Queensland Government

Department of Infrastructure, Local Government and Planning

Changed decision notice (changes shown in bold and italics)
Our reference: 1708-750 SPD
Date of change: 11 August 2017

Decision notice

(Given under section 334 of the *Sustainable Planning Act 2009*)

Decision

Date of decision: 8 August 2017

Decision details: Approved subject to conditions

Aspects of development and development approval granted

Development Permit for a Material Change of Use for a Wind Farm (up to 115 turbines).

Conditions

This approval is subject to:

- the assessment manager conditions in Attachment 1
- the Coordinator General's stated conditions in Attachment 2.

Section 39(3)(b) of the *State Development and Public Works Organisation Act 1971* states that the assessment manager may 'impose conditions not inconsistent with conditions that must be attached under subsection (1)(a) [the stated conditions]'. The assessment manager's conditions of approval in Attachment 1 to the decision notice are not considered to be inconsistent with the Coordinator General's stated conditions in Attachment 2 of the decision notice.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

Approved plans and specifications

Copies of the following approved plans and specifications are included within Attachment 6:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Project layout – Figure 1	AECOM Australia Pty Ltd	***11/08/2017***	Project No. 60489152	***8***
Sensitive Land Use Separation – Figure 2	AECOM Australia Pty Ltd	***11/08/2017***	Project No. 60489152	***7***

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Advice to the applicant

- The department offers advice about the application to the applicant – see Attachment 3.
- Powerlink offers advice about the application to the applicant – see Attachment 4.

Applicant details

Applicant name:	Coopers Gap Wind Farm Pty Ltd C/- AECOM Australia Pty Ltd
Applicant contact details:	PO Box 1307 Fortitude Valley QLD 4006 Email: carleen.collier@aecom.com

Application details

Level of assessment:	Code assessment
Properly made date:	28 March 2017

Site details

Project name:	Coopers Gap Wind Farm
Lot on plan:	Lot 1 RP75408, Lot 3 BO21, Lot 4 LY1065, Lot 6 LY1065, Lot 8 LY249, Lot 9 LY436, Lot 10 LY355, Lot 11 LY499, Lot 13 LY500, Lot 15 LY500, Lot 16 LY500, Lot 17 LY1065, Lot 32 LY250, Lot 34 LY250, Lot 2 RP115600, Lot 46 LY401, Lot 48 LY402, Lot 79 BO469, Lot 80 BO457, Lot 81 BO192, Lot 83 BO192, Lot 85 BO192, Lot 86 BO192, Lot 89 BO193, Lot 90 BO470, Lot 91 BO458, Lot 192 AG782, Lot 193 AG797, Lot 195 AG797.
Name of owners:	Multiple land owners

Referral agencies

There were no referral agencies for this application.

Further development permits or compliance permits

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

1. Operational works
2. Building works

Self-assessable codes

Not applicable

Compliance assessment

Not applicable

Properly made submissions

Not applicable—No part of the application required impact assessment.

Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

Evidence or other material on which the findings were based

- The Coordinator-General's evaluation report on the environmental impact statement dated March 2017
- The development application common material
- The further issues response prepared by AECOM Australia Pty Ltd dated 19 April 2017 and 10 May 2017
- The State Development Assessment Provisions, version 1.10, published by the Department of Infrastructure, Local Government and Planning
- The State Planning Policy dated April 2016
- The Darling Downs Regional Plan
- The Wide Bay Burnett Regional Plan
- The *Sustainable Planning Act 2009*
- The Sustainable Planning Regulation 2009.

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are included within Attachment 5.

Native title considerations

A native title assessment determined that there are no procedural rights (notification) required to native title parties under the *Native Title Act 1993* (Cth).

