
**11.11 APPLICATION FOR PERMANENT ROAD CLOSURE - ST LAWRENCE ROAD
(BRUCE HIGHWAY) MARLBOROUGH**

File No:	14.4.2
Attachments:	1. Plan 2. Application for road closure
Responsible Officer:	Tony Lau - Manager Engineering Services Michael Kriedemann - Executive Director Infrastructure
Author:	Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of road reserve off St Lawrence Road (Bruce Highway) Marlborough.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close the road reserve that adjoins Lot 20 RP602110 and Lot 28 LI299; and
2. authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close the road reserve that adjoins Lot 20 RP602110 and Lot 28 LI299.

BACKGROUND

The owner of Lot 20 RP602110 and Lot 28 LI299 (Kunwarara Road, Marlborough) has submitted a request for Council to consider a proposed application for permanent road closure over an area of road reserve that adjoins both properties as shown on attachment 1. In the application, the owner states they wish to use the road reserve to graze livestock.

COMMENTARY

Under the *Land Act 1994* an adjoining land owner may apply to have an area of road permanently closed and incorporated into their adjoining freehold land. The owner of Lots 20 and 28 is requesting Council to complete a 'Statement in relation to an application under the *Land Act 1994* over State land Part C' which he will lodge with the Department of Resources along with his application for road closure (refer to Attachment 2 for application form).

Advice was sought from various sections of Council. No objections were submitted and the Planning Officer – Development Assessment provided the following advice:

'The subject land abutting Lot 20 on RP602110 and Lot 28 on LI299 is Rural zoned (as it adjoins Rural zoned land) and is encumbered by the OM10 Biodiversity – Wetlands and Waterways, OM11 Biodiversity – Stream Order, OM15 Drainage Problem Area, and OM15 Drainage problem area overlays within the Livingstone Planning Scheme 2018. If the current land use of Lot 20 and Lot 28 meets the Overall Outcomes sought for the Rural zone code, planning have no objections to the amalgamation of land.'

PREVIOUS DECISIONS

There are no previous decisions associated with this proposed permanent road closure.

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of the permanent road closure application.

ENGAGEMENT AND CONSULTATION

On their website, the Department of Resources states '*To assess local community opinion about a proposed closure, a public notice is required (e.g. advertisement in a local/digital newspaper, signs erected on the land).*'

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council '*to act and make decisions in a way compatible with human rights*'.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

There are no foreseeable budget implications associated with this matter.

LEGISLATIVE CONTEXT

Pursuant to section 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of a road. The owner may ask for the closed road to be amalgamated into the owner's adjoining land.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

STAFFING IMPLICATIONS

Existing staff can accommodate this project.

RISK ASSESSMENT

The Department of Resources requires an applicant to undertake public notification of a proposed permanent road closure. This may result in complaints from members of the community however there are alternative routes available.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community

4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.

While Council is custodian of roads under its control, the road reserves are owned by the State. Prior to disposing of road reserves, the Department of Resources affords Council an opportunity to comment on the disposal which is taken into consideration when making a decision on an application from a landowner. This collaboration between Council and the Department of Resources fosters a co-operative relationship between Council and the State and ensures that Council's interests are considered.

CONCLUSION

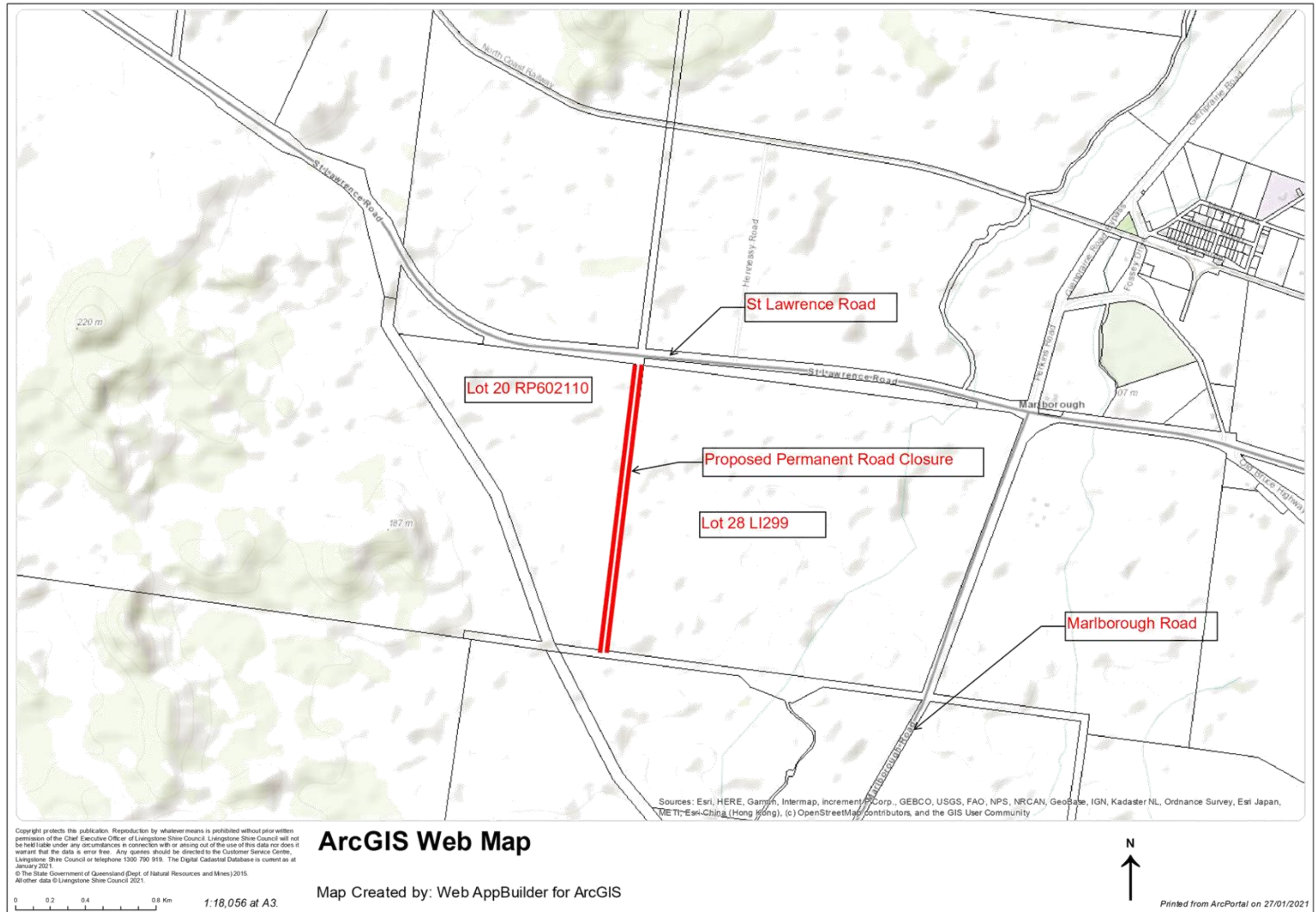
Consultation has been undertaken with internal Council stakeholders and no objections were raised. The applicant should be advised that Council does not object to the permanent closure of the road reserve which adjoins Lot 20 RP602110 and Lot 28 LI299.

**11.11 - APPLICATION FOR
PERMANENT ROAD CLOSURE - ST
LAWRENCE ROAD (BRUCE HIGHWAY)
MARLBOROUGH**

Plan

Meeting Date: 16 February 2021

Attachment No: 1



**11.11 - APPLICATION FOR
PERMANENT ROAD CLOSURE - ST
LAWRENCE ROAD (BRUCE HIGHWAY)
MARLBOROUGH**

Application for road closure

Meeting Date: 16 February 2021

Attachment No: 2



Queensland
Government

Department of Natural Resources, Mines and Energy

Part A – Form LA00

Application form – Contact and Land Details

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Natural Resources, Mines and Energy \(DNRME\) website](#) at <<https://www.dnrme.qld.gov.au>> or from a regional [DNRME business office](#) or call 13 QGOV 13 74 68).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
7. Prior to lodging your application, the Department **strongly encourages** the applicant to have a **pre-lodgement meeting** with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the [Land Act 1994](#) and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses.
9. **Email:** SLAMlodgement@dnrme.qld.gov.au
10. **Post:**

Department of Natural Resources, Mines and Energy

PO Box 5318

Townsville QLD 4810
11. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
12. In terms of the [Right to Information Act 2009](#) interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Contact Details

Lodger Details and Mailing Address		
A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.		
Full Name(s)		
Title	First name	Surname
Mr		
Company name(s)		
Kelly Creek Pastoral Company		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN		
Postal Address		
Phone number		Mobile phone
Email		

Applicant(s) Details and Mailing Address		
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.		
Full Name(s)		
Title	First name	Surname
Mr		
Company name(s)		
Kelly Creek Pastoral Company		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN		
Postal Address		
Phone number		Mobile phone
Email		
Future correspondence should be sent to:		
<input checked="" type="checkbox"/> Lodger <input type="checkbox"/> Applicant		
1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?		
<input type="checkbox"/> Yes go to 2		
<input checked="" type="checkbox"/> No go to 4		
<p>Note: For further information refer to the Queensland Government website to determine if the applicant/s are a <u>foreign person</u> (acquirer) for AFAD.</p> <p>Government website address to Types of foreign persons and additional foreign acquirer duty: https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons.</p>		

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the Duties Act 2001?

