



15 June 2021

Lightsource Australia SPV3 Pty Ltd
C/- RPS Australia East Pty Ltd
Locked Bag 7801
IPSWICH QLD 4305
joanne.cousins@rpsgroup.com.au / sonia.brown@rpsgroup.com.au

Attention: Joanne Cousins / Sonia Brown

Decision Notice – Change Application (Minor)

(Given under section 83 of the *Planning Act 2016*)

The Gympie Regional Council received your change application under section 78 of the *Planning Act 2016* on 27 April 2021 for the following development approval.

Applicant Details

Applicant Name: Lightsource Australia SPV3 Pty Ltd
C/- RPS Australia East Pty Ltd
Locked Bag 7801
IPSWICH QLD 4305
joanne.cousins@rpsgroup.com.au /
sonia.brown@rpsgroup.com.au
0402 100 662

Location Details

Street Address: 1706 Wide Bay Highway, Woolooga
Real Property Description: Lot 15 LX2424
Local Government Area: Gympie Regional Council
PO Box 155
GYMPIE QLD 4570
Ph: (07) 5481 0454
Email: planning@gympie.qld.gov.au

Original Approval Details

Application Number:	2019-2559
Approval Type:	Development Permit
Original Date of Approval:	29 November 2019
Negotiated Decision Notice:	19 February 2020
Nature of Development:	Material Change of Use
Description of Development:	Renewable Energy Facility (Solar Facility)
Assessing Officer:	Jorja Feldt

Details of Proposed Change/s

The proposed changes are:

1. Amend conditions 9(a), 9(b), 13(a), 19(a) and 20(a)to allow tree clearing and grubbing/weed management works to commence prior to construction of the approved use and approval of relevant plans.

Decision

Date of Decision:	11 June 2021
Decision Details:	Make the change and amend existing conditions.

Changed Approval Details

Application Number:	2019-2559
Approval Type:	Development Permit
Nature of Development:	Material Change of Use
Description of Development:	Renewable Energy Facility (Solar Farm)
Assessing Officer:	Jorja Feldt

Conditions

This approval is subject to the conditions in Attachment 1.

Referral Agencies

The referral agencies for this application are:

Name of referral agency	Advice agency or concurrence agency	Address	Response
Department State Development, Manufacturing, Infrastructure and Planning (DSDMIP) State Assessment and Referral Agency (SARA) Wide Bay Burnett	Concurrence	MyDAS 2 electronic lodgement: https://prod2.dev-assess.qld.gov.au/suite/ Standard post lodgement: DSDMIP SARA Level 1, 7 Takalvan Street / PO Box 979 BUNDABERG QLD 4670 Email lodgement: WBBSARA@dsdmip.qld.gov.au	The agency provided its response on 17 May 2021 A copy of the response is attached.
Powerlink	Advice	Standard post lodgement: PO Box 1193 VIRGINIA QLD 4014 Email lodgement: property@powerlink.com.au	The agency provided its response on 1 August 2019. A copy of the response is attached.
Ergon	Advice	Standard post lodgement: Town Planning Ergon Energy PO Box 264 Fortitude Valley QLD 4006 (07) 3851 6530 Email lodgement: townplanning@ergon.com.au	The agency provided its response on 7 August 2019. A copy of the response is attached.

Further development permits

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

1. Development Permit for Building Work (Buildings, Site Office, Panel Structures/Framing, Inverter/Transformer Units etc. as required);
2. Development Permit for Operational Work (Landscaping Buffers);
3. Development Permit for Operational Work (Site Works);
4. Compliance Permit for Plumbing and Drainage Work for the installation of on-site Sewerage Facilities in accordance with the Queensland Plumbing and Wastewater Code.

Properly made submissions

There were no properly made submissions for this application.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. 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*.)

- A copy of the relevant appeal provisions is attached.

Currency period for the approval

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

Advisory Notes

The following notes are included for guidance and information purposes only and do not form part of the Assessment Manager's conditions:

Aboriginal Cultural Heritage Act 2003

In carrying out your activity you must take all reasonable and practicable measures to ensure that it does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from the Cultural Heritage Co-ordination Unit on (07) 3239 3647 or at www.nrm.qld.gov.au

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference No.	Version/ issue
Aspect of development: Material Change of Use - Renewable Energy Facility (Solar Farm)				
Development Plan – Woolooga Solar PV Farm B (as amended in red)	RPS	20/12/2019	PR143407	-

Should you wish to discuss the above matter further, please contact Jorja Feldt of Council's Planning and Development Directorate on (07) 5481 0454 or email planning@gympie.qld.gov.au.

Yours faithfully



**Tania Stenholm
Manager Planning and Development**

Enc.

Attachment 1 – Assessment Manager Conditions
Referral Agency Responses
Approved Plan
Appeal Rights

C/C: Department of State Development, Manufacturing, Infrastructure and Planning
C/C: Powerlink - property@powerlink.com.au
C/C: Ergon - townplanning@ergon.com.au

Attachment 1 – Assessment Manager Conditions

Conditions to be satisfied prior to commencement of the use:

No	Condition	The time by which the condition must be met, implemented or complied with
1.	Approved Plans and Documents	
(a)	The development shall be generally in accordance with the facts and circumstances presented in the development application and generally in accordance with the approved plans outlined in <i>Approved plans and specifications</i> section of this Decision Notice subject to any amendments required by conditions of this approval.	Prior to commencement of the use and to be maintained at all times thereafter.
(b)	<p>Amended development plans are to be submitted to and approved in writing by Council.</p> <p>The plans must include the following but are not limited to:</p> <ul style="list-style-type: none"> - Specific location of solar panels, inverters/transformer units, transmission lines, connection with the Woolooga Sub-station. - Specific location of driveways, buildings and parking areas; - Connection with the Woolooga Sub-station; - Additional landscaping, structures, works and modifications as required by the Council approved amended reports for noise and visual amenity and reflectance. 	Prior to lodgement of a Development Permit for Operational Works.
(c)	Once approved in writing by Council the revised plans and reports shall form part of this approval and shall be complied with at all times.	Prior to lodgement of a Development Permit for Operational Works.
2.	Further Development Permits	
(a)	<p>The use may not commence until:</p> <p>(i) the following development permits have been issued and complied with as required:</p> <ol style="list-style-type: none"> a. Development Permit for Building Work (Buildings, Site Office, Panel Structures/Framing, Inverter/Transformer Units etc. as required); b. Development Permit for Operational Work (Landscaping Buffers); c. Development Permit for Operational Work (Site Works); d. Compliance Permit for Plumbing & Drainage Work for the installation of on-site Sewerage Facilities in accordance with the Queensland Plumbing and Wastewater Code. 	Prior to commencement of the use and to be maintained at all times thereafter.

(b)	The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.	Prior to commencement of the use.
(c)	The Applicant must ensure that all demolition work on site is carried out in accordance with Australian Standard AS2601-2001: The Demolition of Structures, or its latest version and building permit(s) be obtained where necessary.	Prior to commencement of the use.
(d)	The existing dwelling on-site (where not to be used for ancillary solar farm purposes) is to be decommissioned and evidence of same provided to Council.	Prior to commencement of the use.
(e)	Re-use of the existing dwelling on site for the purpose of ancillary solar farm purposes is permitted.	Prior to commencement of the use.
3.	Nature and Extent of Approved Use	
(a)	Development associated with the approved use must be generally contained to the development area identified in the Approved Development Plan. For any development in the portion of the site identified on the approval plan as within 'Future Investigation Area (High Slope-Beyond Current Technology Limit), further approval from Council is required.	At all times.
(b)	Single-axis tracking technology is to be employed for all solar panels. Alternate technology may be used with the written agreement of Council subject to submission of further plans and details.	At all times.
4.	Building Height and Solar Panel Height	
(a)	The maximum height of any solar panel including its associated structure must not exceed 4.0 metres above natural ground level. <i>Note: Height is only to be measured at the central support structure of each panel (noting that the angle of panels moves throughout the day).</i>	Prior to commencement of the use and to be maintained at all times thereafter.
(b)	The maximum height of any building must not exceed 8.5 metres above natural ground level. <i>Note: Electrical infrastructure such as overhead lines and electrical towers do not constitute a building.</i>	Prior to commencement of the use and to be maintained at all times thereafter.
5.	Restricted Plants	
(a)	Provide evidence from a suitably qualified person that the obligations under the Biosecurity Act 2014 have been met prior to and during the construction phase of the development.	Prior to commencement of the use.
(b)	No declared plant vegetative material is to be exported from the site, unless it is separated out and transported to Gympie (Bonnick Road) Waste Management Facility.	At all times.
(c)	All vehicles, machinery, tools, boots and other equipment are to be cleaned when leaving weed-infested areas of the property	At all times.
(d)	No fill that was supporting or in contact with declared plants, or parts thereof, is to be exported from the site.	At all times.

