

Our ref: MC18/2775

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

20 JUL 2018

Access refused under section 47(3)(

Email: Access refused under section 47(3)(b) of the

Dear Access refuse

I refer to your emails of 11 March and 26 April 2018 to the Honourable Annastacia Palaszczuk MP, Premier and Minister for Trade about the Mount Emerald wind farm. Your correspondence was referred to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning for consideration and response. The Minister has asked that I respond on his behalf.

I appreciate your concerns regarding the potential impacts of the wind farm on your health and the health of your staff, and thank you for your commitment to gathering background noise data. Ensuring that the project complies with all conditions of the ministerial approval, including noise levels, is very important.

When deciding to approve the wind farm, the former Planning Minister took into account expert advice regarding the potential noise impacts. Based on this advice, strict conditions regulating noise levels from the wind farm were imposed, as well as a condition requiring all wind turbines to be located a minimum of 1,500 metres from defined sensitive land uses. Sensitive land uses include your dwelling, but not the grounds surrounding your dwelling.

The noise levels imposed were consistent with the noise levels in the then draft Wind Farm State Code and its associated draft planning guideline. These took effect on 22 July 2016 and are currently used to assess new applications for wind farms throughout Queensland. The preparation of the code and guideline was also based on expert advice, a review of recent and emerging research, national and international standards in best practice, extensive consultation with community and key stakeholders, and with the support of Queensland's Chief Health Officer.

Although the application was code assessable and did not require public notification, the former Planning Minister considered it important that the community was kept informed at each stage of the project, and included a condition requiring Ratch to submit a Community Engagement Strategy. This strategy includes the opportunity for the community to register any complaints or concerns through a Complaints Management Plan/Register, and requires Ratch to record how these complaints are addressed.

I encourage you to continue raising any complaints with Ratch directly through this process or, as you are aware, raise concerns you may have about the project's compliance with the conditions of the ministerial approval, now or in the future, with the Mareeba Shire Council.

If you require further information, please contact [REDACTED] Director, Development Assessment Division, Department of State Development, Manufacturing, Infrastructure and Planning, on [REDACTED] who will be pleased to assist.

Yours sincerely



Rachel Hunter  
**Director-General**



Our ref: OUT17/1920

5 April 2017

Access refused under section 47(

Email: Access refused under section 47(3)(b) of the

Dear Access refused

Thank you for taking the time to share your concerns about the Mt Emerald wind farm with your local Member of Parliament (MP), Mr Shane Knuth MP.

Mr Knuth recently had an opportunity to meet with representatives from the office of the Honourable Jackie Trad MP, Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning, as well as myself to discuss a range of matters in relation to the Mt Emerald wind farm.

As you are aware, the Minister's amended decision notice for the project, issued on 31 January 2017, contained conditions requiring a range of construction management related matters to be addressed by the proponent prior to commencing construction.

At the meeting, Mr Knuth was advised that the Department of Infrastructure, Local Government and Planning (the department) recently received a suite of documents from the proponent responding to requirements of the conditions of approval.

The following new documents have been provided in response to requirements of certain conditions:

- Turbine location and development footprint plan
- Noise assessment report
- Shadow flicker assessment report
- Construction traffic management plan
- Environmental management plan
- Community engagement strategy.

Given your relationship to the project, I am taking the opportunity to provide you with hard copies of these reports and documents for your information. Electronic copies of this and other material relating to the Mt Emerald Ministerial decision are now available on the department's web site at:

<http://www.dilgp.qld.gov.au/planning/development-assessment/ministerial-call-in.html>

I would also like to confirm that, notwithstanding that the Minister made the decision to conditionally approve the development, the responsibility for compliance and enforcement of the conditions of approval now rests with the Mareeba Shire Council (the Council). Given the new documents you have been provided with, any concerns you may have about the project's construction relative to the approval conditions need to be taken up with the Council.

If you require further information, I encourage you to contact [REDACTED] Director, Development Assessment Division in the department, on [REDACTED] or by email at [REDACTED]

Yours sincerely

[REDACTED]

**STEVE CONNER**  
**Executive Director – Development Assessment Division**  
**Department of Infrastructure, Local Government and Planning**

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 23 November 2016 5:30 PM  
**To:** [REDACTED]  
**Subject:** File note: Telephone discussion with [REDACTED] Access refused un

**Subject: Concerns about the Mt Emerald Wind Farm (MEWF)**

Access refused telephoned me at 2:08pm today to raise concerns regarding MEWF's proposal to use 3.4MW wind turbines instead of 3MW wind turbines. Access refused under section 47(3)(b) of the RTI Act.

Access refused

The telephone conversation went for some time (approximately 40 mins) and covered the following topics:

What is the Government to do in relation to the proposed use of 3.4MW wind turbines

- I advised that the Ministerial approval did not regulate the type of wind turbines
- I also advised that the Ministerial approval:
  - o regulated the maximum number, location, setback and maximum height of the wind turbines
  - o prescribed maximum noise levels for equivalent (dB(A)) and low frequency noise levels (dB(C))
  - o required the operator to undertake a compliance noise assessment report within 12 months of operation
- I also advised that the conditions were set to ensure the amenity of residences were protected

As she is unable to sell her property, what will the Government do to compensate her

- I advised that I was unable respond to this concern and that she is entitled to seek professional advice
- Access refused confirmed that she was indeed seeking such advice

Will the Government provide alternative accommodation when she make a complaint about noise

- I advised that if a complaint is made, compliance action would be taken if it is proven that noise levels from the wind farm exceed the levels within the Ministerial approval
- In this instance, the Mareeba Shire Council would be the regulating authority (which I neglected to confirm with Access refused)
- With respect to the provision of alternative accommodation, I advised that alternative accommodation will not be provided and that the focus would be on ensuring the wind farm operates within the limits of the Ministerial approval

What will the Government do if her domestic pets become ill from the wind farm

- I advised that I was unable respond to this concern and that the focus would be on ensuring the wind farm operates within the limits of the Ministerial approval

Access refused under section 47(3)(b) of the RTI Act.

Access refused under section 47(3)(b) of the RTI Act. I reiterated that the Ministerial approval contained conditions recommended by an acoustic expert and that they were as a result of significant consultation with the Department of Environment and Heritage Protection. I also reiterated that the 1,500 metre setback of any turbine from any existing dwelling is in line with advice from the National Health and Medical Research Council and Queensland Health's Chief Health Officer.

Access refused under section 47(3)(b) of the RTI Act.

Access refused under section 47(3)(b) of the RTI Act. I did reiterate that I was happy to continue to respond to her concerns.

[Redacted]  
**A/Executive Director**

Planning & Development Services | Brisbane  
Department of Infrastructure, Local Government and Planning  
Level 13, 1 William Street, Brisbane QLD 4000

**Customers first** | **Ideas into action** | **Unleash potential** | **Be courageous** | **Empower people**

Department of Infrastructure, Local Government and Planning

We're a paperlite organisation.  
Please consider the environment – think before you print.

WORKING AS **ONE** William Street





[Redacted]  

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**From:** [Redacted]  
**Sent:** Thursday, 4 December 2014 11:03 AM  
**To:** [Redacted] Access refused under section 47(3)(b) of the RTI Act  
**Subject:** RE: Re Mt Emerald Wind Farm

Dear [Redacted] Access refused

Thank you for your email.

I can advise that the Deputy Premier, Minister for State Development, Infrastructure and Planning has not made a decision on the Mount Emerald Wind Farm development application.

Your contact details have been included on the mailing list for the call in and you will receive notice once a decision has been made.

Kind regards

[Redacted]  
Senior Planner  
**Department of State Development, Infrastructure and Planning**  
post PO Box 15009 City East Qld 4002  
visit Level 5, 63 George Street, Brisbane  
email [Redacted]  
[www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au)



**Great State. Great Opportunity. And a plan for the future.**

Please consider the environment before printing this email

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**From:** [Redacted] Access refused under section 47(3)(b) of the RTI Act.  
**Sent:** Wednesday, 26 November 2014 4:56 PM  
**Subject:** Re Mt Emerald Wind Farm

Hello Dsdip

I have an enquiry regarding the Mt Emerald Wind Farm.

If it has not yet been approved, why are contractors being invited to tender, and have them around town organising supplies for the build.

As a seriously impacted neighbour I require an urgent answer to this prior to going public with it.

[Redacted] Access refused under section 47

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 5:30 PM  
**To:** [REDACTED]  
**Subject:** FW: Mt Emerald

[REDACTED] – Please save this to the Source.

Thanks,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning

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**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 5:29 PM  
**To:** [Access refused under section 47(3)(b) of the RTI Act]  
**Subject:** RE: Mt Emerald

Hello again [Access refused under section 47(3)(b) of the RTI Act]

The department has always made available a decision notice once the Planning Minister makes a decision on a call in. However, when a Planning Minister makes a decision on a request for a permissible change, the distribution of an amended decision notice would not occur until it is tabled in Parliament.

As discussed with you, I'm being guided but what has been done in the past.

Regards,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning

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**From:** [Access refused under section 47(3)(b) of the RTI Act]  
**Sent:** Wednesday, 20 January 2016 3:58 PM  
**To:** Adam Yem  
**Subject:** Re: Mt Emerald

One more question please.

Why were you able to provide a copy of the last decision notice of April 2015 almost immediately afterwards, and before it was tabled in Parliament in September 2015

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 20, 2016 2:25 PM  
**To:** [Access refused under section 47(3)(b) of the RTI Act]  
**Subject:** RE: Mt Emerald

Good afternoon [Access refused under section 47(3)(b) of the RTI Act]

I'm unable to provide you with a copy of the amended decision notice until the Deputy Premier has tabled the decision in the department, which I expect will occur during the first parliamentary sittings this year (16 – 18 February 2016).

Would you like me to email you a copy of the amended decision notice when the Deputy Premier tables the decision?

Regards,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning  
[REDACTED]

---

**From:** Access refused under section 47(3)(b) of the RTI Act.  
**Sent:** Wednesday, 20 January 2016 12:12 PM  
**To:** [REDACTED]  
**Subject:** Mt Emerald

Hello [REDACTED]

I have not yet received the final permissible changes to the development application that I urgently seek. Could you please forward these to me today, and I know that [REDACTED] is also requesting a copy of the final outcome.

Thank you

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 5:35 PM  
**To:** [REDACTED]  
**Subject:** FW: Mt Emerald

[REDACTED] – Can you also please save this to the Source.

Thanks,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 5:34 PM  
**To:** [Access refused und]  
**Subject:** RE: Mt Emerald

[Access ref] – just to clarify, the amended decision notice [requires](#) all wind turbines must be setback 1,500 metres from all existing and approved dwellings at the date of the original approval.

Cheers,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 5:32 PM  
**To:** [Access refused und]  
**Subject:** RE: Mt Emerald

Hello again [Access re]

The Department did not agree with the applicant's request relating to "non-participant dwellings" and all wind turbines must be setback 1,500 metres from all existing and approved dwellings at the date of the original approval.

Regards,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning

[REDACTED]

---

**From:** [Access refused under section 47(3)(b) of the RTI Act.]  
**Sent:** Wednesday, 20 January 2016 2:47 PM  
**To:** [REDACTED]  
**Subject:** Re: Mt Emerald

Yes please.



Could you please let me know the outcome of “non-involved participants” if I can remember the wording.

If there are any other details you can inform me on I would appreciate it.

Access refused unde

**From:** [redacted]  
**Sent:** Wednesday, January 20, 2016 2:25 PM  
**To:** Access refused und  
**Subject:** RE: Mt Emerald

Good afternoon [redacted]

I'm unable to provide you with a copy of the amended decision notice until the Deputy Premier has tabled the decision in the department, which I expect will occur during the first parliamentary sittings this year (16 – 18 February 2016).

Would you like me to email you a copy of the amended decision notice when the Deputy Premier tables the decision?

Regards,

[redacted]  
**Director**  
Department of Infrastructure, Local Government and Planning

---

**From:** Access refused under section 47(3)(b) of the RTI Act.  
**Sent:** Wednesday, 20 January 2016 12:12 PM  
**To:** [redacted]  
**Subject:** Mt Emerald

Hello [redacted]

I have not yet received the final permissible changes to the development application that I urgently seek. Could you please forward these to me today, and I know that [redacted] is also requesting a copy of the final outcome.

Thank you

Access refused unde

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 4:23 PM  
**To:** [REDACTED]  
**Subject:** FW: Mt Emerald

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello [REDACTED] – Can you please Source this email.

Thanks,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 January 2016 2:25 PM  
**To:** [REDACTED] Access refused und  
**Subject:** RE: Mt Emerald

Good afternoon [REDACTED] Access ref

I'm unable to provide you with a copy of the amended decision notice until the Deputy Premier has tabled the decision in the department, which I expect will occur during the first parliamentary sittings this year (16 – 18 February 2016).

Would you like me to email you a copy of the amended decision notice when the Deputy Premier tables the decision?

Regards,

[REDACTED]  
**Director**  
Department of Infrastructure, Local Government and Planning  
[REDACTED]

---

**From:** [REDACTED] Access refused under section 47(3)(b) of the RTI Act.  
**Sent:** Wednesday, 20 January 2016 12:12 PM  
**To:** [REDACTED]  
**Subject:** Mt Emerald

Hello [REDACTED]

I have not yet received the final permissible changes to the development application that I urgently seek. Could you please forward these to me today, and I know that [REDACTED] Access is also requesting a copy of the final outcome.

Thank you

[REDACTED] Access refused under s



7 February 2018

State Assessment Referral Agency  
Far North Queensland Regional Office  
PO Box 2358  
CAIRNS QLD 4870

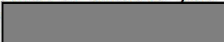
By email: CairnsSARA@dilgp.qld.gov.au

Dear Sir / Madam,

**RE: REQUEST TO CHANGE DEVELOPMENT APPROVAL PURSUANT TO SECTION 78 OF THE PLANNING ACT 2016; MOUNT EMERALD WIND FARM, ARRIGA.**

We write in reference to the Decision Notice to approve the Mount Emerald Wind Farm project, subject to conditions, on 24 April 2015 and subsequently amended under a permissible change on 31 January 2017.

In accordance with Section 78 (3) (bb) of the Planning Act 2016, we are making a request to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm, Arriga.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact myself or  on the numbers below.

Yours sincerely,



**RATCH-Australia Corporation**

A Ratchaburi Holdings and Transfield Services Company

Level 7, 111 Pacific Highway  
North Sydney NSW 2060  
PO Box 1058  
North Sydney NSW 2060  
Telephone: +61 2 8913 9400  
Facsimile: +61 2 8913 9423  
[www.ratchaustralia.com](http://www.ratchaustralia.com)





7 February 2018

The Honourable Jackie Trad MP  
Deputy Premier  
Minister for Infrastructure, Local Government and Planning  
Minister for Trade and Investment  
PO Box 15009  
CITY EAST QLD 4002

By email:  
cc



Dear Madam,

**RE: REQUEST TO CHANGE DEVELOPMENT APPROVAL PURSUANT TO SECTION 78 OF THE PLANNING ACT 2016; MOUNT EMERALD WIND FARM, ARRIGA.**

We write in reference to the Decision Notice to approve the Mount Emerald Wind Farm project, subject to conditions, on 24 April 2015 and subsequently amended under a permissible change on 31 January 2017.

In accordance with Section 78 (3) (bb) of the Planning Act 2016, we are making a request to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm, Arriga.

The requested change concerns the following Conditions of the Decision Notice:

**Location and Design**

**Condition 2** of the Decision Notice requires a Turbine Location and Development Footprint Plan to be submitted to the chief executive administering SPA, to identify the final position of all the proposed turbines; and the operations and maintenance depots.

It is noted, within **Condition 2** there is a micro-siting allowance of 100 metres for the location of turbines identified in approved plan *Mount Emerald Wind Farm Turbine Location and Development Footprint*.

Currently the project is under construction and as such some aspects of layout and design are being optimised to on-site conditions and to minimise impacts where possible as required under the Construction Environmental Management Plan (CEMP). Through this optimisation process, a modification to the location of one of the turbines has been proposed which exceeds the micro-siting allowance.

The modification relates to the location of a single turbine. It is recognised the numbering of the turbines was amended prior to the commencement of construction, with the relevant turbine originally known as WTG#39, and subsequently re-numbered to WTG#33. With reference to the information provided, the turbine is identified as;

- WTG#39 – as shown in *Mount Emerald Wind Farm Turbine Location and Development Footprint* as Plan/Document number PR100246-170 Issue A, dated 18-11-2013. As noted in Condition 1, Table 1.
- WTG#33 - as shown in *Mount Emerald Wind Farm Turbine Location and Development Footprint* as Plan/Document number WAD141161-SK01-D, dated 26-11-2016. This document was submitted to the chief executive administering SPA, prior to the commencement of construction, as required by provisions of Condition 2.

The reasoning for the modification to the location of this turbine includes;

- Constructability – the turbine is located in an area of steep terrain and civil works needed to build the access road, hardstand and foundation would be quite significant. A revised location would not only reduce the length of access road but substantially reduce the amount of cut/fill earthworks needed to locate the road, hardstand and foundation.



