

Your Reference:

Our Reference: CW: RR: mw: 20-12 (FID87070, MCU005-20/21, 15919-00000-000, ID1578336)

Contact: Rentia Robertson

15 December 2020

ESCO Solar Farm 4 Pty Ltd
C/- RPS
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: MCU005-20/21
Description: Public Facility Other (Underground Electrical Cable)
Level of Assessment: Impact Assessable
Site Address: 17235 DAWSON HIGHWAY, BANANA
Lot & Plan Details: Lot 2 on RP892597

On 15 December 2020, under delegated authority, the above development application was approved in full subject to 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 Approval

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Approved Plans

The approved plan for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
MOU_LAY_018_01_SARA_Map (Rev 01)	Cable Connection Route Options	18/08/2020

3. Further Development Permits

Please be advised that there are no further development permits required.

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

5. Submissions

There were no properly made submissions about the application.

6. Referral Agencies

The referral agencies for this application were:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive - Queensland Treasury - State Assessment Referral Agency (SARA)	Concurrence	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	RockhamptonSAR A@dsmip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 2, Item 1	Powerlink PO Box 1193 VIRGINIA QLD 4014
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 2, Item	Ergon Energy PO Box 1010 TOWNSVILLE QLD 4810

7. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

8. Statement of Reasons

Description of the development	Public utility (other) for underground electricity cable connection
Assessment Benchmarks	Rural Zone Code Economic Resources Overlay Code Major Utilities Overlay Code
Reasons for Decision	The proposal complies with all applicable outcomes of the Rural Zone Code, Economic Resources Overlay Code and Major Utilities Overlay Code

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

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

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolut>

ion.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of MCU005-20/21.

Yours Sincerely



Chris Welch

DIRECTOR COUNCIL SERVICES

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency (SARA)
rockhamptonSARA@dilgp.qld.gov.au

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager
Attachment 1 – Part B Assessment Manager Notes
Attachment 1 – Part C Conditions imposed by Queensland Treasury
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings

MCU005-20/21 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

- 1 The proposed Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval –

Plan/Document number	Plan/Document name	Date
MOU_LAY_018_01_SARA_Map (Rev 01)	Cable Connection Route Options	18/08/2020

- 2 Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
- 3 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4 Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.
- 5 The development is undertaken so that no permanent change occurs to watercourse integrity.

Sediment and Erosion Control

- 6 A detailed Erosion and Sediment Management Plan is to be provided to Council for approval in accordance with development guidelines. This Plan must comply with the Capricorn Municipal Development Guidelines and Best Practice Erosion and Sediment Control guidelines (International Erosion Control Association (IECA)). The plan must take into consideration protection of the waterway/drainage line to reduce sedimentation.
- 7 During construction, the Developer is to undertake sedimentation and erosion control management as per the approved Erosion and Sediment Management Plan.
- 8 Where practicable, topsoil from distributed areas should be managed (removed separately from lower soil horizons, stockpiled independently and preserved) for reuse onsite as part of post construction works site restoration/rehabilitation.

- 9 Restoration/rehabilitation works are to include levelling of ground, and re-seeding or the application of hydromulch to all disturbed areas. Disturbed areas are to be maintained until established. All species used are to be endemic to the area and suitable to the location and for the intended purpose.

Filling and Excavation

- 10 Excavation/disturbance of the ground and vegetation is to be limited only to the extent necessary to complete the works specified in the application.

Air

- 11 Suitable dust suppression must be used where required during excavation and filling works, to reduce the emission of dust or other such emissions from the site.

Site Rehabilitation (cessation of approved use)

- 12 Within twelve (12) months of operations associated with the approved use ceasing on the premises the applicant must provide a Site Rehabilitation Plan to Council detailing all planned works and actions proposed and required to be undertaken to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.
- 13 Within six (6) months of site rehabilitation works being completed the applicant must submit a Site Conditions Report detailing the condition of the site following recommended works and actions stipulated in the Site Rehabilitation Plan.
- 14 Decommissioning activities to be undertaken as part of the Site Rehabilitation Plan must include, though are not limited to removal of the underground electrical cable, replacement of excavated material, levelling of the area and re-establishing vegetation.

