

15 February 2023

Enquiries: Rebecca Taranto
Our Ref: MCUC 2023_5241/1 (Doc ID:1139678)
Your Ref: 20220205

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

A A Joseph
C/- GMA Certification Group Pty Ltd
PO Box 2760
NERANG QLD 4211

Dear Sir/Madam

**Development Application for Material Change of Use -Dwelling House (Garage)
At De Meio Drive Lower Daintree
On Land Described as Lot 7 on RP865078**

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

Please quote Council's application number: MCUC 2023_5241/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Rebecca Taranto 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 - response to properly made submissions.
- 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 A Joseph
Postal Address: C/- GMA Certification Group Pty Ltd
PO Box 2760
NERANG QLD 4211
Email: lisa.gmacert@gmail.com

Property Details

Street Address: De Meio Drive Lower Daintree
Real Property Description: Lot 7 on RP865078
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use -Dwelling House (Garage)

Decision

Date of Decision: 15 February 2023
Decision Details: Approved (subject to conditions)

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

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
Site Plan	FNQ Design and Drafting Job No 23023 Sheet 01	November 2022
Site Plan (Complete)	FNQ Design and Drafting Job No 23023	November 2022

Layout	Wide Span Sheds Pty Ltd Drawing #WSS216408-3	06/01/2022
Bracing	Wide Span Sheds Pty Ltd Drawing #WSS216408-5	06/01/2022
Concrete Piers	Wide Span Sheds Pty Ltd Drawing #WSS216408-6	06/01/2022
Slab Dimensions	Wide Span Sheds Pty Ltd Drawing #WSS216408-7	06/01/2022
Component Position	Wide Span Sheds Pty Ltd Drawing #WSS216408-10	06/01/2022
Component Position	Wide Span Sheds Pty Ltd Drawing #WSS216408-10	06/01/2022
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	27 August 2020

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

Building Colours

3. 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 must be of moderately dark to darker shades of green, grey, blue and brown.

Earthworks

4. Prior to the issue of a Development Permit for Building Works, provide a plan detailing excavation, fill and any retaining structures, all to the requirements and satisfaction of the Chief Executive Officer.

All retaining walls greater than 1200mm in height must be structurally certified by an RPEQ.

Storm water

5. All stormwater from the property must be directed to a lawful point of discharge such that it does not create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Vehicle Access

6. Undertake the following works at no cost to Council:
 - a. Construct a rural allotment access in accordance with the FNQROC Development Manual Standard Drawing S1105 Rev F prior to the commencement of the use.

Where the vehicle crossing is constructed in accordance with the FNQROC Regional Development Manual the works do not constitute Operational Works. Such work must be constructed to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

On-Site Effluent Disposal

7. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Water Supply

8. The development is to connect to Council's reticulated water supply and can be achieved through a plumbing application. It is recommended that the location of the connection have regard to the provision of other services to the land.

Bushfire Hazard

9. The Shed construction must be in accordance with AS3959-2009 and AS3959-2018.

Siting of Dwelling House.

10. Form 22 (Site Locality Plan) submitted with the application details the siting of a proposed Dwelling House. The Dwelling House has not been considered in this application and will require additional Development Approval.

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. 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. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Planning Act* 2016 log on to 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.

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 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

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 are attached.

LOT NUMBER: 7
SP NUMBER: RP 865078
LOCAL GOVERNMENT: DOUGLAS SHIRE
AREA: 4000m²

STORMWATER TO DISCHARGE TO LEGAL DISCHARGE POINT.

NOTE
 BUILDER TO SHAPE AND BATTER EXISTING GROUND TO CLIENTS SPEC.

