



2 July 2025

Planning Officer: Carl Ewin
Direct Phone: 07 4086 4656
Our Reference: OPW/25/0002
Your Reference: F24/20

Wylandra Properties Pty Ltd TTE
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
FRESHWATER QLD 4870

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 2 July 2025, 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/25/0002
Street Address:	Ray Road, Gallo Drive, Wylandra Drive & Domenic Drive, Mareeba
Real Property Description:	Lot 224 on SP276715, Lot 227 on SP119106, Lot 275 on RP890636 and Lot 222 on SP237051
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works Roadworks, Earthworks, Stormwater and Water Reticulation for Wylandra Stage 1 (14 Lots) and Associated Stormwater Detention Basin
Date of Decision:	2 July 2025

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

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**ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****General**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the development 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 "for construction" engineering plans prior to the Prestart Meeting 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.
2. All operational works must be designed and constructed in accordance with the design guidelines and procedures as set out in the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Timing of Effect

3. The conditions of the Development Permit must be affected prior to Works Acceptance except where specified otherwise in these conditions of approval.

Updated Stormwater Calculations

4. Provide updated stormwater calculations for the catchment hydrology to the proposed open drains (Drains 1 to 3) based on the following design parameters:

- a. A fully developed catchment scenario with the Coefficient of Runoff (C_{10} value) set as a minimum of 0.72 assessed per QUDM Table 4.5.3; and
- b. Time of concentration for a maximum time of 30 minutes ($t_c = 30\text{mins}$).

The revised calculations must confirm that the drain profile and grade provides the required capacity and freeboard to the existing and proposed lots. In particular, confirm adequate freeboard is provided to the existing floor levels in the structures adjacent the drainage corridor on Lots 103 and 104 on RP890637.

Any amendments to the designed drain profile must be documented on revised drawings and provided to Council for approval prior to the Prestart Meeting.

Advice Note: Where additional drain capacity is assessed as being required, this must be provided in the form of a wider drain profile and must not increase the depth of the drains.

The constructed drainage path must be to the satisfaction of Council prior to Works Acceptance.

5. Provide updated stormwater calculations for the drain hydraulic design for the proposed open drains (Drains 1 to 3) based on a suitable Mannings roughness coefficient "n" generally representative of an unmaintained drain in accordance with the Queensland Urban Drainage Manual (QUDM).

Advice Note: QUDM Section 9.3.5 advises that "The hydraulic capacity of a channel should be based on the expected channel conditions just prior to normal channel maintenance (i.e. prior to clearing, weeding, grass cutting)."

6. Amend the width of the western drainage reserve such that Drain 2 is wholly contained within this corridor inclusive of a 300mm set back from property boundaries.

Amended plans must be provided to Council for approval prior to the Prestart Meeting.

Severe Storm Impact Statement

7. Provide to Council for endorsement a Severe Storm Impact Statement prepared by a suitably qualified Engineer (RPEQ) in accordance with the Queensland Urban Drainage Manual. The Severe Storm Impact Statement must address, but is not limited to the following:
 - a. Risk and consequence associated with blockage of the crossroad culverts and implications for control of runoff through the site;
 - b. Risk and consequence of blockages or restrictions in the open drains (Drains 1 to 3) at the site perimeter and implication on capacity for conveyance through the development site.

Advice on contingency capacity is requested to respond to this item in addition to any mitigation measures proposed;

- c. Provide advice on the consequence of flows greater than the 1%AEP design event and whether these can be conveyed with reduced freeboard; and
- d. Provide advice on the consequence of drain roughness values being higher than assumed in the design and the implication for containing and conveying the peak flows from the 1%AEP design event, including advice on implications to available freeboard. The advice must include risk mitigation potentially available through additional drain capacity for wider drain profiles;

The Severe Impact Statement must be submitted to Council prior to the Prestart Meeting and approved by Council prior to commencement of drainage works on site.

Stormwater Drainage

- 8. Stormwater drainage as shown on the Approved Plan(s), must be constructed in accordance with the relevant design and specifications sections of the FNQROC Development Manual and the Queensland Urban Drainage Manual, prior to Works Acceptance.
- 9. The applicant must provide updated stormwater pipe class assessments for the construction loads applied at subgrade level / bottom of pavement layers. Any amendments to the pipe class must be documented on revised drawings and provided for approval prior to the Prestart Meeting.
- 10. Provide project specific design details for the Kerb Inlet Pits 1/5 and 2/4 where the applicant has identified these pits do not comply with the FNQROC Standard Drawings. The project specific details must be certified by an RPEQ and must be approved by Council prior to construction of the stormwater elements.

The non-standard Kerb Inlet Pits must be constructed in accordance with the approved plans to the satisfaction of Council prior to Works Acceptance.

CCTV Stormwater

- 11. A CCTV inspection must be undertaken for all as-constructed stormwater work under this Development Permit.

A Consulting Engineering who is a Registered Professional Engineer Queensland (RPEQ) is to assess the CCTV footage and prepare a report on the condition of the as-constructed stormwater elements.

Advice Note: Council will require the CCTV review process to provide confirmation that the construction loads have not damaged the pipes prior to Council acceptance of Works.

Earthworks Construction

12. The earthworks design plans must be amended to include the nominated Building Surface height on Lot 10. The amended plans must be provided prior to the Prestart Meeting.
13. All earthworks must be constructed in accordance with AS 3798: Guidelines on earthworks for commercial and residential developments. At the completion of works, RPEQ Certification of the works and test results are required to be provided to Council, prior to Works Acceptance.

Roads

14. The road pavement thickness for Road 1 must be increased to 300mm minimum in accordance with the advice in ERSCON letter dated 19 May 2025. The amended Road Design Plan(s) must be provided to Council for endorsement prior to the Prestart Meeting.
15. Roads as shown on the Approved Plan(s), must be constructed in accordance with relevant design and specifications sections of the FNQROC Development Manual, prior to Works Acceptance.

For Construction Drawings

16. 'For Construction' Engineering Drawings, inclusive of any amendments required by Conditions of this Permit, must be certified as approved by a suitably qualified RPEQ Engineer and a copy submitted to Council, prior to the Prestart Meeting.

Damage to Infrastructure and Land

17. Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council, prior to Works Acceptance.

Erosion and Sediment Control Plan

18. Prior to Commencement of Work, prepare and provide to Council for approval an Erosion and Sediment Control Plan (ESCP) to manage the site during construction and the defect liability period until Final Works Acceptance. The submitted plan is to be substantially in accordance with the approved Erosion and Sediment Control Strategy.

Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994 (Qld), the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines).

Runoff Generally

19. All reasonable and practicable measures must be taken to prevent pollution entering existing creeks, waterways or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater as a result of cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties (in accordance with the requirements of the Environmental Protection Act (1994), the FNQROC Development Manual and Best Practice Erosion & Sediment Control – IECA Australasia).

Concentration of Stormwater

20. Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties. If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.

Lawful Point of Discharge

21. All stormwater from the land must be directed to a lawful point of discharge as per the Approved Plan(s) such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.

Water Supply Infrastructure

22. Water supply infrastructure works as shown on the Approved Plan(s), must be constructed in accordance with the relevant design and specifications sections of the FNQROC Development Manual, prior to Works Acceptance.

Pre-start Meeting

23. 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 Prestart Meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** Prestart 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.

Inspections

24. Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the Prestart Meeting.

Construction Security Bond and Defects Liability Bond

25. 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.
26. 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.

Hours of Work

27. 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.
28. No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

Transportation of Soil

29. 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
160-010-C101 Rev C	COVER SHEET, LOCALITY PLAN AND DRAWINGS LIST	ERSCON	-
160-010-C102 Rev A	GENERAL NOTES	ERSCON	17/06/2024
160-010-C103 Rev A	EXISTING LOT LAYOUT	ERSCON	17/06/2024
160-010-C104 Rev A	GENERAL LOT LAYOUT (SHEET 1 OF 2)	ERSCON	17/06/2024
160-010-C105 Rev A	GENERAL LOT LAYOUT (SHEET 2 OF 2)	ERSCON	17/06/2024
160-010-C106 Rev B	ROAD 1 LONGITUDINAL SECTION (SHEET 1 OF 2)	ERSCON	16/05/2025
160-010-C107 Rev B	ROAD 2 AND 3 LONGITUDINAL SECTION (SHEET 2 OF 2)	ERSCON	16/05/2025
160-010-C108 Rev B	TYPICAL ROAD CROSS SECTION AND DETAILS	ERSCON	19/05/2025
160-010-C109 Rev B	INTERSECTION SETOUT	ERSCON	19/02/2025
160-010-C110 Rev C	GRADING PLAN (SHEET 1 OF 2)	ERSCON	12/05/2025
160-010-C111 Rev C	GRADING PLAN (SHEET 2 OF 2)	ERSCON	19/05/2025
160-010-C112 Rev A	WATER RETICULATION PLAN (SHEET 1 OF 2)	ERSCON	17/06/2024
160-010-C113 Rev A	WATER RETICULATION PLAN (SHEET 2 OF 2)	ERSCON	17/06/2024
160-010-C114 Rev C	STORMWATER Q5 MINOR AND DRAINAGE PLAN (SHEET 1 OF 2)	ERSCON	12/05/2025
160-010-C115 Rev B	STORMWATER Q5 MINOR AND DRAINAGE PLAN (SHEET 2 OF 2)	ERSCON	12/05/2025
160-010-C116 Rev C	DRAIN LONGITUDINAL SECTION	ERSCON	15/05/2025
160-010-C117 Rev B	STORMWATER Q5 MINOR LONGITUDINAL SECTION	ERSCON	16/05/2025
160-010-C118 Rev A	EROSION SEDIMENT CONTROL PLAN (SHEET 1 OF 2)	ERSCON	17/06/2024
160-010-C119 Rev A	EROSION SEDIMENT CONTROL PLAN (SHEET 2 OF 2)	ERSCON	17/06/2024
160-010-C120 Rev A	EROSION AND SEDIMENT CONTROL NOTES	ERSCON	17/06/2024
160-010-C121 Rev A	ROAD 1 CROSS SECTIONS	ERSCON	17/06/2024
160-010-C122 Rev B	ROAD 2 AND 3 CROSS SECTIONS	ERSCON	19/05/2025
160-010-C123 Rev B	DRAIN 1 CROSS SECTION	ERSCON	15/05/2025
160-010-C124 Rev A	DRAIN 2 CROSS SECTION	ERSCON	26/06/2024
160-010-C125 Rev A	DRAIN 3 CROSS SECTION	ERSCON	26/06/2024
160-010-C126 Rev B	DETENTION BASIN PLAN	ERSCON	16/05/2025
160-010-C127 Rev B	DETENTION BASIN LONGITUDINAL SECTION	ERSCON	19/05/2025
160-010-C128 Rev A	DETENTION BASIN CROSS SECTIONS (SHEET 1 OF 2)	ERSCON	13/02/2025
160-010-C129 Rev A	DETENTION BASIN CROSS SECTIONS (SHEET 2 OF 2)	ERSCON	13/02/2025

