

Our Reference: MCUI/2016/3225/A &
RAL/2016/3227/A
Contact Officer: Peter Swan
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AMENDED
Request for a Negotiated Decision Notice
APPROVAL

Sustainable Planning Act 2009 Section 363

Yarranlea Solar Pty Ltd
C/- icubed consulting
PO Box 878
TOOWONG QLD 4066

Email: elizabeth.cruice@icubed.com.au

28 February 2017

Dear Madam

Development Application for: **Material Change of Use - Impact - Combined MCU and RAL Renewable Energy Facility (Four (4) Stage Solar Farm) and Subdivision by Lease**

Location: **752 Murlaggan Road & 538 Yarranlea Road, YARRANLEA QLD 4356**

Property Description: **Lot 3347 A341649, Lot 2 RP7475, Lot 2 RP18249, Lot 2 A34925**

Relevant Planning Scheme: **Toowoomba Regional Planning Scheme 2012, version 10**

In regards the Development Application for Request for a Negotiated Decision Notice for a Development Permit for a Material Change of Use – Impact - Renewable Energy Facility (Four (4) Stages) and Development Permit for Reconfiguring a Lot – Code – Dividing Land into Parts by Agreement, received by Council on 21 January 2017, a decision has been made on 23 February 2017 to issue a Negotiated Decision Notice. This Decision Notice replaces the Decision Notice previously issued and dated 14 December 2016.

Nature of Changes

All deletions are identified by **bolded** strikethrough of text in the attached Schedule/s.

All additions are identified by **bolded** text in the attached Schedule/s.

Details of Approval

Development Permit for a Material Change of Use – Impact - Renewable Energy Facility (Four (4) Stages) and Development Permit for Reconfiguring a Lot – Code – Dividing Land into Parts by Agreement

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: Ergon Energy
Principal Town Planner, PO Box 264, FORTITUDE VALLEY QLD 4006

Conditions, Advices and Notices

Assessment Manager's Conditions: As per attached Schedule 1

Assessment Manager's Conditions: As per attached Schedule 2

Advice Agency Conditions: As per attached Schedule 3

Further Development and/or Compliance Permits Required

- Development Permit for Building Works
- Development Permit for Plumbing and Drainage Works
- Development Permit Operational Works

Compliance Assessment Required under Part 10 of the Sustainable Planning Act 2009 for Documents or Work in Relation to the Development

Compliance assessment is required in relation to the following documents or works related to the development approved:

- Landscape Plan
- Plan of Survey

Rights of Appeal

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

Yours faithfully



Mark Westaway
Senior Planner, Development Services

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2016/3225/A
APPLICANT:	Yarranlea Solar Pty Ltd
LOCATION:	752 Murlaggan Road & 538 Yarranlea Road, YARRANLEA QLD 4356
PROPERTY DESCRIPTION:	Lot 3347 A341649, Lot 2 RP7475, Lot 2 RP18249, Lot 2 A34925
DECISION DATE:	23 February 2017
APPROVED USE:	Request for Negotiated Decision Notice – Material Change of Use – Impact - Renewable Energy Facility (100MW Solar Farm)
ZONING / PRECINCT:	Rural Zone - 100 ha Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a material change of use for a Renewable Energy Facility (Four (4) Stages with 100MW capacity) generally as shown on the Approved Plans listed in this Development Approval.
2. The Plan of Survey for the lease areas as approved under the associated Reconfiguring a Lot must be registered, and proof of registration provided to Council, prior to the commencement of the use of the first stage of the Renewable Energy Facility.
3. The Renewable Energy Facility use must cease when the leases approved under the associated Reconfiguring a Lot expire, or after 30 years from the date of commencement of use of the first stage, whichever occurs first, unless otherwise approved by Council.
 - 3.1 The subject land must be rehabilitated in accordance with the End Use and Rehabilitation Plan as endorsed under this permit.
4. This Development Approval does not imply or comprise an approval for any uses other than that listed in Condition 1.

CARRY OUT & MAINTAIN DEVELOPMENT

5. 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 Development Approval.
6. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
7. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents

and, where the building work is assessable development, in accordance with a Building Works approval.

8. The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: 15-282 A01

Description: Project Overview Staging Plan, revision G, prepared by i³ consulting and dated 16 November 2016.

Amendments: Nil

Plan No: 15-282 A02

Description: Stage 1 GA Plan, revision G, prepared by i³ consulting and dated 10 November 2016.

Amendments: Amend site layout and associated notes to include screening vegetation on the road/boundary side of the proposed fencing and it's maximum height as per the conditions of this Development Approval.

Plan No: 15-282 A03

Description: Stage 2, 3 and 4 GA Plans, revision F, prepared by i³ consulting and dated 10 November 2016.

Amendments: Amend screening vegetation and associated notes to include screening vegetation on the road/boundary side of the proposed fencing and it's maximum height as per the conditions of this Development Approval. Remove reference to farmer's machinery shed.

Plan No: 15-282 A04

Description: Substation Plan, revision E, prepared by i³ consulting and dated 16 November 2016.

Amendments: Amend screening vegetation and associated notes to include screening vegetation on the road/boundary side of the proposed fencing and it's maximum height as per the conditions of this Development Approval.

Plan No: 15-282 A05

Description: Inverter, Solar Panel and Fence Details, revision D, prepared by i³ consulting and dated 14 October 2016.

Amendments: Nil

Plan No: 15-282 A06

Description: Battery Store and Control Room Floor Plan, revision A, prepared by i³ consulting and dated 17 June 2016.

Amendments: Nil

Plan No: 15-282 A07

Description: Battery Store and Control Room Elevations, revision C, prepared by i³ consulting and dated 17 June 2016.

Amendments: Nil

Plan No: 15-282 A09

Description: Overall Plan, revision B, prepared by i³ consulting and dated 19 August 2016.

