

Council File Reference: 121617
Property ID: 20709
Council Contact: Brett Walsh
Council Contact Phone: (07) 4652 9999

27 February 2017

YD Projects Pty Ltd
c/- Scot Stewart
59 St Catherines Terrace
WYNNUM QLD 4178

Attention: Mr Glenn Clark

Development Application

Development Permit – Material Change of Use for “Community Oriented Activity” – “Public Utility” (9MWp Grid Connect Solar Photovoltaic Array)

Development Permit – Reconfiguring a Lot (1 Lot into 2 Lots Subdivision)

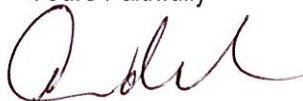
Lot 72 on SP136851 – Longreach Road (Old Racecourse Paddock), Barcaldine

We refer to the assessment of the abovementioned development application.

Pursuant to sections 334 and 335 of the *Sustainable Planning Act 2009* (SPA), please find attached the **Decision Notice**.

Please contact Brett Walsh of Barcaldine Regional Council on (07) 4651 5600 should you have any queries.

Yours Faithfully



D A Howard
Chief Executive Officer

Encl

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

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Council Contact: Brett Walsh
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Lot 72 on SP136851 – Longreach Road (Old Racecourse Paddock), Barcaldine

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

(1) DATE OF DECISION

On 27 February 2017 Barcaldine Regional Council decided the development application seeking:

Development Permit – Material Change of Use for “Community Oriented Activity” – “Public Utility” (9MWp Grid Connect Solar Photovoltaic Array)

Development Permit – Reconfiguring a Lot (1 Lot into 2 Lots Subdivision)

(2) APPLICANT DETAILS

Name: YD Projects Pty Ltd

Postal Address: c/- Scot Stewart
59 St Catherines Terrace
WYNNUM QLD 4178
Attention: Mr Glenn Clark

Phone No.: 0408 071 630

Email: ssplanning@ozemail.com.au

(3) PROPERTY DESCRIPTION

Real Property Description: Lot 72 on SP136851
Street Address: Longreach Road (Old Racecourse Paddock) BARCALDINE QLD 4725
Registered Owner: Ross Martin Rowlands
Land Tenure: Fee Simple (Freehold)
Easements: Easement R on SP111273

(4) REFERRAL AGENCY

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

Referral Agency Name and Type	Referral Agency Address
The Department of Infrastructure, Local Government and Planning (DILGP) as Concurrence Agency – Department of Transport and Main Roads (DTMR) within Jurisdiction	<p><u>Via Post:</u> State Assessment and Referral Agency Mackay Isaac Whitsunday Regional Office PO Box 257 MACKAY QLD 4740</p> <p><u>Via Email:</u> MIWSARA@dilgp.qld.gov.au</p> <p><u>Via MyDAS:</u> www.dilgp.qld.gov.au</p>

(5) DECISION

The development application has been assessed and is:

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

Aspect of Development	SP Reg, Schedule 3	Development Permit	Preliminary Approval
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" (9MWp Grid Connect Solar Photovoltaic Array)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a Lot (1 Lot into 2 Lots Subdivision)	Part 1, Table 3, Item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) **CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT**

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>1. The proposed development is generally inconsistent with the Rural Zone Code of the Barcaldine Shire Planning Scheme given the development, a 9MWp grid connect solar photovoltaic array system, is a large scale non-rural use, located within the Rural Zone which is primarily intended for rural uses</p>	<p>The proposed development is approved, despite the conflict, on the following grounds:</p> <ul style="list-style-type: none"> (a) the proposal can only be located within the Rural Zone given it is the only zone where adequate vacant land is available to accommodate a use of the proposed scale; (b) the proposed development is consistent with the Central West Regional Plan given the proposal will provide a power supply to support existing and future growth within the Barcaldine region; (c) the subject site contains and is located in close proximity to electricity transmission lines which the electricity generated by the proposed solar farm is intended to be fed into; (d) the proposed development can be conditioned to ensure all impacts associated with the use are adequately ameliorated to ensure the amenity of the Rural Zone is not adversely impacted.
<p>2. The proposed development does not comply with Reconfiguring a Lot Code of the Barcaldine Shire Planning Scheme, in particular, the minimum lot size for the Rural Zone.</p>	<p>The proposed development is approved, despite the conflict, on the following grounds:</p> <ul style="list-style-type: none"> (a) the subject site (Lot 72 on SP136851) is significantly smaller than the minimum lot size for the Rural Zone; (b) Proposed Lot 2 has a lot size appropriate to accommodate the nature, scale and operation of the intended use, 9MWp grid connect solar photovoltaic array system; (c) Proposed Lot 1 is the resultant balance area of the proposed subdivision

(9) **SUBMISSIONS**

Not applicable.

(10) APPROVED PLANS

PART A: DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR "COMMUNITY ORIENTED ACTIVITY" – "PUBLIC UTILITY" (9MWP GRID CONNECT SOLAR PHOTOVOLTAIC ARRAY)

Approved Plans

The approved plans for this Development Permit for Material Change of Use for "Community Oriented Activity" – "Public Utility" (9MWP Grid Connect Solar Photovoltaic Array) are listed in the table below. Refer to Attachment A for a copy of the approved plans.

Reference:	2
Description:	" <i>Feeders</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	3
Description:	" <i>Lot Overview</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	5
Description:	" <i>Solar Overview</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	6
Description:	" <i>Solar Details</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	9
Description:	" <i>MVS Details</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.

PART B: DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 2 LOTS SUBDIVISION)

Approved Plans

The approved plans for this Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots Subdivision) are listed in the table below. Refer to Attachment B for a copy of the approved plan.

Reference:	3
Description:	" <i>Lot Overview</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	4
Description:	" <i>Proposed Lots</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.

(11)

PLANS REQUIRING AMENDMENT

PART A: DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR "COMMUNITY ORIENTED ACTIVITY" – "PUBLIC UTILITY" (9MWP GRID CONNECT SOLAR PHOTOVOLTAIC ARRAY)

Plans Requiring Amendment

The following plans require amendment prior to becoming Approved Plans for the development:

- Reference:** 1
Description: "Views", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments: Required by Condition 3, Item 13 (Part A) of this Decision Notice
- Reference:** 7
Description: "Elevations 1", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments: Required by Condition 3, Item 13 (Part A) of this Decision Notice
- Reference:** 8
Description: "Elevations 2", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments: Required by Condition 3, Item 13 (Part A) of this Decision Notice

Note 1:

The above three (3) plans require amendment as they do not represent the intended nature and form of the solar arrays.

Therefore, new elevations/plans of the solar arrays, prepared by a suitably qualified and experienced person, are required, for submission to and for endorsement by Council, as required by Condition 3 of Item 13 (Part A) of this Decision Notice.

PART B: DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 2 LOTS SUBDIVISION)

No plans require amendment.

(12)

APPROVED DOCUMENT

PART A: DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR "COMMUNITY ORIENTED ACTIVITY" – "PUBLIC UTILITY" (9MWP GRID CONNECT SOLAR PHOTOVOLTAIC ARRAY)

Approved Document

The approved document for this Development Permit for Material Change of Use for "Community Oriented Activity" – "Public Utility" (9MWp Grid Connect Solar Photovoltaic Array) is listed in the table below. Refer to Attachment C for a copy of the approved document.

Description: "Runoff Calculations for Proposed Solar Farm, Barcaldine" prepared by SMK Consultants, dated 16 December 2016.

Note 2:

The above approved document is for the purpose of compliance with Condition 13, Item 13 (Part A) of this Decision Notice.

(13)

ASSESSMENT MANAGER'S CONDITIONS

PART A: DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR "COMMUNITY ORIENTED ACTIVITY" – "PUBLIC UTILITY" (9MWP GRID CONNECT SOLAR PHOTOVOLTAIC ARRAY)

NO.	CONDITION
Approved Use	
1.	Approval is granted for the purpose of Material Change of Use for "Community Oriented Activity" – "Public Utility" (9MWp Grid Connect Solar Photovoltaic Array).
Approved Plans	
2.	The development shall be generally in accordance with supporting information supplied by the applicant with the development application, including the approved plans listed in Item 10 (Part A) of this Decision Notice.
Plans Requiring Amendment – Prior to becoming Approved Plans	
3.	Prior to the commencement of the use, new elevations/plans, as listed in Item 11 (Part A) of this Decision Notice, shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement by Council. The new elevations/plans must incorporate: <ul style="list-style-type: none"> – the intended nature, form and layout of the solar arrays; and – access tracks between the arrays for maintenance purposes
Existing Use – "Grazing"	
4.	The existing use of the subject site for "Grazing" is permitted within Proposed Lot 2 for pastoral management purposes and must be carried out in accordance with the requirements of the <i>Barcaldine Shire Planning Scheme 2006</i> .

