



31 October 2022

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: OPW/22/0008
Your Reference: 1471

S Hogan
C/- Jim Papas Civil Engineering Designer Pty Ltd
PO Box 2347
MAREEBA QLD 4880

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 27 October 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/22/0008
Street Address:	7 Kenneally Road, Mareeba
Real Property Description:	Lot 2 on RP729239
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 Development Permit RAL/21/0014)]
Date of Decision:	27 October 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)****(a) 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, Queensland Urban Drainage 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.
- (iv) The water service road crossing pipe must be ductile iron cement lined pipe (DICL - 100mm diameter) instead of PVC. The difference in price, as agreed to by Council's delegated officer, as a result of this DICL requirement will be subtracted from the infrastructure charges payable.
- (v) The distance between the mass concrete footings for the shared access crossover must a minimum of 600mm. The material used to surface treat the crossover between the steel plate and the Kenneally Road surface must be asphalt.
- (vi) The use of "blackmax" piping for the stormwater infrastructure is permitted, however it is noted that the stormwater infrastructure between the Kenneally Road inlet pit and the property boundary is and will always be considered private stormwater infrastructure and Council will have no responsibility in its repair or replacement should any damage or loss occur in future.

- (vii) A notation will be placed on the rates notice for Lots 2 and 3 recommending that on-site stormwater detention be included in any future buildings works in order to minimise stormwater impacts to surrounding properties.

(b) 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.

(c) Inspections

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

(d) 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.

(e) 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.

(f) 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
1471-C01 Amdt A	Existing Site Plan	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C02 Amdt A	Soil and Water Management Strategy	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C03 Amdt A	Earthworks, Roadworks and Stormwater Drainage Plan	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C04 Amdt A	Water Reticulation Plan	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C05 Amdt A	Access - Longitudinal Section, Typical Cross Section, Pavement Data, Set Out and Details	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C06 Amdt A	Access - Cross Sections (Sheet 1 of 1)	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C07 Amdt A	Stormwater Drainage Longitudinal Section	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C08 Amdt A	Stormwater Drainage Catchment Plan and Stormwater Drainage Calculation Sheet	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22

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



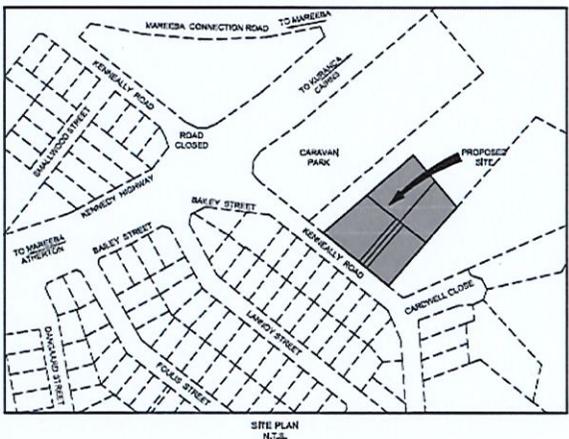
BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Appeal Rights

