



HINCHINBROOK SHIRE COUNCIL

Our Ref: GV:HJR BW18\0007

15 October 2018

Paradise Outdoor Advertising
C/- BNC Planning Pty Ltd
PO Box 5493
Townsville QLD 4810

Email: bnc@bncplanning.com.au

Attention: Benjamin Collings

Dear Sir,

DECISION NOTICE *Planning Act 2016*

In relation to your recent request for building works assessable against a planning scheme, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 15 October 2018.

APPLICATION DETAILS

Application Number: BW18\0007
Property ID Number: 106930

Applicant: Paradise Outdoor Advertising
C/- BNC Planning Pty Ltd
PO Box 5493
Townsville QLD 4810

Owner: Avelino Fontana
PO Box 633
Ingham QLD 4850

Property Description: Bruce Highway, Helens Hill, Queensland, 4850
Lot 4 on SP295411, Parish of Waterview



Proposal:	Building Works Assessable Against a Planning Scheme (BWAP) <i>"Building work being undertaken to an existing land use which does not increase the intensity and scale of that land use and the site is subject to an applicable overlay"</i>
Level of Assessment:	Code Assessment
Assessment Benchmarks:	Hinchinbrook Shire Planning Scheme 2017 Building Code of Australia Queensland Development Code MP 1.2

DEEMED APPROVAL

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

REFERRAL AGENCIES

Not Applicable

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

This approval does not authorise any filling of land or building work, and a development permit for carrying out any filling of land and/or building work must be obtained.

This approval also does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modifications to existing access or works to footpaths), or any filling of land permits.

If this is required the relevant application will need to be lodged with Council or other relevant authority.

RIGHTS OF APPEAL

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

APPROVAL CURRENCY PERIOD

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

APPROVED PLANS & SPECIFICATIONS

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.



FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Approved Plans/Documents
 Appeal Rights



NOTICE ABOUT DECISION – STATEMENT OF REASONS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

This Notice is prepared in accordance with s.63(5) and s.83(7) of the *Planning Act 2016* to inform the public 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*.

REASONS FOR THE DECISION

The proposed development is considered to be consistent with the relevant overall outcomes of the planning scheme, in particular:

- The proposed structures (billboards), will not impact negatively on the privacy of neighbouring residences due to the vegetation and distance between the proposal and adjoining property dwelling;
- The proposed structures (billboards) are to be sited of a sufficient distance from the road frontage as not to impede on traffic safety and visibility;
- The proposed structures (billboards) will not negatively impact the amenity of adjoining land or the rural character of the locality; and
- The proposed structures (billboards) will be sited within the private property boundary without impeding on the road reserve or adjoining allotment.



CONDITIONS OF APPROVAL

BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME																	
CONDITIONS OF APPROVAL																	
LOT 4 ON SP295411, PARISH OF WATERVIEW																	
Conditions		Compliance timing															
Administration																	
(1)	The developer 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, including recommendations and findings confirmed within the technical reports; b. The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards c. The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.	At all times															
Currency Period																	
(2)	The currency period applicable to this approval. • BWAP – Two (2) years from date of decision notice	As per condition															
Approved plans																	
(3)	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 this approval: <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Locality Plan- Aerial Image</td><td>BW18_0007 Plan 1.1</td><td>October 2018</td></tr><tr><td>Structural Plans- Plans & Front Elevation</td><td>PS-06-03 S01</td><td>October 2018</td></tr><tr><td>Structural Plans- Jackout Frame Details & Perspective Views</td><td>PS-06-03 S03</td><td>October 2018</td></tr><tr><td>Structural Plans- Standard Structural Engineering Drawings Structural Framing Arrangement, Details, Schedules, And Notes</td><td>P0A-STD07 P0A-STD07-S01</td><td>October 2018</td></tr></table>	Plan / Document Name	Number	Date	Locality Plan- Aerial Image	BW18_0007 Plan 1.1	October 2018	Structural Plans- Plans & Front Elevation	PS-06-03 S01	October 2018	Structural Plans- Jackout Frame Details & Perspective Views	PS-06-03 S03	October 2018	Structural Plans- Standard Structural Engineering Drawings Structural Framing Arrangement, Details, Schedules, And Notes	P0A-STD07 P0A-STD07-S01	October 2018	At all times
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(4)	Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.	At all times															



BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME
CONDITIONS OF APPROVAL
LOT 4 ON SP295411, PARISH OF WATERVIEW

Conditions	Compliance timing
(5) 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 submission of a Development Application for Operational Works.	As per condition
Lawful Point of Discharge	
(6) All stormwater from structures must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.	At all times
Building	
(7) The class 10b structure requires a development permit for building works.	At all times
(8) The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.	At all times
(9) Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".	At all times
Construction and Operations	
(10) Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.	At all times
(11) All fill and retaining material is to be contained within the applicant's land. Filling material which may wash or spill onto adjacent lands is to be removed.	At all times
(12) Contaminated material excavated from the site must be managed and disposed of appropriately.	At all times
(13) Where retaining walls are not used, the toe of fill is to be kept clear of the boundary and shallow earth drains are to be installed in the applicant's property of sufficient size to direct runoff towards the drainage systems.	At all times

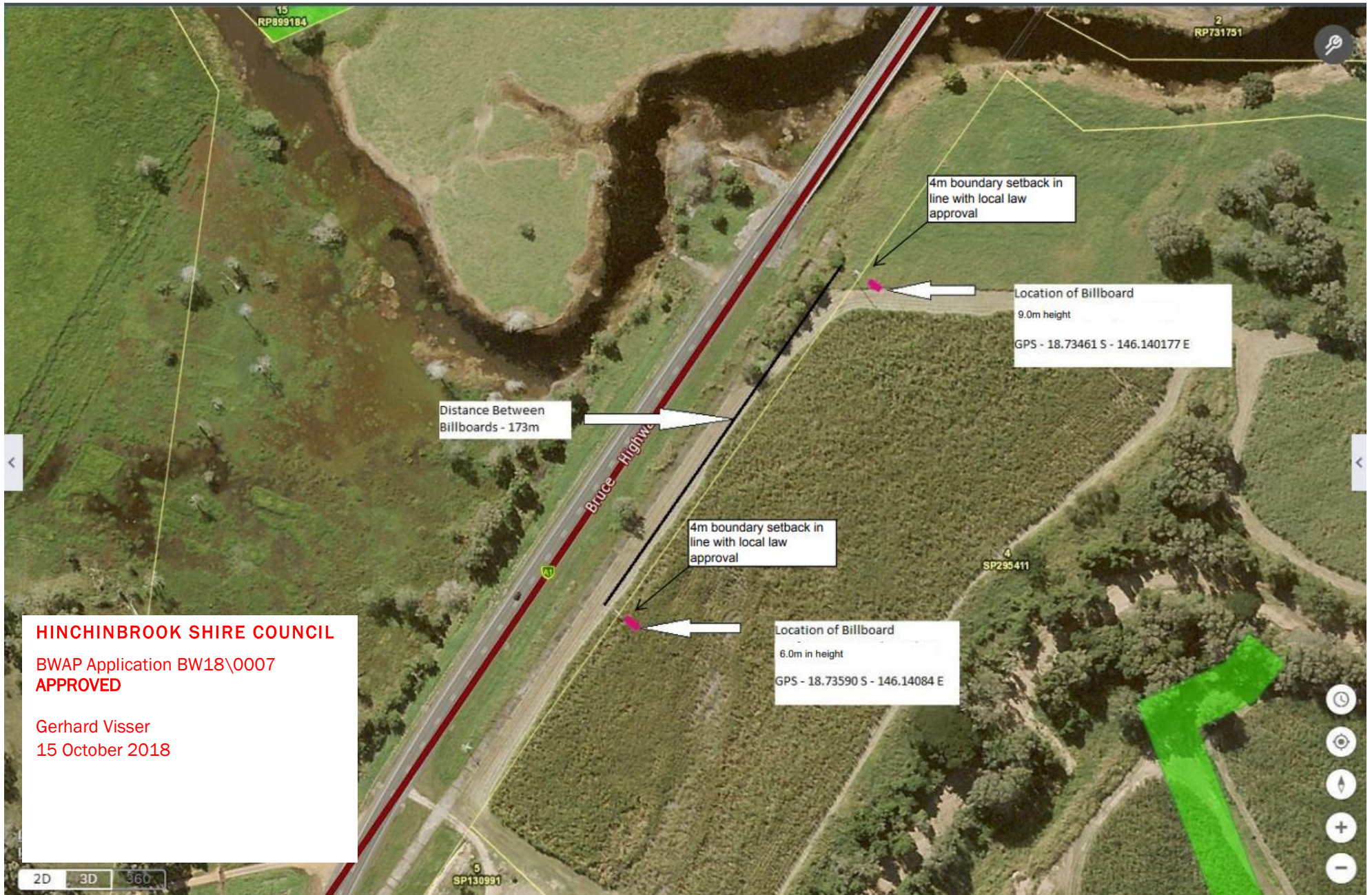


**BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME
CONDITIONS OF APPROVAL
LOT 4 ON SP295411, PARISH OF WATERVIEW**

