



Gladstone Ports Corporation

Growth, Prosperity, Community.

GPC Document No. 1485794
GPC Ref: DA2019/01
Your Ref.:

20 June 2019

Gladstone Ports Corporation Limited
c/- Anthea Bennett
PO Box 259
GLADSTONE QLD 4680

Email: bennetta@gpcl.com.au

Dear Ms Bennett

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2019/01

(GIVEN UNDER S63 PLANNING ACT 2016 AND THE PROVISIONS OF GLADSTONE PORTS CORPORATION LAND USE PLAN 2012)

1. Application Details

This development application was properly made to the Gladstone Ports Corporation Limited on **7 May 2019**.

Application Number:	DA2019/01
Applicant Name:	Gladstone Ports Corporation Limited
Applicant Contact Details:	Anthea Bennett Gladstone Ports Corporation PO BOX 259 GLADSTONE Q 4680 Email: bennetta@gpcl.com.au
Approvals Sought:	Operational Works that is Tidal Works for a new stormwater outfall
Details of Proposed Development:	Remove existing pipe and outfall and install larger stormwater outfall
Location Street Address:	Burnie Muir Esplanade YARWUN QLD 4680
Location Real Property Description:	Unallocated state land adjacent to Lot 502 on SP252988
Land Owner:	Department of Natural Resources, Mines and Energy
Present Zoning & Precinct	Strategic Port Land tidal area

Gladstone Ports Corporation Limited

T: +61 7 4976 1333 • Fax: +61 7 4972 3045 • 40 Goondoon St/PO Box 259, Gladstone QLD, 4680, AUSTRALIA • www.gpcl.com.au
ACN 131 965 896 ABN 96 263 768 242

2. Details Of Proposed Development

Removing existing stormwater pipe and outfall and installing larger capacity stormwater outfall that extends beyond port land.

3. Details Of Decision

This development application was **decided on 19 June 2019**.

This development application is **approved in full with conditions**. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

4. Details Of Approval

This development approval is a **Development Permit** given for:

- a) Strategic Port Land tidal area – *Planning Regulation 2017* reference: Schedule 10, part 13 - Ports; division 5 - Strategic Port Land, subdivision 2, Table 1; and
- b) Operational Works that is Tidal Works – *Planning Regulation 2017* reference: Schedule 10, part 17 – Tidal Works or work in a coastal management district, division 3, Table 1, Item 1; and
Schedule 10, part 17 - Tidal Works or work in a coastal management district, division 3, Table 2, Item 1.

5. Conditions

This development approval is subject to the conditions in Attachment 1 - Part 1 and Part 2.

6. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Not applicable.

7. Properly made submissions

Not applicable – No part of the application required public notification.

8. Referral Agencies for the Application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Operational Works that is Tidal Works	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	Rockhampton State Assessment Referral Agency (SARA) PO Box 113 Rockhampton Qld 4700 RockhamptonSARA@dilgp.qld.gov.au

9. Approved Plans and Specifications –

Copies of the following plans, specifications or drawings are enclosed in **Attachment 2**:

Drawing/report title	Prepared by	Date	Reference no.	Version
Aspect of development: Operational Work that is Tidal Works in SPL tidal area				
Fisherman's Landing – Drain A1 Culvert & Outfall – Layout plan and long section	Gladstone Ports Corporation	18/01/2019	Draw. No. 443-00055	Rev 0
Fisherman's Landing – Drain A1 Culvert & Outfall – Cross section	Gladstone Ports Corporation	18/01/2019	Draw. No. 443-00056	Rev 0

10. Currency Period for the Approval

This development approval will lapse at the end of the periods set out below:

- For Operational Works approvals, the approval lapses 2 years after this approval decision date – reference section 85 of the *Planning Act 2016*.

11. 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*).

