PO Box 723 Mossman Qld 4873 www.douglas.qld.gov.au enquiries@douglas.qld.gov.au ABN 71 241 237 800

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

19 September 2023

Enquiries: Neil Beck

 Our Ref:
 OP 2023\_5447/1 (1181694)

 Your Ref:
 22010 GURNER MURPHY ST

Port Douglas by Gurner Pty Ltd C/- Applin Consulting 19 Mullins Street WHITFIELD QLD 4870

# Dear Greg

Development Application for Operational Works (Civil construction works associated with the reconfiguration of land and construction of dwelling houses)

- 69-73 Murphy Street Port Douglas

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

Please quote Council's application number: OP 2023\_5447/1 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: Port Douglas by Gurner Pty Ltd

Postal Address: C/- Applin Consulting

19 Mullins Street

WHITFIELD QLD 4870

Email: greg@applinconsulting.com.au or edwina@gurner.com.au

**Property Details** 

Street Address: 69-73 Murphy Street PORT DOUGLAS

Real Property Description: LOT: 2 RP: 724386 & Lot 516 on PTD2094

Local Government Area: Douglas Shire Council

# **Details of Proposed Development**

Development Permit for Operational Works (Civil construction works associated with the reconfiguration of land and construction of dwelling houses)

# **Decision**

Date of Decision: 19 September 2023

Decision Details: Approved (subject to conditions)

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

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

Drawing No.	Title	Revision
22031- C001	COVER PAGE & LOCALITY PLAN	1
22031- C002	PROJECT NOTES	1
	DEMOLITION & VEGETATION CLEARING EXTENTS	
22031- C003	PLAN	2
22031- C004	GENERAL ARRANGEMENT PLAN	2
22031- C005	BULK EARTHWORKS PLAN	2
22031- C006		
	SITE SECTIONS	1
22031- C007	DRIVEWAY & DRAINAGE PLAN	2

22031- C008	DRIVEWAY SECTIONS & DETAILS	1
22031- C009	DRAINAGE LONGSECTIONS	2
22031- C010	DRAINAGE DETAILS	2
22031- C011	WATER AND SEWER SERVICE PLAN	2
22031- C012	WATER AND SEWER LONGSECTIONS	2
22031- C013	WATER & SEWER DETAILS	1
LANDSCAPE PL	ANS	
511-OPW-01	COVER PAGE	А
511-OPW-02	PLANTING SCHEDULE	В
511-OPW-03	PLANTING PALETTE	А
511-OPW-04	TREE RETENTION & REMOVAL PLAN	В
511-OPW-10	LANDSCAPE PLAN – ENTRY ROAD & WESTERN BOUNDARY	В
511-OPW-11	LANDSCAPE PLAN – GROUND LEVEL 1/2	Α
511-OPW-12	LANDSCAPE PLAN – GROUND LEVEL 2/2	Α
511-OPW-13	LANDSCAPE PLAN – LEVEL 1	А
511-OPW-14	LANDSCAPE PLAN – LEVEL 2	Α
511-OPW-15	LANDSCAPE PLAN – LEVEL 3	А
511-OPW-35	TYPICAL DETAILS	А
511-OPW-36	BIN SHELTER DETAILS	Α
511-OPW-50	GENERAL SPECIFICATIONS	А
ARBORIST SPEC	CIFICATIONS	
IMPACT		
ASSESSMENT	ADVANCED VEGETATION MANAGEMENT SPECIFICATIONS	
		114
GEO DESIGN DOCUMENT REF NO. 22090AA-D- L02-V1	RESPONSE LETTER	V1
GEO DESIGN DOCUMENT REF NO. 22090AA-D- R01-V2	GEOTECHNICAL INVESTIGATION REPORT	V2

# **EROSION AND SEDIMENT CONTROL DRAWINGS**

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

Drawing No.	Title	Rev
	EROSION & SEDIMENT CONTROL STRATEGY	2
22031- C014		
	EROSION & SEDIMENT CONTROL DETAILS	4
22031- C015		ı

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

The following conditions of the Combined Application Approval dated 1 June 2023 are not addressed by the works approved under this Decision Notice and require further actions by the Applicant.

- Condition 3 Staging of Development
- Condition 4 Road Closure
- Condition 7 Road Condition Survey
- Condition 11 & 12 Sewerage Decommissioning
- Condition 19 Geotechnical Investigation / Design
- Condition 21 Construction Management Plan for Earthworks
- Condition 22 Traffic Management
- Condition 29 Vehicle Parking
- Condition 31 Existing Services
- Condition 32 Electricity Supply
- Condition 33 Above Ground Transformer Cubicles / Electrical Sub Stations
- Condition 34 Electricity and Telecommunications
- Condition 35 Street Lighting

# **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.

Except where modified by these conditions of approval.

# **Timing of Effect**

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

# Landscape

- 3. The site and external areas must be landscaped generally in accordance with the Approved Landscape Plans prepared by Myles Baldwin Design dated 11 August 2023.
  - All landscaping works must be undertaken prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.
- 4. Myles Baldwin Design are to be present on-site for the positioning of all plants.
- 5. Prior to the Commencement of Works, Advanced Vegetation Management (AVM) are to supervise and approve tree protection measures on-site.
- 6. Prior to the Commencement of Works, undertake protection of all trees nominated to be retained, as shown on Myles Baldwin Design Drawing 04 (Issue B) to the satisfaction of AVM's arborist. SRZ and TPZ measures are to be generally in accordance with AVM's Impact Assessment specifications dated 2 August 2023.
  - These protection measures are to be maintained at all times to the satisfaction of the Chief Executive Officer.
- 7. Prior to the Prestart Meeting, provide Council with an updated copy of Progression Drawing C003 showing Tree 8 as indicated on Myles Baldwin Design Drawing 04. It appears that Tree 8 has been excluded from Progression's drawing set.
  - <u>Advice Note:</u> Per the advice provided by AVM, no works are to be undertaken within Tree 8's SRZ which has a radius of 2.73m.

# **Stormwater**

- 8. Amend Progression drawings so that the stormwater within north-western drainage easement is centred within the 3.4m wide corridor.
  - Advice Note: Officers are concerned that construction of Stormwater Inlet Pit 2/3 at approximately 3.4m depth will require a Zone of Influence likely to extend into the neighbouring allotment and potentially undermine the existing boundary fence. By centring the pipe within the easement, the Zone of Influence is optimised given the site constraints.
- 9. A clear access no less than 3m wide must be provided between the boundary of existing Lot 0 on BUP70412 and the face of the proposed retaining wall bordering the external driveway for the purpose of accessing Lot 1 on RP724386 (stormwater corridor along southwest boundary).
  - This access is to be maintained at all times to the satisfaction of the Chief Executive Officer.
- Construct the drainage chute and receival pit 2/1 in accordance with Approved Plan C007, C009 and C010 by Applin Consulting prior to Works Acceptance to the satisfaction of the Chief Executive Officer.
- 11. First flush devices are to be fitted to the roof water system internal to the site as the nominated Stormwater Quality Improvement Devices (SQID).
  - These devices shall be installed so as not to compromise the hydraulic performance of the overall drainage system and be positioned to provide adequate access for maintenance equipment to the satisfaction of the Chief Executive Officer prior to Works Acceptance.
- 12. Unless otherwise agreed with Council in writing, revise the alignment of the stormwater drainage within Lot 1 on RP724386 to comply with the exclusion radius of 2.73m for the SRZ of Tree 8. A copy of the amended drawing must be approved by Council prior to the Prestart Meeting.

# **Murphy Street Works**

13. Prior to the Prestart Meeting, the Construction Contractor must prepare and submit the staging and construction methodology of the shotcrete wall along the Murphy Street boundary to Council.

Staging and construction methodology details are to include, but are not limited to:

- Stabilisation of the upper sections of the shotcrete wall prior to the full excavation of the batter profile;
- The maximum height of unsupported batters proposed; and
- Advise whether access is proposed on Murphy Street for drilling equipment for the upper sections or whether all works will be completed from within the development site.

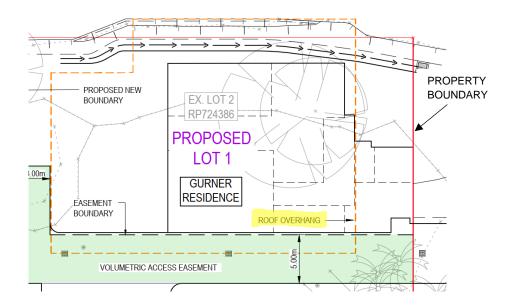
The Staging Plan must be provided to Council at least 7 days prior to the proposed start date.

The Staging Plan 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

- 14. A suitable water reticulation jointing type is to be nominated for Council's consideration.
  - The nominated jointing type is to be approved by Council in writing prior to the Prestart Meeting (or such other timeframe agreed with Council). A copy of any amended plans are to be provided to Council.
- 15. Roof overhang linework as nominated on Applin Consulting Drawing C004 is to be amended such that all proposed overhang is contained within the property boundary. Refer screenshot from Progression Drawing C004 below.

This information, and any amended plans, are to be provided and approved by Council prior



# **External Driveway**

16. Update Progression Drawing C007 with a suitable safety barrier treatment to the southwest edge of the external driveway (e.g. bollards or guardrails). The minimum extent of barrier protection must be between retaining wall Setout Point 7 and 9. However, a suitably qualified RPEQ Engineer is required to undertake their own Safety Risk Assessment to satisfy themselves that the nominated edge treatment achieves a safe traffic environment.

<u>Advice Note:</u> Officers are concerned for the safety of the downslope neighbouring property in the event an errant vehicle existing the driveway towards Esplanade Road were to lose control and overtop the driveway into the north-eastern corner of the unit complex within Lot 0 on BUP70412.

The updated drawing and Safety Risk Assessment must be approved by Council prior to the Prestart Meeting (or other such time as agreed with Council in writing).

17. External driveway is to be constructed in accordance with Approved Plans C005, C007 and C011 by Applin Consulting to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

# **Earthworks**

18. The earthworks fill batter along the north-west lot boundary, south of Lot 2, is not yet approved due to the absence of information on the interface and potential retaining structures required at the boundary with existing Lot 0 on SP183017.