6.	Lighting	
(a)	All outdoor lighting must be designed, installed, operated and maintained to comply with the requirements of AS4282 – <i>Control of the obtrusive effects of outdoor lighting</i> .	At all times.
7.	Interface landscaping/Landscaped Buffer	
(a)	Landscaped buffers are to be provided in accordance with the locations nominated on the approved plan, to a minimum width of 5m and increased where necessary to satisfy other conditions of this approval.	Prior to the commencement of the use or unless otherwise agreed with Council in writing.
(b)	A development application for Operational Work (Landscape Buffers) is required to be obtained and complied with. The plan is to incorporate the following: <ul style="list-style-type: none"> a. Security fencing, 1.8m high (minimum) to all boundaries; b. Any security fencing is to be setback behind required landscaping buffers; c. Temporary screens 1.8m high to boundaries where landscaping is required to be provided; to be maintained until landscaped buffers reach maturity. (<i>N.b. sign written fence wrap banners can be applied over the required security fencing to satisfy the intent of this condition</i>). d. minimum five (5) metre wide landscaped buffers to accommodate three (3) rows of plantings incorporating canopy and mid-storey vegetation; e. sections through each boundary showing the mature heights of the planted native vegetation; f. landscaping plant species that are associated with pre-clearing Regional Ecosystems on site, specifically Regional Ecosystems 12.11.14, 12.12.12, 12.11.22 and 12.12.24 (<i>n.b. Council can provide a suggested list of species</i>); g. plant spacing's to achieve a dense screen; h. plantings to incorporate tube stock; i. landscaping maintenance regimes over a 3-year period, detailing watering, weeding, replacement planting, frost and herbivore management; j. current soil condition and nutrient requirements to support successful native plant establishment. 	Prior to the commencement of all other construction and works associated with the development.
8.	Car Parking and Access	
(a)	Service vehicle parking requirements for the proposed development are to be confirmed with Council and justification provided to Council. Access and manouevring for all service vehicles including waste collection vehicles is to be provided to indicate that the required service vehicles can enter and leave the site in a forward gear. Refer Planning Scheme Policy 1 Development Standards.	Prior to the commencement of the approved use.

(b)	A minimum of one (1) off-street car parking space must be provided and constructed to the standards nominated for an accessible space under AS2890.6-2009, including sealed construction, a dedicated space and shared area, installation of a bollard and a sealed pathway to relevant buildings.	Prior to the commencement of the approved use.
(c)	Additional on-site car parking facilities, exclusive of the accessible space, may be designed and constructed to a dust reduced standard in accordance with Council's Infrastructure and Operational Works (excluding Advertising Device) Code and Council's Planning Scheme Policy 1 <i>Development Standards</i> .	Prior to the commencement of the approved use.
(d)	All parking and loading/unloading shall occur within the site.	At all times.
(e)	All internal access and maintenance roads and parking areas are to be identified, design details prepared and are to be submitted to Council for operational works approval. Including details of the alignments, road profiles (Nominal 3.5m wide gravel pavement or suitable alternative), stormwater drainage and all creek/gully crossings	Prior to the commencement of construction of the approved use.
(f)	Car parking and access areas shall be dust-reduced pavement and designed, drained, constructed and maintained in accordance with Council's Infrastructure and Operational Works (excluding Advertising Device) Code and Council's Planning Scheme Policy 1 <i>Development Standards</i> .	Prior to the commencement of the approved use.
9.	Compliance with Concurrence Agency Conditions	
(a)	All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto the Wide Bay Highway.	Prior to the commencement of the approved use.
(b)	Written confirmation is provided to Council that the Department of Transport and Main Roads conditions are fulfilled to the satisfaction of the Department of Transport and Main Roads.	Prior to the commencement of the approved use.
10.	Erosion and Sediment	
(a)	Erosion and sediment control measures are to be designed and provided in accordance with the International Erosion Control Association (Australasia) 2008's "Best Practice Erosion and Sediment Control for Building and Construction Sites".	The design shall be submitted to Council for review with subsequent development applications for operational work; and The recommendations of the Plan are to be implemented and maintained during construction work and at all times thereafter.

(b)	<p>Concept Erosion and Sediment Control Management Plans are to be submitted with a subsequent operational works application. Management plans are to be developed in accordance with the IECA Best Practice Erosion and Sediment Control guideline are to include but not limited to the following:</p> <ul style="list-style-type: none"> • Site hazard identification and assessment; • Duration and areas of works; • Site drainage and overland flowpaths; • Receiving environments; • Construction sequence of drainage, erosion and sediment control measures proposed for the site works; • Inspection, management and maintenance regime; • Location and sizing of swales and cut off drains; • Location and sizing of proposed sediment basins; • Flocculation testing and water sampling; • Phased erosion and sediment control plans; • Design certification. 	<p>To be submitted to Council for review with subsequent development applications for operational work; and</p> <p>The recommendations of the Plan are to be implemented and maintained during construction work and at all times thereafter.</p>
11. Stormwater		
(a)	<p>The method of treatment of stormwater runoff from and through the site shall be designed and constructed in accordance with Council's Infrastructure Works and Operational Work (excluding Advertising Device) Code and Council's Planning Scheme Policy 1 Development Standards.</p>	<p>Prior to the commencement of construction of the development and maintained at all times thereafter.</p>
12. General		
(a)	<p>Any plans/construction for infrastructure works or any other civil works required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure and Operational Work (excluding Advertising Device) Code.</p>	<p>Prior to commencement of the approved use and to be maintained at all times thereafter.</p>
(b)	<p>The alteration of any public utility mains (eg. Electricity, water, sewerage, gas etc.) or other facilities necessitated by the development of the land or associated construction works external to the site is to be undertaken at no cost to Council.</p>	<p>Prior to commencement of the approved use and to be maintained at all times thereafter.</p>
(c)	<p>Over time, the Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans for Council's approval incorporating the upgrades and/or changes.</p>	<p>To be complied with at all times once approved.</p>

13. Visual Amenity and Reflectivity	
(a)	<p>The Applicant must engage a suitably qualified person to undertake a Reflectivity and Visual Amenity Assessment to include the <u>final</u> PV design layout and specification. This assessment must include, but is not necessarily be limited to mitigation measures where dwellings in the surrounding locality experience reflectance and impact on visual amenity. These mitigation measures may include but may not be limited to:</p> <ul style="list-style-type: none"> (i) Consultation with land owners and completion of mitigation measures on the affected site by mutual agreement; (ii) Movement or reorientation of solar panels; (iii) Removal of direct line of sight between the affected properties and the solar panels by landscape buffers or other temporary and permanent structures; (iv) Mitigation measures, if required, to address any possible impacts on livestock and native wildlife; (v) A complaint management and operational review process. (vi) Review and implementation of anti-reflective coatings.
(b)	<p>Should a dwelling be constructed on Lot 2 SP285774 (vacant) prior to commencement of use, the applicant is required submit for Council endorsement, an amended Glint and Glare Assessment which demonstrates mitigation measures which achieves no nuisance on the dwellings. These mitigation measures may include but may not be limited to:</p> <ul style="list-style-type: none"> (i) Consultation with land owners and completion of mitigation measures on the affected site by mutual agreement; and (ii) Removal of direct line of sight between the affected properties and the solar panels by landscape buffers.
(c)	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) Minimize the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels; (b) Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape.

14.	Land Management and Dust	
(a)	The applicant must construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site must be undertaken with the emissions attributable to the project occurring during operation and construction. The applicant must identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of dust do not cause environmental nuisance.	At all times.
15.	Noise during Construction	
(a)	<p>Noise from the construction phase of the activity to which this approval relates must not cause or be likely to cause an environmental nuisance at any nuisance sensitive place.</p> <p>For the purposes of this Condition, noise from the activity will not cause environmental nuisance where noise from the activity on the development site does not exceed the levels specified in <i>Table 1 – Noise limits</i>.</p>	At all times.

Table 1 – Noise limits

Taken from the Default noise standards – section 440R of the *Environmental Protection Act 1994*.

Business day and Saturday	Sundays and Public Holidays	
6.30am – 6.30pm	6.30pm – 6.30am	
Noise measured at the nearest nuisance sensitive place		
Audible noise permitted	Nil audible noise	Nil audible noise

¹This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent environmental harm or risk to life.

²Note: refer to **Business Day** definition (*Environmental Protection Act 1994*) as important exclusions apply.