Approved Plans/Documents

PROPOSED RESIDENTIAL SUBDIVISION AT 7 KENNEALLY ROAD MAREEBA FOR MR. S. HOGAN

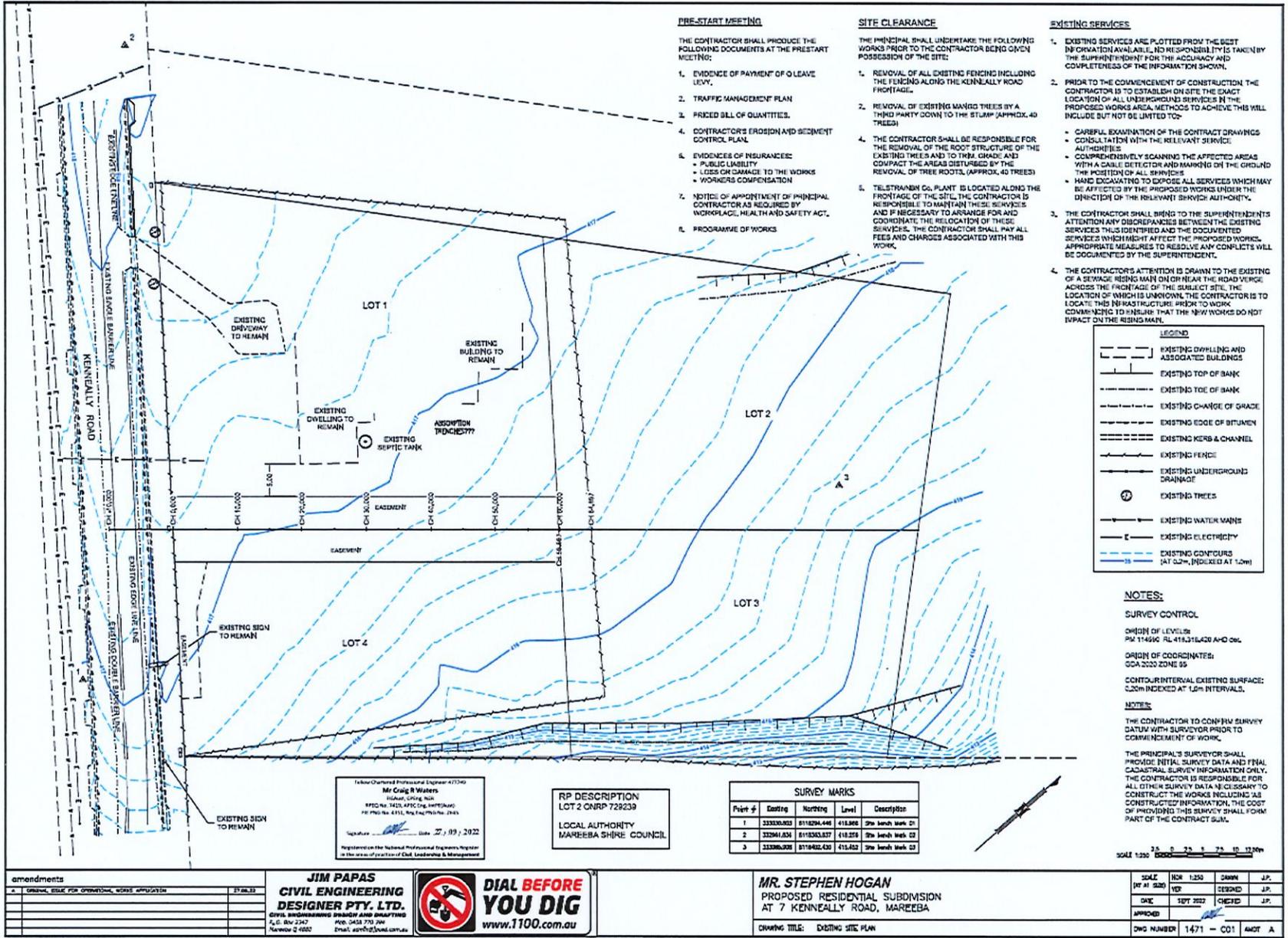
- PROJECT DRAWINGS
PROJECT No. 1471
- C 01 - EXISTING SITE PLAN.
 - C 02 - SOIL AND WATER MANAGEMENT STRATEGY.
 - C 03 - EARTHWORKS, ROADWORKS & STORMWATER DRAINAGE PLAN.
 - C 04 - WATER METEORATION PLAN.
 - C 05 - ACCESS - LONGITUDINAL SECTION, TYPICAL CROSS SECTION, PAVEMENT DATA, SET OUT AND DETAILS.
 - C 06 - ACCESS - CROSS SECTION (SHEET 1 OF 1).
 - C 07 - STORMWATER DRAINAGE LONGITUDINAL SECTION.
 - C 08 - STORMWATER DRAINAGE CATCHMENT PLAN AND STORMWATER DRAINAGE CALCULATION SHEET.

