

Your Reference:

Our Reference: CW: mw: (FID84764, COM002-17/18, 15919-00000-000, ID1380215, OM004037)
Contact: Chris Welch

30 April 2018

ESCO Pacific Pty Ltd
Rhiannon Olle
Level 4, 13 Cremorne Street
RICHMOND VIC 3121

Dear Sir/Madam

AMENDED Decision Notice – Approval
(Given under section 63 of the Planning Act 2016)

Application Number: COM002-17/18
Description: Combined Application
Material Change of Use (Utility Scale Solar Farm)
Reconfiguring a Lot (Leasing Area exceeding 10 years)
Level of Assessment: Impact Assessable
Site Address: LEICHHARDT HIGHWAY, KIANGA
Lot & Plan Details: Lot 2 on RP892597

On 26 April 2018, at Council's Ordinary Meeting (OM004037), 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/s is/are given:

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

2. 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
MOU_LAY_001_01_MCU	Moura Solar Farm - Material Change of Use	11/12/2017
MOU_LAY_001_03_ROL	Moura Solar Farm - Reconfiguring a Lot (for a lease exceeding 10 years)	18/12/2017

3. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Operational Works
- Building Works
- Plumbing & Drainage

4. Statement of Reasons

Description of the development	The approved development is for a Combined Material Change of Use (Utility Scale Solar Farm) and Reconfiguring a Lot (Lease Area exceeding 10 years)
Assessment Benchmarks	The approved development was assessed against the following benchmarks: Desired Environmental Outcomes Rural Zone Code Economic Resources Overlay Code Major Utilities Overlay Code Development Standards Code Reconfiguring a Lot Code
Reasons for Decision	Desired Environmental Outcomes Social elements - the proposal does not compromise Council's ability to achieve these outcomes Environmental elements - the proposal does not compromise Council's ability to achieve these outcomes. Conditions have been imposed to address air quality, acoustic and pest management matters. Economic elements - the proposal enhances the ability of the electricity network to meet future development needs. Conditions have been imposed to preserve the long-term viability of agricultural land. Rural Zone Code The proposal complies with the relevant Performance Outcomes. Conditions have been imposed to ensure compliance with PO2, PO3, PO6 and PO7.

	Economic Resources Overlay Code The proposal has been conditioned to ensure compliance with PO1.
	Major Utilities Overlay Code The proposal complies with PO3 and PO4.
	Development Standards Code The proposal has been conditioned to comply with the relevant Performance and Acceptable Outcomes.
	Reconfiguring a Lot Code The proposal complies with the relevant Performance Outcome.

5. 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.

6. Submissions

There were no properly made submissions about the application.

7. Referral Agencies

The referral agencies for this application were:

Name of referral agency	Advice agency or concurrence agency	Address
Chief Executive - Department of State Development, Infrastructure and Planning (DSDIP) - State Assessment Referral Agency (SARA)	Concurrence	RockhamptonSARA@dsdip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701
The Chief Executive Officer of the entity	Advice	Powerlink PO Box 1193 VIRGINIA QLD 4014

8. 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*.

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.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

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.

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 APPLICATION NUMBER.

Yours Sincerely



Chris Welch
MANAGER ENVIRONMENT & PLANNING

CC All Referral Agencies (both advice and concurrence)

Power Link
PO Box 1193
VIRGINIA QLD 4014

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 Department
of State Development, Manufacturing, Infrastructure and
Planning
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Environmental Obligations

Prepared By: <i>[Signature]</i>	Date: 27.04.18
Checked By: <i>[Signature]</i>	Date: 27.04.18

COM002-17/18 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_001_01_MCU	Moura Solar Farm – Material Change of Use	11/12/2017
MOU_LAY_001_03_ROL	Moura Solar Farm – Reconfiguration of a Lot (for a lease exceeding 10 years)	18/12/2017

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.

Approved Use

5. The combined approval for the premises is for a Material Change of Use involving a "Public Facility – Other (Solar Farm) and Reconfiguring a Lot (Leasing Area exceeding 10 years).

Approved Plan

6. Final detailed layout plans of the solar farm facility are to be submitted to Council for approval prior to the commencement of the use. The plans at a minimum must show:
 - i. all building and structure locations;
 - ii. substation locations;
 - iii. inverter locations;
 - iv. above and below ground cabling;
 - v. internal access roads;

- vi. boundary setbacks;
- vii. solar panel system type;
- viii. solar plant configuration; and
- viii. Fencing associated with the use;

Building works

- 7. The applicant shall obtain a development permit for building work associated with the approval, unless the work is accepted development under the Building Regulation 2006.
- 8. The applicant shall obtain a compliance permit for all plumbing and drainage work.
- 9. Any plant and equipment including compressors, air conditioners and the like, that may cause harm or nuisance to an adjoining residential use existing at the time of the notice of decision are to be housed and screened.
- 10. All site lighting is to be designed to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.

Road work and access

- 11. The proposed access road from the existing residential access to the solar farm is to be constructed so as to be a minimum four (4) metres wide with a suitably designed pavement.
- 12. Suitable dust suppression methods to manage dust nuisance to the adjoining residence are to be provided for the access road through the construction and operation period.

Vehicle Parking and Manoeuvring Areas

- 13. All car parking spaces for employees of the proposed development must be:
 - a) clearly line marked and/or delineated to the satisfaction of the Assessment Manager; and
 - b) located on the site and be fully contained within the title boundaries.
- 14. No vehicle storage or parking is permitted on the adjoining road reserve.

Water and Sewerage Infrastructure

- 15. Prior to the commencement of use, an effluent disposal/storage system, appropriate for the proposed development, is to be installed. All relevant approvals for this system, in accordance with the requirements of the *Plumbing and Drainage Act*, are to be obtained before installation.

16. The proposed effluent disposal/storage system is to be maintained so that all effluent is wholly contained within the confines of the development site and does not pond or enter any gully, watercourse, stormwater system or adjoining properties.
17. At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that a reasonable water supply for potable and emergency purposes (including adequate storage for a minimum 47,000 Litre capacity volume) is available for the development in compliance with the requirements of Council's Town Planning Scheme.

Stormwater Quality Guidelines DEHP

18. The stormwater drainage system serving the approved use must be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flows will occur provide written evidence to Council's satisfaction of a legal right to discharge stormwater over the downstream land in the proposed method.
19. All stormwater collected within the proposed stormwater detention, which is not reused for irrigation purposes, is to be piped to a legal point of discharge.
20. All stormwater being discharged from the site is to meet the requirements of the Capricorn Municipal Development Guidelines and the Queensland Water Quality Guidelines 2009.
21. Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater.
22. Releases to stormwater must not contain any visible evidence of oil/grease, scum or litter.

Erosion and Sediment Control

23. 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.
24. During construction, the Developer is to undertake sedimentation and erosion control management as per the approved Erosion and Sediment Management Plan.

Facility Maintenance

25. The Solar Farm Operator will monitor the solar irradiance and soiling to determine energy yield impacts. The monitoring program will also take into consideration the natural and manufactured environmental conditions including the operations of the adjacent Dawson Mine.

The Solar Farm Operator will prepare an Environmental Management Plan (EMP) to be implemented during operation. The EMP will detail the actions required to be carried out when the system approaches its identified soiling threshold and no rain is forecast, or, a significant soiling event occurs (i.e. dust storm, strong wind).

Any soiling impact to the performance of the system will be managed by the Solar Farm Operator.

Waste

26. A maximum of six (6) kerbside wheelie bins will be made available for use, to be located at the frontage of the site on the day of collection. Alternatively, a contractor can be arranged to collect commercial waste using front lift commercial bins.
27. Recycling and waste must use appropriately licensed facilities.
28. Waste generated in the construction stage must be disposed of at the Trap Gully Landfill, Forestry Road, Biloela. Note that fees apply for this service.
29. Waste must not be burned at the premises.

Hours of Operation

30. The approved use is permitted to operate 24 hours a day, 7 days a week.

Air quality

31. When requested by the administering authority, dust and particulate monitoring during construction for residences existing at the time of the notice of decision and within 1 kilometre must be undertaken within a reasonable timeframe nominated by the administering authority and in accordance with relevant Australian Standards or equivalent, to investigate any complaint of environmental nuisance caused by dust and/or particulate matter. The results of the monitoring must be notified to the administering authority within seven (7) days following completion of the monitoring.

Noise

32. **Where a complaint has been received about an environmental nuisance** caused by noise emissions from the site during construction, and such nuisance is not adequately covered by the default noise standards within the *Environmental Protection Act 1994*, then the noise limits which will be required to be met by activities on the site are the acoustic quality objectives listed in the *Environmental Protection (Noise) Policy 2008*.

