Mareeba
SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

30 October 2026

Planning Officer: Carl Ewin
Our Reference: MCU/26/0012
Your Reference: M2-26

Mete Property Pty Ltd TTE &
Macmard Pty Ltd
C/- U&i Town Plan
35 Sutherland Street
MAREEBA QLD 4880

Dear Applicants,

Decision Notice
Planning Act 2016

I refer to your application and advise that on 28 October 2026, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/26/0012
Street Address:	313-317 Byrnes Street, Mareeba
Real Property Description:	Lot 1 on SP245578 & Lot 73 on M35645
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use – Showroom and Outdoor Sales (Extension to Existing Motor Vehicle Dealership)
Date of Decision:	28 October 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 Waste Management

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

3.5 Noise Nuisance

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.

3.6 Air Conditioner & Building Plant Screening

The applicant/developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

4. Infrastructure Services and Standards

4.1 Frontage Works

The applicant/developer is required to construct the following works, designed in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- A two (2) metre wide concrete footpath along the full frontage of Lot 73 on M35645.
- Adjustments and relocations necessary to public utility services resulting from these works.

4.2 Stormwater Management

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

4.3 Car Parking/Internal Driveways

4.3.1 All car parking 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.

4.3.2 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 Fencing

(i) A 1.8 metre high (neutral colour) solid screen fence must be maintained along the full length of the site's common boundaries with Lots 12 and 17 on M356113.

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

4.5 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

- Cairns SARA - Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use near a State transport corridor or that is a future State transport corridor

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
1706-PD- A-000	Cover Sheet	Clarke and Prince Architects	02/06/26
1706-PD- A-001 B	Locality & Site Plan	Clarke and Prince Architects	13/07/26
1706-PD- A-100	Floor Plan – Existing & Demolition	Clarke and Prince Architects	02/06/26
1706-PD- A-102	Floor Plan - Proposed	Clarke and Prince Architects	02/06/26
1706-PD- A-400	Elevations	Clarke and Prince Architects	02/06/26

ASSESSMENT MANAGERS ADVISORY NOTES

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

(a) 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.

(b) 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

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(d) 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.

(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.dwatsipm.qld.gov.au.

(g) 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

SUBMISSIONS

There were no properly made submissions about the application.

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.

