DOUGLAS
SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
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ABN 71 241 237 800

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
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8 December 2022

Enquiries: Neil Beck
Our Ref: BW 2022_5200/1 (1128138)
Your Ref: 20224192 PO29106

Handycam Building & Maintenance Pty Ltd
C/- GMA Certification Group Pty Ltd
PO Box 2760
NERANG QLD 4211

Dear Sir/Madam

Development Application for Building Work Assessable Against the Planning Scheme (Dwelling House Additions and Deck)
At 3 Ocean View Road KILLALOE
On Land Described as LOT: 21 RP: 846935

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: BW 2022_5200/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

For
Paul Hoye
Manager Environment & Planning

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)

Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name:	Handycam Building & Maintenance Pty Ltd
Postal Address:	C/- GMA Certification Group Pty Ltd PO Box 2760 NERANG QLD 4211
Email:	adminpd@gmacert.com.au or cam@handycambuilding.com.au

Property Details

Street Address:	3 Ocean View Road KILLALOE
Real Property Description:	LOT: 21 RP: 846935
Local Government Area:	Douglas Shire Council

Details of Proposed Development

Development Permit for Building Work Assessable Against the Planning Scheme (Dwelling House Additions & Deck)

Decision

Date of Decision:	8 December 2022
Decision Details:	Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are approved as contained in Attachment 1.

Assessment Manager Conditions & Advices

Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-

a. The specifications, facts and circumstances as set out in the application submitted to Council;

b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Building Colours

2. External building colours of light grey for the exterior and surf mist for the roof is approved for use.

Advice

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to www.statedevelopment.qld.gov.au/. To access the *FNQROC Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au

Further Development Permits

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

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Concurrence Agency Response

None Applicable

Currency Period for the Approval

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 provisions of Section 85 of the *Planning Act 2016*.

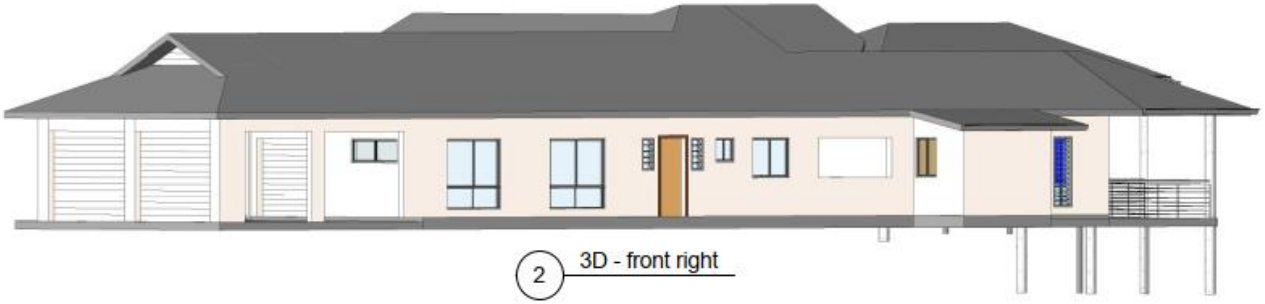
Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights 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.*

A copy of the relevant appeal provisions are attached.

Approved Drawing(s) and/or Document(s)

1 3D - front left



2 3D - front right

3 3D - rear right

GREG SKYRING Design and DRAFTING Pty. Ltd.
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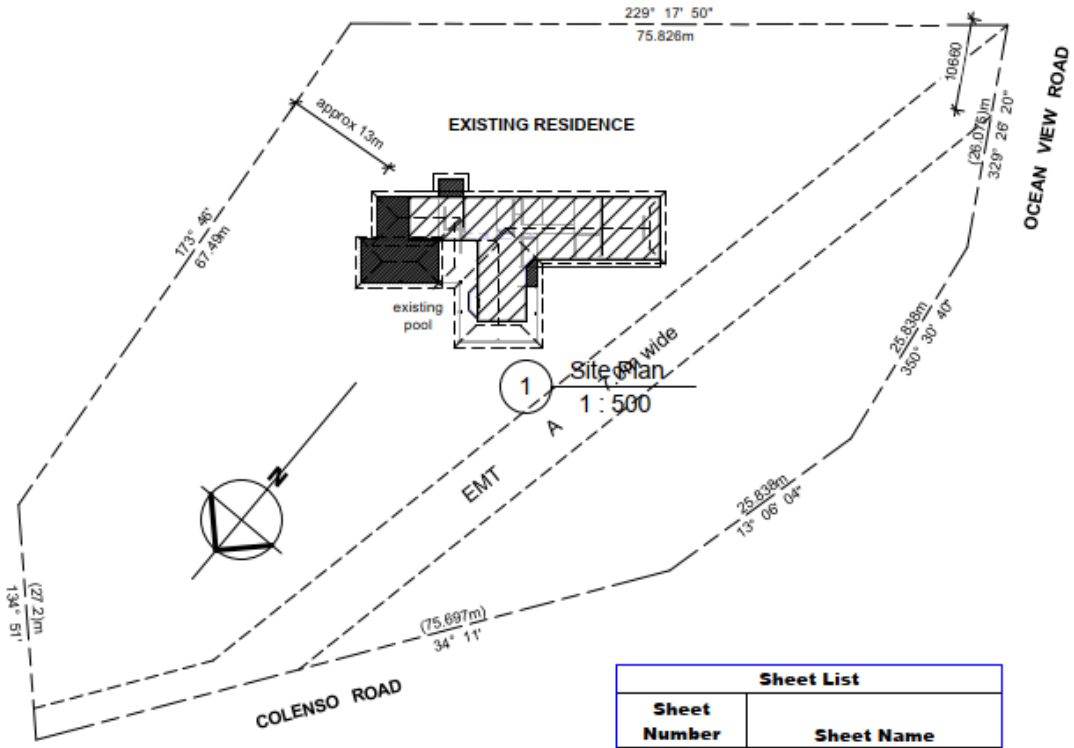
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40982061
Mobile: 0419212652
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	1 of 9
SCALES	PLAN TITLE: 3D Views		DATE OF ISSUE: 23.05.17	REV



