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ABN: 30 977 526 871

Our Ref: 2023-01

5 April 2023

Gindaja Treatment and Healing Ind. Corporation
c/- Reel Planning
Unit 101, 27-29 Wharf Street
Cairns QLD 4870

via email: teresa@reelplanning.com

Dear Theresa,

**Decision Notice - Approval (with conditions) for a Development Permit:
Development and expansion to the existing Residential care facility – Back Beach Road,
Yarrabah (Lease P over part of Lot 47 SP279560)**

Given under section 63 of the *Planning Act 2016*

The development application described below was decided by Yarrabah Aboriginal Shire Council on 4 April 2023.

Applicant details

Applicant name: Gindaja Treatment and Healing Ind. Corporation
Applicant contact details: C/- Reel Planning

Application details

Application number: 2023-01
Approval sought: Development Permit
Description of development: Material Change of Use –Development and expansion to the existing Residential Care Facility
Category of Development: Assessable Development
Category of Assessment: Code Assessable

Location details

Street address: Backbeach Road, Yarrabah
Real property description: Lease P over part of Lot 47 SP279560
Local government area: Yarrabah Aboriginal Shire Council

Decision

Decision Details: Approved in full with conditions. These conditions are set out in **Attachment 1**

Details of the approval

Development Permit

Material Change of Use

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. Building Works

Properly made submissions

None.

Referral Agencies

There were no referral agencies.

Currency period for the approval

The use of the subject land must be commenced within a period of six (6) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (**Attachment 2**).

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing or Document	Reference	Date
Existing & Demotion Site Plan	POD - SD01 Rev 5	15.12.22
Proposed Site Plan	POD - SD02 Rev 7	15.12.22
Admin & Training Building Plan	POD - SD03 Rev 6	6.12.22
Admin & Training Roof Plan	POD - SD04 Rev 3	6.12.22
Elevations and Training Building	POD - SD05 Rev 4	6.12.22
Unit	POD - SD06 Rev 2	6.12.22
Flexible Unit	POD - SD07 Rev 2	6.12.22
Preliminary Staging Diagram	POD - SD08 Rev 4	6.12.22

Floor Level (Transportable Accommodation)	-	-
Site Layout – Stormwater Management Plan	SKC01 STP Consultants	5.12.22

Other details

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied upon when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Yarrabah Aboriginal Shire Council on (07) 4056 9120.

Delegated Person

Yours sincerely,

Richard Wright
Chief Executive Officer

att: **Attachment 1** – Conditions imposed by the assessment manager
Attachment 2 – Extract of Appeal Provisions (Ch 6, Part 1 of the Planning Act 2016).

ASSESSMENT MANAGER CONDITIONS

Administration

At all times

The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:

- a) The specifications, facts and circumstances as set out in the application submitted to Council;
- b) The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards.

Approved Plans

At all times

- a) The development of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval.

Plan / Document Name	Reference	Date
Existing & Demotion Site Plan	POD - SD01 Rev 5	15.12.22
Proposed Site Plan	POD - SD02 Rev 7	15.12.22
Admin & Training Building Plan	POD - SD03 Rev 6	6.12.22
Admin & Training Roof Plan	POD - SD04 Rev 3	6.12.22
Elevations and Training Building	POD - SD05 Rev 4	6.12.22
Unit	POD - SD06 Rev 2	6.12.22
Flexible Unit	POD - SD07 Rev 2	6.12.22
Preliminary Staging Diagram	POD - SD08 Rev 4	6.12.22
Floor Level (Transportable Accommodation)	-	-
Site Layout – Stormwater Management Plan	SKC01 STP Consultants	5.12.22

- b) Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the conditions of approval must prevail.
- c) Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the commencement of use.

1. Timing of Effect

Prior to the commencement of the use except where specified otherwise in these conditions of approval

The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer.
 Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

2. General

During the operation and life of the development

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

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

Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

3. Noise Nuisance

During the operation and life of the development

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

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

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

4. Infrastructure

During the operation and life of the development

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

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

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

5. Access

The applicant/developer must:

- a. Engage a suitably qualified engineer to confirm the access driveways are suitably located providing safe and efficient access to the site, and provide written confirmation to the satisfaction of Council's Chief Executive Officer; and
- b. Construct commercial access crossovers in the locations shown on the approved plans, except where modified by item a. above. The crossovers must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer; and
- c. Ensure that any redundant vehicle crossovers are removed and the ground surface made good.

