

20 December 2017

Officer: Brian Millard
Direct Telephone: 07 40864657
Our Reference: BM:nj
Your Reference: 0414798

Tilt Renewables Australia Pty Ltd
C/- Environmental Resources Management Australia Pty Ltd
PO Box 1400
SPRING HILL QLD 4004

Attention: Michael Rookwood

Dear Sir

Decision Notice

Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0008
Street Address:	15 Cane Road, Chewko, MAREEBA QLD 4880
Real Property Description:	Lot 156 on SP124698 Lot 251 on SP129910
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation, and Reconfiguring a Lot Subdivision by Lease (2 lots into 3 lots) & Access Easement
Date of Decision:	20 December 2017

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "**necessary infrastructure condition**" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development Permit for Reconfiguring a Lot – Subdivision by lease (2 lots into 3 lots) and Access Easement**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
 - 2.2 The proposed substation must be substantially constructed within the proposed substation lot prior to the endorsement of the plan of survey
3. General
 - 3.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

3.3 The applicant must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The applicant is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.7 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

4.1 Access Easement

An access easement in favour of the proposed substation lot must be provided within the solar farm lot for the purposes of access/drainage/services.

An all-weather (minimum gravel surface) access track must be constructed within the proposed access easement.

The approved easement document must be submitted at the same time applicant seeks approval for signing and dating of the plan of survey and must be lodged and registered in the Department of Natural Resource and Mines in conjunction with the plan of survey.

- (b) Development Permit for Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval (i.e. prior to operational/building work commencing).
- 2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

Note: 'Construction stage' means the stage in which all operational works and building works relating to the development, including the transport of building materials on/off the site is undertaken.

3. General

- 3.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 Amenity – Service Equipment
 - (a) All service equipment, including air conditioning units, waste disposal units (bins) and lighting must be located so as not to cause a nuisance to the occupants of adjoining and neighbouring premises.

(b) All mechanical plant must comply with the noise criteria below:

Mechanical Plant Noise Limits

Period	Time	Maximum noise limits at noise sensitive receiver (measured as LA90)
Day	7am – 6pm	51dB(A) + 5dB(A) = 56dB(A)
Evening	6pm – 10pm	46dB(A) + 5dB(A) = 51dB(A)
Night	10pm – 7am	40dB(A) + 5dB(A) = 45dB(A)

3.5 Bushfire Management

Prior to the commencement of the use, a detailed Bushfire Management Plan (BMP), prepared by a suitably qualified professional must be prepared and submitted for the development. The BMP must include but not be limited to the following:

- (i) Bushfire fuel maintenance and management/reduction practices and procedures including firebreaks;
- (ii) Water storage requirements for fire fighting purposes;
- (iii) Staff evacuation procedures; and
- (iv) Accessibility by emergency services personnel and fire fighting equipment.

The BMP should consider any screening established in response to Condition 4.5 of this approval.

The approved use must comply with the requirements of the BMP at all times.

3.6 Signage

Advisory signage must be erected on the road approach to the proposed development to direct any sightseers to the Bunny Seary Lookout on Chewko Road.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

3.7 Damage to Council Infrastructure

Any damage which is caused to Council's infrastructure as a result of the development must be repaired to its original condition prior to the commencement of the use.

3.8 Solar Glare Nuisance Monitoring and Mitigation

When requested by Council, nuisance monitoring must be undertaken in the form of a Solar Glare Assessment report to investigate any genuine complaint of nuisance caused by solar glare. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within four (4) weeks from the date of Council's request, unless otherwise agreed. Any genuine complaint of nuisance caused by solar glare will require landscape mitigation measures, or other measures accepted by Council.

