

7 March 2024

Enquiries: Neil Beck
Our Ref: OP 2024_5578/1 (1214376)
Your Ref: 230-005

J & V Noli Pty Ltd
c/- Civil Walker Consulting Engineers
PO Box 542
CLIFTON BEACH QLD 4879

Dear Sir

**Development Application for Operation Works (Access Works associated with
Reconfiguring a Lot) - Marine Parade NEWELL**

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

Please quote Council's application number: OP 2024_5578/1 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 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: J & V Noli Pty Ltd
Postal Address: c/- Civil Walker Consulting Engineers
PO Box 542
CLIFTON BEACH QLD 4879
Email: daryl@civilwalker.com.au

Property Details

Street Address: Marine Parade NEWELL
Real Property Description: LOT: 5 SP: 301696
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Operational Works (Access works associated with Reconfiguring a Lot)

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
Cover Sheet, Drawing Index & Locality	230-005-C01	A
Important Notes	230-005-C02	A
General Arrangement	230-005-C03	A
Earthworks	230-005-C04	A
Road Longitudinal Section	230-005-C05	A
Road Cross Sections	230-005-C06	A
Miscellaneous Details	230-005-C07	A
Erosion & Sediment Control Strategy	230-005-C08	A

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.

Earthworks & Roadworks

3. The earthworks and roadworks are to be constructed generally in accordance with CivilWalker design plans subject to confirming any adjustments to ensure a smooth interface of the works with existing services and site constraints. To verify the interface of the works, the following level, alignment set-out, and pegging onsite is required for confirmation at the Pre-Start Meeting.
 - a. Southern Road Batter: Peg out the alignment of the proposed cross-road culvert, and centreline of Road A from approximate Chainage 16-26 to confirm the southern road batter extents (and batter slope) and that the works are clear of the existing culvert headwall.
 - b. Existing Kerb Turnout: Confirm the alignment of the existing kerb and channel turning into Road A from the south (east of Lot 18 on RP711018) does not conflict with Road A and earthworks batters;
 - c. Existing Culvert Invert: Confirm the upstream invert level and headwall location for the existing cross-road culvert to confirm the works proposed maintain free draining conditions into the culvert; and
 - d. Existing Tree: Confirm the clearance between the northern sealed edge of Road A and the tree nominated to remain as identified on CivilWalker drawing 230-005-C03 (Revision A) dated 13-02-2024.

Any measures required to protect this tree are to be installed prior to the commencement of work and be maintained at all times to the satisfaction of the Chief Executive Officer.

4. All earthworks are to be completed generally in accordance with the approved plans by CivilWalker, 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.
5. Prior to the Prestart Meeting, the Contractor must prepare and submit a Traffic Management Plan for hauling 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 prior to requesting a Prestart Meeting.

Stormwater

6. Prior to the Pre-Start Meeting, provide drainage calculations confirming the road complies with the maximum depth of inundation permitted in accordance with the Queensland Urban Drainage Manual (QUDM) for a 1% AEP event and that the cross- road box culvert is sized appropriately. 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.

Existing Power Lines

7. Confirm the height/clearance of the low voltage power line above the finished surface level of Road A and provide certification that the clearance is in accordance with the requirements of Ergon Energy.

Written confirmation from Ergon Energy, and compliance with the required clearances must be provided to the satisfaction of the Chief Executive Officer prior to the Pre-Start meeting.

Water Supply

8. Construct a 50mm internal diameter (63mm outer diameter) water main within the Road A reserve from Marine Parade to 1.0m beyond the western boundary of Lot 1 on RP722249 generally as shown on CivilWalker drawing 230-005-C03 (Revision A) dated 13-02-2024. Works must be carried out in accordance with the FNQROC Development Manual to the requirement and satisfaction of the Chief Executive Officer prior to endorsement of the Survey Plan.

Internal Works

9. Associated 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

10. 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.

Stockpiling and Transportation of Fill Material

11. 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.

12. 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

13. 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

14. 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

15. 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 Commencement of any Use.

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

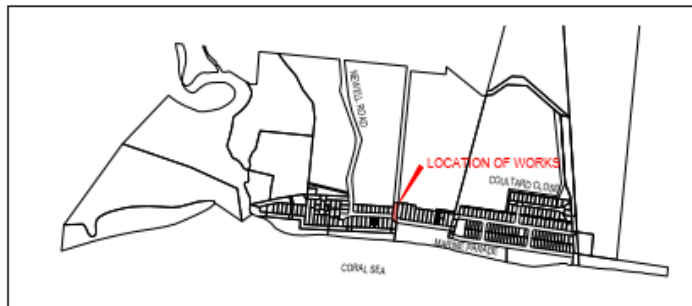
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

J & V NOLI

LOT 2 RP715391 & LOT 5 SP301696, NEWELL BEACH
OPERATIONAL WORK

PROJECT No: 230-005



LOCALITY PLAN
N.T.S.

