



27 April 2021

Planning Officer: Carl Ewin

Direct Phone: 4086 4656

Our Reference: OPW/21/0002 (Stage 3)

Your Reference: 1450

Sibi Girgenti Holdings Pty Ltd TTE  
C/- Jim Papas Civil Engineering Designer Pty Ltd  
PO Box 2347  
MAREEBA QLD 4880

Dear Applicant/s

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 22 April 2021 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:	OPW/21/0002
Street Address:	Antonio Drive and Kennedy Highway, Mareeba
Real Property Description:	Currently Lot 300 on SP323237 (Lot 300 on SP320485 at time of lodgement)
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage, Earthworks, & Sewerage Infrastructure) - <b>Stage 3</b>
Date of Decision:	22 April 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)****(a) General**

- (i) All operational works must be designed and constructed in accordance with the 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, Queensland Urban Drainage 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) Drainage/Stormwater Discharge**

- (i) The applicant/developer/principal contractor must provide Stage 3 with one of the following engineering outcomes to address stormwater discharge at the rear of Lots 234 - 239:
  - A continuous open drain, including concrete kerb and channel or concrete invert spanning the full length of the rear of Lots 234 - 239 (or other extent agreed to by Council's delegated officer) draining to Antonio Drive. The outlet point design at Antonio Drive must also be approved by Council's delegated officer. A standard drainage easement with a minimum width of 3 metres must be established for the full length of the open drain. Plans for the open drain must be submitted to Council for informal approval prior to the construction commencing;

Or

- A continuous vertical retaining wall (not tiered) constructed along the rear boundaries of Lots 234 - 239 (or other extent agreed to by Council's delegated officer). The retaining wall must be made from modern and new building materials and should allow for the construction of standard boundary fencing atop the retaining wall. Once completed, back fill must be installed against the retaining wall to eliminate the batter at the rear of the abovementioned lots. Plans for the retaining wall must be submitted to Council for informal approval prior to construction commencing and should be designed and endorsed by an RPEQ where required.

**(c) Pre-start Meeting**

- (i) 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.

**(d) Inspections**

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

**(e) 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
1450 - C01	Site Plan, Typical Cross Section, Pavement Data, Details and Notes	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C02	Bulk Earthworks Plan	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C03	Soil and Water Management Plan	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C04	Earthworks, Roadworks and Stormwater Drainage Plan	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C05	Sewerage Reticulation Plan	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C06	Water Reticulation Plan	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C07	Antonio Drive - Longitudinal Section	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C08	Antonio Drive - Cross Sections (Sheet 1 of 2)	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C09	Antonio Drive - Cross Sections (Sheet 2 of 2)	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C10	Road D - Longitudinal Section and Cul de sac Detail	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C11	Road D - Cross Sections (Sheet 1 of 1)	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C12	Open Drain No. 1 - Longitudinal Section	Jim Papas Civil Engineering Designer Pty Ltd	March 2021

1450 - C13	Open Drain No. 1 - Cross Sections (Sheet 1 of 1)	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C14	Sewerage Reticulation Longitudinal Sections and Set Out	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C15	Stormwater Drainage Longitudinal Section, Pit Schedule, Set Out and Notes	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C16	Stormwater Drainage Catchment Plan	Jim Papas Civil Engineering Designer Pty Ltd	March 2021
1450 - C17	Stormwater Drainage Calculation Sheet	Jim Papas Civil Engineering Designer Pty Ltd	March 2021

#### 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



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

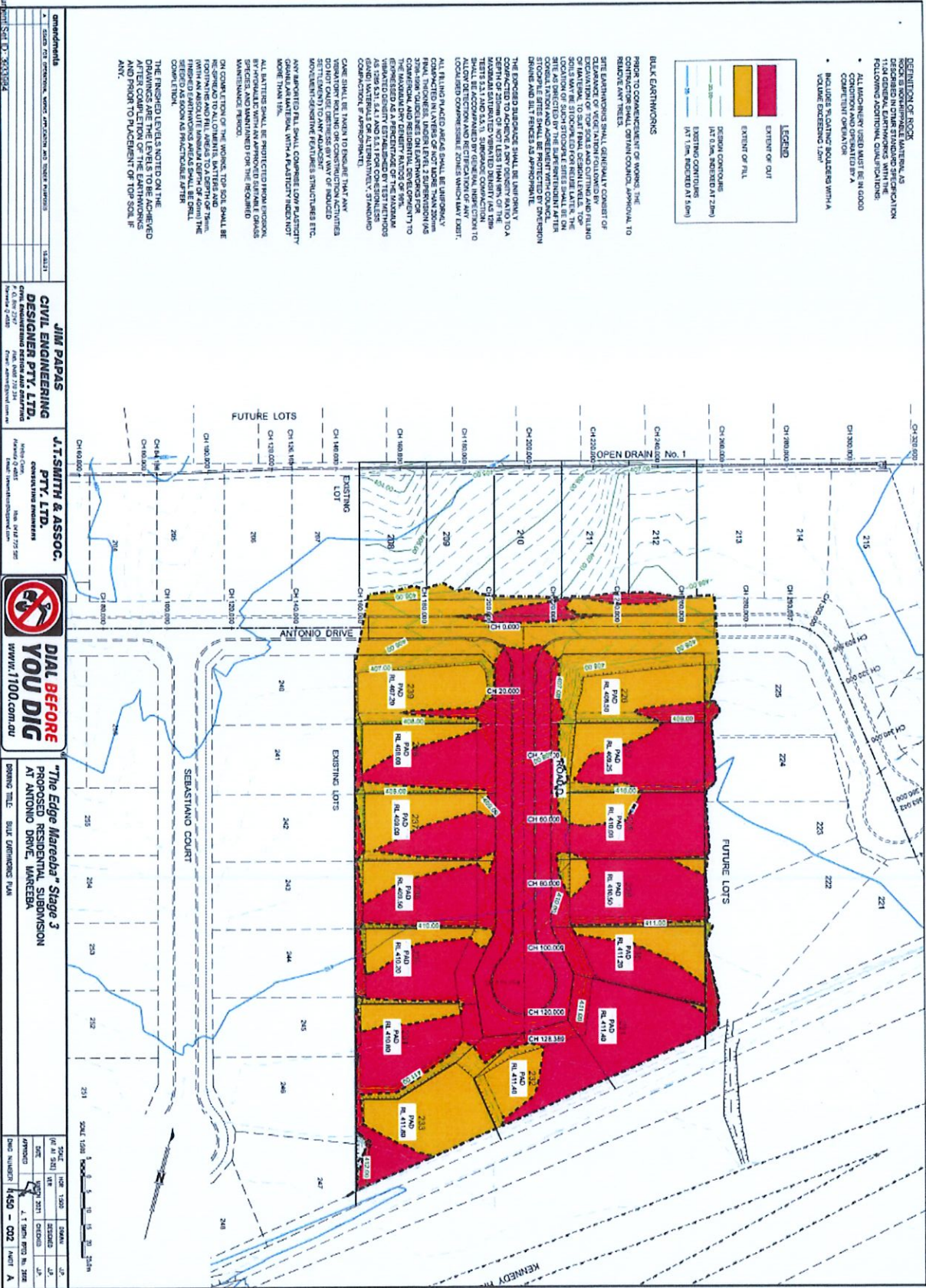
Enc: Approved Plans/Documents  
Appeal Rights







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Version: 1, Version Date: 10/03/2021



