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8 August 2018

Enquiries: Neil Beck

Our Ref: 44/ 2707/2018 (866644) Your Ref: 4839/03L-JD0126

Port Pacific Estates Pty Limited C/- Flanagan Consulting Group

Greg Applin PO Box 5820

CAIRNS QLD 4870

Dear Sir

Development Application for Operational Works Associated with Reconfiguring a Lot At 2L Oasis Drive – Wonga Beach

In relation to the above application, please find attached the Decision Notice.

Also find attached a 'Pre-Start' meeting template, which identifies the information that must be provided for Council approval, prior to the commencement of works.

The template also provides the Consulting Engineer with a format for conducting the meeting. An invitation to attend the meeting must be sent to Neil Beck giving at least five (5) working days notification if possible.

In addition to the Decision Notice, Council provides the following 'Advice Statement' which relates to issues that are relevant to the proposed works:

 The Consulting Engineer is to present all contractors with a copy of this Decision Notice and the Council approved plans, prior to the commencement of works.

Please quote Council's application number: OP2707/2018 in all subsequent correspondence relating to this development approval. Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

Neil Beck **A/Manager Sustainable Communities**

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

Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Port Pacific Estates Pty Limited

Postal Address: C/- Flanagan Consulting Group

Greg Applin

PO Box 5820 CAIRNS QLD 4870

2. Location details

Street Address: 2L Oasis Drive WONGA BEACH

Real Property Description: LOT: 2 SP: 259953

Local Government Area: Douglas Shire Council

3. Details of proposed development

Operational Works associated with the reconfiguration of land.

4. Decision

Date of decision: 8 August 2018

Decision details: Approved in full

5. Approved plans and specifications

Generally in accordance with the following drawings submitted by Flanagan Consulting Group subject to any alterations made by conditions of Development Permit for Operational Work.

Drawing Description	No	Rev
Site Plan & Drawing Index	4839-C01	Α
Standard Notes	4839-C02	Α
General Arrangement	4839-C03	Α
Marlin Drive-Cul-De-Sac Setout & Grading	4839-C04	Α
East West Drainage Channel – Plan & Long Section	4839-C05	Α
East West Drainage Channel – Cross Sections Sheet 1 of 2	4839-C06	Α
East West Drainage Channel – Cross Sections Sheet 2 of 2	4839-C07	Α
Site Grading	4839-C08	Α
Allotment Building Pads	4839-C09	Α
Modification to Existing Coastal Gutter Drain	4839-C10	Α

Water Reticulation	4839-C11	Α
Erosion & Sediment Control Strategy	4839-C12	Α
Erosion & Sediment Control Devices – Sheet 1 of 2	4839-C13	Α
Erosion & Sediment Control Devices – Sheet 2 of 2	4839-C14	Α
Landscape Plans		
Landscape Cover Sheet	1000	
2414664P6 661661	L0.00	03
Planting Plan 1 of 1	L0.00 L1.01	03

6. Conditions

This approval is subject to the conditions in Schedule 1.

7. Further development permits

None Applicable

8. Properly made submissions

Not Applicable

9. Referral Agency

None 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.

11. Reasons for decision

The reasons for this decision are:

- 1. Section 60 of the *Planning Act 2016*:
 - a. to apply the conditions and advices as detailed in the approval;
 - to facilitate the subdivision of the land in accordance with the requirements of the subdivision approval.
 - c. Ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme & FNQROC Development Manual.
 - c. to ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 12 June 2018 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules; and

- b. The development application contained a plans of necessary filling, drainage and infrastructure works associated with the subdivision.
- 3. Evidence or other material on which findings were based:
 - a. the development triggered code assessable development;
 - b. The application was assessed having regard to the requirements of the conditions attaching to the Reconfiguring a Lot approval and requirements of the FNQROC Development Manual in relation to the development of land for residential purposes.

12. Rights of appeal

The rights of applicants 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*).

A copy of the relevant appeal provisions are attached as Schedule 2.

SCHEDULE 1 - CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

1. General

- a. The conditions require amendments to the drawings. The revised drawings must be submitted "for construction" and must be certified as approved by a registered professional engineer of Queensland (RPEQ).
- b. An updated Statement of Compliance must be provided with the revised drawings required under the conditions of this approval. Reference is made to FNQROC Development Manual (refer Appendix A of Application Procedures (AP1)).
- c. Materials shall be in accordance with the provisions of the FNQROC Development Manual. Where alternative materials are proposed details are to be provided to Council for consideration and approval prior to incorporation into the works.

This information must be provided prior to the pre-start meeting (or such other timeframe agreed with Council) and the elements are not approved unless confirmed by Council in writing.

2. Reconfiguring a Lot Conditions

- a. The requirements of the Reconfiguring a Lot approval must be met prior to lodging the application for a compliance certificate for the plan of survey. Council notes some elements are not addressed in the Operational Works drawings and submitted information and will need to be addressed separately.
- b. The applicant is to peg the boundaries of the Lot 1 to confirm the setback of 5 metres from the existing drain following construction.
- c. Provide annotation on the for construction drawings to address the services to Lot 3 (Conditions 5b and 12 refer).
- d. Confirmation is required that the more central alignment of the proposed east west drain does not have an adverse impact on the southern areas of the catchment, to satisfy the requirements of Condition 9 of the ROL Decision Notice. Reference is made to the Tate engineers catchment plan attached for reference.
- e. Condition 24 Street lighting is understood to be addressed by SPA Consulting Engineers and is not part of this approval.

3. Earthworks

- a. The applicant is to ensure that any earthworks undertaken as part of the works maintains a free draining surface with no ponding of standing water resulting. The earthworks must be in accordance with any amendments proposed to the existing finished surface profiles are to be identified and reported to Council prior to being undertaken on site. Resultant amendments shall be recorded on as constructed drawings to be submitted at the completion of the project.
- b. Additional notation is to be added to the drawings to include a hold and witness point for Council and the Supervising RPEQ at the completion of the pond dewatering and prior to filling of the pond or drains on site. Note 2 on drawing 4839-C02 is to include reference to Council being invited to the Hold and Witness point inspection. To reinforce the

requirement to the Contractor, it is requested that the requirement for the Council inspection be added to the notes for the pond works on Drawings 4839-C09 and C10. The inclusion of this hold and witness point is to ensure that the RPEQ and Council inspect the works prior to placement of fill in these areas.

- c. At the completion of the works, Lot classification reports are to be provided for those lots identified in ROL Condition 10b.
- d. Offset dimensions are to be added to the drawings to demonstrate compliance with Condition 4b ii and iii of the ROL Decision Notice. Prior to the placement of fill for Lot 7 building envelope, the setout points for the proposed building pad are to be pegged and inspected on site with Council officers. The height of fill is to be nominated on the setout pegs.

4. Stormwater

- a. The applicant is to provide updated stormwater calculations and plan details prior to the pre-start meeting to confirm the following elements:
 - i. The existing and finished levels and grades in the drain between Marlin Drive and the western end of the new drainage channel. For clarity, Council is supportive of the reprofiling work and this condition seeks to ensure the Contractor is clear on the required works. The requirements of Condition 17 paragraph 3 and 4 are referenced.
 - ii. Prior to construction the works identified in the above condition, the levels are to be pegged on site and an inspection held with Council and the Supervising Engineer. A note is to be added to the drawings (or included in the Contract Specification) requiring that the Contractor places centreline pegs at 10m intervals with cut and fill depth identified on the pegs sufficient for the inspection to assess the work scope on site.
 - iii. Subject to the above clarifications, amend the notes on Drawing 4839-C04 that state the existing section of drain adjacent Lot 92 is to remain undisturbed. This section currently drain east towards the proposed cul-de-sac and Council understands it is to be regraded to run west to the north-south swale. Drawing 4839-C11 is to be updated once the work scope is confirmed and is to include the works down to the new headwall from the cul-de-sac drainage.
 - iv. Based on the above proposed drainage works, the applicant is to provide confirmation that the external catchment runoff from the south can be conveyed to the new drain and through the site with no adverse impact on the existing properties upstream from the development. Refer to Attached catchment extent provided in the previous applications for this site. Sufficient calculations endorsed by the RPEQ are to be provided for Council review prior to the prestart meeting, (reference is also made to ROL condition 7b in this regard). The calculations must include any hydraulic implications from the twin 1500mm x 730mm RCBC's providing pathway connectivity across the new drainage channel. It is unclear if the DHI modelling included this structure. Council's acceptance of the calculations is required prior to the commencement of works in the drainage swale.
 - v. Unless otherwise agreed with Council, the existing bund at the end of Marlin Drive (as identified on the road longitudinal section on Drawing 4839-C04) is to be reinstated on the western side of the cul-de-sac to prevent stormwater flowing back into Marlin Drive.

5. Water

a. The minimum clearance between power pole or light pole footings and water mains are to be in accordance with WSA and verified and recorded by the consulting engineer during construction.

b. The water reticulation connection to Oasis drive is to be clarified on the drawings and a reducer added if required for the 150mm to 100mm connection.

6. Roads and Paths

- a. Pavement design details are currently not included in the drawings. Please nominate the pavement depths and specification in the for-construction drawings. Subgrade CBR results, confirmation of traffic loadings adopted (as per FNQROC requirements) and final pavement design are to be provided prior to commencing pavement works.
- b. Undertake an asphalt overlay of the existing pavement which will form the driveway for Lot 3.
- c. Extend the kerb and channel on the south side of Oasis Drive and formalise a vehicle access for Lot 2. This is to prevent Lots 2 and Lot 3 sharing an access driveway which will be the responsibility of the owner of Lot 3 to maintain.
- d. Place edging kerb around the head of the cul-de-sac to formalise the turn around area and to assist in distinguishing the private driveway to Lot 3 from the balance of road pavement. Place a small sign at the commencement of the access leg advising it is a private driveway.

