



9 December 2020

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 9 December 2020 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 (Amaroo Stage 11 only) Stage 12 is still being assessed.
Type of Approval:	
Date of Decision:	9 December 2020

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 11 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.

(b) Pre-start Meeting

- (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	
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-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-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

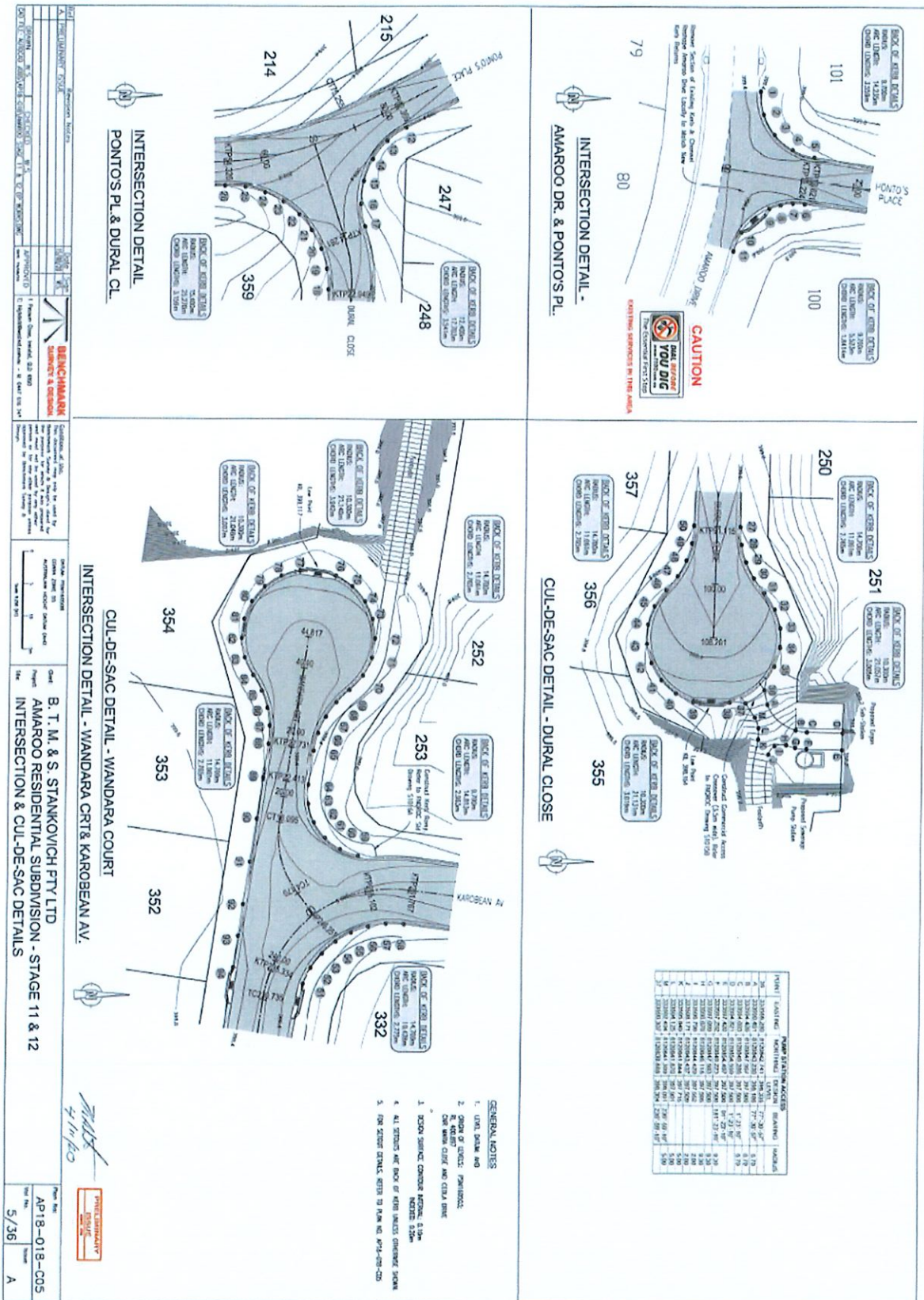
If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

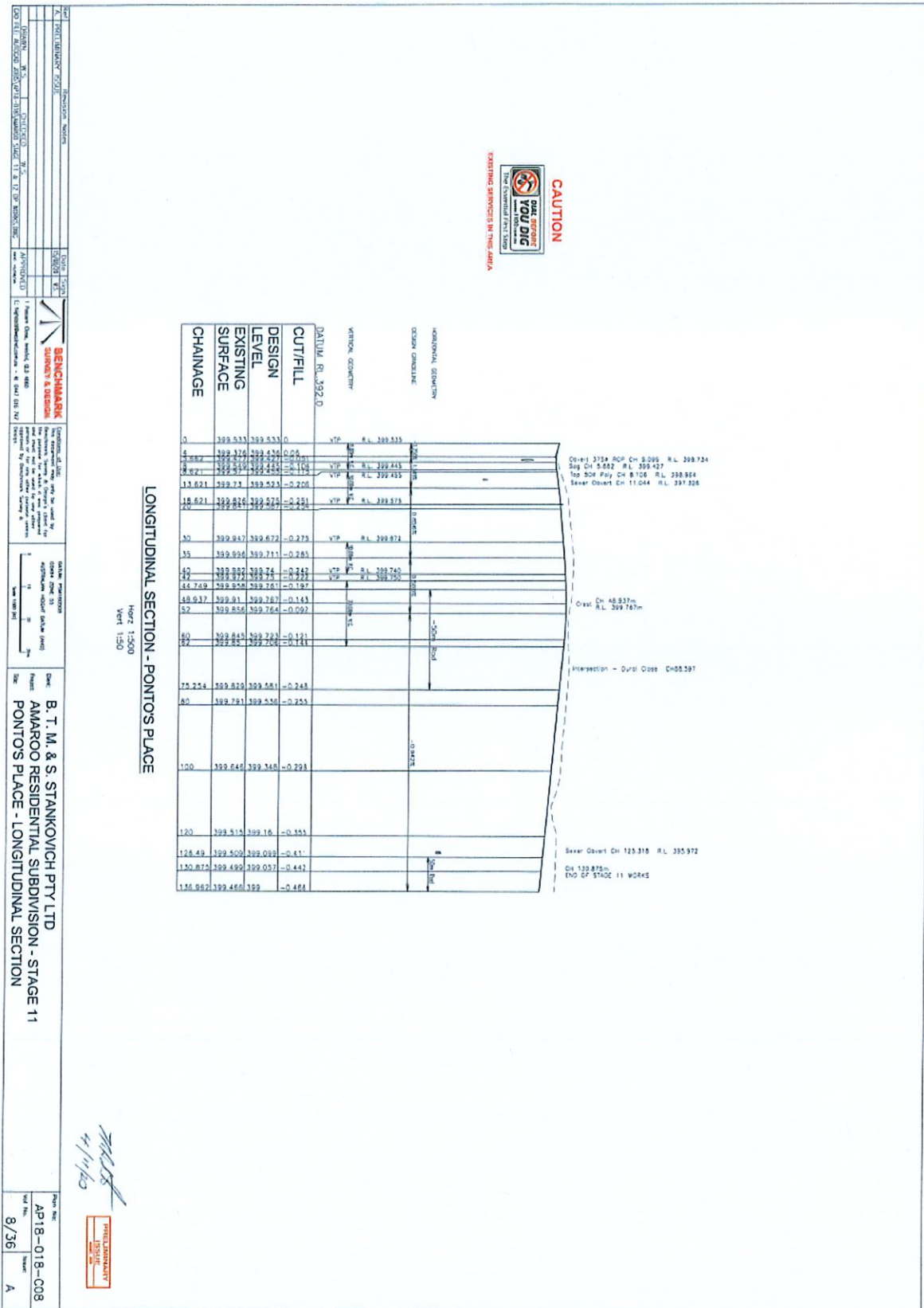
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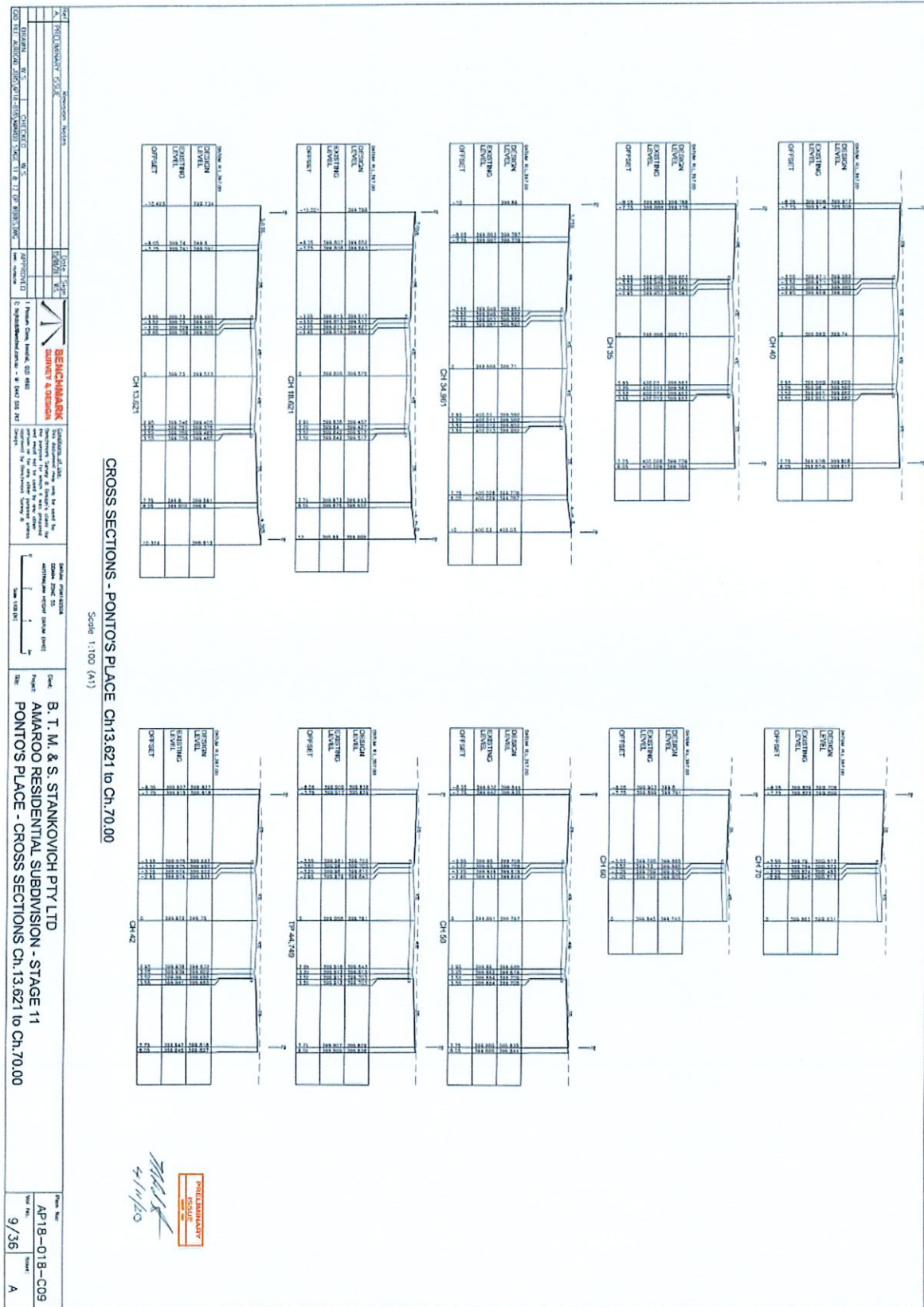