PROJECT DRAWINGS

DRAWING No.	DRAWING TITLE
230-005-C01	COVER SHEET, DRAWING INDEX & LOCALITY
230-005-C02	IMPORTANT NOTES
230-005-C03	GENERAL ARRANGEMENT
230-005-C04	EARTHWORKS
230-005-C05	ROAD LONGITUDINAL SECTION
230-005-C06	ROAD CROSS SECTIONS
230-005-C07	MISCELLANEOUS DETAILS
230-005-C08	EROSION & SEDIMENT CONTROL STRATEGY

REVISIONS					
A	13.02.24	INITIAL ISSUE			
REV	DATE	DESCRIPTION	DESIGN	APPROVED	

J & V NOLI

ALL DIMENSIONS IN METERS UNLESS NOTED OTHERWISE



DATE	CW	DATE	DJW	LOT 2 RP715391 & LOT 5 SP301006, NEWELL BEACH OPERATIONAL WORK COVER SHEET, DRAWING INDEX & LOCALITY 230-005-C01	DATE 10/13/05	DATE 10/13/05
DATE	CW	DATE	DJW			
ORIGINAL CERTIFIED BY D.J. WALKER						

FNQROC REGIONAL DEVELOPMENT MANUAL

1. CONSTRUCTION AND INSTALLATION OF ALL WORKS AS DETAILED ON THESE DRAWINGS SHALL BE IN ACCORDANCE WITH THE PROCEDURES, SPECIFICATIONS AND REFERENCED STANDARD DRAWINGS CONTAINED IN THE CURRENT ISSUE OF THE FNQROC DEVELOPMENT MANUAL UNLESS NOTED OTHERWISE.

COMPLIANCE WITH ASSESSMENT MANAGER CONDITIONS

1. CONSTRUCTION OF THE WORKS DETAILED ON THESE DRAWINGS SHALL NOT COMMENCE UNTIL AN OPERATIONAL WORKS PERMIT HAS BEEN ISSUED BY COUNCIL AND THE REQUIRED PRE-START MEETING HAS BEEN HELD.
2. THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT CONDITIONS SET OUT IN THE COUNCIL DECISION NOTICE FOR OPERATIONAL WORK.

SURVEY & EXISTING SERVICES

1. THE EXISTING SERVICES SHOWN ON THESE DRAWINGS ARE DERIVED FROM SURFACE SITE INSPECTION. THEY MAY NOT REPRESENT ALL OF THE SERVICES SHOWN ON THOSE DRAWINGS, OR ALL OF THE EXISTING SERVICES PRESENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEWING THE SURVEY AND SUBSEQUENTLY LOCATING ALL EXISTING SERVICES PRIOR TO ANY WORKS COMMENCING. ONCE THE LINE AND LEVEL OF EXISTING UNDERGROUND SERVICES HAS BEEN CONFIRMED BY THE CONTRACTOR, THE ENGINEER SHALL BE NOTIFIED OF ANY POTENTIAL CLASHES WITH THE DESIGN PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. ALL DAMAGE TO EXISTING SERVICES SHALL BE MADE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT AND THE RELEVANT AUTHORITY AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL NOTIFY THE RELEVANT AUTHORITY IMMEDIATELY IF ANY DAMAGE OCCURS.



EARTHWORK

1. IN ACCORDANCE WITH THE LAND PROTECTION (PEST AND STOCK ROUTE MANAGEMENT) ACT 2002, SOIL OR ANY MATTER CONTAINING REPRODUCTIVE PEST PLANT MATERIAL MUST NOT BE REMOVED FROM THE SITE. THE CONTRACTOR'S ENVIRONMENTAL MANAGEMENT PLAN MUST IDENTIFY APPROPRIATE MEASURES TO BE PUT IN PLACE TO ENSURE THAT SOIL AND OTHER ORGANIC MATERIALS ARE NOT INADVERTENTLY TRANSPORTED TO OTHER LOCATIONS. THE CONTRACTOR SHALL CONTACT COUNCIL'S PEST MANAGEMENT UNIT TO OBTAIN ADVICE WITH REGARD TO DEVELOPING THIS COMPONENT OF THE ENVIRONMENTAL MANAGEMENT PLAN. SOIL (OR OTHER MATTER) CONTAMINATED WITH WEED SEED OR ORGANIC MATERIAL SHOULD NOT BE USED IN LANDSCAPING. A VEHICLE WASH DOWN AND INSPECTION AREA MUST BE PROVIDED FOR ALL MACHINERY / PLANT ENTERING AND LEAVING THE SITE DURING CONSTRUCTION TO REDUCE THE SPREAD OF INVASIVE WEED SPECIES.
2. STRIP AND REMOVE EXISTING TOPSOIL, SOIL CONTAINING SIGNIFICANT AMOUNTS OF ORGANIC MATERIALS AND ALSO ANY DELETERIOUS SOFT WET OR HIGHLY COMPRESSIVE MATERIALS, MATERIALS CONTAMINATED THROUGH PAST SITE USAGE WHICH MAY CONTAIN TOXIC SUBSTANCES OR SOLUBLE COMPOUNDS HARMFUL TO GROUND WATER, MATERIALS CONTAINING SUBSTANCES THAT CAN BE DISSOLVED OR LEACHED OUT IN THE PRESENCE OF MOISTURE (EG GYPSUM) OR WHICH UNDERGO VOLUME CHANGE OR LOSS OF STRENGTH WHEN DISTURBED AND EXPOSED TO MOISTURE (EG. SOME SHALES AND SANDSTONES), SILTS OR MATERIALS THAT HAVE THE DELETERIOUS PROPERTIES OF SALT, AND MATERIAL THAT CONTAINS WOOD, METAL, PLASTIC, SOULDERS OR OTHER DELETERIOUS MATERIAL.
3. REMOVE ALL FISSURED MATERIALS.
4. CLEAR THE SURFACE OF ANY LOOSE ROCK AND SOIL.
5. THE EXISTING SURFACE SHALL THEN BE COMPACTED TO A MINIMUM DRY DENSITY RATIO OF 97% SRD AND MOISTURE TESTED TO A RANGE OF -2% (DRY) TO +2% (WET) OF OPTIMUM MOISTURE CONTENT USING A STEEL DRUM OR PAD FOOT ROLLER.
6. ANY SOFT SPOTS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR INSTRUCTION ON HOW TO PROCEED.
7. **NO FILLING OR PAVEMENT CONSTRUCTION OPERATION IS TO BE UNDERTAKEN UNTIL THE ENGINEER HAS PROVIDED AUTHORISATION TO DO SO.**
8. ANY REQUIRED IMPORTED FILL MATERIAL SHALL BE IN ACCORDANCE WITH THE BELOW REQUIREMENTS AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO FILLING OPERATIONS COMMENCING:

