



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal Number:	21-035
Appellant:	Alexander Zajaz and Patricia O'Neill
Respondent: (Assessment Manager)	Cairns Regional Council
Site Address:	67 Flagship Drive, Trinity Beach and described as Lot 107 on SP304846 – the subject site

Appeal

This is an appeal under section 229, section 1 of Schedule 1 and item 1 of Table 1 of the *Planning Act 2016 (PA)* against the Cairns Regional Council's (**Respondent**) decision to impose a condition with respect to the construction of a concrete driveway on a development approval for operational work for an access crossover and driveway associated with a dwelling house, given by a Decision Notice dated 15 June 2021 (**Driveway Approval**).

Date and time of hearing:	N/A (appeal decided by written submissions)
Place of hearing:	N/A
Tribunal:	Samantha Hall – Chair Julie Edwards – Member Andrew Magoffin - Member
Submissions provided by:	Appellant Alexander Zajaz Respondent Claire Simmons – Coordinator Development Services

Decision:

The Development Tribunal (**Tribunal**), in accordance with section 254(2)(b) of the PA **changes** the decision of the Respondent to approve the Amended Driveway Application by replacing condition 11 of the Driveway Approval with the following condition:

- “11. A Type 1 concrete driveway must be constructed in accordance with FNQROC Standard Drawing S1110 Rev E. The landowner must ensure all runoff is contained solely within the subject lot and discharged directly to Flagship Drive, by constructing a type 3 concrete invert in accordance with FNQROC Standard Drawing S1000 Rev G on the inside edge of the driveway in order to direct the stormwater towards the road and stormwater infrastructure.”

Background

1. The subject site is a residential lot that is 2,174m² in area and located in the “Elysian” stage of the “Bluewater” development in Trinity Beach, in Cairns’ northern beaches district.
2. On 22 February 2019, the Respondent approved a development application over the subject site which granted a development permit subject to conditions for a material change of use of premises for a Dwelling House as defined in *CairnsPlan 2016*, version 1.2 (**House Approval**).
3. The House Approval was communicated in a decision notice dated 25 February 2019, given to the applicant, Neocon Homes c/- Fluid Building Approvals.
4. The conditions of the House Approval relevantly included the following:
 - (a) Condition 2(b.) – “Carry out the approved development generally in accordance with the approved drawing(s) and/or documents(s), and in accordance with ... the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual”; and
 - (b) Condition 5(a.) – “Provide a residential concrete crossover(s) and apron(s) generally in accordance with FNQROC Development Manual Standard Drawing S1015 Rev D.”
5. Appendix 2 of the House Approval includes a copy of the FNQROC Development Manual Standard Drawing S1015 Rev D (**Standard Drawing**).
6. By email dated 10 September 2020, Ms Kylie Nolan of the Respondent advised Mr Zajaz, that a separate development application for operational work for a driveway needed to be lodged and assessed by the Respondent, given a driveway proposed by the Appellant was not capable of meeting the requirements of the Standard Drawing as required by Acceptable Outcome (AO) 1.2 of section 9.4.6 (Infrastructure works code) of the *CairnsPlan 2016* and also condition 5 of the House Approval.
7. On or around 3 February 2021, the Appellant lodged a second development application with the Respondent in respect of the subject site. Although Part 3 of the Form 1 development application is incomplete, it is apparent that the Appellant was intending to seek approval from the Respondent for a development permit for operational work for a driveway and vehicle crossover to the approved Dwelling House on the subject site (**Original Driveway Application**).
8. Information retrieved from the Respondent’s website by the Tribunal indicates that the Respondent initially treated the Original Driveway Application as a “not properly made” application. On 24 February 2021, the Respondent issued an Action Notice to the Appellant identifying three reasons why the Original Driveway Application was considered “not a properly made application” (**Action Notice**). Relevant to this appeal, one of those reasons was as follows:

“Approval to construct a driveway in a road reserve as proposed will require separate approval from Cairns Regional Council’s Licencing & Approvals team, where a road closure may be required for exclusive use of the area and will be subject to separate fees and charges. Alternatively, where the driveway can be located on the Flagship Drive frontage away from the proposed location, separate approval by Licencing & Approvals will not be required.”

