

Enquiries: Melony Rodger
Direct Phone: 07 5433 2591
Our Ref: DA/2024/1884
Your Ref: 230504.02
Date: 6 December 2024

MBDEV 8 Pty Ltd TTE
c/- Adams & Sparkes Town Planners
PO Box 1000
BUDDINA QLD 4575

Dear Applicant

Re: NEGOTIATED DECISION NOTICE

Pursuant to section 75 of the *Planning Act 2016*

Development Application No.: DA/2024/1884

Property Location: 17 MacGinley Road UPPER CABOOLTURE QLD 4510

Property Description: Lot 5 SP 342336

I refer to the Change Representations made regarding the abovementioned development approval and advise that on 06 December 2024 Council agreed to the requested changes in full in accordance with the *Planning Act 2016*.

A Negotiated Decision Notice has now been issued:

- Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 Lots)

This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 18 July 2024.

The development allowed by this approval must be carried out in accordance with the attached Decision package.

Attached is an extract from the *Planning Act 2016* which details your appeal rights and the appeal rights of any submitters, if applicable, regarding this decision.

Should you have any further queries in relation to this decision, please contact 06 December 2024 as referenced above.

Yours faithfully



Julie Stokman
Acting Principal Planner, Streamline Assessment Unit
Development Services
City of Moreton Bay

Enclosures: Attachment 1 - Negotiated Decision Notice
Attachment 2 - Assessment Manager Conditions
Attachment 3 - Approved Plans/ Documents
Attachment 4 - Appeal Rights
Attachment 5 - Infrastructure Charges Notice

ATTACHMENT 1

Negotiated Decision Notice

Negotiated Decision Notice

Planning Act 2016, section 76(3)

NATURE OF CHANGES

The nature of the agreed changes include:

- Condition 2 - Amended Plans Required – Condition Deleted
- Condition 16 - Overland Flow Path - Condition Amended
- Condition 17 - Stormwater Easement - Overland Flow Path - Condition Amended
- Condition 18 - Stormwater - Open Drainage Channel - Condition Added
- Condition 19 - Driveway and Crossover - Lot 7 - Condition Added

All other aspects of the original Decision Notice remain unchanged.

APPLICATION DETAILS

Application No: DA/2024/1884

Applicant: MBDEV 8 Pty Ltd TTE
c/- Adams & Sparkes Town Planners

Street Address: 17 MacGinley Road UPPER CABOOLTURE QLD 4510

Real Property Description: Lot 5 SP 342336

Planning Scheme: Moreton Bay Regional Council Planning Scheme

APPROVAL DETAILS

Date of Decision: 18 July 2024

The development application was approved by Council's Delegate as the Assessment Manager subject to conditions (refer Attachment 2).

APPLICATION TYPE	Development Permit	Preliminary Approval
Reconfiguring a Lot for Subdivision (1 into 2 Lots)	☒	☐

OTHER NECESSARY PERMITS

Listed below are other permit/s that are necessary to allow the development to be carried out:

- Operational Work - Electrical and Street Lighting
- Operational Works - Stormwater
- Operational Works - Driveway and Crossover

CURRENCY PERIOD OF APPROVAL

In accordance with section 85 of the *Planning Act 2016*, the currency period for each aspect of the development approval is as outlined below:

- Reconfiguring a Lot – 4 years from the date this approval starts to have effect.

INFRASTRUCTURE

Infrastructure Charges are applicable for this development approval.

ASSESSMENT MANAGER CONDITIONS

The conditions relevant to this development approval are listed in Attachment 2 of the Decision package.

APPROVED PLANS / DOCUMENTS

The approved plans and/or documents as listed below for this development approval are included in Attachment 3 of the Decision package.

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Reconfiguration	230428_002_PRO Rev C	CEJ	12/11/2024
Overland Flow Overlay Assessment	CIV03826 (OD/MAO) Rev B	Contour Consulting Engineers Pty Ltd	03/10/2024

Approved Plans - Plans Amended - Request to Change Development Approval - Delegated Authority 06 December 2024

ASSESSMENT BENCHMARKS

The Assessment Benchmarks that applied to the development from the following Categorising Instruments include;

Categorising Instrument (*Planning Regulation 2017*)

State Planning Policy

- *State Planning Policy 2017*, Part E

Regional Plan

- *South East Queensland Regional Plan 2023 (ShapingSEQ 2023)*

Local Categorising Instrument (*Moreton Bay Regional Council Planning Scheme V6*)

- Reconfiguring a Lot Code - Rural Residential Zone

Local Categorising Instrument (Variation Approval)

Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

Not applicable.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

The application was approved despite non-compliance with particular Assessment Benchmarks. For details regarding the grounds that were considered sufficient to justify the decision despite the non-compliance, refer to the Reasons for Approval Despite Non-Compliance with Assessment Benchmarks section of the Assessment Report which is available on Council's website (via *DA Tracker*) <https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Tracker> using the application number referenced in this Notice.

REFERRAL AGENCY CONDITIONS

There are no Referral Agencies applicable to this development approval.