**REVISIONS:**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	10/03/2021
2	ISSUED FOR APPROVAL	10/03/2021

**JIM PAPAS**  
**CIVIL ENGINEERING**  
 DESIGNER PTY. LTD.  
 2400 GORDON STREET, MAREEBA QLD 4750

**J.T. SMITH & ASSOC.**  
 CONSULTING ENGINEERS  
 2100 GORDON STREET, MAREEBA QLD 4750



**"The Edge Mareeba" Stage 3**  
 PROPOSED RESIDENTIAL SUBDIVISION  
 AT ANTONIO DRIVE, MAREEBA

DATE	BY	FOR
10/03/2021	J.P.	ISSUED FOR APPROVAL
10/03/2021	J.P.	ISSUED FOR APPROVAL

NO.	DATE	REVISION
1	10/03/2021	ISSUED FOR APPROVAL
2	10/03/2021	ISSUED FOR APPROVAL

DATE	BY	FOR
10/03/2021	J.P.	ISSUED FOR APPROVAL
10/03/2021	J.P.	ISSUED FOR APPROVAL

**DEFINITION OF ROCK:**  
 ROCK IS UNSATURATED MATERIAL AS DESCRIBED IN OTHER STANDARD SPECIFICATION 101.4 AND IS A MATERIAL THAT REQUIRES FOLLOWING ADDITIONAL QUALIFICATIONS:

- ALL ROCKING USED MUST BE IN GOOD CONDITION AND OPERATED BY A COMPETENT OPERATOR
- INCLUDES "LOOSE" Boulders WITH A VOLUME EXCEEDING 1m<sup>3</sup>

**LEGEND**

[Red Box]	EXTENT OF CUT
[Yellow Box]	EXTENT OF FILL
[Blue Box]	DESIGN CONTOURS (AS PER PROVISION 2.80)
[Dashed Blue Box]	EXISTING CONTOURS (AS PER PROVISION 2.80)
[Blue Box]	2M INTERVAL (AS PER PROVISION 2.80)

**BLANK EARTHWORKS:**  
 PRIOR TO COMMENCEMENT OF WORKS, THE ENTIRE SURFACE SHALL BE GRUBBED, APPROXIMATE TO REMOVED ANY TREES.

THE EARTHWORKS SHALL GENERALLY CONSIST OF EXCAVATION OF TOP SOIL AND CUTTING AND FILLING OF EXCAVATION TO THE FINISHED ELEVATION. THE LOCATION OF SUCH STORAGE SHALL BE DETERMINED BY THE CONSULTANT AND AGREEMENT WITH COUNCIL SERVICES AND THE FENCES TO BE PROVIDED.

THE PROPOSED SURFACE SHALL BE CONFORM TO A MAXIMUM EXISTING VARIATION EXCEEDING 150MM SHALL BE ACCOMPANIED BY GENERAL INSPECTION TO ALLOW DETECTION AND RECTIFICATION OF ANY CONCERNED COMPENSATION OTHER THAN ANY GABLET.

ALL FILLING PLACED SHALL BE SUBJECT TO A FINAL THICKNESS UNDER LEVEL 2 SUPERVISION AS TO BE SUBMITTED ON DRAWINGS FOR THE MAXIMUM DENSITY ALLOWED FOR THE GRUBBED AS A PERCENTAGE OF THE MAXIMUM DENSITY PER S.M. 1.1 AND 1.1 FOR CONSISTENT DENSITY MATERIAL OR ALTERNATIVELY STANDARD COMPENSATION BY APPROVED.

ONE SHALL BE TAKEN TO PROVE THAT ANY ONE SHALL BE TAKEN TO PROVE THAT ANY SETTLING TO ANY ADJACENT PROPERTIES OR STRUCTURES ETC. ANY ADJACENT SHALL COMPENSATION MORE THAN 150MM.

ALL BATTERS SHALL BE PROTECTED FROM IMPROPER BY PROTECTIVE WITH AN APPROVED SUITABLE CHAINS AND MAINTAINED FOR THE PROPOSED DURATION.

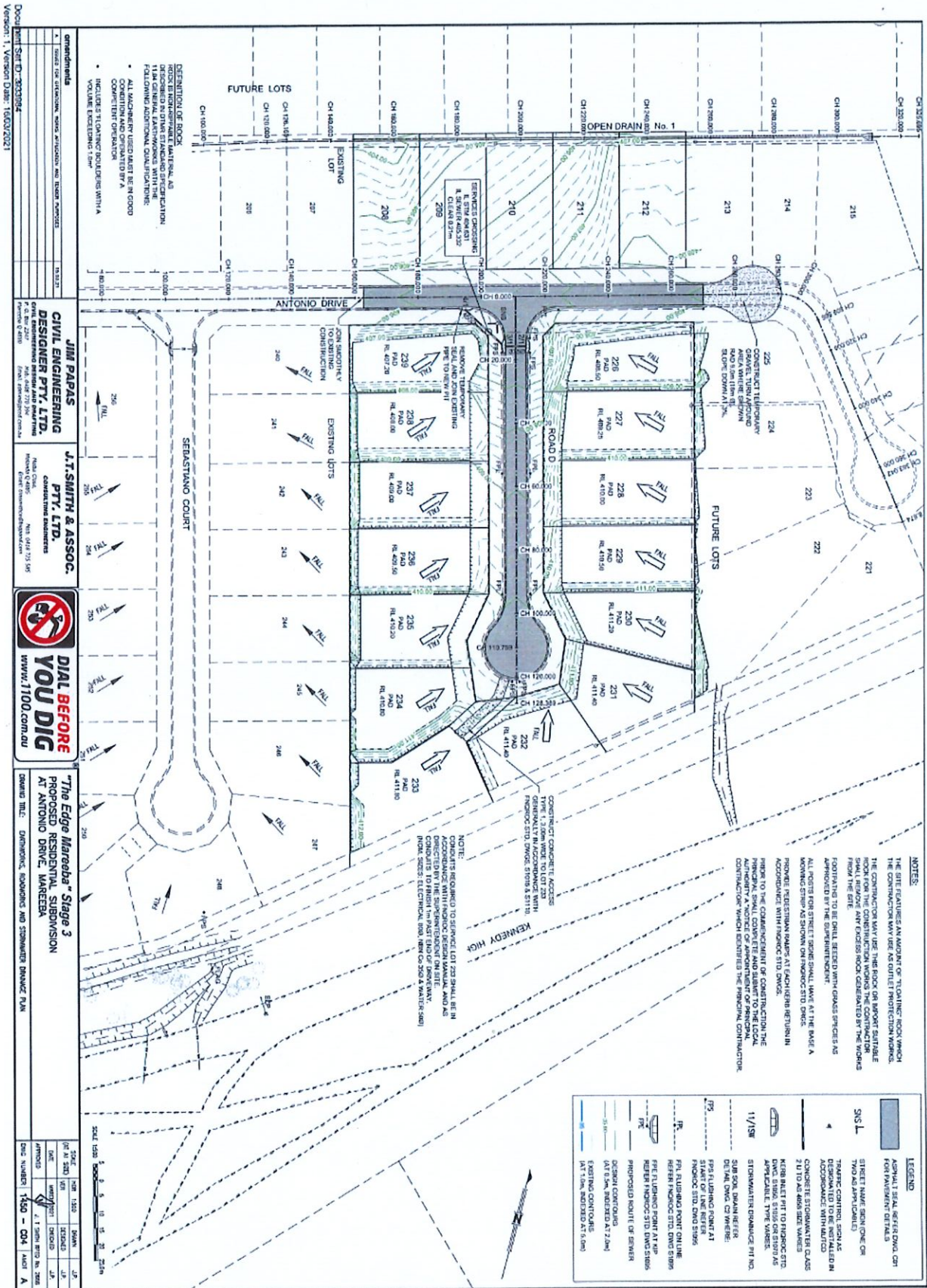
ON COMPLETION OF THE WORKS, TOP SOIL SHALL BE REAPPLIED TO THE ORIGINAL SURFACE WITH AN MINIMUM 100MM DEPTH OR 200MM WITH AN MINIMUM 100MM DEPTH. THE TOP SOIL SHALL BE REAPPLIED AS SOON AS PRACTICABLE AFTER COMPLETION.

