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

7 March 2024

Enquiries: Neil Beck

Our Ref: OP 2023_5438/1 (1208264)

Your Ref: 026-2201

Jonpa Pty Ltd C/- Neon Consulting 11 Rosemont Court MOOROOBOOL QLD 4870

Dear Sir

Development Application for Operational Works (Ocean Breeze Estate - Stages 3A2 and 3B) - Bayil Drive Bonnie Doon

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

Please quote Council's application number: OP 2023_5438/1 in all subsequent correspondence relating to this development application.

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 Council's representative Neil Beck on telephone number 07 4099 9451, 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:

1. 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.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

For

Paul Hoye

Manager Environment & Planning

encl.

- **Decision Notice**

 - Approved Drawing(s) and/or Document(s)Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Jonpa Pty Ltd

Postal Address: C/- Neon Consulting

11 Rosemont Court

MOOROOBOOL QLD 4870

Email: craig@consultneon.com.au or johnechivers@gmail.com

Property Details

Street Address: Bayil Drive BONNIE DOON

Real Property Description: LOT: 905 SP: 285536

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Operational Works (Stages 3A2 and 3B)

Decision

Date of Decision: 7 March 2024

Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

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

Title	Reference No.	Revision
Locality Plan & Drawing Index	026-2201-03-DRG-0101	Α
Project Notes	026-2201-03-DRG-0102	Α
General Arrangement	026-2201-03-DRG-0103	Α
Earthworks Plan	026-2201-03-DRG-0201	В
Earthworks Details – Sheet 1 of 2	026-2201-03-DRG-0202	В
Earthworks Details – Sheet 2 of 2	026-2201-03-DRG-0203	Α
Typical Sections & Details Sheet 1 of 2	026-2201-03-DRG-0301	В
Typical Sections & Details Sheet 2 of 2	026-2201-03-DRG-0302	Α
Intersection Details – Sheet 1 of 2	026-2201-03-DRG-0303	В

Intersection Details – Sheet 2 of 2	026-2201-03-DRG-0304	Α
Intersection Line Marking Details	026-2201-03-DRG-0305	Α
Stormwater Drainage Plan	026-2201-03-DRG-0401	В
Stormwater Drainage Longitudinal Sections -	026-2201-03-DRG-0402	Α
Sheet 1 of 2		
Stormwater Drainage Longitudinal Sections -	026-2201-03-DRG-0403	В
Sheet 2 of 2		
Stormwater Pit Details – Sheet 1 of 2	026-2201-03-DRG-0404	Α
Stormwater Pit Details – Sheet 2 of 2	026-2201-03-DRG-0405	Α
Sewerage Plan	026-2201-03-DRG-0501	В
Sewerage Longitudinal Sections – Sheet 1 of 2	026-2201-03-DRG-0502	Α
Sewerage Longitudinal Sections – Sheet 2 of 2	026-2201-03-DRG-0503	В
Water Reticulation	026-2201-03-DRG-0601	Α
Master Services Plan	026-2201-03-DRG-0801	Α
Road Longitudinal Sections	026-2201-03-DRG-0901	В
Road Cross Sections	026-2201-03-DRG-0902	В

EROSION AND SEDIMENT CONTROL DRAWING

The following drawing must form the basis of the Contractor's Erosion and Sediment Control Plan in accordance with the FNQROC Development Manual, Clause CP1.06.

Title					Drawing No.	Revision
Site	Based	Stormwater	Management	Plan -	026-2201-03-DRG-0701	В
Phas	se 1 – To	psoil Stripping	g			
Site	Based	Stormwater	Management	Plan -	026-2201-03-DRG-0702	В
Phas	Phase 2 Earthworks					
Site	Based	Stormwater	Management	Plan -	026-2201-03-DRG-0703	В
Phas	Phase 3 Roadworks					

Note – The plans referenced above may require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

- 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; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the lodgement for the signing and dating of the Survey Plan except where specified otherwise in these conditions of approval.

Existing Infrastructure Services

- 3. Prior to commencement of works on the twin 1050mm diameter RCPs crossing Cooya Beach Road, carry out potholing of services adjacent the proposed stormwater alignment to confirm works are outside the zone of influence of existing services to the satisfaction of the Chief Executive Officer.
 - Subject to service conflicts arising as a result of the twin 1050mm diameter RCPs crossing Cooya Beach Road, provide:

- Service Shutdown and Relocation Plan Water Reticulation detailing the location(s) of temporary isolation valve(s) to mitigate disruption to lots adjacent the development site; and
- Service Shutdown and Relocation Plan Electrical Supply detailing disconnection and relocation of the existing street light and underground residential distribution (URD) circuit.
- 4. Prior to the commencement of works on the twin 1050mm diameter RCPs crossing Cooya Beach Road, update the General Arrangement Plan (Neon Consulting drawing 026-2201-03-DRG-0103, Revision A) and Stormwater Longitudinal Sections (Neon Consulting drawings 026-2201-03-DRG-0403, Revision B; and 026-2201-03-DRG-0404, Revision A) to show the clearances and alignments of adjacent infrastructure services to the satisfaction of the Chief Executive Officer.

Stormwater

5. Prior to the Pre-Start Meeting, the Construction Contractor must prepare and submit the staging and construction methodology for the twin 1050mm diameter RCP culverts crossing Cooya Beach Road.

The Staging Plan must be provided to Council at least 7 days prior to the proposed start date, and must be approved by the Chief Executive Officer prior to works commencing on site.

A copy of the approved staging and construction methodology is to be accessible to all contractors on-site at all times.

- 6. Construct the following along the eastern site boundary generally as shown on Neon Consulting drawing 026-2201-03-DRG-0301 (Revision B) to the requirements and satisfaction of the Chief Executive Officer.
 - a. Subsoil drain:
 - b. Batter interface and batter grades must be inspected and confirmed on site with Council Officers prior to final trimming of the site earthworks; and
 - c. Suitable subsoil drainage outlet(s) must be provided through the Lot 7 retaining wall into the existing open drain to mitigate ground water pressure build up south from the wall across the former flow path.

All drainage works must be in accordance with the FNQROC Development Manual and to the requirement of the Queensland Urban Drainage Manual.

<u>Advice Note:</u> The Applicant is encouraged to liaise with the owners of existing allotments along the eastern boundary of the development site to confirm if filling of the eastern batter of the existing drain is an acceptable outcome for all parties to maximise the final surface form for the new lots in conjunction with agreed works in adjoining properties.

7. All stormwater from the land must be directed to a lawful point of discharge as per the approved plan(s) such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.

Footpath

8. Section A shown on Neon Consulting drawing 026-2201-03-DRG-0301 (Revision B) must be amended to provide a concrete pathway link for the full width of the corridor from Melaleuca Drive (between proposed Lot 16 and 17) to the road reserve boundary for Road F.

The updated detail is to be in accordance with FNQROC Development Manual D1 and Standard Drawing S1035 to the satisfaction of the Chief Executive Officer.

The amended drawing is to be provided for approval prior to the Pre-Start Meeting.

Water & Sewer Work

- 9. 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. Provide to Council confirmation of 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 infrastructure or services must be obtained prior to the commencement of work and be available for Council inspection if required;
 - Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Council prior to the commencement of the proposed works;
 - 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. Any direct connection to live gravity sewer mains up to and including manhole EX4/1 are to be performed under the direct supervision of Council's plumbing inspector. Any connection involving trunk infrastructure or sewer rising mains will require at least six (6) weeks' notice and submission of a work methodology statement to Council with the notice;
 - e. The Inspection and Test Plan 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;
 - f. Minimum clearances between sewer mains and other services must be in accordance with the clearance requirements in the FNQROC Development Manual;
 - g. Where an easement is required the property connection branch must be extended at least 1 metre from the easement boundary:
 - h. As-constructed sewerage drawings must be approved prior to 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:
 - i. 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 Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Council's "Application for a Water Service Connection or Application for a Commercial Water Service, Fire Hydrant or Subdivision Connection". Any connection involving trunk infrastructure will require at least six (6) weeks' notice;
 - j. Minimum clearances between water mains and other services must be in accordance with the clearance requirements in the FNQROC Development Manual in particular the minimum clearance between water mains and sewer mains must be 500mm with the sewer under the water main; and
 - k. 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.

Retaining Walls

10. Structural plans for all retaining walls are to be provided for Council's review prior to the Pre-Start Meeting.

The supporting information must include a Form 15 Certification from an appropriately qualified RPEQ Structural Engineer. The retaining walls must be approved by Council in writing prior to commencing works on these elements on-site.

The approved retaining walls must be completed and provided in accordance with the approved plans prior to the lodgement for the signing and dating of the Plan of Survey.

Earthworks

- All earthworks are to be completed generally in accordance with the approved plans by Neon Consulting, maintaining a free draining surface with no ponding of standing water resulting. 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.
- 12. Prior to the prestart meeting, the Contractor must provide a traffic management plan for hauling of materials to/from the development site in accordance with FNQROC construction Plan CP1.09.

Details must include how truck movements will be managed safely and with minimal disruption to road traffic including restriction on work in peak hours where appropriate.

The traffic management plan must be approved by Council prior to earthworks commencing on site.

Easement

13. Create an easement in favour of Council for the full width of the stormwater corridor from Cooya Beach Road to the western boundary of proposed Lot 6 as shown on the approved plans.

A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Resources in conjunction with the Plan of Survey.

Internal Works

14. Associated earthworks, landscaping and provision of infrastructure required under the approval must be completed and provided in accordance with the approved plans prior to the lodgement for the signing and dating of the Plan of Survey.

Landscaping

15. Prior to the Pre-Start Meeting, confirm the location of all existing trees along Cooya Beach Road fronting the development site and overlay these on the General Arrangement Plan noting any conflicts with proposed works.

Any measures required to protect existing trees are to be installed prior to the commencement of works and be maintained at all times to the satisfaction of the Chief Executive Officer.

Erosion & Sediment Control

16. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. ESCS measures nominated on CivilWalker drawing 230-005-C08 (Revision A) dated 13-02-2024 must be implemented prior to commencement of any earthworks.

Erosion and sediment control measures must be maintained at all times to the satisfaction of the Chief Executive Officer.

Road Condition Assessment

17. Prior to works acceptance, the Contractor is to prepare a road condition report identifying the condition of pavement infrastructure fronting the development site pre- and post-completion of works. The report is to identify relevant existing defects or problems with the roadway.

On completion of the works, the pavement infrastructure shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

Stockpiling and Transportation of Fill Material

18. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the Commencement of Works.

Transportation of fill or spoil to and from the site must not occur within:

- a. Peak traffic times: or
- b. Before 7:00am or after 6:00pm Monday to Friday; or
- c. Before 7:00am or after 1:00pm Saturdays; or
- d. On Sundays or Public Holidays.
- 19. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause nuisance to surrounding properties.

Storage of Machinery and Plant

20. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Notification of Vegetation Clearing

21. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Damage to Council Infrastructure

22. In the event that any part of Council's existing water, sewer or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost prior to the issue of a Works Acceptance Certificate.

