



13 April 2018

Lakeland Wind Farm Pty Ltd  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Senior Planner: Brian Millard  
Direct Phone: 4086 4657  
Our Reference: BM:nj  
Your Reference: PR136031

Dear Sir/Madam

## **Decision Notice**

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

I refer to your application and advise that on 11 April 2018 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:	RAL/17/0012
Street Address:	421 Wetherby Road, Mount Molloy
Real Property Description:	Lot 427 SP 287159
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision:	Approval
Type of Approval:	Development Permit for Reconfiguring a Lot – Subdivision (1 into 2 Lots)
Date of Decision:	11 April 2018

#### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

**INFRASTRUCTURE**

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

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

1. Development must be carried out 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 endorsement of the plan of survey, 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 or the payment of infrastructure charges/contributions contained within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced

where required by the relevant authority, unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Bushfire Management

A Bushfire Management Plan must be prepared for proposed Lot 1 to the satisfaction of Council's delegated officer. The future use of proposed Lot 1 must comply with the requirements of the Bushfire Management Plan at all times.

3.9 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.10 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

4.1 Access - Proposed Lot 1

An access road must be constructed within proposed Easement B from the Mulligan Highway to the boundary of Lot 1, to a gravel all-weather standard, to the satisfaction of Council's delegated officer.



**REFERRAL AGENCIES**

The referral agencies applicable to this application are:

Reconfiguring a lot that is assessable development under s 21		
<p>Development application for reconfiguring a lot that is assessable development under section 21, if—</p> <p>(a) a lot that the application relates to is 5ha or larger; and</p> <p>(b) the size of any lot created is 25ha or less; and</p> <p>(c) either—</p> <p>(i) the reconfiguration involves operational work that is assessable development under section 5, other than operational work that is only the clearing of regulated regrowth vegetation; Or</p> <p>(ii) on any lot created, accepted operational work, other than operational work that is only the clearing of regulated regrowth vegetation, may be carried out</p>	Schedule 10, Part 3, Division 4, Table 2	<p>State Assessment &amp; Referral Agency (SARA) Department of Infrastructure, Local Government &amp; Planning PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dilgp.qld.gov.au">CairnsSARA@dilgp.qld.gov.au</a></p>
Reconfiguring a lot near a State transport corridor		
<p>Development application for reconfiguring a lot that is assessable development under section 21, if—</p> <p>(a) all or part of the premises are within 25m of a State transport corridor; and</p> <p>(b) 1 or more of the following apply—</p> <p>(i) the total number of lots is increased;</p> <p>(ii) the total number of lots adjacent to the State transport corridor is increased;</p>	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1	<p>State Assessment &amp; Referral Agency (SARA) Department of Infrastructure, Local Government &amp; Planning PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dilgp.qld.gov.au">CairnsSARA@dilgp.qld.gov.au</a></p>



<p>(iii) there is a new or changed access between the premises and the State transport corridor;</p> <p>(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</p> <p>(c) the reconfiguration does not relate to government supported transport infrastructure</p>		
<b>Reconfiguring a lot subject to an easement of near a substation site</b>		
<p>Development application for reconfiguring a lot that is assessable development under section 21, if—</p> <p>(a) all or part of the lot is subject to an easement—</p> <p>(i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and</p> <p>(ii) for a transmission grid or supply network; or</p> <p>(b) part of the lot is within 100m of a substation site</p>	<p>Schedule 10, Part 9, Division 2, Table 1</p>	<p>Principal Town Planner Ergon Energy E: <a href="mailto:townplanning@ergon.com.au">townplanning@ergon.com.au</a></p> <p>(Please note: Ergon Energy prefer an electronic referral. The referral inquiry form can be downloaded from the website: <a href="http://www.ergon.com.au/community-and-our-network/network-management/referral-agency?a=102444">http://www.ergon.com.au/community-and-our-network/network-management/referral-agency?a=102444</a> For enquiries please telephone: 38516530)</p> <p><b>Note: Ergon Energy as a referral agency may give advice only.</b></p>

A copy of any referral agency conditions is attached.

#### APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
SP301680	Plan of Lots 1 & 4 and Emt B in Lot 4	RPS Australia East Pty Ltd	-

#### REFERENCED DOCUMENTS

Not Applicable.

