

24 February 2022

Enquiries: Daniel Lamond
Our Ref: MCUI 2013_5128/2 (1068985)
Your Ref: 8/8/1284

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

Trees Adventure Holdings Pty Ltd
C/- Holding Redlich
Leve 1, 15 Lake St
CAIRNS QLD 4870

Dear Sir/Madam

**Combined application for request for minor change (Tourist Attraction) and Building work assessable against the Planning Scheme (zip line platform construction)
At Camelot Close CAPE TRIBULATION, 141 Camelot Close CAPE TRIBULATION
On Land Described as LOT: 25 RP: 733182 and LOT: 9 TYP: SR PLN: 693**

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

Please quote Council's application number: MCUI 2013_5128 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Daniel Lamond 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
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approved subject to conditions

Planning Act 2016

Applicant Details

Name: Trees Adventure Holdings Pty Ltd
Postal Address: C/- Holding Redlich
Leve 1, 15 Lake St
CAIRNS QLD 4870
Email: Sangeetha.Badya@holdingredlich.com

Property Details

Street Address: 141 Camelot Close CAPE TRIBULATION
Real Property Description: LOT: 25 RP: 733182, LOT: 9 TYP: SR PLN: 693
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit- Request for Minor Change (Tourist Attraction) and Building work assessable against the Planning Scheme (Construction of zipline platforms)

Decision

Date of Decision: 24 February 2022
Decision Details: Approved subject to conditions

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

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

Drawing or Document	Reference	Date
Site Plan	Wade Design Engineers, Drawing No. 2100-030-S03. Amdt. B	13 October 2021
General Arrangement	Wade Design Engineers, Drawing No. 2100-030-S04. Amdt. B	13 October 2021
Typical Details	Wade Design Engineers, Drawing No. 2100-030-S30. Amdt. B	13 October 2021

Assessment Manager Conditions & Advices

Arborist Reporting

15. The recommendations, mitigation works and findings from the Arborist report prepared by Kurt Brown of Australian Tree Contractors & Arboricultural Consultants must be complied with prior to commencement of use.
16. The results of the Arborist inspection required by the Arborist report prepared by Kurt Brown of Australian Tree Contractors & Arboricultural Consultants after any weather event where there have been severe forces applied to the assessed trees must be submitted to Council for endorsement and must be complied with.
17. Any trees used for anchoring stabilising wires for the platform trees must have a tree condition assessment undertaken by a qualified level 5 or above Arborist and the report must be submitted to Council for endorsement prior to commencement of use.

Building works assessable against the Planning Scheme (Construction of zipline platforms)

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

Development Permit for Building Works

2. All tree platforms and associated course platforms must be issued with a Development Permit for Building Works prior to commencement of construction.

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 5 January 2022 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 Conservation 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.

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

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.

Infrastructure Charges

The minor change and Building work assessable against the Planning Scheme does not increase demand at the site. No infrastructure charges apply.

Attachment 1: Changed Decision Notice:

ENQUIRIES: Gerard Rosse
PHONE: (07) 4044 3553
FAX: (07) 4044 3836
YOUR REF: Walshaw
OUR REF: 8/8/1284 (4099191)

29 August 2013

Keydane Pty Ltd t/as Jungle Surfing Canopy Tours
C/- All About Law
81 McLeod Street
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
141R CAMELOT CLOSE, CAPE TRIBULATION**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 28 August 2013, please find attached the relevant Decision Notice.

This approval replaces the previous Negotiated Decision Notice TPC1130 dated 29 January 2004 for the use on Lot 9 on SR693 and Lot 25 on RP733182,

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Gerard Rosse of Council's Development Services team on telephone number (07) 4044 3553.

Yours faithfully

Graham Boyd
Acting General Manager Planning & Environment

Att

APPLICANT DETAILS

Keydane Pty Ltd t/as Jungle Surfing Canopy Tours
C/- All About Law
81 McLeod Street
CAIRNS QLD 4870

ADDRESS

141R Camelot Close, Cape Tribulation

REAL PROPERTY DESCRIPTION

Lot 9 on SR693 and Lot 25 on RP733182

PROPOSAL

Tourist Attraction (Hamster Wheel)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

28 August 2013

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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

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

Drawing or Document	Reference	Date
Site Plan — Camelot Close, Cape Tribulation	Lot 25 on RP733182 Lot 9 on SR693	As submitted 09/08/2013
Human Hamster Wheel – Proposed Site Arrangement	0092-001-DRG-002 – Rev P2	12/04/2013
Human Hamster Wheel – General Arrangement	0092-001-DRG-002 – Rev A	16/01/2013
Human Hamster Wheel – Operations and Maintenance Manual	0092-001-REP0001	As submitted 15/05/2013
Previous Approval – Negotiated Decision Notice	MCU (Canopy Tours) Ref No: TPR1130	24/01/2004

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.

Near Threatened Plant Species

3. An approval under the *Nature Conservation Act 1992* will be required if any specimens of the following plant species listed as Near Threatened are to be removed or adversely impacted; *Cheilanthes myrianthus*, *Endiandra microneura* and *Haplostichanthus ramiflorus*. Information on approvals under the *Nature Conservation Act 1992* may be obtained from the Department of Environment & Heritage Protection at www.ehp.qld.gov.au.

On-site Effluent Disposal

4. Should the sewage inflows into the existing on-site sewerage system exceed the original design capacity, the on-site sewerage system is to be upgraded to the new inflows and the relevant approvals obtained for this work.

Number of Customers Per Day

5. No more than two hundred (200) customers shall enter the subject land on any one (1) day.

Transportation of Customers To and From the Site

6. All customers visiting the site are to arrive and depart via the operator's shuttle bus service.
7. No customers are to access, or park on the site, or adjacent road reserve, in a private, chartered or hired vehicle.

Parking on Site

8. The six (6) covered parking spaces which include four (4) parking spaces suitable for small buses are to remain as constructed on the subject site.

Harnessing and Administration Centre

9. The existing Harnessing and Administration Centre is to remain as constructed. No further expansion of the building is to occur.

Additional Amenities

10. The downstairs toilet of the dwelling house on Lot 9 on SR 693 is to be signed and designated as 'customer toilet'. This toilet is to remain freely accessible to customers at all times.

Canopy Runs

11. No more than two (2) canopy runs are to operate on the site. All canopy runs are to remain as currently constructed with the exception of the inclusion of the new hamster wheel.

Workplace Health and Safety

12. The developer must ensure that appropriate Work Place Health and Safety Certificates, Engineering Certifications and Building Applications are acquired when necessary (ie when rotating trees and constructing new platforms new certificates are required).

Hours of Operation

13. The Canopy Tours are to operate between the hours of 8:00 am and 9:00 pm, Monday to Sunday.

Approval for the Existing Use

14. This approval replaces the previous Negotiated Decision Notice TPC1130 dated 29 January 2004 for the use on Lot 9 on SR693 and Lot 25 on RP733182.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and 341 of the *Sustainable Planning Act 2009*.
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 cyclone watch 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 *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au .

LAND USE DEFINITION*

In accordance with Douglas Shire Planning Scheme 2008 the approved land use of Tourist Attraction is defined as:

Means the use of premises for an activity or range of activities which showcase surrounding environmental or agricultural/rural attractions and are designed and operated primarily to attract tourists.

