



13 January 2021

Planning Officer: Carl Ewin  
Direct Phone: 4086 4656  
Our Reference: OPW/20/0004  
Your Reference: F20/11

BTM & S Stankovich Pty Ltd  
C/- Freshwater Planning Pty Ltd  
17 Barron View Drive  
FRESHWATER QLD 4870

Dear Applicant/s

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 13 January 2021 under delegated authority, Council decided to approve the application in part subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	OPW/20/0004
Street Address:	Emerald End Road, Mareeba
Real Property Description:	Lot 114 on SP265014
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval in part only. Development Permit for Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage, Earthworks, & Sewerage Infrastructure) for Development Permit RAL/20/0006 ( <b>Amaroo Stage 12 only</b> )
Type of Approval:	
Date of Decision:	13 January 2021

#### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is two (2) 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**

Not Applicable.

**ASSESSMENT MANAGER CONDITIONS****(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****For Stage 12 Only****(a) General**

- (i) All operational works must be designed and constructed in accordance with the standards and procedures as set out in the FNQROC Development Manual.
- (ii) 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;
  - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
  - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- (iv) Stormwater infrastructure draining Lots 252, 253 and 332 - 343, where possible, must be provided with stormwater connection points adjacent the footpath for the purpose of draining future stormwater to stormwater inlet pits via a secondary means (same to that already in use along Karobean Drive) so as to remove the requirement for the future installation of individual stormwater pipes across the Karobean Drive/Wandara Court footpath to service future dwellings on these lots. These connection points must be included on the "as constructed" drawings for future ease of reference for builders.
- (v) The street lighting along Karobean Drive/Wandara Court (excluding the intersection of Karobean Drive and Wandara Court and the Wandara Court cul-de-sac) should be installed on the left hand side of the street/court only (opposite side to footpath).

- (vi) A footpath ramp must be installed at the end of the Karobean Drive footpath to access the Wandara Court footpath.

**(b) Pre-start Meeting**

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- (i) Prior to the pre-start meeting occurring, the applicant/developer must ensure Plans AP18-018-C18 and AAP18-018-C22 are endorsed by the principal consulting engineer and submitted to Council.
- 
- (ii) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

**(c) Inspections**

- (i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

**(d) Construction Security Bond and Defects Liability Bond**

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.
- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

**(e) Hours of Work**

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
  - 7.00am to 6.00pm, Monday to Friday;
  - 7.00am to 1.00pm Saturdays;
  - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

**(f) Transportation of Soil**

- (i) 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 pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AP18-018-C01 Rev A	Cover Sheet	Benchmark Survey & Design	30/10/20
AP18-018-C02 Rev B	Site Plan	Benchmark Survey & Design	30/10/20
AP18-018-C03 Rev B	Layout Plan	Benchmark Survey & Design	30/10/20
AP18-018-C04 Rev B	Layout Plan	Benchmark Survey & Design	30/10/20
AP18-018-C05 Rev A	Intersection & Cul-de-sac Details	Benchmark Survey & Design	15/08/20
AP18-018-C06 Rev A	Intersection & Cul-de-sac Setout Details	Benchmark Survey & Design	15/08/20
AP18-018-C07 Rev A	Typical Cross Sections	Benchmark Survey & Design	15/08/20
AP18-018-C08 Rev A	Ponto's Place - Longitudinal Section	Benchmark Survey & Design	15/08/20
AP18-018-C09 Rev A	Ponto's Place - Cross Sections Ch. 13.621 to Ch. 70.00	Benchmark Survey & Design	15/08/20
AP18-018-C10 Rev A	Ponto's Place - Cross Sections Ch. 75.254 to TP136.962	Benchmark Survey & Design	15/08/20
AP18-018-C11 Rev A	Dural Close - Longitudinal Section	Benchmark Survey & Design	15/08/20
AP18-018-C12 Rev A	Dural Close - Cross Sections Ch.14.261 to Ch.89.267	Benchmark Survey & Design	15/08/20
AP18-018-C13 Rev A	Wandara Court - Longitudinal Section & Cross Section	Benchmark Survey & Design	15/08/20
AP18-018-C14 Rev A	Karobean Avenue - Longitudinal Section	Benchmark Survey & Design	15/08/20
AP18-018-C15 Rev A	Karobean Avenue - Cross Sections Ch.00 - CH.80.00	Benchmark Survey & Design	15/08/20
AP18-018-C16 Rev A	Karobean Avenue - Cross Sections TP84.252 - CH.230.734	Benchmark Survey & Design	15/08/20
AP18-018-C17 Rev A	Karobean Avenue - Cross Sections Ch.240.00 - Ch.297.130	Benchmark Survey & Design	15/08/20
AP18-018-C18 Rev B	CL01 - Pedestrian Link - Longitudinal & Cross Sections	Benchmark Survey & Design	30/10/20

AP18-018-C19 Rev A	Earthworks Layout Plan - Sheet 1 of 2	Benchmark Survey & Design	15/08/20
AP18-018-C20 Rev A	Earthworks Layout Plan - Sheet 2 of 2	Benchmark Survey & Design	15/08/20
AP18-018-C21 Rev B	Stormwater Reticulation Layout Plan - Sheet 1 of 2	Benchmark Survey & Design	30/10/20
AAP18-018-C22 Rev A	Stormwater Reticulation Layout Plan - Sheet 2 of 2	Benchmark Survey & Design	15/08/20
AP18-018-C23 Rev A	Stormwater Reticulation - Watershed Areas	Benchmark Survey & Design	15/08/20
AP18-018-C24 Rev A	Stormwater Drainage Longitudinal Sections - Sheet 1 of 2	Benchmark Survey & Design	15/08/20
AP18-018-C25 Rev A	Stormwater Drainage Longitudinal Sections - Sheet 2 of 2	Benchmark Survey & Design	15/08/20
AP18-018-C26 Rev B	Sewerage Reticulation Layout Plan - Sheet 1 of 2	Benchmark Survey & Design	22/10/20
AP18-018-C27 Rev A	Sewerage Reticulation Layout Plan - Sheet 2 of 2	Benchmark Survey & Design	15/10/20
AP18-018-C28 Rev A	Sewerage Longitudinal Sections - Sheet 1 of 3	Benchmark Survey & Design	15/08/20
AP18-018-C29 Rev A	Sewerage Longitudinal Sections - Sheet 2 of 3	Benchmark Survey & Design	15/08/20
AP18-018-C30 Rev A	Sewerage Longitudinal Sections - Sheet 3 of 3	Benchmark Survey & Design	15/08/20
AP18-018-C31 Rev A	Sewerage Pump Station - Layout Plan	Benchmark Survey & Design	15/08/20
AP18-018-C32 Rev A	Sewerage Master Plan	Benchmark Survey & Design	15/08/20
AP18-018-C33 Rev B	Water Reticulation Layout Plan - Sheet 1 of 2	Benchmark Survey & Design	30/10/20
AP18-018-C34 Rev B	Water Reticulation Layout Plan - Sheet 2 of 2	Benchmark Survey & Design	30/10/20
AP18-018-C35 Rev A	Erosion & Sediment Control Plan - Sheet 1 of 2	Benchmark Survey & Design	15/08/20
AP18-018-C36 Rev A	Erosion & Sediment Control Plan - Sheet 2 of 2	Benchmark Survey & Design	15/08/20

#### FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

#### 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](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



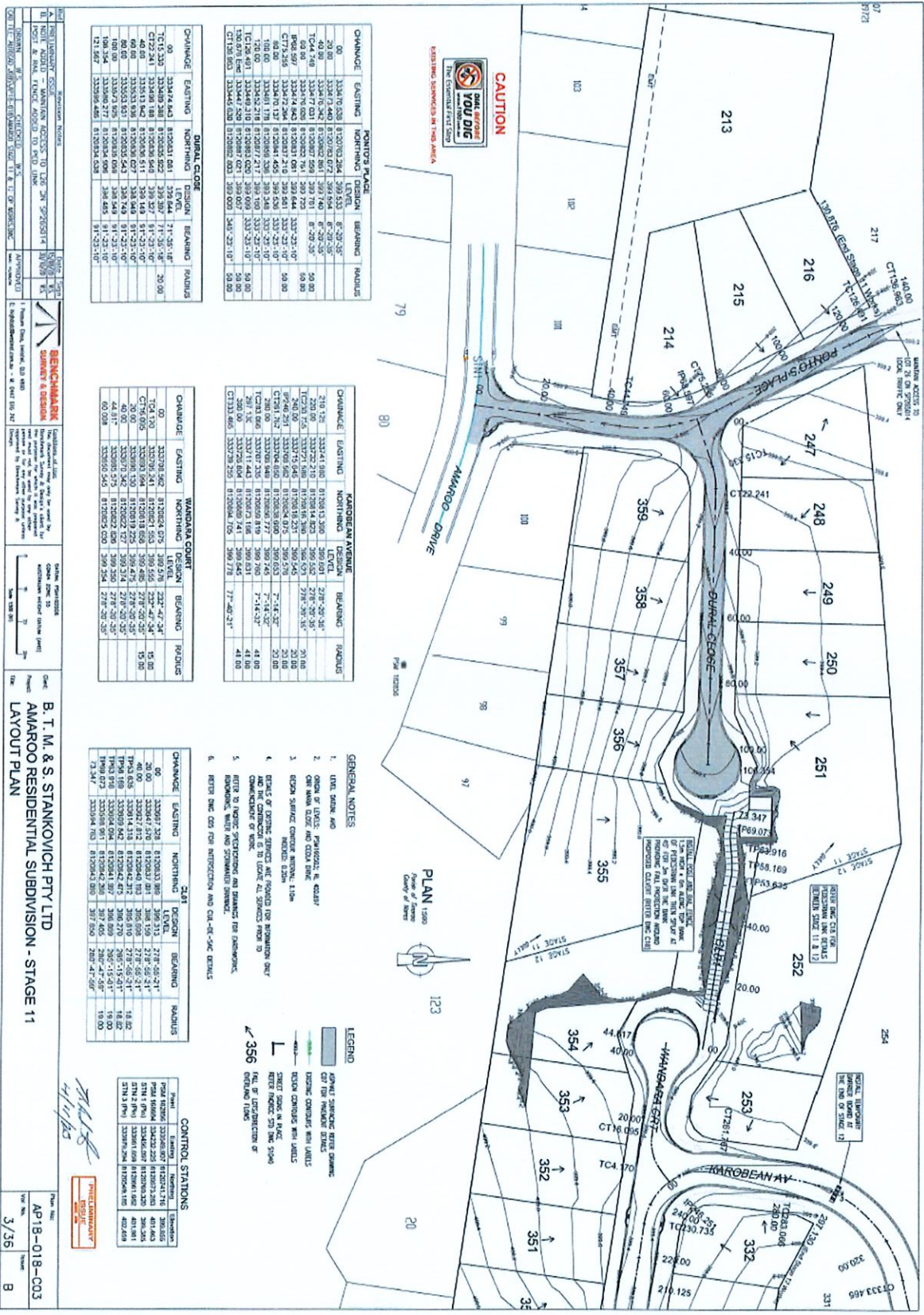
for **BRIAN MILLARD**  
**SENIOR PLANNER**

