DOUGLAS
SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

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

4 April 2023

Enquiries: Daniel Lamond
Our Ref: MCUC 2023_5286/1 (1149863)

B J Lightfoot
11 Dellwood Street
NATHAN QLD 4111

Dear Sir

Development Application for Material Change of Use (Dwelling house)
At Cape Tribulation Road KIMBERLEY
On Land Described as LOT: 31 RP: 740682

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

Please quote Council's application number: MCUC 2023_5286/1 in all subsequent correspondence relating to this development application.

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

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:	B J Lightfoot
Postal Address:	11 Dellwood Street NATHAN QLD 4111
Email:	ightsinfeet@gmail.com

Property Details

Street Address:	Cape Tribulation Road KIMBERLEY
Real Property Description:	LOT: 31 RP: 740682
Local Government Area:	Douglas Shire Council

Details of Proposed Development

Development Permit - Material Change of Use (Dwelling house)

Decision

Date of Decision:	4 April 2023
Decision Details:	Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Site Plan	Greg Skyring Design and Drafting plan 101-23, sheet 1 of 4	17 March 2023
Part site plan, Vehicle access, Civil works	Greg Skyring Design and Drafting plan 101-23, sheet 2 of 4	17 March 2023
Floor Plan	Greg Skyring Design and Drafting plan 101-23, sheet 3 of 4	17 March 2023

Elevations	Greg Skyring Design and Drafting plan 101-23, sheet 4 of 4	17 March 2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	27 August 2020

Assessment Manager Conditions & Advices

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.

Water Supply

3. Where a water tank is to be provided, the water storage tank(s) must be provided with:
   a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
   b. Flap valve at every opening of the tank or other receptacle; or
   c. Other approved means for preventing the ingress or egress of mosquitoes; and
   d. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

Treatment of Onsite Waste

4. The method of on-site effluent disposal must be in accordance with the *Queensland Plumbing and Drainage Act 2002* and Section 33 of the *Environmental Protection Policy (Water) 1997*.

Vegetation Clearing

5. Existing vegetation on the subject land is to be retained, except where removal is permitted for this development in accordance with the site plan nominated clearing, the Planning Scheme or otherwise approved under a separate development permit.

Building Colours

6. The exterior finishes and colours of buildings and structures are to be non-reflective and should not be visible external to the site. Dark to darker shades of grey, green, blue and brown are acceptable colours. Prior to the issue of a Development Permit for Building Work the applicant must submit an external colour scheme for endorsement by the Chief Executive Officer.

Assessment of Access Driveway

7. Prior to the approval of a Development Permit for Building works, a detailed design of the proposed driveway and access shall be submitted and endorsed by the Chief Executive Officer. The driveway and access shall be:

a. designed to be no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Development Manual;

b. designed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in in 6 (16.6%) prior to this area, for a distance of at least 5 metres;

c. on gradients greater than 1 in 6 (16.6%) driveways are designed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;

d. designed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;

e. designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system;

f. designed to ensure that any excavation or fill does not excess 2 metres in height for each batter or retaining wall;

g. designed in accordance with the Planning scheme policy SC6.5 – FNQROC Development Manual and AS2890.1- 2004. In particular, the grade, width, opportunity for passing bays and resulting earthworks are to be confirmed.

Geotechnical Assessment

8. A geotechnical risk assessment of the site is required to be undertaken in accordance with the AGS 2007 guidelines. The assessment and report must be prepared by a suitably qualified and experienced geotechnical engineer (RPEQ) and certify that:

a. the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development;

b. development of the site will not increase the risk of landslide hazard activity on other land, including land above the site;

c. the site is not subject to the risk of landslide activity on other land;

d. the development and adjacent existing slopes can achieve a low to very low risk in accordance with the AGS Guidelines. In locations where the identified risk levels are not either “low” or “very low”, the RPEQ must identify if the risk can be reduced to the acceptable levels and provide design on the remedial works to be implemented to achieve this;

e. on-site waste water disposal is able to be accommodated on the site without increasing the risk of landslip.

The geotechnical assessment is to be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works and any required stabilising measures are undertaken prior to the commencement of use.

Fuel Storage

9. All fuels must be stored in an undercover and secure location at all times.

External Works

10. Undertake the following works external to the land at no cost to Council:

a. Provision of a access 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.

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 Section 85 of the Planning Act 2016.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3.. 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

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*.