Further Development Permits

Not applicable

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and 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*.

A copy of the relevant appeal provisions is attached.

RESIDENTIAL SUBDIVISION AT **OCEAN BREEZE ESTATE STAGES 3A2 & 3B**



DRAWING INDEX

DRAWING No.	DRAWING TITLE	
026-2201-03-DRG-0101	LOCALITY PLAN & DRAWING INDEX	
026-2201-03-DRG-0102	PROJECT NOTES	
026-2201-03-DRG-0103	GENERAL ARRANGEMENT	
026-2201-03-DRG-0201	EARTHWORKS PLAN	
026-2201-03-DRG-0202	EARTHWORKS DETAILS - SHEET 1 OF 2	
026-2201-03-DRG-0203	EARTHWORKS DETAILS - SHEET 2 OF 2	
026-2201-03-DRG-0301	TYPICAL SECTIONS AND DETAILS - SHEET 1 OF 2	
026-2201-03-DRG-0302	TYPICAL SECTIONS AND DETAILS - SHEET 2 OF 2	
026-2201-03-DRG-0303	INTERSECTION DETAILS - SHEET 1 OF 2	
026-2201-03-DRG-0304	INTERSECTION DETAILS - SHEET 2 OF 2	
026-2201-03-DRG-0305	INTERSECTION LINEWARKING DETAILS	
026-2201-03-DRG-0401	STORMWATER DRAINAGE PLAN	
026-2201-03-DRG-0402	STORMWATER DRAINAGE LONGITUDINAL SECTIONS - SHEET 1 OF 2	
026-2201-03-DRG-0403	STORMWATER DRAINAGE LONGITUDINAL SECTIONS - SHEET 2 OF 2	
026-2201-03-DRG-0404	STORMWATER PIT DETAILS - SHEET 1 OF 2	
026-2201-03-DRG-0405	STORMWATER PIT DETAILS - SHEET 2 OF 2	
026-2201-03-DRG-0501	SEWERAGE PLAN	
026-2201-03-DRG-0502	SEWERAGE LONGITUDINAL SECTIONS - SHEET 1 OF 2	
026-2201-03-DRG-0503	SEWERAGE LONGITUDINAL SECTIONS - SHEET 2 OF 2	
026-2201-03-DRG-0601	WATER RETICULATION	
026-2201-03-DRG-0701	SITE BASED STORMWATER MANAGEMENT PLAN - PHASE 1: TOPSOIL STRIPPING	
026-2201-03-DRG-0702	SITE BASED STORMWATER MANAGEMENT PLAN - PHASE 2: EARTHWORKS	
026-2201-03-DRG-0703	SITE BASED STORMWATER MANAGEMENT PLAN - PHASE 3: ROADWORKS	
026-2201-03-DRG-0801	MASTER SERVICES PLAN	
026-2201-03-DRG-0901	ROAD LONGITUDINAL SECTIONS	
026-2201-03-DRG-0902	ROAD CROSS SECTIONS	

FNQROC STANDARD DRAWINGS

DRAWING No.	DRAWING TITLE	
S1000 - S1110	ROADWORKS AND DRAINAGE	
S2000 - S2025	WATER	
S3000 - S3015	SEWERAGE	

INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA STANDARD DRAWINGS

DRAWING No.	DRAWING TITLE
D-0040	SEDIMENT CONTROL DEVICES - SEDIMENT FENCE, ENTRYIEXIT SEDIMENT TRAP
D-0041	SEDIMENT CONTROL DEVICES - KERB AND FIELD INLETS, CHECK DAMS & STRAW BALE BANKS





OCEAN BREEZE ESTATE - COOYA BEACH - STAGE 3A2 & 3B JONPA PTY LTD LOCALITY PLAN

026-2201-03-DRG-0101

GENERAL ARRANGEMENT

- G1. ALL WORKS ARE TO BE IN ACCORDANCE WITH THE PNORDC DEVELOPMENT MANUAL SPECIFICATIONS \$1 TO 58.
- GZ. CONTRACTOR TO PROVIDE PUBLIC NOTFICATION/SIGNS (REFER: PNORGC DEVELOPMENT MANUAL
- G3. CLEARED VEGETATION SHALL BE MULCHED ON SITE BY THE CONTRACTOR.
- GA. FOR KERB PROFILE DETAILS REFER PNORCC STD DRG S1000.
- GS. FOR KERB RAMP DETAILS REFER FINDROC STD DRG STOTS, KERB RAMPS ARE TO ALIGN DIRECTIONALLY WITH THE RAMP ON THE OPPOSING SIDE OF THE ROAD.
- DK. FOR STREET NAME POST DETAILS REFER FNORDC STD DRG S1040
- GT. FOR CONCRETE PATHWAY DETAILS REFER FINGROC STD DRG \$1035.
- GB. FOR CONCRETE DRIVEWAY DETAILS REFER PNORCC STD DRG \$1110.
- CO. FOR JOIN TO EXISTING ROADS REFER DETAIL ON DRIGHTSON.

EXISTING SERVICES

- EST. EXISTING SERVICES ARE PLOTTED FROM THE BEST INFORMATION. AVAILABLE, NO RESPONSIBILITY S TAKEN BY THE PRINCIPAL OR SUPERINTENDENT FOR THE ACCURACY AND COMPLETENESS OF
- ESC, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION THE CONTRACTOR IS TO ESTABLISH ON SITE THE EXACT POSITION OF ALL UNDERFORMAND SERVICES IN THE PRIVIOUS DRIVENS AREA. NETHICKS FOR ADMENTACE THE NUMBER HAS TO SEL UNITED TO. CONSELL TRACTOR THE CONTRACT DRIVINGS. CONSELL TRACTOR THE PRE-EXEMINATION SERVICE AUTHORITIES. COMPRESSIONS OF SERVICES AND PRICE OF THE SERVICE AUTHORITIES. CONTRACTOR OF THE PRICE CONTRACTOR OF THE SERVICE AUTHORITIES. CONTRACTOR OF THE PRICE CONTRACTOR OF THE SERVICE AUTHORITIES. CONTRACTOR OF THE SERVICE AUTHORITIES OF THE SERVICE AUTHORITIES.

- THE ENDURUS THE POSITION OF ALL SERVICES WHICH MAY BE AFFECTED BY THE PROPOSED WORKS UNDER THE DIRECTION OF THE RELEVANT SERVICE AUTHORITY.
- ESS. THE CONTRACTOR IS TO BRING TO THE SUPERINTENDENT'S ATTENTION ANY DISCREPANCIES BETWEEN THE EXISTING SERVICES THUS DENTIFIED AND DOCUMENTED SERVICES WHICH MIGH AFFECT. THE PROPOSED WORKS. APPROPRIATE MEASURES TO RESOLVE, ANY CONFLICTS WILL BE DOCUMENTED BY THE SUPERINTENDENT.

- UCI. PRIOR TO THE REMOVAL OF ANY TREE. AN INSPECTION MUST BE CARRIED OUT OF ANY SIGNS OF ROTECTED WILDLIFE INCLUDING NESTS AND ANIMAL HABITATS. SHOULD ANY RECENT WILDLIFE ACTIVITY BE IDENTIFIED, REMOVAL OF THE TREE BUIST NOT COCURUNTIL THE AVABAL HAS VACATED THE AREA OF BAMEDIATE BOAKCER. IF THE ARMANAL DOES BOY MOVE FROM THE AREA OF DANGER, THE OLDERISLAND PARKS AND WILDLIFE BUIST BE CONTACTED FOR ADVICE.
- VC2. COUNCIL MUST BE NOTIFIED TWO DAYS PRICE TO THE PROPOSED DATE OF COMMENCEMENT O JANY APPROVED VEGETATION CLEARING TO FACILITATE COMMUNITY AWARENESS OF SUCH WO
- VC3. YEGETATION TO BE RETAINED MUST BE ADEQUATELY DEFINED BY FENCING, FLAGGING OF BARRIER MESH FOR PROTECTION PURPOSES PRIOR TO CONSTRUCTION COMMENCING ON SITE.
- VCA. A MINIMUM 211 WIDE BUFFER SHALL BE PROVIDED AROUND THE VEGETATION TO BE RETAINED. THIS BUFFER MUST CONSIST OF SUTABLE FENCING, FLACQUIC OR BARRIER MESH TO ENGURE THAT MACHINERY, EDURMENT OR CONSTRUCTION MATERIALS ARE NOT STORED OR USED WITHIN THIS AREA. THIS BUFFER IS TO BE ESTABLISHED PROOF TO THE COMMENCEMENT OF ANY WORKS. ON SITE AND MUST BE MAINTAINED AT ALL TIMES FOR THE DURATION OF CONSTRUCTION.
- VCS. CLEARED VEGETATION TO BE MULCHED AND SPREAD OVER THE CLEARED AREA FOR EROSION AND SEDIMENT CONTROL OR LANDSCAPING PURPOSES.

- E1. ALL BATTERS TO ROAD FRONTAGES OF LOTS ARE 1 ON 4 OR FLATTER. ALL OTHER BATTERS ARE 1.
- EZ. UPON COMPLETION ALL BATTERS STEEPER THAN 1 IN 2 AND HIGHER THAN 1 5th SHALL REQUIRE CERTIFICATION BY A GEOTECHNICAL ENGINEER.
- E3. BATTERS TO BE ADJUSTED LOCALLY AROUND SEWER MANHOLES. REFER DRG-0501 FOR DETAILS.

INTERSECTION DETAILS

- IT. ALL KERB SETOUT DETAILS REFER TO THE LIP OF KERB AND CHANNEL OR FACE OF KERB, AS
- IZ. KERB RAMPS TO BE INSTALLED DIRECTIONALLY IN LINE WITH THE OPPOSING KERB RAMP.
- III. ALL TRAFFIC SIGNS AND PAVENENT WARKING TO BE IN ACCORDANCE WITH T.M.R. MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES: PARTS 1-15
- H. ALL REQULATORY, WARNING AND HAZARD SIGNS TO BE SIZE A UNLESS NOTED OTHERWISE
- NEW LINEMARKING WORKS TO BE 2 COAT APPLICATION OF WATERBORNE PAINT AS PER DTHIR STANDARDS (MITTER CLAUSE 6.1.2)

DT. FOR STANDARD STORMWATER DRAINAGE DETAILS REFER FNORDC STD. DRGS. \$1045-\$1100 INCLUSIVE.