THE FINISHED LEVELS NOTED ON THE DRAWINGS ARE THE LEVELS TO BE ACHIEVED AND PRIOR TO PLACEMENT OF TOP SOIL IF ANY.









Document Ref: D1-20210914

Version: 1, Version Date: 10/02/2021

Drawn by: J.T. SMITH

Checked by: JIM PADAS

Scale: 1:500

Date: 10/02/2021

Sheet: 1 of 1

Project: 'The Edge Mareeba' Stage 3

Client: MAREEBA SHIRE COUNCIL

Site: 140 - CD4 - A

Scale: 1:500

Date: 10/02/2021

Author: JIM PADAS

Checked: J.T. SMITH

Scale: 1:500

Date: 10/02/2021

Project: 'The Edge Mareeba' Stage 3

Client: MAREEBA SHIRE COUNCIL

Site: 140 - CD4 - A

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Date: 10/02/2021

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Scale: 1:500

Date: 10/02/2021

Project: 'The Edge Mareeba' Stage 3

Client: MAREEBA SHIRE COUNCIL

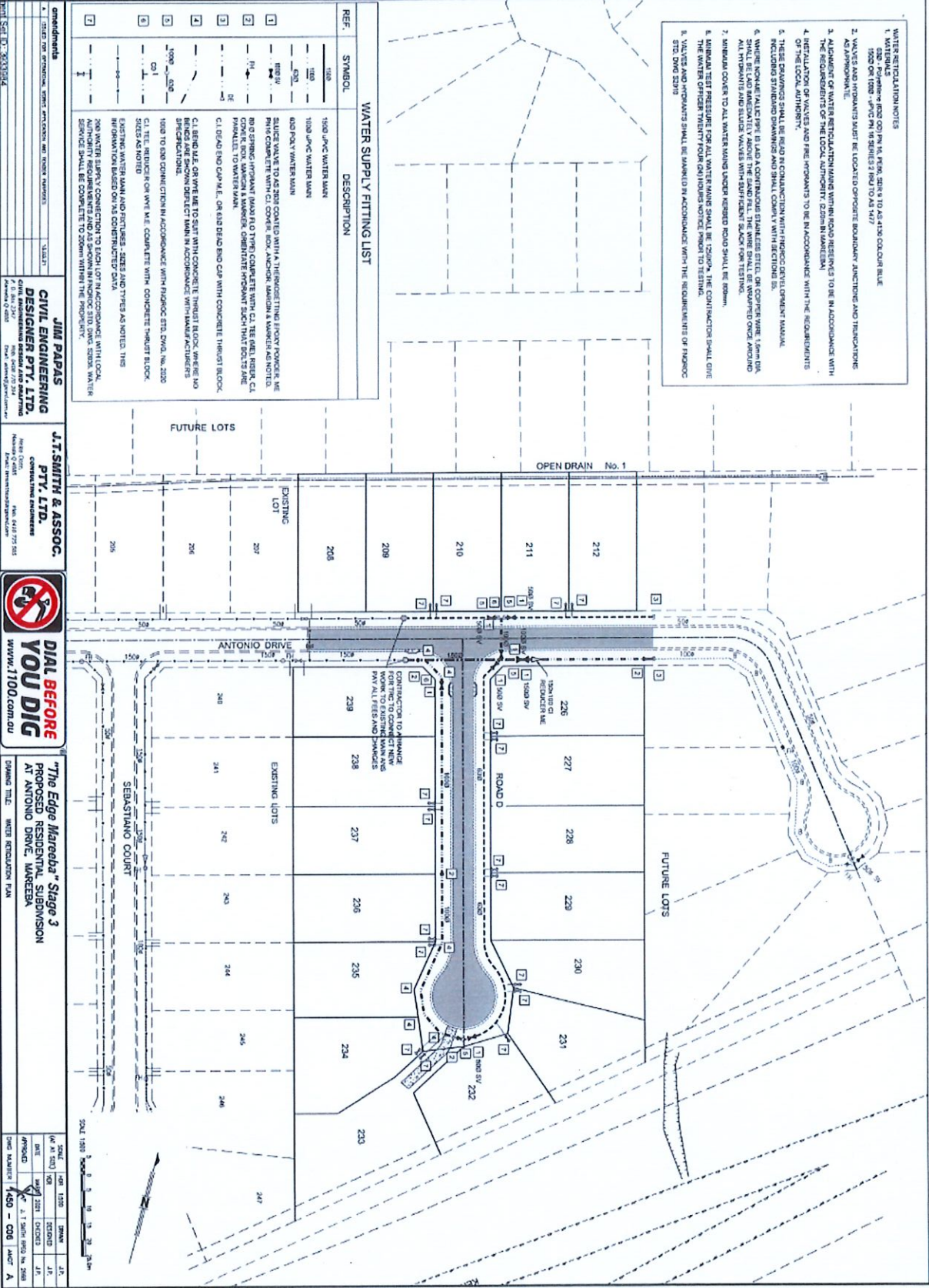
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Version: 1, Version Date: 10/03/2021



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 10/100 ANTONIO DRIVE, MAREEBA QLD 4870  
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**J.T. SMITH & ASSOC. CONSULTING ENGINEERS**  
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 WWW.1100.COM.AU

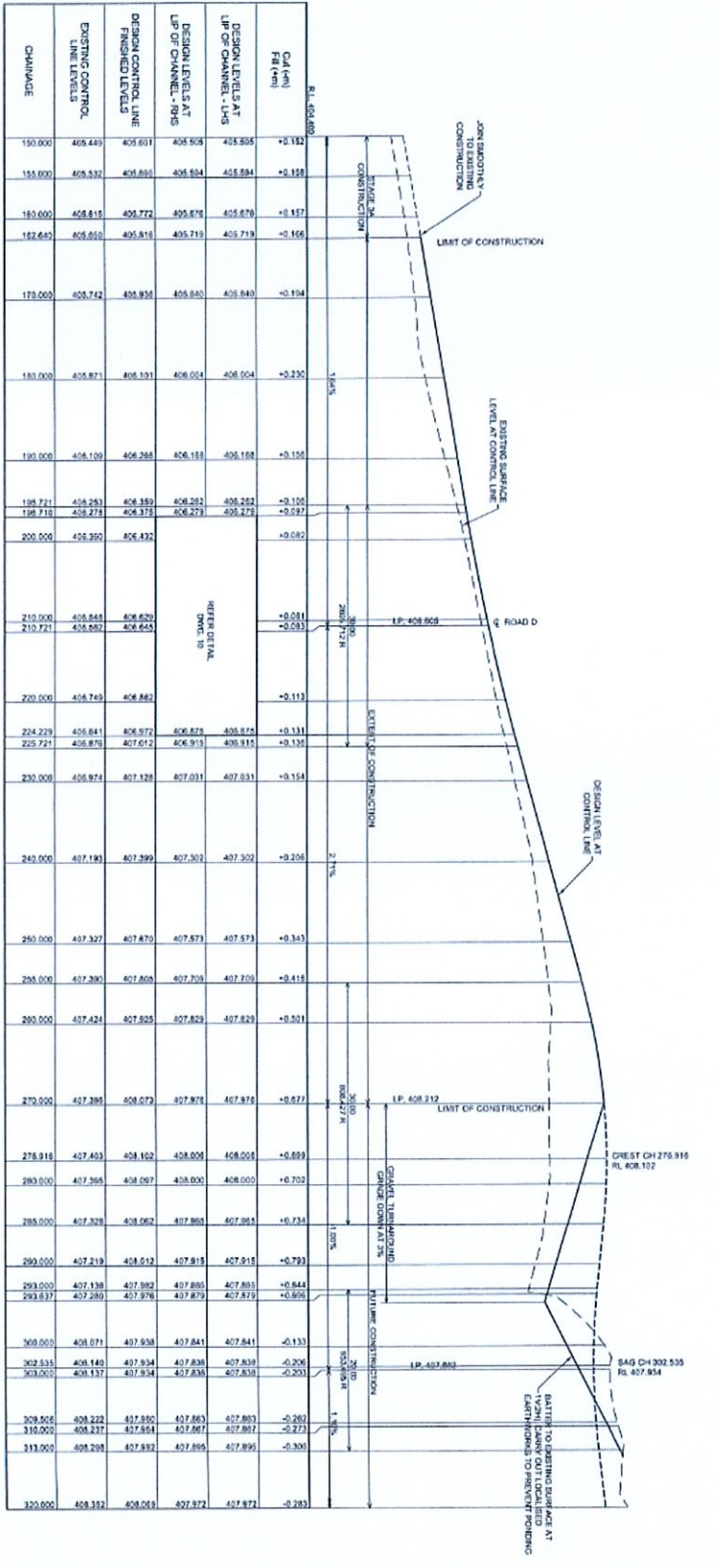
**"The Edge Mareeba" Stage 3**  
 PROPOSED RESIDENTIAL SUBDIVISION  
 AT ANTONIO DRIVE, MAREEBA