Currency Period for the Approval

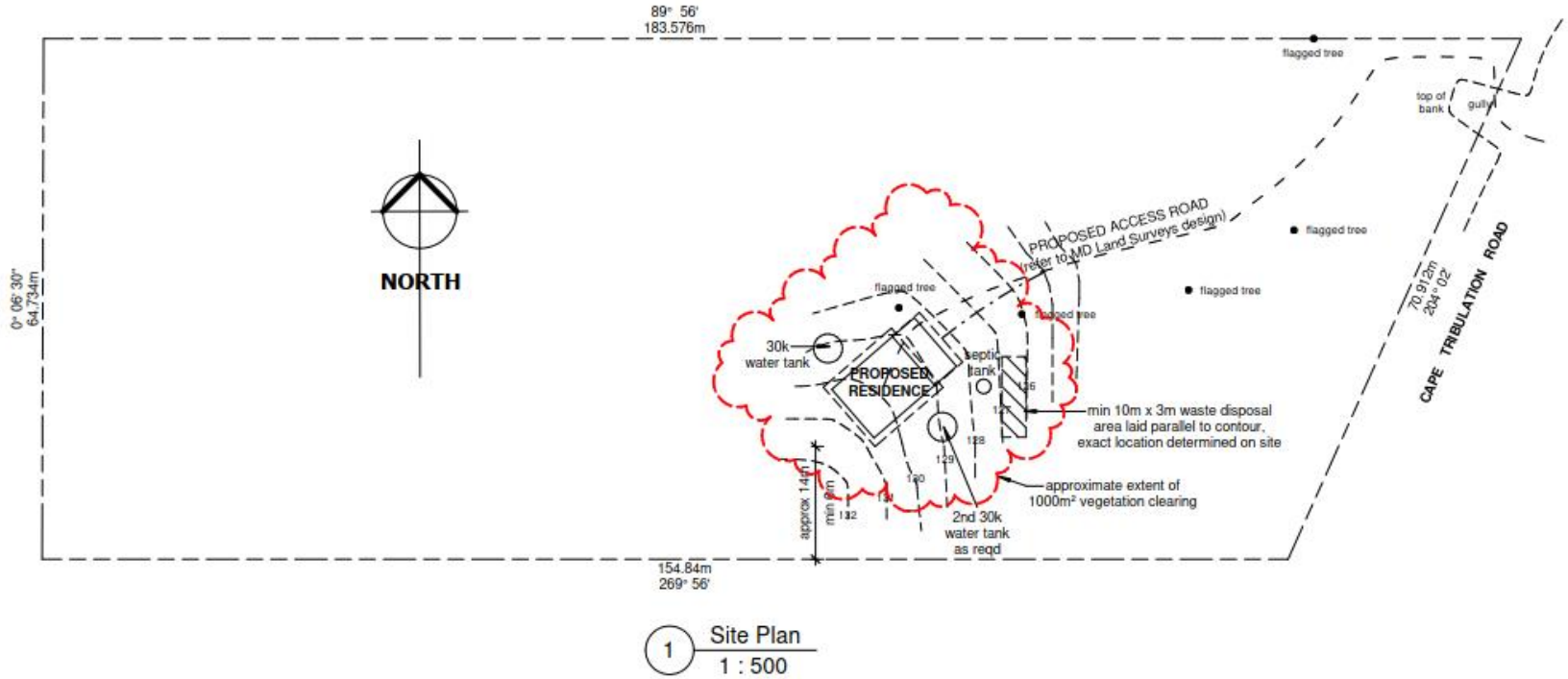
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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.*