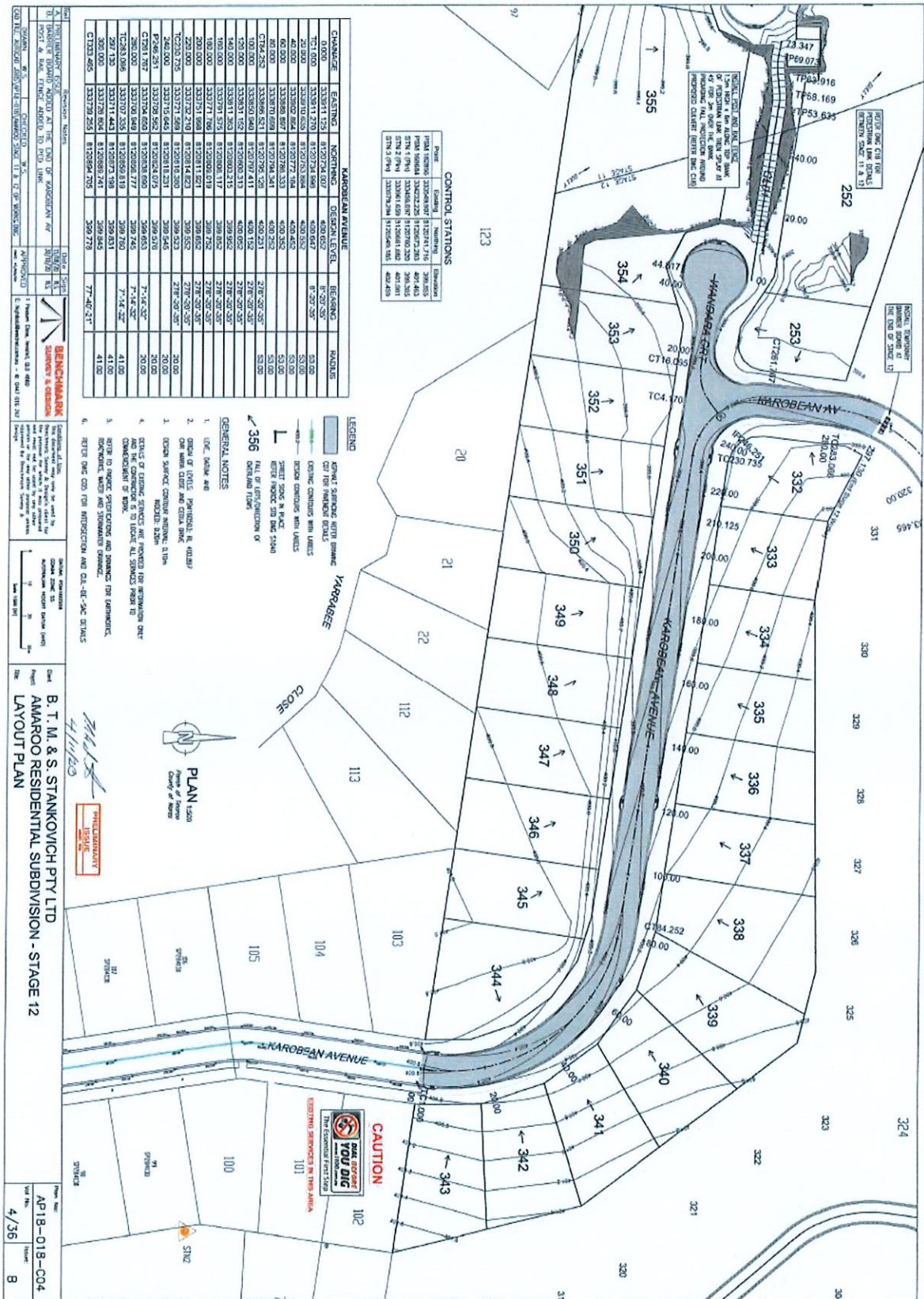
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Appeal Rights  
Operational Works Pre-Start Report template



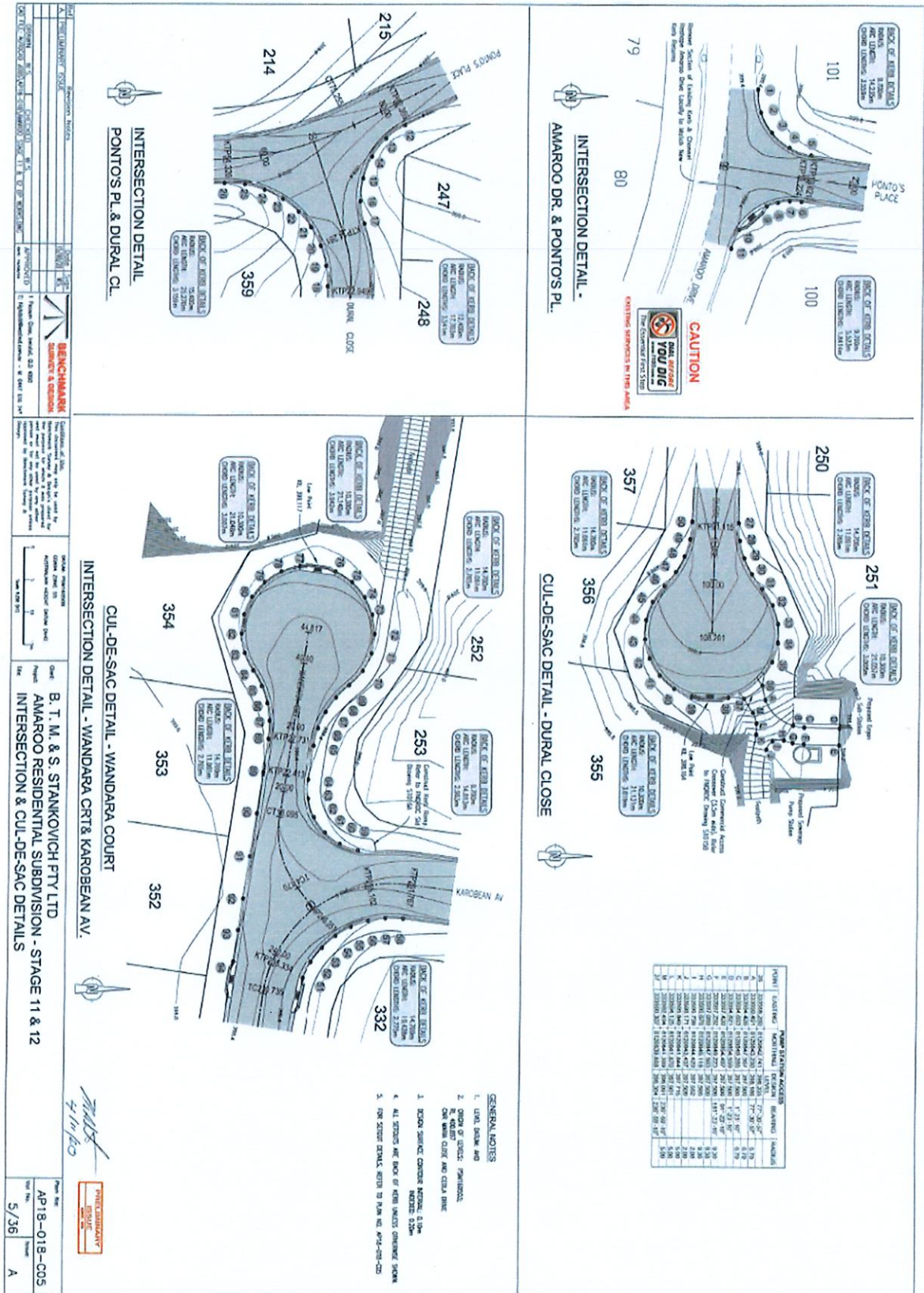








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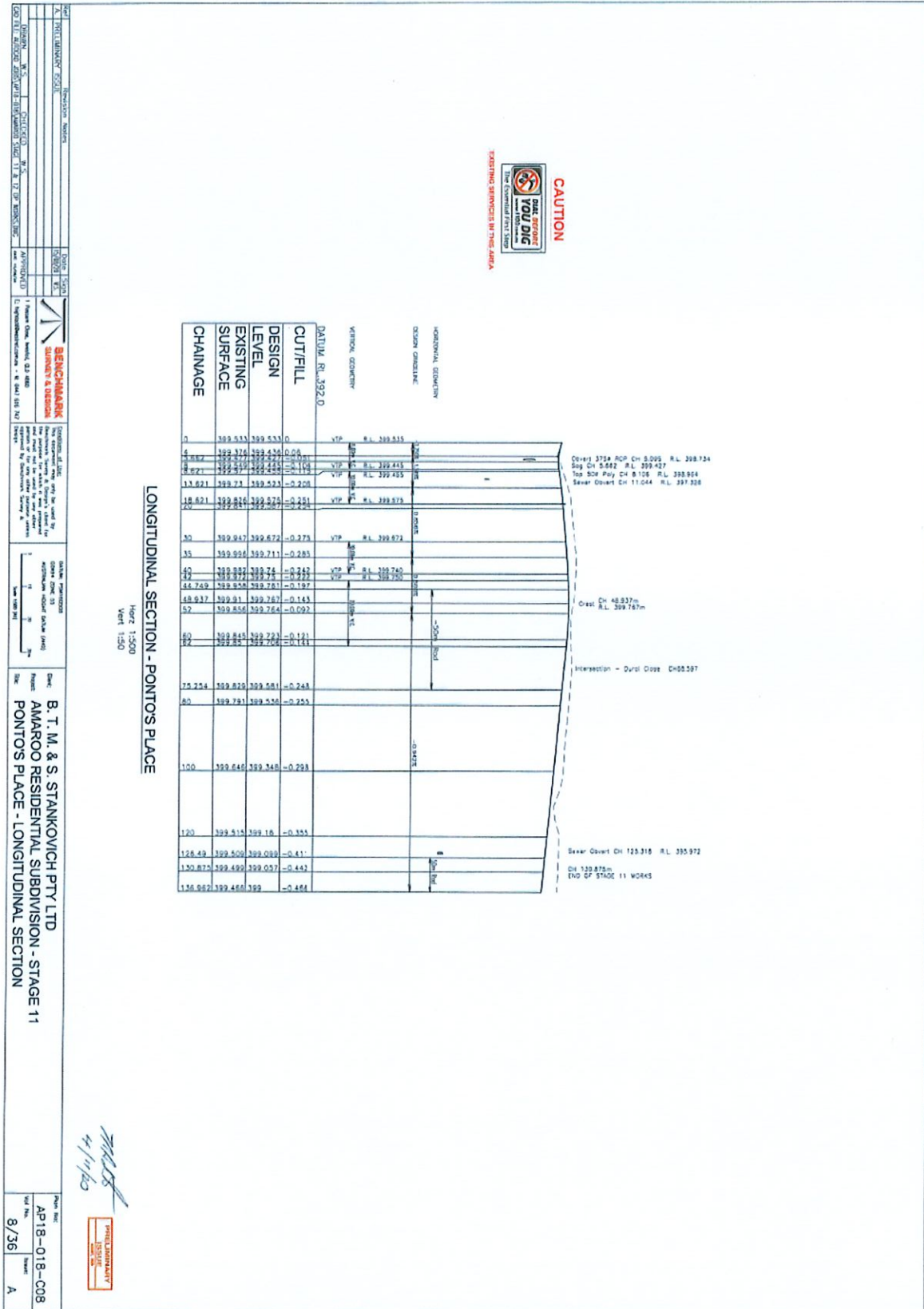