The use includes:

- *interpretive/educational facilities;*
- *administrative office and manager's residence;*
- *small scale ancillary facilities such as:*
 - *retail outlet for the sale of souvenirs and similar items;*
 - *kiosk; or*
 - *Restaurant.*

The use includes facilities commonly described as:

- *animal and bird park or sanctuary;*
- *crocodile farm; or*
- *ZOO.*

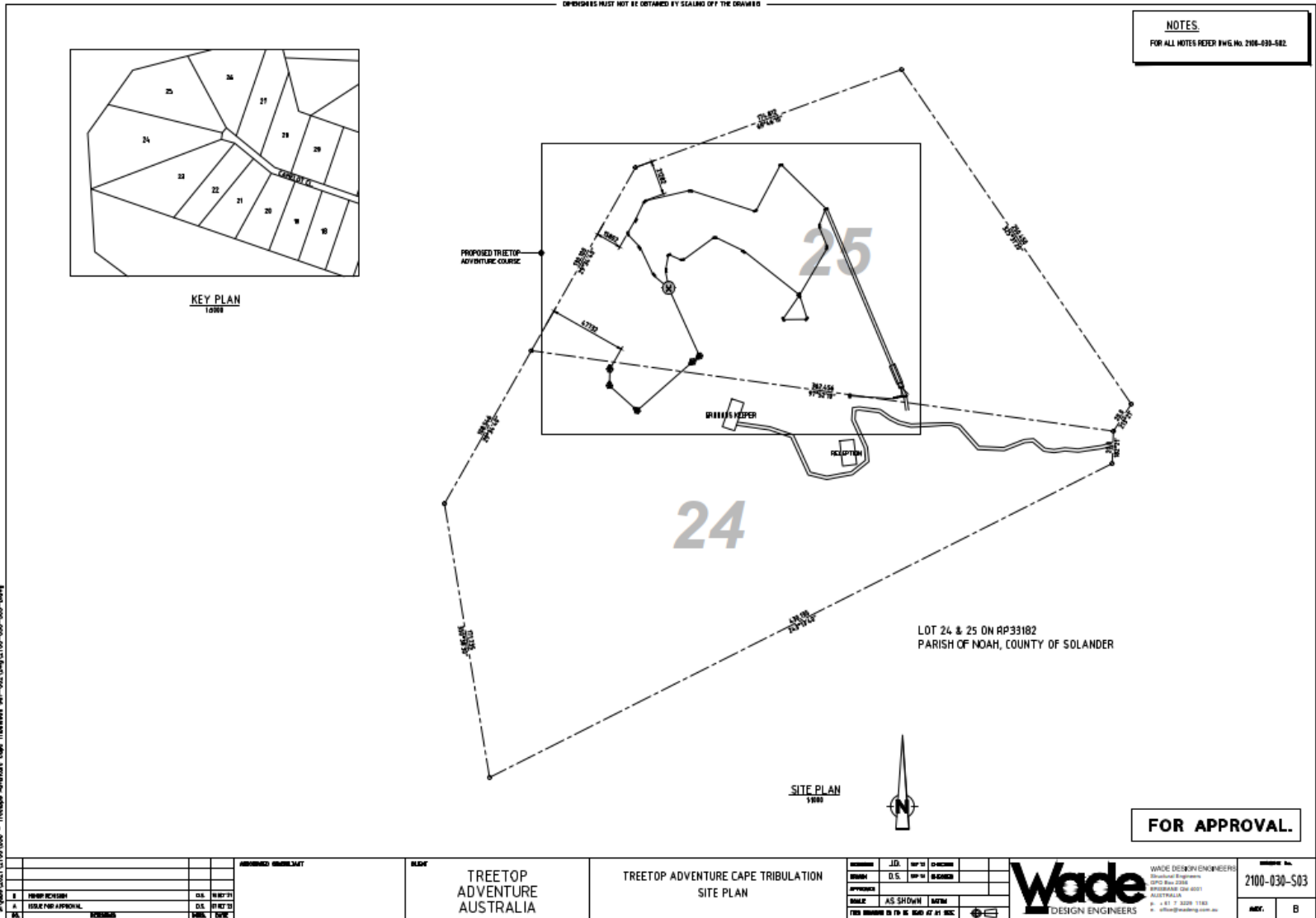
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: Approved Drawing(s) & Document(s)



A:\Projects\2024\2100\030 - Treetops Adventure Cape Tribulation RP-2024\DWG\2100-030-503-503.dwg

NO.	DESCRIPTION	DATE
1	PREP FOR APPROVAL	01/10/24
2	FOR APPROVAL	01/10/24

PROJECT	TREETOP ADVENTURE AUSTRALIA
CLIENT	TREETOP ADVENTURE AUSTRALIA
PROJECT NAME	TREETOP ADVENTURE CAPE TRIBULATION SITE PLAN

DESIGNER	J.D.	DATE	01/10/24
CHECKED	D.S.	DATE	01/10/24
APPROVED	AS SHOWN	DATE	

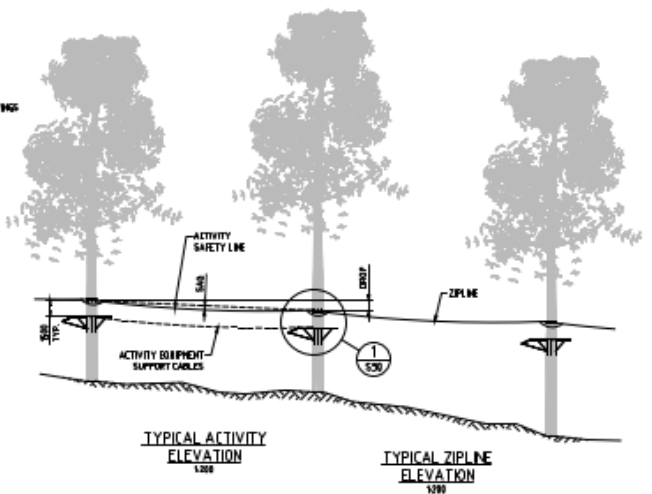
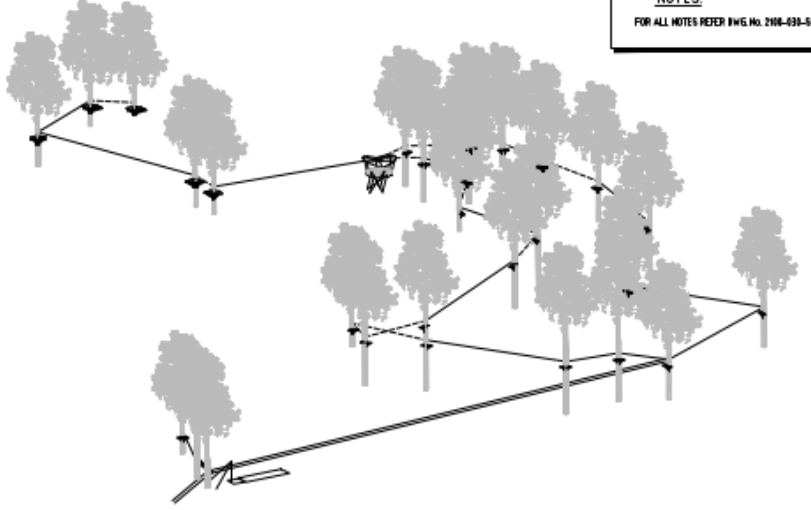
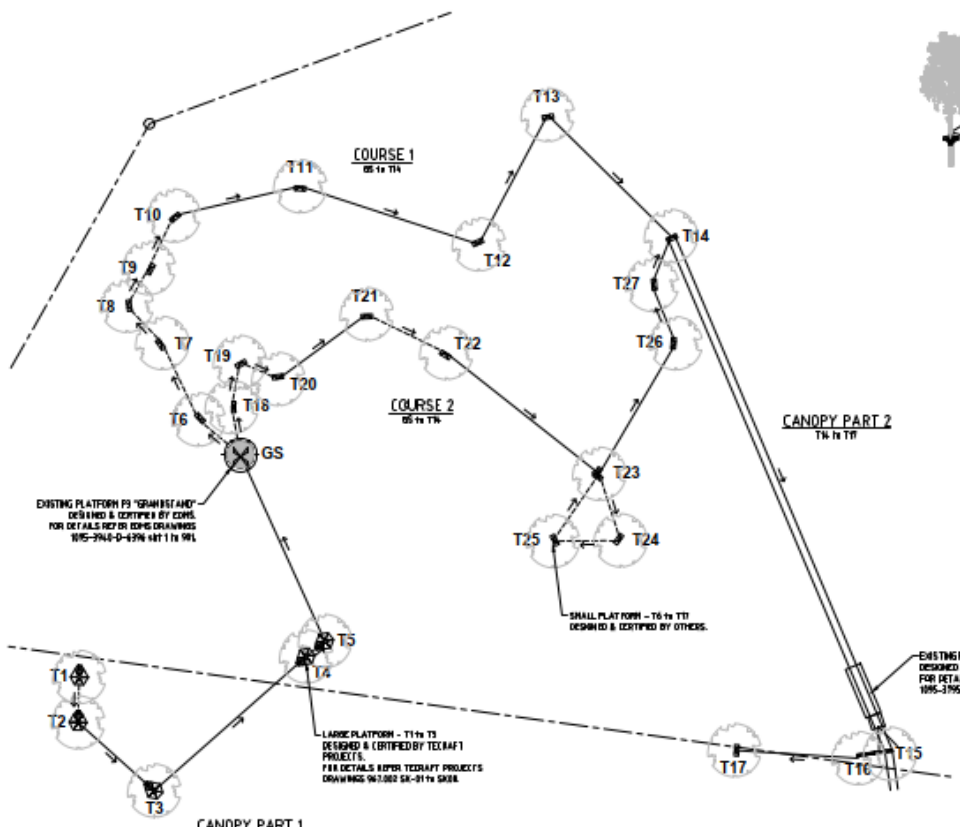
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Wade DESIGN ENGINEERS
 Structural Engineers
 2100-030-503
 1/10/24

