

19 October 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2021_4256/1 (Doc ID 1040117)
Your Ref: 20211130

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Macrossan Street Pty Ltd (Tte)
C-/ GMA Certification Group Pty Ltd
PO Box 831

PORT DOUGLAS QLD 4877

Attention Mr Patrick Clifton

Email: Patrick.C@gmacert.com.au

Dear Sir

**Development Application for Material Change of Use (Shops)
At 24 Macrossan Street Port Douglas
On Land Described as Lot 118 on PTD2091**

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

Please quote Council's application number: MCUC 2021_4256/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Macrossan Street Pty Ltd (Tte)
Postal Address: C-/ GMA Certification Group Pty Ltd
PO Box 831
Port Douglas Qld 4877
Email: Patrick.C@gmacert.com.au

Property Details

Street Address: 24 Macrossan Street Port Douglas
Real Property Description: Lot 118 on PTD2091
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use for Shops.

Decision

Date of Decision: 19 October 2021
Decision Details: Approved (subject to conditions)

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

Note – The plans referenced below will require amending in order to comply with conditions of this Decision Notice.

The term 'approved drawing(s) and/or document(s) or other similar expressions means the following plans subject to compliance with Condition 3.

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
Cover Page	Hunt Designs, Project GADALETA001, Drawing No. AC, Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Site Plan - Existing & Demolition	Hunt Designs, Project GADALETA001, Drawing No. AD, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Site Plan - Proposed	Hunt Designs, Project GADALETA001, Drawing No. AE, Revision 01 (on plan), Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Floor Plan	Hunt Designs, Project GADALETA001, Drawing No. AF, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Elevations	Hunt Designs, Project GADALETA001, Drawing No. AG, Revision 01 (on plan), Revision B (as per cover sheet), Dated 16 August 2001 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issues, Visualisation 01	Hunt Designs, Project GADALETA001, Drawing No. AH, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Visualisation 02	Hunt Designs, Project GADALETA001, Drawing No. AI, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined

Drawing or Document	Reference	Date
DA issues, landscaping - Proposed	Hunt Designs, Project GADALETA001, Drawing No. AJ, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

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

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. Include the provision of five (5) bicycle parking spaces;
 - b. Include a loading bay in the car parking area to accommodate a single larger vehicle space of a SRV (small ridged vehicle as in AS2890.2 – off-street commercial vehicle facilities but incorporating a body width of 2.33m);
 - c. Amend the driveway width to ensure suitable access can be achieved for the required service vehicle in Condition 3b above;
 - d. Include a pedestrian access along the side driveway that connects the disability car parking space at the rear of the new building with the front entrance of the new shops. This pedestrian access must meet all relevant Australian Standards, Premises Standards and the National Construction Code requirements relating to disability access;
 - e. Include a splay of the front corner of the building or an alternative building / wall treatment at the interface with the driveway to provide suitable visibility;

- f. Provide and maintain car parking at a rate of one (1) car space for each 50m² of GFA, or part thereof, including one disability car parking space, all meeting the relevant Australian Standards. The calculation of GFA is as defined in the Planning Scheme;
- g. Include lighting to the car parking and access driveway;
- h. Include a sign at the front of the premises advising of the location of car parking at the rear of the premises;
- i. Clearly state the intention to retain and replace specific existing palms, as per the Landscaping Plan, on both the Site Plan - Existing & Demolition and the Site Plan – Proposed;
- j. Specify the pavers *Wirecut Acorn* to be used in the footpath with a pattern to match that in the street; and
- k. The refuse bin area must be roofed and bunded and fitted with a bucket trap.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply and Sewerage Works Internal

4. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
 - b. Provide a single internal water connection;
 - c. Water supply sub-metering must be designed and installed in accordance with the *Queensland Development Code* and the *Water Supply (Safety and Reliability) Act 2008*
 - d. Relocate the existing sewer or site the proposed building such that the sewer is a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure; or
 Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

External Works

5. Undertake the following works external to the land at no cost to Council:
 - a. Construct a footpath to Macrossan Street in accordance with the proposed Landscape Plan (as amended by Condition 3) and the FNQROC Regional Development Manual having regard to the use of Wirecut Acorn pavers in a design that matches that occurring in the street.
 - b. Provision of a new concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015; and
 - c. Construct landscaped garden beds as per the approved landscape plans;

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above must be constructed with a suitable approval from the Department of transport and Main Roads.

Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the *Planning Act 2016*.

Lawful point of discharge.

6. The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Vehicle Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ten (10) car parking spaces, including one disability car parking space, and five (5) bicycle parking spaces. The car parking layout must comply with the Australian Standard AS2890 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.

Access to rear Car Park

8. No boom gate, pay machine or any other regulatory device is to be installed to access to the rear car park. The car parking is to be maintained as accessible to all users of the premises including any public users.

Landscaped Areas

9. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

All landscaped areas must be fully established prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief Executive Officer

Parking Signage

10. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use.

Lighting

11. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level. The rear car parking area and the driveway must be sufficiently illuminated for all times that the car park area is in use.

All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

Stockpiling and Transportation of Fill Material

12. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
 - b. before 7:00 am or after 6:00 pm Monday to Friday;
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
13. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

14. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Damage to Council Infrastructure

15. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Construction Signage

- 16 Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
- a. Architect
 - b. Builder;
 - c. Landscape Architect

Advices

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. 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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For future use of the premises as a Centre Activities (Food and drink outlet) note that a Trade Waste Permit is usually required for a pre-treatment device (grease trap).
5. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Infrastructure Charges Notice

5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.
- The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

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*.

Any work undertaken in the road corridor area must be undertaken with a permit from the Department of Transport and Main Roads.

Concurrence Agency Response

Concurrence Agency	Concurrence Reference	Agency Date	Doc ID
State Assessment and Referral Agency (SARA)	2108-24049 SRA	7 September 2021	1035115

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) 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 is attached.

Approved Drawing(s) and/or Document(s) – Subject to being amended by Condition 3 of the approval.





SITE PLAN 1:100
SCALE 1:100

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

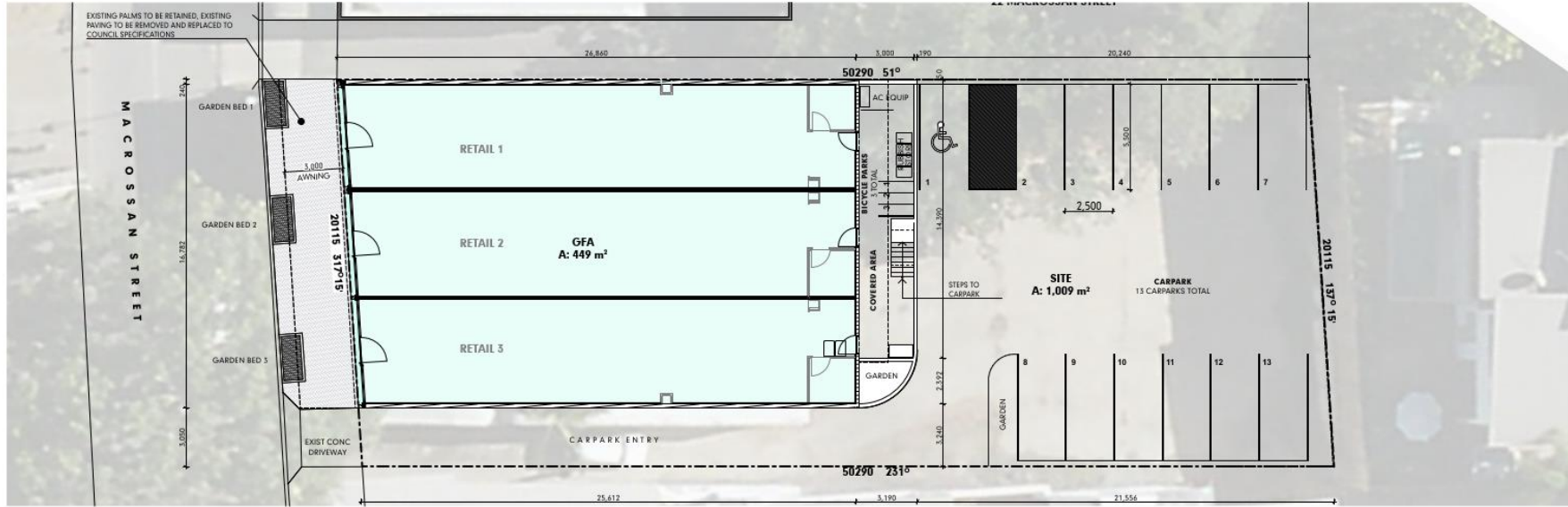
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
SITE PLAN - EXISTING & DEMOLITION

