

Our Reference: MCUI/2014/3278/B
CS Portal Reference: N/A
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 81A

Bulli Creek Solar Farm Pty Ltd
(First Solar Aust Pty Ltd with Solar Choice Pty Ltd)
Suite 302, 39 East Esplanade
MANLY NSW 2095

Email: angus@solarchoice.net.au

3 August 2020

Dear Sir

RE: Change Application (Section 81A of the *Planning Act 2016*)
Development Approval: Material Change of Use – Impact – Utility Installation (Solar Farm)
Location: 400 Gore Highway & 397 Karriba Road, BULLI CREEK QLD 4357
Property Description: Lot 5 DY1025, Lot 37 DY1103, Lot 4 DY1024 & Lot 39 DY916
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

I refer to your application received on 2 July 2020 for a change to the development approval for Material Change of Use for Utility Installation (Solar Farm) approved on 15 June 2015.

On the 29 July 2020, the change application was approved as per the attached Schedule. All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

The change to the abovementioned development approval was approved.

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

Yours faithfully



Richard Green
Senior Planner, Development Services



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE USE – IMPACT

APPLICATION NUMBER:	MCUI/2014/3278/B
APPLICANT:	Bulli Creek Solar Farm Pty Ltd (First Solar Aust Pty Ltd with Solar Choice Pty Ltd)
LOCATION:	400 Gore Highway & 397 Karriba Road, BULLI CREEK QLD 4357
PROPERTY DESCRIPTION:	Lot 5 DY1025, Lot 37 DY1103, Lot 4 DY1024 & Lot 39 DY916
APPROVED USE:	Utility Installation (Solar Farm)
ZONING:	Rural Zone/200ha minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

GENERAL/PLANNING

APPROVED USE AND INTENSITY

1. This Development Permit is for a Material Change of Use for a Utility Installation (Solar PV Farm - Maximum 2.5 Giga Watt) as per the Approved Plans.
2. The Utility Installation use must cease within 50 years ~~35~~ from the commencement of the use of the first stage or sub stage, whichever occurs first. The subject land must be rehabilitated in accordance with the End Use and Rehabilitation Plan as endorsed under this permit at cessation of the use.
3. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.

CARRY OUT AND MAINTAIN DEVELOPMENT

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

APPROVED AND AMENDED PLANS

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

Plan No: Project: PR119938-3, Figure 1

Description: Bulli Creek Indicative Site Plan – Development Area with Buffer', prepared by RPS Group Pty Ltd, dated 22 January 2014 and received by Council 3 July 2014.

Amendments: Provide the following:

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

Plan No: Project: PR121114-1, Figure 1

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

Amendments: **Nil Amend Proposed Stage Plan in accordance with Condition 18**

Plan No: 2 (as amended by Council)

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

Amendments: Provide the following:

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

Plan No: 3 (as amended by Council)

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

Amendments: Provide the following:

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

Plan No: 4 (as amended by Council)

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

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

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

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

APPROVED AND AMENDED DOCUMENTS

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

Document: Bushfire Management Plan

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

Amendments: Nil

COUNCIL APPROVAL OF DOCUMENTS AND WORKS

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

APPROVED DOCUMENTATION

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

STAGED DEVELOPMENT

16. Staging of the development is to occur in accordance with the staging indicated on the Approved Plan subject to and modified by any conditions of this approval.
17. Stages, including any sub-stages, must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2), as identified on the Approved Plan, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stage/s being complied with, unless otherwise agreed to by Council.

18. Stages must be completed within the following specified time periods:
- 18.1 Stage 1 (~~Lot 5 DY1025 and Lot 37 DY1103~~ Lot 4 DY1024), including any sub-stage therein, must be completed and the change of use commenced ~~within four (4) five (5) years of this development approval taking effect by 15 June 2025;~~
 - 18.2 Stage 2 (~~Lot 4 DY1024 Lot 5 DY1025 and Lot 37 DY1103~~), including any sub-stage therein, must be completed and the change of use commenced ~~within six seven (7 6) years of this development approval taking effect by 15 June 2027;~~
 - 18.3 Stage 3 (Lot 39 DY916), including any sub-stage therein, must be completed and the change of use commenced ~~within eight (8) years of this development approval taking effect by 15 June 2028.~~
- 18a. Each sub-stage must have a minimum capacity of 25 Mega Watts.
19. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
- 19.1 Conditions Applicable to all Stages of Development:
 - Conditions 1 – 109
 - 19.2 ~~Additional Conditions Applicable to Stages 1 – 3 of Development:~~
 - ~~Nil~~

WORKS

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

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

STORMWATER QUALITY AND FLOW MANAGEMENT

- 23. Prepare and submit to Council for endorsement, a Detailed Stormwater Management Plan for ~~for~~ each stage, including any sub-stage, of development, as per Condition 13.1, in accordance with the relevant standards in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, the SPP, demonstrating the following:
 - 23.1 The collection and direction internally of stormwater run-off from roof and developed surface areas (including internal roadways), and any run-off onto the site from adjacent areas, to a lawful point of discharge;
 - 23.2 The achievement of water quality objectives determined and adopted in accordance with the relevant standards and processes in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, the SPP;
 - 23.3 No increase in peak flow rates downstream from the site for storm events with an ARI of 2 years, up to and including 100 years;
 - 23.4 No increase in flood levels external to the site;

