

28 November 2024

EE Australia Pty Ltd
C/- Energy Development Corporation Pty Ltd
via email: tpumpa@energydevcorp.com

Attention: Tim Pumpa

RE: – Development Application for Material Change of Use for Renewable Energy Facility (Solar Farm) at 143 Gastons Road, Unnamed Road No. 4514, Goondoon Road BUCCA 4670; land described as Lot 183 on CK2771, Lot 73 on CK281, and Lot 2 on RP868537;

Thank you for your Development Application for Material Change of Use for Renewable Energy at 143 Gastons Road, Unnamed Road No. 4514, Goondoon Road BUCCA 4670; land described as Lot 183 on CK2771, Lot 73 on CK281 & Lot 2 on RP868537 lodged with Council on 02 August 2024.

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: 522.2024.459.1 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Katrina Peardon on telephone 1300 883 699.

Yours sincerely

Michael Ellery
Group Manager Development

cc. Ergon Energy

ENCL.

- **DECISION NOTICE**
- **APPROVED PLANS**



Decision notice — approval (with conditions)
(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 7 August 2024. Please be advised that Bundaberg Regional Council has assessed your application and decided it as follows:

1. Applicant’s details

Name: EE Australia Pty Ltd
Postal Address: C/- Energy Development Corporation Pty Ltd
Suite 601 ‘Eight’, 8 Maroochydore Road
Maroochydore QLD 4558
Email: tpumpa@energydevcorp.com
Phone No.: 0457 729 690

2. Location details

Street address: 143 Gastons Road, Unnamed Road No. 4514, Goondoon Road
BUCCA 4670
Real property description: Lot 183 on CK2771, Lot 73 on CK281, and Lot 2 on RP868537
Local government area: Bundaberg Regional Council

3. Details of the proposed development

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

4. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed the

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		☒	☐

5. 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				
Proposed Solar Array	Energy Development Corporation Pty Ltd	05/11/2024	24002-01-AD Sheet 1 of 2	N/A
Proposed Solar Array	Energy Development Corporation Pty Ltd	05/11/2024	24002-01-AD Sheet 2 of 2	N/A
Proposed Solar Array	Energy Development Corporation Pty Ltd	05/11/2024	24002-01-AD Sheet 3 of 3	N/A
Appendix U – Solar Panel Standard Elevation	Energy Development Corporation Pty Ltd	18/09/2024	24002SF01	N/A
General Treatment for Watercourse and Mapped Vegetation Crossings	Energy Development Corporation Pty Ltd	18/09/2024	24002SF01	N/A

6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. Further development permits

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

- All Building Work
- All Operational Work (that is not accepted development)

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Electricity infrastructure Schedule 10, Part 9, Division 2, Table 2	Ergon Energy	<i>Advice Agency</i>	Ergon Energy Corporation Limited E: townplanning@ergon.com.au P: PO Box 1090 TOWNSVILLE QLD 4810

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<i>Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if—</i> (a) <i>all or part of the premises are within 100m of a substation site; or</i> (b) <i>both of the following apply—</i> (i) <i>all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act;</i> (ii) <i>the easement is for a transmission grid or supply network</i>			

10. 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*.

11. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

12. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Conditions	Provision under which the condition was imposed
23 & 24	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

13. 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*).

Appeal by an applicant

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

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

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

Appeal by a submitter

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

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

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

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

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated
2.	Unless otherwise stated in a particular condition or associated note, where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
4.	Where damage occurs to any Council asset as a result of the development works, it must be repaired immediately where it creates a hazard to people or property. Other damage must be repaired prior to the completion of the works associated with the development.	At all times
APPROVED PLANS		
5.	Submit to and have approved by the Assessment Manager amended plans which incorporate the following: a. Detailed plans of the proposed switching station and operations buildings. Once approved, the amended plans will form part of the Approved plans.	Prior to the submission of an Operational work or Building Work application, whichever comes first
NATURE AND EXTENT OF THE APPROVED DEVELOPMENT		
6.	The renewable energy facility (inclusive of all solar panels and other associated structures) is limited to the extent of development area indicated on the Approved Plans	At all times
7.	Access to the renewable energy facility must only occur via the driveways shown on the Approved Plans and via Gastons Road and Goondoon Road only.	At all times
8.	Unless otherwise approved in writing by the Assessment Manager, or in the case of an emergency due to severe weather events, all maintenance, servicing, deliveries, and loading/unloading activities are to be undertaken between the	At all times

NO.	CONDITION	TIMING
	hours of 6am to 6pm Monday to Friday inclusive and 9am to 5pm Saturday to Sunday inclusive.	
FENCING & SECURITY		
9.	Information signs and security fencing (where appropriate) must be provided on the site to prevent unauthorised entry to the renewable energy facility, at appropriate locations to allow agricultural uses to continue. Additionally, any security fencing provided along a common boundary where a landscape buffer is required, fencing is to be set behind the landscape buffer.	At all times
CESSATION OF USE		
10.	Upon cessation of the use, submit to the Assessment manager a rehabilitation plan that demonstrates: a. The renewable energy facility inclusive of all solar panels and other associated structures must be remove from the site within 6 months of the cessation of the use b. The land is rehabilitated and able to be used for rural activities. Following approval of the rehabilitation plan, undertake all works required by the plan.	As indicated
AMENITY		
11.	The approved use is not to cause offsite amenity impacts to neighbouring properties by virtue of noise, glare, or other emissions which have the potential to cause impacts to residential amenity. Where a nuisance complaint is received, submit, and have approved by the Assessment Manager a Nuisance management plan which prescribes actions that are to be undertaken to mitigate noise, glare and other emissions and manage complaints. The Nuisance management plan must be prepared by a suitably qualified person and must include, but not be limited to, the following: a. Identification of potential noise, glare and other nuisances including time, duration, nature, location, and source b. Identification of glint/glare sensitive areas, such as nearby residential uses c. Control and abatement measures, and d. Complaint management processes.	At all times

