



19 December 2019

Mareeba Shire Council
C/- Sam Wakeford
PO Box 154
MAREEBA QLD 4880

Planning Officer: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/19/0016

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 18 December 2019, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/19/0016
Street Address:	43 Anzac Avenue, Mareeba
Real Property Description:	Lot 201 on SP213026
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility
Date of Decision:	18 December 2019

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) 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

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Waste Management

On-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

4. Infrastructure Services and Standards

4.1 Stormwater Management

4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.1.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.2 Car Parking/Internal Driveways/Pedestrian Linkages

The applicant/developer must ensure the development is provided with car parking, internal driveways and pedestrian linkages generally in accordance with Drawing No. 19-013-01 A.

All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, bitumen or asphalt sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.3 Fencing

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Lighting

Where lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.5 Water Supply

The developer must connect the proposed development to Council's reticulated water system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development requirements in accordance with FNQROC Development Manual Standard (as amended).

4.6 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au

A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1404-PD-A.01 A	Site & Locality Plans	Clarke and Prince Architects	16-01-2019
1404-PD-A.02 A	Existing Floor Plan	Clarke and Prince Architects	16-01-2019
1404-PD-A.04 A	Proposed Floor Plan	Clarke and Prince Architects	16-01-2019
1409-CD-A2.00.00	Site & Locality Plans	Clarke and Prince Architects	04-11-2019
1409-CD-A2.10.01	Floor Plan	Clarke and Prince Architects	04-11-2019
1409-CD-A2.40.00	Elevations	Clarke and Prince Architects	04-11-2019
1409-CD-A2.40.01	Elevations	Clarke and Prince Architects	04-11-2019
19-013-01 A	Crossing Point & Community Hub Pavement Marking Plan	Mareeba Shire Council	-

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

- (d) A Trade Waste Permit will be required prior to the commencement of use.

(e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(f) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(g) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(h) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care").

The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(B) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 22 November 2019.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were no properly made submissions received.

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
Appeal Rights

Copy: Department of State Development, Manufacturing, Infrastructure and Planning
CairnsSARA@dsdmip.qld.gov.au

Approved Plans/Documents

MAREEBA COMMUNITY HUB for MAREEBA SHIRE COUNCIL

LOT 25 on SP213026,
on ANZAC AVENUE,
MAREEBA, QLD. 4880.

01 SITE PLAN
SCALE - 1:1250

EXISTING
BOWLING GREENS

PROPOSED
RE-FURBISHMENT
INTO COMMUNITY HUB

ANZAC AVENUE

02 LOCALITY PLAN
SCALE - 1:3200

DRAWING LIST

DWG NO.	SHEET NAME	REV.
PO-A-01	SITE & LOCALITY PLANS	A
PO-A-02	EXISTING FLOOR PLAN	A
PO-A-03	DEMOLITION FLOOR PLAN	A
PO-A-04	PROPOSED FLOOR PLAN	A
PO-A-05	PROPOSED FLOOR PLANS - ZONES	A

