

Our Ref: LM: lmc:DA/4986 AD2026/0001949
Your Ref: 416351

13 April 2026

Peter & Franziska Inderbitzin and Sharprock Pty Ltd
c/- RPS Group AAP Consulting Pty Ltd
PO Box 1949
CAIRNS QLD 4870
E-mail: patrick.clifton@rpsgroup.com.au
Stacey.devaney@rpsconsulting.com

Attention: Patrick Clifton

Dear Mr Clifton

Decision Notice - Approval
Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4986) 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 **10 April 2026**.

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/4986

Approval Sought: Development Permit for Reconfiguration of a Lot

Description of the Development: Reconfiguration of a Lot (2 lots into 7 lots, 2 balance lots and new road)

Category of Development: Assessable Development

Category of Assessment: Code Assessment

Planning Scheme: Cook Shire Council Planning Scheme 2017 v2.0

Premises Details

Location - Street Address: 181 – 185 Honey Dam Road, and Honey Dam Road, Lakeland 4871

Location - Real Property Description: Lot 101 on SP330210 and Lot 102 on SP330210

All or part of above land: Part Lot 101 on SP330210 and Part Lot 102 on SP330210 as shown on Site Plan

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 Operational Works

Properly Made Submissions

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

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA) Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214 E-mail: CairnsSARA@dasilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) - (<i>Planning Regulation 2017</i>) Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply networks; or part of the lot is within 100m of a substation site

Variation approval details

Not Applicable

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**.

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*.

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

cc: State Assessment and Referral Agency (SARA) - CairnsSARA@dsdilgp.qld.gov.au
Energy Queensland - townplanning@ergon.com.au

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager
Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D26/11320)
Attachment 2 Approved Plans (D26/10940)
Attachment 3 Notice of Decision – Statement of Reasons (AD2026/0001948)
Attachment 4 Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Attachment 1 (A) Conditions Imposed by the Assessment Manager
A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS

No.	Condition	Timing
GENERAL		
1	COMPLIANCE WITH CONDITIONS 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	OUTSTANDING CHARGES 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	WORKS – DEVELOPER’S EXPENSE 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	WORKS – DAMAGE TO INFRASTRUCTURE 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	WORKS – DESIGN & STANDARD 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	WORKS – SPECIFICATION & CONSTRUCTION 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	<p>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):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Title</th> <th style="text-align: left;">Ref.</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Prepared By</th> </tr> </thead> <tbody> <tr> <td>Concept Plan</td> <td>416351-3-C</td> <td>28-02-2026</td> <td>RPS</td> </tr> </tbody> </table>	Title	Ref.	Date	Prepared By	Concept Plan	416351-3-C	28-02-2026	RPS	At all times	
Title	Ref.	Date	Prepared By								
Concept Plan	416351-3-C	28-02-2026	RPS								
8	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.	At all times									

ON-SITE WATER SUPPLY		
9	An individual source of water supply must be provided for the lots 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.	At the time of construction of a Dwelling House

ON-SITE EFFLUENT DISPOSAL		
10	An on-site wastewater system must be provided for the proposed lots 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 – ‘Onsite domestic wastewater management’. Details are to be provided at the time of lodgement of a plumbing and building application.	At the time of construction of a Dwelling House

ACCESS		
11	Construct a crossover and driveway to Lot 7 for the full length of the access handle to a Rural standard generally in accordance with FNQROC Development Manual.	Prior to Council approval of the Plan of Survey

EXTERNAL WORKS – ROAD CONSTRUCTION		
12	<p>Upgrade the existing gazetted Unnamed Road, for the full extent of the identified road reserve, to the beginning of the new road to a Rural Access standard in accordance with the FNQROC Development Manual, in the location generally shown on the approved plans – works to be completed prior to Council endorsement of the plan of survey.</p> <p>The plans must be prepared by a Registered Professional Engineer of Queensland (RPEQ) and provided in an application for Operational Works, prior to works commencing.</p>	As stated
13	<p>Extend and construct the new road for the full length of the new road to Lot 7 to a Rural Access standard in accordance with the FNQROC Development Manual, in the location generally shown on the approved plans – works to be completed prior to Council endorsement of the plan of survey.</p> <p>The plans must be prepared by a Registered Professional Engineer of Queensland (RPEQ) and provided in an application for Operational Works, prior to works commencing.</p>	As stated

OPERATIONAL WORKS		
14	<p>Prior to road construction commencing, an Operational Works Application must be lodged for External Works – Road Construction, as stated in Conditions 12 and 13 of this development permit.</p> <p>The application will need to include plans prepared by a Registered Professional Engineer Queensland (RPEQ) in accordance with the FNQROC Manual that are to the satisfaction of Council’s Director Infrastructure.</p> <p>On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.</p>	Prior to the issue of a Development Permit for Operational Works and as stated

LAWFUL POINT OF DISCHARGE		
15	<p>All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.</p>	At all times

