

Our Reference: MCUI/2014/3278
Contact Officer: Steven Bell
Contact: Oakey Office, (07) 4692 0123

**Development Application Decision Notice
APPROVAL**

Sustainable Planning Act 2009 Section 334

Solar Choice Pty Ltd
MLC Centre
Level 57, Martin Place
SYDNEY NSW 2000

9 February 2015

Dear Sir/Madam

Location: 400 Gore Highway & 397 Karriba Road, BULLI CREEK QLD 4357
Property Description: Lot 5 DY1025, Lot 37 DY1103, Lot 4 DY1024 and Lot 39 DY916
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use for a Utility Installation (Solar Farm) for the abovementioned property has been assessed and approved with Conditions. The decision was made on 6 February 2015. The following provides all the relevant details:

Details of Approval

Development Permit – Material Change of Use – Impact – Utility Installation (Solar Farm)

Referral Agencies

Concurrence Agencies Name & Address:

Department of Transport and Main Roads Program Delivery and Operations Locked Bag 1 WARWICK QLD 4370
Department of Natural Resources and Mines Permit and Licence Management, Implementation and Support Unit GPO Box 2454 BRISBANE QLD 4001

Advice Agencies Name & Address:

Powerlink PO Box 1193 VIRGINIA QLD 4014

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1
Concurrence Agency Conditions: As per attached Schedule 2
Advice Agency Comments: N/A

Further Development Permits and/or Compliance Permits Required

- Building Works
- Plumbing and Drainage Works
- Operational Works

Submissions

Number of properly made submissions: 0

Rights of Appeal

Attached is an extract from the *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully

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Richard Green
Senior Planner, Development Assessment



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2014/3278
APPLICANT:	Solar Choice Pty Ltd
LOCATION:	400 Gore Highway & 397 Karriba Road, BULLI CREEK
PROPERTY DESCRIPTION:	Lot 5 DY1025, Lot 37 DY1103, Lot 4 DY1024 and Lot 39 DY916
APPROVED USE:	Utility Installation (Solar Farm)
ZONING / PRECINCT:	Rural - 200 ha

A. ASSESSMENT MANAGER'S CONDITIONS:

ASSESSMENT MANAGER CONDITIONS

GENERAL/PLANNING

APPROVED USE AND INTENSITY

1. This Development Permit is for a Material Change of Use for a Utility Installation (Maximum 2.5 Giga Watt) as per the Approved Plans.
2. The Utility Installation use must cease within 35 years from the commencement of the use of the first stage. The subject land must be rehabilitated in accordance with the End Use and Rehabilitation Plan as endorsed under this permit at cessation of the use.
3. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.

CARRY OUT AND MAINTAIN DEVELOPMENT

4. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this approval.
5. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
6. Complete all building work associated with this development approval, including work required by any of the conditions of this approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the approved and amended plans and documents and, where the building work is assessable development, in accordance with a current development permit.
7. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to or modified by any conditions of this approval.

APPROVED AND AMENDED PLANS

8. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this approval and the amendments listed below:

Plan No: Project: PR119938-3, Figure 1
Description: Bulli Creek Indicative Site Plan – Development Area with Buffer', prepared by RPS Group Pty Ltd, dated 22 January 2014 and received by Council 3 July 2014.

Amendments: Provide the following:

- Detailed Site Plan(s) drawn to scale and fully dimensioned. The plans must identify the following buildings/infrastructure associated with each stage of the development:
 - all buildings;
 - hardstand, sealed and non hardstand areas;
 - on-site car parking spaces;
 - standing and manoeuvring for Articulated Vehicle (AV) service vehicles;
 - existing and proposed internal roads/trails;
 - detailed photovoltaic array block design; and
 - Network interconnection facilities.

Plan No: Project: PR121114-1, Figure 1

Description: Proposed Staged Plan, dated 19 September 2014, prepared by RPS and received by Council 23 September 2014.

Amendments: Nil

Plan No: 2 (as amended by Council)

Description: Site Office(s), undated, prepared by RPS and received by Council 3 July 2014.

Amendments: Provide the following:

- Floor plan and Elevations drawn to scale and fully dimensioned.

Plan No: 3 (as amended by Council)

Description: Indicative Battery Storage Building(s), undated, prepared by RPS and received by Council 3 July 2014.

Amendments: Provide the following:

- Floor Plan and Elevations drawn to scale and full dimensioned.

Plan No: 4 (as amended by Council)

Description: Indicative Solar Frame, undated, prepared by RPS and received by Council 3 July 2014.

Amendments: Provide the following (drawn to scale and fully dimensioned):

- Plans detailing:
 - solar panels and supporting structures;
 - hardstand, sealed and non hardstand areas;
 - detailed photovoltaic array block design; and
 - tracker elevations (if utilised); and
- Elevation and Cross Section Plans.

