

Our Ref: TT:lmc:DA/4894 AD2025/0003636

Your Ref: 35277-001-01

18 December 2025

John Hay c/- Brazier Motti Pty Ltd

PO Box 1185

Cairns QLD 4870

E-mail: [cns.planning@braziermotti.com.au](mailto:cns.planning@braziermotti.com.au)

Attention: Michael Tessaro

Dear Mr Tessaro

### **Decision Notice - Approval**

Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4894) 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 by delegation to the Chief Executive Officer on **17 December 2025**.

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.

#### **Application Details**

Application Number:	DA/4894
Approval Sought:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguration of a Lot – 1 Lot into 2 Lots
Category of Development:	Assessable Development
Category of Assessment:	Code Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0

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**Premises Details**

Location - Street Address: 97 Oaky Creek Road COOKTOWN 4895

Location - Real Property Description: Lot 1 on SP172676

All or part of above land: All

Local Government Area: Cook Shire

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**Assessment Manager Conditions**

This approval is subject to the conditions in **Attachment 1**.

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**Further Development Permits**

Not applicable.

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**Properly Made Submissions**

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

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**Referral Agencies**

Not applicable - no part of the application required referral.

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**Variation approval details**

Not Applicable

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

Not Applicable.

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**Approved Plans and Specifications**

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

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**Currency Period for the Approval**

This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within *four (4) years*.

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**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.

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**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

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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](mailto:mail@cook.qld.gov.au).

Yours sincerely



Robyn Walker  
Acting Chief Operating Officer

enc:	<b>Attachment 1</b>	Conditions Imposed by the Assessment Manager
	<b>Attachment 2</b>	Approved Plans (D25/16581)
	<b>Attachment 3</b>	Notice of Decision – Statement of Reasons (AD2025/0003635)
	<b>Attachment 4</b>	Extract of Appeal Provisions (Chapter 6 part 1 of the <i>Planning Act 2016</i> )

## Attachment 1 Conditions Imposed by the Assessment Manager (Cook Shire Council)

### A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS

No.	Condition	Timing
<b>GENERAL</b>		
1.	<b>COMPLIANCE WITH CONDITIONS</b> The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer.	At all times
2.	<b>OUTSTANDING CHARGES</b> All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey
3.	<b>WORKS – APPLICANT’S EXPENSE</b> The cost of all works associated with the development and construction of the development, including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.	At all times
4.	<b>WORKS - DAMAGE TO INFRASTRUCTURE</b> The Developer must repair any damage to existing infrastructure that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.	At all times
5.	<b>WORKS – DESIGN &amp; STANDARD</b> Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.	At all times
6.	<b>WORKS – SPECIFICATION &amp; CONSTRUCTION</b> All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).	At all times

APPROVED PLANS & DOCUMENTS					
7.	<b>APPROVED PLANS &amp; DOCUMENTS</b>			At all times	
	Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):				
	Title	Ref.	Date		Prepared By
	Proposed Reconfiguration – Lots 1 & 2 Cancelling Lot 1 on SP172676	35277/011 D	15.05.25		Brazier Motti
	Proposed Reconfiguration – Lots 1 & 2 Cancelling Lot 1 on SP172676	35277/001 D	15.05.25	Brazier Motti	
8.	<b>CONDITIONS OF APPROVAL &amp; APPROVED PLANS</b>			At all times	
Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.					

ON-SITE WATER SUPPLY		
9.	<p>A separate source of water supply must be provided for proposed Lots 2 at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of 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.</p>	At all times

ON-SITE SEWERAGE SUPPLY		
10	<p>An on-site wastewater system must be provided for proposed Lots 1 at the time of construction of a dwelling house. Any application for wastewater treatment and disposal must include 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</p>	At the time of construction of a dwelling house

	management'. Details are to be provided at the time of lodgement of a plumbing and building application.	
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<b>ELECTRICITY SUPPLY</b>		
11.	Proposed Lots 1 and 2 must be connected to the reticulated electricity supply at the time of application for a development permit to carry out building works. If the development is proposed to be connected to another means of electricity supply, details of this supply must be provided for Council approval at the time of Building Application.	As stated
12.	All electrical infrastructure serving proposed Lots 1 and 2 must be contained entirely within the respective lot.	At all times