☐ Yes

go to 2

☐ No

go to 4

Note: Under the Duties Act 2001 an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD.

Government website for Additional Foreign Acquirer Duty:

<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>.

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment).

go to 4

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

☒ Yes

☐ No

go to 5

Note: Under the Tax Administrator Act (Cth) 1953 certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements.

For further information contact the ATO on 13 28 65 or refer to the ATO website address <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

☐ Permit

☐ Licence

☐ Lease

☐ Unallocated State Land (USL)

☒ Road

☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)

☐ Dealing Number (refer to Item 6)

☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
20	RP602110	30143077
28	CP LI299	30520093

go to 7

The details of the land can be found on a current title or to obtain a copy of a current title search call the Titles Registry on 13 GOV 13 74 68. Lot on Plan details are located on your rates notice or the [Queensland Globe](https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps) from the Queensland Government website can be downloaded to help access current Lot on Plan details
Queensland Globe website address:
<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>.
If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number

Tenure type Tenure number

Local Government

Other details of land location (optional) go to 8

9. Provide details of pre-lodgement meeting.
(If there is insufficient space, please lodge as an attachment)

Note: Departmental Officers contact details and any reference number should be included if known.

LA00 October 2020

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DEPARTMENT OF NATURAL RESOURCES MINES AND ENERGY

Application for road closure

Part B

Application form requirements

1. This Application is for a road closure.
2. Read the respective Roads – Applying for a road closure – Guide which include the application requirements.
3. Payment of the prescribed application fee. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <<https://www.dnrme.qld.gov.au>> or from a DNRME business centre or call 13 QGOV 13 74 68).
4. A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.
5. Any additional information to support application.
6. **Part A: Contact and land details form** will need to be completed and submitted with your application.
7. **Part C: Statement in relation to an application under the Land Act 1994 over state land** will need to be completed and submitted with your application.
8. Your application will not be considered as having been properly made unless all parts of this application form are completed accurately, otherwise your application may be returned to you to complete.

Important information

9. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
10. You are encouraged to contact your nearest DNRME business centre to arrange a pre-lodgement meeting. The pre-lodgement meeting is intended to clarify the application requirements thereby preventing any unnecessary delays. It is also intended to cover the process, timeframes, costs and the quality of information necessary to properly assess the application.
11. An adjoining landholder may apply for a permanent or temporary road closure. An adjoining owner is defined as the registered owner of the property that shares a common boundary. i.e. Contiguous; directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a "dead end"; and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the Land Act 1994 may also apply for a permanent road closure. An application for temporary closure can be considered for another person for:
 - pipes for irrigation purposes that cross the road beneath its surface.
 - water channels for irrigation purposes that cross the road.

13. A road may be closed "in strata" to provide for works such as:
- connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings,.
 - structure which will overhang a road.
 - car park or building under or over a road.
14. You may be required to pay a purchase price for the permanent closure of a road.
15. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
- incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
16. A road may be permanently closed under the Land Act 1994 if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.
17. Although the state owns the land in a dedicated road, a local government (section 60 of the Local Government Act 2009) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The Department of Transport and Main Roads is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.

Information on this form, and any attachments, is being collected to process and assess your application under the Land Act 1994. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside DNRME unless required or authorised by law.



1.	The Application is for:	<input checked="" type="checkbox"/> Permanent road closure	go to 2
		<input type="checkbox"/> Temporary road closure	go to 2

2. If you are not the manager of the road as defined below, have you consulted with the Road Manager to determine if the road is still required? ☐ Yes go to 3 ☒ No go to 3

Note: Before submitting your application to the DNRME, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the Department of Transport and Main Roads for a state controlled road managed under the Transport Infrastructure Act 1994.

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

A signed 'Part C - Statement in relation to an application under the Land Act 1994 over State land' from the road manager must accompany this application.

A road may be permanently closed under the Land Act 1994 if the Minister is satisfied the road is not:

- (a) the only dedicated access to a person's land;
- (b) used regularly by the public as a road or stock route; or
- (c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the Land Act 1994.

Note: A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.

Road Manager is -

- The local government for a road that is controlled by the local council
- For a state controlled road, the chief executive of the Queensland Government agency administering the Transport Infrastructure Act 1994 such as the Department of Transport and Main Roads.

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application? ☒ Yes go to 4 ☐ No

Application cannot be considered unless temporary closure is for reasons listed in Question 4

Note: Section 99(1) of the Land Act 1994 states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4. Is the temporary closure to make structural improvements for: ☐ Pipes for irrigation purposes that cross the road beneath its surface

☐ Water channels for irrigation purposes that cross the road go to 5

Note: Section 99(3) of the Land Act 1994 limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for;

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for. go to 6
(If there is insufficient space please lodge as an attachment.)

Schedule 1		
You must enter either the Lot or Plan or Title Reference of the land.		
Lot	Plan	Title Reference
20	RP602110	30143077
28	CP LI299	30520093

6. Have you made a previous application for closure of this area of road? ☐ Yes go to 7 ☒ No go to 10

7. Was this application refused? ☐ Yes go to 8 ☐ No go to 10

8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? ☐ Yes go to 9 ☐ No go to 10

Note: The application may be rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. go to 10
(If there is insufficient space please lodge as an attachment.)

10. Is any use currently being made of the road area? ☐ Yes go to 11 ☒ No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure go to 12
(If there is insufficient space please lodge as an attachment.)

12. Provide details of the proposed use of the road area. go to 13
(If there is insufficient space please lodge as an attachment.)

Grazing of livestock

13. Provide details of any additional information to support the application. go to 14

I am the registered owner of the two parcels adjoining the road and wish to have it permanently closed.

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted or the forms are not completed accurately, your application will be returned.

14. Tick the box to confirm the attachments for part of the application.

- ☒ Part A - Contact and land details form.
☐ Part C - Statement from road manager.
☐ Application fee.
☐ A copy of a Dial Before You Dig enquiry confirmation sheet verifying if there is any public utility infrastructure located on the road area applied for
☒ A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.
☐ Additional information in support of your application such as correspondence from the road manager or current users of the road.

Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Date: 06 / 12 / 2020

Note: If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over.
If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

11.12 LETTERS OF HARDSHIP - SPORTING CLUBS YEPPOON/EMU PARK**File No:** RV25.5.9**Attachments:** 1. Letters of Hardship Sporting Clubs [↓](#)**Responsible Officer:** Leise Childs - Coordinator Natural Resource Management
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing**Author:** Molly Saunders - Principal Community Development and Engagement Officer

SUMMARY

This report discusses the requests by six Livingstone Shire sporting organisations for fee relief and or rating concessions, due to the impact COVID-19 has had on their operations and revenue.

OFFICER'S RECOMMENDATION

THAT Council resolves to support requests for financial assistance from Yepoon Junior Rugby League Incorporated, Emu Park Rugby League Incorporated, Capricorn Coast Touch Football Association, Capricorn Coast Netball Association, Yepoon Australian Football Club Incorporated and Yepoon Rugby League Incorporated by;

1. Providing each aforementioned club with the total financial support requested in their respective hardship letter; OR
2. Providing each aforementioned club with a total fee waiver for the 20/21 financial year; OR
3. Providing each aforementioned club an equal rebate amount exhausting the COVID Community Grant Funding; AND/OR
4. Providing the Yepoon Swans Australian Football Club Incorporated a discount in water consumption charges by way of reducing their water usage charge to 0.04c per litre.

BACKGROUND

In response to Queensland's emerging coronavirus disease (COVID-19) crisis Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency. Subsequent to the declaration, Queensland Chief Health Officer issued a number of Public Health Directions specifying permitted activities in conjunction with the timeline associated with the Queensland Government's Roadmap to Easing Queensland's Restrictions.

In May 2020, the Australian Government released the *National Principles for the Resumption of Sport and Recreation Activities* and the *Australian Institute of Sport Framework for Rebooting Sport in a COVID-19 Environment*. The guidelines influenced Industry COVID19 Safe Plans and practices. Industry COVID19 Safe Plans and practices were filtered through peak sporting bodies to local affiliate organisations. Peak bodies recommended cancelling seasons indefinitely or continuing to operate under strict restrictions. Individual sporting organisations based decisions regarding their operations on advice from State and Local Governments, their affiliated peak body and individual organisation capacity.

At a local level, Livingstone Shire Council Community Development Team has engaged in communication with relevant sporting bodies, ensuring awareness around ongoing public health updates and that requirements are maintained for COVID19 safe practices and plans are adhered too. To date Council has received six letters of hardship from Livingstone Shire sporting organisations between April and September 2020.

Livingstone Shire Council owns the Hartley Street Multi Sports Complex in Emu Park and the Barmaryee Multi-Sports Precinct for which users hold a tenure agreement with Livingstone Shire Council. Licence/lease fees are invoiced annually.

COMMENTARY

Council received six letters of hardship between April and September 2020 from Livingstone Shire Yeppoon Junior Rugby League Incorporated, Emu Park Rugby League Incorporated, Capricorn Coast Touch Football Association, Capricorn Coast Netball Association, Yeppoon Australian Football Club Incorporated and Yeppoon Rugby League Incorporated. A copy of each letter of hardship is provided in Attachment One of this report.

PREVIOUS DECISIONS

With regard to Not-For-Profit Community Organisations, Council adopted the Livingstone Shire Council Rates Rebates and Remission Policy. The policy is silent with regard to Council tenure fee relief.

