



11 August 2025

Our Ref: 5089417
File Ref: RAL2025/0002
Enquiries: Peter Boyd

Mr Rob Titley
PO Box 1456
CHARTERS TOWERS QLD 4820

Sent via email: robvittitley@westnet.com.au

Dear Rob

Decision Notice – Approval
(Given under Section 63 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 5 August 2025. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: Rob Titley

Location details

Street address: 35004 Gregory Development Road, Seventy Mile
Real property description: Lot4 on MPH40585 and Lot 6 on MPH40585
Current lawful use: Vacant

Application details

Application number: RAL2025/0002
Approval type: Development Permit
Development type: Reconfiguring a Lot
Category of assessment: Impact Assessment
Description of development: Two lots into three lots
Categorising instrument: Charters Towers Regional Town Plan Version 2

1. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.



	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions of approval

Condition Number	Condition	Timing								
Approved Plans/Documents										
1.	<div>Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th></tr><tr><td>PROPSOED RECONFIGURATION LOTS 4, 5 & 6</td><td>Atkinson Surveys</td><td>16/08/2024</td><td>P24-249a.dwg</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	PROPSOED RECONFIGURATION LOTS 4, 5 & 6	Atkinson Surveys	16/08/2024	P24-249a.dwg	At all times
Drawing Title:	Prepared by:	Date:	Reference No:							
PROPSOED RECONFIGURATION LOTS 4, 5 & 6	Atkinson Surveys	16/08/2024	P24-249a.dwg							
General										
2.	<div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) in all instances</div> <div>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</div> <div>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</div>	At all times								
Survey Plan Endorsement										
3.	<div>Lodge to Council, for approval, an application for Survey Plan Endorsement which includes:</div> <div>a) Payment of application fee in accordance with Council's fees and charges at the time of lodgement</div> <div>b) All survey marks in their correct position in accordance with the Survey Plan</div> <div>c) A compliance report demonstrating compliance with all associated Development Permit(s)</div> <div>d) One copy of the survey plan and/or easement documentation each fully executed for the lodgement with the Titles Office</div> <div>e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i>, and</div> <div>f) Payment of any outstanding Adopted Infrastructure Charges.</div>	As part of the lodgement of survey plan for endorsement								

3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of four years.



4. Further development permits

None applicable.

5. Referral agencies

The referral agencies for this application are:

Agency:	Trigger:	Address:	Date and Ref:
State Assessment and Referral Agency	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot of premises within 25m of a state transport corridor	PO Box 5666 Townsville QLD 4810	14 May 2025 2504-45611 SRA

The conditions imposed by the referral agencies are included as an attachment.

6. Submission(s)

Properly made submissions were not made in relation this development.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the development:	The proposed development is for Reconfiguring a Lot (two lots into three lots).		
Reasons for the decision:	The application for the Reconfiguring a Lot has been assessed against the relevant provisions of the North Queensland Regional Plan 2020 and the Charters Towers Regional Town Plan Version 2. It is considered that the proposal is reasonable and is recommended for approval subject to relevant conditions.		
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the North Queensland Regional Plan 2020 Charters Towers Regional Town Plan Version 2 including the: <ul style="list-style-type: none"> 1) Rural zone code 2) Bushfire hazard overlay code 3) Natural environment overlay code 4) Development works code, and 5) Reconfiguring a lot code. The proposed development was assessed against the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.		
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:	



	NA	NA
Relevant matters:	Not applicable	
Matters raised in submissions:	Submission Point:	Council Response:
	None received.	Not required.

8. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision 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*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

