



10 November 2022

The Rise Unit Trust
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
FRESHWATER QLD 4870

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: OPW/22/0006
Your Reference: F21/06

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 10 November 2022 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/22/0006
Street Address:	Catherine Atherton Drive, Mareeba
Real Property Description:	Lot 100 on SP306259
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works (Road work, Stormwater, Water infrastructure, Drainage work and Earthworks for Stage 3 (5 Lots) of Development Permit REC/07/0074)
Date of Decision:	10 November 2022

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

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)****(b) General**

- (i) This development permit applies to Stage 3 of The Rise Estate only, as depicted on Plan TR21-001-C01 Issue B (Cover Sheet) dated 24/05/22.
- (ii) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (iii) 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, Queensland Urban Drainage Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iv) 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.
- (v) The drainage reserve shown on the submitted plans must remain as private freehold land covered by a drainage easement of the same dimensions. This drainage easement, as well as the drainage easement within Lot 3 must be in favour of Council and the Form 20 must exclude Council from having responsibility for the routine mowing and upkeep of the land within the easement area. The Form 20 must also ensure that any boundary fencing or gates that pass across the easement area must be designed to allow for the free and uninterrupted passage of water through the easement area.

Domestic uses established within each lot are able to discharge stormwater to the easement area as a lawful point of discharge, provided sufficient scour protection is implemented at the outlet.

(vi) Amended Drainage Plan/Works

Prior to the pre-start meeting occurring, amended stormwater drainage plans must be submitted to Council for review and endorsement by Council's delegated officer. The amended stormwater drainage plans must include the following details:

- (a) A 2 metre wide reinforced concrete invert drain, with a minimum thickness of 150mm must be installed for the full length of the large drain at the rear of Lots 1, 2 and 3 in order to protect the drain from future scour and ensure ease of maintenance for responsible landowners.
- (b) Water slowing devices (number, design and location to be approved by Council's delegated officer) must be included within the drain to ensure that water velocity is adequately reduced so as to not cause damage to any part of Lot 209 on SP306259.
- (c) Rock protection must be included on the outside edge drain batters at any bends in the drain to reduce the risk of scour.
- (d) A 1 metre wide concrete invert drain must be included along the full length of the smaller open drain running through Lot 3. Where this drain discharges into the larger drain a water slowing device must be installed to ensure that water velocity is adequately reduced before being discharged into the larger drain. Alternatively, the end of the Lot 3 drain can be redesigned, and concrete sealed so as to direct water into the larger drain in a downstream direction instead of perpendicularly. In either case, rock protection must be installed on both batters of the larger drain at this discharge location to protect against scour.

(vii) Catherine Atherton Drive Reserve Width

The Catherine Atherton Drive road reserve width must be increased to 20 metres for the full length of the works, with the road formation remaining centred within the reserve.

- (viii) The 'temporary loop main connection' shown on drawing C13 must be installed using ductile iron piping (DIP) and must be maintained as a permanent component of the water supply network.

(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
TR21-001-C01 B	Cover Sheet	Benchmark Survey & Design	24/05/22
TR21-001-C02 A	Conceptual Plan	Benchmark Survey & Design	24/06/21
TR21-001-C03 A	Site Plan - Stage 3	Benchmark Survey & Design	24/06/21
TR21-001-C04 B	Layout Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C05 A	Typical Cross Sections	Benchmark Survey & Design	24/06/21
TR21-001-C06 A	Catherine Atherton Drive - Longitudinal Section	Benchmark Survey & Design	24/06/21
TR21-001-C07 A	Catherine Atherton Drive - Cross Sections	Benchmark Survey & Design	24/06/21
TR21-001-C08 A	Catherine Atherton Drive - Cross Sections	Benchmark Survey & Design	24/06/21
TR21-001-C09 B	Stormwater Drainage Layout Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C10 A	Stormwater Drainage Longitudinal Sections - Stage 3	Benchmark Survey & Design	24/06/21
TR21-001-C11 B	Earthworks Layout Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C12 B	Erosion & Sediment Control Strategy Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C13 B	Water Reticulation Layout Plan - Stage 3	Benchmark Survey & Design	01/06/22

