Mareeba
SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

20 December 2017

Officer: Brian Millard
Direct Telephone: 07 4086 4657
Our Reference: MCU/17/0006
Your Reference: J000580

Ngoonbi Community Services Indigenous Corporation
C/- Kristy Gilvear
Gilvear Planning Pty Ltd
PO Box 28
BABINDA QLD 4861

Dear Madam

Decision Notice
Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0006
Street Address:	Arara Street KURANDA QLD 4881
Real Property Description:	Lot 322 on SP118917
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)
Date of Decision:	20 December 2017

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

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

   - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
   - to ensure compliance with the following conditions of approval.

2. Timing of Effect

   2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

   3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

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

3.4 Noise Nuisance

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.

The applicant 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.

3.5 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access roads are of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Hours of Operation

The operating hours shall be between 6am and 6pm Monday to Friday and between 6am and 12pm Saturday. No operations are permitted on Sunday or Public Holidays.

3.7 Vegetation clearing on the site must be limited to that necessary for the siting of the proposed shed, ancillary car parking facilities, access driveways and any security fencing. A vegetation clearing plan, showing the extent of clearing works proposed, must be prepared and submitted to Council for approval prior to the commencement of any clearing works or building works.

4. Infrastructure Services and Standards

4.1 Access

A commercial access crossover must be constructed (from the edge of the Arara Street road pavement to the property boundary of the

subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building 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.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.2.3 Prior to Building works commencing, the applicant must also provide 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.

4.2.4 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.

4.2.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.2.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the development is provided with 13 on-site car parking spaces including one (1) disabled car parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete, asphalt or bitumen sealed, line marked 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.

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

4.3.2 Bicycle parking for a minimum of ten (10) bicycles must be provided in conjunction with the car parking requirements.

4.4 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.5 Water Supply

4.5.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, 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).

4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

4.6.1 The 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.

4.6.2 Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed 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).

5. Additional Payment Condition/s

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay a one-off payment of **$15,300.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk water supply, sewerage and transport (road) network servicing the land.

5.4 The developer may elect to provide or upgrade part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide or upgrade part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the works to be undertaken;
- Obtain the necessary approvals for the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of $20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;

- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Table 4	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
13-NGO-01 WD-01	Site Plan	-	July 2017
13-NGO-01 WD-02	Ground Floor Plan	-	July 2017
13-NGO-01 WD-03	Proposed Mezzanine Plan	-	July 2017
13-NGO-01 WD-04	Proposed Floor Plans	-	July 2017
13-NGO-01 WD-05	Elevations 1	-	July 2017
13-NGO-01 WD-06	Elevations 2	-	July 2017
13-NGO-01 WD-07	Elevations 3	-	July 2017
13-NGO-01 WD-08	Elevations 4	-	July 2017

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

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

(A) ASSESSMENT MANAGER'S ADVICE

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

(b) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(c) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(d) A Trade Waste Permit will be required prior to the commencement of use.

(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) 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.

(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.environment.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.datsip.qld.gov.au

(i) 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 the 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.

(B) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 12 October 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

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)

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.

