

Your reference:

Our reference: CW:RR: jw: 19-09 (FID85469, COM001-18/19, 16481-10000-000, ID14493554, ID1490037, ID1498050)

Contact: Chris Welch

16 September 2019

Juwi Renewable Energy Pty Ltd
Amy Lane
Level 3/199 George Street
BRISBANE QLD 4000

Dear Amy

Negotiated Decision Notice about request to change development approval
(Given under section 76 of the *Planning Act 2016*)

Development Permit for COM001-18/19 (Impact Assessable) – Combined Application Material change of Use – Public Facility – Other (Solar Farm and Associated infrastructure and Reconfiguring a lot (Leasing Area exceeding 10 years) 326 Colombo Road, LONESOME CREEK – Lot 1 on SP272393

On 16 September 2019, by delegated authority, your request for a Negotiated Decision, received by Council on 19 August 2019 was approved to the extent detailed in this Notice. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 29 July 2019.

The nature of the changes are listed below and clearly shown in the Negotiated Decision Notice and attachment 1 (as strikethrough bold text):-

- Condition – 21 – Amended

1. Details of the approval

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Combined Development Application	s20	<input checked="" type="checkbox"/>	

2. Approved Plans

The approved plans and documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
1	Preliminary Project Layout(Theodore Solar Farm) juwi Renewable Energy Pty Ltd	15.11/2018
2	Project Infrastructure	15.11.2018
3	Indicative Operations and Maintenance Buildings Elevations	17.12.2018
3	Indicative Operations and Maintenance Building Floor Plans	18.12.2018
W102	MV Substation and HV Switchyard Layout (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	17.09.2018
5	Indicative Reconfiguring a Lot Plan (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	16.01.2019

3. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Operational Works
- Building Works
- Plumbing & Drainage

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

5. Submissions

There were properly made submissions about the application.

The names and addresses of the principal submitters for each properly made submission are as follows:

Name of Principal Submitters	Address
Brian & Bronwyn Brunton	Frogs Hollow, 326 Colombo Road, THEODORE QLD 4719
Chris & Jane Conway	chrisandjane2@bigond.com
Gavin & Patricia Gilmour	tricia.gilmour@yahoo.com.au
Alan & Natalie Goodland	Clair Charolais MS 324 THEODORE QLD 4719
Anna Hinds	"Dukes Plains" 584 Dukes Plains Road THEODORE QLD 4719
Derek & Heidi Shoecraft	derek@shoecraftplanthire.com.au
Hotel Theodore	PO Box 4 THEODORE QLD 4719

6. Referral agencies

The referral agencies for this application are:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 2, Column 2 (b)(i)(ii)	Ergon Energy PO Box 1010 TOWNSVILLE QLD 4810

7. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

8. Statement of Reasons

	Combined Application for a Material change of use for a public facility-other (solar farm and associated infrastructure) and reconfiguring a lot creating 2 lease areas and a balance area of the lot.
Assessment Benchmarks	Rural Zone Code Development Standards Code Reconfiguring a lot Code Economic Resources Overlay
Reasons for Decision	<p><u>Rural Zone Code –</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Development Standards Code –</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Reconfiguring a lot Code –</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Economic Resources Overlay-</u> Agricultural Land Class Overlay- C1 Pasture land - The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p>

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>

Should you require further information in relation to this matter, please contact Council's Development Services Section on (07) 4992 9500.

Yours sincerely



John McDougall

DIRECTOR COUNCIL SERVICES

Enc Attachment 1 Copy of Original Decision Notice showing changes

Attachment 1

Copy of Original Decision Notice Showing the Changes

Your Reference:

Our Reference: CW: RR: jw: 19-07 (FID85469, COM001-18/19, 16481-10000-000, ID1449355, ID1449414, ID144941, OM004438)

Contact: Chris Welch/Rentia Robertson

29 July 2019

juwi Renewable Energy Pty Ltd
Amy Lane
Level 3/199 George Street
BRISBANE QLD 4000

Dear Sir/Madam

Decision Notice – Approval
(Given under section 63 of the Planning Act 2016)

Application Number: COM001-18/19
Description: COMBINED APPLICATION
Material Change of Use - Public Facility - Other (Solar Farm and Associated Infrastructure and Reconfiguring a Lot (Leasing Area exceeding 10 years)
Level of Assessment: Impact Assessable
Site Address: 326 COLOMBO ROAD, LONESOME CREEK
Lot & Plan Details: Lot 1 on SP272393

On 24 July 2019, at Council's Ordinary Meeting (OM004438), the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	
Reconfiguring a Lot	s20	<input checked="" type="checkbox"/>	

2. Approved Plans

The approved plans for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
1	Preliminary Project Layout (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	15.11.2018
2	Project Infrastructure	15.11.2018
3	Indicative Operations and Maintenance Building Elevations	17.12.2018
3	Indicative Operations and Maintenance Building Floor Plans	18.12.2018
W102	MV Substation and HV Switchyard Layout (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	17.09.2018
5	Indicative Reconfiguring a Lot Plan (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	16.01.2019

3. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Operational Works
- Building Works
- Plumbing & Drainage

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

5. Submissions

There were properly made submissions about the application.

The name and address of the principal submitter for each properly made submission are as follows:

Name of Principal Submitter/s	Address
Brian & Bronwyn Brunton	Frogs Hollow, 326 Colombo Road, THEODORE QLD 4719
Chris & Jane Conway	chrisandjane2@bigpond.com
Gavin & Patricia Gilmour	tricia.gilmour@yahoo.com.au
Alan & Natalie Goodland	Clair Charolais MS 324 THEODORE QLD 4719
Anna Hinds	"Dukes Plains" 584 Dukes Plains Road THEODORE QLD 4719
Derek & Heidi Shoecraft	derek@shoecraftplanthire.com.au
Hotel Theodore	PO Box 4 THEODORE QLD 4719

6. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 2, Column 2 (b)(i)(ii)	Ergon Energy PO Box 1010 TOWNSVILLE QLD 4810

7. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

8. Statement of Reasons

Description of the development	Combined application for Material Change of Use - Public Facility - Other (solar farm and associated infrastructure and Reconfiguring a lot (Leasing Area exceeding 10 years).
Assessment Benchmarks	Rural Zone Code Development Standards Code Reconfiguring a Lot Code Economic Resources Overlay

Reasons for Decision	<p><u>Rural Zone Code -</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Development Standards Code -</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Reconfiguring a lot Code -</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Economic Resources Overlay-</u> Agricultural Land Class Overlay- C1 Pasture land - The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p>
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9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of COM001-18/19.

