

30 October 2018

Enquiries: Jenny Elphinstone Tel 07 4099 9482  
Our Ref: MCUC 2864/2018 (Doc ID 878316)  
Your Ref:

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

C and M Johanson  
C/ Greg Skyring  
Greg Skyring Design and Drafting Pty Ltd  
11 Noli Close  
**MOSSMAN QLD 4873**

Dear Sir

**DEVELOPMENT APPLICATION FOR A DWELLING HOUSE (CODE ASSESSMENT) AT LOT 6  
ANDREW ROAD, FOREST CREEK  
ON LAND DESCRIBED AS LOT 6 ON RP735853**

Council refers to the above development application lodged with Council on the 25 September 2018.

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: MCUC 2864/2018 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482 or at [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

Yours faithfully

**PAUL HOYE**  
Manager Sustainable Communities

encl.

- Decision Notice
- Approved Plans
- Applicant's Rights to make representations and applicant's appeal rights.

## DOUGLAS SHIRE COUNCIL

### DECISION NOTICE — APPROVAL (WITH CONDITIONS) (GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016*)

Thank you for your development application detailed below which was properly made on the 25 September 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows.

#### 1. Applicant's details

---

Name: C and M Johanson

Postal Address: C/ Greg Skyring  
Greg Skyring Design and Drafting Pty Ltd  
11 Noli Close  
Mosman Qld 4873

#### 2. Location details

---

Street address: 6L Andrew Road, Forest Creek

Real property description: Lot 6 on RP735853

Assessment Manager: Douglas Shire Council

#### 3. Details of the proposed development

---

Development Permit for a Material Change of Use and for Building Work made assessable against the Planning Scheme for a Dwelling House.

#### 4. Decision

---

Decision details: Development Permit approved in full with conditions.  
These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Date of decision: 30 October 2018.

#### 5. Approved plans and specifications

---

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site plan and elevations	Applicant	As submitted to Council on the 25 September 2018	N/A	N/A

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Classification and Wastewater Management System for Lot 6 Andrew Road, Forest Creek	Earth Test	June 2018	SI 180-181 Report.doc	N/A

## 6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

## 7. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development permit for Building work for all buildings, sheds and structures.

Note separate permits are required for the installation of plumbing fixtures and an onsite waste water treatment facility under the Queensland *Plumbing and Drainage Act 2002*.

## 8. Properly made submissions

Not applicable — No part of the application required public notification.

## 9. Referral agencies for the application

Not applicable.

## 10. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*, being six (6) years from the date of approval.

## 11. Rights of appeal

The rights of applicants to make representations and the rights to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's right to make representations and appeal rights.

## **SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**

### **PART 1A – CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - a. The specifications, facts and circumstances as set out in the application submitted to Council;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

#### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

#### **Lawful Point of Discharge**

3. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

#### **No further Clearing**

4. No further clearing is approved unless otherwise permitted under the Planning Scheme.

#### **Bushfire Considerations**

5. Suitability of design and materials in regards to bushfire risk are to be addressed through the further Development Permit for Building Work.

#### **Treatment of Onsite Waste**

6. The method of on-site effluent disposal must be in accordance with the *Queensland Plumbing and Drainage Act 2002* and Section 33 of the *Environmental Protection Policy (Water) 1997*. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

#### **Water Supply**

7. Water storage tank(s) with a minimum capacity not less than 10,000 litres, with a minimum of a 7,500 litre tank, and must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the building application. Such water tanks must be provided with:
  - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
  - b. Flap valve at every opening of the tank or other receptacle; or
  - c. Other approved means for preventing the ingress or egress of mosquitoes; and
  - d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and
  - e. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

#### **Building Finishes and Colours**

8. The exterior finishes and colours of Buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

## **Landscaping**

9. All landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

## **Wildlife**

10. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

## **Notification of Vegetation Clearing**

11. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

## **Sediment and Erosion Control**

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

## **Generators & Noise**

13. Noise from; generators, air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment, must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the Environmental Protection Act 1994

## **Fuel Storage**

14. All fuels must be stored in an undercover and secure location at all times.

## **External Works**

15. Prior to the commencement of the land use undertake the following works external to the land at no cost to Council:
  - a. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing S1105 – Rural Access.

## **PART 1B – ADVICE NOTES**

### **ADVICE**

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements including the need to address invasion of any weed species.
4. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au) . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

# Approved plans and specifications

Lot 6 Andrew Road Forest Creek

Scale

1m 30m 10m 50m 100m 150m 200m 250m 300m 350m 400m 450m 500m 550m 600m 650m 700m 750m 800m 850m 900m 950m 1000m

Proposed area to be cleared

Existing

Water

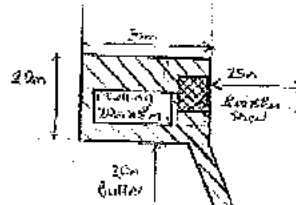
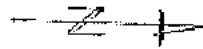
Total area, not including access 770m<sup>2</sup>  
Total for measured in over 10m,  
at actual dwelling