	<p>(b) The Applicant must prepare and implement a Construction Noise Management Plan to manage noise impacts during construction and to identify all feasible and reasonable noise mitigation measures. The Plan must include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> (a) Details of construction activities and an indicative schedule for construction works; (b) Identification of construction activities that have the potential to generate noise impacts on surrounding land uses, particularly residential areas; (c) Detail what reasonable and feasible actions and measures would be implemented to minimise noise impact; and (d) Procedures for notifying sensitive receptors of construction activities that are likely to affect their noise amenity, as well as procedures for dealing with and responding to noise complaints. 	<p>The plan is to be completed prior to the commencement of construction and works on-site (excluding landscaping); and</p> <p>The recommendations of the Plan are to be implemented and maintained at all times thereafter.</p>
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<p>16. Noise during Operation</p> <p>(a) Noise from the operational phase of the activity to which this approval relates must not cause or be likely to cause an environmental nuisance at any nuisance sensitive place.</p> <p>For the purposes of this Condition, noise from the activity will not cause environmental nuisance where noise from the activity on the development site does not exceed the levels specified in <i>Table 2 – Noise limits</i>.</p> <p><i>Table 2 – Noise limits</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="2" style="width: 20%;">Noise level measured in dB(A)</td><td colspan="2">On any day</td></tr> <tr> <td>6am–7pm</td><td>7pm – 6am</td></tr> <tr> <td align="center" colspan="3">Noise that is continuous noise measured at the nearest nuisance sensitive place (eg. inverters)</td></tr> <tr> <td style="text-align: center;">$L_{A90,T}$</td><td>Nil above background</td><td>Nil audible noise</td></tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="2" style="width: 20%;">Noise level measured in dB(A)</td><td colspan="2">On any day</td></tr> <tr> <td>6am–7pm</td><td>7pm – 6am</td></tr> <tr> <td align="center" colspan="3">Noise that varies over time measured at the nearest nuisance sensitive place (eg. maintenance)</td></tr> <tr> <td style="text-align: center;">$L_{Aeq\ adj, 1\ hr}$</td><td>Background +5</td><td>Nil audible noise</td></tr> </table>	Noise level measured in dB(A)	On any day		6am–7pm	7pm – 6am	Noise that is continuous noise measured at the nearest nuisance sensitive place (eg. inverters)			$L_{A90,T}$	Nil above background	Nil audible noise	Noise level measured in dB(A)	On any day		6am–7pm	7pm – 6am	Noise that varies over time measured at the nearest nuisance sensitive place (eg. maintenance)			$L_{Aeq\ adj, 1\ hr}$	Background +5	Nil audible noise	<p>At all times following commencement of the use.</p>
Noise level measured in dB(A)		On any day																					
	6am–7pm	7pm – 6am																					
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Noise that varies over time measured at the nearest nuisance sensitive place (eg. maintenance)																							
$L_{Aeq\ adj, 1\ hr}$	Background +5	Nil audible noise																					

Associated Requirements

1. The location, date and time of monitoring must be recorded.
2. All monitoring devices must be correctly calibrated and maintained.
3. Any monitoring must be in accordance with the most recent version of the Department of Environment and Heritage Protection's *Noise Measurement Manual*.
4. Monitoring must be performed by a **suitably qualified person(s)**.
5. **Background** means noise, measured in the absence of the noise under investigation, as $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90% of the time period of not less than 15 minutes, using Fast response.
6. At the request of Council, and in response to a valid complaint (in the opinion of Council) monitoring of noise emissions from the activity must be undertaken when the activity is in operation.

(b)	<p>An Operational Noise Management Plan is to be prepared to identify noise impacts during operation and identify all feasible and reasonable noise mitigation measures. A copy of the Plan is to be provided to Council. The Plan must include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a. identification of activities that have the potential to generate noise impacts on surrounding land uses, particularly residential areas; b. details of reasonable and feasible actions and measures to be implemented to minimise noise impact; and c. procedures for notifying sensitive receptors of construction activities that are likely to affect their noise amenity, as well as procedures for dealing with and responding to noise complaints. 	<p>Prior to the commencement of the use; and</p> <p>The recommendations of the Plan are to be implemented and maintained at all times thereafter.</p>
17. Waste		
(a)	<p>The number and type of refuse containers provided on site is to be determined in accordance with Council's Revenue Statement.</p> <p><i>N.b. Council will levy waste collection charges against commercial premises for the removal of commercial waste and recycling unless the Chief Executive Officer or their delegate is satisfied that a waste collection operator has been directly engaged by the ratepayer or tenant, and –</i></p> <ul style="list-style-type: none"> • <i>provides a suitable number of bins to contain the volume of waste and recyclables produced at the commercial premises; and</i> • <i>removes commercial waste and recycling from the premises at least once weekly for commercial waste and once per month for recyclables (or at a greater frequency for food processing waste or other putrescible wastes). Page 13 GRC Revenue Statement Adopted 27/06/2018</i> 	<p>Prior to commencement of the approved use and maintained at all times thereafter.</p>
(b)	<p>The applicant must maximise the reuse and/or recycling of waste materials generated on site, to minimise the need for treatment or disposal of those materials outside the site.</p>	<p>At all times.</p>
(c)	<p>The applicant must ensure that no waste is burnt on site during the life of the project.</p>	<p>At all times.</p>

18.	Bushfire and Fire Management	
(a)	<p>Prepare and submit a Bushfire and Fire Management Plan to Council prepared by a suitably qualified person in accordance with the relevant requirements.</p> <p>Management measures are to be identified on the Bushfire Management Plan to reduce the level of fire hazard. These methods must include but are not limited to firebreaks, fire trails, prescribed burns, stick raking, evacuation routes and fuel reduction zones.</p> <p>The plan must detail matters relevant to both the establishment and operational phases of the development and should include but is not necessarily limited to aforementioned requirements.</p>	<p>The plan is to be completed prior to the commencement of works and construction on-site (excluding landscaping); and</p> <p>The recommendations of the Plan are to be implemented and maintained at all times thereafter.</p>
19.	Fauna Management:	
(a)	<p>Provide a Fauna Management Plan to demonstrate how potential impacts on native fauna will be reduced. The plan must be prepared by a suitably qualified person, detail matters relevant to both the establishment and operational phases of the development and should include but is not necessarily limited to the following:</p> <ul style="list-style-type: none"> i. Procedures for dealing with fauna observed immediately prior to vegetation clearing; ii. Procedures for dealing with fauna during vegetation clearing including the engagement of a qualified fauna spotter/catcher; iii. Procedures for the treatment / removal of injured fauna from the site. iv. Procedures for managing native and other fauna that may enter the solar farm and potentially damage photovoltaic cells, racks, conduits or cables. v. Measures to avoid and respond to potential 'lake effects' of photo voltaic arrays on locally significant birds in flight. 	<p>The plan is to be completed prior to the commencement of works and construction on-site (excluding landscaping, tree clearing and site preparation works); and</p> <p>The recommendations of the Plan are to be implemented and maintained at all times thereafter.</p>

20.	Waterway Management:	
(a)	<p>A Waterway Management Plan is to be prepared by a suitably qualified waterway person and submitted to Council. The plan is to nominate:</p> <ul style="list-style-type: none"> • All waterways across the site, including their tributaries, shown on a plan; • all dams and impoundments; • Details of intended management of dams and impoundments (including retention, use in run-off detention, of decommission); • Recommendations for an appropriate buffer area to the waterways both during construction and operation of the approved use; • measures to be implemented to protect the waterways both during construction and operation of the approved use; • Proposed revegetation of the waterways that is consistent with the pre-clearing Regional Ecosystems for the site. • Water quality monitoring for surface and ground water on site; • Pollution prevention measures, for the containment and management of solvents, cleaning fluids, fuels, and transformer oils. • Cleaning of photovoltaic panels, use of solvents and cleaning solutions, storage and disposal; • Water storage, use, re-use and disposal. 	<p>The plan is to be completed prior to the commencement of works and construction on-site (excluding Landscaping, tree clearing and site preparation works); and</p> <p>The recommendations of the Plan are to be implemented and maintained at all times thereafter.</p>
21.	Vegetation Management:	
(a)	<p>A whole-of-site vegetation management plan is required for the development. The plan is to detail matters relevant to both the construction and operational phases of the development and should include but is not necessarily limited to:</p> <ol style="list-style-type: none"> a. Assessment and recommendations on the potential retention of vegetation along waterways and drainage features (Stream Order 2 and above); b. Ongoing natural regeneration of waterway vegetation; c. Identification of vegetation to be removed; d. Proposed treatment of vegetation that is to be removed, including disposal of vegetative material and re-use of habitat hollows if any; e. Management of vegetation underneath and between photovoltaic arrays, chemicals used and frequency of use; f. Control measures, maintenance procedures and monitoring programs, including the management of restricted plants and other biosecurity matters. 	<p>The plan is to be completed prior to the commencement of works and construction on-site (excluding landscaping); and</p> <p>The recommendations of the Plan are to be implemented and maintained at all times thereafter.</p>

22.	Environmental Management Plan (EMP):	
(a)	A general matters management plan is required for the development. The plan is to detail matters relevant to both the establishment and operational phases of the development and should include but is not necessarily limited to: <ol style="list-style-type: none"> storm events, lightning strikes, outages; flooding events; adjacent agricultural use and possible conflicts; soil degradation through soil instability; visitor requirements and promotions; waste management; Response procedures for potential vandalism Unauthorised access and arson. 	The plan is to be completed prior to the commencement of works and construction on-site (excluding landscaping); and The recommendations of the Plan are to be implemented and maintained at all times thereafter.
23.	Site Decommissioning and Rehabilitation:	
(a)	A decommissioning and rehabilitation plan is required that identifies the actions that will be undertaken when the operations of the solar farm permanently cease, to return the site to a condition fit for the grazing of livestock/cattle. The actions are to include (but is not necessarily limited to): <ol style="list-style-type: none"> Notification of cessation of operations; Recycling, re-use and/or disposal of panels, footings, structures, conduits and cabling, electrical infrastructure; Replacement of excavated spoil; Removal, ripping and re-seeding of hardened access tracks; Decommissioning of detention basins; Removal of infrastructure, panels, footings, structures, underground cabling and conduit associated with the solar arrays. 	The preliminary plan is to be completed prior to commencement of the use with a final plan to be completed 6 months prior to decommissioning; and The recommendations of the Plan are to be completed within 18 months of the development ceasing its operational life.

