Attachment 7

Code Compliance Responses

6.2 RURAL ZONE CODE

6.2.1 Rural zone code

6.2.1.1 Application

This code applies to assessing development in the Rural zone.

When using this code, reference should be made to Part 5.

6.2.1.2 Context and setting

This section is extrinsic material under section 15 of the Statutory Instruments Act 1992 and is intended to assist in the interpretation of the Rural zone code.

Hinchinbrook Shire is a very fertile alluvial plain that along with reliable rainfall provides the fertility for the region's farming. In addition to sugar and grazing, there is potential for a range of alternative crops, tropical agriculture and boutique rural industries. The Herbert River Valley is a local strength and rural uses are the priority in rural areas. Agricultural land in the Shire is primarily classified as Class A suitable for broadacre farming and horticulture. Agricultural diversification and value adding are supported as range of quality local produce will contribute to a prosperous community. There are also opportunities for rural and agricultural tourism and edu-tourism that supports rural uses and capitalises on the high quality rural amenity, access to waterways, boat ramps and natural attractions. The location of sensitive land uses such as houses and accommodation should be carefully considered to ensure that rural uses are the priority and the future use of rural land including ancillary yards, stables, holding facilities and repair and service of machinery are not unreasonably hampered. Rural lots, for houses that are not associated with a farming activity are not supported as they have the potential to compromise rural uses and also result in people and property being isolated during floods and other natural disasters, however it is recognised that there are locations where boutique farming lots could occur on land that is already fragmented by roads and that is of a size and shape that is difficult for mechanical harvesting and still large enough for alternative crops or horticulture.

6.2.1.3 Purpose

1) The purpose of the Rural zone is to—
    a. provide for rural uses and activities; and
    b. provide for other uses and activities that are compatible with:
        i. existing and future rural uses and activities; and
        ii. the character and environmental features of the zone; and

c. maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

2) The purpose of the zone will be achieved through the following overall outcomes—
   a. The productive capacity of rural land is protected for rural uses and associated value adding industries.
   b. Development provides for the protection of agricultural land classification (refer to OM-06 – Agricultural land overlay) Class A and Class B land for sustainable agricultural use.
   c. Development minimises conflicts with existing and future rural uses and activities on the surrounding land.
   d. Tourist accommodation and other non-rural uses may be established where they support rural enterprise or nature based or rural tourism.
   e. Rural service industries and activities, including rural workers' accommodation, occur in designated villages.
   f. Development results in people and property being located in accessible areas for emergency management and service provision.
   g. Houses for rural living are located near a rural settlement or rural village and lot fragmentation is avoided.
   h. Development maintains the rural and landscape character, scale and amenity of the zone.
   i. Development is reflective of, and responsive to, the environmental constraints of the land including those shown on the overlay maps.
   j. Development including intensive animal husbandry, intensive horticulture and extractive industry are located, designed and constructed to avoid or effectively mitigate adverse impacts on sensitive land uses.
   k. Development occurs on appropriately maintained transport routes.
   l. In the Solar energy development precinct, the land is protected for solar renewable energy development and supporting infrastructure.

6.2.1.4 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 6.2.1.4a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
General		
PO1 The height of buildings and structures is: (a) in keeping with the amenity of adjoining premises; and	**AO1** Buildings and structures are a maximum of 8.5m and 2 storeys in height.	**Complies PO1.** The proposed development involves construction of a Battery Storage Facility (referred to as MFEP BESS) on land located at Ewan Road, Mount Fox.

(b) complimentary to the character of the area; and (c) sufficient to achieve resilience to flood and storm tide hazard.		It is noted that some components (more specifically, the overhead transmission line and some lighting poles) of the proposed MFEP BESS are likely to exceed 8.5m and 2 storeys. The proposed overhead transmission line is required to be constructed in accordance with the applicable standards and is therefore likely to involve an overall height of approximately 25m. Notwithstanding this, the proposed development is considered to be in keeping with the amenity of adjoining premises, to the west, which currently comprise of major electricity infrastructure, such as the Ross to Chalumbin / Ross to Cairns Transmission Line, as well as Powerlink's new switching station, Guybal Munjan which is located on Lot 591 on SP302249, but not yet constructed. Both developments will comprise of similar built infrastructure provisions. Additionally, it is noted that the primary rural (pastoral and cattle grazing) land use will continue into the future. Proposed development is not likely to impact on existing rural land uses and furthermore is considered to value add, given that the two different land uses can continue to be carried out in the same location, with no significant impacts to either operations. It is for this reason that proposed development is considered to be complimentary to the character of the area.

		Additionally, it is noted that the proposed MFEP BESS has been appropriately located, to ensure that critical infrastructure is not impacted by flood events. The area in which the proposed MFEP BESS is to be constructed involves relatively flat land and is appropriately setback from nearby mapped watercourses. The proposed subject site is located away from the coast line and is therefore not likely to be impacted by storm tide hazards.
PO2 Dwellings are located in accessible areas for effective emergency management and service provision.	**PO2** Dwellings are located on lots with access from roads identified on **OM-10.0 – OM-10.1 – Transport network overlay**.	**Not applicable.** The proposed development does not involve construction of a Dwelling House.
PO3 Buildings and structures are set back to: (a) maintain the rural character of the area; and (b) achieve appropriate separation from rural activities occurring on adjoining premises; and (c) achieve separation from neighbouring buildings and from road frontages.	**AO3.1** Buildings and structures are setback a minimum of: (a) 10m from any property boundary, except for Roadside stalls; and (b) 25m from cane rail infrastructure; and (c) Roadside stalls are: (i) not located within the road reserve; and (ii) setback a minimum of 10m from side boundaries.	**Complies with PO3.** The MFEP BESS comprises of several components – of which are suitably setback from property boundaries. Setback distances have been detailed below for Council's further consideration: - The minimum setback distance of the proposed MFEP BESS Substation, Operations and Management Building/s, and Battery Mega Packs, from the nearest property boundary is approx. 320m. All other boundary setbacks are greater than 400m. - The minimum setback distance of the proposed MFEP BESS Temporary Laydown

		Area, from the nearest property boundary is approx. 270m. Additionally, it is noted that a transmission line will be constructed and forms part of the proposed MFEP BESS. The transmission line is proposed to extend out from (south-west of) the MFEP BESS Substation, and will bisect the existing shared property boundary between Lot 591 on SP302249 and Lot 592 on SP302249. In considering this, it is submitted to Council that the proposed transmission line will be constructed by Powerlink. Powerlink will be responsible for formalising a services easement over the transmission line which will support/enable ongoing access for maintenance purposes. In considering this, it is submitted to Council that although the minimum setback provisions cannot be achieved due to the requirement for the transmission line to be connected into the adjacent electricity infrastructure and/or switching station, the proposed development achieves appropriate separation from rural activities currently occurring on neighbouring properties. More specifically, it is noted that the proposed transmission line, forming part of the MFEP BESS, will be setback approximately 500m from the nearest/adjacent rural property, being Lot 3198 on PH2177.
	AO3.2	**Not applicable.**

	Residential dwellings and other sensitive receptors achieve a minimum separation distance from adjoining rural zoned land of: (a) 1,000m; or (b) 50m: (i) with a minimum planted width of 10m of a variety of tree and shrub species of differing growth habits, at spacings of 4m –5m; and (ii) include species with long, thin and rough foliage; and (iii) have species that has foliage from the base to the crown; and **(iv)** include species which are fast growing and hardy and have a minimum mature tree height 15m.	The proposed development does not involve construction of a Dwelling House and/or other sensitive receptors.
PO4 Home based business: (a) a small-scale activity sympathetic to and compatible with the rural character of the locality; and (b) subordinate to the primary use of the dwelling as a permanent residence; and (c) maintains the rural appearance of the dwelling and street; and (d) maintains the low traffic flows in the rural street; and	**AO4.1** Activities on the premises do not involve: (a) the display of goods; or (b) hiring out of any item; or (c) repairing, servicing, cleaning or loading of motor vehicles.	**Not applicable.** The proposed development does not involve a Home Based Business. Additionally, it is noted that the proposed development will not involve the display and/or hiring out of goods/items.
	AO4.2 The total area used for the home-based business is less than 30% of the GFA of the dwelling or outbuildings.	**Not applicable.** The proposed development does not involve a Home Based Business.

(e) signage is small and unobtrusive.	**AO4.3** The home-based business is conducted by a resident or residents of the premises and a maximum of one non-resident employee.	**Not applicable.** The proposed development does not involve a Home Based Business.
	AO4.4 Unless for a residential use (such as a bed and breakfast), the home-based business: (a) is conducted between the hours of 8:00am to 7:00pm Monday to Saturday; (b) is not conducted on Sundays or on public holidays.	**Not applicable.** The proposed development does not involve a Home Based Business.
	AO4.5 One sign may be provided for the home-based business where: (a) it is located on the premises; and has a maximum face area of 1m	**Not applicable.** The proposed development does not involve a Home Based Business.
	AO4.6 The home-based business does not attract more than two clients at any one time.	**Not applicable.** The proposed development does not involve a Home Based Business.
Tourist accommodation uses		

PO5 Guest accommodation maintains the appearance of a dwelling house.	**AO5.1** Accommodation (including bed and breakfasts) is within the primary dwelling house; and: (a) the visual appearance is not altered to accommodate the use; and (b) the accommodation is constructed and designed using the same materials and elements as the existing primary dwelling house on the site.	**Not applicable.** The proposed development does not involve Tourist Accommodation Uses.
	AO5.2 Accommodation must be located within the main dwelling and may not be detached.	**Not applicable.** The proposed development does not involve Tourist Accommodation Uses.
	AO5.3 One sign may be provided for the home-based business where: (a) it is located on the premises; and (b) has a maximum face area of 0.75m^2.	**Not applicable.** The proposed development does not involve Tourist Accommodation Uses.
PO6 Guest accommodation does not compromise the primary use of the premises as a residence.	**AO6.1** The primary use of the residential structure remains a dwelling house.	**Not applicable.** The proposed development does not involve Tourist Accommodation Uses.
	AO6.2	**Not applicable.** The proposed development does not involve Tourist Accommodation Uses.

	At least one bedroom within the dwelling is excluded from short-stay accommodation use, for the residential occupation of the owner/ operator.	
PO7 Urban areas maintained as the primary location for residential and accommodation uses.	**AO7** Guests stay no longer than fourteen consecutive days.	**Not applicable.** The proposed development does not involve Tourist Accommodation Uses.
Roadside stall		
PO8 Roadside stalls: (a) are a small-scale rural activity; and (b) are safe; and (c) do not impact on the amenity and character of the surrounding area.	**AO8.1** The Roadside stall: (a) is for the sale of primary produce grown on the same farm or on rural properties in the immediate locality; and (b) operates within daylight hours only; and (c) has no more than two signs with each sign a maximum of face area of $1m^2$.	**Not applicable.** The proposed development does not involve a Roadside Stall.
	AO8.2 Buildings and structures comprising the roadside stall: (a) have a maximum of 20m2 gross floor area; and (b) are constructed of lightweight materials and are temporary in nature unless the roadside stall forms part of an existing farm building; and (c) are a maximum of 5m in height.	**Not applicable.** The proposed development does not involve a Roadside Stall.

	AO8.3 Parking is designed and located to: (a) be on the site and not in the road reserve; and (b) allow vehicles to enter and exit the site in a forward gear.	**Not applicable.** The proposed development does not involve a Roadside Stall.
Solar energy development		
PO9 The nature and scale of the solar energy development project is appropriately communicated to the Council and community.	**AO9.1** Prior to construction commencing, written confirmation is provided to Council identifying: (a) the site layout; (b) construction timing; (c) work force accommodation strategy; and (d) energy supply agreements with relevant electricity network providers.	**Not applicable.** The proposed development does not involve a Solar Energy Development.
	AO9.2 A sign is erected on all road frontages that (a) details the project; and (b) provides contact details for community members to seek further information	**Not applicable.** The proposed development does not involve a Solar Energy Development.
PO10	**AO10.1**	**Not applicable.**

The use is appropriately scaled and sited.	The total use area of the facility does not exceed 100ha.	The proposed development does not involve a Solar Energy Development.
	AO10.2 The development provides an access strip, of a minimum of 10m, along each boundary	**Not applicable.** The proposed development does not involve a Solar Energy Development.

Part A – For accepted development and assessable development.