APPEAL RIGHTS

Attachment 5 of the Decision package is an extract from the *Planning Act 2016* which details your appeal rights and the appeal rights of any submitters, if applicable, regarding this decision

ATTACHMENT 2

Assessment Manager Conditions of Approval

CONDITION		TIMING
RECONFIGURING A LOT - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
2	Amended Plans Required	
A	Submit an amended Proposed Reconfiguration Plan incorporating the following: The lot dimensions for Proposed Lots 7 & 8 (i.e. length of all boundaries); Stormwater easements in accordance with the Site Based (Localised) Overland Flow Report; Dimensions (metes and bounds) of the Building Envelopes on Proposed Lots 6 & 7 (may be provided on a separate plan). Condition Deleted - Request to Change Development Approval - Delegated Authority 06 December 2024 —	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
B	Obtain approval from Council for the amended Proposed Reconfiguration Plan in accordance with (A) above. Condition Deleted - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval. Condition Deleted - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
3	Water	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: (a) a reticulated water supply network connection is available to the land; (b) all the requirements of Unitywater have been satisfied.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
4	Telecommunications Infrastructure	

CONDITION		TIMING
	Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
5	Existing Service Connections	
	Submit certification from a suitably qualified person that: 1. All of the existing service connections (electricity, telecommunications, water) to an existing building or a private property pole is wholly contained in the lot it serves; and 2. Any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	Prior to Council endorsement of any survey plan.
6	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an electricity supply network has or will be constructed within all new roads and along the frontage of each proposed lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
B	Provide an electricity supply connection to each proposed lot as follows: • Lots 7 & 8 - Overhead connection to a private property pole (if required) within proximity to the front boundary of the lot or underground.	
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: 1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and 2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
7	Street Trees	
	Provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
8	Certify Lots are in Accordance with Approved Plan	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to submitting to the Council any request

CONDITION		TIMING
		for approval of a plan of subdivision (i.e. survey plan).
9	Payment of Rates	
	Pay all outstanding rates and charges applicable to the subject land.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
10	Plan of Development - All Lots	
	Development must comply with the approved Plan of Development unless otherwise approved in writing by Council.	To be maintained at all times.
11	Advice to Purchasers Regarding Plan of Development - All Lots	
	Acknowledge in writing that potential purchasers will be advised of the approved Plan of Development for Lot 7 and Lot 8 and the requirement to comply with the approved Plan of Development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
DEVELOPMENT ENGINEERING		
12	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
13	Alterations and Relocation of Existing Services	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
14	Stormwater	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
15	Existing Driveway Crossover	
	Remove completely any redundant driveway crossovers fronting MacGinley Road. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

CONDITION		TIMING
16	Overland Flow Path	
	Implement the requirements and recommendations of the approved Overland Flow Report prepared by Contour Consulting Engineers. The approved report forms part of the approval. Condition Amended - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
17	Stormwater Easement - Overland Flow Path	
A	Provide the new easement (EMT) identified by the approved Overland Flow Report, prepared by Contour Consulting Engineers and the approved Proposed Reconfiguration Plan, free of cost and compensation to Council for the purpose of Stormwater conveyance. Note: Vehicle access (driveway) and services are permitted to cross the stormwater easement provided the overland flow path is maintained. Condition Amended - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Acknowledge in writing that potential purchasers of Proposed lots 7 will be advised of the easement (EMT) and the associated note regarding vehicle access (driveway) and services note. Condition Amended - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
18	Stormwater - Open Drainage Channel	
A	Submit and have approved by Council, a development application for Operational Works for stormwater infrastructure - open drainage channel to service the development. Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application. Condition Added - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to commencement of works associated with this condition.

CONDITION		TIMING
B	Construct stormwater infrastructure - open drainage channel to service the development at no cost to Council and in accordance with the approved plans and documents of development. This condition has been imposed under section 145 of the <i>Planning Act 2016</i>. Condition Added - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
19	Driveway and Crossover - Lot 7	
A	Submit and have approved by Council, a development application for operational works for a culvert system across the open drainage channel to facilitate a driveway and crossover to access Lot 7. Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application. Note: The driveway is to be designed to achieve minimum cross drainage requirements, with the final design to be approved as part of the Operational Works application Condition Added - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to commencement of works associated with this condition.
B	Construct the driveway, crossover and culvert system to provide access to Lot 7 at no cost to Council and in accordance with the approved plans and documents of development. This condition has been imposed under section 145 of the <i>Planning Act 2016</i>. Condition Added - Request to Change Development Approval - Delegated Authority 06 December 2024	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The

ADVICES	
	Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage. Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party. Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care. Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.
2	Adopted Charges
	Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 or as amended apply to this development approval. From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval. Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.
3	Biosecurity Act 2014 - Fire Ant Control
	Significant portions of the Moreton Bay are within Fire Ant Biosecurity Zone 2 and must remain vigilant for the presence of fire ants. Under the Biosecurity Act 2014, individuals and businesses are responsible for ensuring that they follow the movement controls for specific organic materials to help prevent the spread of fire ants within South East Queensland's fire ant biosecurity zones. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit. More information is available on https://www.fireants.org.au/treat/business-and-industry/movement-controls

PROPERTY NOTES	
1	DS01 Siting Requirements
	The following property note will be attached to Council's database for Lot 922:

PROPERTY NOTES	
	<i>"A plan has been approved by Council for this lot identifying how and/or where development on this lot is to occur. Any development on this lot must be in accordance with the approved plan and associated conditions.</i> <i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website www.moretonbay.qld.gov.au."</i>
2	DS06 On-Site Sewerage
	The following property note will be attached to Council's database for Lot 921: <i>"An approved preliminary on-site sewerage report applies to this lot. This preliminary report is based on a number of assumptions including house size and location and is only intended to indicate the type of on-site sewerage system that may be required, where suitable effluent disposal areas are best located on this lot and assist the landowner in locating the new dwelling and other structures on the lot. The preliminary on-site sewerage report is not suitable for use as the design report required for approval of the on-site sewerage system design for the new dwelling.</i> <i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website www.moretonbay.qld.gov.au."</i>
3	DS07 Additional Development Requirements
	The following property note will be attached to Council's database for Lot 5, Lot 6 and Lot 7. <i>"Additional development requirements apply to this lot. Any development on this lot must be in accordance with the approved plan and associated conditions.</i> <i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website www.moretonbay.qld.gov.au."</i>

ATTACHMENT 3

Approved Plans / Documents



- LEGEND:
- Subject Site
 - Building Envelope
 - Riparian Buffer & Existing Drainage Easment
 - Overland Flow Path
 - New 9m Wide Overland Flow Drainage Easement

- NOTES:
1. Drawn to scale on an A3 sheet.
 2. All levels are in metres on the Australian Height .
 3. Contour Interval: N/A
 4. All dimensions and areas are subject to final survey.
 5. Dimensions are rounded to the nearest 0.1m.
 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority approvals.

