



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

Our reference: SDA-0614-011642
Your reference: MCUI/2014/3278

12 December 2014

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350

Dear Sir

Concurrence agency response - with conditions – Development Permit for Material Change of Use – Utility Installation (Solar Farm)

400 Gore Highway and 397 Karriba Road, BULLI CREEK QLD 4357.

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning (DSDIP) under section 272 of the *Sustainable Planning Act 2009* on 17 July 2014.

Applicant details

Applicant name:	Solar Choice Pty Ltd
Applicant contact details:	RPS
	PO Box 1559
	Fortitude Valley Qld 4006

Site details

Street address:	400 Gore Highway and 397 Karriba Road, BULLI CREEK QLD 4357.
Lot on plan:	Lot 5 on DY1025; Lot 37 on DY1103, Lot 4 on DY1024 and Lot 39 on DY916
Local government area:	Toowoomba Regional Council

Application details

Proposed development: Development Permit for Material Change of Use – Utility Installation (Solar Farm)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development Permit	Utility Installation (Solar Farm)	Impact Assessment

Referral triggers

The development application was referred to DSDIP under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger 7.3.1 Making a material change of use of premises if any part of the land -

- (a) is within 25m of a State-controlled road; or
- (b) is future State-controlled road; or
- (c) abuts a road that intersects with a State-controlled road within 100m of the land

7.3.10 Material change of use of a lot that is 5 ha or larger, if -

- (a) for development for which a preliminary approval is sought under the Act, section 242, the lot contains native vegetation shown on the regulated vegetation management map as a category A area or category B area
- (b) for other development that is not sole or community residence clearing -
 - (i) additional exempt operational work could be carried out because of the material change of use or the development involves operational work made assessable under schedule 3, part 1, table 4, item 1; and
 - (ii) the additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on land the subject of a lease issued under the *Land Act 1994* for agriculture or grazing purposes

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, DSDIP must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, DSDIP offers advice about the application to the assessment manager—see Attachment 3.

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

For further information, please contact Ian McHugh, Principal Planning Officer, on 4616 7320, or email ian.mchugh@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A Foley', followed by a period.

Andrew Foley
Manager (Planning)

cc: Solar Choice Pty Ltd, RPS PO Box 1559 Fortitude Valley QLD 4006

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4 – Approved Plans

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Schedule 7, Table 3, Item 1—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	The development must be carried out generally in accordance with the following plans: • Bulli Creek Indicative Site Plan – Development Area with Buffers, prepared by RPS Group Pty Ltd, dated 22 January 2014, Drawing Plan Ref: Figure 1 (Project: PR119938)	At all times.
Location of the direct vehicular access to the state-controlled road		
2.	The permitted road access locations, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, are to be located as identified generally in accordance with the 'Bulli Creek Indicative Site Plan – Development Area with Buffers', prepared by RPS Group Pty Ltd, dated 22 January 2014, Drawing Plan Ref: Figure 1 (Project: PR119938).	At all times.
3.	Direct access is not permitted between the Gore Highway and the subject site at any location other than the permitted road access locations (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained).	At all times.
State-controlled road network impact mitigation		
4.	Road access works comprising: Channelised Right Turn Treatment (CHR); and Auxiliary Left Turn Treatment (AUL) to the development, (for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained), at each permitted road access location must be provided generally in accordance with Bulli Creek Indicative Site Plan – Development Area with Buffers, prepared by RPS Group Pty Ltd, dated 22 January 2014, Drawing Plan Ref: Figure 1 (Project: PR119938). The road access works must be designed and constructed to cater for heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development and be constructed in	Prior to commencement of use.