Yours Sincerely



Chris Welch

MANAGER ENVIRONMENT & PLANNING

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency - Ergon Energy

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager
Attachment 1 – Part B Assessment Manager Notes
Attachment 1 – Part C Conditions imposed by Ergon Energy
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Environmental Obligations



COM001-18/19 Attachment 1

Part A - Conditions imposed by the Assessment Manager

- 1 The proposed Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval –

Plan/Document number	Plan/Document name	Date
1	Preliminary Project Layout(Theodore Solar Farm) juwi Renewable Energy Pty Ltd	15.11/2018
2	Project Infrastructure	15.11.2018
3	Indicative Operations and Maintenance Buildings Elevations	17.12.2018
3	Indicative Operations and Maintenance Building Floor Plans	18.12.2018
W102	MV Substation and HV Switchyard Layout (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	17.09.2018
5	Indicative Reconfiguring a Lot Plan (Theodore Solar Farm) juwi Renewable Energy Pty Ltd	16.01.2019

- 2 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 3 Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.
- 4 Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.

Approved use

- 5 The combined approval for the premises is for a Material Change of Use involving a "Public Facility – Other (Solar Farm and associated infrastructure) and Reconfiguring a Lot (Leasing Area exceeding 10 years).
- 6 The approved use must cease after 30 years from the date when approval becomes effective.

Approved Plan

- 7 Final detailed layout plans of the solar farm facility are to be submitted to Council for approval prior to the commencement of the use. The plans at a minimum must show:
 - i. all building and structure locations;
 - ii. substation locations;
 - iii. inverter locations;
 - iv. above and below ground cabling;
 - v. internal access roads;
 - vi. boundary setbacks;
 - vii. solar panel system type;
 - viii. solar plant configuration; and
 - viii. Fencing associated with the use;

Building

- 8 Obtain relevant Building approvals and referral agencies responses prior to commencement of any works defined as building work under the Building Act 1975.
- 9 Prior to commencement of any plumbing or drainage works a compliance permit is to be in effect for the proposed works associated with this development.
- 10 Night and outdoor lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting.
- 11 Air-conditioning units (including individual compressor units), mechanical plant and equipment fitted to service the building must be shielded from view from Nipan Road and adjoining properties. They must be concealed or screened with materials compatible and consistent with that elsewhere in the building.

Setbacks

- 12** Project infrastructure is setback a minimum of 20 metres from all boundaries including Nipan Road.
- 13** A 50 metre setback from the high bank of the waterway, and a 20 metre setback from the edge of the mapped Category R vegetation are to be maintained.

Road

- 14** Prior to commencement of any construction works on site, the intersection of the Leichhardt Highway/Nipan Road must be upgraded to a Basic Right and Basic Left (BAR/BAL) intersection in accordance with the following requirements:
 - i.** The design of the intersection must be in accordance with the departments Road Planning and Design Manual, 2nd Edition, the Road Planning and Design Manual, Edition 2: Volume 3 - Supplement to Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections (August 2014) and the Austroads Guide to Road Design (2010) Part 4A: Unsignalised and Signalised Intersections.
 - ii.** Provision of sealed shoulder widening on both the northern and southern approaches to the intersection.
 - iii.** The BAR treatment must accommodate the vehicle swept paths for a 14.5m long rigid bus turning right into Nipan Road and left out of Nipan Road concurrently.
 - iv.** The BAL treatment must accommodate the vehicle swept paths for a 36.2m long A-Double vehicle turning left into Nipan Road and right out of Nipan Road concurrently.
 - v.** The intersection must include kerb returns as shown in Figure 8.2 of the Austroads Guide to Road Design (2010) Part 4A: Unsignalised and Signalised Intersections.
 - vi.** All turning manoeuvres must be completed on the fully sealed and paved areas.
 - vii.** The Nipan Road leg of the intersection must be sealed for a minimum distance of 40m back from the marked edge line of the northbound through lane on the Leichhardt Highway.

- viii. All turning areas within the intersection must have a High Stress Seal or Asphalt surfacing.
- 15 All roads accessing the site must be refurbished for all weather access; reflect the formation determined from the equivalent AADT as per CMDG; and included as part of the Operational Works submission
- 16 All damage incurred to existing roads, services or street furniture as a result of the proposed development shall be at the developer's expense.
- 17 The developer is to maintain the sealed section of Nipan Road for the life of the development to the appropriate standard in the CMDG.
- 18 During construction of the Leichhardt Highway intersection, Nipan Road leg and the solar farm construction the developer is to undertake sufficient dust suppression methods on the unsealed section of Nipan Road to limit adverse impacts to neighbouring properties.

Stock Route

- 19 Nipan Road is a mapped Stock Route and its operation is not to be compromised by the development at any given time.

Crossover and Driveways

- 20 A vehicle access is to be provided in accordance with an Operational Works approval and as per the following –
- A rural access is to be constructed as per the proposed plan and in accordance with the requirements of the Capricorn Municipal Development Guidelines (Standard Drawing CMDG-R-040). Please note that the dimensions listed on this standard drawing are considered the minimum required for compliance.

Road and Access (Amended 9 September 2019)

- 21 All internal access roads are to be constructed as a minimum ~~ten (10)~~ 4.5 metres wide with a suitably designed surface.
- 22 Suitable permanent dust suppression methods are to be provided for all internal roads.
- 23 Should Council receive a dust nuisance complaint (that is not frivolous or vexatious) directly related to the internal driveway and manoeuvring areas of the approved use, further actions must be taken to manage the impacts (watering). If further complaints are received Council may require the internal driveway to be imperviously sealed (bitumen or asphalt).

