

9 November 2023

Enquiries: Neil Beck
Our Ref: OP 2023_5536/1 (1194615)
Your Ref: 026-2301

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

Northern Palms Pty Ltd
29 Gibson Road
WARRANDYTE SOUTH VIC 3134

Dear Craig

**Development Application for Operational Works
At 501-505 Old Port Road CRAIGLIE
On Land Described as LOT: 303 TYP: C PLN: 2251**

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

Please quote Council's application number: OP 2023_5536 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 Hoyer
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: Northern Palms Pty Ltd
Postal Address: 29 Gibson Road
WARRANDYTE SOUTH VIC 3134
Email: craig@consultneon.com.au

Property Details

Street Address: 501-505 Old Port Road CRAIGLIE
Real Property Description: LOT: 303 TYP: C PLN: 2251
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Operational Works

Decision

Date of Decision: 9 November 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.

Title	Reference No.	Revision
Locality Plan	026-2301-01-DRG-001	A
Project Notes	026-2301-01-DRG-002	A
General Arrangement	026-2301-01-DRG-003	A
Earthworks Plan	026-2301-01-DRG-004	A
Services Plan	026-2301-01-DRG-005	A
Common Property Services	026-2301-01-DRG-006	A
Sections & Typical Details	026-2301-01-DRG-007	A
Site Based Stormwater Management Plan	026-2301-01-DRG-008	A

Note – The plans referenced above will 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.

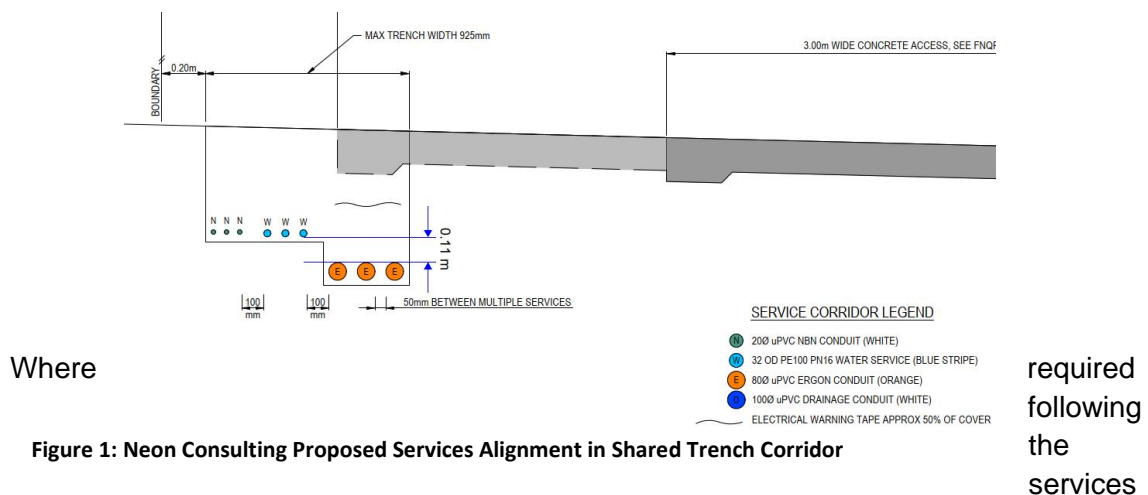
Timing of Effect

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.

Service Clearances

3. Prior to the Pre-Start Meeting, confirm the alignment of services within the shared trench corridor in accordance with the requirements of the Water Services Association of Australia (WSA) to the satisfaction of the Chief Executive Officer.

Advice Note: Neon Consulting Drawing 026-2301-01-DRG-0006 indicates NBN conduits and water services are aligned at the same depth and 100mm apart. WSA is interpreted as requiring a minimum of 150mm vertical clearance and 300mm horizontal clearance. In addition, 110mm clearance is interpreted between water services and Ergon conduits, (refer figure below). WSA requires a minimum of 225mm vertical clearance and 500mm horizontal clearance.



review, update the civil plans to include the clearance between all service crossings on Neon Consulting Drawing 026-2301-01-DRG-0006 to the satisfaction of the Chief Executive Officer prior to the Pre-Start Meeting.

