

22 March 2024

Our Ref: 4903249
File Ref: MCU2022/0018
Enquiries: Peter Boyd

Affordable Gold City Motel Pty Ltd
C/- Milford Planning
PO Box 5463
TOWNSVILLE QLD 4810

Sent via email: info@milfordplanning.com.au

Dear Lachlan

Decision Notice – Approval
(Given under Section 64(6) of the *Planning Act 2016*)

I refer to your application and advise that this application is taken to have been approved (a deemed approval) under s64 of the *Planning Act 2016* on 22 March 2024.

Applicant details

Applicant name: Affordable Gold City Motel Pty Ltd C/- Milford Planning

Location details

Street address: 28 Dalrymple Road, Toll Qld 4820
Real property description: Lot 1 on MPH31209

Application details

Application number: MCU2022/0018
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Code Assessment
Description of development: Tourist Park (59 sites)
Categorising instrument: Charters Towers Regional Town Plan Version 2

1. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.



	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions of approval

Condition Number	Condition	Timing								
Approved Plans/Documents										
1.	<div>Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th></tr><tr><td>Layout Plan</td><td>Milford Planning</td><td>30/03/2023</td><td>M1931-SK-02</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Layout Plan	Milford Planning	30/03/2023	M1931-SK-02	At all times
Drawing Title:	Prepared by:	Date:	Reference No:							
Layout Plan	Milford Planning	30/03/2023	M1931-SK-02							
2.	The sewer line extension and manhole shown on the approved plan is not approved under this approval. A Development Permit for Operational Work is required for this aspect.	At all times								
General										
3.	<div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) in all instances;</div> <div>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</div> <div>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</div>	At all times								
4.	The Applicant/Developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.	At all times								
5.	All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.	Prior to commencement of use								

Condition Number	Condition	Timing
Approved Use		
6.	<p>The premises is approved for visitation by the travelling public (accommodation guests only) substantially in accordance with the approved plans, whereby:</p> <ul style="list-style-type: none"> a) The total number of self-contained caravans/recreational vehicles must not exceed 59; b) Camping is not permitted; c) Permanent residents are not permitted; d) All self-contained caravans/recreational vehicles are to have grey and black water holding tanks with no discharge of water to the ground surface permitted. 	At all times
Amended Plan		
7.	<p>Provided a site plan detailing all structures and improvements at the site. The plan is to include, but is not limited to the motel units, manager's residence, ancillary structures, internal driveway and parking areas.</p>	Prior to commencement of use
Water and sewer infrastructure		
8.	<p>A Water Supply and Sewerage Infrastructure Plan and supporting information including hydraulic network analysis must be endorsed by Council prior to works commencing or the issue of a Development Permit for Operational Work, whichever occurs first.</p> <p>The Water Supply and Sewerage Infrastructure Plan must demonstrate how the development will be serviced by Council's water supply and sewerage infrastructure.</p> <p>In particular, the Plan must:</p> <ul style="list-style-type: none"> a) Identify water supply and sewerage demand of the proposed development, including the provision of supporting calculations; b) Identify the catchments of the water and sewer networks; and c) Identify any infrastructure external to the development site that may require upgrading to accommodate the development having regard for capacity thresholds of existing and planned water and sewerage infrastructure, including development within the Priority Infrastructure Area. 	Prior to works commencing or the issue of a Development Permit for Operational Work, whichever occurs first
9.	<p>Where the existing water supply connection is not adequate to service the proposed development, the Applicant is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to</p>	



Condition Number	Condition	Timing
	service the development in accordance , to the satisfaction of Council's delegated officer.	
Damage		
10.	The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.	At all times
Compliance with Council Standards		
11.	All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings and Standard Specifications.	At all times
Existing Services		
12.	Written confirmation of the location of existing services for the land must be provided to Council. Arrange registration of necessary easements in favour of Council prior to the commencement of use.	Prior to commencement of use
Landscaping and fencing		
13.	Prior to the commencement of works, a plan detailing the proposed landscaping and fencing treatments, must be submitted for the endorsement of Council's delegated officer. The plan must detail fencing to the northern, southern and western boundaries of the site and must nominate landscaping species. The plan must include landscaping within the site to enhance amenity and provide privacy between sites.	Prior to commencement of use
14.	Landscaping and fencing of the site is to be carried out generally in accordance with the endorsed plan prior to commencement of the approved use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer for the life of the approved use.	At all times
Outdoor lighting		
15.	Where outdoor lighting is required, it must be designed and installed to prevent the potential for light spillage to cause nuisance to adjacent residential uses or to pose a safety hazard to motorists in accordance with AS4282 (Control of the Obtrusive Effects of Outdoor Lighting) and AS1158.1 (Lighting for Roads and Public Spaces).	At all times



