



Mareeba

SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

5 December 2018

Colin J Emery
C/- Cardno (QLD) Pty Ltd
PO Box 1619
CAIRNS QLD 4870

Planning Officer: Carl Ewin
Direct Phone: (07) 4086 4656
Our Ref: OPW/18/0014
Your Ref: Q174188

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 4 December 2018 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: OPW/18/0014
Street Address: 3 Hilltop Close, Kuranda
Real Property Description: Lot 84 on SP237138
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Development Permit for Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks) for Development Permit REC/06/0108
Type of Approval:
Date of Decision: 4 December 2018

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is two (2) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Not Applicable.

ASSESSMENT MANAGER CONDITIONS**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Design Obligations & Required Amendments to Approved Plan/s**

All developer obligations and required amendments to the approved plans included in the email from Cardno's Senior Engineer dated 19 November 2018 (**Attachment 2**) must be carried out prior to the applicable timing mentioned in the email advice, to the satisfaction of Council's delegated officer.

(b) General

- (i) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (ii) Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.

(c) Pre-start Meeting

- (i) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

(d) Inspections

- (i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

(e) Construction Security Bond and Defects Liability Bond

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.
- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

(f) Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

(g) Transportation of Soil

- (i) All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q174188-CI-1001 Rev 03	Cover Page	Cardno (QLD) Pty Ltd	18/10/18
Q174188-CI-1002 Rev 03	Notes	Cardno (QLD) Pty Ltd	19/10/18
Q174188-CI-1003 Rev 05	Site Plan	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1004 Rev 04	Roadworks and Stormwater Longitudinal Sections and Details	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1005 Rev 04	Roadworks Typical Cross Sections	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1006 Rev 04	Roadworks Cross Sections Sheet 1 of 3	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1007 Rev 04	Roadworks Cross Sections Sheet 2 of 3	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1008 Rev 04	Roadworks Cross Sections Sheet 3 of 3	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1009 Rev 02	Roadworks Cul-De-Sac-Details	Cardno (QLD) Pty Ltd	24/10/18
Q174188-CI-1010 Rev 01	Erosion and Sediment Control Strategy	Cardno (QLD) Pty Ltd	24/10/18

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

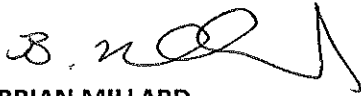
During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued.

Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully



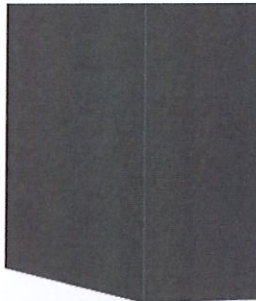
BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Attachment 2
Appeal Rights
Operational Works Pre-Start Report template

Approved Plans/Documents



Cardno (QLD) Pty Ltd / ABN 57 051 074 992
 15 Scott Street, Parliament Park
 Cairns QLD 4870
 Tel: 07 4024 0500 Fax: 07 4051 0133
 Web: www.cardno.com.au