- 23.5 No increase in duration of inundation external to the site that could cause loss or damage;
 - 23.6 No adverse impacts upon waterway/creek crossings utilised by vehicles; and
 - 23.7 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program.
24. All internal and external stormwater drainage works must be completed generally in accordance with the:
- 24.1 Approved Detailed Stormwater Management Plan for each stage, including any sub-stage, of the development; and
 - 24.2 Relevant standards and processes in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, the SPP, other than where varied by the approved Detailed Stormwater Management Plan.
25. The design and the construction of the internal and external stormwater drainage works must be certified by a Registered Professional Engineer of Queensland – Civil as follows:
- 25.1 A Design Certificate must be submitted to the Council with the application for endorsement of the Detailed Stormwater Management Plan for each stage of the development; and
 - 25.2 A Construction Supervision Certificate must be submitted to the Council at the completion of the approved works for each stage of the development.
26. Contaminants or contaminated water must not be released from the subject land except for:
- 26.1 Uncontaminated overland stormwater flow;
 - 26.2 Uncontaminated stormwater to the stormwater system; and/or
 - 26.3 Contaminants released to sewer in accordance with a trade waste permit granted by Council under the *Water Supply (Safety and Reliability) Act 2008*.
27. Ensure that:
- 27.1 Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, or onto unsealed ground;
 - 27.2 Any spillage or contaminates are cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;
 - 27.3 Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains); and
 - 27.4 Contaminants such as cigarette butts and other gross pollutants do not enter the stormwater drainage systems.

SITWORKS / EARTHWORKS

28. All earthworks must be undertaken in accordance with the *Toowoomba Regional Planning Scheme* Works and Services Code and PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.

29. All earthworks, including batters must be fully contained within the subject land and must not in any way impact on the properties or road reserve adjoining the subject land.

EROSION AND SEDIMENT CONTROL

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

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

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

32. Erosion and sedimentation controls must be implemented, maintained and adapted as necessary at all times during the course of the construction period generally in accordance with an E&SC Management Plan. If at any time the proposed controls prove to be ineffective then Council requires the installation of additional erosion and sedimentation control measures.
33. Public roads ~~and footpaths~~ must be safe for public use at all times. Protection of public roads ~~footpaths~~ and drainage systems from erosion, and removal of sediment immediately when it occurs, must occur at all times during the construction period. Any damage or interference due to erosion or sedimentation must be repaired or cleaned up immediately when it occurs at no cost to Council to remove potential hazard to pedestrians and/or passing traffic.
34. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
35. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
36. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24-48 hours or upon the direction of Council, at no cost to the affected parties.
37. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to prevent site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

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

CONSTRUCTION NOISE IMPACT MITIGATION

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

CONSTRUCTION LIGHTING IMPACT MITIGATION

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

AIR QUALITY IMPACT MITIGATION

49. ~~Oodours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the Environmental Protection (Air) Policy 2008 as measured at any sensitive place or commercial place must not be released to the atmosphere during building work.~~
50. ~~All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during works do not exceed the following levels when measured at any sensitive place or commercial place:~~
- 50.1 ~~Dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method.~~

SERVICES AND UTILITIES

INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

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

INFRASTRUCTURE WATER SUPPLY (ON SITE SUPPLY)

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

- 52.3 In the event of drought or water shortage generally, emergency water supply provisions must be identified.

TELECOMMUNICATION

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

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

ELECTRICITY SUPPLY

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

APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)

57. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
- 57.1 All works must be designed and constructed in accordance with the relevant standards and requirements of:
- (i) PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure;
 - (ii) PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure; and
 - (iii) PSP No. 4 – Development Near Utility Services;
- 57.2 An application for the works must be submitted to and approved by Council prior to carrying out the works;
- 57.3 The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
- (i) A Design Certificate must be submitted with the application; and
 - (ii) A Construction Supervision Certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance;
- 57.4 Pay all checking and inspection fees at the time of submitting the application for the works to Council;

- 57.5 Be responsible for all aspects associated with carrying out the works including ensuring all work is carried out by a qualified contractor and ensuring public safety such as providing and maintaining during construction adequate barricades, signage and other warning devices to be detailed in the application to Council; and
- 57.6 The works must be completed and accepted on-maintenance prior to the commencement of the use.
58. A defects liability security must be lodged for external works prior to Council accepting these works on-maintenance. The amount of security required will be advised by Council following submission of engineering drawings for Council approval. This security will be released upon Council accepting the external works off-maintenance, at the end of a minimum period of twelve (12) months defects liability period.

TRANSPORT, ACCESS AND PARKING

TRAFFIC CONTROL PLAN

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

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

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

ROADWORKS (ROAD WIDENING AND RECONSTRUCTION)

62. Existing roads must be constructed/widened from the Gore Highway frontage of the development site prior to commencement of Stage 3 (Balinga) as follows:

Street:	Karriba Road
Classification:	Rural Local Access
Construction Standard:	Bitumen Sealed 8.0 metre formation per Standard Drawing 101386-001 Rev B to cater for heavy vehicles.

Heavy vehicles are not to enter and exit Lot 5 DY1025 and Lot 39 on DY916 via Karriba Road until such time as Karriba Road is constructed.