Lot 5

180.66m

Lot 6  
RP 733553

Lot 7

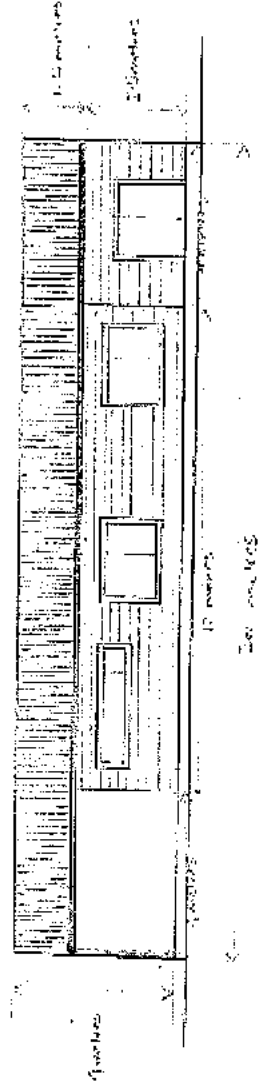


Andrew Road, Forest Creek



# Lot 6 Arroyo Road Forest Creek Front Elevation - East

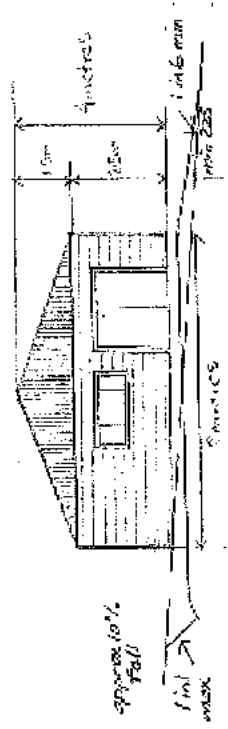
1/2" = 10' 0" Scale  
 20018





# Lot 6, Arroyo Road Forest Craggs Side Elevation - Section

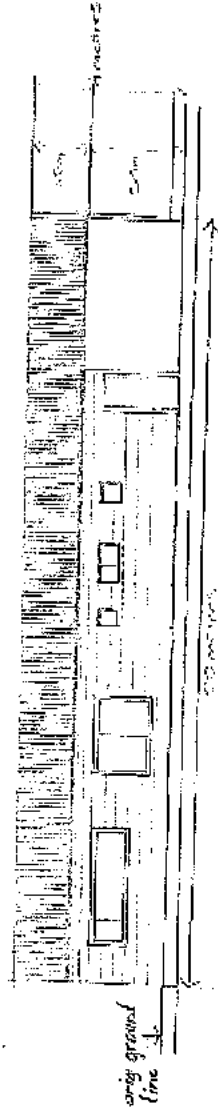
1/10/2018  
 1/10/2018  
 1/10/2018



Lot 6 Andrew Road 10051 Creek (See Elevation - West)

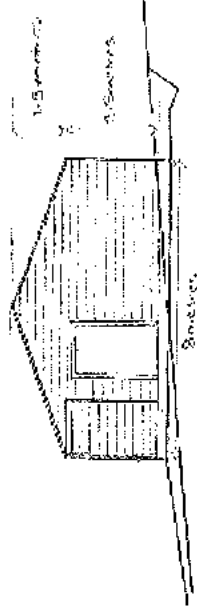
Lot 6, 2nd 1/2 Sec 36, T4N, R10W, S10, 12S

Circle



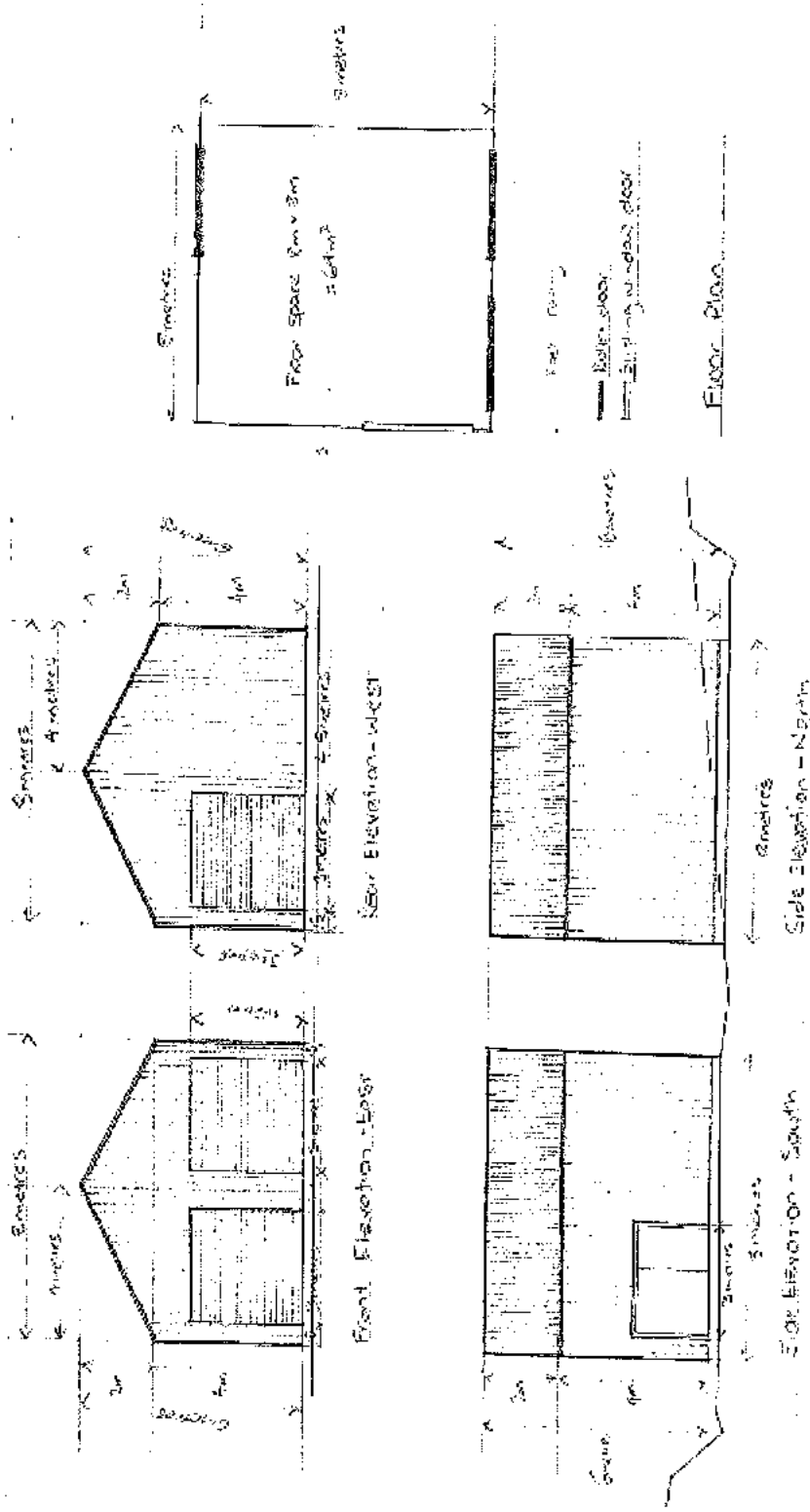
Lot 6 Andrew Road Forest Creek Side Elevation - North

