



Our Ref: LM:sd: DA/4498:AD2022/0002205
Your Ref: WP22 002 WAT DA01 001

04 July 2022

Jayson Watkin
c/-Wildplan Pty Ltd
PO Box 8028
CAIRNS QLD 4870
E-mail: dominic@wildplan.com.au

Attention: Dominic Hammersley

Dear Mr Hammersley

Decision Notice - Approval

Given under section 63 of the *Planning Act 2016*

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full, subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision: Council approved the Development Application at a Council meeting on 28 June 2022.

Approval Details: **Approved in full** with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Variation approval details

Not Applicable



Application Details

Application Number:	DA/4498
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development:	Dwelling House and Home Based Business
Category of Development:	Assessable Development
Category of Assessment:	Code Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017

Location Details

Street Address:	Aylen Hills Road, IRON RANGE 4892
Real Property Description:	Lot 12 on RP898805
Local Government Area:	Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in Attachment 1.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Plumbing and Drainage Work
2. Development Permit for Building Work

Properly Made Submissions

Not applicable - no part of the application required public notification.

Referral Agencies

Not applicable - no part of the application required referral.

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved Plans and Specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.



This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely

Lisa Miller

Manager

Planning and Environment

Cook Shire Council

- enc: **Attachment 1 (A)** – Conditions imposed by the assessment manager
Attachment 2 – Approved Plans
Attachment 3 – Notice about a Decision Notice
Attachment 4 – Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).

Attachment 1 (A) - Conditions imposed by the assessment manager (Cook Shire Council)

A. Assessment Manager (Council) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Site Plan, Sheet No. A100, drawn by Max Slade Designs, dated October 2021;
 - Floor Line, Sheet No. A101, drawn by Max Slade Designs dated October 2021;
 - East and West Elevation, drawn by Max Slade Designs Sheet No. A103, dated October 2021;
 - Front and Rear Elevation, drawn by Max Slade Designs Sheet No. A104, 1 dated October 2021;
 - 3D View 5, Sheet No. A114, drawn by Max Slade Designs dated October 2021;
 - 3D View 2 and 3, Sheet No. 115, drawn by Max Slade Designs dated October 2021; and
 - Dwelling House and WWII building floor plan, dated 2022.

Approved Use and Staging

2. The approved use comprises of:
 - Stage 1 - Dwelling House (for the existing building used as a dwelling and Bedroom 2)
 - Stage 2 - Home-based business (Bedroom 2)
 - Stage 3 – Dwelling House extensions (Bedroom 3 and Bedroom 4)
 - Stage 4 – Home-based business (Bedroom 4)
3. The development must be carried out in accordance with the approved staging.
4. Prior to the commencement of Stage 2, notification must be submitted with Council confirming that Stage 1 has been completed and the Building Final has been issued for the Dwelling House.
5. Prior to the commencement of Stage 4, notification must be submitted with Council confirming that Stage 3 has been completed and the Building Final has been issued.

Limitations of Use

6. The Home-based business (two (2) accommodation rooms) is approved within Bedroom 2 and Bedroom 4 only as detailed on the approved plan of development.

7. The maximum number of guests accommodated within the approved Home-based business must not exceed six (6) guests at any one time.
8. The approved Home-based business must be managed by the resident of the dwelling house. The resident of the dwelling house must reside on the property at all times.

Building demolition

9. Within three (3) months of the approval taking effect the building structures encroaching over the property boundary, as identified on the approved plan of development must be demolished or removed from the site.

Effluent Disposal

10. Within three (3) months of the approval taking effect, a Plumbing Application for the onsite wastewater treatment and disposal system including details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – 'On-site domestic wastewater management' must be submitted to Council, alternatively lodge with Council a copy of the relevant plumbing approval for the existing onsite effluent disposal system.

Water Supply

11. A potable water supply must be provided to the property at the time of obtaining a Building Final for the dwelling house. This may be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of water supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.

Fire Management

12. A Bushfire Management Plan, incorporating evacuation procedures and fire break/trail maintenance must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times. The approved use must comply with the requirements of the Management Plan at all times.
13. The development must be maintained at all times to a standard so as not to create a fire hazard.
14. The owner must ensure that fire fighting vehicles have access to the site and access to a designated water source for fire- fighting purposes.