- DZ. THE CONTRACTOR IS TO LOCATE ALL EXISTING SERVICES IN THE WORKS AREA PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. FOR NOTES REGARDING EXISTING SERVICES REFER
- DA. PRIOR TO COMMENCEMENT OF PIPEWORK, THE CONTRACTOR IS TO CONFRIM THE INVERT LEVEL. OF CONNETTREAM DRAINAGE TO ENSURE THE STORMINATER SYSTEM CAN DRAIN SATISFACTORILY REFER ANY DISCREPANCY TO THE SUPERINTENDENT.
- DS. CCTV INSPECTIONS ARE TO BE CONDUCTED FOR ALL NEW STORMMATER PIPES FOR COUNCIL
- DI. ALL STORMMATER PIPES SHALL BE EITHER REINFORCED CONCRETE PIPE (RCP) OR POLYPROPOLISHE (PIP), RCP (PIPES SHALL BE CLASS 2 FJ UNLESS NOTED OTHERWISE. PP (PIPES SHALL BE BLACKMAX OR STORMING, REFER DRG-0001 FOR IPP BEDDING DETAILS. CONCRETE MIPES BELOW RL 1.80 ARE TO HAVE SALTWATER COVER TO REINFORCEMENT.
- D7. PRIOR TO DROERING THE GPT. THE CONTRACTOR SHALL CONFRM THE FINISHED SURFACE LEVEL TAKING INTO ACCOUNT VERGE CROSS FALL AND ADVISE THE SUPERINTENDENT OF ANY
- DB. WHERE ANY PART OF THE STORMWATER PIT IS BELOW RL 1.80 THE CONCRETE GRADE AND COVER TO REINFORCEMENT SHALL BE IN ACCORDANCE WITH FINGRIC REQUIREMENTS.

- \$1. ALL SEWER PIPES SHALL BE 1900 JPVC CLASS 'S.N.S.' JUNIO').
- 52. FOR STANDARD DETAILS OF SEWER MAINS, ETC. REFER PNORCC STD. DRGS. \$3000 TO \$3015.
- 53. ALL WORKS ARE TO BE IN ACCORDANCE WITH PNOROC DEVELOPMENT MANUAL SPECIFICATION 56.
- S4. CONNECTIONS TO EXISTING COUNCIL MAINS TO BE MADE BY COUNCIL
- 55. CCTV INSPECTIONS ARE TO BE CONDUCTED FOR ALL NEW SEWERS FOR COUNCIL ASSESSMENT
- 58. MANHOLES ADJACENT ROAD BOUNDARIES SHALL BE ON A 1.5m ALXIMMENT U.N.O. MANHOLES ADJACENT SIDE AND REAR BOUNDARIES SHALL BE ON A 0.8m ALIGNMENT U.N.O.
- 57 SEVIER MANHOLES SHALL BE FINISHED SONN MAX ABOVE FINISHED SURFACE LEVEL IN ALLOTMENTS AND FLUSH IN ROAD RESERVES.
- SI. HOUSE DRAINS ARE TO EXTEND 15th CLEAR OF ANY EARTHWORKS BATTER THAT IS STEEPER THAN TION 2 AND OVER 1.5H HIGH, AN INSPECTION OPENING IS TO BE PROVIDED AT THE DOWNSTREAM END OF ANY EXTENDED HOUSE DRAIN.
- SIL. ALL VERTICAL DROPS SHALL BE CONSTRUCTED USING FIBREGLASS HEAVY DUTY DEEP SEWER
- 519. STAINLESS STEEL WYE JUNCTION TO BE USED FOR HOUSE CONNECTION BRANCHES TO EXISTING LINES, IF REQUIRED.

WATER

- W1. ALL WATER MAINS ARE ON A 2 5th ALICAMENT FROM BOUNDARY U.N.O.
- W2. FOR STANDARD DETAILS REFER PNORCO, STO. DRGS. \$2000 TO \$2005 INCLUSIVE.
- WIS. ALL WORKS ARE TO BE IN ACCORDANCE WITH PROPOCIDEVELOPMENT MANUAL SPECIFICATION 55.
- W4. CONNECTIONS TO EXISTING COUNCIL MAINS TO BE WADE BY COUNCIL AND REQUIRE 30 DAYS
- WS. PROVIDE SOME PVC-U CLASS 6 CONDUIT UNDER CONCRETE FOOTPATH FOR WATER SERVICES AS PER PRODUCE STD DRG 52008, FINAL LOCATION OF CONDUITS TO BE CONFIRMED ONCE ERGON PILLAR BOX LOCATIONS ARE ANNUALISE.
- WB. ALL 63 OD PE 100 WATER MAINS LOCATED UNDER CONCRETE FOOTPATHS, DRIVEWAYS OR HARDSTANDS ARE TO HAVE A 100 DIA JPVC ENVELOPING PIPE.
- WIT. TEARDROP MARKERS AND BLUE RETRO REFLECTIVE MARKERS TO BE IN ACCORDANCE WITH FNORGC 57D DRG 52010 REVISION B.
- WIS. PROVIDE A COMPRESSIBLE LAYER BETWEEN ALL EXISTING AND PROPOSED HYDRANT OR VALVE
- WIN THRUST BLOCKS ARE TO BE INSTALLED AT VALVES IN ACCORDANCE WITH WISA STANDARD DRAWING

EROSION AND SEDIMENT CONTROL STRATEGY

- SCI. SEQUENCING OF CONTROL MEASURES

 IN BRITAL STABLE POINT OF ENTRY

 INSTALL STABLE POINT OF ENTRY

 INSTALL STABLE POINT OF ENTRY

 INSTALL STORMARKER PRIS

 INSTALL STORMA SIGNIFICANT RAIN EVENT. ERODED SOLD SHALL BE STOCKPILED AS DIRECTED.

- SCS. THE AMOUNT OF DISTURBANCE TO EXISTING VEGETATION BE KEPT TO A MINIMUM.
- SCI. EXACT LOCATION OF SEGMENT CONTROL STRUCTURES TO BE DETERMINED ON SITE BY COUNCIL
- SCA. STOCKPILE LOCATIONS TO BE AGREED WITH COUNCIL & THE SUPERINTENDENT. STOCKPILES TO BE PROTECTED VIA DIVERSION DRAIN ON THE UPSLOPE & SILT FENCE ON THE DOWNSLOPE.
- SCS. RETURNS IN SLIT FENCE TO BE AT 28th INTERVALS WHEN INSTALLED ALCOND THE CONTIQUE.
 SPACING IS TO ECCENSE TO 5-10th EIRPHONIO ON SLOPE IF THE SLIT FENCE IS INSTALLED AT AN
 ANUAL IS TO THE CONTIQUE. THE RETURN SHALL CONSIST OF EITHERS.

 V-SHAPED SECTION EXTENDING AT LEAST 1.5th LIP THE SLOPE OR
- SANDBAG OR ROCKIAGGREGATE CHECK DAM A MINIMUM OF 1G AND MAXIMUM OF 1G FENCE HEIGHT, AND EXTENDING AT LEAST 1.5% UP THE SLOPE.
- SOIL STORMWATER PIPES TO HAVE PIT PROTECTION MEASURES AS DETAILED IN FNQROC
- SCT. ALL SETMENT CONTROL MEASURES TO BE IN ACCORDANCE WITH THE CONTRACTORS ESC PLAN.
- SCS. THE FOLLOWING REVEGETATION MEASURES ARE TO BE UNDERTAKEN IMMEDIATELY UPON
- COMPLETION OF EARTHWORKS.

 CUT & FILL BATTERS STEEPER THAN 1 IN 4 TO BE HYDROMULCHED.

 VERGES & ALLOTYWITS TO BE GRASS SEEDED.
- PLACE TURF STRIPS BEHIND ALL KERB LINES.
- SCS. REVEGETATION IS TO BE WATERED & MAINTAINED UNTIL GROWTH IS ESTABLISHED
- SCIS. CONTRACTOR MUST IMPLEMENT A SUITABLE DUST MANAGEMENT STRATEGY TO MINIMISE DUST NUISANCE ON ADJACENT PROPERTIES, DETAILS OF THE DUST MANAGEMENT STRATEGY TO BE INCORPORATED INTO BROSON AND SEDIMENT CONTRIOL STRATEGY.

- SCT1. REDMENT BASIN

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 REMOTE PROMISE SCIENCE BASINALED TO SHOW THE STORAGE DEPTH & SEGMENT BANKL BE
 REMOTE PROMISE MAN HARM STORAGE SCIENTIFIC SCIENCES & APPROPRIATELY CORPOSED

 ON STEEN PROSPRESIONS IN APPROPRIATE TOWNS CONTROL FLOWS.
- SC12: WATER QUALITY MONITORING SHOULD BE UNDERTAKEN DURING SIGNIFICANT RAINFALL EVENTS.
- SC13. DESIGN CRITERIA FOR CONTRACTOR'S EROSION & SEDIMENT CONTROL PLAN TO BE IN ACCORDANCE WITH SECTION OF 185 OF THE FNORGC DEVELOPMENT MANUAL

531. SURVEY, DATUM, LEVELS & SERVICES HAVE BEEN DERIVED FROM RPS CAD FILES. THE EXISTING SURVEYS AND AS-CONSTRUCTED STAGES.

552. DIGITAL CAD FILES OF THE CIVIL WORKS WILL BE PROVIDED FOR SETOUT PURPOSES.

ENVIRONMENTAL MANAGEMENT PLAN FOR POTENTIAL ACID SULFATE SOILS(PASS)

- AN ACID SULFATE SOIL INVESTIGATION OF THE SITE ICAB GROUP, SEPTEMBER 2003 INDICATES POTENTIAL ADD SULFATE SOLS (PASS) MAY OCCUR BELOW 0.5m AHD. THE INVESTIGATION COMPINED TO A MAXIMUM EXCAVATION DEPTH OF 4 4m AHD, ANY PROPOSED EXCAVATION WORKS BELOW -0.4METRES AND SHALL BE SUBJECT TO FURTHER INVESTIGATION PRIOR TO
- IN THE EVENT THAT SOLS WITH BASS OR ASS CHARACTERISTICS ARE DISTURBED AND REMAIN WHE EAST THAT DOLS WITH HAS DEAD CHARACTERISTIC ARE COTURED AND EXAMINATION OF SEPTIMENT OF SEPT
- LOWERDED BY ACTIVITIES SOUTH AS TEMPORATIVE DEMINATIONS, AND EMERGENT GROUNWATER MONITORING, AS A MINIMALMY HE CHART THE CHARTON FOR AND SLAFER CONCENTRATION SHOULD BE MONITORED FOR EACH AQUIFER. THIS ACTIVITY SHOULD BE CONTINUED SHOULD THE JH DODG BY GREATER THAN THIS HAY ON ECCURED SET WAS NOT THE CHARTON SUBJECTED PASS MATERIAL DISTURBED SHALL BE STOCKHLED SEPARATELY AND TESTED. URING HI FIELD CINCATION TESTS AND LIBORATORY ANALYSIS TO CONFIRM IF THE SOIL IS PASS. BUNDING. DIVERSION CHAINS, AND CONTAMINATED WATER TREATMENT IMPOUNDMENTS SHALL.
- IE USED TO CONTAIN RUN OFF FROM THE STORAGE AREA. TRIOR TO RELEASE, IMPOUNDED STORMMATER FROM THE BUNDED AREA WILL BE MONITORED. TO ENDURE ACCEPTABLE THEORY AND PERCENT AND PERCENT THE BURNEY WAS REPORTED TO ENDURE ACCEPTABLE THEORY AND PERCENT SOURS.
 (TSS) SOMGL AND PERCENT AND
- AS AN ALTERNATIVE TO LUMAN TREATMENT, PASS ANY DE BURED BELOW THE WAITER TABLE.