No.	Conditions	Condition timing
	accordance with DTMR Road Planning and Design Manual and any other manuals/ standards/ technical publications referenced therein.	
Stormwater and Drainage impacts on the state-controlled road (SCR)		
5.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the SCR.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the SCR; (ii) interfere with and/or cause damage to the existing stormwater drainage on the SCR; (iii) surcharge any existing culvert or drain on the SCR; (iv) reduce the quality of stormwater discharge on the SCR. <p>(c) A Registered Professional Engineer of Queensland (RPEQ) certification must be provided to DTMR Darling Downs District, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	(a) and (b): At all times. (c) Prior to commencement of use.
Maintenance of the SCR network		
6.	<p>Pay a monetary contribution of \$4,650 per 100 mw stage of the Solar Farm being developed to DTMR (Darling Downs District) towards protecting or maintaining the safety or efficiency of the SCR network in accordance with Section 666(2) of the <i>Sustainable Planning Act 2009</i>. The contribution is for the maintenance of the SCR network.</p> <p>AND</p> <p>This monetary contribution shall be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</p>	Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use of each stage, whichever occurs first.
<p>Schedule 7, Table 3, Item 10—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines (DNRM) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
Vegetation Clearing		
7.	Any new infrastructure associated with the material change of use must not be located within “Area A” as identified on the Referral Agency Response (Vegetation) Plan SDA-0614-011642, dated 5 August 2014.	At all times.
8.	Any new infrastructure associated with the material change of use, other than fences, roads and underground services,	At all times.

No.	Conditions	Condition timing
	must not be located within "Area B" as identified on the Referral Agency Response (Vegetation) Plan SDA-0614-011642, dated 5 August 2014.	

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To protect the safety and efficiency of the SCR network.
- To ensure the clearing works are carried out in the location and to the extent specified on the approved plans.

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 3—Further advice

General Advice

State-controlled Roads

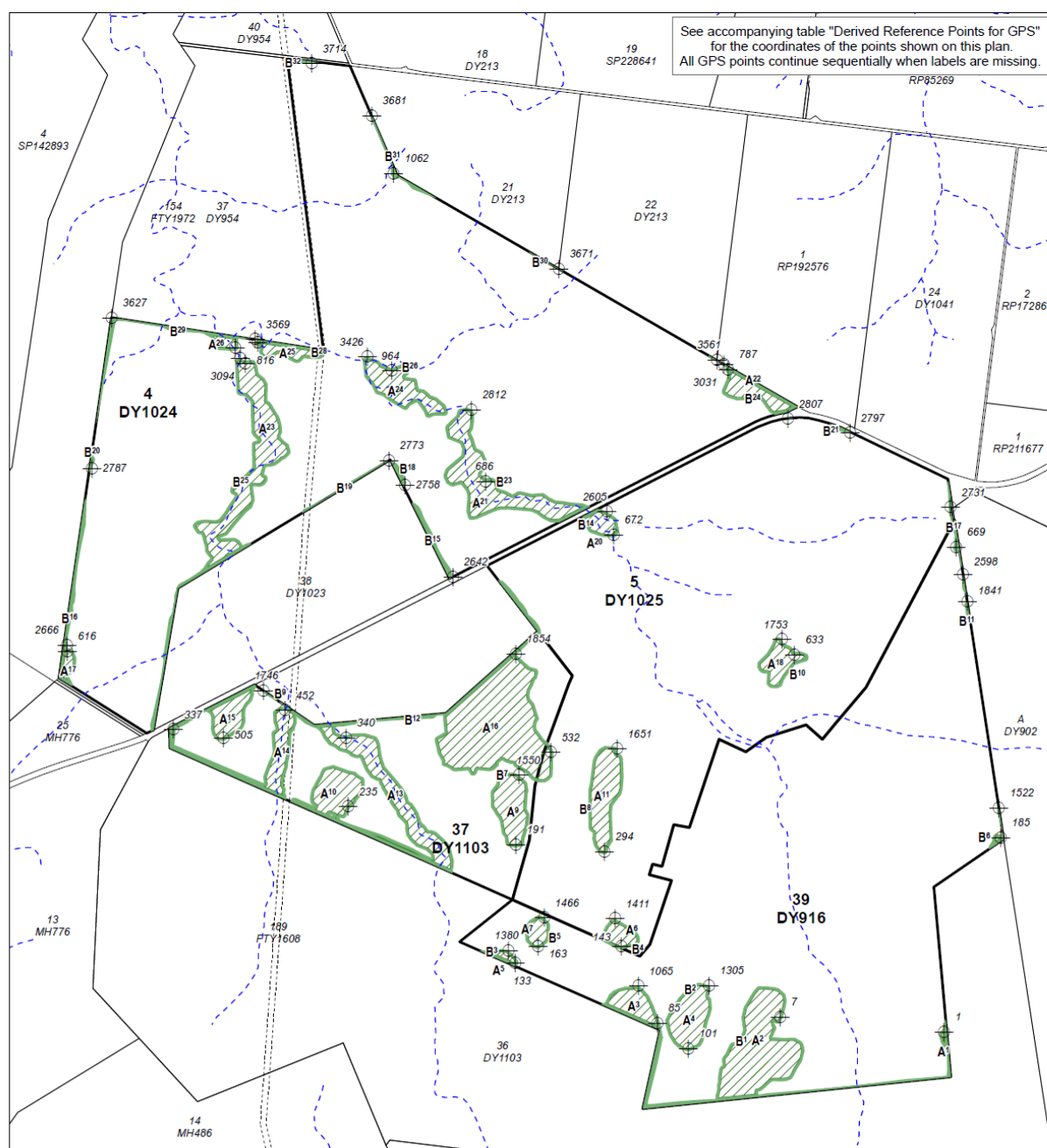
Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from DTMR to carry out road works, including road access works, on a state-controlled road. Please contact DTMR to make an application for road works approval. This approval must be obtained prior to commencing any works on the SCR reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a RPEQ.