Technical details are to be submitted to council prior to issue of a Building Approval and maintained for the life of the development

Reason: To provide development with access in accordance with council standards.

6. Parking/Internal Driveways

The applicant/developer must provide a minimum of 16 on-site parking spaces, including 1 PWD space and 1 emergency vehicle bay.

All spaces must be sealed, line-marked and appropriately drained and designed in accordance with Australian Standard AS2890:1 Off Street Parking – Car Parking and Australian Standard AS2890.6-2009 Off-street parking for people with disabilities as applicable.

All car parking facilities must be maintained to a safe operating standard at all times thereafter.

Reason: To provide development with parking in accordance with council standards.

Prior to the commencement of the use

7. Stormwater Drainage

The applicant/developer must:

- a. Take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development; and
- b. Ensure development is undertaken in accordance with the approved Stormwater Management Plan SKC01 and supporting material, prepared by STP Consultants in particular:
 - i. Stormwater management must meet or exceed the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's Chief Executive Officer; and
 - ii. Erosion and Sediment Control Plan must that meet or exceed the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Chief Executive Officer.

Prior to the commencement of works and during the operation and life of the development

Reasons: To convey stormwater legally and in an environmentally responsible manner and to manage and minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.

8. Landscaping

The landscaping of the site must be carried out generally accordance with the landscaping shown on the Proposed Site Plan (SD02 rev 7), and irrigated, mulched and maintained to the satisfaction of Council's Chief Executive Officer.

Prior to the commencement of the use and maintained during the operation and life of the development

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

9. Lighting

- a. Outdoor lighting must be designed, located and installed to prevent light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Prior to the commencement of the use and maintained during the operation and life of the development

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

Reason: To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the Queensland Environmental Protection Act 1994 Section 440.

10. Water Supply

Prior to the issue of a Building Approval

The development must be connected to Council’s water service in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s Chief Executive Officer.

Prior to the water service connection works commencing, a request for a Plumbing Connection is required to be submitted with detailed hydraulic drawings. The connection must be approved by Council prior to the property connection work being undertaken.

Reason: To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

11. Sewerage Connection

Prior to the issue of a Building Approval

The development must connect to Council’s reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s Chief Executive Officer.

Prior to the property connection to the existing sewer main, a request for a Property Connection must be lodged with Council’s Chief Executive Officer. The connection must be approved by Council prior to the property connection work being undertaken.

Reason: To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

12. Minimum Floor Levels

Floor levels must achieve immunity from flood hazards by ensuring floor levels for new buildings or structures (other than Class 10 Buildings and Structures) achieve a finished floor level of 12.14m AHD.

Note: the draft drainage study forming part of the Yarrabah Masterplan 2021 provides guidance on flood depth. The site is mapped with an indicative flood depth of 0.5-1.0 m across the site and identifies a maximum flood level of 11.17 to 12.81. Applying a maximum flood depth of 1m from the lowest level of the site of 10.84 m AHD (south eastern corner), a finished floor level 12.14 m AHD is required (11.84 plus 300mm).

Reason: To ensure developments are appropriately immune from rising storm tide /flood water in accordance with relevant code/s and policy direction.

Prior to the issue of a Development Permit for Building Works

13. Bushfire Management

The Gindaja Treatment and Healing Centre Business Continuity Plan shall be reviewed and updated as necessary to addresses actions to be undertaken during a bushfire event.

Reason: To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

During the operation and life of the development

14. Acid Sulphate Soils Management

Development does not disturb acid sulfate soils or potential acid sulfate soils. Where disturbance is unavoidable an acid sulfate soils investigation is to be conducted. Should the soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils, an Acid Sulphate Soils Management Plan must be prepared and complied with.

Reason: To ensure potential adverse impacts on the natural and built environment, including infrastructure and human health as a result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction.