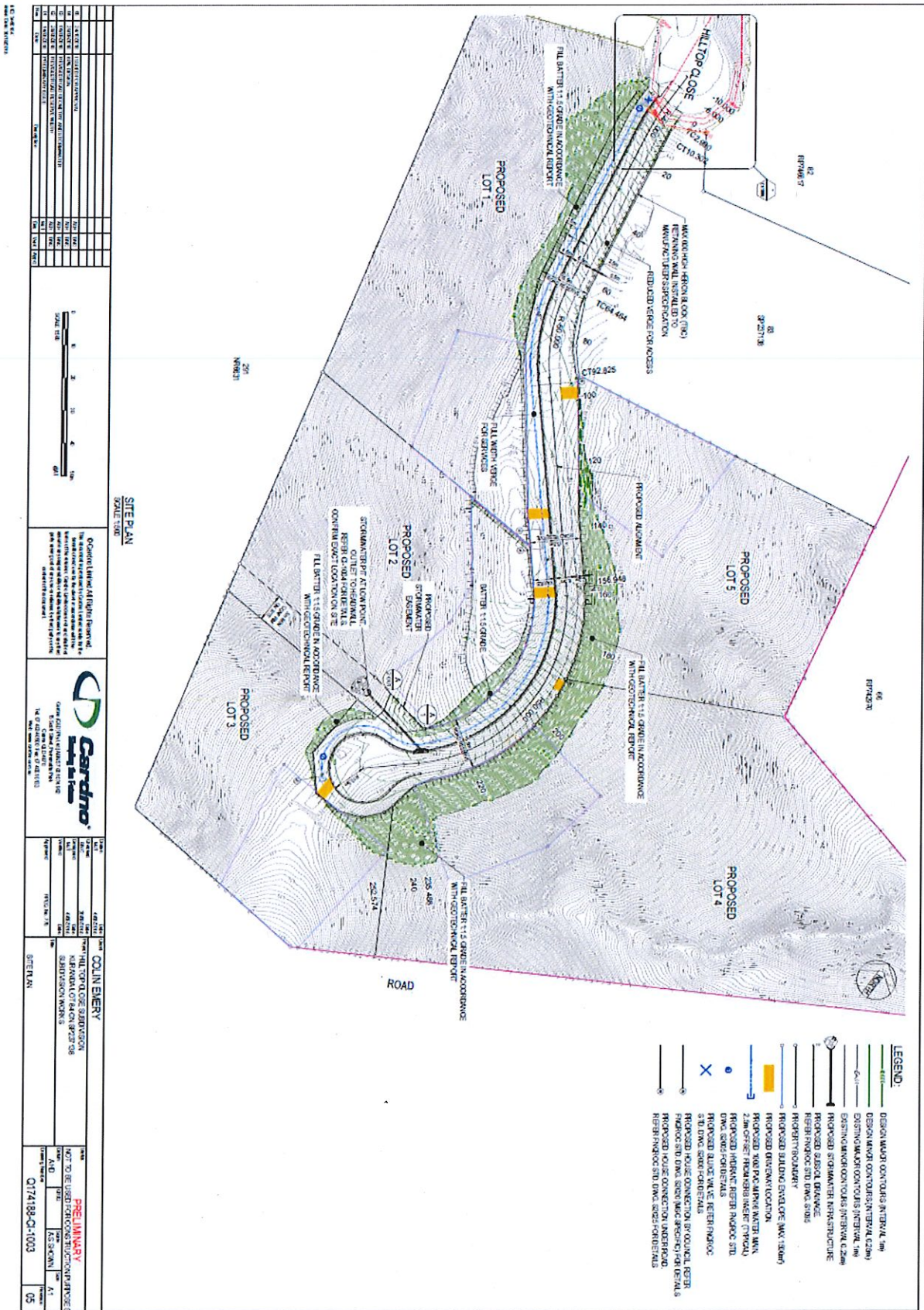


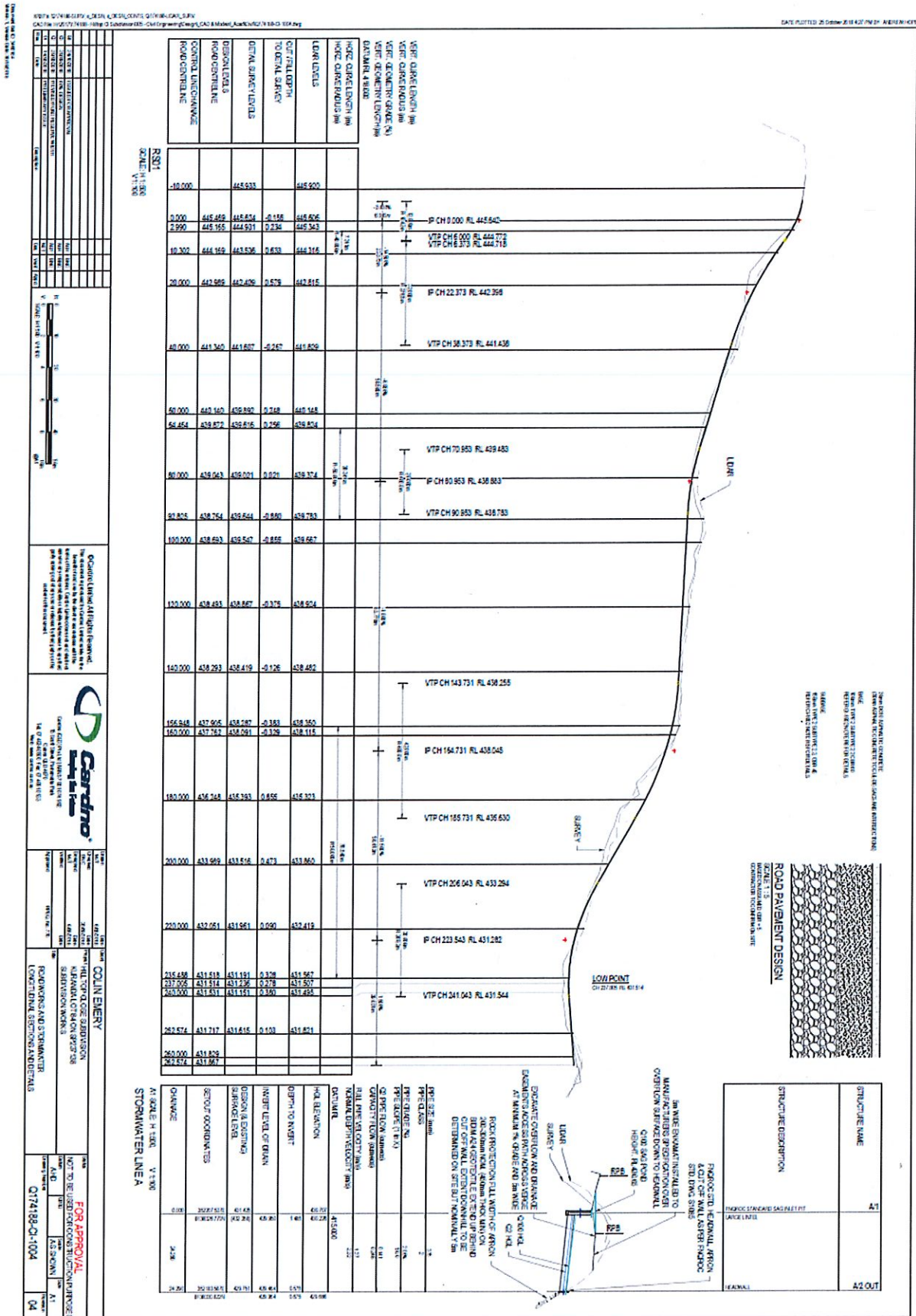
COLIN EMERY
 HILLTOP CLOSE SUBDIVISION
 KURANDA LOT 84 ON SP237138
 SUBDIVISION WORKS

