



SOUTH BURNETT
REGIONAL COUNCIL

Officer: Development Engineer – Justin Crick
Direct Telephone: 07 4189 9100
Our Reference: OPW24/0011

05 February 2025

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C/- Urban Engineering
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South Burnett Regional Council

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Dear Sir/Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 23 January 2025, Council decided, via delegate authority, to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: OPW24/0011
Street Address: 70, 84 & 104 Crumpton Drive BLACKBUTT NORTH
Real Property Description: Lot 121 on RP174019
Lots 1 & 2 on SP310062
Lots 2 & 3 on SP331676
Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval
Development Permit for Operational Works (Roadwork,
Type of Approval: Drainage Work, Stormwater, Earthworks & Stormwater)
Date of Decision: 23 January 2025

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is two (2) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Not Applicable.

ASSESSMENT MANAGER CONDITIONS

GENERAL

- ENG1. Compliance with the plans and specifications submitted with Development Application OPW24/0011, approval conditions, and all Council Planning Scheme Policies.
- ENG2. This approval extends to Roadwork, Drainage Work, Stormwater, Earthworks and Stormwater as detailed, and is conditional upon a set of "Issued for Construction" drawings, amended if required by the conditions of this approval, being submitted to Council for endorsement, prior to pre-start meeting.
- ENG3. Submit to Council, a Certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements, prior to the works going "On Maintenance".
- ENG4. Undertake all approved works and works required by conditions of this development approval at no cost to Council.
- ENG5. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:	6.30am to 6.30pm	Noise permitted
Monday to Sunday:	6.30pm to 6.30am	No noise permitted
Sunday and Public Holidays:		No noise permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

- ENG6. Be responsible to carry out Work Health and Safety legislative requirements.
- ENG7. Ensure all work sites are maintained in a clean, orderly state at all times.
- ENG8. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of South Burnett Regional Council by a licensed regulated waste disposal contractor.
- ENG9. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG10. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development, immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of works associated with the development.
- ENG11. Submit to Council, a Certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements, prior to the works going "On Maintenance".

ROADWORKS

- ENG12. Submit to Council for approval, final pavement designs certified by an RPEQ in accordance with Austroads' Guide to Pavement Technology Part 2 after stripping of

topsoil and assessment of soaked sub-grade CBR values, and using an ESA's or design traffic based on traffic engineering predictions.

- ENG13. Ensure fill placed under the road formation in embankment situations is compacted to achieve 98% standard compaction. Testing and supervision of such fill must be in accordance with Level 2 Supervision of AS3798.
- ENG14. Ensure that backfilling of road crossings with an insitu material to subgrade level is compacted to achieve 97% standard compaction.
- ENG15. Base gravel is to be Type 3, Subtype 2 material or equivalent approved by Council. Provide recently undertaken compliance testing from the stockpile proposed to be used for the project.
- ENG16. Sub-base gravel is to be Type 3, Subtype 4 material or a natural ridge gravel where approved by Council. Provide recently undertaken compliance testing from the stockpile proposed to be used for the project.
- ENG17. Surface all new roads and road widenings with a prime and Double/Double bitumen seal designed in accordance with Austroads Guide to Pavement Technology Part 4K, and approved by Council.
- ENG18. Provide temporary signage and traffic control for construction in dedicated road reserves in accordance with AS1742.2 Manual of Uniform Traffic Control Devices (MUTCD) - Part 3 (Works on Roads).
- ENG19. Install and/or modify all street signs and linemarking to suit the new works in accordance with the MUTCD. Install new or relocated signage using V-Lok installation system. All new signage shall be Class 1 retro-reflective material to AS1743.
- ENG20. Submit to Council for approval, a Traffic Management Plan prior to commencement of any works involving closing of Council roads or working on or adjacent to existing roads.

STORMWATER

- ENG21. Ensure that earthworks and fill on the subject land do not lead to ponding of stormwater or actionable nuisance.
- ENG22. Do not concentrate stormwater onto adjoining properties.
- ENG23. Provide appropriate energy dissipation and scour protection measures at stormwater outlets.

