

Your Reference:

Our Reference: CW: RR: mw: 21-05 (FID87098, MCU006-20/21, 10287-00000-000, ID1581119, OM005004)

Contact: enquiries@banana.qld.gov.au

26 May 2021

Cacatua Pastoral Pty Ltd
C/- Precinct Urban Planning
Attn: Jess Garratt
PO Box 3038
TOOWOOMBA QLD 4350

Dear Sir/Madam

Re: Power to Amend/Repeal Instrument or a Decision – Section 24AA Acts Interpretation Act 1954

Council advises that under Section 24AA of the Acts Interpretation Act 1954 it intends to amend Negotiated Decision Notice dated 04 May 2021 as Council has become aware that this Negotiated Decision Notice was sent with an error as Condition 25(c) was not amended on the Negotiated Decision Notice.

Please find enclosed the reissued Negotiated Decision Notice which is issued under Section 24AA of the Acts Interpretation Act 1954.

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 your application number of MCU006-20/21.

Yours sincerely



Chris Welch
DIRECTOR COUNCIL SERVICES

Enc

Your Reference:

Our Reference: CW: RR: mw: 21-05 (FID87098, MCU006-20/21, 10287-00000-000, ID1581119, OM005004)

Contact: Rentia Robertson

26 May 2021

Cacatua Pastoral Pty Ltd
C/- Precinct Urban Planning
Attn: Jess Garratt
PO Box 3038
TOOWOOMBA QLD 4350

Dear Sir/Madam

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

Application Number: MCU006-20/21
Description: Workers Accommodation (Additional 32 rooms)
Level of Assessment: Impact Assessable
Site Address: 18 WOORONAH ROAD, BARALABA
16 WOORONAH ROAD, BARALABA
9 DAVIES STREET, BARALABA
2 DAVIES STREET, BARALABA
Lot & Plan Details: Lot 92 on MPH14358
Lot 93 on MPH14358
Lot 98 on MPH14358
Lot 101 on FN103

On 24 May 2021, at Council's Ordinary Meeting (OM005004), an amendment was made to your Negotiated Decision Notice issued and dated on 04 May 2021, approved 28 April 2021 at Council's Ordinary Meeting (OM0004983).

Notwithstanding Council's approval of this application, it is also Council's position to encourage the permanent relocation of workers and their families associated with major projects to the towns of the Shire for the benefits they bring to the communities in terms of increased economic activity and demand for services. Council notes that there are several vacant residential lots in Mimosa Street, Baralaba that are owned by Baralaba Coal Pty Ltd that are, or can be readily made, available for permanent housing. These lots have access to a constructed road, power and most have water already available. Council would encourage the company to investigate options for such land to be made available for its workers and families to permanently relocate to the town.

1. Details of Approval

The following approval is 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"/>	<input 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
A01.9 Project No:2811 Issue 4 Issue 5	Site Plan – Staging Masterplan as prepared by SW Architects and RMA Engineers	24/03/2020 07/04/2021
A01.1 Project No: 2811 Issue: 11 Issue 12	Stage 2 - Site Plan	24/03/2020 07/04/2021
C-SK1001 Project no:14088	Schematic Services Layout Sketch	17/01/20
C-SK1002 Project 14088 Issue 1	Schematic Services Layout Sketch - 2	16/11/20
A02.1 Project No:2811 Issue 3	Building Floor Plans – Typ. Accommodation Pod prepared by SW Architects & RMA Engineers	26/05/2020

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 no properly made submissions about the application.

6. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice or concurrence	Referral Basis	Address
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 2	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	Material Change of Use for a Workers Accommodation and the addition of 32 rooms to an existing use.
Assessment Benchmarks	Rural Zone Code Village Zone Code Development Standards Code Caravan Park and Workers Accommodation Code Economic Resources Overlay Code
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>Village 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>Caravan Park and Workers Accommodation Code</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Economic Resources Overlay Code</u> 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.

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

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 MCU006-20/21.

Yours Sincerely



Chris Welch

DIRECTOR COUNCIL SERVICES

CC All Referral Agencies (both advice and concurrence)

Ergon Energy
PO Box 1010
TOWNSVILLE QLD 4810

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 - Infrastructure Charges Notice
Attachment 5 - Requirements for Construction Environmental Management
Plan

MCU006-20/21 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

- 1 (Amended 28 April 2021) 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
A01.9 Project No:2811 Issue 4 Issue 5	Site Plan – Staging Masterplan as prepared by SW Architects and RMA Engineers	24/03/2020 07/04/2021
A01.1 Project No: 2811 Issue: 11 Issue 12	Stage 2 - Site Plan	24/03/2020 07/04/2021
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A02.1 Project No:2811 Issue 3	Building Floor Plans – Typ. Accommodation Pod prepared by SW Architects & RMA Engineers	26/05/2020

- 2 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.
- 3 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4 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.

Approved Use

- 5 The approved use of the premises is for an additional 32 rooms to be added to the existing workers accommodation use to be located on Lot 92 on MPH14358. The maximum height of the building is to be 8.5m above ground level.

Building Setbacks

- 6 (Amended 28 April 2021)** Setbacks must be in accordance with the approved plan, Site Plan – Staging MasterPlan – Drawing A01.9 ~~Issue 4~~ **Issue 5**, dated ~~24/03/2020~~ **07/04/2021** as prepared by SW Architects.

Linkage of properties

- 7** The applicant is to enter into an agreement with Council to link the use of Lot 92 on MPH14358, Lot 93 on MPH14358 Lot 98 on MPH14358 and Lot 101FN103, as the car park, the discharging of storm water and treated effluent disposal area in association with and as part of the existing workers accommodation on the primary site, being lot 92 on MPH14358 and part Lot 93 on MPH14358 which specifies that the car park, discharge of stormwater and effluent may only be used in conjunction with the primary site. This link may be achieved by way of a restrictive covenant in accordance with Section 97A(3)(a) of the Land Titles Act 1994. The applicant, at the applicant's expense, shall prepare the agreement, and lodge necessary documents with Council for execution and registration prior to commencement of the use.

Alternatively the applicant is to amalgamate Lot 92 on MPH14358, Lot 93 on MPH14358 Lot 98 on MPH14358 and Lot 101FN103. Evidence of this is to be provided to Council prior to commencement of use.

Building works

- 8 (Amended 28 April 2021)** Prior to the commencement of use, install such systems that are necessary to supply sufficient firefighting capacity to the satisfaction of Queensland Fire and Rescue Service and Council, and where necessary install on-site systems to supplement the available supply and meet flow and pressure requirements. Where hydrants are installed the residual pressure in the council water mains are to be maintained at the rate as detailed in Australian Standard AS2419.1 section 2.23.3. Pressure and flow when tested at the required flow rates.

The final fire fighting water supply point, be it a hydrant or onsite storage, must be in accordance with the distances as per AS2419.1 to provide coverage to any point of the approved buildings.

- 9 (Deleted 28 April 2021)** ~~The applicant is required to meet the cost of installation of internal fire hydrants to ensure complete coverage of all residential units in accordance with the 'Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots' published 2019 from the Queensland Fire and Emergency Services.~~
- 10** Prior to commencement of any plumbing or drainage works a development

permit is to be in effect for the proposed works associated with this development.

- 11 The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
- 12 All plant and equipment including compressors, air conditioners and the like are to be housed and screened to ensure that no harm or nuisance is caused to the adjoining residential use.
- 13 ~~(Deleted 28 April 2021) Roof water from each building shall be conveyed to tanks and tanks overflow in accordance with the Stormwater Management Plan.~~

Lighting

- 14 Any lighting or illuminations including driveway lighting, down lighting from the premises are to be designed in accordance with Australian Standard: AS 4282 Control of the obtrusive effects of outdoor lighting, to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.
- 15 Internal roadway and pathway lighting for pedestrians must be provided as part of the development to ensure safety within the site, details to be provided with the Operational Works application.
- 16 Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

Water Reticulation

- 17 Construction works undertaken in the vicinity of Council's water supply infrastructure must not adversely affect the integrity of the infrastructure. The works associated with the repair, replacement and alteration of the infrastructure are to be completed at no cost to Council.
- 18 The water connection shall be through a single water supply connection. Separate application is to be made to Council for any new or enlarged connection.

Water supply

- 19 The applicant is to submit an amended Engineering Assessment Report (Water & Sewerage - Appendix D) to amend the following section under paragraph 3. 1 Standards of Service', where the report indicates "Council has advised the new booster pumps installed at the elevated storage are currently set to operate at 25m head, lower than the design head of 35m.