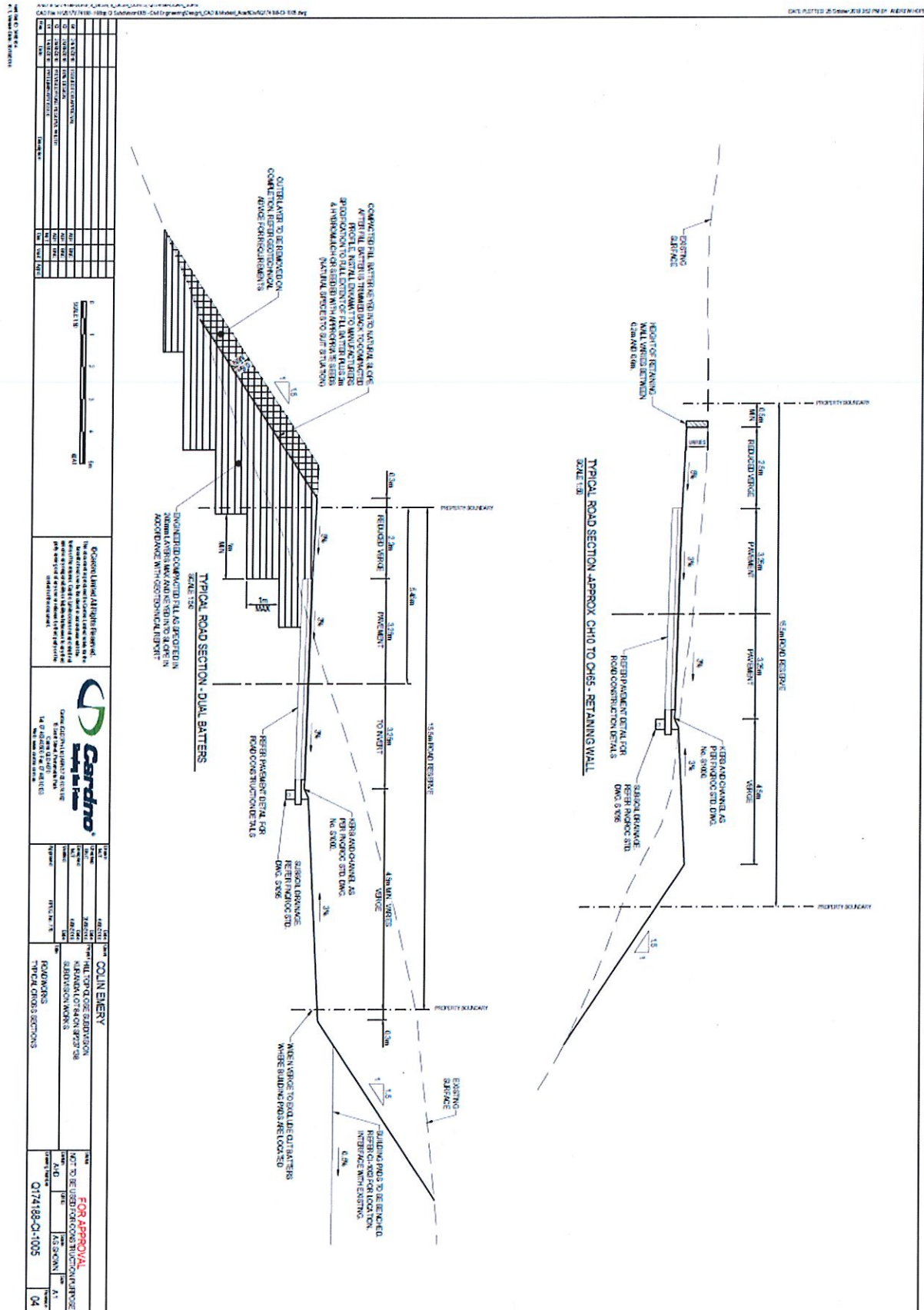
DRAWING NUMBER	DESCRIPTION
Q174189-C-1001	CONTRACT
Q174189-C-1002	WALLS
Q174189-C-1003	SETBACKS
Q174189-C-1004	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1005	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1006	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1007	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1008	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1009	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1010	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)
Q174189-C-1011	ENCLOSING STRIP WITH ALUMINIUM EXTRUSION (EAL)