9. Amended Plans required by Condition 8 must be submitted to the Manager, Development Assessment for endorsement prior to the issuing of a Development Permit for Building Works.

APPROVED AND AMENDED DOCUMENTS

10. The development must be carried out generally in accordance with the Approved Document listed below, subject to the conditions of this approval and the amendments listed below:

Document: Bushfire Management Plan

Description: Bulli Creek Solar Farm – Bushfire Management Plan, Draft 3, prepared by RPS Australia East Pty Ltd, dated 4 November 2013 and received by Council 3 July 2014.

Amendments: Nil

COUNCIL APPROVAL OF DOCUMENTS AND WORKS

11. Prepare and submit applications to Council and obtain development permits to carry out operational work for Roadworks (External) in accordance with the conditions of this approval.
12. Prepare and submit the following documents to Council for Compliance Assessment in accordance with the conditions of this approval and prior to the issue of the Development Permit for Building Works for the proposed development:
 - 12.1 Landscape Plan for assessment against the relevant standards and requirements in the Landscaping Code in the *Toowoomba Regional Planning Scheme 2012*. The Landscape Plan must be submitted to and approved by Council prior to the commencement of the landscape works on the subject land.
13. Prepare and submit to Council for endorsement the following in accordance with the conditions of this approval:
 - 13.1 Stormwater Management Plan;
 - 13.2 Sediment and Erosion Control Management Plan;
 - 13.3 Construction Environmental Management Plan; and
 - 13.4 End Use and Rehabilitation Plan.
14. Following further approval by the Council where required, carry out all works required by the conditions of this approval prior to the commencement of use.

APPROVED DOCUMENTATION

15. A legible copy of the Approved Plans and Approved Documents bearing Council's approved stamp endorsement and the Decision Notice must be available on the subject land and available for inspection at all times during construction and earthworks.

STAGED DEVELOPMENT

16. Staging of the development is to occur in accordance with the staging indicated on the Approved Plan subject to and modified by any conditions of this approval.
17. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plan, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stage/s being complied with.
18. Stages must be completed within the following specified time periods:
 - 18.1 Stage 1 (Lot 5 DY1025 and Lot 37 DY1103) must be completed and the change of use commenced within four (4) years of this development approval taking effect;
 - 18.2 Stage 2 (Lot 4 DY1024) must be completed and the change of use commenced within six (6) years of this development approval taking effect; and
 - 18.3 Stage 3 (Lot 39 DY916) must be completed and the change of use commenced within six (8) years of this development approval taking effect.
19. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
 - 19.1 Conditions Applicable to all Stages of Development:
 - Conditions 1 – 109
 - 19.2 Additional Conditions Applicable to Stages 1 – 3 of Development:
 - Nil

WORKS

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

20. Plans and specifications for all works associated with car parking and vehicular access, stormwater drainage or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
21. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Certificate of Supervision, and a copy of the Supervision Certificate must be submitted to Council upon completion of the works.
22. Where any condition refers to, or requires, an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000.

STORMWATER QUALITY AND FLOW MANAGEMENT

23. Prepare and submit to Council for endorsement, a Detailed Stormwater Management Plan for for each stage of development, as per Condition 13.1, in accordance with the relevant standards in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, the SPP, demonstrating the following:
 - 23.1 The collection and direction internally of stormwater run-off from roof and developed surface areas (including internal roadways), and any run-off onto the site from adjacent areas, to a lawful point of discharge;
 - 23.2 The achievement of water quality objectives determined and adopted in accordance with the relevant standards and processes in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, the SPP;
 - 23.3 No increase in peak flow rates downstream from the site for storm events with an ARI of 2 years, up to and including 100 years;
 - 23.4 No increase in flood levels external to the site;
 - 23.5 No increase in duration of inundation external to the site that could cause loss or damage;
 - 23.6 No adverse impacts upon waterway/creek crossings utilised by vehicles; and
 - 23.7 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program.
24. All internal and external stormwater drainage works must be completed generally in accordance with the:
 - 24.1 Approved Detailed Stormwater Management Plan for each stage of the development; and
 - 24.2 Relevant standards and processes in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, the SPP, other than where varied by the approved Detailed Stormwater Management Plan.
25. The design and the construction of the internal and external stormwater drainage works must be certified by a Registered Professional Engineer of Queensland – Civil as follows:
 - 25.1 A Design Certificate must be submitted to the Council with the application for endorsement of the Detailed Stormwater Management Plan for each stage of the development; and
 - 25.2 A Construction Supervision Certificate must be submitted to the Council at the completion of the approved works for each stage of the development.
26. Contaminants or contaminated water must not be released from the subject land except for:
 - 26.1 Uncontaminated overland stormwater flow;
 - 26.2 Uncontaminated stormwater to the stormwater system; and/or
 - 26.3 Contaminants released to sewer in accordance with a trade waste permit granted by Council under the *Water Supply (Safety and Reliability) Act 2008*.

