



17 August 2022

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: RAL/22/0009
Your Reference: 21-753

Express Build Contract Construction
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 15 August 2022 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	RAL/22/0009
Street Address:	20 Warril Drive, Kuranda
Real Property Description:	Lot 2 on SP126546
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Reconfiguration of a Lot - Subdivision (1 into 5 Lots)
Date of Decision:	15 August 2022

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the endorsement of the plan of survey for the development, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
 - 3.2 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.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council’s delegated officer.

- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.8 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

3.9 Slope Stability

For any future clearing, earthworks or building work proposed within the building envelope areas on land with a slope of 15% or greater, the applicant/developer/landowner must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long-term stability of the development site; and
- that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.

3.10 Building Envelopes

(a) The applicant/developer must submit an amended building envelope plan for review and approval alongside any subsequent application for operational works. The amended building envelope plan should consider the following:

- The environmental Covenants required to be established to satisfy Condition 3.11 Environment Covenants (building envelope areas can extend to the edge of covenant areas where applicable);
- The reduction in the building envelope areas of Lots 21 and 23 as recommended by the geotechnical assessment submitted with the application to provide stability protection and buffering to on-site drainage features;
- As a result of the reduction in building envelope areas of Lots 21 and 23, the building envelope areas can extend right to the shared boundaries with Lot 22 (buffering must be maintained on Lot 22).

- (b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by markers set at each corner, to the satisfaction of Council's delegated officer.
- (c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.
- (d) No vegetation shall be cleared outside the approved building envelopes.

3.11 Environmental Covenants

The applicant/developer shall be responsible for the preparation and registration of statutory covenants with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation, protection and maintenance of native vegetation and a mapped ecological corridor.

The covenants will be of a form that is acceptable to the Registrar of Titles and will generally cover the area of the site as shown on the "*Plan of Covenant Area A & B on Lots 20 - 24*" dated 28/07/2022 prepared by Mareeba Shire Council (included in the approved plans). All other parts of the site including the building envelopes and the shared driveway are excluded from the covenant areas. The final covenant locations and the covenant document provisions will be to the satisfaction of Council's delegated officer.

The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan with the Department of Resources.

The covenant must stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):

- (a) no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no fences permitted within the covenant area;
- (c) no construction to take place within the covenant areas unless such construction is required for the maintenance of stormwater channels or infrastructure located within the covenant areas and where prior consent is sought from Council (the covenantee).
- (d) to prohibit the construction of any new dams or other structures or undertaking of any activities which may interrupt the natural hydrology, on any part of the site at any time.

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- (e) no native animals within the covenant area shall be killed or interfered with;
 - (f) no domestic dogs or domestic cats are to be kept within the covenant area at any time;
 - (g) The future dwellings on Lots 20 and 21 are able to maintain a domestic water supply from the dam via a single pipeline if required and any routine maintenance of this connection is authorised within the covenant area, provided all measure are taken to minimise environmental damage to the covenant area when carrying out the works.
 - (h) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental environmental impact on the covenant area;

Notwithstanding clauses (a) to (h), if any native or indigenous animal on the covenant area poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

Notwithstanding Clauses (a) to (h), routine maintenance of dam edges is authorised to ensure they are kept in good working/safe order. Dam edges are permitted to be mowed and vegetation kept to a reasonable standard on the edges of the dam wall and inward batters as the dam water height fluctuates.

The covenant document shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the covenant.

3.12 Vegetation Clearing

- (a) Any vegetation clearing proposed to be carried out on the site as part of any subsequent operational works must be carried out strictly in accordance with the recommendations included in *Part 5 - Environmental Management - Recommendations of the Ecological Assessment prepared by Natura Pacific dated 8 April 2022* submitted with the application.

A clearing plan demonstrating compliance with these recommendations must be submitted as part of any application for operational works, to the satisfaction of Council's delegated officer.

- (b) Any future vegetation clearing proposed to be carried out within the approved building envelope areas must be carried out strictly in accordance with the recommendations included in *Part 5 - Environmental Management - Recommendations of the Ecological*

Assessment prepared by Natura Pacific dated 8 April 2022 submitted with the application.

