

10 April 2024

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUC 2024\_5586/1, TPC491(1988), TPC 909(1996), MCUC 2023\_5262  
(Doc ID 1220829)  
**Your Ref:** Minor Change Food Van at Glengarry – 70 Mowbray River Road, Mowbray

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

Marmax Pty Ltd  
70 Mowbray River Road  
MOWBRAY QLD 4877

Email: [admin@glengarrypark.com.au](mailto:admin@glengarrypark.com.au)

Attention Mrs Margaret Brady

Dear Madam

**Development Application for ancillary Food Vans use as a Minor Change to Town  
Planning Consent TPC 491, Town Planning Consent TPC 909 and  
MCUC 2023\_5262 (Minor Change for and Ancillary Office and Games Room  
At 70 Mowbray River Road Mowbray  
On Land Described as Lot 16 on SP192603**

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

Please quote Council's application number: MCUC 2024\_5586/1 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)
  - Original Approvals
  - Reasons for Decision
- Advice For Appeals (Decision Notice)



# Decision Notice

## Approval (with conditions)

*Given under s78, s78A, s79, s81, s81A and s83 of the Planning Act 2016*

### Applicant Details

Name: Marmax Pty Ltd (A.C.N 050 217 555)

Postal Address: 70 Mowbray River Road  
Mowbrary Qld 4877  
Attention Mrs Margaret Brady

Email: [admin@glengarrypark.com.au](mailto:admin@glengarrypark.com.au)

### Property Details

Street Address: 70 Mowbray River Road Mowbray

Real Property Description: Lot 16 on SP192603

Local Government Area: Douglas Shire Council

### Details of Proposed Development

Minor Change to the Town Planning Consents: TPC 298 (for a Camping Ground for a thirty site Caravan Park); TPC 491 (for caravan Park, cabins and ancillary facilities); and TPC 909 (for a camping ground) for an ancillary food and drink outlet (Operation of up to four (4) food truck(s) with only one (1) food truck operating at any one time).

### Decision

Date of Decision: 10 April 2024

Decision Details: Approved whereby:

1. The design of the development is in accordance with the following table of Approved Drawing(s) and / or Document(s).

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

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

Drawing or Reference Document	Date
Site Plan for Food Truck Locations	Applicant's plan as submitted on 25 March 2024, (Council document 1218781). 25 March 2024

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

### **Assessment Manager 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; 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.

### **Operation**

3. Only one (1) truck can operate at any one time. Up to four truck locations are available for the land, as per the approved plan. Only one truck can be located in the car parking area associated with the Park use. The use can only operate in a moveable, appropriately registered food truck. Food service is only between 7am – 8pm, seven days a week.

### **Ancillary use**

4. As the food trucks are an ancillary use, service is only to park guests and residents. The food service is not to be advertised for external customers.

### **Parking Associated with Use**

5. Any parking of vehicles associated with the operation of the food van must be accommodated on the land in an approved parking area.

### **ADVICE**

1. This approval for the minor change, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the Planning Act 2016.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements. A current food premises license must be held by any food truck van operating from the premises.
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).

5. All other requirements of the Changed Decision Notice 16 February 2023 affecting Decision Notices TPC 491 dated 9 November 1988 and TPC 909 27 May 1998, remain unchanged.

(A copy of the original Decision Notices is attached.)

### **Further Development Permits**

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None required.

### **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 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.

# glengarry holiday park

16°33'14"S 145°28'15"E

16°33'14"S 145°28'26"E



Original Approvals

Development Permit TPC 491

# DOUGLAS SHIRE COUNCIL



P.O. BOX 357  
MOSSMAN Q. 4873

TELEPHONE (070) 98 1555 - ADMINISTRATION OFFICES  
98 1644 - WORKS DEPOT  
98 1822 - ENGINEERING OFFICE

FAX No (070) 98 4900  
887

ALL CORRESPONDENCE TO BE ADDRESSED TO  
THE SHIRE CLERK

IF CALLING OR TELEPHONING ON THIS MATTER  
ASK FOR  
Mr Brad Sully

QUOTE REFERENCE  
T2A BS 8as

YOUR REFERENCE

Mr B. Berzinski,  
C/- Jeff Sue-Yek,  
McPherson Consultants.,  
P O Box 5267,  
Cairns Qld 4870.