AS METRIC SIEVE	% PASSING BY WEIGHT
75mm	100
2.36mm	25 - 70
75um	0 - 30

 MINATURE ABRASION LOSS PASSING 2.36mm 0 - 15
 LINEAR SHRINKAGE PASSING 4.25mm 0 - 8
 MATERIAL RETAINED ON 2.36mm SIEVE SHALL CONSIST OF SOUND STONE.
 SOAKED CBR 15 AT 97% SRD COMPACTION
9. ANY REQUIRED FILLING SHALL BE UNDERTAKEN BY PLACING APPROVED MATERIAL IN UNIFORM HORIZONTAL LAYERS NOT EXCEEDING 200mm LOOSE THICKNESS AND COMPACTED TO ACHIEVE A DRY DENSITY RATIO OF AT LEAST 97% SRD. THE MOISTURE CONTENT OF FILL MATERIALS SHALL BE MAINTAINED AT -2% (DRY) TO +2% (WET) OF OPTIMUM MOISTURE CONTENT DURING AND AFTER COMPACTION.
10. THE FREQUENCY OF FIELD DENSITY TESTS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF TABLE 8.1 AS3798.
11. TRANSPORTATION OF FILL OR SPOIL TO AND FROM THE SITE MUST NOT OCCUR WITHIN:
 - PEAK TRAFFIC TIMES; OR
 - BEFORE 7am OR AFTER 6pm MONDAY TO FRIDAY; OR
 - BEFORE 7am OR AFTER 1pm SATURDAYS; OR
 - ON SUNDAYS OR PUBLIC HOLIDAYS.

PROVISION OF DESIGN MODEL

1. A COPY OF DESIGN STRINGS, CONTOURS & TRIANGLES WILL BE PROVIDED TO THE CONTRACTOR TO ASSIST IN SETTING OUT OF THE WORK.
2. THE CONTRACTOR SHALL NOT RELY ON THE DATA WITHIN THE DESIGN MODEL & IF IT ELECTS TO UTILISE THE INFORMATION, IT SHALL CHECK AGAINST THE PROJECT DRAWINGS TO CONFIRM SET-OUT DETAILS.
3. THE PROJECT DRAWINGS TAKE PRECEDENCE OVER DETAILS WITHIN ANY ISSUED MODEL DATA.

PAVEMENT

1. PAVEMENT CONSTRUCTION METHODOLOGY SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FNQROC REGIONAL DEVELOPMENT MANUAL STANDARD SPECIFICATIONS.
2. THE CONTRACTOR IS REMINDED OF THE REQUIREMENT FOR HOLD POINT AND WITNESS POINT INSPECTIONS AS REQUIRED BY THE RELEVANT SPECIFICATION. THE ENGINEER SHALL BE CONTACTED FOR PROOF ROLL AND PRE-SEAL INSPECTIONS WITH 48 HOURS NOTICE.
3. THE CONTRACTOR IS REMINDED OF THE REQUIREMENT FOR MATERIAL AND COMPACTION TESTING REQUIREMENTS AS REQUIRED BY THE STANDARD SPECIFICATION.

STORMWATER DRAINAGE

1. ALL STORMWATER PIPES / BOXES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS / FNQROC REQUIREMENTS.
2. FOR STANDARD STORMWATER DRAINAGE DETAILS, REFER FNQROC STANDARD DRAWINGS S1045 - S1100, INCLUSIVE.
3. PRIOR TO COMMENCEMENT OF PIPE WORK, THE CONTRACTOR SHALL CONFIRM THE INVERT LEVEL OF DOWNSTREAM DRAINAGE TO ENSURE THAT THE STORMWATER SYSTEM CAN ADEQUATELY OUTLET / DRAIN. CONTACT THE ENGINEER IF THERE ARE ANY DISCREPANCIES.

