

18 December 2025

Enquiries: Georgia Graham
Our Ref: BW 2025_5775/1 (Doc ID 1338543)
Your Ref:

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

A R Strange & S R Anderson
Southside
BLOOMFIELD QLD 4895

Dear Sir/Madam

**Development Application for Building Work Assess Against Plan Scheme (Dwelling house)
At 113 Banabilla Road DEGARRA
On Land Described as Lot 2 on SP 123877**

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

Please quote Council's application number: BW 2025_5775/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



Leonard Vogel
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - 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: A R Strange & S R Anderson
Postal Address: Southside
BLOOMFIELD QLD 4895
Email: sharonra59@gmail.com

Property Details

Street Address: 113 Banabilla Road DEGARRA
Real Property Description: Lot 2 on SP 123877
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Development Applications (Building Work Assessable Against the Planning Scheme – Dwelling house)

Decision

Date of Decision: 18 December 2025
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
SITE PLAN	Joe Higham Building Designer, A-1369, Sheet 1 of 13	17 November 2025
SITE PLAN B	Joe Higham Building Designer, A-1369, Sheet 2 of 13	17 November 2025
FLOOR PLAN	Joe Higham Building Designer, A-1369, Sheet 3 of 13	17 November 2025

FOOTING PLAN	Joe Higham Building Designer, A-1369, Sheet 4 of 13	17 November 2025
ELEVATIONS	Joe Higham Building Designer, A-1369, Sheet 5 of 13	17 November 2025
FLOOR FRAMING PLAN	Joe Higham Building Designer, A-1369, Sheet 6 of 13	17 November 2025
ROOF FRAMING PLAN	Joe Higham Building Designer, A-1369, Sheet 7 of 13	17 November 2025
JOINERY SCHEDULE	Joe Higham Building Designer, A-1369, Sheet 8 of 13	17 November 2025
JOINERY SET OUT PLAN	Joe Higham Building Designer, A-1369, Sheet 9 of 13	17 November 2025
SECTION A-A	Joe Higham Building Designer, A-1369, Sheet 10 of 13	17 November 2025
SECTIONS B-B & C-C	Joe Higham Building Designer, A-1369, Sheet 11 of 13	17 November 2025
SECTIONS	Joe Higham Building Designer, A-1369, Sheet 12 of 13	17 November 2025
ELECTRICAL PLAN	Joe Higham Building Designer, A-1369, Sheet 13 of 13	17 November 2025

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

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; 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 endorsement of the Survey Plan except otherwise nominated in these conditions of approval.

Fire Management Area

3. Vegetation clearance areas are to be maintained as per the submitted Eldon Bottcher Architect Pty Ltd Bushfire Mitigation Report dated 10 April 2025.

Vehicle Access

4. The vehicle access point from Banabilla Road is to be as per the Site Plan, prepared by John Higham Building Designer, Sheet 01 and Sheet 02, or as otherwise approved by the Chief Executive Officer.

Building Colours

5. The exterior finishes and colours of Buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including water tanks) must be of moderately dark to darker shades of green, grey, blue and brown. The colours must be nominated prior to the issue of a Development Permit for Building Work to the satisfaction of the Chief Executive Officer.

Water Supply

6. Water storage tank(s) with a minimum capacity not less than 10,000 litres must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the building application. Such water tanks must be provided with:
 - a. Mosquito-proof screening; or
 - b. Flap valve at every opening of the tank or other receptacle; or
 - c. Other approved means for preventing the ingress or egress of mosquitoes; and
 - e. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

Treatment of Onsite Waste

7. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing and Drainage Act 2002 and Section 33 of the Environmental Protection Policy (Water) 1997.

Vegetation Clearing

8. Existing vegetation on the subject land is to be retained, except where removal is permitted for this development in accordance with the site plan nominated clearing, the Planning Scheme or otherwise approved under a separate development permit.

Advices

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.

Existing Damaged Dwelling

3. Council records indicate that the existing damaged dwelling does not have building approval.

This building is not fit for human habitation.

You are advised to either seek building approval to demolish the structure or obtain building approval to convert the structure to a Class 10a building (garage, carport or shed).
4. 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.
5. Council finds the report titled, *Site Classification and Waste Management System*, reference *SI 145.3-25 Report*, prepared by Earth Test dated 17 March 2025 to satisfactorily meet condition 7.
6. Council finds the report titled, *Bushfire Mitigation Report FM 7231*, prepared by Eldon Bottcher Architect Pty Ltd to satisfactorily meet the requirements of the planning Scheme in respect to condition 3.

Further Development Permits

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

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

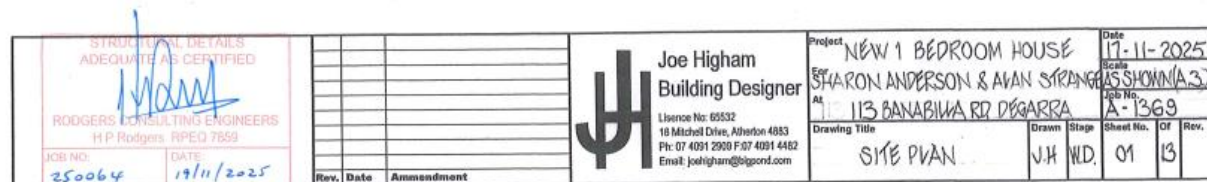
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