15. All buildings (other than a class 10a) on the proposed site shall, unless varied by the Bushfire Management Plan:
 - i. Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater; and
 - ii. Be provided with a source of water for fire-fighting purposes of not less than 10,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply shall be located within an accessible position within forty (40) metres from the habitable buildings.

Access and Parking

16. Vehicle access to the approved use must be achieved from the existing access from Aylen Hills Road
17. Stage 2 only – designated vehicle parking must be provided generally in accordance with the approved plan of development.
18. Internal access driveways and parking areas must be constructed from compacted gravel or similar material and be maintained to ensure no dust nuisance.

Signage – Stage 2 only

19. No more than one (1) advertising sign for the approved development is permitted on the subject site.
20. The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.
21. The sign must be kept clean, in good order and safe repair for the life of the approval.
22. The sign must be removed when no longer required.
23. The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

Electricity

24. The development must be connected to a reliable electricity supply.

Stormwater

25. Stormwater drainage must be directed to a legal point of discharge.
26. Site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.

Vegetation Clearing

27. Vegetation clearing must be limited to that required for firebreaks, dwelling house, and associated infrastructure. Any regulated vegetation not required to be cleared for building works or bushfire management purposes must be retained.

Environment

28. The applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Amenity

29. The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.

Compliance

30. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

B. Assessment Manager (Council) Advice

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
4. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.
5. This development approval does not approve of authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:
 - A. *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
 - B. *Nature Conservation Act 1999* (Qld);
 - C. *Vegetation Management Act 1999* (Qld).

6. The approved use is for a Dwelling house and Home-based business are defined as:

Dwelling house means a residential use of premises involving—

- (a) 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or
- (b) 1 dwelling for a single household, a secondary dwelling, and any domestic outbuildings associated with either dwelling.

Home-based business means the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.

Attachment 2 – Approved Plans D22/13307

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SUSTAINABLE BUILDING REQUIREMENTS FOR CLASS 1 BUILDINGS

Acceptable Solutions:
 Shower Roses: Shower Roses to be AAA rating when assessed against AS/NZ 6400:2004 or as star rating under the Water Efficiency Labelling Scheme (WELS).
Water Supply: In a service area for retail water service under the Water Act 2000, the water supplied to a new Class 1 building does not exceed pressure levels set out in AS/NZ 3550.1:2003 and if the main water pressure exceeds or could exceed 500 Kpa, a water pressure limiting device is installed to ensure that the maximum operating pressure at the outlet within boundaries of the property does not exceed 500 Kpa.

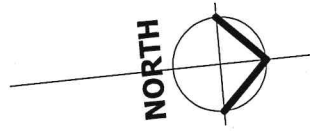
Volume of Water used in Toilet:
 In a new Class 1 building, toilet cisterns have dual flush capability that does not exceed 4.5 litres on full flush and 3 litres on half flush.

Energy Efficiency Lighting:
 In a new Class 1 building, fluorescent lights or compact fluorescent lights (CFLs) are used in 80% of the total area of all rooms. The total area is to include the floor area of the garage, where the garage is associated with the Class 1 building. Air conditioning systems must have an Energy Efficiency Rating of at least 2.5.

Hot Water System:
 In a new Class 1 building, a hot water supply is provided by:
 (a) Solar hot water system, or
 (b) A gas hot water system with a five star energy rating.

GENERAL NOTES

1. Refer any discrepancy to designer for written instructions
2. All work to be in accordance with the B.C.A. Class 1 & 10.
3. Plumbing & Drainage to comply with AS/NZS 3500.
4. Footings to comply with AS 2870.
5. Glazing to comply with AS 1288.
6. Cold formed steel to comply with AS/NZS 4600.
7. Timber framing to comply with AS 1684.3-2006.
8. Termite treatment: Timber to be preservative treated (L.O.S.P.) in accordance with AS 3660-2000.
9. Stormwater to be discharged to council regulations.
10. All structural fixed bolts, nuts and washers to be hot dipped galvanised.
11. Confirm all joinery fit-out details with proprietor prior to construction.