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
 Appeal Rights

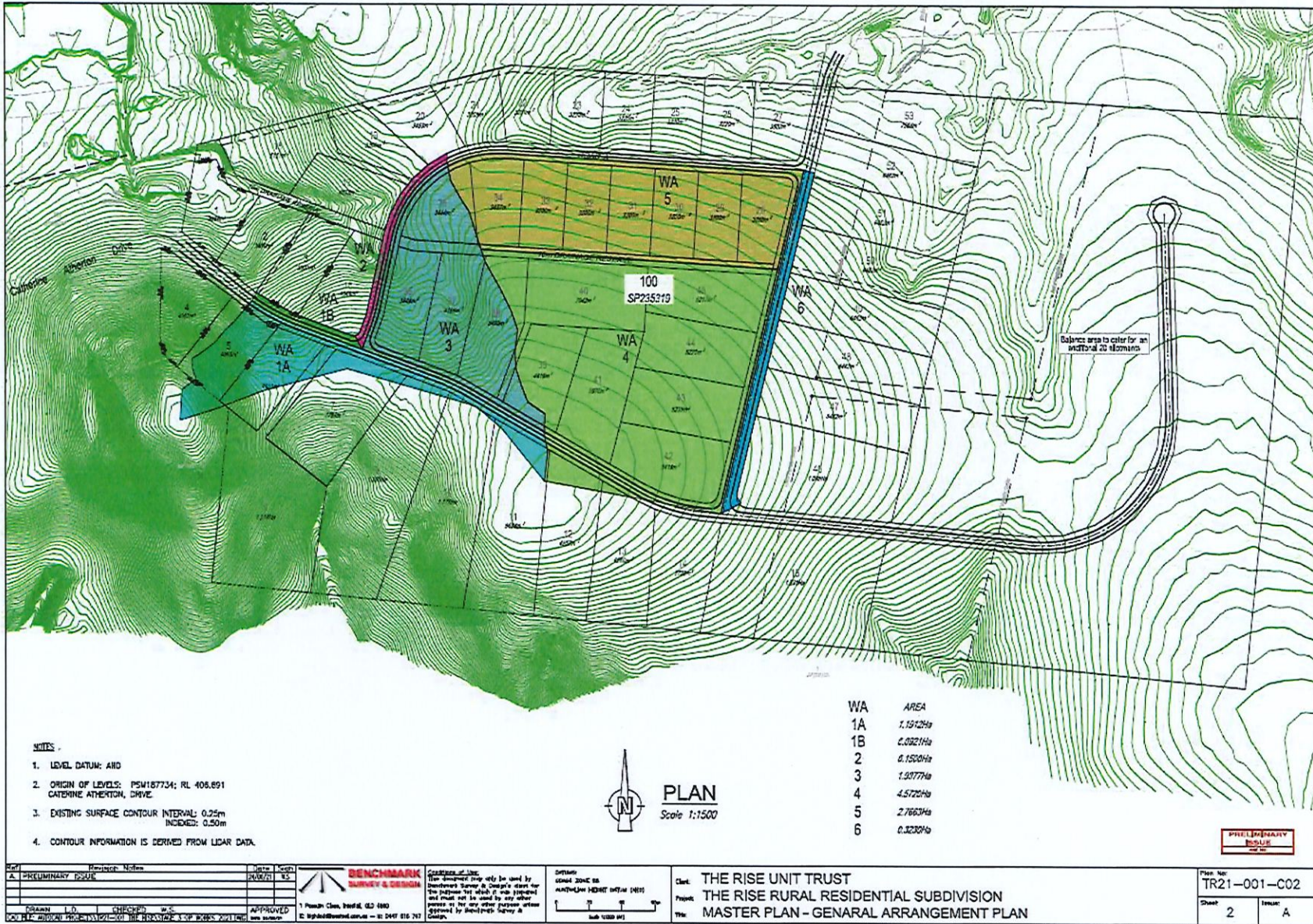
Approved Plans/Documents

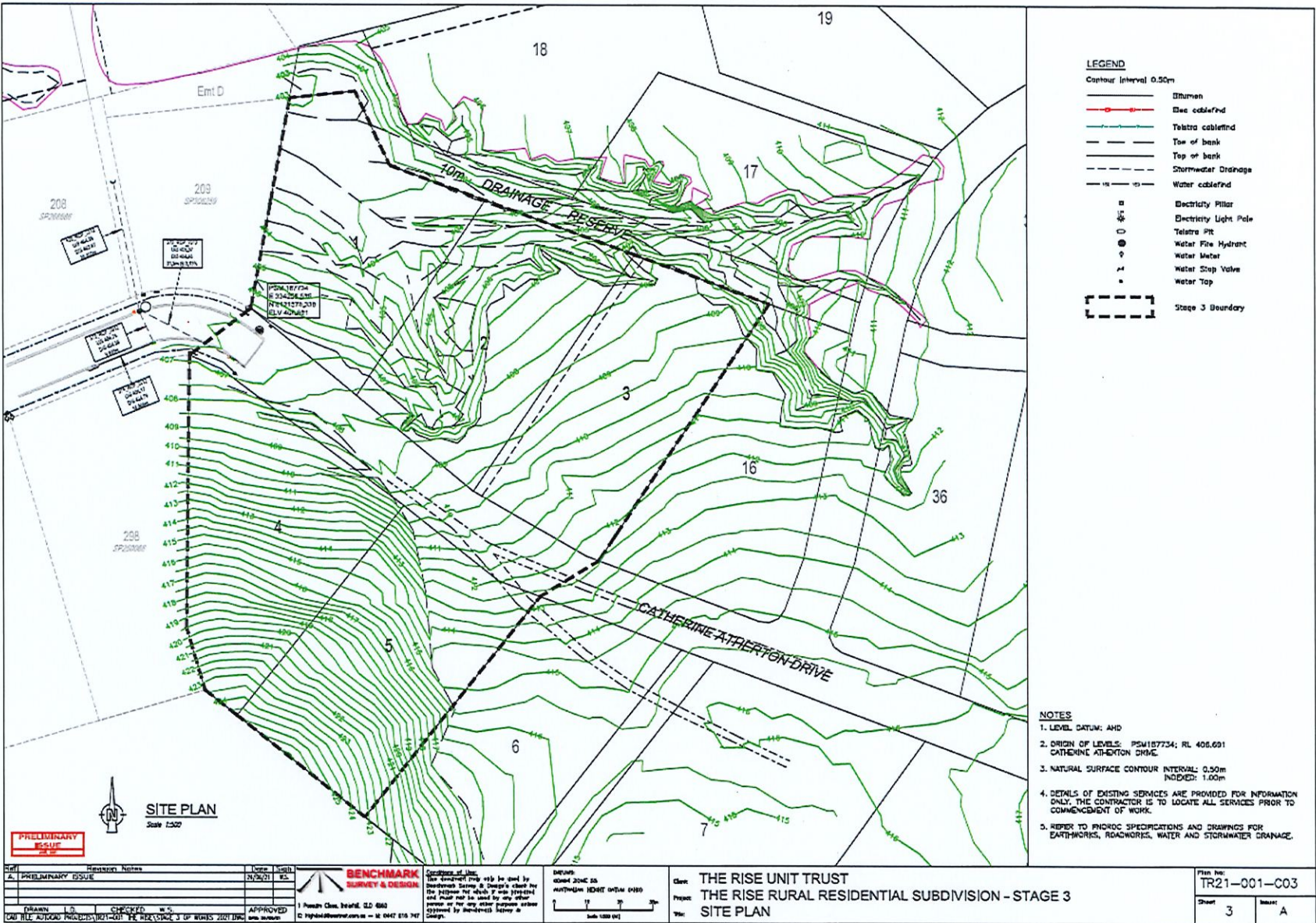
THE RISE ESTATE
RURAL RESIDENTIAL SUBDIVISION
STAGE 3
OPERATIONAL WORKS DRAWINGS