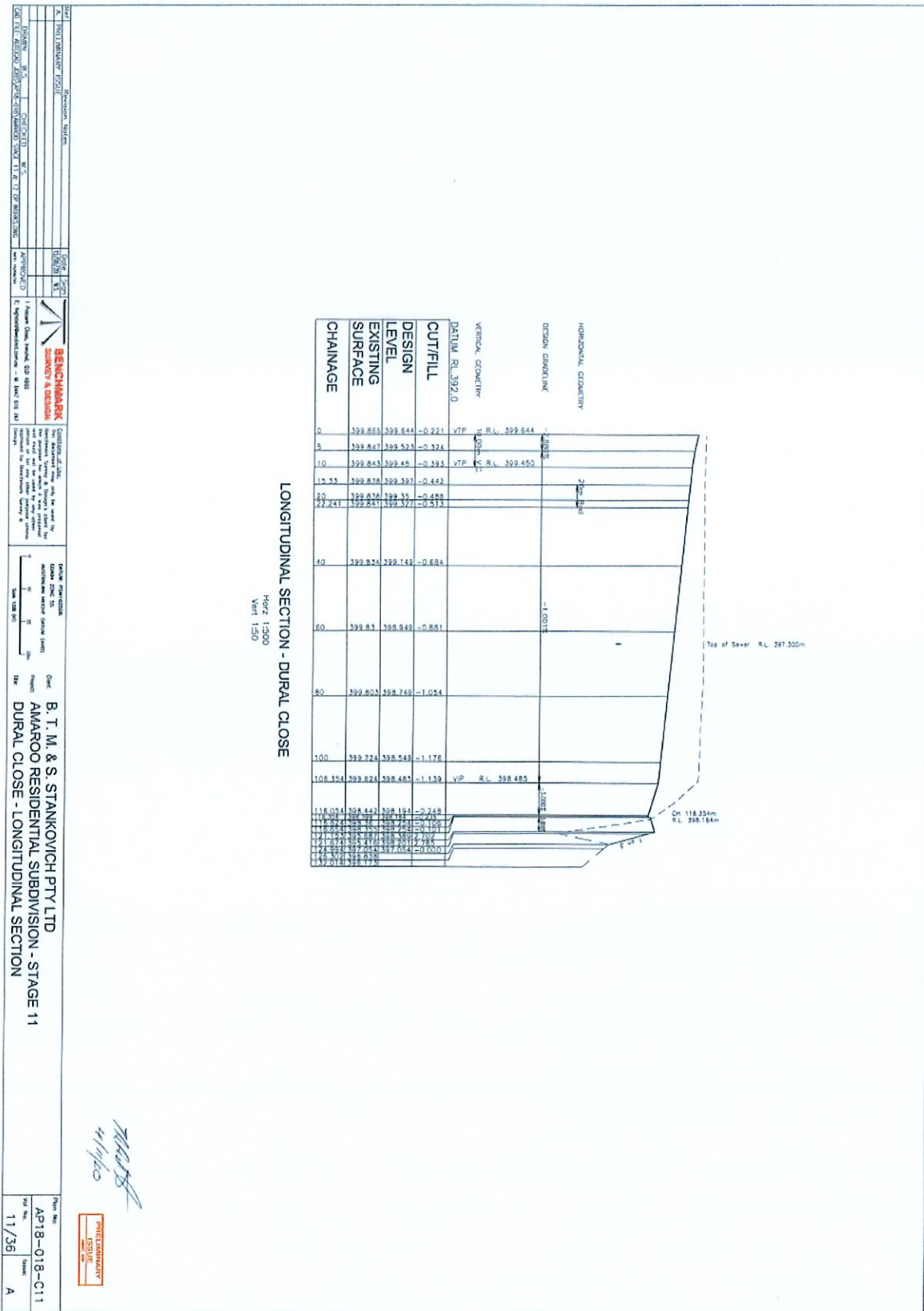
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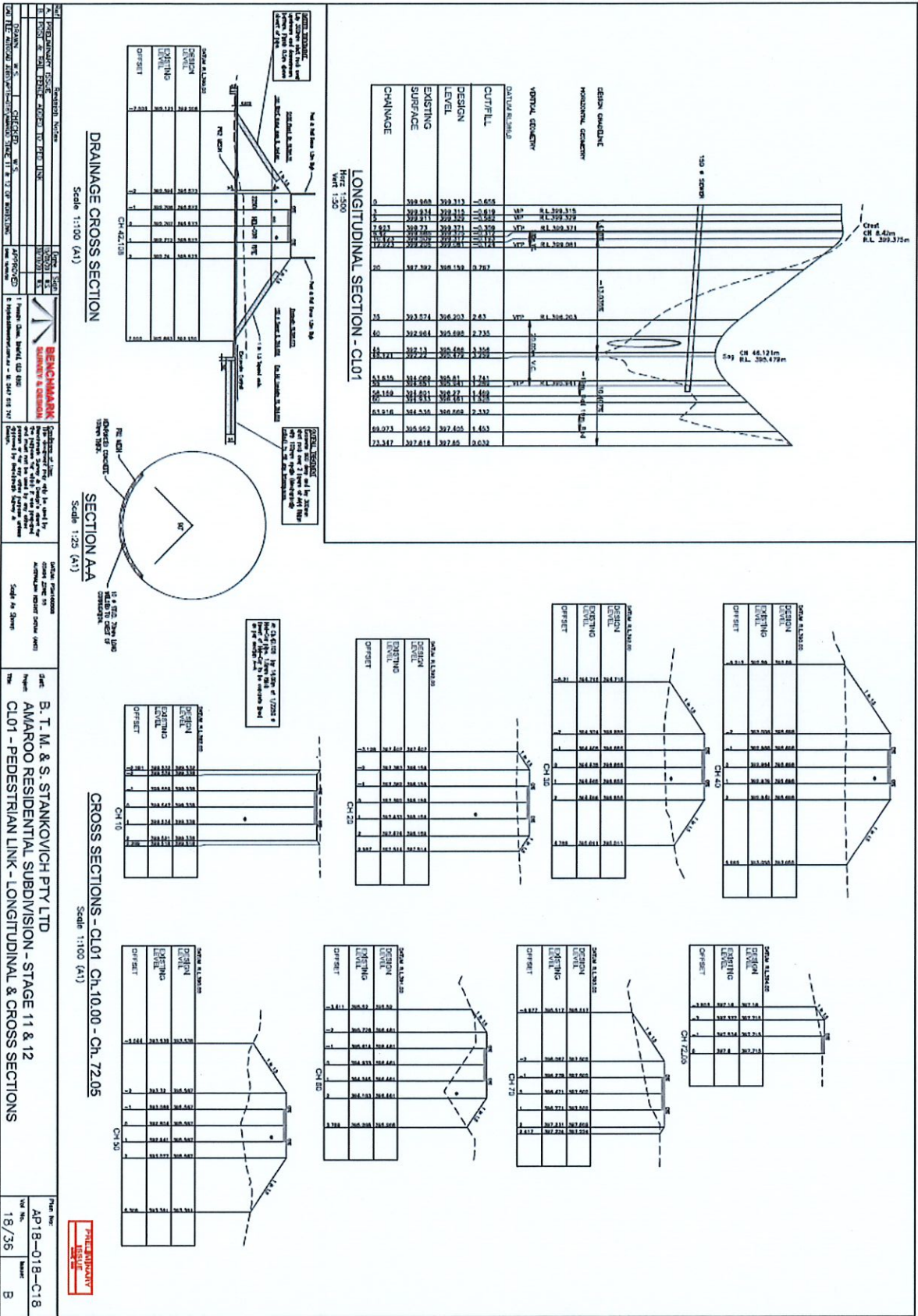
C		NO		EASTING		NORTHING		LEVEL	
AMAROO DRIVE & PONTO'S PLACE INTERSECTION DETAILS		1	2	333458.994	8120768.992	333462.498	8120769.489	399.403	
DURAL CLOSE CUL-DE-SAC DETAILS		3	3	333465.590	8120771.211	333467.858	8120773.927	399.450	
PONTO'S PLACE & DURAL CLOSE INTERSECTION DETAILS		4	4	333469.002	8120777.276	333475.969	8120775.853	399.461	
		5	5	333475.969	8120775.853	333476.131	8120772.196	399.443	
		6	6	333475.969	8120775.853	333476.131	8120772.196	399.443	
		7	7	333475.969	8120775.853	333476.131	8120772.196	399.443	
		8	8	333476.131	8120772.196	333476.131	8120772.196	399.443	
		9	9	333476.131	8120772.196	333476.131	8120772.196	399.443	
		10	10	333480.271	8120765.031	333483.149	8120766.258	399.452	
		11	11	333483.149	8120765.031	333487.252	8120838.326	399.476	
		12	12	333487.252	8120838.326	333490.639	8120833.127	399.302	
		13	13	333490.639	8120833.127	333493.667	8120832.245	399.355	
		14	14	333493.667	8120832.245	333496.810	8120833.374	399.349	
		15	15	333496.810	8120833.374	333499.953	8120830.765	399.421	
		16	16	333499.953	8120830.765	333472.250	8120842.266	399.387	
		17	17	333472.250	8120842.266	333474.263	8120826.749	399.578	
		18	18	333474.263	8120826.749	333481.054	8120820.420	399.622	
		19	19	333481.054	8120820.420	333481.232	8120823.466	399.637	
		20	20	333481.232	8120823.466	333481.232	8120823.466	399.637	
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		46	46	333481.232	8120823.466	333481.232	8120823.466	399.637	
		47	47	333481.232	8120823.466	333481.232	8120823.466	399.637	
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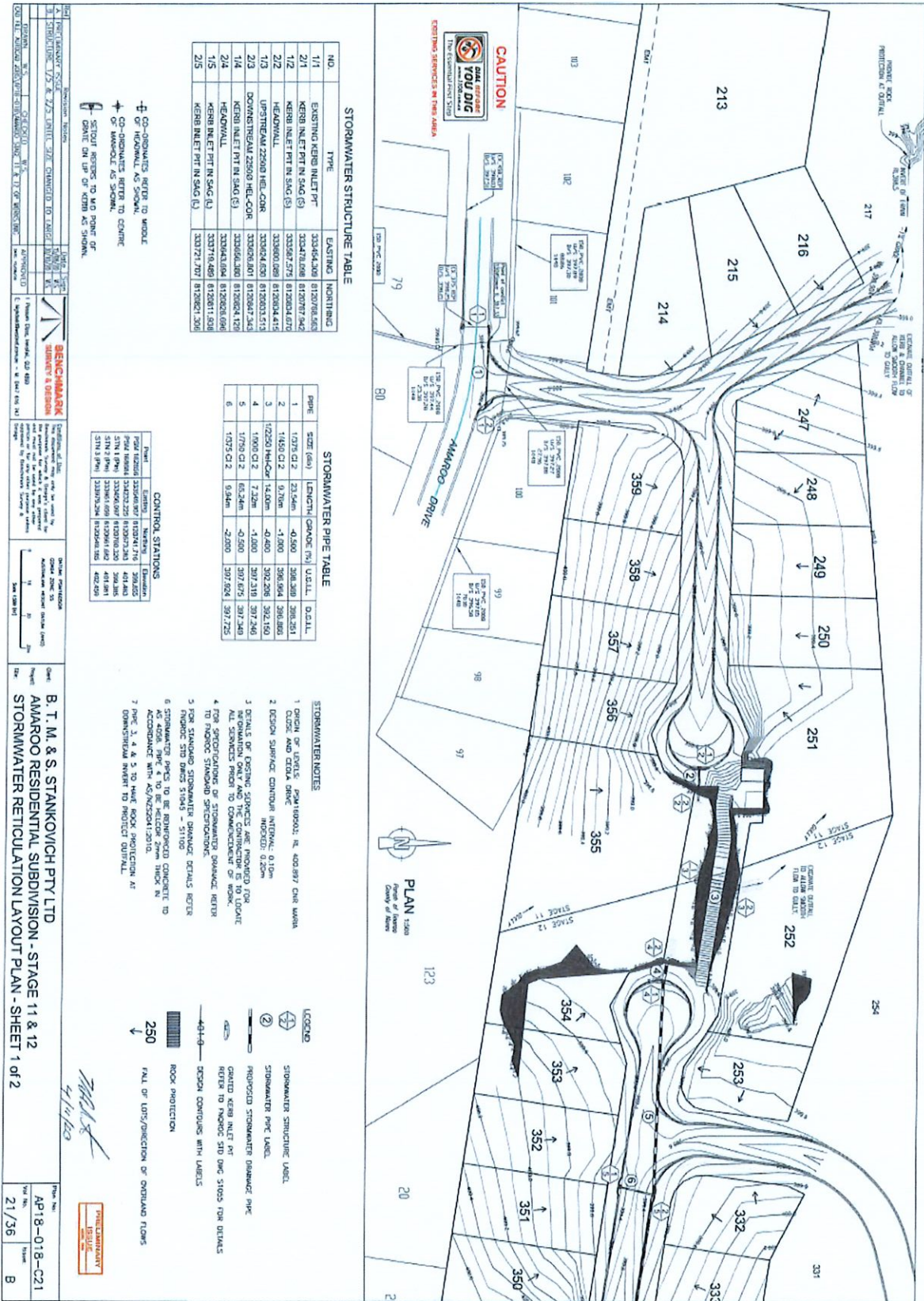
WANDARA CRT. & KAROBEAN AV. INTERSECTION & CUL-DE-SAC DETAILS		NO		EASTING		NORTHING		LEVEL	
CONTROL STATIONS		51	51	333719.099	8120822.493	333716.628	8120823.748	399.400	
		52	52	333716.628	8120823.748	333712.603	8120825.445	399.418	
		53	53	333712.603	8120825.445	333711.191	8120827.522	399.436	
		54	54	333711.191	8120827.522	333710.252	8120832.515	399.454	
		55	55	333710.252	8120832.515	333709.819	8120835.252	399.471	
		56	56	333709.819	8120835.252	333709.908	8120838.022	399.507	
		57	57	333709.908	8120838.022	333699.191	8120830.860	399.525	
		58	58	333699.191	8120830.860	333698.202	8120828.080	399.488	
		59	59	333698.202	8120828.080	333694.016	8120824.016	399.471	