Sheet List	
Sheet Number	**Sheet Name**
1 of 9	3D Views
2 of 9	Site Plan, Sheet List, Notes
3 of 9	Floor Plan
4 of 9	Elevations - Sheet 1
5 of 9	Elevations - Sheet 2
6 of 9	Foundation and Floor Framing Plan, Details
7 of 9	Wall Details, Notes
8 of 9	Roof Framing Plan, Details
9 of 9	Section 1, Notes

GENERAL

All construction is to comply with C2 building standards, Building Code of Australia, all relevant legislation, and Council By-Laws.
Builders are to ensure that all materials nominated on this plan are used and fixed strictly in accordance with the manufacturers specifications, also taking into consideration all site conditions applicable to the materials allowable and recommended use. Substitution of any structural members, or variation to any part of the design without seeking approval prior to changing will void any responsibility of the Designer and Engineer for the structural integrity and performance of the building.
Only Australian Standards compliant steel members are to be used in this building
All nominated fixings, reinforcing, timber sizes and grades etc are the minimum requirements.
All dimensions must to be checked by the Builder prior to commencing any work – written dimensions take precedence over scaled.
Any alterations or discrepancies are to be clarified with the plan Author or Engineer prior to carrying out the work.
This plan has been prepared for building approval only and is not intended to be read as a complete specification of the work and finishes to be carried out on this project.

WASHERS

Washers as listed below are to be used with all bolted connections involving timber, where bolt is in tension;

M10 - 38 x 38 x2.0
M12 - 50 x 50 x 3.0
M16 - 65 x 65 x 5.0

At connections to steel plates, use standard round washers for the bolt diameter used, UNO.

TERMITE PROTECTION

This structure as detailed complies with the provisions of AS3660.1 for the protection of new buildings from subterranean termites.
Owners are reminded that to maintain compliance with AS3660.1 they are advised to have inspections carried out by a qualified person every 12 months generally, and every 3 months if in an area where termite risk is high.

INTERNAL BRACING WALLS

WALL FIXING
- Fix top plate to floor frame with 1/M12 at bracing section ends and at 1200 max. crs.
- Fix top plate to crossing or parallel truss framing at M12 wall reinf locations to comply with AS1684.3 Table 8.23 to achieve 7.6 kn.
- Fix end studs to external walls with 1/12Ø dynabolt or No 14-10 Type 17 screw at top, bottom, and at 1200 crs.

SHEETING
- Line one side with 6mm F11 or 4mm F14 structural ply, nail fixed to manufacturers specifications to achieve minimum 6.4 kn/m nominal bracing (2.7m high walls)