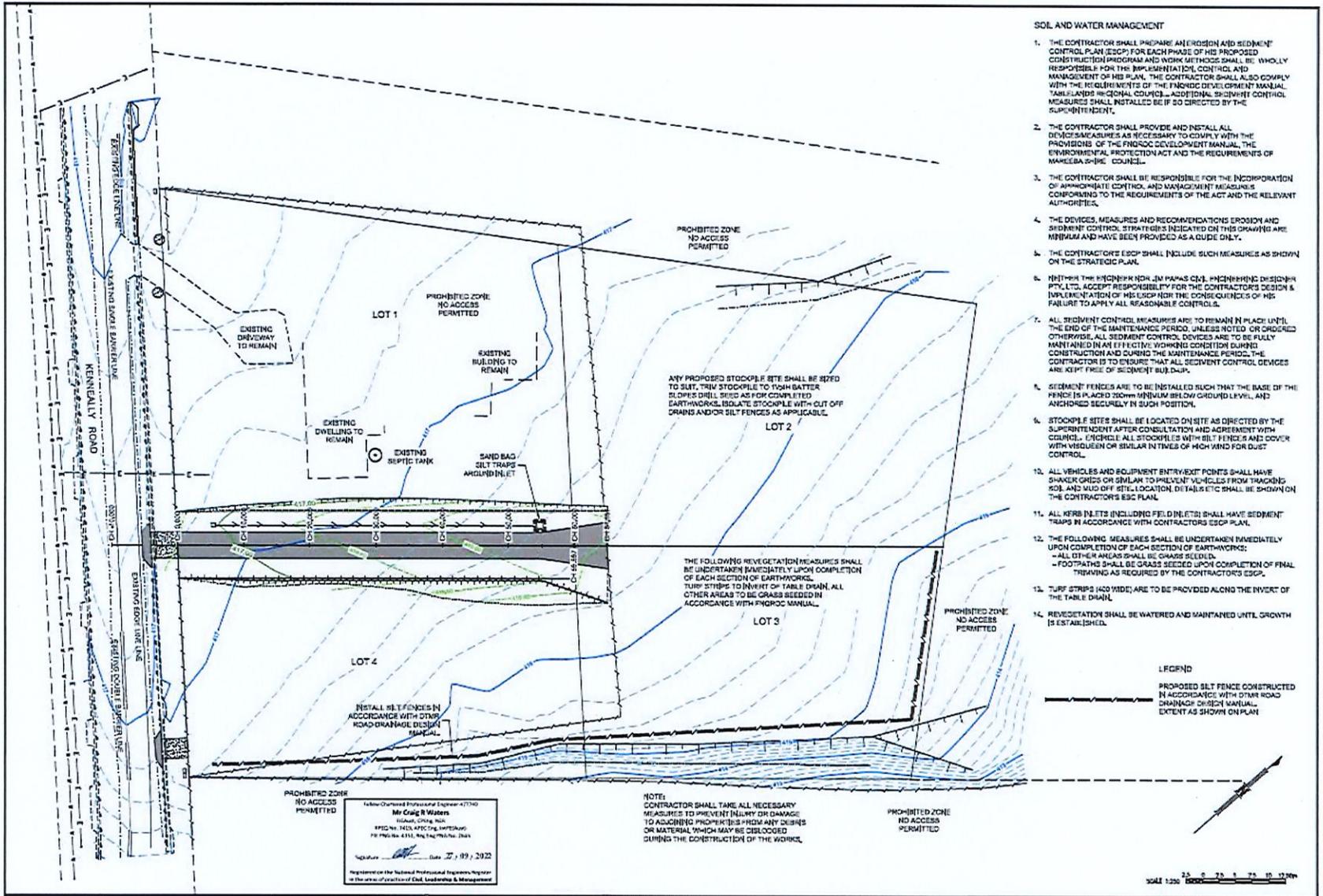


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PO Box 146, Atherton 4883
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info@winesurveys.com.au

**JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.**
CIVIL ENGINEERING DESIGN AND SURVEYING
P.O. Box 2047 Nung. 4808 QLD 4882
Mareeba C 4882 Email: jim@jppd.com.au

Notion Certified Professional Engineer 617763
Mr Craig R Waters
18/04/2014, 15/01/2015
EP/14/014, EP/15/001, EP/15/002
PE 1993 No. 4113, Reg Tag 1993 No. 2845
Signature: _____ Date: 27. 09. 2022
Registration in the National Professional Engineers Register
in the name of Council of Engr. Leadership & Management