Aerial Site & Locality Plan

1 1 : 500



Description

Date

Number

Notes

All work must be in accordance with Local Authority By-laws and the Building Construction Code. The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED IF IN DOUBT ASK !!

Client

J Watkin

Project

Home Based Business

Location

Portland Roads

Design Wind Classification - C3

Date October 2021

Drawn Max Slade

Scale 1 : 500

Job No.

M21 - 4828

A.B.N. No. 16 610 008 321
 Max Slade Designs Pty. Ltd.
 QBAA Lic. No. 696479
 Builder - Low Rise
 Building Designer - Medium Rise

Phone 07 40 91 2099
 makslade@bigpond.net.au

Sheet No.

A100

Property Description

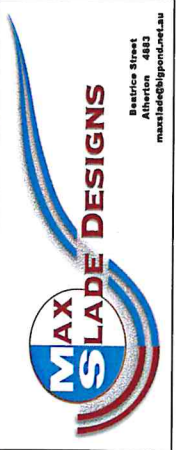
Lot 12 on RP 898805

Locality - Portland Roads
 Cook Shire Council

Area of Land - 3720 sq m

Building Classification Class 1,3,9

Building Area - sq m



Planning Issue - 10 03 22

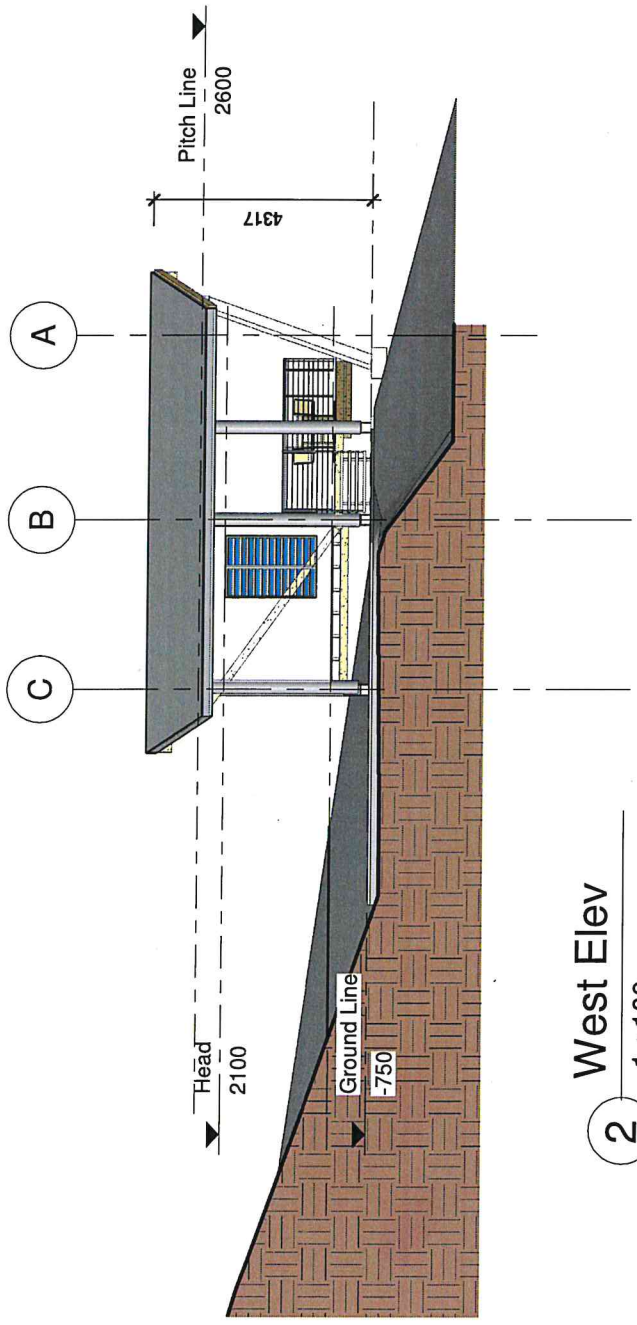
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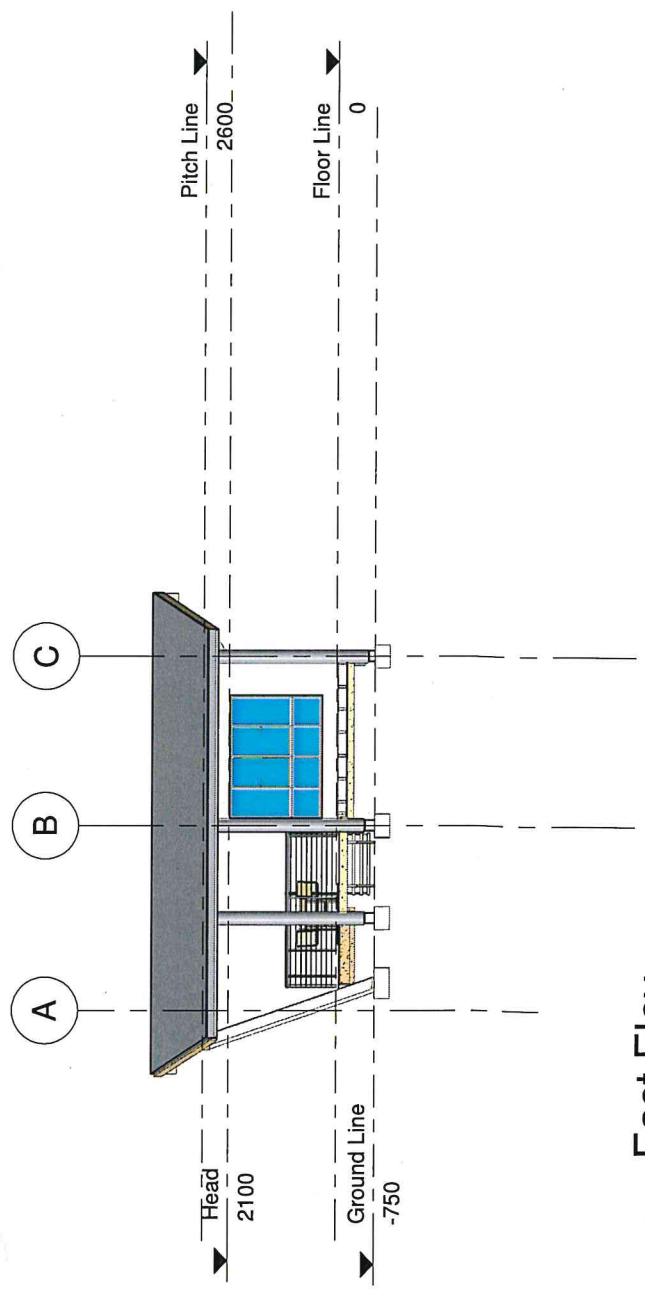
<p>Notes All work must be in accordance with Local Authority By-laws and the Building Construction Code of Australia. All dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED DRAWINGS. IF IN DOUBT ASK !!</p>	