DATE PLOTTED: 18/06/2018 2:15:04 PM BY: ARES283@CIS
 C:\GIS\PROJECTS\180618\180618-03-04\Drawings\DWG\CAD\180618\180618-03-04\180618-03-04.dwg

Q174189-C-1001
 03
 Sheet 1 of 11







C:\Users\jg\Documents

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Scale 1:100
1 2 3 4 5 6 7 8 9 10



Cardno
CONSTRUCTION MANAGEMENT
14, BERNARD STREET
BENTLEY VIC 3185
PH: 08 9458 2000
WWW.CARNO.COM.AU

FOR APPROVAL
NOT TO BE USED FOR CONSTRUCTION PURPOSES
DATE: 18/08/2018
SHEET: 04 OF 04
Q174189-C1-1006

Change Data
X:\ASSETS\2018\18-046-20
DATE: 18/08/2018

DATE	DESCRIPTION	BY
18/08/2018	TRANSITION GROSSAL FROM ESTIMATOR ON BENTLEY ROAD AND CHURCH	
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		



TRANSITION GROSSAL FROM ESTIMATOR ON BENTLEY ROAD AND CHURCH

Change Data
X:\ASSETS\2018\18-046-20
DATE: 18/08/2018

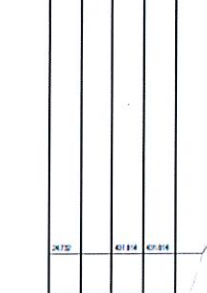
DATE	DESCRIPTION	BY
18/08/2018	TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH	
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		



TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH

Change Data
X:\ASSETS\2018\18-046-20
DATE: 18/08/2018

DATE	DESCRIPTION	BY
18/08/2018	TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH	
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		



TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH

Change Data
X:\ASSETS\2018\18-046-20
DATE: 18/08/2018

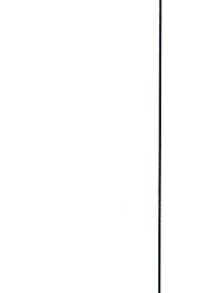
DATE	DESCRIPTION	BY
18/08/2018	TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH	
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		



TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH

Change Data
X:\ASSETS\2018\18-046-20
DATE: 18/08/2018

DATE	DESCRIPTION	BY
18/08/2018	TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH	
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		
18/08/2018		