Conditions	Compliance timing
Building and Structure Setbacks	
<p>(14) Billboard structures are setback a minimum of 4m from any property boundary to:</p> <ul style="list-style-type: none"> a) maintain the rural character of the area; and b) achieve appropriate separation from rural activities occurring on adjoining premises; and c) achieve separation from neighbouring buildings and from road frontages. 	At all times
Damage to Infrastructure	
<p>(15) In the event that any part of Council's existing sewer, water, channel and kerbing, or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/ owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the Commencement of Use or approval and dating of the Building Compliance Certificate, whichever occurs first.</p>	At all times







HINCHINBROOK SHIRE COUNCIL

BWAP Application BW18\0007
APPROVED

Gerhard Visser
15 October 2018

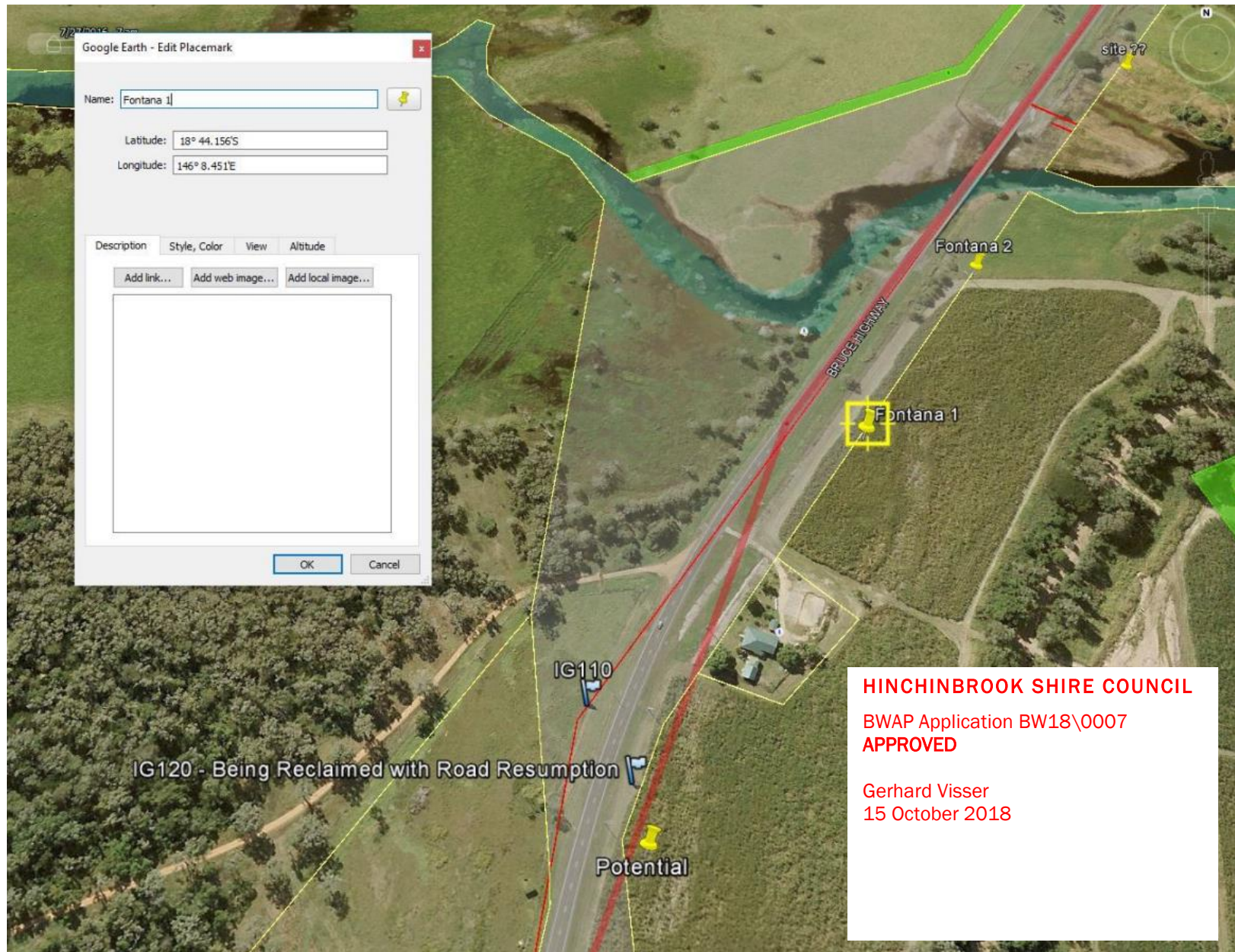
4m boundary setback in
line with local law
approval