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the SCR under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State-Controlled Roads) Regulation 2006*. Please contact DTMR to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

Our reference: SDA-0614-011642

Your reference: MCUI/2014/3278

Attachment 4—Approved plans and specifications



0 0.5 1 2 3 4 km
 1:40000 @ A3 size
 Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-011642

- LEGEND**
- ⊕ Derived Reference Points for GPS
 - Subject Lot(s)
 - QLD DCDB
 - ▨ Area A (Area A1 - A27)
 - Area B (Area B1 - B32)
 - Watercourse (Geoscience Australia)

Referral Agency Response (Vegetation) Plan

Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025

CENTRE: TOOWOOMBA
 LOCALITY OF BULLI CREEK

REGION: SOUTH
 LOCAL GOVT: TOOWOOMBA

Map Reference: 9041,9042

Compiled from: DCDB, PVMP & NRMO Notes

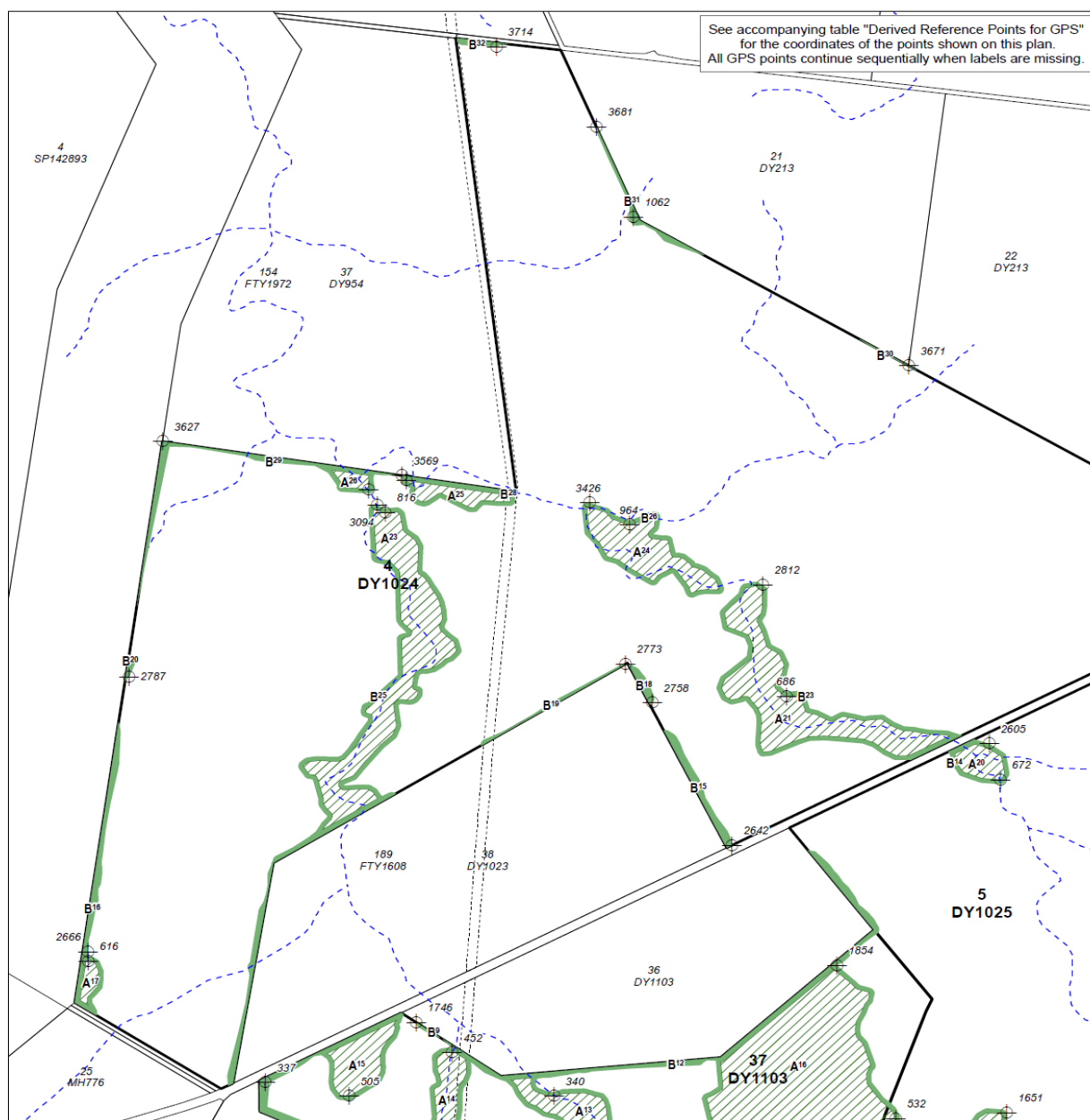
File Reference: 2014/005310

Prepared by: JDC

Date: 05 August 2014



RARP
SDA-0614-011642
 Sheet 1 of 4



See accompanying table "Derived Reference Points for GPS" for the coordinates of the points shown on this plan. All GPS points continue sequentially when labels are missing.

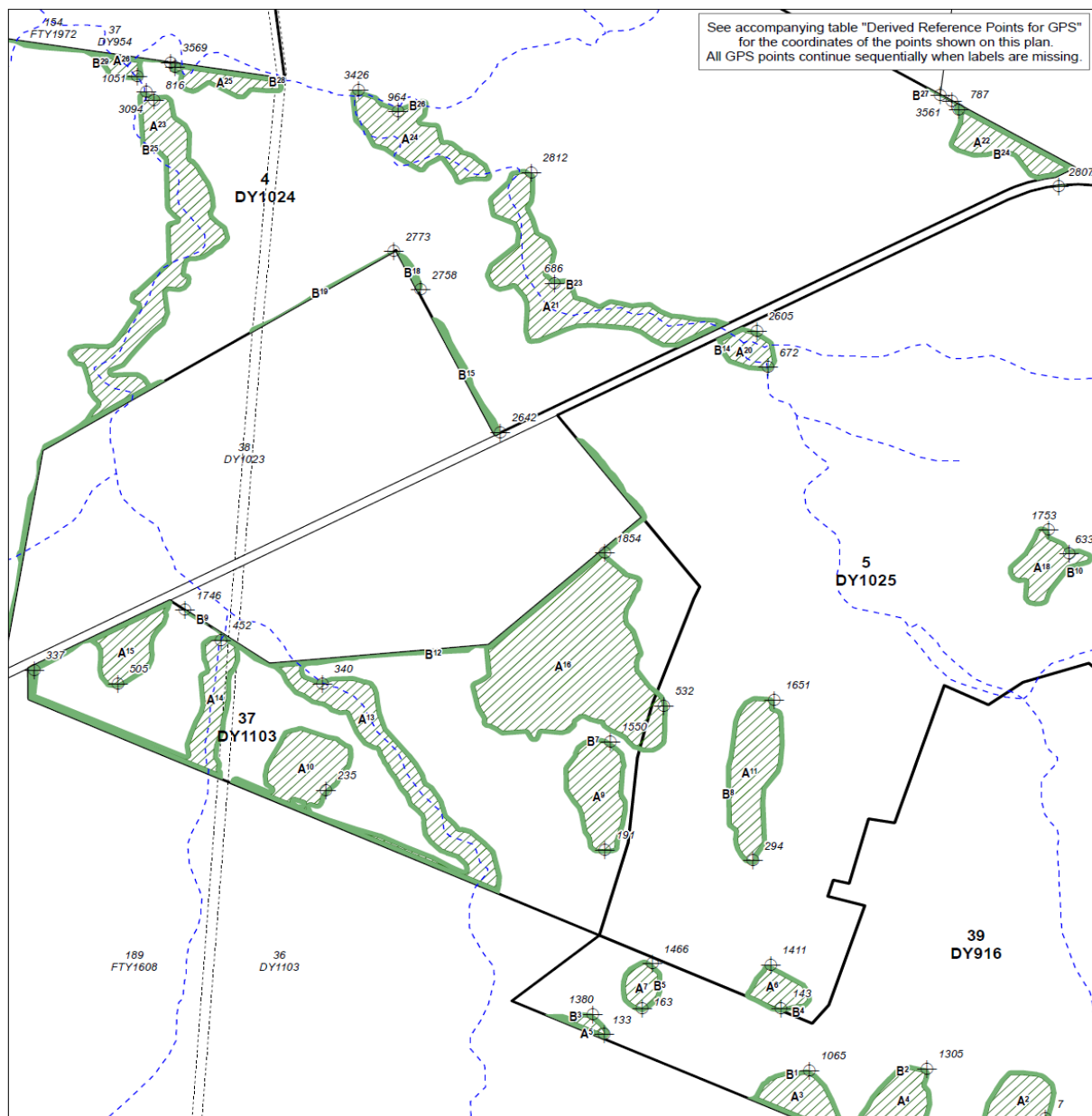
1:25000 @ A3 size
0 0.25 0.5 1 1.5 2 km
Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-011642