SPRING TITLE: INTD REGISTRATION PLAN

SCALE	DATE	BY	CHKD
AS SHOWN	13/03/2021	J.P.	J.P.
REVISED	13/03/2021	J.P.	J.P.
DRG NUMBER	450 - C06	DRG A	



CHANGEG	EASTING	NORTHING	R/D/DI	BEARING
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139	32207.205	817681.008		74°50'27" STRAIGHT
140	32207.205	817681.008		74°50'27" STRAIGHT



**LONGITUDINAL SECTION ANTONIO DRIVE**  
SCALE: HORIZ. 1:500 VERT. 25'

SOUTH 120° 0' 0" 0.13 1.18 1.24°

SCALE: 20' = 1" 1:500 VERT. 25'

DATE: 11/11/2021

PROJECT: PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA

**JIM PAPAS CIVIL ENGINEERING DESIGNER PTY. LTD.**  
14/200 MAREEBA DRIVE, MAREEBA NSW 2374  
TEL: 0437 72 7348  
FAX: 0437 72 7349

**J.T. SMITH & ASSOC. PTY. LTD.**  
14/200 MAREEBA DRIVE, MAREEBA NSW 2374  
TEL: 0437 72 7348  
FAX: 0437 72 7349

**“The Edge Mareeba” Stage 3**  
PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA

DATE: 11/11/2021  
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Version: 1, Version Date: 16/03/2021

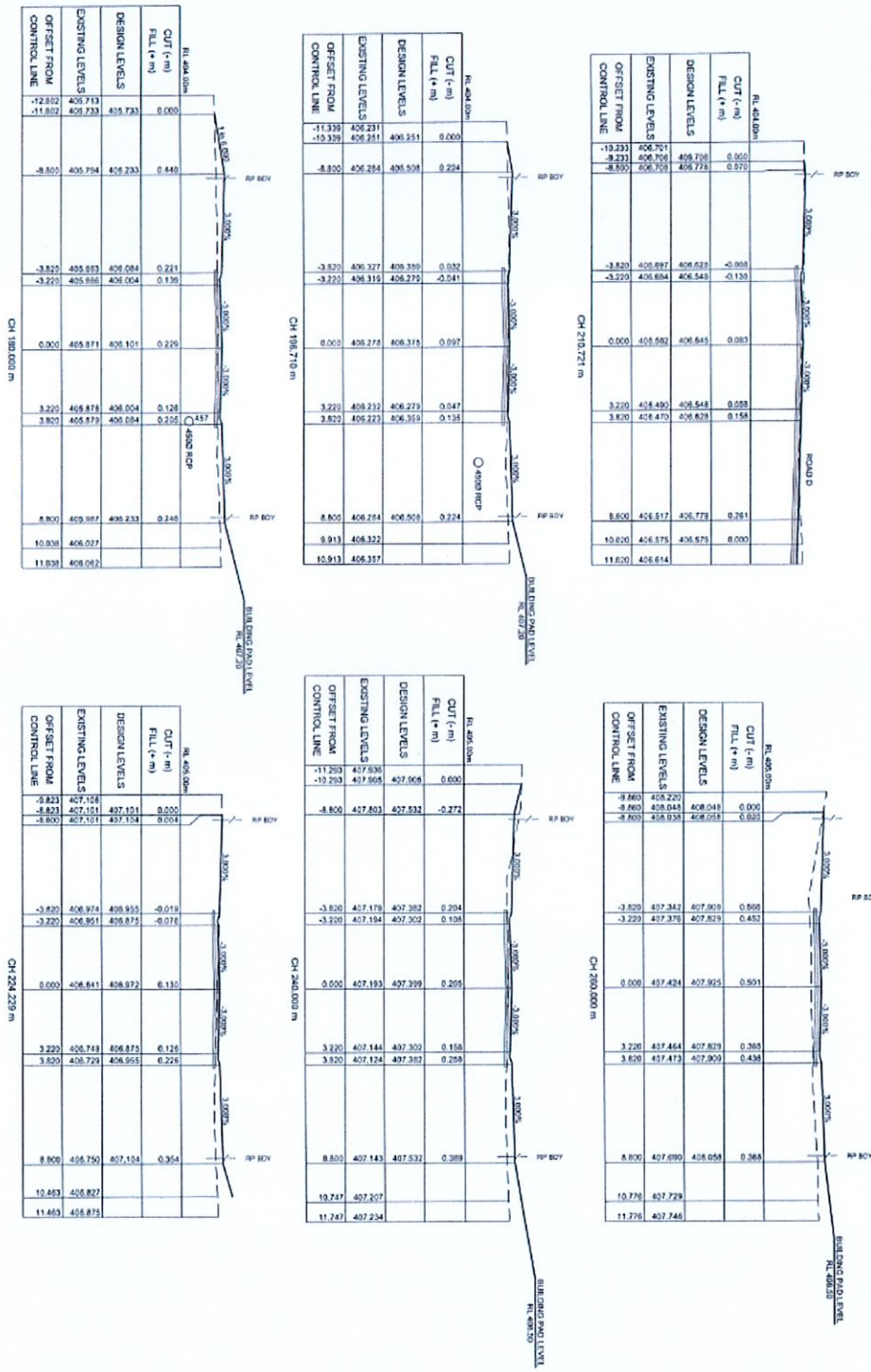
<p><b>Jim Papas</b> Civil Engineer Pty. Ltd. 11/11/2017 11/11/2017</p>	<p><b>J.T. Smith &amp; Assoc.</b> Civil Engineering Pty. Ltd. 11/11/2017 11/11/2017</p>
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<p><b>Jim Papas</b> Civil Engineer Pty. Ltd. 11/11/2017 11/11/2017</p>	<p><b>J.T. Smith &amp; Assoc.</b> Civil Engineering Pty. Ltd. 11/11/2017 11/11/2017</p>
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**"The Edge Mareeba" Stage 3**  
PROPOSED RESIDENTIAL SUBDIVISION  
AT ANTONIO DRIVE, MAREEBA