Condition Number	Condition	Timing
Internal driveways		
16.	<p>a) All internal vehicular circulation and car parking areas must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.</p> <p>b) All car parking facilities, associated ramps, and driveways must be provided in accordance with the latest amendments of the Australian/New Zealand Standards (AS2890.1: 2004 Parking facilities - Off-street car parking; AS2890.6: 2022 Parking facilities - Off-street car parking for people with disabilities; AS2890.2: 2018 – Off-street parking commercial vehicle facilities).</p> <p>c) The car parking area and internal driveways must be designed to enable all vehicles to be able to enter and exit the site in a forward gear.</p> <p>Prior to the commencement of works, a plan detailing the above must be submitted to Council.</p>	At all times
Loading and Unloading		
17.	The loading and unloading of vehicles and the delivery of goods to and from the site must at all times be undertaken entirely within the site and be conducted so as to cause minimum interference with other vehicular traffic.	At all times
Stormwater		
18.	All stormwater run-off must be piped from roofed areas and discharged to a kerb and channel drainage system in a Council controlled road, or an approved inter allotment stormwater drainage system, in accordance with <i>Queensland Urban Drainage Manual 2016</i> and <i>AS3500.3:2018 Plumbing and Drainage - Stormwater Drainage</i> .	At all times
Waste Management		
19.	<p>a) Refuse bins must be provided that include measures to prevent them from being accessed by wildlife and vermin.</p> <p>b) On-site refuse storage areas must be screened from view from adjoining properties and the road reserve.</p> <p>c) Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously</p>	At all times

Condition Number	Condition	Timing
	paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.	
Lawful Commencement		
20.	Request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.	Prior to the commencement of the use
21.	Notify Council within 20 business days that this approved use has lawfully commenced.	Upon commencement of the use

Advice Notes

Scale or Intensity of Use

- A. Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the relevant provisions.

Aboriginal and Cultural Heritage

- B. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care>

Abandoned Mine Shafts

- C. The city of Charters Towers is subject to a significant number of abandoned mine shafts due to the former gold rush era. It is recommended that all searches be undertaken through the Queensland State Government's Department of Natural Resources Mines and Energy (DNRME) to ensure that the development is not unduly impacted upon by these shafts. The DNRME can be contacted on 13 74 68.

Workplace Health and Safety

- D. Ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health*

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Advice Notes	
	<i>and Safety Act 2011</i> . It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.
Environmental nuisance	
E.	<p>Ensure compliance with the <i>Environmental Protection Act 1994</i>. It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p>Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.</p>
Ergon Energy and Telstra Corporation Contact Details	
F.	<p>Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below:</p> <ul style="list-style-type: none"> a) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or b) NBN Co – 1800 687 626.

3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of six years.

4. Further development permits

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

1. Development Permit for Building Work
2. Development Permit for Operational Work
3. Plumbing and Drainage Work

5. Referral agencies

The referral agencies for this application are:

Agency:	Trigger:	Address:	Date and Ref:
State Assessment Referral Agency	Material Change of Use near a State transport corridor.	PO Box 5666 TOWNSVILLE QLD 4810 NQSARA@dsdmip.qld.gov.au	19 December 2023 2301-32885 SRA

The conditions imposed by the referral agency are included as an attachment.

6. Submission(s)

Not applicable.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the development:	Development Permit for Material Change of Use for Tourist park		
Reasons for the decision:	The proposed development was assessed against the Charters Towers Regional Town Plan Version 2 and was found to generally comply with the relevant Acceptable and Performance Outcomes.		
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan including the: 1) Overlay Codes 2) Zone Code 3) Development Codes		
	The proposed development was assessed against all the assessment benchmarks listed above and complies with all except those listed and responded to below.		
	Assessment benchmark:		Reasons for the approval despite non-compliance with benchmark:
	Not applicable		
Relevant matters:	The assessment did not have regard to any relevant matters as per section 45(5)(b) of the Planning Act 2016.		