9. It appears that the Original Driveway Application proposed the new vehicle crossover and driveway through an unformed road to the north of the subject site and, possibly, also through the neighbouring lot 202 on SP178664.
10. It is unclear what transpired between the parties after the Action Notice. However by email dated 30 April 2021, from Mr Zajaz to Mr Michael George of the Respondent, Mr Zajaz provided "*the updated Form 1 and the new proposal plan*" (**Amended Driveway Application**). The proposal plan attached to the Amended Driveway Application clearly shows the driveway being located within the subject site, with the access being from Flagship Drive and not the unformed road.
11. In a Confirmation Notice dated 14 May 2021, the Respondent accepted the Appellant's Amended Driveway Application as having been properly made.
12. A Decision Notice dated 15 June 2021 (**Decision Notice**) was given by the Respondent to the Appellant advising that on 15 June 2021, the Amended Driveway Application was approved subject to conditions (**Driveway Approval**).
13. On or about 9 July 2021, the Appellant filed the Form 10 – Appeal Notice with the Registry of the Building Tribunals.
14. The grounds of appeal identified that the Appellant was appealing against condition 11 of the Driveway Approval, which stated (**Condition 11**):

"A Type 2 Concrete driveway must be constructed in accordance with FNQROC Standard Drawing S1110 Rev E. The drainage kerb must be constructed on the property boundary face of the driveway."
15. The Appellant's grounds for appealing against condition 11 can be summarised as follows:
 - (a) The condition would adversely affect the Appellant's ability to access the garage located on the side of the Dwelling House facing the northern boundary of the subject site;
 - (b) The additional cost to build the kerb was an unjustified burden on the Appellant and was not required for drainage purposes given the "tiny amount of water" that the driveway would catch;
 - (c) The Respondent erred in giving the House Approval with the garage facing the northern boundary if the Respondent would not allow suitable and safe access using the unformed road reserve;
 - (d) The construction of a kerb on the side of the driveway as required by the Standard Drawing with the driveway access from Flagship Drive would require the Appellant's vehicle to use a small part of the adjoining road reserve to turn safely into the garage however the construction of the kerb would prevent that access.
16. The hearing of the appeal was conducted by way of written submissions between the parties, with the final written submission being made by the Appellant, by way of email dated 8 November 2022 from Mr Zajaz to the Tribunal's Registrar.

Jurisdiction

17. Schedule 1 of the PA states the matters that may be appealed to the Tribunal.¹

¹ Section 229(1)(a) of the PA.

18. Section 1(1) of Schedule 1 of the PA provides that Table 1 states the matters that may be appealed to a tribunal. However, pursuant to section 1(2) of Schedule 1 of the PA, Table 1 only applies to a tribunal if the matter involves one of a list of matters set out in sub-section (2).
19. Section 1(2)(b)(ii) of Schedule 1 of the PA, relevantly refers to “a provision of a development approval for ... operational work associated with building work”.
20. “Provision” is defined in Schedule 2 of the PA in respect of a development approval to mean all words or other matters forming, or forming part of, the approval. The PA goes on to give as an example, a development condition.
21. The proposed operational work in this case was associated with building work, being the approved Dwelling House.
22. So, Table 1 of Schedule 1 of the PA applies to the Tribunal.
23. Under item 1 of table 1 of Schedule 1 of the PA, an appeal may be made against a provision of the development approval. The appeal is to be made by the applicant, who in this case was the Appellant and the respondent to the appeal is the assessment manager, who in this case was the Respondent.
24. In circumstances where the Decision Notice was dated 15 June 2021 and was received on 17 June 2021², this appeal was to be filed on or before 15 July 2021.³ This was satisfied, with the appeal being filed on 9 July 2021.
25. Accordingly, the Tribunal is satisfied that it has the jurisdiction to hear this appeal.

Decision framework

26. The Decision Notice was issued by the Respondent on or about 15 June 2021. At that time, the PA was in force.
27. The Appellant filed a Form 10 – Notice of Appeal / Application for Declaration on or about 9 July 2021.
28. The appeal is a PA appeal, commenced after 3 July 2017 under section 229 of the PA. As such, the appeal is to be heard and determined under the PA.
29. This is an appeal by the Appellant, the recipient of the Decision Notice and accordingly, the Appellant must establish that the appeal should be upheld.⁴
30. The Tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the Respondent which decided to give the Decision Notice the subject of this appeal.⁵
31. The Chairperson of a tribunal must decide how tribunal proceedings are to be conducted⁶ and the Tribunal may decide the proceedings on written submissions⁷.

