



Gladstone Ports Corporation

Growth, Prosperity, Community.

GPC Document No. 1413566
GPC Ref: DA2018/03
Your Ref.: 1401369

28 May 2018

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

Attention: Ms Bennett

Email: bennetta@gpcl.com.au

Dear Ms Bennett

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2018/03

(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 **16 March 2018**.

Application Number:	DA2018/03
Applicant Name:	Gladstone Ports Corporation
Applicant Contact Details:	Ms Anthea Bennett Gladstone Ports Corporation PO Box 259 GLADSTONE QLD 4680 Email: bennetta@gpcl.com.au
Approvals Sought:	Operational Work that is Tidal Work for a tidal turbine trial
Details of Proposed Development:	Tidal Energy Demonstration Project – tidal turbine trial
Location Street Address:	Barney Point Wharf GLADSTONE QLD 4680
Location Real Property Description:	Part of 301 on SP 256216
Land Owner:	Department of Natural Resources, Mines & Energy
Present Zoning & Precinct	Strategic Port Land – Wharves - offshore

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

2. Details Of Proposed Development

Proposed development includes installation tidal turbine, mounted on a Barney Point Wharf dolphin, for a tidal energy demonstration project for a period of 6 months.

3. Details Of Decision

This development application was **decided on 28 May 2018**.

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) Operational Works that is Tidal Works – (*Planning Regulation 2017* reference Schedule 10, part 13 - Ports, division 5 - Strategic Port Land, subdivision 1, section 20 and Schedule 10, part 17 – Tidal Works, division 1, section 28).

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	State Assessment and Referral Agency PO Box 113 ROCKHAMPTON QLD 4700

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				
General Arrangement	Engineers Queensland	17/01/2018	BK0300D01	A

Drawing/report title	Prepared by	Date	Reference no.	Version
Layout Plan	Engineers Queensland	17/01/2018	BK0300D02	A
Sections	Engineers Queensland	17/01/2018	BK0300D03	A
Details	Engineers Queensland	17/01/2018	BK0300D04	A
Details	Engineers Queensland	17/01/2018	BK0300D05	A
Details	Engineers Queensland	17/01/2018	BK0300D06	A
Details	Engineers Queensland	17/01/2018	BK0300D07	A

10. Currency Period for the Approval

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

- For Material Change of Use this approval lapses 6 years after this approval decision date – reference section 85 of the *Planning Act 2016*;
- For all other approvals excluding Reconfiguring a Lot, 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 Sarah Hunter, Principal Planning Advisor, on 07 4976 1287 or via email hunters@gpcl.com.au.

Yours sincerely



Sarah Hunter
Principal Planning Advisor
28 May 2018

Cc: relevant local government

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, 23 May 2018

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 GPC, the assessment manager.

Part 1a: Approval sought under *Planning Act 2016* – Operational Works that is Tidal Works and assessable development on Strategic Port Land

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 in accordance with the approved plans.

ENGINEERING & PLANNING

6. Prior to commencing the works, the proponent must supply to GPC for approval RPEQ certified “For Constructed” plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services to be 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. The proponent is to ensure their contractor obtains from GPC a Consent to Enter for the purpose of a construction compound on Port land prior to commencing works. Contact GPC’s Property Advisor, Mr Clive Gibson on 4976 1334 or gibsonc@gpcl.com.au.
9. The construction compound, including offices, laydown areas and employee car parking, is to be contained within the nominated area unless otherwise approved in writing by GPC.
10. All infrastructure associated with this approval must be removed from Port land upon completion of the 6 month trial.

ENVIRONMENT

10. Prior to construction works commencing on site, an Environmental Management Plan (EMP) specific to the works is to be submitted to GPC for approval. The activity must be undertaken in accordance with the approved EMP that ensures:

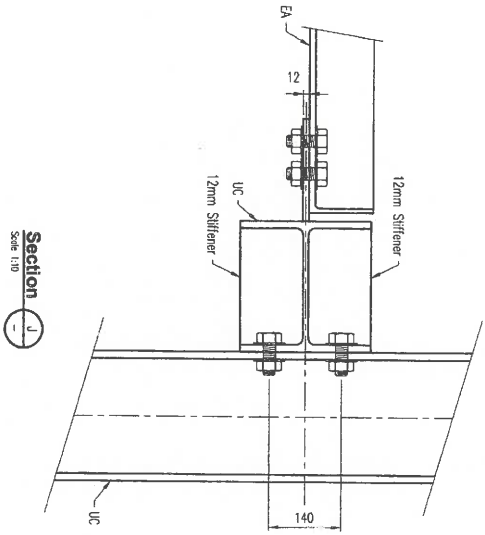
- (a) environmental risks are identified, managed and continually assessed in relation to the activity (this includes construction, operations, and rehabilitation as applicable);
- (b) that staff are trained and aware of their obligations under the EMP;
- (c) that reviews of environmental performance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