Progression Drawings C005 indicates approximately 1m of fill is proposed.

No earthworks filling is to be undertaken along the north-west lot boundary within the stormwater easement until such time that an interfacing plan detailing retaining information is approved by Council prior to the completion of works on-site.

# **Retaining Walls**

19. Structural plans for all retaining walls are to be provided for Council's review prior to the Prestart 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.

20. Amend Setout Point 10 of retaining wall shown on Progression Drawings C007 to reduce the extent of the wall to comply with the exclusion radius of 2.73m for the SRZ of Tree 8. A copy of the amended drawing must be approved by Council prior to the Prestart Meeting.

# **Traffic Management**

- 21. A Traffic Management Plan (TMP) must be prepared by the contractor and provided to Council prior to the Prestart Meeting. The TMP is to address, but is not limited to:
  - Management of one-way traffic movements and right of way for the access driveway;
  - Traffic management for the constrained site;
  - Management of pedestrian access;
  - Sequencing of the development;
  - Limiting availability for deliveries and existing carparking facilities;
  - Conflicts adjacent the site; and
  - Access routes.

The TMP must also demonstrate safe operation of the intersection of Esplanade Road, Port Douglas Esplanade, Macrossan Street, and Garrick Street can be achieved, and considers the functionality and community's accessibility to the existing carpark off Esplanade Road.

The contractor must provide the TMP at least 7 days prior to the proposed start date.

The TMP must be approved by the Chief Executive Officer prior to works commencing on site.

A copy of the approved TMP must be available to all contractors prior to the Commencement of Works.

# Water

- 22. Amend Applin Consulting Drawing C011 to show the water reticulation connection to Lot 3 within the property boundary.
  - This information is to be provided and approved by Council prior to the Prestart Meeting.
- 23. Construct the external water main within the Esplanade road reserve from Macrossan Street to Murphy Street, generally in accordance with Approved Progression Plan C011.
  - Works are to be carried out to the satisfaction of the Chief Executive Officer prior to the Commencement of Use.

# Sewer

24. A bulkhead is to be constructed at the midpoint of the sewer connecting MH 1/A and MH 2/A as shown on Applin Consulting Drawing C012 to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

# **Damage to Council Infrastructure**

25. In the event that any part of Council's existing sewer, water 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 Commencement of Use.

# Stockpiling and Transportation of Fill Material

26. 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 7:00 am or after 6:00 pm Monday to Friday; or
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.
- 27. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

# **Storage of Machinery and Plant**

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

# **Sediment and Erosion Control**

29. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.

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.

# **Construction Signage**

- 30. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
  - a. Developer;
  - b Project Coordinator;
  - c. Architect / Building Designer;
  - d. Builder;
  - e. Civil Engineer;
  - f. Civil Contractor;
  - g. Landscape Architect

# **Easements**

31. Create an access easement as detailed on Approved Progression Plan C004 (Revision 1).

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.
- 32. The existing 2.74m drainage easement along the southwest boundary in proposed Lot 3 is to be removed and replaced with a 3m wide easement as identified on Approved Plan C007 by Applin Consulting.
  - 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.
- 33. Create a 3.4m wide drainage easement aligned along the entire length of the north western boundary in favour of Council.

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.

# **Existing Approval**

34. A Change Application for Development Permit CA 5316/2023 amending the approval to 3 dwelling houses on 3 allotments must be properly made to Council prior to requesting a Prestart Meeting for the works.

# **Advices**

- 1. 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 sections 85(1)(b) and 71 of the Planning Act 2016.
- 2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry season periods.
- 3. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
- 4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular, the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.

# **Further Development Permits**

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

• All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018.* 

# **Concurrence Agency Response**

None Applicable

# **Currency Period for the Approval**

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) 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.



AND



**DESIGN & DEVELOPMENT** 

# GURNER TM NOMINEES PTY. LTD. CIVIL WORKS PACKAGE

	DRAWING SCHEDULE
DRAWING NUMBER	DESCRIPTION
22031-0301	COVER PAGE & LOCALITY PLAN
22031-0062	PROJECT NOTES
22031-0003	DEMOLITION & VEGETATION CLEARING EXTENTS PLAN
22031-0004	GENERAL ARRANGEMENT PLAN
22031-C005	BULK EARTHWORKS PLAN
22031-C006	SITE SECTIONS
22031-0007	DRIVEWAY & DRAINAGE PLAN
22031-C068	DRIVEWAY SECTIONS & DETAILS
22031-C009	DRAINAGE LONGSECTIONS
22031-0010	DRAINAGE DETAILS
22031-0311	WATER & SEWER SERVICE PLAN
22031-0012	WATER & SEWER LONGSECTIONS
22031-0013	WATER & SEWER DETAILS
22031-C014	EROSION & SEDIMENTATION CONTROL STRATEGY
22031-C015	EROSION & SEDIMENTATION CONTROL DETAILS



LOCALITY PLAN

	RPEQ ENGINEER:	DESIGN & DOCUMENTATION:	DAMES III. TICKNER	GURNER TM NOMINEES PTY. LTD.	
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- PROVIDE TEMPORARY SUPPORT TO PACES OF EXCAUATIONS AS REQUIRED.

# EROSION AND SEDIMENT CONTROL NOTES:

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   PRIGR TO CONSTRUCTION COMMERCING, THE CONTRACTOR MUST PREPARE AN ERCOSON & BEDMENT
- CONTROL PLAN (BEDY) TO MINIAGE THE BITE DURING CONSTRUCTION.
  THE BEDY MUST BE CONSISTENT WITH THE APPROXISE BROOMS & BEDWIND CONTROL STRATEGY (BECS) AND
  BALL TAKE WHO CONSISTENTION THE CONTRACTOR'S PROPRIES CONSTRUCTION MISTHODOLOGY AND
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# WATER RETICULATION NOTES

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  C AGAIN RESIDENCE CONTROLLED OF THE SECOND TO PREVIOUS ANY DRECT CONNECTION OF ALTERATION TO USE WITH BEARD. THE CONTROLLED SHALL BOOK STATE CONTROLLED SHALL BOOK STATE OF THE WORK TO SECONDATION FROM THE PROBLEMENT OF THE WORK TO SECONDATION OF THE PROBLEMENT OF CONTROLLED WORK TO SECONDATION OF THE PROBLEMENT OF WORK OF THE SECONDATION OF THE CONTROLLED WORK TO SECONDATION OF THE PROBLEMENT OF THE PROBLEMENT OF THE WORK OF THE SECONDATION OF THE WORK OF THE SECONDATION OF
- REFER PAGROC STD GROS \$2000 & \$2000 ADD TO CURRENT NOTE 6.
- 8. KIRRE MARKER PLATES SHALL BE PROVIDED TO GREATER THE POSITION OF ALL VALUES AND WYDRANTS IN ACCOMMANDE WITH REGION STO ONE SIZED VARIENCE & 200 IN ADDITION TO KIRRE MARKER PLATES. INCOMMENT SHALL LISED MAY STREAMORD PRANKERS AND BULLER STREAM PLATESTATION MARKERS PROVIDED ON THE ROAD PROVIMENT ON ACCOMMENCE WITH PROPRIOR STD ONE 2010 VERSION & 2000.

# SEWER RETICULATION NOTES

- ALL NEW SEVER MAINS SHALL BE UNPLASTICISED PVC (PVC U) CLASS SHE SUITABLE FOR RUBBER RING JOINTS, UNLESS NOTED OTHERWISE.
- ALL NEW SEWER MANU AND MANHOLES TO BE CONSTRUCTED IN ACCORDANCE WITH PROPOCETO DRICE EXIST AND EXITS.
- A ALL BRINGS BANGUE COVERS BHALL BE CHICULAN UALBEE NOTED OTHERWISE ON SERVER LONG SECTIONS.

  COVERS SHALL BE TYPE & BASICE PROPRETES AND TYPE C BLESSHARES.

  ALL BRINGS BANGUE COVERS LEVELS TO BE OWNER ADVENTMEND SUMPACE LEVEL UALBEE NOTED.
- 8. THE CONTRACTOR SHALL SNEURS THAT A PLAT AREA OF 1.86 RADIUS FROM THE CENTRE OF THE SANHOLS IS
- THE CONTRICTOR BALL SENSE THAT A FACT AREA OF 188 FACUS FROM THE CENTER OF THE MEMORY AND A SENSE THAT THE CENTER OF THE MEMORY AND A SENSE THAT CENTER OF THE MEMORY AND A CONTRICTOR OF THE CENTER O
- OF THE DEVELOPMENT AND PROVIDE THE POOTAGE TO THE SUPERINTENDENT FOR ASSESSMENT, ANY SECTIONS OF SERVER CONSIDERED. SUB-STANDARD SHALL BE RECTIFIED TO THE SATISFACTION OF COUNCIL.