4. Infrastructure Services and Standards

4.1 Traffic Management Plan & Road Rehabilitation Program

4.1.1 Prior to the commencement of the construction stage of the development, the applicant must prepare and submit a Traffic Management Plan (TMP) prepared and certified by a Registered Professional Engineer of Queensland (RPEQ). The TMP must include, but is not limited to:

- (i) 'Existing condition' surveys of Cane Road between the Chewko Road intersection and the property boundary, inclusive of the intersection, including details of the suitability, design, condition and construction standard of these roads;
- (ii) Details of how the construction of the project will be managed with respect to the Council controlled road network, including any intersections with the State controlled road network;
- (iii) Details of traffic routes for heavy vehicles, including any necessary route or timing restrictions for oversized loads;
- (iv) Details of how any potential safety hazards resulting from the increased vehicles movements along Cane Road and Chewko Road will be mitigated during the construction phase;
- (v) Procedures for informing the public where any road access will be restricted as a result of the project.

The TMP must be adhered to at all times during the operational works/building works stage of the development, including any works required by the TMP, to the satisfaction of Council's delegated officer.

- 4.1.2 As soon as reasonably practical following the completion of the construction stage of the development, as determined by Council's delegated officer, a rehabilitation program must be developed and certified by an RPEQ, to rehabilitate Cane Road from the Chewko Road intersection to the property boundary, inclusive of the intersection, to the pre-construction condition identified by the surveys required under Condition 4.1.1(i), to the satisfaction of Council's delegated officer.

Any works required to be completed as part of the program must be completed within 6 months of completion of construction stage of the development, to the satisfaction of Council's delegated officer.

Prior to the commencement of any works required by condition 4.1.1 and 4.1.2, plans for these works must be approved as part of a subsequent application for operational works.

4.2 Construction Management Plan

Prior to the commencement of construction stage of the development, the applicant is to prepare and implement a Construction Management Plan (CMP) for the subject site. The CMP must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ), submitted to the Council and available on site at all times. The CMP must include, but not be limited to the following details for the construction stage of the development:

- (i) Details of all relevant activities to be undertaken on site during construction including the anticipated staging for bulk earthworks and the construction works program;
- (ii) A description of the roles and responsibilities for all relevant employees involved in the construction stage of the development including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions and any Referral Agency conditions;
- (iii) Details of any construction sites and mitigation (including dust suppression measures for Cane Road), monitoring, management and rehabilitation measures specific to the site that would be implemented;
- (iv) Statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations, and agreements required from authorities and other stakeholders, and key legislation and policies;

- (v) Details of how the environmental performance of construction will be monitored, and what actions will be taken to address potential adverse environmental impacts including soil and water contamination, dust and noise;
- (vi) Emergency management measures including measures to control bushfires during the construction stage.
- (vii) Establishment of a communication protocol with the general public, adjoining owners, rail authority, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.
- (viii) Identification of complaint management procedures including:
 - (a) contact details for the on-site manager; and
 - (b) dispute resolution procedures.

4.3 Stormwater Drainage/Water Quality

- 4.3.1 Prior to the commencement of construction stage of the development, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- 4.3.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.3.3 Prior to the commencement of construction stage of the development, the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- 4.3.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of

Engineers Australia) to the satisfaction of Council's delegated officer.

4.3.5 The applicant must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.3.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge. The ponding or runoff of stormwater onto existing Ergon Energy infrastructure and easement/s must be avoided at all times.

4.4 Car Parking/Internal Driveways

4.4.1 Prior the commencement of construction stage of the development, the applicant must ensure adequate space is provided on site for the parking of all vehicles, including staff vehicles, trucks, machinery and plant associated with the development.

No vehicles, trucks, machinery or plant associated with the construction of the development are permitted to park within a Council road reserve.

4.4.2 The car parking spaces must be constructed to a compacted gravel standard, delineated and appropriately drained and maintained in this condition for the life of the development, to the satisfaction of Council's delegated officer.

4.4.3 All internal roads and access tracks associated with the approved use are to be surface treated and maintained so that the risk of erosion and dust generation is minimised, to the satisfaction of Council's delegated officer.

4.5 Screening and Fencing

4.5.1 Prior to the commencement of construction stage of the development, the applicant must prepare and submit a screening and fencing plan for consideration and approval by Council's delegated officer. The plan must include the following:

- (i) Screening works to be provided in response to the concerns raised in the three (3) properly made submissions.
- (ii) Fencing of the proposed substation and details of any other fencing to be established.

