

Administration Office

64 - 66 Front St Mossman

P 07 4099 9444

F 07 4098 2902

22 May 2020

Enquiries: Daniel Lamond
Our Ref: MCUI 2016_1431/2 (952761)
Your Ref: MCUI 2007_2289

J L Yang
19 Herbert Cres
KEILOR EAST VIC 3033

Email: ll3d70@gmail.com

Dear Sir/Madam

**Request for Extension to Currency Period- Material Change of Use (Dual Occupancy)
At 18 Triton Crescent PORT DOUGLAS
On Land Described as LOT: 90 RP: 729069**

Please find attached the Decision Notice for the above-mentioned request for extension of currency period. Please be advised that Council has granted a six (6) year extension to the currency period of your development approval, up to and including 24 April 2026.

Please quote Council's application number: MCUI 2016_1431/2 in all subsequent correspondence relating to this development application. An updated infrastructure charges sheet has been provided in accordance with Councils Local Government Infrastructure Plan.

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
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice



Decision Notice

Approval- Extension to Currency Period

Given under section 87 of the Planning Act 2016

Applicant Details

Name: J L Yang
Postal Address: 19 Herbert Cres
KEILOR EAST VIC 3033
Email: ll3d70@gmail.com

Property Details

Street Address: 18 Triton Crescent, Port Douglas
Real Property Description: LOT: 90 RP: 729069
Local Government Area: Douglas Shire Council

Details of Proposed Development

Extension of Currency Period- Material Change of Use (Dual Occupancy).

Decision

Date of Decision: 22 May 2020
Decision Details: Approved

Further Development Permits

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

- All Building Work
- All Operational Work

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

Currency Period for the Approval

This approval has been extended under the provisions of section 87 of the Planning Act 2016 for a period of six (6) years up to and including 24 April 2026.

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.

Attachment 1: Extended Development Approval

ENQUIRIES: Claire Garner
PHONE: (07) 4044 3081
FAX: (07) 4044 3836
YOUR REF:
OUR REF: S/37/70 (3601864)

29 May 2012

Janet L Yang
19 Herbert Cres
KEILOR EAST VIC 3033

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 18 TRITON CRESCENT PORT DOUGLAS**

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 29 May 2012, please find attached the relevant Decision Notice.

Please note that this Development Permit is now valid up to and including 24 April 2016.

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.

This notice also includes an Infrastructure Charges Notice issued in accordance with s648F of the *Sustainable Planning Act*.

Should you have any enquires in relation to this Decision Notice, please contact Claire Garner of Council's Development Assessment Team on telephone number (07) 4044 3081.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

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APPLICANT DETAILS

Studio Mango Pty Ltd
Janet L Yang
19 Herbert Cres
KEILOR EAST VIC 3033

ADDRESS

18 Triton Crescent, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 90 on RP729069

PROPOSAL

Request to Change Existing Approval and Extend Relevant Period

DECISION

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

DECISION DATE

This Decision Notice dated 29 May 2012 replaces the Decision Notice dated 24 April 2008.

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
Development Permit for Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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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
Proposed Floor Plan 1	07TRIT 03 PR	15/11/2007
Proposed Floor Plan 2	07TRIT 04 PR	15/11/2007
Elevations	07TRIT05 PR	15/11/2007
Proposed Landscape Plan	LP_01 Issue A	14/07/2007
Site Plan	Warren Barnes, drawing JLY001 Sheet A of 07	1 November 2010
Ground Floor Plan	Warren Barnes, drawing JLY001 Sheet A03 of 07	1 November 2010
First Floor Plan	Warren Barnes, drawing JLY001 Sheet A04 of 07	1 November 2010
East Elevation Plan	Warren Barnes, drawing JLY001 Sheet A05 of 07	1 November 2010
North & South Elevation Plan	Warren Barnes, drawing JLY001 Sheet A06 of 07	1 November 2010
West Elevation Plan	Warren Barnes, drawing JLY001 Sheet A07 of 07	1 November 2010

ASSESSMENT MANAGER CONDITIONS:

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

~~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.

