



16 August 2023

Senior Planner: Carl Ewin  
Direct Phone: 07 4086 4656  
Our Reference: MCU/23/0008  
Your Reference: AU006695

Anton Demolitions Pty Ltd  
C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 16 August 2023, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: MCU/23/0008  
Street Address: 3278 Mulligan Highway, Mount Molloy  
Real Property Description: Lot 3 on SP327589  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use  
Low Impact Industry (Transported and Transportable Buildings and Structures Storage)  
Date of Decision: 16 August 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 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 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.
  - 3.2 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.
  - 3.3 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 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

### 3.5 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No operations are permitted on Sundays or Public Holidays.

### 3.6 Storage of Structures

3.6.1 No structure stored within the approved Transported and Transportable Buildings and Structures Storage yard is to be occupied at any time the structure is stored on site.

3.6.2 No structure is to be stored within the approved Transported and Transportable Buildings and Structures Storage yard for more than two (2) years, unless otherwise agreed in writing by Council's delegated officer.

3.6.3 The applicant/developer must ensure that all structures and items stored within the approved transported and transportable buildings and structures storage yard are secured to prevent any structure, item or part thereof leaving the storage yard during high wind events.

## 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 collected from the site must be discharged to an approved legal point of discharge.

### 4.2 Screen Fencing

A minimum 1.8 metre high Colorbond (neutral colour) solid screen fence to the extent indicated on Plan *MCU/23/0008 – Screen Fencing Plan* must be maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

### 4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

### 4.4 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces, and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

### 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		
<p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p>	<p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4</p>	<p>State Assessment &amp; Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dsdilgp.qld.gov.au">CairnsSARA@dsdilgp.qld.gov.au</a></p>
Material change of use that is assessable development under a local categorising instrument (clearing native vegetation)		
<p>Development application for a material change of use that is assessable development under a local categorising instrument and relates to a lot that is 5ha or larger, if—</p> <p>(a) the application—</p> <p>(i) is for a preliminary approval that includes a variation request; and</p> <p>(ii) relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; and</p> <p>(iii) is for a material change of use, other than a non-referable material change of use; or</p> <p>(b) the application is not stated in</p>	<p>Schedule 10, Part 3, Division 4, Table 3</p>	<p>State Assessment &amp; Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dsdilgp.qld.gov.au">CairnsSARA@dsdilgp.qld.gov.au</a></p>

<p>paragraph (a) and all of the following apply—</p> <ul style="list-style-type: none"> <li>(i) the material change of use does not involve prescribed clearing;</li> <li>(ii) accepted operational work may be carried out because of the material change of use, or the material change of use involves operational work that is assessable development under section 5;</li> <li>(iii) the accepted operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land, land the subject of an occupation licence under the Land Act, or land the subject of a lease given under the Land Act for agriculture or grazing purposes</li> </ul>		
<p><b>Material change of use of premises near a substation site of subject to an easement (advice agency only)</b></p>		
<p>Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if—</p> <ul style="list-style-type: none"> <li>(a) all or part of the premises are within 100m of a substation site; or</li> <li>(b) both of the following apply— <ul style="list-style-type: none"> <li>(i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act;</li> <li>(ii) the easement is for a transmission grid or supply network</li> </ul> </li> </ul>	<p>Schedule 10, Part 9, Division 2, Table 2</p>	<p>Town Planning Ergon Energy PO Box 264 Fortitude Valley Qld 4006</p> <p><a href="mailto:townplanning@ergon.com.au">townplanning@ergon.com.au</a></p>

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
AU006995-1A	Proposed Low Impact Industry (Transported and Transportable Buildings and Structures Storage)	RPS Australia East Pty Ltd	21/11/2022
-	MCU/23/0008 – Screen Fencing Plan	Mareeba Shire Council	26/07/2023

**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) 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.

**(b) 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.

**(c) 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).

**(d) 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).

**PROPERTY NOTES**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Not Applicable.

**SUBMISSIONS**

Nil.

**RIGHTS OF APPEAL**

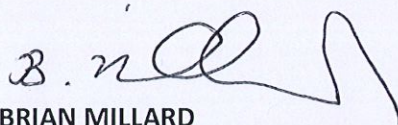
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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.

