

Title: Development Application for a Material Change of Use for a Renewable Energy Facility (Solar Farm)
File Number: DA2023/02
Responsible Manager: Lynn Moore – Chief Executive Officer
Author: Gideon Genade – Town Planning Consultant

SUMMARY

Development Application Number: DA2023/02
Applicant: Ergon Energy Corporation Limited
Real Property Address: Lot 2 SP340117
Common Property Address: Selwyn Road, Boulia
Area of Site: 19.81 hectares
Planning Scheme: Boulia Shire Planning Scheme 2020 - 2024
Planning Scheme Zone: Rural Residential Zone
Planning Scheme Overlays: Flood Hazard Overlay (1% AEP)
Existing Development: Undeveloped
Approval Sought: Development Permit for a Material Change of Use for a Renewable Energy Facility (Solar Farm)
Category of Assessment: Impact Assessable Development
Submissions: Nil
Referral Agency: Nil

ATTACHMENTS

Attachment 1 – Locality Plan
Attachment 2 – Site Plan
Attachment 3 – Proposed Layout Plan
Attachment 4 – Elevations

OFFICER'S RECOMMENDATIONS

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Renewable Energy Facility (Solar Farm), made by Ergon Energy Corporation Limited, located at Selwyn Road Boulia, described as Lot 2 on SP340117, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change of Use for a Renewable Energy Facility (Solar Farm)
Reasons for Decision
a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.
Assessment Benchmarks
The development was assessed against the following assessment benchmarks: <ul style="list-style-type: none"> • Strategic Framework; • Rural Residential Zone Code; and • General Development Code
Compliance with assessment benchmarks
The development was assessed against all of the assessment benchmarks listed above and wholly complies without exception.
Relevant Matters
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.
Matters raised in submissions
The proposal was the subject of public notification between 19 February 2024 and 11 March 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.
Matters prescribed by regulation
<ul style="list-style-type: none"> • The Boulia Shie Planning Scheme 2020 - 2040); and • Central West Regional Plan 2009; • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Renewable Energy Facility (Solar Farm), made by Ergon Energy Corporation Limited, located at Selwyn Road Boulia, described as Lot 2 on SP340117, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Site Plan	Energy Queensland	23 January 2024	-	-
Proposed Layout Plan	Energy Queensland	24 January 2024	-	-
Elevations	Energy Queensland	23 January 2024	-	-

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 SUNSET CLAUSE

- 3.1 The use authorised by this development approval must cease on or before thirty (30) years from the date of the commencement of use or if the facility is not used for the generation of electricity for a continuous period of 12 months.

Following cessation of the use, all built structures and associated infrastructure must be removed, and the site rehabilitated in accordance with Condition 15. The applicant is to formally notify the Council in writing within ten (10) business days of when the following actions have occurred:

- (a) The date when the commencement of the use occurs; and
- (b) The date when the approved use ceases and site rehabilitated.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.5 A Rural Access is to be constructed in accordance with Capricorn Municipal Design Guidelines standard drawing CMDG-R-040.
- 4.6 Proposed access must be capable of providing access and maneuvering for an articulated vehicle (Austrroads – AV – 19 m). The taper must not extend beyond the boundary of the property, and there is to be adequate vehicle maneuvering areas are to be provided so that all vehicles are able to exit the site in a forward gear.
- 4.7 A Traffic Impact Assessment, including a pavement impact assessment, prepared by a suitably qualified professional must be submitted to the Council as part of the application for a Development Permit for Operational Works for approval prior to the commencement of construction.

The Traffic Impact Assessment must examine the impact of the project's construction and operational phases on the local road network. The construction phase should include traffic associated with transporting all material, plant, and labour to and from the subject site.

To the extent the Report identifies any impacts to the road infrastructure and network caused by the construction or operational phases, the applicant must carry out the works (upgrades) at no expense to the Council prior to commencing any construction. If required, the applicant must also obtain further approvals for the works identified in the Report.

5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

5.3 All access, parking and vehicle manoeuvring areas must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment.

6.0 PLUMBING AND DRAINAGE WORKS

6.1 All sewerage generated from approved buildings shall be treated and disposed of using on-site methods. The on-site treatment and disposal shall comply with AS1547:2012 On-Site Domestic Wastewater Management and the Queensland Plumbing and Wastewater Code 2011.

6.2 The on-site sewerage treatment and disposal system must not be located within any watercourse or conflict with the separation distance, as detailed in the *Queensland Plumbing and Wastewater Code 2011*.

