

17 May 2024

**Enquiries:** Jenny Elphinstone  
**Our Ref:** CA 2024\_5594/1 (Doc ID 1227716)  
**Your Ref:** 2023-03-48

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

Young Street (No 137) Pty Ltd (Tte)  
C/- Daniel Favier (Aspire Town Planning)  
PO Box 1040  
MOSSMAN QLD 4873

Email: [admin@aspireqld.com](mailto:admin@aspireqld.com)

Dear Sir

**Development Application for Combined Application for a Minor Change to the Material  
Change of Use for a Dwelling House (Extension to dwelling house) and  
Reconfiguring a lot (Access and Service Easement)  
At 279 and 292 Syndicate Road Miallo  
On Land Described as Lot 112 on N157666 and Lot 5 on RP731070**

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

Please quote Council's application number: CA 2024\_5594/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

encl.

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



## Decision Notice

### Approval (with conditions)

*Given under s 63 and s 83 of the Planning Act 2016*

#### Applicant Details

Name: Young Street (No 137) Pty Ltd (Tte)  
Postal Address: C/- Daniel Favier (Aspire Town Planning)  
PO Box 1040  
Mossman Qld 4873  
Email: [admin@aspireqld.com](mailto:admin@aspireqld.com)

#### Property Details

Street Address: 279 and 292 Syndicate Road Miallo  
Real Property Description: Lot 112 on N157666 and Lot 5 on RP731070  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for a Combined Application for a Minor Change to the Development Permit for a Material Change of Use No. 045/00 for a Dwelling House (originally granted by Douglas Shire Council on the 17 November 2000) for alterations and additions and for reconfiguration of a lot (create an access and services easement to a road).

#### Part A – Minor Change

#### Decision

Date of Decision: 17 May 2024

Decision Details: The Material Change of Use approval 045/00 for a Dwelling house is amended whereby:

1. The following table of approved drawings and documents is included:

**APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

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

<u>Drawing or Reference Document</u>	<u>Date</u>
Partial Site Plan Marshall Design Job No. 24014, Sheet No. DA-1/2A	April 2024
Elevations & Typical Bure Floor Plan Marshall Design Job No. 24014, Sheet No. DA-1/3.	September 2023

2. The following additional conditions and advices are included on the approval:

#### **Conditions**

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

Except where modified by these conditions of approval

#### **Treatment of Onsite Waste**

2. The method of on-site effluent disposal must be in accordance with the *Queensland Plumbing and Wastewater Code*.

#### **Advices**

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 Section 85 of the *Planning Act 2016*.
  2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
  3. This approval does not provide use rights for short term accommodation for the dwelling house.
  4. 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)
3. All other conditions and advices of the Decision Notice dated 17 November 2000 remain applicable.

## Further Development Permits

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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

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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*.

## 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.

## Part B – Reconfiguring a Lot (Access and Service Easement)

### Decision

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Date of Decision: 17 May 2024

Decision Details: Approved (subject to conditions)

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

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

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

Drawing or Document	Reference	Date
Proposed Access and Services Easement	Applicant's Drawing (Council Doc 1221954).	15 May 2024

### 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;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

### Timing of Effect

2. The conditions of the Development Permit must be effected prior to commencement of use, except where specified otherwise in these conditions of approval.

### Advices

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with Section 85 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. 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)

### Further Development Permits

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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 two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

