



29 March 2023

Planning Officer: Carl Ewin  
Direct Phone: (07) 4086 4656  
Our Reference: MCU/23/0006  
Your Reference: 23000008

Justin L Smit TTE  
C/- Emergent Building Approvals  
PO Box 2784  
MAREEBA QLD 4880

Dear Applicants,

## **Decision Notice**

### ***Planning Act 2016***

I refer to your application and advise that on 29 March 2023 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:	MCU/23/0006
Street Address:	35 Rankin Street, Mareeba
Real Property Description:	Lot 1 on MPH3466
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use Dual Occupancy
Date of Decision:	29 March 2023

**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****(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. 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, 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.
  - 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.4 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.

3.5 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.6 Waste Management

On site refuse storage areas must be provided and be screened from view from adjoining properties, road reserve and the shared access driveway by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.7 Letterbox

Each unit is to be provided with an individual letter box.

3.8 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and road reserve.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of the Baxter Street pavement to the property boundary of the subject lot) to service the two units in accordance with FNQROC Development Manual Standards, to the satisfaction of Council's delegated officer.

The applicant/developer is to make a single application for driveway access onto a Council road. The application is to be accompanied by the relevant fee

and will be required to certify or be assessed for compliance by Council's delegated officer.

#### 4.2 Stormwater Drainage/Water Quality

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

4.2.2 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.2.3 A stormwater pit/s must be installed in the north-east corner of the allotment adjacent the retaining walls to capture building/roof stormwater and overland flow. Stormwater captured in the pit must be discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with 2 undercover car parking spaces (1 per unit) and 1 visitor parking space (covered or uncovered), which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

#### 4.4 Retaining Walls

4.4.1 Retaining walls must be installed along the eastern and northern property boundaries at a height necessary to ensure that the areas of private open space on the northern and eastern sides of the units remain usable and maintainable. The areas of private open space between the edge of the building and the retaining wall/boundary must not exceed a slope greater than 5%.

Advice should be sought from the consulting engineer or building certifier as to whether a separate building approval is required for the retaining walls.

4.4.2 A retaining wall must be installed along the northern boundary at the western end of the property where the land has been cut away to ensure no subsidence impact to the northern adjoining allotment, to the satisfaction of Council's delegated officer.

Alternatively, the cut-out should be backfilled and properly compacted with the finished batter not exceeding a slope of 1 in 4, and the batter



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grassed or landscaped to mitigate any erosion concern, to the satisfaction of Council's delegated officer.

#### 4.5 Landscaping & Fencing

4.5.1 Landscaping on must be carried out on-site generally in accordance with that shown on the submitted landscape plan, to the satisfaction of Council's delegated officer. Landscaping must be mulched, irrigated and maintained for the life of the development.

4.5.2 Prior to the commencement of the use, solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fencing (of neutral colour) is to be erected along the entire length of the site's northern and eastern boundaries, and between the party wall and northern boundary of the site to separate each unit's area of private open space. Where the retaining wall exists, the fencing must be installed on top of the retaining wall.

The abovementioned fencing is to be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.6 Lighting

Where outdoor 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.

#### 4.7 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade 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 in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Each unit is required to be **separately metered**.

#### 4.8 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 or upgrade 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

Not Applicable.

#### APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet No. 5	Site/Landscape Plan	Comaray Pty Ltd	3/03/2023
Sheet No. 6	Dimensional Plan	Comaray Pty Ltd	3/03/2023
Sheet No. 13	Elevations Set	Comaray Pty Ltd	13/09/2022
Sheet No. 14	Elevations Set	Comaray Pty Ltd	13/09/2022

#### ADVISORY NOTES

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

##### (D) ASSESSMENT MANAGER'S ADVICE

##### (a) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be



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determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(b) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(c) 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.

(d) 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.

(e) 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.dcceew.gov.au](http://www.dcceew.gov.au).

(f) 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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

<b>PROPERTY NOTES</b>
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Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

**SUBMISSIONS**

Not Applicable.