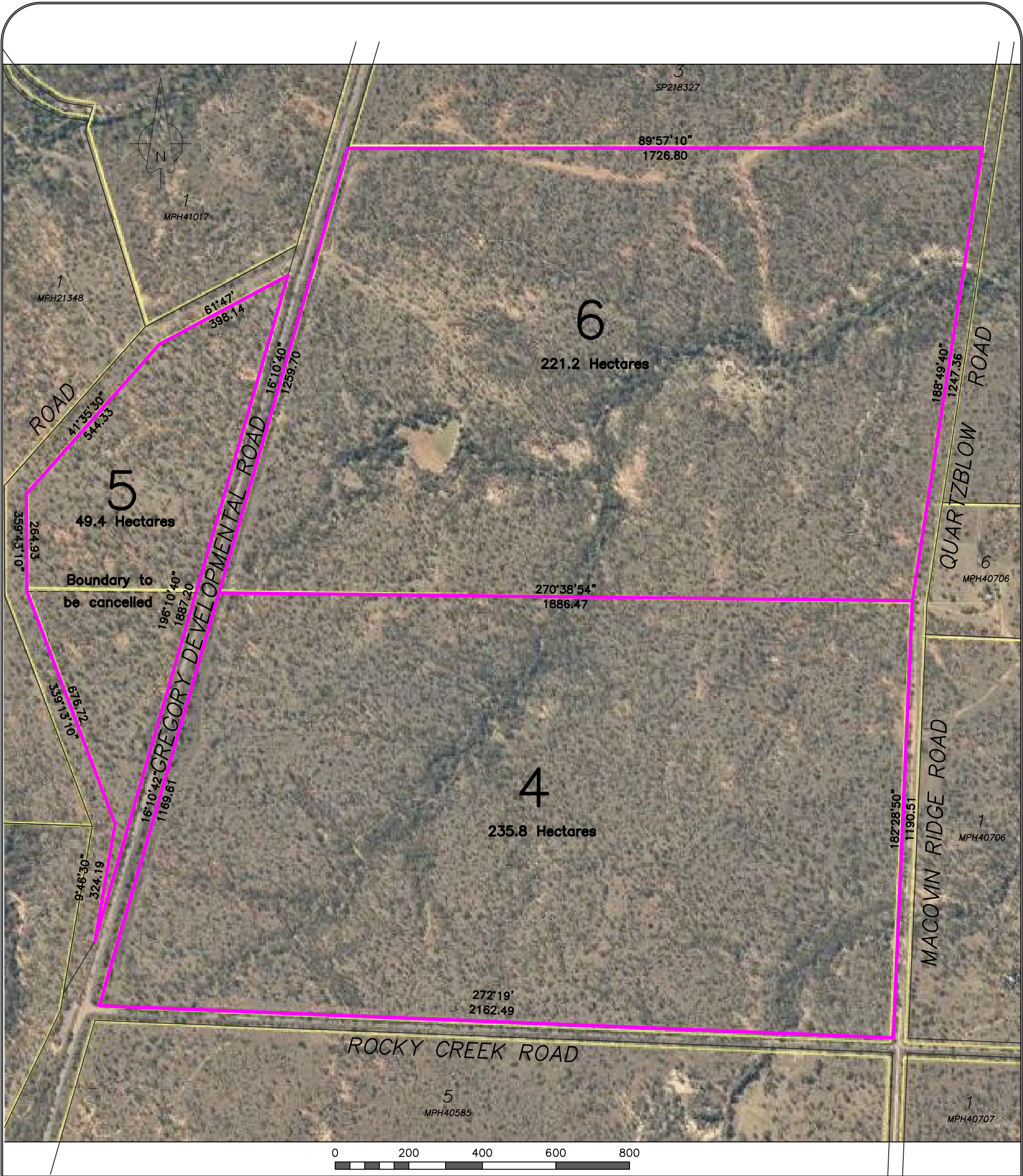
Should you wish to discuss this matter, please contact Council on (07) 4761 5300.

Yours faithfully



Timna Green
Manager Planning & Development





This plan was prepared for the purpose and exclusive use of V & R Title


to accompany application to
CHARTERS TOWERS REGIONAL COUNCIL

for approval to rezone/subdivide the land described in this plan. This does not infer in any way that council will approve this subdivision. This plan is not to be used for any other purpose or by any other person or corporation without the written approval of the producer. Atkinson & Surveys accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or the clauses below.

The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.

This plan may not be reproduced unless the above notes are included.

PROPOSED RECONFIGURATION Lots 4, 5 & 6		
Cancelling Lots 4 & 6 on MPH40585		
CLIENT V & R Title		
LOCAL GOVERNMENT Charters Towers Regional Council		DATE 16/8/2024
TITLE REF: 18819121 & 18792113	FILE N/A	SCALE 1:10000 @ A3
SURVEYOR REF. 24-249	FIELDBOOK Toughbook	DRAWN: IWF