NO	EASTING	NORTHING	LEVEL	C	
				NO	NO
1	333458.994	8120768.992	399.403	AMAROO DRIVE & PONTO'S PLACE INTERSECTION DETAILS	AMAROO DRIVE & PONTO'S PLACE INTERSECTION DETAILS
2	333462.498	8120769.489	399.419		
3	333465.590	8120771.211	399.434		
4	333467.858	8120773.927	399.450		
5	333469.002	8120777.276	399.465		
6	333475.969	8120775.853	399.461		
7	333475.876	8120774.017	399.452		
8	333476.131	8120772.196	399.443		
9	333476.726	8120770.458	399.434		
10	333480.365	8120766.258	399.468		
11	333483.149	8120765.031	399.527		
12	333487.252	8120838.953	399.456		
13	333483.780	8120838.326	399.476		
14	333480.271	8120838.703	399.465		
15	333477.011	8120840.052	399.427		
16	333474.263	8120842.266	399.387		
17	333472.250	8120845.163	399.349		
18	333496.810	8120833.374	399.262		
19	333493.667	8120833.127	399.302		
20	333490.639	8120832.245	399.355		
21	333487.855	8120830.765	399.421		
22	333485.431	8120828.749	399.578		
23	333483.468	8120828.282	399.501		
24	333482.048	8120823.466	399.637		
25	333481.232	8120820.420	399.677		
26	333481.054	8120817.272	399.699		
27	333563.281	8120838.868	398.598		
28	333566.036	8120839.061	398.569		
29	333568.706	8120839.765	398.540		
30	333571.197	8120840.956	398.511		
31	333573.421	8120842.599	398.482		
32	333575.925	8120844.241	398.453		
33	333578.797	8120845.099	398.425		
34	333581.794	8120845.093	398.396		
35	333584.663	8120844.225	398.368		
36	333588.280	8120842.741	398.304		
37	333590.307	8120839.888	398.304		
38	333590.244	8120837.501	398.282		
39	333590.129	8120831.902	398.282		
40	333588.841	8120829.184	398.311		
41	333586.823	8120826.954	398.339		
42	333584.247	8120825.401	398.368		
43	333581.331	8120824.660	398.396		
44	333578.326	8120824.792	398.425		
45	333575.488	8120825.787	398.453		
46	333573.057	8120827.559	398.482		
47	333570.915	8120829.301	398.511		
48	333568.484	8120830.611	398.540		
49	333565.852	8120831.444	398.569		
50	333563.110	8120831.770	398.598		

NO	EASTING	NORTHING	LEVEL	WANDARA CRT. & KAROBEAN AV. INTERSECTION & CUL-DE-SAC DETAILS	
				NO	NO
51	333719.099	8120822.493	399.400	CONTROL STATIONS	CONTROL STATIONS
52	333716.628	8120823.748	399.418		
53	333714.437	8120825.445	399.436		
54	333712.603	8120827.522	399.454		
55	333711.191	8120829.907	399.471		
56	333710.252	8120832.515	399.489		
57	333709.819	8120835.252	399.507		
58	333709.908	8120838.022	399.525		
59	333699.191	8120830.860	399.488		
60	333698.202	8120828.080	399.471		
61	333696.422	8120825.726	399.454		
62	333694.016	8120824.016	399.438		
63	333691.208	8120823.109	399.421		
64	333688.257	8120823.088	399.405		
65	333682.996	8120823.859	399.378		
66	333680.313	8120824.515	399.364		
67	333677.801	8120825.660	399.349		
68	333675.547	8120827.255	399.335		
69	333673.631	8120829.244	399.320		
70	333671.433	8120831.298	399.306		
71	333668.734	8120832.630	399.292		
72	333666.766	8120833.124	399.278		
73	333662.781	8120832.740	399.264		
74	333660.035	8120831.509	399.249		
75	333657.762	8120829.537	399.235		
76	333656.156	8120826.993	399.221		
77	333655.368	8120821.448	399.221		
78	333656.196	8120818.569	399.235		
79	333657.818	8120816.050	399.249		
80	333660.097	8120814.104	399.264		
81	333662.839	8120812.896	399.278		
82	333665.812	8120812.529	399.292		
83	333668.766	8120813.033	399.306		
84	333671.449	8120814.365	399.320		
85	333673.847	8120815.724	399.335		
86	333676.464	8120816.605	399.349		
87	333679.200	8120816.981	399.364		
88	333681.966	8120816.834	399.378		
89	333687.227	8120816.063	399.405		
90	333693.478	8120815.146	399.437		
91	333700.220	8120814.157	399.471		
92	333706.962	8120813.168	399.505		
93	333711.796	8120812.459	399.450		
94	333716.632	8120811.750	399.395		
182856	333549.907	8120741.716	399.855		
168684	334232.225	8120673.283	401.463		
STN 1	333456.097	8120760.320	399.385		
STN 2	333961.659	8120661.682	401.981		
STN 3	333979.294	8120549.185	402.459		



