

Enquiries to: Department of Development, Facilities and Environmental Services  
Phone: 07 4624 0628 (Direct) or 1300 007 662 (via Customer Service)  
Post: PO Box 620, Roma QLD 4455  
Email: [planning@maranoa.qld.gov.au](mailto:planning@maranoa.qld.gov.au)  
Our ref: D16/111247



2 December 2016

Department of Local Government, Infrastructure and Planning  
128 Margaret Street  
Toowoomba, QLD 4350

Attention: Ian McHugh

Dear Ian

**RE: Application for a Development Permit for Operational Work to clear vegetation associated with flood mitigation works for the town of Roma**

Maranoa Regional Council (MRC) is seeking a development permit for operational work to clear native vegetation required as part of the construction of a flood levee. The flood levee is related to the second stage of flood mitigation works proposed for the town of Roma.

The second stage of flood mitigation works includes the construction of a 1 kilometre long earthen levee bank. The levee is intended to reduce the risks to properties that remain susceptible to flooding from both regional and local flood events by reducing peak flood levels immediately west of the levee. Modelling indicates that the levee will directly benefit 55 properties within the town of Roma.

The levee is "exempt development" in the *Roma Town Planning Scheme 2006* because it is being constructed for flood mitigation purposes; however the levee triggered development assessment under the *Sustainable Planning Regulation 2009*. A development approval was issued by Council for the construction of the levee on 24 June 2016 (attached).

The development application was recently called in for re-assessment by the Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment (the Minister). The Ministerial call-in follows a submitter appeal that was lodged in the Planning and Environment Court against Council's decision to approve the levee. It is expected that the Minister will issue her decision on whether to approve or refuse the construction of the levee on or before the 6 January 2017.

As part of the Minister's re-assessment of the application, the Department of Infrastructure Local Government and Planning (DILGP) in consultation with the Department of Natural Resources and Mines (DNRM) has determined that the proposed levee (if approved) is likely to involve the clearing of native vegetation. As such, DILGP has requested that Council submit a development application for operational work for the clearing of native vegetation.

Maranoa Regional Council      **Postal Address:**  
Development Services      PO Box 620  
1 Cartwright Street      ROMA Queensland 4455  
Roma Queensland 4455      ABN: 99 324 089 164  
Phone: 1300 007 662 Fax: 07 4624 6990  
www.maranoa.qld.gov.au      **Release**

## Development Application

This application has been prepared in direct response to the request made by State government agencies. It includes;

- Confirmation letter from DNRM that the activity constitutes a relevant purpose
- IDAS Form 1 – Application Details;
- IDAS Form 11 – Clearing native vegetation;
- Decision notice approval for Operational Works – Construction of a Category 3 Levee dated June 24, 2016
- Development Permit for Operational Works (construction of high flow diversion channel associated with stage 2 flood mitigation works)
- Response to Queensland vegetation management State code;
- Roma Flood Mitigation Study – Stage 2 Ecological Assessment Report (February 2016)
- Erosion and Sediment Control Plan (August 2016)

Supporting materials provided with this application address the matters prescribed in Section 11 of the *Vegetation Management Regulation 2012*, being;

- The location and extent of the area proposed to be cleared under the application;
- The relevant purposes under section 22A(2) of the Act to which the application relates; and
- Details of the way the proposed clearing achieves the performance outcomes under –
  - Module 8 (native vegetation clearing) of the State Development Assessment Provisions; or
  - If the proposed clearing is within a declared area and a declared area code exists for the area – the declared area code for the area;

**Note** – an offset is not proposed as part of this application.

It is Council's understanding that these materials constitute a complete application for the clearing of native vegetation. Provided below is an overview of the proposed levee as it relates to the clearing of native vegetation. The overview is intended to be read in conjunction with the attached supporting materials.

### Project overview

The location of the proposed levee can be described as an area of approximately 1 kilometre in length, bound by the Stage 1 levee bank to the north, Edwardes Street to the east, Bungil Creek to the west and Bungil Street to the south. Generally, the levee follows the alignment of the Bungil Creek (refer to Figure 1).

The levee would be for the most part constructed from soil, sand and rock (earthen landform). The southern-most section of the levee (approximately 50-100 metres) located within the Vincentian Village hostel site (Lot 1 WV1882) is proposed to be reinforced concrete construction due to site constraints. Other smaller sections of the levee will also be required to be reinforced concrete (or similar material) where other similar site constraints are encountered.

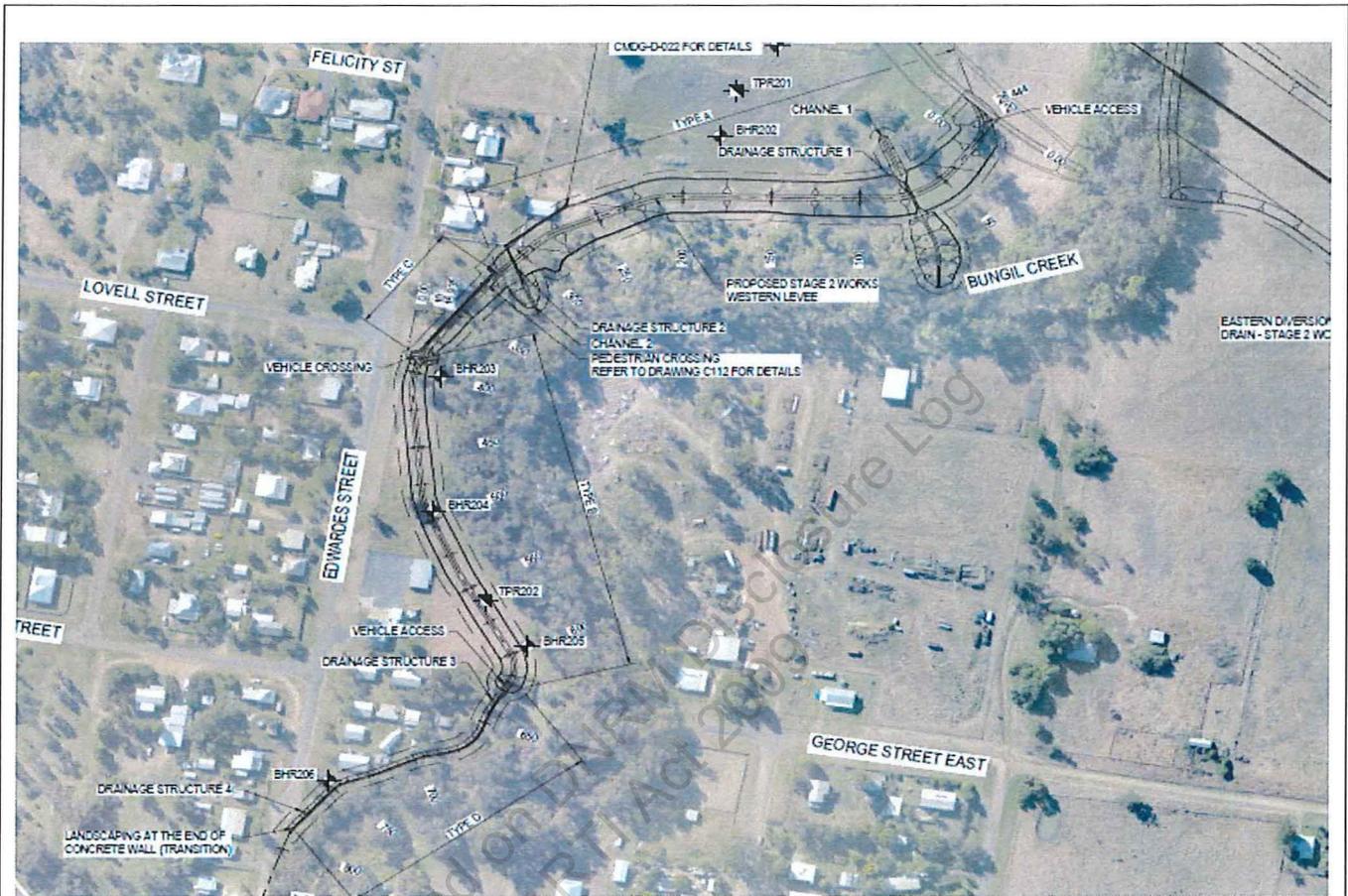
Initial modelling indicates that there will be reduction in the peak flood levels immediately to the west of the proposed levee and within the Shady's Lagoon area further south of the proposed levee. It is expected that together with the other major component of Stage 2 flood mitigation works, being the construction of a diversion channel, the proposed levee will benefit an additional 55 properties within the town of Roma.

### Site characteristics

The southernmost lot in the development area contains a small retirement home complex (Vincentian Village). Immediately to the north of this lot is a small military facility housing A Company of the Queensland Regiment and also some air force facilities in a number of residential scale buildings. Both of these lots are zoned residential in the *Roma Town Planning Scheme 2006*. The remainder of the lots that the levee traverses are zoned Rural, and accommodate dwellings at a rural residential scale.

Immediately east and south of the development area is the urban area of Roma, which includes residential, commercial and industrial zoned land that is developed at a range of densities. North, west and south of the site, whilst still in the town boundaries, is developed to a lesser intensity and contains both residential development at a rural residential scale, rural and recreational zoned and developed land.

For the most part, the area that the levee will occupy is flat and being so close to the creek, building density is low, allowing room for the construction of the levee without the need to remove any buildings or structures; however it is acknowledged that in some instances the levee will be located in close proximity to existing built development. Figure 1 below shows the general alignment of the levee as it relates to the built and natural environment.