Earthworks

5. Prior to Works Acceptance, complete all bulk earthworks within the development footprint and within the west verge of Old Port Road to the extent of the site frontage generally in accordance with the approved plans by Neon Consulting. Works must ensure a free draining surface is maintained with no ponding of standing water resulting

to the satisfaction of the Chief Executive Officer.

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.

6. Prior to the prestart meeting, the Contractor must provide a traffic management plan for delivery 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 works commencing on site.

Stormwater

7. Amend the driveway drainage to satisfactorily drain Lot 4-6 and the shared driveway access downstream from the property boundary, including a grated inlet pit inside the property per FNQROC Standard Drawing S1110. Alternative solutions may be considered providing the downstream drainage system is capable of adequately catering for the discharge of the modified flow concentrated by the driveway kerbing.

Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement prior to the Pre-Start Meeting.

Advice Note: The barrier kerb aligned along the edge of the common access will capture runoff from Lot 4-6 and the shared concrete driveway. No stormwater infrastructure is nominated to direct runoff from the shared driveway access to the downstream point of discharge.

8. At the drainage outlet from the culvert under the driveway, provide additional protection to contain runoff within the Type 1 concrete invert and minimise scouring of the earth cut batter immediately downstream. Amendments must be submitted and endorsed prior to request a Pre-Start Meeting.

Advice Note: Officers hold concern stormwater outletting from the new RCP may scour the cut batter surrounding the concrete drain invert during peak rainfall events.

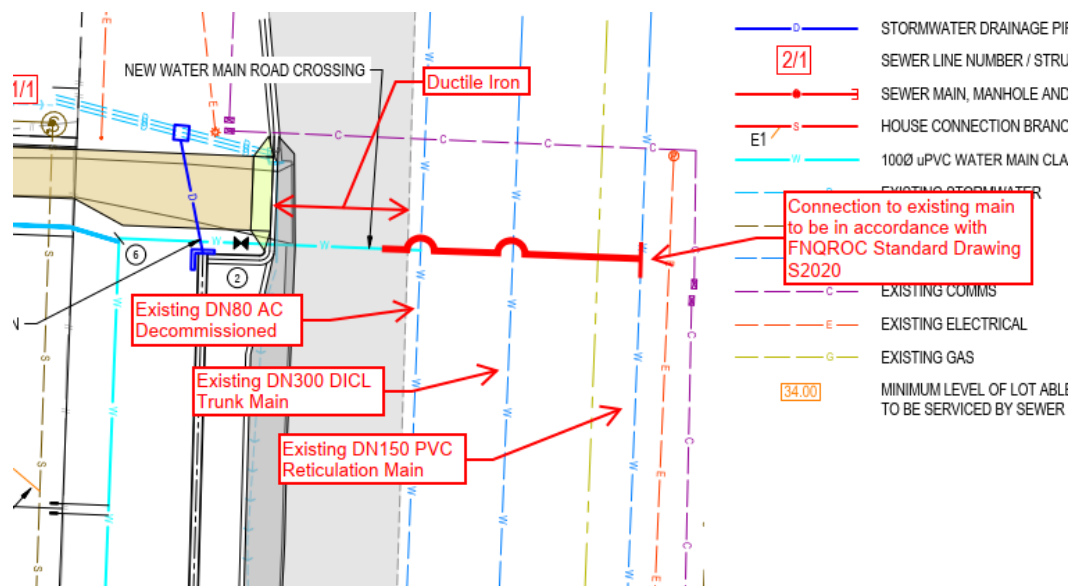
9. Prior to the Pre-Start Meeting, increase the size of the proposed 375mm diameter RCP to a 450mm diameter RCP or provide additional information on how the culvert size provides the appropriate capacity.