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Matters raised in submissions:	Submission Point:	Council Response:
	Not applicable	

8. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

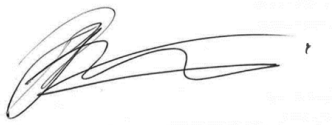
9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

Should you wish to discuss this matter, please contact Peter Boyd, Consultant Town Planner on (07) 4761 5300.

Yours faithfully



PAUL WANT
Manager Planning & Development



ATTACHMENT 1 – STATE ASSESSMENT AND REFERRAL AGENCY RESPONSE

Our ref TMR23-038532
Your ref M1931
Enquiries Aidan Colahan



Department of
Transport and Main Roads

19 December 2023

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU2022/0018, lodged with Charters Towers Regional Council involves constructing or changing a vehicular access between Lot 1 on MPH31209, the land the subject of the application, and Dalrymple Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Affordable Gold City Motel Pty Ltd
PO Box 5463
TOWNSVILLE CITY QLD 4810

Application Details

Address of Property 28 Dalrymple Road Street, Charters Towers QLD 4820
Real Property Description 1MPH31209
Aspect/s of Development Development Permit for Material Change of Use for Tourist Park (59 Proposed Van Sites).

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The Permitted Road Access Location is in accordance with the following plan: i. Permitted Road Access Location, prepared by Department of Transport and Main Roads, reference DA001, dated 12 November 2023.	At all times.
2	(a) Road works comprising a basic left turn treatment are to be provided generally in accordance with the following plans:	Prior to commencement of use.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
North Queensland Region
445 Flinders Street Townsville QLD 4810
PO Box 1089 Townsville QLD 4810
Document Set ID: 4873957
Version: 1, Version Date: 19/12/2023

Telephone +61 7 4421 8708
Website www.tmr.qld.gov.au
Email North.Queensland.IDAS@tmr.qld.gov.au
ABN: 39 407 690 291

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No.	Conditions of Approval	Condition Timing
	<ul style="list-style-type: none"> i. Concept Layout, prepared by Langtree Consulting, dated 15/12/23, DRG No. 0793-SK04, Revision A and amended in red by SARA. <p>(b) The road works must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> i. Austroads Guide to Road Design Requirements; ii. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; and iii. Manual of Uniform Traffic Control Devices (MUTCD). 	
3	<p>(a) Road access works comprising of driveway widening and a driveway centre line are to be provided at the permitted road access location, generally in accordance with the following plans:</p> <ul style="list-style-type: none"> i. Concept Layout, prepared by Langtree Consulting, dated 15/12/23, DRG No. 0793-SK04, Revision A and amended in red by SARA. <p>(b) The road works must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; and ii. Manual of Uniform Traffic Control Devices (MUTCD) iii. Charters Towers Regional Council's Standard Drawing – Roads Commercial and/or Truck Turnout, dated 11 August 2014. 	Prior to commencement of use.
4	Direct access is prohibited between Dalrymple Road and Lot 1 on MPH31209 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.
5	The landowner shall be responsible for maintenance of the driveway between the property boundary and the edge of the bitumen as required to continue safe and efficient	At all times.



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No.	Conditions of Approval	Condition Timing
	access between the permitted road access point and Dalrymple Road.	

Reasons for the decision

The reasons for this decision are as follows:

- a) To ensure access to the State-controlled Road from the property does not compromise the safety and efficiency of the State-controlled Road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of

engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

2. General advice:

- a) This approval does not permit works to occur within the State-controlled Road reserve. Further approval is required from the Department of Transport and Main Roads prior to any works occurring.
- b) Road Works Approval Required – In addition to the Road Access Works Approval, a Road Works approval is required pursuant to section 33 of the TIA. Written approval is required from the Department to carry out road works, including the conditioned line marking, on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Aidan Colahan, Planner (Corridor Management) should be contacted by email at aidan.p.colahan@tmr.qld.gov.au or on 4421 8708.