**Figure 1 - General alignment of the proposed levee as it relates to the built and natural environment**

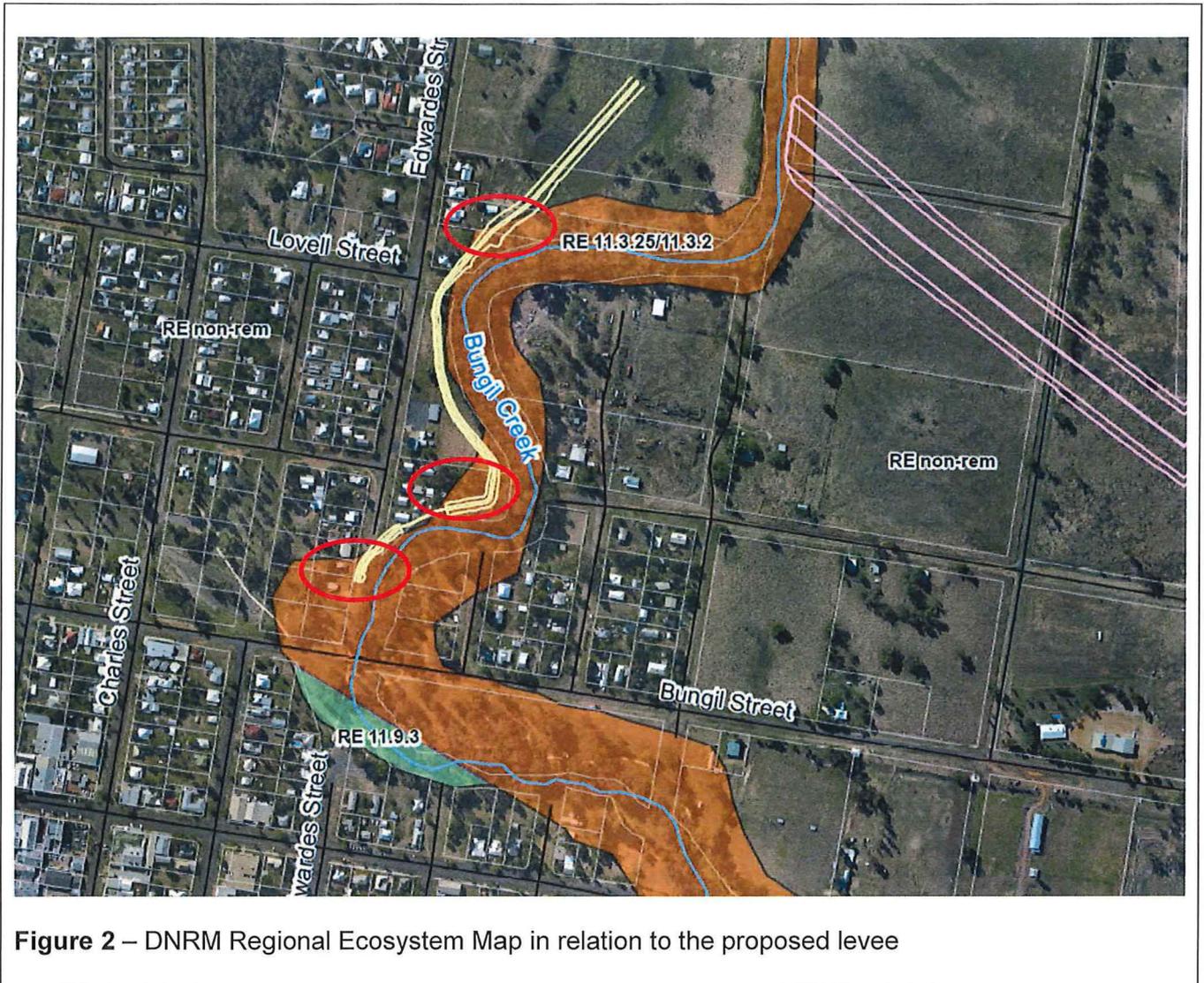
### Levee alignment

A total of 23 individual flood mitigation options were modelled as part of the Stage 2 assessment process. The result of the assessment has formed the basis for the Stage 2 mitigation works, which includes the construction of both the levee as well as the construction of a diversion channel.

The levee and the diversion channel are the dual components of the most preferred combination mitigation option. When choosing the preferred mitigation option Council considered – in no particular order of importance - the capital expenditure, the reduction in flood damage risk provided to property and the direct impacts of flood mitigation infrastructure on the built and natural environment.

Remnant vegetation

DNRM mapping indicates that remnant vegetation is located along the length of Bungil Creek that the proposed levee will occupy. Figure 2 shows where the levee is likely to intersect with remnant vegetation (according to DNRM mapping).



**Figure 2 – DNRM Regional Ecosystem Map in relation to the proposed levee**

The vegetation communities identified in Figure 2 are Remnant Ecosystem 11.3.25, being *Eucalyptus tereticornis* or *E. camaldulensis*. This vegetation is identified in the *Vegetation Management Act 2009* as being of “least concern.” The vegetation structure is “mid-dense.”

Maranoa Regional Council  
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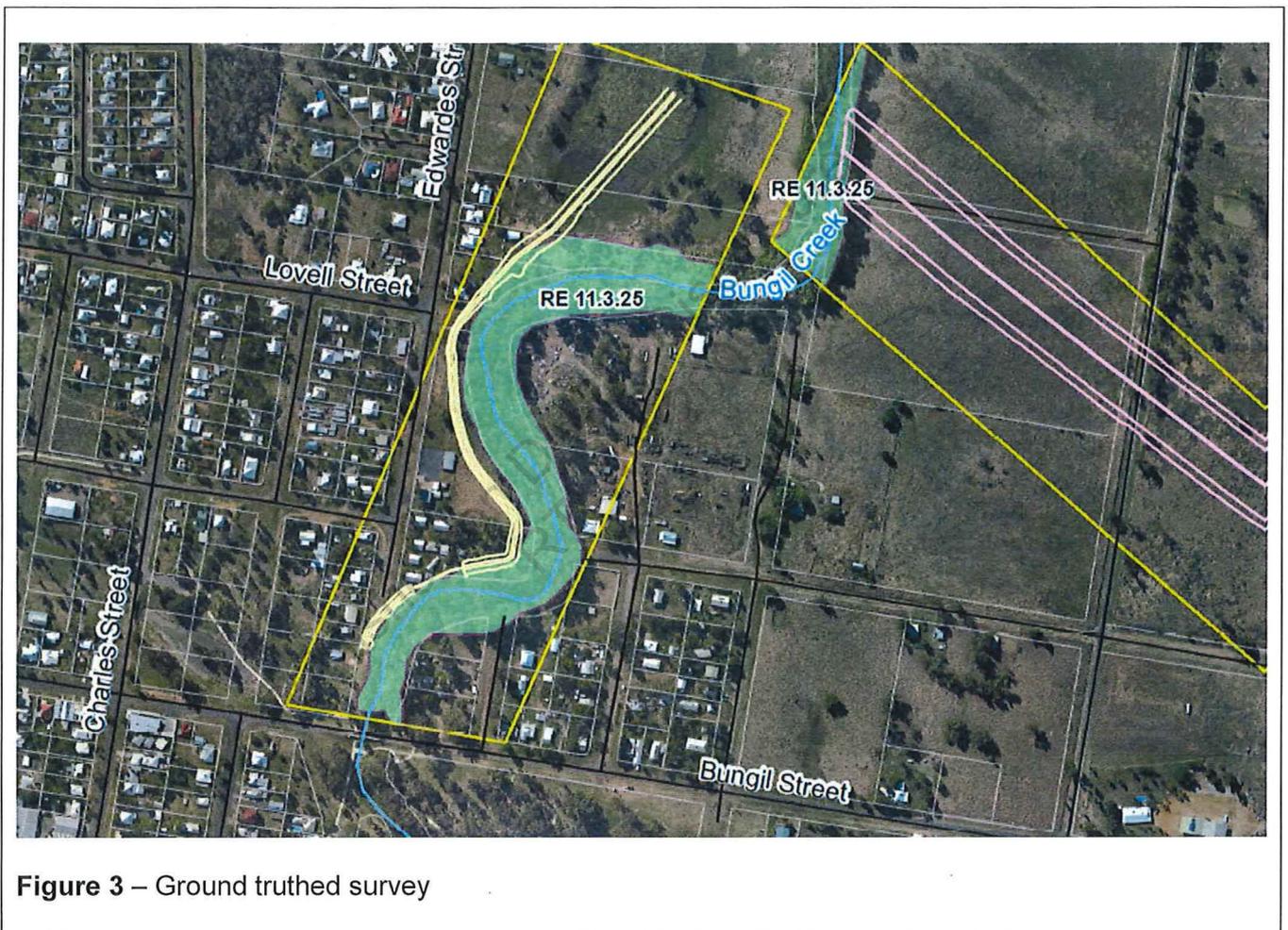
**Postal Address:**  
PO Box 620  
ROMA Queensland 4455  
ABN: 99 324 089 164

Release

Clearing remnant vegetation

Council maintains that remnant vegetation that will be impacted by the proposed levee is minimal, if any. Figure 3 below is a ground truthed survey that was undertaken by GHD which shows the levee in relation to remnant vegetation as identified when ground surveys were undertaken.

Council appreciates that DNRM is the administering authority on this issue and does not contend the requirement for a vegetation clearing permit. The ground truthed survey is offered for the purpose of illustrating the potential disturbance (or lack thereof) and to demonstrate that all reasonable measures have been taken to avoid clearing vegetation.



**Figure 3** – Ground truthed survey

Ministerial Call-in

The Minister has called in the operational works application for the construction of the levee. In her call in notice, the Minister states that the levee “*involves a state interest*” that “*there is a significant need for mitigation works in Roma*”, that the levee will “*improve flood immunity to home owners*” and it will “*provide a long term and sustainable response to disaster management.*” Council respectfully submits that this application to clear native vegetation be considered in the context of the reasons the Minister has chosen to call in the development application.

Diversion channel

A development permit for operational works (construction of a high flow diversion channel) was issued by DILGP on 29 April 2016 and is included with the supporting materials provided as part of this application. As part of the approval process for the diversion channel, DILGP and DNRM provided conditions related to vegetation clearing. Council would respectfully submit, that having reviewed and approved the removal of remnant vegetation as part of the diversion channel (which is operationally related to the flood levee), that DILGP and DNRM have significant justification for approving this application for clearing remnant vegetation. Both the diversion channel and the proposed levee form part of stage 2 flood mitigation works and both are being undertaken to ensure community resilience and public safety.

I trust that the information provided as part of this application is sufficient for DILGP to issue a development approval for operational works to clear native vegetation. Should you have any enquiries in relation to this application please contact the Department of Development, Facilities and Environmental services on telephone 1300 007 662 should you have any queries.

Yours sincerely,

sch4p3( 3) Prejudice th

Danielle Pearn  
**Manager Planning and Building Development**

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30 November 2016

Mr Christopher Tickner  
PO Box 620  
Roma QLD 4455

Dear Mr Tickner

**Proposal to undertake vegetation clearing for the relevant purpose of infrastructure on Lots 22/R863, 2/SP/110498, 2/RP4380, 1/RP4380, 1/R8684 and 1/WV1882), Edwardes Street (segpar 10704/012), un-named Road (segpar 10700/010), and Bungil Creek (segpars 10700/008 and 10704/036) – Maranoa Regional Council**

I refer to your request submitted to the Department of Natural Resources and Mines (the department) on 25 November 2016, to determine if proposed vegetation clearing on the lot/s listed above is for a relevant purpose under section 22A of the *Vegetation Management Act 1999* (VMA).