Architectural Description  
Scene



11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100





**EARTH TEST**

**Site Classification**  
**And**  
**Wastewater Management System**  
**For**  
**Carl Johanson**  
**At**  
**Lot 6 Andrews Road**  
**Forrest Creek**

Postal address: Earth Test, PO Box 1042, Toowoomba, QLD 4352 Phone: (0963) 4734  
e-mail: [ben@earthtest.com.au](mailto:ben@earthtest.com.au)



### **INTRODUCTION:**

Earth Test has been engaged by Carl Williams to assess, design and report on Site Classification and a Domestic Wastewater Management System at Lot 6 Andrews Road, Forrest Creek.

Real Property Description -

Lot 6, co: RP 745824

Local Authority: Douglas Shire Council

It is understood the intention is to construct a new dwelling at the site.

A cone and soil evaluation was carried out in May 2018.

### **SITE FACTORS:**

The site was identified by its street address.

A photograph is included as part of this report to confirm the identity of the site.

The white point on the tree can be seen in the photo.

The Lot has an area of 1.999 hectares and is predominantly covered with extensive rainforest. The water supply to the site is from roof rain water only.

No rock outcrops were noted at the site. An open drain was noted on the Northern boundary.

Two Dynamic Cone Penetrometer tests were performed at locations DCPT1 and DCPT2 and one benchhole BH1 as shown on the site plan.

Atterberg Limits tests were performed on a disturbed sample from Benchhole 1.



Benchhole being sampled at Lot 6 Andrews Road, Forrest Creek



EARTH TEST

QHS/ALH No. 4017941

## SITE INVESTIGATION REPORT

### BOREHOLE LOG

CLIENT: C&H Johnson.		DATE SAMPLED: 23/03/2018
PROJECT: 11015 Andrews Road, Forrest Creek.		Sampled by: L. Quinn & M. Wyatt
BETRIED DATE: 4/05/2018		
<b>BOREHOLE NO: H11</b>		
DEPTH (m)	DESCRIPTION	COMMENTS
0.0-0.1	Grey Silty Topsoil	Disturbed sample 0.3-0.6m.
0.1-1.6	Yellow-Brown Silty clay with gravel	Water table not encountered

**EARTH TEST**

QUSA Loc No. 1017911

**ATTERBERG LIMITS TEST REPORT**

CLIENT: Cud Johnson

SAMPLE No: S118018

PROJECT: Loc 6 Andrew Road, Farren Creek

DATE SAMPLED: 23/05/2018

SAMPLE DETAILS: B1110 1-0.5m

Sampled by: L. Quinn &amp; B. Wyatt

REPORT DATE: 4/08/2018

Tested by: P. Wiggins

TEST METHOD		RESULT
Liquid Limit:	AS 1289.3.1.2	40%
Plastic Limit:	AS 1289.3.1.1	28%
Plasticity Index:	AS 1289.3.1.1	12%
Linear Shrinkage:	AS 1289.3.1.1	6.5%
Length Of Mould:		150.0mm
Cracking, Crumpling, Chelling, Number Of Breaks:		One Break
Sample History:		Air Dried
Preparation Method:		Dry Sieved
In-situ Moisture Content:		71.8%
% Passing 0.075mm:		44%

File: 4095\_4714

Page: 1

Jan-18

S118018Report.doc





FIELD TEST

QUSA Lic No. 1016911

**DYNAMIC CONE PENETROMETER REPORT**  
**AS 1289.6.3.2**

CLIENT: Cnd Johnson

SAMPLE No: 10118

PROJECT: 7 of 6 Andrews Road, Forest Creek

DATE SAMPLED: 23/03/2018

SAMPLE DETAILS: Size "DCP1 & DCP2" as per  
specification

Tested By: L. Qian &amp; D. Wyatt

REPORT DATE: 05/06/2018

DEPTH [meters]	Site: DCP1 No Blows	Site: DCP2 No Blows
0.0 - 0.1	1	1
0.1 - 0.2	2	2
0.2 - 0.3	3	3
0.3 - 0.4	4	4
0.4 - 0.5	4	5
0.5 - 0.6	5	4
0.6 - 0.7	8	8
0.7 - 0.8	10	9
0.8 - 0.9	20	15
0.9 - 1.0	REFUSAL	REFUSAL
1.0 - 1.1		
1.1 - 1.2		
1.2 - 1.3		
1.3 - 1.4		
1.4 - 1.5		
1.5 - 1.6		
1.6 - 1.7		
1.7 - 1.8		
1.8 - 1.9		
1.9 - 2.0		

No: 4695-5734

Page 4

Jun 18

SI 130-1806pca.doc



**SITE CLASSIFICATION**

**Lot 6, Andrews Road, Forrest Creek.**

"Abnormal moisture conditions (AS2870:2011 Clause 1.3.3)" exist at the site due to the proposed removal of trees.

The Dynamic Cone Penetrometer test results indicate a capacity allowable bearing pressure to 1.0m.

The Atterberg Limits test results indicate a slightly reactive soil.