7. Miscellaneous

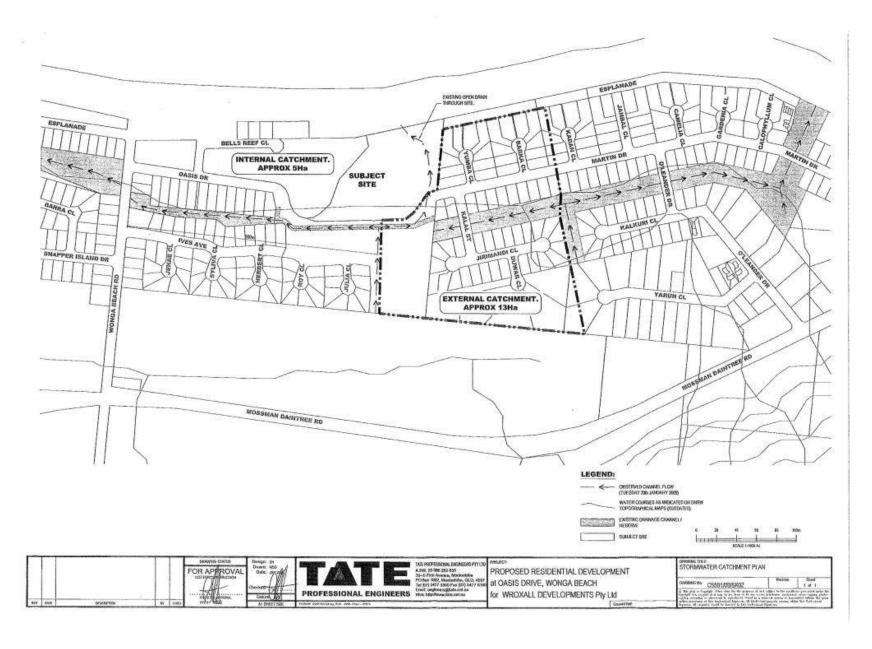
Prior to the pre-start meeting, the applicant must provide written evidence from Ergon and Telstra confirming arrangements have been made for the provision of services to the stage.

Advices

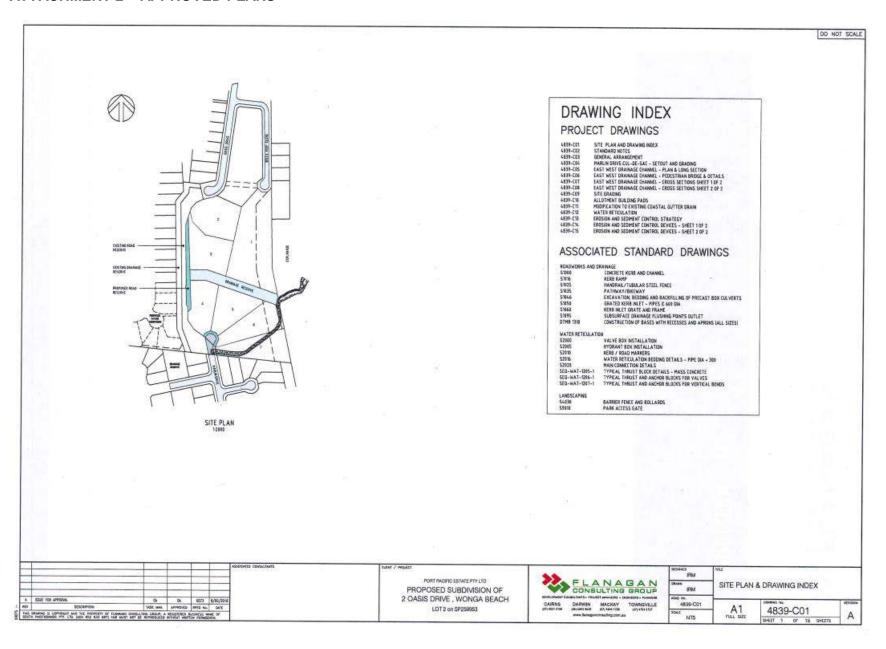
- 1. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
- 2. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.
- 3. The Applicant is to advise the future owner of Lot 3 that the driveway exiting from the end of the cul-de-sac is deemed to be a private driveway and is the responsibility of the land owner to maintain notwithstanding the driveway is contained within the road reserve. A rates notation to this end will be placed on the property file.

ATTACHMENT 1 - TATE ENGINEERS STORMWATER CATCHMENT PLAN 2009

866644



ATTACHMENT 2 – APPROVED PLANS



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DO NOT SCALE

SURVEY CONTROL NOTES

SURVEY SEGN -

ORIGIN OF LEVELS

AHOIDI PSM 53558 61 19 696 MGA 20NE 55 DOM STORES

DRIGN OF COORDINATES

N 9142554 238

GENERAL NOTES

- ALL WORKS MUST BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT PROPOL DEVELOPMENT MANUAL SPECIFICATIONS, WHERE DIFFERENCES EXIST BETWEEN THE PLANS AND THE DEVELOPMENT MANUAL, THESE PLANS SHALL
- THE CONTRACTOR IS TO ENSURE A COPY OF THE OPERATIONAL MORKS
 APPROVAL IS AVAILABLE ON SITE. THE SITE FOREMAN IS TO ENSURE ALL MORKS. ARE UNDERTAKEN IN ACCORDANCE WITH THE APPROVAL
- THE LOCATIONS OF UNDERSTOUND SERVICES HAVE BEEN APPROXIMATED FROM THE KNOWN POSITIONS OF VALVES, MANHOLES, ETC. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON SITE, THE CONTRACTOR MUST CONTACT RELEVANT AUTHORITIES FOR POSSIBLE LOCATION OF FURTHER SERVICES AND
- EXISTING SERVICES ARE TO BE PROTECTED FROM DAMAGE DURING CONSTRUCTION WHERE NECESSARY THE CONTRACTOR SHALL CONFRINTHE DEPTH TO EXISTING SERVICES BY POTHOLING BEFORE COMMENCING WORKS, THE SUPERINTENDENT SHALL BE CONSULTED WHERE THE CONTRACTOR (DMSIDERS SPECIFIC PROTECTION WORKS NECESSARY TO PROTECT THE SERVICE.

EROSION AND SEDIMENT CONTROL NOTES

- NO EARTHWORKS SHALL COMMENCE ON ANY PART OF THE SITE PRIOR TO INSTALLING APPROPRIATE ESC MEASURES DOWNSTREAM OF THE SITE AND IN ACCORDANCE WITH THE APPROVED ESC.
- AT ALL TIMES THE CONTRACTOR SHALL HONITOR THE PREVAILING WEATHER CONDITIONS AND TAKE ALL NECESSARY PRECAUTIONS TO CONTROL EROSION AND DOWNSTREAM SEDMENTATION DURING ALL STAGES OF CONSTRUCTION.
- THE IMPACT ON THE ENVIRONMENT SHALL BE MINIMISED BY DISSERVING THE FOLLOWING CONSTRUCTION PRACTICES
 - . AREAS DISTURBED BY CONSTRUCTION TRAFFIC AND PROCEDURES
 - SHALL BE MINIMSED. . HINIMISE TRAFFIC HOVEHENTS AND SPEEDS ON EXPOSED SURFACES.
 - . REVEGETATION OF DISTURBED AREAS SHALL BE CARRED OUT SOON AFTER THE COMPLETION OF TOPSOL PLACEMENT.
 - . FLOW DIVERSION SHALL BY CARRIED OUT BY EARLY INSTALLATION OF DRAINS ALONG TOPS OF BATTERS WITH APPROPRIATE SILTATION CONTROL DEVICES.
 - . SEDIMENT INTERCEPTION BY THE PLACEMENT OF SUITABLE RETENTION SYSTEMS ACROSS DRAINAGE LINES AND AT INTERCEPTION POINTS FOR BOTH THE CONSTRUCTION AND STOCKPILE AREAS.
- ALL ACCESS TO AND FROM THE SITE SHALL BE VIA A TEMPORARY CONSTRUCTION PROTECTION THE CONTRUCTOR SHALL NOMINATE A PROPOSED ACCESS LOCATION ON THE ESC PLAN FOR APPROVAL BY THE SUPERINTENDENT
- STOCKPILES SHALL DALY BE LOCATED IN AREAS NOMINATED ON THE PROJECT DRAWINGS OR APPROVED BY THE SUPERINTENDENT. ALL STOCKPILES MUST HAVE APPROPRIATE ESC MEASURES INSTALLED TO PREVENT SEDIMENT TRANSPORT. THE MAXIMUM HEIGHT OF ALL STOCKPILES MUST BE LIMITED TO
- ALL PERMANENT AND TEMPORARY UNLINED SWALES AND GRAINS TO HAVE APPROPRIATE TEMPORARY EROSION PROTECTION.
- ALL PARTIALLY CONSTRUCTED DRAINAGE STRUCTURES TO BE PROTECTED AGAINST SEDIMENT INFILTRATION DURING CONSTRUCTION.
- ALL COMPLETED DRAINAGE STRUCTURES TO BE PROTECTED AGAINST SEGMENT MER TRATION UNTIL GRASSING IS ESTABLISHED.
- ALL DISTURBED AREAS FLATTER THAN 1 ON 2 AND NOT UNDER ROAD PAVEMENT OR PATHWAY MUST BE TOPSOLED AND GRASS SEEDED, ALL DISTURBED AREAS ON 2 OR STEEPER HUST BE TOPSOLED AND HYDROMULCHED.