The Chief Executive has considered your request and is satisfied that the proposed clearing for the purpose of Fence/firebreak/infrastructure meets the relevant requirements of section 22A of the *Vegetation Management Act 1999*.

This decision is based on the development proposal and information you submitted to the department on 25 November 2016. Should your proposal change, you will need to request another section 22A relevant purpose determination before submitting your application.

**Please note that this letter is not a development approval to carry out vegetation clearing.** You will need to apply for a development approval from the Department of Infrastructure, Local Government and Planning (DILGP) under the *Sustainable Planning Act 2009*. DILGP will assess the impacts of your clearing activity to ensure that matters of environmental significance are maintained and that the proposed clearing will not result in land degradation.

It is strongly advised that, prior to lodging a development application, you arrange a pre-lodgement meeting through the State Assessment and Referral Agency (SARA) to identify all relevant State legislation, approvals and application requirements.

Other relevant Commonwealth or State approvals may also be required to undertake vegetation clearing. An indicative list of other legislation is provided in Attachment 1.

Should you have any enquiries or require assistance regarding this request, please contact Patrina Birt on telephone 3894 8120

Yours sincerely

**Carmen Goulding**  
Administration Officer  
Natural Resource Assessment – South Region

Published on DNRM Disclosure Log  
RTI Act 2009

## Attachment 1 - Legislation and Acts

Act(s)	Agency
<ul style="list-style-type: none"> <li>• <i>Water Act 2000</i></li> <li>• <i>Soil Conservation Act 1986</i></li> </ul>	Department of Natural Resources and Mines
<ul style="list-style-type: none"> <li>• <i>Aboriginal Cultural Heritage Act 2003</i></li> <li>• <i>Torres Strait Islander Cultural Heritage Act 2003</i></li> </ul>	Department of Aboriginal and Torres Strait Islander and Multicultural Affairs
<ul style="list-style-type: none"> <li>• <i>Nature Conservation Act 1992</i></li> <li>• <i>Environmental Protection Act 1994</i></li> <li>• <i>Coastal Protection and Management Act 1995</i></li> <li>• <i>Queensland Heritage Act 1992</i></li> <li>• <i>Wild Rivers Act 2005</i></li> </ul>	Department of Environment and Heritage Protection
<ul style="list-style-type: none"> <li>• <i>Fisheries Act 1994</i></li> </ul>	Department of Agriculture, Fisheries and Forestry
<ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> </ul>	Australian Government - Department of the Environment
<ul style="list-style-type: none"> <li>• <i>Wet Tropics World Heritage Protection and Management Act 1993</i></li> <li>• <i>Wet Tropics Management Plan 1998</i></li> </ul>	Wet Tropics Management Authority
<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Sustainable Planning Act 2009 (SPA)</i></li> </ul>	Local Government

Please note this is an indicative list and not necessarily a comprehensive checklist for all circumstances.

# IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.2 effective 3 August 2015)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

## Mandatory requirements

**Applicant details** (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

**Maranoa Regional Council**

For companies, contact name

Postal address

PO Box 620

Suburb Roma

State Qld

Postcode

4455

Country

Australia

Contact phone number

1300 007 662

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)

(07) 4624 6990

Email address (non-mandatory requirement)

planning

@ Maranoa.qld.gov.au

Applicant's reference number (non-mandatory requirement)

2015/19384

**1. What is the nature of the development proposed and what type of approval is being sought?**

**Table A**—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)
- Material change of use     Reconfiguring a lot     Building work     Operational work
- b) What is the approval type? (Please only tick one box.)
- Preliminary approval under s241 of SPA     Preliminary approval under s241 and s242 of SPA     Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- Clearing native vegetation associated with flood mitigation works (flood levee).
- d) What is the level of assessment? (Please only tick one box.)
- Impact assessment     Code assessment

**Table B**—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)
- Material change of use     Reconfiguring a lot     Building work     Operational work
- b) What is the approval type? (Please only tick one box.)
- Preliminary approval under s241 of SPA     Preliminary approval under s241 and s242 of SPA     Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- 
- d) What is the level of assessment?
- Impact assessment     Code assessment

**Table C**—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- Refer attached schedule     Not required

**2. Location of the premises** (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

**Table D**—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water.) (Attach a separate schedule if there is insufficient space in this table.)

- Street address **and** lot on plan (All lots must be listed.)
- Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		216-218	Edwardes Street	4455	22	R863	Maranoa Regional Council
ii)		230	Edwardes Street	4455	2	SP110498	Maranoa Regional Council
iii)		234	Edwardes Street	4455	2	RP4380	Maranoa Regional Council
		236	Edwardes Street	4455	1	RP4380	Maranoa Regional Council
		238-256	Edwardes Street	4455	1	R8684	Maranoa Regional Council
		258-262	Edwardes Street	4455	1	WV1882	Maranoa Regional Council

**Planning scheme details** (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Rural Zone	<i>Roma Town Planning Scheme 2006</i>	Obstacle Limitation Surfaces
ii)	Residential Zone	<i>Roma Town Planning Scheme 2006</i>	Obstacle Limitation Surfaces
iii)			

**Table E**—Premises coordinates (Appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

**3. Total area of the premises on which the development is proposed** (indicate square metres)

13.88ha

**4. Current use/s of the premises** (e.g. vacant land, house, apartment building, cane farm etc.)

Residential, Rural, Community oriented uses,

**5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)**

No  Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

**6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)**

No  
 Yes—complete either Table F, Table G or Table H as applicable

<b>Table F</b>	
Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

<b>Table G</b>	
Name of owner/s of the land	
<input type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

<b>Table H</b>	
Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

**7. Identify if any of the following apply to the premises (Tick applicable box/es.)**

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

<b>Table I</b>
Name of water body, watercourse or aquifer
Bungil Creek

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

**8. Are there any existing easements on the premises?** (e.g. for vehicular access, electricity, overland flow, water etc)

No  Yes—ensure the type, location and dimension of each easement is included in the plans submitted

**9. Does the proposal include new building work or operational work on the premises?** (Including any services)

No  Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

**10. Is the payment of a portable long service leave levy applicable to this application?** (Refer to notes at the end of this form for more information.)

No—go to question 12  Yes

**11. Has the portable long service leave levy been paid?** (Refer to notes at the end of this form for more information.)

No  
 Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

**12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?**

No  
 Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

**13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application)**

Description of attachment or title of attachment	Method of lodgement to assessment manager
Application cover letter	Electronic
IDAS Form 1 – Application Details	Electronic
IDAS Form 11 – Clearing native vegetation	Electronic
Development Approval for Operational Works – Construction of a Category 3 Levee dated June 24, 2016	Electronic
DNRM Regional Ecosystem Map – Figure 1, prepared by GHD dated 9 Feb 2016	Electronic
Ground-truthed Regional Ecosystem Map – Figure 2, prepared by GHD dated 9 Feb 2016	Electronic
For Construction drawings – Drawing number 2016-378C, prepared by GHD dated 27/05/16	Electronic
Response to Queensland vegetation management State code	Electronic
Roma Flood Mitigation Study – Stage 2 Ecological Assessment Report (February 2016)	Electronic

**14. Applicant's declaration**

By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

**Notes for completing this form**

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

**Applicant details**

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

**Question 1**

- Schedule 3 of the *Sustainable Planning Regulation 2009* identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

**Question 6**

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

**Question 7**

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the *Sustainable Planning Regulation 2009* identifies where compliance assessment is required.

**Question 11**

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2002*.

**Question 12**

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au). For further information contact QLeave on 1800 803 481 or visit [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au).

**Privacy**—The information collected in this form will be used by the Department of Infrastructure, Local Government and Planning (DILGP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**OFFICE USE ONLY**

Date received

Reference numbers

**NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER**

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

**QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)**

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

# IDAS form 11—Clearing native vegetation

(Sustainable Planning Act 2009 version 3.1 effective 23 September 2013)

This form must be used for development applications that involve the clearing of native vegetation.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application
- include the relevant application fee, noting that referral agency fees (where applicable) are to be paid to the referral agency.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form can also be completed online using MyDAS at [www.dsdip.qld.gov.au/MyDAS](http://www.dsdip.qld.gov.au/MyDAS)

## Mandatory requirements

### 1. What type of development is proposed?

- Operational work for clearing vegetation made assessable under Schedule 3 of the Sustainable Planning Regulation 2009
- Material change of use of the premises
- Reconfiguring a lot

### 2. What type of approval is being sought?

- Development permit
- Preliminary approval
- Both—provide details below

## Mandatory supporting information

### 3. Confirm that the following mandatory supporting information accompanies this application

For ALL applications	Confirmation of lodgement	Method of lodgement
A property vegetation management plan including as defined under the Vegetation Management Act 1999 schedule. Note: A property vegetation management plan must show the matters prescribed in section 11 of the Vegetation Management Regulation 2012.	<input checked="" type="checkbox"/> Confirmed	

For ALL applications	Confirmation of lodgement	Method of lodgement
A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
<b>For an operational work application for which the assessment manager is the local government</b>		
Written confirmation that the chief executive of the Department of Natural Resources and Mines is satisfied the proposed clearing is for a relevant purpose under the <i>Vegetation Management Act 1999</i> , section 22A.	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
<b>For an operational work application where the assessment manager is the Department of State Development, Infrastructure and Planning</b>		
Either of the following: <ul style="list-style-type: none"> <li>written confirmation that the chief executive of the Department of Natural Resources and Mines is satisfied the proposed clearing is for a relevant purpose under the <i>Vegetation Management Act 1999</i>, section 22A; or</li> <li>information identifying the relevant purpose under the <i>Vegetation Management Act 1999</i>, section 22A and demonstrating how the proposed clearing is for that purpose.</li> </ul>	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
<b>For applications for a material change of use or reconfiguring a lot</b>		
The following additional detail to be included in the property vegetation management plan: <ul style="list-style-type: none"> <li>details of the location and extent of: <ul style="list-style-type: none"> <li>infrastructure, including buildings, fences, roads and electrical, telecommunication or sewerage services; and</li> <li>firebreaks and fire management lines; and</li> </ul> </li> <li>details of the way the proposed clearing complies with the relevant part(s) of the SDAP.</li> </ul>	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	

**Notes for completing this form**

- The Department of Natural Resource and Mines (DNRM) website contains a comprehensive range of information about the *Vegetation Management Act 1999*.
- Question 3 for operational work applications —Under the *Vegetation Management Act 1999*, the proposed vegetation clearing is only for a relevant purpose if the applicant satisfies the chief executive of the DNRM that the development applied for is one of the purposes listed in section 22A of that Act. If the assessment manager is the local government, the applicant must obtain confirmation from the chief executive of DNRM that the proposed clearing is for a relevant purpose and provide this with the application. However, if the Department of State Development, Infrastructure and Planning (DSDIP) is the assessment manager, the applicant has the choice of either obtaining this confirmation from DNRM before making the application, or providing adequate information for the decision to be made on whether the proposed clearing is for a relevant purpose at the time the application is made.