WATER

1. ALL WATER WORKS TO BE IN ACCORDANCE WITH FNQROC STANDARD SPECIFICATION S5, UNLESS NOTED OTHERWISE.
2. FOR DETAILS OF WATER MAIN TRENCH BEDDING REFER FNQROC STANDARD DRAWING S016. BEDDING TO BE TYPE 1 UNLESS NOTED OTHERWISE.
3. PROVIDE THRUST BLOCKS IN ACCORDANCE WITH FNQROC REQUIREMENTS.
4. CONNECTION OF NEW WATER MAIN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF DOUGLAS SHIRE COUNCIL CONTRACTOR TO LIAISE WITH COUNCIL & ORGANISE FOR CONNECTION.

EROSION SEDIMENT CONTROL STRATEGY

1. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROTECT AND PRESERVE THE NATURAL ENVIRONMENT AND SHALL AVOID ENVIRONMENTAL POLLUTION IN ACCORDANCE WITH THE ENVIRONMENTAL PROTECTION ACT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INCORPORATION OF APPROPRIATE CONTROL AND MANAGEMENT MEASURES CONFORMING TO THE REQUIREMENTS OF THE ACT AND THE RELEVANT AUTHORITIES.
3. THE CONTRACTOR SHALL INSTALL ALL DEVICES/MEASURES NECESSARY TO COMPLY WITH THE PROVISIONS OF THE FNQROC DEVELOPMENT MANUAL, THE ENVIRONMENTAL PROTECTION ACT AND COUNCIL REQUIREMENTS.
4. ANY SOIL STOCKPILES SHALL BE PROTECTED AGAINST WIND EROSION BY COVERING AND AGAINST STORMWATER RUNOFF BY SILT FENCES AT THE DOWNHILL SLOPES. STOCKPILE LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR AND EROSION/CONTROL MEASURES IMPLEMENTED & MAINTAINED FOR THE LIFE OF THE STOCKPILE.

NO.	DATE	DESCRIPTION	DESIGN	APPROVED
A	13.02.24	INITIAL ISSUE		

DATE	08/02
J & V NOLI	

DATE	08/02
ALL DRAWINGS IN BOLD UNLESS NOTED OTHERWISE	

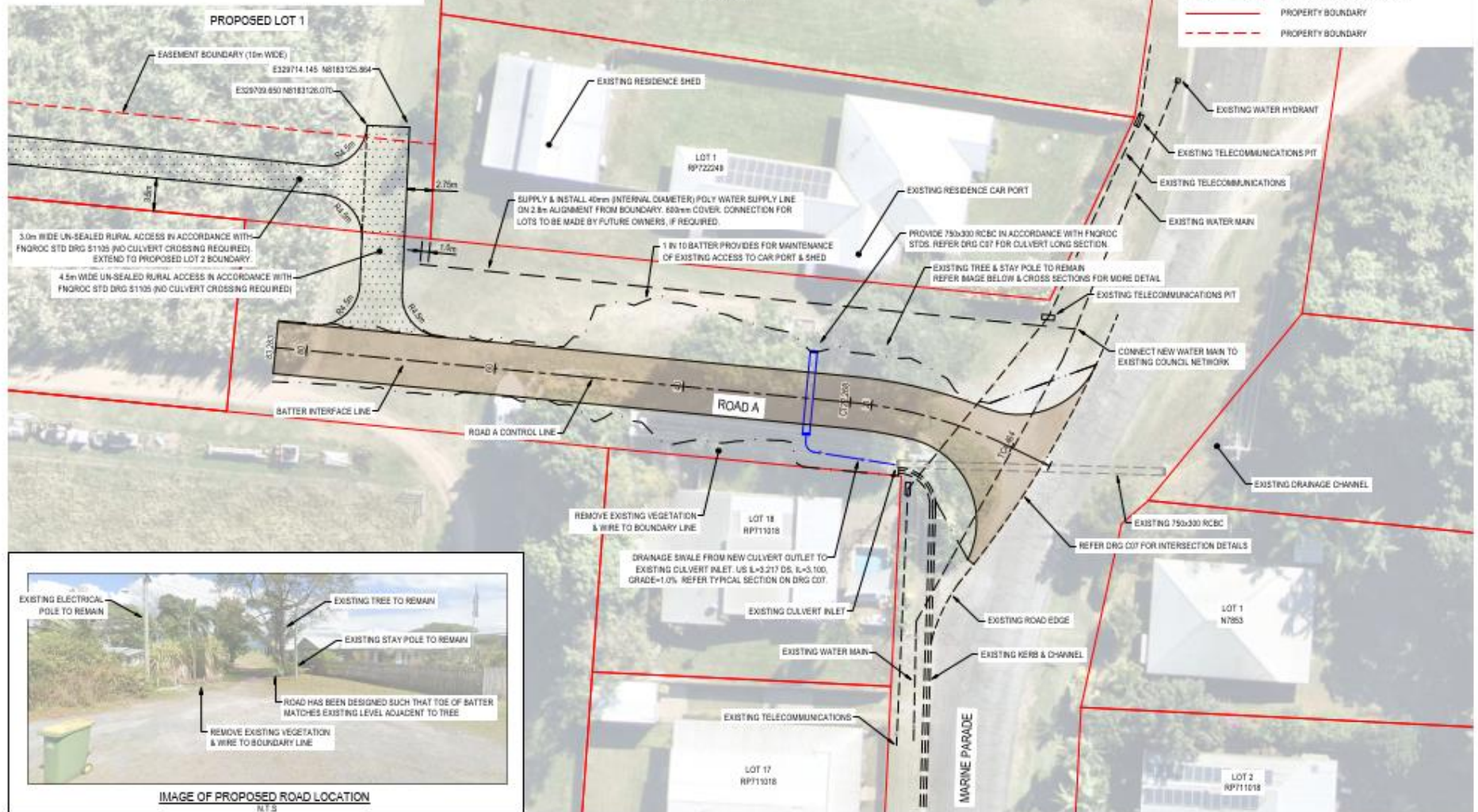
CivilWalker	CONSULTING ENGINEERS
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CW	DJW
CW	DJW
ORIGINAL CERTIFIED BY	D.J. WALKER
DATE	13.02.24