This is due to multiple pipe breaks experienced in the existing town

network when the booster pumps were operated at full design duty. It is expected the service pressure would be achieved when the booster pumps are eventually returned to full duty.”

The report is to be amended to reflect that Council services standards are 22m minimum supply pressure. The applicant is to base their calculations for the proposed development on the minimum Council standards.

An amended report that reflects these changes are to be submitted to Council within 3 months of the date of the approval.

Sewer

- 20** The on-site disposal for the 32 rooms is to be undertaken in accordance with the existing Environmental Authority.

Engineering

- 21** Prior to the commencement of site works:
- a.** The applicant/developer must obtain an Operational Works approval from the Assessment Manager for all works defined in the Engineering section of the *Assessment Manager Notes*, and construction plans must be endorsed by the Assessment Manager. Once endorsed, the plans will form part of this approval and must be constructed to the satisfaction of the Assessment Manager. The construction plans must be in accordance with the Capricorn Municipal Design Guidelines (CMDG) and endorsed by a Registered Professional Engineer (RPEQ). The endorsed plans are to address all Conditions as part of this approval.
 - b.** The applicant/developer is required to submit an amended Stormwater Management Plan (SMP) addressing the capture, treatment and discharge of the additional stormwater from the site due to the Construction Plan amendments. The SMP is to be prepared by a RPEQ Engineer in accordance with the requirements of the Capricorn Municipal Design Guidelines (CMDG). Once approved by the Assessment Manager, the SMP will form part of this approval. The approved works must be completed prior to the commencement of use.
- 22** Prior to the commencement of use, all works approved in the Operational Works approval must be completed to the satisfaction of the Assessment Manager.

Crossover and Driveways

- 23** A crossover/driveway to service the onsite wastewater treatment facility on Lot 92 MPH14358 is to be constructed in accordance with an Operational Works approval and as per the following:

- a. Remove all disused vehicle entrances and reinstate kerbing consistent with the adjacent kerb profile; and
- b. The vehicle crossover 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-042 or CMDG-R-043). Please note that the dimensions listed on this standard drawing are considered the minimum required for compliance.
- c. Vehicular Access points shall be located a minimum of 10 metres from any adjoining boundary shared with a Residential Use.

24 No construction or maintenance cost is to be borne by Council.

25 **(Amended 24 May 2021)** Alternatively to Condition **22 23**, a formalised sealed roadway from an approved formalised roadway on Lot 93 MPH14358 is to be constructed to service the onsite wastewater treatment facility. This is to be completed in accordance with Operational Works approval and as per the following:

- a. The applicant/developer is required to submit amended plans detailing vehicle manoeuvre paths to service the waste treatment plant from Lot 93 on MPH14358 for council approval. Once approved the plans we become part of this approval.
- b. Sealed roadways to access and egress the waste treatment facility on the development site are to be constructed of reinforced concrete or asphalt on a suitably designed pavement.
- c. Proposed internal roadways shall be a minimum of ~~6.0~~ **4.0** metres in width.

26 No construction or maintenance cost is to be borne by Council.

Vehicle Parking and Manoeuvring Areas

27 **(Amended 28 April 2021)** A minimum of one (1) service vehicle space must be provided and marked on Lot 92 on MPH14358 to service the onsite wastewater treatment facility, and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:

- a. Crossfalls and gradients in accordance with AS2890: *Parking Facilities*.
- b. All vehicle parking bays must be clearly line-marked or delineated in accordance with AS2890.
- c. Proposed internal roadways shall be a minimum of ~~6.0~~ **4.0** metres in width.
- d. All vehicle parking bays must be clearly line-marked or delineated.
- e. Sealed roadways to access and egress the onsite wastewater treatment facility from the existing/approved site access off

Wooroonah Road. All traffic areas, including car parks, on the development site are to be constructed of reinforced concrete or asphalt on a suitably designed pavement. No additional roadways or carparks are to be constructed on Lot 93 on MPH14358 under this approval.

- 28** All car parking areas and access driveways must be maintained exclusively for vehicle parking associated with the approved use and manoeuvring and kept in a tidy and safe condition at all times.
- 29** All vehicle car parking spaces that adjoin a landscaped area must include a 150mm high vertical concrete kerb or similar obstruction to prevent encroachment.
- 30** No vehicle storage or parking is permitted on the adjoining road reserve.
- 31** No construction or maintenance cost is to be borne by Council.

Landscaping/Streetscaping

- 32** A detailed site landscaping plan is to be submitted for approval as part of the Operational Works application. The plans are to be prepared by a qualified person and are to be in accordance with the requirements of the Capricorn Municipal Development Guidelines and relevant Australian Standards. This plan is to show the following:
 - a.** Landscape specification of sufficient detail so that landscape works can be carried out;
 - b.** Details of vegetation retained and proposed to be removed;
 - c.** The type and location of all proposed plant species, including the nominal height attained by these species in two years and at maturity; and
 - d.** Details of any irrigation system proposed.
- 33** The locations of landscaping buffers are to be in accordance with the approved Stage 2 plans as part of this approval.
- 34** The landscaping is to be maintained by the developer (i.e. watering, fertilising, mulching, weeding, and the like) at all times to the satisfaction of the Assessment Manager. No installation or maintenance cost is to be borne by Council.
- 35** Any landscaping proposed to occur along a road frontage, within 2m of the property boundary, is to be maintained or have a mature height no greater than 900mm.
- 36** Any proposed landscaped/streetscaping works within Council's Road Reserve must comply with the requirements of the Capricorn Municipal Development Guidelines (Standard Drawing CMDG-G-016).

Services

- 37** A detailed design is to be submitted for approval as part of the Operational Works application for the construction and installation of the underground services to facilitate the disposal of treated effluent to Lot 101 on FN103. The design and construction is to be in accordance with Capricorn Municipal Design Guidelines and endorsed by a Registered Professional Engineer (RPEQ). The construction and maintenance is the sole responsibility of the applicant/developer. No construction or maintenance cost is to be borne by Council.

Road and access

- 38** Access for the proposed 32 rooms is to be via the existing workers accommodation main access. This access is to be maintained to a standard which will allow access to the new rooms for emergency vehicles.
- 39** Any damage to the existing road surface, services or furniture as a result of construction work is to be repaired to the pre-existing condition or better condition at no cost to Council.

Erosion and Sediment Control

- 40** 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.
- 41** During construction, the Developer is to undertake sedimentation and erosion control management as per the approved Erosion and Sediment Management Plan.

Stormwater Drainage

- 42** Stormwater Management is to be undertaken in accordance with the amended Stormwater Management Plan (SMP), once approved, as part of the Operational Works Application.
- 43** The stormwater drainage system serving the site is to 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.
- 44** Stormwater formerly flowing onto the site must not be diverted onto other properties.

- 45 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.
- a. Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.
 - b. 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.

Fencing

- 46 ~~(Deleted 28 April 2021) A visual screen fence between the onsite wastewater treatment facility and the adjoining lot 1SP116559 must be constructed as part of the Operational Works application. Design and approval of the fence is to be in accordance with relevant Australian Standards, Capricorn Municipal Development Guidelines, and the following:
The screen fence must be a minimum height of 1.8 metres
The screen must traverse a minimum of a third of the common property boundary starting from the front alignment.
The fence must be tapered to a height of 1.2 metres within six (6) metres of the front alignment.~~
- 47 (Amended 28 April 2021) ~~Construction and~~ The applicant/developer is responsible for the ongoing maintenance of the screen fence ~~is to be by the applicant/developer~~ at no expense to Council.

Environmental Management Plan(s)

- 48 A Construction Environmental Management Plan (CEMP) is to be provided to Council as part of the Operation Works application. Plan is to ensure all potential impacts of the development are adequately controlled and provide detailed practical and achievable prevention, minimisation and mitigation strategies (including design standards) for controlling environmental impacts of the development.
- 49 The Applicant must implement the recommendations of the Council approved Construction Environmental Management Plan including any recommended works, installation of monitoring equipment and management measures at all times during construction.

Waste Management

- 50 Waste must not be burned at the premises.
- 51 Waste must be recycled where recycling services are feasibly available.

52 Waste collection vehicles must enter and exit the site in a forward gear.

Operational Stage Waste

53 Prior to commencement of use, evidence is to be submitted to Council of waste service agreement for the established camp.

Infrastructure Contributions

54 Prior to the commencement of use, all infrastructure charges associated with this approval must be paid to Banana Shire Council. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions.