**Privacy**—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

**OFFICE USE ONLY**

Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

**Decision notice approval**  
Sustainable Planning Act 2009 s.335



File: 2015/19384  
Enquiries to: Department of Development, Facilities & Environmental Services  
Phone: 1300 007 662  
Post: PO Box 620, Roma QLD 4455

24 June 2016

Maranoa Regional Council  
PO Box 620  
Roma QLD 4455

Attention: Planning and Building Development

I acknowledge receipt of the above application on 17 September 2015 and confirm the following details:

**RE: Development Application for Operational Works - Construction of a Category 3 Levee**

**On land situated at 216-228 Edwardes Street, 230 Edwardes Street, 234 Edwardes Street, 236 Edwardes Street, 238-256 Edwardes Street and 258-262 Edwardes Street, Roma QLD 4455**

**Described as Lot: 22 R: 863, Lot: 2 SP: 110498, Lot: 2 RP: 4380, Lot: 1 RP: 4380, Lot: 1 R: 8684 and Lot: 1 WV: 1882**

Dear Sir / Madam,

I wish to advise that on 22 June 2016 the above development application was:

Approved in full with conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

**1. Details of the approval**

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Operational work – Construction of a Category 3 levee	Schedule 3, Table 4, Item 12, Column1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Submissions**

There were five properly made submissions about the application.

The name and address of the principal submitter for each properly made submission are listed in the table below:

Name of principal submitter	Address
1. <span style="color: red;">sch4p4(6) Personal information information</span>	
2.	
3.	
4.	
5.	

**3. 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.

**4. Referral agencies**

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<input checked="" type="checkbox"/> Operational Work that is;  a) Construction of a new category 3 levee; or  b) Modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 3 levee	State Assessment and Referral Agency	Concurrence Agency	State Assessment and Referral Agency PO Box 825 Toowoomba QLD 4350

See Attachment 1 – Part 2 for conditions of approval imposed by the Department of Infrastructure, Local Government and Planning as a result of the referral.

## 5. Approved plans

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

Plan/Document number	Plan/Document name	Date
Figure 15	Western Levee Arrangement Plan	Dec 2015
	Development application for: Roma flood mitigation project Stage 2 Operational Works; Construction of a Category 3 Levee	
	Maranoa Regional Council: Roma Flood Mitigation Study Hydrology and Hydraulics for Stage 2 Regional Mitigation Options	1 January 2014
	Maranoa Regional Council: Roma Flood Mitigation Study Hydrology and Hydraulics for Stage 2 Local Mitigation Options	December 2013

## 6. When approval lapses if development not started (s.341)

Two (2) years starting the day the approval takes effect.

## 7. Appeal rights

### *Appeals by applicants*

An applicant for a development application may appeal to the Planning and Environment Court in accordance with SPA chapter 7, part 1, division 8 against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Information about how to proceed with an appeal to the **Planning and Environment Court** may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee in accordance with SPA, chapter 7, part 2.

Appeals to the **Building and Development Dispute Resolution Committees** may be addressed to:

Building and Development Dispute Resolution Committees  
Department of Housing and Public Works  
GPO Box 2457, Brisbane Qld 4001  
or to the Committees website:

[http://www.hpw.qld.gov.au/construction/Building Plumbing/Dispute Resolution/Pages/BuildingDevelopmentDisputeResolutionCommittees.aspx](http://www.hpw.qld.gov.au/construction/Building%20Plumbing/Dispute%20Resolution/Pages/BuildingDevelopmentDisputeResolutionCommittees.aspx)

The Committees Registrar contact details are as follows:

Phone: 1800 804 833

Email: [registrar@qld.gov.au](mailto:registrar@qld.gov.au)

## **Appeals by submitters**

A submitter for a development application may appeal to the Planning and Environment Court in accordance with SPA chapter 7, part 1, division 8 against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Information about how to proceed with an appeal to the **Planning and Environment Court** may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee in accordance with SPA, chapter 7, part 2.

Appeals to the **Building and Development Dispute Resolution Committees** may be addressed to:

Building and Development Dispute Resolution Committees  
Department of Housing and Public Works  
GPO Box 2457, Brisbane Qld 4001

or to the Committees website:

[http://www.hpw.qld.gov.au/construction/Building Plumbing/Dispute Resolution/Pages/BuildingDevelopmentDisputeResolutionCommittees.aspx](http://www.hpw.qld.gov.au/construction/Building%20Plumbing/Dispute%20Resolution/Pages/BuildingDevelopmentDisputeResolutionCommittees.aspx)

The Committees Registrar contact details are as follows:

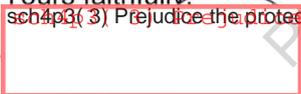
Phone: 1800 804 833

Email: [registrar@qld.gov.au](mailto:registrar@qld.gov.au)

Attachment 2 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

If you wish to discuss this matter further, please contact the Department of Development, Facilities and Environmental Services on 1300 007 662.

Yours faithfully,

 sch4p3(3) Prejudice the protec

Rob Hayward

**Director Development, Facilities and Environmental Services**

**Attachment 1 -**

**Part 1 - Conditions of the approval imposed by the assessment manager**

**Part 2 - Concurrence agency conditions**

**Attachment 2 – SPA extract on appeal rights**

**ATTACHMENT 1, PART 1 – CONDITIONS OF APPROVAL IMPOSED BY THE ASSESSMENT MANAGER – MARANOA REGIONAL COUNCIL**

**Preamble**

- (i) All Aboriginal Cultural Heritage in Queensland is protected under the (*Aboriginal Cultural Heritage Act 2003*) and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The proponent is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- (ii) 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 operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- (iii) The proponent must obtain approval from the Department of Natural Resources and Mines prior to the removal of any vegetation from the site pursuant to the *Vegetation Management Act 1999*.
- (iv) It is the responsibility of the person(s) undertaking the works to ensure that all licenses, permits and agreements required to access the site and to carry out works on the site are in place prior to the commencement of works.
- (v) All required reports, studies and/or supporting information required as any condition of approval, either imposed by the Assessment Manager or Concurrence Agency, must be submitted and approved prior to the commencement of any works.

**Use**

1. The approved development is Operational Works to construct a Category 3 levee as shown on the approved plans.
2. All development approval conditions relating to the establishment of the approved development must be fulfilled prior to the completion of works for the approved development, unless otherwise noted in these conditions.
3. The proponent is to arrange a final inspection of the works immediately upon completion of the works associated with the approval, and submit to Council final as constructed drawings endorsed by a Registered Professional Engineer of Queensland (RPEQ).

**Approved Plans and Documents**

4. Complete and maintain the approved development – Operational Works – Category 3 Levee generally in accordance with the following approved plans and documents, subject to and modified by any conditions of this approval:

Plan/Document number	Plan/document name	Date
Figure 15	Western Levee Arrangement Plan	Dec 2015
	Development application for: Roma flood mitigation project Stage 2 Operational Works: Construction of a Category 3 Levee	
	Maranoa Regional Council Roma Flood Mitigation Study	1 January 2014

	Hydrology and Hydraulics for Stage 2 Regional Mitigation Options	
	Maranoa Regional Council Roma Flood Mitigation Study Hydrology and Hydraulics for Stage 2 Local Mitigation Options	December 2013
	Maranoa Regional Council Roma Flood Study Environmental Assessment Report	October 2013

### Detailed plans

5. Detailed design plans, generally in accordance with the approved plans, must be submitted to and approved by Council prior to the commencement of works. The detailed design plans must include:
  - a. a Site Plan clearly showing the alignment of the levee;
  - b. Elevation plan(s) clearly identifying the height above ground level of the proposed levee; and
  - c. Construction design plan(s) endorsed by a RPEQ identifying all relevant engineering elements of the levee wall, including materials to be used at each section of the levee, any necessary water related infrastructure and pedestrian crossovers.
6. The approved Site Plan, Elevation plan(s) and Construction design plan(s) shall form part of the approved documents for the development.

### Disaster Management Plan

7. A detailed disaster management response plan must be submitted to and approved by Council prior to the commencement of works. The plan must be generally in accordance with Council's current Disaster Management Response Plan, and be prepared in accordance with the Queensland Local Government Disaster Management Guidelines (*Disaster Management Act 2003*).
8. The disaster management response plan should specifically deal with the potentially affected people under a range of scenarios over the life of the levee, including overtopping and failure models in larger flood events, and include procedures for public notification and evacuation.
9. The approved disaster management response plan shall become part of the approved plans for the development.

### Landscaping

10. Prior to the commencement of works details regarding the existing trees that will be retained and the trees that will be removed, as well as details of any proposed ground covers (grasses) shall be submitted to Council for approval.

### On-going maintenance and repair

11. An updated Operations and Maintenance Manual to reflect the approved Category 3 levee is to be submitted to and approved by Council prior to the commencement of works. The updated Operations and Maintenance Manual is to include RPEQ certification and clearly identify all operational and maintenance requirements for the Roma Levee, including agency responsibilities relating to all aspects of operations and maintenance.
12. The updated Operations and Maintenance Manual shall become part of the approved plans for the development.

## **Sediment and Erosion Control**

13. A Sediment and Erosion Control Management plan is to be submitted to and approved by Council prior to works commencing. The Sediment and Erosion Control Management plan is to incorporate the following:
  - a. All reasonably practicable measures to prevent soil or sediment being transported offsite;
  - b. Sediment control structures (such as sediment fences) are to be placed at the base of all materials stockpiled on site to prevent the transport of sediments from the site;
  - c. Regular inspections are to be carried out on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction;
  - d. Additional inspections are to be carried out after each storm event to assess the adequacy of the erosion control measures and repair any control devices damaged by the storm event;
  - e. All reasonably practicable measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining roads during the course of the construction period and to prevent dust nuisance during construction.

## **Amenity**

14. All reasonably practicable measures shall be taken to mitigate against nuisance to adjoining properties and their occupiers from dust, smoke, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.
15. All building waste and waste associated with the construction of the Category 3 levee shall be contained to prevent release to adjoining properties.
16. Any spills of soil or other material associated with construction works shall be removed upon the completion of each days work during construction. These material spills must be managed in a way that minimises environmental harm or damage.