In relation to Council Freehold land, under lease/licence by Livingstone Shire to sporting organisations and fee relief pertaining to impacts associated with COVID19, there are no previous decisions made by Council regarding this matter.

A briefing report was presented on this matter on the 2nd February 2021. Council requested officers provide potential options to determine the most appropriate form of financial support.

In February 2018, the Yeppoon Swans Australian Football Club requested a further twelve-month exemption from water charges which resulted in Council declining the request. A copy of Council's response is provided in Attachment Twelve of this report.

ACCESS AND INCLUSION

The Livingstone Shire Council Inclusive Community Policy outlines Council's commitment to work in partnership with business, industry and the community to ensure equitable access to goods, services, information, buildings, infrastructure and precincts.

ENGAGEMENT AND CONSULTATION

Each of the aforementioned sporting organisations were provided information and support to access up to two thousand dollars (\$2000) through the Queensland Government COVID-19 Safe Active Clubs Kick Start funding scheme. The scheme was available in June 2020 however is now closed.

Each of the aforementioned sporting organisations were successful in receiving funds through this scheme, relevant to equipment and training including operational costs.

The Community Development Sport and Recreation Team liaise with all Livingstone Shire sporting organisations on a regular basis and provide advice and support according to their identified needs.

Council continues to undertake promotion of the Livingstone Shire Council Rates Rebates and Remission Policy informing eligible organisations.

HUMAN RIGHTS IMPLICATIONS

There are no human rights implication in regards to this report under the *Human Rights Act Queensland 2019*.

BUDGET IMPLICATIONS

Should Council resolve to provide each aforementioned club with the total financial support requested in their respective hardship letter the total loss of revenue to Council would amount to approximately seventy-one thousand and forty dollars (\$71,040.00).

Should Council resolve to provide each aforementioned club with a total fee waiver for the 20/21 financial year the total loss of revenue to Council would amount to approximately fifty-two thousand dollars (\$52,000).

Should Council resolve to utilise the COVID19 Community Grant Funding, approximately twenty-four thousand dollars, in response to the aforementioned sporting organisations request for lease/licence fee relief, each sporting organisation may receive approximately four thousand dollars (\$4,000), exhausting the COVID-19 Community Grant Funding.

Should Council resolve to providing the Yeppoon Swans Australian Football Club Incorporated a discount in water consumption charges by way of reducing their water usage charge to 0.04c per litre the total loss of revenue to Council would amount to approximately two thousand and fifty one dollars and twenty-five cents \$2,051.25.

LEGISLATIVE CONTEXT

There appears no relevant legislation to consider in this matter.

LEGAL IMPLICATIONS

There are no foreseen legal implications associated with the considerations of this matter.

STAFFING IMPLICATIONS

Existing staff capacity can accommodate actions in relation to decisions made regarding this matter.

RISK ASSESSMENT

The following presents the potential risks should Council provide fee relief.

Reputation – providing fee relief exclusively to the aforementioned sporting organisations may be perceived by the community, to be not addressing the broader impacts of COVID-19 on the Livingstone community. Such a decision may establish a precedent in future expectation around fee relief for sporting organisations.

Economic – should the aforementioned sporting organisations be granted fee relief, such relief will incur a financial impact on Council.

The following presents the potential risks should Council not provide fee relief.

Assets – should the aforementioned sporting organisations have cause to dissolve and/or cease operations for an extended period Council, as owner of the land would assume all assets if not recovered by the sporting organisation.

Reputation – should Council not grant fee relief to the aforementioned sporting organisations this may be perceived to contradict the *Corporate Plan Goal 1.3 - Places for active and passive recreation* and associate strategies.

Economic – should the aforementioned sporting organisations have cause to cease operations for an extended period and/or dissolve there would be an impact on future predicted revenue.

Community – should the aforementioned sporting organisations have cause to cease operations for an extended period and/or dissolve, this may lead to a decrease in sporting opportunities for the Livingstone community. This may be perceived to contradict the *Corporate Plan Goal 1.3 – Places for active and passive recreation* and associated strategies.

CORPORATE PLAN REFERENCE

Liveable Livingstone

Community Plan Goal 1.3 - Places for active and passive recreation

1.3.3 Support community groups (including the arts, cultural, sport, and recreation groups), through advocacy and by helping them identify and secure funding streams and develop skills (including networking, governance, engaging volunteers, and business management.

Supporting sporting organisations to maintain their tenure for their respective operations, supports their capacity to continue to provide a variety of sporting, recreational and community activities for the benefit of the broader Livingstone community.

CONCLUSION

There exists little doubt that COVID19 has delivered financial loss and disruption to the abovementioned sporting clubs. Potential exists for Council to play a role for long-term recovery strategies for social, business and sporting communities within Livingstone.

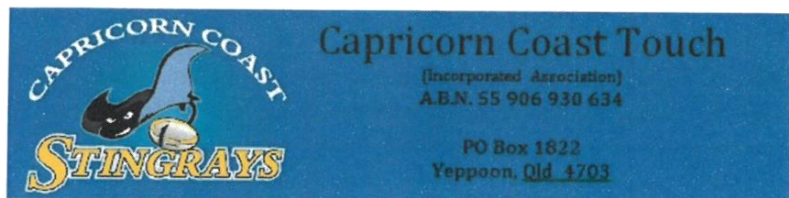
This report seeks Councils decision determining an appropriate allocation of financial support when addressing each sporting organisations request, outlining the impacts of COVID-19 on their operations in 2020 and seeking financial assistance.

11.12 - LETTERS OF HARDSHIP - SPORTING CLUBS YEPPPOON/EMU PARK

Letters of Hardship Sporting Clubs

Meeting Date: 16 February 2021

Attachment No: 1



Mayor Andrew Ireland, Councillor Adam Belot
Livingstone Shire Council
Lagoon Place
Yeppoon, Qld 4703

Mr Mayor, Councilor Belot,

Re: Capricorn Coast Touch Association (CCTA) Lease Invoice \$16,400

We, Capricorn Coast Touch Football Association recently received our tax invoice from Livingstone Shire Council (LSC) relating to licence fees of \$16,400 for the period 01/07/19 to the 30/06/20. We are writing this letter to notify LSC of our financial hardship in 2020 and request .

Traditionally, we run two season per year: Season 1 (February – June consisting of Senior Mixed, Senior Womens and Senior Mens competitions) and Season 2 (July – November with the same competitions plus an additional one for Juniors Kindy through Year 6). This year, due to COVID-19 we had played only 3 or 4 games of season 1 before COVID-19 isolation policy shut us down. We have since refunded a significant portion of the player registration fees for that season back to the players.

On the 1st of July 2020 the executive committee of CCTA decided not to recommence the current touch competition. This decision was made after meeting with CQ Touch General Manager Tracy Upton. The reason for suspending our season was the onerous requirements placed on us Queensland Touch and the Sport and Recreation Industry Plan (via Tracey Upton), which included volunteers at the entry and exit of the fields taking temperature checks and details of all players entering the facility, regular thorough cleaning of the amenities (every 15 minutes), cleaning of the ball and players hands before, during and after games, no spectators, time slot changes to minimise the number of people on site at any one time and closure of the canteen. We have a small committee of volunteers and were unable to meet such stringent guidelines.

Page 1 of 2

In addition, we discussed who would be responsible if a player refused or did not follow protocols and regulations and at that time Tracy Upton could not confirm if the Safety Officer (appointed by the committee) was covered by insurance. The health and safety of our players, referees and volunteers is most important and this is the reason behind our decision to cancel the CCTA season.

The result of this is that we have lost more than 75% of our revenue stream for the year 2020 with no options to recover any further revenue until 2021 (if then, depending on the COVID-19 situation).

If required, we are would be happy to share our year to date Profit and Loss Statement showing the severe loss for the year.

We ask you to consider waiving (or at least significantly reducing) the invoice to help us mitigate the significant losses this year will bring as a result of COVID-19. We have followed advice provided via CQ Touch from Queensland Touch and the Sport and Recreation Industry Plan and could not feasibly have made any different decisions.

We await your decision.

Kind regards,
Allanah Stafford
Secretary
Capricorn Coast Touch Football Association

Page 2 of 2



YEPPOON SWANS
AUSTRALIAN FOOTBALL CLUB INC.
SWAN PARK - CORDINGLEY ST - YEPPOON

28/04/2020

Mayor Andy Ireland
Livingstone Shire Council
Yeppoon Qld 4703

Dear Mayor:

Firstly, congratulations on your recent election and that of other councilors.

I am President of the Yeppoon Australian Football Club and have been for 10 years and a number of years prior to that in senior administrative positions. 2020 marks 40 years since our formation as a club. Our home base is at Swan Park in Cordingley Street.

Our club is a very active community club and has U7's, U9's, U11's, U13's, U15's, U17's, Reserves, Women's and A Grade teams on the ground every week.

We presently hold the Queensland record for the most winning games in a row, and I am pleased to say we are fast closing on the National and world record. This has created a lot of national exposure in recent times with major stories on Fox Television, ABC and Win nationally. This can only be good promotion for the region.

We are also active community supporters and have a major fundraiser each year as part of our program. For example, we have raised \$13,000 over the last two years for Motor Neurone Disease research, previously funding the RSL kitchen's refurbishment, youth suicide awareness through "Livin" and others.

We have tremendous support from local business organisations to support our club. Our generous local business support for all sporting and volunteer organisations in this town, always amazes me.