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

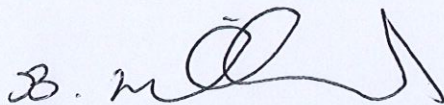
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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

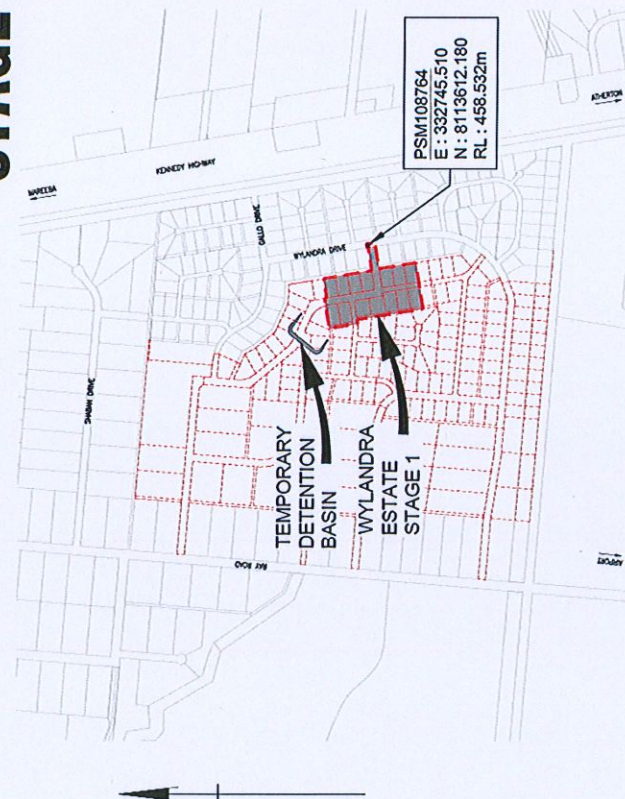


BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc: Approved Plans/Documents
Appeal Rights

Approved Plans/Documents

CONMAT PTY. LTD. WYLANDRA ESTATE STAGE 1



PROJECT DRAWINGS LIST

160-010-C101	COVER SHEET, LOCALITY PLAN AND DRAWINGS LIST
160-010-C102	GENERAL NOTES
160-010-C103	EXISTING LOT LAYOUT
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160-010-C116	DRAIN LONGITUDINAL SECTION
160-010-C117	STORMWATER Q5 MINOR LONGITUDINAL SECTION
160-010-C118	EROSION SEDIMENT CONTROL PLAN (SHEET 1 OF 2)
160-010-C119	EROSION SEDIMENT CONTROL PLAN (SHEET 2 OF 2)
160-010-C120	EROSION AND SEDIMENT CONTROL NOTES
160-010-C121	ROAD 1 CROSS SECTIONS
160-010-C122	ROAD 2 AND 3 CROSS SECTIONS
160-010-C123	DRAIN 1 CROSS SECTIONS
160-010-C124	DRAIN 2 CROSS SECTIONS
160-010-C125	DRAIN 3 CROSS SECTIONS
160-010-C126	DETENTION BASIN PLAN
160-010-C127	DETENTION BASIN LONGITUDINAL SECTION
160-010-C128	DETENTION BASIN CROSS SECTIONS (SHEET 1 OF 2)
160-010-C129	DETENTION BASIN CROSS SECTIONS (SHEET 2 OF 2)

Client:

Prepared by:



APPROVED FOR
CONSTRUCTION

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160-010-C101 REV C

UNBUILT SITE - 10/03/2020

1. LEVEL DATUM : AHD
2. ORIGIN OF LEVELS : (GDA2020 ZONE 55)

3. EXISTING CONDITIONS HAVE BEEN BASED ON SURVEY DATA COLLECTED BY THREE SURVEYORS.

- NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF THE INFORMATION SHOWN. THE CONTRACTOR IS TO WORK WITH THREE SURVEYS TO ESTABLISH SITE SURVEY CONTROLS. ALL SERVICES ARE PROVIDED FOR INFORMATION ONLY, AND NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF THE INFORMATION. ALL CHANGES TO THE INFORMATION, POSITIONS OF SERVICE COORDINATES SHALL BE RECORDED AND NOTED. THE CONTRACTOR IS TO CHECK SURVEYS NECESSARILY BEEN SHOWN ON THE CHANGES. THE CONTRACTOR IS TO CHECK SURVEYS ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- FOR ALL SPECIFICATIONS REFER TO ENRDC STANDARD SPECIFICATIONS. INSPECTION AND TEST PLANS ARE TO BE UNDERSTOOD BY CONTRACTOR IN ACCORDANCE WITH ENRDC DEVELOPMENT MANUAL.
- THE CONTRACTOR IS TO BE RESPONSIBLE AND LIMITED BY THE CONTRACTOR IN ACCORDANCE WITH ENRDC DEVELOPMENT MANUAL.

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ALL CONCRETE WORKS INCLUDING SUPPLY, PLACEMENT, COMPACTION, REINFORCEMENT AND FINISHING SHALL BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT PNOROC DEVELOPMENT MANUAL SPECIFICATION - 57 CONCRETE WORKS.

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**APPROVED FOR
CONSTRUCTION**

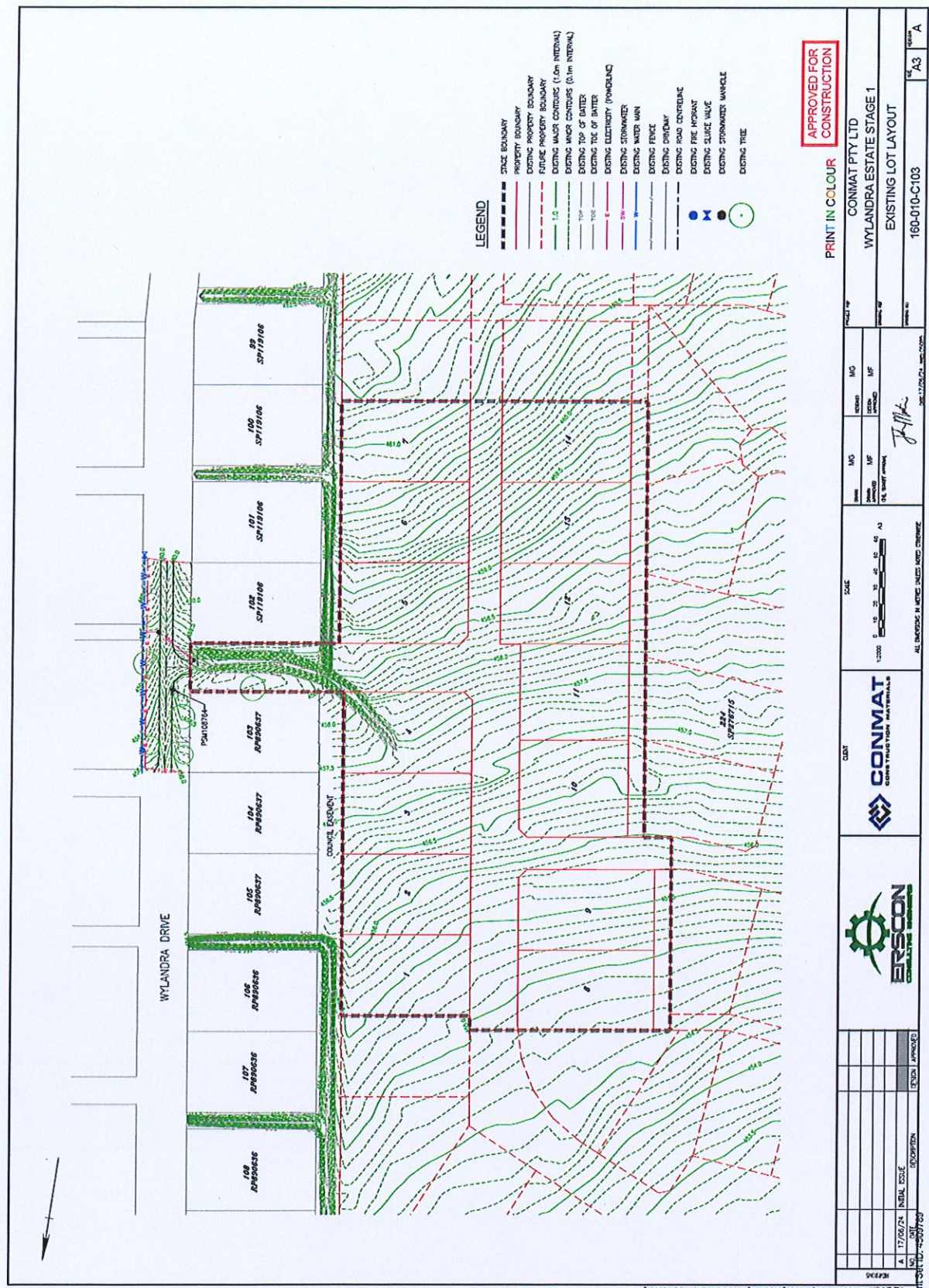
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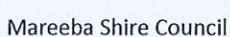
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WYLANDRA ESTATE STAGE 1