Our reference: SDA-0317-038139
Your reference: 60489152

Attachment 1—Assessment manager conditions

No	Conditions of development approval	Condition timing
1.	(a) Carry out the approved development generally in accordance with the following approved plans: (i) Project layout – Figure 1 prepared by AECOM, Project No. 60489152, version ***8*** and dated ***11/08/2017*** (ii) Sensitive Land Use Separation – Figure 2 prepared by AECOM, Project No. 60489152, version ***7*** and dated ***11/08/17***. *NOTE: Micro-siting of meteorology masts, proposed service roads, proposed underground cables, proposed high voltage overhead cables, roads, proposed laydown areas and proposed substations/switchyard areas, is permitted within the project site area shown on the project layout plan referred to in part (a) of this condition. Micro-siting of turbines is permitted within 100m of the turbine locations shown on the project layout plan referred to in part (a) of this condition, providing:* • *turbines are located within the project site area shown on the project layout plan referred to in part (a) of this condition* • *turbines are located at least 1,500 metres from a sensitive land use on a non-host lot, or alternatively, any lesser setback agreed by the non-host lot owner via a deed of release.*	(a) At all times during construction.
2.	(a) Prepare a final project layout plan taking into account micro-siting and detailed design, that identifies the final position of all aspects of the development, including turbines, meteorology masts, proposed service roads, proposed underground cables, proposed high voltage overhead cables, roads, proposed laydown areas and proposed substations/switchyard areas. *(b)* Submit the final project layout plan required by part (a) of this condition, to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au).	(a) and (b) Prior to commencement of construction ***for each respective stage of development.***
3.	(a) Meteorological masts/wind monitoring towers must include the following lighting and marking measures: (i) paint the top one third in alternating contrasting bands of colour (ii) marker balls, high visibility flags or sleeves on the outside guy wires consistent with the National Airports Safeguarding Framework Guideline D,	(a) and (b) On completion of each individual meteorological mast/wind monitoring tower and wind turbine, and to be

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	version 4.1.3 and dated 15/07/2012 (iii) where located above ground, contrasting colours to the surrounding ground/vegetation on the guy wire ground attachment points (iv) a flashing strobe light to operate during daylight hours. (b) Turbines must include the following lighting and marking measures: (i) the rotor blades, the nacelle and the upper two thirds of the supporting mast of wind turbines must be painted either white, off white or light grey (ii) the wind turbine blades must have a low reflectivity finish/treatment (iii) steady red medium intensity obstacle lighting installed in accordance with the requirements of the Civil Aviation Safety Authority Manual Standards Part 139 subsection 9.4.7, version 1.14 and dated January 2017 (iv) the frequency range of the LED light emitted must fall within the range of wavelengths 655 to 930 nanometres.	retained at all times.
4.	(a) Prepare as-constructed project plans, including the following information: (i) As-constructed design and location of all aspects of the development, including turbines, meteorology masts, service roads, underground cables, high voltage overhead cables, roads, laydown areas and substations/switchyard areas (ii) GPS co-ordinates for all turbines and meteorology masts (iii) Heights above ground level for all turbines and meteorology masts (iv) Evidence that the lighting and marking measures required by parts (a) and (b) of condition 3 have been carried out. (b) Submit the as-constructed plans required by part (a) of this condition, to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au).	(a) and (b) Prior to the commencement of the use.
5.	(a) The development must be designed in accordance with the following requirements: (i) all cabling must be provided underground, except where indicated as 'High Voltage Overhead Cable' on the approved plan Project layout – Figure 1 prepared by AECOM, Project No. 60489152, version ***8*** and dated ***11/08/2017***. (ii) each turbine is to be separated from the existing	(a) Prior to the commencement of construction. (b) At all times during construction.

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	high voltage electricity transmission line easements by a distance that is greater than the maximum tip height, or alternatively, any distance agreed in writing by Powerlink Queensland. (b) Construct the development in accordance with the design requirements outlined in part (a) of this condition.	
6.	(a) The development should be designed and constructed to ensure that blade shadow flicker impact at any existing or approved sensitive land use, as at the date of this approval, does not exceed: (i) 30 hours per annum and 30 minutes per day; or (ii) the level agreed between the applicant and the relevant land owner/s via a formal deed of release.	(a) At all times.
7.	(a) Prepare a pre-construction assessment of the television and radio reception strength in the area within 5 kilometres of any proposed turbine and in which any existing or 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 to be determined. (b) Submit the pre-construction assessment of television and radio reception strength to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Prepare a post-construction assessment of the television and radio reception strength in the area within 5 kilometres of any turbine and in which any existing or approved dwellings are located as at the date of this approval. The post-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 to be determined. (d) 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. (e) Submit the post-construction assessment of television and radio reception strength and evidence that	(a) and (b) Prior to the commencement of the use. (c) and (d) Within six months of the commencement of the use. (e) Within twelve months of the commencement of the use.