- REHABILITATION AND RE-VEGETATION IS TO BE PROGRESSIVE THROUGHOUT THE PROJECT TO ENSURE THAT ALL DISTURBED AREAS ARE RE-VEGETATED AS SOON AS POSSIBLE FOLLOWING COMPLETION OF WORKS.
- ROAD VERSE TO BE FULLY TURFED IMMEDIATELY FOLLOWING TOPSOLING.
- THE CONTRACTOR IS RESPONSIBLE FOR THE CONTROL OF DUST EHANATING FROM THE SITE AT ALL, THES FOR THE DURATION OF CONSTRUCTION.
- ALL EROSION AND SEDMENT CONTROL HEASURES HUST BE CHECKED FOR DAMAGE, CLEANED OUT AND FULLY REINSTATED AFTER EACH RAINFALL EVENT
- IF CROSSON AND SEDIMENT CONTROL DEVICES HAVE BEEN FOUND TO BE DEFICIENT OR PALED IN SERVICE, DUE TO UNFORESEEN DIRCUMSTANCES, CORRECTIVE ACTION IS TO BE UNDERTAKEN IMMEDIATELY WHICH MAY INCLUDE AMENOMENTS/ADDITIONS TO THE ORIGINAL APPROVED EROSION CONTROL
- THE INSTALLATION REMOVAL RELOCATION OR HODERCATION TO EROSION AND SEGMENT CONTROL DEVICES MAY BE MADE BY DOUGLAS SHIRE COUNCIL # DEEMED NECESSARY AND RELEVANT.
- EROSION AND SEDMENT CONTROL DEVICES SHALL REMAIN IN PLACE UNTIL THE TREATMENT AREA IS SUITABLY STABILISED/VESETATED.
- THE CONTRACTOR SHALL UNDERTAKE A EDRHAL COMPLIANCE ALIQIT OF THE ESC. AT SIX MERKS INTERVALS DURING THE CONSTRUCTION PERIOD OF THE PROJECT.
 RECORDS OF THE AUGIT SHALL BE RETAINED ON SITE, WHERE DON'T FED AS PART OF THE MUDIT THE ESCP SHALL BE UPDATED AND PROVIDED TO THE SUPERINTENDENT.

EARTHWORKS NOTES

- ALL EARTHWORKS MUST BE CARRIED OUT IN ACCORDANCE WITH ASSTRE GUDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL
- NO VEGETATION SHALL BE REMOVED WITHOUT PRIOR APPROVAL OF THE SUPERINTENDENT LINCESS NOTED ON THE DRAWINGS
- FINISHITO SURFACE LEVELS SHOWN ON PROJECT DRAWINGS ARE AFTER ALL EARTHWORKS ARE COMPLETE INCLUDING TOPSOLING ALL AREAS ARE TO BE GRADED EVENLY BETWEEN FINISHED SURFACE LEVELS UNLESS NOTED.
- ALL BATTERS WITHIN ALLOTMENTS SHALL BE AS FOLLOWS JUNLESS NOTED OTHERWISE:
 - * ROAD FRONTAGE 10N L HAX

 - SEE BOUNDARY . REAR BOUNDARY 10H 2

ROADS & PATHWAYS NOTES

- NEW ROADS PATHS AND KERBING SHALL JOIN SHOOTHLY TO EXISTING WORKS. WHERE NECESSARY, EXISTING WORKS SHALL BE CUT BACK TO FORM A NEAT
- PAYEMENT DESIGN STATED HEREIN IS FOR A RANSE OF SUBGRADE CBR VALUES. THE CONTRACTOR IS TO COMPRM THE SUBGRADE CBR BY TESTING IN ACCORDANCE WITH THE SPECIFICATION, RESULTS ARE TO BE PROVIDE TO THE SUPERINTENDENT FOR FINAL PAVEMENT SELECTION.
- ALL KERB PROPLES TO BE AS PER FNORCE STD DRAWING S1889 UNLESS NOTED
- ALL PATHWAYS SHALL BE 20M WIDE ILINO) IN ACCORDANCE WITH FNOROC STO DRG SW35, PATHWAY CROSSFALL MUST NOT EXCEED 2.5%.
- CONNECTIONS TO EXISTING PATHS SHALL BE SMOOTH AND NEAT, THE MAXIMUM STEP SHALL BE: - 3PM ABOVE EXISTING 1

-OPPH BELOW EXISTING

- ALL KERB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH ENDROC STO ORG STOTE, WIDTH OF RAMP SHALL HATCH PATHMAY WIDTH.
 - ALL STREET SIGNS AND TRAFFIC SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH PROBOC STO DRES S1040 AND S1041.

DRAINAGE NOTES

- ALL REINFORCED CONCRETE PIPES SHALL BE CLASS 2 UNLESS NOTED OTHERWISE, ALTERNATIVE MATERIAL TYPES SUCH AS HOPE OR FRC MAYBE USED SUBJECT TO SUPERINTENDENTS/COUNCIL APPROVAL
- EXCAVATION, BEDDING AND BACKFILL FOR PRECAST BOX CULVERTS SHALL ME EARRIED OUT IN ACCORDANCE WITH PNORDC STANDARD DRAWING SIGKS.
- EXCAVATION, BEDDING AND BACKFILL FOR CONCRETE PIPES SHALL BE CARRIED
- BOX CULVERTS SHALL BE INSTALLED IN ACCORDANCE WITH DTHR STD DRG 13%. CONCRETE BASES TO CULVERTS SHALL BE PROVIDED IN ACCORDANCE WITH DTMR
- ALL KERB INLET PITS AND MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH FNORDC STD DRE'S S1850, S1855, S1860, S1865, S1866 AND S1878.
- ALL EAST-IN-SITU HEADWALLS SHALL BE PROVIDED IN ACCORDANCE WITH PAGROC STD 096'S 5'875, 5'886, 5'865, AND 51090.
- ALL PRICAST HEADWALLS SHALL BE PROVIDED WITH CONDRETE OUT-DEF WALL IN ACCORDANCE WITH FINDROC STO ORG STOTS, WHERE HE ADWALL ABOUTS CONCRETE LINED CHANNEL, THE CUT-OFF WALL MAYNE OMITTED SUBJECT TO APPROVAL BY THE SUPERINTENDENT.
- SUBSOL DRAMAGE SHALL BE PROVIDED WHERE SHOWN ON THE PROJECT DRAWINGS, DRAMS SHALL ACHEVE A MINIMUM O.S.N. GRADE, PLUSHING POINTS AND OUTLETS TO BE PROVIDED IN ACCORDANCE WITH FNORDC STD DRAWING
- ANY STORMWATER QUALITY INTERCEPTION DEVICE SHALL BE CLEANED BY THE CONTRACTOR AND DOCKETS PROVIDED AT THE OF OFF HAINTENANCE, ALL COSTS TO BE BOURNE BY THE CONTRACTOR

WATER RETICULATION NOTES

- ALL PVC AND PE PIPES SHALL BE CLASS PINS, PVC PIPES SHALL BE RUBBER RING JOINTED AND DUCTILE INDIN COMPATIBLE.
- 2. DICL PIPES SHALL BE CLASS PIGS "TYTOM" TYPE RUBBER RING JOINTED
- ALL WATER HAMS SHALL BE INSTALLED ON A STANDARD 2 BM OFFSET FROM THE PROPERTY BOUNDARY UNLESS NOTED OTHERWISE ON PLANS.
- FOR VALVES & HYDRANT BOXES INSTALLATION DETAILS REFER PHORICE STD. DRGS 52000 & 52005
- ALL HYDRANTS AND VALVES TO BE LOCATED OPPOSITE PROPERTY BOUNDARY TRUNCATIONS AND CORNERS, UNLESS NOTED OTHERWISE ON PLANS.
- KERB MARKER PLATES SHALL BE PROVIDED TO IDENTIFY THE POSITION OF ALL VALVES AND HYDRAMIS IN ACCORDINATE WITH FINDROC STO DRG STORD VERSION. 6-2009, IN ADDITION TO KERB MARKER PLATES, HYDRANTS SHALL ALSO HAVE TEARDROP MARKERS AND BLUE RETRO-REFLECTIVE MARKERS PROVIDED ON THE ROAD PAYEMENT IN ACCORDANCE WITH FINDROC STD DRG 3616 VERSION 4-2009.
- FOR MAIN TREVENUE. RETIONS 4. ANCHORAGE DETAILS REVER ENDROY STD DROS. S2015 & S2016 ENSURE COVER TO WATERHAMS IS BOOM HINMUM UNDER ROADWAYS AND 600HM HINMUM ELSEWHERE.
- FOR HAIN CONNECTION DETAILS, REFER FNORDS STD DRG \$2020.
- DOUGLAS SHIRE COUNCIL MUST BE CONTACTED TO PERFORM ANY DIRECT CONNECTION OR ALTERATION TO LIVE WATER MAINS. THE CONTRACTOR SHALL LODGE WITH COLNCIL THE APPROPRIATE APPLICATION FORMS AND FEES FOR THESE WORKS TO BE COMPLETED. IT MAY BE POSSIBLE FOR SOME WORKS TO BE PERFORMED BY THE CONTRACTOR UNDER SPECIAL CIRCUMSTANCES AND SUBJECT TO APPROPRIATE CONDITIONS AGREED TO WITH COUNCIL.
- HYCRANTS OR VALVES CONSTRUCTED IN CONCRETE ARE TO HAVE A COMPRESSIBLE LAYER LABLEPLEX) INSTALLED ON THE SURROUND. REFER FADROC STO DRG 2000