<p>Scale: 1:100 Date: 16/03/2021 Author: J.P. Checked: J.T.S. Approved: J.P.</p>	<p>Scale: 1:100 Date: 16/03/2021 Author: J.P. Checked: J.T.S. Approved: J.P.</p>
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Version: 1, Version Date: 16/03/2021

Project Name	Proposed Residential Subdivision at Mareeba
Client	J.T. Smith & Assoc.
Scale	1:100
Sheet No.	140 - CDB

**JIM PAPAS**  
**CIVIL ENGINEERING**  
 DESIGNER PTY. LTD.  
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 Brisbane QLD 4000  
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 Email: jim@jim-papas.com.au

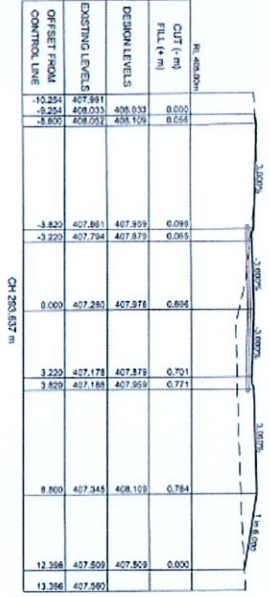
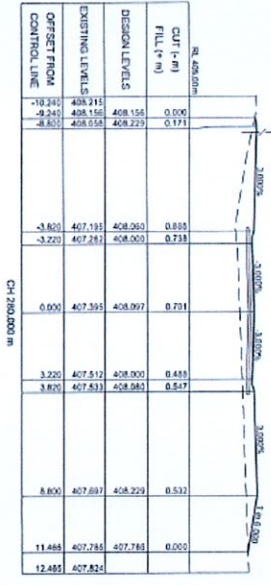
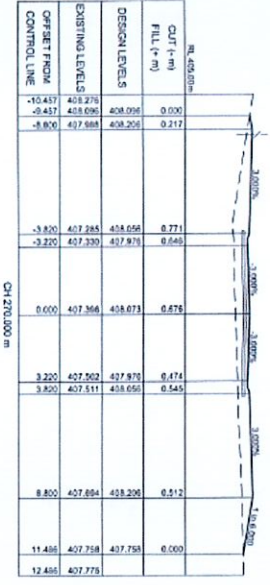
**J.T. SMITH & ASSOC.**  
 CONSULTING ENGINEERS  
 1/2 Macquarie Street  
 Brisbane QLD 4000  
 Tel: 07 3251 2121  
 Fax: 07 3251 2122  
 Email: info@jts.com.au



**"The Edge Mareeba" Stage 3**  
 PROPOSED RESIDENTIAL SUBDIVISION  
 AT ANTONIO DRIVE, MAREEBA

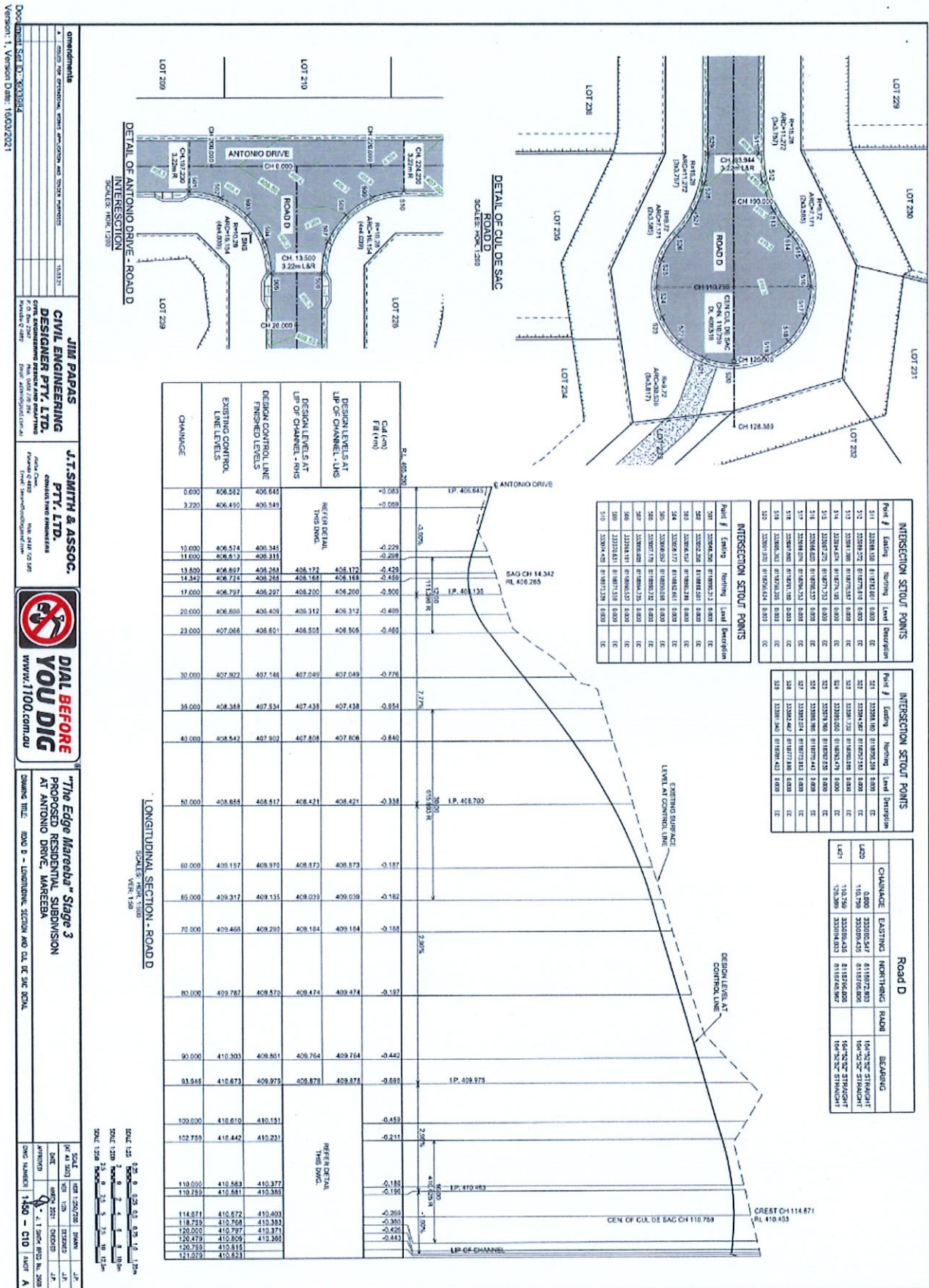
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DATE	16/03/2021	BY	J.P.
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DATE	16/03/2021	BY	J.P.
DATE	16/03/2021	BY	J.P.