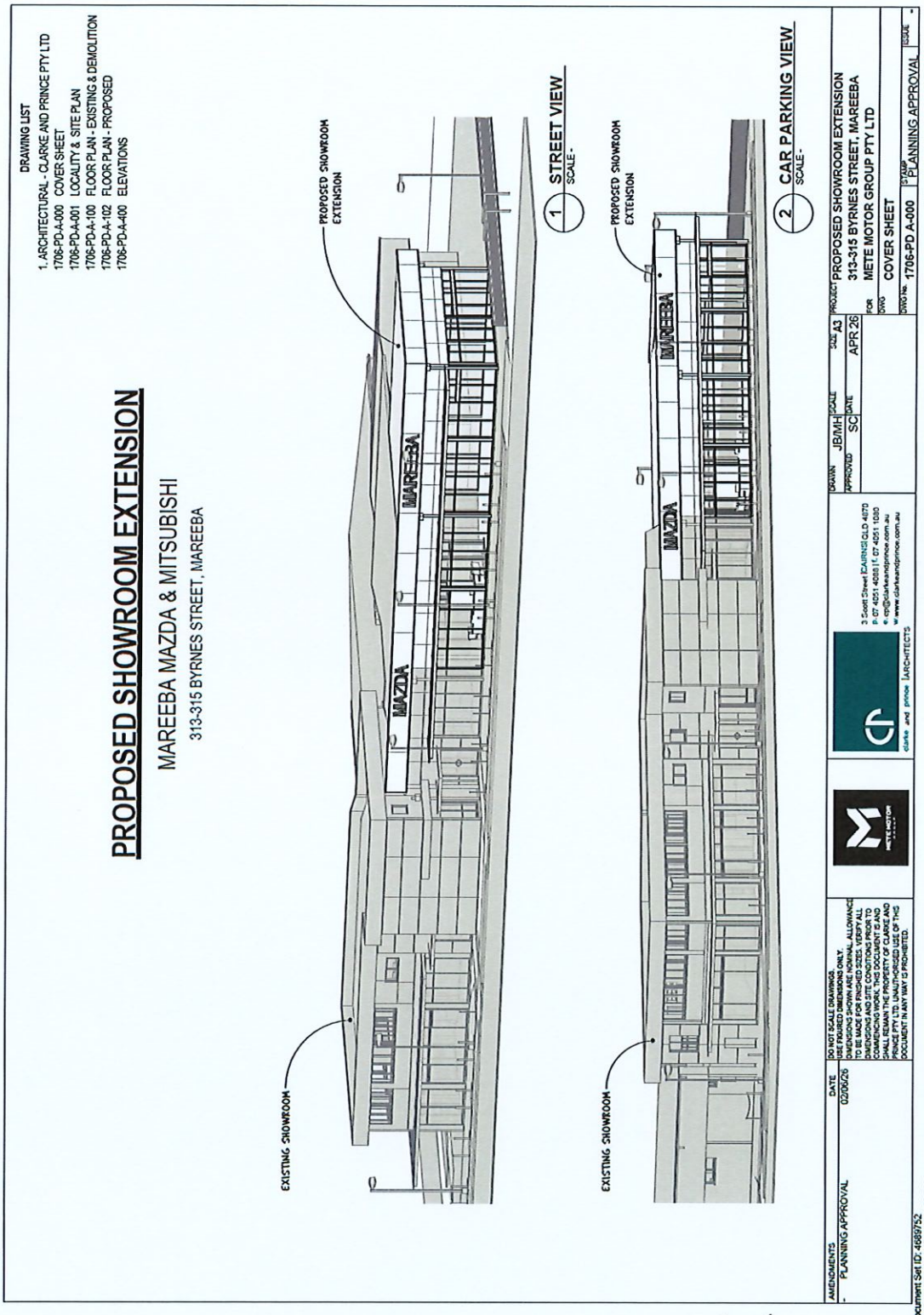
Yours faithfully

BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