27. Ensure that:
- 27.1 Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, or onto unsealed ground;
 - 27.2 Any spillage or contaminates are cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;
 - 27.3 Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains); and
 - 27.4 Contaminants such as cigarette butts and other gross pollutants do not enter the stormwater drainage systems.

SITWORKS / EARTHWORKS

28. All earthworks must be undertaken in accordance with the *Toowoomba Regional Planning Scheme Works and Services Code* and PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.
29. All earthworks, including batters must be fully contained within the subject land and must not in any way impact on the properties or road reserve adjoining the subject land.

EROSION AND SEDIMENT CONTROL

30. Prepare and submit an Erosion and Sediment Control (E&SC) Management Plan for each stage of the development and obtain Council's endorsement prior to commencement of any earth works on site. The E&SC must address the following requirements:
- 30.1 The E&SC Management Plan must be prepared in accordance with PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure;
 - 30.2 The E&SC Management Plan must address both the internal works for the development and any associated external works;
 - 30.3 The drawings and documentation submitted for the E&SC Management Plan must be certified by a Registered Professional Engineer of Queensland – Civil or suitably qualified alternative;
 - 30.4 The scope of the E&SC Management Plan may include, but subject to the Council's discretion and not necessarily limited to the following:
 - (i) Construction of sediment fences, earth berms, temporary drainage, temporary sediment basins and stormwater filtering devices designed to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems;
 - (ii) Dewatering method and treatment of subsurface and stormwater runoff from the basement during excavation and construction to prevent sediment laden water being released into the roads and/or stormwater drainage systems;
 - (iii) Identification of high and extreme erosion risk areas and treatments to be employed to manage these areas during construction and re-establishment of the areas post construction and during any relevant on-maintenance period;
 - (iv) Measures to prevent site vehicles tracking sediment and other pollutants onto adjoining streets, waterways, creeks (vehicle crossings) during the construction period;
 - (v) Identification of areas to be utilised on the site for stockpiling of materials capable of being moved by the action of wind or running water. The materials must be stored clear of drainage paths, and appropriate measures implemented to prevent entry of such materials into either the road or drainage system;
 - (vi) Inspection regime of the sediment and erosion controls; and
 - (vii) Response times to events where controls have been damaged or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works;
 - 30.5 The E&SC Management Plan for each stage must be approved by Council prior to commencement of any site works of each applicable stage; and

30.6 The approved E&SC Management Plan for each stage must be implemented, maintained and modified where necessary to maintain compliance with the approval at all times during the period when land-disturbing activities commence to the completion of the establishment period of landscaping or other areas disturbed during/following construction when all exposed soil areas are stabilised against erosion.

31. All works necessary to control erosion and sedimentation and/or the loss and movement of soil during the period of construction must be provided. All disturbed areas must be mulched or turfed/grassed as soon as possible during construction.

Note: Such works may include, but may not necessarily be limited to, the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to adjoining properties, roads and/or drainage systems.

32. Erosion and sedimentation controls must be implemented, maintained and adapted as necessary at all times during the course of the construction period generally in accordance with an E&SC Management Plan. If at any time the proposed controls prove to be ineffective then Council requires the installation of additional erosion and sedimentation control measures.
33. Public roads and footpaths must be safe for public use at all times. Protection of public roads, footpaths and drainage systems from erosion, and removal of sediment immediately when it occurs, must occur at all times during the construction period. Any damage or interference due to erosion or sedimentation must be repaired or cleaned up immediately when it occurs at no cost to Council to remove potential hazard to pedestrians and/or passing traffic.
34. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
35. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
36. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
37. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to prevent site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

38. Prior to the commencement of site works submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person that, at a minimum, includes the following:
- 38.1 Hours of building and operational work activity;
 - 38.2 Air quality management – emission monitoring;
 - 38.3 Noise and vibration management;
 - 38.4 Construction site lighting (where night works are proposed to occur);
 - 38.5 Stormwater quality management;
 - 38.6 Erosion and sediment control management;
 - 38.7 Waste management;
 - 38.8 Complaint management;
 - 38.9 Community awareness; and
 - 38.10 Preparation of site work plans.

39. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
40. The Construction Environmental Management Plan must receive endorsement by Council prior to commencement of any site works.
41. The endorsed Construction Environmental Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

42. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
43. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2008*.
44. Fires are not to be lit to dispose of demolition or construction waste, including cleared vegetation.
45. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the site and used on site), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 45.1 Elsewhere within this Development Approval;
 - 45.2 In accordance with an associated Operational Works approval;
 - 45.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 45.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 45.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2008* relating to the depositing or disposal of general waste from a premises not serviced by Council.
46. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

47. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30am and 6:30pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

CONSTRUCTION LIGHTING IMPACT MITIGATION

48. Where night works are permitted in accordance with an endorsed Construction Environmental Management Plan, lighting associated with demolition, construction and earthworks activities, including security lighting, must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "*Control of the obtrusive effects of outdoor lighting*" using a control level of 2.