33 Castlemaine St, Kirwan QLD 4817
Phone: (07) 47234885
CADASTRAL SURVEYS

APPROVED PLAN
Planning and
Development

DATE: 5 August 2025
APPLICATION: RAL2025/0002

LOCALITY: SEVENTY MILE

P24-249a.dwg

Sheet 1 of 1
Form 1.4

Our ref TMR25-045641
Your ref 24-249
Enquiries Magnus Kuttainen



13 May 2025

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 24-249, lodged with Charters Towers Regional Council involves constructing or changing a vehicular access between Lot 6 on MPH40585, the land the subject of the application, and the Gregory Developmental Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Rob Titley
P.O Box 1456
Charters Towers QLD 4820

Application Details

Address of Property 35004 Gregory Development Road, Charters Towers QLD 4820
Real Property Description Lot 6 on MPH40585
Aspect/s of Development Development Permit for Reconfiguration of a Lot for
Reconfiguration of 2 lots into 3 lots

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1.	The Permitted Road Access Location is in accordance with Proposed Reconfiguration Lots 4, 5 & 6, prepared by Atkinson Surveys, dated 16 August 2024, reference P24-P249a.dwg, as amended in red.	At all times.
2.	Direct access between the proposed lots and the Gregory Developmental Road is not permitted at any location other than those described in Condition 1.	At all times.
3	The owner of the land is responsible for all costs associated with the maintenance of the road access (including driveways) between the road pavement edge and the property boundary.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) To ensure access to the State-controlled Road from the property does not compromise the safety and efficiency of the State-controlled Road network.
- b) To provide safe access for all vehicles associated with the use.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

If further information about this approval or any other related query is required, Magnus Kuttainen, Town Planner should be contacted by email at North.Queensland.IDAS@tmr.qld.gov.au or on (07) 4421 8744.

Yours sincerely



Linda Henning
A/Senior Town Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA

Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan
Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The objective of the Transport Infrastructure Act 1994 requires the establishment of a road regime that is safe and efficient.
- Section 62 of the Transport Infrastructure Act 1994 allows the Department of Transport and Main Roads to make decisions about permitted road access locations between particular/adjacent land and a state-controlled road.
- The proposed development is for a Development Permit – Reconfiguration of a Lot, two into three Lots, over 35004 Gregory Development Road, Charters Towers QLD 4820, formally known as Lot 4 on MPH40585 and Lot 6 on MPH40585.
- Where proximate to the subject site, the Gregory Developmental Road is a state-controlled road (SCR) with a speed limit of 110km/hr. The road is not a Limited Access Road (LAR).
- The proposal involves the amalgamation of the part Lots 4 & 6 on the western side of the state-controlled road to create a third individual lot, separate from the two lots, Lot 4 and Lot 6 on the Eastern side of the state-controlled road.
- The access arrangement proposed is considered to retain the safety and efficiency of the State-controlled Road.
- The property owner will be responsible for ongoing maintenance of the driveway between the property boundary and the pavement edge of the State-controlled Road.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version
Re: Planning & Development Assessment	Atkinson Surveys	17 Jan 2025	-	-
Proposed Reconfiguration Lots 4, 5, 6	Atkinson Surveys	16 Aug 2024	P24-249a.dwg	-
Access Points	Atkinson Surveys	16 Aug 2024	P24-249a.dwg	-