Vehicle Parking and Manoeuvring Areas

- 24 All car parking spaces for employees of the proposed development must be:
- i. clearly line marked and/or delineated to the satisfaction of the Assessment Manager; and
 - ii. located on the site and be fully contained within the title boundaries.
- 25 No vehicle storage or parking is permitted on the adjoining road reserve during construction or the operation of the approved use.
- 26 Disability parking is to be delineated so as to comply with the requirements of the Manual of Uniform Traffic Control Devices.

Services

- 27 Prior to the commencement of use, documentation is to be submitted to Council satisfactorily demonstrating that electricity, gas (if required) and telecommunication services have been provided to the proposed development as per the requirements of the relevant service provider.

Erosion and Sediment Control

- 28 Detailed Erosion and Sediment Management Plan, and associated engineered drawings, is to be provided to Council as part of the operational works application and in accordance with development guidelines. This Plan must comply with the Capricorn Municipal Development Guidelines.
- 29 During construction the Developer is to undertake sediment and erosion control management as per the approved Erosion and Sediment Management Plan.

Groundcover

- 30 Grass is to be planted and established prior to construction and maintained for the duration of the use.

Water and Sewerage Infrastructure

- 31 Prior to the commencement of use, an effluent disposal/storage system, appropriate for the proposed development, is to be installed. All relevant approvals for this system, in accordance with the requirements of the *Plumbing and Drainage Act*, are to be obtained before installation.
- 32 Provide a sufficient supply of potable water for all staff and visitors associated with the approved use. The water must satisfy the Australian Drinking Water Guidelines or relevant standard applicable at the time.

- 33** The proposed effluent disposal/storage system is to be maintained so that all effluent is wholly contained within the confines of the development site and does not pond or enter any gully, watercourse, stormwater system or adjoining properties.
- 34** At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that a reasonable water supply for potable and emergency purposes (including adequate storage for a minimum 47,000 Litre capacity volume) is available for the development in compliance with the requirements of Council's Town Planning Scheme.

Environmental

- 35** Ensure that all reasonable and feasible avoidance and mitigation measures are employed so that noise, dust, glare and other emissions generated by the construction and operation of the approved does not cause a nuisance at any sensitive land use.

Construction Phase Environmental Management Plan

- 36** The applicant must prepare a detailed Construction Phase Environmental Management Plan identifying environmental management measures to be implemented during all construction works associated with the solar farm facility. The construction Phase Environmental Management Plan must address the following as a minimum:
- (a) Erosion and Sediment Control
 - (b) Stormwater Management / Water Quality and Surface Water Runoff (interim drainage plan during construction);
 - (c) Water Management
 - (d) Air Quality Management (dust suppression)
 - (e) Noise and Vibration Management
 - (f) Management of light spill and on-site lighting
 - (g) Land Contamination (storage / use of fuel and chemicals)
 - (h) Biosecurity Management (animal and plant pests)
 - (i) Construction Waste Management
 - (j) Flora and Fauna Impact Management
 - (k) Storage and handling of fuel and other hazardous goods
 - (l) Emergency Management
 - (m) Environmental monitoring and reporting
 - (n) Management of works near existing above ground and underground infrastructure
 - (o) Hazard Management
 - (p) Complaints handling and Management
 - (q) Statutory obligations and approvals

- 37** The Construction Phase Environmental Management Plan must:
- (a) Be prepared and certified by a suitably qualified person
 - (b) Clearly identify design and control measures to be adopted during the construction and post construction phase
 - (c) Provide recommendations based on criteria and environmental data relevant to the site and surrounding area and construction works proposed
 - (d) Be prepared in accordance to the relevant standards
- 38** The Applicant must prepare and submit the Construction Phase Environmental Management Plan to Council for approval within 40 working days of construction work commencing on the solar farm facility. The plan must be approved by Council before work commences.
- 39** The applicant must implement the recommendations of the Council approved Construction Phase Environmental Management Plan including any recommended works, installation of monitoring equipment and management measures at all times during construction of the Solar Farm Activity.

Operational Environmental Management Plan

- 40** The applicant must prepare a detailed Operational Environmental Management Plan identifying environmental management measures to be implemented during all construction works associated with the solar farm facility. The Operational Environmental Management Plan must address the following as a minimum:
- (a) Erosion and Sediment Control
 - (b) Stormwater Management / Water Quality
 - (c) Water Management
 - (d) Air Quality Management (dust suppression)
 - (e) Noise and Vibration Management
 - (f) Management of light spill and on-site lighting
 - (g) Land Contamination (storage / use of fuel and chemicals)
 - (h) Biosecurity Management (animal and plant pests)
 - (i) Operational Waste Management
 - (j) Flora and Fauna Impact Management
 - (k) Storage and handling of fuel and other hazardous goods
 - (l) Emergency Management
 - (m) Environmental monitoring and reporting
 - (n) Hazard Management
 - (o) Complaints handling and Management
 - (p) Statutory obligations and approvals
- 41** The Operational Environmental Management Plan must:
- (a) Be prepared and certified by a suitably qualified person
 - (b) Clearly identify design and control measures to be adopted during the operational phase

- (c) Provide recommendations based on criteria and environmental data relevant to the site and surrounding area and operational works proposed
- 42 The Applicant must prepare and submit the Operational Environmental Management Plan to Council for approval within 40 working days of construction work commencing on the solar farm facility. The plan must be approved by Council before work commences.
- 43 The applicant must implement the recommendations of the Council approved Operational Environmental Management Plan including any recommended works, installation of monitoring equipment and management measures at all times during operation of the Solar Farm Activity

Stormwater Drainage

- 44 A detailed Stormwater Management Plan, and associated engineering drawings, is to be provided to Council, as part of an Operational Works application, for approval. This plan must comply with the requirements of the Capricorn Municipal Development Guidelines.
- 45 All stormwater infrastructure must be designed and constructed, prior to the commencement of use, as per the requirements of the Stormwater Management Plan.
- 46 The stormwater drainage system serving the approved use must be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves.
- Alternatively, in the event that a material change to the pre-development stormwater overland flows will occur, provide written evidence, to Council's satisfaction, of a legal right to discharge stormwater over the downstream land in the proposed method.
- 47 Ponding of stormwater resulting from the development must not occur on adjacent properties.
- 48 Stormwater formerly flowing onto the site must not be diverted onto other properties.
- 49 All stormwater being discharged from the site is to meet the requirements of the Capricorn Municipal Development Guidelines and the Queensland Water Quality Guidelines 2009.
- Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.

