  
MEMBER OF BPC OF ALL  
THERMAS, FIXED LIGHTING MUST BE  
ENERGY EFFICIENT LIGHTING.

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Doc ID 879410





# **Wastewater Management System**

**For**

**James Meecham**

**At**

**39 Snapper Island Drive**

**Wonga**

Postal address: Earth Test, PO Box 1042, Tolga, Qld 4882. Phone: 4095 4734  
e-mail: [info@earthtest.com.au](mailto:info@earthtest.com.au)



Consol Solutions Pty. Ltd. T/A Earth Test QBC U #. 15092731

### **INTRODUCTION:**

Earth Test has been engaged by James Meecham to design a Domestic Wastewater Management System at 39 Snapper Island Drive, Wonga.

Real Property Description:

Lot 13 on RP 902504

Local Authority: Douglas Shire Council

It is understood the intention is to construct a dwelling at the site.  
A site and soil evaluation was carried out in October 2018.

### **SITE FACTORS:**

The site was identified by its street address.

A photograph is included as part of this report to confirm the identity of the site.

The Lot has a total area of 1303 square metres. It is predominantly covered with grass.

The site is predominantly level, a drainage easement was noted on the site plan.

One soil permeability test was performed at location P1 as shown on the site plan.



Permeability testing at 39 Snapper Island Drive, Wonga.



## **SITE AND SOIL EVALUATION**

### **39 Snapper Island Drive, Wonga.**

The site and soil evaluation carried out on 10/10/2018 provided the following results.

#### **Site Assessment**

<b><u>Site Factor</u></b>	<b><u>Result</u></b>
Slope	Predominately level
Shape	Linear Planar
Aspect	Nil
Exposure	Good
Erosion/land slip	Not noted
Boulders/rock outcrop	Not noted
Vegetation	Grass
Watercourse	As shown on the site plan
Water table	Not encountered during investigation.
Wells/Bores	None
Fill	Not in Land Application Area
Flooding	Not likely
Channelled run-off	Not found
Soil surface conditions	Dry, Firm
Other site specific factors	Not noted

#### **Soil Assessment**

<b><u>Soil Property</u></b>	<b><u>Result</u></b>
Colour	Brown
Texture	Sandy-foam
Structure	Weak
Coarse Fragments	Nil
Measured Permeability Ksat (m/d)	P1= 0.26
Dispersion	Stakes
Soil Category	4
Resultant Design Load Rating, DLR (mm/d)	20



## **WASTEWATER MANAGEMENT SYSTEM**

An "All-Waste" septic tank discharging into an "Advanced Enviro-Septic" bed is considered suitable for this site.

This system has been designed to conform to the requirements of the following codes, acts, regulations and standards. All work to be carried out in accordance with the following codes.

- AS/NZ 1547:2012 On-site domestic-wastewater management
- Queensland PLUMBING AND DRAINAGE ACT 2002.
- Queensland STANDARD PLUMBING AND DRAINAGE REGULATION 2003.
- Queensland PLUMBING AND WASTEWATER CODE.

### **SYSTEM SIZING FACTORS.**

A population equivalent of four (4) persons has been chosen for the proposed two bedroom dwelling.

The residence is connected to a reticulated water supply system.

Standard water-reduction fixtures must be used to ensure the integrity of the system. They shall include:-

- Dual flush 6/3 Litre water closets.
- Shower-flow restrictors.
- Aerator faucets (taps).
- Water-conserving automatic washing machines.

Note: - Garbage grinders are not permitted.

As per AS/NZ 1547:2012 Appendix B, Table B1 the "Typical wastewater design flow" for a "Reticulated water supply" gives a flow allowance of 150 L/Person/day.

The daily flow for the dwelling (4 persons @ 150 L/person/day) will be 600 L/day.

From AS/NZ 1547:2012 Table J1 the minimum capacity of the All-Waste septic tank required is 3000 L.

The tank must NOT be fitted with an outlet filter.