# SITE SPECIFIC NOTES

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SURVEY CONTROL NOTES:

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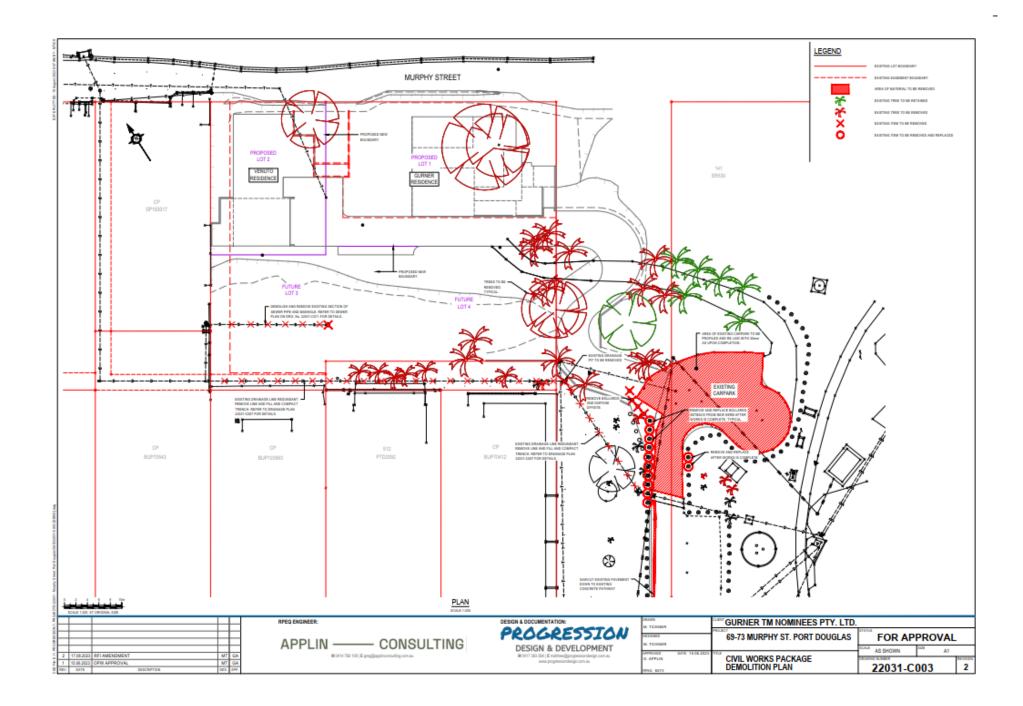
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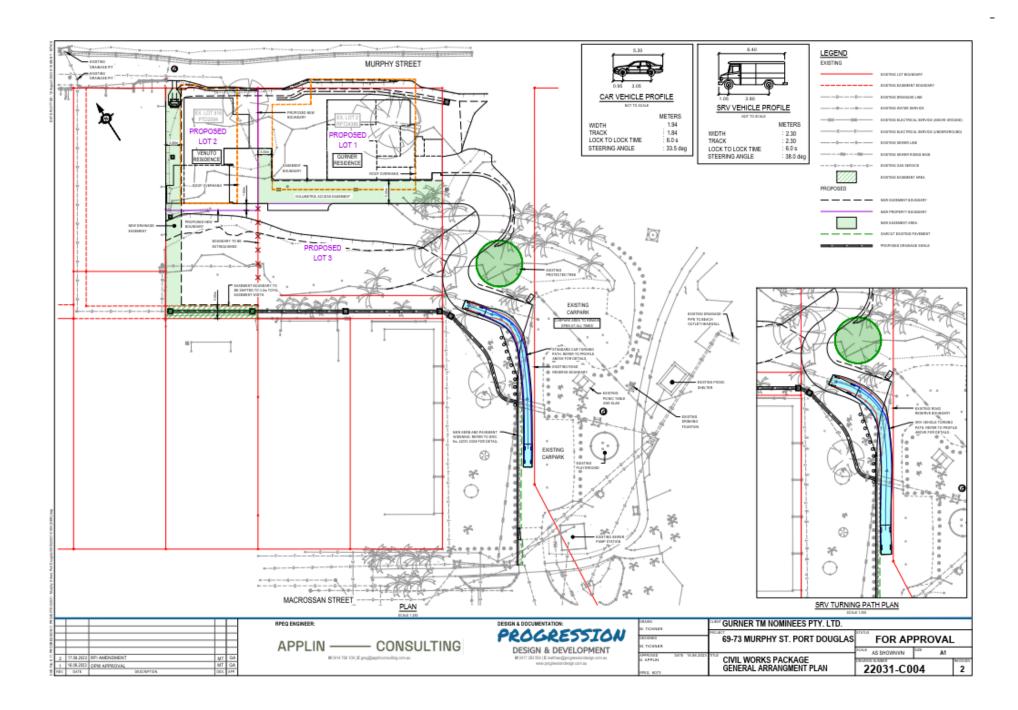
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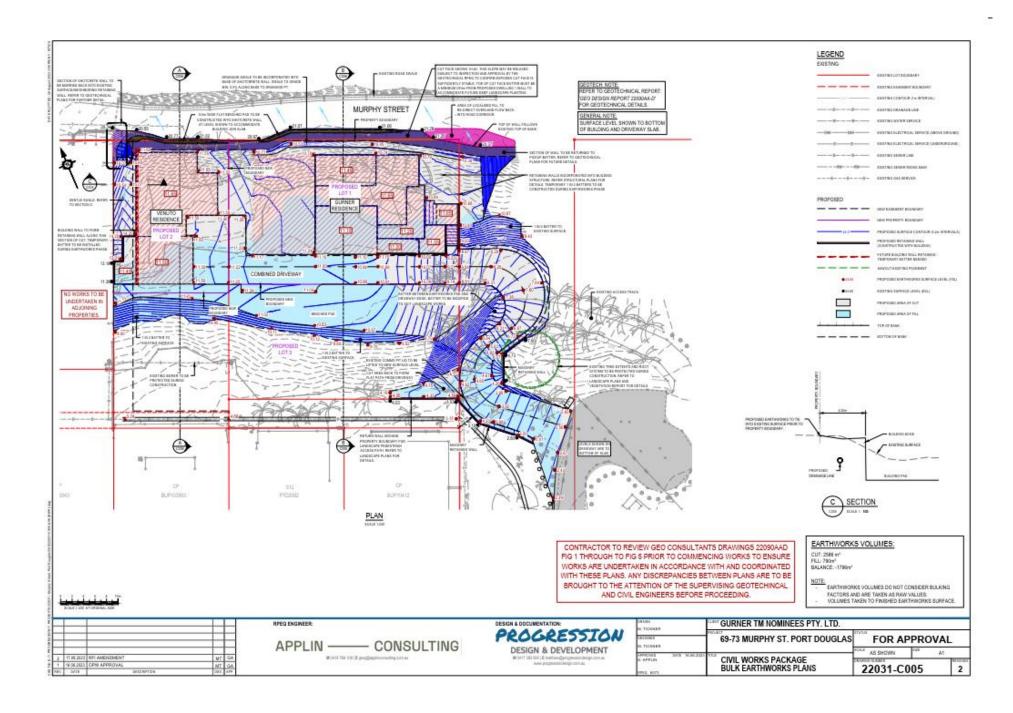


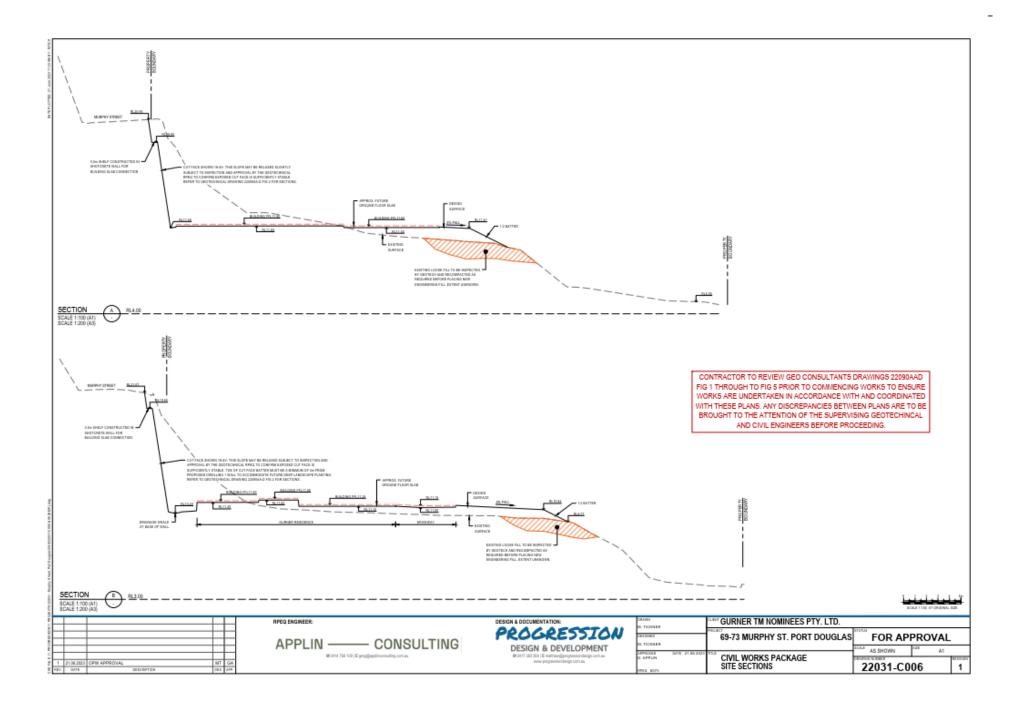
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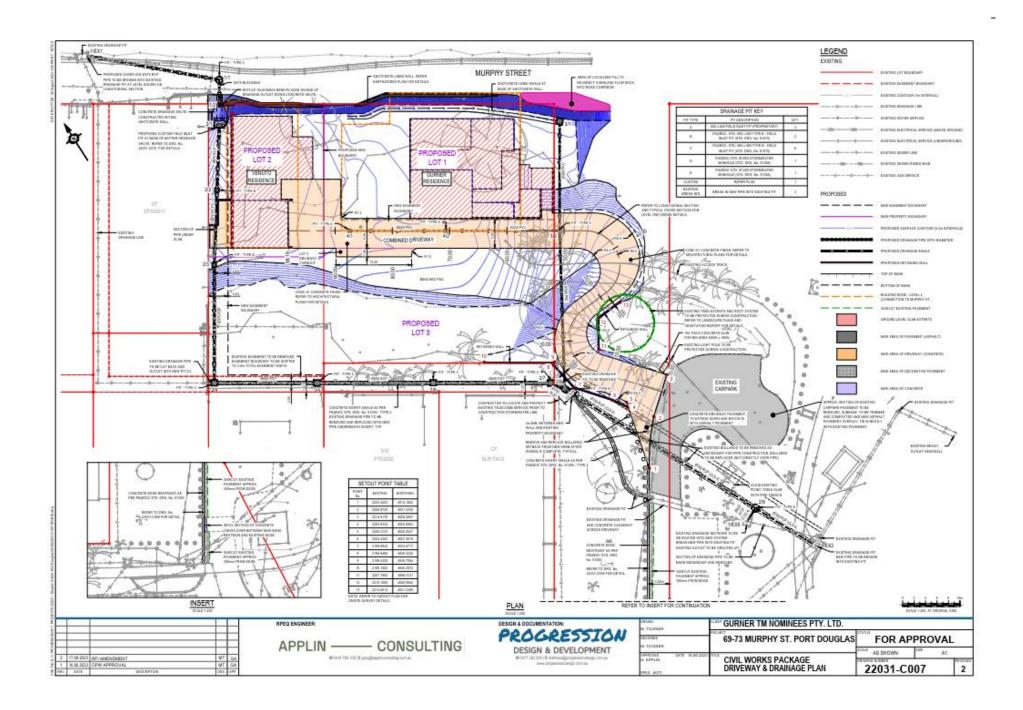
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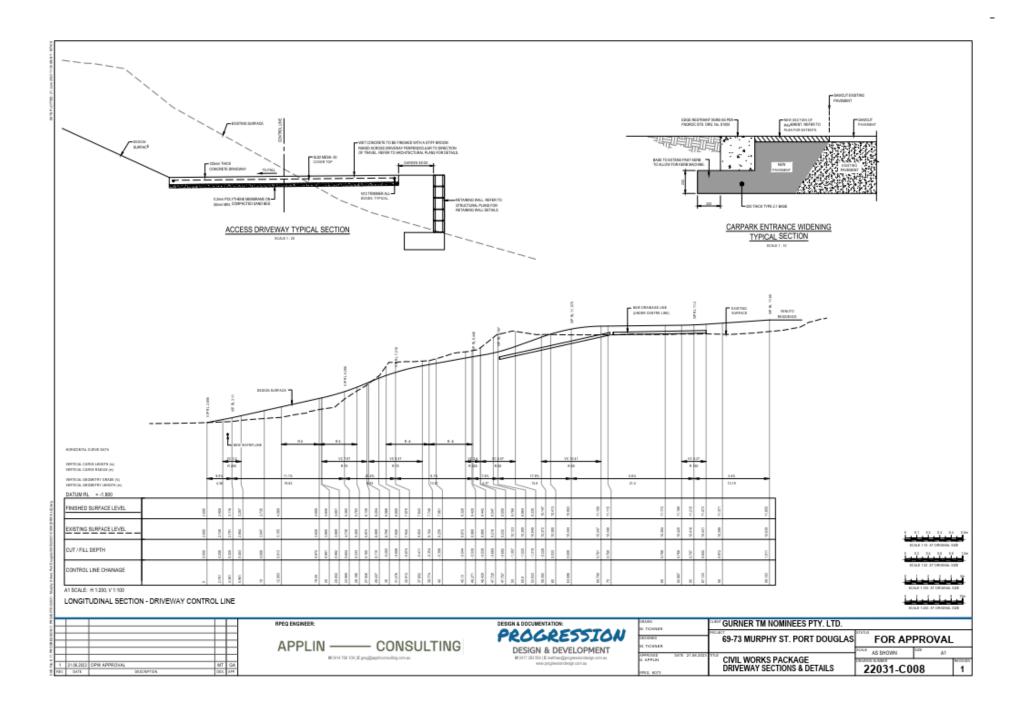