- Releases to stormwater must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.

50 The solar farm should not adversely interfere with the existing hydrological regime of adjoining properties or catchments

Waste

51 The applicant is required to prepare a Waste Management Plan for the proposed development. The plan should include, but is not limited to, the following –

- (a) A description of the development activities that may generate waste
- (b) The types and amount of waste that might be generated by the activities
- (c) how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each waste management practices under the waste hierarchy
- (d) procedures for identifying and implementing opportunities to minimise the amount of waste generated, promote efficiency in the use of resources, and otherwise improve the waste management practices employed
- (e) procedures for dealing with accidents, spills and other incidents that may impact waste management
- (f) how often the waste management practices will be assessed

52 Recycling and waste must use appropriately licensed facilities.

53 Waste must not be burned at the premises.

Safety Fencing and signage

54 The applicant must install safety / security fencing a minimum of 1.8 metres in height along all property boundaries to prevent unauthorized or accidental public entry.

55 The applicant must install industry standard warning signage on all boundaries of the site, at regular intervals, warning of the safety hazards associated with the approved use.

56 Erect and maintain a single sign with a minimum area of six square metres adjacent to each access for the approved use. The sign must display as a minimum:

- a. the name of the business operating on the premises;
- b. the onsite speed limit;
- c. contact details for complaints and the site office.

57 All fencing must be completed prior to the commencement of use.

Telecommunications

- 58** The approved use is connected to a telecommunications network as required for the operation of the use. Confirmation of the connection is to be provided to Council upon connection.

Landscaping

- 59** Prior to the commencement of use the applicant is to submit for approval to Council, a landscaping plan showing a 5 metre wide vegetated buffer along the development site's frontage to Nipan Road. Landscaping is to be planted on the inside of this boundary. The landscaping plan must include:
- a. A list of plantings, the species to be used; and
 - b. The location of the plantings.
- 60** The vegetation buffer must be sufficiently vegetated such that when fully mature, vegetation screens views from Nipan Road into the approved development.
- 61** The vegetation buffer must predominantly contain plant species that are native to Central Queensland due to their low dependency on water
- 62** The vegetation buffer must be subject to:
- i. A watering and maintenance plan during the establishment phase; and
 - ii. An ongoing maintenance and replanting program.
- 63** The landscaping is to be maintained in a tidy manner by the developer (i.e. watering, fertilising, mulching, weeding, and the like) at all times to the satisfaction of the Assessment Manager.
- Any landscaping proposed to be installed over underground or under overhead infrastructure (e.g. Sewer mains, water pipes, electricity and gas infrastructure) is to be designed and located in accordance with the standards nominated by the entity responsible for the infrastructure.
 - Any significant existing trees, including QLD Bottle Trees, are to be retained and protected during construction.

Amenity

- 64** In consultation with adjoining landholders, prepare and submit for approval a Landscape and Visual Amenity Assessment (LVAA).

Implement all recommendations of the approved LVAA prior to commencement of construction.

Site Rehabilitation (cessation of approved use)

- 65** Twelve (12) months prior to the operations associated with the approved use ceasing on the premises the applicant must provide a Site Rehabilitation Plan to Council detailing all planned works and actions proposed and required to be undertaken to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.
- 66** Within 6 months of ceasing electricity generation, the applicant must implement the Council approved Site Rehabilitation Plan including any recommended works and remediation measures required to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.
- 67** Within 6 months of the Site Rehabilitation works being completed the applicant must submit a Site Conditions Report detailing the condition of the site following the recommended works stipulated in the site Rehabilitation Plan.
- 68** Decommissioning activities to be undertaken as part of the Site Rehabilitation Plan must include, though not limited to, the following:
- a. Disconnection of the Solar Installation from the switchyard
 - b. Disconnection of the PV modules and all the equipment
 - c. Removal of PV modules from trackers and packaged for removal from the site
 - d. Removal of all the buildings, equipment and materials recycled, wherever possible
 - e. Disassembling and recycling of trackers
 - f. Removal and recycling (where appropriate) of steel columns and cabling
 - g. Removal of fencing in accordance to the landowners wishes
 - h. Removal of gravel from internal tracks in accordance to the landowners wishes
 - i. No disposal of any waste material is permitted to Council's landfill facility.

END OF CONDITIONS

COM001-18/19 Attachment 1

Part B – Assessment Manager Notes

- A. In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- B. The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.
- C. Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- D. Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- E. Please note the statements dated 5 February 2019 from Ergon Energy as an advice agency are attached to this Decision Notice.
- F. All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards (Capricorn Municipal Development Guidelines) at the Applicant's expense.
- G. Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the Planning Act.
- H. Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Banana Planning Scheme.

Cultural Heritage

- A This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) 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".

Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Engineering

- A. Prior to commencing any of the following construction activities the applicant/developer will be required to obtain a development permit for operational work:
 - a. Internal roadworks;
 - b. external roadworks;
 - c. internal pathways;
 - d. earthworks;
 - e. stormwater drainage ;
 - f. erosion and sediment control;
 - g. internal and external lighting; and
 - h. landscaping
- B. Approval from the Department of Transport and Main Roads for the final design of the access to the site from Leichhardt Highway must be submitted in writing to Council prior to the commencement of construction.
- C. Any works on roads shall be conducted in accordance with the Queensland Department of Transport and Main Roads, "Manual of Uniform Traffic Control Devices – Part 3".
- D. All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards - Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.
- E. Appropriate building measures are to be incorporated into the final design to cater for noise attenuation in accordance with the Queensland Development Code, the Building Code of Australia, the *Environmental Protection Act 1994*, and all relevant standards.

Water & Sewerage

- A. The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.