TRANSITION GROSSAL FROM ROAD AND 2% BENTLEY ROAD AND CHURCH

C:\Users\jg\Documents

DATE PLOTTED: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

PROJECT: COULIN EMERY

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

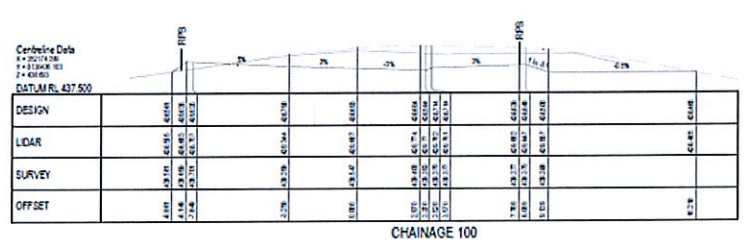
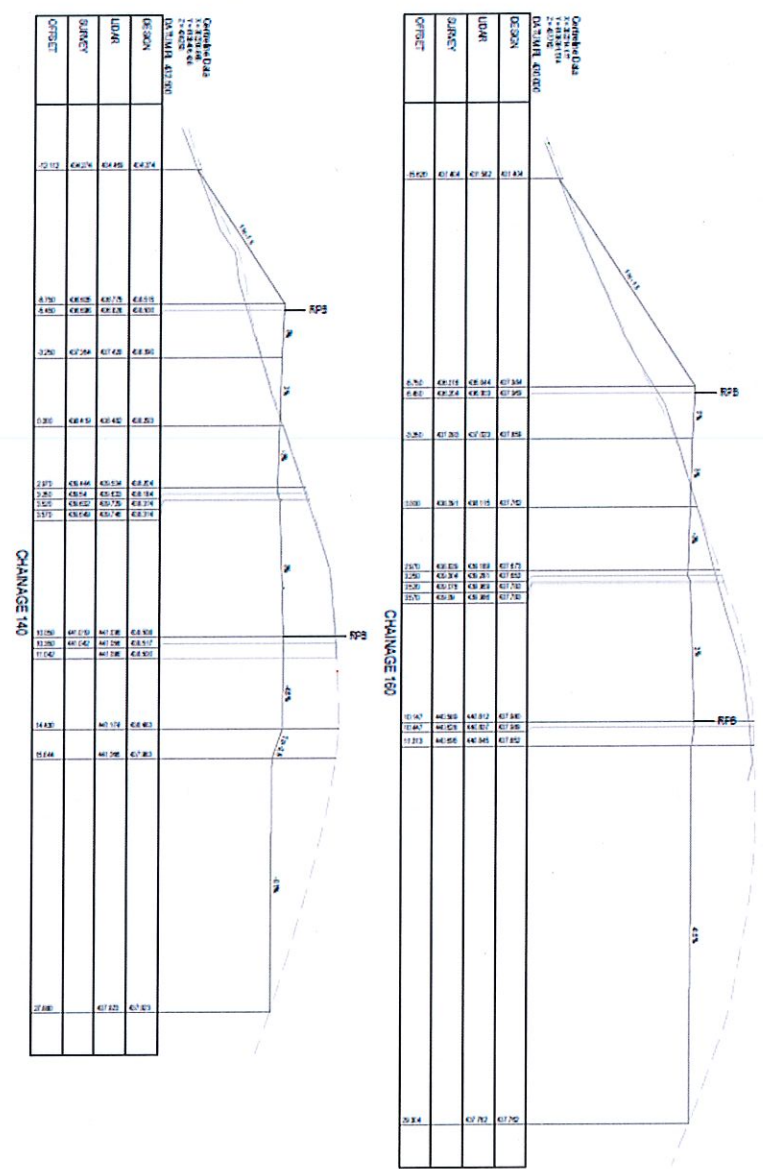
DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