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Contributions

3. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No. 11 – Water Supply and Sewerage Headworks and Works External Contributions (The Policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply \$3,286.20
Sewerage \$1,789.20

Landscaping

4. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with the approved landscape plan (Reference LP_01 Issue A dated 14/07/2007). Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Water Supply and Sewer Works

5. The applicant/owner must undertake the following water supply and sewerage works internal to the subject land, in particular:
 - a. Site the proposed double carport such that the sewer is a minimum of 1.5 metres away from the structure and clear of the zone of influence from the footings and foundations of the carport.
 - b. Utilise the existing single internal water service and sewer connection to service the proposed development.
 - c. If any existing sewer connection is required to be retained but is inadequately sized to service the development, it must be upgraded. Existing sewer connections not retained must be decommissioned.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

Details of building footings adjacent to the sewer must be endorsed by the Chief Executive Officer prior to commencement of works on site.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to commencement of use.

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Parking Construction

6. The parking must be constructed in accordance with the *FNQROC Development Manual* specifications prior to Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular maneuvering areas must be imperviously sealed and drained.

Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two (2) spaces per dwelling unit, which may be in tandem.

External Works

8. The applicant/owner must at their own cost undertake the following works external to the subject land:
 - a. Provision of concrete crossovers and aprons in accordance with S1015. The crossovers are to be a maximum width of 3.0 metres within the road reserve, and located to not interfere with existing drainage or electricity infrastructure.
 - b. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines that may occur during and works carried out in association with the constructions of the approved development).
 - c. Make good the kerb(s) at redundant crossover(s).

The external works outlined above require approval from Council. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Lawful Point of Discharge

9. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Screening of Windows

10. Screening is to be provided to windows of the second and third floors of the building to inhibit overlooking of the neighbouring residential properties to the north-east and north-west.

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Perimeter Fencing

11. Any fencing provided to the Triton Crescent frontage is a maximum of 1.2 meters in height and must not present a blank facade to the street.
12. Any fencing provided to the side and rear boundaries of the site is to be a maximum of 1.8 meters in height.
13. Unless otherwise agreed in writing with neighbouring property owner(s), construct a 1.8 metre screen fence (maximum gap of 10mm) to the eastern side boundary of the subject land for the length of the driveway access. The fencing must be consistent in terms of design and materials with other fences in the locality. The cost of any new fencing, including any required resurvey and relocation of fencing on adjoining land, is to be borne by the developer. Details of the perimeter fence or alternative written agreements with neighbouring property owners must be provided to, and endorsed by, the Chief executive officer in association with Council's assessment of the landscaping Plan.

Vegetation Protection

14. Existing mature native vegetation must be retained and only be removed with the written consent of the Chief Executive Officer. A minimum 2 metre wide buffer shall be provided to the Melaleuca trees. This buffer must consist of suitable fencing to ensure that machinery, equipment and construction materials are not stored or used within this area. This buffer is to be established prior to the commencement of any works on the site and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

