



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

28 May 2024

Charters Towers Regional Council
PO Box 189
Charters Towers QLD 4820

Via email: mail@chartersowers.qld.gov.au

Change Application for a Minor Change to Development Approval MR17/82 – Development Permit for a Material Change of Use (Major Utility) and Reconfiguring a Lot (1 into 2 lots and Access Easement) at 22386 Flinders Highway, Pentland (Lots 2 & 4 on SP300376)

Our Ref: ECM 19612771

With respect to the abovementioned Development Approval decided by Charters Towers Regional Council on 3 May 2018, Ergon Energy hereby makes a change application for a minor change pursuant to section 78 of the *Planning Act 2016* (Planning Act). The change application primarily relates to works to Ergon's Cape River East 132/66/33kV substation (CPRE) on Lot 4 on SP300376 to cater for the future retirement of the nearby Cape River 66/11kV substation (CARI), which is reaching end of life. In particular, the scope of works as relevant to this minor change application involves:

- Installation of 3 x 66kV feeder bays, a 66kV bus coupler, a 33/11kV transformer, 2 x 11kV feeder reclosers and associated protection and control equipment at CPRE;
- Relocated vehicle parking area to accommodate extended control building;
- Transfer of CARI 66kV and 11kV feeders over to the new feeder bays at CPRE;
- Decommission CARI and recover redundant assets; and
- Increase in the size of substation enclosure to accommodate new 11kV switchyard, with the new enclosure to be treated with security fencing to match existing.

The capital investment for the CPRE upgrades forms part of Ergon's ongoing network reconfiguration works, which have resulted from the recent establishment of the Kennedy Energy Park project.

To assist Council in their assessment of this minor change application, please find enclosed with this request the following:

- Planning Act Form 5 – Change Application;
- Attachment A – Property Searches;
- Attachment B – Ergon Affected Entity Response;
- Attachment C – Proposed Plans; and
- Attachment D – Copy of Development Approval MR17/82.

APPLICATION FEES

In accordance with Council's 2023/2024 Schedule of Fees and Charges, the applicable fee for a minor change application is \$550.00. This fee will be paid upon receipt of an invoice from Council to enable compliance with section 79(1)(b) of the Planning Act.

OWNER'S CONSENT

In accordance with section 79(1A) of the Planning Act, owner's consent is not required in this instance as Ergon Energy is both the Applicant and land owner of Lot 4 on SP300376. A Current Title Search confirming land ownership is enclosed at **Attachment A**.

AFFECTED ENTITIES

In accordance with section 80 of the Planning Act, it is understood Ergon are an affected entity for the minor change application, given the referral requirements applicable to the original development application. While the proposal relates to network reconfiguration works being undertaken by Ergon, for the avoidance of doubt, an affected entity response has been obtained and is enclosed at **Attachment B**.

It is noted the chief executive (for State transport corridor matters) is not an affected entity for the purpose of minor change applications.

BACKGROUND

Charters Towers Regional Council issued a Decision Notice on 6 October 2017 for a Development Permit for a Material Change of Use (Major Utility) and Reconfiguring a Lot (1 into 2 Lots and Access Easement). An Other Change Application seeking changes to the site access arrangement and on-site car parking was subsequently issued and decided by Council on 3 May 2018. A copy of this Development Approval is provided in **Attachment D**.

The Development Approval permits development of a Major Utility, which under the superseded Dalrymple Shire Council Planning Scheme included an installation or undertaking for the supply of electricity. CPRE was one of two new substations established in the area (the other being Jardine Creek substation, approximately 20km east of Hughenden) as part of a proactive replacement program for primary substation assets. The layout of CPRE was designed to cater for the future retirement of the nearby CARI substation with an allowance for additional 66kV feeder bays and a spare 33kV indoor bay for the connection of a 33/11kV power transformer. These additional components are the subject of this minor change application.

PROPOSED CHANGES

The changes proposed by this change application relate primarily to works to Ergon's CPRE substation to cater for the future retirement of the nearby CARI substation, which is reaching end of life. Generally, the changes involve:

- Installation of 3 x 66kV feeder bays, a 66kV bus coupler, a 33/11kV transformer, 2 x 11kV feeder reclosers and associated protection and control equipment at CPRE;
- Relocated vehicle parking area to accommodate extended control building;
- Transfer of CARI 66kV and 11kV feeders over to the new feeder bays at CPRE; and
- Decommission CARI and recover redundant assets.

Detailed proposal plans are provided in **Attachment C** enclosed with this application. An excerpt of the proposed General Arrangement Plan identifying the areas of the proposed works is provided in Figure 1 below. It is noted the new 11kV switchyard will result in a slight increase in the size of the substation enclosure, with the new enclosure to be treated with security fencing to match existing.

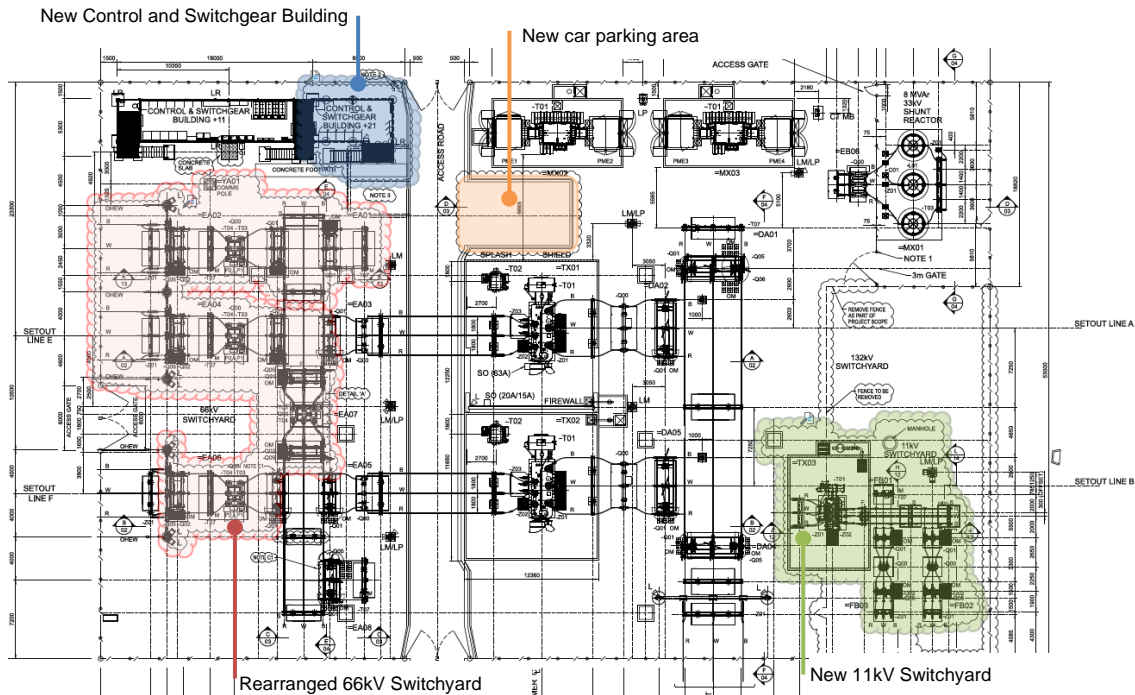


Figure 1: CPRE General Arrangement Plan with proposed changes

CHANGES TO APPROVAL PACKAGE

The extent of changes required to the Development Approval is as follows:

- Amendment to the approved plans/documents listed in Part 4 of the decision notice and Attachment 1, Part A, Condition 1 – Approved Plans to:
 - o Remove reference to Site Layout 10717-EL-SKT-PLN-5002, Rev. A and replace with Site Layout & Drainage Plan 1067830-20, Rev. A;
 - o Remove reference to Substation Elevation 10717-P-003SHT1, Rev. A and replace with General Arrangement Elevation A-A Elevation B-B 1067828-02, Rev. 0C
- Amend the wording of Attachment 1, Part B, Condition 2 – Car Parking and Internal Works to reference the new Site Layout & Drainage Plan 1067830-20, Rev. A; and
- Amend the wording of Attachment 1, Part B, Condition 5 – Fencing to reference the new General Arrangement Elevation A-A Elevation B-B 1067828-02, Rev. 0C. It is also recommended the amended condition does not specify a height (this detail included on the elevation plans) to allow greater flexibility with respect to Ergon's preferred security response.