PROJECT NO. GDALETA001
DRAWING NO. AD
REVISION NO. 01
DATE 14/9/21

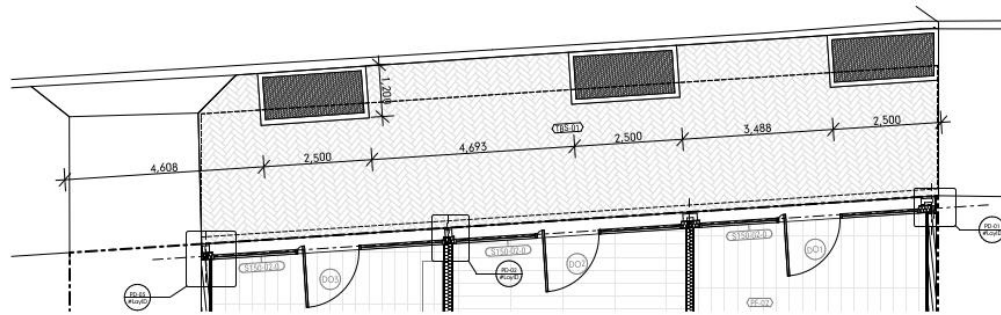


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DESIGN



SITE PLAN 1:100
SCALE:1:100

INTERNAL AREAS		
Name	Area	
RETAIL		
SHOP 1 RETAIL	142.1	
SHOP 2 RETAIL	139.5	
SHOP 3 RETAIL	138.1	
	419.7 m²	
GROSS FLOOR AREA		
	Area	
GROUND LEVEL		
GFA	449.3	



FOOTPATH
SCALE:1:50

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA

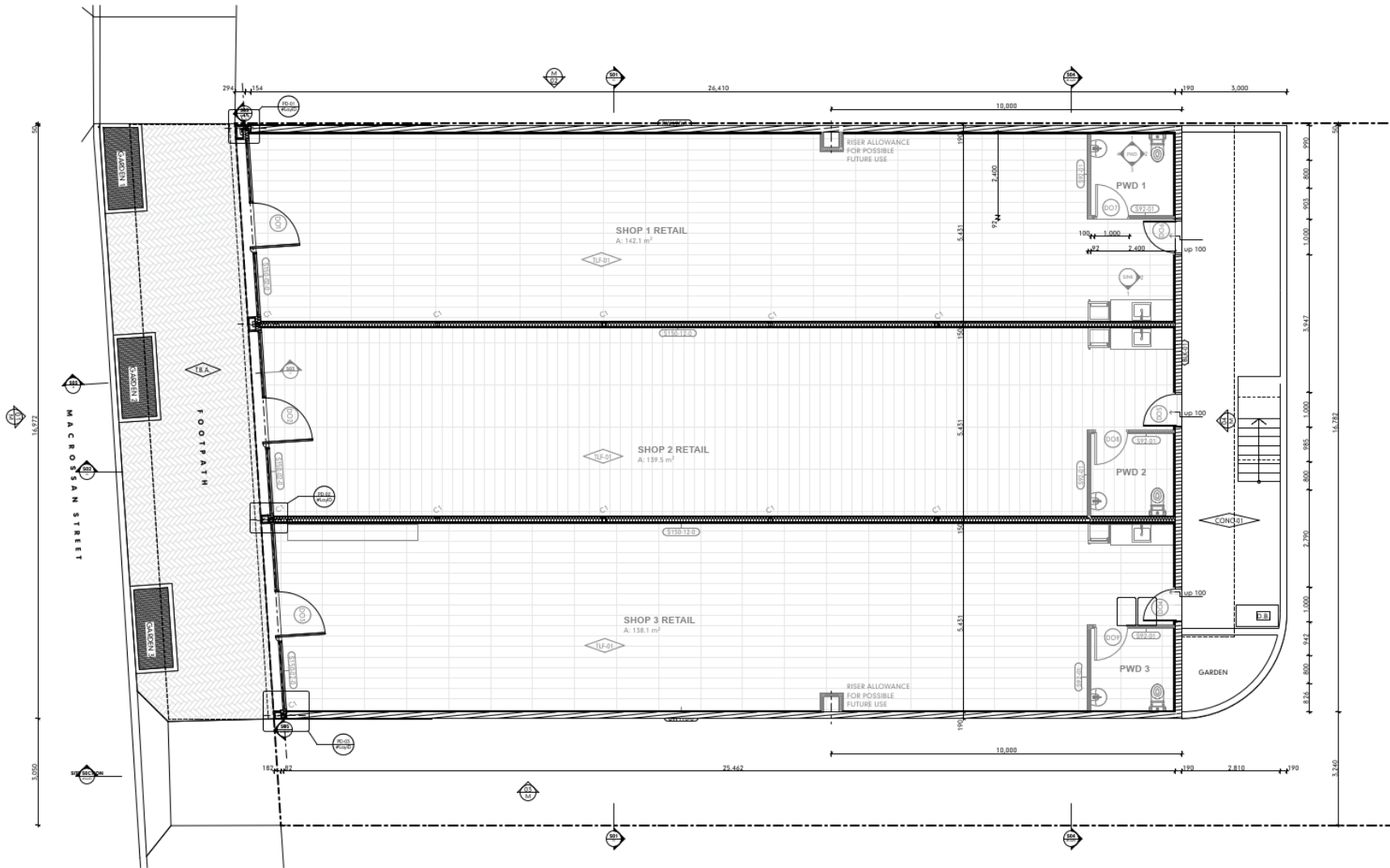
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
SITE PLAN - PROPOSED

