



19 June 2026

Planning Officer: Carl Ewin
Our Reference: RAL/26/0003
Your Reference: 25-1236

Girgenti Group
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 17 June 2026, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS	
Application No:	RAL/26/0003
Street Address:	Tilse Street and 232 Mclver Road, Mareeba
Real Property Description:	Lot 1 on SP202899 and Lot 49 on SP202901
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS	
Type of Decision:	Approval
Type of Approval:	Development Permit for Reconfiguration of a Lot – Subdivision (2 Lots into 79 Lots)
Date of Decision:	17 June 2026

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’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, and subject to any alterations:
 - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; 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 a Form 18B, 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 or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
 - 3.3 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.
 - 3.4 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.

3.5 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.

3.6 Charges

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

3.7 Bushfire Management (Lot 42 only)

Prior to the endorsement of any survey plan creating Lot 42, A bushfire hazard management plan for Lot 42 must be prepared by a suitably qualified person to the satisfaction of Council's delegated officer.

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

4. Infrastructure Services and Standards

4.1 Access

(a) Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback/roll-over kerbing along the frontage of each allotment will satisfy this condition.

(b) An asphalt sealed, or concrete driveway shall be provided within the access handle of proposed Lots 8 and 70 to the satisfaction of Council's delegated officer. The driveways will:

- have a minimum formation width of three (3) metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle
- ensure service and utility conduits are provided for the full length of the driveway/access handle.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) Stormwater infrastructure proposed within Lot 36 on SP202899 from the development site should be conveyed through an underground drainage system suitable to manage the minor drainage system. The major drainage system should account for the flow conveyed in the underground minor drainage system and for the consequences of malfunctions or blockages within that system.
- (f) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (g) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.

- (h) With the exception of Lot 36 on SP202899, all stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the maintenance period.
- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.4 Roadworks/footpaths - Internal

- (a) Road reserve widths and carriageway widths must be provided as per the details included on the approved plan, apart from the following:
 - where for Minor Collector Roads (7.5 metres carriageway), the reserve width need only be 16.5 metres.
 - Road E must be constructed to Minor Collector Road standard (refer to footnote 2 – bus route) with a reserve width of at least 19 metres and a carriageway width of 10 metres. The Road E northern cul-de-sac must be large enough to allow for a full size school bus to manoeuvre.
- (b) Local area traffic management treatments must be incorporated into the internal road design (Roads A, B, C & D) to discourage road use by large vehicles and to slow traffic, to the satisfaction of Council's delegated officer.
- (c) At the time of construction of Stage 3D or 5A (whichever occurs first), Road E must be constructed to the south to connect to Mclver Road. These works must include the design and construction of the intersection with Mclver Road (to FNQROC Development Manual standards) and any sealing of Mclver Road at the intersection location noting that the Mclver Road seal ends approximately 20 metres before the intersection location.

Construction of kerb and channel to the western side of Road E will not be required as part of this development unless the full road width is required at particular locations to ensure lighting standards and safe movement standards are met (e.g. at intersections). Additionally, design only (no construction) of the western kerb and channel may be required to inform lighting layouts etc. within the corridor.

- (c) The intersection of Road A and Tilse Street must be upgraded to FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.
- (d) Any temporary turn-around areas situated at the ends of any semi-constructed stub roads must include a sealed cul-de-sac head (no kerbing required) of a size capable of allowing a garbage truck to turn around on.
- (e) 2 metre wide concrete pedestrian footpaths must be installed on at least one (1) side of all proposed internal roads. A footpath connection must also be provided between Road B and Tilse Street through Lot 36 on SP202899. Safe lighting for pathways is required to be incorporated into the footpath/road design. The horizontal alignment of all footpaths must comply with the FNQROC development Manual (specifically Standard Drawing S1004A).

4.5 Water Supply

- (a) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer
- (b) Where the existing reticulated water supply infrastructure does not currently service the site or is not of an adequate capacity to service the development, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.6 Sewerage Connection

- (a) The developer must connect the proposed development to Council's reticulated sewerage network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where reticulated sewerage infrastructure does not currently service the site or is not of an adequate capacity to service the development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at

a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.7 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of underground power reticulation.

4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

4.10 Street Trees

A street tree/landscape plan must be provided to Council for review and approval at time of application for Operational Works. Street trees may be planted at the centre of each lot frontage (1 per lot, 2 per corner lot) or adjacent the common boundary of each lot. The street tree/landscape plan must demonstrate that plantings are not in conflict with any underground services.