63. The design and construction of the road widening works must be in accordance with Council's requirements as set out in the PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure. The works must include but are not limited to matters such as:
- 63.1 The construction of the road widening along the frontage of the site and tapers external to the frontage of the site;
- 63.2 Underground stormwater drainage road crossings;
- 63.3 Table drain works;
- 63.4 Relocation of utility and Council services; and

- 63.5 Relevant approvals for intersections and access from the Department of Transport and Main Roads.
64. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure to allow for the above.
65. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.
66. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure.
67. A Development Application for a Development Permit for Operational Works for the road widening and reconstruction works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated. All approved road widening and reconstruction works must be completed and accepted on-maintenance prior to the commencement of the use.
68. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
- 68.1 A Design Certificate must be submitted with the application; and
- 68.2 A Construction Supervision Certificate must be submitted at the completion of the approved works.

INTERNAL ROADWAYS/TRAILS

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

ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING

71. The premises must be provided with on-site car parking spaces, together with standing and manoeuvring for Articulated Vehicle (AV) service vehicles. Car parking and manoeuvring areas must be:
- 71.1 Located generally as per the Site Office and Container Lay Down Area identified upon the approved plans;

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

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

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

ENVIRONMENT

ACOUSTIC AMENITY - NOISE LIMITS

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

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

ACOUSTIC AMENITY - MECHANICAL PLANT

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

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

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

AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST)

82. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated from activity associated with the use of the site do not exceed the following levels when measured at any sensitive place or commercial place:

82.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*; and

82.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:

- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM10 high volume sampler with size-selective inlet – Gravimetric method*; or
- ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM10 low volume sampler - Gravimetric method*.

83. When requested by Council, an air quality investigation must be undertaken by a qualified person to investigate any complaint of air pollution, odour or dust nuisance, and the results notified to Council within 14 days ~~to Council~~ of the investigation report having been completed. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits within this Development Approval have been exceeded

OUTDOOR LIGHTING IMPACT MITIGATION

84. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* using a control level of 2.

85. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).

WASTE MANAGEMENT

WASTE MANAGEMENT (GENERAL)

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

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

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

WASTE MANAGEMENT (REMOVAL)

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

LANDSCAPE & ECOLOGY

ECOLOGICAL PRESERVATION - VEGETATION PROTECTION

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

The following exceptions apply:

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

DEVELOPMENT BUFFERS

- 91. A buffer area for the purposes of providing separation between existing vegetation on site and the development and to serve as a fire break, having a minimum width of 20 metres must be provided around existing vegetated areas as identified on the Approved Plans.
- 92. A buffer area for the purposes of providing separation between the development and adjoining unrelated properties and to serve as a fire break, having a minimum width of 10 metres must be provided around the property boundary (excluding frontage to the Gore Highway) as identified on the Approved Plans.
- 93. A buffer area for the purposes of providing separation between the development and traffic traversing the Gore Highway, having a minimum width of 40 metres must be provided along the property boundary fronting the Gore Highway, as identified on the Approved Plans.
- 94. A buffer area for the purposes of providing separation between the development and associated electrical easements, having a minimum width of 10 metres must be provided, as identified on the Approved Plans.
- 95. Unless otherwise authorised in this Development Approval, any associated Operational Works approval or as otherwise agreed by Council in writing, permanent works, structures, or substantial fill or excavation activities must not be undertaken within these buffer areas.

BUSHFIRE MANAGEMENT - GENERAL

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

BUSHFIRE MANAGEMENT - SUPPLY OF WATER

- 97. The development must be provided with water storage reservoirs having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for any site consumption and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of each building.
- 98. Existing dams identified on the Approved Plans listed within the Development Approval must be retained and serve, in a nonexclusive capacity, as water storage reservoirs for emergency firefighting purposes.

99. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
- 99.1 The domestic take off from the tank is at or above the 10,000 litre point;
 - 99.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles; and
 - 99.3 Must be provided with an auxiliary power supply such as a petrol driven fire fighter pump (or generator), together with a hose of sufficient length to easily reach around all sides of corresponding buildings.
100. A hard stand area within 6m of each water storage reservoir must be provided to ensure accessibility for fire fighting vehicles prior to the commencement of each relevant stage, including any sub stage, serviced by the water storage.

BUSHFIRE MANAGEMENT - FIRE TRAIL NETWORK

101. For the purposes of fire-fighting and fire evacuation, the internal roadways must form part of the fire trail network for the development. Trails (and hence internal roads) must:
- 101.1 Have primary access from the Gore Highway at the three locations identified on the Approved Plans and a secondary access from the Gore Highway for emergency vehicles only located at the south western point of Lot 4;
 - 101.2 Be constructed to be trafficable to an all-weather standard;
 - 101.3 Be a minimum cleared width of 6m;
 - 101.4 Be a minimum formed width of 4m;
 - 101.5 Be a maximum gradient of 1 in 8 (12.5%);
 - 101.6 Provide passing bays at least every 400 800m (passing bays are to be 20m long and with an additional 3m of extra formed width);
 - 101.7 Have a minimum vertical clearance of 6m to any overhanging obstructions, including tree branches;
 - 101.8 Have as few curves as possible to facilitate rapid access and egress (where required curves are to have a minimum inner radius of 6m and outer radius of 12m); and
 - 101.9 Be constructed in a manner to prevent erosion, provide adequate drainage and provide for continuous access for fire fighting vehicles.