Table 6.2.1.4b – Assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Development Generally		
PO11 Development is consistent with the purpose and overall outcomes sought for the code.	No acceptable outcome provided.	**Complies with PO11.** Development proposed is consistent with the purpose of the zone and is not likely to adversely impact on existing and/or future rural land uses and activities. In considering this, it is submitted to Council that development proposed: - Will not detract from, nor result in any impacts on the existing rural land uses (pastoral and/or cattle grazing activities) currently being undertaken within the defined project site. - Will be constructed within a small portion of the broader defined project site. The area required for the MFEP BESS (infrastructure only) involves approximately 6.069 Hectares (not including land required to establish access and/or the transmission line). The total area of land required

		to establish the northern access in expected to be approximately 5 Hectares. - Is compatible with and has been appropriately designed to respond to/protect existing natural and environmental features. Extensive environmental assessments were undertaken to inform the location, layout and design of the proposed MFEP BESS. In summary, the current proposed BESS alignment will involve the clearing of Category B, remnant vegetation and the clearing of 'Of Concern' vegetation as described under the *Vegetation Management Act 1999*. Whilst acceptable outcomes have been identified for some areas of clearing (namely the clearing of non-remnant category R vegetation), other areas of vegetation will not fall under the acceptable outcomes listed in State Code 16 and thus environmental offset will be required for this vegetation clearing. Notwithstanding this, the impacts likely to result from the necessary vegetation clearing were considered as part of an application for a relevant purpose determination, pursuant to Section 22A of the *Vegetation Management Act 1999.* The application sought approval for all proposed clearing extents associated with the proposed Mount Fox Energy Park Project. Relevant Purpose determination was issued on 04 February 2021 (Attachment 2 – MFEP BESS Relevant Purpose Determination).

		- Will be suitably fenced to ensure further protection from/separation of existing rural land uses, in order to minimise conflict. - Maintain the capacity of land for rural uses and activities through implementing operational procedures that reduce/mitigate the potential for impacts on the environment (i.e. introduction of pest species). - Is to be constructed in an area that is easily accessible (utilising appropriately maintained transport routes), to ensure the safety of people and property during natural disaster events. - Does not involve solar renewable energy, although it located within a portion of the defined 'solar energy development precinct'. Notwithstanding this, the MFEP BESS and any future associated infrastructure to be constructed as part of the broader Mount Fox Energy Park project, may likely provide greater opportunities for solar energy projects throughout the area, through the possible provision of supporting infrastructure and/or the driver for enhancements/upgrades to existing major electricity networks.
PO12 The site coverage of buildings, structures and associated services does not have an intrusive effect on the rural or scenic values of the site.	No acceptable outcome provided.	**Complies with PO12.** The project site incorporates four (4) separate allotments – with a combined total area of approximately 2,794.93 Hectares.

		The MFEP BESS proposes a total site coverage of approximately 6.069 Hectares, within which the proposed lease area is to be established (not including land required to established access and/or the transmission line). The total area of land required to establish the northern access in expected to be approximately 5 Hectares. In considering this, it is submitted to Council that the proposed MFEP BESS is not likely to have an intrusive effect the rural and/or scenic values of the site. The MFEP BESS will be considerably setback from all property boundaries.
PO13 Non-rural uses: (a) are compatible with agriculture, the environmental features, and landscape character of the area; and (b) do not compromise the long-term use of the land for rural purposes; and (c) value add to rural activities or support nature based rural tourism; and (d) are of an appropriate size and scale for the use and locality; and (e) include appropriate separation distances or buffers from rural uses.	No acceptable outcome provided.	**Complies with PO13.** The proposed development involves a non-rural land use – that being a Battery Storage Facility – on Rural zoned land. Notwithstanding this, proposed development: - is considered to be compatible with and will not detract from, nor impact on the existing rural land uses (pastoral and/or cattle grazing activities) currently being undertaken within the defined project site. - Will be constructed within a small portion of the broader defined project site. The area required for the MFEP BESS involves approximately 6.069 Hectares (not including land required to establish access and/or the transmission line). The total area of land required to establish the

		northern access in expected to be approximately 5 Hectares. - Is compatible with and has been appropriately designed to respond to/protect existing natural and environmental features. Extensive environmental assessments were undertaken to inform the location, layout and design of the proposed MFEP BESS. In summary, the current proposed BESS alignment will involve the clearing of Category B, remnant vegetation and the clearing of 'Of Concern' vegetation as described under the *Vegetation Management Act 1999*. Whilst acceptable outcomes have been identified for some areas of clearing (namely the clearing of non-remnant category R vegetation), other areas of vegetation will not fall under the acceptable outcomes listed in State Code 16 and thus environmental offset will be required for this vegetation clearing. Notwithstanding this, the impacts likely to result from the necessary vegetation clearing were considered as part of an application for a relevant purpose determination, pursuant to Section 22A of the *Vegetation Management Act 1999.* The application sought approval for all proposed clearing extents associated with the proposed Mount Fox Energy Park Project. Relevant Purpose determination was issued on 04 February 2021 (Attachment 2 – MFEP BESS Relevant Purpose Determination).

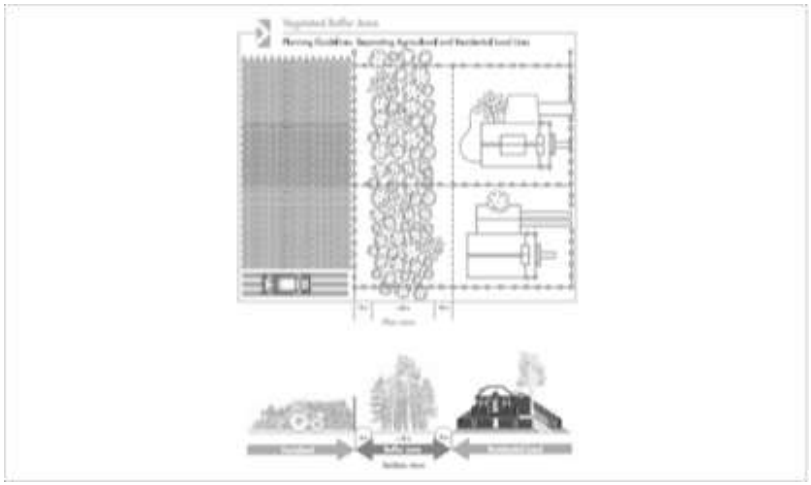
		- Maintain the capacity of land for rural uses and activities through implementing operational procedures that reduce/mitigate the potential for impacts on the environment and/or the rural capacity of the land (i.e. introduction of pest species). - Is of an appropriate size and scale for the use and locality. The MFEP BESS is in a remote location, away from existing major urban areas/communities. - Is considered to value add to the existing rural activities. Pastoral and grazing activities can be known to significantly degrade the environment and therefore, it can be assumed that given the project site has been subject to a long history of cattle grazing, any alternative rural land use may not be achievable and/or viable in this instance. In considering this, the proposed Mount Fox Energy Park is considered to be a good alternative to using the subject land in conjunction with existing rural land uses. - Will be suitably fenced to ensure further protection from/separation of existing rural land uses, in order to minimise conflict.
Extractive Industries		

PO14 Extractive industry operations are adequately separated from sensitive land uses to minimise nuisance.	**AO14** Extraction, processing and separation activities are separated from existing Noise sensitive land uses by: (a) 150m from the boundaries of the premises; and (b) 200m where the extractive resource does not involve blasting or crushing; and (c) 1000m where the extraction or processing of the resource involves blasting or crushing; and (d) the minimum distance shown on **OM-08– Extractive resources overlay** for a Key Resource Area.	**Not applicable.** The proposed development does not involve an Extractive Industry.
PO15 Quarry haul routes: (a) avoid residential areas; and (b) minimise the number of dwelling houses affected; and (c) follow the shortest practical route to the nearest State controlled road; and (d) are constructed to minimise dust nuisance, noise nuisance, erosion and sedimentation of water courses and maintenance costs.	No acceptable outcome provided.	**Not applicable.** The proposed development does not involve an Extractive Industry.
PO16 Extractive industry does not compromise public safety.	**AO16.1**	**Not applicable.** The proposed development does not involve an Extractive Industry.

	Safety fencing and signage is provided around extractive industry stockpiles and operation to prevent unauthorised access.	
	AO16.2 Blasting does not result in materials escaping or being ejected from the site.	**Not applicable.** The proposed development does not involve an Extractive Industry.
PO17 Extractive industry activities occur at times that will not result in disturbance at surrounding uses.	**AO17** Extractive industry operations are confined to the following periods: (a) Blasting operationsarelimitedto8:00am to 5:00pm Monday to Friday; and (b) Extraction, crushing, screening, loading, operation of plant equipment, ancillary activities and haulage are limited to 6:00am to 6:00pm Monday to Saturday; and (c) Maintenance of equipment and vehicles is carried out so as not to cause nuisance at nearby sensitive land uses; and No operations are conducted on Sundays or public holidays.	**Not applicable.** The proposed development does not involve an Extractive Industry.
PO18 Extractive industries include the staged rehabilitation of the site such that the site: (a) is safe and clear of contamination; and (b) provides an acceptable degree of visual amenity; and	No acceptable outcome provided.	**Not applicable.** The proposed development does not involve an Extractive Industry.

(c) is suitable for alternative land uses; and (d) is re-contoured and stable; and (e) is revegetated in disturbed areas.		
Protection of sugar mills		
PO19 Development does not constrain the operation of the Victoria Sugar Mill, the Macknade Sugar Mill, or any future sugar mills within the Shire.	No acceptable outcome provided.	**Complies with PO19.** The proposed development is located within proximity to any existing sugar mill and will not impact on ongoing mill operations.

Figure 6.2.1.4a – Vegetated buffer element



8.2.2 Bushfire hazard overlay code

8.2.2.1 Application

This code applies to assessable development—

(1) subject to bushfire hazard areas identified as medium or high bushfire hazard on the overlay maps contained within Schedule 2 (Mapping); and
(2) identified as requiring assessment against the Bushfire hazard overlay code by the Tables of assessment in Part 5 (Tables of assessment).

8.2.2.2 Purpose

(1) The purpose of the Bushfire hazard overlay is to ensure that development avoids or mitigates the potential adverse impacts of bushfire on people, property, economic activity and the environment.
(2) The purpose of the overlay will be achieved through the following overall outcomes—
  (a) Development in areas at risk from bushfire hazard is compatible with the nature of the hazard.
  (b) The risk to people, property and the natural environment from bushfire hazard is minimised.
  (c) Development is sited and designed to assist emergency services in responding to any bushfire threat.

8.2.2.3 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 8.2.2.3a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Water supply for fire fighting purposes		
PO1	**AO1.1** Development is connected to a reticulated water supply where within a water supply area.	**Complies with AO1.2.** Development proposed will be provided with an adequate water supply for firefighting purposes.

Development provides an adequate water supply for fire fighting purposes that is reliable, safely located and accessible.	OR **AO1.2** Where outside a water supply area, a storage of at least 10,000L is provided.	Compliance with the requirements of AO1.2 can be ensured through the imposition of appropriate condition(s) on the Development Permit.
General		
PO2 Development including lot boundaries, use areas or building envelopes (including existing or potential future buildings or structures) are appropriately separated from hazardous vegetation.	**AO2** Development is provided with a setback that is 1.5 times the mature height of the predominant nearby vegetation.	**Complies with PO2.** Adequate setbacks/buffers around proposed permanent BESS infrastructure are proposed to ensure/facilitate the provision of suitable separation from hazardous vegetation. It is noted that a draft bushfire management plan (BMP) has been prepared for the proposed MFEP BESS. Asset protection zones, applicable to the BESS infrastructure, have been determined and are detailed in the draft BMP. Detailed engineering is expected to further inform the implementation of appropriate bushfire buffers/separation distances. Notwithstanding this, the proposed clearing footprint included, is considered to be adequate in facilitating provision of buffers anticipated likely to be required. In considering this, it is noted that the following setback distances/buffers apply: - Approximately 68m of cleared area to the north of the proposed BESS Infrastructure; - Approximately 45m of cleared area to the east of the proposed BESS Infrastructure; - Approximately 45m of cleared area to the south of the proposed BESS Infrastructure;

		- Additionally, it is noted that there is a proposed lay down area, located adjacent to and west of the BESS Access track. Proposed buffers/setbacks have been reduced (approx. 7m) around the perimeter of the lay down area, given that this area will only be used temporarily to facilitate construction of the BESS and associated infrastructure, to the east. - The clearing corridor required to facilitate the construction and/or operation of the transmission line is approximately 75m. - For the most part the proposed access aligns with previously existing access tracks and/or fence lines within the property. Several of these access tracks are cleared to widths of approx. 20m.

Part B – For assessable development.

Table 8.2.2.3b – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Development generally		
PO3 Development is consistent with the purpose and overall outcomes sought for the code.	No acceptable outcome provided.	**Complies with PO3.** Development proposed is considered to be consistent with the purpose and overall outcomes of the Bushfire

		Hazard Code. More specifically, it is submitted to Council that proposed development: - Is considered to be compatible with the nature of the hazard. Majority of the project site is mapped as being either High Risk and/or Medium Risk. Development proposed will incorporate/implement additional design measures to ensure that the risk of bushfire impacts are minimised/mitigated. - The subject site is subject to rural land use activities that may be considered to contribute to the reduction of fuel loads, and therefore reducing bushfire risks. - Reduces the potential risk to people and/or property by: ▪ Ensuring people can easily and safely evacuate the site during bushfire events (where appropriate). Access to and from the subject site is to be via a suitably maintained access track that provides connection to Knuckledown Road, being an existing constructed/gazetted road. ▪ Applying and maintaining suitable buffers for all buildings and/or structures; ▪ Providing access to previously inaccessible areas within the project site, to increase/enhance onsite bushfire management.