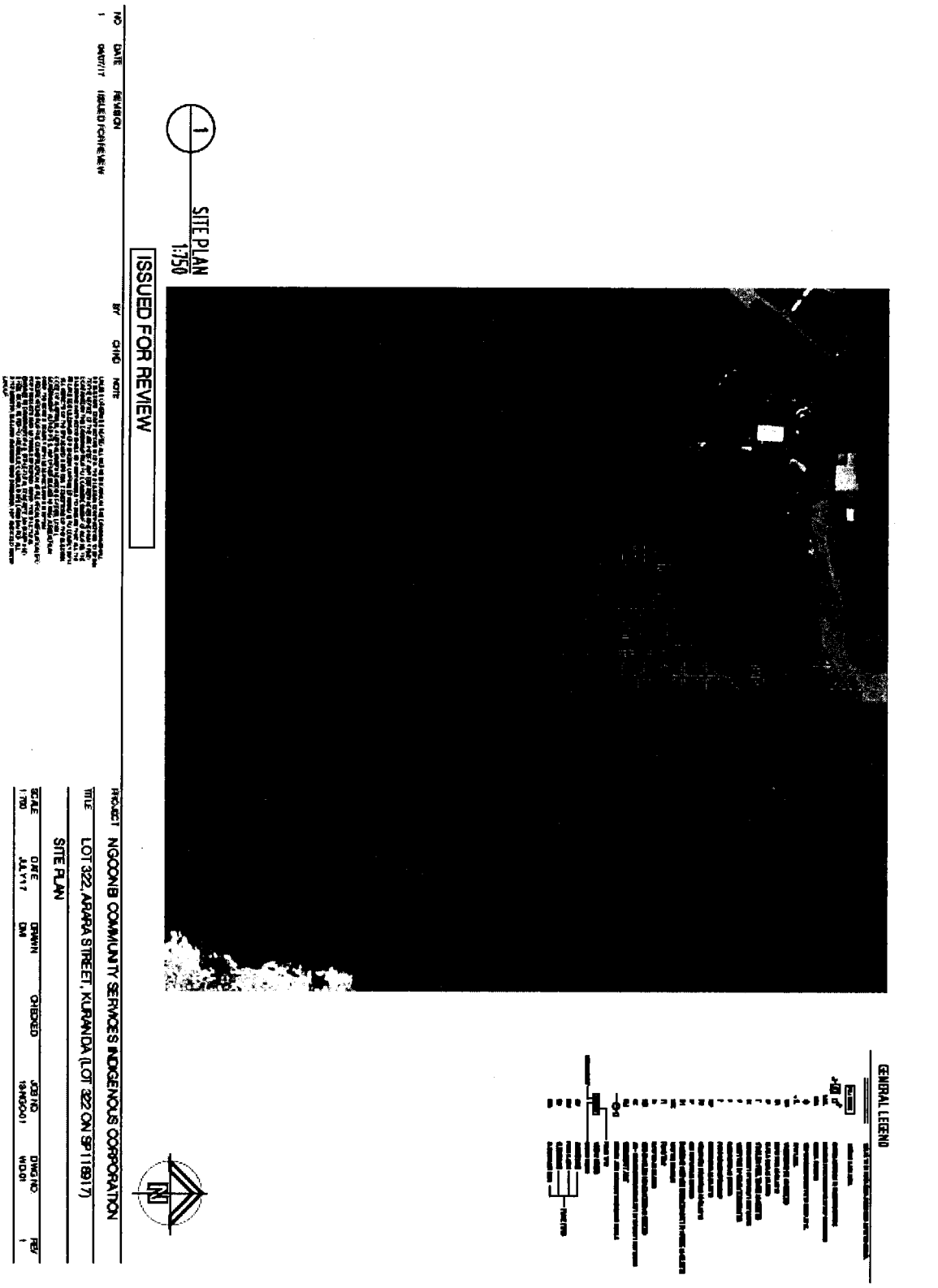
Yours faithfully