Yours sincerely



Denise Hinneberg
Principal Advisor

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan



Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

1. The objective of the *Transport Infrastructure Act 1994* requires the establishment of a road regime that is safe and efficient.
2. Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make decisions about permitted road access locations between particular/adjacent land and a State-controlled Road.
3. The development application relates to land located 28 Dalrymple Road Street, Charters Towers QLD 4820 and more particularly described as Lot 1 on MPH31209 (subject site).
4. The subject site has an area of 1.81ha and is currently occupied by an existing motel.
5. The subject site has approximately 80m of frontage to Dalrymple Road and a single vehicular access to the north of the property.
6. Dalrymple Road (Road ID: 98C) is a State-controlled Road (SCR) comprising of a single carriageway separated by a broken centre line.
7. The applicant is seeking to establish a tourist park at the rear of the Affordable Gold City Motel with the intention of developing the site to accommodate overnight recreational vehicle (RV) stays.
8. The applicant proposes to retain the existing structures on the eastern portion of the site and expand the existing operation by developing the currently vacant western portion to create 59 new RV van sites.
9. The existing access to Dalrymple Road is proposed to remain.
10. To service the proposed van sites, there will be an internal road constructed which will extend from the existing driveway entrance to the van sites at the rear of the property.
11. Each site will have an area of approximately 80m².
12. The caravan park will increase the number of caravan sites in Charters Towers by approximately 50%, all of which will be accessing a type 1 and 2 road train route via a constrained access point.
13. To mitigate the above concerns and to ensure the safe and efficient access of vehicles onto the SCR, TMR has conditioned various treatments at the access location.
14. The Traffic Impact Assessment (TIA) prepared by Langtree Consultants has identified that a Basic Left Turn (BAL) treatment is required at the access to the SCR.
15. Additionally, a widening of the access by 1m will allow for an adequate buffer between opposing vehicles and the inclusion of a centre line will provide certainty for vehicles entering and exiting the access.
16. All works are to be constructed at no cost to TMR.
17. The property owner will be responsible for ongoing maintenance of their access between the property boundary and edge of pavement of the State-controlled road.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
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Planning Report	Milford Planning	6 December 2022	M1831	1
Locality Plan	Stephen de Jersey Architect	11 October 2022	2115-SD01	A
Site Plan	Stephen de Jersey Architect	11 October 2022	2115-SD02	A
Traffic Impact Assessment	Langtree Consulting	27 June 2022	R-AR0113	A
Traffic Impact Assessment (Revised)	Langtree Consulting	13 June 2023	R-AR0113	B
Road Widening	Langtree Consulting	27 November 2023	0793-SK02	A
Widening Swept Paths	Langtree Consulting	27 November 2023	0793-SK03	A
Swept Path Clearances	Langtree Consulting	27 November 2023	0793-SK01	A
Concept Layout,	Langtree Consulting	15 December 2023	0793-SK04	A

Attachment B

Section 70 of TIA

Document Set ID: 4873957
Version: 1, Version Date: 19/12/2023

Page 6 of 11

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70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.



Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.



31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.



(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



Attachment D
Permitted Road Access Location



Program Delivery and Operations
North Queensland Region
445 Flinders Street Townsville QLD 4810
PO Box 1089 Townsville QLD 4810
Document Set ID: 4973857
Version: 1, Version Date: 19/12/2023

Telephone +61 7 4421 8708
Website www.tmr.qld.gov.au
Email North.Queensland.IDAS@tmr.qld.gov.au
ABN: 99 407 690 291

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charterstowers.qld.gov.au | **ABN.** 67 731 313 583

www.charterstowers.qld.gov.au

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

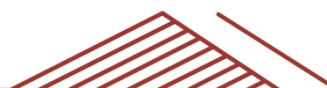
Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

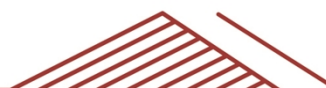


Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.





SARA reference: 2301-32885 SRA
Council reference: MCU2022/0018

19 December 2023

Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers QLD 4820
mail@charterstowers.qld.gov.au

Attention: Mr Paul Want

Dear Mr Want,

SARA referral agency response—28 Dalrymple Road, Toll—Affordable Gold Caravan Park

(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 18 January 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	19 December 2023
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 a Tourist Park (59 Caravan Sites)
SARA role:	Referral agency
SARA trigger:	Schedule 10 Part 9 Division 4 Subdivision 1 Table 1 Item 1 - Development application for an aspect of development stated in schedule 20 and that exceeds the threshold (<i>Planning Regulation 2017</i>) Schedule 10 Part 9, Division 4, Subdivision 2, Table 4 Item - Material change of use within 25m of a State-controlled road (<i>Planning</i>

Regulation 2017)

SARA reference: 2301-32885 SRA

Assessment manager: Charters Towers Regional Council

Street address: 28 Dalrymple Road, Toll

Real property description: Lot 1 on MPH31209

Applicant name: Affordable Gold City Motel Pty Ltd

Applicant contact details: PO Box 5463
TOWNSVILLE CITY QLD 4810
info@milfordplanning.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR23-038532
- Date: 19 December 2023

If you are seeking further information on the road access permit, please contact Aidan Colahan the Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 Amber Can, Senior Planner, on (07) 5644 3227 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

cc Affordable Gold City Motel Pty Ltd, info@milfordplanning.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

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) (Copies of the documents referenced below are found at Attachment 5).