- SOIL AND WATER MANAGEMENT**
1. THE CONTRACTOR SHALL PREPARE AN EROSION AND SEDIMENT CONTROL PLAN (ESCP) FOR EACH PHASE OF HIS PROPOSED CONSTRUCTION PROGRAM AND WORK METHODS SHALL BE WHOLLY RESPONSIBLE FOR THE IMPLEMENTATION, CONTROL AND MANAGEMENT OF HIS PLAN. THE CONTRACTOR SHALL ALSO COMPLY WITH THE REQUIREMENTS OF THE FNRDC DEVELOPMENT MANUAL, TABLELANDS REGIONAL COUNCIL, ADDITIONAL SEDIMENT CONTROL MEASURES SHALL INSTALLED BE IF SO DIRECTED BY THE SUPERINTENDENT.
 2. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL DEVISES/MEASURES AS NECESSARY TO COMPLY WITH THE PROVISIONS OF THE FNRDC DEVELOPMENT MANUAL, THE ENVIRONMENTAL PROTECTION ACT AND THE REQUIREMENTS OF MAREEBA SHIRE COUNCIL.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INCORPORATION OF APPROPRIATE CONTROL AND MANAGEMENT MEASURES CONFORMING TO THE REQUIREMENTS OF THE ACT AND THE RELEVANT AUTHORITIES.
 4. THE DEVICES, MEASURES AND RECOMMENDATIONS EROSION AND SEDIMENT CONTROL STRATEGIES INDICATED ON THIS DRAWING ARE MINIMUM AND HAVE BEEN PROVIDED AS A GUIDE ONLY.
 5. THE CONTRACTOR'S ESCP SHALL INCLUDE SUCH MEASURES AS SHOWN ON THE STRATEGIC PLAN.
 6. NEITHER THE ENGINEER NOR JIM PAPAS CIVIL ENGINEERING DESIGNER PTY. LTD. ACCEPT RESPONSIBILITY FOR THE CONTRACTORS DESIGN & IMPLEMENTATION OF HIS ESCP NOR THE CONSEQUENCES OF HIS FAILURE TO APPLY ALL REASONABLE CONTROLS.
 7. ALL SEDIMENT CONTROL MEASURES ARE TO REMAIN IN PLACE UNTIL THE END OF THE MAINTENANCE PERIOD, UNLESS NOTED OR ORDERED OTHERWISE. ALL SEDIMENT CONTROL DEVICES ARE TO BE FULLY MAINTAINED IN AN EFFECTIVE WORKING CONDITION DURING CONSTRUCTION AND DURING THE MAINTENANCE PERIOD. THE CONTRACTOR IS TO ENSURE THAT ALL SEDIMENT CONTROL DEVICES ARE KEPT FREE OF SEDIMENT BUILDUP.
 8. SEDIMENT FENCES ARE TO BE INSTALLED SUCH THAT THE BASE OF THE FENCE IS PLACED 200mm MINIMUM BELOW GROUND LEVEL, AND ANCHORED SECURELY IN SUCH POSITION.
 9. STOCKPILE SITES SHALL BE LOCATED ON SITE AS DIRECTED BY THE SUPERINTENDENT AFTER CONSULTATION AND AGREEMENT WITH COUNCIL. ENCLOSE ALL STOCKPILES WITH SILT FENCES AND COVER WITH VISQUEEN OR SIMILAR IN TIMES OF HIGH WIND FOR DUST CONTROL.
 10. ALL VEHICLES AND EQUIPMENT ENTRY/EXIT POINTS SHALL HAVE SHAKER GRIDS OR SIMILAR TO PREVENT VEHICLES FROM TRACKING ROE AND MUD OFF SITE LOCATION. DETAILS ETC SHALL BE SHOWN ON THE CONTRACTORS ESCP PLAN.
 11. ALL KERB INLETS (INCLUDING FIELD INLETS) SHALL HAVE SEDIMENT TRAPS IN ACCORDANCE WITH CONTRACTORS ESCP PLAN.
 12. THE FOLLOWING MEASURES SHALL BE UNDERTAKEN IMMEDIATELY UPON COMPLETION OF EACH SECTION OF EARTHWORKS:
 - ALL OTHER AREAS SHALL BE GRASS SEEDLED.
 - FOOTPATHS SHALL BE GRASS SEEDLED UPON COMPLETION OF FINAL TRIMMING AS REQUIRED BY THE CONTRACTORS ESCP.
 13. TURF STRIPS (400 WIDE) ARE TO BE PROVIDED ALONG THE INVERT OF THE TABLE DRAIN.
 14. REVEGETATION SHALL BE WATERED AND MAINTAINED UNTIL GROWTH IS ESTABLISHED.

Author Chartered Professional Engineer 47130
 Mr Craig B Waters
 110/101, 110/102, 110/103, 110/104
 475/50 WELLS AVE, MAREEBA QLD 4870
 Ph: 08 485 4333, 084 546 7934 Fax: 0845
 Signature: _____ Date: 27 / 09 / 2022
 Registration No: 123456789
 Registered as the National Professional Engineers Register
 in the area of Practice of Civil, Leadership & Management

NOTE:
 CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PREVENT INJURY OR DAMAGE TO ADJOINING PROPERTIES FROM ANY DEBRIS OR MATERIAL WHICH MAY BE DEPOSITED DURING THE CONSTRUCTION OF THE WORKS.