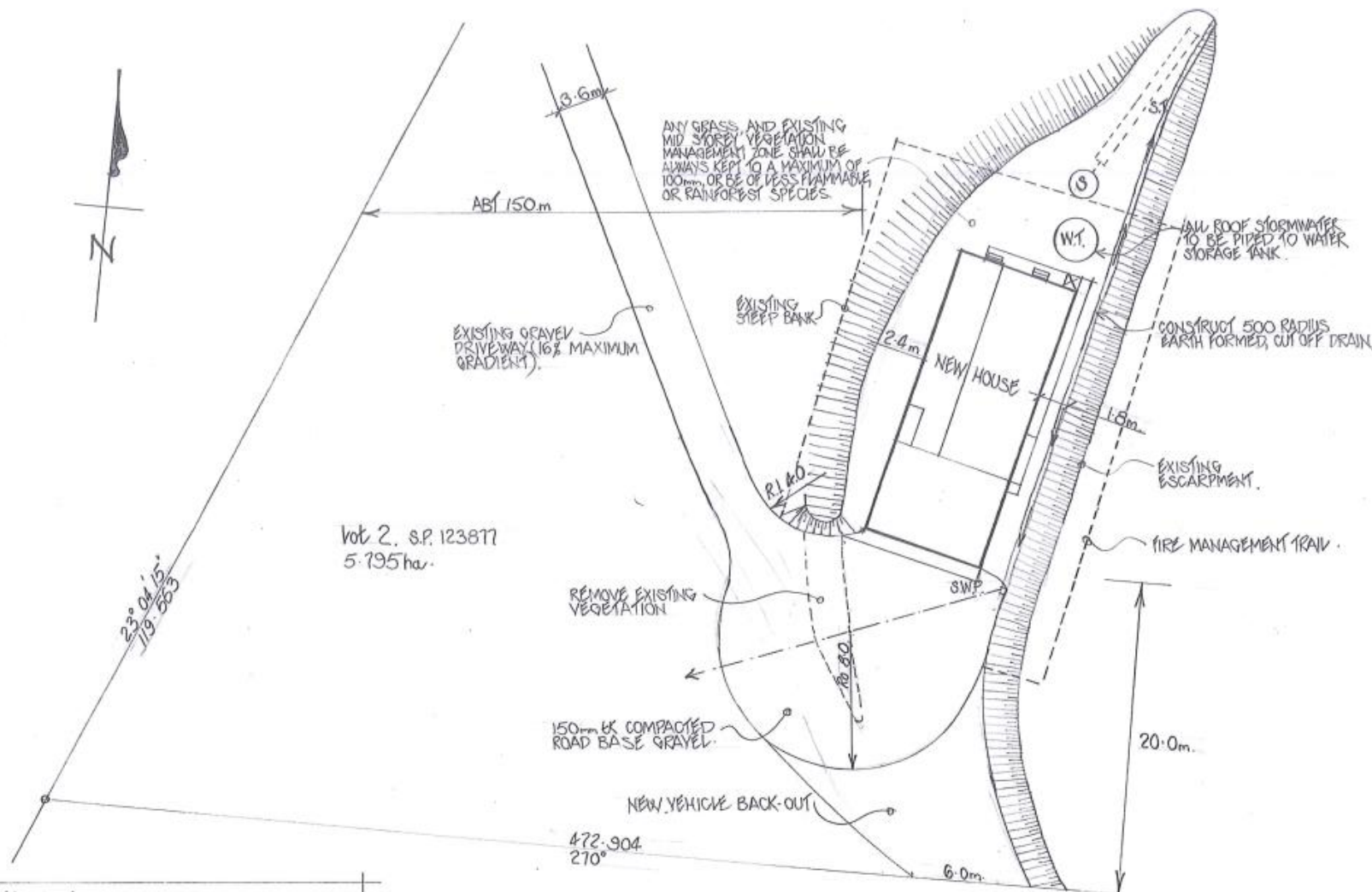
Rights to make Representations & Rights of Appeal

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.

Document(s)





SITE PLAN 'B' 1: 250.