LOT 2 RP715391 & LOT 5 SP301896, NEWELL BEACH	
OPERATIONAL WORK	
IMPORTANT NOTES	
250-003-C02	A

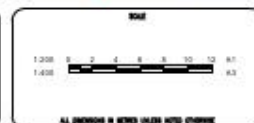
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	EASTING	NORTHING				
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4.464	329771.777	8163082.012	285°59'53.10"	-90.0		
22.268	329760.722	8163090.799	275°59'46.31"	STRAIGHT		
83.283	329659.983	8163102.580	275°24'40.31"	STRAIGHT		



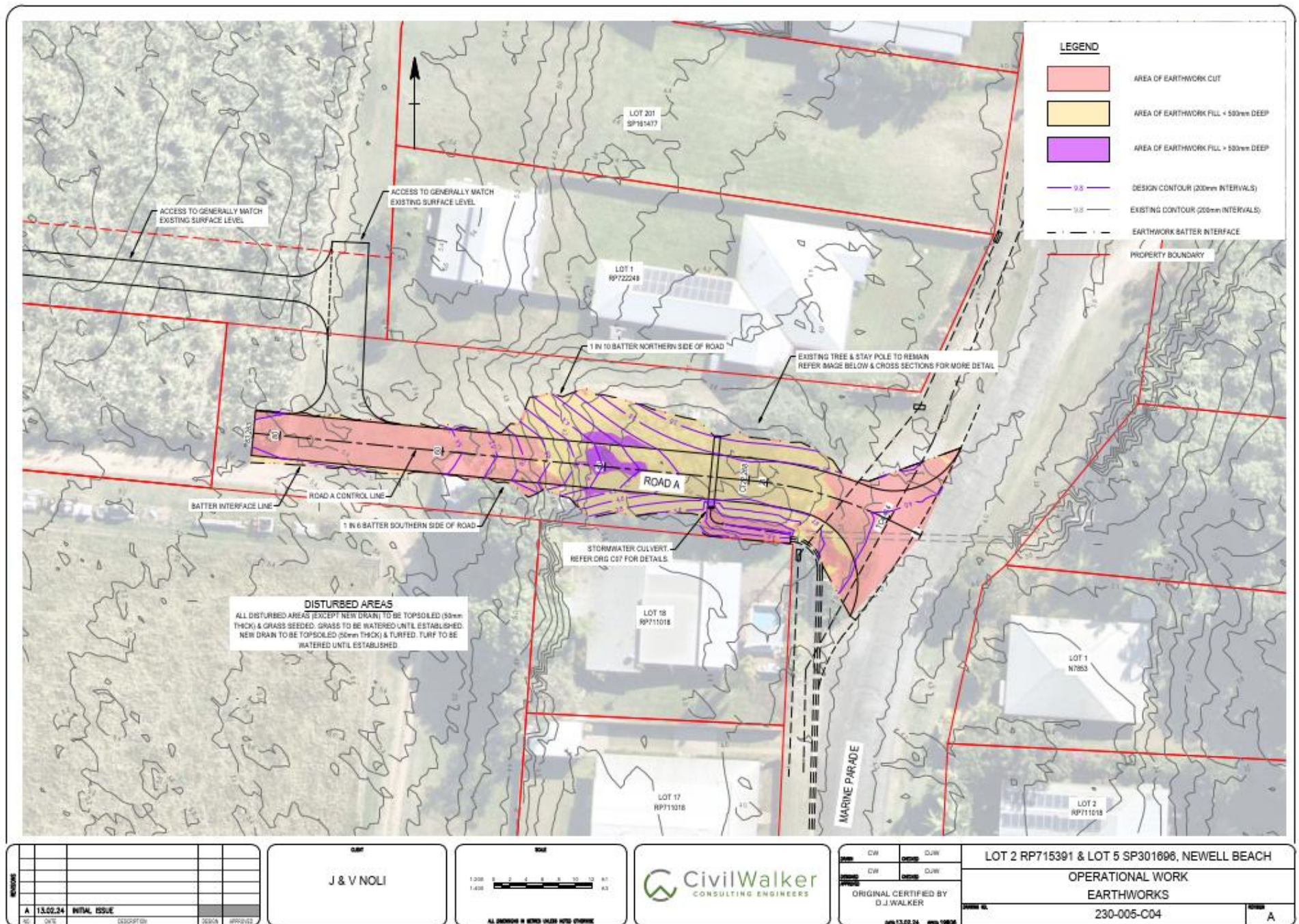
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A	13.02.24	INITIAL ISSUE		