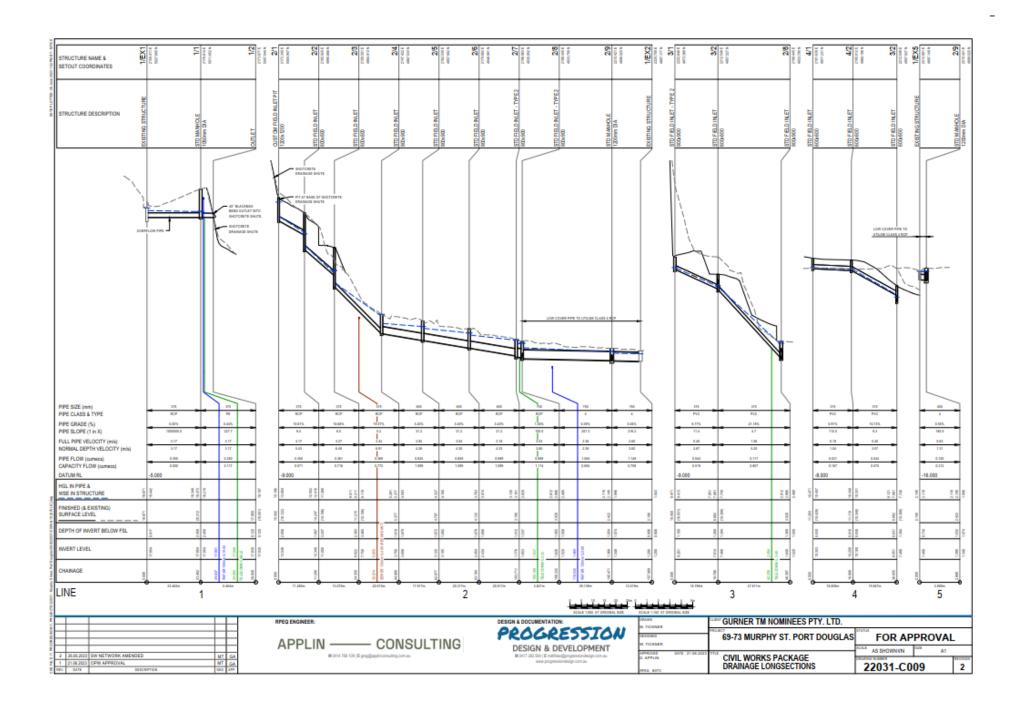


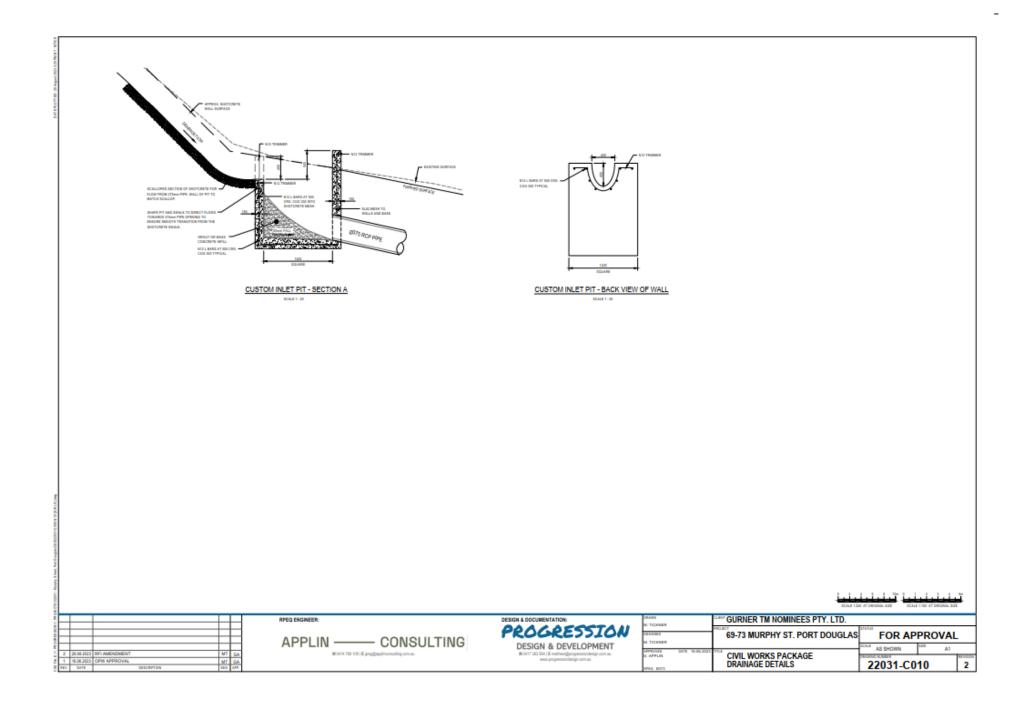


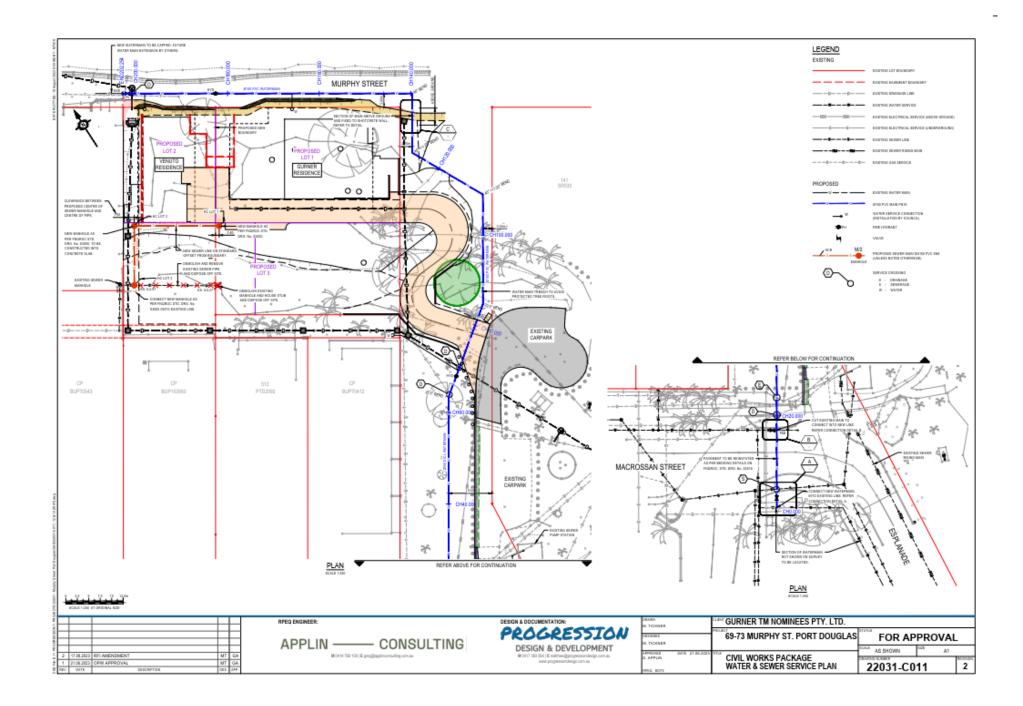


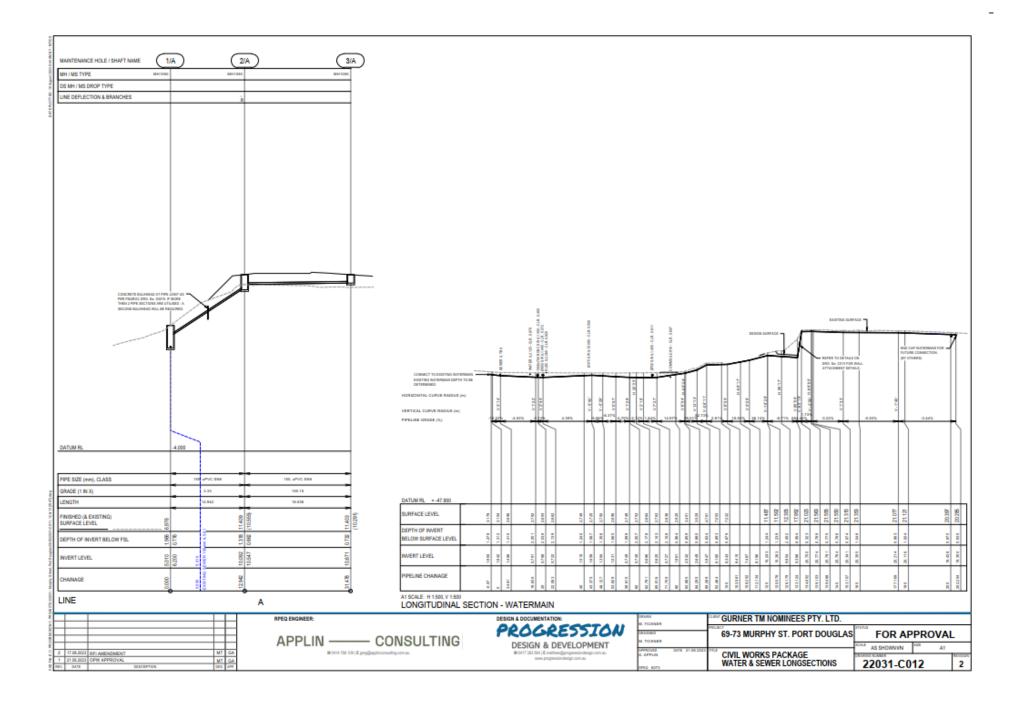


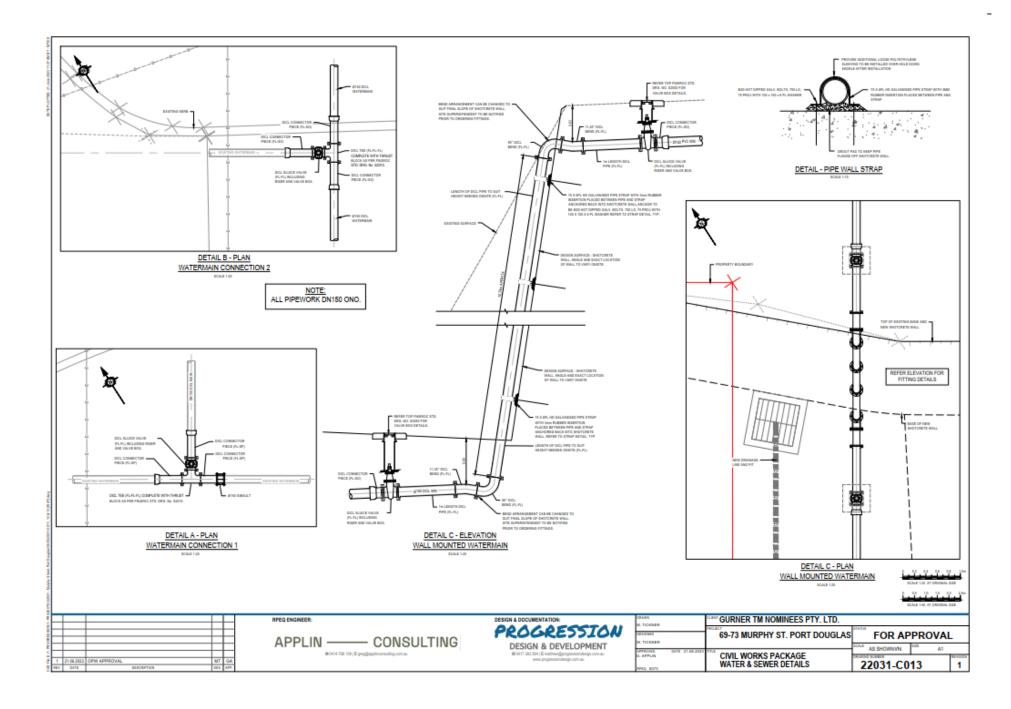


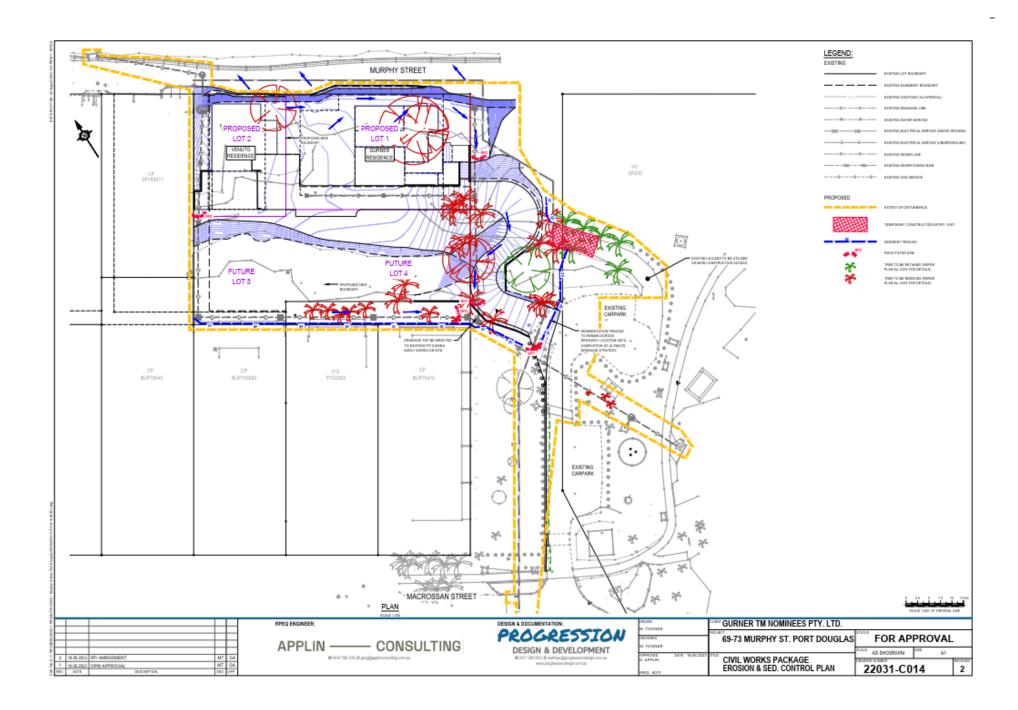


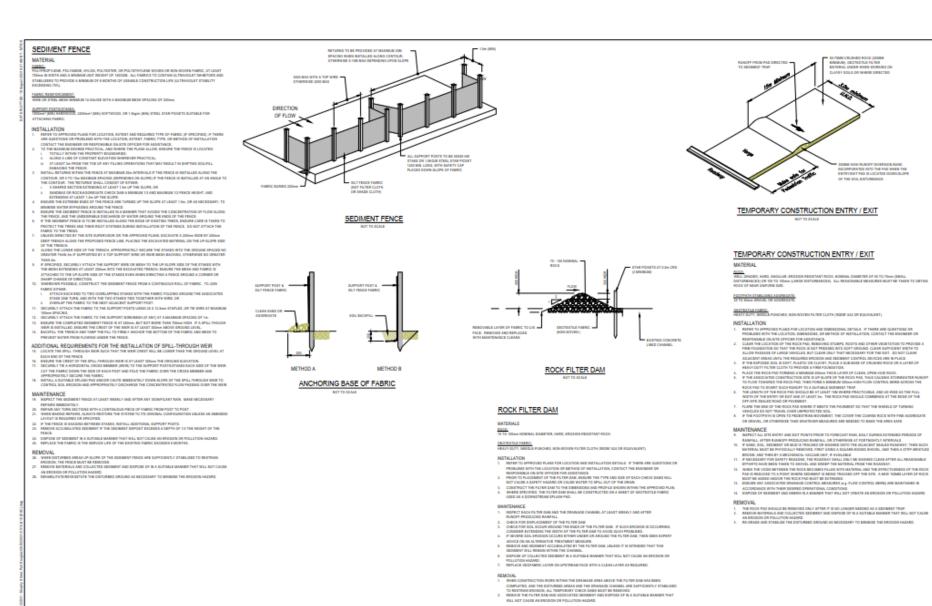












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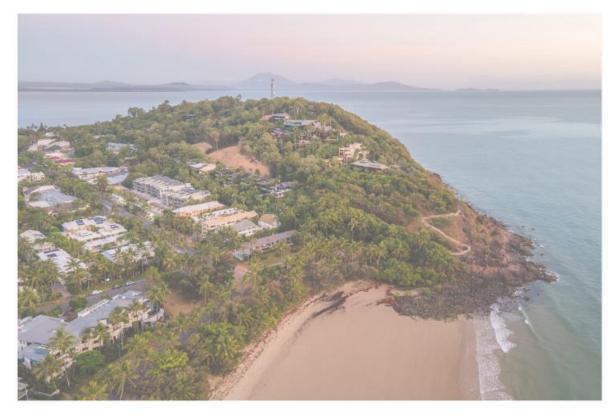
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# LANDSCAPE PLANS



# 69 - 73 MURPHY STREET PORT DOUGLAS

# GENERAL NOTES

- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTS AND ADDITIONAL CONSULTANTS DRAWINGS, SPECIFICATIONS AND REPORTS.
- ALL PUBLIC URLITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND SITEM OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR
- PERSONAL DICEMBRICH IN THE WICHER OF INDERGROUND UTLIESS WITH CARE AND ENECESSARY, BY HAND, THE CONTRACTOR BASE FILE REPORTED FOR THE WORK AND DESIRETION OF DAMAGE TO UTLIESS DAME BE REPAIRD INHEBUSIES A FIND DEPRIES TO THE CONDEX.
- REPARED INHEDITATELY AT NO EXPENSE TO THE OWNER

  NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS.
- APPROVED BY DEVELOPMENT CONGEST OR PIRMIT DEFAULD FROM COUNCE.
  ALL PAYING & INDICATIVE, TO BE TO TUTURE SPECIFICATION, AND SET OUT ON SITE.
- ALL WORK TO BE CARRED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL STANDARDS AND CODES.
- THE CONTRACTOR IS TO DISCUSE THAT ALL THE WORKS ARE CARRED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT.
- HIGH TO REVIEW PLANT MATERIALS AT SOURCE OR BY PHOTOGRAPHS PRICE TO PURCHASE AND DELIVERY EXACT LOCATIONS OF HEW PLANT MATERIAL TO BE SETOUT AND APPROVED BY THE HIED ONSITE PRICE TO
- DIACT LOCATIONS OF NEW PLANE WATERIAL TO BE SETOUT AND APPROVED BY THE MED ONSITE PRICE BETALLATION, MED RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION ONSITE.

