

Administration Office

64 - 66 Front St Mossman

P 07 4099 9444

F 07 4098 2902

27 February 2024

**Enquiries:** Rebecca Taranto  
**Our Ref:** CA 2023\_5496/1 (Doc ID:1212010)  
**Your Ref:** DAINTREE MICROGRID PROJECT

Volt Advisory Group Pty Ltd  
Level 7,757 Ann Street  
Fortitude Valley QLD 4006

Email:andrew.small@environmentpacific.com

Dear Sir/Madam

**Development Application Combined Application for Material Change of Use-Renewable Energy Facility, Battery Storage Facility and Utility Installation and Operational Work-excavation / filling over 25m<sup>3</sup>, Operational Work-work within a local government road, and Reconfiguration of a Lot- creating two lots by lease agreement for a period of more than ten (10 years) - 174 Buchanan Creek Road, Cow Bay, On Land Described as Lot 5 on BK157130.**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2023\_5496/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Rebecca Taranto on telephone 07 4099 9444.

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Concurrence Agency Response
  - Reasons for Decision - response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)



## Decision Notice

### Approval (with conditions)

*Given under s 63 of the Planning Act 2016*

#### Applicant Details

Name: Volt Advisory Group Pty Ltd  
Postal Address: Level 7, 757 Ann Street  
Fortitude Valley QLD 4006  
Email: andrew.small@environmentpacific.com

#### Property Details

Street Address: 174 Buchanan Creek Road Cow Bay  
Real Property Description: Lot 5 on BK157130  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for Combined Application for Material Change of Use-Renewable Energy Facility, Battery Storage Facility and Utility Installation, and Operational Work -excavation / filling over 25m<sup>3</sup>, Operational Work- work within a local government road and Reconfiguration of a Lot- creating two lots by lease agreement for a period of more than ten (10 years).

#### Decision

Date of Decision: 27 February 2024  
Decision Details: Approved (subject to conditions)

#### Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Location of Solar Farm (generation site)	Queensland Globe, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Regulated Vegetation and Buffer Setbacks	Queensland Globe, Council Doc id; 1188772	Submitted with Amended Application on

		9 October 2023
Site Drainage	Unauthored Drawing, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Survey Plan SP340614, Plan of Leases B & C in Lot 5 on BK157130	Sheets 1 to 3 of 3.	22 February 2023
CGF General Layout, (exc Solar Farm)	Unauthored Drawing, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Central Generation Facility Site Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1001, Sheet 1 of 1 Rev. A	10 May 2023
Central Generation Facility, Contour and Drainage Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1002, Sheet 1 of 1 Rev. B2	10 May 2023
Central Generation Facility Fence Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1003, Sheet 1 of 1 Rev. B2	10 May 2023
Central Generation Facility Road Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1004, Sheet 1 of 1 Rev. B2	10 May 2023
Central Generation Facility Water Tank Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1002, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility Gas Tank Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1007, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Hydrogen Gas Fuel Tank Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1008, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility Battery Energy Storage System (BESS) Unit Module Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1009, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility Solar Inverter Skid Unit General Arrangement	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1010, Sheet 1 of 1 Rev. B	10 May 2023

Central Generation Facility Transformer/ Ring Main Unit Module Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1011, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Electrolyser and Skid Module Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1012, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Compressor Module Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1013, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, 22kV Switch Gear Platform General Arrangement	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1014, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Dual Fuel Engine, General Arrangement	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1015, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Fence Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1016, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Switch Room/Control Room Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1017, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, 2.5 MVA 22kV to 0.4kV TX Module Unit Details	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1018, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Typical CCTV Pole, General Arrangement	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1019, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Battery Energy Storage System (BESS) Unit Inverter Module General Arrangement	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1020, Sheet 1 of 1 Rev. B	10 May 2023
Central Generation Facility, Drainage Details	Volt Advisory Group Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1021, Sheet 1 of 1 Rev. A	10 May 2023
Daintree Renewable Energy, Indicative Cable Trench Route Design, Central Generation Facility Cow Bay	Volt Advisory Group Pty Ltd, Drawing No. DRE-ELE-GAR-1010_C, Sheet 1 Rev. 2	19 June 2023
Proposed 1000V Four Pole	Volt Advisory Group, Drawing	Submitted with

(200mm Wooden Round) Array	DRE-LAY-PV-0001	Amended Application on 9 October 2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue F	27 August 2020

## Assessment Manager Conditions & Advices

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### CONDITIONS

**A.** Conditions applicable to operational work – (over 25m<sup>3</sup> of earthworks) and operational work- work within a local government road).

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and
  - c. Technical reports submitted as part of supporting information.

Except where modified by these conditions of approval.

### Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

### Earthworks

3. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual.

All work must be carried out in accordance with the requirements and recommendations of Section 5-Geotechnical Assessment of the Geotechnical Report prepared by WSP, Reference PP141911-WSP-CNS-GEO-PRP-00001 (Rev A), dated March 2023, prepared by Nathan Price.

Such works must be completed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

### Construction Methodology Plan

4. A Construction Methodology Plan (CMP) must be submitted to Council for endorsement by the Chief Executive Officer prior to the commencement of Operational Work. The Plan must detail;
  - a. Protection/rehabilitation of exposed soil caused by grading or stripping activities in and around the Central Generation Facility (Lease B on SP340614);
  - b. Local Drainage considerations and how stormwater is managed; and
  - c. A Traffic Management Plan (TMP) must be prepared by the contractor. The TMP is to address, but is not limited to;
    - i. Traffic management for Silkwood Road;
    - ii. Management of pedestrians traversing Silkwood Road;
    - iii. Sequencing of the development;
    - iv. Transportation of workers to and from the development site; and

- v. Transportation of materials south of the Daintree River to the development site.

The CMP must be endorsed by the Chief Executive Officer prior to the commencement of works on the site.

### **Road Condition Survey**

5. Prior to any works occurring on the site, the applicant is to prepare a road condition report from the intersection of Buchanan Creek Road and Silkwood Road to the development site to identify relevant existing defects or problems with the roadway. On completion of the works, the haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

### **Construction Signage**

6. Prior to the commencement of any Operational Work associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
  - a. Developer;
  - b. Project Coordinator;
  - c. Architect / Building Designer;
  - d. Builder;
  - e. Civil Engineer;
  - f. Civil Contractor;
  - g. Landscape Architect

### **Hours of Work**

7. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
  - a. 7.00am to 6.00pm, Monday to Friday;
  - b. 7.00am to 1.00pm Saturdays;
  - c. No work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

### **Stockpiling and Transportation of Fill Material**

8. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or Silkwood Road for any longer than one (1) month from the commencement of works.

### **Earthworks and Retaining Structures**

9. The height of cut and /or fill, whether retained or not, does not exceed 2m in height. All retaining walls greater than 1200mm in height must be structurally certified by an RPEQ.

### **Lawful Point of Discharge**

10. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

**Access Crossover**

11. Prior to the commencement of use, a vehicle crossover and driveway must be constructed in accordance with the FNQROC Standard Drawing S1105 Issue E for rural properties.

Such works must be completed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

**Storage of Machinery and Plant**

12. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

**Dust Emissions**

13. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

**Wildlife**

14. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

**B.** Conditions applicable to reconfiguring a lot – creating two lots (lease area b and lease area c) by lease agreement for a period of more than ten 10 years

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to endorsement of the Survey Plan, except where specified otherwise in these conditions of approval.

**Limited Approval**

3. The Development hereby approved lapses at the expiry of agreement to lease the land from the landowner or entity from which a lease may be attained. Prior to the lapse of the life of the approval the Daintree Micro Grid and all associated infrastructure, buildings, structures and fencing must be decommissioned and removed, and the site reinstated to its original condition to the satisfaction of the Chief Executive Officer. All costs associated with the decommissioning and final removal shall be borne by the Applicant or entity that operates the Daintree Micro Grid at the time of removal, or the registered owner of the land.

**Decommissioning Plan**

4. Within 6 months of the end of the lease agreement, or the end of the operational life of the facility, the site must be decommissioned in accordance with the endorsed Decommissioning Plan to the satisfaction of the Chief Executive Officer.



- C.** Conditions applicable to material change of use (utility instillation, renewable energy facility and battery storage facility)
1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
    - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
    - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

#### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

#### **Environmental Management Plan.**

3. Throughout all stages of the development, the Applicant must ensure all of the requirements and recommendations identified in the Environmental Management Plan (EMP) prepared by Environment Pacific, dated 2023, prepared by Andrew Small, have been implemented. In particular all the requirements and recommendations in the EMP are to be carried out under the direction and supervision of Environment Pacific, or a delegate authorised by Environment Pacific.

#### **Setback of Solar Arrays**

4. The solar arrays must be setback 20m from the boundary with Silkwood Road.  
An amended plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

#### **Landscaping**

5. Submit a Landscape Plan prepared by a suitably qualified person/s that provides a landscape buffer along the full frontage of the site to Silkwood Road to screen the development overtime. Landscaping may extend onto the road reserve, and must incorporate existing mature vegetation and include the introduction of shrubs. The Landscaping Plan must include:
  - a. A minimum five (5) metre wide landscaping buffer that incorporates canopy and midstory vegetation;
  - b. The species of plants selected for landscaping should provide screening qualities and consist of endemic species. Species chosen should have regard to Council's Planning SC6.7 Landscaping;
  - c. Planting densities and pot sizes;
  - d. Detail ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
  - e. Landscaping must meet with the entry gates such that there is no break between the landscaping and entry gates;
  - f. A Landscape Maintenance Plan detailing weeding, watering, replacement planting and pest management; and
  - g. Location of security fencing and entry gates.

The Landscape Plan and Landscape Maintenance Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. All landscaping works must be undertaken in accordance with the endorsed plan

prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

### **Design of Entry Gates**

6. The design of the entry gates must be constructed of materials and/or finished in colours that blend with the surrounding natural environment. The entry gates must not provide views internal to the site from Silkwood Road. The design of the gates must be submitted to Council for endorsement prior to the issue of a Development Permit for Building Works.