**ADVISORY NOTES**

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

(A) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(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) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered easement over the subject site
- an approved bushfire management plan

(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.environment.gov.au](http://www.environment.gov.au)

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(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.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(B) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 29 March 2018.

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

<b>VARIATION APPROVAL</b>
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Not Applicable.

<b>FURTHER DEVELOPMENT PERMITS REQUIRED</b>
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Not Applicable.

<b>SUBMISSIONS</b>
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Not Applicable.

<b>RIGHTS OF APPEAL</b>
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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”.



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<b>OTHER DETAILS</b>
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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

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

## Approved Plans/Documents

PR136031\_02/K.R./S.R./Cairns

Land Title Act 1994; Land Act 1994  
Form 21 Version 4

SURVEY PLAN

Sheet  
**1** of  
**3**

Reinstatement Report

Peg placed at all new corners,  
unless otherwise stated.

Original information compiled from CP893511,  
SP145517 & SP287159 in the Department of  
Natural Resources and Mines.

Scale 1:7500 - Lengths are in Metres.

100 0 100 200 300 400 500 600 700 800 900 1000 1100

RPS Australia East Pty Ltd (ACN 146 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by \_\_\_\_\_, a surveyor.  
for whom were the corporation accepts responsibility, under the supervision of Stephen James REDGWELL, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on \_\_\_\_/\_\_\_\_/2018.

Authorized Delegate

Date

LOCAL

GOVERNMENT: MAREEBA SHIRE

LOCALITY: MOUNT MOLLOY

Meridian: MGA Zone 55 Vide SP.....