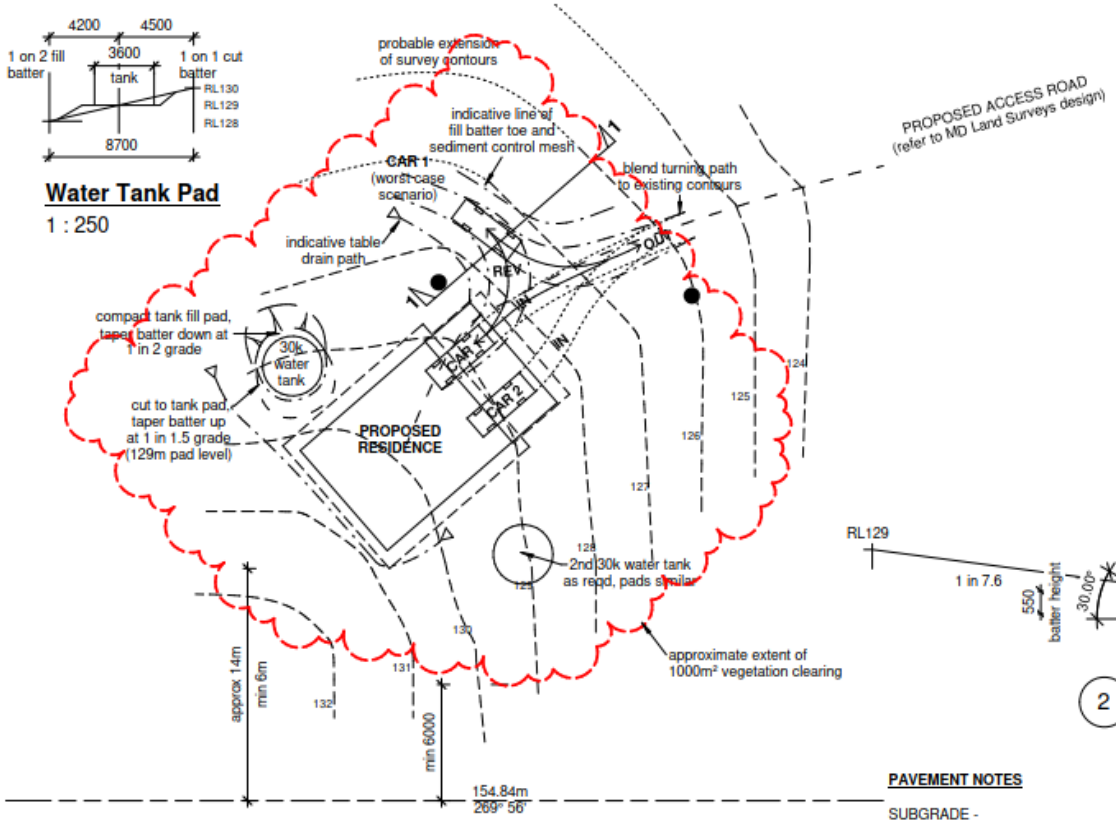
A copy of the relevant appeal provisions are attached.

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

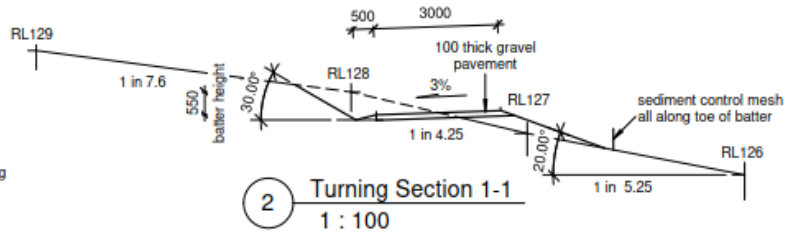


1 Site Plan
1 : 500

GREG SKYRING Design and DRAFTING Pty. Ltd.	PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Lic Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au	Proposed Residence, L31 RP740682, Cape Tribulation Road, KIMBERLEY	B. Lightfoot	C2	101-23	1 of 4
		SCALES: 1 : 500	PLAN TITLE: Site Plan	DATE OF ISSUE: 17.03.23	REV: B



1 Part Site Plan
1 : 250



2 Turning Section 1-1
1 : 100

PAVEMENT NOTES

SUBGRADE -
Strip existing top soil and vegetation to a depth of 50mmm and compact to 100% SRDD. Should any soft or unsuitable material be identified seek advice from Engineer.

Gravel pavement base can be locally sourced well graded ridge gravel with min CBR 30, compacted to 100% SRDD. Depth of pavement - 100mm.

If preferred the Owner may cement stabilise the pavement with GP cement at 3% by volume.

SEDIMENT CONTROL NOTES

▽ Provide dumped 150Ø rock protection at end of table drain.
Fit sediment mesh at end of table drain rock protection, and all along toe of batters.

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 Residence, L31 RP740682, Cape Tribulation Road, KIMBERLEY	B. Lightfoot	C2	101-23	2 of 4
	SCALES: As indicated	PLAN TITLE: Part Site Plan - Vehicle Access, Civil Works	DATE OF ISSUE: 17.03.23	REV: B

MAIN FLOOR AREA 80.0m²
VERANDAH AREA 28.8m²
TOTAL FLOOR AREA 108.8m²

1 Floor Plan
1 : 100

LEGEND

stud framed external and internal walls, lined internally with gyprock generally, villaboard to wet areas, externally as noted on Elevations

B — As above with 4mm F22 structural ply lining extra to one face, nail fixed for bracing (see bracing notes).

BF — SHS bracing frame

C1 — 75 x 4 SHS posts

FW ● — Floor Waste (optional)

WP — Waterproof wet area to AS3740.