Site Rehabilitation (cessation of approved use)

33. 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.
34. Within 6 months of ceasing electricity generation, the applicant must implement the Council approved Site Rehabilitation Plan including any recommended works and remediation measures required to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.
35. 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.
36. Decommissioning activities to be undertaken as part of the Site Rehabilitation Plan must include, though are not limited to, the following:
- a. Disconnection of the solar installation from the switchyard;
 - b. Disconnection of the PV modules and all equipment;
 - c. Removal of PV modules from trackers and packaged for removal from the site;
 - d. Removal of all buildings and equipment and materials recycled, wherever possible;
 - e. Disassembly and recycling of trackers;
 - f. Removal and recycling of steel columns, above ground cabling and underground cabling to a depth of 300-millimetre below ground surface;
 - g. Removal of fencing in accordance with landowners wishes;
 - h. Removal of gravel from internal tracks in accordance with landowners wishes.

Telecommunications

37. The approved use is connected to a telecommunications network as required for the operation of the use. Confirmation of the connection is to be provided to Council upon connection.

Infrastructure Contributions

38. Prior to the commencement of use, all infrastructure charges associated with this approval must be paid to Banana Shire Council.

COM002-17/18 Attachment 1

Part B – Assessment Manager Notes

General

- A** 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.
- B** 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.
- C** 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.
- D** Please note the conditions dated 26 February 2018 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency are attached to this Decision Notice.
- E** Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- F** The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.
- G** All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards - Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.
- H** Appropriate building measures are to be incorporated into the final design to cater for noise attenuation in accordance with the Queensland Development Code, the Building Code of Australia, the *Environmental Protection Act 1994*, and all relevant standards.

Site Selection

- I** The applicant has acknowledged within the submitted material that some minimal risk to their own operations is apparent, given the site's proximity to an adjoining coal mining use. Particular reference is given to the movement

of particulate matter (coal dust) within the report.

The site selection process conducted by the applicant has considered the potential dust impacts of the adjacent Dawson Central and North Coal Mine and considers energy yield can be achieved. This assessment has included considering existing climate conditions and approved conditions of the Dawson Central and North Coal Mine in relation to dust deposition and concentrations of particulate matter.

It is advised that the applicant has acknowledged the limited influence the use would have on the adjoining mining activity in relation to the movement of this dust particulate, and must take reasonable precautions to ensure their own operations remain to function symbiotically with the adjoining use, which has been conditioned accordingly.

Cultural Heritage

- J** 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".
- K** 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.

Pest Management

- L** The applicant/developer is responsible for ensuring that all declared plants are treated as required by the provisions of the Land Protection (Pest and Stock Route Management) Act 2002.

Environmental Obligations

- M** It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- N** All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council.

Noise

- O** Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*.

Air and Light

- P** Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- Q** Suitable dust suppression should be used, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.
- R** All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

Water and Stormwater

- S** It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- T** 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.
- U** Building and construction materials and waste, including bitumen, brick, cement, concrete and plaster, are prescribed water contaminants and as such must not be stored or disposed of in a water course, stormwater drain, roadside gutter or where they may be expected to wash into such places.
- V** It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- W** It is recommended that any oil, waste oil, paints and chemicals kept on site are stored within a bund or otherwise in a manner that will prevent spills onto land or into stormwater.
- X** Appropriate material must be kept on site for the containment and clean-up

of spills, and any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

- Y** Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

Waste Management

- Z** 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.
- AA** All waste to be removed from site should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- AB** Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- AC** It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- AD** Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- AE** Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

Land

- AF** A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the *Biosecurity Act 2014*. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.
- AG** Vehicles movement 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.

COM002-17/18 Attachment 1

*Part C - Conditions imposed by the Department of State Development,
Manufacturing, Infrastructure and Planning*



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Our reference: 1801-3418 SRA
 Your reference: COM002-17/18

26 February 2018

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

Attention: Rentia Robertson

Dear Sir/Madam

Referral agency response—with conditions

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

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 17 January 2018.

Applicant details

Applicant name:	ESCO Pacific Pty Ltd
Applicant contact details:	Level 4, 13 Cremorne Street Richmond VIC 3121 shanita.robinson@jacobs.com

Location details

Street address:	17235 Dawson Highway, Banana
Real property description:	2RP892597
Local government area:	Banana Shire Council

Application details

Development permit	Material change of use for a utility scale solar array facility (110 MW solar farm) Reconfiguring a lot (lease area exceeding 10 years)
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.1.1 State transport corridors and future State transport corridors (reconfiguring a lot)
- 10.9.4.2.4.1 State transport corridors and future State transport corridors (material change of use)

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Material Change of Use Lot 2 Registered Plan 892597	ESCO Pacific Pty Ltd	11/12/2017	MOU_LAY_00 1_01_MCU	01
Aspect of development: Reconfiguring a lot				
Reconfiguration of a Lot (for a lease exceeding 10 years) Lot 2 Registered Plan 892597	ESCO Pacific Pty Ltd	18/12/2017	MOU_LAY_00 1_03_ROL	01

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

For further information please contact Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Director Planning, Northern

cc ESCO Pacific Pty Ltd, shanita.robinson@jacobs.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.4.1—State transport corridors and future state transport corridors—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):		
1.	The Indicative Access Road, where south of the railway level crossing and parallel to the railway corridor, must be setback from the railway corridor generally in accordance with the following plan: <ul style="list-style-type: none"> • Material Change of Use Lot 2 Registered Plan 892597 prepared by ESCO Pacific Pty Ltd dated 11/12/2017, reference MOU_LAY_001_01_MCU and revision 01. 	Prior to the commencement of use and to be maintained at all times.
2.	(a) The road access location is to be located at approximate chainage 6.55km (Left Hand Side) on the Dawson Highway (Banana – Rolleston), in accordance with the Indicative Solar Farm Access Point as shown on the following plan: <ul style="list-style-type: none"> • Material Change of Use Lot 2 Registered Plan 892597 prepared by ESCO Pacific Pty Ltd dated 11/12/2017, reference MOU_LAY_001_01_MCU and revision 01. <p>(b) Road works comprising a Basic Right Turn (BAR) and Basic Left Turn (BAL) must be provided at the road access location.</p> <p>(c) The road works must be designed and constructed in accordance with the Road Planning and Design Manual (RPDM).</p>	Prior to commencement of construction (including any material delivery)
3.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road and railway corridor.	(a) At all times.
	(b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road and railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road and railway corridor; (iii) surcharge any existing culvert or drain on the state-controlled road and railway corridor; (iv) reduce the quality of stormwater discharge onto the state-controlled road and railway corridor. 	(b) At all times.
4.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures and other works involving ground disturbance must not de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times
5.	Provide written evidence to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au), that an Occupational Crossing Licence or other access agreement has been obtained from the railway manager (Aurizon) for the proposed access over the Moura Short Line (railway level crossing ID: 6058).	Prior to commencement of construction (including any material delivery)
6.	(a) A Construction Management Plan, which includes a Traffic Management Plan, must be prepared by a RPEQ (traffic	(a) – (b) Prior to obtaining

	<p>engineer) and given to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au).</p> <p>(b) The Construction Management Plan must demonstrate that there will be no disruption to railway level crossing safety on the Moura Short Line (ID: 6058) during the course of construction.</p> <p>(c) The construction of the development must be in accordance with the Construction Management Plan.</p>	<p>development approval for building work or operational work, whichever occurs first</p> <p>(c) At all times during construction</p>
7.	<p>(a) Provide a RPEQ certified pre-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Moura Short Line (ID: 6058) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au).</p> <p>(b) Provide a RPEQ certified post-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Moura Short Line (ID: 6058) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au).</p> <p>(c) Where rectification works to the rail transport infrastructure are determined to be required (as a result of the pre and post development dilapidation surveys) to ensure the post development condition has a no worsening impact on the pre-development condition:</p> <ol style="list-style-type: none"> i. the applicant is required to undertake all necessary rectification works to the rail transport infrastructure at the applicant's expense; ii. written evidence from the railway manager must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au) confirming that the development has been designed and constructed in accordance with the railway manager's standards. 	<p>(a) Prior to the commencement of works</p> <p>(b) Within two weeks of the completion of works</p> <p>(c) Prior to the commencement of use</p>
Reconfiguring a lot		
10.9.4.2.1.1—State transport corridors and future state transport corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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):		
8.	<p>The development, including the setback of the indicative access road from the railway corridor, must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> • Reconfiguration of a Lot (for a lease exceeding 10 years) Lot 2 Registered Plan 892597 prepared by ESCO Pacific Pty Ltd dated 18/12/2017 reference MOU_LAY_001_03_ROL and revision. 	Prior to submitting the Plan of Survey to the local government for approval.
9.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures and other works involving ground disturbance must not de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times

10.	<p>(a) Stormwater 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 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 railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. 	(a) & (b) At all times
11.	<p>Provide written evidence to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au), that an Occupational Crossing Licence or other access agreement has been obtained from the railway manager (Aurizon) for the proposed access over the Moura Short Line (railway level crossing ID: 6058).</p>	<p>Prior to submitting the Plan of Survey to the Local Government for approval</p>

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- To ensure the development does not compromise the safe and efficient operation and integrity of state transport infrastructure during construction.
- To ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.