Attachment 3 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

For further information please contact Judy Horsfall, Planning Officer on 07 4976 1314 or via email horsfallj@gpcl.com.au or Sarah Hunter, Principal Planner, on 07 4976 1287 or via email hunters@gpcl.com.au.

Yours sincerely



Sarah Hunter
Principal Planner

20 June 2019

Cc: Gladstone Regional Council
Rockhampton SARA

Enc. Attachment 1: Conditions of Approval
Part 1 – Conditions imposed by the assessment manager
Part 2 – Conditions required by the referral agency response
a) Department of State Development, Manufacturing, Infrastructure and Planning, 18 June 2019

Attachment 2: Approved plans and specifications

Attachment 3: Extract of appeal provisions

ATTACHMENT 1: CONDITIONS OF APPROVAL

PART 1: ASSESSMENT MANAGER CONDITIONS

In general the development proposal is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). This development approval is subject to each of the following conditions which are stated by Gladstone Ports Corporation Limited, the assessment manager.

Part 1a: Approval sought under *Planning Act 2016* – Operational Works that is Tidal Works in Strategic Port Land tidal area

GENERAL

1. The proposed development must be carried out generally in accordance with the plans as lodged with the application except where modified by conditions of this permit.
2. Unless otherwise stated, all conditions must be completed prior to the commencement of the use.
3. Where additional "approval" is required under these conditions by GPC for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from the Gladstone Ports Corporation. Only in this manner can compliance with the condition be achieved.
4. All other relevant regulatory approvals must be obtained before commencement of works or operation of the facility.
5. The proponent must inform GPC of completion of works within 14 days of practical completion and undertake a site inspection with GPC. The proponent must also certify that the development is constructed as per design and provide RPEQ certification that the development has been constructed generally in accordance with the approved plans.

ENGINEERING & PLANNING

6. Upon completion of the works, the proponent must supply GPC with RPEQ certified "As Constructed" plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services installed on and adjacent to Port land associated with the activity.
7. Any site lighting used during construction should not impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be continually reviewed during construction and operations with respect to navigation and will be revised as required in response to negative impacts as they arise.
8. Any material which is deposited or any debris which falls or is deposited on tidal lands or into tidal waters during the construction of the Works shall be removed by the proponent at its cost and expense. At the end of the construction, the proponent shall provide GPC with certification that the seabed is clear of foreign materials before Practical Completion.
9. The hours for the construction of the facility (i.e. operation of any machinery and/or other equipment) shall be restricted to between 7:00am and 6:00pm Monday to Saturday. No works shall be undertaken Sundays or on public holidays. Any variations to these times will be subject to the approval of GPC.

ENVIRONMENT

Management Plans

10. Prior to construction and operational phases of the works commencing on site, a Construction Environmental Management Plan (CEMP) specific to these works, are to be submitted to GPC for approval.

The activity must be undertaken in accordance with the approved CEMP that ensures:

- (a) environmental risks are identified, managed and continually assessed in relation to the activity (this includes construction, operations, and rehabilitation as applicable);
- (b) that staff are trained and aware of their obligations under the EMP;
- (c) that reviews of environmental performance are undertaken at least annually; and
- (d) any amendments to the EMP are to be submitted to GPC for review and approval.

Incident notification

11. Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:

- (a) release / spill of contaminants (e.g. fuels / chemicals / sewerage) greater than 250L to land;
- (b) release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
- (c) any environmental complaints received by the holder of this approval; and
- (d) non-compliance with conditions of this approval or any other environmental approval obtained in relation to the approved activity.