**RIGHTS OF APPEAL**

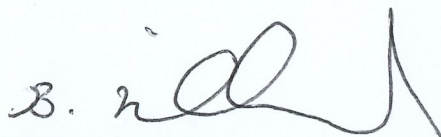
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc: Approved Plans/Documents  
Appeal Rights





5° PITCHED ROOF

DIMENSIONAL PLAN:- 1:100

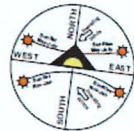
C1 CYCLONE RATING

**GENERAL NOTES:**

- \*PROVIDE REMOVABLE HINGES TO WC. DOORS THAT OPEN INTERNALLY.
- \*PROVIDE SLIP AND TRIP RESISTANT FINISH TO ALL FLOOR AND PAVEMENT SURFACES TO PREVENT FALLS
- \*SEAL ALL SPACES TO PREVENT THE ENTRY OF VERMIN
- \*PROVIDE STEPS WHERE STEP DOWNS ARE GREATER THAN 190mm. STEPS TO COMPLY WITH BCA CLAUSE 3.9.1
- \*KITCHEN LAYOUT IS INDICATIVE ONLY AND SHOULD BE CONFIRMED WITH RELEVANT CONTRACTORS

**SMOKE DETECTORS:**

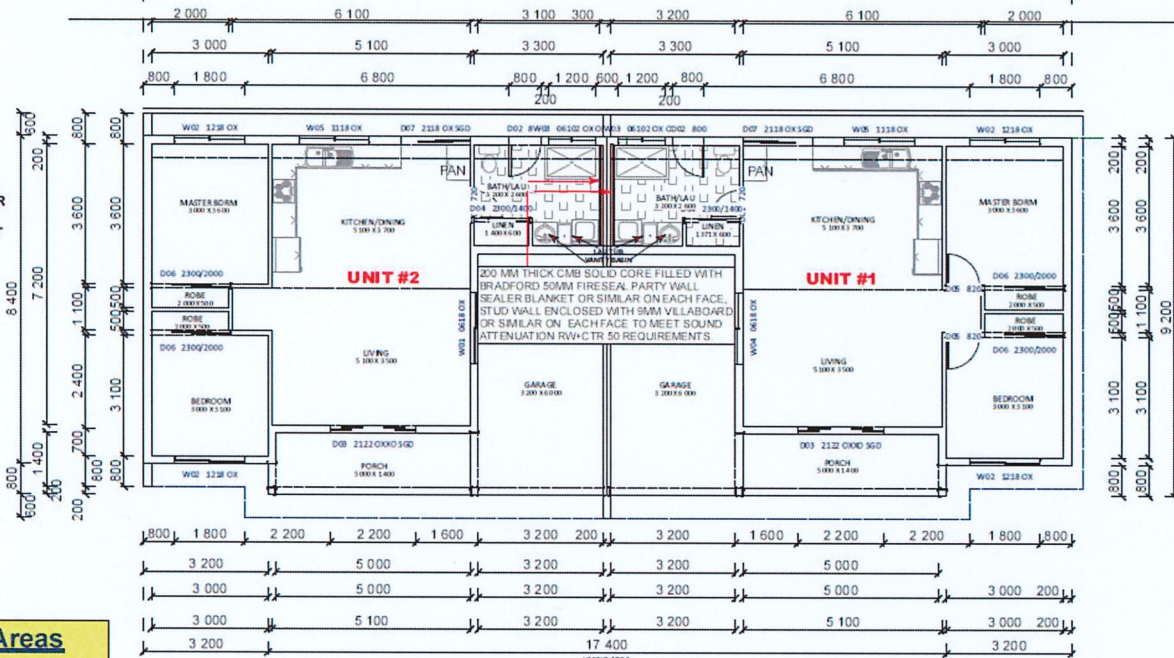
SMOKE DETECTORS NEED TO COMPLY TO AS 3786 IN BOTH DESIGN AND MANUFACTURE AND IN THEIR INSTALLATION. THEY ARE REQUIRED TO BE CONNECTED TO THE MAIN ELECTRICITY SUPPLY. IT IS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT THE CORRECT TYPE IS INSTALLED AND CERTIFIED, AND THAT THE LOCATION CONFORMS TO THE BUILDING CODE.



WINDOW SCHEDULE		
NUMBER	QTY	LABEL
W01	1	W01 0618 OX
W02	4	W02 1218 OX
W03	2	W03 06102 OX OBS
W04	1	W04 0618 OX
W05	1	W05 06102 OX OBS
NUMBER	QTY	LABEL
D01	2	D01 720
D02	2	D02 800
D03	2	D03 2122 OXXO SGD
D04	2	D04 2300/1400
D05	2	D05 820
D06	4	D06 2300/2000
D07	2	D07 2118 OX SGD

Approx Areas	
Each Unit	
Living Area -	77.33 m <sup>2</sup>
Patio/Porch Area -	8.50 m <sup>2</sup>
Garage Area -	21.12 m <sup>2</sup>
ALL UNITS	
Total Slab Area -	214.32 m <sup>2</sup>
Total Under Roof -	246.24 m <sup>2</sup>