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	appropriate restoration measures have been undertaken to address television and radio reception strength have been undertaken where required to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au).	
8.	(a) Prepare a Vegetation Management Plan (VMP) certified by a suitably qualified ecologist. The VMP must include at a minimum: (i) evaluation of all significant vegetation within the project site including species and botanical name plus the height and canopy spread (ii) the location and extent of all site works including all proposed infrastructure and areas of earthworks (iii) the location and description of all significant vegetation to be retained and that to be removed (iv) methods of physical identification of significant vegetation to be retained (v) a description of all measures to be used to protect significant vegetation and habitat features to be retained during construction, including protective fencing (vi) the location and extent of storage and stockpile areas for cleared vegetation and site mulch. (b) Submit the VMP to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Construct the development in accordance with the VMP. (d) Submit certification to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au) from a suitably qualified ecologist that the development has been designed and constructed in accordance with part (a) and (c) of this condition. *NOTE: Vegetation removal must be determined by consultation with a suitably qualified ecologist with a minimum of five years' experience to provide advice on vegetation retention from an ecological perspective where opportunities exist.* *NOTE: Significant vegetation is vegetation that meets one or more of the following criteria:* *(1) vegetation that is listed as threatened or otherwise*	(a) and (b) Prior to the commencement of construction ***for each respective stage of development.*** (c) During construction. (d) Prior to the commencement of the use.

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	significant under Commonwealth or State legislation; *(2) vegetation that provides an important food source or shelter for native fauna;* *(3) vegetation that contributes to natural landforms, including ridgelines and steep slopes;* *(4) vegetation that contributes to local landscape character values and amenity, such as shade provision, subtropical nature and a sense of place;* *(5) vegetation that has cultural or historical value.*	
9.	(a) Prepare a Fauna Management Plan (FMP) certified by a suitably qualified ecologist. The FMP must include details of all measures to protect and recover fauna during clearing operations, including presence of a qualified wildlife officer during clearing operations, pre-clearing inspections, staging and sequence of clearing and recovery procedures. (b) Submit the FMP to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Construct the development in accordance with the FMP.	(a) and (b) Prior to the commencement of construction ***for each respective stage of development.*** (c) During construction.
10.	(a) Prepare a Bird and Bat Management Plan (BBMP) certified by a suitably qualified ecologist. The BBMP must include: (i) identification of 'at risk' bird and bat groups, seasons, and areas within the project site which may attract high levels of mortality (ii) identification of mitigation measures and implementation strategies in order to reduce impacts on bird and bat groups (iii) monitoring requirements (iv) a decision making framework. (b) Submit the BBMP to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Operate the development in accordance with the BBMP.	(a) and (b) Prior to the commencement of the use. (c) At all times.
11.	(a) Prepare a Safety and Emergency Management Plan (SEMP) addressing construction and operations, and including the following information at a minimum: (i) a hazard analysis and risk assessment undertaken in accordance with AS/NZ ISO 31000:2009 Risk Management Principles and Guidelines and with HB203:2006 Environmental Risk Management	(a) and (b) Prior to the commencement of construction ***for each respective stage of development.***

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	Principles and Processes (ii) evacuation plans for the construction and operation phases of the development (iii) safety management plans and emergency response procedures in consultation with the state and regional emergency service providers and provide an adequate level of training to staff who will be tasked with emergency management activities. (b) Submit the SEMP to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Construct the development in accordance with the SEMP. (d) Operate the development in accordance with the SEMP. (e) Maintain a copy of the SEMP on-site (for example, at the site office) at all times during construction and ensure all land owners, staff, contractors, workers and site visitors are familiar with the requirements of the SEMP. (f) Maintain a copy of the SEMP on-site (for example, at the site office) at all times during the operation of the wind farm and ensure all land owners, staff, contractors, workers and site visitors are familiar with the requirements of the SEMP.	(c) At all times during construction. (d) At all times. (e) At all times during construction. (f) At all times during operations.
12.	(a) Prepare a Construction Environmental Management Plan (CEMP). The CEMP must address: (i) the following prepared by a suitably qualified consultant with suitable experience: • activities necessary to minimise impacts to agricultural practice • construction noise in accordance with the Environmental Protection (Noise) Policy 2008 and activities necessary to minimise vibration • activities necessary to ensure the removal and disposal of waste • activities necessary to manage weeds and pests (ii) the following prepared by a RPEQ: • erosion and sediment control in accordance with the Best Practice Erosion and Sediment	(a) and (b) Prior to the commencement of construction ***for each respective stage of development.*** (c) During construction.