The costs in running a club of this nature is very expensive as I am sure you are aware and without games during this time, our main revenue source does not exist. We still have significant ongoing costs such as insurances, grounds upkeep, including fertilizer, water, mowing, topdressing etc., club room maintenance, electricity, water and security, just to name a few. Obviously, all of the structural improvements at Swan Park have been undertaken by the club itself, without any financial assistance from the Council.

Some of your councilors are very familiar with our club and attend on a regular basis, as was your predecessor an attendee on occasions.



I would formally like to invite you to inspect our facilities at any time, or attend a game, when we return to "normal", whatever that may look like.

However, in the meantime, I seek your consideration to waiving our ongoing charges for recycled water which we use on the playing fields for at least 12 months.

This is an expense that if could be waived for a period, will give much needed relief to our club finances.

I would be very pleased and welcome the opportunity to meet with you, even for a brief coffee if you are available, social distancing requirements, adhered to.

I look forward to the opportunity to catch up soon, and your response to my request.

Sincerely,

Peter Watkins

President
Yeppoon Australian Football Club

peter@agadvisory.com.au
0429 383041





Capricorn Coast Netball Association Inc.

9/7/2020

To Livingstone Shire Council

Attention John Buttigieg

The Capricorn Coast Netball Association would like LSC to consider financial relief in our licence fee agreement for the 2020 season due to the impact of Covid 19.

CCNA will be offering a 10 week social competition to our members to encourage the return to play for community sport. CCNA charge each member \$95 to register with the Association and Netball Qld for the season. Out of the \$95 charged, Netball Qld retains \$90 for insurance purposes. As Netball Qld don't offer a discounted rate for a shortened/disrupted season to its members, CCNA have decided not to charge our members game fees for the 2020 season.

This decision was to encourage members back to community sport and to help relieve the financial burden already placed on families due to Covid 19. In doing so, CCNA have taken a financial hit of approx. \$55,000.00 for the 2020 season. Another point of consideration is our annual carnival which still looks in doubt due to the Covid 19. If our carnival is allowed to go ahead it may be with restricted numbers which will also be another financial blow for the Association.

The CCNA management committee have worked tirelessly over the past 3 months with our State Body Netball Qld to try and put forward a new look season for our members. It would have been much easier to walk away from the 2020 season but we didn't want to jeopardise all of our hard work that we've accomplished over the past several years in continuing to grow our member base.

We would like to thank you for taking the time to consider our request for financial relief pertaining to our licence agreement. We would forward to your response.

Yours Sincerely
Tanya Burnett
President of CCNA.

PO Box 563
Yeppoon Q 4703
0438 106 068
www.capcoast.qld.netball.com.au

Coose Bay Sports Complex
Matthew Flinders Drive
Yeppoon Q 4703
capcoast.netball@bigpond.com



To: Andrew Ireland

Mayor Livingstone Shire Council

From: Jason Field

Firstly I'm writing to advise all league for the region is cancelled.

I'm writing to request exemption from paying fees \$15000 + for this year and the next two years following too 2024 due to club being financially not being in position to pay fees due to the COVID-19 epidemic.

Being a fairly new club we struggle year to year with players, we have now been informed due to COVID-19 all player will be required to cover the cost of Insurance due to the major league sponsor for the region withdrawing, so potentially all players will be asked to pay double the current registration fee to compete next year.

We have lost 70% of our sponsorship this year due to the effect of COVID-19 this will be ongoing with a lot of these businesses closing.

We as club would also like to request a review of fee structure going forward as we are Not for profit community organisation whom performs a service to the community, by providing avenue where volunteers assist with keeping children of the streets and engaged in positive programs and provide positive role models, instead of these children being bored and causing issues and damage within the region.

Would like to see why this isn't a part of normal rates for region same as the parks at beaches etc.

Looking forward to your reply

Yours in Sport

Jason Field

President Emu Park Rugby League



Yeppoon Junior Rugby League Football Club Inc.
ABN: 31 224 651 018

PO BOX 286
YEPPOON, QLD, 4703
Email: yeppoonjrl@hotmail.com

22 June 2020

Name: Yeppoon Junior Rugby League Football Club Inc.
Address: Barmaryee Multi – Sports Precinct
Email Address: yeppoonjrl@hotmail.com
Phone Number: 0409892803

Dear Mayor (Andy Ireland),

I am writing this letter to request a discount or waiver of the lease fee Yeppoon Junior Rugby League (Seagulls Juniors) is due to pay in 2020 for the use of the building and fields at the Barmaryee Multi Sports Precinct.

The junior club has found itself in a unique set of financial circumstances due to Covid 19 and the restrictions imposed on junior sport.

Every aspect of our income in 2020 has been severely impacted. Rockhampton Junior Rugby League has advised our club that we cannot hold any games, therefore we will receive no further players fees, no canteen or gate takings income. Our main income is from players fees, local business sponsors, canteen and gate takings, and grant funding. The players fees we have received earlier in the year have been used to pay for the players kits and their insurance for the few games they were able to play before the social distancing restrictions were put in place, the remaining fees are required by the ACCC (Australian Competition and Consumer Commission) to be refunded.

We have also been unable to pursue sponsors for the season due to no games being played and businesses also being impacted by Covid 19.

Another financial obligation in 2020 is for our club to obtain a food licence for the canteen at Barmaryee, which we have been advised needs several upgrades to meet food licensing requirements. The club is required to cover the cost of those upgrades (splash backs for fryers, power points, soap, sanitiser and paper towel dispensers in the kitchen and bathroom). The food licence is a priority for the club to obtain so we can be financially secure throughout future seasons.

And to give you some background on the clubs activities whilst leasing the Barmaryee fields, our volunteers have worked tirelessly to make significant improvements through applying for grant funding and fundraising to install goal posts, grand stands, and we have works being carried out currently – installing a permanent score board, a line system, officials huts midfield with many more improvements planned for the fields. We also recently applied for funding through the bushfire grants to build a multi-purpose storage shed with support from the Livingstone Local Disaster Management Group and Livingstone Shire Council.

As you can understand, we face significant costs at the start of the season, ordering players kits (shorts, socks, shirts), jerseys, new training gear, first aid kit upgrades, insurance etc. and we usually recoup that money throughout the season as mentioned above. Unfortunately, we are not able to do that this season and will be facing those costs again next season with limited funds.

If you could consider a fee reduction or waiver for the Seagulls Juniors for the 2020 season, it would be very much appreciated.

Yours Sincerely,

Debbie Esser
Treasurer
Yeppoon Junior Rugby League Football Inc.

Yeppoon Rugby League Football Club INC
Webb Park
PO Box 1602,
YEPPOON QLD 4703



President: Steve Stafford 0407391123
Secretary: Steve Ellis 0477066082
Treasurer: Steve Ellis

Support from Livingstone Shire Council with Council fees.

Dear Brett Bacon,

This year has been a challenging year for all of us as we deal with the effects of COVID-19.

As there has been no competition in the Rockhampton Rugby Senior League this year the Club has been placed in a position that is unprecedented.

Yeppoon Rugby League Club Inc has supported the community by making sure that Webb Park was available to the Rockhampton and District Schoolboys Rugby League for their 2020 competition. The Rockhampton and District Schoolboys Rugby League followed the requirements to run their competition in a COVID -19 safe environment with no spectators.

As we have ongoing running costs to maintain the field at Webb Park, the Club is seeking assistance from Livingstone Council during this financially hard time. We are hoping it may be possible to receive assistance with Council fees, such as rates, water and recycled water.

As a Non-For- Profit Community Club Yeppoon Rugby Leagues Club Inc will always endeavour to support the Community of Livingstone Shire.

As we continue to deal with the effects of COVID-19, the Club will keep looking for proactive ways in keeping Webb Park in pristine condition for any Community events that may arise.

Regards,

Steven Ellis
Yeppoon Rugby League Club, Secretary

11.13 BUILDING OUR REGIONS PROJECT - CAUSEWAY LAKE REVITALISATION BUSINESS CASE

File No:	GS15.2.03
Attachments:	Nil
Responsible Officer:	Russell Claus - Urban Strategist David Mazzaferri - Acting Executive Director - Liveability & Wellbeing
Author:	Carlyn Hepburn - Project Support Officer
Previous Items:	14.2 - Queensland Government - Building Our Regions - Round 5 - Ordinary Council - 13 Aug 2019 4.00pm (Special)

SUMMARY

A resolution from the Council is required to comply with the project funding agreement for Causeway Lake Revitalisation Business Case administered by the Department of State Development, Tourism and Innovation.

OFFICER'S RECOMMENDATION

THAT Council resolves to

1. commit to delivering the Causeway Lake Revitalisation Business Case (Project ID: BoR R05 LIVI 0089) by September 2021; and
2. acknowledges responsibility for any funding shortfall if costs change;

BACKGROUND

Council was successful in receiving external funding of \$300,000 (excluding GST) as part of Building Our Regions Round 5 application for Causeway Lake Revitalisation Business Case.

COMMENTARY

The Causeway Lake Revitalisation Business Case planning project involves engaging a qualified consulting engineering firm to evaluate the scope and anticipated costs of dredging Causeway Lake to facilitate revitalisation of the lake and surrounds for recreation purposes and environmental functions.

Department of State Development, Tourism and Innovation administer the funding program and as per Section 16.2 of the funding agreement have requested Council formally resolve to confirm its commitment to delivering the Project, and acknowledging responsibility for any funding shortfall if costs change.