<p>Client J Watkin</p>	
<p>Project Home Based Business</p>	
<p>Location Portland Roads</p>	
<p>Design Wind Classification - C3</p>	
Date	October 2021
Drawn	Max Slade
Scale	1 : 100
Job No.	M21 - 4828
<p>A.B.N. No. 16 010 808 321 Max Slade Designs Pty. Ltd. QBAA Lic. No. 658479 Builder - Low Rise Building Designer - Medium Rise Phone 07 40 91 2099 maxslade@bigpond.net.au</p>	

Planning Issue - 10 03 22

Sheet No.
A103



2 West Elev
1 : 100



1 East Elev
1 : 100

be aware - SUBSTITUTION OF ANY STRUCTURAL MEMBERS & OR ANY VARIATIONS TO THE DESIGN WILL VOID ANY RESPONSIBILITY OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING

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Description

Date
Number

Notes

All work must be in accordance with Local Authority By-laws and the Building Construction Code of Australia. All dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED

IF IN DOUBT ASK !!

Client

J Watkin

Project

Home Based Business

Location

Portland Roads

Design Wind Classification - C3

Date October 2021

Drawn Max Slade

Scale 1:100

Job No.

M21 - 4828

A.B.N. No. 18 610 808 321

Max Slade Designs Pty. Ltd.