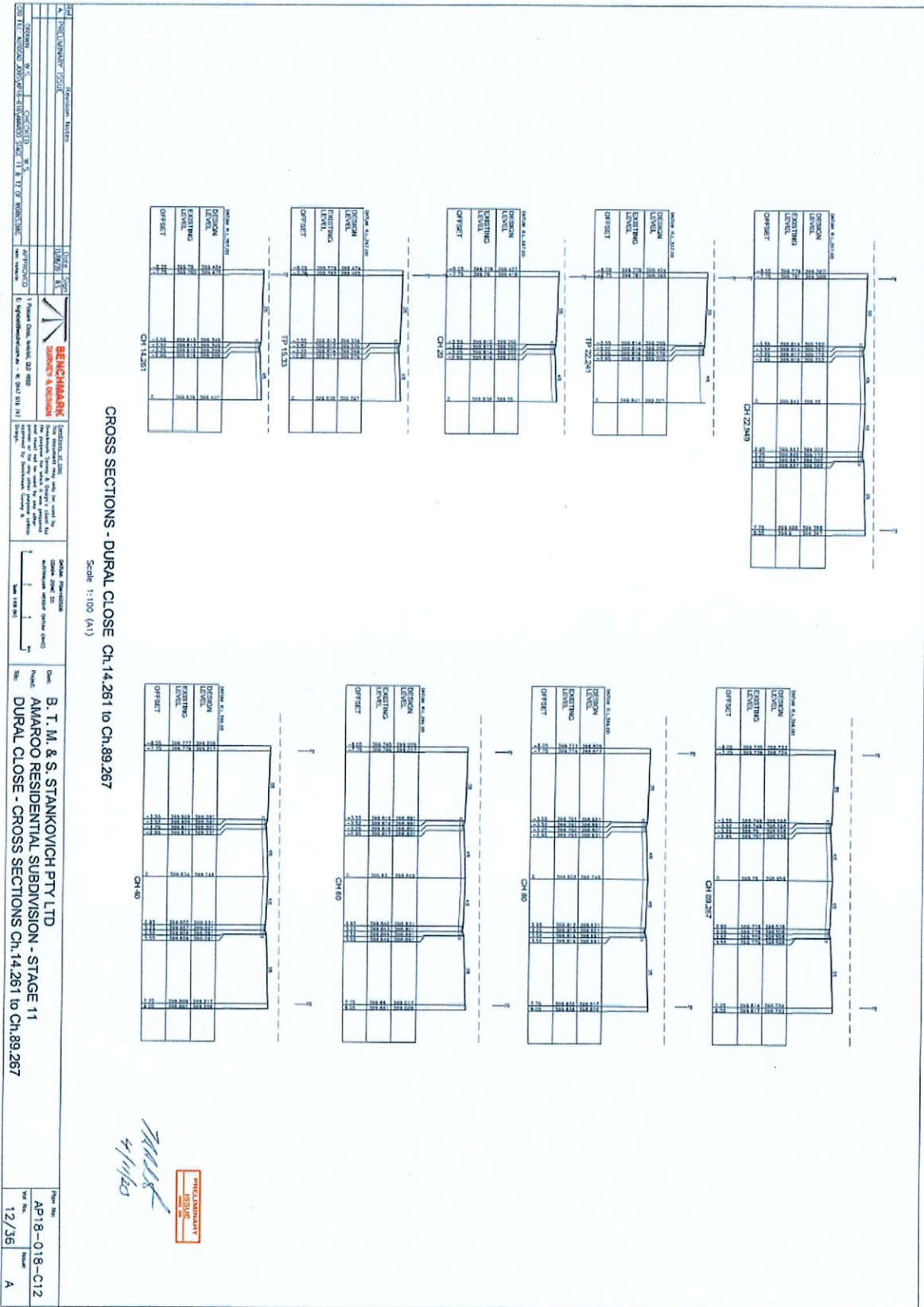




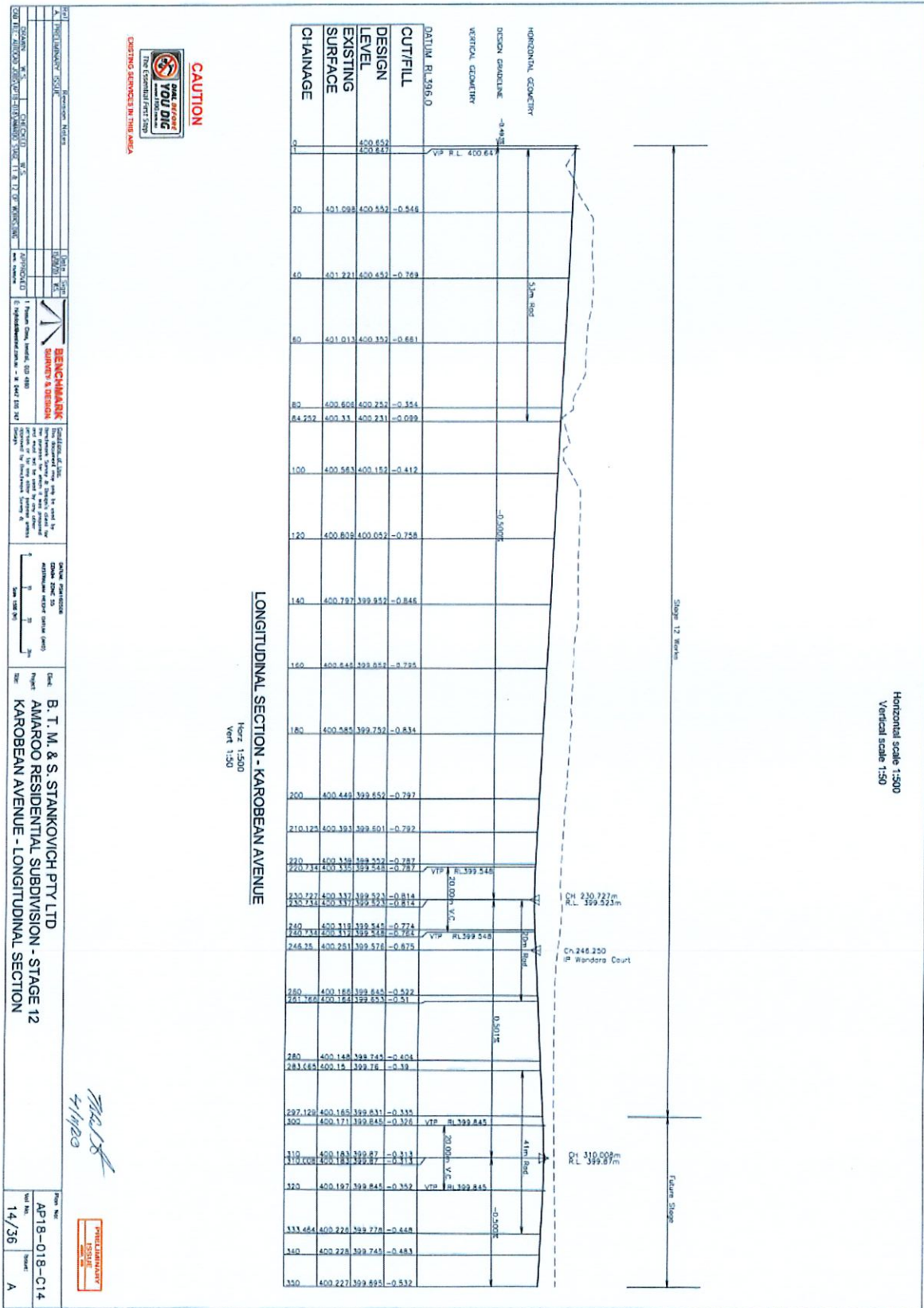




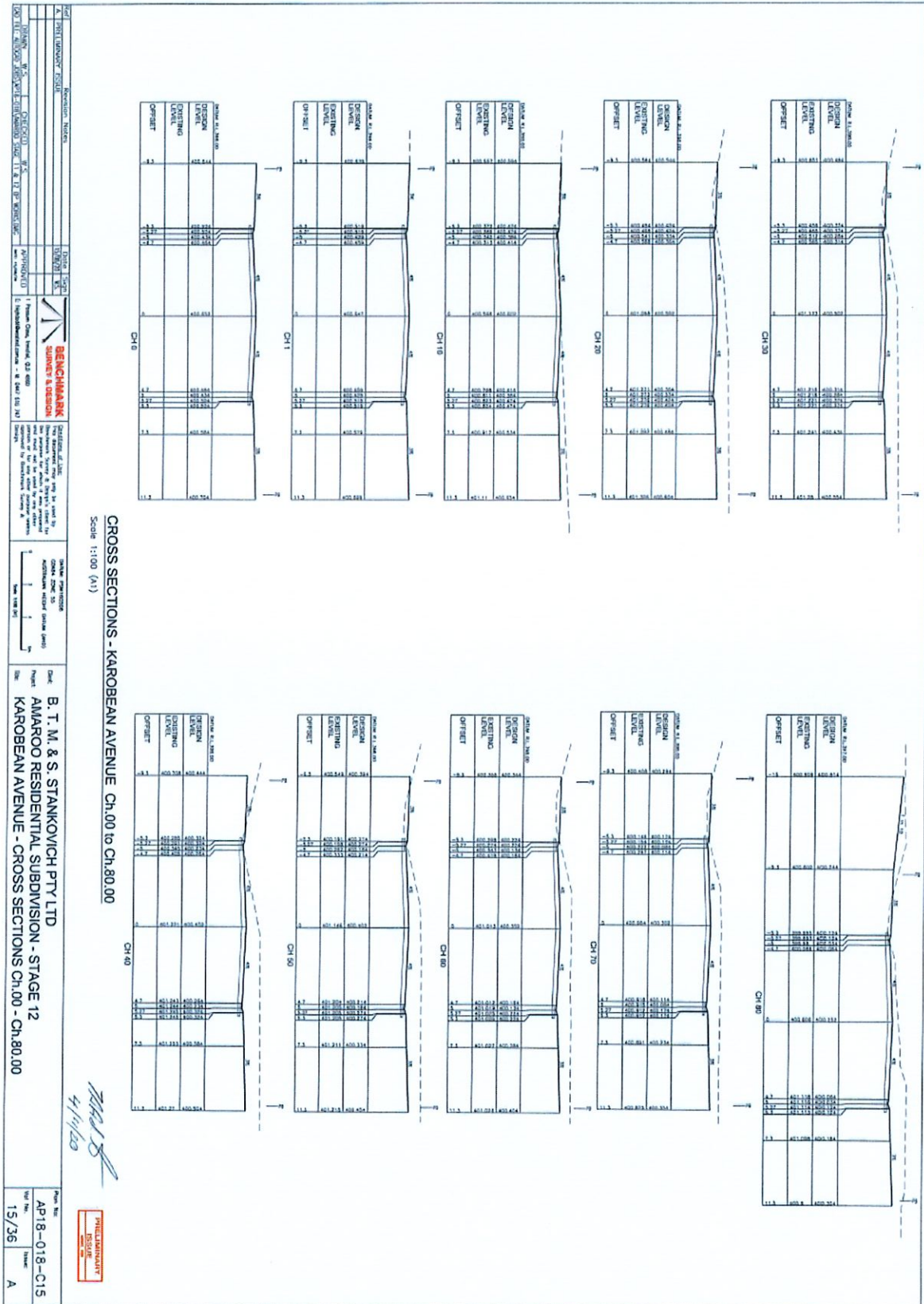


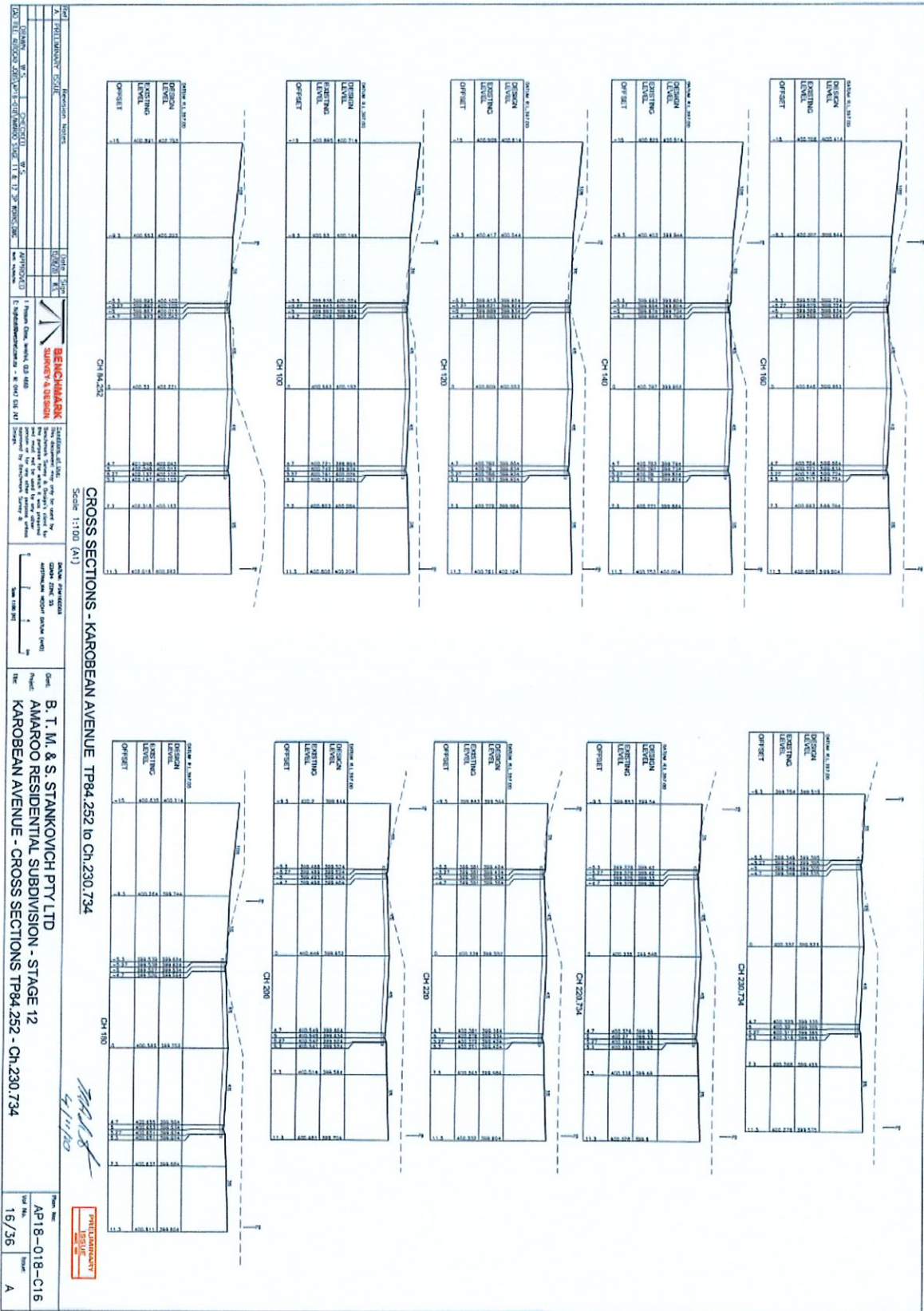


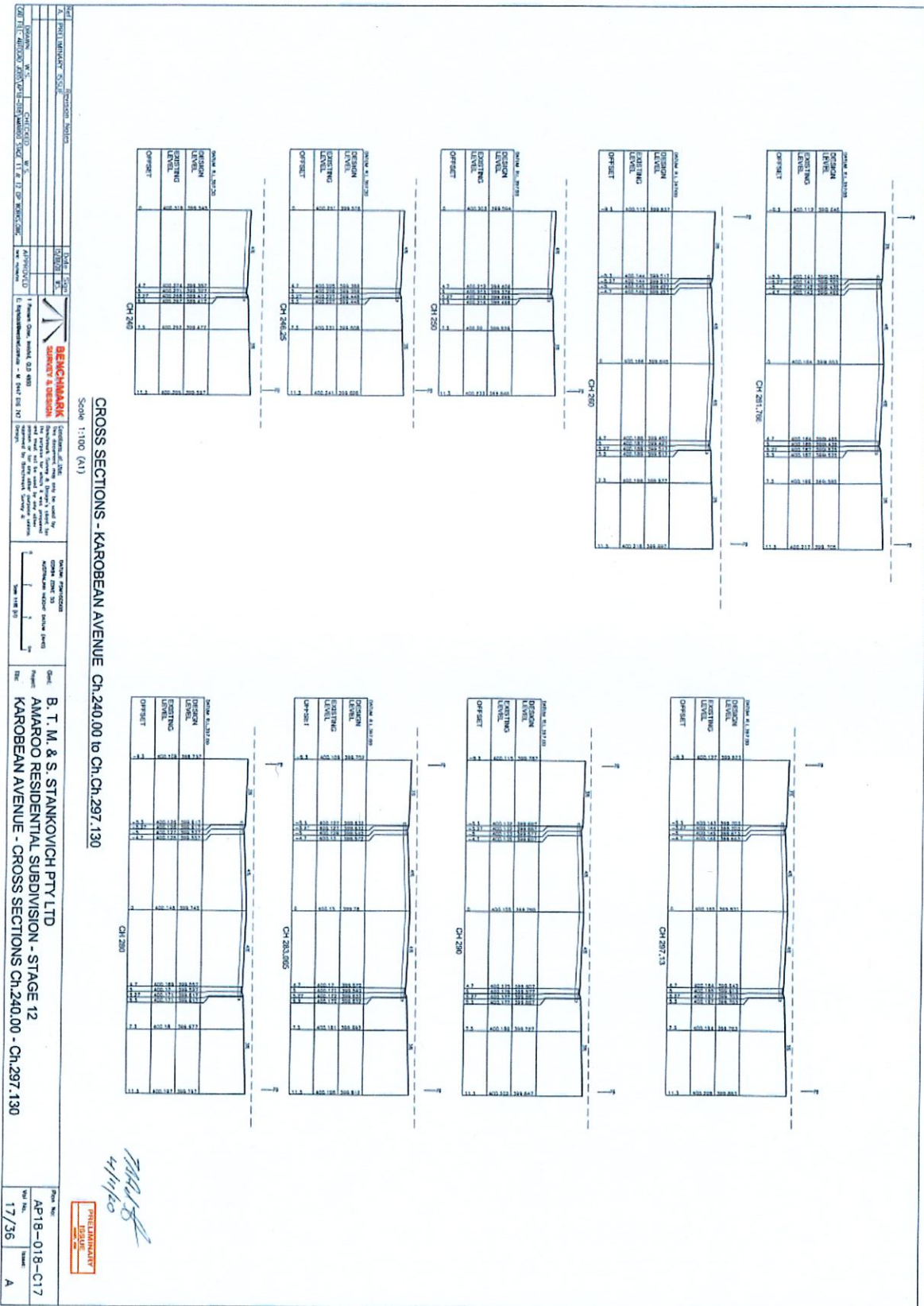




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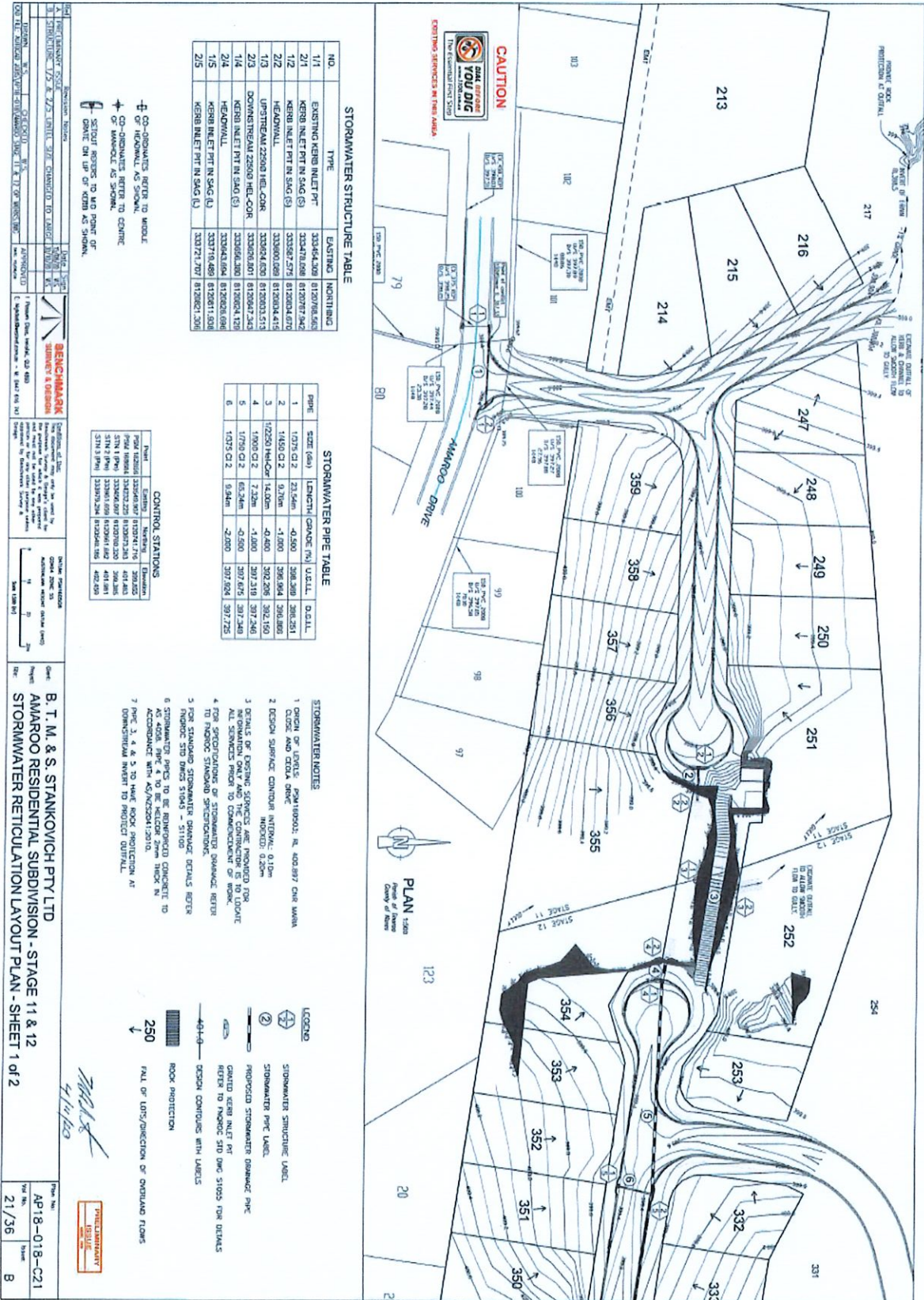












STORMWATER STRUCTURE TABLE

NO.	TYPE	EXISTING	NO. OF LOTS
1/1	EXISTING KERB INLET PT	333464.000	812076.562
2/1	KERB INLET PT IN SAG (S)	333470.000	812076.562
1/2	KERB INLET PT IN SAG (S)	333307.571	812030.417
2/2	HEADWALL	333300.000	812030.417
1/3	UPSTREAM 22500 HBL COR	333304.000	812030.513
2/3	DOWNSTREAM 22500 HBL COR	333306.501	812030.243
1/4	KERB INLET PT IN SAG (S)	333306.000	812030.129
2/4	HEADWALL	333304.000	812030.098
1/5	KERB INLET PT IN SAG (L)	333170.000	812031.308
2/5	KERB INLET PT IN SAG (L)	333172.701	812031.308

STORMWATER PIPE TABLE

PIPE	SIZE (60)	LENGTH	GRADE (%)	U.S.L.L.	D.C.L.L.
1	1075 CI 2	23.54m	-0.200	308.389	308.351
2	1450 CI 2	9.70m	-1.000	308.864	308.865
3	12250 HBL COR	14.00m	-0.400	307.205	307.160
4	1000 CI 2	7.20m	-1.000	307.310	307.240
5	1075 CI 2	65.24m	-0.200	307.675	307.240
6	1075 CI 2	9.84m	-2.200	307.004	307.275

CONTROL STATIONS

Name	Category	Stationing	Height
Point 1	Control	333464.000	209.225
Point 2	Control	333470.000	209.225
Point 3	Control	333307.571	209.225
