

Appendix 32

DNRM Concurrent Agency Response to UXO Potential

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26 OCT 2012

Pike Maureen

From: Smith Geoffrey (Townsville Planning) **BY:**.....SK
Sent: Thursday, 18 October 2012 5:06 PM
To: info@trc.qld.gov.au; PeterP@trc.qld.gov.au; sera.rohan@rpsgroup.com.au
Cc: Hodgson Kim; Pike Maureen; Scott Randal
Subject: TRC ref MCU/11/0024 Mount Emerald Wind Farm DNRM is providing EHP's UXO permit and wetlands advice leaving only DNRM's vegetation management assessment outstanding

Attachments: CLU permit SPLC04099312.pdf; 091012 SPAR04099212 Wetlands Advice.pdf

DNRM references
 EcoTrack Project 371068
 EcoTrack Application 492050
 TrackJob IC0412CNS0008
 Veg M12/002982
 eLVA 2012/002982
 KEEPER NOR/105304

TRC ref MCU/11/0024

RPS ref PR100246-3/SR/MLM/L70594

Chief Executive Officer
 Tablelands Regional Council

Attention Peter Pattison

Dear Peter

**Material Change of Use for a Wind farm maximum of 75 turbines
 EHP Contaminated Land Unit permit and Wetlands advice provided; DNRM Veg clearing permit awaits
 further information**

The former Department of Environment and Resource Management was referred the application for the material change of use. It was deemed properly referred on 4th April 2012.

The former DERM's jurisdictions were limited to remnant vegetation, contaminated land and wetlands.

EHP's contaminated land unit has now made their assessment and their permit SPCL04099312 is attached.

The wetland advice is also complete and advice SPAR04099212 is attached.

As for DNRM's remnant vegetation related jurisdiction (under the *Vegetation Management Act 1999*) the assessment of the application on the basis of the application is incomplete and will rely on a response to information request – timeframes for response to the Vegetation management information request has been extended.

Now that some time has passed since the de-amalgamation of DERM, and EHP's contaminated land and wetland assessments have been concluded – and won't conflict with any vegetation assessment – I am providing EHP Permit SPCL04099312 and advice SPAR04099212. This action concludes EHP's assessment. EHP requests that a copy of the decision notice be sent to them at Permits and Licence Management, GPO Box 2454, Brisbane Qld 4001 citing EcoTrack Application Number 492050.

24/10/2012

Of the former DERM, only the Department of Natural Resources and Mines now has any outstanding assessment.

The department looks forward to receiving the proponent's further information on remnant vegetation on site.

Yours sincerely
Geoffrey Smith

cc
Mount Emerald Wind Farm Pty Ltd
Attention Ms Sera Rohan
RPS
PO Box 1048
Robina Qld 4226

Geoffrey Smith
Principal Natural Resource Officer (Planning & Environment)
Regional Planning and Information Management
North Region
Department of Natural Resources and Mines
Telephone: 4799 7032 [Q_net 37032], **Facsimile:** 4799 7641, **Mobile:** 0407 585 326
Email: geoffrey.t.smith@dnrm.qld.gov.au
187-209 Stanley Street
PO Box 5318 Townsville Qld 4810

EHP Permit ¹ number: SPCL04185012

Assessment manager reference:	MCU/11/0024
Date application received:	17 April 2012
Permit type:	Concurrence agency response
Date of decision:	21 June 2012
Decision:	For a concurrence agency response - conditions must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> <i>Sustainable Planning Act 2009</i>
Jurisdiction(s):	Material change of use - Contamination of land by unexploded ordnance (UXO) - <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 11

Development Description(s)

Property/Location		Development
Kippin Drive, ARRIGA, QLD	Lot 7 on SP7235244, Part of Lot 905 on CP896501 & Easement A in Lot 1, Easement C in lot 2 & Easement E in Lot 3 on SP231871	Material change of use - Wind Farm (Maximum of 75 Turbines)

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009* and section 27B of the *Acts Interpretation*

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Environment Protection.