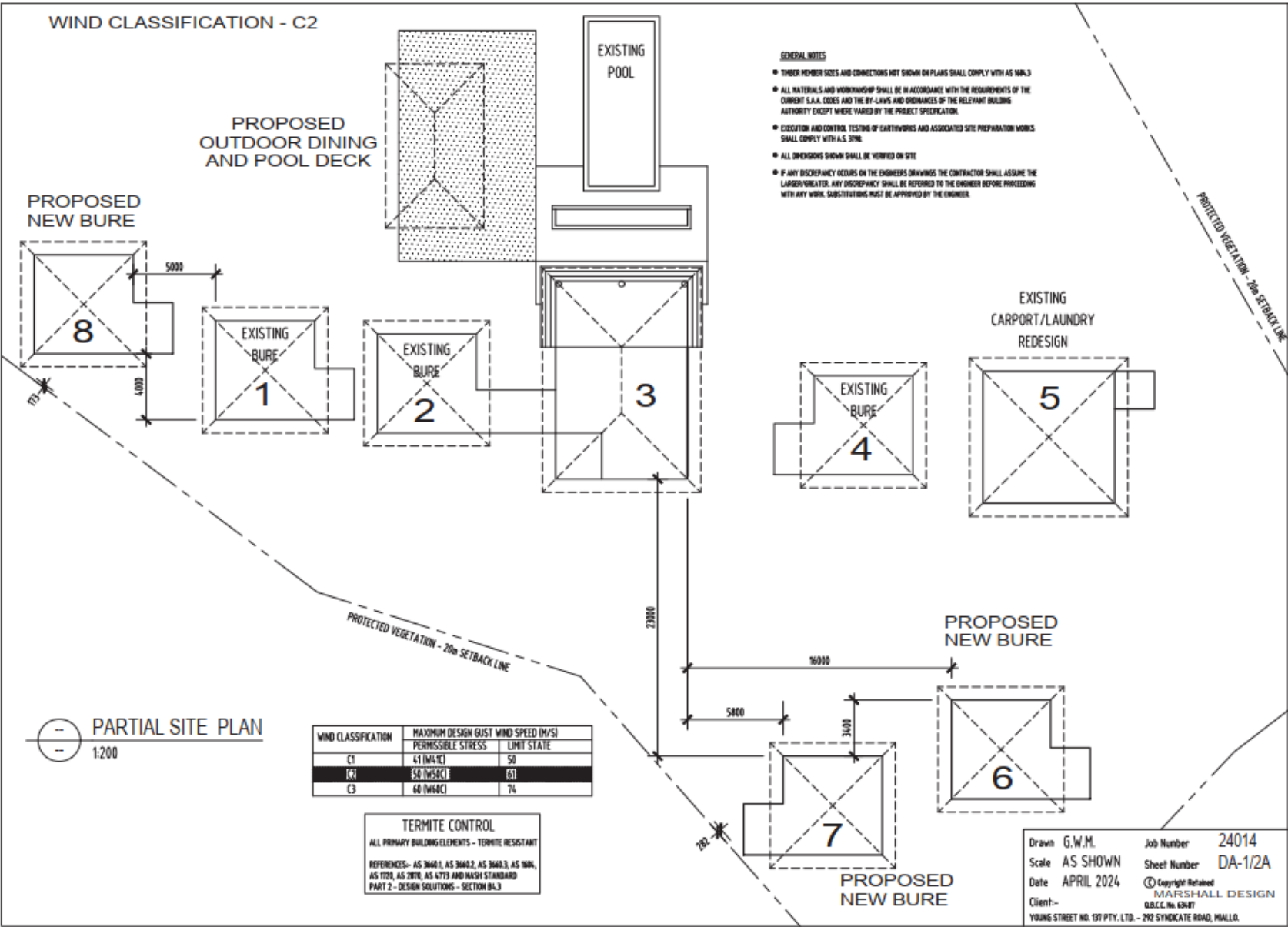
### Rights to make Representations & Rights of Appeal