03 LOCALITY PLAN
SCALE - 1:3200

04 LOCALITY PLAN
SCALE - 1:3200

05 LOCALITY PLAN
SCALE - 1:3200

06 LOCALITY PLAN
SCALE - 1:3200

07 LOCALITY PLAN
SCALE - 1:3200

08 LOCALITY PLAN
SCALE - 1:3200

09 LOCALITY PLAN
SCALE - 1:3200

10 LOCALITY PLAN
SCALE - 1:3200

11 LOCALITY PLAN
SCALE - 1:3200

12 LOCALITY PLAN
SCALE - 1:3200

13 LOCALITY PLAN
SCALE - 1:3200

14 LOCALITY PLAN
SCALE - 1:3200

15 LOCALITY PLAN
SCALE - 1:3200

16 LOCALITY PLAN
SCALE - 1:3200

17 LOCALITY PLAN
SCALE - 1:3200

18 LOCALITY PLAN
SCALE - 1:3200

19 LOCALITY PLAN
SCALE - 1:3200

20 LOCALITY PLAN
SCALE - 1:3200

21 LOCALITY PLAN
SCALE - 1:3200

22 LOCALITY PLAN
SCALE - 1:3200

23 LOCALITY PLAN
SCALE - 1:3200

24 LOCALITY PLAN
SCALE - 1:3200

25 LOCALITY PLAN
SCALE - 1:3200

26 LOCALITY PLAN
SCALE - 1:3200

27 LOCALITY PLAN
SCALE - 1:3200

28 LOCALITY PLAN
SCALE - 1:3200

29 LOCALITY PLAN
SCALE - 1:3200

30 LOCALITY PLAN
SCALE - 1:3200

31 LOCALITY PLAN
SCALE - 1:3200

32 LOCALITY PLAN
SCALE - 1:3200

33 LOCALITY PLAN
SCALE - 1:3200

34 LOCALITY PLAN
SCALE - 1:3200

35 LOCALITY PLAN
SCALE - 1:3200

36 LOCALITY PLAN
SCALE - 1:3200

37 LOCALITY PLAN
SCALE - 1:3200

38 LOCALITY PLAN
SCALE - 1:3200

39 LOCALITY PLAN
SCALE - 1:3200

40 LOCALITY PLAN
SCALE - 1:3200

41 LOCALITY PLAN
SCALE - 1:3200

42 LOCALITY PLAN
SCALE - 1:3200

43 LOCALITY PLAN
SCALE - 1:3200

44 LOCALITY PLAN
SCALE - 1:3200

45 LOCALITY PLAN
SCALE - 1:3200

46 LOCALITY PLAN
SCALE - 1:3200

47 LOCALITY PLAN
SCALE - 1:3200

48 LOCALITY PLAN
SCALE - 1:3200

49 LOCALITY PLAN
SCALE - 1:3200

50 LOCALITY PLAN
SCALE - 1:3200

51 LOCALITY PLAN
SCALE - 1:3200

52 LOCALITY PLAN
SCALE - 1:3200