PROJECT NO. GADALETA001
DRAWING NO. AE
REVISION NO. 01
DATE 14/9/21



HUNT
DESIGN



GROUND LEVEL
SCALE 1:50

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA

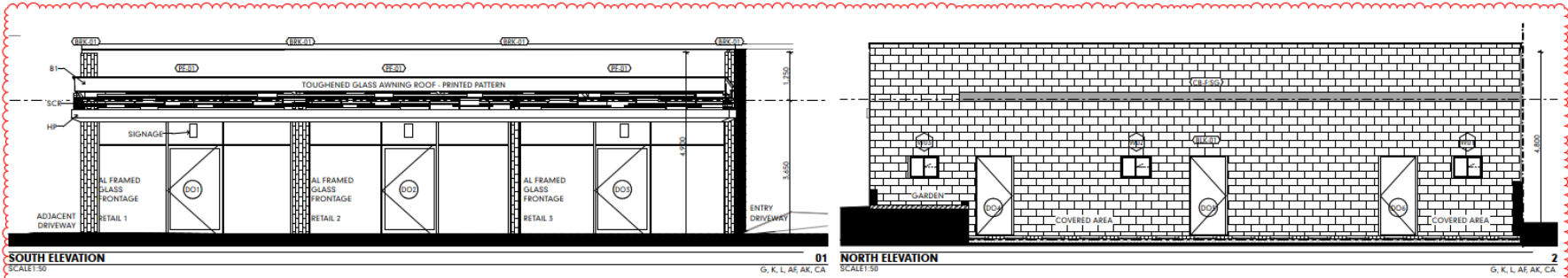
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
FLOOR PLAN