Easement	
5.	No buildings or structures are to be erected within the electricity easement (Easement R on SP111273) without the consent of the Grantee.
Construction Phase – Required Technical Reporting	
6.	<p><u>Site Works Construction Plan:</u> Prior to any construction of the grid connect solar photovoltaic array taking place, detailed reporting and plans of all construction works shall be prepared by a suitably qualified and experienced person and shall be submitted to and for endorsement by Council. The reporting and plans must comprehensively address all matters relating to the construction, including:</p> <ul style="list-style-type: none"> (a) all earthworks; (b) the construction of foundations and framing on which the solar panels are to be mounted; (c) internal access driveways and tracks; (d) the installation of transformers and associated equipment for the on-site sub-station; (e) trenching necessary for the laying of electrical conduits and cabling connecting solar arrays with inverters, transformers and the transmission line; and (f) proposed final site levels/contours and associated site drainage lines.
7.	<p><u>Stormwater Drainage Management Plan:</u> Prior to any construction of the grid connect solar photovoltaic array taking place, a Stormwater Drainage Management Plan shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council. The Stormwater Drainage Management Plan shall detail all temporary mechanisms to be implemented during construction to ensure:</p> <ul style="list-style-type: none"> (a) no sediment leaves the subject site; (b) no contaminants are discharged into the receiving environment.; (c) no scouring occurs on the subject site; and (d) no ponding of overland flow occurs within the boundaries of the subject site.
8.	<p><u>Construction Management Plan:</u> Prior to any construction of the grid connect solar photovoltaic array taking place, a Construction Management Plan shall be prepared and shall be submitted to and for the endorsement of Council. The Construction Management Plan shall incorporate all reporting relating to construction works and procedures, including, but not limited to:</p> <ul style="list-style-type: none"> (a) the Site Works Construction Plan prepared to address Condition 6; and (b) the Stormwater Drainage Management Plan prepared to address Condition 7
9.	All construction works shall be carried out in accordance with the Construction Management Plan required by Condition 8 (above).
10.	All reporting in respect of the construction phase must ensure activities are in accordance with industry best practice.
Operational Phase – Required Technical Reporting	
11.	<p><u>Weed and Pest Management Plan:</u> Prior to the commencement of the use, a detailed Weed and Pest Management Plan, specific to the subject site, shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council. The Weed and Pest Management Plan shall address, but is not limited to the identification of weed and pest species existing or likely to exist within the subject site, the control of any identified species and the measures required to prevent the transport of weed species from the subject site by vehicle.</p>
12.	<p><u>Fire Management Plan:</u> Prior to the commencement of the use, a Fire Management Plan shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council. The Fire Management Plan shall address all matters relating to fire management on the subject site, including, but not limited to:</p> <ul style="list-style-type: none"> (a) staff training;

	<ul style="list-style-type: none"> (b) provision/ storage of water required for fire fighting; (c) fire fighting equipment and infrastructure; and (d) all remedial and preventative measures, including: <ul style="list-style-type: none"> (i) periodic fuel reduction of the area not containing the grid connect solar photovoltaic array (for example; slashing); and (ii) periodic fuel reduction of subject site area containing the grid connect solar photovoltaic array (for example; a ground treatment such as crushed rock, to ensure direct flame contact cannot occur).
13.	<p><u>Stormwater Drainage Management Plan:</u> Prior to the commencement of the use, a Stormwater Drainage Management Plan shall be prepared by a Registered Professional Engineer Queensland (RPEQ)-Civil or other suitably qualified and experienced person, and shall be submitted to and for the endorsement of Council. The Stormwater Drainage Management Plan shall incorporate the recommendations of the Approved Document listed in Item 12 (Part A) of this Decision Notice, "Runoff Calculations for Proposed Solar Farm, Barcardine", prepared by SMK Consultants, dated 16 December 2016 and shall comprehensively address all matters of stormwater management, including, but not limited to:</p> <ul style="list-style-type: none"> (a) the change in stormwater flow and runoff as a result of the change to ground surface from construction works; (b) details of the amount of stormwater which may be discharged from the subject site in an average storm event for a 100 year storm return period (100 ARI); (c) the flow paths of stormwater through the subject site; (d) any water collection/storage devices on the subject site to control the volume of water leaving the subject site; (e) details of any erosion and pollution/sediment control devices to be installed to ensure: <ul style="list-style-type: none"> (i) no sediment leaves the subject site; and (ii) no contaminants are discharged into the receiving environment. (f) the lawful point or points of discharge from the subject site; and (g) reporting demonstrating that no ponding of overland flow will occur: <ul style="list-style-type: none"> (i) within the boundaries of the subject site; and (ii) on the boundaries of the subject site.
14.	Plans, drawn to scale, of all works required to implement the findings and recommendations detailed in the Stormwater Drainage Management Plan, as required by Condition 13, shall be submitted by the applicant to and for the endorsement of Council prior to the commencement of the use.
15.	All stormwater collection and stormwater quality devices shall be constructed, prior to the commencement of the use, in accordance with the design/s endorsed by Council, as required by Condition 14, and shall be maintained at all times while the use continues.
16.	<p><u>Operational Management Plan:</u> Prior to the commencement of the use, an Operational Management Plan for the operation and maintenance of all aspects of the use shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council. The Operational Management Plan shall incorporate all reporting relating to systems and procedures associated with the operation and maintenance of the use, including, but not limited to:</p> <ul style="list-style-type: none"> (a) the Weed and Pest Management Plan prepared to address Condition 11; (b) the Fire Management Plan prepared to address Condition 12; and (c) the Stormwater Drainage Management Plan prepared to address Condition 13
17.	The operation of the use shall occur in accordance with the Operational Management Plan required by Condition 16 (above) at all times while the use continues.
18.	All reporting in respect of the operational phase must ensure activities are in accordance with industry best practice.
Cleaning of Solar Panels	

19.	The cleaning of solar panels shall use only water, with no chemical additives.
Lighting	
20.	Lighting of the subject site, 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 Barcaldine – Aramac Road, Landsborough Highway and the railway line.
Dust Suppression	
21.	Appropriate dust suppression measures and/or containment shall be incorporated into all construction and operational activities to ensure all activities are conducted to appropriate standards relating to air quality. Measures may include the watering of driveway, manoeuvring and construction areas, where necessary.
Security Fencing	
22.	A 1.8 m high security fence shall be erected along the perimeter of the grid connect solar photovoltaic arrays, as indicated on plan no. 6 of the Approved Plans listed in Item 10 (Part A) of this Decision Notice, Plan Reference: 6, "Solar Details", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016 and shall be maintained at all times while the use continues.
Access Tracks	
23.	Access tracks shall be provided within the subject site, generally as shown on plan no. 6 of the Approved Plans listed in Item 10 (Part A) of this Decision Notice, Plan Reference: 6, "Solar Details", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016. The access tracks shall be maintained at all times while the use continues.
Loading and Unloading	
24.	Loading and unloading shall occur only between the hours of 7.00am and 6.00pm Monday to Friday, and 7.00am and 12.00 noon Saturday. No loading and unloading shall occur on Sundays or Public Holidays.
25.	Adequate loading and unloading areas for the use shall be provided on the subject site. All loading and unloading shall be carried out only within the boundaries of the subject site and shall not be undertaken external to the subject site.
Vehicle Access	
26.	One (1) vehicle crossover shall be provided from the Barcaldine–Aramac Road to Proposed Lot 2, located generally as indicated on plan no. 3 of the Approved Plans listed in Item 10 (Part A) of this Decision Notice, Plan Reference: 3, "Lot Overview", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016. The vehicle crossover shall be designed and constructed in accordance with the Department of Transport and Main Roads standards and Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.3(1) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.
27.	The location of the connection of the vehicle access from the Barcaldine-Aramac Road to Proposed Lot 2 shall be "approximately 1.78km from the intersection of the Barcaldine-Aramac Road and the Capricorn Highway" as stated in the document, "Conditional Approval of Road Access Works", TMR16-018260, DTMR letter date 21 September 2016, Part A. Permitted Road Access Location, Condition 1.
28.	The existing vehicle access from Longreach Road via the railway level crossing from Landsborough Highway to the subject site generally as shown on plan no. 3 of the Approved Plans listed in Item 10 (Part A) of this Decision Notice, Plan Reference: 3, "Lot Overview", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016 as "Access to Proposed Lot 1 from Landsborough Highway" shall be retained. The vehicle access shall be upgraded, if necessary, to accord with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Area and Access, Section 2.3(1) and (2) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.

29.	The vehicle crossover to Proposed Lot 2 shall be appropriately signed at the vehicle entry points to ensure there is no vehicle access to the subject site by the general public. Signage shall be in accordance with the Manual of Uniform Traffic Control Devices.
Vehicle Manoeuvring	
30.	Vehicle manoeuvring areas shall be provided so that all vehicles, including heavy vehicles, associated with the use can enter and leave the subject site in a forward direction.
31.	All internal driveways and areas where vehicles regularly manoeuvre and park shall be constructed of suitable material to facilitate 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.
Water Supply	
32.	The subject site shall be provided with a water supply of an adequate volume and quality for the proposed use, including for firefighting, solar panel cleaning and dust suppression purposes, to relevant engineering and environmental standards.
Erosion Control	
33.	Best practice soil erosion control techniques shall be used at the location of all works to be completed 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 shall remain in place for the duration of construction.
34.	No construction shall take place until the appropriate erosion control and silt collection measures are in place as required by Condition 33 (above). Such erosion control and silt collection measures shall remain on-site throughout the construction phase.
Timing of Works	
35.	All works required by the conditions of approval for the vehicle crossovers and stormwater drainage shall be completed prior to the commencement of the use, unless such works are bonded to the satisfaction of Council.
Cost of Works and Services	
36.	The cost of carrying out works and providing services to the subject site, as required by conditions of approval, shall be at the expense of the applicant.
Payment of Rates and Charges	
37.	All outstanding rates and charges shall be paid to Council prior to the commencement of the use.
Decommissioning Plan	
38.	Prior to the commencement of the use, a Decommissioning Plan shall be submitted to and for the endorsement of Council. The Decommissioning Plan shall address all matters relating to the decommissioning of the use, including, but not limited to: <ul style="list-style-type: none"> (a) the dismantling and removal of all buildings and structures associated with the use; (b) the remediation of all vehicle manoeuvring areas; and (c) the rehabilitation and regeneration of the area to rural pasture grassland.
39.	Should the approved development cease to operate on the subject site, all aspects of the approved use must be decommissioned in accordance with the Decommissioning Plan required by Condition 38.

PART B: DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 2 LOTS SUBDIVISION)

NO.	CONDITION
Approved Subdivision	
1.	Approval is granted for the purpose of Reconfiguring a Lot (1 Lot into 2 Lots Subdivision)
Approved Plans	
2.	The development shall be generally in accordance with supporting information supplied by the applicant with the development application including the plans listed in Item 10, Part B (above) of this Decision Notice.
Street Numbering	
3.	Each proposed lot shall be given an appropriate street number in accordance with Australian Standards <i>AS/NZS 4819:2011 Rural and urban addressing</i> .
Easement	
4.	The existing easement (Easement R on SP111273) shall be incorporated within the Plan of Survey required by Condition 17.
Fencing	
5.	Appropriate fencing shall be erected along the entire boundary of Proposed Lot 2 as indicated on plan no. 4 of the Approved Plans listed in Item 10 (Part B) of this Decision Notice, Plan Reference: 4, " <i>Proposed Lots</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016 and shall be maintained at all times while the use continues.
Vehicle Access	
6.	Proposed Lot 1 shall have vehicle access from Longreach Road via the railway level crossing from Landsborough Highway generally as shown on plan no. 3 of the Approved Plans listed in Item 10 (Part B) of this Decision Notice, Plan Reference: 3, " <i>Lot Overview</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016 as " <i>Access to Proposed Lot 1 from Landsborough Highway</i> ". The vehicle access shall be upgraded, if necessary, to accord with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Area and Access, Section 2.3(1) and (2) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.
7.	Proposed Lot 2 shall have vehicle access from the "proposed driveway" from Barcaldine-Aramac Road generally as shown on plan no. 4 of the Approved Plans listed in Item 10 (Part B) of this Decision Notice, Plan Reference: 4 " <i>Proposed Lots</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016. The vehicle access shall be designed and constructed in accordance with the Department of Transport and Main Roads standards and Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.3(1) and (2) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.
8.	The location of the connection of the vehicle access from the Barcaldine-Aramac Road to Proposed Lot 2 shall be " <i>approximately 1.78km from the intersection of the Barcaldine-Aramac Road and the Capricorn Highway</i> " as specified in the document, "Conditional Approval of Road Access Works", TMR16-018260, DTMR letter date 21 September 2016, Part A. Permitted Road Access Location, Condition 1.
Electricity Supply	
9.	Each proposed lot shall be connected to the reticulated electricity supply in accordance with the relevant standards required by the service provider.

Stormwater	
10.	Each proposed lot shall have stormwater collected and discharged in accordance with Schedule 1, Division 5: Standards for Stormwater Drainage, Section 5.1, of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.
Filling and Excavation	
11.	Any filling or excavation necessitated to meet the conditions of this approval shall be undertaken 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.
Erosion Control	
12.	Best practice soil erosion control techniques shall be used at the location of all works to be completed 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 shall remain in place for the duration of construction.
13.	No construction shall take place until the appropriate erosion control and silt collection measures are in place as required by Condition 12 (above). Such erosion control and silt collection measures shall remain on-site throughout the construction period.
Timing of Works	
14.	All works necessitated by the conditions of approval for the vehicle crossovers, stormwater drainage and connection to reticulated electricity shall be completed prior to the submission to Council of the Plan of Survey required by Condition 17, unless such works are bonded to the satisfaction of Council.
Cost of Works and Services	
15.	The cost of carrying out works and providing services to the subject site, as required by conditions of approval, shall be at the expense of the applicant.
Payment of Rates and Charges	
16.	All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey required by Condition 17.
Plan of Survey	
17.	The applicant shall submit a detailed Plan of Survey, prepared by a licensed surveyor, to Council for assessment and approval.
Timing of Plan of Survey	
18.	The Plan of Survey required by Condition 17 shall not be submitted to Council until the completion of the construction phase of the use in Item 13 (Part A) of this Decision Notice.

(14) REFERRAL AGENCY CONDITIONS

Nil.

Refer to Attachment D for a copy of the Department of Infrastructure, Local Government and Planning, Concurrence Agency Response (dated 9 December 2016).

(15) CODES FOR SELF-ASSESSABLE DEVELOPMENT

Not applicable.

(16) DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED

Pursuant to Chapter 6, Part 10 of SPA and Schedule 19 of the SP Reg, compliance assessment is required for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	<p>(a) all of the following—</p> <ul style="list-style-type: none">(i) the conditions of the development permit or compliance permit about the reconfiguration have been complied with;(ii) for a reconfiguration requiring operational works—the conditions of the development permit or compliance permit for the operational works have been complied with;(iii) there are no outstanding rates or charges levied by the local government or expenses that are a charge over the land under any Act;(iv) the plan has been prepared in compliance with the development permit or compliance permit;(v) the conditions of a water approval under the SEQ Water Act have been complied with;(vi) there are no outstanding charges levied by a distributor-retailer under the Act or the SEQ Water Act; or <p>(b) both of the following—</p> <ul style="list-style-type: none">(i) satisfactory security has been given to the local government to ensure compliance with the requirements of paragraph (a)(i) to (iii);(ii) the plan is in accordance with	Barcaldine Regional Council	While this approval is still in effect, and following compliance with the matters which the document must be assessed against

	the development permit or compliance permit		
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(17) OTHER DEVELOPMENT PERMITS OR COMPLIANCE PERMITS REQUIRED

Listed below are other development permits and/or compliance 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

(18) RIGHTS OF APPEAL FOR APPLICANT

Refer to Attachment E for a copy of the relevant extracts of SPA which detail your appeal rights regarding this decision.

(19) RIGHTS OF APPEAL FOR SUBMITTERS

Not applicable.

(20) NOTES

1. The Relevant Period

Material Change of Use for "Community Oriented Activity" – "Public Utility" (9MWp Grid Connect Solar Photovoltaic Array).

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval shall lapse if the use under this Approval has not commenced within four (4) years from the day the approval takes effect.

Reconfiguring a Lot(1 Lot into 2 Lots Subdivision)

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval shall lapse if the plan of survey for the reconfiguration under this Approval is not given to the local government within four (4) years from the day the approval takes effect.

2. Aboriginal Cultural Heritage

This approval in no way removes the duty of care responsibility of the applicant under the *Aboriginal Cultural Heritage Act 2003*. Pursuant to Section 23(1) of the *Aboriginal Cultural Heritage Act 2003*, 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").

3. Connection to the Electricity Grid

This approval in no way approves or authorises any works required for 9MW grid connect solar photovoltaic array to connect and feed electricity generated by the use to the electricity grid.

(21)

ASSESSMENT MANAGER

Name: Barcaldine Regional Council

Signature

A handwritten signature in black ink, appearing to be 'A. Hall', written over a dotted line.

Date: 27/2/2017

Attachment A – Approved Plans for Development Permit – Material Change of Use for “Community Oriented Activity” – “Public Utility” (9MWp Grid Connect Solar Photovoltaic Array)

Attachment B – Approved Plans for Development Permit – Reconfiguring a Lot (1 Lot into 2 Lots Subdivision)

Attachment C – Approved Document for Development Permit – Material Change of Use for “Community Oriented Activity” – “Public Utility” (9MWp Grid Connect Solar Photovoltaic Array)

Attachment D – Referral Agency Response

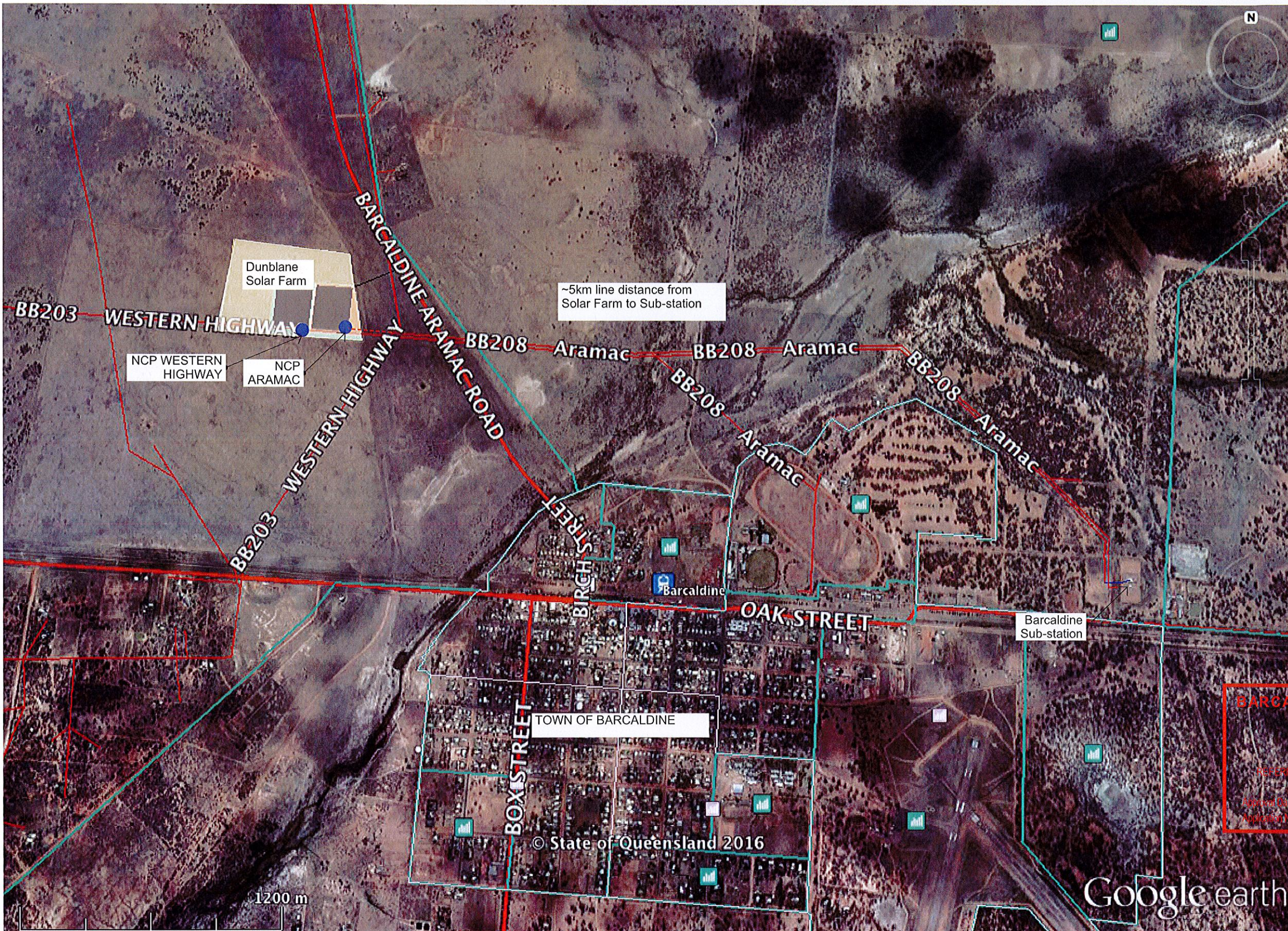
Attachment E – SPA extract on Appeal Rights

Attachment A

Approved Plans

Development Permit for Material Change of Use for “Community Oriented Activity” – “Public Utility” (9mwp Grid Connect Solar Photovoltaic Array)

Reference:	2
Description:	"Feeders", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	3
Description:	"Lot Overview", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	5
Description:	"Solar Overview", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	6
Description:	"Solar Details", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	9
Description:	"MVS Details", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.



Project / Part Number:
YD-0916-DUN
Description
Dunblane Solar Farm

Version: December 19, 2016
Approval date: December 19, 2016
Drawn By: AVV
Approved by: GC

Client:
YellowDot Energy
LOT 72/SP136851
Dunblane Solar Farm

Designed By:
Kinelli Pty Ltd (c) 2016
for YellowDot Energy

Notes:
NOT TO SCALE

BARCALDINE REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN
REVOKED TO AND SUBJECT TO THE CONDITIONS IN
COUNCIL'S DECISION NOTICE
Approval Date: 27 February 2017
Approval Number: 121617

BARCALDINE REGIONAL COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN
 REFERRED TO AND SUBJECT TO THE CONDITIONS IN
 COUNCIL'S DECISION NOTICE
 Approval Date: 27 February 2017
 Application Number: 121617

YellowDot Energy
 Renewable Power Systems

YellowDot Energy
 www.ydot.com.au
 Commercial in Confidence

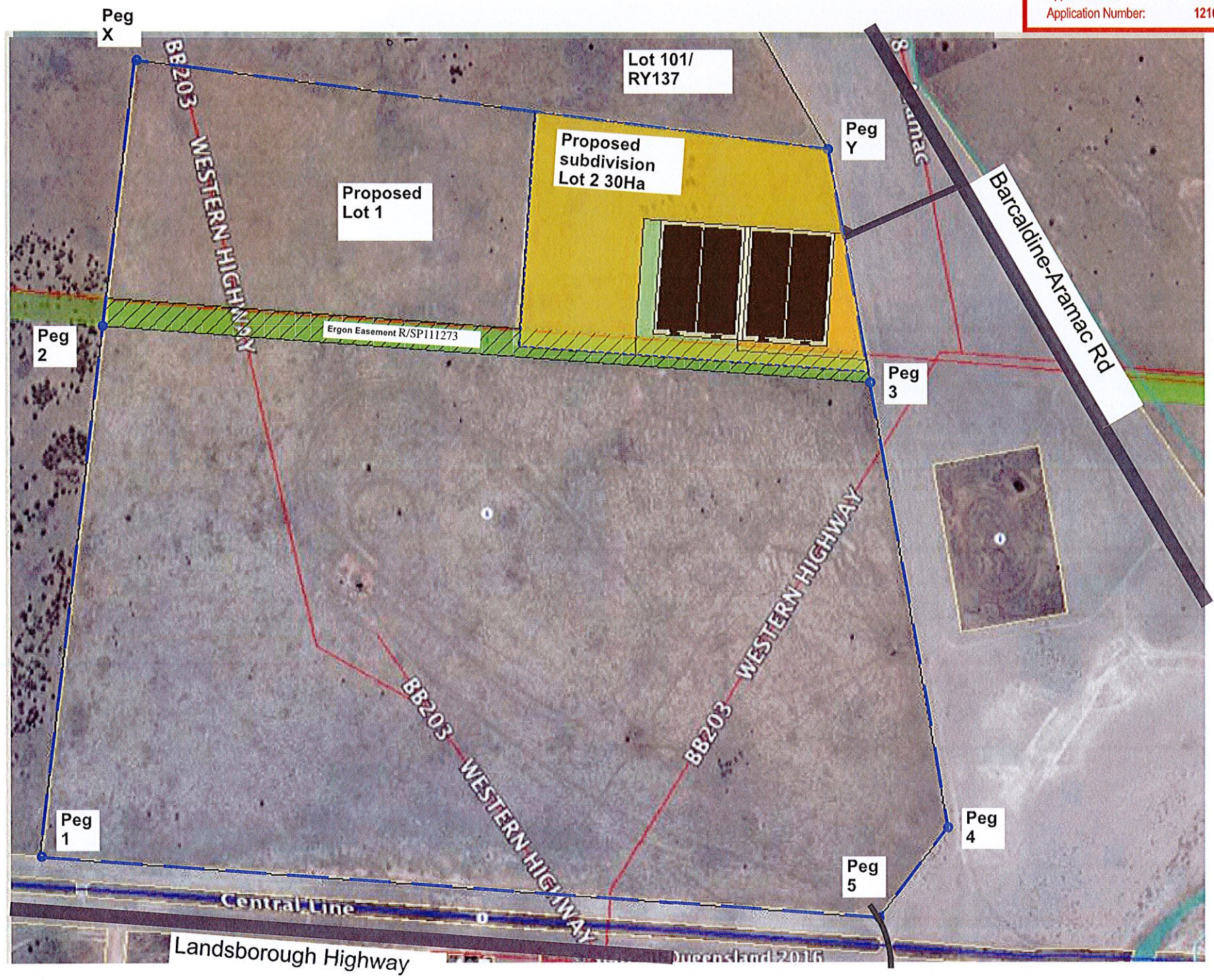
Project / Part Number:
 YD-0916-DUN
 Description
 Dunblane Solar Farm

Version: December 19, 2016
 Drawn By: AVV
 Approval date: December 19, 2016
 Approved by: GC

Client:
 YellowDot Energy
 LOT 72/SP136851
 Dunblane Solar Farm

Designed By:
 Kinelli Pty Ltd (c) 2016
 for YellowDot Energy

Notes:
 SCALE 1:10000 A3
 see p.4 for details



Access to Proposed Lot 1 from
 Landsborough Highway
 Unchanged from existing access



Project / Part Number:
YD-0916-DUN
Description
Dunblane Solar Farm

Version: December 19, 2016
Drawn By: AVV
Approval date: December 19, 2016
Approved by: GC

Client:
YellowDot Energy
LOT 72/SP136851
Dunblane Solar Farm

Designed By:
Kinelli Pty Ltd (c) 2016
for YellowDot Energy

Notes:
SCALE 1:5000 A3

BARCADDINE REGIONAL COUNCIL
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APPROVED PLAN
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COUNCIL'S DECISION NOTICE
Approval Date: 27 February 2017
Application Number: 121617

Project / Part Number:
YD-0916-DUN
Description
Dunblane Solar Farm

Version: December 19, 2016
Drawn By: AVV
Approval date: December 19, 2016
Approved by: GC

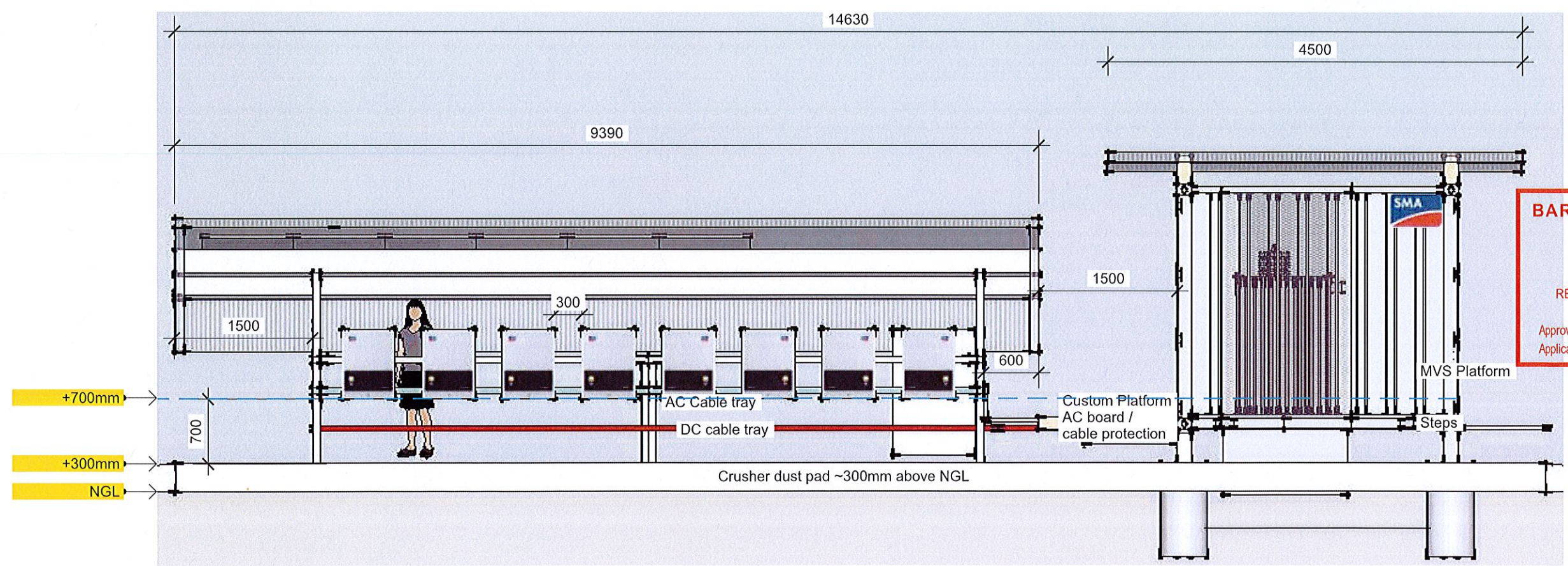
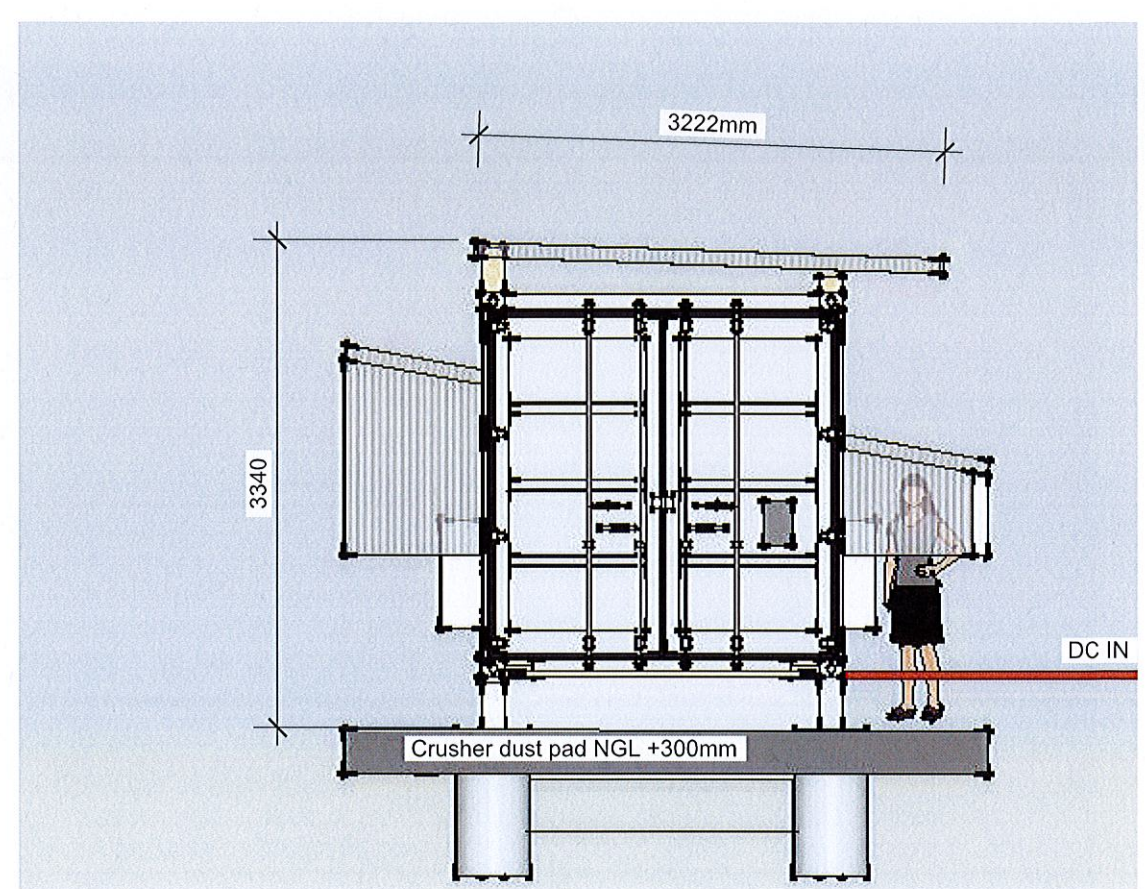
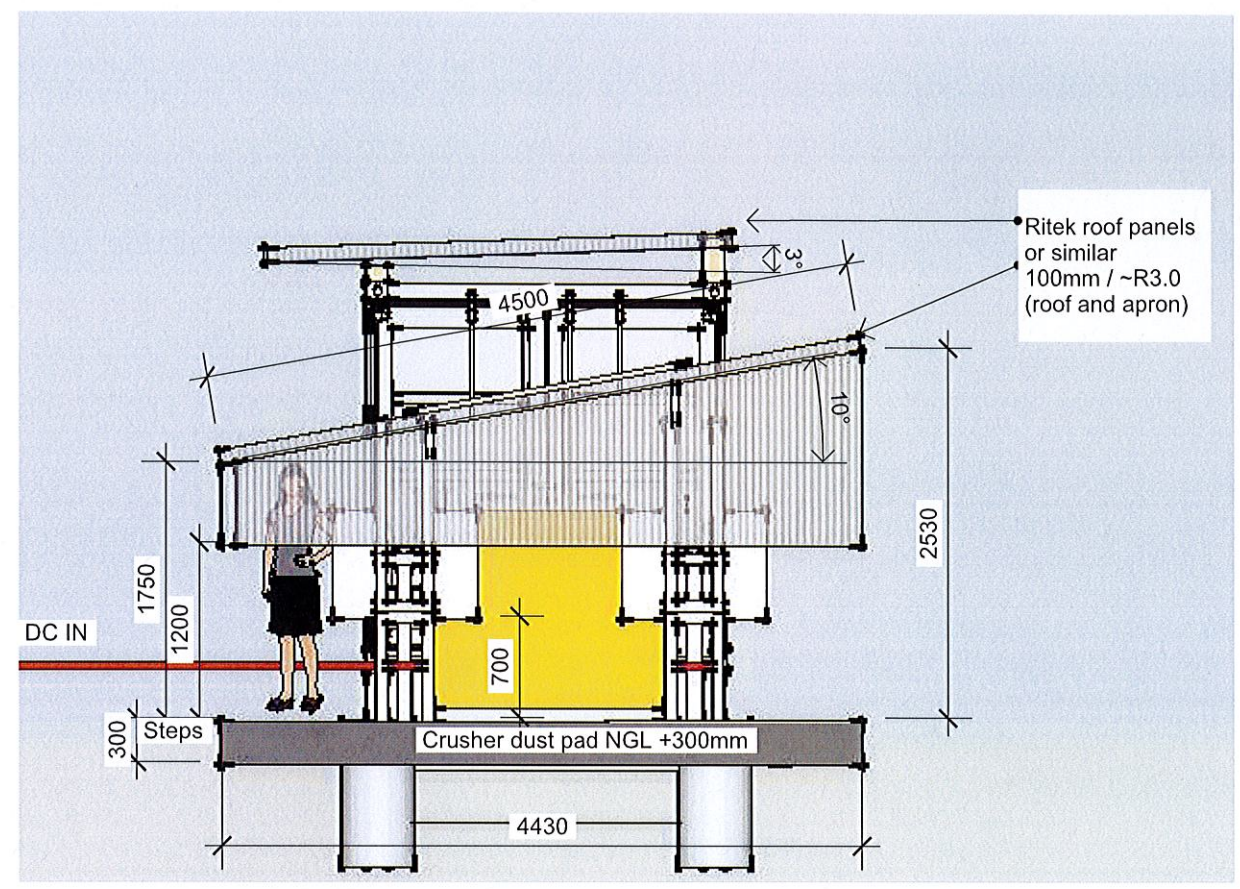
Client:
YellowDot Energy
LOT 72/SP136851
Dunblane Solar Farm

Designed By:
Kinelli Pty Ltd (c) 2016
for YellowDot Energy

Notes:
SCALE 1:2000 A3
Red dashed lines show DC trunk lines from Solar Array.
Total Capacity:
7.2MVA AC, 9.5MWp DC

BARCALDINE REGIONAL COUNCIL
DIGITALLY STAMPED
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Approval Date: 27 February 2017
Application Number: 121617





BARCALDINE REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN
REFERRED TO AND SUBJECT TO THE CONDITIONS IN COUNCIL'S DECISION NOTICE
Approval Date: 27 February 2017
Application Number: 121617

Attachment B

Approved Plans

Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots Subdivision)

Reference:	3
Description:	" <i>Lot Overview</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.
Reference:	4
Description:	" <i>Proposed Lots</i> ", prepared by Kinelli Pty Ltd for YellowDot Energy, dated 19 December 2016
Amendments:	Nil.

BARCALDINE REGIONAL COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN
 REFERRED TO AND SUBJECT TO THE CONDITIONS IN
 COUNCIL'S DECISION NOTICE
 Approval Date: 27 February 2017
 Application Number: 121617

YellowDot Energy
 Renewable Power Systems

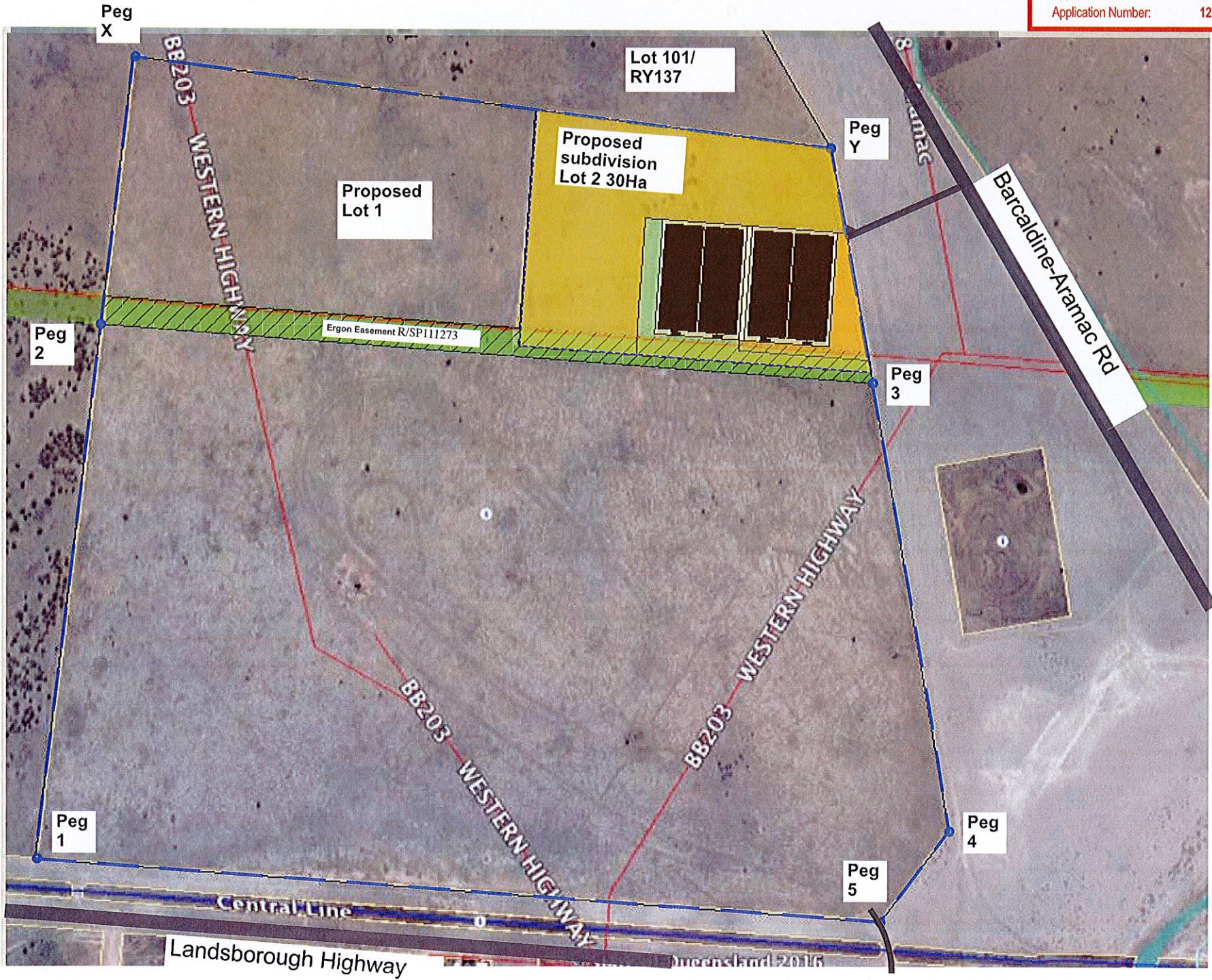
YellowDot Energy
 www.ydot.com.au
 Commercial in Confidence

Project / Part Number:
 YD-0916-DUN
 Description
 Dunblane Solar Farm
 Version: December 19, 2016 Drawn By: AVV
 Approval date: December 19, 2016 Approved by: GC

Client:
 YellowDot Energy
 LOT 72/SP136851
 Dunblane Solar Farm

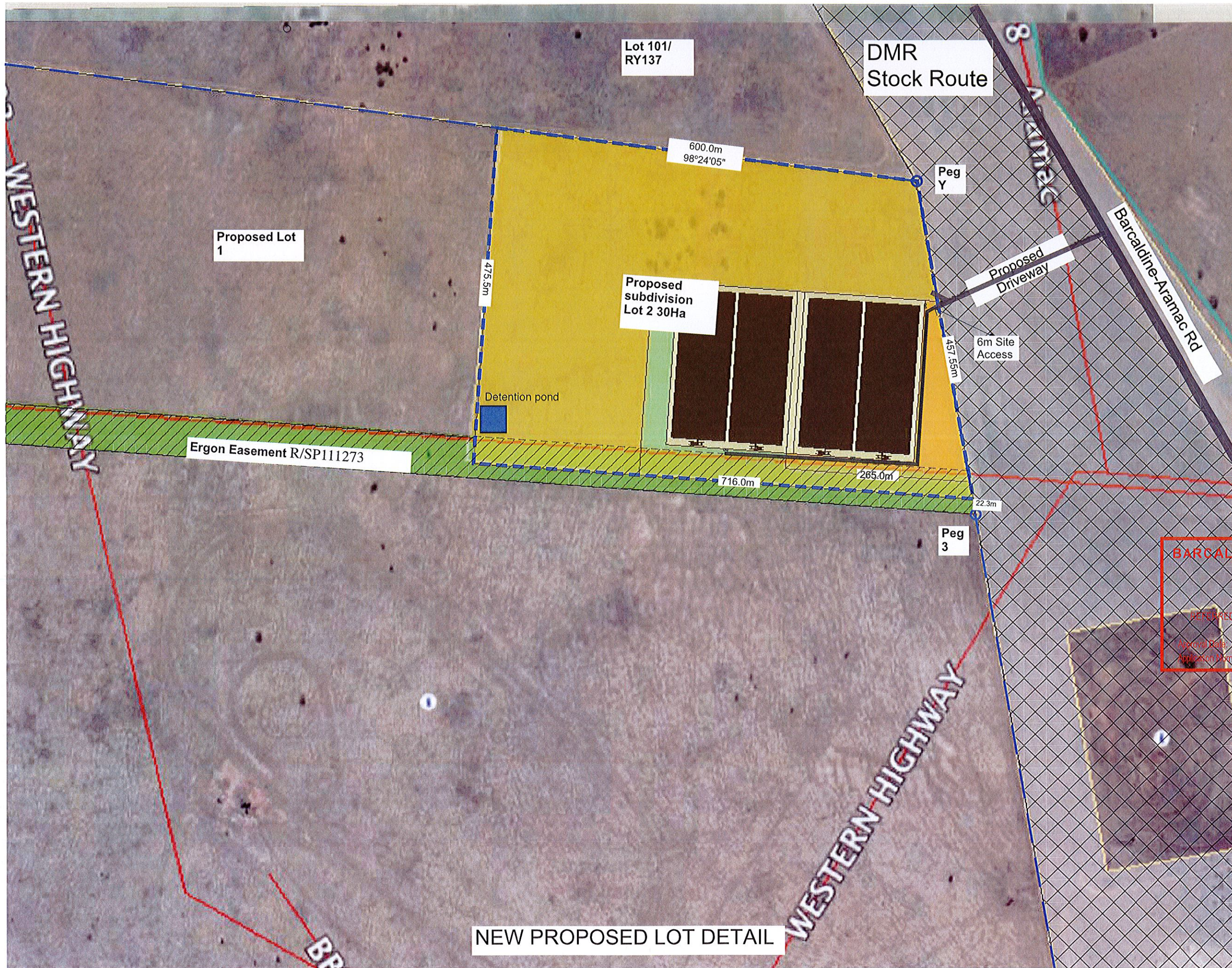
Designed By:
 Kinelli Pty Ltd (c) 2016
 for YellowDot Energy

Notes:
 SCALE 1:10000 A3
 see p.4 for details



Access to Proposed Lot 1 from
 Landsborough Highway
 Unchanged from existing access

Lot overview



Project / Part Number:
YD-0916-DUN
Description
Dunblane Solar Farm

Version: December 19, 2016
Drawn By: AVV
Approval date: December 19, 2016
Approved by: GC

Client:
YellowDot Energy
LOT 72/SP136851
Dunblane Solar Farm

Designed By:
Kinelli Pty Ltd (c) 2016
for YellowDot Energy

Notes:
SCALE 1:5000 A3

BARCALDINE REGIONAL COUNCIL
DIGITALLY STAMPED
APPROVED PLAN
REFERENCED TO AND SUBJECT TO THE CONDITIONS IN
COUNCIL'S DECISION NOTICE
Approval Date: 27 February 2017
Application Number: 121617

NEW PROPOSED LOT DETAIL

Attachment C

Approved Document

Description:	<i>"Runoff Calculations for Proposed Solar Farm, Barcaldine"</i> prepared by SMK Consultants, dated 16 December 2016.
---------------------	---

SMK CONSULTANTS

surveying – irrigation – environmental - planning

ABN 63 061 919 003

39 Frome Street
PO Box 774
Moree NSW 2400
Ph 02 6752 1021
Fax 02 6752 5070
mark@smk.com.au

Other offices: Goondiwindi,
Gatton, Brisbane, Miles
www.smk.com.au

16th December 2016

YellowDot Energy Pty Ltd
PO Box 1441
Coorparoo DC QLD 4151



Dear Sir,

Runoff Calculations for Proposed Solar Farm, Barcaldine

Method:

The overall aim of a stormwater management plan is to manage the extra run off typically caused by a developed site, and avoid overloading streams, drains etc. with increased flow rates. To achieve this result it requires that the rate of stormwater discharged from a developed site not exceed the pre-developed site discharge rate. It is intended that any increased stormwater runoff caused by an increase in impervious area be stored temporarily in a detention pond. Water is then to be released at a discharge rate that does not exceed the rate of discharge of the undeveloped site.

The time of concentration was calculated using the Australian Rainfall Runoff (T_c) formula, that is a function of area ($T_c = 0.75 A^{0.38}$). Using this formula, a time of concentration was found to be 28 minutes and 30 minutes was adopted. It must be noted that the impervious area of the solar farm will have a slightly shorter time of concentration, but as the site as whole is being analysed, 30 minutes was used for both calculations. The rational method will be used to determine the runoff from the site before and after the development. The 1 in 100-year storm event from the Barcaldine Intensity Frequency Duration Table for a 30-minute event has an intensity of 125.6mm/hr (IFD Table attached). The total rain to fall in this 30 min event is therefore 62.8mm.

A. Calculation:

1) Existing Developed Catchment (Pre Developed Catchment)

Effective Lot Area

Total Lot Area: 30.0 ha (Currently all grassed – pre-developed site)

Total Lot Area not included as Buildings/Hardstand Areas (Land Only Area)

(Total Effective Area 300,000 m²) – (Roof Area/Hardstand Area 0 m²)

Runoff Coefficient	Buildings/Hardstand	C = 1.0
	Land	C = 0.5

Discharge

$$Q_{100(P)} = CIA/360$$

A = Area (ha)

I = Rainfall Intensity (mm/hr)

C = Runoff Coefficient

$$Q_{100(P)} = \frac{((0.5 \times 30.0 \text{ ha}) + (1.0 \times 0 \text{ ha})) \times 125.6}{360}$$

$$Q_{100(P)} = 5.23 \text{ cumec}$$

2) Proposed Developed Catchment (Post Developed Catchment)

Proposed Hardstand Areas (Hardstand areas have been taken as the entire proposed development of lots 3 and 4, given that the lots are to be constructed on a compacted crusher dust pad.)

Proposed Lot 4 62,000 m²Proposed Lot 4 58,000 m²Total Roof Area 120,000 m²**Proposed Landscaped (Grassed) Area**(Effective lot area: 300,000m²) – (Total Hardstand Area: 120,000m²)Total lot area not included as Buildings or Impervious Hardstand (Land Only Area) 180,000 m²

Runoff Coefficient Buildings & Hardstand C = 1.0
Land C = 0.5

$$Q_{100(P)} = CIA/360$$

A = Area (ha)

I = Rainfall Intensity (mm/hr)

C = Runoff Coefficient

$$Q_{100(P)} = \frac{((0.5 \times 18\text{ha}) + (1.0 \times 12\text{ha})) \times 125.6}{360}$$

$$Q_{100(P)} = 7.33 \text{ cumec}$$

Volume of water required to be delayed from entering system during the 6-minute storm event.

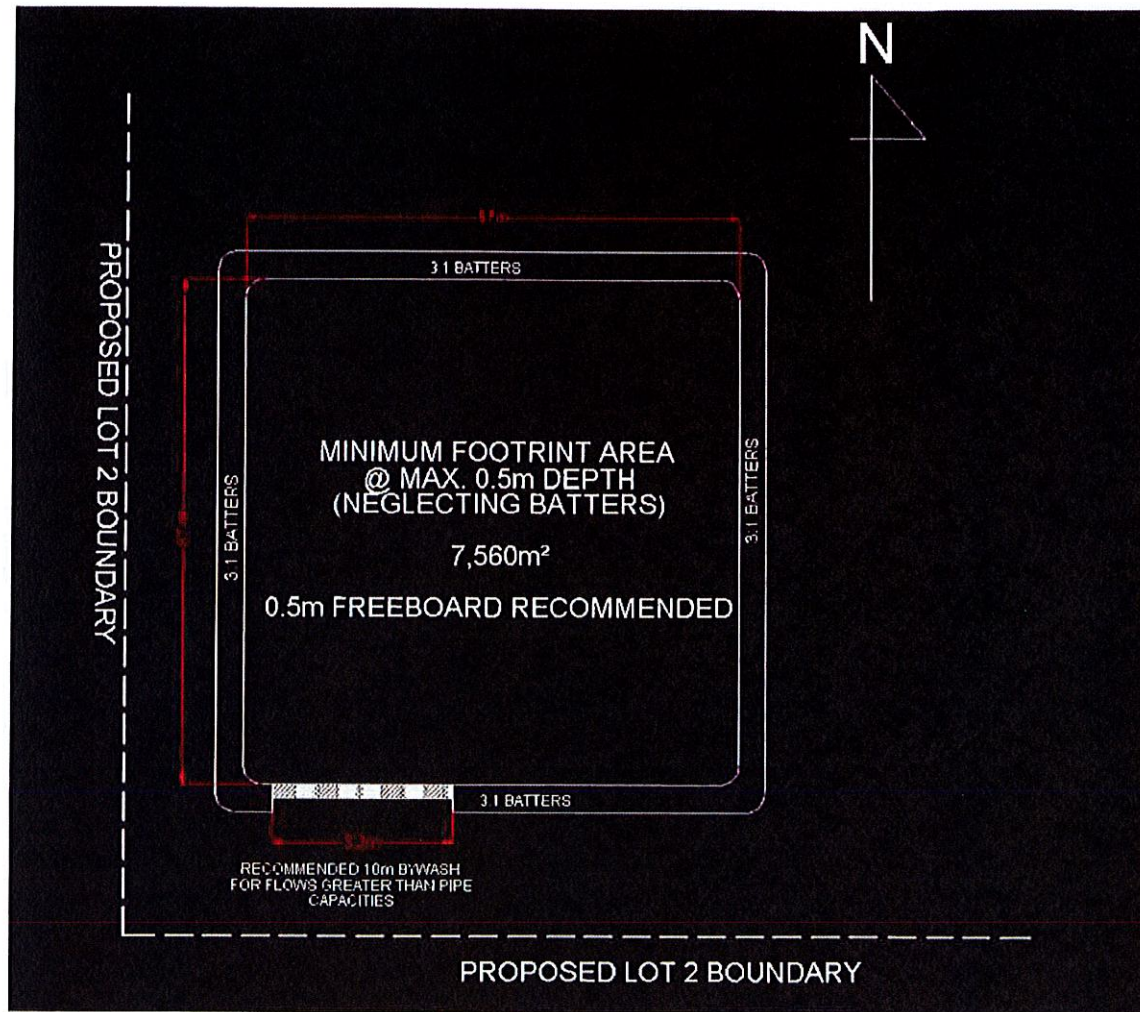
$$\begin{aligned} \text{Vol. Water (cum)} &= (7.33 \text{ cumec} - 5.23 \text{ cumec}) \times 30\text{min} \\ &= 3,780 \text{ cum} \\ &= 3,780,000 \text{ litres} \end{aligned}$$

3) Proposed Detention Pond To Store Storm Water Runoff

The client has advised SMK Consultants that a detention pond is preferred as a temporary detention option as opposed to tanks. Given that the capacity of detention needed is 3,780,000 litres it is recommended that the south west section of 'proposed lot 2' be used as detention area. This area has been chosen since the block typically drains to the south west. Given the recommended location of the detention pond, it is advised that the hardstand pad of the solar farm be land levelled to drain east to west (due to the solar farm development being located on the southern boundary).

The detention basin can be a variety of sizes/dimensions providing it can capture the whole 3,780,000 litres. SMK Consultants has recommended a pond water depth of 0.5m with 0.5m freeboard and 3:1 batters. Given

these dimensions a minimum footprint area of 7,560m³ will be needed. A bywash will also be necessary given flows greater than the one used in the calculations. Dimensions of the proposed pond can be seen below.



Given a max depth of 0.5m it is recommended that 4 x 500mm pipes be used as drain pipes, to allow a maximum of 1.73m³/s to be released from the site. Any flows greater than this will use the 32m bywash, for the predeveloped flow of 5.23m³/s the bywash will run at 150mm of water depth across its face. It is important to note that pipe sizes are a function of head above natural surface. If a different size pond is used with a different top water level, pipes must be redesigned to make sure the maximum flowrate of the predeveloped site is not exceeded when draining the developed site.

SMK was provided with limited survey over the site, particularly along the western boundary. It is recommended that extra survey be done, to identify areas where a diversion bank may be needed to direct stormwater to the onsite detention pond.

I believe the proposed pond and the pipe sizes shown achieve the requirements of reducing the average discharge from the site to that existing prior to development.

Yours faithfully,

Mark Carrigan

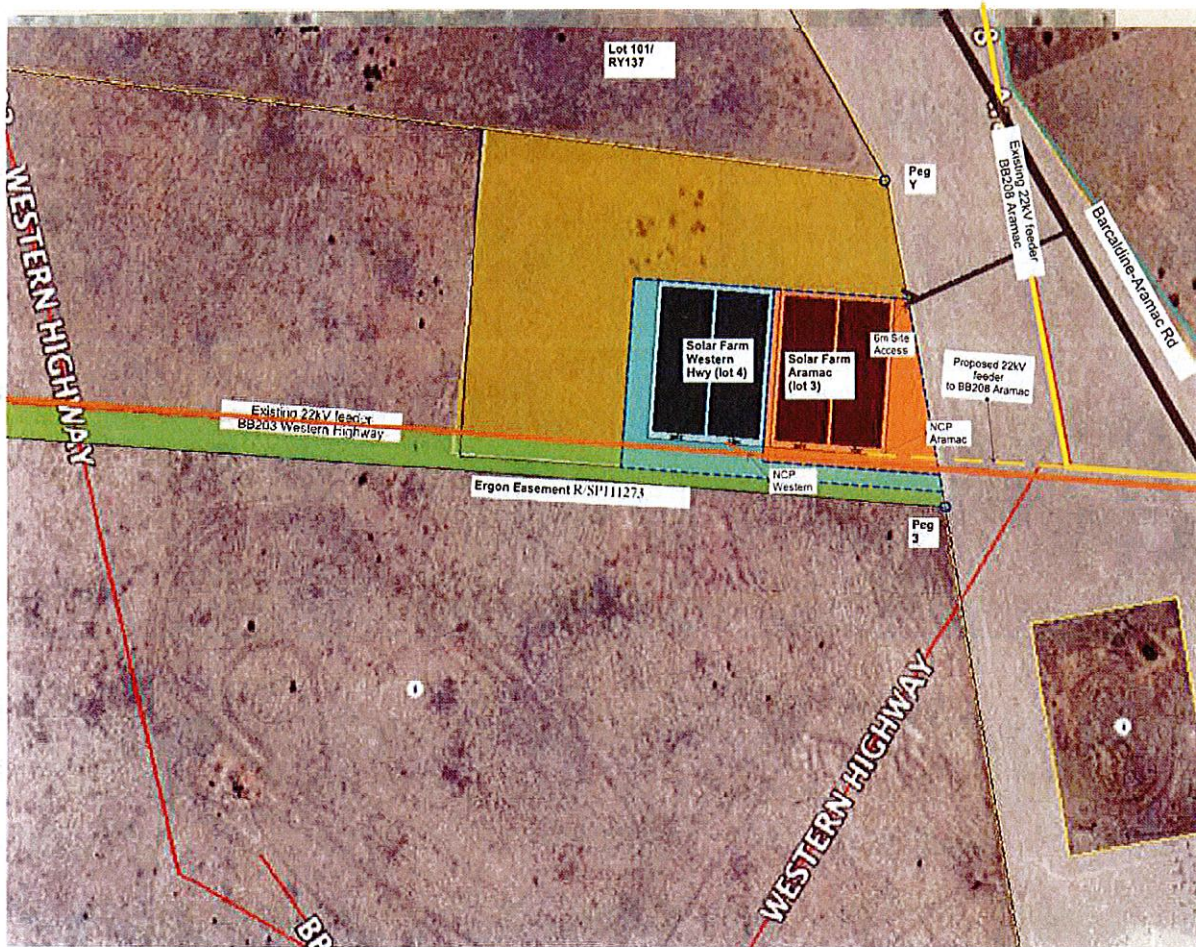
Mark Carrigan

B.Eng (CIVIL), GradIEAust CID – Surface (IAL)