AIR QUALITY IMPACT MITIGATION

49. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2008* as measured at any sensitive place or commercial place must not be released to the atmosphere during building work.

50. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during works do not exceed the following levels when measured at any sensitive place or commercial place:
- 50.1 Dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

SERVICES AND UTILITIES

INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

51. Provide an on-site wastewater treatment system in accordance with the *Plumbing and Drainage Act 2002* for each stage of the development (where required). No reticulated sewerage system exists or is proposed for this area. Provided adequate land application areas (LAA's) can be identified for the subject land, it is required that on-site sewage treatment/disposal be undertaken.
- 51.1 Sewage treatment and effluent disposal (on-site) must comply with Australian Standard AS3500.2 (current edition) – National Plumbing and Drainage – Sanitary Plumbing and Drainage – Performance Requirements; and Australian Standard AS1547:2012 (current edition) – On Site Domestic-Wastewater Management; where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012);
- 51.2 On site sewerage disposal must have minimum clearances and must avoid overflow or seepage onto adjoining properties in accordance with the provisions under the above standards; and
- 51.3 A copy of each site assessment must be submitted to Council for endorsement prior to construction of a related building.

INFRASTRUCTURE WATER SUPPLY (ON SITE SUPPLY)

52. Where reticulated water supply is not available, the applicant must provide evidence to Council that a reliable potable water supply or source is available or will be provided and appropriate resource allocation is provided by the relevant agency if required.
- 52.1 Existing or proposed ground water bores, their locations and projected production rates are to be detailed and provided to Council;
- 52.2 Storage must be designed to accommodate provision for domestic, operational and fire-fighting purposes in accordance with Council's Regional Planning Scheme; and
- 52.3 In the event of drought or water shortage generally, emergency water supply provisions must be identified.

TELECOMMUNICATION

53. Install telecommunications infrastructure to service the premises which complies with the following:
- 53.1 The requirements of the *Telecommunications Act 1997* (Cth);
- 53.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- 53.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
54. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
55. Provide to the Council a written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the above conditions, and all applicable legislation at the time of construction.

Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

ELECTRICITY SUPPLY

56. The premises are connected to an electricity supply in accordance with the standards and an agreement with the relevant energy regulatory authority.

APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)

57. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
- 57.1 All works must be designed and constructed in accordance with the relevant standards and requirements of:
 - (i) PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure;
 - (ii) PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure; and
 - (iii) PSP No. 4 – Development Near Utility Services;
 - 57.2 An application for the works must be submitted to and approved by Council prior to carrying out the works;
 - 57.3 The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
 - (i) A Design Certificate must be submitted with the application; and
 - (ii) A Construction Supervision Certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance;
 - 57.4 Pay all checking and inspection fees at the time of submitting the application for the works to Council;
 - 57.5 Be responsible for all aspects associated with carrying out the works including ensuring all work is carried out by a qualified contractor and ensuring public safety such as providing and maintaining during construction adequate barricades, signage and other warning devices to be detailed in the application to Council; and
 - 57.6 The works must be completed and accepted on-maintenance prior to the commencement of the use.
58. A defects liability security must be lodged for external works prior to Council accepting these works on-maintenance. The amount of security required will be advised by Council following submission of engineering drawings for Council approval. This security will be released upon Council accepting the external works off-maintenance, at the end of a minimum period of twelve (12) months defects liability period.

TRANSPORT, ACCESS AND PARKING

TRAFFIC CONTROL PLAN

59. Prior to commencement of any works affecting external roads, submit a traffic control plan to, and obtain Council's approval, for the relevant works, along with the submission of appropriate securities and a suitable form of indemnity for any claims against Council.

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS AND / OR PARKING BAYS

60. Notify and obtain the written approval of Council's Regional Coordinator Traffic Management for any works involving the removal or modification of existing Council traffic signs and/or parking bays prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council.
61. The installation and/or modification of any street signs and/or line marking must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).

ROADWORKS (ROAD WIDENING AND RECONSTRUCTION)

62. Existing roads must be constructed/widened from the Gore Highway frontage of the development site, as follows:
- | | |
|-------------------------------|-------------------------------------------------------------------------------------------------------|
| Street: | Karriba Road |
| Classification: | Rural Local Access |
| Construction Standard: | Bitumen Sealed 8.0 metre formation per Standard Drawing 101386-001 Rev B to cater for heavy vehicles. |
63. The design and construction of the road widening works must be in accordance with Council's requirements as set out in the PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure. The works must include but are not limited to matters such as:
- 63.1 The construction of the road widening along the frontage of the site and tapers external to the frontage of the site;
- 63.2 Underground stormwater drainage road crossings;
- 63.3 Table drain works;
- 63.4 Relocation of utility and Council services; and
- 63.5 Relevant approvals for intersections and access from the Department of Transport and Main Roads.
64. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure to allow for the above.
65. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.
66. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure.
67. A Development Application for a Development Permit for Operational Works for the road widening and reconstruction works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated. All approved road widening and reconstruction works must be completed and accepted on-maintenance prior to the commencement of the use.
68. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
- 68.1 A Design Certificate must be submitted with the application; and
- 68.2 A Construction Supervision Certificate must be submitted at the completion of the approved works.