NO.	CONDITION	TIMING
LIGHTING		
12.	Design and install all external lighting in accordance with <i>AS4282 – Control of the obtrusive effects of outdoor lighting</i> so as not to cause nuisance	Prior to the commencement of the use and then to be maintained
DUST		
13.	Ensure dust emissions do not result in levels at sensitive land uses which exceed the Air quality objectives set out in the Environmental Protection (Air) Policy 2019 and do not cause environmental nuisance by dust deposition.	Prior to the commencement of the use and then to be maintained
NOISE		
14.	Noise levels from the use must achieve the acoustic environment and acoustic quality objectives for sensitive receiving environments set out in the Environmental Protection (Noise) Policy 2019.	At all times
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
15.	Ensure all assessable Operational work is carried out in accordance with a valid Operational work approval.	Prior to the commencement of work
CONSTRUCTION MANAGEMENT		
16.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made: a. on a business day or Saturday, before 6:30am or after 6:30pm b. on any other day, at any time.	At all times during construction
17.	Provide a Construction Management Plan incorporating the following: a. a maintenance strategy for the unsealed portion of the access roads during the construction phase; and b. the layout and design of driveways, internal manoeuvring areas, carparking and service areas during the construction phase. The detail must be determined as part of the assessment for Operational works.	Prior to site work commencing and at all times during construction

NO.	CONDITION	TIMING
18.	Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.	At all times during construction
19.	Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.	At all times during construction
STORMWATER		
20.	Design and implement a Stormwater management plan for the development. The detail must be determined as part of the assessment for Operational works.	Prior to site work commencing and at all times during construction
WATER		
21.	Provide an appropriate on-site rainwater collection tank and/or other means to satisfy the firefighting and water supply demands of the development.	Prior to the commencement of the use and then to be maintained
SEWERAGE		
22.	Provide an on-site sewerage facility that is designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code and AS1547-2000 under the Plumbing and Drainage Act 2018. Wastewater must be treated to a minimum secondary standard.	Prior to the commencement of the use and then to be maintained
ROADWORKS, ACCESS, AND CAR PARKING		
23.	Design and construct the site access on both Gastons Road and Goondoon Road and driveways in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.	Prior to the commencement of the use and then to be maintained
24.	Design and construct off-street car parking, access, internal roads and manoeuvring areas in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work. Car parking, access, internal roads and manoeuvring areas must:	Prior to the commencement of use and then to be maintained

NO.	CONDITION	TIMING
	a. provide a minimum of six (6) permanent parking spaces for staff b. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking c. provide access, on-site loading, unloading, and manoeuvring sufficient to accommodate all necessary vehicles d. allow all design vehicles to enter and exit the site in a forward gear e. be constructed and sealed with bitumen, asphalt, concrete, approved pavers or compacted all weather road-base material f. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices g. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage h. be drained to a legal point of discharge Note: <i>Submission of the detail design must form part of an Operational works application.</i>	
25.	If a compacted all weather road-base material is used for the parking and manoeuvring areas, such areas must be maintained at all time to ensure that dust does not cause an environmental nuisance.	At all times
26.	Submit and have approved an internal road layout plan with the final locations of all internal roads and crossings. The internal road crossing treatments where traversing areas of biodiversity are to be generally in accordance with the Approved General Treatment for Watercourse and Mapped Vegetation Crossings. All internal roads and crossings must be carried out in accordance with the approved internal road layout plan. Note: <i>Submission of the document must form part of an Operational works application.</i>	Prior to the commencement of work
27.	Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.	Prior to the commencement of the use

NO.	CONDITION	TIMING
LANDSCAPING		
28.	Prepare and submit for approval to the Assessment Manager a landscape plan. The plan must be prepared in accordance with the applicable Planning scheme codes, the Planning scheme policy for development works, and the conditions of this approval. Proposed landscaping to adjacent to Goondoon Road, Lot 1 on RP868537, Lot 1 on RP219563 and Lot 2 on RP219563 must include species capable of growing to a minimum height of 4m and be capable of reaching a mature height within five (5) years of the commencement of the use to effectively screen the development from the adjacent lots. The plan is to include, but not be limited to the following: - the area set aside for landscaping - location and name of existing trees - a plan and schedule of all species which identifies: - the location and sizes at planting and at maturity - the botanical and common names - the location of all areas to be covered by turf or other surface materials including pavement - measures to ensure that the landscaping will be retained and managed to allow growth to maturity - details of any landscape structures, including entrance statements - details of cutting and filling and all retaining structures, fences and associated finishes - contours or spot levels if appropriate - fence location, height and materials. Any fencing is to be set behind required landscape buffers. All landscaping must be carried out in accordance with an approved Landscaping plan. Note: <i>Submission of the landscape plan must form part of an Operational works application.</i>	Prior to the site work commencing and at all times during construction and then to be maintained
VEGETATION CLEARING		
29.	Inspect the vegetation prior to clearing for the presence of nesting birds, koalas, and other fauna, including habitat hollows. No clearing of vegetation which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the <i>Nature Conservation Act 1992</i>.	Prior to the commencement of works

NO.	CONDITION	TIMING
30.	Cleared vegetation must be chipped, mulched, or disposed of at a Council approved green waste facility. Timber may be salvaged for reuse. No burning of cleared vegetation is permitted unless otherwise approved in writing by the Assessment Manager.	At all times
WASTE MANAGEMENT		
31.	Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times

PART 2—CONCURRENCE AGENCY CONDITIONS

Ergon Energy, by letter dated 14 October 2024 (copy letter attached for information).

SCHEDULE 2 – PA EXTRACT ON APPEAL RIGHTS

CHAPTER 6, 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.

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) a 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—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or

- (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) 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.