Prior to the issue of a Development Permit for Building Works

15. Refuse Facilities

The waste storage area is to be of sufficient size to house all garbage bins including recycling bins. The waste storage is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

During the operation and life of the development

Where the refuse truck must enter the site for waste collection, access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason: to ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

16 Electricity Supply

Where Ergon Energy requires the installation of a padmount, transformer or substation to augment their network, details of any electrical padmount or substation positioning must be endorsed by the Chief Executive Officer.

Prior to the issue of a Development Permit for Building Works

ADVICE

1. Infrastructure Charges do not apply to this development.

2. Further Permits Required

a) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

3. The approved use is Residential care facility:

A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care.

Infrastructure Charges

Yarrabah Aboriginal Shire Council does not levy infrastructure charges or impose conditions for trunk infrastructure.

STATEMENT OF REASONS

The following information is provided in accordance with s63 of the *Planning Act 2016*.

Reasons for Decision

The reasons for this decision are:

1. The proposal demonstrates compliance with Assessment Benchmarks.
2. The proposed development will provide additional access to infrastructure within the Yarrabah community.
3. The development is consistent with the purpose of the Community facilities zone code.
4. The proposed development complies with the majority of Performance Outcomes and Acceptable Outcomes of the relevant planning scheme codes and where appropriate, reasonable and relevant conditions have been recommended to ensure compliance.

Assessment Benchmarks

The site is in the Community facilities zone and the use is code assessable development.

The proposed development was assessed against the following assessment benchmarks of Yarrabah Aboriginal Shire Council Planning Scheme (2017), in particular:

Planning Scheme v1.1		Scheme Requirement
Zone	Community facilities	<p>The proposed development is consistent with the purpose and overall outcomes of the Community Facilities Zone code and achieves compliance as summarised below.</p> <p>The development achieves the purpose of the zone code to:</p> <ol style="list-style-type: none"> 1. provide for community related activities and facilities whether under public or private ownership. 2. provide for the development of uses that meet the economic, community and social needs of the community. 3. development is located in publicly accessible locations and is generally consistent in scale 4. support the implementation of the policy direction set in the Strategic Framework, in particular Theme 4: Strong communities, Element 3.7.5 Sense of community, place and identity.
Overlays	Acid Sulfate Soils	<p>The purpose of the code will be achieved through the following overall outcomes:</p> <ol style="list-style-type: none"> 1. Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting groundwater or filling land; 2. Development ensures that disturbed acid sulfate soils or drainage waters are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protects corrodible assets from acid sulfate soil.

		Standard conditions can be applied in this regard.
	Biodiversity Areas	The proposed development has triggered assessment against the Biodiversity Overlay for regulated vegetation. However the mapping is in error. No conditions are required in this regard.
	Bushfire Risk	The proposed development is consistent with the purpose and overall outcomes of the Bushfire Hazard Overlay code and achieves compliance as summarised below. <ul style="list-style-type: none"> • Gindaja Treatment and Healing Centre Business Continuity Plan addresses actions to be undertaken during an event, including a bushfire, as well as a documented emergency evacuation procedure. • The development has direct access to a sealed road providing evacuation routes in the case of an emergency.
	Flood Hazard	The site is within the flood hazard area. This is typical of most coastal regions. The proposed development is consistent with the purpose and overall outcomes of the Flood Hazard Overlay code and achieves compliance as summarised below. <ul style="list-style-type: none"> • Gindaja Treatment and Healing Centre Business Continuity Plan addresses actions to be undertaken during an event, including a flood event, as well as a documented emergency evacuation procedure. • New accommodation buildings are elevated and located where possible on the highest areas on the site and have been designed to achieve the highest finished floor level while minimising extensive filling of the site. • While the Planning Scheme does not prescribe a required FFL, the draft drainage study forming part of the Yarrabah Masterplan 2021 provides guidance on flood depth. • The site is mapped with an indicative flood depth of 0.5-1.0 m across the site and identifies a maximum flood level of 11.17 to 12.81 of the proposed easement (DE12) in the adjoining allotment to the north.
Development Codes	Access, Parking and Servicing Code (8.3.1)	The proposed development is consistent with the purpose and overall outcomes of the Access, Parking and Servicing Code and achieves compliance as summarised below: <ul style="list-style-type: none"> • The plan of development proposes a total of 16 on-site parking spaces, including 1 PWD space and an emergency vehicle bay compliant with the prescribed minimum parking spaces.