Incident notification

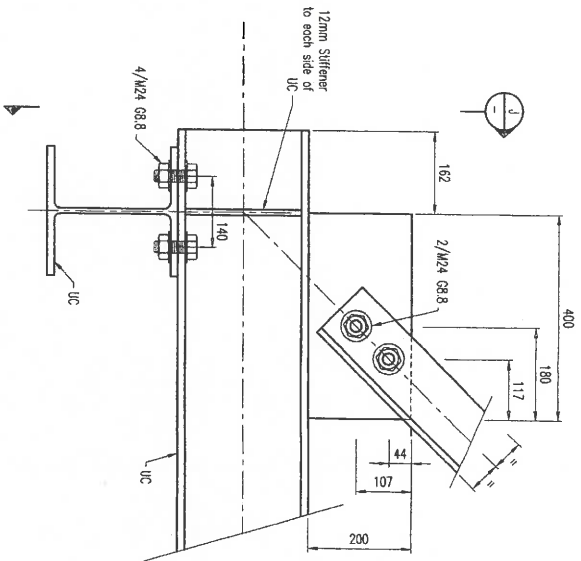
11. Gladstone Ports Corporation Environment Hotline (07) 4976 1617) is to be notified of the occurrence of any;

- (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.

ATTACHMENT 2: APPROVED PLANS AND SPECIFICATIONS



Section J
Scale 1:10



Section D
Scale 1:10

Refer to drawing 007 for Notes

Rev.	Date	Issued For Approval	Revision Description	Init.
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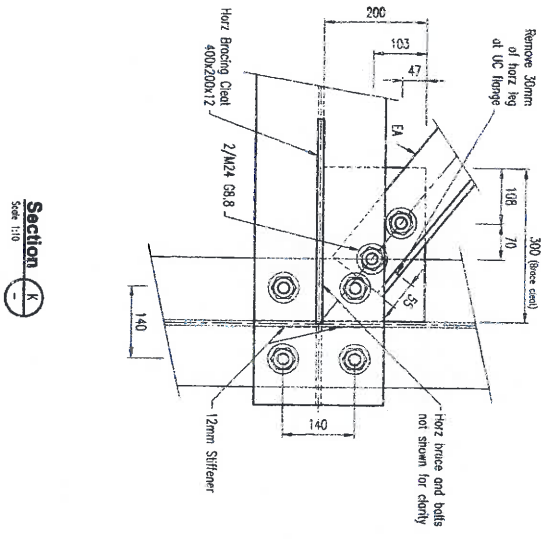


17 Filinders Pde.
Gladstone Q. 4680
Email: office@engtd.com.au

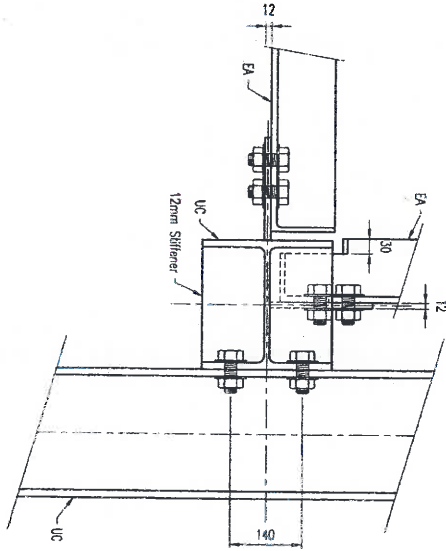
Ph. (07) 4972 5246
Fax (07) 4972 5248
www.engtd.com.au

Client		Elemental Energy Technologies	
All dimensions in millimetres UNO	Drawn	S Weinholtz	Proposed Tidal Generator
● This drawing remains the property of Engintees Queensland and may not be copied, reproduced, distributed or manufactured from without the written permission of Engintees Queensland.	Date	17/01/18	At: Borney Point Terminal Gladstone
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	Approved	<i>[Signature]</i>	Details
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			Revision
			A