END OF CONDITIONS

MCU005-20/21 Attachment 1

Part B – Assessment Manager Notes

- A The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- B Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the *Planning Act 2016*.
- C The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.
- D Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Banana Planning Scheme.
- E In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- F The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- G Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- H Please note the conditions dated 26 October 2020 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.

Cultural Heritage

- A This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003*

you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".

Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Mosquito breeding

- A** The site is required to be appropriately drained so that water is not allowed to accumulate or pond in a manner that may allow mosquito breeding, as required under the *Public Health Regulation 2005*.

General Environmental Duty

- A** The *Environmental Protection Act 1994* lists obligations and duties to prevent environmental harm, nuisances and contamination. The two primary duties that apply to everyone in Queensland are:

general environmental duty – which means a person must not carry out any activity that causes or is likely to cause environmental harm, unless measures to prevent or minimise the harm have been taken; and

duty to notify of environmental harm – to inform the administering authority and landowner or occupier when an incident has occurred that may have caused or threatens serious or material environmental harm.

Water

- A** During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- B** It is an offence under the *Environmental Protection Act 1994* to discharge contaminants including sediment and plant matter into a watercourse, roadside drain or stormwater drain.
- C** Development shall comply with the applicable requirements of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019.

Waste

- A** It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- B** Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste, limited regulated waste, clean fill or low level contaminated soil. Testing of soil for contaminants may be required.

No commercial or regulated waste, clean fill or low level contaminated soil is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.

Biosecurity

- A** Vehicles movement during construction must be managed to prevent the spread of invasive plants. All vehicles used in weed infested areas must either be contained or cleaned to prevent the spread of invasive plant material. Numerous washdown facilities are available within the Shire to help remove weed seeds, soil and other foreign matter from vehicles and machines, and Council staff are available to conduct vehicle inspections.
- B** Section 23 of the *Biosecurity Act 2014* outlines the General Biosecurity Obligation. All landowners have a General Biosecurity Obligation (GBO) for managing biosecurity risks that are under their control and that they know about or should reasonably be expected to know about. All individuals and organisations whose activities pose or is likely to pose a biosecurity risk must:
- take all reasonable and practical measures to prevent or minimise the biosecurity risk
 - minimise the likelihood of causing a biosecurity event and limit the consequences if such an event occurs
 - prevent or minimise the harmful effects a biosecurity risk could have
 - not do anything that might make any harmful effects of a biosecurity risk worse

A biosecurity risk exists when you deal with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, machinery and/or equipment that could carry a pest, disease, weed or contaminant.

Regulated Vegetation

- A** The *Vegetation Management Act 1999* regulates the clearing of vegetation in Queensland. No interference or clearing of vegetation is to be undertaken (unless the clearing is exempt, a development approval authorising the clearing has been obtained or the clearing is authorised in accordance with a code). Contact the Department of Natural Resources, Mines and Energy should you require any further information on these matters.

Waterway Barrier Works

- A** The proposed underground cable route crosses a waterway classified as 'low' for waterway barrier works. Activities that disturb mapped fisheries watercourses may require notification under the *Fisheries Act 1994*. Contact the Queensland Department of Agriculture and Fisheries should you require any further information.

Riverine Protection

- A** The proposed underground cable route crosses an 'unmapped' waterway. A riverine protection permit, or use of the exemption requirements, may be required. Contact the Department of Natural Resources, Mines and Energy should you require any further information.

Animal Breeding Places

- A** It is an offence under section 335 of the Nature Conservation (Animals) Regulation 2020 to remove, or tamper with, an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. Animal breeding places include obvious structures such as bird nests and tree hollows, as well as more cryptic places such as amphibian or reptile habitat where breeding takes place. Where activities are likely to impact on an animal breeding place, the applicant should contact the Queensland Department of Environment and Science to discuss if additional actions required to be undertaken to meet obligations under the *Nature Conservation Act 1992*.