Advice Note: The area of the three 225mm diameter drainage pipes intercepted north of the development by the 900x900 Everhard pit has a total area of 0.12m². However, a 375mm diameter pipe has an area of 0.11m². Council requires that an equal or greater discharge area be provided.

10. At all times, stormwater from the land must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.

Water Reticulation

11. The design plans show connection to a watermain which has been decommissioned. New watermain is to connect to the existing DN150 PVC reticulation main. The connection to the existing DN150 PVC reticulation main is to be in accordance with FNQROC Standard Drawing S2020. Details regarding sufficient clearance are to be provided. Refer figure below.



Amended water reticulation plan must be submitted and approved by the Chief Executive Officer prior to the Pre-Start Meeting.

12. Council must be contacted to perform or to under direct supervision for any direct connection to the live water main. 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" in the event Council undertakes the connection.

Water Supply and Sewerage Works

13. Provide a single internal water supply and sewer connection to each lot within the subject land in accordance with the FNQROC Development Manual.
14. Complete all water supply and sewerage works in accordance with Section D6 and D7 of the FNQROC Development Manual.
All works must be carried out in accordance with the approved plans to the requirements and satisfaction of the Chief Executive Officer prior to the lodgement for the signing and dating of the Plan of Survey.

Shared Services Trench

15. Provide water supply, telecommunications, and electrical services to Lot 4, 5 and 6 within a shared trench located in the common driveway access easement to the requirements and satisfaction of the Chief Executive Officer prior to Works Acceptance.

Allotment Access and Crossover

16. Construct a minimum 3m wide commercial concrete driveway, widened to 4.5m where shown on the approved civil plans, from Old Port Road to the eastern boundary of Lot 6 within the development. The driveway must be constructed in accordance with FNQROC Standard Drawings S1110.
17. Construct a 4.5m wide commercial concrete crossover to the shared driveway access to Lot 4-6 in accordance with FNQROC Standard Drawings S1015.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the lodgement for the signing and dating of the Plan of Survey.

Easement

18. Prior to the Pre-Start Meeting, update the civil plan/s clearly nominating the extent of the Access and Services easement over the shared driveway access off Old Port Road.
19. Prior to the lodgement for the signing and dating of the Plan of Survey, prepare for lodgement for registration at the Department of Resources (Titles Registry) an Access and Services easement over the shared driveway access in favour of Lot 4, 5 and 6 as identified on the approved civil plan(s) at no cost to Council.

External Works

20. Undertake works external to achieve the road and verge formation along the property frontage generally in accordance with approved civil plans by Neon Consulting. All works must be carried out to the satisfaction of the Chief Executive Officer prior to the lodgement for the signing and dating of the Plan of Survey.
21. Amend the civil plans to include a line marking plan clearly indicating the extent of new line markings and any existing line markings to be removed.

Internal Works

22. Associated bulk earthworks 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.

Erosion & Sediment Control

23. All erosion and sediment controls nominated in the approved plan by Neon Consulting must be implemented prior to the discharge of water from the site such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

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

24. Amend the Site Based stormwater Management Plan (Neon Consulting Drawing 026-2301-01-DRG-0008) to show the location of the construction access in accordance with the Institute of Public Works Engineering Australia Standard Drawing D-0040.

The location must be approved by the Chief Executive Officer prior to the Pre-Start Meeting.

General

25. Demolish/remove and dispose of all structures, concrete slabs and steel containers located within the development footprint except for the existing dwelling within Lot 4 as identified on Neon Drawing 026-2301-01-DRG-0004.
26. Remove the clothes line hoist and associated concrete path for the extent that these encroach into Lot 2.
27. Decommission all existing services within the development footprint except as specified by the approved civil plans to the satisfaction of the Chief Executive Officer prior to Works Acceptance.
28. Prior to Works Acceptance, any section of fence removed to enable operational works must be replaced to a quality equal to or better than the existing fence. The replaced section must match the material and height of the existing fence to the satisfaction of the Chief Executive Officer.