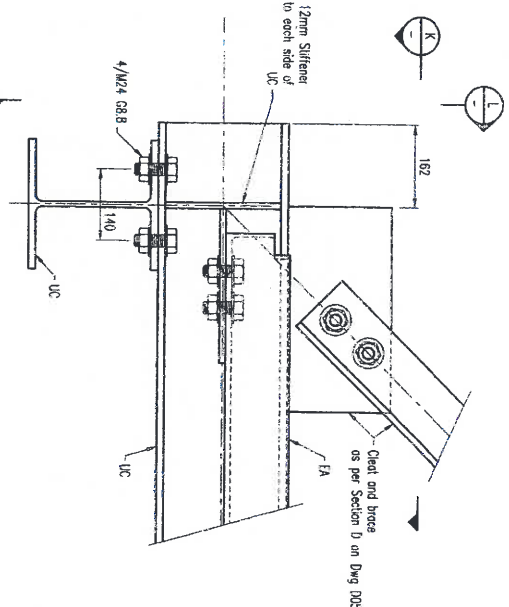
APPROVED



Section K
Scale 1:10



Section L
Scale 1:10



Section E
Scale 1:10

Refer to drawing 007 for Notes

APPROVED

Rev.	Date	Revision Description
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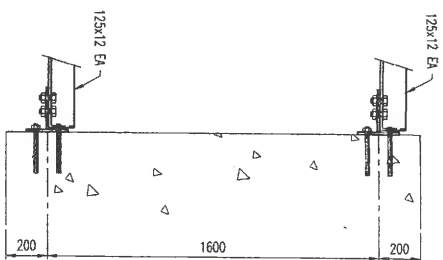
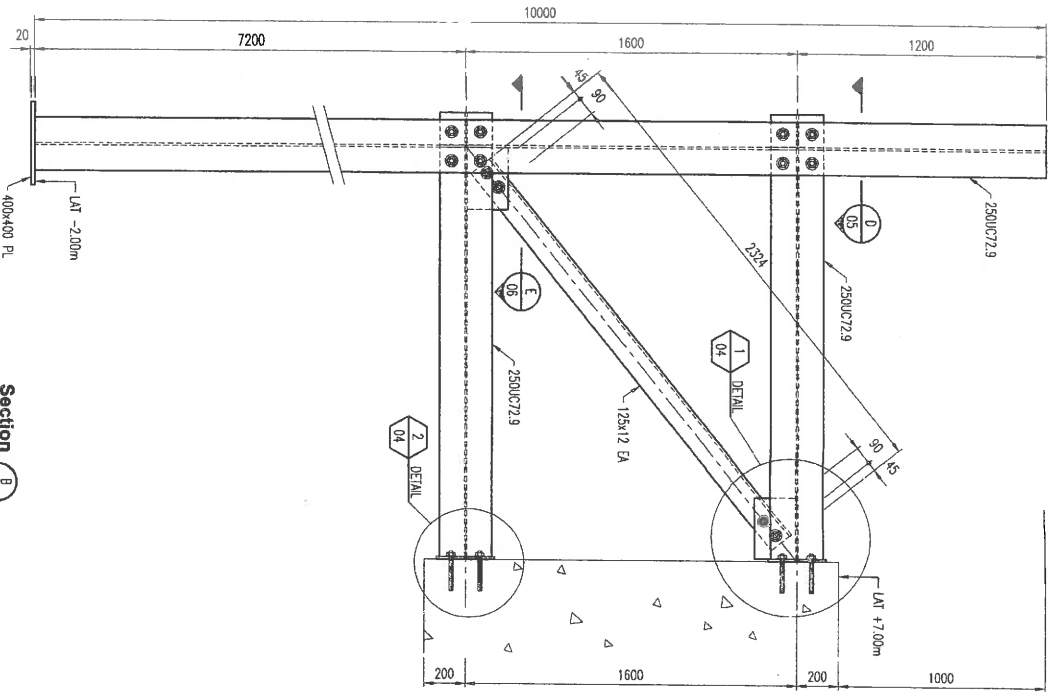
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Elemental Energy Technologies

