

21 May 2020

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUC 2020\_3558/1 (Doc ID: 953587)  
**Your Ref:** 20201043

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

I Perez & L G Perez  
C/ Patrick Clifton C/- GMA Certification  
E: [Patrick.C@gmacert.com.au](mailto:Patrick.C@gmacert.com.au)

Dear Sir

**Development Application for Material Change of Use for a Dwelling House  
At De Meio Drive Lower Daintree  
On Land Described as Lot 16 on RP865078**

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

Please quote Council's application number: MCUC 2020\_3558/1 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**

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Concurrence Agency Response
  - Reasons for Decision - compliance with assessment benchmark.
- Advice For Making Representations and Appeals (Decision Notice)



# Decision Notice

## Approval (with conditions)

*Given under section 63 of the Planning Act 2016*

### Applicant Details

**Name:** I Perez & L G Perez  
**Postal Address:** Patrick Clifton C/- GMA Certification  
[adminpd@gmacert.com.au](mailto:adminpd@gmacert.com.au)

### Property Details

**Street Address:** De Meio Drive Lower Daintree  
**Real Property Description:** Lot 16 on RP865078  
**Local Government Area:** Douglas Shire Council

### Details of Proposed Development

Development Permit for a Material Change of Use for a Dwelling House.

### Decision

**Date of Decision:** 21 May 2020  
**Decision Details:** Approved (subject to conditions)

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

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

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Superior Steel Homes, Job PER16, Issue A, Sheet 2	7 March 2020
Floor Plan	Superior Steel Homes, Job PER16, Issue A, Sheet 3	7 March 2020
Elevations	Superior Steel Homes, Job PER16, Issue A, Sheet 4	7 March 2020

Drawing or Document	Reference	Date
3D Views	Superior Steel Homes, Job PER16, Issue A, Sheet 5	7 March 2020
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

## Assessment Manager Conditions & Advices

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### 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.

### Damage to Council Infrastructure

3. 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.

### On-Site Effluent Disposal

4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### External Works

5. Undertake the following works external to the land at no cost to Council:
  - a. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1105;

Where the vehicle crossing is constructed in accordance with the FNQROC Regional Development Manual the works do not constitute Operational Works. Such work must be constructed to the satisfaction of the Chief Executive Officer prior to Commencement of Use

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. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

### **Bushfire Hazard**

7. The dwelling house must be designed in accordance with AS 3959:2018.

### **Landscaping**

8. Landscaping of the cleared area must predominantly consist of native and endemic species.

### **Vegetation Clearing**

9. Existing vegetation on the subject land to the west of the currently cleared area is to be retained, except where removal is permitted by the Planning Scheme or otherwise approved under a separate development permit.

### **Building Colours**

10. Buildings and structures shall be finished predominantly in the following exterior colours or surfaces:
  - a. moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or
  - b. moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape.

The applicant / owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

### **Advice**

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.

### **Dwelling House and Secondary Dwelling**

4. Where the building is converted to a secondary house, the dwelling house and secondary dwelling must only be used by one household where the people residing therein have a common intention to live together on a long term basis and who make common provisions for food or other essentials for living. The secondary dwelling can only be used in conjunction with and subordinate to the dwelling house situate on the premises.
5. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://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](http://www.douglas.qld.gov.au).

### **Further Development Permits**

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Not applicable

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*.

### **Currency Period for the Approval**

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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*.