Location of Billboard
9.0m height
GPS - 18.73461 S - 146.140177 E

Distance Between
Billboards - 173m

4m boundary setback in
line with local law
approval

Location of Billboard
6.0m in height
GPS - 18.73590 S - 146.14084 E



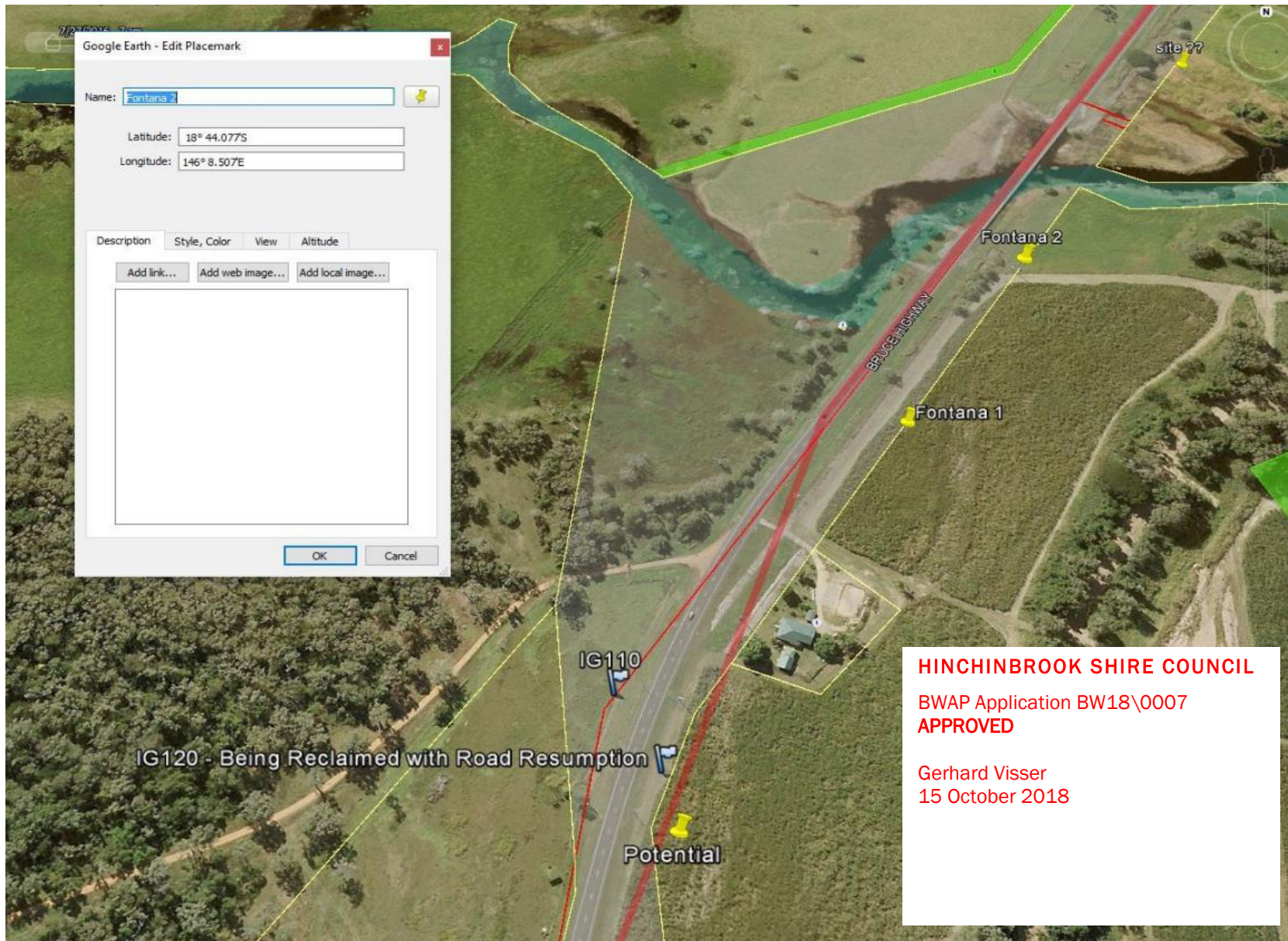
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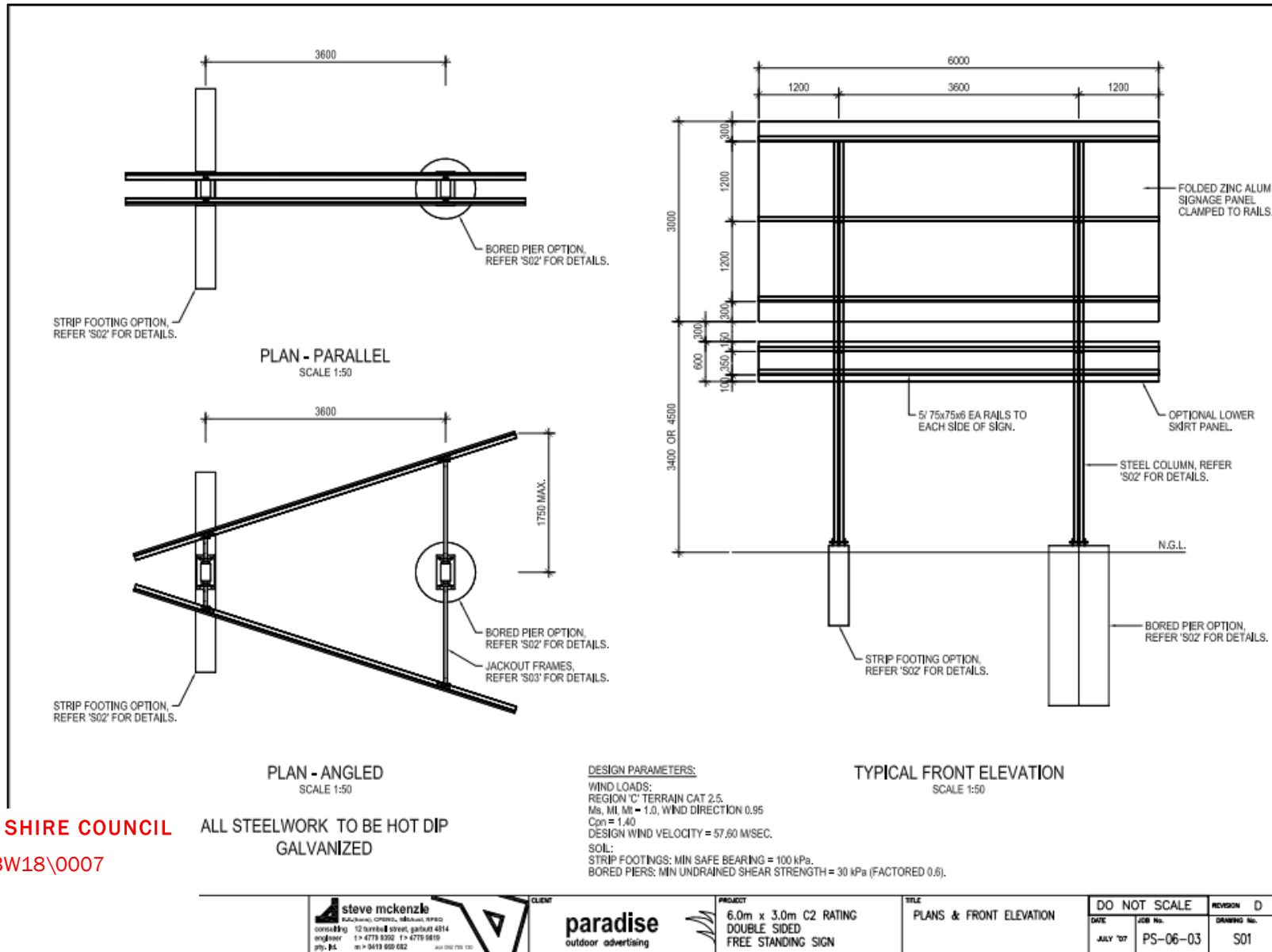
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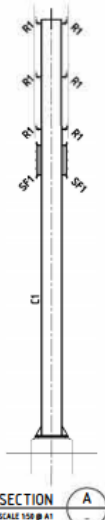
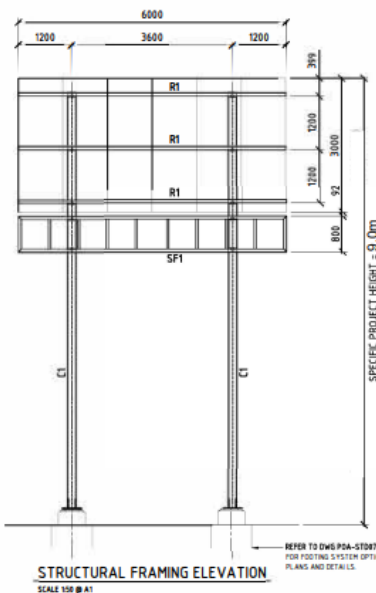
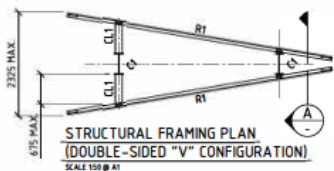
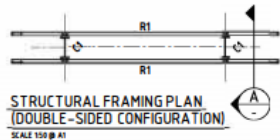
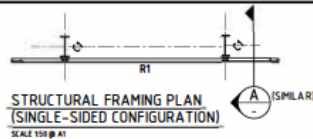
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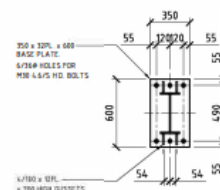
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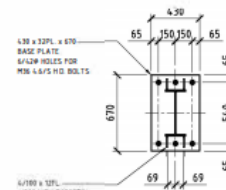
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MEMBER SCHEDULE		
MARK	SIZE	DESCRIPTION
C1	(REFER TO COLUMN & BASE PLATE SCHEDULE)	COLUMN
R1	75 x 75 x 6 EA	RAIL
SF1	65 x 65 x 5 EA TOP & BOT. WITH 50 x 50 x 3 EA VERTICALS AT 850 CTS MAX.	SKIRT FRAME (FULLY WELDED)
CL1	150 PFC (ON THE PLAT)	RAIL FIXING EXTENDED CLEAT