53 LOCALITY PLAN
SCALE - 1:3200

54 LOCALITY PLAN
SCALE - 1:3200

55 LOCALITY PLAN
SCALE - 1:3200

56 LOCALITY PLAN
SCALE - 1:3200

57 LOCALITY PLAN
SCALE - 1:3200

58 LOCALITY PLAN
SCALE - 1:3200

59 LOCALITY PLAN
SCALE - 1:3200

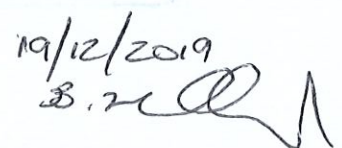
60 LOCALITY PLAN
SCALE - 1:3200

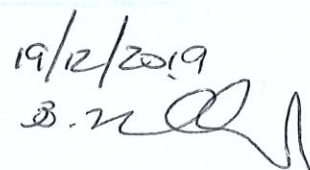
61 LOCALITY PLAN
SCALE - 1:3200

62 LOCALITY PLAN
SCALE - 1:3200

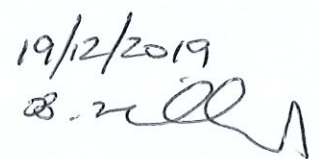
19/12/2019

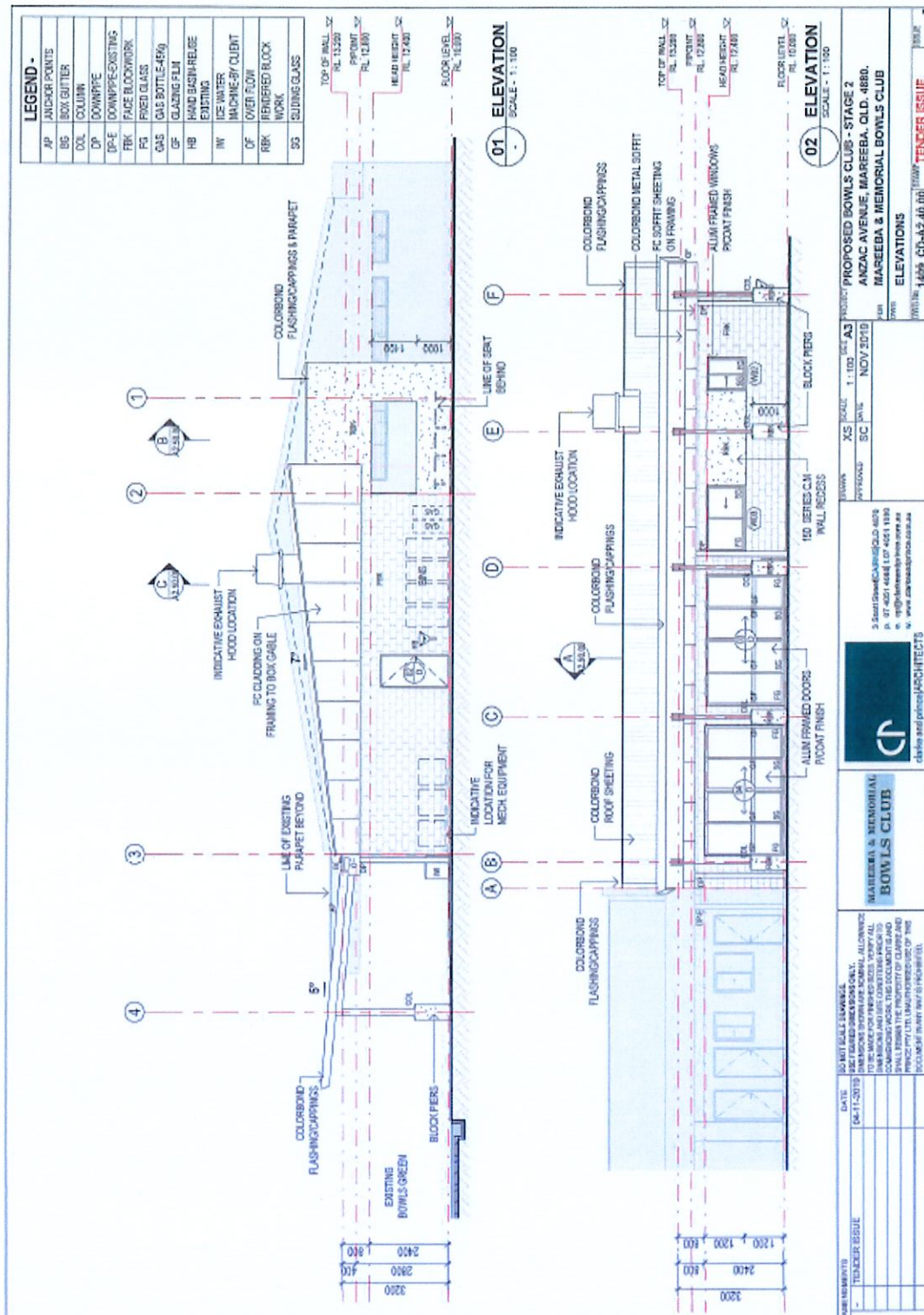
B.2.2.2



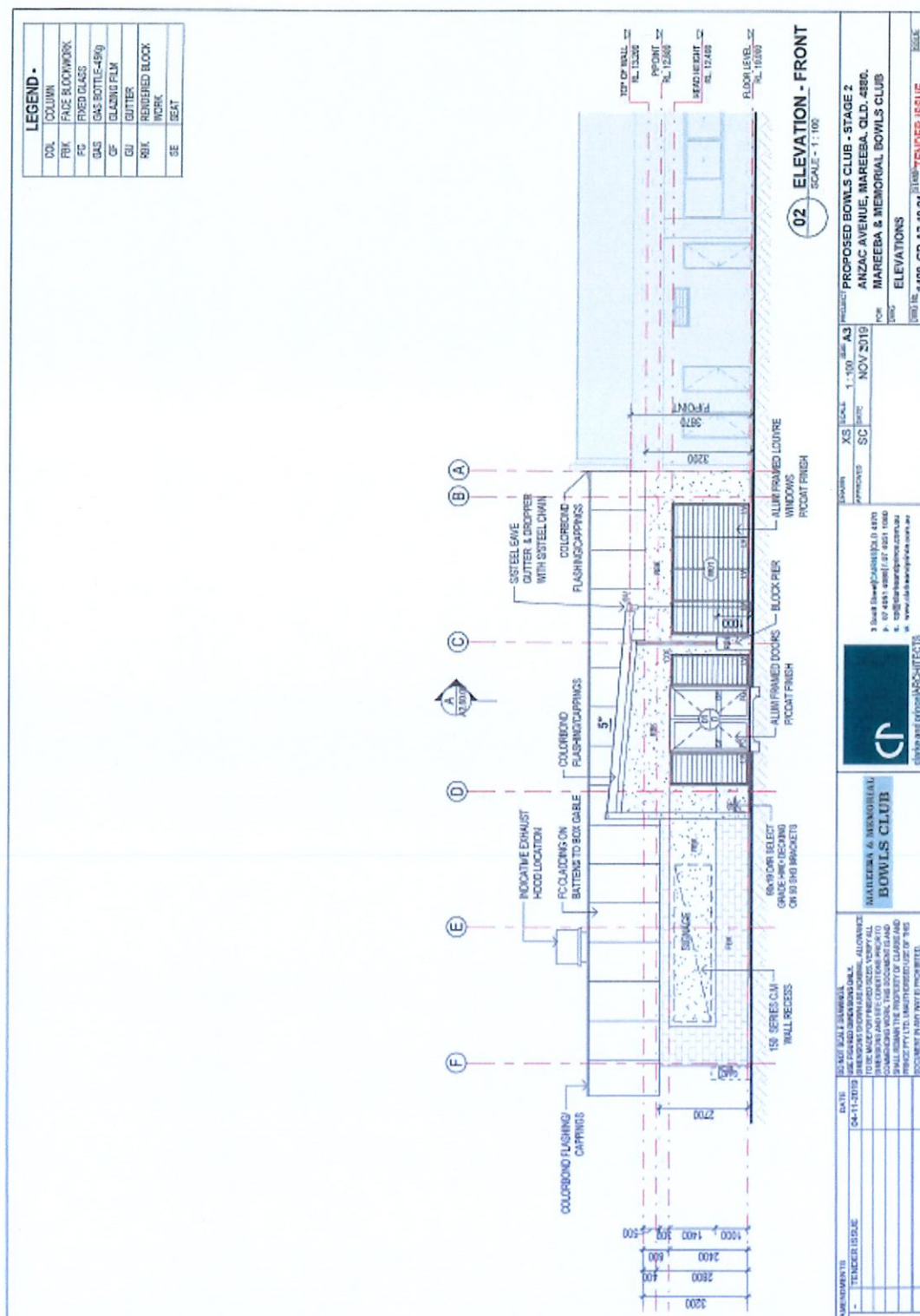


19/12/2019
B. v. Q





19/12/2019
B. n. n.



19/12/2019
B. V. R.



19/12/2019
B. Will

Referral Agency Response

RAS-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1910-13908 SRA
Council reference: MCU/19/0016

22 November 2019

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

SARA response—43 Anzac Avenue, Mareeba; Material Change of Use for Club (Lawn Bowls Clubhouse), Community Use (Community Hub & Library) and Function Facility

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 31 October 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	22 November 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Reasons:	The reasons for the referral agency response are in Attachment 2.

Development details

Description:	Development permit	Material Change of Use for Club (Lawn Bowls Clubhouse), Community Use (Community Hub & Library) and Function Facility
SARA role:	Referral Agency.	

Page 1 of 5

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1910-13908 SRA

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(Planning Regulation 2017) – Material change of use of premises
within 25m of a State transport corridor

SARA reference: 1910-13908 SRA

Assessment Manager: Mareeba Shire Council

Street address: 43 Anzac Avenue, Mareeba

Real property description: Lot 201 on SP213026

Applicant name: Mareeba Shire Council

Applicant contact details: PO Box 154
Mareeba QLD 4880
carle@msc.qld.gov.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in Attachment 3.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Mareeba Shire Council, carle@msc.qld.gov.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

1910-13908 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times.

1910-13908 SRA

Attachment 2—Reasons for referral agency response*(Given under section 56(7) of the Planning Act 2016)***The reasons for the department's decision are:**

- The department carried out an assessment of the proposed development and found that, if conditioned, the proposed development complies with the relevant provisions of the SDAP, State Code 1: Development in a state-controlled road environment, in that:
 - o no access to the state-controlled road is required
 - o access to the site is from Anzac Avenue, a local council road
 - o stormwater and drainage flows are to the lawful point of discharge, Anzac Avenue
 - o filling, excavation and retaining structures will not impact the state-controlled road

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- *The State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1910-13908 SRA

Attachment 3—Change representation provisions

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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.