**RATCH-Australia Corporation**

A Ratchaburi Holdings and Transfield Services Company

Level 7, 111 Pacific Highway  
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Facsimile: +61 2 8913 9423  
www.ratchaustralia.com

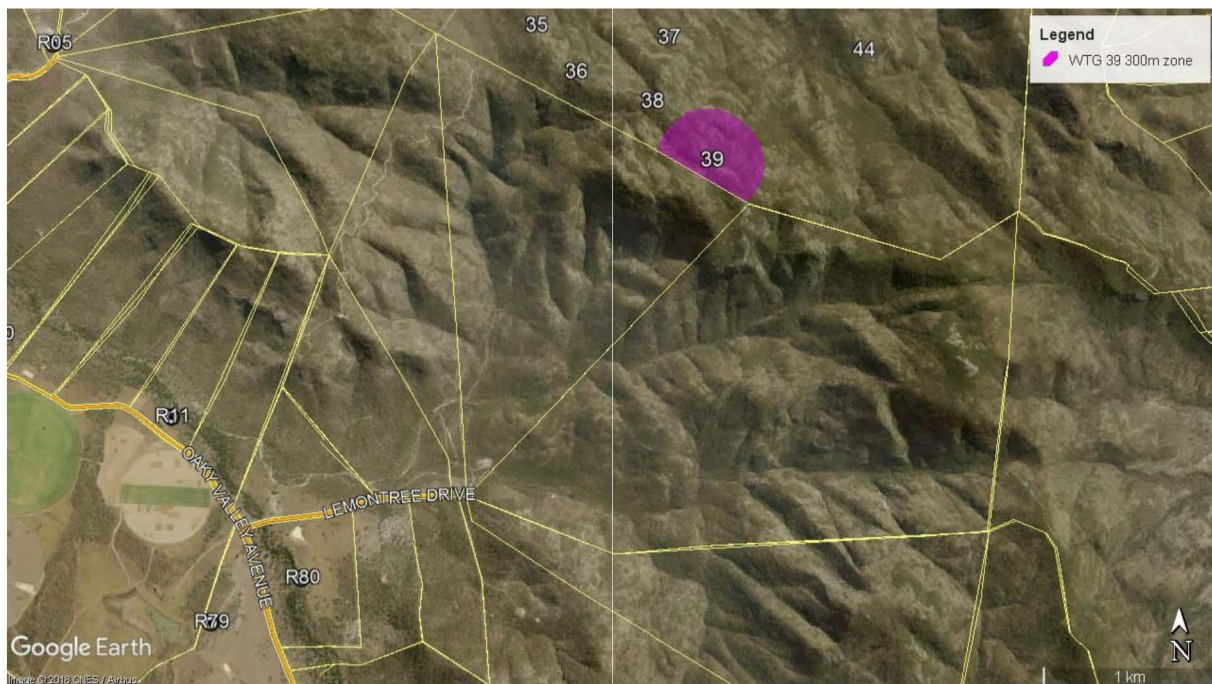


- Environmental – the modification would allow for direct avoidance of a known population of a significant plant species (*grevillea glossadenia* and *homoranthus porteri*) as stated in the CEMP, and the associated reduction in disturbance area would also reduce general habitat impacts for other species such as the Nothern Quoll. Further, the avoidance of steeper terrain would reduce risks associated with erosion and sediment control.
- Visibility – any reduction in the amount of cut/fill earthworks associated with the modification will also reduce the visual impact the construction will have in this area.
- Heritage – the modification will allow for a reduction in the risk of potential disturbance to a known area of indigenous heritage which is located in proximity to the proposed earthworks.

It is proposed to change the definition of Micro-siting within **Condition 2** to;

*Micro-siting means an alteration to the siting of a turbine by not more than 100 metres beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013. Except for the turbine identified as WTG#39, which may be altered by not more than 300m beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.*

It is recognised the change in location of turbine WTG#39 may have some impacts on other Conditions of Approval, thus a summary of the expected outcomes is shown in the table below. It is also noted the available zone for micro-siting of this turbine is restricted by its proximity to the subject property boundary (Lot 7 SP235244). A move in a north-westerly direction is considered most likely, given the nature of the topography in the specific location.



Condition	Outcome
1	No change
2	Change to the definition of Micro-siting
3	i. No change - proposed number of turbines to be installed remains at 53 ii. minimum setback of 1,500m not breached. The distance between the closest dwellings to the modified (worst case) location of WTG#39 are; R11 – 3,575m before; 3,325m after (if moved to the closest point) R80 – 3,471m before; 3,299m after (if moved to the closest point)



	iii. No change iv. No change - overall maximum height remains below 1,179.5m v. No change - hub heights not changed vi. No change
4	No change
5	Given the distance between the turbine and receptors (>3,000m), no measurable change to noise levels is expected.
6	Given the distance between the turbine and receptors (>3,000m), no measurable change to shadow flicker is expected.
7	No change
8	No change
9	No change
10	No change
11	No change
12	No change
13	No change

In support of this request, to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm, please find enclosed:

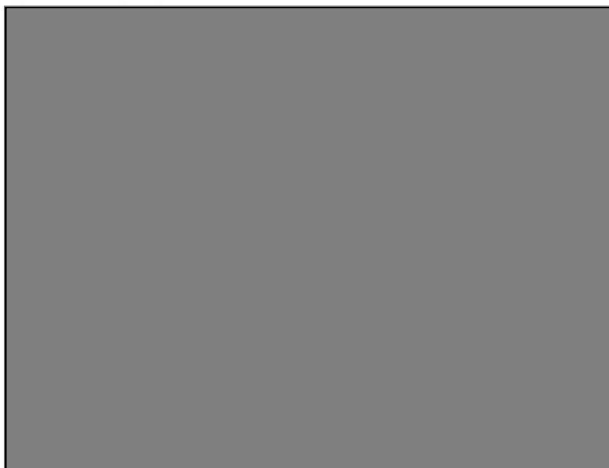
- Receipt for \$1,564, being the relevant application fee;
- Owner's Consent Form;
- *Mount Emerald Wind Farm Turbine Location and Development Footprint Plan/Document number PR100246-170 Issue A, dated 18-11-2013;*
- *Mount Emerald Wind Farm Turbine Location and Development Footprint Plan/Document number WAD141161-SK01-D, dated 26-11-2016.*

Please note that a copy of the request has been provided to:

- Mareeba Shire Council, as the Assessment Manager for the application;
- State Assessment Referral Agency (SARA).

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact myself or [redacted] on the numbers below.

Yours sincerely,





# Change application form

**Planning Act Form 5 (version 1.0 effective 3 July 2017) made under Section 282 of the Planning Act 2016.**

This form is to be used for a change an 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) <i>(individual or company full name)</i>	Mount Emerald Wind Farm Pty Ltd
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	
Suburb	
State	
Postcode	
Country	
Email address <i>(non-mandatory)</i>	
Mobile number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	

2) Owner's consent - Is written consent of the owner required for this change application?	
<b>Note:</b> section 79(1)(b)(iii) 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 – proceed to 3) in Part 2	

## PART 2 – RESPONSIBLE ENTITY DETAILS

3) Identify the responsible entity that will be assessing this change application	
<b>Note:</b> see section 78(3) of the <i>Planning Act 2016</i>	
The Minister under section 78 (3) (bb)	

## PART 3 – CHANGE DETAILS

4) 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	MBN14/753	24-04-2015	Minister
<input type="checkbox"/> Preliminary approval	MC16/5324	31-01-2017	
<input type="checkbox"/> Development permit			
<input type="checkbox"/> Preliminary approval			



<b>5) Type of change proposed</b>	
5.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a 5 unit apartment building to provide for a 6 unit apartment building):	
Change to the definition of micro-siting to increase the allowable distance from 100m to 300m for a single particular turbine. Identified as WTG#39 in Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.	
5.2) What type of change does this application propose?	
<input checked="" type="checkbox"/> Minor change application – proceed to Part 4 <input type="checkbox"/> Other change application – proceed to Part 5	

## PART 4 – MINOR CHANGE APPLICATION REQUIREMENTS

<b>6) Are there any affected entities for this change application</b>		
<input type="checkbox"/> No – proceed to Part 6 <input checked="" type="checkbox"/> Yes – list all affected entities below and proceed to Part 6 <b>Note:</b> 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)
Mareeba Shire Council	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	7-02-2018
	<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 5 – OTHER CHANGE APPLICATION REQUIREMENTS

**Note:** to complete this part it will be necessary for you to complete parts of DA Form 1 and in some instances parts of DA Form 2, as mentioned below. These forms are available at [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

<b>7) Location details - Are there any additional premises included in this change application that were not part of the original development approval?</b>	
<input type="checkbox"/> No <input type="checkbox"/> Yes – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.	
<b>8) Development details</b>	
8.1) Are there any new or changed development aspects included in this change application that are not part of the original development approval?	
<input type="checkbox"/> No – proceed to 9) <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 as these sections relate to the new or changed aspects of development are provided with this application.	
8.2) 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 as it relates to the change application is provided with this application.
---

<p>9) Referral details - Do any aspects of the change application require referral for any referral requirements?  <b>Note:</b> <i>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.</i></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 5 (Referral details) of DA Form 1 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.</p>
--

<p>10) Information request under Part 3 of the DA Rules</p> <p><input type="checkbox"/> I agree to receive an information request if determined necessary for this change application</p> <p><input type="checkbox"/> I do not agree to accept an information request for this change application</p> <p><b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i></p> <ul style="list-style-type: none"> <li>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</li> <li>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> <p>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</p>
--

<p>11) Further details</p> <p><input type="checkbox"/> Part 7 of DA Form 1 is completed as if the change application was a development application and is provided with this application.</p>
---

## PART 6 – CHECKLIST AND APPLICANT DECLARATION

<p>12) change application checklist</p> <p>I have identified the:</p> <ul style="list-style-type: none"> <li>responsible entity in 3); and</li> <li>for a minor change, any affected entities; and</li> <li>for an 'other' change all relevant referral requirement(s) in 9)</li> </ul> <p><b>Note:</b> <i>See the Planning Regulation 2017 for referral requirements</i></p>	<p><input checked="" type="checkbox"/> Yes</p>
<p>For an 'other' change application, the relevant sections of <i>DA Form 1 – Development details</i> have been completed and is attached to this application</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> Not applicable</p>
<p>For an 'other' change application, where building work is associated with the change application, the relevant sections of <i>Form 2 – Building work details</i> have been completed and is attached to this application</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> Not applicable</p>
<p>Supporting information addressing any applicable assessment benchmarks is attached to this application</p> <p><b>Note:</b> <i>This includes any templates provided under 23.6) of DA Form 1 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 <a href="#">DA Forms Guide: Planning report template</a>.</i></p>	<p><input type="checkbox"/> Yes</p>
<p>Relevant plans of the development are attached to this development application</p> <p><b>Note:</b> <i>Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i></p>	<p><input checked="" type="checkbox"/> Yes</p>

<p>24) Applicant declaration</p> <p><input checked="" type="checkbox"/> By making this change application, I declare that all information in this change application is true and correct.</p>
---

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 7 – FOR OFFICE USE ONLY**

Date received:  Reference number(s):

QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required change application materials should be sent to the responsible entity.



Company owner's consent to the making of a development application under the *Sustainable Planning Act 2009*

I,   
[insert name in full]

Director of the below mentioned company and

I,   
[insert name in full]

of Port Bajool Pty Ltd [insert name of company]

as owner of premises identified as follows:

Lot 7 on SP235244

consent to the making of a development application under the *Sustainable Planning Act 2009* by  
Mount Emerald Wind Farm Pty Ltd (c-RPS Australia East Pty Ltd) [insert name of applicant]

on the premises described above for the purposes of

Utility Installation [Wind Farm] including ancillary infrastructure and facilities.

Material Change of Use for a Wind Farm comprising a maximum of 63 turbines.

[insert details  by apartment building] [signature of Director]

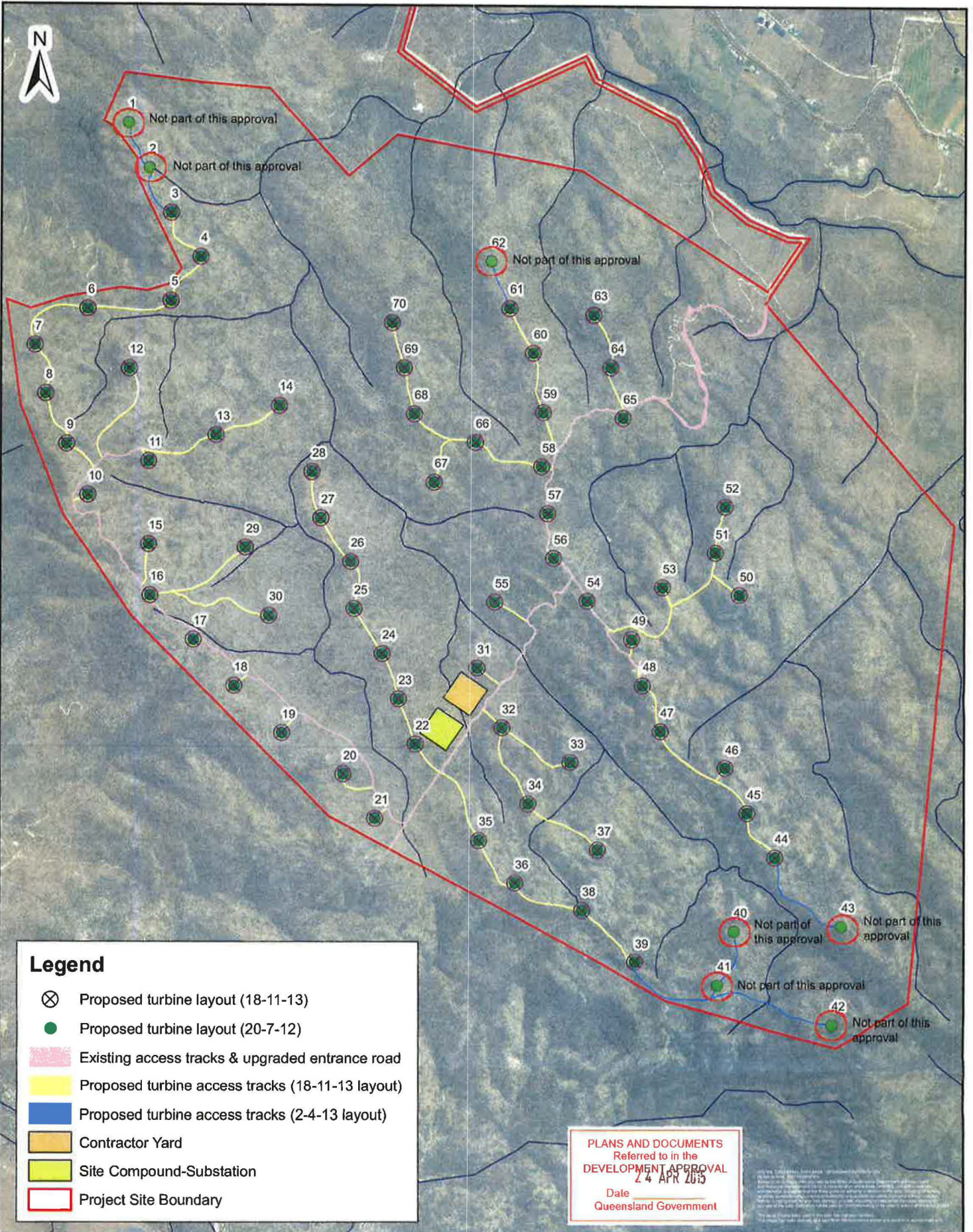
signed on the 31st day of January 2018

 [signature of Director/company secretary]

signed on the 31st day of January 2018

Company seal [if used]

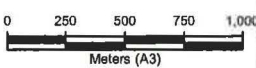




**Legend**

- ⊗ Proposed turbine layout (18-11-13)
- Proposed turbine layout (20-7-12)
- Existing access tracks & upgraded entrance road
- Proposed turbine access tracks (18-11-13 layout)
- Proposed turbine access tracks (2-4-13 layout)
- Contractor Yard
- Site Compound-Substation
- Project Site Boundary

PLANS AND DOCUMENTS  
 Referred to in the  
 DEVELOPMENT APPROVAL  
 24 APR 2015  
 Date \_\_\_\_\_  
 Queensland Government



Map Projection  
 MGAz55  
 Map Datum  
 GDA94  
 File Reference  
 PR100246-170a.mxd  
 Sheet Number  
 1 of 1

Client  
**RACL**  
 Title  
**Mount Emerald Wind Farm  
 Turbine locations and development footprint**

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SCALE (A3) 1:22,000	DATE 18-11-2013	DRAWING NO PR100246-170	ISSUE A
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# Planning Assessment Report

## Mount Emerald Wind Farm (Mareeba Shire Council)

Application to change a development approval (minor change), subject to a previous ministerial call in, for the Mount Emerald Wind Farm, located at Springmount Road and Kippin Drive, Arriga

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## Schedules

Schedule 1 – Copy of the decision notice

Schedule 2 – Mareeba Shire Council affected entity response

## Tables

Table 1 – Assessment against definition of minor change

Table 2 – Assessment against section 81(2)

Table 3 – Assessment of proposed change

# Executive Summary

<b>Name of applicant:</b>	Mount Emerald Wind Farm Pty Ltd c/- RATCH Australia (the applicant)
<b>Location:</b>	Springmount Road and Kippin Drive, Arriga
<b>Real property description:</b>	Lot 7 on SP235244 Part of Lot 905 on CP896501 Easement A in Lot 1, Easement C in Lot 2 and Easement E in Lot 3 on SP231871
<b>Assessment Manager:</b>	Mareeba Shire Council (the council)
<b>Call in notice given:</b>	11 June 2014
<b>Call in decided:</b>	24 April 2015
<b>Development approval sought to be changed:</b>	Development permit for material change for a wind farm comprising a maximum of 63 turbines
<b>Request to change development approval received:</b>	7 February 2018
<b>Requested changes:</b>	The application seeks to amend the micro-siting definition to allow the alteration of the location of the wind turbine identified as WTG#39 within a 300m zone beyond its siting as identified on the approved plan, rather than the 100m that was originally approved.
<b>Type of change application:</b>	Minor change
<b>Affected entities:</b>	The council
<b>Fee paid:</b>	\$1,564.00 paid in accordance with Schedule 15 of the Planning Regulation 2017 (regulation)
<b>Assessment:</b>	The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has assessed the application against matters under sections 81 and 105 of the <i>Planning Act 2016</i> (the Planning Act)
<b>Decision date:</b>	You must make your decision on or before <b>14 March 2018</b>



# 1.0 Introduction

This assessment report has been prepared to assist you, Minister for State Development, Manufacturing, Infrastructure and Planning, in assessing the application to change a development approval (minor change) for the Mount Emerald Wind Farm (the application) lodged by the applicant on 7 February 2018, under section 78 of the Planning Act.