<b>TELECOMMUNICATIONS</b>		
13.	Proposed Lots 1 and 2 must be connected to the telecommunication network supply at the time of application for a development permit to carry out building works. If the development is proposed to be connected to another means of telecommunication service, details of this supply must be provided for Council approval at the time of Building Application.	As stated

<b>BUSHFIRE MANAGEMENT</b>		
14.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times
15.	Any new building (other than a Class 10a) erected on proposed Lots 1 and 2 must: (i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater; (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 or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings.	At the time of construction of a dwelling house

<b>VEGETATION CLEARING</b>		
16.	Vegetation clearing must be limited to that required for firebreaks, dwelling houses, and associated infrastructure. Any regulated vegetation not required for building works or bushfire management purposes must be retained.	At all times
17.	At all times, all vegetation on the site, other than the approved vegetation clearing areas, must be protected and retained in accordance with the AS 4970-2009 Protection of trees on development sites.	At all times

<b>INTERNAL WORKS - DRIVEWAYS</b>		
18.	The internal access driveway (compacted gravel or other impervious surface) must be constructed to the building envelope on proposed Lots 1 and 2 at the time of construction of a Dwelling House in accordance with FNQROC Standard Drawing S1110. The driveway(s) require assessment of stormwater flows and provision of drainage infrastructure to facilitate access to building envelopes.	As stated

<b>EXTERNAL WORKS - ACCESS</b>		
19.	<p>Access to each lot must be achieved in accordance with the Approved Plans, as follows:</p> <p>a) Lot 1 via the existing access off Oaky Creek Road;</p> <p>b) Lot 2 via the access shown on the Approved Plans off Oaky Creek Road, which may utilise the existing access subject to inspection and written acceptance by Council.</p> <p>Access to Lots 1 and 2 via any additional or alternative access points is not permitted without further development approval.</p>	Prior to Council endorsement of the Plan of Survey
20.	<p>Access to proposed Lot 2 must be provided in accordance with the Approved Plans and prior to Council endorsement of the Plan of Survey. Where an existing access crossover is proposed to service Lot 2, that access may be accepted subject to inspection by Council and confirmation that it complies with a rural crossover standard in accordance with the FNQROC Development Manual Standard Drawing S1105.</p> <p>If Council determines that the existing access does not comply with the required standard, the access must be upgraded or reconstructed to meet FNQROC requirements. Any access must commence at the edge of the road</p>	Prior to Council endorsement of the Plan of Survey

	<p>carriageway and extend to the property boundary and include appropriate drainage infrastructure to cross roadside drains. Supporting calculations demonstrating adequate culvert sizing must be provided where applicable.</p> <p>Where works are required, an application for crossover access must be submitted to, and approved by, Council's Director Infrastructure prior to construction commencing.</p>	
21.	Access to proposed Lot 1 must be provided from the existing access on Oaky Creek Road as shown on the Approved Plans and must be maintained at all times to a rural crossover standard in accordance with FNQROC Development Manual Standard Drawing S1105.	At all times
<b>STORMWATER</b>		
22.	Any site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site. This is inclusive of any clearing activities, earthworks within the building envelopes and access driveways within the allotments created by this development.	At all times
23.	Existing watercourse systems and drainage areas within the subject site must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.	At all times
24.	All stormwater from the subject site must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.	At all times

<b>ENVIRONMENTAL</b>		
25.	<b>PEST MANAGEMENT</b> No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times
26.	At all times, Existing creek systems must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.	At all times

<b>AMENITY</b>		
27.	<b>EXTERNAL IMPACTS</b> The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times



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

## **B. ASSESSMENT MANAGER (COUNCIL) ADVICE**

1. The Reconfiguring a Lot approval DA/4894 authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within **four (4) years** from the commencement of this approval or the approval will lapse in accordance with *Section 85 of the Planning Act 2016*.
2. 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.
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. Property Notation to be placed on Council's Register for Lot 1 and 2:
  - (i) All buildings, structures, internal access, water infrastructure and onsite effluent disposal areas must be wholly contained within and exclusively service each respective allotment (Council Reference: DA/4894).
  - (ii) Lot 1 and Lot 2 is located within the Water Resource Catchment Area. Any future development must ensure that water supply and on-site wastewater treatment and disposal are designed, constructed, and maintained in accordance with the *Cook Shire Planning Scheme 2017 (V2.0)*, the *Queensland Plumbing and Wastewater Code*, and any applicable State legislation, to protect groundwater resources (Council Reference: DA/4894).
5. 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.
6. Removal of Protected Vegetation