END USE & SITE REHABILITATION

102. Submit to Council for endorsement an concept End Use and Rehabilitation Plan prepared by a qualified person that, at a minimum, includes the following:
- 102.1 Identifies the final agricultural land use (e.g. grazing, cropping) following cessation of the approved use;
 - 102.2 Provides a description of the development process and how it will be integrated with rehabilitation, reinforcing effective management of rehabilitation resources;
 - 102.3 Clearly establishes the objectives of the Plan;

- 102.4 Identifies a benchmark analogue site that is used to determine realistic performance criteria for rehabilitation efforts;
- 102.5 Adopted performance criteria for rehabilitation efforts;
- 102.6 Includes an Action Plan, with timing for remedial works such as, structure removal, any soil erosion, drainage, and vegetation cover works, along with weed and pest animal control activities required to meet the adopted rehabilitation performance criteria;
- 102.7 Outlines a program for monitoring rehabilitation success using appropriate indicators; and
- 102.8 Includes an end-use Property Management Map, depicting the contents of the Plan.
103. The concept End Use and Rehabilitation plan must receive endorsement by Council prior to commencement of use. One (1) year prior to decommissioning, submit to Council for endorsement the final End Use and Rehabilitation Plan.
104. Rehabilitation works must commence immediately upon cessation of the approved use and be carried out in accordance with the endorsed End Use and Rehabilitation Plan for the length of time included in the Action Plan.

AMENITY AND OPERATION OF USE

LANDSCAPING

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

(vii) North point, scale and drawing number; and

(viii) Landscaping associated with each stage, including any sub stage, of the development approval.

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

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

B. ADVICES:

Infrastructure Charges

- 1) Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to Section ~~635~~ 119 of the ~~Sustainable~~ Planning Act ~~2009~~ 2016.

Fire Ants

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

Disposal of Construction & Demolition Material

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

Advertising Signs

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

When Approval Takes Effect

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

When Approval Lapses

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

Extension Notice

- 7) **In accordance with the Extension Notice made under Section 275R of the *Planning Act 2016* on 8 July 2020, a Development Approval that is in effect or comes into effect between the date of the Extension Notice and 31 October 2020 benefits from an addition of six (6) months to the currency period as otherwise determined in accordance with Sections 85 and 88 of the *Planning Act 2016*.**

C. ATTACHMENTS:

- Schedule 2 Referral Agency Responses
- Amended Plans Required to be Submitted for Approval
- Approved Document
- Appeal provisions pursuant to the *Planning Act 2016*.

Schedule 2

Referral Agency Responses



Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0614-011642
Your reference: MCU/2014/3278

12 December 2014

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350

Dear Sir

Concurrence agency response - with conditions – Development Permit for Material Change of Use – Utility Installation (Solar Farm)

400 Gore Highway and 397 Karriba Road, BULLI CREEK QLD 4357.
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning (DSDIP) under section 272 of the *Sustainable Planning Act 2009* on 17 July 2014.

Applicant details

Applicant name: Solar Choice Pty Ltd
Applicant contact details: RPS
PO Box 1559
Fortitude Valley Qld 4006

Site details

Street address: 400 Gore Highway and 397 Karriba Road, BULLI CREEK QLD 4357.
Lot on plan: Lot 5 on DY1025; Lot 37 on DY1103, Lot 4 on DY1024 and Lot 39 on DY916
Local government area: Toowoomba Regional Council

Application details

Proposed development: Development Permit for Material Change of Use – Utility Installation (Solar Farm)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development Permit	Utility Installation (Solar Farm)	Impact Assessment

Referral triggers

The development application was referred to DSDIP under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger	<p>7.3.1 Making a material change of use of premises if any part of the land -</p> <p>(a) is within 25m of a State-controlled road; or</p> <p>(b) is future State-controlled road; or</p> <p>(c) abuts a road that intersects with a State-controlled road within 100m of the land</p> <p>7.3.10 Material change of use of a lot that is 5 ha or larger, if -</p> <p>(a) for development for which a preliminary approval is sought under the Act, section 242, the lot contains native vegetation shown on the regulated vegetation management map as a category A area or category B area</p> <p>(b) for other development that is not sole or community residence clearing -</p> <p>(i) additional exempt operational work could be carried out because of the material change of use or the development involves operational work made assessable under schedule 3, part 1, table 4, item 1; and</p> <p>(ii) the additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on land the subject of a lease issued under the <i>Land Act 1994</i> for agriculture or grazing purposes</p>
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Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, DSDIP must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, DSDIP offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

For further information, please contact Ian McHugh, Principal Planning Officer, on 4616 7320, or email ian.mchugh@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A Foley', with a small flourish at the end.

Andrew Foley
Manager (Planning)

cc: Solar Choice Pty Ltd, RPS PO Box 1559 Fortitude Valley QLD 4006

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4 – Approved Plans

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Schedule 7, Table 3, Item 1—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Bulli Creek Indicative Site Plan – Development Area with Buffers, prepared by RPS Group Pty Ltd, dated 22 January 2014, Drawing Plan Ref: Figure 1 (Project: PR119938) 	At all times.
Location of the direct vehicular access to the state-controlled road		
2.	The permitted road access locations, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, are to be located as identified generally in accordance with the ‘Bulli Creek Indicative Site Plan – Development Area with Buffers’, prepared by RPS Group Pty Ltd, dated 22 January 2014, Drawing Plan Ref: Figure 1 (Project: PR119938).	At all times.
3.	Direct access is not permitted between the Gore Highway and the subject site at any location other than the permitted road access locations (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained).	At all times.
State-controlled road network impact mitigation		
4.	Road access works comprising: <p>Channelised Right Turn Treatment (CHR); and Auxiliary Left Turn Treatment (AUL) to the development, (for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained), at each permitted road access location must be provided generally in accordance with Bulli Creek Indicative Site Plan – Development Area with Buffers, prepared by RPS Group Pty Ltd, dated 22 January 2014, Drawing Plan Ref: Figure 1 (Project: PR119938).</p> <p>The road access works must be designed and constructed to cater for heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development and be constructed in</p>	Prior to commencement of use.