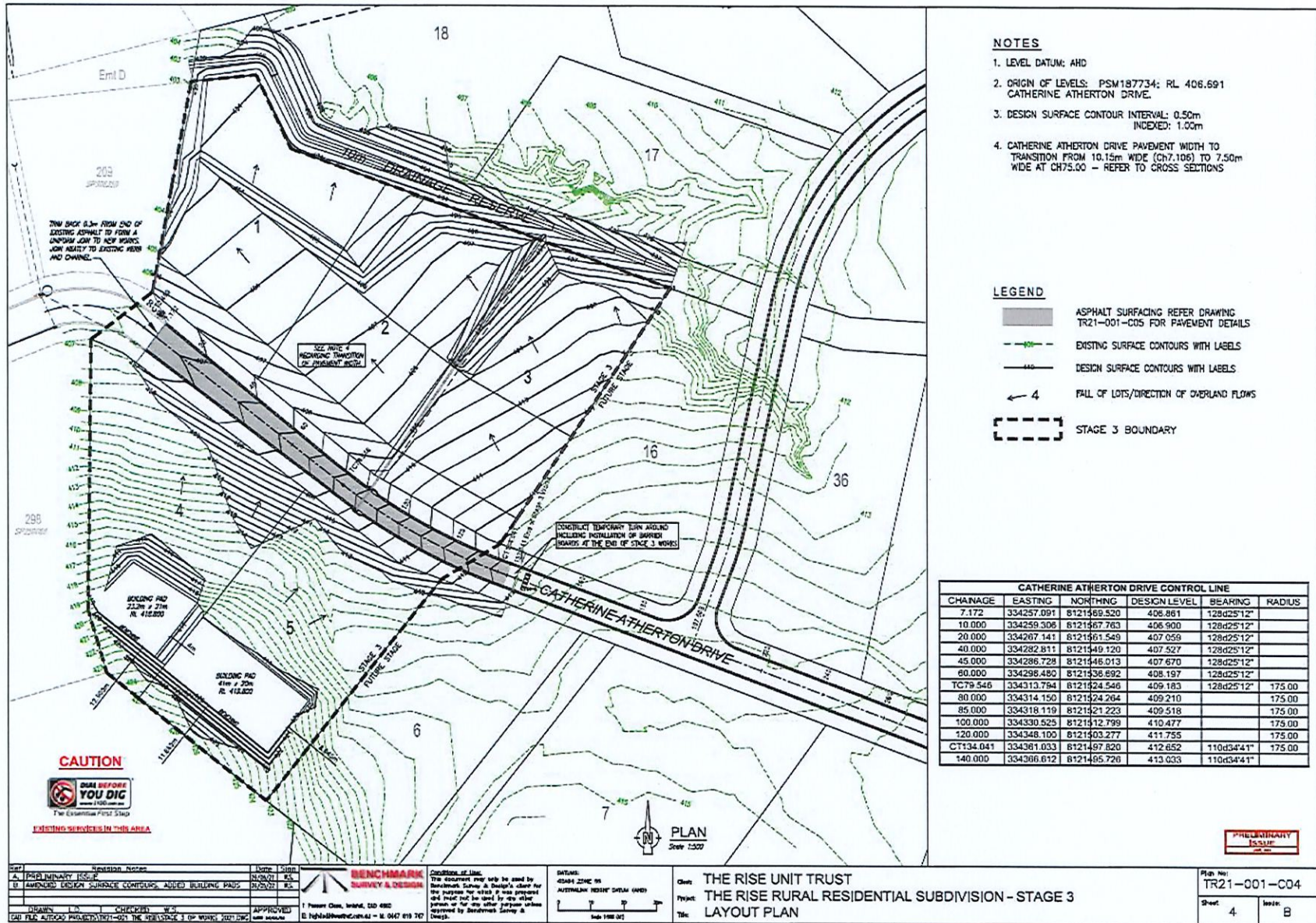
Drawing Number	Rev.	Date	Drawing Description
TR21-001-001	A	01/06/22	COVER SHEET
TR21-001-002	A	24/05/21	CONCEPTUAL PLAN
TR21-001-003	A	24/05/21	SITE PLAN - STAGE 1
TR21-001-004	B	24/05/22	LAYOUT PLAN - STAGE 3
TR21-001-005	A	24/05/21	TYPICAL CROSS SECTIONS
TR21-001-006	A	24/05/21	CATHERINE ATHLETION DRIVE/LONGITUDINAL SECTION
TR21-001-007	A	24/05/21	CATHERINE ATHLETION DRIVE/CROSS SECTIONS
TR21-001-008	A	24/05/21	CATHERINE ATHLETION DRIVE/CROSS SECTIONS
TR21-001-009	B	24/05/22	STORMWATER DRAINAGE LAYOUT PLAN - STAGE 3
TR21-001-010	B	24/05/22	STORMWATER DRAINAGE LONGITUDINAL SECTIONS - STAGE 3
TR21-001-011	A	24/05/22	STORMWATER DRAINAGE LONGITUDINAL SECTIONS - STAGE 3
TR21-001-012	A	24/05/22	WATER DETENTION LAYOUT PLAN - STAGE 3
TR21-001-013	B	01/06/22	WATER DETENTION LONGITUDINAL SECTIONS - STAGE 3
TR21-001-014	B	01/06/22	WATER DETENTION LONGITUDINAL SECTIONS - STAGE 3

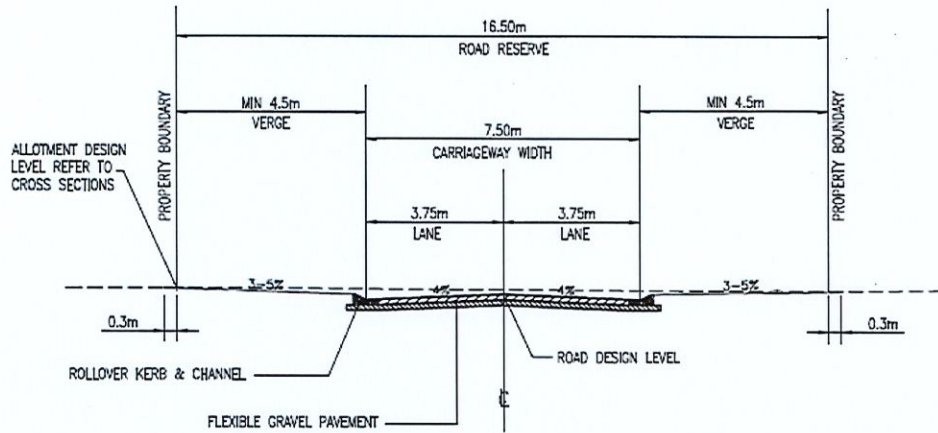
FNQRC STANDARD DRAWINGS		Drawing Description
Drawing Number	Rev.	
S1005	E	TYPICAL ROAD CROSS SECTION - TYPE 1,2 & 3
S1008	B	TYPICAL ROAD CROSS SECTION - TYPE 4,5 & 6
S1010	B	PUBLIC UTILITIES ON ROAD VARIANTS
S1016	B	EXCAVATION, BEDDING AND BACKFILLING OF CONCRETE PIPES
S1020	C	CONCRETE PIPES - 1500mm DIA - 400
S1063	B	KERB INLET GRATE & FRAME
S1065	A	STORMWATER MANHOLES 1350 & 1620.
S2000	A	MSC VALVE BOX INSTALLATION
S2005	A	MSC HYDRANT BOX INSTALLATION
S2006	A	KERB/ROAD MARKERS
S2010	E	MSC THROUST BLOCK DETAILS
S2015	A	WATER RETICULATION BEDDING DETAILS
S2016	A	MSC MAIN CONNECTION DETAILS
S2020	D	MSC CONNECTION DETAILS