QBSA Lic. No. 658479

Builder - Low Rise

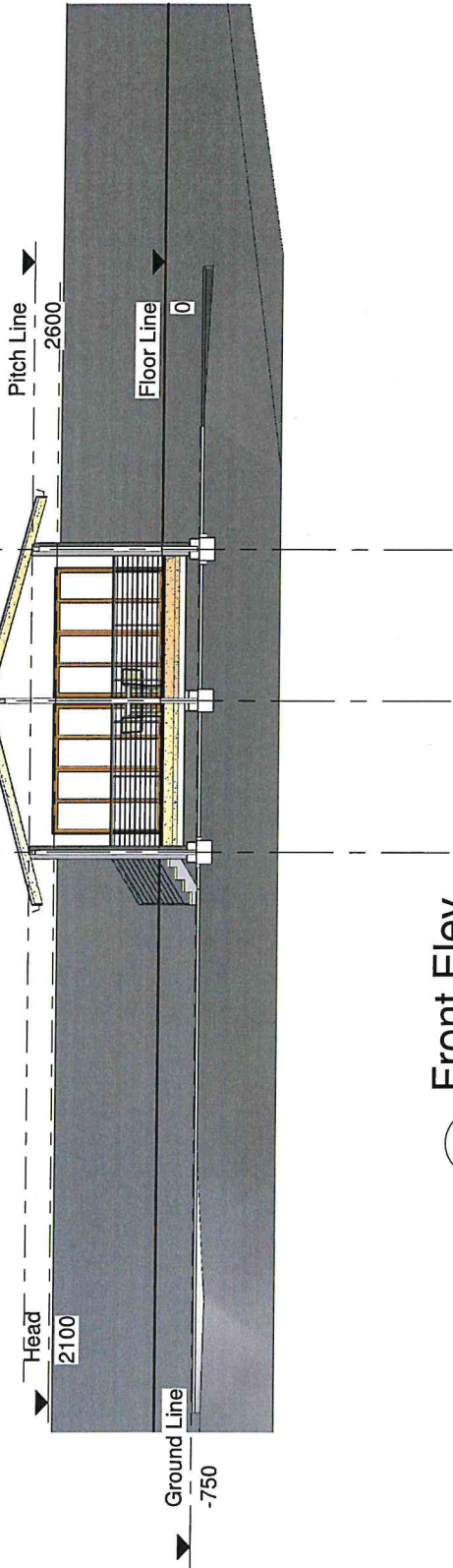
Building Designer - Medium Rise

Phone 07 40 91 2089

maxslade@bigpond.net.au

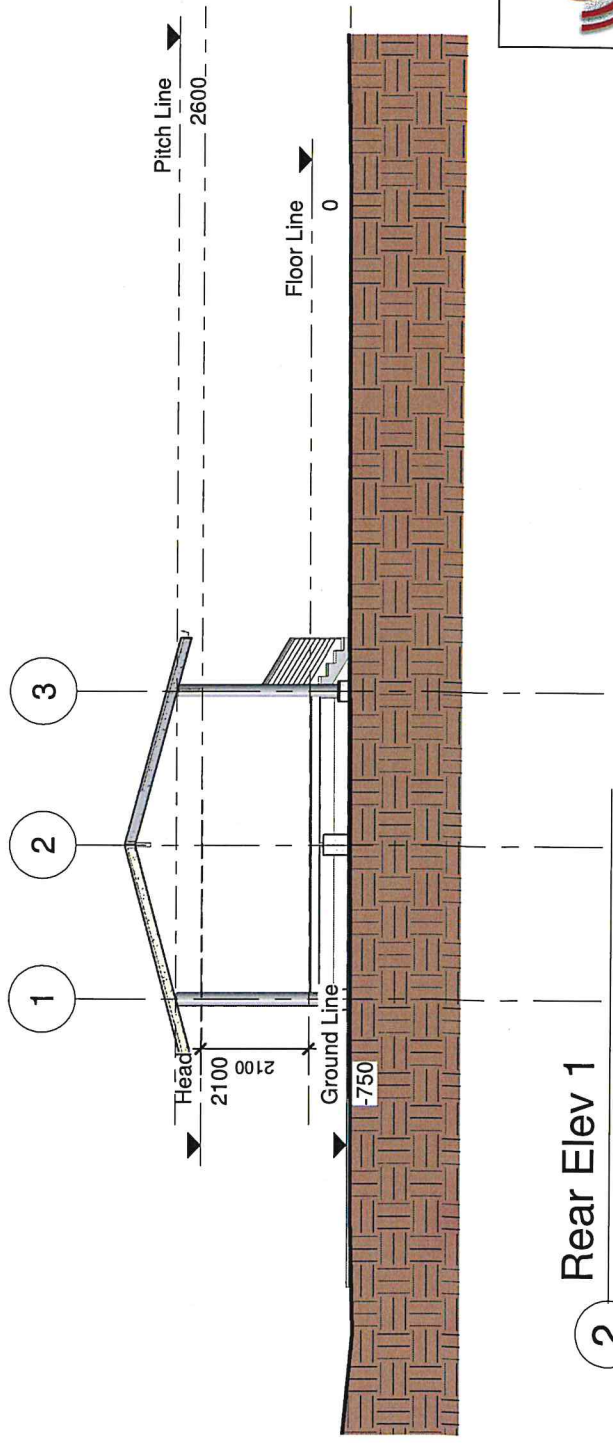
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A104



