

**DECISION NOTICE – APPROVAL**  
(Section 334 of the *Sustainable Planning Act 2009*)

Pursuant to section 335 of the *Sustainable Planning Act 2009* (SPA):

**(1)                      DATE OF DECISION**

On 13 November 2017, Barcaldine Regional Council, as the assessment manager, decided and approved the development application (Council File Reference: DA421617) seeking:

Development Permit – Material Change of Use for:

“Community Oriented Activity” – “Public Utility” – Waste Management Facility

**(2)                      APPLICANT DETAILS**

Name:                      Barcaldine Regional Council

Postal Address:        c/- Campbell Higginson Town Planning  
                                 PO Box 692  
                                 ASHGROVE QLD 4060

Phone No.:              (07) 3366 1700

Email:                     chp@bigpond.com

**(3)                      SUBJECT SITE – PROPERTY DESCRIPTION**

RPD	Street Address	Area
Lot 1 on SP223525	100 Yellowjack Drive Barcaldine	20 ha
Part of Lot 2 on SP243965		2322 sq m

Coordinates of Part of Lot 2 on SP243965 (constructed road access)	
Latitude	Longitude
-23.586031°	145.277581°
-23.585908°	145.277892°
-23.586361°	145.278544°
-23.586553°	145.278419°

**(4) REFERRAL AGENCIES**

Pursuant to sections 250 and 251 of the *Sustainable Planning Act 2009* (SPA) and *Schedule 7 Referral Agencies and their Jurisdictions* of the *Sustainable Planning Regulation 2009* (SP Reg), the following referral agency was prescribed for the development application.

<b>Referral Agency Name and Type</b>	<b>Referral Agency Address</b>
Department of Infrastructure, Local Government and Planning— as concurrence agency	<b>Via Post:</b> State Assessment and Referral Agency Mackay Isaac Whitsunday Regional Office PO Box 257 MACKAY QLD 4740
– Department of Transport and Main Roads (DTMR) with Jurisdiction	<b>Via Email:</b> MIWSARA@dilgp.qld.gov.au
– Department of Natural Resources and Mines (DNRM) with Jurisdiction	<b>Via MyDAS:</b> www.dilgp.qld.gov.au
– Department of Environment and Heritage Protection (DEHP) with Jurisdiction	

Refer to Attachment B for Department of Infrastructure, Local Government and Planning, Concurrence Agency Response (dated 19 September 2017).

**(5) DECISION**

The development application has been assessed and is:

- Approved in Full
- Approved in Part
- Approved in Full, with Conditions
- Approved in Part, with Conditions
- Refused

**(6) APPROVAL UNDER SECTION 331**

Pursuant to section 331 of SPA, the development application has not been deemed to be approved.

(7) **DETAILS OF APPROVAL**

<b>Aspect of Development</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Carrying out Building Work	<input type="checkbox"/>	<input type="checkbox"/>
Carry out Operational Work	<input type="checkbox"/>	<input type="checkbox"/>
Making a Material Change of Use for: "Community Oriented Activity" – "Public Utility" – Waste Management Facility	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a Lot	<input type="checkbox"/>	<input type="checkbox"/>

(8) **CONFLICT WITH A 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.

(9) **SUBMISSIONS**

Not applicable.

(10)

**APPROVED PLANS AND SUPPORTING DOCUMENTS**

Refer to Attachment A for a copy of the approved document.

<b>APPROVED DOCUMENT</b>		
<b>1.</b>	<b>Reference:</b>	1187-314
	<b>Title:</b>	<i>Town Planning Report (Version 2) (State Agency Assessment), Development Application: Material Change Of Use "Public Utility" – Waste Management Facility, Campbell Higginson Town Planning, September 2017</i>

(11)

**ASSESSMENT MANAGER'S CONDITIONS**

<b>NO.</b>	<b>CONDITION</b>	<b>TIMING</b>
<b>Approved Use</b>		
<b>1.</b>	Approval is granted for the purpose of Material Change of Use for: "Community Oriented Activity" – "Public Utility" – Waste Management Facility	At all times while the use continues.
<b>Approved Document</b>		
<b>2.</b>	The development shall be undertaken in accordance with the approved document, as listed in Item 10 (above) of this Decision Notice.	At all times while the use continues.
<b>Extent of Development</b>		
<b>3.</b>	All components of the waste management facility must be located within the subject site, Lot 1 on SP223525, as indicated in the approved document.	At all times while the use continues.
<b>Works During Construction</b>		
<b>4.</b>	Best practice soil erosion control techniques shall be used at the location of all works on the subject site, in accordance with Schedule 1, Division 1: Standards for Construction Activities, Section 1.1 of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards, and <i>State Planning Policy</i> , April 2016, Part H, Appendix 3 – <i>SPP Code: Water Quality</i> , Table A: <i>Construction phase – stormwater management design objectives</i> .	Prior to the commencement of any works on the subject site and maintained at all times during construction.
<b>Fencing</b>		
<b>5.</b>	A stockproof fence shall be provided along and for the full length of the perimeter of the subject site, Lot 1 on SP223525, as indicated in the approved document.	Prior to the commencement of the use and at all times while the use continues.
<b>6.</b>	A 1.8 metre high security fence shall be provided around: <ul style="list-style-type: none"> <li>- the landfill void; and</li> <li>- the regulated waste facility;</li> </ul> as indicated in the approved document.	Prior to the commencement of the use and at all times while the use continues.
<b>Property Access</b>		

<b>NO.</b>	<b>CONDITION</b>	<b>TIMING</b>
7.	One sealed industrial vehicle access crossover shall be provided from the western end of Yellowjack Drive to the subject site, as indicated in the approved document.	Prior to commencement of any works on the subject site.
8.	The access crossover and areas where vehicles regularly manoeuvre and park shall be formally constructed of suitable material to ensure all-weather operation and shall be designed and constructed in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.2(1)(b) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.	Prior to the commencement of the use and at all times while the use continues.
<b>Car Parking</b>		
9.	Car parking areas shall be provided on-site, in proximity to the site office, as indicated in the approved document.	Prior to the commencement of the use and at all times while the use continues.
10.	All carparking spaces and associated driveways and manoeuvring areas shall be designed and constructed in accordance with Australian Standard AS2890.	At all times while the use continues.
<b>Water Supply</b>		
11.	The subject site, Lot 1 on SP223525, shall be connected to Council's water supply pipeline, located along the Landsborough Highway alignment, to provide an adequate supply of water with a volume, quality and pressure appropriate for the use, including: <ul style="list-style-type: none"> <li>- potable water for the site office;</li> <li>- firefighting; and</li> <li>- dust suppression.</li> </ul>	Prior to the commencement of the use and at all times while the use continues.
<b>Effluent Disposal</b>		
12.	In the event the site office is provided with permanent amenities, an effluent collection, treatment and disposal system shall be constructed in accordance with Schedule 1, Division 4: Standards for Sewerage, Section 4.2 of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.	At all times while the use continues.
<b>Stormwater</b>		

NO.	CONDITION	TIMING
13.	<p>Stormwater flows from the subject site, Lot 1 on SP223525, shall be appropriately managed to ensure:</p> <ul style="list-style-type: none"> <li>- all stormwater flows from the subject site are to lawful points of discharge;</li> <li>- appropriate water collection/storage devices are constructed to control and manage the volumes of water leaving the subject site;</li> <li>- appropriate erosion and pollution/sediment control devices are installed to ensure: <ul style="list-style-type: none"> <li>- no sediment leaves the subject site; and</li> <li>- no contaminants are discharged into the receiving environment;</li> </ul> </li> <li>- there is no ponding of water on the subject site or on adjoining land; and</li> <li>- compliance with <i>Environmental Protection (Water) Policy 2008</i>.</li> </ul>	At all times while the use continues.
<b>Amenities for Workers</b>		
14.	Adequate amenities, including drinking water, washing facilities and toilet facilities shall be provided on-site for workers, in accordance with the relevant provisions of the <i>Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011</i> .	At all times while the use continues.
15.	No short-term or long-term accommodation of any nature shall be provided on the subject site.	At all times while the use continues.
<b>Electricity and Telecommunication Services</b>		
16.	The subject site, Lot 1 on SP223525, shall be connected to the reticulated electricity supply and to telecommunication services in accordance with relevant standards required by the service provider.	Prior to the commencement of the use and at all times while the use continues.
<b>Lighting</b>		
17.	Lighting of the subject site, Lot 1 on SP223525, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the subject site at any property boundary. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties or the operational safety of the State-controlled Road (Landsborough Highway) or of Yellowjack Drive.	At all times while the use continues.
<b>Dust Suppression</b>		
18.	Appropriate dust suppression measures and/or containment shall be incorporated into all construction and operational activities to ensure all activities are conducted to ensure compliance with <i>Environmental Protection (Air) Policy 2008</i> . Measures may include the watering of driveway, manoeuvring and construction areas, where necessary. There shall be no visible dust at the boundaries of the subject site.	At all times while the use continues.
<b>Refuse</b>		
19.	Provision shall be made for the on-site collection of general refuse in covered waste containers with a capacity sufficient for the use. Waste containers shall be maintained in a clean and tidy state and shall be emptied on a regular basis.	At all times while the use continues.
<b>Hours of Operation</b>		

NO.	CONDITION	TIMING
20.	<p>The waste disposal facility shall be operated only between the hours of:</p> <ul style="list-style-type: none"> <li>- 8:00 am to 4:00 pm, Monday to Friday, for the Council operated solid waste landfill; and</li> <li>- 6:00 am to 6:00 pm, Monday to Sunday for public access to the waste transfer station;</li> </ul> <p>as indicated in the approved document.</p>	At all times while the use continues.

**ADVISORY NOTES:**

<b>The Relevant Period</b>	
1.	Pursuant to section 341 of the <i>Sustainable Planning Act 2009</i> , this approval shall lapse if the use under this approval has not commenced within four (4) years from the day the approval takes effect.
<b>Environmental Authority</b>	
2.	Sitting with this approval, in accordance with the <i>Environmental Protection Act 1994</i> , is Environmental Authority number EA0000960, dated 13 September 2017, for environmentally relevant activity ERA60 – Waste Disposal, issued by the Department of Environment and Heritage Protection to Barcaldine Regional Council, in respect of Lot 1 on SP223525.
3.	The administering authority, Department of Environment and Heritage Protection, must be provided with written notice of this approval within five (5) business days from the day the approval takes effect.
<b>Clearing Native Vegetation</b>	
4.	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> additional to that authorised in the Concurrence Agency Response, dated 19 September 2017.
<b>Aboriginal Cultural Heritage</b>	
5.	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).



**(12) REFERRAL AGENCY CONDITIONS**

Refer to Attachment B for Department of Infrastructure, Local Government and Planning, Concurrence Agency Response (dated 19 September 2017).

**(13) CODES FOR SELF-ASSESSABLE DEVELOPMENT**

Not applicable.

**(14) DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED**

Not applicable.

**(15) OTHER DEVELOPMENT PERMITS REQUIRED**

Listed below are other development permits that are necessary to allow the development to be carried out

- Carrying out Building Work
- Carry out Operational Work
- Making a Material Change of Use of premises
- Reconfiguring a Lot

**(16) RIGHTS OF APPEAL FOR APPLICANT**

Refer to Attachment C for a copy of the relevant extracts of *Sustainable Planning Act 2009* which detail your appeal rights regarding this decision.

**(17) RIGHTS OF APPEAL FOR SUBMITTERS**

Not applicable.

**(18) ASSESSMENT MANAGER**

Barcaldine Regional Council

Signature .....



Date: 13 November  
2017

Attachment A – Approved Document for Material Change of Use for:  
“Community Oriented Activity” – “Public Utility” – Waste Management Facility

Attachment B – Referral Agency Response

Attachment C – *Sustainable Planning Act 2009* extract on Appeal Rights