Proposed Tidal Generator
At: Barney Point Terminal
Gladstone

Drawing Name: Details
Drawing Number: BK0300D06
Revision: A



Refer to drawing 007 for Notes

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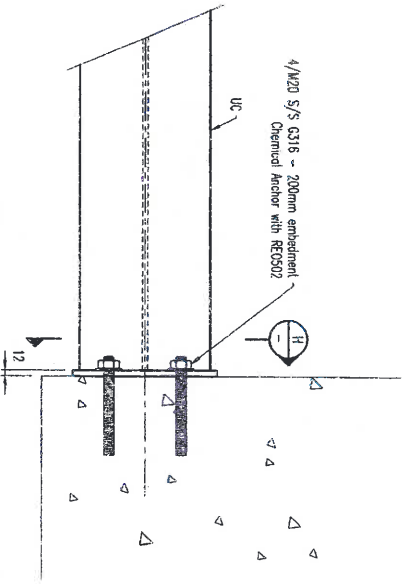
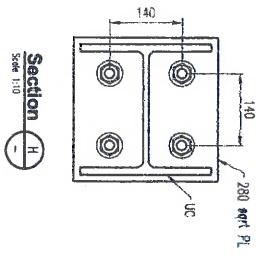
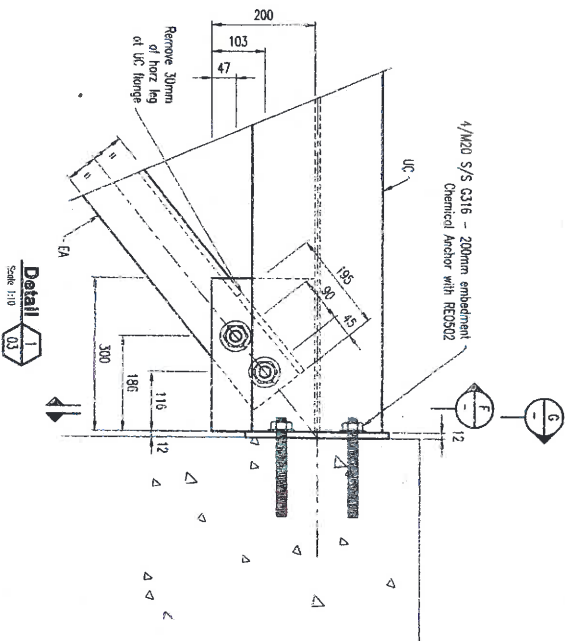
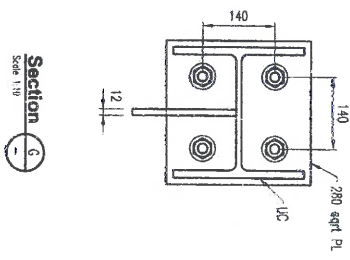
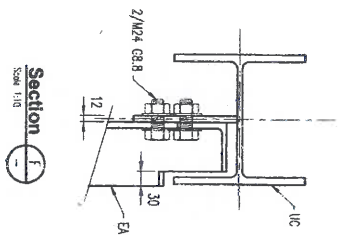
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Client		Drawing Name		Revision	
Drawn	S Weinholz	Sections	BK0300D03	Revision	A
Date	17/01/18				
Scale	1:25				
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Approved	<i>[Signature]</i>				