9th November, 1988

Dear Sir,

Re: Town Planning Scheme Application Number. 491

I refer to your application dated 20th July, 1988 for land use approval under the provisions of the Town Planning Scheme for the development of a Caravan Park, Cabins and Ancillary Facilities on land described as Portions 16F and 17F, Parish of Mowbray, County of Solander.

As no appeals have been lodged against Council's decision Council now confirms its decision and grants approval to the application subject to the following conditions:-

1. Portions 16F and 17F, Parish of Mowbray, County of Solander, must be amalgamated prior to the submission of the Building Application.
2. A revised site layout plan which complies with all requirements of Council's By-Law Number. 42 and the Camping Ground Regulations 1987 shall be submitted and approved by Council's Building Surveyor prior to the submission of any Building Application. The revised site layout plan must also include a floor plan of a typical proposed cabin. As it is the Council's desire that these cabins be not self contained the floor plan should make no provision for either a shower, bath or toilet.
3. The Building Application when submitted must be in accordance with the Building Act.
4. The approval does not constitute a Building Permit and a Building Permit must be obtained before any building operations proceed.
5. All development must comply with the provisions of:-
  - (a) Council's Town Planning Scheme;

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# DOUGLAS SHIRE COUNCIL



TELEPHONE (070) 98 1555 - ADMINISTRATION OFFICES  
98 1644 - WORKS DEPOT  
98 1822 - ENGINEERING OFFICE  
FAX No (070) 98 5902  
887

P.O. BOX 357  
MOSSMAN Q. 4873

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4. The approval does not constitute a Building Permit and a Building Permit must be obtained before any building operations proceed.
5. All development must comply with the provisions of:-  
(a) Council's Town Planning Scheme;

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(b) The Local Government Act, The Building Act, The Fire Safety Act, and all other relevant acts and regulations and the By-Laws of the Council shall at all times be observed and performed in relation to the land, the building, and the use and occupation thereof.

(c) The Traffic Act with particular reference to the ingress and egress of vehicles of the site in a forward gear.

6. Mowbray River Road is to be upgraded, for the full frontage of the site, to a design standard and on an alignment as specified by the Shire Engineer.

7. All car parking areas and driveways shall be bitumen or otherwise imperviously sealed, line marked and drained to the satisfaction of the Building Surveyor.

8. The required area of landscaped area as outlined in Chapter 53 of the Council's By-Laws shall be planted and maintained to the satisfaction of the Building Surveyor.

9. An approved drainage system to cater for the disposal of effluent from all septic tanks and all other drainage fixtures is to be provided in accordance with the provisions of the Standard Sewerage By-Laws and to the satisfaction of the Shire's Building Surveyor. In addition a covered holding tank is to be provided of sufficient capacity to receive sewage generated from the development and hold same for a period of seven (7) days. Contents of such covered holding tank are to be disposed of in a manner as directed by Council.

10. Prior to the submission of any Building Application the applicant is to establish to the satisfaction of Council:-

(a) The existence of a reliable supply of potable water suitable for human consumption and approved by the Queensland Water Resources Commission.

(b) That adequate water storage can be provided within the curtilage of the site for both domestic use and fire fighting purposes.

11. The conditions of the Town Planning consent are to be effected prior to the commencement of the specific use of the said consent.

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(b) The Local Government Act, The Building Act, The Fire Safety Act, and all other relevant acts and regulations and the By-Laws of the Council shall at all times be observed and performed in relation to the land, the building, and the use and occupation thereof.

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11. The conditions of the Town Planning consent are to be effected prior to the commencement of the specific use of the said consent.

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Page Two  
Mr B. Berzinski

12. Should work on the development as approved not be commenced within a period of two (2) years from the date of the permit, Council may implement action to revoke the approval as given.