Front Elev

1 : 100



Rear Elev 1

1 : 100

Planning Issue - 10 03 22



copyright

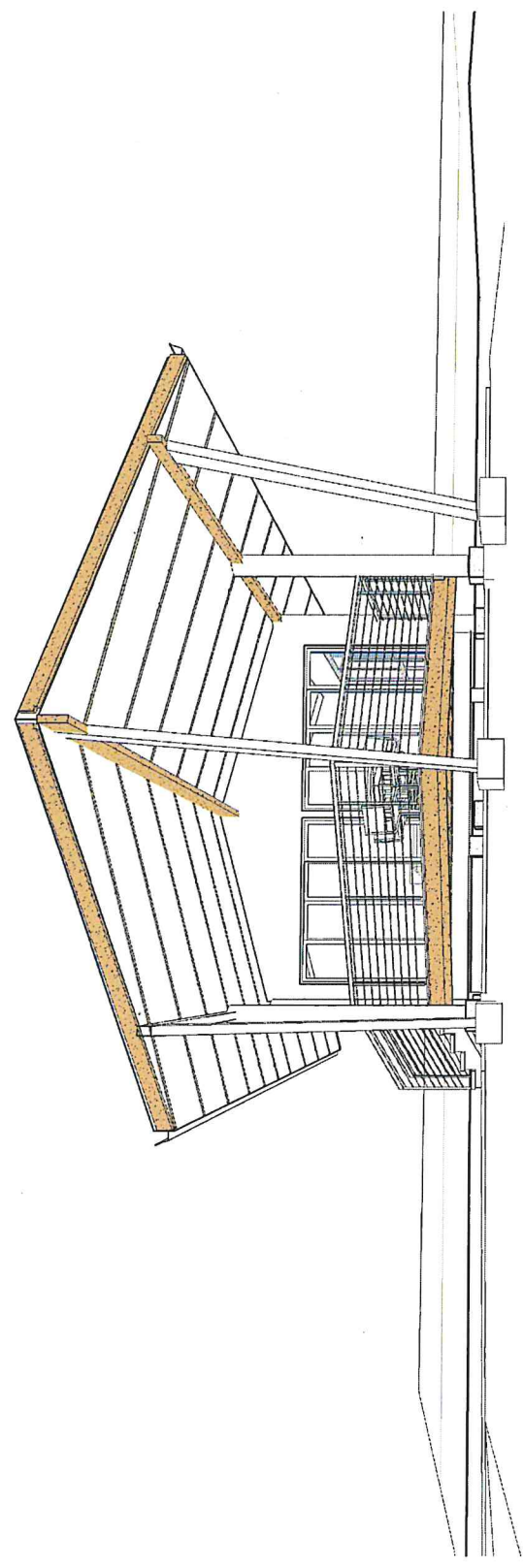
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Description