PLANNING ACT PROVISIONS

It is understood the proposed changes to the Development Approval as outlined above may be pursued via a change application (minor) in accordance with section 81 of the Planning Act. Schedule 2 of the Planning Act defines a “minor change” as a change that meets the following two limbs:

(b) for a development approval –

- (i) would not result in substantially different development; and*
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause:*
 - (A) the inclusion of prohibited development in the application; or*
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) referral to extra referral agencies, other than to the chief executive; or*
 - (D) a referral agency, in assessment the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or*
 - (E) public notification if public notification was not required for the development application.*

With respect to the first limb in subparagraph (i) of the definition of “minor change”, Schedule 1 of the Development Assessment Rules includes a non-exhaustive list of circumstances in which a change *may* be deemed to result in “substantially different development”. With respect to this list, it is noted that the development with proposed changes does not trigger any of the listed circumstances, in particular:

- It will not result in the application applying to a new parcel of land;
- It will not introduce a new use or materially change the scale, bulk or appearance of the development;
- It will not remove a component integral to the operation of the development;
- It will not impact traffic flow or the transport network;
- It does not require removal of an incentive or an offset component;
- It will have no impact on the provision of infrastructure; and
- It will not increase the severity of known impacts.

With respect to the second limb in subparagraph (ii) of the definition of “minor change”, it is noted that the proposed changes do not give rise to any of the circumstances outlined in (A) to (E).

It is noted that under the current Charters Towers Regional Town Plan Version 2, development for a Substation is accepted development (no assessment benchmarks) in the Rural zone where undertaken by a public sector entity. To this end, the minor change application is considered an appropriate instrument to the extent it reconciles proposed changes to CPRE such that there is no conflict with the existing development approval.

CONCLUSION

I trust the information provided in this letter and enclosed supporting documents provides sufficient detail for Council to carry out their assessment of this change application.

Should you require any further information, please feel free to contact the undersigned on 0455 403 399 or email benjamin.freese@energyq.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'B Freese', written in a cursive style.

Benjamin Freese
Town Planner

*Encl. Planning Act Form 5 – Change Application;
Attachment A – Property Searches;
Attachment B – Ergon Affected Entity Response;
Attachment C – Proposed Plans; and
Attachment D – Copy of Development Approval MR17/82.*

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Ergon Energy Corporation Limited
Contact name (only applicable for companies)	Benjamin Freese
Postal address (P.O. Box or street address)	PO Box 1090
Suburb	Townsville
State	QLD
Postcode	4810
Country	Australia
Email address (non-mandatory)	benjamin.freese@energyq.com.au
Mobile number (non-mandatory)	0455 403 399
Applicant's reference number(s) (if applicable)	ECM 19612771

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		22386	Flinders Highway	Pentland
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		2 & 4	SP300376	Charters Towers Regional Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☒ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☐ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Charters Towers Regional Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MR17/82	3 May 2018	Charters Towers Regional Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

The change application relates to works to Ergon's Cape River East 132/66/33kV substation to cater for the future retirement of the nearby Cape River 66/11kV substation, which is reaching end of life.

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input type="checkbox"/> No – proceed to Part 7 <input checked="" type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
Ergon Energy	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – pre-request response is attached to this change application	28 May 2024
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	51133478	Search Date:	22/05/2024 13:58
Date Title Created:	09/02/2018	Request No:	48094125
Previous Title:	50135039		

ESTATE AND LAND

Estate in Fee Simple

LOT 4 SURVEY PLAN 300376

Local Government: CHARTERS TOWERS

REGISTERED OWNER

Dealing No: 719548139 05/08/2019

ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Conveyance No. 601085433 (N271255) (POR 13)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **



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

28 May 2024

Ergon Energy Corporation Limited
PO Box 1090
Townsville QLD 4810

Attention: Benjamin Freese
Via email: benjamin.freese@energyq.com.au

Dear Sir/Madam,

Pre-Request Response Notice – Change Application for a Minor Change to Development Approval MR17/82 – Development Permit for a Material Change of Use (Major Utility) and Reconfiguring a Lot (1 into 2 lots and Access Easement) at 22386 Flinders Highway, Pentland (Lots 2 & 4 on SP300376)

Applicant Ref: 19612771
Our Ref: 19643233-19643239

We refer to the abovementioned Change Application, notice of which has been given to Ergon Energy pursuant to section 80 of the *Planning Act 2016*.

As an affected entity for the Change Application, Ergon advises that it has no objection to the changes proposed, being works to Ergon's Cape River East 132/66/33kV substation on Lot 4 on SP300376 to cater for the future retirement of the nearby Cape River 66/11kV substation, inclusive of consequential changes to the approved plans and conditions of approval.

Should you require further information regarding this matter, please contact the undersigned at townplanning@ergon.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Thomas Sexton'.

Tom Sexton
Senior 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

NOTE 1:
EXISTING OUTLET DRAIN TO BE CLEANED FREE OF UNSUITABLE MATERIAL PRIOR TO FILLING. REMOVE EXISTING OUTLET HEADWALL AND CONSTRUCT NEW MANHOLE, THEN EXTEND NETWORK TO NEW OUTLET HEADWALL AS SHOWN. GRADE OUTLET DRAIN TO DAYLIGHT. REFER TO DRAWING 22 FOR FURTHER DETAILS.

NOTE 2:
ALL CONNECTIONS TO EXISTING OUTLET HEADWALL ARE TO BE VERIFIED ON SITE AND ARE TO BE INCORPORATED INTO NEW STRCTURE 1/A.
NEW MANHOLE - REFER TO DRAWING 1067830-39 FOR DETAILS - ALTERNATIVE 2 - Ø1050.
INTO NEW STRCTURE 1/A.

EXISTING CARPARK SURROUND KERB TO BE REMOVED AND CARPARK PAVEMENT TO BE ABOLISHED AND THE AREA MADE GOOD TO MATCH EXISTING YARD LEVELS. PROVIDE NEW KERB TO LINK THE EXISTING ACCESS KERB

TITLE	NAME	DATE
DRAFTER	RMM	15/12/2022
DRAFTING CHECK	DJB	15/12/2022
DESIGNER	DJBRM	15/12/2022
DESIGN CHECK	-	-
PROJECT MANAGER	A. GOODRIDGE	-
RPEQ APPROVED	D.J. BROWN	RPEQ 738

DESIGNER

PERACON



PROJECT No.: PJ4253

PIT SCHEDULE					
No.	PIT TYPE	OUTLET INV. RL	BASE INV. RL	SURFACE RL	PIT DEPTH (m)
SW06.1	CABLE PIT '9'	383.50	383.50	384.80	1.30
SW06.2	TX03 SUMP PIT	383.70	383.70	384.30	0.60

NOTE:-
WHERE APPLICABLE - ADJUST ELECTRICAL CLEARANCES TO ENSURE THERE ARE NO CLASHES WITH DRAINAGE PIPES.

- SW06.1 & SW06.2 SHALL BE CONNECTED TO MAIN DRAINAGE PIPE.
- CABLE PIT '9' DETAIL & SECTION REFER TO DRG. 1067831-28.
- TX03 SUMP PIT DETAIL AND SECTION REFER TO DRG 1067831-48.
- ORIGINAL STORM WATER DRAINAGE PLAN & DETAIL REFER TO DRG 1067830-06 & 07.