*This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:*

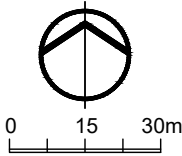
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth);*
- *Nature Conservation Act 1999 (Qld);*
- *Vegetation Management Act 1999 (Qld).*

**Attachment 2**    Approved Plans (D25/16581)



PROPOSED  
RECONFIGURATION

Lots 1 & 2  
Cancelling Lot 1 on SP172676



COOK SHIRE COUNCIL  
DIGITALLY STAMPED  
APPROVED PLAN

**Development Application:** Development Permit for a Reconfiguration  
of a Lot—1 Lot into 2 Lots

Lot: 1 SP172676

Referred to in Cook Shire Council's Decision Notice (AD2025/0003636)

Approval Date: 17 December 2025  
Application Number: DA/4894



Note:  
Position of Boundaries on aerial  
photography is indicative only.

This plan is conceptual and for discussion purposes only. All areas,  
dimensions and land uses are preliminary, subject to investigation,  
survey, engineering, and Local Authority and Agency approvals.

Sheet 1 of 2

Date: 15th May, 2025	
Scale: 1:1500	A3
Drawn: MJM	
Job No: 35277/1-1	
Plan No:	35277/001 D

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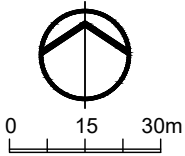
SURVEYING  
TOWNPLANNING  
PROJECTMANAGEMENT  
MAPPING&GIS



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PROPOSED  
RECONFIGURATION  
Lots 1 & 2  
Cancelling Lot 1 on SP172676