Proposed Tidal Generator
At: Barney Point Terminal
Gladstone

DO NOT SCALE - IF IN DOUBT ASK



Refer to drawing 007 for Mates

Rev.	Date	Revision Description	Init.
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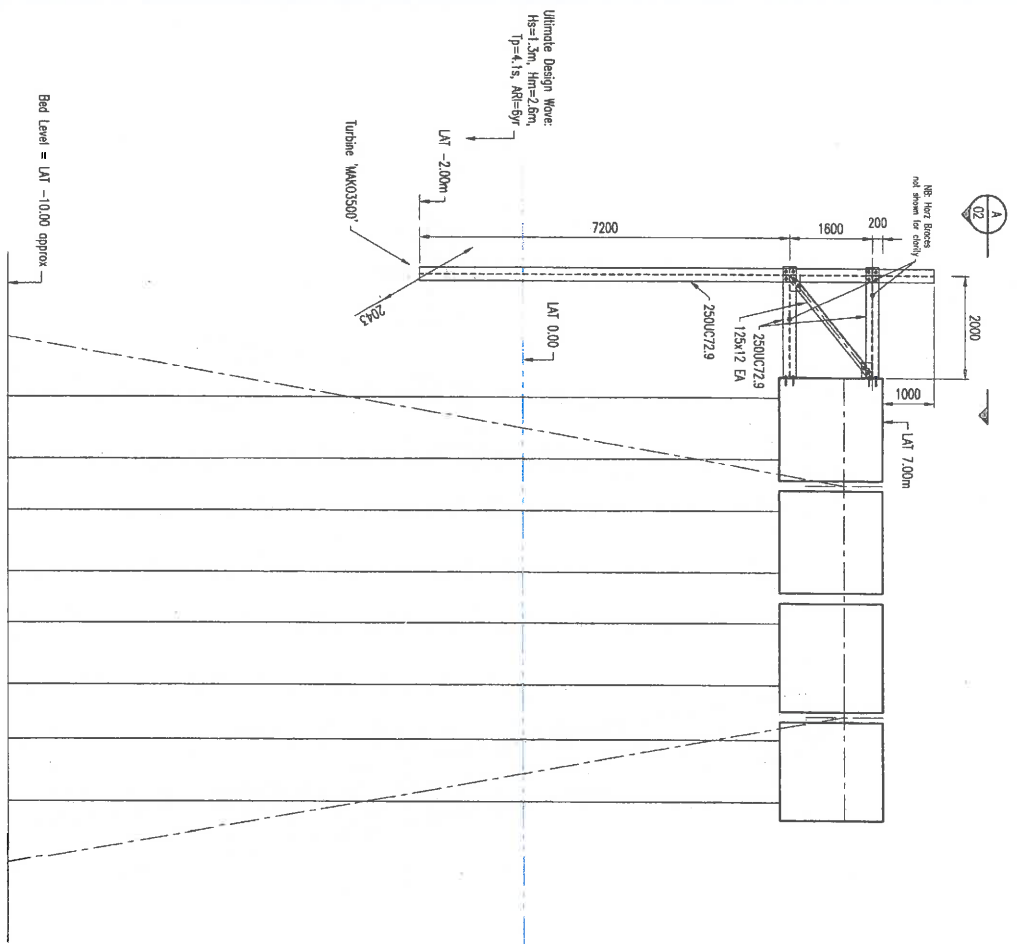
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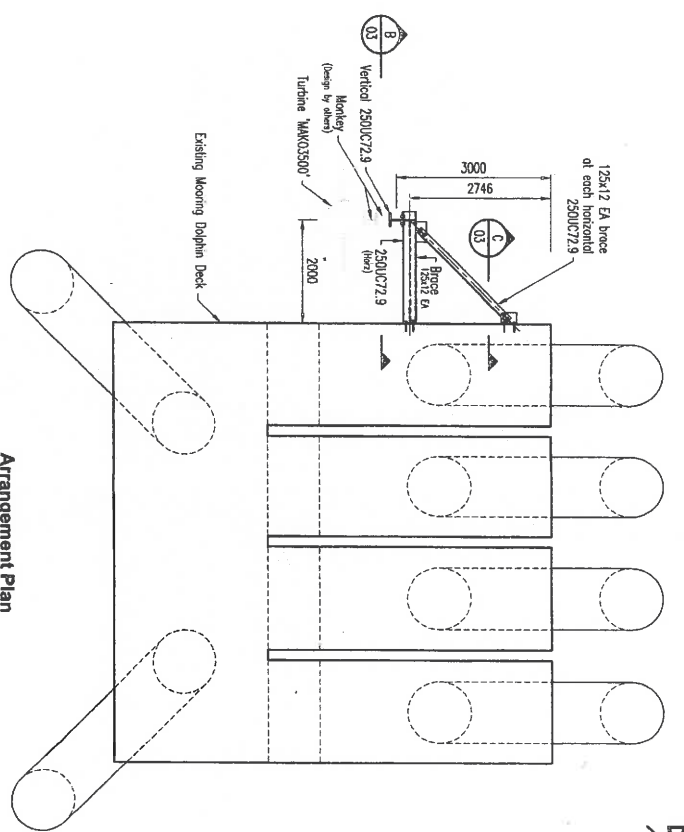
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Client	
Drawn	S Weinholz
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Approved	<i>[Signature]</i>

Elemental Energy Technologies	
Proposed Tidal Generator At: Barney Point Terminal Gladstone	
Drawing Name	Details
Drawing Number	BK0300D04
Revision	A



Elevation A
Scale 1:100



Arrangement Plan
Scale 1:100

APPROVED

Refer to drawing D07 for Notes

 <p>17 Filtriders Pde. Gladstone Q. 4860 Email: office@engnsl.com.au</p> <p>Ph: (07) 4972 5246 Fax: (07) 4972 5248 www.engnsl.com.au</p>		<p>All dimensions in millimetres UNO</p> <p>● This drawing remains the property of Engineers Queensland and may not be copied, reproduced, distributed or otherwise used without the written permission of Engineers Queensland.</p>		<p>Client: S Memberz</p> <p>Drawn: 17/01/18</p> <p>Scale: 1:100</p> <p>Checked: [Signature]</p> <p>Approved: [Signature]</p>		<p>Elemental Energy Technologies</p> <p>Proposed Tidal Generator At: Barney Point Terminal Gladstone</p> <p>Drawing Name: General Arrangement</p> <p>Drawing Number: BK03000D01</p>		<p>Revision: A</p>
Rev.	Date	Issued For Approval	Revision Description	Initials				
A								

GENERAL

1. These notes are to be read in conjunction with the accompanying relevant drawings.
2. All workmanship and materials shall be in accordance with the requirements of the SAA Codes and the by-laws and ordinances of the relevant building authorities. All codes shall be current editions.
3. Dimensions shall not be obtained by scaling from the drawings.
4. Setting out dimensions and levels shown on the drawings shall be verified by the contractor on site prior to commencement of any work.
5. All work shall be adequately supported and braced during erection, for traffic, wind and any other relevant construction loadings.
6. Construction joints where not shown on drawings, shall be to the approval of the engineer.
7. No holes or chases other than those on the drawings shall be made in any structural member, without prior approval of the engineer.
8. Terminate treatment is not addressed in these drawings/specifications.