GENERAL NOTES
 -DO NOT SCALE FROM THIS DRAWING - FIGURED DIMENSIONS ARE TO TAKE PREFERENCE OVER SCALED WORK
 -ANY DISCREPANCIES WHICH MAY BE FOUND IN THIS DRAWING MUST BE BROUGHT TO THE ATTENTION OF FNO Design and Drafting

SITE NOTES
 -ALL BUILDERS WORK TO BE CARRIED OUT WITHIN SITE BOUNDARY. THIS NOTE TO TAKE PRECEDENCE OVER ANY OTHER DOCUMENTATION.
 -BUILDING PLATFORM PREPARATION SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 3798 GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT.
 -ALL WORK INCLUDING TESTING SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS AND CODES OF PRACTICE TO PROVIDE AN ENGINEERED (CONTROLLED FILLED PLATFORM)
 -STRIP BUILDING PLATFORM EXTENDING TO MINIMUM 15 METERS OUTSIDE BUILDING STRUCTURE FOOTPRINT OF TOPSOIL, DELIVERED ORGANICS AND UNCONTROLLED FILL.
 -THE BUILDING PLATFORM SHALL BE SAVED TO LEVEL WITH ENGINEERED FILL.
 -FOUNDATION MAINTENANCE SHALL BE IN ACCORDANCE WITH THE CSIRO BROCHURE, "GUIDE TO HOME OWNERS ON FOUNDATION MAINTENANCE AND FOOTING PERFORMANCE".

PLUMBING SHOWN IS DIAGRAMMATIC ONLY. LICENSED PLUMBER TO CONFIRM FINAL ALIGNMENT OF HOUSE SEWER AND STORMWATER AND DISMURF QUANTITIES AND POSITIONS. CONFORM ALL FALLS PRIOR TO CONSTRUCTION.
 -CLIENT TO PROVIDE SATCHON PLAN SHOWING ANY FUTURE ALTERATIONS, EXTENSIONS, SWIMMING POOLS ETC. SO HOUSE SEWER AND STORMWATER CAN BE ALIGNED TO ACCORDANT REQUIREMENTS.
 -BUILDING TO BE POSITIONED A MIN 1000mm AWAY FROM ANY SEWER OR STORMWATER DRAIN.
 -ALL WATER TO BE DRAINED AWAY FROM BUILDING DURING AND AFTER CONSTRUCTION.
 -FINISHED SLAB LEVEL TO BE MINIMUM 225mm ABOVE FINISHED GROUND LEVEL.

PREPARATION:
 SITE PREPARATION SHALL GENERALLY CONSIST OF CLEARANCE OF VEGETATION FOLLOWED BY LOCATION OF TOPSOIL AND MUCKING TO SUIT FILL, SOIL LOGS.
 PROPOSED SHALL BE MADE FOR THE REMOVAL OF ANY EXISTING BUILDINGS INCLUDING REMOVAL OF ANY AND REMOVAL OF ANY OLD FENCES, DRIVE PIVOTS, DRIVE LOGS ETC AND EXISTING TREES (BELLARINA STUMPS AND ROOTS) WHICH MAY INTERFERE WITH THE NEW CONSTRUCTION. ANY SOIL DISTURBED BY DEMOLITION SHALL BE RECOMPACTED.
 IN THE PROPOSED ON GROUND FLOOR SLAB SUPPORT AND PROPOSED AREAS, THE EXISTING GROUND SHALL BE IMPROVEDLY COMPACTED TO ACHIEVE A DRY DENSITY RATIO OF NOT LESS THAN 95% OF THE MAXIMUM UNCOMPACTED DENSITY (AS 1998 TESTS S.B.T. & S.A.T.) SUBGRADE COMPACTED SHALL BE ACCOMPANIED BY GEOTECHNICAL INSPECTION TO ALLOW DETECTION AND RECTIFICATION OF ANY LOCALISED COMPRESSIBLE ZONES WHICH MAY OCCUR.
 4. ANY FILLING PLACED IN THE BUILDING AND PAVEMENT AREAS SHALL BE UNIFORMITY COMPACTED IN LAYERS OF NOT MORE THAN 150mm FINAL THICKNESS, UNDER LEVEL 5 SUPERVISION (AS 3798-1998) SUGGESTED ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT TO THE MAX DRY DENSITY RATIO OF 95% (EXPRESSED AS A % OF THE MAXIMUM UNCOMPACTED DENSITY ESTABLISHED BY TEST METHODS AS 1998 S.B.T. & S.A.T. AND S.A.T. FOR COMMERCE/INDUSTRIAL USES) OR ALTERNATIVELY, EQUIVALENT COMPACTION (IF APPROVED).
 5. ANY IMPROVED FILL SHALL COMPRISE LOW PLASTICITY GRANULAR MATERIAL WITH A PLASTICITY INDEX NOT MORE THAN 15%.
 6. FILLING SHOULD BE RETAINED OR BATTERED TO A SLOPE OF NOT EXCEEDING 1:1.5. ALL EXPOSED FILLING SHALL BE PROTECTED FROM EROSION.
 7. CARE SHALL BE TAKEN TO ENSURE THAT ANY REMOVAL OF EXISTING OR CONSTRUCTION ACTIVITIES DO NOT CAUSE DISTURBANCE (BY WAY OF EXCESSIVE SETTLEMENT) TO ANY ADJACENT MOUNTAIN - SENSITIVE FEATURES ETC.