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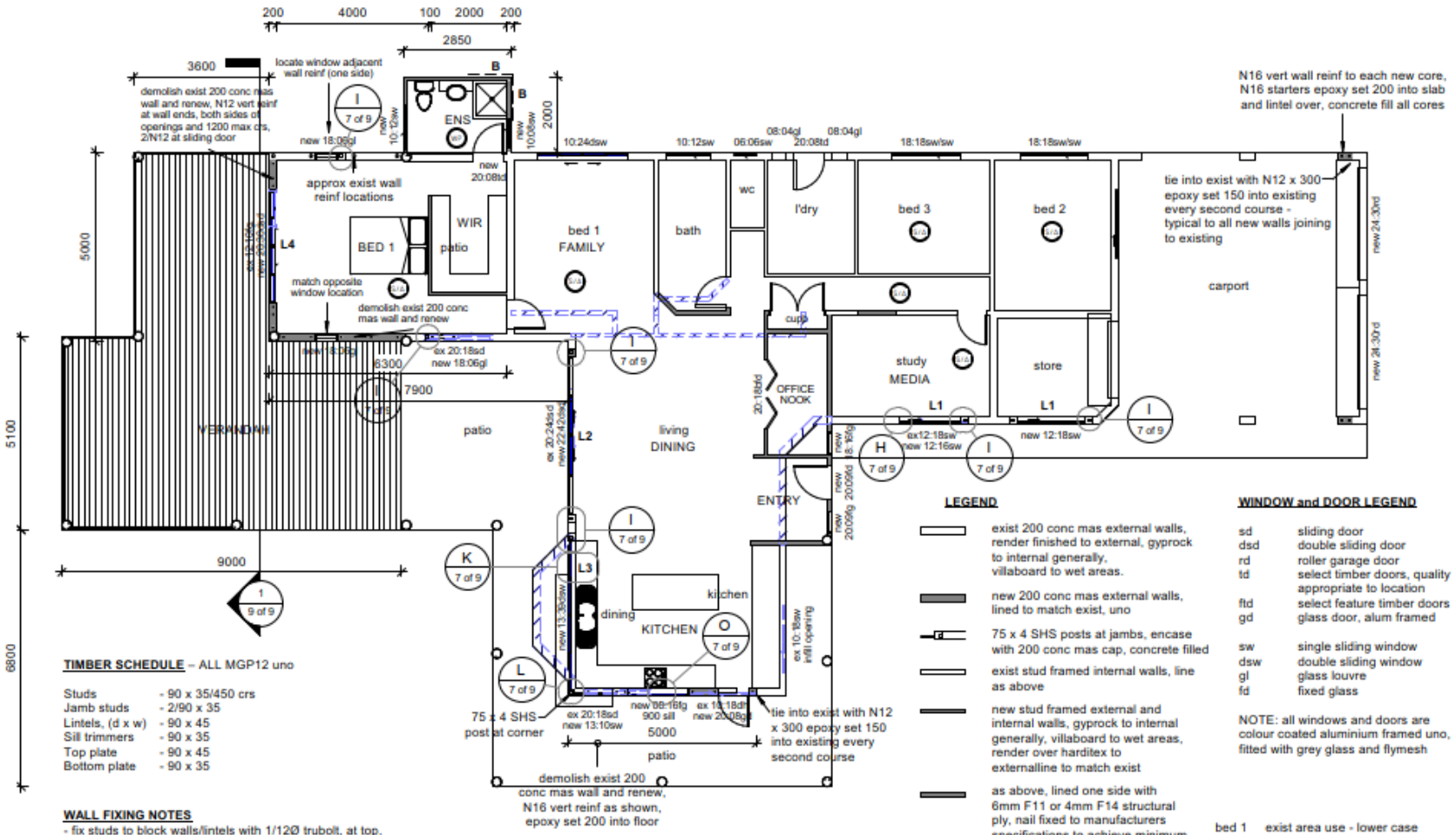
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	2 of 9
	SCALES: 1 : 500	PLAN TITLE: Site Plan, Sheet List, Notes	DATE OF ISSUE: 23.05.17	REV



1 Floor Plan
1 : 100

TIMBER SCHEDULE – ALL MGP12 uno

Studs	- 90 x 35/450 crs
Jamb studs	- 2/90 x 35
Lintels, (d x w)	- 90 x 45
Sill trimmers	- 90 x 35
Top plate	- 90 x 45
Bottom plate	- 90 x 35

WALL FIXING NOTES

- fix studs to block walls/lintels with 1/12Ø trubolt, at top, bottom and at mid height
- fix top plate to roof beam with 1/No14 teks screw at 450 max crs
- fix top plate to rafter or battens over with 1/No14 teks screw at 450 max crs
- fix bottom plate to slab with 1/12Ø trubolt at 900 max crs or to each joist with 1/No14 type 17 screw

LEGEND

- exist 200 conc mas external walls, render finished to external, gyprock to internal generally, villaboard to wet areas.
- new 200 conc mas external walls, lined to match exist, uno
- 75 x 4 SHS posts at jambs, encase with 200 conc mas cap, concrete filled
- exist stud framed internal walls, line as above
- new stud framed external and internal walls, gyprock to internal generally, villaboard to wet areas, render over harditex to externalline to match exist
- as above, lined one side with 6mm F11 or 4mm F14 structural ply, nail fixed to manufacturers specifications to achieve minimum 6.4 kn/m nominal bracing (2.7m high walls).
- 250Ø con columns
- **L1/L2/L3** special lintels, refer to Details

WINDOW and DOOR LEGEND

sd	sliding door
dsd	double sliding door
rd	roller garage door
td	select timber doors, quality appropriate to location
ftd	select feature timber doors
gd	glass door, alum framed
sw	single sliding window
dsw	double sliding window
gl	glass louvre
fd	fixed glass

NOTE: all windows and doors are colour coated aluminium framed uno, fitted with grey glass and flymesh

bed 1 exist area use - lower case
BED 1 new area use - upper case

Waterproof wet area to AS3740.
Smoke alarms to AS3786.