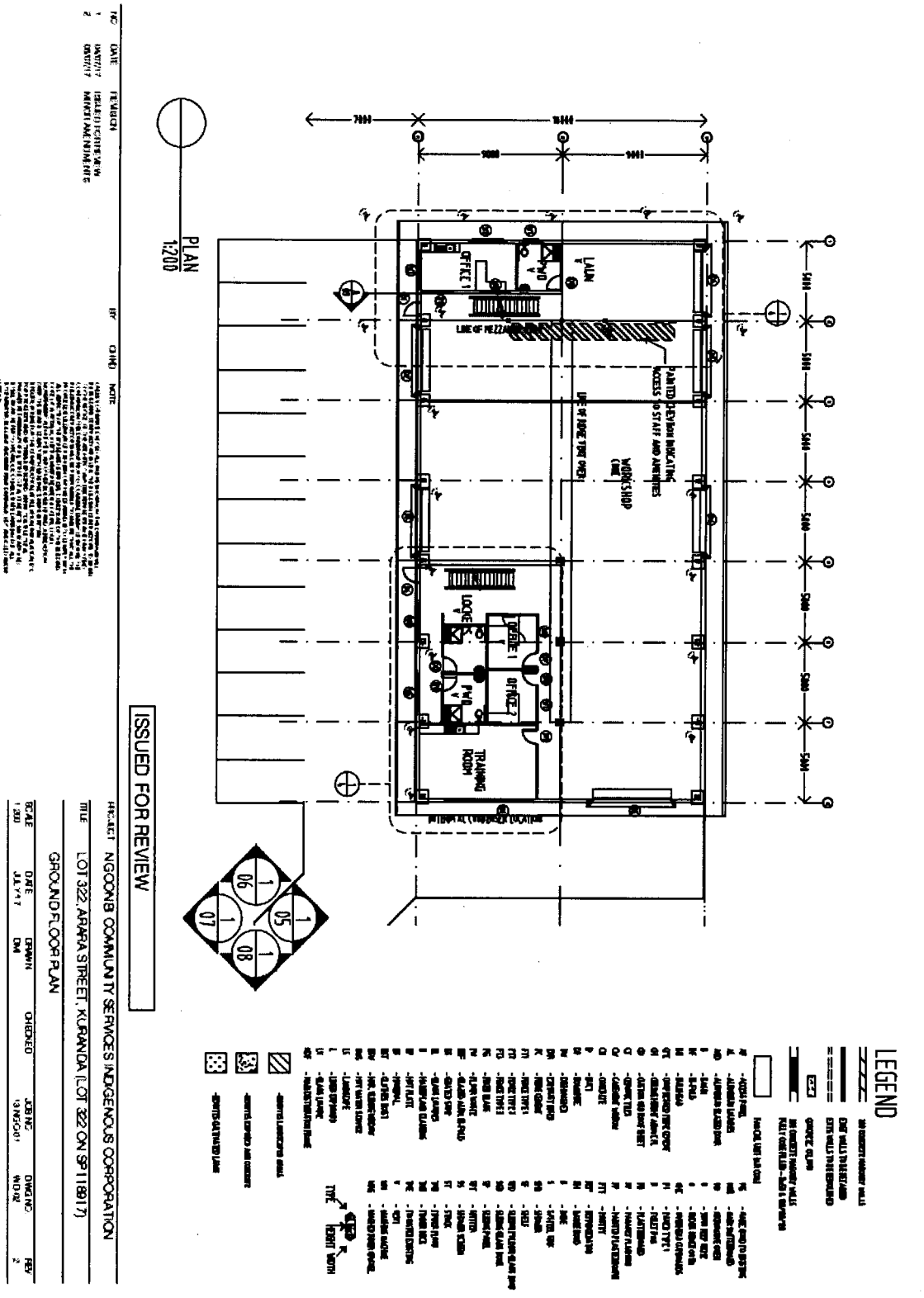
BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

