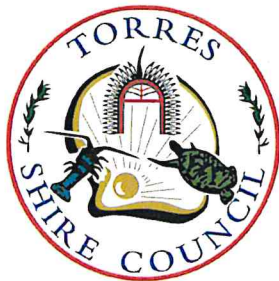


TORRES SHIRE COUNCIL



PO Box 171
THURSDAY ISLAND 4875

Telephone (07) 4069 1336
Facsimile (07) 4069 1845

Email: admin@torres.qld.gov.au
Website: www.torres.qld.gov.au
ABN: 34 108 162 398

18 February 2022

Torres Shire Council
C/- RPS Australia East Pty Ltd
PO Box 1949
Cairns QLD 4870

Delivered via email: ian.doust@rpsgroup.com.au

Dear Sir/Madam

Decision Notice – Approval

Given under section 63 of the Planning Act 2016

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was approved by Torres Shire Council in full, subject to conditions.

Details of the decision are as follows:

DATE OF DECISION

Council approved the Development Application at the Council meeting on 15 February 2022.

APPLICATION DETAILS

Application No:	IDAS 22/01
Approval Sought:	Development Permit for Reconfiguring a Lot – Dividing land into parts by agreement (Lease exceeding 10 years – Lease G on SP211686 and Lease MX on SP332608).
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>

LOCATION DETAILS

Street Address:	Airport Road, Horn Island (Horn Island Airport)
Real Property Description:	Lot 1 on SP142709

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot – Dividing land into parts by agreement (Lease exceeding 10 years - Lease G on SP211686 and Lease MX on SP332608)

CURRENCY PERIOD

The use of the subject land must be commenced within a period of four (4) years from the date, unless otherwise stated, the approval takes effect in accordance with section 85(1)(b)(ii) of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

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

REFERRAL AGENCIES

There were no referral agencies as part of this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Not applicable

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on 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 Torres Shire Council on (07) 4069 1336.

DELEGATED PERSON

Name: Dalassa Yorkston Signature:  Date: 18 February 2022

Enc. **Attachment 1** – Conditions imposed by the Assessment Manager
 Attachment 2 – Approved Plans
 Attachment 3 – Notice about a Decision Notice
 Attachment 4 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

ATTACHMENT 1 – Conditions imposed by the Assessment Manager

1.0 PARAMTERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer at all times unless otherwise stated.

Timing: At all times.

- 1.2 Where these conditions refer to “TSC” in relation to requiring Torres Shire Council to approve or be satisfied as to any matter, or conferring on the TSC a function, power or discretion, that role of the TSC may be fulfilled in whole or in part by a delegate appointed for that purpose by TSC.

Timing: At all times.

- 1.3 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.

Timing: At all times.

- 1.4 Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant TSC policies, guidelines, standards, and the FNQROC Development Manual.

Timing: At all times.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit.

Plan/Document Name	Drawing Number	Sheet No.	Date
Horn Island Airport – Proposed Leases Locality Plan in Lot 1 on SP142709	PR149179-3	1	05-01-2022
Horn Island Airport – Proposed Leases G on SP211686 and MX on SP142709 in Lot 1 on SP142709	PR149179-3	2	05-01-2022
Plan of leases F, G, J, K AND M-W	SP211686	1	04-07-2008
Plan of Lease MX in Lot 1 on SP142709	SP332608	1	11-01-2022

Timing: At all times.

- 2.2 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.

Timing: At all times.

3.0 ASSET MANAGEMENT

- 3.1 Any alteration necessary to electricity, telephone, water mains and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to TSC.

Timing: *At all times.*

ADVISORY NOTES

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the Planning Act 2016.
2. No infrastructure charges notice is issued under the Adopted Infrastructure Charges Resolution for this development permit.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. This development approval does not authorise any activity that may harm Aboriginal and Torres Strait Islander cultural heritage. It is also advised that any land use activities must comply with the *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Heritage Act 2003*.

APPROVED PLANS

Attached under separate cover (this page has been intentionally left blank)



TORRES SHIRE COUNCIL

**DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Development Permit for Reconfiguring a Lot—Dividing land into parts by agreement (lease exceeding 10 years—Lease G on SP211686 and Lease MX on SP332608)

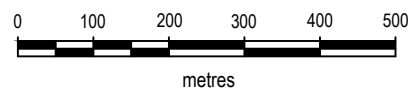
Lot: Lot 1 on SP142709

Referred to in Council's Decision Notice

Approval Date: 15 February 2022
Application Number: IDAS 22/01



DNRM DCDB. DNRM AERIAL PHOTOGRAPHY.
Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2020]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.
The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.
Globe Photography publish date: 2020.
© State of Queensland (Department of Natural Resource & Mines) [2020]



SCALE 1:10,000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

ALL DIMENSIONS, AREAS & EASEMENT LOCATIONS ARE SUBJECT TO FINAL SURVEY.