		<ul style="list-style-type: none"> • Parking areas and internal circulation driveways will designed and constructed in accordance with relevant Australian Standard. • All internal access driveways will be sealed with parking spaces to the rear of the site (parking spaces 3-14) constructed from permeable paving. • The access driveways are suitably located providing safe and efficient access to the site. • In conjunction with the new northern-most access driveway, the existing sealed section from the Back Beach Road seal to the front property boundary will be removed and the ground surface made good.
	<p>Landscaping Code (8.3.3)</p>	<p>The proposed development is consistent with the purpose and overall outcomes of the Landscaping Code and achieves compliance as summarised below.</p> <ul style="list-style-type: none"> • Existing vegetation and landscaping will be retained where possible and supplemented with additional landscaping incorporating suitable plant species.

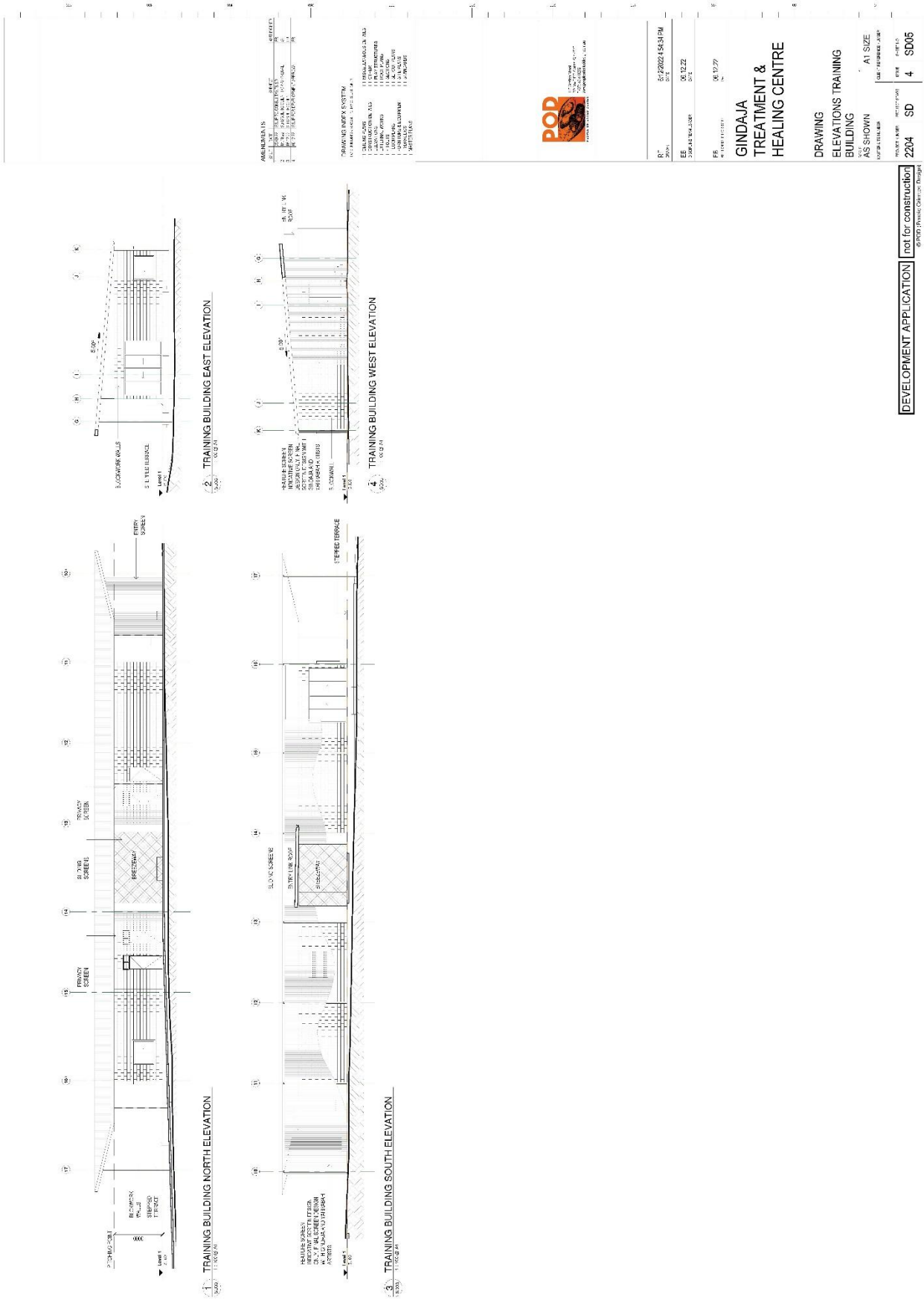
Decision Notice - Approval (with conditions) for a Development Permit: Residential care facility
Back Beach Road, Yarrabah described as Lease P over part of Lot 47 SP279560