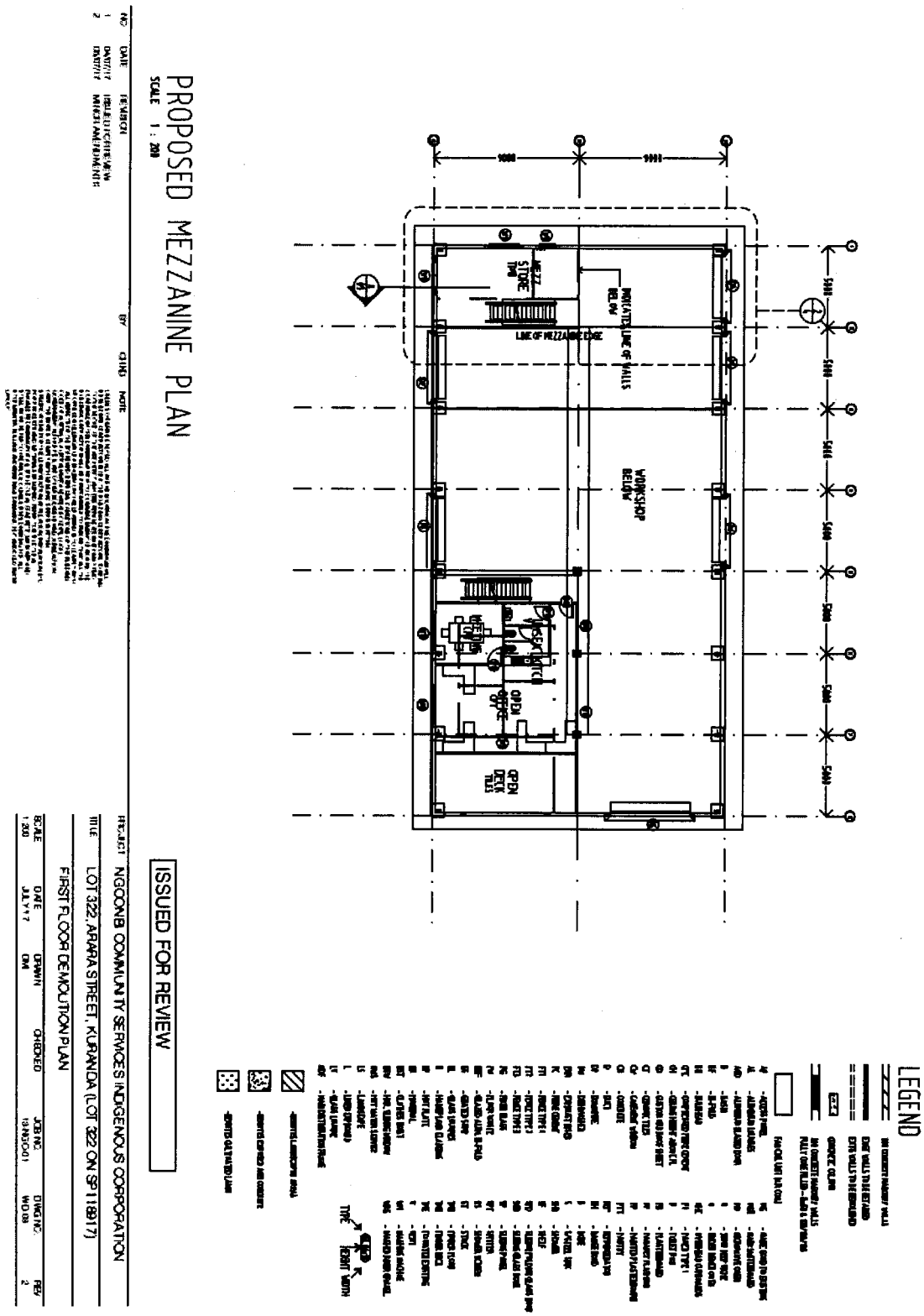
Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au