² See Item 3 (Date written notice of decision received) of the Form 10 – Notice of Appeal / Application for Declaration of this appeal.

³ Section 229 of the PA.

⁴ Section 253(2) of the PA.

⁵ Section 253(4) of the PA.

⁶ Section 249(1) of the PA.

⁷ Section 249(2) of the PA.

32. If the Tribunal decides that an appeal is to be decided on written submissions, the Tribunal must give all parties a notice asking for the submissions to be made to the Tribunal within a stated reasonable period of time.⁸
33. By email dated 27 August 2021, the Tribunal's Registrar gave notice to the parties that the appeal would be decided by written submissions and asked for each party to provide written submissions within a stated reasonable period of time (**Tribunal's First Orders**).
34. By email dated 10 September 2021, Mr Zajaz provided the Appellant's written submissions to the Tribunal's Registrar in accordance with the Tribunal's First Orders (**Appellant's Submissions**).
35. By email dated 24 September 2021, Ms Simmons provided the Respondent's written submissions to the Tribunal's Registrar in accordance with the Tribunal's First Orders (**Respondent's Submissions**).
36. By email dated 24 September 2021 to the Tribunal's Registrar, Mr Zajaz requested a right of reply to the Respondent's Submissions on behalf of the Appellant.
37. The PA provides the Tribunal with broad powers to inform itself in the way it considers appropriate when conducting a tribunal proceeding and the Tribunal may seek the views of any person⁹.
38. The Tribunal may consider other information that the Registrar asks a person to give to the Tribunal.¹⁰
39. The Tribunal considered Mr Zajaz's requested and, in its consideration of the Appellant's Submissions and the Respondent's Submissions, the Tribunal also identified additional information that it desired.
40. Accordingly, by email dated 28 September 2021, the Tribunal's Registrar advised the parties that (**Second Order**):
 - (a) the Appellant's request to provide a response to the Respondent's Submissions was granted, with such response submissions to be provided by the Appellant on or before 4pm on 5 October 2021; and
 - (b) the Tribunal required additional material and requested the Respondent provide the following to the Tribunal's Registrar on or before 4pm on 5 October 2021:
 - i. a copy of the development application as amended following receipt of the Action Notice; and
 - ii. a copy of any correspondence from the Respondent to the Appellant sent on or before 10 September 2020, as referred to in paragraph (4)(e) of the Respondent's Submissions.
41. By email dated 5 October 2021 to the Tribunal's Registrar, Ms Simmons on behalf of the Respondent provided the information requested by the Tribunal in accordance with the Second Order (**Additional Material**).
42. By email dated 5 October 2021 to the Tribunal's Registrar, Mr Zajaz provided the Appellant's response to the Respondent's Submissions in accordance with the Second Order (**Appellant's Response Submissions**).

⁸ Section 249(3) of the PA.

⁹ Section 249 of the PA.

¹⁰ Section 253 and section 246 of the PA.

43. The Appellant's Response Submissions identified five (5) options or solutions that would be acceptable to the Appellant to replace the requirements of Condition 11 with respect to the driveway construction (**Appellant's Options**).
44. After reviewing the Appellant's Options, the Tribunal caused the Tribunal's Registrar to write to the parties by email dated 11 October 2021, seeking the Respondent's response to the Appellant's Options and suggesting the parties meet at the subject site to explore alternatives to the driveway construction methodology required by Condition 11 (**Third Order**).
45. The Respondent considered the Appellant's Options and provided its response by email to the Tribunal's Registrar dated 15 October 2021, identifying that the Respondent would be prepared to accept Option 4 or Option 5 of the Appellant's Options.
46. As no site inspection was required by the parties, the Tribunal caused the Tribunal's Registrar to write to the parties by email dated 25 October 2021, giving the following directions to the parties (**Fourth Order**):
 - (a) On or before 4pm on 29 October 2021, the Appellant was to provide to the Registry in writing, an indication of the Appellant's preference for Option 4 or Option 5, if any (**Preferred Option**);
 - (b) On or before 4pm on 5 November 2021, the Respondent was to prepare a draft condition reflecting the Preferred Option; and
 - (c) On or before 4pm on 12 November 2021, the Appellant is to indicate its attitude toward the draft condition prepared by the Respondent.
47. By email dated 25 October 2021 from Mr Zajaz to the Tribunal's Registrar, the Appellant indicated an acceptance of Option 4 as a mutually agreeable solution.
48. By email dated 5 November 2021 from Ms Simmons to the Tribunal's Registrar, the Respondent provided a draft condition reflecting Option 4.
49. By email dated 8 November 2021 from Mr Zajaz to the Tribunal's Registrar, the Appellant indicated an acceptance of the Respondent's draft condition reflecting Option 4.
50. The Tribunal is required to decide the appeal in one of the following ways set out in section 254(2) of the PA:
 - (e) *confirming the decision; or*
 - (f) *changing the decision; or*
 - (g) *replacing the decision with another decision; or*
 - (h) *setting the decision aside and ordering the person who made the decision to remake the decision by a stated time; or*
 - (i) *for a deemed refusal of an application:*
 - (i) *ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or*
 - (ii) *deciding the application.*

