

20 January 2020

Enquiries: Daniel Lamond
Our Ref: OP 2019/ 3409 (936048)

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

Hannah Wilson and James King
C/- RECS Consulting Engineers
PO BOX 894
PORT DOUGLAS QLD 4877

Attention: Peter Dutailis

Dear Sir

**Operational Works for Earth Dam Construction at
141 Trezise Road, Mowbray**

Reference is made to the above development application. Please find attached the Decision Notice.

Please quote Council's application number OP 2019/ 3409 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 4099 9456.

Yours faithfully

Paul Hoyer
Manager Environment and Planning

encl.

- Decision Notice

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

Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Hannah Wilson and James King C/- RECS Consulting Engineers Pty Ltd
Postal Address: PO Box 894
PORT DOUGLAS QLD 4877

2. Location details

Street Address: 141 Trezise Road, Mowbray
Real Property Description: 7 GTP70025
Local Government Area: Douglas Shire Council

3. Details of proposed development

Operational Works (Earth Dam Construction)

4. Decision

Date of decision: 20 January 2020

Decision details: Development Permit

5. Approved plans and specifications

Plan	Reference	Date
General Arrangement	Plan by RECS Consulting Engineers, Project Number 106-2019, Drawing C01	25 November 2019

6. Conditions

This approval is subject to the conditions in Schedule 1 and the Standard Conditions at Schedule 2.

7. Further development permits

Not Applicable

8. Properly made submissions

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

9. Currency period for the approval

This development approval will lapse four (4) years from the date the approval takes effect.

10. 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 included in Schedule 2.

SCHEDULE 1 – CONDITIONS AND ADVICE

CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

1. Witness Points

The applicant and/ or contractor must call witness point inspections for the following stages of construction giving Council at least 24 hours notice:

- a. Set-out of the dam structure
- b. Subgrade and key construction
- c. Scrutiny of compaction test results
- d. Final trim and spillway treatment completion

To book witness point inspections, please call Council on 4099 9444 and request to schedule a witness point inspection with Pieter Kleinhans- Coordinator Civil Works.

2. Lawful Point of Discharge

Stormwater discharging from the spillway must achieve a lawful point of discharge such that it does not encroach into any neighbouring allotments.

3. Sediment and Erosion Control

Prepare an erosion and sediment control strategy in accordance with *D5 Stormwater Quality* from the FNQROC Development Manual. The Erosion and Sediment Control Strategy must be endorsed by the Chief Executive Officer prior to commencing works.

4. Statement of Compliance for Operational Works Design

Prior to commencement of construction, provide a completed Statement of Compliance (Appendix A-AP1 – 03/17) for the proposal.

5. Inspection and Test Plan

Prior to commencement of construction, provide an inspection test plan endorsed by the certifying RPEQ identifying;

- a. Element of work
- b. Tests and checks required
- c. Standard required to meet
- d. Frequency of testing
- e. Contractors responsibility
- f. Consulting engineers responsibility

The Consulting Engineer in undertaking Construction Inspections must:

- a. Allocate competent and experienced staff to site inspection and testing;
- b. Provide sufficient site presence, dependent on the contractor's progress and workmanship, in accordance with the ITP, to be reasonably satisfied that the works meet the design, specification and performance requirements.
- c. Inspect and confirm acceptability of works as complying with the design intent and in accordance with the Council's requirements prior to requesting a Council inspection.

6. Inspection and Test Plan

Prior to commencement of construction, provide an inspection test plan endorsed by the certifying RPEQ identifying;

7. Certification of Earth Wall Design

Prior to commencement of construction, provide a certificate from the designer which confirms that the design:

- a. adequately allows for the site conditions, applied loadings, and relevant material properties for all components of the design;
- b. ensures the structural integrity and serviceability of the wall for the nominated design life;
- c. AGS Form B declaration, (attached).

In addition to the AGS Declaration, The design documentation shall include the FNQROC Statement of Compliance and an RPEQ certified design report addressing the following:

- i. design calculations
- ii. construction drawings
- iii. construction specifications, including wall construction sequence
- iv. any particular requirements for ground and/or foundation improvement
- v. arrangements for monitoring the performance of the wall over the nominated period.