Amendments: Amend screening vegetation and associated notes to include screening vegetation on the road/boundary side of the proposed fencing and it's maximum height as per the conditions of this Development Approval. Remove reference to farmer's machinery shed.

Plan No: 15-282 A17
Description: Special Approval Layout Plan, revision B, prepared by i³ consulting and dated **15 16** November 2016.
Amendments: Nil

10. Plans to be amended must be amended to only incorporate the amendments listed within this Development Approval and resubmitted to Council for approval prior to the issue of any Operational Works approval, Building Works approval or Council's approval of plumbing and drainage works, or prior to commencement of use, whichever occurs first.

APPROVED DOCUMENT

11. The development must be carried out generally in accordance with the Approved Document(s) listed below, subject to the conditions of this Development Approval:

Document: -
Description: Site Rehabilitation and End Use Plan, prepared by Yarranlea Solar and dated August 2016.
Amendment: Nil

Document: -
Description: Review of Agricultural Issues and Buffer and Pasture Vegetation, prepared by Land Resource Assessment and Management Pty Ltd and dated 15 November 2016.
Amendment: Nil

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORKS)

12. Prepare and submit applications to Council and obtain Operational Works approval for the following:
- 12.1 Roadworks; and
 - 12.2 Stormwater.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (FOR ENDORSEMENT)

13. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
- 13.1 Construction Environmental Management Plan;
 - 13.2 Site Based Environmental Management Plan; and
 - 13.3 Traffic Control Plan.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (COMPLIANCE ASSESSMENT)

14. Prepare and submit a Landscape Plan to Council for compliance assessment against the relevant standards and requirements listed in the Landscaping Code contained within the *Toowoomba Regional Planning Scheme* and the landscaping conditions of this Development Approval.

STAGED DEVELOPMENT

15. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans subject to and modified by any conditions of this Development Approval.
16. 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 stages being complied with.
17. Stages must be completed within the following specified time periods:

- 17.1 Stage 1 must be completed and the change of use relevant to this stage commenced within six (6) years of this Development Approval taking effect;
- 17.2 Stage 2 must be completed and the change of use relevant to this stage commenced within two (2) years of the commencement of the use for Stage 1;
- 17.3 Stage 3 must be completed and the change of use relevant to this stage commenced within two (2) years of the commencement of the use for Stage 2; and
- 17.4 Stage 4 must be completed and the change of use relevant to this stage commenced within two (2) years of the commencement of the use for Stage 3.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

18. A legible copy of the Approved and Amended Plans and Approved and Amended Documents bearing Council's approved stamp and this Development Approval must be available on the subject land and available for inspection at all times during construction and earthworks.

WORKS

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

19. Plans and specifications for all works associated with car parking & vehicular access, stormwater drainage, roadworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
20. 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 Construction Supervision Certificate. A copy of the Construction Supervision Certificate must be submitted to Council upon completion of the works.
21. A Construction Supervision Certificate must be provided by a RPEQ upon completion of the works certifying that works are in accordance with the approved plans and specifications.
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. A Certificate of Currency must be submitted with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

23. All private stormwater quality devices installed within the site as part of the development must be maintained for the life of the development, in accordance with the manufacturer's guidelines and to best management practice, to ensure continuing level of performance for water quality for stormwater discharged from the subject site.
24. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the proposed development for the duration of the development works.
25. All internal and external stormwater drainage works must be constructed generally in accordance with an Operational Works approval, with the addition of the following:
 - 25.1 The proposed solar panel foundations are to be designed by an appropriately experienced and qualified RPEQ and to make appropriately conservative allowances for the effect of overland flow;
 - 25.2 All electrical connections associated with the solar array are to be appropriately designed and make allowance for the effect of overland flow;
 - 25.3 Prior to commencement of the use for each stage, the Renewable Energy Facility operator is to provide indemnity to Council for solar panels installed in an identified overland flow path for each stage of the development; and

- 25.4 Stormwater run-off from roof and developed surface areas, and any run-off onto the site from adjacent areas, is to be collected internally and directed to a lawful point of discharge;

Note: This condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.

26. Prior to the commencement of any works on site, an Operational Works application must be submitted to and be approved by Council for the internal and external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ - Civil as follows:

26.1 A Design Certificate must be submitted with the application; and

26.2 A Construction Supervision certificate must be submitted at the completion of the approved works.

STORMWATER DISCHARGE

27. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
28. Stormwater must be dispersed in accordance with an Operational Works approval.
29. Design and construction of all internal stormwater drainage works must comply with each applicable section of Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code and the Queensland Urban Drainage Manual.

BULK EARTHWORKS OVER 50 M3 OR OVER 1M CUT OR FILL

30. All cut, fill and associated batters must be undertaken in accordance with an Operational Works approval or a Building Works approval, and contained entirely within the subject site.
31. In conjunction with an application for an Operational Works approval or at the same time as a Building Works application, submit to Council a Design Certificate by a Registered Professional Engineer of Queensland - Civil (RPEQ) certifying that the proposed bulk earthworks comply with Council's Planning Scheme Policy SC6.2.5 Earthworks and any referenced documents. The following details must be included in the application:
- 31.1 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;
- 31.2 Details of the final location for any material to be exported from the site from excavations;
- 31.3 The haulage routes that will be used. Approval for the haulage truck sizes and the final haul routes is to be obtained prior to works commencing; and
- 31.4 As relevant, details identifying the source and disposal sites for material imported or exported as part of the development. Source sites and receiving sites must have a current development approval enabling them to export and accept any material, respectively.

AIR QUALITY IMPACT MITIGATION

32. 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.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

33. 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*.

34. 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*.
35. Fires are not to be lit to dispose of demolition or construction waste.
36. 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:
 - 36.1 Elsewhere within this Development Approval;
 - 36.2 In accordance with an associated Operational Works approval;
 - 36.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 36.4 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
 - 36.5 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.
37. 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

38. 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

39. 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 1.