PREVIOUS DECISIONS

On 13 August 2019 Council resolved to submit applications to Round 5 of the Queensland Government Building Our Regions for the planning project to progress preliminary investigations for the Causeway Lake Revitalisation and development project.

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of passing the requested resolution.

ENGAGEMENT AND CONSULTATION

No engagement or consultation activities were undertaken in the preparation of this report.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

Council were not required to make a contribution as per section 8 the project funding schedule.

LEGISLATIVE CONTEXT

The consideration of this matter is not impacted by any specific legislation.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

STAFFING IMPLICATIONS

Existing resources in Economy and Places were utilised to prepare this report.

RISK ASSESSMENT

Failure to pass the resolution could potentially jeopardise the Building our Regions funding for this project.

CORPORATE PLAN REFERENCE***Future Livingstone***

Community Plan Goal 5.1 - Balanced environmental and development outcomes

5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes.

The corporate plan supports the goal of supporting environmental and economic outcomes which is in alignment with this project.

CONCLUSION

Officers recommend that the proposed recommendations be endorsed by Council so that Council complies with the requirements of the Building our Region funding agreement that was executed for this project.

11.14 THE STATION BUILDING BETTER REGIONS SUBMISSION**File No:** ED8.5.20**Attachments:** 1. Station Concept Plan [↓](#)**Responsible Officer:** David Mazzaferri - Acting Executive Director - Liveability & Wellbeing**Author:** Sonia Barber - Acting Manager Economy & Places

SUMMARY

Activation of the Station Quarter site in the Yeppoon town centre as per The Station proposal, Attachment One, will provide social and economic benefits to the community, as well as increase visitation and job creation. There is an opportunity to apply for Building Better Regions Funding Round Five to facilitate remediation of the former railway site and complete a Stage One development. This report seeks Council approval to apply for the funding.

RECOMMENDATION

THAT Council resolve to apply for Building Better Regions Round Five Tourism Infrastructure Funding for \$10 million dollars for the purpose of developing Stage One of The Station project, if the funding application is successful.

BACKGROUND**The Station Project**

The development of the Station Quarter site in James Street is critical to enhancing the community and visitor experience within the Yeppoon town centre. The site has been subdivided with ownership of the eastern section of the site to be deeded to Council in the near future.

In 2020 The Station Food Innovation Precinct funding proposal, Attachment One, was prepared seeking \$25 million in government support to develop the eastern part of the site into a food innovation precinct. The Station proposal aims to develop a turn-key community and tourism focused artisan food innovation, manufacturing and retailing precinct. Featuring training facilities, commercial kitchens, pop-up markets, locally made boutique food products and permaculture, aquaculture and educational displays.

The project will support new business start-ups in advanced food manufacturing, diversify the Capricorn Coast regional economy, create new jobs and kick start economic recovery. This project closely aligns with the growing community desire to source locally produced healthy food options, increased local agricultural diversification, and the development of the Capricorn Coast Food Trail.

Building Better Regions Round Five – opens 12 January 2021, closes 5 March 2021

A total of \$200 million is available, with \$100 million dedicated to tourism related infrastructure projects. Grants of up to \$10 million are available to cover eligible project costs.

For most projects grant funding will be up to either fifty percent of eligible project costs. Councils can apply for a full, or partial exemption to a cash contribution if they can demonstrate they are experiencing exceptional circumstances.

COMMENTARY

This proposal seeks to explore a Stage One funding opportunity to facilitate site improvements, landscaping and the development of commercial uses at the soon-to-be Council owned portion of the Station Quarter land and the heritage Railway Station. It is recommended to use funding to remove contamination from the railway site, and complete infrastructure and service works so that the Railway building and its surrounds can be

activated. It is proposed to include full landscape planting of the site, the construction of a large undercover entertainment venue, commercial container kitchen, three commercial containers and an urban play and dining area in proximity to the railway station. The open space areas surrounding the Railway Station building will then be activated and the buildings leased out to commercial tenants for uses such as a micro-brewery, artisan bakery and locally produced goods, including permanent and semi-permanent markets.

Building Better Regions Funding Round Five allows for up to \$10 million dollars to be applied for to cover eligible project costs. This is not sufficient funds to develop the entire site as per the proposal in Attachment One, which is estimated to cost at a minimum \$25 million. A staged approach to development will be required, see Attachment Two.

High level cost assumptions, yet to be fully quantified and informed from Quantity Surveying and officer estimation, have resulted in a Stage One development scenario for Council consideration.

The Station – Stage One Inclusions
Site remediation
Pavements, landscaping and trees
Arthur Street carpark
Urban play area and outdoor dining
Covered entry
Commercial kitchen container
Permanent market spaces
Container retail space (3 retails spaces)
Undercover entertainment venue and dining
Total estimated cost \$13,000,000
Building Better Regions Application \$10,000,000
Council contribution 21/22 \$1,500,000
Council contribution 22/23 \$1,500,000

Economic modelling assumptions forecast a net lease revenue amount of \$165,900 per annum after expenses. Economic modelling of ongoing jobs assumes a total of twenty-eight full-time equivalent employees with impact on local employment value add bringing this total to forty-one jobs. This increase in jobs would create an annual \$2 million in Gross Regional Product. Construction economic impacts for Stage One are forecast at a \$29 million direct output on the Australian economy creating ninety-one jobs during construction.

The funding application will have to be made under “exceptional circumstances” as Council’s proposed contributions are less than the fifty percent cash contribution that is expected.

Improvements to the Station Quarter site will benefit the entire community, and enhance visitation and foot traffic in the Yeppoon town centre.

A Council resolution is required to approve an application to Building Better Regions funding for Stage One of The Station proposal.

PREVIOUS DECISIONS

Council were previously briefed on The Station funding proposal on 20 September 2020 and 2 February 2021.

This matter has not been the subject of any Council resolution

ACCESS AND INCLUSION

Any access and inclusion processes undertaken in regards to the Station funding proposal will be consistent with the commitment to equitable outcomes to all the community.

ENGAGEMENT AND CONSULTATION

The Station proposal was recently listed on the Get Involved platform on Council's website for comment. If successful in obtaining Building Better Regions funding, further community engagement would be completed.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

BUDGET IMPLICATIONS

If the funding application is successful a contribution of \$1.5 million in 2021/22 and \$1.5 million in 2022/23 to be allocated as the cash contribution to support the Building Better Regions funding application.

LEGISLATIVE CONTEXT

The consideration of this matter is not impacted by any specific legislation.

LEGAL IMPLICATIONS

There are no legal implications associated with the consideration of this matter.

STAFFING IMPLICATIONS

Application to the Building Better Regions fund can be undertaken utilising existing staff resourcing.

RISK ASSESSMENT

If funding is not allocated to develop the railway land it will leave a large portion of the land and newly refurbished historical railway building in an unattractive state, inactive and fenced off.

Community expectations for improvements and development of the site will need to be considered for any future use, leaving it in an "as is" condition, is unlikely to be an acceptable community desired outcome.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future

4.1.3 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change which enhances internal and external outcomes.

This project will support new business growth, diversify the Capricorn Coast economy and create new jobs.

CONCLUSION

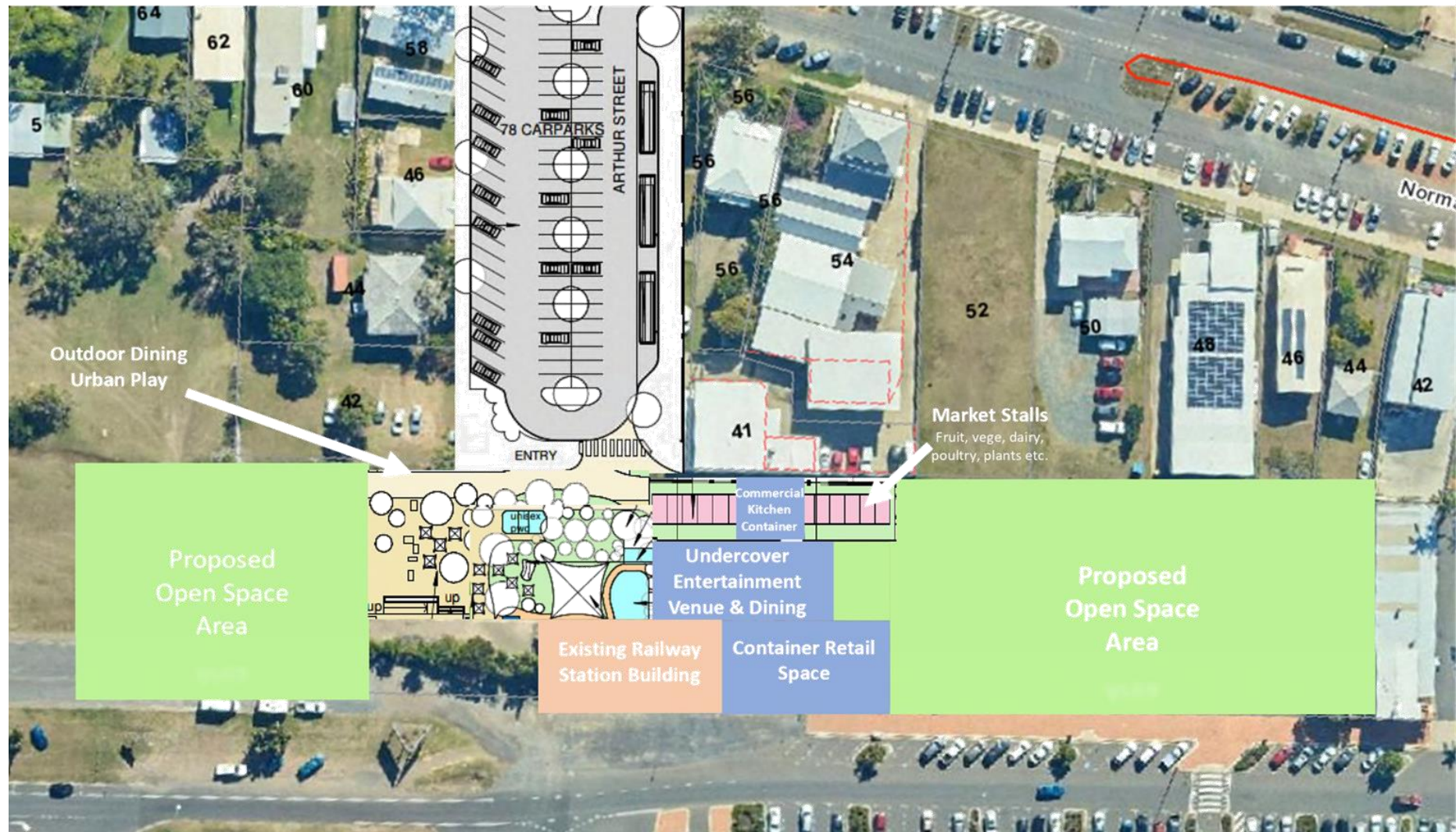
The future use of the Station Quarter and historical Railway Building soon to be acquired by Council needs to be determined. The Station proposal is considered to deliver the most beneficial economic and social value for the site, it does not compromise surrounding retail uses and strengthens local industry. There is an opportunity to apply for Building Better Regions funding to activate a part of the site, utilising a stage approach for future development funding options.