LEGEND
 DENOTES 1000mm UPVC SEWER DRAIN
 DENOTES BOUNDARY LINE WITH LOCATED PEG

KEY
 B BATH
 BN BASIN
 WC WATER CLOSET
 WC SHOWER
 S SINK
 WM WASHING MACHINE DISCHARGE
 LD LINEAR DRAIN
 FWG FLOOR WASTE GULLY
 GD GRATED DRAIN
 IO INSPECTION OPENING
 IOS IO TO SURFACE
 V VENT
 O OVERFLOW RELIEF GULLY

AMENDMENTS:
 NAME DATE DESCRIPTION
 1
 2
 3
 4
 5

NOTE:
 1. Double check to comply to AS/NZS 8530 & SCA Requirements.
 2. Verify all dimensions & levels prior to construction commencing.
 3. Figure dimensions take precedence over scaled dimensions.
 4. All work to comply with SCA, Relevant Australian Standards & Local Authority Requirements.

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION: C2

CMG CONSULTING ENGINEERS
 10 Mowbray Street
 Douglas QLD 4810
 PH 0481 793 240
 Email: info@cmg-engineers.com.au

FNO DESIGN & DRAFTING
 GBC Licence No. 1117748

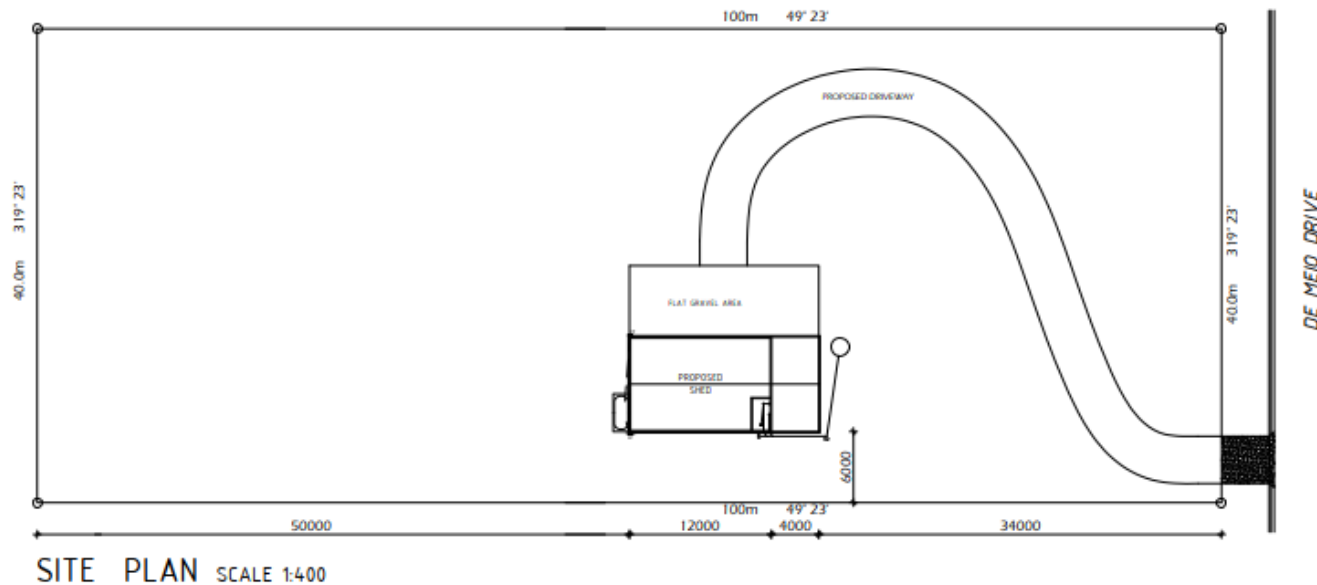
Client Name: ANGLO JOSEPH
 Description: PROPOSED SHED
 Address: 17 DE MEIO DRIVE
 LOWER DAINTREE QLD