A		ORIGINAL ISSUE	W.H	M.C	04/08/23
REV	DESCRIPTION		DRN	CHK	APPR
1					
2					
3					
4					
5					
6					
7					
8					

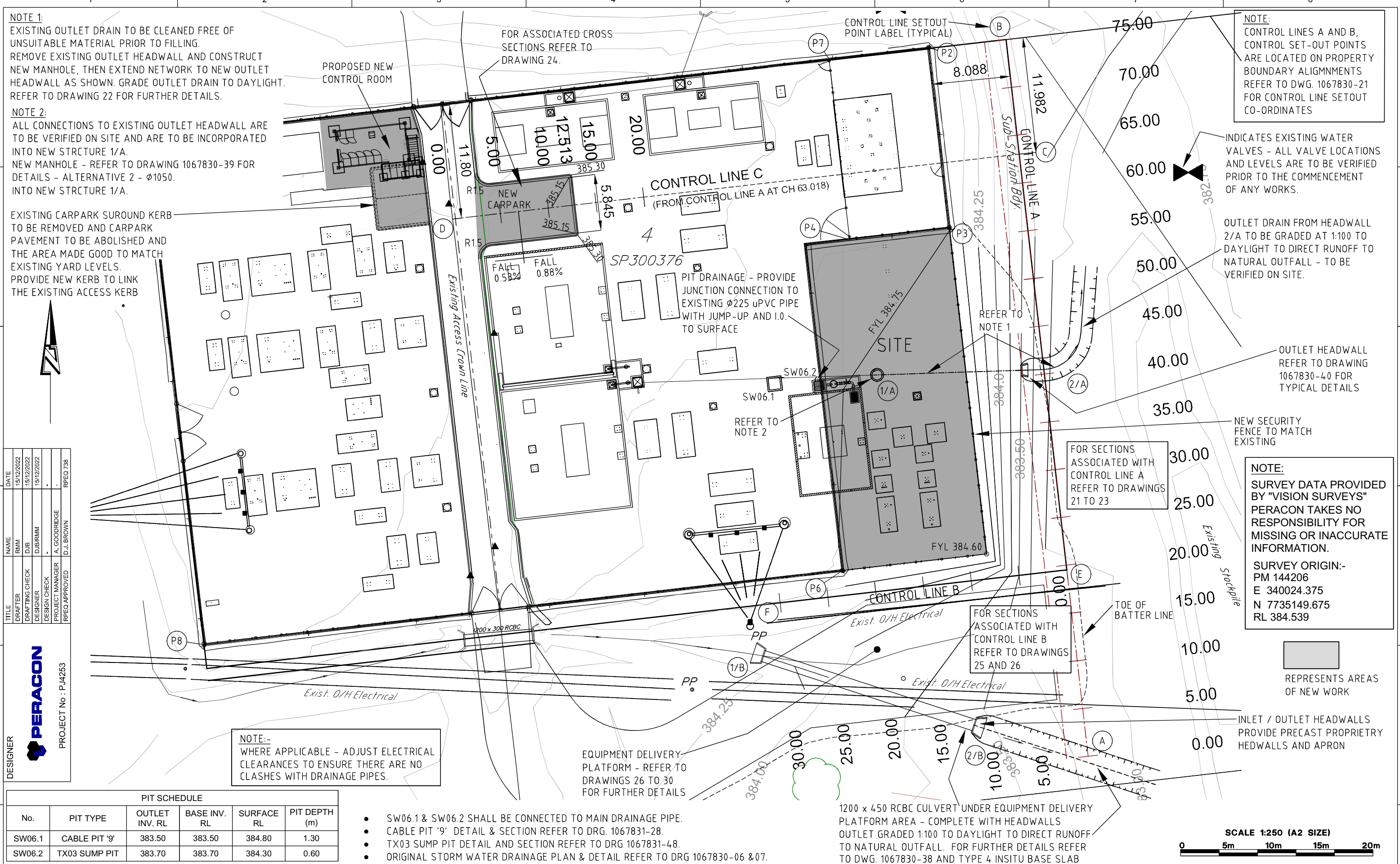


Part of Energy Queensland

DOCUMENT CONTROL	
Drawn	CONTRACTOR
Date	----
Checked	CONTRACTOR
Date	----
Approved	----
Date	----
Approved	----
Date	----

CAPE RIVER EAST SUBSTATION CPRE
SITE LAYOUT & DRAINAGE PLAN

Drawing Status	Approved
Project Number	WR1305132
Revision	A
Scale	AS SHOWN



NOTE:
CONTROL LINES A AND B, CONTROL SET-OUT POINTS ARE LOCATED ON PROPERTY BOUNDARY ALIGNMENTS REFER TO DWG. 1067830-21 FOR CONTROL LINE SETOUT CO-ORDINATES

INDICATES EXISTING WATER VALVES - ALL VALVE LOCATIONS AND LEVELS ARE TO BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS.

OUTLET DRAIN FROM HEADWALL 2/A TO BE GRADED AT 1:100 TO DAYLIGHT TO DIRECT RUNOFF TO NATURAL OUTFALL - TO BE VERIFIED ON SITE.

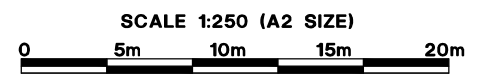
OUTLET HEADWALL REFER TO DRAWING 1067830-40 FOR TYPICAL DETAILS

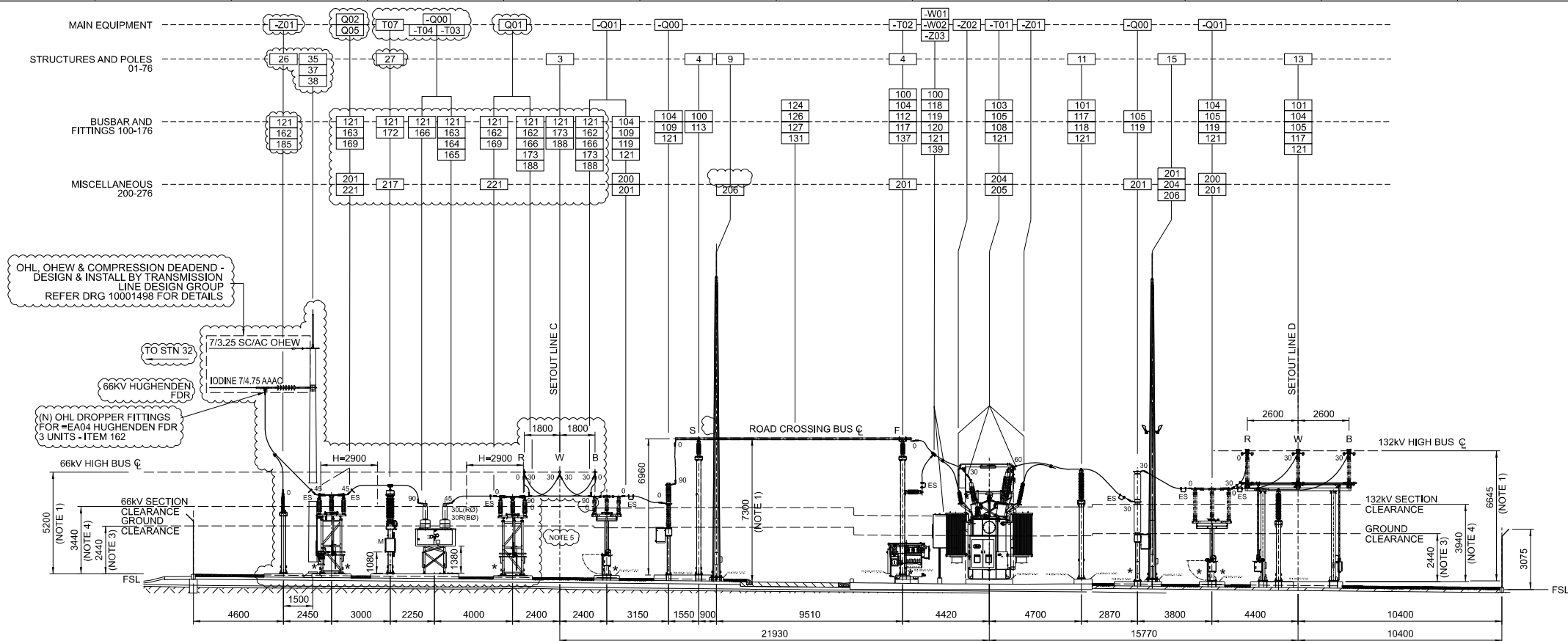
NEW SECURITY FENCE TO MATCH EXISTING

NOTE:
SURVEY DATA PROVIDED BY "VISION SURVEYS" PERACON TAKES NO RESPONSIBILITY FOR MISSING OR INACCURATE INFORMATION.
SURVEY ORIGIN:-
PM 144206
E 340024.375
N 7735149.675
RL 384.539