- B.** Subsequent applications will be required for Operational Works, Building and Plumbing/Drainage Works. Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.
- C.** All new taps and plumbing fixtures on the site are to be installed and maintained with approved water saving devices in accordance with current legislative and Council requirements (AAA rating or better). The installation shall include but not be limited to approved water efficient shower heads, flow restrictors/aerators on internal taps, dual flush toilets, etc. In addition approved water efficient washing machines, dishwashers and other appliances shall be the only appliances installed on the site. Pre and post installation inspections shall be arranged with Council's Plumbing Inspector.
- D.** Hydraulic Services plans will be required to be submitted to Council for Plumbing and Drainage approval. These plans must show all drinking, non-drinking, heated, rainwater, sanitary plumbing, sanitary drainage and trade waste services.

Environmental Obligations

- A.** It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- B.** All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council.

Noise

- A.** Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*.

Air and Light

- A.** Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- B.** Suitable dust suppression should be used, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.

- C. All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

Water and Stormwater

- A. It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- B. During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- C. Building and construction materials and waste, including bitumen, brick, cement, concrete and plaster, are prescribed water contaminants and as such must not be stored or disposed of in a water course, stormwater drain, roadside gutter or where they may be expected to wash into such places.
- D. It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- E. It is recommended that any oil, waste oil, paints and chemicals kept on site are stored within a bund or otherwise in a manner that will prevent spills onto land or into stormwater.
- F. Appropriate material must be kept on site for the containment and clean-up of spills, and any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.
- G. Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

Waste Management

- A. It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- B. All waste to be removed from site should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.

- C. Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- D. It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- E. Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.

Pest Management

- A. A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the *Biosecurity Act 2014*. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.
- B. Vehicle movement must be managed to prevent the spread of invasive plants. All vehicles used in weed infested areas must either be contained or cleaned to prevent the spread of invasive plant material. Numerous washdown facilities are available within the Shire to help remove weed seeds, soil and other foreign matter from vehicles and machines, and Council staff is available to conduct vehicle inspections.

Mosquito breeding

- A. The site is required to be appropriately drained so that water is not allowed to accumulate or pond in a manner that may allow mosquito breeding, as required under the *Public Health Regulation 2005*.

END OF NOTES

COM001-18/19 Attachment 1

Part C - Conditions imposed by Ergon Energy



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

5 February 2019

juwi Renewable Energy Pty Ltd
Via email: amy.lane@juwi.com

Attention: Amy Lane

cc Banana Shire Council
Via email: enquiries@banana.qld.gov.au

Attention: Rentia Robertson

Dear Amy,

Development Application – Material Change of Use for Solar Farm and Reconfiguring a Lot for Lease Area exceeding 10 years, located at 326 Colombo Rd, Lonesome Creek, described as Lot 1 on SP272393.

Applicant Ref:

Council Ref: COM001-18/19

Our Ref: HBD

We refer to the above reference Development Application which has been referred to Ergon Energy in accordance with the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. The below response is provided in accordance with section 56(1) of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use for Solar Farm and Reconfiguring a Lot for Lease Area exceeding 10 years, as an Advice Agency for the Application, Energex requires that the assessment manager impose the following conditions:

1. This application is approved in accordance with the below referenced plans. Any alterations to these plans should be resubmitted to Energex for comment:

Approved Plans			
Title	Plan Number	Issue	Date
PRELIMINARY PROJECT LAYOUT	1/1	D1	15.11.2018

2. Easement conditions must be maintained at all times.

Should you require any further information on the above matter, please contact Angela Collins on (07) 3664 5057 or email angela.collins@energyq.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A Collins', with a small mark above the 'i'.

Angela Collins
Town Planner

Attachment 2

Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

(i) who may appeal a matter (the appellant); and

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The appeal period is—

(a) For an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) For an appeal against a deemed refusal—at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or