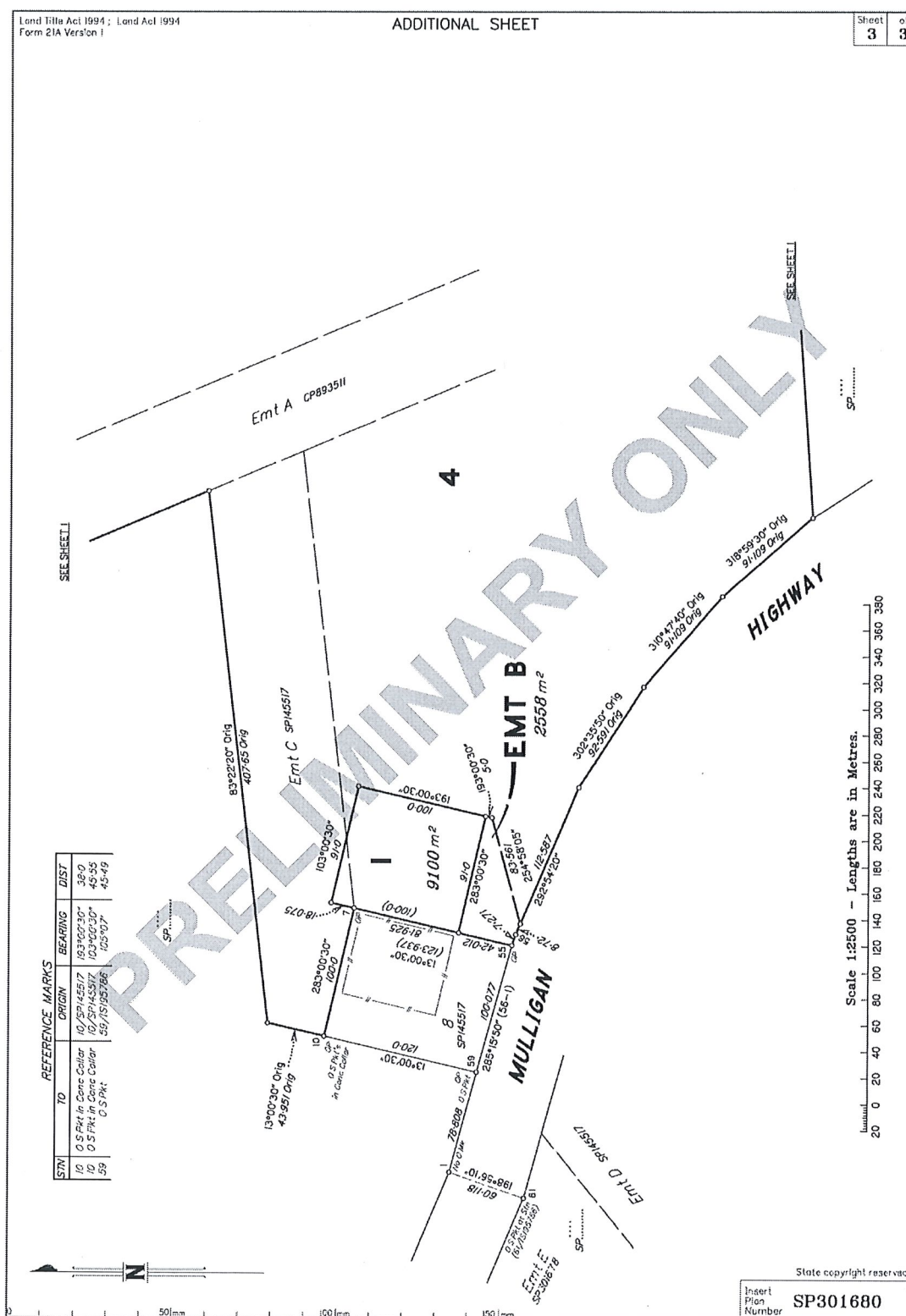
Survey Record: No

Scale: 1:7500

Format: STANDARD

SP301680

13/4/2018  
B. Zell



13/4/2018  
B. n. n.



## Referral Agency Response

RA6-N



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

Our reference: 1712-3180 SRA  
Your reference: RAL/17/0012

29 March 2018

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

*Attention: Brian Millard*

Dear Sir/Madam

**Referral agency response—with conditions**  
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 21 December 2017.

**Applicant details**

Applicant name:	Lakeland Wind Farm Pty Ltd C/- RPS Australia East Pty Ltd
Applicant contact details:	135 Abbott Street Cairns QLD 4870 owen.caddick-king@rpsgroup.com.au

**Location details**

Street address:	421 Wetherby Road, Mount Molloy
Real property description:	Lot 427 on SP287159
Local government area:	Mareeba Shire Council

**Application details**

Development permit	Reconfiguring a lot (1 Lot into 2 Lots) and access easement
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**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

1712-3180 SRA

- 10.3.4.2.1 Clearing native vegetation
- 10.9.4.2.1.1 State transport corridors and future State transport corridors

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Advice to the assessment manager**

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Reconfiguring a lot</b>				
TMR Layout Plan 1 (34A - 35.77km)	Queensland Government Transport and Main Roads	26/03/18	TMR17-23381 (500-1140)	Issue A
TMR Layout Plan 2 (34A - 35.77km)	Queensland Government Transport and Main Roads	26/03/18	TMR17-23381 (500-1140)	Issue A
Yalkula Access Footprint and Swept Path Analysis'	Premise	28/02/18	C402	Revision 1
Guide to Road Design, Figure 7.4 - Example of a rural property access specifically designed for articulated vehicles	Austroads	2017	AGRD04-2017	-
Plan of Lots 1 & 4 and Emt B in Lot 4: Cancelling Lot 4 on SP - Sheets 1 and 3 of 3 (as amended in red)	RPS Australia East Pty Ltd	Received 26 March 2018	P301680	-

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

1712-3180 SRA

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Lakeland Wind Farm Pty Ltd, owen.caddick-king@rpsgroup.com.au

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Advice to the assessment manager  
Approved plans and specifications