8. Certification of Earth Wall Construction

Prior to Commencement of Use, the contractor must provide Council with a report certified by the Contractor's RPEQ Geotechnical Engineer (or other suitably qualified RPEQ Engineer) who supervised the construction of the earth embankment wall. The report shall demonstrate that the wall has been appropriately constructed as per the Australian Standards and the Operational Works approved drawing and conditions and meets all design requirements.

9. Hours of Work

Construction work is permitted between the hours of 6:30am and 6:30pm Monday to Saturday. Construction work is not to occur on Sundays or Public Holidays.

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.dsdmip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.
3. It is recommended that the designer confirm the separation between the proposed mains and existing guard rail footings on the northern bridge approach is appropriate.

REASONS FOR DECISION

1. To ensure the proposed development meets the requirements of the relevant benchmarks from the 2018 Douglas Shire Planning Scheme and in particular, the requirements of the FNQROC Development Manual and relevant Australian Standards.

SCHEDULE 2- 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. 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.
3. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply unless the design is RPEQ certified. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.
4. 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.

Timing of Effect

5. The conditions of this development permit must be effected prior to construction commencing, except where specified otherwise in these conditions of approval, or at Council's discretion.

Construction Security Bond

6. 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.

Public Notification of the Works

7. The applicant must provide:
 - a. Signage identifying the location of the project, general proposal plan, 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.

Commencement of Works

8. Council is to receive written Notice of Intention to Commence Works.

SCHEDULE 3 – 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—
 - (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.

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
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (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.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

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

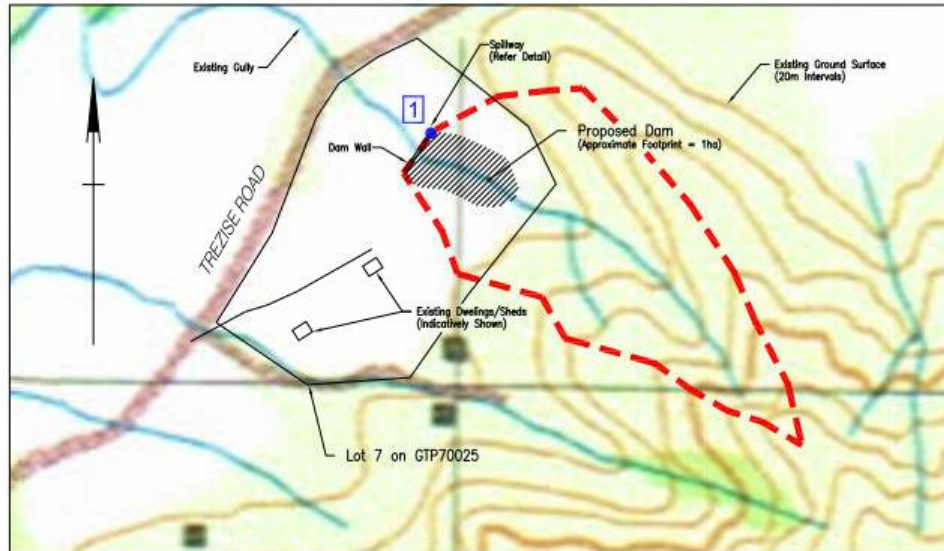
3. Eligible submitter and eligible advice agency appeals
 An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—
 (a) any part of the development application or the change application, for 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)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

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 waive the 20 day appeal period available under the *Planning Act 2016*.

