

Our Reference: RAL/2026/3605  
Officer: Alice Pai  
Contact: 07 4688 6455  
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**Development Application Decision Notice  
APPROVAL**

*Planning Act 2016 Section 63*

One Five Six V Pty Ltd  
C/- Alpha Planning Applications  
PO Box 764  
TOOWOOMBA QLD 4350

Email: [andrew@alphaplanning.com.au](mailto:andrew@alphaplanning.com.au)

19 August 2026

Dear Sir/Madam

**Location:** 15 Vacy Street, NEWTOWN QLD 4350  
**Property Description:** Lot 4 RP16931  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Reconfiguring a Lot – Impact – Reconfigure One (1) into Two (2), for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 14 August 2026. The following provides all the relevant details:

**Details of Approval**

Development Permit – Reconfiguring a Lot – Impact – Reconfigure One (1) into Two (2)

**Referral Agencies**

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

**Conditions and Advices**

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

**Currency Period**

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

#### **Further Development Permits Required**

- Operational Work

#### **Further Plans/Documents for Endorsement**

The following documents/plans require Endorsement:

- Landscape Plan
- Survey Plan

#### **Submissions**

Number of properly made submissions: 1 (see attached list of names and addresses)

#### **Rights of Appeal**

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Krys den Hertog  
Principal Planner, Planning Branch

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

|                              |                                                                       |
|------------------------------|-----------------------------------------------------------------------|
| <b>APPLICATION NUMBER:</b>   | RAL/2026/3605                                                         |
| <b>APPLICANT:</b>            | One Five Six V Pty Ltd                                                |
| <b>LOCATION:</b>             | 15 Vacy Street, NEWTOWN QLD 4350                                      |
| <b>PROPERTY DESCRIPTION:</b> | Lot 4 RP16931                                                         |
| <b>APPROVED USE:</b>         | Reconfigure One (1) into Two (2) Lots                                 |
| <b>ZONING / PRECINCT:</b>    | Low-medium Density Residential Zone /<br>Urban Consolidation Precinct |

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### PLANNING

##### APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of land for One (1) Lot into Two (2) lots.

##### CARRY OUT AND MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision prior to registration with the Department of Natural Resources and Mines.
4. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

##### APPROVED PLANS

5. The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval:

**Plan No:** 17/187 PP01, Revision B

**Description:** Proposal Plan – Site Dimensions, prepared by Byrne Surveyors and dated 20 June 2026

**Amendments:** Council's markup in red to identify the existing carport to be removed in accordance with condition 15.

##### LOT NUMBERING

6. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).

### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORKS)**

7. Prepare and submit applications to Council and obtain Operational Works approval for the following:
  - 7.1 Roadworks (driveway crossover); and
  - 7.2 Stormwater Infrastructure.

### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (FOR ENDORSEMENT)**

8. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
  - 8.1 Landscape Plan.

### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS**

9. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*.

### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

10. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during subdivision earthworks and construction.

## **DEDICATIONS, AGREEMENT AND CONTRIBUTIONS**

### **EASEMENTS**

11. An easement for Stormwater purposes must be registered in favour of Proposed Lot 14 against the title of Proposed Lot 15. The easement must be a minimum 1.5 metres wide and must be located over the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.
12. Easement documentation must be prepared and submitted to Council, at no cost to Council, for review against conditions of approval.
13. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

### **FEES AND CHARGES**

14. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.

## **DEVELOPMENT CONSTRAINTS**

### **REMOVAL OF EXISTING BUILDINGS & STRUCTURES**

15. Demolish or relocate all buildings and structures identified on the Approved Plans to be demolished prior to Council's approval of the Plan of Subdivision.

## WORKS

### ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

16. Plans and specifications for all works associated with stormwater works, and driveway crossover, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
17. A RPEQ must submit to Council a copy of the:
  - 17.1 Design Certificate prior to commencement of the works; and
  - 17.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
18. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
19. Where any condition refers to, or requires, an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

### STORMWATER DRAINAGE

20. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
21. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work;

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*

22. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.

### STORMWATER DISCHARGE

23. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the Vacy Street channel. The works must be constructed in accordance with the current version of the Institute of Public Works Engineering Australasia standard drawing titled 'Kerb and Channel Residential Drainage Connections, drawing number RSD-102.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*

24. Outlets to the street channel must be limited to a maximum discharge of 50 litres per second at any one point of discharge, and where practical, spread across the street frontage so as not to concentrate the discharge to any one location.
25. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

## **EROSION & SEDIMENT CONTROL**

26. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
27. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
28. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
29. All disturbed areas must be mulched or turfed as soon as possible during construction.

## **DAMAGE TO SERVICES & ASSETS**

30. Protect Council and public utility services and assets during construction of the development.
31. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
  - 31.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 31.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
32. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
33. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

*Note: Council must be notified of any damage to water and sewer immediately on 131 872.*

## **SERVICES & UTILITIES**

### **WASTEWATER INFRASTRUCTURE (GENERAL)**

34. All proposed lots must be connected to Council's existing wastewater reticulation system at no cost to Council.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
35. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
36. Any works on Council's 'live' wastewater must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

37. All existing internal wastewater pipework for proposed Lot 15 must fall entirely within the boundaries of the lot as proposed. Any existing connections between proposed Lot 15 and proposed Lot 14 must be disconnected.
38. Where works have been carried out to disconnect any interconnecting wastewater pipework, certification must be provided to Council by a Licensed Plumber that the disconnection has been carried out.