The gates must be installed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

### **Fencing**

7. All security mesh fencing for the perimeter of the site must be of a dark colour with a maximum height of 2 metres. Within the perimeter fencing, provide lockable gated access at either end of the unopened local government road. The facility is to be provided with appropriate hazard and warning signs.

### **Building Height and Solar Panel Height**

8. The maximum height of any solar panel must not exceed 2.6 m above natural ground level. The maximum height of any building or structure must not exceed 8.5m above natural ground level, excluding antennae.

### **Colour/s of Buildings and Structures**

9. The exterior finishes and colours of buildings and structures must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

Pale Eucalypt Green is not approved for use.

The colours of buildings and structures must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Water Storage Tank**

10. The water storage tank must be provided with:
  - a. Mosquito-proof screens of brass, copper, aluminium or stainless-steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
  - b. Flap valve at every opening of the tank or other receptacle; or
  - c. Other approved means for preventing the ingress or egress of mosquitoes; and
  - d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and
  - e. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

### **Slashing of Grass**

11. Slashing or mowing of grass and general maintenance of the site shall only be carried out on site during the following times:
  - a. 7.00am to 6.00pm, Monday to Friday;
  - b. 7.00am to 1.00pm Saturdays;
  - c. No work is permitted on Sundays or Public Holidays.

### **Noise**

12. Noise from the Central Generation Facility must not cause environmental nuisance to any sensitive receptor. In accordance with the Environmental Protection Act 1994,

any emission of noise from activities on site must ensure that the emissions are consistent with the Environmental Protection (Noise) Policy 2008.

### **Lighting**

13. All lighting installed upon the premises must be designed and operated in accordance with the National Light Pollution Guidelines for Wildlife and Australian Standard AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

### **Maintenance and Upgrades to the Facility**

14. Throughout the life of the facility, the solar arrays, fencing, access crossover and internal roads, drainage infrastructure and Central Generation Facility must be submitted to the satisfaction of the Chief Executive Officer. Should upgrades of the solar panels or ancillary infrastructure be required, the Applicant must provide revised plans to Council for endorsement by the Chief Executive Officer.

### **Decommissioning Plan.**

15. A Decommissioning Plan for the end of the lease agreement, or operational life of the facility must be submitted to the Chief executive Officer. The Decommission Plan must address the following;
  - a. Transportation and disposal of hazardous or potentially hazardous chemicals and materials;
  - b. Demolition, removal, transportation and disposal of plant and equipment; and
  - c. Site Rehabilitation.

The Decommissioning Plan must be endorsed by the Chief Executive Officer prior to the issued of a Development Permit for Building Work.

### **ADVICES**

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. For information relating to the *Planning Act 2016*, log on to [www.dsd.qld.gov.au](http://www.dsd.qld.gov.au) . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).
5. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the EPBC Act can be obtained from the Department of the Agriculture, Water and the Environment, website at <https://www.awe.gov.au/environment/epbc> .

### **Prescribed Activity Permit**

6. The Applicant will be responsible for obtaining a Prescribed Activity Permit from Council for carrying out Operational Work (trenching and cabling) within Council road reserve. Please log on to log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au). To access a Prescribed Activity Application form.

### **Cultural Heritage**

7. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

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### **Further Development Permits**

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

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

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### **Currency Period for the Approval**

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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### **Rights to make Representations & Rights of Appeal**

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

**Figure 2** Location of solar farm (generation site)



**Figure 3 Regulated vegetation and buffer set backs**





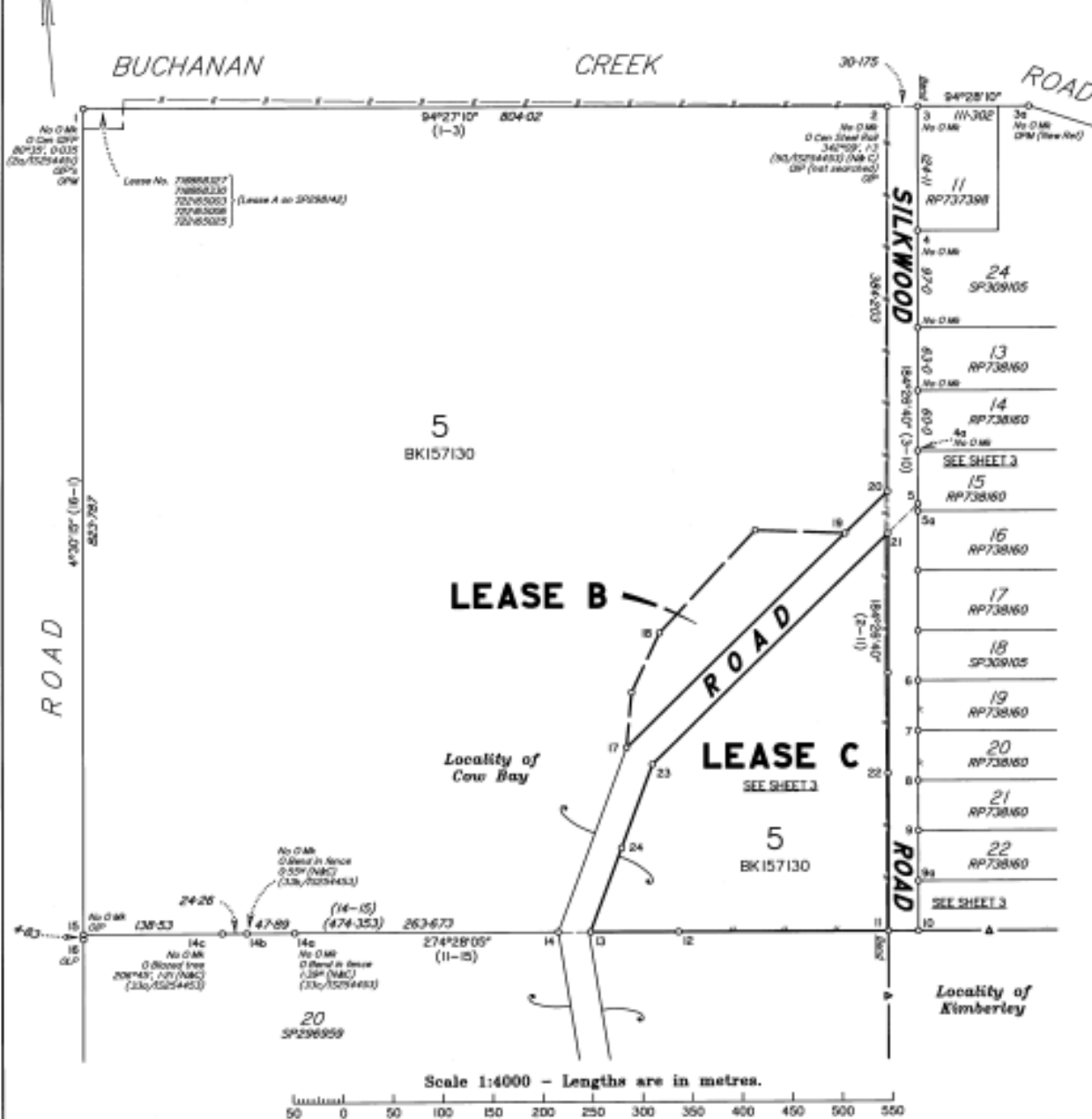
**Figure 4**      **Site drainage**



Note: solar panel layout is indicative only

## SURVEY PLAN

Sheet 1 of 3

*Peg placed at all new corners  
unless otherwise stated.**See sheet 2 Reinstatement Report.**See sheet 3 for Reference Mark  
& Permanent Mark Tables.*

RPS AMP Consulting Pty Ltd (ACN 117 083 173) hereby certify that the land comprised in this plan was surveyed by the corporation, by Matthew James WILLIAMS, surveying associate, and by Daniel Geoffrey FROTHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, registered surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 03/02/2023.

*Adrian Edward Solomon*  
Authorized Delegate

22/02/2023  
Date

### Plan of Leases B & C in Lot 5 on BK157130

LOCAL  
GOVERNMENT: DOUGLAS SHIRE

LOCALITY: COW BAY

Meridian: MGA Zone 55 wide 15254453

Survey Records: No

Scale: 1:4000

Format: STANDARD



SP340614



**WARNING : Folded or Mutilated Plans will not be accepted.**  
**Plans may be rolled.**  
**Information may not be placed in the outer margins.**

Sheet  
**2** of  
**3**

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Ledger Code)

Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
21117005	Lot 5 on BK157130			Leases B & C

*Leases B & C do not affect any of the leases lodged or registered against CT 21117005 dated 20/02/2023.*

### Reinstatement Report

Plans Searched: RP739788, IS254453, IS254451, RP738160, BK157130, BK157131 & RP737398.

Datum of survey is from stations 1-2 fixed by reference marks at these stations and resulting in distance in agreement with IS254453 (0-652m shortage compared to BK157130). This fix of station 2 being confirmed by connection to OPM at station 3a (reverse bearing error noted and checked from IS254453).

The boundary from stations 3 - 10 has been fixed by OIP at station 10 (which appeared to be undisturbed) resulting in angle down 0°0'30" at station 3 compared to deed plan BK157130 and 0-786 shortage compared to BK157130 & RP738160 & RP737398. The fix of station 10 via the OIP supported by reasonable agreement to adjacent star picket remains off 10 & 11. Steel star pickets were used as corner marker posts throughout the majority of Cow Bay subdivision surveys. In addition, the occupation from station 11 - 12 agrees well with the fix of station 10.

We note that whilst 0-786 shortage has been observed from 3-10, deed distance can be left in the front of all lots fronting Silkwood Road as the southernmost lot (23 on RP738160) has been cancelled and absorbed into the balance lot 20 on SP296959.

From review of occupation from stations 5a-10 and OIP at station 5a, it appears that the shortage lies between stations 9 & 10 thus deed distance has been maintained from stations 3-5.

The bearing from stations 5-23 has been fixed by maintaining deed angle at station 21. The fix of station 20 and bearing to station 17 has been fixed by maintaining 150link road width.

The boundary from stations 10-11 has been fixed by maintaining RP738160 angle & distance & resulting in parallel road frontage of Silkwood Road from stations 11-2.

