



Queensland
Government

Department of
Natural Resources and Mines

File/Ref 2010/002982

9 April 2014

Mr Owen Dalton
Mt Emerald Wind Farm Pty Ltd
C/- RPS Australia East
PO Box 1949
CAIRNS QLD 4870

Dear Mr Dalton

RE: Application for Material Change of Use on Lot 7 on SP235244, Lot 905 on CP896501 and Lots 1, 2 and 3 on SP231871, Kippin Drive, Arriga.

The Department of Natural Resources and Mines (the department) would like to provide updated advice in relation to the application by Mt Emerald Wind Farm Pty Ltd for Material Change of Use (involving vegetation clearing) over the abovementioned land parcels at Kippin Drive, Arriga.

On 19 December 2013, the department wrote to Mt Emerald Wind Farm Pty Ltd to advise that amendments to the Sustainable Planning Regulation 2009 (Schedule 24 Part 2 Item 4) made the clearing that was being assessed by the department exempt development.

The department is cognisant of the significant constraints to the proposed development that may result from a finalised concurrence assessment. In light of the exemption that applies under the current planning legislation the department intends to allow the concurrence agency assessment period to lapse to ensure that the applicant receives the full benefit of the new exemption.

To facilitate this approach, Mt Emerald Wind Farm Pty Ltd is advised to request that the department proceed with the assessment of the application in the absence of the requested information pursuant to section 278 of the *Sustainable Planning Act 2009* (the Act).

This will restart the statutory timeframes for the concurrence agency assessment period and the department will not provide a response to Tableland Regional Council (the assessment manager) by the statutory date. In accordance with section 286 of the Act, the application must then be decided by the assessment manager as if the department had no concurrence agency requirements.

The department will then refund the concurrence agency application fee in full because it has not completed the assessment process.

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Should you have any further enquiries, please do not hesitate to contact Mr Andrew Date,
Senior Vegetation Management Officer of the department on telephone 4222 5490.

Yours sincerely



Kev Allan
Regional Manager
Land Services
North Region

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