Approved Plans/Documents

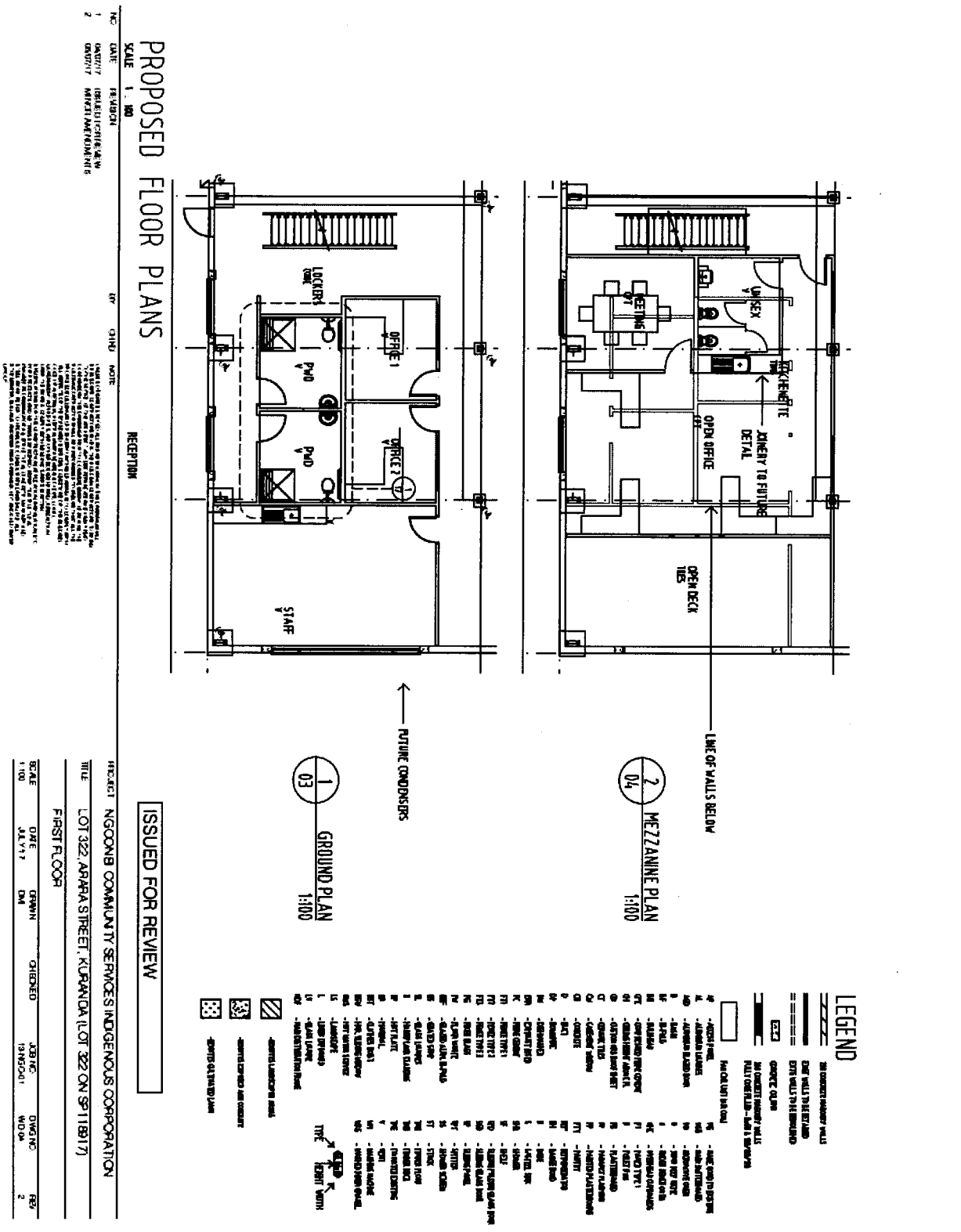



PLAN
1:200
ISSUED FOR REVIEW
LEGEND
NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION
LOT 322, ARARA STREET, KURANDA (LOT 322 ON SP118917)
GROUND FLOOR PLAN
WORKSHOP
TRAINING ROOM
LOCKER
OFFICE 1
OFFICE 2
LAUN
PWD

20/12/2017


PROPOSED MEZZANINE PLAN
SCALE 1 : 200
ISSUED FOR REVIEW
NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION
LOT 322, ARARA STREET, KURANDA (LOT 322 ON SP118917)
FIRST FLOOR DEMOLITION PLAN
LEGEND
WORKSHOP BELOW
LINE OF MEZZANINE EDGE
MEZZ STORE TIMB
OPEN DECK TILES