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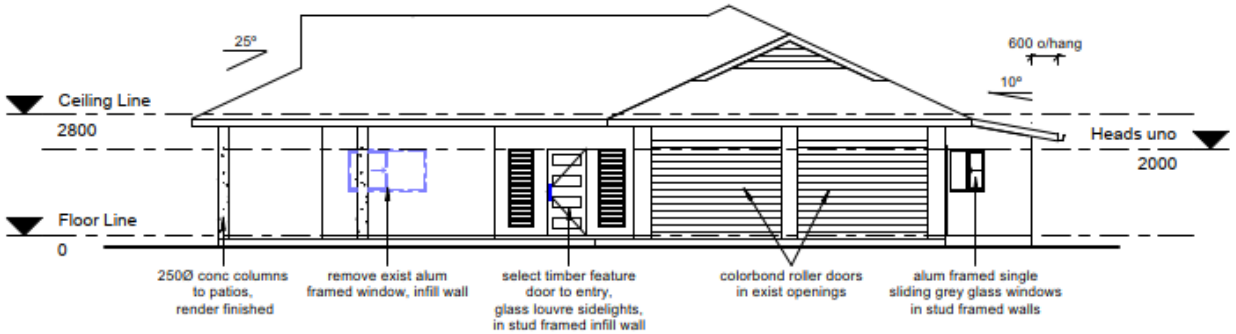
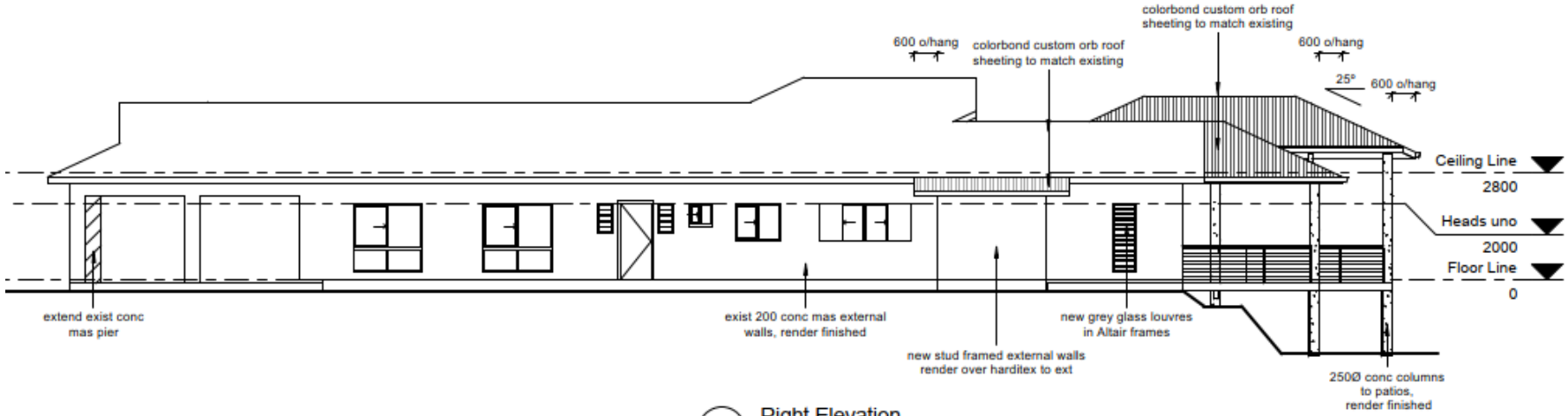
Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	3 of 9
SCALES: 1 : 100	PLAN TITLE: Floor Plan		DATE OF ISSUE: 23.05.17	REV



1 Front Elevation
1 : 100



2 Right Elevation
1 : 100

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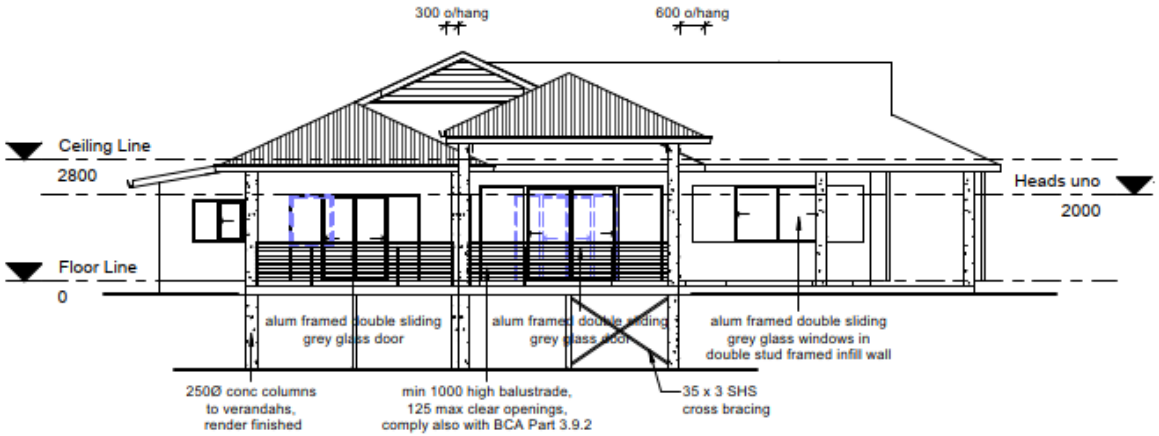
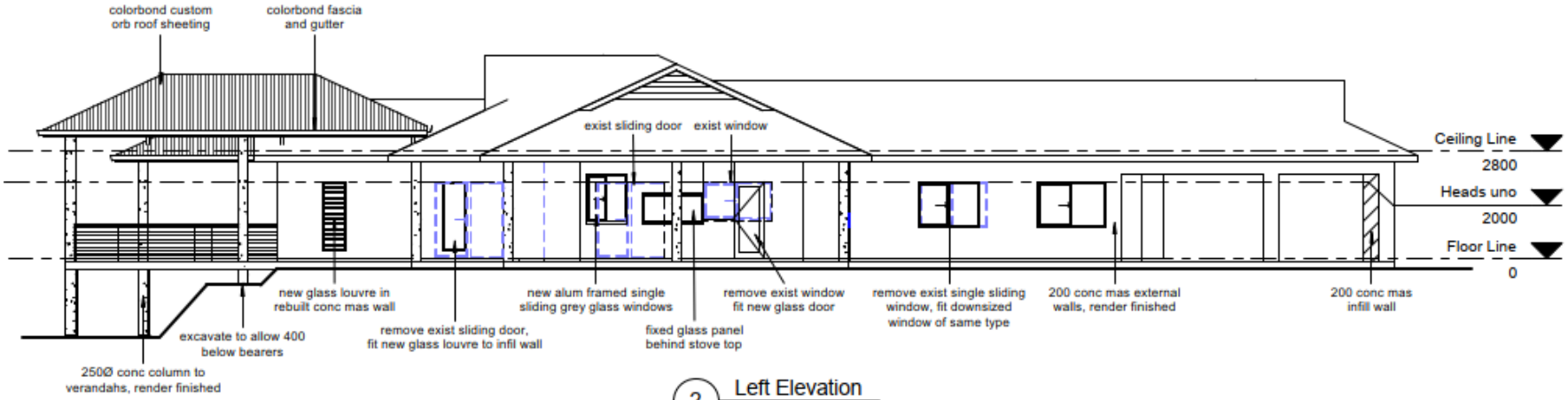
Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	4 of 9
	SCALES: 1 : 100	PLAN TITLE: Elevations - Sheet 1	DATE OF ISSUE: 23.05.17	REV