		- The proposed MFEP BESS is located in a section of the subject site that can be easily accessed using the existing local road network. Additionally, it is noted that the proposed MFEP BESS will provide additional access into areas of the project site that may not have been previously accessible, therefore providing alternative/additional options for emergency services to use when responding to any bushfire threat.
Safety of people and property		
PO4 Development maintains the safety of people and property from the adverse impacts of bushfire by avoiding people living or congregating in bushfire hazard areas.	**AO4** Development is not located in, and does not result in new lots within Medium or High bushfire hazard area.	**Complies with PO4.** The proposed development involves the reconfiguration of a lot (for the purpose of creating a lease in excess of 10 years and/or access easement/s). The proposed lease boundary incorporates the MFEP BESS and associated infrastructure (including access roads). Appropriate buffers have been incorporated into the subdivision design/layout and ensure suitable separation distances from hazardous vegetation. The proposed development does not provide opportunities for people to live on-site. Notwithstanding this, it is intended that several employees will, from time to time, work on site in the offices proposed to be constructed as part of the operations and maintenance area. Suitable evacuation plans will be implemented to ensure the ongoing safety of life and property.

Community Infrastructure		
PO5 Facilities with a role in emergency management and vulnerable community services are able to function effectively during and immediately after bushfire events.	**AO5.1** Community infrastructure is not located within a confirmed Medium or High bushfire hazard area.	**Not applicable.** Development proposed does not involve community infrastructure.
	AO5.2 Where located in a confirmed medium or High bushfire hazard area, development involving community infrastructure is designed to function effectively during and immediately after bushfire events.	**Not applicable.** Development proposed does not involve community infrastructure.
Access and evacuation		
PO6 Development: (a) allows easy and safe movement away from any encroaching fire; (b) allows easy and safe access for fire fighting and other emergency vehicles; and (c) provides for alternative safe access and evacuation routes should access in one direction be blocked in the event of a fire; and (d) allow for efficient emergency access to buildings for fire fighting.	**AO6.1** Lots are designed so that their size and shape allow for efficient emergency access to buildings for fire fighting (e.g. by avoiding long narrow lots).	**Complies with AO6.1.** The proposed development involves the reconfiguration of a lot (for the purpose of creating a lease in excess of 10 years and/or access easement/s). In considering this, it is submitted to Council that the proposal does not involve the creation of a new conventional lot. Notwithstanding this, the proposed lease boundary incorporates the MFEP BESS and associated infrastructure (including access roads). The proposed lot design/layout (lease area) incorporates the provision of internal access tracks that can be utilised for fire fighting purposes during a bushfire event. Internal access tracks will allow for the efficient access to building and/or structures. More specifically, it is noted that there is an access track provided

		around the perimeter of the proposed Battery component (MFEP BESS – Mega Packs).
	AO6.2 The road layout provides for through-roads and avoids cul-de-sacs.	**Complies with AO6.2.** No cul-de-sacs are proposed.
	AO6.3 Roads have a maximum gradient of 12.5%.	**Complies with AO6.3.** The gradient of proposed access roads will not exceed 12.5%. Compliance with the requirements of AO6.3 can be ensured through the imposition of appropriate condition(s) on the Development Permit.
Fire breaking trails		
PO7 Development provides a fire break which also facilitates adequate access for fire fighting and emergency vehicles, and safe evacuation.	**AO7.1** Lot boundaries and use areas or building envelopes (including existing or potential future buildings or structures) are separated from hazardous vegetation by a distance that is 1.5 times the mature height of the predominant nearby vegetation.	**Complies with AO7.1.** The proposed development involves the reconfiguration of a lot (for the purpose of creating a lease in excess of 10 years and/or access easement/s). The proposed lease boundary incorporates the MFEP BESS and associated infrastructure (including access roads). Appropriate buffers/separation distances from hazardous vegetation, have been incorporated into the design/layout of the proposed new lease area. For further details on the buffers proposed, please refer to the response provided in AO2 (above) and the draft bushfire management plan in Attachment 6.

	AO7.2 The separation area mentioned in AO7.1 contains a fire access trail that: (a) has a minimum cleared and formed width of 6m; (b) has vehicular access at each end; (c) provides passing bays and turning areas for fire fighting appliances; and (d) is either located on public land, or within an access easement that is granted in favour of Council and QFRS.	**Complies with PO7.** Proposed buffers will incorporate access tracks that range in widths from 5m to 6m. A 5m wide access track around the perimeter of the BESS area is proposed. Access tracks to and in between the substation and Operations and Management Buildings are also proposed. In considering this, it is submitted to Council that access track provisions are considered to be sufficient enough to accommodate vehicles used to fight and respond to bushfire events.

8.2.4 ENVIRONMENTAL SIGNIFICANCE CODE

8.2.4.1 Application

This code applies to assessing development—

1) subject to the Environmental significance overlay identified on the overlay maps contained within Schedule 2 (Mapping); and
2) identified as requiring assessment against the Environmental significance overlay code by the Tables of assessment in Part 5 (Tables of assessment).

8.2.4.2 Purpose

1) The purpose of the Environmental significance overlay is to protect the natural areas of the region through—
   (a) avoiding development within biodiversity areas, waterways and waterway corridors, wetlands and declared fish habitat areas;
   (b) minimising adverse direct and indirect impacts of development on natural areas;
   (c) minimising adverse impacts on sensitive receiving environments; and (d) encouraging expansion of habitat and ecological connectivity and restoration of terrestrial and aquatic ecosystems.
2) The purpose of the overlay will be achieved through the following overall outcomes—
   (a) Development is avoided within:
      (i) biodiversity;
      (ii) wetlands;
      (iii) waterways and waterway corridors; and
      (iv) declared fish habitat areas.
   (b) Where development cannot be avoided, development:
      (i) protects and enhances areas of environmental significance;
      (ii) provides appropriate buffers to areas of environmental significance;
      (iii) protects known populations and supporting habitat of rare and threatened flora and fauna species, as listed in relevant State and Commonwealth legislation;
      (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
      (v) does not cause adverse impacts on integrity and quality of water in upstream or downstream catchments, including declared fish habitat areas and the Great Barrier Reef World Heritage Area;
      (vi) protects and maintains ecological and hydrological functions of waterways, wetlands, waterway corridors and declared fish habitat areas;

(vii) enhances connectivity across barriers for aquatic species and habitats; (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent; and (ix) protects areas of environmental significance from weeds, pests and invasive species.

(c) Strategic rehabilitation is directed to areas on or off site where it is possible to achieve expanded habitats and increased connectivity.

8.2.4.3 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 8.2.4.3a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Waterways and waterway corridor areas		
PO1 Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and instream habitat values and connectivity; (f) instream migration.	**AO1.1** Development does not occur on the part of the lot affected by a waterway or waterbody corridor or within an area identified as Very high value vegetation.	**Complies with PO1.** Pursuant to Council's planning scheme overlay maps, there are no waterways and/or waterbody corridors mapped as being within and/or nearby the project site. Notwithstanding this, it is noted that there are several areas mapped as being 'Very High Value Vegetation' within proximity to the proposed development. Refer to Image 1 provided below. Where the proposed development bisects with areas mapped as Very High Value Vegetation, the following applies: - the proposed northern access track bisects a small section of mapped high value vegetation within Lot 18 on WU6. It is noted that there is an existing track that has informed the alignment of the proposed MFEP BESS access and will be used/formalised as part of the MFEP BESS project. Given that the access is existing, no

		new impacts to mapped vegetation are considered to be likely in this instance. - The proposed MFEP BESS transmission line will extend out (south-west) from the bulk of the BESS infrastructure, bisecting both the existing easement and shared property boundary between Lots 591 and 592 on SP302249. Efforts will be made to ensure that where the proposed transmission line bisects mapped very high value vegetation – that only the overhead powerline component of the transmission line will impact these areas. In considering this, impacts to existing vegetation within this area are only likely to be minimal and will not result in the reduction of existing environmental values, and are unlikely to result in fragmentation. In considering this, it is submitted to Council that the proposed development is appropriately setback from waterways. No impacts on waterways will result from development proposed.

		 Image 1: Environmental Significance Overlay Map – OM-07 (© Hinchinbrook Shire Council Planning Scheme 2017)

Part B – For assessable development.

Table 8.2.4.3b – Assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Biodiversity areas		
PO2 Development does not cause adverse direct or indirect impacts on biodiversity values.	**AO2.1** Development within a biodiversity area, as mapped by **OM-07 – Environmental significance overlay** is avoided; **AO2.2**	**Complies with AO2.2.** Where development cannot avoid environmentally significant areas, appropriate measures will be adopted and implemented to reduce and/or mitigate environmental impacts.

	Where development cannot be avoided, development ensures adverse impacts on biodiversity values do not occur by: (a) designing, siting, operating and managing development to: (i) be situated within existing cleared areas, including necessary fire management infrastructure and fire breaks; (ii) ensure unrestricted fauna movement; (iii) retain and restore habitat corridors and biodiversity values; (iv) provide appropriate buffers to biodiversity areas; (v) minimise light and noise emission into biodiversity areas; (vi) manage domestic animal movements, through adequate containment. (b) protecting and maintaining the values of biodiversity areas; (c) providing for strategic rehabilitation of vegetation species and coverage, and habitat connectivity; (d) protecting undeveloped areas of biodiversity through appropriate land tenure; and rehabilitating degraded areas to improve habitat condition, function and extent.	It is noted that a Relevant Purpose Determination was approved/issued for the proposed MFEP BESS (Attachment 2 – MFEP BESS Relevant Purpose Determination). A summary of findings from the Environmental Assessment Report prepared by 4 Elements Consulting, is provided below for Council's further consideration: - Most of the regional ecosystems within the MFES BESS alignment are 'Of Concern'. - The proposed MFEP BESS does not conform to the acceptable clearing widths as stipulated in State Code 16 and therefore, the only acceptable outcome is for the implementation of suitable environmental offsets. - It is noted that the proposed MFEP BESS development footprint/lease area has been appropriately sited to ensure that vegetation clearing is minimised, in some areas. Where possible, existing access tracks and/or cleared fence lines will be used, to reduce the amount of clearing required. - Clearing across a waterway is proposed in order to connect into the existing transmission line. Since the clearing is occurring across a water course in this instance, this is considered to be an Acceptable Outcome in accordance with State Code 16, AO11.2.

Water quality and integrity		
PO3 Development does not cause adverse impacts on the quality and integrity of water in upstream or down-stream catchments, including the Great Barrier Reef Marine Park.	No acceptable outcome provided.	**Complies with PO3.** The subject site is located inland from the coastline (approximately 45km) and therefore is not likely impact on the Great Barrier Reef Marine Park. Additionally, it is noted that no down-stream and/or upstream catchments are likely to be impacted as a result of development, given that the requirement for vegetation clearing is minimal, especially within and/or near waterways. The area in which the MFEP BESS is to be constructed involves relatively flat land and therefore impacts from run-off and/or increased flooding are unlikely.
Declared fish habitat areas and fish habitat buffer areas		
PO4 Development does not cause adverse impacts on fish habitat values.	**AO4.1** Development ensures adverse impacts on fish habitat values are avoided by designing, siting, operating and managing development to: (a) contribute to the protection of fish habitat values; (b) maintain the quality and integrity of declared fish habitat areas and water entering them.	**Not applicable.** The subject site is not mapped as being impacted by a fish habitat area.
Wetlands and wetland buffer areas		
PO5 Development does not occur within a wetland.	No acceptable outcome provided.	**Not applicable.** There are no wetlands mapped within the subject site.

PO6 Development is set back from wetlands to maintain water quality, ecological and hydrological functions and values of wetlands and their receiving waters.	**AO6.1** Development is set back a minimum of 50m from wetlands.	**Not applicable.** There are no wetlands mapped within the subject site.
	AO6.2 Where an alternative buffer is proposed, the width of the alternative buffer is supported by an evaluation of the environmental values, functioning and threats to the wetland	**Not applicable.** There are no wetlands mapped within the subject site.
PO7 Wetlands and wetland buffer areas are maintained, protected and restored.	**AO7.1** Native vegetation within wetlands and wetland buffer areas is retained	**Not applicable.** There are no wetlands mapped within the subject site.
	AO7.2 Degraded sections of wetlands and wetland buffer areas are revegetated with native plants in patterns and densities which emulate the relevant regional ecosystem.	**Not applicable.** There are no wetlands mapped within the subject site.
Waterways and waterway buffer areas		
PO8	**AO8.1** Waterway corridors are provided adjacent to waterways in accordance with the requirements of **Table 8.2.4.3c**.	**Not applicable.** There are no waterways and/or waterway corridors mapped within the subject site.

Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and instream habitat values and connectivity; (f) instream migration.	**AO8.2** Where a waterway corridor of an alternative width is proposed, the alternative width is supported by an evaluation of the waterway to ensure the protection and maintenance of: (a) water quality; (b) hydrological functions; (c) opportunities for in stream migration; (d) ecological processes; (e) riparian and instream habitat values and connectivity; and/or (f) biodiversity values.	

Table 8.2.4.3c — Setbacks and buffer areas for wetlands

Top of a defined bank of streams (gully, creek or river) that are represented on the 1:100 000 topographic map series in accordance with the stream order classification system.	Stream order 1 to 2: 5 metres; or Stream order 3 to 5: 10 metres; or Stream order 6: 20 metres.