Extract of Schedule 1 of the Planning Act 2016

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

Table 2
Appeals to the P&E Court only

2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval 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 An appeal may be made against a provision of a development approval, or 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, for the development approval, 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 3 An eligible advice agency for the development application or 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

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

SCHEDULE 3 – RIGHT OF APPEAL WAIVER



Mail To: Bundaberg Regional Council
Email Address: development@bundaberg.qld.gov.au
Attention: Development Assessment

RE:

Council reference: 522.2024.459.1

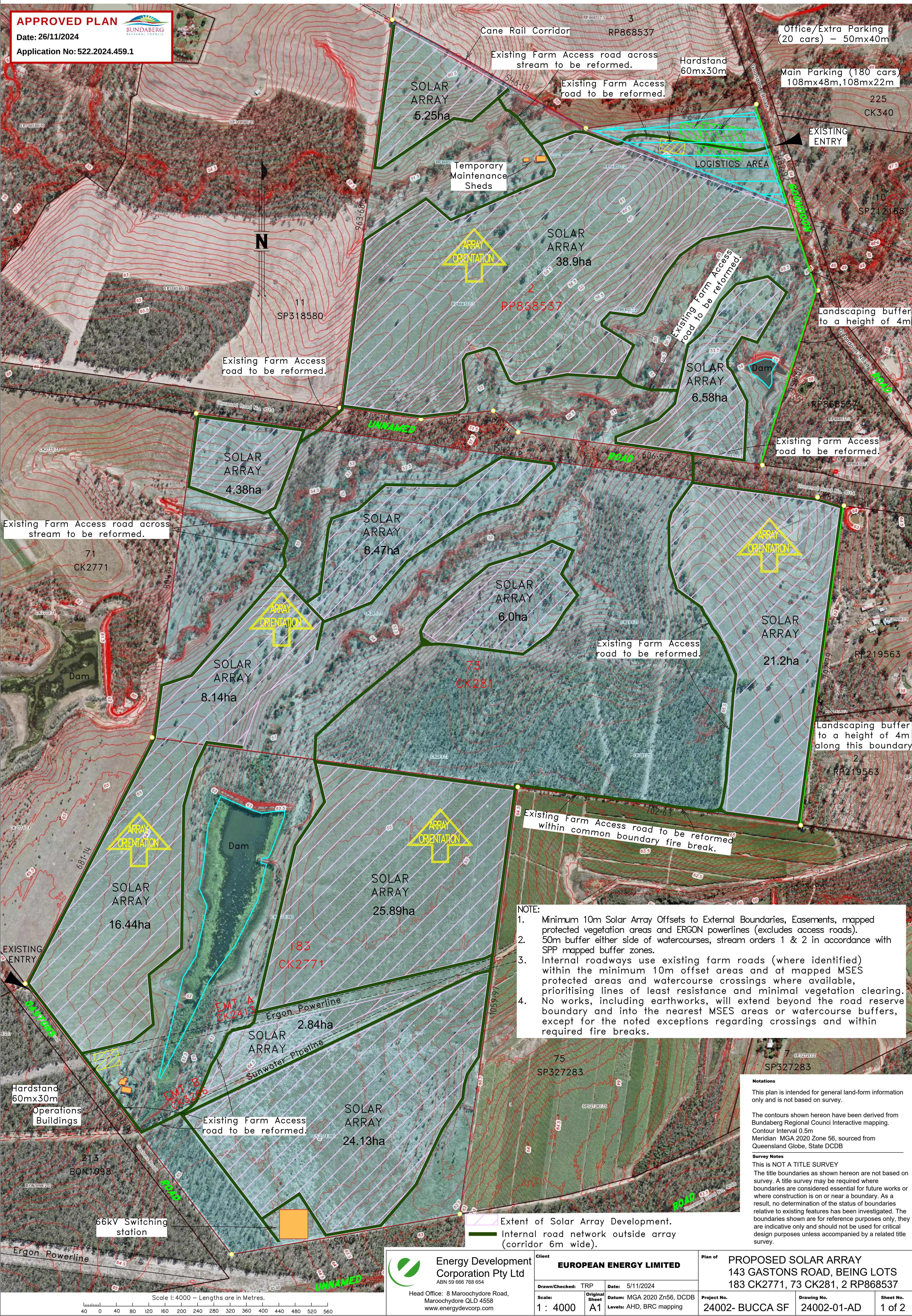
Property Address: 143 Gastons Road BUCCA 4670, Unnamed Road No. 4514 BUCCA 4670, Goondoon Road BUCCA 4670; land described as Lot: 183 CK: 2771, Lot: 73 CK: 281, Lot: 2 RP: 868537

This advice is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waiver My/Our appeal rights available under the *Planning Act 2016*.

Applicant's Name: _____

Signature: _____

Date: _____



APPROVED PLAN

Date: 26/11/2024

Application No: 522.2024.459.1



- NOTE:
- Minimum 10m Solar Array Offsets to External Boundaries, Easements, mapped protected vegetation areas and ERGON powerlines (excludes access roads). 50m buffer either side of watercourses, stream orders 1 & 2 in accordance with SPP mapped buffer zones.
 - Internal roadways use existing farm roads (where identified) within the minimum 10m offset areas and at mapped MSES protected areas and watercourse crossings where available, prioritising lines of least resistance and minimal vegetation clearing.
 - No works, including earthworks, will extend beyond the road reserve boundary and into the nearest MSES areas or watercourse buffers, except for the noted exceptions regarding crossings and within required fire breaks.

Notations
This plan is intended for general land-form information only and is not based on survey.

The contours shown hereon have been derived from Bundaberg Regional Council Interactive mapping. Contour Interval 0.5m
Meridian MGA 2020 Zone 56, sourced from Queensland Globe, State DCDB

Survey Notes
This is NOT A TITLE SURVEY
The title boundaries as shown hereon are not based on survey. A title survey may be required where boundaries are considered essential for future works or where construction is on or near a boundary. As a result, no determination of the status of boundaries relative to existing features has been investigated. The boundaries shown are for reference purposes only, they are indicative only and should not be used for critical design purposes unless accompanied by a related title survey.

Extent of Solar Array Development.
Internal road network outside array (corridor 6m wide).