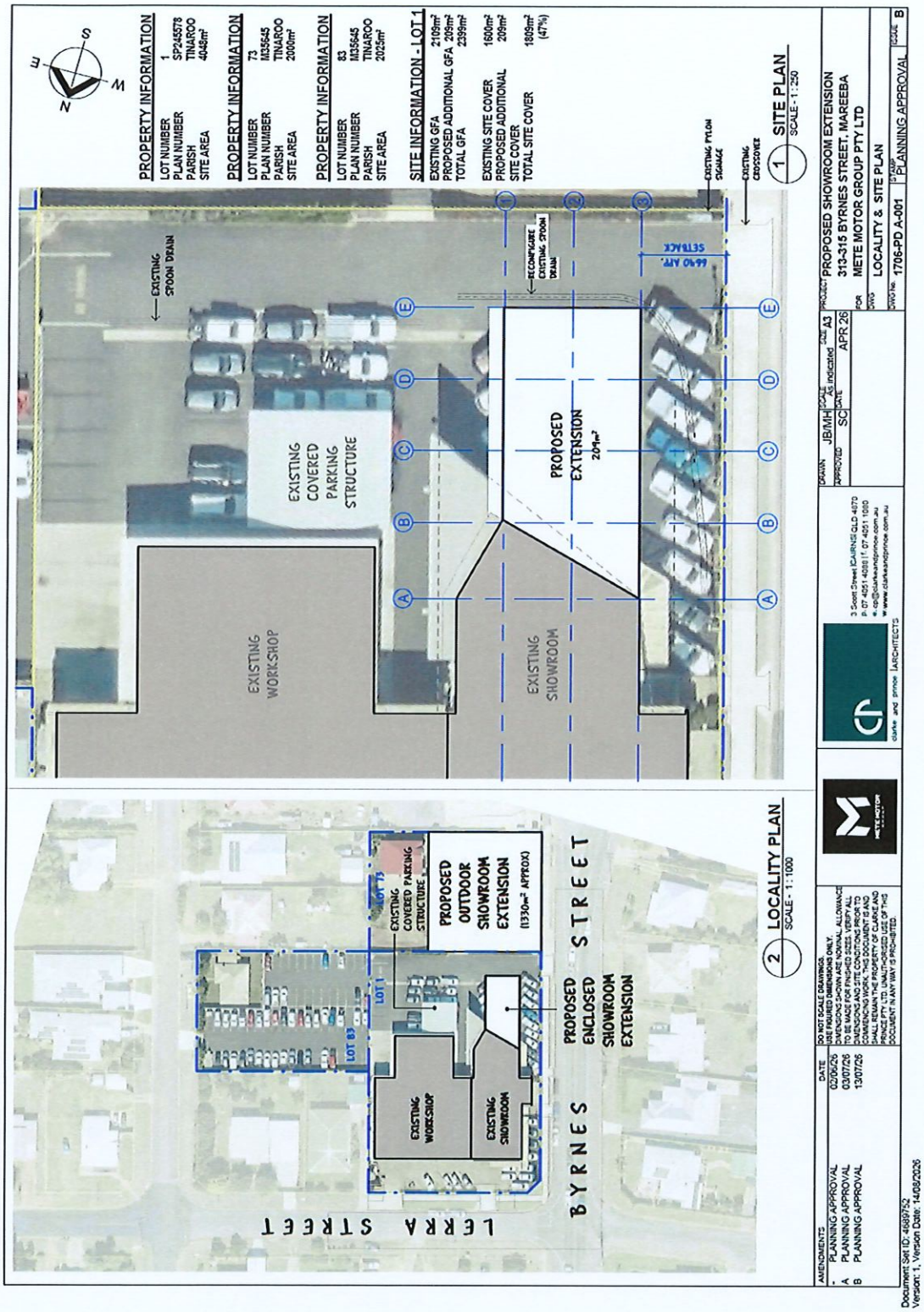
Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights
Adopted Infrastructure Charge Notice