## **LAND-APPLICATION SYSTEM**

### **DISPOSAL AREA SIZING**

From AS/NZ 1547:2012 APPENDIX L, L4 DESIGN AREA SIZING, L4.2 Sizing

$$L = Q / (DLR \times W)$$

Where:

L = length in m

Q = design daily flow in L/day

DLR = Design Loading Rate in mm/d

W = Width in m

$$L = 600/20 \times 2.38 \\ = 12.6m$$

**Use one 12.6m long by 2.38m wide advanced enviro septic bed.**

See site plan and detail cross-section.

### **SYSTEM SAND**

All Advanced Enviro-Septic systems require the use of "system sand" surrounding the pipe. This sand, typically washed coarse sand, must adhere to the following specification.

AS Sieve Size (mm)	Percent Passing %
9.50	100
4.75	95-100
2.36	80-100
1.18	50-85
0.600	25-60
0.300	5-30
0.150	0-10
0.075	0-2

If there is any doubt if the sand media proposed for use will meet the requirements please contact Earth Test for further advice.



### **SYSTEM INSTALLATION**

The entire bottom of the bed should be scarified a minimum of 200mm deep parallel to the AES pipes.

Avoid compaction by keeping people and machinery off the finished trench or bed floor.  
The system shall be installed by a licensed plumber in accordance with the manufacturer's recommendations and the relevant Australian Standards.

### **Operation and Maintenance**

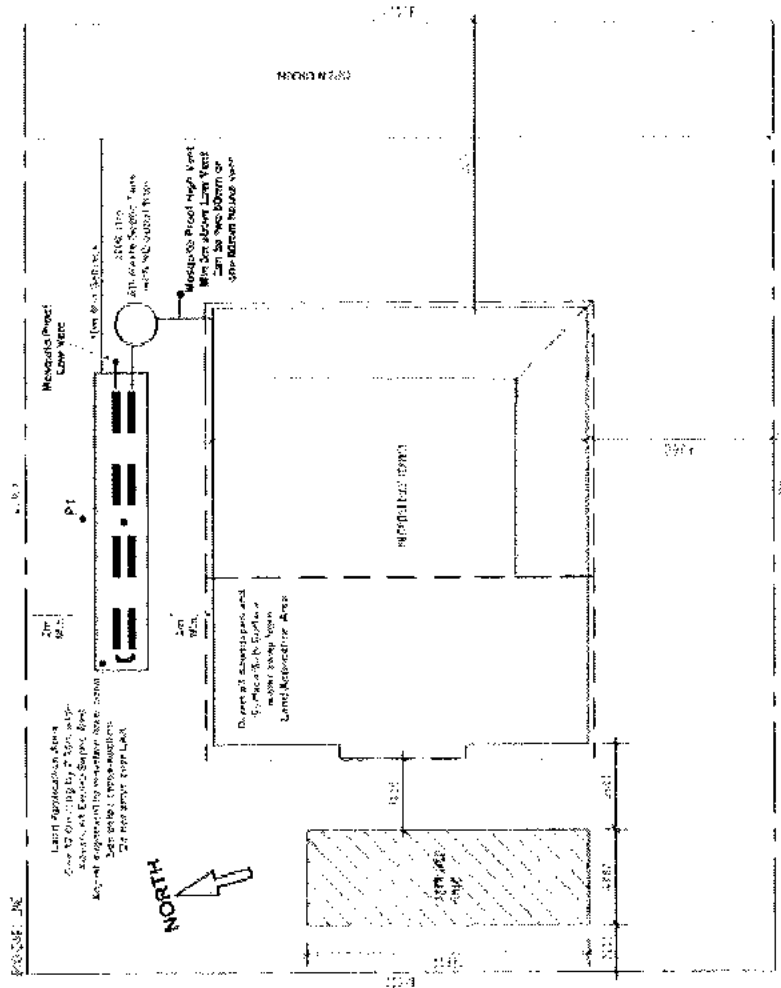
Homeowners should be fully informed of the proper operation and maintenance requirements of the on-site wastewater system.