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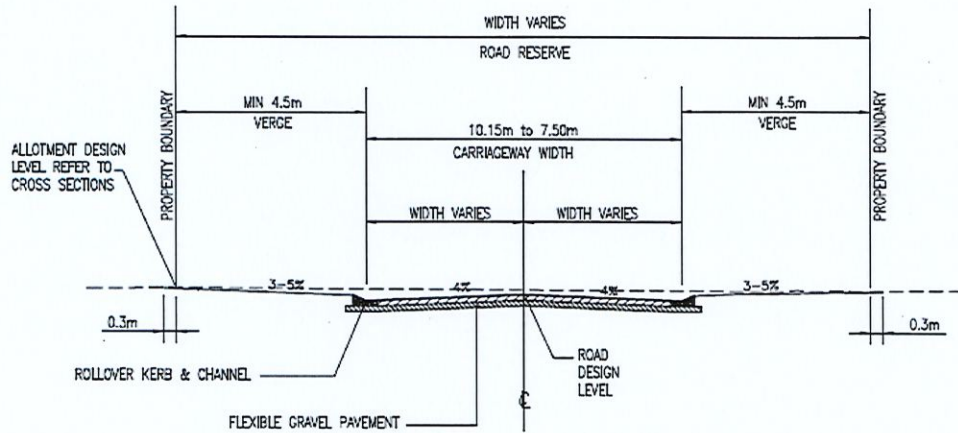






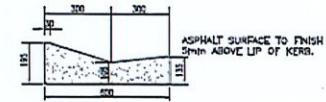
TYPICAL CROSS SECTION- CATHERINE ATHERTON DRIVE Ch 79.546 - Ch 137.041

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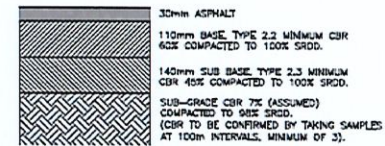
TYPICAL CROSS SECTION- CATHERINE ATHERTON DRIVE - Ch 7.172 - Ch 79.546

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ROLLOVER KERB AND CHANNEL

SCALE 1:10 (A1)



NOTE: SUBGRADE CBR RESULTS AND FINAL PAVEMENT DESIGN ARE TO BE SUBMITTED TO COUNCIL FOR APPROVAL PRIOR TO PLACEMENT OF GRAVEL.