No.	Conditions	Condition timing
	accordance with DTMR Road Planning and Design Manual and any other manuals/ standards/ technical publications referenced therein.	
Stormwater and Drainage impacts on the state-controlled road (SCR)		
5.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the SCR.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the SCR; (ii) interfere with and/or cause damage to the existing stormwater drainage on the SCR; (iii) surcharge any existing culvert or drain on the SCR; (iv) reduce the quality of stormwater discharge on the SCR. <p>(c) A Registered Professional Engineer of Queensland (RPEQ) certification must be provided to DTMR Darling Downs District, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	(a) and (b): At all times. (c) Prior to commencement of use.
Maintenance of the SCR network		
6.	<p>Pay a monetary contribution of \$4,650 per 100 mw stage of the Solar Farm being developed to DTMR (Darling Downs District) towards protecting or maintaining the safety or efficiency of the SCR network in accordance with Section 666(2) of the <i>Sustainable Planning Act 2009</i>. The contribution is for the maintenance of the SCR network.</p> <p>AND</p> <p>This monetary contribution shall be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</p>	Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use of each stage, whichever occurs first.
<p>Schedule 7, Table 3, Item 10—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines (DNRM) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
Vegetation Clearing		
7.	Any new infrastructure associated with the material change of use must not be located within “Area A” as identified on the Referral Agency Response (Vegetation) Plan SDA-0614-011642, dated 5 August 2014.	At all times.
8.	Any new infrastructure associated with the material change of use, other than fences, roads and underground services,	At all times.

No.	Conditions	Condition timing
	must not be located within "Area B" as identified on the Referral Agency Response (Vegetation) Plan SDA-0614-011642, dated 5 August 2014.	

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To protect the safety and efficiency of the SCR network.
- To ensure the clearing works are carried out in the location and to the extent specified on the approved plans.

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 3—Further advice

General Advice

State-controlled Roads

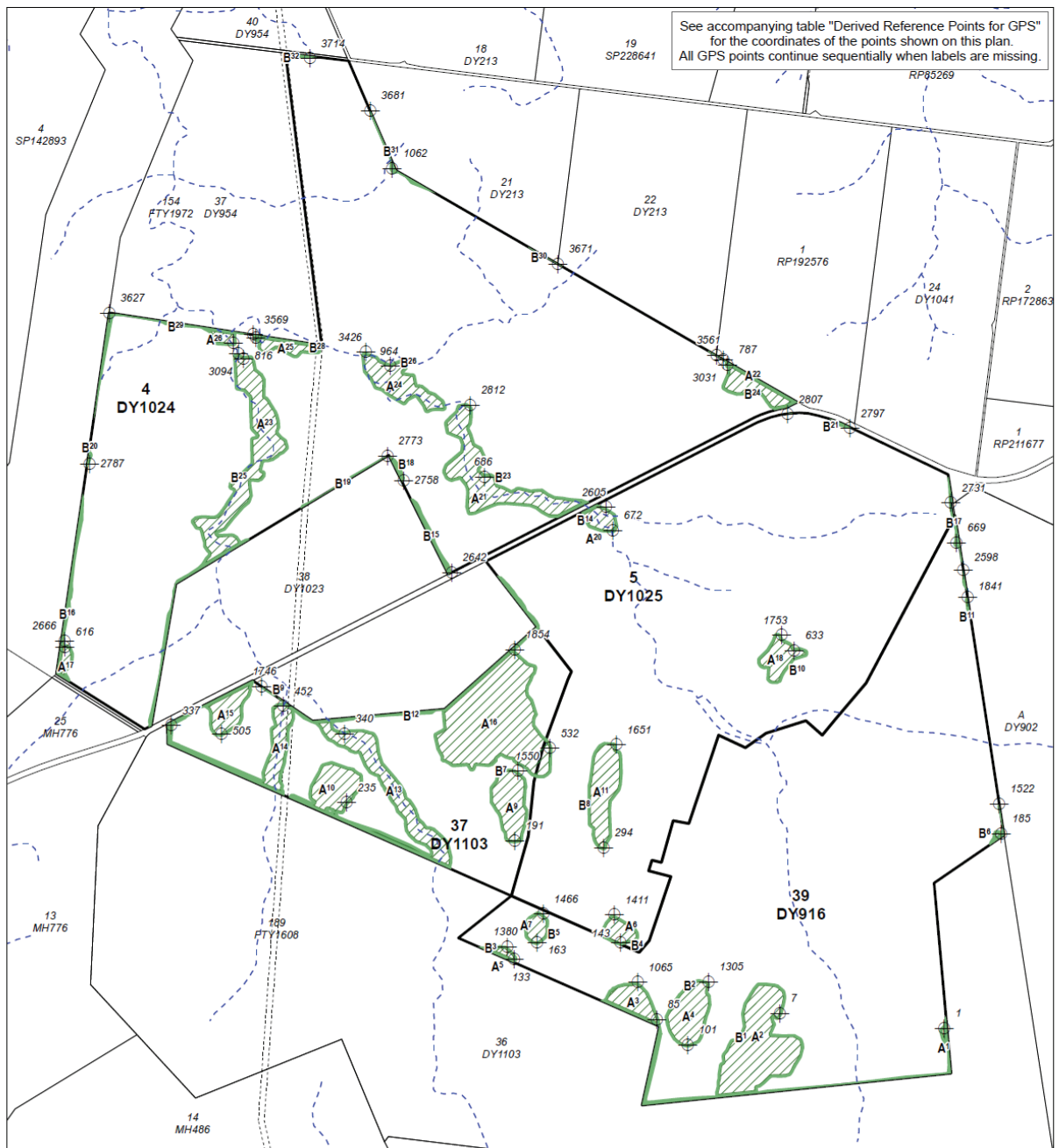
<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from DTMR to carry out road works, including road access works, on a state-controlled road. Please contact DTMR to make an application for road works approval. This approval must be obtained prior to commencing any works on the SCR reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a RPEQ.</p>