DEVELOPMENT WORKS

- ENG24. Maintain erosion and sedimentation controls at all times during the course of the project and the ensuing defects liability period. Council Officers will inspect and assess the sediment and erosion control measures and temporary fencing implemented, and any alterations and/or supplementary works required must be incorporated.
- ENG25. Implement measures to prevent site vehicles tracking sediment and other pollutants from the site onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.

- ENG26. Be responsible for protecting nearby property owners from dust pollution arising from construction and maintenance of the works required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.
- ENG27. Waste material as a result of demolition work and excavation work must not be used as fill as described within the *Waste Reduction and Recycling Act 2011*.

EARTHWORKS

- ENG28. Supervise bulk earthworks to Level 1 or Level 2 as applicable, and have a frequency of field density testing carried out in accordance with Table 8.1 of AS3798.
- ENG29. Contain cut or fill batters wholly within the subject land. Do not place fill on adjacent properties without providing Council with written permission from the respective property owner(s).
- ENG30. Do not store plant or material on adjoining lands without written permission from the respective property owner(s).
- ENG31. Do not use contaminated material as fill on the site. Undertake any filling using inert materials only, with a maximum particle size of 75mm.
- ENG32. Ensure open drains and fill platforms are constructed with a longitudinal grade on no less than 0.1%.
- ENG33. Submit to Council, the following for approval in the event it is proposed to import material to or export material from the site, prior to commencement of the work:
- (a) details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;
 - (b) details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and
 - (c) the proposed haulage route(s) and truck sizes for carting of the material.

INSPECTIONS AND TESTING

- ENG34. Submit to Council the pre-start meeting agenda at the confirmation of a date and time for the meeting.
- ENG35. Provide Council with a minimum of two (2) clear working days notice to undertake compulsory inspections and meetings at the following stages:
- a) Pre-start meeting with Council, Contractor, Supervising Engineer and developer;
 - b) Stormwater - prior to backfilling of any stormwater drainage works;
 - c) Structural steel inspection prior to pouring of any structural concrete including cast in-situ stormwater and sewer manholes and gully pits;
 - d) following preparation and compaction of road sub-grade;
 - e) following placement and compaction of each road pavement layer and prior to laying of the next pavement layer or surfacing layer;
 - f) of the finished pavement surface prior to any bitumen primer-seal or prime or asphalt surfacing;
 - g) at the point of completion of all works before placing on-maintenance; and
 - h) at the point of requesting Council to accept the works off-maintenance.

- ENG36. Submit to Council, all inspection and test data in its entirety prepared by the applicant, Engineer, Principal Contractor or by Subcontractors in relation to the Operational Work or as described in the application prior to the works being put "On Maintenance". Undertake any further inspection, testing or analysis required, due to failure of work to meet specifications or where the testing previously provided is considered insufficient on behalf of the Principal Contractor by a NATA accredited entity (where applicable).
- ENG37. Uncover all works covered prior to inspection to allow inspection by Council at Council's sole discretion.
- ENG38. Allow Council to enter a work site to which this approval relates and undertake testing or analysis of any part of the construction, and Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, any reasonable instruction given by Council Officers must be considered to be a condition of approval and undertaken by the Principal Contractor.
- ENG39. Where complete or incomplete works under this approval adversely affect adjoining properties, Council land, roads or other infrastructure, Council requires by notice, works to be completed.
- ENG40. Undertake any works for the safety or health of the community or protection of infrastructure where Council deems it necessary.