END OF CONDITIONS

MCU006-20/21 Attachment 1

Part B – Assessment Manager Notes

- A** The approval to which these conditions attach may also be subject to an *adopted infrastructure charges notice*. See s121 of the *Planning Act 2016*.
- B** The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- C** 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 2016*.
- D** 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.
- E** 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.
- F** 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.
- G** The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- H** 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.
- I** Please note the conditions dated 26 October 2020 imposed by Ergon Energy as an advice agency and attached to this Decision Notice.

Engineering

- A** Prior to commencing any of the following construction activities the applicant/developer will be required to obtain a development permit for Operational Works:
- a** Internal road works;
 - b** External road works;
 - c** Internal and external pathways;
 - d** Earthworks;
 - e** Stormwater drainage ;
 - f** Erosion and sediment control;
 - g** Electricity and communication layout;
 - h** Internal and external lighting; and
 - i** Landscaping
- B** Operational works designs are to be in accordance with Capricorn Municipal Development Guidelines - CMDG Design Specifications and Standard Drawings (www.cmdg.com.au), unless otherwise stated in a condition of the Development Approval.
- 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 damage incurred to existing roads, footpaths, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense. No expense will be borne by the Banana Shire Council.
- E** 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.
- F** 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.
- G** Any upgrades/amendments to the existing service connections that may be necessitated by this development shall be undertaken at the applicant's expense. Only one (1) water meter/connection, connection point is permitted per allotment.
- H** All redundant services are to be removed by the applicant and inspected by Council's plumbing inspector or nominated representative prior to backfilling.

General

- A** The *Environmental Protection Act 1994* lists obligations and duties to prevent environmental harm, nuisances and contamination. The two primary duties that apply to everyone in Queensland are:
general environmental duty – which means a person must not carry out any activity that causes or is likely to cause environmental harm, unless measures to prevent or minimise the harm have been taken; and
duty to notify of environmental harm – to inform the administering authority and landowner or occupier when an incident has occurred that may have caused or threatens serious or material environmental harm.
- B** 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.

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 2019.

- B** 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

- C** All noise producing machinery and equipment (including air conditioners, compressors and cooling systems) should be fitted with noise attenuation features so that noise at a sensitive receptor does not exceed the levels indicated in Schedule 1 of the Environmental Protection (Noise) Policy 2019 as follows -

Schedule 1 Acoustic quality objectives

Column 1	Column 2	Column 3		
Sensitive receptor	Time of Day	Acoustic quality objectives (measured at the receptor dB(A))		
		L _{Aeq,adj,1hr}	L _{A10,adj,1hr}	L _{A1,adj,1hr}
residence (for outdoors)	daytime and evening	50	55	65
residence (for indoors)	daytime and evening	35	40	45
	night-time	30	35	40

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** 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** 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.
- C** Any spills of oils, paints, chemicals etc. must be contained and cleaned up as soon as possible.
- D** 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.

Food Premises

- A** A recent inspection of the food premises servicing this site indicated that the current kitchen size may struggle to safely provide for any increase in customer capacity.

Consideration must be given to how food preparation for this increased customer capacity can be managed in this facility.

This matter will be assessed further as part of future inspections associated with the Food Business License for this premises.

Construction Environmental Management Plan

- A** A guidance document titled 'Requirements for Construction Environmental Management Plan' has been included to assist applicants with the preparation of their Construction Environmental Management Plan (CEMP). It is not intended as a comprehensive list of all Environmental and Cultural Heritage considerations relating to your proposal. A risk based assessment should be undertaken to determine the appropriate elements to be included in your CEMP.

Sewerage Infrastructure

- A** The owners are responsible for maintenance of the private sewer lines within the site. Council's responsibility ends at the inspection opening close to the boundary.

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** Council is keen to encourage recycling and recovery of as much material as possible from the waste stream. As such –
- additional disposal fees will apply to unsorted waste disposed of at Trap Gully Landfill; and
 - Recycling materials are free to dispose at Council waste facilities when placed in the correct locations, with the exception of tyres and commercial loads of clean concrete. Further information in relation to recycling options is available on Council's website www.banana.qld.gov.au/waste

- E It is an offence under the *Environmental Protection Regulation 2019* to fail to comply with signage or directions at a waste facility.
- F 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.

Wastewater Sludge

- A Any Sewerage Treatment Plant sludge (biosolids) must be disposed of in accordance with all regulatory requirements. Should such disposal be require, Trap Gully is the only facility in Banana Shire able to accept this material. Fees and charges will apply in accordance with Council's adopted schedule.

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.

Declared Pests/Plants

- 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.

Mosquito breeding

- A The site is required to be appropriately drained, and equipment appropriately maintained 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 2018*.

END OF NOTES

MCU006-20/21 Attachment 1
Part C - Conditions imposed by the Ergon Energy

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

26 October 2020

Banana Shire Council
Attention: Renita Robertson
Via email: enquiries@banana.qld.gov.au

cc Cacatua Pastoral Pty Ltd
c/- Precinct Urban Planning
Attention: Jess Garratt
Via email: Jess@precinctplan.com.au

Dear Sir/Madam,

Development Application – Material Change of Use for Workers Accomodation located at 16-18 Wooroonah Rd, Baralaba, described as L92-93 MPH14358, L98 MPH14358, L101 FN103.
Applicant Ref: -
Council Ref: MCU006-20/21
Our Ref: HBD 7073241

We refer to the above referenced 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*.

As an Advice agency to the application Ergon has no requirements in relation to the proposed Material Change of Use for Workers Accomodation.

No works are permitted within Easement C on SP256219 without prior written consent from Ergon.

Should you require any further information on the above matter, please contact Angela Collins on 0447 671 554 or email townplanning@ergon.com.au

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'A Collins'.

Angela Collins
Senior Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Attachment 2

Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

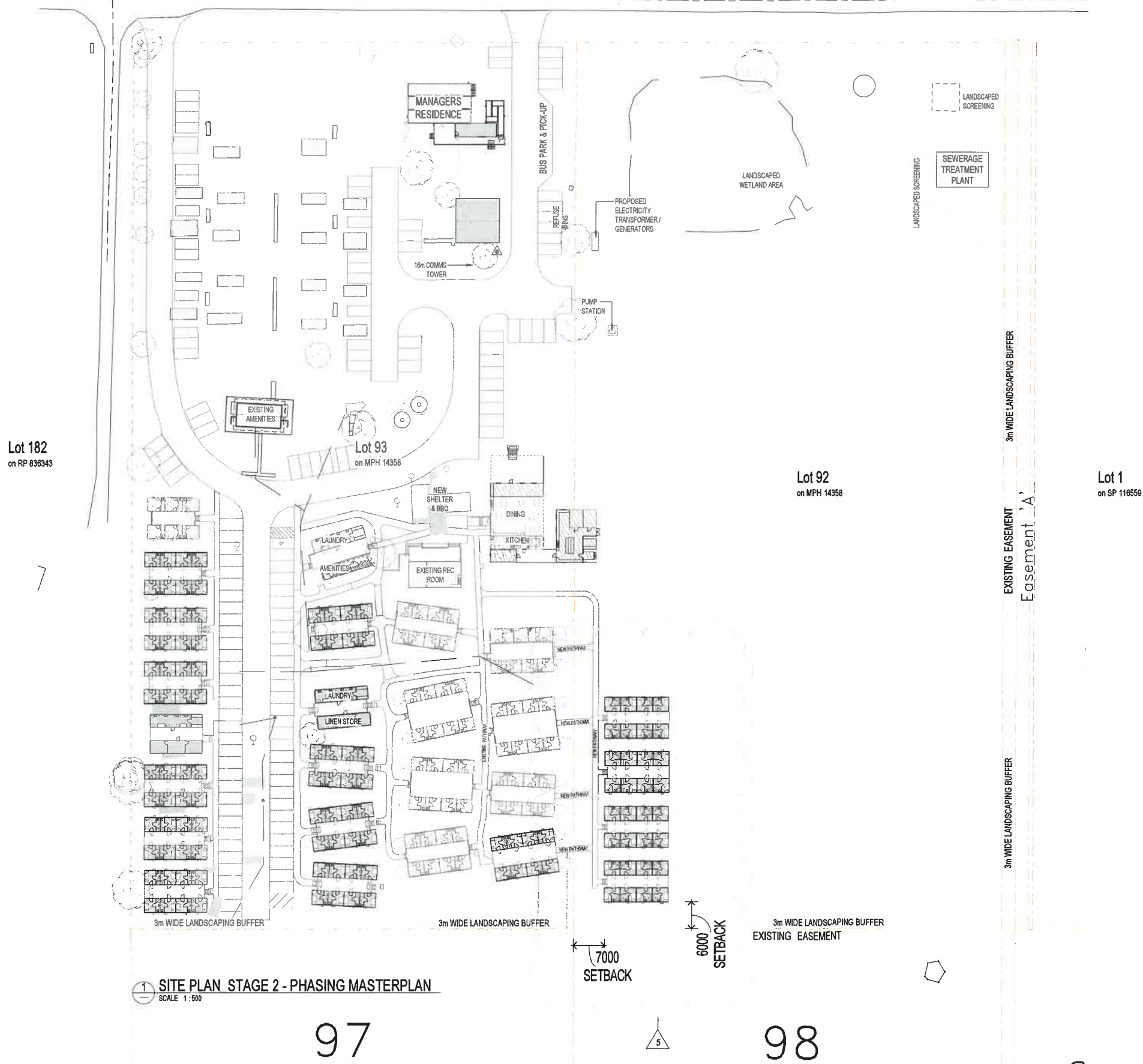
- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (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