Number
Date

Notes All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED IF IN DOUBT ASK !!	Client J Watkin	Project Home Based Business	Location Portland Roads	Design Wind Classification - C3	Date - October 2021	Drawn - Author	Scale	Job No. M21 - 4828	A.B.N. No. - 18 010 608 321 Max Slade Designs Pty. Ltd. QBPA Lic. No. - 659478 Builder - Low Rise Building Designer - Medium Rise	Phone 07 40 91 2099 maxslade@bigpond.net.au
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Planning Issue - 10 03 22



3D View 5

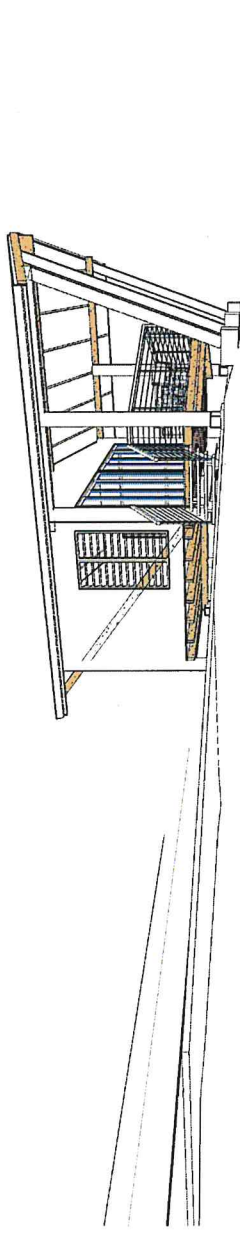
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Sheet No.
A114

MAX SLADE DESIGNS
Beatrice Street
Aberdeen 4893
maxslade@bigpond.net.au

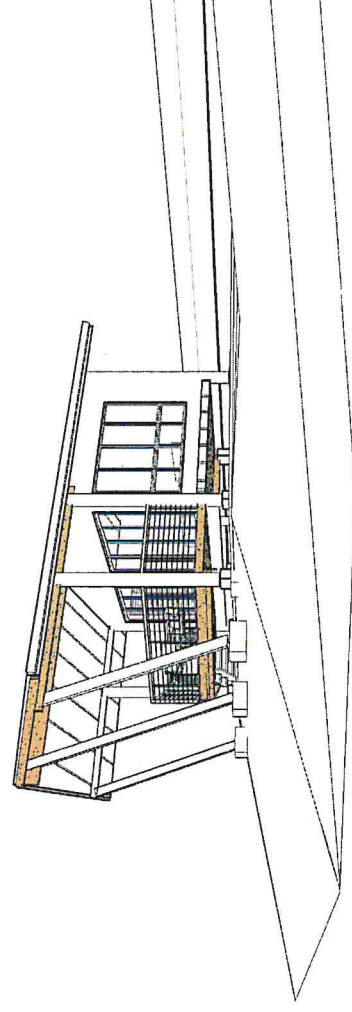
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Description
Date
Number



3D View 2

1



3D View 3

2

Notes All work must be in accordance with Local Authority By-laws and the Building Construction Code of Australia. The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED IF IN DOUBT ASK !!	Client J Watkin
Project Home Based Business	Location Portland Roads
Design Wind Classification - C3	Date October 2021
Drawn Max Slade	Scale
Job No. M21 - 4828	Sheet No. A115
A.B.N. No. 16 610 608 321 Max Slade Designs Pty. Ltd. QBBA Lic. No. 659479 Builder - Low Rise Building Designer - Medium Rise Phone 07 40 91 2099 maxslade@bigpond.net.au	