A clearing plan demonstrating compliance with these recommendations must be submitted to Council prior to any clearing being carried out, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

- (a) An industrial/commercial grade access crossover must be constructed (from the edge of Warril Drive to the commencement of the shared driveway required by 4.1 (b) below) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

At the time of dwelling construction on each allotment, an access crossover must be provided/constructed from the shared access driveways required by 4.1 (b) below) to the boundary of the allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

- (b) A concrete sealed driveway, including kerb and channel (generally deemed necessary for stormwater dispersal) shall be provided for the full length of the access handle of Lot 22 (covered by the shared access easement), to the satisfaction of Council's delegated officer. The driveway will:
- have a minimum formation width of 5 metres;
 - be constructed in a location within the access handle that allows sufficient room for accompanying service infrastructure and where ensuring the long term stability of the dam wall.
 - be formed to cater for stormwater drainage such that any stormwater runoff is discharged to the dam or another approved legal point of discharge;
 - service and utility conduits, including water supply pipes are to be provided for the full length of each driveway to service the benefited allotments.
- (c) Any operational works on or within proximity to the existing dam wall should include certification from an RPEQ confirming that the operational works carried out will not impact on the structural integrity of the dam wall.
- (d) A formed concrete wheelie bin set-down area capable of accommodating 5 wheelie bins must be constructed facing Warril Drive adjacent the access crossover required by 4.1 (a) above.

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- (e) A reciprocal "access and services" easement must be established over the full length of the access handle of Lot 22 which benefit Lots 20, 21, 23 and 24. Easement documents must be made available to Council for review prior to endorsement of a plan of survey creating any lot.

Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for Operational Works.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) As part of a subsequent application for operational works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The Stormwater management plan should also identify and manage dam spillway flow paths and their interaction with the shared driveway and ensure building envelope areas are located outside any stormwater channels.

- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All

documentation leading to the registration of the easement must be completed at no cost to Council.

- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) For any underground stormwater infrastructure installed, the applicant (at their cost) must video these stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

4.3 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer 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 service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (c) All future water meters (required to be installed at time of dwelling construction or when water is required at the building envelope area) must be located at the commencement of the shared driveway with individual water lines extended along the driveway to service each allotment. Council will not accept an arrangement whereby water meters are located at each allotment along the shared driveway.

4.4 Wastewater Disposal

Wastewater disposal for each future dwelling must occur entirely within the bounds of the building envelopes for each allotment and must be achieved via an advanced secondary treatment system, unless otherwise determined by a subsequent site and soil evaluation.

At time of dwelling construction on each allotment, associated on-site effluent disposal systems must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development

Manual standards (as amended) to the satisfaction of Council’s delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of **underground** power reticulation.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes (to be included for the full length of the shared driveway required by 4.1 (b) above).

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR151054-3	Proposal Plan - Plan of Lots 20-24	RPS Australia East Pty Ltd	23/02/22
-	Plan of Covenant Area A & B on Lots 20 - 24	Mareeba Shire Council	28/07/2022

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER’S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council’s Fees & Charges Schedule for each respective financial year.

(c) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(d) Easement/Covenant Documents

Please contact your solicitor for more information regarding the drafting of easement documents for Council easements.

(e) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(f) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(g) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- A registered covenant
- An approved building envelope plan
- A registered easement over the subject site (Lot 22 Only)
- Any future clearing, earthworks or building work on land within the building envelope areas that has a slope exceeding 15% will require a site-specific geotechnical assessment (see Condition 3.9)
- On-site wastewater disposal must occur within the bounds of the building envelope areas and via an advanced secondary treatment system only, unless otherwise determined by a subsequent site and soil evaluation (see Condition 4.4)
- Any proposed clearing within the approved building envelope areas must be carried out in accordance with the recommendations included in Ecological Assessment submitted with the subdivision application (see Condition 3.12).

(h) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(i) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au

(j) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

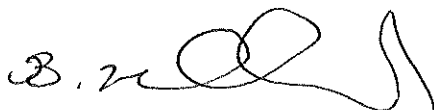
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