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WOORONAH STREET



LEGEND

EXISTING INFRASTRUCTURE
IN ACCORDANCE WITH DA

STAGE 1

Lot 182
on RP 836343

Lot 93
on MPH 14358

Lot 92
on MPH 14358

Lot 1
on SP 116559

SITE PLAN STAGE 2 - PHASING MASTERPLAN
SCALE 1:500

97

98

Banana Shire Council
PLANNING APPROVAL

28 APR 2021

mchoob-2021

ISSUE	DATE	SUBJECT	AUTHORISED
1	15/01/2020	PROPOSED STAGING UPDATED	
2	24/01/2020	PROPOSED LAYOUT AMENDED PER BOC REQUEST	
3	06/03/2020	PROPOSED LAYOUT AMENDED PER BOC REQUEST	
4	24/03/2020	AMENDED SCHEME FOR DA	
5	07/04/2021	BUILDING SETBACKS ADJUSTED	

RMA
Engineers

17/04/2021 3:01:05 PM

SIMS WHITE ARCHITECTS
7 Boyden St, Toowoomba
QLD 4350
ph: 07 4528 2608
m: 0438 118 056
e: tony@simswhite.com.au
ABN: 21 182 903 401

Drawn:	Date:
Author:	JANUARY 2020
Authorised:	Date:
Approver:	

Project:
**BARALABA CARAVAN
PARK EXPANSION**

for:
**CACATUA PASTORAL
PTY LTD**
Address:
16 WOORONAH ROAD, BARALABA
Lot 93, on MPH 14358

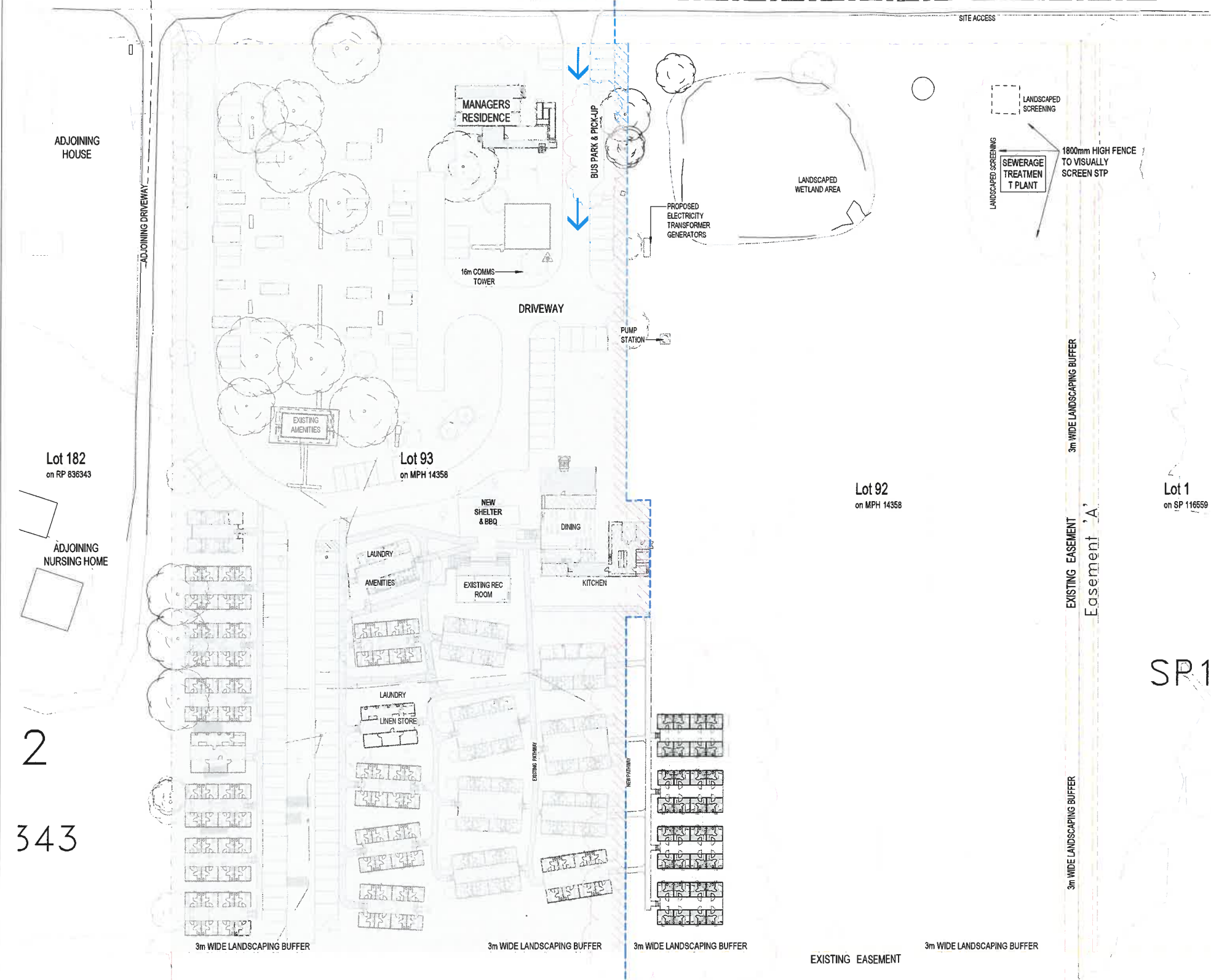
SITE PLAN - STAGING MASTERPLAN	
Scale:	@ A1 SIZE
1:500	
Project Number:	1923
Drawing No:	A01.9
Issue:	5

EXISTING CARAVAN PARK DEVELOPMENT

PROPOSED DEVELOPMENT

WOORONAH STREET

PROPOSED NEW BUILDINGS SCHEDULE					
No	DESCRIPTION	TOTAL ROOMS	Area Type	Area	
A5	14 4x3m - 4 PERSON ACCOMMODATION BLOCK	6	32	ACCOMMODATION	380.2 m ²
Grand total		6	32		380.2 m ²



LEGEND	
1	BUS CIRCULATION ROUTE
	LANDSCAPE GARDEN BED
	ELEVATED WALWAY
	FINISHED RECREATION AREA

AMENDMENTS			
ISSUE	DATE	SUBJECT	AUTHORISED
5	01.05.2012	STAGE 2 CONDERS CHANGED FROM 3 BED TO 4 BED. PARKING ADJUSTED TO SUIT	
6	14.08.2012	COUNCIL REQUESTED CHANGES FOR DA. BUS PICK-UP. STP SCREENING	
7	26.08.2013	REC ROOM CHANGED TO GYMNASIUM	
8	15.01.2020	PROPOSED STAGING UPDATED	
9	24.01.2020	PROPOSED LAYOUT AMENDED PER BOC REQUEST	
10	05.03.2020	PROPOSED LAYOUT AMENDED PER BOC REQUEST	
11	24.03.2020	AMENDED SCHEME FOR DA	
12	07.04.2021	BUILDING SETBACKS ADJUSTED	



SIMS WHITE ARCHITECTS
 7 Boyden St, Toowoomba
 QLD 4350
 ph: 07 4528 2608
 m: 0436 118 056
 e: tony@simswwhite.com.au
 ABN: 21 182 903 401

Drawn:	Date:
Author:	JANUARY 2020
Authorised:	Date:
Approver:	

Banana Shire Council
 PLANNING APPROVAL

28 APR 2021

mc4006-20/21

Project:
BARALABA CARAVAN PARK EXPANSION

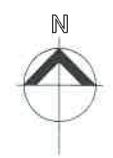
for:
CACATUA PASTORAL PTY LTD
 Address:
 16 WOORONAH ROAD, BARALABA
 Lot 93, on MPH 14358

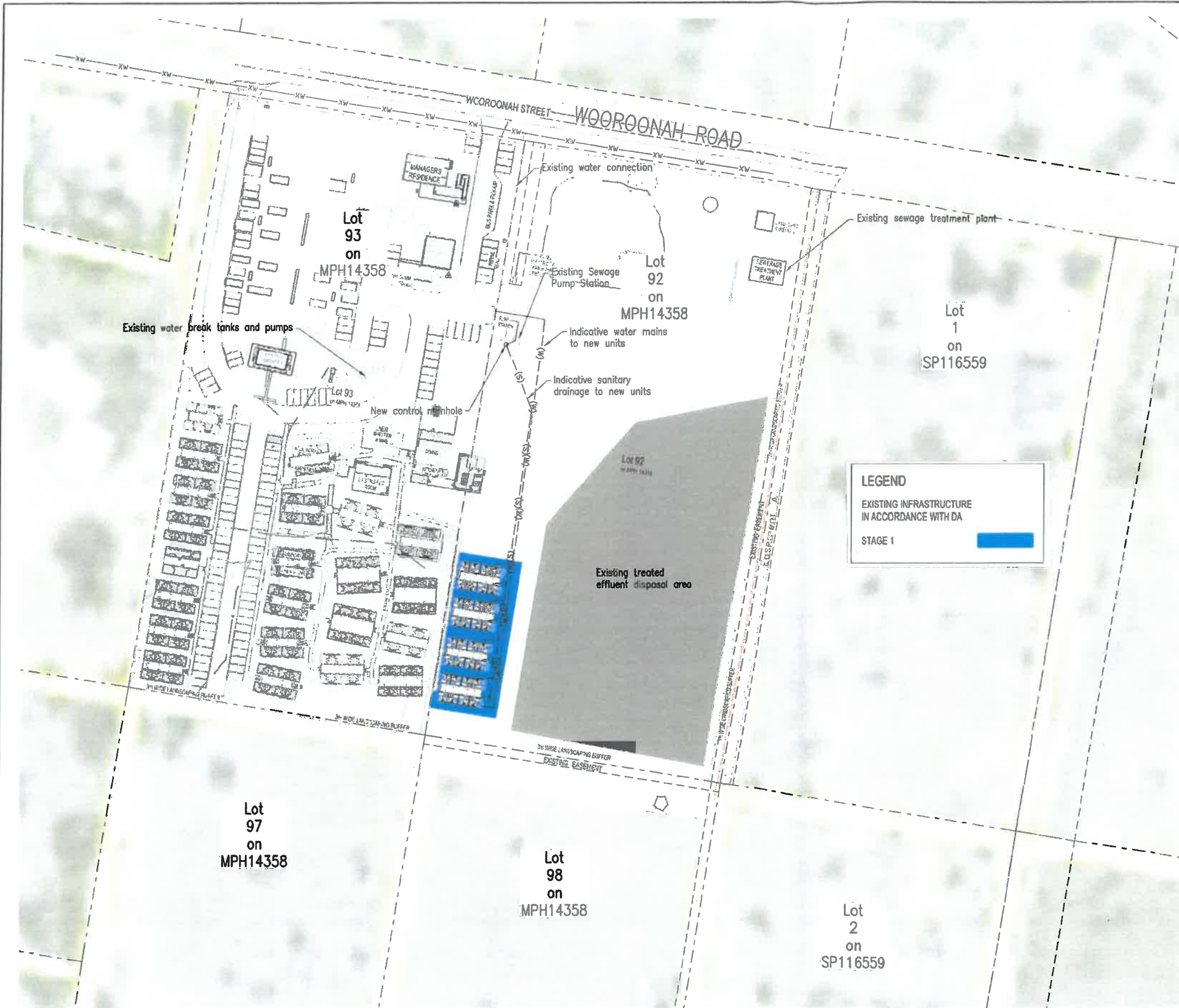
STAGE 2 - SITE PLAN

Scale:
 As indicated @ A1 SIZE

Project Number:
1923

Drawing No:	Issue:
A01.1	12





Banana Shire Council
PLANNING APPROVAL

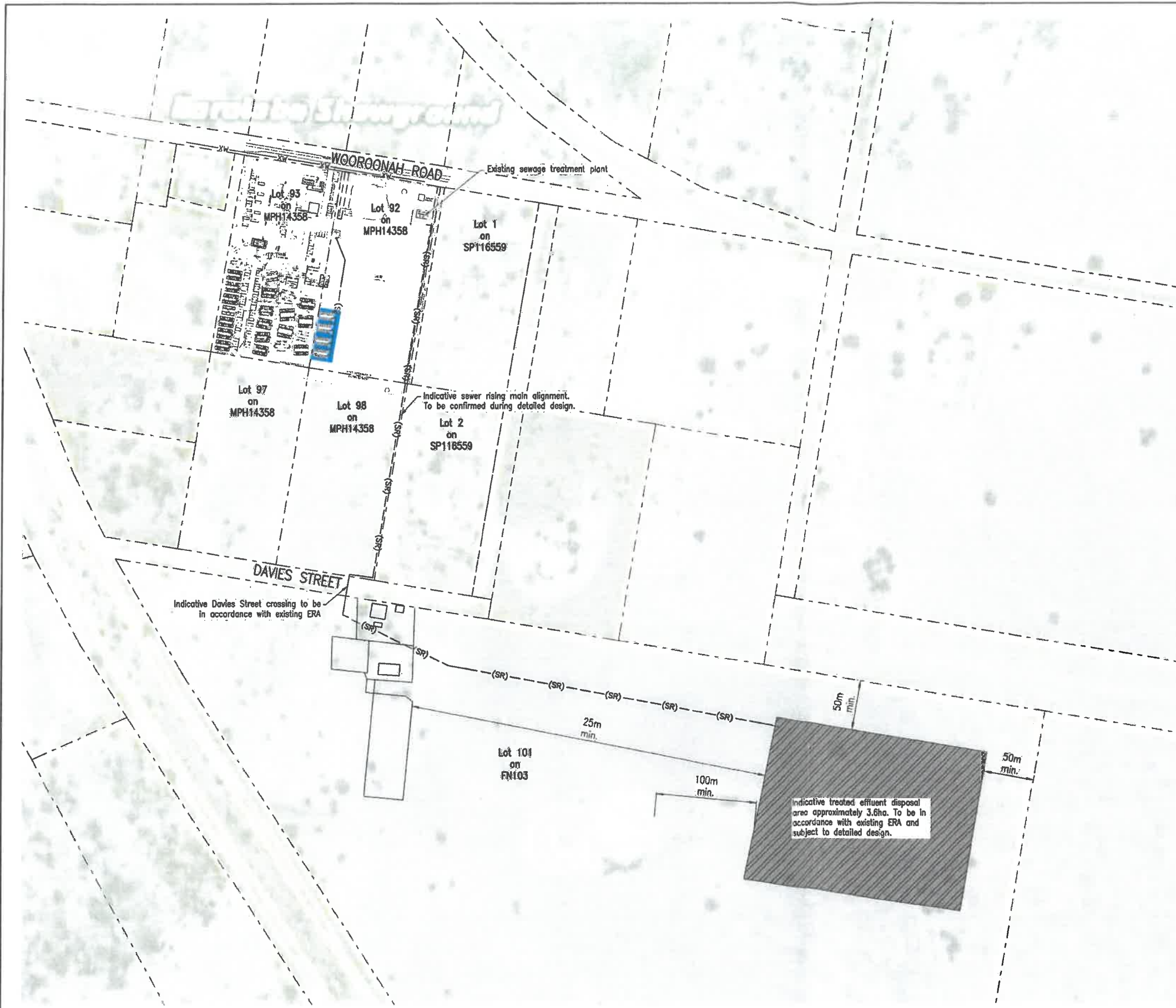
27 JAN 2021

mc4006-20/21



LOCALITY PLAN
 NOT TO SCALE

0 FOR APPROVAL ISSUE DESCRIPTION	17/01/20 DATE	HSD DWN	HGO DES	DJG CHK	DJO APP	NOTE: FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCIES. COPYRIGHT OF THIS DRAWING IS VESTED WITH RMA ENGINEERS PTY. LTD.	 www.rmaeng.com.au	CLIENT CACATUA PASTORAL PTY LTD LEVEL 8, 10 EAGLE STREET BRISBANE QLD 4000	PROJECT BARALABA CARAVAN PARK REDEVELOPMENT 16 WOOROONAH ROAD BARALABA QLD 4702	R.F.F.O. THIS DOCUMENT IS UNCONTROLLED AND IS NOT TO BE USED FOR CONSTRUCTION UNTIL THIS NOTE IS REMOVED AND A DIGITAL SIGNATURE PROVIDED IN ITS PLACE	NIGHT DATUM AHD	GRID MGA-55	SHEET A1
											COUNCIL C.W. NO.	PROJECT NO. DRAWING NO. 14088 C-SK1001	ISSUE