11.14 - THE STATION BUILDING BETTER REGIONS SUBMISSION

Station Concept Plan

Meeting Date: 16 February 2021

Attachment No: 1



11.15 CHANGE APPLICATION (OTHER CHANGE) FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE OF PREMISES FOR AN EXTRACTIVE INDUSTRY FOR SAND AND GRAVEL AND ASSOCIATED ACTIVITIES AND A MATERIAL CHANGE OF USE OF PREMISES FOR A CONCURRENCE ENVIRONMENTALLY RELEVANT ACTIVITY, ETNA CREEK ROAD AND MELDRUM ROAD, ETNA CREEK

File No: D-174-2015

Attachments:

1. [Locality Plan](#)
2. [Amended Proposal Plans](#)
3. [Amended Road Section Plan](#)
4. [Proposed T intersection plans](#)
5. [State Assessment and Referral Agency Response \(changed\)](#)
6. [Environmental Authority Permit \(amended\)](#)
7. [Planning Scheme Code Assessment](#)

Responsible Officer: David Battese - Manager Liveability
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

Author: Erin McCabe - Co-ordinator Development Assessment

SUMMARY

Development Application No: D-174-2015

Applicant: Belmont Sands Pty Ltd

Real Property Address: Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451

Common Property Address: Lot 2, Lot 3, Lot 5, Lot 6, Lot 8, Lot 10, Lot 118 and Lot 2197 Meldrum Road and 887 Etna Creek Road, Etna Creek

Area of Site: 1,976 hectares

Planning Scheme: Livingstone Planning Scheme 2017 (Version 2, effective 25 June 2018)
(Original assessment pursuant to the Livingstone Shire Planning Scheme 2005 (Reprint 6, 9 June 2009))

Planning Scheme Zoning: Rural zone

Planning Scheme Overlays: OM01 Acid Sulfate Soils
OM02 Agricultural Land Classification
OM07 Biodiversity Habitat Vegetation
OM10 Biodiversity Wetlands Waterways
OM11 Biodiversity Stream Order
OM12 Bushfire Hazard Area

OM14 Coastal Hazard Area Storm Tide Hazard

OM15 Drainage Problem Area

OM16 Extractive Mining Resource Area

OM17 Flood Hazard Area

OM18 Landslide Hazard Area

OM19 Regional Infrastructure

OM20 Road Hierarchy

OM24 Water Resource Area

Existing Development: Belmont Research Station Agriculture (grazing), Caretaker's Residence and Dwelling houses

Existing Approvals: Development Permit D-174-2015 for a Material Change of Use for Extractive industry (sand and gravel extraction and associated activities) and Environmentally Relevant Activities

Approval Sought: Change application (other change) for a Development Permit for a Material Change of Use of premises for an Extractive industry for sand and gravel and associated activities and a Material Change of Use of premises for a Concurrence Environmentally Relevant Activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year)

Level of Assessment: Impact Assessable

Submissions: Original application – 39 submissions (38 properly made, 1 not properly made)

Change application – 13 properly made submissions

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning (State Assessment and Referral Agency)

Application progress

<i>Original Application received</i>	<i>7 August 2015</i>
<i>Original Application approved:</i>	<i>18 July 2018 (decision notice issued 19 July 2018)</i>
<i>Change application received:</i>	<i>14 February 2020</i>
<i>Confirmation Notice issued:</i>	<i>6 March 2020</i>
<i>Referral to Concurrence Agencies:</i>	<i>26 March 2020</i>
<i>Concurrence Agency Decision issued:</i>	<i>29 April 2020</i>

<i>Public Notification commenced:</i>	<i>27 April 2020</i>
<i>Public Notification concluded:</i>	<i>20 May 2020</i>
<i>Response to submissions received:</i>	<i>8 June 2020</i>
<i>Request for Further Information issued:</i>	<i>22 June 2020</i>
<i>Extension to Assessment timeframes:</i>	<i>25 September 2020</i>
<i>Response to Request for Further Information received:</i>	<i>10 December 2020</i>
<i>Extension to Assessment timeframes:</i>	<i>15 December 2020</i>
<i>Council Meeting:</i>	<i>16 February 2021</i>
<i>Statutory determination date:</i>	<i>16 February 2021</i>

OFFICER'S RECOMMENDATION

THAT in relation to the change application (other change) for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Council resolves that:

1. Condition 3.1 – be amended;
2. Conditions 4.0 – be amended and new conditions added;
3. Conditions 5.0 – be amended and new conditions added;
4. Conditions 6.0 – be amended;
5. Conditions 9.3, 9.4 – be amended and, 9.5 and 9.7 – be added as new; and
6. Conditions 11.2 and 11.3 – be amended and 11.5 – be added as new.

RECOMMENDATION B

THAT in relation to the change application (other change) for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Council resolves to approve the change application subject to the following conditions:

1.0 APPROVED DEVELOPMENT

1.1 The approved development is:

- 1.1.1 making a material change of use of premises for an extractive industry for sand and gravel, at an extraction rate of not more than 1,000,000 tonnes of sand and gravel (combined extraction limit) per calendar year, including the following associated activities:

- 1.1.1.1 screening extracted material (for this development, extracted material is the total material extracted, including sand, gravel, clay, silt and waste material);
 - 1.1.1.2 washing extracted material;
 - 1.1.1.3 stockpiling extracted material;
 - 1.1.1.4 processing plant;
 - 1.1.1.5 transporting sand and gravel off-site;
 - 1.1.1.6 weighbridge facilities;
 - 1.1.1.7 storage shed; and
 - 1.1.1.8 office facilities;
- and
- 1.1.2 making a material change of use of premises for concurrence ERA 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), on the subject premises, which must be in accordance with the endorsed plans (refer to condition 3.1).
- 1.2 The extraction rate limit of 1,000,000 tonnes per calendar year applies to the total amount of sand and gravel (combined) extracted. The extraction rate limit of 1,000,000 tonnes of sand and gravel (combined) per calendar year applies unless a lesser extraction rate limit is confirmed with Council as part of any development application for carrying out operational work for road works and that lesser extraction limit is the subject of a successful change application to vary this approval.
- 1.3 Extraction of material is limited to the locations identified as Resource Area 1 and Resource Area 2 on the approved conceptual site layout plan (refer to condition 3.1).
- 2.0 ADMINISTRATION
- 2.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 2.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 2.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 2.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 2.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 2.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 2.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
 - 2.6.2 Plumbing and Drainage Work; and
 - 2.6.3 Building Works.

- 2.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant development permits, Council policies, guidelines and standards.
- 2.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland (RPEQ).

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 The approved development must commence, and be maintained, operated and completed generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout	1810.DRG.067 revision 1	12 February 2020
Alternative Haul Route	1810.DRG.065 revision 2	12 February 2020
Alternative Haul Route (insets 1 & 2)	1810.DRG.065A revision 2	12 February 2020
Alternative Haul Route (inset 3)	1810.DRG.065B revision 2	12 February 2020
Example Site Office Layout	1810.035	6 July 2015
Example Storage Shed Layout	1810.036	6 July 2015
Amended Road Section Plan	1810.CA1.005_LTRO_other Change Application page 13	12 February 2020
Environmental Management Plan	1810.610.001 Revision 2	12 February 2020
Bushfire Management Plan	15-059 Report	October 2015
Hydrology Assessment Report	1810.610.002 Issue 0	12 November 2015
Ecological Assessment	Not numbered	July 2015
Traffic Response to Council's Further Advice	20201204_10005_Response to Council IR	4 December 2020

- 3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

4.0 ROAD WORKS

- 4.1 The haul route for the development is Etna Creek Road from the site access at the western end of section D (refer to approved plan "amended road section plan") at Lot

2 on RP610451 to the intersection of Etna Creek Road and the Bruce Highway. Heavy vehicles associated with the development must not use any other route.