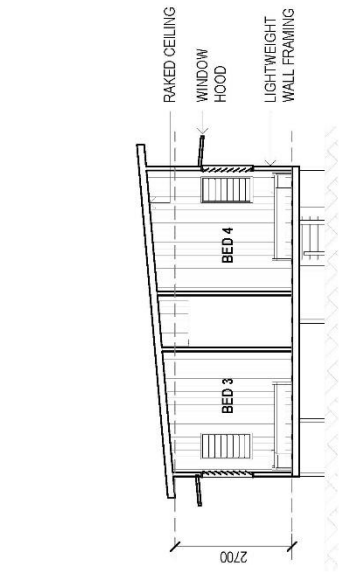


**Decision Notice - Approval (with conditions) for a Development Permit: Residential care facility
Back Beach Road, Yarrabah described as Lease P over part of Lot 47 SP279560**



**Decision Notice - Approval (with conditions) for a Development Permit: Residential care facility
Back Beach Road, Yarrabah described as Lease P over part of Lot 47 SP279560**





A SECTION A
 1:100 @ A3

No.	Description	Date
1	CONSULTANT COORDINATION SD	29.09.22
2	ISSUE FOR DEVELOPMENT APPLICATION	06.12.22

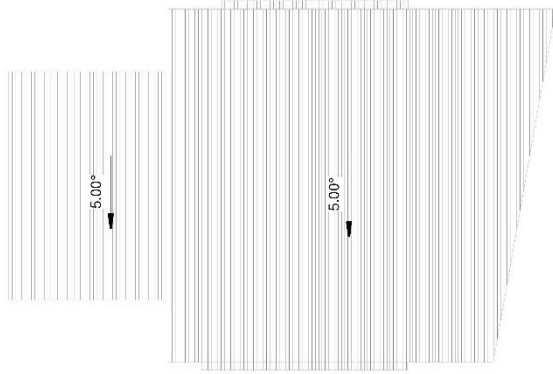


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 PO Box 3153 Cairns Qld 4870
 www.peopleorienteddesign.com.au

GINDAJA

drawing
 POD

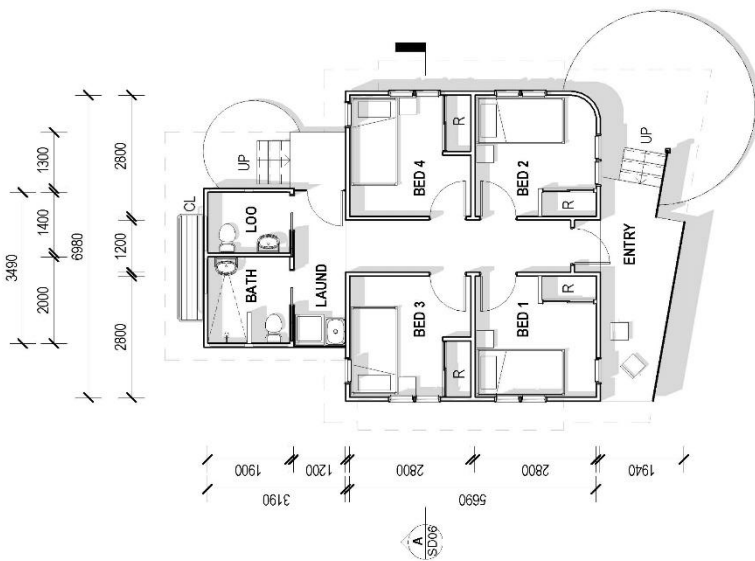
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 project no. drawing no. revision
 2204 SD06 2
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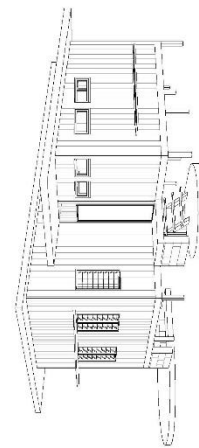
2 ROOF PLAN
 1:100 @ A3