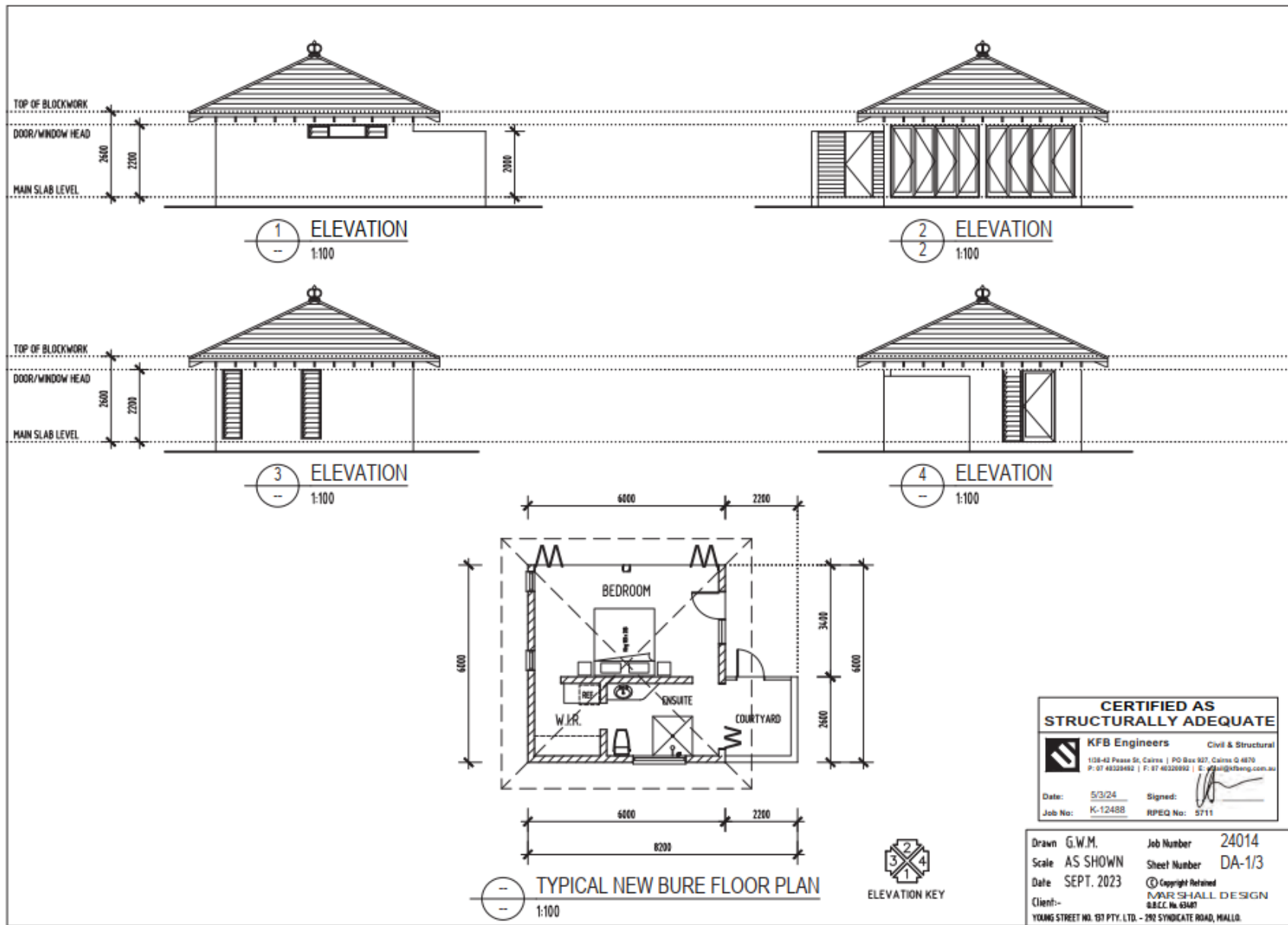
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The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant provisions is attached.

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





**CERTIFIED AS  
STRUCTURALLY ADEQUATE**

**KFB Engineers** Civil & Structural  
 1108-42 Peace St, Cairns | PO Box 927, Cairns Q 4870  
 P: 07 48329492 | F: 07 48329992 | E: info@kfbeng.com.au

Date: 5/3/24 Signed: [Signature]  
 Job No: K-12488 RPEQ No: 5711

Drawn G.W.M. Job Number 24014  
 Scale AS SHOWN Sheet Number DA-1/3  
 Date SEPT. 2023 © Copyright Retained  
 Client:- MARSHALL DESIGN  
 YOUNG STREET NO. 137 PTY. LTD. - 292 SYNDICATE ROAD, MALLA.