 HAWEVER, AND SCHULLA ADD BLATER DOS (MILK BECQUIRE PREPARALITION PROVIDED TO BURIAU
 LUNCHE THE WAITER TABLE.

 MANURAL THE DETERMINE SUPPROVINCED DIMANAGE STRUCTURES ABOVE ANY BURIDOUS CHARGE
 AND AS SETTLES AND IN THE SOLIC OF SHALLOW GASSED DEPORTS.

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- THE SITE. IF THE TECHNIQUES ARE FOUND TO BE SUITABLE. THE USE SHALL BE APPROVED IN WRITING BY THE EPA AND DERM PRIOR TO COMMENCEMENT OF CONSTRUCTION REMOVAL OF ANY NEUTRALISED PASS MATERIAL OFFSITE SHALL BE APPROVED BY THE CARRIS REGIONAL COUNCIL ENVIRONMENTAL PROTECTION AGENCY AND OR THE DEPARTMENT OF
- EARTHWORK CONTRACTORS (IF REQUIRED) SHALL BE BRIEFED IN RELATION TO THE IDENTIFICATION AND POTENTIAL ENVIRONMENTAL RISKS ASSOCIATED WITH PASS

PERFORMANCE INDICATORS
THE pH OF ANY OFF SITE DISCHARGE OR RUNOFF FROM ANY EXCAVATIONS BELOW 0.5m AHD OR STOCKPILED PASS SHALL BE WITHIN GASSIT GUIDELINES (8.0-8.5 pH UNITS) OR ABOVE BACKGROUND SURFACE BATER pH

VISUAL MONITORING SHOULD BE UNDERTAKEN TO IDENTIFY SIGNS OF ASS OXIDATION, INCLUDING RUST COLOURED DEPOSITS ON PLANTS AND ON BANKS OF DIRANS, MATER BODIES AND WATERCOURSES INDICATING FROM PRECEPTATES! AREAS OF GREEN BULLE WATER OR EXTREMELY CLEAR WATER INDICATING HIGH

CONCENTRATIONS OF DISSOLVED METALS IN SOLUTION:

SULFURIOUS SMELLS (EG. MANGROVE MUD SMELL).
FORMATION OF THE MINERAL JAROSITE AND OTHER ACIDIC SALTS IN EXPOSED OR EXCAVATED.

BLACK OR DODGEDUS WATERS INDICATING DE-DISYGENATION

LIMEXPLAINED SCALDING, DEGRADATION OR DEATH OF VEGETATION: UNEXPLAINED DEATH OR DISEASE IN AQUATIC DROWNSMS

A TRANSITION TO, OR ESTABLISHMENT OF, A COMMUNITY DOMINATED BY ACID TOLERANT INVASION OF A COMMUNITY OR AREA BY ACID TOLERANT SPECIES

CORROSION OF CONCRETE AND/OR STEEL STRUCTURES IN CONTACT WITH SOIL OR WATER-MONITORING THE pH OF SOIL AND RUNOFF, TO BE UNDERTAKEN AS REQUIRED

PESPONSELE PERSONORIZANISATION
THE EARTHWORK CONTRACTOR SHALL BE RESPONSELE FOR THE APPONTMENT OF SUITABLY
QUALIFED PROSCINES. TO UNDERLAND PASS TESTING OF ANY SUSPICIOUS SOLS AND ROUTINE
RENOTORING OF SITE RUNOFF AND STOCKNEED.

CORRECTIVE ACTION
BY THE EVENT THAT MONITORING INDICATES THE PRESENCE OF PASS OR ACTION RUMOFF,
APPLICATION OF ACREDICITURAL OR HYDRATED LINE (WATER) AT RATES APPROPRIATE TO
NEUTRALISE ACTION SOLS OR RUMOFF SHALL SE IMMEDIATELY UNDERTAKEN.



NEON

ENVIRONMENT AND RESOURCE MANAGEMENT

JONPA PTY LTD

OCEAN BREEZE ESTATE - COOYA BEACH - STAGE 3A2 & 3B

PROJECT NOTES

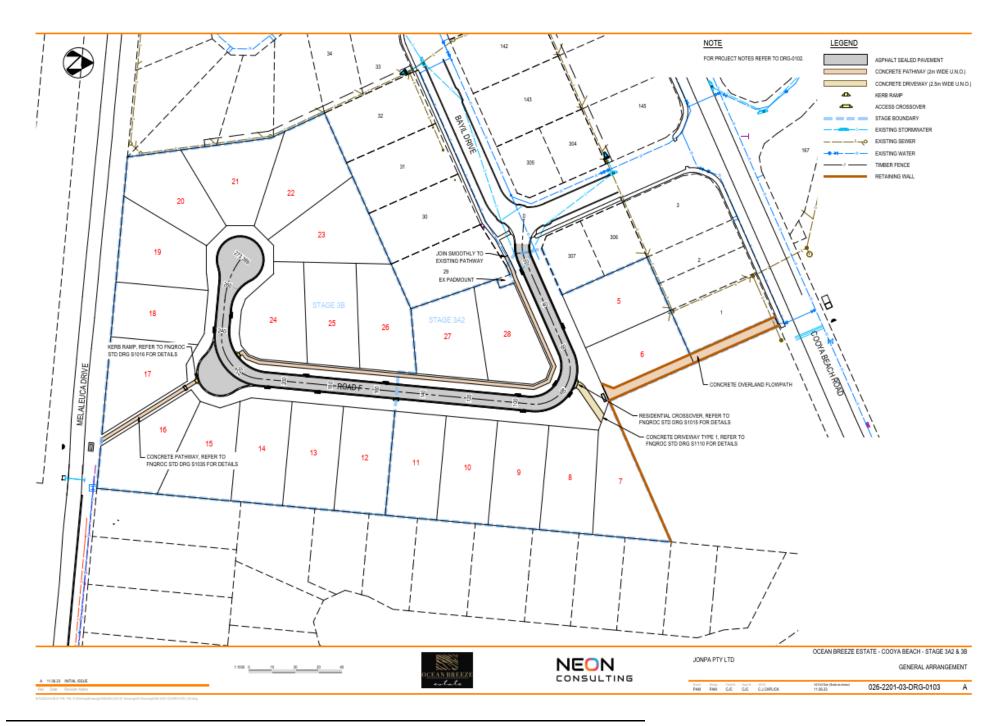
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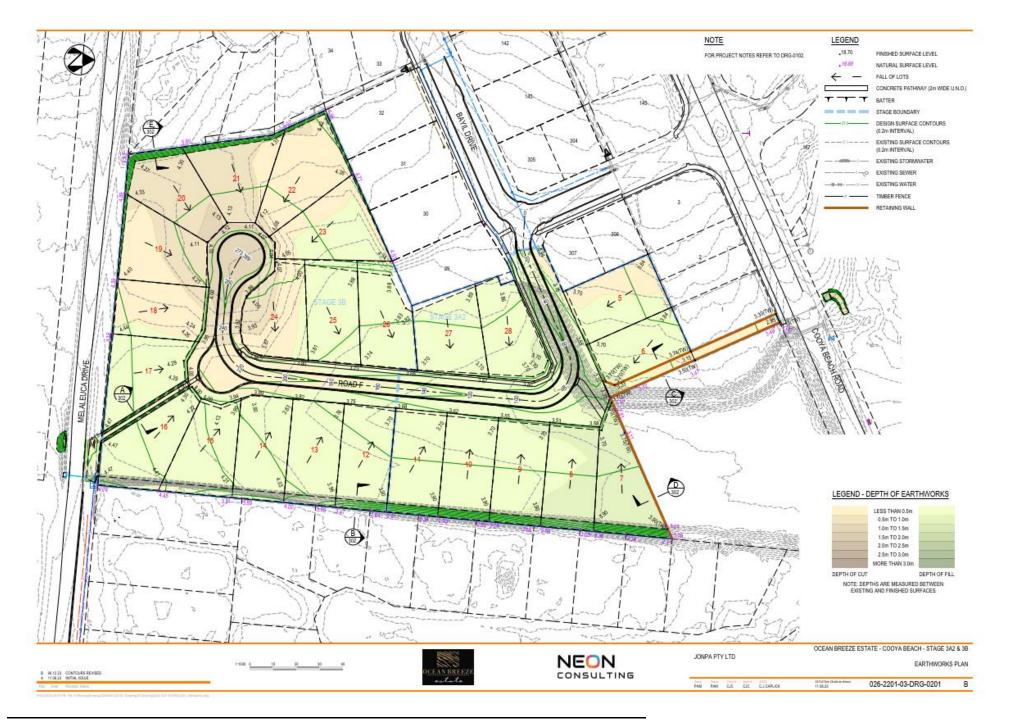
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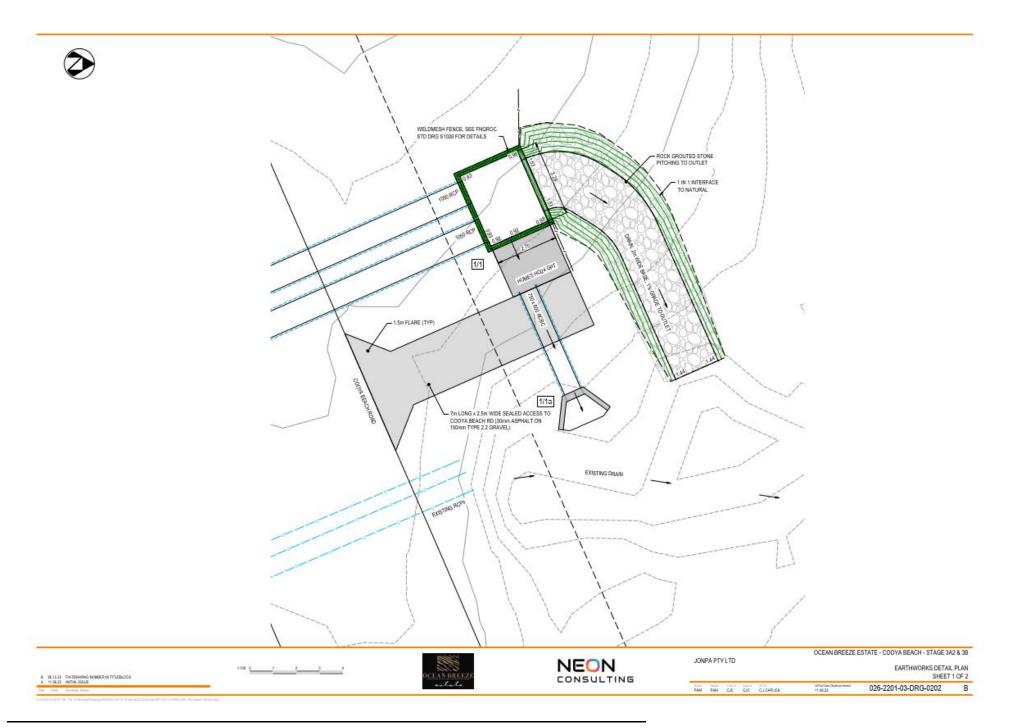
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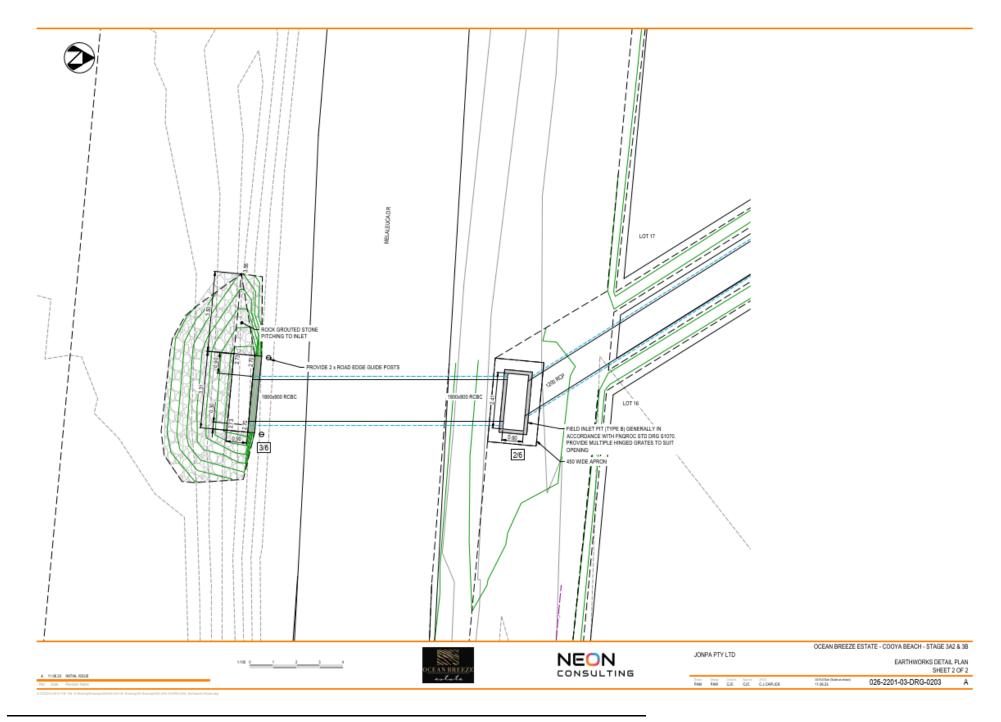
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Page 11 of 44