Due to the "abnormal moisture conditions," the site must be classified CLASS "F". To comply with the "Building Services Board Subsidies Policy" advice should be sought from a Registered Professional Engineer for footing design.

All site works must be carried out in accordance with AS 1798-2007 "Guidelines on earthworks for commercial and residential developments".

If the depth of any cut exceeds 0.5m or unconsolidated fill exceeds 0.4m the classification shall be reconsidered.

Because this investigation is limited in scope and extent, it is possible that areas may exist which differ from those shown on the test hole records and used in the site classification. Should any variation from the reported conditions be encountered during excavation work, the office must be notified immediately so that reappraisal of the classification can be made.

Leonard Quinn  
Earth Test.

**SITE AND SOIL EVALUATION****14516 Andrews Road, Forest Creek**

The site and soil evaluation carried out on 23/03/2018 produced the following results:

**Site Assessment**

<b><u>Site Factor</u></b>	<b><u>Result</u></b>
Slope	8 Degrees
Shape	Linear Plaza
Aspect	East
Exposure	Extremely Limited
Permeability	Not noted
Headwinds/cold, outcrop	Not noted during investigation
Vegetation	Grassland
Watercourse/holes	Open drain on northern boundary
Water table	Not encountered during investigation
FIH	Not encountered during investigation
Flooding	Not likely
Channelled run-off	Not found
Soil surface conditions	Firm, moist
Other site specific factors	Nil

**Soil Assessment**

<b><u>Soil Property</u></b>	<b><u>Result</u></b>
Colour	Yellow-brown
Texture	Clay-loam
Structure	High
Crumb Fragments	10%
Measured Permeability (mm/s)	Not measured
Dispersion	Slakes
Soil Category	4
Resulting Design Load Rate, DLR (tonnes/m <sup>2</sup> )	30



## WASTEWATER MANAGEMENT SYSTEM

An "All-Waste" septa tank discharging into an "Advanced Ecosan-Septic" tank is considered suitable for this site.

This system has been designed to conform to the requirements of the following codes, acts, regulations and standards. All work to be constructed in accordance with the following codes.

- AS/NZS 1547:2012 On-site domestic wastewater management
- Queensland PLUMBING AND DRAINAGE ACT 2002
- Queensland STANDARD PLUMBING AND DRAINAGE REGULATION 2001
- Queensland PLUMBING AND WASTEWATER CODE

### SYSTEM SIZING FACTORS.

A population equivalent of five (5) persons has been chosen for the proposed three bedroom dwelling.

The site is considered to access test rain water supply system.

Standard water reduction fixtures must be used to ensure the integrity of the system. They shall include:-

- Dual flush 6/2 Litre water closets
- Shower-flow restrictors
- Aerator faucets (fged).
- Water-conserving automatic washing machines.

Note: Garbage grinders are not permitted.

As per AS/NZS 1547:2012 Appendix H, Table H1 the "Typical wastewater design flow" for a "Reticulated water supply" gives a flow allowance of 150 L/Pe.day.

The daily flow for the dwelling (5 persons @ 150 L/Pe.day) will be 750 L/day.

From AS/NZS 1547:2012 Table H1 the minimum capacity of the All-Waste septic tank required is 3000 L.

The tank must NOT be fitted with an outlet filter.



## LAND-APPLICATION SYSTEM

### DISPOSAL AREA SIZING

From AS/NZ 1547:2017 APPENDIX L, L4 DISPOSAL AREA SIZING, L4.2 Sizing

$$L = Q / (DLR * W)$$

Where:

L = length in m

Q = design daily flow in L/day

DLR = Design Loading Rate in m<sup>3</sup>/m<sup>2</sup>/d

W = Width in m

$$L = 3500 / (30 * 2.35)$$

$$= 60.6 \text{ m}$$

Use size 15.6m long by 2.35 wide Advanced Euxine Septic bed,

See site plan and details cross-section

### SYSTEM SAND

All configurations of Advanced Euxine-Septic bed require a minimum of 150mm of system sand surrounding the circumference of the pipes. This sand, typically gravelly coarse sand, must adhere to the following percentage and quality requirements:

AS Sieve Size (mm)	Percent Passing %
0.50	0-5
0.75	5-100
2.00	80-100
4.75	50-85
0.075	25-60
0.300	5-10
0.150	0-10
0.075	0-2

If there is any doubt if the sand media will pass requirements please contact Earth Test for further advice



## EARTH TEST

QBSA Lic No. 1017941

### SYSTEM INSTALLATION

Avoid compaction by keeping people and machinery off the finished trench or laid floor.  
The system shall be installed by a licensed plumber in accordance with the manufacturer's recommendations and the relevant Australian Standards.

### Operation and Maintenance

Homeowners should be fully informed of the proper operation and maintenance requirements of the on-site wastewater system.

