



16 July 2026

Planning Officer: Carl Ewin  
Our Reference: MCU/26/0010  
Your Reference: 26302

K & J Spanos  
C/- HPC Planning  
PO Box 15038  
CITY EAST QLD 4002

Dear Applicants,

## **Decision Notice**

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

I refer to your application and advise that on 13 July 2026, under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

|                            |                                            |
|----------------------------|--------------------------------------------|
| Application No:            | MCU/26/0010                                |
| Street Address:            | 7 Adams Street, Mareeba                    |
| Real Property Description: | Lot 2 on MPH25215                          |
| Planning Scheme:           | Mareeba Shire Council Planning Scheme 2016 |

#### **DECISION DETAILS**

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| Type of Decision: | Approval                                                                            |
| Type of Approval: | Development Permit for Material Change of Use – Multiple Dwelling (3 x 2 Bed Units) |
| Date of Decision: | 13 July 2026                                                                        |

#### **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 (COUNCIL)**

- (a) Development assessable against the Planning Scheme
1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
    - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
    - to ensure compliance with the following conditions of approval.
  2. Timing of Effect
    - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
    - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
  3. General
    - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
    - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
    - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council’s delegated officer.
    - 3.4 Clothes Drying area

Sufficient area for clothes drying is to be provided for each dwelling and is to be appropriately screened from view of adjoining properties and the street.
    - 3.5 Waste Management

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

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#### 4. Infrastructure Services and Standards

##### 4.1 Access

An access crossover for each dwelling must be constructed (from the edge of the Adams Street road pavement to the property boundary of the subject lot) to the satisfaction of Council's delegated officer

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

##### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure each dwelling is provided with a covered carport which are available solely for the parking of vehicles associated with the use of the premises. Visitor carparking is accepted on the driveway to each carport.

All carparking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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 Landscaping & Fencing

- 4.4.1 Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

The landscape plan must include the gardens and turf areas shown on the approved site plan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 (i) Prior to the commencement of the use, a solid 1.8 metre high screen fence (of neutral colour) is to be erected along the full extent of all side and rear boundaries.

- (ii) The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

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

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

#### 4.6 Sewerage Connection

The applicant/developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

#### REFERRAL AGENCIES

Not Applicable.

#### APPROVED PLANS

The following plans are Approved plans for the development:

| Plan/Document Number | Plan/Document Title    | Prepared by          | Dated      |
|----------------------|------------------------|----------------------|------------|
| 2026020 A100 1       | Cover Sheet            | Homes & Granny Flats | 21.05.2026 |
| 2026020 A101 1       | General Notes          | Homes & Granny Flats | 21.05.2026 |
| 2026020 A102 1       | Site/Roof Plan         | Homes & Granny Flats | 21.05.2026 |
| 2026020 A103 1       | Site/Ground Floor Plan | Homes & Granny Flats | 21.05.2026 |
| 2026020 A201 1       | Elevations             | Homes & Granny Flats | 21.05.2026 |

|                |                        |                      |            |
|----------------|------------------------|----------------------|------------|
| 2026020 A301 1 | Sections               | Homes & Granny Flats | 21.05.2026 |
| 2026020 A401 1 | Area Calculation Plan  | Homes & Granny Flats | 21.05.2026 |
| 2026020 A402 1 | Setout Plan & Schedule | Homes & Granny Flats | 21.05.2026 |

#### 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:

- (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) 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.

- (d) 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).

- (e) 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).