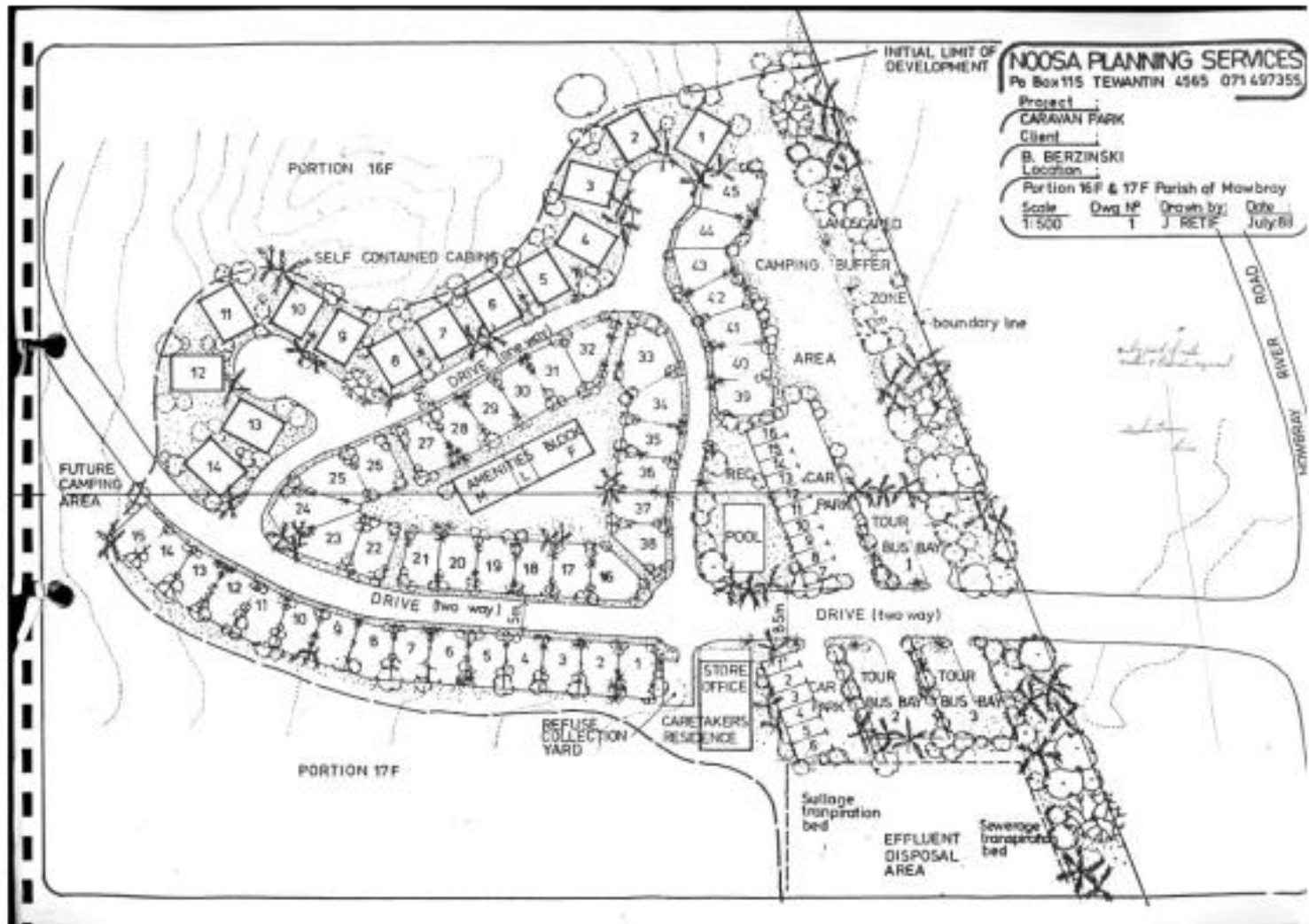
13. All air conditioning plants, sewerage and water treatment plants, refrigeration plants, generators and other machinery shall be housed in a sound proof enclosure or otherwise baffled to the satisfaction of the Shire Engineer.

14. Evidence that satisfactory arrangements have been made between the applicant and F.N.Q.E.B. for the supply of electricity to the subject site shall be submitted to Council prior to the submission of any Building Application.