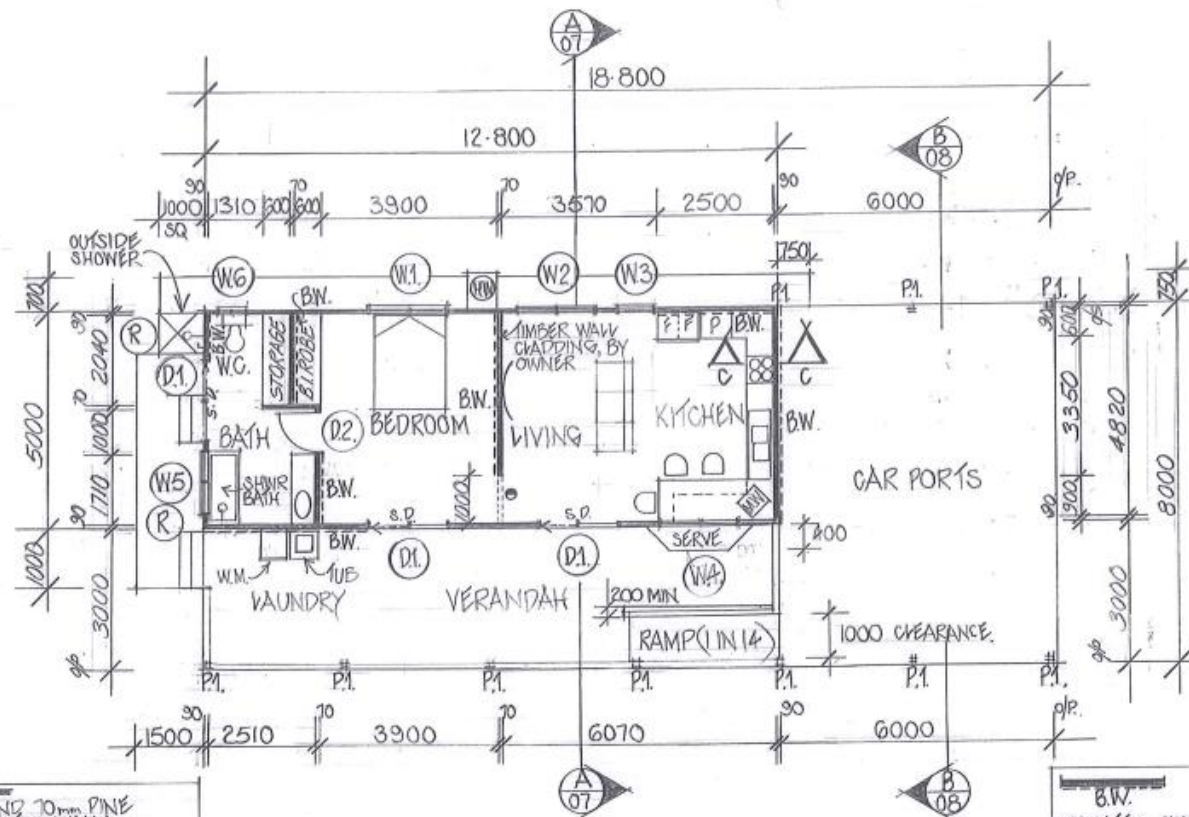
SITE LEGEND.	
W.T.	WATER STORAGE TANK. MIN 10,000 LITRE.
S.T.	SEPTIC TANK.
S.W.P.	STORMWATER PT.
---	150 Ø U.P.V.C. STORMWATER PIPE.
---	SOAKAGE PT.
---	FIRE MANAGEMENT TRAIL SHALL HAVE A MINIMUM WIDTH OF 6.0m CLEARED OF MIDSTOREY VEGETATION AT ALL TIMES.

STRUCTURAL DETAILS ADEQUATE AS CERTIFIED	
RODGERS CONSULTING ENGINEERS H P Rodgers RPEQ 7859	
JOB NO: 250064	DATE: 19/11/2025

Rev.	Date	Amendment

	Joe Higham Building Designer	
	Licence No: 65532	
	18 Mitchell Drive, Atherton 4883	
	Ph: 07 4091 2900 F: 07 4091 4482 Email: joehigham@bigpond.com	

Project	NEW 1. BEDROOM HOUSE.		Date	17-11-2025
For	SHARON ANDERSON & ALAN STRANGE		Scale	AS SHOWN A3.
At	113 BANABIWARD, DEGARRA.		Job No.	A-1369
Drawing Title	SITE PLAN 'B'	Drawn	Stage	Of
		J.H.	W.D.	02
				13



FLOOR PLAN 1:100.

B.W.	INDICATES, PLYWOOD LINED WALL BRACING IN ACCORDANCE WITH A.S. 1684.3, FOR A BRACING RESISTANCE OF 6.0 kN/m.
TOTAL LIVING AREA	: 64 m ²
TOTAL VERANDAH AREA	: 38.4 m ²
TOTAL CARPORT AREA	: 48.0 m ²
TOTAL FLOOR AREA	: 150.4 m ²

LIVING (PROVIDE AND LAY)

BATH RM. W.C. AND LAUNDRY FLOORS
8mm MIN CERAMIC FLOOR TILES.

BATH RM. & W.C. WALL TILES TO FULL PERIMETER UP 2100mm MIN THICKNESS 6mm. KITCHEN SPASH BACK CERAMIC TILES 6mm TK UP 300mm.

STRUCTURAL DETAILS
ADEQUATE AS CERTIFIED

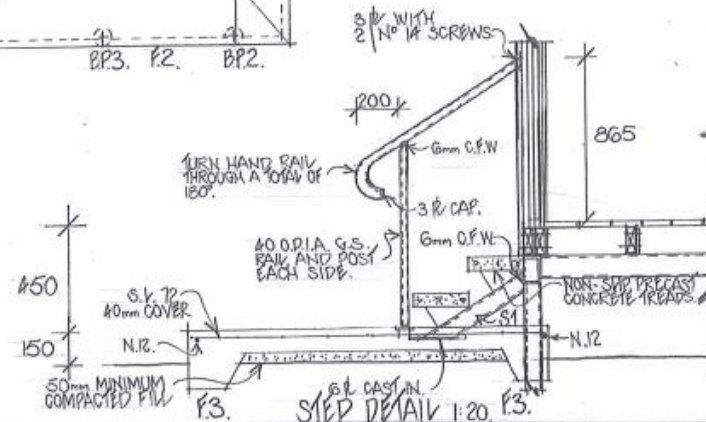
RODGERS CONSULTING ENGINEERS
H.P. Rodgers RPEO 7859