- 4.2 The developer must design and construct the haul route (Etna Creek Road), including pavement and road drainage works (cross drains and roadside drainage) in accordance with this condition 4.0.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.3 The haul route, except section D (refer to approved plan “amended road section plan”), must be designed and constructed to:

- 4.3.1 have a minimum formation width of eight (8) metres; and
- 4.3.2 have a minimum sealed width of 6.5 metres; and
- 4.3.3 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and
- 4.3.4 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

Note: The minimum formation width (8 metres) and the minimum sealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonne maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.

- 4.4 Section D of the haul route (refer to approved plan “amended road section plan”), must be designed and constructed to:

- 4.4.1 have a minimum formation width of seven (7) metres; and
- 4.4.2 have a minimum unsealed width of 5.5 metres; and
- 4.4.3 have a grid at the interface between sections C and D of haul route; and
- 4.4.4 have the necessary stormwater drainage infrastructure including bed level crossings; and
- 4.4.5 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and
- 4.4.6 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

Note: The minimum formation width (7 metres) and the minimum unsealed width (5.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonnes maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.

- 4.5 Section D of the haul route (refer to approved plan “amended road section plan”), must be maintained by the developer for the life of the quarry operations.
- 4.6 The “T” intersection between Etna Creek Road and proposed road section D (refer to approved plan “amended road section plan”), must be designed and constructed to:
- 4.6.1 have a sealed pavement on Etna Creek Road and on the part of the road section D (extent of the sealed area of the intersection) generally in accordance with the concept layout & swept path plans in the approved Traffic Response to Council’s Further Advice document (refer to condition 3.1). The final extent of the sealed pavement must be agreed in consultation with Council as part of any Development Application for Operational works (road works); and
 - 4.6.2 have a suitable turn warrant treatment (minimum basic right / basic left) in accordance with *Austroads Guide to Road Design: Part 4A “Unsignalised and Signalised Intersection*; and
 - 4.6.3 safely accommodate swept paths of the largest design vehicle (Truck and Dog (overall length 18.5m, payload 36 tonne)); and
 - 4.6.4 have necessary stormwater drainage infrastructure and street lighting; and
 - 4.6.5 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and
 - 4.6.6 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.7 A Development Permit for Operational works (road works) must be obtained prior to the commencement of any works on a Council controlled road.
- 4.8 All works must be designed and constructed in accordance with the approved plans (refer to condition 3.1), this condition 4.0, the *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 4.9 Ancillary road drainage works (for example, cross drains and roadside drainage) associated with any road works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and the *Queensland Urban Drainage Manual*.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.10 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management Act 1995)* and the *Manual of Uniform Traffic Control Devices (Queensland)*.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.11 Any Development Application for Operational works (road works) must demonstrate that the bus stopping areas remain available for users and include signage to indicate positions of the school bus stopping locations.

5.0 ACCESS WORKS

- 5.1 Vehicle access to the subject site (at Lot 2 on RP610451) from the western end of road section D of the haul route (refer to approved plan “amended road section plan”) must be designed and constructed to cater for the largest design vehicle (Truck and Dog (overall length 18.5m, payload 36 tonne)) associated with the development operating at the maximum extraction rate.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 5.2 Light vehicle access to the subject site from Etna Creek Road at the Lindleys Road intersection must be maintained to cater for light vehicle access associated with the development operating at the maximum extraction rate.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 5.3 The internal haul route (proposed access route), internal approved access route and internal proposed light vehicle access must be maintained to a trafficable standard for the largest design vehicle, relevant to the usage of the access or route, associated with the development operating at the maximum extraction rate.
- 5.4 Once constructed in accordance with this condition 5.0, the vehicle access must be maintained to comply with this condition 5.0 at all times while the extractive industry use (including the associated activities and the ERAs) is occurring.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 5.5 All heavy vehicles associated with the development must use the internal haul route in accordance with the approved plans (refer to condition 3.1). Heavy vehicles associated with the development must not use any other route.
- 5.6 Carry out all creek crossing works in accordance with the approved erosion and sediment control device(s) referenced in the Environmental Management Plan (refer to condition 3.1) as amended.
- 5.7 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works for the site.
- 5.8 All works must be designed and constructed in accordance with the approved plans (refer to condition 3.1), *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 6.2 On-site water supply for domestic (potable) and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 6.3 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage work associated with the development.
- 6.4 All plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*, any relevant development permit for carrying out plumbing or drainage work, and Council's Plumbing and Drainage Policies.

7.0 SITE WORKS

- 7.1 Site works must be undertaken such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or that cause an actionable nuisance or worsening to adjoining properties or infrastructure.
- 7.2 Any vegetation cleared or removed must be:
- 7.2.1 Mulched on-site and utilised on-site for landscaping purposes; or
 - 7.2.2 Removed for disposal at a location approved by Council;

Within sixty (60) days of clearing. Any vegetation removed must not be burnt unless authorised by a relevant fire permit.

8.0 BUILDING WORKS

8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

8.2 The minimum habitable floor height for new buildings must be 17.2 metres Australian Height Datum.

8.3 All electrical outlets and distribution boxes must be located above the predicted flood level of 16.9 metres Australian Height Datum.

9.0 ENVIRONMENTAL

9.1 All applications for a Development Permit for Operational Works (road works and access works) must be accompanied by a detailed Construction Environmental Management Plan prepared by a suitably qualified RPEQ (civil or environmental engineering), which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

9.2 All applications for a Development Permit for Operational Works (road works and access works) must be accompanied by a detailed Erosion and Sediment Control Plan, which addresses, but is not limited to, the following:

- (i) site location/topography/soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;
- (v) implementation procedures for construction and post construction phases;
- (vi) vegetation;
- (vii) interim drainage plan during construction;
- (viii) dust suppression;
- (ix) top soil management;
- (x) acid sulphate soils; and
- (xi) erosion susceptibility and risk.

- 9.3 The erosion and sediment control device(s) referenced in the Environmental Management Plan (refer condition 3.1), as approved and amended pursuant to this approval, must be installed and maintained at all times while the extractive industry use (including the associated activities and the ERAs) is occurring and for the duration of rehabilitation works.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 9.4 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans (refer condition 3.1). A plan indicating vegetation proposed to be cleared for the internal haul route including creek crossings must be submitted to Council as part of a Development Permit for Operational Works (where triggered for assessment by the planning scheme)
- 9.5 Replanting and rehabilitation of creek crossing locations must include endemic species selected in consultation with Council's Natural Resource Management unit. The replanting and rehabilitation must occur where vegetation is cleared for the haul route including any creek crossings.
- 9.6 The development must include:
- 9.6.1 A storage area for hazardous contaminants that has a secondary containment system to prevent any release of contaminants from the system, or container within the system, to land, groundwater, or surface waters; and
 - 9.6.2 Containers for hazardous contaminants that are secured at all times to prevent movement and leaking during any flood event.
 - 9.6.3 A storage area for hazardous contaminants that is above the minimum two (2) per cent Annual Exceedance Probability (AEP) event flood level.
- 9.7 Certification from a suitably qualified RPEQ experienced in hydrology, must be submitted to Council, prior to the commencement of use, certifying the:
- 9.7.1 Location of the proposed additional stockpile area, pad levels, and available freeboard from the defined flood event; and
 - 9.7.2 Relevant risks including risk of personal injury, health and property damage due to flood waters are within the acceptable / tolerable levels in accordance with relevant standards.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 10.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 10.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

11.0 OPERATING PROCEDURES

- 11.1 The hours of operations for the development must be limited to:
- (i) 0600 hours to 1800 hours Mondays to Saturdays (not including public holidays); and

- (ii) No operations on Sundays or Public Holidays
- 11.2 As part of the submission for the first related operational works application, the *Environmental Management Plan* (refer condition 3.1) must be amended to include the requirements of this development permit and:
- (i) incorporate the recommendations of the *Bushfire Management Plan* (refer to condition 3.1);
 - (ii) incorporate the recommendations of the *Hydrology Assessment Report* (refer to condition 3.1);
 - (iii) include the conditions imposed by the Environmental Authority;
 - (iv) include the haul vehicle driver code of conduct required as per condition 11.5
 - (v) include appropriate measures to ensure rainfall and storm warnings are closely monitored, to assess whether the site may be at risk of inundation;
 - (vi) include water quality, sediment and erosion control measures specific to the internal haul route operations including all creek crossings; and
 - (vii) include the replanting and rehabilitation strategy as required by condition 9.5.
- 11.3 The amended *Environmental Management Plan* (refer condition 3.1), required by 11.2, must be given to Council as part of the submission for the first related operational works application.
- 11.4 A detailed record of the extraction operations must be maintained on site at all times and must be available for inspection by Council. Records must be kept for a minimum of 5 years. The record of extraction operations must include the following information:
- 11.4.1 date of extraction;
 - 11.4.2 quantity of material extracted;
 - 11.4.3 quantity of sand and quantity of gravel extracted;
 - 11.4.4 quantity of sand and gravel transported from subject site; and
 - 11.4.5 quantity of extracted material screened.
- 11.5 A haul vehicle driver code of conduct must be developed and submitted to Council as part of any Development Application for Operational Works. The code must include, but is not limited to, the following information:
- (i) general requirements;
 - (ii) vehicle speed;
 - (iii) vehicle departure and arrival;
 - (iv) breakdowns and incidents;
 - (v) overtaking;
 - (vi) crossing creeks; and
 - (vii) a clause stating "All drivers must be aware of the locations of the school bus stops on the Bruce Highway and Etna Creek Road, particularly between the hours of 0715 to 0830 and 1500 to 1600 on school days".

