



Our Ref: MCU + ROL Muka Street 08.02  
File name: CEO Ltr Decision notice 20230612

12 June 2023

Gindaja Treatment and Healing Indigenous Corporation  
C/- Yarrabah Post Office  
56 Sawmill Rd  
Yarrabah QLD 4871

Attention: Ailsa Lively, Chief Executive Officer

Dear Ailsa

**Decision Notice - approval (with conditions) for a Development Permit:  
Material Change of Use – Community Care Centre and Reconfiguring A Lot – Lease Greater  
Than 10 Years. Gindaja Treatment and Healing Indigenous Corporation  
over Part of Lot 18 SP284220.**

Given under section 63 of the *Planning Act 2016*

The development application described below was approved by Yarrabah Aboriginal Shire Council at the Ordinary Meeting of 17 May 2023.

Council resolved to approve the application for a Development Permit Material Change of Use – Community Care Centre and Reconfiguring a Lot over part of Lot 18 SP284220 at Muka Street with an interim 10 + 10 + 10 lease option to allow the transition of the lease and gifting and transfer of the demountable building to the Yarrabah Justice entity once fully established, funded and operational, subject to the conditions set out in this decision notice.

**Applicant details**

Applicant name:	Gindaja Treatment and Healing Indigenous Corporation
Applicant contact details:	C/- Yarrabah Post Office 56 Sawmill Rd Yarrabah QLD 4871
Email address:	Ailsa Lively <a href="mailto:ailsa.lively@gindaja.org">ailsa.lively@gindaja.org</a> Kathy Hare <a href="mailto:kathy@gindaja.org">kathy@gindaja.org</a>



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### Application details

Application number:	PA23-02
Approval sought and Description of the development:	Development Permit: a. Material Change of Use – Community Care Centre b. Reconfiguring A Lot – Lease Greater Than 10 Years

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### Location details

Street address:	Muka Street, Yarrabah
Real property description:	Part of Lot 18 SP284220.

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### Decision

Date of decision:	17 May 2023
Decision Details:	Approved in full with conditions. These conditions are set out in <b>Attachment 1</b>

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### Details of the approval

Development Permit	Material Change of Use Reconfiguring a Lot (Lease)
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### Conditions

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

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### 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

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### Properly made submissions

There were no properly made submissions for this application.

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### Referral Agencies

There were no referral agencies for the application.

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### Currency period for the approval

The use of the subject land must be commenced within a period of 10 years from the date, of this letter 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.

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ABN: 30 977 526 871

### 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 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. The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Lease A SP339694 in Lot SP284220	RPS Lease Plan	10/11/2022
LWBC Modules Yarrabah 12m x 9m x 2.4m	Ausco	29/06/2020

### 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 and approved plans  
**Attachment 2** – Extract of Appeal Provisions (Ch 6, Part 1 of the Planning Act 2016).

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## ATTACHMENT 1

### ASSESSMENT MANAGER CONDITIONS

Council resolved to approve the application for a Development Permit Material Change of Use – Community Care Centre and Reconfiguring a Lot over part of Lot 18 SP284220 at Muka Street with a 10 + 10 + 10 lease, subject to the following conditions:

#### APPROVED PLANS

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Lease A SP339694 in Lot SP284220	RPS Lease Plan	10/11/2022
LWBC Modules Yarrabah 12m x 9m x 2.4m	Ausco	29/06/2020

#### ASSESSMENT MANAGER CONDITIONS

#	Assessment Manager Conditions	Timing
1.	<p>Timing of Effect</p> <p>The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer.</p> <p>Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.</p>	<p>Prior to the commencement of use except where specified otherwise in these conditions of approval</p>
2.	<p>General</p> <p>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:</p> <p>a. Found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of</p>	<p>During the operation and life of the development</p>

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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

Technical details are to be submitted to council prior to issue of a

The applicant/developer must:

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<p>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</p> <p>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</p> <p>c. Ensure that any redundant vehicle crossovers are removed and the ground surface made good.</p>	<p>Building Approval and maintained for the life of the development</p>
<p>Reason: To provide development with access in accordance with council standards.</p>	
<p>6. Parking/Internal Driveways</p> <p>The applicant/developer must provide a minimum of 16 on-site parking spaces, including 1 PWD space and 1 emergency vehicle bay.</p> <p>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.</p> <p>All car parking facilities must be maintained to a safe operating standard at all times thereafter.</p> <p>Reason: To provide development with parking in accordance with council standards.</p>	<p>Prior to the commencement of the use</p>
<p>7. Stormwater Drainage</p> <p>The applicant/developer must:</p> <p>a. Take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development; and</p> <p>b. Ensure development is undertaken in accordance with the approved Stormwater Management Plan SKC01 and supporting material, prepared by STP Consultants in particular:</p> <p>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</p> <p>ii. Erosion and Sediment Control Plan must that meet or exceed the Soil Erosion and Sedimentation Control Guidelines</p>	<p>Prior to the commencement of works and during the operation and life of the development</p>

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(Institute of Engineers Australia) to the satisfaction of Chief Executive Officer.

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.
- 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.

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

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

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 issue of a Building Approval

Prior to the water service connection works commencing, a request for a Plumbing Connection is required to be submitted with detailed

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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**

Prior to the issue of a Development Permit for Building Works

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.

**13. Bushfire Management**

During the operation and life of the development

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.

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

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.

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.

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.

# **Assessment Manager 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.

Prior to the issue of a Development Permit for Building Works

During the operation and life of the development

Prior to the issue of a Development Permit for Building Works

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## **ADVICE**

1. No infrastructure charges are levied on this development.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the FNQROC Development Manual, Local Laws and other applicable policies log on to the Yarrabah Aboriginal Shire Council website.
4. Council may refer Planning Applications to the Land Office and traditional and rightful owners of the land for consultation. Stakeholders will have their say on whether the application may harm any important features of cultural significance to country.
4. Future Electricity Infrastructure. It is likely to be a requirement to upgrade the electricity supply to the premises:
  - It is likely that the development will require a padmount (a ground mounted electric power distribution transformer in a locked steel cabinet mounted on a concrete pad).
  - It is unlikely that a further subdivision of the site will address the power demand to the site.
  - It is recommended that further advice be obtained from your Project manager and electricity consultant as a matter of priority.

### **Infrastructure Charges**

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

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**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 allow for additional community care facilities to the Yarrabah community and will co-locate with existing community health services on the site.
3. The development is consistent with the purpose of the 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 District Centre 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
Strategic Framework	Theme 1 Settlement Pattern	<ol style="list-style-type: none"> <li>1. Development is co-ordinated, sequenced and appropriately planned and constructed to provide an efficient and cost effective pattern of development.</li> <li>2. Development occurs within the services boundary as shown on Yarrabah Priority Infrastructure Area Map YPIP-001. Settlement expansion beyond this boundary does not occur due to physical land constraints or is out of sequence with infrastructure delivery and costs.</li> </ol>
	Theme 2 – Infrastructure	<ol style="list-style-type: none"> <li>1. Infrastructure and services are provided to Yarrabah’s communities in a planned, timely, economical and efficient manner in order to support community needs.</li> <li>2. Development is appropriately co-ordinated and generally sequenced to ensure that activities are appropriately serviced by infrastructure to maximise the efficient use of transport, energy and water resources.</li> </ol>
Zone	Community facilities	<p>The purpose of the zone code includes to:</p> <ol style="list-style-type: none"> <li>1. provide for community related activities and facilities whether under public or private ownership.</li> <li>2. provide for the development of uses that meet the economic, community and social needs of the community.</li> <li>3. Development is located in publicly accessible locations and is generally consistent in scale</li> <li>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.</li> </ol>
Other Development Codes	Reconfiguring a lot	The purpose of the code will be achieved through the following overall outcomes:

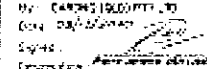
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		<ol style="list-style-type: none"> <li>1 development results in the creation of a useable lot for the intended land use while not adversely impacting on environmental features, site constraints and the character and amenity of the area;</li> <li>2 development results in appropriately sized, dimensioned and shaped lots to meet the outcomes of the respective zones;</li> </ol> <p>The approval contains conditions in this regard.</p>
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"> <li>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;</li> <li>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.</li> </ol> <p>No conditions are required in this regard.</p>
	Biodiversity Areas	<p>The proposed development has triggered assessment against the Biodiversity Overlay for regulated vegetation. However the mapping is in error.</p> <p>No conditions are required in this regard.</p>
	Bushfire Risk	<p>The proposed development has triggered assessment against the Bushfire Overlay. However the proposed lease is appropriate.</p> <p>No conditions are required in this regard.</p>
	Flood Hazard.	<p>The site is within the flood hazard area. This is typical of most coastal regions. The mapping is provided by the State Government and it fails to provide any detail as to the depth of the flooding over any properties in the Council Area.</p> <p>Accordingly, it is not possible to say if the site is likely to be inundated by 2cm or 2m of water.</p> <p>However, the likely floor height for the future buddings can be calculated.</p> <p>No conditions are required in this regard.</p>