<p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on the SCR under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact DTMR to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 4—Approved plans and specifications



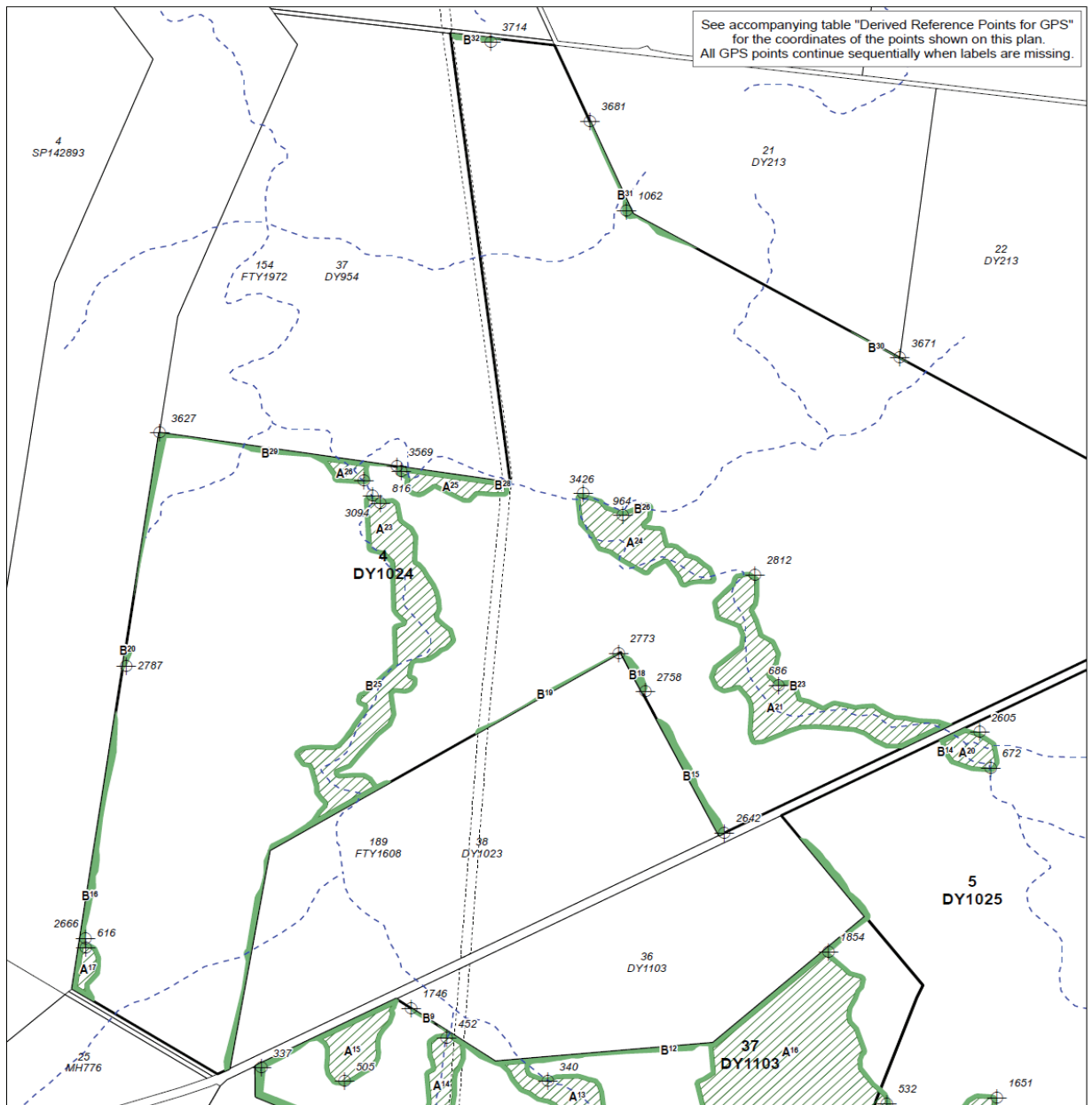
0 0.5 1 2 3 4 km
 1:40000 @ A3 size
 Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-011642

LEGEND Derived Reference Points for GPS Subject Lot(s) QLD DCDB Area A (Area A1 - A27) Area B (Area B1 - B32) Watercourse (Geoscience Australia)	Referral Agency Response (Vegetation) Plan Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025		 RARP SDA-0614-011642 Sheet 1 of 4
	CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK REGION: SOUTH LOCAL GOVT: TOOWOOMBA		
	Map Reference: 9041,9042	Compiled from: DCDB, PVMP & NRMO Notes	
	File Reference: 2014/005310	Prepared by: JDC Date: 05 August 2014	