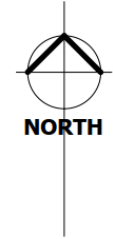
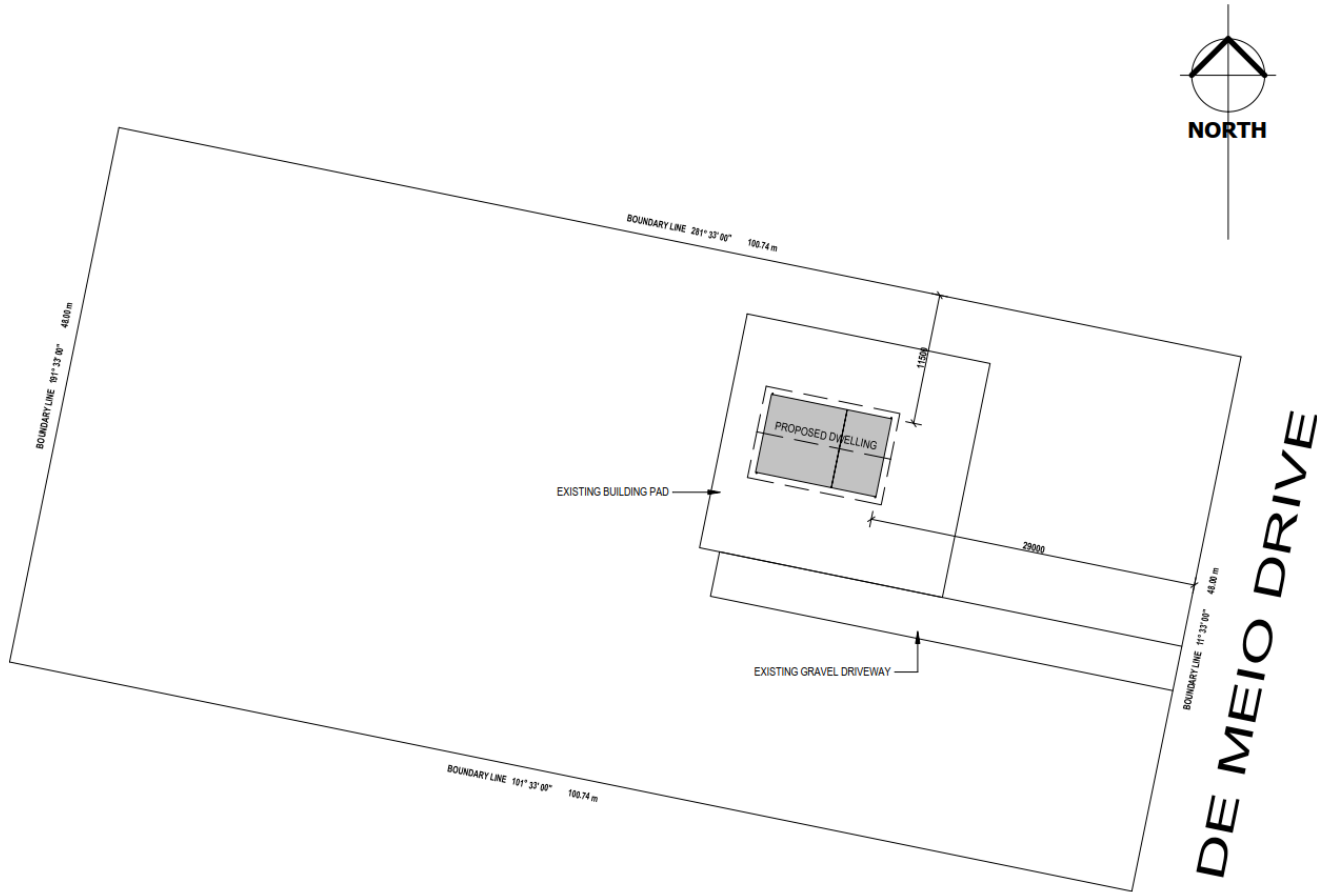
### **Rights to make Representations & Rights of Appeal**


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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)



Owners Approval of Preliminary Plans	
Sign:	_____
Date:	_____
DESIGN WIND SPEED:	C2 SOIL CLASSIFICATION: S
A	
No.	DATE DESCRIPTION
VARIATIONS INCLUDED IN THIS DRAWING	
DRAWING TITLE	
SITE PLAN	
SHEET NO. 02	PRINT TIME 11/03/2020 9:37:19 AM
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ISSUE A	DRAWN BY WE
PRELIMINARY ISSUE	
SIGNING JOB No. PER16	DRAWING No. -
PROJECT	
PROPOSED RESIDENCE	
Lot 16 on RP865078	
DE MEIO DRIVE	
LOWER DAINTREE	
CLIENT	
LEEANNE PEREZ	
	
PO BOX 876 ATHERTON QLD 4883 33-35 ALBRECHT ST TOLGA INDUSTRIAL ESTATE, QLD, 4882 PH: 07 4095 4008 EMAIL: info@sthnq.com.au WEB: www.superiorsteelhomesq.com.au	
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**NOTE:** (1). VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2). VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION. (3). FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. (4). ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (5). SUBSTITUTION OF ANY STRUCTURAL MEMBERS, & OR VARIATIONS TO ANY PART OF THE DESIGN, WILL VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING

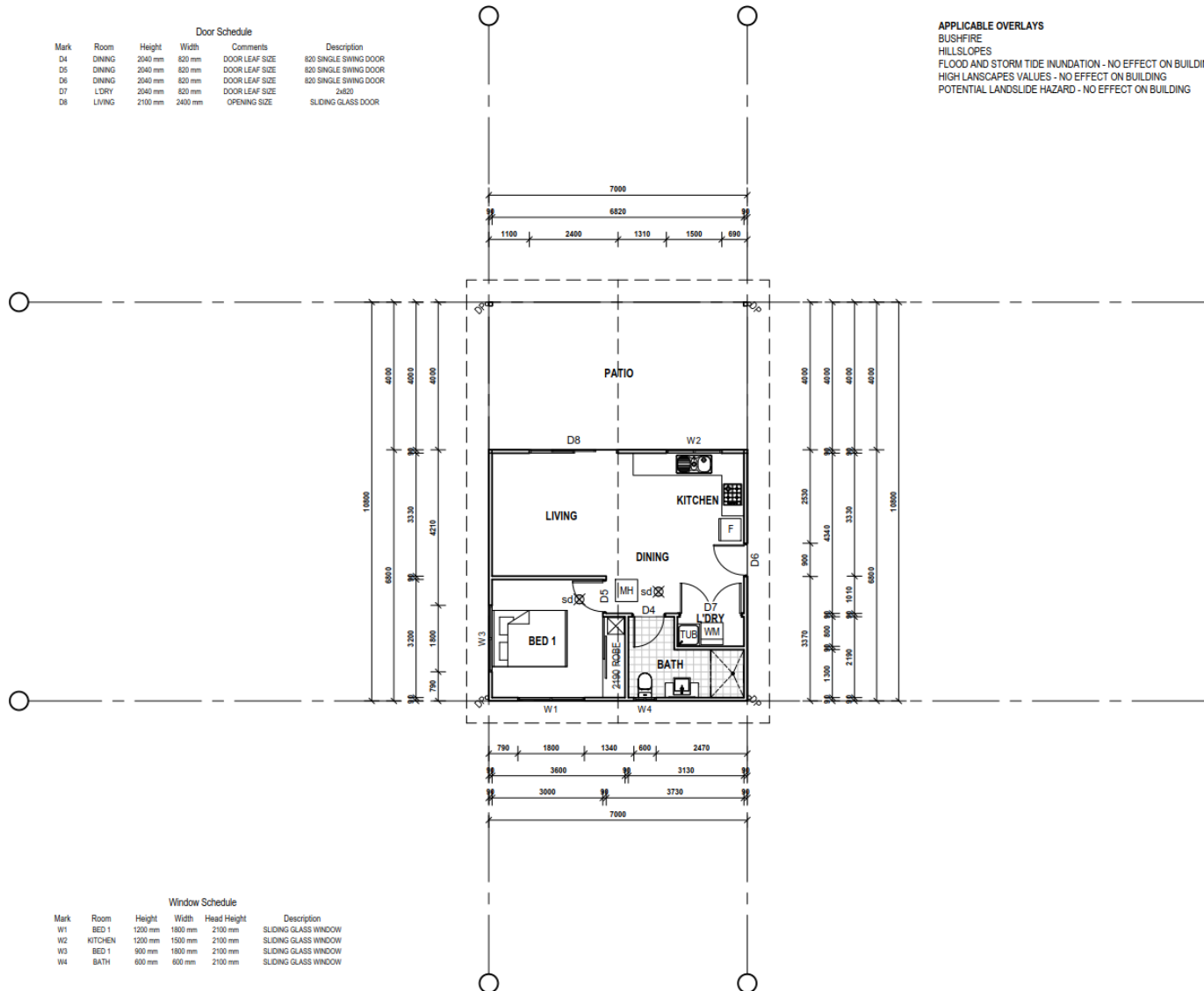
Door Schedule					
Mark	Room	Height	Width	Comments	Description
D4	DINING	2040 mm	820 mm	DOOR LEAF SIZE	820 SINGLE SWING DOOR
D5	DINING	2040 mm	820 mm	DOOR LEAF SIZE	820 SINGLE SWING DOOR
D6	DINING	2040 mm	820 mm	DOOR LEAF SIZE	820 SINGLE SWING DOOR
D7	LDRY	2040 mm	820 mm	DOOR LEAF SIZE	24820
D8	LIVING	2100 mm	2480 mm	OPENING SIZE	SLIDING GLASS DOOR