9.4.1 Infrastructure, services and works code

9.4.1.1 Application

This code applies to development identified as requiring assessment against the Infrastructure, services and works code by the Tables of assessment in Part 5.

When using this code, reference should be made to Part 5.

9.4.1.2 Purpose

(1) The purpose of the Infrastructure, services and works code is to ensure development is provided with a level of infrastructure which maintains or enhances community health, safety and amenity, and that works occur in a manner that does not adversely impact upon character and amenity, environmental values, and flooding and drainage.

(2) The purpose of the code will be achieved through the following overall outcomes—

(a) The standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient.

(b) Risk to life and property is avoided.

(c) Flooding and drainage problems do not occur as a consequence of development.

(d) Development does not detrimentally impact upon the environment, including the quality of receiving waters.

(e) The integrity of existing infrastructure is maintained.

(f) Infrastructure is integrated and delivered in sequence in a timely and cost effective manner.

(g) The servicing of development achieves and maintains the community expectations.

(h) Whole of life cycle costs for infrastructure are minimised.

(i) New works (including renovations, new buildings and streetscaping) are sympathetic to and respectful of the local heritage and streetscape values through a combination of form, scale, bulk and materials.

9.4.1.3 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 9.4.1.3a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Water supply		
PO1 A potable water supply is provided that is adequate for the needs of the intended use.	**AO1.1** Where within an area designated for urban development, the development is connected to Council's reticulated water supply system.	**Not Applicable.** No urban development is proposed. Proposed development is located within the Rural Zone. Water tanks will be provided.
	AO1.2 Otherwise, the development is provided with an onsite water supply that is sufficient to meet the demand generated by the development.	**Complies with AO1.2.** The proposed development will feature multiple water tanks suitable for generated demand. Supply will also be sourced from on-site bores.
	AO1.3 Water supply systems and connections are designed and constructed in accordance with Council's standards.	**Complies with AO1.3.** Water tanks and pumps will be designed accordingly. Compliance in this respect may be confirmed via issuance of condition on any approval granted.
Sewer and effluent management		
PO2 Development is connected to reticulated sewer, or includes infrastructure to treat and dispose of effluent, appropriate for the level of demand, to ensure: (a) no adverse impacts on water quality; and	**AO2.1** Where within Council's sewered area, the development is connected to Council's reticulated sewerage system.	**Not Applicable.** The proposed development will provide an adequate on site effluent disposal system.
	AO2.2 Reticulated sewerage infrastructure is designed and constructed in accordance with Council's standards.	**Not Applicable.** The proposed development will provide an adequate on site effluent disposal system.

(b) no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	**AO2.3** Otherwise, the development is serviced with an effluent disposal system that is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended).	**Complies with AO2.3.** Onsite effluent disposal is proposed and will be constructed according to standards. Compliance in this regard may be confirmed via imposition of condition on any approval granted.
	AO2.4 Where for a rural use within the Rural zone, on-site effluent is appropriately managed to deal with demand generated by the use.	**Complies with AO2.4.** Onsite effluent disposal is proposed and will be constructed according to standards. Compliance in this regard may be confirmed via imposition of condition on any approval granted.
Energy supply		
PO3 The development is provided with an adequate energy supply which maintains acceptable standards of public health, safety, environmental quality and amenity.	**AO3.1** Development is serviced by: (a) an underground electricity supply approved by the relevant energy authority; (b) an overhead supply approved by the relevant energy authority where not in the residential or centres zone and (c) within an area where the existing supply is overhead.	**Complies with AO3.1.** The proposed development involves a Battery Storage Facility. Connection into the existing electricity transmission line located south-west of proposed development is proposed. Appropriate authority has been obtained, approving proposed additional connections into the existing electricity grid network. Compliance in this regard may be confirmed via imposition of condition on any approval granted.
	AO3.2 Where connection to electricity supply is not available, development is serviced by an independent energy	**Not applicable.** Connections into the existing electricity grid network are proposed.

	system with sufficient capacity to service the development (at near average energy demands associated with the use).	
Telecommunications		
PO4 The development is provided with telecommunications services that are suited to the needs of its users.	**AO4** Development is serviced with a connection to the telecommunications network.	**Complies with PO4.** Connection to telecommunication services will be provided for on site, to meet the needs of the users. Compliance in this regard may be confirmed via imposition of condition on any approval granted.
Stormwater		
PO5 Development does not adversely impact on other premises as a result of storm water drainage flows or flooding.	**AO5** Storm water drainage flows must be taken to a lawful point of discharge.	**Complies with PO5.** The project site is located within the Rural Zone. Stormwater is likely to continue to drain via existing overland flow paths. Proposed development is not considered to significantly alter existing storm water drainage flows across the site.
Location of buildings		
PO6 Buildings do not obstruct surface drainage flows or utility services and are located to provide access to for future maintenance.	**AO6** Buildings are located clear of any overland flow path.	**Complies with AO6.** The project site is located within the Rural Zone. There are several waterways existing within the project site – some of which are located within proximity to the proposed development. Notwithstanding this, proposed development is adequately setback from existing/mapped waterways (approximately 200m) and therefore is

		unlikely to impact on/significantly alter existing storm water drainage flows/overland flow paths. It is noted that the proposed transmission line, which forms part of the MFEP BESS, bisects a mapped waterway. Notwithstanding this, infrastructure will be located on either side of the mapped waterway, to reduce/mitigate impacts.
Excavation and filling		
PO7 Excavation or filling does not adversely impact on other premises as a result of storm water drainage flows or flooding.	**AO7.1** Excavation and filling: (a) do not cause the ponding of water on the premises or nearby land; (b) does not impede the flow of water in any overland flow path; and (c) does not increase velocity of overland flow on premises or adjacent premises.	**Complies with AO7.1.** No major earthworks are proposed. Where excavation and filling is proposed, works are not anticipated to result in the ponding of water on the premises, or nearby land. The project site is located within the Rural Zone and comprises of a large area which is currently heavily vegetated. Proposed development is adequately setback from existing/mapped waterways, so as to ensure that it doesn't not impede on existing overland flow paths.
	AO7.2 Excavation or filling must not result in an increase in the volume of water or concentration of water in: (a) overland flow paths of the premises and other premises; and (b) waterways.	**Complies with AO7.2.** It is not anticipated that an increase in volume or concentration of water will occur as a result of this development.
PO8	**AO8**	**Complies with AO8.**

Filling or excavation does not impact adversely on natural areas or environmental values.	Excavation or filling does not occur within 25m of a waterway.	No excavation within 25m of a waterway is proposed. Compliance in this regard may be confirmed via imposition of condition on any approval granted.
PO9 Filling or excavation does not impact adversely upon transport infrastructure.	**AO9** Excavation or filling does not occur within 25m of cane railway infrastructure or road infrastructure.	**Complies with AO9.** No excavation within 25m of cane infrastructure is proposed.
PO10 Excavation or filling does not have an adverse impact on the streetscape or amenity, safety, stability, access to or function of the site or adjoining premises.	**AO10.1** Excavation or fill is set back a minimum of 1.5m from property boundaries in accordance with **Figure 9.4.1.3a** – Filling setbacks for stormwater management.	**Complies with PO10.** Minor excavation and/or fill may be required to facilitate construction of the proposed access and is likely to occur within 1.5m of a property boundary. Notwithstanding this, excavation and/or fill will be minor in nature and will improve access to/from the proposed development, as well as the proposed new lease area. Improved access requirements will ensure a greater level of safety to people and property, as well as contributing to the ongoing function of the site. Proposed excavation and/or fill requirements are not likely to adversely impact on the existing amenity/streetscape. Where excavation and/or fill is likely to occur within 1.5m of a property boundary – this is likely to occur in an area where the subject properties boundaries are adjacent to a temporarily closed road – meaning that access to/use of this existing road is currently limited/restricted.

	AO10.2 Filling or excavation does not involve a change in level of more than 1m relative to the natural ground level at any point.	**Complies with AO10.2.** No significant change in ground level is proposed.
	AO10.3 If filling greater than 650mm in height, site specific modelling is undertaken to ensure there are no unacceptable off-site impacts.	**Complies with AO10.3.** No significant filling is proposed.
PO11 Filling or excavation does not result in any contamination of land.	**AO11** No contaminated material is: (a) used as fill; or (b) excavated or disturbed.	**Complies with AO11.** No contaminated material is known to exist on site, no disturbance or usage of such as fill is proposed.
Soil erosion and sediment control		
PO12 Works do not result in: (a) accelerated soil erosion including, but not limited to - mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; or (b) any associated loss of chemical, physical or biological fertility — including, but not	**AO12** Earthworks are undertaken in accordance with a soil erosion and sediment control plan which includes measures to ensure the rates of soil loss and sediment movement are the same or less than those prior to the proposed development.	**Complies with PO12.** No significant earthworks are proposed. Earthworks required to facilitate construction of the proposed access are likely to be minor in nature given that the proposed access alignment incorporates existing gazetted road/s and/or existing informal access tracks.

limited to water holding capacity, soil structure, organic matter, soil biology, and nutrients within or outside the lot(s) that are the subject of the application.		
Stormwater quality		
PO13 Development has adequate provision for controlling stormwater, to ensure that the environmental values of the surface and ground water resources are not diminished.	**AO13** Industrial development: (a) has physical measures for intercepting and treating surface water drainage and spilled substances prior to their release to the waterways; (b) provides bunding or areas within sites or integrated drainage systems which include waste water treatment measures, where chemicals, fuels, lubricants and other soluble pollutants are being handled on site; (c) is designed so that all liquid wastes are contained and discharged to a sewer or removed from the site for treatment and disposal to an approved facility; and (d) is designed to ensure protection of the Shire's potable water supply and aquifers.	**Not applicable.** No release of contaminated water is proposed. No industrial development is proposed.
Service, storage and refuse areas		
PO14	**AO14**	**Complies with AO14.**

Service, utility and refuse storage are unobtrusive and adverse impacts on adjoining properties are mitigated.	Service, storage and refuse storage areas: (a) are not visible from the street or public areas; and (b) are not located adjacent to residential lots; and (c) are accessible by waste collection vehicles.	Service and storage areas are to be designed accordingly. The subject lot, including all surrounding lots are located within the Rural Zone.

Part b – For assessable development.

Table 9.4.1.3B – Assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
General		
PO15 Development is consistent with the purpose and overall outcomes of the code.	No acceptable outcome provided.	**Complies with PO15.** The proposed development is consistent with the purpose and outcomes of the code as it intends to meet required standards for amenity and servicing.
Roads and movement networks		
PO16 Development is accessed from a transport network that: (a) meets the needs of its users; and (b) is consistent with the character of the area; and (c) serves a drainage function to the extent necessary; and	No acceptable outcome provided.	**Complies with PO16.** The subject site will be accessed via the existing road network. The proposed access alignment incorporates some informal access tracks, that are proposed to be formalised via ether a lease and/or access easement.

(d) is safe and efficient.		
PO17 Development does not compromise or adversely impact upon the efficiency, integrity or safety of major infrastructure.	No acceptable outcome provided.	**Complies with PO17.** It is anticipated that proposed development is considered to compliment/enhance the efficiency and integrity of the existing transmission grid/electricity network.

Table 8.2.4.3c — Setbacks and buffer areas for wetlands

Top of a defined bank of streams (gully, creek or river) that are represented on the 1:100 000 topographic map series in accordance with the stream order classification system.	Stream order 1 to 2: 5 metres; or Stream order 3 to 5: 10 metres; or Stream order 6: 20 metres.

9.4.2 LANDSCAPING CODE

9.4.2.1 Application

This code applies to development identified as requiring assessment against the Landscaping code by the Tables of assessment in Part 5.

When using this code, reference should be made to Part

5. 9.4.2.2 Purpose

(1) The purpose of the Landscaping code is to ensure development is landscaped to enhance the appearance of the development, the amenity and environmental values of the site, the streetscape and the local environs.
(2) The purpose of the code will be achieved through the following overall outcomes—
  (a) Landscaping is a functional part of development design and takes account of the intended use and utility service protection.
  (b) Development provides area that can be landscaped to provide shade and to enhance the tropical landscape character of development and the identity of the region.
  (c) Natural environmental values of the site and the locality are incorporated into landscape areas.
  (d) Landscaping buffers provide effective screening both on site, if required, and between conflicting or different land uses.
  (e) Landscaping is functional, durable, contributes to passive energy conservation and provides for the efficient use of water and ease of ongoing maintenance.