# Proposed Access and Services Easement

16°25'18"S 145°21'31"E

16°25'18"S 145°21'38"E



16°25'25"S 145°21'31"E

16°25'25"S 145°21'38"E



A product of

Queensland Globe



Legend located on next page



Scale: 1:1200

Printed at: A4

Print date: 6/3/2024

Not suitable for accurate measurement.  
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit  
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



**Queensland  
Government**  
Department of Resources

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ENQUIRIES: Mr Malcolm Hardy  
DEPARTMENT: Planning Services – (07) 4099 9450

OUR REF: 123150 MRH.sej

YOUR REF:

00

Mr Hans and Mrs Wendy van der Wolf  
PO Box 204  
PORT DOUGLAS QLD 4871

17 November 2000

Dear Mr and Mrs van der Wolf

**RE: DEVELOPMENT APPLICATION DECISION NOTICE -  
APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES NO. 045/00 –  
DWELLING HOUSE ON LOT 112 ON N157666, VIA SYNDICATE ROAD, CEDARS**

The Development Application No. 045/00 was assessed and approved with Conditions. The decision was made by Douglas Shire Council on 16 November 2000.

The following schedule provides all the relevant details.

- 1. Referral Agencies** : Nil  
**2. Conditions of Approval** :

That the applicant be advised that Council approves the Application for Material Change of Use of Premises for a Dwelling House on Lot 112 on N157666, Parish of Whyanbeel, subject to the following conditions:

1. Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme from time to time.
2. The provisions of the Integrated Planning Act 1997, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981 and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
3. Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Douglas Shire Planning Scheme where applicable and generally in accordance with the approved plans T542 S1, S2 and S12 dated October 2000 and prepared by Chris Van Dyke Designs shall be required prior to the commencement of the use.

...2/.

ADMINISTRATION CENTRE  
(ALL DEPARTMENTS)

64-66 FRONT STREET, MOSSMAN

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4098 2599 FACSIMILE (07) 4098 2902  
EMAIL [douglas@dsc.qld.gov.au](mailto:douglas@dsc.qld.gov.au)

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3298

ALL COMMUNICATIONS TO BE  
ADDRESSED TO:

THE CHIEF EXECUTIVE OFFICER  
P O BOX 357  
MOSSMAN, QLD 4873

- 2 -

4. The issue of this Development Permit approval in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
5. The provisions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
6. Any clearing of vegetation will require a Permit to Damage Protected Vegetation from Council.
7. A 45,000 litre water tank shall be installed prior to occupation of the premises.
8. The water tank shall be fitted with a 50mm bore valve with a camlock fitting.
9. In accordance with Section 8.5.2 of the Douglas Shire Council Planning Scheme, no change to the natural surface level of the lot shall occur without written approval of the Council's Director of Engineering Services.

3. **Approval Type** : Development Permit
4. **Rights of Appeal** : Attached standard form for Applicant
5. **Assessment Manager** : Douglas Shire Council
6. **Compliance with Codes for Self-Assessable Development** : Not applicable
7. **Properly made Submissions** : Nil