SITE SPECIFIC NOTES

PRICE TO REMOVAL OF ANY TREES, A WILDLIFE SPOTTER IS REQUIRED TO INVESTIGATE AND RELOCATE ANY IDENTIFIED FAUNA

EXISTING DAM FILL PROCESS

- THE COSTING DWH TO BE DRAWED USING A FLOXITING PUMP SYSTEM TO BISLINE PUMP WATER IS CLEAN BEFORE DISCHARGE.
- AFTER DEWATERMS THE DAM BASE IS TO BE INSPECTED BY THE SUPERVISING ENGINEER PRIOR TO PLACEMENT OF FILL TO CONFIRM STABLE BASE OR TREATMENT AS REQUIRED TO
- FILE TO BE PLACED IN LAYERS NOT EXCEEDING VARIOR THICK MAY BE LESS DEPENDING ON COMPACTION COLLEMNAT USED) AS COMPACTED TO 95% STO AS PER TABLE 51 OF ASSTRU ESTING PREQUENCY TO BE AS PER TABLE 8 OF ASSISE TO A LEVEL 2 STANDARD.

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PORT PACIFIC ESTATE PTYLTO PROPOSED SUBDIVISION OF 2 OASIS DRIVE, WONGA BEACH

LOT 2 on SP258953

FLANAGAN CONSULTING GROUP DARWIN MACKAY TOWNSVILLE DRING NO. HE-MATCH BY-FRESTY www.fanagarcmauling.com.co

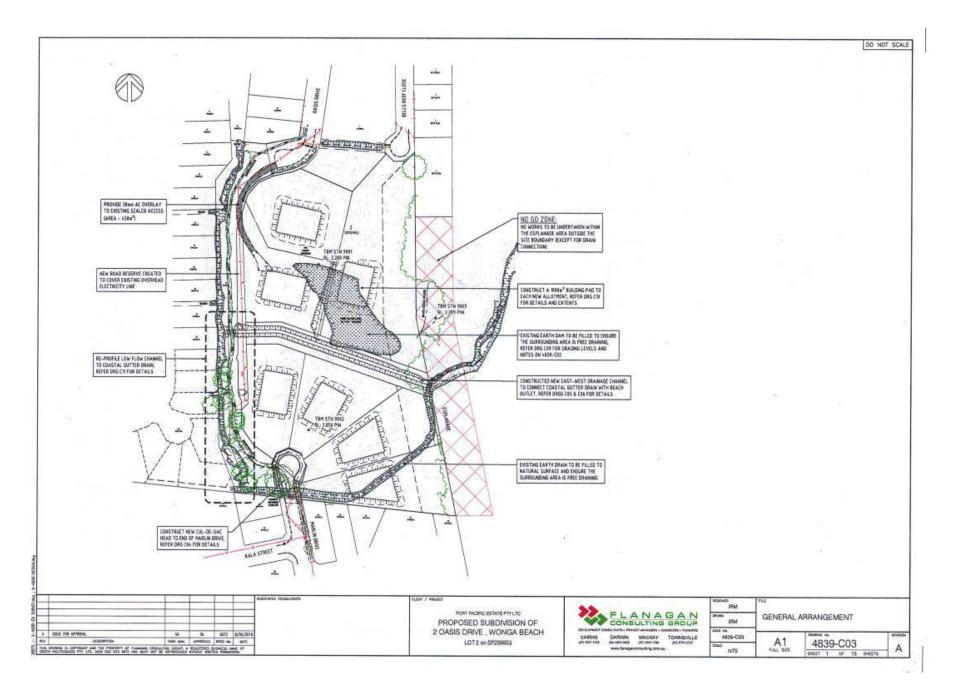
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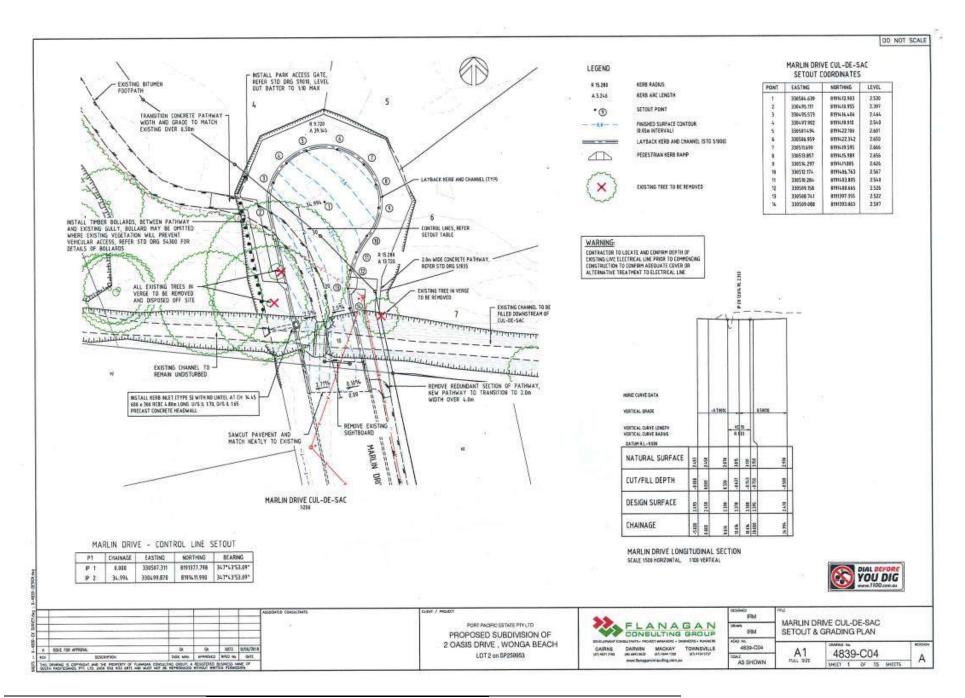
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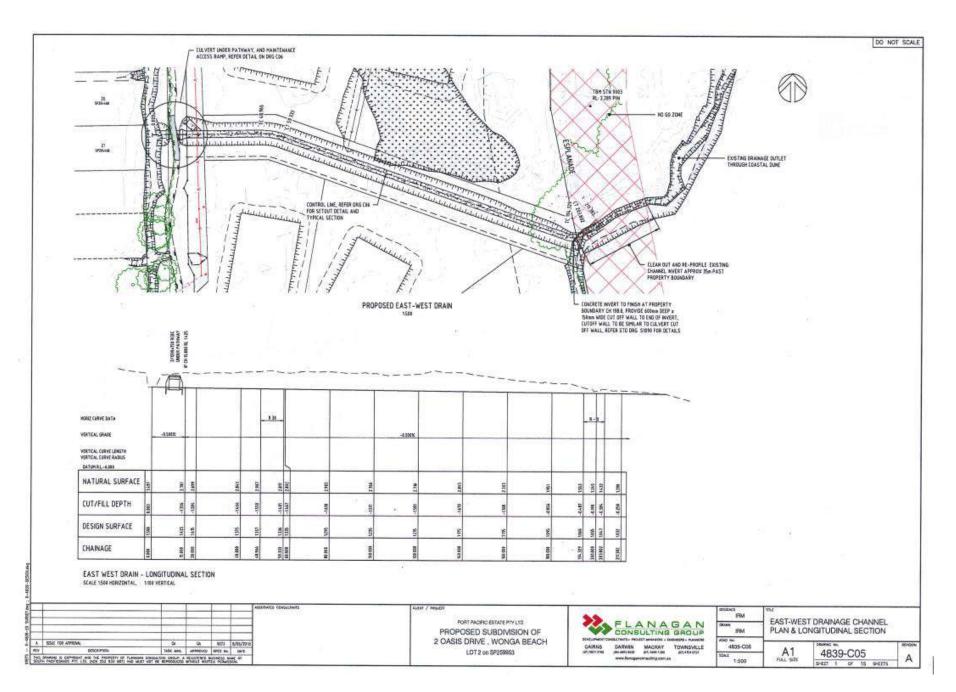
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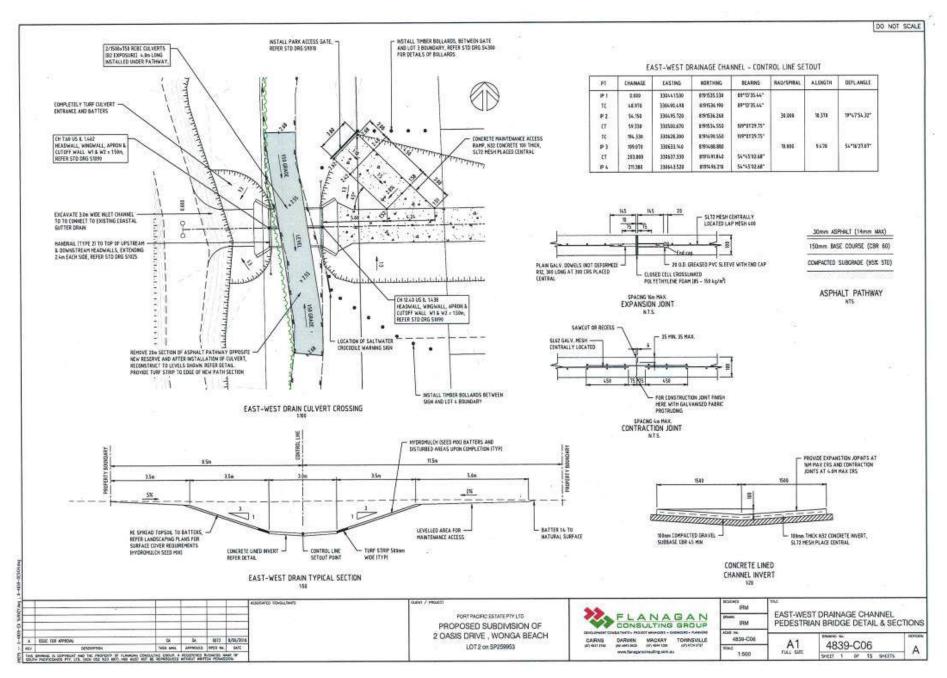
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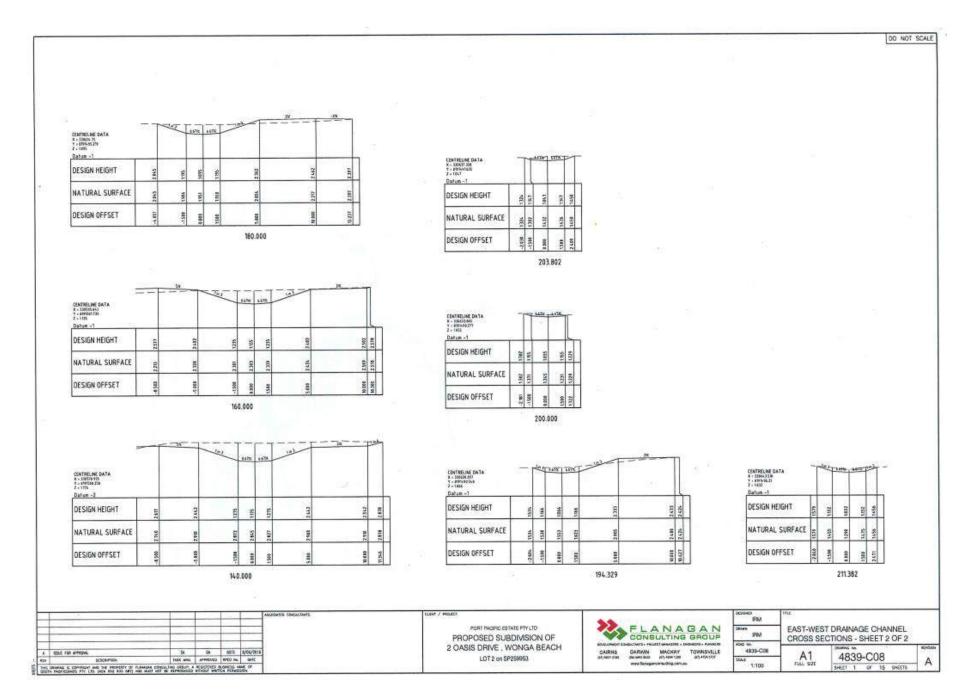