EROSION & SEDIMENT CONTROL

40. 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.
41. 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.
42. 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.
43. All disturbed areas must be mulched or turfed as soon as possible during construction.

44. 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 and, where applicable the ensuing 'on-maintenance' period.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

45. Prior to the issue of any Operational Works approval or Building Works approval or commencement of the use, whichever occurs first submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person that, at a minimum, includes the following:
 - 45.1 Hours of building and operational work activity;
 - 45.2 Air quality management – emission monitoring;
 - 45.3 Noise and vibration management;
 - 45.4 Construction site lighting (where night works are proposed to occur);
 - 45.5 Stormwater quality management;
 - 45.6 Erosion and sediment control management;
 - 45.7 Waste management;
 - 45.8 Complaint management;
 - 45.9 Community awareness; and
 - 45.10 Preparation of site work plans.
46. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
47. The Construction Environmental Management Plan must receive endorsement by Council prior to commencement of any site works.
48. 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.

DAMAGE TO SERVICES & ASSETS

49. Undertake all reasonable measures to protect Council and public utility services and assets during construction of the development.
50. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
 - 50.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 50.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development.
51. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
52. Any damage which is incurred to underground services, signs, footpaths, roadways and/or kerb and channelling abutting the subject land as a result of the proposed development must be repaired

immediately should hazards exist for pedestrian or vehicular safety. Otherwise, all damage must be repaired immediately upon completion of works associated with the development and prior to acceptance of the works on-maintenance.

53. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with the *Planning Scheme Policy PSP No. 4 – Development Near Utility Services*.

SERVICES & UTILITIES

INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

54. The development must be provided with an on-site waste water treatment and effluent disposal system having a capacity and land application area sufficient for the use.
55. The waste water treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
56. All reasonable and practicable measures must be undertaken to prevent treated waste water and effluent from overflowing or seeping onto adjoining properties.

INFRASTRUCTURE WATER SUPPLY (ON SITE SUPPLY)

57. 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.
- 57.1 Existing or proposed ground water bores, their locations and projected production rates are to be detailed and provided to Council;
- 57.2 Storage must be designed to accommodate provision for domestic, operational and fire-fighting purposes in accordance with Council's Regional Planning Scheme; and
- 57.3 In the event of drought or water shortage generally, emergency water supply provisions must be identified.

TELECOMMUNICATION

58. Install telecommunications infrastructure to service the premises which complies with the following:
- 58.1 The requirements of *the Telecommunications Act 1997 (Cth)*;
- 58.2 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
59. Unless otherwise stipulated by telecommunications legislation at the time of installation, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
60. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with telecommunication conditions of this Development Approval and all applicable legislation at the time of installation.

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

Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra or a "Notice of Practical Completion" where such services are provided by NBN Co.

ELECTRICITY

61. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

FENCING & WALLS (GENERAL)

62. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
63. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary - that is the existing fence or wall is to be completely removed and replaced.
64. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.
65. Where there is a change in level between adjoining properties at the boundary that exceeds 1m, the overall total height of any combination of fence and wall must not exceed 3m from the lowest adjacent finished ground level.
66. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
67. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.

AMENITY & OPERATION OF USE

FENCING & WALLS

68. A minimum 1.8m high transparent fence, which may be a chain link fence topped by three (3) barbs , must be erected along the full length of the perimeter of the site, excluding any vehicle access locations.
- 68.1 The fencing must be setback from the site boundary behind any screening vegetation required by this Development Approval; and
- 68.2 A 200mm gap must be provided between finished surface levels and the bottom of the fencing to allow overland stormwater flow, debris and fauna to pass through the site.

*Note: For clarity it is advised the above condition requires fencing along the northern and southern sides of Murlaggan Road adjacent the development site, **and excludes the security fencing around the entire perimeter of the internal substation.***

SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES

69. The development must be designed and constructed to enhance community safety by ensuring:
- 69.1 Vandal proof fittings, fixtures and materials which are hardy and easily removable are used in the construction and finishing of the development; and
- 69.2 Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development.
70. The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise hazardous conditions.
71. Safety and security lighting must be provided to the following areas of the site:

- 71.1 All entries and exits of buildings;
 - 71.2 All pathways linking car parking areas to the entrances and exits of buildings; and
 - 71.3 Throughout car parking areas.
72. Safety and security lighting must be designed, sited, and installed in accordance with *Australian Standard AS 1158.3.1 - Road Lighting - Pedestrian Area (Category P) Lighting - Performance and Installation Design Requirements*.
- Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting*
- 73. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.
 - 74. Parking spaces must be available for use during the approved hours of operation for the business.

TRANSPORT, VEHICULAR ACCESS & PARKING

TRAFFIC CONTROL PLAN

- 75. Prior to commencement of any works affecting external roads, submit to Council for endorsement a Traffic Control Plan prepared by a qualified person that, at a minimum, includes the following:
 - 75.1 School Bus Route Management Plan; and
 - 75.2 The haulage routes that will be used for deliveries and construction equipment across all stages. Approval for the haulage truck sizes and the final haul routes is to be obtained prior to works commencing.
- 76. The Traffic Control Plan must be received and endorsed by Council prior to commencement of any works affecting external roads.
- 77. The endorsed Traffic Control Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times during the period when works affecting external roads commences and concludes.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

- 78. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.
- Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.*

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

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

ROADWORKS (EXTERNAL)

- 81. Works on existing roads and road reserves must be constructed as follows:

- 81.1 Where any underground road crossing of cables occurs the road shall be two coat sealed for a minimum of 50 meters either side of the crossing point;
 - 81.2 Where the cabling is to run alongside the road reserve the trenching for the cabling is to be of a minimum depth of 1.0m below ground level; and
 - 81.3 Crossing of a Council road must be generally undertaken as per drawing 15-282 A17 Special Approval Layout Plan, Revision B, prepared by i³ Consulting and dated 16 November 2016 as part of an application for Operational Works and relevant works in road permit.
82. Any pavement widening, sealing or reinstatement 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.
83. All street surfacing must be in accordance with the pavement construction standards in *PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure*.
84. A Development Application for a Development Permit for Operational Works for the road reconstruction works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated. All approved road reconstruction works must be completed and accepted on-maintenance prior to the commencement of the use.
- 84.1 The application for Operational Works for each applicable stage must be prepared in accordance with and accompanied by the reporting required in Section 5 Access and Servicing of the Traffic Impact Assessment Report 15-282-TIA Version 1.0 prepared by i³ Consulting and dated 16 June 2016;
 - 84.2 The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows;
 - 84.3 A Design Certificate must be submitted with the application; and
 - 84.4 A Construction Supervision Certificate must be submitted at the completion of the approved works.