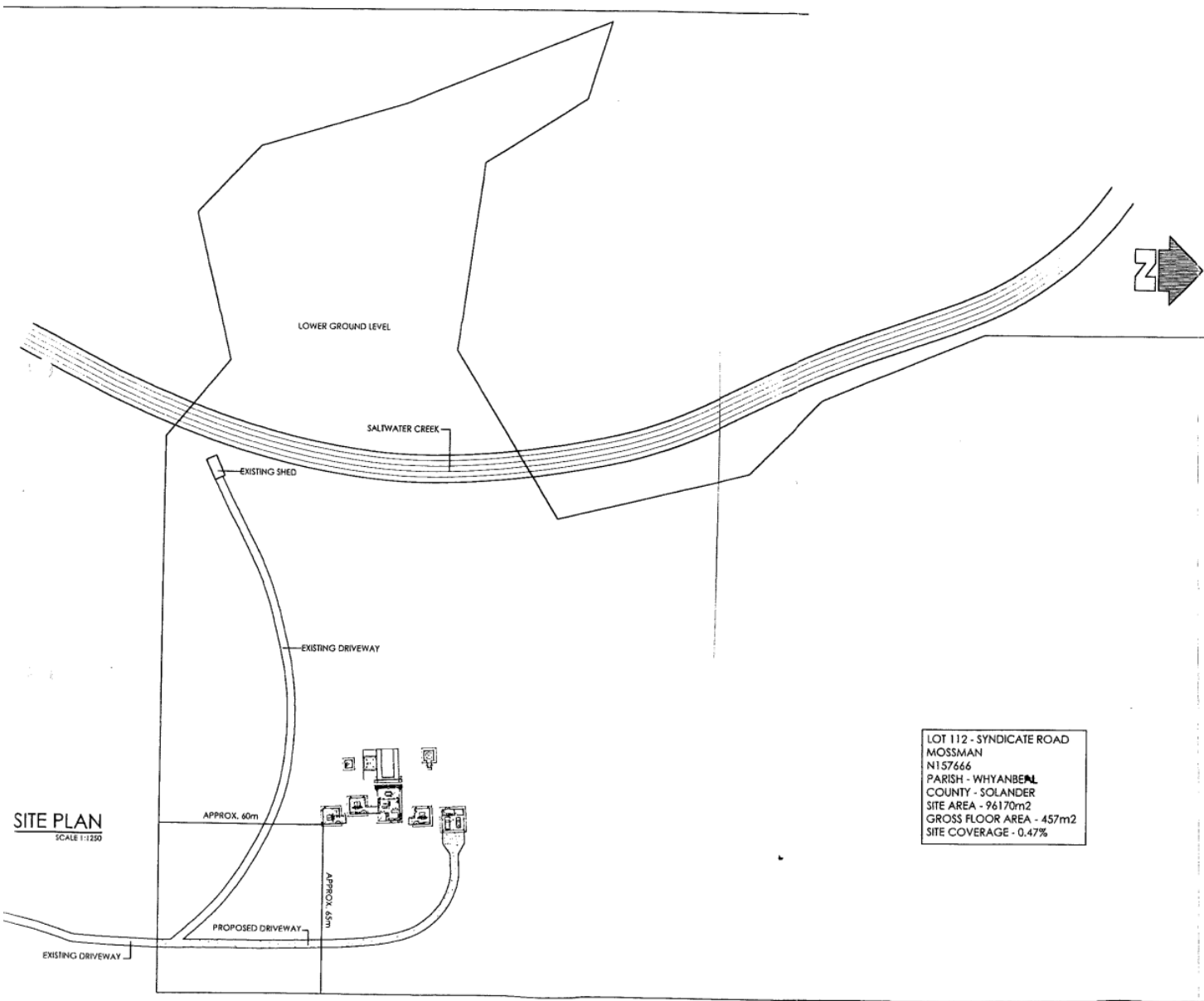
Should you require any further information in relation to this matter, please contact Council's Senior Planning Officer Malcolm Hardy on telephone 4099 9450.

Yours faithfully

*Handwritten signature* 17.11.00

Terry Melchert  
Chief Executive Officer





**SITE PLAN**  
SCALE 1:1250

PLANNING - SITE PLAN	
Issue: PRELIMINARY	Date: 11/11/2000
Client: H & W VAN DER WOLF	
Project: PROPOSED RESIDENCE	
Address: LOT 112 - SYNDICATE ROAD MOSSMAN	
Drawn: MC	Checked: C
Dwg No: 1342	Sheet: 51
P.O. Box 236, Clifton beach, Cairns, Qld ph: (07) 4055 3266 fax: (07) 4055 3597 Email: vandvke@internorth.com.au	
Q.B.S.A. Lic No: 22867	B.D.A.Q. 11/11/2000