PROJECT NO.	2100-030-503
REV.	B

DIMENSIONS MUST NOT BE OBTAINED BY SCALING OF THE DRAWING

NOTES
FOR ALL NOTES REFER DWG No. 2100-030-S04



LEGEND
--- ACTIVITY
--- ZIPLINE

GENERAL ARRANGEMENT
1/200



FOR APPROVAL.

J:\John\2021\2100\030 - Treescape Adventure Cape Tribulation 1915-0021 DWG\2100-030-S04-5.dwg

NO.	REVISION	DATE	BY
1	PLANNING REVIEW	04/10/21	JD
2	ISSUE FOR APPROVAL	05/10/21	JD

APPROVED ORIGINATOR	DATE

CLIENT
TREETOP ADVENTURE AUSTRALIA

PROJECT
TREETOP ADVENTURE CAPE TRIBULATION
GENERAL ARRANGEMENT

DESIGNED	JD	19/10/21	CHECKED	
DRAWN	D.S.	09/10/21	DESIGNED	
APPROVED				
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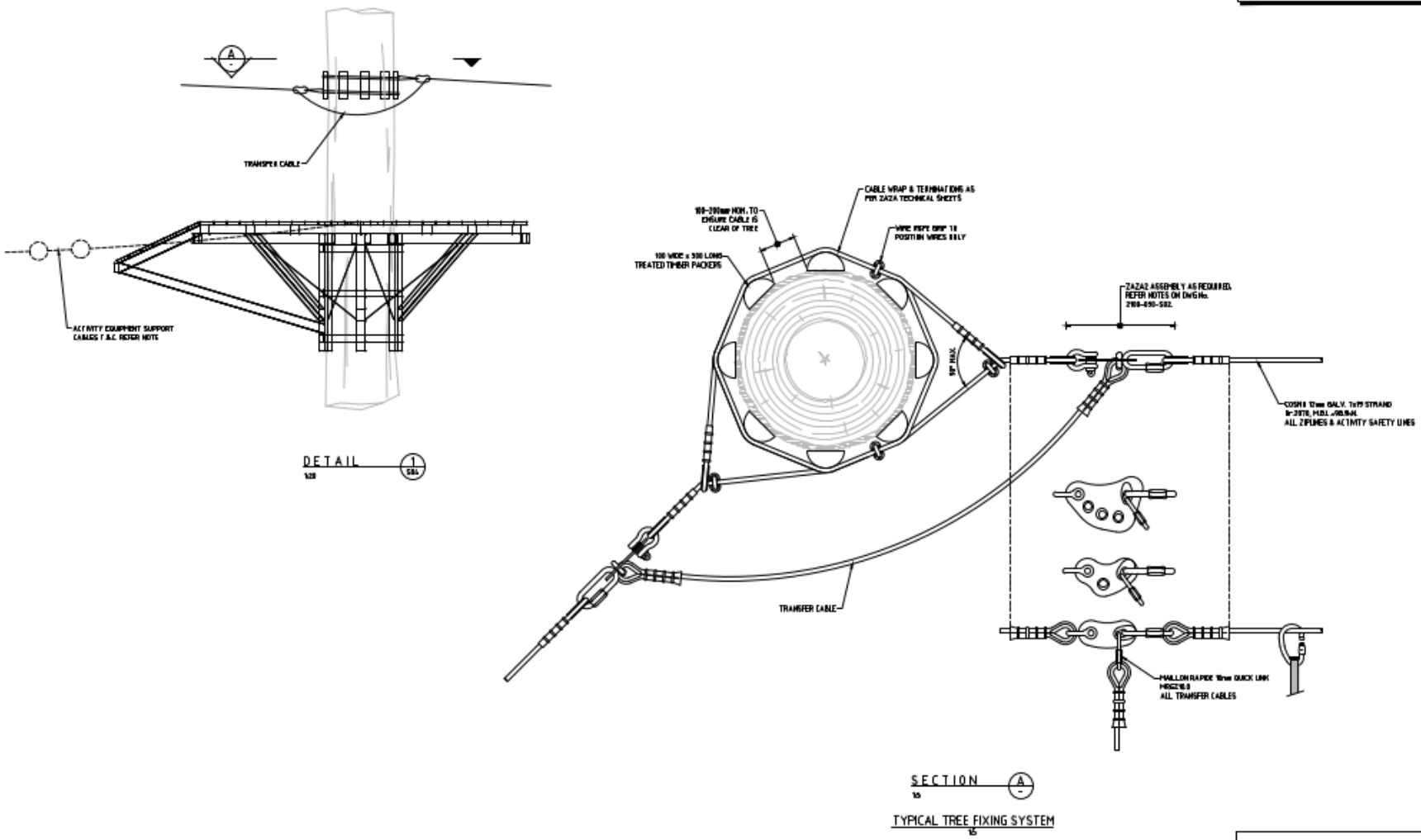
Wade
DESIGN ENGINEERS

WADE DESIGN ENGINEERS
Chartered Engineers
12/10 Bay Street
PO BOX 4001
AUSLANDIA
Ph: +61 7 3220 1188
w@wadedesign.com.au

PROJECT No.	2100-030-S04
DATE	B

DIMENSIONS MUST NOT BE OBTAINED BY SCALING OFF THE DRAWING

NOTES
FOR ALL NOTES REFER DWG No. 2100-030-532



SECTION A
15
TYPICAL TREE FIXING SYSTEM

FOR APPROVAL.