PROJECT NO. GADALETA001
DRAWING NO. AF
REVISION NO. 01
DATE 14/9/21



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DESIGN

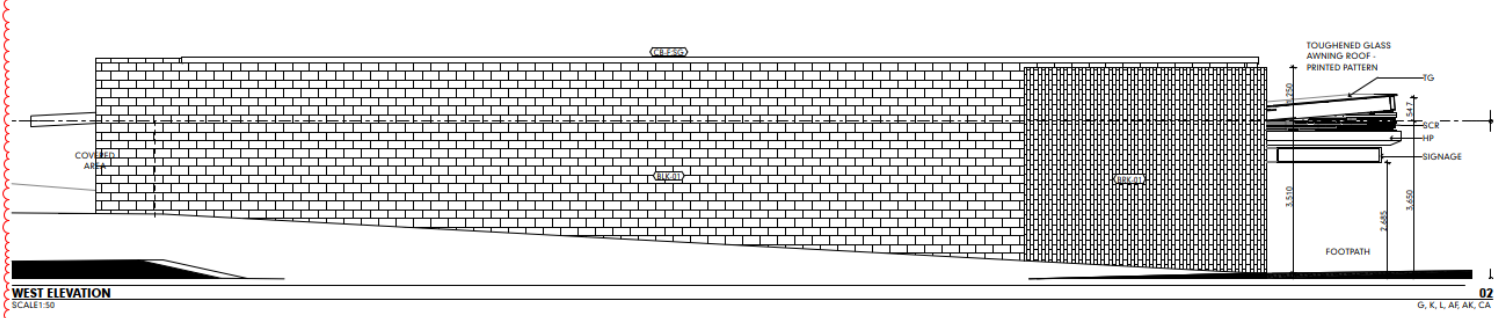


SOUTH ELEVATION
SCALE:1:50

01
G, K, L, AF, AK, CA

NORTH ELEVATION
SCALE:1:50

02
G, K, L, AF, AK, CA



WEST ELEVATION
SCALE:1:50

01
G, K, L, AF, AK, CA

EAST ELEVATION
SCALE:1:50

02
G, K, L, AF, AK, CA

LEGEND	
FINISHES	
(Callout)	WALL FINISH LABEL
BRK-01	BRICK TILE - ROBERTSON'S PARCHEMENT
PF-01	PAINT FINISH 01 - DULUX ANTIQUE WHITE
AF	AWNING FRAME PAINT FINISH - MONUMENT
BLK-01	BLOCKWORK - PAINT FINISH DULUX ANTIQUE WHITE
CB-SH	COLORBOND ROOF SHEET & FLASHINGS - SHALE GREY
HP	HANGING PLANTER DULUX COPPER PEARL FINISH
SCR	SCREEN - TIMBER LOOK FINISH
TG	TOUGHENED GLASS - PRINTED PATTERN
SCR	SCREEN - TIMBER LOOK FINISH

1

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
ELEVATIONS

PROJECT NO. GDALETA001
DRAWING NO. AG
REVISION NO. 01
DATE 14/9/21





RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA

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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
VISUALISATION 01

PROJECT NO. GADALETA001
DRAWING NO. AH
REVISION NO. 01
DATE 14/9/21

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DESIGN



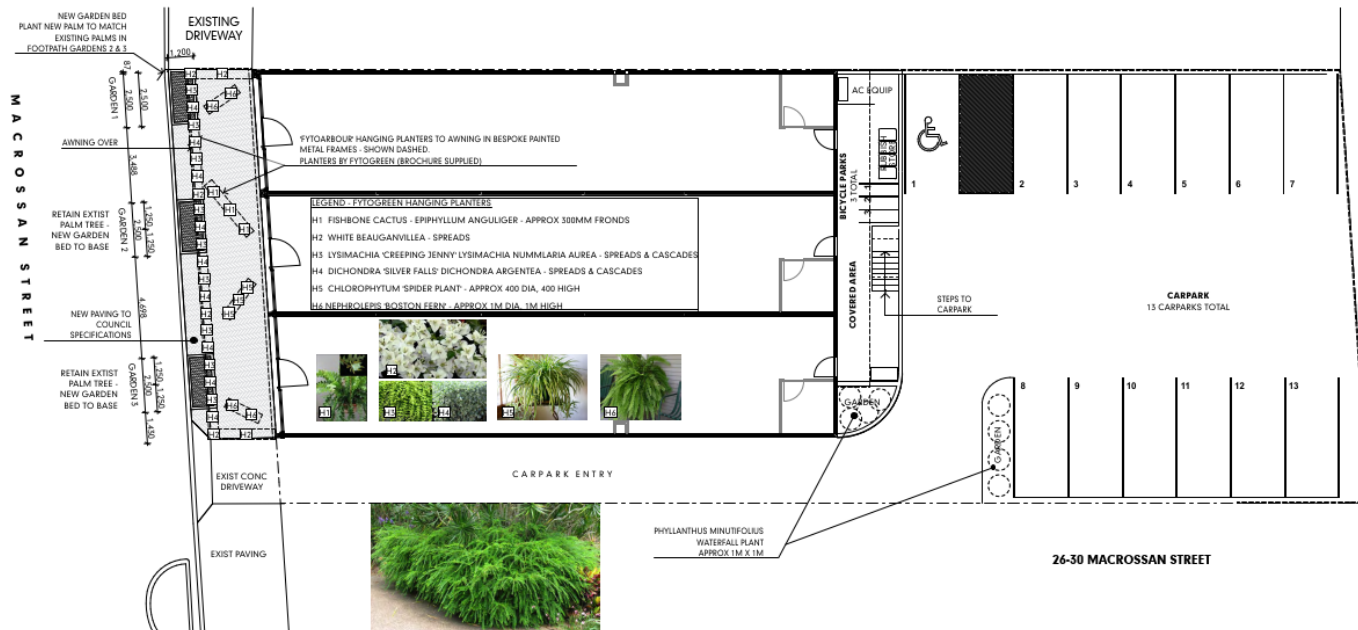
RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA

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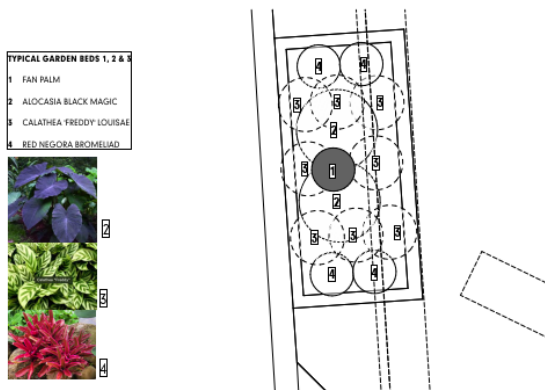
24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
VISUALISATION 02

PROJECT NO. GDALETA001
DRAWING NO. A1
REVISION NO. 01
DATE 14/9/21

HUNT
DESIGN



LANDSCAPE PLAN
SCALE:1:100



1:20 TYPICAL FOOTPATH GARDEN
SCALE:1:20

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
LANDSCAPE PLANS - PROPOSED

PROJECT NO. GDALETA001
DRAWING NO. A3
REVISION NO. 01
DATE 14/9/21



HUNT
DESIGN

Concurrence Agency Conditions

RA6-N



SARA reference: 2108-24049 SRA
Council reference: MCUC2021_4256/1
Applicant reference: 20211130

7 September 2021

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA response—Material Change of Use for Shop at 24 Macrossan Street, Port Douglas

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 10 August 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	7 September 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use for Shop
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Page 1 of 7

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

Material change of use near a state-controlled road

SARA reference: 2108-24049 SRA
Assessment Manager: Douglas Shire Council
Street address: 24 Macrossan Street, Port Douglas
Real property description: Lot 118 on PTD2091
Applicant name: Macrossan Street Pty Ltd
Applicant contact details: C/- GMA Certification Group
PO Box 831
Port Douglas QLD 4877
patrick.C@gmacert.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Macrossan Street Pty Ltd C/- GMA Certification Group, patrick.C@gmacert.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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:		
1.	The road access location is to be located generally in accordance with TMR Layout Plan (6504 – 5.75km), prepared by Queensland Government Transport and Main Roads, dated 06/09/2021, Reference TMR21-33788 (500-1624), Issue B.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>Awning design and footpath works</p> <p>Separate approval processes for the awning and footpath works are required under the <i>Transport Infrastructure Act 1994</i>.</p> <p>Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit via email cairns.office@tmr.qld.gov.au. This approval must be obtained prior to commencing any works in the state-controlled road reserve. If approved the process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The Road Corridor Permit process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

- The site has road frontage and an existing vehicle access to Macrossan Street (Port Douglas Road), a state-controlled road.
- The proposed development will utilise the existing access and no upgrades or changes to the access are required.
- The site is relatively flat with existing pavement, and the proposed development is unlikely to involve a large amount of excavation or filling works.
- The site is fully impervious, and the proposed development is unlikely to cause additional stormwater impacts to the state-controlled road.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Macrossan Street.
- The proposed development, with conditions, complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)