DATE: 26/06/2018 10:29:45 AM

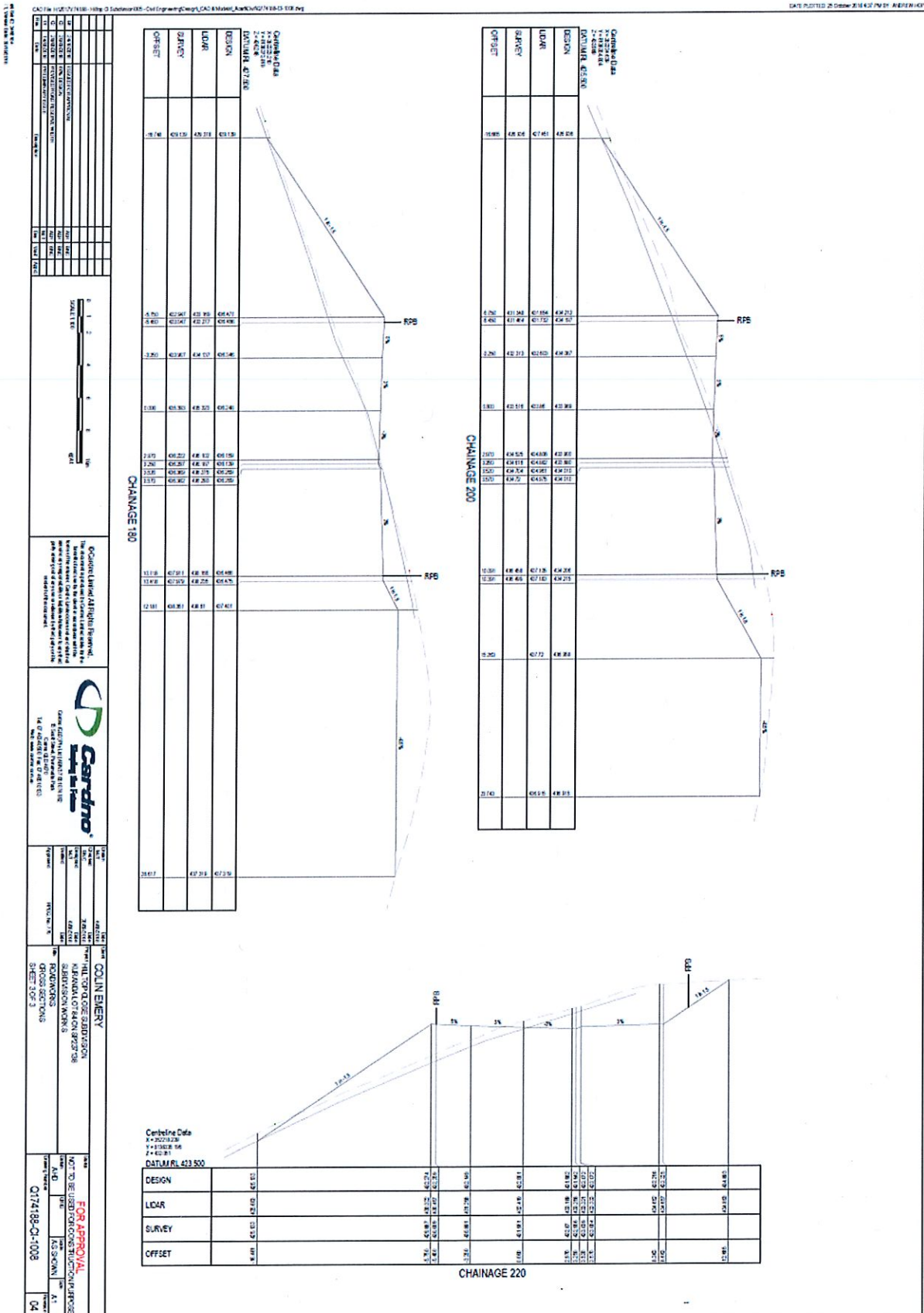


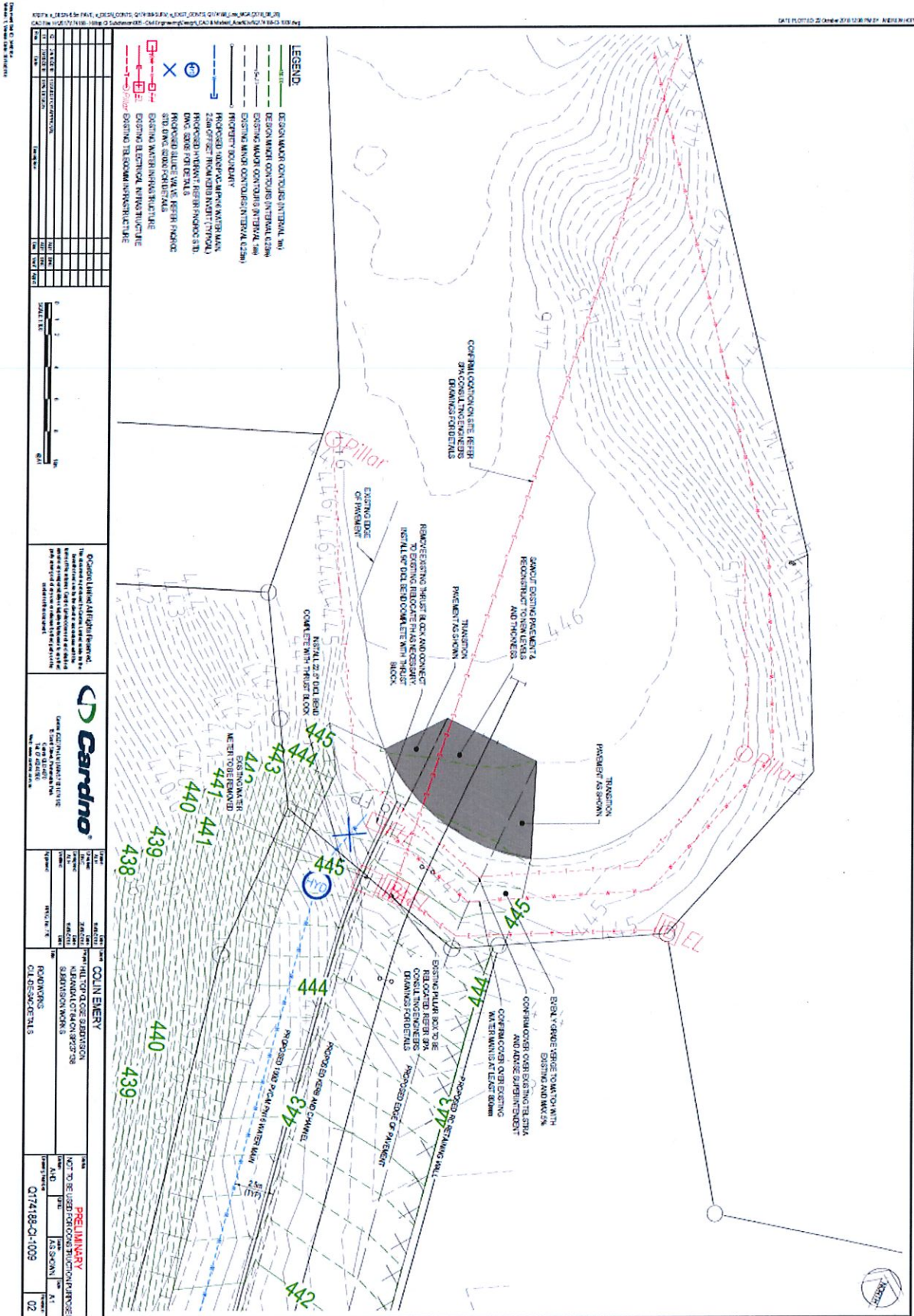
DATE	TIME	BY	CHECKED BY	SCALE
26/06/2018	10:29:45 AM	[Signature]	[Signature]	1:100