A:\Jobs\2021\2100\2100-030-532\TreeFixing.dwg - TreeTop Adventure Cape Tribulation 19/11/2021 10:00:00 - 030-532-54.dwg

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1	ISSUE FOR APPROVAL	05/11/21		
2	FOR APPROVAL	05/11/21		

APPROVED: [Signature]	DATE: 05/11/21
ISSUED FOR APPROVAL: [Signature]	DATE: 05/11/21

WADE
TREETOP ADVENTURE AUSTRALIA

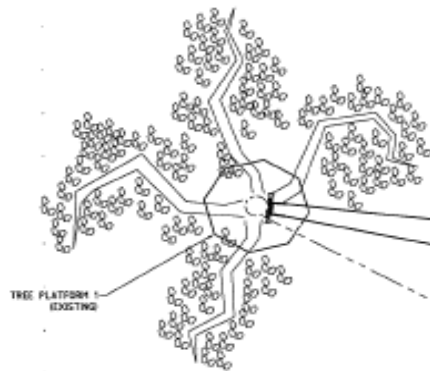
TREETOP ADVENTURE CAPE TRIBULATION
TYPICAL DETAILS

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APPROVED	[Signature]	DATE	05/11/21
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Wade
DESIGN ENGINEERS

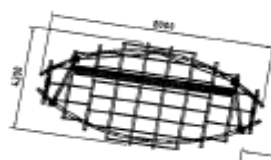
WADE DESIGN ENGINEERS
Structural Engineers
10/10 Macquarie Street
Sydney NSW 2000
AUSTRALIA
P: +61 2 9229 1183
E: office@wadedesign.com.au

PROJECT NO.	2100-030-530
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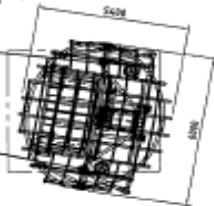


PROPOSED NEW AERIAL CABLEWAY 140m PLAN LENGTH

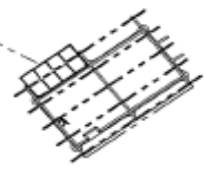
ROUTE OF EXISTING CABLEWAY



PATRON SHELTER PROPOSED



HAMSTER WHEEL PROPOSED



PATRON LAUNCH STRUCTURE EXISTING

- NOTES:**
1. DRAWING PRODUCED FOR INDICATIVE PURPOSES.
 2. FINAL LOCATION AND ORIENTATION OF STRUCTURES SUBJECT TO APPROVED CABLEWAY ROUTE AND CIVIL ENGINEERING DESIGN.
 3. DO NOT SCALE.

FOR INFORMATION ONLY

REV	DATE	DESCRIPTION	BY	CHK	APP	REV	DATE	DESCRIPTION	BY	CHK	APP
01	18-08-21	PRELIMINARY SITE									
02	18-08-21	THE SE WAVE AND ARRANGEMENTS REVISED									

REV	DATE	DESCRIPTION	BY	CHK	APP

EDMS Australia

JUNGLE SURFING CANOPY TOURS
 HUMAN HAMSTER WHEEL
 HUMAN HAMSTER WHEEL CABLEWAY
 PROPOSED SITE ARRANGEMENT

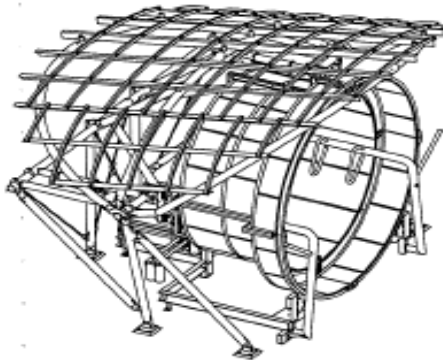
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DATE: 18 AUG 2021, 09:04 AM
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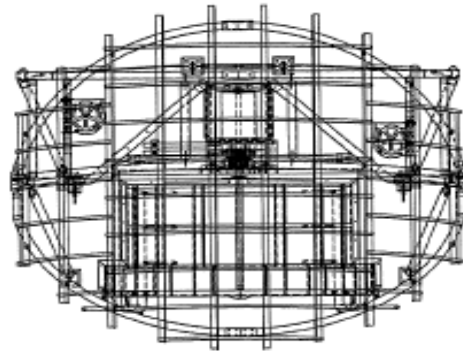
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0092-001-DRG-0003

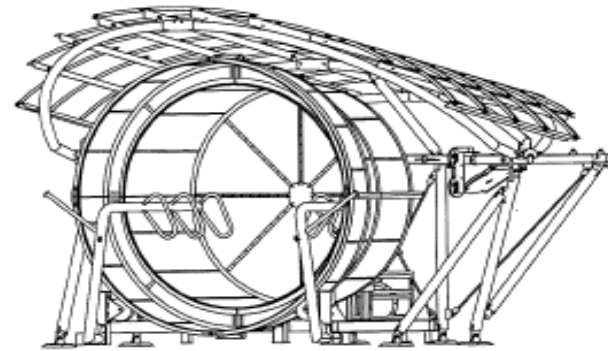
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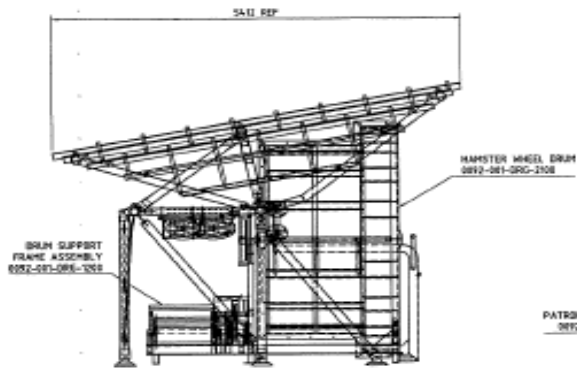
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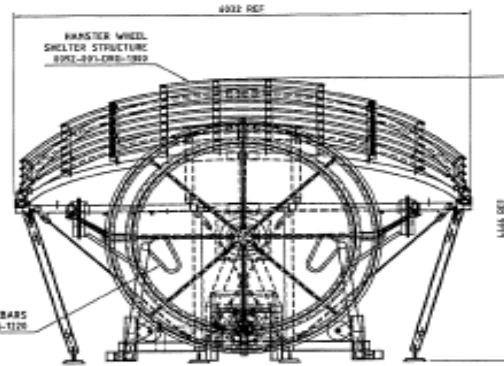
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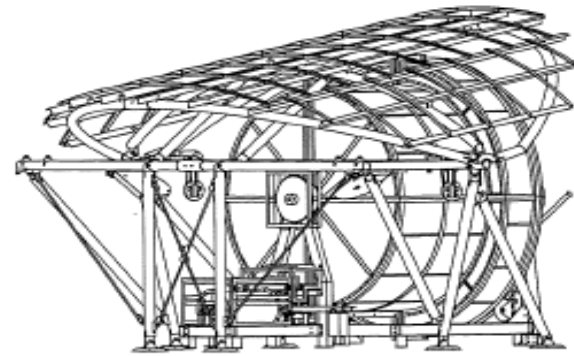
HAMSTER WHEEL FRONT PICTORIAL ARRANGEMENT
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SIDE ELEVATION



FRONT ELEVATION



HAMSTER WHEEL REAR PICTORIAL ARRANGEMENT
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HAMSTER WHEEL GENERAL ARRANGEMENT
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EDMS AUSTRALIA
 110, GLENVIEW RD
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 TEL: 03 9479 2000
 FAX: 03 9479 2001
 WWW.EDMSAUSTRALIA.COM.AU

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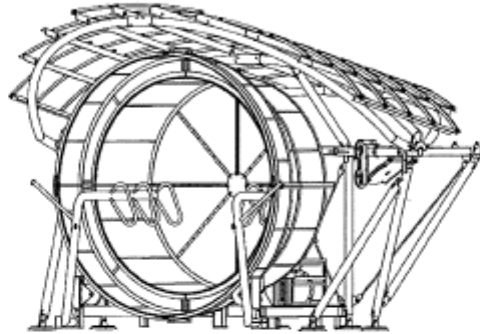
EDMS Australia
 JUNGLE SURFING CANOPY TOURS
 HUMAN HAMSTER WHEEL
 HAMSTER WHEEL GENERAL ARRANGEMENT