6.3 The on-site treatment and disposal system must be designed, installed and managed to reduce the risk of impact on human health and the environment resulting from contact of floodwaters with domestic wastewater.

6.4 The on-site treatment and disposal system shall be designed in compliance with a report by an On-site Sewerage Evaluator.

7.0 STORMWATER WORKS

7.1 A Development Permit for Operational Works (stormwater works) may be required prior to the commencement of any stormwater works required by this development approval.

7.2 A Stormwater Management Plan prepared by a suitably qualified professional must be submitted to the Council as part of the application for a Development Permit for Operational Works for approval prior to the commencement of construction.

7.3 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions. Documentation is to be included in the Environmental Management Plan.

7.6 Fencing across overland flow paths must be avoided unless provision is made for the conveyance of flow.

8.0 SITE WORKS

8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 ELECTRICITY

9.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

9.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) fauna management;
 - (iv) vegetation management and clearing;
 - (v) top soil management;
 - (vi) interim drainage plan during construction;
 - (vii) construction programme;
 - (viii) geotechnical issues;
 - (ix) weed control;
 - (x) bushfire management;
 - (xi) emergency vehicle access;
 - (xii) noise and dust suppression; and
 - (xiii) waste management.
- 11.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan (To be included in the Environmental Management Plan) that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post-construction phases of work.
- 11.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

11.4 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

12.0 ENVIRONMENTAL HEALTH

12.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

12.2 Construction work that makes or causes audible noise must only be carried out on site on Mondays through to Saturdays between the hours of 6:30 am and 6:30 pm. Any construction work outside of these hours, including Sundays and public holidays must have the prior written approval of the Chief Executive Officer, or delegate

12.3 Noise emitted from the activity must not cause an environmental nuisance.

12.4 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

12.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to the Council within fourteen (14) days of the completion of the investigation.

12.6 Where a vehicle washdown/inspection site is required on site in the future, full details of the facility including environmental controls will be required to be submitted to Council for consideration and assessment prior to instalment.

13.0 OPERATING PROCEDURES

13.1 All traffic associated with the construction, operational and decommissioning phases of the project must utilise the following transport routes:

13.1.1 Traffic from the North (Mount Isa): Boulia Mount Isa Highway, Diamantina Street, onto Selwyn Road.

13.1.2 Traffic from the East (Winton): Winton Road/Goodwood Road, Herbert Street, Hamilton Street, Diamantina Street onto Selwyn Road.

13.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within any streets.

13.3 All waste storage areas must be:

13.3.1 kept in a clean and tidy condition; and

13.3.2 maintained in accordance with *Environmental Protection Regulation 2008*.

14.0 CONSTRUCTION MANAGEMENT PLAN

14.1 The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan prepared by a suitably qualified professional and endorsed by the Council for approval prior to the commencement of construction. In particular, the Construction Management Plan should address the following:

(a) a Traffic Management Control Plan:

- (i) detailing all temporary signage and traffic control measures prior to construction; and
 - (iii) proposed fencing to the site during the construction phase of the development.
- (b) maintenance and protection of water quality and drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures.
 - (c) works programme identifying key components of the works and their respective durations. Advisory note: this should include anticipated staging for bulk earthworks, construction works program and any requirements for temporary structures such demountable buildings directly associated with the construction activities.
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager; and
 - (ii) dispute resolution procedures.
 - (f) A pre and Post Construction Dilapidation Survey and Report, prepared by a suitably qualified professional, must be submitted to the Council for approval prior to the commencement of construction. The survey is to involve the approved transport route (road network) to the project site. To the extent the Report identifies any impacts to the road network caused by the construction phase, repair works to reinstate the road network to at least its pre-construction condition must be carried out by the Applicant at no expense to Council. Further approvals, if required, for the repair works identified in the Report must be obtained by the Applicant.
 - (g) statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies.

15.0 REHABILITATION AND EXIT PLAN

- 15.1 Prior to the commencement of the use, submit to Council for approval a Decommissioning and Rehabilitation Management Plan prepared by a suitably qualified professional. The plan must include, but is not limited to:
 - i. Identification of structures, including but not limited to, all infrastructure, panels, footings and structures associated with the Renewable Energy Facility (Solar Farm), and how they will be removed.
 - ii. Measures to reduce impacts of the development on the environment and the surrounding land uses.
 - iii. Details of how the land will be rehabilitated back to its pre-development condition, including slope and soil profile.
- 15.2 At or before 12 months prior to the cessation of the use, Submit to Council an updated Decommissioning and Rehabilitation Management Plan prepared and certified by a suitably qualified professional in the event of any changed circumstances, if required.
- 15.3 Decommissioning and rehabilitation must be carried out in accordance with the approved Decommissioning and Rehabilitation Management Plan, submitted under Condition 15.1 or 15.2, within 12 months from when the development ceases, as stated in Condition 3, unless otherwise agreed with by Council.