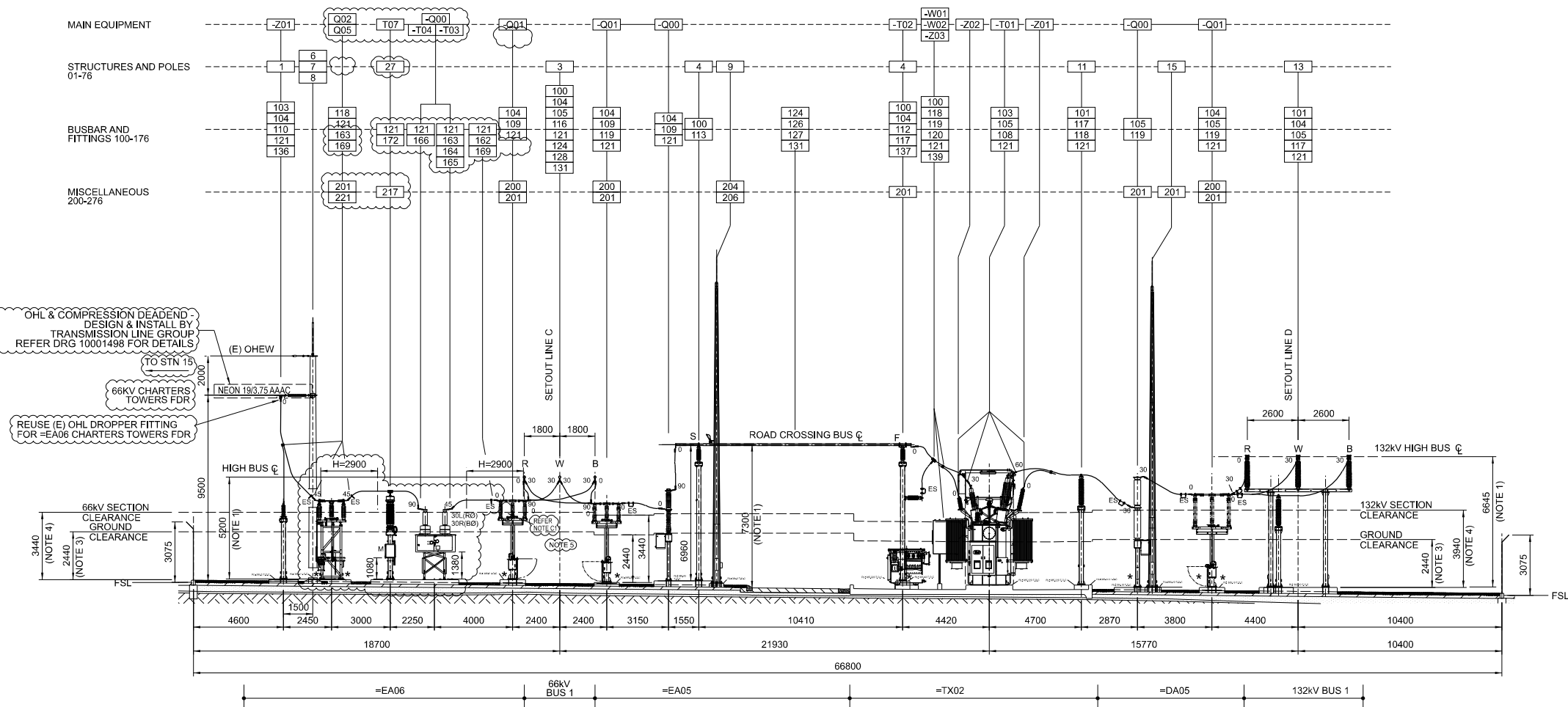
REPRESENTS AREAS OF NEW WORK

INLET / OUTLET HEADWALLS PROVIDE PRECAST PROPRIETRY HEDWALLS AND APRON





ELEVATION A-A



ELEVATION B-B

DESIGNER

 **PERACON**

PROJECT No : PJ4253

TITLE	NAME	DATE	REFERENCE DRAWINGS	REVISION CONTROL
DRAFTER	WT.HONG	3-05-2023	1067828-01 GEN. ARRANGEMENT PLAN	Given W.HONG Date 23/06/23
DRAFTING CHECK	P.MOLINARO	1067835-01	MAT. LIST - MAIN EQUIPMENT	Checked Date
DESIGNER	WT.HONG	3-05-2023	MAT. LIST - STRUCT. & POLES (1-76)	Approved Date
DESIGN CHECK	D. BANERJEE	3-05-2023	MAT. LIST - MISC. EQUIPMENT (20-265)	Checked Date
PROJECT MANAGER	A. GOODRIDGE	3-05-2023	MAT. LIST - 11KV EQUIPMENT	Approved DARKO Date 11/07/23
PROG.APPROVED	P. BANERJEE	PROG. 71722-01	MAT. LIST - BB. COND. & PTG (17-253)	Bus. Req. Approved Date



ERGON ENERGY
CORPORATION LTD ASX
CPRE CAPE RIVER EAST SUBSTATION
GENERAL ARRANGEMENT
ELEVATION A-A
ELEVATION B-B

Drawing Status		Released For Construction	
Project Number		WR1305132	
1067828-02			Revision 0C
Contract /		Scale	Next Sheet 03
		1:100	

3 May 2018

Our Ref: 1184113
File Ref: 05/APP/02
Enquiries: Prue Miller

Kennedy Energy Park Pty Ltd
c/- BNC Planning Pty Ltd
PO Box 5493
TOWNSVILLE QLD 4810

Sent via email: bnc@bncplanning.com.au

Dear Sir

Changed Decision Notice
(Given under s83 of the *Planning Act 2016*)

The Assessment Manager acknowledges receipt of your Change Application (Other Change) on 25 January 2018 in relation to the Decision Notice dated 6 October 2018 and wishes to advise that the application was assessed and decided under delegated authority on 3 May 2018 with a recommendation of approval. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This changed decision notice replaces the original decision notice dated 25 January 2018.

Applicant details

Applicant name: BNC Planning Pty Ltd

Location details

Street address: 22386 Flinders Highway, PENTLAND QLD 4816
Real property description: *Formally* Lot 2 on RP902027
Lot 2 on SP300376
Lot 4 on SP300376
Current lawful use: *Former* Lot 2 on RP902027 - Vacant Land/Grazing
Lot 2 on SP300376 - Vacant Land/Grazing
Lot 4 on SP300376 - Major Utility (Electricity Substation)
Local government area: Charters Towers Regional Council

Application details

Application number: MR17/82
Approval type: Development Permit
Development type: Material Change of Use and Reconfiguring a Lot
Category of assessment: Impact Assessment
Description of development: Major Utility and one into two lots and access easement
Categorising instrument: Dalrymple Shire Planning Scheme 2006

1. Nature of the change(s) agreed to

The changes agreed to as part of this negotiated decision notice are:

1. Part A - Condition 1 - amended
2. Part B - Condition 1 - amended
3. Part B - Condition 2 - amended
4. Part C - Condition 3 - amended
5. Part C - Condition 4 - amended

2. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.

	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		<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Conditions of approval

Conditions of this approval are included within **Attachment 1**.

4. Approved plans and specifications

The approved plans and/or documents for this development approval are listed below:

Drawing title:	Prepared by:	Date:	Reference No:	Rev:
Site Plan	Quanta Solar	01 May 2017	10717-EL-SKT-PLN-5001	C
Site Layout	Quanta Solar	01 May 2017	10717-EL-SKT-PLN-5002	A
Substation Elevation	Quanta Solar	01 May 2017	10717-P-003 SHT1	A
Switchgear and Control Building General Arrangement	Quanta Solar	01 May 2017	10717-BD-SKT-GAD-5002	A
Plan of Subdivision	BNC Planning Pty Ltd	18 May 2017	S01-01	A
Agricultural Viability Assessment Report	BNC Planning Pty Ltd	23 September 2017	DA108-16	
Correspondence from Ergon Energy Corporation Limited	Ergon Energy	27 September 2017	WR837773	

The approved plans in relation to this approval are included within **Attachment 2**.



5. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of 6 years.

6. Further development permits

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

1. Building Works
2. Plumbing and Drainage Works

7. Referral agencies

The referral agencies for this application are:

Agency:	Trigger:	Advice/ Concurrence:	Address:
Ergon Energy	Schedule 10, Division 2, Table 1 Reconfiguring a lot subject to an easement or near a substation site	Advice	PO Box 1090 TOWNSVILLE QLD 4810
The Chief Executive Officer (SARA)	Schedule 10, Subdivision 2, Table 1 Reconfiguring a lot near a State transport corridor	Concurrence	PO Box 5666 TOWNSVILLE QLD 4810 Email: nqsara@dilgp.qld.gov.au
The Chief Executive Officer (SARA)	Schedule 10, Subdivision 2, Table 4 Material Change of use of premises near a State transport corridor or that is a future State transport corridor	Concurrence	PO Box 5666 TOWNSVILLE QLD 4810 Email: nqsara@dilgp.qld.gov.au

The conditions imposed by the referral agencies are included within **Attachment 1**.

8. Submission(s)

Properly made submissions were not made in relation this development.

9. Notice of reasons

The notice of reasons are included within **Attachment 3**.

10. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

11. Appeal rights

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



Planning Act 2016). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

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; or
- 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; or
- 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*.

For further information please contact Council's Project Officer, Prue Miller on (07) 4761 5526.