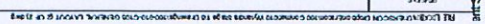
GENERAL NOTES

160-010-C102

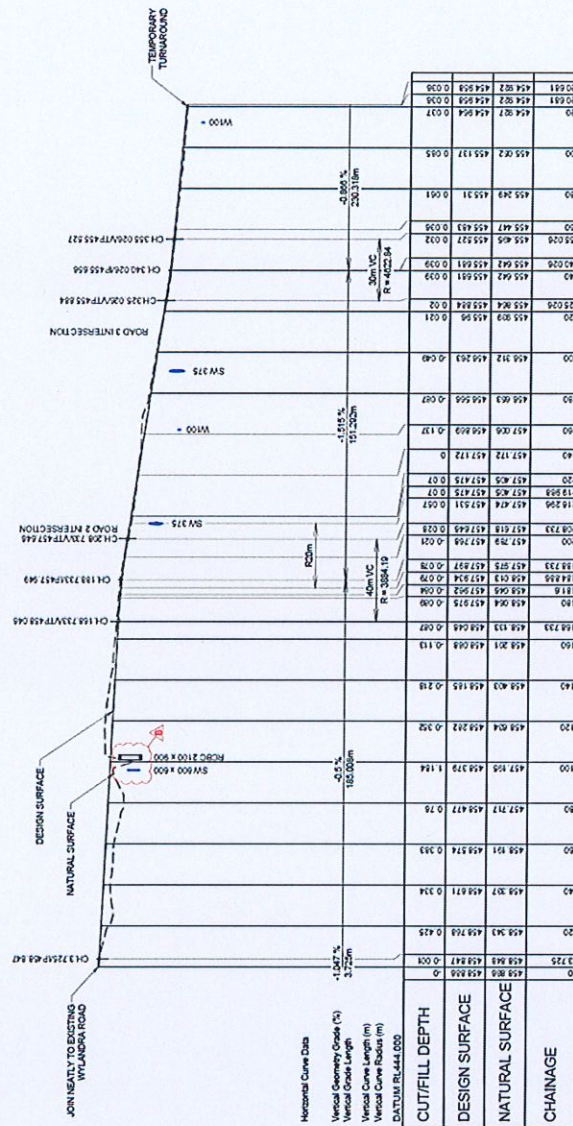
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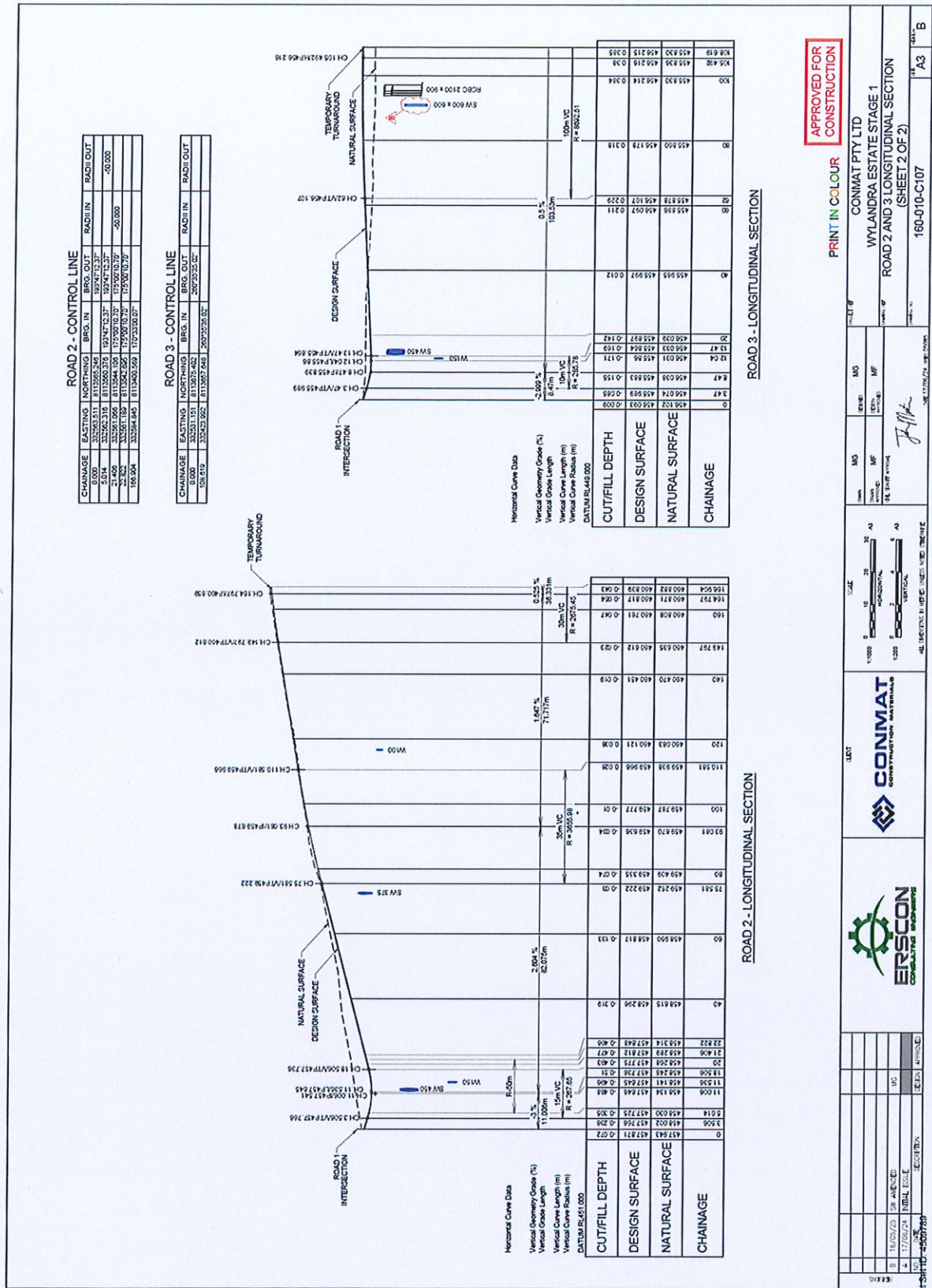


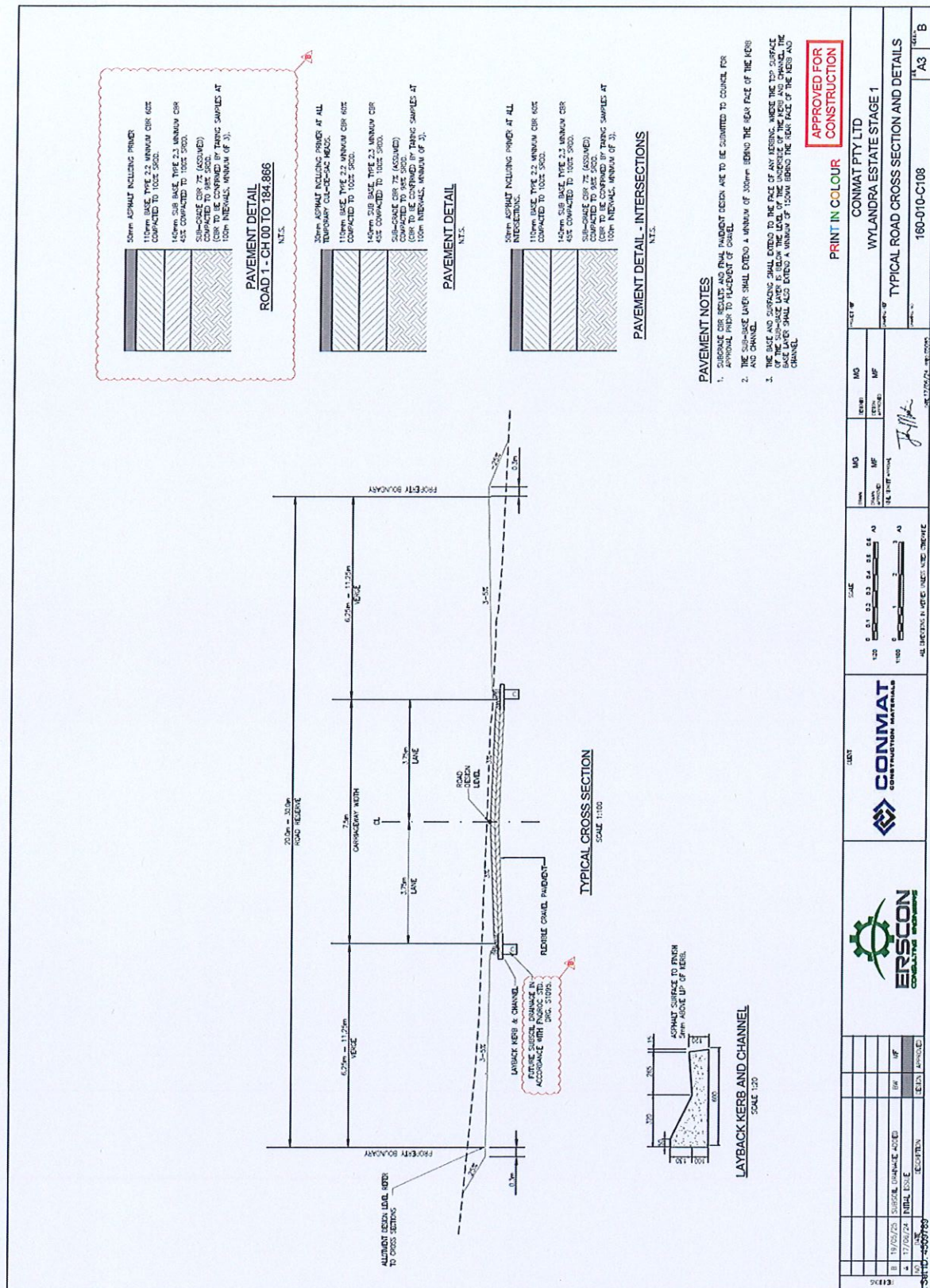
ROAD 1 - CONTROL LINE						
CHAINAGE	EASTING	NORTHING	BRG. IN	BRG. OUT	RADII IN	RADII OUT
0.00	332752.214	8113305.754	200°30'53.40"			
154.586	332360.856	8113366.256	200°30'53.74"			20.000
216.290	332546.835	8113381.710	350°29'47.60"			20.000
420.681	332513.050	8113373.251	350°29'47.47"	350°15'18.75"		