C	Boundaries Amended	CEJ	12/11/2024
B	Easement Added	CEJ	15/08/2024
A	Original Issue	HK	28/03/2024
Issue	Revision	Int	Date

Title:
Proposed Reconfiguration
17 Macginley Road, Upper Caboolture
(Described as Lot 5 on SP342336)

Client: **GRIZZLY PROJECTS GROUP**

Local Gov:	MBCC	Prepared By:	CEJ
Surveyed By:	----	Approved:	CEJ
Date Created:	12/11/2024	Scale:	1:1000
Comp File:	----		
Plan No:	230428_002_PRO		

Our Reference: CIV03826 (OD/MAO)
Council Reference: DA/2024/1884

3 October 2024

MBDEV 8 Pty Ltd TTE
c/- Adams & Sparkes Town Planners
PO Box 1000
BUDDINA QLD 4575

**RE: OVERLAND FLOW REPORT REV B – INFORMATION RESPONSE
FOR RECONFIGURING A LOT (1 into 2)
LOCATED AT 17 MACGINLEY ROAD, UPPER CABOOLTURE**

The City of Moreton Bay have issued a Development Permit referenced DA/2024/1884 and dated 24 July 2024. Contour Consulting Engineers (Contour) have been engaged to prepare an overland flow assessment in relation to the stormwater overland flow path which is generated from the southern catchment.

The below report has been generated to address the Information Request issued by Development Services on 3 September 2024. Note that this report is only associated with the flow from the southern catchment and is not intended to address the east-west flow path through the site. The assessment is also not associated with driveways or crossings, and is solely associated with providing a flow path for the catchment from the south. We understand that the east-west flow path is being reviewed as part of the negotiated decision process. We further understand that the swale will be subject to an Operational Works application, and Contour expects that approval of this report will permit a swale to be constructed and the overland flow path from the south to be directed along the allotment boundary. The detailed operational works drawings will detail the final alignment based upon detailed survey and site conditions. It is expected that an easement covering the swale will eliminate the irregular overland flow overlay which currently impacts the sit along the southern boundary.

The parent parcel was described as Lot 5 on SP342336, and is subject to a historical approval being DA/2023/5130, which subdivided the parent parcel into three (3) allotments, creating Lot 5, Lot 6 and Lot 7 on SP348199. Recently sealed Lot 7 is the subject of this overland flow assessment and is referenced as the subject site in the below report.

The subject site has an area of 1.6372ha, with a gully running along the northern boundary from west to east. The south portion of the site falls from the south boundary towards this gully. Levels range from 29m AHD at the south boundary to 26m AHD at the low point of the gully. The subject site is proposed to be subdivided with areas of 13,372m² and 3,000m² respectively. See Figure 1-1 below for an extract of the proposed development layout:



CONTOUR

PO Box 5923, Maroochydore BC QLD 4558

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LOT 8

9.0m WIDE PROPOSED OVERLAND DRAINAGE EASEMENT

LOT 7

EXISTING OUTLET STRUCTURE

EXISTING PROPERTY BOUNDARY

1 RP856732

42 SP305962

2

This report seeks to address the overland flow entering the subject site from the south. The report undertakes a quantitative analysis of the overland flow in order to size an appropriate stormwater swale for conveyance and containment of the flow to the Lawful Point of Discharge.

1 OVERLAND FLOW ASSESSMENT

A desktop study and hydrology assessment of the catchment area and overland flow characteristics is identified on drawing 3826-SK01. This assessment has been undertaken in accordance with the methods set out in Queensland Urban Drainage Manual 2017 (QUDM).

Using 2019 Lidar made available by the City of Moreton Bay GIS, the upstream catchment area is calculated to be 5.882ha. Contour have assessed the time of concentration (t_c) for this catchment using a combination of Friends equation for overland flow and an estimate of concentrated flow travel time using QUDM Figure 4.5 – Flow travel time in pipes and channels (Source: Argue, 1986). Our calculation confirms that a time of concentration of 17 minutes could reasonably be adopted (QUDM Section 4.6) for this catchment's characteristics. Contours catchment plan 3826-SK01 is presented within **Appendix A**.

Contour conservatively adopted 30% fraction impervious for the catchment area, and utilised LIMBs 2020 (enveloped) rainfall data to determine peak runoff. The resultant flows are presented below in Table 1-1:

TABLE 1-1 – CALCULATED PEAK RUNOFF FROM SOUTHERN OVERLAND FLOW

PEAK FLOWS (CU.M/S)

63% AEP (Q1)	0.761
39% AEP (Q2)	0.997
18% AEP (Q5)	1.367
10% AEP(Q10)	1.611
5% AEP (Q20)	1.920
2% AEP (Q50)	2.435
1% AEP (Q100)	2.805

2 OVERLAND FLOW MANAGEMENT

Contour have sized a channel in accordance with QUDM to appropriately receive and convey these flows through the subject site to a Lawful Point of Discharge from the subject site. The alignment and typical section of the proposed easement is presented on drawing 3826-SK02 within **Appendix B**.

Contour have adopted the Manning's equation to size the required depth and width of the swale to service the 1% AEP major storm event, while maintaining 300mm of freeboard. A manning's coefficient of 0.035 from (Chow, 1959 – Flood Plains High Grass) was adopted. Parameters and considerations in the selection of this value include the natural surface slope (2.89%), and that it is a proposed straight grassed easement. Although it will be the responsibility of the landowner to maintain the channel, Contour consider that a manning's value of 0.035 is conservative and factors in longer grass and light vegetation if this was to become the condition of the easement in the future.