MAINTENANCE

- ENG41. Submit to Council, a written request to place constructed works on-maintenance or off-maintenance from the developer's certifying Engineer stating that all approved works have been completed and are ready for Council inspection.
- ENG42. Pay to Council, a maintenance bond of 5% of the cost of the operational work as estimated or accepted by Council, prior to commencement of the on-maintenance period.
- ENG43. Maintain all works that will become Council infrastructure for a period of 12 months (maintenance period) from commencement of the on-maintenance period. Undertake any necessary maintenance or repairs to non-conforming work, defects and/or damage to any works undertaken in relation to this approval, even where damage has resulted from a third party activity within the maintenance period.
- ENG44. The maintenance bond will be entirely forfeited to Council should there be any failure by the applicant to undertake any such works considered by Council as necessary, to rectify any non-compliant works and to protect public safety. In the event that the bond is insufficient to address the non-compliant works, Council reserves the right to seek restitution. After expiration of the maintenance period and where required maintenance is suitably undertaken to Council's satisfaction, the bond will be returned accordingly, after the project is accepted off-maintenance.
- ENG45. The on-maintenance period commences only when Council provides written confirmation that all of the following are completed:
- (a) satisfactory completion of all works and conditions of Operational Work approval including associated Reconfiguring a Lot approval;
 - (b) provision of all necessary test and quality audit requirements;

- (c) lodgement with Council, of certification from an RPEQ that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements;
- (d) lodgement of a maintenance bond of 5% of the cost of the operational work as accepted by Council;
- (e) submission of "As Constructed" data in the required format; and
- (f) compliance with the conditions of approval for any Operational Work and associated Reconfiguring a Lot approval and any other approvals on the subject site.

AS CONSTRUCTED INFORMATION

ENG46. Submit to Council within 10 working days of completion of the operational work, suitable "As Constructed" drawings in pdf and AutoCAD format and on GDA Zone 56 co-ordinates. The "As Constructed" drawings or data capture methods as required by Council must be certified by a Registered Professional Engineer of Queensland (RPEQ) on every drawing and shall be to an appropriate electronic format and standard as required by Council.

The approval is subject to construction being undertaken in accordance with the Approved Plans prepared by Urban Engineering Solutions as listed below:

Drawing No.	Rev	Drawing/Plan Title	Date
OW-AA-000	B	OVERALL LOCALITY PLAN AND DRAWING LIST	18/12/2024
OW-AA-001	B	OVERALL NOTES	18/12/2024
OW-AA-101	B	OVERALL LAYOUT PLAN	18/12/2024
OW-BE-101	B	BULK EARTHWORKS LAYOUT PLAN	18/12/2024
OW-EC-001	B	EROSION AND SEDIMENT CONTROL NOTES AND TYPICAL DETAILS	18/12/2024
OW-EC-101	B	EROSION AND SEDIMENT CONTROL LAYOUT	18/12/2024
OW-RW-101	B	ROADWORKS LAYOUT PLAN – SHEET 1	18/12/2024
OW-RW-102	B	ROADWORKS LAYOUT PLAN – SHEET 2	18/12/2024
OW-RW-201	B	ROADWORKS DETAIL PLAN – SHEET 1	18/12/2024
OW-RW-202	B	ROADWORKS DETAIL PLAN – SHEET 2	18/12/2024
OW-RW-203	B	ROADWORKS DETAIL PLAN – SHEET 3	18/12/2024
OW-RW-204	B	ROADWORKS DETAIL PLAN – SHEET 4	18/12/2024
OW-RW-301	B	ROADWORKS LONGITUDINAL SECTIONS – SHEET 1	18/12/2024
OW-RW-302	B	ROADWORKS LONGITUDINAL SECTIONS – SHEET 2	18/12/2024
OW-RW-303	B	ROADWORKS LONGITUDINAL SECTIONS – SHEET 3	18/12/2024
OW-RW-401	B	ROADWORKS CROSS SECTIONS – SHEET 1	18/12/2024
OW-RW-402	B	ROADWORKS CROSS SECTIONS – SHEET 2	18/12/2024
OW-RW-403	B	ROADWORKS CROSS SECTIONS – SHEET 3	18/12/2024
OW-RW-801	B	ROADWORKS SECTIONS AND DETAILS – SHEET 1	18/12/2024
OW-SD-101	B	STORMWATER LAYOUT PLAN – SHEET 1	18/12/2024
OW-SD-102	B	STORMWATER LAYOUT PLAN – SHEET 2	18/12/2024
OW-SD-301	B	STORMWATER LONGITUDINAL SECTIONS – SHEET 1	18/12/2024
OW-SD-302	B	STORMWATER LONGITUDINAL SECTIONS – SHEET 2	18/12/2024
OW-SD-801	B	STORMWATER SECTIONS AND DETAILS – SHEET 1	18/12/2024
OW-SE-101	B	SEWERAGE LAYOUT PLAN	18/12/2024