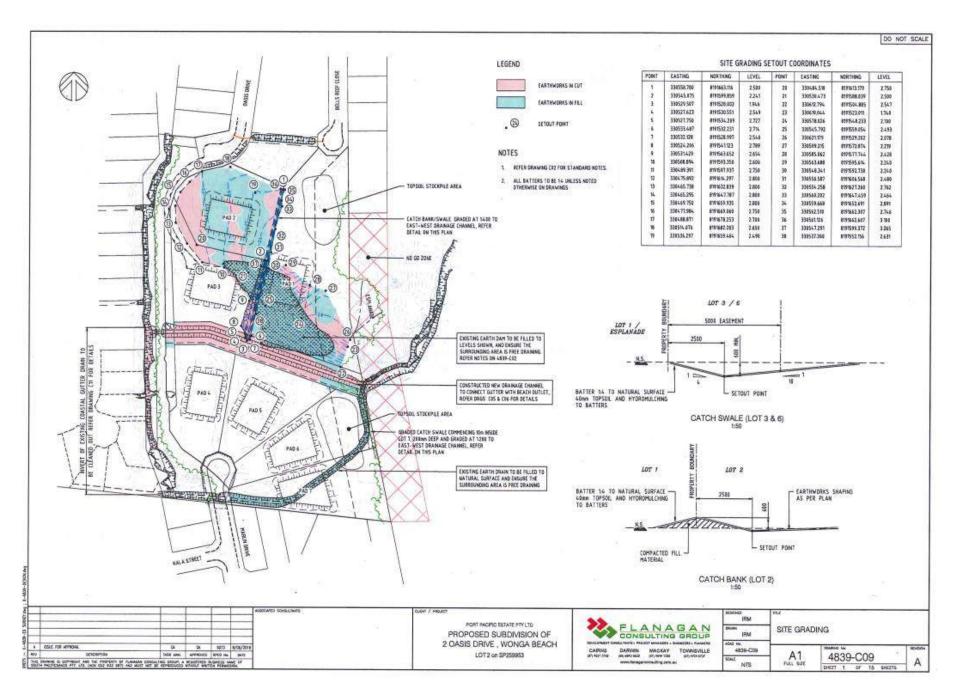


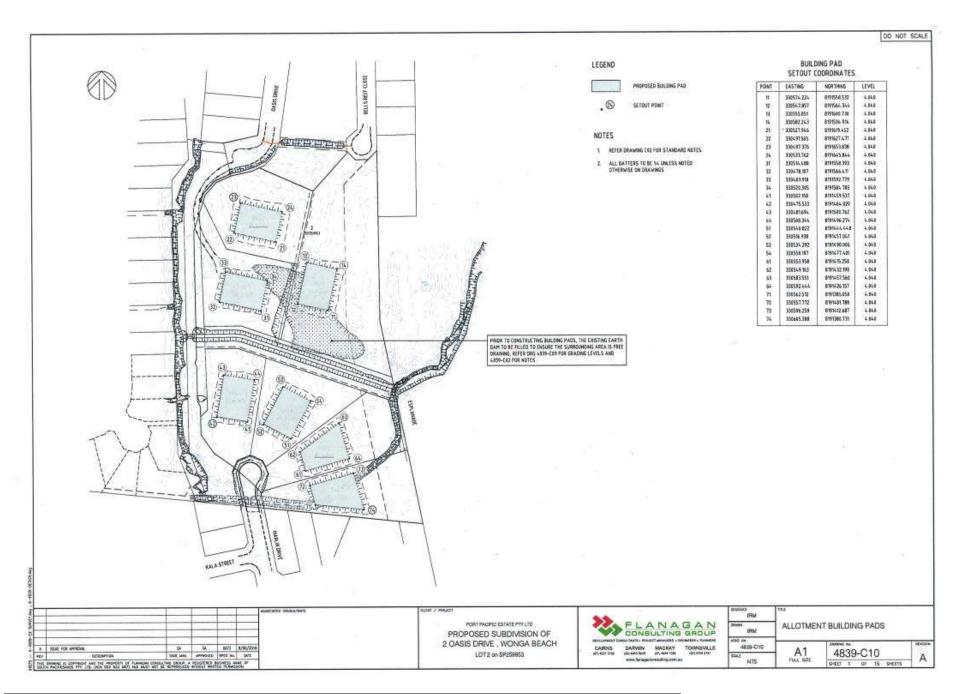




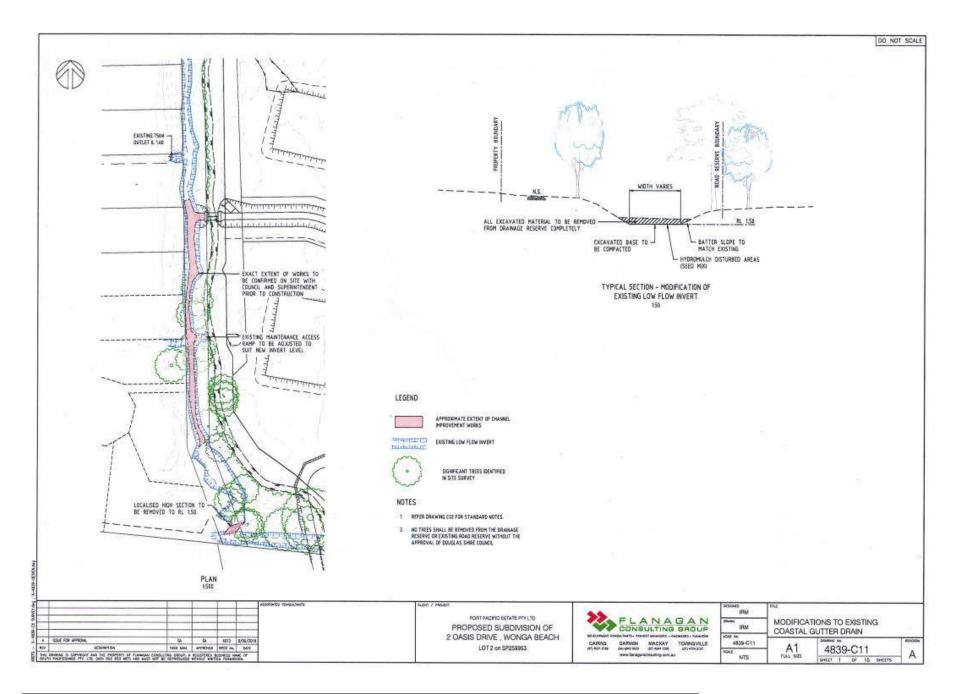


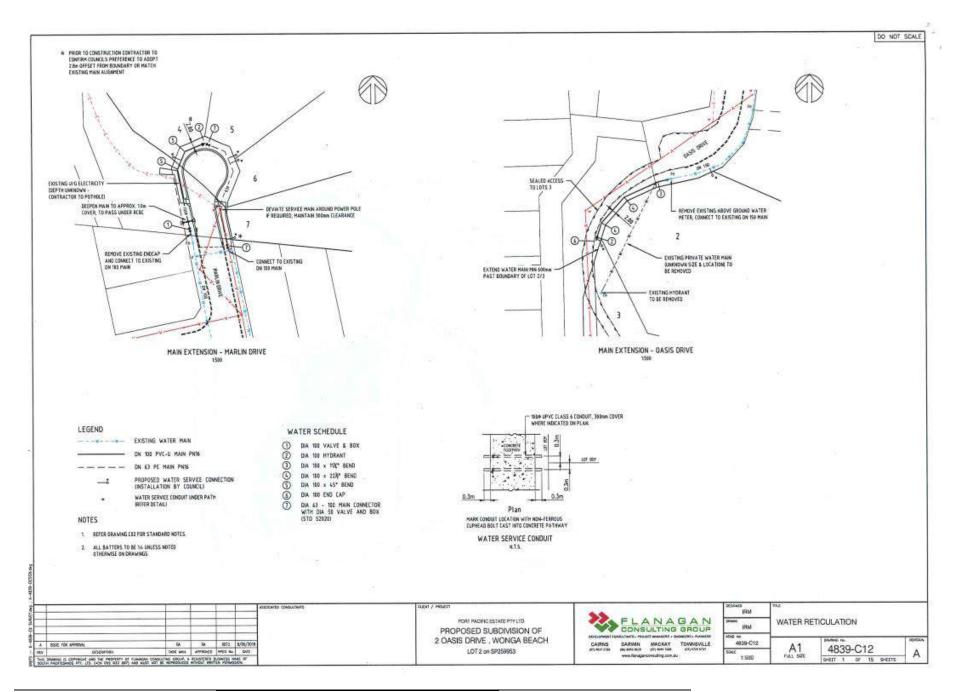
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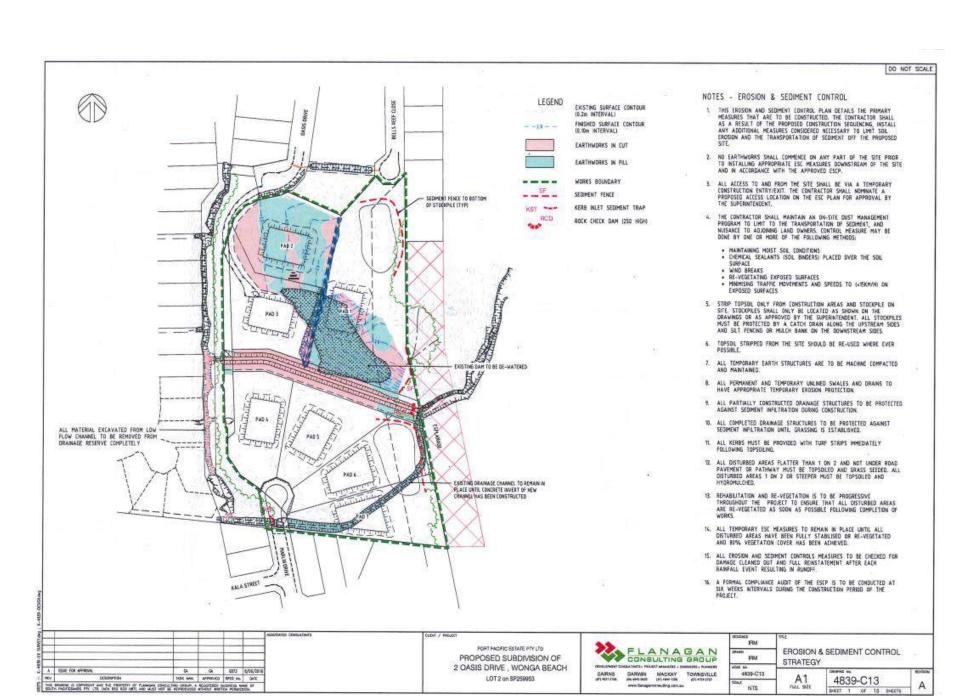




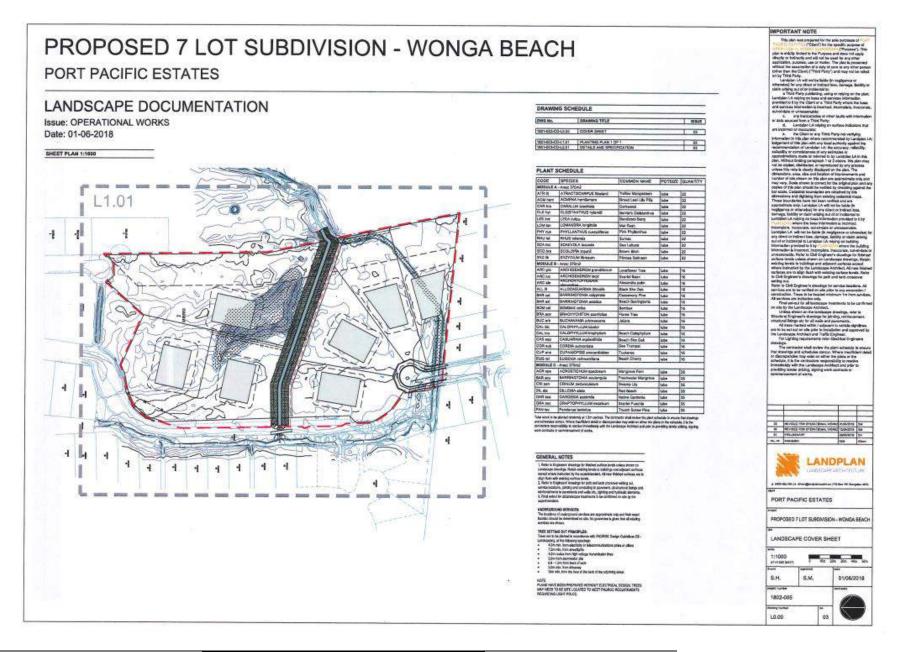
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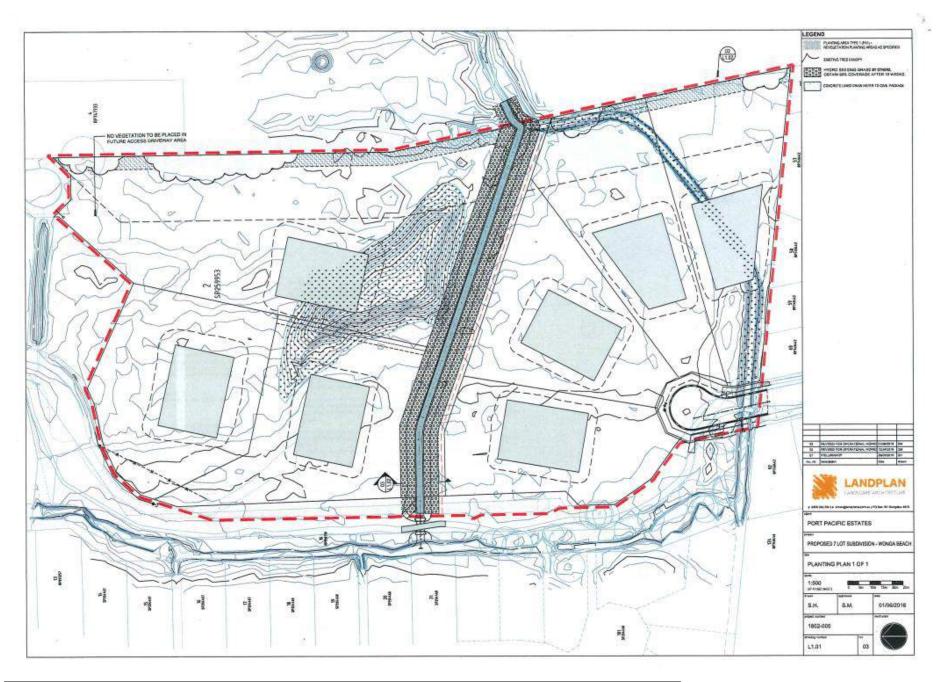




Landscape Plans



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SPECIFICATIONS SCOPE OF WORK Trimming of areas to be landscaped; Removal of deleterious material: Supply and spreading of additives; Supply and installation of imported topsoil; Supply and installation of mulch; Planting; and Maintenance. WORKS BY OTHERS All hard pavement Retaining walls All fencing types Subsoil drainage **EARTHWORKS**

The work includes the organisation for and supply of all relevant labour, materials, plant and equipment as required to execute the works.

- The scape of work includes but is not limited to the following:

Earthworks shall involve the removal of existing compacted material, the cultivation of subsoil, the supply and mixing in of additives, the supply and spreading of topsoil and the fine grading of such soil and existing soil profiles to all landscaped areas to form the finished levels and profiles. Finished surfaces shall finish flush with adjacent surfaces.

Eradicate all weeds using environmentally acceptable methods, such as non-residual glyphosate herbicide in any of its registered formuse, at the recommended maximum rate.