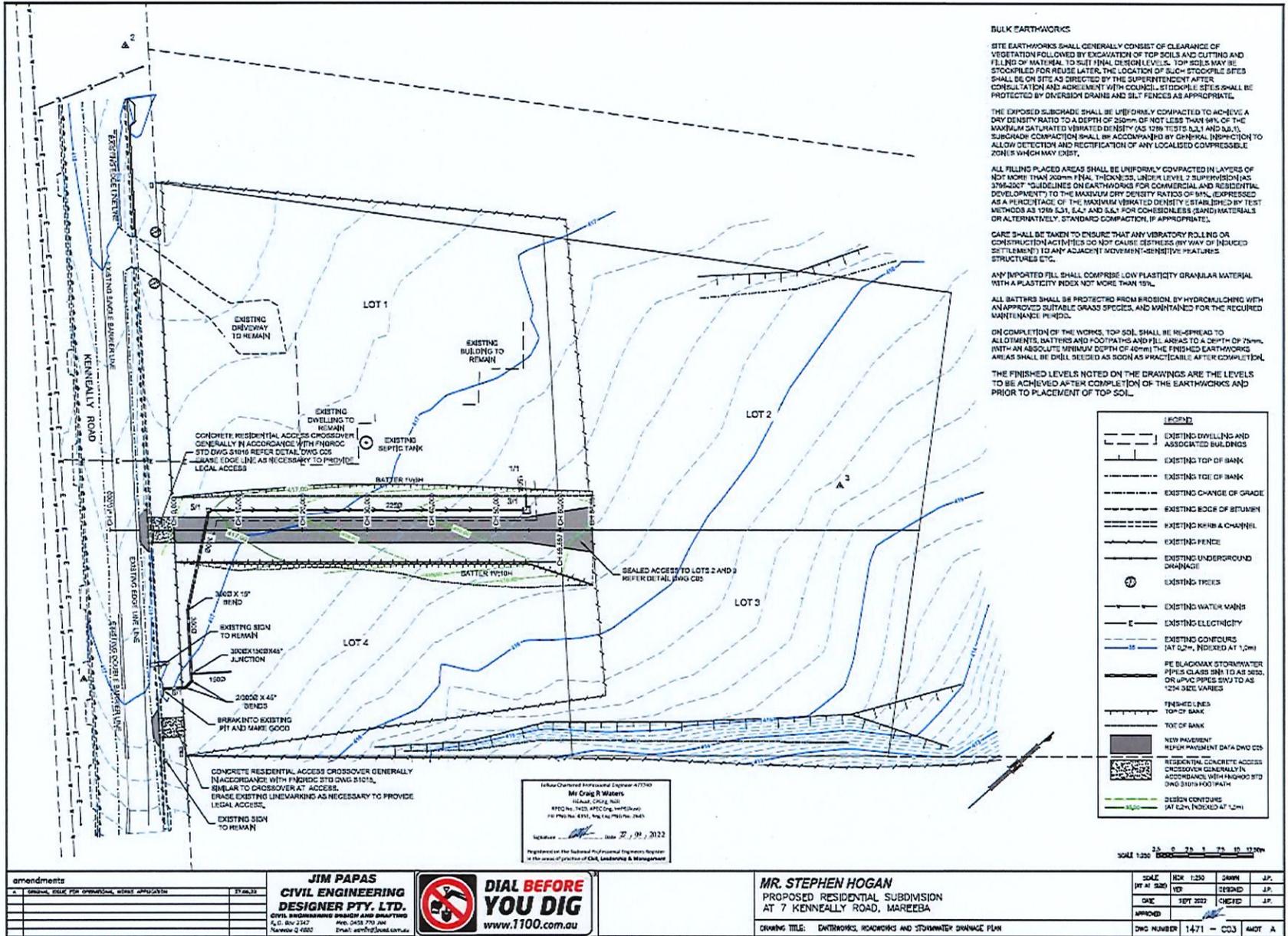
amendments	DATE
1. ORIGINAL ISSUE FOR APPROVAL, ASSET APPLICATION	27/09/22

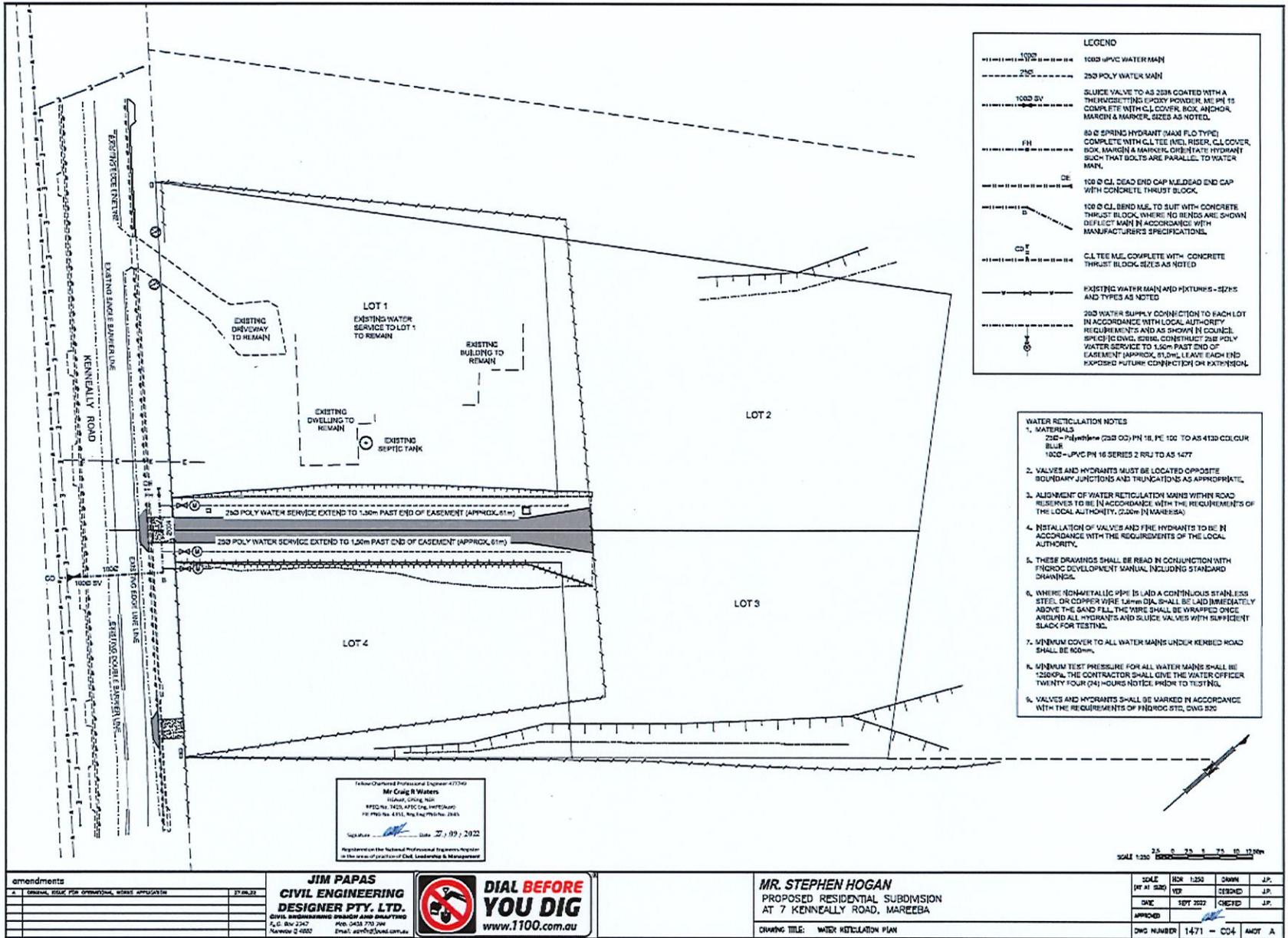
JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.
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 WELLS AVE, MAREEBA QLD 4870
 Ph: 08 485 4333 Fax: 084 546 7934
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MR. STEPHEN HOGAN
 PROPOSED RESIDENTIAL SUBDIVISION
 AT 7 KENNELLY ROAD, MAREEBA
 DRAWING TITLE: SOIL AND WATER MANAGEMENT STRATEGY