LEGEND Derived Reference Points for GPS Subject Lot(s) QLD DCDB Area A (Area A1 - A27) Area B (Area B1 - B32) Watercourse (Geoscience Australia)	Referral Agency Response (Vegetation) Plan Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025 <table border="1"> <tr> <td>CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK</td> <td>REGION: SOUTH LOCAL GOVT: TOOWOOMBA</td> </tr> <tr> <td>Map Reference: 9041,9042</td> <td>Compiled from: DCDB, PVMP & NRMO Notes</td> </tr> <tr> <td>File Reference: 2014/005310</td> <td>Prepared by: JDC Date: 05 August 2014</td> </tr> </table>	CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK	REGION: SOUTH LOCAL GOVT: TOOWOOMBA	Map Reference: 9041,9042	Compiled from: DCDB, PVMP & NRMO Notes	File Reference: 2014/005310	Prepared by: JDC Date: 05 August 2014	 RARP SDA-0614-011642 Sheet 2 of 4
CENTRE: TOOWOOMBA LOCALITY OF BULLI CREEK	REGION: SOUTH LOCAL GOVT: TOOWOOMBA							
Map Reference: 9041,9042	Compiled from: DCDB, PVMP & NRMO Notes							
File Reference: 2014/005310	Prepared by: JDC Date: 05 August 2014							