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

#### 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.

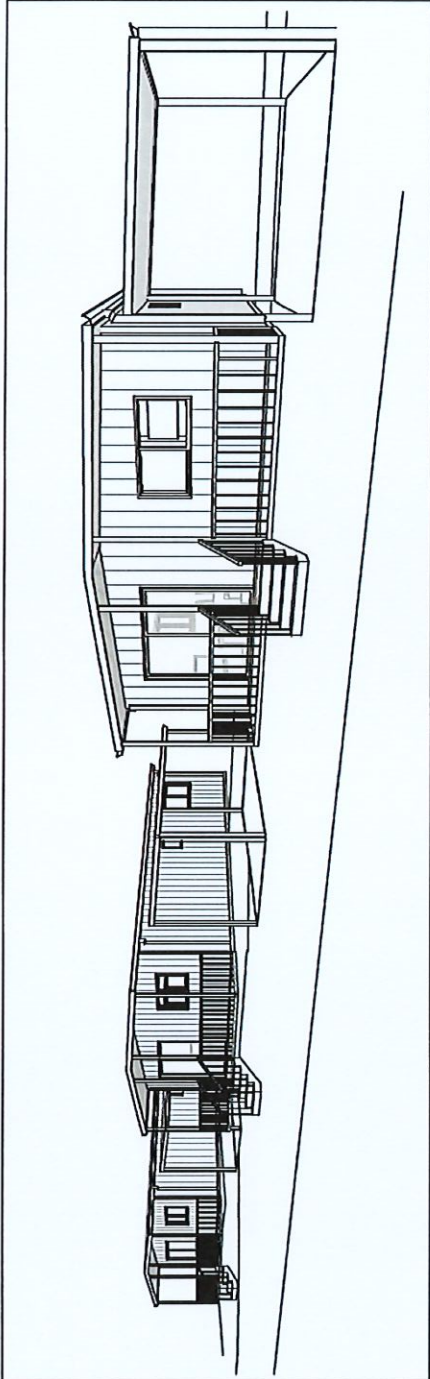
Yours faithfully



**BRIAN MILLARD**  
**COORDINATOR PLANNING & BUILDING**

Enc: Approved Plans/Documents  
Appeal Rights

APPROVED PLANS



| Sheet Index  |                          |
|--------------|--------------------------|
| Sheet Number | Sheet Name               |
| A100         | COVER SHEET              |
| A101         | GENERAL NOTES            |
| A102         | SITE / ROOF PLAN         |
| A103         | SITE / GROUND FLOOR PLAN |
| A201         | ELEVATIONS               |
| A301         | SECTIONS                 |
| A401         | AREA CALCULATION PLAN    |
| A402         | SETOUT PLAN & SCHEDULE   |

|                                                                                                                                                                  |  |                               |                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Homes &amp; Granny Flats</b><br>210 Cordell Avenue, Corinda (Unit 144)<br>Brisbane, QLD 4173<br>Tel: (07) 3399 1111<br>Email: info@homesandgrannyflats.com.au |  | Client<br>JULIA & KYLE SPANOS | Project<br>PROPOSED MULTI-DWELLING<br>7 ADAMS STREET MAREEBA QLD.<br>4880 | Notes<br>1. All dimensions are taken with the exception of the 'to commencement' or 'from existing' dimensions.<br>2. Construction shall be in accordance with the Australian Standard AS/NZS 1170.1:2002.<br>3. Council / Approved Building<br>Inspections of Homes & Granny Flats.<br>4. This drawing is the property of Homes & Granny Flats.<br>It shall not be used for any other purpose without the written consent of Homes & Granny Flats. | Drawing / Document Title<br>COVER SHEET |
| Date<br>04.05.2026                                                                                                                                               |  | Sheet No<br>A100              | Scale<br>As Shown @ A3                                                    | No.<br>1                                                                                                                                                                                                                                                                                                                                                                                                                                            | Description<br>10/05/2026<br>Date       |
| Drawn by<br>VA                                                                                                                                                   |  | Checked by<br>CS              | Project Number<br>2024020                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                         |

16/7/2026  
 J. N. [Signature]

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**CONSTRUCTION NOTES:**

## BUILDING CODE OF AUSTRALIA

- [illegible]

## AUSTRALIAN STANDARDS

- [illegible]