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	Control document • achieve no net worsening of stormwater management in accordance with the Queensland Urban Drainage Manual • infrastructure required to provide consistent water supply. (b) Submit the CEMP to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Construct the development in accordance with the CEMP.	
13.	(a) Prepare a Road Impact Assessment (RIA) certified by an RPEQ for the project to identify impacts on the safety, efficiency and condition of local roads. The RIA must: (i) be developed generally in accordance with the TMR's *Guidelines for Assessment of Road impacts of Development (2006)* (GARID) (ii) recommend strategies to mitigate the impacts of the proposal on the safety, efficiency and condition of the local road, including contributions to road works/maintenance and summarising key road-use management strategies (iii) provide evidence that potential conflicts on third party land has been resolved with affected third party stakeholders/adjoining land owners (iv) demonstrate that the haul vehicle configuration proposed can physically perform/achieve manoeuvring paths. (b) Submit the RIA to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Construct any necessary intersection/accesses upgrades and undertake any other required works and impact mitigation strategies as detailed in the RIA in accordance with the South Burnett Regional Council and/or Western Downs Regional Council (as applicable) road planning and design policies, principles and manuals. (d) Submit certification to the Department of Infrastructure, Local Government and Planning	(a) and (b) In the case of the substation and substation access roads, no later than one month prior to the commencement of significant construction works. In all other cases, no later than three months prior to the commencement of significant construction works. (c) and (d) Prior to the commencement of the use.

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	(windfarms@dilgp.qld.gov.au) from a Registered Professional Engineer Queensland that the physical works identified in the RIA have been designed and constructed in accordance with part (a) and (c) of this condition. *NOTE: Significant construction works means physical construction, including significant and continuous site preparation work such as major clearing or excavation for foundations or the placement, assembly or installation of facilities or equipment at any site related to the project.*	
14.	(a) Prepare a Noise impact assessment that reflects final turbine model selection and siting (as a result of micro siting and detailed design). The Noise impact assessment must be prepared by a suitably qualified acoustic consultant with suitable acoustic experience, and be in accordance with the PO11 and PO12 of the Wind farm state code of the State Development Assessment Provisions, version 1.10, and section 3.8 and Appendix 4 of the Wind farm state code – planning guideline, July 2016. (b) Submit the Noise impact assessment required by part a) of this condition to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). *NOTE: A suitably qualified acoustic consultant with suitable acoustic experience is a person who is: 1) eligible for membership of the Australian Acoustical Society, or 2) whose firm is a member of the Association of Australasian Acoustical Consultants, or 3) is an RPEQ with suitable acoustic experience.*	(a) and (b) Prior to the commencement of construction ***for the 'wind farm works' stage.***
15.	(a) Prepare a Noise monitoring plan consistent with the Noise impact assessment required by condition 14 of this approval. The Noise monitoring plan must: (i) be prepared by a suitably qualified acoustic consultant with suitable acoustic experience (ii) be in accordance with Appendix 4 of the Wind farm state code – Planning guideline, July 2016 (iii) include the requirement to undertake Operational noise monitoring twice within the first 12 months of the development being fully operational (all proposed turbines operating); once within 3 months and once following 9 months. (b) Submit the Noise monitoring plan required by part (a) of	(a) and (b) Prior to the commencement of construction ***for the 'wind farm works' stage.*** (c) Twice within the first 12 months of the development being fully operational (i.e. all proposed turbines operating); once within 3 months and once following 9 months.

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	this condition to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Undertake operational noise monitoring in accordance with the Noise monitoring plan required by part a) of this condition.	
16.	(a) Prepare a Noise monitoring report outlining the results of the operational noise monitoring required by condition 15 of this approval. The Noise monitoring report must be prepared by a suitably qualified acoustic consultant with suitable acoustic experience. (b) Submit the Noise monitoring report required by part a) of this condition to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au).	(a) and (b) At 3 and 12 months following the development being fully operational.
17.	(a) Prepare an Operational strategy detailing any necessary operating measures / regime or Wind Sector Management (WSM) measures required to ensure noise emissions achieve the criteria within PO11 and PO12 of the Wind farm state code of the State Development Assessment Provisions, version 1.10, as follows: (i) At all noise affected existing or approved sensitive land uses on host lots: • An outdoor (free-field) night-time (10pm to 6am) A-weighted acoustic level of: □ 45dB(A), or □ the background noise (LA_{90}) by more than 5dB(A), whichever is the greater, for wind speed from cut-in to rated power of the wind turbine and each integer wind speed in between referenced to hub height. (ii) At all noise affected existing or approved sensitive land uses on non-host lots: • An outdoor (free-field) night-time (10pm to 6am) A-weighted acoustic level of: □ 35dB(A), or □ the background noise (LA90) by more than 5dB(A), whichever is the greater, for wind speed from cut-in to rated power of the wind turbine and each integer wind speed in between referenced to hub height • An outdoor (free-field) day-time (6am to 10pm) A-weighted acoustic level of: □ 37dB(A), or	(a) and (b) 12 months following the development being fully operational. (c) 12 months following the development being fully operational and to be maintained.