ADVICE

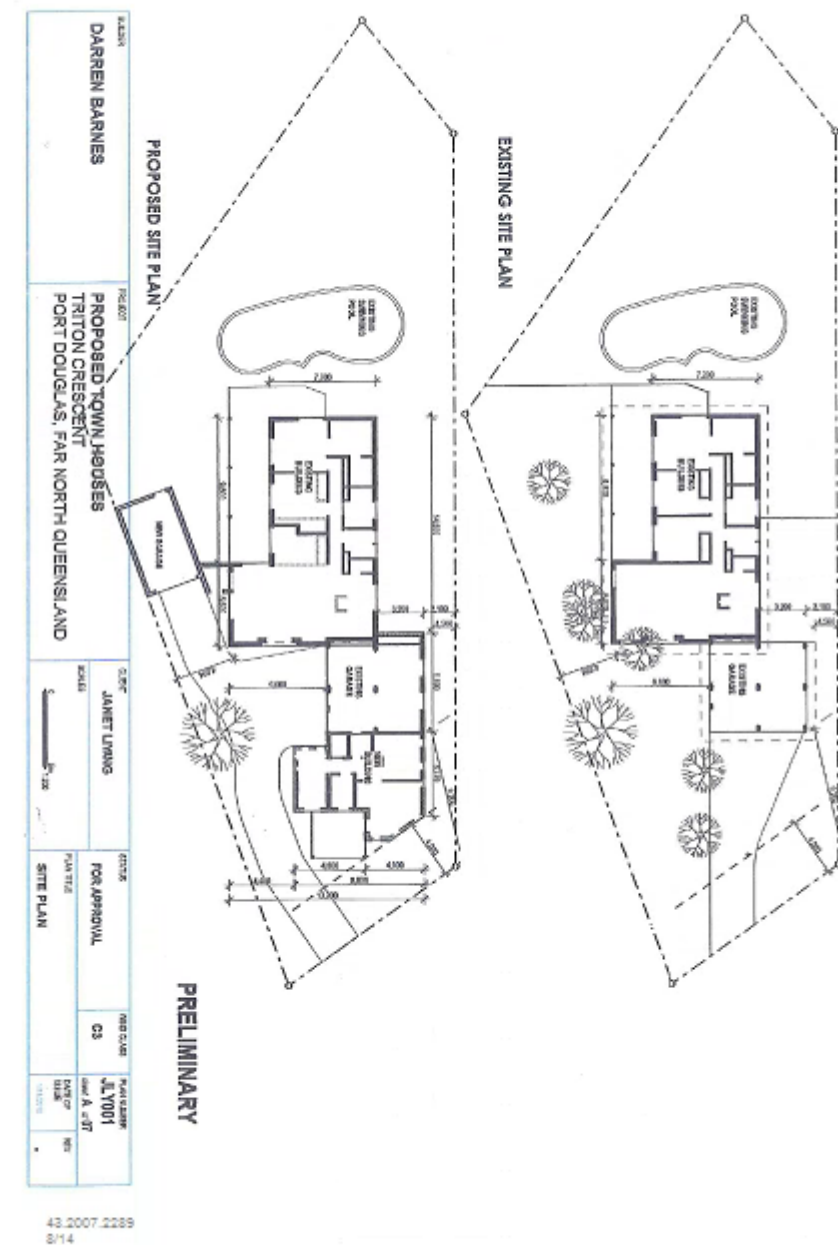
1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary 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. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

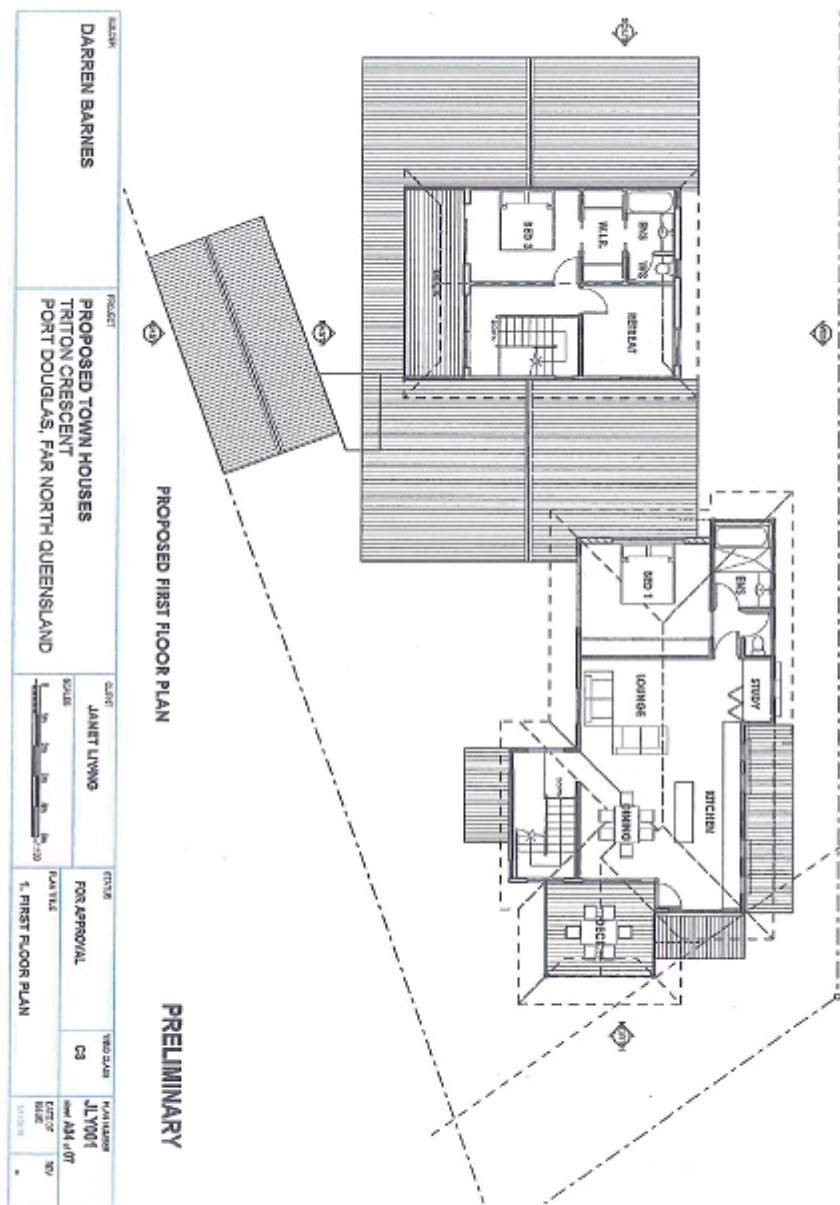
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RIGHTS OF APPEAL
Attached