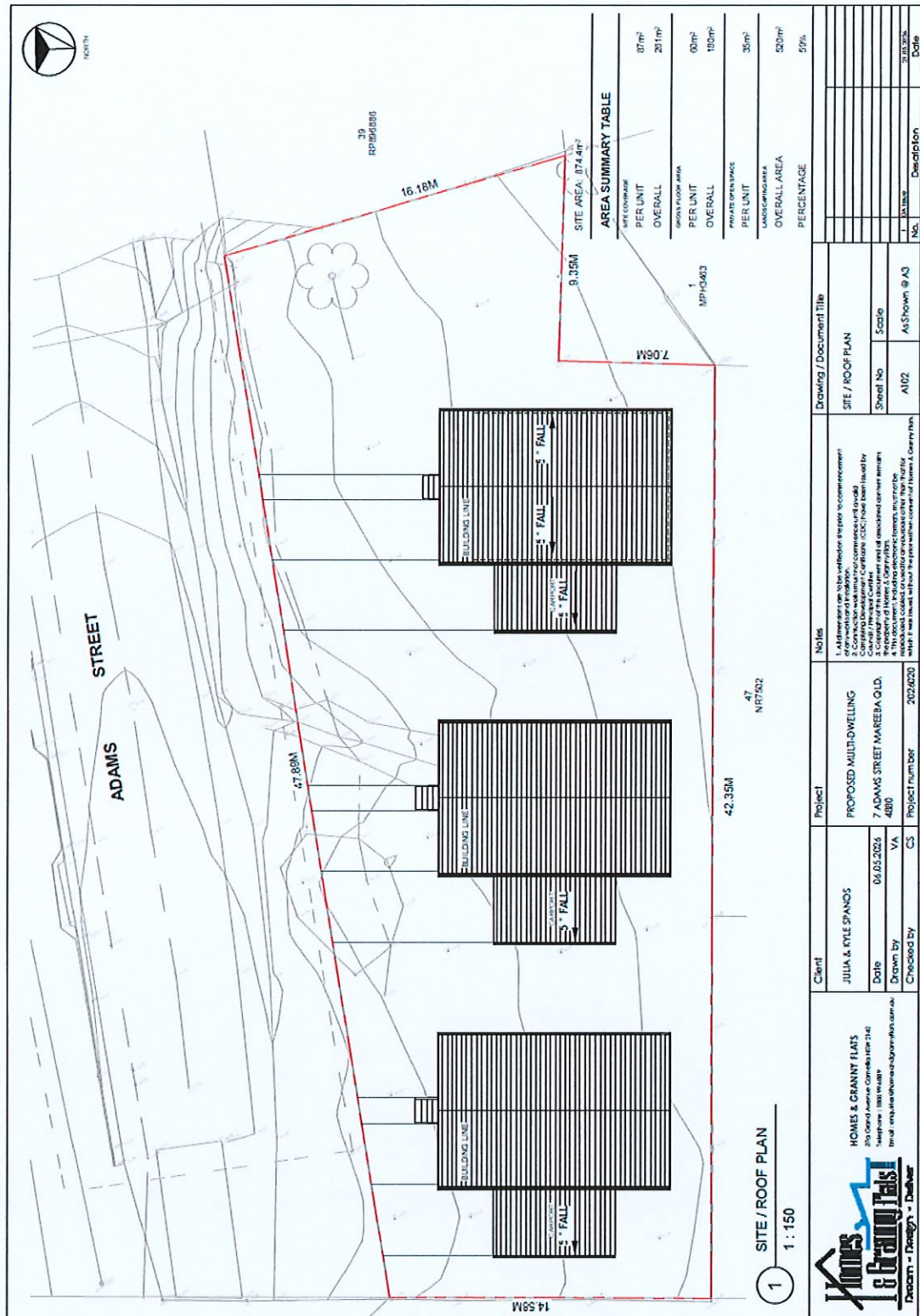
## SITE NOTES:

- THESE DRAWINGS ARE TO BE USED IN CONJUNCTION WITH THE ENGINEER'S DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES ARE TO BE REFERRED TO THE ARCHITECT OR ENGINEER.
- ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY THE BUILDER BEFORE ORDERING ANY MATERIALS.
- THE BUILDER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THIS WORK IS CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE PRINCIPAL CERTIFYING AUTHORITY.
- LOCAL GOVERNMENT REGULATIONS, AUSTRALIAN STANDARDS AND THE LATEST ISSUE NATIONAL CONSTRUCTION CODE.
- EROSION AND SEDIMENT CONTROL MEASURES TO BE IN PLACE PRIOR TO EXCAVATION OR CONSTRUCTION.
- AIR DUST/NOISE MONITORING TO BE CARRIED OUT IN ACCORDANCE WITH AS/NZS6040:2001
- ALL WORK SHALL BE CARRIED OUT IN A TRADESMANLIKE MANNER FULFILLING THE GENERAL REQUIREMENTS OF THE REFER TO NEW OCCUPATIONAL HEALTH & SAFETY ACT & REGULATIONS AND OH&S GUIDE TO CONTROL OF ASBESTOS
- ASBESTOS IN BUILDINGS AND STRUCTURES DURING DEMOLITION
- ADDITIONAL SUPPLY WORK MAY BE REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK.