AMENDMENTS	PROJECT MANAGER Ian Doust
	SURVEYED
	COMPILED ID
CAD REF PR149179-3.DWG	SHEET 1 OF SHEETS 2
	SHEET SIZE A3

Torres Shire Council Horn Island Airport Proposed Leases Locality Plan in Lot 1 on SP142709

Torres Shire Council
Horn Island Airport
Proposed Leases
Locality Plan
in Lot 1 on SP142709

RPS	RPS Australia East Pty Ltd ACN 140 292 762		
	135 Abbott St PO Box 1949 CAIRNS QLD 4870		
T	+61 7 4031 1336		
F	+61 7 4031 2942		
W	rpsgroup.com.au		
SCALE 1:10,000	DATE 5-01-2022	DRAWING NO. PR149179-3	ISSUE



1
SP142709

K

SP211686

J

SP211686

H

SP168110
24

HA
SP285534

G

SP211686
480m²

20

24

F

SP211686

36.27

13.952

MX

SP332608
1822m²

39.09

31.365

47.400

S
SP211686

Q
SP211686

O
SP211686

T
SP211686

R
SP211686

P
SP211686

LEASE AF
(Dealing No. 702140936)
IS195772
SP324608

lease MX cancels leases M & N
SP211686 and lease X SP288878

D
SP14

TORRES SHIRE COUNCIL

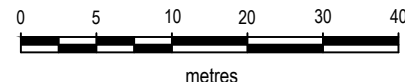
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot—Dividing land into parts by agreement (lease exceeding 10 years—Lease G on SP211686 and Lease MX on SP332608)

Lot: Lot 1 on SP142709

Referred to in Council's Decision Notice

Approval Date: 15 February 2022
Application Number: IDAS 22/01



SCALE 1:500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

ALL DIMENSIONS, AREAS & EASEMENT LOCATIONS ARE SUBJECT TO FINAL SURVEY. REFER TO INDIVIDUAL SURVEY PLANS FOR LEASE DIMENSIONS

AMENDMENTS

PROJECT MANAGER

Ian Doust

SURVEYED

COMPILED

ID

CAD REF
PR149179-3.DWG

SHEET 2
OF
SHEETS 2

SHEET SIZE
A3

Torres Shire Council

Horn Island Airport
Proposed Lease G on SP211686
and Lease MX on SP332608
in Lot 1 on SP142709



RPS Australia East Pty Ltd
ACN 140 292 762

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CAIRNS QLD 4870

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F +61 7 4031 2942
W rpsgroup.com.au

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SCALE
1:500

DATE
5-01-2022

DRAWING NO.
PR149179-3

ISSUE

TORRES SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot—Dividing land into parts by agreement (lease exceeding 10 years)—Lease G on SP211686 and Lease MX on SP332608)