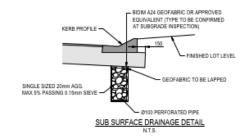


CONTROL LINE ROAD F SETOUT

CHAINAGE		INATES	BEARING	RADIUS OF		ARC
	EASTING	NORTHING	DEG MIN SEC	CURVATURE	LENGTH	LENGTH
0.000	9405.909	80253.775	93" 31" 17"	STRAIGHT		
10.971	9416.890	B0253.101	93" 31" 17"	-14.000		
IP 14.313	9420.260	80252.892		-14.000	3.407	6.684
17.656	9423.377	80254.269	66" 9' 54"	66° 9' 54" STRAIGHT		
62.759	9464.633	80272.495	66" 9' 54"	15.000		
IP 78.353	9487.989	80282.813		15.000	25.533	31.189
93.948	9485.631	80257.389	185" 17" 54"	STRAIGHT		
211.889	9474.740	80139.951	185" 17" 54"	18.000		
IP 226.024	9473.078	80122.033		18.000	17.995	28.269
240.158	9455.159	B0123.690	275" 16' 55"	STRAIGHT		
254.450	9440.928	80125.006	275" 16' 55"	35.000		
IP 263.919	9431.262	80125.899		35.000	9.707	18.938
273.389	9423.437	80131.644	306" 17' 4"	STRAIGHT		

TABLE OF WIDTHS

ROAD	CARRIAGENIAT		WIDTH ()	RESERVE WIDTH	
	(m)	LHS	RHS	(m)	
ROAD F (START TO CH210)	6.00	5.50	5.50	17.00	
ROAD F (CH210 TO END)	6.00	4.50	4.50	15.00	



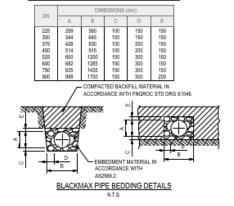
PROVISIONAL PAVEMENT DETAILS

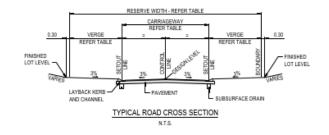
LOCATION	SURFACING	BASE COURSE	SUBBASE COURSE	
ROAD F	30mm ASPHALT	100mm THICK CBR 60 MIN	100mm THICK CBR 45 MIN	

NOTES
PROVISIONAL PAVEMENT DESIGN IS BASED ON AN ASSUMED SUBGRADE
SOMED DER OF 10. THE CONTRACTOR IS TO CONFIRM SUBGRADE OBR
DURING CONSTRUCTION AND THE PAVEMENT DESIGN MAY BE AMENDED
ACCORDINALY BY THE COUNCIL.

ASPHALT SURFACING TO BE INCREASED TO 50mm AT CUL-DE-SACS. REFER TO INTERESECTION DETAIL PLANS FOR LOCATIONS.

POLYPROPYLENE PIPE BEDDING DIMENSIONS







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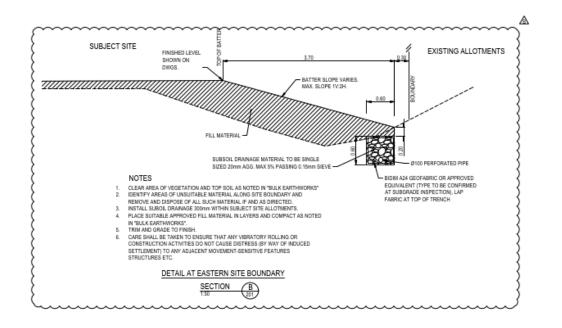


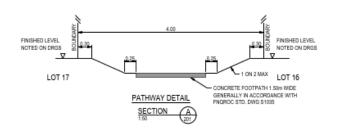
NEON CONSULTING OCEAN BREEZE ESTATE - COOYA BEACH - STAGE 3A2 & 3B

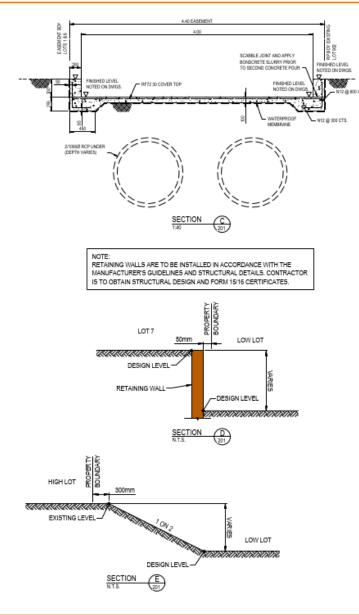
TYPICAL SECTIONS AND DETAILS

A 11.06.23 INITIAL ISSUE

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NEON CONSULTING OCEAN BREEZE ESTATE - COOYA BEACH - STAGE 3A2 & 3B

JONPA PTY LTD

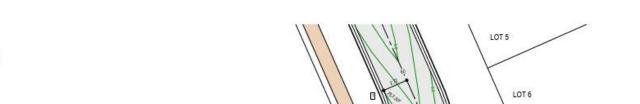
TYPICAL SECTIONS AND DETAILS
SHEET 2 OF 2

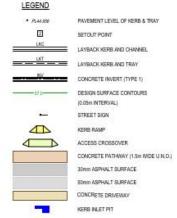
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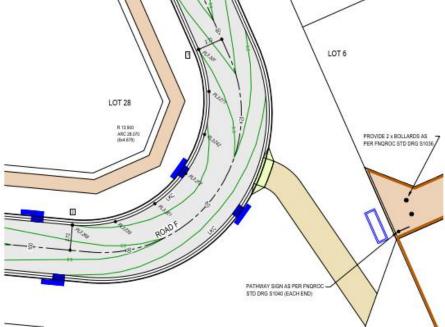
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NOTE

FOR PROJECT NOTES REFER TO DRG-0102.



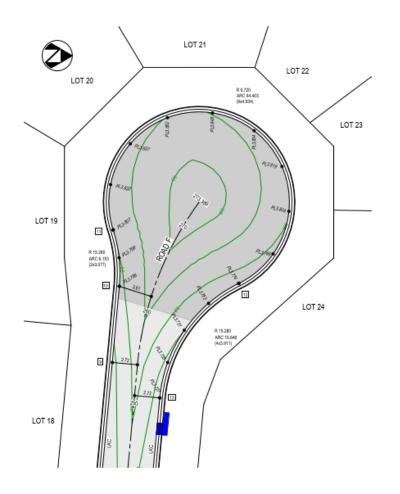


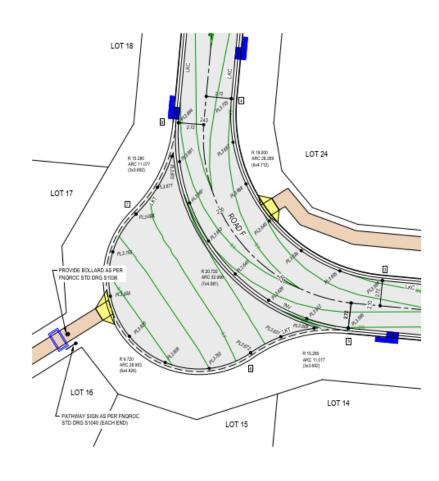


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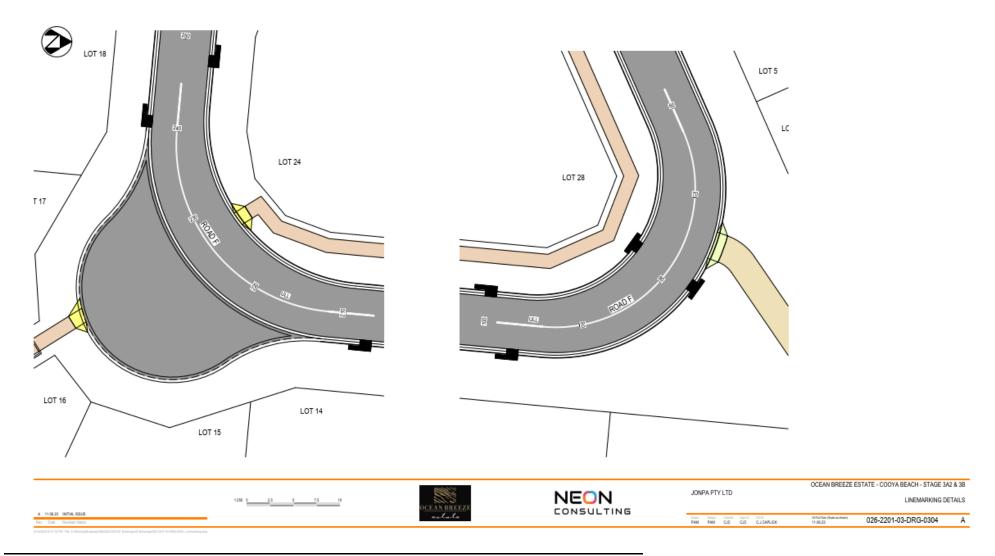