Civil Engineer/Irrigation Consultant

SMK Consultants

4) Attachment 1: Barcaldine – Solar Farm Concept Plan



YellowDot Energy
Renewable Power Systems

YellowDot Energy
www.ydot.com.au
Commercial in Confidence

Project / Part Number:
YD-0916-DUN
Description:
Dunblane Solar Farm

Issue:
October 14, 2016
Approval date:
October 14, 2016

Drawn By:
AVV
Approved by:
GC

Client:
YellowDot Energy
LOT 72/SP136831
Dunblane Solar Farm

Designed By:
Kinelli Pty Ltd (c) 2016
for YellowDot Energy

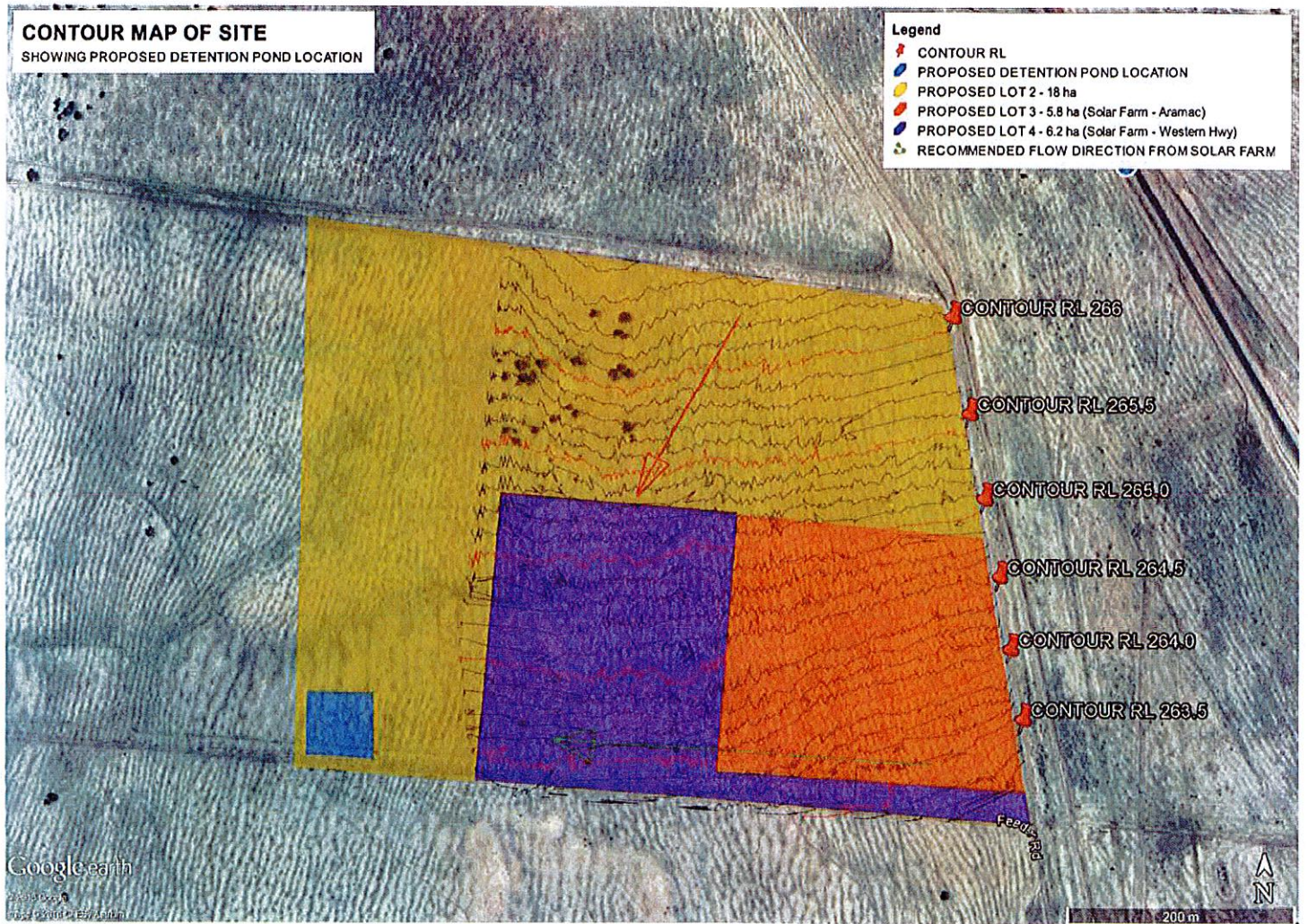
Notes:
SCALE 1:5000 A3

Solar overview

5) Attachment 1: Barcaldine – Contour Map With Proposed Detention Pond Location

CONTOUR MAP OF SITE
SHOWING PROPOSED DETENTION POND LOCATION

- Legend**
- CONTOUR RL
 - PROPOSED DETENTION POND LOCATION
 - PROPOSED LOT 2 - 18 ha
 - PROPOSED LOT 3 - 5.8 ha (Solar Farm - Aramac)
 - PROPOSED LOT 4 - 6.2 ha (Solar Farm - Western Hwy)
 - RECOMMENDED FLOW DIRECTION FROM SOLAR FARM



Attachment D

Referral Agency Response

Referral Agency	Date of Response
Department of State Development, Infrastructure and Planning	9 December 2016



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-1016-034698
Your reference: 121617

09 December 2016

Chief Executive Officer
Barcaldine Regional Council
PO Box 191
Barcaldine QLD 4725

Attention: Brett Walsh

Dear Mr. Walsh,

Concurrence agency response - no requirements given under section 285 of the Sustainable Planning Act 2009 for Development Permit for Material Change of Use "Community Oriented Activity" – "Public Utility" (9MWp Grid Connect Solar Photovoltaic Array) & Reconfiguration of a Lot (1 Lot into 4 Lots) over Lot 72 on SP136851, Longreach Road, Barcaldine QLD 4725

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 4 November 2016.

Applicant details

Applicant name: YD Projects Pty Ltd c/- Scot Stewart
Applicant contact details: 59 St Catherines Tce
Wynnum QLD 4178

Site details

Street address: Barcaldine Aramac Road - Barcaldine, QLD 4725
Real property description: Lot 72 on SP136851
Local government area: Barcaldine Regional Council

Application details

Proposed development:

- Material Change of Use "Community Oriented Activity" – "Public Utility" (9MWp Grid Connect Solar Photovoltaic Array)
- Reconfiguration of a Lot (1 Lot into 4 Lots)

Attachment E

Extracts from the *Sustainable Planning Act 2009* Relating to Appeal Rights

Part 1	Appeals to Court relating to Development Applications and Approvals	Chapter 7, Part 1, Division 8 (Part of)
Part 2	Making an Appeal to Court	Chapter 7, Part 1, Division 11 (Part of)
Part 3	Appeals to Committees about Development Applications and Approvals	Chapter 7, Part 2, Division 4

**PART 1 – APPEALS TO COURT RELATING TO DEVELOPMENT
APPLICATIONS AND APPROVALS**
Chapter 7, Part 1, Division 8 (Part of)

461 Appeals by applicants

- (1) *An applicant for a development application may appeal to the court against any of the following—*
 - (a) *the refusal, or the refusal in part, of the development application;*
 - (b) *any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;*
 - (c) *the decision to give a preliminary approval when a development permit was applied for;*
 - (d) *the length of a period mentioned in section 341;*
 - (e) *a deemed refusal of the development application.*
- (2) *An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—*
 - (a) *if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or*
 - (b) *otherwise—the day a decision notice was required to be given to the applicant.*
- (3) *An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.*

PART 2 – MAKING AN APPEAL TO COURT
Chapter 7, Part 1, Division 11 (Part of)

481 *How appeals to the court are started*

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

Extract from the Sustainable Planning Act 2009

**PART 3 – APPEALS TO COMMITTEES ABOUT DEVELOPMENT
APPLICATIONS AND APPROVALS
Chapter 7, Part 2, Division 4**

519 Appeal by applicant—particular development application for material change of use of premises

- (1) *This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.*
- (2) *However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.*
- (3) *The applicant for the development application may appeal to a building and development committee against any of the following—*
 - (a) *the refusal, or the refusal in part, of the application;*
 - (b) *any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;*
 - (c) *the decision to give a preliminary approval when a development permit was applied for;*
 - (d) *the length of a period mentioned in section 341;*
 - (e) *a deemed refusal of the application.*
- (4) *An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—*
 - (a) *if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or*
 - (b) *otherwise—the day a decision notice was required to be given to the applicant.*
- (5) *An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.*

520 Appeal about decision relating to extension for development approval

- (1) *This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.*
- (2) *A person to whom a notice is given under section 389 in relation to the development approval, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.*
- (3) *The appeal must be started within 20 business days after the day the notice of the decision is given to the person.*

521 Appeal about decisions relating to permissible changes

- (1) *This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.*
- (2) *The following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the development approval, other than a deemed refusal of the request—*
 - (a) *if the responsible entity for making the change is the assessment manager for the development application to which the approval relates—*
 - (i) *the person who made the request; or*
 - (ii) *an entity that gave a notice under section 373 or a pre-request response notice about the request;*
 - (b) *if the responsible entity for making the change is a concurrence agency for the development application—the person who made the request.*
- (3) *The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.*

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—

sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.

storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—

 - (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.