DEFINITIONS...

Nuisance sensitive place includes -

- dwellings such as houses, units, motels, resort accommodation, nursing homes, caravans and mobile homes (provided they are principally used as residences), and including the curtilage of any such places;
- a surgery or other medical institution;
- library, childcare centres, kindergartens, schools or other educational institutions;
- a park or garden that is open to the public;
- a protected area, or an area identified under a conservation plan as a critical habitat or area or major interest, under the *Nature Conservation Act 1992*;
- a Marine Park under the *Marine Parks Act 1992*.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Business day means a day that is not a Saturday or Sunday or a public holiday, special holiday or bank holiday in the place in which any relevant act is to be or may be done. A business day does not include a business day that occurs during the period starting on 20 December in a year and ending on 5 January in the following year.

$L_{Aeq\ adj,\ T}$ means the A-weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

$Max\ L_{pA,\ T}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

Background means noise, measured in the absence of the noise under investigation, as $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90% of the timer period of not less than 15 minutes, using Fast response.

time-weighting 'F' means a fast standardised response time.

A-weighted sound pressure level means a measure of sound adjusted to the 'A' frequency weighting network.

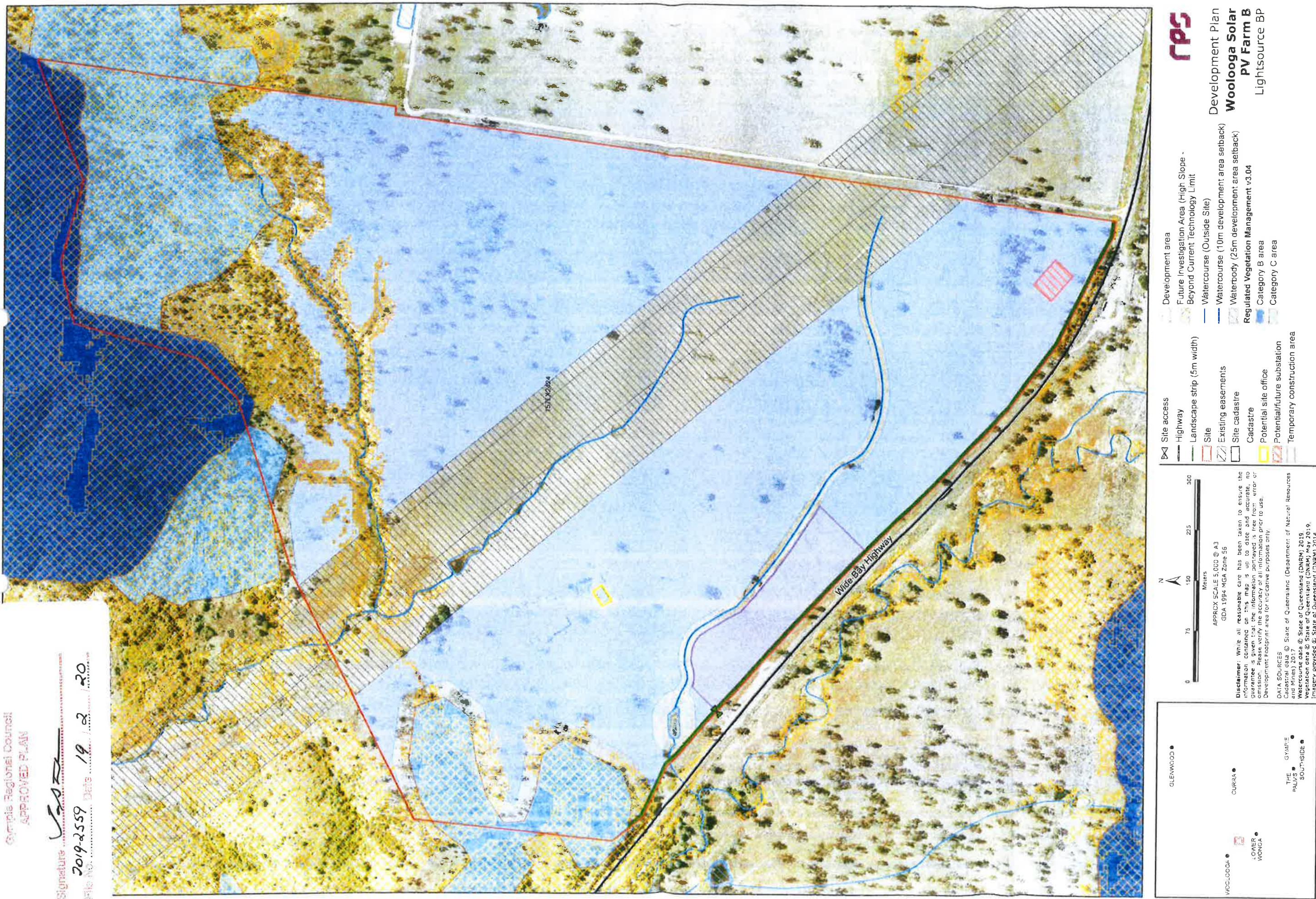
'A' frequency weighting network means the frequency weighting described under AS IEC 61672.1—2004 (Electroacoustics—Sound level meters, Part 1—Specifications) for frequency weighting 'A'.

Suitably qualified person means a person or persons who has professional qualification, training, skills and experience relevant to the activities undertaken and can give authoritative assessment, advice and analysis in relation to the activity requirement using the relevant protocols, standards, methods or literature.

Concurrence Agency's Conditions

Conditions applicable to this approval imposed by the following Concurrence Agencies:

- The Department of State Development, Manufacturing, Infrastructure and Planning is a concurrence agency with regard to this development approval. The attached concurrence agency response from this department, dated 20 September 2019 forms part of this Decision Notice.





Our reference: 2104-22001 SPD
Your reference: PR142693-1

17 May 2021

Lightsource Australia SPV 3 Pty Ltd
c/- RPS Group
Locked Bag 7801
IPSWICH QLD 4305
joanne.cousins@rpsgroup.com.au

Attention: Joanne Cousins

Dear Ms Cousins

Decision notice—change application

(Given under section 83 of the *Planning Act 2016*)

Your change application under section 78 of the *Planning Act 2016* for the development approval dated 5 March 2020 was made to the State Assessment and Referral Agency on 15 April 2021.

Decision for change application

Date of decision: 17 May 2021

Decision details: Make the change and amend existing conditions.

The changes agreed to are:

1. Amend the timing of condition 2

For further information please contact Cavannah Deller, Planning Officer, on (07) 4331 5614 or via email WBBSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Luke Lankowski".

Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Gympie Regional Council, planning@gympie.qld.gov.au

enc Referral agency response showing the change
Approved plans and specifications

Appeal provisions



Changed referral agency response

Our reference: 2104-22001 SPD

Referral agency response—with conditions

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

Date of original response: 20 September 2019
 Original reference: 1907-12222 SRA

The development application described below was properly referred to the State Assessment and Referral Agency on 24 July 2019.

Applicant details

Applicant name: Lightsource Development Services Australia
 Applicant contact details: c/- RPS Group
 PO Box 1559
 FORTITUDE VALLEY QLD 4006
 henry.kassay@rpsgroup.com.au

Location details

Street address: 1706 Wide Bay Highway, Woolooga
 Real property description: Lot 157 on LX2424
 Local government area: Gympie Regional Council

Application details

Development permit Material Change of Use for Renewable Energy Facility (Solar Farm)

Referral triggers

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

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

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 set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the applicant

The department offers advice about the application to the applicant—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				
Solar Farm B Buffer Plan	RPS Group	13 Jun 2019	143407-1	C
Development Plan – Woolooga Solar PV Farm B (as amended in red)	RPS Group	–	–	–

- enc Attachment 1—Changed 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—Changed conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
State transport corridor—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):		
1.	The vegetation buffer associated with the development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • Titles Solar Farm B Buffer Plan, dated 13/6/2019, drawn by RPS Australia East Pty Ltd, reference number SFB-LO.01 	Prior to the installation of the solar panels and to be maintained at all times
2.	<p>(a) The road access location is to be located generally about 250 metres east from the western common property boundary with Lot 85 CP899151 as generally in accordance with the plan entitled Development Plan Woolooga Solar PV Farm B, prepared by RPSD Australia East Pty Ltd, dated 15 April 2019 and amended in red by SARA on 23 August 2019.</p> <p>(b) Road access works comprising of a Rural Channelised Right Turn Treatment with a Short Turn Slot (with 40 metres of storage length) and Rural Basic Left Turn Treatment must be provided at the road access location generally in accordance with Figure 7.6 and Figure 8.2 of Austroads' Guide to Road Design Part 4A: Signalled and Unsignalled Intersections 2009;</p> <p>(c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Road Planning Design Manual 2nd Edition, Technical Standards and Standard Drawings Roads</i>.</p>	<p>(a) At all times</p> <p>(b) and (c)</p> <p>Prior to the commencing construction of the material change of use – solar farm.</p> <p>Note: Works associated with site preparation, tree clearing and weed management within the development site may occur prior to the road access works being completed.</p>
3.	All haulage and construction vehicles must not enter the Bruce Highway (that is the return trip from the site) at the Bruce Highway/Wide Bay Highway intersection between the hours of 08:00 and 10:00, and between 14:00 to 16:00.	At all times during the construction of the development until the Department of Transport and Main Roads Project Number 232/10B/475332 is completed and opened for use by the public.
4.	<p>(a) A construction Management Plan must be prepared by a suitable qualified person and given to the District Director (Wide Bay Burnett) within the Department of Transport and Main Roads via WBB.IDAS@tmr.qld.gov.au or post to Locked Bag 486, BUNDABERG QLD 4670.</p> <p>(b) The construction Management Plan must demonstrate that there will be no disruption to the state-controlled road during the course of construction how any disruption to the Bruce Highway, Wide Bay highway and the Gympie-Woolooga</p>	<p>(a) and (b)</p> <p>Prior to obtaining development approval for building work or operational work, whichever occurs first</p>