		60	60	333694.016	8120824.016	333696.422	8120825.726	399.454	
		61	61	333696.422	8120825.726	333691.208	8120823.109	399.438	
		62	62	333691.208	8120823.109	333688.257	8120823.088	399.421	
		63	63	333688.257	8120823.088	333682.996	8120823.859	399.405	
		64	64	333682.996	8120823.859	333680.313	8120824.515	399.378	
		65	65	333680.313	8120824.515	333677.801	8120825.660	399.364	
		66	66	333677.801	8120825.660	333675.547	8120827.255	399.349	
		67	67	333675.547	8120827.255	333673.631	8120829.244	399.335	
		68	68	333673.631	8120829.244	333671.433	8120831.298	399.320	
		69	69	333671.433	8120831.298	333668.734	8120832.630	399.306	
		70	70	333668.734	8120832.630	333665.766	8120833.124	399.292	
		71	71	333665.766	8120833.124	333662.781	8120832.740	399.278	
		72	72	333662.781	8120832.740	333660.035	8120831.509	399.264	
		73	73	333660.035	8120831.509	333657.762	8120829.537	399.250	
		74	74	333657.762	8120829.537	333656.156	8120826.993	399.235	
		75	75	333656.156	8120826.993	333655.368	8120821.448	399.221	
		76	76	333655.368	8120821.448	333656.196	8120818.569	399.207	
		77	77	333656.196	8120818.569	333657.818	8120816.050	399.192	
		78	78	333657.818	8120816.050	333660.097	8120814.104	399.178	
		79	79	333660.097	8120814.104	333662.839	8120812.896	399.164	
		80	80	333662.839	8120812.896	333665.812	8120812.529	399.150	
		81	81	333665.812	8120812.529	333668.766	8120813.033	399.136	
		82	82	333668.766	8120813.033	333671.449	8120814.365	399.122	
		83	83	333671.449	8120814.365	333673.847	8120815.724	399.108	
		84	84	333673.847	8120815.724	333676.464	8120816.605	399.094	
		85	85	333676.464	8120816.605	333679.200	8120816.981	399.080	
		86	86	333679.200	8120816.981	333681.966	8120816.834	399.066	
		87	87	333681.966	8120816.834	333684.727	8120816.063	399.052	
		88	88	333684.727	8120816.063	333687.478	8120815.146	399.038	
		89	89	333687.478	8120815.146	333690.220	8120814.157	399.024	
		90	90	333690.220	8120814.157	333693.016	8120813.168	399.010	
		91	91	333693.016	8120813.168	333706.962	8120812.459	398.996	
		92	92	333706.962	8120812.459	333711.796	8120811.750	398.982	
		93	93	333711.796	8120811.750	333716.632	8120741.716	398.968	
		94	94	333716.632	8120741.716	333549.907	8120732.225	398.954	
		182856		333549.907	8120732.225	168684	334232.225	401.463	
		168684		334232.225	8120760.320	333456.097	8120760.320	399.385	
		STN 1		333456.097	8120760.320	333961.659	8120661.682	401.981	
		STN 2		333961.659	8120661.682				
		STN 3		333979.294	8120549.185			402.459	