Point 4	Control	333300.000	209.225
Point 5	Control	333304.000	209.225
Point 6	Control	333306.501	209.225
Point 7	Control	333306.000	209.225
Point 8	Control	333170.000	209.225
Point 9	Control	333172.701	209.225

- CD - DIMENSIONS REFER TO MIDDLE OF ROADWAY AS SHOWN
- CD - DIMENSIONS REFER TO CORNER OF ROADWAY AS SHOWN
- SETOUT DIMENSIONS TO MID POINT OF DRIVE OR UP OF KERB AS SHOWN.

**CAUTION**  
CALL BEFORE YOU DIG  
THE NATIONAL TRUST SIGN

**LEGEND**

- STORMWATER STRUCTURE LABEL
- STORMWATER PIPE LABEL
- PROPOSED STORMWATER DRAINAGE PIPE
- EXISTING KERB INLET PT
- REFER TO FINANCIAL STD DWG 51003 FOR DETAILS
- DESIGN CONTOURS WITH LABELS
- ROCK PROTECTION
- FALL OF LOTS/DIRECTION OF OVERLAND FLOWS

**STORMWATER NOTES**

- DESIGN OF LAYOUT, PAVEMENT, RL, 400/387 CURB WALK, CURBS AND GULLY DRIVE
- DESIGN SURFACE CONTOUR INTERVAL: 0.25M
- DETAILS OF EXISTING STRUCTURES ARE PROVIDED FOR ALL SERVICES PRIOR TO COMMENCEMENT OF WORK
- FOR SPECIFICATIONS OF STORMWATER DRAINAGE REFER TO FINANCIAL STANDARD SPECIFICATIONS
- FOR STANDARD STORMWATER DRAINAGE DETAILS REFER TO FINANCIAL STD DWG 51045 - 51103
- STORMWATER PIPES TO BE REINFORCED CONCRETE TO AC 4000, PIPE 4 TO BE HELICO 20mm THICK N. ACCORDANCE WITH AS/NZS3501:2010.
- PIPE 3, 4 & 5 TO HAVE ROCK PROTECTION AT DOWNSTREAM END TO PREVENT OVERTURN.