SCALE: AS SHOWN

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 EDMS Australia	JUNGLE SURFING CANOPY TOURS HUMAN HAMSTER WHEEL	Doc. No.: 0092-001-REP-0001
Extract from OPERATIONS & MAINTENANCE MANUAL		

JUNGLE SURFING CANOPY TOURS



HUMAN HAMSTER WHEEL

0092-001-REP-0001
EXTRACT FROM
OPERATIONS & MAINTENANCE MANUAL

Prepared by:
EDMS Australia Pty. Ltd
ABN 91 258 703 957

Prepared for:
Jungle Surfing Canopy Tours
Cape Tribulation

	Name	Signature	Date
Prepared By:	Joe Dobson		
Reviewed By:	Michael Hagen		
Approved By:	Maurice Copsey		

**EDMS Australia**JUNGLE SURFING CANOPY
TOURS
HUMAN HAMSTER WHEEL


Doc. No.: 0092-001-REP-0001

Extract from OPERATIONS & MAINTENANCE MANUAL

1. Plant Description

1.1. Leading Particulars

Ropeway Owner:	Jungle Surfing Canopy Tours
Installation Location:	24 Camelot Close, Cape Tribulation, QLD
Ropeway Name:	Human Hamster Wheel
Ropeway Design Category:	CSA Z98 - Reversible Passenger Ropeway
Ropeway Route:	Hamster Wheel to Tree-house Platform 1
Designer:	EDMS Australia
Ropeway Geometry	
Plan length:	35.360 m (nominal)
Elevation to Tree-house Platform 1	6.018 m (nominal)
Number of Ropeways	2
Ropeway Capacity	
Design Patron capacity:	240 kg (per Track Rope)
Max in-service wind speed:	20 m/s
Track Rope	
Rope diameter:	Ø12mm
Rope construction:	6x36 WC Galv RHOL
Installation tension (still air & no load):	597 N
Maximum design tension (in-service + 20m/s wind):	13.61 kN
Maximum design rope sag:	500 mm
Haul Rope	
Rope diameter:	Ø6 mm
Rope construction:	6x19 F/C Galv RHOL
Installation tension (still air & no load):	126 N
Maximum design tension (in-service + 20m/s wind):	3.08 kN
Sheaves	
Diversion sheave nominal diameter	Ø450 mm
Line sheave nominal diameter	Ø250 mm
Overload Protection	
Type:	Friction Slip Hub
Manufacturer:	Mayr
Model:	ROBA 3/100.220
Torque setting:	520 Nm
Service Brake	
Type	Double Block Brake
Maximum design capacity	958 Nm
Emergency Brake	
Type	Double Block Brake
Maximum design capacity	958 Nm
Anti-rollback	
Type	Ratchet & Pawl

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1.2. Functional Description

1.2.1. Hamster Wheel

- 1.2.1.1. The Hamster Wheel drum is the focal element of the design and is styled on a tread-wheel crane concept. Patrons and Operators alike may enter the drum and provide motive power to the hauling mechanism by walking. The Hamster Wheel Ropeway is designed in the style of a Funicular, whereby Patron carriers oscillate alternately between ground and Tree-house stations. Consequently, the rotation of the drum determines the direction of oscillation of the carriers and motive power is directly supplied by the occupants walking within the drum.
- 1.2.1.2. Handlebars are provided for use by Patrons and Operators alike. The handlebars are provided principally to prevent falls within the drum, however also serve as a point of reaction against which, occupants of the drum may exert effort if required. EDMS recommend use of the handlebars at all times when within the drum.
- 1.2.1.3. The drum is constructed entirely from Aluminium alloy, principally for reasons of weight. An insulating gasket is provided at the interface between the Aluminium drum and carbon steel Taperlock hub to prevent dissimilar metal corrosion at this interface. Insulation must always be maintained to prevent the adverse effects of corrosion. Similarly, dissimilar metal should not be attached in any way to the Hamster Wheel drum.
- 1.2.1.4. The Hamster Wheel is partitioned into an inner and outer drum. The inner drum is intended for normal operation and is proportioned to accommodate up to 2 persons not exceeding 120kg each. The narrow outer drum is for use by Operators only and is intended to permit application of greater torque only when a single Operator cannot create sufficient motive power from within the inner drum. The outer drum is not intended or designed for use by Patrons, other than as a means of access to the inner drum. Nor is the outer drum intended for use where the Hamster Wheel is already occupied by Patrons within the inner drum.
- 1.2.1.5. The Hamster Wheel drum is supported at the rear by a single, self-aligning spherical roller bearing. At the front of the drum, support is furnished by two $\phi 300$ mm rollers operating within a channel forming the outer rim of the drum. Alignment of the Hamster Wheel drum may be performed by adjustment of the rollers. Provision for adjustment is made in the form of a jacking screw to permit vertical adjustment of the each roller independently.

1.2.2. Hauling Mechanism

- 1.2.2.1. The hauling mechanism comprises the winch drum, braking and Anti-rollback systems and associated systems. Motive power is transferred from the Hamster Wheel drum to the hauling mechanism by way of a chain drive. Reynolds Syno Nickel plated roller chain has been selected to provide lubrication free service. Adjustable tension idlers are provided to remove slack from the chain drive and their adjustment should be monitored, both to optimise chain life and minimise mechanical backlash within the Hamster Wheel drum.
- 1.2.2.2. The driven sprocket is mounted on a Mayr ROBA slip hub, which is in turn mounted on the end of the winch drum shaft. The slip hub is an essential safety system and serves to limiting the maximum torque that may be transferred to the winch drum and Haul Rope system. The slip hub is adjustable within the range of 250-550Nm, by means of an adjusting nut. The slip hub should be set to 520Nm in the manner prescribed by the OEM.
- 1.2.2.3. The design of the slip hub permits exchange of drive sprockets, enabling tuning of the final gearing ratio. Standard ISO 16B simplex plate-wheel sprockets may be bored and counter-faced in accordance with drawing 0092-001-DRG-2201 for installation on the hub. Care must be taken to ensure correct alignment of sprockets and chain on re-installation.

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- 1.2.2.4. The hauling mechanism is equipped with an Anti-rollback mechanism designed to prevent unintended reversal of the Ropeway under load. Similarly, the Anti-rollback system prevents reverse torque transferring through to the Hamster Wheel drum such that it provides safety both for occupants of the Ropeway and of the Hamster Wheel. The mechanism comprises independent, directional ratchet and pawl arrangements, one each intended for left hand and right hand rotation respectively.
- 1.2.2.5. At rest, both left hand and right hand pawls are engaged on their respective ratchets under spring tension, thereby preventing rotation in either direction. The pawls are lifted by cables incorporated into the braking actuation system. For uphill operation of the left hand Ropeway, the left hand brake cable is drawn by the Operator, in turn lifting the right hand pawl and permitting rotation under the influence of the left hand pawl only. Similarly for operation of the right hand Ropeway, the left hand pawl is lifted via operation of the right hand brake cable.
- 1.2.2.6. The Anti-rollback pawls are connected with oil filled dampers. The dampers retard motion of the pawls on the return (tensile stroke) only and are to be adjusted for a nominal stroke duration of 5-7 seconds from fully disengaged position. During emergency descending, it is necessary to lift the Anti-rollback pawl that would otherwise prevent reverse rotation, i.e. for descending on the left hand Ropeway, it is necessary to raise the left hand pawl to permit reversal of the Ropeway.
- 1.2.2.7. In the event of rapid brake application during descending, it is necessary to retard the re-engagement of the pawls until the brakes have arrested rotation of the winch drum. Failure to do so would result in rapid engagement of the pawl and shock loading of the hauling mechanism and Ropeway. The dampers therefore serve an essential safety function by preventing shock loading of the Ropeway during emergency descent.