Attachment 3—Advice to the assessment manager

General advice	
1.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Fitzroy District / Central Queensland Region) at FitzroyDistrict@tmr.qld.gov.au or (07) 4931 1500 to make an application for works in the State-controlled road reserve (WSCRR). This approval must be obtained prior to commencing any works on 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). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.</p>
2.	<p>In relation to compliance with the dilapidation survey condition in this concurrence agency response, the applicant should consult with the railway manager (Aurizon). Please contact Nicole Rabbito on telephone number (07) 3019 7969 or at nicole.rabbito@aurizon.com.au in relation to this matter.</p> <p>To undertake the dilapidation surveys, relevant approvals will need to be obtained from the railway manager under section 255 of the <i>Transport Infrastructure Act 1994</i> such as a licence to enter. The surveys may be undertaken by Aurizon at the applicant's expense.</p>
Further development permits required	
3.	<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>The proposed development relies on access via the railway corridor through private level crossing ID: 6058 on the Moura Short Line. The following will therefore need to be assessed and approved by the railway manager:</p> <ul style="list-style-type: none"> • an access agreement/licence for the change to the approved use of the private level crossing; • an interface agreement between the current holder of the occupational crossing agreement/licence, applicant and Aurizon; • any works in the railway corridor. The applicant will need to gain relevant approvals and agreements from the railway manager, prior to any construction or works occurring in relation to improvements to the access track/road over the railway level crossing; <p>Above or below ground cabling may also be required in the railway corridor to connect the solar farm to the Moura Substation. This will require relevant approvals to be obtained from the railway manager.</p>



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1801-3418 SRA

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

Departmental role: Referral agency

Applicant details

Applicant name: ESCO Pacific Pty Ltd
Applicant contact details: Level 4, 13 Cremorne Street
Richmond VIC 3121
shanita.robinson@jacobs.com

Location details

Street address: 17235 Dawson Highway, Banana
Real property description: 2RP892597
Local government area: Banana Shire Council

Development details

Development permit Material change of use for a utility scale solar array facility (110 MW solar farm)
Reconfiguring a lot (lease area exceeding 10 years)

Assessment matters

Aspect of development requiring code assessment	State Development Assessment Provisions, version 2.1 Applicable codes
1. Material change of use	State Code 1: Development in a state-controlled road environment State Code 2: Development in a railway environment
2. Reconfiguring a lot	State Code 1: Development in a state-controlled road environment State Code 2: Development in a railway environment

Reasons for the department's response

The reasons for the response are the proposed development:


- requires access from the state-controlled road and across railway infrastructure
- is not expected to generate traffic which may impact the overall state-transport network
- does not compromise the safety of the state-transport network
- complies with State codes 1 & 2 with the application of conditions.

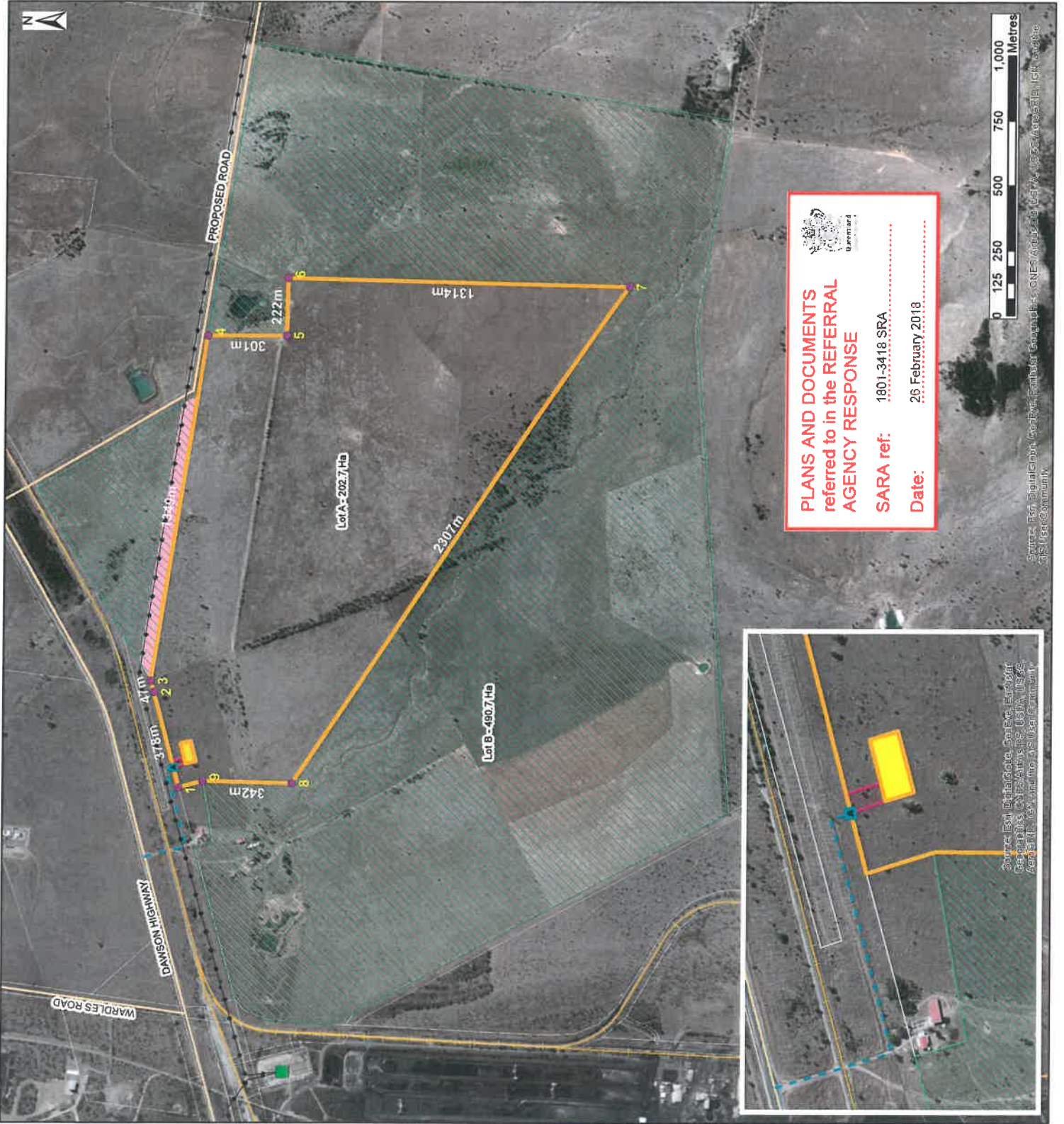
Response:

Nature of approval	Response details	Date of response
Development approval	Subject to conditions	26 February 2018

Relevant material:

- Development application material
- Information request response
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules
- State Development Assessment Provisions

PROJECT	Moura Solar Farm		
MAP TITLE	Reconfiguration of a Lot (for a lease exceeding 10 years)		
Title Info	Lot 2 Registered Plan 892597		
LEGEND	<ul style="list-style-type: none"> ■ Indicative Solar Farm Access Point --- Indicative Access Road Reconfigured Lots <ul style="list-style-type: none"> Lot A - Leased by Moura Solar Farm Lot B - Residual Lot Location Coordinates <ul style="list-style-type: none"> Indicative coordinates to be confirmed during survey plan Easement benefiting Switchyard Lot <ul style="list-style-type: none"> Indicative location and footprint of Easement to be confirmed by Network Services Provider Switchyard Lot <ul style="list-style-type: none"> Excised Area for Switchgear & Transformer (80m x 40m) Indicative location and footprint of Switchgear & Transformer to be confirmed by Network Services Provider Existing Moura Substation Existing 132kV Transmission Line Existing Easement Cadastral Boundary Roads / Tracks Railways 		
			
<small>DISCLAIMER This plan was prepared for the purposes and available use of ESCO Pacific Pty Ltd and its related entities. It is not intended to be used for any other purpose. The location of features should not be relied on as exact field locations. ESCO PACIFIC WEBSITE</small>			
DATE	18/12/2017	SCALE	1:14,000
STATUS	FINAL	PRODUCED	R. OLLE
APPROVED	C. BERGE	Page Size	A3
MAP No.	MOU_LAY_001_03_ROL	REV	01




PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref: 1801-3418 SRA
Date: 26 February 2018

Source: Esri, DeLorme, GeoEye, Earthstar (Google Earth), CNES/Airbus DS, USDA, AeroGRID, IGN, Esri, Swire, and other contributors.

Source: Esri, DeLorme, GeoEye, Earthstar (Google Earth), CNES/Airbus DS, USDA, AeroGRID, IGN, Esri, Swire, and other contributors.