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
OW-AA-000	B	<i>Overall Locality Plan & Drawing List</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-AA-001	B	<i>Overall Notes</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-AA-101	B	<i>Overall Layout Plan</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-BE-101	B	<i>Bulk Earthworks Layout Plan</i>	18/12/2024
OW-EC-001	B	<i>Erosion & Sediment Control Notes & Typical Details</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-EC-101	B	<i>Erosion & Sediment Control Layout</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-101	B	<i>Roadworks Layout Plan – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-102	B	<i>Roadworks Layout Plan – Sheet 2</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-201	B	<i>Roadworks Detail Plan – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-202	B	<i>Roadworks Detail Plan – Sheet 2</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-203	B	<i>Roadworks Detail Plan – Sheet 3</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-204	B	<i>Roadworks Detail Plan – Sheet 4</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-301	B	<i>Roadworks Longitudinal Sections – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-302	B	<i>Roadworks Longitudinal Sections – Sheet 2</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-303	B	<i>Roadworks Longitudinal Sections – Sheet 3</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-401	B	<i>Roadworks Cross Sections – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-402	B	<i>Roadworks Cross Sections – Sheet 2</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-403	B	<i>Roadworks Cross Sections – Sheet 3</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-RW-801	B	<i>Roadworks Sections & Details – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-SD-101	B	<i>Stormwater Layout Plan – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-SD-102	B	<i>Stormwater Layout Plan – Sheet 2</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-SD-301	B	<i>Stormwater Longitudinal Sections – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-SD-302	B	<i>Stormwater Longitudinal Sections – Sheet 2</i> , prepared by Urban Engineering Solutions	18/12/2024
OW-SD-801	B	<i>Stormwater Sections & Details – Sheet 1</i> , prepared by Urban Engineering Solutions	18/12/2024

OW-SE-101	B	Sewerage Layout Plan, prepared by Urban Engineering Solutions	18/12/2024
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REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

ADVICE NOTES

The applicant be advised that:

- (a) The applicant shall obtain a *Permit to Work on Council Roads or Footpaths Application* through South Burnett Regional Council for any construction with Councils existing road reserves.
- (b) Prior to commencement of the use or endorsement of the survey plan as applicable, the applicant shall contact Council to arrange a Development Compliance Inspection.
- (c) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions.

- (d) The *Aboriginal Cultural Heritage Act 2003* (ACHA) is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:
 - (i) is not negated by the issuing of this development approval;
 - (ii) applies on all land and water, including freehold land;
 - (iii) lies with the person or entity conducting an activity; and
 - (iv) if breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIP's Cultural Heritage Co-ordination Unit on telephone (07) 3224 2070 for further information on the responsibilities of developers under the ACHA.

- (e) The **relevant period** for the development approval (Operational Work) shall be **two (2) years** starting the day the approval is granted or takes effect. In accordance with Section 85(1)(c) of the *Planning Act 2016 (PA)*, the development approval for Operational Work lapses if the development does not substantially start within the abovementioned **relevant period**.

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 86 of *PA* and before the development approval lapses under Section 85 of the *PA*.

- (f) Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.
- (g) The relevant Planning Scheme for this Development Permit is the South Burnett Regional Council Planning Scheme 2017. All references to the Planning Scheme and Schedules within these conditions refer to the above Planning Scheme.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.southburnett.qld.gov.au, or at Council Offices.