STORMWATER STRUCTURE TABLE

NO.	TYPE	EXISTING	NORTHING
1/1	EXISTING KERB INLET PT	333464.000	812009.562
2/1	KERB INLET PT IN SAG (S)	333474.000	812007.942
2/2	KERB INLET PT IN SAG (S)	333487.571	812004.417
2/2	HEADWALL	333500.000	812003.417
1/3	UPSTREAM 2500 MEL-COR	333504.000	812003.513
2/3	DOWNSTREAM 2500 MEL-COR	333505.000	812002.343
1/4	KERB INLET PT IN SAG (S)	333566.000	812002.123
1/4	HEADWALL	333584.000	812002.098
1/5	KERB INLET PT IN SAG (S)	333718.469	812001.528
2/5	KERB INLET PT IN SAG (S)	333721.701	812001.328

STORMWATER PIPE TABLE

PIPE	SIZE (mm)	LENGTH (m)	GRADE (%)	UTIL.	D.C.A.L.
1	1075 CI 2	23.54m	-0.200	308.289	308.281
2	1050 CI 2	9.70m	-1.200	308.584	308.180
3	10250 MH-CW	14.00m	-0.200	307.205	307.160
4	1075 CI 2	7.20m	-1.200	307.319	307.246
5	1075 CI 2	65.20m	-2.200	307.675	307.246
6	1075 CI 2	9.94m	-2.200	307.604	307.225

CONTROL STATIONS

Point	Station	Height	Elevation
Point 1 (M)	333464.000	812009.562	40.840
Point 2 (M)	333487.571	812004.417	39.245
Point 3 (M)	333500.000	812003.417	38.245
Point 4 (M)	333504.000	812003.513	40.840
Point 5 (M)	333505.000	812002.343	38.245
Point 6 (M)	333566.000	812002.123	40.840
Point 7 (M)	333584.000	812002.098	40.840
Point 8 (M)	333718.469	812001.528	40.840
Point 9 (M)	333721.701	812001.328	40.840

- ⊕ CO-DRAWINGS REFER TO MODEL
- ⊕ HEADWALL AS SHOWN
- ⊕ DOWNSTREAM RETS TO CORNER
- ⊕ HEADWALL AS SHOWN
- ⊕ SETOUT RETS TO 40 POINT OF
- ⊕ CORNER OR UP OF KERB AS SHOWN.