PROJECT
Moura Solar Farm

MAP TITLE
Material Change of Use

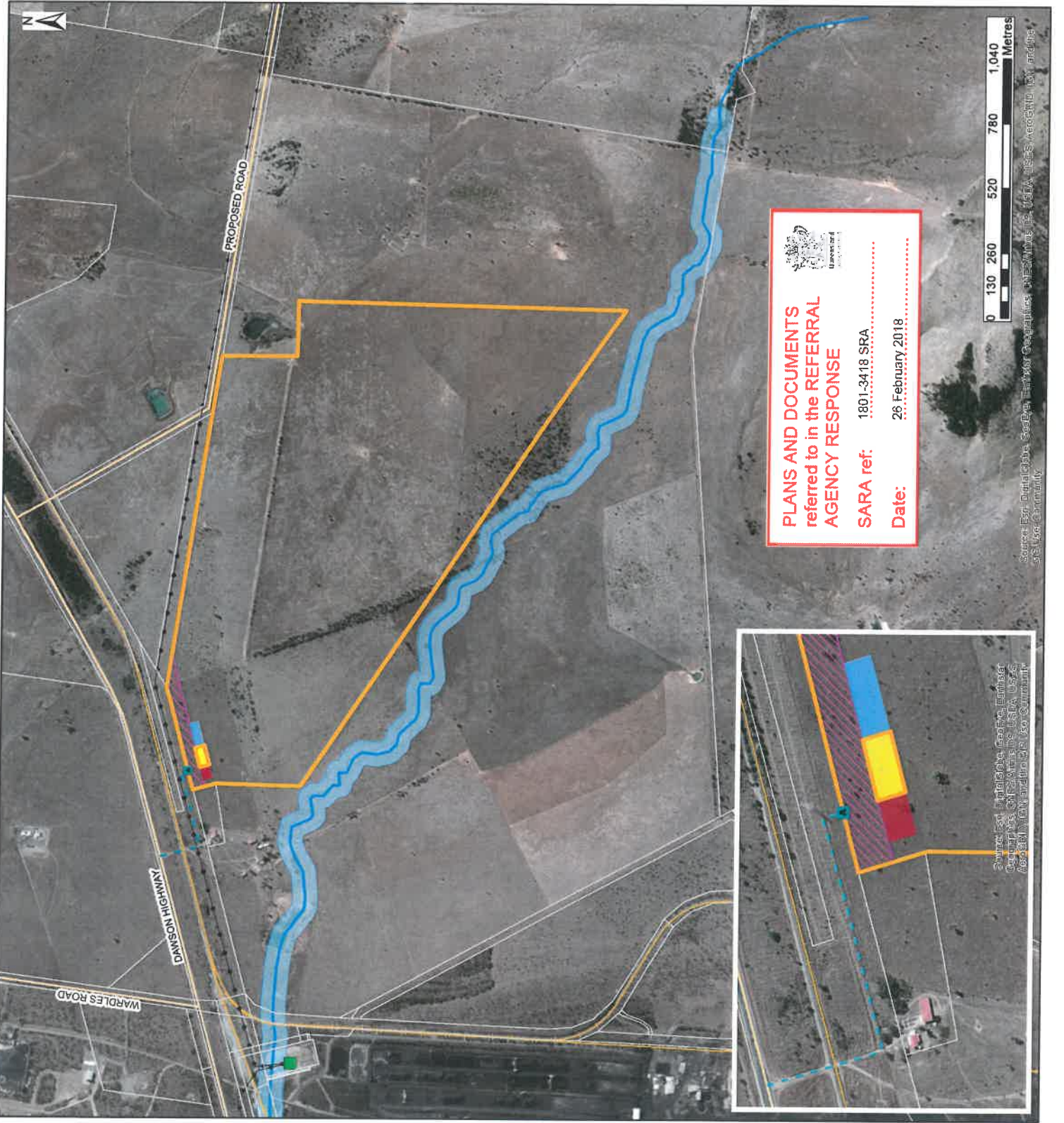
Title Info
Lot 2 Registered Plan 892597

- LEGEND**
- Solar Farm Extent & Associated Fencing
 - Indicative Solar Farm Access Point
 - Indicative Access Road
 - Ancillary Infrastructure**
 - Switchgear & Transformer (80m x 40m)
 - Indicative location and footprint of Switchgear & Transformer to be confirmed by Network Service Provider
 - Site Office & Operations & Maintenance Building
 - Parking Area for 8 Vehicles
 - Stormwater Detention
 - Refuse Storage
 - Indicative location and area (55m x 40m)
 - Battery Storage
 - Indicative location & area (100m x 40m)
 - Shared Access
 - Shared access between Moura Solar Farm and Landowner
 - Cadastral boundary
 - Existing Moura Substation
 - Existing 132KV Transmission Line
 - Roads / Tracks
 - Railways
 - Watercourse
 - 50m Watercourse Setback

ESCO Pacific

NOTES:
This plan was prepared for the purpose and exclusive use of ESCO Pacific Pty Ltd and its subsidiaries and is not to be used for any other purpose. The map is not guaranteed to be free from error or omission. ESCO Pacific Pty Ltd does not warrant the accuracy of the information shown on this plan. The map is not guaranteed to be free from error or omission. ESCO Pacific Pty Ltd does not warrant the accuracy of the information shown on this plan. The map is not guaranteed to be free from error or omission. ESCO Pacific Pty Ltd does not warrant the accuracy of the information shown on this plan.

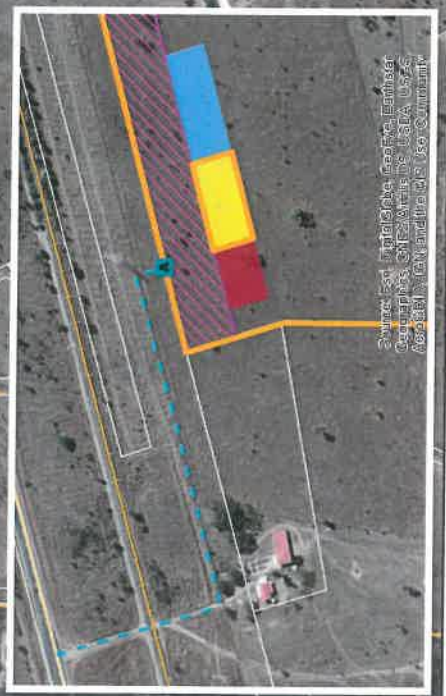
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MAP No.	MOU_LAY_001_01_MCU				
REV	01				



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1801-3418 SRA

Date: 26 February 2018



0 130 260 520 780 1,040 Metres

Source: Esri, DigitalGlobe, GeoEye, Earthstar, CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS User Community

Our ref TMR18-023548
Your ref IH134300-0003-NP-RPT-0002-Rev0
Enquiries Gideon Genade



Department of
Transport and Main Roads

15 February 2018

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number TMR18-023548 involves constructing or changing a vehicular access between Lot 2RP892597, the land the subject of the application, and Dawson Highway (Banana - Rolleston) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address ESCO Pacific Pty
Level 4 13 Cremorne Street
Richmond VIC 3121

Application Details

Address of Property 17235 Dawson Highway, Banana QLD 4718
Real Property Description 2RP892597
Aspect/s of Development Development Permit for Material Change of Use (Utility Cane Solar Farm)
- Development Permit for Reconfiguring a Lot (Lease exceeding 10 years)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access is to be located at approximate chainage 6.55km (LHS) on the Dawson Highway (Banana - Rolleston), in accordance with: <ul style="list-style-type: none">Material Change of Use Lot 2 Registered Plan 892597 prepared by ESCO Pacific Pty Ltd dated 11/12/2017, reference MOU_LAY_001_01_MCU and revision 01	At all times.
2	Road works comprising of BAR/BAL must be provided at existing property access located approximate chainage 6.55km (LHS) on the Dawson Highway (Banana - Rolleston).	Prior to commencement of construction (including any material delivery)

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	(b) The road works must be designed and constructed in accordance with the Road Planning and Design Manual (RPDM).	
3	The applicant shall be responsible for all maintenance works for the access in accordance with Module 9 of the Local Government Association of Queensland document 'TMR/Local Government Cost Sharing Arrangement', dated October 2017.	At all times.
4	The use of the permitted road access location during the operational phase of the project is to be restricted to generally fifteen (15) light vehicle trips per day and the occasional rigid body truck.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety and efficiency of the state-controlled road.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

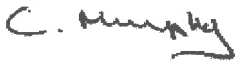
Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Gideon Genade, Contract Town Planner should be contacted by email at Gideon.z.genade@tmr.qld.gov.au or on (07) 4931 1545.