Yours faithfully



DAVID HURSTHOUSE
COORDINATOR DEVELOPMENT SERVICES

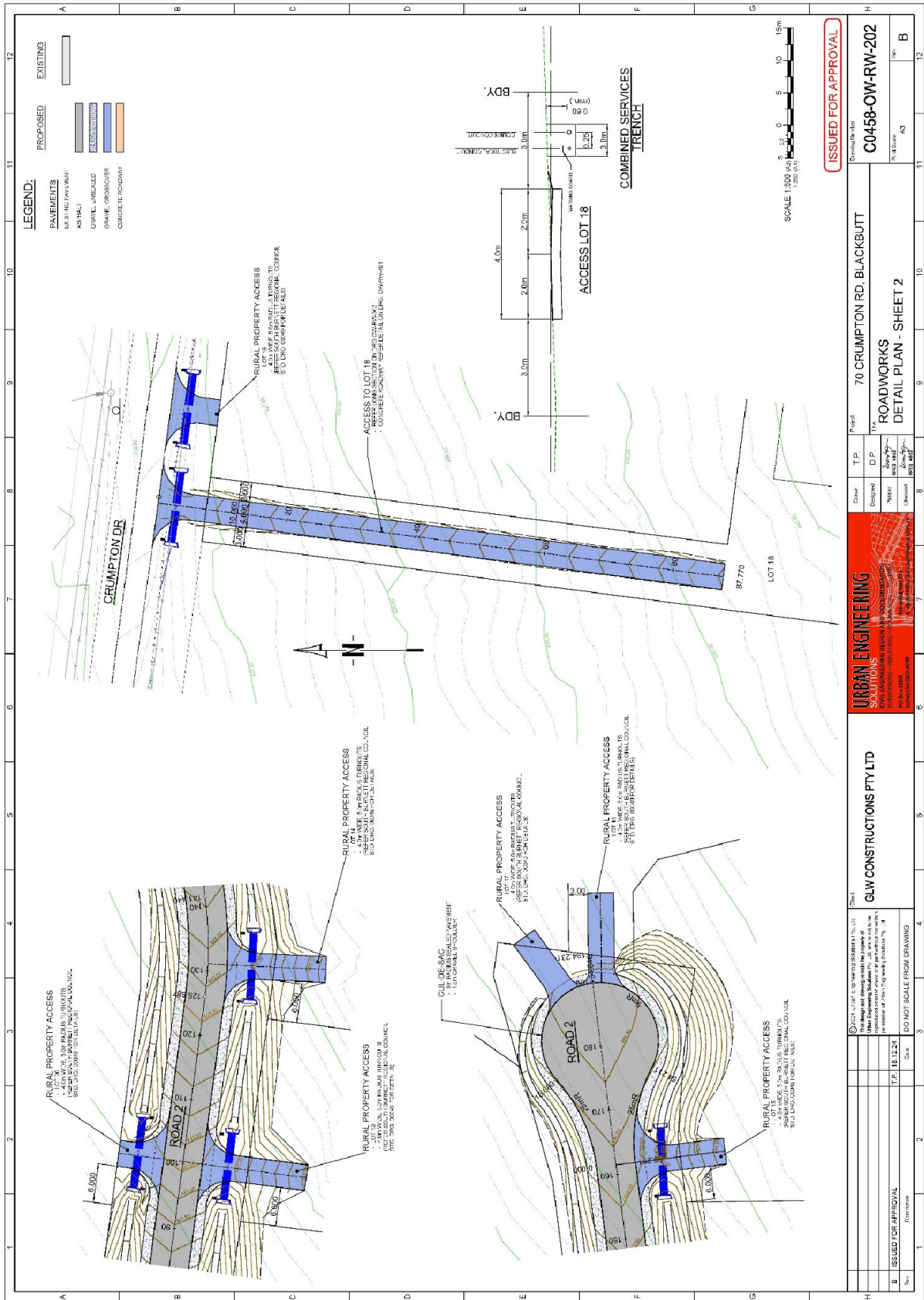
Enc: Approved Plans
Appeal Rights



LOCALITY PLAN

DRG CODE	DRAWING LIST	
	TITLE	TITLE
00-00-001	OVERALL	GENERAL PLAN AND ZONING MAP