Energy Development Corporation Pty Ltd
ABN 59 666 768 654

Head Office: 8 Maroochydore Road,
Maroochydore QLD 4558
www.energydevcorp.com

Client
EUROPEAN ENERGY LIMITED

Drawn/Checked: TRP

Date: 5/11/2024

Scale:

1 : 4000

Original Sheet

A1

Datum: MGA 2020 Zn56, DCDB

Levels: AHD, BRC mapping

Plan of
PROPOSED SOLAR ARRAY
143 GASTONS ROAD, BEING LOTS
183 CK2771, 73 CK281, 2 RP868537

Project No.

24002- BUCCA SF

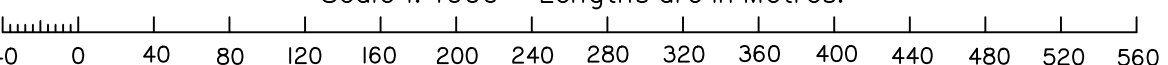
Drawing No.

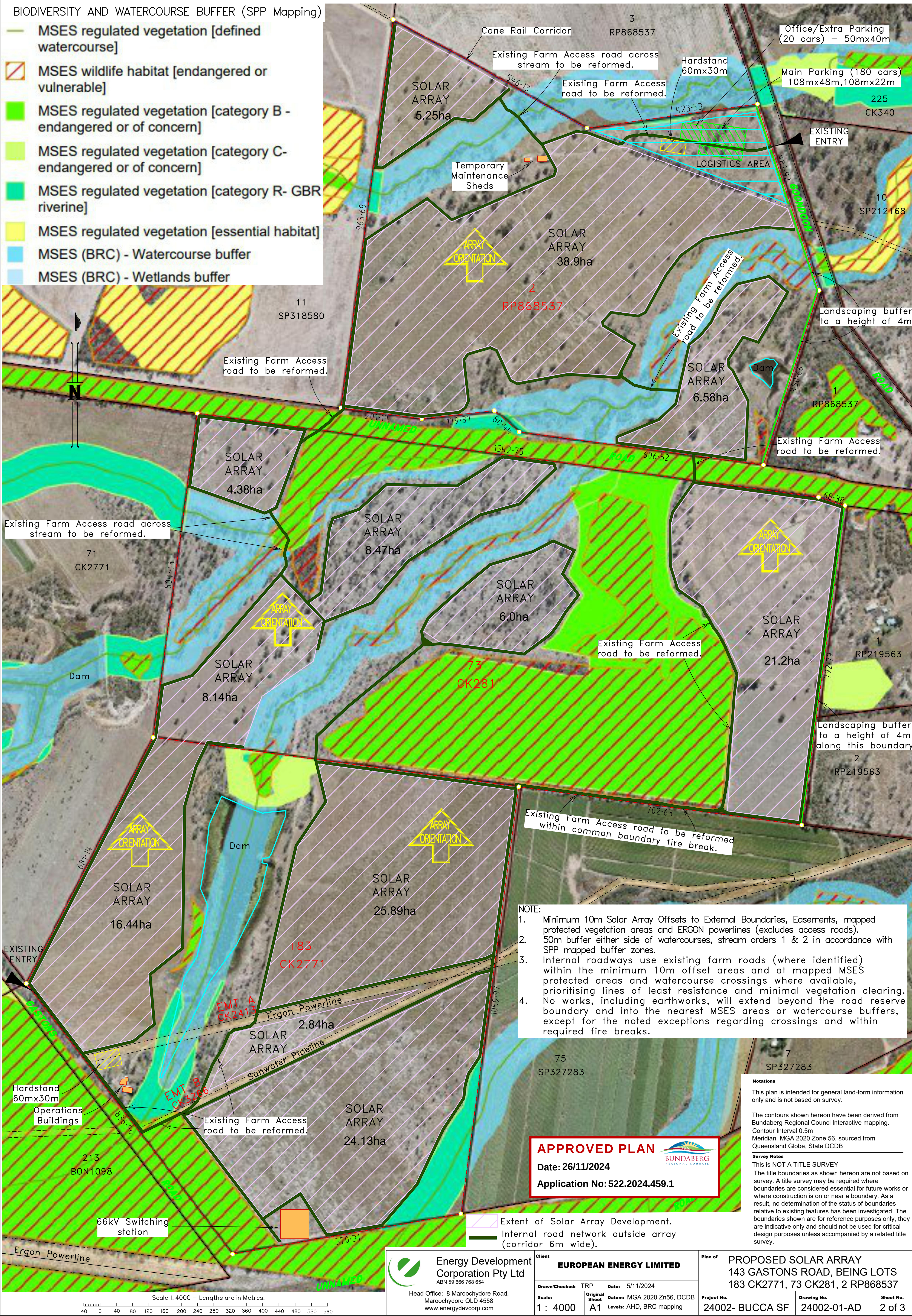
24002-01-AD

Sheet No.

1 of 2

Scale 1: 4000 - Lengths are in Metres.