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

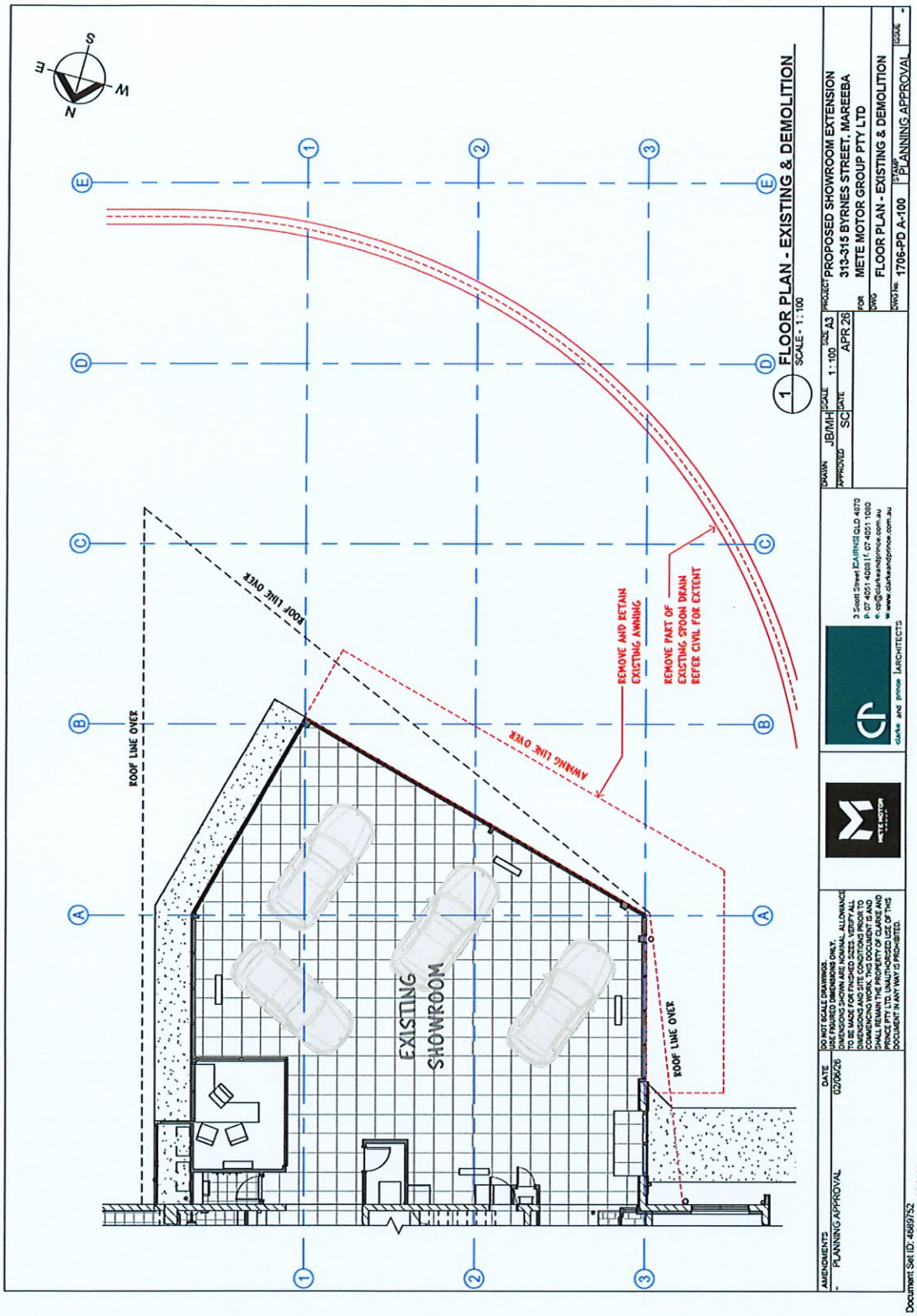
Approved Plans/Documents



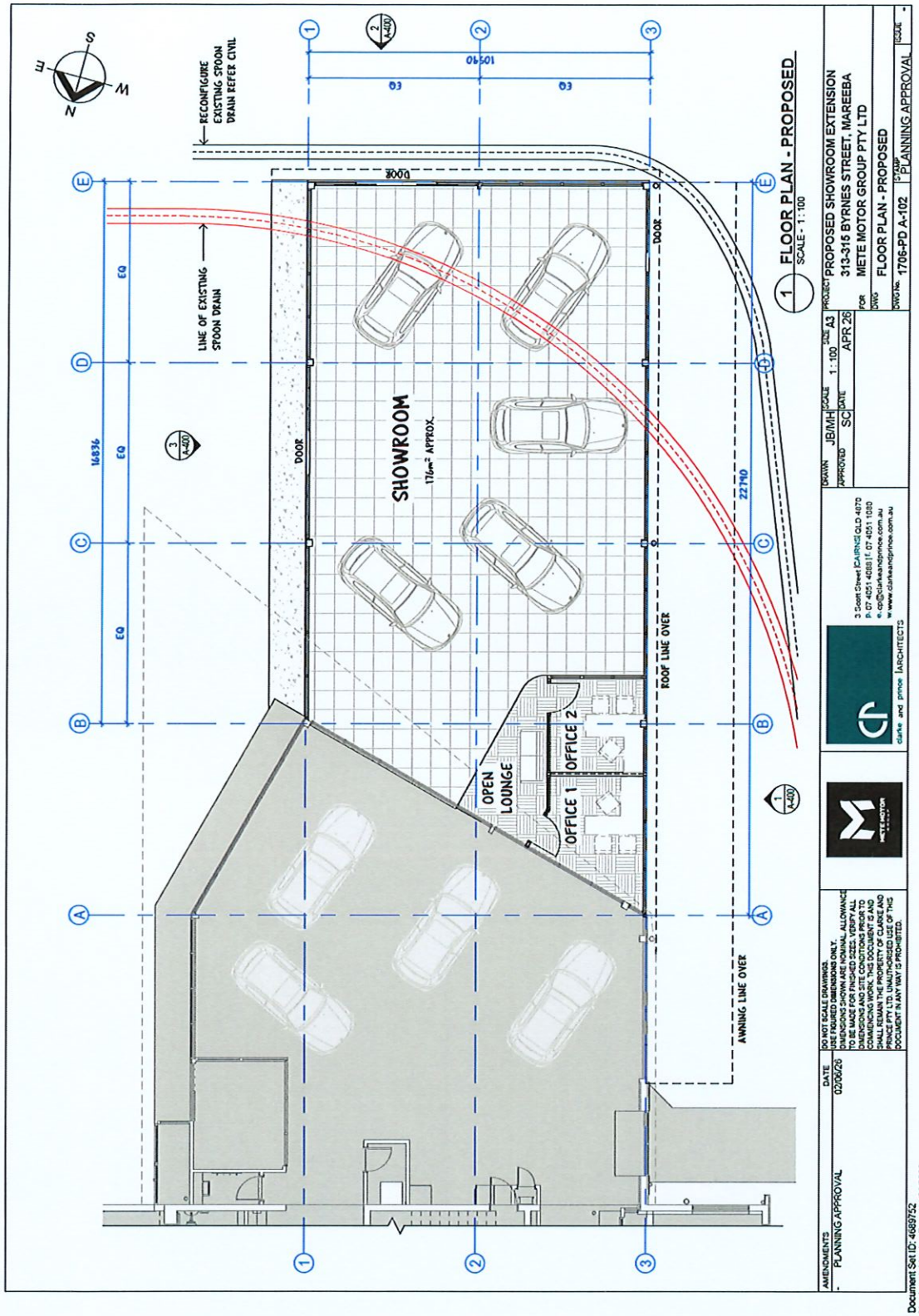
30/10/2026


PROPERTY INFORMATION
LOT NUMBER 1
PLAN NUMBER SP245578
PARISH TINAROO
SITE AREA 4045m²
PROPERTY INFORMATION
LOT NUMBER 73
PLAN NUMBER M35645
PARISH TINAROO
SITE AREA 2000m²
PROPERTY INFORMATION
LOT NUMBER 83
PLAN NUMBER M35645
PARISH TINAROO
SITE AREA 2025m²
SITE INFORMATION - LOT 1
EXISTING GFA 2109m²
PROPOSED ADDITIONAL GFA 209m²
TOTAL GFA 2399m²
EXISTING SITE COVER 1600m²
PROPOSED ADDITIONAL 209m²
SITE COVER 1809m² (47%)
TOTAL SITE COVER
EXISTING WORKSHOP
EXISTING COVERED PARKING STRUCTURE
PROPOSED EXTENSION 204m²
EXISTING SHOWROOM
EXISTING SPOON DRAIN
RECONFIGURE EXISTING SPOON DRAIN
6640 ATT. SETBACK
EXISTING PYLON SIGNAGE
EXISTING CROSSOVER
1 SITE PLAN
SCALE - 1 : 250
LERRA STREET
BYRNES STREET
LOT 1
LOT 83
LOT 73
EXISTING COVERED PARKING STRUCTURE