**APPLICABLE OVERLAYS**  
 BUSHFIRE  
 HILLSLOPES  
 FLOOD AND STORM TIDE INUNDATION - NO EFFECT ON BUILDING  
 HIGH LANDSCAPES VALUES - NO EFFECT ON BUILDING  
 POTENTIAL LANDSLIDE HAZARD - NO EFFECT ON BUILDING



**ELEVATION KEY**

FLOOR AREAS LEGEND	
LIVING	47.60 m <sup>2</sup>
PATIO	28.00 m <sup>2</sup>
	75.60 m <sup>2</sup>



Window Schedule					
Mark	Room	Height	Width	Head Height	Description
W1	BED 1	1200 mm	1800 mm	2100 mm	SLIDING GLASS WINDOW
W2	KITCHEN	1200 mm	1500 mm	2100 mm	SLIDING GLASS WINDOW
W3	BED 1	900 mm	1800 mm	2100 mm	SLIDING GLASS WINDOW
W4	BATH	600 mm	600 mm	2100 mm	SLIDING GLASS WINDOW

**Owners Approval of Preliminary Plans**

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

DESIGN WIND SPEED -	C2	SOIL CLASSIFICATION -	S
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No.	DATE	DESCRIPTION
A		

**VARIATIONS INCLUDED IN THIS DRAWING**

**DRAWING TITLE**

**FLOOR PLAN**

SHEET NO. 03 PRINT TIME: 11/03/2020 9:37:20 AM

PRELIMINARY: 07/03/20 CONSTRUCTION: -

<b>A3</b>	SCALE:	ISSUE:
	1:100 AT A3	A
	DRAWN BY:	WE

**PRELIMINARY ISSUE**

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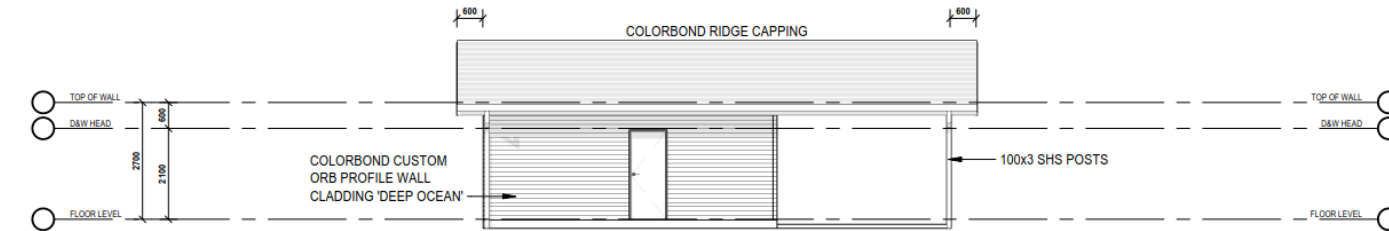
**PROJECT**  
 PROPOSED RESIDENCE  
 Lot 16 on RP65078  
 DE MEIO DRIVE  
 LOWER DAINTREE