## **Lighting**

17. Lighting of the 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 site at any property boundary.
18. All lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.

## **Damage to properties**

19. Implement appropriate construction procedures including any necessary monitoring and the undertaking of appropriate building inspection reports if the use of vibratory compaction equipment (other than hand held devices) is to occur within 20 metres of any existing building or structure.
20. Rectify any damage to property as a result of construction works.

## **Pollution and amenity impacts**

21. Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.
22. Carry out all construction works in accordance with the Australian Standard AS 4970-2009- Protection of Trees on Development Sites, to ensure the long term survival of trees to be protected.

## Dust

23. All practical measures shall be taken to minimise dust nuisance caused during the construction of the levee to adjoining properties.

## Noise

24. A noise management plan is to be submitted to and approved by Council prior to works commencing. The noise management plan is to identify all reasonably practicable measures that will be taken to minimise noise nuisance caused during the construction of the levee to adjoining sensitive receptors.
25. Construction work is not to be carried out:
  - a. on any Sunday or public holiday; or
  - b. on any other day, before 6.30am or after 6.30pm.

The proponent may apply to Council to vary the hours of operation where extended operating hours are necessary in the opinion of the Council having considered the duration of the additional impacts upon the local community. Any decision to alter the operating hours will be subject to consultation with adjoining land owners.

## Stockpile of Material

26. During the construction of the Category 3 levee no materials to be used in the levee shall be stockpiled on any adjoining properties without the prior written consent of the affected landholder(s).

Published on DNRM Disclosure  
RTI Act 2009

ATTACHMENT 1, PART 2 – CONCURRENCE AGENCY CONDITIONS



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0216-028006  
Your reference: 2015/19384

12 May 2016

Chief Executive Officer  
Maranoa Regional Council  
PO Box 620  
ROMA QLD 4455  
planning@maranoa.qld.gov.au

Attn: Danielle Pearn

Dear Danielle

**Concurrence Agency Response—with Conditions— Development Permit - Operational Works (construction of a category 3 levee)**

216-218, 230, 234, 236, 238-256, 258-262 Edwardes Street, Roma QLD 4455  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning (DILGP) under section 272 of the *Sustainable Planning Act 2009* on 12 February 2016.

**Applicant details**

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Applicant name: Maranoa Regional Council  
Applicant contact details: PO Box 620  
Roma QLD 4455  
planning@maranoa.qld.gov.au

**Site details**

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Street address: 216-218, 230, 234, 236, 238-256, 258-262 Edwardes Street, Roma QLD 4455  
Lot on plan: Lot 22 on R863  
Lot 2 on SP110498  
Lot 1 & 2 on RP4380  
Lot 1 on R8664  
Lot 1 on WV1882

Page 1

Darling Downs South West Regional Office  
128 Margaret Street  
PO Box 825  
TOowoomba QLD 4350

Local government area: Maranoa Regional Council

### Application details

Proposed development: Development permit for operational works (construction of a category 3 levee)

### Referral triggers

The development application was referred to DILGP under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger: Schedule 7, Table 2, Item 48 - Construction of new levees or modification of existing levees

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, DILGP must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

A copy of this response has been sent to the applicant for their information.

For further information, please contact Maria Johnson, Planning Officer, SARA Darling Downs South West on 4616 7307, or email [maria.johnson@dilgp.qld.gov.au](mailto:maria.johnson@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

sch4p3( 3) Prejudice th

Andrew Foley  
A/Director (Planning)

cc: Maranoa Regional Council, [planning@maranoa.qld.gov.au](mailto:planning@maranoa.qld.gov.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions

Our reference: SDA-0216-028006  
 Your reference: 2015/19384

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for operational works (construction of a category 3 levee)		
4.2.48—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Natural Resources and Mines (DNRM) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) The levee must be constructed generally in accordance with the Hydrology and Hydraulics for Stage 2 Regional Mitigation Options, January 2014, Revision 1 in particular:</p> <ul style="list-style-type: none"> <li>• Regional Mitigation Combination 6, including mitigation impacts of the diversion drain.</li> </ul> <p>AND</p> <p>(b) Registered Professional Engineer of Queensland (RPEQ) certification must be provided to the DNRM that the levee has been designed and constructed to provide appropriate resilience to failure during flood events up to the design level and during the period immediately after a flood, and in accordance with part (a) of this condition.</p>	<p>(a) Prior to the commencement of use and to be maintained at all times.</p> <p>(b) Within 20 days of the completion of works.</p>
2.	<p>(a) A Levee Modelling Report must be prepared prior to the construction of the Stage 2 Levee.</p> <p>(b) The Levee Modelling Report must clearly identify the following:</p> <ul style="list-style-type: none"> <li>• Properties and people that are protected from flooding by the levee;</li> <li>• Additional properties and people that are directly or indirectly impacted by flooding due to the levee; and</li> <li>• Properties and people that flood with or without the levee.</li> </ul> <p>(c) The Levee Modelling Report must be undertaken by an RPEQ and detail the following:</p> <ul style="list-style-type: none"> <li>• Pre Stage 2 levee condition;</li> <li>• 10, 20, 30, 40, 50 and 100 Average Recurrence</li> </ul>	<p>(a-c) Prior to site works commencing.</p> <p>(d) Within 20 business days of site works commencing.</p>

No.	Conditions	Condition timing
	<p>Interval (ARI) design events;</p> <ul style="list-style-type: none"> <li>• Design flood event (i.e. levee height as designed to withstand the 2012 flood level); and</li> <li>• Overtopping scenario that will result in the largest impact on properties and people as a result of the levee being build (i.e. not necessarily the Probable Maximum Flood).</li> </ul> <p>(d) Submit the Levee Modelling Report to DNRM, Strategic Water Programs, PO Box 15216, CITY EAST, BRISBANE 4000.</p> <p><b>Note:</b> Information is to be presented in a table supported by the model results showing the flood extent and afflux. Any benefits or disadvantages as a result of the levee (e.g. flood preparation or evacuation), must also be documented.</p>	
3.	<p>Targeted consultation (i.e. the affected population) must be undertaken.</p> <p>(a) Targeted consultation must occur:</p> <ol style="list-style-type: none"> <li>i. Once the final design of the levee is completed and before construction starts; and</li> <li>ii. Through the commissioning phase.</li> </ol> <p>AND</p> <p>(b) Targeted consultation must include the provision of information in regards to:</p> <ol style="list-style-type: none"> <li>i. the final levee alignment and design and how this may have changed from the conceptual design phase;</li> <li>ii. any change in how flooding occurs in the area;</li> <li>iii. the refined risk assessment and the likely impacts from the: <ul style="list-style-type: none"> <li>o 10, 20, 30, 40, 50 and 100 ARI design events;</li> <li>o design flood event (i.e. levee height as designed to withstand the 2012 flood level); and</li> <li>o overtopping scenario that will result in the largest impact on properties and people as a result of the levee being built (i.e. not necessarily the Probable Maximum Flood).</li> </ul> </li> <li>iv. the refined mitigation options and compensation</li> </ol>	<p>(a)(i) Prior to the commencement of works.</p> <p>(a)(ii) Upon completion of the works the subject of this approval.</p> <p>(b) Prior to the commencement of works</p>

No.	Conditions	Condition timing
	<p>measures; and</p> <p>v. the emergency management and evacuation plan implications for property and affected persons as a minimum the levee design height and the overtopping scenario.</p>	
4.	<p>Submit to DNRM (Strategic Water Programs, PO Box 15216, CITY EAST, BRISBANE 4000), a revised version of The Roma Flood Levee Operations and Maintenance Manual to include details of the Stage 2 Levee.</p> <p>The updated version of The Roma Flood Levee Operations and Maintenance Manual is to include RPEQ certification and clearly identify all operational and maintenance requirements for the Roma Levee, including agency responsibilities relating to all aspects of operations and maintenance.</p>	<p>Within 20 business days of the completion of the Stage 2 works.</p>

## ATTACHMENT 2 – SPA EXTRACT ON APPEAL RIGHTS

### Division 8 Appeals to court relating to development applications and approvals

#### 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.

#### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1) (b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

### Division 11 Making an appeal to court

#### 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).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
- (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.

- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **489 Minister entitled to be party to an appeal involving a State interest**

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

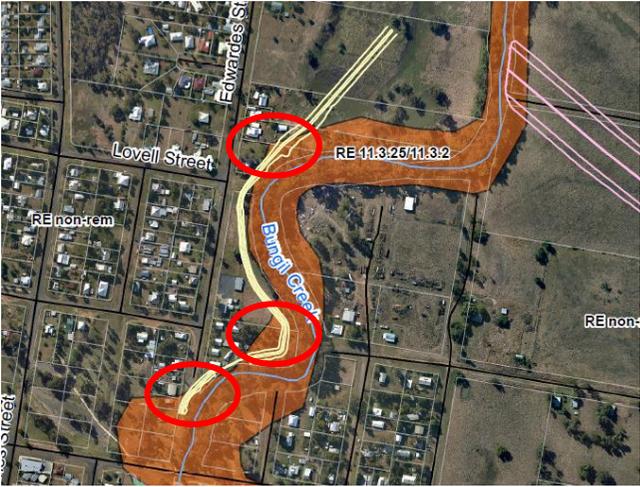
#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

## 8.1 Queensland vegetation management state code

Response column key:  
 Achieved  
**P/S** Performance solution

Table 8.1.3: General

Performance outcomes	Acceptable outcomes	Response	Comment
<b>Clearing to reasonably avoid and minimise impacts</b>			
<p><b>PO1</b> Clearing only occurs where the applicant has demonstrated that the development has first reasonably avoided, and then reasonably minimised the impacts of development.</p>	<p>No acceptable outcome is prescribed.</p>	<p>✓</p>	<ul style="list-style-type: none"> <li>According to DNRM Regional Ecosystem Mapping the proposed flood levee intersects remnant vegetation at three distinct locations along Bungil Creek. These locations are shown in Figure 1. Remnant vegetation will not be disturbed along the remainder of the levee.</li> </ul>  <p><b>Figure 1</b> – DNRM Regional Ecosystem Map</p> <ul style="list-style-type: none"> <li>A ground-truthed survey carried out by GHD (below) indicates that of the three areas likely to be impacted by the levee the loss of remnant vegetation will be minimal, if at all.</li> </ul>