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	□ the background noise (LA90) by more than 5dB(A), whichever is the greater, for wind speed from cut-in to rated power of the wind turbine and each integer wind speed in between referenced to hub height • Alternatively, the acoustic level agreed between the applicant/operator and the non-host lot owner/s via a formal deed of release (written agreement) and not exceeding an outdoor (free-field) night-time (10pm to 6am) A-weighted acoustic level of: □ 45dB(A), or □ the background noise (LA_{90}) by more than 5dB(A), whichever is the greater, for wind speed from cut-in to rated power of the wind turbine and each integer wind speed in between referenced to hub height. (b) Submit the Operational strategy required by part (a) of this condition to the Department of Infrastructure, Local Government and Planning (windfarms@dilgp.qld.gov.au). (c) Operate the wind farm in accordance with the Operational strategy prepared and submitted under parts (a) and (b) of this condition.	
18.	(a) Prepare a decommissioning and rehabilitation plan prepared by a suitably qualified person. The decommissioning and rehabilitation management plan must address the actions to be undertaken where any or all turbines have permanently ceased operating including: (i) removal of above ground non-operational equipment (ii) removal and clean-up of any residual contamination (iii) 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 ongoing use of the land (iv) a consultation program with relevant parties including surrounding land owners. (b) Submit the decommissioning and rehabilitation plan to the Department of Infrastructure, Local Government and	(a) and (b) 6 months prior to commencement of decommissioning. (c) As indicated in the decommissioning and rehabilitation plan.

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	Planning (windfarms@dilgp.qld.gov.au). (c) Decommission the wind farm in accordance with part (a) of this condition.	
19.	No excavation, construction or other activity that may cause harm to Aboriginal cultural heritage takes place for the project without the development and approval of a cultural heritage management plan for the project. *Note: Please refer to section 87 of Aboriginal Cultural Heritage Act 2003.*	As indicated.
Pursuant to section 255D of the *Sustainable Planning Act 2009*, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
20.	(a) Prepare a Road Impact Assessment (RIA) certified by an RPEQ for the project to identify impacts on the safety, efficiency and condition of state-controlled roads. The RIA must: i. be developed in accordance with the TMR's *Guidelines for Assessment of Road impacts of Development (2006)* (GARID) and include a completed TMR 'Transport Generation proforma' detailing project-related traffic and transport generation information or as otherwise agreed in writing with DTMR ii. use DTMR's *Pavement Impact Assessment tools* (from GARID) or such other method or tools as agreed in writing with DTMR iii. recommend strategies to mitigate the impacts of the proposal on the safety, efficiency and condition of the state-controlled road, including contributions to road works/maintenance and summarising key road-use management strategies iv. provide evidence that potential conflicts on third party land has been resolved with affected third party stakeholders/adjoining land owners v. demonstrate that the haul vehicle configuration proposed can physically perform/achieve manoeuvring paths. (b) Submit the RIA to the Department of Transport and Main	(a) and (b) In the case of the substation and substation access roads, no later than one month prior to the commencement of significant construction works, or as otherwise agreed between the proponent and TMR. In all other cases, no later than three months prior to the commencement of significant construction works, or as otherwise agreed between the proponent and TMR. (c) and (d) Prior to the commencement of the use.

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	Roads (mdp@tmr.qld.gov.au). (c) Construct any necessary intersection/accesses upgrades and undertake any other required works and impact mitigation strategies as detailed in the RIA in accordance with the current TMR road planning and design policies, principles and manuals, unless otherwise agreed in writing with the TMR. (d) Submit certification to the Department of Transport and Main Roads (mdp@tmr.qld.gov.au) from a Registered Professional Engineer Queensland that the physical works identified in the RIA have been designed and constructed in accordance with part (a) and (c) of this condition. *NOTE: The Transport Generation proforma is available from Transport System Management Branch, Brisbane.* *NOTE: Significant construction works means physical construction, including significant and continuous site preparation work such as major clearing or excavation for foundations or the placement, assembly or installation of facilities or equipment at any site related to the project.*	