INTERNAL ROADWAYS/TRAILS

85. Existing and Proposed internal roads/trails as generally identified upon the approved plans must be constructed and maintained per the conditions of approval for stormwater flows, air quality, dust suppression and environmental controls.
86. The design and construction of the internal roadways/trails must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
- 86.1 A Design Certificate must be submitted with each stage of the development; and
 - 86.2 A Construction Supervision Certificate must be submitted at the completion of the approved works with each stage of the development.

PROVISION OF VEHICULAR ACCESS

87. The proposed vehicle access from the site to a Council Road must be sealed from the street to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must include any requirements identified as part of any traffic report for the development, or as specifically required below:

- 87.1 The proposed access must be located as shown on the Approved Plans listed within this Development Approval;
- 87.2 The proposed access must be constructed generally in accordance with the Institute of Public Works Engineering Australasia Drawings Drawing *RS-051 Heavy Duty Vehicle Crossing* and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 87.3 Suitable safety measures, including warning signage, must be installed to improve driver awareness of pedestrians and enhance pedestrian safety.
- 87.4 The property access must be located a minimum of one (1) metre clear of existing power poles or any signage;
- 87.5 Be responsible for any necessary relocation of all existing services clear of the access that will serve the property and is required to contact all relevant service authorities and comply with their requirements in relation to these works; and
- 87.6 The property access must include suitable tapers and flares to accommodate the required turning paths of a Articulated Vehicle.

Note: This condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.

- 88. The final design and layout of the property access, or any modification of existing property access, must be by a Development Application for a Development Permit for Operational Works prior to any construction works within the road reserve. The design and the construction of the works must be certified by a RPEQ – Civil as follows:
 - 88.1 A Design Certificate must be submitted with the application;
 - 88.2 A Construction Supervision Certificate must be submitted at the completion of the approved works; and
 - 88.3 Be in accordance with and accompanied by the reporting required in Section 5 Access and Servicing of the Traffic Impact Assessment Report 15-282-TIA Version 1.0 prepared by i³ Consulting and dated 16 June 2016.

ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING

- 89. The premises must be provided with three (3) on-site car parking spaces within the substation compound, together with standing and manoeuvring for a Medium Rigid Vehicle (MRV) vehicle. Car parking and manoeuvring areas must be:
 - 89.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 89.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in *AS2890 - Parking Facilities*;
 - 89.3 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
 - 89.4 Designed to enable all vehicles to enter and leave the site in a forward gear; and
 - 89.5 Kept and used exclusively for vehicle parking and manoeuvring.
- 90. Certified drawings demonstrating compliance with Condition 89 and the following codes in the Toowoomba Regional Planning Scheme must be submitted to Council as part of an application for Operational Works application for the proposed development:

- 90.1 Works and Services Code in the *Toowoomba Regional Planning Scheme*; and
- 90.2 Traffic, Access and Parking Code in the *Toowoomba Regional Planning Scheme*.
- 91. The car parking and manoeuvring areas are to be maintained for this purpose for the duration of the use approved by this application.
- 92. Car parking and manoeuvring must be wholly undertaken within the curtilage of the site.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - NOISE LIMITS

- 93. 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.
- 94. When requested by Council, a noise investigation must be **commenced within seven (7) days of the request being made by Council. The 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. provided to Council within 21 days of the completion of any monitoring or field investigation.~~ 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

- 95. 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

- 96. 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)

- 97. 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 the site boundary:
 - 97.1 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~~
 - 97.2 ~~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.**~~

98. When requested by Council, an air quality investigation must be **commenced within seven (7) days of the request being made by Council. The 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~~ **provided to Council within 21 days of the completion of any monitoring or field investigation.** 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.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

99. All laydown areas and internal access tracks within the site must be covered with coarse gravel graded at between 16 - 32 millimetre; 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.
100. 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.
101. 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.

OUTDOOR LIGHTING IMPACT MITIGATION

102. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.*

COMPLAINTS MANAGEMENT

103. A complaints management procedure for the site must be prepared and submitted to Council for endorsement. The complaints management procedure must include the following:
- 103.1 A contact person with whom complaints can be lodged;
 - 103.2 A clearly defined procedure for responding to and investigating complaints; and
 - 103.3 A notification protocol to all complainants of the outcome of complaint investigations.
104. A record of all complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

STORMWATER QUALITY

105. Contaminants or contaminated water must not be directly or indirectly released from the site or to the ground or groundwater at the subject site at any time except:
- 105.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow; or
 - 105.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system.

WASTE MANAGEMENT

106. 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.*

107. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements;
- 107.1 All waste generated during maintenance, cleaning and other operational activities must be removed from site at the conclusion of such activities; and
- 107.2 Waste generated must be disposed of in accordance with the *Environmental Protection Regulation 2008*, that is waste must be disposed of at a lawful point of receipt or disposal.

END USE & SITE REHABILITATION

108. 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.
- 108.1 Unless otherwise agreed by Council, rehabilitation works must be completed and the site returned to a suitable standard for agricultural uses within twelve (12) months of the approved use ceasing.