15. Pursuant to the letter of offer dated 27th September, 1988, should connection to Council's water supply be requested and approved at a later date, the applicant shall contribute in accordance with Council's policy provided for in Section 33 (18e) and 33 (18f) of the Local Government Act, towards the provision of water headworks. The contribution is to be paid in accordance with Council's policy and at the rate applicable at the time of connection.

Yours faithfully,

A J Twomey,  
Shire Clerk.

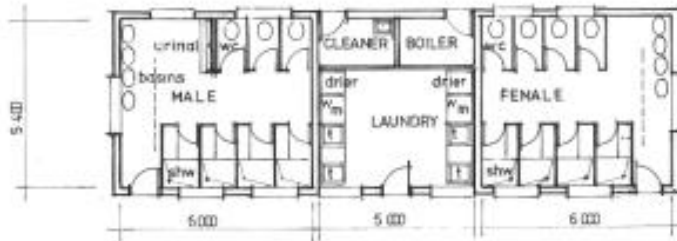




Front elevation



Side elev.



Plan of Amenities block

**NOOSA PLANNING SERVICES**  
 P.O. Box 115 TEWANTIN 4565 071 497355

Project: CARAWAN PARK  
 Client: B. BERZINSKI  
 Location: Portion 16F & 17F Parish of Mowbray

Scale: 1: 00    Drawn by: J. RETIF    Date: July 86



ENQUIRIES: Mr Malcolm Hardy  
DEPARTMENT: Planning Services - 4099 9450

OUR REF: 123100 MRH.scj  
YOUR REF:

Mr Jeremy Scriven  
Jeremy Scriven and Associates Pty Ltd  
PO box 355  
MOSSMAN QLD 4873

**TOWN PLANNING CONSENT PERMIT**

**Application Number:** 909  
**Permit Number:** TPC 909  
**Date of Issue:** 27 May 1998

- Real Property Description** : Lot 16 RP 891902,  
Parish of Salisbury, County of Solander
- Postal Address of Land** : Glengarry Caravan Park  
Captain Cook Highway  
Mowbray
- Nature of Existing Use** : Camping Ground
- Council Meeting** : 16 April 1998
- Nature of Approved Use** : Extensions to Camping Ground - Caravan, Tent and  
Cabin Sites.

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ADMINISTRATION CENTRE  
(ALL DEPARTMENTS)  
64-66 FRONT STREET, MOSSMAN PHONE 07 4098 2599 FACSIMILE 07 4098 2902  
LIBRARY  
14 MILL STREET, MOSSMAN PHONE 07 4098 2594 FACSIMILE 07 4098 3298

ALL COMMUNICATIONS TO BE  
ADDRESSED TO:  
THE CHIEF EXECUTIVE OFFICER  
P.O. BOX 357  
MOSSMAN, QLD 4873

**Conditions of Approval:**

1. Should work on the approved development not commence within a period of two (2) years from the date of the permit, Council may implement action to revoke the approval as given.
2. The building Application when submitted must be in accordance with the Building Act and must also substantially comply with the sketch plan K4625 SK-3 dated December 1994 and prepared by McPherson Maclean Wargon Chapman and submitted with the consent application. The extension to the Camping Ground is limited to 33 powered sites and 9 cabins.
3. The approval does not constitute a Building Permit and a Building Permit must be obtained before any building operations proceed.
4. All development must comply with the provisions of:
  - (a) The Douglas Shire Planning Scheme;
  - (b) The Local Government Act, The Local Government (Planning and Environment) Act, The Building Act, The Fire Safety Act, The Traffic Act and all other relevant Acts and Regulations and the Local Laws and policies of Council shall at all times be observed and performed in relation to the land, the building, and the use and occupation thereof.
5. Provision shall be made for carparking spaces and access thereto at the rate current at the time the Building Application is submitted. Such carparking and access shall be constructed in accordance with the requirements of the Douglas Shire Planning Scheme and Local Laws and to the reasonable satisfaction of the Manager Planning Services.