Road Condition Assessment

29. 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.

Vegetation Clearing

30. Existing vegetation within the verge of Old Port Road fronting the development is to be removed to the requirement and satisfaction of the Chief Executive Officer.
31. 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.

Stockpiling and Transportation of Fill Material

32. 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.

33. 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

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

Damage to Council Infrastructure

35. 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, and 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 approval and dating of the Survey Plan.

Further Development Permits

Not applicable

Concurrence Agency Response

Not Applicable

Currency Period for the Approval

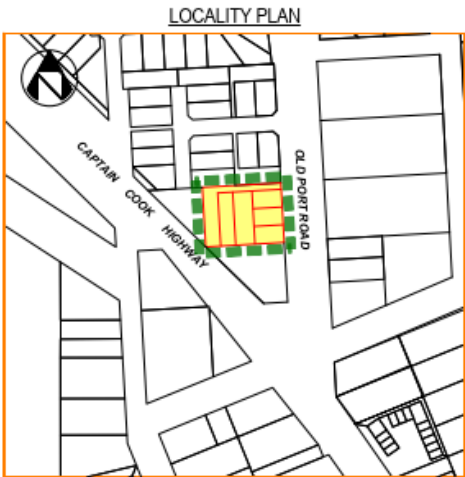
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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.

1 INTO 6 LOT SUBDIVISION 501-505 OLD PORT ROAD, CRAIGLIE CIVIL WORKS



DRAWING INDEX

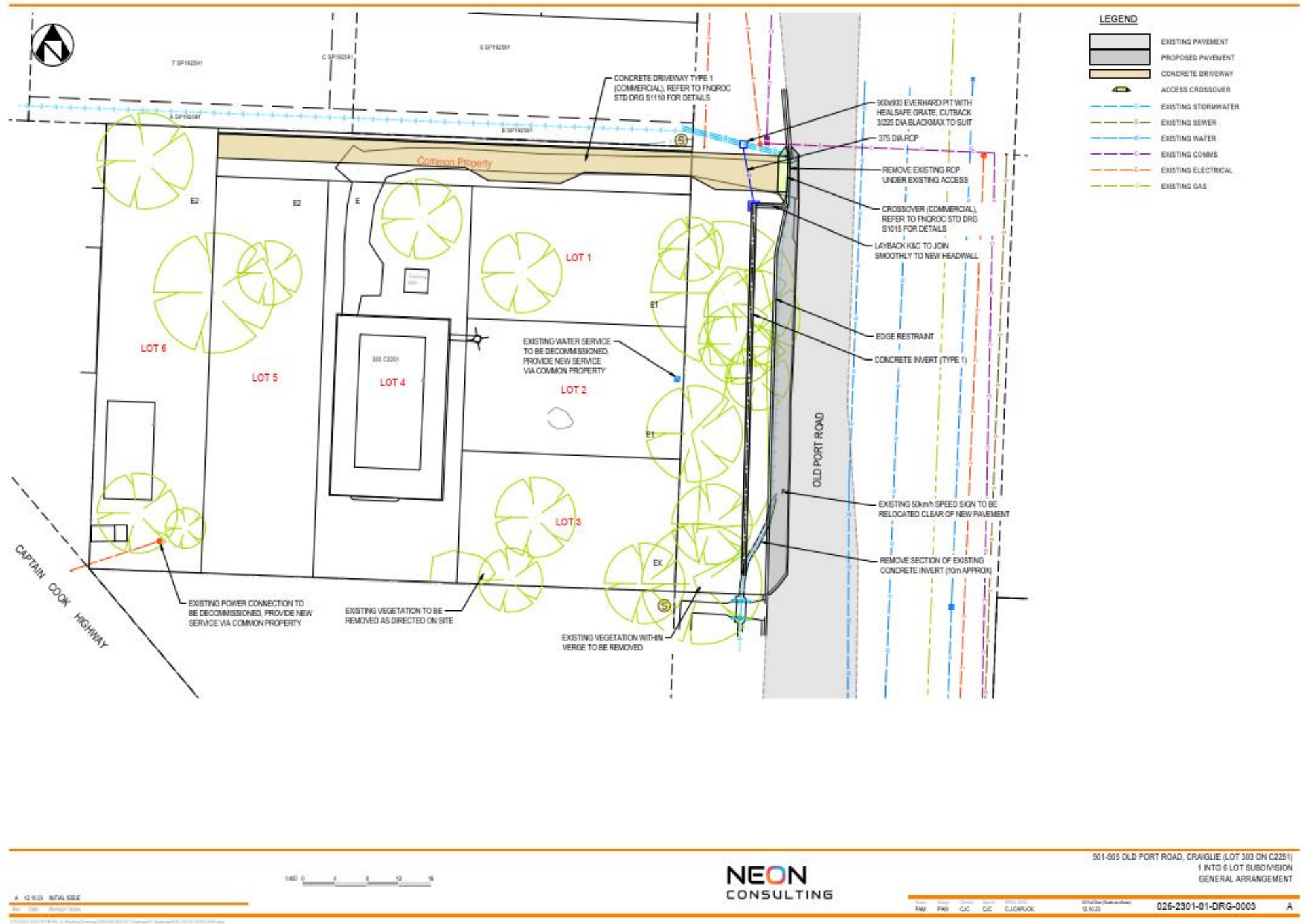
DRAWING No.	DRAWING TITLE
026-2301-01-DRG-0001	LOCALITY PLAN
026-2301-01-DRG-0002	PROJECT NOTES
026-2301-01-DRG-0003	GENERAL ARRANGEMENT
026-2301-01-DRG-0004	EARTHWORKS PLAN
026-2301-01-DRG-0005	SERVICES PLAN
026-2301-01-DRG-0006	COMMON PROPERTY SERVICES
026-2301-01-DRG-0007	SECTIONS AND TYPICAL DETAILS
026-2301-01-DRG-0008	SITE BASED STORMWATER MANAGEMENT PLAN