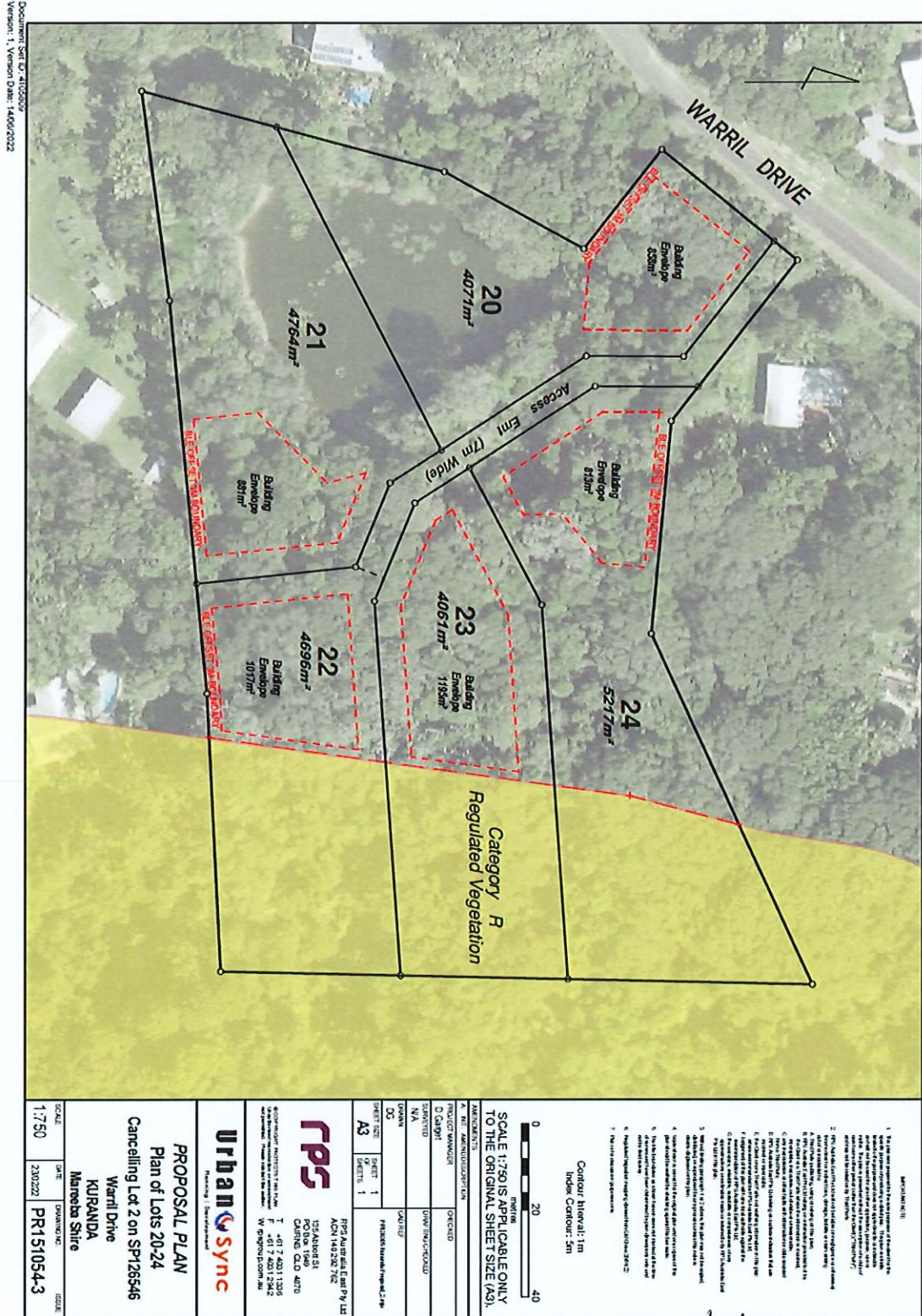
Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
 Appeal Rights
 Adopted Infrastructure Charge Notice

Approved Plans/Documents



Document Set ID: 4102009
Version: 1, Version Date: 14/09/2022

- NOTES**
1. The site is proposed to be developed in accordance with the provisions of the Planning Scheme and the relevant provisions of the Environment Protection Act 1986. The proposed development is subject to the provisions of the Planning Scheme and the relevant provisions of the Environment Protection Act 1986. The proposed development is subject to the provisions of the Planning Scheme and the relevant provisions of the Environment Protection Act 1986.
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SCALE 1:750 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3).