JOB NO: 250064 DATE: 19/11/2025

Rev. Date Amendment

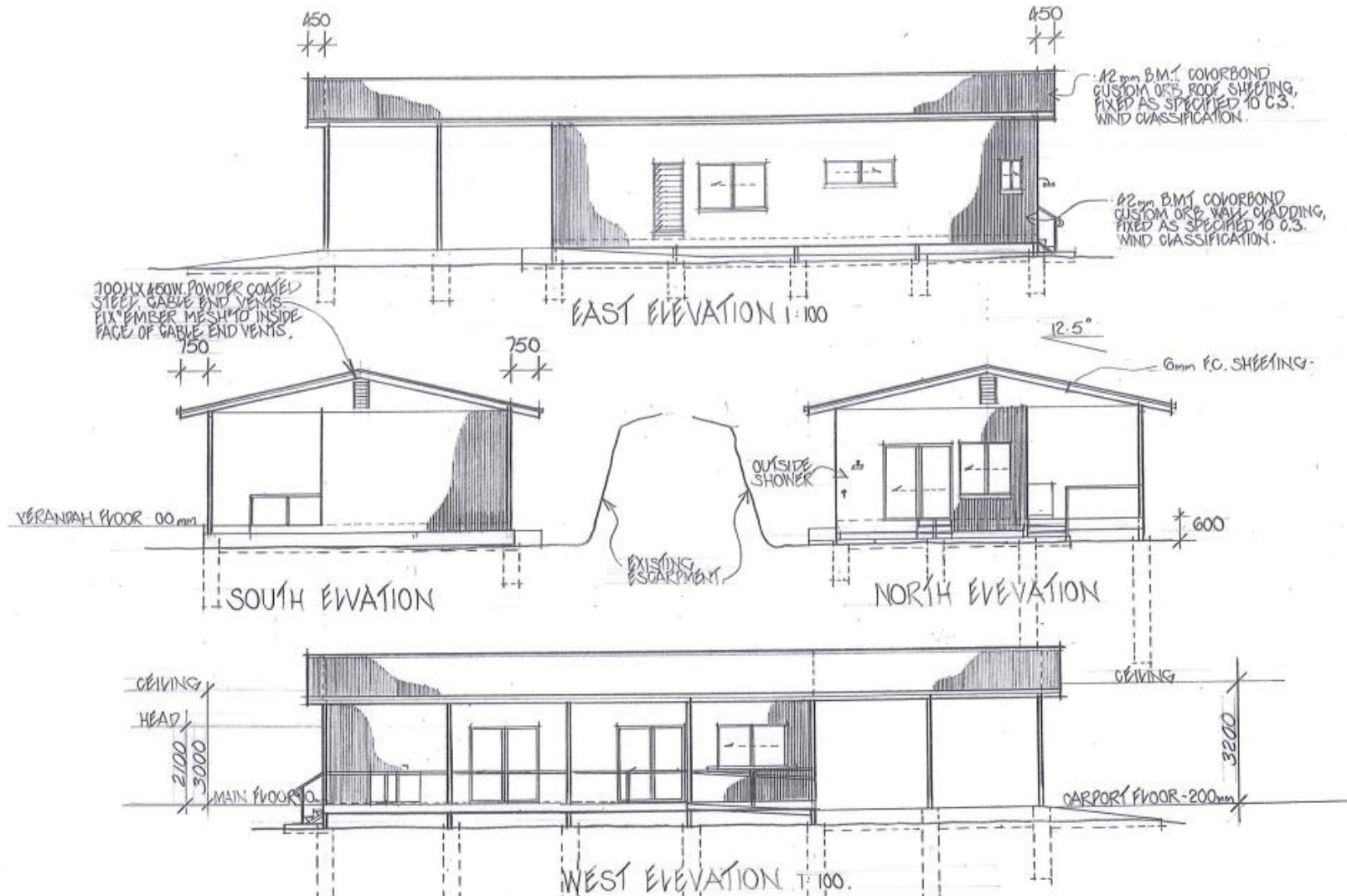
Joe Higham
Building Designer
Licence No: 65532
18 Mitchell Drive, Atherton 4883
Ph: 07 4091 2503 F: 07 4091 4482
Email: joehigham@bigpond.com

Project	NEW 1 BEDROOM HOUSE	Date	17-11-2025
For	SHARON ANDERSON & AVAN STRANGE	Scale	AS SHOWN (A3)
At	113 BANABUWA RD, DEGARRA	Job No.	A-1369
Drawing Title	FLOOR PLAN	Drawn	J.H.
		Stage	WD
		Sheet No.	03
		Of	13
		Rev.	



FOOTING PLAN 1:100.

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STRUCTURAL DETAILS
ADEQUATE AS CERTIFIED

[Signature]