Material Considered

51. The material considered in arriving at this decision comprises:

- (a) 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Development Tribunals Registrar on or about 9 July 2021;
- (b) the Appellant's Submissions;
- (c) the Respondent's Submissions;
- (d) the Additional Material;
- (e) the Appellant's Response Submissions;
- (f) the Appellant's Options;
- (g) the Preferred Option;
- (h) email dated 15 October 2021 from Ms K Barnes of the Respondent to the Tribunal's Registrar;
- (i) email dated 25 October 2021 from Mr Zajaz to the Tribunal's Registrar;
- (j) email dated 5 November 2021 from Ms Simmons to the Tribunal's Registrar;
- (k) email dated 8 November 2021 from Mr Zajaz to the Tribunal's Registrar;
- (l) *CairnsPlan 2016* (Version 1.2); and
- (m) *Planning Act 2016 (PA)*.

Findings of Fact

The Tribunal makes the following findings of fact:

Issues in dispute in appeal

- 52. The issues in dispute in the appeal centred on Condition 11 and specifically, the requirement in the condition that the driveway be constructed in accordance with the Standard Drawing which required a drainage kerb be constructed to the driveway on the property boundary face of the driveway.
- 53. It is the Tribunal's understanding that the Appellant's primary concern with respect to Condition 11 was that the Appellant's vehicle and, indeed, any vehicle, would be unable to traverse the driveway and turn into the garage without encroaching upon a "small part" of the adjoining road reserve. The construction of the drainage kerb would prevent that access.

The parties' submissions

- 54. The Appellant's Submissions can be summarised as relevantly including the following information with respect to:
 - (a) the design of the Dwelling House, with the garage door facing the northern boundary of the subject site and the intent that the driveway would be constructed straight off the unformed road reserve at the northern boundary of the subject site into the garage;
 - (b) initial positive discussions with officers of the Respondent about the ability to use a portion of the unformed road reserve for access purposes and the consequent lodging of the Original Driveway Application;
 - (c) the subsequent change to the Original Driveway Application in response to the Action Notice and the intent behind the Amended Driveway Application proposing access

from Flagship Drive with a concrete driveway located wholly within the subject site but with a 2 metre buffer into the unformed road reserve of suitable compacted granular material to allow a vehicle to turn into the garage.

55. The Respondent's Submissions can be summarised as relevantly including the following information with respect to:
- (a) the background to the House Approval, Original Driveway Application and Amended Driveway Application;
 - (b) the reasons why the Respondent did not agree to the encroachment onto the road reserve adjoining the subject site which included:
 - (i) the reserve land did not contain a formed road and the Respondent would not approve a driveway to be constructed on an unformed road;
 - (ii) the crossover to the subject site should be from a formed road, being Flagship Drive;
 - (iii) physical constraints meant that a permanent road closure of the unformed road reserve could not be supported; and
 - (iv) were any road stub to be constructed on the unformed road reserve land, it would need to be constructed by the Appellant and at the Appellant's cost in accordance with the relevant planning requirements;
 - (c) a comprehensive examination of Condition 11 and the law relating to the imposition of conditions under the PA;
 - (d) the reasons why the Respondent imposed Condition 11, which included consideration of the subject site's steep front batter, the kerb edge serving as a marking of the lot boundary of the subject site and for reasons of controlling stormwater run-off.
56. The Appellant's Response Submissions can be summarised as relevantly including the following:
- (a) responses to various assertions in the Respondent's Submissions, including:
 - (i) a preference to construct the road stub on the unformed road reserve land;
 - (ii) an observation that nearly every driveway on the hill side of Flagship Drive has a steep front batter but not one has a type 2 concrete driveway as required by Condition 11;
 - (iii) there is no legislation requiring a constructed kerb be used to define a boundary;
 - (iv) an offer to work with the Respondent to address runoff onto the unformed road reserve land from the "small catchment area" on the subject site;
 - (b) the Appellant's Options, being:
 - (i) Option 1 – meeting with the Respondent to discuss possible alternate solutions to Condition 11;
 - (ii) Option 2 – Building a road stub at the Appellant's cost on the road reserve to meet the specifications required to support commercial and industrial vehicles, from which the driveway could be constructed;
 - (iii) Option 3 – Option 2, but with any amendments proposed by the Respondent;