INTERNAL ROADWAYS/TRAILS

69. Existing and Proposed internal roads/trails as generally identified upon the approved plans must be constructed and maintained per the conditions of approval for Air Quality and Bushfire Management.
- 69.1 Construction and maintenance of any applicable creek/waterway crossings must be undertaken in accordance with the approved Stormwater Management Plan and Erosion and Sediment Control Plan for each stage of the development.
70. The design and construction of the internal roadways/trails must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
- 70.1 A Design Certificate must be submitted with each stage of the development; and

- 70.2 A Construction Supervision Certificate must be submitted at the completion of the approved works with each stage of the development.

ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING

71. The premises must be provided with on-site car parking spaces, together with standing and manoeuvring for Articulated Vehicle (AV) service vehicles. Car parking and manoeuvring areas must be:
- 71.1 Located generally as per the Site Office and Container Lay Down Area identified upon the approved plans;
 - 71.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in AS2890 - *Parking Facilities*;
 - 71.3 Designed and constructed with the requirements of manoeuvring areas and loading/unloading facilities for service vehicles in accordance with AS 2890.2 – 1989 – *Off Street Parking – Commercial Vehicle Facilities*;
 - 71.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
 - 71.5 Designed to enable all vehicles to enter and leave the site in a forward gear;
 - 71.6 Kept and used exclusively for vehicle parking and manoeuvring; and
 - 71.7 Accessible and available to the general public and staff during approved hours of operation.
72. Certified drawings demonstrating compliance with Condition 71 and the following codes in the *Toowoomba Regional Planning Scheme 2012* must be submitted to Council for endorsement prior to the issue of a Development Permit for Building Works for the proposed development:
- 72.1 Works and Services Code; and
 - 72.2 Traffic, Access and Parking Code.
73. The car parking and manoeuvring areas are to be maintained for this purpose for the duration of the use approved by this application.
74. Car parking and manoeuvring must be wholly undertaken within the curtilage of the site.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

75. All laydown and trafficable ground surfaces of the site must be covered with coarse gravel graded at between 16 - 32 millimetres, a medium gravel graded at between 8 - 16 millimetres or a fine gravel graded at 4 - 8 millimetres in diameter to create a gravel hardstand.
76. Where a medium or fine gravel is utilised for surface coverage, hardstand areas must be first treated prior to the commencement of use and then on an as needed basis thereafter, with a dust suppressant product (such as PetroTac) in accordance with the manufacturers specifications.
77. Where a dust suppressant is utilised, records documenting maintenance inspections and application history details must be maintained and made available for inspection at any time upon request by Council.

ENVIRONMENT

ACOUSTIC AMENITY - NOISE LIMITS

78. Noise from activity associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environment Protection (Noise) Policy 2008* when measured at any sensitive place or commercial place.

79. When requested by Council, a noise investigation must be undertaken by a qualified person to investigate any complaint of noise nuisance, and the results notified within 14 days to Council. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Limits within this Development Approval have been exceeded. Measurement of noise emissions (adjusted for tonality and impulse) must be in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures*.

ACOUSTIC AMENITY - MECHANICAL PLANT

80. All regulated devices as defined by the *Environmental Protection Act 1994* must be installed, operated and maintained to comply with the noise limits as specified within the *Environmental Protection Act 1994*.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

81. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2008* as measured at any sensitive place or commercial place must not be released to the atmosphere.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST)

82. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated from activity associated with the use of the site do not exceed the following levels when measured at any sensitive place or commercial place:
- 82.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method; and*
- 82.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM10 high volume sampler with size-selective inlet – Gravimetric method; or*
 - ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM10 low volume sampler - Gravimetric method.*
83. When requested by Council, an air quality investigation must be undertaken by a qualified person to investigate any complaint of air pollution, odour or dust nuisance, and the results notified within 14 days to Council. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits within this Development Approval have been exceeded.

OUTDOOR LIGHTING IMPACT MITIGATION

84. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* using a control level of 2.
85. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).

WASTE MANAGEMENT

WASTE MANAGEMENT (GENERAL)

86. All waste generated on site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

87. A minimum of two (2) wheelie bins in support of the Site Office, each having a minimum capacity of 240 litres and each for the purposes of storing general and recyclable waste must be provided.
88. Refuse and recycling bin storage areas must be maintained to ensure that bins are:
- 88.1 Kept in a clean state and in good repair;
 - 88.2 Provided with tight-fitting lid assemblies designed to prevent ingress of pests and water; and
 - 88.3 Stored at their place of permanent storage other than ahead or during times of waste disposal.