CAUTION
CALL BEFORE YOU DIG
THE NATIONAL POLE SERVICE
CERTIFIED SERVICES IN THIS AREA

STORMWATER NOTES

- ORIGIN OF LOTS: PPM 100001, RL 400.997 CURB MARK
- EXISTING AND EXISTING DRIVE
- DESIGN SURFACE CONTROL IN TYPICAL 0.10%
- DESIGN SURFACE CONTROL IN TYPICAL 0.20%
- DETAILS OF STORMWATER STRUCTURES ARE PROVIDED FOR INFORMATION ONLY AND NOT TO BE CONSIDERED AS A CONTRACT DOCUMENT. ALL SERVICES PRIOR TO COMMENCEMENT OF WORK TO FURNISH STANDARD SPECIFICATIONS.
- FOR STANDARD STORMWATER STRUCTURE DETAILS REFER TO FPOC STD DWS 51045 - 51100
- STORMWATER PIPES TO BE RETURNED CONCRETE TO AS 4088. PIPE 4 TO BE RETURNED THICK IN ACCORDANCE WITH AS/NZS3101:2010.
- PIPE 3, 4, 5 TO HAVE ROCK PROTECTION AT DOWNSTREAM END TO PROTECT DOWNHILL.

LEGEND

- ⊕ STORMWATER STRUCTURE LABEL
- ⊕ STORMWATER PIPE LABEL
- ⊕ PROPOSED STORMWATER DRAINAGE PIPE
- ⊕ GRADED KERB INLET PT
- ⊕ REFER TO FPOC STD DWS 51053 FOR DETAILS
- ⊕ DESIGN CONTOURS WITH LABELS
- ⊕ ROCK PROTECTION
- ⊕ FALL OF LOTS/DIRECTION OF OVERLAND FLOWS

STORMWATER STRUCTURE TABLE

STORMWATER PIPE TABLE

CONTROL STATIONS

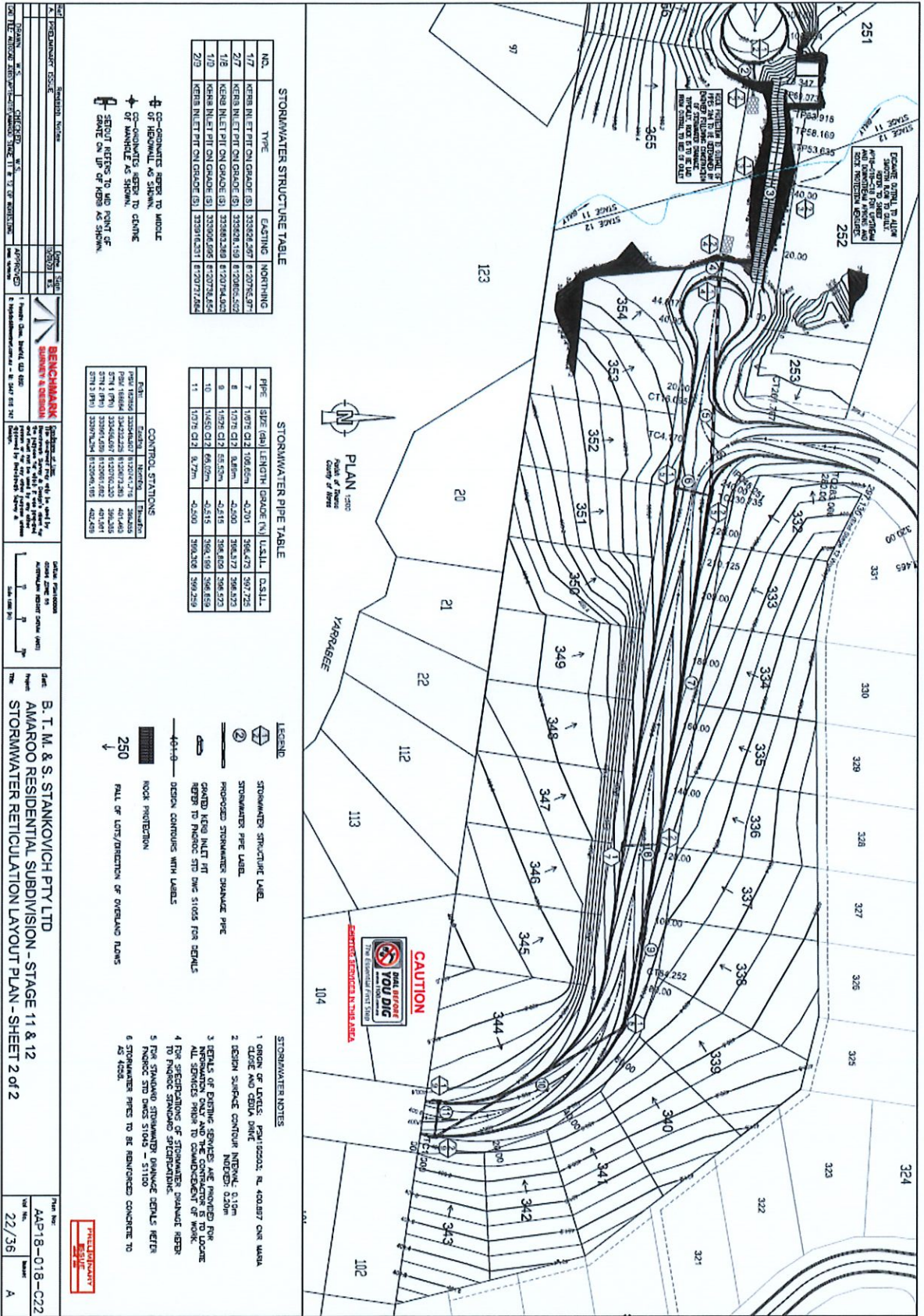
STORMWATER NOTES

LEGEND

B. T. M. & S. STANKOVICH PTY LTD
AMAROO RESIDENTIAL SUBDIVISION - STAGE 11 & 12
STORMWATER RETICULATION LAYOUT PLAN - SHEET 1 of 2

DATE: 21/3/20
DRAWN BY: [Signature]
CHECKED BY: [Signature]

PROJECT NO: AP18-018-C21
DATE: 21/3/20
SCALE: B



STORMWATER STRUCTURE TABLE

NO.	TYPE	EASTING	NORTHING
17	KERB INLET PIT ON GRADE (S)	33582.297	812076.577
27	KERB INLET PIT ON GRADE (S)	33582.159	812076.552
18	KERB INLET PIT ON GRADE (S)	33582.289	812076.421
29	KERB INLET PIT ON GRADE (S)	33582.595	812076.645
29	KERB INLET PIT ON GRADE (S)	33581.631	812077.144

STORMWATER PIPE TABLE

PIPE NO.	SIZE (mm)	LENGTH (m)	GRADE (%)	U.S.L.L.	D.S.L.L.
7	150mm CI2	100.65m	-0.701	356.473	357.725
8	150mm CI2	8.65m	-0.530	356.473	356.823
9	150mm CI2	55.52m	-0.215	356.803	356.823
10	150mm CI2	64.02m	-0.215	356.818	356.838
11	150mm CI2	8.27m	-0.500	359.020	359.290

- ± CO-ORDINATE REFER TO MIDDLE OF ROADWAY AS SHOWN.
- ± CO-ORDINATE REFER TO CENTRE OF MANHOLE AS SHOWN.
- ± POINT REFER TO END POINT OF GRADE ON TOP OF KERB AS SHOWN.