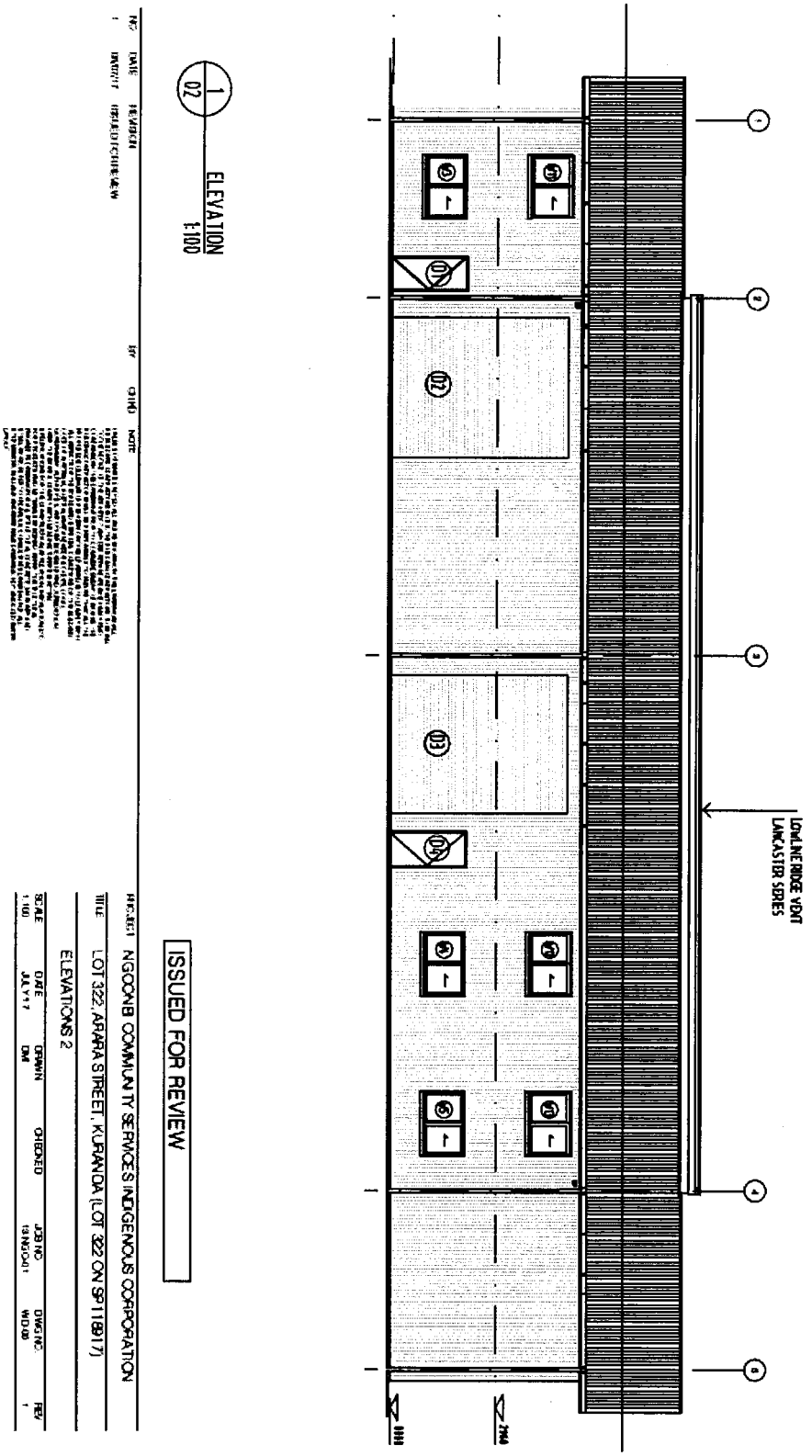
20/12/2017


PROPOSED FLOOR PLANS
SCALE 1 : 100
RECEPTION
LOCKERS
OFFICE 1
OFFICE 2
PWD
PWD
STAFF
UNISEX
MEETING
KITCHENETTE
JOINERY TO FUTURE DETAIL
OPEN OFFICE
OPEN DECK TIES
LINE OF WALLS BELOW
FUTURE CONDENSERS
1/03 GROUND PLAN 1:100
2/04 MEZZANINE PLAN 1:100
LEGEND
ISSUED FOR REVIEW
PROJECT NGOONIB COMMUNITY SERVICES INDIGENOUS CORPORATION
TITLE LOT 322, ARARA STREET, KURANDA (LOT 322 ON SP118917)
FIRST FLOOR
SCALE 1:100
DATE JULY'17
DRAWN DM
CHECKED
JOB NO 1516DA01
DWG NO WD 04
REV 2

20/12/2017

ELEVATION
1:100
ISSUED FOR REVIEW
LOW LINE NOSE VENT
LANCASTER SERIES
NGOONIB COMMUNITY SERVICES INDIGENOUS CORPORATION
LOT 322, ARARA STREET, KURANDA (LOT 322 ON SP118917)
ELEVATIONS 1