Leonard Quinn  
Earth Test



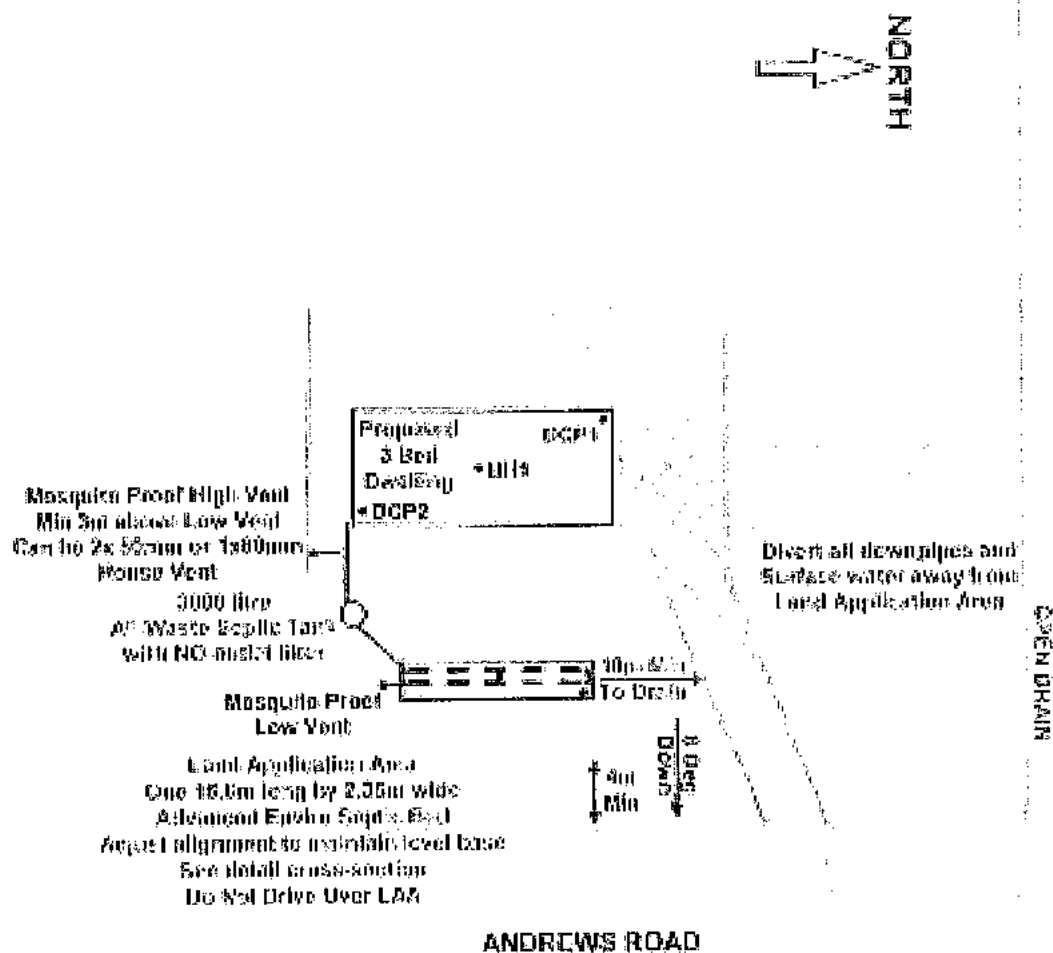
SEWAGE TREATMENT

QUSA 132 P2 1009941

### SITE PLAN

Lot 6 Andrews Road, Forrest Creek.

NOTE TO SCALE



Ph: 4095 4704

Page 10

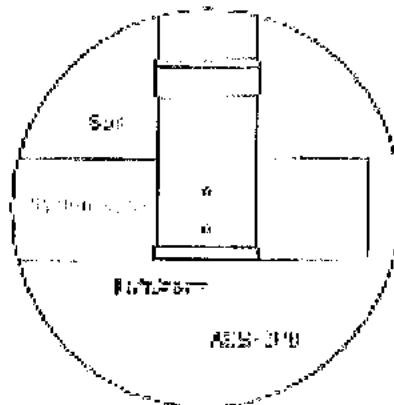
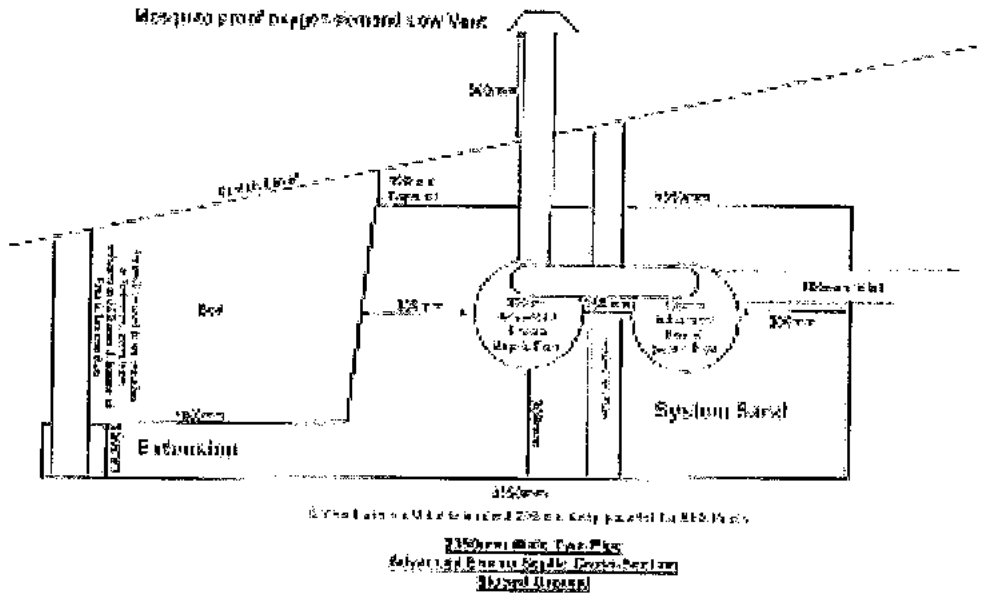
Jan-18