Yours sincerely



Chris Murphy
Senior Engineer (Civil), Corridor Management and Operations

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Material Change of Use Lot 2 Registered Plan 892597 prepared by ESCO Pacific Pty Ltd dated 11/12/2017, reference MOU_LAY_001_01_MCU and revision 01
Attachment E - Application Form Section 33

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access is proposed to be gained from the existing access point on the Dawson Highway.
- An application was received by TMR on 18 December 2017 for a section 62 decision under the *Transport Infrastructure Act 1994*.
- The application accompanied the application for Material Change Use for a Utility Scale Solar Farm and Reconfiguration of a Lot (Lease exceeding 10 years). The development application seeks approval for the development of a solar farm, which will include the installation of up to 330,000 solar panels and a lease area exceeding 10 years.
- The applicant proposes access from the existing access point on the Dawson Highway.
- The application notes that operational traffic will be approximately three (3) light vehicles per day.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Moura Solar Farm (Report)	Jacobs	18 December 2017	IH134300-0003-NP-RPT-002-Re v1	Rev1

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



7 February 2018

Our Ref: DA2788

COM002-17/18

Jacobs
PO Box 3848
SOUTH BRISBANE QLD 4101

Cc. Banana Shire Council
PO Box 412
BILOELA QLD 4715

BANANA SHIRE COUNCIL	
12 FEB 2018	
Folder ID	Box No.
#84764	
Code	Years
QDAN 7.6.1	P

Via Email: shanita.robinson@jacobs.com

Attention: Shanita Robinson

Attention: Rentia Robertson
Your Ref: COM002-17/18

Dear Sir/Madam

Referral Agency Response (Advice)
(Given under section 9.2 of the Development Assessment Rules)

Transmission Corridor	Callide A to Moura
Easement ID	A on FN416
Location Details	
Street address	Leichhardt Highway, Kianga
Real property description	Lot 2 on RP892597
Local government area	Banana Shire Council
Transmission Infrastructure Impacted	
Proposed development:	Material Change of Use and Reconfiguring a Lot
Approval sought	Development Permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 2 of the *Planning Regulation 2016*, Powerlink Queensland is a **Referral Agency (Advice)** for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For **reconfiguring a lot** – all or part of the lot is subject to a transmission entity easement which is part of the transmission supply network (Table 1 1(a))
2. For **material change of use** – all or part of the premises are subject to a transmission entity easement which is part of the transmission supply network (Table 2 1b)

33 Harold Street, Virginia
PO Box 1193, Virginia, Queensland 4014, Australia
Telephone: (07) 3860 2111 Facsimile: (07) 3860 2100
Website: www.powerlink.com.au

PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

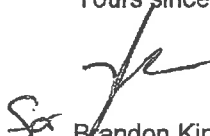
Table 1: Plans and Reports upon which the assessment is based

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Moura Solar Farm Development Application Report	Jacobs	18 December 2017	IH134300-0003-NP-RPT-0002	1
Moura Solar Reconfiguration of a lot	Esco Pacific	18/12/2017	MOU_LAY_001_03_ROL	01
Moura Solar MCU	Esco Pacific	11/12/2017	MOU_LAY_001_01_MCU	01

Powerlink Queensland, acting as a Referral Agency (Advice) under the Planning Regulation 2017 provides its response to the application as attached (**Attachment 1**).

For further information please contact Frances Jennings, Property Services Advisor, on (07) 3866 1313 or via email property@powerlink.com.au who will be pleased to assist.

Yours sincerely



Brandon Kingwill
MANAGER PROPERTY

ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

Powerlink Queensland **supports** this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

No.	Condition	Timing	Reason
1	Compliance with the terms and conditions of the easement dealing no shown in the heading of this letter.	At all times	To ensure that the existing rights contained in the registered easement dealing is maintained.
2	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met. To ensure the integrity of the easement is maintained.
3	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
4	The statutory clearances set the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met.

Advice to Council and the Applicant

1. This response **does not constitute an approval** to commence any works within the easement. Prior written approval is required from Powerlink Queensland before any work is undertaken within the easement areas. All works on easement (including but not limited to earthworks, drainage and detention basins; road construction; underground and overhead service installation) require detailed submissions, assessments and consent (or otherwise) by Powerlink.