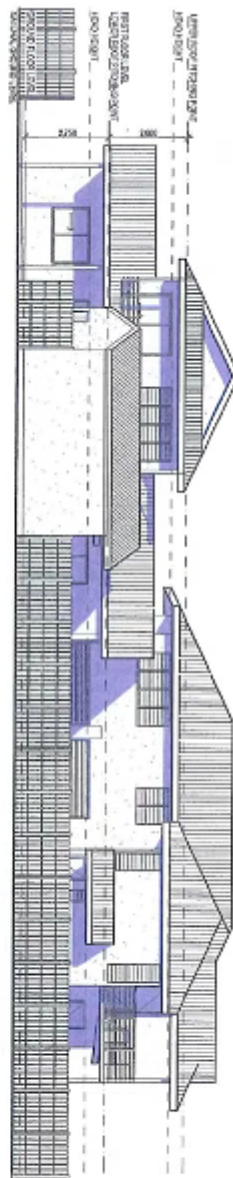
End of Decision Notice

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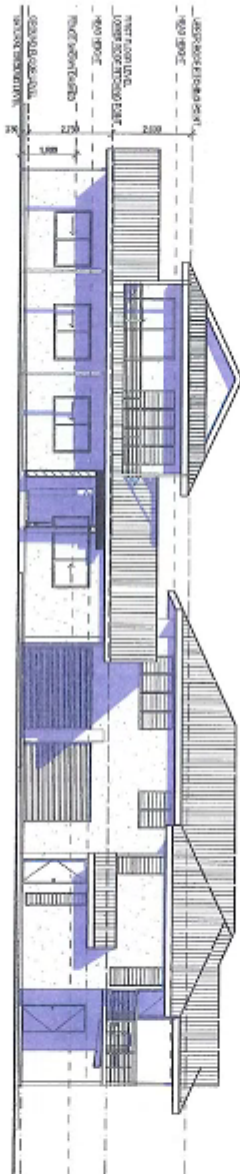




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EAST ELEVATION

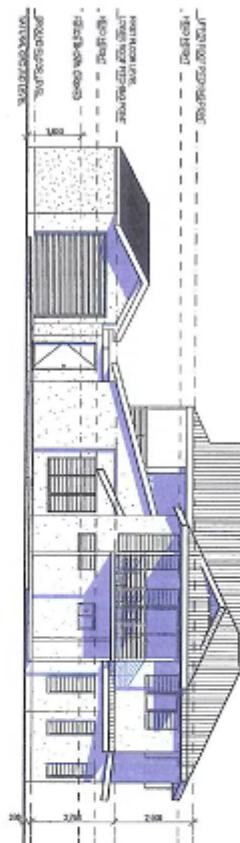


EAST ELEVATION (NOT SHOWING GARAGE OR FENCE)