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

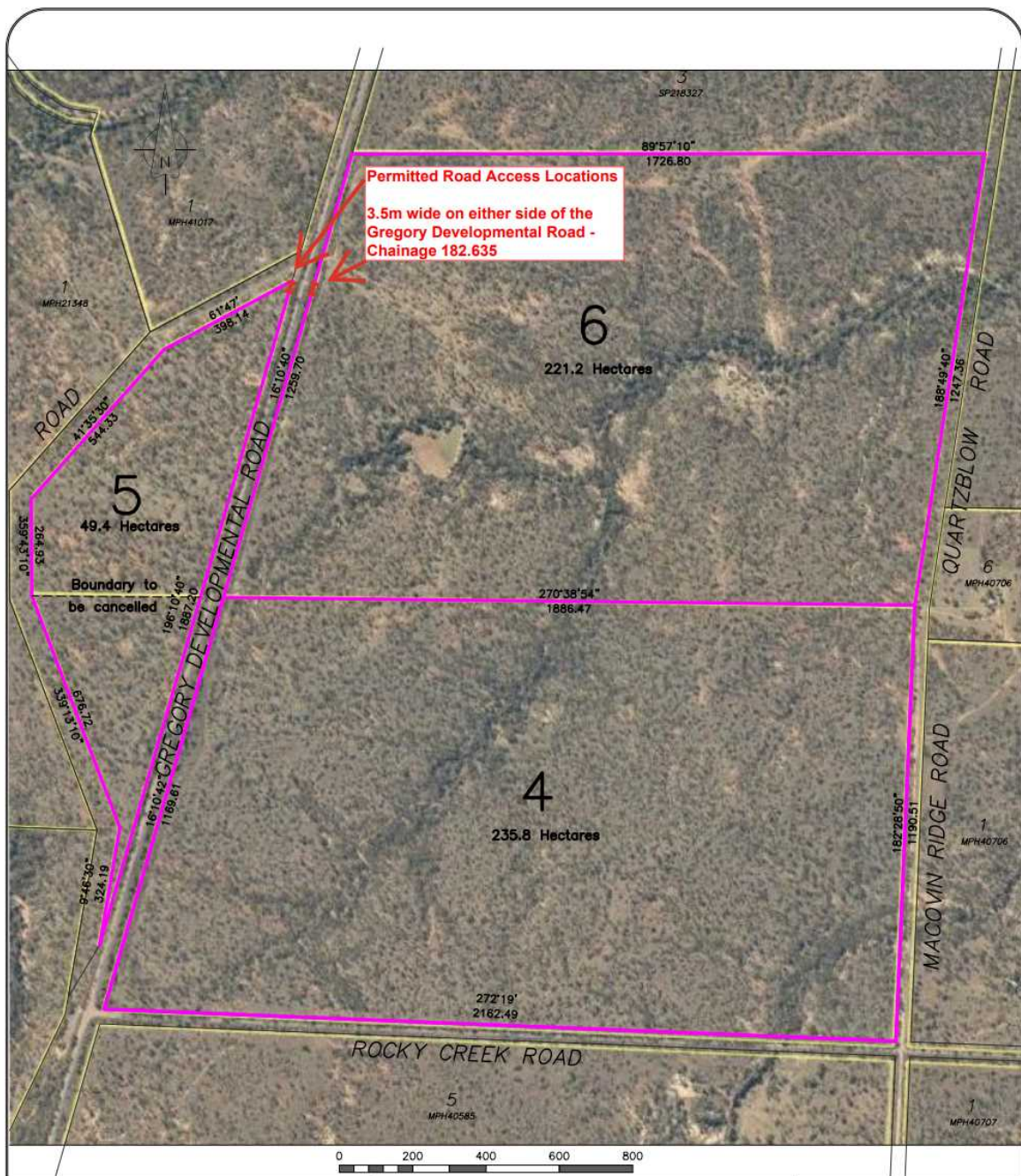
(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment D

Permitted Road Access Locations



This plan was prepared for the purpose and exclusive use of V & R Tittle to accompany application to CHARTERS TOWERS REGIONAL COUNCIL for approval to rezone/subdivide the land described in this plan. This does not infer in any way that council will approve this subdivision. This plan is not to be used for any other purpose or by any other person or corporation without the written approval of the producer. Atkinson & Surveys accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or the clauses below.

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LOCAL GOVERNMENT Charters Towers Regional Council	DATE 16/8/2024	
TITLE REF: 18819121 & 18792113	FILE N/A	SCALE 1:10000 @ A3
SURVEYOR REF. 24-249	FIELDBOOK Toughbook	DRAWN: IWF