- (iv) Option 4 – Building a type 1 driveway with the driveway falling toward the subject site with a type 3 concrete invert on the inside edge of the driveway to direct the stormwater into the road and stormwater infrastructure; and
- (v) Option 5 – Building a type 2 driveway with the driveway falling towards the subject site with the kerb on the inside edge of the driveway to direct the stormwater into the road and stormwater infrastructure.

57. The Respondent identified Option 4 and Option 5 as being acceptable to the Respondent¹¹ and the Appellant accepted Option 4 as a mutually agreeable solution¹².

58. The Respondent identified the following draft condition reflecting Option 4 as being acceptable to the Respondent as a replacement for Condition 11 (**Replacement Condition**):

“A Type 2 1 Concrete driveway must be constructed in accordance with FNQROC Standard Drawing S1110 Rev E. ~~The drainage kerb must be constructed on the property boundary face of the driveway.~~ The landowner must ensure all runoff is contained solely within the subject lot and discharged directly to Flagship Drive, by constructing a type 3 concrete invert in accordance with FNQROC Standard Drawing S1000 Rev G on the inside edge of the driveway in order to direct the stormwater towards the road and stormwater infrastructure.”¹³

59. The Appellant advised the Tribunal’s Registrar that the replacement condition drafted by the Respondent was acceptable to the Appellant.¹⁴

Reasons for the Decision

The statutory conditions power

60. The Respondent’s Submissions provided a summary of the relevant law in Queensland with respect to the imposition of conditions upon a development approval by an assessment manager.

61. Relevantly, the Respondent’s submissions stated:

- 10. *“Pursuant to section 65 of the Planning Act 2016, the Council may impose a condition on a development approval where the condition is:*
 - (a) *relevant to, but not an unreasonable imposition on, the development or the use of premises as a consequence of the development;¹⁵ or*
 - (b) *reasonably required in relation to the development, or the use of premises as a consequence of the development¹⁶.”*
- 11. *Whether a condition is reasonably required involves a consideration of the proposed development and the changes that the development is likely to produce.¹⁷*

¹¹ By email dated 15 October 2021 from Ms Barnes on behalf of the Respondent to the Tribunal’s Registrar.

¹² By email dated 25 October 2021, from Mr Zajaz on behalf of the Appellant to the Tribunal’s Registrar.

¹³ By email dated 5 November 2021, from Ms Simmons on behalf of the Respondent to the Tribunal’s Registrar.

¹⁴ By email dated 8 November 2021, from Mr Zajaz on behalf of the Appellant to the Tribunal’s Registrar.

¹⁵ Section 65(1)(a) of the PA.

¹⁶ Section 65(1)(b) of the PA.

¹⁷ *Trask and Traspunt No. 4 Pty Ltd v Moreton Bay Regional Council (No. 2)* [2021] QPRC 7, [21]; See also *Cardwell Shire Council v King Ranch Australia Pty Ltd* [1984] HCA 39; (1984) 58 ALJR 386; (1984) 54 LGRA 110, 113; *Proctor v Brisbane City Council* (1993) 81 LGRA 398; 401-4; *Bryant v Caloundra City Council* [2005] QPEC 113; [2006] QPELR 335, 337 [14].

*The condition must be a reasonable response to the change in the existing state of things*¹⁸.

12. *Furthermore, a condition that is “not reasonably required” in respect of a proposed development may nevertheless be “relevant” if it maintains proper standards in local development or in some other legitimate planning sense, such as where it is reasonably imposed the interests of rational development of the area.*¹⁹”

62. As the parties have identified an agreed alternative to Condition 11, the Tribunal did not consider the Appellant’s Submissions, the Respondent’s Submissions or part of the Appellant’s Response Submissions with respect to the issues in dispute in the appeal about Condition 11.