PART 2: REFERRAL AGENCY CONDITIONS

Referral Agency Name: Department of State Development, Manufacturing, Infrastructure and Planning



Department of
State Development,
Manufacturing,
Infrastructure and Planning

SARA reference: 1905-11230 SRA
Council reference: DA2019/01
Applicant reference: -

18 June 2019

Port of Gladstone Ports Corporation Limited
PO Box 259
Gladstone Qld 4680
hunters@gpcl.com.au

Attention: Sarah Hunter

Dear Sir/Madam

SARA response—Fisherman's Landing, Yarwun

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 22 May 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	18 June 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Operational work for tidal works (stormwater drainage channel and outfall)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1 (Planning Regulation 2017)	
	Development application for operational works that is tidal works	
	Schedule 10, Part 17, Division 3, Table 2 (Planning Regulation 2017)	
	Development application for operational works that is tidal works	

SARA reference: 1905-11230 SRA
Assessment Manager: Port of Gladstone Ports Corporation Limited
Street address: Hanson Road, Yarwun
Real property description: On and adjacent to lot 502 on SP252988
Applicant name: Gladstone Ports Corporation Limited
Applicant contact details: PO Box 259
Gladstone QLD 4680
bennetta@gpcl.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Gladstone Ports Corporation Limited, bennetta@gpcl.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Change representation provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Operational works		
Schedule 10, Part 17, Division 3, Table 1, Tidal works—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The tidal works must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> (i) Fisherman's Landing, Roadworks Drainage & Services, Services & Drainage Corridor A, Drain A1 Culvert & Outfall, Layout Plan & Long Section prepared by Gladstone Ports Corporation dated 20 December 2018, drawing number 443-00055 and revision 0 (ii) Fisherman's Landing, Roadworks Drainage & Services, Services & Drainage Corridor A, Drain A1 Culvert & Outfall, Cross Section prepared by Gladstone Ports Corporation dated 20 December 2018, drawing number 443-00056 and revision 0 	At all times
2.	Erosion and sediment control measures which are in accordance with <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
3.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by a suitably qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to:</p> <p style="margin-left: 20px;">Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained</p> <p>(b) At the time the soils have been neutralised or contained</p>

Attachment 2—Advice to the applicant

General advice

1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.4. If a word remains undefined it has its ordinary meaning.
----	---

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- the proposed development is for an open stormwater drainage channel and outfall
- the drainage channel is located in the Fisherman's Landing reclamation area and the outfall is located on the existing rock revetment wall
- the proposed development is not expected to result in an increase in erosion or impacts on tidal waters
- any acid sulfate soils that may be encountered during construction can be appropriately managed
- the proposed development will not impact on navigable waterways or marine vessel traffic
- the proposed development can be conditioned to ensure compliance with the State Development Assessment Provisions, version 2.4.

Material used in the assessment of the application:

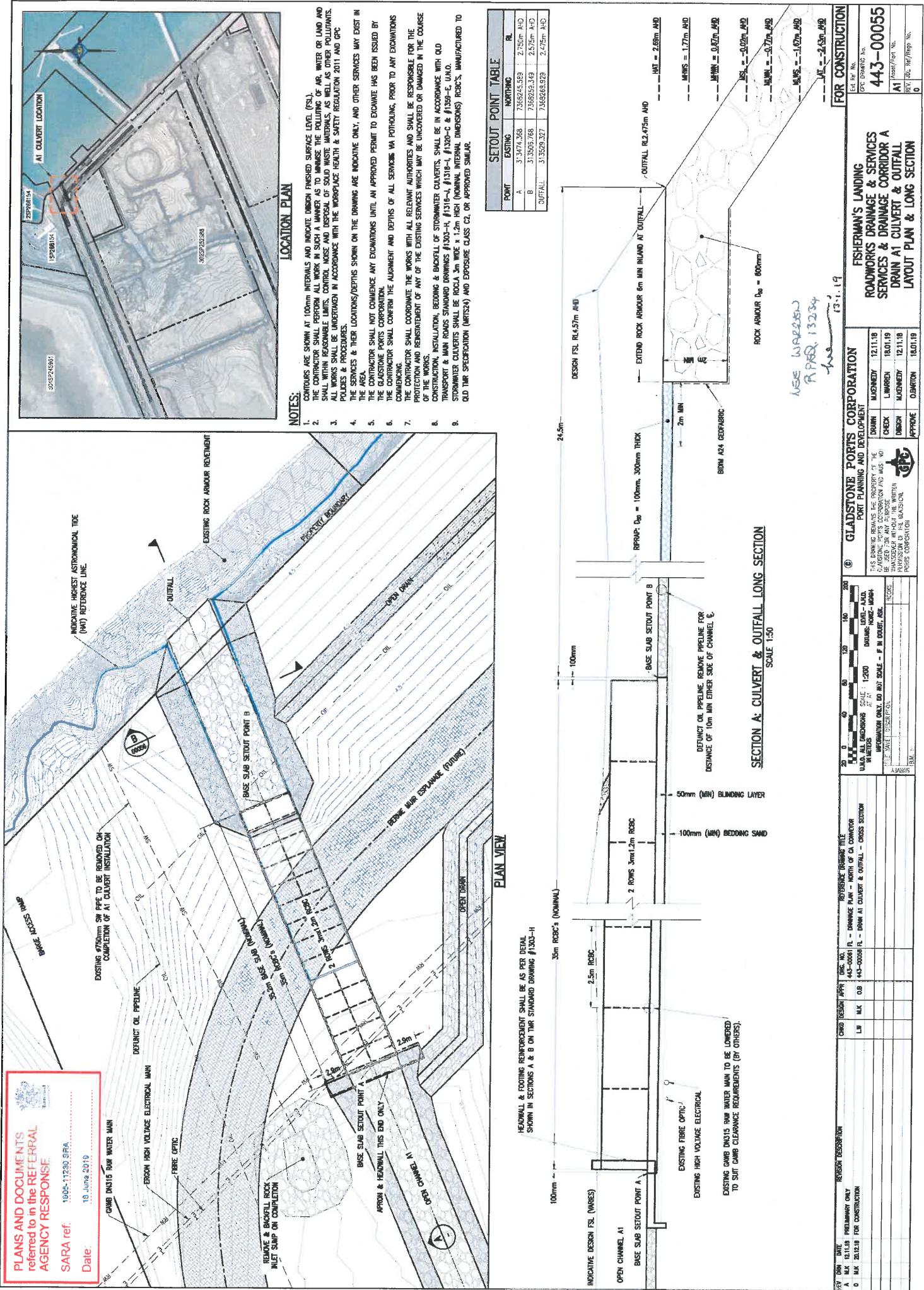
- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.4), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

(page left intentionally blank)

Attachment 5—Approved plans and specifications

(page left intentionally blank)



 Environmental Protection Agency	
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE	
SARA ref.	1005-11230-SRA
Date:	19 June 2010

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

卷之三

Date: 19 June 2010

SECTION B: OUTFALL CHANNEL CROSS SECTION

DESIGN FINISHED SURFACE LEVEL

WALLS (14.92m MAX)

WALLS (2.1m MAX)

Refrac: $D_{90} = 100\text{mm}, 300\text{mm THICK}$

6.520

1:2

SCALE 1:50

Development Assessment Rules—Representations about a referral agency response (concurrence)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding **representations about a referral agency response (concurrence)**.

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
 - (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
 - (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

ATTACHMENT 2: APPROVED PLANS AND SPECIFICATIONS

Gladstone Ports Corporation Limited

T: +61 7 4976 1333 • Fax: +61 7 4972 3045 • 40 Goondoon St/PO Box 259, Gladstone QLD, 4680, AUSTRALIA • www.gpcl.com.au
ACN 131 965 896 ABN 96 263 788 242



NOTES.