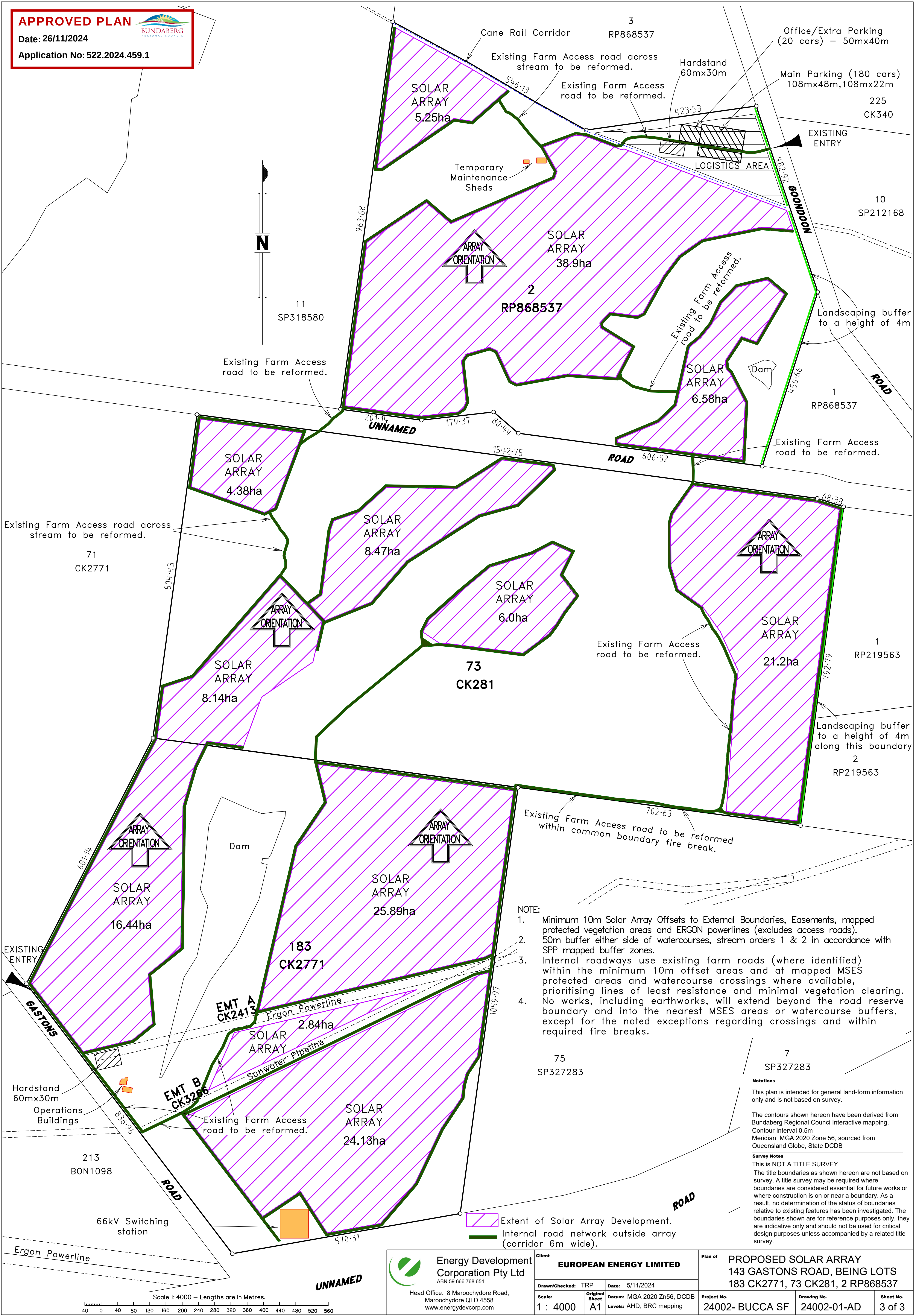
APPROVED PLAN

Date: 26/11/2024

Application No: 522.2024.459.1

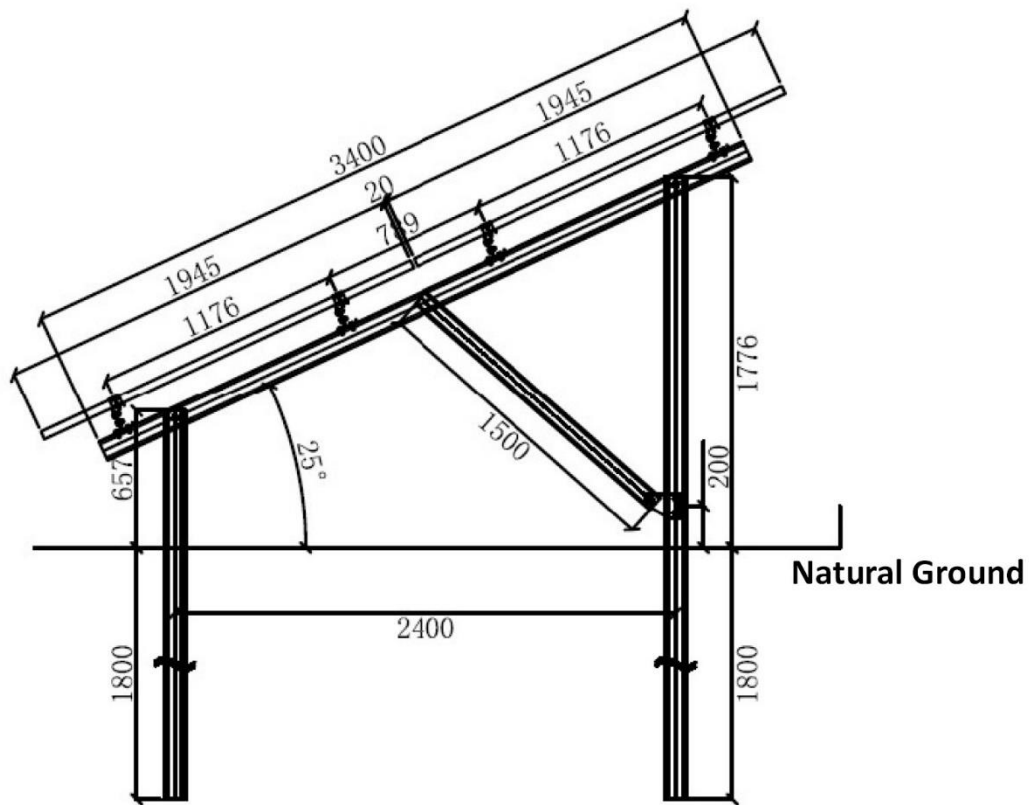


BUNDABERG
REGIONAL COUNCIL



 Energy Development Corporation Pty Ltd ABN 59 666 768 654 Head Office: 8 Maroochydore Road, Maroochydore QLD 4558 www.energydevcorp.com	Client EUROPEAN ENERGY LIMITED		Plan of PROPOSED SOLAR ARRAY 143 GASTONS ROAD, BEING LOTS 183 CK2771, 73 CK281, 2 RP868537		
	Drawn/Checked: TRP	Date: 5/11/2024	Project No.	Drawing No.	Sheet No.
	Scale: 1:4000	Original Sheet A1	24002- BUCCA SF	24002-01-AD	3 of 3