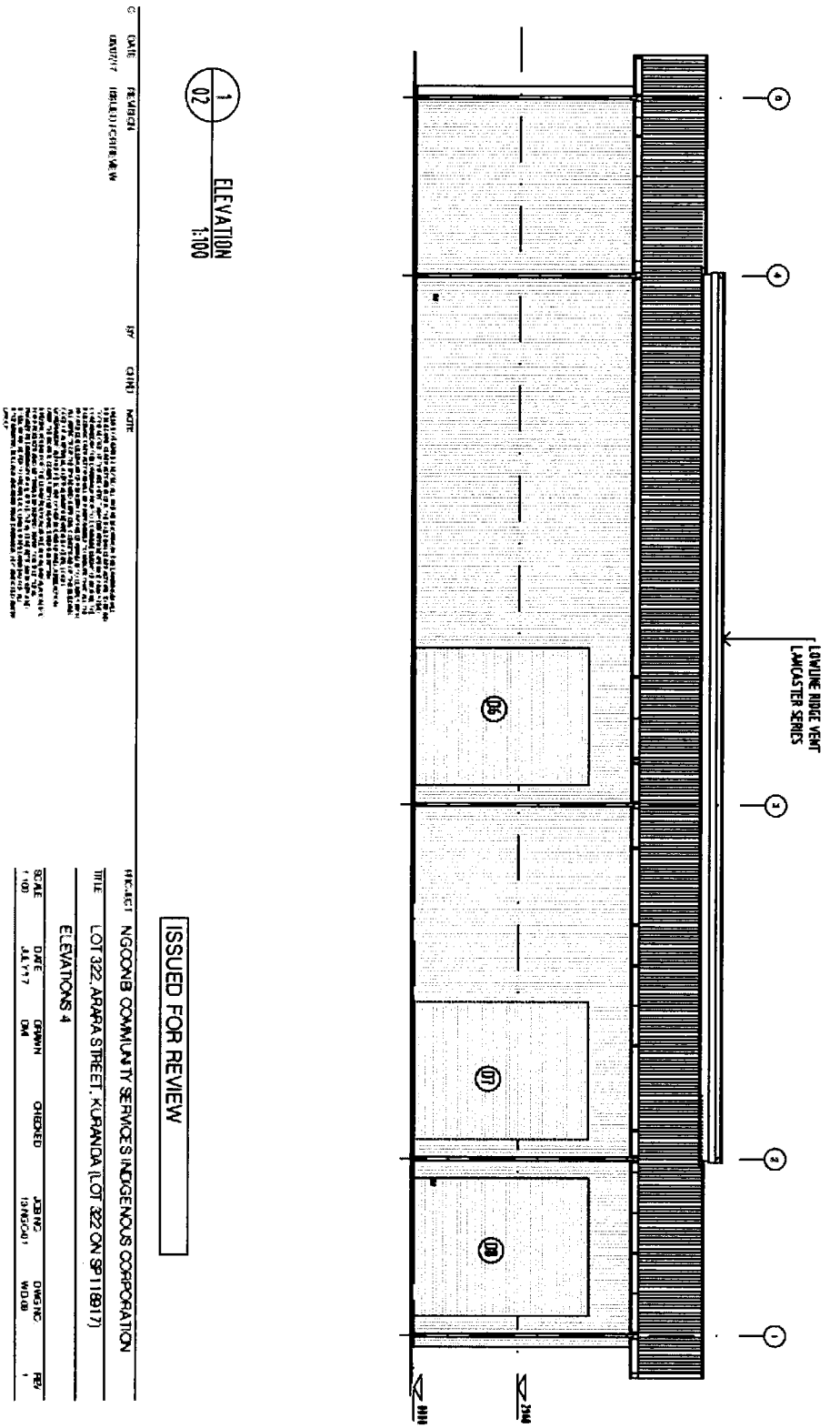
20/12/2017.