# DRAINAGE AND IRRIGATION NOTES

- REFER TO CIVIL ENGINEERS LIFLEY AND DRAINAGE FLANGFOR LIFLEY LOCATION, AND OBAINAGE INFORMATION.
  REQUIREMENTS FOR LANDSCAPE ORAINAGE TO BE CONFIRMED ONSTE LINLESS CITIEDWISE SHOWN ON THE
- LANDSCAFE PLANS.
- TRIE RITTHAT HAVE BEEN DOCAVATED NEO HEAVY EARTH OR STONE TO COMEAN A RING OF AG PPE LIND AT THE MINGER OF THE RIT WHICH A NORMALIN DOTHIN LASTE OF RISE DRAINING, MATERIAL AG PPE TO BE CONNECTED TO A DRAINING CUILLET (REFIRE TO TRYCK, TEST DE DRAININGS SECTION). AN INCIDENT ON MAJERIAL REPORT AND DRAINING TORS INSERTS OF DRIP.
- ALL POS TO HAVE AN INSIGNATION ALLOWANCE (DIRECTION OF BRIGHTON DETAIL TO BE LISTO AS SHOWN
  FOR POSS LOCATED ON PAYED SURFACES, TYPICAL PAYING BRIGHTON DETAIL TO BE LISTO AS SHOWN
- POIS ADJACENT TO GARDEN BEDS TO BE IRRIGATED VIA IN GARDEN BRIGATION SYSTEM
- ALL LAWN AREAS TO HAVE POPUP ROTORS
- ALL GARDEN BEDS TO HAVE RISED SOLID RISERS WITH SPRAYS.



69-73 MURPHY STREET



AND MADE BY HERBOY CHART FOR POSTORING OF ALL ALARS.

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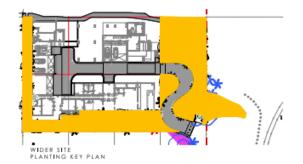
# PLANT SCHEDULE

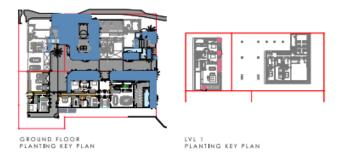
es os	BOSANIC NAME	COMMON NAME	ZONE 1	20NE 2	20NE 3	20NE 4	ZONES	TOTAL	FOI	MATURE HEIGHE	NORS
VA.	Archonisphoenix alexandrae	Alexandra Falm	- 5					- 5	200L	ilm.	
A	Cupaniopsis anacardioides	Tuckerpo	3					3	2001	10m	
3	Chamaedorea selfisii	Bambao Palm	22	- 11		5		38	Mature	3m	
0	Calcohulum incohulum	Reach Colophilum	- 1	-6				14 .	NATH OF	10m	
N.	Cocos nucliero	Coconut Palm	30	15	_	- 5			Mahae	6-10m	
۳	Cyafrea cooperi	Iree Fern	~~	~	~~		~~	-	2004	Sm	
GF.	Glochidon ferdinandi	Cheese Iree	4					4	Mature	ilm	
NE.	Nypa fuficant	Nipo Folm	9					9	2001	ém.	
PS.	Pheorix sylvestris	Sylvester Paim				- 4		4	Mature	10m	
0	Burneria obbusa	Francipani	-1-	4	_	- 40		. 12	300	(m	
85	Randia fitralanii	Native Gardinia	- 5	3					300L	Jm	
ew.	Velichio mentii	Christmas Palm	17	7		5		29	2004	6-lim	
ΝE	Waterhousea forbunda	Weeping Lily Pilly	4					4	2004	3-Sm	-
~			~~~	$\sim$	~~	$\sim$		$\sim$			~~~
RUBS	& PERENNIALS		_	_					_		
300	BOTANIC NAME	COMMON NAME	ZONE1	20NE 2	JONE 3	20NE 4	ZONES	TOTAL	FOT	MATURE HEIGHT	NOTES
b	Alocaia bridonenis	Native Currievol Lily	X	42400.4	2000	200	2000	Judine	200mm	Im.	2000
Ac.	Apprio conues	Native Ginger	_						200mm	III	
Am	Alocaia macrathia	Giant Taro	I			X				am 1.5-2.5m	
O O	Calathea lutea	Cigar Plant	-	-		-			200mm		_
_	Cadhed bled	Cigarrian	X	X	X	-	-	_	2001111	2311	_
m	Carlesa macrocarpa 'Emerald star'	Natal Plum	_	_	×	_			300mm	0.6m	
m	Rous microcarpa 'Green island'	Greenisland Rg	x	×	×				300mm	0.6m	
9	Licuaia grandis	Ruffled Fan Palm			×				300mm	3m	
Md	Mondera deliciosa	Swiss Cheese Florit							400mm	3m	
8	Philodendron selloum	Hope Philodendron	X	×		X			300mm	2m	
6	Rhapis excelsa	Broadlead lady palm	X	×					300mm	4m	
la	Syaygium australe	Brush Cherry	X		1111				200mm	Sm	
2	Zamia furfurfacia	Cardboard Flant			×				200mm	lm	
MS											
206	BOTANIC NAME	COMMON NAME	JONE 1	ZONE 2	20NE 3	20NE 4	ZONES	TOTAL	POF	MATURE HEIGHE	NOTES
Am.	Asparagus densifiarus 'Myenii'	Forfall Asparagus	_	_	_	_	_		200mm	0.7m	
Ag	Asplerium antiquum	Birduned Fem				X			200mm	lm	
lau.	Audienium australasicum	Birch Neut Fern	Х.						200mm	lm .	1000
lin	Bechrum gbbum	Silver Lady Fern				X			200mm	lm	
Md	Microsorum diversifolium	Congaroo Fern	x	×		X			100mm	0.4m	-
_			-	-							
lous	IDCOVERS & CUMBERS										
			10ME1						POT 200		
0000	Collaborations	COMMON NAME	_	20NE 2	204E3	20NE 4	20NE 5	TOTAL			NOTES
*	Laspren prones Lougainvilles sp. Tink'	Bougainvillea	X				-		140mm	Groundcover	
1		essignative co					X		200mm	Cimber	
ib	Hibberto banksi	Countries for	X						140mm	Groundcover	
_	Rous pumila	Creeping fig				X			140mm	Climber	
P	Pandorea pandorana	Wongo Vine	X						140mm	Climber	
ke_	Rhaphidophora cryptantha	Shingle Plant	_	$\vdash$	<b>—</b>	X	-		100mm	Climber	
Va	Viola adorata	Native violet	_	$\vdash$	<b>—</b>	X	-	_	100mm	Groundcover	_
	Veronico elliptico	Curtain creeper		ı	I			ı	100mm	Cascading Groundcover	

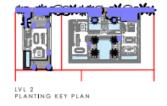
# NOTES

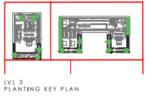
- IF SPECIFIED POT SIZES ARE NOT READLY AVAILABLE, PLEASE CONTACT MED TO CLARRY SUBSTITUTE SIZES AND CHANGES TO QUANTITIES
- ALL MATURE TREES TO BE SOURCED AND SUPPLIED BY MYLES BALDWIN DESIGN
- THE PLANT SCHEDULE IS CALCULATED BASED OFF THE LANDSCAPE PLANS PROVIDED BY MBD. ADDITIONAL PLANTS OUTSIDE OF THIS SCHEDULE MAY BE REQUIRED TO REACH THE DESIRED PLANT DENGTIES ONGTE
- ALL PLANT MATERIAL TO BE SETOUT ONGTE BY MINLES BALDWIN DESIGN PRIOR TO INSTALLATION

# SPECIES TO DOUGLAS SHRE COUNCIL









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EXISTIN	G TREES TO BE RETAINED			
CODE	BOTANIC NAME	COMMON NAME	HOGH	SPREAD
TI	Cocos nucliera	Coconut Palm	15m	5m
12	Cocos nucliero	Coconut Palm	Him	5m
T3	Cocos nucliera	Coconut Palm	12m	5m
T4	Schefflera actinophylia	Umbrelia Tree	10m	10m
15	Calophyllum inophyllum	Beauty Leaf	9m	11im
T6	Calophyllum inophyllum	Beauty Leaf	9m	5m
17	Calophyllum inophyllum	Beauty Leaf	16m	18m
TIL	Calophyllum inophyllum	Beauty Leaf	17m	10m
19	Cocos nucliera	Coconut Palm	15m	5m
TID	Cocos nucliero	Coconut Palm	15m	5m
TH	Cocos nucliera	Coconut Palm	Him	5m
112	Cocos nucliero	Coconut Palm	14m	5m
T13	Cocos nucltera	Coconut Palm	Him	5m