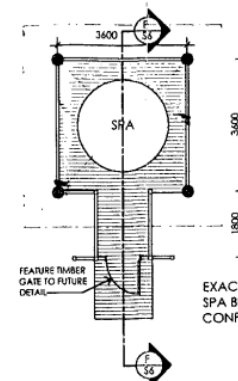
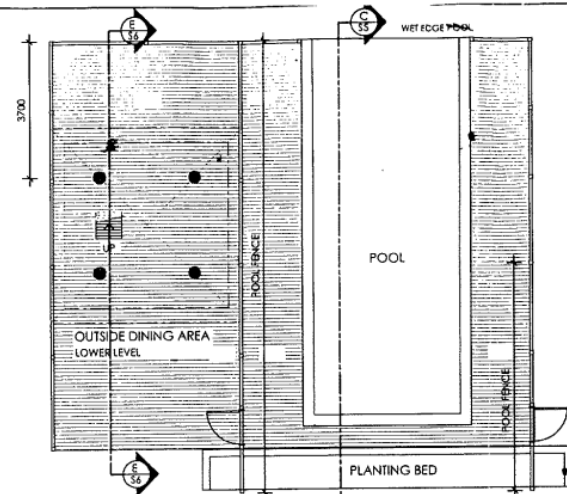
**chris valandou designs**

A.C.N. 989 734994

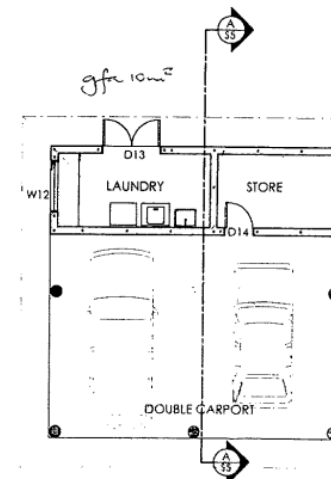
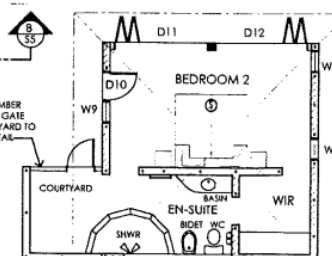
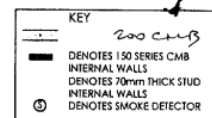
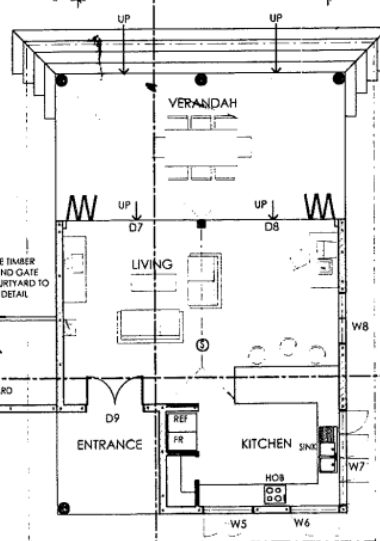
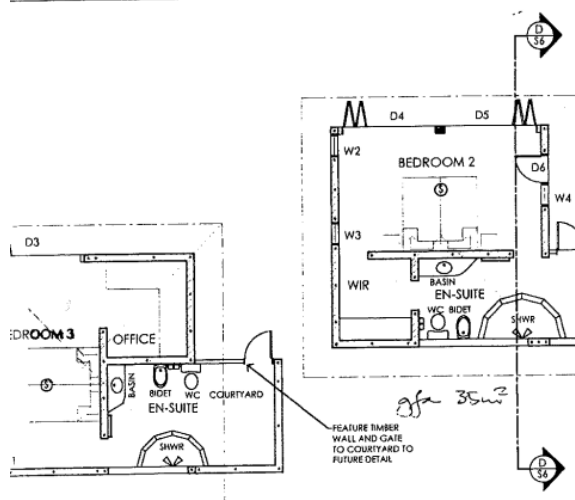
© COPYRIGHT 2000