PROPOSED OUTDOOR SHOWROOM EXTENSION (1330m² APPROX)
PROPOSED ENCLOSED SHOWROOM EXTENSION
EXISTING WORKSHOP
EXISTING SHOWROOM
2 LOCALITY PLAN
SCALE - 1 : 1000
AMENDMENTS
- PLANNING APPROVAL 02/06/26
A PLANNING APPROVAL 03/07/26
B PLANNING APPROVAL 13/07/26
DO NOT SCALE DRAWINGS.
USE FIGURED DIMENSIONS ONLY.
DIMENSIONS SHOWN ARE NOMINAL ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS & LEVELS ON SITE BEFORE COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY. LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.
DRAWN JB/MH
APPROVED SC
SCALE AS indicated @ A3
DATE APR 26
PROJECT PROPOSED SHOWROOM EXTENSION
313-315 BYRNES STREET, MAREEBA
FOR METE MOTOR GROUP PTY LTD
DWG LOCALITY & SITE PLAN
DRG No. 1706-PD A-001
ISSUE PLANNING APPROVAL
CODE B
clarke and prince ARCHITECTS
3 Scott Street CAIRNS QLD 4870
p. 07 4051 4088 | f. 07 4051 1000
e. cp@clarkeandprince.com.au
w. www.clarkeandprince.com.au
Document Set ID: 4689752
Version: 1, Version Date: 14/08/2026