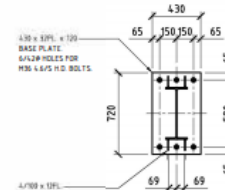
COLUMN & BASE PLATE SCHEDULE				
"H" O/VALL HEIGHT	"C" COLUMN SIZE	BASE PLATE THICKNESS	H.D. BOLT REQUIREMENTS	BASE PLATE HOLE Ø
7.0 m - 7.5 m	360 UB 50.7	32 PL (WITH GUSSETS)	6/M36 4.6/5	36
7.6 m - 8.5 m	410 UB 53.7	32 PL (WITH GUSSETS)	6/M36 4.6/5	42
8.6 m - 9.0 m	410 UB 55.7	32 PL (WITH GUSSETS)	6/M36 4.6/5	42
9.1 m - 10.0 m	460 UB 67.1	32 PL (WITH GUSSETS)	6/M36 4.6/5	42



360 UB BASE PLATE DETAIL



410 UB BASE PLATE DETAIL



460 UB BASE PLATE DETAIL

TYPICAL BASE PLATE DETAILS
C/F.W. COLUMN PLATES TO BASE PLATE, AND 6 mm (1/4") TO BOTH SIDES OF COLUMN WEB & GUSSETS. TYPICAL.
SCALE 1:50 @ A1

GENERAL NOTES

- WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE RELEVANT STANDARDS, A CODES INCLUDING ALL AMENDMENTS AND THE STATUTORY AUTHORITIES' REQUIREMENTS, EXCEPT WHERE VARYED BY THE CONTRACT DOCUMENTS.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE. ALL LEVELS ARE EXPRESSED IN METRES.