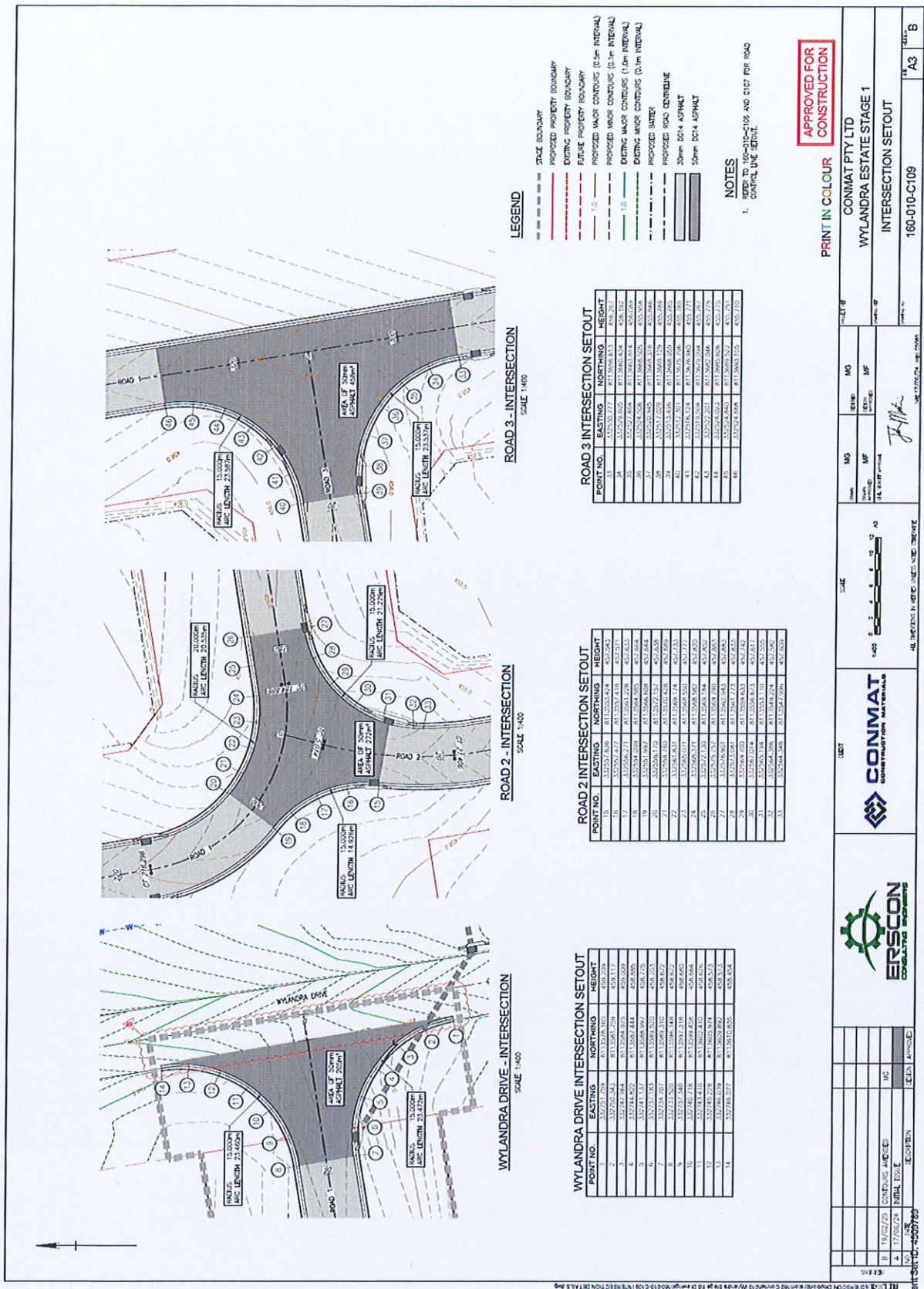


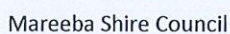
ROAD 1 - LONGITUDINAL SECTION

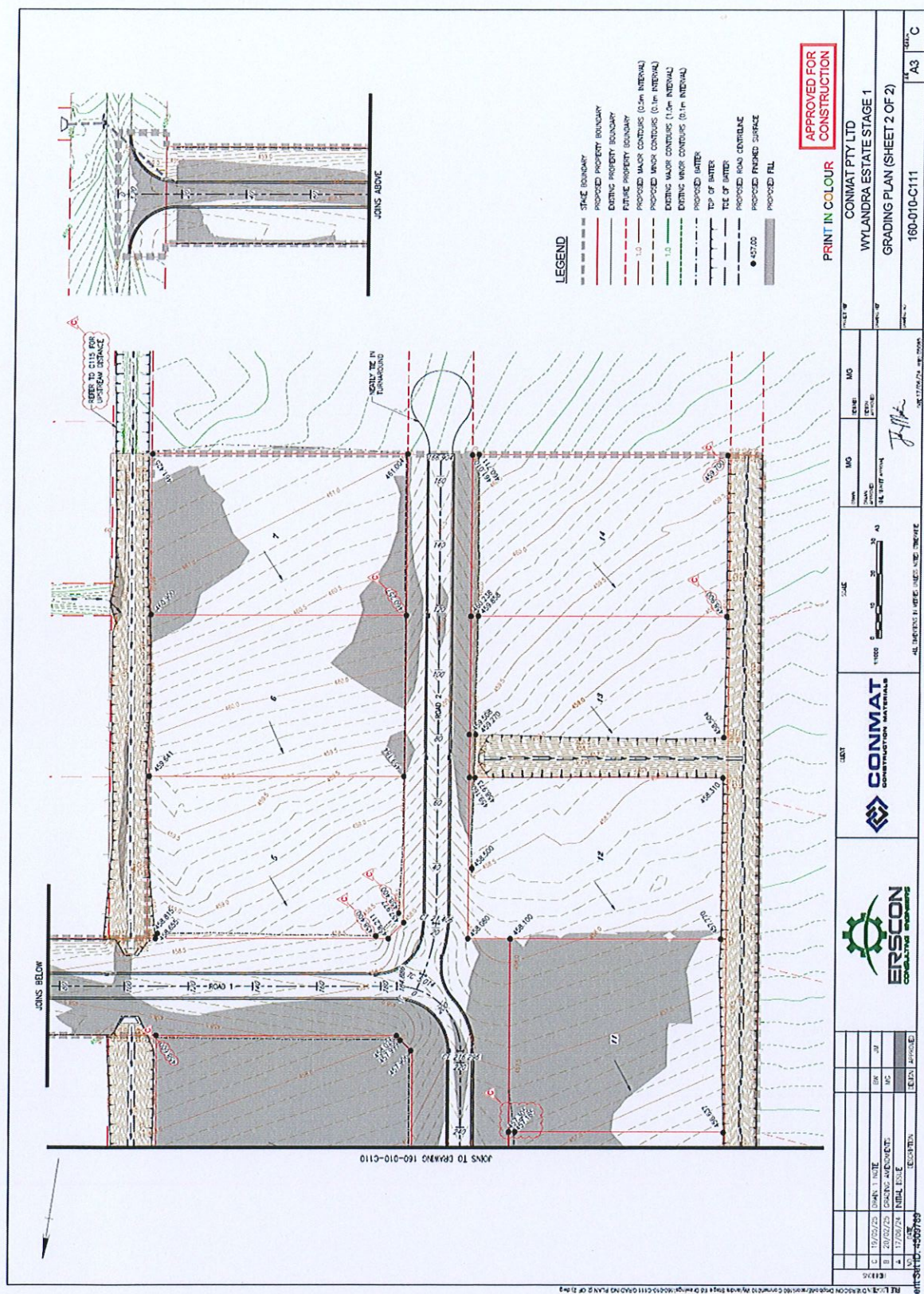
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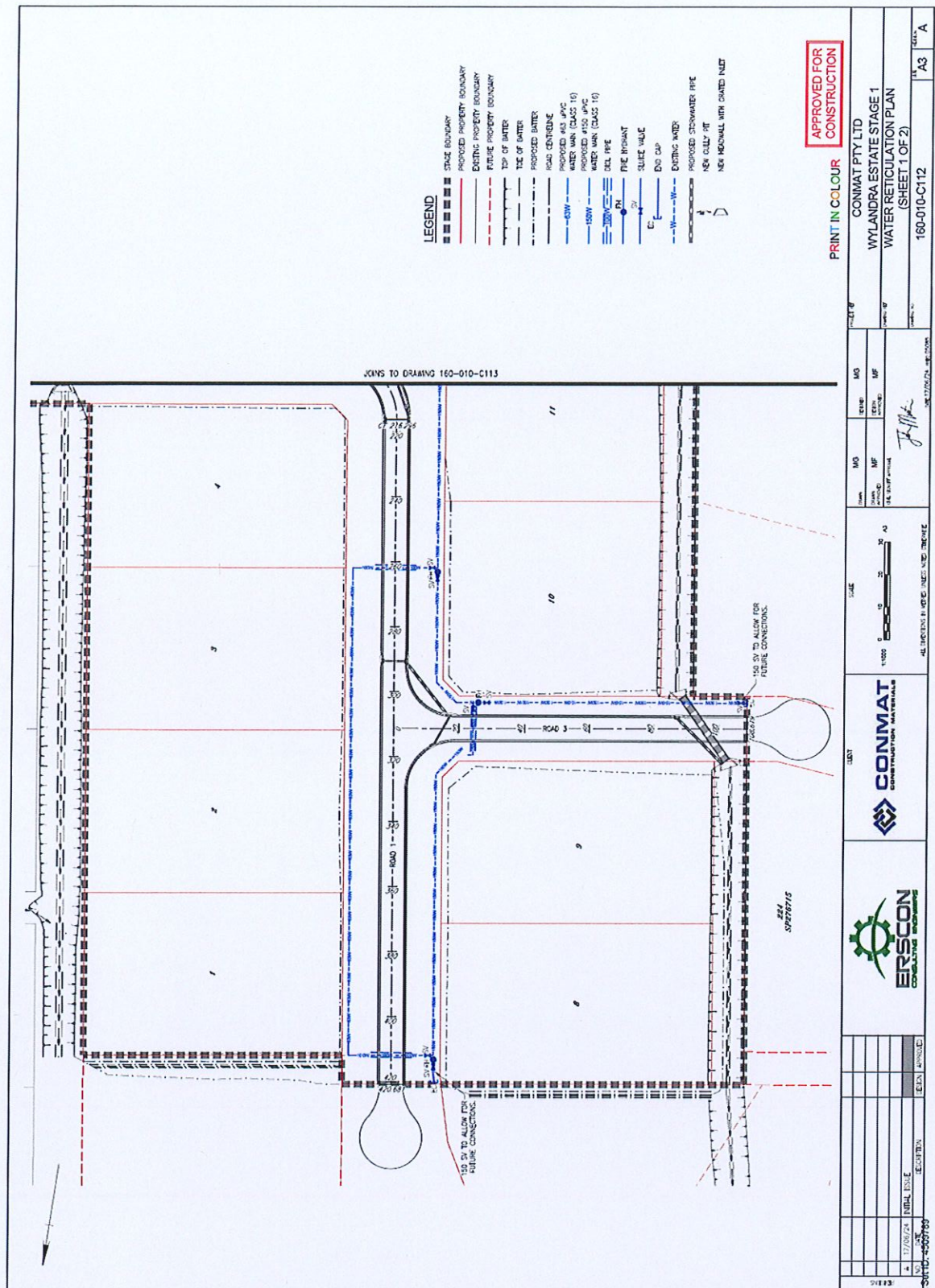