Appendix U – Solar Panel Standard Elevation



SOLAR PANEL STANDARD ELEVATION

– Subject to final design

APPROVED PLAN



Date: 26/11/2024

Application No: 522.2024.459.1

Appendix W – General Treatment for Watercourse and Mapped Vegetation Crossings

Purpose of the Document

This document provides:

- **Design Guidelines** for watercourse and vegetation crossings,
- **Rehabilitation Strategies** to restore degraded areas, and
- **Environmental Management Measures** to ensure ongoing compliance,

*all of which will be implemented during the **Operational Works stage** to protect watercourses, vegetation, and fauna habitats, and meet regulatory requirements.*

Table of Contents

Purpose of the Document	196
1. Watercourse Crossings	197
2. Watercourse Crossings through Steep Land Overlay	198
3. Crossings through Mapped Vegetation	199
4. Additional Measures for Hydrologic Regimes (with reference to PO12 of the Biodiversity Areas Overlay Code)	200
5. Environmental Management and Compliance (Operational Works Stage)	201
5.1. Monitoring and Reporting	201
5.2. Incident and Emergency Response	201
5.3. Rehabilitation and Site Management	201
5.4. Legal Compliance	201
6. Fish-Friendly Watercourse Crossing Design Considerations	202

APPROVED PLAN

Date: 26/11/2024

Application No: 522.2024.459.1



1. Watercourse Crossings

- **Objective:** To utilise existing farm road crossings and create an all-weather crossing that not only protects but also improves the condition of the watercourse bed, banks, and associated habitats while facilitating fish passage, accommodating high flows, and allowing the movement of other fauna.
- **Treatment Overview:**
 - **Location:** Utilise and enhance already disturbed ground at existing farm crossings and improve structural support and minimise environmental impact. Vegetation removal may be minimised or potentially eliminated through design strategies utilising our primary strategy of avoidance alignments, structural safeguards such as root protection barriers, and expert onsite guidance in collaboration with civil engineers, ecologists, or arborists to determine the best alignment approach.*
Once the alignment, surveying, and final design, including adjacent rehabilitation areas, are confirmed, and prior to the commencement of works, the crossing area and adjacent rehabilitation zones will be clearly staked to ensure no disturbance to areas outside the designated works. Following the completion of construction, all disturbed areas will be restored to their natural state, with replanting and erosion control measures implemented as required.
 - **Structure:**
 - Install structures such as culverts or low-flow pipe systems designed to maintain natural water flow, accommodate high flows, and allow for fish passage.
 - Reinstall the watercourse bed and banks to their original natural state where possible, adding support structures to stabilise banks and prevent erosion.
 - Incorporate erosion control measures like riprap or natural vegetation reinforcement to protect against future degradation.
 - **Improvement Outcomes:**
 - Stabilisation of previously eroded or destabilised banks to reduce sedimentation in the watercourse.
 - Enhanced habitat connectivity by ensuring fish passage and maintaining natural water flow, even during high flow events.
 - Long-term reduction of erosion and sedimentation through strategic placement of silt traps and vegetation restoration.
 - **Sediment Control:**
 - Employ silt traps or barriers during construction to prevent sediment from entering the watercourse, ensuring better water quality.
 - **Habitat Protection:**

- Implement spotter procedures to identify and safely relocate species present in the construction area, including aquatic and terrestrial species.
- Design crossings to facilitate fauna movement and enhance habitat connectivity.
- **Lighting:**
 - Minimise lighting in these areas to avoid disturbing fauna, with normal operations generally limited to daylight hours and low-intensity lighting used if necessary.

2. Watercourse Crossings through Steep Land Overlay

Objective:

To address the intersection of watercourse crossings with areas identified within the **Steep Land Overlay** (slopes >15%), improving existing farm road crossings by formalising and stabilising the areas, providing support structures, and implementing erosion and sediment controls.

Treatment Overview:

- **Existing Conditions:**
 The **existing farm roads** that traverse areas within the steep land overlay have likely already been degraded or adjusted for light farm vehicle use, meaning the natural slope may have been removed or altered to some extent. As a result, the project's focus will be on **improving these existing intersections** rather than creating new disturbances. By formalising these crossings, we will enhance their structural integrity, reducing long-term impacts such as erosion and slope destabilisation.
- **Design Approach:**
 Each crossing will be subject to **site-specific investigations** during the operational works phase, which will determine the final alignment and extent of any required formalisation. This ensures that the steep land intersections are approached in a manner that not only mitigates any potential risks but also creates positive outcomes by reinforcing the existing road network and integrating sustainable erosion and sediment control measures. The final design will be adapted to suit the specific geotechnical conditions of each crossing.
 Once the alignment, surveying, and final design, including adjacent rehabilitation areas, are confirmed, and prior to the commencement of works, the crossing area and adjacent rehabilitation zones will be clearly staked to ensure no disturbance to areas outside the designated works. Following the completion of construction, all disturbed areas will be restored to their natural state, with replanting and erosion control measures implemented as required.
- **Structure and Support:**
 Where necessary, support structures such as retaining walls, riprap, and vegetation reinforcement will be used to stabilise slopes and protect against landslide risks. Erosion control measures will be applied at all watercourse crossings within the steep land overlay to ensure minimal disruption to the natural landscape and hydrological systems.

Improvement Outcomes:

- **Formalisation of crossings** through steep land areas will ensure that long-term stability is maintained, with enhanced structural support to prevent further erosion or landslide risks.
- Positive environmental outcomes will be achieved by restoring and stabilising previously degraded areas, ensuring the protection of sensitive landforms while enhancing fauna movement corridors and watercourse connectivity.

Operational Works Phase:

The final alignment of these crossings will be determined during the operational works phase, which will include site-specific geotechnical assessments and detailed design plans to ensure that the crossings are suitably designed based on the precise intersection points with the steep land overlay. These plans will also include further considerations for fauna protection, hydrological regimes, and vegetation management, ensuring that the crossing areas meet both environmental and structural requirements.