Performance outcomes	Acceptable outcomes	Response	Comment
			<ul style="list-style-type: none"> <li>The alignment of the levee has been informed by the ground-surveys undertaken by GHD in order to reasonably avoid disturbance to remnant vegetation.</li> </ul>  <p><b>Figure 2 – GHD Ground-truthed survey</b></p> <ul style="list-style-type: none"> <li>The areas of remnant vegetation likely to be impacted by the proposed levee are classified as Regional Ecosystem 11.3.25. This community is flood tolerant and as such will not deteriorate beyond any required clearing.</li> <li>The impacted community status is identified in the Vegetation Management Act 2009 as species of “Least concern.” The community is classified as mid-dense. Any clearing required will be minimised and accord with the Reference Tables contained in Module 8 of the SDAP codes.</li> </ul>

Performance outcomes	Acceptable outcomes	Response	Comment
<p><b>PO2</b> Clearing in an area must not be inconsistent with or impact on any of the following unless a better environmental outcome can be achieved:</p> <ul style="list-style-type: none"> <li>(1) a declared area, or</li> <li>(2) an exchange area, or</li> <li>(3) unlawfully cleared area, or</li> <li>(4) a restoration notice, or</li> <li>(5) an enforcement notice under the Sustainable Planning Act 2009 issued for a vegetation clearing offence, or</li> <li>(6) a compliance notice containing conditions about the restoration of vegetation, or</li> <li>(7) a Land Act notice, or</li> <li>(8) a trespass notice if the trespass related act under the Land Act 1994 for the notice is the clearing of vegetation on the relevant land, or</li> <li>(9) an area on a PMAV shown to be category A where the chief executive of the VMA reasonably believes that a vegetation clearing offence is being, or has been, committed in relation to the area.</li> </ul>	<p>No acceptable outcome is prescribed.</p>	<p>N/A</p>	<p>The levee does not intersect any of the areas identified in PO2.</p>
<b>Clearing on land that is an environmental offset area</b>			
<p><b>PO3</b> Clearing on land that contains an existing environmental offset is consistent</p>	<p><b>AO3.1</b> Clearing is consistent with the offset delivery plan or agreement for the environmental offset area. Or</p>	<p>N/A</p>	<p>The levee will not be constructed in an area that contains an existing environmental offset.</p>

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RTI Act 2009

Performance outcomes	Acceptable outcomes	Response	Comment
with the delivery plan or agreement for the environmental offset area. Editor's note: Environmental offset agreements may also be described as an 'agreed delivery arrangement' or 'delivery agreement'. Clearing should be consistent with any agreement however described.	<b>AO3.2</b> An additional environmental offset is provided that is consistent with the relevant Queensland Environmental Offsets Policy.		
<b>No clearing of vegetation as a result of the material change of use or reconfiguration of a lot</b>			
<b>PO4</b> Clearing as a result of the material change of use or reconfiguration of a lot will not occur.	No acceptable outcome is prescribed.	N/A	Any required clearing is not the result of a material change of use or a reconfiguration of a lot application.
<b>Clearing that could already be done under an exemption</b>			
<b>PO5</b> All clearing is limited to clearing that could be done under an exemption for the purpose of the development (as prescribed under schedule 24, parts 1 and 2 of the Sustainable Planning Regulation 2009) prior to the material change of use application being approved.	No acceptable outcome is prescribed.	N/A	The proposed levee does not constitute a material change of use.

Table 8.1.4: Public safety, relevant infrastructure and coordinated projects

Performance outcomes	Acceptable outcomes	Response	Comment
<b>Limits to clearing</b>			
<b>PO1</b> Clearing is limited to the extent that is necessary:  (1) for establishing a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure (each relevant infrastructure), where the clearing	No acceptable outcome is prescribed.	✓	<ul style="list-style-type: none"> <li>The levee has been deemed a relevant purpose for the purpose of clearing vegetation by DNRM. If any vegetation is required to be cleared it will be limited entirely to the levee footprint.</li> <li>The footprint of the levee is shown in Figure 3. Construction will be contained solely within the levee footprint. Plant, machinery and materials associated with construction of the levee will be stored on site within the levee footprint, or</li> </ul>

Performance outcomes	Acceptable outcomes	Response	Comment
<p>cannot reasonably be avoided or minimised, or</p> <p>(2) as a natural and ordinary consequence of other assessable development for which a development approval as defined under the repealed <i>Integrated Planning Act 1997</i> was given, or a development application as defined under that Act was made, before 16 May 2003, or</p> <p>(3) to ensure public safety, or</p> <p>(4) for a coordinated project and any associated ancillary works—other than a coordinated project that involves high value agriculture clearing, or irrigated high value agriculture clearing.</p>			<p>alternatively off site at an approved depot. This will avoid any unnecessary clearing.</p> <ul style="list-style-type: none"> <li>It is expected that access to the levee will be provided via a single designated entry point that will avoid all remanant vegetation.</li> </ul>  <p><b>Figure 3 – For Construction drawing.</b></p>
<b>Wetlands</b>			
<p><b>PO2</b> Maintain the current extent of vegetation associated with any natural wetland to protect:</p> <p>(1) water quality by filtering sediments, nutrients and other pollutants</p>	<p><b>A02.1</b> Clearing does not occur in or within 100 metres of any natural wetland.</p> <p>Or</p> <p><b>A02.2</b> Clearing only occurs within 100 metres of any natural wetland where:</p>	<p>✓</p>	<p>Clearing, if required, will not occur within 100m of a natural wetland.</p>

Performance outcomes	Acceptable outcomes	Response	Comment
(2) aquatic habitat (3) terrestrial habitat.	(1) the clearing does not occur within 50 metres of the defining bank of any natural wetland, or  (2) the widths stipulated by table 1 are not exceeded.  Or  <b>AO2.3</b> Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impacts from clearing of vegetation associated with a natural wetland.  Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to section 3.3 (Wetlands and watercourses) of the Significant Residual Impact Guideline and the relevant Queensland Environmental Offsets Policy		
<b>Watercourses and drainage features</b>			
<b>PO3</b> Maintain the current extent of vegetation associated with any watercourse or drainage feature to protect:  (1) bank stability by protecting against bank erosion  (2) water quality by filtering sediments, nutrients and other pollutants  (3) aquatic habitat  (4) terrestrial habitat.	<b>AO3.1</b> Clearing does not occur:  (1) in any watercourse or drainage feature, or  (2) within the relevant distance stipulated by table 2 of the defining bank of any watercourse or drainage feature.  Or  <b>AO3.2</b> Clearing only occurs within any watercourse or drainage feature, or within the relevant distance stipulated by table 2 of the defining bank of any watercourse or drainage feature where:  (1) the clearing does not occur within 5 metres of the defining bank, or  (2) the widths stipulated by table 1 is not exceeded  Or		
		✓	<ul style="list-style-type: none"> <li>Remnant vegetation in the vicinity of the proposed levee is identified as Regional Ecosystem 11.3.25 and is classified as "mid-dense." The SDAP reference table 1 has a clearing limit of 10 metres in width and 0.5 hectares for vegetation which structure category of "mid-dense". If remnant vegetation is required to be cleared the extent of</li> </ul>

Performance outcomes	Acceptable outcomes	Response	Comment
	<p><b>AO3.3</b> Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from clearing of vegetation associated with any watercourse or drainage feature.</p> <p>Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to section 3.3 (Wetlands and watercourses) of the Significant Residual Impact Guideline and the relevant Queensland Environmental Offsets Policy.</p>		<p>clearing will not exceed the limits outlined in reference table 1.</p>
<b>Connectivity (public safety and relevant infrastructure)</b>			
<p><b>PO4</b> In consideration of vegetation on the subject lot(s) and in the landscape adjacent to the subject lot(s), vegetation is retained that:</p> <p>(1) is of sufficient size and configured in a way that maintains ecosystem functioning</p> <p>(2) remains in the landscape despite threatening processes.</p>	<p><b>AO4.1</b> Clearing occurs in accordance with table 3.</p>		<ul style="list-style-type: none"> <li>• As shown on the For Construction drawing below, if vegetation is required to be cleared it will occur only on the periphery of the corridor and will not result in fragmentation of the corridor. Vegetation that is of sufficient size will be retained and configured in a way that maintains ecosystem functioning.</li> <li>• If clearing is required it will not; <ul style="list-style-type: none"> <li>- occur in an area of vegetation less than 50 hectares;</li> <li>- reduce the extent of vegetation to less than 50 hectares;</li> <li>- occur where the extent of vegetation on the subject lot(s) is reduced to or less than 30 per cent of the total area of the lot(s).</li> </ul> </li> </ul>

Performance outcomes	Acceptable outcomes	Response	Comment
			 <p data-bbox="1429 766 1825 794"><b>Figure 4 – For Construction drawing.</b></p>
<b>Connectivity (coordinated projects)</b>			
<p data-bbox="141 890 589 1002"><b>PO5</b> In consideration of vegetation on the subject lot(s) and in the landscape adjacent to the subject lot(s), vegetation is retained that:</p> <p data-bbox="141 1018 589 1193">(1) is of sufficient size and configured in a way that maintains ecosystem functioning</p> <p data-bbox="141 1209 589 1265">(2) remains in the landscape despite threatening processes</p> <p data-bbox="141 1281 589 1337">or where this is not reasonably possible, maintain the current extent of vegetation.</p>	<p data-bbox="611 890 1234 954"><b>AO5.1</b> Clearing occurs in accordance with table 3.</p> <p data-bbox="611 970 1234 1114"><b>AO5.2</b> Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from clearing of vegetation that forms a connectivity area.</p> <p data-bbox="611 1153 1234 1329">Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to section 3.2 (Connectivity areas) of the Significant Residual Impact Guideline and the relevant Queensland Environmental Offsets Policy.</p>	N/A	The levee is not a coordinated project.
<b>Soil erosion</b>			