**CLIENT**  
 LEEANNE PEREZ

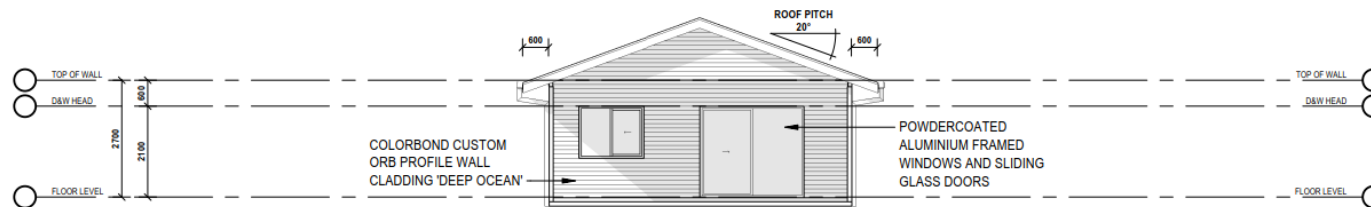
PO BOX 876 QBCC. 1097802  
 ATHERTON QLD 4883  
 33-35 ALBRECHT ST  
 TOLGA INDUSTRIAL ESTATE, QLD, 4882  
 PH: 07 4095 4008  
 EMAIL: info@sshq.com.au  
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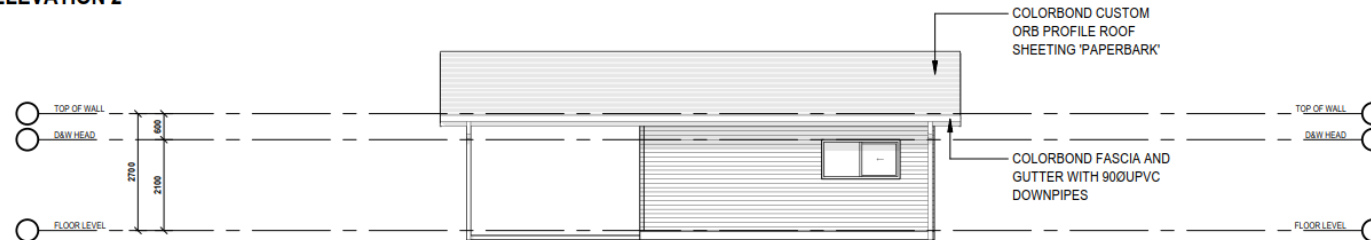
**NOTE:** (1). VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2). VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION. (3). FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. (4). ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (5). SUBSTITUTION OF ANY STRUCTURAL MEMBERS, & OR VARIATIONS TO ANY PART OF THE DESIGN, WILL VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING



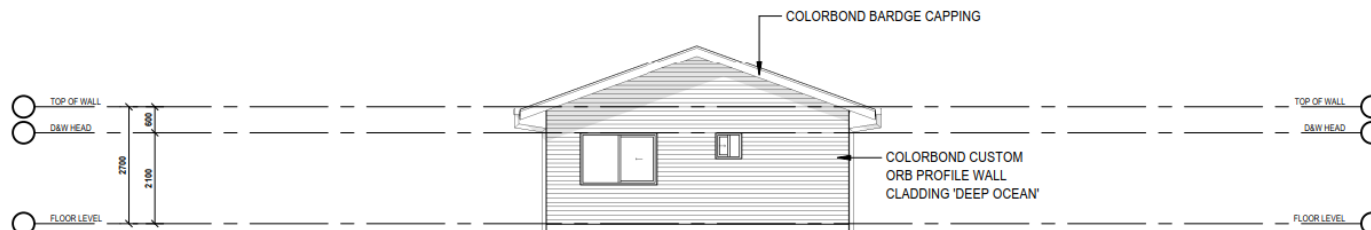
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

Owners Approval of Preliminary Plans

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

DESIGN WIND SPEED - C2 SOL CLASSIFICATION - S

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VARIATIONS INCLUDED IN THIS DRAWING