The application relates to a wind farm comprising a maximum of 63 turbines and ancillary infrastructure located at Springmount Road and Kippin Drive, Arriga. The original development application was called in by the then Deputy Premier, Minister for State Development, Infrastructure and Planning, on 11 June 2014 and approved, subject to conditions, by the then Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade, the Honourable Jackie Trad MP, on 24 April 2015.

The application seeks to amend the micro-siting definition to allow the alteration of the location of the wind turbine identified as WTG#39 within a 300m zone **beyond its siting** as identified on the approved plan, rather than the 100m that was originally approved.

Under section 78(3)(bb) of the Planning Act, as the approval was given by a former Planning Minister, you are the responsible entity for the application. As the responsible entity you must in the first instance, decide whether to accept the application, as detailed in section 4.3 of this report. If accepted, you must then determine if the application is a minor change. Section 5.1 of this report contains an assessment of the application against the definition of minor change under schedule 2 of the Planning Act, with the department being of the view that the application is a minor change.

As the department considers that you should accept the application, and that the proposed change is a minor change, a detailed assessment of the application against the matters identified in sections 81 and 105 of the Planning Act are relevant and included in section 5.2 of this report.

Based on your determination and assessment, you must decide whether to accept the application and, if accepted, whether to approve the application (with or without conditions or amended conditions), or refuse the application, on or before **14 March 2018**.

## 2.0 Particulars of the development

### 2.1 Details of application

<b>Our reference number:</b>	MC18/823
<b>Applicant:</b>	Mount Emerald Wind Farm Pty Ltd
<b>Contact details:</b>	
<b>Date application made:</b>	7 February 2018
<b>Description of application:</b>	The application seeks to amend the micro-siting definition to allow the alteration of the location of the wind turbine identified as WTG#39 within a 300m zone beyond its siting as identified on the approved plan, rather than the 100m that was originally approved.

### 2.2 Details of development approval

<b>Ministerial call in reference:</b>	MBN14/753
<b>Name of applicant:</b>	Mount Emerald Wind Farm Pty Ltd c/- Ratch Australia
<b>Call in notice given:</b>	11 June 2014
<b>Call in decided:</b>	24 April 2015
<b>Development approved by the Planning Minister:</b>	Development permit for material change for a wind farm comprising a maximum of 63 turbines
<b>Local Government Area:</b>	Mareeba Shire Council
<b>Applicable planning scheme at time of lodgement:</b>	Mareeba Shire Planning Scheme 2004, version 1/2007

### 2.3 Details of development site

<b>Real property description:</b>	Lot 7 on SP235244 Part of Lot 905 on CP896501 Easement A in Lot 1, Easement C in Lot 2 and Easement E in Lot 3 on SP231871
<b>Property owner:</b>	Port Bajool Pty Ltd
<b>Address:</b>	Springmount Road and Kippin Drive, Arriga

**Site area:**

2,422 hectares (with an additional 2,000m<sup>2</sup> identified as area to be opened as road)

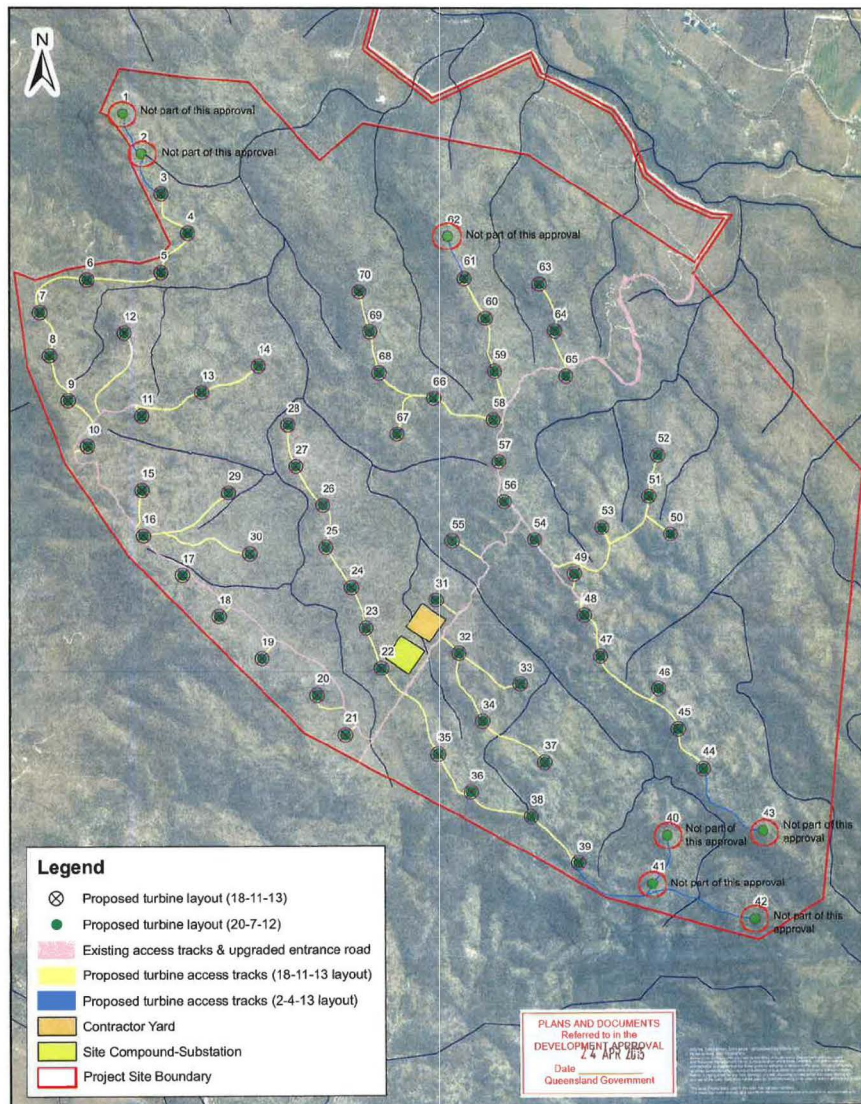


# 3.0 Background

## 3.1 The proposal

The existing approval is for 63 wind turbines and ancillary infrastructure including access tracks, transformers, depots, cabling and a substation. Each turbine site is approximately 40m x 40m with the ultimate location subject to micro-siting. Access to each turbine site is via a roads/ tracks with a disturbed area width of 10m and underground cabling connecting each turbine to the substation is within the disturbed area. Turbines will have a height of between 80-90m, with 100m rotor diameters. The maximum overall height of the turbines (to the tip of the rotor blade when vertical) is 1,179.5m Australian Height Datum (AHD). The onsite substation will serve as a point to collect all underground feeder cables and link to the existing electricity grid. An operations and maintenance depot will be established on site (including control equipment, maintenance stores, work area and amenity facilities).

The approved proposed turbine layout plan is shown in **Figure 1**.



**Figure 1** Approved turbine layout



## 3.2 Ministerial call in

- On 10 April 2014, the then Planning Minister decided to give a proposed call in notice for the development application seeking representations from affected parties.
- On 11 June 2014, after considering the representations received, the development application was called in.
- The then Planning Minister approved the development application, subject to conditions, on 24 April 2015.
- The first request to change the development approval was approved on 18 December 2015.
- A second change request to the development approval was approved on 31 January 2017. A copy of the latest decision notice is included in **Schedule 1**.

## 4.0 Change application

### 4.1 Responsible entity

Under section 78(3)(bb) of the Planning Act, as the most recent approval was given by the then Planning Minister, you are the responsible entity for the application.

Section 78(5) of the Planning Act does provide that, if you are satisfied that the change does not affect a state interest, you may refer the application to the assessment manager. As the proposed changes relate to changing a condition of a development application called in under section 424 of the *Sustainable Planning Act 2009* (SPA), the department recommends that this decision is not referred to the assessment manager.

### 4.2 Proposed change

On 7 February 2018, the applicant lodged an application to you as the responsible entity. The application seeks to change the definition of micro-siting within Condition 2 to:

*'Micro-siting means an alteration to the siting of a turbine by not more than 100 metres beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013. Except for the turbine identified as WTG#39, which may be altered by not more than 300m beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.'* (Emphasis added).

### 4.3 Requirements for change applications

The application was accompanied by the following relevant documents, as required under section 79 of the Planning Act, namely:

- a completed approved form
- the required fee
- owner's consent form

It is therefore the department's view that the application meets the requirements of section 79 of the Planning Act and that the application can be accepted.

In addition, the application was accompanied with evidence of referring the application to the council, along with a cover letter and plans that outline the proposed change.

### 4.4 Notifying affected entities

Section 80(2) of the Planning Act requires that anyone who proposes to make an application for a minor change must give notice of the proposal and the details of the change to each affected entity.

#### 4.4.1 The council

The council, as assessment manager, is considered an affected entity in accordance

with section 80(2)(c) of the Planning Act.

On 12 February 2018, the council provided its affected entity response to the application (**Schedule 2**), advising that they have no objection to the proposed change.



# 5.0 Assessing and deciding application for minor changes

## 5.1 Does the application constitute a minor change?

Schedule 2 of the Planning Act states that a minor change for a development approval means a change that—

- (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 if there were no referral agencies for the development application; or*
  - (C) referral to extra referral agencies; or*
  - (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
  - (E) public notification if public notification was not required for the development application.'*

Schedule 1 of the Development Assessment Rules (DA Rules) provides provisions to determine (i) above.

**Table 1** provides an assessment of the proposed changes against the definition of 'minor change' under schedule 2 of the Planning Act.

The department considers that the proposed change is a minor change in accordance with the definition in schedule 2 of the Planning Act.

**Table 1** – Assessment against definition of minor change

Provisions under the Planning Act	The department's assessment and response
Schedule 2 of the Planning Act states that a minor change for a development approval means a change that—	
<i>(i) would not result in substantially different development; and</i>	<p>The following matters identified in schedule 1 of the DA Rules have been considered in assessing whether the application results in a substantially different development.</p> <p><i>A change may be considered to result in a substantially different development if the proposed change:</i></p> <p><b>(a) involves a new use</b>  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No                      The proposed change does not involve a new use.</p> <p><b>(b) results in the application applying to a new parcel of land</b>  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No                      The proposed change is not applying to a new parcel of land.</p>

Provisions under the Planning Act	The department's assessment and response
	<p><b>(c) dramatically changes the built form in terms of scale, bulk and appearance</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The proposed change does not change the built form in terms of scale, bulk and appearance.</p> <p><b>(d) changes the ability of the proposed development to operate as intended</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The proposed change does not change the ability of the proposal to operate as intended.</p> <p><b>(e) removes a component that is integral to the operation of the development</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  No component that is integral to the operation of the development is proposed to be removed.</p> <p><b>(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The proposed change does not result in any changes to traffic flow or the transport network.</p> <p><b>(g) introduces new impacts or increases the severity of known impacts</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The proposed change does not introduce new impacts or affect the severity of any known impacts.</p> <p><b>(h) removes an incentive or offset component that would have balanced a negative impact of the development</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The proposed change does not remove an incentive or offset component.</p> <p><b>(i) impacts on infrastructure provision</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The proposed changes do not impact on infrastructure provision.</p>
<p><i>(ii) if a development application for the development, including the change, were made when the change application is made would not cause—</i></p>	<p><b>(A) the inclusion of prohibited development in the application; or</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If the original development application were remade including the proposed change, the development application would not include prohibited development.</p> <p><b>(B) referral to a referral agency, if there were no referral agencies for the development application; or</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  The original application, identified in the acknowledgement notice, required referral under the Sustainable Planning Regulation 2009</p>



Provisions under the Planning Act	The department's assessment and response
	<p>(repealed).</p> <p><b>(C) referral to extra referral agencies; or</b>  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No            If the development application was remade including the proposed change, the development application would not require referral to additional referral agencies under the Planning Regulation 2017.</p> <p><b>(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or</b>  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No            If the development application was remade including the proposed change, the development application would not require assessment against any additional matters prescribed by Planning Regulation 2017.</p> <p><b>(E) public notification if public notification was not required for the development application.</b>  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No            The original development application did not require public notification.</p>

## 5.2 Assessing and deciding the application

Table 2 provides an assessment of the proposed change against section 81(2) of the Planning Act, which includes certain matters that must be considered:

Table 2 – Assessment against section 81(2)

Provisions under the Planning Act	The department's assessment and response
<i>(a) the information the applicant included with the application; and</i>	The application included the following: <ul style="list-style-type: none"> <li>• change application form</li> <li>• owner's consent</li> <li>• Approved Turbine Layout and Development Footprint Plan</li> <li>• Turbine Layout and Development Footprint Plan</li> <li>• Request for change.</li> </ul>
<i>(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and</i>	This provision is not applicable as you are the responsible entity under section 78(3)(bb) of the Planning Act, not the assessment manager.



Provisions under the Planning Act	The department's assessment and response
(c) any pre-request response notice or response notice given in relation to the change application; and	On 12 February 2018, the council provided its affected entity response to the application ( <b>Schedule 2</b> ), advising that they have no objection to the proposed change.
(d) if the responsible entity is, under section 78(3)(ba) or (bb), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and	<p>The call in provisions under section 105(5) of the Planning Act state that you may consider anything you consider relevant. The department has identified that the additional matters that you may consider relevant for your assessment are the ministerial approval and native title issues.</p> <p>The department has undertaken an assessment of the application, as detailed in <b>Table 3</b>, and considers that the proposed change to the definition of micro-siting definition can be approved.</p> <p>The department is satisfied that the proposed change will have no further effect on native title as it is deemed to be a minor change. Therefore, there are no procedural rights (notification) required to native title parties under the <i>Native Title Act 1993</i> (Commonwealth).</p>
(da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and	This provision does not apply as you are the responsible entity.
(e) another matter that the responsible entity considers relevant.	Other matters are addressed on (d) above.

Further, section 81(3) states that:

*For subsection (2)(d) and (da), the responsible entity—*

- (a) must assess against, or have regard to, the matters that applied when the development application was made; and*
- (b) may assess against, or have regard to, the matters that applied when the change application was made.*

**Table 3** provides a detailed assessment of the applicant's proposed change to the definition of micro-siting in condition 2, and the department's assessment and response.

**Table 3 – Assessment of proposed change**

Proposed change	Applicant's rationale	The department's assessment and response
Condition 2 - change the definition of micro-siting	<i>'Currently the project is under construction and as such some aspects of layout and design are being optimised to on-</i>	The department considers that the intent of this condition is to allow a variance of up to 100m horizontally from the indicated position of individual turbines termed as 'micro-siting'. The final location of the turbines within the

Proposed change	Applicant's rationale	The department's assessment and response
	<p><i>site conditions and to minimise impacts where possible as required under the Construction Environmental Management Plan (CEMP). Through this optimisation process, a modification to the location of one of the turbines has been proposed which exceeds the micro-siting allowance.'</i></p> <p>The reasoning for the modification to the location of WTG#39 includes:</p> <ul style="list-style-type: none"> <li>• <i>'Constructability – the turbine is located in an area of steep terrain and civil works needed to build the access road, hardstand and foundation would be quite significant. A revised location would not only reduce the length of access road but substantially reduce the amount of cut/fill earthworks needed to locate the road, hardstand and foundation.</i></li> <li>• <i>Environmental – the modification would allow for direct avoidance of a known population of a significant plant species (grevillea glossadenia and homoranthus porteri) as stated in the CEMP, and the associated reduction in disturbance area</i></li> </ul>	<p>micro-siting zone are determined by a number of onsite factors including wind flow, terrain, equipment access, geological conditions as well as environmental and visual impact.</p> <p>It is noted that WTG#39 is located over 3km from the nearest two sensitive receivers. This is twice the distance required by condition 3(a)ii of the approval, which requires all turbines to be setback a minimum of 1.5km from any existing dwelling.</p> <ul style="list-style-type: none"> <li>• With regard to potential noise impacts, noise levels generated by the turbines are restricted by condition 4 of the approval, which limits outdoor night-time and day-time equivalent noise levels and background noise at existing sensitive land uses.</li> </ul> <p>To ensure that the changed location could comply with this condition, the department engaged Resonate Consultants Pty Ltd (Resonate) to advise as to whether the change would result in adverse acoustic impacts. On 26 February 2018, Resonate advised that <i>'the impact of moving turbine WTG#39 less than 10% of the existing distance is not considered to be acoustically significant.'</i></p> <ul style="list-style-type: none"> <li>• With regard to potential shadow flicker impacts, condition 7(a) of the approval states that <i>'the shadow flicker from the turbines will not exceed 10 hours per annum at any dwelling existing at the date of this approval.'</i></li> </ul> <p>The shadow flicker report submitted to the Chief Executive in accordance with condition 7(a) of the approval, states that <i>'the calculated levels of shadow flicker caused by MEWF on the receptors listed are substantially less than the limits prescribed by the Draft National Wind Farm Development Guidelines.'</i></p> <p>The report states that there will be no shadow flicker hours per year at the nearest dwellings to WTG#39, including in both worst case and realistic scenarios.</p>



Proposed change	Applicant's rationale	The department's assessment and response
	<p>would also reduce general habitat impacts for other species such as the Northern Quoll. Further, the avoidance of steeper terrain would reduce risks associated with erosion and sediment control.</p> <ul style="list-style-type: none"> <li>• Visibility – any reduction in the amount of cut/fill earthworks associated with the modification will also reduce the visual impact the construction will have in this area.</li> <li>• Heritage – the modification will allow for a reduction in the risk of potential disturbance to a known area of indigenous heritage which is located in proximity to the proposed earthworks.’</li> </ul>	<p>This change is consistent with the Acceptable Outcomes of the Wind Farm State Code and Guideline.</p> <p>The department is therefore of the view that changing the micro-siting of WTG#39 will not result in adverse shadow flicker impacts.</p> <ul style="list-style-type: none"> <li>• With regard to visual amenity, the changed location of wind turbine 39 must still comply with condition 3 of the approval which states that ‘the overall maximum height of any turbine (measured to the tip of the rotor blade at their highest point above ground level) must not exceed 1179,5 metres AHD’ and ‘the hub height of any turbine must not exceed 90 metres above ground.’</li> </ul> <p>This will ensure that negative visual impacts will not result from the change and that the turbines will not infringe on the obstacle limitation surfaces (OLS) procedures for air navigation services – aircraft operations (PANS-OPS) surface, restricted airspace and low flying areas of a certified aerodrome, registered aerodrome or military aerodrome.</p> <p>This change is consistent with the Acceptable Outcomes of the Wind Farm State Code and Guideline.</p> <p>The department is therefore of the view that changing the micro-siting of WTG#39 will not result in adverse visual amenity impacts.</p> <ul style="list-style-type: none"> <li>• With regard to potential environmental impacts, the applicant states that ‘the modification would allow for direct avoidance of a known population of a significant plant species (<i>grevillea glossadenia</i> and <i>homoranthus porteri</i>) as stated in the CEMP, and the associated reduction in disturbance area would also reduce general habitat impacts for other species such as the Northern Quoll.’</li> </ul> <p>The Environmental Management Plan (EMP) submitted to the Chief Executive in accordance with condition 13(a) of the</p>



Proposed change	Applicant's rationale	The department's assessment and response
		<p>approval, states that <i>'Wind turbines will be "micro-sited" - a technique which involves selecting a position in the landscape where the least environmental, constructability and other impacts area considered and weighed up. As part of this procedure, comprehensive ground surveys will be undertaken of each site to ensure impacts to conservation significant species and other matters of importance are minimised or avoided.'</i></p> <p>The department is of the view that the proposed change is in accordance with this intent.</p> <p>Based on the above, the department is of the view that the proposed change to the definition of micro-siting in Condition 2 be approved.</p>

In accordance with section 81(6) of the Planning Act, where there is an affected entity, you, as the responsible entity, cannot decide the application within 20 business days of receiving the application, but must make the decision within 25 business days of receiving the application.