1.2.3. Winch Drum

- 1.2.3.1. The winch drum is sized to accommodate 200% of the required Haul Rope capacity. The Haul Rope winds on and off the top of the drum and is intended to lay in a single neat layer on the drum surface. It is therefore necessary to ensure correct longitudinal adjustment of the diversion sheaves to provide sufficient fleet angle to nest the cable neatly on the drum and prevent pinching or layering of the rope.
- 1.2.3.2. Excess rope capacity is provided to permit successive relocation of the Patron carriers on the Haul Rope, thereby optimising rope life and reducing the frequency of rope replacement. With each successive relocation of Patron carriers, it is necessary to re-adjust the diversion sheave positions accordingly to maintain correct fleet angle of the Haul Rope.

1.2.4. Braking Systems

- 1.2.4.1. The hauling mechanism is equipped with two independent braking systems for redundant operation. Both brakes are capable of independently arresting the motion of the fully laden Ropeway. The brakes are of a twin calliper design and are fitted with synthetic flexible liners. Braking is performed under the action of counterweights, the position of which may be adjusted to vary the mechanical advantage required. Both brakes are operated via a common reeved cable system as illustrated in drawing 0092-001-DRG-0303. The brake weights are raised using a 4:1 ratio to minimise Operator effort.
- 1.2.4.2. The brakes are designed to open to a nominal radial clearance of 1mm. Maximum brake opening may be adjusted by means of a stop nut, refer drawing 0092-001-DRG-2210 – Item 8.

Extract from OPERATIONS & MAINTENANCE MANUAL

1.2.4.3. An emergency brake system is provided as a means of secondary actuation of the brakes in the event of failure of the primary reeving system. The emergency brake system comprises a pull-stop rope system mounted to the Patron handlebar structures at either side of the Hamster Wheel and connected to a quick release coupling on the emergency brake. Pulling on the emergency brake pull-stop rope releases the quick release coupling and engages the emergency brake. The device is intended for emergency use only and must be manually reset after use. Details of the emergency brake system are provided in drawing 0092-001-DRG-0306.

1.2.5.Diversion Sheaves


1.2.5.1. Two diversion sheaves are installed on the Hamster Wheel Shelter Structure to divert the Haul Rope through 90 deg from the Ropeway to the winch drum. The longitudinal position of the sheaves may be adjusted in 50mm increments by means of a through bolt. The diversion sheaves must be positioned in such a manner as to permit the Haul Rope to pay on and off the winch drum in a neat, single layer. Similarly, a jacking screw is provided for angular adjustment of the sheaves.

1.2.6.Line Sheaves

1.2.6.1. Line sheaves assemblies are provided on both Ropeways to correct the fleet angle of Haul Rope entering and leaving the diversion sheaves. The line sheave assemblies are fully adjustable to permit alignment to the prevailing Ropeway alignment. Deflection of the Haul Rope across the line sheave assemblies should not exceed 4.5°. Line sheave adjustment should be confirmed whenever diversion sheaves are re-located.

1.2.7.Tree-house Sheave Assembly

1.2.7.1. The Tree-house sheave assembly is mounted at Tree-house Platform 1 and serves both as an anchorage point for the Track Ropes and to redirect the Haul Rope between Ropeways. The assembly incorporates a fixed lower bullwheel sheave and two wing sheaves which redirect the rope down each Ropeway. The wing sheaves are mounted on pivots that permit self-alignment of the sheaves with the Ropeway. Track Rope lugs are provided atop each wing sheave for attachment of the Track Ropes.

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2. Functional Operation

2.1.1. Communications

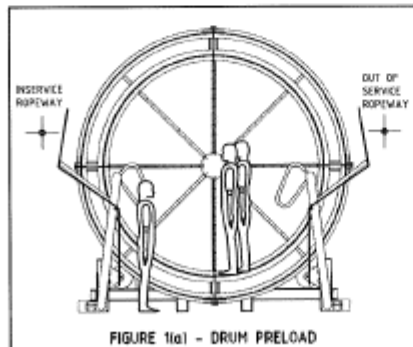
- 2.1.1.1. The Owner shall provide a means of communication between the Hamster Wheel and Tree-house Platform 1. The system for communication shall function reliably under all operational circumstances and in all inclement weather.
- 2.1.1.2. Prior to attempting functional operation of the Ropeway, the Operator shall establish that communication systems are in place and functional between the Hamster Wheel and Tree-house Platform 1.

2.1.2. Attachment of Patrons to Ropeway


- 2.1.2.1. The Owner shall develop and implement procedures and training for the attachment and retrieval of Patrons on the Ropeway. The procedure shall include as a minimum;
- a.) Inspection and maintenance of suspension equipment and harnesses.
 - b.) Clear methodology for attachment and retrieval of Patrons both at the Hamster Wheel and Tree-house Platform 1,
 - c.) Methodology for confirming the security of attachment of Patrons to the Ropeway,
 - d.) Delivery of safety instructions to Patrons and the safe management of Patron conduct on the Ropeway, and
 - e.) Communication protocols to prevent inadvertent operation of the Ropeway during detachment of Patrons at Tree-house Platform 1.

2.1.3. Access and Egress from the Hamster Wheel

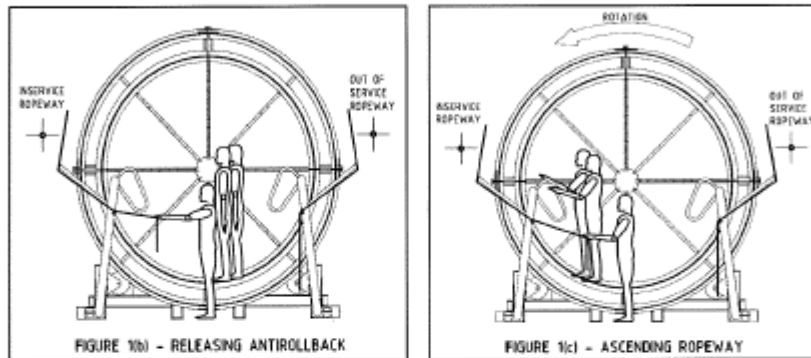
- 2.1.3.1. Access to the Hamster Wheel Drum should only be attempted from the centre invert of the wheel. Upon entry to the inner drum, Patrons should be instructed to stand slightly off centre and opposing the direction of intended travel. By standing off centre within the drum, the effects of any backlash in the drive mechanism that might otherwise permit rotation of the Hamster Wheel Drum are nullified. By standing on the side opposing the intended direction of travel, weight is removed from the Anti-rollback pawl being lifted, thereby preventing jamming of the pawl. Patrons should be instructed to wait in this position until the Operator is ready to commence operation of the Ropeway, refer Figure 1(a).



2.1.4. Uphill Operation

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- 2.1.4.1. Uphill operation of the Hamster Wheel is to be conducted from the side of the in-service Track Rope, i.e. for Patrons travelling on the left hand Track Rope, the Operator shall control with the left hand brake rope and Patrons shall walk towards the left side of the wheel. Conversely for operation of the right hand Track Rope, directions are reversed.