DRAWING TITLE  
**ELEVATIONS**

SHEET NO: 04 PRINT TIME: 11/03/2020 9:37:21 AM

PRELIMINARY 07/03/20 CONSTRUCTION -

A3 SCALE: 1:100 AT A3 ISSUE: A DRAWN BY: WE

PRELIMINARY ISSUE

SSH#NO JOB No: PER16 DRAWING No: -

**PROJECT**  
PROPOSED RESIDENCE  
Lot 16 on RP865078  
DE MEIO DRIVE  
LOWER DAINTREE

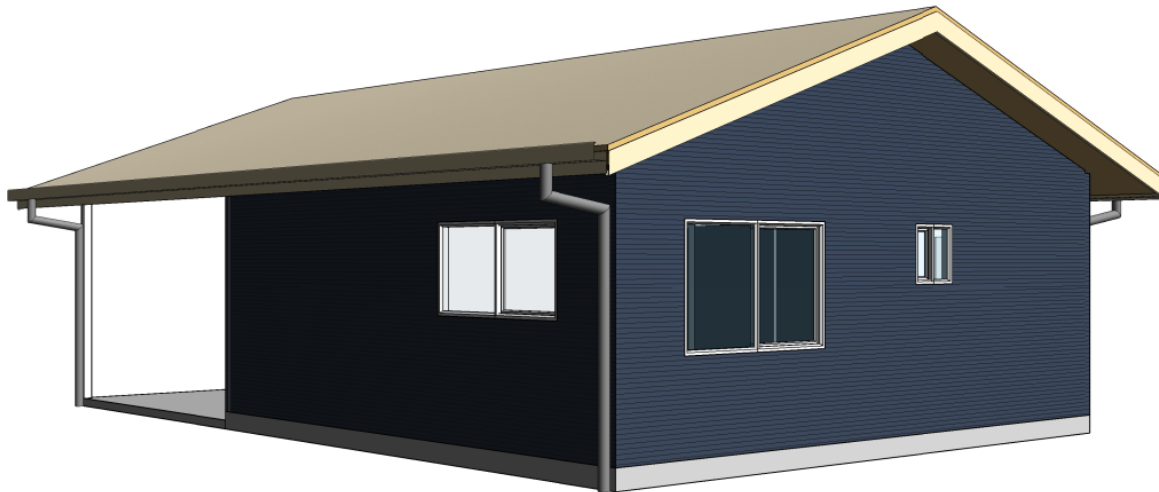
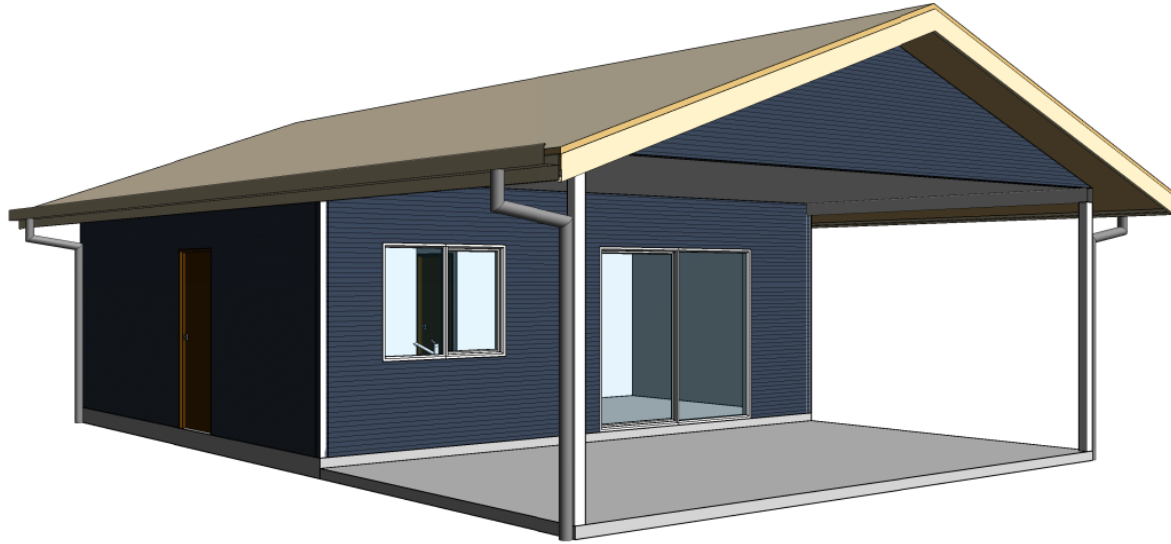
**CLIENT**  
LEEANNE PEREZ


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33-35 ALBRECHT ST  
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<b>Owners Approval of Preliminary Plans</b>			
<b>Sign:</b> _____			
<b>Date:</b> _____			
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<b>No.</b>	<b>DATE</b>	<b>DESCRIPTION</b>	
<b>VARIATIONS INCLUDED IN THIS DRAWING</b>			
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<b>3D VIEWS</b>			
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ISS#NO. JOB No.	PER16	DRAWING No.	-
<b>PROJECT</b>			
PROPOSED RESIDENCE			
Lot 16 on RP865078			
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<b>CLIENT</b>			
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PO BOX 876		QBCC. 1097802	
ATHERTON QLD 4883			
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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 8 May 2020 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.

## Non-Compliance with Assessment Benchmarks

Development complies with the planning scheme and no concerns are raised.

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

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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### 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.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
- conduct** means an act or omission.
- representative** means—
- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.
- state of mind**, of a person, includes the person's—
- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

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

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the *appellant*); and
- (ii) who is a respondent in an appeal of the matter; and



- 
- (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, 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,

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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.

## **Part 2 Development tribunal**

### **Division 1 General**

#### **233 Appointment of referees**

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
- (a) has the qualifications or experience prescribed by regulation; and
- (b) has demonstrated an ability—
- (i) to negotiate and mediate outcomes between parties to a proceeding; and
- (ii) to apply the principles of natural justice; and
- (iii) to analyse complex technical issues; and
- (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.