ATTACHMENT 2 – ASSESSED PLANS

PROJECT
Moura Solar Farm

MAP TITLE
Material Change of Use

Title Info
Lot 2 Registered Plan 892597

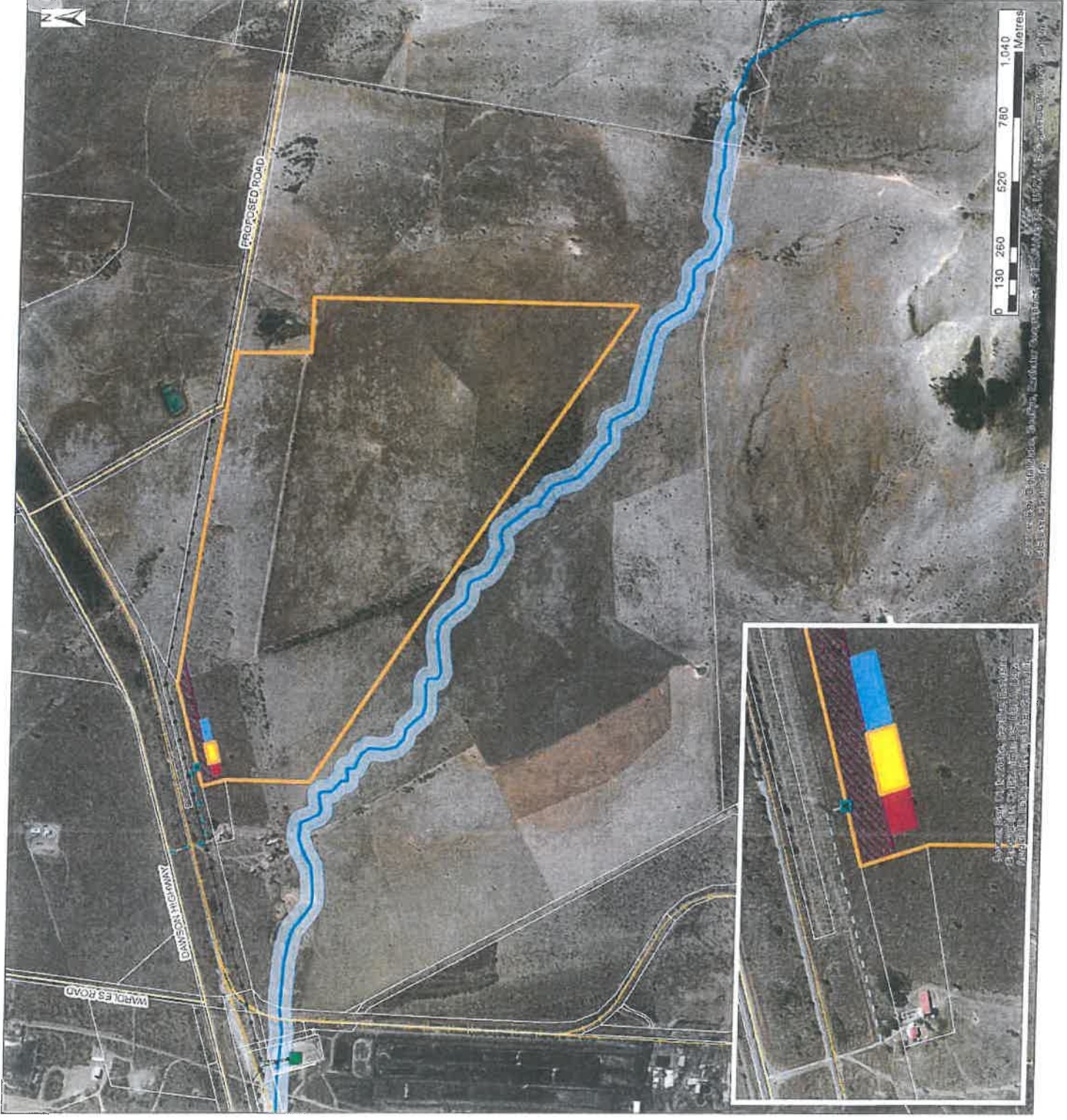
LEGEND

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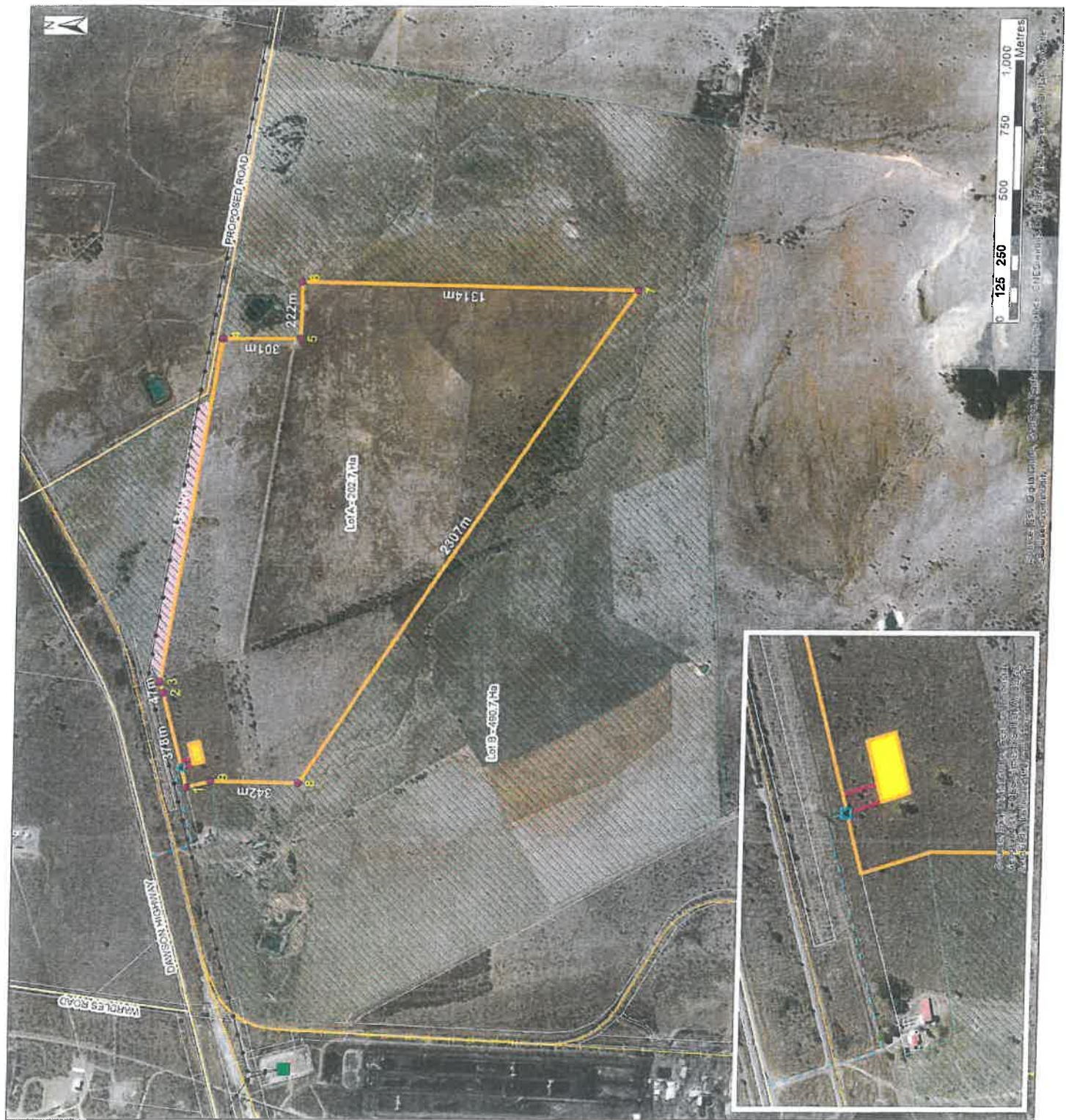
ESCO Pacific

DISCLAIMER: This plan was prepared for the purposes and descriptive use of ESCO Pacific Pty Ltd for the purposes of the Material Change of Use process. The accuracy of the information contained herein is not guaranteed to be free from error or omission. ESCO Pacific Pty Ltd is not liable for any errors or omissions. ESCO Pacific Pty Ltd is not a registered professional engineer or architect.

DATE	11/12/2017	SCALE	1:14,500	Page Size	A3
STATUS	FINAL	PRODUCED BY	R. OLLE	APPROVED BY	C. BERGE
MAP No.	MOU_LAY_001_01_MCU		REV	01	



PROJECT		Moura Solar Farm	
MAP TITLE		Reconfiguration of a Lot (for a lease exceeding 10 years)	
Title Info		Lot 2 Registered Plan 892597	
LEGEND			
	Indicative Solar Farm Access Point		Indicative Access Road
Reconfigured Lots			
	Lot A - Leased by Moura Solar Farm		Lot B - Residual Lot
Location Coordinates Indicative coordinates to be confirmed during survey plan			
Easement benefiting Switchyard Lot			
	Indicative location and footprint of Easement to be confirmed by Network Service Provider		Switchyard Lot
Excised Area for Switchgear & Transformer (80m x 40m) Indicative location and footprint of Switchgear & Transformer to be confirmed by Network Service Provider			
	Existing Moura Substation		Existing 132kV Transmission Line
	Existing Easement		Cadastral Boundary
	Roads / Tracks		Railways
ESCO pacific			
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MAP No.	MOU_LAY_001_03_ROL		REV
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ATTACHMENT 3 – ANNEXURE “A”

ANNEXURE A – GENERIC REQUIREMENTS

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the "Easement". Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. POWERLINK INFRASTRUCTURE

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. STRUCTURES

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. EXCLUSION ZONES

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as "electrically live" and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the Electrical Safety Regulation 2013 which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. ACCESS AND EGRESS

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. APPROVALS (ADDITIONAL)

Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. MACHINERY

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

7. EASEMENTS

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

8. EXPENDITURE AND COST RECOVERY

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.

11. GROUND LEVEL VARIATIONS**Overhead Conductors**

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

13. INDEMNITY

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorized use. If other parties make damage claims against Powerlink as a result of unauthorized use then Powerlink reserves the right to recover those damages from the applicant.

14. INTERFERENCE

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

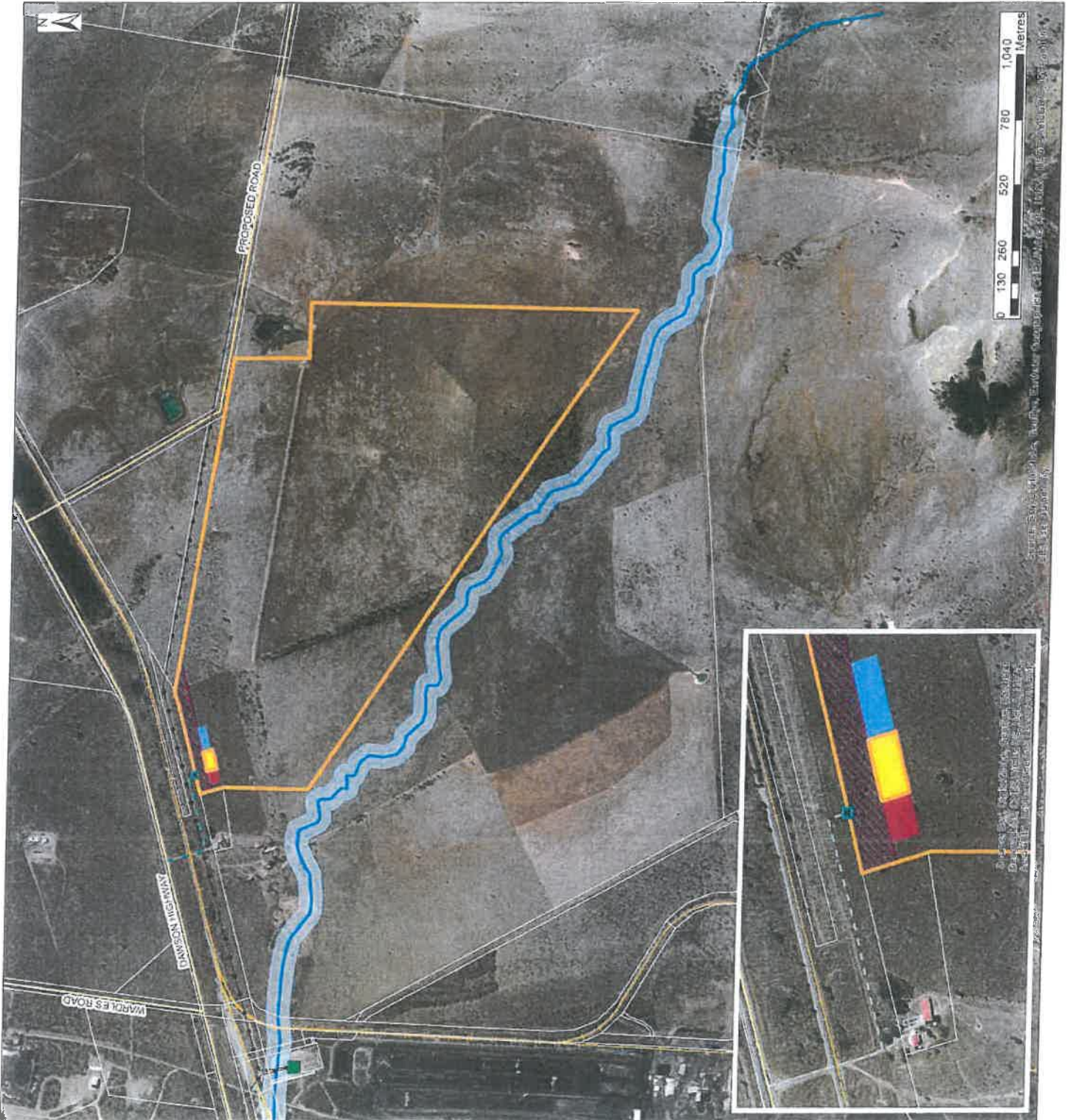
Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "prudent avoidance" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website: www.arpansa.gov.au Information on EMF is also available on the ENA's website: www.ena.asn.au