PAVEMENT DETAIL

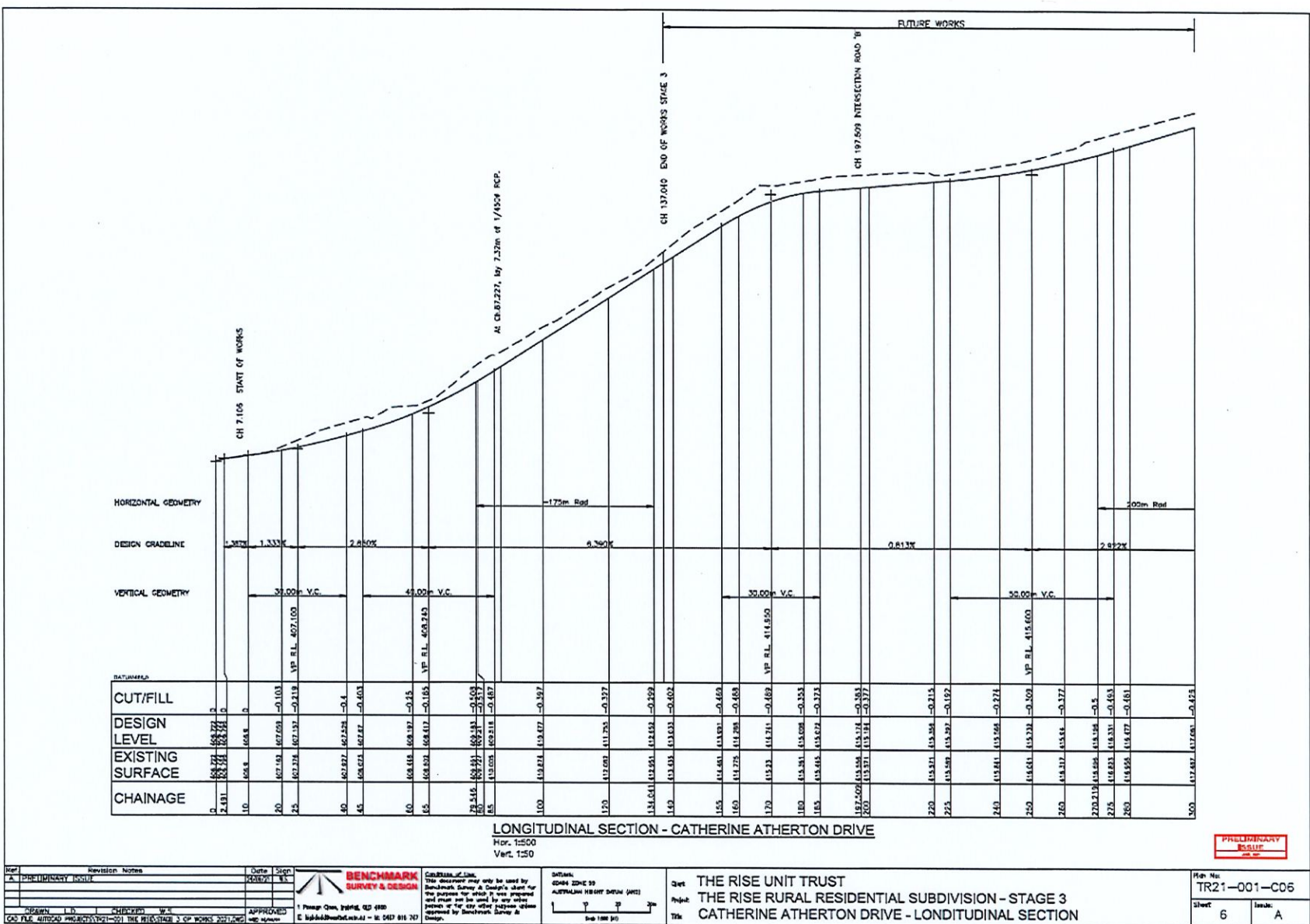
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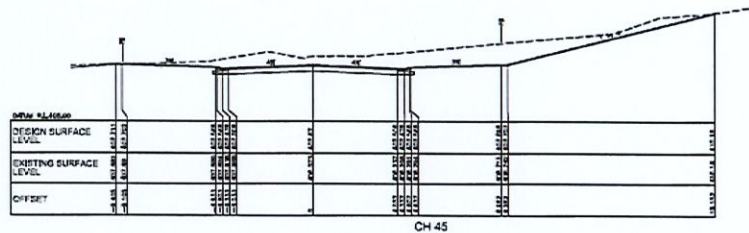
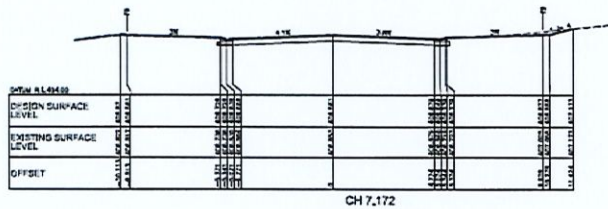
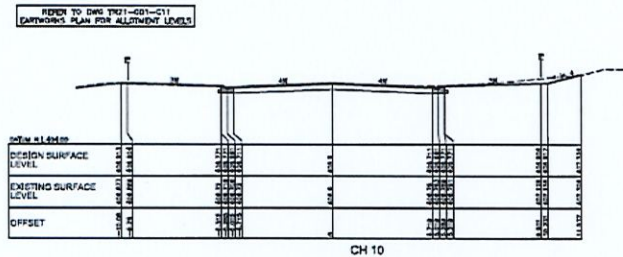
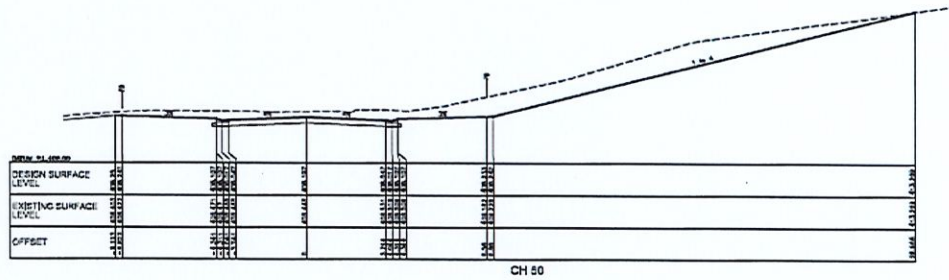
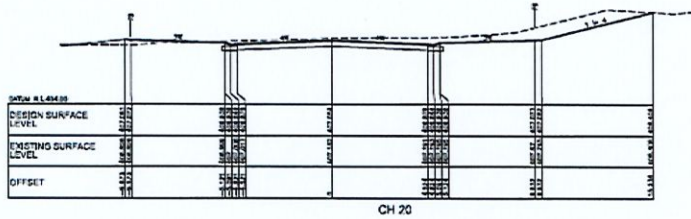
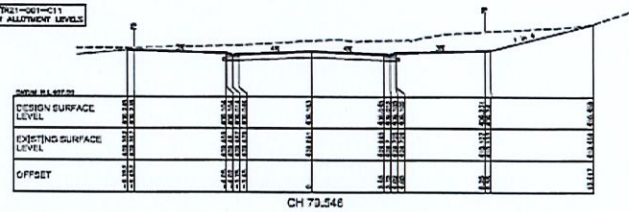
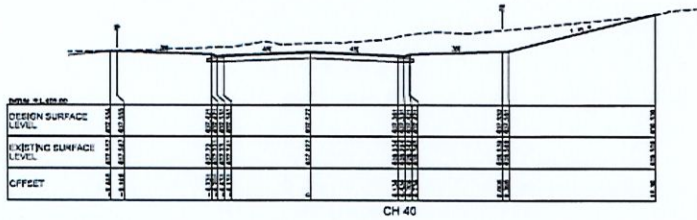
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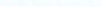


1. ALL CUL-DE-SAC HEADS AND INTERSECTION TURNOUTS ARE REQUIRED TO HAVE A MINIMUM 30MM ASPHALT SURFACE TREATMENT WITH A SINGLE COAT SEAL.
2. THE SUB-BASE LAYER SHALL EXTEND A MINIMUM OF 150MM BEHIND THE REAR FACE OF THE KERB AND CHANNEL.
3. THE BASE AND SURFACING SHALL EXTEND TO THE FACE OF ANY KERBING. WHERE THE TOP SURFACE OF THE SUB-BASE LAYER IS BELOW THE LEVEL OF THE UNDERSIDE OF THE KERB AND CHANNEL, THE BASE LAYER SHALL ALSO EXTEND A MINIMUM OF 150MM BEHIND THE REAR FACE OF THE KERB AND CHANNEL.