(f) for 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—

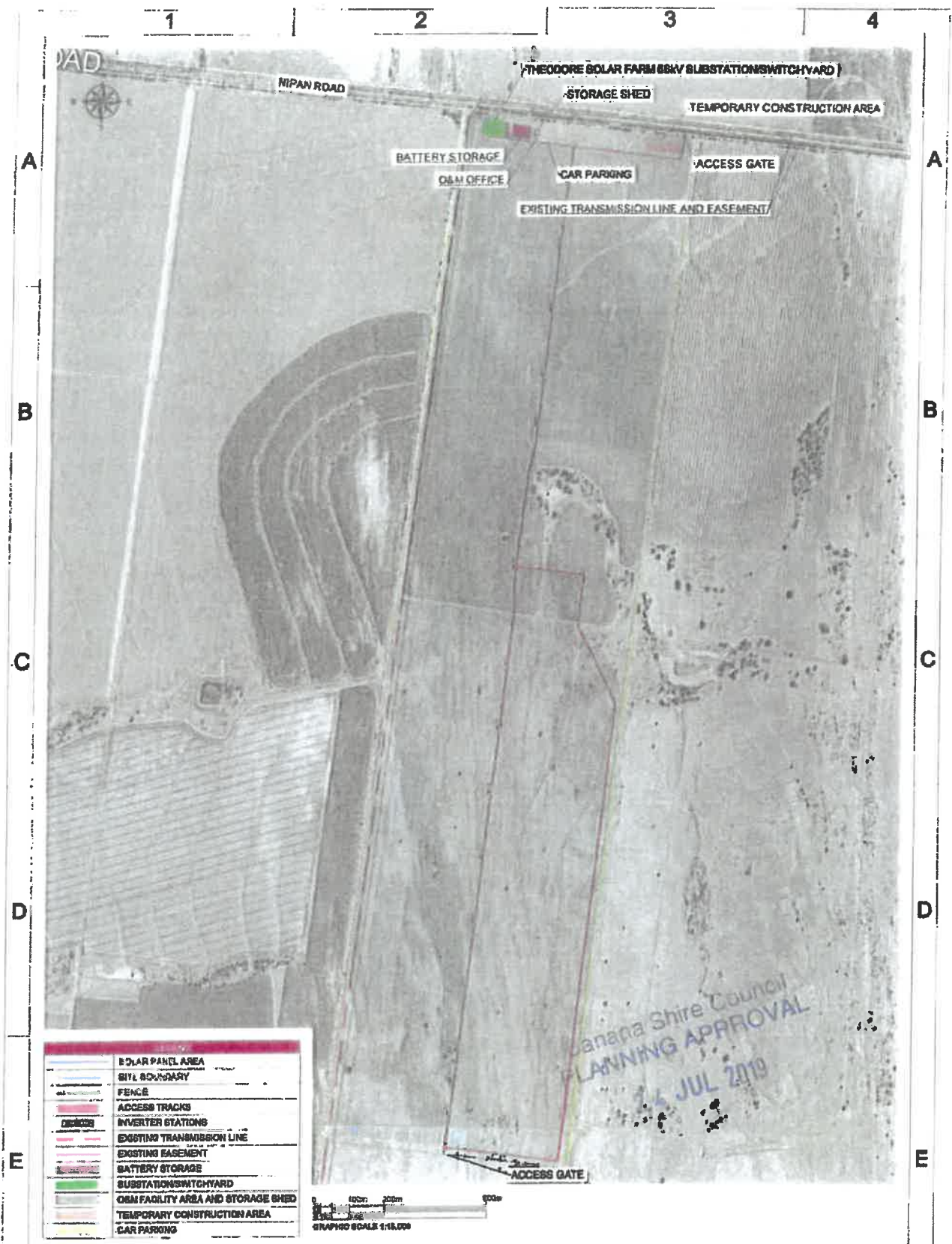
(a) the adopted charge itself; or

(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.

Attachment 3
Approved Drawings



	SOLAR PANEL AREA
	SITE BOUNDARY
	FENCE
	ACCESS TRACKS
	INVERTER STATIONS
	EXISTING TRANSMISSION LINE
	EXISTING EASEMENT
	BATTERY STORAGE
	SUBSTATION/SWITCHYARD
	O&M FACILITY AREA AND STORAGE SHED
	TEMPORARY CONSTRUCTION AREA
	CAR PARKING



D1	JMI	AL	SFB
D0	JMI	AL	SFB
REV	DESIGN	REVIEWED	APPROVED

FINAL ISSUE
FIRST ISSUE

15.11.2018
22.08.2018

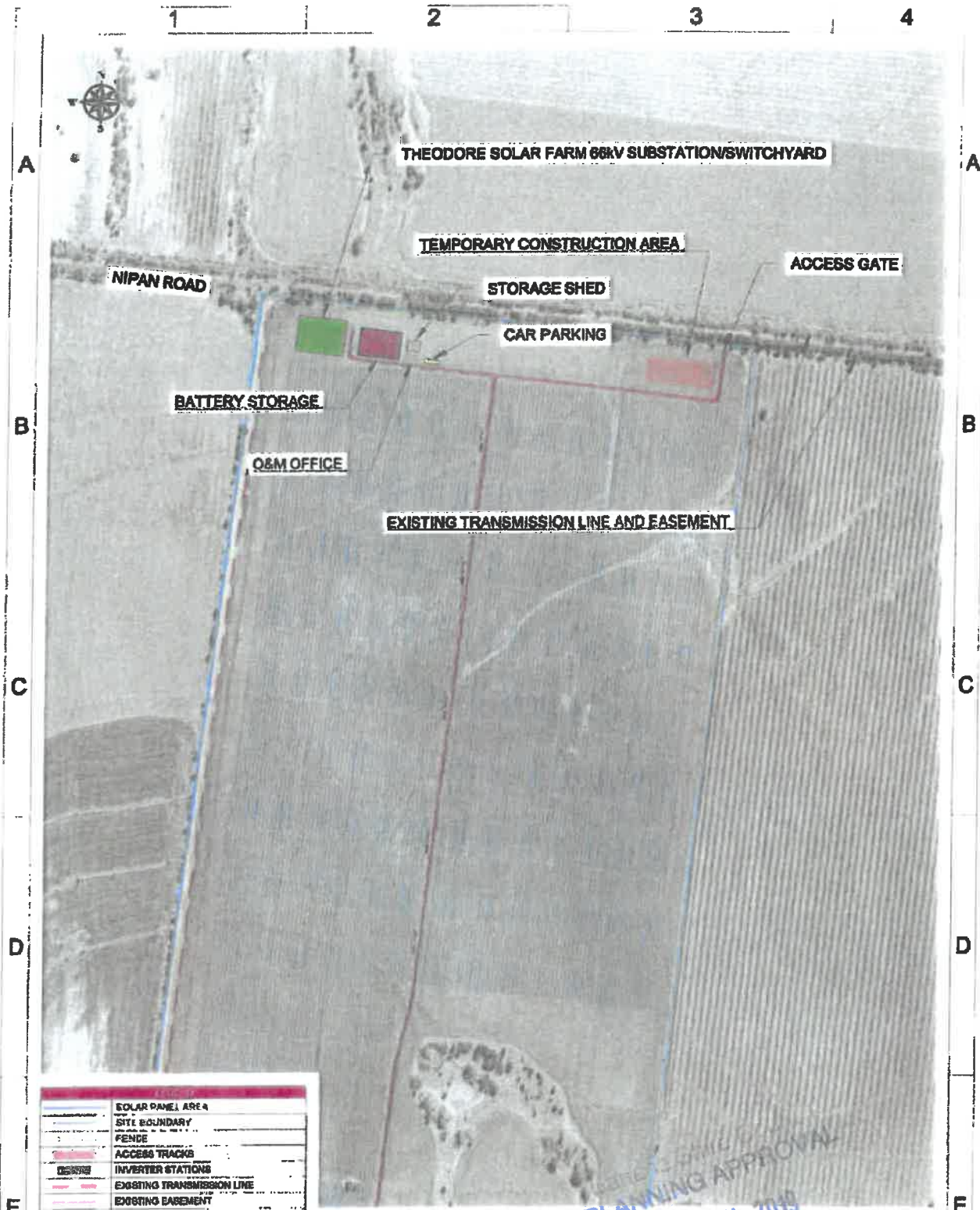
Juvval Renewable Energy Pty Ltd
Units 1/16 George Street
Brisbane QLD 4000
Phone: +61 7 3222 2222

TITLE: PRELIMINARY PROJECT LAYOUT
PROJECT NAME & ADDRESS: Theodore Solar Farm
Theodore, Australia

All dimensions in metres.
Lengths and areas are approximate
only and subject to detailed survey.

