

Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 31 January 2024. The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Burnett Water P/L
 c/- Epic Environmental P/L
 Postal Address: Level 17, 95 North Quay
 Brisbane Q 4000
 Email: jhadfield@epicenvironmental.com.au
 Phone No.:
 Mobile No.: 0400 566 276

Location details

Street address: PARADISE DAM ROAD, CORINGA
 Real property description: 2SP339382
 Local government area: North Burnett Regional Council

Application details:

Application number: DA240001
 Approval sought: Material change of use
 Description of development proposed: Bulk Landscape Supplies (stockpiling material)

Decision

Date of decision: 5 March 2024
 Decision details: Approved in full with conditions. These conditions are set out in Attachment 1.

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input type="checkbox"/>	<input type="checkbox"/>

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in attachment 3—

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Figure 1 Sunwater Limited Lot 2 on SP339382 Development Application for Stockpiling of Excavated Road Material	Epic Environmental	Drawing dated 23/11/2023 in Report dated 03/01/24	BE220043.01	Rev A drawing in Rev 0 report

Conditions

This approval is subject to the conditions in Attachment 1

Further development permits

Not applicable

Conditions require the submission and approval of documents before exercising this approval. Further licences, permits or approvals under other legislation may also be necessary.

Properly made submissions

Not applicable — No part of the application required public notification.

Referral agencies for the application

Not applicable — This application did not require referral to a concurrence agency.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.85>. A hard copy of section 85 of *Planning Act 2016* can be provided upon request.

Environmental authority

Not applicable

Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the *Planning Act 2016*

There are no agreements about these matters.

Conditions about infrastructure

No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>) and Schedule 1 of the *Planning Act 2016* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>). 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* – <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6-pt.2>). A hard copy of the appeal rights extracted from the *Planning Act 2016* can be provided upon request.

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Attachment 1—Conditions imposed by the Assessment Manager

General

- 1) Carry out the approved development in accordance with the approved plans and documents identified in section 5 “Approved plans” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions prevail.
- 3) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to the Council.
- 4) Before or upon the completion of the Paradise Dam Road Upgrade or the Paradise Dam improvement project, whichever occurs last—
 - a) cease using the site for stockpiling material;
 - b) remove all stockpiled material;
 - c) remediate the site to its prior condition as grazing land.
- 5) Confine all stockpiling to the area shown on the approved plan.
- 6) Comply with all the conditions of this development permit prior to commencement of the use and maintain compliance whilst the use continues.
- 7) Ensure that the stockpiled material is predominantly excess rock and fill from roadworks—as proposed in the application.
- 8) The approval does not include the stockpiling or processing of construction waste or demolition material—as proposed in the application.

Site management

- 9) Unless otherwise approved in writing by the assessment manager, limit the hours of the movement of material to the following—
 - a) Monday to Friday 7am to 6:30pm;
 - b) Saturday 8am to 2:30pm;
 - c) no work on Sunday or Public holidays.
- 10) Contain all litter, building waste, and sediment on the stockpile site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.
- 11) Remove any spills of soil or other material from the road or drains upon completion of each day’s work, while material is being transported.
- 12) Prepare and submit a site management plan addressing conditions (9) to (11) above, to the North Burnett Regional Council before commencing transporting material to the site.
- 13) Once approved by the Council, implement the site management plan.

Erosion and sediment control

- 14) Submit for the approval of the North Burnett Regional Council, an erosion and sediment control plan before commencing transporting material to the site.
- 15) Implement and maintain an erosion and sediment control (ESC) plan on-site for the duration of the use and until all exposed and disturbed soil areas and imported material are permanently stabilised to prevent the release of sediment or sediment-laden stormwater from the site.
- 16) Erosion and sediment control must be undertaken in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for development works policy*, section SC6.2.5.2 and within the Environment Protection Agency's (EPA) – Guideline – EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control and International Erosion Control Association's (IECA) – Best Practice Erosion & Sediment Control' and 'Queensland Urban Drainage Manual' (QUDM).

Vehicle access

- 17) Construct a new access to the proposed use in the location notated on the "Approved Plans" in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 Design and construction standards for development works policy.
- 18) Apply in writing to the road corridor manager for consent to work within the road corridor before any work commences.
- 19) Provide off-street car parking, access, and manoeuvring areas within the site. Car parking, access, and manoeuvring areas must—
 - a) provide parking spaces within the site for all vehicles associated with the use, including for site visitors, contractors or employees;
 - b) provide on-site loading and unloading for materials delivery vehicles;
 - c) provide sufficient manoeuvring to enable all vehicles to enter and leave the site in a forward direction.

Lighting

- 20) Any lighting to be used within the development is to be designed and installed in accordance with AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause nuisance to occupants, nearby residents or passing motorists.

General

- 21) No visible dust emissions are to occur at the boundary of the work site. Dust control must be undertaken in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 Design and construction standards for development works policy, section SC6.2.8.5.

Note: If a dust complaint is made to Council and the complaint is substantiated, Council at its discretion may, in addition to issuing a Show Cause notice, issue a Direction notice in accordance with section 363A of the Environmental Protection Act 1994. Non-compliance with this notice may result in an on-the-spot fine of \$2,200.00.

- 22) Ensure that all work complies with AS3798 "Guidelines on earthworks for commercial and residential developments"—as proposed in the application.

Advice to the applicant

- Unless otherwise explicitly identified, all conditions of this development permit must be completed to Council's satisfaction prior to the approved development commencing.

- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development.
- 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.
- The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the civil, earthworks, construction, and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect, whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value, and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.
- The operator must comply with their obligations under the *Transport Operations (Road Use Management—Road Rules) Regulations 2009* and the *Work Health and Safety Act 2011* in relation to safety obligations associated with service and delivery vehicles entering and exiting the site. Refer to the QFleet driver safety fact sheet—reversing safely.
- The use has been approved in an area not currently connected to a reticulated water supply. Tank water must be treated to a potable standard and fitted with an appropriate sanitation system if the development is to be provided with a safe, adequate and potable water supply.

Attachment 2 – Approved Plans

Intentionally left blank

Please refer to the following pages for approved plans.

Attachment 3 – Appeal Rights Planning Act 2016

Intentionally left blank

Please refer to attached document or

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>