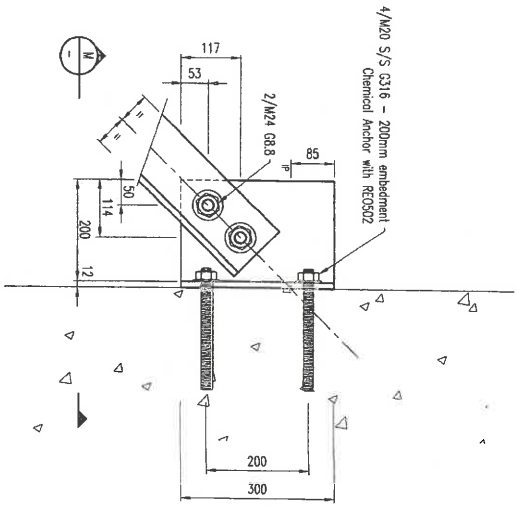
LOADINGS

1. Structure design in accordance with AS1170.2 for terrain category 2, Region C.
2. Design gust wind speed $V_z = 65.2$ m/s (Ultimate)
3. Design tidal current - 1.8m/s
4. Design wave conditions - $H_w = 1.5m$ & $T_p = 4.1s$
5. Design life 6 months
6. Turbine Model: 'MANKO350'

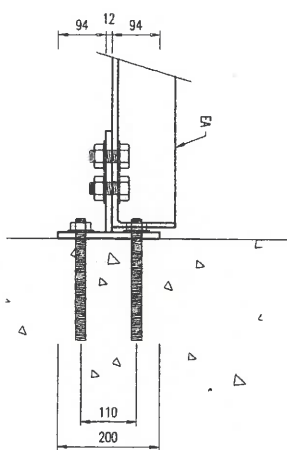
STEELWORK

1. Steelwork shall comply with AS4100 and AS1538
2. Steel grades
 - a) Rolled steel sections shall be to AS3678-1996 Grade 300
 - b) Mild Steel Plate shall be to AS3678-1996 Grade 300
3. Steel finishing details
 - a) All sharp edges and burrs to be removed.
 - b) Steelwork shall be hot dipped galvanized or suitably painted for marine splash zone conditions.
 - c) Coated sections shall be adequately vented for galvanizing.
 - d) Exposed vent holes to be sealed with lead plugs and filed flush.
4. Weld details
 - a) All joints to be sealed.
 - b) Butt weld shall be pre-qualified full penetration UNO.
 - c) Welds shall be from continuous filed weld UNO.
 - d) All structural welding to conform with AS1554.1-2004, Category GF, joint identification 'F1' Table E3 UNO
 - e) All structural welding consumables shall be to AS1553.1-1995/E4113, or equivalent.
 - f) All structural welds shall be visually inspected.
 - g) All structural welds shall be free from defects such as cracks, excessive undercuts & gross porosity.
 - h) All welds and weld splashes/burns must be thoroughly cleaned and wire brushed, primed and painted with a high zinc content paint, capable of providing an equal or greater degree of protection than the Z550 galvanized coating.
5. Bolt details
 - a) All nuts, bolts and washers (including H.D. bolts) shall be galvanized.
 - b) Holding down bolts to be supplied complete with leveling nuts, hold down nuts and washers.
 - c) All bolts to be M20 U.K.O.
 - d) Bolt details - All nuts, bolts and washers shall be G8.8 UNO.
 - e) bolted procedures shall be as follows:

Bolted Procedure Bolt Strength Grade AS Standard Method Comment	
4.6/S	4.6 AS1111 Slung Tighten
8.8/S	8.8 AS1252 Slung Tighten
8.8/T/S	8.8 AS1252 Fully Tension Friction Jt
8.8/TB	8.8 AS1252 Fully Tension Bearing Jt
6. All flat plate to be 12mm UNO.