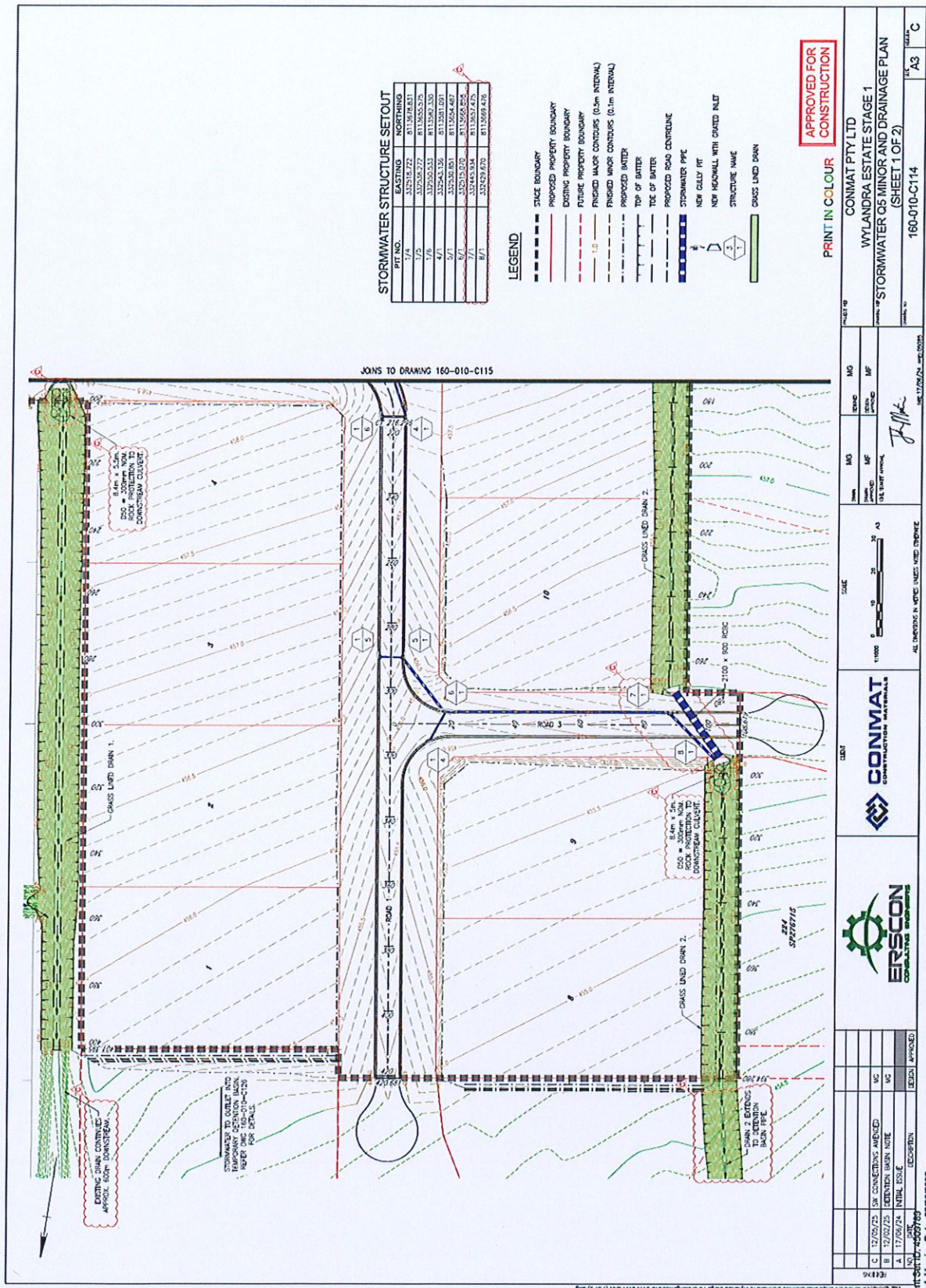


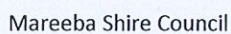


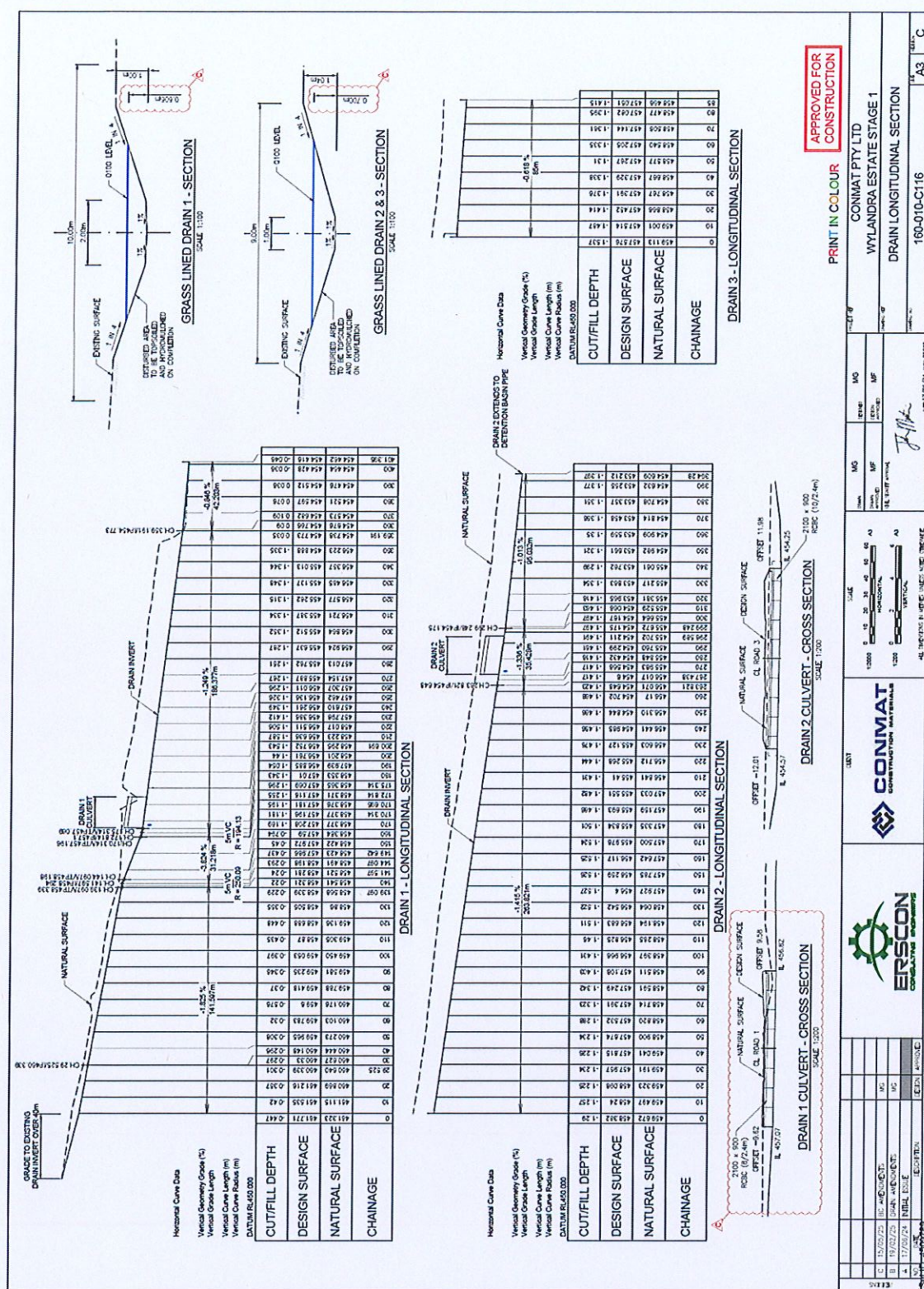


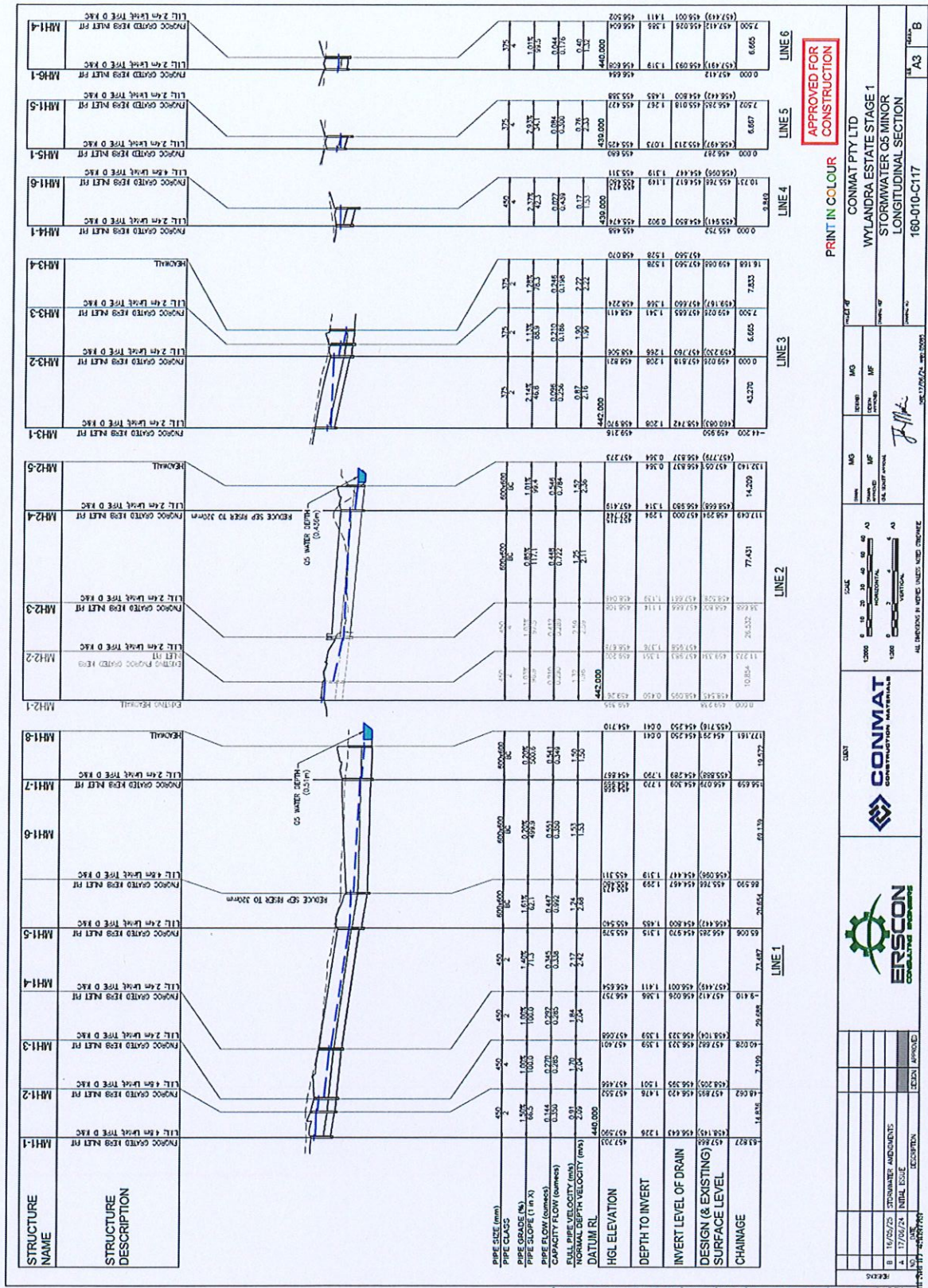


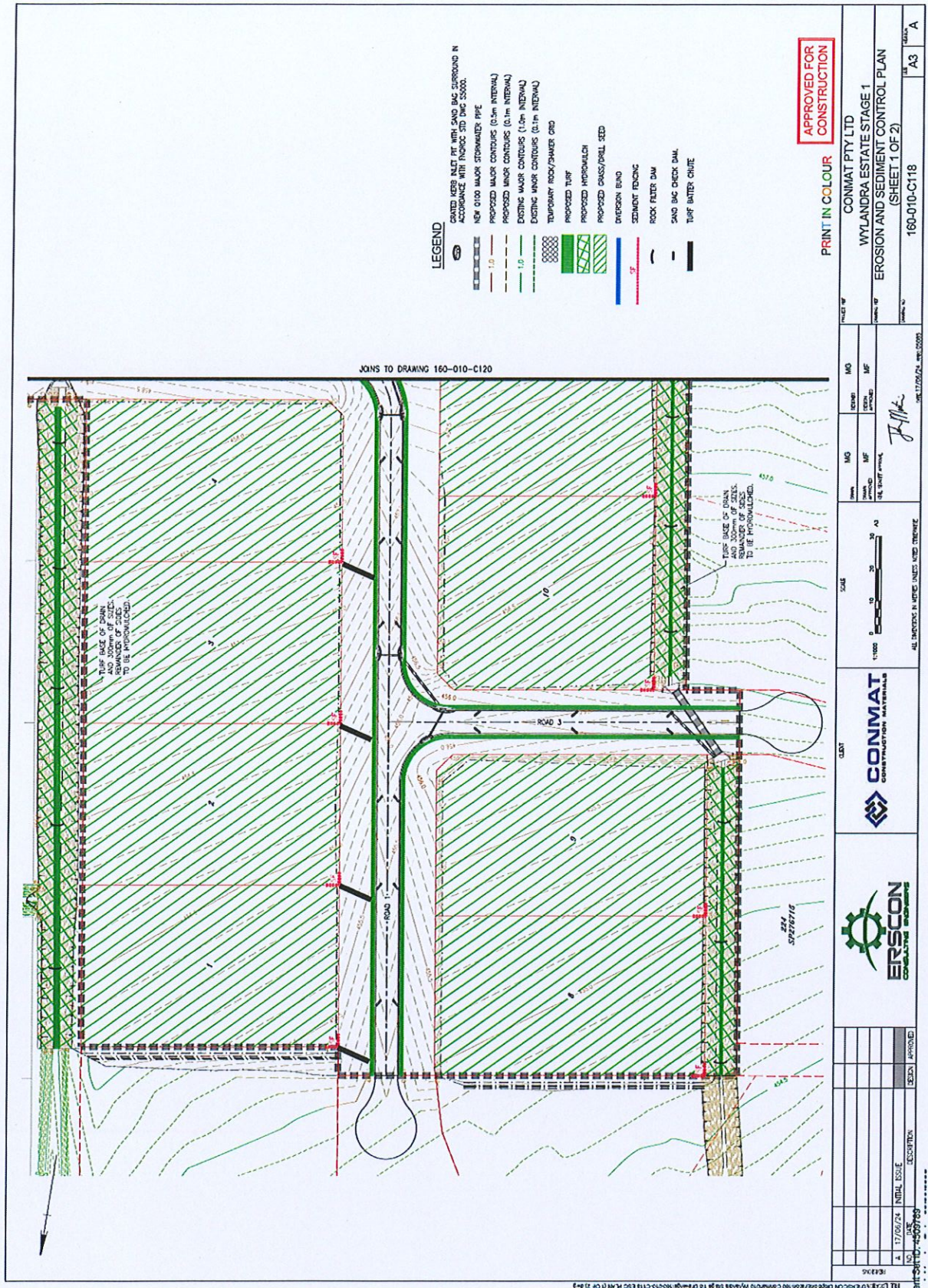