RODGERS CONSULTING ENGINEERS
H P Rodgers RPEQ 7839

JOB NO: 250064 DATE: 19/11/2025

Rev.	Date	Amendment

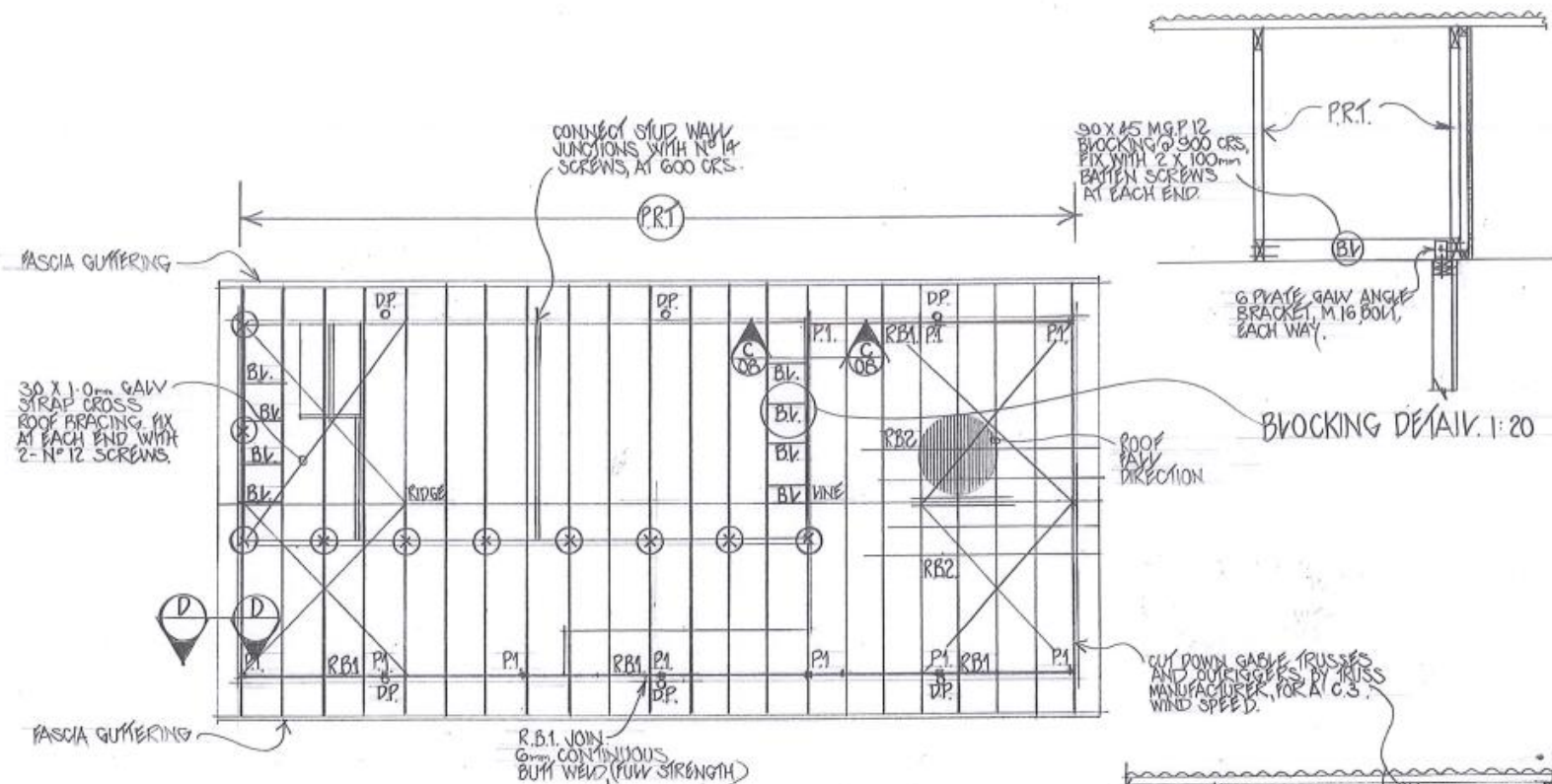
Joe Higham
Building Designer

Licence No: 65532
16 Mitchell Drive, Atherton 4883
Ph: 07 4091 2909 F: 07 4091 4482
Email: joehigham@bigpond.com

Project	NEW 1 BEDROOM HOUSE		Date	17-11-2025	
For	SHARON ANDERSON & AWAN S'RANGA		Scale	AS SHOWN A3	
At	113 BANABILLA RD DEGARRA		Job No.	A-1369	
Drawing Title	Drawn	Stage	Sheet No.	Of	Rev.
ELEVATIONS	J.H	W.D	05	13	



Project		NEW 1 BEDROOM HOUSE		Date		11-11-2025	
For		SHARON ANDERSON & ALAN STRANGE		Scale		AS SHOWN (A3)	
At		113 BANBILWA RD, DEGARRA		Job No.		A-1369	
Drawing Title		Drawn	Stage	Sheet No.	Of	Rev.	
FLOOR FRAMING PLAN		J.H	WD	06	13		



ROOF FRAMING SCHEDULE.

P1.	75 X 4mm GALV S.H.S. POSTS.
RB1.	125 X 75 X 4mm GALV R.H.S. ROOF BEAM, CONTINUOUS OVER 2 OR MORE SPANS.
P.T.	PREFABRICATED PINE ROOF TRUSSES, AT 900 MAX CRS, WITH V.D.A. MINIMUM STRENGTH GROUP.
RB2.	45 X 70 MGP12 ROOF BATTENS, SEE SECTION A-A FOR BATTEN SPACINGS.

ROOF FRAMING PLAN 1:100.