PROJECT		Moura Solar Farm	
MAP TITLE		Material Change of Use	
Title Info		Lot 2 Registered Plan 892597	
LEGEND		<p>Solar Farm Extent & Associated Fencing</p> <p>Indicative Solar Farm Access Point</p> <p>Indicative Access Road</p> <p>Auxiliary Infrastructure</p> <p>Switchgear & Transformer (80m x 40m)</p> <ul style="list-style-type: none"> - Indicative location and footprint of Switchgear & Transformer to be confirmed by Network Service Provider - Parking Area for 8 Vehicles - Stormwater Detention - Refuse Storage - Indicative location and area (55m x 40m) <p>Battery Storage</p> <ul style="list-style-type: none"> - Indicative location & area (100m x 40m) <p>Shared Access</p> <ul style="list-style-type: none"> - Shared access between Moura Solar Farm and Landowner <p>Cadastral boundary</p> <p>Existing Moura Substation</p> <p>Existing 132kV Transmission Line</p> <p>Roads / Tracks</p> <p>Railways</p> <p>Watercourse</p> <p>50m Watercourse Setback</p>	
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PROJECT

Moura Solar Farm



















MAP TITLE

Reconfiguration of a Lot (for a lease exceeding 10 years)

Title Info

Lot 2 Registered Plan 892597

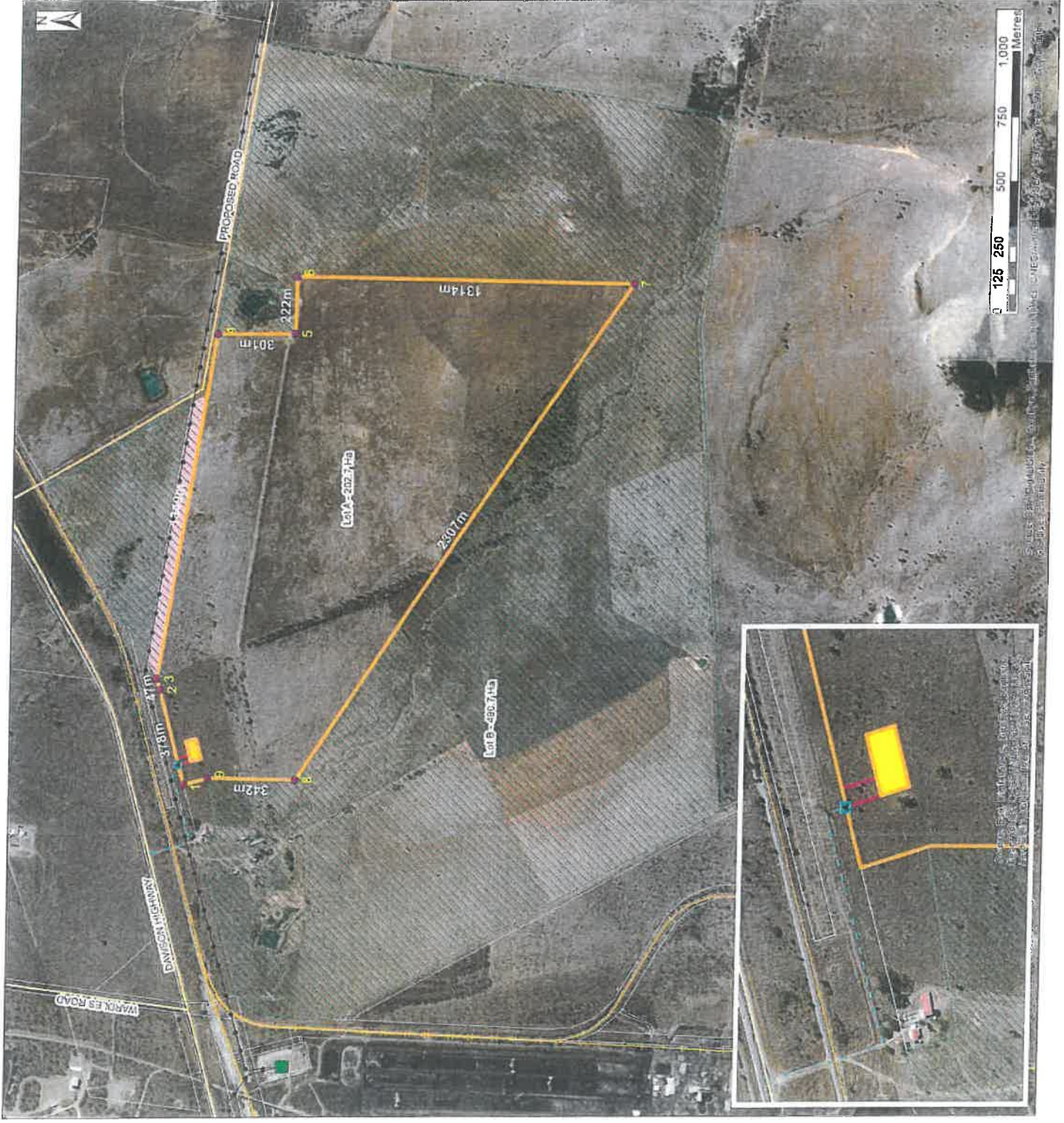
LEGEND

-  Indicative Solar Farm Access Point
-  Indicative Access Road
-  Reconfigured Lots
-  Lot A - Leased by Moura Solar Farm
-  Lot B - Residual Lot
-  Location Coordinates
-  Indicative boundaries to be confirmed during survey plan
-  Easement benefiting Switchyard Lot
-  - Indicative location and footprint of Easement to be confirmed by Network Service Provider
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-  Existing Moura Substation
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-  Cadastral Boundary
-  Roads / Tracks
-  Railways



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MAP No.	MOU_LAY_001_03_ROL			REV	01



Attachment 2

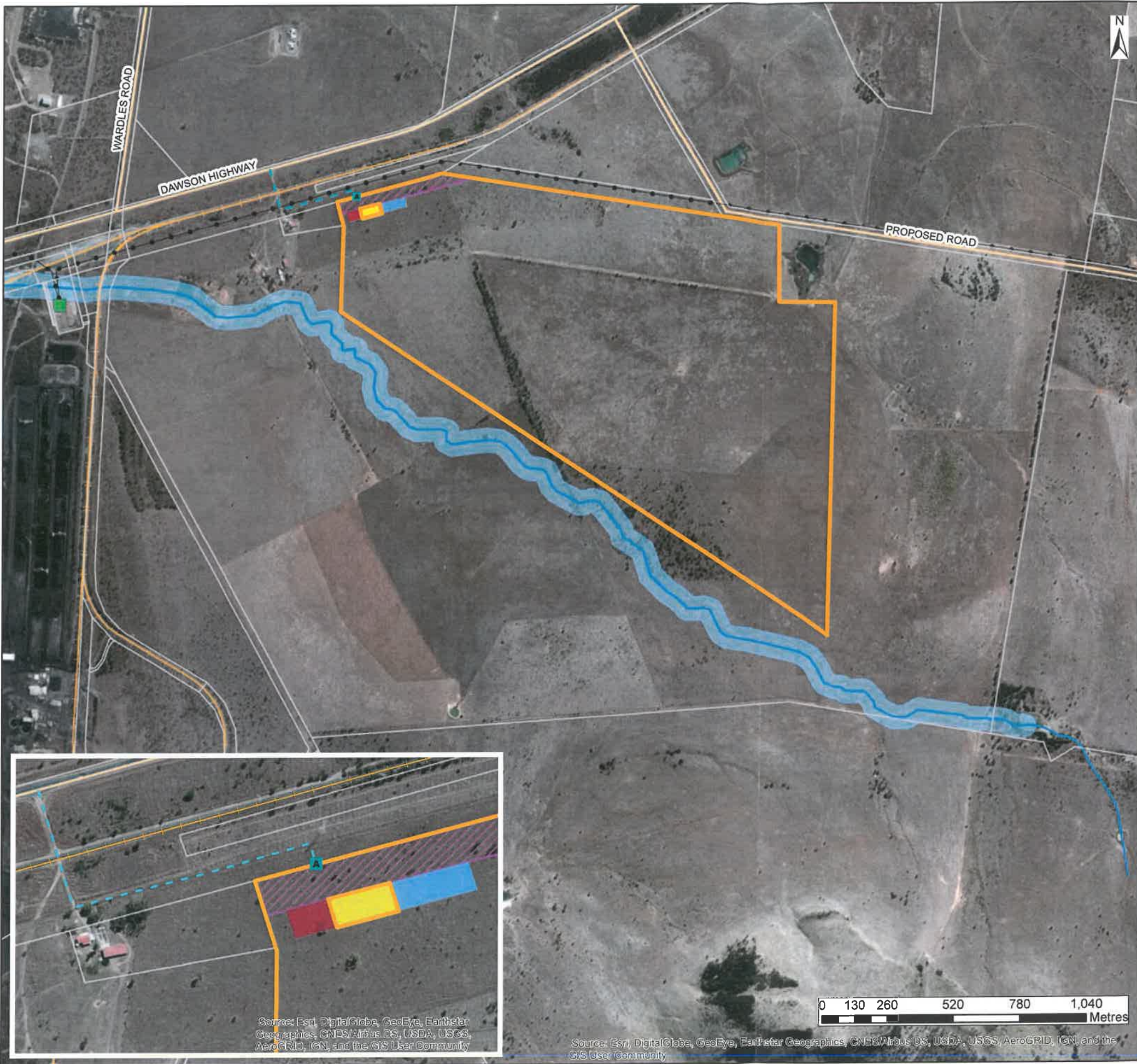
Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