17/12-3180 SRA

## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
<b>State transport corridor (state-controlled road)</b> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) The road access location for Part Lot 427 on SP287159 (Proposed Lot 4 on SP301680) and Proposed Lot 1 is to be located generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• 'TMR Layout Plan 1 (34A - 35.77km)', prepared by Queensland Government Transport and Main Roads, dated 26/03/18, reference number TMR17-23381 (500-1140), Issue A;</li> <li>• 'TMR Layout Plan 2 (34A - 35.77km)', prepared by Queensland Government Transport and Main Roads, dated 26/03/18, reference number TMR17-23381 (500-1140), Issue A; and</li> <li>• 'Yalkula Access Footprint and Swept Path Analysis', prepared by Premise, dated 28/2/18, reference C402, Revision 1.</li> </ul> <p>(b) Road access works comprising Rural Property Access must be provided at the road access location, generally in accordance with Austroads AGRD04-2017 Guide to Road Design Part 4 - Figure 7.4.</p> <p>(c) Direct access is not permitted between the Mulligan Highway and Part Lot 427 on SP287159 (Proposed Lot 4 on SP301680) or Proposed Lot 1 at any other location other than the permitted road access location described in Condition 1.</p>	<p>(a) At all times</p> <p>(b) Prior to submitting the Plan of Survey to the local government for approval</p> <p>(c) At all times</p>
2.	<p>(a) The applicant must register an access easement on the title of Part Lot 427 on SP287159 (Proposed Lot 4 on SP301680) for the purpose of a shared access.</p> <p>(b) The applicant must provide to the Department of Transport and Main Roads Cairns Corridor Management at Far.North.Queensland.IDAS@tmr.qld.gov.au, a copy of the Registration Confirmation Statement and easement registration dealing number as evidence of the registration of the easement referred to in part (a) of this condition.</p>	<p>(a) At the time of survey plan registration.</p> <p>(b) Within 20 business days of registration of the easement</p>
<b>Clearing native vegetation</b> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
3.	<p>The development must be carried out generally in accordance with the following plan (as amended in red):</p> <ul style="list-style-type: none"> <li>• 'Plan of Lots 1 &amp; 4 and Emt B in Lot 4: Cancelling Lot 4 on</li> </ul>	At all times

1712-3180 SRA

	SP', prepared by RPS Australia East Pty Ltd, received 26 March 2018, plan number SP301680, Sheets 1 and 3 of 3.	
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1712-3180 SRA

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**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- Direct access to the state-controlled road is prohibited where not required.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road the number of road access locations are minimised.
- To ensure clearing minimises adverse impacts on native vegetation and maintains connectivity.



1712-3180 SRA

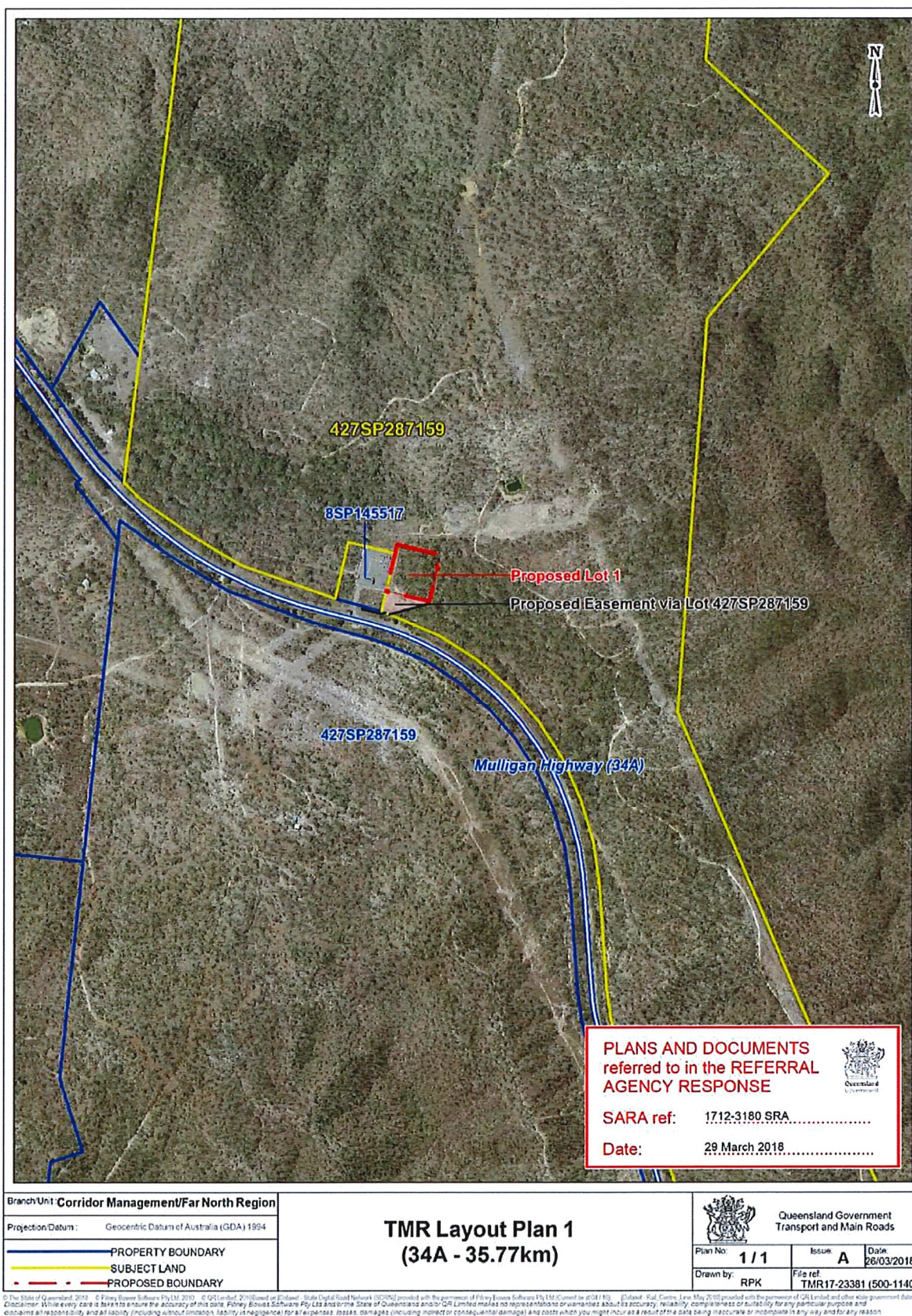
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Attachment 3—Advice to the assessment manager