All screening and fencing works shall be undertaken during construction stage of the development in order to be established prior to the commencement of the use of the use and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

4.5.2 Any security/perimeter fencing must be chain wire mesh and maintained in good order and repair for the life of the development, to the satisfaction of Council's delegated officer.

4.6 Lighting

Where outdoor lighting is required the applicant shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS1547) to the satisfaction of the Council's delegated officer.

4.8 Decommissioning and Rehabilitation

4.8.1 At the end of the lifecycle of the solar farm, or if it is not used for the generation of electricity for a continuous period of 12 months, whichever occurs first, the use shall be considered decommissioned.

4.8.2 Within one month of the use being decommissioned, the applicant must submit a Decommissioning and Rehabilitation Management Plan prepared and certified by a suitable qualified person. The plan must include but is not limited to:

- (i) The identification of structures, including but not limited to all solar panels and trackers/frames, substations, inverters, battery storage, offices, control buildings, fencing and electronic infrastructure including above

ground infrastructure to be removed, except where any infrastructure has been transferred to or is in the control of Ergon Energy, and how that infrastructure will be removed;

- (ii) Measures to reduce impacts of the development on the environment and surrounding land uses; and
- (iii) Details of how the land will be rehabilitated back to its pre-development condition, including slope and soil profile.

4.8.3 Within 18 months of the development being decommissioned, the site shall be returned as far as practically possible back to its pre-development condition in accordance with the certified Decommissioning and Rehabilitation Management Plan.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Trigger	Reference	Address
<p>Development application for reconfiguring a lot that is assessable development under section 21, if-</p> <p>(a) all or part of the lot is subject to an easement-</p> <ul style="list-style-type: none"> (i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and (ii) for a transmission grid or supply network; or <p>(b) part of the lot is within 100m of a substation site</p>	Schedule 10, Part 9, Division 2, Table 1	<p>Principal Town Planner Ergon Energy E: townplanning@ergon.com.au</p> <p>(Please note: Ergon Energy prefer an electronic referral. The referral inquiry form can be downloaded from the website: http://www.ergon.com.au/community-and-our-network/network-management/referral-agency?a=102444 For enquiries please telephone: 38516530)</p>
<p>Development application for reconfiguring a lot that is assessable development under section 21, if -</p> <p>(a) all or part of the premises are within 25m of a State transport corridor; and</p> <p>(b) 1 or more of the following apply-</p> <ul style="list-style-type: none"> (i) the total number of lots is increased; (ii) the total number of lots adjacent to the 	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1	<p>State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870</p> <p>CairnsSARA@dilgp.qld.gov.au</p>

<p>State transport corridor is increased;</p> <p>(iii) there is a new or changed access between the premises and the State transport corridor;</p> <p>(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</p> <p>(c) the reconfiguration does not relate to government supported transport infrastructure</p>		
<p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises-</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are-</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p>	<p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4</p>	<p>State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870</p> <p>CairnsSARA@dilgp.qld.gov.au</p>

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AP01	Project Layout Plan	ERM	01/09/2017
AP02	Preliminary Subdivision Plan	ERM	11/09/2017

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(c) Endorsement Fees

Council charges a fee for the endorsement of Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(e) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(h) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(B) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 1 November 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work
- Development Permit for Building Work

SUBMISSIONS

There were three (3) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below;

Name of principal submitter	Address
1. R & J Bailey	141 Martin Road, Mareeba QLD 4880

2. L Pershous	PO Box 1395, Mareeba QLD 4880
3. AK & K Ebersbach	C/- Victor G Feros Town Planning Consultants, PO Box 1256, Cairns QLD 4870

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
List of Submitters
Appeal Rights

Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au

Ergon Energy
townplanning@ergon.com.au

Approved Plans/Documents



20/12/2017
B. Hill

	Referral Agency Response
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RA6-N



Department of Infrastructure,
Local Government and Planning

Our reference: 1710-1837 SRA
 Council reference: MCU/17/0008
 Your reference: 0414798 Chewko Solar Farm

1 November 2017

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba QLD 4880
 info@msc.qld.gov.au

Attention: Brian Millard

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 Infrastructure, Local Government and Planning on 6 October 2017.