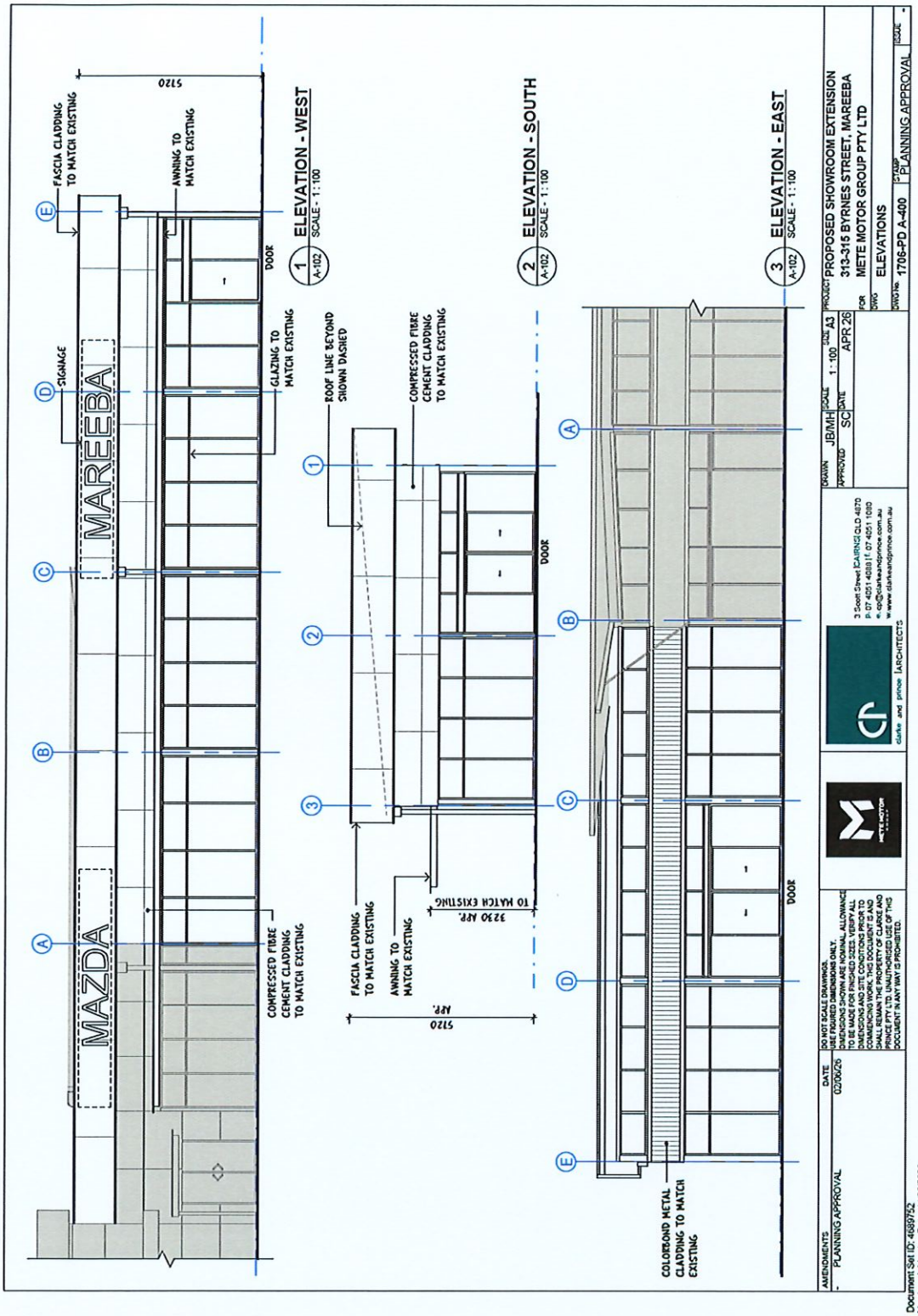
30/10/2026


1 FLOOR PLAN - EXISTING & DEMOLITION
SCALE - 1 : 100
ROOF LINE OVER
AWNING LINE OVER
REMOVE AND RETAIN EXISTING AWNING
REMOVE PART OF EXISTING CPOON DRAIN REFER CIVIL FOR EXTENT
EXISTING SHOWROOM
ROOF LINE OVER
PROJECT PROPOSED SHOWROOM EXTENSION
313-315 BYRNES STREET, MAREEBA
FOR METE MOTOR GROUP PTY LTD
DRG FLOOR PLAN - EXISTING & DEMOLITION
DRG No 1706-PD A-100
ISSUE PLANNING APPROVAL
DRAWN JB/MH
APPROVED SC
SCALE 1 : 100
DATE APR.26
SIZE A3
clarke and prince ARCHITECTS
3 Scott Street CAIRNS QLD 4870
p. 07 4051 4088 f. 07 4051 1060
e. cp@clarkeandprince.com.au
w. www.clarkeandprince.com.au
METE MOTOR
AMENDMENTS
- PLANNING APPROVAL 02/06/26
DO NOT SCALE DRAWINGS.
USE FIGURED DIMENSIONS ONLY.
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30/10/2026


FLOOR PLAN - PROPOSED
SCALE - 1:100
RECONFIGURE EXISTING SPOON DRAIN REFER CIVIL
LINE OF EXISTING SPOON DRAIN