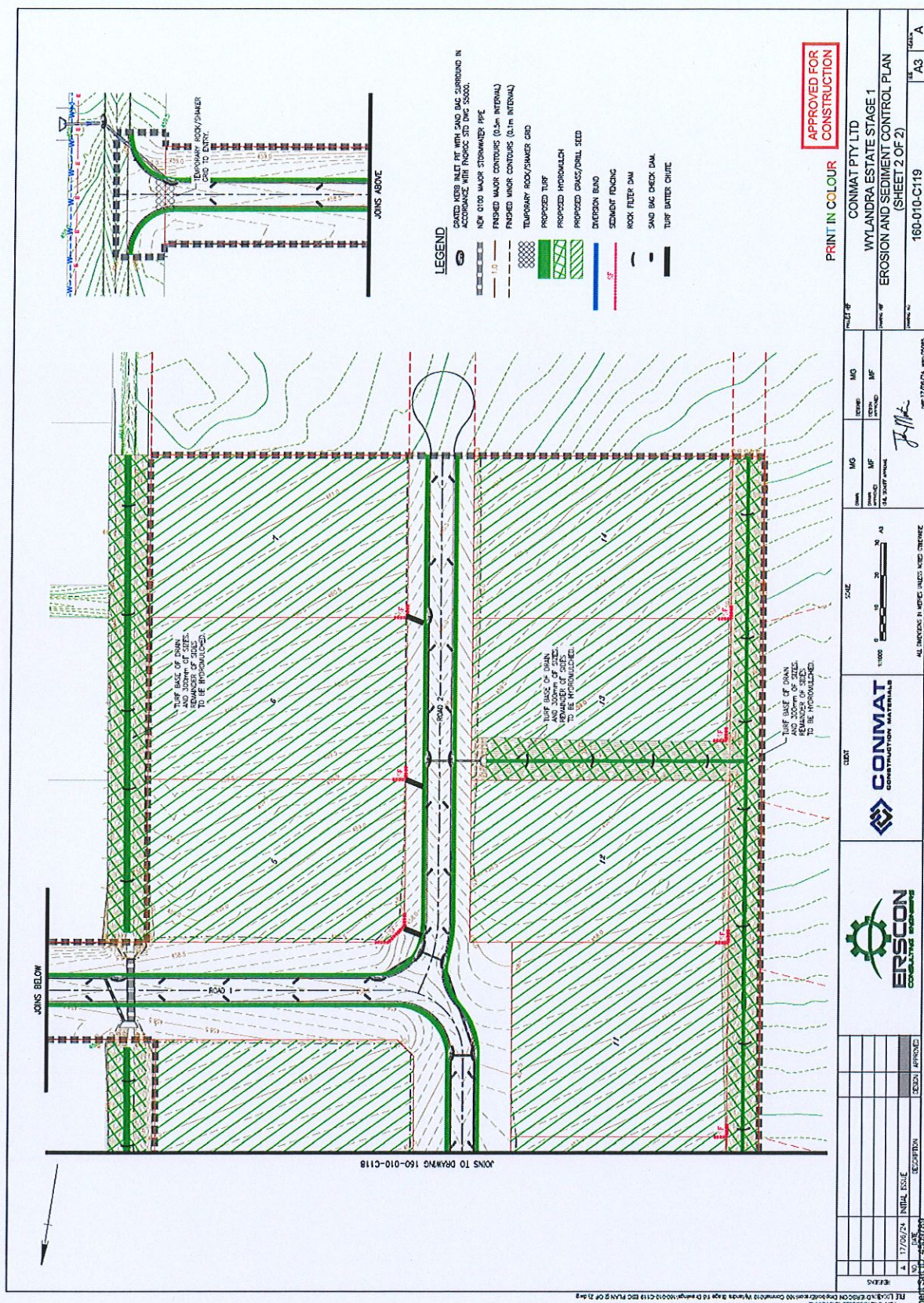


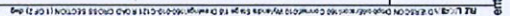


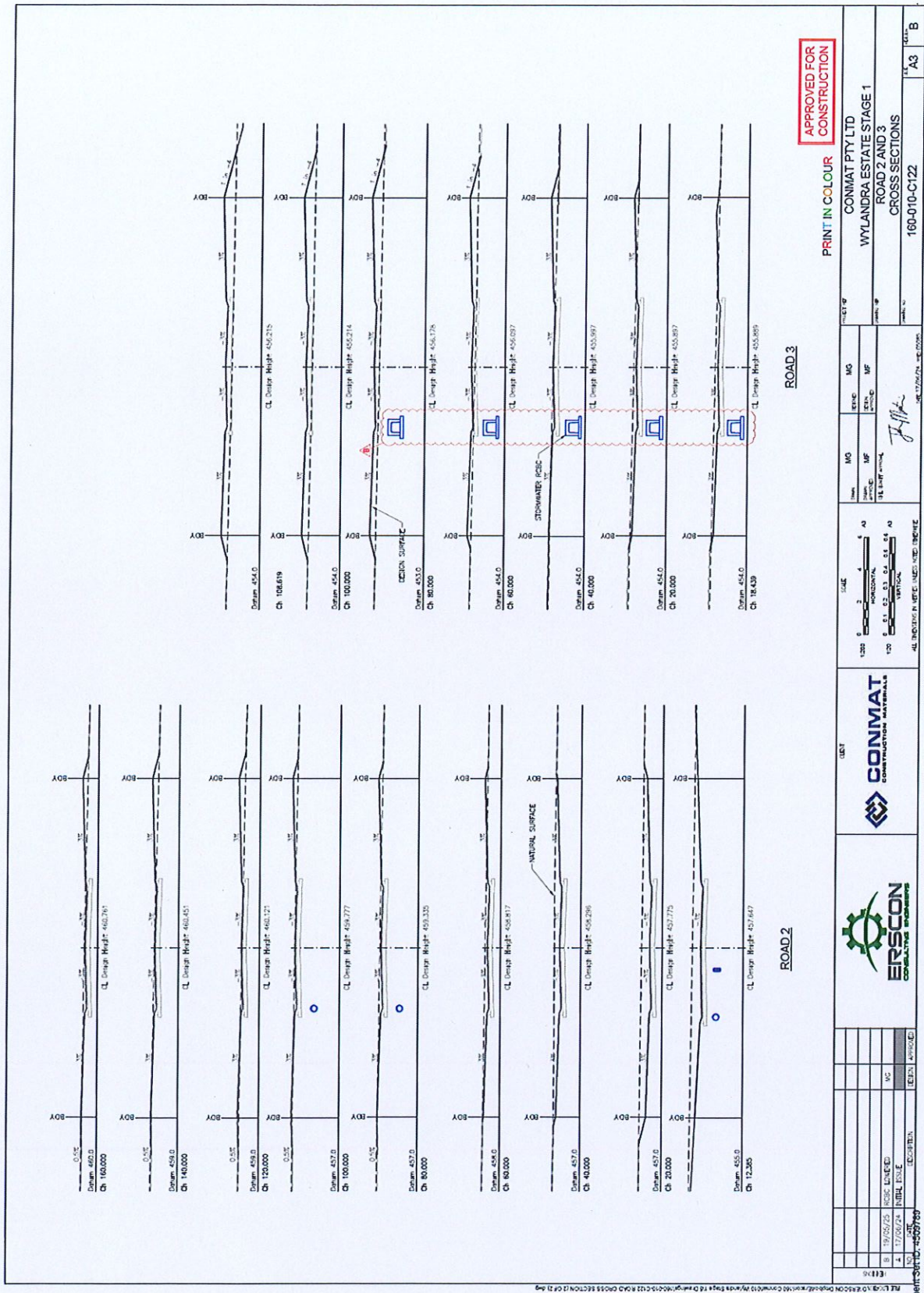


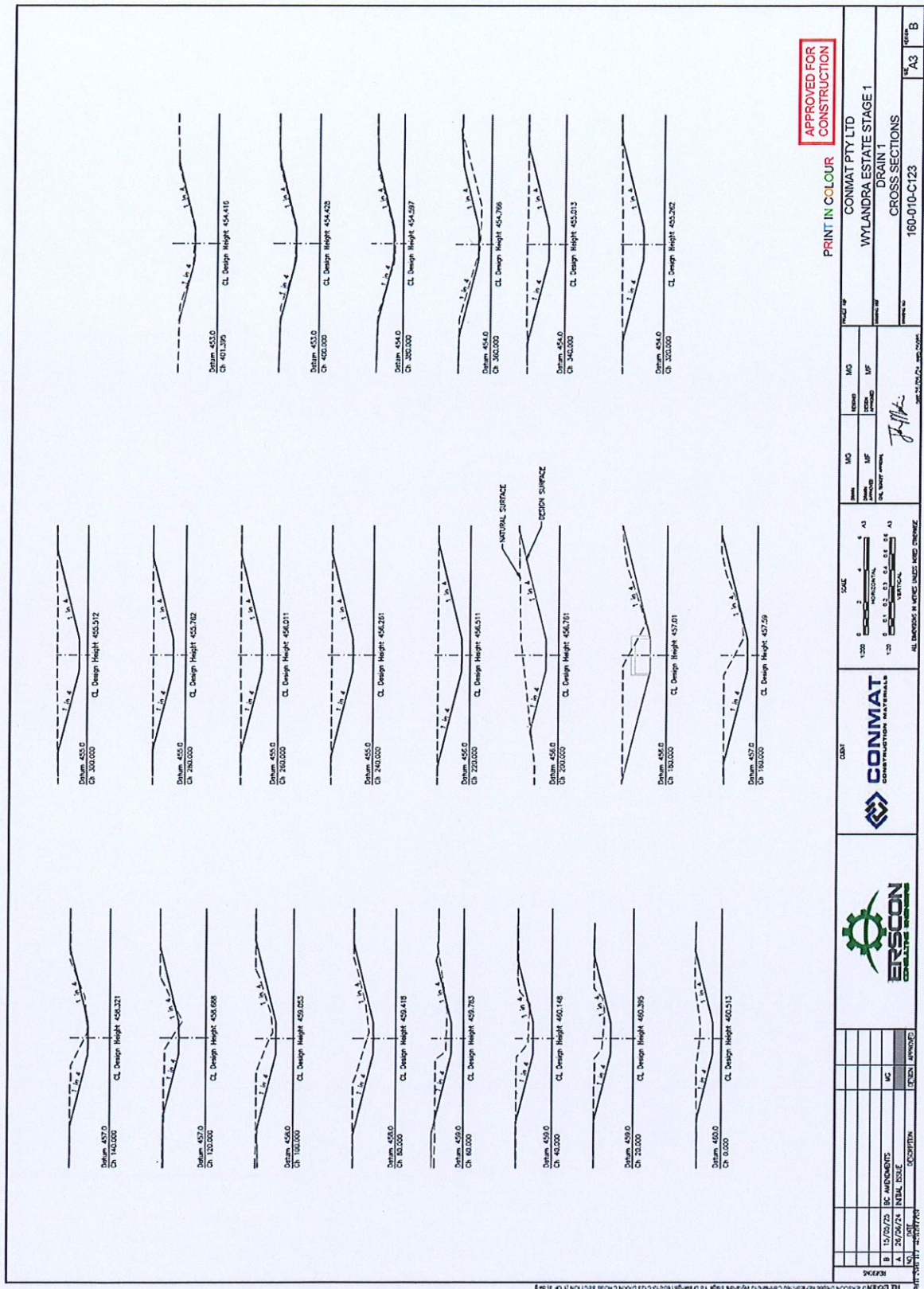


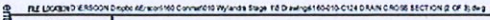


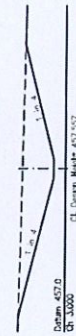
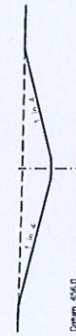
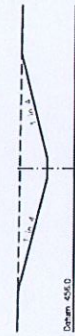
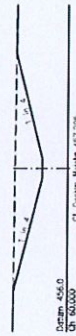
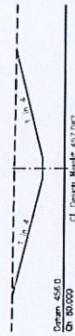
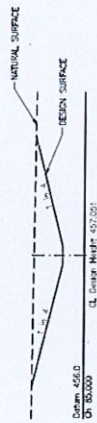