## 6.0 Conclusion

Pursuant to section 79(2) of the Planning Act, you must decide whether to accept the application.

If you accept the application, pursuant to section 81(4) of the Planning Act, after assessing the application, you must decide to:

- (a) *make the change, with or without imposing development conditions, or amending development conditions, relating to the change; or*
- (b) *refuse to make the change.*

The department considers that the application can be accepted and that it is a minor change. As a result, the department assessed the application against relevant matters under section 81 and 105 of the Planning Act.

The department is of the view that the change to the micro-siting definition be approved.

This is detailed in the draft decision notice, which is accompanied by a copy of the development approval showing the approved changes in bold and italics, in accordance with section 83(4) of the Planning Act.

Under the Planning Act, your decision date for the change application is **14 March 2018**.

Department of State Development,  
Manufacturing, Infrastructure and Planning  
1 William Street, Brisbane  
tel 13 QGOV (13 74 68)

[info@dsd.qld.gov.au](mailto:info@dsd.qld.gov.au)

[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)





The Hon Cameron Dick MP  
Minister for State Development,  
Manufacturing, Infrastructure and Planning

1 William Street  
Brisbane QLD 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7200  
Email [statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

Our ref: MC18/823

14 March 2018

[REDACTED]  
Mount Emerald Wind Farm Pty Ltd  
c/- RATCH Australia  
Level 4,231 George Street  
BRISBANE QLD 4000

Email: [REDACTED]

Dear [REDACTED]

**Notice of Decision**  
**Application to change a development approval (minor change)**  
**under section 83 of the *Planning Act 2016* (Planning Act)**

Thank you for your letter of 7 February 2018 for an application to change a ministerial development approval (minor change), dated 24 April 2015 for the Mount Emerald Wind Farm, located at Springmount Road and Kippin Drive, Arriga.

I am pleased to advise that I have approved this application. The approved change is shown in bold and italics in the enclosed decision notice for the original application, as amended.

**Decision for change application**

---

Date of decision: 14 March 2018

Details of decision: Approved

Description of agreed changes: Change the definition of micro-siting in Condition 2, to allow the alteration of the location of wind turbine 39.

If you require further information, please contact Ms Morag Elliott, Manager, Development Assessment, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 3452 7653 or morag.elliott@dsmip.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cameron Dick', with a horizontal line extending to the right.

**CAMERON DICK MP**  
**Minister for State Development, Manufacturing,**  
**Infrastructure and Planning**

Enc (2)



## Hon Jackie Trad MP

Deputy Premier

Minister for Transport, Minister for Infrastructure,  
Local Government and Planning and Minister for Trade

Our ref: MBN14/753

24 April 2015

[REDACTED]  
Mount Emerald Wind Farm Pty Ltd  
c/- RATCH Australia  
Level 4, 231 George Street  
BRISBANE QLD 4000  
Email: [REDACTED]

Dear [REDACTED]

### DECISION NOTICE Ministerial Call In of Development Application Mount Emerald Wind Farm, Arriga

I refer to the then Deputy Premier, Minister for State Development, Infrastructure and Planning's decision on 11 June 2014 to exercise ministerial call in powers under the *Sustainable Planning Act 2009* (SPA) to call in the development application for the Mount Emerald Wind Farm, Arriga.

Please be advised that on 24 April 2015, I decided to approve the development application subject to conditions.

Applicant details	
Name of applicant:	Mount Emerald Wind Farm Pty Ltd
Address of applicant:	c/- RATCH Australia Level 4, 231 George Street BRISBANE QLD 4000
Application details	
Original assessment manager:	Mareeba Shire Council
Date application properly made:	29 March 2012
Approvals sought:	Development Permit for a Material Change of Use for a Wind Farm comprising a maximum of 63 turbines
Description of development:	Wind Farm comprising a maximum of 63 turbines and ancillary infrastructure
Category of development:	Code Assessment
Property details	
Real property description ("the site"):	Lot 7 on SP235244, part of Lot 905 on CP896501 and Easement A in Lot 1, Easement C in Lot 2 and Easement E in Lot 3 on SP231871
Address of property:	Springmount Road and Kippin Drive, Arriga

Level 12 Executive Building  
100 George Street Brisbane  
PO Box 15009 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7100  
Email deputy.premier@ministerial.qld.gov.au



<b>Ministerial call in details</b>	
Date call in notice given:	11 June 2014
I assessed and decided the development application under the normal assessment and decision provisions under SPA.	
Date of decision:	<b>24 April 2015</b>
Details of decision:	Approved subject to conditions
Type of approval:	Development Permit for a Material Change of Use for a Wind Farm comprising a maximum of 63 turbines

### Referral Agencies

The following agencies were referral agencies for the development application. As a result of the decision to call in the development application under section 425(1) of SPA, a concurrence agency for the development application is taken to be an advice agency until I give the decision notice (section 427(4) of SPA).

Referral agency name at the time of lodgement	Referral agency	Address	Advice or concurrence
Department of Environment and Resource Management	Department of Environment and Heritage Protection	GPO Box 2454 BRISBANE QLD 4001	Advice and Concurrence
	Department of Natural Resources and Mines	PO Box 15216 CITY EAST QLD 4002	Concurrence
Powerlink	Powerlink	PO Box 1193 VIRGINIA QLD 4014	Advice

Further to this, third party advice was also received from the following agencies:

Agency	Address
Queensland Health	GPO Box 48 BRISBANE QLD 4001
Mareeba Shire Council	PO Box 154 MAREEBA QLD 4880
Tablelands Regional Council	PO Box 573 ATHERTON QLD 4883

### Approval despite conflict with the planning scheme

I consider that this decision conflicts with the Rural Zone Code in the *Mareeba Shire Planning Scheme 2004* and Overall Outcome (e) in the *Temporary Local Planning Instrument 01/11 (Wind Farms)* (TLPI 01/11).

However, there are sufficient grounds to approve the Mount Emerald Wind Farm development application despite the conflict. These grounds are:

- Parts of the Mareeba Shire Planning Scheme 2004 are out of date in regards to its policy position on wind farms. A shift in planning requirements, through the former TLPI 01/11 (Wind Farms) and TLPI 01/12 (Wind Farms), which is now included within the planning scheme as Amendment 01/11 – Wind Farms, expresses the revised policy position. The Mareeba Shire Planning Scheme 2004 has not yet incorporated all of the appropriate changes to align with these new requirements.
- The Far North Queensland Regional Plan 2009-2031 recognises wind farms as legitimate land use and emphasis is placed on promoting renewable energy. The Far North Queensland Regional Plan is not appropriately reflected in the Mareeba Planning Scheme and is a higher-order planning instrument.

I also consider that the conflict arises because of a conflict between two or more relevant instruments being the Mareeba Shire Planning Scheme and the TLPI 01/11 and later the Amendment 01/11 and the decision best achieves the purpose of the instrument.

#### **Approval subject to conditions**

The conditions of this approval are set out in Schedules 1 and 2, attached.

#### **Other development permits and compliance permits**

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- building works
- plumbing and drainage works
- operational works.

#### **Codes for self-assessable development**

Nil.

#### **Details of any compliance assessment required for documents or work in relation to the development**

Nil.

#### **Deemed approval of applications**

As a result of the decision to call in and assess and decide the development application, chapter 6, part 5, division 3, subdivision 4 of SPA does not apply to the development application (section 427(7) of SPA).

The application is not taken to have been approved under section 331 of SPA.

#### **When approval lapses if development not started**

This development approval will lapse as per section 341 of SPA.

**Referenced plans**

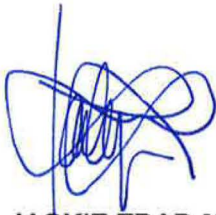
Copies of the approved plans and documents are set out in Schedule 2.

**Appeal rights**

A person may not appeal against the Minister's decision (section 427(5) of SPA).

If you require any further assistance, please email: [ministerial\\_call\\_in@dsdip.qld.gov.au](mailto:ministerial_call_in@dsdip.qld.gov.au).

Yours sincerely



**JACKIE TRAD MP  
DEPUTY PREMIER  
Minister for Transport, Minister for Infrastructure,  
Local Government and Planning and Minister for Trade**

Enc (2)



**Schedule 1: Conditions of Approval  
Development Permit for a Material Change of Use – Code Assessment**

<b>Condition</b>		<b>Timing</b>																		
<b>General / Planning Requirements</b>																				
1.	<p>Undertake the development generally in accordance with the approved plans and documents referred to in Table 1, as modified by the conditions of this approval.</p> <table border="1"> <thead> <tr> <th align="center" colspan="3"><b>Table 1: Approved Plans and Documents</b></th> </tr> <tr> <th align="center">Plan/Document number</th> <th align="center">Plan/Document name</th> <th align="center">Date</th> </tr> </thead> <tbody> <tr> <td>PR100246-170 Issue A</td> <td>Mount Emerald Wind Farm Turbine Location and Development Footprint</td> <td>18-11-2013</td> </tr> <tr> <td>Appendix A</td> <td>Statement of Commitments in RPS Development Application Material Change of Use Report</td> <td>March 2012</td> </tr> <tr> <td>PR100246/R72893</td> <td>Preliminary Environmental Management Plan</td> <td>November 2013</td> </tr> <tr> <td>CB24504 Rev 1</td> <td>Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs</td> <td>29/08/2014</td> </tr> </tbody> </table>	<b>Table 1: Approved Plans and Documents</b>			Plan/Document number	Plan/Document name	Date	PR100246-170 Issue A	Mount Emerald Wind Farm Turbine Location and Development Footprint	18-11-2013	Appendix A	Statement of Commitments in RPS Development Application Material Change of Use Report	March 2012	PR100246/R72893	Preliminary Environmental Management Plan	November 2013	CB24504 Rev 1	Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs	29/08/2014	While site / operational / building work is occurring and then to be maintained
<b>Table 1: Approved Plans and Documents</b>																				
Plan/Document number	Plan/Document name	Date																		
PR100246-170 Issue A	Mount Emerald Wind Farm Turbine Location and Development Footprint	18-11-2013																		
Appendix A	Statement of Commitments in RPS Development Application Material Change of Use Report	March 2012																		
PR100246/R72893	Preliminary Environmental Management Plan	November 2013																		
CB24504 Rev 1	Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs	29/08/2014																		
<b>Location and Design</b>																				
2.	<p>Submit to the chief executive administering SPA, a revised Turbine Location and Development Footprint Plan identifying the final position of:</p> <ul style="list-style-type: none"> <li>• all proposed turbines; and</li> <li>• the operations and maintenance depots</li> </ul> <p><i>Note: Micro-siting of turbines, prior to the submission of the above mentioned reports, is permitted.</i></p> <p>Micro-siting means an alteration to the siting of a turbine by not more than 100 metres beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development</p>	Prior to seeking approval for any site, operational or building work																		

	Footprint PR100246-170 Issue A, dated 18-11-2013. <b><i>Except for the turbine identified as WTG#39, which may be altered by not more than 300m beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.</i></b>	
3.	<p>(a) The wind farm must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. The maximum number of turbines must not exceed 63;</li> <li>ii. All turbines must be setback a minimum of 1,500 metres from any existing and approved dwelling at the date of this approval;</li> <li>iii. All turbines and the operations and maintenance depot are to be located in accordance with the revised Turbine Location and Development Footprint Plan required by condition 2 of this approval;</li> <li>iv. The overall maximum height of any turbine (measured to the tip of the rotor blade at their highest point above ground level) must not exceed 1179.5 metres AHD;</li> <li>v. The hub height of any turbine must not exceed 90 metres above ground level;</li> <li>vi. All cabling must be provided underground, except where the approved Environmental Management Plan recommends an alternative method in environmentally sensitive locations.</li> </ul> <p>(b) Submit certification to the chief executive administering SPA from an Registered Professional Engineer Queensland (RPEQ) that the wind farm as constructed complies with the design specifications indicated in part (a) of this condition.</p>	<p>(a) Prior to the commencement of use and then to be maintained</p> <p>(b) Prior to the commencement of use</p>
<b>Acoustic Amenity</b>		
4.	<p>The wind farm development must be designed and operated to ensure that:</p> <p>(a) The outdoor night-time (10pm to 6am) equivalent noise level (<math>L_{Aeq,10 \text{ minutes}}</math>) at existing and approved sensitive land uses at the date of this approval, does not exceed the higher of:</p> <ul style="list-style-type: none"> <li>(i) 35dB(A); or</li> <li>(ii) the background noise level (<math>L_{A90}</math>) plus 5dB(A);</li> </ul>	Prior to the commencement of use and then to be maintained



	<p>and</p> <p>(b) The outdoor day-time equivalent noise level (<math>L_{Aeq,10 \text{ minutes}}</math>) at existing and approved sensitive land uses at the date of this approval, does not exceed the higher of:</p> <p>(i) 37dB(A) ; or</p> <p>(ii) the background noise level (<math>L_{A90}</math>) plus 5dB(A).</p> <p>(c) The equivalent noise levels (<math>L_{Aeq}</math>) are to be assessed at all existing and approved sensitive land uses at the date of this approval for all integer hub height wind speeds from cut-in to rated power of the wind turbine generator.</p> <p>(d) Measurements of background noise or operational noise from wind turbine generators for the operation shall be in accordance with Australian Standard <i>AS4959-2010 Acoustics – Measurement, prediction and assessment of noise from wind turbine generators</i> (AS4959-2010) at any existing and approved sensitive land uses at the date of this approval. If an alternative standard or guideline to AS4959-2010 is to be followed for the assessment of Special Audible Characteristics, then reasons for the selection of the alternative are to be provided.</p>	
5.	<p>(a) Submit to the chief executive administering the SPA a revised noise assessment report, certified by a suitably qualified acoustic consultant, demonstrating that the proposed wind farm can meet the noise levels specified in condition 4 of this approval. The report is to:</p> <p>i. Model the acoustic impacts of the wind farm based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>The noise modelling should take into account the varied topography between the turbine locations and existing and approved sensitive land use receptors at the date of this approval and any impacts that may have on predicted noise levels, and include an assessment of Special Audible Characteristics including tonality, impulsivity and amplitude modulation.</p> <p>ii. Identify any design specifications or operational restrictions that may be necessary to ensure compliance with the noise levels specified in condition-4, such as turbine types or limitations on hours of operation of specific turbines.</p> <p>(b) Submit to the chief executive administering the SPA</p>	<p>(a) Prior to the commencement of site / operational / building work</p> <p>(b) Within twelve (12)</p>