Yours faithfully



David Metcalfe
Assessment Manager
Director Planning & Community Services

Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

ASSESSMENT MANAGER CONDITIONS

PART A – GENERAL

Condition Number	Condition	Timing
Approved Plans		
1	<p>The approved development must be completed and maintained generally in accordance with the approved drawings and documents:</p> <ul style="list-style-type: none"> • Site Plan Drawing No.: 10717-EL-SKT-PLN-5001 Rev.: A • Site Plan Drawing No.: 10717-EL-SKT-PLN-5001 Rev.: C • Site Layout Drawing No.: 10717-EL-SKT-PLN-5002 Rev.: A • Substation Elevation Drawing No.: 10717-P-003 Sht1 Rev.: A • Switchgear and control building general arrangement Drawing No. 10717-BD-SKT-GAD-5002 Rev.: A • Plan of Subdivision Drawing No.: S01-01 Rev.: A 	At all times
General		
2	Comply with all of the conditions of this Development Approval and maintain compliance for the duration of the approved use.	Prior to the commencement of the use and thereafter
3	Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.	Prior to the commencement of the use
4	Where any conflict exists between the Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.	At all times
5	Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.	Prior to the commencement of the use
6	Unless otherwise stated, all work must be designed, constructed and maintained in accordance with any relevant local government policies, guidelines and standards applicable at the time the works are approved to be undertaken.	At all times



PART B – MATERIAL CHANGE OF USE OF PREMISES (MAJOR UTILITY)

Condition Number	Condition	Timing
Access		
1	Access to the site via Pilcher Road ONLY. No additional access will be permitted. Access to the site via New Access Track Easement (10m) only. No additional access will be permitted.	Prior to the commencement of use
Car parking and internal works		
2	Provide a minimum of 4 standard off-street car parking spaces on the subject site. The car parking spaces must comply with the following requirements: <ul style="list-style-type: none"> The internal parking bays and car parking spaces are to be constructed in accordance with the approved Site Plan, prepared by Quanta Solar dated 01 May 2017, drawing number 10717-EL-SKT-PLN-5002 rev A, unless otherwise amended. The internal parking bays and car parking spaces are to be constructed in accordance with the approved Site Plan, prepared by Quanta Solar dated 01 May 2017, Drawing No.: 10717-EL-SKT-PLN-5002 Rev.: C, unless otherwise amended. The car parking spaces are to be imperviously sealed, drained and line marked. All car parking spaces and internal traffic manoeuvring areas are to be designed and constructed to comply with Australian Standard 2890.1 Car parking facilities (Off-Street Parking). All parking bays are to be signed to reflect their designated purpose. All associated drainage is to be directed to a legal point of discharge. Car parking spaces are to be maintained and available at all times. 	Prior to the commencement of the use and thereafter
Major Utility		
3	The proposed facility is not to exceed a height of 20.5 metres above ground level.	At all times
4	The proposed facility area is to be enclosed and public access restricted in accordance with Australian Standard 2067: 2016 Substations and high voltage installations exceeding kV a.c.	Prior to the commencement of use
Fencing		
5	Provide a minimum 2.743 metre high chain-wire security fence around the proposed site area, as shown on the approved Substation Elevation plan, prepared by Quanta Solar dated 01 May 2017, Drawing No.: 10717-P-003 Sht1, Rev A.	Prior to the commencement of the use
Colour		
6	Ensure that the infrastructure associated with the Major Utility use is of a non-reflective colour and does not comprise of any bright coloured components. The exterior finishes and colours of the infrastructure must be maintained in suitable conditions for the life of the structure	Prior to the commencement of the use
Warning signs		
7	Ensure that warning or information signs are erected at the site where necessary to do so to ensure public safety.	At all times
Stormwater Discharge		
8	Ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM), such that stormwater does not adversely affect surrounding properties.	At all times



Dust Control		
9	Undertake dust suppression for the site to ensure that all materials are appropriately stored and/or handled so as not to create a dust nuisance to surrounding areas and residents.	At all times
Noise Control		
10	Ensure that noise from air conditioning units, service equipment or other mechanical equipment do not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i> and Environmental Protection (Noise) Policy 2008.	At all times
Works during construction		
11	Erosion and sedimentation control management is to be undertaken and maintained for the site to prevent soil erosion within the site and sedimentation runoff to watercourses.	Prior to the commencement of the use and thereafter
12	Any vegetation removed must be disposed in accordance with the requirements of the Charters Towers Regional Council. Transplanting, chipping or removal of vegetation from the site is the preferred solution.	Prior to the commencement of the use
13	All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.	During construction
14	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises by reason of noise, vibration, electrical or electronic interference, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	During construction

PART C – RECONFIGURATION OF A LOT (ONE INTO TWO LOTS AND ACCESS EASEMENT)

Condition Number	Condition	Timing
Agricultural Viability Report		
1	Submit an Agricultural Viability Report, prepared by a suitably qualified person demonstrating that the Proposed Lot 1 is not good quality agricultural land. The report must comply with the standards contained in the planning guidelines "The identification of Good Quality Agricultural Land" available on the following link: https://www.dilgp.qld.gov.au/resources/policy/plng-guide-identif-ag-land.pdf	Prior to submitting the Subdivision Plan for compliance assessment
Stormwater discharge		
2	Ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM), such that stormwater does not adversely affect surrounding properties by ponding, concentration or redirection.	At all times
Access		
3	Provide an all-weather gravel standard driveway access (including any necessary stormwater drainage infrastructure) from Pilcher Road to property boundaries of Proposed Lot 1-4 in accordance with the Institute of Public Works Engineers of Australia (IPWEA) Standard drawings and Council's standard engineering specification CTRC - 001 (Roads rural and turnouts inverts & culvert driveways dated 17 September 2014), at no cost to Council. Future maintenance of these accesses is the responsibility of the property owner. Provide a site plan showing the location of this access crossover to Council for endorsement by Director Planning & Sustainable Development, prior to	Prior to submitting the Subdivision Plan for compliance assessment



	<p>lodgement with the Roads Infrastructure Directorate for approval for construction.</p> <p>Provide an all-weather gravel standard driveway access (including any necessary stormwater drainage infrastructure) from the Flinders Highway to property boundaries of Lot 2 on SP300376 in accordance with the Institute of Public Works Engineers of Australia (IPWEA) Standard drawings and Council's standard engineering specification CTRC - 001 (Roads rural and turnouts inverts & culvert driveways dated 17 September 2014), at no cost to Council. Future maintenance of this access is the responsibility of the property owner.</p>	
Survey Plan Endorsement		
4	The applicant is to provide at no cost to Council, one copy of the fully executed easement documentation for an access easement burdening Lot 2 on SP300376 having a minimum width of 4m.	Prior to submitting the Subdivision Plan for compliance assessment
Survey Marks		
5	All existing survey marks are to be reinstated, new survey marks are to be installed in accordance with the Plan of Survey, and a cadastral surveyor is to certify the survey work in writing.	At the time of submitting the Subdivision Plan for compliance assessment.
<i>End of conditions of approval</i>		

Advisory Notes	
Relevant period	
A	<p>The relevant period for the development approval for Material Change of Use shall be four (4) years and for Reconfiguring a Lot shall be two (2) years, starting the day the approval is granted or takes effect. In accordance with Section 341 of <i>Sustainable Planning Act 2009</i>, the development approval for Material Change of Use lapses if the building work under the approval is not complete within the abovementioned relevant period. However, if there are one or more related approvals for the development approval for Material Change of Use, the relevant period is taken to have started on the day the latest related approval takes effect. (Please refer to Section 341(7) of <i>Sustainable Planning Act 2009</i> for the meaning of related approval).</p> <p>An applicant may request Council to extend the relevant period provided that such request is made in accordance with Section 383 of <i>Sustainable Planning Act 2009</i> and before the development approval lapses under Section 341 of <i>Sustainable Planning Act 2009</i>.</p> <p>The relevant period for the development permit is in accordance with section 85 of the <i>Planning Act 2016</i>.</p>
Notice of intention to commence use	
B	Please provide written notification of the commencement of the use to Council within 20 business days after the approved use has commenced. This will allow Council to accurately record the commencement date which is relevant to the validity of this approval.
Required approvals	
C	A Development Approval for Building Work will be required, with a permit for these works issued prior to any works commencing.
Outstanding rates	



Advisory Notes	
D	Council cannot endorse the Survey Plan until all outstanding rates or charges levied by the local government or expenses that are a charge over the land under any Act are paid.
Ongoing use of premises	
E	Failure to ensure compliance with conditions of this Development Approval including Conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the <i>Sustainable Planning Act 2009</i> .
Works in road reserve	
F	Pursuant to Section 75 of the Local Government Act 2009, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's Local Law No. 1 (Administration) 2011. Approval must be obtained prior to the commencement of the works.
Aboriginal and cultural heritage	
G	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> require anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. For further information please visit: https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care
Workplace health and safety	
H	Ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the project manager/developer is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.
Hours of work	
I	Hours of construction and construction noise must be in accordance with any relevant local laws and/or the <i>Environmental Protection (Noise) Policy 2008</i> . To the extent there is an inconsistency, whichever is higher prevails.
Environmental nuisance	
J	Ensure compliance with the <i>Environmental Protection Act 1994</i> . It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.
Sedimentation control	



Advisory Notes	
K	It is the developer's responsibility to ensure compliance with the <i>Environmental Protection Act 1994</i> and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the storm water drainage system and waterways.
Concurrence Agency conditions	
L	Please take note of the Concurrence Agency Response With Conditions dated 16 March 2018, Reference: 1802-3903 SRA and ensure compliance. For further information, please contact NQSARA NQSARA@dilpgp.qld.gov.au .
End of advisory notes	



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

Our reference: 1802-3903 SRA
Your reference: 1127341

16 March 2018

The Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers Qld 4820
mail@charters Towers.qld.gov.au

Attention: Prue Miller

Dear Ms. Miller

Referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

On 19 February 2017 the department received an other change application from the applicant requesting the department change its referral agency response.

