
LATE ITEMS BUSINESS PAPER

General Meeting

Wednesday 25 September 2019

Roma Administration Centre

NOTICE OF MEETING

Date: 25 September 2019

Mayor:

Councillor T D Golder

Deputy Mayor:

Councillor J L Chambers

Councillors:

Councillor N H Chandler

Councillor P J Flynn

Councillor G B McMullen

Councillor W M Newman

Councillor C J O'Neil

Councillor D J Schefe

Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Rob Hayward (Deputy Chief Executive Officer/Director
Development, Facilities & Environmental Services)

Ms Sharon Frank (Director Corporate, Community & Commercial
Services)

Please find attached agenda for the **General Meeting** to be held at the Roma Administration Centre on
September 25, 2019 at 9.00AM.



Julie Reitano
Chief Executive Officer

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PLANNING & BUILDING DEVELOPMENT REPORT

Meeting: General 25 September 2019

Date: 17 June 2019

Item Number: L.1

File Number: D19/50993

SUBJECT HEADING:

Development Permit for a Material Change of Use - "Extractive industry" and "Environmentally Relevant Activity" Development Permit for Operational Works – "Vegetation Clearing" (Ref: 2018/19837)

Classification:

Open Access

Officer's Title:

Lead Town Planner

Executive Summary: Corbet Quarries and Concrete Pty Ltd C/- Groundwork Plus is seeking a development approval for a Material Change of Use for an "Extractive industry" and an "Environmentally Relevant Activity" (ERA) and Operational Work for "Vegetation Clearing" over Lot 30, 32 and 33 on DUB:5359 and Lot 2 on RP:154619 (the *subject premises*). The subject premises is located approximately 6 kilometres west of the township of Amby on the Warrego Highway.

The development application is subject to impact assessment and must be assessed against the assessment benchmarks (to the extent relevant) provided by Section 45 of the *Planning Act 2016* and any matters prescribed by regulation. The *Development Assessment Rules* set out the procedural requirements for the development assessment process.

Public notification about the application was carried out in accordance with Part 4 of the *Development Assessment Rules* and for a period of no less than 15 business days between 12 April, 2019 and 10 May, 2019 (the "stated" last day of public notification fell on a public holiday, and therefore the last day of the public notification period was taken to be the next following business day, being the 13 May 2019). There was one properly made submission objecting to the development received during this period.

The procedural requirements set out by the *Development Assessment Rules* to enable Council to make a decision on this application have been fulfilled, including a response by the applicant to information requests issued by Council and the State Assessment and Referral Agency (SARA), public notification about the application and receipt of a referral agency response.

The development application is generally consistent with the assessment benchmarks provided by the *Planning Act 2016*. As part of the assessment of the application Council officers have also identified a number of relevant matters that support the approval of the application. These include the existing lawful use of Lot 30, 32 and 33 on DUB: 5359 (Extractive industry) and the previous use of Lot 2 on RP: 154619 (Extractive industry).

Officer's Recommendation: The application for a Material Change of Use "Extractive industry" (expansion of an existing "Extractive industry") and an "Environmentally Relevant Activity" (ERA) and Operational Work for "Vegetation Clearing" on Lot 30, 32 and 33 on DUB:5359 and Lot 2 on RP:154619 be approved subject to the following conditions:

Preamble

- i. The Capricorn Municipal Development Guidelines apply to this development. Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- ii. The relevant planning scheme for this development is the *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- iii. All Aboriginal Cultural Heritage in Queensland is protected under the (*Aboriginal Cultural Heritage Act 2003*) and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- iv. The *Environmental Protection Act 1994* 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 operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- v. The land use rating category for the site may change upon commencement of any approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s is available on the Council website: www.maranoa.qld.gov.au.
- vi. It is the responsibility of the developer to obtain all necessary permits and approvals associated with the development of the site and submit all necessary plans and policies to the relevant authorities for the approved use.
- vii. This approval is subject to future Operational Works approval/s. The Operational Works application/s must meet the requirements of the *Planning Act 2016*, the *Maranoa Planning Scheme 2017* and Council's adopted

design standards in effect at the time of application (as applicable).

- viii. All persons involved in the operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- ix. Refer to Attachment 2 – Adopted Infrastructure Charges Notice for infrastructure charges levied for the approved development.
- x. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved operations on the site may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

Use

1. The approved development is for a Material Change of Use - “Extractive industry” and “Environmentally Relevant Activity” and Operational Works – “Clearing Vegetation” as defined in the Planning Scheme and as shown on the approved plans and documents.

Note: This development approval does not replace Negotiated Decision Notice reference 2013/18568 dated 31 January 2014, which was issued for an “Extractive industry” over Lot 30, 32 and 33 on DUB5359. All development conditions attached to Negotiated Decision Notice 2013/18568 remain in effect and must be complied with while the approved use continues.

2. The approved extraction tonnage is capped at **360,000 tonnes** per annum. The capped extraction threshold includes material being extracted as part of Negotiated Decision Notice 2013/18568 dated 31 January 2014. This approval does not allow the extraction of an additional 360,000 tonnes per annum of extractive material.
3. This approval does not permit the standalone use of Lot 2 for Extractive Industry purposes.

Compliance inspection

4. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted within these conditions.
5. Prior to the commencement of use the applicant shall contact Council’s Planning Department and arrange a development compliance inspection.

Approved Plans and Documents

6. The approved development is to be carried out generally in accordance with

following approved plans and documents, and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
2017.DRG.011	Site and Surrounds	04/04/2018
2017.DRG.013 Rev 4	Long Term Quarry Development Plan	18/03/2019
2017/DRG.018	Conceptual Site Layout Plan and Mapped Remnant Vegetation	18/03/2019
2017.810.001 Issue 2	Amby Quarry Extension Stormwater Management Plan prepared by Groundwork Plus, including as an addendum the updated Stormwater Management Plan drawing number 2017.DRG.016 Rev 2 prepared by Groundwork Plus, dated 9 September 2019	19/03/2019
2017_610_002	Amby Quarry Extension Environmental Management Plan prepared by Groundwork Plus	08/2018
	Traffic Impact Assessment prepared by Baker Rossow Consulting Engineers	22/07/2013

Development works

7. All works must comply with:
 - a. this development approval;
 - b. Council's standard designs for such work where such designs exist;
 - c. the Capricorn Municipal Development Guidelines; and
 - d. any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs a-d above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-d in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrent lawful requirements outside those stated above.

Biosecurity Plan

8. A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared by an appropriately qualified person taking into account all existing and approved operations on the site and addressing the risk of spread of Priority Pest Plants. A copy of the plan must be submitted to Council prior to

commencement of the approved development.

Note: The Pest Management Plan (PMP) for the Maranoa Region is available on Council's website via the following link: <http://www.maranoa.qld.gov.au/pest-management-plan>
The PMP identifies, among others, Parkinsonia, Prickly Acacia and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

Internal Haulage Route

9. All weather vehicle internal access shall be provided for traffic movement within the development site area.
10. Internal roads are to be watered to mitigate dust and upon receipt of any reasonable complaint regarding dust nuisance caused by vehicle movements within the site.

Access Road

11. An Operational Works application must be obtained in accordance with the *Planning Act 2016* for the proposed "Access Road" shown on Approved Plan *2017.DRG.013 Rev 4 Long Term Quarry Development Plan* dated 18/03/2019 prior to the commencement of works.

The Operational Works application must be generally in accordance with the approved plans and documents identified in this decision notice, must demonstrate how compliance with the applicable design guidelines and standards will be achieved and must demonstrate how the access road is an adequate standard to accommodate the type and frequency of traffic generated.

Note: All plans and documents required to be submitted to Council as part of the Operational Works application/s will be assessed against the applicable planning instrument/s and Council's adopted standards that are in force at the relevant time.

12. All operational works must be undertaken in accordance with the relevant development approval/s prior to the commencement of the approved use.
13. Dust emanating from the Access Road that is attributable to the approved "Extractive Industry" must be continually monitored and suppressed in order to prevent any dust nuisance to adjoining properties.
14. A Management Plan that includes operating procedures to mitigate any potential conflict/s between vehicles associated with the approved use that access the Access Road and livestock that may be present in the area must be prepared prior to the commencement of use. All persons involved in the operation of the approved development (including on-site staff and visitors) shall be made aware of the Management Plan, its content, and the procedures that need to be followed.

Access, Parking and Manoeuvring

15. Vehicles entering and exiting the development site must be able to enter and leave in forward direction. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.
16. All heavy vehicle access, parking and standing areas must be separated from designated light vehicle parking areas.
17. Prior to commencement of the use, a designated area for staff parking must be provided within the "Proposed extraction footprint" located within Lot 2 on RP154619, as identified on Approved Plan 2017.DRG.013 Rev 4 Long Term Quarry Development Plan dated 18/03/2019. This area shall be clearly delineated from the main operation areas. The location of the designated parking area can change from time to time depending on the staging of the development, however sufficient parking is to be made available for the life of the development.

Electricity supply

18. An adequate supply of electricity must be provided for the approved development. In the event that an adequate supply of electricity cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to the reticulated electricity network must be made available.

Signage

19. Signage is to be provided at the entrance of the site displaying information including details of, and the contact phone numbers for;
 - (i) The operator of the site; and
 - (ii) Person/s responsible for the management of the site.

Signage is limited to the necessary contact information and must not impact upon the visual amenity of the locality

Fencing

20. Safety fencing is to be provided and maintained to prevent unauthorised access to resource extraction/processing areas, stockpiles and any other high risk areas. Warning signs advising of the nature of use and any danger or hazard, are to be placed on the perimeter fence (every 200m or part thereof) on any frontage to a public road and boundary to land used for a sensitive land use.

Biodiversity

21. No vegetation is cleared outside the designated resource/processing area/s

or haulage route/s without prior approval/s from the relevant regulatory authorities.

Operating Hours

22. Hours of operation are restricted to 6:00am to 6:00pm Monday to Saturday. Operations are not permitted on Sundays or public holidays. Hours of operation include heavy vehicle movements to and from the site and the transportation of extracted material from the site.

Note: The quarry operator may apply to Council to vary the hours of operation for a particular project where the extended operating hours are necessary in the opinion of the Council having considered the requirements and community benefits of the particular project and the duration of the additional impacts upon the local community.

Any Council approval of the varied hours will be restricted to the duration of the project, and may be rescinded by the Council on seven days' notice if the extended hours of operation are considered to be causing undue nuisance or disruption to other persons.

23. Blasting operations are limited to between the hours of 9.00am to 3.00pm Monday to Friday and 9.00am to 1.00pm on Saturdays, excluding public holidays.

Emergency events

24. A Bushfire Hazard Management Plan, having regard to the site characteristics and management procedures in the event of a bushfire, shall be prepared prior to the commencement of use. The owner and/or operator, staff and visitors to the site shall be made aware of the Bushfire Hazard Management Plan, its content, and the procedures that need to be followed in the case of a bushfire event.

Note: A copy of the Bushfire Hazard Management Plan must be made available during any compliance inspection carried out by Council.

25. The approved development must be provided with access to a reliable and adequate water supply for firefighting purposes.
26. The manufacture or storage of hazardous material on the premises is prohibited.
27. All material and machinery with the potential to cause harm by way of floating debris or potential contamination during a wet weather event must be stored in water proof containers that are adequately secured. Any material or machinery with the potential to cause harm or contamination shall be stored in such a manner as to be easily accessed and relocated off-site ahead of a major wet weather event.

Avoiding Nuisance

28. Approved operations shall be carried out in accordance with the *Amby Quarry Extension - Environmental Management Plan* prepared by Groundwork Plus dated August 2018 and the *Amby Quarry Extension - Stormwater Management Plan* prepared by Groundwork Plus dated 19 March 2019.

In the event that unreasonable nuisance is caused to adjoining properties and occupiers by the way of smoke, dust, noise, odour, rubbish, contaminant, stormwater discharge or siltation at any time, reasonable measures in addition to those outlined in the approved *Amby Quarry Extension - Environmental Management Plan* prepared by Groundwork Plus dated August 2018 and the *Amby Quarry Extension - Stormwater Management Plan* prepared by Groundwork Plus dated 19 March 2019 shall be implemented in order to mitigate the nuisance.

29. The approved use and its surrounds must be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not pose any health and safety risks to the community.
30. Prior to the commencement of the use submit noise, air quality and blasting impact reports prepared by suitably qualified professionals demonstrating that amenity levels set by the *Environmental Protection Act 1994* can be achieved at the nearest sensitive receptor to the development site. The recommendations of the aforementioned reports are to be implemented and maintained at all times.

Sloping Land

31. Development is to be undertaken to ensure vulnerability to landslip erosion and land degradation is minimized and that the safety of persons and property is not compromised. All operations are to comply with the *Mining and Quarry Safety and Health Act 1999* to avoid erosion, land degradation and possible safety issues.

Erosion and Sediment Control

32. Erosion and Sediment Control is to be managed in accordance with;
- a) *Amby Quarry Extension - Stormwater Management Plan* prepared by Groundwork Plus dated 19 March 2019; and
 - b) *Capricorn Municipal Development Guidelines D7 'Erosion Control and Stormwater Management'.*

Groundwater

33. Prior to the commencement of the use undertake an on-site investigation and monitoring regime (by an adequately qualified professional) to determine whether the proposed works are likely to encounter groundwater. If groundwater is encountered, the report is to demonstrate that there will be no impacts on the hydrologic regime of the area as a result of the proposed development. The recommendations of the report

are to be implemented and maintained at all times.

Stormwater and Drainage

34. Stormwater and drainage is to be managed in accordance with:

- a) *Amby Quarry Extension – Stormwater Management Plan* prepared by Groundwork Plus dated 19 March 2019; and
- b) *Capricorn Municipal Development Guidelines D5 ‘Stormwater Drainage Design’*.

35. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding will be created within the vicinity of the development.

36. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed. All stormwater from the approved operation is to be collected onsite using appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

If there is a possibility of erosion or silt or other materials being washed off the property during the development process or after the development is completed, the developer must document and implement a management plan that prevents this from occurring.

37. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.

38. Stockpiles of material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.

39. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

40. Runoff from premises ensures the quality of surface water is suitable for:
(a) the biological integrity of aquatic ecosystems;
(b) recreational use;
(c) supply as drinking water after minimal treatment; and
(d) agricultural use or industrial use.

Diversion Drain

41. An Operational Works application must be obtained in accordance with the *Planning Act 2016* for the proposed “External Catchment Diversion Channel”

shown on figure 1 of the approved Amby Quarry Extension – Stormwater Management Plan prepared by Groundwork Plus dated 19 March 2019 prior to the commencement of works.

The Operational Works application must be generally in accordance with the approved plans and documents identified in this decision notice, must demonstrate how compliance with the applicable design guidelines and standards will be achieved and must demonstrate how the diversion drain will adequately convey stormwater without causing ponding.

Note: All plans and documents required to be submitted to Council as part of the Operational Works application/s will be assessed against the applicable planning instrument/s and Council's adopted standards that are in force at the relevant time.

42. All operational works must be undertaken in accordance with the relevant development approval/s prior to the commencement of the approved use.

Advertising signage

43. Any proposed advertising signage that does not form part of this approval is subject to further development approval unless otherwise meeting the requirements for Accepted development in the Planning Scheme, or other applicable planning instrument in force at the relevant time.
44. Any free standing advertising signage or structure to be constructed on the subject site shall be designed by an RPEQ (Structural) Engineer and certification provided for both design and construction.

Refuse storage

45. A permanent enclosed bulk refuse storage area must be provided within the premises. The refuse storage area must be located so as to be screened from the road and adjoining uses.
46. All refuse storage containers must be maintained in a clean and tidy state at all times while the use continues, and shall be emptied and the waste removed from the site on a regular basis.

Lighting

47. Lighting associated with the approved use, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 meters from the Development site area.
48. All lighting shall be directed or shielded so as to ensure that no glare directly affects land uses outside of the Development site area.

Provision of Services

49. The site must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance and also a potable water supply sufficient to meet the needs of staff and visitors to the site.
50. The site must be connected to an on-site sewerage treatment system that is adequate for the approved use. The removal and disposal of any effluent from the site must be performed by a suitably licensed contractor.
51. The number of employees and visitors on site at any one time shall be limited to the maximum capacity of the onsite sewerage treatment system.

Note: The landowner/operator is responsible for obtaining any permits required to achieve compliance with environmental laws relevant to the provision of onsite sewerage treatment and/or disposal.

52. If the development is connected to a telecommunication service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards requirements and specifications.
53. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.
54. Prior to commencement of the use amenities (e.g. port-a-loo) are to be provided in proximity to operational/work areas within the "Proposed extraction footprint" located within Lot 2 on RP154619, as identified on Approved Plan 2017.DRG.013 Rev 4 Long Term Quarry Development Plan dated 18/03/2019. The amenities location can change from time to time depending on staging of the development but must be provided for the life of the development.

Waterways

55. No direct interference or modification of watercourse channels, banks or riparian and in-stream habitat occurs without approval from the relevant regulatory authorities.

No Cost to Council

56. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs.
57. All rates and charges of any description and all arrears of such rates and charges, together with interest outstanding thereon, on the land, due to Council, shall be paid to the Council prior to construction commencing.

Latest versions

58. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

Application Documentation

59. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice and the Approved Plans and Approved Documents bearing 'Council Approval.'

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Council's decision regarding this matter is likely to affect;

- The quarry operator, Corbet Quarries and Concrete Pty. Ltd.;
- The owner of the land subject of the application, Mr. D. S. Brumpton; and
- Submitters to the application, Mr. and Mrs. Gerard and Gay Burey and Mr. Malcolm Burey.

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
SARA	State Assessment and Referral Agency
DNRME	Department of Natural Resources Mines and Energy
DTMR	Department of Transport and Main Roads
CMDG	Capricorn Municipal Design Guidelines

Context:

Why is the matter coming before Council?

This development application is subject to impact assessment. Determination of an impact assessable application sits outside the scope of officer delegations and a decision about the application is required to be made by Council resolution.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

A properly made development application has been submitted to Council by Corbet Quarries and Concrete Pty Ltd C/- Groundwork Plus seeking approval for an “Extractive industry” over Lot 30, 32 and 33 on DUB: 5359 and Lot 2 on RP: 154619 (the subject premises). The subject premises are located approximately 6 kilometres west of the township of Amby on the Warrego Highway.

An effective development permit for an “Extractive industry” (Council reference 2013/18568) is in place for Lot 30, 32 and 33 on DUB: 5359 (the “Approved Quarry Site”). This development application does not seek to replace the existing approval. The purpose of development application is to establish a new quarry pit on Lot 2 on RP: 154619 (the “Quarry Extension Area”) that will provide continuity of resource to supplement activity at the Approved Quarry Site.

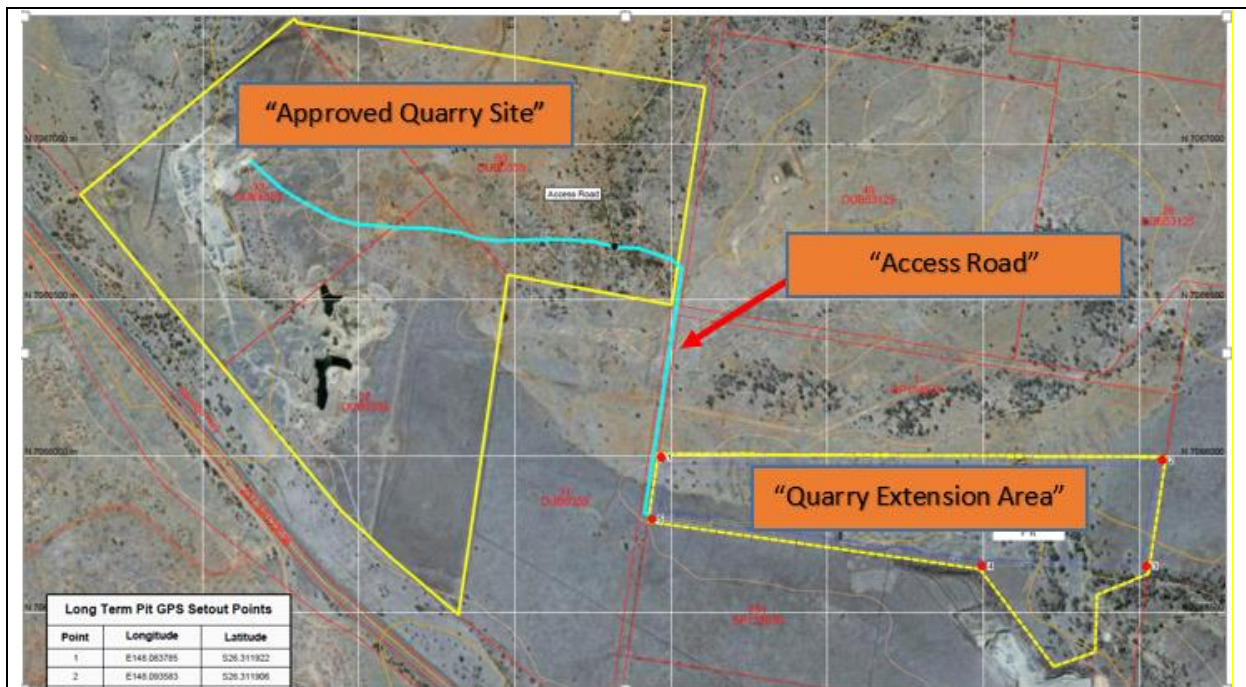


Figure 1 – Proposed Development Site

The “Approved Quarry Site” shown in Figure 1 above will be used to; access the wider road network; for crushing and screening activities; and for the stockpiling of material extracted from the “Quarry Extension Area”. The “Approved Quarry Site” and the “Quarry Extension Area” are planned to be linked by an “Access Road” that is proposed to be constructed within (a currently unconstructed) road reserve. The proposed access route connecting the two quarry areas is shown in “blue” in Figure 1. An operational works approval to construct a road within the road reserve (forming part of the access route) was approved by Council on 4 June 2019 (Approval Reference 2019/19906).

The “Approved Quarry Site” has a development approval to extract up to 360,000 tonnes of extractive material per annum. The proposed development does not seek to increase this threshold. Should the proposed development be approved, the combined maximum throughput from the “Approved Quarry Site” and the “Quarry Extension Area” will remain at 360,000 tonnes per annum.

Additional details about the proposal, including a full assessment of the application against the applicable assessment benchmarks is included in the Supporting Documents.

During public notification about the application, one properly made submission was received opposing the development. The submission was prepared on behalf of the owner/s of the land that adjoin the subject premises (Mr. and Mrs. Gerard and Gay Burey and Mr. Malcolm Burey). Due to its substantial size, a copy of the submission including the expert reports prepared in support of the submission, will be circulated to all Councillors under separate cover ahead of the General meeting. A response to the submission by the applicant *and* Council officer's assessment of the submission is included as an attachment with this report in the Supporting Documents.

Below in Figure 2 is an extract from the submission, marked in red by Council's assessing officers, showing the submitter's land holding (shown as "Burey") in the context of the proposed development.