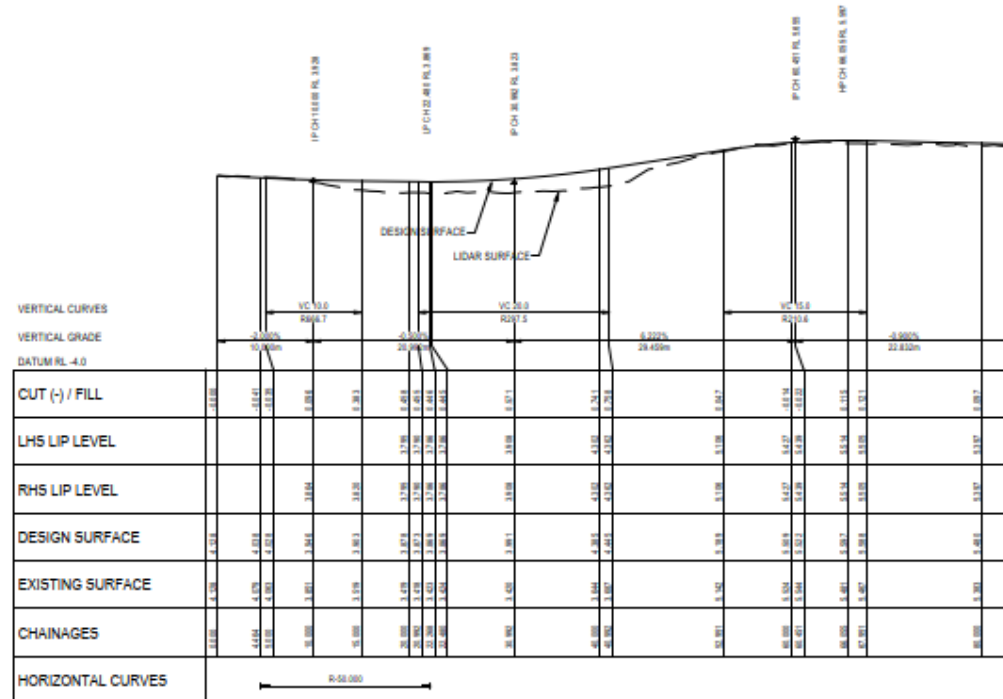
J & V NOLI



CW	DATE	CW
CW	DATE	CW
ORIGINAL CERTIFIED BY D.J. WALKER		
DATE 13.02.24 REV 10000		

LOT 2 RP715391 & LOT 5 SP301896, NEWELL BEACH	
OPERATIONAL WORK GENERAL ARRANGEMENT	
230-005-C03	A





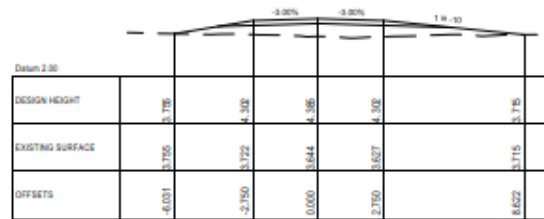
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A	13.02.24	INITIAL ISSUE		

J & V NOLI

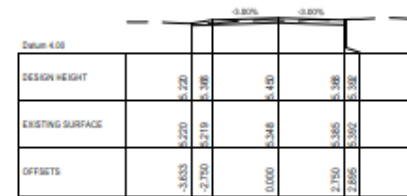
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1:200 0 5 10 15 20 A3
VERTICAL
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ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE



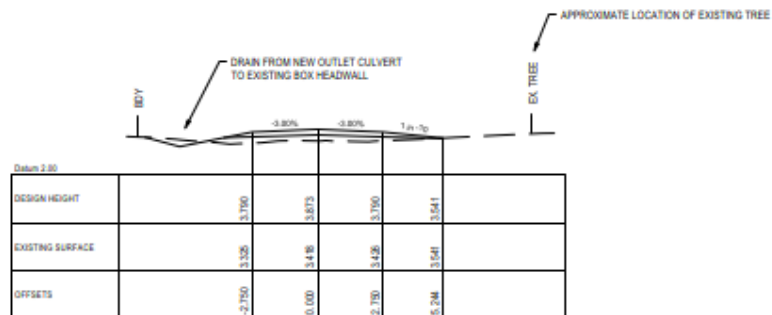
CW	DJW	LOT 2 RP715391 & LOT 5 SP301896, NEWELL BEACH
CW	DJW	OPERATIONAL WORK
CW	DJW	ROAD LONGITUDINAL SECTION
ORIGINAL CERTIFIED BY D.J. WALKER		
DATE 13.02.24	REV 10000	250-003-C05
		A