On the present method of calculation, 46 carparking spaces would be required for the approved extension to the Camping Ground.
6. All carparking spaces and access shall be bitumen or otherwise imperviously sealed to the satisfaction of the Manager Building Services.
7. A landscaping plan shall be submitted at the time of lodgement of a Building Application and shall be approved by the Manager Planning Services prior to the issue of a Building Permit. In particular a landscape area of dense landscaping within building setbacks is required.
8. The approved use should be connected to existing approved water supply and sewage treatment and disposal systems at the Camping Ground.
9. An amount determined by Council Local Planning Policy No. 1, towards the costs incurred or to be incurred by Council in providing appropriate water supply headworks or water supply works external or both will be paid by the registered proprietor of the land within fourteen (14) days of receipt of a written notice that the land is to be connected to a water supply capable of servicing the land.

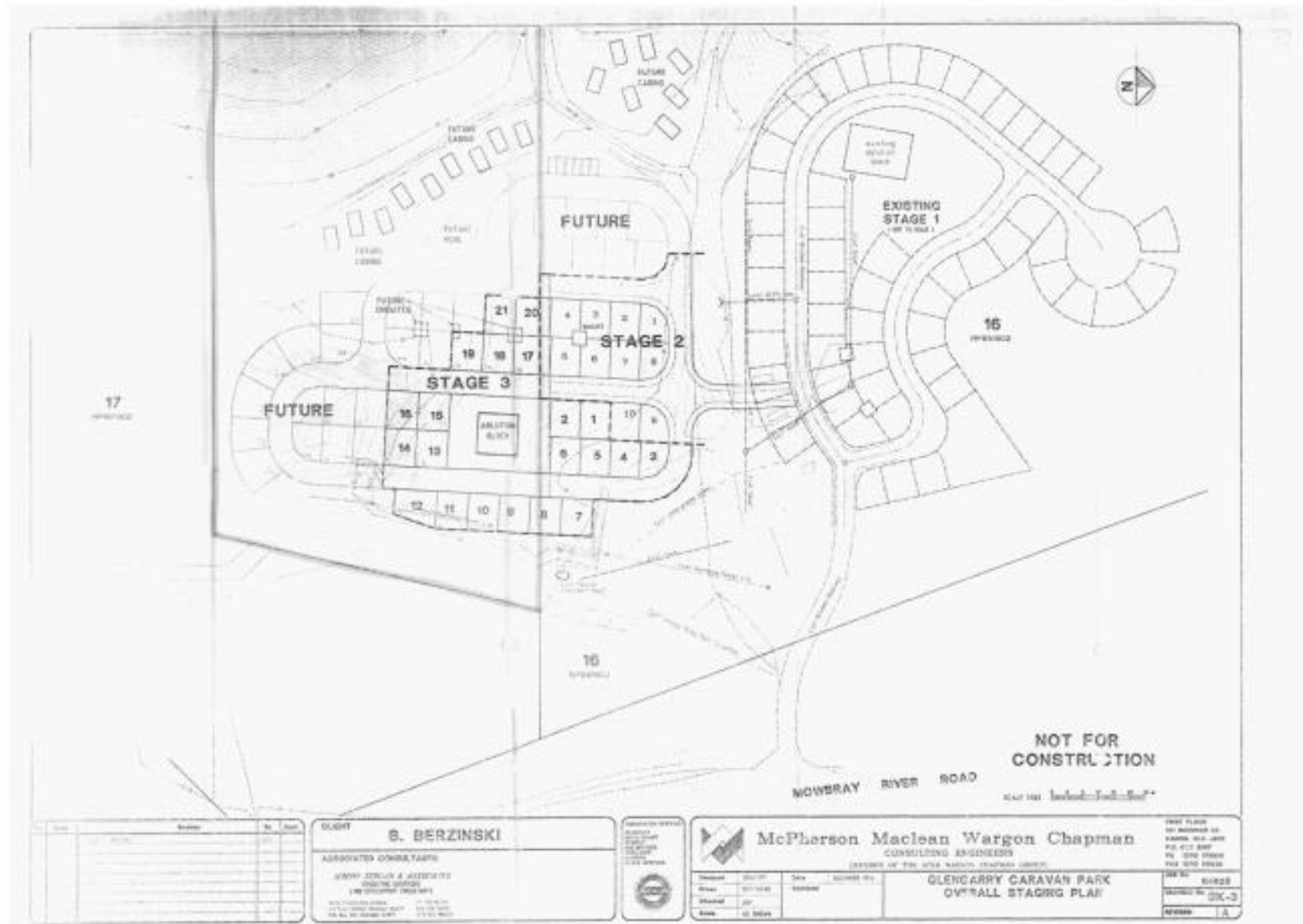
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10. All air conditioning plants, water and sewage treatment plants, refrigeration plants, generators and other machinery shall be housed in sound proof enclosures or otherwise baffled to the satisfaction of the Manager Engineering Services.