Contour Interval: 1m
Index Contour: 5m

PROJECT NAME	PROPOSED DEVELOPMENT
PROJECT NUMBER	0001
PROJECT LOCATION	WARRIL DRIVE, MAREEBA SHIRE
PROJECT OWNER	PR1150543
PROJECT DESIGNER	UrbanSync
PROJECT DATE	14/09/2022
PROJECT SHEET	1 OF 1

UrbanSync
Planning | Development

PROPOSAL PLAN
Plan of Lots 20-24
Cancelling Lot 2 on SP126546
Warril Drive
KURANDA
Mareeba Shire

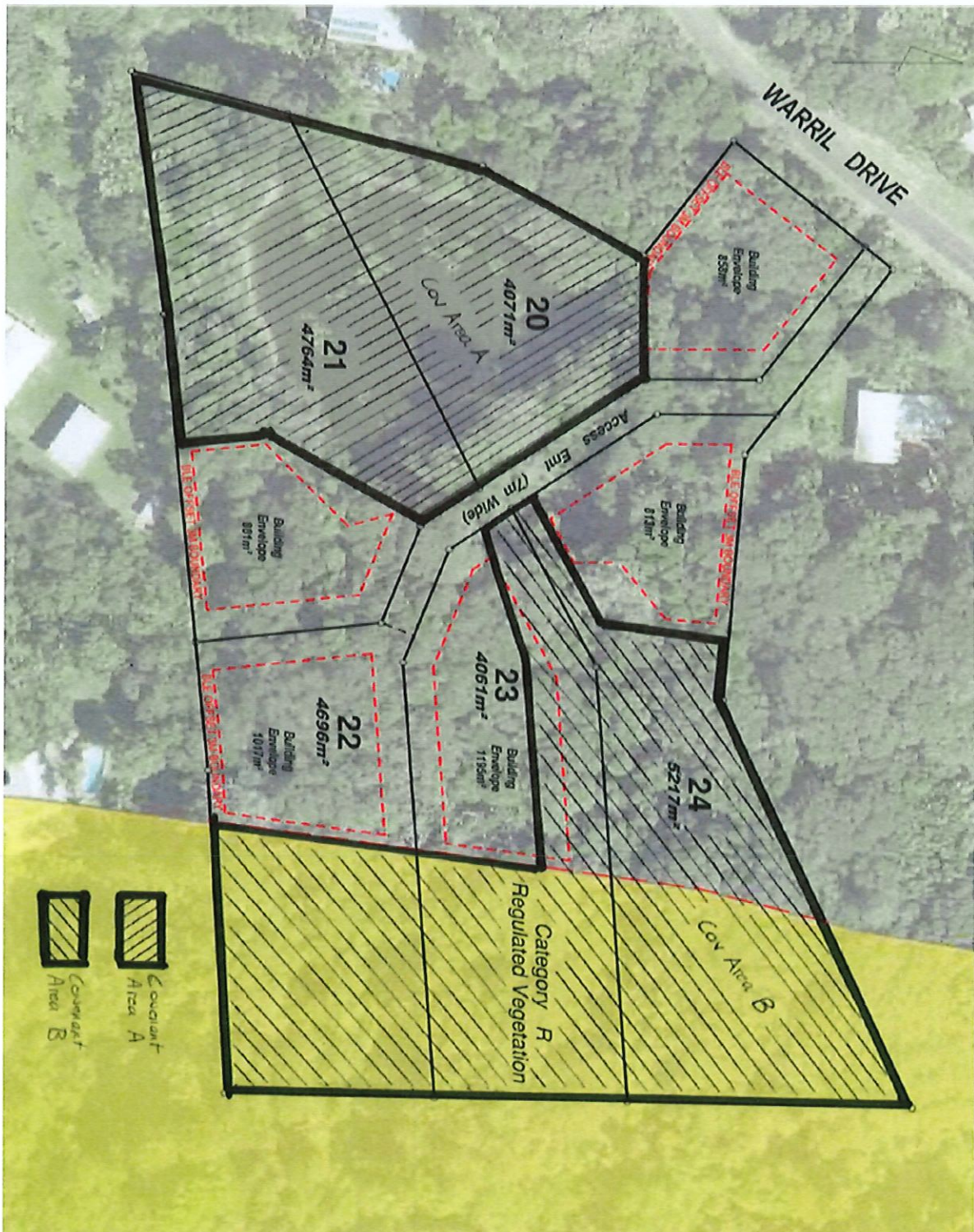
RPS
Rural Planning Services
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W rpsrps.com.au

POST-AUDIT EARTHLY LTD
MCN 145582 IAN
10/15/2022

SCALE	1:750
DATE	20/02/22
DRAWING NO.	PR1150543
DESIGN	

17/8/2022
S. Z. [Signature]

Plan of Covenant Area A & B on Lots 20 - 24



Date: 28/07/2022

17/8/2022
B. n. [Signature]

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

(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 us 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 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, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 has 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (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 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, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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 the rules of the P&E Court.