Applicant details

Applicant name:	Kennedy Energy Park Pty Ltd C/- BNC Planning
Applicant contact details:	PO Box 5493 Townsville QLD 4810 enquire@bncplanning.com.au

Location details

Street address:	22386 Flinders Highway, Pentland
Real property description:	Lot 2 on RP902027
Local government area:	Charters Towers Regional Council

Application details

Development permit	Change application for Material change of use for Major Utility (Substation) and Reconfiguring a lot for One (1) Lot into Two (2) Lots and Access Easement
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Referral triggers

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

- 10.9.4.2.1.1 State transport corridors and future State transport corridors

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

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

Reasons for decision to impose conditions

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

Advice to the applicant

The department offers advice about the application to the applicant—see Attachment 3.

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

For further information please contact Javier Samanes, A/ Principal Planning Officer, on 47583416 or via email NQSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Kennedy Energy Park Pty Ltd C/- BNC Planning, enquire@bncplanning.com.au

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

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for a Material Change of Use – Major Utility (Substation) and Reconfiguring a Lot - One (Lot into Two (2) Lots and Access Easement		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) The road access location, is to be located generally in accordance with Kennedy Energy Park Cape River East (CARP) Substation Site Plan prepared by Kennedy Energy Park, dated 11/01/2018, reference 10717-EL-SKT-PLN-5001 and revision C.</p> <p>(b) Road access works comprising rural property access, must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with <i>Figure 7.4 Example of a rural property access specifically designed for articulated vehicles</i>, Guide to Road Design Part 4: Intersections and Crossings – General 2017.</p>	<p>(a) At all times</p> <p>(b) and (c): Prior to the commencement of use or Prior to submitting the Plan of Survey to the local government for approval, whichever occurs first.</p>

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

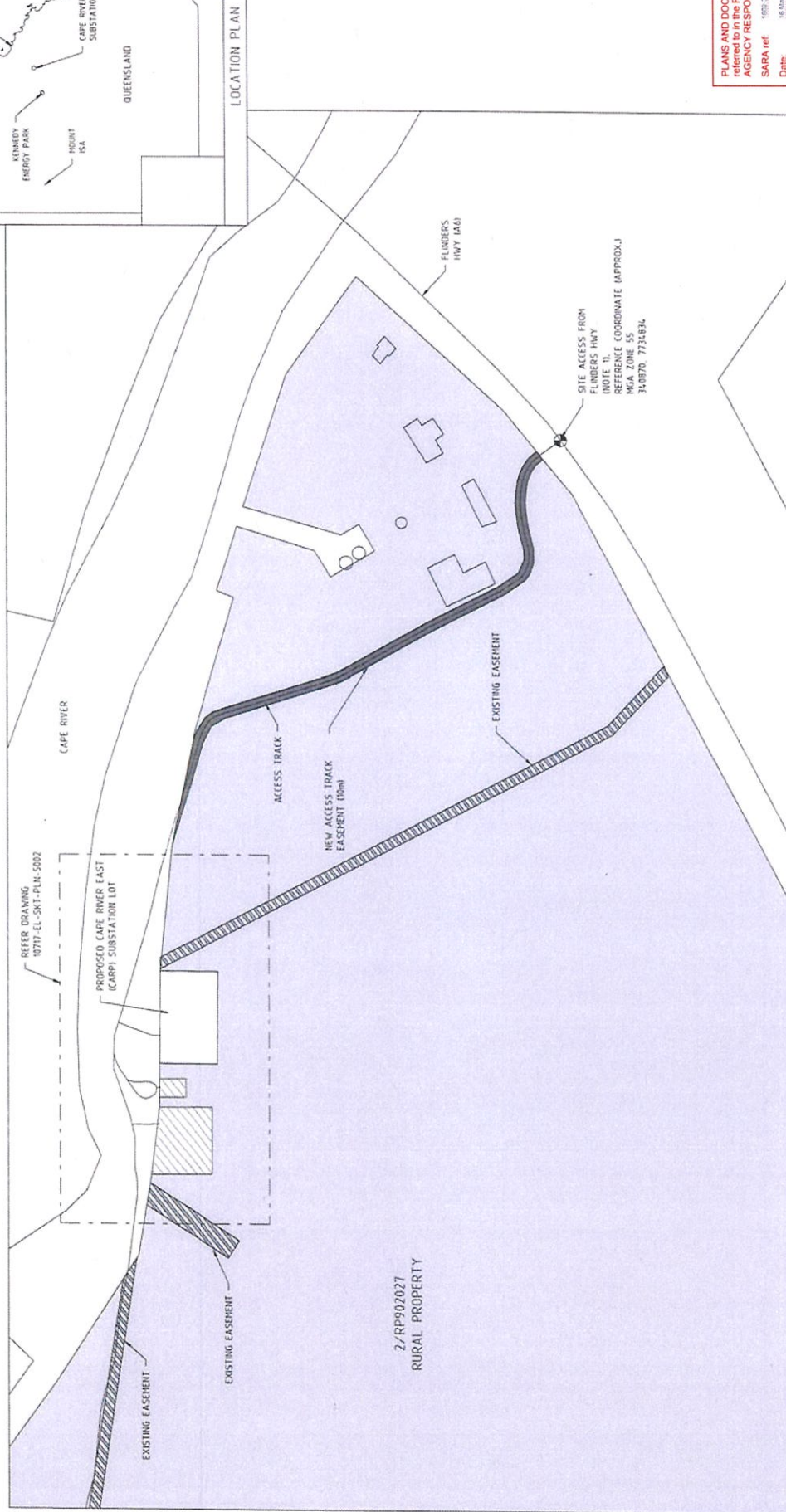
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

Attachment 3—Advice to the applicant

General advice	
Ref.	Railways
1.	<p>Road access works approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads at Cloncurry.Corridor@tmr.qld.gov.au to make an application for road works approval.</p> <p>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). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>



NOTES
1. ALL-WEATHER GRAVEL STANDARD DRIVEWAY ACCESS TO BE PROVIDED IN ACCORDANCE WITH THE CHARTERS TOWERS REGIONAL COUNCIL STANDARD ENGINEERING SPECIFICATION (TRC-001 (ROADS RURAL AND TURNOUTS INVERTS & CULVERT DRIVEWAYS, 17 SEPTEMBER 2014))