Australian Rainfall and Runoff also provides guidance in relation to Manning 'n' values. Table 4.1 suggests excavated earth channels with grass and weeds would have values between 0.025 to 0.033. The swale is extremely unlikely to become a channel with heavy brush. In the above case, Contour

have adopted a 0.035, which is above the upper limit tabled in AR&R (Volume 1, 1991 Edition). In this case, the Manning n adopted is at the upper end of what would be reasonably expected and therefore a sensitivity analysis is not necessary in this case.

The resultant easement width calculated is 9.0m with a 1% AEP storm design water depth of 0.29m. The swale depth within the proposed easement is 0.59m which accounts for 0.30m of freeboard during this event. A typical cross section of the proposed easement which encompasses the swale is included on Contour drawing 3826-SK02 within **Appendix B**. As detailed in items 7 and 8 of the information request email from Council dated 3 September, it appears that Council generally supports the parameters and swale configuration adopted by Contour.

The **1% AEP** Storm design d.v value is calculated as 0.54m²/s. This is considered generally acceptable according to QUDM Section 7.3.16 which specifies that the product of flow depth and velocity must be limited to less than 0.6 m²/s for major drainage system design. The design water flow velocity within the channel is 1.85 m/s. This is below the allowable value of 2.4 m/s for a fully vegetated (erosion-resistant soil) channel with a 3% grade (QUDM Table 9.5.2).

Item 4 of Council Information request email requests a risk assessment to be undertaken. QUDM identifies that risks associated with stormwater structures can be managed, by not necessarily eliminated, through the use of appropriate design. The swale has been designed with 1 in 4 batters to provide easy egress out of the drain, and which will also prevent falling into the swale. A review of the flow characteristics confirms that the dv product during a 5% AEP is 0.36 m²/s. Contour considered that toddlers and small children are unlikely to be outside during a major storm events.

The above flow assessment is based upon a catchment which is not impacted by detention structures. There appears to be a stormwater management structure directly upstream of the swale located within Lot 1 on RP856732 and under easement. The outlet configuration of the stormwater management suggests that the structure is a detention basin of some form. The existence of the above structure will reduce the flow peak during mast events. It could be reasonably assumed that the above assessment is conservative and that flows and impacts will be less than that reported above.



Fig 1 - Outlet structure of Upstream Basin

With consideration of all the above Contour consider that there is low probability of incident, and therefore the risk is considered low. Contour are satisfied that the swale parameters and configuration is suitable for the proposed purpose.

3 COUNCIL OVERLAND FLOW PERFORMANCE OUTCOMES

Council's Reconfiguring a Lot Code – Rural Residential Zone provides guidance on the management of the Overland Flow Path Overlay, by publishing Performance Outcomes PO62 to PO67. The abovementioned Code specifies the following:

- *Development:*
 - a. *minimises the risk to persons from overland flow;*
 - b. *does not increase the potential for damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.*

Contour Comment

Complies - The proposal is to channelise the overland flow path through the site, with the aim of protecting persons and property from potential damage.

- *Development:*
 - a. *maintains the conveyance of overland flow predominantly unimpeded through the premises for any event up to and including the 1% AEP for the fully developed upstream catchment;*
 - b. *does not concentrate, intensify or divert overland flow onto an upstream, downstream or surrounding property.*

Contour Comment

Complies – The proposed swale conveys the 1% AEP event through the site, and does not impact adjoining allotments

- *Development does not:*
 - a. *directly, indirectly or cumulatively cause any increase in overland flow velocity or level;*
 - b. *increase the potential for flood damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.*

Contour Comment

Complies – The proposal is to direct stormwater through the site, to discharge into the east-west drain generally as existing conditions. The proposal will not increase potential for flood damage or create impacts onto surrounding property.

- *Development ensures that overland flow is not conveyed from a road or public open space onto a private lot, unless the development is in a Rural zone.*

Contour Comment

Complies – The proposal directs stormwater from an upstream allotment.

- *Development ensures that Council and inter-allotment drainage infrastructure, overland flow paths and open drains through private property cater for overland flows for a fully developed upstream catchment flows and are able to be easily maintained.*

Contour Comment

Complies – The proposal considers the developed upstream catchment and is designed to allow maintenance from the future allotment owners as required.

- *Development protects the conveyance of overland flow such that easements for drainage purposes are provided over:*
 - a. *a stormwater pipe if the nominal pipe diameter exceeds 300mm;*

- b. an overland flow path where it crosses more than one property; and*
- c. inter-allotment drainage infrastructure.*

Contour Comment

Complies – The swale is proposed to be protected by easement in accordance with Council standards.

4 SUMMARY

Contour have undertaken a quantitative assessment of the receiving overland stormwater flows from the south and calculated a $2.805\text{m}^3/\text{s}$ discharge rate during a 1% AEP storm event.