	<p>Road will be appropriately managed during the course of construction to ensure that safety and efficiency of those roads is not adversely affected. The Construction Management Plan must include, but may not be limited to:</p> <ul style="list-style-type: none"> • identification and contact details of the Principal Contractor; • a detail schedule for the construction works; • measures to mitigate the traffic impact on the Wide Bay Highway/Bruce Highway intersection (noting this intersection may have undergone upgrades by the time the works commence); • the management of traffic accessing the site to ensure that there is no disruption to through traffic on the Wide Bay highway; • measures to mitigate impacts on the Gympie-Woolooga Road; • a restriction on vehicles exceeding 19 metres in length associated with the proposed development from using the Gympie-Woolooga Road; and • demonstrate what measures to mitigate sunstrike are going to be installed and managed during construction. <p>(c) The construction of the development must be in accordance with the Construction Management Plan.</p>	
5.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the Wide Bay Highway (state-controlled road).</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road. 	<p>(a) and (b) At all times.</p>

Attachment 2—Reasons for decision to impose conditions(Given under section 56(7) of the *Planning Act 2016*)**The reasons for the department's decision are:**

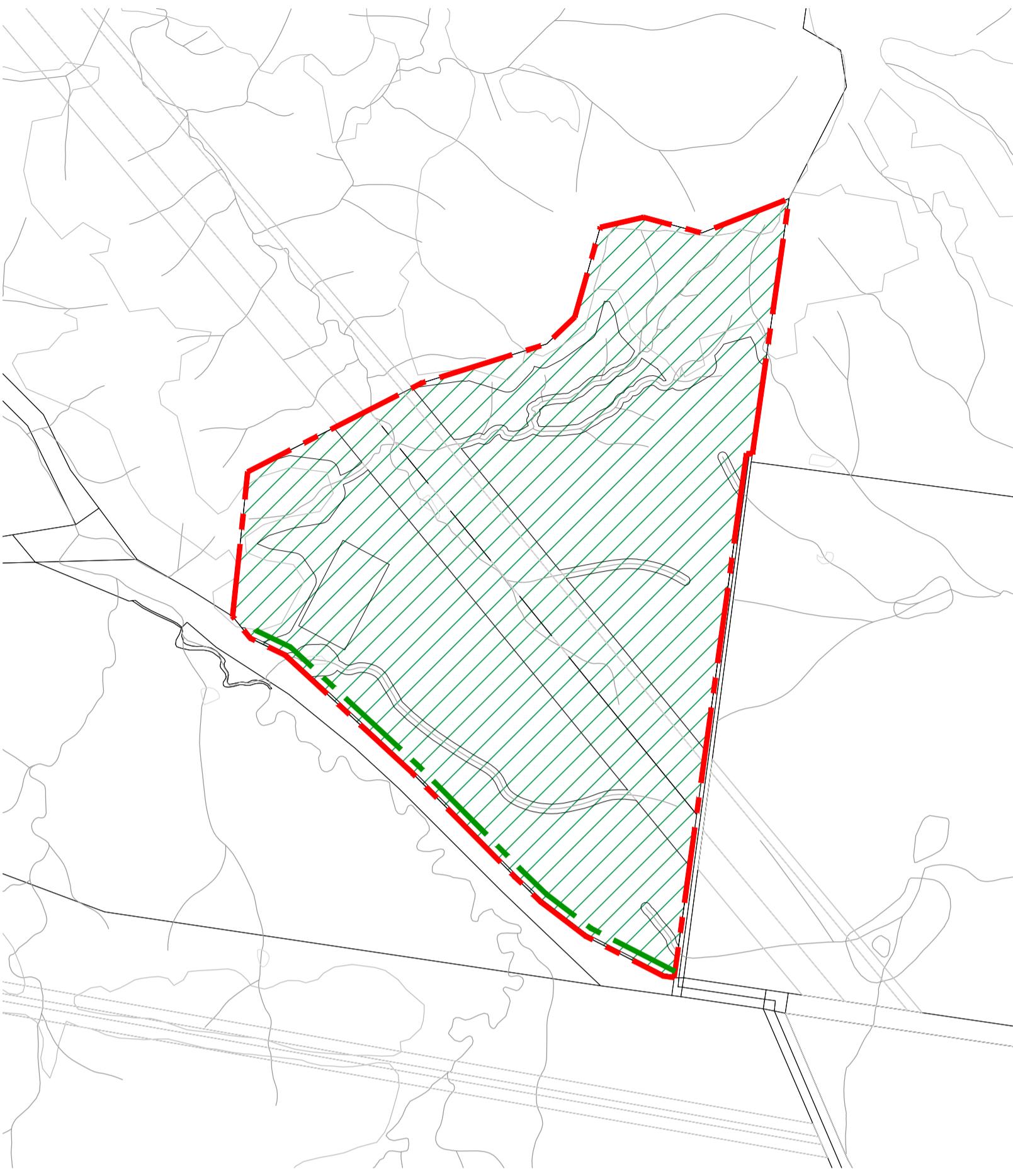
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- To ensure the development does not compromise the safe and efficient operation and integrity of state transport infrastructure during construction
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor

Materials used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Changed advice to the applicant

General advice	
1.	<p>National Heavy Vehicle Regulator: The Department of Transport and Main Roads have advised that the vehicle combination shown in Table 11 of the SLR Consulting Traffic Impact Assessment report dated 21 June 2019 (specifically the A Double Road Train) cannot use the Wide Bay Highway unless specific approval has been obtained from the National Heavy Vehicle Regulator (NHVR) under the <i>Heavy Vehicle National Law Act 2012</i> (Cwlth).</p> <p>In this regard, assumptions that include multi combination vehicles using Wide Bay Highway or other roads (whether state-controlled or local roads) that are not as-of-right for the vehicle combination proposed cannot be accepted by the Department of Transport and Main Roads without suitable written evidence from the NHVR approving the route(s) relied upon or identified in a construction management plan.</p> <p>For further information about the route approval process, please contact the NHVR on 1300 696 487 or visit www.nhvr.gov.au</p>
2.	<p>Road works approval: 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. Please contact the Department of Transport and Main Roads' on 07 4154 0200 or via email WBB.IDAS@tmr.qld.gov.au (Quote the reference: TMR19-027861) to make an application for road works approval. 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>
3.	<p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.2. If a word remains undefined it has its ordinary meaning.</p>



01 SITE PLAN - SOLAR FARM B (157/LX2424)
SCALE 1:10000

LEGEND	
	SUBJECT SITE
	PLANTED BUFFER - EXTENT AS PER DEVELOPMENT PLAN - REFER TO INDICATIVE SECTION
	DEVELOPABLE AREA - REFER TO LOWER WONGA SOLAR PV FARM DEVELOPMENT PLAN

NOTE: THE EXTENT OF THE PROPOSED MITIGATION STRATEGY PRESENTED ON THIS PLAN IS BASED ON PROPOSAL ON ADJACENT LOT PROCEEDING PRIOR TO THIS DEVELOPMENT.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2104-22001 SPD