3. Crossings through Mapped Vegetation

- **Objective:** To utilise existing farm road crossings when practically available and create an access track that improves upon existing conditions by minimising impact on vegetation, reducing erosion, and maintaining fauna pathways.
- **Treatment Overview:**
 - **Location:** Utilise and enhance already disturbed ground at existing farm crossings and improve structural support and minimise environmental impact. Vegetation removal may be minimised or potentially eliminated through design strategies utilising our primary strategy of avoidance alignments, structural safeguards such as root protection barriers, and expert onsite guidance in collaboration with civil engineers, ecologists, or arborists to determine the best alignment approach*
Once the alignment, surveying, and final design, including adjacent rehabilitation areas, are confirmed, and prior to the commencement of works, the crossing area and adjacent rehabilitation zones will be clearly staked to ensure no disturbance to areas outside the designated works. Following the completion of construction, all disturbed areas will be restored to their natural state, with replanting and erosion control measures implemented as required.
 - **Structure:**
 - Form an all-weather road base designed to minimise grading and maintain the natural terrain while improving durability for construction traffic.
 - Incorporate features such as small underpasses or open crossings to facilitate fauna movement and minimise habitat fragmentation.
 - **Improvement Outcomes:**
 - Reduction of vegetation disturbance by using a defined path with minimal clearing and incorporating erosion control measures like silt fences.
 - Long-term protection of the surrounding environment by implementing erosion control strategies and habitat conservation measures.

- **Vegetation Protection:**
 - Expert consultation will guide the final alignment to minimise disruption to retained significant vegetation. After the route is determined, significant vegetation that is to be retained will be marked and protected during construction. Any necessary vegetation removal will be carefully managed, and practices such as root protection barriers will be employed to minimise root disturbance and ensure ongoing vegetation health.
- **Lighting:**
 - Avoid permanent lighting installations at these crossings, ensuring that any necessary lighting is low lighting and minimises impact on fauna pathways.

Operational Works Phase

- A detailed **Design Risk Assessment and Mitigation Plan** will be developed, focusing on repairing, minimising, and eliminating the impacts of the crossings. This plan will outline specific engineering designs, erosion control measures, habitat enhancements tailored to each crossing, and the protection of both flora and fauna. The plan will ensure that crossings accommodate high flow conditions, maintain natural hydrologic regimes of watercourses, and minimise disturbance to protected vegetation and fauna pathways.
- **Expert consultation will be integral during the Operational Works Phase**, involving civil engineers and ecologists or arborists. They will guide the alignment and design of crossings to ensure minimal impact on significant vegetation, habitat, and fauna movement corridors.
- Both **watercourse and vegetation crossings** will be assessed for their impact on the environment, with the plan incorporating strategies to protect and enhance these areas through erosion control, vegetation retention, and fauna-friendly design principles.
- This phase will also ensure that **spotter procedures** are implemented for the safe relocation of species and that root protection barriers and fauna-friendly structures are incorporated into the design where necessary to protect significant habitats.

4. Additional Measures for Hydrologic Regimes (with reference to PO12 of the Biodiversity Areas Overlay Code)

- **Maintain Natural Hydrologic Regimes:** Ensure that the natural surface water and groundwater hydrologic regimes of watercourses and associated buffers are maintained to the greatest extent possible.
- **Minimise Flow Alteration:** Design crossings to prevent alteration of natural flow patterns, avoiding channelisation or redirection that could impact natural hydrology.
- **Erosion and Sedimentation Control:** Implement silt traps and vegetation restoration to control erosion and sedimentation, supporting the preservation of natural hydrologic functions.

Summary: By formalising these crossings using existing farm roads, the project mitigates the impact of construction while significantly improving the environmental integrity of these areas. The project addresses the informal and uncontrolled nature of previous farm crossings, reducing erosion, enhancing habitat connectivity, accommodating high flows, and supporting fish passage

and fauna movement. This approach ensures a more sustainable and environmentally conscious use of the land, improving upon the impacts of its farming predecessors.

**Note: Where vegetation removal is necessary to facilitate improvements, including watercourse crossings or access within road reserves, all works will comply with relevant legislative requirements, including Schedule 10 Part 3 Division 4 of the Planning Regulation 2017 where this applies. This includes engaging with SARA at a pre-lodgement meeting to address the specifics of vegetation clearing within the watercourse crossings and road reserve, ensuring adherence to the statutory processes and environmental protection standards.*

5. Environmental Management and Compliance (Operational Works Stage)

This section outlines the environmental management framework that will be implemented during the **Operational Works stage** to ensure the protection of watercourses, vegetation, and fauna habitats during construction and operation. It provides detailed guidance on monitoring, incident response, and legal compliance.

5.1. Monitoring and Reporting

- **Marking Works Area:** Prior to commencement, marking and staking of all areas associated with crossings and adjacent rehabilitation zones will be conducted to ensure protection of sensitive areas and limit disturbance to designated works areas only. All disturbed areas will be restored to their natural state with appropriate replanting and erosion control measures.
- **Regular Monitoring:** Continuous monitoring of watercourse crossings, buffer zones, and vegetation during the **Operational Works phase** to ensure that mitigation measures (e.g., erosion control, vegetation protection) are effective and compliant.
- **Reporting:** Regular submission of monitoring reports to the Council, documenting any environmental breaches, corrective actions taken, and ongoing compliance with environmental regulations.

5.2. Incident and Emergency Response

- **Emergency Protocols:** Procedures for handling environmental incidents (e.g., spills, unexpected vegetation damage, or watercourse contamination) that may occur during the **Operational Works**.
- **Immediate Response Actions:** Rapid containment measures to mitigate environmental damage, with full reporting to relevant authorities and the Council.

5.3. Rehabilitation and Site Management

- **Post-Construction Rehabilitation:** Upon completion of the **Operational Works**, rehabilitation will focus on restoring disturbed areas, especially around watercourse crossings. This includes stabilising watercourse beds, banks, and replanting native vegetation.
- **Vegetation Protection:** Sensitive vegetation will be protected during the **Operational Works**, with immediate measures taken to prevent damage and restore areas as needed.