NUMBER:	1
STATUS:	DEVELOPMENT PLAN
SCALE:	1:15,000
FORMAT:	DIN A4
SHEET:	1/1

AA-1297x510 Juvval



	SOLAR PANEL AREA
	SITE BOUNDARY
	FENCE
	ACCESS TRACKS
	INVERTER STATIONS
	EXISTING TRANSMISSION LINE
	EXISTING EASEMENT
	BATTERY STORAGE
	SUBSTATION/SWITCHYARD
	O&M FACILITY AREA AND STORAGE SHED
	TEMPORARY CONSTRUCTION AREA
	CAR PARKING



PLANNING APPROVAL
24 JUL 2018

D1	JMI	AL	SFB	FINAL ISSUE	15.11.2018
D0	JMI	AL	SFB	FIRST ISSUE	22.08.2018
REV	ISSUED	REVISED	APPROVED	CHANGE	DATE



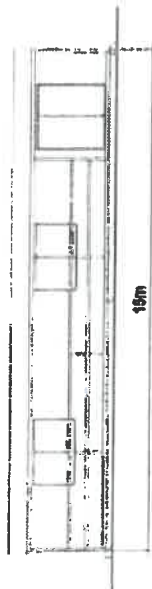
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PROJECT NAME & ADDRESS: Theodore Solar Farm Theodore, Australia	STATUS: DEVELOPMENT PLAN
All dimensions in metres. Lengths and areas are approximate only and subject to detailed survey.	SCALE: 1:7,500
	FORMAT: DRN A4
	PAGES: 1/1

A4 - (207x210) mm

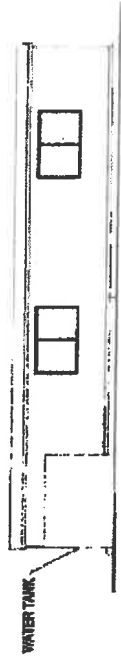
IT IS PROHIBITED TO REPRODUCE
AA - (237x210)mm

1 2 3 4 5 6

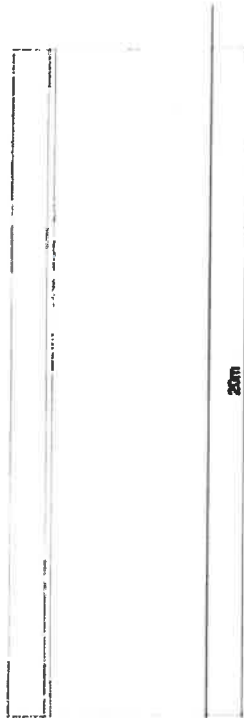
1 SOUTH ELEVATION OBM OFFICE



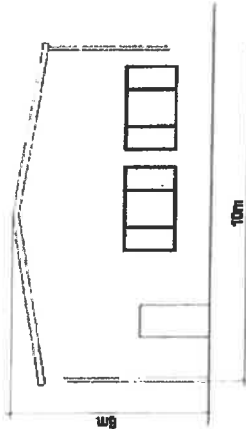
2 NORTH ELEVATION OBM OFFICE



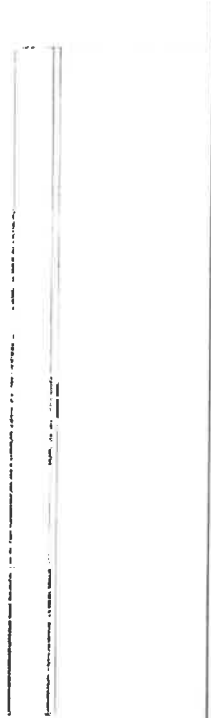
3 WEST ELEVATION



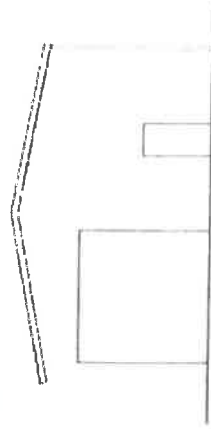
4 SOUTH ELEVATION OBM STORAGE



5 EAST ELEVATION



6 NORTH ELEVATION OBM STORAGE



Banana Shire Council
PLANNING APPROVAL
24 JUL 2019

DATE	17.12.2018	DATE	17.12.2018
ISSUED BY	AL SFB	ISSUED BY	AL SFB
APPROVED BY		APPROVED BY	
PROJECT NAME & ADDRESS	INDICATIVE OPERATIONS AND MAINTENANCE BUILDINGS ELEVATIONS	PROJECT NAME & ADDRESS	INDICATIVE OPERATIONS AND MAINTENANCE BUILDINGS ELEVATIONS
CLIENT	Theodore Soter Farm Theodore, Australia	CLIENT	Theodore Soter Farm Theodore, Australia
SCALE	1:200	SCALE	1:200
DATE		DATE	
DIN AA	6	DIN AA	6
1/2		1/2	

DEVELOPMENT PLAN

All dimensions in metres.
Lengths and areas are approximate
only and subject to detailed survey.