11. The conditions of the Town Planning Consent are to be effected prior to the commencement of the specific use of the said consent.

T C Melchert  
Chief Executive Officer

*WCA 27-05-28*







PO Box 723 Mossman Qld 4873  
www.douglas.qld.gov.au  
enquiries@douglas.qld.gov.au  
ABN 71 241 237 800

16 February 2023

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUC 2023\_5262/1 TPC491 1988 /TPC 909 1996 (Doc ID 1139014)  
**Your Ref:** 2022-11-31 – Big 4 Glengarry – 70 Mowbray River Road, Mowbray

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

Marmax Pty Ltd A.C.N 050 217 555  
c/- Daniel Favier  
Aspire Town Planning and Project Services  
PO Box 1040  
MOSSMAN QLD 4873

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

Dear Sir

**Development Application for Minor Change to Town Planning Consent TPC 491 and  
Town Planning Consent TPC 909 for Ancillary office and Games Room  
At 70 Mowbray River Road Mowbray  
On Land Described as Lot 16 on SP192603**

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

Please quote Council's application number: MCUC 2023\_5262/1 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)
  - Original Approvals
  - Reasons for Decision
- Advice For Appeals (Decision Notice)



## Decision Notice

### Approval (with conditions)

*Given under s78, s78A, s79, s81, s81A and s83 of the Planning Act 2016*

#### Applicant Details

Name: Marmax Pty Ltd A.C.N 050 217 555

Postal Address: c/- Daniel Favier  
Aspire Town Planning and Project Services  
PO Box 1040  
Mossman Qld 4873

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

#### Property Details

Street Address: 70 Mowbray River Road Mowbray

Real Property Description: Lot 16 on SP192603

Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Minor Change to the Town Planning Consents: TPC 298 (for a Camping Ground for a thirty site Caravan Park); TPC 491 (for caravan Park, cabins and ancillary facilities); and TPC 909 (for a camping ground) for an ancillary office and games room.

#### Decision

Date of Decision: 16 February 2023

Decision Details: Approved whereby:

1. The design of the development is in accordance with the following table of Approved Drawing(s) and / or Document(s).

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

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

Drawing Document	or Reference	Date
Site Plan	Danny Vos Architect Proposed Additions, 70 Mowbray River Rd, Mowbray, (Big 4 Glengarry Caravan Park), Sketch Design, Revision C	6 February 2023
Floor Plan, Roof Plan & Perspectives	Danny Vos Architect Proposed Additions, 70 Mowbray River Rd, Mowbray, (Big 4 Glengarry Caravan Park), Sketch Design, Revision C	6 February 2023
Elevations	Danny Vos Architect Proposed Additions, 70 Mowbray River Rd, Mowbray, (Big 4 Glengarry Caravan Park), Sketch Design, Revision C	6 February 2023

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

**Assessment Manager 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; 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.

**ADVICE**

1. This approval for the minor change, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

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 requirements of the Decision Notices TPC 491 dated 9 November 1988 and TPC 909 27 May 1998, remain unchanged.

A copy of the original Decision Notices is attached.