S/A — Smoke alarms to AS3786.

▫ — 100 x 4 shs posts

x — denotes M12 locations tying top plate to floor framing both sides of corners and openings and at 1200 max crs, at each rafter set and lintel end to internal load bearing walls

WINDOW and DOOR LEGEND

sd — single sliding door
dsd — double sliding door

gl — glass louvre window

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

ENERGY RATE LEGEND

● LED downlights

ceiling fans (1400Ø)

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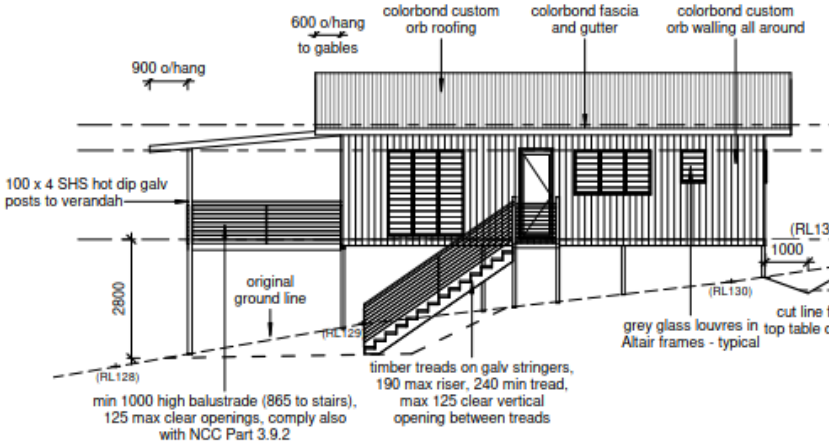
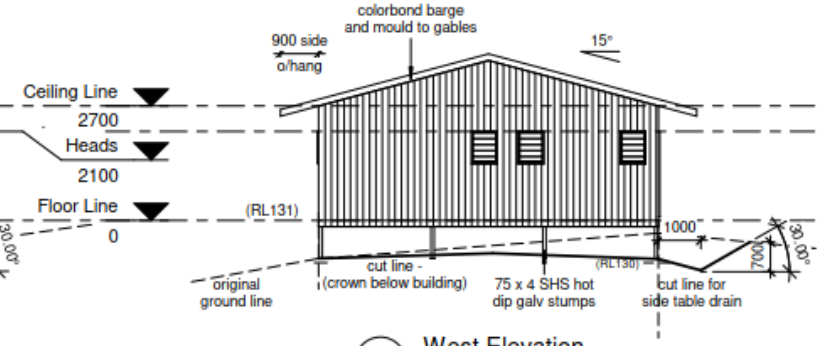
Email: greg@skyringdesign.com.au

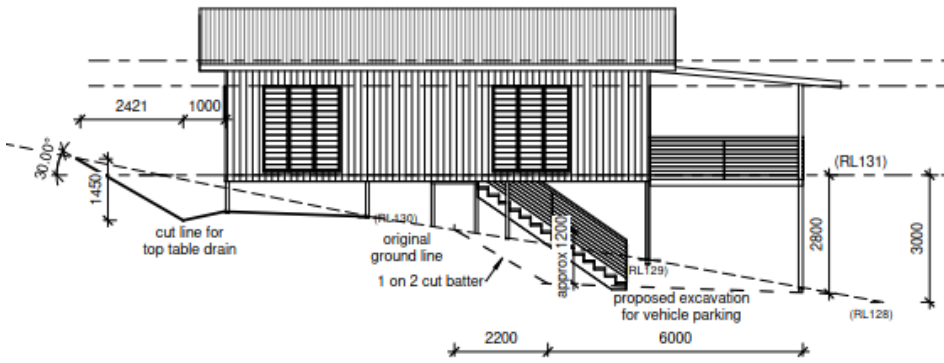
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Residence, L31 RP740682, Cape Tribulation Road, KIMBERLEY	B. Lightfoot	C2	101-23	3 of 4
	SCALES: 1 : 100 / PLAN TITLE: Floor Plan		DATE OF ISSUE: 17.03.23	REV: B