1 Rear Elevation
1 : 100



2 Left Elevation
1 : 100

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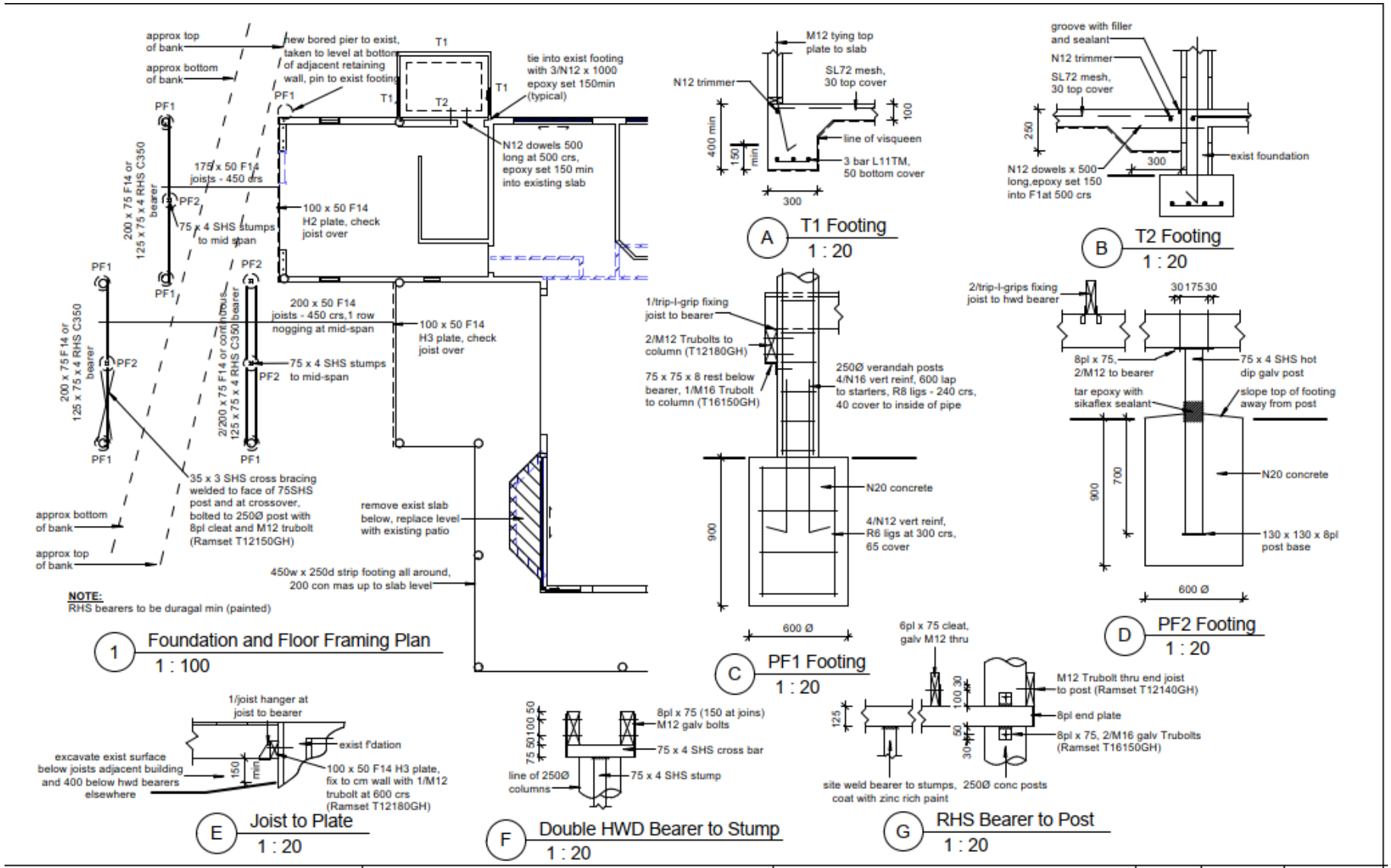
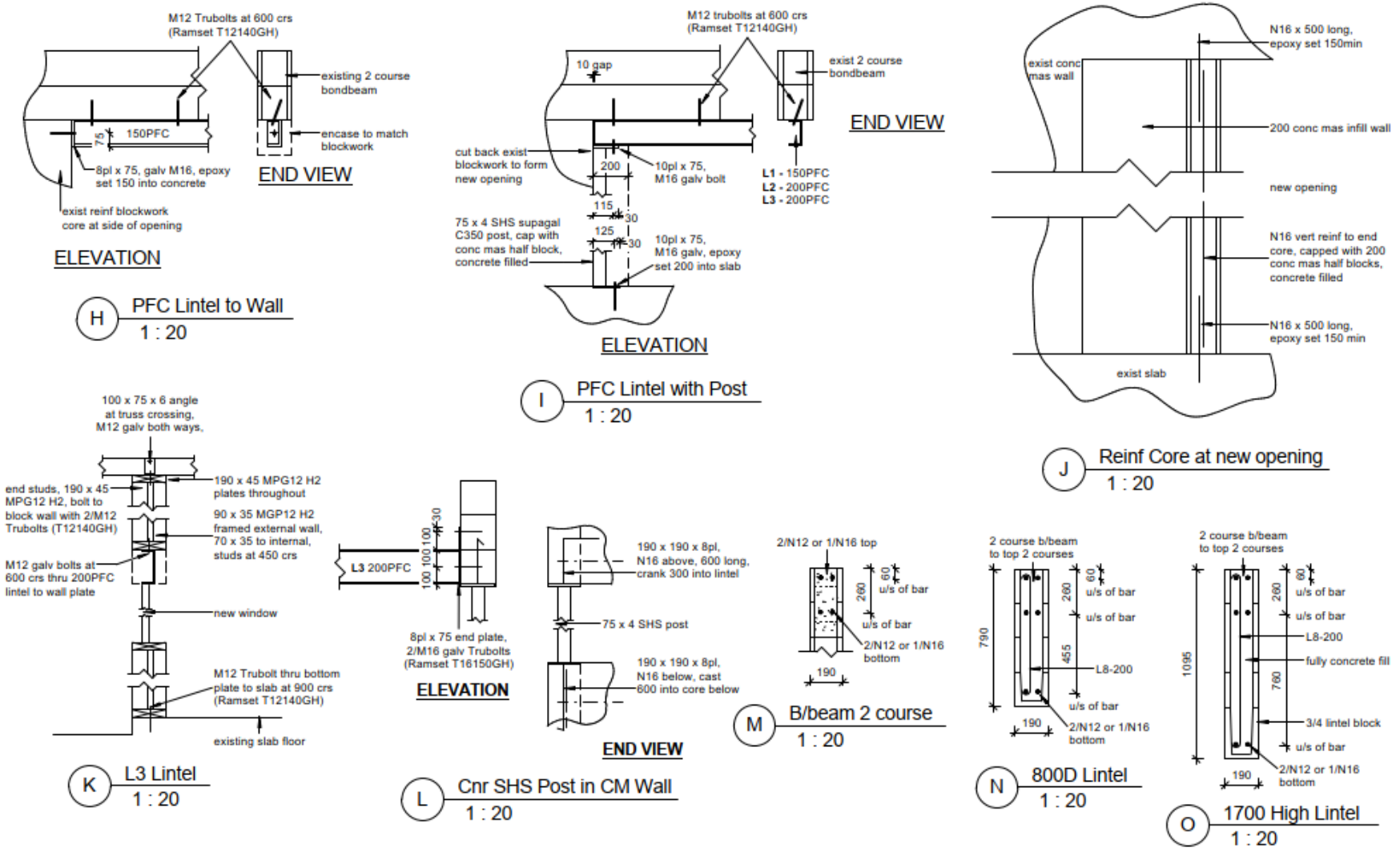
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	5 of 9
SCALES: 1 : 100	PLAN TITLE: Elevations - Sheet 2		DATE OF ISSUE: 23.05.17	REV



GREG SKYRING Design and DRAFTING Pty. Ltd. Lic Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au	PROJECT Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	CLIENT D. & J. Francis	WIND CLASS C2	PLAN NUMBER 204-17	SHEET 6 of 9
		SCALES As indicated	PLAN TITLE Foundation and Floor Framing Plan, Details	DATE OF ISSUE 23.05.17	REV