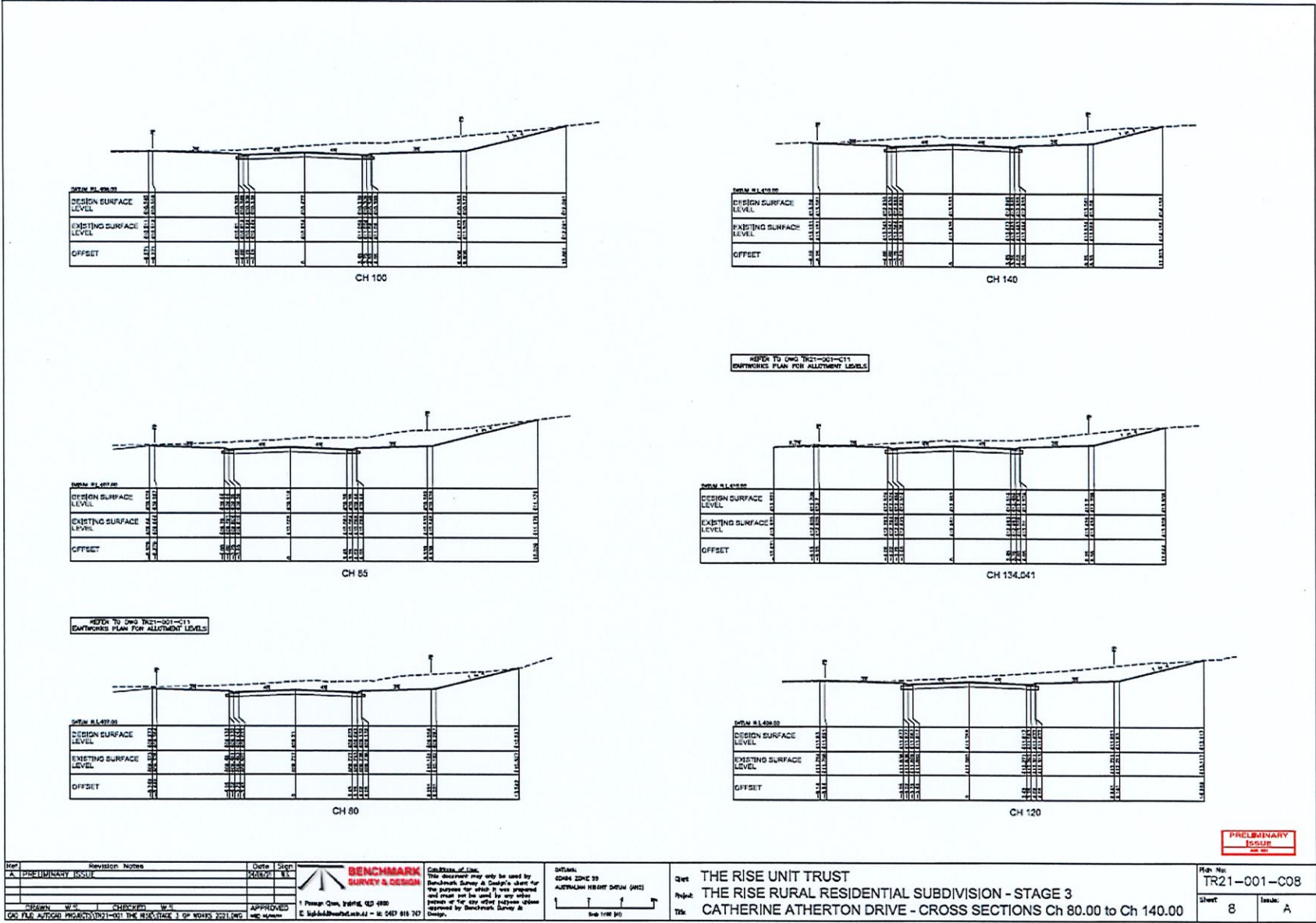
Revision Notes		Date	Sign
A. PRELIMINARY ISSUE		24/09/21	ES
DRAWN: L.D. CHECKED: M.S.		APPROVED:	
CAD FILE: ALLOCATED PROJECT/1021-001 THE RISE/STAGE 3 OF R2021-2221000			
1. Please Note, Initial, DSD 480			
2. Highways Department - 11 047 916 747			
Conditions of Use:		This document may only be used by the person to whom it is issued for the purpose for which it was prepared and shall not be used for any other purpose or for any other purpose without the written consent of the person to whom it was issued.	
BENCHMARK SURVEY & DESIGN		DRAWN: 20/06/20 APPROVED: 08/07/20 (initial ES)	
		Scale: 1:50 (A1)	
		Sheet 5 of 5	
		Author: A	
		Client: THE RISE UNIT TRUST	
		Project: THE RISE RURAL RESIDENTIAL SUBDIVISION	
		Title: TYPICAL CROSS SECTIONS AND PAVEMENT DETAILS	
		Plan No: TR21-001-C05	
		Sheet: 5 of 5	
		Author: A	