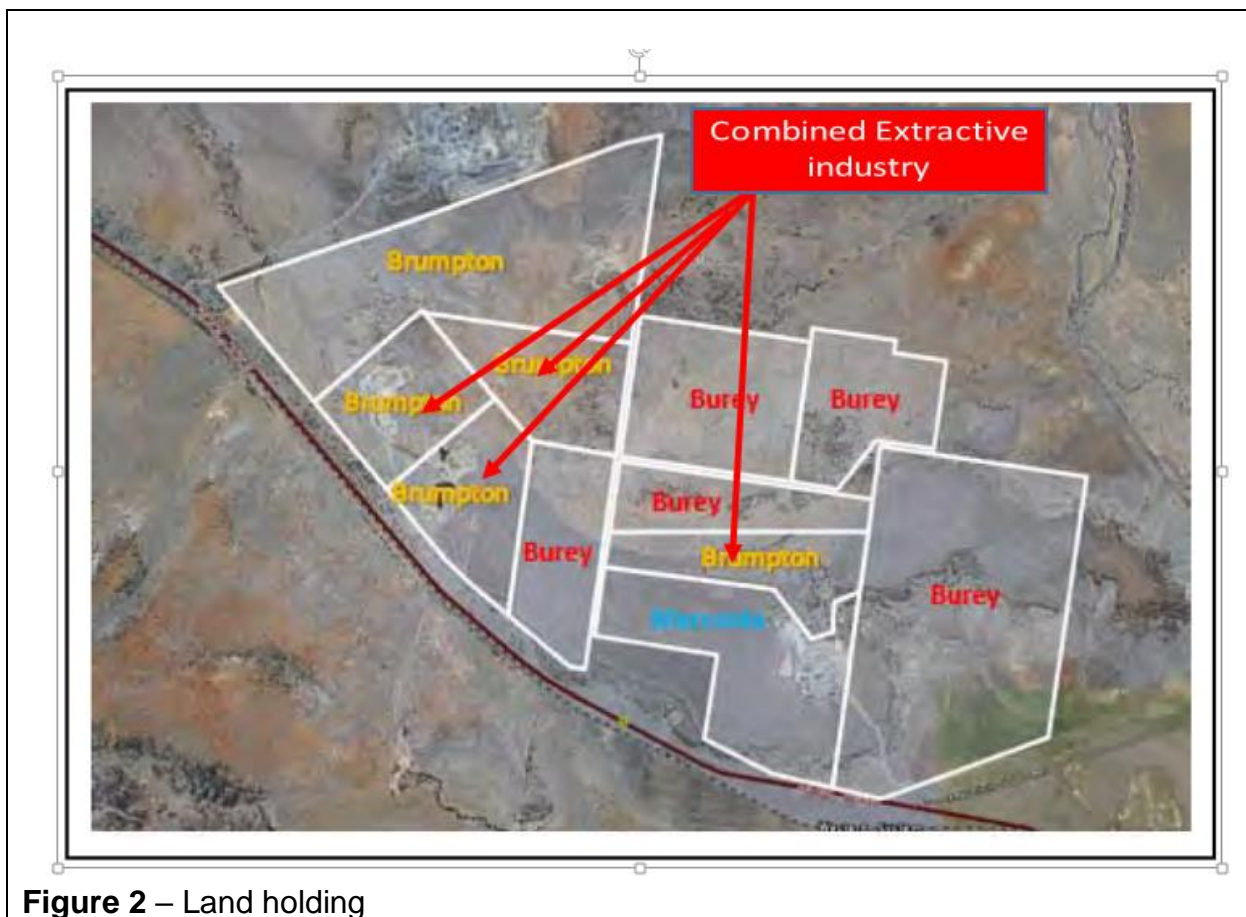


Figure 2 – Land holding

In summary, the submission contends that the development is inappropriate because it is defective, deficient and incomplete; the proposed use is unclear; the development presents a clear and significant conflict with the provisions of the Planning Scheme; is contrary to the orderly and planned use of the surrounding locality; will result in adverse amenity impacts; is contrary to sound traffic and access

principles; will result in adverse impacts on water resources; and the application has not demonstrated a justifiable planning need.

Note: A copy of the submission will be circulated to Council under separate cover ahead of the General Meeting.

In light of the matters raised in the submission, Council issued a letter to the applicant on 2 September 2019 requesting further information regarding surface water, groundwater and amenity issues (noise, dust and vibration). The purpose of the letter was to ensure that Council had as much information as possible to demonstrate that the application complied with the assessment benchmarks. The applicant responded on 10 September 2019. In their response, the applicant sought to rely on the referral agency response from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) which included an approval for the ERA. The thrust of the applicant's response was that the assessment of the issues raised was undertaken by DSDMIP (and the Department of Environment & Science) and further assessment was not required by Council.

On balance it is considered that there is sufficient certainty in the information supplied by the applicant, having regard to the particular circumstances of the site and proposal, for Council officers to be confident that the application will meet the assessment benchmarks. Should Council resolve to approve the application, conditions of development approval can be imposed to mitigate potential impacts from the development, including issues raised in the submission. The conditions must not be unreasonable and must be required as a consequence of the development. Some of the recommended conditions require the submission of further technical reports (relating to Noise/Dust/Vibration and Groundwater) to ensure that Council has a record of the compliance and any mitigation measures that are required in relation to these matters.

As part of the assessment process, the State Assessment and Referral Agency (SARA) has provided referral agency conditions. Should Council approve the development, the conditions provided by SARA must be complied with, in addition to any conditions imposed by Council.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

The proposal constitutes a *material change of use* as defined in the *Planning Act 2016* (being *the start of a new use of the premises*) and *Operational Works* (being the clearing of vegetation) and requires a development permit to be issued by Council prior to the commencement of use.

Provisions of the *Maranoa Planning Scheme 2017* make the required development application subject to impact assessment. An impact assessment is an assessment that must be carried out against the assessment benchmarks prescribed by the *Planning Regulation 2017*, in this case being;

- the *Darling Downs Regional Plan*;

- the *State Planning Policy*;
- the *Maranoa Planning Scheme*; and
- the *Maranoa Regional Council LGIP*.

An assessment of the application against these assessment benchmarks is attached in the Supporting Documents.

In accordance with Section 60 of the *Planning Act 2016*, after carrying its assessment Council must decide to;

- (a) approve all or part of the application; or
- (b) approve all or part of the application, but impose development conditions on the approval; or
- (c) refuse the application.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

The *Maranoa Planning Scheme 2017* and the Maranoa Regional Council Local Government Infrastructure Plan are applicable to the assessment of the application (the Local Government Infrastructure Plan forms part of the Planning Scheme).

The relevant sections of the *Maranoa Regional Planning Scheme 2017* include;

- Part 3 Strategic framework
- Part 4 Local Government Infrastructure Plan
- Part 5 Tables of assessment
- Part 6 Zones
 - Part 6.2.1 Rural zone code
- Part 8 Overlays
 - Part 8.2.1 Agricultural land overlay code
 - Part 8.2.2 Extractive resources overlay code
 - Part 8.2.3 Biodiversity areas overlay code
 - Part 8.2.6 Bushfire hazard overlay code
 - Part 8.2.7 Infrastructure Overlay Code
- Part 9 Development Codes
 - Part 9.3.3 Extractive industry code

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Consultation about this application has occurred with:

- Infrastructure Services Directorate – all managers (internal)
- Manager Planning & Building Development (internal)
- Director, Development Facilities and Environmental Services (internal)
- Rural Land Services & Funding Officer / Team Coordinator (internal)
- Holding Redlich Lawyers (external)
- Reel Planning (external – review of application material and GM Report)

The Officer's recommendation has been informed by feedback received from the persons consulted.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

N/A – The project is a private development that will be funded by an external party.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)?? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The costs of fulfilling any development approval obligations, financial or otherwise, remains the sole responsibility of the operators and land owner/s. There is potential for Council to incur costs only in the event that its decision regarding the application is appealed to the Court.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)?? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

As above.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

The Department of State Development, Manufacturing, Infrastructure and Planning (the Department) were a referral agency for this application and have provided Council with development conditions should Council resolve to approve the application. The Department will be *interested* in Council's decision.

The Department of Environment and Science (DES) have issued an Environmental Authority for the proposed activity. DES will be *interested* in Council's decision.

The landowner of the development site, Mr. David Brumpton, will be *interested* in Council's decision.

A properly made submission about the application was received during the public notification period. The submitter (Mr. and Mrs. Gerard and Gay Burey and Mr. Malcolm Burey) will be *interested* in Council's decision. Should Council resolve to approve the development, conditions of approval have been included above that are intended to mitigate potential *impacts* on the submitter.

Marcoola Investments Pty Ltd, is an adjoining landowner of the development site, and despite not making a submission about the application, may be *interested* in Council's decision.

Risks: *What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does)* (List each identified risk in a table)

Risk	Description of likelihood & consequences
See below	

Potential risks associated with the proposal have been addressed in the development assessment. Other matters outside of this, which are not called up in the *Planning Act 2016*, cannot be considered in decision making.

As with any planning decision reached by Council, there is a risk that the applicant can appeal aspects of the decision to the Planning and Environment Court (the Court). As well, a properly made submission has been received opposing the development, and should Council resolve to adopt the Officer recommendation, there is a risk that a submitter appeal could be made to the Court about any aspect of Council's decision.

In this instance the risk of submitter appeal is considered high, based on the extensive nature of the submission with the inclusion of detailed technical reports that supported it.

Note: The likelihood of an appeal is not a valid planning consideration and must not be used to inform Council's decision on any planning application.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

It is considered that on balance, the proposal presents no significant inconsistency with the applicable assessment benchmarks. Development conditions have been recommended to ensure compliance to the greatest extent possible. Any residual inconsistency with the assessment benchmarks needs to be considered in light of various relevant matters including:

- the existing lawful use of Lot 30, 32 and 33 on DUB: 5359 (Extractive industry) and the previous use of Lot 2 on RP:154619 (Extractive industry)

- The Key Resource Area that covers the proposed development;
- Quarry resources are an essential product to the community and the proposed development will ensure continuity of resource for an existing, established operation. This in turn ensures efficiency of existing infrastructure and ensures the continued contribution to the community which includes employment.
- The land is well located to road infrastructure which is highly desirable for the transport of quarry materials to ensure a sustainable economic return for the community.

The issues raised in the submission received during public notification about the application have been considered as part of the assessment process, and where appropriate, conditions of development approval have been imposed to overcome potential impacts on the submitter as a result of the development. Matters raised in the submission regarding the development assessment process have also been considered and it has been determined that the procedural requirements set out by the *Development Assessment Rules* to enable Council to make a decision on this application have been fulfilled.

Conditions from the relevant agencies have been provided to Council and must be included in any decision to approve the development. Whilst attached to Council's decision notice, the relevant state departments and agencies will be responsible for enforcing these conditions.

Based on the above, Council should endorse the officer recommendation and approve the development application for a material *change of use* for an "Extractive industry" on Lot 30, 32 and 33 on DUB: 5359 and Lot 2 on RP: 154619 subject to relevant, reasonable and enforceable conditions that mitigate potential impacts from the development, and attach conditions of approval provided by the state government agencies and departments that address matters of state interest.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

That Council endorse the officer recommendation to approve the Material change of use for an "Extractive industry" and an "Environmentally Relevant Activity" and Operational works for "Vegetation Clearing" on Lot 30, 32 and 33 on DUB: 5359 and Lot 2 on RP: 154619 subject to relevant, reasonable and enforceable conditions. This recommendation is consistent with existing Council policy.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.2 Encourage additional investment in the Maranoa, developing our local economy and increasing our region's population

4.2.3 Create an environment that is conducive to growth through progressive integration of Council's Planning Scheme, Economic & Community Development Plan and Business & Industry Strategy.

Supporting Documentation:

1↓	Response to submission from applicant	D19/50066
2↓	Council officer response to submission	D19/52369
3↓	Planning Assessment	D19/52381

Report authorised by:

Manager - Planning & Building Development

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

Department Principal:
Tegan Smith
Project Contact:
Sam Lyons



ABN: 13 609 422 791

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6 Mayneview Street, Milton Qld 4064
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Shops 2 & 3, 16 Second Street, Nuriootpa SA 5355
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E: info@groundwork.com.au

28 May 2019
Ref: 2017.DA1.340.001

Chief Executive Officer
Maranoa Regional Council
PO Box 620
Roma QLD 4455

.....
Attention: Christopher Tickner – Lead Town Planner

Dear Christopher,

RESPONSE TO SUBMISSION

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR EXTRACTIVE INDUSTRY AND ASSOCIATED ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 16(2)(b) AND OPERATIONAL WORK – DEVELOPMENT PERMIT FOR VEGETATION CLEARING ON LAND LOCATED AT WARREGO HIGHWAY, AMBY QLD 4462, DESCRIBED AS LOT 30 DUB5359, LOT 32 DUB5359, LOT 33 DUB5359 AND LOT 2 RP154619

COUNCIL REFERENCE: 2018/19837

On behalf of Corbet Quarries and Concrete Pty Ltd ('Corbets'), Groundwork Plus has considered the matters raised in the submission received to the abovementioned development application during the public notification period, which occurred from 12 April 2019 to 10 May 2019.

A total of one (1) properly made submission was received during the above-mentioned public notification period. All matters raised in the submission have been considered and a response provided. By way of initial summary, the issues that have been identified are as follows:

1. *The development application is not properly made, has not been properly referred and has not been publicly notified properly.*
2. *The nature, scope and intensity of the proposed development is unclear, ill-defined and obscured such that the impacts cannot be conclusively established or assessed.*
3. *The proposed development conflicts with the Maranoa Planning Scheme 2017.*
4. *The proposed development is contrary to the surrounding land.*
5. *Impacts on amenity for surrounding land uses.*
6. *Impacts on traffic and access in the locality.*
7. *Impacts on water resources, including overland flow, and groundwater quality and availability.*
8. *No demonstrated need for development.*

1. ***The development application is not properly made, has not been properly referred and has not been publicly notified properly.***

Response:

The proposed development application has been confirmed as properly made by Maranoa Regional Council by way of Confirmation Notice, issued on 30 October 2018 (refer **Attachment 1 – Council Confirmation Notice**). A referral agency response for the proposed development was issued with conditions by the State Assessment and Referral Agency ('SARA'), confirming that the application has been properly made and referred to the State (refer **Attachment 2 – SARA Response and Conditions**). Public notification was undertaken by Real Property Signs who are public notification specialists. It has been confirmed that public notices were correctly placed at all publicly accessible road frontages and in accordance with Schedule 3 of the *Development Assessment Rules* ('DA Rules').

The Regulated Vegetation Management Map and Vegetation Management Supporting Map identifies mapped watercourses and drainage features. That mapping identifies a mapped watercourse traversing Lot 2 on RP154619. That mapped watercourse is not a named watercourse. State mapping does not identify any mapped wetlands near the site. Department of Natural Resources and Mines (DNRM) confirmed the mapped watercourse is a drainage feature and not a watercourse. On that basis DA Form 1 is correct and the assessment manager is the Local Government Authority and referral is not triggered for development removing quarry material from a watercourse. Furthermore, it appears the submitter might not have reviewed the content of the response to State Assessment and Referral Agency information request and thus are not aware of the DNRME watercourse determination or the ecological advice by Boobook or that the proposed extraction footprint avoids the mapped vegetation and ground truthed drainage feature.

2. ***The nature, scope and intensity of the proposed development is unclear, ill-defined and obscured such that the impacts cannot be conclusively established or assessed.***

Response:

Environmental values such as air quality, noise and water are regulated by the Department of Environment and Science ('DES'). The development application material has been assessed by DES which considered it sufficient and has subsequently issued an Environmental Authority (ref: EA0001750) ('EA') for the site to regulate the proposed operation (refer **Attachment 3 – Environmental Authority**). The EA contains conditions which regulate the noise and dust emissions of the proposed operation. SARA assessed the development, including but not limited to matters related to clearing native vegetation and it considered sufficient information was provided and subsequently issued referral agency conditions for the development.

A development application for Operational Works – Roadworks (construction of haul road) is currently being assessed by Maranoa Regional Council.

3. ***The proposed development conflicts with the Maranoa Planning Scheme 2017***

Response:

The original development application material contained assessment of the proposed operation against the relevant Maranoa Planning Scheme 2017 codes (**Attachment 8** of the Planning Assessment report, dated September 2018) and the Strategic Framework (**Section 4.3.5** of Planning Assessment Report). This assessment confirmed that the proposed development can comply with all relevant provisions (performance and acceptable) of the applicable codes and reflects the themes and key policies of the Strategic Framework. The following extract is taken from the purpose of the Rural Zone Code, '**6.2.1.2 Purpose** - The purpose of the zone is to: Provide for a wide range of rural uses including... extractive industry...'

The use of the land for extractive industry is listed as a desirable land use for the Rural Zone if compliant with the relevant planning scheme provisions. The original development addressed the relevant planning scheme provisions and it has been demonstrated that the proposed development is compliant with these provisions.

4. The proposed development is contrary to the surrounding existing uses and land**Response:**

The Maranoa Planning Scheme 2017 identifies that the Extractive Resources overlay mapping for the region is reflected in State Planning Policy ('SPP') mapping. The site is designated as a Key Resource Area ('KRA') (KRA 84 – Marbango) under the SPP. The state interest guidelines for mining and extractive resources defines the KRAs as follows:

KRAs are locations across Queensland that are identified as containing important extractive resources of state or regional significance which the state considers worthy of protection for future use. The state or regional significance of a KRA is determined by the Department of Natural Resources and Mines, in accordance with the criteria detailed in Part 3: Extractive resources – criteria for state significance of this guidelines.

The site has been identified by the State as containing a key resource that should be protected from incompatible land uses and utilised to its full potential. KRA 84 also extends to the south of the site (existing operating quarry) and to the west where the existing Corbets quarry operations are located (Lot 32 DUB5359 and Lot 33 DUB5359). The notion that the proposed extractive industry use is contrary to the existing approved land use surrounding the site is not considered to be accurate or relevant as the site is a recognised KRA.

5. Impacts on amenity for surrounding land uses**Response:**

The closest sensitive receptor to the operation referred to in the submission, the dwelling on neighbouring Lot 29 DUB5359, is owned by the Brumptions who are the landowners for the entire Corbets quarry operations including Lot 33 DUB5359, Lot 32 DUB5359, Lot 30 DUB559 and Lot 2 RP154619. As this dwelling shares the same owner as the quarry operations and owner's consent has been given for the development application over this land, it is not considered that the dwelling on Lot 29 is a nearby sensitive receptor. Therefore, the nearest sensitive receptor for the proposed operation is located approximately 1500 metres north-east of proposed extraction footprint on Lot 24 DUB5359. This separation distance complies with the requirements of Council's Extractive Industry Code AO2.1 which identifies a minimum separation distance of 1500 metres for 'extractive industry operations that involve blasting, crushing or screening'.

Notwithstanding this, all internal unsealed roads, stockpiles and potential dust sources within the operations will be maintained and dampened with water trucks as required (refer to section 4.1 of the Environmental Management Plan ('EMP') contained in **Attachment 4** of the Planning Assessment Report, dated September 2018). DES have approved an EA for the proposed development which contains conditions, regulating noise, dust and blasting of the operation. Having regard to the proposed separation distances, combined with the proposed operational/site management measures outlined in sections 4.1, 4.4 and 4.5 of the EMP, air quality (dust), noise and blasting impacts are not expected to cause nuisance or impact on the amenity of the nearest sensitive receptors. The proposed development will operate in accordance with the EMP and the conditions imposed in the EA permit.

6. Impacts on traffic and access in the locality**Response:**

A development application for Operational Works – Roadworks (construction of haul road) is currently being assessed by Maranoa Regional Council. The proposed road infrastructure works have been designed and will be constructed in accordance with the *Capricorn Municipal Development Guidelines*. In accordance with condition 4 of the SARA response, dated 1 May 2019 (refer **Attachment 2 – SARA Response and Conditions**), the previously required road works comprising a BAL/BAR intersection treatment will be designed and constructed to cater for type 1 Road Trains used as part of the proposed operations.

7. Impacts on water resources, including overland flow, and groundwater quality and availability

Response:

The proposed development avoids the areas of the site mapped as comprising remnant vegetation and watercourses. As previously discussed, the mapped watercourse on Lot 2 RP154619 is a drainage feature and not a watercourse and historical quarry operations have removed the drainage feature from a portion of the site rendering it of no value for fish passage. DNRME has confirmed that the mapped watercourse is in fact a drainage feature (refer Attachment 4 of the SARA Information Response Letter, dated 1 April 2019).

Overland flow from the catchment to the south west of the proposed extraction area will be accepted into the proposed extraction area and captured within the sediment basin and treated to comply the required water release criteria prior to release into the mapped watercourse located in the south east of the site (refer **Attachment 2 – Revised Stormwater Management Plan** of the SARA Information Response letter, dated 1 April 2019). Overland flow from the catchment to the north of the proposed extraction area will be diverted around the proposed extraction area via clean water drains to be directed back into the mapped watercourse located in the south east of the site. Therefore, overland flow will return to the mapped watercourse located in the south east of the site.

8. No demonstrated 'need' for development

Response:

This is a long-term project and the applicant has identified an obvious and pertinent need for hard rock materials to be supplied to this region. This particular resource has been confirmed as a high quality, consistent and suitable for a wide range of products and well located to service the region. The applicant would not be seeking to utilise the recognised Marbango KRA if there was not a demonstrated need for the quarry materials in the region.

If any of the above matters need further clarification or discussion, please do not hesitate to contact me by telephone: (07) 3871 0411 or by email: slyons@groundwork.com.au.

Yours sincerely
Groundwork Plus



Sam Lyons
Town Planner

Enc/s Attachment 1 – Council Confirmation Notice
 Attachment 2 – SARA Response and Conditions
 Attachment 3 – Environmental Authority

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Attachment 1

Council Confirmation Notice



File: 2018/19837

Enquiries to: Department of Development, Facilities and Environmental Services

30 October 2018

Corbet Quarries and Concrete Pty Ltd
C/- Megan Benham
Groundwork Plus
PO BOX 1779
Milton QLD 4064

Dear Ms. Benham,

Confirmation notice (re-issue)

(Given under section 2 of the Development Assessment Rules)

The development application described below was properly made to the Maranoa Regional Council on 17 October, 2018.

This re-issued Confirmation notice corrects errors in the original Confirmation notice dated 26 October 2016 being; the incorrect spelling of the applicants name in the address tab; incorrect reference to the properly made date; and incorrect reference to the applicable section of the *Planning Regulation 2017* for Clearing of vegetation purposes.

For assessment timeframe purposes, the date of this letter will be taken to be the date the Confirmation notice was issued.

Application details

Approval Sought:	Development Permit
Application Proposal:	Material Change of Use- "Extractive Industry"
Category of Assessment:	Impact assessment
Planning Scheme:	<i>Maranoa Planning Scheme 2017</i>

Location details

Street Address:	Warrego Highway, Amby QLD 4462
Real Property Description:	Lot: 30 DUB: 5359, Lot: 32 DUB: 5359, Lot: 33 DUB: 5359 and Lot: 2 RP154619

Referral details

The development application must be referred to all relevant referral agencies within 10 business days starting the day after receiving this notice (or a further period agreed with Council) otherwise the application will lapse under section 31 of the Development Assessment Rules.

Within 5 days after you have given the application to the referral agencies, you must give Council notice of the day the application was referred.

This list of Referral Agencies is provided for your information only. It is the applicant's responsibility to identify all referral agencies for the application and give each referral agency a copy of:

- the application (including the application form and supporting material);
- the Confirmation Notice; and
- any required application fee.

A referral agency may request further information from the applicant, impose conditions on a development approval, or direct Council to refuse an application.

The development application must be referred to the following referral agencies:

Department of State Development, Manufacturing, Infrastructure and Planning	
Address for hand delivery:	128 Margaret Street, Toowoomba QLD 4350
Address for post:	PO Box 825 TOOWOOMBA QLD 4350
Address for electronic submission:	Applications can be prepared and referred to DILGP online by using MyDAS2. MyDAS2 can be accessed at https://prod2.dev-assess.qld.gov.au/suite/ Email: ToowoombaSARA ToowoombaSARA@dilgp.qld.gov.au
Reason for Referral:	<p>As a <u>Concurrence Agency</u> for an application involving:</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the Planning Regulation 2017;</p> <p>State transport infrastructure</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises –</i></p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 of the Planning Regulation 2017;</p> <p>State transport infrastructure</p> <p><i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising</i></p>

2

	<p>instrument or section 21, if—</p> <ul style="list-style-type: none"> (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold – <ul style="list-style-type: none"> (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area <p>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p> <p>Schedule 10, Part 3, Division 4, Table 3 of the Planning Regulation 2017;</p> <p>Clearing native vegetation</p> <p>Development application for a material change of use that is assessable development under a local categorising instrument and relates to a lot that is 5ha or larger, if—</p> <ul style="list-style-type: none"> (a) the application— <ul style="list-style-type: none"> (i) is for a preliminary approval that includes a variation request; and (ii) relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; and (iii) is for a material change of use, other than a non-referable material change of use; or (b) the application is not stated in paragraph (a) and all of the following apply— <ul style="list-style-type: none"> (i) the material change of use does not involve prescribed clearing; (ii) accepted operational work may be carried out because of the material change of use, or the material change of use involves operational work that is assessable development under section 5; (iii) the accepted operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land, land the subject of an occupation licence under the Land
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	<p><i>Act, or land the subject of a lease given under the Land Act for agriculture or grazing purposes.</i></p> <p>Schedule 10, Part 5, Division 4, Table 2 of the <i>Planning Regulation 2017</i>;</p> <p>Environmentally relevant activities</p> <p><i>Development application for a material change of use that is assessable development under section 8, if—</i></p> <p>(a) <i>the environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and</i></p> <p>(b) <i>the chief executive is not the prescribed assessment manager for the application.</i></p>
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Information Request

A further information request may be made by Council. This request will be made within 10 business days of this Confirmation Notice.

Public notification details

Public notification is to be carried out for this development application in accordance with the requirements set out in Part 4 of the Development Assessment Rules. The public notification period for this development application must be for at least 15 business days (not including any day between 20 December of a year and 5 January of the next year), in accordance with section 53(4)(b) of the *Planning Act 2016*. Schedule 3 of the Development Assessment Rules prescribes the way in which public notice must be given. Further details regarding public notification will be provided to you during the public notification stage, or earlier on request.

When public notification must commence

An information request may be made, therefore public notification must commence within 20 days of the following:

- i) Council does not issue an information request within 10 days of this Confirmation Notice (unless an extension to Council's information request period is agreed) OR you respond to any information request issued by Council; and
- ii) The referral agency does not issue an information request within 10 days of issuing its Confirmation Notice (unless an extension to the referral agency's assessment period is agreed) OR you respond to any information request issued by the referral agency OR the referral agency provides its response.

Requirements for public notification

- The requirements for public notification are set out in Part 4 of the Development Assessment Rules. In summary, you are required to:

- publish a notice at least once in a local newspaper circulating generally in the locality of the land; and
- place a notice on the land that (i.e. place a notice on each if the road frontages of the land - signs are available for purchase from Council); and
- give a notice to the owners of all adjoining land.

Requirement to give notices to Council

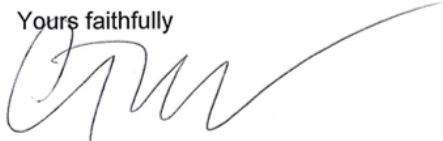
As part of the public notification requirements, you must:

- i) Give notice to Council of the intended start date of public notification; and
- ii) Within 10 days after the last day on which submissions may be made (or a further period agreed), you must give Council notice of compliance with the public notice requirements.

Failure to provide these notices to Council will result in the application lapsing in accordance with section 31 of the Development Assessment Rules.

For further information please contact me on the phone number provided below, or via email to planning@maranoa.qld.qld.gov.au.

Yours faithfully



Christopher Tickner
Lead Town Planner

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Attachment 2

SARA Response and Conditions

RA29-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1810-8154 SRA
Council reference: 2018/19837
Applicant reference: 2017.DA1.315.001

1 May 2019

Chief Executive Officer
Maranoa Regional Council
PO Box 620
ROMA QLD 4405
planning@maranoa.qld.gov.au

Attention: Mr Christopher Tickner

Dear Mr Tickner

Changed SARA response—Warrego Highway, AMBY

(Given under Section 28 of the *Planning Act 2016*)

On 30 April 2019, the department proposed to change its referral agency response. The department has received written consent from the applicant in relation to these changes and now provides this changed referral agency response which replaces the response dated 29 April 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	29 April 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development Permit	Material Change of Use (Extractive Industry)
	Environmental Authority	ERA No. 16 (Extractive and Screening Activities)

1810-8154 SRA

SARA role:	Referral Agency
SARA triggers:	<p>Schedule 10, Part 3, Division 4, Subdivision 3, Table 1 (<i>Planning Regulation 2017</i>) – clearing native vegetation</p> <p>Schedule 10, Part 5, Division 4, Subdivision 2, Table 1 (<i>Planning Regulation 2017</i>) – non-devolved environmentally relevant activities</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (<i>Planning Regulation 2017</i>) – development impacting on State transport infrastructure and thresholds</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (<i>Planning Regulation 2017</i>) – Material change of use of premises near a State transport corridor</p>
SARA reference:	1810-8154 SRA
Assessment Manager:	Maranoa Regional Council
Street address:	Warrego Highway, AMBY QLD 4462
Real property description:	Lots 30, 32 & 33 on DUB5359 & Lot 2 on RP154619
Applicant name:	Corbet Quarries and Concrete Pty Ltd C/- Groundwork Plus
Applicant contact details:	PO Box 1779 MILTON QLD 4064 Via email: planning@groundwork.com.au
Environmental Authority:	<p>This referral included an application for an environmental authority under Section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: EA0001750 • Effective date: 23 April 2019 • Prescribed environmentally relevant activity (ERA): ERA No. 16(2) – Extracting, other than by dredging, in a year, the following quantity of material, (b) more than 100,000t but not more than 1,000,000t <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p>
State-controlled road access permit:	<p>This referral included an application for a road access location, under Section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: TMR18-025944 • Date: 30 April 2019 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Downs.South.West.IDAS@tmr.qld.gov.au</p>

1810-8154 SRA

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (Section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 4331 5603 or via email WBBSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Bernadette Plummer
A/Manager (Planning)

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Downs.South.West.IDAS@tmr.qld.gov.au

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enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Change representation provisions
Attachment 5 - Approved plans and specifications

1810-8154 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use – Extractive Industry		
Schedule 10, Part 3, Division 4, Table 3—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Native vegetation clearing		
1.	No clearing of vegetation is to occur within Area A as shown on the attached Technical Agency Response (Vegetation) Plan (TARP) 1810-8154 SRA dated 4 April 2019.	At all times.
2.	No built structure is to be established, constructed or located within area identified as Area B as shown on the attached Technical Agency Response (Vegetation) Plan (TARP) 1810-8154 SRA dated 4 April 2019.	At all times.
3.	In order to protect the root system of the regulated vegetation, no earthworks are to occur within the area identified as Area B as shown on the attached Technical Agency Response (Vegetation) Plan (TARP) 1810-8154 SRA dated 4 April 2019.	At all times.
Material Change of Use – Extractive Industry		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Road works on a state-controlled road (SCR)		
4.	(a) Road works comprising a BAL/BAR type intersection treatment designed to cater for Type 1 Road Trains must be provided at the approved vehicular access location on Lot 32 on DUB5359. (b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Road Planning and Design Manual</i> , and any material referenced therein.	Prior to the commencement of use.
Monetary Contributions		
5.	(a) Pay a monetary contribution of 27.90 cents per tonne of material hauled to the Department of Transport and Main Roads' (DTMR) South West Region for the maintenance and/or accelerated reduction in pavement life of the SCR network. The monetary payment: i. Must be calculated at six monthly intervals commencing on the first day that material hauled under this approval is transported from the site by road; and ii. Is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the	(a) Within 30 days of the end of each six monthly interval until the transportation of material hauled from the site by road under this approval ceases.

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	<p>Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</p> <p>iii. Is to be indexed from the date of the commencement of use as per development approval 2013/18568.</p> <p>(b) Maintain records which document the quantity of material hauled on the SCR network and submit these records to the DTMR at the time of payment referenced in part (a) of this condition.</p>	(b) As indicated.
Stormwater		
6.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the SCR.</p> <p>(b) Any works on the land must not:</p> <p>(i) create any new discharge points for stormwater runoff onto the SCR;</p> <p>(ii) interfere with and/or cause damage to the existing stormwater drainage on the SCR;</p> <p>(iii) surcharge any existing culvert or drain on the SCR;</p> <p>(iv) reduce the quality of stormwater discharge onto the SCR.</p>	<p>(a) At all times.</p> <p>(b) At all times.</p>
State-controlled road triggers		
7.	The permitted road access location, is to be located, designed and constructed in accordance with the Section 62 approval (Reference: TMR18-025944) granted by DTMR dated 30 April 2019 under the <i>Transport Infrastructure Act 1994</i> .	At all times.

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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) Version 2.3. If a word remains undefined it has its ordinary meaning.
Road access works approval	
2.	Under Sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works that are road access works (including driveways) on a SCR. Please contact the DTMR on (07) 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the SCR reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.

1810-8154 SRA

Attachment 3—Reasons for referral agency response(Given under Section 56(7) of the *Planning Act 2016*)**The reasons for the department's decision are:**

- The proposed development is considered to avoid vegetation clearing to the greatest extent practicable and conditions have been applied in relation to the protection of remnant 'of concern' vegetation on the subject site (including the establishment of built structures and protecting the root section of the remnant vegetation)
- The proposed development is considered to ensure safety and operational efficiency of the state-controlled road (SCR) network via the construction of an upgraded intersection (BAR/BAL standard) at the existing vehicle access location (Lot 32 on DUB5359) and any development related impacts (haulage on the SCR network) are appropriately mitigated via condition
- The proposed development is considered to ensure that stormwater impacts on the SCR are minimised via condition

Material used in the assessment of the application:

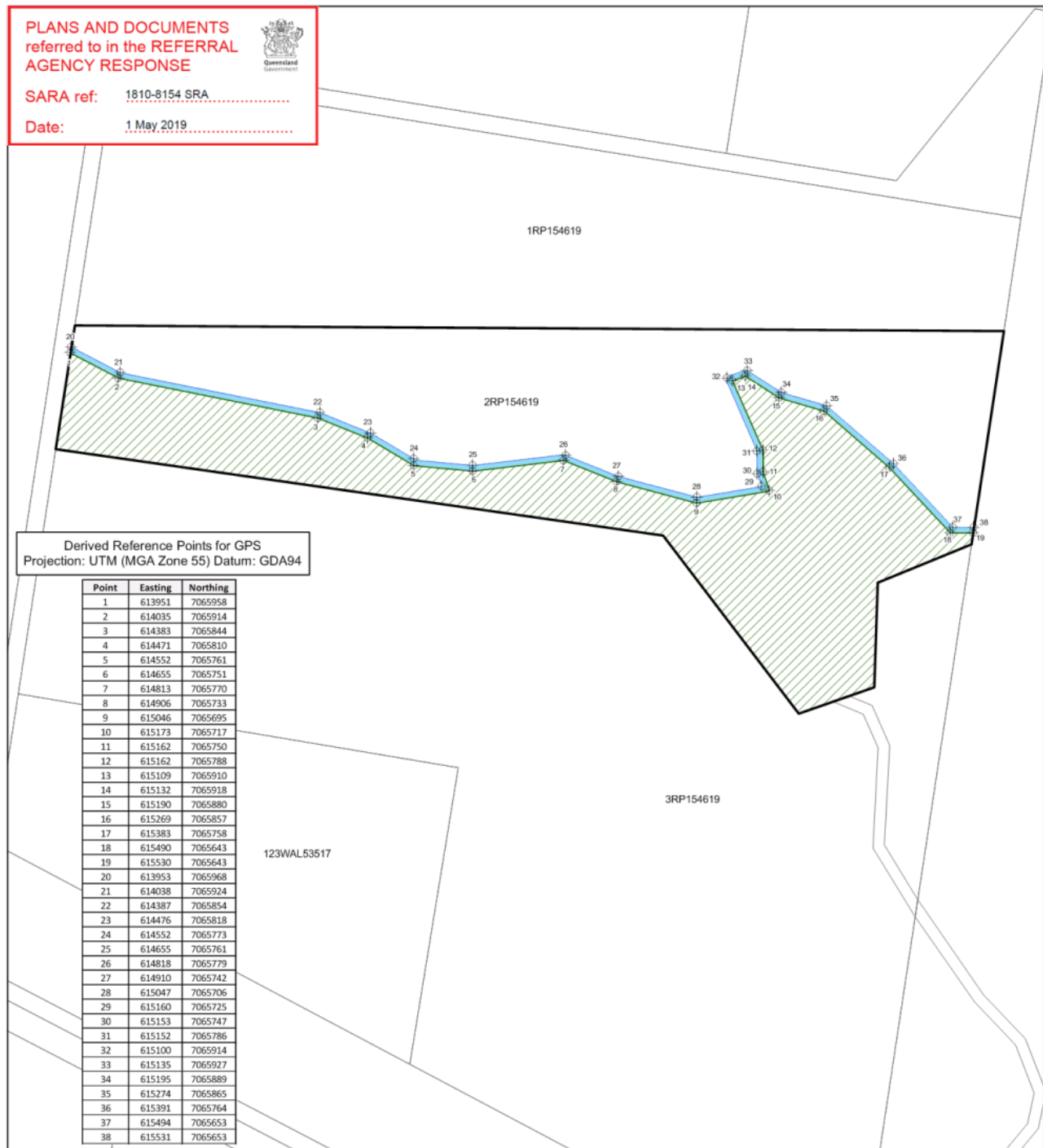
- The development application material and submitted plans
- Response to SARA Information Request (received 1 April 2019)
- *Planning Act 2016*
- *Planning Regulation 2017*
- The *State Development Assessment Provisions* (Version 2.3), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1810-8154 SRA

Attachment 4—Change representation provisions

1810-8154 SRA

Attachment 5—Approved plans and specifications



Our ref TMR18-025944
 Your ref
 Enquiries Jeff Lavey



Department of
Transport and Main Roads

30 April 2019

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 2018/19837, lodged with Maranoa Regional Council involves constructing or changing a vehicular access between Lot 32 DUB5359, the land the subject of the application, and the Warrego Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Corbet Quarries and concrete Pty Ltd c/- Groundwork Plus
 PO Box 1779
 Milton QLD 4064

Application Details

Address of Property Warrego Highway, Amby QLD 4462
 Real Property Description Lot 32 DUB5359
 Aspect/s of Development Material Change of Use for Extractive Industry
 -

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

Vehicular access to the state-controlled road		
1	<p>(a) The existing vehicular access to Lot 32 DUB5359 is to be upgraded/constructed to accommodate a Type 1 Road Train.</p> <p>(b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' Standard Access (Drawing No.D04-221) and the <i>Road Planning and Design Manual</i>, and any material referenced therein.</p>	Prior to the commencement of use.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Reasons for the decision

The reasons for this decision are as follows:

- a) The location and design standard of the access has been conditioned to maintain the efficiency, safety and operation of the state-controlled road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Jeff Lavey, Planner should be contacted by email at Jeffrey.J.Lavey@tmr.qld.gov.au or on (07) 4639 0737.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'SMcD', with a long horizontal stroke extending to the right.

Scott McDonald
A/Senior Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access to the proposed development will be via a state-controlled road;

Evidence or other material on which findings were based:

- Development application material submitted in support of Maranoa Regional Council application number 2018/19837;
- State Development Assessment Provisions – Assessment Code 1 (Development in a state-controlled road environment);
- DTMR's Road Planning and Design Manual.

Attachment B**Section 70 of TIA***Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

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Attachment 3

Environmental Authority

Permit

Environmental Protection Act 1994

Environmental authority EA0001750

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0001750

Environmental authority takes effect on a date to be decided later.

Environmental authority holder(s)

Name(s)	Registered address
Corbet Quarries and Concrete Pty Ltd	3 Corbet Road, JONES HILL QLD 4570

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 16 - Extraction and Screening, 2: Extracting, other than by dredging, in a year, the following quantity of material, (b) more than 100,000t but not more than 1,000,000t	LOT 2/RP154619

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Permit
Environmental authority

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

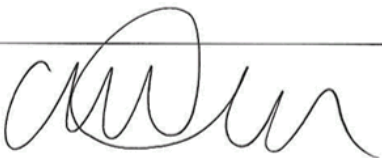
Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise- one the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Signature

Clancy Mackaway
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994



Date

Enquiries:
Energy and Extractive Resources (Assessment)
Department of Environment and Science
GPO Box 2454, Brisbane QLD 4001
Telephone: 1300 130 372
Email: EnergyandExtractive@des.qld.gov.au

Permit
Environmental authority

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Natural Resources, Mines and Energy (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Obligations under the *Mining and Quarrying Safety and Health Act 1999*

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at www.dnrm.qld.gov.au, or phone 13 QGOV (13 74 68) or your local Mines Inspectorate Office.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment and Science to ensure that you have the most current version of the environmental authority relating to this site.

Permit
Environmental authority

Conditions of environmental authority

Agency interest: General	
Condition number	Condition
G1	<p>Activities under this environmental authority must be conducted in accordance with the following limitations:</p> <ol style="list-style-type: none"> 1. Extraction within Lot 2 RP154619 must only occur within the area bounded by the GPS set out points 1-18 in <i>Appendix 1</i>; 2. The amount of material extracted per year must not exceed 360,000 tonnes per annum; 3. The depth of extraction within Lot 2 RP154619 must not exceed standing groundwater level.
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities .
G3	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
G4	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G5	Environmental monitoring results must be kept until surrender of this environmental authority. All other information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and records required by the conditions of this environmental authority must be provided to the administering authority, or nominated delegate upon request, within the required timeframe and in the specified format.
G6	An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G7	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses. The only exception to this condition is the in situ monitoring of turbidity, pH, electrical conductivity and dissolved oxygen.
G8	When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority , to investigate a complaint of environmental nuisance arising from the activity . The monitoring results must be provided within 10 business days to the administering authority upon its request.
G9	<p>The activity must be undertaken in accordance with written procedures that:</p> <ol style="list-style-type: none"> 1. identify potential risks to the environment from the activity during routine operations, closure and an emergency 2. establish and maintain control measures that minimise the potential for environmental harm 3. ensure plant, equipment and measures are maintained in a proper and effective

Permit
Environmental authority

	condition 4. ensure plant, equipment and measures are operated in a proper and effective manner 5. ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> 6. ensure that reviews of environmental performance are undertaken at least annually.
G10	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system .
Agency interest: Waste	
Condition number	Condition
W1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.
Agency interest: Air	
Condition number	Condition
A1	Other than as permitted within this environmental authority, odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : <ol style="list-style-type: none"> dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.
Agency interest: Land	
Condition number	Condition
L1	Other than as permitted within this environmental authority, contaminants must not be released to land .
L2	Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that: <ol style="list-style-type: none"> suitable native species of vegetation for the location are established and sustained for earthen surfaces; potential for erosion is minimised; The quality of water released from the site, including seepage, does not cause environmental harm;

Permit
Environmental authority

	<div>4. potential for environmental nuisance caused by dust is minimised;</div> <div>5. the water quality of any residual water body does not have potential to cause environmental harm;</div> <div>6. the final landform is stable and protects public safety.</div>																																			
L3	Rehabilitation of disturbed areas required under condition L2, must take place progressively as works are staged and new extraction areas are commenced.																																			
Agency interest: Acoustic																																				
Condition number	Condition																																			
N1	Other than as permitted within this environmental authority, noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .																																			
N2	<div>Noise from the activity must not exceed the levels identified in <i>Table – Noise limits</i> when measured in accordance with the associated monitoring requirements.</div> <div>Table – Noise limits</div> <table><tr><th></th><th colspan="3">Monday to Saturday</th><th colspan="3">Sunday and Public Holidays</th></tr><tr><th></th><th>7am–6pm</th><th>6pm–10pm</th><th>10pm–7am</th><th>7am–6pm</th><th>6pm–10pm</th><th>10pm–7am</th></tr><tr><td></td><td colspan="6">Noise measured at the sensitive place*</td></tr><tr><td>L_{Aeq, adj, T}</td><td>42</td><td>35</td><td>30</td><td>35</td><td>35</td><td>30</td></tr><tr><td>Max L_{pA, T}</td><td>N/A</td><td>N/A</td><td>47</td><td>N/A</td><td>N/A</td><td>47</td></tr></table> <div>* A residential dwelling at the location is not considered to be a sensitive place, so long as a contractual arrangement exists between you and the owner of the dwelling</div> <div>Associated monitoring requirements</div> <div><div>1. All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual.</div><div>2. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.</div><div>3. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.</div></div>		Monday to Saturday			Sunday and Public Holidays				7am–6pm	6pm–10pm	10pm–7am	7am–6pm	6pm–10pm	10pm–7am		Noise measured at the sensitive place*						L _{Aeq, adj, T}	42	35	30	35	35	30	Max L _{pA, T}	N/A	N/A	47	N/A	N/A	47
	Monday to Saturday			Sunday and Public Holidays																																
	7am–6pm	6pm–10pm	10pm–7am	7am–6pm	6pm–10pm	10pm–7am																														
	Noise measured at the sensitive place*																																			
L _{Aeq, adj, T}	42	35	30	35	35	30																														
Max L _{pA, T}	N/A	N/A	47	N/A	N/A	47																														
N3	<div>When required by the administering authority, noise monitoring must be undertaken in accordance with the associated monitoring requirements of <i>Table - Noise Limits</i>, and the results notified within 14 days to the administering authority. Monitoring must include:</div> <div><div>1. L_{Aeq, adj, T}</div><div>2. Background noise (Background) as L_{A 90, adj, T}</div><div>3. Max_{L_{pA, T}}</div><div>4. the level and frequency of occurrence of any impulsive or tonal noise</div><div>5. atmospheric conditions including wind speed and direction</div><div>6. effects due to extraneous factors such as traffic noise</div><div>7. recording of location, date and time of measurements.</div></div>																																			

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N4	Generation of substantial low frequency noise is not permitted.						
N5	<p>Blasting activities must not exceed the limits for peak particle velocity and air blast overpressure in <i>Table – Blasting noise limits</i> when measured at any sensitive place or commercial place in accordance with the associated monitoring requirements.</p> <p>Table - Blasting noise limits</p> <table> <tr> <th>Blasting criteria</th><th>Blasting limits</th></tr> <tr> <td>Airblast overpressure</td><td>115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.</td></tr> <tr> <td>Ground vibration peak particle velocity</td><td>5 mm/s peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/s peak particle velocity at any time.</td></tr> </table> <p>Associated monitoring requirements</p> <ol style="list-style-type: none"> Monitoring must be performed in accordance with the most recent edition of the administering authority's Noise and Vibration from Blasting guideline and <i>Noise Measurement Manual</i> and any relevant <i>Australian Standard</i>. All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual. 	Blasting criteria	Blasting limits	Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.	Ground vibration peak particle velocity	5 mm/s peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/s peak particle velocity at any time.
Blasting criteria	Blasting limits						
Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.						
Ground vibration peak particle velocity	5 mm/s peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/s peak particle velocity at any time.						
N6	Blasting must be carried out in accordance with the current edition of the administering authority's Noise and vibration from blasting guideline and with <i>Australian Standard 2187</i> .						
N7	<p>Unless prior approval is obtained from the administering authority:</p> <ol style="list-style-type: none"> blasting is only permitted during the hours of 9 am to 3 pm Monday to Friday, and from 9 am to 1 pm on Saturdays. blasting is not permitted at any time on Sundays or public holidays. 						
N8	When required by the administering authority , a blast monitoring program must be developed and implemented to monitor compliance with <i>Table – Blasting noise limits</i> at any sensitive place or commercial place .						
Agency interest: Water							
Condition number	Condition						
WA1	Other than as permitted within this environmental authority, contaminants must not be released to any waters .						

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WA2	<p>The only contaminants to be released to waters are settled treated stormwater in accordance with <i>Table - Surface water release limits</i> and the associated monitoring requirements.</p> <p>Table - Surface water release limits</p> <table><tr><th>Release Point(s) Description</th><th>Quality characteristic (units)</th><th>Limit</th><th>Limit Type</th><th>Minimum Monitoring Frequency</th></tr><tr><td rowspan="4">Spillway from sediment basin 'Quarry Sump QS1' identified in <i>Appendix B</i></td><td>pH</td><td>6.5-8.5</td><td>Range</td><td rowspan="4">Quarterly</td></tr><tr><td>Dissolved oxygen (%)</td><td>85-110</td><td>Range</td></tr><tr><td>Suspended solids (mg/L)</td><td>50</td><td>Maximum</td></tr><tr><td>Turbidity (NTU)</td><td>60</td><td>Maximum</td></tr></table> <p>Associated monitoring requirements</p> <ol style="list-style-type: none">Monitoring must be in accordance with the methods prescribed in the current edition of the administering <i>Monitoring and Sampling Manual</i>.Water and sediment samples must be representative of the general condition of the water body or sediments.All determinations must employ analytical practical quantification limits of sufficient sensitivity to enable comparisons to be made against water quality objectives/triggers/limits relevant to the particular water or sediment quality characteristic.Monitoring must be undertaken during a release and at the frequency stated.All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual.	Release Point(s) Description	Quality characteristic (units)	Limit	Limit Type	Minimum Monitoring Frequency	Spillway from sediment basin 'Quarry Sump QS1' identified in <i>Appendix B</i>	pH	6.5-8.5	Range	Quarterly	Dissolved oxygen (%)	85-110	Range	Suspended solids (mg/L)	50	Maximum	Turbidity (NTU)	60	Maximum
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	Dissolved oxygen (%)	85-110	Range																	
	Suspended solids (mg/L)	50	Maximum																	
	Turbidity (NTU)	60	Maximum																	
WA3	The release to waters permitted under WA2 must not contain any other properties at a concentration capable of causing environmental harm.																			
WA4	The release to waters permitted under WA2 must not produce any slick or other visible evidence of oil or grease, scum, litter or other visually objectionable matter.																			
WA5	Stormwater that is not contaminated by the activity must be diverted away from areas where it may become contaminated by the activity . Stormwater that is contaminated by the activity must be directed to a treatment system.																			

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Definitions

Key terms and/or phrases in this environmental authority are defined in this section. Where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Science or its successor or predecessors.

Airblast overpressure is the energy transmitted from the blast site within the atmosphere in the form of pressure waves. As these waves pass a given position, the pressure of the air rises very rapidly then falls more slowly then returns to the ambient value after a number of oscillations. The pressure wave consists of both audible (noise) and inaudible (concussion) energy. The maximum excess pressure in this wave is known as the peak air overpressure, generally measured in decibels using the linear frequency-weighting.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Background means noise, measured in the absence of the noise under investigation, as $L_{A\ 90, adj, T}$ being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

Blasting is the use of explosives to fracture:

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Disturbed areas includes areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Environmental value –

- a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

Groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

Land means any land, whether above or below the ordinary high-water mark at spring tides (i.e. includes **tidal land**).

$L_{Aeq, adj, T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, 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 shorter than one hour when the approved **activity** is causing an intermittent noise.

$Max_{L_{pA, T}}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

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Measures has the broadest interpretation and includes:

- Procedural measures such as standard operating procedures for dredging operations, environmental risk assessment, management actions, departmental direction and competency expectations under relevant guidelines
- Physical measures such as plant, equipment, physical objects (such as bunding, containment systems etc.), ecosystem monitoring and bathymetric surveys.

NATA means National Association of Testing Authorities.

Nominated delegate means another government agency that provides services to the **administering authority**.

Noxious means harmful or injurious to health or physical well-being.

Offensive means causing offence or displeasure; is unreasonably disagreeable to the senses; disgusting, nauseous or repulsive.

Prescribed water contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Release of a contaminant into the environment means to:

1. deposit, discharge, emit or disturb the contaminant
2. cause or allow the contaminant to be deposited, discharged, emitted or disturbed
3. fail to prevent the contaminant from being deposited, discharged emitted or disturbed
4. allow the contaminant to escape
5. fail to prevent the contaminant from escaping.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Stormwater that is not contaminated by the activity includes stormwater runoff from external or undisturbed catchments.

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurement, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a sensitive place exceeding 55 dB(Z).

Tidal land means land that is submerged at any time by tidal water.

You means the holder of the environmental authority.

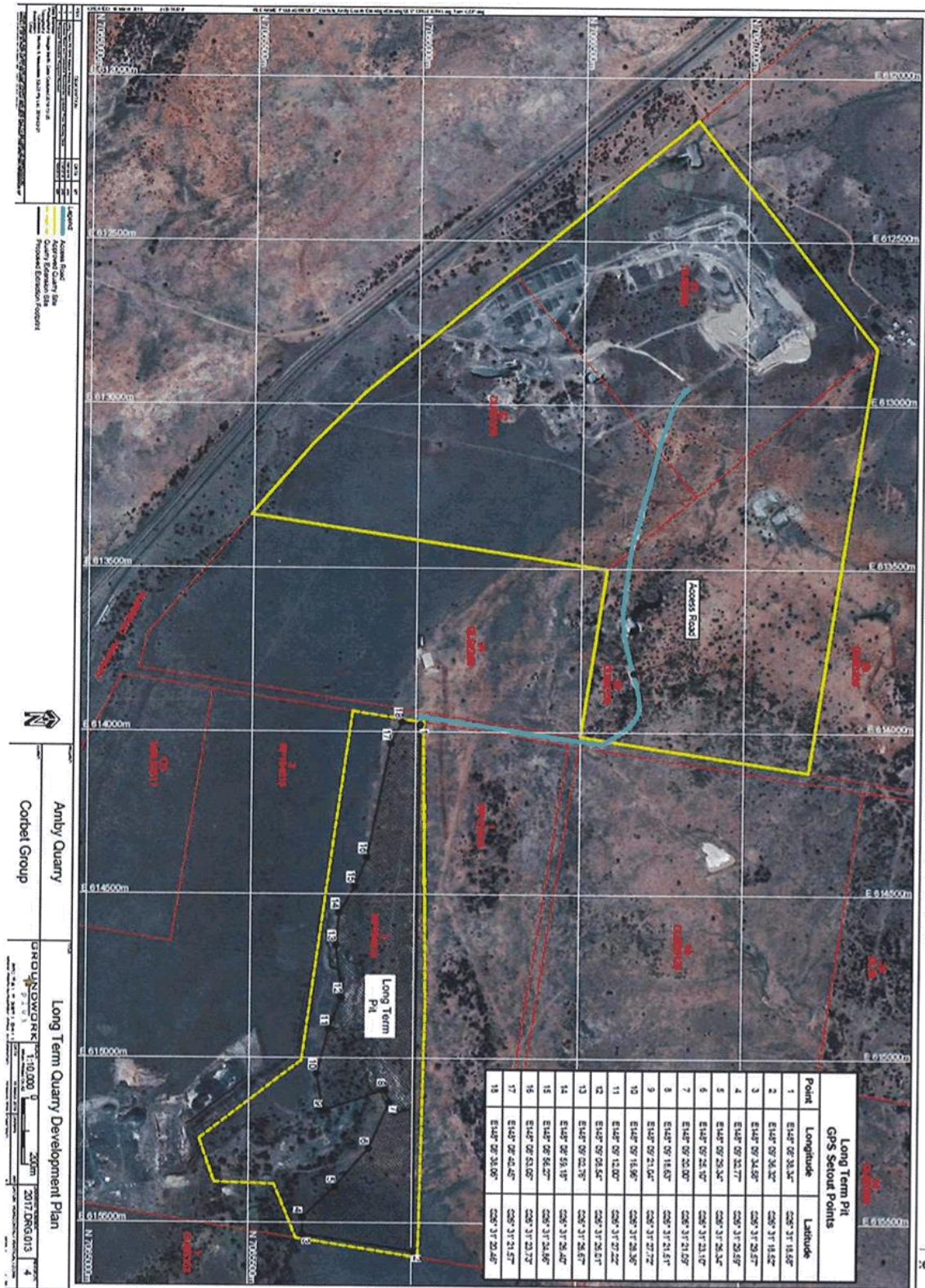
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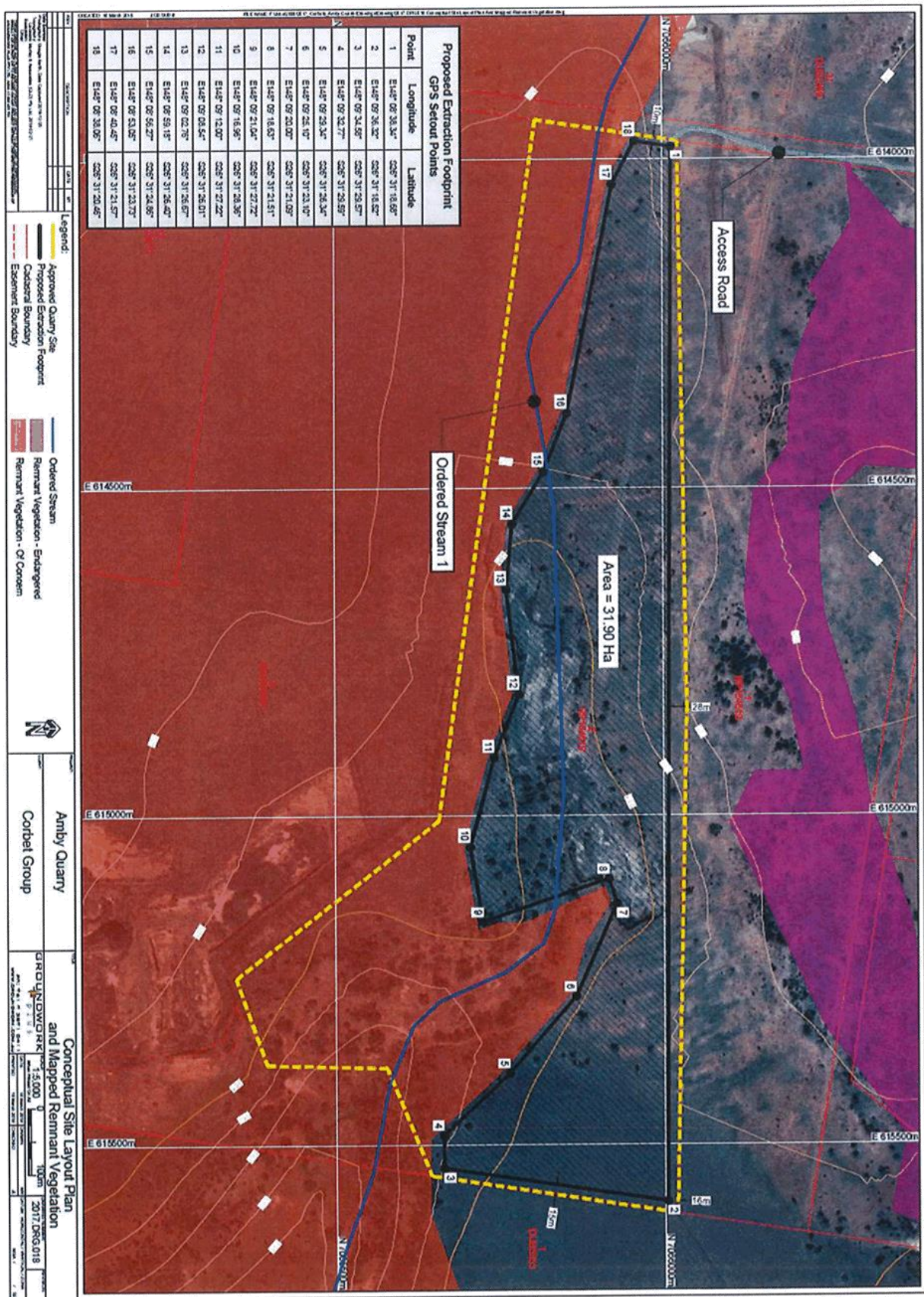
Vibration is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

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Appendix 1





Appendix 2



Summary of issues raised in submission	Summary of the issues raised in submission	Staff comments
<p><i>The development application is defective, deficient and incomplete.</i></p> <p><i>The application;</i></p> <p><i>a) Is 'not properly made'</i></p> <p><i>b) Has not been 'properly referred'; and</i></p> <p><i>c) Has not been publically notified properly,</i></p> <p><i>Pursuant to the provisions of the Planning Act 2016</i></p>	<ul style="list-style-type: none"> <i>DA Form 1 is incomplete, incorrect and defective in that it does not correctly describe or encapsulate the proposed development in so far as it;</i> <i>fails to correctly identify that the development is adjacent to a watercourse and the proposal involves interfering with water and removing quarry material from a watercourse or lake;</i> <i>fails to correctly identify that the development involves wetlands;</i> <i>fails to correctly identify that there is presence of fish on the property.</i> <i>fails to include required specified information</i> <i>fails to identify that there is a significant residual impact</i> <i>The application has not been properly referred in respect to the following referral triggers;</i> <ul style="list-style-type: none"> <i>Part 19 – Division 1 – Section 29 - Operational work that involves taking or Interfering with water for which the assessment manager is the Chief Executive not the Council under Schedule 8, Table 4, section 3, column 1 (k);</i> <i>Part 19 – Division 2 – Section 30 –</i> 	<p>The application has been deemed properly made by Council as the assessment manager and properly referred by the State Assessment and Referral Agency (SARA) as the referral agency for the application. Confirmation that compliance with public notification requirements prescribed under the <i>Development Assessment Rules</i> has been provided by the applicant;</p> <ul style="list-style-type: none"> The application was deemed properly made by Council in accordance with the provisions of the <i>Planning Act 2016</i>. A Confirmation Notice (reissued) confirming the application as properly made was issued by Council to the applicant on 30 October 2018 (the Confirmation was reissued to address grammatical errors and incorrect reference to the applicable sections of the Planning Regulation 2017). SARA confirmed that the application had been properly referred and a referral confirmation notice was issued to the applicant by SARA on 6 November 2018. The applicant has submitted evidence from SARA that the gully through Lot 2 is not a watercourse for the purposes of the Water Act. In addition, the application does not seek operational works for waterway barrier works. On this basis the additional referrals referenced in the submission are not triggered. The Department of Natural Resources, Mines and Energy (DNRME) has confirmed in an email to the applicant that the site is not traversed by a

Development for removing quarry material from a watercourse or lake for which the assessment manager is the Chief Executive not the Council under Schedule 8, Table 4, section 3, column 1 (j);

- *Part 20, Division 2 – section 34 – Operational Work in Wetland Protection Area for which the assessment manager is the Chief Executive not the Council under Schedule 8, Table 4, section 3, column 1 (n)*
- *Part –Division 2 – Subdivision 1 – Section 10 – Operational Work in declared fish habitat for which the assessment manager is the Chief Executive not the Council under Schedule 8, Table 4, section 3, column 1 (c).*
- *The applicant has failed to demonstrate that clearing on Lot 2 is not prohibited development under Schedule 10, part 3, division 1, s4 of the Planning Regulation 2017.*
- *Public notice was not provided on a public accessible road frontage to a dedicated road reserve.*

watercourse.

- SARA has provided a referral agency response about the application. It includes conditions of approval from DNRME about protection of vegetation. DNRME do not consider the proposed activity is a prohibited development and have not instructed Council to refuse the application.
- Public notification was carried out by public notification specialists who provided a notice of compliance that it was carried out in accordance with Schedule 3 of the Development Assessment Rules.

The nature, scope and intensity of the proposed use is unclear, ill-defined and obscured such that the impacts of the proposal cannot be conclusively established or properly assessed.

- *Air quality - the EMP provided with the application is cursory and contains insufficient details on how the new quarry will be managed to minimize dust emissions;*
- *Acoustics – to allow an informed decision to be made about the potential impact of noise emissions from the proposed new quarry an environmental noise assessment report is required;*
- *Rural Use, Agriculture & Vegetation Assessment – The application impacts matters of state interest, including Class A & B agricultural land and riparian rights which have not been addressed or mitigated by the application.*
- *Water Resource Impact Assessment – the level of technical assessment provided in support of the application is generic at best, and clearly inadequate to determine likely impacts of the activity on water resources, and the identification of any suitable remedial measures to counter these impacts.*
- *Traffic Statement – the applicant does not provide details of design of proposed haul road, such as construction material, formation width, pavement width, seal width, typical cross sections, drainage or fencing.*

Materials submitted by the applicant in support of the proposal are considered sufficient to make a determination on the application;

- The development has been assessed by the Department of Environment and Science (DES) which has subsequently issued an Environmental Authority for the proposed activity.
- SARA assessed the development application and considered that sufficient information had been provided and subsequently issued referral agency conditions for the development.
- Having carried out an assessment of the application, Council planning officers consider that:
 - sufficient information has been provided to make an informed determination on the application; and
 - To the extent the applicant did not provide detailed technical reporting, given the locational and operating characteristics of the use, it was considered appropriate to apply development conditions.
- The “Quarry Extension Area” does not include Class A & B agricultural land. The “Approved Quarry Site” has an effective development permit for an “Extractive industry.” An Extractive industry is currently operating in this area and it is not at this present time considered viable for rural pursuits.
- Conditions of development approval will require an operational works approval to be obtained for the construction of the access road connecting the “Approved Quarry Site” with the “Quarry Extension

Area". The required operational works application will need to demonstrate how compliance with the applicable design guidelines and standards will be achieved and must demonstrate how the access road is an adequate standard to accommodate the type and frequency of traffic generated by the activity.

- Should Council resolve to approve the application, conditions of development approval can be imposed to mitigate potential impacts from the development, including issues raised in the submission regarding noise. Some of the recommended conditions require the submission of further technical reports relating to noise to ensure that Council has a record of the compliance and any mitigation measures that are required in relation to this matter.

The proposed development represents a clear and significant conflict with the provisions of the Maranoa Planning Scheme 2017 and “other relevant matters” have not been nominated which support the approval of the proposal notwithstanding the conflict.

- *The proposal is in conflict with the Strategic Framework, Rural Zone Code, the Extractive Industries Code and the Extractive Resources Overlay Code.*

The proposed development complies with the assessment benchmarks in the Planning Scheme, compliance can otherwise be achieved by imposing development conditions, and/or, there are relevant matters which support the approval of the application;

- An assessment of the application against the applicable assessment benchmarks in the Planning Scheme is contained in the Supporting Documents.

The assessment summary provides that on balance there is no significant conflict with the applicable sections of the *Maranoa Planning Scheme 2017*. As part of the assessment of the application Council officers have also identified a number of relevant matters that support the approval of the application. These include the existing lawful use of Lot 30, 32 and 33 on DUB: 5359 (Extractive industry), the previous use of Lot 2 on RP: 154619 (Extractive industry), consideration that a part of the premises is identified on State Planning Policy mapping as a Key Resource Area, or can otherwise be appropriately addressed by way of development conditions.

The proposed development is directly contrary to the orderly and planned use of the surrounding locality for Rural purposes having particular regard to the established and lawful use of the adjoining premises for such activities.

- *The submitter contends that the proposed development is contrary and at odds with the orderly and planned development of the locality.*
- *The lawful use of the land for existing rural pursuits will be unreasonably curtailed as will their practical potential to consolidate and intensify over time should the proposed development be approved.*

The proposed Extractive industry is not contrary to the orderly and planned development of the location and any potential conflicts with surrounding land uses can be addressed by imposing development conditions;

- The subject premises is zoned Rural, where 'Extractive industry' is contemplated by the Planning Scheme. The purpose of the Rural Zone, amongst other matters, is to provide for a "wide range of rural uses including... extractive industry."
- The premises is mapped as containing areas that are identified as a "Key Resource Area" (KRA) on State Planning Policy mapping. KRAs are a planning tool applied to locations across Queensland that contain extractive resources of state significance and are designed to protect resources from being rendered inaccessible by urban expansion.
- Lot 2 on RP154619 has previously been used as an "Extractive industry." Disturbance from the previous use on this lot is still evident. (i.e. it has not been fully restored to productive rural use)
- An "Extractive industry" is operating on Lot 30, 32, and 33 on DUB: 5359 under an effective development permit.
- The premises directly south of Lot 2 on RP154619 has previously been used for "Extractive industry" (Lot 3 on RP 154619).
- The site to the west of Lot 30, 32, and 33 on DUB:

5359 has also been used for “Extractive industry” (Lot 62 on DL 25).

The approval of the proposed development will result in adverse amenity impacts and is contrary to the reasonable amenity expectations of these owning and occupying surrounding land utilised for lawful rural uses.

- *The application gives rise to a range of tangible impacts on the amenity of the locality, principally acoustic and air quality impacts.*
- *The risk to air quality associated with a quarry is caused by the release of dust from the day to day activities including, drilling, blasting, extraction and processing of hard rock, material handling, stockpiling and haulage of raw material and final product.*
- *The proximity of nearby residences to the activities associated with the proposal is such that the level of noise emissions from these activities is likely to be audible at the residences and, in the context of Lot 29 which is located less than 600m from the stockpile areas on the Quarry Site, likely to exceed the noise level limits that have been set under the current Environmental Authority for the operation of the Quarry Site solely.*
- *The level of tangible amenity impact that will emerge in this circumstance represents a fundamental land use conflict that is patently inappropriate, and is incapable of being adequately ameliorated as a result of inadequate buffering, screening and separation measures.*
- *Approval of the proposed development in its present form has the practical implication of inappropriately elevating the economic policy objective of the planning scheme and the State Planning Policy at the expense of clear environmental and amenity related policies of both documents.*

Having regard to the locational and operational characteristics of the proposal, it is considered that the risk of impacts from the proposed operation on surrounding land is low. Potential impacts from the development, including potential acoustic and air quality impacts, can be further mitigated through the imposition of development conditions. Adequate setbacks from nearby sensitive receptors can be achieved;

- The closest sensitive receptor is a dwelling house owned by the landowner of the lots that are the subject of the development application. The landowner has provided land owners consent for the making of the application. The landowner's dwelling is located over 1.5 kilometers from the "Quarry Expansion Area."
- The next closest sensitive receptor to the landowner is approximately 1.5 kilometers from the proposed "Extractive industry" which is consistent with the minimum separation distances provided for in the Planning Scheme – "*Extractive industry operations that involve blasting, crushing or screening are located a minimum of 1,500 metres from sensitive land uses...*"
- The Environmental Management Plan (the EMP) submitted with the application demonstrates the measures that will be implemented to mitigate impacts on surrounding land uses. Should Council resolve to approve the development, conditions of development approval will require that operations are carried out in accordance with the EMP.

- An Environmental Authority has been issued by the Department of Environment and Science (DES) and will form part of any development approval granted for the use. The DES have imposed conditions of approval addressing potential adverse impacts of air emissions generated by the development.
- The potential for environmental and amenity related impacts can be addressed through the imposition of development conditions around operating hours and noise attenuation measures.

<p><i>The design of the proposed development is contrary to sound traffic and access principals and will contribute to traffic safety, efficiency and circulation problems in the locality.</i></p>	<ul style="list-style-type: none"> • <i>It is understood that established fencing was removed during the construction of the unauthorised haul road, and hence would be required to be reinstated before use.</i> • <i>Cannot envisage how the application can be appropriately conditioned by Council without specific design criteria being provided as part of the Application.</i> 	<ul style="list-style-type: none"> • Conditions of development approval will require approval of an operational works application demonstrating how the proposed “access road” between the “Approved Quarry Site” and the “Quarry Extension Area” will be constructed to comply with the applicable standards for the types and number of vehicles used in the operation. Conditions will require the access road to be constructed in accordance with relevant approvals prior to commencement of the use. • The application has been referred to the Department of Transport and Main Roads (DTMR) via the State Assessment Referral Agency. The Department has issued development approval conditions requiring upgrades to the proposed access to the State Controlled road. DTMR have not advised Council to refuse the application.
<p><i>The proposed development will result in adverse impacts on water resources including overland flow, and ground water quality and availability. It is proposed to proceed in the absence of required water related assessments, approvals and licences.</i></p>	<ul style="list-style-type: none"> • <i>Watercourse exist on and adjacent to the lands which are proposed to be quarried. The application needs to be compliant with the requirements of the Water Act, and it is clearly not.</i> • <i>The quarrying application did not identify that the land subject to the application contained a watercourse.</i> • <i>The proposed works legally require both a water license in respect to the interference and a Riverine Protection Permit in respect of disturbance of vegetation within a watercourse.</i> 	<ul style="list-style-type: none"> • Confirmation has been provided as part of the application materials that DNRME does not consider the development site contains a watercourse. • The applicant has submitted a Stormwater Management Plan demonstrating how sediment and overland flow will be managed. Conditions of development approval will require that stormwater from the approved operation be managed in accordance with the Stormwater Management Plan and Council’s adopted standards. These conditions include a requirement to submit an operational works application for the Stormwater Diversion drain around

		<p>the northern side of the proposed extraction pit and to undertake testing to ensure the proposed operation will not impact on groundwater.</p> <ul style="list-style-type: none"> Should Council resolve to approve the application, conditions of development approval can be imposed to mitigate potential impacts from the development, including issues raised in the submission regarding groundwater. Some of the recommended conditions require the submission of further technical reports relating to groundwater to ensure that Council has a record of the compliance and any mitigation measures that are required in relation to this matter.
<p><i>The applicant has not demonstrated the presence of a sufficient economic or justifiable “planning need” for the proposed development, and even in the circumstance a need was demonstrated, there is no basis to assert that such need is required to be met at the current time.</i></p>	<ul style="list-style-type: none"> <i>The applicant has not sought to consider aspects of “planning need” insofar as it relevant to whether the key extractive resources earmarked for protection, should justifiably be extracted in the short to medium term.</i> <i>Community interest might be best served by deferring the expansion of extractive operations in the KRA at this time, in favour of their continued protection and orderly extraction at some future time.</i> 	<ul style="list-style-type: none"> Having carried out an assessment of the application, Council planning officers are of the opinion that there is no significant conflict with the relevant assessment benchmarks. In the absence of any significant conflict, providing a justifiable ‘planning need’ is deemed unnecessary. The applicant has provided the following response to this matter; <p><i>This is a long-term project and the applicant has identified an obvious and pertinent need for hard rock materials to be supplied to this region. This particular resource has been confirmed as a high quality, consistent and suitable for a wide range of products and well located to service the region. The applicant would not be seeking to utilise the recognized Marbango KRA if there was not a demonstrated need for the quarry materials in the region.</i></p>

Planning Assessment

Introduction

Corbet Quarries and Concrete Pty. Ltd. C/- Groundwork Plus is seeking a development permit for a Material Change of Use for an “Extractive industry” on Lot 30, 32 and 33 on DUB5359 and Lot 2 on RP154619 (the “subject premises”). The subject premises is located approximately 6 kilometers west of Amby on the Warrego Highway (approximate location circled in Red in Figure 1 below).

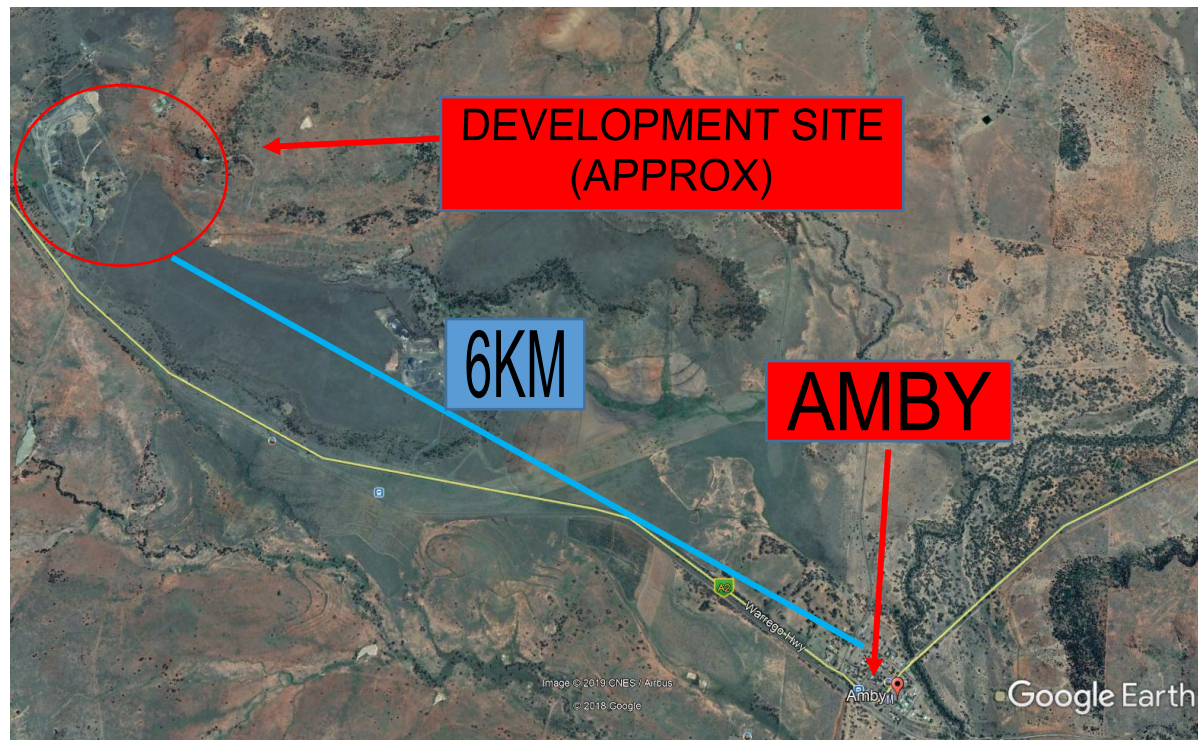


Figure 1 – Site location (approximate)

An effective development permit for an “Extractive industry” is in place for Lot 30, 32 and 33 on DUB: 5359 (the “Approved Quarry Site”). This application does not seek to replace the existing approval. The purpose of this application is to establish a new quarry pit on Lot 2 on RP: 154619 (the “Quarry Extension Area”) that will supplement activity at the Approved Quarry Site.

The Approved Quarry Site and the Quarry Extension Area will be linked via an access road that is proposed to be built within a currently unconstructed road reserve. Council recently approved an operational works application for the construction of a road within this road reserve (Approval reference 2019/19906).

Shown below in Figure 1 is the proposed “Extractive industry”, with the “Access Road” linking the Approved Quarry Site and the Quarry Extension Area shown in blue. All screening activities, stockpiling of material and access will continue to be provided at the “Approved Quarry Site” with the “Quarry Extension Area” used exclusively to extract *extractive material*.

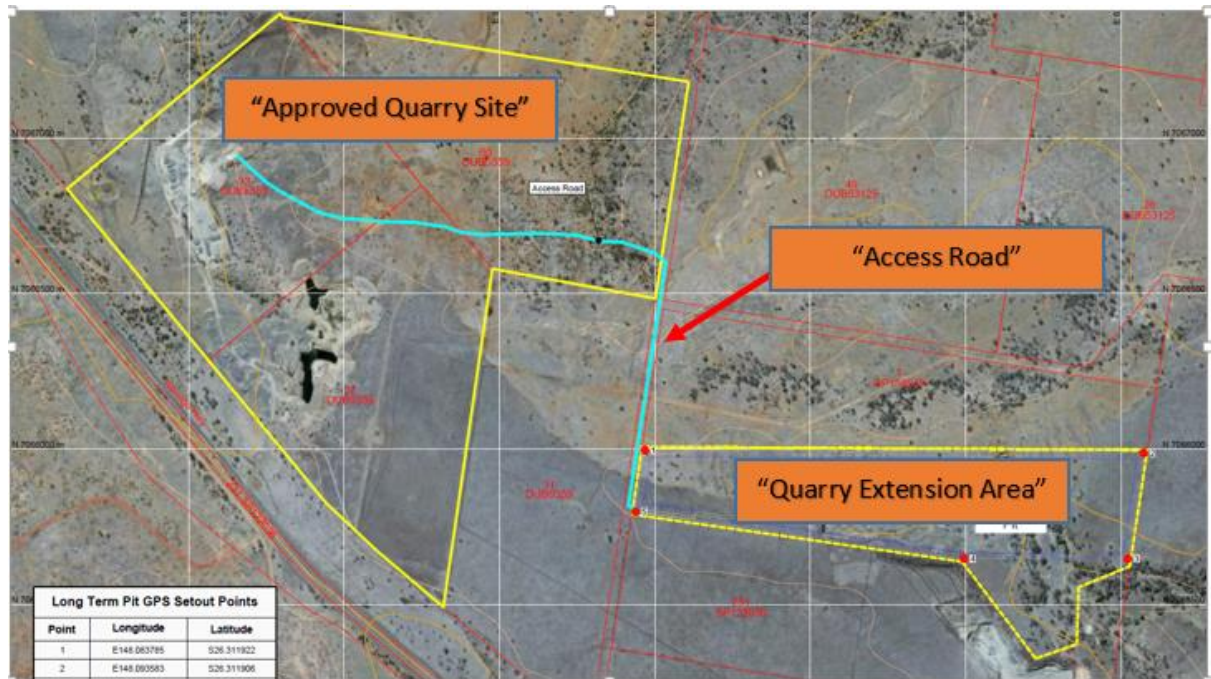


Figure 2 – Site plan

The proposal constitutes a *material change of use* as defined in the *Planning Act 2017* (being the *start of a new use of the premises*).

The proposed use is defined as “Extractive industry” in the *Maranoa Planning Scheme 2017* (the Planning Scheme);

Extractive industry means the use of premises for—

- (a) *extracting or processing extractive resources; and*
- (b) *any related activities, including, for example, transporting the resources to market.*

The proposed use requires a development permit to be issued by Council prior to the commencement of use. Provisions of the Planning Scheme make the required development application for the development permit subject to impact assessment.

An impact assessment is an assessment that must be carried out against the assessment benchmarks prescribed by the *Planning Regulation 2017*, in this case being;

- the *Darling Downs Regional Plan*;
- the *State Planning Policy*;
- the *Maranoa Planning Scheme*; and
- the *Maranoa Regional Council LGIP*.

An impact assessment must also have regard to any other relevant matter, other than a person’s personal circumstances, financial or otherwise, including any properly made submission about the application.

In accordance with Section 60 of the *Planning Act 2016*, after carrying its assessment Council must decide to;

- (a) approve all or part of the application; or
- (b) approve all or part of the application, but impose development conditions on the approval; or
- (c) refuse the application.

Development site

The subject premises can be generally described as;

- consisting four lots; Lot 30, 32 and 33 on DUB5359 and Lot 2 on RP154619 (Lot 2). The four lots have a combined area of approximately 252 hectares; and
- having an “Extractive industry” operating on lots, Lot 30, 32 and 33 on DUB5359. A development permit has been issued by Council (reference 2013/18568) for this activity. Access to this “Extractive industry” is provided from the Warrego Highway via Lot 32 on DUB5359. A copy of the approved Site plan for the existing “Extractive industry” is provided in Figure 3; and

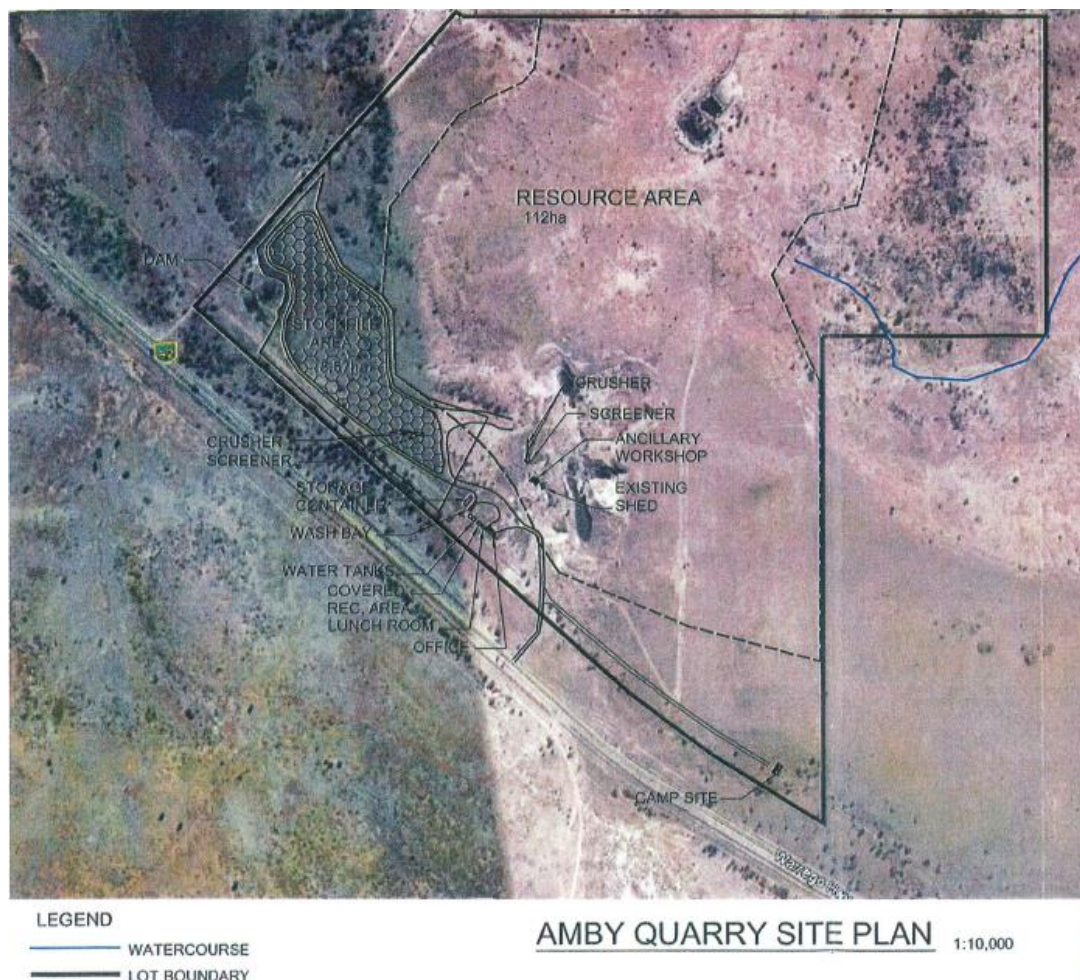


Figure 3 – Approved “Extractive industry” on Lot 30, 32 and 33 on DUB5359

- Lot 2 has been used in the past for an “Extractive industry” (it was the original “Amby quarry”) but has now reverted back to use for rural pursuits. The site still displays disturbance from previous extractive activities; and
- The approved access to Lot 2 is via an access easement (Easement No. 602129366) which connects the site to the Warrego Highway. This access easement conflicts with quarry activity on the adjacent lot to the south (Lot 3 on RP 154619) and is not currently in use. The easement is shown in ‘Red’ hatching below in Figure 4; and

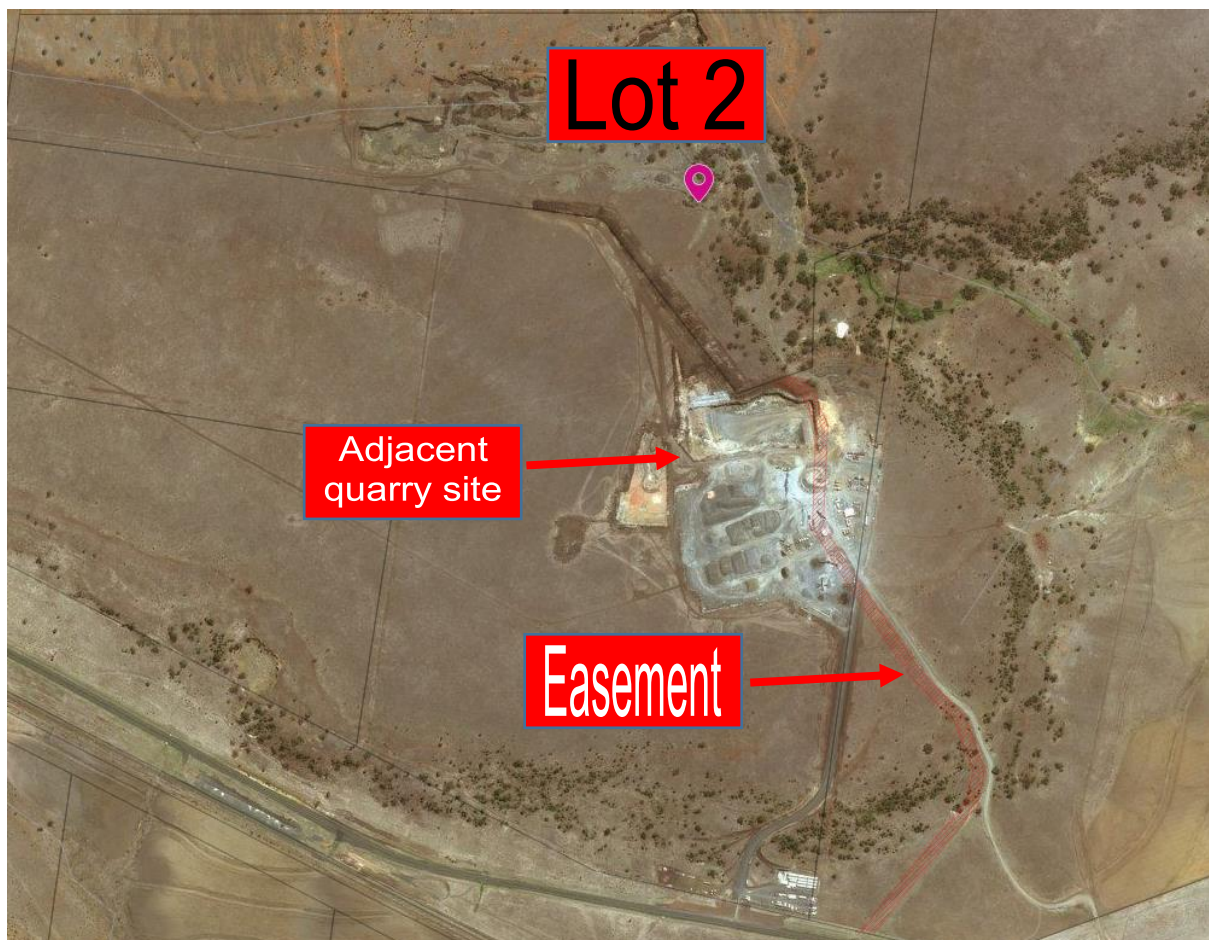


Figure 4 – Access easement - Easement No. 602129366

- The subject premises is zoned “Rural” in the *Maranoa Planning Scheme 2017* (see Figure 3) and is affected by the Extractive Resources Overlay Code, the Biodiversity Overlay Code, the Bushfire hazard overlay code, the Infrastructure Overlay Code and the Agricultural Overlay Code.
- Lot 2 on RP: 154619 and part of Lot 32 on DUB: 5359 are identified as a *Key Resource Area* in the State Planning Policy (see Figure 4 below). A Key Resource Area is a planning tool designed to protect significant state resources from being rendered inaccessible by urban expansion.



Figure 3 – Site zoning (site location shown approximately in Red)



Figure 4 – Key Resource Area shown in hatching

Site context

The adjoining and nearby (i.e. across roads) land uses can be generally described as consisting rural grazing land and land that is used or has previously been used for “Extractive industry” activities. For context Figure 5 below identifies in red circles the existing and previous extractive operations in the general location.



Figure 5 - Existing/previous extractive operations

Development proposal

- The application proposes establishing a new quarry pit on Lot 2 on RP154619 (Lot 2) that will utilise existing infrastructure at the existing quarry located Lot 30, 32 and 33 on DUB 5359 (Lot 30, 32 and 33).
- Lot 2 will be used exclusively to extract *extractive material* which will be transported to Lot 30, 32 and 33 via a proposed access road that will be constructed within a road reserve.
- Material transported from Lot 2 will be crushed, screened and stockpiled on Lot 30, 32 and 33 before being transported to the wider road network via the existing access from Lot 32 to the Warreggho highway;
- operating hours will be restricted to 6:00am to 6:00pm Mondays to Saturdays (excluding public holidays);
- the existing throughput of 360,000 tonnes per annum at the existing quarry will be maintained, that is, with the addition of the new quarry pit thresholds will not increase.

Development Assessment Process

The procedural requirements set out by the *Development Assessment Rules* to enable Council to make a decision on this application have been fulfilled, including;

- the applicant submitted an application for a material change of use for an “Extractive industry” on 17 October 2018;
- Council, as assessment manager, issued a Confirmation Notice (reissue) on 30 October 2018;
- The applicant referred the application to SARA on 5 November 2018;
- Council issued an information request on 12 November 2018;
- SARA issued an information request on 16 November 2018;
- The applicant provided a response to SARAs information request on 1 April 2019;
- The applicant provided a response to Councils information request on 4 April 2019; and
- The applicant carried out public notification between 12th April 2019 and the 10th May 2019 for no less than 15 business days (the last day of the public notification period fell on a public holiday and so the last day of public notification was taken to be the next business day, being 13 May 2019).

Assessment Benchmarks

The Darling Downs Regional Plan

The *Darling Downs Regional Plan* was adopted in October 2013 and covers the local government areas of Balonne, Goondiwindi, Maranoa, Southern Downs, Toowoomba and Western Downs.

The intent of the Darling Downs Regional Plan is to provide direction to resolve competing State interests relating to the agricultural and resources sectors, and to enable the growth potential of the

region's towns. It seeks to maximise opportunities for co-existence of resources and agricultural land uses.

The proposed development maintains the intent of the Darling Downs Regional Plan because it will promote resource activities without compromising viable agricultural land. The development footprint is located outside of the Priority Agricultural Area identified in the Darling Downs Regional Plan and parts of the development footprint are located with a Key Resource Area.

The State Planning Policy

Council is required to consider the State Planning Policy to the extent that the applicable sections have not been appropriately integrated in the Maranoa Planning Scheme. As the Maranoa Planning Scheme appropriately integrates all relevant aspects of the State Planning Policy a separate assessment of the application against this document is not required.

The Maranoa Planning Scheme 2017

The relevant sections of the *Maranoa Regional Planning Scheme 2017* are;

- Part 3 Strategic framework
- Part 4 Local Government Infrastructure Plan
- Part 5 Tables of assessment
- Part 6 Zones
 - Part 6.2.1 Rural zone code
- Part 8 Overlays
 - Part 8.2.1 Agricultural land overlay code
 - Part 8.2.2 Extractive resources overlay code
 - Part 8.2.3 Biodiversity areas overlay code
 - Part 8.2.6 Bushfire hazard overlay code
 - Part 8.2.7 Infrastructure Overlay Code
- Part 9 Development Codes
 - Part 9.3.3 Extractive industry code

Part 3 – Strategic framework

The Strategic framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.

The Strategic framework is structured in the following way;

The Maranoa region including:

- (i) the region and the Darling Downs Regional Plan;
- (ii) the region and the Maranoa Community Plan 2020

The themes and key policies:

- (i) livable communities and housing;
- (ii) economic growth;
- (iii) environment and heritage;
- (iv) hazards and safety; and
- (v) infrastructure.

An assessment of the proposed development against the applicable key aspects of the Darling Downs Regional Plan, Maranoa Community Plan and Strategic framework of the Maranoa Planning Scheme is provided in the table below;

Policy Direction	Response
Darling Downs Regional Plan	The proposed development maintains the intent of the Darling Downs Regional Plan because it is for an “Extractive industry” that will support the resource sector located outside of Priority Agricultural Area.
Maranoa Community Plan 2020	<p>The proposed development supports the principles of the Maranoa Community Plan 2020 because;</p> <ul style="list-style-type: none"> • is conveniently located and highly accessible by major transport networks; and • potential impacts can be mitigated through operational practices and development conditions.
The themes and key policies	<p>The proposed development is consistent with the applicable themes and key policies of the Strategic framework because it;</p> <ul style="list-style-type: none"> • is easily accessible and utilises existing resources and infrastructure; and • is located outside of flood hazard areas; and • will not prejudice or compete with agricultural uses, retail and commercial uses in traditional centres, and will promote extractive resource activities.

Part 4 - Local Government Infrastructure Plan

The Maranoa Regional Council Local Government Infrastructure Plan (LGIP) was adopted by Council in 2018. The purpose of the LGIP is to:

- (a) integrate infrastructure planning with the land use planning identified in the planning scheme;
- (b) provide transparency regarding a local government's intentions for the provision of trunk infrastructure;
- (c) enable a local government to estimate the cost of infrastructure provision to assist its long term financial planning;
- (d) ensure that trunk infrastructure is planned and provided in an efficient and orderly manner; and
- (e) provide a basis for the imposition of conditions about infrastructure on development approvals.

The proposed development is not located within Council's Priority Infrastructure Area nor is it serviced by Council's trunk infrastructure networks. The development does not propose extending any of Council's infrastructure networks nor is it considered necessary, practical or reasonable to require infrastructure upgrades to Council infrastructure networks to service the development.

Part 5 - Tables of assessment

The Tables of Assessment identify the category of development, the category of assessment and the assessment benchmarks for assessable development in the planning scheme area. The Tables of Assessment identify the level of assessment for the proposed use in the proposed location as "Impact assessment."

Part 6 - Zones

Zones organise the planning scheme area in a way that facilitates the location of preferred or acceptable land uses. The premises is located in the Rural Zone.

Part 6.2.1 - Rural zone code

The purpose of the Rural zone is to:

- (a) provide for a wide range of rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping, extractive industry, special industry (explosives manufacturing and storage) and other primary production activities on large lots without affecting urban areas;
- (b) provide opportunities for non-rural uses that are compatible with agriculture, the energy sector, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;
- (c) protect or manage significant natural features, resources, cropping land, and processes, including the capacity for primary production;
- (d) ensure primary production is maintained by protecting the productive capacity of all rural land. This includes protecting rural land from alienation and fragmentation that may lead to loss in productivity.
- (e) ensure that development in the zone protects and enhances transport infrastructure; and,

- (f) ensure that development maintains the integrity and water quality of the Murray-Darling Basin Catchment.

The overall outcomes sought for the Rural zone code are as follows:

- areas for use for primary production are conserved and are not fragmented;
- the establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses, ensuring that land use and amenity impacts are minimised at sensitive receptors;
- development is designed to incorporate sustainable practices including maximising energy efficiency, water conservation and transport use;
- development is reflective of and responsive to the environmental constraints of the land;
- development embraces sustainable land management practices and contributes to the amenity and landscape of the area;
- residential and other development is appropriate only where directly associated with the rural nature of the zone;
- the establishment of outdoor recreation and small-scale tourism facilities in suitable locations is facilitated only where they do not compromise the use of the land for rural activities;
- the establishment of outdoor recreation and small-scale tourism facilities in suitable locations is facilitated in a manner that minimises land use conflicts;
- natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development where possible;
- there is no net loss or degradation of natural wetlands for the life of the planning scheme;
- adverse impacts of land use both on-site and from adjoining areas are addressed and any unavoidable impacts are minimised through location, design, operation and management;
- visual impacts of clearing, building design and construction, materials, access ways and other aspects of development and land use are consistent with the zone purpose;
- the viability of both existing and future rural uses and activities are protected from the intrusion of incompatible uses and development impacts on cropping land are managed to preserve the productive capacity of the land for future generations;
- land which is susceptible to flooding or drainage problems, including difficulties associated with high ground water tables is protected from urban or inappropriate uses;
- rural land use is reflective of the surrounding character of the area;
- low-impact activities such as small-scale eco-tourism, outdoor recreation, and service industry are encouraged within the zone where they do not compromise the long-term use of the land for agricultural purposes; and,
- development such as non-resident workforce accommodation to service the energy sector is catered for only on a short term basis for periods not exceeding two years.

The proposed development complies with the Purpose and Overall Outcomes of the Rural zone because;

- it is for an “Extractive industry” on large rural lots that will not affect an urban area;
- by implementing appropriate stormwater control measures it will not impact on the integrity and water quality of the Murray-Darling Basin Catchment;
- it is located significant distances (in excess of 1.5km) from the nearest sensitive receptors, ensuring that land use and amenity impacts are minimised; and
- adverse impacts of the proposed development both on-site and from adjoining areas can be addressed and minimised through design, operation and management and development conditions; and
- there is no net loss or degradation of natural wetlands

Assessment against the design criteria of the Rural Zone code is provided in the table below.

<i>THE RURAL ZONE CODE</i>	
for all the Rural zone:	
Performance outcomes	Acceptable outcomes
<i>PLANNING</i>	
<i>Use, density and built form</i>	
<i>Agricultural land classification – in addition, refer to the Agricultural land overlay code where mapped in the SPP mapping as Class A or Class B Agricultural land.</i>	

<p>PO 1 Scale</p> <p>Non-rural activities are at a scale which protects the amenity of the area.</p>	<p style="text-align: right;">✓</p> <p>The activity is for a non-rural activity that is at a scale which protects the amenity of the area because;</p> <ul style="list-style-type: none"> • the subject premises is zoned Rural where Extractive industry activities are contemplated by the Planning Scheme; and • adequate separation distances can be provided between the development footprint and nearby sensitive receptors; and • progressive rehabilitation will occur throughout the life of the development; and • should Council approve the application, conditions of development approval will restrict operating hours; and • should Council approve the application, conditions of development approval will require that measures are implemented to avoid nuisance to surrounding and nearby land uses including restricting operating hours and putting into place management practices to avoid nuisance.
<p>PO 2 Location</p> <p>Non-rural activities must be located where there is convenient access unless the development is for an Extractive Industry (whose location is dependent on the resource) in which case appropriate access will be developed.</p> <p>Uses other than <i>Rural activities</i> or <i>Dwelling house</i> are located so as:</p> <ul style="list-style-type: none"> (a) not to prejudice the consolidation of like non-rural uses in other more appropriate areas; (b) to be co-located with other non-rural uses wherever possible; (c) to be located on the major road network rather than local roads. <p>Note: non-rural uses are any uses that are not associated with Rural activities or a Dwelling house.</p>	<p style="text-align: right;">✓</p> <p>The development is appropriately located because;</p> <ul style="list-style-type: none"> • it is co-located with an existing "Extractive industry" use; and • it is located adjacent to, and in close proximity to other "Extractive industry" uses; and • it is located adjacent to and gains direct access to a state controlled road; and • it is located in the Rural zone where "Extractive industry" use is supported by the Planning Scheme; and

	<ul style="list-style-type: none"> the “Quarry Expansion Area” and parts of the “Approved Quarry Site” is located within a Key Resources Area (KRA).
PO 3 Density and site coverage. The density of <i>Accommodation activities</i> does not impact adversely on the rural amenity or rural activities of the zone.	N/A - This application does not involve <i>Accommodation activities</i> .
PO 4 Setbacks Building setbacks: <ul style="list-style-type: none"> (a) assist in enhancing the character and amenity of the area; (b) are appropriate to the scale of the development; (c) are sufficient to minimise loss of privacy, overshadowing and overlooking of adjoining premises; and (d) provide adequate separation and buffering between residential and non-residential premises. 	N/A – This application does not involve ant new buildings.
PO 5 Separation <i>Rural activities</i> are sufficiently separated from any existing or planned residential or rural residential area or other <i>sensitive land use</i> to avoid any adverse impacts with regard to noise, dust, odour, visual impact, traffic generation, lighting, radiation or other emissions or contaminants. Note: Sensitive land uses are defined in the State Planning Policy.	N/A – This application does not involve “ <i>Rural activities</i> ”
PO 6 Outbuildings Rural amenity is to be maintained.	N/A – The application does not involve “ <i>Outbuildings</i> ”.
PO 7 Important agricultural areas Important agricultural areas are optimised for the promotion and enabling of increased agricultural production.	N/A - The subject premises is not identified on SPP Mapping as containing <i>important agricultural areas</i> .

<p>PO 8 ALC Class A and Class B agricultural land</p> <p>Avoid locating non-agricultural development on or adjacent to ALC Class A or Class B land.</p>	<ul style="list-style-type: none"> • The existing 'Extractive industry' operating on Lots 30, 32 and 33 on DUB 5359 has areas identified on SPP mapping as containing ALC Class A or Class B land. This land is used for extractive activities and is not used for any agricultural pursuits; and • The existing quarry will continue to operate regardless of Councils decision on this development application; and • The Quarry Extension Area where new quarry pit is proposed is not located within an area identified as containing ALC Class A and Class B agricultural land.
<p>PO 9 Sensitive land</p> <p>Rural land uses are "protected from encroaching incompatible land uses".</p>	<ul style="list-style-type: none"> • The proposed 'Extractive Industry' will occupy areas already used for extractive activities; and • New quarry areas proposed as part of the application will be located where previous extractive activities have been undertaken; and • Parts of the proposed development footprint, including the area proposed for new quarry activity are located in a mapped Key Resource Area.
<p><i>Amenity</i></p>	
<p><i>Advertising signs – refer to the Operational works advertising devices code</i></p>	
<p><i>Heritage places – in addition, refer to the Heritage overlay code</i> where mapped in the SPP Cultural heritage mapping or listed in the Heritage and character policy</p>	
<p>PO 10 Cultural heritage</p> <p>The physical integrity and significance of cultural heritage discovered during development is retained.</p> <p>Note: Cultural heritage refers to indigenous and non-indigenous cultural heritage.</p>	<ul style="list-style-type: none"> • The site is not identified on SPP mapping as containing cultural heritage; and • Should Council approve the application, text in the decision notice will require that the operator implement reasonable measures to ensure the Cultural Heritage Duty of Care Guidelines are met.
<p><i>Avoiding nuisance</i></p>	
<p>PO 11 Operating Hours</p>	<p>✓</p>

<p>Uses are operated in a manner that ensures that local amenity is protected.</p>	<p>The use will be operated in a manner that ensures that local amenity is protected because;</p> <ul style="list-style-type: none"> operations will be restricted to between 6:00am to 6:00pm Monday to Saturday. Operations will not be permitted on Sundays or public holidays.
<p>PO 12 Noise emissions</p> <p>Noise emissions from premises do not cause nuisance to adjoining properties or sensitive land uses.</p>	<p style="text-align: center;">✓</p> <p>Noise emissions from premises will not cause nuisance to adjoining properties or sensitive land uses because;</p> <ul style="list-style-type: none"> The nearest sensitive receptor is owned by Mr Brumpton, who is also the owner of the parcels of land that are subject to this application. Mr Brumpton has given consent to the making of this application and has not objected to the application; and The next nearest receptor is located over 1.5km from the "Extractive Industry" which is in accordance with the separation distances provided by the Planning Scheme; and Conditions of development approval will require that mitigation measures are implanted to avoid any noise disturbance during blasting and other extractive activities. Should Council resolve to approve the application, conditions of development approval can be imposed to mitigate potential impacts from the development, including potential noise impacts. Some of the recommended conditions require the submission of further technical reports relating to noise to ensure that Council has a record of the compliance and any mitigation measures that are required in relation to this matter.
<p>PO 13 Lighting</p> <p>Lighting is designed in a manner to ensure ongoing amenity and safety in the activity area, whilst ensuring surrounding areas are protected from undue glare or lighting overspill.</p>	<p>Should Council approve the application conditions of development approval will require that any lighting from the site does not exceed 8.0 lux at 1.5 metres from beyond the site boundary.</p>

<p>PO 14 Refuse storage Refuse storage areas are screened from the road and adjoining uses.</p>	<p>Should Council approve the application;</p> <ul style="list-style-type: none"> • Conditions of development approval will require that bulk refuse storage areas are provided within the development footprint and that refuse containers are screened from the road and adjoining land uses; and • Conditions of development approval will require that all refuse storage containers be maintained in a clean and tidy state at all times while the use continues, and shall be emptied and the waste removed from the site on a regular basis.
ENGINEERING	
<i>Earthworks – refer to the Excavation or filling code</i>	
<i>Infrastructure – refer to the Operational works infrastructure code</i>	
Erosion control	
<p>PO 15 Construction activities Both erosion control and silt collection measures are undertaken to ensure the protection of environmental values during construction.</p>	<p style="text-align: center;">✓</p> <p>Any construction activities will to ensure both erosion control and silt collection measures are implemented to ensure the protection of environmental values because;</p> <ul style="list-style-type: none"> • should Council approve the application, erosion control and silt collection measures will be conditioned to be undertaken in accordance with the <i>Capricorn Municipal Development Guidelines</i> and <i>Capricorn Municipal Development Guidelines D7 'Erosion Control and Stormwater Management'</i>.
Provision of services	

<p>PO 16 Electricity supply Premises are provided with an adequate supply of electricity for the activity.</p>	<p style="text-align: center;">✓</p> <p>The premises will be provided with an adequate supply of electricity for the approved activity because;</p> <ul style="list-style-type: none"> • Should Council approve the development, conditions of development approval will require that an adequate supply of electricity be achieved through either efficient design, alternative energy technologies, portable generators or a connection to the reticulated electricity network.
<p>PO 17 Water supply To ensure the provision of a potable and fire-fighting water supply:</p> <ul style="list-style-type: none"> (a) premises are provided with a supply and volume of water adequate for the activity; and (b) access is maintained to the supply for fire-fighting purposes; and (c) access to reticulated water infrastructure is to be maintained for maintenance and replacement purposes 	<p style="text-align: center;">✓</p> <p>The premises will be provided with an adequate supply of water for firefighting purposes because;</p> <ul style="list-style-type: none"> • should Council approve the development, conditions of development will require that sufficient on-site water supply is available for the proposed activity and that this is demonstrated through the preparation and implementation of a bushfire management plan.
<p>PO 18 Effluent disposal To ensure that public health and environmental values are preserved:</p> <ul style="list-style-type: none"> (a) all premises provide for the effective treatment and disposal of effluent and other waste water; and (b) access to reticulated infrastructure is to be maintained for maintenance and replacement purposes. 	<p style="text-align: center;">✓</p> <p>The premises are currently provided with an effective effluent disposal system.</p>
<p><i>Stormwater and drainage</i></p>	

<p>PO 19 Stormwater and inter-allotment drainage</p> <p>Stormwater is collected and discharged so as to:</p> <ul style="list-style-type: none"> (a) protect the stability of buildings and the use of adjacent land; (b) prevent water-logging of nearby land; and, (c) protect and maintain environmental values. 	<p style="text-align: right;">✓</p> <p>Stormwater will be collected and discharged so as to protect the stability of buildings and the use of adjacent land and prevent water-logging of nearby land because;</p> <ul style="list-style-type: none"> • should Council approve the development, conditions of development approval will require that stormwater from the development site is managed in accordance with the <i>Amby Quarry Extension – Stormwater Management Plan</i> prepared by Groundwork Plus dated 19 March 2019; and Capricorn Municipal Development Guidelines D5 ‘Stormwater Drainage Design’.
<p><i>Roads and Rail</i></p>	
<p><i>Infrastructure – refer to the Infrastructure overlay code for development in the proximity of, or potentially affecting State infrastructure.</i></p>	
<p>PO 20 Protection of State controlled roads</p> <p>Development adjacent to State controlled roads is located to ensure safe and efficient use of the highway, and maintain and enhance the integrity of the highway as a link between centres.</p>	<ul style="list-style-type: none"> • The application has been referred to the Department of Main Roads and Transport via the State Assessment Referral Agency who have provided referral agency conditions to upgrade the existing access to the state controlled road; and • There is no new access points proposed to the State Controlled Road.
<p>PO 21 Roads</p> <p>An all-weather road is provided between the premises and the existing road network.</p>	<p>An all-weather road will be conditioned to be provided between the subject premises and the existing road network in the event Council approve the application.</p>
<p><i>Access, parking and manoeuvring</i></p>	
<p>PO 22 Vehicle access</p> <p>Vehicle access is provided to a standard appropriate for the activity and the zone.</p>	<p>The development site gains direct access to the state controlled road network. The application has been referred to the Department of Transport and Main Roads via the State Assessment Referral Agency. And the Department has provided conditions of approval that require upgrades to the existing access.</p>

<p>PO 23 Parking and manoeuvring</p> <p>Vehicle parking and service vehicle provision is adequate for the activity, and ensures both safety and functionality for motorists and pedestrians.</p>	<p style="text-align: right;">✓</p> <p>Vehicle parking and service vehicle provision will be adequate for the activity because;</p> <ul style="list-style-type: none"> • Staff and visitor parking is currently provided within designated areas in the “Existing Quarry Area” adjacent to the site office; and • Should Council conditions of development approval will require that parking is also provided within the “Quarry Extension Area.”
<p>ENVIRONMENTAL</p>	
<p><i>Biodiversity – in addition, refer to the Biodiversity areas overlay code where mapped in the SPP mapping as MSES.</i></p>	
<p>PO 24 Air emissions</p> <p>Air emissions including odour from premises do not cause environmental harm or nuisance to adjoining properties or sensitive land uses.</p>	<p>Air emissions including odour from premises will not cause environmental harm or nuisance to adjoining properties or sensitive land use because;</p> <ul style="list-style-type: none"> • The nearest sensitive receptor (aside from the house of the owner of the subject premises) is over 1.5 km away; and • should Council approve the application, conditions of development approval will require that no nuisance is caused to adjoining properties or nearby sensitive receptors by way of air emissions.
<p>PO 25 Energy use</p> <p>Non-renewable energy use is minimised through efficient design and the adoption of alternative energy sources.</p>	<p>Alternative energy generation will be encouraged through conditions of development approval.</p>

<p>PO 26 Vegetation retention Development retains vegetation not mapped as MSES where it is:</p> <ul style="list-style-type: none"> • adjacent to water courses and protecting water quality (riparian); • protecting an identified habitat; or • minimising soil erosion. 	<ul style="list-style-type: none"> • Conditions of development approval will prevent the removal of any vegetation outside of operational areas without the approval of the relevant permits and /or licences; • The application has been referred to the Department of Natural Resources, Mines and Energy via the State Assessment Referral Agency who has provided conditions requiring that no clearing occurs or no new buildings are constructed within designated areas in the development site.
<p>PO 27 Pests Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.</p>	<p>The development will avoid the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity because;</p> <ul style="list-style-type: none"> • should Council approve the application, conditions of development approval will require that a Pest Management Plan be prepared appropriately qualified person taking into account all existing and approved operations on the site and addressing the risk of spread of Priority Pest Plants.
<p>PO 28 Watercourse buffers Development ensures the maintenance of riparian areas and water quality including protection from off-site transfer of sediment.</p>	<p>N/A - the development is not located within 10m of the high bank of a watercourse.</p>
<p>PO 29 Watercourse integrity Bank stability, channel integrity and in-stream habitat is protected from degradation and maintained or improved at a standard commensurate with pre-development environmental conditions.</p> <p>Development ensures that the natural surface water and groundwater hydrologic regimes of watercourses and associated buffers are maintained to the greatest extent possible.</p>	<ul style="list-style-type: none"> • Should the application be approved, conditions of the development approval will require any modification of watercourse channels, banks or riparian and in-stream habitat does not occur without the required approval from the relevant State agencies. • Should Council resolve to approve the application, conditions of development approval can be imposed to mitigate potential impacts from the development, including potential impacts on groundwater. Some of the recommended conditions require the submission of further technical reports relating to groundwater to ensure that

	Council has a record of the compliance and any mitigation measures that are required in relation to this matter.
<p>PO 30 Water quality</p> <p>The standard of effluent and/or stormwater runoff from premises ensures the quality of surface water is suitable for:</p> <ul style="list-style-type: none"> (a) the biological integrity of aquatic ecosystems; (b) recreational use; (c) supply as drinking water after minimal treatment; (d) agricultural use or industrial use; and (e) minimises nuisance or harm to adjoining land owners. 	<p>The standard of effluent and/or stormwater runoff from premises will ensure the quality of surface water because;</p> <ul style="list-style-type: none"> • should the application be approved, conditions of development approval will require adequate measures are implemented to ensure that runoff from premises ensures the quality of surface water is maintained; and • conditions of approval will require that stormwater is managed in accordance with the <i>Amby Quarry Extension - Stormwater Management Plan</i> prepared by Groundwork Plus dated 19 March 2019;
<p>PO 31 Sloping land</p> <p>Development is undertaken to ensure:</p> <ul style="list-style-type: none"> (a) vulnerability to landslip erosion and land degradation is minimised; and (b) that the safety of persons and property is not compromised. 	<ul style="list-style-type: none"> • Should the application be approved, conditions of development approval will require that the activities are carried out to ensure that development is not vulnerable to landslip erosion and land degradation; and that the safety of persons and property is not compromised.
SAFETY AND RESILIENCE TO HAZARDS	
<i>Airport environs – refer to the Airport and aviation facilities overlay code where areas are mapped in the SPP mapping as within an area of interest of an airport.</i>	
<i>Bushfire – refer to the Bushfire hazard areas overlay code where mapped in the SPP mapping as medium bushfire hazard or above.</i>	
<i>Flooding – refer to the Flood hazard overlay code where areas are mapped as within a defined flood area.</i>	
ACCOMMODATION ACTIVITIES - additional requirements	
Note: Accommodation activities (Dual occupancy, Dwelling house, Dwelling unit, Home based business, Non-resident workforce accommodation, Rural worker's accommodation, Short-term accommodation, Tourist park) are code assessable, accepted development subject to requirements or accepted development in the Rural Zone.	
<i>For Home-based business - see also the Home-based business code.</i>	
<i>For Accommodation activities - see also the Accommodation activities code.</i>	
BUSINESS ACTIVITIES - additional requirements	
Note: Business activities (Garden centre, Showroom, Veterinary services) are either code assessable, accepted development subject to requirements or accepted development in the Rural Zone.	
PO 32 Business activities (rural) - density,	N/A – the proposed development is not for

site coverage and location Development must be located where there is convenient access, and where there is sufficient area for the activity.	<i>Business activities.</i>
PO 33 Business activities (rural) - amenity Adequate separation of <i>Business activities</i> and <i>Accommodation activities</i> is achieved.	N/A – the proposed development is not for <i>Business activities</i> .
PO 34 Business activities (rural) - landscaping Landscaping is designed and established in a manner which achieves high quality frontage and contributes positively to the rural character.	N/A – the proposed development is not for <i>Business activities</i> .
CENTRE ACTIVITIES - additional requirements Note: all centre activities are impact assessable in the Rural Zone.	
COMMUNITY ACTIVITIES - additional requirements (Community use) Note: Community activities are either code assessable accepted development subject to requirements in the Rural Zone.	
PO 35 Community use (rural) – landscaping Landscaping is provided on-site to: (a) contribute to a pleasant and functional built form; and (b) contribute to the visual qualities of the locality.	N/A – the proposed development is not for a <i>Community use</i> .
ENTERTAINMENT ACTIVITIES - additional requirements Note: Entertainment activities (<i>Tourist attraction</i>) is code assessable in the Rural Zone.	
INDUSTRY ACTIVITIES- additional requirements Note: Industry activities are either code assessable or impact assessable in the Rural zone.	
<i>Extractive resources – refer to the Extractive resources overlay code</i> Where the resource area is mapped in the SPP mapping as a Key resource area.	
<i>For Extractive industry - see also the Extractive industry code.</i>	
RECREATION ACTIVITIES - additional requirements Note: Rural activities (<i>Environment facility, Park</i>) are code assessable or accepted development in the Rural Zone.	
RURAL ACTIVITIES - additional requirements Note: Rural activities (<i>Animal husbandry, Animal keeping, Cropping, Intensive Horticulture, Permanent plantation, Roadside stall, Rural industry, Wholesale nursery, Winery</i>) are either code assessable, accepted development subject to requirements or accepted development in the Rural Zone.	
<i>For Rural activities - see also the Rural activities use code.</i>	
OTHER ACTIVITIES - additional requirements Note: Other activities (<i>Air services, Landing, Major electricity infrastructure, Roads, Telecommunications Facility, Utility installation, Windfarm</i>) are either code assessable, accepted development subject to requirements or accepted development in the Rural zone.	
<i>Air services – refer to the Airport environs overlay code</i> Where the resource area is mapped in the SPP mapping as a Key resource area.	
PO 36 Telecommunications facility - location <i>Telecommunications facilities</i> must be located where there is convenient access.	N/A – the activity is not for <i>Telecommunications facilities</i> .

PO 37 Telecommunications facility - visual impact <i>Telecommunication facilities</i> are visually integrated with the landscape or townscape so as to not be visually dominant or unduly visually obtrusive.	N/A – the activity is not for <i>Telecommunications facilities</i> .
PO 38 Utility installation <i>Utility installations</i> are positioned unobtrusively, and do not have undue adverse impact on their surrounds.	N/A – the activity is not for <i>Utility installation</i> .

Part 8.2.1 - Agricultural Land overlay code

The purpose of the Agricultural land overlay code is to ensure that agricultural land is protected from development that leads to its alienation, fragmentation or diminished productivity.

The purpose of the code will be achieved through the following overall outcome:-

- that the ongoing productive use of Agricultural Land Classification (ALC) Class A and Class B land for agricultural purposes is maintained and protected by ensuring that:-
 - ALC Class A and Class B land is only used for appropriate rural and complementary uses;
 - conflict between farming activities and sensitive land uses is avoided;
 - further fragmentation of ALC Class A and Class B land as a result of reconfiguring a lot is avoided; and
 - development avoids adverse impacts on ALC Class A and Class B land from land degradation and stormwater run-off.

The proposed development complies with the Purpose and Overall Outcomes of the Agricultural Land Overlay Code because;

- the proposed development will not lead to the alienation, fragmentation or diminished productivity of any viable agricultural land.

Assessment against the design criteria of the Agricultural Land overlay code is provided in the table below.

THE AGRICULTURAL LAND OVERLAY CODE	
for agricultural land classification Class A and Class B land identified in the SPP agricultural land mapping	
Performance outcomes	Acceptable outcomes
PLANNING	
Use and density	
PO 1 Use Development on ALC Class A and Class B land is limited to:- (a) rural uses that make use of and rely upon the quality of the agricultural land resource;	<ul style="list-style-type: none"> Areas of the “Approved Quarry Site” have ALC Class A and Class B land. This site is not used for agricultural pursuits. Regardless of Councils decision on this application, the

(b) complementary uses that are essential to on-site farming practice.	<p>Approved Quarry Site will continue to be used for extractive activities; and</p> <ul style="list-style-type: none"> The “Quarry Expansion Area” does not contain areas of ALC Class A and Class B land.
<p>PO 2 Separation – residential uses</p> <p>Development for residential activities and other sensitive land uses does not adversely impact on the ongoing operational efficiency and productive agricultural use of ALC Class A and Class B land.</p> <p>Note: Sensitive land uses are defined in the State Planning Policy.</p>	N/A - the proposed development is not for residential uses.
<p>PO 3 Fragmentation - subdivision</p> <p>Reconfiguring a lot involving ALC Class A and Class B land does not result in lot sizes or lot configurations that lead to:-</p> <ul style="list-style-type: none"> (a) fragmentation of rural land and loss of land for viable rural production; (b) proposed lots intended for general residential or rural residential use; (c) loss of flexibility in the way landholdings are used for agricultural production. 	N/A - the proposal is not for a reconfiguration of a lot.
<p>PO4 Fragmentation – boundary realignment</p> <p>The boundaries of existing lots containing ALC Class A and Class B land are not rearranged, unless it can be demonstrated that a rearrangement of lot boundaries would:-</p> <ul style="list-style-type: none"> (a) aggregate ALC Class A and Class B land resources and maximise the utility of the land for agricultural purposes; (b) provide for better land management; and (c) not give rise to, or worsen, land use conflicts between agricultural and residential land uses. 	N/A – the proposed development is not for a boundary realignment.
ENGINEERING	
Stormwater and Drainage	
<p>PO5 Stormwater and Drainage</p> <p>Development for non-agricultural purposes is located, designed and constructed to minimise the impact of sediment and stormwater run-off on ALC Class A and Class B land.</p>	N/A – the proposed development will not involve the reconfiguration of a lot.

The purpose of the Extractive resources overlay code is to protect and maintain the sustainable and viable use of extractive resources by preventing incompatible development and land uses from encroaching on extractive resource/processing areas and associated separation areas and transport routes.

The purpose of the code will be achieved through the following overall outcomes:-

- development occurring within or adjacent to extractive resource areas does not adversely affect or impair the ability of existing or future extractive industries to viably win the resource;
- development occurring within or adjacent to transport routes for extractive resources does not constrain or otherwise conflict with the ongoing safe and efficient transportation of the extractive resource;
- the potential negative impacts of extractive industries on sensitive land uses within or adjacent to extractive resource areas and associated transport routes is mitigated to maintain high levels of safety and amenity.

The proposed development complies with the Purpose and Overall Outcomes of the Extractive Resource Overlay Code because;

- the potential negative impacts of the “Extractive industry” on sensitive land uses within or adjacent to extractive resource areas can be mitigated through operational procedures and development conditions.

Assessment against the design criteria of the Extractive Resource Overlay Code is provided in the table below.

THE EXTRACTIVE RESOURCES OVERLAY CODE	
for key resource areas identified in the SPP extractive resources mapping	
Performance outcomes	Acceptable outcomes
PLANNING	
<i>Use, density and built form</i>	
Extractive industry uses – for all extractive industries also refer to the Extractive industry code	
PO 1 Resource processing area - use Development within a resource processing area does not constrain, prevent or otherwise interfere with the current or future viability of the winning or processing of extractive resources.	N/A - The proposed development is for an “Extractive industry”
PO 2 Extractive resource separation area - use Development incorporates measures to mitigate the potential adverse effects from existing or future extractive industry on people working or congregating in the separation area.	N/A - The proposed development is for an “Extractive industry”
Avoiding nuisance	
PO 3 Separation – extractive industry Extractive industry development maintains the function and integrity of the extractive resource separation area as an efficient and effective buffer	✓ Extractive activity will not be located with the extractive resource separation area.

between extraction and processing operations and residential uses beyond the separation area.	
PO 4 Separation – residential uses Development does not materially increase the number of people living within an extractive resource separation area, or a transport route separation area.	N/A – the proposed development is not a residential land use.
PO 5 Separation - Sensitive land uses Development involving a sensitive land use within a transport route separation area maintains an acceptable level of amenity. Note: Sensitive land uses are defined in the State Planning Policy	N/A – the proposed development is not a sensitive land use.
ENGINEERING	
Roads	
PO 6 Key resource area transport routes Development does not adversely affect the safe and efficient movement and operation of vehicles transporting extractive materials along a Key resource area transport route.	N/A - No changes are proposed to the state-controlled road network.

Part 8.2.3 Biodiversity areas overlay code

The purpose of the Biodiversity areas overlay code is to ensure that:-

- areas of environmental significance are protected;
- ecological connectivity is maintained or improved, habitat extent is maintained or enhanced and degraded areas are rehabilitated;
- wetlands and watercourses are protected, maintained, rehabilitated and enhanced.

The purpose of the code will be achieved through the following overall outcomes:-

- development conserves and enhances the Maranoa region's biodiversity values and associated ecosystems;
- development protects and establishes appropriate buffers to native vegetation and significant fauna habitat;
- development protects known populations and the supporting habitat of:-
 - (a) endangered, vulnerable and near threatened flora and fauna species, as listed in the (State) *Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006*;
 - (b) threatened species and ecological communities as listed in the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*;

- development protects environmental values and achieves the prescribed water quality objectives for waterways and wetlands in accordance with the Environmental Protection Policy (Water) 2009;
- development protects and enhances ecological values and processes within watercourses and wetlands; and
- development provides effective buffering and maintains the physical extent of watercourses and wetlands.

The proposed development complies with the Purpose and Overall Outcomes of the Biodiversity Area Overlay Code because;

- areas of environmental significance will be protected;
- ecological connectivity will be maintained and degraded areas will be progressively rehabilitated;
- wetlands and watercourses will not be impacted.

Assessment against the design criteria of the Biodiversity Areas Overlay Code is provided in the table below.

THE BIODIVERSITY AREAS OVERLAY CODE	
for areas identified in the SPP Biodiversity mapping	
Performance outcomes	Acceptable outcomes
ENVIRONMENTAL	
PO 1 Biodiversity (a) Development is located in areas that avoid significant adverse impacts on matters of State environmental significance; (b) facilitates the protection and enhancement of matters of State environmental significance; and, (c) preserves or enhances ecological connectivity.	<ul style="list-style-type: none"> • The development application has been referred to DNRME via SARA who have assessed the potential impacts of the development on matters of State environmental significance. DNRME have provided development conditions in the event the application is approved. They have not instructed Council to refuse the application.
PO 2 Protected environment Development retains environments and vegetation described as matters of State environmental significance (MSES), protected under the following legislation: <ul style="list-style-type: none"> • <i>Nature Conservation Act 1992</i> • <i>Fisheries Act 1994</i> • <i>Environmental Protection Act 1994</i> • <i>Vegetation Management Act 1999</i> • <i>Environmental Offsets Act 2014.</i> 	<ul style="list-style-type: none"> • The development application has been referred to DNRME via SARA who have assessed the potential impacts of the development on matters of State environmental significance. DNRME have provided development conditions in the event the application is approved. They have not instructed Council to refuse the application
Watercourses and wetlands	
PO3 Wetland buffers	N/A - The premises does not contain

An adequate buffer to wetlands is provided and maintained to assist in the maintenance of water quality, existing hydrological characteristics, habitat and visual amenity values.	wetlands.
<p>PO4 Watercourses Development:-</p> <ul style="list-style-type: none"> (a) retains, enhances and maintains the environmental values and functioning of watercourses; (b) provides and maintains adequate vegetated buffers and setbacks to watercourses; (c) maintains and restores connectivity between aquatic habitats and access for fish along watercourses/waterways and into key habitats. 	N/A - DNRME have advised that the site does not contain a watercourse.
Vegetation Retention	
<p>PO 5 Vegetation corridors</p> <p>Existing ecological corridors are protected and where possible enhanced, and have dimensions and characteristics that will:-</p> <ul style="list-style-type: none"> (a) effectively link habitats on and/or adjacent to the development site; (b) facilitate the effective movement of terrestrial or aquatic fauna using the development site as habitat. 	<ul style="list-style-type: none"> • The development application has been referred to DNRME via SARA who have assessed the potential impacts of the development on matters of State environmental significance. DNRME have provided development conditions in the event the application is approved. They have not instructed Council to refuse the application
<p>PO 6 Habitat</p> <p>Development protects the habitat of endangered, vulnerable and near threatened species and local species of significance.</p>	N/A – the site does not contain areas mapped on State Planning Policy mapping as containing any wildlife habitat in or adjacent to the site.

Part 8.2.6 Bushfire hazard overlay code

The purpose of the Bushfire hazard overlay code is to ensure that development avoids or mitigates the potential adverse impacts of bushfire on people, property, economic activity and the environment.

The purpose of the code will be achieved through the following overall outcomes:-

- development in areas at risk from bushfire hazard is compatible with the nature of the hazard;
- the risk to people, property and the natural environment from bushfire hazard is minimised;
- wherever practical, community infrastructure essential to the health, safe wellbeing of the community is located and designed to function effectively during and immediately after a bushfire event;
- development does not result in a material increase in the extent or severity of bushfire hazard;

- the loss of vegetation through inappropriately located development is minimised;
- development is sited and designed to assist emergency services in responding to any bushfire threat.

The proposed development complies with the Purpose and Overall Outcomes of the Bushfire Code because;

- the risk to people, property and the natural environment from bushfire hazard can be reduced through the preparation and implementation of a bushfire hazard management plan.

Assessment against the design criteria of the Bushfire Hazard Overlay Code is provided in the table below.

THE BUSHFIRE HAZARD OVERLAY CODE	
for areas subject to bushfire hazard as identified in the SPP bushfire hazard mapping	
Performance outcomes	Acceptable outcomes
PLANNING	
<i>Siting and density</i>	
PO 1 Density Development maintains the safety of people and property from the adverse impacts of bushfire by avoiding a higher concentration of people living or congregating in bushfire hazard areas.	The proposed development will maintain the safety of people and property from the adverse impacts of bushfire because; <ul style="list-style-type: none"> • conditions of development approval will require that a bushfire hazard management plan, having regard to the site characteristics and management procedures in the event of a bushfire, shall be prepared prior to the commencement of use.
PO 2 Lot design The lot layout of new development is designed to:- <ul style="list-style-type: none"> (a) mitigate any potential bushfire hazard; (b) provide safe building sites. 	N/A - No new lots are proposed.
ENGINEERING	
<i>Provision of Services</i>	
PO 3 Water supply Dwellings are provided with an adequate water supply for fire fighting purposes which is reliable, safely located and freely accessible.	N/A – No new dwellings are proposed.
<i>Roads</i>	
PO 4 Firefighting and escape routes Where development involves provision of a new public or private road, the layout, design and	N/A - No new lots are proposed.

<p>construction of the road:-</p> <ul style="list-style-type: none"> (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. 	
<p>PO 5 Firebreaks Fire breaking trails are located, designed and constructed to prevent the spread of fire by:-</p> <ul style="list-style-type: none"> (a) ensuring adequate access for fire fighting and other emergency vehicles; (b) provides for alternative safe access and evacuation routes for both residents and emergency personnel should access in one direction be blocked in the event of a fire. (c) providing for the separation of developed areas and adjacent high or very high bushfire hazard areas. 	<p>Conditions of development approval will require an operational works approval to be obtained by the applicant. The operational works application will need to demonstrate that the proposed new access road ensures adequate access for firefighting and other emergency vehicles.</p>
SAFETY AND RESILIENCE TO HAZARDS	
<p>PO 6 Bushfire hazard mitigation plan Bushfire mitigation measures are adequate for the potential bushfire hazard level of the site, having regard to the following:-</p> <ul style="list-style-type: none"> (a) vegetation type; (b) slope; (c) aspect; (d) on-site and off-site bushfire hazard implications of the particular development; (e) bushfire history; (f) conservation values of the site; (g) ongoing maintenance. <p><small>Note—where a bushfire hazard assessment and management plan has previously been approved for the development proposed on the site (e.g. as part of a prior approval), design of the proposed development in accordance with that plan shall be taken as achieving compliance with this performance outcome of the code.</small></p>	<p>Conditions of development approval will require that a bushfire hazard management plan, having regard to the site characteristics and management procedures in the event of a bushfire, shall be prepared prior to the commencement of use.</p>
<p>PO 7 Community infrastructure Community infrastructure is able to function effectively during and immediately after bushfire events.</p>	<p>N/A – the proposed development is not for “Community infrastructure.”</p>
<p>PO 8 Hazardous substances Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials either manufactured or stored in bulk.</p>	<p>Conditions of development approval will prohibit the manufacture or storage of hazardous materials on the site.</p>

Part 8.2.7 - Infrastructure overlay code

The purpose of the Infrastructure overlay code is to ensure that development is compatible with, and does not adversely affect the viability, integrity, operation and maintenance of, the following existing and planned infrastructure and facilities within the region:

- gas pipelines;
- major electricity infrastructure and electricity substations;
- wastewater treatment plants;
- waste management facilities;
- State controlled roads;
- railways (including cane railways); and
- stock routes.

The purpose of the code will be achieved through the following overall outcomes:-

- development over or near major electricity and existing and planned infrastructure facilities, networks and corridors are protected from incompatible development;
- development in proximity to existing and planned infrastructure facilities, networks and corridors is appropriately located, designed, constructed and operated to:
 - avoid compromising the integrity, operational efficiency and maintenance of infrastructure and facilities;
 - protect the amenity, health and safety of people and property; and
 - the number of people exposed to the potential adverse impacts emanating from existing and planned infrastructure facilities, networks and corridors is minimised.

The proposed development complies with the Purpose and Overall Outcomes of the Infrastructure Overlay Code because;

- it will not compromise the integrity, operational efficiency and maintenance of infrastructure and facilities.

Assessment against the design criteria of the Infrastructure Overlay Code is provided in the table below.

THE INFRASTRUCTURE OVERLAY CODE	
for development in the proximity of, or potentially affecting infrastructure.	
Performance outcomes	Acceptable outcomes
Gas pipelines	
<p>PO 1 Separation Development provides and maintains adequate separation between habitable buildings and a gas pipeline corridor so as to minimise risk of harm to people and property.</p> <p>Note: 'Dial Before You Dig' maintains mapping of all flow, trunk and transmission gas lines for public reference. Note: MinesOnLine Mapping System website available at http://www.business.qld.gov.au/industry/mining/mining-online-services/minesonlinemaps</p>	<p>N/A – the proposal does not include additional buildings.</p>

<p>PO 2 Construction and operation</p> <p>Development, including uses and works, is constructed and operated to avoid:-</p> <ul style="list-style-type: none"> (a) compromising the viability of the gas pipeline corridor; or (b) damaging or adversely affecting the existing or future operation of major gas pipelines and the supply of gas. 	<p>N/A - The development site is not located within close proximity of a gas pipeline.</p>
Bulk water supply infrastructure	
<p>PO 3 Buffers</p> <p>Development within a water supply infrastructure buffer is located, designed and constructed to:</p> <ul style="list-style-type: none"> (a) protect the integrity of the water supply infrastructure; (b) maintain adequate access for any required maintenance or upgrading work to the water supply infrastructure. 	<p>N/A – the proposed development is not within a water supply infrastructure buffer.</p>
Major electricity infrastructure and electricity substations	
<p>PO 4 Access</p> <p>Earthworks do not restrict access to and along major electricity infrastructure corridors by the electricity providers, using their normal vehicles and equipment.</p>	<p>N/A- the proposed development is not within close proximity to major electricity infrastructure.</p>
<p>PO 5 Erosion</p> <p>There is no worsening of flooding, drainage or erosion conditions affecting the bulk supply or linear infrastructure.</p>	<p>N/A- the proposed development is not within close proximity to major electricity infrastructure.</p>
<p>PO 6 Separation</p> <p>Development maintains a safe clearance from all powerlines.</p> <p>Vegetated buffers adjoining an electricity transmission line easement are maintained to provide:</p> <ul style="list-style-type: none"> (a) a visual buffer to the easement; and (b) a separation distance from the easement. 	<p>N/A- the proposed development is not within close proximity to major electricity infrastructure.</p>
<p>PO 7 Earthworks</p> <p>Any earthworks are undertaken in a way which:</p> <ul style="list-style-type: none"> (a) ensures stability of the land on or adjoining substations and major electricity infrastructure; (b) does not otherwise impact on the safety and reliability of the electricity infrastructure; and does not restrict the placement or use of the electricity provider's equipment. 	<p>N/A- the proposed development is not within close proximity to major electricity infrastructure.</p>
<p>PO 6 Other services</p>	<p>N/A- the proposed development is not within</p>

Other services and infrastructure works (such as stormwater, sewerage, water and the like) do not impact on the safety and reliability of substations or major electricity infrastructure.	close proximity to major electricity infrastructure.
PO 7 Vegetation Vegetation does not pose a risk to the safety or reliability of electricity infrastructure.	N/A- the proposed development is not within close proximity to major electricity infrastructure.
PO 8 Noise emissions Development avoids noise nuisance from substations.	N/A- the proposed development is not within close proximity to any substations.
Wastewater treatment plants	
PO 9 Separation Residential activities and other sensitive land uses are not adversely affected by odour emissions from existing or planned wastewater treatment plants.	N/A – the proposed works do not involve residential activities or any other sensitive land uses.
Waste management facilities	
PO7 Noise emissions Residential activities and other sensitive land uses are not adversely affected by noise emissions from existing or planned waste management facilities.	N/A – the proposed works do not involve a waste management facility.
State controlled roads	
PO 23 Transport noise corridors Noise sensitive developments (residential, educational and community) must ensure that road traffic noise levels are appropriately managed to achieve acceptable levels of amenity within the development.	N/A – there are no new buildings proposed as part of the development.
Railways	
PO 24 Rail corridors Development adjacent to rail corridors does not prejudice the safety, speed and intended role of existing and future rail corridors. Note: Noise and vibration sensitive developments (residential, educational and community) must ensure that noise and vibration levels resulting from rail activities are appropriately managed to achieve acceptable levels of amenity within the development.	N/A – the proposed development is not adjacent to a railway.
Stock routes	
PO 26 Stock routes Protect stock routes from any development that would compromise the network's primary use.	N/A – the proposed development site does not front a stock route.

Part 9.3.3 Extractive industry code

The purpose of the Extractive industry code is to ensure that *Extractive industry* developments are appropriately located, operated and rehabilitated.

The purpose of the code will be achieved through the following overall outcomes:-

- (a) The design and layout of extractive industries adequately address the impacts of the development on the environment both on and off the site, and avoid impacts on sensitive land uses;
- (b) adequate separation distances are provided between extractive industries and potentially incompatible land use activities;
- (c) extractive industries are compatible with the desired amenity and character of the locality;
- (d) the protection of environmental values is balanced with the operation of extractive industries;
- (e) the safety and efficiency of haulage routes used by extractive industries is not detrimentally impacted by the development;
- (f) land disturbed by *Extractive Industry* is restored and rehabilitated to achieve a stable landform and enable the establishment of future land uses.

The proposed development complies with the Purpose and Overall Outcomes of the Infrastructure Overlay Code because;

- The design and layout of the “Extractive industry” adequately address the impacts of the development on the environment both on and off the site, and avoid impacts on sensitive land uses, or can otherwise be conditioned to.

Assessment against the design criteria of the Infrastructure Overlay Code is provided in the table below.

THE EXTRACTIVE INDUSTRY CODE	
for extractive industry uses	
Performance outcomes	Acceptable outcomes
PLANNING	
<i>Use, density and built form</i>	
<i>Key resource areas – in addition, refer to the Extractive resources overlay code where mapped in the SPP mapping as a KRA.</i>	
<p>PO 1 Location</p> <p>The site of the <i>Extractive industry</i> is suitable for the efficient extraction of material and ensures impacts on the surrounding environment are minimised.</p> <p>Note: In determining the suitability of a site for <i>Extractive industry</i> it is necessary to consider:</p> <ul style="list-style-type: none"> (a) the location, size and dimension of the land; (a) the overall scale and nature of the use; (b) its geological and geo-technical characteristics; (c) the proposed method of extraction; (d) visual impacts and the preservation of local amenity; (e) the retention of environmental values; (f) adequate separation from adjoining land uses; and 	<p>The site of the <i>Extractive industry</i> is suitable for the efficient extraction of material and ensures impacts on the surrounding environment are minimised because;</p> <ul style="list-style-type: none"> • The proposed development is located in the Rural zone; and • The site is large enough to accommodate the proposed activity, including required infrastructure, amenities and safe and efficient on site vehicular movement; and • Provides sufficient separation distances to prevent unacceptable outcomes beyond site boundaries.

(g) the management of declared plants on site.	
<p>PO 2 Separation</p> <p>The effects of <i>Extractive industry</i> operations including dust, air and noise emissions, blasting, vibration, overpressure and associated transport movements do not unreasonably disrupt the amenity of sensitive land uses or land identified for future sensitive land uses.</p> <p>Note: Sensitive land uses are defined in the State Planning Policy.</p>	<p style="text-align: center;">✓</p> <p>The effects of <i>Extractive industry</i> operations including dust, air and noise emissions, blasting, vibration, overpressure and associated transport movements will not unreasonably disrupt the amenity of sensitive land uses or land identified for future sensitive land uses because;</p> <ul style="list-style-type: none"> the nearest sensitive receptor other than the house owned by the owner of the subject premises is located over 1.5 kilometres from the development; and conditions of development approval will require that an impact report prepared by a suitably qualified practitioner demonstrating that acceptable amenity levels can be achieved for sensitive receptors during blasting that occurs on Lot 2 on RP154619 be submitted prior to the carrying out of any blasting activities; and conditions of development approval will require that potential nuisance generated from the activity are mitigated through the implementation of management plans or operation procedures.
<p>PO 3 Buffers</p> <p>The visual impact of <i>Extractive industry</i> is minimised to achieve integration with the surrounding landscape and to the extent practical, is screened from roads, public vantage points and neighbouring properties, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site and surrounding area; (b) the resource being extracted; and (c) the desired visual character of the locality. <p>Note: To demonstrate compliance to the assessment manager, information on the methods to be implemented to reduce potential adverse visual impacts of the development is required. These methods may include, but are not limited to:</p> <ul style="list-style-type: none"> (a) locating exposed features behind natural barriers; (b) constructing amenity banks and vegetation screens; (c) carrying out timely rehabilitation works; (d) minimising signage; (e) using building materials and colour schemes that integrate with the surrounding landscape; (f) limiting and containing artificial lighting within the site; and (g) configuring access and haulage roads to prevent direct views into the site. 	<p>Reduced setbacks from the property boundaries are considered acceptable given that minimum separation distances from sensitive receptors can be achieved and taking into consideration surrounding and adjoining land uses.</p>

<i>Amenity</i>	
<p>PO 4 Advertising devices</p> <p>Signage is sufficient for the display of information relevant to the operation of the <i>Extractive industry</i>, including details required in the case of an emergency, whilst not impacting upon the visual amenity of the locality.</p>	<p style="text-align: center;">✓</p> <p>Signage is sufficient for the display of information relevant to the operation of the <i>Extractive industry</i>, including details required in the case of an emergency, whilst not impacting upon the visual amenity of the locality because;</p> <ul style="list-style-type: none"> • Conditions of development approval will require that signage is provided at the entrance to the site that displays the following information without impacting on the visual amenity of the area; <p>(a) the operator of the site; and (b) person/s responsible for the management of the site.</p>
<i>Avoiding nuisance</i>	
<p>PO 5 Operating hours</p> <p><i>Extractive industry</i> is undertaken within appropriate hours to avoid disturbance of sensitive land uses.</p> <p>Note: Sensitive land uses are defined in the State Planning Policy.</p>	<p style="text-align: center;">✓</p> <p><i>The Extractive industry</i> use will be undertaken within appropriate hours to avoid disturbance of sensitive land uses because;</p> <ul style="list-style-type: none"> • Conditions of development approval will restrict operating hours to between of 6.00am and 6.00pm Monday to Saturday. No <i>Extractive industry</i> operations will be allowed to be conducted on a Sundays or public holiday; and • Conditions of development approval will limit blasting operations to between the hours of 9.00am to 5.00pm Monday to Friday.
ENGINEERING	
<i>Roads and rail</i>	
<p>PO 6 Roads</p> <p>The haulage of extractive material does not result in the deterioration of roads used by ensuring:</p> <ul style="list-style-type: none"> (a) the roads used as haulage routes are of an adequate standard to accommodate the type and frequency of traffic generated; (b) haulage routes are maintained, including the removal of dirt and other spillage from trucks; and (c) haulage routes do not compromise traffic safety in the area. <p>Note: The submission of a traffic impact analysis prepared by a suitably qualified and experienced person will be necessary to demonstrate compliance to the assessment manager. The traffic</p>	<p>Conditions of development approval will require that an operational works approval be obtained for the construction of the proposed haul route between the "Approved Quarry Site" and the "Quarry Extension Area." The required application for the approval will need to demonstrate that;</p> <ul style="list-style-type: none"> a) the roads used as haulage routes are of an adequate standard to accommodate the type and frequency of traffic

<p>impact analysis should identify the expected traffic movements generated by the proposal, any associated impacts on the road network, and any work that will be required to address the identified impacts.</p>	<p>generated;</p> <p>b) haulage routes are maintained, including the removal of dirt and other spillage from trucks; and</p> <p>c) haulage routes do not compromise traffic safety in the area.</p> <p>SARA via TMR have provided conditions of approval requiring upgrades to the existing access between the 'Approved Quarry' site and the Warrego Highway.</p>
Access, parking and manoeuvring	
<p>PO 7 Access roads</p> <p>Internal roads are safe and minimise impacts such as noise and dust on adjoining uses.</p>	<p>✓</p> <p>Internal roads are safe and minimise impacts such as noise and dust on adjoining uses because;</p> <ul style="list-style-type: none"> • Conditions of development approval will require that internal roads are watered to mitigate dust and upon receipt of any complaint regarding dust nuisance caused by vehicle movements within the site.
ENVIRONMENTAL	
<p>PO 8 Biodiversity</p> <p>Operations of the <i>Extractive industry</i> do not result in unacceptable impacts on the natural environment or adversely affect the ecology of the locality.</p>	<ul style="list-style-type: none"> • Conditions of approval will require that no vegetation is cleared outside the designated resource/processing area/s or haulage route/s.
<p>PO 9 Site rehabilitation</p> <p>Rehabilitation of the site is to be carried out progressively over the life of the <i>Extractive industry</i> and upon cessation of the use to retain environmental values and the natural appearance of the surroundings and to restore the site to a state equivalent to or better than, the original condition of the land.</p>	<ul style="list-style-type: none"> • Rehabilitation of the site will occur progressively.
SAFETY AND RESILIENCE TO HAZARDS	
Public safety	
<p>PO 10 Safety</p> <p>Access to the site is managed to protect the health and safety of the public.</p>	<ul style="list-style-type: none"> • Conditions of development approval will require that safety fencing is provided and maintained to prevent unauthorized access to resource extraction/processing areas and stockpiles.

Assessment Summary

It is considered that on balance, the proposal presents no significant conflict with the applicable assessment benchmarks prescribed by the *Planning Act 2016*, and any perceived conflict can be addressed through conditions of development approval.

OFFICER REPORT

Meeting: General 25 September 2019

Date: 24 September 2019

Item Number: L.2

File Number: D19/84675

SUBJECT HEADING: Installation of Portable Mobile Phone Charging Station at Roma Airport

Classification: Open Access

Officer's Title: Regional Grants & Council Events Development Coordinator

Executive Summary:

Origin Energy has offered a portable mobile phone charging station to Maranoa Regional Council for use in a community facility. It is recommended that Council accept the offer, and install it in the Roma Airport on a trial basis for three months.

Officer's Recommendation:

That Council:

1. Accept the offer of a portable mobile phone charging station from Origin Energy, to be installed in a community facility.
 2. Install the station in the departure lounge of the Roma Airport on a three-month trial basis.
-

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Origin Energy

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
<Insert Acronym>	<Provide details>

Context:

Why is the matter coming before Council?

Origin Energy has offered a portable mobile phone charging station to Maranoa Regional Council for use in a community facility. Council is asked to consider the proposal.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Below is an excerpt from an email from Origin Energy, outlining the offer of a portable mobile phone charging station:

Origin has a brand new Mobile charger station we are not using and we thought that maybe the community could benefit from it instead of us having it in the office collecting dust. Thus, we thought that maybe the MRC might like to place it in any of their community facilities, so people can charge their phones and electronic devises (sic).

I'm attaching a picture (right low corner) from the Mobile Charger of the Origin Office in Chinchilla (they have the same one) so you have an idea of what am I talking about. Ours has never been out of the box so it is in perfect conditions and we thought the Roma community could benefit more from it if it is placed in one of MRC facilities.

Further discussion has initiated the idea of installation at the Roma airport, which has been well received by Origin.

The station, as illustrated below, is approximately 2m high x 1m wide, with around seven charging outlets. The station would be installed (connected to a power point) within the departure area of the Roma airport. It is recommended that it be installed for a trial period of three months, to establish whether it is used in the airport location or not.

As illustrated, the device is heavily branded with Origin Energy.



Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

The advertising component on the station lies outside local laws dealing with street signage etc.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

N/a

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the

funding body, any dates of critical importance or updates or approvals required)

Manager Airports – advised the departure area would be a suitable place for installation.

Deputy Chief Executive Officer/Director Development, Facilities and Environmental Services – recommended installation on a trial basis.

Acting Executive Services Officer – advised that local laws covering advertising do not apply in this case.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Origin Energy are providing the station to Council, for use in a community facility.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

There is no financial cost to Council expected, except the minimal electricity to run the station.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Electricity to run the station, which is expected to be minimal, and would be included in the general operations of the airport.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

Would provide a benefit to the travelling public.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Perception of advertising	The station is heavily branded with Origin Energy, however, the benefits could outweigh any negative perception.
Disposal of Origin assets	It is recommended that Council receive a formal offer of the station, either gifting or loaning the station to Council for a set period.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

This is a generous offer from Origin Energy, which will benefit passengers in the departure lounge by enabling them to re-charge phones or devices before boarding. It is recommended the offer be accepted for a trial period.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

That Council:

1. Accept the offer of a portable mobile phone charging station from Origin Energy, to be installed in a community facility.
2. Install the station in the departure lounge of the Roma Airport on a three-month trial basis.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.4 Provide airports that contribute to economic and community development of the region

4.4.5 Undertake programmed and other tasks to manage the safety of aircraft and passengers.

Supporting Documentation:

Nil

Report authorised by:

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

COUNCILLOR REQUEST FOR AN AGENDA REPORT

Meeting: General 25 September 2019

Date: 24 September 2019

Item Number: L.3

File Number: D19/84592

SUBJECT HEADING: Water storage and supply concept

Classification: Open Access

Councillor's Title: Cr Tyson Golder

Executive Summary:

Council has received correspondence detailing a concept for capture and storage of surplus northern waters and its distribution to the parched interior.

Councillor's Recommendation:

That a report be prepared for an upcoming Council meeting.

Details of Requested Agenda Report:

Correspondence has been received from Sir Leo Hielscher, outlining a major concept for the capture and storage of surplus northern waters and its supply to north western, central and southern Queensland.

The proposal is seeking support from the grass roots level in the bid to lobby to the Federal Government for progression of the project.

A copy of this correspondence was forwarded to Councillors and general discussion was for a report to be presented to Council. This report is presented to Council to facilitate this process by seeking endorsement for investigation to be undertaken by officers and brought back to Council for consideration.

Supporting Documentation:

[!\[\]\(179f167ede0522ebb4ea025b3ad78ca7_img.jpg\) 1 Water storage and supply concept \(PDF\)](#)

D19/84593

From: [Sir Leo Hielscher](#)
To: [Sir Leo Hielscher](#); [Sir Frank Moore](#); [Sir Frank Moore](#)
Cc: [mayor@banana.qld.gov.au](#); [chandler@barc.qld.gov.au](#); [mayor@barcoo.qld.gov.au](#); [mayor@btrc.qld.gov.au](#); [mayor@boulia.qld.gov.au](#); [mayor@bulloo.qld.gov.au](#); [mayor@burdekin.qld.gov.au](#); [mayor@camp@burke.qld.gov.au](#); [mayor@carpentaria.qld.gov.au](#); [mayor@ccrc.qld.gov.au](#); [mayor@chrc.qld.gov.au](#); [lizschmidt@charterstowers.qld.gov.au](#); [mayor@cloncurry.qld.gov.au](#); [tpickering@croydon.qld.gov.au](#); [mayor@diamantina.qld.gov.au](#); [mayor@etheridge.qld.gov.au](#); [mayor@flinders.qld.gov.au](#); [mayor@hinchinbrook.qld.gov.au](#); [mayor@livingstone.qld.gov.au](#); [mayor@longreach.qld.gov.au](#); [Office of the Mayor](#); [tomg@msc.qld.gov.au](#); [mayor@mckinlay.qld.gov.au](#); [mayorjoyce@mountisa.qld.gov.au](#); [annie_liston@murweh.qld.gov.au](#); [lindsay.godfrey@paroo.qld.gov.au](#); [CRW@richmond.qld.gov.au](#); [margaret.strelow@rrc.qld.gov.au](#); [mayor@trc.qld.gov.au](#)
Subject: Water storage and supply concept
Date: Friday, 19 July 2019 7:40:10 PM
Attachments: [Northern waters supply concept - ltr to Mayors July 19.pdf](#)
[Northern waters concept map rotated.pdf](#)

Dear Mayor,

Please find attached from Sir Frank Moore and me, a concept for the capture and storage of surplus northern waters and its distribution to the parched interior.

Should you wish to discuss the concept in more detail, please contact Sir Frank or me by telephone or email (contact details in attached letter).

Kind regards,

Leo

--

Sir Leo Hielscher AC Apt 3301 15 Cansdale St YERONGA QLD 4104 Ph+Fax 3892 6296
Mob 0417 734 606



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-----Safe Stamp-----

Your Anti-virus Service scanned this email. It is safe from known viruses.
For more information regarding this service, please contact your service provider.

Sir Leo Hielscher AC
Tel: (07) 3892 6296
Mob: 0417 734 606
Email: slahielscher@bigpond.com

Sir Frank Moore AO
Tel: (07) 5571 2801
Mob: 0419 625 199
Email: ftmoore@powerup.com.au

18 July 2019

Dear Mayor,

We have prepared a major concept for the capture and storage of surplus northern waters and its supply to north western, central and southern Queensland and probably onto national benefit via the Warrego.

We are sending this letter to all of the Mayors in the benefiting area of Queensland. We have practically 100% public support, but are becoming frustrated by the absence of support from the higher political echelons, which is needed to make it happen.

We are comfortable in the appreciation that you, as the representative of grass roots Queensland, recognise the benefits that would be generated from a regular flow of water to parched, but fertile country.

We see the benefit of our proposal to our northern, western and southern regions as immense. The regional economies would boom again. Towns would become cities as the new and existing farm lands, now with assured water, attracts new industries and enhanced population. The families in our regions would remain intact, as employment opportunities multiply. The regions themselves would become self-sufficient, serviced by thriving small businesses – doctors, teachers, butchers, bakers and so forth. We would have adequate cheap hydro-electricity, protection from the worst of our flooding, in addition to a booming self-sufficient economy.

The concept we are presenting has been well researched over the years, right up to the 2018 SMEC report, which is now approved. We are satisfied that our concept, much larger than that covered by the SMEC report, would work. It is feasible engineering wise, economically, environmentally and socially. We have also identified alternative segments and suggest that these should also be examined in depth to arrive at the best possible outcome.

We ask you to speak up for our concept in all the segments of our political structure. Really, you from the grass roots of our country could make it happen. The precise request we have left with our Prime Minister and other senior Ministers, and which we now ask for your support, is –

- a) To recognise this as a major project of immense benefit to our regions and the state and national economies.
- b) To create an expert agency similar to the original Snowy Mountains Authority with direction to assess the concept, determine its parameters, then fund, build and manage it to its eventual operation.

This project is needed now and could be the forerunner and example for the National Water Grid promised by the Federal Government in April 2019.

Attachment 1 is an overview of the proposed concept. Attachment 2 is a question and answer sheet that may be of assistance to you. Attachment 3 is a map showing the water flow of this concept.

Sincerely



Sir Leo Hielscher AC



Sir Frank Moore AO

ATTACHMENT 1

Concept Overview - Northern Waters Supply and Storage

This concept extends a minor water supply dam project, already approved for North Queensland – a Hells Gate dam that provides for a 1,250 megawatt hydro-electricity plant, domestic water to Townsville and Charters Towers and the irrigation of 50,000 hectares of land north-west of Charters Towers.

In November 2018, we submitted this much larger concept to Senator Canavan in his role as Minister for Resources and Northern Australia. It can be considered in two initial stages.

Stage1 gathers water from the partial blocking and short tunnelling of the headwaters of the South Johnstone, Tully and Herbert Rivers into the upper Burdekin. This allows substantial inflows into a new Hells Gate dam which is 135 metres plus high, backing the water up into the Clarke River flowing from the West. Stage 1 would then tunnel from the Upper Clarke River through the range to the headwaters of the Flinders River, that will flow over a number of weirs east and west of Hughenden to provide for an extensive horticultural development before the river runs to the gulf.

With a ponding on the Flinders stage 1 then takes the water through to Prairie Creek and Torrens Creek, the headwaters of the Thomson River.

Stage 2 then captures the Thomson with a weir just south of Longreach and the water is channelled and piped to the headwaters of the Warrego River. This would help drought proof the northern and central western grazing areas and foster a more permanent water flow south towards the Darling River system. Meanwhile, the Flinders River is used to develop a major export horticultural industry and the Torrens provides water for the Galilee mines.

This much larger concept provides sustainable water security for north Queensland, central Queensland, as well as many Australian regions. It represents a significant opportunity for creating a broad range of high value, long-term economic and social benefits with potential:-

- to provide game-changing and nation-building opportunities for northern and southern Australia;
- to service a very large area of Northern, North Western, central and Southern Queensland and probably the Darling.
- to divert surplus waters through the Great Divide to the Flinders River;
- to open and future-proof many regional economies and communities through water security, agricultural produce and food security, renewable energy, socio- economic development and employment opportunities;
- to enable development of a very large horticultural industry by watering fertile black soil country extending from west of Charters Towers to Richmond Downs;
- to create more arable land;
- to enable development of export opportunities, new and existing markets and investment growth;
- to mitigate the almost annual flooding of the region between Innisfail and Ingham.
- to control silt-laden floodwaters flowing to and settling on the Great Barrier Reef;
- to support a growing population; and
- to provide drought mitigation to western Queensland grazing land (from the Thomson River at Longreach to the Warrego River, the most northern tributary of the Darling River).

The concept has also been presented to the Prime Minister, Deputy Prime Minister, numerous Queensland Senators including, the previous national drought envoy Barnaby Joyce, state politicians, universities, engineers and those entities who have the skills to design and build such a concept.

Recently, the Queensland Government gave a partial green light to the Galilee Basin resource for mining. There remain concerns about the groundwater required by mines such as the Carmichael Mine and subsequent mines which are seeking approval. This concept could provide water to these mines directly from the Hells Gate dam via aqua ducts or via channel and pipes from Torrens Creek.

Feasibility

A Hells Gate dam concept has been examined many times over the years as to its engineering validity and its economic prospect.

1. Bradfield Scheme – 1930s
2. Reviews – 1980s to 2000s
3. SMEC feasibility study (2018)

Engineering and economic assessment could fairly easily be brought up to date having the advantage of 30 up to 80 years of technical advancement.

The SMEC study (2018) of the smaller Hells Gate dam project found that construction of a large dam at the Hells Gate site was technically and economically feasible with no major environmental barriers found. This project has already been approved and work has commenced.

There are several quite feasible options.....

For example, eliminating the reliance on ground water for coal washing at mines in the Galilee Basin by taking water from the Torrens Creek or by aquaduct directly from the Hells Gate Dam into Lake Webb and Lake Buchanan for this purpose.

A further option for consideration is taking the water into the Flinders River by aquaduct and channel instead of a tunnel from the upper Clarke River.

Funding and costs

The estimated cost of this water supply concept is around \$15 billion. The initial capital costs would not be borne by commonwealth or state government budgets. Rather, the statutory authority would borrow the funds from the financial markets. Government would be the facilitator (make it happen) not the funder of the project.

A key task of the Statutory Authority would be to manage the debt and seek revenues as soon as the benefits commenced. The debt would be guaranteed by an agreed to formula between the commonwealth and benefiting states.

How you can assist

This may be the last time such critical analysis and scoping can be undertaken with such important nation building outcomes at stake. If we are not successful, there may be a small dam or just a weir installed at Hells Gate within the next year or so and this will virtually nullify this larger water supply concept.

We seek your assistance via the grassroots with which you are linked, to convince the federal and state governments of the merits of this opportunity.

ATTACHMENT 2

Possible questions

It is submitted that there are logical answers to questions put forward, some examples of which with an early response follow.

Q: Why hasn't the water scheme proceeded since it was first proposed in the 1930s?

A: Probably it failed initially because of its cost – being presented during the Great Depression. It was also beneficial narrowly for the grazing industry by watering the channel country and the graziers balked at paying for it.

Now the scheme proposed has much greater and wider benefits to the national economy and to the economies of four states and multiple industries. Its capital requirement is funded without recourse to the government budgets.

Q: Is the engineering feasible?

A: Probable answer – the engineering feasibility for stage 1 has been documented. Any remaining issue (if any) should be able to be assessed positively, if necessary, with advice from engineers from Israel and California who would have encountered and overcome similar issues.

Q: For stage 2, the gradient from North Queensland to the Warrego River plus evaporation raises doubts?

A: Probable answer could be – it is recognised that pumping may be necessary to achieve sufficient gradient for this distance. Pumping may also be necessary for ponding. This would call for a clutch of very large diameter pipes that would carry the volume of water and allow for pumping. The electricity needed for this would be provided by the hydro scheme suggested for the Hells Gate dam.

Q: How much of the national water project requires piping?

A: Probable answer could be – Total kilometres cannot be assessed until the Thomson to Warrego sector has been surveyed. But, although the answer is “quite substantial”, it would not be anywhere near the 530 kilometres of the Western Australia Goldfields Scheme completed in 1903.

Q: What of environmental issues?

A: All studies to date have concluded that no major environmental barriers were found. Broadly speaking, great environmental benefit is noted. The capture of the headwaters of South Johnstone, Tully and Herbert Rivers will save much of the regular flooding of North Queensland from Innisfail to Ingham and keep this water away from the Great Barrier Reef. Furthermore, the conversion of the dry, but fertile, black soil land to a horticultural production would be a positive environmentally. Then there is the contribution to the Murray-Darling system and ensuring drinking water for Adelaide is also positive.

These questions and answers are, of course, not comprehensive and are provided simply as samples of what might reasonably be asked.