50 150-180gputake



# EARTH TEST

QHSALic No. 1915641

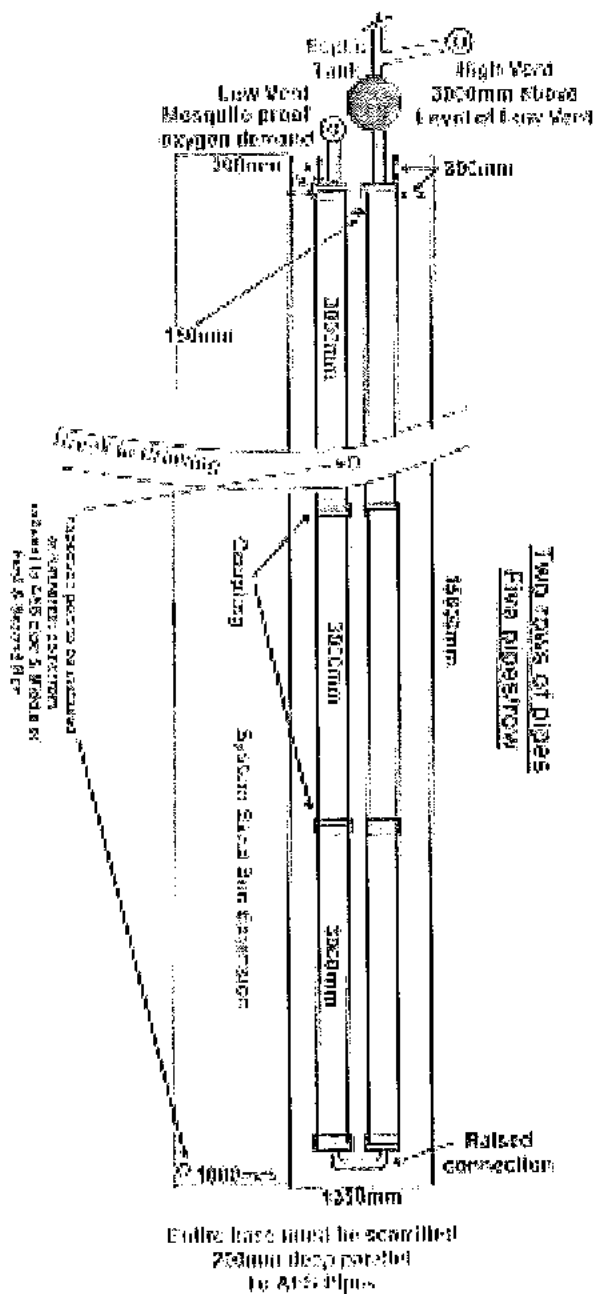


AES inspection point detail





©1999, Inc. No. 1017993



Ph: 4095 4344

Page 12.