	<p>a compliance noise assessment report, certified by a suitably qualified acoustic consultant, demonstrating that the proposed wind farm meets the noise levels specified in condition 4 of this approval. The report is to:</p> <p>i. Measure the acoustic impacts of the wind farm based on the final Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>The noise measurements should take into account the turbine locations and any existing and approved sensitive land use receptors at the date of this approval; and include an assessment of Special Audible Characteristics including tonality, impulsivity and amplitude modulation. Assessment of Special Audible Characteristics should be carried out using an appropriate international standard or guideline. Reasons for selection of the standard or guideline are to be provided with the noise assessment report. The assessment should determine whether the Special Audible Characteristics are excessive and require an adverse character adjustment (adj) to specific measurement period.</p>	<p>months of the completion of construction and then to be maintained</p>
<b>Visual Amenity</b>		
<p>6.</p>	<p>(a) Submit to the chief executive administering SPA a revised shadow flicker assessment report certified by a suitably qualified and experienced person demonstrating that the shadow flicker from the turbines will not exceed 30 hours per annum and 30 minutes per day at any dwelling existing at the date of this approval.</p> <p>The report is to model the shadow flicker of the wind farm, based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>(b) The wind farm is to be constructed and operated in accordance with the revised shadow flicker assessment report required in part (a) of this condition. In particular, any design specifications or operational restrictions required to ensure that shadow flicker from the constructed turbines does not exceed 30 hours per annum and 30 minutes per day at any dwelling existing at the date of this approval.</p>	<p>(a) Prior to seeking approval for any site, operational or building work</p> <p>(b) Prior to the commencement of use and then to be maintained</p>
<p>7.</p>	<p>The turbines and blades must have a low reflectivity finish.</p>	<p>Prior to the commencement of use</p>

		and to be maintained
8.	<p>External lighting of infrastructure associated with the wind farm is not permitted other than:</p> <p>(a) low-level, low-intensity security lighting;</p> <p>(b) aviation obstacle lighting where required by the Civil Aviation and Safety Authority;</p> <p>(c) lighting necessary in the case of an emergency or for operational call-outs at reasonable times.</p> <p>Any external lighting, excluding aviation obstacle lights, is to comply with Australian Standard AS 4282-1993 <i>Control of the obtrusive effects of outdoor lighting</i>.</p>	<p>Prior to the commencement of use and to be maintained</p>
<b>Television and Radio Reception</b>		
9.	<p>(a) Undertake an assessment of the television and radio reception strength in the area within 5 km of any proposed turbine and in which any existing and approved dwellings are located as at the date of this approval.</p> <p>The pre-construction assessment must be undertaken by a television and radio monitoring specialist, and include testing at selected locations to enable the average television and radio reception strength in the area within 5 km of the site to be determined. The specific locations of testing must be determined by a television and radio monitoring specialist.</p> <p>(b) If, following commencement of the operation of the wind farm, a complaint is received regarding the wind farm having an adverse effect on television or radio reception at any existing and approved dwelling within 5 km of the site which existed at the date of this approval, a post-construction assessment of the television and radio reception strength must be carried out at, or in close proximity to, any existing and approved dwelling at the date of this approval by a television and radio monitoring specialist.</p> <p>(c) If the post-construction assessment establishes an unacceptable increase in interference to reception as a result of the wind farm, measures to restore the affected reception to pre-construction quality must be undertaken.</p> <p>(d) Provide to the chief executive administering the SPA, on request, the results of the pre-construction assessment and any post-construction assessment carried out in response to a complaint and evidence that the appropriate restoration measures have been undertaken to address television and radio reception strength where required.</p>	<p>(a) Prior to the commencement of site / operational / building work</p> <p>(b) Within one (1) month of receiving a complaint</p> <p>(c) Within two (2) months of the post-construction assessment</p> <p>(d) Within (2) months of the post-construction assessment</p>



**Traffic Management**

- |     |   |  |
|-----|---|--|
| 10. | <p>(a) Submit to the chief executive administering the SPA a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified expert and in consultation with the Department of Transport and Main Roads, Cairns Regional Council, Tablelands Regional Council and Mareeba Shire Council. The CTMP must relate to the roads proposed to be used in transporting material, personnel and equipment related to the construction and decommissioning of the wind farm. The CTMP must include but not limited to:</p> <ul style="list-style-type: none"><li>(i) an existing conditions survey of Hansen Road, Springmount Road and Kippen Drive including details of the suitability, design, condition and construction standard of the relevant public roads;</li><li>(ii) the designation of all vehicle access points to the site from surrounding roads. Vehicle access points must be designed and located to ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;</li><li>(iii) the designation of appropriate pre-construction, construction/decommissioning and transport vehicle routes to and from the site;</li><li>(iv) engineering plans demonstrating whether, and if so how, truck movements to and from the site can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road;</li><li>(v) recommendations regarding the need for road and intersection upgrades to accommodate any additional traffic or site access requirements (whether temporary or ongoing). Where upgrades are required, the traffic management plan must include:<ul style="list-style-type: none"><li>(a) detailed engineering plans showing the required works;</li><li>(b) the timing of when the works are to be undertaken;</li><li>(c) a program of regular inspections to be carried out during the construction of the wind farm to identify maintenance works necessary as a result of construction traffic;</li></ul></li><li>(vi) measures to be taken to manage traffic impacts associated with the ongoing operation of the wind farm on the traffic volumes and flows on surrounding roads.</li></ul> | <p>(a) Prior to the commencement of site / operational / building work</p> |
|-----|---|--|



	<p>This may include, as recommended in the “Technical Note 2 – Traffic Impact Assessment Engineering Response” prepared by Jacobs dated 29/08/14:</p> <p>a) providing a 30 seat shuttle bus service for construction workers arriving and departing the site, servicing the key townships where the construction workers live;</p> <p>b) providing minimal or restricted on-site parking to discourage workers arriving to and departing the site via private vehicles</p> <p>(vii) a program to rehabilitate Hansen Road, Springmount Road and Kippen Drive to the pre-construction condition identified by the surveys required under sub-section (a) of this condition, at the conclusion of the construction of the wind farm.</p> <p>(b) Carry out the development in accordance with the CTMP.</p> <p>(c) Submit to the chief executive administering SPA certification from an RPEQ that all works identified in the CTMP have been carried out in accordance with the CTMP.</p>	<p>(b) In accordance with the timeframes specified in the CTMP</p> <p>(c) Within three (3) months of the completion of construction</p>
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**Environmental Management**

11.	<p>(a) Submit to the chief executive administering the SPA an Environmental Management Plan (EMP) prepared by a suitably qualified person(s). The EMP must:</p> <p>i. be generally in accordance with the Preliminary Environmental Management Plan prepared by RPS and dated November 2013 and the draft Statement of Commitments contained within Appendix A of the RPS Development Application Material Change of Use Report dated March 2012;</p> <p>ii. be based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval;</p> <p>iii. include the following components, as further detailed in Attachment 1:</p> <ul style="list-style-type: none"> <li>• a construction and work site operational management plan</li> <li>• a sediment, erosion and storm water management plan</li> <li>• a hydrocarbon and hazardous substances plan</li> <li>• a bushfire risk management plan and</li> </ul>	<p>(a) Prior to seeking approval for any site, operational or building work</p>
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	<p>emergency evacuation plan</p> <ul style="list-style-type: none"> <li>• a significant species management plan</li> <li>• a weed and pest management plan</li> <li>• a rehabilitation plan</li> <li>• a habitat clearing and management plan</li> <li>• an ecological fire management plan</li> <li>• a cultural heritage management plan</li> <li>• an environmental management plan training program</li> <li>• an environmental management plan reporting program</li> <li>• an implementation plan</li> </ul> <p>(b) The development must be carried out in accordance with the EMP.</p>	<p>(b) During site / operational /building work and to be maintained</p>
<b>Community Engagement</b>		
12.	<p>(a) Submit to the chief executive administering SPA a Community Engagement Strategy (CES) that includes at a minimum:</p> <p>(i) A Community Consultation Plan that demonstrates and includes:</p> <ol style="list-style-type: none"> <li>a. consultation methods</li> <li>b. consultation calendar that identifies activities that must be carried out at least on a quarterly basis and during: <ul style="list-style-type: none"> <li>• three (3) months prior to construction commencing</li> <li>• during construction</li> <li>• once operational for at least one year from the commencement of stage 1</li> </ul> </li> </ol> <p>(ii) A Complaints Management Plan / Register (CMPR) that demonstrates and includes:</p> <ol style="list-style-type: none"> <li>a. how contact details will be communicated to the public</li> <li>b. a toll free telephone number and email contact for complaints and queries</li> <li>c. a register outlining complaint information for each complaint received</li> <li>d. the processes for investigation and actions undertaken to resolve the complaint</li> </ol> <p>(b) All community consultation and complaints must be managed in accordance with the CES.</p> <p>(c) Provide to the chief executive administering SPA and Council, on request, a copy of the CMPR, in particular the processes of investigation and actions undertaken to resolve the complaint.</p>	<p>(a) Five (5) months prior to construction commencing</p> <p>(b) – (c) Prior to construction / during construction and once operational</p>
<b>Decommissioning and Rehabilitation</b>		



13.	<p>Submit to the chief executive administering SPA a decommissioning and rehabilitation plan prepared by a suitably qualified person(s).</p> <p>The decommissioning and rehabilitation plan must address the actions to be undertaken where any or all turbines have permanently ceased to generate electricity. The plan must include a program for:</p> <ul style="list-style-type: none"> <li>(a) removal of above ground non-operational equipment;</li> <li>(b) removal and clean up any residual contamination;</li> <li>(c) rehabilitation/revegetation of storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbines, if those areas are not otherwise useful to the on-going use or decommissioning of the wind farm;</li> <li>(d) notification to the relevant authorities of the turbines ceasing operation. Such notification should be given no later than two months after the turbine(s) cease operation.</li> </ul>	Prior to decommissioning
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General advice	
a.	<p>This development permit does not constitute an approval to commence operational works within Powerlink easements. Prior written approval is required from Powerlink before any additional operational work is undertaken within the easement areas. All additional operational works within the easements will require separate assessment and approval by Powerlink.</p>
b.	<p>Development must comply with the <i>Electrical Safety Act 2002</i> including any Code of Practice under that Act and the <i>Electrical Safety Regulation 2002</i> including any safety exclusion zones defined in the Regulation.</p>
c.	<p>In respect to this application the exclusion zone for untrained persons and for operating plant operated by untrained persons is 6 metres from the 275,000 volt wires and exposed electrical parts.</p> <p>Should any doubt exist in maintaining the prescribed clearance to the conductors and electrical infrastructure, then the applicant is obliged under the <i>Electrical Safety Act 2002</i> to seek advice from Powerlink.</p>
d.	<p>Any works must comply with the easement terms and conditions as per easement Dealing 701758510 and 713030213</p>
e.	<p>Engagement must occur with Powerlink with regards to a connection to Powerlink's transmission line network. Further technical assessments regarding safe clearance between turbines and Powerlink infrastructure will have to be performed and must be submitted to Powerlink for approval.</p>
f.	<p>Works in the vicinity of Powerlink infrastructure must comply with the Management of</p>



	Easement Co-Use Requests Guideline.
g.	<p>The site has slight residual risk of unexploded ordnance (UXO). In the event of identification of UXO, the Department of Defence recommends the following procedure:</p> <ul style="list-style-type: none"> <li>• do not touch or disturb the object;</li> <li>• take action, where appropriate, to prevent it being disturbed by another person;</li> <li>• note its approximate dimensions and general appearance;</li> <li>• note the route to its location; and</li> <li>• advise the Police as soon as possible.</li> </ul>
h.	<p>Copies of the final development plans must be provided to the following entities, to enable details of the development to be shown on aeronautical charts of the area:</p> <ul style="list-style-type: none"> <li>• the Civil Aviation Safety Authority;</li> <li>• the Department of Defence (RAAF Aeronautical Information Service);</li> <li>• Airservices Australia;</li> <li>• any aerodrome operator within 15 km of the outside property boundaries of the site;</li> <li>• the Aerial Agriculture Association of Australia;</li> <li>• any organisation responsible for providing air ambulance services in the area.</li> </ul>

## Attachment 1 – Components of the Environmental Management Plan

### Construction and work site operational management plan

The environmental management plan must include a construction and work site operational management plan.

The construction and work site operational management plan must include:

- a) the identification of fuels, other hazardous materials and all other potential contaminants stored or used on site during the construction phase of the wind farm, and appropriate storage, construction and operational methods to control any identified contamination risks;
- b) procedures for managing potential spills and leaks and pollution incidents, including incorporation of appropriate pollution control;
- c) procedures to suppress dust emissions from construction-related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as

soon as practicable;

- d) procedures for managing noise emissions from construction-related activities;
- e) appropriate sanitary facilities to be provided for construction and maintenance staff;
- f) a timetable, where practicable, for the construction of turbine bases, access tracks and power cabling during warmer months, to minimise impacts on ephemeral wetlands, local fauna and sediment mobilization;
- g) measures to minimise waste generation on site and maximising opportunities for recycling and reuse;
- h) measures for dust mitigation, control and monitoring dust gauges;
- i) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
- j) procedures for covering trenches and holes at night, and filling trenches as soon as practical after excavation, to protect native fauna;
- k) the removal of works, buildings and staging areas on completion of the construction phase of the project.

#### Sediment, erosion and storm water management plan

The environmental management plan must include a sediment, erosion and storm water management plan.

The sediment, erosion and storm water management plan must include:

- a) identification of all construction and operational processes that could potentially lead to water contamination;
- b) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:
  - (i) all land disturbances must be confined to a minimum practical working area;
  - (ii) soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed, and soil must be replaced as soon as possible in sequence;
  - (iii) stockpiles must be located away from drainage lines;
- c) the installation of geo-textile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;
- d) procedures for waste water discharge management;



- e) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
- f) pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
- g) agreed program and appropriate capacity for annual inspection and regular maintenance of any on-site wastewater management system;
- h) a program of inspection and remediation of localised erosion within a specified response time.

#### Hydrocarbon and hazardous substances plan

The hydrocarbon and hazardous substances plan must include:

- (a) procedures for any on-site, permanent post-construction storage of fuels, lubricants, waste oil or other hazardous substances or potential contaminants to be in bunded areas;
- (b) contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with the Council requirements.

#### Bushfire risk management plan and emergency evacuation plan

The bushfire risk management plan and emergency evacuation plan must include:

- (a) criteria for the provision of static water supply tanks solely for firefighting purposes, including minimum capacities, appropriate connections and signage;
- (b) procedures for vegetation management, fuel control and the provision of firefighting equipment during declared fire danger periods;
- (c) minimum standards for access roads and tracks to allow access for fire fighting vehicles, including criteria for access to static water supply tanks for fire fighting vehicles;
- (d) training of personnel of the organisations referred to above in relation to suppression of wind farm fires;
- (e) details of a lightning and earthing system to mitigate against the risk of bush-fires caused by direct lightning strikes on the turbines.

#### Significant species management plans

Significant species management plans must:

- (a) include plans for all wildlife species listed as Endangered, Vulnerable or Near Threatened under the provisions of the *Nature Conservation Act 1992* that:
  - i. are currently known to occur within or periodically utilise the site; or



- ii. are detected within the site during the conduct of further baseline, construction or operational monitoring pursuant to other conditions; and
- iii. are not the subject of an equivalent management plan prepared in satisfaction of an approval issued under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

(b) set out key impact management strategies including:

- i. further baseline programs;
- ii. management targets;
- iii. design, construction and operational impact avoidance and mitigation measures and protocols;
- iv. quantitative performance indicators;
- v. monitoring and reporting regimes;
- vi. corrective actions;
- vii. timeframes for identified actions; and
- viii. applicant and stakeholder responsibilities.

Weed and pest management plan

The weed and pest management plan must include:

- (a) protocols for the management of noxious environmental weed species on the site, with the objective of minimising the potential risk of introducing such weeds and pests.

Rehabilitation plan

The rehabilitation plan must include guidelines to incorporate appropriate landscape rehabilitation strategies and methods into the management of disturbed land.

Habitat clearing and management plan

The habitat clearing and management plan must include management strategies involved in mitigating impacts of habitat clearing on susceptible fauna, including the induction of workers and for wildlife spotters and catchers involved in habitat clearing.

Ecological fire management plan

The ecological fire management plan must include management strategies to be implemented in order to maintain an appropriate fire regime for the various faunal and flora habitats represented on site.

Cultural heritage management plan

The cultural heritage management plan must include the procedures to be followed for impact avoidance and mitigation of impacts upon Aboriginal heritage.

Environmental management plan training program

The environmental management plan must include a training program for construction workers and permanent employees or contractors at the site, including a site induction program relating to the range of issues addressed by the environmental management plan.

Environmental management plan reporting program

The environmental management plan must include a program for reporting environmental incidents, including:

- (a) a register of environmental incidents, non-conformances and complaints, together with corrective actions taken in response to such incidents, non-conformances or complaints;
- (b) identification of the person to whom reports of environmental incidents, non-conformances and complaints should be made.

Implementation plan

The environmental management plan must include a timetable for implementation of all programs and works referred to in sections above.

**Schedule 2: Approved plans and documents**





The Hon Cameron Dick MP  
Minister for State Development,  
Manufacturing, Infrastructure and Planning

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Brisbane QLD 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7200  
Email [statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

Our ref: MC18/823

Your ref: BM:nj

14 March 2018

[REDACTED]  
Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Dear [REDACTED]

**Notice of Decision**  
**Application to change a development approval (minor change)**  
**under section 83 of the *Planning Act 2016* (Planning Act)**

I am writing to advise you that I have made a decision on an application to change a development approval, subject to a previous ministerial call in, for the Mount Emerald Wind Farm, located at Springmount Road and Kippin Drive, Arriga.

In accordance with section 83(1) of the Planning Act, I hereby enclose a copy of my decision.

If you require further information, please contact [REDACTED] Manager, Development Assessment, Department of State Development, Manufacturing, Infrastructure and Planning, on [REDACTED] who will be pleased to assist.