WASTE MANAGEMENT (REMOVAL)

89. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 89.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2008*, that is waste must be disposed of at a lawful point of receipt or disposal;
 - 89.2 The collection of putrescible waste arising from the activities undertaken on this development must be collected and removed at periods not exceeding seven (7) days; and
 - 89.3 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

LANDSCAPE & ECOLOGY

ECOLOGICAL PRESERVATION - VEGETATION PROTECTION

90. A “no clearing zone” must be established and maintained over existing vegetated areas as identified on the Approved Plans. The following activities must not be carried out within the “no clearing zone”:
- 90.1 Clearing, cutting down, poisoning, lopping or pruning of native vegetation which is indigenous to, or planted within, the zone;
 - 90.2 Soil/spoil dumping and/or compacting soil excavation, other than for planting indigenous native plants;

The following exceptions apply:

- 90.3 Declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate *Regulation 2003*, and any Council declared environmental weeds, exotic grasses and other plants identified in writing by Council;
- 90.4 Indigenous native trees which pose a well-founded threat to persons or property as approved in writing by Council; and
- 90.5 Controlled bushfire burns to maintain ecological processes subject to an approved or endorsed Bushfire Management Plan and agreed in writing by Council.

DEVELOPMENT BUFFERS

91. A buffer area for the purposes of providing separation between existing vegetation on site and the development and to serve as a fire break, having a minimum width of 20 metres must be provided around existing vegetated areas as identified on the Approved Plans.

92. A buffer area for the purposes of providing separation between the development and adjoining unrelated properties and to serve as a fire break, having a minimum width of 10 metres must be provided around the property boundary (excluding frontage to the Gore Highway) as identified on the Approved Plans.
93. A buffer area for the purposes of providing separation between the development and traffic traversing the Gore Highway, having a minimum width of 40 metres must be provided along the property boundary fronting the Gore Highway, as identified on the Approved Plans.
94. A buffer area for the purposes of providing separation between the development and associated electrical easements, having a minimum width of 10 metres must be provided, as identified on the Approved Plans.
95. Unless otherwise authorised in this Development Approval, any associated Operational Works approval or as otherwise agreed by Council in writing, permanent works, structures, or substantial fill or excavation activities must not be undertaken within these buffer areas.

BUSHFIRE MANAGEMENT - GENERAL

96. The development must be carried out generally in accordance with Section 6 of the Approved Bushfire Management Plan listed within this Development Approval with the addition of the following:
 - 96.1 To the extent that any inconsistency between the requirements of the approved Bushfire Management Plan and this Development Approval, the requirements of the Development Approval shall prevail.

BUSHFIRE MANAGEMENT - SUPPLY OF WATER

97. The development must be provided with water storage reservoirs having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for any site consumption and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of each building.
98. Existing dams identified on the Approved Plans listed within the Development Approval must be retained and serve, in a nonexclusive capacity, as water storage reservoirs for emergency firefighting purposes.
99. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
 - 99.1 The domestic take off from the tank is at or above the 10,000 litre point;
 - 99.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles; and
 - 99.3 Must be provided with an auxiliary power supply such as a petrol driven fire fighter pump (or generator), together with a hose of sufficient length to easily reach around all sides of corresponding buildings.
100. A hard stand area within 6m of each water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

BUSHFIRE MANAGEMENT - FIRE TRAIL NETWORK

101. For the purposes of fire-fighting and fire evacuation, the internal roadways must form part of the fire trail network for the development. Trails (and hence internal roads) must:
 - 101.1 Have primary access from the Gore Highway at the three locations identified on the Approved Plans and a secondary access from the Gore Highway for emergency vehicles only located at the south western point of Lot 4;
 - 101.2 Be constructed to be trafficable to an all-weather standard;
 - 101.3 Be a minimum cleared width of 6m;

- 101.4 Be a minimum formed width of 4m;
- 101.5 Be a maximum gradient of 1 in 8 (12.5%);
- 101.6 Provide passing bays at least every 400m (passing bays are to be 20m long and with an additional 3m of extra formed width);
- 101.7 Have a minimum vertical clearance of 6m to any overhanging obstructions, including tree branches;
- 101.8 Have as few curves as possible to facilitate rapid access and egress (where required curves are to have a minimum inner radius of 6m and outer radius of 12m); and
- 101.9 Be constructed in a manner to prevent erosion, provide adequate drainage and provide for continuous access for fire fighting vehicles.