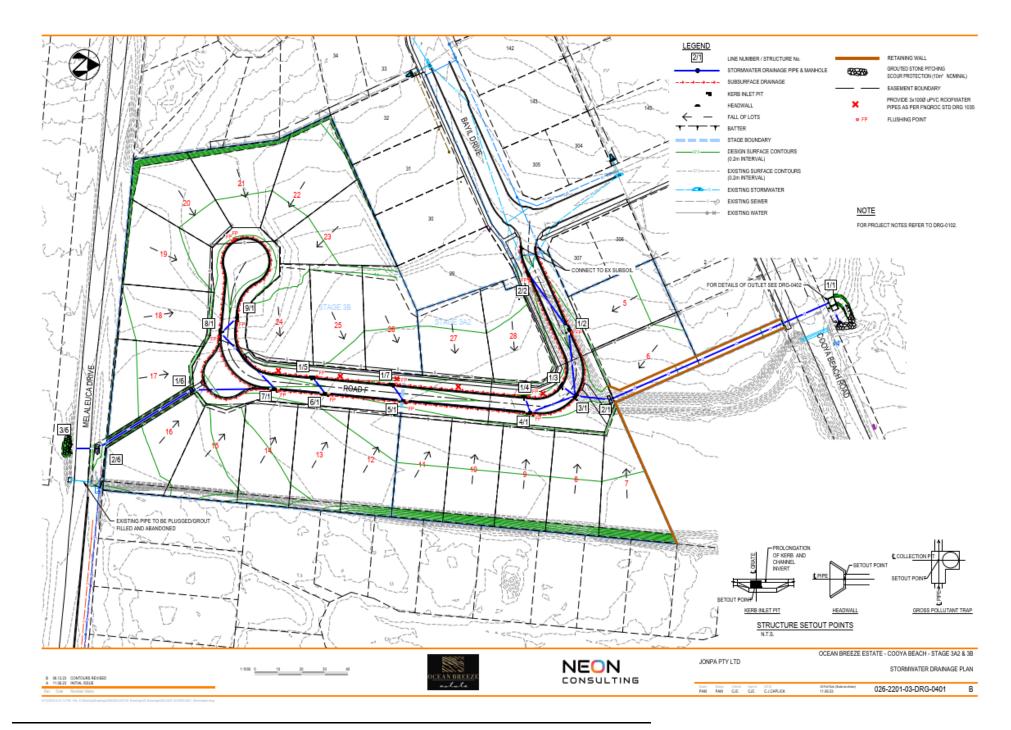


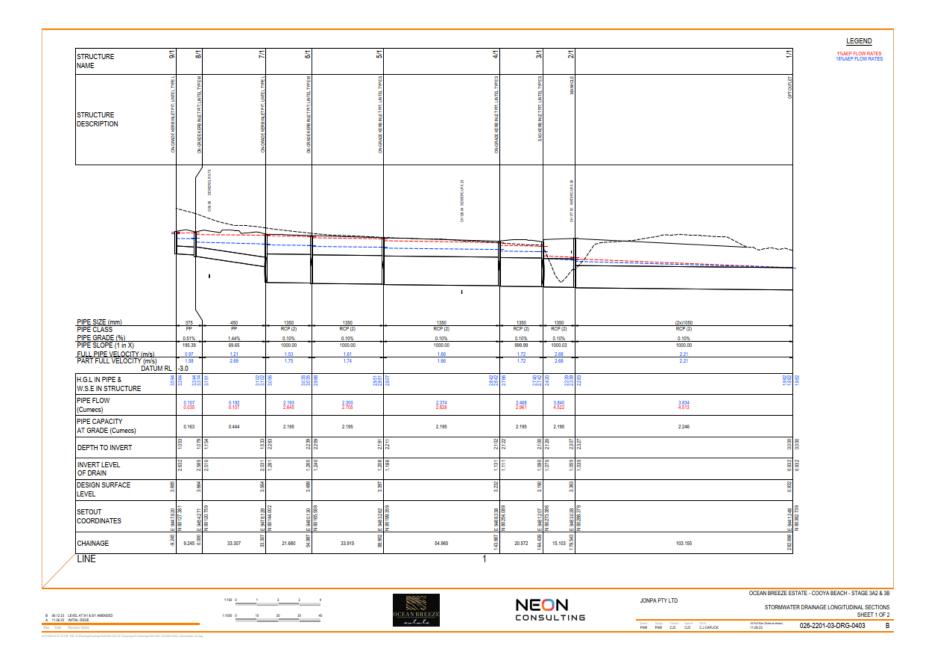
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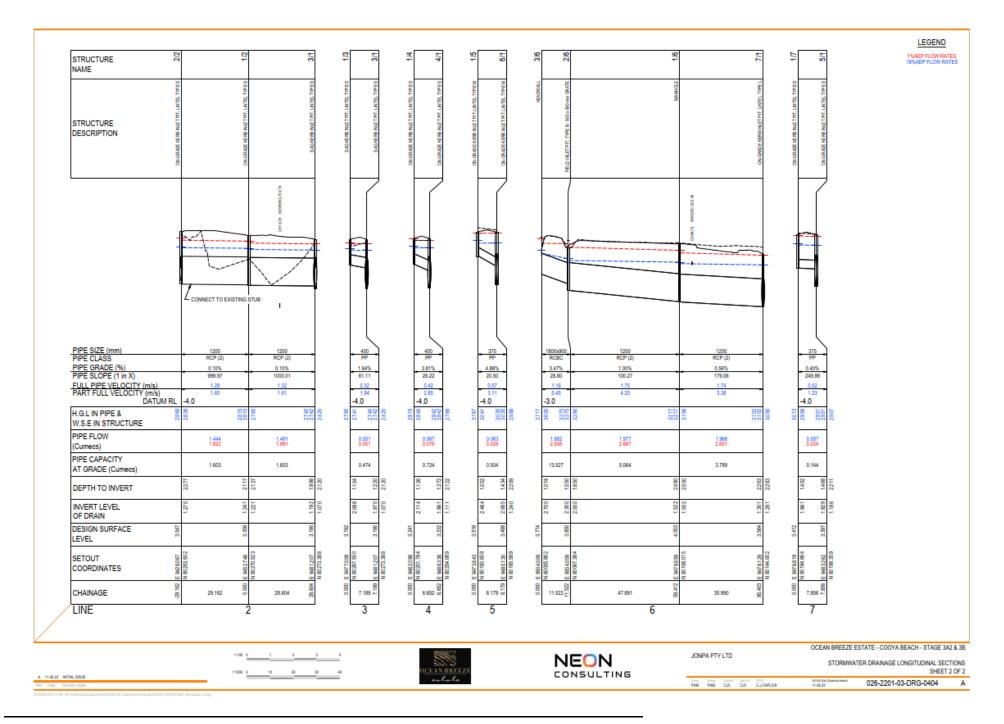
LEGEND FOR PAVEMENT MARKING