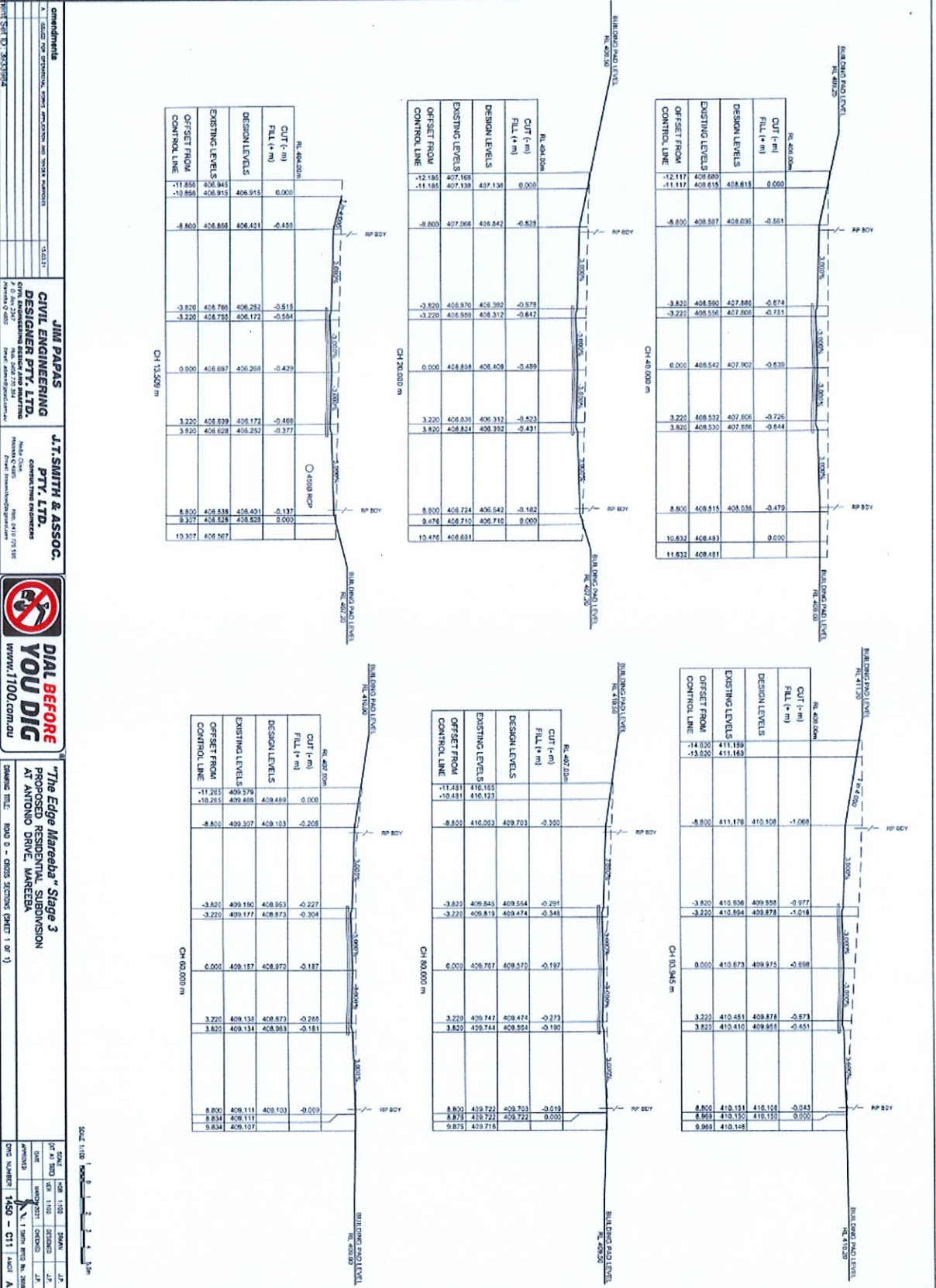


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Version: 1, Version Date: 10/30/2021



**The Edge Mareeba "Stage 3"**  
PROPOSED RESIDENTIAL SUBDIVISION  
AT ANTONIO DRIVE, MAREEBA  
DRAWING TITLE: RWD 0 - CROSS SECTION (SHEET 1 OF 1)

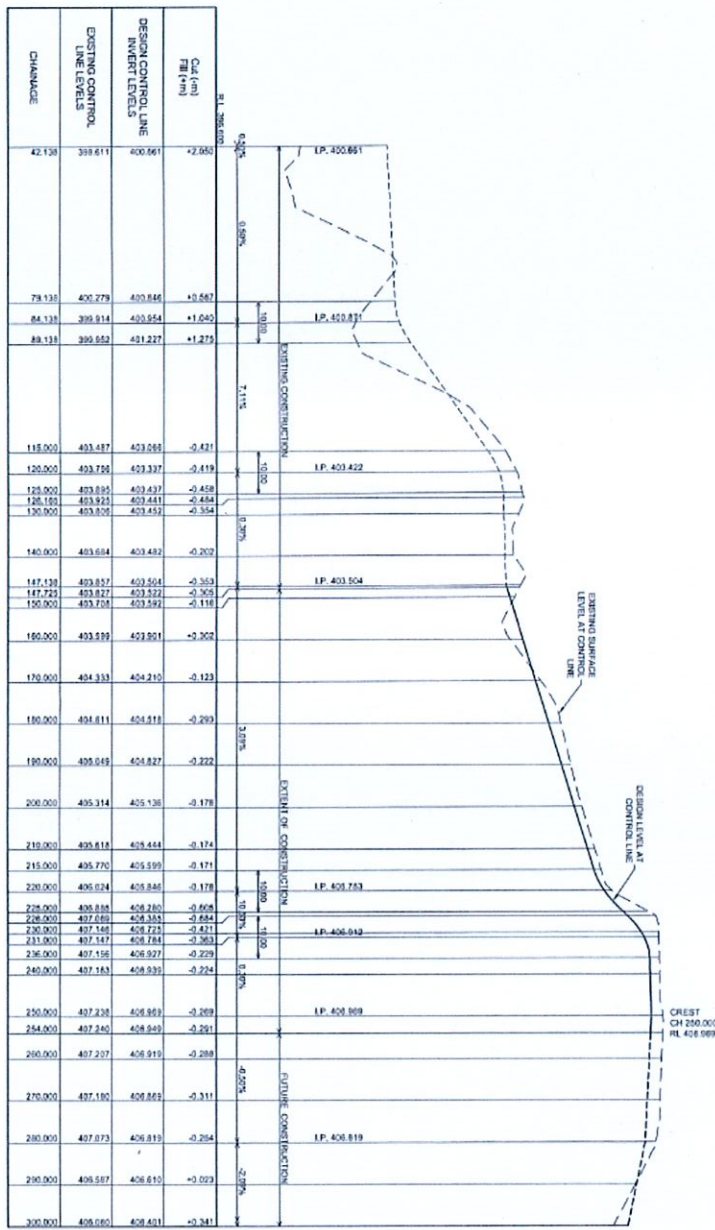
DATE	BY	CHKD	APPD
15/01/2021	N. J. SMITH	N. J. SMITH	N. J. SMITH
16/01/2021	N. J. SMITH	N. J. SMITH	N. J. SMITH

Scale: 1:100



**Open Drain No. 1**

CHANGE	EASTING	NORTHING	RADII	BEARING
LC21	84.336	32002.644	811588.017	24°50'0" STRAIGHT
LC22	84.336	32002.240	811588.002	24°50'0" STRAIGHT
LC23	84.336	32001.836	811588.002	24°50'0" STRAIGHT
LC24	84.336	32001.432	811588.002	24°50'0" STRAIGHT
LC25	84.336	32001.028	811588.002	24°50'0" STRAIGHT
LC26	84.336	32000.624	811588.002	24°50'0" STRAIGHT
LC27	84.336	32000.220	811588.002	24°50'0" STRAIGHT
LC28	84.336	32000.000	811588.002	24°50'0" STRAIGHT



LONGITUDINAL SECTION- OPEN DRAIN No. 1  
SCALE: 1:500  
VER: 1.00

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Version: 1, Version Date: 10/03/2021