CONTROL STATIONS

PIPE NO.	STATION	LENGTH (m)	GRADE (%)	U.S.L.L.	D.S.L.L.
7	33582.297	100.65	-0.701	356.473	357.725
8	33582.159	8.65	-0.530	356.473	356.823
9	33582.289	55.52	-0.215	356.803	356.823
10	33582.595	64.02	-0.215	356.818	356.838
11	33581.631	8.27	-0.500	359.020	359.290

LEGEND

- STORMWATER STRUCTURE LABEL
- STORMWATER PIPE LABEL
- PROPOSED STORMWATER SPURANCE PIPE
- GRADE LEGS INLET PIT REFER TO PROPOSED STD PIPE SIZES FOR DETAILS
- DESIGN CONTOURS WITH LABELS
- NOCK PROTECTION
- FALL OF LOTS/DIRECTION OF OVERLAND FLOWS

STORMWATER NOTES

- ORDER OF LAYERS: PAVEMENT, RL, DOUBT CURB WALL, CLOSE AND CURB DIRT
- DESIGN SURFACE CONTOUR INTERVAL: 0.10m
- DETAILS OF EXISTING SERVICES ARE PROVIDED FOR INFORMATION ONLY AND THE CONTRACTOR IS TO LOCATE THE SERVICES PRIOR TO CONSTRUCTION OF WORK
- FOR REVISIONS OF STORMWATER SPURANCE PIPES
- FOR REVISIONS OF STORMWATER SPURANCE PIPES
- STORMWATER PIPES TO BE REINFORCED CONCRETE TO AS 4586

CAUTION REAL LIFE YOU DIG

PROPOSED REDUCED TO SUBPARA

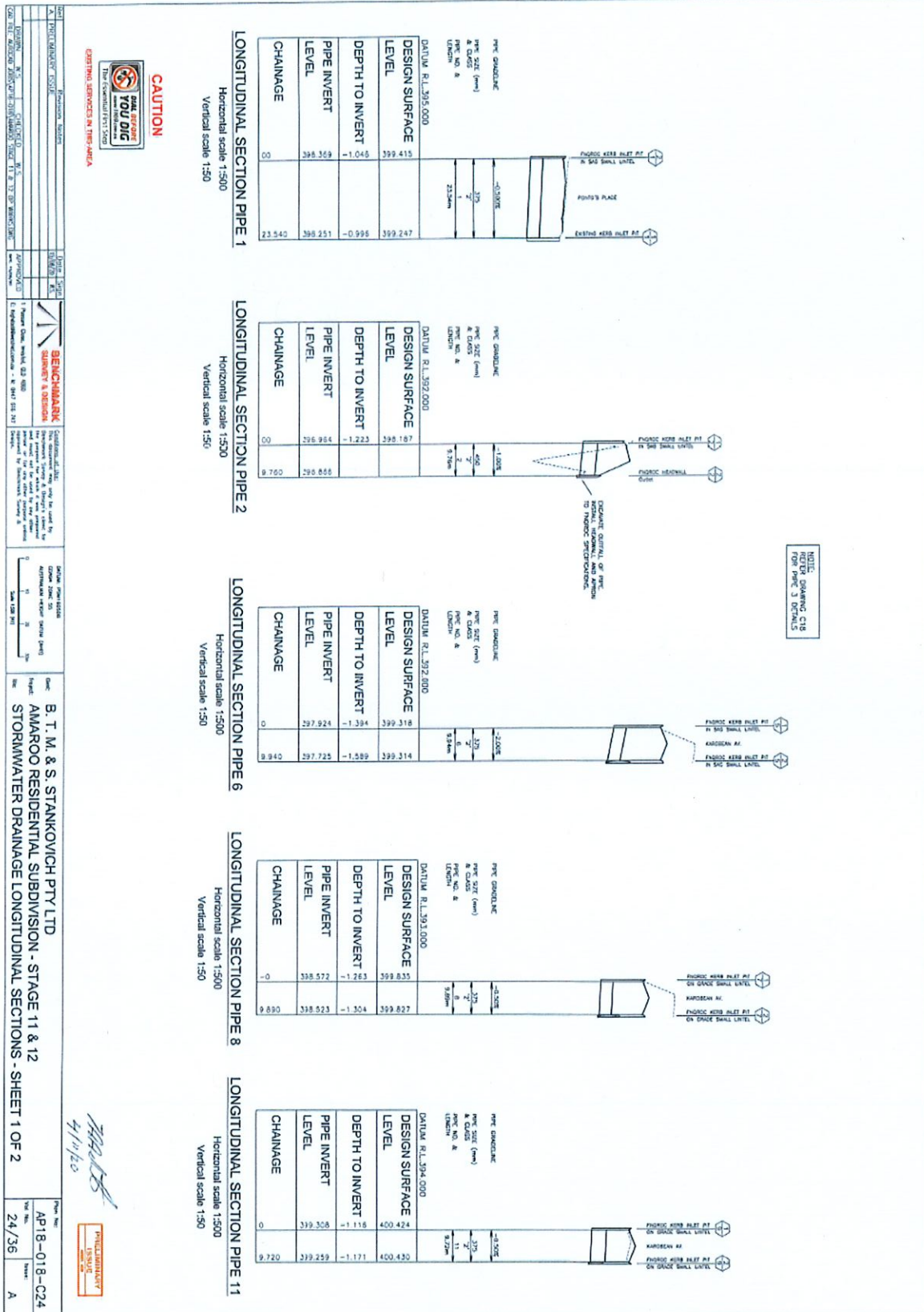
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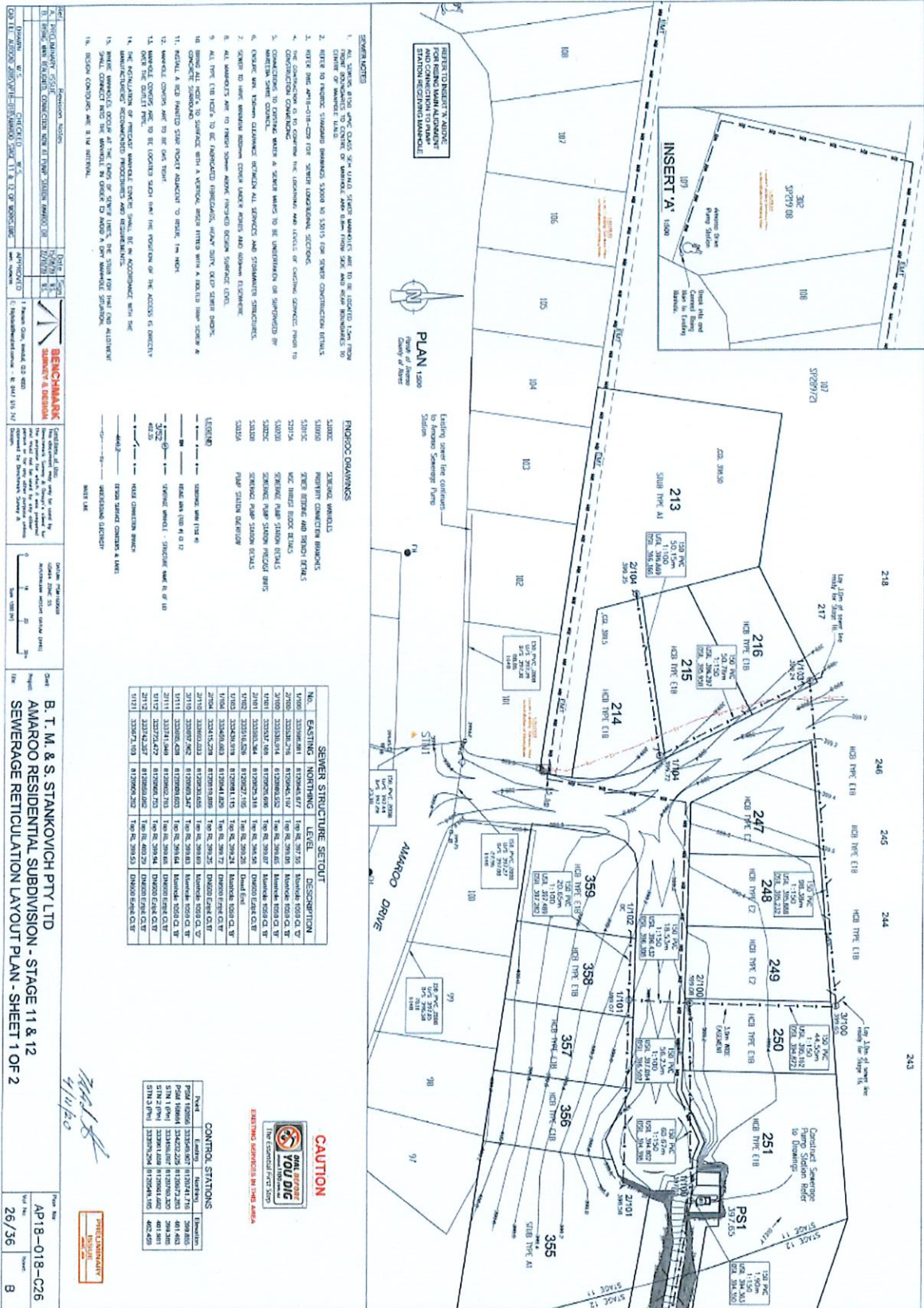
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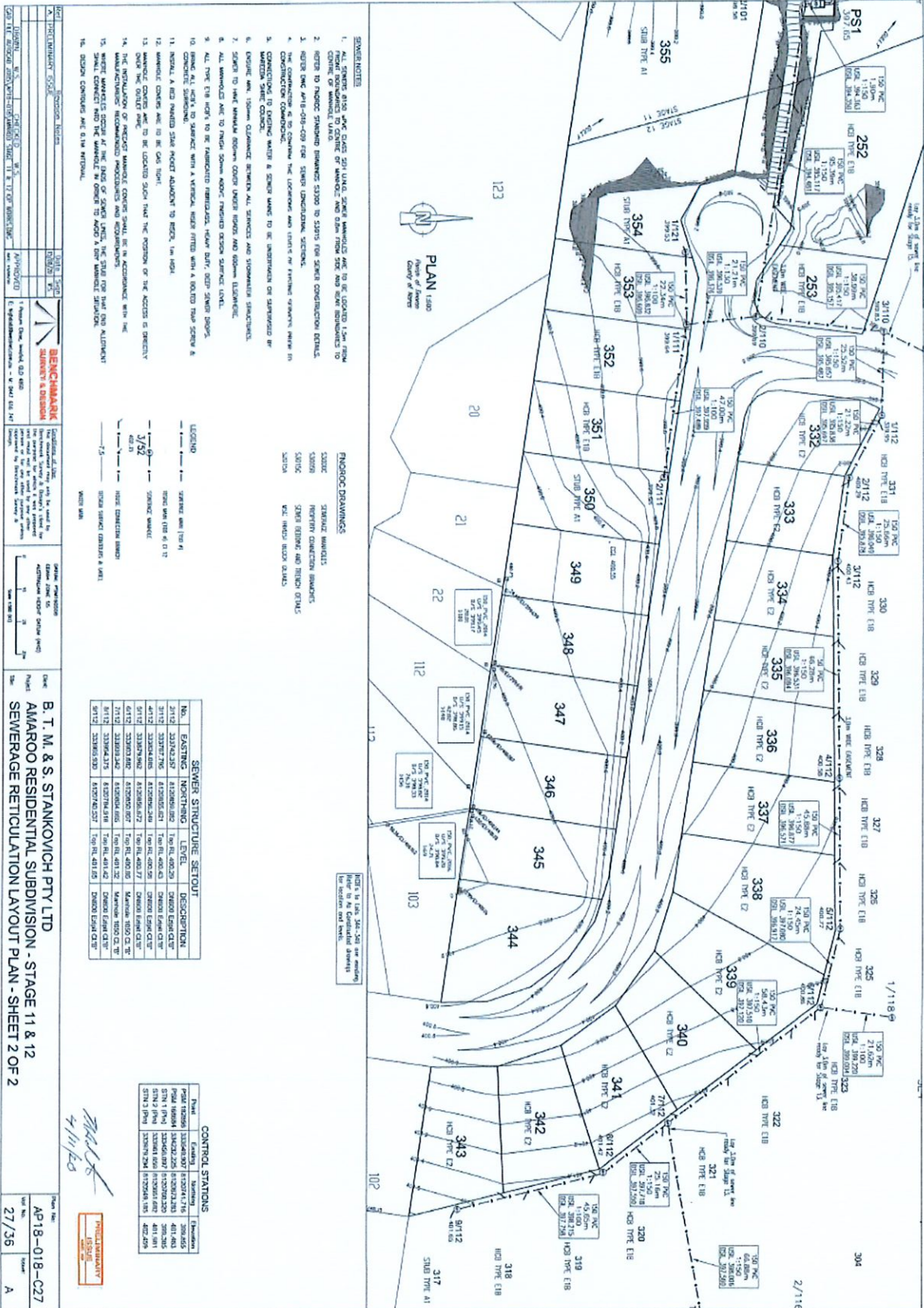
AMAROO RESIDENTIAL SUBDIVISION - STAGE 11 & 12