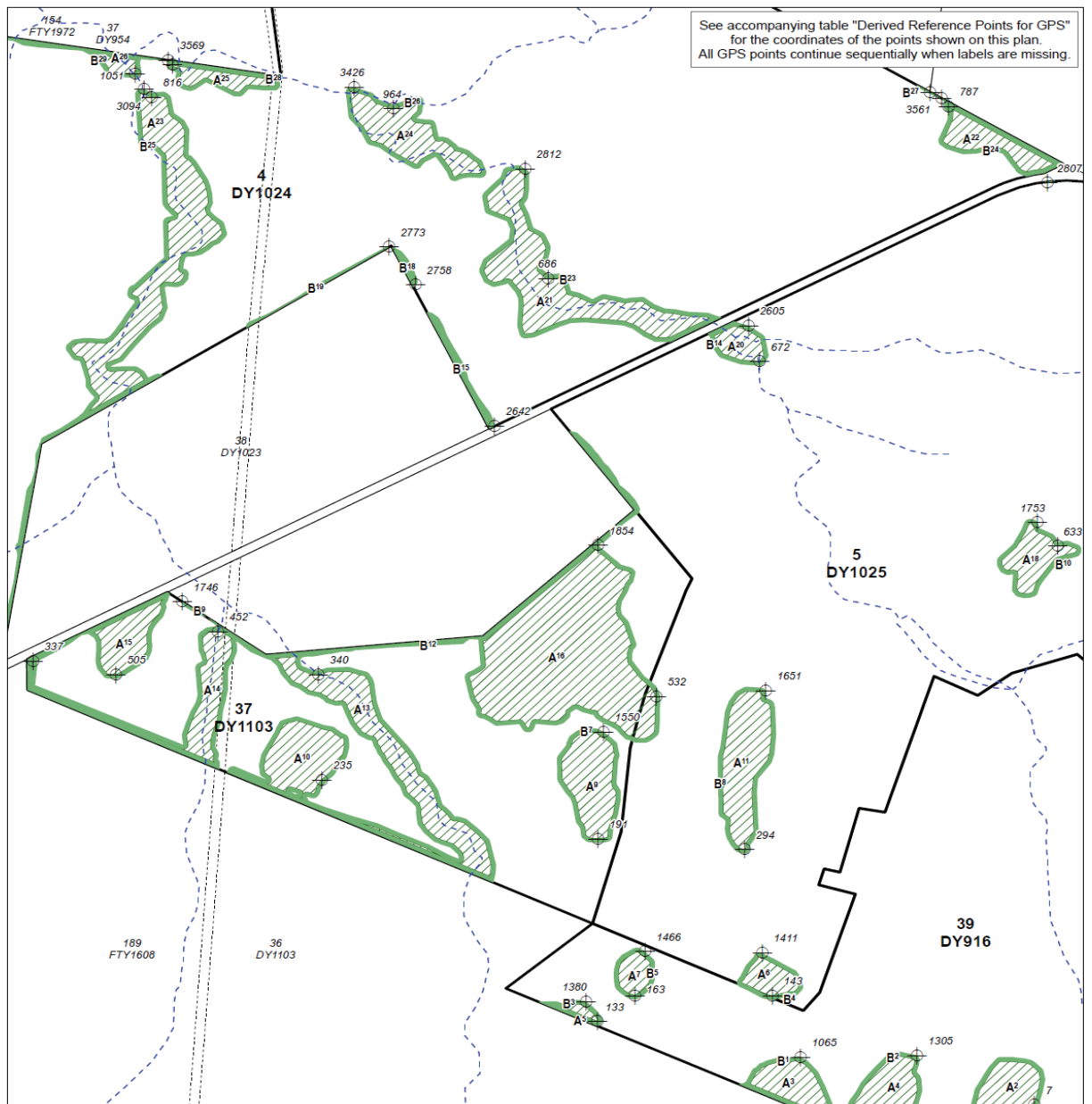
See accompanying table "Derived Reference Points for GPS" for the coordinates of the points shown on this plan. All GPS points continue sequentially when labels are missing.

1:25000 @ A3 size
 0 0.25 0.5 1 1.5 2 km
 Projection: UTM (MGA Zone 56) Datum: GDA94

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LEGEND Derived Reference Points for GPS Subject Lot(s) QLD DCDB Area A (Area A1 - A27) Area B (Area B1 - B32) Watercourse (Geoscience Australia)	Referral Agency Response (Vegetation) Plan Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025		 RARP SDA-0614-011642 Sheet 2 of 4	
	CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK			REGION: SOUTH LOCAL GOVT: TOOWOOMBA
	Map Reference: 9041,9042			Compiled from: DCDB, PVMP & NRMO Notes
	File Reference: 2014/005310			Prepared by: JDC Date: 05 August 2014