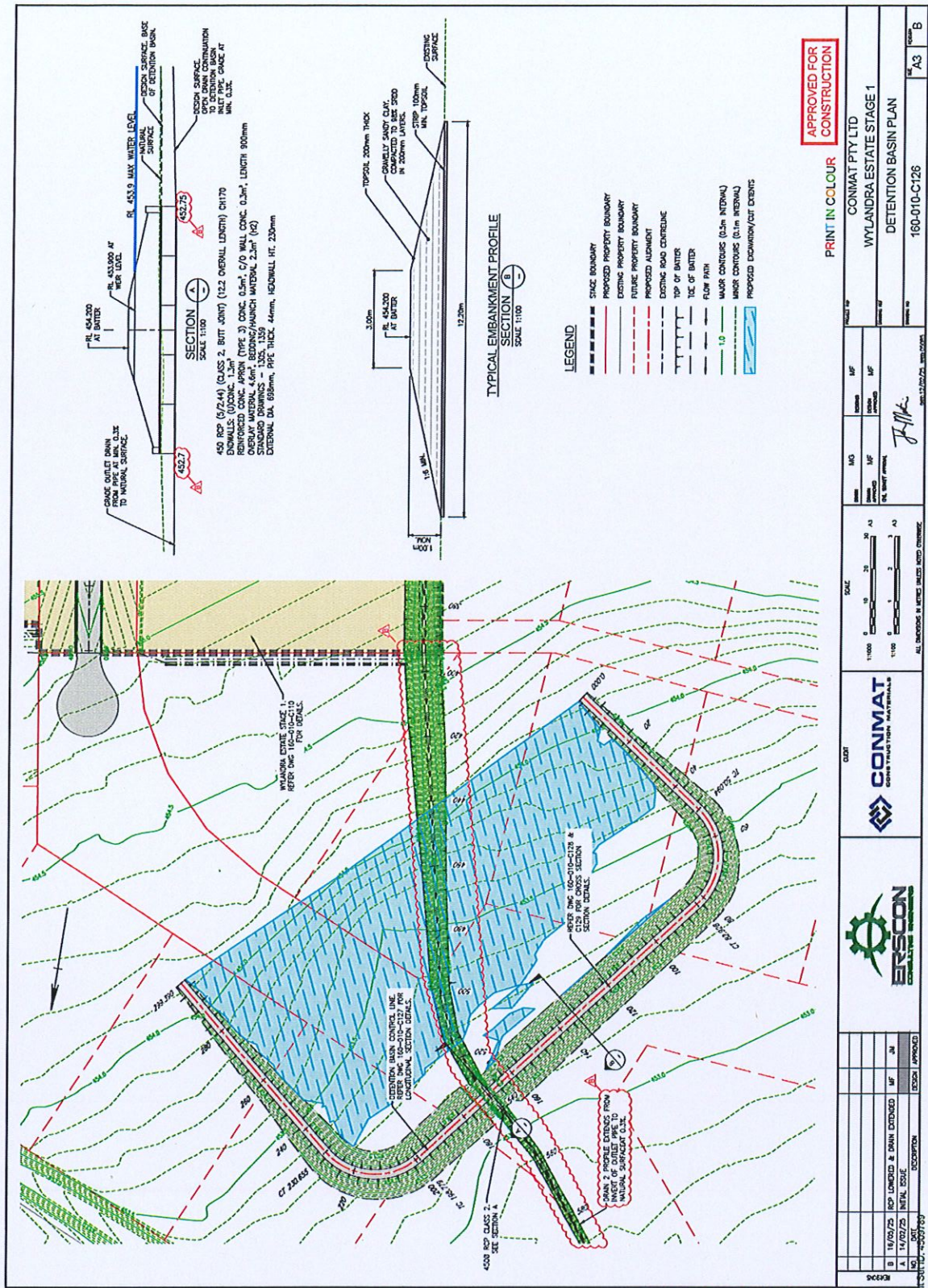




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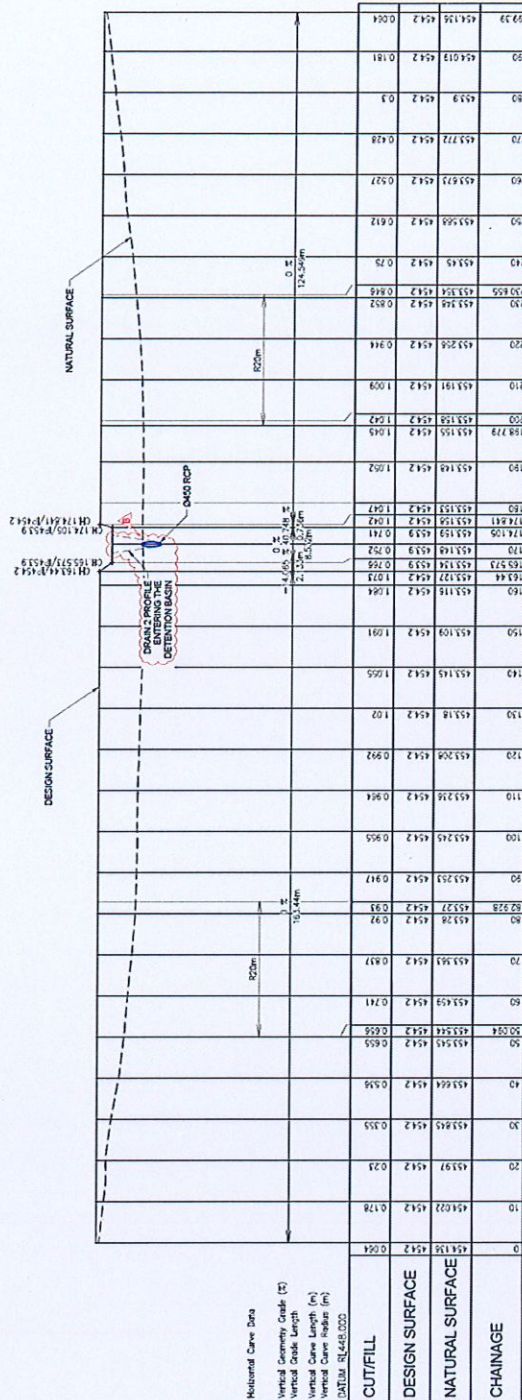
APPROVED FOR CONSTRUCTION

ERSCON CONSULTING ENGINEERS		CONMAT CONSTRUCTION MATERIALS		SCALE HORIZONTAL 1:250 VERTICAL 1:25 ALL MEASUREMENTS ARE IN METERS		CONMAT		CONMAT		CONMAT		CONMAT		CONMAT	
PROJECT NO: 450783		PROJECT NAME: WYLANDRA ESTATE STAGE 1 DRAIN 3 CROSS SECTIONS		PROJECT LOCATION: 160-010-C125		PROJECT DATE: 20/06/24		PROJECT DRAWN BY: [Signature]		PROJECT CHECKED BY: [Signature]		PROJECT APPROVED BY: [Signature]		PROJECT STATUS: A	



DETENTION BASIN - CONTROL LINE

CHARGE	EASTING	NORTHING	BORG. IN	BORG. OUT	RADI IN	RADI OUT
0000	333063.05	811377.624		3041102.12"		
50.004	333218.575	811379.690		3041102.12"		
0.004	333218.575	811379.690		3041102.12"		20.000
62.925	333214.105	8113823.565	3074441.10"	3074441.10"		20.000
168.779	332383.810	8113919.351	3074441.10"	3074441.10"		20.000
220.650	332414.265	8113923.619	1292394.65"	1292394.65"		
260.390	332467.265	8113933.040	1292394.65"	1292394.65"		

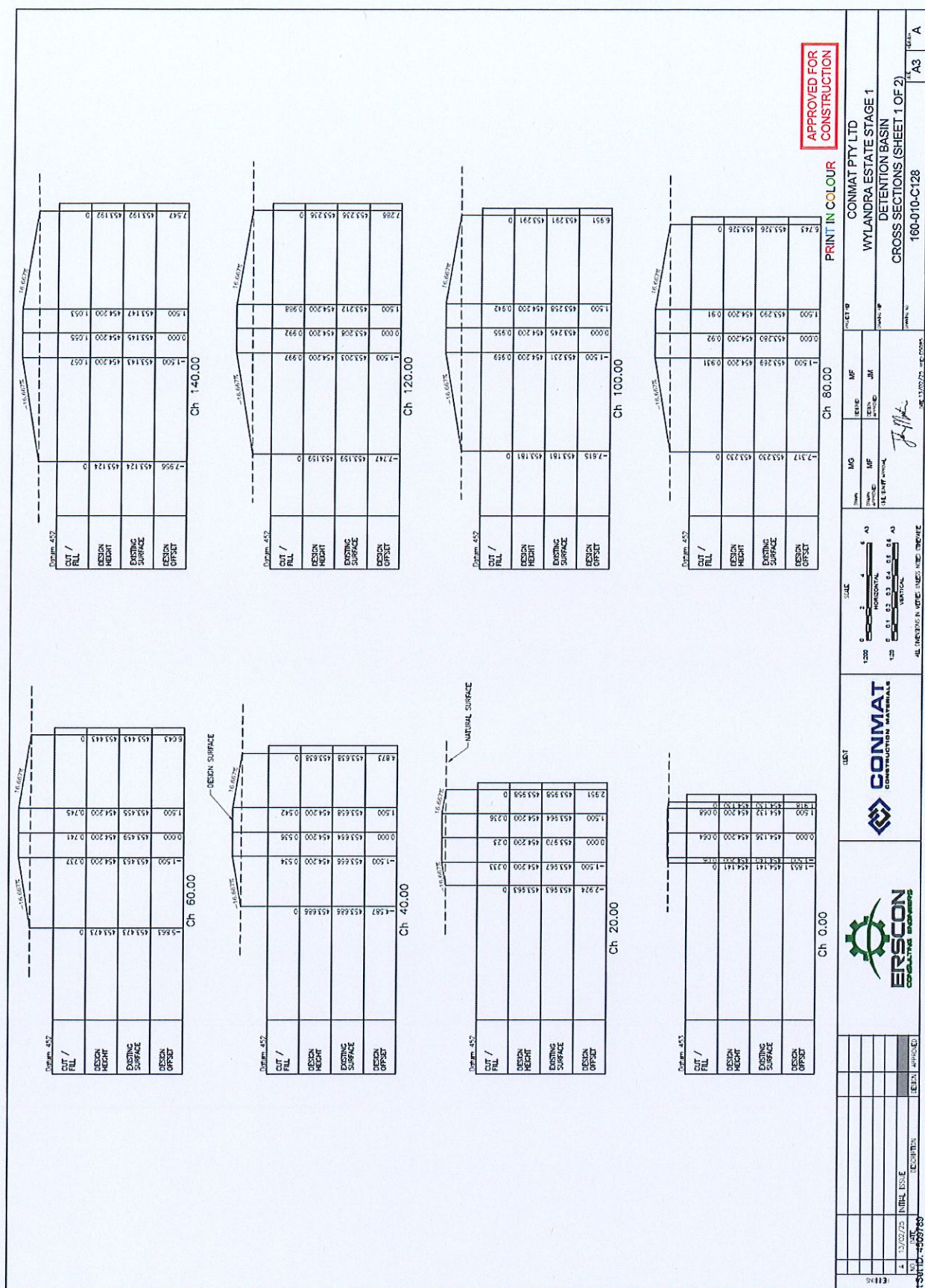


DETENTION BASIN - LONGITUDINAL SECTION

**APPROVED FOR
CONSTRUCTION**

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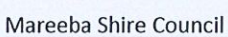
																																																																																																																																																																									
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APPROVED FOR CONSTRUCTION

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CONMAT PTY LTD WYLANDRA ESTATE STAGE 1 DETENTION BASIN CROSS SECTIONS (SHEET 1 OF 2)		160-010-C128
DATE: 13/02/25 TIME: 10:00 AM BY: [Signature] FOR: [Signature]	DATE: 13/02/25 TIME: 10:00 AM BY: [Signature] FOR: [Signature]	DATE: 13/02/25 TIME: 10:00 AM BY: [Signature] FOR: [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 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.