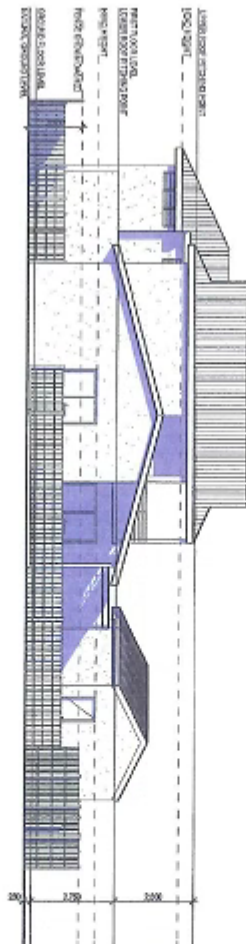
PRELIMINARY

DRAWN	PROJECT	SCALE	DATE	NO. OF SHEETS	DATE
DARREN BARNES	PROPOSED TOWN HOUSES TRITON CRESCENT PORT DOUGLAS, FAR NORTH QUEENSLAND	JANET LIVING SCALE 1:100 0 10 20 30 40 50	FOR APPROVAL MAY 11/14	C3	JL Y001 REV A15 / 17 REV B02 REV C01
ELEVATIONS	ELEVATIONS				

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NORTH ELEVATION

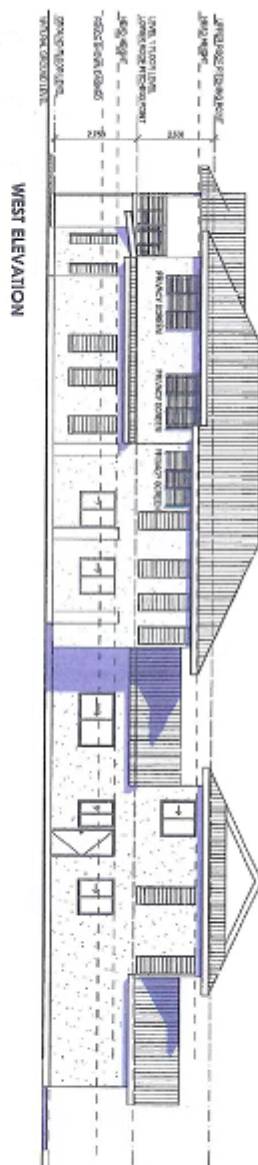


SOUTH ELEVATION

PRELIMINARY

DARREN BARNES	PROPOSED TOWN HOUSES TRITON CRESCENT PORT DOUGLAS, FAR NORTH QUEENSLAND	DATE JANUARY 2014	SCALE 1:100	FOR APPROVAL	NO. 2014	PLAN NUMBER JL1001	DATE OF ISSUE 12/14
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PRELIMINARY

5/12/85 DARREN BARNES	PROJECT PROPOSED TOWN HOUSES TRITON CRESCENT PORT DOUGLAS, FAR NORTH QUEENSLAND	CLIENT JANET LIVING	STAGE FOR APPROVAL	BUILD CLASS C3	RATIONALE AL7001 and AL7 497
			PLANTING ELEVATION	DATE OF 11/05/87	REV 1

ADOPTED INFRASTRUCTURE CHARGES NOTICE

JL Yang DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
18 Triton Crescent STREET No. & NAME	Port Douglas SUBURB	90 RP729069 LOT & RP No. s	1316 PARCEL No.
Dual Occupancy DEVELOPMENT TYPE		MCUI 2016_1431/2 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
956270 DSC Reference Doc. No.	1 VERSION No.		

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

Locality	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Mossman						
Proposed Demand						
Dual Occupancy 2	2	15,718.00	0	31,436.00		
Total Demand				31,436.00		
				Less existing credit		
Existing Credit						
House 1	1	19,491.00	0	19,491.00		
						Code 895 GL 07500.0135.0825

Required Payment or Credit **TOTAL \$11,945.00**

Prepared by	D Lamond	22-May-20	Amount Paid	
Checked by	J Elphinstone	22-May-20	Date Paid	
Date Payable				
Amend ments		Date	Receipt No.	
			Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 5 June 2018.

Charge rates under the current Policy are not currently subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Reasons for Decision

The reasons for this decision are:

1. Sections 87 of the *Planning Act 2016*:
 - a) to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b) to ensure compliance with the *Planning Act 2016*.

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.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal
of the matter.
- (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—

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

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.