LANDSCAPING

LANDSCAPING WORKS

109. The development must be landscaped in accordance with the conditions of this Development Approval in a manner that:
- 109.1 Maximises the retention of existing site vegetation which contributes to the site character;
- 109.2 Maximises the extent of new site vegetation to define boundaries and contribute to the site character;
- 109.3 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture; and
- 109.4 Minimises the visual impact of the development on the rural character of the locality.
110. All landscape works must be established and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
111. Certification must be submitted to Council from a qualified person who certifies that landscaping established complies with the requirements of this Development Approval.
112. Prior to the commencement of any works on site or the issue of a Building Works approval (whichever occurs first) submit to Council for compliance assessment, a Landscape Plan prepared by a qualified person prepared generally in accordance with the conditions of this Development Approval, including the landscaping shown on all Approved Plans, that details in particular:
- 112.1 The species to be planted and their location;
- 112.2 The number and container size of plants;
- 112.3 The typical planting detail including preparation, backfill, staking and mulching;
- 112.4 Internal dimensions of all planting areas;
- 112.5 Location, height and finish of fencing fronting public land (including street frontages);
- 112.6 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees within the road reserve to be retained and/or removed;

- 112.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 112.8 Landscaping associated with each stage where relevant;
- 112.9 North point, scale and drawing number; and
- 112.10 The requirements of Condition 113 of this Development Approval.
113. A landscape screening buffer must be planted and established along the full length of the northern, southern, eastern and western boundaries of the subject site, inclusive of that part of the land fronting Murlaggan Road, exclusive of vehicular access areas and in accordance with the following requirements:
- 113.1 Landscape screening buffer plantings for Stage 1 are to be installed prior to Stage 1 construction works commencing on the site;
- 113.2 Landscape screening buffer plantings for Stages, 2,3 and 4 are to be installed prior to Stage 2 construction works commencing on the site;
- 113.3 The landscape screening buffer must be a minimum width of five (5) metres and achieve a minimum height of 5m, unless otherwise required by the conditions of this development approval;
- 113.4 The required landscape screening buffer adjacent the Murlaggan Road road reserve must be a minimum width of three (3) metres and achieve a minimum height of 5m, unless otherwise required by the conditions of this development approval;
- Note: For clarity, Stage 1 only requires the completion of landscape screening around the perimeter of its boundary.**
- 113.5 The landscape screening buffer must achieve a minimum height of five (5) metres within five (5) years of planting, unless otherwise required by this development approval;
- Note: For clarity, for compliance with this condition to be achieved, 75% of the upper canopy layer species must achieve the minimum height of five (5) metres within five (5) years of planting when measured over representative 100m transects.*
- 113.6 The landscape screening buffer must achieve a height of ten (10) metres within ten (10) years of planting along that part of the subject site adjacent Unnamed Road 600700, Lot 1 on RP45444, Lot 75 on A341729, Lot 74 on A341729 and Lot 73 on A341729;
- 113.7 The landscape screening buffer must achieve a minimum height of ten (10) metres within ten (10) years of planting around the perimeter of the private substation in the south-west corner of the site;
- Note: For clarity, for compliance with conditions ~~113.6~~ 113.6 and ~~113.7~~ 113.7 to be achieved, 66% of the upper canopy layer species must achieve the minimum height of ten (10) metres within ten (10) years of planting when measured over representative 100m transects. Simultaneously, the mid to lower canopy layer of the entire vegetation screen at and below 5m must display full canopy cover.*
- 113.8 The landscape screening buffer must incorporate the recommendations and conclusions of the Review of Agricultural Issues and Buffer and Pasture Vegetation Report prepared by Land Resource Assessment and Management Pty Ltd and dated 15 November 2016; and
- 113.9 Unless otherwise approved by Council, all existing trees within road reserves surrounding the subject land are to remain intact. Suitable protection measures for the existing trees must be utilised during construction works on the subject site.

ECOLOGICAL PRESERVATION & MANAGEMENT

REMOVAL OF EXISTING VEGETATION

114. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must:
 - 114.1 Retain old growth tree hollows and suitably relocate and distribute for nesting fauna;
 - 114.2 Mulch all other wood and leaf material (without root balls, soil or debris and minimising weed seeds) for re-usable mulch;
 - 114.3 Have mulch for re-use in landscape or rehabilitation stockpiled and aged for a minimum of three months;
 - 114.4 Have mulch stockpiles no larger than 1000m³, 2.5m in height and with 10m separation between piles;
 - 114.5 Allow for existing endemic ground flora to be translocated to suitable landscaping and rehabilitation areas; and
 - 114.6 Conclude with the area being stabilised against erosion.
115. Any processing of trees or vegetation must be carried out in a safe manner and without exceeding the noise and air emission levels listed or prescribed in this Development Approval.

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

116. Submit to Council for endorsement a Site Based Environmental Management Plan prepared by a qualified person that, at a minimum, includes the following:
 - 116.1 Operating procedures to prevent or minimise environmental harm;
 - 116.2 Maintenance practices and procedures;
 - 116.3 Contingency plans to deal with foreseeable risks and hazards including corrective responses to prevent and minimise environmental harm;
 - 116.4 Emergency procedures;
 - 116.5 Communication of procedures, plans, incidents, potential environmental problems and results;
 - 116.6 Handling of environmental complaints;
 - 116.7 Keeping and production of environmental records and reports;
 - 116.8 Monitoring of the release of contaminants into the environment;
 - 116.9 Staff training and awareness of environmental issues;
 - 116.10 A Community Liaison Plan; and
 - 116.11 A Weed Management Plan.
117. The Site Based Environmental Management Plan must receive endorsement by Council.