Date: 17 May 2021

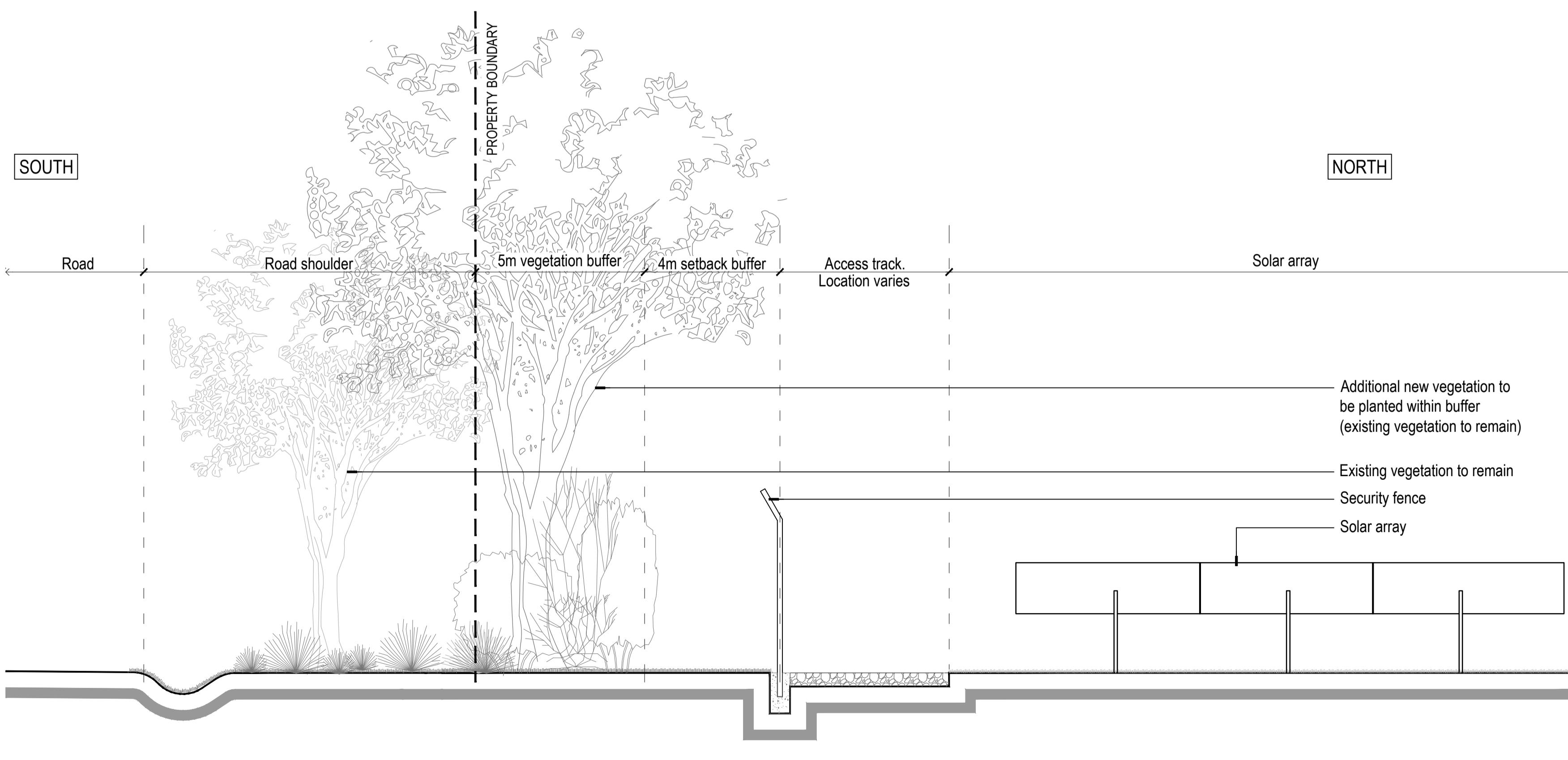
PLANTING SCHEDULE

Plant species selected from Regional Ecosystems 12.12.5 & 12.11.6. Where new plantings interact with existing vegetation distribute species locations accordingly to suit the existing vegetation, otherwise distribute species evenly across buffer in same species stands of 5 and 7.

Lower Strata	Target planting density - existing densities
	Existing herbaceous cover
Mid Strata	Target planting density - 1 plant/6m ²
	Acacia complanata
	Acacia conferta
	Alphitonia excelsa
	Hovea acutifolia
	Leptospermum petersonii
	Leptospermum polygalifolium
	Macaranga tanarius
	Pultenaea villosa
Upper Strata	Target planting density - 1 plant/50m ²
	Angophora leiocarpa
	Corymbia citriodora supsp variegata
	Corymbia intermedia
	Corymbia tessellaris
	Cupaniopsis anacardioides
	Elaeocarpus eumundii
	Elaeocarpus reticulatus
	Eucalyptus crebra
	Eucalyptus moluccana
	Eucalyptus siderophloia
	Eucalyptus tereticornis
	Flindersia australis
	Flindersia schottiana
	Glochidion ferdinandi
	Lophostemon confertus
	Lophostemon suaveolens

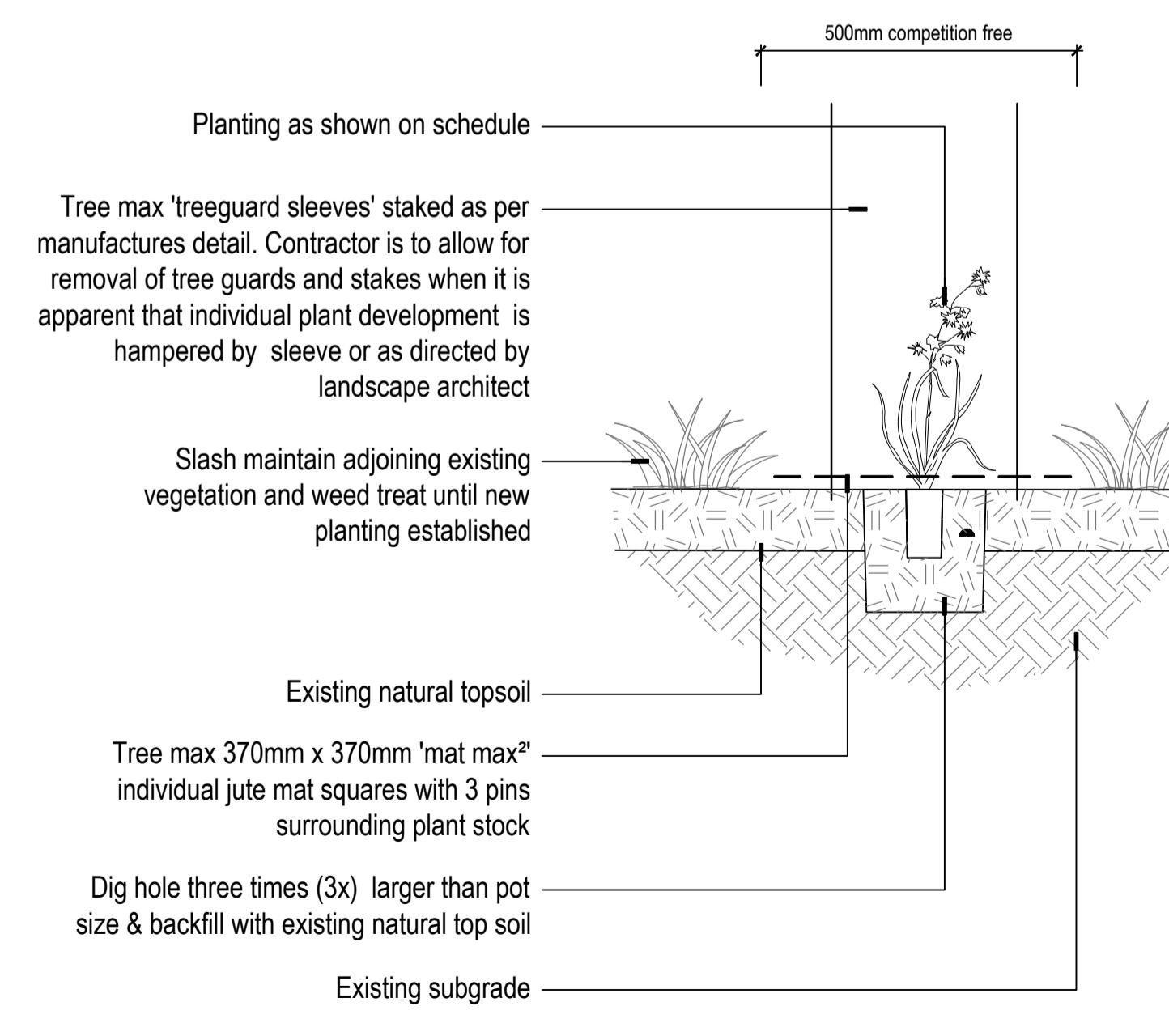
Planting installation size - 75mm Tube Stock - Refer to revegetation detail.

FOR INFORMATION



02 INDICATIVE CROSS SECTION A - RESIDENTIAL INTERFACE
SCALE 1:100

- Note:
- Maintain 500mm competition free area around desired plants
 - Take care to preserve existing desirable vegetation during installation of the tubestock and site mulch



03 TYPICAL SPOT REVEGETATION PLANTING
SCALE 1:10

C	PRELIMINARY	13/06/2019	TC	TC
B	PRELIMINARY	14/05/2019	JM	TC
A	PRELIMINARY	13/05/2019	JM	TC
rev. no.	description	date	drawn	appr.

PLEASE NOTE:
Annotated dimensions take precedence over scaled dimensions. Contractors are to verify all dimensions on site before commencing any work or producing shop drawings. These drawings are protected by copyright and may not be copied or reproduced without the written permission of RPS Australia East Pty Ltd's management. Refer to L0.00 (cover sheet) for RPS Australia East Pty Ltd drawing disclaimers.