FOOTING NOTES

- AN ALLOWABLE BEARING PRESSURE OF 100 kPa HAS BEEN ASSUMED IN THE DESIGN OF FOOTINGS.
- ALL FOOTING EXCAVATIONS SHALL BE CLEANED OF LOOSE MATERIAL AND WATER.
- BORED PIERS SHALL BE CAST THE SAME DAY THAT BORING TAKES PLACE.
- COLUMNS SHALL BE CONCENTRIC WITH SUPPORTING FOOTINGS UNLESS OTHERWISE NOTED ON THE DRAWINGS.

CONCRETE NOTES

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3600.
- CONCRETE STRENGTH GRADE FOR PARTICULAR ELEMENTS SHALL BE AS FOLLOWS UNLESS NOTED OTHERWISE.

ELEMENT	CONCRETE STRENGTH GRADE
BORED PIERS & FOOTINGS (TO ALL OR RAIL CORRIDOR LOCATIONS)	N40
BORED PIERS & FOOTINGS (TO ALL OTHER LOCATIONS)	N32
- MAX. AGGREGATE SIZE - 20mm
SLUMP - 100mm +/- 15mm (AT POINT OF DISCHARGE)
- THE CONTRACTOR IS TO NOTIFY THE STRUCTURAL ENGINEER IN WRITING OF ANY ADJUSTMENTS TO BE MADE IN THE CONCRETE. MAX. NO. ADJUSTMENTS SHALL BE USED WITHOUT WRITTEN APPROVAL BY THE STRUCTURAL ENGINEER. CALCIUM CHLORIDE WILL NOT BE PERMITTED AND SHALL NOT BE USED IN ANY CIRCUMSTANCE.
- MINIMUM COVER TO ALL REINFORCEMENT UNLESS NOTED OTHERWISE SHALL BE AS FOLLOWS.

ELEMENT	FORMED AND NOT EXPOSED TO WEATHER	FORMED AND EXPOSED TO GROUND, WATER, GROUND ETC. OR WEATHER
FOOTINGS	75	75

ELEMENT	FORMED AND NOT EXPOSED TO WEATHER	FORMED AND EXPOSED TO GROUND, WATER, GROUND ETC. OR WEATHER
FOOTINGS	75	75

REINFORCEMENT SYMBOLS:-

- R - STRUCTURAL GRADE PLAIN ROUND BARGRADE 25 OR TO AS 3602
- N - DEFORMED BARGRADE 25 OR TO AS/NZS 4671

THE NUMBER FOLLOWING THE BAR SYMBOL IS THE NOMINAL BAR DIAMETER IN MILLIMETRES.

- REINFORCEMENT IS SHOWN DIAGRAMMATICALLY AND NOT NECESSARILY IN TRUE PROPORTION.
- SPLICES IN REINFORCEMENT SHALL BE MADE ONLY IN THE POSITIONS SHOWN.
- REINFORCEMENT SHALL BE BENT COLD IN ACCORDANCE WITH AS 3600 EXCEPT WHERE APPROVED BY THE STRUCTURAL ENGINEER. NO REBENDING SHALL BE PERMITTED UNLESS APPROVED BY THE STRUCTURAL ENGINEER.

STRUCTURAL STEELWORK NOTES

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 4100.
- ALL WELDS 6mm C.F.W. ALL ROUND, UNLESS NOTED OTHERWISE.
- WELDS SHALL BE PERFORMED BY A QUALIFIED WELDER IN ACCORDANCE WITH AS 1554 PART 1.
- S.P. (SPECIAL PURPOSE) CATEGORY WELDS SHALL BE USED FOR WELDING OF ALL STRUCTURAL STEELWORK.
- ALL BOLTS TO BE MOD UNLESS NOTED OTHERWISE.
- ALL BOLTS TO BE GRADER 8/PS UNLESS NOTED OTHERWISE.
- BOLT TYPES (AND DESIGNATIONS, WHERE USED) SHALL BE AS FOLLOWS.