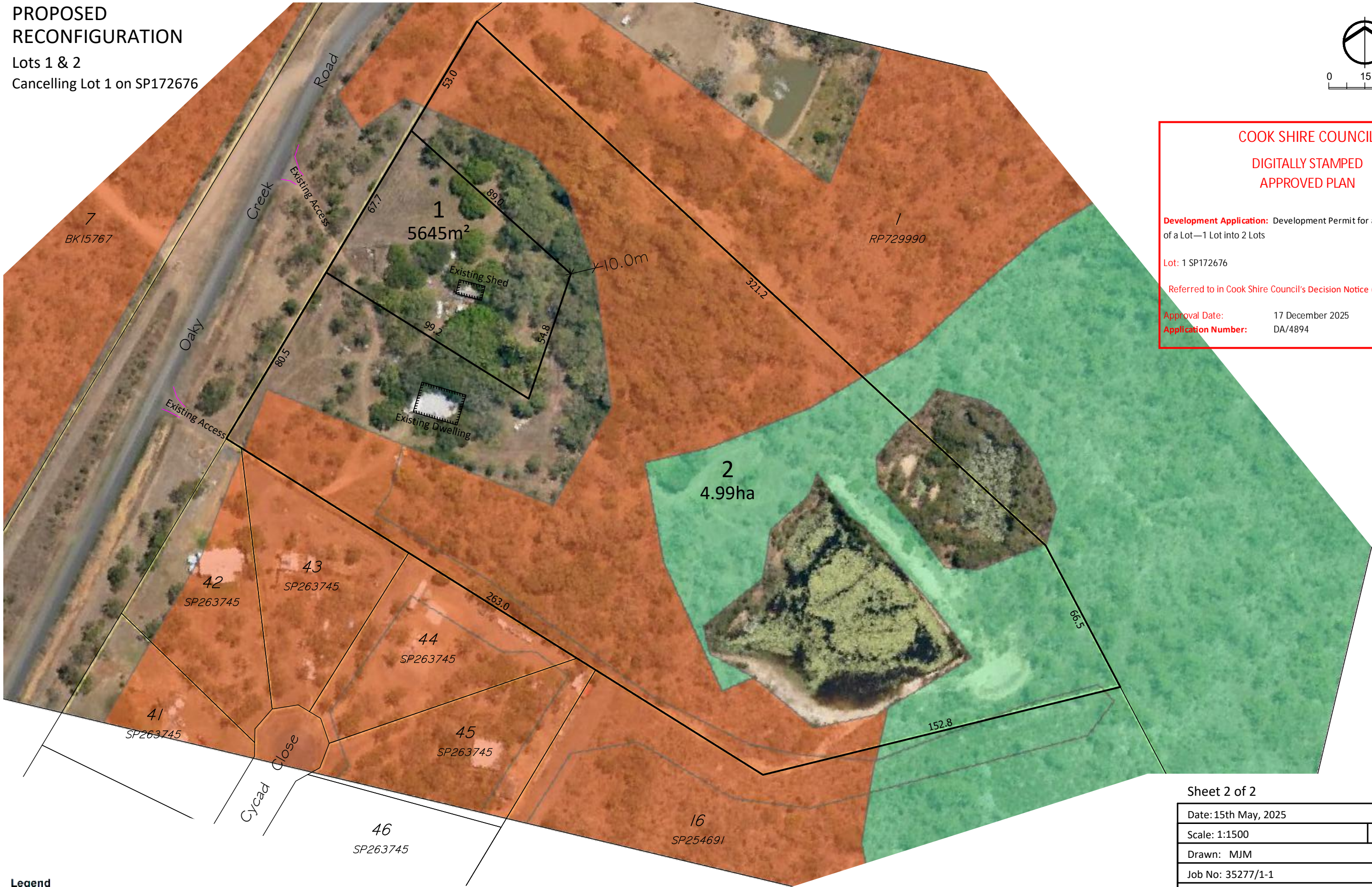
COOK SHIRE COUNCIL  
DIGITALLY STAMPED  
APPROVED PLAN

**Development Application:** Development Permit for a Reconfiguration of a Lot—1 Lot into 2 Lots

**Lot:** 1 SP172676

Referred to in Cook Shire Council's Decision Notice (AD2025/0003636)

**Approval Date:** 17 December 2025  
**Application Number:** DA/4894



Legend

- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

Sheet 2 of 2

Date: 15th May, 2025	
Scale: 1:1500	A3
Drawn: MJM	
Job No: 35277/1-1	
Plan No:	35277/001 D

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**Attachment 3** Notice of Decision – Statement of Reasons (AD2025/0003635)

## 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

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Application No:	DA/4894
Applicant:	John Hay c/- Brazier Motti Pty Ltd
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	1 Lot into 2 Lots
Street Address:	97 Oaky Creek Road, Cooktown 4895
Real Property Description:	Lot 1 on SP172676
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Residential Zone
Assessment Type:	Code Assessment

### DECISION DETAILS

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Type of Decision:	Approval with conditions
Type of Approval:	Development Permit for a Reconfiguration of a Lot – 1 Lot into 2 Lots
Date of Decision:	17 December 2025

## **ASSESSMENT BENCHMARKS**

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

<b>Assessment Benchmarks</b>	<b>Comment</b>
<i>Planning Regulation 2017</i> (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act.
<i>Planning Regulation 2017</i> (Schedule 10)	The application does not triggered a referral to the State Assessment Referral Agency (SARA) under Schedule 10 of the Planning Regulations 2017.
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 (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy 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 no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP. However, amendments to any part of the SPP or supporting mapping may result in a local planning instrument no longer appropriately integrating a particular State interest. In these instances the SPP and/or the supporting mapping apply to the extent of any inconsistency.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

- Rural Residential Zone Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Reconfiguring a Lot Code; and
- Works, Services and Infrastructure 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 will not have an adverse impact on the subject site or adjacent properties.

**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

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Authorised by the Parliamentary Counsel

Planning Act 2016  
Chapter 6 Dispute resolution  
[s 229]

- (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.

*Note—*

For limitations on appeal rights in relation to a development approval  
for development requiring social impact assessment, see section 106ZJ.

(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 a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) 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
- (g) 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*

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*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
- (h) 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.

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Chapter 6 Dispute resolution

[s 231]

- (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.
- (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

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Authorised by the Parliamentary Counsel

- (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.

## **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 rules of the P&E Court.