SEDIMENT AND EROSION CONTROL		
16	Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the <i>Environmental Protection Act 1994</i> , and the FNQROC Development Manual).	At all times
DAMAGE TO INFRASTRUCTURE		
17	In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to mobilisation of heavy earthmoving equipment and stripping/grubbing, the applicant/owner must notify the Cook Shire Council immediately of the affected infrastructure and have it repaired or replaced by Cook Shire Council, at the developer/builder/owner's cost, prior to the Commencement of Use.	At all times
ELECTRICITY AND TELECOMMUNICATIONS SUPPLY		
18	Each lot must be provided with a reliable electricity and telecommunications supply at the time of construction of a Dwelling House in accordance with the standards and requirements of the relevant service provider.	Prior to Council approval of the Plan of Survey

B. ASSESSMENT MANAGER (COUNCIL) ADVICE

1. The Reconfiguring a Lot approval 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.
2. 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.
3. 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 1 (B) Conditions Imposed by a Concurrence Agency (D26/11320)



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

16 December 2025

Chief Executive Officer
Cook Shire Council

Attention: Lisa Miller - Manager Planning and Environment
Via email: mail@cook.qld.gov.au

cc Peter and Franziska Inderbitzin and Sharprock Pty Ltd
c/- RPS AAP Consulting Pty Ltd
Attention: Patrick Clifton
Via email: patrick.clifton@rpsconsulting.com;
stacey.devaney@rpsconsulting.com

Dear Sir/Madam,

Ergon Advice Agency Response
Council Ref: DA/4986
Applicant Ref: 416351
Our Ref: ECM 36250631-36250559

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approved in full - subject to conditions
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	The works do not conflict with: <ul style="list-style-type: none">▪ the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i>▪ the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 & 5.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.

Development Details

Applicant	Peter and Franziska Inderbitzin and Sharprock Pty Ltd
Assessment Manager	Cook Shire Council
Council Application No.	DA/4986
Street Address	181-185 Honey Dam Road, Lakeland
RPD	Lot 101 on SP330210 and Lot 102 on SP330210
Development Type	Reconfiguration of a Lot (2 lots into 8 lots)
Referral Trigger	<input type="checkbox"/> Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network; or part of the lot is within 100m of a substation site
Impacted Electrical Infrastructure	Easement A on SP331549 – U/G 22kV Cable (Feeder ID: 2LA1), Pole 11860800 & PMR22/1k/41RM621 Padmount S/stn Rect, 22kV 1000kVA

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
ROL	<input type="checkbox"/> S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section 56(1) should the Assessment Manager decide to approve the proposed Development Application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

Table 1			
Plans forming part of this Approval			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Sharprock Partnership - Site 3 Concept Plan. Part of Lots 101 & 102 SP330210</i>	<i>416351-3</i>	<i>B</i>	<i>28-10-2025</i>

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Honey Dam Road, Lakeland			
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Table 2			
Condition		Timing	Purpose/Reason
1	<p>Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 of this approval and the following:</p> <ul style="list-style-type: none"> ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail 	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

General Advice:

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Harriet Veal on 0427 293 604 or via email at townplanning@ergon.com.au.

Yours faithfully,

Harriet Veal

Harriet Veal
Town Planner

Have you seen our fact sheets?