Applicant details

Applicant name:	Tilt Renewables Australia Pty Ltd c/- ERM Australia Pty Ltd
Applicant contact details:	PO Box 1400 SPRING HILL QLD 4004 michael.rookwood@erm.com

Location details

Street address:	15 Cane Road and Byrnes Street, Chewko
Real property description:	Lot 156 on SP124698 on Lot 251 on SP129910
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for renewable energy facility (solar farm) and associated substation, and Reconfiguring a lot (2 lots into 3 lots - subdivision by lease agreement and access easement)
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1710-1837 SRA

Referral triggers

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

- **Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1** - State transport corridors and future State transport corridors (reconfiguring a lot)
- **Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1** - State transport corridors and future State transport corridors (material change of use)

No requirements

Under section 56(1)(a) of the *Planning Act 2016* (the Act), the department advises it has no requirements relating to the reconfiguring a lot aspect of the development application.

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 and Reconfiguring a lot				
Project Layout Plan	Environmental Resources Management Australia	06/10/2017	0414798b_PL LB_G001_R0.mxd	-

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

For further information please contact Joanne Manson, Principal Planning Officer, SARA Far North on 4037 3228 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Tilt Renewables Australia Pty Ltd C/- ERM Australia Pty Ltd, michael.rookwood@erm.com

1710-1837 SRA

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

1710-1837 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use for renewable energy facility (solar farm)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 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 development setbacks must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • Project Layout Plan, prepared by Environmental Resources Management Australia, dated 06/10/2017, drawing number 0414798b_PLLB_G001_R0.mxd 	Prior to the commencement of use and to be maintained at all times.
2.	(a) A Construction Management Plan must be prepared by a Registered Professional Engineer of Queensland (RPEQ) and given to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au). (b) The Construction Management Plan must address traffic management impacts and demonstrate that there will be no disruption to railway level crossing safety on the Mareeba Mungana Railway at Cane Road (ID:02338) and that unauthorised access to the Mungana Railway is prevented along the access track abutting the railway corridor during the course of construction. (c) The construction of the development must be in accordance with the Construction Management Plan.	(a) and (b) Prior to obtaining development approval for building work or operational work, whichever occurs first (c) At all times during the construction of the development
3.	(a) Provide a RPEQ certified pre-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Mungana Railway at Cane Road (ID:02338) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District (Far.North.Queensland.IDAS@tmr.qld.gov.au). (b) Provide a RPEQ certified post-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Mungana Railway at Cane Road (ID:02338) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District (Far.North.Queensland.IDAS@tmr.qld.gov.au). (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: <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; and ii. RPEQ certification must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District 	(a) Prior to the commencement of works (b) Within two weeks of the completion of works (c) Prior to the commencement of use

1710-1837 SRA

	(Far.North.Queensland.IDAS@tmr.qld.gov.au) confirming that any necessary rectification works have been constructed.	
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway. (b) Any works on the land must not: (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 railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor.	(a) and (b) At all times.