INSTITUTE OF PUBLIC WORKS ENGINEERING
AUSTRALIA STANDARD DRAWINGS

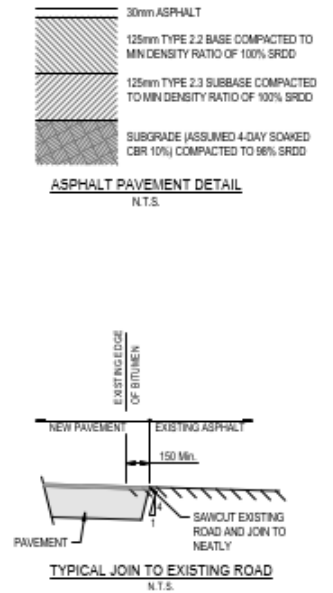
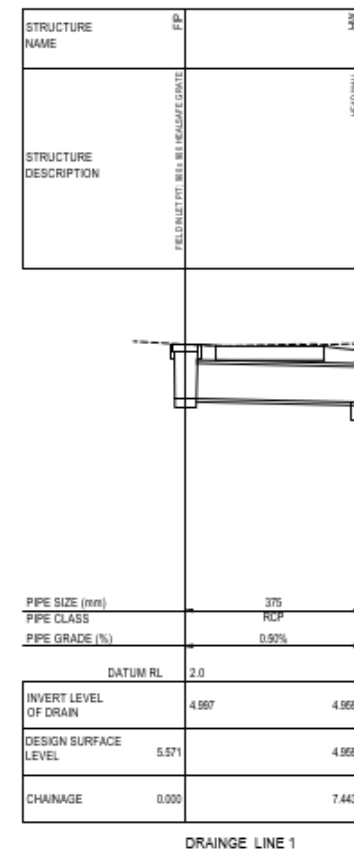
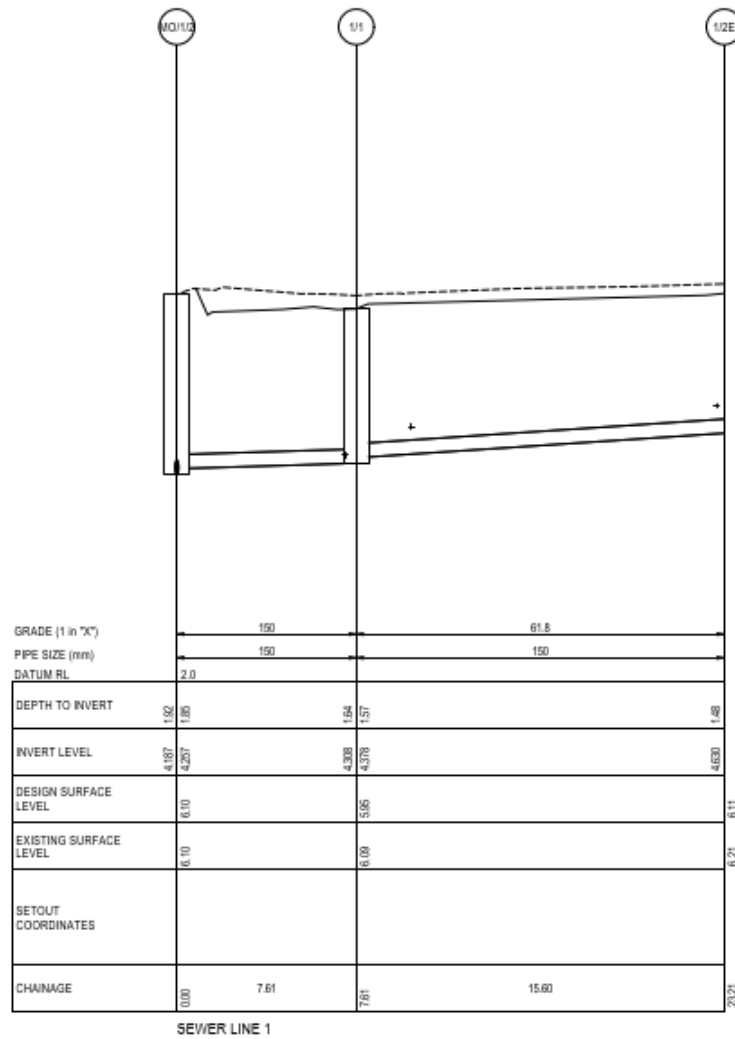
DRAWING No.	DRAWING TITLE
D-0040	SEDIMENT CONTROL DEVICES - SEDIMENT FENCE, ENTRY/EXIT SEDIMENT TRAP
D-0041	SEDIMENT CONTROL DEVICES - KERB AND FIELD INLETS, CHECK DAMS & STRAW BALE BANKS

FNQROC STANDARD DRAWINGS

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









A 12.10.20 INITIAL ISSUE
 Date: 12.10.20 Drawn: [Name]
 17/10/2020 1:40:18 PM File: S:\Planning\Drawings\2301-01-DRG-0008\2301-01-DRG-0008.dwg Drawn by: [Name] 12/10/2020

1:400 0 4 8 12 16

NEON
 CONSULTING

501-505 OLD PORT ROAD, CRAIGLIE (LOT 303 ON C251)
 1 INTO 5 LOT SUBDIVISION
 SITE BASED STORMWATER MANAGEMENT PLAN

PM [Name] PR [Name] CC [Name] JC [Name] CJ DRUCK

10/10/2020 (Date of Issue)
 12.10.20

026-2301-01-DRG-0008

A

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

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

-
- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for 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.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, 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

- (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

- (1) 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.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.