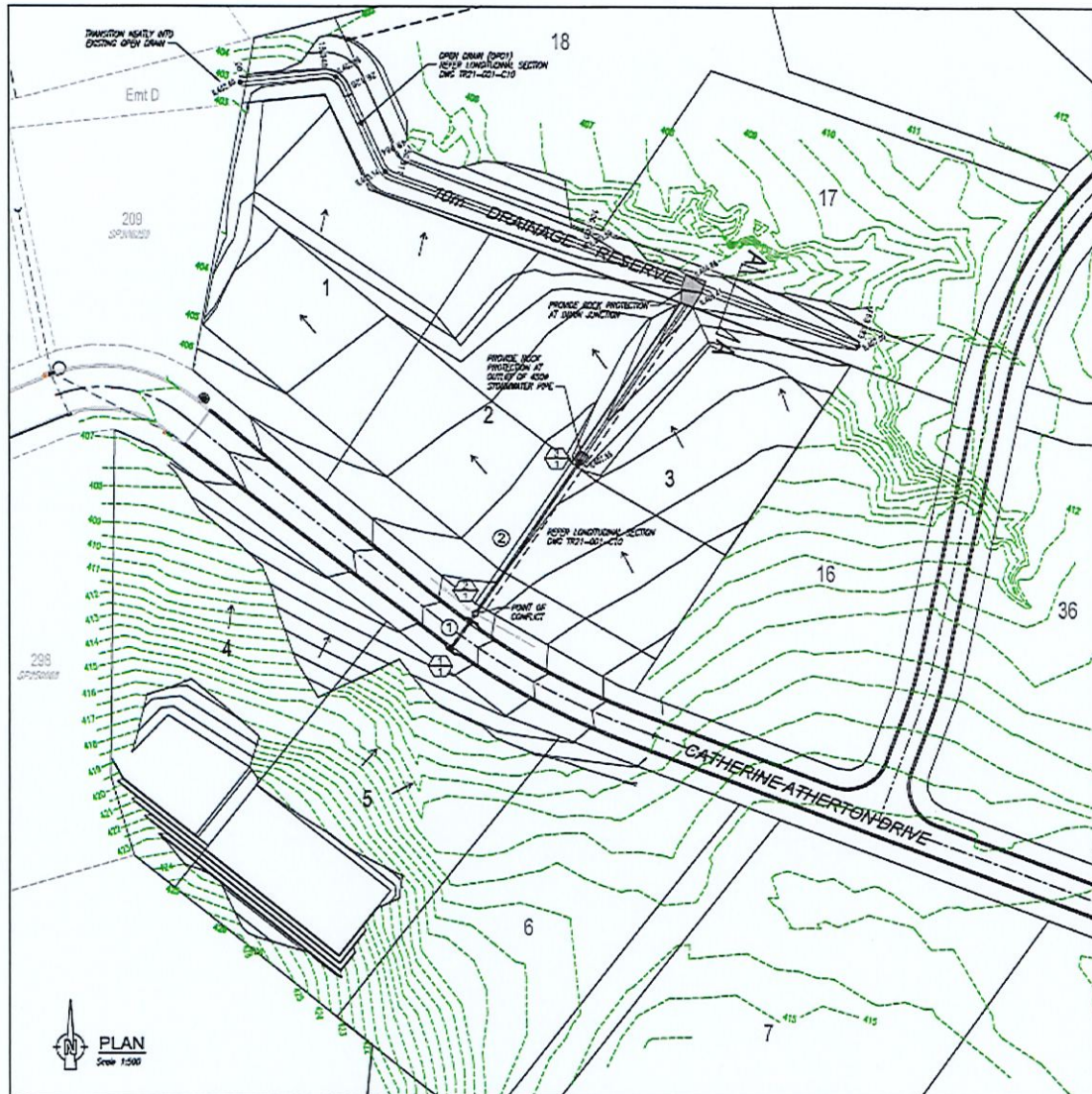
PRELIMINARY ISSUE





Sheet		Revision Notes		Date	Sign	 <p>BENCHMARK SURVEY & DESIGN</p> <p>COURTESY OF LAMAR This document may only be used by Benchmark Survey & Design's client for the purposes for which it was prepared and must not be used for any other purpose or for any other matters without approval by Benchmark Survey & Design.</p> <p>1 Power Ques, 10/18/19, 10/17/20 E. Lightfoot@benchmark.syd.au - M 0433 814 710</p>	<p>DRAWN: GDSM ZDHC 30 AUSTRALIAN HEIGHT DATUM (AHD)</p>  <p>Scale 1:100</p>	SHEET THE RISE UNIT TRUST THE RISE RURAL RESIDENTIAL SUBDIVISION - STAGE 3 CATHERINE ATHERTON DRIVE - CROSS SECTIONS Ch 7.172 to Ch 79.546	Plan No: TR21-001-C07 Sheet 7 Issue A
A PRELIMINARY ISSUE									
DESIGNER: W.S. CHERRYMAN: W.S.		APPROVED: 							
CROSS SECTION PROJECTIONS TO THE RESECTION 3 OF ROAD 2021/10									





NOTES

1. LEVEL DATUM: AHD
2. ORIGIN OF LEVELS: PSM187734: RL 406.601
CATHERINE ATHERTON DRIVE
3. DESIGN SURFACE CONTOUR INTERVAL: 0.50m
INDEXED: 1.00m

LEGEND

- 4 FALL OF LOTS/DIRECTION OF OVERLAND FLOWS
- RL 404.89 INVERT LEVEL OF DRAIN

STORMWATER STRUCTURE TABLE

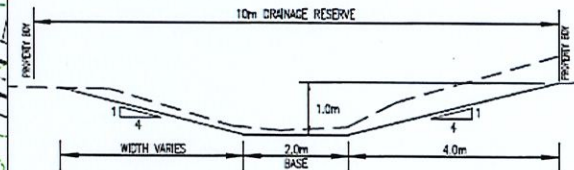
NO.	TYPE	EASTING	NORTHING
1/1	KERB INLET PIT ON GRADE	334318.032	5121517.010
2/1	KERB INLET PIT ON GRADE	334322.073	5121522.603
3/1	HEADWALL	334347.262	5121553.450

CO-ORDINATES REFER TO MIDDLE OF HEADWALL AS SHOWN.

SETOUT REFERS TO MID POINT OF GRATE ON LIP OF KERB AS SHOWN.

STORMWATER PIPE TABLE

PIPE	SIZE (dia)	LENGTH	GRADE (%)	U.S.I.L.	D.S.I.L.
1	1/450	7.32m	1.500	409.270	408.160
2	1/450	43.92m	0.700	409.000	407.550



DETAIL "AA"
Scale 1:50 (A1)