Maintain all areas in a weed free state for the duration of the contract and Plant Establishment

periods. Cultivation Excavate and remove from site compacted fill resulting from the building works. Cuttivate all planting and turf areas to a depth of 150mm and place 100g/m2 of Blood and Bone and 100g/m2.

IMPORTED TOPSOIL (FOR PLANTING)

import and spread premium topsell mix. Soil shall be free of weeds, slicks, rocks and other deleterious matter. Imported topsoil is to comply with AS4419.

MULCH

Mulch to be spread evenly across all planting areas. Mulch to planting areas shall be approved malatiness multi-free of soil, stores, weeks, notice to parety afters are set a sproone authorises multi-free of soil, stores, weeks, notices or any other deletefous malerals. Spread multi-to spared need areas to a deposit of Tome, to finish 20mm below adjacent surfaces. Keep multi-disar of plant stems. Spread multi-free lowering parety and watering in. Avoid mining of soil and mulch materials. Do not use recycled garden mulch. Mulch to comply with AS4454.

HYDRO MULCH Material: Hydromulch in accordance with FNQROC S8.05specification Application: apply mulch to batters prior to turling Localion: Swale Batters

PLANTING AREAS

Pinished soil depth to all garden areas shall be 300mm crowned towards centre of bads ensuring positive falls to drainage structures. Use "Agriform" 10g fertilizer tablets (or approved equivalent) to base of all plant root balls at manufacturer's recommended rate.

PLANTS

Provide plants with the following characteristics:

- Large healthy root systems, with no evidence of root curt, restriction or damage;
 Vigorous well-established stock free from posts and diseases, of good form consistent with
- the pot size, species or variety:
- Hardened off, not soft or forced, and suitable for planting in the natural climatic conditions

prevailing at the site.

Label at least one plant from each species in a batch with a durable, readable tag. Plant stock immediately after it is delivered to site. For all plant stock excesses a hole twice the diameter of the reciball and at least 200mm deeper than the reciball. Loosen compacted sides and base of holes to prevent confinement of root growth. Fill all holes to half deep with water in advance of planting, allowing time for water to soak away. After planting, till hole with amended/imported soils.

STAKES AND TIES

AE 45i, stock and larger are to be staked and tied.

GRASS AREAS

Rofer Civil Engineers Specifications.

SWALE TURF STRIP

Extent of furf limited to areas disturbed by building construction and shall be cultivated to 150mm

depts. Mix 1 kg/m2 'Terra Firma Organic Life' to topsoil. Turf shall be Broad Leaf Buffelo - Azonopus

Carry out fine grading of Improved soil to all landscaped areas to form finished levels with fails to edges or kerbs as required, to ensure drainage of surface water to the street.

CONDUITS

The contractor is responsible for co-ordination with the building contractor to ensure that conduits under grogosed paved or concreted areas have been installed. Conduits for impation surposes shall be 90mm PVC pipe - top risk, 250mm below finished surface levels.

PLANTING ESTABLISHMENT

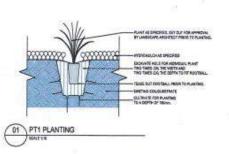
Establish and maintain the works for a period of thirleen (13) weeks from the Date of Practical Completion.

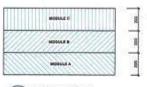
Establishment shall include the care of the contract areas by accepted horticultural practices, as consideration with a middle risk can be considerated by succession extraction profiles, as well as modifying any objects that become apparent in the warks under normal "use". This shall include, but not be limited to, the following works:

Repair another replaces way deflects due to fellure andier inferior quality materials and/or include the migration of the consideration of the cons

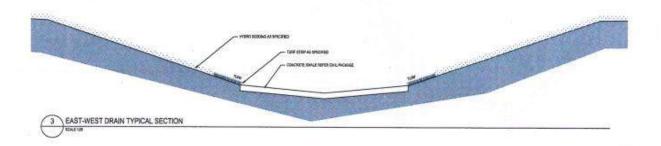
- Replace plants that have failed and/or have been damaged or died;
- Weed and pest control:
- Maintain all landscape areas in a neat and tidy condition at all times;
- Muintain fertilising and pruning as required; Check and adjust levels to attain those specified by addition or removal of mulch another tenseli.

All planted beds are to be weeded to maintain same in a grass and weed free environment. Carry out any other work that is specified or is necessary to establish the landscape works in a first class











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PART 1B—STANDARD CONDITIONS

General

- 1. The proposed works are permitted subject to any alterations:
 - a. found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements and.
 - b. to ensure the works comply in all respects with the requirements of the *FNQROC Development Manual* and good engineering practice; and
 - c. to comply with project specific conditions and the following standard conditions of approval.

All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

- 2. The conditions of any Reconfiguration of Lot or Material Change of Use permits applicable to the subject lot or lots shall be complied with in conjunction with this development permit.
- Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- 4. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.
- 5. If in fact there are errors, omissions or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.
- 6. Work and or Technical Documents identified within these Development Approval Conditions require Council approval prior to granting Early Plan Sealing or Plan Sealing of a Subdivision Plan or the issue of a Works Acceptance Certificate, whichever occurs first.

Timing of Effect

7. The conditions of this development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval, or at Council's discretion.

Easement Documentation

8. Easement documents are to be submitted to Council's solicitors for checking in accordance with the conditions of the Reconfiguration Development Permit. Contact Council for current nominated solicitors details.

Portable Long Service Leave Notification

9. As per the QLeave – Building and Construction Industry Authority Guidelines, if the works are over \$150 000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to commencement of work.

Construction Security Bond

10. Lodgement of Construction Security Bond as per the *FNQROC Development Manual*, Section CP1.07, (ie, five (5) per cent of the value of the works) is required, prior to commencement of work. The bond shall be in favour of Council and in the format of cash or an unconditional bank guarantee, which must cover all aspects of the construction and have no termination date.

Third Party Agreement

11. The developer must obtain written agreement from third parties and/or Referral Agencies for any works proposed on adjacent properties. The agreement(s) must be provided prior to the associated works commencing on site. All agreements must be available for Council scrutiny, upon request.

Commencement of Works

12. Council is to receive written Notice of Intention to Commence Works and all matters relevant to the Pre-Start meeting are to be attended to in accordance with Section CP1.07, CP1.08 and Section CP1.09, of the *FNQROC Development Manual*.

Hours of Work

- 13. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - a. 7:00 am to 6:00 pm, Monday to Friday;
 - b. 7:00 am to 1:00 pm, Saturdays; and
 - no work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Public Notification of the Works

- 14. The developer or the nominated representative must provide:
 - a. Public notification of the development in local newspapers in accordance with Section CP1.11 of the *FNQROC Development Manual*.
 - b. Signage identifying the location of the project, general allotment layout, contact numbers (including out-of-office hours emergency numbers) must be provided at all entrance points to the development. All signage must be appropriately positioned, prior to the commencement of any works on the site.

Site Inspections

15. Council requires a number of major inspections to be completed as Witness and Hold Points for Consulting Engineers and Council officers during the construction of the works. Inspections undertaken during construction shall be in accordance with Section CP1.16 (Inspection and Testing) of the *FNQROC Development Manual*. These Witness and Hold points are to be included in the contractors Inspection and Test Plan (ITP) and be made available for inspection, prior to the commencement of any works on the site.

Soil and Water Management

- 16. All works must be in accordance with Section CP1.13 and D5 of the *FNQROC Development Manual*, and must comply with the following:
 - a. A copy of the contractor's Erosion and Sediment Control (ESC) Plan is to be submitted to Council and endorsed by the Consulting Engineer, prior to commencement of any works. In particular, the ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress.
 - b. Any dewatering activities will require approval from Council's Environmental Protection Unit, telephone number 07 4099 9475 and a valid permit obtained prior to commencement.
 - c. During the construction period, the Consulting Engineer shall randomly audit and inspect ESC measures for compliance with the Engineer endorsed contractor's ESC Plan, derived from the Engineer's ESC Strategy (As per *FNQROC Development Manual* CP1 Appendix A).
 - d. It is the contractor's responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments shall be approved by the Engineer and presented to Council.
 - e. The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.
 - f. The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.

Street Lighting

- 17. The provision of street lighting is to be in accordance with the *FNQROC Development Manual* D8 and designed to comply with the Road Lighting Standard AS/NZS 1158, a compliance certificate that has been certified by an appropriate Registered Professional Engineer of Queensland (RPEQ) must be provided to demonstrate the lighting design complies to the requirements of the Road Lighting Standard AS/NZS 1158. New street lighting is to be erected as a Rate 2 public lighting installation, Rate 1 will only be considered where an overhead electricity reticulation exists:
 - a. Lighting columns, luminaires and lamps are to be of a type specified in Ergon Energy's *Lighting Construction Manual*, unless approved otherwise by Council.
 - b. The applicable lighting category for roads associated with this project having a road hierarchy of residential access and above is identified in Table D8.1 of the FNQROC Development Manual.
 - c. Local Area Traffic Management (LATM) devices including roundabouts, must be provided with an illumination of not less than 3.5 Lux as specified in the Road Lighting Standard AS/NZS 1158.
 - d. Street lighting located adjacent to the development frontage must be located behind the kerb (usually a minimum of 820 mm from the invert of the kerb) and spaced to meet the required lighting category for the road.

Infrastructure Plans for Utility Services

18. Approved infrastructure plans for gas, electrical and telecommunications services must be endorsed by Council, prior to the commencement of associated works.