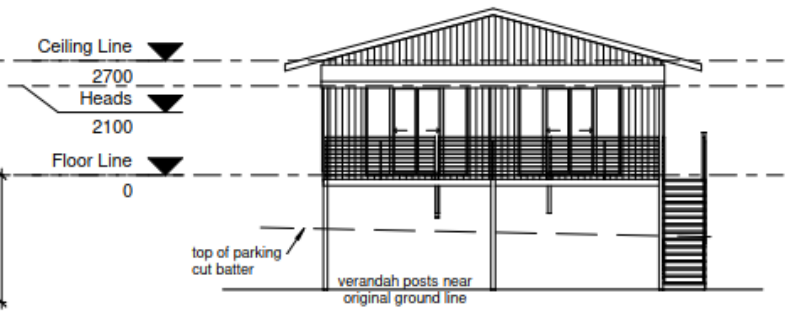
1 North Elevation
1 : 100



2 West Elevation
1 : 100



3 South Elevation
1 : 100



4 East Elevation
1 : 100

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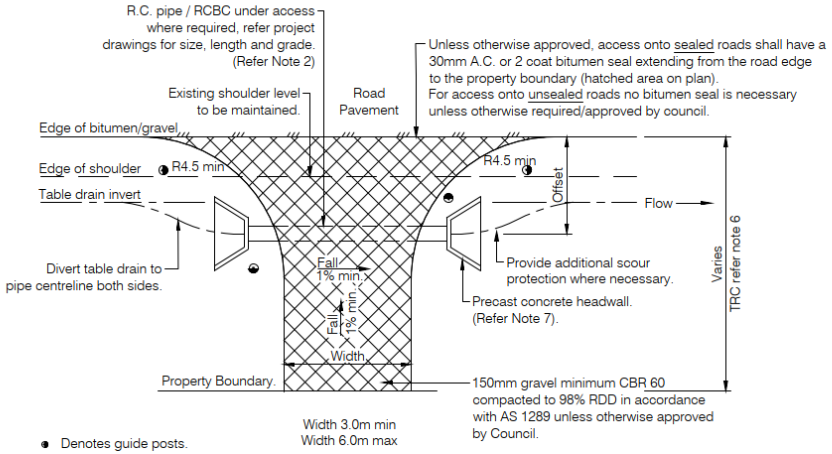
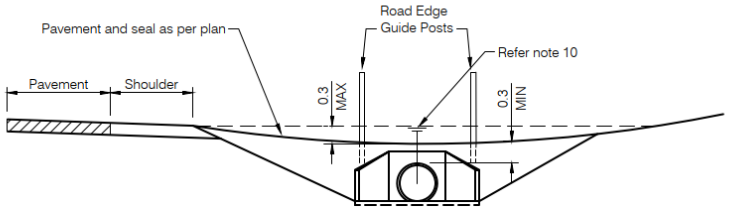
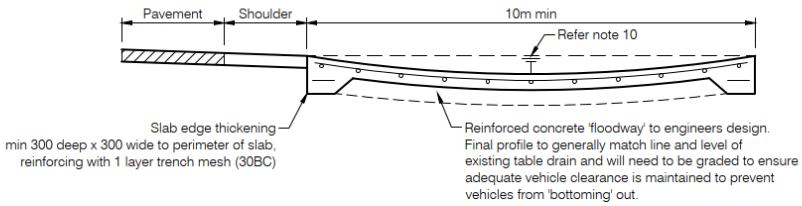
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Residence, L31 RP740682, Cape Tribulation Road, KIMBERLEY	B. Lightfoot	C2	101-23	4 of 4
SCALES: 1 : 100	PLAN TITLE: Elevations		DATE OF ISSUE: 17.03.23	REV: B



PLAN



END ELEVATION



TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS
(Where approved by Council)

NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 260mm pipe shall have 100mm concrete encasement or bridging slab per S1015.
5. Drainage from access must not flow over the through road. All stormwater runoff shall bedirected to the table drain.
6. Maximum 10 metres from edge of bitumen seal or where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when :
   a) the through road has a signposted speed of 80km/hr or greater.
   b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N25 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.
10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes.
11. Minimum sight distances at accesses should comply with "Sight Distance at Property Entrances" Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
12. In instances where the detail/s shown on this drawing cannot be achieved due to existing constraints, Council shall be contacted to achieve an acceptable alternative.

E	MINOR AMENDMENTS	26/11/14
D	COMBINED PLAN DETAIL AND ADDED SECTIONS	28/11/12
C	VARIOUS MINOR AMENDMENTS	13/01/06
F	MINOR AMENDMENTS	27/08/20
REVISIONS		DATE

DISCLAIMER
The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.

FNQROC

RURAL ALLOTMENT ACCESSES

Standard Drawing
S1105

F | | C | D | E

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 21/02/2023 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.

Authorised by the Parliamentary Counsel

(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.

Authorised by the Parliamentary Counsel