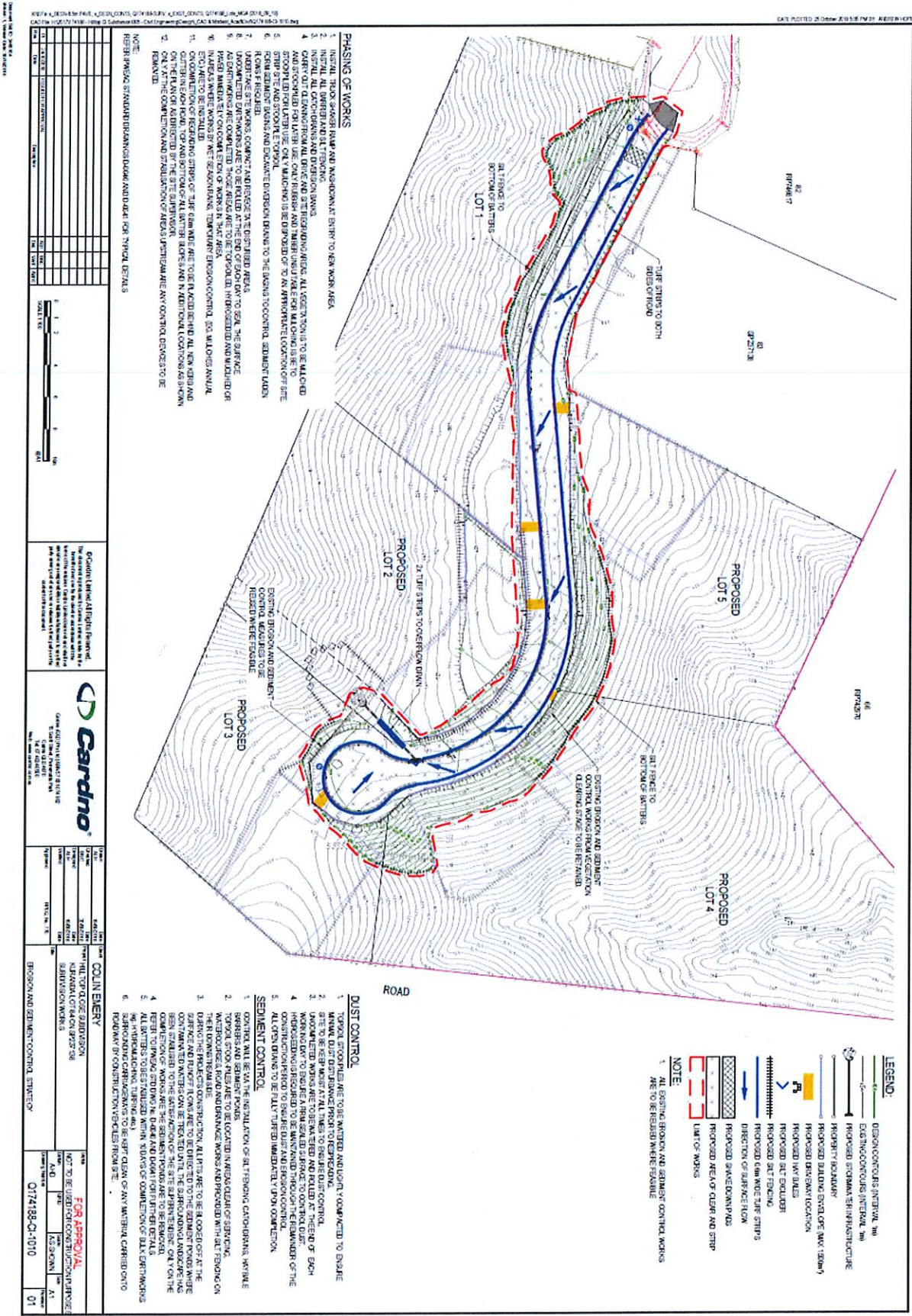
Cardno
14/15
14/15
14/15

COULIN EMERY
HILTOP CROSS SECTION
SHEET 2 OF 3

FOR APPROVAL
DATE: 26/06/2018
TIME: 10:29:45 AM
BY: [Signature]
CHECKED BY: [Signature]







Attachment 2

From: Michael Lancini
Sent: Monday, 19 November 2018 5:58 PM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Cc: Roger McLeod <rog@pottsvillebeachrealestate.com.au>; Bob Pentecost <Bob.Pentecost@cardno.com.au>; Sam Wakeford <SamW@msc.qld.gov.au>; Victor Madrid <VictorM@msc.qld.gov.au>
Subject: RE: Hilltop Close / Hastie Road Operational Works Application

Hi Carl

Please see below my response to the queries raised by Sam and Victor.
I will call Sam tomorrow to discuss further.