9.4.2.3 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 9.4.2.3a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
PO1 Development provides areas for landscaping to create a quality landscape character for the site, street and local areas.	**AO1.1** A minimum 1m wide landscaped strip is provided to all property boundaries except where there is a building or structure.	**Complies with PO1** The project site is within the Rural zone. It is submitted that extensive landscaping is unnecessary, given that significant boundary setbacks apply and all setback areas are heavily vegetated. Regardless, compliance with reasonable and relevant landscaping requirements may be confirmed by condition, if required.
	AO1.2 A minimum 1m wide landscaped strip is provided between any access ways, driveways, vehicle manoeuvring areas and car parking and: (a) a road frontage excluding pedestrian and vehicle access; and (b) side and rear property boundaries.	**Complies with PO1** The project site is within the Rural zone. It is submitted that extensive landscaping is unnecessary, given that significant boundary setbacks apply and all setback areas are heavily vegetated. Regardless, compliance with reasonable and relevant landscaping requirements may be confirmed by condition, if required.
	AO1.3 For development in the Centre zone parking areas include a minimum of 1 shade tree for every 10 parking spaces.	**Not Applicable.** The subject site is located within the Rural zone.
	AO1.4 All landscaping areas are maintained to the reasonable satisfaction of Council for the life of the use.	**Complies with AO1.4** Compliance with this requirement may be confirmed by condition.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
PO2 Development maintains the conveyance of overland flow and does not act as barrier to debris.	**AO2** (a) Landscaping is used for screening in preference to fence, to allow the overland flow of water; or (b) Where fencing is used it is i. constructed of open material such as aluminium pool fencing; and ii. includes a removable panel below the 1 in 100 ARI level.	**Complies with AO2** Development and landscaping (if any) for same will be undertaken to ensure no impacts on overland flow paths. Compliance in this regard may be confirmed by condition.
For assessable development		
PO3 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	**AO3.1** Existing vegetation on site is retained and incorporated into the site design, wherever possible.	**Complies with AO3.1** Existing vegetation is not being affected by proposed development. Where development results in the removal of/damage to existing vegetation, this will be carried out in accordance with the approved Relevant Purpose Determination obtained, pursuant to Section 22A of the Vegetation Management Act 1999.
	AO3.2 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.	**Complies with AO3.2** The existing landscape character currently observed in the locality includes larger/heavily vegetated rural lots – most of which are used for cattle grazing and/or pastoral purposes. Appropriate offsets will be applied and form part of the relevant purpose determination obtained.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	AO3.3 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the tropical locality.	**Complies with AO3.3** Compliance may be confirmed by condition, if required.

9.4.3 PARKING AND ACCESS CODE

9.4.3.1 Application

This code applies to assessing a development identified as requiring assessment against the Parking and access code by the Tables of assessment in Part 5.

When using this code, reference should be made to Part 5.

9.4.3.2 Context and setting

This section is extrinsic material under section 15 of the Statutory Instruments Act 1992 and is intended to assist in the interpretation of the Parking and access code.

Development is encouraged in Hinchinbrook. The parking code includes built in incentives to encourage development through reduced parking rates and the inclusion of on-street parking in the parking calculations. However there is still a requirement for off-street parking. The approach to parking recognises that there is an oversupply of parking within the centres and that the on-street parking forms part of the character of these centres. The main centres are compact and accessible and walking, cycling and mobility scooters are viable transport options for residents. The parking provisions recognise that there are people who cannot, should not, or prefer not to own and operate a motor vehicle.

This population includes:

- Approximately 6% of households in Hinchinbrook and 10% of households in Ingham do not have a motor vehicle.
- Approximately 7% of the Hinchinbrook population and 10% of persons in Ingham are passengers in a car to work.
- Approximately 11% of the Hinchinbrook population and 11% of persons in Ingham bus, walk or ride to work.
- Youths 10-19 years of age who lack drivers licenses (approx. 13% of Hinchinbrook population).
- Seniors over 70 who do not or should not drive (approx. 16% Hinchinbrook population).
- Adults who cannot drive due to disability or lack of driver's license (typically 5-10% of any population).
- 20-40% of travellers in a typical community.
- Households with low incomes that want to minimize transportation expenses.
- Drivers whose vehicle is temporarily unavailable.
- Law-abiding drinkers.

- People who want to walk or bike for enjoyment and health.

9.4.3.3 Purpose

(1) The purpose of the Parking and access code is to ensure that parking and access infrastructure and loading/service and manoeuvring areas are provided to service the demand of the development.
(2) The purpose of the code will be achieved through the following overall outcomes—
(a) Development has sufficient parking to meet the requirements of the user.
(b) Parking and manoeuvring areas are safe and functional.
(c) Parking and access facilities are designed and constructed in accordance with relevant standards.
(d) Parking and access are convenient and accessible and do not adversely impact on the safety and efficiency of the surrounding road network.
(e) Parking and access does not disrupt the on-street parking arrangements in the surrounding area.

9.4.3.4 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 9.4.3.4a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Parking rates and dimensions		
PO1 Sufficient parking spaces are provided on the site to accommodate the amount and type of vehicle traffic generated by the development of the site, having particular regard to: (a) the desired character of the area in which the premises are located; and	**AO1.1** The minimum number of parking spaces provided is as prescribed in **Table 9.4.3.4c – Parking rates** for the particular development. Where the use only involves the re-use of existing building and either:	**Complies with AO1.1.** The Planning Scheme does not specify parking requirements for a Battery Storage Facility. Notwithstanding this, it is submitted to Council that sufficient carparking spaces will be provided to accommodate the number of vehicles likely to be parked at any one time. No less than six (6) car parks in total are proposed.

(b) the nature and scale of the development; and (c) accessibility to the premises; and (d) the nature and frequency of public transport serving the area; and (e) whether or not the development involves the retention of an existing building, particularly an identified historic building, and the previous requirements for car parking for the building; and (f) whether or not the use involves the retention of other cultural heritage features or significant vegetation; and (g) the different types of vehicles that visit the premises are adequately accommodated.	(a) no building work; or (b) minor building work only, it does not result in the loss of on-site carparking.	
Parking, loading and manoeuvring areas		
PO2 Parking, loading and manoeuvring areas are designed and constructed to allow efficient, safe and convenient access.	**AO2.1** Vehicle parking spaces are designed in accordance with Australian Standard: (a) AS2890.1 *off-street car parking*; or (b) AS2890.6 *Parking facilities - Off-street parking for people with disabilities.*	**Complies with AO2.1.** Parking areas have been designed according to standards.
	AO2.2 Parking, loading and manoeuvring areas are drained, line marked.	**Complies with AO2.2.** Parking areas have been designed according to standards.

	AO2.3 All parking, loading and manoeuvring areas are: (a) located to the side or rear of the building; and (b) have sufficient manoeuvring areas to allow vehicles to exit the site in a forward direction; and (c) kept and used exclusively for parking and loading; and (d) maintained in a suitable condition for parking and circulation of vehicles.	**Complies with AO2.3.** Parking areas have been designed and will be maintained according to standards.
	AO2.4 In the Industry zone, parking, loading and manoeuvring areas may be finished with a dust free compacted surface.	**Not Applicable.** The subject site is within the Rural zone.
Access and queuing		
PO3 Access points are located, designed and constructed: (a) to operate safely and efficiently; and (b) to accommodate the anticipated type and volume of vehicles; and	**AO3.1** Access is a minimum of (a) 3.5m wide in a residential zone; or (b) 8.0m in all other zones.	**Complies with AO3.1.** A new access road is proposed to be constructed north of the project site (enabling vehicle access to/from Knuckledown Road, through Lot 18 on WU6). The alignment of the proposed new access incorporates existing informal access tracks and/or existing constructed/gazetted road. The proposed MFEP BESS will be approximately thirty (30) metres in width.

(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; and (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; and (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements; and (f) so that they do not adversely impact current and future on-street parking arrangements; and (g) so that they do not adversely impact upon existing services within the road reserve adjacent to the site.	**AO3.2** The location of the access points is in accordance with the provisions of Australian Standards AS 2890.1 and AS 2890.2.	**Complies with AO3.2.** Access points have been sited accordingly.
	AO3.3 Access is located as far a practical from the intersection.	**Complies with AO3.3.** Access points have been sited accordingly.
PO4 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	**AO4.1** Queuing and set down areas are designed and constructed in accordance with Australian Standard AS2890.1.	**Not Applicable.** No queuing areas are proposed.
	AO4.2 Development provides adequate area for onsite vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick- up services are proposed as part of the use, including but not limited to the following land uses: (a) car wash; or	**Not Applicable.** No queuing areas are proposed.

	(b) child care centre; or (c) educational establishment; or (d) a drive-through facility for any use including food and drink outlet; hardware and trade supplies; hotel; or service station.	
On-street parking		
PO5 On-street parking supplements off-street parking areas, and: (a) creates activity on the street; and (b) provides an appropriate level of parking, relative to demand; and (c) provides for enhanced landscaping of the verge or carriageway.	**AO5.1** Where more than 2 parking spaces are required for the development, on-street parking located within the immediate frontage of the site, can be counted as part of the parking provision.	**Not Applicable.** No on-street parking is proposed.

Part B – For assessable development.

Table 9.4.3.4b – Assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
Transport impact		
PO6 The development is located on roads that are appropriate for the nature of traffic generated, having regard to the safety and efficiency of the transport	No acceptable outcome is nominated.	**Complies with PO6.** Development proposed involves construction of a Battery Storage Energy System (BESS). Traffic generated as a result of the ongoing BESS operations is not expected to be significant and will consist mostly of workers cars and/or smaller service

network, and the functions and characteristics of the elements of the network. The transport network is shown on **OM-10.0 – OM-10.1 – Transport network overlay**		vehicles. Notwithstanding this, development proposed will be predominantly accessed via existing gazetted roads that are considered to be appropriate for the nature of traffic generated. Upgrades to those parts of proposed access that consist of informal dirt tracks, ae proposed to be undertaken to ensure access is suitable and sufficient.

Table 9.4.3.4c – Parking rates

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
Any use not otherwise specified in this table.	Sufficient spaces to accommodate number of vehicles likely to be parked at any one time.
	Where the number of spaces required is not a whole number, the number of spaces to be provided is rounded-up to the next highest whole number.
Accommodation activities	
Caretaker's accommodation	1 space per dwelling unit.
Community residence	3 spaces.
Dual occupancy	1 covered space per dwelling.
Dwelling house	1 covered space.
Home based business	Where for a bed and breakfast? (a) 1 space per bed and breakfast bedroom; and (b) parking spaces required for the dwelling house. Where for any other Home-based business: (a) 1 space; and (b) parking spaces required for the dwelling house.

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
Multiple dwelling	(a) 1 covered space per accommodation unit; and (b) 1 visitor space per 2 accommodation units.
Non-resident workforce accommodation	1 space per 5 dwelling units.
Relocatable home park	(a) 1 space for each home site; and (b) 1 space per 15 home sites for visitors.
Residential care facility	(a) 1 space per 4 beds; and (b) 1 space for an emergency vehicle
Resort complex	Use the minimum number of spaces for each land use component of the Resort complex.
Retirement facility	Where for self-contained accommodation units: (a) 1 covered space per unit; and (b) 1 space per 5 units which may be uncovered. Where for all other accommodation units: (a) 1 covered space per 10 accommodation units; and (b) 1 space per 5 units which may be uncovered.
Rooming accommodation	1 space per 2 guest rooms.
Rural worker's accommodation	1 space per 10 guest rooms.
Short-term accommodation	Where for self-contained accommodation units: (a) 1 covered space per unit; and (b) 1 space per 5 units which may be uncovered. Where for all other accommodation units: (a) 1 covered space per 10 accommodation units; and (b) 1 space per 5 units which may be uncovered.

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
Tourist park	1 space per guest room; and 1 space per site.
Business Activities	
Adult Store	(a) 1 space per 50m^2 GFA.
Agricultural supplies store	(a) 1 space per 100m^2 GFA; and (b) 1 delivery vehicle space
Bulk landscape supplies	(a) 1 space per 250m^2 of use area; and (b) 1 delivery vehicle space.
Food and drink outlet	(a) 1 space per 50m^2 GFA; and (b) Where including a drive-through Queuing spaces for 3 passenger vehicles within the site boundaries.
Function facility	1 space per 75m^2 of GFA.
Garden centre	1 space per 75m^2 of GFA and outdoor display area.
Hardware and trade supplies	(a) 1 space per 75m^2 GFA; and (b) 1 delivery vehicle space.
Office	(a) 1 space per 50m^2 GFA; and (b) 1 bicycle space per 250m^2 GFA.
Outdoor sales	1 space per 100m^2 of GFA and outdoor display area.
Service station	4 spaces.
Shop	(a) 1 space per 75m^2 of GFA; and (b) 1 bicycle space per 250m^2 GFA.