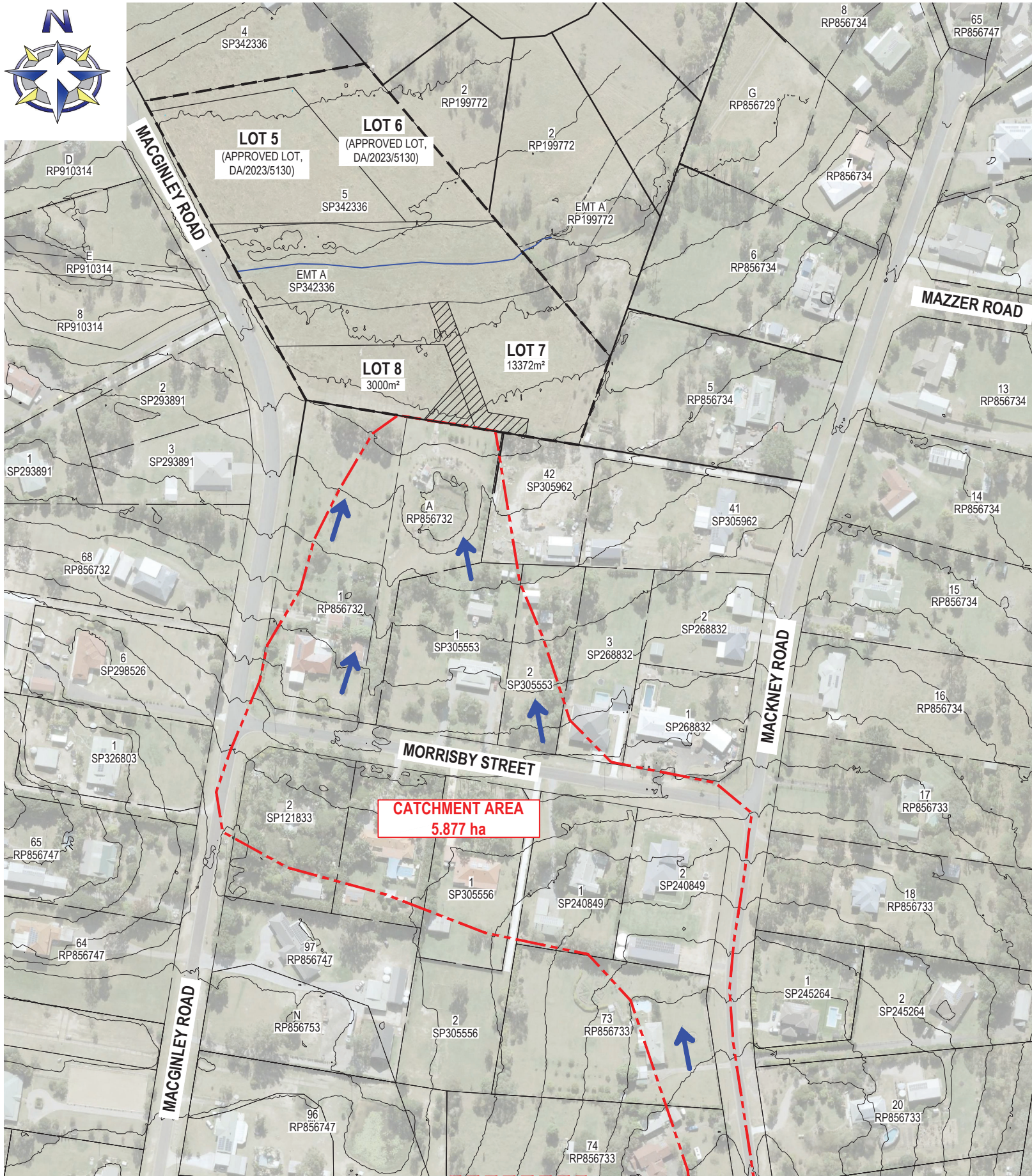
Contour propose an 9.0m wide easement containing an overland swale to restrict the width of flow to the easement area, accommodating for an additional 300mm of freeboard within the swale depth.

As such, Contour have provided an updated proposed development layout which includes the proposed easement which can be found attached within **Appendix B**.