**CONTROL STATIONS**

Point 1: 333464.000, 209.225  
 Point 2: 333470.000, 209.225  
 Point 3: 333307.571, 209.225  
 Point 4: 333300.000, 209.225  
 Point 5: 333304.000, 209.225  
 Point 6: 333306.501, 209.225  
 Point 7: 333306.000, 209.225  
 Point 8: 333170.000, 209.225  
 Point 9: 333172.701, 209.225

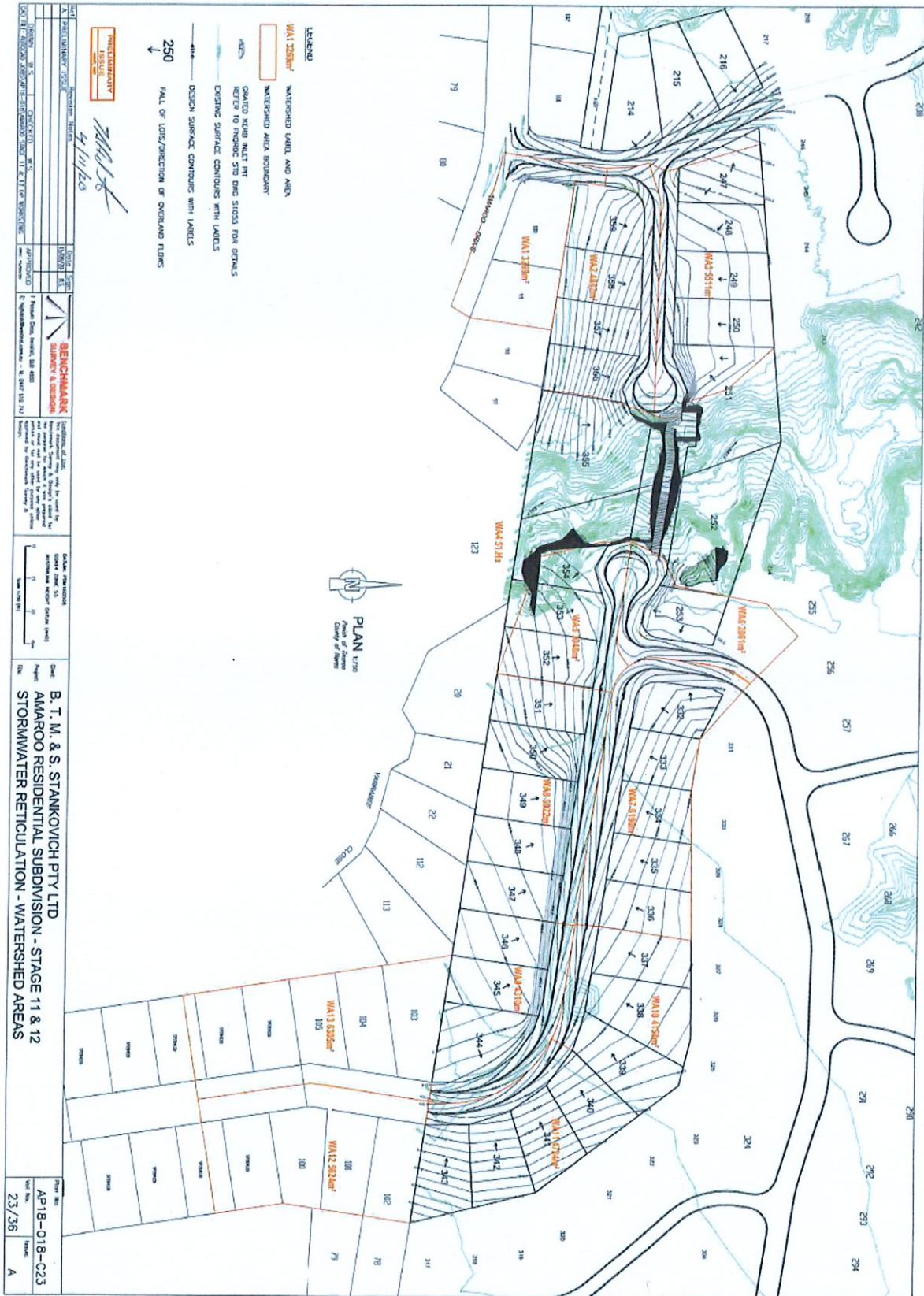
**STORMWATER RETICULATION LAYOUT PLAN - SHEET 1 of 2**

**B. T. M. & S. STANKOVICH PTY LTD**  
**AMAROO RESIDENTIAL SUBDIVISION - STAGE 11 & 12**

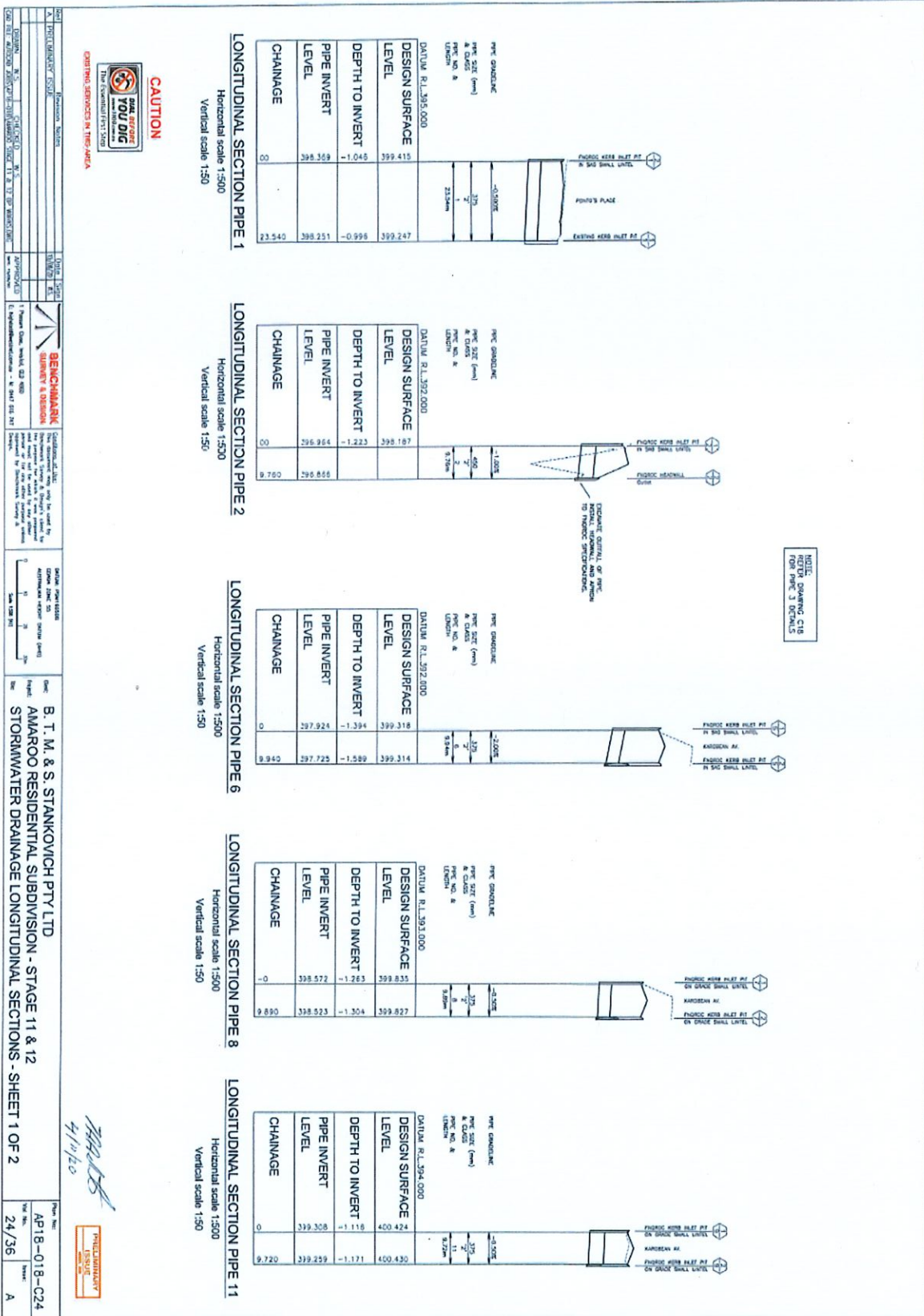
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Project No: AP18-018-C21  
 Date: 21/3/20  
 Sheet: 8





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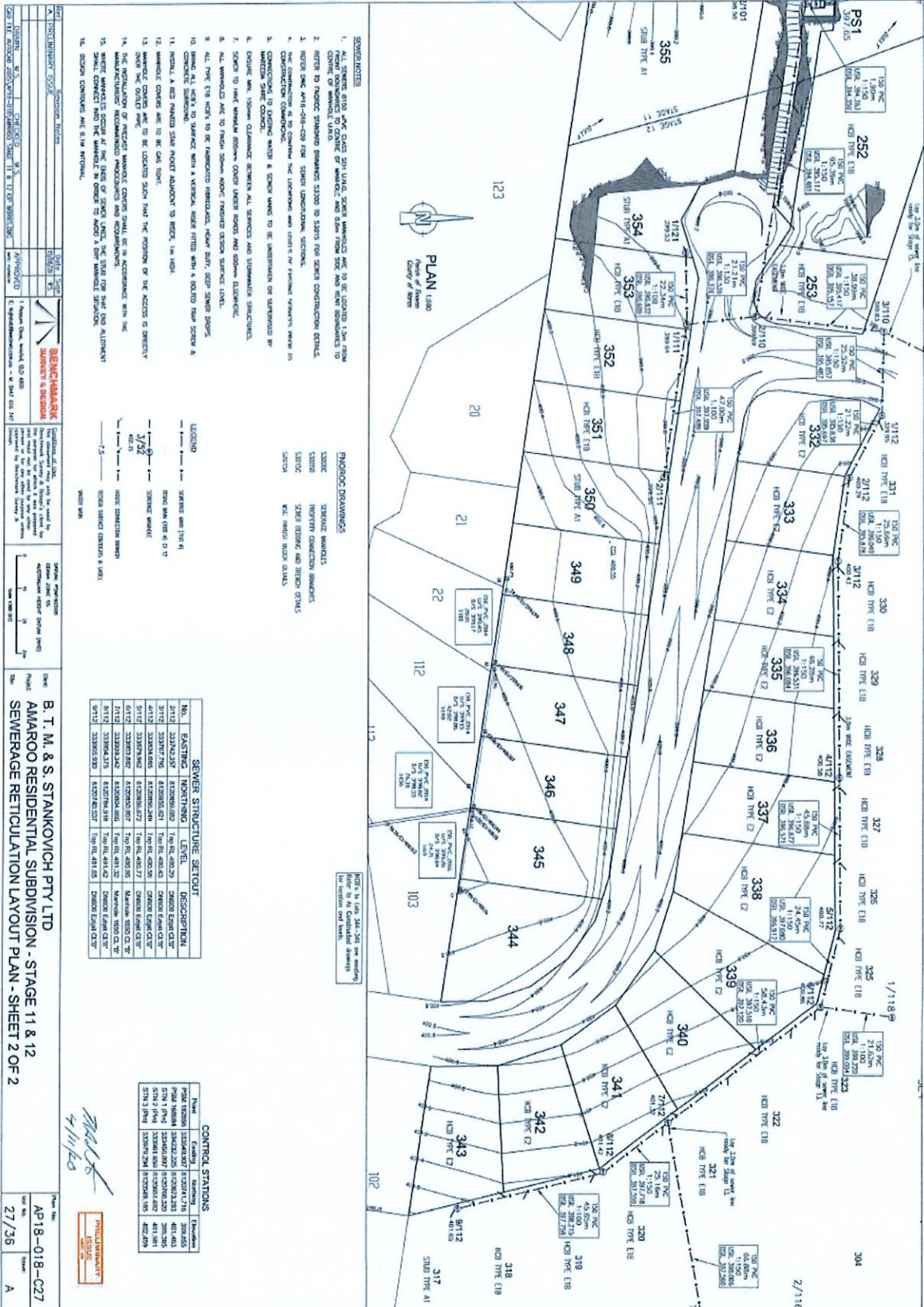