**UNITS 1 AND 2**



**CERTIFIED AS STRUCTURALLY ADEQUATE**

**KFB Engineers** Civil & Structural  
 150-43 Peace St, Cairns | PO Box 937, Cairns Q 4870  
 Ph 97 4322462 | Fx 07 46329332 | E kfb@kfbengineers.com.au

Date: 3/0/23 Sign: [Signature]  
 Job No: K-10750 RPEQ No: 5711

DIMENSIONAL PLAN

1:100

**Comarav Pty Ltd**  
 Builder: Comarav Pty Ltd  
 Licence Add: 200 EMERALD END ROAD  
 MAREEBA QLD 4880  
 QBCC No: 1061535  
 Document Set ID: 4204224440  
 Version: 1 Version Date: 21/03/2023

I / We have inspected these plans for my / our proposed dwelling and am / are satisfied they are true and accurate as per the quotation, finishing schedule and building agreement that I / we previously signed for the home.

I / We understand that a refrigerator and washing machine are generally illustrated on the plan to demonstrate space usage and in some instances other items to be "owner supplied" are illustrated.

I / We understand that unless included in the Quotation / Finishing Schedule or added by variation such items are not included in the building agreement.

PROJECT:	Lot 1 on RP03466 No.35 Rankin St Mareeba 4880 QLD
FOR:	JUSTIN SMIT

CLIENT 1 SIGNATURE	DATE
CLIENT 2 SIGNATURE	DATE

SHEET SIZE: A3	SCALE: AS NOTED
DRAWN: SHANE FRANKLIN	
DATE: 3/03/2023	SHEET No: 6
JOB No: C1	

29/3/2023  
B. n. d.



**5° PITCHED ROOF**

**ELEVATIONS: - 1:100**

**C1 CYCLONE RATING**

NOTE:  
LOCATIONS OF METER BOX, HOSE TAPS, GAS BOTTLE/  
METER, HWS, A/C COMPRESSORS TO BE DETERMINED  
ON-SITE

**ELEVATION 1.**

WALL HEIGHT  
DOOR / WINDOW HEAD  
MAIN FLOOR LEVEL  
GROUND LINE  
200 CAB TEXTURE COAT  
PAINT FINISH  
NO EAVE  
FIBRES CEMENT SHEETING FILL ON GABLE  
COLORBOND CUSTOM ORB  
ROOF SHEETING

**ELEVATION 2.**

FIBRES CEMENT SHEETING FILL ON GABLE  
WALL HEIGHT  
OPENING HEAD HEIGHT  
DOOR / WINDOW HEAD  
200 CAB TEXTURE COAT  
PAINT FINISH  
3° PITCH  
COLORBOND CORRUGATED  
SPANDEK ROOFING PROFILE  
COLORBOND FASCIA & GUTTER

BATTENS MUST BE SPACED IN ACCORDANCE WITH  
MANUFACTURERS SPECIFICATIONS FOR C1 WIND RATING  
APPLICABLE TO ENTIRE PERIMETER FOR C1.  
ENDS AND FRONT OF ROOF TRUSSES TO BE FIBRES CEMENT  
SHEETING FROM EAVE TO BLOCKWORK

**Builder:** Comarav Pty Ltd  
**200 EMERALD RD ROAD  
MAREEBA QLD 4880**

**License No:** 13092022  
**Document Set ID:** 4208234  
**Version:** 1  
**Version Date:** 24/09/2022

I/We have inspected these plans for my / our proposed building and am / are satisfied they are true and accurate as per the question, finishing schedule and building agreement that I / we previously signed for the home.  
I/We understand that a refrigerator and washing machine are generally included in the plan to demonstrate space usage and in some instances other items to be "covered" are illustrated.  
I/We understand that unless included in the Queensland Finishing Schedule or added by variation such items are not included in the building agreement.