DESIGNATION	GRADE	MIN. TENSILE STRENGTH (MPa)	MIN. YIELD STRENGTH (MPa)
4.6/5	COMMERCIAL GRADE	470	235
8.8/PS	HIGH STRENGTH STRUCTURAL	800	640
- ALL BOLTS, NUTS AND WASHERS INCLUDING D.D. BOLTS / RED ARE TO BE HOT DIP GALVANIZED. ALL GALVANIZED COMPONENTS TO BE CAST INTO CONCRETE MUST BE PASSIVATED.
- ALL STEELWORK SHALL BE ABRASIVE BLAST CLEANED TO CLASS 2.5 OR BETTER, AND HOT DIP GALVANIZED.
- THE ENDS OF ALL TUBULAR MEMBERS ARE TO BE SEALED WITH 6mm THICK PLATES AND CONTINUOUS SEAL WELDS, UNLESS DETAILED OTHERWISE.
- ALL HOLES IN PLATES AND STEEL MEMBERS SHALL BE DRILLED.

ABBREVIATIONS

R.L.	REDUCED LEVEL
U/S.	UNDERSIDE
U.N.D.	UNLESS NOTED OTHERWISE
H.D. BOLT	HOLDING DOWN BOLT
C.F.W.	CONTINUOUS FILLET WELD
C.P.B.W.	COMPLETE PENETRATION FULL STRENGTH BUTT WELD OR F.S.B.W.
E.W.	EACH WAY
E.F.	EACH FACE
MAX.	MAXIMUM
MIN.	MINIMUM
TOP	TOP FACE
BOT.	BOTTOM FACE
CTS	CENTRES (SPACING)
TYP.	TYPICAL

DESIGN PARAMETERS

WIND LOADING

WIND LOADING HAS BEEN DETERMINED IN ACCORDANCE WITH AS 1170 PART 2 WIND FORCES. REGION - BASIC REGIONAL WIND VELOCITY (V_b) = 70 m/s. TERRAIN CATEGORY 2, $M_s = 10$, $M_i = 10$, $M_d = 0.95$.

OVERALL HEIGHT OF SIGN "H"	V_{90m}	C_p
7.0 m	62.9 m/s	1.38
8.0 m	63.5 m/s	1.40
9.0 m	63.9 m/s	1.41
9.8 m	64.2 m/s	1.42
10.0 m	64.3 m/s	1.45

WIND SPEED VALUES (V_{90m}) ARE BASED ON AN ANNUAL PROBABILITY EXCEEDANCE OF 1 IN 50, WHICH EXCEEDS THE OR REQUIREMENT FOR THE DESIGN TO BE BASED ON AN AVERAGE RECURRENT INTERVAL (ARI) OF 100 YEARS.

SITE No:-
LOCATION:-

NO.	DATE	DESCRIPTION	INITIAL	REFERENCE DRAWING NO.	REFERENCE DRAWING TITLE
1	10/10/18	NOTES REVISSED TO SUIT REQUIREMENTS	DL	POA-STD01-582	FOOTING OPTIONS - PLANS & DETAILS
2	5/11/18	APPROVED FOR CONSTRUCTION	DL	POA-STD01-582	FOOTING OPTIONS - PLANS & DETAILS

DARREN LEWIS DESIGNS <small>Ass. Dip. Eng. (Civl)</small>	<small>A.B.N. 42 571 276 678</small>
<small>4 Maribel Mews, Concord, QLD, 4815.</small>	
<small>Phone: (07) 4723 2941</small>	
<small>Fax: (07) 4723 2941</small>	
<small>Email: darren_lewis_designs@yahoo.com.au</small>	
<small>DO NOT SCALE DIMENSIONS IN MILLIMETRES</small>	<small>DRAFTING: STANDARD AS 1100</small>

PARADISE OUTDOOR ADVERTISING	<small>DATE: FEB '18</small>
<small>DESIGNED: S. MCKENZIE</small>	<small>DATE: FEB '18</small>
<small>CHECKED: DATE:</small>	<small>DATE:</small>
<small>APPROVED: DATE:</small>	<small>DATE:</small>
<small>SCALE: AS SHOWN</small>	

STANDARD STRUCTURAL ENGINEERING DRAWINGS	<small>JOB NO: POA-STD07</small>
STRUCTURAL FRAMING ARRANGEMENT, DETAILS, SCHEDULES, AND NOTES	<small>DRAWING NO: POA-STD07-S01</small>
<small>1</small>	<small>1</small>

APPEAL RIGHTS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (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 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, table 1, item 1 – each principal submitter for the development application; and
 - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 has 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



231 Other appeals

- (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 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, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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 the rules of the P&E Court.