Detail 3
Scale 1:10




Section 1:10

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Elemental Energy Technologies

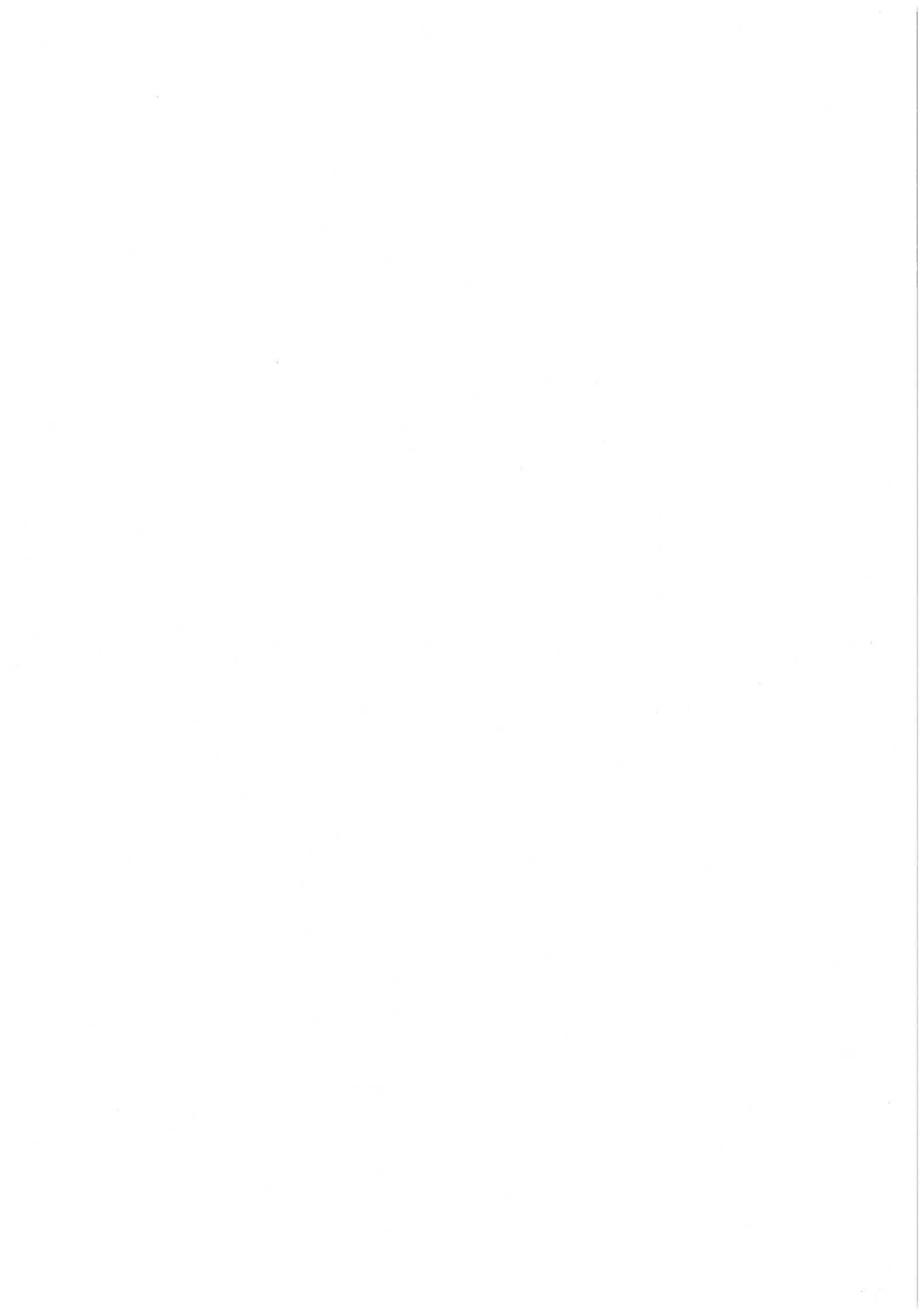
Proposed Tidal Generator
At: Borney Point Terminal
Gladstone

 <p>QUEENSLAND</p>	Client		
	Drawn	S Weinholt	
<p>All dimensions in millimetres UNO</p> <p>This drawing remains the property of Elemental Energy Technologies Queensland and may not be copied, reproduced, distributed or manufactured from without the written permission of Elemental Energy Technologies Queensland.</p>	Date	17/01/18	
	Scale	1:10	
Checked			Approved
Approved			Approved
Drawing Name	Details		Drawing Number
		BK0300D07	
Revision			A

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Rev.	Date	Issued For Approval	Revision Description	By
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PART 2: REFERRAL AGENCY CONDITIONS

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



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Our reference: 1803-4555 SRA
 Your reference: DA2018/03

23 May 2018

The Chief Executive Officer
 Port of Gladstone Ports Corporation Limited
 PO Box 259
 Gladstone QLD 4680
 hunters@gpcl.com.au

Attention: Sarah Hunter

Dear Sir/Madam

Referral agency response—with conditions
 (Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 29 March 2018.