SHOWROOM
176m² APPROX.
OPEN LOUNGE
OFFICE 2
OFFICE 1
ROOF LINE OVER
AWNING LINE OVER
DOOR
22740
14636
PROPOSED SHOWROOM EXTENSION
313-315 BYRNES STREET, MAREEBA
METE MOTOR GROUP PTY LTD
FLOOR PLAN - PROPOSED
1706-PD A-102
PLANNING APPROVAL
clarke and prince ARCHITECTS

30/10/2026


1 ELEVATION - WEST
A-102 SCALE - 1:100
2 ELEVATION - SOUTH
A-102 SCALE - 1:100
3 ELEVATION - EAST
A-102 SCALE - 1:100
MAZDA
MAREEBA
FASCIA CLADDING TO MATCH EXISTING
AWNING TO MATCH EXISTING
SIGNAGE
GLAZING TO MATCH EXISTING
DOOR
COMPRESSED FIBRE CEMENT CLADDING TO MATCH EXISTING
ROOF LINE BEYOND SHOWN DASHED
TO MATCH EXISTING
COLORBOND METAL CLADDING TO MATCH EXISTING
PROPOSED SHOWROOM EXTENSION
313-315 BYRNES STREET, MAREEBA
METE MOTOR GROUP PTY LTD
ELEVATIONS
1706-PD A-400
PLANNING APPROVAL
clarke and prince ARCHITECTS
AMENDMENTS
PLANNING APPROVAL
02/06/26
Document Set ID: 4689752
Version: 1, Version Date: 14/08/2026