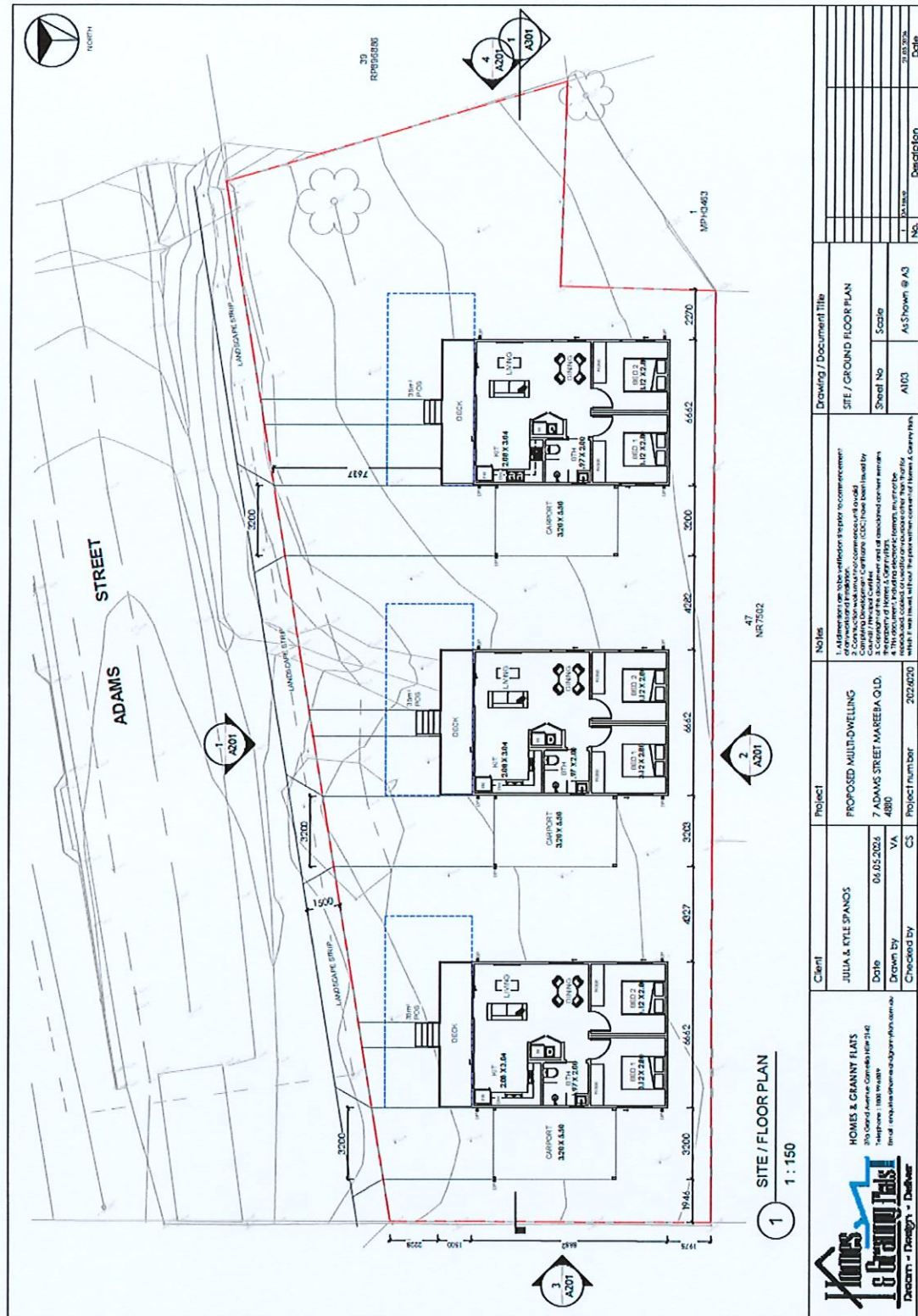
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|  <b>Homes &amp; Grannys Flats</b><br>350 Grand Avenue, Corvallis, OR 97331<br>Telephone: 1800 784 2827<br>Email: enquiries@homesandgrannysflats.com.au | Client                                             | Project                         | No file                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Drawing / Document Title |
|                                                                                                                                                                                                                                           | JULIA & PYLE SPANDOS                               | PROPOSED MULTI-DWELLING         | 1. Administrator can make reflections prior to commencement<br>2. Commencement must be within 12 months of completion<br>3. Complying Development Certificate (CDC) must be held by the applicant<br>4. The applicant must be the owner and all designated consent managers<br>5. The applicant must include electronic stamps in their application<br>6. The applicant must include a copy of the CDC with the application<br>7. The applicant must include a copy of the CDC with the application<br>8. The applicant must include a copy of the CDC with the application<br>9. The applicant must include a copy of the CDC with the application<br>10. The applicant must include a copy of the CDC with the application | GENERAL NOTES            |
|                                                                                                                                                                                                                                           | Date: 04.02.2024<br>Drawn by: VA<br>Checked by: CS | 7 ADAMS STREET MARIEBA QLD 4680 | Sheet No: A101<br>Scale: As Shown @ A3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Project number: 2024020  |
| Decorn - Design + Drafting                                                                                                                                                                                                                |                                                    |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |

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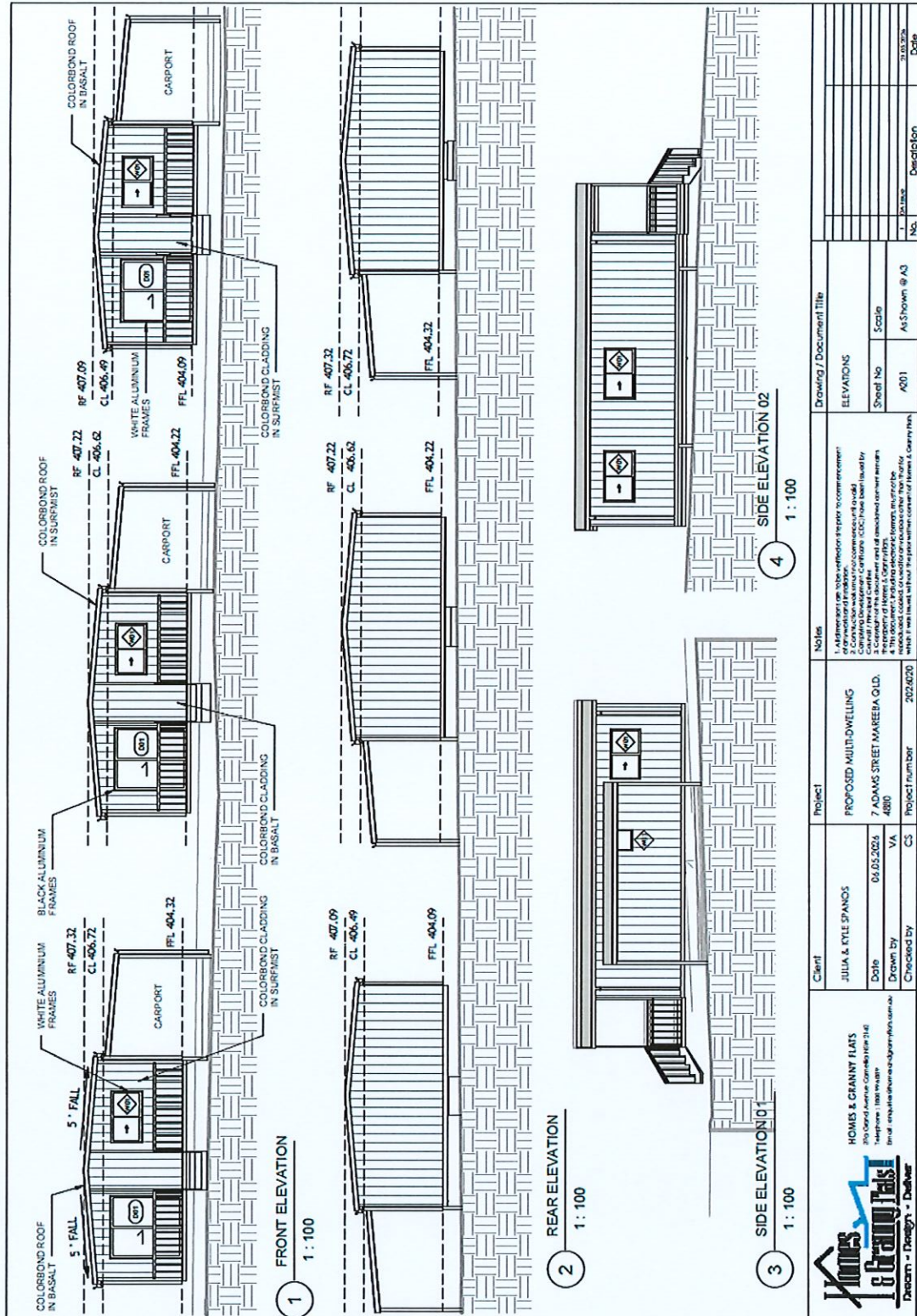
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| Client              |  | Project                         | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Drawing / Document Title |               |
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| JULIA & KYLE SPANOS |  | PROPOSED MULTI-DWELLING         | 1. All dimensions are taken from the center line of the road unless otherwise specified.<br>2. All dimensions are taken from the center line of the road unless otherwise specified.<br>3. All dimensions are taken from the center line of the road unless otherwise specified.<br>4. All dimensions are taken from the center line of the road unless otherwise specified.<br>5. All dimensions are taken from the center line of the road unless otherwise specified. | SITE / GROUND FLOOR PLAN |               |