- 15.4 A Pre and Post Decommissioning Dilapidation Survey and Report, prepared by a suitably qualified professional must be submitted to Council for approval after decommissioning the works. The survey is to involve the approved transport route (road network) to the project site. To the extent the Report identifies any impacts to the road network caused by the decommissioning phase, repair works to reinstate the road network to at least its pre-decommissioning condition must be carried out by the Applicant at no expense to Council and within 18 months of the site being decommissioned. Further approvals, if required, for the repair of works identified in the Report must be obtained by the Applicant.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Renewable Energy Facility (Solar Farm), made by Ergon Energy Corporation Limited, located at Selwyn Road Boulia, described as Lot 2 on SP340117, Council resolves not to issue an Infrastructure Charges Notice.

SITE AND LOCALITY

The site is located at Selwyn Road, formally described as Lot 2 on SP340117, is a rectangular-shaped lot with a total site area of 19.81ha (see **Figure 1**). The site is unimproved with scattered vegetation.

The subject site is immediately bound by:

- North – Rural land (Rural Zone)
- East– Vacant land (Rural Residential Zone / Township Zone (Industrial Precinct) and Selwyn Road
- South – Rural land (Rural Zone)
- West – Rural land (Rural Zone)

The wider area is characterised by large rural land holdings, with the Boulia township located to the south.

PROPOSAL

Overview

The application seeks a Development Permit for a Material Change of Use for a Renewable Energy Facility (Solar Farm) over the northeastern (rear) portion of the subject site.

Specifically, the proposal is to establish a solar farm that will supply 50% of Boulia's electricity from solar power. The project includes establishing a centralised 1700kW solar photovoltaic (PV) installation and 150kWh of grid-forming energy storage.

A 6m wide access road along the northeastern property boundary will provide vehicle access from Selwyn Road to the proposed 1.59ha solar farm compound. Onsite infrastructure will include solar panel raking, which will have an overall height of approximately 2.35m, and supporting buildings and structures (control buildings, battery energy storage system, and associated pad-mount transformers etc.) with an approximate building height of 4.8m.

A security fence will be installed around the facility's parameters, with additional security fencing around high-voltage and critical infrastructure.

The development footprint, including operational and structural components, is located at the rear of the site, in excess of 700m from the road frontage. The solar panel infrastructure will be set back approximately 11.6m from the NE property boundary.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

TOWN PLANNING COMMENTS

State Planning Policy 2017

Section 2.1 of Boulia Shire Planning Scheme 2020-2040 noted the State Planning Policy 2017 is integrated into the planning scheme. The State planning interests are therefore addressed

as part of this assessment of the development against the Boulia Shire Planning Scheme 2020-2040.

Central West Regional Plan 2009

The Central West Regional Plan 2009 is a statutory document which came into effect in September 2009. The Regional Plan is identified as being appropriately integrated with the Planning Scheme, and therefore, an assessment against the Planning Scheme is taken to be an assessment against the Central West Regional Plan 2009.

Rockhampton Region Planning Scheme 2015

Strategic framework

The subject site is situated within the Non-Urban Land (Rural Residential) designation under the scheme's strategic framework map. The strategic framework themes and their strategic intent statements, as identified within Part 3 of the Boulia Shire Planning Scheme 2020-2040, are applicable:

- Encouraging Economic Growth
- Facilitating smart growth for rural and town living environments
- Avoiding and mitigating the risks of natural hazards and human hazardous activities
- Safeguarding our environment and heritage
- Providing adequate and appropriate connected infrastructure.

An assessment of the proposal demonstrates that the development will not compromise the Boulia Shire Planning Scheme 2020-2040 strategic intent statements.

Rural Residential Zone

The subject site is within the Rural Residential Zone under the Boulia Shire Planning Scheme 2020-2040. The purpose of the Rural Residential Zone identifies that: -

"Rural residential zone code is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services."

The overall intent further states that: -

"(7) Non-residential uses may be appropriate where such uses provide for the day-to-day needs of the area or have a direct relationship to the land."

"(8) Development responds to land constraints including topography, bushfire and flooding."