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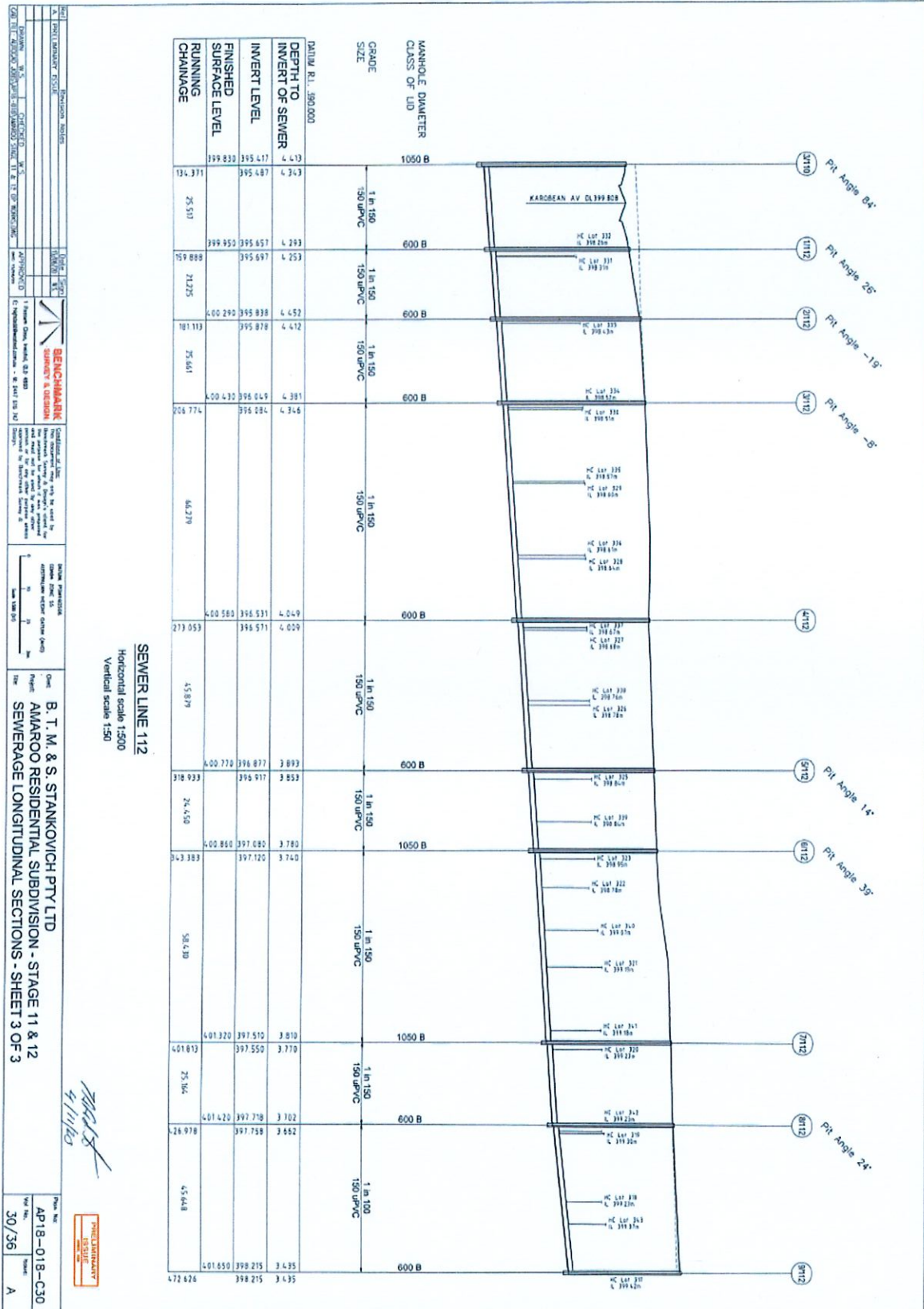