#### **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 of Appeal**

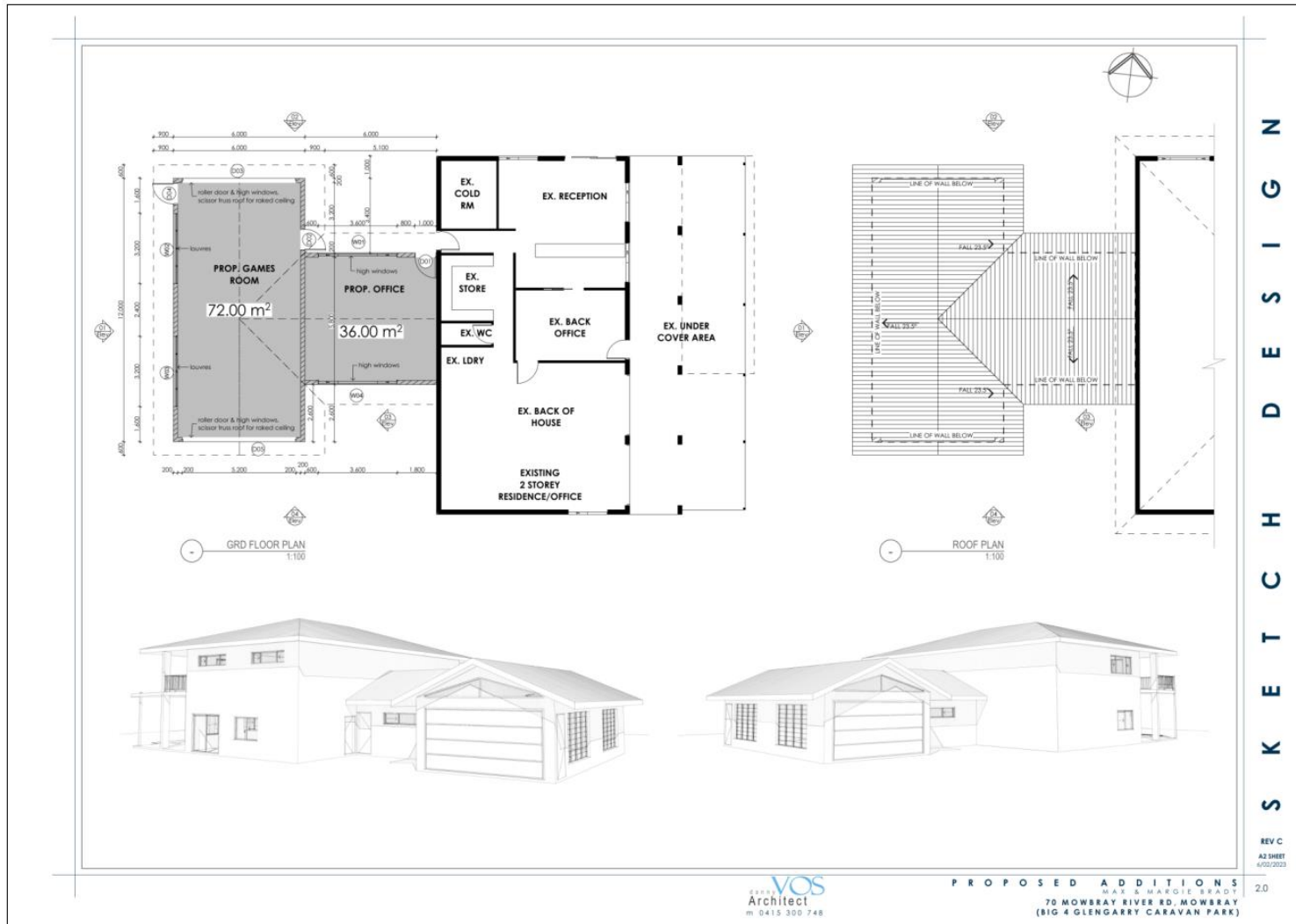
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The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