STRUCTURAL DETAILS
ADEQUATE AS CERTIFIED

[Signature]

RODGERS CONSULTING ENGINEERS
H.P. Rodgers RPEQ 7858

JOB NO: 250064 DATE: 19/11/2025

Rev.	Date	Amendment

Joe Higham
Building Designer

Licence No: 65532
18 Mitchell Drive, Atherton 4863.
Ph: 07 4091 2909 F: 07 4091 4482
Email: joe@highamdesign.com.au

Project: NEW 1. BEDROOM HOUSE
For: SHARON ANDERSON & ALAN STRANGE
At: 113. BANABIWAL RD, DEGARRA



Date: 17-11-2025
Scale: AS SHOWN (A3)
Job No: A-1369

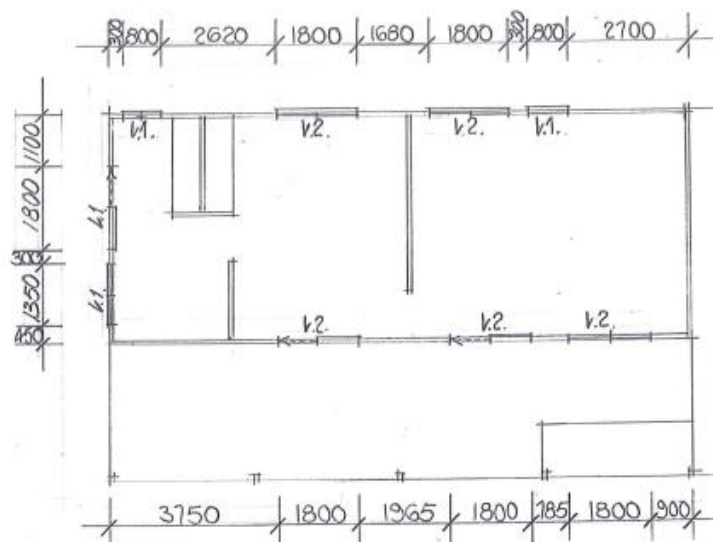
Drawing Title: ROOF FRAMING PLAN
Drawn: J.H. WD
Stage: 07
Rev: 13

DOOR SCHEDULE				
CODE	OPENING SIZE HxW	FRAME TYPE	GLAZING	DESCRIPTION
D1.	2100 X 1800	ALUMINIUM	LAMINATED MEDIUM TONED GLAZING.	O.X. SLIDING DOOR.
D2.	2040 X 870 X 35mm	25mm TIMBER FRAME	SOLID CORE PLY FACED	HINGE DOOR.
WINDOW SCHEDULE				
W1.	700 X 1800	ALUMINIUM	MEDIUM TONED 5mm TOUGHENED GLAZING.	O.X. SLIDING WINDOW.
W2.	1200 X 1800	" " "	" " "	" " "
W3.	1800 X 800	" " "	" " "	150mm BLADE ADJUSTABLE KOUVRÉS TOP AND BOTTOM GALLERIES.
W4.	1200 X 1800	" " "	" " "	O.X. SLIDING WINDOW.
W5.	1500 X 1200	" " "	" " "	" " "
W6.	800 X 600 800	" " "	" " "	" " "

FOR BUSHPORE ATTACK LEVEL - 29.
 WHERE FITTED SCREENS FOR
 WINDOWS AND DOORS SHALL
 HAVE A MAXIMUM PERFORATED
 SHEET WITH A MAXIMUM
 APERTURE OF 2mm. MADE OF
 CORROSION RESISTANT STEEL
 BRONZE OR ALUMINIUM GAPS
 BETWEEN THE PERIMETER OF
 THE SCREEN ASSEMBLY AND
 THE BUILDING ELEMENT TO
 WHICH IT IS FITTED, SHALL
 NOT EXCEED 3mm.
 (EMBER MESH.)

JOINERY SCHEDULE

STRUCTURAL DETAILS ADEQUATE AS CERTIFIED  RODGERS CONSULTING ENGINEERS H.P. Rodgers RPEQ 7869		Rev. Date Amendment		 Joe Higham Building Designer Licence No: 65632 18 Mitchell Drive, Atherton 4883 Ph: 07 4091 2909 F: 07 4091 4482 Email: joehigham@bigpond.com		Project NEW 1. BEDROOM HOUSE For SHARON ANDERSON & AWAN STRANGE At 113 BANABIWA RD DEGARRA Drawing Title JOINERY SCHEDULE	Date 17-11-2025 Scale (N.A.) Job No. A-1369	
JOB NO: 250064	DATE: 19/11/2025			Drawn JH	Stage WD	Sheet No. 08	Of 13	Rev.




VINYL SCHEDULE (M.G.P.12)

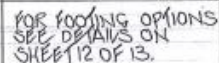
V1.	DOOR 140 X 45
V2.	170 X 42 V.V.V.

WAMB STUD SCHEDULE (M.G.P.12)