Permitted Road Access Location
 At the south eastern boundary of Lot 118PTD2091 and
 approx 70m north west of Grant St (5.75km RHS)

GPS location x 145.463820, y -16.482126

Access Restrictions
 a) Left-In, Left-Out vehicle movements only
 b) Design vehicles up to a maximum size short towing trailer
 - Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

**PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE**

SARA ref: 2108-24049 SRA

Date: 7 September 2021

Branch/Unit : Corridor Management / Far North District	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
State Controlled Road	Easement
Subject Land	

**TMR Layout Plan
 (6504 - 5.75km)**

Queensland Government Transport and Main Roads		
Plan: 1 / 1	Issue: B	Date: 06/09/2021
Drawn by: RPK	File ref: TMR21-33788 (500/1624)	

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Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 23 July 2021 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 Centre 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.

Non-Compliance with Assessment Benchmarks

Subject to the conditions of the approval the application is considered to meet the relevant benchmarks.

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Macrossan Street Pty Ltd DEVELOPERS NAME		N/A ESTATE NAME	0 STAGE
24 Macrossan Street STREET No. & NAME	Port Douglas SUBURB	L118 PTD2091 LOT & RP No.s	2300 PARCEL No.
MCUC Shops DEVELOPMENT TYPE		MCUI 2021_4256/1 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1039298 DSC Reference Doc. No.	1 VERSION No.	Payment before the change occurs	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0						
0						
Proposed Demand						
Commercial (Retail) Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	449.00	74,327.46		
Total Demand				74,327.46		
Existing Credit						
Commercial (Retail) Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	326.42	54,035.57		
Total Credit				54,035.57		Code 895 GL 7470.0135.0825

Required Payment or Credit **TOTAL** \$20,291.89

Prepared by	Jenny Elphinstone	12-Oct-21	Amount Paid	
Checked by	Daniel Lamond	12-Oct-21	Date Paid	
Date Payable	MCU - Before the change occurs		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

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

- (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

- 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.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

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

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

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

- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
- non-appealable**, for a decision or matter, means the decision or matter—
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

19 October 2021

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2021_4256 (Doc ID 1040117)
Your Ref: 20211130

Macrossan Street Pty Ltd (Tte)
C-/ GMA Certification Group Pty Ltd
PO Box 831
PORT DOUGLAS QLD 4877

Attention Mr Patrick Clifton

Email: Patrick.C@gmacert.com.au

Dear Sir

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use (Shops)
At 24 Macrossan Street Port Douglas
On Land Described as Lot 118 on PTD2091**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: MCUC 2021_4256 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully




For
Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice

	2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE		
Macrossan Street Pty Ltd <small>DEVELOPERS NAME</small>	N/A <small>ESTATE NAME</small>	0 <small>STAGE</small>
24 Macrossan Street <small>STREET No. & NAME</small>	Port Douglas <small>SUBURB</small>	L118 PTD2091 <small>LOT & RP No.s</small>
MCUC Shops <small>DEVELOPMENT TYPE</small>	2300 <small>PARCEL No.</small>	MCUI 2021_4256/1 <small>COUNCIL FILE NO.</small>
1039298 <small>DSC Reference Doc. No.</small>	1 <small>VERSION No.</small>	Payment before the change occurs <small>VALIDITY PERIOD (year)</small>

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0						
0						
Proposed Demand						
Commercial (Retail)	Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	449.00	74,327.46	
				Total Demand	74,327.46	
Existing Credit						
Commercial (Retail)	Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	326.42	54,035.57	
				Total Credit	54,035.57	Code 895 GL 7470.0135.0825
Required Payment or Credit			TOTAL	\$20,291.89		

Prepared by	Jenny Elphinstone	12-Oct-21	Amount Paid	
Checked by	Daniel Lamond	12-Oct-21	Date Paid	
Date Payable	MCU - Before the change occurs		Receipt No.	
Amendments		Date	Cashier	

Note:
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

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

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

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

(4) In this section—

decision includes—

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

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

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

232 Rules of the P&E Court

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