Street tree works may also be bonded, with the bond being 150% of the cost of the works.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

Plans for the development works required under Conditions 4.1 - 4.10 must be submitted to Council for approval as part of a subsequent application for operational works.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Aspect of development stated in schedule 20 (Purpose 25 – exceeding the 50 dwelling threshold) – State Assessment & Referral Agency (Cairns SARA – TMR).

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
Drawing No. 1505 – SK12	Preliminary Lot Layout	Jim Papas Civil Engineering Designer Pty Ltd	Feb 2026

ASSESSMENT MANAGER'S ADVISORY NOTES

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

- An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

- Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

- 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 and Charges Schedule applicable for each respective financial year.

(e) 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.

(f) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(g) 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.dceew.gov.au.

(h) 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.

(i) 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.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work

RIGHTS OF APPEAL


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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights
Adopted Infrastructure Charge Notice

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

Referral Agency Response

RA6-N

**DELIVERING
FOR QUEENSLAND**



**Queensland
Government**

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

SARA reference: 2603-51152 SRA
Council reference: RAL/26/0003
Applicant reference: 25-1236

6 May 2026

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

Attention: Carl Ewin

Dear Sir/Madam

SARA referral agency response – 232 Tilse Street & McIver Road, Mareeba

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 12 March 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	6 May 2026
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 Reconfiguring a lot (2 lots into 79 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) – Development impacting on state transport infrastructure

Page 1 of 7

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

Document Set ID: 4639344
Version: 1, Version Date: 06/05/2026

2603-51152 SRA

SARA reference: 2603-51152 SRA
Assessment manager: Mareeba Shire Council
Street address: 232 Tilse Street & Mclver Road, Mareeba
Real property description: Lot 1 on SP202899 & Lot 49 on SP202901
Applicant name: Girgenti Group
Applicant contact details: C/- Urban Sync Pty Ltd
PO Box 2970
Cairns QLD 4870
admin@urbansync.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights 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.

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

Yours sincerely



Javier Samanes
Manager

cc Girgenti Group, C/- Urban Sync Pty Ltd, admin@urbansync.com.au
enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions

2603-51152 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)

No.	Conditions	Condition timing
<p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 — Development impacting on state transport infrastructure — 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 conditions:</p>		
1.	<p>(a) Prepare a RPEQ certified Traffic Management Plan in accordance with the Transport and Main Roads Technical Specification MRTS02 – Provision for Traffic, which demonstrates the development will not contribute to or worsen short stacking at the Reynolds Street (Mareeba) (ID: LXR_02333) railway level crossing of the Mungana Branch Railway. In particular, the Traffic Management Plan must:</p> <ul style="list-style-type: none"> • limit the length of the maximum design vehicle using the level crossing to 16m and identify any alternative routes of travel for vehicles exceeding this length • provide details of any physical controls, such as but not limited to signage, to be put in place to inform drivers of the necessary requirements for railway level crossing safety • provide details of the management measures, communication strategy and procedures to be put in place to regulate the access and departure route and length of vehicles using the premises in relation to the railway level crossing. <p>(b) Submit the Traffic Management Plan required in part (a) to the Program Delivery and Operations Unit, Far North Queensland Region Far.North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads.</p> <p>(c) Carry out the construction of the development in accordance with the Traffic Management Plan.</p>	<p>(a) & (b) Prior to the commencement of construction works.</p> <p>(c) At all times during construction.</p>
2.	<p>The stormwater management of the development must not cause worsening to the operating performance of the railway corridor such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) concentrate or increase the velocity of flows to the railway corridor; (iii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iv) surcharge any existing culvert or drain on the railway corridor; 	At all times.

2603-51152 SRA

	(v) and reduce the quality of stormwater discharge onto the railway corridor.	
--	---	--

2603-51152 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) (version 3.5). If a word remains undefined it has its ordinary meaning.

2603-51152 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

SARA assessed the development against the following codes of the State Development Assessment Provisions (SDAP), version 3.5:

- State code 6: Protection of state transport networks (State code 6).

The development can be conditioned to comply with the assessment benchmarks of State code 6 of SDAP in that the development:

- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure
- does not result in a worsening of the physical condition or operating performance of the state transport network.

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 3.5)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*.

2603-51152 SRA

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank)

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.