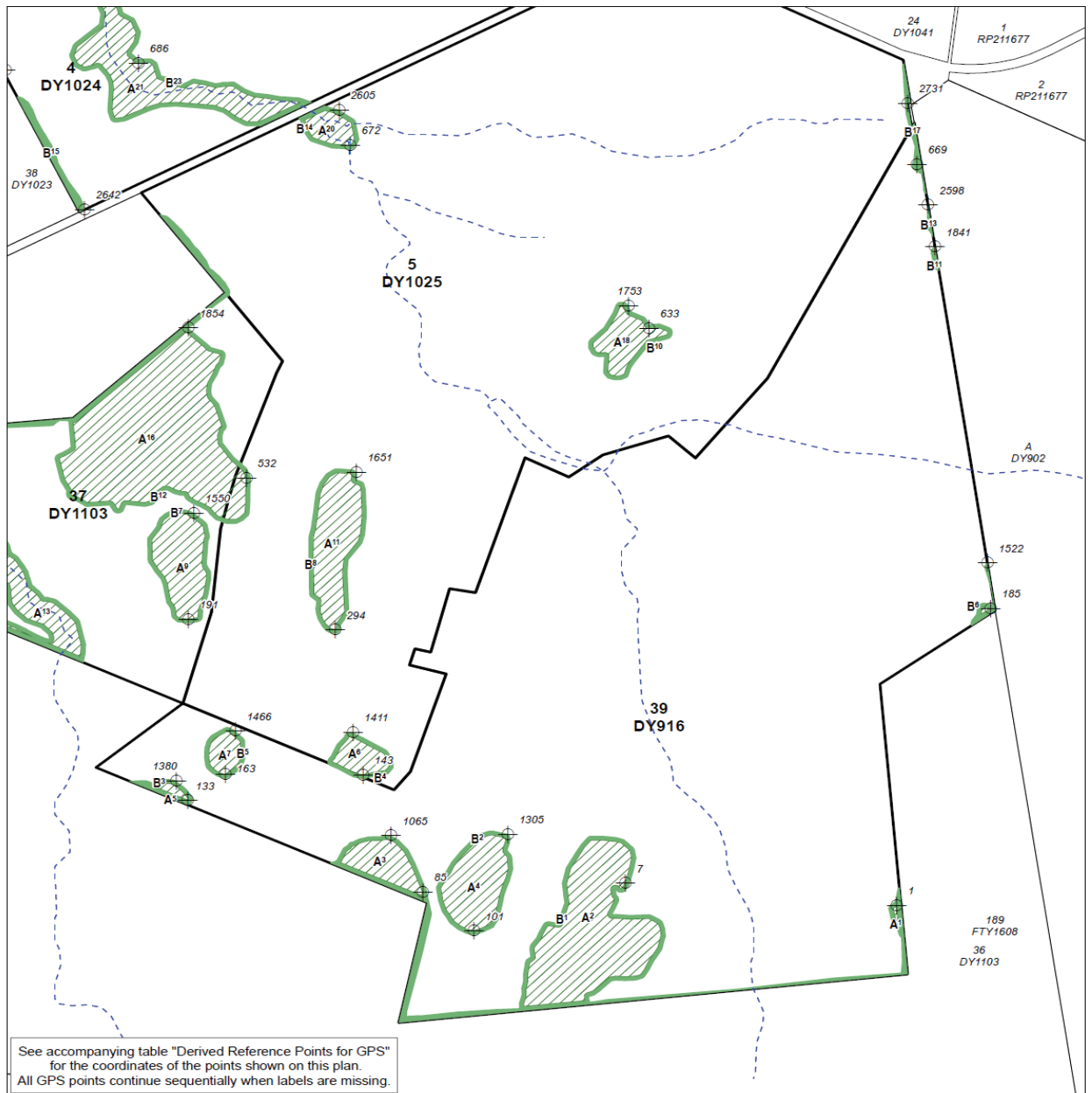


0 0.25 0.5 1 1.5 2 km
 1:25000 @ A3 size
 Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.
 Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-011642

LEGEND ⊕ Derived Reference Points for GPS □ Subject Lot(s) □ QLD DCDB ▨ Area A (Area A1 - A27) ■ Area B (Area B1 - B32) - - - Watercourse (Geoscience Australia)	Referral Agency Response (Vegetation) Plan Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025		
	CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK REGION: SOUTH LOCAL GOVT: TOOWOOMBA		
Map Reference: 9041,9042 File Reference: 2014/005310	Compiled from: DCDB, PVMP & NRMO Notes Prepared by: JDC	Date: 05 August 2014	RARP SDA-0614-011642 Sheet 3 of 4



1:25000 @ A3 size
 0 0.25 0.5 1 1.5 2 km
 Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-01164

<p>LEGEND</p> <ul style="list-style-type: none"> Derived Reference Points for GPS Subject Lot(s) QLD DCDB Area A (Area A1 - A27) Area B (Area B1 - B32) Watercourse (Geoscience Australia) 	<p align="center">Referral Agency Response (Vegetation) Plan</p> <p align="center">Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025</p> <table border="1" style="width: 100%;"> <tr> <td>CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK</td> <td>REGION: SOUTH LOCAL GOVT: TOOWOOMBA</td> </tr> <tr> <td>Map Reference: 9041,9042</td> <td>Compiled from: DCDB, PVMP & NRM0 Notes</td> </tr> <tr> <td>File Reference: 2014/005310</td> <td>Prepared by: JDC Date: 05 August 2014</td> </tr> </table>	CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK	REGION: SOUTH LOCAL GOVT: TOOWOOMBA	Map Reference: 9041,9042	Compiled from: DCDB, PVMP & NRM0 Notes	File Reference: 2014/005310	Prepared by: JDC Date: 05 August 2014	<div style="text-align: center;"> N </div> <p align="center">RARP SDA-0614-011642 Sheet 4 of 4</p>
CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK	REGION: SOUTH LOCAL GOVT: TOOWOOMBA							
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Chapter 6, Part 1 of the Planning Act 2016 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The service period is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section— decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on a ground.

232 Rules of the P&E Court

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