Yours sincerely

**CAMERON DICK MP**  
**Minister for State Development, Manufacturing,**  
**Infrastructure and Planning**

Enc

**Tracked changes version of conditions (for information only)**

**Schedule 1: Conditions of Approval  
Development Permit for a Material Change of Use – Code Assessment**

Condition		Timing																		
<b>General / Planning Requirements</b>																				
1.	<p>Undertake the development generally in accordance with the approved plans and documents referred to in Table 1, as modified by the conditions of this approval.</p> <table border="1"> <thead> <tr> <th colspan="3">Table 1: Approved Plans and Documents</th> </tr> <tr> <th>Plan/Document number</th> <th>Plan/Document name</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>PR100246-170 Issue A</td> <td>Mount Emerald Wind Farm Turbine Location and Development Footprint</td> <td>18-11-2013</td> </tr> <tr> <td>Appendix A</td> <td>Statement of Commitments in RPS Development Application Material Change of Use Report</td> <td>March 2012</td> </tr> <tr> <td>PR100246/R72893</td> <td>Preliminary Environmental Management Plan</td> <td>November 2013</td> </tr> <tr> <td>CB24504 Rev 1</td> <td>Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs</td> <td>29/08/2014</td> </tr> </tbody> </table>	Table 1: Approved Plans and Documents			Plan/Document number	Plan/Document name	Date	PR100246-170 Issue A	Mount Emerald Wind Farm Turbine Location and Development Footprint	18-11-2013	Appendix A	Statement of Commitments in RPS Development Application Material Change of Use Report	March 2012	PR100246/R72893	Preliminary Environmental Management Plan	November 2013	CB24504 Rev 1	Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs	29/08/2014	While site / operational / building work is occurring and then to be maintained
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PR100246-170 Issue A	Mount Emerald Wind Farm Turbine Location and Development Footprint	18-11-2013																		
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PR100246/R72893	Preliminary Environmental Management Plan	November 2013																		
CB24504 Rev 1	Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs	29/08/2014																		
<b>Location and Design</b>																				
2.	<p>Submit to the chief executive administering SPA, a revised Turbine Location and Development Footprint Plan identifying the final position of:</p> <ul style="list-style-type: none"> <li>• all proposed turbines; and</li> <li>• the operations and maintenance depots</li> </ul> <p><i>Note: Micro-siting of turbines, prior to the submission of the above mentioned reports, is permitted.</i></p> <p><i>Micro-siting means an alteration to the siting of a</i></p>	Prior to seeking approval for any site, operational or building work																		

	<p>turbine by not more than 100 metres beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.</p> <p><u>Except for the turbine identified as WTG#39, which may be altered by not more than 300m beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.</u></p>	
3.	<p>(a) The wind farm must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. The maximum number of turbines must not exceed 63;</li> <li>ii. All turbines must be setback a minimum of 1,500 metres from any existing and approved dwelling at the date of this approval;</li> <li>iii. All turbines and the operations and maintenance depot are to be located in accordance with the revised Turbine Location and Development Footprint Plan required by condition 2 of this approval;</li> <li>iv. The overall maximum height of any turbine (measured to the tip of the rotor blade at their highest point above ground level) must not exceed 1179.5 metres AHD;</li> <li>v. The hub height of any turbine must not exceed 90 metres above ground level;</li> <li>vi. All cabling must be provided underground, except where the approved Environmental Management Plan recommends an alternative method in environmentally sensitive locations.</li> </ul> <p>(b) Submit certification to the chief executive administering SPA from an Registered Professional Engineer Queensland (RPEQ) that the wind farm as constructed complies with the design specifications indicated in part (a) of this condition.</p>	<p>(a) Prior to the commencement of use and then to be maintained</p> <p>(b) Prior to the commencement of use</p>
<b>Acoustic Amenity</b>		
4.	<p>The wind farm development must be designed and operated to ensure that:</p> <p>(a) The outdoor night-time (10pm to 6am) equivalent noise level (<math>L_{Aeq,10\text{ minutes}}</math>) at existing and approved</p>	<p>Prior to the commencement of use and then to be maintained</p>



	<p>sensitive land uses at the date of this approval, does not exceed the higher of:</p> <ul style="list-style-type: none"> <li>(i) 35dB(A); or</li> <li>(ii) the background noise level (<math>L_{A90}</math>) plus 5dB(A);</li> </ul> <p>and</p> <p>(b) The outdoor day-time equivalent noise level (<math>L_{Aeq,10}</math> minutes ) at existing and approved sensitive land uses at the date of this approval, does not exceed the higher of:</p> <ul style="list-style-type: none"> <li>(i) 37dB(A) ; or</li> <li>(ii) the background noise level (<math>L_{A90}</math>) plus 5dB(A).</li> </ul> <p>(c) The equivalent noise levels (<math>L_{Aeq}</math>) are to be assessed at all existing and approved sensitive land uses at the date of this approval for all integer hub height wind speeds from cut-in to rated power of the wind turbine generator.</p> <p>(d) Measurements of background noise or operational noise from wind turbine generators for the operation shall be in accordance with Australian Standard <i>AS4959-2010 Acoustics – Measurement, prediction and assessment of noise from wind turbine generators</i> (AS4959-2010) at any existing and approved sensitive land uses at the date of this approval. If an alternative standard or guideline to AS4959-2010 is to be followed for the assessment of Special Audible Characteristics, then reasons for the selection of the alternative are to be provided.</p>	
5.	<p>(a) Submit to the chief executive administering the SPA a revised noise assessment report, certified by a suitably qualified acoustic consultant, demonstrating that the proposed wind farm can meet the noise levels specified in condition 4 of this approval. The report is to:</p> <ul style="list-style-type: none"> <li>i. Model the acoustic impacts of the wind farm based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</li> </ul> <p>The noise modelling should take into account the varied topography between the turbine locations and existing and approved sensitive land use receptors at the date of this approval and any impacts that may have on predicted noise levels, and include an assessment of Special Audible Characteristics including tonality, impulsivity and amplitude modulation.</p> <ul style="list-style-type: none"> <li>ii. Identify any design specifications or operational restrictions that may be necessary to ensure compliance with the noise levels specified in</li> </ul>	<p>(a) Prior to the commencement of site / operational / building work</p>

	<p>condition-4, such as turbine types or limitations on hours of operation of specific turbines.</p> <p>(b) Submit to the chief executive administering the SPA a compliance noise assessment report, certified by a suitably qualified acoustic consultant, demonstrating that the proposed wind farm meets the noise levels specified in condition 4 of this approval. The report is to:</p> <p>i. Measure the acoustic impacts of the wind farm based on the final Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>The noise measurements should take into account the turbine locations and any existing and approved sensitive land use receptors at the date of this approval; and include an assessment of Special Audible Characteristics including tonality, impulsivity and amplitude modulation. Assessment of Special Audible Characteristics should be carried out using an appropriate international standard or guideline. Reasons for selection of the standard or guideline are to be provided with the noise assessment report. The assessment should determine whether the Special Audible Characteristics are excessive and require an adverse character adjustment (adj) to specific measurement period.</p>	<p>(b) Within twelve (12) months of the completion of construction and then to be maintained</p>
<b>Visual Amenity</b>		
<p>6.</p>	<p>(a) Submit to the chief executive administering SPA a revised shadow flicker assessment report certified by a suitably qualified and experienced person demonstrating that the shadow flicker from the turbines will not exceed 30 hours per annum and 30 minutes per day at any dwelling existing at the date of this approval.</p> <p>The report is to model the shadow flicker of the wind farm, based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>(b) The wind farm is to be constructed and operated in accordance with the revised shadow flicker assessment report required in part (a) of this condition. In particular, any design specifications or operational restrictions required to ensure that shadow flicker from the constructed turbines does not exceed 30 hours per annum and 30 minutes per day at any dwelling existing at the date of this</p>	<p>(a) Prior to seeking approval for any site, operational or building work</p> <p>(b) Prior to the commencement of use and then to be maintained</p>



	approval.	
7.	The turbines and blades must have a low reflectivity finish.	Prior to the commencement of use and to be maintained
8.	External lighting of infrastructure associated with the wind farm is not permitted other than: (a) low-level, low-intensity security lighting; (b) aviation obstacle lighting where required by the Civil Aviation and Safety Authority; (c) lighting necessary in the case of an emergency or for operational call-outs at reasonable times. Any external lighting, excluding aviation obstacle lights, is to comply with Australian Standard AS 4282-1993 <i>Control of the obtrusive effects of outdoor lighting</i> .	Prior to the commencement of use and to be maintained
<b>Television and Radio Reception</b>		
9.	(a) Undertake an assessment of the television and radio reception strength in the area within 5 km of any proposed turbine and in which any existing and approved dwellings are located as at the date of this approval. The pre-construction assessment must be undertaken by a television and radio monitoring specialist, and include testing at selected locations to enable the average television and radio reception strength in the area within 5 km of the site to be determined. The specific locations of testing must be determined by a television and radio monitoring specialist. (b) If, following commencement of the operation of the wind farm, a complaint is received regarding the wind farm having an adverse effect on television or radio reception at any existing and approved dwelling within 5 km of the site which existed at the date of this approval, a post-construction assessment of the television and radio reception strength must be carried out at, or in close proximity to, any existing and approved dwelling at the date of this approval by a television and radio monitoring specialist. (c) If the post-construction assessment establishes an unacceptable increase in interference to reception as a result of the wind farm, measures to restore the affected reception to pre-construction quality must be undertaken. (d) Provide to the chief executive administering the SPA, on request, the results of the pre-construction assessment and any post-construction assessment carried out in response to a complaint and evidence	(a) Prior to the commencement of site / operational / building work  (b) Within one (1) month of receiving a complaint  (c) Within two (2) months of the post-construction assessment  (d) Within (2) months of the post-construction assessment



	that the appropriate restoration measures have been undertaken to address television and radio reception strength where required.	
<b>Traffic Management</b>		
10.	<p>(a) Submit to the chief executive administering the SPA a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified expert and in consultation with the Department of Transport and Main Roads, Cairns Regional Council, Tablelands Regional Council and Mareeba Shire Council. The CTMP must relate to the roads proposed to be used in transporting material, personnel and equipment related to the construction and decommissioning of the wind farm. The CTMP must include but not limited to:</p> <ul style="list-style-type: none"> <li>(i) an existing conditions survey of Hansen Road, Springmount Road and Kippen Drive including details of the suitability, design, condition and construction standard of the relevant public roads;</li> <li>(ii) the designation of all vehicle access points to the site from surrounding roads. Vehicle access points must be designed and located to ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;</li> <li>(iii) the designation of appropriate pre-construction, construction/decommissioning and transport vehicle routes to and from the site;</li> <li>(iv) engineering plans demonstrating whether, and if so how, truck movements to and from the site can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road;</li> <li>(v) recommendations regarding the need for road and intersection upgrades to accommodate any additional traffic or site access requirements (whether temporary or ongoing). Where upgrades are required, the traffic management plan must include: <ul style="list-style-type: none"> <li>(a) detailed engineering plans showing the required works;</li> <li>(b) the timing of when the works are to be undertaken;</li> <li>(c) a program of regular inspections to be carried out during the construction of the wind farm to identify maintenance works necessary as a result of construction traffic;</li> </ul> </li> </ul>	<p>(a) Prior to the commencement of site / operational / building work</p>

	<p>(vi) measures to be taken to manage traffic impacts associated with the ongoing operation of the wind farm on the traffic volumes and flows on surrounding roads.</p> <p>This may include, as recommended in the “Technical Note 2 – Traffic Impact Assessment Engineering Response” prepared by Jacobs dated 29/08/14:</p> <ul style="list-style-type: none"> <li>a) providing a 30 seat shuttle bus service for construction workers arriving and departing the site, servicing the key townships where the construction workers live;</li> <li>b) providing minimal or restricted on-site parking to discourage workers arriving to and departing the site via private vehicles</li> </ul> <p>(vii) a program to rehabilitate Hansen Road, Springmount Road and Kippen Drive to the pre-construction condition identified by the surveys required under sub-section (a) of this condition, at the conclusion of the construction of the wind farm.</p> <p>(b) Carry out the development in accordance with the CTMP.</p> <p>(c) Submit to the chief executive administering SPA certification from an RPEQ that all works identified in the CTMP have been carried out in accordance with the CTMP.</p>	<p>(b) In accordance with the timeframes specified in the CTMP</p> <p>(c) Within three (3) months of the completion of construction</p>
<b>Environmental Management</b>		
11.	<p>(a) Submit to the chief executive administering the SPA an Environmental Management Plan (EMP) prepared by a suitably qualified person(s). The EMP must:</p> <ul style="list-style-type: none"> <li>i. be generally in accordance with the Preliminary Environmental Management Plan prepared by RPS and dated November 2013 and the draft Statement of Commitments contained within Appendix A of the RPS Development Application Material Change of Use Report dated March 2012;</li> <li>ii. be based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval;</li> <li>iii. include the following components, as further detailed in Attachment 1: <ul style="list-style-type: none"> <li>• a construction and work site operational management plan</li> </ul> </li> </ul>	<p>(a) Prior to seeking approval for any site, operational or building work</p>



	<ul style="list-style-type: none"> <li>• a sediment, erosion and storm water management plan</li> <li>• a hydrocarbon and hazardous substances plan</li> <li>• a bushfire risk management plan and emergency evacuation plan</li> <li>• a significant species management plan</li> <li>• a weed and pest management plan</li> <li>• a rehabilitation plan</li> <li>• a habitat clearing and management plan</li> <li>• an ecological fire management plan</li> <li>• a cultural heritage management plan</li> <li>• an environmental management plan training program</li> <li>• an environmental management plan reporting program</li> <li>• an implementation plan</li> </ul> <p>(b) The development must be carried out in accordance with the EMP.</p>	<p>(b) During site / operational /building work and to be maintained</p>
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**Community Engagement**

12.	<p>(a) Submit to the chief executive administering SPA a Community Engagement Strategy (CES) that includes at a minimum:</p> <p>(i) A Community Consultation Plan that demonstrates and includes:</p> <ol style="list-style-type: none"> <li>a. consultation methods</li> <li>b. consultation calendar that identifies activities that must be carried out at least on a quarterly basis and during: <ul style="list-style-type: none"> <li>• three (3) months prior to construction commencing</li> <li>• during construction</li> <li>• once operational for at least one year from the commencement of stage 1</li> </ul> </li> </ol> <p>(ii) A Complaints Management Plan / Register (CMPR) that demonstrates and includes:</p> <ol style="list-style-type: none"> <li>a. how contact details will be communicated to the public</li> <li>b. a toll free telephone number and email contact for complaints and queries</li> <li>c. a register outlining complaint information for each complaint received</li> <li>d. the processes for investigation and actions undertaken to resolve the complaint</li> </ol> <p>(b) All community consultation and complaints must be managed in accordance with the CES.</p>	<p>(a) Five (5) months prior to construction commencing</p> <p>(b) – (c) Prior to construction / during</p>
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	(c) Provide to the chief executive administering SPA and Council, on request, a copy of the CMPR, in particular the processes of investigation and actions undertaken to resolve the complaint.	construction and once operational
<b>Decommissioning and Rehabilitation</b>		
13.	<p>Submit to the chief executive administering SPA a decommissioning and rehabilitation plan prepared by a suitably qualified person(s).</p> <p>The decommissioning and rehabilitation plan must address the actions to be undertaken where any or all turbines have permanently ceased to generate electricity. The plan must include a program for:</p> <p>(a) removal of above ground non-operational equipment;</p> <p>(b) removal and clean up any residual contamination;</p> <p>(c) rehabilitation/revegetation of storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbines, if those areas are not otherwise useful to the on-going use or decommissioning of the wind farm;</p> <p>(d) notification to the relevant authorities of the turbines ceasing operation. Such notification should be given no later than two months after the turbine(s) cease operation.</p>	Prior to decommissioning

<b>General advice</b>	
a.	This development permit does not constitute an approval to commence operational works within Powerlink easements. Prior written approval is required from Powerlink before any additional operational work is undertaken within the easement areas. All additional operational works within the easements will require separate assessment and approval by Powerlink.
b.	Development must comply with the <i>Electrical Safety Act 2002</i> including any Code of Practice under that Act and the Electrical Safety Regulation 2002 including any safety exclusion zones defined in the Regulation.
c.	<p>In respect to this application the exclusion zone for untrained persons and for operating plant operated by untrained persons is 6 metres from the 275,000 volt wires and exposed electrical parts.</p> <p>Should any doubt exist in maintaining the prescribed clearance to the conductors and electrical infrastructure, then the applicant is obliged under the <i>Electrical Safety Act 2002</i> to seek advice from Powerlink.</p>
d.	Any works must comply with the easement terms and conditions as per easement Dealing 701758510 and 713030213

e.	Engagement must occur with Powerlink with regards to a connection to Powerlink's transmission line network. Further technical assessments regarding safe clearance between turbines and Powerlink infrastructure will have to be performed and must be submitted to Powerlink for approval.
f.	Works in the vicinity of Powerlink infrastructure must comply with the Management of Easement Co-Use Requests Guideline.
g.	<p>The site has slight residual risk of unexploded ordnance (UXO). In the event of identification of UXO, the Department of Defence recommends the following procedure:</p> <ul style="list-style-type: none"> <li>• do not touch or disturb the object;</li> <li>• take action, where appropriate, to prevent it being disturbed by another person;</li> <li>• note its approximate dimensions and general appearance;</li> <li>• note the route to its location; and</li> <li>• advise the Police as soon as possible.</li> </ul>
h.	<p>Copies of the final development plans must be provided to the following entities, to enable details of the development to be shown on aeronautical charts of the area:</p> <ul style="list-style-type: none"> <li>• the Civil Aviation Safety Authority;</li> <li>• the Department of Defence (RAAF Aeronautical Information Service);</li> <li>• Airservices Australia;</li> <li>• any aerodrome operator within 15 km of the outside property boundaries of the site;</li> <li>• the Aerial Agriculture Association of Australia;</li> <li>• any organisation responsible for providing air ambulance services in the area.</li> </ul>

## Attachment 1 – Components of the Environmental Management Plan

### Construction and work site operational management plan

The environmental management plan must include a construction and work site operational management plan.