| Date: 04.05.2024    |  | 7 ADAMS STREET MAREEBA QLD 4880 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Sheet No                 | Scale         |
| Drawn by: VA        |  |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | A103                     | A1 Sheet @ A3 |
| Checked by: CS      |  | Project number: 2024020         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No.                      | Description   |
|                     |  |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1                        | Scale         |
|                     |  |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2                        | Scale         |
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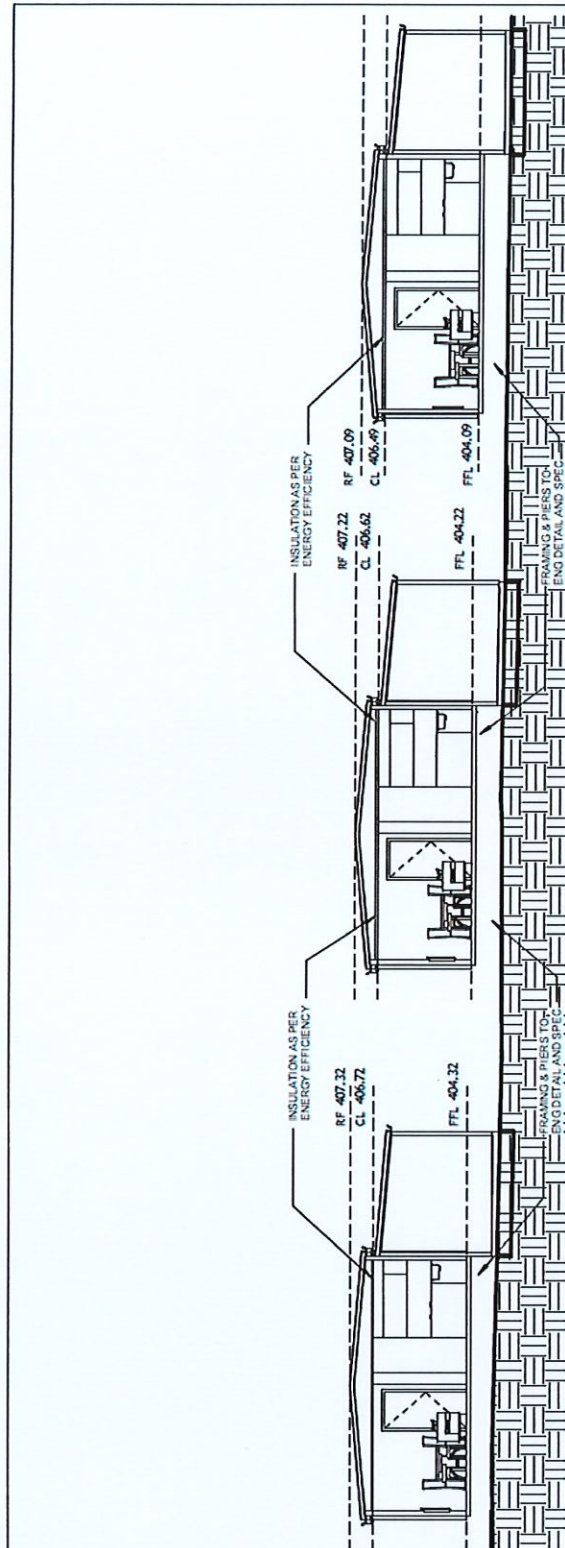