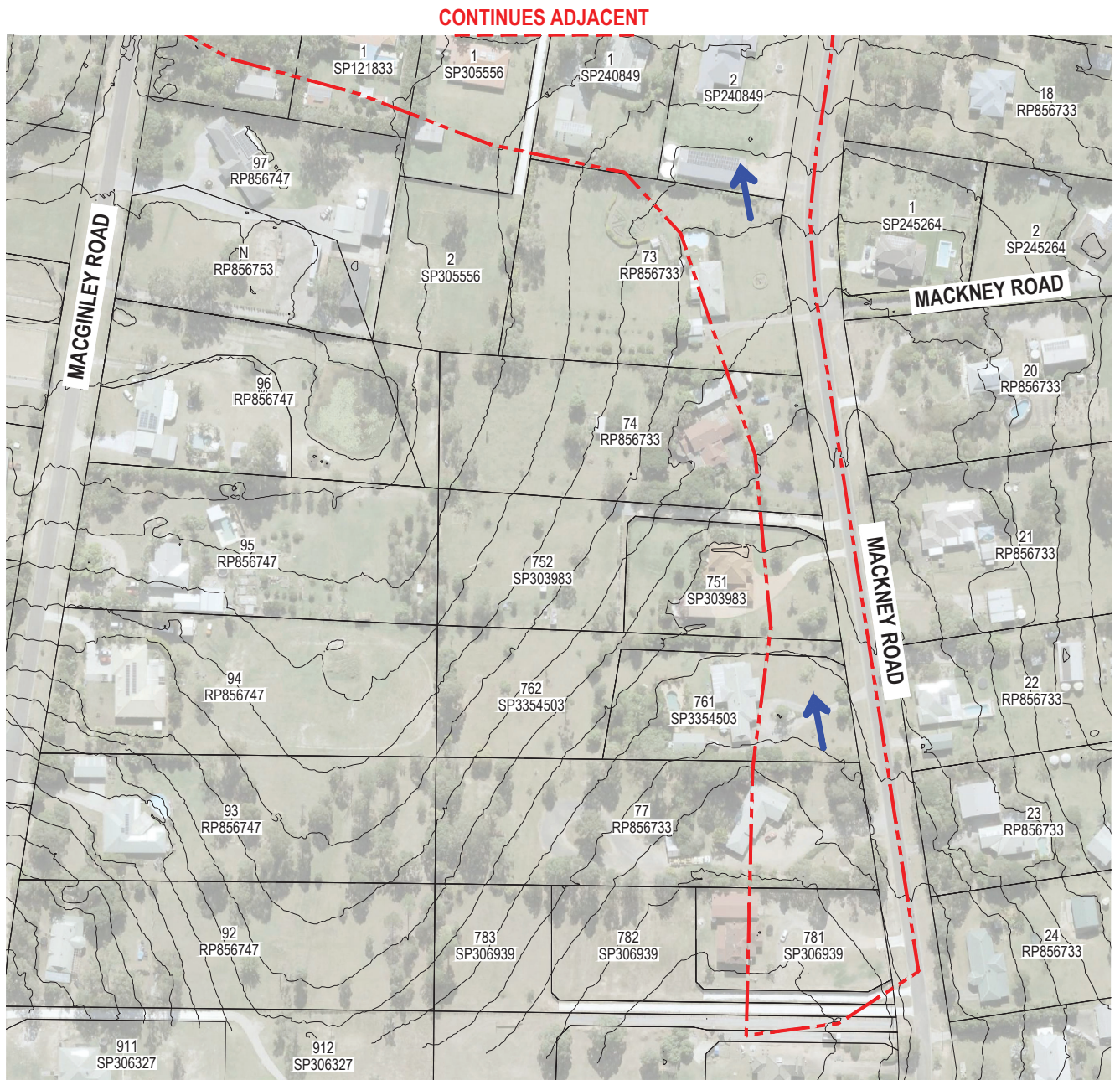


Marcus Olive
BEng (Civil) RPEng RPEQ (20961)
Brisbane Manager - Northlakes
For and on behalf of:
CONTOUR CONSULTING ENGINEERS PTY LTD
<http://www.contource.com.au/>

Appendix A. Catchment Plan



CONTINUES ADJACENT



LEGEND

EXISTING FEATURES

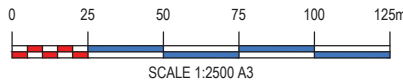
- SURVEYED RP BOUNDARY
- CADASTRAL RP BOUNDARY
- DRAINAGE SWALE
- 12 --- NATURAL CONTOUR

LEGEND

PROPOSED FEATURES

- RP BOUNDARY
- RP EASEMENT
- NATURAL CONTOUR
- SUBJECT SITE
- PROPOSED EASEMENT

NOTE:
CALCULATED 1% AEP
OVERLAND FLOW RATE = 2.168m³/s



CONTOUR

SUNSHINE COAST OFFICE
Suite 512 & 513, Level 5
Tower 2, 55 Plaza Pde
Maroochydore, Qld 4558

NORTH LAKES OFFICE
Suite 5i, Bld 5, Level 1
2 - 4 Flinders Parade,
North Lakes, Qld 4509

www.contource.com.au
admin@contource.com.au



Quality Assured International 3rd Party Accredited

PLAN DETAILS:

Designed: OD
Drawn: SF
Checked: MO
Vert. Datum: AHD
Hori. Datum: MGA GDA 94
Date: 06/12/2024

DRAFT

PLAN AMENDMENTS:

Rev	Date	Comment	Alt	Chkd	RPEQ
A	XX-08-2024	ORIGINAL ISSUE	SF	OD	-

OVERLAND FLOW REVIEW AT 17 MAGINLEY ROAD, UPPER CABOOLTURE FOR MBDEV 8 PTY. LTD. TTE

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PLAN TITLE:

STORMWATER CATCHMENT PLAN

FOR APPROVAL - NOT FOR CONSTRUCTION

PLAN No: **3826-SK01**

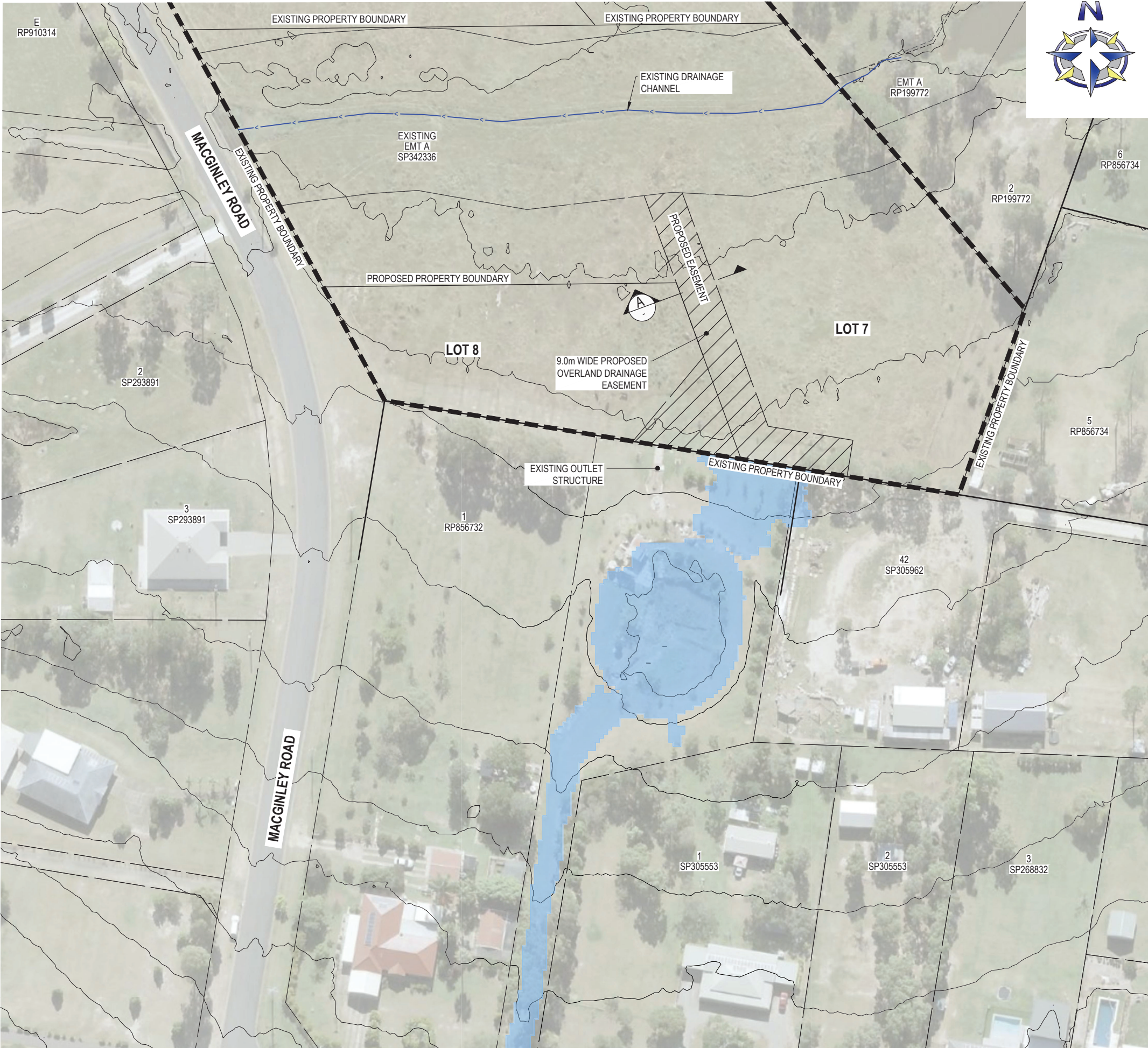
REVISION: **A**

FILE LOCATION: C:\1120SD\DATA\ACCEK\16DC0103826 - 17 MAGINLEY ROAD, UPPER CABOOLTURE, 31561\DESIGN - CIVIL\AUTOCAD\SKETCHES\3826-SK01.DWG

Approved Subject to Conditions of Negotiated Decision Notice DA/2024/1884

06-12-2024

Appendix B. Proposed Development Layout



LEGEND

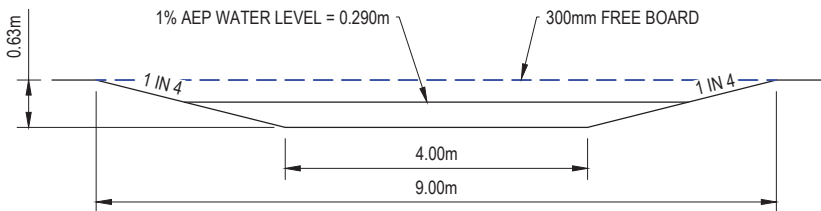
EXISTING FEATURES

- SURVEYED RP BOUNDARY
- CADASTRAL RP BOUNDARY
- DRAINAGE SWALE
- NATURAL CONTOUR

LEGEND

PROPOSED FEATURES

- RP BOUNDARY
- RP EASEMENT
- SUBJECT SITE
- OVERLAND FLOW
- PROPOSED EASEMENT



SECTION

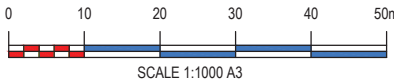
SCALE 1:10

Qrequired 2.81m³/s
WSL 0.29m
Slope 2.89%

Qcalc 2.80m³ /s
Vcalc 1.85m/s
d*v 0.54m2/s

TOTALS

AREA (m²)	WP (m)	R (m)
1.51	6.41	0.24



CONTOUR

SUNSHINE COAST OFFICE
Suite 512 & 513, Level 5
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NORTH LAKES OFFICE
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2 - 4 Flinders Parade,
North Lakes, Qld 4509

www.ContourCE.com.au
admin@contource.com.au



Trading name of CE Engineering (Holdings) Ltd
Quality Assured International 3rd Party Accredited

PLAN DETAILS:

Designed: OD
Drawn: SF
Checked: MO
Vert. Datum: AHD
Hori. Datum: MGA GDA 94
Date:

PLAN AMENDMENTS:

Rev	Date	Comment	Alt	Chkd	RPEQ
A	15-08-2024	ORIGINAL ISSUE	SF	OD	-

**OVERLAND FLOW REVIEW
AT 17 MACGINLEY ROAD, UPPER CABOOLTURE
FOR MBDEV 8 PTY. LTD. TTE**

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PLAN TITLE:

SWALE CALCULATIONS

FOR APPROVAL - NOT FOR CONSTRUCTION

PLAN No: **3826-SK02**

REVISION: **A**

FILE LOCATION: C:\1205\DATA\CE\15DC20103826 - 17 MACGINLEY ROAD, UPPER CABOOLTURE, 31561\DESIGN - CIVIL\AUTOCAD\SKETCHES\3826-SK01.DWG

Approved Subject to Conditions of Negotiated Decision Notice DA/2024/1884

06-12-2024

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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 the 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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 rules of the P&E Court.

ATTACHMENT 5

Infrastructure Charges Notice

Infrastructure Charges Notice
(s119 Planning Act 2016)

Moreton Bay Regional Council
PO Box 159, CABOOLTURE QLD 4510
ABN 92 967 232 136



Applicant: MBDEV 8 Pty Ltd TTE
Applicant Address: 6 Elke Close BUDERIM QLD 4556
Date of Notice: 17 July 2024
(s121(3)(a) Planning Act 2016)
Notice Reference Number: DA/2024/1884

APPROVAL DETAILS:

Approval No.: DA/2024/1884
Type of Approval: Development Permit for Reconfiguring a Lot
Approval Description: Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 Lots)

PREMISES TO WHICH THE CHARGES APPLY: (s121(1)(c) Planning Act 2016)

Property Address: 17 MacGinley Road UPPER CABOOLTURE QLD 4510 (Proposed Lot 7)
Real Property Description: Lot 5 SP 342336 (Part of)

LEVIED CHARGE:

Version of Charges Resolution: Ver 10 - 5 October 2022
Current Amount of the Levied Charge: \$20,671.59
(s121(1)(a) Planning Act 2016)
Notes:
1) See "CHARGE DETAILS" below for details of how the charge has been worked out.
2) This infrastructure charge does not include the levied charges payable for water supply and sewerage networks to be levied by the Northern SEQ Distributor-Retailer Authority (trading as Unitywater).