118. The endorsed Site Based Environmental Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

B. ADVICES:

GENERAL ADVICES

RESUBMISSION OF PLANS REQUIRING AMENDMENT

- 1) The conditions of this Development Approval require resubmission of plans to Council with amendments. Please address the amended plans to Council's Development Assessment Branch with the Reference No. MCUI/2016/3225.

INFRASTRUCTURE CHARGES

- 2) Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 635 of the *Sustainable Planning Act 2009*.

OTHER LAWS & REQUIREMENTS

- 3) This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au<<http://www.tr.qld.gov.au>>.
- 5) The proposed development has only been assessed in accordance with the provisions of the Toowoomba Regional Planning Scheme 2012. No assessment has been made in respect of the provisions of the Building Code of Australia and/or the Queensland Development Code.

WHEN APPROVAL TAKES EFFECT

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

WHEN APPROVAL LAPSES

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

CLEARING OF PROTECTED PLANTS

- 8) In accordance with *Nature Conservation (Wildlife Management) Regulation 2006* you must check the flora survey trigger map, prior to the clearing of any native plants found on the development site to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Heritage Protection. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

EXCAVATION & FILLING

- 9) The planning scheme declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be exempt development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Sustainable Planning Act 2009*, must obtain an Operational Works approval from Council before commencing site works.

WASTE WATER TREATMENT & DISPOSAL SYSTEM

- 10) The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the *Australian & New Zealand Standard AS/NZS1547 On-site domestic wastewater management*.

Please contact Council's Planning and Development Services Unit via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment & Heritage Protection will also be required.

EQUITABLE ACCESS & FACILITIES

- 11) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code - Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 11.1 The *Disability Discrimination Act 1992* (Cth);
- 11.2 The *Anti-Discrimination Act 1991* (Qld); and
- 11.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

- 12) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

WATER POLLUTION

- 13) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction and demolition, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

WORKS WITHIN A WATERCOURSE

- 14) The approved development proposal may involve works within a watercourse which will require referral to the Department of Natural Resources & Mines under the *Water Act 2000* and *Sustainable Planning Act 2009* at the time of making an application for Operational Works.

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 15) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

- 16) 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.

ADVERTISING SIGNS

- 17) 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 Operational Works approval will be required for any Advertising Devices not complying with the acceptable outcomes of the Advertising Devices Code.

BUILDINGS

- 18) The proposed development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or *Queensland Development Code*.

QUALIFIED PERSON

- 19) For the purpose of preparing a Landscape Plan, a qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 3 years current experience in the field of landscape design.



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 2

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

APPLICATION NUMBER:	RAL/2016/3227
APPLICANT:	Yarranlea Solar Pty Ltd
LOCATION:	752 Murlaggan Road & 538 Yarranlea Road, YARRANLEA QLD 4356
PROPERTY DESCRIPTION:	Lot 3347 A341649, Lot 2 RP7475, Lot 2 RP18249, Lot 2 A34925
APPROVED USE:	Subdivision by Lease
ZONING / PRECINCT:	Rural Zone – 100ha Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being for dividing land into parts by agreement that is a lease for a term of a maximum of thirty (31) years.
2. The approved development may be undertaken in a maximum of four (4) stages.
 - 2.1 The lease terms for Stages 2-4 must not expire later than thirty (30) years from the registration of the lease for Stage 1.

CARRY OUT AND MAINTAIN DEVELOPMENT

3. 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 have not been varied by this approval.
4. Unless otherwise stated, all conditions must be complied with prior to the issue of a Compliance Certificate for the Plan of Survey.
5. The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this approval.

APPROVED PLANS

6. The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval and the amendments listed below:

Plan No: 15-282 A08

Description: Lease Plan/Permit to Occupy, revision G, prepared by i³ consulting and dated **23 16** November 2016.

Amendments: Amend to include staging.

7. Plans to be amended must be amended to only incorporate the amendments listed within this Development Approval and resubmitted to Council for approval prior to the issue of any Operational Works approval, Building Works approval or Council's approval of plumbing and drainage works, or prior to commencement of use, whichever occurs first.

LOT NUMBERING

8. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).

STAGED DEVELOPMENT

9. Staging of the development is to occur in accordance with the staging indicated on the Approved and Amended Plans subject to and modified by any conditions of this Development Approval.
10. 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 stages being complied with.
11. Stages must be completed within the following specified time periods:
 - 11.1 An application for Compliance Assessment for a Plan of Survey for Stage 1 must be submitted to Council within Six (6) years of this Development Approval taking effect;
 - 11.2 An application for Compliance Assessment for a Plan of Survey for Stage 2 must be submitted to Council within two (2) years of the registration of the lease area for Stage 1;
 - 11.3 An application for Compliance Assessment for a Plan of Survey for Stage 3 must be submitted to Council within two (2) years of the registration of the lease area for Stage 2; and
 - 11.4 An application for Compliance Assessment for a Plan of Survey for Stage 4 must be submitted to Council within two (2) years of the registration of the lease area for Stage 3.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (COMPLIANCE ASSESSMENT)

12. Prepare and submit a Plan of Survey for the subdivision in accordance with Schedule 19 of the *Sustainable Planning Regulation 2009*.

RELEVANT PERIOD

13. This approval lapses if an application for Compliance Assessment for a Plan of Survey for Stage 1 is not submitted to Council within six (6) years of this Development Approval taking effect.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

14. A legible copy of the Approved and Amended Plans and Approved and Amended Documents bearing Council's approved stamp and this Development Approval must be available on the subject land and available for inspection at all times during subdivision construction and earthworks.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

FEES AND CHARGES

15. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to the issuing of a Compliance Certificate for the Plan of Survey.

B. ADVICES:

GENERAL ADVICES

RESUBMISSION OF PLANS REQUIRING AMENDMENT

- 1) The conditions of this Development Approval require resubmission of plans to Council with amendments. Please address the amended plans to Council's Development Assessment Branch with the Reference No. RAL/2016/3227.

INFRASTRUCTURE CHARGES

- 2) Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 635 of the *Sustainable Planning Act 2009*.