STORMWATER RETICULATION LAYOUT PLAN - SHEET 2 of 2

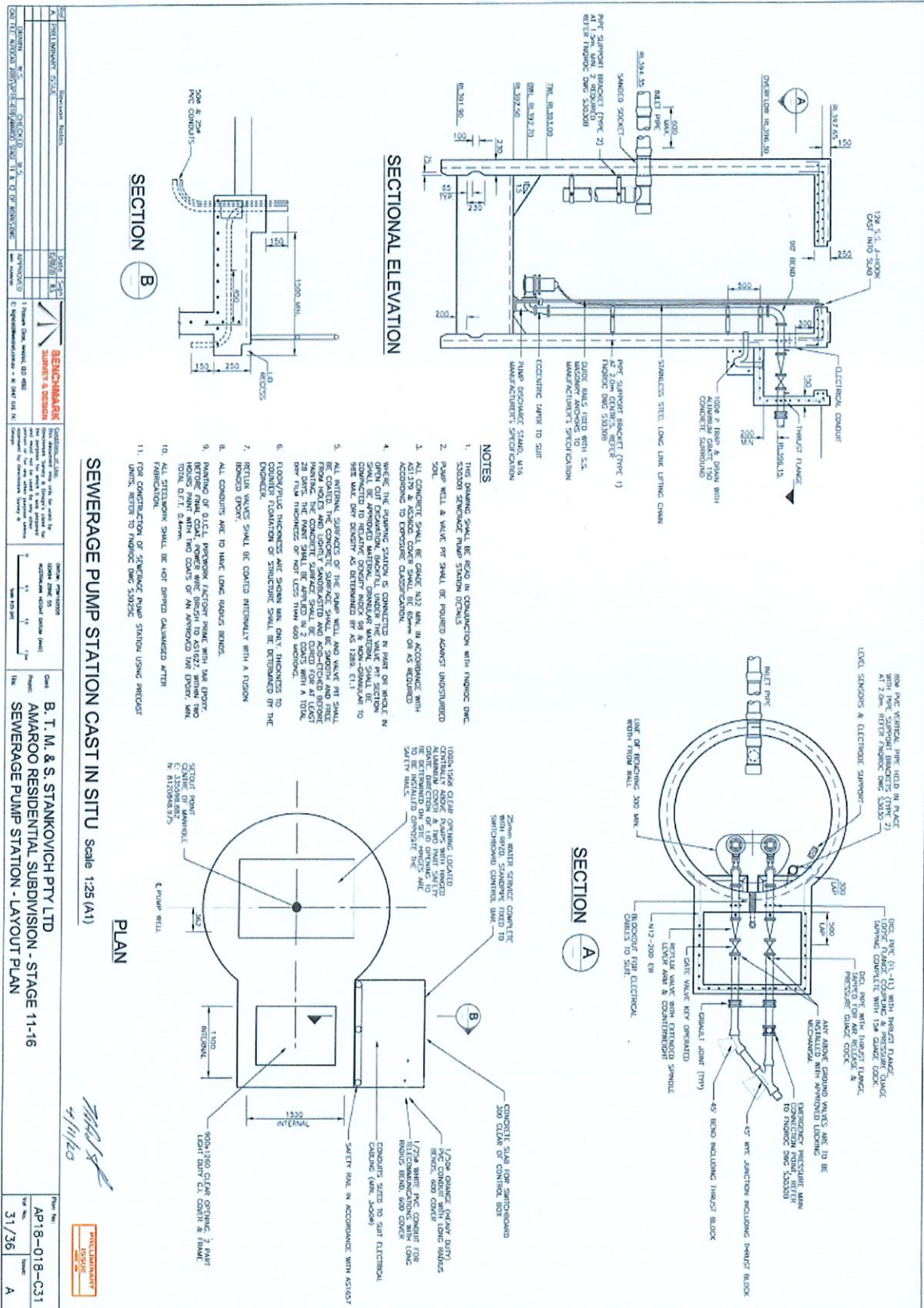
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 Date: 22/36
 Sheet: A