00-00-002	OVERALL	NOTES
00-00-003	OVERALL	UTILITY PLAN
00-00-004	OVERALL	CONTRACT
00-00-005	OVERALL	CONTRACT
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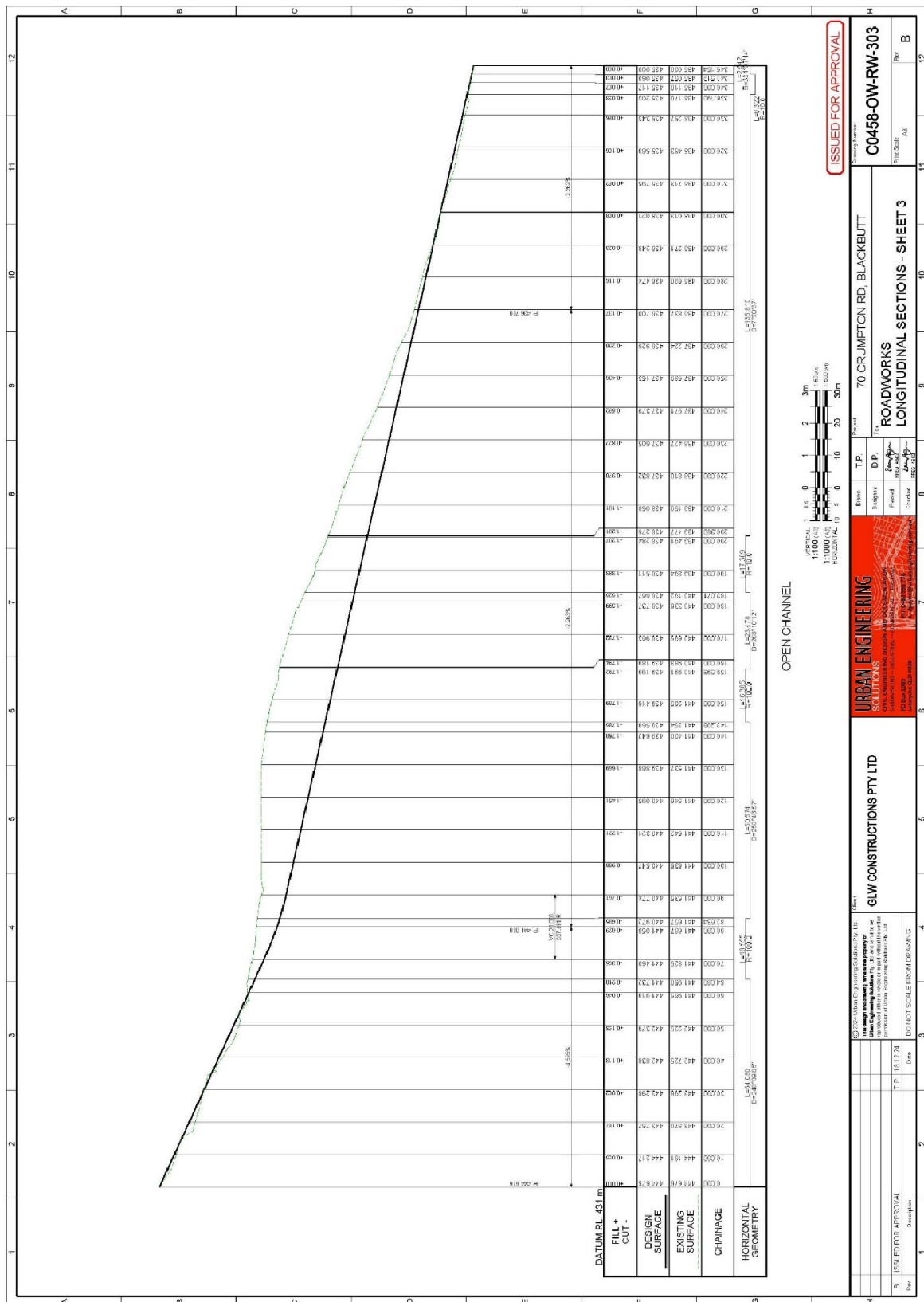