General Queries:

1. Access to neighbouring property – what arrangements are being made to access the property ? will the neighbour need access from this new road, if so the retaining wall will negate that option? The existing property (Lot 82 on RP746617) has an existing point of access from Hilltop close and it is not intended to provide an additional access along the proposed Hilltop Close extension.
2. Geotech Report:
 - a. Page 2 dot point 6 – All stormwater from the road should be collected and discharged to designated drainage paths and not allowed to flow directly on to the batter. The design of the earthworks has been completed to ensure that the water in both the roadway and verges fall towards the kerb and channel and is collected and directed to the underground pipe and outlet.
 - b. Page 2 dot point 7 – Provision of flow spreaders or dissipation structures at drain outlets.
 - i. Combination of these two should be considered when assessing the Stormwater Outlet. The rock protection is proposed to act as both a flow spreader and flow dissipation. The flows are not significant and from previous experience rock protection has proved adequate.
3. Chainage 0 to 80 – RHS Batter is within Road Reserve, anyway to put in protections for council on its long term maintenance ? The batter will be constructed with the Enkamat and hydromulched as per the "Typical Road Section – Dual Batters" on drawings CL-1005.

- a. Similar query to retaining wall. The retaining wall will be an RPEQ certified design. The construction of the wall will be certified by an RPEQ engineer, to ensure that the wall has been constructed in accordance with the design. This certification will ensure that the wall has been both adequately designed and constructed.

Additional comments on plans.

Plan 1002 – Notes:

- General:
 - change references from CRC to MSC. **Noted. This change will be made prior to the pre-start meeting.**
- Water:
 - FNQROC MSC Specific Drawings and Design Guidelines to be used. **Noted. This change will be made prior to the pre-start meeting.**

Plan 1003 – Site Plan:

- All Cut batters to be constrained within the lot, not to extend into road reserve. **The verges will be increased in width to ensure that the cut batters are not in the road reserve.**

Plan 1004 – Long Section:

- Stormwater concerns – agree with victor.
 - Outlet protection / investigation is to be extended to a point of discharge which will not result in long term scouring. The outlet protection will be provided to a length such that it minimises any potential long term scour. It is proposed to monitor the scour protection during the maintenance period to determine its adequacy.
 - Maintenance methodology showing how the outlet structure and rock protection will be inspected and maintained into the future is required to be supplied. **Attached is a proposed draft maintenance methodology. Once reviewed by the maintenance team we will update to reflect their comments. The finalised methodology would be provided prior to works acceptance.**
 - We will have our Maintenance team review on receipt.
 - Not happy with the termination location of the Stormwater Outlet & Rock Protections. **The location of the stormwater outlet has been chosen as it is placed on the flatter section of the slope. This was chosen to:**
 - Reduce potential erosion
 - Reduce the amount of clearing required
 - For ease of maintenance
 - **As it is located close to the road, the maintenance crew does not need to travel down the slope through thick vegetation to monitor/inspect the outlet.**
- Road Pavement Design –
 - Notes on starting page indicate a primer seal to be applied prior to Asphalt – 10mm Primer Seal to be applied. **Noted. This will be updated prior to prestart.**
 - As per FNQROC Manual D3.14 Asphalt – 50mm layer in Cul-de-sac head to be DG14 **Noted. This will be updated prior to prestart.**

Plan 1005 – Roadworks:

- Retaining Wall:
 - subsoils to be included as per DA 3.9 (A) Drainage, item 2. **Noted, the retaining wall is proposed to be a proprietary link block wall and the need for subsoil drainage will be specified.**
 - Footing and Retaining Wall details to be engineered and provided prior to commencement of works – as per Geotechnical Report. **Noted.**
 - 2m Footpath to be constructed to RHS as per FNQROC requirements. **It is proposed to not construct a new footpath. No footpath is present to the existing Hilltop close.**

Regards
Michael Lancini
SENIOR ENGINEER
CARDNO



Phone +61 7 4034 0500 Fax +61 7 4051 0133 Direct +61 7 3310 2377
Address 15 Scott Street, Parramatta Park, Cairns, Queensland 4870 Australia

Email michael.lancini@cardno.com.au Web www.cardno.com

CONNECT WITH CARDNO



Cardno's management systems are certified to ISO9001 (quality) and AS4801/OHSAS18001 (occupational health and safety)

This email and its attachments may contain confidential and/or privileged information for the sole use of the intended recipient(s). All electronically supplied data must be checked against an applicable hardcopy version which shall be the only document which Cardno warrants accuracy. If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of Cardno.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (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 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, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 has 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (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 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, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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 the rules of the P&E Court.