The boundary from stations 11-15 has been fixed by OIP at station 15 & O Line Peg at station 16. This fix resulting in angle up 0°0'25" and 0-2m excess compared to deed plan BK157130.

Station 14 has been fixed by maintaining deed distance from station 11. The boundary from station 14-17 has been fixed by maintaining deed angle at station 17 resulting in 0-787m shortage compared to BK157130. The resulting boundary from stations 17-20 being 0-227m excess compared to deed BK157130.

The boundaries from stations 13-23-21 have been fixed by maintaining fixed 150 link road width.

The observed bearing from stations 15-1 being in agreement with IS254453. The distance from station 15-1 measured 0-487m excess compared to IS254453 and 1-404m shortage compared to BK157130.

Lots	Orig

2. Orig Grant Allocation :

3. References :

Dept File :

Local Govt :

Surveyor :

AU213008233

5. Passed & Endorsed : 1/02/2023

By : RPS AAP Consulting Pty Ltd

Date : 22/02/2023

Signed :

Designation : Cadastral Surveyor

### 6. Building Format Plans only.

I certify that :

- As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or roads.
- Part of the building shown on this plan encroaches onto adjoining lots and road.

Cadastral Surveyor/Director \* Date

\* Delete words not required

### 7. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

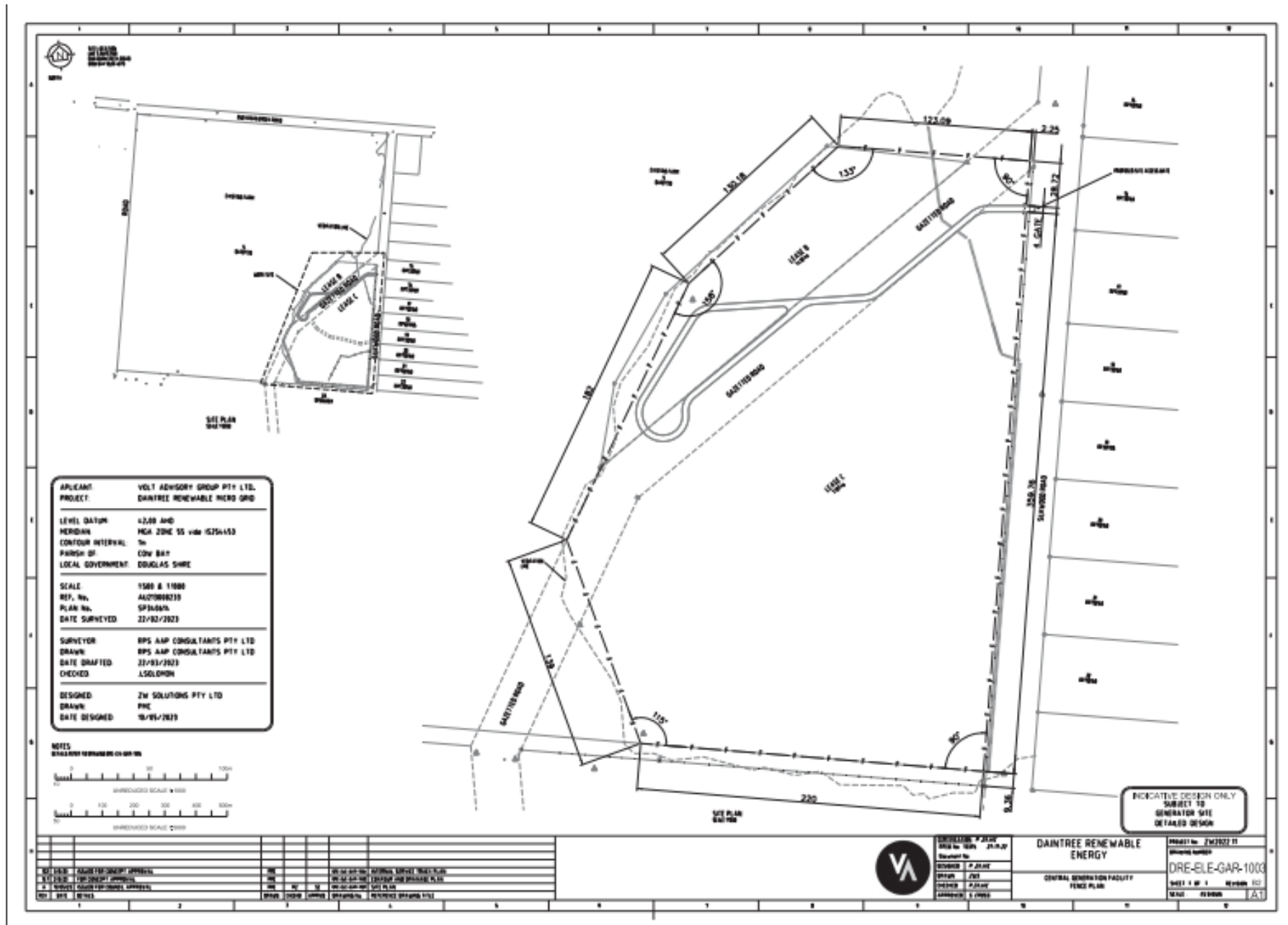
8. Insert Plan Number

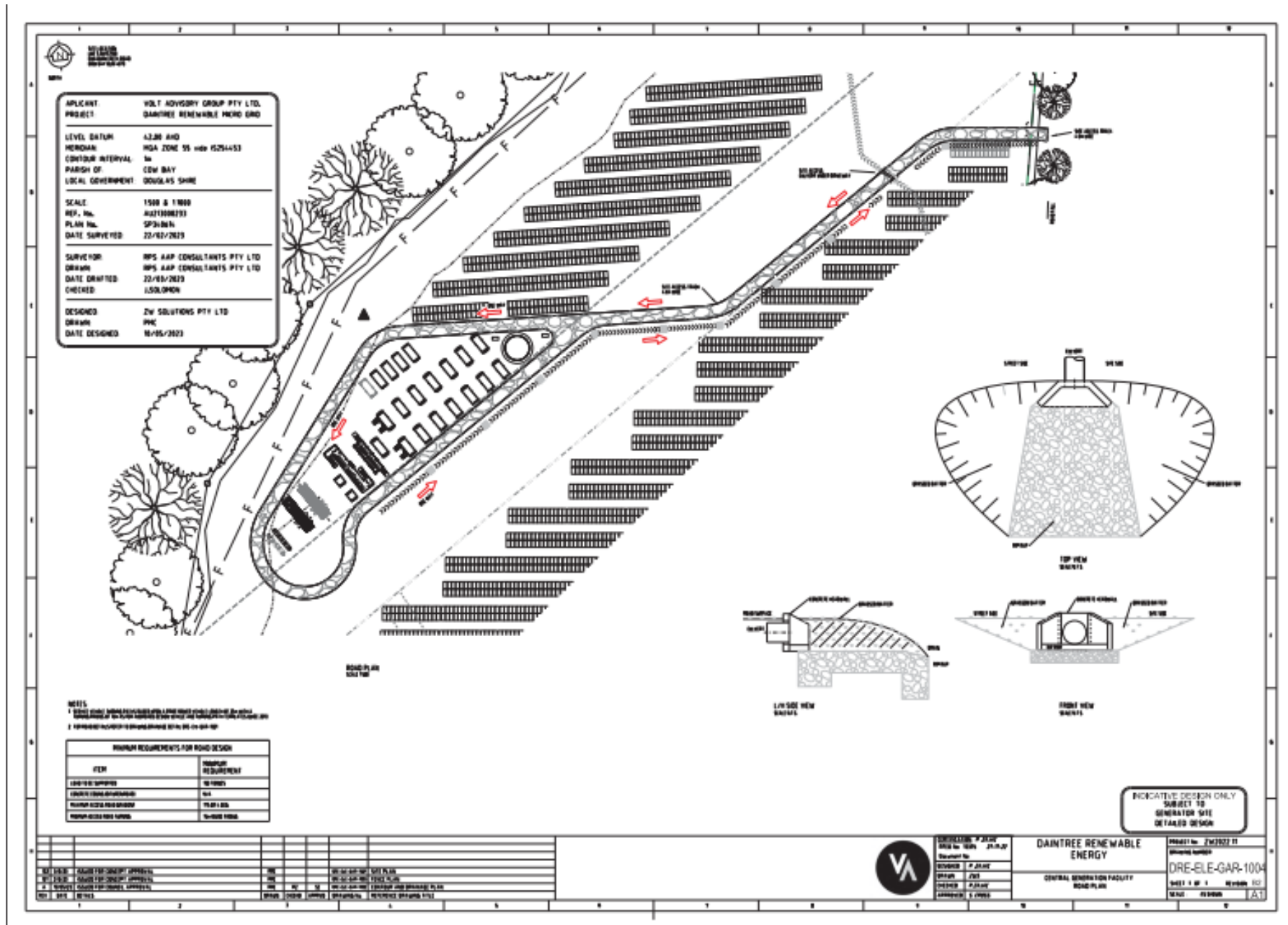
SP340614

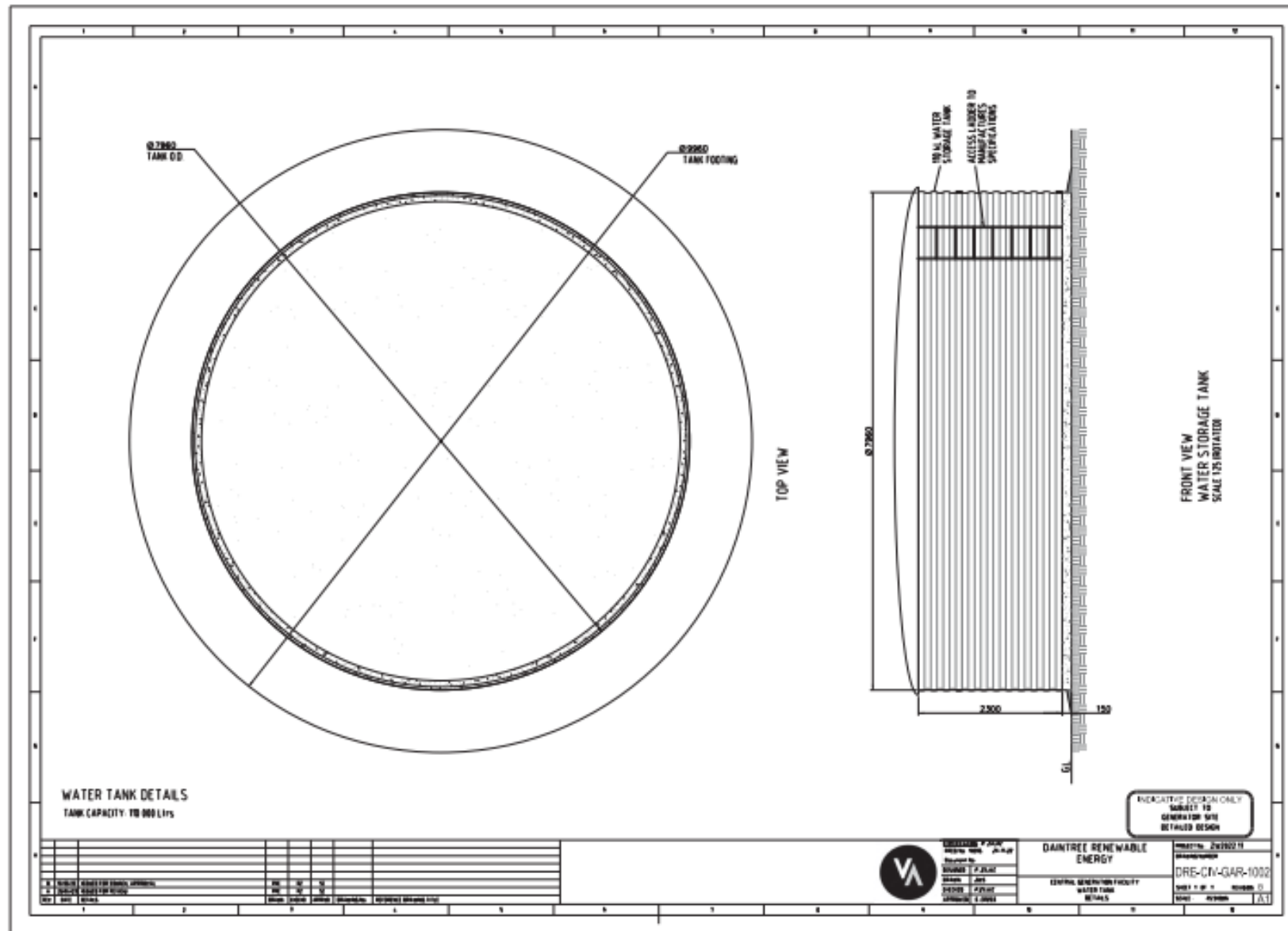








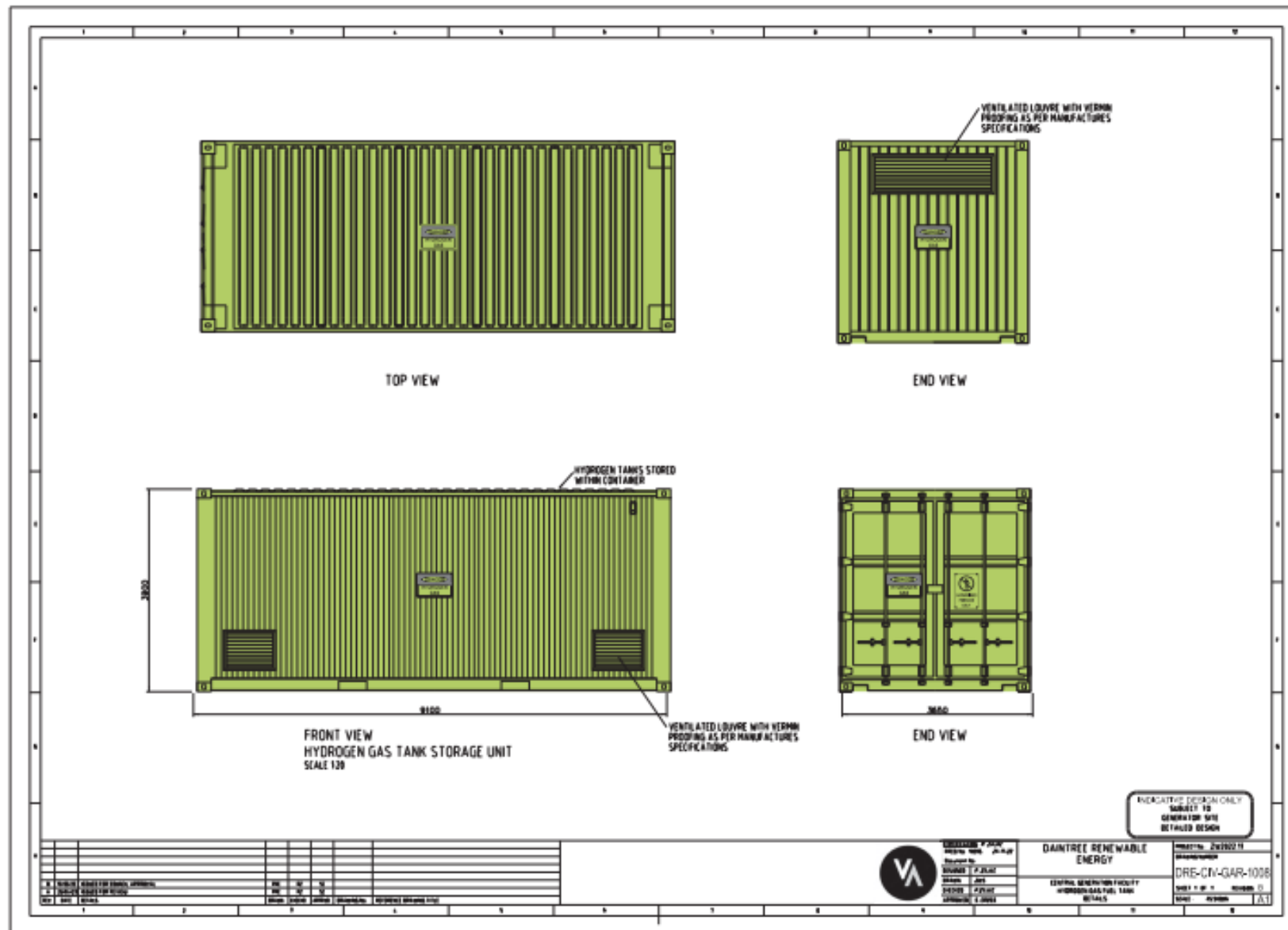








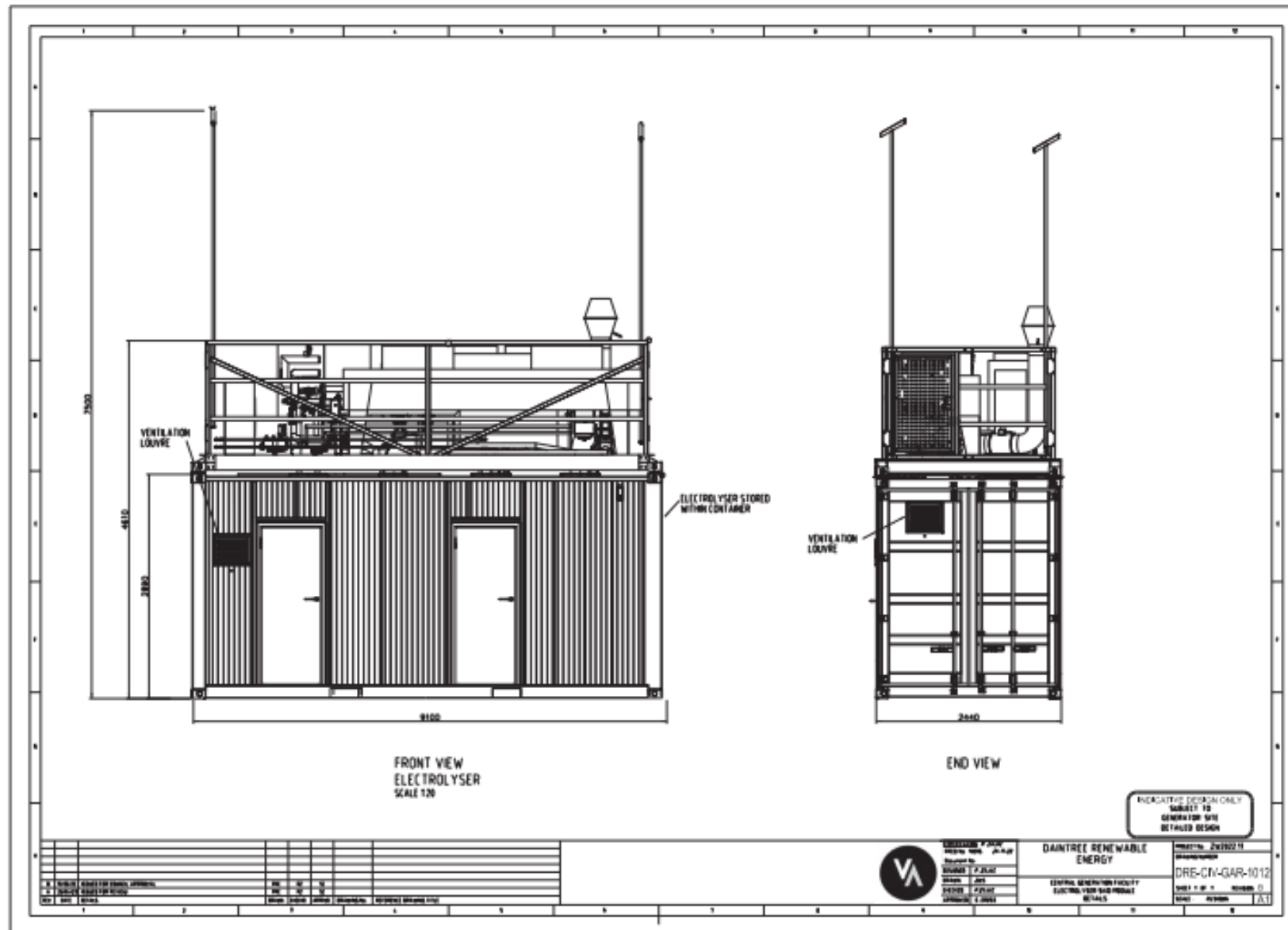


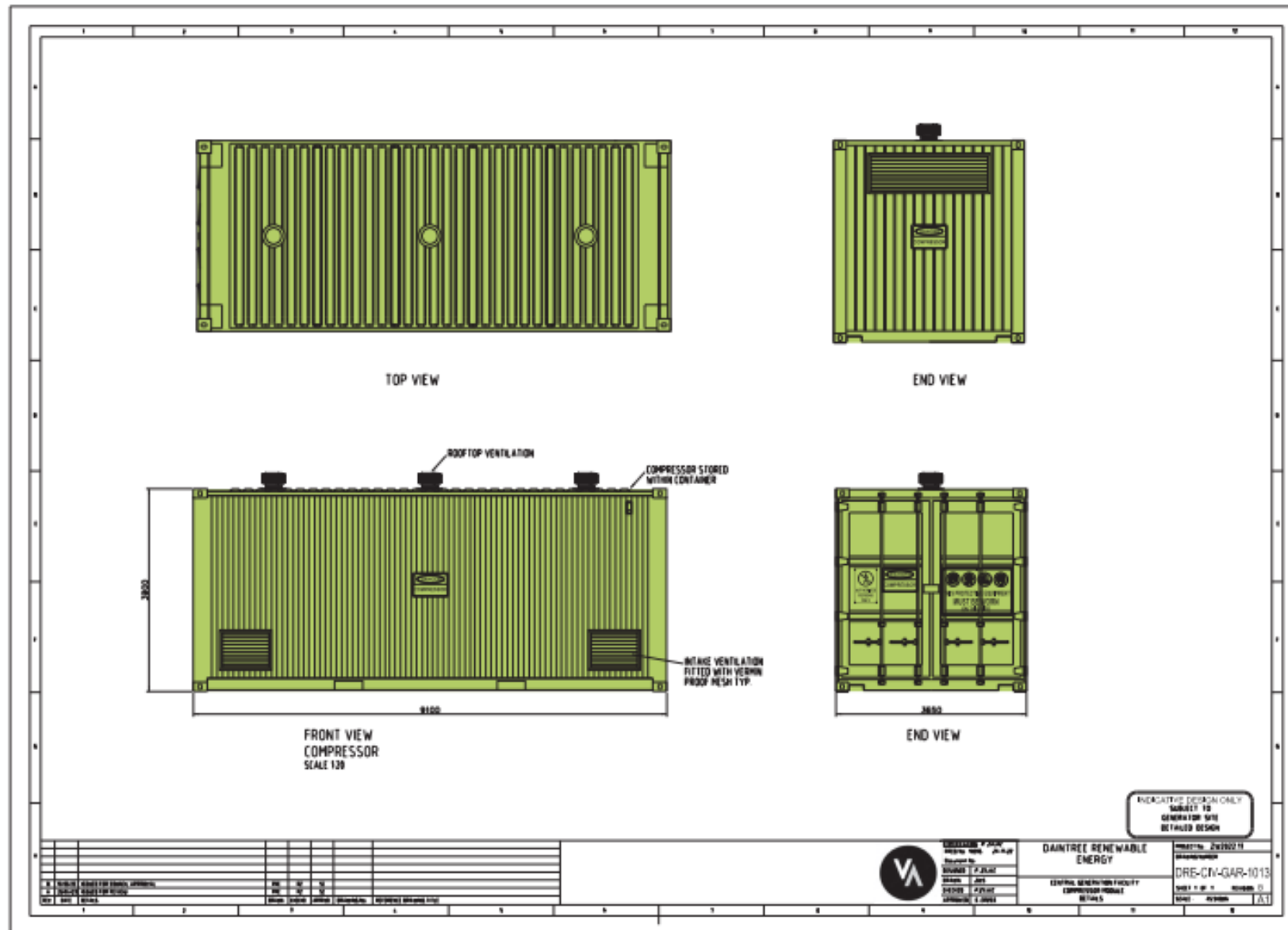


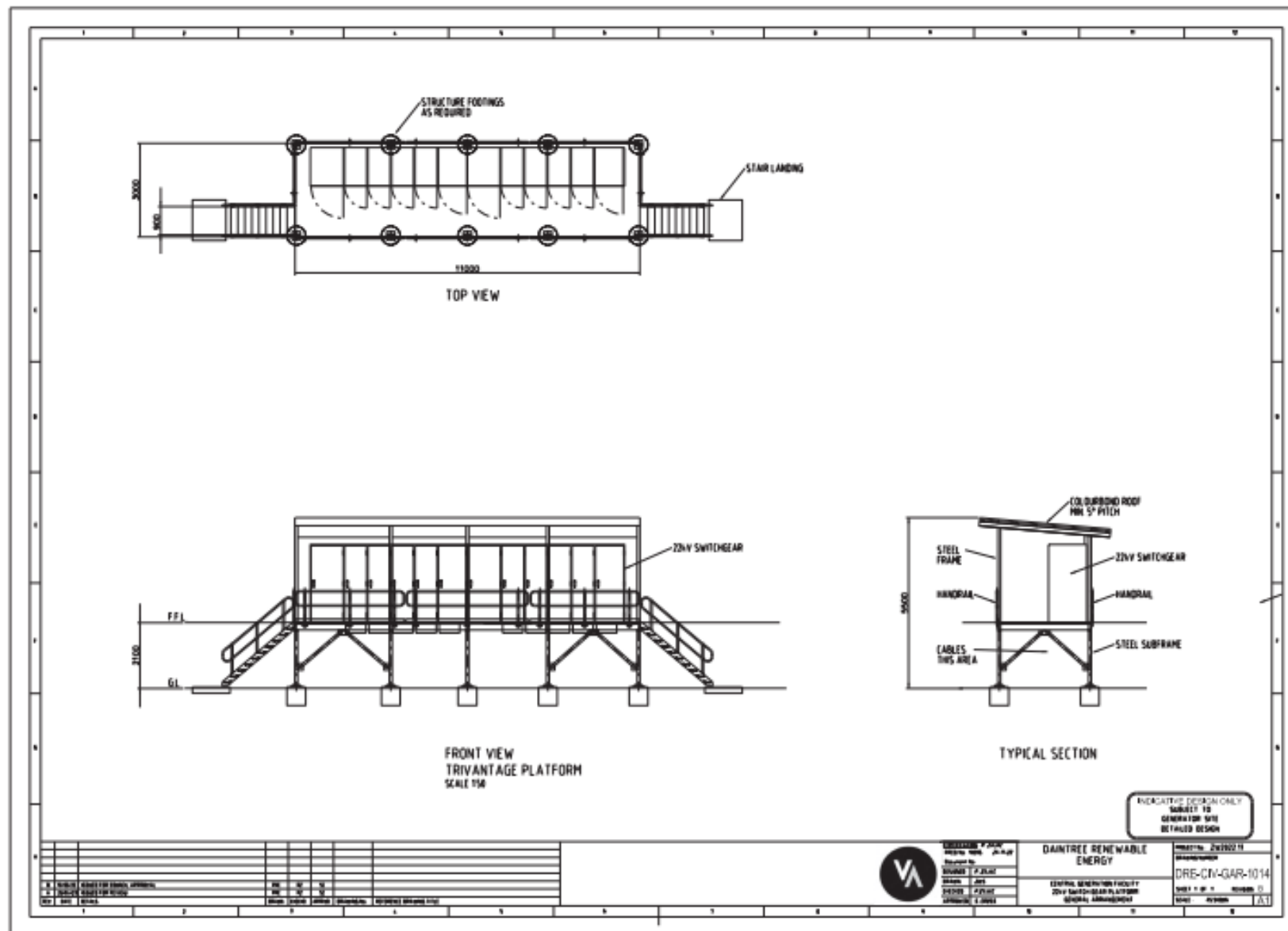


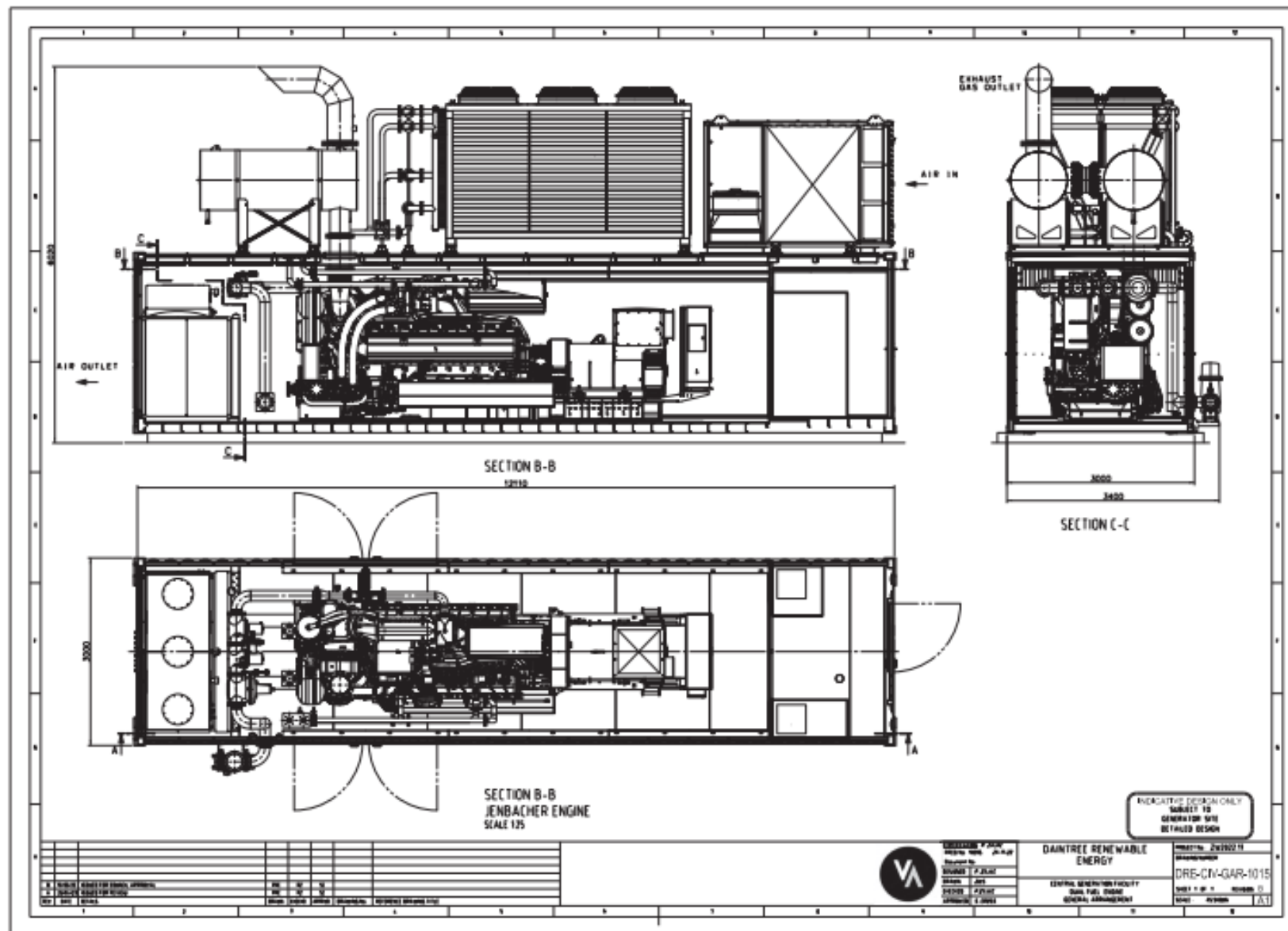




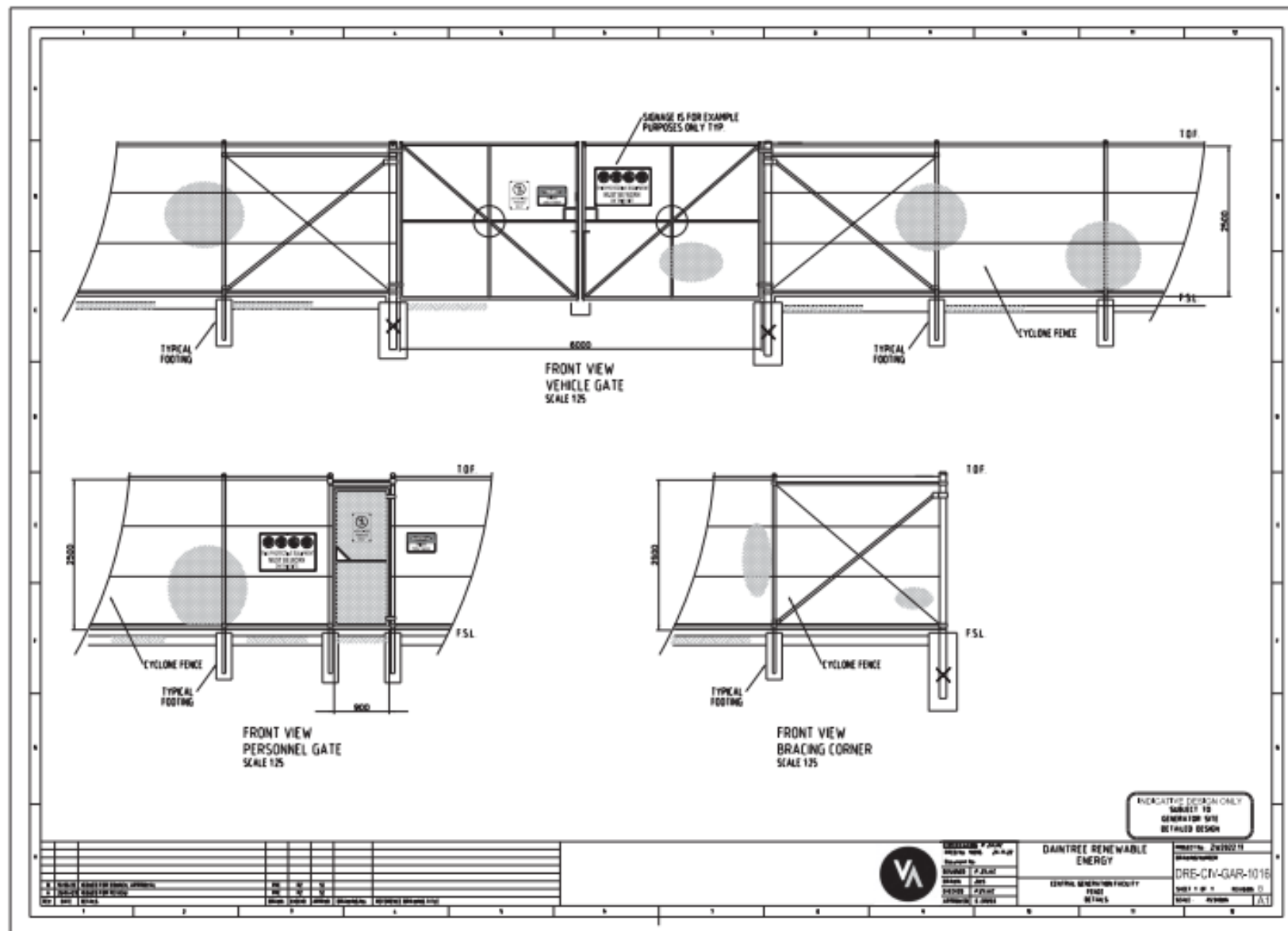




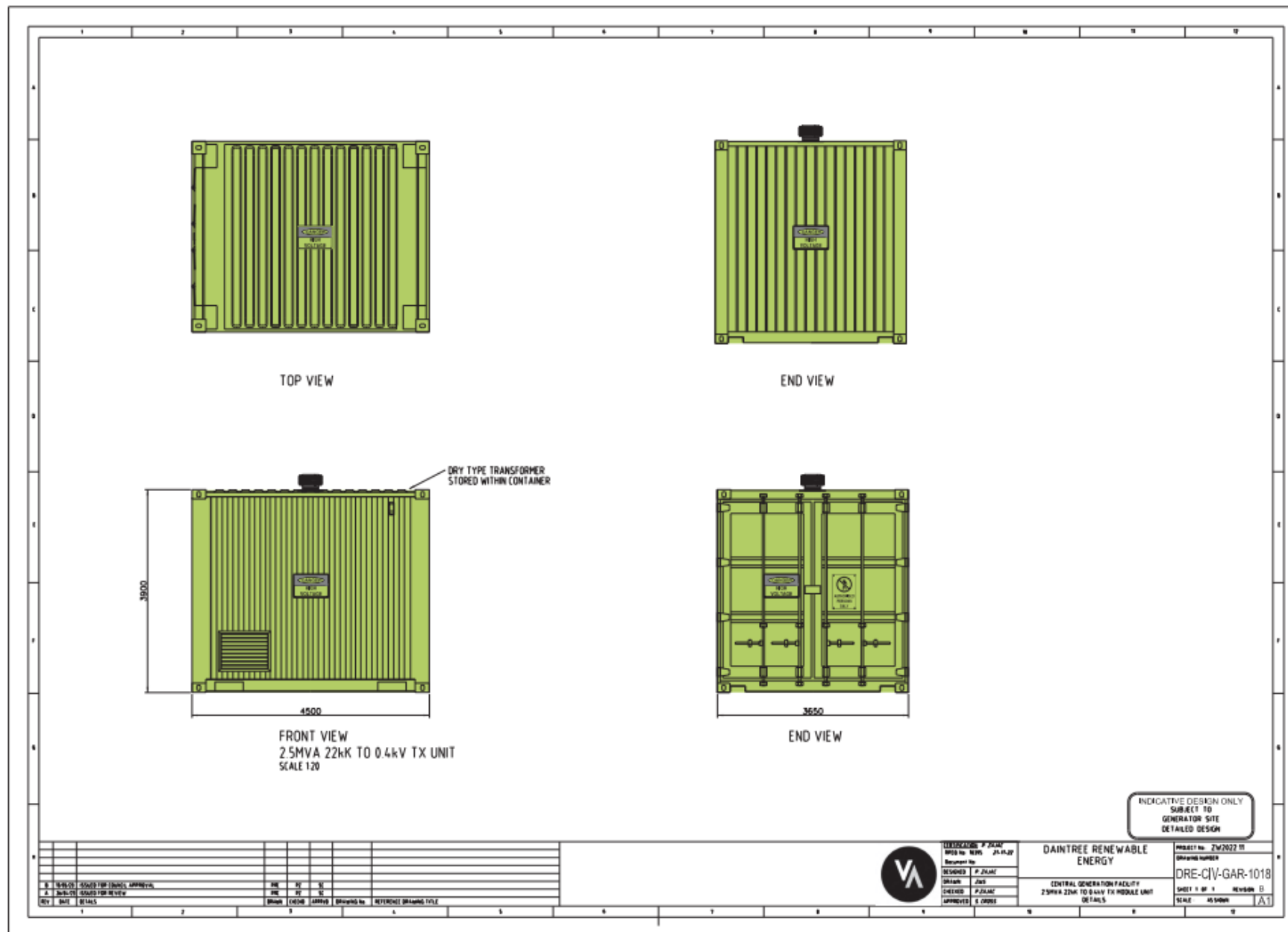


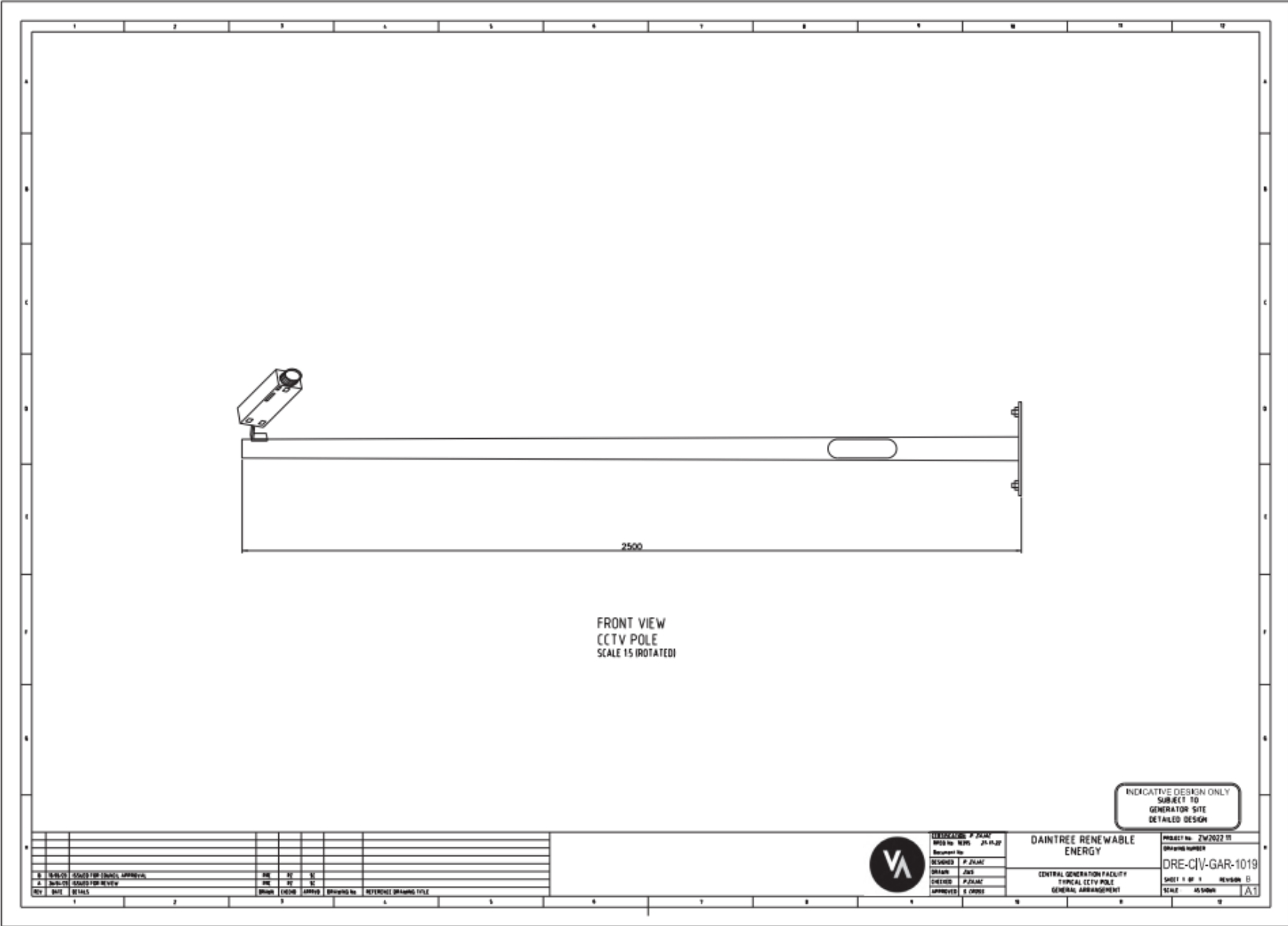


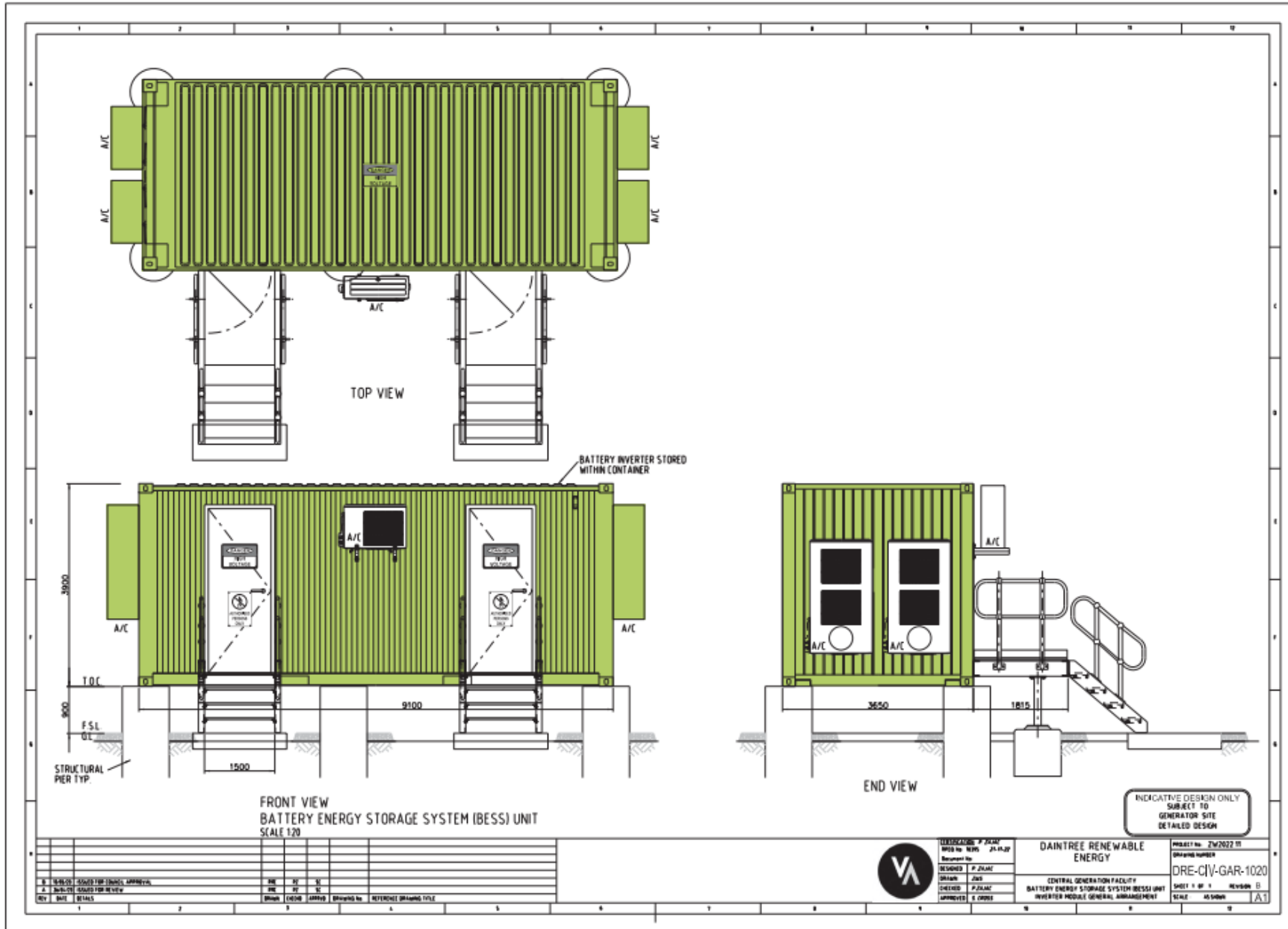


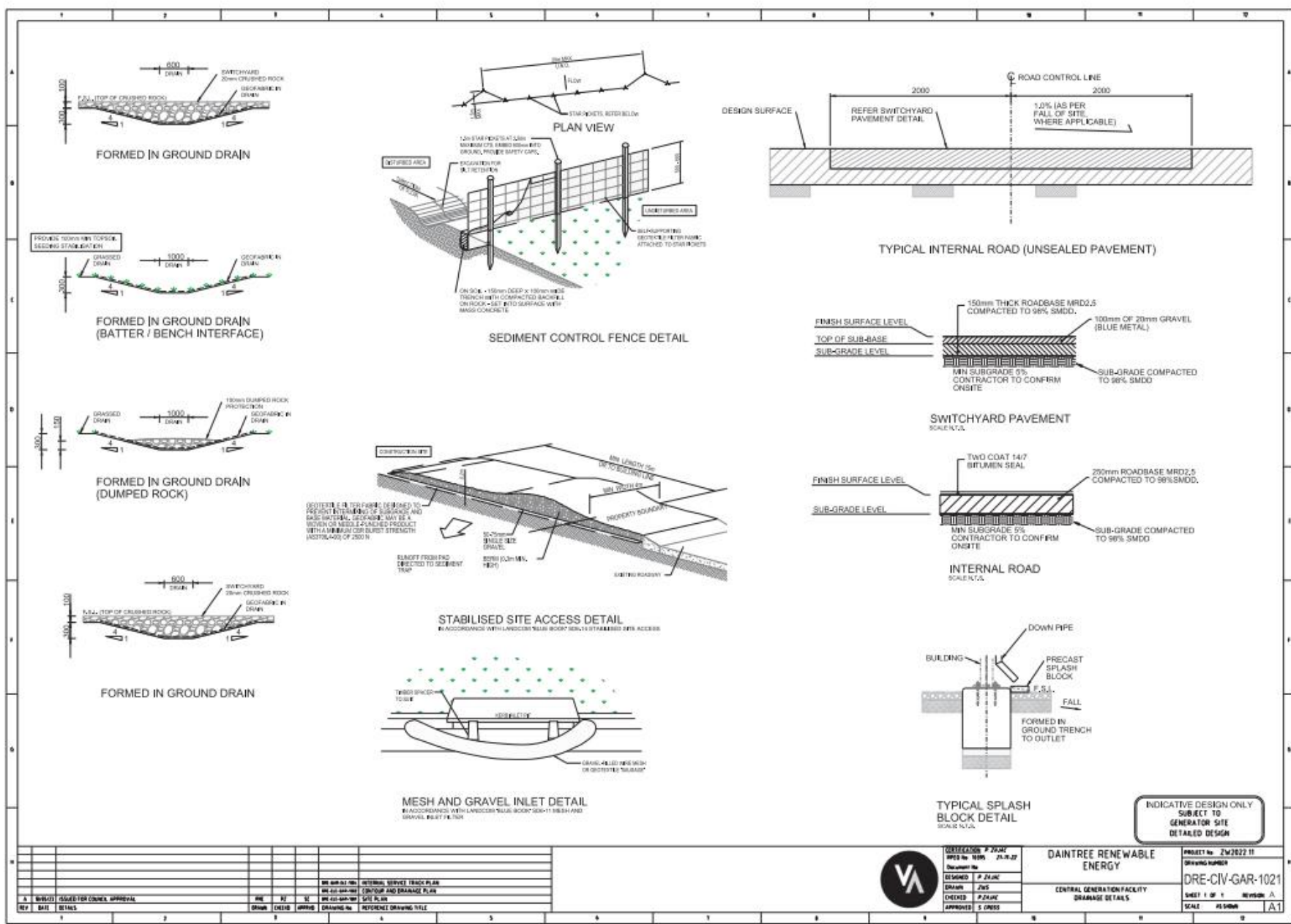