RPS
RPS Australia East Pty Ltd
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Level 5, Central Plaza
370 Flinders Street
PO Box 977
Townsville QLD 4810
T +61 7 4724 4244
W rpsgroup.com

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client
LIGHTSOURCE BP

project name
WOOLOOGA SOLAR FARM B

project location
LOWER WONGA, QLD

title
SOLAR FARM B BUFFER PLAN

scale
AS SHOWN

project number
143407-1

drawing number
SFB-L0.01

rev.
C

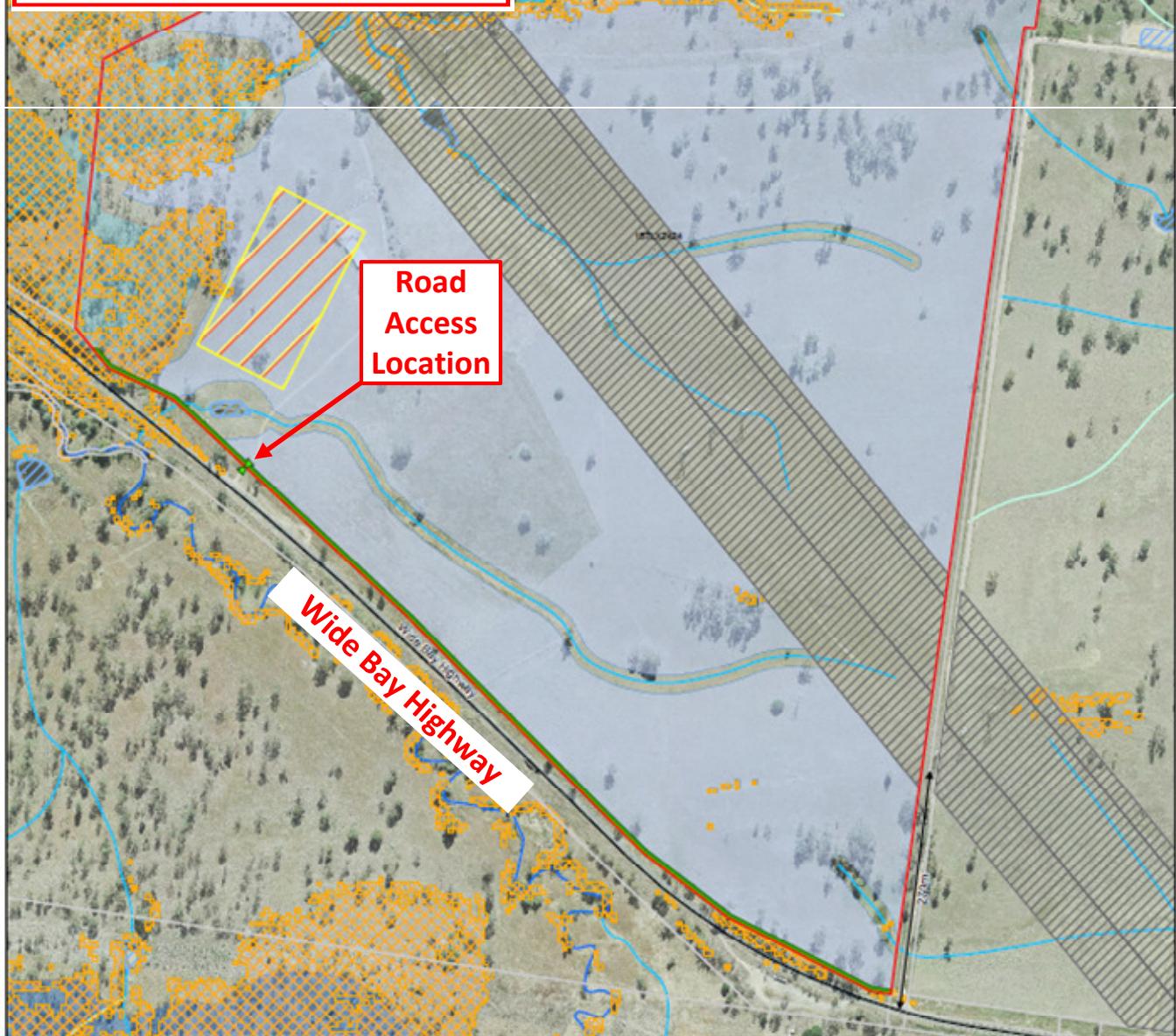
PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2104-22001 SPD.....

Date: 17 May 2021

Amended in red by SARA on
23 August 2019



MAPS
APPROX SCALE 5,000 @ A3
GDA 1994 MGA Zone 56

Disclaimer: While all reasonable care has been taken to ensure the information contained on this plan is up to date and accurate, no guarantee can be given as to its accuracy. It is the responsibility of the user to verify the accuracy of all information prior to use.
Development footprint area for indicative purposes only.

DATA SOURCES
Cadastral data © State of Queensland (Department of Natural Resources and Mines) 2017.
Watercourse data © State of Queensland (DNRMR) 2016.
Vegetation data © State of Queensland (DNRMR) May 2018.
Imagery provided © State of Queensland (DNRMR) 2016.

- Site access
- Highway
- Landscape strip (5m width)
- Site
- Compound area
- Existing easements
- Site cadastre
- Cadastre
- Development area

- Regulated Vegetation Management v2.02
- Category B area
- Category C area
- Watercourse (0m development area setback)
- Watercourse (10m development area setback)
- Watercourse (25m development area setback)
- Watercourse (25m development area setback)
- Future investigation Area (High Slope - Beyond Current Technology Limit)

RPS

Development Plan
**Woolooga Solar
PV Farm B**
Lightsource BP

Planning Act 2016 – Appeal provisions

The following provisions are the **appeal rights** as defined in the Planning Act 2016, schedule 2.

Chapter 6 Dispute resolution

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.

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 is 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.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

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 the 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 rules of the P&E Court.

Schedule 1 Appeals

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - i a material change of use for a classified building; or
 - ii operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - i a material change of use for a classified building; or
 - ii operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - i a material change of use for a classified building; or
 - ii operational work associated with building work, a retaining wall, or a tennis court; or

- (d) development condition if—
 - i the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - ii the building is, or is proposed to be, not more than 3 storeys; and
 - iii the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - i in relation to a matter under paragraphs (a) to (g); or
 - ii under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - i a development approval for which the development application required impact assessment; and
 - ii a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
- storey** see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the minister, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol style="list-style-type: none"> 1. A concurrence agency that is not a co-respondent 2. If a chosen assessment manager is the respondent—the prescribed assessment manager 3. Any eligible advice agency for the application 4. Any eligible submitter for the application

2. Change applications

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of a change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ol style="list-style-type: none"> 1. The applicant 2. If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice 	The responsible entity	If an affected entity starts the appeal—the applicant	<ol style="list-style-type: none"> 1. A concurrence agency for the development application 2. If a chosen assessment manager is the respondent—the prescribed assessment manager 3. A private certifier for the development application 4. Any eligible advice agency for the change application 5. Any eligible submitter for the change application

3. Extension applications

For an extension application other than an extension application called in by the Minister, an appeal may be made against—

- (a) The assessment manager's decision on the extension application; or
- (b) A deemed refusal of the extension application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. The applicant 2. For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - Examples of errors in applying an adopted charge:
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category', under a regulation, to the development
 - (ii) the working out of extra demand, for section 120; or
 - (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—

5. Conversion applications

An appeal may be made against—

- (a) the refusal of a conversion application; or
- (b) a deemed refusal of a conversion application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

6. Enforcement notices

An appeal may be made against the decision to give an enforcement notice.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2
Appeals to the P&E Court only

1. Appeals from tribunal

An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—

- (a) an error or mistake in law on the part of the tribunal; or
- (b) jurisdictional error.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—

2. Eligible submitter appeals

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or the change application, that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

<ol style="list-style-type: none"> 1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application 3. An eligible advice agency for the development application or change application 	<ol style="list-style-type: none"> 1. For a development application—the assessment manager 2. For a change application—the responsible entity 	<ol style="list-style-type: none"> 1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency 	Another eligible submitter for the application
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4. Compensation claims

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—

5. Registered premises

An appeal may be made against a decision of the Minister under chapter 7, part 4.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ol style="list-style-type: none"> 1. A person given a decision notice about the decision 2. If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision 	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises

6. Local laws

An appeal may be made against a decision of a local government, or conditions applied, under a local law about—

- (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or
- (b) the erection of a building or other structure.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

**Table 3
Appeals and tribunal only**

1. Building advisory agency appeals

An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<ol style="list-style-type: none"> 1. A concurrence agency for the development application related to the approval 2. A private certifier for the development application related to the approval

2. Inspection of building work

An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—

3. Certain decisions under the Building Act and the Plumbing and Drainage Act

An appeal may be made against—

- (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or
- (b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The person who made the decision	—	—

4. Local government failure to decide application under the Building Act

An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—



Statement of Reasons

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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



1 August 2019

Our Ref: DA3386

RPS Australia East Pty Ltd
PO Box 1559
FORTITUDE VALLEY QLD 4006

Cc. Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

Via Email: Henry.Kassay@rpsgroup.com.au

planning@gympie.qld.gov.au

Attention: Henry Kassay

Curtis McMillan
2019-2559

Dear Sir/Madam

Referral Agency Response (Advice)

(Given under section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
Transmission Corridor	South Pine to Gladstone No 1&2 & Woolooga to Mungar
Easement ID	Easement A on RP214287 – Dealing No 602778081 Easement B on RP125971 – Dealing No 601667871 Easement K on RP139547 – Dealing No 601323901
Location Details	
Street address	1706 Wide Bay Highway, Woolooga
Real property description	Lot 157 LX2424
Local government area	Gympie Regional Council
Application Details	
Proposed development:	Material Change of Use - Renewable Energy Facility (Solar Farm)
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 2017*, 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 **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
www.powerlink.com.au

Powerlink Queensland is the registered business name of the
Queensland Electricity Transmission Corporation Limited
ABN 82 078 849 233

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
Town Planning Report Renewable Energy Facility – 1706 Wide Bay Highway, Lower Wonga	RPS	21 June 2019	PR143407	1
Development Plan Woolooga solar PV Farm B Lightsource BP	RPS	15 May 2019	SD.1001 Job No 1929	

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	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.
2	The statutory clearances set the Electrical Safety Regulation 2013 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 Electrical Safety Act 2002 is achieved and electrical safety requirements are met.
3	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.
4	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 Electrical Safety Act 2002 is achieved and electrical safety requirements are met. To ensure the integrity of the easement is maintained.