Applicant details

Applicant name: Gladstone Ports Corporation Limited
 Applicant contact details: 40 Goondoon Street, PO Box 259
 Gladstone QLD 4680
 bennetta@gpcl.com.au

Location details

Street address: Barney Point Wharf, Barney Point
 Real property description: 301SP256216
 Local government area: Gladstone Regional Council

Application details

Development permit: Operational work for tidal works—trial tidal turbine (6 month trial).

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.17.3.2.1 Tidal works or work in a coastal management district

- 10.17.3.1.1 Tidal works or work in a coastal management district

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Operational work—tidal works				
General arrangement	Engineers Queensland	17.01.2018	BK0300D01	A
Layout plan	Engineers Queensland	17.01.2018	BK0300D02	A
Sections	Engineers Queensland	17.01.2018	BK0300D03	A
Details	Engineers Queensland	17.01.2018	BK0300D04	A
Details	Engineers Queensland	17.01.2018	BK0300D05	A
Details	Engineers Queensland	17.01.2018	BK0300D06	A
Details	Engineers Queensland	17.01.2018	BK0300D07	A

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

For further information please contact Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dsmip.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—Conditions to be imposed

Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Operational work—tidal works		
10.17.3.1.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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 development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • General arrangement, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D01 and Revision A. • Layout plan, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D02 and Revision A. • Sections, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D03 and Revision A. • Details, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D04 and Revision A. • Details, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D05 and Revision A. • Details, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D06 and Revision A. • Details, prepared by Engineers Queensland, dated 17/01/2018, reference BK0300D07 and Revision A. 	At all times
2.	<p>Should the approved tidal turbine structures collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be:</p> <p>(a) reinstated in accordance with this development approval; or</p> <p>(b) removed and disposed of at an appropriately licensed facility.</p>	As soon as reasonably practicable subsequent to the damage
3.	<p>(a) Prepare a Marine Fauna Management Plan (MFMP) certified by a suitably qualified person. The MFMP must include details of all measures to protect and recover marine fauna during the trial including:</p> <ol style="list-style-type: none"> i. identification of 'at risk' marine fauna within the vicinity of the tidal turbine which may be at risk of injury/mortality; ii. identification of mitigation measures and implementation strategies in order to reduce impacts on marine fauna; iii. monitoring requirements; iv. a decision-making framework which must include steps taken in the incidence of near miss, injury or death of marine fauna. <p>(b) Submit the MFMP to the Department of Environment and Science (palm@des.qld.gov.au).</p> <p>(c) Operate the development in accordance with the MFMP.</p>	<p>(a) & (b) 20 business days prior to the commencement of the trial</p> <p>(c) At all times</p>
4.	The entire tidal turbine structure is to be removed.	At the completion of the trial period

Operational work—tidal works		
10.17.3.2.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads 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):		
5.	Any navigational aid that is damaged due to the construction, operation or maintenance of the approved development must be promptly repaired or replaced at the applicant's cost. In the event that any damage is caused to any aid to navigation, the Regional Harbour Master Gladstone must be immediately contacted on ph (07) 49715200 or by email to Gladstone.rhm@msq.qld.gov.au.	At all times.
6.	'As Constructed' drawings of the approved structure must be provided to the Regional Harbour Master Gladstone by email Gladstone.rhm@msq.qld.gov.au	Within two (2) weeks of the completion of the works.
7.	<p>(a) Provide written notice to the Regional Harbour Master Gladstone by email Gladstone.rhm@msq.qld.gov.au when the development authorised under this approval is scheduled to commence.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p> <p>(b) Provide written notice to the Regional Harbour Master Gladstone by email Gladstone.rhm@msq.qld.gov.au, when the development authorised under this approval has been completed.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p>	<p>(a) At least two (2) weeks prior to the commencement of works.</p> <p>(b) Within two (2) weeks of the completion of works.</p>
8.	<p>All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships:</p> <p>(a) Any vessels associated with the project must comply with relevant lighting standards.</p> <p>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	While the works are occurring.

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure landowners are aware they must take responsibility for their damaged property as they can impact on coastal resources and public safety.
- To ensure demolition of tidal work occurs in a timely fashion and does not adversely impact on coastal processes.
- To ensure the development does not unreasonably impact on marine fauna.
- To ensure that at all times, all lights on or above the development site do not interfere with safe navigation in surrounding waterways.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure that at all times, all lights on or above the development site do not interfere with safe navigation in surrounding waterways.

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

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- (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

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- (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.