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
Shopping centre	(a) 1 space per 50m^2 GFA; and (b) 1 delivery vehicle space; and (c) 1 bicycle space per 250m^2 GFA.
Showroom	(a) 1 space per 75m^2 GFA; and (b) 1 delivery vehicle space.
Veterinary services	(a) 1 space per 50m^2 GFA.
Community activities	
Cemetery	As determined by Council
Child care centre	(a) 1 space per 10 children able to be accommodated in the centre, to be used for setting down and picking up children; and (b) 1 space per full time employee.
Community care centre	1 space per 50m^2 GFA.
Community use	1 space per 50m^2 GFA.
Correctional facility	As determined by Council.
Crematorium	1 space per 50m^2 GFA.
Educational establishment	(a) 2 spaces per classroom for primary schools; and (b) 3 spaces per classroom for secondary schools and tertiary education; and (c) 5 spaces for setting down and picking up of children; and (d) 3 bicycle parking spaces per classroom.
Funeral parlour	1 space per 50m^2 GFA.
Health care services	1 space per 50m^2 GFA.
Hospital	(a) 1 space per 5 beds; and

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
	(b) 2 spaces per consulting room.
Place of worship	1 space per 25m^2 GFA.
Entertainment activities	
Bar	1 space per 25m^2 GFA.
Club	1 space per 25m^2 GFA.
Function facility	1 space per 25m^2 GFA.
Hotel	(a) 1 space per 25m^2 of GFA and licensed outdoor area; and (b) 1 space per 50m^2 of GFA for liquor barn or bulk liquor sales area.
Nightclub	1 space per 50m^2 GFA.
Theatre	1 space per 5 seats.
Tourist attraction	(a) 1 space per 100m^2 GFA; and (b) 1 coach space per 200m^2 GFA.
Industry activities	
Extractive industry	3 spaces.
High impact industry	1 space per 100m^2 GFA.
Low impact industry	1 space per 100m^2 GFA.
Medium impact industry	1 space per 100m^2 GFA.
Noxious and hazardous industries	1 space per 100m^2 GFA.
Research and technology industry	1 space per 100m^2 GFA.
Warehouse	1 space per 100m^2 GFA.

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
Waterfront and marine industry	1 space per 100m^2 GFA.
Recreation activities	
Environment facility	3 spaces.
Indoor sport and recreation	(a) 1 space per 25m^2 GFA; and (b) 3 bicycle parking spaces per 100m^2 GFA.
Major sport, recreation and entertainment facility	As determined by Council.
Motor sport	As determined by Council.
Nature-based tourism	(a) 1 space per lodge, hut, tent site or cabin; and (b) 1 space for an on-site manager.
Outdoor sport and recreation	(a) 40 spaces and 1 bus space per football field; and (b) 10 spaces per bowling green; and (c) 10 spaces per swimming pool; and (d) 2 spaces per tennis court; and (e) 10 spaces per netball court. (f) 2 spaces per tee on a golf course. (g) 1 space per tee or firing station where for a driving or firing range.
Park	As determined by Council.
Rural activities	
Animal husbandry	1 space.
Animal keeping	3 spaces.
Aquaculture	1 space per 100m^2 GFA for indoor aquaculture; and 1 space per 1,000m^2 of ponds for outdoor aquaculture.
Cropping	1 space.
Intensive animal industries	(a) 1 space per 100m^2 GFA; and (b) 1 delivery vehicle space.

DEFINITION	MINIMUM NUMBER OF CAR PARKING SPACES
Intensive horticulture	(a) 1 space per 100m^2 GFA; and (b) 1 delivery vehicle space.
Permanent plantations	1 space.
Roadside stalls	2 spaces per stall.
Rural industry	1 space per 100m^2 GFA.
Wholesale nursery	2 spaces.
Winery	As determined by Council.
Infrastructure activities	
Major electricity infrastructure	As determined by Council.
Minor electricity infrastructure	As determined by Council.
Renewable energy facility	As determined by Council.
Substation	As determined by Council.
Telecommunications facility	2 spaces.
Utility installation	2 spaces.

9.4.4 RECONFIGURING AN LOT CODE

9.4.4.1 Application

This code applies to assessing a development application for reconfiguring a lot.

When using this code, reference should be made to Part 5.

9.4.4.2 Context and setting

This section is extrinsic material under section 15 of the Statutory Instruments Act 1992 and is intended to assist in the interpretation of the Reconfiguring a lot code.

The towns within the Shire have a sense of spaciousness with wide roads, generous parks and access to waterways.

The stock of land that is unconstrained or has acceptable levels of flooding is limited. The available stock is likely to accommodate the anticipated growth in the next 20 years and the focus of new development is within or adjacent to existing towns.

The Reconfiguring a lot code has been developed with the understanding that new development will need to fit in with the character of individual towns and be respectful of their history, location and development pattern.

At the same time, new development will bring incremental change to the development patterns of towns particularly with smaller residential lots. The code provisions have been written to provide Residential neighbourhoods where people:

(a) can safely walk and ride in streets that connect with neighbouring streets;
(b) lots yards that are useable, and where possible oriented to not exposed to western sun;
(c) have more opportunity to live in unconstrained areas; and
(d) can downsize their house or land while staying where they have a sentimental attachment to an area or community.

Land suitable for agriculture is a finite resource that must be conserved and managed for the longer term. As far as practicable, reconfiguration of land that results in the potential or actual location of sensitive land uses such as houses and accommodation near rural uses should be carefully considered to ensure that rural uses are the priority and the future use of rural land including ancillary yards, stables, holding facilities and repair and service of machinery are not unreasonably hampered.

Rural lifestyle lots, for houses that are not associated with a farming activity are not encouraged as they have the potential to compromise rural uses and also result in people and property being isolated during floods and other natural disasters, however it is recognised that there are locations where rural lifestyle lots or boutique farming lots could occur on land that is already fragmented by roads and that is of a size and shape that is difficult for mechanical harvesting and of a size that is suitable for alternative crops or horticulture.

9.4.4.3 Purpose

(1) The purpose of the Reconfiguring a lot code is to ensure that development—
- (a) protects productive rural land and minimises conflict between rural uses and other development;
- (b) results in lots that are suitable for their intended use;
- (c) results in lots that do not prejudice the development on nearby lots;
- (d) is responsive to land constraints;
- (e) provides lawful and practical access; and
- (f) provides infrastructure and services to new lots and communities.

(2) The purpose of the code will be achieved through the following overall outcomes—
- (a) Lots have sufficient areas, dimensions and shapes to be suitable for their intended use, taking into account environmental features and site constraints.
- (b) Lot configuration and orientation facilitates climate responsive design.
- (c) Road, drainage and active networks provide connectivity that is integrated with adjoining existing or planned development.
- (d) People and property are not placed at risk from natural hazards.
- (e) A range of functional parkland, is available for the use and enjoyment of residents and visitors to the region.
- (f) Development does not diminish environmental and scenic values.
- (g) The appropriate standard of infrastructure is provided and the potential safety and amenity impacts associated with infrastructure provision are minimised.
- (h) Additional flood-free residential lots is made available through urban infill in appropriate locations of Ingham, Allingham / Forrest Beach and Taylors Beach.
- (i) Development in rural areas maintains the rural and landscape character, scale and amenity of the zone.
- (j) Development in rural areas supports the diversification of rural industries and products.
- (k) Any reconfiguring a lot in the Rural zone does not result in a net increase in the number of lots.

9.4.4.4 Assessment benchmarks

Part A – For accepted development and assessable development.

Table 9.4.4.4a – Accepted development and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
PO1 Lots have areas and dimensions that: (a) are consistent with the purpose and overall outcomes of the applicable zone; and (b) can be safely and efficiently serviced with infrastructure and stormwater drainage; and (c) are generally rectangular in shape; and (d) support energy efficient development.	**AO1.1** Lots comply with the lot reconfiguration outcomes in Table 9.4.4.4b. **AO1.2** Drainage management and infrastructure services are integrated across sites through easements, reserves or other legal means. **AO1.3** New lots are generally rectangular in shape.	**Complies with PO1.** Proposed development involves the reconfiguration of a lot (for the creation of a lease/leases in excess of 10 years and/or access easement/s). In considering this, it is submitted to Council that development proposed will not result in the creation of a new lot; but rather will facilitate the creation of a lease and/or easement over a defined area within the subject site, to both recognise and formalise the use of this area (including access arrangements), for a particular use/purpose (the Mount Fox Energy Park Battery Storage Facility). Notwithstanding this, development proposed is consistent with the purpose of the zone and is not likely to adversely impact on existing and/or future rural land uses and activities. Furthermore, it is submitted to Council that development proposed: - Will not detract from, nor result in any impacts on the existing rural land uses

		(pastoral and/or cattle grazing activities) currently being undertaken within the defined project site. - Will be constructed within a small portion of the broader defined project site. The area required for the MFEP BESS involves approximately 6.069 Hectares (not including land required to establish access and/or the transmission line). The total area of land required to establish the northern access in expected to be approximately 5 Hectares. - Is compatible with and has been appropriately designed to respond to/protect existing natural and environmental features. Extensive environmental assessments were undertaken to inform the location, layout and design of the proposed MFEP BESS. In summary, the current proposed BESS alignment will involve the clearing of Category B, remnant vegetation and the clearing of 'Of Concern' vegetation as described under the *Vegetation Management Act 1999*. Whilst acceptable outcomes have been identified for some areas of clearing (namely the clearing of non-remnant category R vegetation), other areas of vegetation will not fall under the acceptable outcomes listed in State Code 16 and thus environmental offset

		will be required for this vegetation clearing. Notwithstanding this, the impacts likely to result from the necessary vegetation clearing were considered as part of an application for a relevant purpose determination, pursuant to Section 22A of the *Vegetation Management Act 1999.* The application sought approval for all proposed clearing extents associated with the proposed Mount Fox Energy Park Project. Relevant Purpose determination was issued on 04 February 2021 (Attachment 2 – MFEP BESS Relevant Purpose Determination). - Will be suitably fenced to ensure further protection from/separation of existing rural land uses, in order to minimise conflict. - Maintain the capacity of land for rural uses and activities through implementing operational procedures that reduce/mitigate the potential for impacts on the environment (i.e. introduction of pest species). - Is to be constructed in an area that is easily accessible (utilising appropriately maintained transport routes), to ensure the safety of people and property during natural disaster events. - Does not involve solar renewable energy, although it located within a portion of the defined 'solar energy development

		precinct'. Notwithstanding this, the MFEP BESS and any future associated infrastructure to be constructed as part of the broader Mount Fox Energy Park project, may likely provide greater opportunities for solar energy projects throughout the area, through the possible provision of supporting infrastructure and/or the driver for enhancements/upgrades to existing major electricity networks. The proposed Mount Fox Energy Park is a combined wind and battery project, so although the project does not propose/consider a solar farm, the project is still considered to be a renewable energy project. In addition to the abovementioned, it is also noted that the proposed lease area is generally rectangular in shape, with the exception of a proposed rectangular shaped omission – which is required to accommodate the complex leasing/ownership arrangements likely involved with the future operations of the Mount Fox Energy Park project. No impacts to the existing overland flow paths are likely to result from development proposed. All services will be provided for and/or managed on site.
People and property		

PO2 Development: (a) avoids unacceptable exposure of people to hazards; and (b) does not increase the risk to life or property; and **(c)** avoids exposure of people and property to unacceptable risk of hazards.	**AO2.1** No new lots are created in the high hazard area identified on the Flood hazard overlay map.	**Not applicable.** The subject site is not impacted by Council's Flood hazard overlay mapping.
	AO2.2 No new lots are created in the high hazard area identified on the Bushfire hazard overlay map.	**Complies with PO2.** The proposed development involves the reconfiguration of a lot (for the purpose of creating a lease/s in excess of 10 years and/or access easement/s). The proposed lease boundary incorporates the MFEP BESS and associated infrastructure (including access roads). Appropriate buffers have been incorporated into the subdivision design/layout and ensure suitable separation distances from hazardous vegetation. The proposed development does not provide opportunities for people to live on-site. Notwithstanding this, it is intended that several employees will, from time to time, work on site in the offices proposed to be constructed as part of the operations and maintenance area. Suitable evacuation plans will be implemented to ensure the ongoing safety of life and property. Access tracks will be appropriately maintained to ensure that people can safely exit the site during a bushfire event, where required.
	AO2.3	**Not applicable.**

	No new lots are created in the high hazard area identified on the Coastal hazard overlay map.	The subject site is not impacted by Council's Coastal hazard overlay mapping.
Subdivision design		
PO3 Development responds appropriately to its local context, natural systems and infrastructure.	**AO3** Lot layout is responsive to site features such as: (a) drainage paths and waterways; and (b) infrastructure and transport networks; and **(c)** significant vegetation.	**Complies with AO3.** The proposed new lease area/s and/or access easement/s have been located appropriately within the subject site, to ensure that existing attributes such as drainage pathways, waterways and significant vegetation, are avoided where appropriate/possible. Where development proposed interferes with features such as mapped significant vegetation – measures have been implemented to try to reduce impacts (i.e. use of existing cleared areas (roads and fences lines)).
PO4 Road, drainage and pedestrian networks provide connectivity that is integrated with adjoining existing or planned development.	**AO4.1** The lot layout provides a grid road network that achieves connectivity across adjoining lots that are capable of subdivision.	**Not applicable.** No new roads are proposed. The proposed reconfiguration involves the construction of a new access. Notwithstanding this, the proposed new access is predominantly located on freehold land (bisects with an existing gazetted road that is currently temporarily closed) and will be for private use only.
	AO4.2 The ability to further reconfigure the site is demonstrated by submitting a concept plan that meets requirements for the applicable zone.	**Not applicable.** The proposed lease/s and/or access easement/s are not considered to impact on the ability to further subdivide the subject lots.