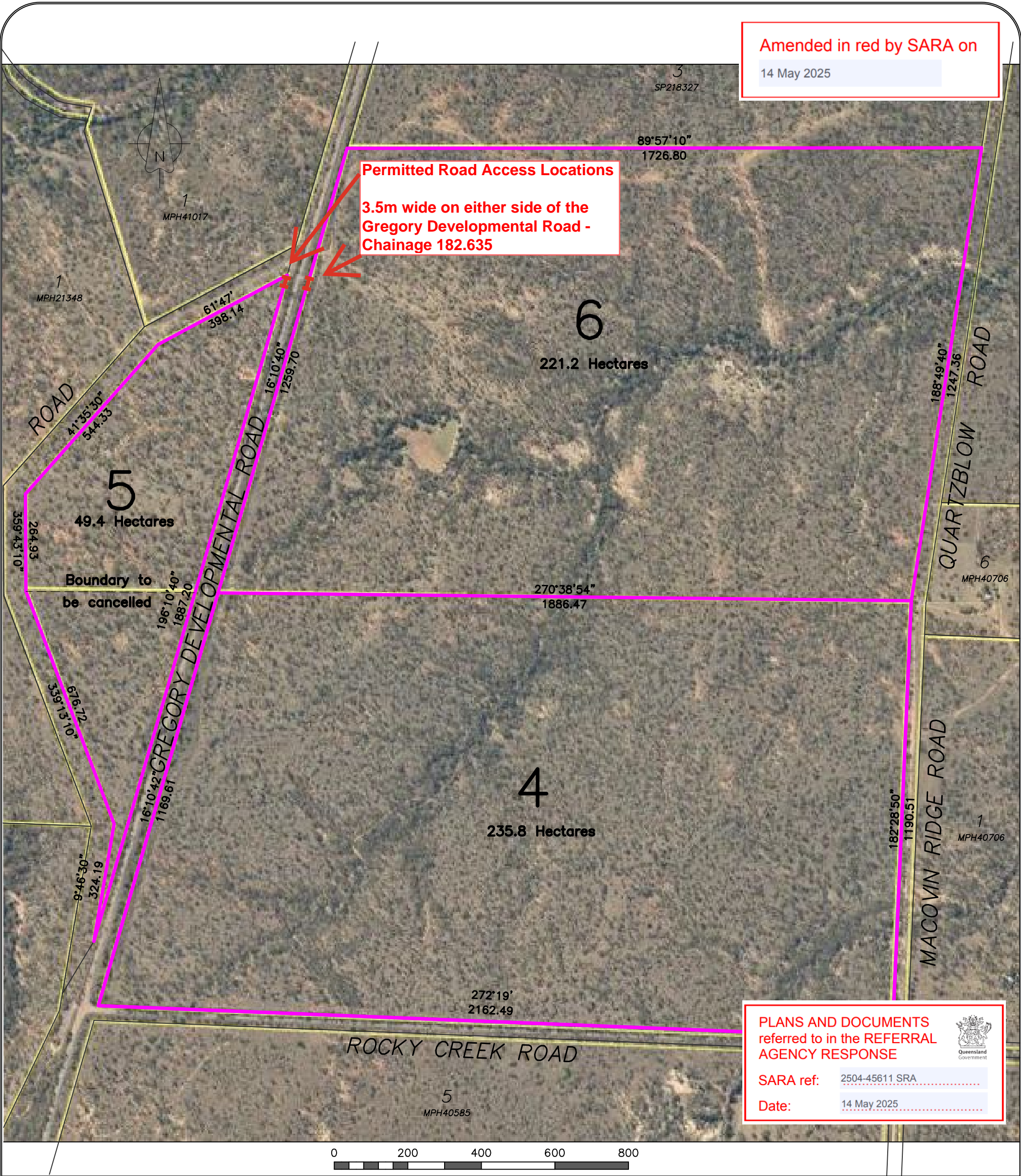
LOCALITY: SEVENTY MILE

Atkinson
SURVEYS

33 Castlemaine St, Kirwan QLD 4817
Phone: (07) 47234885

CADASTRAL SURVEYS

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Sheet 1 of 1
Form 1.4



Amended in red by SARA on
14 May 2025

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2504-45611 SRA

Date: 14 May 2025

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LOCALITY: SEVENTY MILE

Atkinson
SURVEYS

33 Castlemaine St, Kirwan QLD 4817
Phone: (07) 47234885
CADASTRAL SURVEYS

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Sheet 1 of 1
Form 1.4

Minister: Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Agency: Department of State Development, Infrastructure and Planning

Minister: Minister for Housing and Public Works and Minister for Youth

Agency: Department of Housing and Public Works

Planning Act 2016

Reprint current from 18 July 2025 to date (accessed 4 August 2025 at 10:33)

[Chapter 6](#) > Part 1

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see [section 106ZJ](#).

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to register premises or to renew the registration of premises—20 business days after a notice is published under [section 269\(3\)\(a\)](#) or (4); or
 - (d) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to amend the registration of premises to include additional land in the affected area for the

premises—20 business days after the day a notice is published under section 269A(2)(a); or

- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

s 229 amd 2018 No. 17 s 178; 2022 No. 11 s 38; 2024 No. 13 s 77; 2025 No. 14 s 86 sch 1

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.

s 230 and 2017 No. 12 s 50; 2019 No. 11 s 172

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.

s 231 and 2017 No. 12 s 51; 2019 No. 11 s 173; 2020 No. 28 s 74A

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.