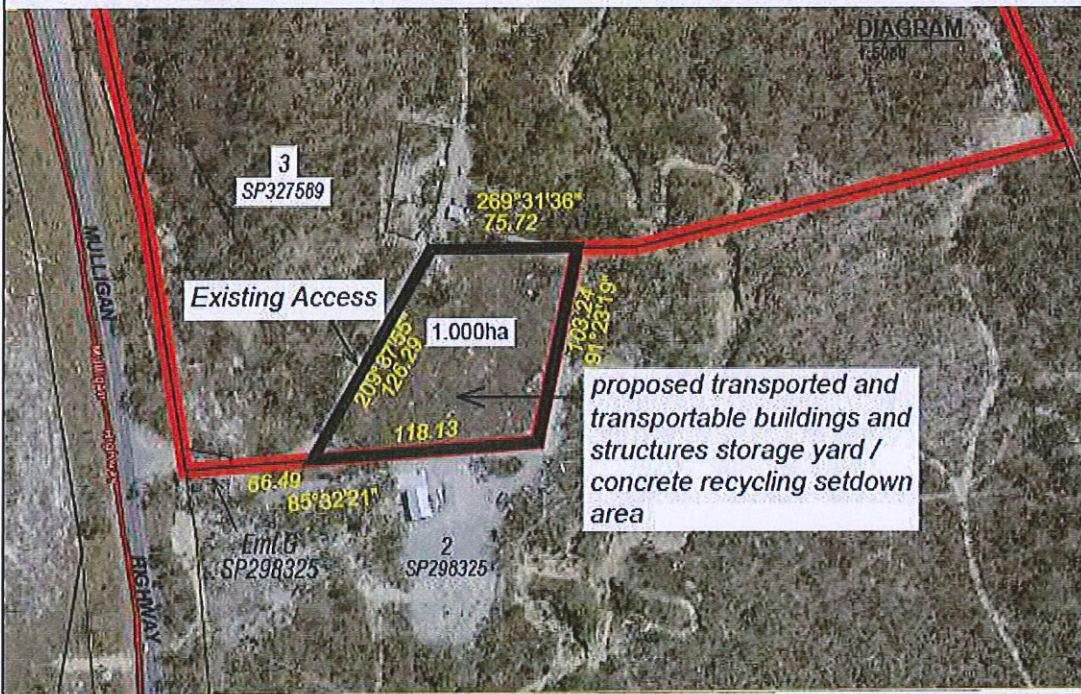
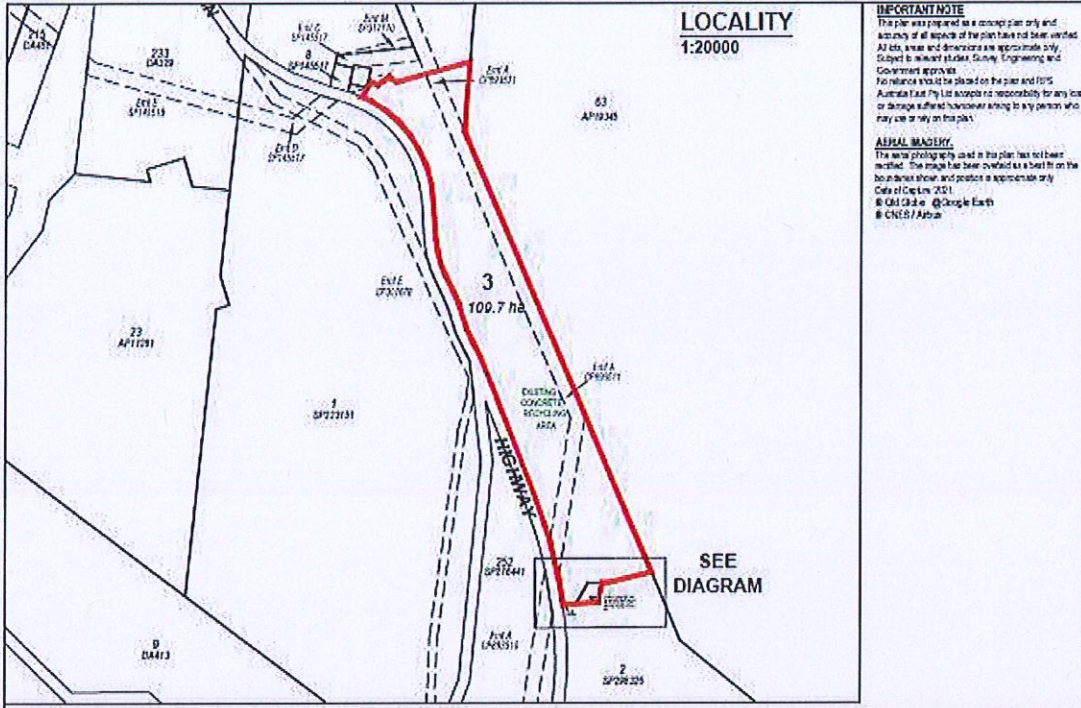
Yours faithfully