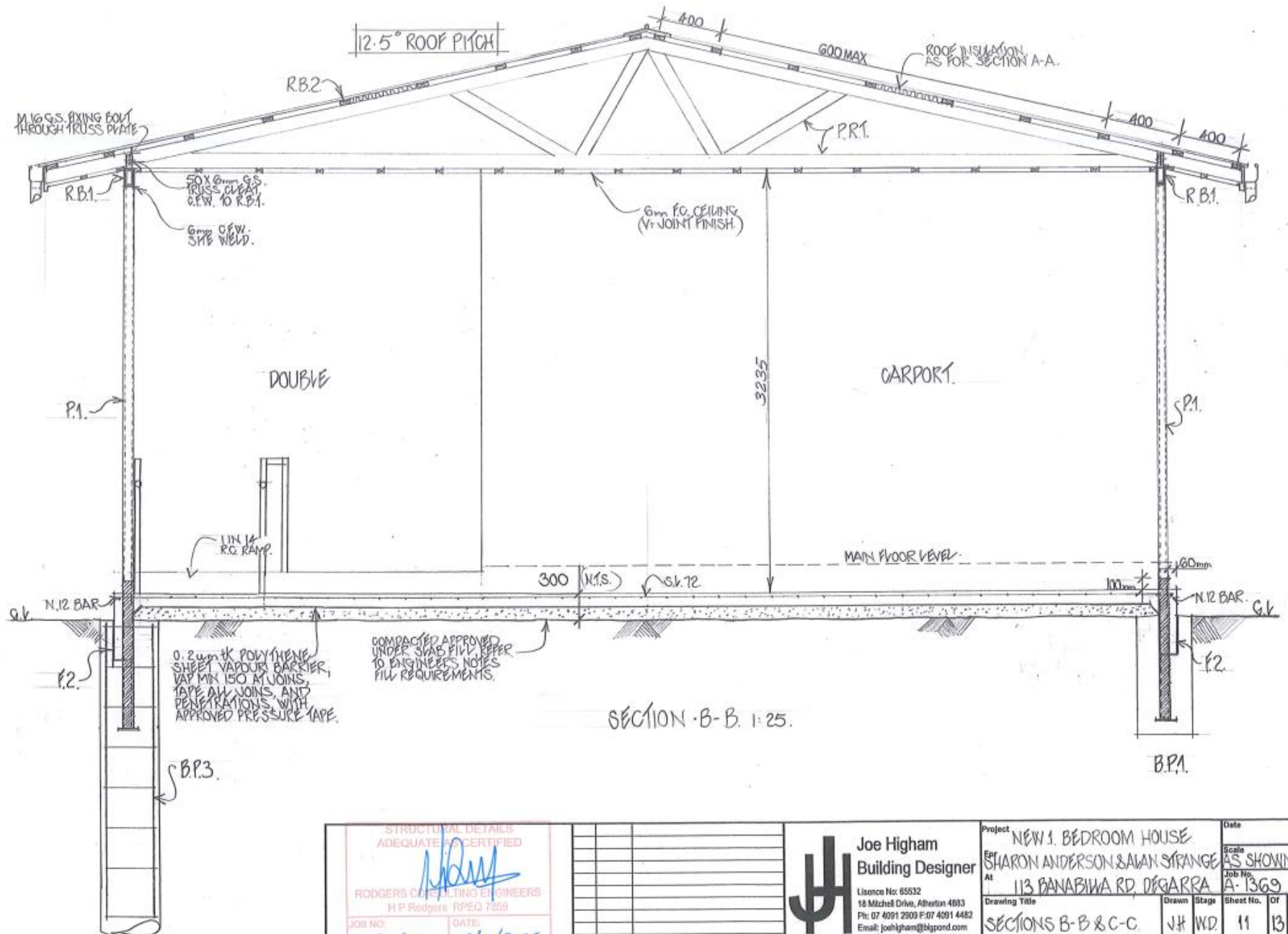
V1.	1- 90 X 45
V2.	2- 90 X 45

JOINERY SETOUT PLAN
(OPENING DIMENSIONS)

STRUCTURAL DETAILS ADEQUATE AS CERTIFIED RODGERS CONSULTING ENGINEERS H P Rodgers RPEQ 7859 JOB NO: 250064 DATE: 19/11/2025		Rev. Date Amendment		 Joe Higham Building Designer Licence No: 65532 18 Mitchell Drive, Atherton 4883 Ph: 07 4091 2939 F: 07 4091 4482 Email: joehigham@bigpond.com		Project: NEW 1. BEDROOM HOUSE For: SHARON ANDERSON & ALAN STRANGE AS SHOWN IN A3 At: 113 BANABIWA RD, GEPARRA Date: 17-11-2025 Scale: AS SHOWN IN A3 Job No: A-1369	
Drawing Title: JOINERY SETOUT PLAN		Drawn: J.H.	Stage: W.D.	Sheet No: 09	Of: 13	Rev.	

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Project	NEW 1. BEDROOM HOUSE			Date	11-11-2025		
For	SHARON ANDERSON & AMAN STRANGE			Scale	AS SHOWN/A3		
At	113 BAYABUWA RD, DEGARRA			Job No.	A-1369		
Drawing Title	Drawn	Stage	Sheet No.	Of	Rev.		
SECTION A-A.	JH	W.D	10	13			



STRUCTURAL DETAILS ADEQUATE & CERTIFIED	
<i>[Signature]</i>	
RODGERS CONSULTING ENGINEERS H P Rodgers RPEQ 7359	
JOB NO: 250064	DATE: 19/11/2025