LEGEND:

-----	Existing Easement Boundary
-----	Existing Property Boundary
---(SR)---	Proposed Sewer Rising Main
[White Box]	Existing Infrastructure In Accordance With DA
[Blue Box]	Proposed Infrastructure For This Application

Banana Shire Council
PLANNING APPROVAL

27 JAN 2021

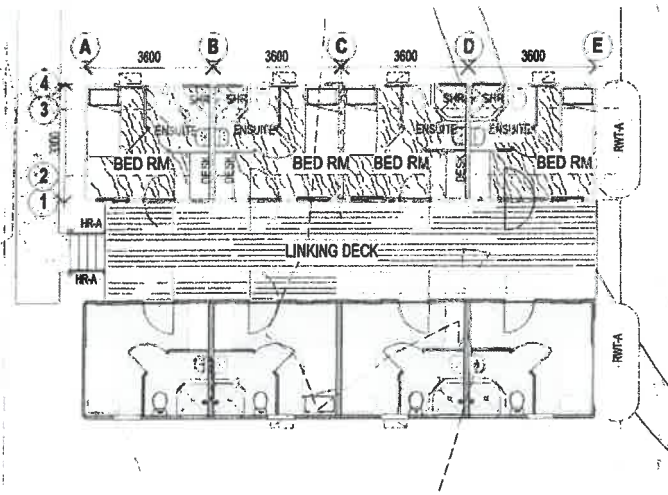
maucado-20/21



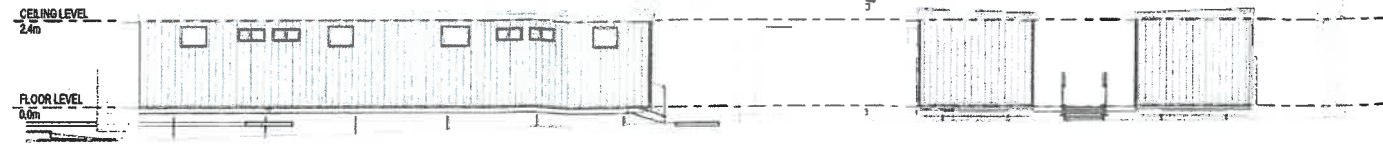
LOCALITY PLAN
 NOT TO SCALE

0 15 30 45 60m
 1:1500(A1) 1:3000(A3)

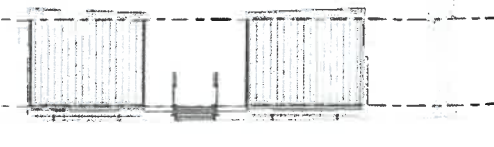
1 FOR INFORMATION 0 FOR APPROVAL ISSUE DESCRIPTION	14/11/20 30/08/20 DATE DWG DES CHK APP	CMB RT CMB BSD BSD BSD BSD APP	NOTE: FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCIES. COPYRIGHT OF THIS DRAWING IS VESTED WITH RMA ENGINEERS PTY. LTD.	RMA Engineers www.rmaeng.com.au	CLIENT CACATUA PASTORAL PTY LTD LEVEL 8, 10 EAGLE STREET BRISBANE QLD 4000	PROJECT BARALABA CARAVAN PARK REDEVELOPMENT 16 WOORONAH ROAD BARALABA QLD 4702	R.P.R.O. THIS DOCUMENT IS UNCONTROLLED AND IS NOT TO BE USED FOR CONSTRUCTION UNTIL THIS NOTE IS REMOVED AND A DIGITAL SIGNATURE PROVIDED IN ITS PLACE	HEIGHT DATUM GRID SIZE AHD MGA-55 A1 COUNCIL BALNCU NO. COUNCIL CWN NO. PROJECT NO DRAWING NO. ISSUE 14088 C-SK1002 1
					TITLE SCHEMATIC SERVICES LAYOUT SKETCH - 2			



1 FLOOR PLAN - A1 POD
SCALE 1:100



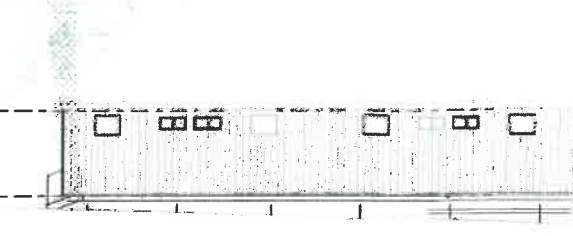
2 A1 POD - NORTH ELEVATION
SCALE 1:100



6 A1 POD - WEST ELEVATION
SCALE 1:100



4 A1 POD - EAST ELEVATION
SCALE 1:100



5 A1 POD - SOUTH ELEVATION
SCALE 1:100

ABBREVIATION LEGEND

HR-A	TYPE A HANDRAIL-CHS POSTS & RAILS TO DETAILS
RWT-A	RAINWATER TANK - 7500 LITRE, SUM-LINE TO SPEC

**Banana Shire Council
PLANNING APPROVAL**

27 JAN 2021

mcuaslo-20/21



AMENDMENTS			
ISSUE	DATE	SUBJECT	AUTHORISED
1	13.02.2019	STAGE 2 - SUBMISSION ISSUE	
2	01.06.2019	STAGE 2 DOWNGERS CHANGED FROM 3 BED TO 4 BED, PARKING ADJUSTED TO SUIT	
3	20.06.2020	ACCOMMODATION BUILDING FLOOR PLANS	



SIMS WHITE ARCHITECTS
7 Boyden St, Toowoomba
QLD 4350
ph: 07 4528 2608
nr: 0438 118 056
e: tony@simswHITE.com.au
ABN: 21 182 903 401

Drawn: Author
Date: **JANUARY 2020**
Authorised: Approver
Date:

Project: **BARALABA CARAVAN
PARK EXPANSION**

for: **CACATUA PASTORAL
PTY LTD**
Address: **16 WOORONAH ROAD, BARALABA
Lot 93, on MPH 14358**

**BUILDING FLOOR PLANS - TYP.
ACCOMMODATION POD**

Scale: **1:100 @ A1 SIZE**

Project Number: **2811**

Drawing No: **A02.1** Issue: **3**

Attachment 4 Infrastructure Charges Notice

ADOPTED INFRASTRUCTURE CHARGES NOTICE			
<i>Planning Act 2016 and Local Government Act 2009</i>			
TO:			
Applicant:	Cacatua Pastoral Pty Ltd c/o Precinct Planning	File Number:	MCU006-20/21
Address:	PO Box 3038 Toowoomba QLD 4350	Date of Issue:	11 January 2021
LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES			
Planning Scheme:	Banana Planning Scheme 2005		
RPD:	Lot 92 on MPH14358, Lot 93 on MPH14358, Lot 98 on MPH14358 and Lot 101 on FN103		
DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES			
The adopted infrastructure charge applies to the following development type: Material Change of Use- Workers Accommodation – additional 32 rooms.			
AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE			
The adopted infrastructure charge has been calculated in accordance with an adopted infrastructure charge under the <i>Planning Act 2016</i> .			
Specialised Uses Category - Non-Resident Workforce Accommodation unit			
Development Type	Units Payable	Current Unit Charge	Charge
Non-resident workforce accommodation	32	\$1358.46(including PPI)	\$43,476.48
Total Infrastructure Charges: \$43,476.48			

ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2021, after which they will be subject to index adjustment. Please contact Banana Shire Council's Development & Environmental Services Department – Planning Section prior to payment for a review or reissue of this notice if applicable.

DUE DATE FOR PAYMENT

Charges are payable as follows:

- (a) if the charge applies to reconfiguring a lot – prior to the signing of the Survey Plan;
- (b) if the charge applies to building work – prior to the issue of a certificate of classification; or
- (c) if the charge applies to a material change of use – before the change of use happens.

PAYMENT DETAILS

Charges are payable to **Banana Shire Council**.