No.	Conditions	Condition timing
Schedule 10 Part 9 Division 4 Subdivision 1 Table 1 Item 1 - Development application for an aspect of development stated in schedule 20 and that exceeds the threshold & Schedule 10 Part 9, Division 4, Subdivision 2, Table 4 Item - Material change of use within 25m of a State-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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 conditions:		
1.	<p>(a) Road works comprising a basic left turn treatment are to be provided generally in accordance with the following plan, Access Intersection Concept Layout, prepared by Langtree Consulting, dated 15/12/23, DRG No. 0793-SK04, Revision A and amended in red by SARA.</p> <p>(b) The road works must be designed and constructed in accordance with the following:</p> <ol style="list-style-type: none"> Austroads Guide to Road Design requirements; Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; and Manual of Uniform Traffic Control Devices (MUTCD). 	Prior to the commencement of use.
2.	<p>(a) The road access location is to be located at the existing driveway, in accordance with, Access Intersection Concept Layout, prepared by Langtree Consulting, dated 15/12/23, DRG No. 0793-SK04, Revision A and amended in red by SARA.</p> <p>(b) Road access works comprising of a 0.6m driveway widening and a driveway centre line are to be provided generally in accordance with, Access Intersection Concept Layout, prepared by Langtree Consulting, dated 15/12/23, DRG No. 0793-SK04, Revision A and amended in red by SARA.</p> <p>(c) The road works must be designed and constructed in accordance with the following:</p> <ol style="list-style-type: none"> Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; and Manual of Uniform Traffic Control Devices (MUTCD). Charters Towers Regional Council's Standard Drawing – Roads Commercial and/or Truck Turnout, dated 11 August 2014. 	Prior to the commencement of use.
3.	<p>Stormwater management of the development must not cause worsening to the operating performance of the State-controlled Road such that any works on the land must not:</p> <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the State-controlled Road; concentrate or increase the velocity of flows to the State-controlled Road; interfere with and/or cause damage to the existing stormwater drainage on the State-controlled Road; surcharge any existing culvert or drain on the State-controlled Road reduce the quality of stormwater discharge onto the State-controlled Road; 	At all times.

	(f) impede or interfere with any overland flow or hydraulic conveyance from the State-controlled Road; (g) reduce the floodplain immunity of the State-controlled Road.	
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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) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	This development approval does not include any works located within the road reserve of the State-controlled Road. Further approval from the Department of Transport and Main Roads is required pursuant to the provisions of the Transport Infrastructure Act 1994.
3.	<p>Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works on a State-controlled Road. This includes the conditioned line marking. Even though a development approval may have been given by a local Council, it is still necessary to obtain approval to construct road works within a State-controlled Road from the Department of Transport and Main Roads.</p> <p>To make an application for road works approval, please contact the Department of Transport and Main Roads via North.Queensland.IDAS@tmr.qld.gov.au, and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: Other matters requiring approval (Department of Transport and Main Roads) (tmr.qld.gov.au)</p> <p>This approval must be obtained <u>prior</u> to commencing any works on the state-controlled road reserve.</p>
4.	<p>Road access works approval Under sections 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au to make an application for roadworks approval.</p> <p>To make an application for road access works approval, please contact the Department of Transport and Main Roads via North.Queensland.IDAS@tmr.qld.gov.au and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: Other matters requiring approval (Department of Transport and Main Roads) (tmr.qld.gov.au)</p> <p>This approval must be obtained <u>prior</u> to commencing any works on the state-controlled road reserve.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The proposed development has been assessed against and complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads;
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure;
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure;

The proposed development has been assessed against and complies with State code 6: Protection of state transport networks of the SDAP. Specifically, the development:

- protect state transport infrastructure from the adverse impacts of development;
- maintain the operating performance of the transport network;

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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State Assessment and Referral Agency

Page 7 of 7

Document Set ID: 4873957
Version: 1, Version Date: 19/12/2023

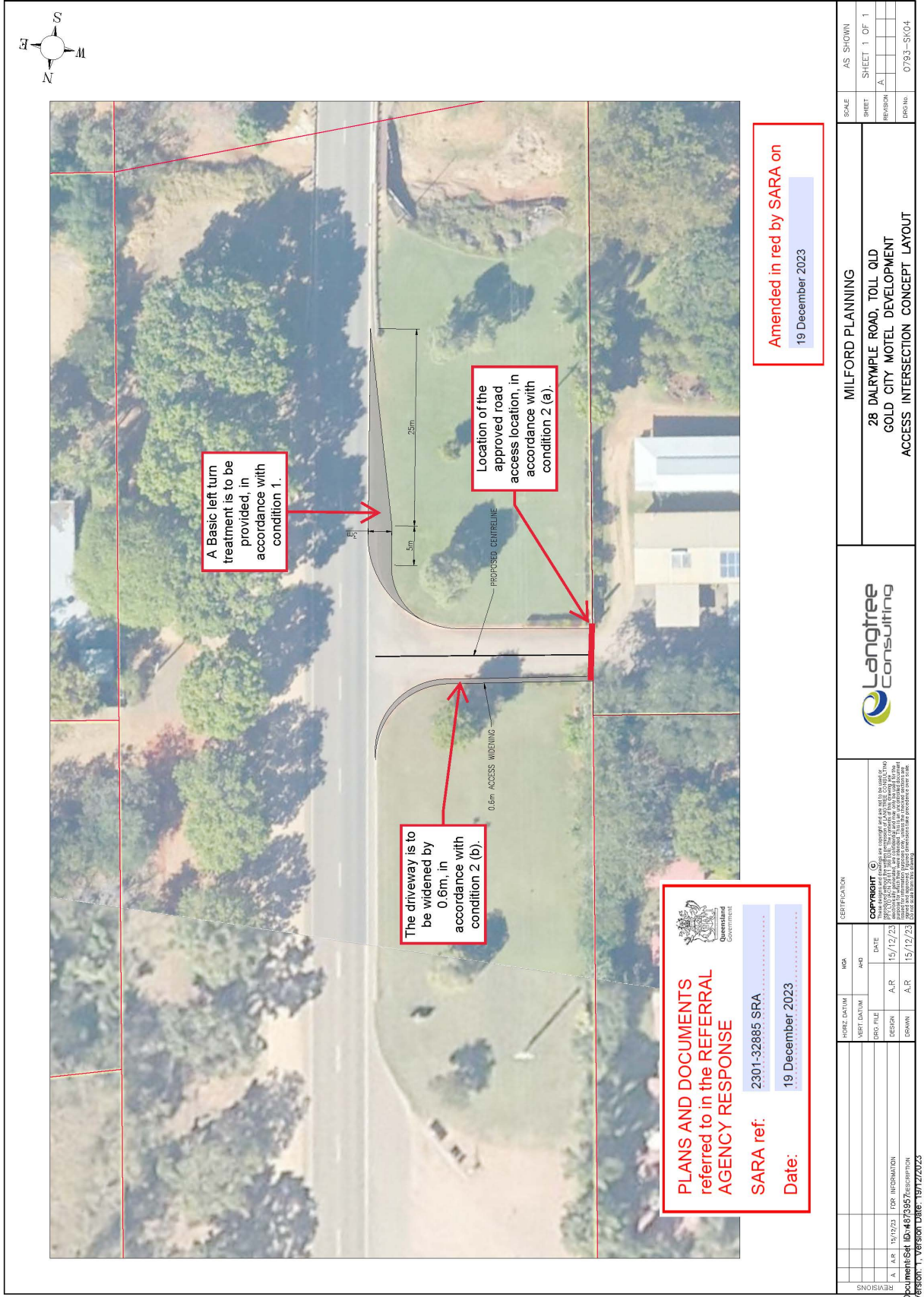
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ATTACHMENT 2 – APPROVED PLANS



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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) 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.



- (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

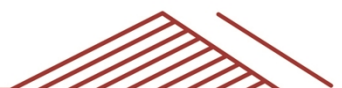
- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, 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.