The construction and work site operational management plan must include:

- a) the identification of fuels, other hazardous materials and all other potential contaminants stored or used on site during the construction phase of the wind farm, and appropriate storage, construction and operational methods to control any identified contamination risks;
- b) procedures for managing potential spills and leaks and pollution incidents,



including incorporation of appropriate pollution control;

- c) procedures to suppress dust emissions from construction-related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
- d) procedures for managing noise emissions from construction-related activities;
- e) appropriate sanitary facilities to be provided for construction and maintenance staff;
- f) a timetable, where practicable, for the construction of turbine bases, access tracks and power cabling during warmer months, to minimise impacts on ephemeral wetlands, local fauna and sediment mobilization;
- g) measures to minimise waste generation on site and maximising opportunities for recycling and reuse;
- h) measures for dust mitigation, control and monitoring dust gauges;
- i) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
- j) procedures for covering trenches and holes at night, and filling trenches as soon as practical after excavation, to protect native fauna;
- k) the removal of works, buildings and staging areas on completion of the construction phase of the project.

#### Sediment, erosion and storm water management plan

The environmental management plan must include a sediment, erosion and storm water management plan.

The sediment, erosion and storm water management plan must include:

- a) identification of all construction and operational processes that could potentially lead to water contamination;
- b) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:
  - (i) all land disturbances must be confined to a minimum practical working area;
  - (ii) soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed, and soil must be replaced



as soon as possible in sequence;

- (iii) stockpiles must be located away from drainage lines;
- c) the installation of geo-textile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;
- d) procedures for waste water discharge management;
- e) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
- f) pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
- g) agreed program and appropriate capacity for annual inspection and regular maintenance of any on-site wastewater management system;
- h) a program of inspection and remediation of localised erosion within a specified response time.

#### Hydrocarbon and hazardous substances plan

The hydrocarbon and hazardous substances plan must include:

- (a) procedures for any on-site, permanent post-construction storage of fuels, lubricants, waste oil or other hazardous substances or potential contaminants to be in bunded areas;
- (b) contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with the Council requirements.

#### Bushfire risk management plan and emergency evacuation plan

The bushfire risk management plan and emergency evacuation plan must include:

- (a) criteria for the provision of static water supply tanks solely for firefighting purposes, including minimum capacities, appropriate connections and signage;
- (b) procedures for vegetation management, fuel control and the provision of firefighting equipment during declared fire danger periods;
- (c) minimum standards for access roads and tracks to allow access for fire fighting vehicles, including criteria for access to static water supply tanks for fire fighting vehicles;
- (d) training of personnel of the organisations referred to above in relation to suppression of wind farm fires;
- (e) details of a lightning and earthing system to mitigate against the risk of bush-fires

caused by direct lightning strikes on the turbines.

Significant species management plans

Significant species management plans must:

- (a) include plans for all wildlife species listed as Endangered, Vulnerable or Near Threatened under the provisions of the *Nature Conservation Act 1992* that:
- i. are currently known to occur within or periodically utilise the site; or
  - ii. are detected within the site during the conduct of further baseline, construction or operational monitoring pursuant to other conditions; and
  - iii. are not the subject of an equivalent management plan prepared in satisfaction of an approval issued under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- (b) set out key impact management strategies including:
- i. further baseline programs;
  - ii. management targets;
  - iii. design, construction and operational impact avoidance and mitigation measures and protocols;
  - iv. quantitative performance indicators;
  - v. monitoring and reporting regimes;
  - vi. corrective actions;
  - vii. timeframes for identified actions; and
  - viii. applicant and stakeholder responsibilities.

Weed and pest management plan

The weed and pest management plan must include:

- (a) protocols for the management of noxious environmental weed species on the site, with the objective of minimising the potential risk of introducing such weeds and pests.

Rehabilitation plan

The rehabilitation plan must include guidelines to incorporate appropriate landscape rehabilitation strategies and methods into the management of disturbed land.

Habitat clearing and management plan

The habitat clearing and management plan must include management strategies involved in mitigating impacts of habitat clearing on susceptible fauna, including the induction of workers and for wildlife spotters and catchers involved in habitat clearing.

Ecological fire management plan

The ecological fire management plan must include management strategies to be implemented in order to maintain an appropriate fire regime for the various faunal and flora habitats represented on site.

Cultural heritage management plan

The cultural heritage management plan must include the procedures to be followed for impact avoidance and mitigation of impacts upon Aboriginal heritage.

Environmental management plan training program

The environmental management plan must include a training program for construction workers and permanent employees or contractors at the site, including a site induction program relating to the range of issues addressed by the environmental management plan.

Environmental management plan reporting program

The environmental management plan must include a program for reporting environmental incidents, including:

- (a) a register of environmental incidents, non-conformances and complaints, together with corrective actions taken in response to such incidents, non-conformances or complaints;
- (b) identification of the person to whom reports of environmental incidents, non-conformances and complaints should be made.

Implementation plan

The environmental management plan must include a timetable for implementation of all programs and works referred to in sections above.



## Schedule 2: Approved plans and documents

Company owner's consent to the making of a development application under the *Sustainable Planning Act 2009*

I, [redacted] [insert name in full]

Director of the below mentioned company and

I, [redacted] [insert name in full]

of Port Bajool Pty Ltd [insert name of company]

as owner of premises identified as follows:

Lot 7 on SP235244

consent to the making of a development application under the *Sustainable Planning Act 2009* by Mount Emerald Wind Farm Pty Ltd (c-RPS Australia East Pty Ltd) [insert name of applicant]

on the premises described above for the purposes of Utility Installation [Wind Farm] including ancillary infrastructure and facilities.

Material Change of Use for a Wind Farm comprising a maximum of 63 turbines.

[insert details] [redacted] [signature of Director]

signed on the 31st day of January 2018

[redacted] [signature of Director/company secretary]

signed on the 31st day of January 2018

Company seal [if used]



7 February 2018

State Assessment Referral Agency  
Far North Queensland Regional Office  
PO Box 2358  
CAIRNS QLD 4870


By email: CairnsSARA@dilgp.qld.gov.au

Dear Sir / Madam,

**RE: REQUEST TO CHANGE DEVELOPMENT APPROVAL PURSUANT TO SECTION 78 OF THE PLANNING ACT 2016; MOUNT EMERALD WIND FARM, ARRIGA.**

We write in reference to the Decision Notice to approve the Mount Emerald Wind Farm project, subject to conditions, on 24 April 2015 and subsequently amended under a permissible change on 31 January 2017.

In accordance with Section 78 (3) (bb) of the Planning Act 2016, we are making a request to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm, Arriga.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact myself or  on the numbers below.

Yours sincerely,



**RATCH-Australia Corporation**

A Ratchaburi Holdings and Transfield Services Company

Level 7, 111 Pacific Highway  
North Sydney NSW 2060  
PO Box 1058  
North Sydney NSW 2060  
Telephone: +61 2 8913 9400  
Facsimile: +61 2 8913 9423  
www.ratchaustralia.com





7 February 2018

The Honourable Jackie Trad MP  
Deputy Premier  
Minister for Infrastructure, Local Government and Planning  
Minister for Trade and Investment  
PO Box 15009  
CITY EAST QLD 4002

By email:  
cc



Dear Madam,

**RE: REQUEST TO CHANGE DEVELOPMENT APPROVAL PURSUANT TO SECTION 78 OF THE PLANNING ACT 2016; MOUNT EMERALD WIND FARM, ARRIGA.**

We write in reference to the Decision Notice to approve the Mount Emerald Wind Farm project, subject to conditions, on 24 April 2015 and subsequently amended under a permissible change on 31 January 2017.

In accordance with Section 78 (3) (bb) of the Planning Act 2016, we are making a request to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm, Arriga.

The requested change concerns the following Conditions of the Decision Notice:

**Location and Design**

**Condition 2** of the Decision Notice requires a Turbine Location and Development Footprint Plan to be submitted to the chief executive administering SPA, to identify the final position of all the proposed turbines; and the operations and maintenance depots.

It is noted, within **Condition 2** there is a micro-siting allowance of 100 metres for the location of turbines identified in approved plan *Mount Emerald Wind Farm Turbine Location and Development Footprint*.

Currently the project is under construction and as such some aspects of layout and design are being optimised to on-site conditions and to minimise impacts where possible as required under the Construction Environmental Management Plan (CEMP). Through this optimisation process, a modification to the location of one of the turbines has been proposed which exceeds the micro-siting allowance.

The modification relates to the location of a single turbine. It is recognised the numbering of the turbines was amended prior to the commencement of construction, with the relevant turbine originally known as WTG#39, and subsequently re-numbered to WTG#33. With reference to the information provided, the turbine is identified as;

- WTG#39 – as shown in *Mount Emerald Wind Farm Turbine Location and Development Footprint* as Plan/Document number PR100246-170 Issue A, dated 18-11-2013. As noted in Condition 1, Table 1.
- WTG#33 - as shown in *Mount Emerald Wind Farm Turbine Location and Development Footprint* as Plan/Document number WAD141161-SK01-D, dated 26-11-2016. This document was submitted to the chief executive administering SPA, prior to the commencement of construction, as required by provisions of Condition 2.

The reasoning for the modification to the location of this turbine includes;

- Constructability – the turbine is located in an area of steep terrain and civil works needed to build the access road, hardstand and foundation would be quite significant. A revised location would not only reduce the length of access road but substantially reduce the amount of cut/fill earthworks needed to locate the road, hardstand and foundation.



**RATCH-Australia Corporation**

A Ratchaburi Holdings and Transfield Services Company

Level 7, 111 Pacific Highway  
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Facsimile: +61 2 8913 9423  
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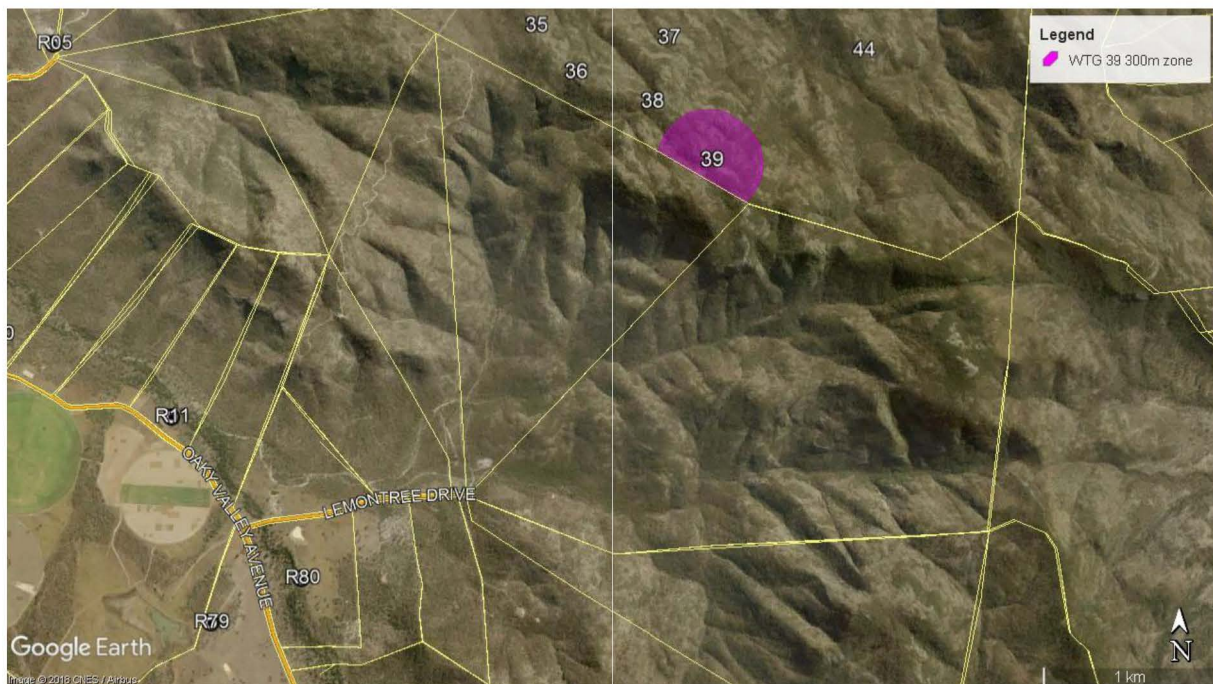


- Environmental – the modification would allow for direct avoidance of a known population of a significant plant species (*grevillea glossadenia* and *homoranthus porteri*) as stated in the CEMP, and the associated reduction in disturbance area would also reduce general habitat impacts for other species such as the Nothern Quoll. Further, the avoidance of steeper terrain would reduce risks associated with erosion and sediment control.
- Visibility – any reduction in the amount of cut/fill earthworks associated with the modification will also reduce the visual impact the construction will have in this area.
- Heritage – the modification will allow for a reduction in the risk of potential disturbance to a known area of indigenous heritage which is located in proximity to the proposed earthworks.

It is proposed to change the definition of Micro-siting within **Condition 2** to;

*Micro-siting means an alteration to the siting of a turbine by not more than 100 metres beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013. Except for the turbine identified as WTG#39, which may be altered by not more than 300m beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.*

It is recognised the change in location of turbine WTG#39 may have some impacts on other Conditions of Approval, thus a summary of the expected outcomes is shown in the table below. It is also noted the available zone for micro-siting of this turbine is restricted by its proximity to the subject property boundary (Lot 7 SP235244). A move in a north-westerly direction is considered most likely, given the nature of the topography in the specific location.



Condition	Outcome
1	No change
2	Change to the definition of Micro-siting
3	i. No change - proposed number of turbines to be installed remains at 53 ii. minimum setback of 1,500m not breached. The distance between the closest dwellings to the modified (worst case) location of WTG#39 are; R11 – 3,575m before; 3,325m after (if moved to the closest point) R80 – 3,471m before; 3,299m after (if moved to the closest point)




	iii. No change iv. No change - overall maximum height remains below 1,179.5m v. No change - hub heights not changed vi. No change
4	No change
5	Given the distance between the turbine and receptors (>3,000m), no measurable change to noise levels is expected.
6	Given the distance between the turbine and receptors (>3,000m), no measurable change to shadow flicker is expected.
7	No change
8	No change
9	No change
10	No change
11	No change
12	No change
13	No change

In support of this request, to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm, please find enclosed:

- Receipt for \$1,564, being the relevant application fee;
- Owner's Consent Form;
- *Mount Emerald Wind Farm Turbine Location and Development Footprint Plan/Document number PR100246-170 Issue A, dated 18-11-2013;*
- *Mount Emerald Wind Farm Turbine Location and Development Footprint Plan/Document number WAD141161-SK01-D, dated 26-11-2016.*

Please note that a copy of the request has been provided to:

- Mareeba Shire Council, as the Assessment Manager for the application;
- State Assessment Referral Agency (SARA).

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact myself or  on the numbers below.

Yours sincerely,





**MINISTER FOR STATE DEVELOPMENT, MANUFACTURING, INFRASTRUCTURE AND PLANNING**  
**Executive correspondence action sheet**

DATE RECEIVED MO <i>12/2/2018</i>	DATE RECEIVED DEPT <i>12/2/2018</i>	DATE DUE MO ____/____/2018	DEPT REF MC18/..... <i>893</i> .....
--------------------------------------	--	-------------------------------	--------------------------------------

Author: [REDACTED] Company: *Mareeba Shire Council*

Response required		Other	
<input type="checkbox"/>	Minister signatory	<input type="checkbox"/>	Decision brief
<input type="checkbox"/>	DG or CG signatory Draft to MO first for approval? <input type="checkbox"/>	<input type="checkbox"/>	Noting brief
<input type="checkbox"/>	DDG signatory	<input type="checkbox"/>	Meeting brief
<input type="checkbox"/>	Dept signatory (ED or Director)	<input type="checkbox"/>	Dot points
<input checked="" type="checkbox"/>	Dept for appropriate action	<input type="checkbox"/>	Dept to call and resolve
<input type="checkbox"/>	Referral to (agency).....(DLO to action)	<input type="checkbox"/>	Other.....
<input type="checkbox"/>	No response necessary – file & note	<input type="checkbox"/>	.....

Contact person (for response)	Min <input type="checkbox"/>	COS <input type="checkbox"/>	Dept officer <input type="checkbox"/>	Other <input type="checkbox"/> .....
Response time	5 days <input type="checkbox"/>	10 days <input type="checkbox"/>	15 days <input type="checkbox"/>	MALPI <input type="checkbox"/> ..... business days from receipt. <b>Note Planning responsible for due date</b>

**Minister's Office comments/drafting instructions**  
*JC - 12-2-18*

Approved by:.....*Joe*..... Date:.....*12/2/18*.....

DLO USE						DLO comments/drafting instructions
BU	Lead	Copy/consult	BU	Lead	Copy/consult	
ODG	<input type="checkbox"/>	<input type="checkbox"/>	Planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
EID	<input type="checkbox"/>	<input type="checkbox"/>	IPP	<input type="checkbox"/>	<input type="checkbox"/>	
IP	<input type="checkbox"/>	<input type="checkbox"/>	EDQ	<input type="checkbox"/>	<input type="checkbox"/>	
MPP	<input type="checkbox"/>	<input type="checkbox"/>	BQ	<input type="checkbox"/>	<input type="checkbox"/>	
RED	<input type="checkbox"/>	<input type="checkbox"/>	SB	<input type="checkbox"/>	<input type="checkbox"/>	
BSP	<input type="checkbox"/>	<input type="checkbox"/>	QRA	<input type="checkbox"/>	<input type="checkbox"/>	
OCG	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Lead area must ensure consultation occurs with other business units and departments if/as necessary to ensure a 'whole of portfolio' brief or response is provided.</b>						

Approved by Director-General/Coordinator-General signature & date: ...../...../18

[Redacted]

---

**From:** [Redacted]  
**Sent:** Monday, 12 February 2018 11:29 AM  
**To:** [Redacted] State Development  
**Subject:** Permissible Change Request - Development Approval - Mt Emerald wind farm  
**Attachments:** 20180212112521092.pdf

Dear All,

Attached is Council's letter of no objection to the proposed change.