**PROJECT:**  
Lot 1 on RP03466  
No.35 Rankin St  
Mareeba  
4880 QLD

**CLIENT 1 SIGNATURE:**  
FOR: JUSTIN SMIT

DATE	SHEET SIZE:	SCALE:
	A3	AS NOTED

DATE	DRAWN:	SHEET NO.:
13/09/2022	SHANE FRANKLIN	13

**ELEVATIONS SET**

1:100

**CERTIFIED AS  
STRUCTURALLY ADEQUATE**

**KFB Engineers**  
Chris Franklyn  
10441 Sharn St, Colton | PO Box 107 | Colton QLD 4873  
Tel: 07 4071 1277 | Email: info@kfbengineers.com.au

Date: 09/09/23  
K-10720  
Job No: R/F C1 No. 5711

29/8/2023  
S. Will

5° PITCHED ROOF

ELEVATIONS:- 1:100

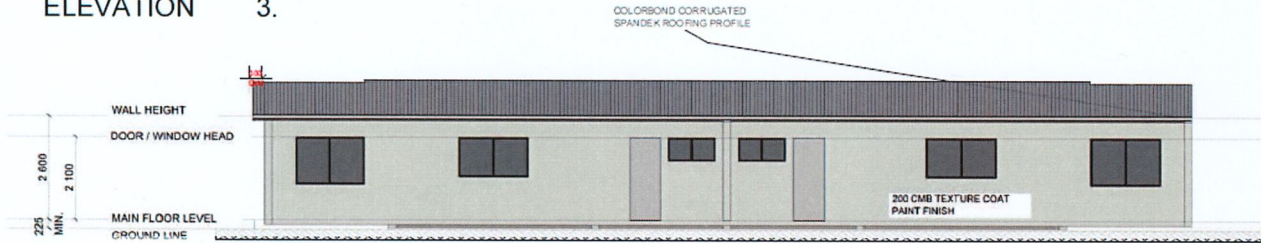
C1 CYCLONE RATING

NOTE:  
LOCATIONS OF METER BOX, HOSE TAPS, GAS BOTTLE/  
METER, HWS, A/C COMPRESSORS TO BE DETERMINED  
ON-SITE

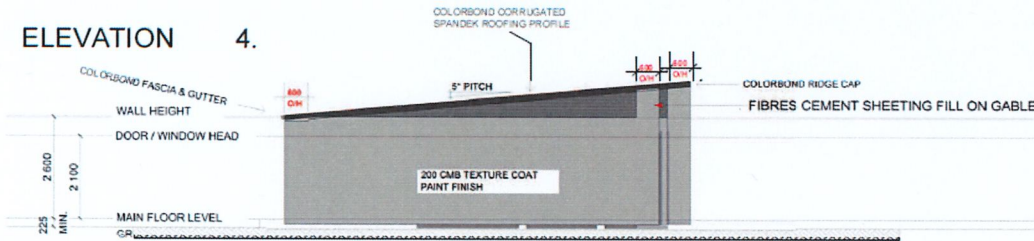
BATTENS MUST BE SPACED IN ACCORDANCE WITH  
MANUFACTURERS SPECIFICATIONS FOR C1 WIND RATING,  
APPLICABLE TO ENTIRE PERIMETER FOR C1.

ENDS AND FRONT OF ROOF TRUSSES TO BE FIBRES CEMENT  
SHEETING FROM EAVE TO BLOCKWORK.

ELEVATION 3.



ELEVATION 4.



**CERTIFIED AS STRUCTURALLY ADEQUATE**

**KFB Engineers** CMB & Structural  
 1/20-42 Pines St, Cairns | PG Box 927, Cairns Q 4870  
 P 07 49321482 | F 07 49321982 | E info@kfbengineers.com.au

Date: 9/3/23 Sign: [Signature]  
 Job No: K-10750 RPEQ No: 5711

ELEVATIONS SET

1:100

29/3/2023  
B. n. d.

**Comarav Pty Ltd**  
 Builder: Comarav Pty Ltd  
 Licence Add: 200 EMERALD END ROAD  
 MAREEBA QLD 4880  
 1961533  
 0800 00 4444  
 4261424 4444  
 Version: 1 Version Date: 21/03/2023

I / We have inspected these plans for my / our proposed dwelling and am / am satisfied they are true and accurate as per the quotation, finishing schedule and building agreement that I / we previously signed for the home.

I / We understand that a refrigerator and washing machine are generally illustrated on the plan to demonstrate space usage and in some instances other items to be "owner supplied" are illustrated.

I / We understand that unless included in the Quotation / Finishing Schedule or added by variation such items are not included in the building agreement.

PROJECT-	Lot 1 on RP03466 No.35 Rankin St Mareeba 4880 QLD
FOR-	JUSTIN SMIT

CLIENT 1 SIGNATURE	DATE
CLIENT 2 SIGNATURE	DATE

SHEET SIZE: A3	SCALE: AS NOTED
DRAWN: SHANE FRANKLIN	
DATE: 13/09/2022	SHEET No: 14
JOB No: C1	



## 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.

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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.