5.4. Legal Compliance

- **Adherence to Planning Regulation 2017:** All work during the Operational Works stage will comply with Schedule 10 Part 3 Division 4 of the Planning Regulation 2017, particularly regarding vegetation clearing and watercourse protection.
- **Consultation with SARA:** Ongoing consultation with SARA (State Assessment and Referral Agency) will ensure that any vegetation removal or watercourse crossings comply with environmental regulations.

6. Fish-Friendly Watercourse Crossing Design Considerations

These considerations provide guidance for designing watercourse crossings that support fish passage and maintain natural flow conditions. They are not final considerations, exhaustive nor mandatory, but should be adapted based on the specific characteristics of each watercourse and proposed crossing structure.

1. **Maintain Natural Stream Width:** Ensure the crossing matches the natural stream width to avoid altering water velocity.
2. **Avoid Vertical Drops:** Design structures to avoid steep or vertical drops that can block fish passage.
3. **Incorporate Resting Places:** Include features like baffles or rocks to create resting areas in high-velocity zones.
4. **Design for Low and High Flows:** Accommodate fish passage during varying flow conditions, including flood events.
5. **Ensure Natural Stream Bed Conditions:** Use bottomless culverts or embed culverts into the stream bed to mimic natural conditions when appropriate.
6. **Minimise Construction Impact:** Schedule construction during low-flow periods and use sediment control measures, such as silt traps, to reduce sedimentation and protect water quality.
7. **Address Fish Passage Barriers:** Implement fish ladders or roughened surfaces to facilitate fish movement through the structure.
8. **Maintain Stream Connectivity:** Align culverts with the downstream channel and avoid locations that disturb the natural flow.
9. **Vegetation and Habitat Integration:** Enhance habitat quality by maintaining natural vegetation and landscape features around crossings, integrating with the surrounding environment to support ecological functions.
10. **Water Quality Protection:** Incorporate measures to filter runoff and reduce pollutants, such as using natural filtration methods and maintaining vegetation to protect the habitat.
11. **Legislative Compliance:** Ensure all designs adhere to local environmental regulations and obtain necessary permits, considering buffer zone requirements and maintaining compliance with guidelines such as Queensland's Fisheries Guidelines.

These design considerations provide a flexible framework for designers, acknowledging that specific watercourse characteristics will dictate the most suitable approach for each crossing.



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

14 October 2024

Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

Attention: Grant Barringer
Via email: ceo@bundaberg.qld.gov.au

Cc EE Australia Pty Ltd ABN 79 656 465 959
c/- Energy Development Corporation Pty Ltd
Suite 601 'Eight', 8 Maroochydore Road
Maroochydore QLD 4558
Attention: Tim Pumpa
Via email: tpumpa@energydevcorp.com

Dear Sir/Madam,

Ergon Advice Agency Response
Our Ref: ECM 20862760-21246584

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response

Outcome	Approved in full - subject to conditions
Assessment capacity	Advice
Matters referral assessment made against (s55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (s56(7)(b))	The works do not conflict with: - the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i> - the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 & 5. The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.

Have you seen our fact sheets?

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

Development Details

Applicant	EE Australia Pty Ltd ABN 79 656 465 959 c/- Energy Development Corporation Pty Ltd
Assessment Manager	Bundaberg Regional Council
Council Application No.	522.2024.459.1
Street Address	143 Gastons Road, Bucca
Real Property Description	Lot 183 on CK2771, Lot 73 on CK281 and Lot 2 on RP868537
Development Type	Development Permit for a Material Change of Use for a Renewable Energy Facility (Solar Farm)
Referral Trigger	☒ Schedule 10, Part 9, Division 2, Table 2, Item 1 (10.9.2.2.1) – Material Change of use of premises within 100m of a substation site or subject to an easement for the benefit of a distribution entity under the Electricity Act and the easement is for a supply network
Impacted Electrical Infrastructure	Easement A on CK2413 and overhead 66kV feeders and 11kV lines

Ergon provides the following response to the application in accordance with section 56(1) of the *Planning Act 2016*:

MCU	☒ s56(1)(b)(i) – approval subject to stated development conditions
-----	--

In accordance with section 56(1)(b)(i) should the Assessment Manager decide to approve the proposed Development Application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under section 55(2) of the *Planning Act 2016*.

Table 1: Plans forming part of this response

Title	Plan No.	Issue	Date
Proposed Solar Array	24002-01-AC Sheet 1 of 2	-	5 September 2024
Proposed Solar Array	24002-01-AC Sheet 3 of 3	-	5 September 2024

Table 2: Referral agency conditions

Condition	Timing	Purpose/Reason
1 Carry out the approved development generally in accordance with the approved plans and documents outlined	At all times	To ensure the development is carried out generally in accordance with the plans of

Have you seen our fact sheets?

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

Table 2: Referral agency conditions			
Condition		Timing	Purpose/Reason
	within Table 1 of this response and the following: ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail.		development submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment.	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
3	The conditions of any easements in favour of Ergon must be maintained.	At all times	To facilitate the safe, efficient, and economically viable operation of the supply network
4	A 10 metre setback (either side of the centreline of existing overhead powerlines) to any proposed buildings or structures must be maintained.	At all times	To facilitate the safe, efficient, and economically viable operation of the supply network
5	To the extent it coincides with Easement A on CK2413, the hardstand area nominated on the approved plans must be used for occasional and temporary storage/item drop off only and must not be fenced.	At all times	To facilitate the safe, efficient, and economically viable operation of the supply network

General Advice:

- Compliance with the *Electrical Safety Act 2002*, including any Code of Practice under the Act and the *Electrical Safety Regulation 2013* including any safety exclusion zones defined in the Regulation is mandatory.

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

Have you seen our fact sheets?

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

- Any costs or damages incurred by Ergon as a result of carrying out the development are to be met by the Developer/Owner.
- This response does not constitute an approval to commence any works within an easement to which Ergon is grantee. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require further information regarding this matter, please contact the undersigned on 0455 403 399 or townplanning@ergon.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