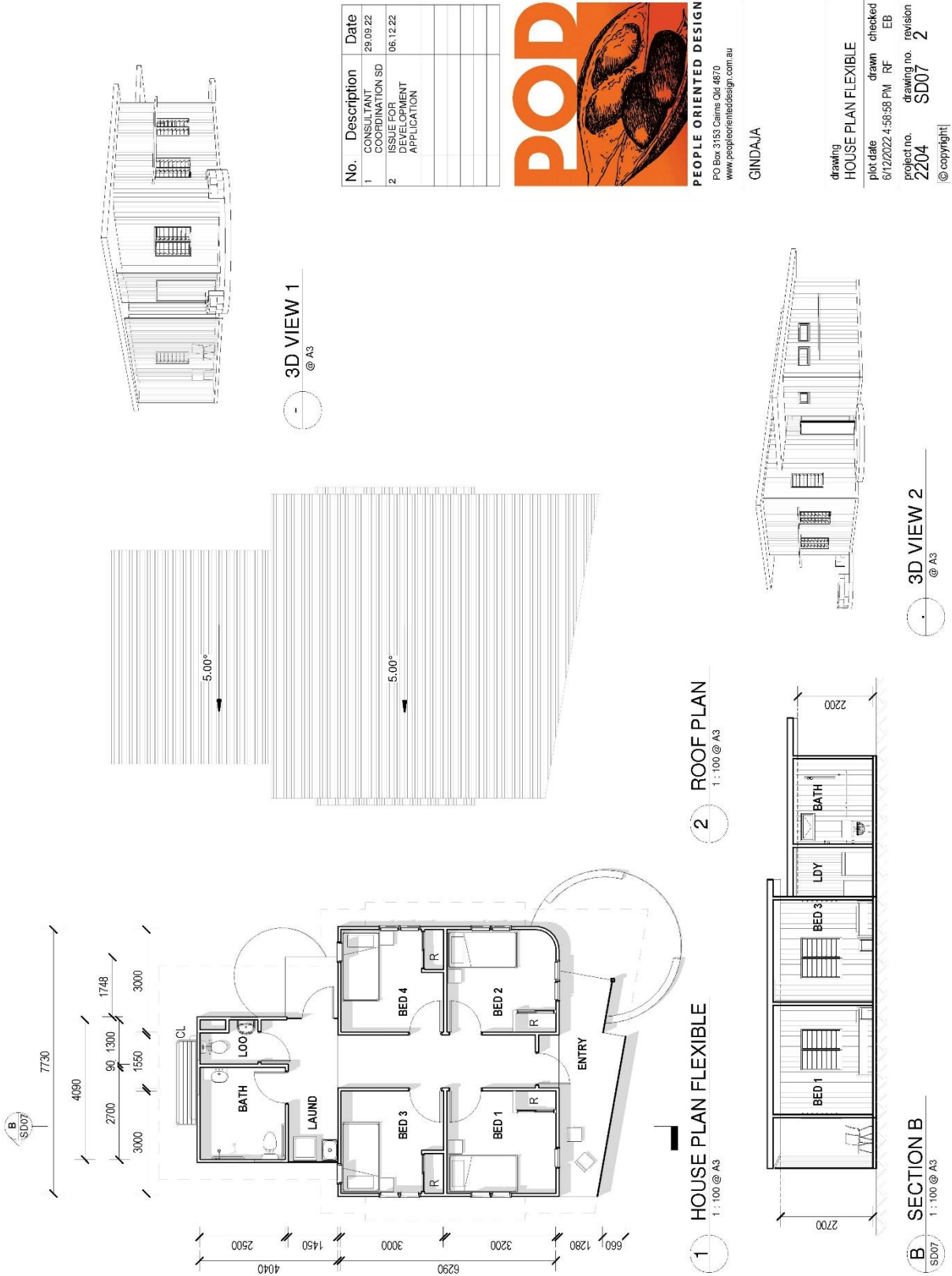
3D VIEW 2
 @ A3



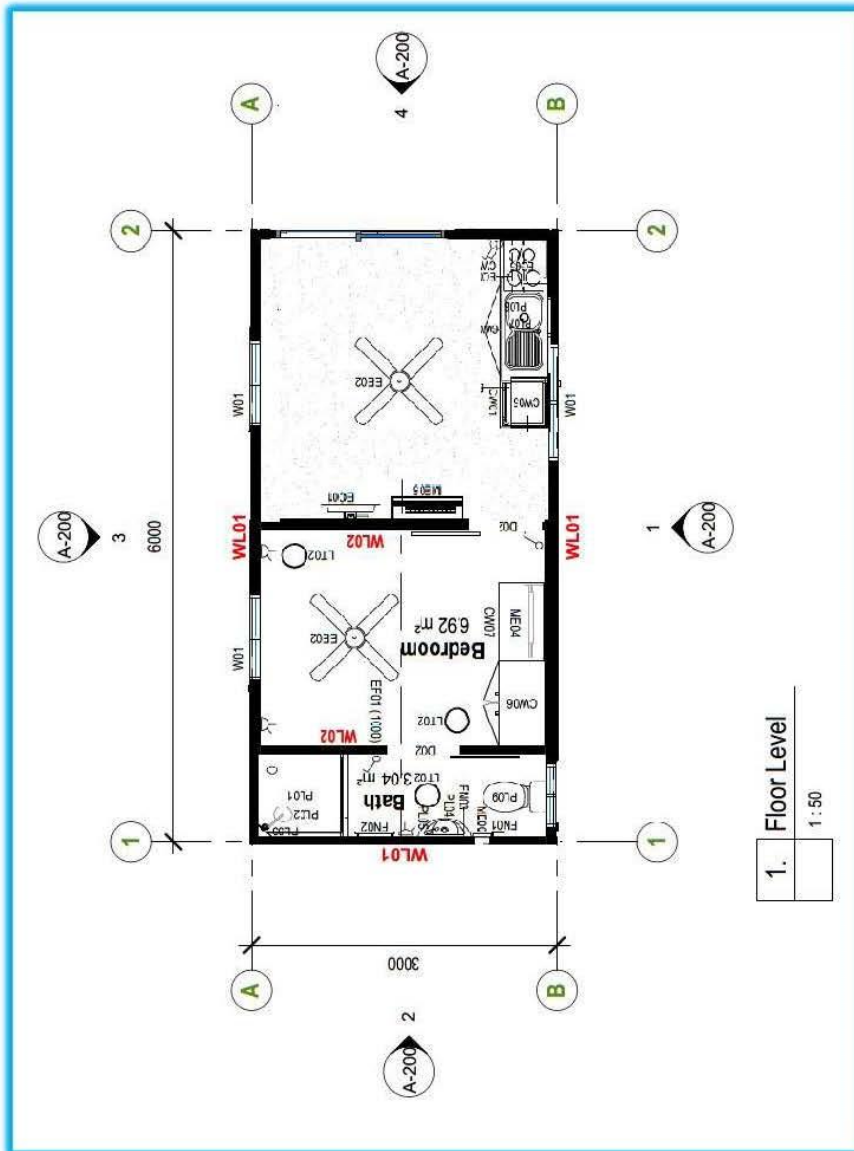
1 HOUSE PLAN
 1:100 @ A3



3D VIEW 1
 @ A3



Decision Notice - Approval (with conditions) for a Development Permit: Residential care facility
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Decision Notice - Approval (with conditions) for a Development Permit: Residential care facility
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STIP		CONSULTANTS	
GINDJALA ABORIGINAL CORPORATION		www.gindjala.com.au	
PROJECT NO.	STP21-1893	DATE	05.12.22
SCALE	1:200@A1	CIVIL	

APPENDIX 2: Extract of Appeal Provisions (Ch 6, Part 1 Planning Act 2016).

Planning Act 2016
Chapter 6 Dispute resolution

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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

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- (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

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- (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.