	AO4.3 For connectivity, drainage, amenity, efficiency of infrastructure of provision, cul-de-sac streets are minimised or avoided and where necessary the cul-de-sac provides connections: (a) to open space or other streets; and **(b)** with a minimum width of 12 metres from the top of the cul-de-sac.	**Not applicable.** Proposed development does not involve the construction of a cul-de-sac.
PO5 Neighbourhood design supports walkable catchments, diverse housing choices through block sizes and lot design.	**AO5.1** Changes in lot size and frontage widths are established to facilitate a mix of housing choice.	**Not applicable.** The proposed development will not result in changes to the existing lot sizes and/or frontages.
	AO5.2 Development provides opportunities for neighbourhood focal points such as community facilities, parks, corner stores, public / school transport stops, generally every 500m.	**Not applicable.** The proposed development relates to Rural zoned land. The provision of neighbourhood focal points are not applicable within the Rural zone.
	AO5.3 Lots surrounding neighbourhood focal points are of a size that enables higher residential densities to support the facilities.	**Not applicable.** The proposed development relates to Rural zoned land. The provision of neighbourhood focal points and/or lots that enable higher residential densities, are not applicable within the Rural zone.
PO6	**AO6.1** New development maximises the number of:	**Not applicable.** Proposed development involves the reconfiguration of a lot (for the creation of a

Lots in new residential subdivisions are orientated so that new houses: (a) have outdoor living spaces are shaded from the afternoon sun; and (b) minimise the extent of wall that faces west; and **(c)** have carports and garages (access) to shade the western side of the house and do not block predominant breeze.	(a) lots where the longest axis of the lot has a general east-west orientation; and (b) streets running in a general north-south direction; and **(c)** crossovers located on the western boundary.	lease/leases in excess of 10 years and/or access easement/s). In considering this, it is submitted to Council that development proposed will not result in the creation of a new lot; but rather will facilitate the creation of a lease and/or easement over a defined area within the subject site, to both recognise and formalise the use of this area, for a particular use/purpose (the Mount Fox Energy Park Battery Storage Facility).
PO7 Lots have safe, legal and practical access to a public road.	**AO7.1** Each lot is provided with direct access to a gazetted road reserve.	**Complies with AO7.1.** It is noted that the development proposed will not result in the creation of a new lot; but rather will facilitate the creation of a lease and/or easement over a defined area within the subject site, to both recognise and formalise the use of this area, for a particular use/purpose (the Mount Fox Energy Park Battery Storage Facility). Notwithstanding this, it is submitted to Council that the access to the MFEP BESS is proposed to be constructed and will form part of the proposed development. The proposed MFEP BESS access is located north of the MFEP BESS infrastructure, and provides direct access/connection to an existing gazetted road reserve (Knuckledown Road). The proposed access is expected to traverse across an additional gazetted road reserve (Mountain Ash Road), which is currently

		temporarily closed, as well as through Lot 18 on WU6.
	AO7.2 Rear laneways may be established in residential subdivisions, to: (a) promote infill; and (b) reduce the number of rear-lot access strips; and **(c)** promote integrated drainage.	**Not applicable.** No rear laneways are proposed.
PO8 Where rear lots are proposed, development: (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; and (b) positively contributes to the character of adjoining properties and the area; and **(c)** does not adversely affect the safety and efficiency of the road from which access i`s gained.	**AO8.1** Where rear lots are proposed: (a) the minimum area of the rear lot, exclusive of any access strip, complies with the lot reconfiguration outcomes in Table 9.4.4.4b; and (b) rear lots are generally rectangular in shape; and (c) access strips to the rear lot are located on only one side of the front lot; and (d) not more than 2 access strips to rear lots directly adjoin one another; and **(e)** lots have adequate drainage.	**Not applicable.** No rear lots are proposed.
	AO8.2 Access strips are a minimum width of: (a) 3.5m in a residential zone; or	**Complies with AO8.2.** The proposed northern access track is expected by be approximately 30m wide.

	(b) 8.0m in all other zones.	
PO9 Small residential lots are designed to a high standard of amenity for future communities and residents and the provision of a range of housing types.	**AO9** Small lots: (a) provide for consistently designed and managed attached housing on individual lots; or (b) ensure dwelling houses can be managed through building envelopes; or **(c)** provide access to the rear of the lot by a laneway	**Not applicable.** Proposed development involves the reconfiguration of a lot (for the creation of a lease/leases in excess of 10 years and/or access easement/s). In considering this, it is submitted to Council that development proposed will not result in the creation of a new lot; but rather will facilitate the creation of a lease and/or easement over a defined area within the subject site, to both recognise and formalise the use of this area, for a particular use/purpose (the Mount Fox Energy Park Battery Storage Facility).
PO10 Development protects the cane rail network: (a) to support the on-going operation of the agricultural industry; and **(b)** recognising the strategic value of connectivity across the Shire and the potential for re-use of any redundant sections of the network for walking and cycling.	**AO10** Reconfiguration of land that includes a cane rail infrastructure results in rail infrastructure being included in its own lot, with a minimum distance of 5m either side of the centreline of the rail.	**Not applicable.** No cane rail infrastructure exists within the subject site.

PO11 Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to open space.	**AO11.1** Open space areas are positioned to be capable of being overlooked by surrounding development.	**Not applicable.** Proposed development does not include open space areas.
	AO11.2 The number of lots that back onto the urban parkland and other open space is minimised.	**Not applicable.** The subject site involves rural zoned land. No urban parkland and/or open spaces currently exist within the subject site.
Separation of incompatible uses		
PO12 Development on or adjacent to land within the Rural zone or to existing utility infrastructure, provides an appropriate separation area on site to: (a) buffer development from impacts arising from uses which may occur on the land within the Rural zone; and (b) prevent potential adverse impacts on future users of the lots; and (c) separate the lots from incompatible uses; and **(d)** avoid "reverse amenity" situations where the continued operation of existing uses or existing utility infrastructure is compromised by the proposed development.	**AO12** The lot layout provides opportunity for adequate separation distances between residential dwellings, major utility infrastructure or other sensitive receptors and rural zoned land in accordance with Table 9.4.4.4c.	**Complies with AO12.** No part of the proposed MFEP BESS (excluding access tracks) is located within 1.5km of an existing sensitive receptor. In considering this, it is submitted to Council that the proposed development complies with the provisions set out in table 9.4.4.4c.
Rural zone		

PO13 Development results in people and property being located in accessible areas for emergency management and service provision.	**AO13.1** Reconfiguring a lot including boundary realignments does not result in the creation of a lot/s which have twice the minimum lot size identified in Table 9.4.4.4b – Lot size and frontage unless the lot previously had twice this area.	**Complies with PO13.** Proposed development involves the reconfiguration of a lot (for the creation of a lease/leases in excess of 10 years and/or access easement/s).
	AO13.2 Where reconfiguration cannot achieve the lot reconfiguration outcomes in Table 9.4.4.4b further reconfiguration may be considered to excise land that is: (a) already fragmented by roads; and (b) of a size and shape that is difficult to mechanical harvest; and (c) is of sufficient size for small crops or horticulture; and (d) has direct access to a maintained road identified on the Transport infrastructure overlay map; and (e) can accommodate a residential dwelling and achieve separation distances to adjoining rural zoned land; and **(f)** located outside of medium and high hazard areas as identified on the bushfire, flood and storm tide overlay maps.	In considering this, it is submitted to Council that development proposed will not result in the creation of a new lot; but rather will facilitate the creation of a lease and/or easement over a defined area within the subject site, to both recognise and formalise the use of this area, for a particular use/purpose (the Mount Fox Energy Park Battery Storage Facility). It is noted that the proposed lease area/design does not comply with the minimum lot size requirements set out in Table 9.4.4.4b. Notwithstanding this, the proposed new MFEP BESS lease area is suitably located within the subject site. The proposed MFEP BESS will be easily accessed via the existing road network for emergency management and/or service provision purposes. An access track will be constructed and forms part of the proposed MFEP BESS development. This access track is to be appropriately maintained to ensure the ongoing safety of life and property.

PO14 Development maintains the rural and landscape character, scale and amenity of the zone.	**AO14** Reconfiguring a lot, including boundary realignments does not create small lots that contribute to an enclave of single residential houses not associated with rural activities.	**Not applicable.** Proposed development involves the reconfiguration of a lot (for the creation of a lease/leases in excess of 10 years and/or access easement/s). In considering this, it is submitted to Council that development proposed will not result in the creation of a new lot; but rather will facilitate the creation of a lease and/or easement over a defined area within the subject site, to both recognise and formalise the use of this area, for a particular use/purpose (the Mount Fox Energy Park Battery Storage Facility). No residential land uses are proposed to be established within the lease area.
Landslide Hazard		
PO15 Development maintains the safety of people and property from the risk of landslide.	**AO15** Reconfiguring a lot, outside of the Rural zone, does not creates lots with a slope greater than 15%.	**Not applicable.** The subject site involves Rural zoned land.

Table 9.4.4.4b – Lot size and frontage

Zone	Minimum Lot dimensions

Community facility	No minimum is provided.
Centre	No minimum is provided.
Environmental management and conservation zone.	No minimum is provided. Reconfiguration in this zone results in no additional lots.
General residential	(a) 400m2 where connected to Council's reticulated Sewer network; otherwise (b) 4,000m2
Industry	(a) 2000m2 where connected to Council's reticulated Sewer network and 40m lot frontage; Otherwise (b) 4,000m2 and 40m lot frontage.
Mixed use	(a) No minimum provided where connected to Council's reticulated Sewer network; Otherwise (b) 4,000m2
Recreation and open space	(a) No minimum provided where connected to Council's reticulated Sewer network; Otherwise (b) 4,000m2
Rural	30ha minimum lot size.

Table 9.4.4.4c – Buffer design criteria

	Duration threshold (approximate number of hours over a year a nuisance impact is detected)	**Minimum default distance for buffer**	**Minimum design distance with vegetated buffer element**
Chemical spray drift	None	300 metres	40 metres
Intermittent odour *	Intermittent odour * More than 88 hours per year	500 metres	500 metres
Intermittent noise where noise occurs between 6am-10pm where noise occurs between outside of 6am-10pm	10 hours to 50 hours per year	 60 metres 1000 metres	 15 metres 250 metres
Long term noise where noise occurs between 6am-10pm where noise occurs between outside of 6am-10pm	More than 50 hours per year	 500 metres 1000 metres	 120 metres 1000 metres
Dust, smoke and ash	None	150 metres	40 metres
* Minimum design distance for an odour buffer area may be reduced on consideration of site factors and nature of odour			

State code 16: Native vegetation clearing

State Development Assessment Provisions guideline - State Code 16: Clearing native vegetation. This guideline provides direction on how to address State Code 16 below.

Please note: It is only necessary to provide a response to the performance outcomes relevant to the clearing purpose(s). Table 16.1 below specifies which tables of performance outcomes are relevant for each clearing purpose. Tables that are not relevant to your clearing purpose can be left blank or deleted.

As an example, only Table 16.2 and Table 16.15 are relevant for a development application for operational works that involves managing thickened vegetation. The remaining tables may be deleted.

Table 16.1: Relevant code provisions for each type of development

Clearing purpose	Relevant provisions
Material change of use and / or reconfiguring a lot and / or operational work	
Public safety, **relevant infrastructure activities** and / or **consequential development of IPA approval**	Table 16.2 and Table 16.3
Extractive industry	Table 16.2 and Table 16.4
Coordinated project (agriculture)	Table 16.2 and Table 16.5
Coordinated project (**extractive industry**)	Table 16.2 and Table 16.6
Coordinated project (all other purposes)	Table 16.2 and Table 16.7
Material change of use and / or reconfiguring a lot for all other purposes	Table 16.2 and Table 16.8
Material change of use and / or reconfiguring a lot for which there will be no **clearing as a result of the material change of use** or **reconfiguring a lot**	Table 16.9
Material change of use and / or reconfiguring a lot for which **clearing** is limited to **clearing** that could be done as **exempt clearing work** for the purpose of the development prior to the material change of use or reconfiguring a lot application being approved	Table 16.2 and Table 16.10
Operational work	
Necessary environmental clearing	Table 16.2 and Table 16.11
Control non-native plants or **declared pests**	Table 16.2 and Table 16.12
Encroachment	Table 16.2 and Table 16.13
Fodder harvesting	Table 16.2 and Table 16.14

Managing thickened vegetation	Table 16.2 and Table 16.15

Table 16.2: General

Performance outcomes	Acceptable outcomes	Response
PO1 Clearing of **vegetation** is consistent with any **notice requiring compliance** on the land subject to the development application, unless a **better environmental outcome** can be achieved.	No acceptable outcome is prescribed.	**Not applicable.** The proposed development does not involve an area that is a Particular Regulated Area and/or an area subject to a Notice Requiring Compliance.
PO2 Clearing of **vegetation** is consistent with **vegetation management requirements** for **particular regulated areas** unless a **better environmental outcome** can be achieved.	No acceptable outcome is prescribed.	**Not applicable.** The proposed development does not involve an area that is a Particular Regulated Area and/or an area subject to a Notice Requiring Compliance.
PO3 Clearing of **vegetation** in a **legally secured offset area**: 1. is consistent with the **offset** delivery plan; or 2. is consistent with an **agreement** for the **offset area** on the land subject to the development application; or 3. only occurs if an additional **offset** is provided.	No acceptable outcome is prescribed.	**Not applicable.** Development proposed is not likely to result in the clearing of vegetation within a legally secured offset area.