Planning Issue - 10 03 22



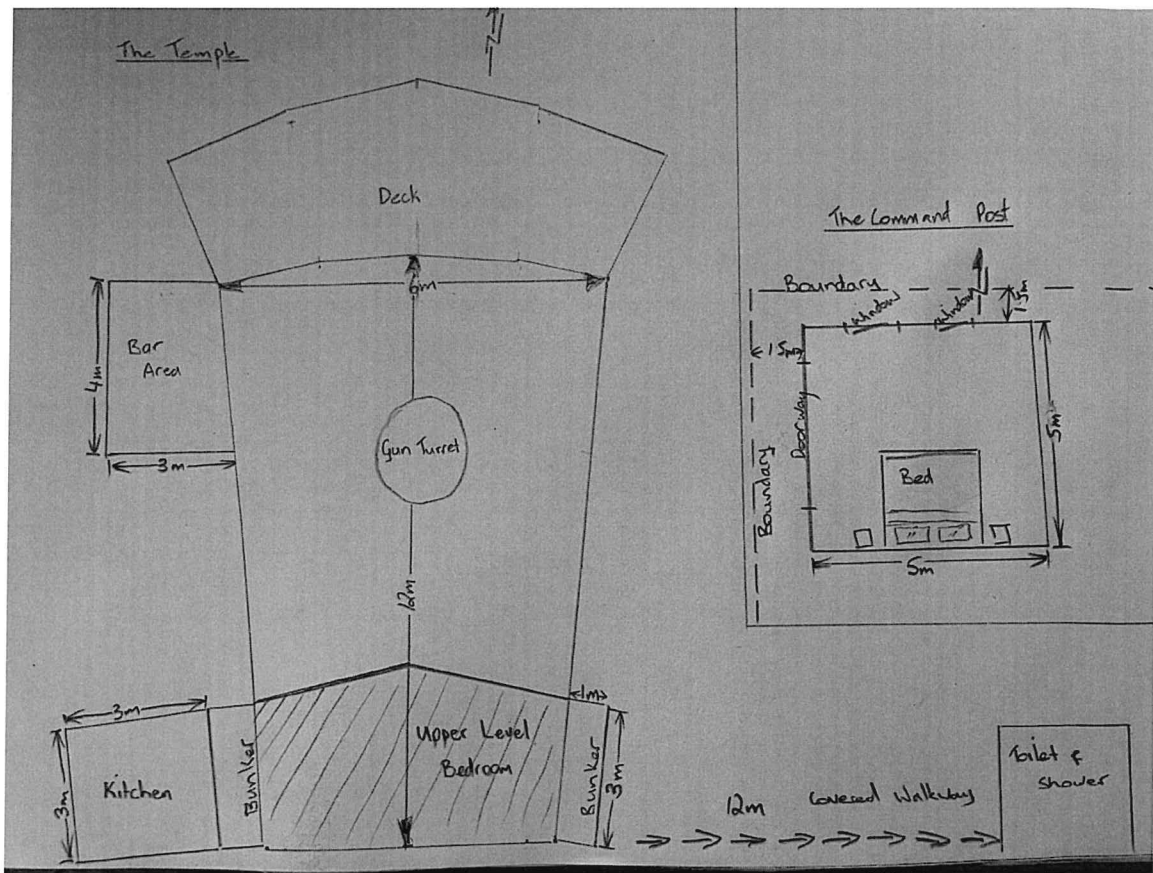


Figure G - Phase 1A: Dwelling House (Indicative Sketch) – Existing Building Work

Source: Applicant (2022)

Attachment 3 – Notice about a Decision Notice D22/15120

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	DA/4498
Applicant:	Jayson Watkin c/- wildPlan Pty Ltd
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Dwelling House & Home-based Business (2 x Accommodation Rooms)
Street Address:	Aylen Hills Road, Iron Range
Real Property Description:	Lot 12 on RP898805
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Rural Residential
Assessment Type:	Code Assessable

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Material Change of Use for Dwelling House & Home-based Business (2 x Accommodation Rooms)
Date of Decision:	28 June 2022

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Assessment Benchmarks	Comment
Planning Regulation 2017 (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act
Planning Regulation 2017 (Schedule 10)	The application did not trigger a referral to SARA under Schedule 10.
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy, part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the <i>State Planning Policy</i> is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that state interests are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Rural Residential Zone Code;
- Home Based Business Code;
- Parking and Access Code;
- Works, Services, and Infrastructure Code;
- Biodiversity Overlay Code; and
- Bushfire Hazard Overlay Code.

Local Categorising Instrument (Variation Approval)

Not Applicable



Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

Not Applicable

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The proposed development for a Material Change of Use application for a Dwelling House and Home-based Business (Bedroom 2 and Bedroom 4 as 2 x Accommodation Rooms) is an appropriate use to be located on the site and will have no adverse impact on the amenity and character of the area.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not Applicable

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not Applicable

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not Applicable

OTHER DETAILS

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.

Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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.

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- (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 the 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, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

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- (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 rules of the P&E Court.