OTHER LAWS & REQUIREMENTS

- 3) This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au <<http://www.tr.qld.gov.au>>.
- 5) The proposed development has only been assessed in accordance with the provisions of the Toowoomba Regional Planning Scheme 2012. No assessment has been made in respect of the provisions of the Building Code of Australia and/or the Queensland Development Code.

WHEN APPROVAL TAKES EFFECT

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

WHEN APPROVAL LAPSES

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

CLEARING OF PROTECTED PLANTS

- 8) In accordance with *Nature Conservation (Wildlife Management) Regulation 2006* you must check the flora survey trigger map, prior to the clearing of any native plants found on the development site to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Heritage Protection. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing

of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

EXCAVATION & FILLING

- 9) The planning scheme declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be exempt development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Sustainable Planning Act 2009*, must obtain an Operational Works approval from Council before commencing site works.

DEMOLITION OF BUILDING

- 10) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

ENVIRONMENTAL HARM

- 11) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

- 12) An additional approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* may be required in relation to the approved development. The *Environment Protection and Biodiversity Conservation Act 1999* relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Contact the Community Information Unit at the Commonwealth Department of Environment and Heritage on 1800 803 772 to discuss any obligations under the Act.

WATER POLLUTION

- 13) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction and demolition, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

WORKS WITHIN A WATERCOURSE

- 14) The approved development proposal may involve works within a watercourse which will require referral to the Department of Natural Resources & Mines under the *Water Act 2000* and *Sustainable Planning Act 2009* at the time of making an application for Operational Works.

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 15) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

- 16) 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.

C. ATTACHMENTS:

- Advice Agency Schedule 3
- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*.

SCHEDULE 3

ADVICE AGENCY CONDITIONS

ERGON ENERGY



825 Ann Street Fortitude Valley 4006
PO Box 264 Fortitude Valley 4006

ergon.com.au

RECEIVED
12.07.2016
TOOWOOMBA
REGIONAL COUNCIL

12 July 2016

Chief Executive Officer
Development Assessment
Toowoomba Regional Council
(sent via email: development@tr.qld.gov.au)

Attention: Steven Bell, Development Assessment

cc Yarranlea Solar Pty Ltd
C/- icubed consulting
(sent via email – mail@icubed.com.au)

Attention: Elizabeth Cruice / Nick Canto

Dear Steven,

ADVICE AGENCY RESPONSE

**MATERIAL CHANGE OF USE - IMPACT - COMBINED MCU AND RAL
RENEWABLE ENERGY FACILITY (FOUR (4) STAGE SOLAR FARM) AND SUBDIVISION BY LEASE**

752 MURLAGGAN ROAD & 538 YARRANLEA ROAD, YARRANLEA QLD 4356

LOT 3347 A341649, LOT 2 RP7475, LOT 2 RP18249, LOT 2 A34925

COUNCIL REFERENCE: MCUI/2016/3225 & RAL/2016/3227

ERGON ENERGY REFERENCE: EE16/053815

This response is made on behalf of Ergon Energy Corporation Limited ACN 087 646 062 (Ergon Energy) pursuant to section 292 (advice agency response) of the *Sustainable Planning Act 2009* (Act).

In accordance with table 2, item 21 of Schedule 7 of the *Sustainable Planning Regulation 2009*, referral is triggered due to the presence of an easement.

It is understood that Yarranlea Solar Pty Ltd intend establishing a solar farm on the subject site, and connecting to the wider electricity grid via a 110kV connection into the existing Ergon substation. Ergon Energy and the proponent are continuing discussions regarding connection

of the generation facility to the network and use of the existing substation for that connection. This advice does not constitute approval for that connection.

I wish to advise that Ergon Energy (in our capacity as a referral agency under the *Sustainable Planning Act 2009*) has no objection to the proposed development, subject to the following conditions being applied to any approval:

1. All easement conditions must be maintained.
2. Access to our infrastructure must be available at all times.
3. Any proposed earthworks do not result in an increase in ponding or runoff of stormwater onto existing electricity infrastructure.
4. Should changes to Ergon Energy infrastructure be proposed or required as part of the development, those changes are made with Ergon Energy's consent and at the developer/owner's expense (unless otherwise agreed to by Ergon Energy).

We respectfully request that a copy of the decision be provided in accordance with section 334 (1) (b) of the Act. Please contact me on 3851 6530 or via email address: townplanning@ergon.com.au for any further information.

Yours sincerely,



Ian Turton
Principal Town Planner
Ergon Energy

List of Submitters:-

Gary McDonald and Lea McDonald
Murlaggan Rise
130 Murlaggan Road
PITTSWORTH QLD 4356

Lisa Cavanagh and Daniel Cavanagh
507 Wallingford Road
IRONGATE QLD 4356

Brad Mathies and Janine Mathies
114 Wallingford Road
SPRINGSIDE QLD 4356

Gary Andrew Cousen
69 Evanslea Road
PITTSWORTH QLD 4356

Paul Cousen and Cate Cousen
St Helens
81 Wallingford Road
PITTSWORTH QLD 4356

Chad Craft and Kellie Craft
Karinya Park
379 Wallingford Road
PITTSWORTH QLD 4356

G A Bass
4 Copp Street
PITTSWORTH QLD 4356

Rodney John Thomson and Jeannette Kaye Thomson
34 Pioneer Way
PITTSWORTH QLD 4356

George Von Pein and Ruth Von Pein
651 Wallingford Road
PITTSWORTH QLD 4356

Narelle Jean Dorrstein and Barry Thomas Dorrstein
Springmount
Lot 2349 Roche Road
YARRANLEA QLD 4356

Wendy Caesar
145 Petersen Road
PITTSWORTH QLD 4356

Ben and Kerry McIntyre
1987 Jondaryan Road
MT TYSON QLD 4356

Peter and Jackie Horne
PO Box 495
PITTSWORTH QLD 4356
John Stewart Thomson and Tracey Jane Thomson
108 Watson Road

YARRANLEA QLD 4356

Ian Reynolds and Amanda Briskey
272 Wallingford Road
IRONGATE QLD 4356

John Matthews and Merrilyn Houghton
234 Kahler Road
PITTSWORTH QLD 4356

Sr and Kw Reynolds
25 Helens Street
PITTSWORTH QLD 4356

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.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the Water Act 2000; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) development the assessing authority reasonably believe is causing erosion or sedimentation; or
 - (g) development the assessing authority reasonably believes is causing an environmental nuisance.