Regards

[Redacted]  
Senior Planner



**Mareeba**  
**SHIRE COUNCIL**

**Phone:** 1300 308 461 | **Direct:** 07 4086 4657 | **Fax:** 07 4092 3323  
**Email:** [brianm@msc.qld.gov.au](mailto:brianm@msc.qld.gov.au) | **Website:** [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

**From:** [Redacted] [ratchaustralia.com](http://ratchaustralia.com)  
**Sent:** Wednesday, 7 February 2018 8:04 AM  
**To:** [Redacted]  
**Subject:** Permissible Change Request - Development Approval - Mt Emerald wind farm

To whom it may concern,

On behalf of RATCH-Australia, please find attached correspondence associated with a request to make a Permissible Change to the Decision Notice for the Mount Emerald Wind Farm.

Regards

[Redacted]

---

Mareeba Shire Council Disclaimer

This message and any attachments may contain privileged and confidential information intended only for the use of the intended addressee(s). Any unauthorised use of this material is prohibited. If you received this message in error please notify the sender immediately, delete the message and destroy any printed or electronic copies. Opinions expressed in this e-mail are those of the sender and do not necessarily represent the views of the Mareeba Shire Council. Council does not accept any responsibility for the loss or damage that may result from reliance on, or the use of, any information contained in this e-mail or attachments.

We recommend that you scan this e-mail and any attachments for viruses before opening. This Council does not accept liability for any loss or damage incurred either directly or indirectly from opening this e-mail or any attachments to it.





# Mareeba SHIRE COUNCIL

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

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W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

12 February 2018

Council Ref: MCU/11/0024

Our Ref: BM:nj

Your Ref: MBN14/753 & MC16/5324

The Hon Cameron Dick MP  
Minister for State Development, Manufacturing,  
Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister

***NOTICE ABOUT REQUEST TO CHANGE DEVELOPMENT APPROVAL - AFFECTED ENTITY  
DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - MOUNT EMERALD WIND FARM, ARRIGA***

In accordance with Section 80 (1) of the Planning Act 2016, on 7 February 2018, Mount Emerald Wind Farm Pty Ltd gave Mareeba Shire Council notice of a minor change application for the Mount Emerald Wind Farm project.

Council understands that the proposed change relates to Condition 2, in particular the definition of micro-siting. Council has considered the proposed change and advises that it has no objection to the change being made.

Should you require any further information, please contact Council's Senior Planner, [REDACTED] on the above telephone number.

Yours faithfully







The Hon Cameron Dick MP  
Minister for State Development,  
Manufacturing, Infrastructure and Planning

1 William Street  
Brisbane QLD 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7200  
Email [statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

Our ref: MC18/823

14 March 2018

[REDACTED]  
Mount Emerald Wind Farm Pty Ltd  
c/- RATCH Australia  
Level 4,231 George Street  
BRISBANE QLD 4000

Email: [REDACTED]

Dear [REDACTED]

**Notice of Decision**  
**Application to change a development approval (minor change)**  
**under section 83 of the *Planning Act 2016* (Planning Act)**

Thank you for your letter of 7 February 2018 for an application to change a ministerial development approval (minor change), dated 24 April 2015 for the Mount Emerald Wind Farm, located at Springmount Road and Kippin Drive, Arriga.

I am pleased to advise that I have approved this application. The approved change is shown in bold and italics in the enclosed decision notice for the original application, as amended.

**Decision for change application**

---

Date of decision: 14 March 2018

Details of decision: Approved

Description of agreed changes: Change the definition of micro-siting in Condition 2, to allow the alteration of the location of wind turbine 39.

If you require further information, please contact Ms Morag Elliott, Manager, Development Assessment, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 3452 7653 or morag.elliott@dsdmip.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cameron Dick', with a horizontal line extending to the right.

**CAMERON DICK MP**  
**Minister for State Development, Manufacturing,**  
**Infrastructure and Planning**

Enc (2)



## Hon Jackie Trad MP

Deputy Premier

Minister for Transport, Minister for Infrastructure,  
Local Government and Planning and Minister for Trade

Our ref: MBN14/753

24 April 2015

[REDACTED]  
Mount Emerald Wind Farm Pty Ltd  
c/- RATCH Australia  
Level 4, 231 George Street  
BRISBANE QLD 4000  
Email: [REDACTED]

Dear [REDACTED]

### DECISION NOTICE Ministerial Call In of Development Application Mount Emerald Wind Farm, Arriga

I refer to the then Deputy Premier, Minister for State Development, Infrastructure and Planning's decision on 11 June 2014 to exercise ministerial call in powers under the *Sustainable Planning Act 2009* (SPA) to call in the development application for the Mount Emerald Wind Farm, Arriga.

Please be advised that on 24 April 2015, I decided to approve the development application subject to conditions.

Applicant details	
Name of applicant:	Mount Emerald Wind Farm Pty Ltd
Address of applicant:	c/- RATCH Australia Level 4, 231 George Street BRISBANE QLD 4000
Application details	
Original assessment manager:	Mareeba Shire Council
Date application properly made:	29 March 2012
Approvals sought:	Development Permit for a Material Change of Use for a Wind Farm comprising a maximum of 63 turbines
Description of development:	Wind Farm comprising a maximum of 63 turbines and ancillary infrastructure
Category of development:	Code Assessment
Property details	
Real property description ("the site"):	Lot 7 on SP235244, part of Lot 905 on CP896501 and Easement A in Lot 1, Easement C in Lot 2 and Easement E in Lot 3 on SP231871
Address of property:	Springmount Road and Kippin Drive, Arriga

Level 12 Executive Building  
100 George Street Brisbane  
PO Box 15009 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7100  
Email deputy.premier@ministerial.qld.gov.au



<b>Ministerial call in details</b>	
Date call in notice given:	11 June 2014
I assessed and decided the development application under the normal assessment and decision provisions under SPA.	
Date of decision:	<b>24 April 2015</b>
Details of decision:	Approved subject to conditions
Type of approval:	Development Permit for a Material Change of Use for a Wind Farm comprising a maximum of 63 turbines

### Referral Agencies

The following agencies were referral agencies for the development application. As a result of the decision to call in the development application under section 425(1) of SPA, a concurrence agency for the development application is taken to be an advice agency until I give the decision notice (section 427(4) of SPA).

Referral agency name at the time of lodgement	Referral agency	Address	Advice or concurrence
Department of Environment and Resource Management	Department of Environment and Heritage Protection	GPO Box 2454 BRISBANE QLD 4001	Advice and Concurrence
	Department of Natural Resources and Mines	PO Box 15216 CITY EAST QLD 4002	Concurrence
Powerlink	Powerlink	PO Box 1193 VIRGINIA QLD 4014	Advice

Further to this, third party advice was also received from the following agencies:

Agency	Address
Queensland Health	GPO Box 48 BRISBANE QLD 4001
Mareeba Shire Council	PO Box 154 MAREEBA QLD 4880
Tablelands Regional Council	PO Box 573 ATHERTON QLD 4883

### Approval despite conflict with the planning scheme

I consider that this decision conflicts with the Rural Zone Code in the *Mareeba Shire Planning Scheme 2004* and Overall Outcome (e) in the *Temporary Local Planning Instrument 01/11 (Wind Farms)* (TLPI 01/11).

However, there are sufficient grounds to approve the Mount Emerald Wind Farm development application despite the conflict. These grounds are:

- Parts of the Mareeba Shire Planning Scheme 2004 are out of date in regards to its policy position on wind farms. A shift in planning requirements, through the former TLPI 01/11 (Wind Farms) and TLPI 01/12 (Wind Farms), which is now included within the planning scheme as Amendment 01/11 – Wind Farms, expresses the revised policy position. The Mareeba Shire Planning Scheme 2004 has not yet incorporated all of the appropriate changes to align with these new requirements.
- The Far North Queensland Regional Plan 2009-2031 recognises wind farms as legitimate land use and emphasis is placed on promoting renewable energy. The Far North Queensland Regional Plan is not appropriately reflected in the Mareeba Planning Scheme and is a higher-order planning instrument.

I also consider that the conflict arises because of a conflict between two or more relevant instruments being the Mareeba Shire Planning Scheme and the TLPI 01/11 and later the Amendment 01/11 and the decision best achieves the purpose of the instrument.

#### **Approval subject to conditions**

The conditions of this approval are set out in Schedules 1 and 2, attached.

#### **Other development permits and compliance permits**

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- building works
- plumbing and drainage works
- operational works.

#### **Codes for self-assessable development**

Nil.

#### **Details of any compliance assessment required for documents or work in relation to the development**

Nil.

#### **Deemed approval of applications**

As a result of the decision to call in and assess and decide the development application, chapter 6, part 5, division 3, subdivision 4 of SPA does not apply to the development application (section 427(7) of SPA).

The application is not taken to have been approved under section 331 of SPA.

#### **When approval lapses if development not started**

This development approval will lapse as per section 341 of SPA.

**Referenced plans**

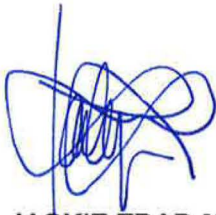
Copies of the approved plans and documents are set out in Schedule 2.

**Appeal rights**

A person may not appeal against the Minister's decision (section 427(5) of SPA).

If you require any further assistance, please email: [ministerial\\_call\\_in@dndip.qld.gov.au](mailto:ministerial_call_in@dndip.qld.gov.au).

Yours sincerely



**JACKIE TRAD MP  
DEPUTY PREMIER  
Minister for Transport, Minister for Infrastructure,  
Local Government and Planning and Minister for Trade**

Enc (2)



**Schedule 1: Conditions of Approval  
Development Permit for a Material Change of Use – Code Assessment**

<b>Condition</b>		<b>Timing</b>																		
<b>General / Planning Requirements</b>																				
1.	<p>Undertake the development generally in accordance with the approved plans and documents referred to in Table 1, as modified by the conditions of this approval.</p> <table border="1"> <thead> <tr> <th align="center" colspan="3"><b>Table 1: Approved Plans and Documents</b></th> </tr> <tr> <th align="center">Plan/Document number</th> <th align="center">Plan/Document name</th> <th align="center">Date</th> </tr> </thead> <tbody> <tr> <td>PR100246-170 Issue A</td> <td>Mount Emerald Wind Farm Turbine Location and Development Footprint</td> <td>18-11-2013</td> </tr> <tr> <td>Appendix A</td> <td>Statement of Commitments in RPS Development Application Material Change of Use Report</td> <td>March 2012</td> </tr> <tr> <td>PR100246/R72893</td> <td>Preliminary Environmental Management Plan</td> <td>November 2013</td> </tr> <tr> <td>CB24504 Rev 1</td> <td>Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs</td> <td>29/08/2014</td> </tr> </tbody> </table>	<b>Table 1: Approved Plans and Documents</b>			Plan/Document number	Plan/Document name	Date	PR100246-170 Issue A	Mount Emerald Wind Farm Turbine Location and Development Footprint	18-11-2013	Appendix A	Statement of Commitments in RPS Development Application Material Change of Use Report	March 2012	PR100246/R72893	Preliminary Environmental Management Plan	November 2013	CB24504 Rev 1	Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs	29/08/2014	While site / operational / building work is occurring and then to be maintained
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Plan/Document number	Plan/Document name	Date																		
PR100246-170 Issue A	Mount Emerald Wind Farm Turbine Location and Development Footprint	18-11-2013																		
Appendix A	Statement of Commitments in RPS Development Application Material Change of Use Report	March 2012																		
PR100246/R72893	Preliminary Environmental Management Plan	November 2013																		
CB24504 Rev 1	Technical Note 2 – Traffic Impact Assessment Engineering Response prepared by Jacobs	29/08/2014																		
<b>Location and Design</b>																				
2.	<p>Submit to the chief executive administering SPA, a revised Turbine Location and Development Footprint Plan identifying the final position of:</p> <ul style="list-style-type: none"> <li>• all proposed turbines; and</li> <li>• the operations and maintenance depots</li> </ul> <p><i>Note: Micro-siting of turbines, prior to the submission of the above mentioned reports, is permitted.</i></p> <p>Micro-siting means an alteration to the siting of a turbine by not more than 100 metres beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development</p>	Prior to seeking approval for any site, operational or building work																		

	Footprint PR100246-170 Issue A, dated 18-11-2013. <b><i>Except for the turbine identified as WTG#39, which may be altered by not more than 300m beyond the siting of turbines identified in approved plan Mount Emerald Wind Farm Turbine Location and Development Footprint PR100246-170 Issue A, dated 18-11-2013.</i></b>	
3.	<p>(a) The wind farm must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. The maximum number of turbines must not exceed 63;</li> <li>ii. All turbines must be setback a minimum of 1,500 metres from any existing and approved dwelling at the date of this approval;</li> <li>iii. All turbines and the operations and maintenance depot are to be located in accordance with the revised Turbine Location and Development Footprint Plan required by condition 2 of this approval;</li> <li>iv. The overall maximum height of any turbine (measured to the tip of the rotor blade at their highest point above ground level) must not exceed 1179.5 metres AHD;</li> <li>v. The hub height of any turbine must not exceed 90 metres above ground level;</li> <li>vi. All cabling must be provided underground, except where the approved Environmental Management Plan recommends an alternative method in environmentally sensitive locations.</li> </ul> <p>(b) Submit certification to the chief executive administering SPA from an Registered Professional Engineer Queensland (RPEQ) that the wind farm as constructed complies with the design specifications indicated in part (a) of this condition.</p>	<p>(a) Prior to the commencement of use and then to be maintained</p> <p>(b) Prior to the commencement of use</p>
<b>Acoustic Amenity</b>		
4.	<p>The wind farm development must be designed and operated to ensure that:</p> <p>(a) The outdoor night-time (10pm to 6am) equivalent noise level (<math>L_{Aeq,10\text{ minutes}}</math>) at existing and approved sensitive land uses at the date of this approval, does not exceed the higher of:</p> <ul style="list-style-type: none"> <li>(i) 35dB(A); or</li> <li>(ii) the background noise level (<math>L_{A90}</math>) plus 5dB(A);</li> </ul>	Prior to the commencement of use and then to be maintained



	<p>and</p> <p>(b) The outdoor day-time equivalent noise level (<math>L_{Aeq,10}</math> minutes) at existing and approved sensitive land uses at the date of this approval, does not exceed the higher of:</p> <p>(i) 37dB(A) ; or</p> <p>(ii) the background noise level (<math>L_{A90}</math>) plus 5dB(A).</p> <p>(c) The equivalent noise levels (<math>L_{Aeq}</math>) are to be assessed at all existing and approved sensitive land uses at the date of this approval for all integer hub height wind speeds from cut-in to rated power of the wind turbine generator.</p> <p>(d) Measurements of background noise or operational noise from wind turbine generators for the operation shall be in accordance with Australian Standard <i>AS4959-2010 Acoustics – Measurement, prediction and assessment of noise from wind turbine generators</i> (AS4959-2010) at any existing and approved sensitive land uses at the date of this approval. If an alternative standard or guideline to AS4959-2010 is to be followed for the assessment of Special Audible Characteristics, then reasons for the selection of the alternative are to be provided.</p>	
5.	<p>(a) Submit to the chief executive administering the SPA a revised noise assessment report, certified by a suitably qualified acoustic consultant, demonstrating that the proposed wind farm can meet the noise levels specified in condition 4 of this approval. The report is to:</p> <p>i. Model the acoustic impacts of the wind farm based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>The noise modelling should take into account the varied topography between the turbine locations and existing and approved sensitive land use receptors at the date of this approval and any impacts that may have on predicted noise levels, and include an assessment of Special Audible Characteristics including tonality, impulsivity and amplitude modulation.</p> <p>ii. Identify any design specifications or operational restrictions that may be necessary to ensure compliance with the noise levels specified in condition-4, such as turbine types or limitations on hours of operation of specific turbines.</p> <p>(b) Submit to the chief executive administering the SPA</p>	<p>(a) Prior to the commencement of site / operational / building work</p> <p>(b) Within twelve (12)</p>



	<p>a compliance noise assessment report, certified by a suitably qualified acoustic consultant, demonstrating that the proposed wind farm meets the noise levels specified in condition 4 of this approval. The report is to:</p> <p>i. Measure the acoustic impacts of the wind farm based on the final Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>The noise measurements should take into account the turbine locations and any existing and approved sensitive land use receptors at the date of this approval; and include an assessment of Special Audible Characteristics including tonality, impulsivity and amplitude modulation. Assessment of Special Audible Characteristics should be carried out using an appropriate international standard or guideline. Reasons for selection of the standard or guideline are to be provided with the noise assessment report. The assessment should determine whether the Special Audible Characteristics are excessive and require an adverse character adjustment (adj) to specific measurement period.</p>	<p>months of the completion of construction and then to be maintained</p>
<b>Visual Amenity</b>		
<p>6.</p>	<p>(a) Submit to the chief executive administering SPA a revised shadow flicker assessment report certified by a suitably qualified and experienced person demonstrating that the shadow flicker from the turbines will not exceed 30 hours per annum and 30 minutes per day at any dwelling existing at the date of this approval.</p> <p>The report is to model the shadow flicker of the wind farm, based on the revised Turbine Location and Development Footprint Plan submitted in accordance with condition 2 of this approval.</p> <p>(b) The wind farm is to be constructed and operated in accordance with the revised shadow flicker assessment report required in part (a) of this condition. In particular, any design specifications or operational restrictions required to ensure that shadow flicker from the constructed turbines does not exceed 30 hours per annum and 30 minutes per day at any dwelling existing at the date of this approval.</p>	<p>(a) Prior to seeking approval for any site, operational or building work</p> <p>(b) Prior to the commencement of use and then to be maintained</p>
<p>7.</p>	<p>The turbines and blades must have a low reflectivity finish.</p>	<p>Prior to the commencement of use</p>