Landscaping General

- 19. Landscaping shall be provided in accordance with Part D9 and Part S8 of the *FNQROC Development Manual*, unless approved otherwise by Council.
- 20. The landscaping works must be constructed in accordance with the approved plans and conditions. The developer must seek approval in writing from the Council for any changes to the plan or the landscaping works on the site. This approval must be obtained prior to commencement of these works on site.
- 21. The landscape must be maintained in good order by the developer for at least three (3) months during the Works Acceptance period, and generally timed to coincide with the Final Works Acceptance Inspection, when all landscaping works must be in a condition suitable for Council to commence regular maintenance.

Trees

- 22. Any trees must be planted and staked in accordance with the *FNQROC Development Manual* drawing S4210, with root barriers installed such that they are just visible at the finished surface level. Note that where footpaths are to be provided, a root barrier must also be provided between the tree and the path. Root barriers must be installed and appropriate topsoil, level of compaction and drainage provided, as specified by the manufacturer.
- 23. Street tree planting locations must be in compliance with *FNQROC Development Manual* D9.07.6 'Alignment and placement of Street Trees'. Trees shall be positioned a minimum of:
 - a. 7.5 metres from streetlights:
 - b. two (2) metres from the inlet or outlet of stormwater pipes;
 - c, three (3) metres from any driveways;
 - d. ten (10) metres back from the apex of both boundaries of a corner lot;
 - e. 0.8 metres one (1) metres from the back of kerbs.
- 24. All trees must be watered directly after planting and prior to laying mulch. The mulch must be left clear of the trunk and be laid in accordance with *FNQROC Development Manual* drawing S4210 and S8.14, at a radius of 0.5 metre around the base of the tree and out to the back of kerb.
- 25. All trees must be of good vigour and health and must not be root-bound at the time of planting. They should be approximately 1.5 metres two (2) metres tall with well-established root and branch formation. Trees should have a clear dominant central leader.
- 26. A joint site inspection is to be held with Council officers and developer's representative to assess the general condition of any existing trees and shrubs within six (6) metres of any property boundary abutting the road reserve, or other Council land. If any dead, dying or dangerous trees are identified during the meeting, with the landowner's consent, they are to be removed to the satisfaction of Council officers, prior to the sealing of plans for the associated lot.
- 27. Any trees identified on drawings to be retained, are to be protected in accordance with approved plans. This must include, but is not limited to, the erection and continued maintenance of suitable

physical barrier(s) placed around the tree to protect the tree and the root system. Additional protection of tree trunks by the fixing of timber planks using wire loops is also required unless approved otherwise by Council. Any damage caused to nominated trees as a result of construction activity, will require inspection by Council and will require a specified number of suitable replacements trees of suitable maturity to be provided to replace the loss in amenity.

Verges

- 28. All verges are to be covered full-width with topsoil (AS 4419/Soils for Landscaping and Garden Use) to a depth of not less than 40 mm, lightly compacted and grassed in accordance with Council's Guidelines and Specifications.
- 29. Any island beds or any shrub beds must have a permanent irrigation system installed, which must be connected to the Douglas Water Network. An Application for a Water Service Connection must be presented to Douglas Water & Waste to facilitate the connection, and must include the installation of a flow meter and associated valves.
- 30. All water reticulation, including permanent irrigation systems, are to be identified in asconstructed plans which must be submitted to Council for approval prior to the Works Acceptance (On Maintenance) meeting for landscaping.

Structures and Retaining Walls

31. Separate building certification and/or structural certification is required for any works to alter existing structures, provide new structures or construct retaining walls that are over 900 mm high. Certification by a suitably qualified engineer must be provided, prior to opening the work site to the public.

The Location of Stormwater Quality Interception Devices (SQIDs)

32. Council must approve the location of any SQIDs prior to installation. They shall be positioned to allow for economic and efficient maintenance operations, and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access from the public road reserve to the SQID must remain unrestricted.

Sewer and Water

- 33. All water and sewerage works must be in accordance with Sections D6 and D7 of the *FNQROC Development Manual*, and must comply with the following:
 - a. Douglas Shire Council requires a minimum of five (5) working days notice of intention to commence water and sewerage related works. The notice shall be given to the Senior Plumbing Inspector at Douglas Shire Council either in writing, by telephone 07 4099 9479, fax 07 4098 2902 or email to enquiries@douglas.qld.gov.au prior to the commencement of works.
 - b. The developer shall be responsible for confirming the location of all existing sewer, water and utility service infrastructure prior to the commencement of works on site. Any permits necessary to alter/interfere with such services must be obtained prior to the commencement of work and be available for Council inspection if required.
 - c. Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Douglas Shire Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice.

Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.

d. All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of the FNQROC Development Manual. Works are to be certified as acceptable by Douglas Water & Waste, and any operating manuals etc be provided to Council, prior to making an application for the acceptance of the works.

Sewer

- 34. Douglas Water & Waste must be contacted to perform any direct connection to live sewer mains. Unless otherwise approved in writing, separate applications for approval on the prescribed forms shall be made to Douglas Water & Waste for each connection together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Douglas Shire Council's 'Application for Plumbing Works'.
 - a. Amended drawings in accordance with these conditions must be approved prior to the prestart meeting.
 - b. The Inspection and Test Plan (ITP) must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.
 - c. Where retaining walls are located within the zone of influence of a sewer the footings must be 1000 mm clear of the sewer and designed in accordance with the *Queensland Development Code*. Full design details and structural certification must be approved prior to commencement of works.
 - d. Minimum clearances between sewer mains and other services must be in accordance with the *Sewerage Code of Australia*. Clearances must be included on the long-section drawing.
 - e. Where a manhole is located in a batter, a flat area of 1.5 metres radius from the centre of the manhole must be provided. Where the manhole is located along a side or rear boundary and is on the 0.8 metre standard alignment then the flat area must be on at least three (3) sides.
 - f. Where an easement is required the property connection branch must be extended at least one (1) metre from the easement boundary.
 - g. House drains are to extend one (1) metre past the end of the driveway on hatchet blocks and 1.5 metres beyond the top of batters. An I.O. is to be provided at the downstream end of the house drain within one (1) metre of the boundary to delineate the end of the property connection branch.
 - h. As-constructed sewerage drawings must be approved prior to granting of Early Plan Sealing or Issue of a Works Acceptance Certificate whichever occurs first. The as-constructed submission is to include the 'Statement of Compliance As-constructed Documentation' and must be the final issue.

Water

35. Douglas Shire Council must be contacted to perform any direct connection to live water mains whether being as a permanent connection, a connection for irrigation purposes or for construction water. Unless otherwise approved in writing, separate applications on the prescribed forms shall

be made to Douglas Shire Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Douglas Shire Council's 'Application for a Water Service Connection'.

- a. Amended drawings in accordance with these conditions must be approved prior to the prestart meeting.
- b. The Inspection and Test Plan (ITP) must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.
- c. Minimum clearances between water mains and other services must be in accordance with the *Water Supply Code of Australia* in particular the minimum clearance between water mains and sewer mains must be 500 mm with the sewer under the water main.
- d. As-constructed water drawings must be approved prior to Issue of a Works Acceptance Certificate. The as-constructed submission is to include the 'Statement of Compliance As-constructed Documentation' and must be the final issue.

Roads and Footpaths

36. All works are to be designed and constructed in accordance with AS 1428.1-2001: 'Design for access and mobility' – General requirements for access – New building work, and associated standard AS/NZS 1428.4 2002, 'Design for Access and Mobility' – Tactile Indicators. The design is required to provide equal access for people with disability and include the provision of suitable ramps and landing areas and the installation of Tactile Ground Surface Indicators (TGSIs) where required.

Cultural Heritage

37. The Aboriginal Cultural Heritage Act 2003 (the Act) seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. The Act requires anyone carrying out an activity to exercise a Duty of Care. Guidelines have been produced to enable assessment of sites under the Act. These are available from Department of Environment Heritage Protection and can be downloaded from their website at www.ehp.qld.gov.au. The work identified in the project documentation is likely to require assessment of the site under the Act.

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, 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—
 - 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.

SCHEDULE 1 APPEALS

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—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
- (ii) the Plumbing and Drainage Act, part 4 or 5; or
- (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
- (i) a decision to give an infrastructure charges notice; or
- (j) the refusal, or deemed refusal, of a conversion application; or
- (k) a matter that, under another Act, may be appealed to the tribunal; or
- 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)—
 - 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.
- (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.

Extract of Schedule 1 of the Planning Act 2016

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

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.

(a) If a development permit that applied for the decision to give a promitmary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	e applicant The assessment If the appeal is about a concurrence agency's	A concurrence agency that is not a co-respondent	
referral response—the concurrence agency	If a chosen assessment manager is the respondent—the prescribed assessment manager		
			Any eligible advice agency for the application
			Any eligible submitter for the application

Table 2 Appeals to the P&E Court only

2. Eligible submitter appeals

An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—

- (a) any part of the development application for the development approval that required impact assessment; or
- (b) a variation request.

Column 1	Column 2	Column 3	Column 4 Co-respondent by election (if any)
Appellant	Respondent	Co-respondent (if any)	
 For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application 	For a development application—the assessment manager For a change application—the responsible entity	The applicant 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

An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or the change application, for the development approval, that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
 For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application 	For a development application—the assessment manager For a change application—the responsible entity	The applicant If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3 An eligible advice agency for the development application or change application			

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waiver the 20 day appeal period available under the *Planning Act 2016*