NOTES

MANAGEMENT 02/08/2023

69-73 MURPHY STREET GURNER



PLANT SCHEDULE



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	ADDRESS OF THE PERSON NAMED IN COLUMN 1
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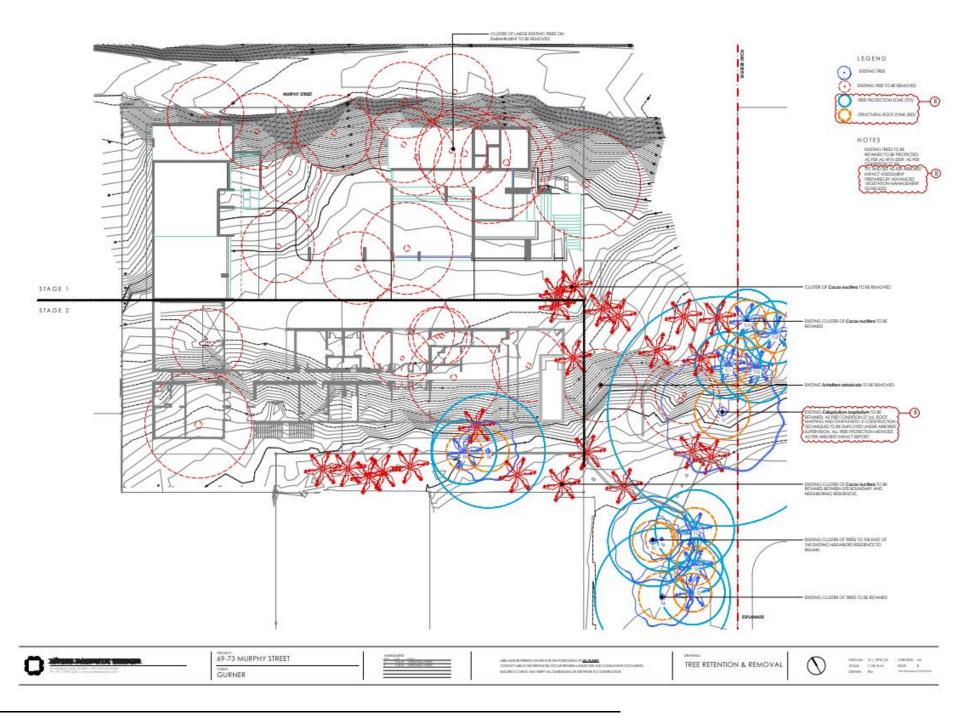


CORRACT MEDIFICACIES WORLD COLOR SETMENT AND CONCENTRACT DOCUME BADES TO CHECK AND MISSES AS, DIMENSIONS ON THE PRICE TO CONCENTRACE PLANTING PALETTE

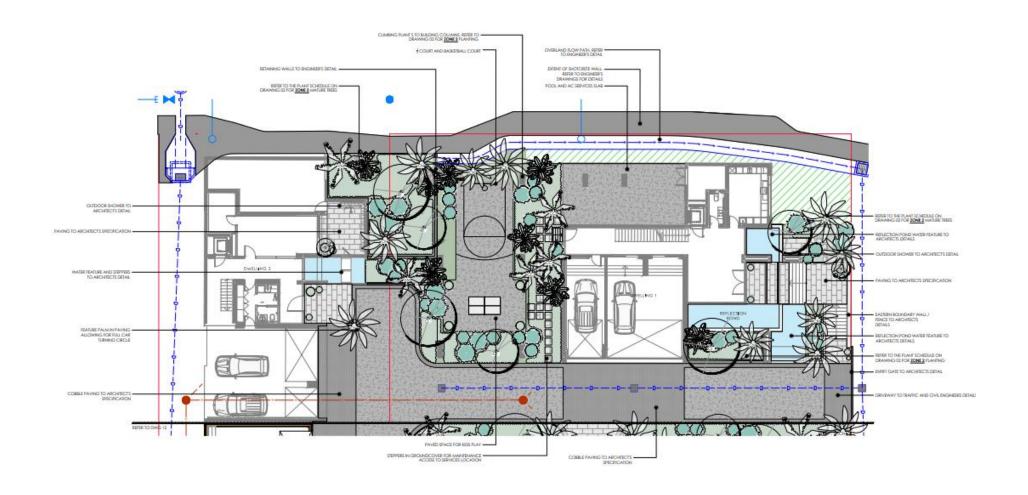


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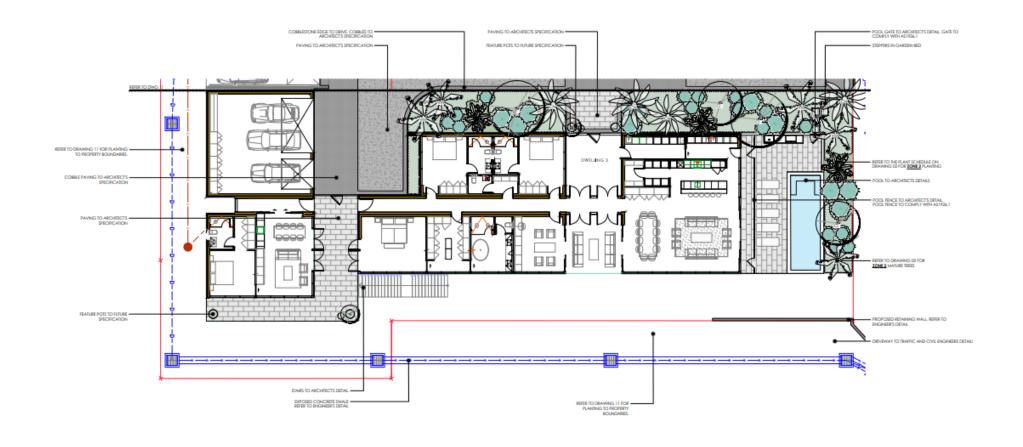






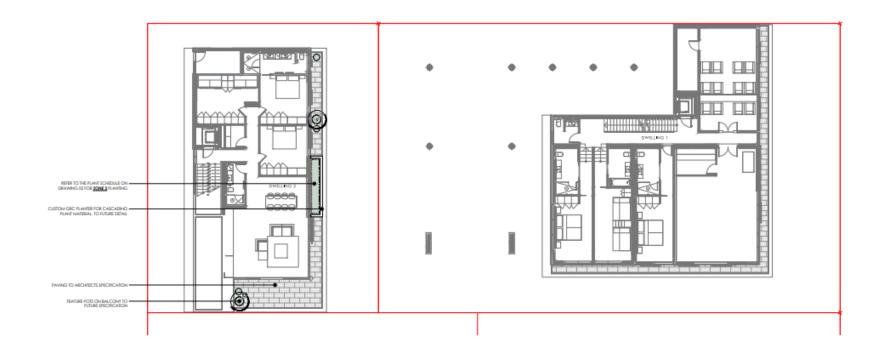






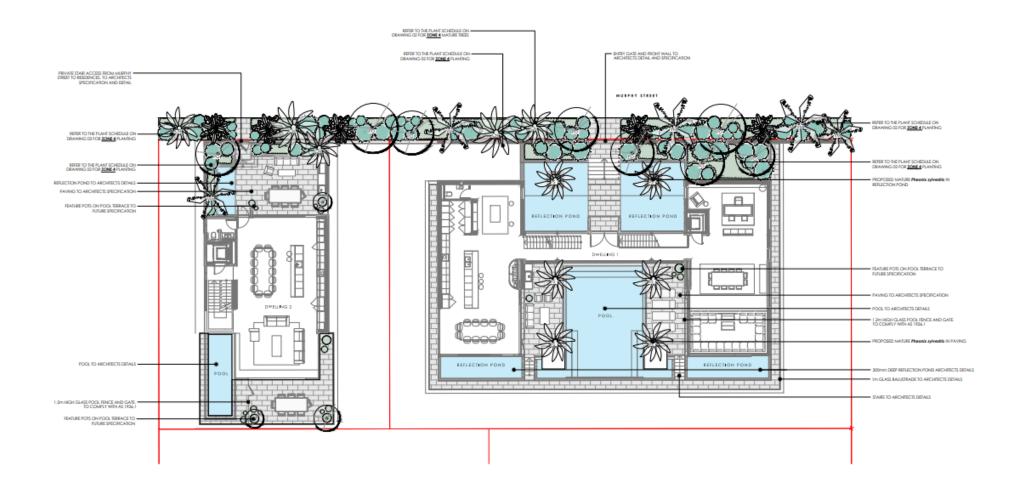






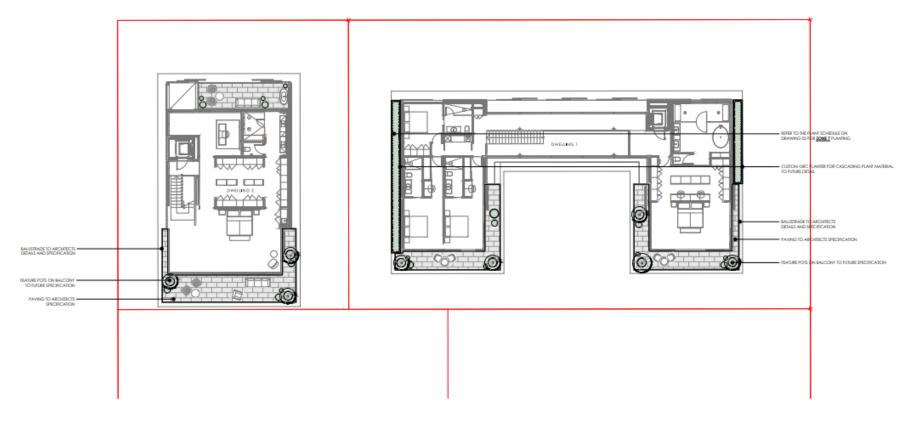






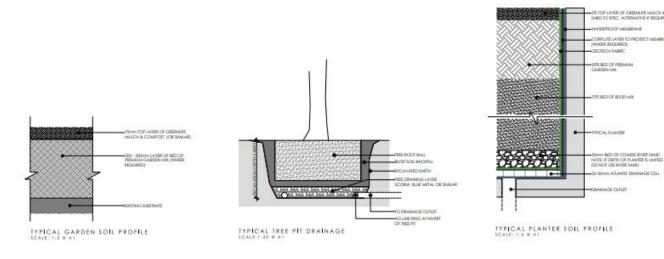


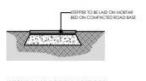




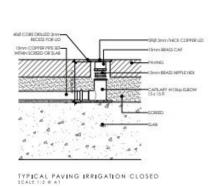


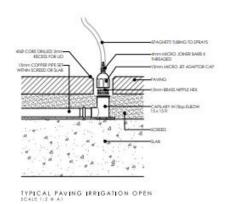


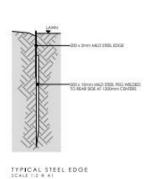


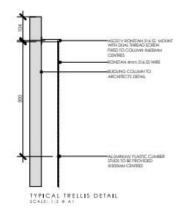


TYPICAL GARDEN STEPPER

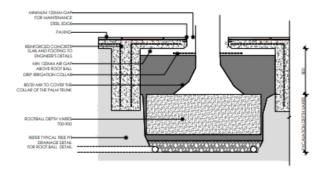




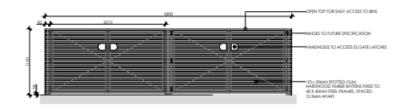




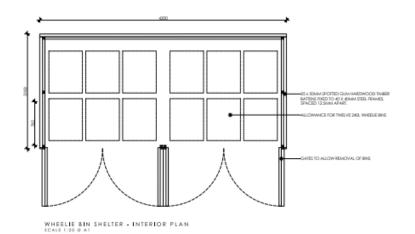
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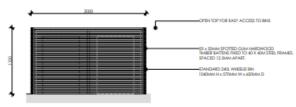