Act 1954, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows:

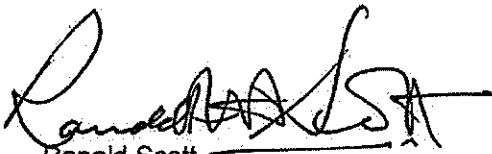
UXO is considered a contaminant under Section 11 of the *Environmental Protection Act 1994* (EP Act).

Significant portions of the site (the subject lot/s) are areas within which the Department of Defence (Defence) has assessed either a 'substantial' or 'slight' potential for residual UXO exists. For details, visit the Defence website <http://www.defence.gov.au/uxo/> and Section 3.2.13 of the Development Application of March 2012 prepared by RPS Australia East Pty Ltd for the applicant, Mt Emerald Wind Farm Pty Ltd.

Defence advises that development or land use rezoning proposals for land within 'substantial' UXO areas should only proceed following the conduct of further UXO investigation activities and any necessary clearance. Defence maintains a list of commercial UXO investigation and remedial search contractors that it accredits to carry out this work.

Defence also recommends that owners or occupiers of UXO-affected land and workers and contractors employed on such land need to be aware of the procedure if an object suspected of being UXO is found.

EHP has no record of the site being further investigated or remediated and it is considered that there remains a possibility of UXO being found on it.



Ranaid Scott
Delegate, Chief Executive administering the
Sustainable Planning Act 2009

Department of Environment and Heritage Protection (EHP)

21 June 2012

CONDITIONS

The following concurrence agency conditions are to be attached to any approval:

- 1 Prior to the commencement of any excavation, earthworks or other disturbance of land relative to the proposed development or to any natural and ordinary consequence of the development on the portion assessed as having a 'substantial' potential for UXO, those parts of the affected portion to be so worked are to be subjected to appropriate investigation and any necessary remedial action.
- 2 Any person employed on work associated with the proposed development, on any part of the site where a 'substantial' or 'slight' UXO potential exists and Condition 1 has not been satisfied, is to be forewarned in writing by the applicant.

This warning is to explain that information available to EHP indicates a potential for residual UXO may still exist on the site and work should proceed with due caution. It is to state the procedure to be followed by any person finding an object suspected of being UXO or component thereof:

- Do not disturb the object.
 - Take action, where appropriate, to prevent it being disturbed by another person.
 - Note its approximate dimensions and general appearance.
 - Note the route to its location.
 - Advise the Police as soon as possible.
- 3 Following action taken to satisfy Condition 1 above, the applicant is to submit a report, prepared in accordance with current guidelines, to EHP for assessment. EHP is to subsequently advise the Tablelands Regional Council and the applicant of its assessment in regard to Condition 1 being satisfied.
 - 4 The applicant is to advise the owner and any occupier of the site of the above responsibilities.

General comments or advice about applications concerning land potentially affected by UXO

Applicants may visit Defence's website <http://www.defence.gov.au/uxo/> or EHP's website <http://www.derm.qld.gov.au/> for the details of current UXO investigation and remedial search contractors. EHP accepts reports based on investigative and remedial work carried out by these contractors.

Investigation and remedial action to satisfy Condition 1 typically involves sampling/search programs with detection equipment unless the use of such equipment is:

- considered unwarranted by a UXO contractor due to the extent of any prior excavation or earthworks or, conversely, of any filling proposed as part of the development program; or
- prevented or made impracticable by the presence of a structure, stockpile, natural barrier or metal waste.

In the latter case, alternative action may be appropriate to minimise the risk in the first instance. For example, where the risk of exposure to any UXO that may exist is reduced by the presence of a structure or natural barrier, issuance of the standard UXO warning (see Condition 2) may suffice while the structure, stockpile or barrier remains in place. Where a structure is to be removed or reduced as part of the development program, protective precautions, commensurate with any greater risk to which workers might then be exposed, may need to be considered. Progressive assessment will be necessary where such circumstances exist. Unless, at the completion of preliminary works, there is evidence then available to the UXO contractor that any residual risk is negligible, the use of detection equipment will typically be required to confirm the site's status.