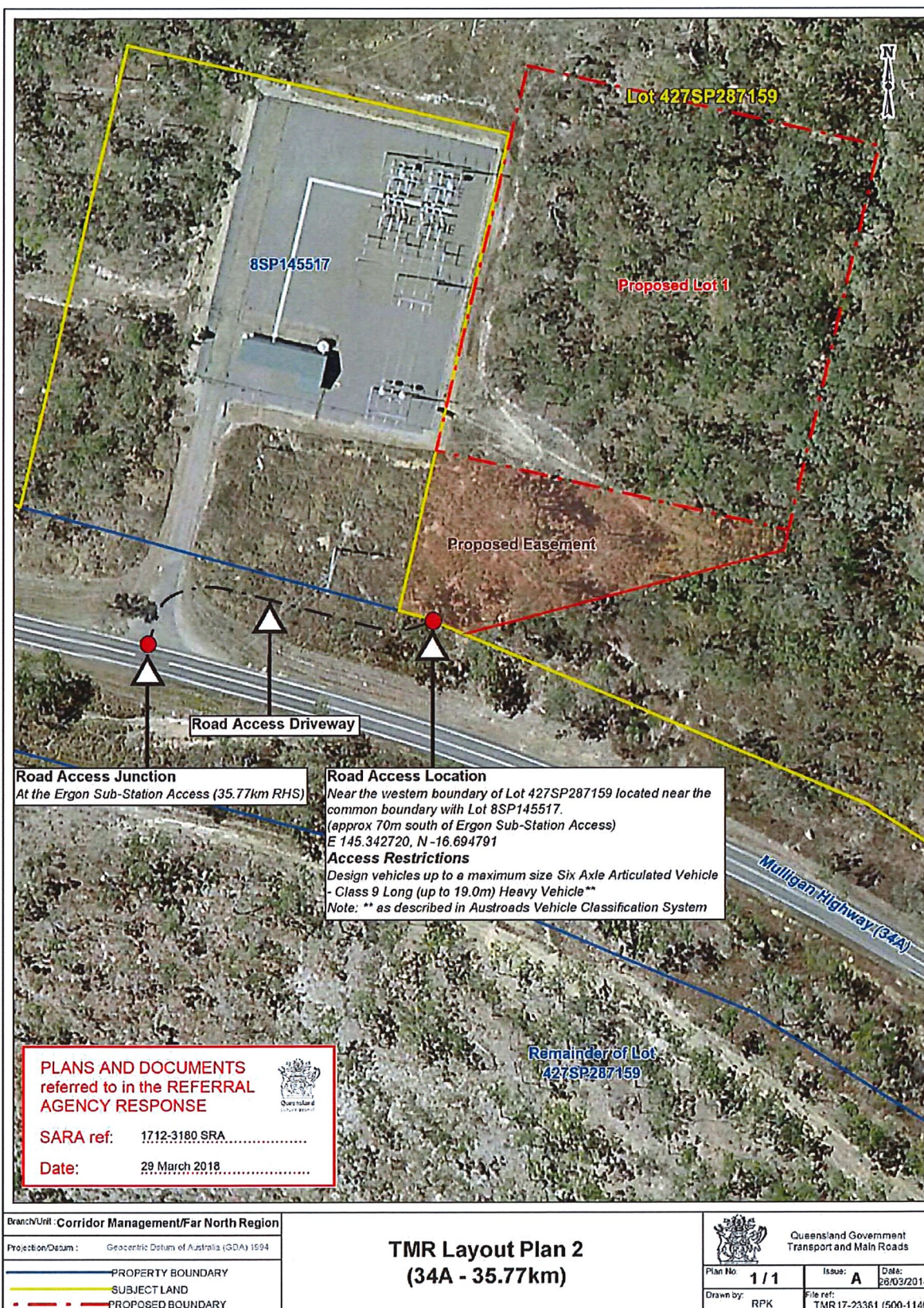
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General advice	
1.	<p>In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. 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><b>The road works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</b></p>





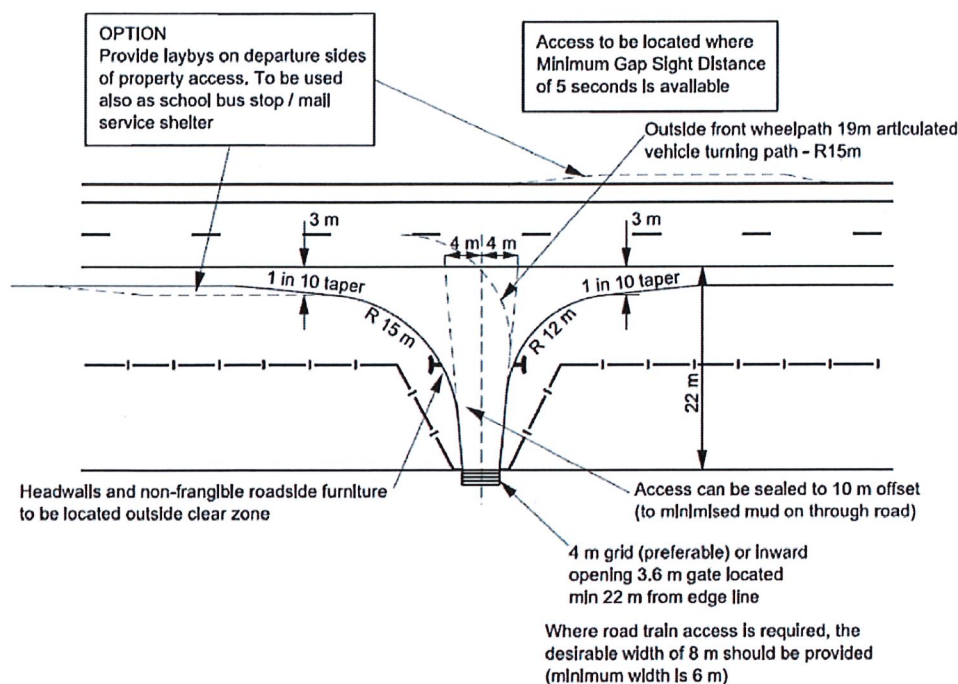












*Note: Minimum requirement for a single carriageway with design AADT < 2000 or minimum requirement for dual carriageway left-in-left-out access for single unit truck. Where AADT > 1000 and access is required for a semi-trailer then use the layout.*

*Source: Department of Main Roads (2006)<sup>10</sup>.*

## 7.3 Median Openings

### 7.3.1 General

The spacing of median openings is an integral part of access management planning. The justification for a median opening is a balance between providing access to an area, the safety outcomes of a particular treatment, the cost of providing the opening and the cost of extra travel and inconvenience. For further information on the location and spacing of median openings refer to *AGTM Part 5* (Austroads 2014).