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.

475A Appeals against decisions under ch 8A

- (1) A person who has been given an information notice for a decision of the Minister under chapter 8A, part 3 may appeal to the court against the decision.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the information notice is given.
- (3) If the Minister decides, under chapter 8A, part 3, to register premises or to renew the registration of premises, a relevant person for the premises who is dissatisfied with the decision may appeal to the court against the decision.
- (4) An appeal under subsection (3) must be started within 20 business days after the day notice about the registration or renewal is published under section 680Y.
- (5) In this section—
relevant person, for premises, means any owner or occupier of land in the affected area for the premises.

476 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

477 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

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 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.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Chapter 7, Part 2, Division 11 of the Sustainable Planning Act 2009 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
 - (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and

- (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
- (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance Assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
 - (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
 - (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
 - (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appeal is under section 472 or 475—the local government; or
 - (b) if the appeal is under section 475A(1)—the Minister; or
 - (c) if the appeal is under section 475A(3)—the Minister and the owner of the registered premises; or
 - (d) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (e) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
 - (f) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (g) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (h) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.

- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

- (1) For an appeal under section 468 or 469—
 - (a) the compliance assessor is the respondent; and
 - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
 - (a) the entity that gave the notice to which the appeal relates is the respondent; and
 - (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.
- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

487 Respondent and co-respondents for appeals under div 10

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

489 Minister entitled to be party to an appeal involving a State Interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Chapter 7, Part 2, Division 12 of the Sustainable Planning Act 2009 Alternative dispute resolution

491 ADR process applies to proceedings started under this Part

- (1) The Civil Proceedings Act 2011, part 6 (the *ADR provisions*) applies to proceedings started under this part.
- (2) To the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.
- (3) If a dispute in a proceeding under this part is referred to a dispute resolution process under the ADR provisions—
 - (a) the proceeding is not stayed unless the court orders otherwise; and
 - (b) the court must not decide the proceeding until the dispute resolution process under the ADR provisions has been finalised.
- (4) In applying the ADR provisions to a proceeding under this part—
 - (a) a reference to a court is taken to be a reference to the Planning and Environment Court; and
 - (b) definitions and other interpretative provisions of the Civil Proceedings Act 2011 relevant to the ADR provisions apply.

Chapter 7, Part 2, Division 12A of the Sustainable Planning Act 2009 ADR registrar

491A Definition for div 12A

In this division—
ADR registrar means a registrar or court officer of the District Court appointed as an ADR registrar of the court by the principal registrar of the court, in consultation with the Chief Judge of the District Court.

491B Power of ADR registrar

- (1) The Chief Judge of the District Court may issue directions about the matters in which the ADR registrar may exercise a power of the court under this part.
- (2) The court may direct the ADR registrar in a particular matter to hear and decide a proceeding started under this part.
- (3) Despite section 457(1), (4) and (9) to (14), if the court directs the ADR registrar under subsection (2) and the ADR registrar decides the proceeding, each party to the proceeding bears the party's own costs for the proceeding.
- (4) In exercising a power of the court under this division, the ADR registrar must act as quickly, and with as little formality and technicality, as is consistent with a fair and appropriate consideration of the issues.
- (5) A decision, direction or act of the ADR registrar made, given or done under this part, may be reviewed by the court.
- (6) An application for the review of a decision, direction or act of the ADR registrar made, given or done under this part, must be made within—
 - (a) 21 days after the decision, direction or act complained of is made, given or done; or
 - (b) any further period allowed by the court.

491C Reference by ADR registrar

- (1) If a proceeding before the ADR registrar appears to the ADR registrar to be proper for the decision of the court, the ADR registrar may refer the matter to the court.
- (2) If the ADR registrar refers a matter to the court, the court may dispose of the matter or refer it back to the ADR registrar with any direction that the court considers appropriate.

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
 - (b) the period required under that Act for the local government to decide the application (the **decision period**) has passed; and
 - (c) 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.

534 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the building and development committee, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the Water Act 2000; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
 - (g) development the assessing authority reasonably believes is causing an environmental nuisance.

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) 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 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.

Division 8 Making appeals to building and development committees

536 How appeals to committees are started

- (1) A person starts an appeal by lodging written notice of appeal, in the approved form, with the registrar of building development committees.
- (2) The notice of appeal must state the grounds of the appeal and be accompanied by the fee prescribed under a regulation.

537 Fast-track appeals

- (1) A person who is entitled to start an appeal under this part, may, by written request, ask the chief executive to appoint a building and development committee to start hearing the appeal within 2 business days after starting the appeal.
- (2) A request made under subsection (1) must be accompanied by the fee prescribed under a regulation.
- (3) The chief executive may grant or refuse the request.
- (4) The chief executive may grant the request only if all the parties to the appeal, including any person who could elect to become a co-respondent, have agreed in writing to the request.
- (5) If the chief executive grants the request, the chief executive may as a condition of granting the request require the person making the request to pay—
 - (a) the reasonable costs of the respondent and any co-respondents for the appeal after the request is granted; and
 - (b) an additional fee prescribed under a regulation.
- (6) If the request is granted, any notice of appeal to be given and any election to be a co-respondent to the appeal under this part must be given or made before any hearing for the appeal starts.