**BRIAN MILLARD**  
**COORDINATOR PLANNING SERVICES**

Enc: Approved Plans/Documents  
Referral Agency Response  
Appeal Rights

Approved Plans/Documents



**PROPOSED Low Impact Industry (Transported and Transportable Buildings and Structures storage)**  
Lot 3 SP327589 Mt Molloy

RPS Australia Ltd Pty Ltd  
ACN 142 252 762  
135 Abbots St  
PO Box 19418  
CAULFIELD VIC 3148  
T +61 3 4331 1336  
F +61 3 4331 2943  
W rps.com.au

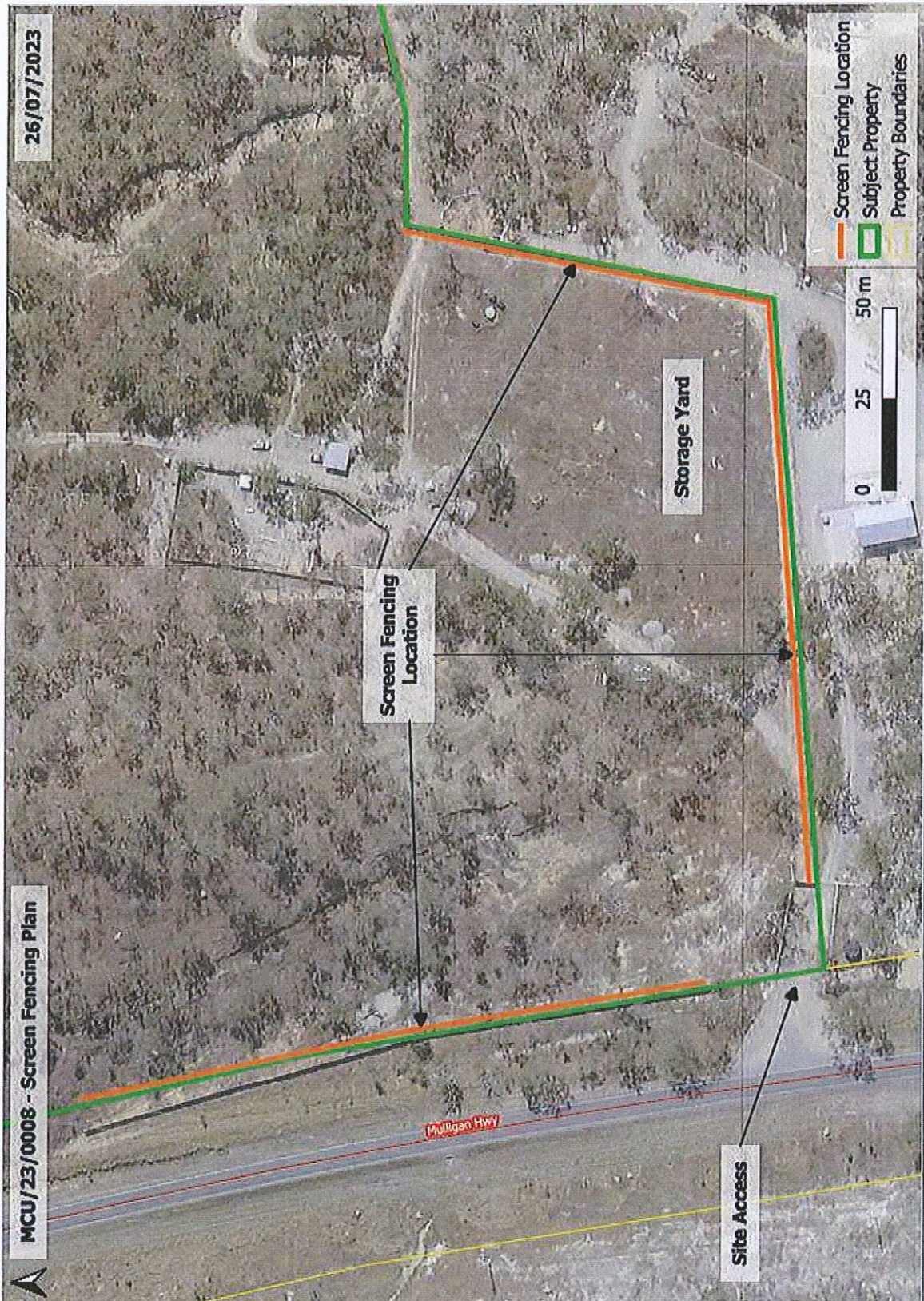
**RPS**

Datum: MGA2020 Z55 | Scale: 1:2,000 @ A3 | Date: 21-11-2022 | Drawing: AUJ06995-1A