Performance outcomes	Acceptable outcomes	Response	Comment
<p><b>PO6</b> Clearing does not result in:</p> <p>(1) accelerated soil erosion including, but not limited to - mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding</p> <p>(2) any associated loss of chemical, physical or biological fertility—including, but not limited to water holding capacity, soil structure, organic matter, soil biology, and nutrients</p> <p>within or outside the lot(s) that are the subject of the application.</p>	<p><b>AO6.1</b> Clearing is undertaken in accordance with a sediment and erosion control plan which includes measures to ensure the rates of soil loss and sediment movement are the same or less than those prior to the proposed development.</p> <p>Or</p>	✓	Attached with this application is an erosion and sediment control plan which includes sediment and erosion control measures.
	<p><b>AO6.2</b> The application is a development application where a local government is the assessment manager.</p> <p>Editor's note: For guidance on developing a sediment and erosion control plan please refer to the IECA (2008) Best practice erosion &amp; sediment control document.</p>		
<b>Salinity</b>			
<p><b>PO7</b> Clearing does not contribute to land degradation through:</p> <p>(1) waterlogging, or</p> <p>(2) the salinisation of groundwater, surface water or soil.</p>	<p><b>AO7.1</b> Clearing does not occur in or within 200 metres of a discharge area or recharge area.</p> <p>Or</p>	✓	If clearing is required it will not occur within 200 metres of a discharge area or a recharge area.
	<p><b>AO7.2</b> Clearing is less than:</p> <p>(1) 2 hectares, or</p> <p>(2) 10 metres wide.</p>	✓	If clearing is required, it will be less than 2ha or 10m in width.
<b>Conserving endangered and of concern regional ecosystems</b>			
<p><b>PO8</b> Maintain the current extent of endangered regional ecosystems and of concern regional ecosystems.</p>	<p><b>AO8.1</b> Clearing does not occur in:</p> <p>(1) an endangered regional ecosystem, or</p> <p>(2) an of concern regional ecosystem.</p> <p><b>Or</b></p>	✓	<ul style="list-style-type: none"> <li>Clearing, if required, will not occur in an endangered regional ecosystem, or an area of concern regional ecosystem.</li> <li>The Ecological Assessment Report prepared by GHD identifies remnant vegetation along the section of Bungil Creek where the levee will be constructed as an area of "least concern." (Refer Attachment 7)</li> </ul>

Performance outcomes	Acceptable outcomes	Response	Comment
	<p><b>AO8.2</b> Clearing in an endangered regional ecosystem or an of concern regional ecosystem does not exceed the width or area prescribed in table 1.</p> <p>Or</p>	✓	<ul style="list-style-type: none"> <li>If clearing is required it will not occur in an area identified as an endangered regional ecosystem or an of concern regional ecosystem.</li> <li>The Ecological Assessment Report prepared by GHD identifies remnant vegetation along the section of Bungil Creek where the levee will be constructed as an area of “least concern.”</li> </ul>
	<p><b>AO8.3</b> Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from clearing of endangered regional ecosystems and of concern regional ecosystems.</p> <p>Editor’s note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to section 3.1 (Regulated vegetation) of the Significant Residual Impact Guideline and the relevant Queensland Environmental Offsets Policy.</p>		
<b>Essential habitat</b>			
<b>PO9</b> Maintain the current extent of essential habitat.	<p><b>AO9.1</b> Clearing does not occur in an area of essential habitat.</p> <p>Or</p>	✓	<ul style="list-style-type: none"> <li>If clearing is required it will not occur in an area of essential habitat.</li> </ul>
	<p><b>AO9.2</b> Clearing in essential habitat does not exceed the widths or areas prescribed in table 1.</p> <p>Or</p>		
	<p><b>AO9.3</b> Clearing only occurs where an area of essential habitat is isolated and small in size and at risk from threatening processes, for the prescribed species.</p> <p>Or</p>		
	<p><b>AO9.4</b> Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided</p>		

Performance outcomes	Acceptable outcomes	Response	Comment
	<p>for any significant residual impact from clearing of essential habitat.</p> <p>Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to section 3.1 (Regulated vegetation) of the Significant Residual Impact Guideline and the relevant Queensland Environmental Offsets Policy.</p>		
<b>Acid sulfate soils</b>			
<p><b>PO10</b> Clearing activities do not result in disturbance of acid sulfate soils or changes to the hydrology of the location that will either:</p> <p>(1) aerate horizons containing iron sulfides, or</p> <p>(2) mobilise acid or metals.</p>	<p><b>AO10.1</b> Clearing does not occur in land zone 1, land zone 2 or land zone 3.</p> <p>Or</p> <p><b>AO10.2</b> Clearing in land zone 1, land zone 2 or land zone 3 in areas below the 5 metre Australian Height Datum only occurs where:</p> <p>(1) it does not involve mechanical clearing</p> <p>(2) the acid sulfate soils are managed consistent with the State Planning Policy, Department of State Development infrastructure and Planning 2014, and with the Soil Management Guidelines in the Queensland Acid Sulfate Soil Technical Manual, Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>Or</p> <p><b>AO10.3</b> The application is a development application where a local government is the assessment manager.</p>	<p>✓</p>	<p>If clearing is required it will not occur in land zone 1, land zone 2 of land zone 3.</p>

**From:** CAMPBELL Patricia [Patricia.Campbell@dnrme.qld.gov.au]

**Sent:** Tuesday, 13 December 2016 9:25 AM

**To:** BIRT Patrina

**Subject:** FW: SDA-1216-035497 DNRM TAR approved

**Attachments:** SDA-1216-035497 DNRM TAR approved.docx; Figure 2\_DNRM Veg TAR 2016-006451.pdf; SDA-1216-035497 DNRM TAR approved v2.docx

Hi Patrina

This is what I have sent to DILGP Toowoomba. Looks like I might have sent 2 x TAR's instead of the plan. Do you want me to send the plan now? It should have been TAR v2 that should have been sent.

Regards

Trish

Trish Campbell

Administration Officer

Department of Natural Resources & Mines (DNRM)

Natural Resources Assessment - Vegetation Management

☎ 4624 1527

📠 4624 1559

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**From:** CAMPBELL Patricia

**Sent:** Friday, 9 December 2016 3:20 PM

**To:** ToowoombaSARA (ToowoombaSARA@dilgp.qld.gov.au)

**Subject:** SDA-1216-035497 DNRM TAR approved

Good afternoon

Please find attached TAR and supporting documents for SDA-1216-035497.

Street address: 1 Tiffin Street - Roma, Maranoa Regional - QLD; 230 Edwardes Street - Roma, Maranoa Regional - QLD; 234 Edwardes Street - Roma, Maranoa Regional - QLD; 236 Edwardes Street - Roma, Maranoa Regional - QLD; 256 Edwardes Street - Roma, Maranoa Regional - QLD; 262 Edwardes Street - Roma, Maranoa Regional - QLD

Lot on plan: 2; 2; 2; 1; 1; 1 R863; SP110498; RP4380; RP4380; R8684; WV1882

Local government area: Maranoa Regional

Applicant name: Maranoa Regional Council

Regards

Trish

Trish Campbell

Administration Officer

**Department of Natural Resources & Mines (DNRM)  
Natural Resources Assessment - Vegetation Management**

 4624 1527

 4624 1559

 [vegsouthregion@dnrm.qld.gov.au](mailto:vegsouthregion@dnrm.qld.gov.au)

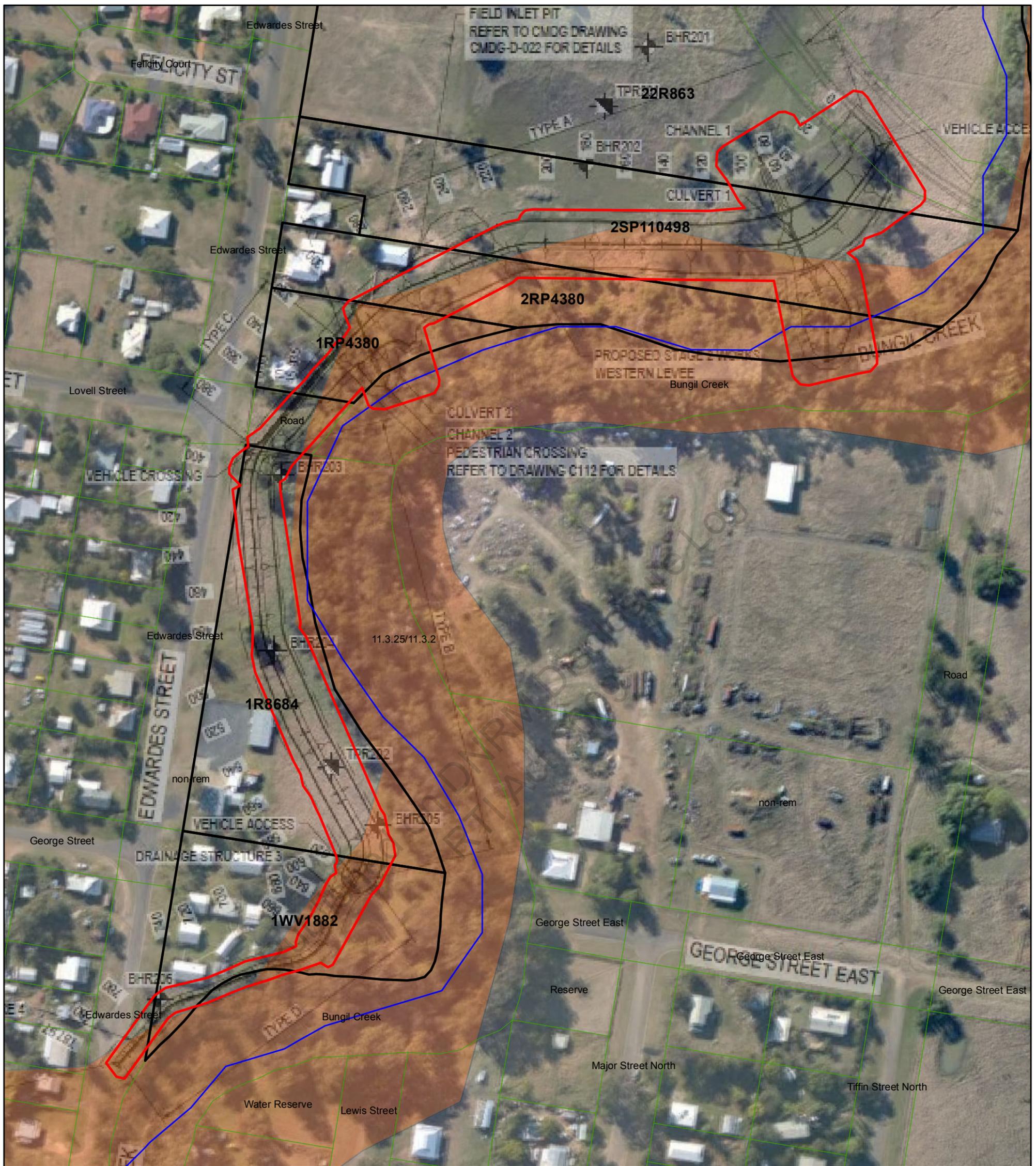
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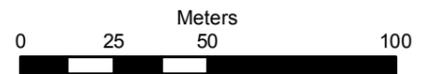
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- Legend**
- Clear and grub areas
  - Remnant Wetlands
  - Watercourses
  - property\_5ga\_20161116
  - Old DCDB
  - Category A areas
  - Category B areas
  - Category C areas
  - Category R areas
  - Category X areas
  - Water
  - Area not categorised
  - Essential Habitat
  - Category A or B area containing endangered
  - Category A or B area containing endangered and is S20AH
  - Category A or B area containing of concern
  - Category A or B area containing of concern and is S20AH
  - Category A or B area that is least concern
  - Category A or B area that is least concern and is 20AH
  - Category A or B area remnant
  - Category C area containing endangered
  - Category C area containing of concern
  - Category C area that is of least concern
  - Category C area regrowth
  - Non-remnant
  - Water
  - Area not categorised

Map Date: 9 December 2016  
 Author: Patrina Birt, Ipswich DNRM  
 DNRM Ref: 2016/006451  
 SARA Ref: SDA-1216-035497

**Figure 2 - Aerial overlaid with Vegetation Management Supporting Map and proposed development**



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**From:** CAMPBELL Patricia [Patricia.Campbell@dnrme.qld.gov.au]  
**Sent:** Tuesday, 13 December 2016 9:34 AM  
**To:** BIRT Patrina  
**Subject:** RE: SDA-1216-035497 DNRM TAR approved

Hi Patrina

It was sent on Friday afternoon after Andrew Collins assigned to me and I received the read receipt on Friday afternoon also. Will send through now.