1710-1837 SRA

Attachment 2—Reasons for decision to impose conditions

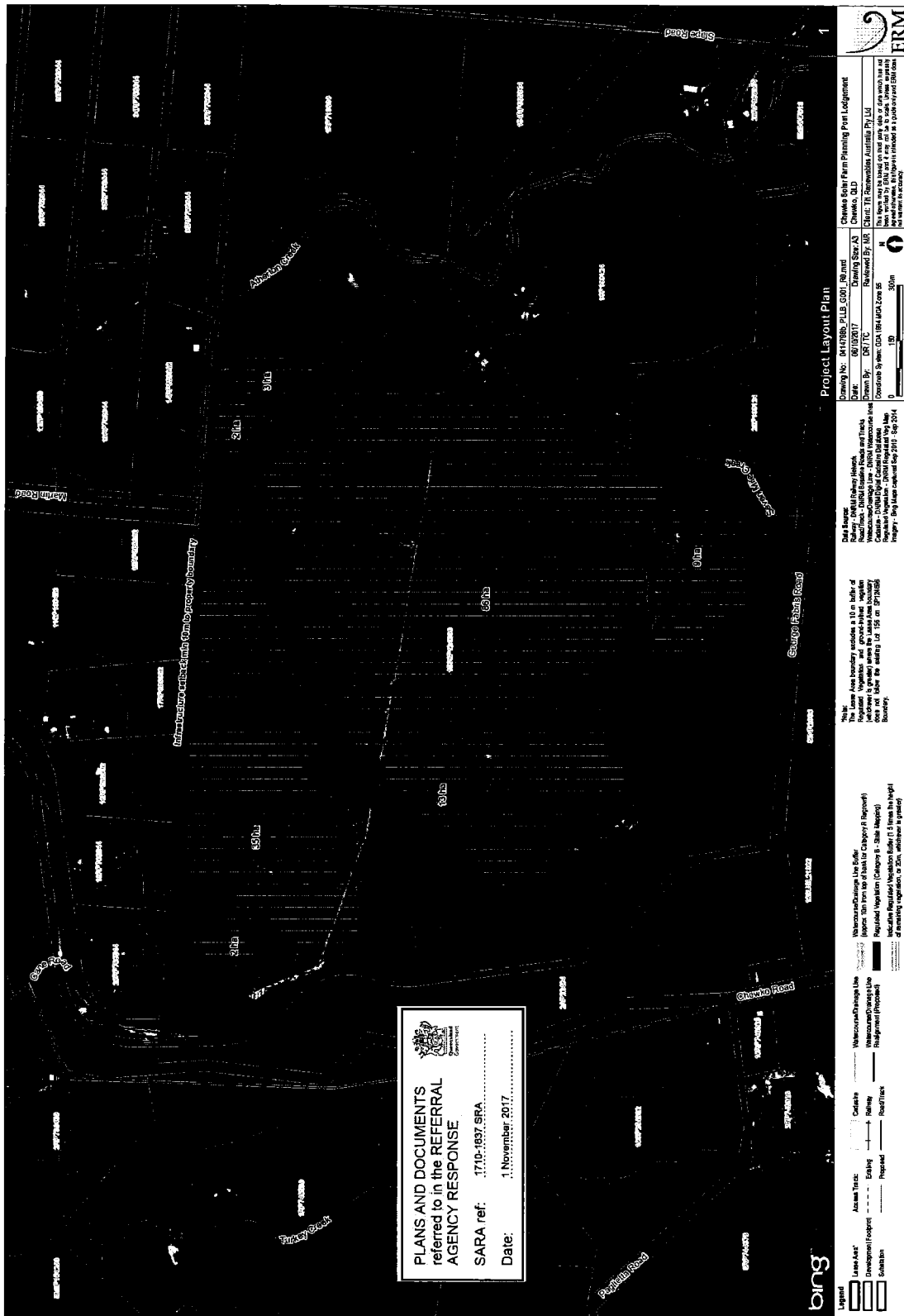
The reasons for this decision are:


- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the development does not compromise the safe and efficient operation and integrity of state transport infrastructure during construction.
- To ensure the safety and operational integrity of railway level crossing where development generated traffic may adversely impact on the track formation and structure.
- 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.