Table 16.3: Public safety, relevant infrastructure activities and / or consequential development of IPA approval

Performance outcomes	Acceptable outcomes	Response
Clearing avoids and minimises impacts		
PO4 Clearing of **vegetation** and **adverse impacts of clearing vegetation** do not occur unless the application	No acceptable outcome is prescribed.	**Complies with PO4.**

Performance outcomes	Acceptable outcomes	Response
has demonstrated that the **clearing** and the **adverse impacts of clearing** have been: 1. reasonably avoided; or 2. reasonably minimised where it cannot be reasonably avoided.		Where development cannot avoid clearing within environmentally significant areas, appropriate measures will be adopted and implemented to reduce and/or mitigate environmental impacts. It is noted that a Relevant Purpose Determination was approved/issued for the proposed MFEP BESS (Attachment 2 – MFEP BESS Relevant Purpose Determination). A summary of findings from the Environmental Assessment Report prepared by 4 Elements Consulting, is provided below for Council's further consideration: - Most of the regional ecosystems within the MFES BESS alignment are 'Of Concern'. - The proposed MFEP BESS does not conform to the acceptable clearing widths as stipulated in State Code 16 and therefore, the only acceptable outcome is for the implementation of suitable environmental offsets. - It is noted that the proposed MFEP BESS development footprint/lease area has been appropriately sited to ensure that vegetation clearing is minimised, in some areas. Where possible, existing access tracks and/or cleared fence lines will be used, to reduce the amount of clearing required. - Clearing across a waterway is proposed in order to connect into the existing transmission line. Since the clearing is occurring across a water

Performance outcomes	Acceptable outcomes	Response
		course in this instance, this is considered to be an Acceptable Outcome in accordance with State Code 16, AO11.2.
Clearing associated with wetlands		
PO5 Clearing of **vegetation** within a natural **wetland** and/or within 100 metres of the **defining bank** of a natural **wetland** maintains the composition, structure and function of any **regional ecosystem** associated with any natural **wetland** to protect all of the following: 1. bank stability by protecting against bank erosion; 2. water quality by filtering sediments, nutrients and other pollutants; 3. aquatic habitat; 4. terrestrial habitat.	**AO5.1 Clearing** does not occur in a natural **wetland** or within 100 metres of the **defining bank** of any natural **wetland**. OR **AO5.2 Clearing** within 100 metres of the **defining bank** of any natural **wetland**: 1. does not occur within 10 metres of the **defining bank** of any natural **wetland**; and 2. does not exceed widths in reference table 1 in this code.	**Not applicable.** There are no natural wetlands mapped/existing within the defined subject site.
PO6 Where **clearing** of **vegetation** in a **regional ecosystem** associated with a natural **wetland** does not maintain the composition, structure and function of the **regional ecosystem**, and cannot be avoided and has been mitigated, an **offset** is provided for any acceptable **significant residual impact**.	No acceptable outcome is prescribed.	**Not applicable.** Vegetation clearing is not proposed within regional ecosystems associated with natural wetlands.
Clearing associated with watercourses and drainage features		
PO7 Clearing of **vegetation** within a **watercourse** and/or **drainage feature** and/or within the relevant distance (listed in reference table 2) of a **watercourse** and/or **drainage feature,** maintains the composition, structure and function of the **regional ecosystem**	**AO7.1 Clearing** does not occur in any of the following areas: 1. inside the **defining bank** of a **watercourse** or **drainage feature**; and	**Complies with PO7.** One MSES defined watercourse of stream order 1, is located within the south-west end of the MFEP BESS alignment. The MFEP BESS alignment intersects with

Performance outcomes	Acceptable outcomes	Response
associated with the **watercourse** and/or **drainage feature** to protect all of the following: 1. bank stability by protecting against bank erosion; 2. water quality by filtering sediments, nutrients and other pollutants; 3. aquatic habitat; 4. terrestrial habitat.	2. within the relevant distance of the **defining bank** of any **watercourse** or **drainage feature** in reference table 2 of this code. OR **AO7.2 Clearing** within any **watercourse** or **drainage feature**, or within the relevant distance of the **defining bank** of any **watercourse** or **drainage feature** in reference table 2 of this code: 1. does not exceed the widths in reference table 1 of this code; and 2. does not occur within 10 metres of the **defining bank**, unless **clearing** is required into or across the **watercourse** or **drainage feature**.	the watercourse at a width of approximately 75m. In addition to this, it is noted that the proposed MFEP BESS requires clearing into and/or across the watercourse to facilitate/enable the connection of the MFEP BESS overhead transmission line component, into the existing transmission line and nearby Powerlink switching station (recently constructed). It is submitted that where clearing of vegetation in a regional ecosystem associated with a watercourse and/or drainage feature does not maintain the composition, structure and function of the regional ecosystem, and cannot be avoided and has been mitigated, appropriate offsets will be implemented. Proposed offsets to be implemented will be in accordance with Relevant Purpose Determination approved/issued, pursuant to section 22A of the Vegetation Management Act 1999.
PO8 Where **clearing** of **vegetation** in a **regional ecosystem** associated with a **watercourse** and/or **drainage feature** does not maintain the composition, structure and function of the **regional ecosystem**, and cannot be avoided and has been mitigated, an **offset** is provided for any acceptable **significant residual impact**.	No acceptable outcome is prescribed.	**Complies with PO8.** It is submitted that where clearing of vegetation in a regional ecosystem associated with a watercourse and/or drainage feature does not maintain the composition, structure and function of the regional ecosystem, and cannot be avoided, appropriate offsets will be implemented. Proposed offsetting applicable to development proposed was supported as part of the Relevant Purpose Determination approved/issued, pursuant to section 22A of the Vegetation Management Act 1999 (Attachment 2 – MFEP BESS Relevant Purpose Determination).
Connectivity		

Performance outcomes	Acceptable outcomes	Response
PO9 Regional ecosystems on the subject land and any adjacent land retain sufficient **vegetation** to: 1. maintain **ecological processes**; and 2. ensure the **regional ecosystem** remains in the landscape despite **threatening processes**.	**AO9.1 Clearing** occurs in accordance with reference table 3 in this code.	**Complies with AO9.1.** The proposed development will result vegetation clearing that is considered to be in accordance with the requirements set out in Table 3 of the Code. More specifically, it is noted that: - Vegetation clearing is proposed to be undertaken within heavily vegetated areas – all of which exceed 10 ha in total. - As a result of vegetation clearing, the existing vegetated areas are not likely to be significantly reduced. Existing vegetated areas will continue to be greater than 10 ha in total, following the completion of proposed clearing works. - Proposed clearing works will be carried out in areas where the width of existing vegetated areas is greater than 100m (minimum observed width is approximately 600m). The proposed clearing works will not result in a significant reduction to existing vegetated widths. - All subject lots are heavily vegetated. The total proposed disturbance area/clearing footprint is approximately 40.2Ha. In considering this, the percentage of the total vegetated area of each subject lot is not considered to be significantly reduced as a result of the proposed vegetation clearing.
Soil erosion if the local government is not the assessment manager for the development application		

Performance outcomes	Acceptable outcomes	Response
PO10 Clearing of **vegetation** does not result in **accelerated soil erosion** within or outside the land the subject of the development application.	**AO10.1 Clearing** only occurs if an **erosion and sediment control plan** is developed and implemented to prevent increased **soil erosion and instability** resulting from the **clearing**.	**Not applicable.** The proposed development is made assessable under the local categorising instrument – being the Hinchinbrook Shire Planning Scheme 2017.
Salinity		
PO11 Clearing of **vegetation** within 100 metres of a **salinity expression area** does not contribute to or accelerate **land degradation** through either of the following: 1. **waterlogging**; 2. the **salinisation** of **groundwater**, surface water or soil.	**AO11.1 Clearing** does not occur within 100 metres of a **salinity expression area**.	**Not applicable.** Salinity expressions areas are not known to exist within the subject site.
Conserving least concern regional ecosystems - Minimising clearing of areas temporarily required to enable construction of the infrastructure		
PO12 Clearing of **vegetation** for temporary use areas to construct necessary infrastructure, such as temporary use roads or access tracks, maintains the composition, structure and function of **least concern regional ecosystems**.	**AO12.1 Clearing** for temporary use areas to construct necessary infrastructure does not occur in a **least concern regional ecosystem**. OR **AO12.2** Total **clearing** for temporary use areas to construct necessary infrastructure in any **regional ecosystem** combined does not exceed the widths prescribed in table reference table 1 of this code. OR **AO12.3** Total **clearing** for temporary use areas to construct necessary infrastructure in any **regional**	**Complies with AO12.1.** The proposed development involves a temporary laydown area, which is likely to be used to facilitate the construction of the proposed MFEP BESS. Notwithstanding this, the temporary laydown area will result in some vegetation clearing, in an area that does not involve a least concern regional ecosystem.

Performance outcomes	Acceptable outcomes	Response
	ecosystem combined does not exceed areas prescribed in table reference table 1 of this code.	
PO13 Where **clearing** of **vegetation** in a **regional ecosystem** for temporary use areas to construct necessary infrastructure does not maintain the composition, structure and function of the **regional ecosystem**, and cannot be avoided and has been mitigated, the **cleared** area is **rehabilitated**.	No acceptable outcome is prescribed.	**Complies with PO13.** Temporary laydown area/s will be appropriately rehabilitated following the completion of construction of the proposed MFEP BESS.
Conserving endangered and of concern regional ecosystems		
PO14 Clearing of **vegetation** maintains the composition, structure and function of **endangered regional ecosystems** and/or **of concern regional ecosystems**.	**AO14.1 Clearing** does not occur in an **endangered regional ecosystem** or an **of concern regional ecosystem**. OR **AO14.2** Total **clearing** of **endangered regional ecosystems** and **of concern regional ecosystems** combined does not exceed the widths prescribed in table reference table 1 of this code. OR **AO14.3** Total **clearing** of **endangered regional ecosystems** and **of concern regional ecosystems** combined does not exceed areas prescribed in table reference table 1 of this code.	**Complies with PO14.** Proposed clearing works are not likely to result in significant impacts to existing 'of concern' regional ecosystems. Where impacts are likely to occur and/or unavoidable, suitable environmental offsetting will be implemented.
PO15 Where **clearing** of **vegetation** in an **endangered regional ecosystem** or an **of concern regional ecosystems** does not maintain the composition, structure and function of the **regional ecosystem**, and	No acceptable outcome is prescribed.	**Complies with PO15.** It is submitted that where clearing of vegetation in a regional ecosystem associated with a watercourse and/or drainage feature does not maintain the

Performance outcomes	Acceptable outcomes	Response
cannot be avoided and has been mitigated, the cleared area: 1. is **rehabilitated**; or 2. where the **cleared** area cannot reasonably be **rehabilitated**, an **offset** is provided for any acceptable **significant residual impact**.		composition, structure and function of the regional ecosystem, and cannot be avoided, appropriate offsets will be implemented. Proposed offsetting applicable to development proposed was supported as part of the Relevant Purpose Determination approved/issued, pursuant to section 22A of the Vegetation Management Act 1999 (Attachment 2 – MFEP BESS Relevant Purpose Determination).
Essential habitat excluding essential habitat for *Phascolarctos cinereus* (koalas) if development is assessable under Schedule 10, Part 10 of the Planning Regulation 2017		
PO16 Clearing of **vegetation** in a **regional ecosystem** that is an area of **essential habitat** maintains the composition, structure and function of the **regional ecosystem** for each **protected wildlife** species individually.	**AO16.1 Clearing** does not occur in **essential habitat**. OR **AO16.2 Clearing** in **essential habitat** does not exceed the widths prescribed in reference table 1 of this code. OR **AO16.3 Clearing** in **essential habitat** does not exceed the areas prescribed in table reference table 1 of this code.	**Not applicable.** The proposed development does not involve vegetation clearing within essential habitat.
PO17 Where **clearing** of **vegetation** in a **regional ecosystem** that is an area of **essential habitat** does not maintain the composition, structure and function of the **regional ecosystem**, and cannot be avoided and has been mitigated, an **offset** is provided for any acceptable **significant residual impact for** each **protected wildlife** species individually.	No acceptable outcome is prescribed.	**Not applicable.** The proposed development does not involve vegetation clearing within essential habitat.
Acid sulfate soils if the local government is not the assessment manager for the development application		

Performance outcomes	Acceptable outcomes	Response
PO18 Clearing of **vegetation** does not result in, or accelerate, disturbance of acid sulfate soils or changes to the hydrology of the location that will result in either of the following: 1. aeration of horizons containing iron sulphides; 2. mobilisation of acid or metals.	**AO18.1 Clearing** does not occur in **land zone 1**, **land zone 2** or **land zone 3**. OR **AO18.2 Clearing** in **land zone 1**, **land zone 2** or **land zone 3** in areas below the five metre Australian Height Datum only occurs where: 1. **mechanical clearing** does not disturb the soil to a depth greater than 30 centimetres; and 2. acid sulfate soils are managed consistent with the soil management guidelines in the Queensland Acid Sulfate Soil Technical Manual.	**Not applicable.** The proposed development will not take place in any of the specified land zones and is made assessable under the local categorising instrument – being the Hinchinbrook Shire Planning Scheme 2017.