CONTAINERS ARE SHOWN AT 100MM INTERVALS AND INDICATE DESIGN FINISHED SURFACE LEVEL (FSL). THE CONTRACTOR SHALL PERFORM ALL WORK IN SUCH A MANNER AS TO MINIMIZE THE POLLUTING OF AIR, WATER OR LAND AND SHALL NOT EXCEED SOLID WASTE LIMITS, CONTROL NOISE AND DISPOSAL OF SOLID WASTE MATERIALS, AS WELL AS OTHER POLLUTANTS. ALL WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE WORKPLACE HEALTH & SAFETY REGULATION 2011 AND GPC POLICIES & PROCEDURES.

THE SERVICES & THEIR LOCATIONS/DEPTH(S) SHOWN ON THE DRAWINGS ARE INDICATIVE ONLY, AND OTHER SERVICES MAY EXIST IN THE AREA.

THE CONTRACTOR SHALL NOT COMMENCE ANY EXCAVATIONS UNTIL AN APPROVED PERMIT TO EXCAVATE HAS BEEN ISSUED BY THE GLASTONE CORPORATION.

THE CONTRACTOR SHALL CONFIRM THE ALIGNMENT AND DEPTHS OF ALL SERVICES VIA POTHoling, PRIOR TO ANY EXCAVATIONS COMMENCING.

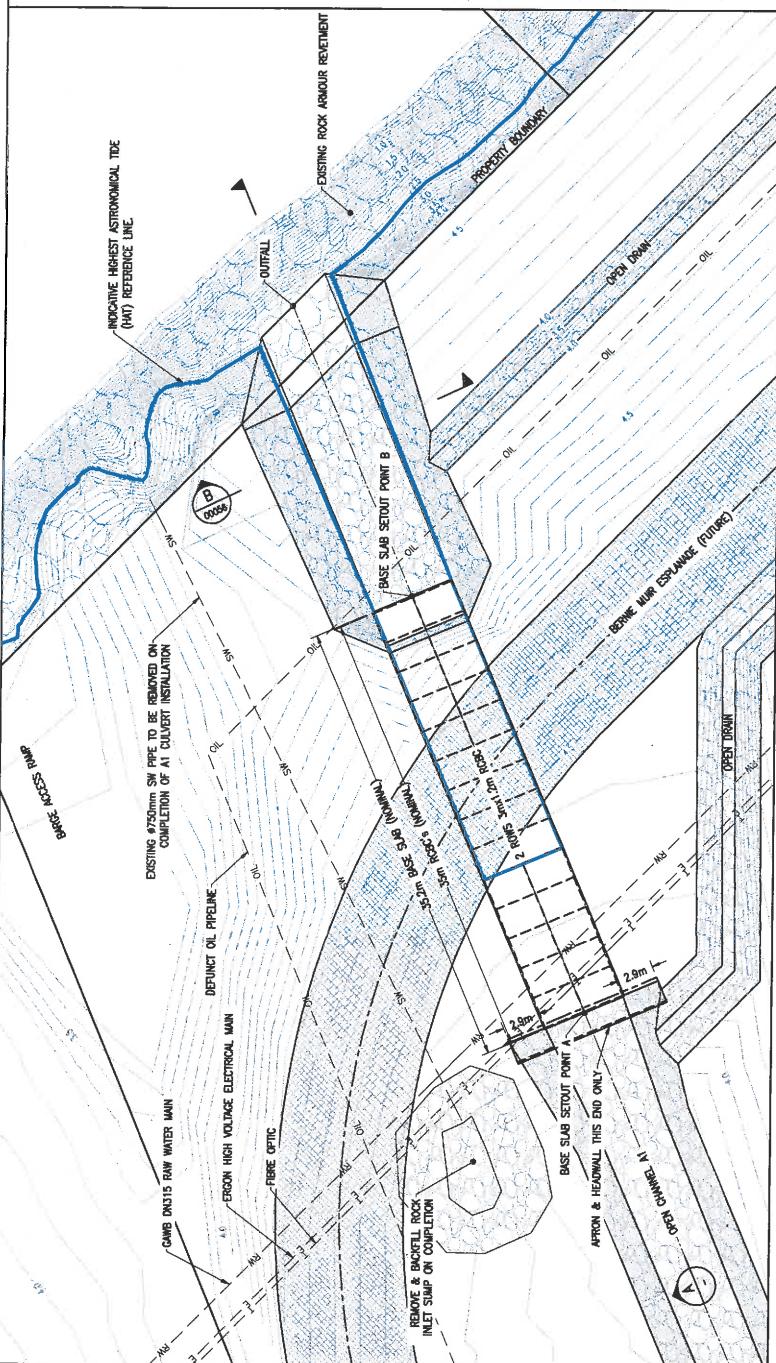
THE CONTRACTOR SHALL COORDINATE THE WORKS WITH ALL RELEVANT AUTHORITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ANY OF THE EXISTING SERVICES WHICH MAY BE UNCOVERED OR DAMAGED IN THE COURSE OF THE WORKS.