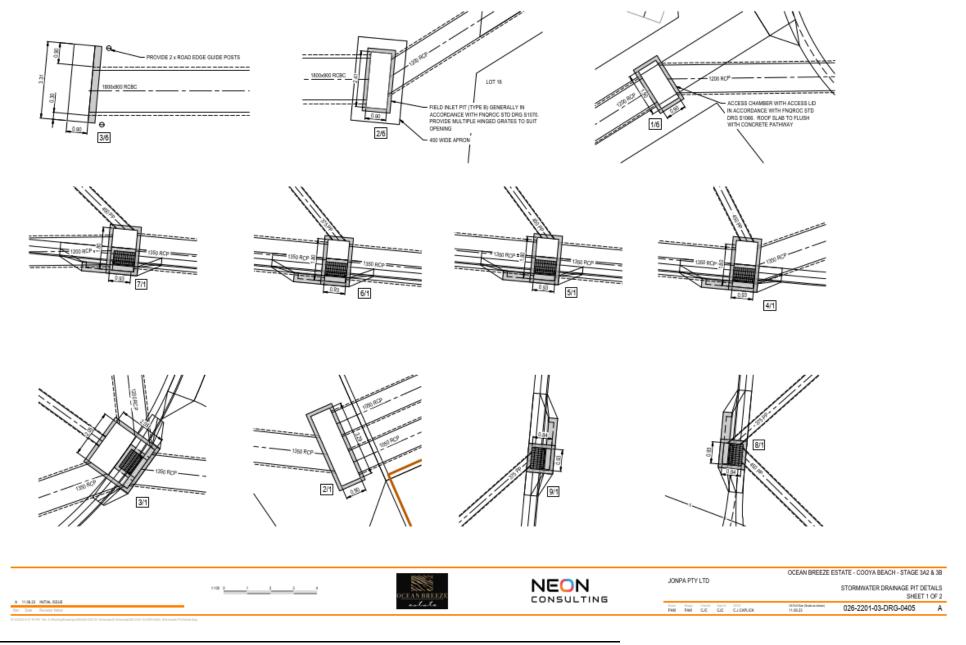


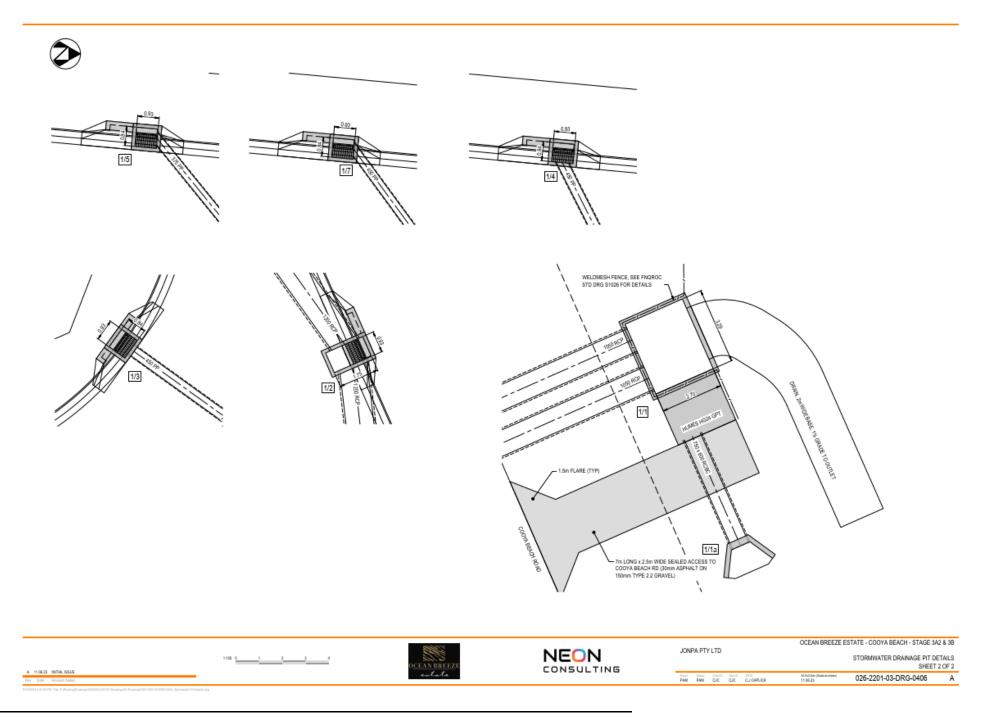


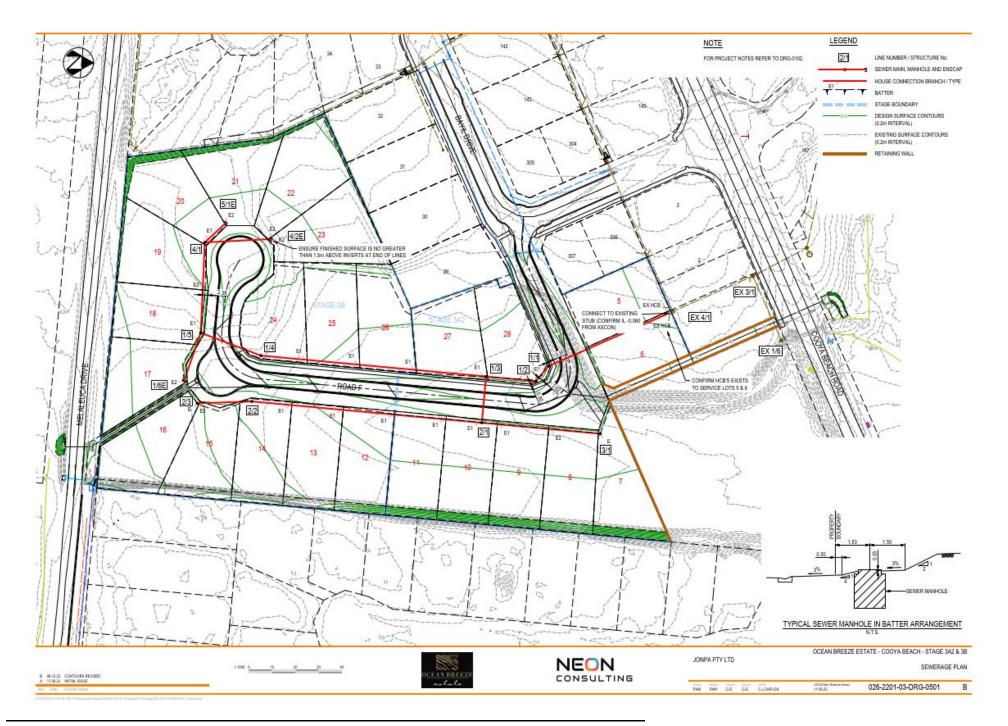










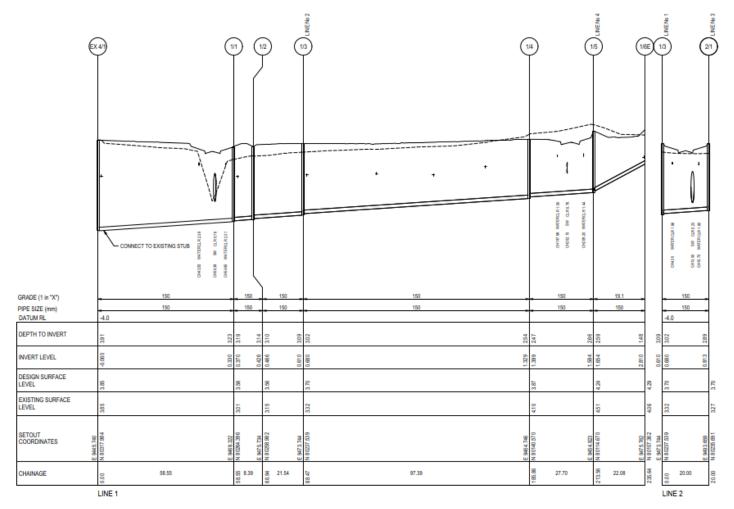


LEGEND

+ HOUSE CONNECTION BRANCH

NOTES

- ALL MANHOLE DIAMETERS, DROP TYPES AND COVERS TO BE IN ACCORDANCE WITH FNQROC STD DRG \$3000.
- FINISHED SURFACE AT ENDCAPS IS TO BE NO GREATER THAN 1.5m ABOVE INVERT.



CEAN BREEZE ESTATE - COOYA BEACH - STAGE 3A2 & 38

NEON

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TO 100 10 10 20 30 40

OGRAN BREEZE ESTATE - COOYA BEACH - STAGE 3A2 & 38

NEWERAGE LONGITUDINAL SECTIONS
SHEET 1 OF 2

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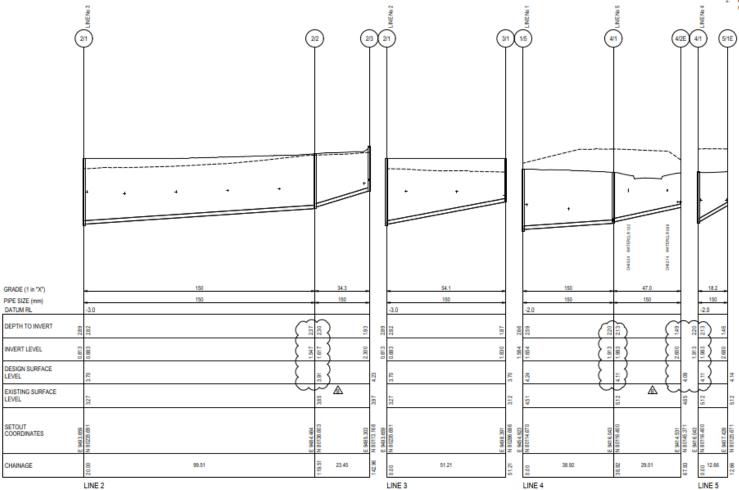
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LEGEND