END OF NOTES

MCU005-20/21 Attachment 1

Part C - Conditions imposed by the Queensland Treasury



Queensland Treasury

SARA reference: 2009-18908 SRA
Council reference: MCU005-20/21

26 October 2020

Chief Executive Officer
Banana Shire Council
PO Box 412
Biloela Qld 4715
enquiries@banana.qld.gov.au

Dear Sir/Madam

SARA response—Dawson Highway, Kianga; Underground electric cable

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 24 September 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	26 October 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Public Facility - Other (Underground Electrical Cable)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a railway corridor and a State-controlled road	
SARA reference:	2009-18908 SRA	
Assessment Manager:	Banana Shire Council	

Street address: Dawson Highway, Kianga; Dawson Highway, Kianga; Dawson Highway, Kianga; 17235 Dawson Highway, Banana
Real property description: 10SP119253; 12SP281345; 2SP281345; 2RP892597
Applicant name: ESCO Solar Farm 4 Pty Ltd C/- RPS
Applicant contact details: 135 Abbott Street
Cairns QLD 4870
mark.carter@rpsgroup.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Jonas Griffin Fodaro, Planning Officer, on 49242915 or via email RockhamptonSARA@dsgmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc ESCO Solar Farm 4 Pty Ltd C/- RPS, mark.carter@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Material Change of Use for Public Facility Other (Underground Electrical Cable)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Filling and excavation		
1.	<p>(a) Any excavation, filling/backfilling/compaction, retaining structures, batters, trenching, stormwater management measures and other works involving ground disturbance must not:</p> <ul style="list-style-type: none"> (i) de-stabilise or cause damage to the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts; (ii) adversely impact on the railway corridor through the addition or removal of loading such as but not limited to lateral, vertical or surcharge loading; (iii) adversely impact on the railway corridor as a result of directly or indirectly disturbing groundwater; (iv) result in vibration, structural and/or ground movement impacts on the railway corridor during excavation, boring, trenching, horizontal directional drilling or similar activities or otherwise adversely impact on the structural integrity of the railway corridor. <p>(b) RPEQ certification with supporting documentation must be provided to Program Delivery and Operations Unit, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times</p> <p>(b) Within 20 business days of the completion of works</p>
Stormwater and flooding management		
2.	<p>(a) Stormwater and flooding management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the 	<p>(a) and (b) At all times</p>

	<p>railway corridor;</p> <p>(iv) reduce the quality of stormwater discharge onto the railway corridor;</p> <p>(v) reduce the floodplain storage capacity of the site.</p>	
Construction Management Plan		
3.	<p>(a) A Construction Management Plan, must be prepared by a RPEQ and given to Program Delivery and Operations Unit, Central Queensland Region (Central.Queensland.IDAS@tqr.qld.gov.au) within the Department of Transport and Main Roads.</p> <p>(b) The Construction Management Plan must demonstrate that there will be no disruption to the safety and operational integrity of the railway corridor during the course of construction. This includes all transport infrastructure and/or the land supporting this infrastructure.</p> <p>(c) The Construction Management Plan must address at least the following:</p> <ul style="list-style-type: none"> • railway level crossing safety and shortstacking, including the use of any occupational crossings of the Moura Short Line, including but not limited to; <ul style="list-style-type: none"> o ID:5019 Moura Mine Access Road o ID: 7034 Anglo Coal Truck Access Road o ID: 5020 Construction Camp Access Road o ID:5018 Maintenance Access Road o ID: 6058 Private Access Road. • Construction methodology; • Work method statements including but not limited to the following: <ul style="list-style-type: none"> o Excavation, drilling, boring, piling and trenching, retaining structures, both temporary and permanent works; • Stormwater and flooding management; • Vehicle access tracks and loading/unloading zones; • Adherence to Queensland Rail Civil Engineering Technical Requirements including: <ul style="list-style-type: none"> o CIVIL-SR-002 – <i>Work in or about Queensland Rail Property</i>; o CIVIL-SR-016 – <i>Services under Railway Property (Non-Queensland Rail Services)</i>. <p>(d) The construction of the development must be in accordance with the Construction Management Plan.</p>	<p>(a), (b) and (c) Prior to the commencement of operational work</p> <p>(d) At all times during the construction of the development</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
Railway Corridor	
2.	<p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>Please be advised that this concurrence agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>In particular, the applicant should contact Aurizon at CorridorEnquiries@aurizon.com.au in relation to the following:</p> <p>Works in the railway corridor Relevant approvals will need to be obtained from the railway manager such as a licence to enter and construct and wayleave agreement, amongst other relevant approvals, for the works in the railway corridor. This includes works over Lot 10 SP119253 and where the Moura system is in the state-controlled road reserve.</p> <p>Any works will need to be undertaken in accordance with the railway manager's standards and this may affect the layout of development adjacent to the railway corridor. The applicant should refer to CIVIL-SR-016 – <i>Services Under Railway Property (Non-Queensland Rail Services)</i> for general guidance, although it is noted the development will be subject to Aurizon's approval process and requirements.</p> <p>Access over the railway corridor The proposed development is likely to rely on achieving vehicular access to the site from the Dawson Highway via one or more existing occupational crossings of the Moura Short Line, such as but not limited to:</p> <ul style="list-style-type: none"> - ID:5019 Moura Mine Access Road - ID: 7034 Anglo Coal Truck Access Road - ID: 5020 Construction Camp Access Road - ID:5018 Maintenance Access Road - ID: 6058 Private Access Road. <p>Occupational crossings and their suitability will need to be reviewed by the railway manager in relation to the construction of the proposed development on the site. The applicant will need to obtain approval (such as a licence) from the railway manager for the use of an occupational crossing during construction.</p>
3.	<p>Overdimensional Road Loads (Aurizon) Under the <i>Transport Infrastructure (Rail) Regulation 2006</i> permission from the Railway Manager (Aurizon) is required to take over dimensional road loads across Aurizon Infrastructure (e.g. rail level crossings). Further information can be obtained from Aurizon's website at: https://www.aurizon.com.au/what-we-deliver/network/over-dimensional-road-loads</p>
State-controlled Road	
4.	<p>Ancillary Works and Encroachments</p> <p>Road Corridor Permit: Under sections 50 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out any ancillary works and encroachments within the state-controlled road reserve. Please contact the Department of Transport and Main Roads on FitzroyDistrict@tmr.qld.gov.au to make an application for ancillary works and encroachments approval via a Road Corridor Permit.</p>