PRELIMINARY
DESIGN

Rev	Revision	Date	By	App'd
1	PRELIMINARY DESIGN	20/07/21	W.E.	
2	AMENDED DESIGN SURFACE CONTOURS, ADDED BUILDING FOOTPRINT	24/08/21	W.E.	
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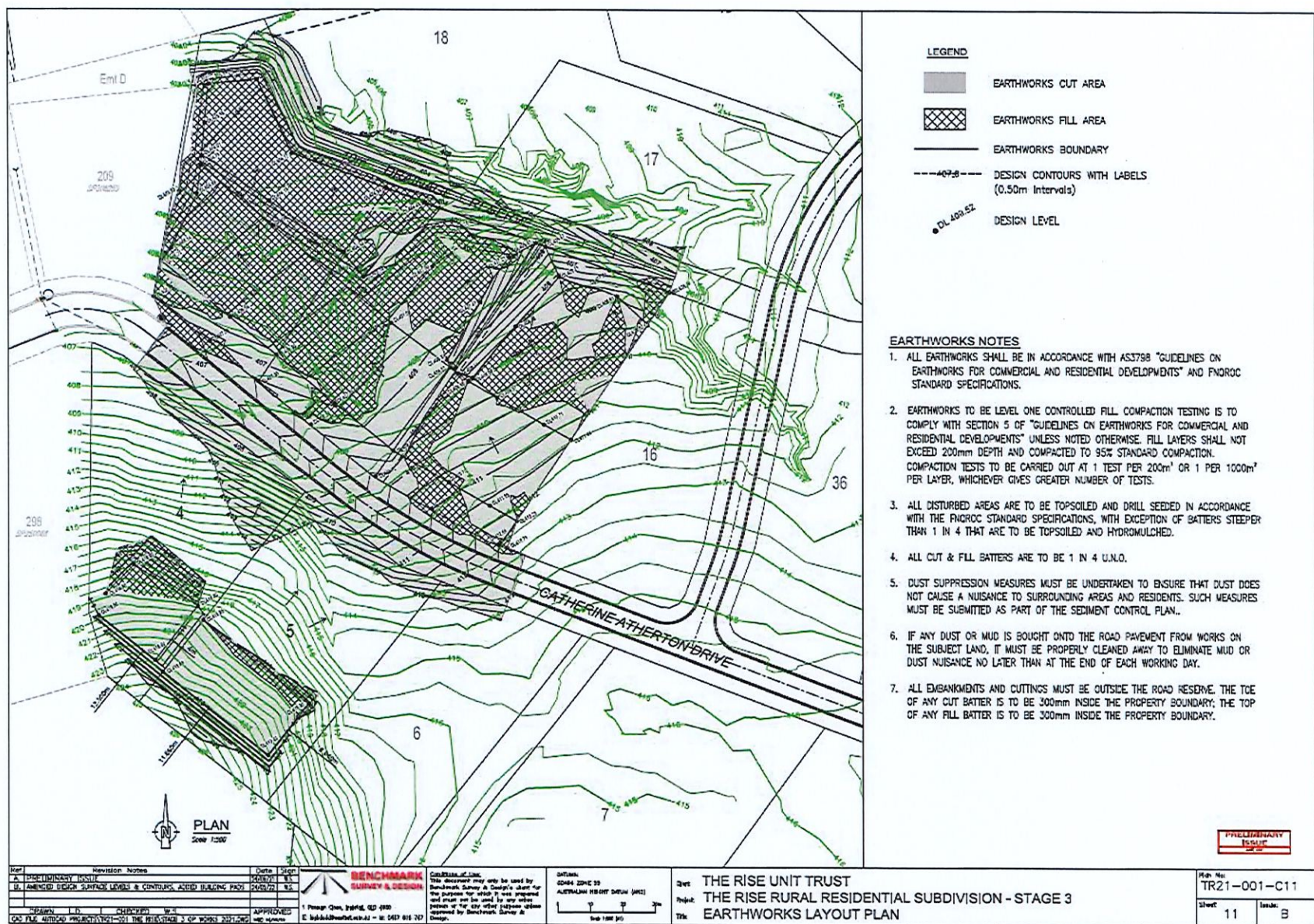
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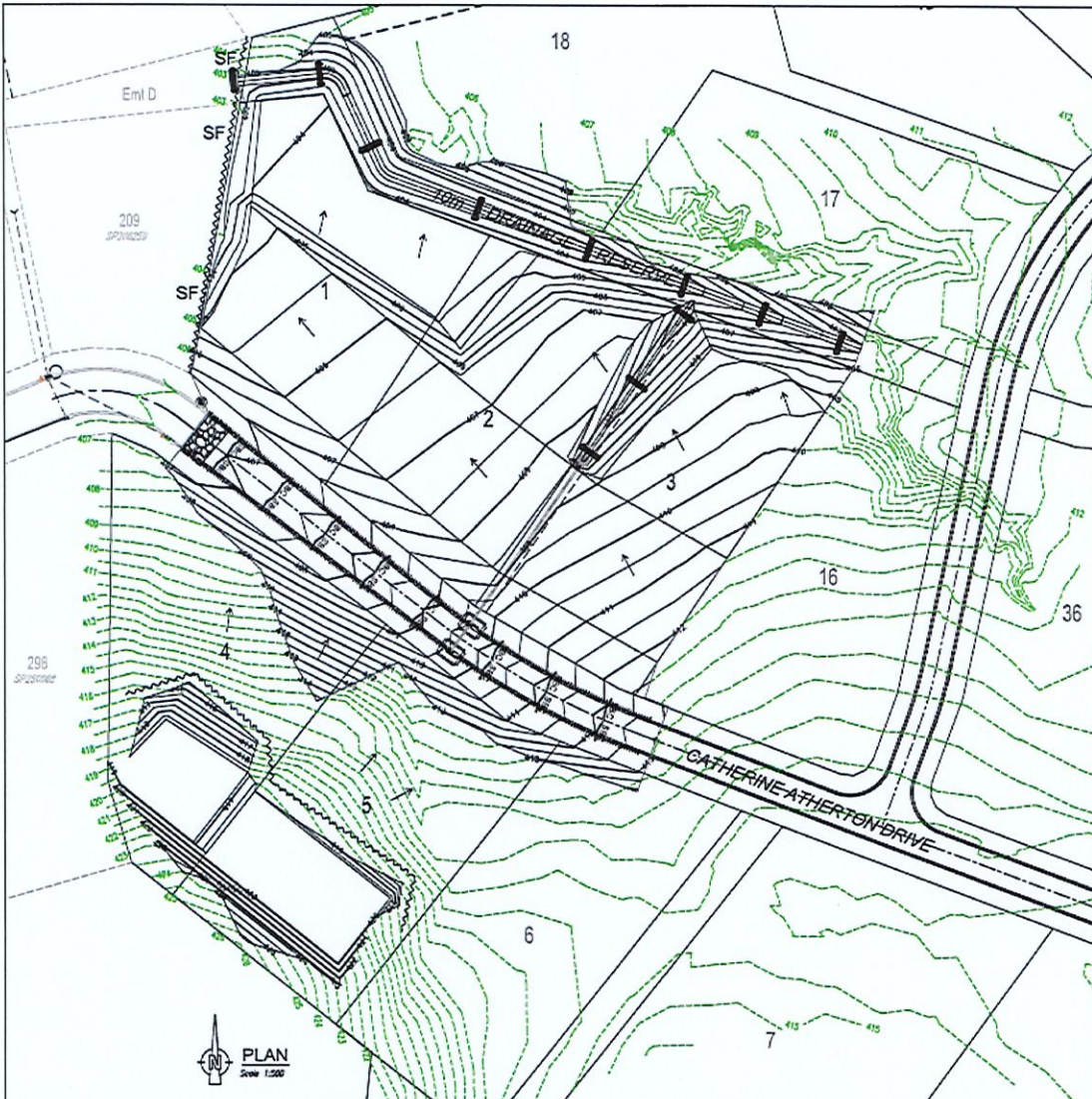
Drawn: J.M. 20/07/21
Checked: W.E. 24/08/21
Scale: 1:500 (A1)

Client: THE RISE UNIT TRUST
Project: THE RISE RURAL RESIDENTIAL SUBDIVISION - STAGE 3
Title: STORMWATER DRAINAGE - LAYOUT PLAN

Plan No: TR21-001-C09
Sheet: 9
Issue: B







Rev	Revision Notes	Date	Scale
A	PRELIMINARY ISSUE	24/02/22	1:500
B	AMENDED DESIGN SURFACE CONTOURS, ADDED BUILDING FOOT	24/02/22	1:500
C	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
D	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
E	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
F	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
G	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
H	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
I	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
J	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
K	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
L	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
M	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
N	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
O	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
P	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
Q	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
R	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
S	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
T	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
U	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
V	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
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X	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
Y	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
Z	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AA	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
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AN	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AO	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AP	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AQ	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AR	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AS	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AT	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
AU	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
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ID	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IE	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IF	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IG	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IH	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
II	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IJ	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IL	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
IM	ADDED BUILDING FOOTPRINTS	24/02/22	1:500
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IO	ADDED BUILDING FOOTPRINTS	24/02/22	1:500



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.