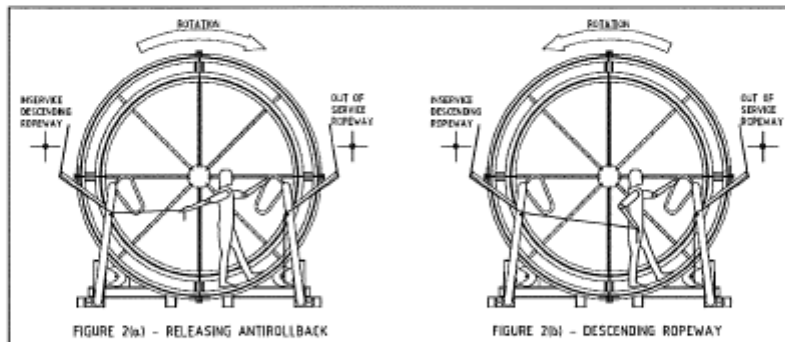


- 2.1.4.2. Whilst Patrons remain standing within the drum on the side opposite the direction of intended travel, the Operator shall gently pull through approximately 200mm of brake rope to raise the Anti-rollback pawl, refer Figure 1(b). Once the pawl is raised, the Operator should feel an increased line pull effort required to release the brakes. Without proceeding to release the brakes, the Operator shall instruct the Patrons within the Hamster Wheel drum to step forward and grip the handlebars, the Operator should then slowly draw more brake cable through until the brakes are fully released and the Patrons within the Hamster Wheel are able to rotate the drum freely, refer Figure 1(c).
- 2.1.4.3. Patrons on the Track Rope are to be raised in a steady manner with Patrons in the Hamster Wheel Drum proceeding no faster than a brisk walking pace. Patrons are not to run within the drum due to the risk of trips and falls.
- 2.1.4.4. Once underway, motion of the Ropeway will not generally be stopped until Patrons on the Ropeway arrive at the Tree-house Platform 1. If motion is ceased, either by instruction from the Operator, or unexpectedly by Patrons within the Hamster Wheel drum, the Operator should re-apply the brakes by gently releasing the brake rope until it fully retracts. When re-commencing uphill travel where the Ropeway is already under load by Patrons travelling on the uphill Track Rope, it is not necessary to instruct Patrons within the Hamster Wheel drum to re-assume a position opposing the direction of travel before lifting the Anti-rollback pawl. Instead, the Patrons should simply be instructed to step up to the handlebars again, after which the Operator may gently release the brakes and permit rotation of the Hamster Wheel and ascent of the Ropeway.
- 2.1.4.5. As Patrons on the Ropeway approach the Tree-house Platform 1, the Operator should instruct Patrons within the Hamster Wheel drum to slow the rate of ascent. Rotation of the drum should continue until the uphill travel buffer is reached. The Operator shall then gently release the brake rope, ensuring that the brake rope fully retracts. Patrons within the Hamster Wheel drum may then be instructed to leave via the centre/invert of the drum.
- 2.1.4.6. Where Patrons are un-available to operate the Hamster Wheel drum, the Operator may perform single person operation in the manner described above whilst continuing to operate the brake system. Where the Operator is unable to generate sufficient torque from the inner drum of the Hamster Wheel, they may alight the outer drum.


2.1.5. Descending

Extract from OPERATIONS & MAINTENANCE MANUAL

- 2.1.5.1. The Ropeway is designed principally for ascending to the Tree-house Platform 1, however descending under load is possible under the careful control of the Operator.
- 2.1.5.2. Prior to commencing a descent, it is assumed that the cable way is already stationary and with braking systems fully engaged, i.e. brake ropes fully retracted. A descent must not be attempted with Patrons in the Hamster Wheel drum due to the elevated risk of trips and falls associated with reverse rotation of the drum. Great care must be taken when descending under load as the Anti-rollback system must be bypassed to permit reverse rotation of the drum.
- 2.1.5.3. Descent is performed by operation of the Hamster Wheel from the side opposite the loaded Track Rope. For example, where Patrons are to be descended on the left hand Track Rope, operation of the Ropeway must be conducted using the right hand brake rope, and vice versa. The complication with descending arises from the fact that the Anti-rollback pawl to be lifted remains under load.
- 2.1.5.4. To permit safe descent, the Anti-rollback pawl must be lifted prior to lifting of the brake counterweights, failure to do so safely may result in rapid and unintended acceleration of the Ropeway. To remove load from the Anti-rollback pawl, the Hamster Wheel drum must be preloaded in the opposite direction, i.e. an initial effort must be made in the direction corresponding to uphill travel for the loaded Track Rope. Where Patrons are commencing a descent from a steeper section of the Track Rope, the required effort to release the Anti-rollback pawl is considerable and in no case should the Operator simply attempt to pull on the brake cable to release the pawl.



- 2.1.5.5. The Operator must align the outer drum of the Hamster Wheel and, whilst holding the descending brake rope, apply effort to the Hamster Wheel in the uphill direction for the loaded Track Rope, refer Figure 2(a). Whilst applying effort, the Operator must carefully and slowly draw on the brake cable. By pulling on the cable, the brakes shall open and permit the Hamster Wheel to rotate slightly in the uphill direction before coming to rest again against the opposing Anti-rollback system.
- 2.1.5.6. Once the Hamster Wheel has rotated, the descending pawl will have released and the Operator may proceed to walk the wheel in reverse to descend the Patrons on the Track Rope, refer Figure 2(b).

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2.1.5.7. As an alternate method to walking the wheel in reverse, it is possible for the Operator to release the descending pawl in the manner described above, and then re-apply the brake and exit the Hamster Wheel drum to descend the Ropeway by feathering the brake only, on the provision that the Operator may safely exit the wheel and commence feathering the brake within 5 seconds. This procedure is possible only because the Anti-rollback pawls are fitted with oil filled dampers to retard their motion in re-closing. The pawls are designed to re-close on their respective sprocket within a 5 second minimum interval. Failure to re-apply the brake cable within 5 seconds will result in re-closure of the Anti-rollback pawl and shall necessitate repeating the reverse rotation release procedure.

2.1.5.8. The Owner shall assess the preferred methodology for descending by formal risk assessment during initial trial operation.

2.1.6. Simultaneous Operation of Both Ropeways

2.1.6.1. For reasons of expedience, the Ropeway is designed to permit loading of Patrons on the Ropeway at the Hamster Wheel stations whilst Patrons are simultaneously being unloaded at the Tree-house Platform 1. Loading and unloading of Patrons must always be performed with braking and Anti-rollback systems fully engaged.

2.1.6.2. The Ropeway is NOT intended for operation with Patrons on both Ropeways, i.e. it is not permissible to use one Ropeway for conducting an emergency descent whilst simultaneously transporting Patrons on the other Ropeway. Use of the Ropeway in this manner may result in overloading of the Ropeway and/or unpredictable behaviour of the Anti-rollback mechanism.

2.1.7. Emergency Egress

2.1.7.1. The Ropeway is designed to permit manual descending in the manner described above, for circumstances where it is necessary to descend Patrons under emergency circumstances. Where it is not possible to perform a manual descent, either due to a failure on the Ropeway or unrelated causes, it shall be necessary to perform a rope rescue of Patrons suspended from the Ropeway.

2.1.7.2. The Owner shall be responsible for the development and implementation of procedures and training necessary for the safe execution of rope rescue of Patrons suspended on the Ropeway. Similarly the Owner shall be responsible for the provision and maintenance of all equipment necessary to safely execute rope rescues.

APPENDIX 2 – PREVIOUS APPROVAL

Mr Paul Gleeson – Senior Planning Officer
Planning Services Section - ☎ (07) 4099 9450

PTG:tap
TPC1130

2004/.

Keydane PTY LTD
C/- Stephen Walsh
PO Box 117
PORT DOUGLAS QLD 4871

29th January 2004

INTEGRATED PLANNING ACT NEGOTIATED DECISION NOTICE

DEVELOPMENT APPLICATION

Applicant's Name : Keydane T/A Jungle Surfing Canopy Tours
Owner's Name : Stephen Walsh & Ian Samuels
Proposal : Material Change of Use for the Purpose of Canopy Tours
Application Number : TPC1130
Site Address : Camelot Close, Cape Tribulation
Property Description : Lots 23, 25, 26 on RP733182 and Lot 9 on SR693

This Negotiated Decision Notice replaces the Decision Notice dated 27 November 2003. Condition 1 has been amended all other conditions remain unchanged.