ELEVATION
1:100
ISSUED FOR REVIEW
NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION
LOT 322, ARARA STREET, KURANDA (LOT 322 ON SP118917)
ELEVATIONS 2
LOWLINE RIDGE VENT
LANCASTER SERIES

20/12/2017

LOHLINE RIDGE VENT
LANCASTER SERIES
ELEVATION
1:100
ISSUED FOR REVIEW
NGOONB COMMUNITY SERVICES INDIGENOUS CORPORATION
LOT 322, ARARA STREET, KURANDA (LOT 322 ON SP118817)
ELEVATIONS 3
SCALE
1:100
DATE
JULY 17
DRAWN
DM
CHECKED
JOB NO
19 NGOU1
DWG NO
WD-07
REV
1

20/12/2017.


LOWLINE RIDGE VENT
LANCASTER SERIES
ELEVATION
1:100
ISSUED FOR REVIEW
NGOONIB COMMUNITY SERVICES INDIGENOUS CORPORATION
LOT 322 ARARA STREET, KURANDA (LOT 322 ON SP 118917)
ELEVATIONS 4

20/12/2017
B. M

Referral Agency Response

GE78-N

Queensland Government

Department of Infrastructure, Local Government and Planning

Department of Infrastructure, Local Government and Planning
Statement of reasons for application 1709-1299 SRA
(Given under section 56 of the *Planning Act 2016*)

Departmental role:	Referral agency

Applicant details

Applicant name:	Ngoonbi Community Services Indigenous Corporation C/- Gilvear Planning Pty Ltd
Applicant contact details:	PO Box 228 BABINDA QLD 4861 kristy@gilvearplanning.com.au

Location details

Street address:	Arara Street, Kuranda
Real property description:	Lot 322 on SP118917
Local government area:	Mareeba Shire Council

Development details

Development permit	Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions (SDAP), version 2.1 State code 2: Development in a railway environment

Reasons for the department's decision

The reasons for the decision are:

- The proposed development complies with all applicable performance outcomes of the SDAP State code 2: Development in a railway environment (subject to conditions).
- The proposed development is located on a lot separated from the railway corridor by another lot, up to 10m wide so will not impact the operation, structural integrity or safety of the railway.
- The proposed development will ensure stormwater events associated with the development are minimised and managed to avoid creating any adverse impacts on the state transport (railway) corridor.

Decision

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley Street, Cairns

1709-1299 SRA

- The development application is for a material change of use for educational establishment, low impact industry, office and / or contactor's depot (mechanics workshop, construction business, offices and meeting rooms) to be provided within a shed (18m x 34 m) and car parking for 13 cars.

Relevant material

- Development application
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- Development Assessment Rules
- *Planning Act 2016*
- Planning Regulation 2017

RA6-N

Queensland Government

Department of Infrastructure, Local Government and Planning

Our reference: 1709-1299 SRA
Your reference: MCU/17/0006
Applicant reference: J00580

12 October 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Attention: Brian Millard

Dear Sir / Madam

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

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 8 September 2017.

Applicant details

Applicant name:	Ngoonbi Community Services Indigenous Corporation
Applicant contact details:	C/- Gilvear Planning Pty Ltd PO Box 228 BABINDA QLD 4861 kristy@gilvearplanning.com.au

Location details

Street address:	Arara Street, Kuranda
Real property description:	Lot 322 on SP118917
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

Far North Queensland regional office
Ground Floor, Cor Grafton and Hartley

1709-1299 SRA

Referral triggers

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

- 10.9.4.2.4 State transport corridors and future State transport corridors

Conditions

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

Reasons for decision to impose conditions

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

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

For further information please contact Michele Creecy, Senior Planning Officer, on 40373206 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Brett Nancarrow
Manager (Planning)

cc Ngoonbi Community Services Indigenous Corporation, kristy@gilvearplanning.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

1709-1299 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Material change of use - Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)		
Schedule 10, Part 9, Division 4, Sub-division 2 Table 4 State transport corridor (railway)—The chief executive administering the *Planning Act 2016* nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor. (b) Any works on the land must not: (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor.	(a) and (b) At all times

1709-1299 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

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.