12-18

50 150.1 Report due



# EARTH TEST

Q888 Etc No. 1002021

ADVANCED		Advanced Earthquake Design Calculations V1.0	
<p>Project Name: [Blank]</p> <p>Client: [Blank]</p> <p>Location: [Blank]</p> <p>Design Date: [Blank]</p> <p>Design By: [Blank]</p> <p>Check By: [Blank]</p> <p>Scale: [Blank]</p> <p>Notes: [Blank]</p>			
<p>Section 1: General Information</p> <p>1.1 Project Name: [Blank]</p> <p>1.2 Client: [Blank]</p> <p>1.3 Location: [Blank]</p> <p>1.4 Design Date: [Blank]</p> <p>1.5 Design By: [Blank]</p> <p>1.6 Check By: [Blank]</p> <p>1.7 Scale: [Blank]</p> <p>1.8 Notes: [Blank]</p>			
<p>Section 2: Design Parameters</p> <p>2.1 Seismicity: [Blank]</p> <p>2.2 Soil Conditions: [Blank]</p> <p>2.3 Foundation Type: [Blank]</p> <p>2.4 Design Load: [Blank]</p> <p>2.5 Design Life: [Blank]</p> <p>2.6 Design Temperature: [Blank]</p> <p>2.7 Design Wind Speed: [Blank]</p> <p>2.8 Design Snow Load: [Blank]</p> <p>2.9 Design Ice Load: [Blank]</p> <p>2.10 Design Flood Load: [Blank]</p> <p>2.11 Design Fire Load: [Blank]</p> <p>2.12 Design Collision Load: [Blank]</p> <p>2.13 Design Explosion Load: [Blank]</p> <p>2.14 Design Impact Load: [Blank]</p> <p>2.15 Design Other Load: [Blank]</p>			
<p>Section 3: Design Calculations</p> <p>3.1 Seismicity: [Blank]</p> <p>3.2 Soil Conditions: [Blank]</p> <p>3.3 Foundation Type: [Blank]</p> <p>3.4 Design Load: [Blank]</p> <p>3.5 Design Life: [Blank]</p> <p>3.6 Design Temperature: [Blank]</p> <p>3.7 Design Wind Speed: [Blank]</p> <p>3.8 Design Snow Load: [Blank]</p> <p>3.9 Design Ice Load: [Blank]</p> <p>3.10 Design Flood Load: [Blank]</p> <p>3.11 Design Fire Load: [Blank]</p> <p>3.12 Design Collision Load: [Blank]</p> <p>3.13 Design Explosion Load: [Blank]</p> <p>3.14 Design Impact Load: [Blank]</p> <p>3.15 Design Other Load: [Blank]</p>			
<p>Section 4: Design Results</p> <p>4.1 Seismicity: [Blank]</p> <p>4.2 Soil Conditions: [Blank]</p> <p>4.3 Foundation Type: [Blank]</p> <p>4.4 Design Load: [Blank]</p> <p>4.5 Design Life: [Blank]</p> <p>4.6 Design Temperature: [Blank]</p> <p>4.7 Design Wind Speed: [Blank]</p> <p>4.8 Design Snow Load: [Blank]</p> <p>4.9 Design Ice Load: [Blank]</p> <p>4.10 Design Flood Load: [Blank]</p> <p>4.11 Design Fire Load: [Blank]</p> <p>4.12 Design Collision Load: [Blank]</p> <p>4.13 Design Explosion Load: [Blank]</p> <p>4.14 Design Impact Load: [Blank]</p> <p>4.15 Design Other Load: [Blank]</p>			
<p>Section 5: Design Summary</p> <p>5.1 Seismicity: [Blank]</p> <p>5.2 Soil Conditions: [Blank]</p> <p>5.3 Foundation Type: [Blank]</p> <p>5.4 Design Load: [Blank]</p> <p>5.5 Design Life: [Blank]</p> <p>5.6 Design Temperature: [Blank]</p> <p>5.7 Design Wind Speed: [Blank]</p> <p>5.8 Design Snow Load: [Blank]</p> <p>5.9 Design Ice Load: [Blank]</p> <p>5.10 Design Flood Load: [Blank]</p> <p>5.11 Design Fire Load: [Blank]</p> <p>5.12 Design Collision Load: [Blank]</p> <p>5.13 Design Explosion Load: [Blank]</p> <p>5.14 Design Impact Load: [Blank]</p> <p>5.15 Design Other Load: [Blank]</p>			
<p>Section 6: Design Details</p> <p>6.1 Seismicity: [Blank]</p> <p>6.2 Soil Conditions: [Blank]</p> <p>6.3 Foundation Type: [Blank]</p> <p>6.4 Design Load: [Blank]</p> <p>6.5 Design Life: [Blank]</p> <p>6.6 Design Temperature: [Blank]</p> <p>6.7 Design Wind Speed: [Blank]</p> <p>6.8 Design Snow Load: [Blank]</p> <p>6.9 Design Ice Load: [Blank]</p> <p>6.10 Design Flood Load: [Blank]</p> <p>6.11 Design Fire Load: [Blank]</p> <p>6.12 Design Collision Load: [Blank]</p> <p>6.13 Design Explosion Load: [Blank]</p> <p>6.14 Design Impact Load: [Blank]</p> <p>6.15 Design Other Load: [Blank]</p>			
<p>Section 7: Design Conclusions</p> <p>7.1 Seismicity: [Blank]</p> <p>7.2 Soil Conditions: [Blank]</p> <p>7.3 Foundation Type: [Blank]</p> <p>7.4 Design Load: [Blank]</p> <p>7.5 Design Life: [Blank]</p> <p>7.6 Design Temperature: [Blank]</p> <p>7.7 Design Wind Speed: [Blank]</p> <p>7.8 Design Snow Load: [Blank]</p> <p>7.9 Design Ice Load: [Blank]</p> <p>7.10 Design Flood Load: [Blank]</p> <p>7.11 Design Fire Load: [Blank]</p> <p>7.12 Design Collision Load: [Blank]</p> <p>7.13 Design Explosion Load: [Blank]</p> <p>7.14 Design Impact Load: [Blank]</p> <p>7.15 Design Other Load: [Blank]</p>			
<p>Section 8: Design Recommendations</p> <p>8.1 Seismicity: [Blank]</p> <p>8.2 Soil Conditions: [Blank]</p> <p>8.3 Foundation Type: [Blank]</p> <p>8.4 Design Load: [Blank]</p> <p>8.5 Design Life: [Blank]</p> <p>8.6 Design Temperature: [Blank]</p> <p>8.7 Design Wind Speed: [Blank]</p> <p>8.8 Design Snow Load: [Blank]</p> <p>8.9 Design Ice Load: [Blank]</p> <p>8.10 Design Flood Load: [Blank]</p> <p>8.11 Design Fire Load: [Blank]</p> <p>8.12 Design Collision Load: [Blank]</p> <p>8.13 Design Explosion Load: [Blank]</p> <p>8.14 Design Impact Load: [Blank]</p> <p>8.15 Design Other Load: [Blank]</p>			
<p>Section 9: Design References</p> <p>9.1 Seismicity: [Blank]</p> <p>9.2 Soil Conditions: [Blank]</p> <p>9.3 Foundation Type: [Blank]</p> <p>9.4 Design Load: [Blank]</p> <p>9.5 Design Life: [Blank]</p> <p>9.6 Design Temperature: [Blank]</p> <p>9.7 Design Wind Speed: [Blank]</p> <p>9.8 Design Snow Load: [Blank]</p> <p>9.9 Design Ice Load: [Blank]</p> <p>9.10 Design Flood Load: [Blank]</p> <p>9.11 Design Fire Load: [Blank]</p> <p>9.12 Design Collision Load: [Blank]</p> <p>9.13 Design Explosion Load: [Blank]</p> <p>9.14 Design Impact Load: [Blank]</p> <p>9.15 Design Other Load: [Blank]</p>			
<p>Section 10: Design Appendix</p> <p>10.1 Seismicity: [Blank]</p> <p>10.2 Soil Conditions: [Blank]</p> <p>10.3 Foundation Type: [Blank]</p> <p>10.4 Design Load: [Blank]</p> <p>10.5 Design Life: [Blank]</p> <p>10.6 Design Temperature: [Blank]</p> <p>10.7 Design Wind Speed: [Blank]</p> <p>10.8 Design Snow Load: [Blank]</p> <p>10.9 Design Ice Load: [Blank]</p> <p>10.10 Design Flood Load: [Blank]</p> <p>10.11 Design Fire Load: [Blank]</p> <p>10.12 Design Collision Load: [Blank]</p> <p>10.13 Design Explosion Load: [Blank]</p> <p>10.14 Design Impact Load: [Blank]</p> <p>10.15 Design Other Load: [Blank]</p>			