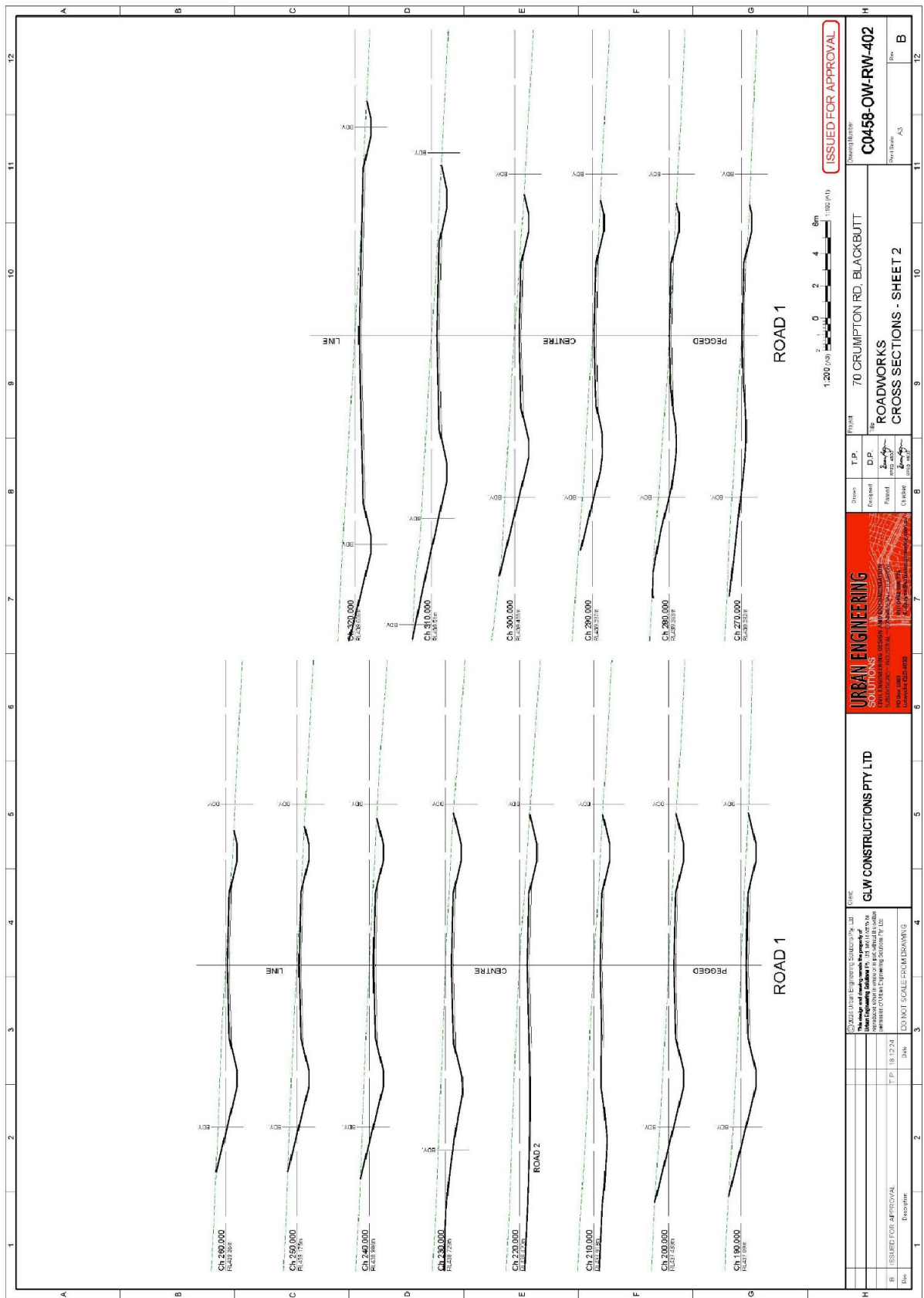
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Assigned	D.P.
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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

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

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

230 Notice of appeal

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

- (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
 - (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, 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 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, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.