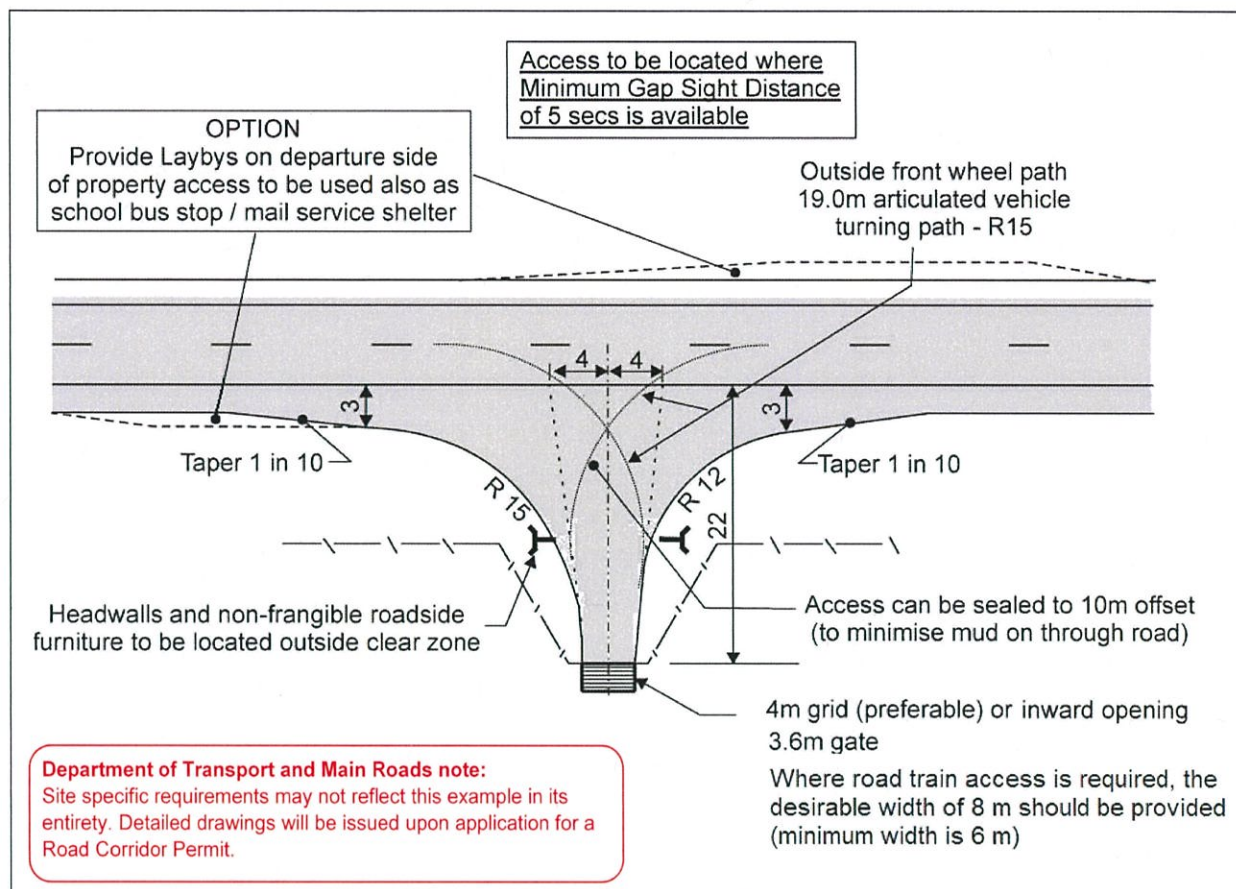
LOCATION PLAN

SITE ACCESS FROM
FLINDERS HWY
(NOTE 1).
REFERENCE COORDINATE (APPROX.)
MGA ZONE 55
340870 7734834

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1602-3903 SPA
Date: 16 March 2016

[illegible]



Note: Minimum requirement for a single carriageway with design AADT <2000 or minimum requirement for dual carriageway left-in – left-out access for single unit truck. Where AADT >1000 and access is required for a semi-trailer then use the layout.

Source: Based on Austroads (2005).

Figure 7.4: Example of a rural property access specifically designed for articulated vehicles on a two-lane two-way road

7.3 Median Openings

7.3.1 General

The spacing of median openings is an integral part of access management planning. A typical mid-block median opening is shown in Figure 7.5. The justification for a median opening is an economic issue, requiring comparison of the cost of providing the opening with the cost of extra travel and inconvenience. The increase in the number of potential conflict points must also be considered in comparison with the traffic manoeuvres likely to occur without median openings.

The desirable spacing of median openings is a complex question to which there is no definitive answer. On the one hand it is desirable to space openings as far apart as possible, keeping the number of potential conflict points to a minimum. On the other hand, infrequent openings can significantly increase travel distances for local traffic and the demand for turning manoeuvres at intersections. Where the median is too narrow to accommodate a sheltered right-turn lane, a good design practice is to provide openings at most, if not all, intersecting streets with an important local service function. Where the median width is sufficient to accommodate right-turn lanes, a spacing of 120 m will permit successive development of right-turn lanes. Greater spacing is required where high storage demands occur.

Our ref TMR18-023919
Your ref
Enquiries Helena Xu



Department of
Transport and Main Roads

15 March 2018

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

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

Development application reference number 1158740, lodged with 1158740 involves constructing or changing a vehicular access between 2SP300376 (Previous 2RP902027) the land the subject of the application, and Flinders Highway (a state-controlled road).

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

Applicant Details

Name and address Kennedy Energy Park Pty Ltd C/- BNC Planning
PO Box 5493
Townsville QLD 4810

Application Details

Address of Property 22386 Flinders Highway, Pentland QLD 4816
Real Property Description 2SP300376 (Previous 2RP902027)
Aspect/s of Development Development Approval for MCU and ROL - Major Utility

Decision (given under section 67 of TIA)

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

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 250 metres from the subject site eastern boundary, in accordance with: 1. Kennedy Energy Park Cape River East (CARP) Substation Site Plan prepared by Kennedy Energy Park, dated 01/05/17, reference 10717-EL-SKT-PLN-5001 and revision C.	At all times.
2	Road access works comprising a rural property access must be provided at the permitted access location, generally in accordance with Figure 7.4: Example of a rural property access specifically designed for articulated vehicles, <i>Austroads 2017 Guide to Road</i>	Prior to commencement of any construction onsite. Or, prior to submitting the Plan of Survey to the local

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

No.	Conditions of Approval	Condition Timing
	<i>Design Part 4: Intersections and Crossings - General.</i>	government for approval. Whichever occurs first.
3	The existing road access to the Flinders Highway located approximately 135 metres from the eastern property boundary must be removed.	Prior to commencement of any construction onsite. Or, prior to submitting the Plan of Survey to the local government for approval. Whichever occurs first.
5	Direct access is prohibited between Flinders Highway and 2SP300376 (Previous 2RP902027) at any other location other than the permitted road access location described in Condition 1.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The proposed new location of access is located to the west of existing access to abandoned abattoir. This location provides greater distance from the bridge and improves sight lines. It is considered safer than existing access location.
- b) The existing access to the abandoned abattoir from Flinders Highway does not meet rural property standards and is required to be removed.
- c) The proposed access is designed to service the proposed substation of a solar farm. Considering the nature of the proposed use, it is unlikely to generate large amount of traffic during construction or maintenance operation.
- d) Considering the rural environment of the subject site, a rural property standard access is sufficient to service the proposed development.
- e) The department has no objection to the proposed new access location and require it to be constructed in accordance with relevant standards.

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

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

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

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and

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

Further approvals

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

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

If further information about this approval or any other related query is required, Ms Helena Xu, Town Planner should be contacted by email at North.Queensland.IDAS@tmr.qld.gov.au or on (07) 4421 8838.

Yours sincerely



Lisa Brooks

Senior Town Planner (Project Planning and Corridor Management)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The subject site has existing access to abandoned abattoir from Flinders Highway.
- The existing access does not meet TMR standards, therefore is required to be removed.
- The proposed access, together an access easement will provide access to a proposed substation.
- The proposed new access location is to the west of the existing access, providing greater distance from the bridge and improves sight lines. It is considered safer than existing access.
- The proposed access is designed to service the proposed substation of a solar farm. It is unlikely to generate large amount of traffic during construction or maintenance operation.
- Considering the rural environment of the subject site, a rural property standard access is sufficient to service the proposed development.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Kennedy Energy Park Cape River East (CARP) Substation Site Plan	Kennedy Energy Park	01/05/17	10717-EL-SKT-PLN-5001	C

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

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

(5) The court may order—

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

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

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

(7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

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

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

35 Time for making appeals

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

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

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

(2) However, if—

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

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

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

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



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

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1802-3903 SRA

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

Departmental role: Referral agency

Applicant details

Applicant name: Kennedy Energy Park Pty Ltd C/- BNC Planning
 Applicant contact details: PO Box 5493
 Townsville QLD 4810
 enquire@bncplanning.com.au

Location details

Street address: 22386 Flinders Highway, Pentland
 Real property description: Lot 2 on RP902027
 Local government area: Charters Towers Regional Council

Development details

Development permit Change application for Material change of use for Major Utility (Substation) and Reconfiguring a lot for One (1) Lot into Two (2) Lots and Access Easement

Assessment matters

Aspect of development requiring code assessment	Applicable codes
Material Change of Use and Reconfiguring a Lot	State Development Assessment Provisions (SDAP) version 2.1: <ul style="list-style-type: none"> State code 1: Development in a state-controlled road environment

Reasons for the department's decision

The reasons for the decision are:

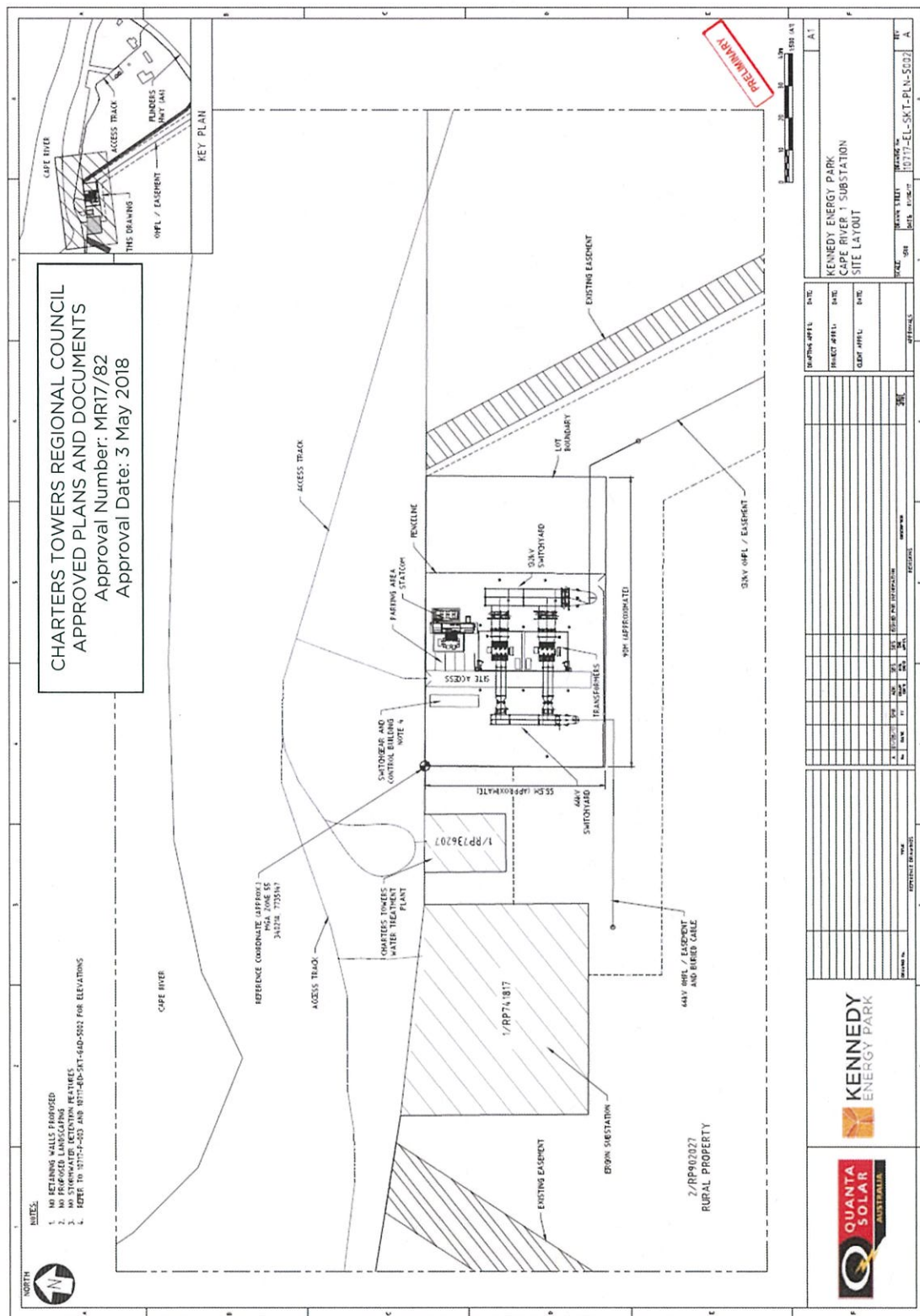
- The development does not create a safety hazard for users of a state-controlled road;
- The development does not compromise the structural integrity or result in a worsening of the physical condition or operating performance of state-controlled road and surrounding road networks as the proposal does not include any filling or excavation
- The development does not compromise the state's ability to construct state-controlled roads and future state-controlled roads, or significantly increase the cost to construct state-controlled roads and future state-controlled roads; and
- The development does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads

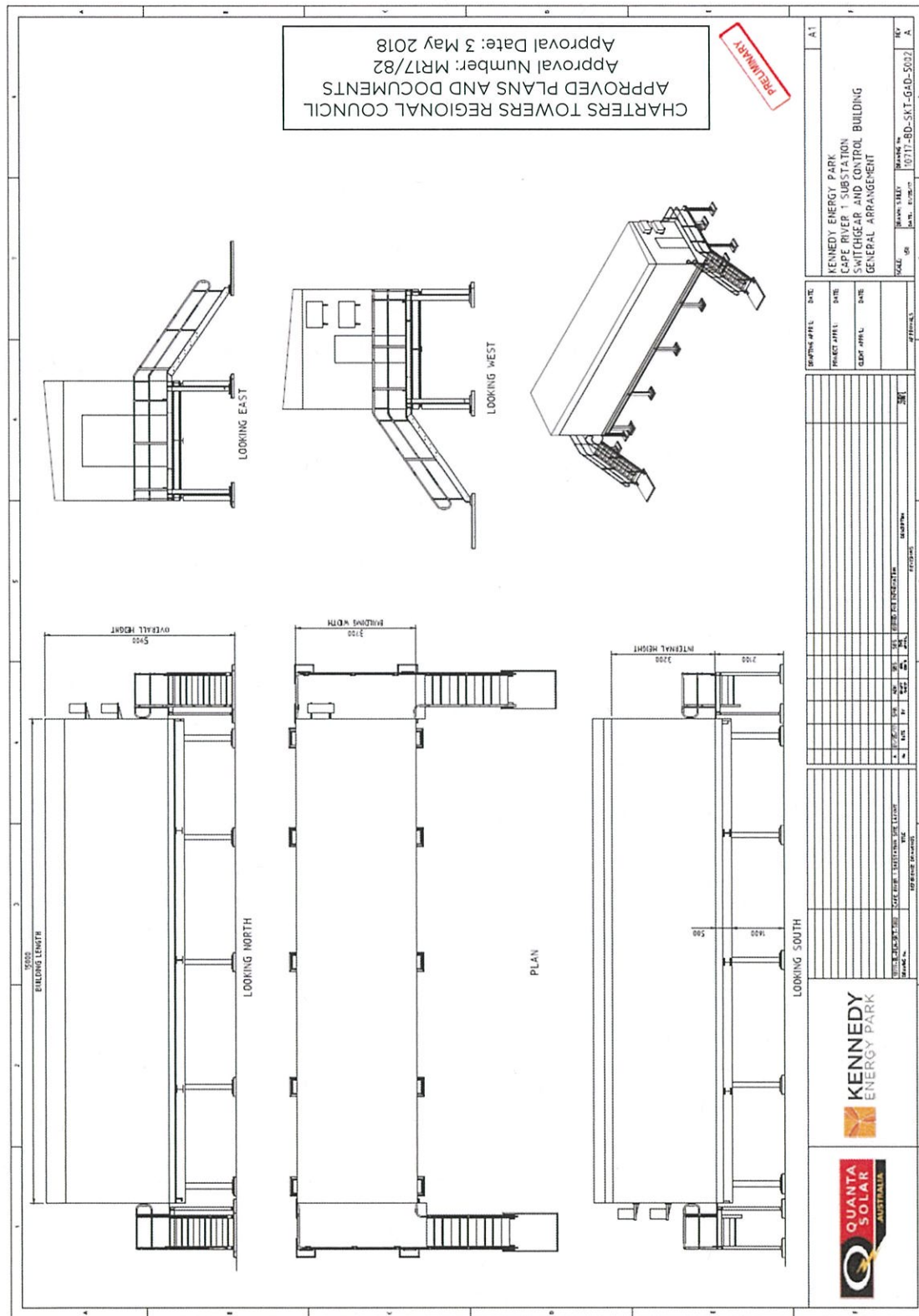
Decision

- Other change application for Material change of use for Major Utility (Substation) and Reconfiguring a lot for One (1) Lot into Two (2) Lots and Access Easement situated at 22386 Flinders Highway, Pentland, more particularly Lot 2 on RP902027.
- The Department of State Development, Manufacturing, Infrastructure and Planning provided a referral agency response on 16 March 2018 approving the application subject to conditions.

Relevant material

- State Development Assessment Provisions published by the State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules





Attachment 3—Notice of Reasons

This notice is prepared in accordance with s83(9) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision. This includes the relevant parts of the Planning Scheme and assessment benchmarks against which the application was assessed, and any other information, documents or other material Council was either required to, or able to, consider in its assessment. All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Description of the development:	Material Change of Use of Premises (Major Utility) and Reconfiguration of a Lot (one into two lots and access easement)	
Assessment benchmarks:	The proposed development was assessed against the following assessment benchmarks: <ul style="list-style-type: none"> • Rural Area Planning Code • Reconfiguring a Lot Code • Carparking and Access Code • Landscaping Code 	
Relevant matters:	Not applicable	
Matters raised in submissions:	Properly made submissions were not made in relation this development	
Reasons for decision:	The development was assessed against all the assessment benchmarks listed above and complies with all, with the exceptions listed below:	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	All applicable assessment benchmarks	The Change Application (Other Change) was assessed against the provisions applicable and was considered compliant.