Advice to Council and the Applicant

1. Powerlink and the proponent are currently negotiating the network connection of the solar farm to the transmission grid. This correspondence does not constitute approval for the connection which remains the subject of ongoing technical assessment and commercial negotiations. The exact location of connecting infrastructure is also part of the negotiations. As a result, we wish to advise DSDMIP & Council that the location of the infrastructure has the potential to change
2. 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.
3. We draw your attention to the obligations and requirements of the Electrical Safety Act 2002 ("the Act") including any Code of Practice under the Act and the Electrical Safety Regulation 2013 ("the Regulation") including any safety exclusion zones defined in the Regulation.

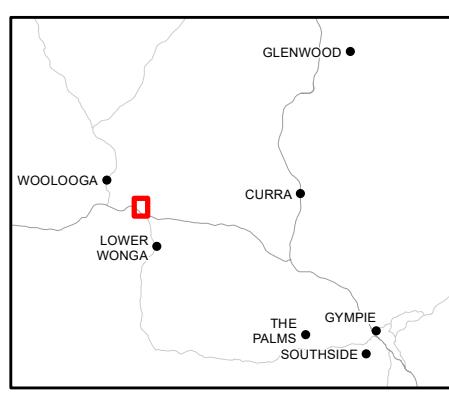
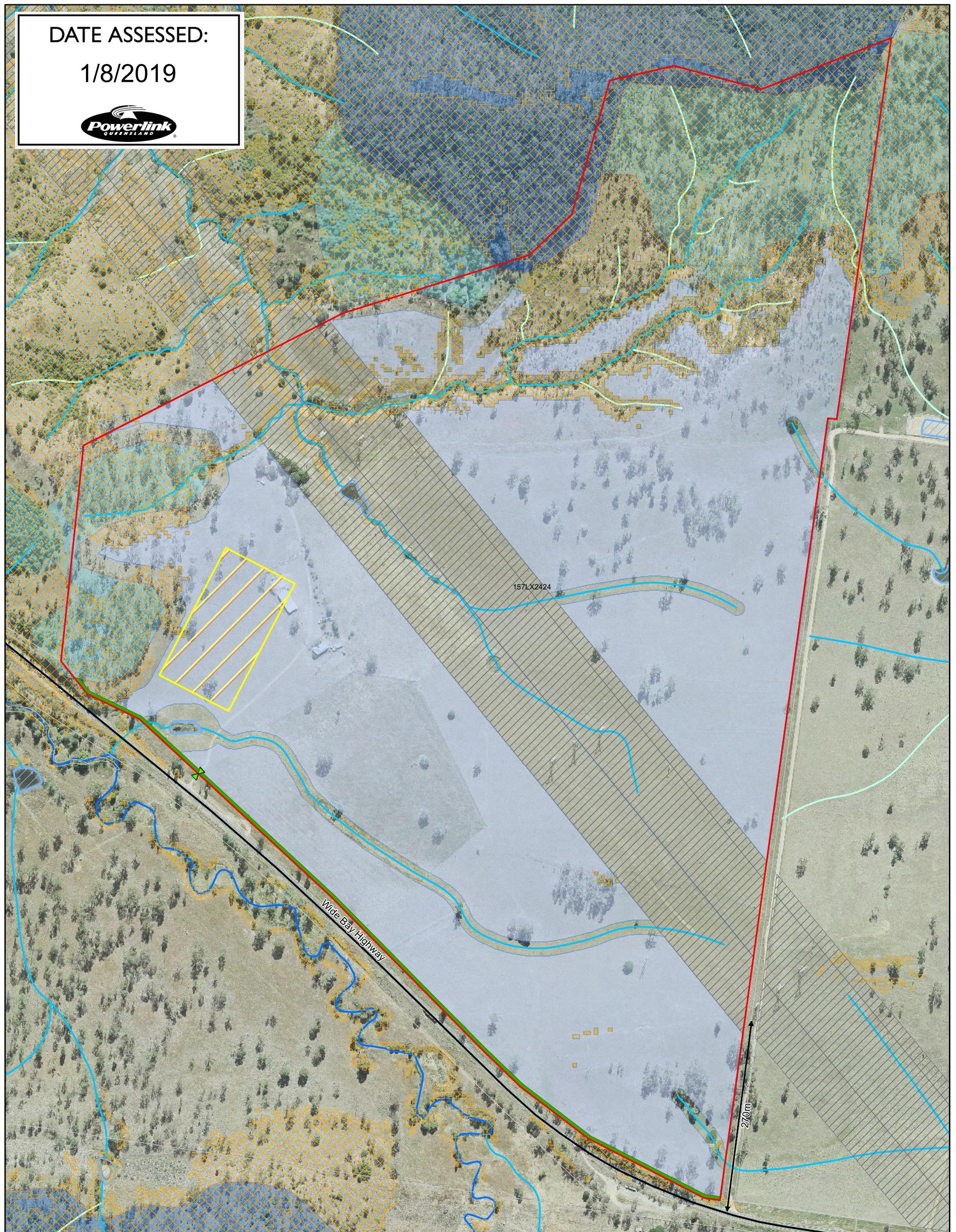
In respect to this application the exclusion zone for untrained persons and for operating plant operated by untrained persons is **six (6) metres** from the **275,000-volt** wires and exposed electrical parts.

Should any doubt exist in maintaining the prescribed clearance to the conductors and electrical infrastructure, then the applicant is obliged under the Act to seek advice from Powerlink Queensland.

ATTACHMENT 2 – PLANS

DATE ASSESSED:

1/8/2019



N
0 75 150 225 300
Meters
APPROX SCALE 5,000 @ A3
GDA 1994 MGA Zone 56

Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no guarantee is given that the information portrayed is free from error or omission. Please verify the accuracy of all information prior to use. Development Footprint area for indicative purposes only.

DATA SOURCES
Cadastral data © State of Queensland (Department of Natural Resources and Mines) 2017
Watercourse data © State of Queensland (DNRN) 2014.
Vegetation data © State of Queensland (DNRN) May 2018.
Imagery provided © State of Queensland (DNRN) 2014.

- Site access
- Highway
- Landscape strip (5m width)
- Site
- Compound area
- Existing easements
- Site cadastre
- Cadastre
- Development area

- Regulated Vegetation Management v2.02**
- Category B area
- Category C area
- Watercourse (0m development area setback)
- Watercourse (10m development area setback)
- Watercourse (25m development area setback)
- Waterbody (25m development area setback)
- Future Investigation Area (High Slope - Beyond Current Technology Limit)
- Yellow hatched area

RPS

Development Plan
**Woolooga Solar
PV Farm B**
Lightsource BP

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



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

07 August 2019

Gympie Regional Council
PO Box 155
Gympie QLD 4570

Attention: Curtis McMillan
Via email: planning@gympie.qld.gov.au

Cc Lightsource Development Services Australia
c/- RPS Australia East Pty Ltd
PO Box 1559
Fortitude Valley QLD 4006

Attention: Jacque Miller
Via email: jacqueline.miller@rpsgroup.com.au

Dear Curtis,

Referral Agency Response – Development Permit for a Material Change of Use – Renewable Energy Facility (Solar Farm) at 1706 Wide Bay Highway, Woolooga (Lot 157 on LX2424)

Applicant Ref: PR143407
Council Ref: 2019-2559
Our Ref: HBD 6713360

We refer to the abovementioned Development Application, which has been referred to Ergon Energy pursuant to section 54(1) of the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use, as an Advice Agency for the Development Application, Ergon Energy advises the following in relation to the development:

1. The development is to be carried out in accordance with the plans identified on the following page. Any changes to these plans should be resubmitted to Ergon Energy for further review and comment:

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

Approved Plans			
Title	Plan Number	Issue	Date
Development Plan – Woolooga Solar PV Farm B	-	-	15 May 2019

2. Easement conditions relating to Easement A on RP214287 must be maintained at all times.

The Applicant is advised that any future works in the vicinity of Ergon Energy assets are to be carried out in accordance with the *Electricity Entity Requirements: Working Near Overhead and Underground Electric Lines*. This guideline can be accessed via the following link –

<https://www.ergon.com.au/network/safety/industry-safety/electricity-entity-requirements>

The Applicant is further advised that this response does not constitute approval for connection to Ergon Energy's assets.

Should you require any further information regarding this matter, please contact the undersigned on (07) 3664 5097 or email benjamin.freese@energyq.com.au.

Yours faithfully,



Benjamin Freese
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency