



16 October 2024

Planning Officer: Brian Millard  
Direct Phone: 07 4086 4649  
Our Reference: MCU/24/0013  
Your Reference: F24/15

Dusty Nuts Pty Ltd  
C/- Freshwater Planning  
17 Barronview Drive  
FRESHWATER QLD 4870

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 16 October 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: MCU/24/0013  
Street Address: 8 Vicary Road, Mareeba  
Real Property Description: Lot 1 on RP741791  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision: Approval  
Development Permit for Material Change of Use – Undefined Use  
(‘Workforce Accommodation’ as defined by Planning Regulation 2017) - extension to existing workforce accommodation  
Type of Approval:  
Date of Decision: 16 October 2024



**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. The 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 Noise Nuisance

3.4.1 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 and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.4.2 The applicant/developer must ensure the approved accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

No amplified music is permitted on-site at any time.

### 3.5 Waste Management

3.5.1 On site refuse storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.5.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

3.5.3 All waste storage areas must remain covered and no food scraps disposed of on-site so as to not encourage scavenging from wildlife and birdlife.

### 3.6 Length of Stay

The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.

### 3.7 Accommodation Capacity

No more than 72 individual workers (cumulative total of development approvals MCU/23/0002 and MCU/24/0013) shall be accommodated on-site at any given time.

Occupancy records must be kept and presented to Council upon request should any complaint of overcrowding be received.



### 3.8 Signage

Any advertising devices relating to the development must be wholly sited on the subject site and be limited to a cumulative sign face area of 6m<sup>2</sup> and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

### 3.9 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, and on each accommodation building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

*"Guests should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site impacts from rural activities, including noise, ground and aerial crop spraying, and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

- 3.10 The workforce accommodation must not be used for any other purpose than that included in the Planning Regulation definition for 'Workforce Accommodation'.

Upon request by Council, the applicant/owner/operator shall be responsible for providing records to Council, which demonstrates that the occupants of the workforce accommodation are employed in the locality at a place of employment consistent with the Planning Regulation definition.

- 3.11 A site manager must be present on-site at all times to ensure compliance with these conditions of approval. The managers residence must not be used to accommodate anyone other than the site manager and their immediate family.

The site manager's contact details must be made available to adjoining landowners.



### 3.12 Bushfire Management

- 3.12.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.
- 3.12.2 An on-site water supply for firefighting purposes must be provided with a minimum capacity of 5,000 litres that must comprise either:
- (a) a stand-alone tank; or
  - (b) a reserve section in the bottom part of the main water supply tank; or
  - (c) a dam; or
  - (d) a swimming pool.

Where tank water supply is provided, the outlet must be fitted with a 50mm ball valve with a camlock fitting for connection to firefighting appliances.

## 4. Infrastructure Services and Standards

### 4.1 Access

The access driveway/s servicing the development (from the crossover required by condition 4.1.1 of Development Permit MCU/23/0002 and the property boundary including both the northern and southern access points) must be upgraded/constructed to at least a three (3) metre wide x 150mm thick compacted gravel standard, to the satisfaction of Council's delegated officer. The driveway must be appropriately drained and maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage

- 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 concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

### 4.3 Footbath (Panama Disease Tropical Race 4)

In order to reduce the risk of contamination of the site with Panama Disease Tropical Race 4, a footpath is to be installed between the car parking area and site entrance for daily use by workers residing on-site. The on-site manager must ensure that all work shoes worn by farm workers during the course of their workdays are processed through the footbath before entering



the property. Recreational footwear not worn on farms is not required to be washed.

#### 4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure that the development is provided with a total of seven (7) formal vehicle parking spaces and a total of seven (7) bus parking spaces. No parking of vehicles or buses is permitted to occur off-site in any road reserve or within the adjoining rail trail at any time.

4.4.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.4.3 All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.4.4 All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

A sign must be erected in proximity to the access driveway/s indicating the availability of on-site parking.

#### 4.5 Landscaping & Fencing

Prior to building works commencing, the applicant/developer must prepare and submit a landscape buffer and fencing plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The extent of landscaping and fencing included in the plan should be consistent with that included on the submitted Site Plan dated 18/04/23 and include the following at a minimum:

- (i) A minimum two (2) metre wide landscape buffer along the eastern boundary of the site to the extent shown on the submitted Site Plan (the landscape buffer may include existing landscaping);
- (ii) a minimum five (5) metre wide landscape buffer along the western boundary of the site to the extent shown on the submitted Site Plan.



- (iii) a minimum four (4) metre wide landscaping buffer to the south of the development linking the landscape buffers required under (i) and (ii) above, to the extent shown on the submitted Site Plan;
- (iv) a two (2) metre high colorbond fence (of neutral colour) or overlapping timber paling fence (with no gaps) along the western boundary of the site and wrapping around the northern side of the development footprint extending to the eastern boundary of the site, to the extent shown on the submitted Site Plan located on the outside of the vegetation buffering required by (ii) above;
- (v) a 1.8 metre high chain mesh fence along the entire length of the southern boundary and part of the western boundary to a the point where the solid screen fencing required by (iv) begins.
- (vi) any landscaping proposed throughout the facility (not compulsory)

Landscaping associated with points (i) and (iii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than four (4) metres in height.

Landscaping associated with point (ii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.

All landscaping must be undertaken when the building works commence so as to ensure reasonable establishment before the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer. The fencing required under (iv) and (v) must be installed prior to the commencement of the use.

#### 4.6 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply".

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.



Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

#### 4.8 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.

#### 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 02 DUS458 23032401 A	Site Plan	Superior Steel Homes	18/04/23
Sheet 03 DUS458 23032401 A	Floor Plan – Stage 2	Superior Steel Homes	18/04/23
Sheet 04 DUS458 23032401 A	Elevations – Stage 2	Superior Steel Homes	18/04/23
Sheet 05 DUS458 23032401 A	3D Views – Stage 2	Superior Steel Homes	18/04/23
Sheet 03 DUS458 23032401 A	Floor Plan – Stage 3	Superior Steel Homes	18/04/23
Sheet 04 DUS458 23032401 A	Elevations – Stage 3	Superior Steel Homes	18/04/23
Sheet 05 DUS458 23032401 A	3D Views – Stage 3	Superior Steel Homes	18/04/23



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**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) 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) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (b) 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.

- (c) 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).



## (g) Access Driveway Standard &amp; Maintenance

The compacted gravel access driveway used to access the development from Vicary Road is considered a private driveway only. The maintenance and upkeep of this private driveway is the sole responsibility of the applicant/developer/landowner and should you wish to upgrade this driveway in future to include a bitumen/asphalt or concrete seal, Council is not liable or responsible for contributing in any way to the cost of these works.

## (h) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

**PROPERTY NOTES**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

**SUBMISSIONS**

There were one (1) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. Rock Ridge Farming Pty Ltd	<a href="mailto:admin@rockridgefarming.com">admin@rockridgefarming.com</a>



**RIGHTS OF APPEAL**

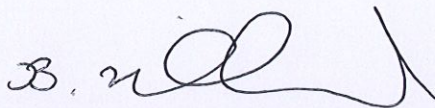
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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  
Appeal Rights



Approved Plans/Documents

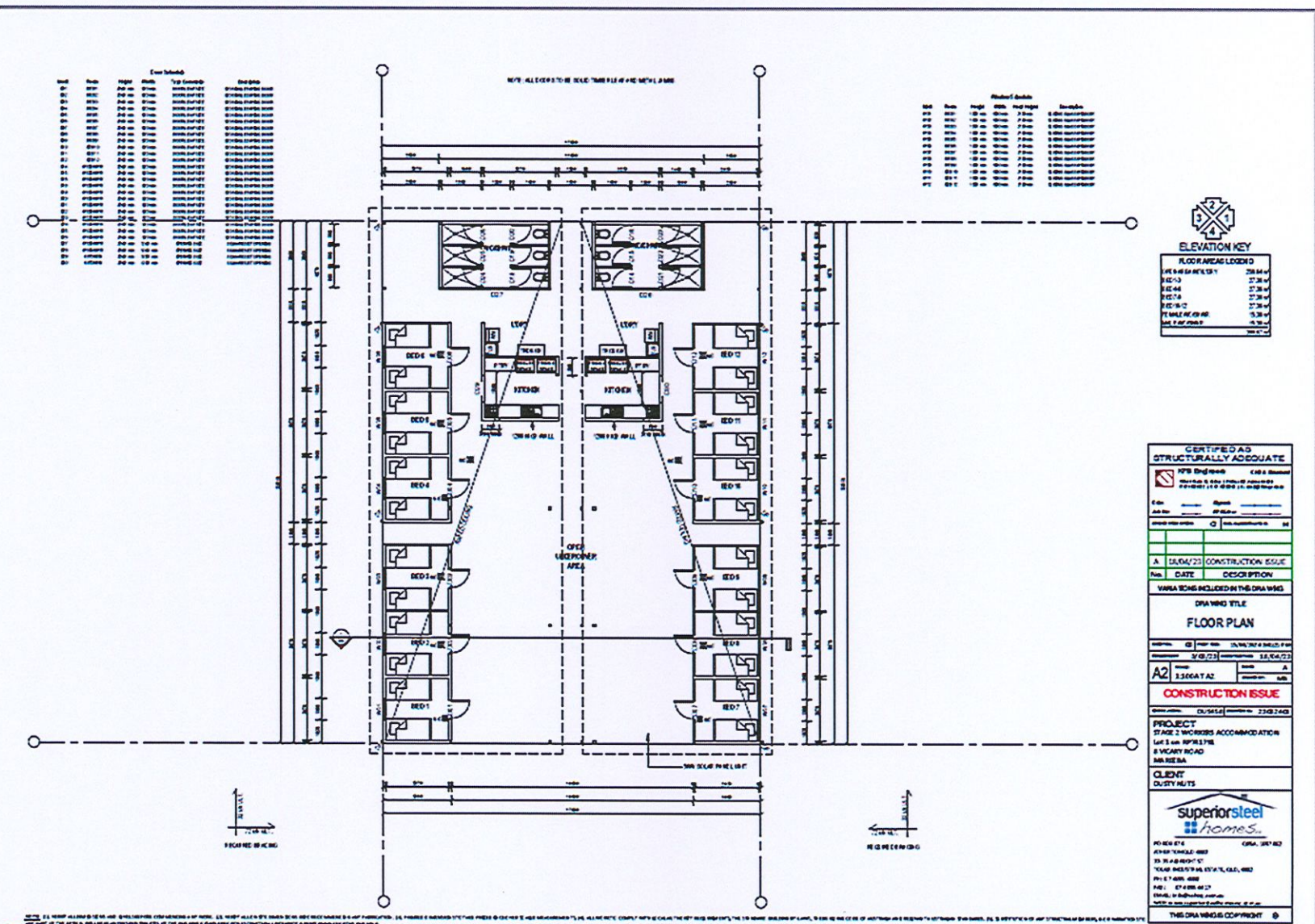
CERTIFIED AS STRUCTURALLY ADEQUATE PSB Registered 11/11/2018 11/11/2018		11/11/2018 11/11/2018 11/11/2018 11/11/2018	
No.   DATE   DESCRIPTION A. 15/01/23 CONSTRUCTION ISSUE VMSA TOE INCLUDED IN DRAWINGS		DRAWING TITLE <b>SITE PLAN</b> A21 15/01/23 15/01/23	
PROJECT PHASE 2 WORKING ACCOMMODATION 8 VICKARY ROAD MAREEBA		CLIENT DISTRICTS	
CONSTRUCTION ISSUE VMSA TOE INCLUDED IN DRAWINGS		superiorsteel homes	

NORTH

16/10/2024  
B. N. [Signature]

This drawing is the property of Superior Steel Homes Pty Ltd. It is not to be used for any other project, in whole or in part, without the written consent of Superior Steel Homes Pty Ltd. All rights reserved.





Column Schedule

Col No	Height	Width	Type	Remarks
101	2.00 m	0.90 m	Concrete	Concrete column
102	2.00 m	0.90 m	Concrete	Concrete column
103	2.00 m	0.90 m	Concrete	Concrete column
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150	2.00 m	0.90 m	Concrete	Concrete column

Member Details

Ref	Size	Grade	Max Spacing	Remarks
101	100	40	200	40mm reinforcement
102	100	40	200	40mm reinforcement
103	100	40	200	40mm reinforcement
104	100	40	200	40mm reinforcement
105	100	40	200	40mm reinforcement
106	100	40	200	40mm reinforcement
107	100	40	200	40mm reinforcement
108	100	40	200	40mm reinforcement
109	100	40	200	40mm reinforcement
110	100	40	200	40mm reinforcement
111	100	40	200	40mm reinforcement
112	100	40	200	40mm reinforcement
113	100	40	200	40mm reinforcement
114	100	40	200	40mm reinforcement
115	100	40	200	40mm reinforcement
116	100	40	200	40mm reinforcement
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147	100	40	200	40mm reinforcement
148	100	40	200	40mm reinforcement
149	100	40	200	40mm reinforcement
150	100	40	200	40mm reinforcement

ELEVATION KEY

FLOOR AREA	LEVEL
AREA 101	28.10 m
AREA 102	27.30 m
AREA 103	27.30 m
AREA 104	27.30 m
AREA 105	27.30 m
AREA 106	27.30 m
AREA 107	27.30 m
AREA 108	27.30 m
AREA 109	27.30 m
AREA 110	27.30 m
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AREA 148	27.30 m
AREA 149	27.30 m
AREA 150	27.30 m

CERTIFIED AS STRUCTURALLY ADEQUATE

15/06/2023 CONSTRUCTION ISSUE

DRAWING TITLE: FLOOR PLAN

PROJECT: STAGE 2 WORKERS ACCOMMODATION

CLIENT: DUSTY HUTS

superior steel homes

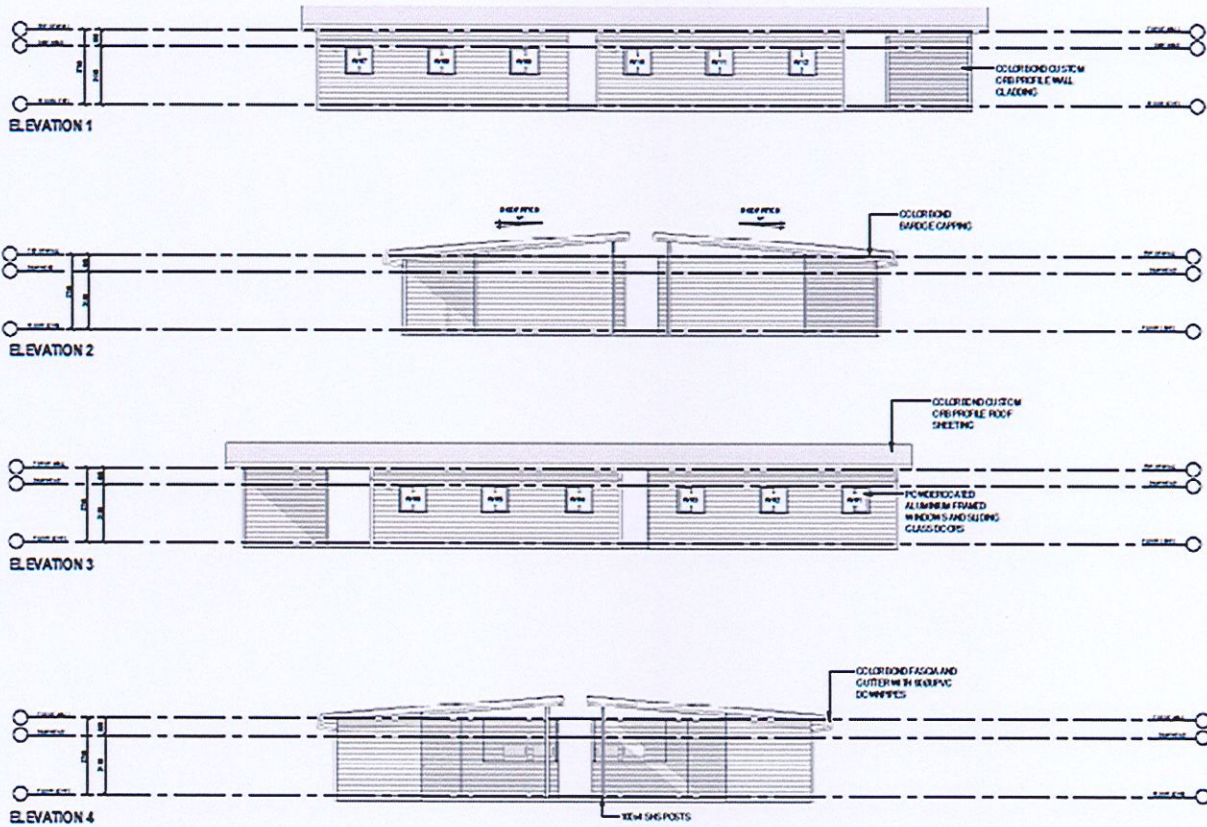
PO BOX 876, GLEN TUCKER, QLD 4860

15/06/2023

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16/10/2024  
B. n. O. P.





**CERTIFIED AS STRUCTURALLY ADEQUATE**

**RTS Engineering Ltd** (Certified) **10/10/2024**

File: [blank] Project: [blank]  
Job No: [blank] Job Name: [blank]

Checked: [blank] Drawn: [blank]

Rev	Date	Description
A	18/04/23	CONSTRUCTION ISSUE

VARIATIONS INCLUDED IN THIS DRAWING

DRAWING TITLE  
**ELEVATIONS**

Scale: 1:100 (Overall) 1:50 (Details)  
Sheet: A2 of 2 (Overall) 1 of 1 (Details)

**CONSTRUCTION ISSUE**

PROJECT  
STAGE 2 WORKERS ACCOMMODATION  
Lot 1 and 2 off RPP181716  
B MCARY ROAD  
MAREEBA

CLIENT  
DUSTY HILLS

**superiorsteel**  
**homes.**

PO BOX 874 OPA, QLD 4872  
10/10/2024 08:32  
30.36 x 48.00' x 17'  
10.00' x 30.36' x 17.00' x 17.00' x 17.00'  
P11 1.7.2024 08:32  
P11 1.7.2024 08:32  
Elevations & Detailing package  
www.superiorsteel.com.au

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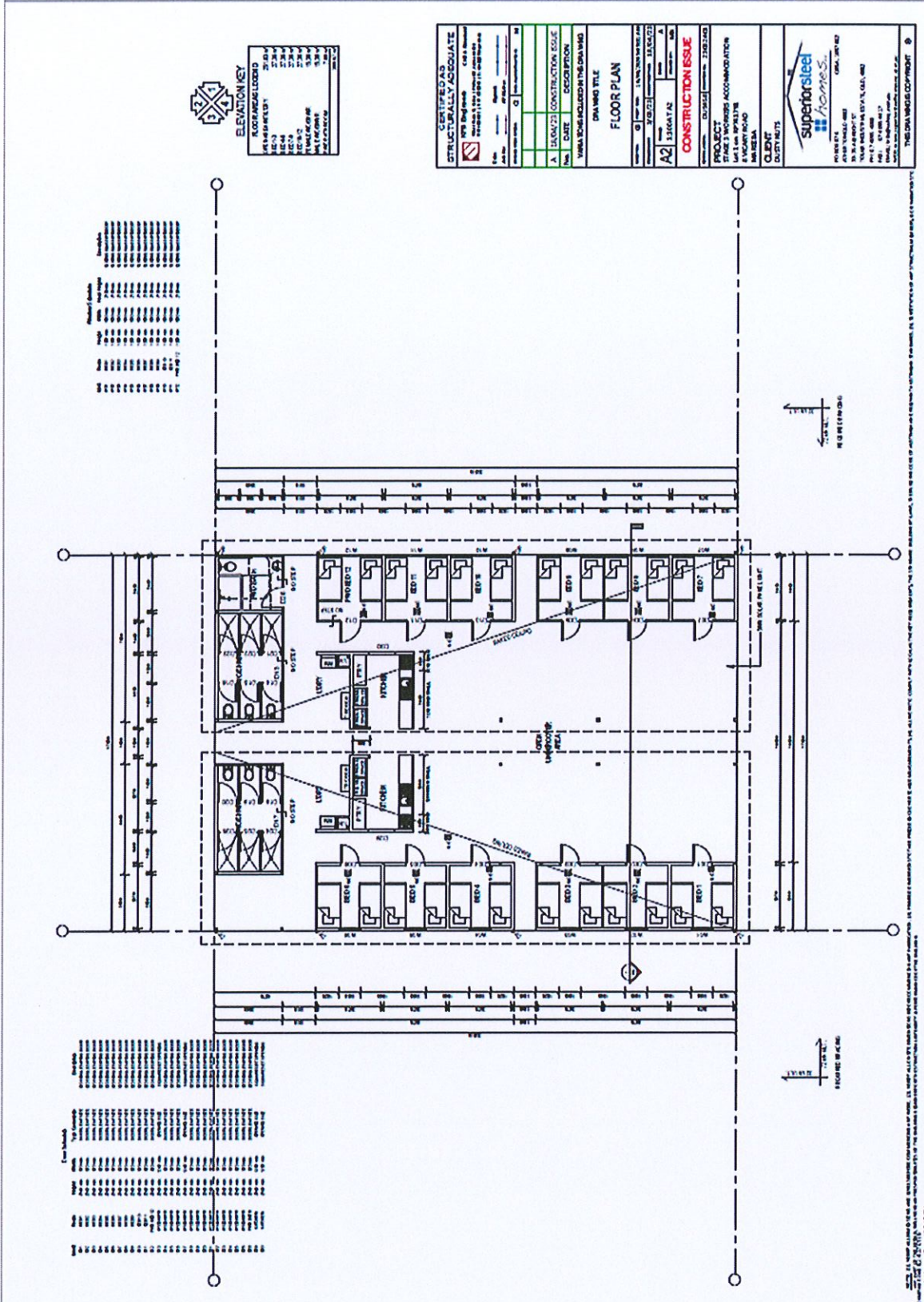
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16/10/2024  
B. M. [Signature]



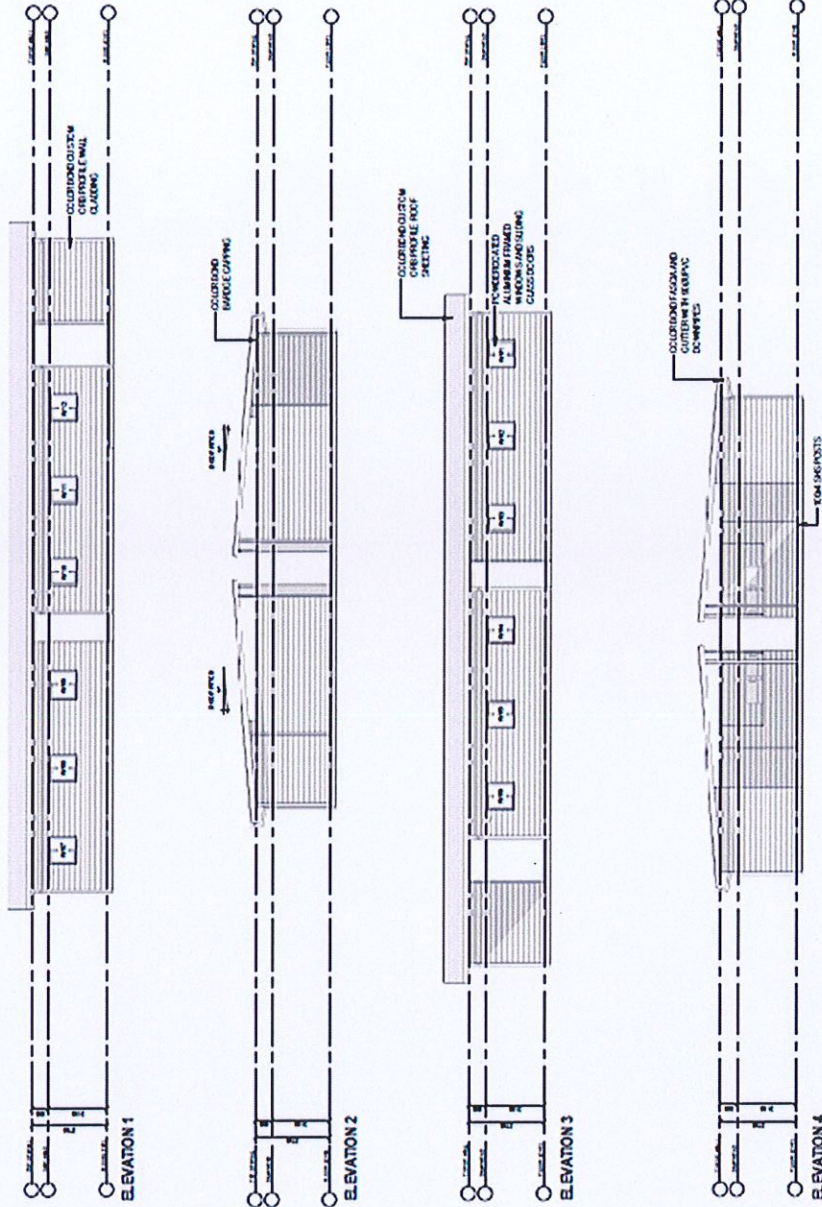






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*B. [Signature]*





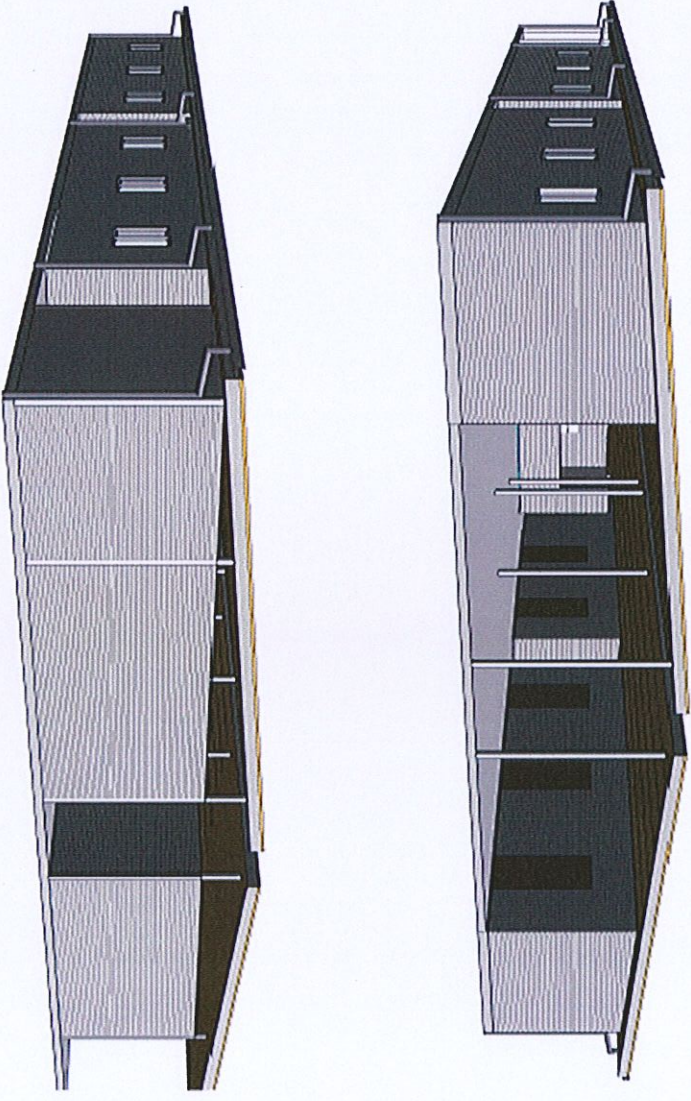
<b>CLIENTS</b> STRUCTURALLY ASSOCIATE 1770 Bend St Mareeba, QLD 4870 Tel: 07 4781 1111		<b>DATE</b> 16/10/2024	
<b>PROJECT</b> STAGE 2 WORKS ACCOMMODATION 143-145 RUPPIE MAREEBA QLD 4870		<b>SCALE</b> 1:100	
<b>CLIENT</b> DUFFIN LTD		<b>PROJECT NO.</b> 2302-2402	
<b>ELEVATIONS</b>			
<b>CONSTRUCTION ISSUE</b>			
<p><b>supersteel</b> Australians Building the Future</p> <p>143-145 RUPPIE MAREEBA QLD 4870 Tel: 07 4781 1111</p>			

16/10/2024  
B. Hill



16/10/2024  
 J.S.M.

This is a preliminary drawing and is not intended to be used for construction. It is subject to change without notice. The client accepts responsibility for the accuracy of the information provided. The design is based on the information provided and is not intended to be used for construction. The design is based on the information provided and is not intended to be used for construction.



<b>GENERAL NOTES</b>																			
1. All dimensions are to face unless otherwise stated.	2. All work to be in accordance with the relevant Australian Standards.																		
3. The design is based on the information provided and is not intended to be used for construction.	4. The client accepts responsibility for the accuracy of the information provided.																		
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<b>3D VIEWS</b> DRAWING TITLE																			
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## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

##### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
- (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice 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 and 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.