Regards  
Trish

Trish Campbell  
Administration Officer  
Department of Natural Resources & Mines (DNRM)  
Natural Resources Assessment - Vegetation Management  
 4624 1527  
 4624 1559  
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---

**From:** BIRT Patrina  
**Sent:** Tuesday, 13 December 2016 9:30 AM  
**To:** CAMPBELL Patricia  
**Subject:** RE: SDA-1216-035497 DNRM TAR approved

Hi Trish,

Yes, please send the plan. Thanks.

I had a call from Maria at SARA today asking if we had sent the TAR. I thought we had sent it last week. Maria has since found the email so she only found it today anyway.

Regards,  
Patrina

---

**Patrina Birt**  
Natural Resource Management Officer, Vegetation Management  
**Telephone:** 07 3894 8120 **Facsimile:** 07 3894 8143  
Email: [patrina.birt@dnrm.qld.gov.au](mailto:patrina.birt@dnrm.qld.gov.au)

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<https://www.qld.gov.au/environment/land/vegetation/management/>



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**From:** CAMPBELL Patricia  
**Sent:** Tuesday, 13 December 2016 9:25 AM  
**To:** BIRT Patrina  
**Subject:** FW: SDA-1216-035497 DNRM TAR approved

Hi Patrina

This is what I have sent to DILGP Toowoomba. Looks like I might have sent 2 x TAR's instead of the plan. Do you want me to send the plan now? It should have been TAR v2 that should have been sent.

Regards  
Trish

Trish Campbell  
Administration Officer  
Department of Natural Resources & Mines (DNRM)  
Natural Resources Assessment - Vegetation Management  
☎ 4624 1527  
📠 4624 1559  
✉ [vegsouthregion@dnrm.qld.gov.au](mailto:vegsouthregion@dnrm.qld.gov.au)

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**From:** CAMPBELL Patricia  
**Sent:** Friday, 9 December 2016 3:20 PM  
**To:** ToowoombaSARA ([ToowoombaSARA@dilgp.qld.gov.au](mailto:ToowoombaSARA@dilgp.qld.gov.au))  
**Subject:** SDA-1216-035497 DNRM TAR approved

Good afternoon

Please find attached TAR and supporting documents for SDA-1216-035497.

Street address: 1 Tiffin Street - Roma, Maranoa Regional - QLD; 230 Edwardes Street - Roma, Maranoa Regional - QLD; 234 Edwardes Street - Roma, Maranoa Regional - QLD; 236 Edwardes Street - Roma, Maranoa Regional - QLD; 256 Edwardes Street - Roma, Maranoa Regional - QLD; 262 Edwardes Street - Roma, Maranoa Regional - QLD  
Lot on plan: 2; 2; 2; 1; 1; 1 R863; SP110498; RP4380; RP4380; R8684; WV1882  
Local government area: Maranoa Regional  
Applicant name: Maranoa Regional Council

Regards  
Trish

Trish Campbell

Administration Officer

Department of Natural Resources & Mines (DNRM)

Natural Resources Assessment - Vegetation Management

 4624 1527

 4624 1559

 [vegsouthregion@dnrm.qld.gov.au](mailto:vegsouthregion@dnrm.qld.gov.au)

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**DELANEY Deanna**

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**From:** ToowoombaSARA <ToowoombaSARA@dilgp.qld.gov.au>  
**To:** CAMPBELL Patricia  
**Sent:** Friday, 9 December 2016 3:40 PM  
**Subject:** Read: SDA-1216-035497 DNRM TAR approved

Your message

To:  
Subject: SDA-1216-035497 DNRM TAR approved  
Sent: Friday, December 09, 2016 3:40:15 PM (UTC+10:00) Brisbane

was read on Friday, December 09, 2016 3:40:04 PM (UTC+10:00) Brisbane.

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**From:** No Reply [mydas-notifications@qld.gov.au]  
**Sent:** Monday, 19 December 2016 3:23 PM  
**To:** vegsouthregion; planning@maranoa.qld.gov.au  
**CC:** Maria Johnson  
**Subject:** [ SDA-1216-035497] SARA notice of decision  
**Attachments:** DILGP\_ Notice of decision (approvals) (code assessment)\_MARANOA REGIONAL COUNCIL\_SDA-1216-035497.pdf

**Categories:** Roma Admin



MyDAS reference: SDA-1216-035497

Application street address: 1 Tiffin Street - Roma, Maranoa Regional - QLD; 230 Edwardes Street - Roma, Maranoa Regional - QLD; 234 Edwardes Street - Roma, Maranoa Regional - QLD; 236 Edwardes Street - Roma, Maranoa Regional - QLD; 256 Edwardes Street - Roma, Maranoa Regional - QLD; 262 Edwardes Street - Roma, Maranoa Regional - QLD

Thank you for your SARA application. We have now completed our assessment and have attached your SARA decision notice.

If you would like to discuss this further, please phone me on 0746167307 or email me at maria.johnson@dilgp.qld.gov.au.

Regards  
Maria Johnson

Please do not reply to this system generated message.

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#### **We value your feedback**

To help us give you the best possible service, we ask that you complete our survey. This should only take about 3 minutes.

Please click [here](#) to participate in the survey or email us at sara@dilgp.qld.gov.au to get in touch.



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-1216-035497  
Your reference: D16/111247

19 December 2016

Maranoa Regional Council  
PO Box 620  
ROMA QLD 4455  
planning@maranoa.qld.gov.au

Dear Sir/Madam

**Notice of Decision – Development Permit – Operational Works (clearing native vegetation associated with the construction of a flood levee)**

1 Tiffin Street, Roma QLD 4455  
230, 234, 236, 256 & 262 Edwardes Street, Roma QLD 4455  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning (DILGP) advises that the development application described below has been approved subject to conditions.

**Applicant details**

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Applicant name: Maranoa Regional Council

**Site details**

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Lot on plan: Lot 2 on R863  
Lot 2 on SP110498  
Lot 1 & 2 on RP4380  
Lot 1 on R8684  
Lot 1 on WV1882  
Local government area: Maranoa Regional Council

**Application details**

---

Proposed development: Development Permit – Operational Works (clearing native vegetation associated with the construction of a flood levee)

A decision notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Maria Johnson, Planning Officer, SARA Darling Downs South West on 4616 7307, or email [maria.johnson@dilgp.qld.gov.au](mailto:maria.johnson@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

sch 4(3) (3) Prejudice the protect

Nathan Rule  
**Director, Southern Region**

enc: Decision notice  
Attachment 1—Assessment manager conditions  
Attachment 2—SPA appeal provisions  
Approved plans and specifications

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**Decision notice**

(Given under section 334 of the *Sustainable Planning Act 2009*)

**Applicant details**


---

Applicant name: Maranoa Regional Council  
 Applicant contact details: PO Box 620  
 Roma QLD 4455  
 planning@maranoa.qld.gov.au

**Application details**


---

Level of assessment: Code assessment  
 Properly made date: 5 December 2016

**Site details**


---

Street address: 1 Tiffin Street, Roma QLD 4455  
 230, 234, 236, 256 & 262 Edwardes Street, Roma  
 Lot on plan: Lot 2 on R863  
 Lot 2 on SP110498  
 Lot 1 & 2 on RP4380  
 Lot 1 on R8684  
 Lot 1 on WV1882  
 Name of owner: Maranoa Regional Council

**Decision**


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Date of decision: 19 December 2016  
 Decision details: Approved subject to conditions

**Conditions**


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This approval is subject to:

- the assessment manager conditions in Attachment 1.

DILGP has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Operational Work	Development permit	Clearing native vegetation associated with the construction of a flood levee	Code Assessment

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if the development is not started within the following period:

- 2 years.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Operational Works</b>				
"Western Levee General Arrangement Plan"	GHD	27 May 2016	Drawing No. 2016-378C-C101	
Maranoa Regional Council Roma Flood Mitigation Project – Stage 2 Eastern Diversion Drain and Western Levee – Erosion and Sediment Control Plan	GHD	August 2016		

Our reference: SDA-1216-035497

Your reference: D16/111247

### **Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing
Development Permit – Operational Works (clearing native vegetation associated with the construction of a flood levee)		
Schedule 7, Table 3, Item 2—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clearing of vegetation is limited to the extent identified as area(s): <ul style="list-style-type: none"> <li>• “Red – Clear And Grub Zones” on the plan titled “Western Levee General Arrangement Plan”, Drawing No. 2016-378C-C101, dated 27 May 2016 prepared by GHD.</li> </ul>	At all times
2.	The development must occur in accordance with the standards and specifications detailed in: <ul style="list-style-type: none"> <li>• “Maranoa Regional Council Roma Flood Mitigation Project – Stage 2 Eastern Diversion Drain and Western Levee – Erosion and Sediment Control Plan, prepared by GHD, dated August 2016”, and any amendments consistent with best practice.</li> </ul>	At all times
3.	The permit holder must ensure that: <ol style="list-style-type: none"> <li>(a) a full copy of the permit is held by; and</li> <li>(b) the extent of clearing authorised by this permit is properly understood by any person(s) engaged or employed to carry out the clearing of the vegetation under this permit.</li> </ol>	At all times

Our reference: SDA-1216-035497

Your reference: D16/111247

## Attachment 2—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - 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—
- 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
  - 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.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (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 application—the person who made the request.
- (2) 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.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****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).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and

- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

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