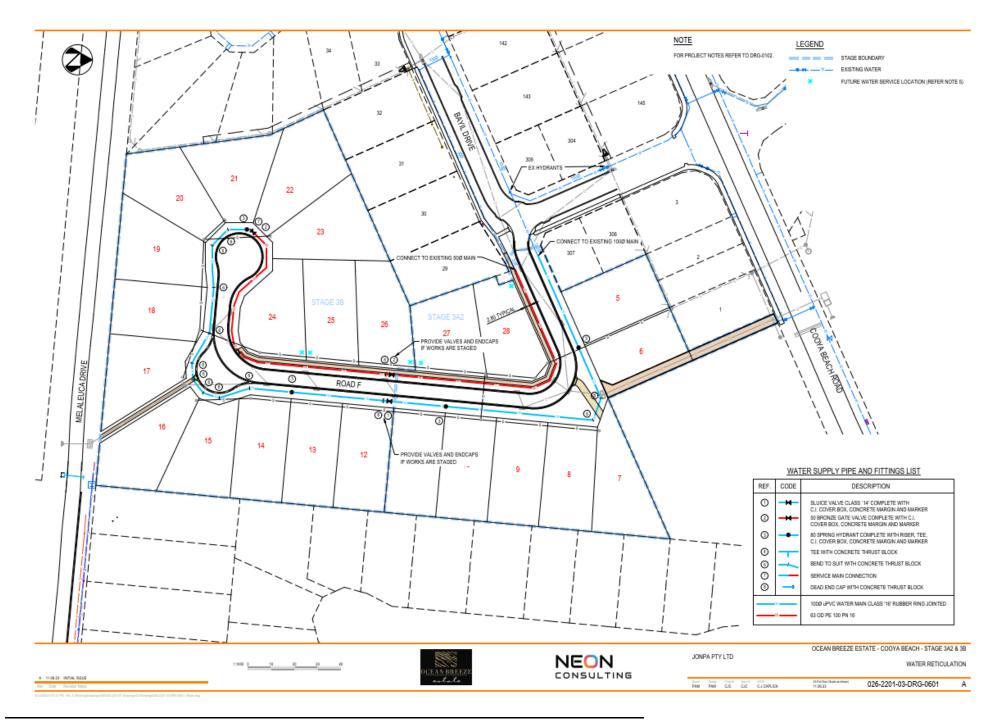
+ HOUSE CONNECTION BRANCH

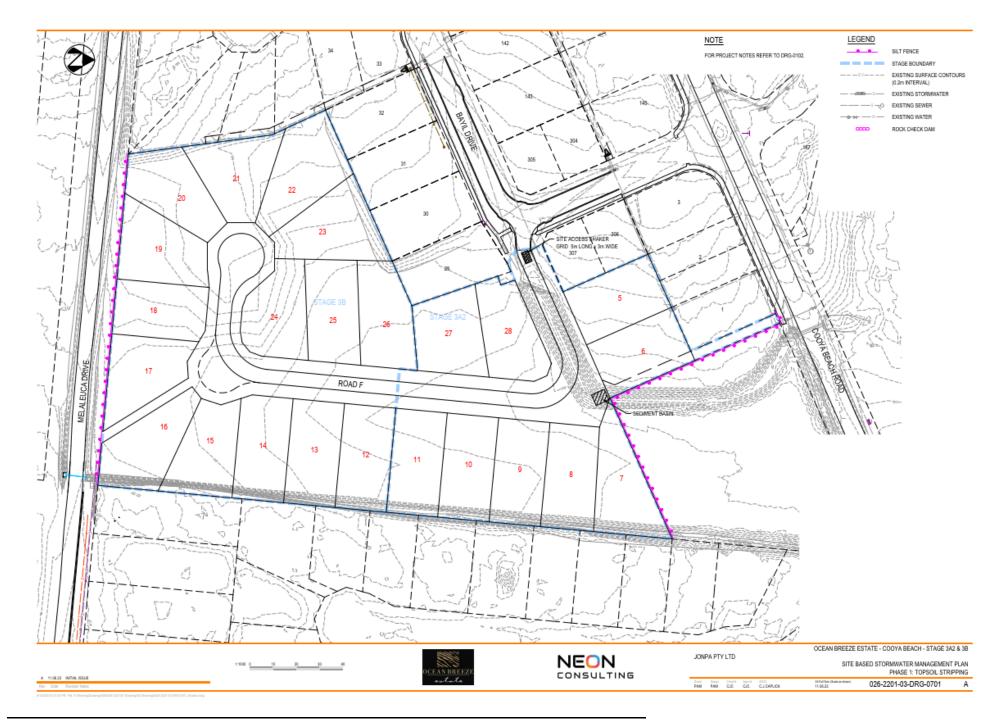
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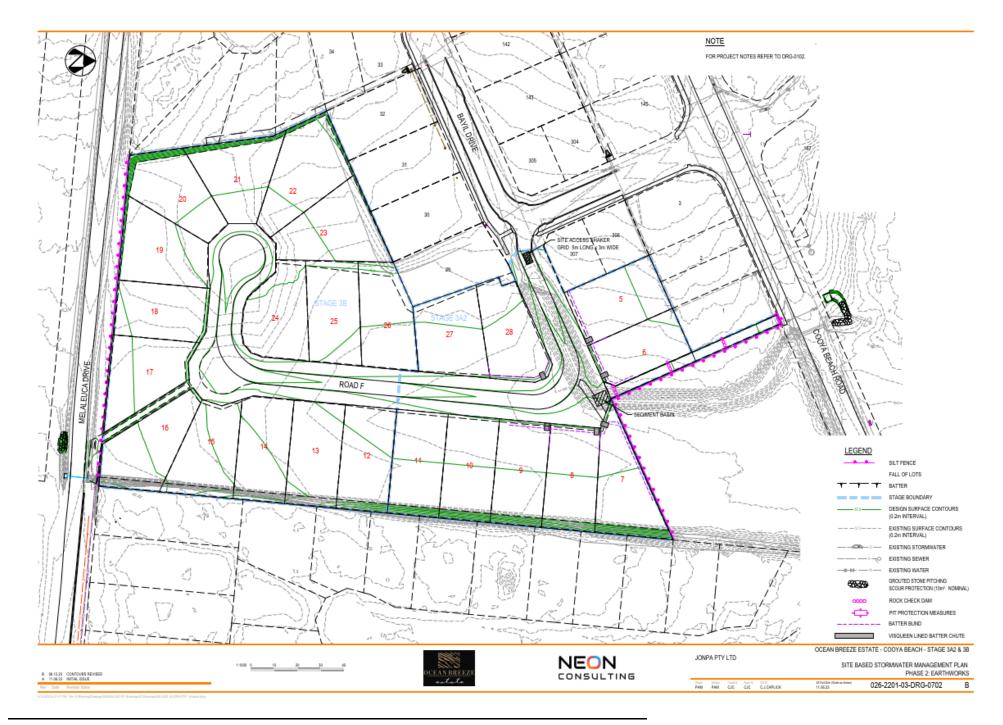
- ALL MANHOLE DIAMETERS, DROP TYPES AND COVERS TO BE IN ACCORDANCE WITH FNQROC STD DRG \$3000.
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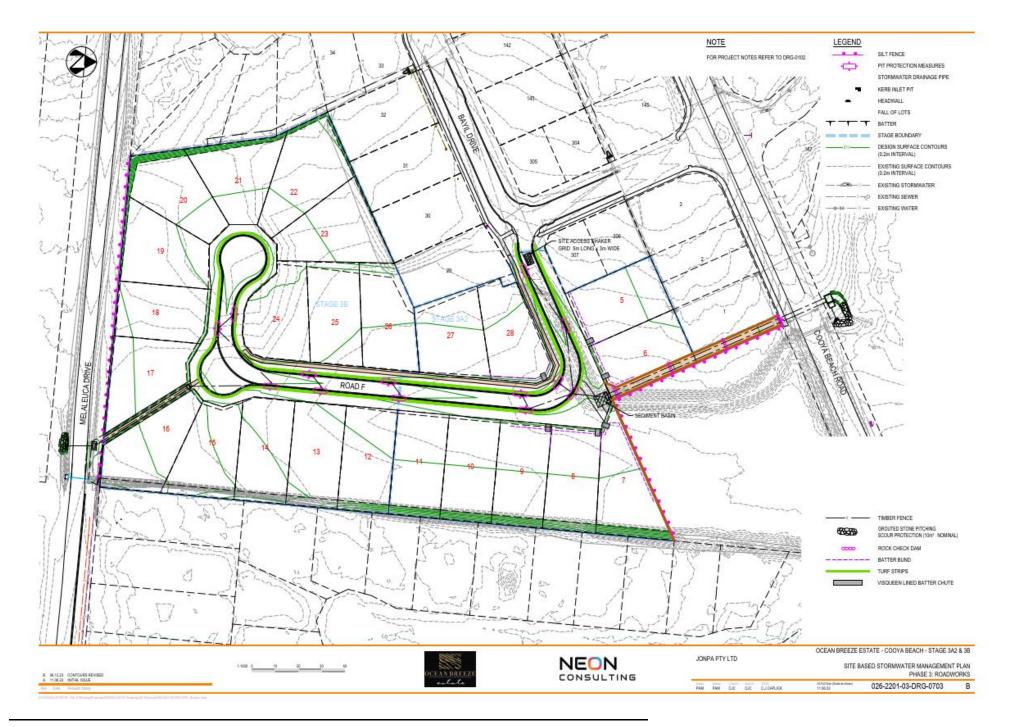


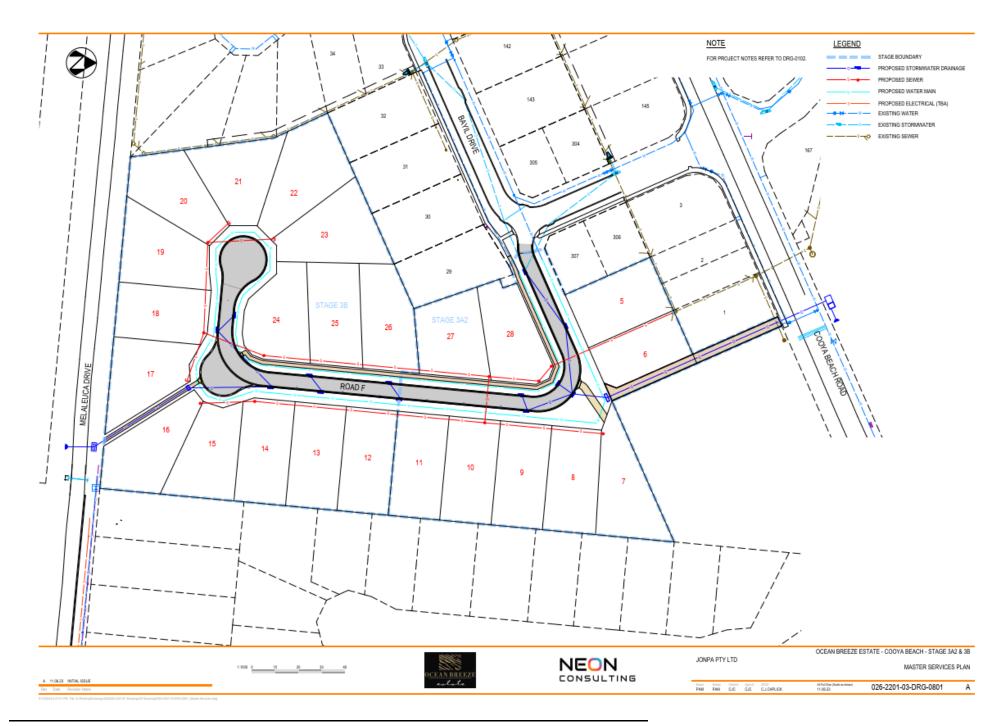


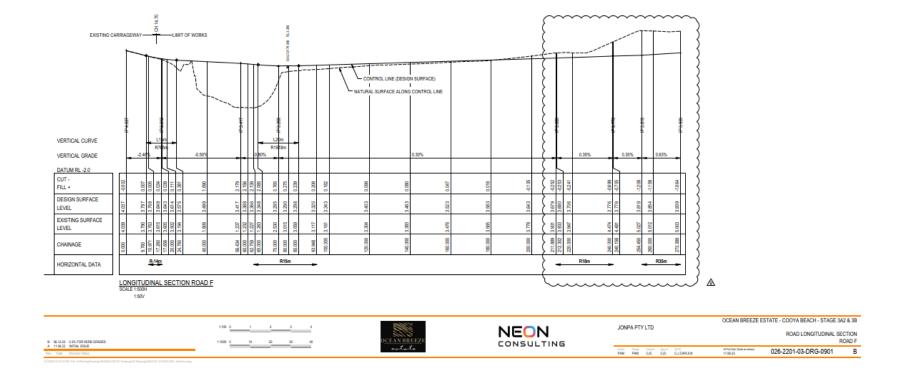


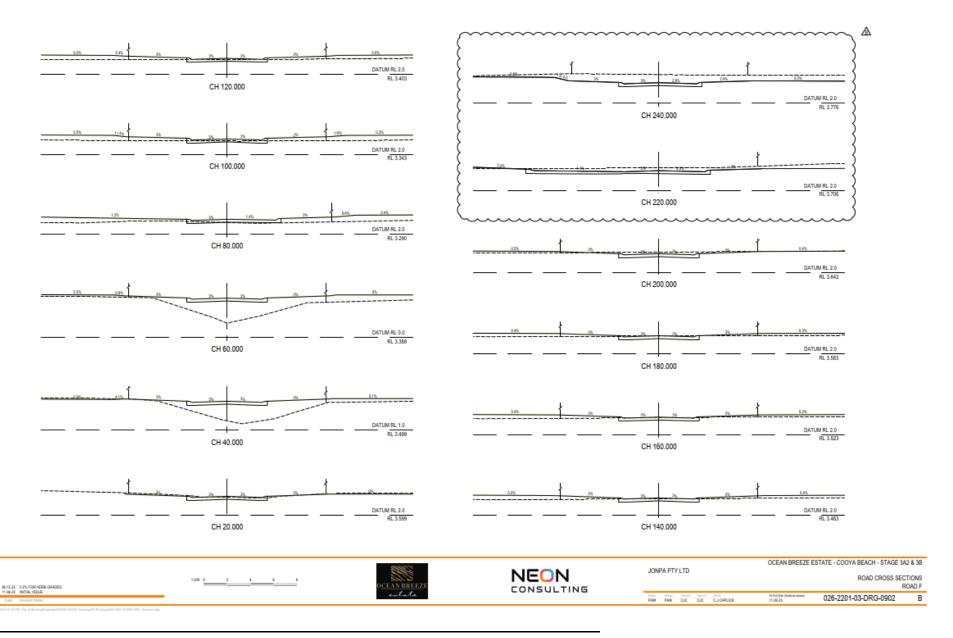












Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016 Chapter 3 Development assessment

s 74

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- 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
 - (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

- 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—
 - a matter stated because of a referral agency's response; or

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- (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—
 - 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

 The assessment manager must assess the change representations against and having regard to the matters that

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- 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
 - 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.
- (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.

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Planning Act 2016 Chapter 6 Dispute resolution

[s 229]

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.
- An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - 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

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- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the Plumbing and Drainage Act 2018—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the Plumbing and Drainage Act 2018—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note-

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

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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- (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—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

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- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive;
 and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The service period is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

 Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

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- (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

- 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.

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