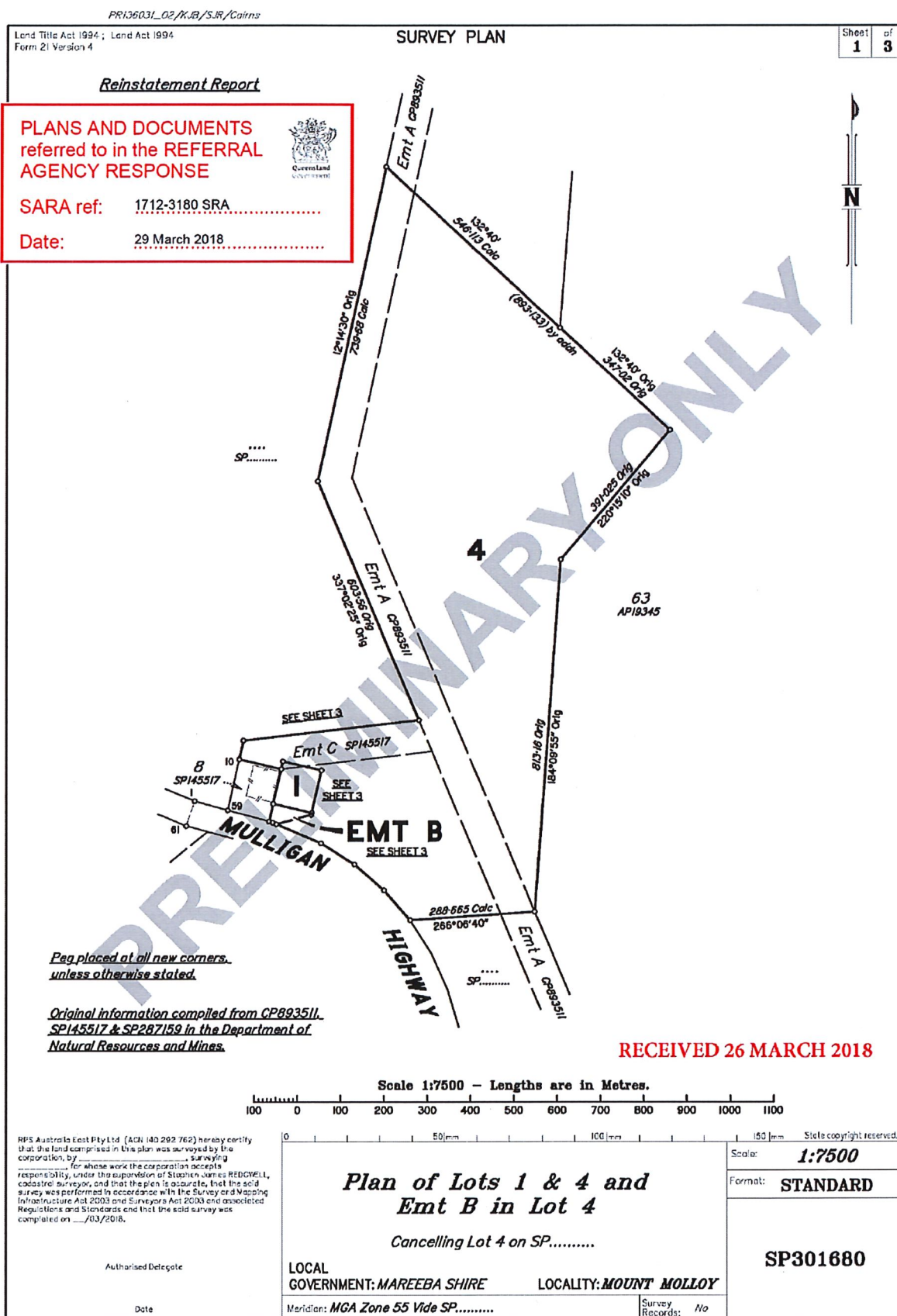
On freeways, median openings are provided for use by emergency services and maintenance vehicles, and should be signposted as such. On rural non-freeway divided roads, they operate as a general U-turn facility allowing access to the opposing carriageway for property owners as well as emergency services. The location of emergency openings should be determined in consultation with the local emergency service agencies.

<b>PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE</b>	
<b>SARA ref:</b>	1712-3180 SRA
<b>Date:</b>	29 March 2018

<sup>10</sup> Department of Main Roads (2006) has been superseded and Figure 7.4 has not been carried forward into Queensland Department of Transport and Main Roads (2016).

**Department of Transport and Main Roads note:**  
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.

Austroads 2017 | page 44







## 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.