Where investigation, along with any subsequent remedial action and assessment, is to be implemented by stages to satisfy Condition 1 and 3, a preliminary investigation report should be submitted by the applicant to

EHP along with a management plan for the proposed work. Staged investigation/remediation is most likely to be applicable where development of smaller, built-on lots (which can present circumstances such as those discussed above) or broadhectare sites is proposed. In such cases, EHP's assessment of the report and advice to Council in regard to approval of the development will be dependent on agreement with the management plan.

Where Condition 1 is to be satisfied by a whole lot or broadhectare development stage being subjected to investigation and any necessary remedial action, EHP, based on the subsequent investigation/remediation report's findings and recommendation/s, may reassess the lot, or that portion comprising the development stage, as being remediated or not needing remediation, and advise the applicant and Council accordingly. Otherwise, any balance of land that has not been further investigated will retain the risk assessment made by Defence and EHP's Area Management Advice will continue to apply. This is unless evidence obtained from the investigated part/s can be used to refute Defence's assessment in regard to all or part of the balance. In the latter case, EHP may reassess all of the balance or the applicable part/s as being unaffected by UXO.

Enquiries:

Ranald Scott, Project Manager (UXO) – Department of Environment and Heritage Protection
Ph: (07) 5459 6129 Fax: (07) 5459 6190 email: ranald.scott@ehp.qld.gov.au

END OF CONDITIONS

Advice Agency Response - Referable Wetland

This Referral Agency Response is issued by the Department of Environment and Heritage Protection pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Tablelands Regional Council
PO Box 573
Atherton QLD 4883

cc. Mt Emerald Wind Farm Pty Ltd
c/- RPS Australia East Pty Ltd
PO Box 1949
Cairns QLD 4870

Application number: 371068
EHP permit number: SPAR04099212

Application Details

Assessment Manager Reference: MCU/11/0024 ATTN: Peter Pattison

Date properly referred to EHP: 17 April 2012

Development approval applied for: Material change of use

Aspect of development: Material Change of Use, other than for a domestic housing activity, if any part of the land is situated in a wetland management area
Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 21

Development description: Wind farm – maximum of 75 turbines

Property/Location description: Kippin Drive, Arriga QLD (Lot 7 on SP235244, lot 905 on CP896501, easement A in lot 1, easement B in lot 2 and easement E in lot 3 on SP231871)

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

Recommendation

The Chief Executive, Department of Environment and Heritage Protection (EHP), makes the following recommendation to the assessment manager:

Wetland:

The assessment manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland. Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by an appropriately qualified professional may assist the assessment manager to consider the impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable, the assessment manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted. Refer to section 81A of the Environmental Protection Regulation 2008 for the list of wetland values.

Where a wetland management area is mapped as being of 'high ecological significance under *the Queensland Coastal Plan* it should be assessed against State Planning Policy 3/11:Coastal Protection (SPP3/11). Refer to policy 3 *Nature Conservation* in SPP 3/11.

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.
- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the assessment manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by Environment and Heritage Protection as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland

Note: The Queensland Wetland Buffer Planning Guideline (2011) should be referred to when planning detailed buffer design to position development, determine any alternative buffer widths and establish operating measures that avoid adverse impacts on a wetland.

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/ revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

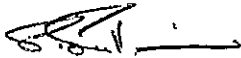
The assessment manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. For areas outside of the South-east Queensland Regional Plan area any approval should recognise the requirements of The Urban Stormwater Quality Planning Guidelines 2010.

General information for assessment managers

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, Environment and Heritage Protection as a referral agency for the relevant application has not provided notification to native title parties.

Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Heritage Protection.



Delegate
Scott Sullivan
Delegate for the Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and
Heritage Protection

Enquiries:
Rochelle Basham
Cape Pallarenda Conservation Park
PO Box 5318
Townsville QLD 4810

4 October 2012

Telephone: (07) 4722 5235
Facsimile: (07) 4722 5256
Email: rochelle.basham@ehp.qld.gov.au