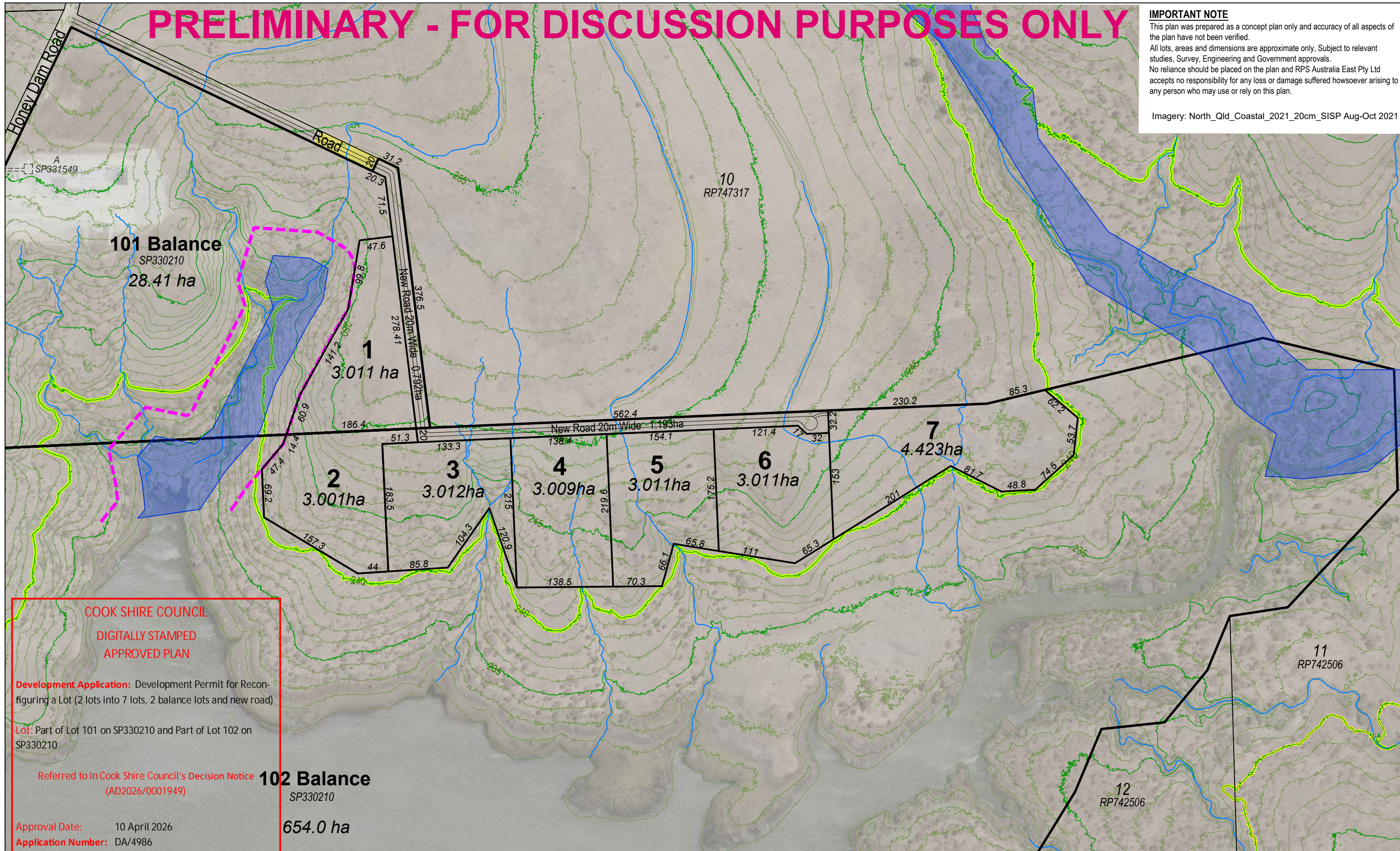
See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
 All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
 No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

Imagery: North_Qld_Coastal_2021_20cm_SISP Aug-Oct 2021



COOK SHIRE COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot (2 lots into 7 lots, 2 balance lots and new road)

Lot: Part of Lot 101 on SP330210 and Part of Lot 102 on SP330210

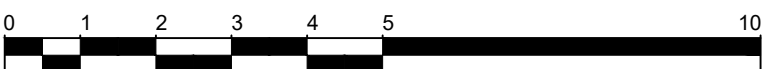
Referred to in Cook Shire Council's Decision Notice (AD2026/0001949)

Approval Date: 10 April 2026
Application Number: DA/4986

102 Balance
 SP330210
 654.0 ha

Sharrock Partnership - Site 3

Concept Plan. Part of Lots 101 & 102 SP330210
 Honey Dam Road, Lakeland



- Legend**
- 1.0m minor contour interval
 - 5.0m major contour index
 - 240m contour
 - drainage flow
- Contour & drainage derived from Cooktown 201308-DEM-GRID-50cm series data

- RVM category B - remnant vegetation
- RVM category R - reef-regrowth watercourse vegetation
- - - RVM category B setback 38m

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 W rpsgroup.com



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/4986
Applicant:	Peter Inderbitzin, Franziska Inderbitzin & Sharprock Pty Ltd c/- RPS AAP Consulting Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	Reconfiguration of a Lot (2 Lots into 7 Lots, 2 Balance Lots and New Road)
Street Address:	181 – 185 Honey Dam Road, and Honey Dam Road, Lakeland 4871
Real Property Description:	Part of Lot 101 on SP330210 and Part of Lot 102 on SP330210
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguration of a Lot (2 lots into 7 lots, 2 balance lots and new road)
Date of Decision:	10 April 2026

ASSESSMENT BENCHMARKS

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

Assessment Benchmarks	Comment
<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 triggered a referral to the State Assessment Referral Agency (SARA) under <i>Schedule 10, Part 9, Division 2, Table 1, Item 1</i> – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply networks; or part of the lot is within 100m of a substation site.
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 <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 the 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 Zone 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. The application is code assessable and has been assessed against the applicable assessment benchmarks of the Cook Shire Council Planning Scheme 2017 v2.0 and the matters prescribed by the *Planning Regulation 2017*.
- b. While the proposal does not strictly comply with the Scheme's intent for rural lifestyle lots, Officers consider the relevant performance outcomes are met in the specific circumstances of the site.
- c. The development area is considered to have low agricultural value due to topographical constraint, drainage features, vegetation setbacks and separation from the productive rural land retained on the balance lots.
- d. The proposal has been conditioned to ensure appropriate access, servicing and protection of rural and environmental values.

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.

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.

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*

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.

- (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

- (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.