Version: 1, Version Date: 21/04/2023

16/8/2023  
B. Will





16/8/2023  
B. Will

	<b>Referral Agency Response</b>
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RA6-N



SARA reference: 2305-34577 SRA  
 Council reference: MCU/23/0008  
 Applicant reference: AU006995

27 June 2023

Chief Executive Officer  
 Mareeba Shire Council  
 PO Box 154  
 MAREEBA QLD 4880  
 info@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

### **SARA response – Low Impact Industry at 3278 Mulligan Highway, Mount Molloy**

*(Referral agency response given under section 58 of the Planning Act 2016)*

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 17 May 2023.

#### **Response**

Outcome:	Referral agency response – with conditions.
Date of response:	27 June 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2.
Reasons:	The reasons for the referral agency response are in Attachment 3.

#### **Development details**

Description:	Development permit	Material change of use for low impact industry (transported and transportable buildings and structures storage)
SARA role:	Referral Agency	

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

2305-34577 SRA

**SARA triggers:** **Schedule 10, Part 3, Division 4, Table 3 (Planning Regulation 2017)**  
– Material change of use of premises involving clearing native vegetation  
**Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)** – Material change of use of premises near a state transport corridor

**SARA reference:** 2305-34577 SRA  
**Assessment Manager:** Mareeba Shire Council  
**Street address:** 3278 Mulligan Highway, Mount Molloy  
**Real property description:** Lot 3 on SP327589  
**Applicant name:** Anton Demolitions Pty Ltd  
**Applicant contact details:** C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870  
patrick.clifton@rpsgroup.com.au

**State-controlled road access permit:** This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR23-039298 (500-1140)
- Date: 12 June 2023

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [Far.North.Queensland.IDAS@tmr.qld.gov.au](mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au).

**Human Rights Act 2019 considerations:**

A consideration of the 23 fundamental human rights protected under the Human Right Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

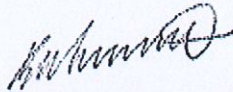
An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in Attachment 4.

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

2305-34577 SRA

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dSDLGP.qld.gov.au who will be pleased to assist.

Yours sincerely



**Brett Nancarrow**  
Manager (Planning)

cc Anton Demolitions Pty Ltd C/- Patrick Clifton, patrick.clifton@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

2305-34577 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) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources 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:		
1.	<p>Clearing of vegetation must:</p> <p>(a) only occur within Area A (A1-A2) as shown on the attached:</p> <p style="padding-left: 40px;">(i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2305-34577 SRA, Sheet 1, version 1; and</p> <p style="padding-left: 40px;">(ii) Vegetation Management Plan VMP 2305-34577 SRA Derived Reference Points for GPS;</p> <p>(b) not exceed 0.82 hectares, subject to (c) included in this referral agency response.</p> <p>(c) only occur for the relevant infrastructure activity approved under the <i>Vegetation Management Act 1999</i> section 22A Relevant Purpose Determination, which was the construction of necessary built infrastructure being the construction of a gravel hardstand area.</p>	At all times.
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – State-controlled road — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department on 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 conditions:		
2.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plans 1 - 2 (34A – 32.78km), prepared by Queensland Government Transport and Main Roads, dated 12/06/2023, Reference TMR23-39298 (500-1140), Issue A.</p> <p>(b) Road access works comprising of a sealed 'Type B' rural property access must be provided at the southern road access location identified by TMR Layout Plan 2 (34A – 32.78km).</p> <p>(c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads' Standard Rural Property Access Drawing, Sheets 1 &amp; 2, Drawing No. 1807, Type B – Rural Property Access, dated 11/2021, and Revision B.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>

2305-34577 SRA

**Attachment 2—Advice to the applicant**

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.
Further development permits required	
2.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works.</p> <p>Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>

2305-34577 SRA

**Attachment 3—Reasons for referral agency response**

(Given under section 58(7) of the *Planning Act 2016*)

**The reasons for the SARA decision are:**

- The proposed development is unlikely to compromise the safety, function, and efficiency of the Mulligan Highway, a state-controlled road.
- The Mulligan Highway is not a limited access road.
- Stormwater and drainage flows are discharged naturally on-site and it is unlikely that stormwater and drainage flows will directly impact the state-controlled road.
- The proposed application does not include noise sensitive development.
- Sufficient vegetation will be retained to maintain connectivity and ecological processes on the premises as well as in the surrounding landscape.
- The vegetation on the subject lot is mapped as containing a least concern regional ecosystem. There are no endangered or of concern regional ecosystems upon the site requiring clearing.
- The subject lot contains no essential habitat.
- SARA has carried out an assessment of the development application against State Code 1: Development in a state-controlled road environment and State Code 16: Native vegetation clearing and has found that with conditions, the proposed development complies with relevant performance outcomes.