END USE & SITE REHABILITATION

- 102. Submit to Council for endorsement an End Use and Rehabilitation Plan prepared by a qualified person that, at a minimum, includes the following:
 - 102.1 Identifies the final agricultural land use (e.g. grazing, cropping) following cessation of the approved use;
 - 102.2 Provides a description of the development process and how it will be integrated with rehabilitation, reinforcing effective management of rehabilitation resources;
 - 102.3 Clearly establishes the objectives of the Plan;
 - 102.4 Identifies a benchmark analogue site that is used to determine realistic performance criteria for rehabilitation efforts;
 - 102.5 Adopted performance criteria for rehabilitation efforts;
 - 102.6 Includes an Action Plan, with timing for remedial works such as, structure removal, any soil erosion, drainage, and vegetation cover works, along with weed and pest animal control activities required to meet the adopted rehabilitation performance criteria;
 - 102.7 Outlines a program for monitoring rehabilitation success using appropriate indicators; and
 - 102.8 Includes an end-use Property Management Map, depicting the contents of the Plan.
- 103. The End Use and Rehabilitation Plan must receive endorsement by Council prior to commencement of use.
- 104. Rehabilitation works must commence immediately upon cessation of the approved use and be carried out in accordance with the endorsed End Use and Rehabilitation Plan for the length of time included in the Action Plan.

AMENITY AND OPERATION OF USE

LANDSCAPING

- 105. Submit for Compliance Assessment a Landscape Plan for all landscaping associated with the development in accordance with the following requirements:
 - 105.1 The Landscape Plan must be prepared by a suitably qualified and experienced Landscape Architect;
 - 105.2 The Landscape Plan must address the Performance Outcomes of the Landscape Code and any other relevant landscaping requirements applicable to the development in the *Toowoomba Regional Planning Scheme*. In particular the Landscape Plan must include the following:
 - (i) Planted landscape buffers;
 - (ii) Tree species with a broad and dense canopy are provided around stormwater structures to visually fragment the site; and
 - (iii) Sight lines at vehicle entrance points are maintained through the use of trees with a clean trunk to 1.8m height and shrubs to a maximum height of 0.75m; and
 - 105.3 Detail to be included on the Landscape Plan must include, but is not limited to:
 - (i) The species to be planted;
 - (ii) The number and container size of plants;
 - (iii) The typical planting detail including preparation, backfill, staking and mulching;
 - (iv) Typical planting set-out including dimensions;
 - (v) Location and height of fencing to the property boundaries;
 - (vi) Location and species of existing site vegetation;

- (vii) North point, scale and drawing number; and
- (viii) Landscaping associated with each stage of the development approval.

Note: Refer to Information Sheet INFO006 on Council's website for additional information on preparation of Landscape Plans.

106. Planted landscape buffers must be established in accordance with the Landscape Plan, the dimensional requirements and locations as per the following:
- (i) A planted landscape buffer with a minimum width of fifteen (15) metres which achieves a height of five (5) metres within 5 years of planting must be planted along the full length of the front property boundaries adjoining the Gore Highway for Lot 5 DY1025, Lot 37 DY1103 and Lot 4 DY1024 for each stage as per endorsed screen planting details. Sections of the front property boundaries which contain existing native vegetation with a natural landscape buffer of ten (10) metres and minimum height of five (5) metres does not require additional planting; and
 - (ii) A planted landscape buffer with a minimum width of ten (10) metres which achieves a height of (5) metres within 5 years of planting must be established for the length of the property boundary separating Lot 4 DY1024 from adjoining Lots 21 DY213 and 22 DY213 for each stage as per endorsed screen planting details. Sections of the property boundaries which contain existing native vegetation with a natural landscape buffer of five (5) metres and minimum height of five (5) metres does not require additional planting.
107. The Landscape Plan must be submitted to and approved by Council prior to the commencement of site works and planting must be completed prior to commencement of use of each stage.
108. Prepare and landscape the subject land in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Manager, Development Assessment.
109. All declared weeds must be removed from the subject land and the land maintained free of declared weeds at all times.

B. ADVICES:

Infrastructure Charges

- 1) Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to Section 635 of the *Sustainable Planning Act 2009*.

Fire Ants

- 2) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply. Compliance with statutory provisions must be achieved.

Disposal of Construction & Demolition Material

- 3) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

Advertising Signs

- 4) Placing an advertising device on premises is self assessable development where complying with the *Advertising Devices Code* in the *Toowoomba Regional Planning Scheme 2012*. A separate Development Permit for Operational Works will be required for any Advertising Signs not complying with the acceptable outcomes of the *Advertising Devices Code*.