The proposal is for a renewable energy facility to provide the necessary electrical infrastructure to service the local area and community. This application is consistent with the purpose of the Zone.

Boulia Shire Planning Scheme Codes

The following codes are applicable to this application:

- Rural Residential Zone Code;
- General Development Code

Based on a performance assessment of the abovementioned codes, the proposal is acceptable and complies with the relevant Acceptable Outcomes and Performance Outcomes.

INFRASTRUCTURE CHARGES

The Adopted Infrastructure Charge Resolution (August 2015) for non-residential development applies to the application. A Renewable Energy Facility falls within the ambit of the "Other Uses" category under the AICR, for which the Council has the discretion to decide the applicable infrastructure charges at the time of assessment. As the proposed development does not have access to the Council's reticulated infrastructure services and does not increase the demand on the Council's infrastructure networks, the Council has decided not to levy infrastructure charges for the proposed development.

CONSULTATION

The proposal was the subject of public notification between 19 February 2024 and 11 March 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and NIL submissions were received.

REFERRALS

The application did not trigger any referrals.

CONCLUSION

THAT the proposed development is not anticipated to compromise the Strategic Framework of Bouliia Shire Planning Scheme 2020-2040. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is, therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

Prepared by:

Gideon Genade

PLANNING CONSULTANT

Date: 23/04/2024

Report reviewed by:

Lynn Moore

CHIEF EXECUTIVE OFFICER

Date:

Approved under Council Resolution:

ORDINARY COUNCIL MEETING

Date:



LOCALITY PLAN

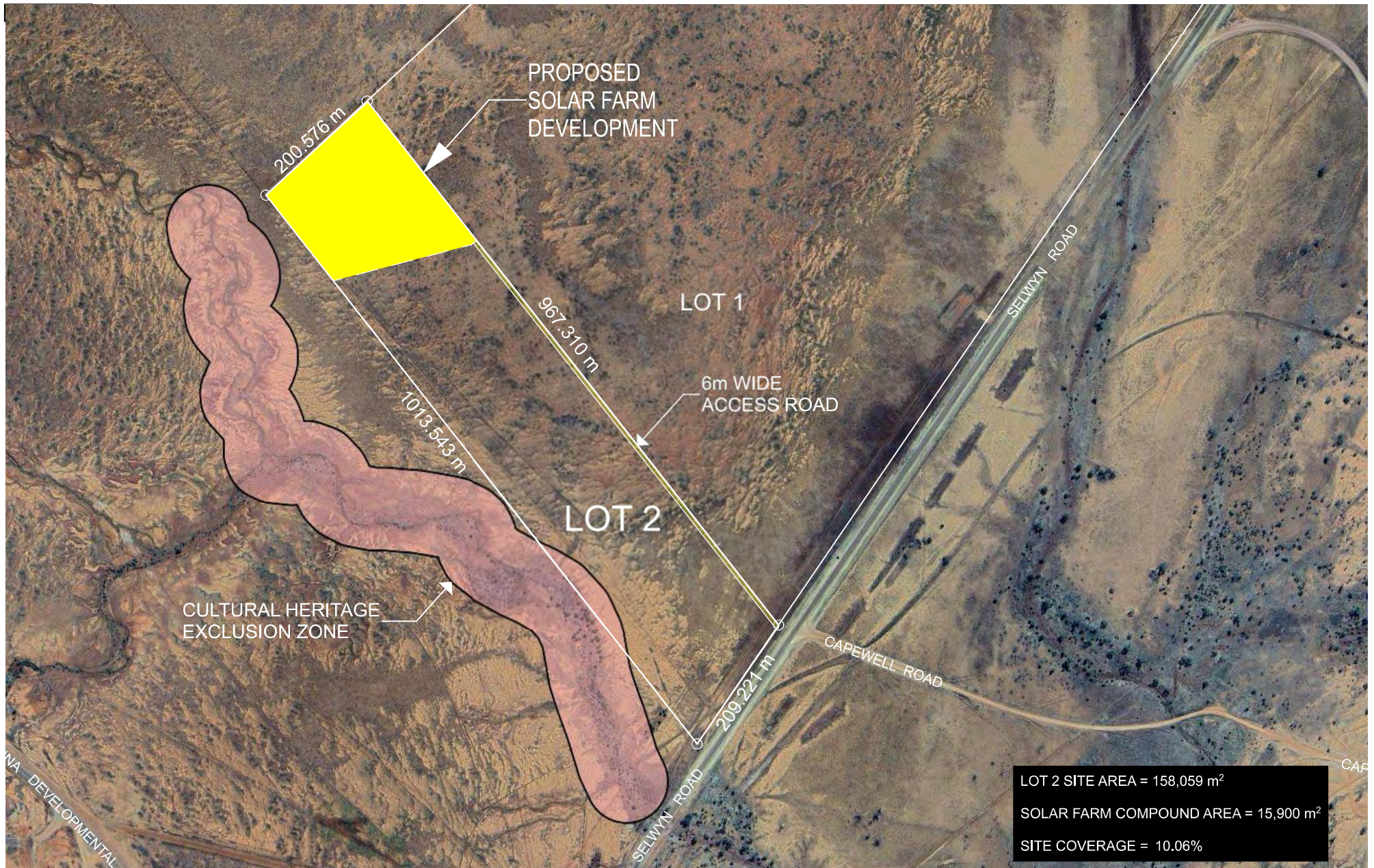
BOULIA SOLAR FARM
LOT 2 SP340117

plot date: Tuesday, 23 January 2024

DA100A

1:12500 @ A3





SITE PLAN

BOULIA SOLAR FARM
LOT 2 SP340117
 plot date: Tuesday, 23 January 2024

DA101A

1:5000 @ A3





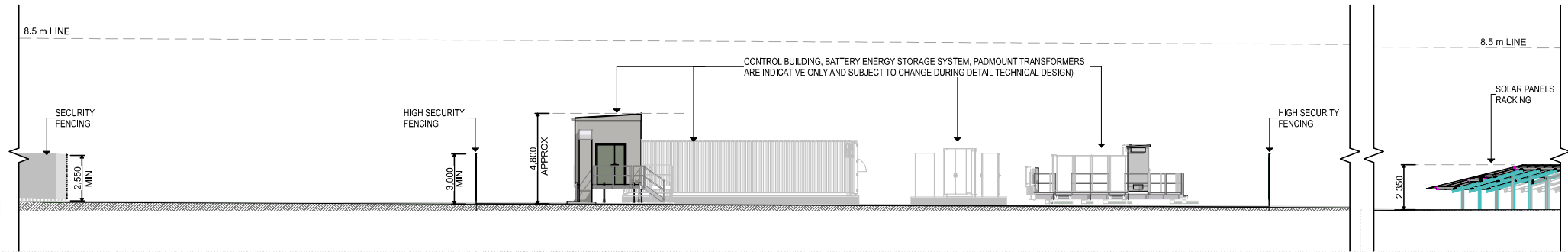
PROPOSED LAYOUT PLAN

BOULIA SOLAR FARM
LOT 2 SP340117
 plot date: Wednesday, 24 January 2024

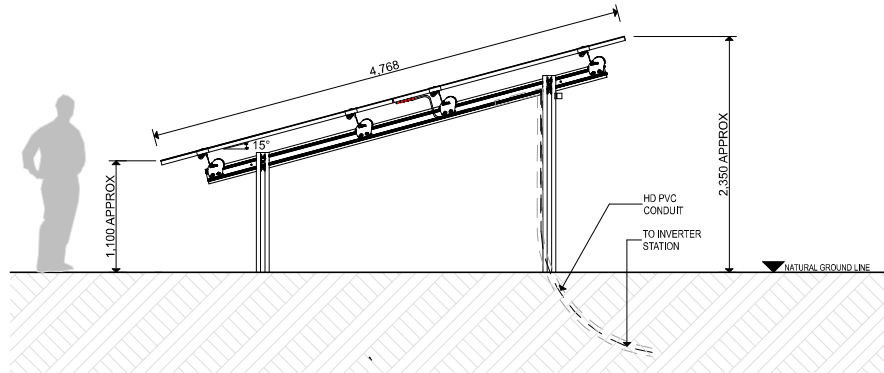
DA102A

1:1000 @ A3





1 ELEVATION A - EQUIPMENT YARD
1:200



2 ELEVATION B - SOLAR PANEL RACKING
1:50

NOTE

- Security lighting will be provided to the buildings only
- Substation standard security fence with a minimum height of 2550mm will be provided around the perimeter of the solar farm.
- HV enclosures and critical infrastructure, including the control building, shall be contained by high security fencing comprising of palisade or industrial spear top style fencing designed in accordance with AS1170 to a minimum total height of 3000mm.



ELEVATIONS

BOULIA SOLAR FARM
LOT 2 SP340117
plot date: Tuesday, 23 January 2024

DA201A

1:200, 1:50 @ A3