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**APPROVED PLANS & DOCUMENTS**

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Local Model 801 Local 804 Form 12, Version 2		<b>WARNING: Faded or Mutilated Plans will not be accepted.</b> <span style="float: right;">Sheet 2 of 2</span> Plans may be ruled. Information may not be placed in the outer margins.	
(Drawing No.)		A Lodged by	
		(Include address, postal number, email, telephone, and usage code)	
1 Existing		2 Proposed	
Use Residential	Description 18147 or SP284220	New Use	Road -
			Secondary Interest Lease P
Local Plans do not affect Lessees 3 AUGUST 2015 11:03:15 AM			
		<b>6. Building Format Plans only.</b> (Print only) * Drawings & approvals to be submitted in digital or hard copy format. The plan information will be printed on the plan. * Part of the building plan or the other information on the plan may not be used.	
		(Printed on separate sheet) * Copy (Printed on the plan)	
		<b>7. Lodgement Fees:</b> Survey Deposit           Lodgement               New Titles               Photocopy               Postage                  Total	
<b>8. Orig Grant Allocation:</b>		<b>9. Posted &amp; Endorsed:</b> No: 04/2015/00000000 Date: 04/20/2015 Signed:  Designation: Planning Officer	
<b>1. References:</b> Description: Local 801 Survey: 6204220-002		<b>10. Item Plan Number:</b> SP322849	

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**ATTACHMENT 2: EXTRACT OF APPEAL PROVISIONS**

(Ch 6, Part 1 Planning Act 2016).

**Attachment 2 – Extract of Appeal Provisions  
(Chapter 6, Part 1 and Part 2 and Schedule 1 of the Planning Act 2016).**

## **Chapter 6      Dispute resolution**

### **Part 1            Appeal rights**

#### **229      Appeals to tribunal or P&E Court**

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter;  
and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
    - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
    - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## 231 Non-appealable decisions and matters

- (1) Subject to this chapter, 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.