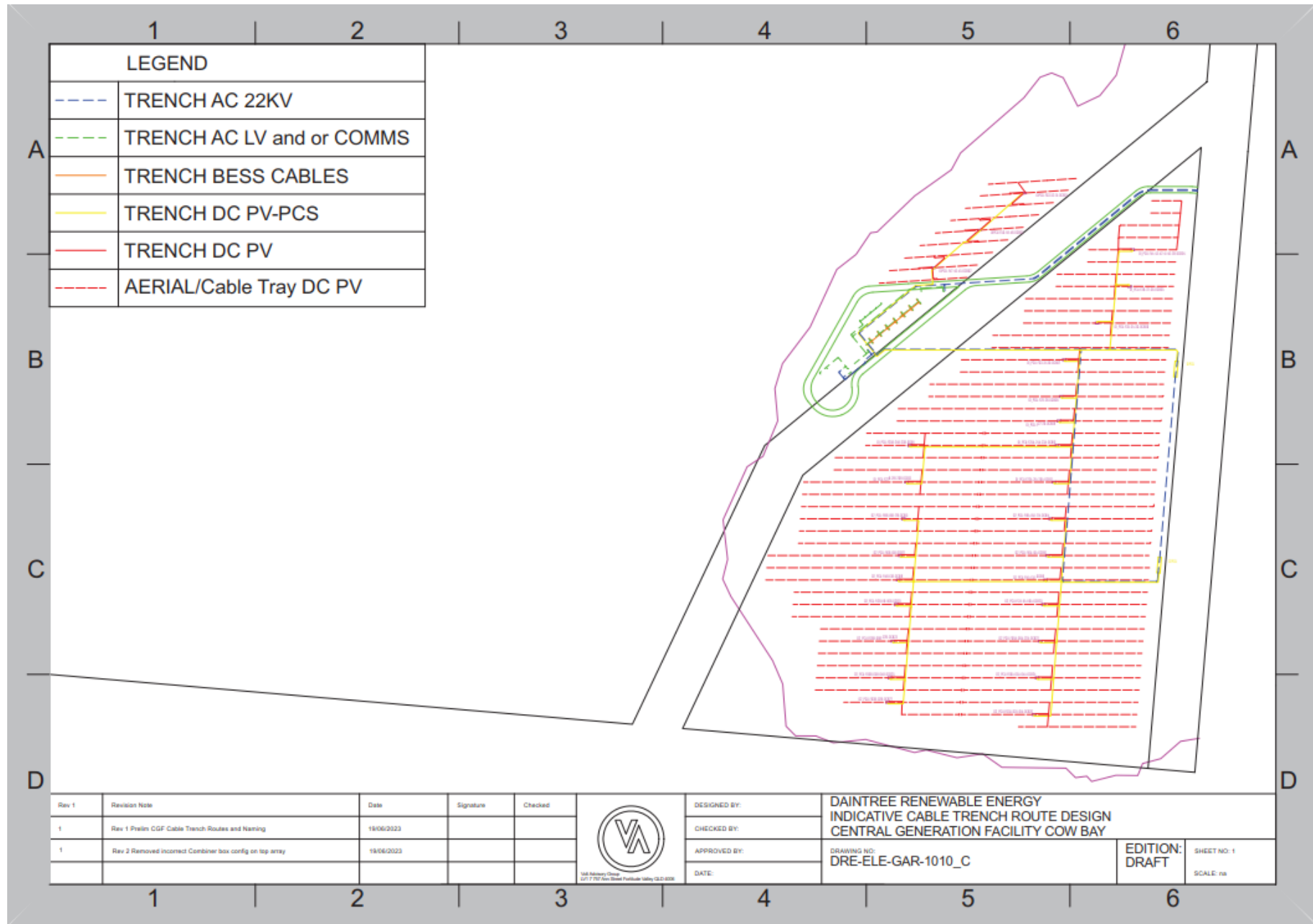
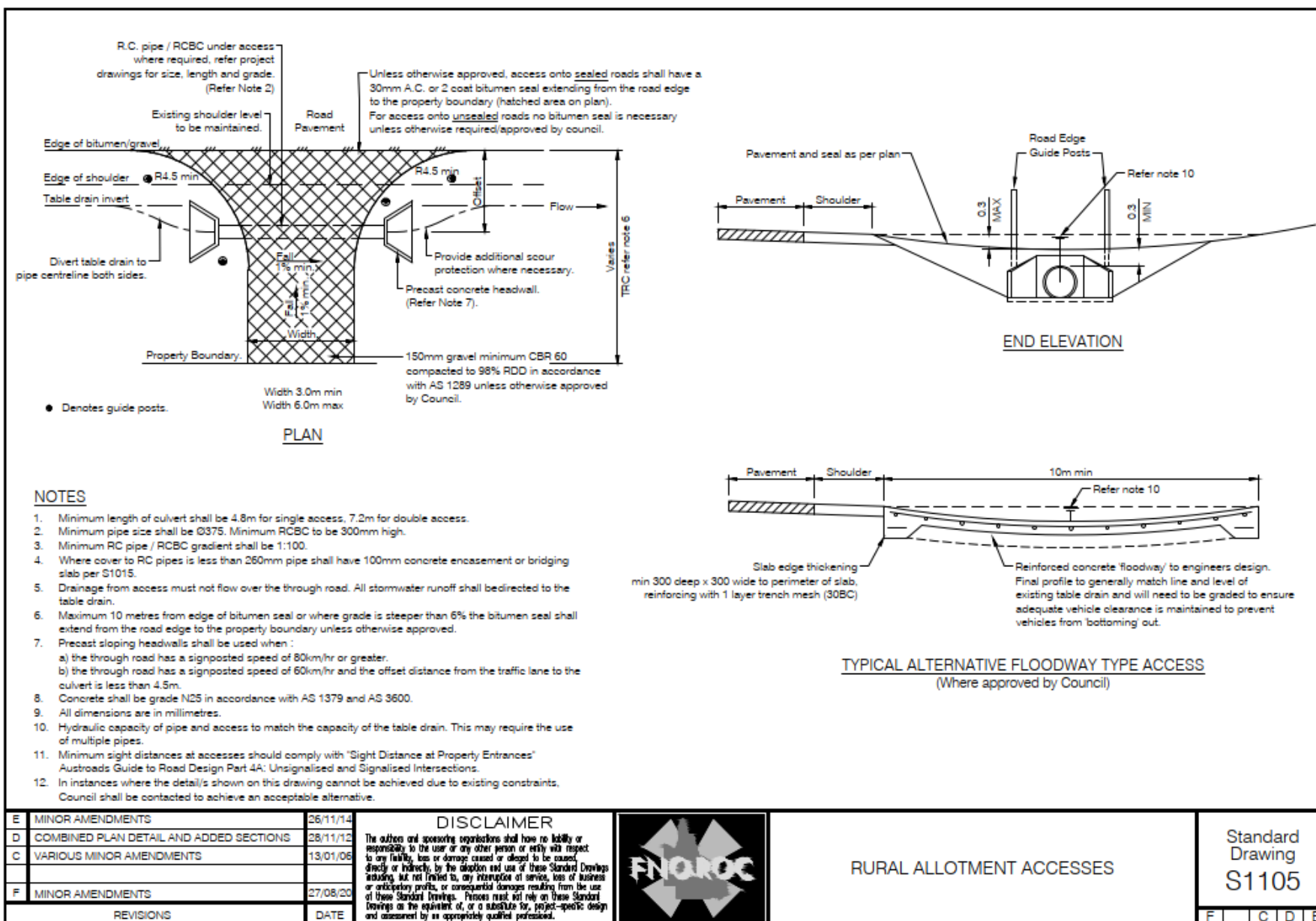


Figure 10 shows the proposed layout for a 1000V Four Post Array. The layout is a 10x10 grid of posts, with dimensions of 1000mm x 1000mm. The posts are labeled A through D. The table below provides technical specifications for the 1000V Four Post Array.

Item	Description	Quantity	Unit	Material	Remarks
1	1000V Four Post Array	1	Set	Galvanized Steel	For 1000V Four Post Array
2	1000V Four Post Array	1	Set	Galvanized Steel	For 1000V Four Post Array
3	1000V Four Post Array	1	Set	Galvanized Steel	For 1000V Four Post Array
4	1000V Four Post Array	1	Set	Galvanized Steel	For 1000V Four Post Array
5	1000V Four Post Array	1	Set	Galvanized Steel	For 1000V Four Post Array
6	1000V Four Post Array	1	Set	Galvanized Steel	For 1000V Four Post Array





## REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
  - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
  - a. the development application was properly lodged to the Douglas Shire Council on 9 October 2023 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Conservation Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - c. the applicant's reasons have been considered and the following findings are made:
    - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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## **Division 2            Changing development approvals**

### **Subdivision 1        Changes during appeal period**

#### **74        What this subdivision is about**

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### **75        Making change representations**

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
    - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that



- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.



- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and



- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
**decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.