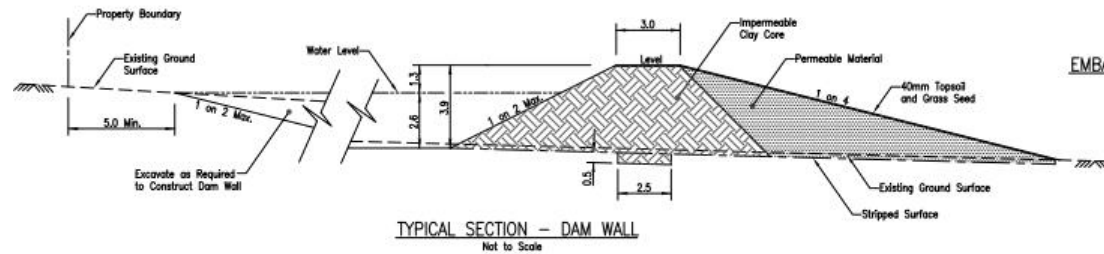
Approved Plans



CATCHMENT BOUNDARY

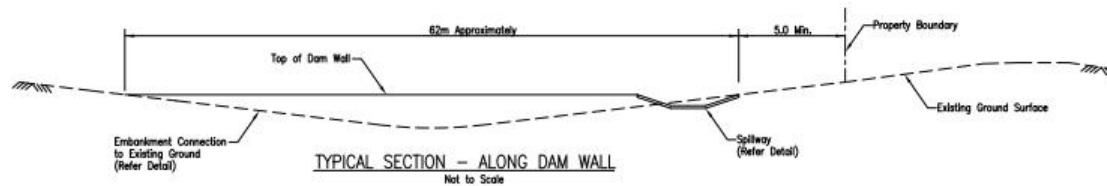
DRAINAGE CALCULATIONS

REFERENCE POINT	CATCHMENT AREA (ha)	TIME OF CONCENTRATION (Min)	RUNOFF COEFFICIENT (C _r)	RAINFALL INTENSITY (i _r , mm/hr)	FLOW (Q _r , m ³ /s)	RUNOFF COEFFICIENT (C ₁₀)	RAINFALL INTENSITY (i ₁₀ , mm/hr)	FLOW (Q ₁₀ , m ³ /s)	RUNOFF COEFFICIENT (C ₁₀₀)	RAINFALL INTENSITY (i ₁₀₀ , mm/hr)	FLOW (Q ₁₀₀ , m ³ /s)
1	9.0	15	0.76	89.81	1.70	0.76	153.34	2.90	1.0	220.51	5.50



TYPICAL SECTION - DAM WALL

Not to Scale



TYPICAL SECTION - ALONG DAM WALL

Not to Scale

NOTES - EROSION & SEDIMENT CONTROL

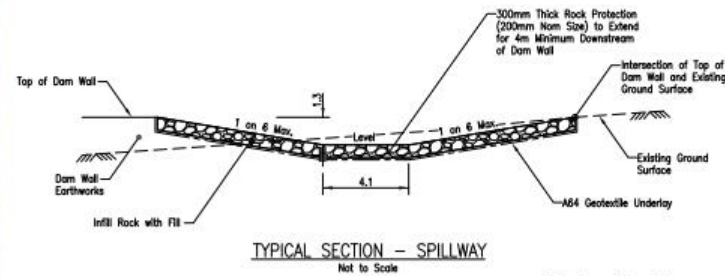
- All Sediment and Erosion Control Measures Shall be in Place Prior to Construction.
- Where Possible the Works are to be Programmed to be Constructed During Lower than Average Rainfall Periods.
- All Erosion and Sediment Control Measures Shall be Checked for Damage, Cleared Out and Reinstated After Each Rainfall Event.
- All Drainage Structures are to be Protected Against Sediment Infiltration During Construction.
- Silt Fencing is to be Erected on the Downstream Side of all Stockpiles and about the Construction Site as Detailed on this Drawing.
- All Temporary Erosion and Sediment Control Measures are to Remain in Place until all Areas have been Fully Revegetated.
- All Disturbed Areas are to be Topsoiled and Grass Seeded.

NOTES - GENERAL

- It is the Responsibility of the Contractor to Verify the Position of all Services on Site.
- All Works to be Constructed in Accordance with FNQROC Standard Specifications and Drawings, Unless Noted Otherwise.
- Spillway to Discharge Clear of Wall.

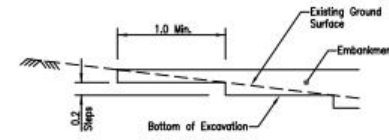
LEGEND

- Catchment Boundary
- Reference Point



TYPICAL SECTION - SPILLWAY

Not to Scale



EMBANKMENT CONNECTION TO EXISTING GROUND

Not to Scale

12.5 0 25 50m
1:400 FILL SIZE A1

NO.	REVISION FOR APPROVAL	DATE	DESCRIPTION / APPROVED BY	DATE	APPROVED

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 141 TREZISE RD MOWBRAY
 PO Box 894 QLD 4877
 Phone 07 4099210
 E Mail: info@reecs.net.au
 www.reecs.net.au
 REGD 3412

PROJECT: RURAL DAM
 141 TREZISE RD MOWBRAY

DESIGNED BY: HANNAH WILSON
 DRAWN BY: GENERAL ARRANGEMENT

SCALE: 1:400
 PROJECT NO: 106-2019
 DRAWING NO: C01
 SHEET NO: A