<b>Client/Project</b>	<b>Client/Project</b>	<b>Client/Project</b>
THE EDGE MAREEBA STAGE 3 PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA	<b>Client/Project</b>	<b>Client/Project</b>
<b>Scale</b>	<b>Scale</b>	<b>Scale</b>
1:500	1:500	1:500
<b>Drawn</b>	<b>Drawn</b>	<b>Drawn</b>
J.P.	J.P.	J.P.
<b>Checked</b>	<b>Checked</b>	<b>Checked</b>
J.P.	J.P.	J.P.
<b>Approved</b>	<b>Approved</b>	<b>Approved</b>
J.P.	J.P.	J.P.
<b>Date</b>	<b>Date</b>	<b>Date</b>
14/01/2021	14/01/2021	14/01/2021

**JIM PAPAS CIVIL ENGINEERING DESIGNER PTY. LTD.**  
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TEL: 07 5477 7519  
WWW.JIMPAPAS.COM.AU

**J.T SMITH & ASSOC. PTY. LTD.**  
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**"The Edge Mareeba" Stage 3**  
PROPOSED RESIDENTIAL SUBDIVISION  
AT ANTONIO DRIVE, MAREEBA

DRAWING TITLE: OPEN DRAIN No. 1 - LONGITUDINAL SECTION



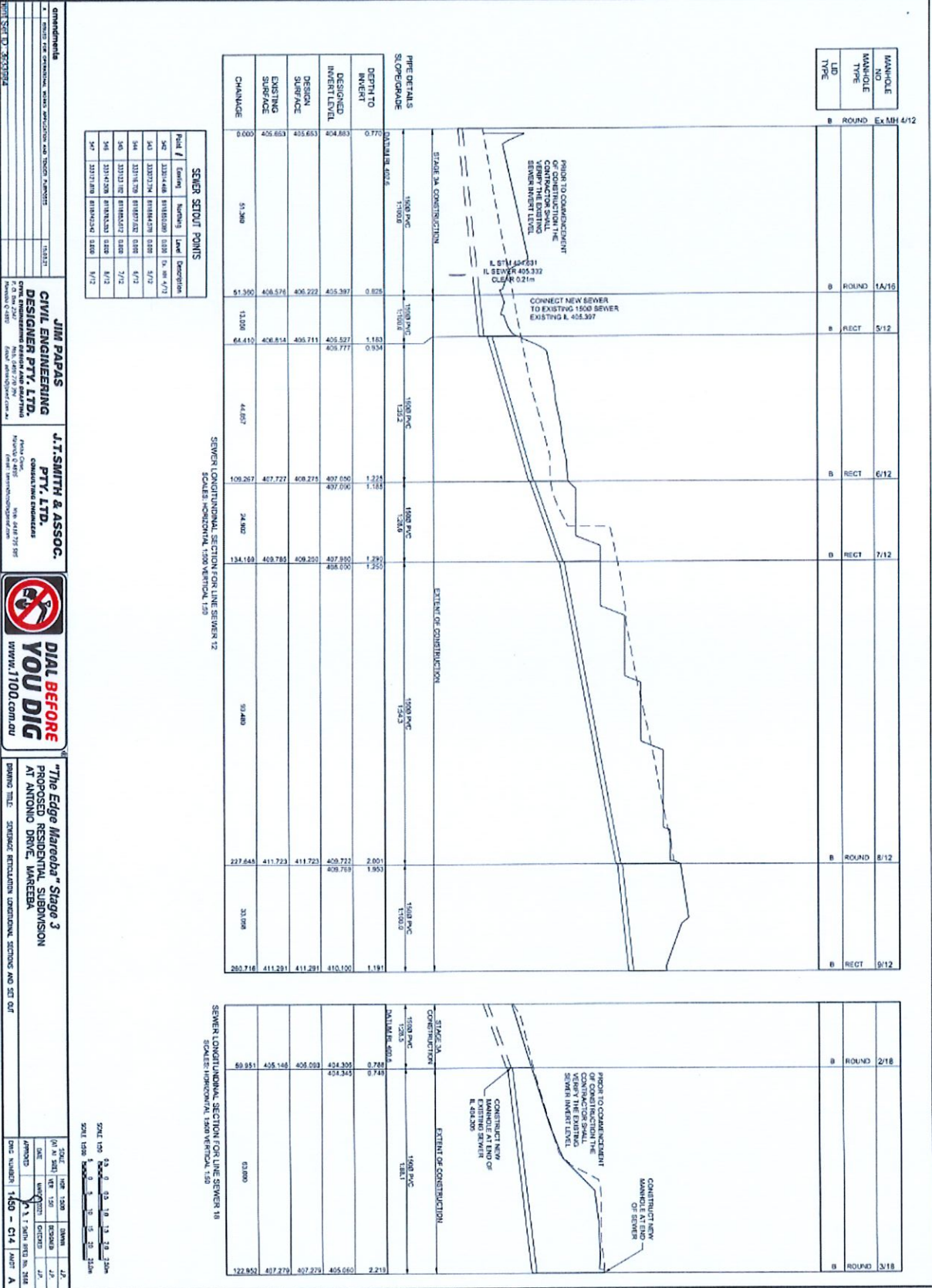
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Version: 1, Version Date: 16/03/2021

<p><b>Site Details</b></p> <p>PROJECT NO: 21000002 PROJECT NAME: PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA</p> <p>DATE: 16/03/2021 DRAWN BY: J.P. CHECKED BY: J.P. APPROVED BY: J.P. DRAWING NO: 1450 - 013 - PART A</p>	<p><b>Client</b></p> <p>JIM PAPAS CIVIL ENGINEERING DESIGNERS PTY. LTD. 1/250 ANTONIO DRIVE, MAREEBA QLD 4270 TEL: 07 557 7237 FAX: 07 557 7238 WWW.J100.COM.AU</p>	<p><b>Designer</b></p> <p>J.T. SMITH &amp; ASSOC. PTV. LTD. 1/250 ANTONIO DRIVE, MAREEBA QLD 4270 TEL: 07 557 7237 FAX: 07 557 7238 WWW.J100.COM.AU</p>	<p><b>Project Description</b></p> <p>"The Edge Mareeba" Stage 3 PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA</p>	<p><b>Scale</b></p> <p>SCALE: 1:500 DATE: 16/03/2021 DRAWN BY: J.P. CHECKED BY: J.P. APPROVED BY: J.P.</p>