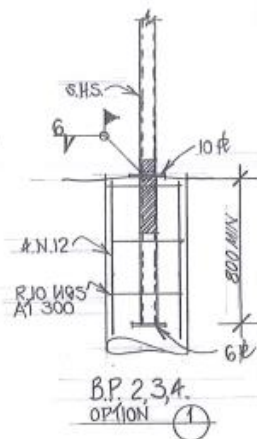
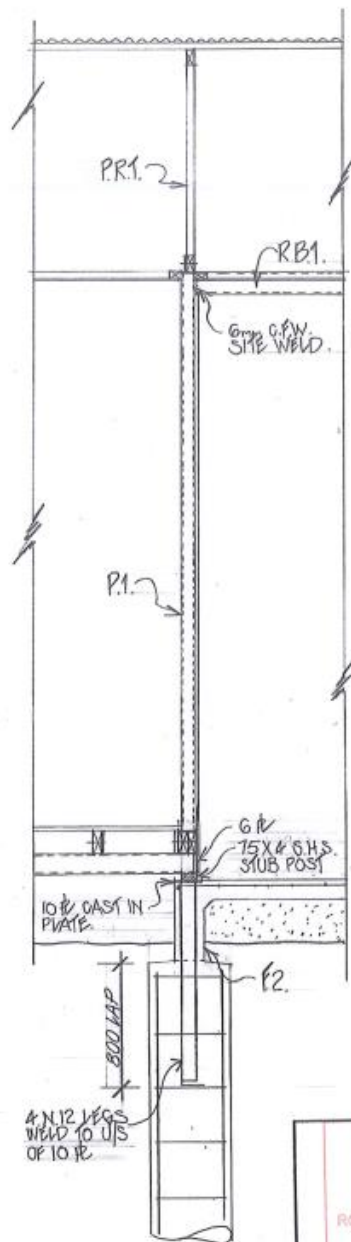
Rev.	Date	Amendment



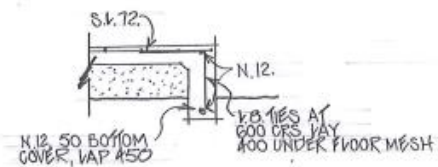
Joe Higham
Building Designer

Licence No: 85532
18 Mitchell Drive, Atherton 4883
Ph: 07 4091 2909 F: 07 4091 4482
Email: joe@highamdesign.com.au

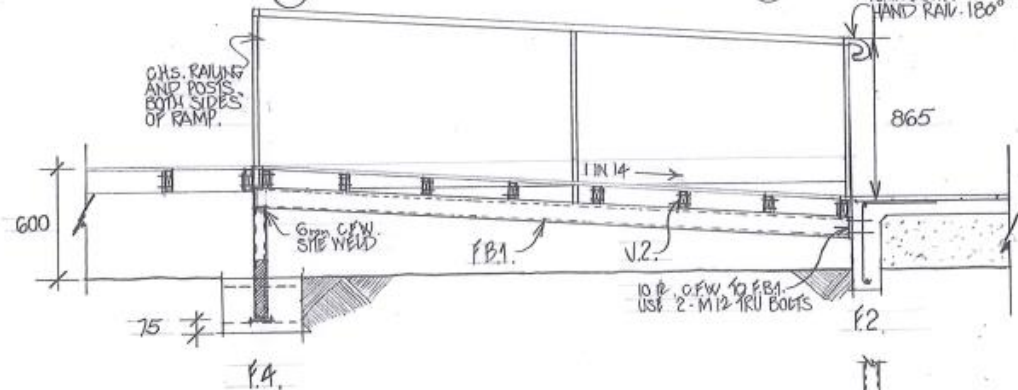
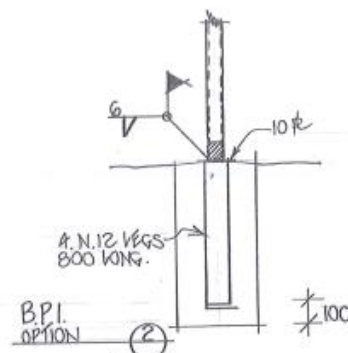
Project NEW 1. BEDROOM HOUSE		Date	
By SHARON ANDERSON & AWAN SYRANGE		Scale AS SHOWN A3	
At 113 BANABIWA RD, DEGARRA		Job No. A-1369	
Drawing Title SECTIONS B-B & C-C	Drawn JH	Stage WD	Sheet No. Of Rev. 11 13



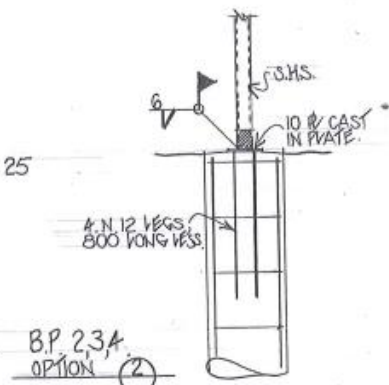
300



f.2. 1:25.



RAMP SECTION 1:25



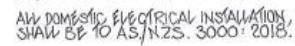
HOUSE/GARAGE INTERFACE 1:25

STRUCTURAL DETAILS ADEQUATE AS CERTIFIED	
<i>[Signature]</i>	
RODGERS CONSULTING ENGINEERS H.P. Rodgers RPEQ 7859	
JOB NO: 250064	DATE: 19/11/2025

Rev.	Date	Amendment

	Joe Higham Building Designer
	Licence No: 65532 18 Mitchell Drive, Asherton 4883 Ph: 07 4091 2909 F: 07 4091 4482 Email: joehigham@bigpond.com

Project	NEW 1. BEDROOM HOUSE		Date	17-11-2025	
For	SHARON ANDERSON, KAVAN STRANGE		Scale	AS SHOWN A3	
At	113 BANABIWA RD, DEGARRA		Job No.	A-1369	
Drawing Title	SECTIONS		Drawn	Stage	Sheet No.
	J.H	WD	12	13	Rev.

[illegible]

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 28/05/2025 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 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

None. Through the conditions of the approval the development complies with the planning scheme and no concerns are raised.

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—

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Current as at 18 July 2025

Authorised by the Parliamentary Counsel

-
- (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.

Planning Act 2016
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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.

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

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

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

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

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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