Payment can be made at Council's Chambers:

62 Valentine Plains Road, VALENTINE PLAINS, BILOELA

or by mail with your cheque or money order to **Banana Shire Council, PO Box 412, BILOELA QLD 4715**. Cheques must be made payable to Banana Shire Council and marked 'Not

Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

GOODS AND SERVICES TAX

The Federal Government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this infrastructure charges notice.

FAILURE TO PAY CHARGE

An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 11% calculated daily is to be applied to an overdue charge.

This notice will lapse if the development approval stops having effect.

APPEAL RIGHTS

Attached is an extract from the *Planning Act 2016*, which details the appeal rights in relation to this notice.

Authorised by: _____



Chris Welch
DIRECTOR COUNCIL SERVICES

Enquiries regarding this Adopted Infrastructure Charges Notice should be directed to Banana Shire Council's Development & Environmental Services Department - Planning Section on (07) 4992 9500 or by email enquiries@banana.qld.gov.au and by quoting the relevant development application number.

Chapter 4, Part 4, Division 2, Subdivision 5

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;
 the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a **negotiated notice**) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Schedule 1, Table 1, Item 4

Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
 - (i) the application of the relevant adopted charge; or*Examples of errors in applying an adopted charge—*
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category', under a regulation, to the development- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—

Attachment 5
Requirements for Construction Environmental Management
Plan

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REQUIREMENTS FOR CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

This document provides general guidance to assist applicants with the preparation of their Construction Environmental Management Plan (CEMP). It is not intended as a comprehensive list of all Environmental and Cultural Heritage considerations relating to your proposal. A risk based assessment should be undertaken to determine the appropriate elements to be included in your CEMP.

DISCLAIMER:

This document is not intended to constitute legal advice and it is recommended that you consult/engage a suitably qualified person to assist with in the preparation of your CEMP. While reasonable efforts have been made to ensure that the contents of this document are factually correct, Banana Shire Council does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this document.

Requirements	Addressed	Comments / Observations
Construction Environmental Management Plan		
Administrative Requirements		
Details of all approvals required/obtained to undertake the Works including: <ul style="list-style-type: none"> <input type="checkbox"/> name and type of licence, permit or approval <input type="checkbox"/> administering authority <input type="checkbox"/> reference number <input type="checkbox"/> commencement and expiry date <input type="checkbox"/> conditions of the Approval 		
Procedure for periodic review of CEMP including identification of continual improvement.		

Requirements	Addressed	Comments / Observations
<p>Environmental Site Inspections Procedure for Environmental Site Inspections including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> frequency <input type="checkbox"/> how to identify whether measures are present, functional and adequate <input type="checkbox"/> reporting of inspections <input type="checkbox"/> identify corrective actions and management of outcomes 		
<p>Environment-related Complaint Management Procedure for notification, investigation, management and reporting of complaints regarding Environmental or Cultural Heritage harm from Works.</p>		
<p>Monitoring Procedures and detail for all monitoring to be undertaken including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> location of monitoring <input type="checkbox"/> method <input type="checkbox"/> timing <input type="checkbox"/> frequency <input type="checkbox"/> duration <input type="checkbox"/> parameter to be monitored <input type="checkbox"/> objective / criteria measured against <input type="checkbox"/> management of non-conformances <input type="checkbox"/> reporting requirements 		
<p>Notification and Management of Environmental and Cultural Heritage Incidents Procedures to cover:</p> <p>1. Notification:</p> <ul style="list-style-type: none"> <input type="checkbox"/> administrating authority for reportable incidents <input type="checkbox"/> actual or potential material or serious Environmental Harm as defined in the <i>Environmental Protection Act 1994</i> <input type="checkbox"/> reportable breach of legislation <input type="checkbox"/> breach of an Approval condition/s <input type="checkbox"/> monitoring non-conformances against Water Quality Criteria <input type="checkbox"/> injury or death of native fauna other than least concern species, potentially caused by Works, including the occurrence of a fish kill on Site or in Waterways receiving Discharge from Site <input type="checkbox"/> ground disturbance or vegetation clearing beyond Limits of Clearing 		



Requirements	Addressed	Comments / Observations
<ul style="list-style-type: none"> <input type="checkbox"/> damage to known or potential Cultural Heritage <input type="checkbox"/> movement or relocation of Cultural Heritage without approval of the Indigenous Party/s <input type="checkbox"/> clearing of a protected plant under State or Commonwealth legislation other than authorised under an Environmental Approval <input type="checkbox"/> identification of a new Biosecurity prohibited matter or restricted matter (Category 1 or 2) on Site or breach of a condition of a biosecurity zone <input type="checkbox"/> discovery of a Contaminated Site (including unexploded ordnance) or land contamination occurred on the Site during the Works. <p>2. Management of Incidents including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> immediate remedial actions to mitigate harm <input type="checkbox"/> investigation process <input type="checkbox"/> reporting and record keeping – environment and cultural heritage incidents detailing: <ul style="list-style-type: none"> a) nature of the incident b) what management measures in place c) probable cause d) corrective actions 		
<p>All environment and cultural heritage specific roles and responsibilities of project personnel</p>		
<p>Copy of the Environmental Site Induction. Induction includes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> basic roles and responsibilities for E&CH management <input type="checkbox"/> specific locations within the Site of E&CH significance or high risks <input type="checkbox"/> works managed under an Environmental Approval and including its scope and conditions <input type="checkbox"/> locations of ancillary activities (including but not limited to stockpile sites turnaround points, construction water and material sources) <input type="checkbox"/> the Limit of Clearing <input type="checkbox"/> Cultural Heritage where applicable <input type="checkbox"/> environmental management measures and strategies in CEMP <input type="checkbox"/> procedures for notifying of potential environmental incidents or non-conformances <input type="checkbox"/> management procedures for unplanned events 		



Requirements	Addressed	Comments / Observations
CEMP Specific Element Requirements		
General		
<p>The CEMP covers E&CH management of all the Works including Temporary Works and ancillary activities including sourcing water, gravel, side tracks, stockpile sites, Site facilities and camps, and turnaround points.</p>		
Water Quality		
<ul style="list-style-type: none"> <input type="checkbox"/> potentially affected waterbodies and waterways within 200 m of the Site <input type="checkbox"/> concentrated discharge locations from the Site <input type="checkbox"/> concentrated flow paths to waterbodies and waterways within and adjacent to Site <input type="checkbox"/> list of Works (including ancillary activities and temporary works) at risk of impacting water quality, including: <ul style="list-style-type: none"> a) the potential contaminants b) locations of Works in relation to waterbodies and waterways, and c) flow paths to waterbodies and waterways within and adjacent to Site <input type="checkbox"/> water quality management strategies and measures that are reasonable and practical and brief risk-based justification has been provided. <input type="checkbox"/> water quality monitoring plan <input type="checkbox"/> procedures for events causing adverse water quality impacts or complaints received from the public 		

Requirements	Addressed	Comments / Observations
Cultural Heritage		
<ul style="list-style-type: none"> <input type="checkbox"/> Cultural Heritage Officer or responsible parties contact details <input type="checkbox"/> location of known sites / places of cultural heritage significance within and adjacent to the work Site <input type="checkbox"/> work under the Contract likely to occur in proximity to sites / places of cultural heritage significant <input type="checkbox"/> Cultural Heritage management measures that are reasonable and practical and brief risk-based justification has been provided <input type="checkbox"/> monitoring for Cultural Heritage (both historical and indigenous) (where applicable) 		
Noise		
<ul style="list-style-type: none"> <input type="checkbox"/> location of any sensitive receptors and critical facilities, infrastructure and utilities in proximity to the project <input type="checkbox"/> noise generating activities, their locations, work periods <input type="checkbox"/> applicable construction noise criteria for assessment (including Monitoring) <input type="checkbox"/> evaluation outcome of whether Sensitive Receptors will likely be impacted by construction noise <input type="checkbox"/> noise management measures and strategies that are reasonable and practical and brief risk-based justification has been provided <input type="checkbox"/> management of adverse noise impacts 		
Vibration		
<ul style="list-style-type: none"> <input type="checkbox"/> type of vibration sensitive receptors and critical facilities, infrastructure and utilities potentially impacted by Site and their location in relation to Site <input type="checkbox"/> location of significant vibration generating works, within the Site <input type="checkbox"/> applicable construction vibration criteria <input type="checkbox"/> list which sensitive receptors, structures and / or buildings will likely be impacted by construction vibration from what works <input type="checkbox"/> vibration management measures and strategies that are reasonable and practicable to avoid or minimise vibration (human comfort) and vibration (structural / building) impacts and brief risk-based justification has been provided <input type="checkbox"/> management of observed damage to structures (private or public owned) 		