Drawing Title: SITE PLAN
 Date: NOV 2022 Scale: 1:250@A3
 Job No: 23023 Sheet No: 01

SITE PLAN SCALE 1:250

LOT NUMBER: 7
 SP NUMBER: RP 865078
 LOCAL GOVERNMENT: DOUGLAS SHIRE
 LOWER DAINTREE
 AREA: 4000m²

NOTE
 REFER TO SHEET 01
 FOR DETAILS



THIS DRAWING IS AND WILL REMAIN THE COPYRIGHT AND PROPERTY OF FNO DESIGN & DRAFTING AND MUST NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION. THE PLAN IS TO BE USED ONLY FOR LOT NO. SPECIFIED.

LEGEND

— DENOTES 100mm Ø UPVC SEWER DRAIN
 — DENOTES 32mm BOUNDARY LINE WITH LOCATED PEG

KEY

B BATH
 BN BASIN
 WC WATER CLOSET
 SH SHOWER
 S SINK
 WM WASHING MACHINE DISCHARGE
 LD LINEAR DRAIN
 FWG FLOOR WASTE GULLY
 GD GRATED DRAIN
 IO INSPECTION OPENING
 IOS IO TO SURFACE
 V VENT
 O OVERFLOW RELIEF GULLY



AMENDMENTS:

DATE	REV	DESCRIPTION

NOTE:

1. Ensure client to comply to AS/NZS 8530 & BCA Requirements.
2. Verify all dimensions & levels prior to construction commencing.
3. Figure dimensions take amendment over actual dimensions.
4. All work to comply with BCA, Relevant Australian Standards & Local Authority Requirements.