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1350 HIGH 4 LEAF BI-FOLDS  
 1350 HIGH 4 LEAF BI-FOLDS  
 1350 HIGH 4 LEAF BI-FOLDS  
 1350 HIGH 4 LEAF BI-FOLDS  
 2500 HIGH 4 LEAF BI-FOLDS  
 GLAZED EXTERNAL DOOR  
 2600 HIGH 4 LEAF BI-FOLDS  
 2600 HIGH 4 LEAF BI-FOLDS  
 2200 HIGH FEATURE EXTERNAL DOORS  
 GLAZED EXTERNAL DOOR  
 2350 HIGH 4 LEAF BI-FOLDS  
 2500 HIGH 4 LEAF BI-FOLDS  
 1200 HIGH FEATURE EXTERNAL DOORS  
 200 HIGH FEATURE EXTERNAL DOORS



EXACT LOCATION OF  
SPA BUILDING TO BE  
CONFIRMED ON SITE



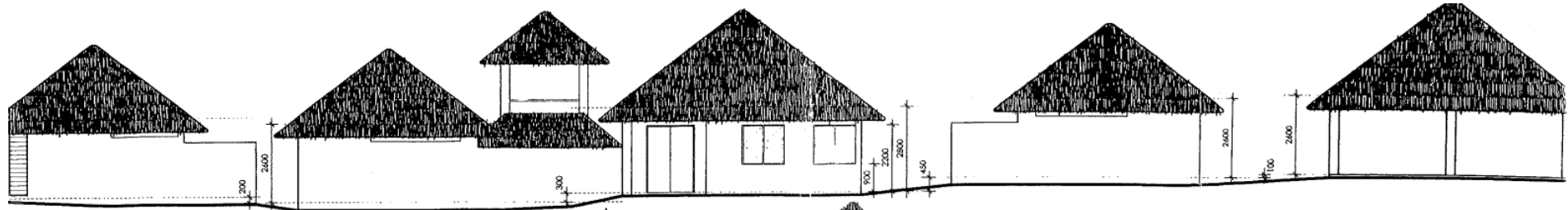
QOW 7

**LAYOUT PLAN**  
SCALE 1:100

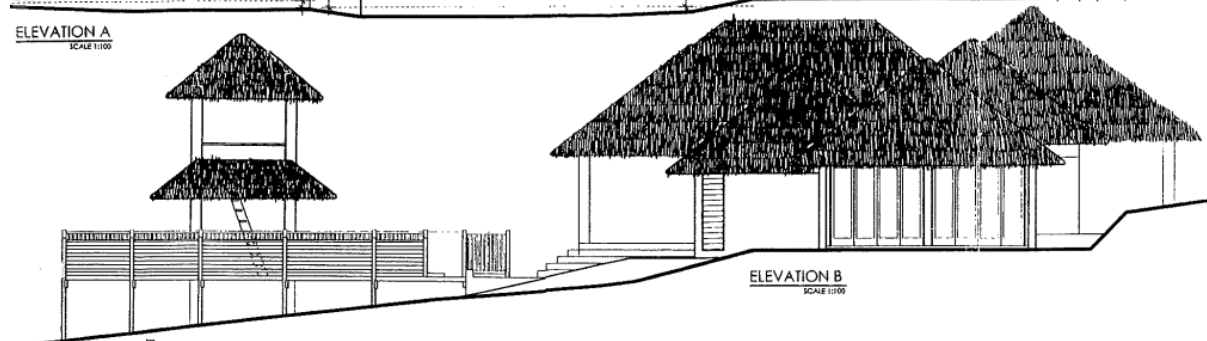


: ELEVATION KEY

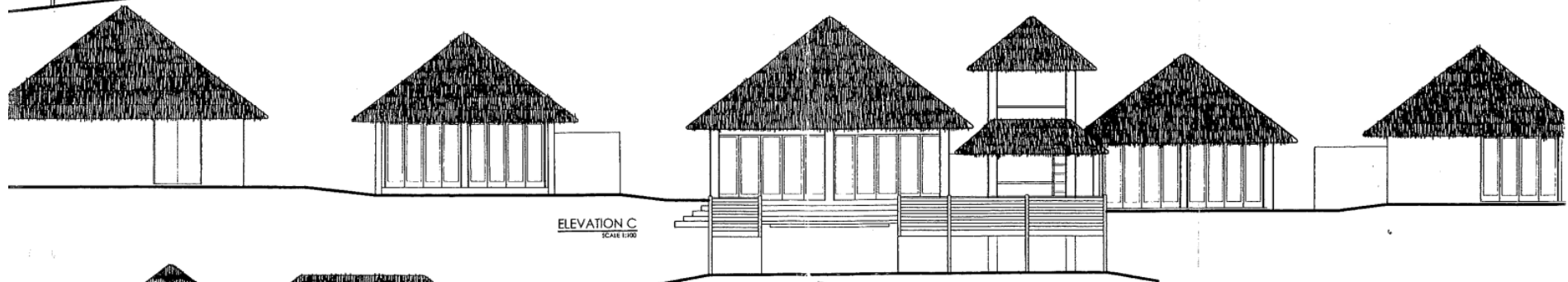
LAYOUT PLANS			
Issue 1		Date:	
Client: H & W VAN DER WOU			
Project: PROPOSED RESIDENCE			
Address: LOT 112, SYDNEY/CARE MOSSMAN			
Drawn: MC		Checked:	
Desg. No: 1542		Sheet:	
P.O. Box 236, Clifton beach, Cairns, qn 487 0412566 fax: (07) 401 Email: vandysdesign@internethi.com			
Q.8.5.A, Uic No: 22867		B.D.4.A	



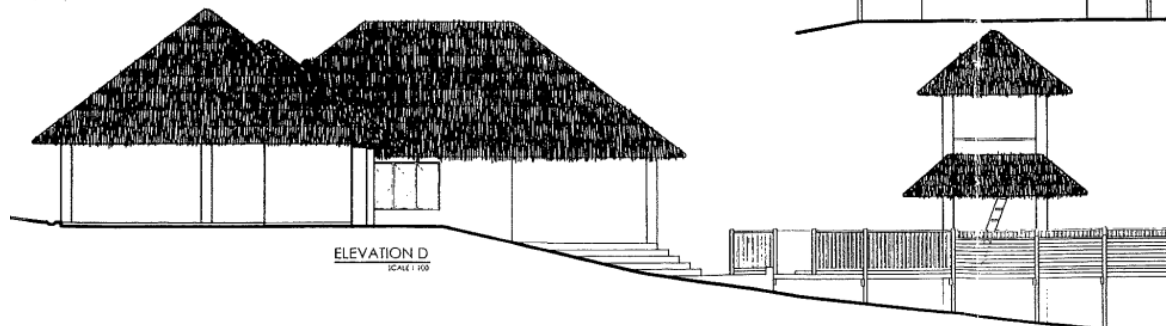
ELEVATION A  
SCALE 1:100



ELEVATION B  
SCALE 1:100



ELEVATION C  
SCALE 1:100



ELEVATION D  
SCALE 1:100

Colours.  
Roofing Thatching  
Fading to a dull  
grey.  
Walls Pigmented Robe  
"Sandy Beige"

ELEVATION C	
Issue: 1	Date: 12-10-2000
Client: H & W VAN DER WOLF	
Project: PROPOSED RESIDENCE	
Address: LOT 112 - SYDNEY ROAD MOSMAN	
Drawn: MC	Checked: C.V.
Orig. No: 1542	Sheet: 12 OF 8
P.O. Box 236, Clifton beach, Cairns, Qld 4879.	
ph: (07) 4055 3266	fax: (07) 4055 3766
Email: sandyk@cliftonnorth.com.au	
Q.B.S.A. Lic No: 22867	B.D.A.Q. member.



A.C.N. 389 734994

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## Reasons for Decision

1. The reasons for this decision are:
  - a. Sections 60, 62, 81, 81A and 83 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 15 May 2024 under section 51 and 79 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 Rural Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62, 63, 81, 81A and 83 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

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]

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

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

## **76 Deciding change representations**

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

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

## 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 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
- (g) 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.