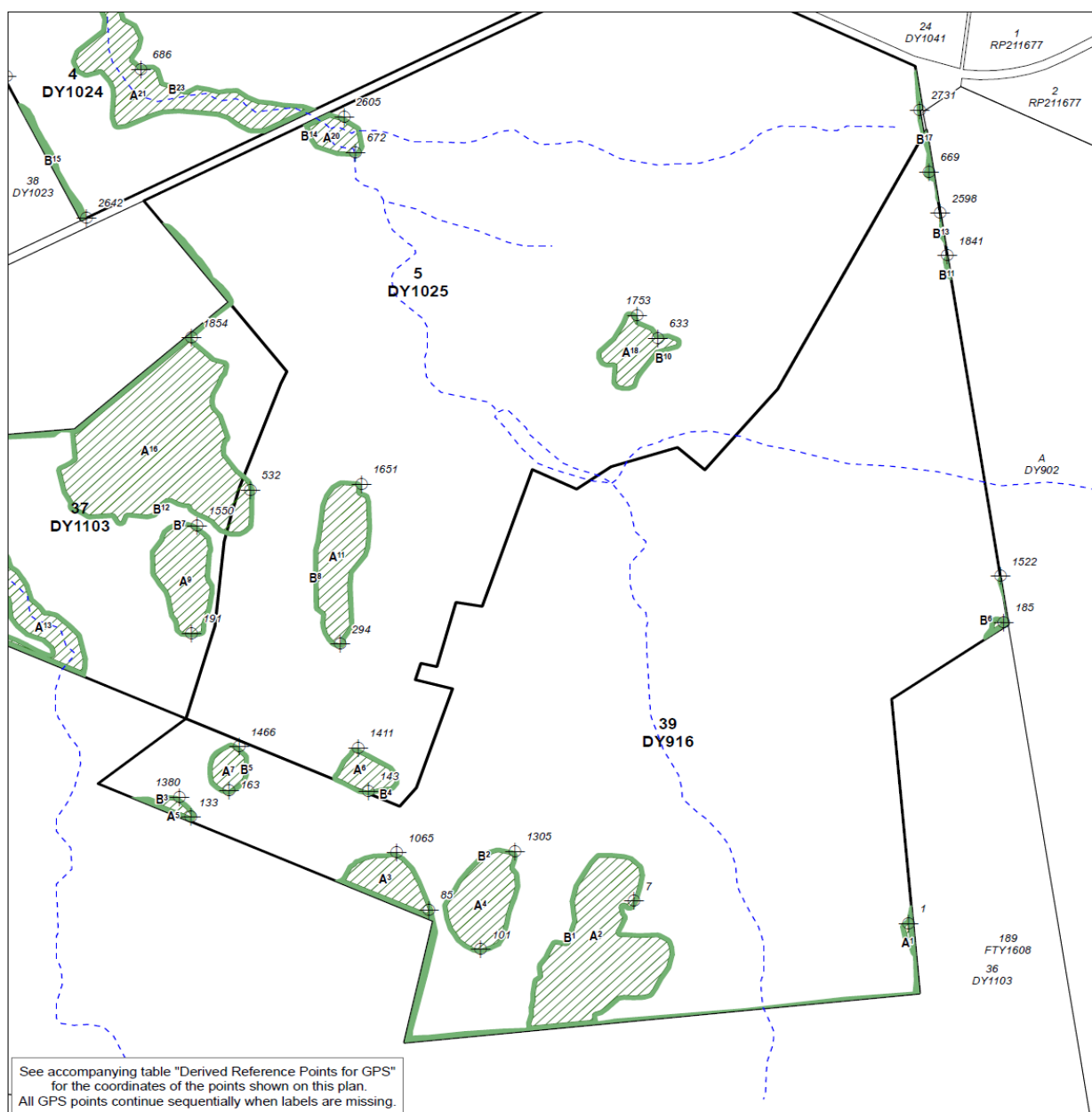
1:25000 @ A3 size
0 0.25 0.5 1 1.5 2 km
Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-011642

LEGEND Derived Reference Points for GPS Subject Lot(s) QLD DCDB Area A (Area A1 - A27) Area B (Area B1 - B32) Watercourse (Geoscience Australia)	Referral Agency Response (Vegetation) Plan Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025 <div> <div>CENTRE: TOOWOOMBA</div> <div>LOCALITY OF BULLI CREEK</div> </div> <div> <div>REGION: SOUTH</div> <div>LOCAL GOVT: TOOWOOMBA</div> </div> <div> <div>Map Reference: 9041,9042</div> <div>Compiled from: DCDB, PVMP & NRM Notes</div> </div> <div> <div>File Reference: 2014/005310</div> <div>Prepared by: JDC Date: 05 August 2014</div> </div>	N RARP SDA-0614-011642 Sheet 3 of 4
---	--	--



1:25000 @ A3 size
0 0.25 0.5 1 1.5 2 km
Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0614-01164

LEGEND Derived Reference Points for GPS Subject Lot(s) QLD DCDB Area A (Area A1 - A27) Area B (Area B1 - B32) Watercourse (Geoscience Australia)	Referral Agency Response (Vegetation) Plan Plan of Area A & B in Lot 37 on DY1103, Lot 39 on DY916, Lot 4 on DY1024 and Lot 5 on DY1025 <div> <div>CENTRE: TOOWOOMBA</div> <div>LOCALITY OF BULLI CREEK</div> </div> <div> <div>REGION: SOUTH</div> <div>LOCAL GOVT: TOOWOOMBA</div> </div> <div> <div>Map Reference: 9041,9042</div> <div>Compiled from: DCDB, PVMP & NRM Notes</div> </div> <div> <div>File Reference: 2014/005310</div> <div>Prepared by: JDC Date: 05 August 2014</div> </div>	 RARP SDA-0614-011642 Sheet 4 of 4
---	--	--