

REPORT TITLE	Assessment of Change Application for Material Change of Use - Impact - Undefined Use located at 83 Kowitz Road, AUBIGNY QLD 4401
AUTHOR	Planning Officer (Alanna Walker)
Application No.	MCUI/2023/3647/A

PURPOSE OF REPORT

To consider a change application regarding a development approval for Material Change of Use - Impact - Undefined Use located at 83 Kowitz Road, AUBIGNY QLD 4401.

EXECUTIVE SUMMARY

This report considers a Change Application regarding the development approval for Material Change of Use for a Undefined Use located 83 Kowitz Road, Aubigny.

On 8 January 2024 a Decision Notice was issued approving the Undefined Use being a Battery Energy Storage System having a maximum storage capacity of 100 Megawatt (MW)/ 200 MW hour (MWh).

The Change Application seeks to change Conditions 7, 30, 45, 54.3, and 55. The requested changes are as follows:

- Condition 7: change to the approved plan to remove the landscaping on northern, western and southern sides of the development;
- Condition 30: include Sunday in the construction hours of the proposed development, supported by a submitted Construction Protocol for Sunday Works document;
- Condition 45: move the requirement for road dedication to Kowitz Road, Kearney Road and Brennan Road, to before the delivery of Over-size Over-mass (OSOM) vehicles (rather before any site works);
- Condition 54.3: remove the requirement for onsite parking to be assessable and available to the general public; and
- Condition 55: to change the listed hours to align with the proposed construction hours.

The requested change is considered to satisfy the required tests for a minor change under the *Planning Act 2016*.

The change application has been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes to Conditions 7, 30, and 54.3 are found to generally comply with the the current Planning Scheme, and the Planning Scheme in effect at the time of the original application. This will require consequential changes to conditions.

The proposed changes to Condition 45 is considered to partly comply, however the applicant's proposed wording to trigger road works prior to "OSOM deliveries" is not accepted as this may not be easily enforceable. During the assessment period the applicant informed us there will be three OSOM deliveries (for earthworks equipment) to the site as a part of the earthworks. Additional information including swept path plans and vehicle dimensions were provided was required to ensure allowing these vehicles before road widening would not compromise the existing roads. Council's Lead Senior Engineer assessed these changes. It is proposed and agreed with the applicant to remove the wording "any site works", and include an advice note to allow earthworks and associated vehicles to occur.

The proposed change to Condition 55 is not considered to comply because Condition 55 relates the operational hours of the approved use not the construction hours. The hours listed align with the day, evening and night hours in noise level requirements of the Planning Scheme.

Therefore, it is recommended that the Change Application be Approved in Part as outlined in the below recommendation, and as detailed within the report.

RECOMMENDATION

APPROVED IN PART - Change Application regarding Development Approval MCUI/2023/3647/A for Material Change of Use - Impact - Undefined Use, pursuant to the provisions of Section 81 of the *Planning Act 2016* and subject to the amendments listed below.

An amended Infrastructure Charges Notice will be issued in relation to the changes to the development approval.

Extent Approved

The Change Application is approved to the extent of:

- Amending Condition 7 to change to the approved plan to remove the landscaping on northern, western and southern sides of the development;
- Amending Condition 30 to include Sunday in the construction hours of the proposed development;
- Amending Condition 45 to change the timing of road widening to before construction of the BESS, allowing site works to occur prior to this;
- Amending Condition 54.3 to remove the requirement for onsite parking to be assessable and available to the general public.

Extent Refused

The Change Application is refused to the extent of amendments to Condition 55 to change the listed hours to align with the proposed construction hours.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for an Undefined Use comprising Battery Energy Storage System having a maximum storage capacity of 100 Megawatt (MW)/200 MW hour (MWh), generally as shown on the Approved Plans listed in this Development Approval.

SITE REHABILITATION

2. When the approved use ceases, all buildings and structures must be removed, and works must commence immediately to rehabilitate the development site to allow future rural purposes.

CARRY OUT & MAINTAIN DEVELOPMENT

3. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
4. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
5. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
6. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

7. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval:

Plan No: Figure 1-2
Description: Project Site Context, prepared by NGH and undated
Amendments: Nil

Plan No: JA11242-000-EE-DWG-001 Revision 4
Description: Concept Design Drawing BESS Layout, prepared by NGH and undated
Amendments: Nil

~~**Plan No:** 23087 Revision C
Description: Tangkam BESS Landscape Concept Plan, prepared by CUSP and dated 2/8/23
Amendments: Amended to include a notation that the conditions of this Development Approval only require the vegetation buffer east of the development site.~~

Plan No: Nil, Revision A – 30% Concept Design
Description: Tangkam BESS Landscaping Plan, prepared by ECI Design and dated 20 April 2026
Amendments: Nil

Plan No: Figure 4.6
Description: Swept Path of Oversize Vehicle At the Kearney Road / Brennan Road Intersection, excerpt from Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, and dated 25 August 2023
Amendments: Nil

Plan No: Figure 4.7
Description: Swept Path of Oversize Vehicle At the Kowitz Road / Site Access Intersection, excerpt from Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, and dated 25 August 2023
Amendments: Nil

APPROVED DOCUMENTS

8. The development must be carried out generally in accordance with the Approved Documents listed below, subject to the conditions of this Development Approval:

Document: ID MAC231878-01RP1 V5
Description: Noise Assessment, prepared by Muller Acoustic Consulting and dated 27/09/2023
Amendments: Nil

Document: Construction Protocol – Sunday Works
Description: Construction Protocol – Sunday Works for TANGKAM BESS, prepared by Acciona Mechanical & Electrical and received 27 April 2026
Amendments: Nil

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORK)

9. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 9.1 Roadwork;
 - 9.2 Bulk Earthwork (if required); and
 - 9.3 Stormwater Infrastructure.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

10. A legible copy of the Development Approval, including the Approved Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

COMMENCEMENT OF USE

11. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:
 - 11.1 Be submitted to the Manager, Planning within a minimum of ten (10) business days prior to commencement of the approved use;
 - 11.2 Nominate the day the approved use is intended to commence; and
 - 11.3 Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval from suitably qualified persons) which demonstrates that all conditions of this approval have been complied with.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

12. Plans and specifications for all works associated with car parking, vehicular access, roadwork, stormwater, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
13. A RPEQ must submit to Council a copy of the:
 - 13.1 Design Certificate prior to commencement of the works; and
 - 13.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
14. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
15. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

16. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
17. As part of a Development Application for a Development Permit for Operational Work submit to Council for approval, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
 - 17.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
 - 17.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the Queensland Urban Drainage Manual;

- 17.3 No increase in flood levels external to the subject land; and
- 17.4 No increase in duration of inundation external to the subject land that could cause loss or damage.

STORMWATER DISCHARGE

- 18. Stormwater is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundaries.
- 19. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
- 20. Stormwater must be dispersed as sheet flow.
- 21. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

BULK EARTHWORKS

- 22. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

AIR QUALITY IMPACT MITIGATION

- 23. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
- 24. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 24.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

- 25. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
- 26. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
- 27. Fires are not to be lit to dispose of demolition or construction waste.
- 28. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 28.1 Elsewhere within this Development Approval;

- 28.2 In accordance with an associated Development Permit for Operational Work;
 - 28.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 28.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 28.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
29. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

- 30. Building work (as per the definition of the Environmental Protection Act 1994) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays), **and Sunday provided compliance with the Approved Document Construction Protocol – Sunday Works**, unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.
- 31. Construction activities must occur in accordance with Section 7.1 of the Approved Noise Impact Assessment listed in this Development Approval.

EROSION & SEDIMENT CONTROL

- 32. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
- 33. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
- 34. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
- 35. All disturbed areas must be mulched or turfed as soon as possible during construction.
- 36. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

DAMAGE TO SERVICES & ASSETS

- 37. Protect Council and public utility services and assets during construction of the development.
- 38. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:

- 38.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 38.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
39. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
40. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.

SERVICES & UTILITIES

ON-SITE WASTEWATER TREATMENT & DISPOSAL

41. The development must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. It must be in accordance with the Approved Plans listed in this Development Approval and must be maintained for this purpose for the life of the approval.
42. The wastewater treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
43. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

WATER SUPPLY

44. The development must be provided with a rainwater tank of capacity at least 45,000 litres for potable and firefighting purposes.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS (EXTERNAL TO DEVELOPMENT)

45. Prior to ~~any site works and the~~ construction phase, existing roads (Kowitz Road, Kearney Road and Brennan Road) must be widened to facilitate the turn-movement of Over-size Over-mass (OSOM) vehicles generally in accordance with Approved Plans - Figures 4.6 and 4.7 listed in this Development Approval.

Advice Note: This condition permits site works, such as earthworks and its associated vehicles, prior to road widening.

46. After the completion of construction phase and prior to the commencement of the use, the widened road must be reinstated as follows:

Street: Kearney Road

Classification: Regional Arterial

Construction Standard: reinstatement of minimum 7.0m pavement width

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

47. The Kowitz Road/ Kearney Road intersection must be truncated by 6m with three chords of equal length for the south-west corner of the intersection.
48. The design and construction of road must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
 - 48.1 Table drain works.
49. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
50. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.
51. Verge widths, street reserve widths, intersection treatment, and provision of speed control devices must comply with Council's requirements in PSP No. 2.
52. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works.

PROVISION OF VEHICULAR ACCESS

53. The vehicle access from the subject land to Kowitz Road must be sealed to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed specifically as required below:
 - 53.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
 - 53.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
 - 53.3 Suitable safety measures, including warning signage, must be installed to improve driver awareness of pedestrians and enhance pedestrian safety;
 - 53.4 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%;
 - 53.5 The vehicle access (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
 - 53.6 The relocation of all existing services must be clear of the access that will serve the subject land;
 - 53.7 The relevant service authorities must be contacted and their requirements complied with; and
 - 53.8 The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of a B-double Service Vehicle.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

54. The premises must be provided with a total of two (2) on-site car parking spaces, together with standing and manoeuvring for a B-double service vehicle. Car parking and manoeuvring areas must be:
- 54.1 Provided with a compacted gravel surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*. Carparking spaces are to be clearly identified with the use of both line marking and pavement markers (marking dots);
 - 54.2 Designed and constructed in accordance with the requirements of AS2890;
 - 54.3 Accessible and available to ~~the general public and~~ staff during approved hours of operation;
 - 54.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 54.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 54.6 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - NOISE LIMITS

55. Noise from all activity associated with the use of the subject land must not exceed the levels specified in **Table 1** when measured at any receptor.

Table 1 - Noise Limits

Compliance period	Noise Limits $L_{Aeq,adj,T}$
Day (7am-6pm)	42
Evening (6pm-10pm)	42
Night (10pm-7am)	37

* = **Adjusted A-weighted equivalent continuous sound pressure level** - Using time-weighting 'Fast Response', the constant equivalent of the instantaneous levels of existing environment plus noise of activity under consideration that would result in the same total sound energy being produced during the time period T , where T is measured for a period no less than 15 minutes, when the activity is causing a steady state noise, and no less than 1 hour when the activity is causing an intermittent noise, unaffected by extraneous noise and adjusted for tonality and impulsiveness.

^=**Adjusted A-weighted sound pressure level** - Obtained by using time-weighting 'Fast Response' and arithmetically averaging the visual maximum levels of the noise of activity under investigation, considering tonality and impulsiveness during the time period T , where T is measured for a period no less than 15 minutes.

56. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures*.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

57. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.
58. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

59. Where a gravel below 16 millimetres in diameter is utilised for the surface of the gravel parking and loading area as shown on the Approved Plans:
- 59.1 Parking and loading areas must be first treated with a dust suppressant product (such as PetroTac) in accordance with the manufacturer's specifications; and
- 59.2 Records documenting maintenance inspections and dust suppressant application history details must be maintained and made available for inspection at any time upon request by Council.

OUTDOOR LIGHTING IMPACT MITIGATION

60. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
61. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
62. Certification must be submitted to Council from a suitably qualified person who certifies that all outdoor lighting devices comply with the requirements of this Development Approval.
63. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

STORMWATER QUALITY

64. Contaminants or contaminated water must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time except:
- 64.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
 - 64.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
 - 64.3 Contaminants released to the wastewater system under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

WASTE MANAGEMENT (GENERAL)

65. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

66. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 66.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
 - 66.2 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage location and service collection of all bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front; and
 - 66.3 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

67. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 67.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
 - 67.2 Collection by a refuse vehicle from within the site only, and not from the kerbside;
 - 67.3 General waste must be collected and removed at periods not exceeding seven days;
 - 67.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
 - 67.5 Waste removal must not occur outside the hours of 6:00 am to 6:00 pm; and
 - 67.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

STORAGE OF LIQUID CHEMICALS

68. All liquid chemicals (including flammable liquids, agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 - The*

storage and handling of flammable and combustible liquids and AS 2507 - The storage and Handling of Agricultural and Veterinary Chemicals.

LANDSCAPING

LANDSCAPING WORKS

69. The development must be landscaped in accordance with the Approved Plans listed in this Development Approval in a manner that:
- 69.1 Provides screen planting along the eastern boundary of the development as shown on the Approved Plans, capable of reaching 10 metres in height at maturity;
 - 69.2 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture; and
 - 69.3 Where planting areas are intended to serve a stormwater function, soils and plant species are suited to the purpose.
70. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.

GENERAL ADVICE

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

DEFENCE AVIATION AREA REGULATIONS AND DECLARATIONS, 2018

- 7) Should the premises, or any part of the premises, be located within a 15km buffer of the Oakey Army Aviation Base known as the Defence Aviation Area (DAA), a separate approval is required from the Department of Defence in accordance with Part 11A of the *Defence Regulations, 2016* before any building works or uses commence. Further information on DAA and links to the declaration and map for Army Aviation Centre, Oakey can be found at <http://www.defence.gov.au/id/AviationAreas.asp>.

EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

ENVIRONMENTAL HARM

- 9) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

WATER POLLUTION

- 10) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 11) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

- 12) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

SUITABLY QUALIFIED PERSON


- 13) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 5 years current experience in the field of landscape design.

REASONS FOR RECOMMENDATION

The change application has been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable, with exception to the proposed changes to Condition 55. It is therefore recommended that the development approval be changed as identified above.

DELEGATE'S DECISION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the request be Approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Sophie Spencer, Lead Senior Planner
Planning Branch

Decision Date: 24 June 2026

BACKGROUND

SITE DETAILS				
Site Address	83 Kowitz Road, AUBIGNY QLD 4401			
Real Property Description	Lot 4 SP112548, Emt A SP112548			
Site Area	75.39ha			
Owner	Maryanne P Goman			
SITE CHARACTERISTICS				
Current Land Use	Rural			
Site Frontage/s	Kowitz Road, Kearney Road and Oakey Pittsworth Road			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Kowitz Road	Local	20m	4m	Gravel
Kearney Road	Regional Arterial	20m	6m	Gravel
Oakey Pittsworth Road	Regional Arterial (State-controlled)	31m	8m	Sealed
Easements	Emt A SP112548, Emt C & D AP9138			
Existing Structures	Dwelling			
Infrastructure	High voltage electricity line and substation			
Topography	Falls to the north-east			
Street Trees	None to note			
Other Features	Nothing to Note			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i>			Adopted: 28 Nov 2022
Zone	Rural Zone			
Precinct	100ha min Precinct			
Overlays	Airport Environs Overlay - 13km Wildlife Hazard Buffer Zone - Obstacle Height Restriction Zone – 90m Environmental Significance Overlay - Areas of Ecological Significance - Areas of Ecological Significance Buffer Bushfire Hazard Overlay - Medium Fire Risk Flood Hazard Overlay - Balanced Mixed Agricultural Land Overlay			
Infrastructure Charges Resolution	<i>Charges Resolution No. 7</i>			Adopted: 19 Aug 2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Rural land	Rural Zone (100ha minimum Precinct)		
East	Electricity substation, Rural land	Community facilities Zone (Government Precinct), Rural Zone (100ha minimum Precinct)		
South	Rural land	Rural Zone (100ha minimum Precinct)		
West	Rural land	Rural Zone (100ha minimum Precinct)		

Other Features	Nothing to note		
APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
MCUI/2023/3647	Undefined Use - Battery Energy Storage System	4 January 2024	Approved
Other	No further relevant details.		

APPROVED DEVELOPMENT			
Type of Approval	Development Permit		
Approved Development	Undefined Use		
Variations Sought	Not applicable		
Level of Assessment	Impact		
Gross Floor Area	Approximately 262m ²		
Car Parking Spaces	Two (2) and 50 car parks during construction phase		
Service Vehicle Provision	B-double		
Submissions Received	Objection:	None	
	Support:	One (1)	
Decision Notice Issued	8 January 2024		

CHANGE APPLICATION			
Applicant Name	Acciona M&E Pty Ltd		
Type of Application	Change Application		
Type of Change	Minor Change		
Public Notification	Not required for a Minor Change.		
Application Received	27 April 2026		

CONSULTATION UNDERTAKEN

Internal Referrals

Internal Referral Partner	Referral / Response
Development Infrastructure and Growth	Reviewed and recommended requested changes be Approved.
Infrastructure Charges Unit	Reviewed and will provide an amended Infrastructure Charges Notice.

Affected Entities

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
State Assessment and Referral Agency	Concurrence	State-controlled road	Replied stating SARA is not an affected entity for this application dated 28 May 2026.
Powerlink	Advice	Electricity infrastructure	Response dated 1 June 2026

Public Notification

Public notification was carried out for the original application. During the notification period, 1 submission was accepted by the assessment manager and considered during the assessment of the application. These submissions have been considered to the extent relevant to the proposed changes as per the assessment within this report.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Assessment Framework

Section 81 of the *Planning Act 2016* establishes the following parameters in relation to the assessment of change applications for minor changes:

- (2) *In assessing the change application, the responsible entity must consider—*
 - (a) *the information the applicant included with the application; and*
 - (b) *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
 - (c) *any pre-request response notice or response notice given in relation to the change application; and*
 - (d) *if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
 - (da) *if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
 - (e) *another matter that the responsible entity considers relevant.*
- (3) *Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—*
 - (a) *a statutory instrument; or*
 - (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
- (4) *The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.*
- (5) *However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—*
 - (a) *the statutory instrument or other document as in effect when the change application was made; or*
 - (b) *if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or*
 - (c) *another statutory instrument—*
 - (i) *that comes into effect after the change application is made but before it is decided; and*
 - (ii) *that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.*

Assessment of Proposed Changes – Change to Conditions of the Development Approval

Changes to the conditions of approval have been proposed by the applicant. The following table identifies the relevant condition of approval, the applicant's proposed changes, any relevant representations made by the applicant, the officer's assessment of the proposed amendments and any recommend amendments to the condition.

Assessment of Proposed Changes – Change to Conditions of the Development Approval

No.	Original Condition	Proposed Amended Condition	Relevant Representation	Officer's Assessment	Condition to be Recommended
7.	<p>The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval:</p> <p>Plan No: Figure 1-2 Description: Project Site Context, prepared by NGH and undated Amendments: Nil</p> <p>Plan No: JA11242-000-EE-DWG-001 Revision 4 Description: Concept Design Drawing BESS Layout, prepared by NGH and undated Amendments: Nil</p> <p>Plan No: 23087 Revision C Description: Tangkam BESS Landscape Concept Plan, prepared by CUSP and dated 2/8/23 Amendments: Amended to include a notation that the conditions of this Development Approval only require the vegetation buffer east of the development site.</p> <p>Plan No: Figure 4.6 Description: Swept Path of Oversize Vehicle At the Kearney Road / Brennan Road Intersection, excerpt from Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, and dated 25 August 2023 Amendments: Nil</p> <p>Plan No: Figure 4.7 Description: Swept Path of Oversize Vehicle At the Kowitz Road / Site Access Intersection, excerpt from Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, and dated 25 August 2023 Amendments: Nil</p>	<p>(..) Plan No: 23087 Revision C Amended Plan Tangkam BESS ECI Design (...)</p>	<p>"Amendment to the approved Landscape Concept Plan to remove landscaping and fencing requirements on all boundaries, except for the eastern boundary, consistent with Council's annotation."</p>	<p>The proposed change involves the removal of landscaping on the northern, southern, and western boundaries of the approved Battery Energy Storage System (BESS). This aligns with the listed amendments that only requires "the vegetation buffer to be provided to the east of the development site". As such, this change to amend the approved Landscape Concept Plan is not considered to have any further amenity or aesthetics impacts to what was originally approved.</p> <p>Additionally, the Infrastructure Charges Officer asked for clarification regarding the change in description of the eastern building that is now labelled as warehouse. An amended Infrastructure Charges Notice will be issued to update the proposed GFA.</p>	<p>The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval:</p> <p>Plan No: Figure 1-2 Description: Project Site Context, prepared by NGH and undated Amendments: Nil</p> <p>Plan No: JA11242-000-EE-DWG-001 Revision 4 Description: Concept Design Drawing BESS Layout, prepared by NGH and undated Amendments: Nil</p> <p>Plan No: 23087 Revision C Description: Tangkam BESS Landscape Concept Plan, prepared by CUSP and dated 2/8/23 Amendments: Amended to include a notation that the conditions of this Development Approval only require the vegetation buffer east of the development site.</p> <p>Plan No: Nil, Revision A – 30% Concept Design Description: Tangkam BESS Landscaping Plan, prepared by ECI Design and dated 20 April 2026 Amendments: Nil</p> <p>Plan No: Figure 4.6 Description: Swept Path of Oversize Vehicle At the Kearney Road / Brennan Road Intersection, excerpt from Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, and dated 25 August 2023 Amendments: Nil</p> <p>Plan No: Figure 4.7 Description: Swept Path of Oversize Vehicle At the Kowitz Road / Site Access Intersection, excerpt from Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, and dated 25 August 2023 Amendments: Nil</p>
8.	<p>The development must be carried out generally in accordance with the Approved Documents listed below, subject to the conditions of this Development Approval:</p> <p>Document: ID MAC231878-01RP1 V5 Description: Noise Assessment, prepared by Muller Acoustic Consulting and dated 27/09/2023 Amendments: Nil</p>	<p>Nil</p>	<p>Nil</p>	<p>As a part of this minor change application, the applicant has provided a Construction Protocol for Sunday Works. This was assessed by Council's Environmental Officer and has determined that the changes in construction hours will not adversely increase noise nuisance, as there is sufficient distance from sensitive receptors. The applicant refers to this document as an approved document within the proposed changes to Condition 30 below. With support from Council's Environmental Officer, this Construction Protocol for Sunday Works is recommended to be an approved document.</p>	<p>The development must be carried out generally in accordance with the Approved Documents listed below, subject to the conditions of this Development Approval:</p> <p>Document: ID MAC231878-01RP1 V5 Description: Noise Assessment, prepared by Muller Acoustic Consulting and dated 27/09/2023 Amendments: Nil</p> <p>Document: Construction Protocol – Sunday Works Description: Construction Protocol – Sunday Works for TANGKAM BESS, prepared by Acciona Mechanical & Electrical and received 27 April 2026 Amendments: Nil</p>

30.	Building work (as per the definition of the <i>Environmental Protection Act 1994</i>) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.	Building work (as per the definition of the Environmental Protection Act 1994) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays), and Sunday provided compliance with the approved construction protocol for Sunday works , unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.	Amendment to allow limited Sunday construction works, supported by a construction noise protocol available in Appendix C demonstrating reduced impact through the type of machinery and activities proposed. No change is sought to the approved operational noise limits. This change will allow alignment with the project's established 10-days-on, 4-days-off (10:4) construction roster.	Refer to Officer Assessment for Condition 8 above.	Building work (as per the definition of the Environmental Protection Act 1994) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays), and Sunday provided compliance with the Approved Document Construction Protocol – Sunday Works , unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.
45.	Prior to any site works and construction phase, existing roads (Kowitz Road, Kearney Road and Brennan Road) must be widened to facilitate the turn-movement of Over-size Over-mass (OSOM) vehicles generally in accordance with Approved Plans - Figures 4.6 and 4.7 listed in this Development Approval.	Prior to any site works and construction phase to OSOM deliveries , existing roads (Kowitz Road, Kearney Road and Brennan Road) must be widened to facilitate the turn-movement of Over-size Over-mass (OSOM) vehicles generally in accordance with Approved Plans - Figures 4.6 and 4.7 listed in this Development Approval.	This Change will allow bulk earthworks internal to the site to commence in May/June 2026, with OSOM deliveries scheduled for January 2027. The intent of the original condition is maintained, as all required external road upgrades will be completed prior to any OSOM vehicle movements occurring. The proposed amendment does not increase traffic impacts, does not alter the approved development footprint or intensity, and does not result in any new or additional impacts on the surrounding road network.	The approved development conditions requires that the local roads be widened prior to any site works to allow for sufficient manoeuvrability for the expected service vehicles for the construction of the BESS. However, the developer intends to do some bulk earthworks, prior to the construction phase which does involve some Over-size Over-mass (OSOM) vehicles. The applicant provided swept path plans that show that the OSOM vehicles related to the earthwork are smaller in size and can be managed on the existing road network. As such, it is proposed this condition removes the wording of 'any site works' to ensure the road widening occurs prior to construction of the BESS, but allows earthworks and the associated vehicles to occur onsite. This proposal has been assessed by Council's Lead Senior Engineer and has recommended approval of this change to condition. The proposed change is not considered to comprise or increase impacts on the construction or the development.	Prior to any site works and the construction phase, existing roads (Kowitz Road, Kearney Road and Brennan Road) must be widened to facilitate the turn-movement of Over-size Over-mass (OSOM) vehicles generally in accordance with Approved Plans - Figures 4.6 and 4.7 listed in this Development Approval. Advice Note: This condition permits site works, such as earthworks and its associated vehicles, prior to road widening.
54.	The premises must be provided with a total of two (2) on-site car parking spaces, together with standing and manoeuvring for a B-double service vehicle. Car parking and manoeuvring areas must be:	(...) 53.3 Accessible and available to the general public and	As this is a restricted/high voltage site within private land, the site	The applicant proposes to remove the requirement for the parking to be accessible and available to the general public. This is because the	The premises must be provided with a total of two (2) on-site car parking spaces, together with standing and manoeuvring for a B-double service vehicle. Car parking and manoeuvring areas must be:

	<p>54.1 Provided with a compacted gravel surface and be line marked or otherwise delineated to the minimum dimensions detailed in the <i>Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities</i>. Carparking spaces are to be clearly identified with the use of both line marking and pavement markers (marking dots);</p> <p>54.2 Designed and constructed in accordance with the requirements of AS2890;</p> <p>54.3 Accessible and available to the general public and staff during approved hours of operation;</p> <p>54.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;</p> <p>54.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and</p> <p>54.6 Designed to enable all vehicles to enter and leave the subject land in a forward gear.</p>	<p>staff during approved hours of operation;</p>	<p>will be fenced and not be accessible to the general public. No deliveries during the operational stage are expected.</p>	<p>approved BESS is a restricted site that the general public should not enter due to safety reasons. As such it is recommend "the general public" be removed from the sub condition 54.3.</p>	<p>54.1 Provided with a compacted gravel surface and be line marked or otherwise delineated to the minimum dimensions detailed in the <i>Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities</i>. Carparking spaces are to be clearly identified with the use of both line marking and pavement markers (marking dots);</p> <p>54.2 Designed and constructed in accordance with the requirements of AS2890;</p> <p>54.3 Accessible and available to the general public and staff during approved hours of operation;</p> <p>54.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;</p> <p>54.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and</p> <p>54.6 Designed to enable all vehicles to enter and leave the subject land in a forward gear.</p>																						
<p>55</p>	<p>Noise from all activity associated with the use of the subject land must not exceed the levels specified in Table 1 when measured at any receptor.</p> <p style="text-align: center;">Table 1 - Noise Limits</p> <table border="1" data-bbox="415 1050 756 1438"> <thead> <tr> <th>Compliance period</th> <th>Noise Limits L_{Aeq adj,T}</th> </tr> </thead> <tbody> <tr> <td>Day (7am-6pm)</td> <td>42</td> </tr> <tr> <td>Evening (6pm-10pm)</td> <td>42</td> </tr> <tr> <td>Night (10pm-7am)</td> <td>37</td> </tr> </tbody> </table> <p>* = Adjusted A-weighted equivalent continuous sound pressure level - Using time-weighting 'Fast Response', the constant equivalent of the instantaneous levels of existing environment plus noise of activity under consideration that would result in the same total sound energy being</p>	Compliance period	Noise Limits L _{Aeq adj,T}	Day (7am-6pm)	42	Evening (6pm-10pm)	42	Night (10pm-7am)	37	<p>Noise from all activity associated with the use of the subject land must not exceed the levels specified in Table 1 when measured at any receptor.</p> <p style="text-align: center;">Table 1 - Noise Limits</p> <table border="1" data-bbox="1023 1249 1187 1911"> <thead> <tr> <th>Compliance period</th> <th>Noise Limits L_{Aeq adj,T}</th> </tr> </thead> <tbody> <tr> <td>Day (7am-6pm) (6.30 am-6.30 pm)</td> <td>42</td> </tr> <tr> <td>Evening (6pm-6.30 am)</td> <td>42</td> </tr> </tbody> </table>	Compliance period	Noise Limits L _{Aeq adj,T}	Day (7am-6pm) (6.30 am-6.30 pm)	42	Evening (6pm-6.30 am)	42	<p>This change is requested to reflect the hours of operations condition 30. This will allow consistency between the conditions.</p>	<p>The applicant proposes to change the listed hours to match the hours listed in the Condition 30.</p> <p>However, Condition 30 relates to the construction (Building Works) hours, while this condition relates to the operational hours of the BESS.</p> <p>Council's Environmental Officer has reviewed this change, has recommended to refuse this change, so that the noise limits for the operational the BESS aligns with the Day, Evening and Night hours referred to in Council's Noise level documentation in Environmental Standards Code.</p>	<p>Noise from all activity associated with the use of the subject land must not exceed the levels specified in Table 1 when measured at any receptor.</p> <p style="text-align: center;">Table 1 - Noise Limits</p> <table border="1" data-bbox="2181 1018 2567 1386"> <thead> <tr> <th>Compliance period</th> <th>Noise Limits L_{Aeq adj,T}</th> </tr> </thead> <tbody> <tr> <td>Day (7am-6pm)</td> <td>42</td> </tr> <tr> <td>Evening (6pm-10pm)</td> <td>42</td> </tr> <tr> <td>Night (10pm-7am)</td> <td>37</td> </tr> </tbody> </table> <p>* = Adjusted A-weighted equivalent continuous sound pressure level - Using time-weighting 'Fast Response', the constant equivalent of the instantaneous levels of existing environment plus noise of activity under consideration that would result in the same total sound energy being produced during the time period <i>T</i>, where <i>T</i> is measured for a period no less than 15 minutes, when the activity is causing a steady state noise, and no less than 1 hour when the activity is causing an intermittent noise, unaffected by extraneous noise</p>	Compliance period	Noise Limits L _{Aeq adj,T}	Day (7am-6pm)	42	Evening (6pm-10pm)	42	Night (10pm-7am)	37
Compliance period	Noise Limits L _{Aeq adj,T}																										
Day (7am-6pm)	42																										
Evening (6pm-10pm)	42																										
Night (10pm-7am)	37																										
Compliance period	Noise Limits L _{Aeq adj,T}																										
Day (7am-6pm) (6.30 am-6.30 pm)	42																										
Evening (6pm-6.30 am)	42																										
Compliance period	Noise Limits L _{Aeq adj,T}																										
Day (7am-6pm)	42																										
Evening (6pm-10pm)	42																										
Night (10pm-7am)	37																										

	<p>produced during the time period <i>T</i>, where <i>T</i> is measured for a period no less than 15 minutes, when the activity is causing a steady state noise, and no less than 1 hour when the activity is causing an intermittent noise, unaffected by extraneous noise and adjusted for tonality and impulsiveness.</p> <p>^=Adjusted A-weighted sound pressure level - Obtained by using time-weighting 'Fast Response' and arithmetically averaging the visual maximum levels of the noise of activity under investigation, considering tonality and impulsiveness during the time period <i>T</i>, where <i>T</i> is measured for a period no less than 15 minutes.</p>	<table border="1"> <tr> <td data-bbox="1020 174 1101 254">10p m)</td> <td data-bbox="1101 174 1187 254"></td> </tr> <tr> <td data-bbox="1020 254 1101 501">Nigh t (10p m- 7am - 6.30 am)</td> <td data-bbox="1101 254 1187 501">37</td> </tr> </table>	10p m)		Nigh t (10p m- 7am - 6.30 am)	37			<p>and adjusted for tonality and impulsiveness.</p> <p>^=Adjusted A-weighted sound pressure level - Obtained by using time-weighting 'Fast Response' and arithmetically averaging the visual maximum levels of the noise of activity under investigation, considering tonality and impulsiveness during the time period <i>T</i>, where <i>T</i> is measured for a period no less than 15 minutes.</p>
10p m)									
Nigh t (10p m- 7am - 6.30 am)	37								

FINANCIAL / RESOURCE IMPLICATIONS

A revised infrastructure charges notice will be issued for the development in conjunction with a decision regarding the change application.

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following sections of the *Human Rights Act 2019*:

Section 24 – Property rights
Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The change application has been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable, with the exception to the proposed changes to Condition 55. It is therefore recommended that the development approval be changed as identified above.

ATTACHMENT/S

Attachment	1	of	4	Aerial Image
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay Maps
Attachment	4	of	4	Proposed Development

SCHEDULES

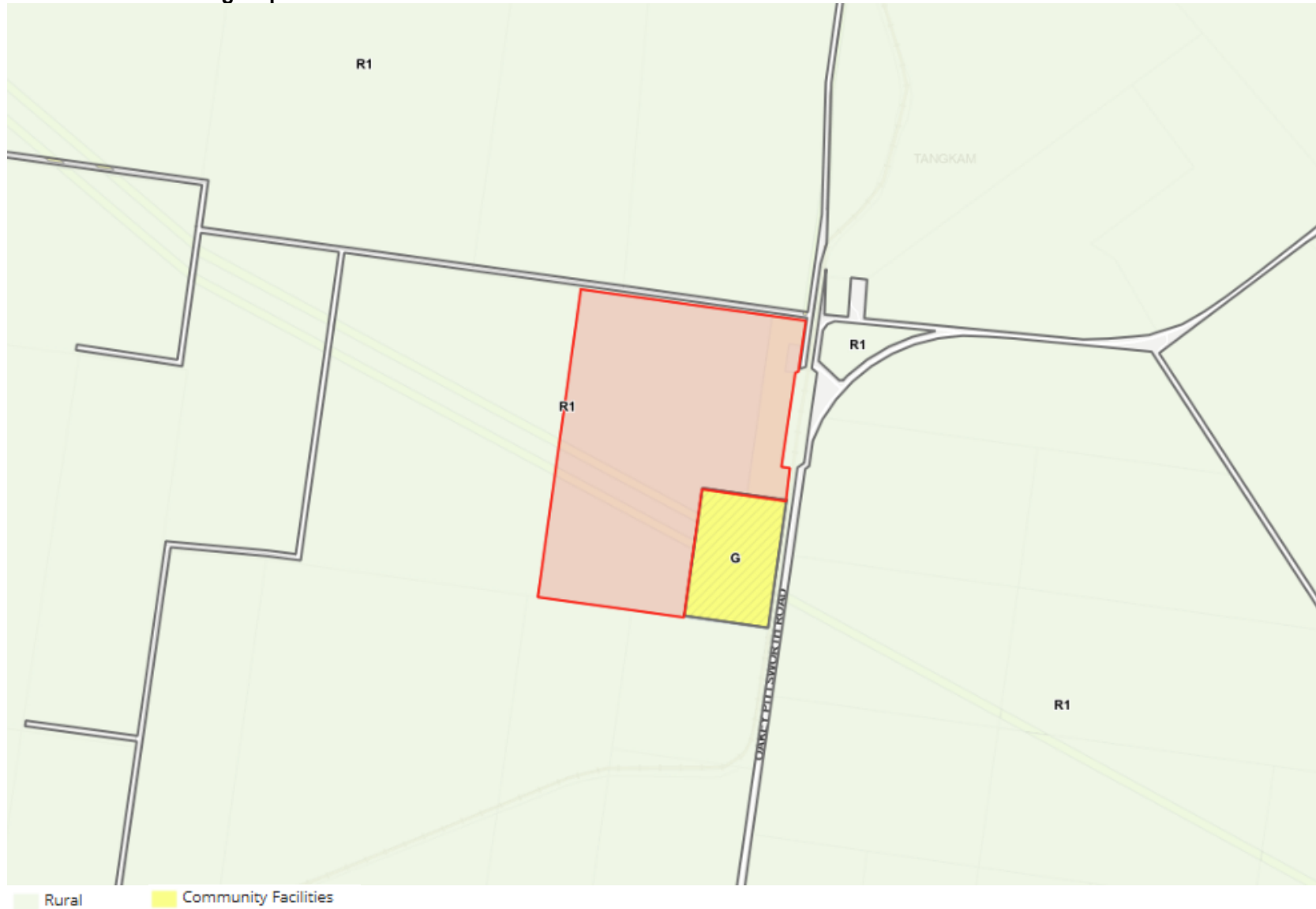
Schedule	1	Affected Entity Response
----------	---	--------------------------

ATTACHMENTS

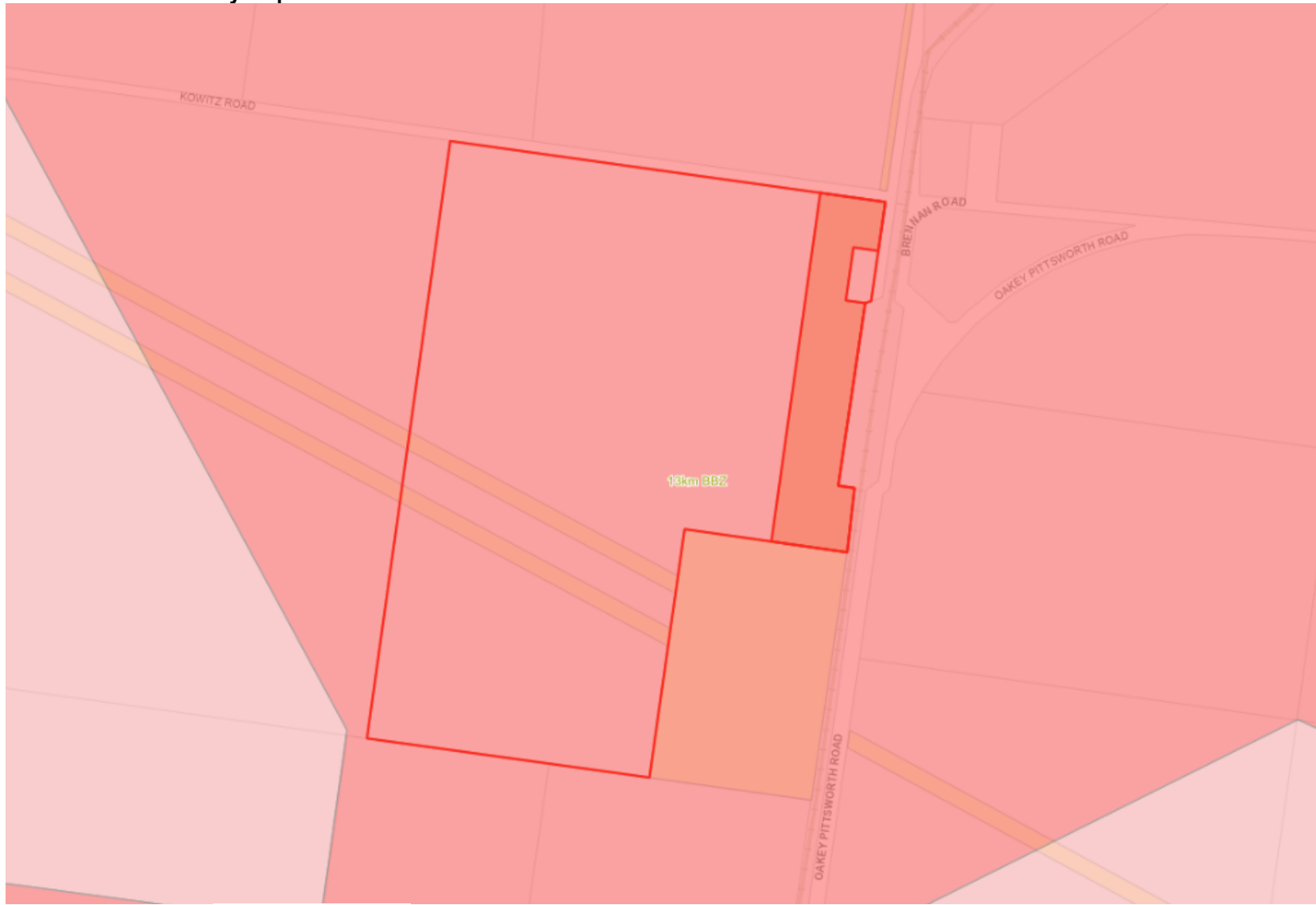
Attachment 1 – Aerial Image



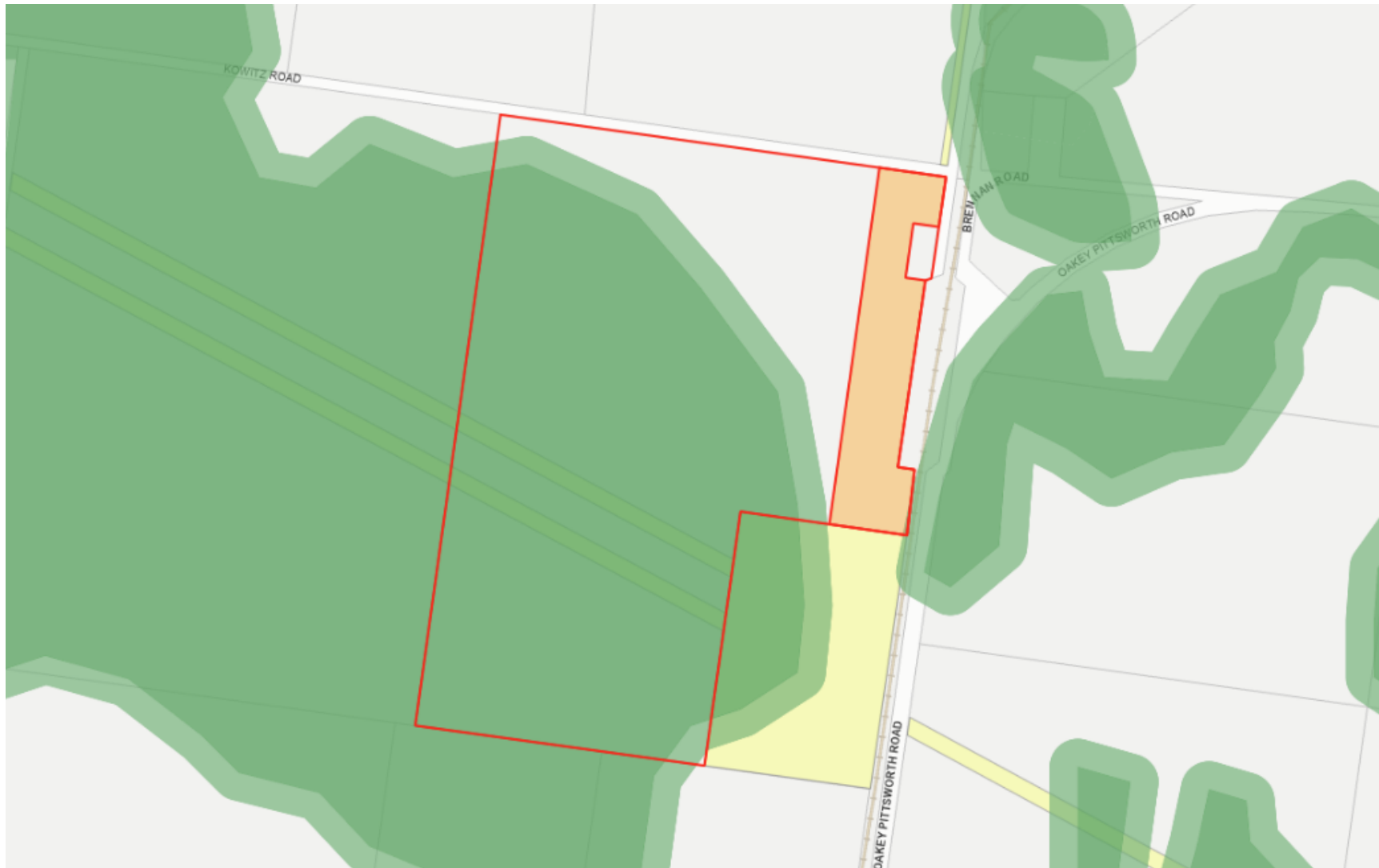
Attachment 2 – Zoning Map



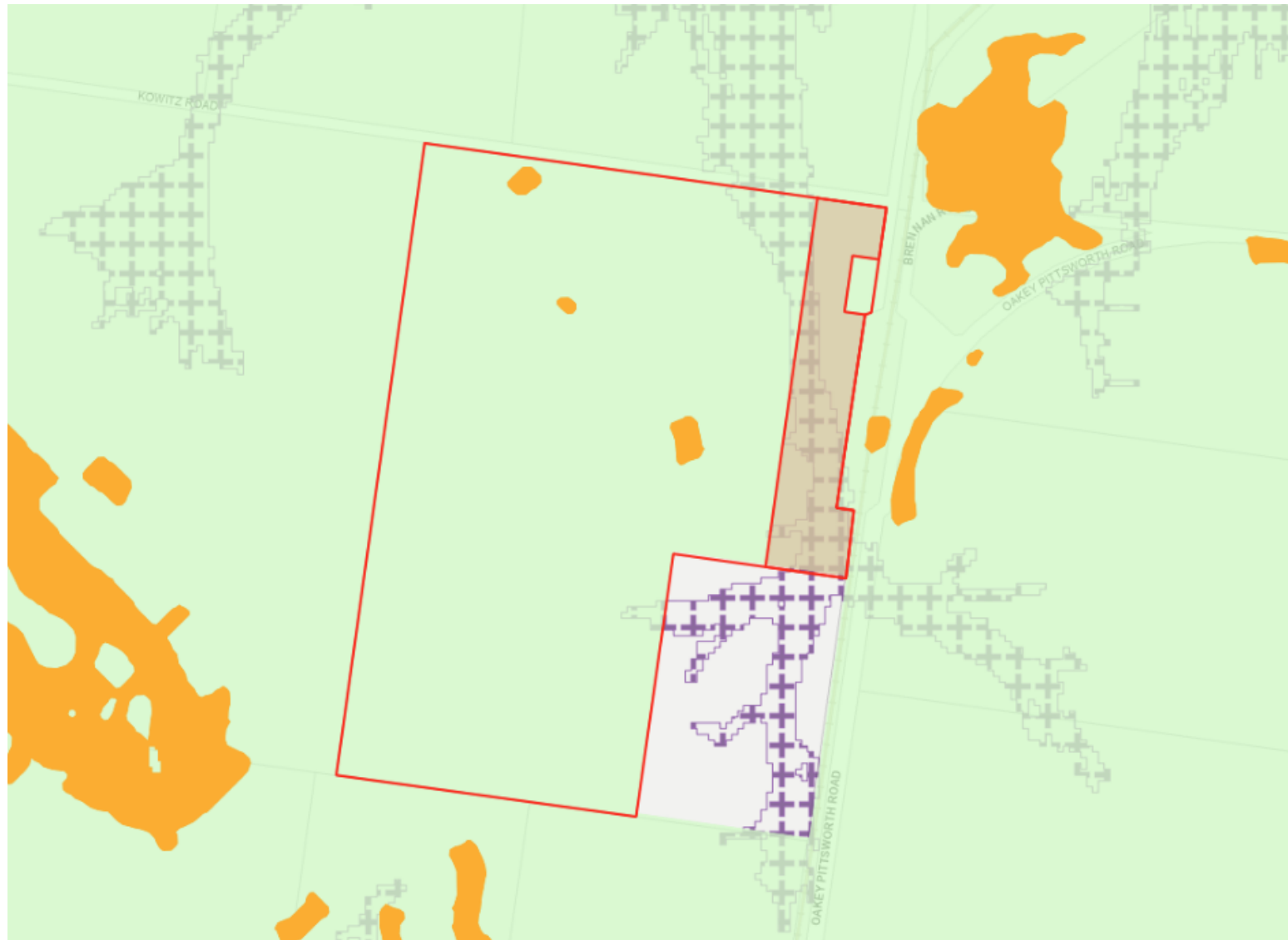
Attachment 3 – Overlay Maps



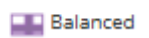
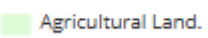
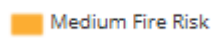
■ All Structures > 90 m ■ All Structures > 45 m



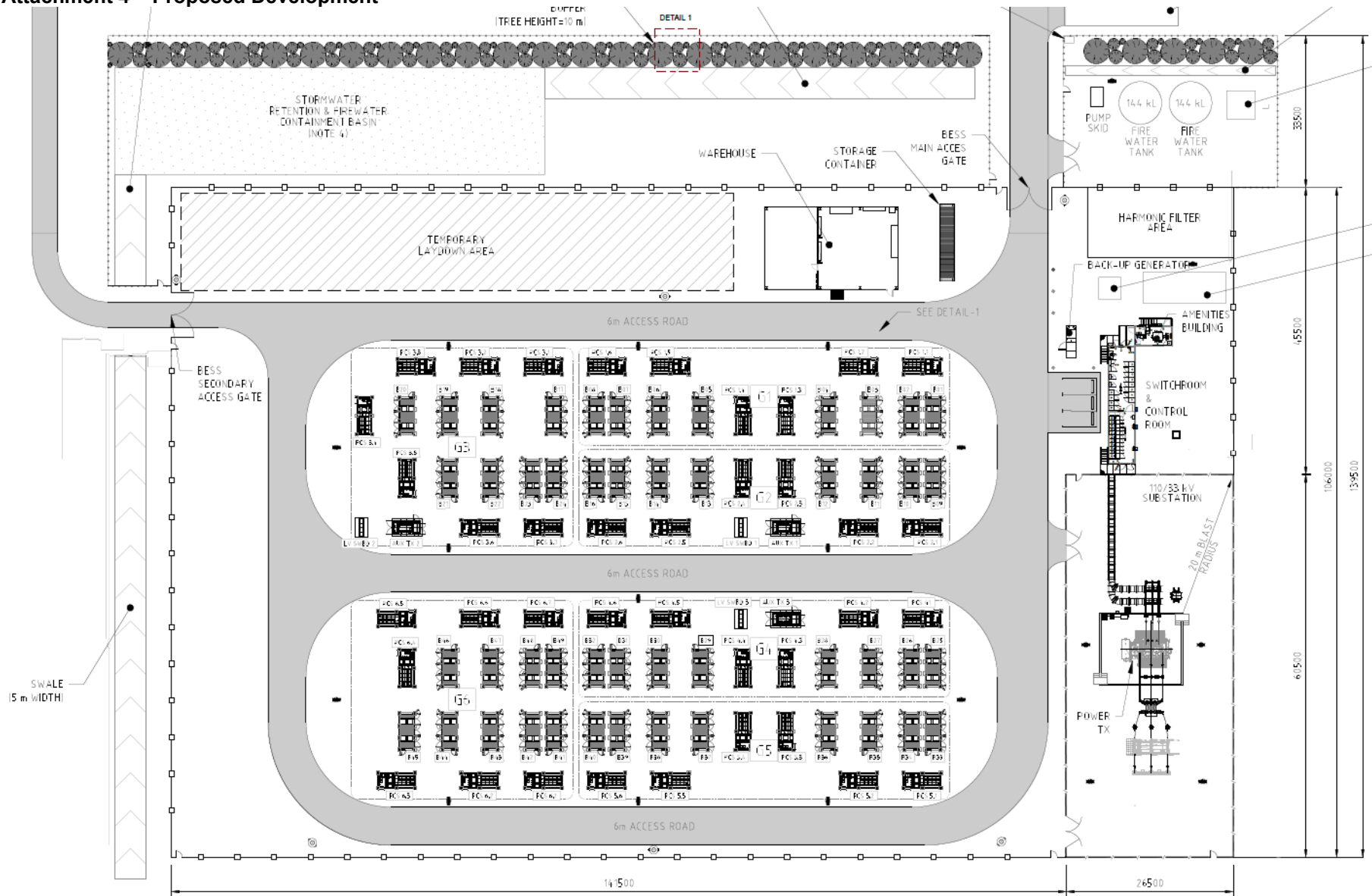
- Areas of Ecological Significance.
- Areas of Ecological Significance Buffer
- Easements



Flood Hazard

 Balanced  Agricultural Land.  Medium Fire Risk

Attachment 4 – Proposed Development



SCHEDULE 1

Affected Entity Response



Our Ref: DA5426.1
MSLink/s: 8398
Council Ref: MCUI/2023/3647, 2309-36726 SRA

1 June 2026

Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

ACCIONA M&E Pty Ltd
C/ NGH Consulting/Fyfe
T3, Level 7, 348 Edward Street
BRISBANE QLD 4000

Attention: Alanna Walker
Via Email: development@tr.qld.gov.au

Attention: Julie Giguere
Via Email: Julie.giguere@fyfe.com.au

Dear Alanna & Julie,

Minor Change Application – Affected Entity Response

(Given under section 80(4)(a) of the *Planning Act 2016*)

Transmission Infrastructure Impacted	
Transmission Corridor	Oakey PS Tangkam (110kV) Transmission Line Corridor & Middle Ridge Dalby Southern Line
Easement ID	Easement A on SP112548 – Dealing No. 702742138, Easement C & D on AP9138 – Dealing No. 602044581
Location Details	
Street address	83 Kowitz Road Aubigny
Real property description	Lot 4 on SP112548
Local government area	Toowoomba Regional Council
Existing Approval Details	
Approved Development	Material Change of Use – Impact – Undefined Use
Approval Type	Development Permit
Proposed Minor Change Application Details	
Details of change/s sought	Minor change to conditions 7,30, 45, 54.3, 55.

We refer to the above minor change application which has been referred to Powerlink Queensland as an affected entity in accordance with section 80(1) of the *Planning Act 2016*.

PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

Table 1: Plans and Reports upon which the assessment is based

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Tangkam Substation BESS Figure 1-2 Project Site Context	NGH	-	-	-
Tangkam BESS ECI Design BESS Landscaping Plan	Beyond Electrical Engineering	20/04/2026	-	A

We have reviewed the changes to the development application outlined in the change application and advise that we have **no objection** to the change application. Powerlink Queensland supports the minor change application subject to the conditions provided in Powerlink response DA5426 to the application 06 October 2023 being imposed by the Assessment Manager.

Powerlink Queensland **supports** the minor change application subject to the following conditions being imposed by the responsible entity:

No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1 .	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	The statutory clearances set out in the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved, and electrical safety requirements are met.
3	Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.	At all times.	To ensure that the existing rights contained in the registered easement dealings are maintained.
4	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A" and "B".	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved, and electrical safety requirements are met. To ensure the integrity of the easement is maintained.

Advice to Council and the Applicant

1. Should any doubt exist in maintaining the prescribed clearance to electrical infrastructure the applicant is obliged under the *Electrical Safety Act 2002* to seek advice from Powerlink.
2. This response does not constitute an approval to commence any works within the easement. Prior written approval is required from Powerlink Queensland before any work is undertaken within the easement areas. All works on easement (including but not limited to earthworks, drainage and detention basins; road construction; underground and overhead service installation) require detailed submissions, assessments and consent (or otherwise) by Powerlink. If referral of a formal Development Application – Operational Works is not applicable, please complete a Co-Use Form, available at <https://www.powerlink.com.au/co-use-form>, to lodge your submission.
3. In order for Powerlink to maintain and operate a safe and reliable supply of electricity, we require unrestricted 24-hour access to our corridors and infrastructure.

We will require practical access (typically by 4WD vehicle – but to standard no less than existing) to the Powerlink structures.

If it is envisaged that there will be any interference or alteration to our current access arrangements prior, during or after the completion of your works, we require that the applicant contacts our Easement Maintenance Service Provider (Works Control Manager Easements – Mr Ehren Wittmer – Ph: 0418 233 916) to formalise unrestricted 24-hour access arrangements.

4. Compliance with the *Electrical Safety Act 2002* including any Code of Practice under the Act and the *Electrical Safety Regulation 2013* including any safety exclusion zones defined in the Regulation.

In respect of this application, the exclusion zone for untrained persons and for operating plant operated by untrained persons is **three (3) metres** from the **110,000-volt** wires and exposed electrical parts.

If works have the potential to come within the prescribed clearance to the conductors and electrical infrastructure, then the applicant must seek advice from Powerlink by completing the attached Application for Safety Advice – Form and submitting to property@powerlink.com.au

Any further works should be in accordance with Powerlink Queensland's general conditions and guidelines when considering works either on a Powerlink Queensland easement or in the vicinity of Powerlink Queensland assets.

For further information please contact the Property Management Team on (07) 3898 4090 or via email property@powerlink.com.au who will be pleased to assist.

Yours sincerely,



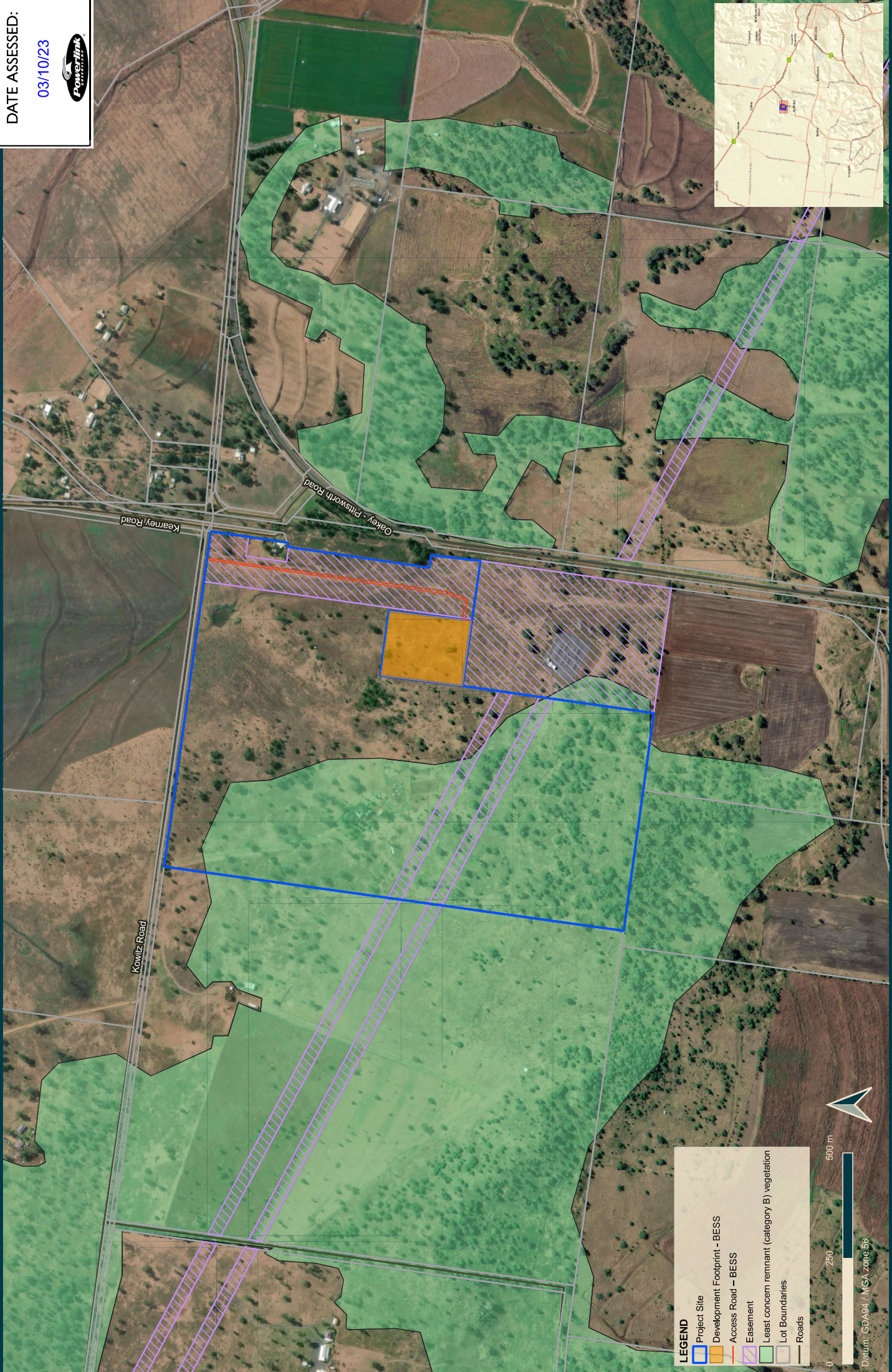
for:

Laura Donaldson

Property Management Team Leader

ATTACHMENT 2 – ASSESSED PLANS

DATE ASSESSED:
03/10/23



LEGEND

- Project Site
- Development Footprint - BESS
- Access Road - BESS
- Easement
- Least concern remnant (category B) vegetation
- Lot Boundaries
- Roads



Datum: GDA94 / MGA zone 56



Tangkam Substation BESS
Figure 1-2 Project Site Context

ANNEXURE A – GENERIC REQUIREMENTS

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the “Easement”. Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. POWERLINK INFRASTRUCTURE

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. STRUCTURES

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. EXCLUSION ZONES

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as “electrically live” and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the *Electrical Safety Regulation 2013* which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. ACCESS AND EGRESS

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. APPROVALS (ADDITIONAL)

Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. MACHINERY

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

7. EASEMENTS

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

8. EXPENDITURE AND COST RECOVERY

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.

11. GROUND LEVEL VARIATIONS**Overhead Conductors**

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

13. INDEMNITY

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorised use. If other parties make damage claims against Powerlink as a result of unauthorised use then Powerlink reserves the right to recover those damages from the applicant.

14. INTERFERENCE

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the *Electrical Safety Act 2002* and the *Electrical Safety Regulation 2013*.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "*prudent avoidance*" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website: www.arpansa.gov.au Information on EMF is also available on the ENA's website: www.ena.asn.au

ATTACHMENT 4

ANNEXURE B

SPECIFIC CONDITIONS APPLICABLE TO CONTROLLED ACTIVITIES (OVERHEAD AND UNDERGROUND TRANSMISSION EASEMENTS)

B.10 MINING, UNDERMINING, QUARRYING ACTIVITIES, EARTHWORKS, SUBSTANTIAL EXCAVATIONS, DAM CONSTRUCTION OR CHANGE OF GROUND CONTOURS

All applications are to be subject to individual detailed assessment including:

- The required statutory ground clearances are maintained at all times.
- The subsoil stability and surface drainage in the vicinity of structures not being adversely affected.
- Excessive quantities of dust are not generated.
- An easily accessible working area of a minimum of 20 metres from any face of a tower, is maintained at all times.
- There is no resulting interference with access eg. dam water levels.

B.17 DUST

- Excessive quantities of dust shall not be generated.
- In the event where the generation of dust is likely, appropriate mitigation controls such as the use of a water truck should be considered.

B.18 CULTURAL HERITAGE

- In the event of a Cultural Heritage survey being carried out, Powerlink requires that information relating to the discovery of Cultural heritage material during survey or construction and any subsequent action taken or recommended to taken, be disclosed to Powerlink.

B.19 DECLARED PESTS

- All vehicles and equipment shall be free of declared pests, weed seed, and mud before entry to, and egress from, Powerlink transmission corridors and sites.