63. Instead, the Tribunal turned its mind to the Replacement Condition and whether the Tribunal was satisfied that the Replacement Condition addressed the issues in dispute.

The Replacement Condition

64. In the email dated 15 October 2021 from Ms Barnes on behalf of the Respondent to the Tribunal’s Registrar, the Respondent provided a detailed analysis of the Appellant’s Options and the Respondent’s position in respect of each. The Respondent’s position in this regard can be summarised as follows:

- (a) The Respondent raised concerns with the construction of Options 2 and 3, involving a stub road within the unformed road reserve, as this would need to meet the appropriate road construction standards and would prove very expensive.
- (b) Option 4, with the driveway cross-fall towards the house and a small invert drain along the outer edge to catch and direct run-off down the driveway and entirely within the property, was considered acceptable to the Respondent, provided the invert drain had sufficient capacity. Further, the Respondent agreed to a variation of the standard, allowing the driveway to be constructed hard up to the boundary instead of on a 600mm setback for that part of the driveway critical to the turning path into the garage. The Respondent also required that the driveway be elevated where it adjoined the Respondent’s land to prevent overland flows from the subject site.
- (c) Option 5, involving a driveway cross-fall towards the house and a kerb on the inside edge, was also acceptable to the Respondent as the kerb would provide a 100mm barrier, reducing the opportunity for overtopping in major storm events.
- (d) The Respondent reaffirmed that the primary objective was to achieve a driveway which did not rely on the use of the Respondent’s land (unformed road) and was designed to prevent overland flows from the Respondent’s land impacting the subject site.

65. The Tribunal considered Options 4 and 5 of the Appellant’s Options within the context of the Driveway Approval and Condition 11 and the Tribunal is comfortable that either option represented an achievable solution to the issues in dispute because:

- (a) both options achieved the Respondent’s objectives of preventing any impacts to, or from, the Respondent’s land; and

¹⁸ *Trask and Traspunt No. 4 Pty Ltd v Moreton Bay Regional Council (No. 2)* [2021] QPRC 7, [21]; See also *Wootton v Woongarra Shire Council* [1986] QPLR 122; (1985) 56 LGRA 301, 303; *Bryant v Caloundra City Council* [2005] QPEC 113; [2006] QPELR 335, 337 [14].

¹⁹ *Trask and Traspunt No. 4 Pty Ltd v Moreton Bay Regional Council (No. 2)* [2021] QPRC 7, [22]; See also *Proctor v Brisbane City Council* (1993) 81 LGRA 398; 404; *Wise v Maroochy Shire Council* [1999] 2 Qd R 566, 571; *Lloyd v Robinson* [1962] HCA 36; (1962) 107 CLR 142, 153.

(b) both options required no construction on the unformed public road stub and were, therefore, constrained to private works on private property, with the sole exception being the standard footpath cross-over.

66. For these reasons, the Tribunal is also comfortable that the agreed option 4 and the Replacement Condition intended to give effect to it, fully address the issues in dispute in this appeal.

Conclusion

67. Based on the above analysis of the Replacement Condition, the Tribunal is pleased to order that the decision of the Respondent to approve the Amended Driveway Application be changed by replacing condition 11 of the Driveway Approval with the following condition:

“11. A Type 1 concrete driveway must be constructed in accordance with FNQROC Standard Drawing S1110 Rev E. The landowner must ensure all runoff is contained solely within the subject lot and discharged directly to Flagship Drive, by constructing a type 3 concrete invert in accordance with FNQROC Standard Drawing S1000 Rev Gon the inside edge of the driveway in order to direct the stormwater towards the road and stormwater infrastructure.”

68. The Tribunal would like to acknowledge the parties' efforts in dispassionately considering the issues in dispute and working together to achieve an outcome that was acceptable to both parties and the Tribunal.

Samantha Hall

Development Tribunal Chair

Date: 30 November 2021

Appeal Rights

Schedule 1, Table 2 (1) of the *Planning Act 2016* provides that an appeal may be made against a decision of a Tribunal to the Planning and Environment Court, 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.

The appeal must be started within 20 business days after the day notice of the Tribunal decision is given to the party.

The following link outlines the steps required to lodge an appeal with the Court.

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

Enquiries

All correspondence should be addressed to:

The Registrar of Development Tribunals
Department of Housing and Public Works
GPO Box 2457
Brisbane QLD 4001

Telephone (07) 1800 804 833

Email: registrar@hpw.qld.gov.au