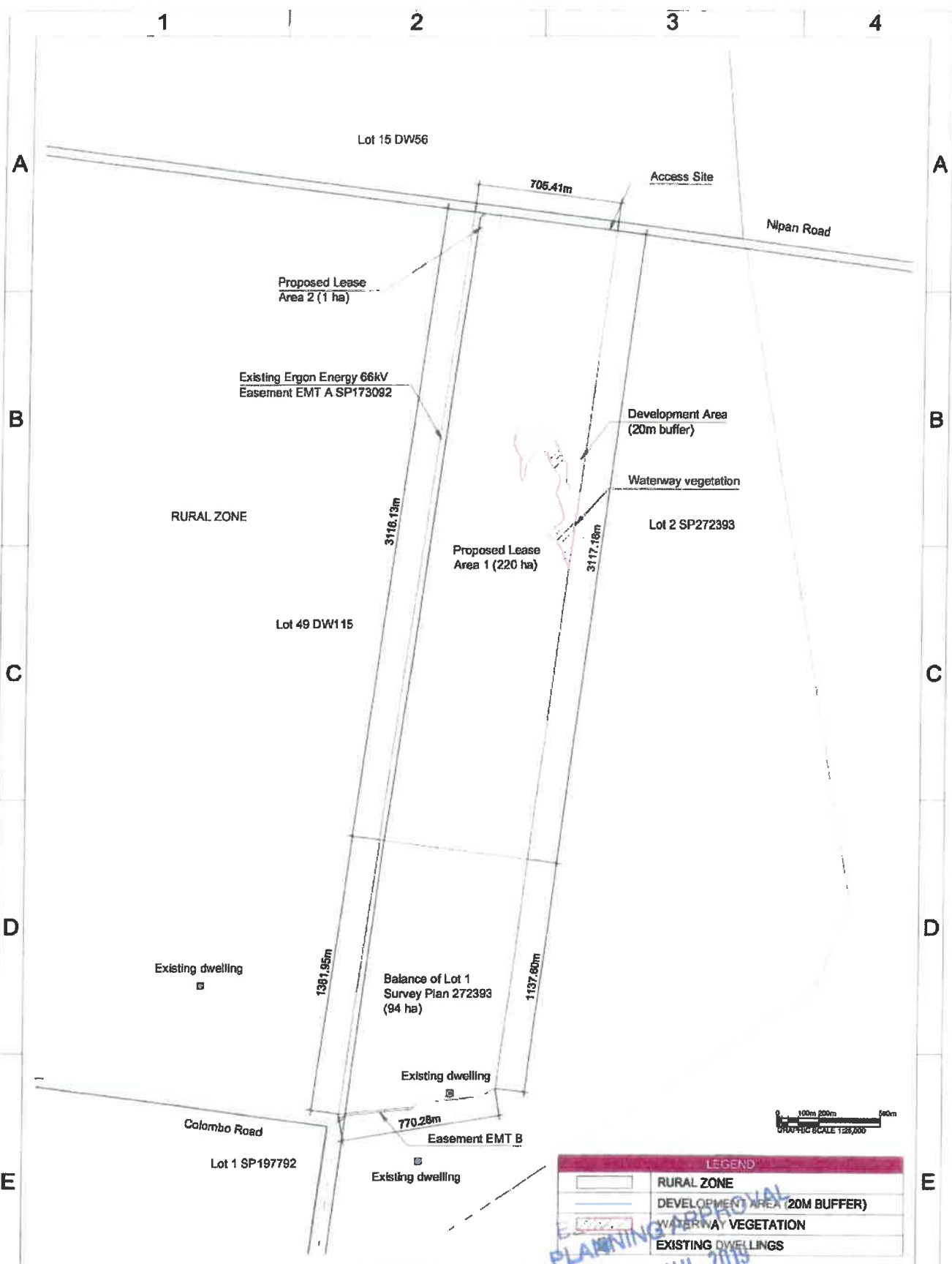
THEODORE SOTER FARM
THEODORE, AUSTRALIA

THEODORE SOTER FARM
THEODORE, AUSTRALIA

17.12.2018

FIRST ISSUE

AL SFB



LEGEND	
	RURAL ZONE
	DEVELOPMENT AREA (20M BUFFER)
	WATERWAY VEGETATION
	EXISTING DWELLINGS

PLANNING APPROVAL
24 JUL 2019

D1	JMI	CP	AL	FURTHER INFORMATION UPDATE	16.01.2019
D0	JMI	CP	AL	FINAL ISSUE	17.12.2018
REV	DRAWN	REVIEWED	APPROVED	CHANGE	DATE

 Juwel Renewable Energy Pty Ltd Level 5, 180 George Street Brisbane QLD 4000 Phone: +61 7 5 937 0000	TITLE: INDICATIVE RECONFIGURING A LOT PLAN	NUMBER: 5
	PROJECT NAME & ADDRESS: Theodore Solar Farm Theodore, Australia	STATUS: DEVELOPMENT PLAN
All dimensions in metres. Lengths and areas are approximate only and subject to detailed survey.		SCALE: 1:25,000
		SHEET: 1/1

A4 - (297x210) mm

Attachment 4
Environmental Obligations

Environmental Obligations

SCHEDULE A – General

- A1 The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.
- A2 It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- A3 All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of the Construction Site Management Plan.

SCHEDULE B - Noise

- B1 Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*.
- B2 Noise must not be emitted outside the hours specified below-

Noise Source	Allowable Hours
Building work <i>(Builders and owner-builders, including excavation. For home renovations or other uses refer to regulated devices)</i>	6:30am and 6:30pm Monday to Saturday, excluding public holidays.
Regulated devices <i>(eg mowers, power tools, compressors, leaf blowers, nail guns etc)</i>	7:00am to 7:00pm Monday to Saturday 8:00am to 7:00pm Sundays and public holidays
Amplifier devices <i>(other than indoor venues and open air events)</i>	7am to 10pm Business days 8am to 6pm Other days

- B3 All noise producing machinery and equipment (including air conditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at the boundary of the site does not exceed the levels indicated in the table below-

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Period	Noise Level at a Noise Sensitive Place (ie a residence) Measured as the Adjusted Maximum Sound Pressure Level ($L_{Amax\ adj, T}$)
7 am – 10 pm	Background noise level plus 5 dB(A)
10 pm – 7 am	Background noise level plus 3 dB(A)
Sundays and Public Holidays	Background noise level plus 5 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Period	Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level ($L_{Amax\ adj, T}$)
7 am - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)
Sundays and Public Holidays	Background noise level plus 8 dB(A)

SCHEDULE C – Air and Light

- C1 Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- C2 Suitable dust suppression should be used and/or screens or barriers should be erected, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.
- C3 All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

SCHEDULE D – Water and Stormwater

- D1 It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D2 During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- D3 It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D4 Any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

- D5 Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

SCHEDULE E – Waste Management

- E1 It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- E2 All waste should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- E3 Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- E4 It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- E5 Any building repairs involving asbestos material must be undertaken in accordance with Workplace Health and Safety requirements.
- E6 Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- E7 Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

SCHEDULE F – Land

- F1 A landowner has an obligation to take reasonable steps to keep their land free of declared pests in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*. Consideration should be given to appropriate treating of declared pest plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.