30/10/2026

Referral Agency Response

RA6-N

DELIVERING FOR QUEENSLAND | Queensland Government

Department of
State Development,
Infrastructure and Planning

SARA reference: 2608-54183 SRA
Council reference: MCU/26/0012
Applicant reference: M2-26

22 September 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—Material Change of Use for Showroom and Outdoor Sales - 313-315 and 317 Byrnes Street, 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 24 August 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	22 September 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	Material change of use for Showroom and Outdoor Sales
SARA role:	Referral agency	

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

2608-54183 SRA

SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - Material change of use of premises within 25m of a state transport corridor (10.9.4.2.4.1) (Planning Regulation 2017)
SARA reference:	2608-54183 SRA
Assessment manager:	Mareeba Shire Council
Street address:	313-315 and 317 Byrnes Street, Mareeba
Real property description:	Lot 1 on SP245578 and Lot 73 on M35645
Applicant name:	Macmard Pty Ltd & Mete Property Pty Ltd a.t.f the Mete Family Trust
Applicant contact details:	C/-U&iTown Plan PO Box 71 Mareeba QLD 4880 ramon@uitownplan.com.au
Human Rights Act 2019 considerations:	The decision has been assessed for compatibility with human rights under the Human Rights Act 2019. The decision was found not to limit human rights under the Human Rights Act 2019 therefore, it is reasonable to conclude the decision is compatible with 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 Taryn Pace, Principal Planner, on (07) 4037 3244 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Brett Nancarrow
Manager (Planning)

cc Macmard Pty Ltd and Mete Property Pty Ltd C/-U&iTown Plan, ramon@uitownplan.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

2608-54183 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
10.9.4.2.4.1 – Material change of use of premises within 25m of a state transport corridor—The chief executive administering the *Planning Act 2016* nominates the Director-General of Department of Transport and Main Roads the Deputy Director-General of the Department of Justice and Attorney-General to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	**Stormwater management** Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not: • create any new discharge points for stormwater runoff onto the state-controlled road. • concentrate or increase the velocity of flows to the state-controlled road. • interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road.	At all times.
2.	**Access to Lot 73 on M35645** The access crossover to Lot 73 on M35645 (317 Byrnes Street, Mareeba) is only to be used for the loading and unloading of new and trade-in vehicles for storage and display within the outdoor showroom area.	Prior to the commencement of use and to be maintained at all times.

2608-54183 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016*, its regulation or the State Development Assessment Provisions (SDAP) (version 3.6). If a word remains undefined it has its ordinary meaning.
2.	Any advertising sign or devices that will be visible from a state-controlled road may be subject to future Council assessment. The Department of Transport and Main Roads (DTMR) Roadside Advertising Manual (RAM) provides an assessment benchmark that assists DTMR and local governments to evaluate proposals for roadside advertising devices to ensure that they meet road safety and traffic operation objectives. The RAM also provides technical criteria for current and potential roadside advertisers. The applicant should seek advice from the DTMR to ensure that an advertising device(s) visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road. Note: DTMR has powers under section 139 of the *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015* to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic. For more information regarding the RAM or the Third-Party Advice process, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au

2608-54183 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:

- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
  - does not adversely impact the structural integrity or physical condition of the Byrnes Street state-controlled road, or the adjoining intersection
  - does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for road users
  - has been conditioned to ensure stormwater does not compromise the operating performance of the state-controlled road

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules[1] regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.

28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—

(a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or

(b) the Minister has given the concurrence agency a direction under section 99 of the Act; or

(c) the applicant has given written agreement to the change to the referral agency response.[2]

28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.

28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—

(a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and

(b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

1 Pursuant to Section 68 of the *Planning Act 2016*

2 In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.[3]

[3] An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

(Refer to Schedule 1 of the Planning Act 2016)

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