**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 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

2305-34577 SRA

**Attachment 4—Representations provisions**

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2305-34577 SRA

**Attachment 5—Approved plans and specifications**

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## 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 Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.

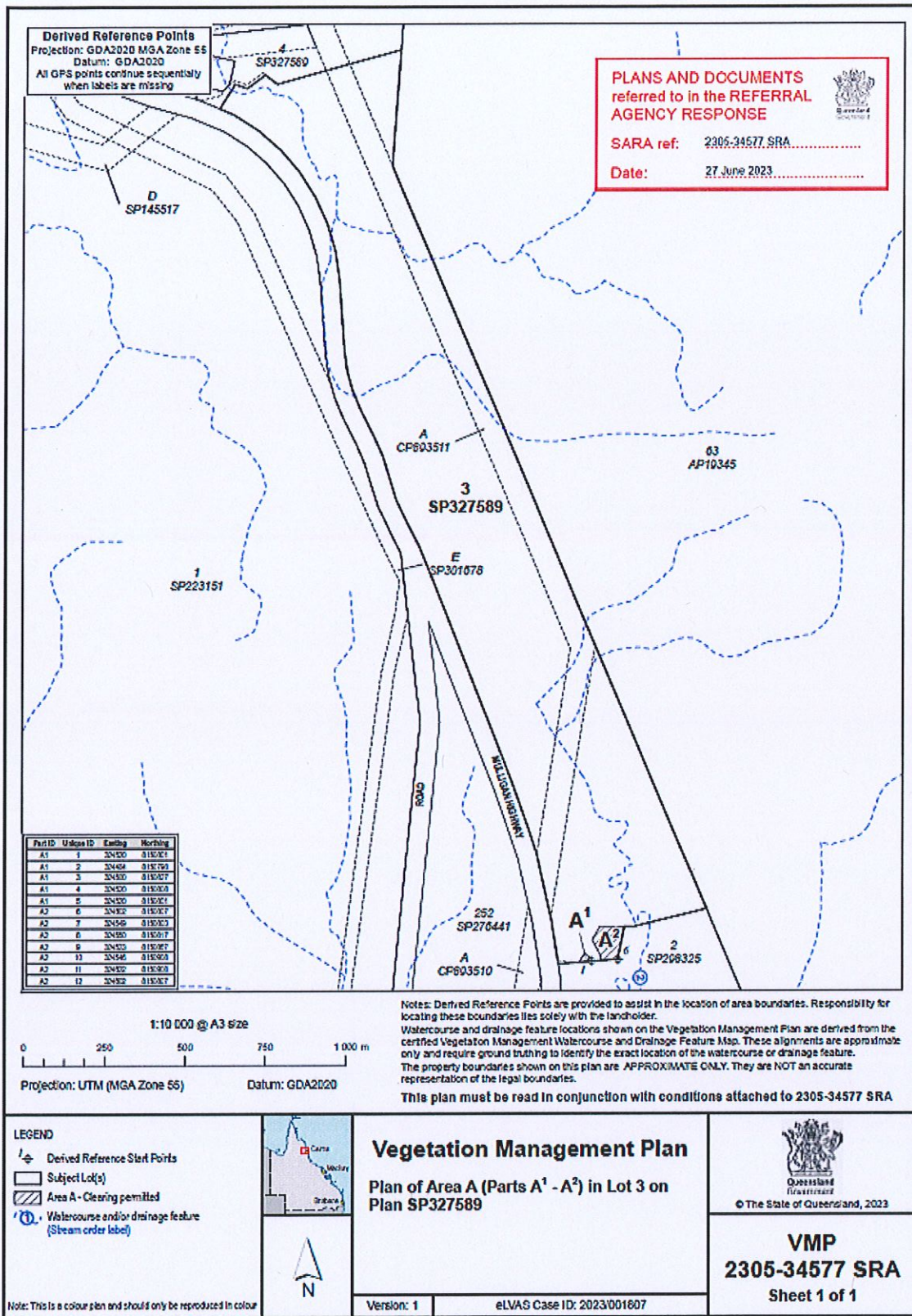
## Part 7: Miscellaneous

### 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.<sup>3</sup>

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<sup>3</sup> 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.