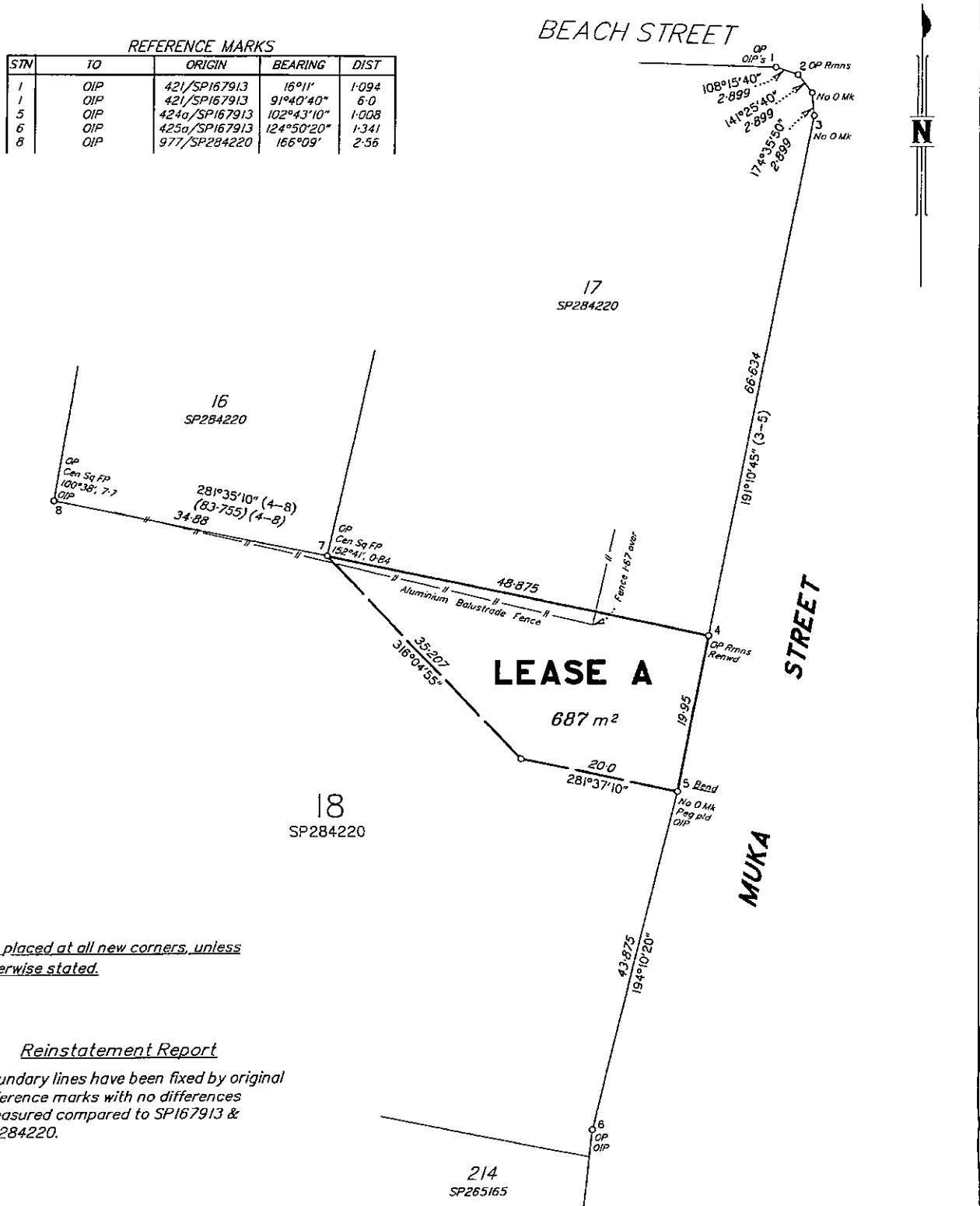
### **232 Rules of the P&E Court**

- (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.

**----- End -----**

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	OIP	421/SP167913	16°11'	1.094
1	OIP	421/SP167913	91°40'40"	6.0
5	OIP	424a/SP167913	102°43'10"	1.008
6	OIP	425a/SP167913	124°50'20"	1.341
8	OIP	977/SP284220	166°09'	2.56

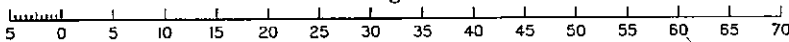


Peg placed at all new corners, unless otherwise stated.

Reinstatement Report

- Boundary lines have been fixed by original reference marks with no differences measured compared to SP167913 & SP284220.


Scale 1:500 - Lengths are in Metres.



RPS AAP Consulting Pty Ltd (ACN 117 863 173) hereby certify that the land comprised in this plan was surveyed by the corporation, by Nicholas Rhys BARKER, surveying associate, for whose work the corporation accepts responsibility, under the supervision of Dennis James GARRET, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 17/10/2022.

*[Signature]*  
Authorised Delegate

10/11/2022  
Date

0 50mm 100mm 150mm State copyright reserved.	
<b>Plan of Lease A</b>	
In Lot 18 on SP284220	
LOCAL GOVERNMENT: YARRABAH	LOCALITY: YARRABAH
Meridian: MGA Zone 55 vide SP167913	Survey Records: No
Scale: 1:500	Format: STANDARD
 <b>SP339694</b>	

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
51035614	Lot 18 on SP284220			Lease A

*Notification issued to the owner(s) of Lots 17 & 18 on SP284220 on 10/11/2022, in accordance with s.18 of the Survey and Mapping Infrastructure Regulation 2014.*

6. Building Format Plans only.

I certify that :  
 \* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.  
 \* Part of the building shown on this plan encroaches onto adjoining \* lots and road

Cadastral Surveyor/Director \* Date  
 \*delete words not required

7. Lodgement Fees :

Survey Deposit	\$ .....
Lodgement	\$ .....
New Titles	\$ .....
Photocopy	\$ .....
Postage	\$ .....
TOTAL	\$ .....

8. Insert Plan Number  
**SP339694**

Lots	Orig

2. Orig Grant Allocation :

3. References :  
 Dept File :  
 Local Govt :  
 Surveyor : AU006978

5. Passed & Endorsed :  
 By: RPS AAP Consulting Pty Ltd  
 Date: 10/11/2022  
 Signed: *[Signature]*  
 Designation: Cadastral Surveyor