When Approval Takes Effect

- 5) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

When Approval Lapses

- 6) This approval will lapse in accordance with the provisions contained in Sections 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 2
- Approved Development Plans
- Approved Document
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*

SCHEDULE 2

STATE ASSESSMENT AND REFFERAL AGENCY (SARA)

CONCURRENCE AGENCY CONDITIONS

Chapter 7, Part 1, Division 8 of the Sustainable Planning Act 2009
Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Chapter 7, Part 1, Division 9 of the Sustainable Planning Act 2009
Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against a decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

470 Appeals against particular decisions about compliance assessment

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice:
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Chapter 7, Part 1, Division 10 of the Sustainable Planning Act 2009 Appeals to court about other matters

472 Appeal about extension of period under s 98

- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
- (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

473 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

475 Appeals against local laws

- (1) This section applies if—
 - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
 - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - *the incorrect application of gross floor area for a non-residential development*
 - *applying an incorrect 'use category' under an*

SPRP (adopted charges) to the development

- (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
 - (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

Chapter 7, Part 2, Division 4 of the Sustainable Planning Act 2009 Appeals to committees about development applications and approvals

Subdivision 1 Appeals about particular material changes of use

519 Appeal by applicant—particular development application for material change of use of premises

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

- 520 Appeal about decision relating to extension for development approval**
- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) A person to whom a notice is given under section 389 in relation to the development approval, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
- (3) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

521 Appeal about decisions relating to permissible changes

- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) The following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the development approval, other than a deemed refusal of the request—
- (a) if the responsible entity for making the change is the assessment manager for the development application to which the approval relates—
- (i) the person who made the request; or
- (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
- (b) if the responsible entity for making the change is a concurrence agency for the development application—the person who made the request.
- (3) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

Subdivision 2 Appeals about conditions of particular development approvals

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
- (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
- (b) the proposed development is for premises of not more than 3 storeys; and
- (c) the proposed development is for not more than 60 sole occupancy units.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—
- sole-occupancy unit**, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.
- storey** means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
- (a) a space containing only—
- (i) a lift shaft, stairway or meter room; or
- (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
- (iii) accommodation for not more than 3 motor vehicles; or
- (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
- (b) a mezzanine.

Division 5 Appeals to committees about compliance assessment

523 Appeal against decision on request for compliance assessment

- (1) A person who is given an action notice about a request for compliance assessment of development, a document or work may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

524 Appeal against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to a building and development committee against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

525 Appeals against particular decisions about compliance assessment

- (1) A person who is given any of the following notices may appeal to a building and development committee against the decision in the notice—
- (a) a notice of a decision on a request to change or withdraw an action notice;
- (b) a notice under section 413(2)(c) about a decision to refuse to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 6 Appeals to committees about building, plumbing and drainage and other matters

Subdivision 1 Preliminary

526 Matters about which a person may appeal under div 6

- An appeal to a building and development committee under this division may only be about—
- (a) a matter under this Act that relates to the Building Act, other than a matter under that Act that may or must be decided by the *Queensland Building and Construction Commission*, or the *Plumbing and Drainage Act 2002*; or
- (b) a matter that under another Act may be appealed to a building and development committee; or
- (c) a matter prescribed under a regulation.

Subdivision 2 Appeals about development applications and approvals

527 Appeals by applicants

- (1) An applicant for a development application may appeal to a building and development committee against any of the following—
- (a) the refusal, or the refusal in part, of the application;
- (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

528 Appeal by advice agency

- (1) An advice agency may, within the limits of its jurisdiction, appeal to a building and development committee about the giving of a development approval if the development

- application involves code assessment for the aspect of building work to be assessed against the Building Act.
- (2) The appeal must be started—
- (a) within 10 business days after the day the decision notice or negotiated decision notice is given to the advice agency; or
 - (b) for a deemed approval for which a decision notice or negotiated decision notice has not been given—within 20 business days after receiving a copy of the deemed approval notice for the application from the applicant.

529 Appeal about decision relating to extension for development approval

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

530 Appeal about decision relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the approval, other than a deemed refusal of the request—
 - (a) if the responsible entity for making the change is the assessment manager for the application to which the approval relates—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application to which the approval relates—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

531 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b), giving a decision to change or cancel a condition of a development approval, has been given may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Subdivision 3 Other matters

532 Appeals for building and plumbing and drainage matters

- (1) If—
 - (a) a person has been given, or is entitled to be given—
 - (i) an information notice under the Building Act about a decision other than a decision under that Act made by the *Queensland Building and Construction Commission*; or
 - (ii) an information notice under the *Plumbing and Drainage Act 2002* about a decision under part 4 or 5 of that Act; or
 - (b) a person—
 - (i) was an applicant for a building development approval; and
 - (ii) is dissatisfied with a decision under the Building Act by a building certifier or referral agency about inspection of building work the subject of the approval;

the person may appeal against the decision to a building and development committee.

- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the decision.
- (3) If—
 - (a) under the Building Act, a person makes an application other than a building development application to a local government; and the period required under that Act for the local government to decide the application (the **decision period**) has passed; and
 - (b) the local government has not decided the application;
 the person may appeal to a building and development committee against the lack of the decision and for the committee to decide the application as if it were the local government.
- (4) An appeal under subsection (3) must be started within 20 business days after the end of the decision period.

533 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to a building and development committee against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 7 Appeals about particular charges

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
 - (c) the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.