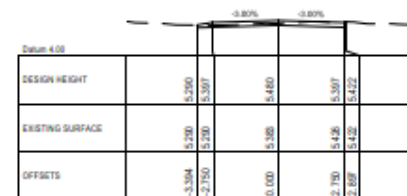
CHAINAGE 40.000



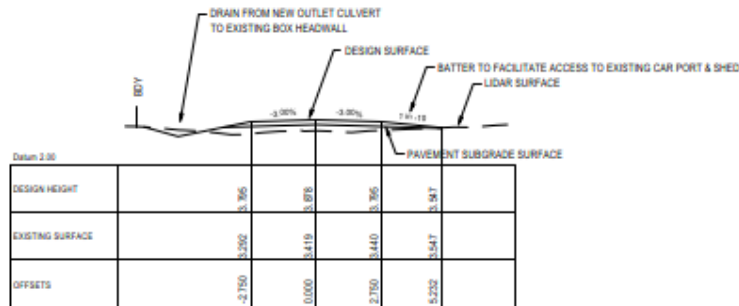
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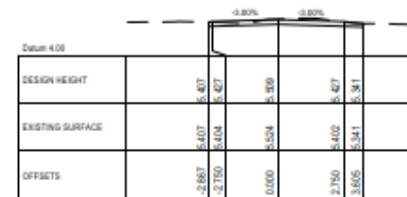
CHAINAGE 21.000



CHAINAGE 80.000



CHAINAGE 20.000



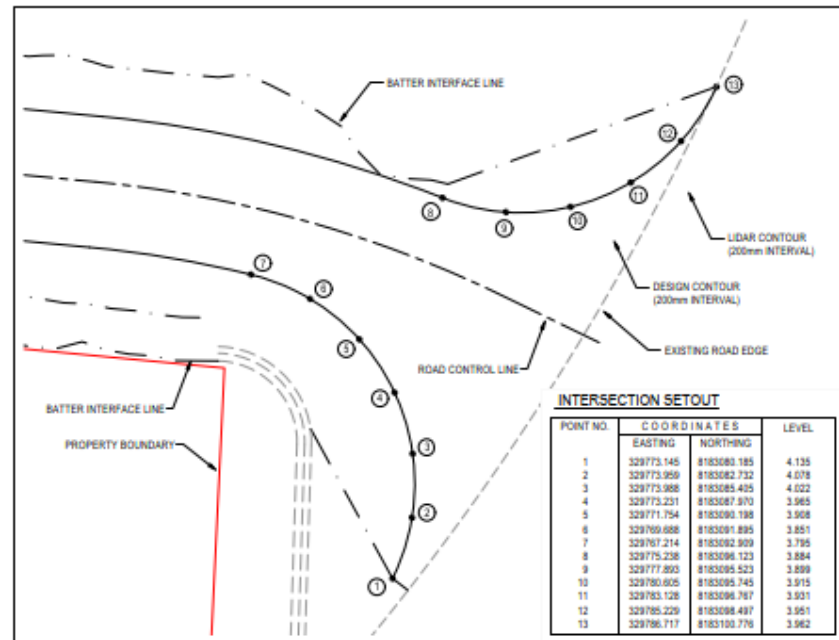
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NO.	DATE	DESCRIPTION	DESIGN	APPROVED
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J & V NOLI

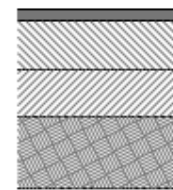


CW	DJW	LOT 2 RP715391 & LOT 5 SP301896, NEWELL BEACH
CW	DJW	OPERATIONAL WORK
ORIGINAL CERTIFIED BY	D.J. WALKER	ROAD CROSS SECTIONS
DATE	13.02.24	250-003-C08



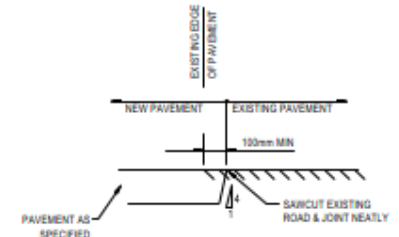
INTERSECTION SET-OUT DETAIL

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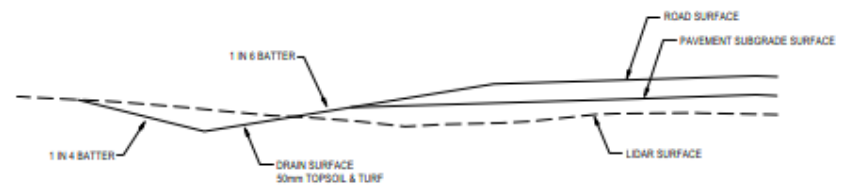


ROAD PAVEMENT DETAIL
N.T.S.

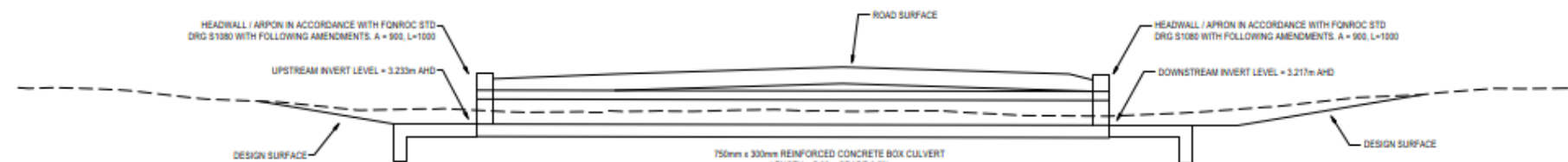
PAVEMENT DESIGN IS PROVISIONAL ONLY. SUBGRADE CBR TO BE CONFIRMED WITH FIELD TESTING. 4-DAY SOAKED CBR RESULTS TO BE PROVIDED TO ENGINEER FOR CONFIRMATION OF DESIGN DETAIL.