| Client              |  | Project                         |  | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Drawing / Document Title |  |
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| JULIA & KYLE SPANOS |  | PROPOSED MULTI-DWELLING         |  | 1. All drawings are the property of the architect and are not to be reproduced without written permission.<br>2. The architect is not responsible for any errors or omissions in the drawings.<br>3. The architect is not responsible for any construction or installation errors.<br>4. The architect is not responsible for any structural or engineering errors.<br>5. The architect is not responsible for any environmental or sustainability errors.<br>6. The architect is not responsible for any health and safety errors.<br>7. The architect is not responsible for any legal or regulatory errors.<br>8. The architect is not responsible for any other errors or omissions. |  | ELEVATIONS               |  |
| Date: 06.05.2026    |  | 7 ADAMS STREET MAREEBA QLD 4880 |  | Scale: As Shown @ A3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | Sheet No: A001           |  |
| Drawn by: VA        |  | Project number: 2024/020        |  | No. 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Description: ELEVATIONS  |  |
| Checked by: CS      |  | Project number: 2024/020        |  | No. 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Description: ELEVATIONS  |  |
| Date: 06.05.2026    |  | Project number: 2024/020        |  | No. 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Description: ELEVATIONS  |  |
| Date: 06.05.2026    |  | Project number: 2024/020        |  | No. 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Description: ELEVATIONS  |  |