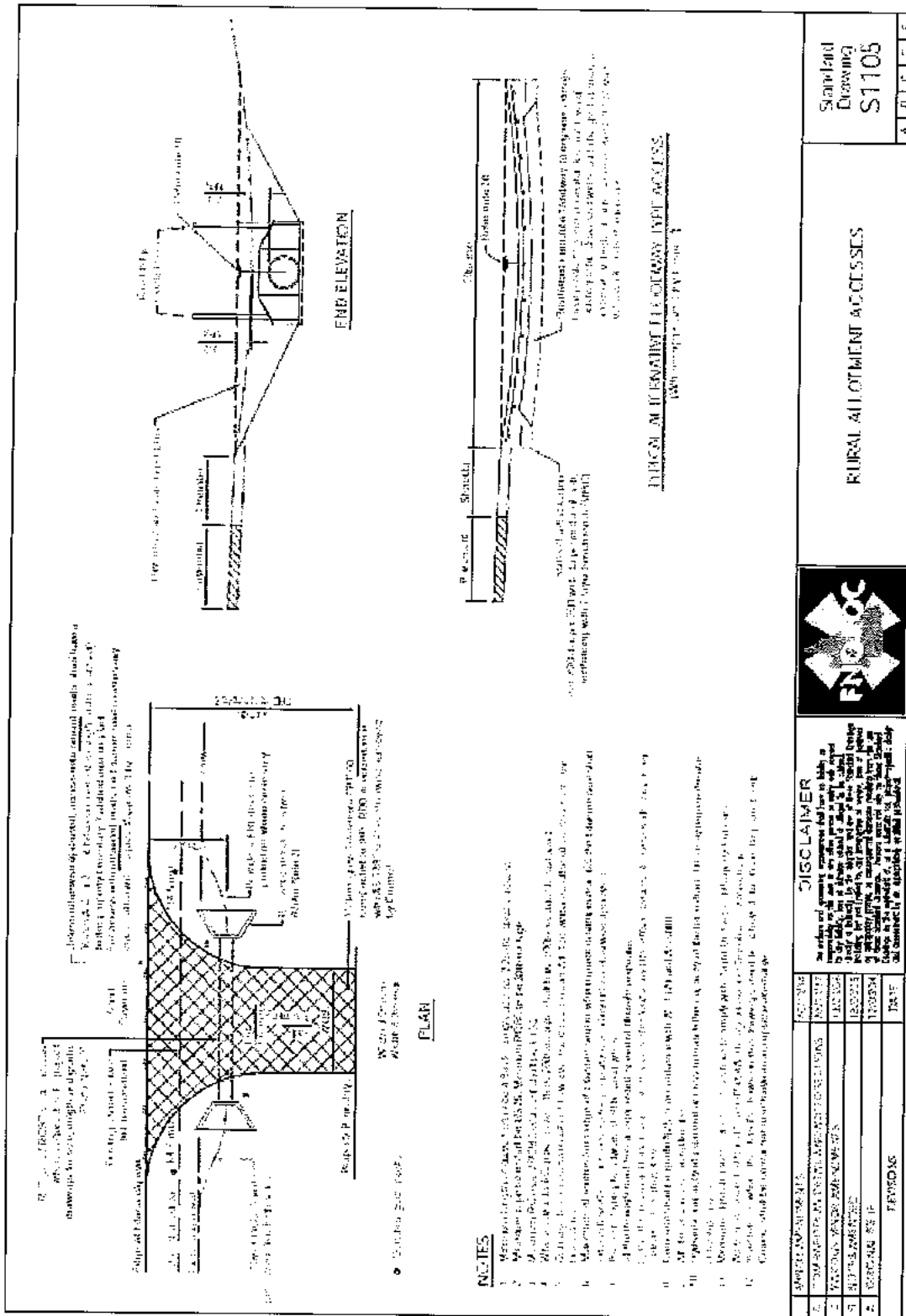
Ph: 4093 4334

Page 13

June 18

SI (90-198) Report.doc





## SCHEDULE 2 – *PLANNING ACT 2016* - EXTRACTS ON MAKING REPRESENTATIONS AND ON APPEAL RIGHTS

### *Planning Act 2016* Making Representations

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

- (a) any part of the building work must be assessed against, or having regard to, a matter that is not a building assessment provision; and
  - (b) none of the referral agencies are required to assess the application against, or having regard to, the matter.
- (5) A development permit given by the private certifier for the building work does not authorise the carrying out of the part requiring assessment against, or having regard to, the matter, unless a relevant preliminary approval is in effect for the part.
- (6) In this section—  
*relevant preliminary approval* means a preliminary approval given under the old Act by an entity other than a private certifier.

## Division 2            Changing development approvals

### Subdivision 1        Changes during appeal period

#### 74        What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and

[s 75]

---

- (c) as if a reference in section 76 to a development application were a reference to a change application; and
- (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
- (e) with any other necessary changes.

## 75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or
    - (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
  - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—

- (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
  - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
  - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
  - (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.

[s 77]

---

- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
  - (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

## Subdivision 2 Changes after appeal period

### 77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

### 78 Making change application

- (1) A person may make an application (a *change application*) to change a development approval.
- (2) A change application must be made to the responsible entity.
- (3) The *responsible entity* is—
  - (a) for a change application for a minor change to a development condition that a referral agency imposes—the referral agency; or
  - (b) the P&E Court, if—
    - (i) the change application is for a minor change; and
    - (ii) the development approval was given because of an order of the court; and



- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
  - conduct* means an act or omission.
  - representative* means—
    - (a) of a corporation—an executive officer, employee or agent of the corporation; or
    - (b) of an individual—an employee or agent of the individual.
  - state of mind*, of a person, includes the person's—
    - (a) knowledge, intention, opinion, belief or purpose; and
    - (b) reasons for the intention, opinion, belief or purpose.

## 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 any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive;  
and
  - (g) for an appeal to a tribunal under another Act—any other  
person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the  
P&E Court—2 business days after the appeal 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 by filing a notice of  
election, in the approved form, within 10 business days after  
the notice of appeal is given to the person.
- (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 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act,  
unless the Supreme Court decides a decision or other matter  
under this Act is affected by jurisdictional error, the decision  
or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or  
matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an  
application under the *Judicial Review Act 1991* in relation to  
the decision or matter, may apply under part 4 of that Act for a  
statement of reasons in relation to the decision or matter.
- (4) In this section—  
*decision* includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or 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.