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION: C2

DATE: 10/10/2022

CMG CONSULTING ENGINEERS PTY LTD

35 Minkworth Street
 Daintree QLD 4870
 PH 0481 783 240
 email@cmgengineers.com

FNO DESIGN & DRAFTING

QBCC Licence No. 1117748

Client Name: ANGELO JOSEPH

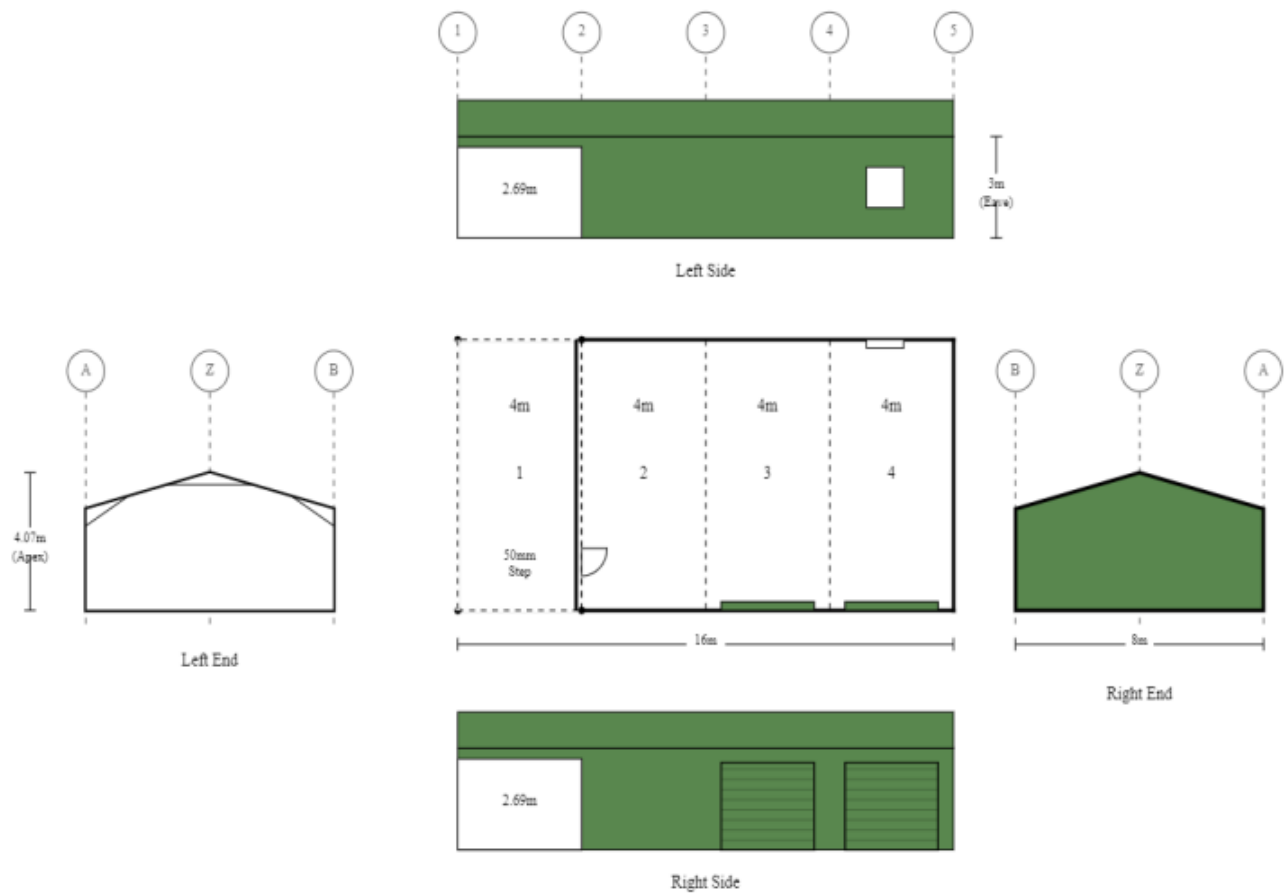
Description: PROPOSED SHED

Address: L3 DE MEIO DRIVE
 LOWER DAINTREE QLD

Drawing Title: SITE PLAN (COMPLETE)

Date: NOV 2022 Scale: 1:400@A3

Job No: 23023 Sheet No: ..



Purchaser Name: Angelo Joseph

Site Address: 7 De Mero Dr Lower Daintree QLD 4873 Australia

Drawing # WSS216408 - 3

Print Date: 06/01/22

Layout
NOT FOR CONSTRUCTION
 Not to Scale
 © Copyright Shade IP Pty Ltd

Seller: Wide Span Sheds Pty Ltd
 Wide Span Sheds Pty Ltd
 Phone: 07 5657 8888
 Fax: 07 5657 8899
 Email: admin@sheds.com.au