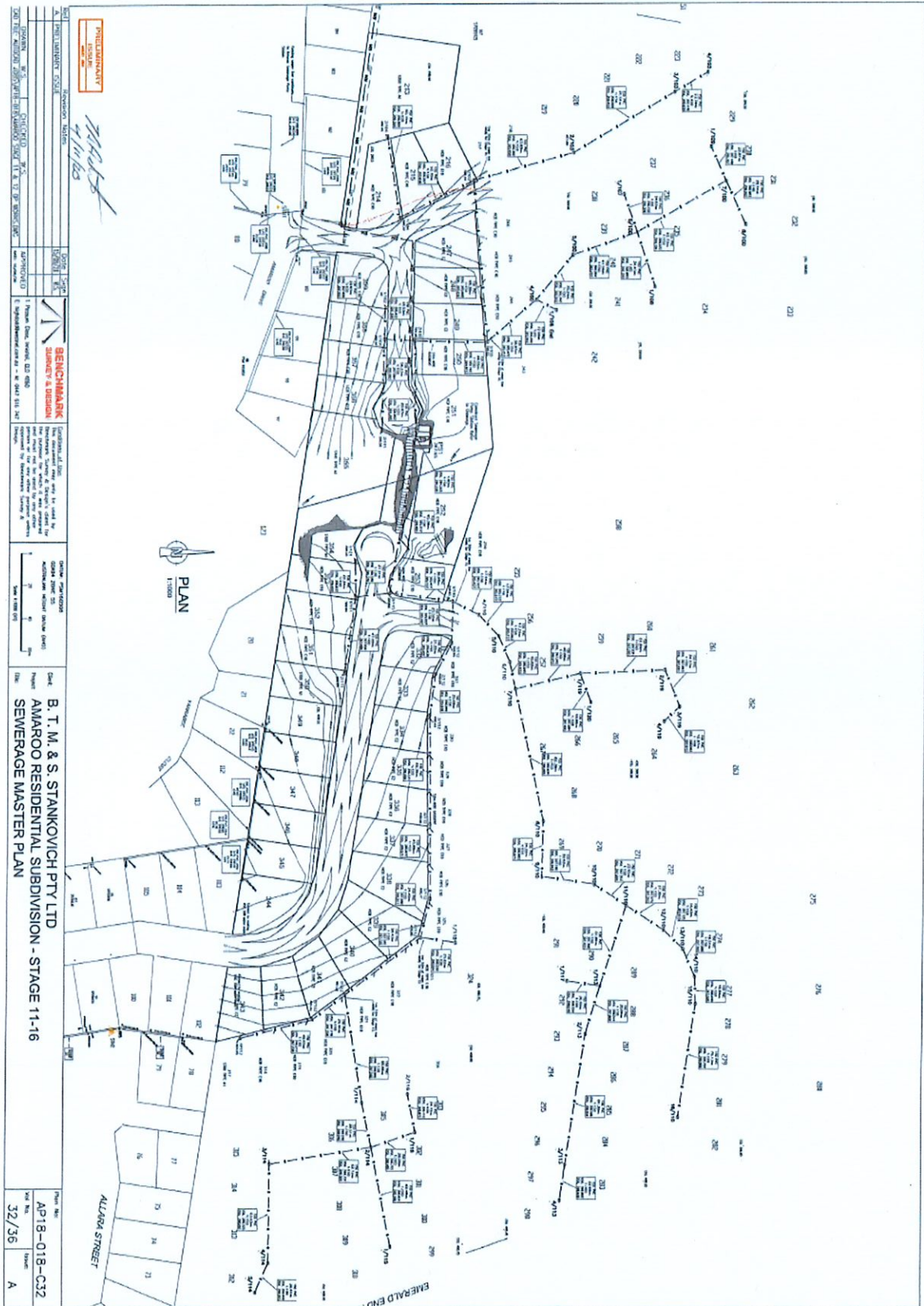


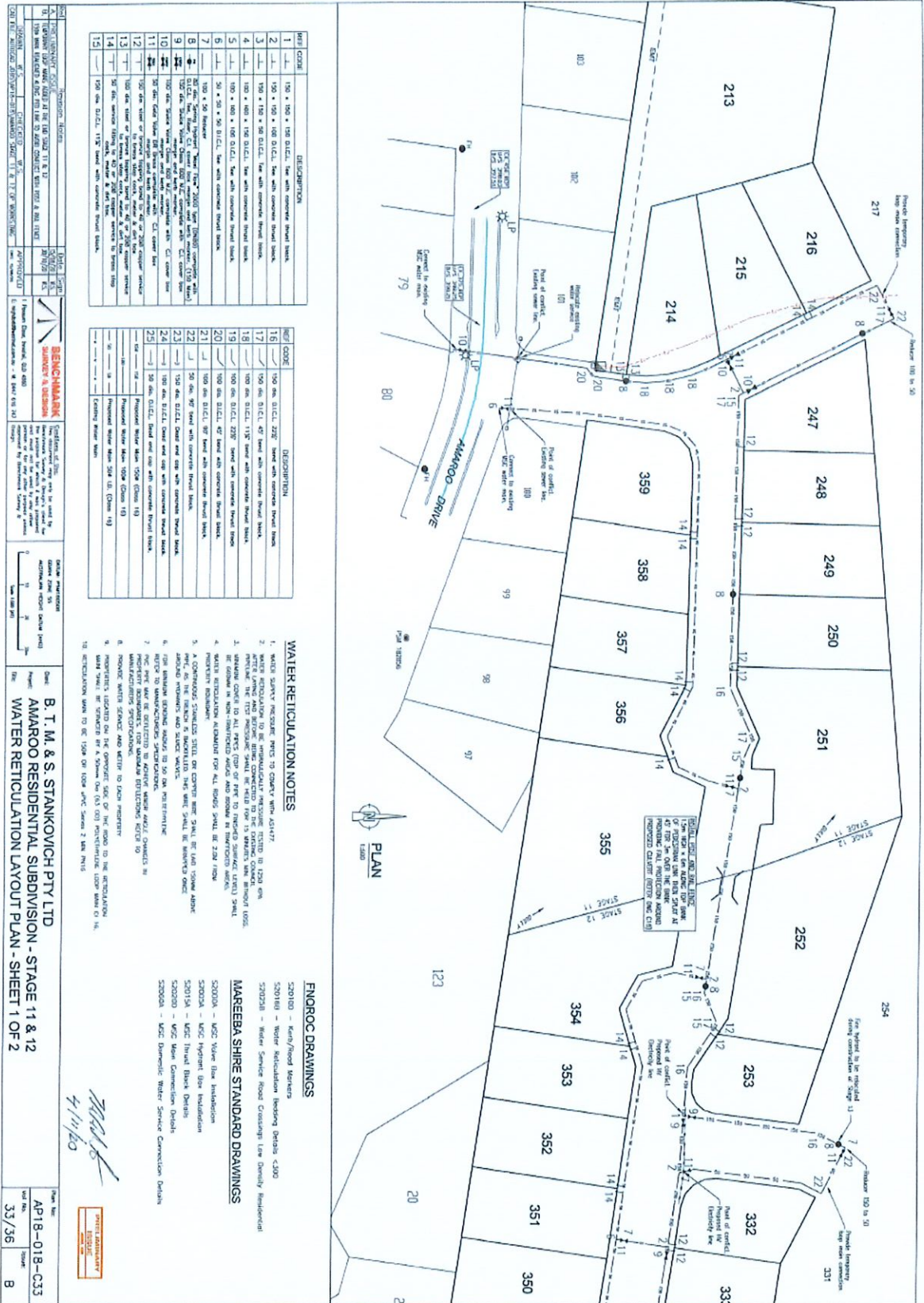


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Appeal Rights

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.

- (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.