<p>This approval must be obtained prior to commencing any works within the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ) and/or an Infrastructure Agreement / Commercial Agreement. Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
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Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The proposed development is for an underground electric cable.
- The proposed cable will traverse along the existing land that forms the approved Moura Solar Farm, under the Moura rail line rail corridor and will either run along the along the northern boundary of Anglo Coal's Dawson Mine site (Option1) or along southern boundary of the Dawson Highway road reserve (Option 2), before terminating at Powerlink's existing Moura Substation.
- The cable will be laid within a constructed trench that will be back filled once the cable is laid. The trench will generally be 600mm wide and between 1,400mm and 3,400mm deep. The cable will traverse under the existing rail line with directional boring techniques used to minimise impact to the rail line.
- The proposal does not require any servicing as it only seeks to establish an underground electrical cable. There are no requirements for water supply, sewer, telecoms or power.
- As road impacts within the State-controlled road (Dawson Highway) and the rail corridor will be limited to the construction phase, vehicle movements generated by the proposal will be minimal and limited to a short period.
- The development complies with relevant provisions of State codes 1 and 2 of the State Development Assessment Provisions, version 2.6, subject to the implementation of conditions.

Material considered in making the decision

- Development application material
- *Planning Act 2016*
- Planning Regulation 2017
- State Development Assessment Provisions (SDAP), version 2.6
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 2

Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states–

(a) matters that may be appealed to–

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person–

(i) who may appeal a matter (the appellant); and

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The appeal period is–

(a) For an appeal by a building advisory agency–10 business days after a decision notice for the decision is given to the agency; or

(b) For an appeal against a deemed refusal–at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises–20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice–20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given–30 business days after the applicant gives the deemed approval notice to the assessment manager; or

(f) for any other appeal–20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person. Note– See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about–

(a) the adopted charge itself; or


(b) for a decision about an offset or refund–

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 3
Approved Drawings



PROJECT		
Moura Solar Farm		
MAP TITLE		
Cable Connection Route Options		
Title Info		
Lot 2 RP892597, Lot 10 SP119253 Lot 12 SP281345, Lot 2 SP281345		
LEGEND		
<ul style="list-style-type: none"> - - - Indicative Cable Route - Option 1 --- Indicative Cable Route - Option 2 Moura Solar Farm Boundary Cadastral Parcels Powerlink Moura Substation - . - . - . Existing 22kV Distribution Line - . . - . . Existing 132kV Transmission Line --- Roads / Tracks --- Railways 		
Banana Shire Council PLANNING APPROVAL 15 DEC 2020 <u>MC4005-20/21</u>		
		
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community