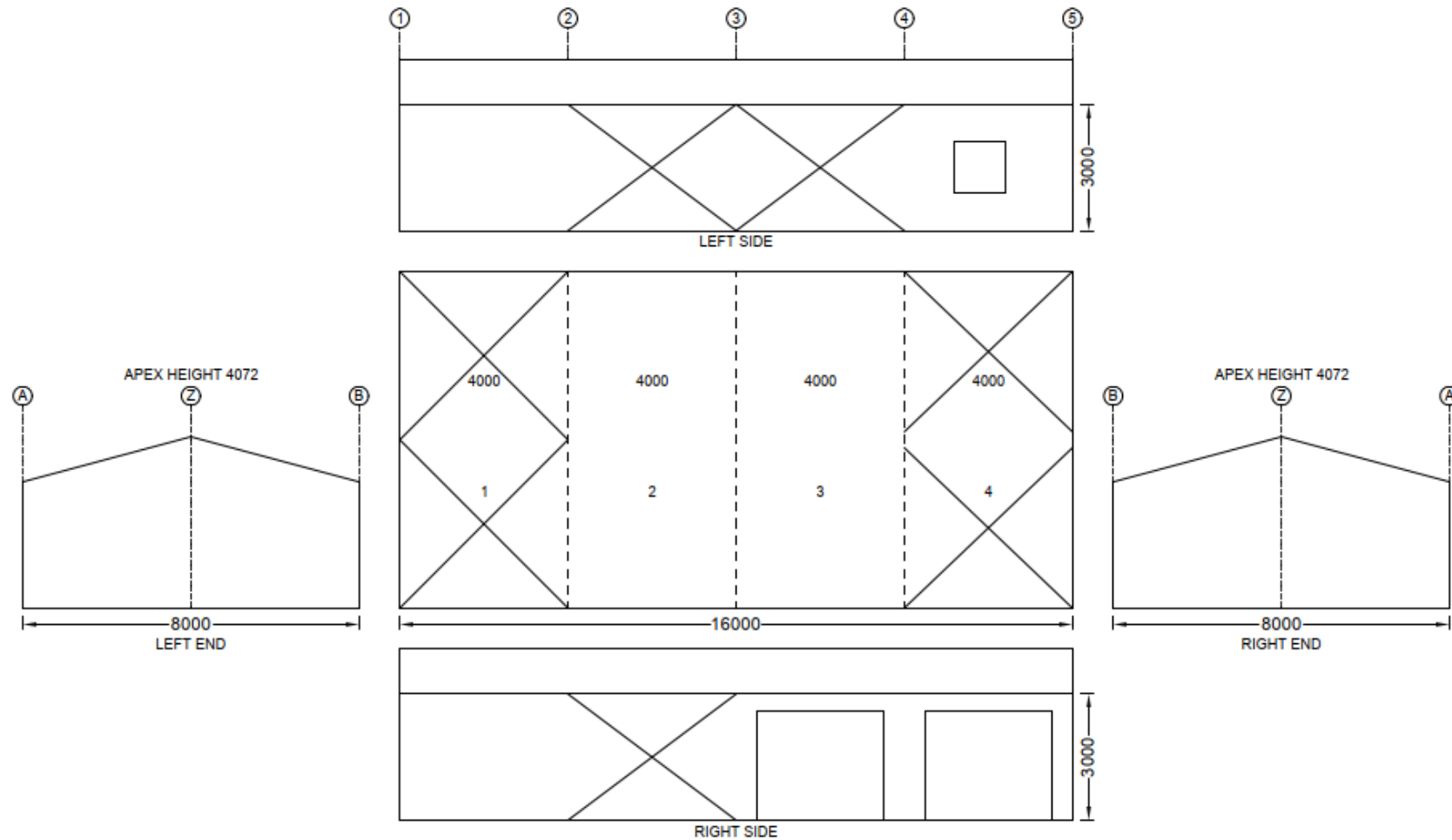
Apex Engineering Group PTY LTD
 ACN 632 588 562
 ME Aust. (Registered NER Structural) 5276680
 QLD : RPEO No. 24223, TAS : 185770492, VIC : PE0003848, N.T. : 303557ES,
 Practising Professional Structural & Civil Engineers


Signature:

John Ronaldson

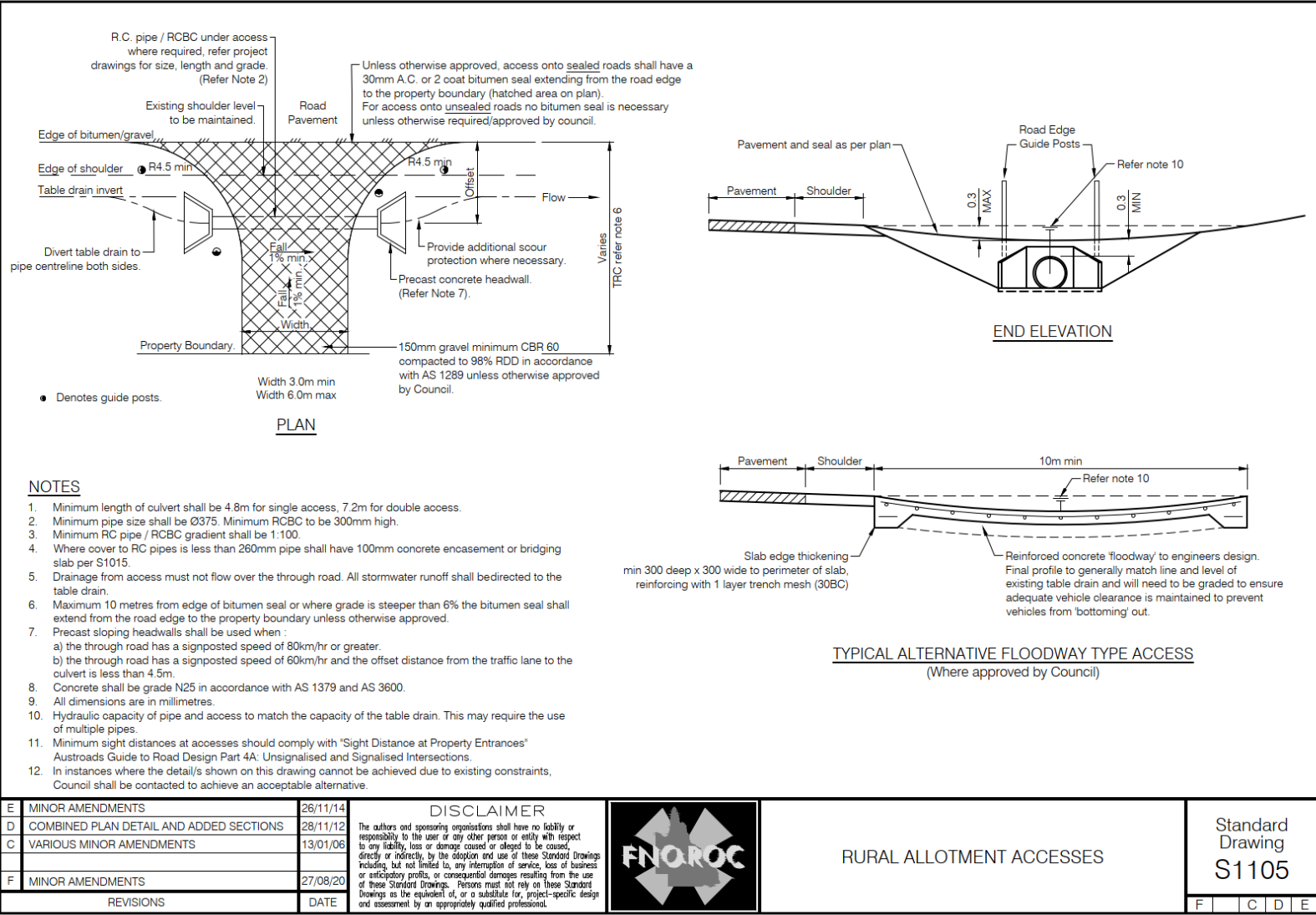
Date: 06/01/22

Cross Bracing is achieved with 1.6mm Strap. Refer to Connection Details.



Revision	Date	Initial	Purchaser Name: Angelo Joseph		<div>Bracing</div> <div>NOT FOR CONSTRUCTION</div> <div>NOT TO SCALE</div> <div>Page 1 of 1</div> <div>©Copyright Steels IP Pty Ltd</div>	<div>Seller: Wide Span Sheds Pty Ltd</div> <div>Name: Wide Span Sheds Pty Ltd</div> <div>Phone: 07 5657 8888</div> <div>Fax: 07 5657 8899</div> <div>Email: admin@sheds.com.au</div>	<div>Apex Engineering Group PTY LTD</div> <div>ACN 632 588 562</div> <div>ME Aust. (Registered NER Structural) 5276680</div> <div>QLD : RPEQ No. 24223; TAS : 185770492; VIC : PE0003848; N.T : 303557ES;</div> <div>Practising Professional Structural & Civil Engineers</div> <div>Signature:  John Ronaldson</div> <div>Date: 06/01/22</div>
			Site Address: 7 De Melo Dr Lower Daintree QLD 4873 Australia				
			Drawing #	WSS216408 - 5			
			Print Date:	6/01/2022			

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



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 24/01/2023 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.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

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 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.
- (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.