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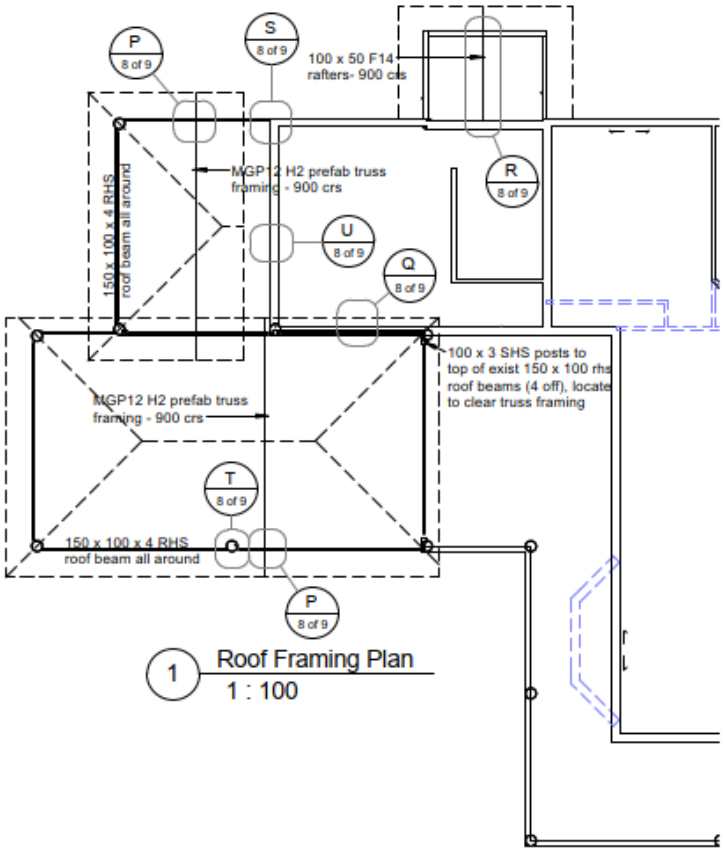
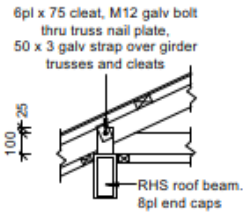
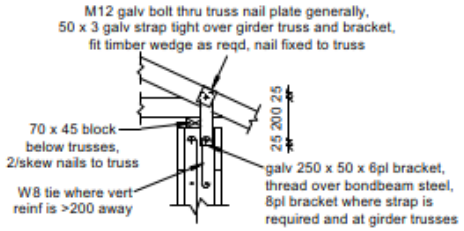
		SCALES 1 : 20	PLAN TITLE Wall Details, Notes	DATE OF ISSUE 23.05.17	REV