SCALE	REV	DATE	BY	CHKD	J.P.
SCALE 1:250	01	27/09/22	CHW	CHW	J.P.
DATE	27/09/22	CHKD	CHW	CHW	J.P.
APPROVED					
DWG NUMBER	1471 - C02	AMDT	A		





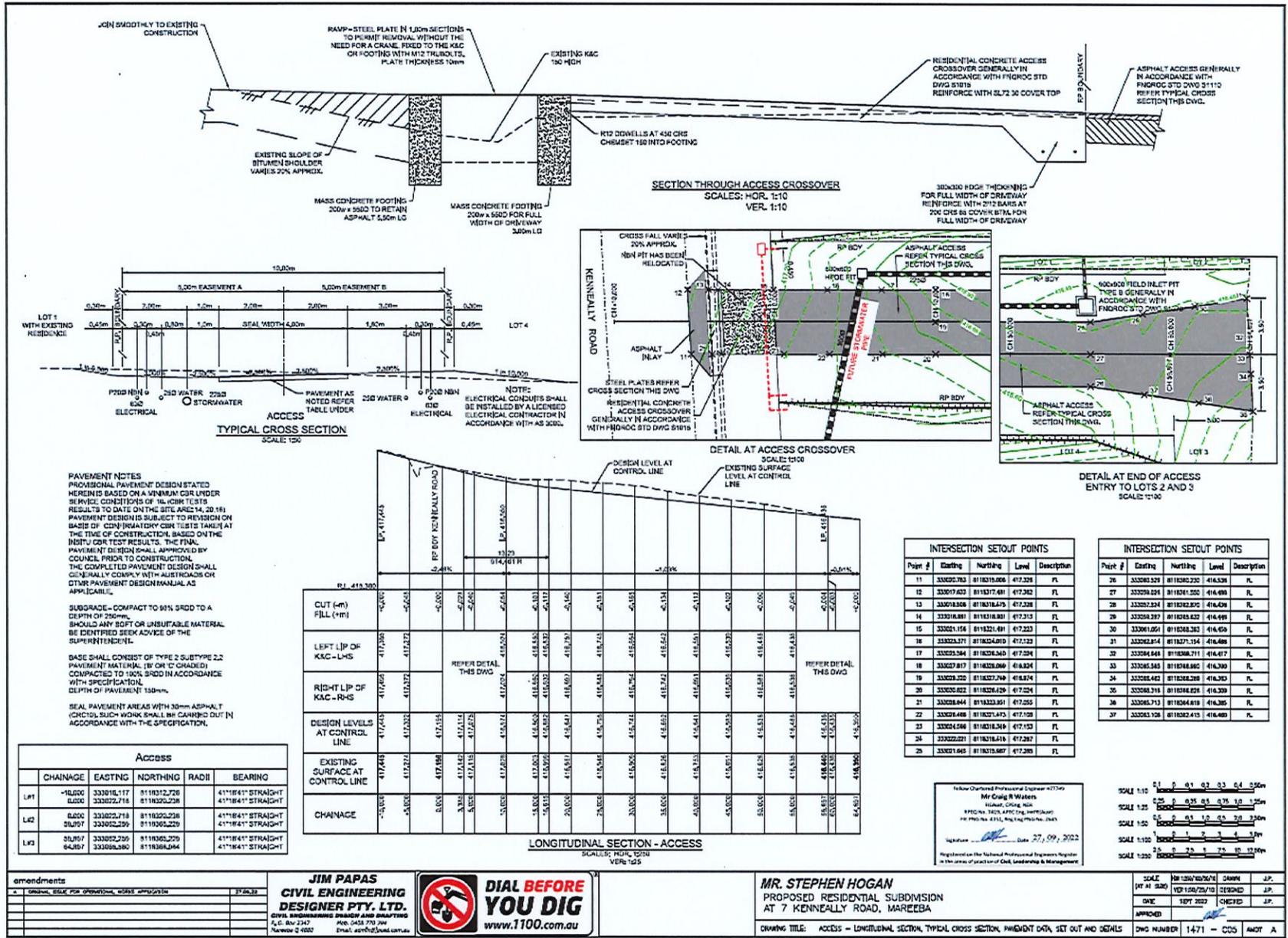
LEGEND

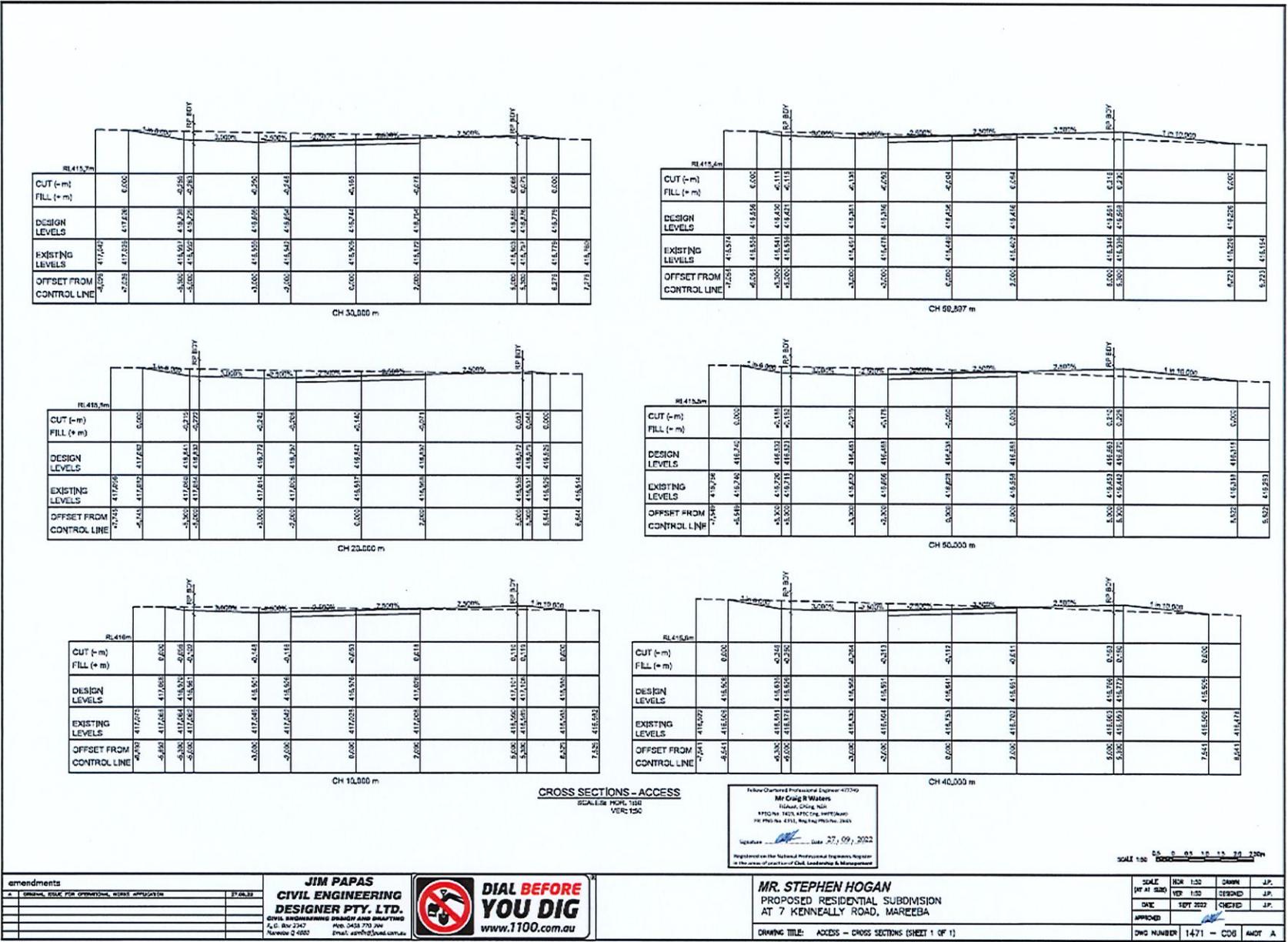
	1000 uPVC WATER MAIN
	250 POLY WATER MAIN
	SLUICE VALVE TO AS 250R COATED WITH A THE RESISTING EPOXY POWDER, MIPN IS COMPLETE WITH CL COVER, BOX ANCHOR, MARGIN & MARKER, SIZES AS NOTED.
	85 Ø SPRINGS HYDRANT (SHAK FLO TYPE) COMPLETE WITH GL TEE, INEL RISER, CL COVER, BOX, MARGIN & MARKER, ORIENTATE HYDRANT SUCH THAT BOLTS ARE PARALLEL TO WATER MAIN.
	100 Ø CL DEAD END CAP W/ DEAD END CAP WITH CONCRETE THRUST BLOCK.
	100 Ø CL BEND M.E. TO SUIT WITH CONCRETE THRUST BLOCK, WHERE NO BENDS ARE SHOWN DEFLECT MAIN IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
	CL TEE M.E. COMPLETE WITH CONCRETE THRUST BLOCK, SIZES AS NOTED.
	EXISTING WATER MAIN AND FITTINGS - SIZES AND TYPES AS NOTED.
	200 WATER SUPPLY CONNECTION TO EACH LOT IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS AND AS SHOWN IN COUNCIL SPECIFIC ENG. DESIG. CONSTRUCT 200 POLY WATER SERVICE TO 1.50m PAST END OF EASEMENT (APPROX. 61m), LEAVE EACH END EXPOSED FUTURE CONNECTION OR EXTENSION.