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| Client                                                                                                                             | Project                                                       | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Drawing / Document Title                |
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| HOMES & GRANNY FLATS<br>210 Grand Avenue Corinda NSW 1514<br>Telephone: 1800 761818<br>Email: enquiries@homesandgrannyflats.com.au | PROPOSED MULTI-DWELLING<br>7 ADAMS STREET MAREEBA QLD<br>4880 | <ul style="list-style-type: none"> <li>1. All drawings are subject to verification by the relevant authority prior to commencement of construction.</li> <li>2. Contractor shall ensure all construction is in accordance with the relevant authority's requirements.</li> <li>3. This document is the property of Homes &amp; Granny Flats. It is not to be reproduced or used in any way without the written consent of Homes &amp; Granny Flats.</li> </ul> | SECTIONS                                |
| Date: 06.05.2025<br>Drawn by: VA<br>Checked by: CS                                                                                 | Project number: 2024/020                                      | Sheet No: A01<br>Scale: As Shown @ A3                                                                                                                                                                                                                                                                                                                                                                                                                          | Revision<br>No. Change Description Date |

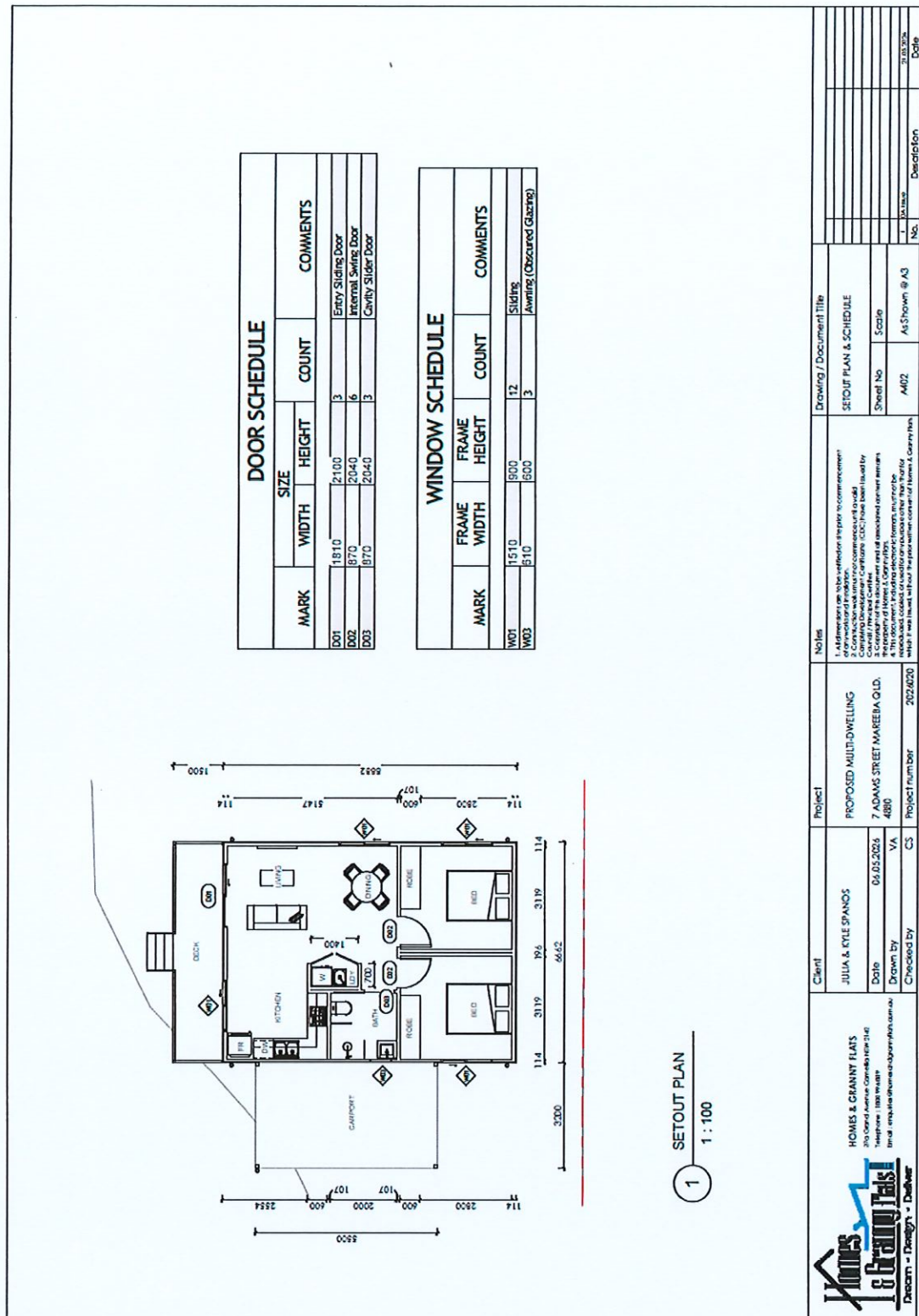
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Version: 1, Version Date: 10/06/2026

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1 SETOUT PLAN  
1 : 100

| Client              |            | Project                         | Notes                                                                                                                                                                                                                                                                                                                   | Drawing / Document Title |               |
|---------------------|------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------|
| JULIA & KYLE SPANOS |            | PROPOSED MULTI-DWELLING         | 1. All dimensions are to be verified on site prior to construction.<br>2. Construction shall be in accordance with the relevant Australian Standards.<br>3. The drawing is for information only and does not constitute a contract.<br>4. This document is the property of the architect and shall remain confidential. | SETOUT PLAN & SCHEDULE   |               |
| Date                | 06/05/2025 | 7 ADAMS STREET MAREEBA QLD 4880 |                                                                                                                                                                                                                                                                                                                         | Sheet No                 | Scale         |
| Drawn by            | VA         | 4880                            |                                                                                                                                                                                                                                                                                                                         | A402                     | As Shown @ A3 |
| Checked by          | CS         | Project number                  |                                                                                                                                                                                                                                                                                                                         | No.                      | Description   |
|                     |            | 2024/020                        |                                                                                                                                                                                                                                                                                                                         | 1                        | Setout        |
|                     |            |                                 |                                                                                                                                                                                                                                                                                                                         |                          | Date          |

Document Set ID: 4655972  
Version: 1.1, Version Date: 10/09/2025

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B. n. Q.

## 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.