Lot: Lot 1 on SP142709

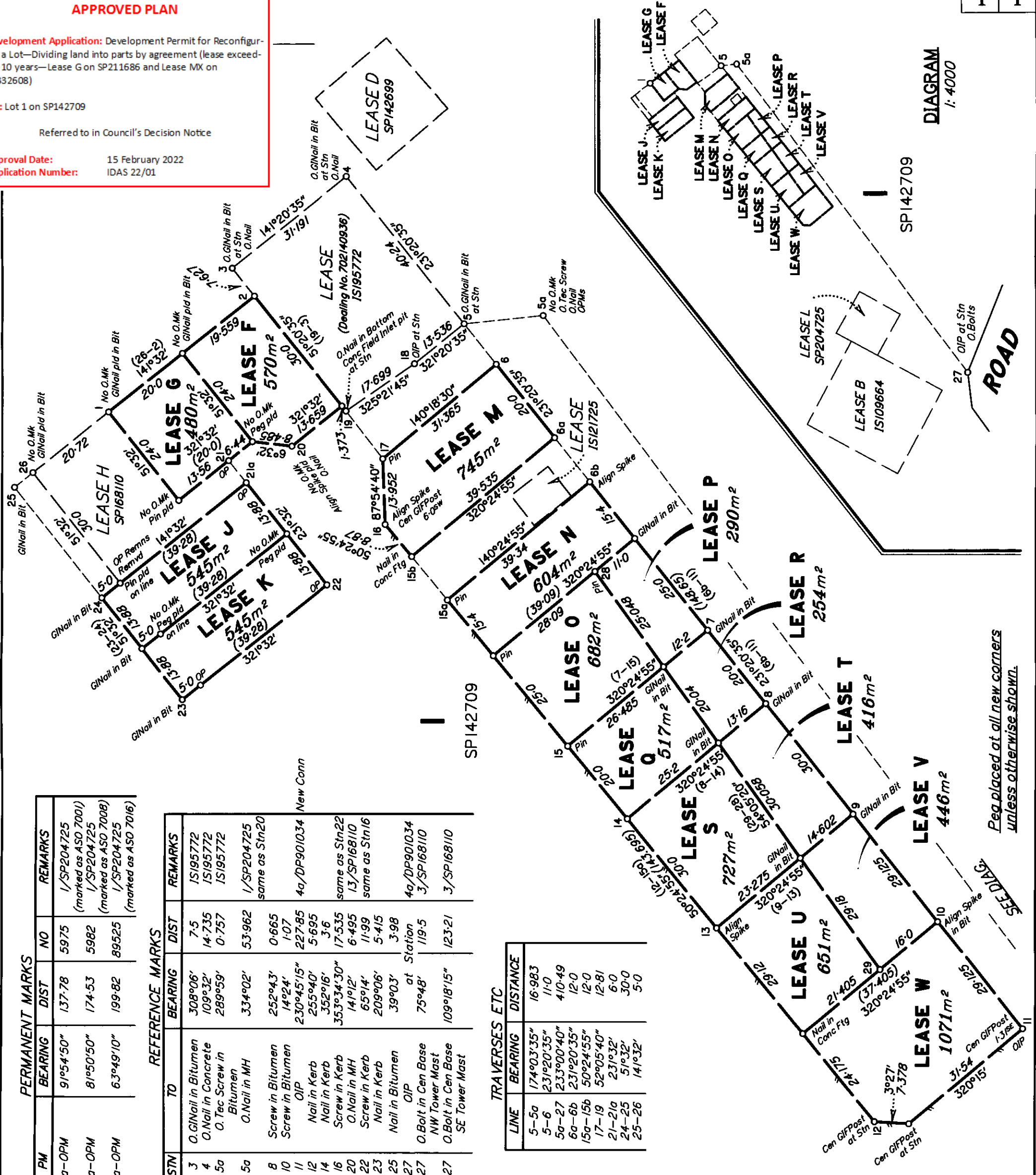
Referred to in Council's Decision Notice

Approval Date: 15 February 2022
Application Number: IDAS 22/01

SURVEY PLAN

Sheet 1 of 1

DIAGRAM
1:4000

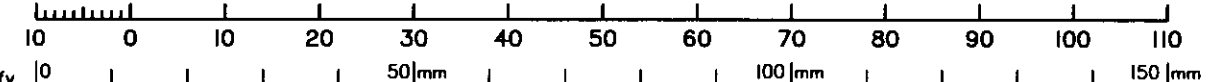


PM	BEARING	DIST	NO	REMARKS
5a-OPM	91°54'50"	137.78	5975	1/SP204725 (marked as ASO 7001)
5a-OPM	81°50'50"	174.53	5982	1/SP204725 (marked as ASO 7008)
5a-OPM	63°49'10"	199.82	89525	1/SP204725 (marked as ASO 7016)

STN	TO	BEARING	DIST	REMARKS
3	O.G.Nail in Bitumen	308°06'	7.5	IS195772
4	O.Nail in Concrete	109°32'	14.735	IS195772
5a	O.Tec Screw in Bitumen	289°59'	0.757	IS195772
5a	O.Nail in MH	334°02'	53.962	1/SP204725 same as Stn20
8	Screw in Bitumen	252°43'	0.665	4a/DP901034 New Conn
10	Screw in Bitumen	142°4'	1.07	
11	OIP	230°45'15"	227.85	
12	Nail in Kerb	255°40'	5.695	
14	Nail in Kerb	352°16'	3.6	
16	Screw in Kerb	353°34'30"	17.535	same as Stn22
20	O.Nail in MH	141°12'	6.495	13/SP168110
22	Screw in Kerb	65°14'	11.99	same as Stn16
23	Nail in Kerb	209°06'	5.415	
25	Nail in Bitumen	39°03'	3.98	
27	O.Bolt in Cen Base	at Station		4a/DP901034
27	NW Tower Mast	75°48'	119.5	3/SP168110
27	O.Bolt in Cen Base	109°18'15"	123.21	3/SP168110
27	SE Tower Mast			

LINE	BEARING	DISTANCE
5-5a	174°03'35"	16.983
5-6	231°20'35"	11.0
5a-27	233°00'40"	410.49
6a-6b	231°20'35"	12.0
15a-15b	50°24'55"	12.0
17-19	52°05'40"	12.81
21-21a	231°32'	6.0
24-25	51°32'	30.0
25-26	141°32'	5.0

Scale 1:800 - Lengths are in Metres.



CONICS (Sunshine Coast) PTY LTD (ACN 058 076 878) hereby certify that the land comprised in this plan was surveyed by the corporation, by Wayne Anthony WILSON, Registered Surveying Associate, for whose work the corporation accepts responsibility, under the supervision of Jeremy Matthew SCRIVEN, 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 18/05/08.

[Signature] Director
Jeremy Matthew SCRIVEN

[Signature] Director
Mark Gerard FARRELL

Date **4.7.08**

Plan of
Leases F, G, J, K and M-W
in Lot 1 on SP142709

PARISH: **PORT KENNEDY** COUNTY: **Torres**

Meridian: **SP168110**

F/N's: **No**

Scale: **1:800**

Format: **STANDARD**

SP211686

Plan Status:

Peg placed at all new corners unless otherwise shown.

SEE DIAG

TORRES SHIRE COUNCIL

DIGITALLY STAMPED

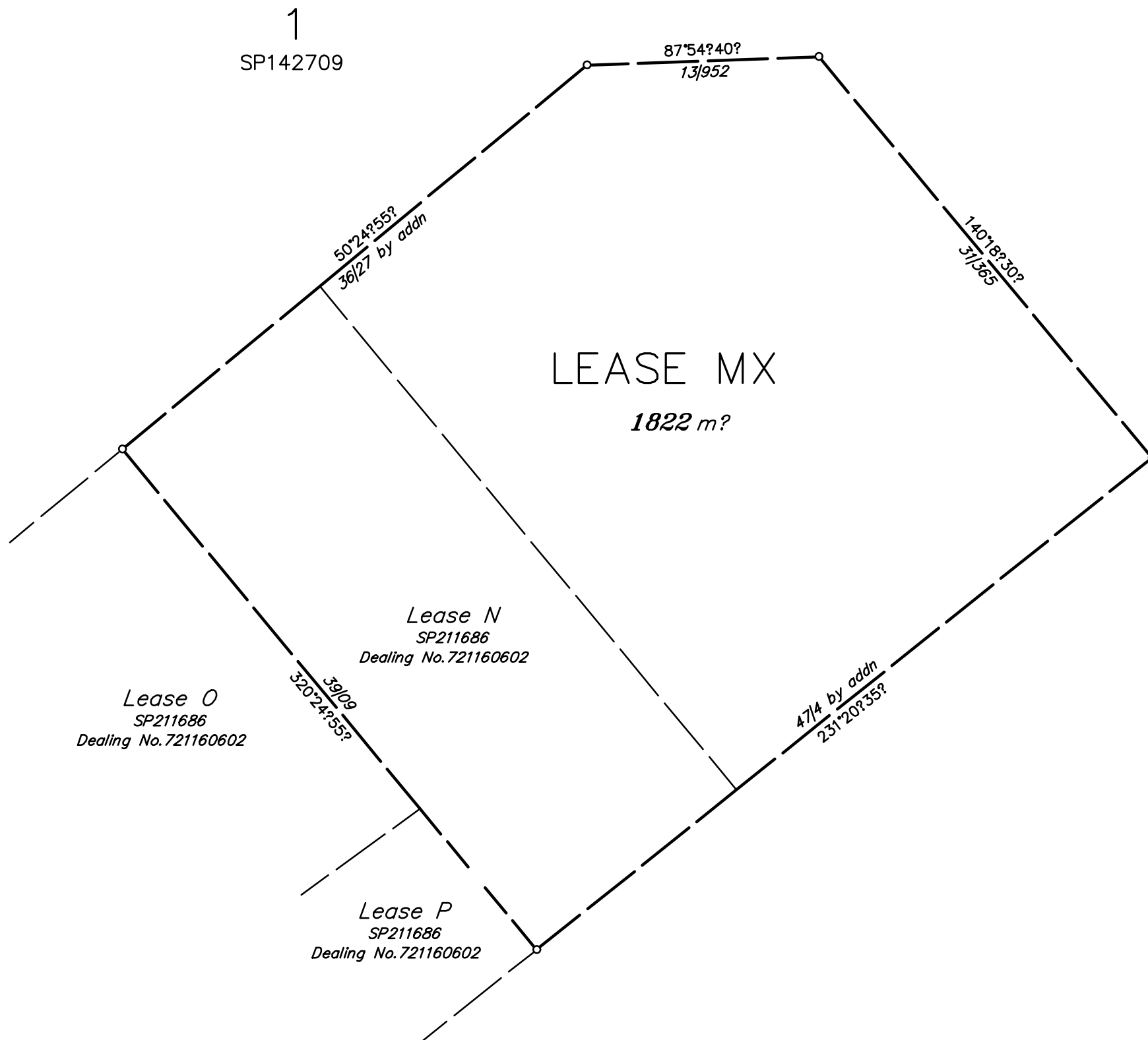
APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot—Dividing land into parts by agreement (lease exceeding 10 years—Lease G on SP211686 and Lease MX on SP332608)

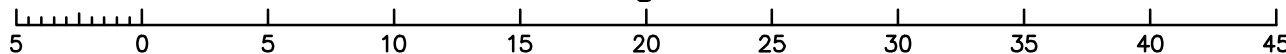
Lot: Lot 1 on SP142709

Referred to in Council's Decision Notice

Approval Date: 15 February 2022
Application Number: IDAS 22/01



Scale 1:300 - Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the corporation, by Adrian Edward SOLOMON, cadastral surveyor, for whose work the corporation accepts responsibility, has made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from IS289413 & SP211686 in the Department of Resources.

Authorised Delegate

Date

LOCAL GOVERNMENT: *TORRES SHIRE*

LOCALITY: *HORN*

Meridian: *IS289413*

Survey Records: *No*

Scale: **1:300**

Format: **STANDARD**



SP332608

Plan of Lease MX

in Lot 1 on SP142709

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NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information 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 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	IDAS 22/01
Applicant:	Torres Shire Council C/- RPS Australia East Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot – Dividing land into parts by agreement (Lease exceeding 10 years - Lease G on SP211686 and Lease MX on SP332608)
Description of the Development:	Reconfiguring a Lot – Dividing land into parts by agreement (Lease exceeding 10 years - Lease G on SP211686 and Lease MX on SP332608)
Street Address:	Airport Road, Horn Island
Real Property Description:	Lot 1 on SP142709
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>
Land Zoning:	Special Purpose Zone
Assessment Type:	Code

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot
Date of Decision:	15 February 2022

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Categorising Instrument (*Planning Regulation 2017*)

This application did not trigger any matters prescribed by the regulation

Categorising Instrument (State Planning Policy - July 2017)

- Biodiversity
 - MSES – Wildlife habitat (endangered or vulnerable)
 - MSES – Regulation vegetation (category B, essential habitat, wetland, and intersecting a watercourse)
 - MSES – High ecological significance wetlands
- Coastal Environment
 - Coastal management district
- Natural Hazards Risk and Resilience
 - Flood hazard area (Local Government flood mapping area)
 - Flood hazard area (Level 1 – Queensland floodplain assessment overlay)
 - Bushfire prone area
 - Erosion prone area
 - Medium storm tide inundation area
 - High storm tide inundation area
- Strategic Airports and Aviation Facilities
 - Light restriction zone
 - Lighting area buffer 6km
 - Wildlife hazard buffer zone
 - Aviation facility

Local Categorising Instrument (Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016):

- Special Purposes Zone Code
- Cultural Heritage Overlay Code
- Natural Areas Overlay Code

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

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

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- (a) The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007.
- (b) The leases will facilitate ongoing aviation activities associated with the airport.
- (c) The lease areas are not subject to identified natural risks or hazards.
- (d) The lease areas ensure the safe operation of the airport and its activities.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not applicable.

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not applicable.

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not applicable.

OTHER DETAILS

If you wish to obtain more information about Council's decision, please refer to Council's webpage at <https://www.torres.qld.gov.au/homepage/51/development-applications>

APPEAL RIGHTS

(Planning Act 2016 & Planning Regulation 2017)

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain 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*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 4 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

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, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.