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



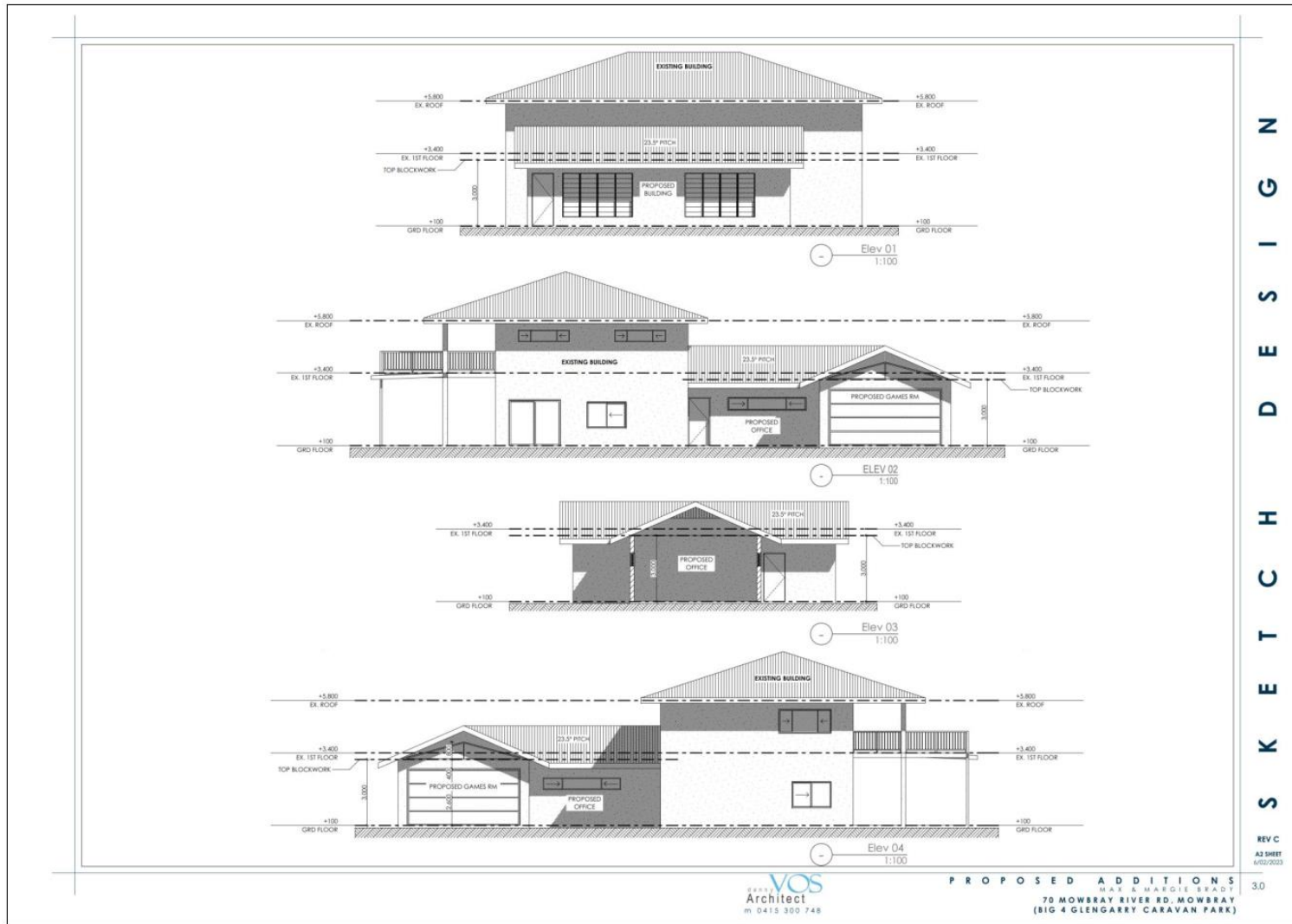


S K E T C H D E S I G N

REV C  
A2 SHEET  
6/10/2023

VOS  
Architect  
m 0415 300 748

PROPOSED ADDITIONS  
MAXA WARDLE STRAT  
70 MOWBRAY RIVER RD, MOWBRAY  
(BIG 4 GLENGARRY CARAVAN PARK)



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## Reasons for Decision

1. The reasons for this decision are:
  - a. Sections s78, s78A, s79, s81, s81A and s83 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 made to the Douglas Shire Council 28 March 2024 under sections s78, s78A, s79 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 and the 1981 Planning Scheme for the Whole of the Douglas Shire 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 s81, s81A and s83 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. It is noted that the proposed changes do not conflict with either of the existing Town Planning Consents, nor the existing Minor Change for ancillary office and games room. The development complies with the current planning scheme and no concerns are raised.



## 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.