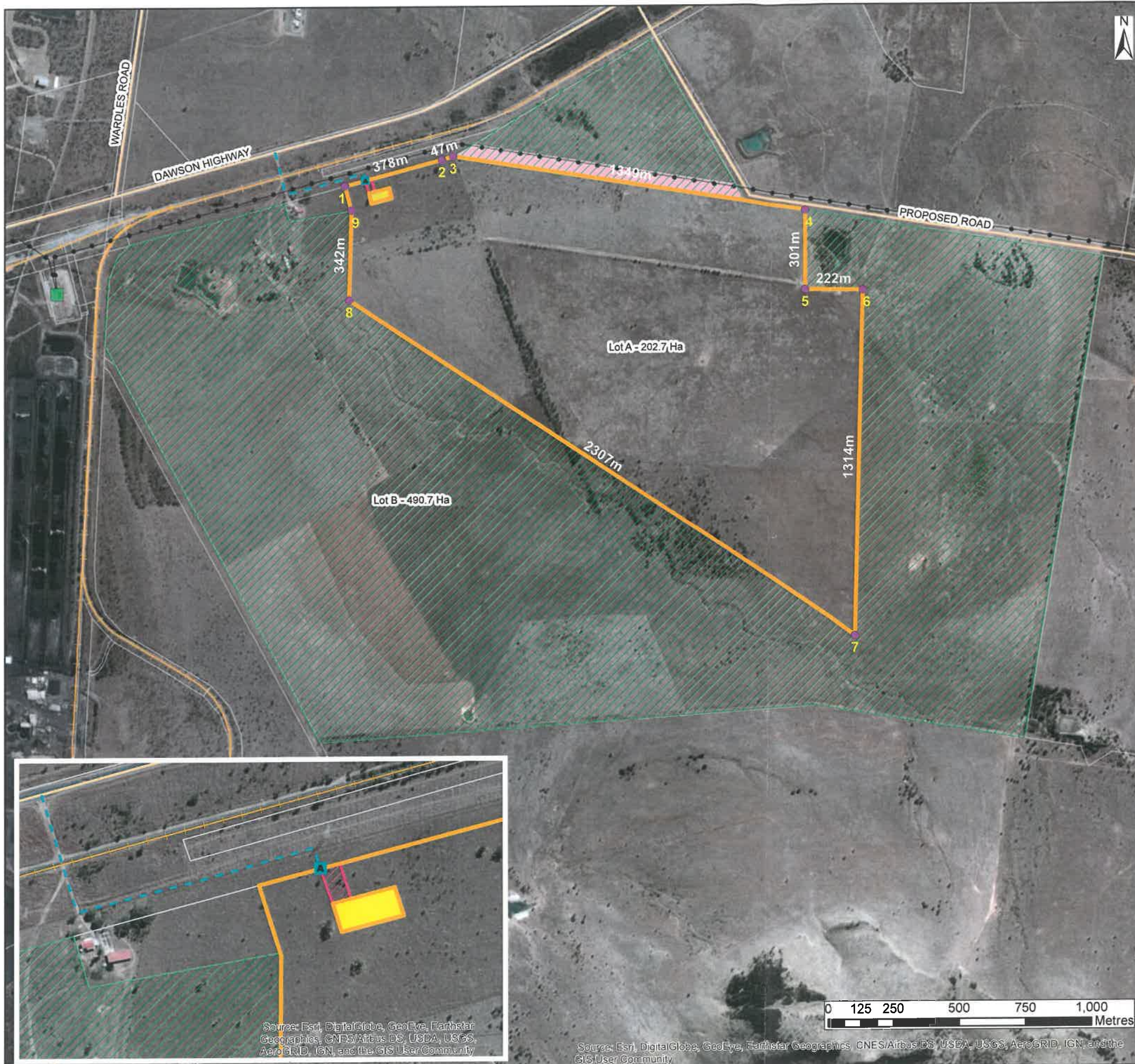
229 Appeals to tribunal or P&E Court

- (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		
Material Change of Use		
Title Info		
Lot 2 Registered Plan 892597		
LEGEND		
	Solar Farm Extent & Associated Fencing	
	Indicative Solar Farm Access Point	
	Indicative Access Road	
Ancillary Infrastructure		
	Switchgear & Transformer (80m x 40m) - Indicative location and footprint of Switchgear & Transformer to be confirmed by Network Service Provider	
	Site Office & Operations & Maintenance Building - Parking Area for 8 Vehicles - Stormwater Detention - Refuse Storage - Indicative location and area (55m x 40m)	
	Battery Storage - Indicative location & area (100m x 40m)	
	Shared Access - Shared access between Moura Solar Farm and Landowner	
	Cadastral boundary	
	Existing Moura Substation	
	Existing 132kV Transmission Line	
	Roads / Tracks	
	Railways	
	Watercourse	
	50m Watercourse Setback	
 Banana Shire Council PLANNING APPROVAL 26 APR 2018		
ESCO Pacific		
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STATUS	PRODUCED	APPROVED
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PROJECT
Moura Solar Farm

MAP TITLE
 Reconfiguration of a Lot
 (for a lease exceeding 10 years)

Title Info
 Lot 2 Registered Plan 892597

LEGEND

- Indicative Solar Farm Access Point
- Indicative Access Road

Reconfigured Lots

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R. Olle
Banana Shire Council
PLANNING APPROVAL
 26 APR 2018

ESCO
 Pacific

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 Projection: GDA84 MGA55

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Attachment 4
Environmental Obligations

Environmental Obligations

SCHEDULE A – General

- A1 The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.
- A2 It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- A3 All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of the Construction Site Management Plan.

SCHEDULE B - Noise

- B1 Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*.
- B2 Noise must not be emitted outside the hours specified below-

Noise Source	Allowable Hours
Building work <i>(Builders and owner-builders, including excavation. For home renovations or other uses refer to regulated devices)</i>	6:30am and 6:30pm Monday to Saturday, excluding public holidays.
Regulated devices <i>(eg mowers, power tools, compressors, leaf blowers, nail guns etc)</i>	7:00am to 7:00pm Monday to Saturday 8:00am to 7:00pm Sundays and public holidays
Amplifier devices <i>(other than indoor venues and open air events)</i>	7am to 10pm Business days 8am to 6pm Other days

- B3 All noise producing machinery and equipment (including air conditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at the boundary of the site does not exceed the levels indicated in the table below-

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Period	Noise Level at a Noise Sensitive Place (ie a residence) Measured as the Adjusted Maximum Sound Pressure Level (L_{Amax adj, T})
7 am – 10 pm	Background noise level plus 5 dB(A)
10 pm – 7 am	Background noise level plus 3 dB(A)
Sundays and Public Holidays	Background noise level plus 5 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Period	Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level (L_{Amax adj, T})
7 am - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)
Sundays and Public Holidays	Background noise level plus 8 dB(A)

SCHEDULE C – Air and Light

- C1 Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- C2 Suitable dust suppression should be used and/or screens or barriers should be erected, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.
- C3 All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

SCHEDULE D – Water and Stormwater

- D1 It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D2 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.
- D3 It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D4 Any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

- D5 Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

SCHEDULE E – Waste Management

- E1 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.
- E2 All waste should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- E3 Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- E4 It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- E5 Any building repairs involving asbestos material must be undertaken in accordance with Workplace Health and Safety requirements.
- E6 Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- E7 Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

SCHEDULE F – Land

- F1 A landowner has an obligation to take reasonable steps to keep their land free of declared pests in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*. Consideration should be given to appropriate treating of declared pest plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.