DATE CHARGES ARE PAYABLE: (s121(1)(d) Planning Act 2016)

The levied charges are payable in accordance with the timing stated in section 122 of the Planning Act 2016, namely:
For reconfiguring a lot - when the Council approves the plan of reconfiguration.
Before paying the total levied charges you must request an Infrastructure Charges Fee Statement showing the total levied charge payable at the time of payment. Refer to the 'Important Information' section below for details.

Table with 7 columns: Description, Base Charge Rate, Quantity, Base Charge, Council Proportion, Indexation, Total. It includes sections for PROPOSED DEVELOPMENT, CREDITS, OFFSET, and LEVIED CHARGE.

Infrastructure Charges Notice (s119 Planning Act 2016)

Moreton Bay Regional Council
PO Box 159, CABOOLTURE QLD 4510
ABN 92 967 232 136



OFFSET / REFUND DETAILS: (s121(1)(f) Planning Act 2016)

In accordance with s121(1)(f) of the *Planning Act 2016*, this table identifies whether an offset or refund applies and, if so, information about the offset or refund, including when any refund will be given

Does an offset or refund apply? No

Timing of Refund: Not applicable

INFRASTRUCTURE AGREEMENT ESTABLISHMENT COST DETAILS:

IA Number (Council Ref):

Description:

Agreement Commencement Date:

Infrastructure ID Number	Infrastructure Item Description	Delivery Status	Original Agreed Value of Item ¹	Previous Value of Item Used ²	New Value of Item Used ³	Value of Item left Available ⁴
			\$			

DA Offset Number	DA Number and Condition Number	Infrastructure Item	Establishment Cost

NOTES:

1. Represents the amount of the original value of the infrastructure item agreed in the infrastructure agreement.
2. Represents the amount (if any) of the original agreed value applied as an offset, or refunded, previously (eg an earlier stage of the development).
3. Represents the amount of the original agreed value applied as an offset, or to be refunded, under this Infrastructure Charges Notice.
4. Represents the amount of the original agreed value that remains available after the issuing of this Infrastructure Charges Notice.

IMPORTANT INFORMATION:

PAYMENT

This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to MORETON BAY REGIONAL COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

LEVIED CHARGE IS SUBJECT TO AUTOMATIC INCREASES (s121(1)(e) Planning Act 2016)

In accordance with section 121(1)(e) of the *Planning Act 2016*, the Levied Charge in this notice will be automatically increased from the date of this notice until the date of payment, following the methodology in Council's charges resolution. Under that methodology, an automatic increase will be the lesser of:

- (a) the difference between the levied charge and the maximum adopted charge that Council could have levied for the development when the charge is paid; or
- (b) the increase worked out using the PPI, adjusted according to the 3-yearly PPI average, for the period starting on the day the charge was levied, and ending on the day the charge is paid.

Where indexation is applicable, an [online spreadsheet calculator](#) is available to assist with making the calculation.

Council takes no responsibility for the accuracy of the calculator.

REQUEST FOR AN UPDATED CALCULATION AND INFRASTRUCTURE CHARGES FEE STATEMENT

For confirmation of the current charges applicable for this development and to obtain an Infrastructure Charges Fee Statement, you may submit a [request](#) to Council. To avoid having to make repeat requests, it is recommended that your request is not made until you are ready to make payment of the infrastructure charges.

GOODS AND SERVICES TAX

GST is not applicable to the Infrastructure Charges contained in this Notice.

Infrastructure Charges Notice (s119 Planning Act 2016)

Moreton Bay Regional Council
PO Box 159, CABOOLTURE QLD 4510
ABN 92 967 232 136



APPEAL RIGHTS (s121(3)(b) Planning Act 2016)

You have a right to appeal against the decision to give this notice. Attached is an extract from schedule 1 of the *Planning Act 2016* detailing your appeal rights

REPRESENTATIONS ABOUT THIS NOTICE

During your appeal period (see s229(3)(d) *Planning Act 2016*), you may make representations about this notice under section 125 of the *Planning Act 2016*. Section 126 of the *Planning Act 2016* allows you to suspend your appeal period if you need more time to make such representations

INFRASTRUCTURE CHARGE ENQUIRIES

Enquiries regarding this infrastructure charge notice should be directed to MORETON BAY REGIONAL COUNCIL, Development Services, during office hours, Monday to Friday on phone (07) 3205 0555.

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
1. Development applications For a development application other than an excluded application, an appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager’s decision on the extension application; or (b) a deemed refusal of the extension application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— (a) the notice involved an error relating to— (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> - the incorrect application of gross floor area for a non-residential development - applying an incorrect ‘use category’, under a regulation, to the development (ii) the working out of extra demand, for section 120; or (iii) an offset or refund; or (b) there was no decision about an offset or refund; or (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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Current as at 10 June 2022

Authorised by the Parliamentary Counsel

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The local government that gave the enforcement notice	—	—

Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval

Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

Table 3 Appeals to a tribunal only			
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the <i>Plumbing and Drainage Act 2018</i> , other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
4. Failure to decide an application or other matter under the Building Act An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The entity that failed to make the decision	—	—
5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—