Gavin Negri  
Earth Test

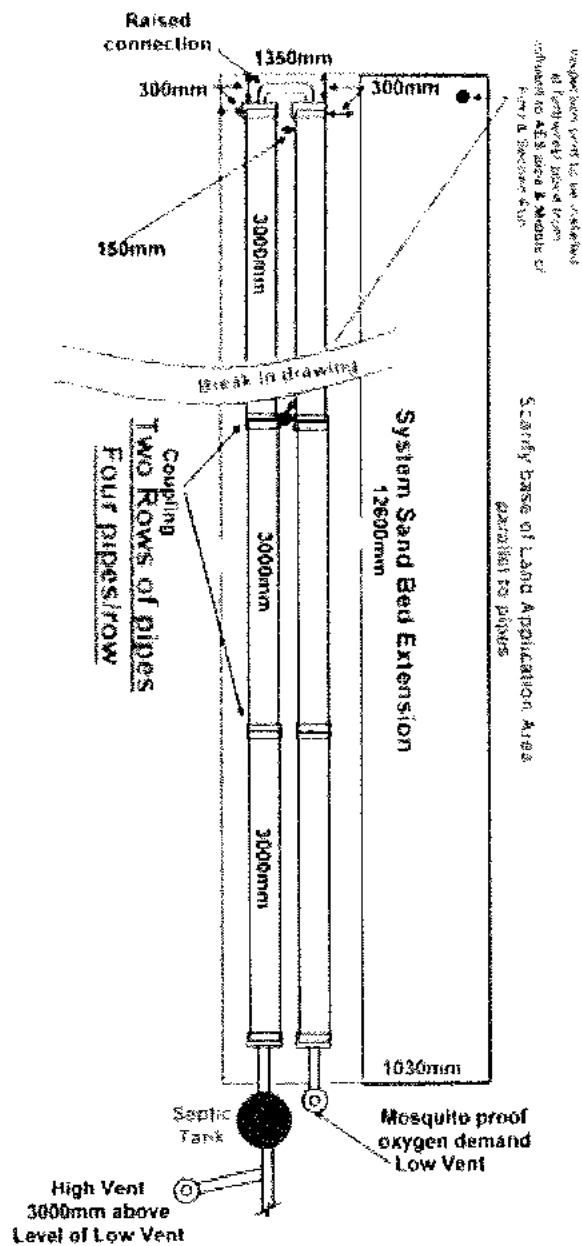


Consolid Solutions Pty. Ltd. T/A Earth Test QBCU #. 15092731

**SITE PLAN**  
**39 Snapper Island Drive, Wonga.**  
**Not to Scale.**







[illegible]

## Advanced Enviro-septic Design Calculator V8.5





## SCHEDULE 2 – PLANNING ACT 2016 - EXTRACTS ON MAKING REPRESENTATIONS AND ON APPEAL RIGHTS

### Planning Act 2016 Making Representations

Planning Act 2016  
Chapter 3 Development assessment

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- (a) any part of the building work must be assessed against, or having regard to, a matter that is not a building assessment provision; and
  - (b) none of the referral agencies are required to assess the application against, or having regard to, the matter.
- (5) A development permit given by the private certifier for the building work does not authorise the carrying out of the part requiring assessment against, or having regard to, the matter, unless a relevant preliminary approval is in effect for the part.
- (6) In this section—  
*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

Current as at 9 May 2018

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Authorised by the Parliamentary Counsel



- (c) as if a reference in section 76 to a development application were a reference to a change application; and
- (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
- (e) with any other necessary changes.

## **75 Making change representations**

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or
    - (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
  - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—

- (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
  - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
  - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

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

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- (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.
- (2) A change application must be made to the responsible entity.
- (3) The *responsible entity* is—
  - (a) for a change application for a minor change to a development condition that a referral agency imposes—the referral agency; or
  - (b) the P&E Court, if—
    - (i) the change application is for a minor change; and
    - (ii) the development approval was given because of an order of the court; and

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
  - conduct* means an act or omission.
  - representative* means—
    - (a) of a corporation—an executive officer, employee or agent of the corporation; or
    - (b) of an individual—an employee or agent of the individual.
  - state of mind*, of a person, includes the person's—
    - (a) knowledge, intention, opinion, belief or purpose; and
    - (b) reasons for the intention, opinion, belief or purpose.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for 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, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 Other appeals

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

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

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

## **232 Rules of the P&E Court**

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