- WATER RETICULATION NOTES**
1. MATERIALS
250 - Polyethylene (250 OD) PN 16, PE 100 TO AS 4130 COLOUR BLUE
1000 - uPVC PN 16 SERIES 2 RRJ TO AS 1477
 2. VALVES AND HYDRANTS MUST BE LOCATED OPPOSITE BOUNDARY JUNCTIONS AND TRUNCATIONS AS APPROPRIATE.
 3. ALIGNMENT OF WATER RETICULATION MAINS WITHIN ROAD RESERVES TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL AUTHORITY, (250m IN MAREEBA).
 4. INSTALLATION OF VALVES AND FINE HYDRANTS TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL AUTHORITY.
 5. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH PNGROC DEVELOPMENT MANUAL INCLUDING STANDARD DRAWINGS.
 6. WHERE NONMETALLIC PIPE IS LAID A CONTINUOUS STAINLESS STEEL OR COPPER WIRE 1.5mm DIA. SHALL BE LAID IMMEDIATELY ABOVE THE SAND FILL, THE WIRE SHALL BE WRAPPED ONCE AROUND ALL HYDRANTS AND SLUICE VALVES WITH SUFFICIENT SLACK FOR TESTING.
 7. MINIMUM COVER TO ALL WATER MAINS UNDER KERBED ROAD SHALL BE 600mm.
 8. MINIMUM TEST PRESSURE FOR ALL WATER MAINS SHALL BE 1250kPa. THE CONTRACTOR SHALL GIVE THE WATER OFFICER TWENTY FOUR (24) HOURS NOTICE PRIOR TO TESTING.
 9. VALVES AND HYDRANTS SHALL BE MARKED IN ACCORDANCE WITH THE REQUIREMENTS OF PNGROC STD. DWG 820.

Fellow Chartered Professional Engineer 477349
Mr Craig R Walters
 Highway, Spring Hill
 4752 Tel: 4252, 4747 Fax: 4252
 PE Reg No: 4151, Eng Reg No: 2845
 Signature: _____ Date: 27 / 09 / 2022
 Registered on the National Professional Engineers Register
 in the area of Practice of Civil, Land and Management

amendments	
1	Original, 2024, P10, P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29, P30, P31, P32, P33, P34, P35, P36, P37, P38, P39, P40, P41, P42, P43, P44, P45, P46, P47, P48, P49, P50, P51, P52, P53, P54, P55, P56, P57, P58, P59, P60, P61, P62, P63, P64, P65, P66, P67, P68, P69, P70, P71, P72, P73, P74, P75, P76, P77, P78, P79, P80, P81, P82, P83, P84, P85, P86, P87, P88, P89, P90, P91, P92, P93, P94, P95, P96, P97, P98, P99, P100, P101, P102, P103, P104, P105, P106, P107, P108, P109, P110, P111, P112, P113, P114, P115, P116, P117, P118, P119, P120, P121, P122, P123, P124, P125, P126, P127, P128, P129, P130, P131, P132, P133, P134, P135, P136, P137, P138, P139, P140, P141, P142, P143, P144, P145, P146, P147, P148, P149, P150, P151, P152, P153, P154, P155, P156, P157, P158, P159, P160, P161, P162, P163, P164, P165, P166, P167, P168, P169, P170, P171, P172, P173, P174, P175, P176, P177, P178, P179, P180, P181, P182, P183, P184, P185, P186, P187, 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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 us 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.

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- (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.