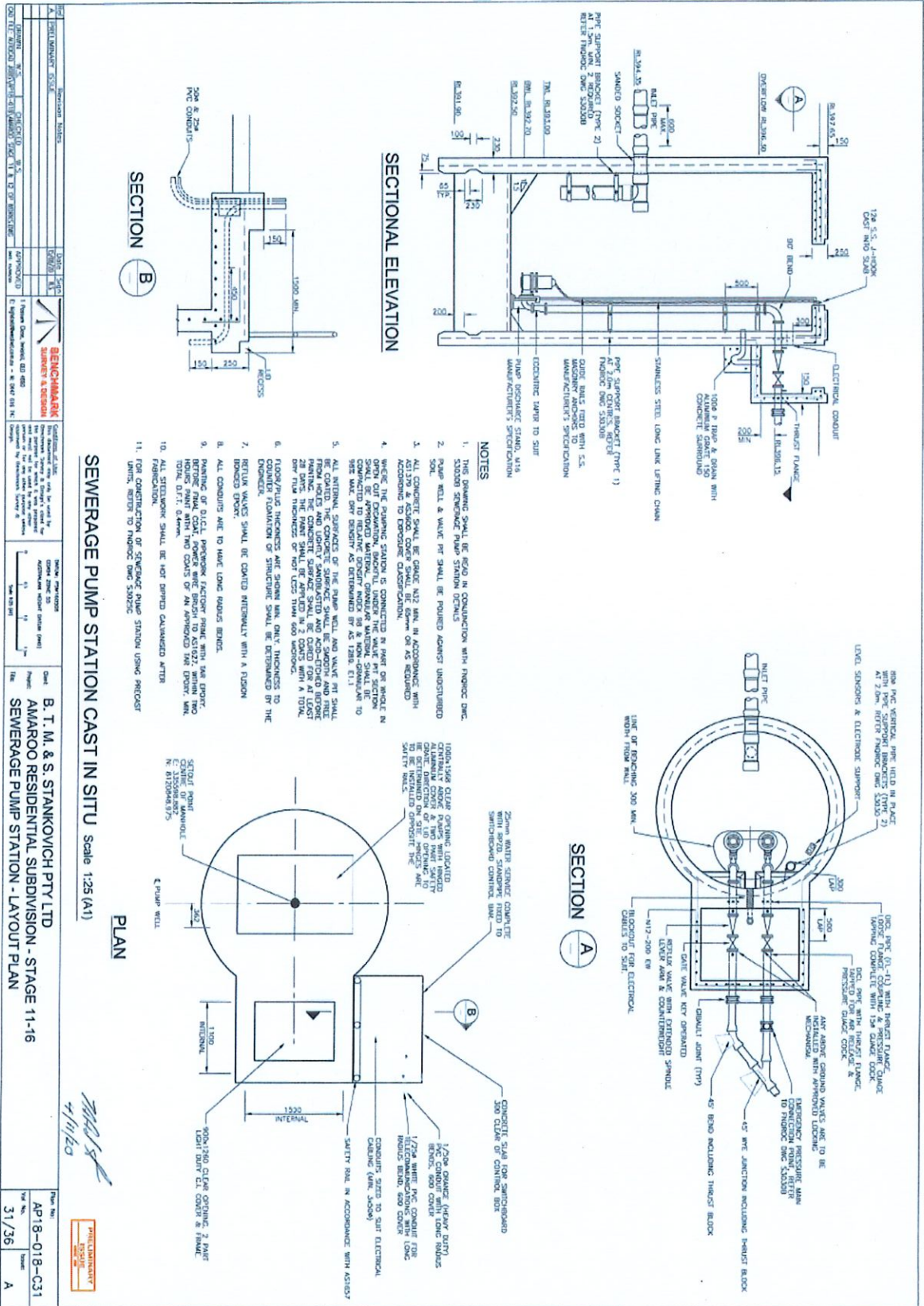




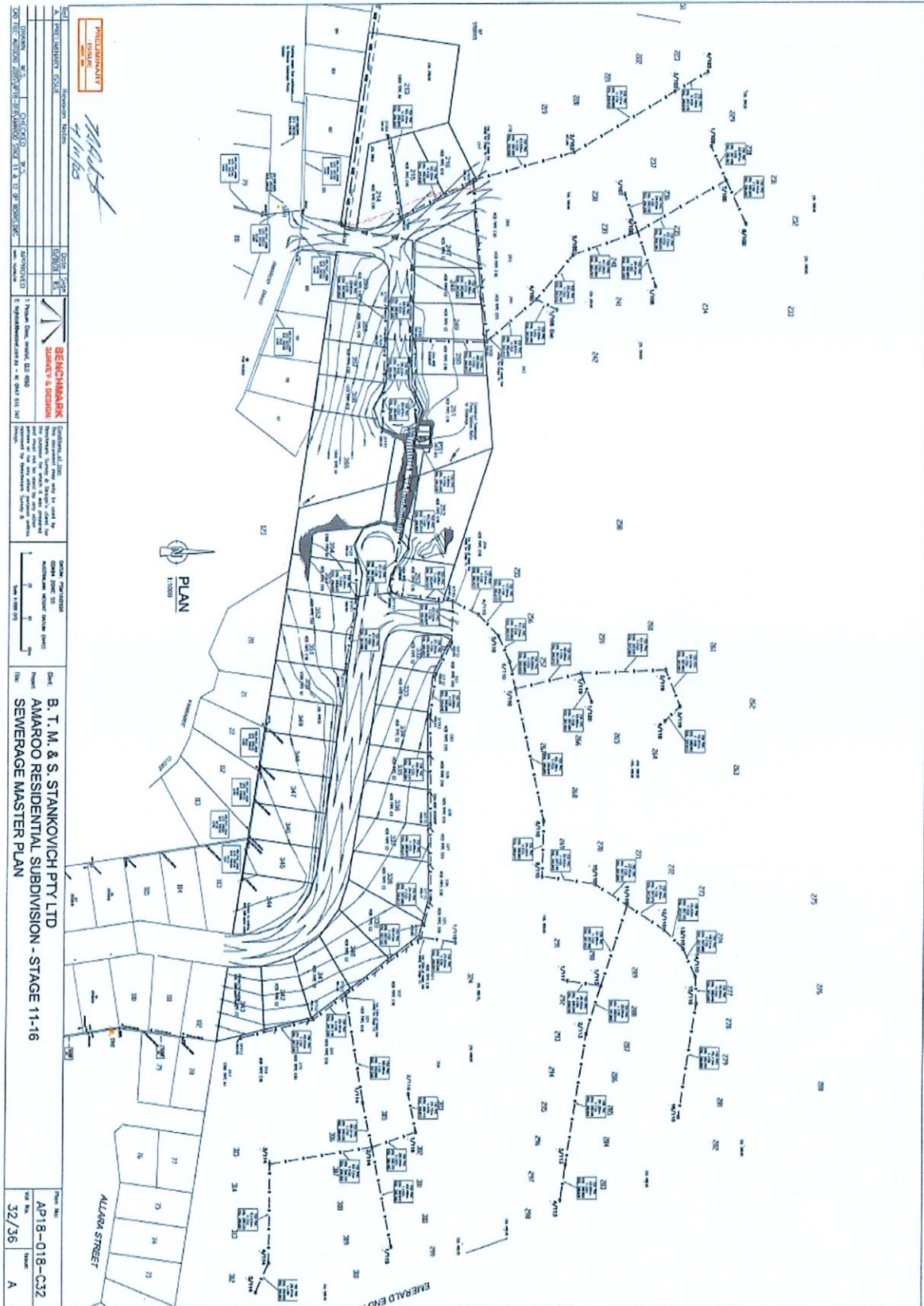




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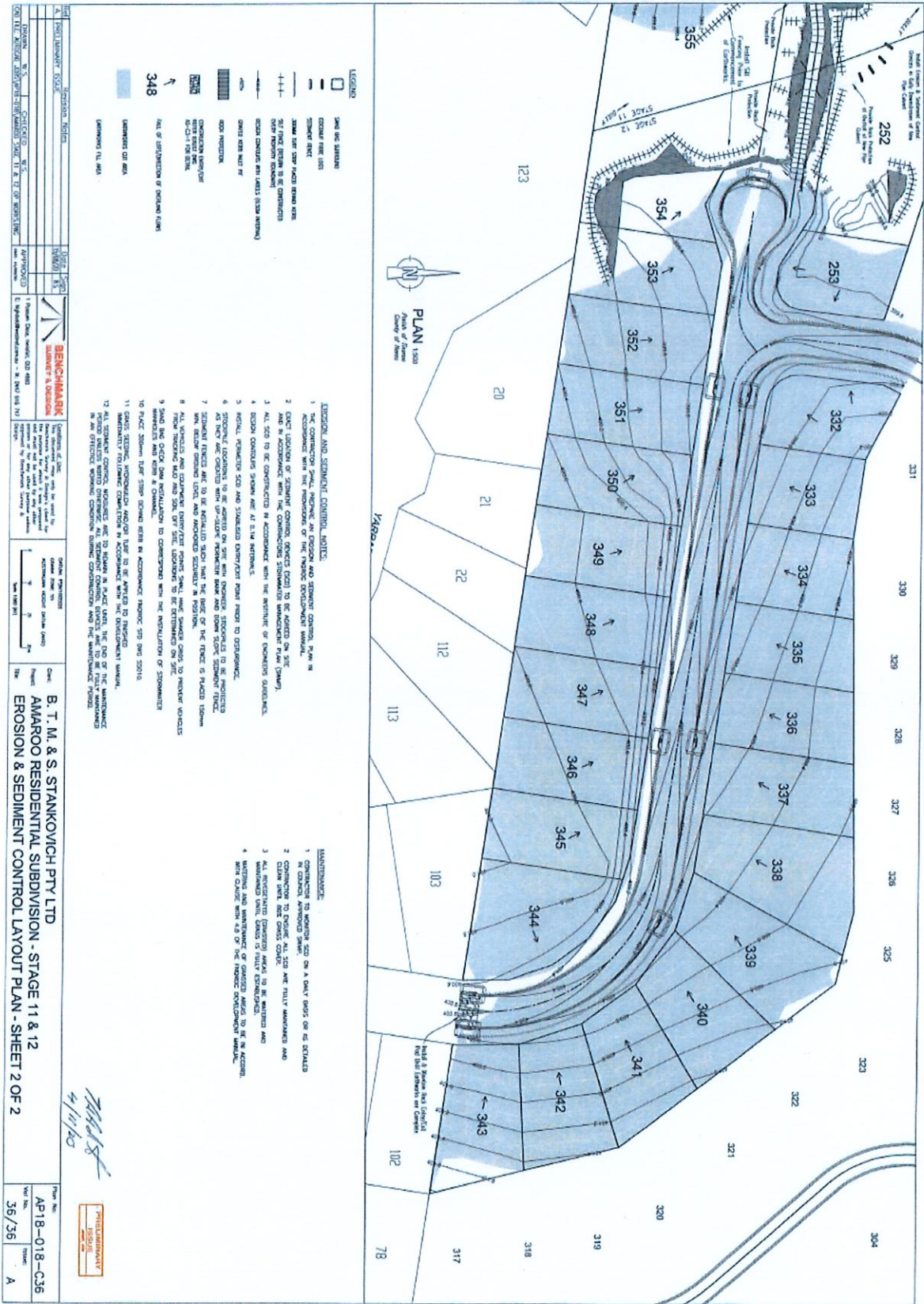
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DATE: 11/11/20	PROJECT: B.T.M. & S. STANKOVICH PTY LTD	SCALE: 1:500	DATE: 11/11/20
DRAWN: W.S.	CHECKED: W.S.	APPROVED: [Signature]	DATE: 11/11/20
<p><b>BENCHMARK</b> SUBMITTER'S EROSION CONTROL PLAN</p>			
<p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. THE CONTRACTOR SHALL PROVIDE AN EROSION AND SEDIMENT CONTROL PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE FINANCIAL DEVELOPMENT ACT.</li> <li>2. EXACT LOCATION OF SEDIMENT CONTROL DEVICES (CSD) TO BE ADAPTED ON SITE AND IN ACCORDANCE WITH THE CONTRACTOR'S SEDIMENTATION MANAGEMENT PLAN (SMP).</li> <li>3. ALL CSD TO BE CONSTRUCTED IN ACCORDANCE WITH THE INSTITUTE OF ENGINEERS STANDARDS.</li> <li>4. DESIGN CONSIDERATIONS SHALL BE AT 1:1 M RAINFALL.</li> <li>5. METAL PILEDRIVE SCREED AND STABILIZED EXTERIOR POINT POINT TO OBTAIN.</li> <li>6. SEDIMENT LOCATIONS TO BE ADAPTED ON SITE WITH DESIGNER'S APPROVAL TO BE INDICATED AS THEY ARE COORDINATED WITH GR-2 SLOPE PROTECTIVE BANK AND DOWN SLOPE SEDIMENT FENCE.</li> <li>7. SEDIMENT FENCES ARE TO BE INSTALLED SUCH THAT THE BASE OF THE FENCE IS FLARED DOWN TO ALL WEATHERED ROCK SURFACES AND PROTECTED SEDIMENT IN POSITION.</li> <li>8. ALL WEATHERED ROCK SURFACES TO BE PROTECTED WITH GR-2 SLOPE PROTECTIVE BANK AND DOWN SLOPE SEDIMENT FENCE FROM TRUCKING ROAD AND SIDE OF SITE. LOCATIONS TO BE DETERMINED ON SITE.</li> <li>9. SAND BAG CHECK DAM INSTALLATION TO CONFORM WITH THE REGULATIONS OF SEDIMENTATION ACT AND EROSION AND SEDIMENT CONTROL.</li> <li>10. PLACE STORM WATER DRAIN WITH IN ACCORDANCE FIGURE 510 AND 520/10.</li> <li>11. DRAIN SYSTEM, INTERLOCKED AND/OR LIFT TO BE ADAPTED TO RESPECT ENVIRONMENTAL REQUIREMENTS AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN.</li> <li>12. FENCE LOCATIONS TO BE ADAPTED TO CONFORM WITH THE REGULATIONS OF SEDIMENTATION ACT AND EROSION AND SEDIMENT CONTROL.</li> <li>13. FENCE LOCATIONS TO BE ADAPTED TO CONFORM WITH THE REGULATIONS OF SEDIMENTATION ACT AND EROSION AND SEDIMENT CONTROL.</li> </ol>			
<p><b>MAINTENANCE:</b></p> <ol style="list-style-type: none"> <li>1. MAINTENANCE TO BE PROVIDED ON A DAILY BASIS OR AS REQUIRED IN CONSULTATION WITH THE LOCAL COUNCIL.</li> <li>2. CONSTRUCTION TO ENSURE ALL CSD ARE FULLY MAINTAINED AND CLEAN WITH REGULAR CLEANING.</li> <li>3. ALL WEATHERED ROCK SURFACES TO BE PROTECTED AND MAINTAINED WITH GR-2 SLOPE PROTECTIVE BANK AND DOWN SLOPE SEDIMENT FENCE.</li> <li>4. SAND BAG CHECK DAMS TO BE MAINTAINED TO BE IN ACCORDANCE WITH THE REGULATIONS OF SEDIMENTATION ACT AND EROSION AND SEDIMENT CONTROL.</li> </ol>			
<p>Scale: 1:500 1m = 50mm</p>			
<p>Client: B.T.M. &amp; S. STANKOVICH PTY LTD Project: AMAROO RESIDENTIAL SUBDIVISION - STAGE 11 &amp; 12 Title: EROSION &amp; SEDIMENT CONTROL LAYOUT PLAN - SHEET 2 OF 2</p>			
Plan No:	AP18-018-C36	Scale:	A
Sheet No:	36/36	Scale:	A

## 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 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 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.

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- (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.