<p><b>Station CH 147.725 m</b></p> <table border="1"> <tr><th>Offset from Control Line</th><th>Existing Levels</th><th>Design Levels</th><th>Cut (-m)</th><th>Fill (+m)</th></tr> <tr><td>-3.000</td><td>403.853</td><td>403.883</td><td>0.000</td><td>0.000</td></tr> <tr><td>-2.000</td><td>403.853</td><td>403.883</td><td>0.000</td><td>0.000</td></tr> <tr><td>0.000</td><td>403.827</td><td>403.827</td><td>0.000</td><td>0.000</td></tr> <tr><td>3.334</td><td>404.076</td><td>404.076</td><td>0.000</td><td>0.000</td></tr> <tr><td>4.334</td><td>404.150</td><td>404.150</td><td>0.000</td><td>0.000</td></tr> </table>	Offset from Control Line	Existing Levels	Design Levels	Cut (-m)	Fill (+m)	-3.000	403.853	403.883	0.000	0.000	-2.000	403.853	403.883	0.000	0.000	0.000	403.827	403.827	0.000	0.000	3.334	404.076	404.076	0.000	0.000	4.334	404.150	404.150	0.000	0.000	<p><b>Station CH 160.000 m</b></p> <table border="1"> <tr><th>Offset from Control Line</th><th>Existing Levels</th><th>Design Levels</th><th>Cut (-m)</th><th>Fill (+m)</th></tr> <tr><td>-3.000</td><td>403.442</td><td>403.484</td><td>0.000</td><td>0.000</td></tr> <tr><td>-2.000</td><td>403.484</td><td>403.484</td><td>0.000</td><td>0.000</td></tr> <tr><td>0.000</td><td>403.509</td><td>403.501</td><td>0.000</td><td>0.000</td></tr> <tr><td>1.387</td><td>403.672</td><td>403.672</td><td>0.000</td><td>0.000</td></tr> <tr><td>2.387</td><td>403.724</td><td>403.724</td><td>0.000</td><td>0.000</td></tr> </table>	Offset from Control Line	Existing Levels	Design Levels	Cut (-m)	Fill (+m)	-3.000	403.442	403.484	0.000	0.000	-2.000	403.484	403.484	0.000	0.000	0.000	403.509	403.501	0.000	0.000	1.387	403.672	403.672	0.000	0.000	2.387	403.724	403.724	0.000	0.000	<p><b>Station CH 180.000 m</b></p> <table border="1"> <tr><th>Offset from Control Line</th><th>Existing Levels</th><th>Design Levels</th><th>Cut (-m)</th><th>Fill (+m)</th></tr> <tr><td>-3.000</td><td>404.704</td><td>404.740</td><td>0.000</td><td>0.000</td></tr> 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<tr><td>0.000</td><td>406.314</td><td>406.313</td><td>0.000</td><td>0.000</td></tr> <tr><td>1.389</td><td>406.368</td><td>406.368</td><td>0.000</td><td>0.000</td></tr> <tr><td>2.389</td><td>406.503</td><td>406.503</td><td>0.000</td><td>0.000</td></tr> </table>	Offset from Control Line	Existing Levels	Design Levels	Cut (-m)	Fill (+m)	-3.000	406.202	406.239	0.000	0.000	-2.000	406.239	406.239	0.000	0.000	0.000	406.314	406.313	0.000	0.000	1.389	406.368	406.368	0.000	0.000	2.389	406.503	406.503	0.000	0.000	<p><b>Station CH 220.000 m</b></p> <table border="1"> <tr><th>Offset from Control Line</th><th>Existing Levels</th><th>Design Levels</th><th>Cut (-m)</th><th>Fill (+m)</th></tr> <tr><td>-3.000</td><td>405.814</td><td>405.889</td><td>0.000</td><td>0.000</td></tr> <tr><td>-2.000</td><td>405.889</td><td>405.889</td><td>0.000</td><td>0.000</td></tr> <tr><td>0.000</td><td>406.024</td><td>406.046</td><td>0.000</td><td>0.000</td></tr> 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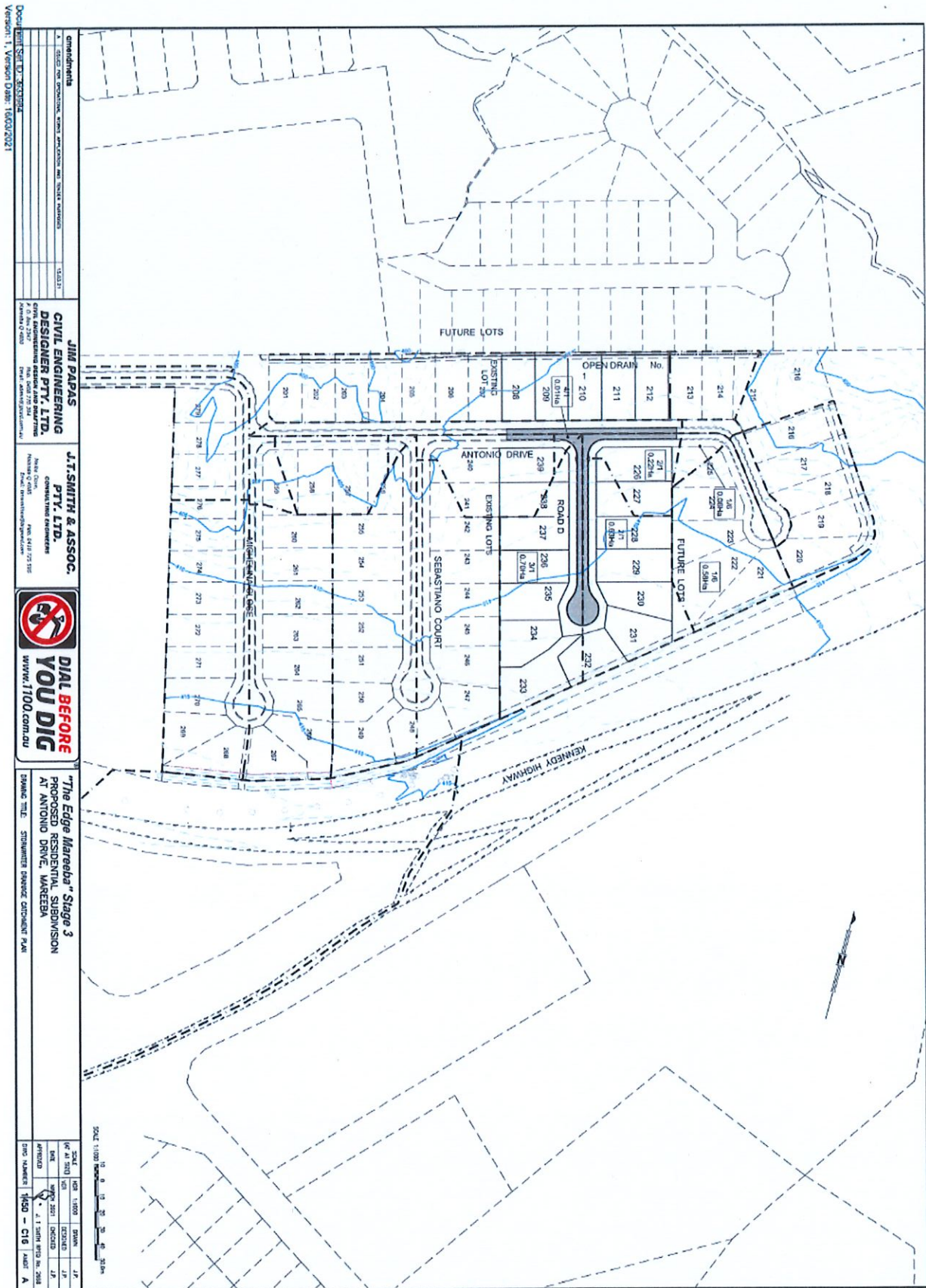
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Version: 1, Version Date: 16/03/2021

LINE NO	DESCRIPTION	UNIT	SUB-CATCHMENT INFLOW												INFLOW SECTION												DRAIN SECTION												FLOW SECTION												HEADLOSS												FRIC FILL																																				
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
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49	STRUCTURE No.																																																																																																		

NOTE: SHARED AREA REPRESENTS WORK WITHIN STAGE 3

**JIM PAPAS**  
**CIVIL ENGINEERING**  
**DESIGNER PTY. LTD.**  
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 WWW.JTSMITH.COM



**"The Edge Mareeba" Stage 3**  
 PROPOSED RESIDENTIAL SUBDIVISION  
 AT ANTONIO DRIVE, MAREEBA

DATE:	ISSUED:	BY:	SCALE:
16/03/2021	16/03/2021	AL	AS SHOWN
APPROVED:	DATE:	BY:	SCALE:
AL	16/03/2021	AL	AS SHOWN



## 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.