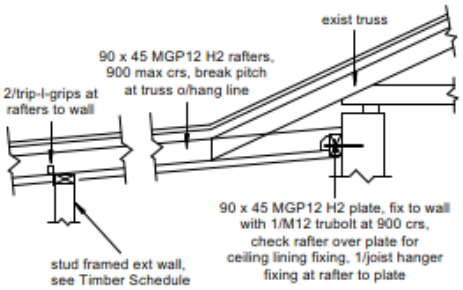
1 Roof Framing Plan
1 : 100



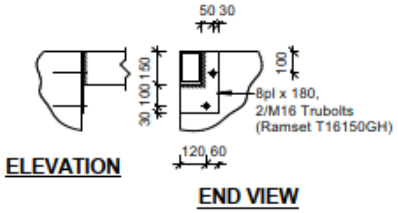
P Truss Heel to RHS Beam
1 : 20



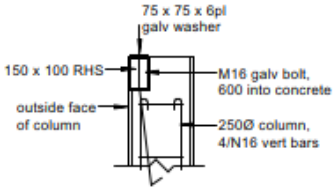
Q Truss Heel to CM Wall
1 : 20



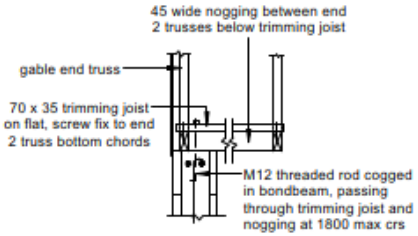
R Rafter to Walls
1 : 20



S RHS Beam to CM Wall
1 : 20



T Roof Beam on Column
1 : 20



U Truss fixing to gable walls
1 : 20

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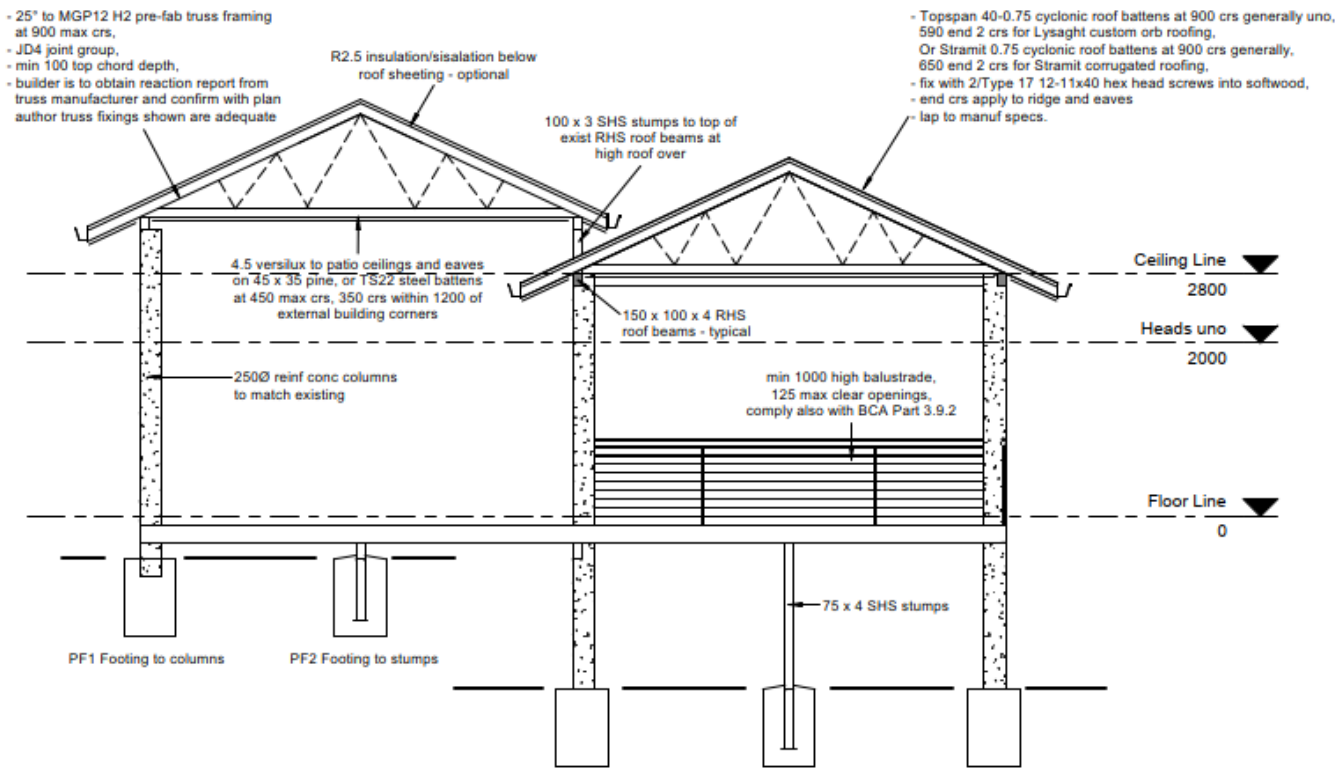
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	8 of 9
	SCALES: As indicated	PLAN TITLE: Roof Framing Plan, Details	DATE OF ISSUE: 23.05.17	REV



1 Section 1
1 : 50

TRUSS NAIL PLATES
At bolt fixings nominated as through truss nail plates, the bolt must pass through the nail plate within 20 mm clear of plate sides and top, and 40 mm of plate bottom. Use of cup-head bolts is not allowed.
If these clearances are not achieved, a 65 x 3 mm galv strap is to be fitted, tight over truss and fixing bracket (wedge if reqd.)

ROOF SHEETING & BATTEN FIXINGS
All roof sheeting and batten fixings are to be in accordance with the manufacturer's specification for the required wind speed. The fixing systems for metal roof assemblies supplied by the manufacturer, are to comply with the Low-High-Low Cyclic testing requirements of the 'Building Code of Australia' (Specification B1.2 Volume 1 for Class 2 to 9 buildings) or (Section 3.10.1 Volume 2 for Class 1 & 10 buildings). A 'Compliance Certificate' will be requested from the 'Manufacturer' & the 'Installer'.

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Proposed Alterations and Additions to existing Residence, 3 Ocean View Road, L21 RP846935, KILLALOE	D. & J. Francis	C2	204-17	9 of 9
SCALES: 1 : 50	PLAN TITLE: Section 1, Notes		DATE OF ISSUE: 23.05.17	REV

Reasons for Decision

1. The reasons for this decision are:
   a. Sections 60, 62 and 63 of the *Planning Act 2016*:
   b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
   c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
   a. the development application was properly lodged to the Douglas Shire Council on 7 December 2022 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
   b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
   a. the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
   b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
   c. the applicant's reasons have been considered and the following findings are made:
      i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

(1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.

(2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.

(3) For subsection (2), sections 75 and 76 apply—

(a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and

(b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and

(c) as if a reference in section 76 to a development application were a reference to a change application; and

(d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and

(e) with any other necessary changes.

75 Making change representations

(1) The applicant may make representations (***change representations***) to the assessment manager, during the applicant's appeal period for the development approval, about changing—

(a) a matter in the development approval, other than—

(i) a matter stated because of a referral agency's response; or

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(ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or

(b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).

(2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.

(3) Only 1 notice may be given.

(4) If a notice is given, the appeal period is suspended—

(a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or

(b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—

(i) the applicant withdraws the notice, by giving another notice to the assessment manager; or

(ii) the applicant receives notice that the assessment manager does not agree with the change representations; or

(iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.

(5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

(1) The assessment manager must assess the change representations against and having regard to the matters that

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must be considered when assessing a development application, to the extent those matters are relevant.

(2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—

(a) the applicant; and

(b) if the assessment manager agrees with any of the change representations—

(i) each principal submitter; and

(ii) each referral agency; and

(iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and

(iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and

(v) another person prescribed by regulation.

(3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—

(a) state the nature of the change agreed to; and

(b) comply with section 63(2) and (3).

(4) A negotiated decision notice replaces the decision notice for the development application.

(5) Only 1 negotiated decision notice may be given.

(6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

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Extracts from the Planning Act 2016 – Appeal Rights

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

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(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) 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

(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.

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(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

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(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.

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(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.

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