TYPICAL TREE IN PAVING



WHEELIE BIN SHELTER - FRONT ELEVATION SCALE 1:20 @ A1





WHEELIE BIN SHELTER - SIDE ELEVATION SCALE 1:20 @ A1



69-73 MURPHY STREET GURNER



ABO ALST BE FRESHY ON SET FOR THE FOREIGNED OF ALL RANKS.
CORRECT MED F DECREPANCES OCCUR BETWEEN LANDICARS AND CONSULTANTS.
BLEDSE TO CHECK AND HERP ALL DIRECTED ON SET FRESH TO CONSTRUCTION.

BIN SHELTER DETAILS

DWD No. BIT, DW, N. CHECKED, UM.
SCALE AS HOSED BOLE A
DOWN BM. WOMENING S STPREAS

## GENERAL SPECIFICATION NOTES

## 1.0 STANDARDS

- 1.1 5065
- AS 4619: Solis for Landscoping and Graden Live
- AS 3743: Politing Main
- AS 4654: Comparts, Soil Conditioners and Mulches
- 1.2 Plants
- AS 2000: Twe Stock for Landscape Use
- AS 4970: Protection of Trees on Development Sites

## 2.0 PRODUCTS

2.1 MATERIAL

Source Provide topical, which contains organic matter, is tree from stones, contominants and weeds

Site: if available, provide material recovered from the site.

Supplier Obtain full from a specialist grower of cultivated full

Quality Provide fulf of even thickness, free from weeds and other familian matter

General Provide propertyr fertilien, delivered to the site in seded book marked to show manufacturer or vendor, weight fertilien have NPE ratio.

- Health: Supply plants with foliage size. Itedure and colour of time of delivery consistent with the size, testure and colour shown in healthy specimens of the
- Domage: Supply plants free from damage and from restricted hobit due to growth in nursery rows
- Pasts and disease: Supply plants with foliage free from ped attack or disease. Substitutes: Plant substitution (species or quantities) is not acceptable unless approved by Myles Boldwin Design.

## 10 DECURON

3.) SITE PROPAGATION

# Weed eradication

- Herbicide: Bradicale weeds with a non-residual glyphosote herbicide in any of its registered formulae, at the recommended maximum take
- Placing Place clean Wing in layer approximately 135 mm thick compacted to 65% of the dry density ratio of the surrounding soil as determined by AS 1289.5.4.1. Welmise dumping and further internal packing down-

Construct changes in grade over a minimum width of 500 mm to smooth, gradual and munded profiles with no defind joint

- The protection stress (PD) shall be established around all tress to be retained and in accordance of AS 6979. The area within the fence shall be mulched
- No excayation, construction activity, grade changes, storage of moterials, stock piling, stiling of sheck, preparation of mises or cleaning of talk is

# Florifing beds

- sted Scravate to bring the subsoil to at least 300 mm below fruited design levels. Shape the subsoil to fall to subsoil drains where applicable
- limple up the subs to a further depth of 100 mm.
- Unescovated Remove weeds, sods, building subble and other debts. Bring the planting bed to 75 mm below finished design levels Services and roots: Do not disturb services or tree roots; if necessary, cultivate these areas by hand

# Floring topsoil

- General Special the topical on the prepared subsol and grade eventy, making the necessary allowances to plentil the following:
- Required finished levels and contours may be achieved after light compaction
- Grassed areas may be finished flush with adjacent hard surfaces such as kerbs, paths and mowing strips.

- General Spread topsoil to the following typical depths:
- Excavated planting area: if using arganic salt, 200 mm. Refer to hypical salt profile detail
- trigated grassed areas generally: 150 mm
- irigated grassed areas, heavy use (e.g. playing flets), playgrounds, and public pass); 200 mm.

Sediment and ension control measures are required during the construction of all developments and building work. It this be the contractor's responsibility that work are carried out in accessorable with a rediment and ession control plan and council/approxing suthorby is equirements.

32 TURRING

- Supply Deliver the fact within 24 hours of cutting, and lay it within 24 hours of cutting. Prevent the fact from driving out between cutting and laying if it is
- not load within 36 hours of cytling, roll it out on a flat surface with the grass up, and water as receivant to maintain a good condition
- Laying: Cay the fulf in the following transfer:
- in stretcher partiers with the joints riaggered and close buffed
- Proplet with the long sides of level areas and with contours on slopes
- To finish flush, other tamping, with adjacent finished surfaces of ground, paving edging, or grass seeded areas
- Tamping Lightly tamp to an even surface immediately after laying. Do not use a roller
- Fertiling We the lettler thoroughly into the logical before placing the fulf. Apply lawn lettler of the completion of the first and last mowings, and at
- Watering: Water immediately after laying until the topsall is maidened to its full depth. Continue watering to maintain mainture to this depth
- Level: Where levels have deviated from the design levels after placing and watering. If turf and re-grade topical to achieve design levels

## 33 PLANTING

- individual plantings in grassed areas: Excavate a hole twice the diameter of the toot ball and of lead 100 trim, deeper than the toot ball. Bleak up the base of the hole to a further depth of 100 trim, and access compacted iddes of the hole to prevent confinement of root growth
- relations, Textury by vector the priority between planting, investigately, and as required to relation point rules less of share. Nacing Particion in the point from the customer with relations and districtions for the cost of all exists of their root food investigates the size of point from the customer with relations and districtions for the cost all exists of their root food investigates the size of point from the customer of the sold exists of their point root to all exists which the finite dus affects of the summerful point from their point root to all exists with the finite dus affects of the summerful point from their point root to all exists with the finite dus affects of the summerful point from their point root root point root root point root root root root roo
- Backfiling: Backfil with topical mixture. Lightly tarrip and water to eliminate at packets

All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Harficulturalist

## Clay Sols

The basis of each tree pit within clay sals that be laid with 100mm deep scalar. A 90mm against ring that at within the cools and drain directly to a suitable occasion. Lay geo-testile fabric eventy above the scalar, prior to tree placement and backling with 80/20 mineral sall.

## 33 MEDING

General Rose muich to the requised depth, clear of plant dens, and late to an even surface flush with the surrounding frainhed levels. Spread and roll mulch to that other setting, and order plant, it is another and everly greated between delign unlates levels depend towards the base of plant levels in particular that can be greated to the control of plant in the case of greater instructes.

- Golden binds: Greenlife Mulch and Compost
- Depths: Spread arganic mulch to a depth of 75 mm, and gravel mulch to a depth of 50 mm.
- 34 STARTS AND THE

Material Hardwood, disjoint, few from knote or fwith, pointed of one end

installation: Dive stakes into the ground of least one third of their length, avaiding damage to the root system

General: Provide 50 mm hexical webbing files fixed securely to the stokes; one file of half the height of the main stem, others as necessary to stabilize the

## 3.7 WATERNO

Event Available to I mainure coment of grass areas and garden beat to be monitored an a weekly basis using an approved mosture probe and water applied on a demand basis. Readings should be taken at a depth of 250mm.

- All grass areas and gardein beds should be maintained within a range of \$040% available call mainture. Under no discumulance should deep under intigation hall below a level of 20% available call mainture.
- to withe signs of witing of leaves or stems, with all plants fully sugict or all times. No sign of over-watering such as constantly well soil, brown teal margins, stem not or brown spots on foliage.

include subsoil drainage benind retaining walls, along path edges and in mass planting beds. Including lawn areas. Mainfenance access points that be

Geotedia fabric shall consist of a woven or a non-woven type to be manufactured from synthetic materials ofter than polyamide

Aggregate; that be a single site with a nominal dimension of 19-40mm.

Subsidipper that be 90 mm Islameter convigated fisibile softed PIC pipe in a geolabric cock, or 190mm pPVC 3 under powerent. All pipes to majutement of a 124th where withink lock or are non-inferent, swindows concerning to what be lead only.

- Trenches to be minimum 300mm wide and extend 500mm below the subgrade level or 150mm if into bed rock
- Rescribe to be lined with geotedile tobric and backfilled with aggregate. Fipe to be laid 50mm above trench floor fitor to backfilling the french, drainage and connection to stamwater is to be approved by the site manager

Stakes and their Remove those no longer required of the end of the planting establishment period. Temporary fences: Remove temporary protective tences of the end of the planting establishment period.

# 4.0 ESTABLISHMENT & DEFECTS LIABILITY

# AT DITABLISHMENT

the contracted upper units otherwise noted in the project documentation, if applicable refer to the project manager / builder for confirmation

All landscaping works will be subject to a defect liability period of 52 weeks, commencing from the date of Practical Completion, unless otherwise noted in the project documentation, if applicable with to the project manager / builder for confirmation

# 4.3 FALSO PLANTINGS

Profographic images of plants shall be approved by Myles Balakin Design prior to procurement of replacement plant and tree stock

# 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—
  - 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.
- (2) 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 period.

(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-

- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started;
- (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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