1710-1837 SRA

Attachment 3—Advice to the assessment manager

General advice	
Ref	Construction Management Plan
1.	<p>In relation to compliance with the concurrence agency condition 2 requiring the preparation of a construction management plan, the applicant should consult with the railway manager (Queensland Rail) prior to the preparation of the Construction Management Plan.</p> <p>The applicant should contact Queensland Rail property team on telephone number (07) 3072 1229 or at qrpropertywayleaves@qr.com.au in relation to the management measures that will be implemented during construction to ensure the safety and operational integrity of the railway.</p>
Further development permits, compliance permits or compliance certificates required	
Ref	Works on a railway
1.	<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 development generated traffic will implicate the existing railway crossing at Cane Road (ID:02338) on the Mareeba Mungana Railway.</p>




PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE
 SARA ref: 1710-1837 SRA
 Date: 1 November 2017

Project Layout Plan

Drawing No: 014788B_P.LB_001_BJ.mxd
 Date: 06/10/2017
 Drawing Size: A3
 Client: TRC Environmental Australia Pty Ltd
 Drawn By: DR/TC
 Reviewed By: MR
 Coordinate System: GDA 1984 MGA Zone 85
 North Arrow: N
 Scale: 1:500

Data Source:
 Bounding: 014788B_P.LB_001_BJ.mxd
 Reference: 014788B_P.LB_001_BJ.mxd
 Watercourse/Change Line: 20101 Watercourse Line
 Contour: 10m
 Elevation: 10m
 Imagery: Bing Maps captured Sep 2015 - Sep 2014

Note:
 The Lower Area boundary extends a 50m buffer of the Watercourse/Change Line. The buffer extends to the boundary of the property. The buffer does not follow the width of the Watercourse/Change Line.

Legend:

- Line Art
- Access Tracks
- Existing
- Proposed
- Substation
- Disruption (Proposed)
- Railway
- Road/Traffic
- Watercourse/Change Line
- Watercourse/Change Line Alignment (Proposed)
- Watercourse/Change Line Buffer
- Watercourse/Change Line Buffer Alignment (Proposed)

FERM

GE78-N



Department of Infrastructure,
Local Government and Planning

Department of Infrastructure, Local Government and Planning
Statement of reasons for application 1710-1837 SRA
(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Tilt Renewables Australia Pty Ltd
c/- ERM Australia Pty Ltd

Applicant contact details: PO Box 1400
SPRING HILL QLD 4004
michael.rookwood@erm.com

Location details

Street address: 15 Cane Road and Bymes Street, Chewko

Real property description: Lot 156 on SP124698 and Lot 251 on SP129910

Local government area: Mareeba Shire Council

Development details

Development permit Material change of use for renewable energy facility (solar farm) and associated substation, and Reconfiguring a lot (2 lots into 3 lots - subdivision by lease agreement and access easement)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions version 2.1, effective 11 August 2017 – State code 2: Development in a railway environment
2. Reconfiguring a lot	State Development Assessment Provisions version 2.1, effective 11 August 2017 – State code 2: Development in a railway environment

Reasons for the department's decision

The reasons for the decision are:

- The premises is located within 25 metres of a State transport corridor; being the Mareeba Mungana Railway and access to the premises is provided by the existing access location from Chewko Road via Cane Road within the railway corridor in the north-western corner.
- The proposed development footprint is setback approximately 10m from the railway corridor at its closest point and does not propose infrastructure within the 10m setback.

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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1710-1837 SRA

- The maximum height of the project infrastructure is approximately 5m and unlikely to cause damage to the railway in the event of a collision.
- Development setbacks to the railway corridor provide sufficient distance for maintenance to occur without requiring access to the railway corridor.
- The proposed development does not compromise the state's ability to maintain and operate the railway, or significantly increase the cost to main and operate the railway.
- With conditions, the proposed development complies with the relevant provisions in the State Development Assessment Provisions, State code 2: Development in a railway environment.

Decision

- The development application is for a material change of use for a renewable energy facility (solar farm) and substation, and a reconfiguring a lot (2 lots into 3 lots) for a lease agreement in excess of 10 years and access easement.
- The department issued a referral agency response with conditions, dated 1 November 2017, to attach any approval development approval.

Relevant material

- Development application material including a planning report prepared by ERM and plans showing the proposed development setback from the State transport corridor (railway).
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning (v2.1).
- *Planning Act 2016*
- *Planning Regulation 2017*
- Development Assessment Rules version 1.1

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (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.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and

- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.