Requirements	Addressed	Comments / Observations
Air Quality		
<ul style="list-style-type: none"> <input type="checkbox"/> location of Air Quality Sensitive Receivers to the Site <input type="checkbox"/> Works likely to cause environmental harm from air quality and location of the Works <input type="checkbox"/> evaluation outcome of which air quality sensitive receivers will likely be adversely impacted <input type="checkbox"/> management measures and strategies that are reasonable and practicable for minimising adverse air quality impacts and brief risk-based justification has been provided <input type="checkbox"/> where required, air quality monitoring methodology, equipment used, frequency, duration, location of equipment and details of the person undertaking the monitoring assessment <input type="checkbox"/> where required, air quality Compliance Testing methodology, equipment used, frequency, duration, location and details of the person undertaking the Compliance Testing assessment <input type="checkbox"/> management of observations of emissions exceeding criteria 		
Contaminated Sites		
<ul style="list-style-type: none"> <input type="checkbox"/> location of known contaminated sites and type of in situ contaminants <input type="checkbox"/> reasonable and practicable management measures and monitoring requirements applicable to each contaminated Site and brief risk-based justification <input type="checkbox"/> where required, a Contaminated Site Management Plan including methods of assessment, remediation and Compliance Testing <input type="checkbox"/> management of contaminants leaving Site or being discovered on Site. 		
Native Fauna		
<ul style="list-style-type: none"> <input type="checkbox"/> location of known native fauna habitat and breeding places in relation to Site and Limits of Clearing <input type="checkbox"/> identification of activities that are likely to impact fauna, habitat or animal breeding places and the nature of impacts <input type="checkbox"/> reasonable and practicable management measures and strategies for native fauna, breeding places, habitat and fish passage, and brief risk-based justification <input type="checkbox"/> details of any Suitably Qualified and Experienced Person to be utilised for fauna management <input type="checkbox"/> management procedures for fauna rescue and release including treatment of fauna injured by Works <input type="checkbox"/> contact details for emergency wildlife care shall be included on the Site's emergency contact list 		

Requirements	Addressed	Comments / Observations
<p style="text-align: center;">Vegetation</p> <ul style="list-style-type: none"> <input type="checkbox"/> a drawing depicting: <ul style="list-style-type: none"> a) location and dimensions of Limits of Clearing b) limits of intended vegetation clearing (demonstrating minimised clearing area) c) restrictions to clearing in waterways d) any areas required for clearing additional to the Limit of Clearing e) locations of Significant Vegetation to be retained on Site f) a program of clearing operations demonstrating progressive clearing stages where practicable <input type="checkbox"/> identification method for the Limit of Clearing and method of identifying Significant Vegetation <input type="checkbox"/> reasonable and practical management measures and strategies to minimise the area of vegetation clearing and brief risk-based justification including where reasonable and practicable: <ul style="list-style-type: none"> a) progressive vegetative clearing b) progressive rehabilitation c) protection of individual trees or vegetation to be retained <input type="checkbox"/> where required, details of Environmental Approval for clearing 		
<p style="text-align: center;">Biosecurity Management</p> <ul style="list-style-type: none"> <input type="checkbox"/> details of the Biosecurity Matter including photo, location, the Biosecurity Matter category and respective management measures <input type="checkbox"/> reasonable and practicable management measures for preventing the spread of Biosecurity Matters within Site and out of the Site <input type="checkbox"/> reasonable and practicable management measures to exclude access to known areas of Biosecurity Matter infestation such as flagging <input type="checkbox"/> location of clean-down facility. If temporary clean down bay is to be constructed on Site, specify: <ul style="list-style-type: none"> a) design and maintenance requirements and procedures b) method of containing wastewater and restrict movement of biosecurity matters particularly to waterways and drainage lines c) management measures to contain biosecurity matter, sediments, oils and greases d) prevention of vehicle recontamination. <input type="checkbox"/> specific monitoring procedures for biosecurity matters (method, timing, frequency, duration, parameter to be monitored, criteria / outcome measured against) <input type="checkbox"/> pesticide treatment schedule addressing method of control, chemicals, locations and timing of works <input type="checkbox"/> details of Biosecurity Matter control operator licence 		



Requirements	Addressed	Comments / Observations
<p style="text-align: center;">Waste</p> <ul style="list-style-type: none"> <input type="checkbox"/> estimates of type and quantity of waste expected to be generated and their source <input type="checkbox"/> waste management strategies with consideration of the waste and resource management hierarchy <i>Waste Reduction and Recycling Act 2011 s.9.</i> <ul style="list-style-type: none"> a) AVOID unnecessary resource consumption b) REDUCE waste generation and disposal c) RE-USE waste resources without further manufacturing d) RECYCLE waste resources to make the same or different products e) RECOVER waste resources, including the recovery of energy f) TREAT waste before disposal, including reducing the hazardous nature of waste g) DISPOSE of waste only if there is no viable alternative <input type="checkbox"/> waste containment locations <input type="checkbox"/> all mulch stockpiles identified on plans with maximum dimensions specified (where applicable) <input type="checkbox"/> the location of where waste materials will be disposed i.e. landfill site 		
<p style="text-align: center;">Chemicals and Fuels</p> <ul style="list-style-type: none"> <input type="checkbox"/> list chemical and fuels stored on Site in volumes greater than 250 L, the maximum quantity to be stored at any one time, storage location, management and containment practices for storage <input type="checkbox"/> type, location, size of spill response equipment stored on Site <input type="checkbox"/> reasonable and practicable management measures for avoiding contamination or Discharge to land or water from fuels and chemicals and brief risk-based justification <input type="checkbox"/> details of any approvals held in relation to fuel and chemical storage or use <input type="checkbox"/> management of contamination or discharge events 		



Requirements	Addressed	Comments / Observations
<p style="text-align: center;">Material Sourcing</p> <p> <input type="checkbox"/> Water Sourcing <input type="checkbox"/> key water consumption activities <input type="checkbox"/> the estimated volumes of water <input type="checkbox"/> the identified construction water source/s and proposed volume of take <input type="checkbox"/> legislative requirements and applicable conditions for take of water and whether notification to other users has been undertaken <input type="checkbox"/> water efficiency strategies to be utilised <input type="checkbox"/> procedures for monitoring against requirements of any applicable Environmental Approval (exemption) (i.e. capacity level of non-flowing source) Construction Material <input type="checkbox"/> identified gravel, fill or sand sources <input type="checkbox"/> distance to Site <input type="checkbox"/> access track and stockpile area requirements <input type="checkbox"/> associated approvals and conditions, and <input type="checkbox"/> proposed volume of take Other <input type="checkbox"/> other construction material requirements identified sources and management measures </p>		
Erosion and Sediment Control (ESC)		
<p>Specify the area and works including all proposed exposed areas e.g. full extent of cleared areas, stockpiles, site compound/storage areas and side tracks where applicable.</p>		<p>For low risk sites one drawing with associated technical notes on timing of installation of controls and reference to standard drawings may be sufficient. For high risk and large scale projects consider preparing a standalone document i.e. 'Erosion and Sediment Control Plan' as it is likely to require multiple sets of drawings for various areas and stages of for project.</p>
<p>Major features</p> <input type="checkbox"/> major features to be shown on the plan (dispersive soils, waterways)		



Requirements	Addressed	Comments / Observations
Flow direction/Contour lines <input type="checkbox"/> identify the direction of flow of water through contour lines or other <input type="checkbox"/> type and location of control measures to be clearly identified		
Erosion Control Measures <input type="checkbox"/> identify methods to minimise soil exposure e.g. soil binders, geofabric, hydro mulching, early revegetation etc.		
Drainage <input type="checkbox"/> provide details in relation to how clean stormwater will be diverted around or through the site <input type="checkbox"/> areas of the site subject to concentrated stormwater flows have drainage controls		
Sediment Controls <input type="checkbox"/> runoff from all non-stabilised areas draining to suitable controls e.g. sediment basin <input type="checkbox"/> sediment basin/stormwater discharge points nominated		
Site Exit Points <input type="checkbox"/> Site access points identified and appropriate controls specified		
Timing / staging of controls <input type="checkbox"/> detail installation sequence and timing of installation of controls		
Monitoring and Management <input type="checkbox"/> provide details for management of severe wet weather event to minimise likelihood of failure of ESC measures		