1. **Decision:** Decision Date: 28/01/2004
Approved with Conditions
2. **Type of Development Approval:**
Material Change of Use Development Permit

.../2.

3. Referral Agencies:

Nil

4. Conditions:

- 4.1 The downstairs toilet of the dwelling house on lot 9 on SR 693 is to be signed and designated as 'customer toilet' prior to the use legally commencing. This toilet is to remain freely accessible to customers at all times.
- 4.2 No more than eighty (80) customers shall enter the subject land on any one day.
- 4.3 No customers are to access, or park, on the development, or adjacent road reserve, in a private, chartered or hired vehicle.
- 4.4 Two (2) bus parking bays and turning areas are to be provided, on the subject land, and maintained at all times.
- 4.5 No more than two (2) canopy runs are to be constructed.
- 4.6 Any car parking associated with the use shall not be on public land.
- 4.7 Council Officers may inspect the site on an annual basis to ensure all relevant Local Laws are being complied with.
- 4.8 The developer must ensure that appropriate Work Place Health and Safety certificates, engineering certifications and building applications are acquired when necessary (ie when rotating trees and constructing new platforms new certifications are required).
- 4.9 The applicant is to submit a detailed landscaping plan for the full frontage of Lot 11 on SR740 (Cape Tribulation Pharmacy), in accordance with the requirements of Transitional Planning Policy 4, to provide dense landscaping in accordance with the requirements of Section 10.3.7 of the Transitional Planning Scheme. This landscaping can be contained within the road reserve and is to be installed by the applicant at his/her expense. The landscaping plan is to be submitted to Council for review and all landscaping installed in accordance with the approved plan prior to the use commencing.
- 4.10 The Canopy Tours may operate between the hours of 8.30 am and 7.30 pm.
- 4.11 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.

- 4.12 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.
- 4.13 The issue of this Development Approval in no way implies building approval, either in principle or in detail, of any plans or 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.
- 4.14 The applicant shall submit an application for building works, for all structures related to the canopy tour, within 20 business days of the receipt of the Decision Notice.
- 4.15 The developer shall pay \$2000 to Council, for road maintenance contributions, prior to the issue of a building permit
- 4.16 All conditions of this Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
- 4.17 This development approval lapses 4years after the day that this development approval takes effect, unless extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

Advice

If the development is to exceed maximum eighty (80) customers per day, the developer will be required to apply for a Material Change of Use of Premises.

You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* applies to proposed activities likely to have a significant impact on the matters of 'national environmental significance', including world heritage properties. Such activities may require approval under this Act prior to any works being undertaken. Further information on the Act can be obtained from Environment Australia's Community Information unit (1800 803 772) or from the following website www.environment.gov.au/epbc. EPBC Act *Administrative Guidelines on Significance (July 2000)* are available to assist people in deciding whether activities are likely to need consideration under the Act.

You are advised that the taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of the Natural Resources and Mines. The related infrastructure will/may require an approval for operational works pursuant to the *Integrated Planning Act 1997*. Further information can be obtained from the Department of Natural Resources and Mines at Cairns, Telephone 4039 8275.

5. Further Development Approvals required:

Building Approval
Plumbing & Drainage Permit

Should you have any queries in regards to this matter, please do not hesitate to contact Mr Daniel Koch on telephone (07) 4099 9450.

Yours faithfully

Per: Terry Melchert
Chief Executive Officer

*Attachment 1 –
Approved Plan of Development*

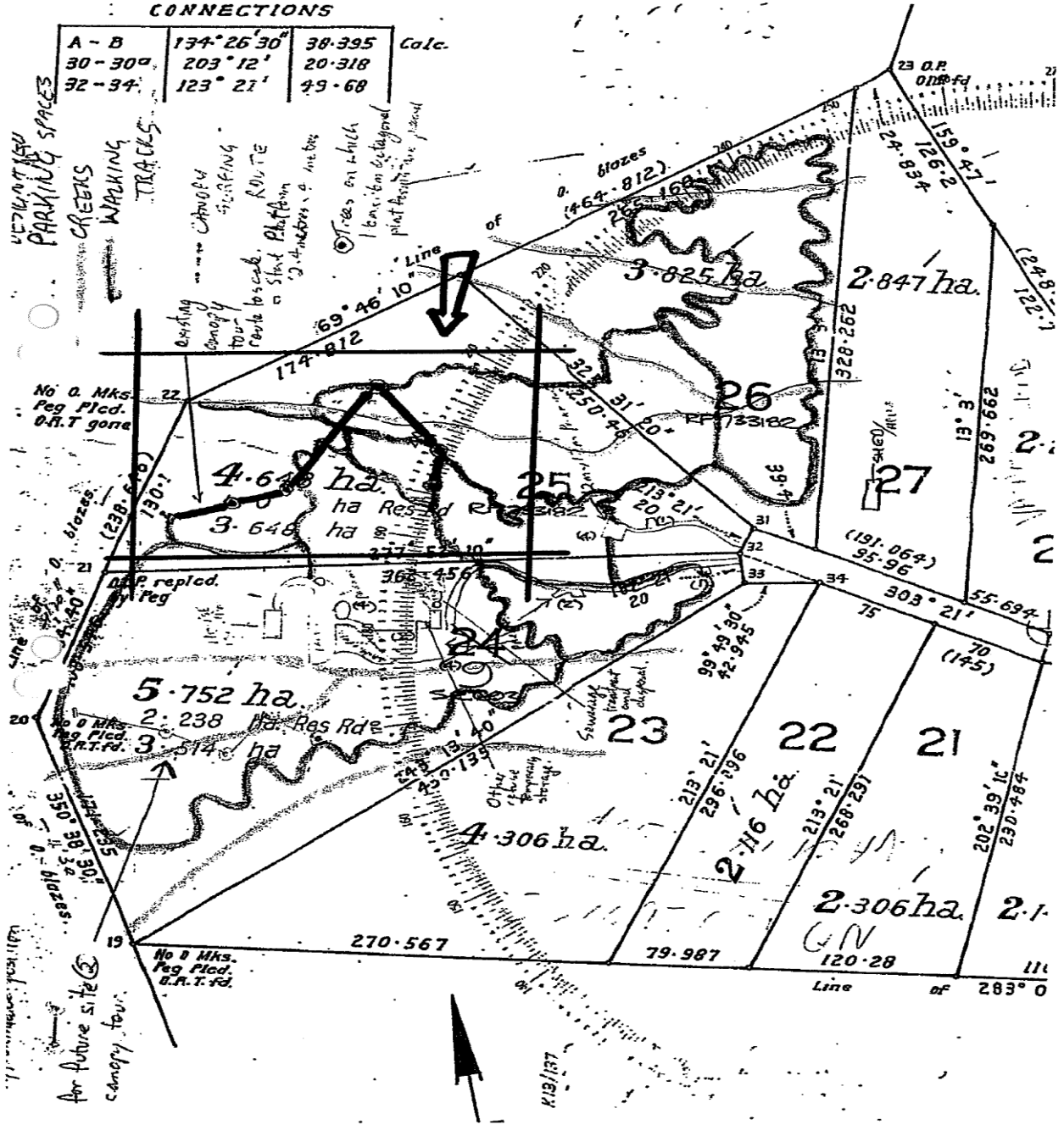
CANCELLATIONS etc
 Lot 22 cancelled see row plan 37058

CONNECTIONS

A - B	134° 26' 30"	38-395	Calc.
30-30a	203° 12'	20-318	
32-34	123° 21'	79-68	

VERTICAL NEW
 PARKING SPACES
 GREENS
 WALKING
 TRACKS

existing canopy
 tour route based on
 Street Platform
 2-4 meters in height
 Trees on which
 1 bay, 1 bay delayed
 plant Asplenium
 etc placed



Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

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) 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.