#### **WATER SUPPLY**

39. The subdivision must be provided with a water supply system capable of servicing each lot in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*

*Note: The size of any new service connection is to be determined during Plumbing approval.*

40. All live connections to the existing water supply networks and water meter installations must be carried out by Council at no cost to Council.

*Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.*

#### **ELECTRICITY**

41. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
42. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

*Note: In relation to reticulated electricity, written evidence must be in the form of a "Certificate of Supply" or "Supply is Available" supplied by the relevant service provider.*

#### **TRANSPORT & ACCESS**

##### **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

43. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

*Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.*

44. Safe pedestrian access along Council's footpaths must be maintained at all times.

*Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

##### **ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)**

45. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the kerb and channel to the property boundary, for Lot 15. The following requirements apply:

- 45.1 The proposed vehicle access (crossing of the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia Drawings *RSD-100 Residential Driveways Plan 1 of 2* and *RSD-101 Residential Driveways Plan 2 of 2*, and *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
  - 45.2 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;
  - 45.3 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties; and
  - 45.4 The existing concrete footpath in the vicinity of the vehicle crossover (crossing of the verge) must be saw cut, removed and replaced by the vehicle crossover (crossing of the verge). The vehicle crossover (crossing of the verge) is to be graded at not steeper than 2.5% for the width of the footpath.
46. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the driveway crossover generally in accordance with the approved plans and documents of this Development Approval.

## **LANDSCAPING**

### **LANDSCAPING PLAN**

47. Submit to Council for endorsement, a Landscape Plan for Street Trees prepared by a suitably qualified person that details in particular
- 47.1 The species to be planted and their location;
  - 47.2 The number and container size of plants;
  - 47.3 The typical planting detail including preparation, backfill, staking and mulching;
  - 47.4 Location and species of existing site vegetation including adjacent street trees; and
  - 47.5 North point, scale and drawing number.

### **LANDSCAPING WORKS (PROVISION OF STREET TREES)**

48. Unless otherwise agreed by Council OR varied in an approved landscape plan plant and maintain for a period of 12 months, One (1) street tree within the Vacy Street verge road frontage.
49. The selection and planting of any street tree, including any tree removal and replacement, must be in accordance with the requirements of the *Planning Scheme Policy No.8 – Council Controlled Trees*, *2.68 Council Controlled Tree Management Policy*, *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and the approved Landscape Plan.
50. All tree stock to be supplied in 45 litre or larger containers and be a minimum height of 1.5 metres.

### **B. ADVICES:**

## **ADVICES**

### **INFRASTRUCTURE CHARGES**

- 1) Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

## **OTHER LAWS & REQUIREMENTS**

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au).
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

## **WHEN APPROVAL STARTS TO HAVE EFFECT**

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

## **WHEN APPROVAL LAPSES**

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

## **EXCAVATION & FILLING**

- 7) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m<sup>3</sup> of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

## **DEMOLITION OF BUILDING**

- 8) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

## **ENVIRONMENTAL HARM**

- 9) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

#### **STREET TREE DISTURBANCE & REMOVAL APPROVAL**

- 10) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Services Branch via Council's Customer Service Centre for further information in respect of street trees.

#### **WATER POLLUTION**

- 11) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

#### **FIRE ANTS**

- 12) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

#### **LANDSCAPING IN A NEIGHBOURHOOD CHARACTER AREA OR AT A CHARACTER PLACE**

- 13) For further information on preparation of Landscape Plans please refer to *Council's Planning Information Sheet INFO 006* and *Heritage Advisory Note - Gardens* available on Council's website.

#### **SUITABLY QUALIFIED PERSON**

- 14) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a registered landscape architect or landscape designer with a minimum of 5 years current experience in the field of landscape design.

#### **C. ATTACHMENTS:**

- Approved Development Plans
- Appeal provisions pursuant to the *Planning Act 2016*.

**List of Submitters:-**

Elizabeth Cross  
11 Vacy Street  
NEWTOWN QLD 4350

**229 Appeals to tribunal or P&E Court**

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
  - only a tribunal; or
  - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the **appellant**); and
  - who is a respondent in an appeal of the matter; and
  - who is a co-respondent in an appeal of the matter; and
  - 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*—
- 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
  - 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
  - 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
  - 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—
- the adopted charge itself; or
  - for a decision about an offset or refund—
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - 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—
- is in the approved form; and
  - 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—
- the respondent for the appeal; and
  - each co-respondent for the appeal; and
  - 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—
- 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
  - 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—
- conduct engaged in for the purpose of making a decision; and
  - other conduct that relates to the making of a decision; and
  - the making of a decision or the failure to make a decision; and
  - a purported decision; and
  - a deemed refusal.

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

- is final and conclusive; and
- 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
- 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.