CONSTRUCTION, INSTALLATION, READING & BACKFILL OF STORMWATER CULVERTS, SHALL BE IN ACCORDANCE WITH QLD TRANSPORT & MAIN READS STANDARD DRAWINGS #1301-H, #1310-E, #1318-L, #1320-C & #1321-E. UNAD.

STORMWATER CULVERTS SHALL BE RODA 3M WIDE X 1.2M HIGH (INTERNAL INTERNAL DIMENSIONS) RODA'S, MANUFACTURED TO QLD TMR STANDARD (WATERPROOF) AND EXPOSURE CLASS Q2 (OR APPROVED SIMILAR).

SETOUT POINT TABLE

SETOUT POINT TABLE		
POINT	EASTING	NORTHING
A	31,347.4,368	736825,589
B	31,350.6,727	736825,949
OUTFALL	31,352.9,327	736826,929



SECTION A: CULVERT & OUTFALL LONG SECTION

1:50

100mm

100mm

B

REPIPE: 0.4m

DEFUNCT OIL PIPELINE REMOVE PIPELINE FOR DISTANCE OF 10m MN EITHER SIDE OF CHANNEL E

APPROVED

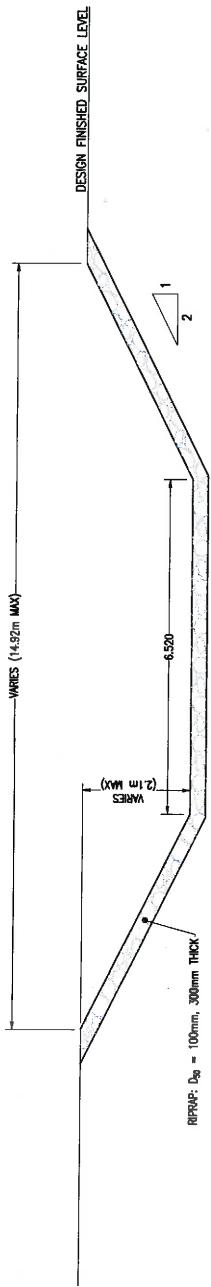
PLAN VIEW

SECTION A: CULVERT & OUTFALL LONG SECTION
SCALE 1:50

FOR CONSTRUCTION	
Ext. Ref. No.	GPC DRAWING No.
443-00055	
A1	Ass'tl/Port No.
REV. JOE Ref./Rango No.	
0	

FOR CONSTRUCTION

APPROVED



SECTION B: OUTFALL CHANNEL CROSS SECTION SCALE 1:50

ATTACHMENT 3: EXTRACT OF APPEAL PROVISIONS

(2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

(3) In this section—
conduct means an act or omission.
representative means—
(a) of a corporation—an executive officer, employee or agent of the corporation; or
(b) of an individual—an employee or agent of the individual.
state of mind, of a person, includes the person's—
(a) knowledge, intention, opinion, belief or purpose; and
(b) reasons for the intention, opinion, belief or purpose.

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 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 an 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

[s 231]

- (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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

(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 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 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.