JOINT TO EXISTING PAVEMENT
N.T.S.



TYPICAL DRAIN SECTION
N.T.S.



CULVERT DETAIL
N.T.S.

NO.	DATE	DESCRIPTION	DESIGN	APPROVED
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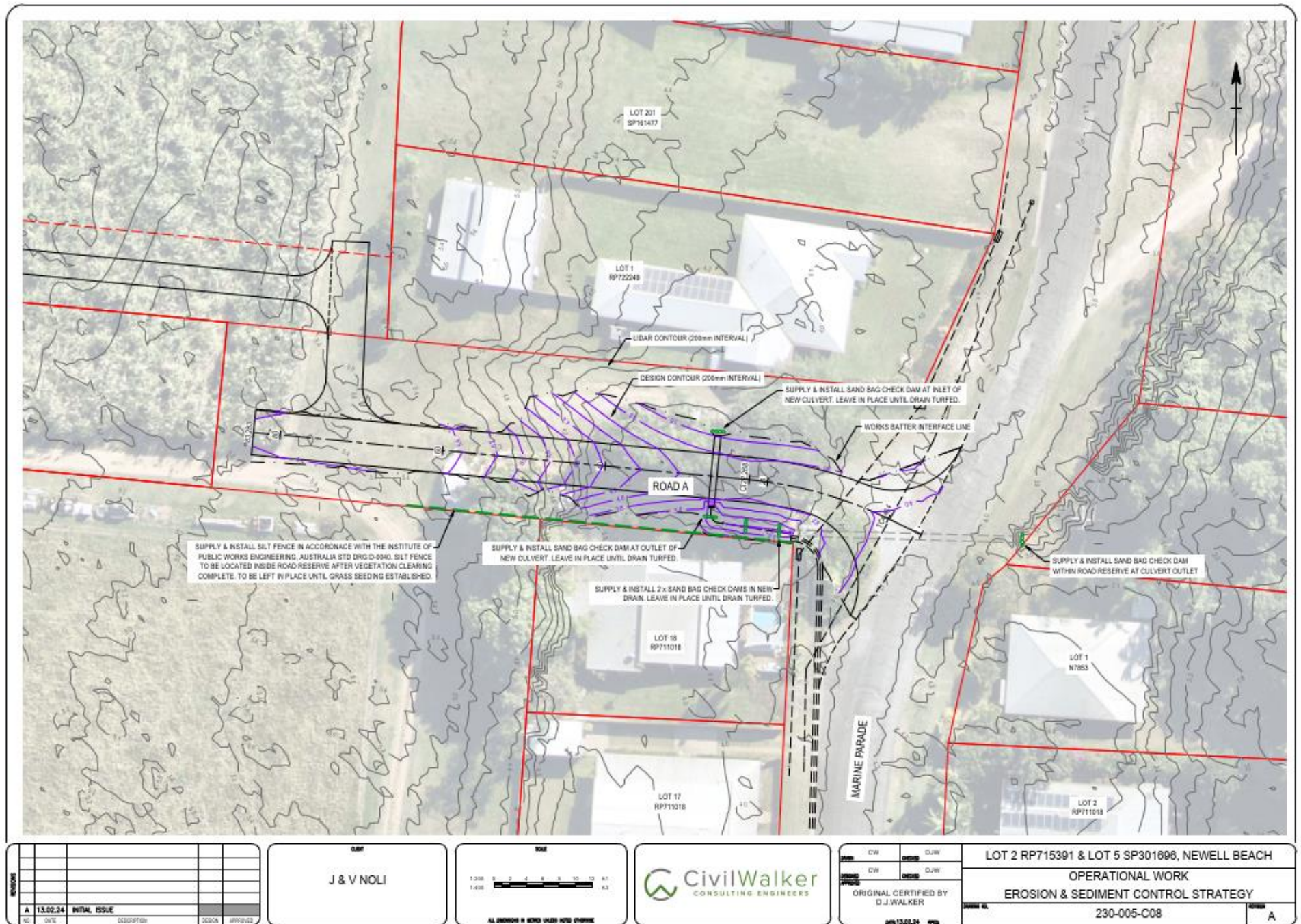
CLIENT
J & V NOLI

DATE
ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE



DESIGN	CW	CHECKED	DJW
APPROVED	CW	CHECKED	DJW
ORIGINAL CERTIFIED BY D.J. WALKER			
DATE 13.02.24 BY 19826			

LOT 2 RP715391 & LOT 5 SP301896, NEWELL BEACH	
OPERATIONAL WORK	
MISCELLANEOUS DETAILS	
PROJECT NO.	250-003-C07
REVISION	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.