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of

care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website www.datsip.qld.gov.au

NOTE 2. General Environmental Duty

- a. General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- b. The development must be undertaken in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.

NOTE 3. General Safety Of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Road

Council is not obliged at any stage in the future to open the road on the currently closed and unformed road reserve, or to form and construct the road to service the development.

NOTE 5. Flood Levels and Immunity

It is advised that the immunity from flood events shall be provided to a minimum of one (1) per cent Annual Exceedance Probability of 16.9 metres Australian Height Datum, plus a reasonable freeboard allowance (minimum 300 millimetres) for the finished floor levels of the site office, storage shed and for any electrical switchboard.

NOTE 6. Environmental

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

RECOMMENDATION C

THAT to reflect the above changes to conditions, Belmont Sands Pty Ltd (c/- Groundwork Plus), be issued with a Decision Notice (changed) for Development Permit D-174-2015 for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel

(more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year) on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451.

RECOMMENDATION D

THAT in relation to the change application (other change) for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Council resolves not to levy infrastructure charges in respect of the change application.

BACKGROUND

Council, at the Ordinary Meeting of 17 July 2018, approved a Development Permit for a Material Change of Use for Extractive industry for a sand and gravel quarry to operate Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek and 887 Etna Creek Road, Etna Creek. The approved operation is for the extraction of sand and gravel and includes screening, washing, stockpiling and transportation of material off site, via Etna Creek Road.

The existing approval was intended to occur over 128 hectares and involve two (2) resource areas, a processing area and a stockpile area. Resource Area 1 is located within the north western portion of Lot 8 on RP601603 and Resource Area 2 is located within the southern portion of Lot 5 on RP601603 and involves a processing area. The stockpile area is located within Lot 10 on SP142291.

The existing approval allows for the extraction of up to 1,000,000 tonnes of sand and gravel as per the environmentally relevant activity thresholds outlined below, however the applicant has advised that an average annual extraction rate of 80,000 tonnes per calendar year is anticipated. Machinery and equipment associated with the activities includes excavators, haulage vehicles, processing plant (inclusive of a hopper and feeding conveyor, static screen, density tank, sand pump, tower and hydrocyclone), spray bar, wash down pad and weighbridge. Ancillary facilities include an office and amenities building and storage shed. Quarry material will be transported by thirty-six (36) tonne capacity trucks with dog trailers.

The existing approval included a concurrence referral for two (2) environmentally relevant activities under the *Environmental Protection Act 1994* being the following:

- 16(3) 2(b): extracting, other than by dredging, in a year, the following quantity of material – more than 100,000 tonnes but not more than 1,000,000 tonnes; and
- 16(3) (3)(b): screening, in a year, the following quantity of material – more than 100,000 tonnes but not more than 1,000,000 tonnes.

The operation has been approved to occur between 0600 hours and 1800 hours Monday to Saturday with no operations on Sundays and Public Holidays and will have a maximum of three (3) employees on the site per shift.

Etna Creek Road forms the approved haul route from the development site to the Bruce Highway (State-controlled road). Etna Creek Road is a Council controlled road, measuring approximately 8.65 kilometres in length and varies in formation and seal width. A number of existing farm tracks were approved to be utilised within Lot 6 on RP601603 and Lot 3 on RP601603 in addition to the use of Etna Creek Road. Conditions were included within the approval that require Etna Creek Road to be designed and constructed to a satisfactory standard to accommodate the traffic generated by the development, these conditions formed an integral part of Council's assessment of the existing approval. The original assessment considered a Road Section Plan (refer attachments), which labelled sections of Etna Creek Road (Section A – E). Conditions 4.3 and 4.4 of the existing approval decision notice refer to

the approved Road Section Plan and identify the standard that each section of Etna Creek Road must be upgraded to, prior to the use commencing.

COMMENTARY

PROPOSAL IN DETAIL

Groundwork Plus, on behalf of Belmont Sands Pty Ltd, has made a change application to change Development Permit D-174-2015 issued on 19 July 2018 (the existing approval,) located at Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek. The Development Permit is for an Extractive industry (sand and gravel extraction and associated activities) and Environmentally Relevant Activities.

The change application relates to the amendment of the haul route off Etna Creek road and through privately owned lots which were not part of the original development permit. The change will require amendment to the following parts of the original approval:

- conditions relating to the upgrade of Etna Creek Road;
- approved plans.

The applicant has applied for an 'other change' to the existing approval in accordance with section 78 of the *Planning Act 2016*. The request submitted by the applicant outlines that since Council's existing approval was issued on 19 July 2018, the applicant has investigated a number of alternative access options to extend the haulage route through privately owned land. The proposed changes seek to introduce three (3) additional land parcels for the purpose of establishing a private (off-road, internal) haulage route to the extractive industry resource area.

The existing approval is over the following lots:

- Lot 8 RP601603,
- Lot 5 RP601603,
- Lot 10 SP142291,
- Lot 6 RP601603 and
- Lot 3 RP601603.

This change request seeks to include additional lots, described as:

- Lot 2197 LIV40813,
- Lot 118 LN284 and
- Lot 2 RP610451.

The use of the additional lots is limited to internal haulage and stockpiling of material. No additional extraction and/or processing areas are proposed. The change will result in haulage vehicles utilising the eastern parts of Etna Creek Road, construction of an unformed gazetted road, utilisation of existing farm tracks within private property and construction of new tracks and a stockpile area property on Lot 2 on RP610451. The number of vehicle trips generated by the development remains unchanged as a result of the change application.

The change application seeks to amend and cancel a number of conditions from the existing approval in relation to road work upgrades along the approved haulage route (Etna Creek Road). The change application seeks to reduce the extent of Etna Creek Road which is utilised by haulage vehicles and therefore reduce the extent of conditioned upgrades to Etna Creek Road. The change application also seeks to amend a number of the approved drawings and specialists reports as a result of the proposed changes to the operation of the existing approval.

As a result of the change, the applicant is seeking to reduce the extent of roadworks to Etna Creek Road. The existing approval required the full length of Etna Creek Road (referred to as Sections A-E on the approved Road Section Plan) to be upgraded / constructed in accordance with conditions 4.0.

The change also seeks to change the conditions so that only proposed 'Section C' is upgraded and proposed 'Section D' (unformed gazetted road) is constructed to a gravel standard. The change is seeking to remove the requirement to upgrade the eastern sections of Etna Creek Road (referred to as Sections A and B on the amended Road Section Plan).

The following changes to conditions are proposed in the application:

Existing Approval Condition	(Applicant) Proposed Condition
<p>Existing Condition 4.3</p> <p>4.3 The haul route, except section E (refer to approved plan "road section plan"), must be designed and constructed to:</p> <p>4.3.1 have a minimum formation width of eight (8) metres; and</p> <p>4.3.2 have a minimum sealed width of 6.5 metres; and</p> <p>4.3.3 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and</p> <p>4.3.4 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.</p> <p>This condition is imposed pursuant to section 665 of the Sustainable Planning Act 2009.</p> <p>Note: The minimum formation width (8 metres) and the minimum sealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonne maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.</p>	<p>Proposed Condition 4.3</p> <p><i>4.3 Section D of the haul route (refer to amended approved plan "road section plan"), must be designed and constructed to a minimum formation width of 7 metres and have a minimum gravel seal width of 5.5 metres.</i></p> <p><i>4.3.1 Section D must be maintained at the applicant's expense for the life of the quarry operations.</i></p> <p><i>4.3.2 A grid must be provided at the interface between sections C and D of the haul route (refer to Figure 4: Amended Road Section Plan).</i></p> <p><i>This condition is imposed pursuant to section 665 of the Sustainable Planning Act 2009.</i></p>
<p>Existing Condition 4.4</p> <p>4.4 Section E of the haul route (refer to</p>	<p>Proposed Condition 4.4</p> <p><i>4.4 Section C of the haul route (refer to</i></p>

<p>approved plan "road section plan"), must be designed and constructed to:</p> <p>4.4.1 have a minimum formation width of eight (8) metres;</p> <p>4.4.2 have, either:</p> <p>11.5.1.1 a minimum sealed width of 6.5 metres; or</p> <p>11.5.1.2 a minimum unsealed width of 6.5 metres;</p> <p>and</p> <p>4.4.3 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and</p> <p>4.4.4 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.</p> <p>This condition is imposed pursuant to section 665 of the Sustainable Planning Act 2009.</p> <p>Note: The minimum formation width (8 metres) and the minimum sealed or unsealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonnes maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.</p>	<p><i>amended approved plan "road section plan"), must be designed and constructed to:</i></p> <p><i>4.4.1 have a minimum formation width of eight (8) metres; and</i></p> <p><i>4.4.2 have a minimum sealed width of 6.5 metres; and</i></p> <p><i>4.4.3 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and</i></p> <p><i>4.4.4 a standard supported by a pavement design report that is certified by a suitably qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitably qualified RPEQ experienced in geotechnical engineering; and</i></p> <p><i>4.4.5 the intersection of the north-south section of the new road and Etna Creek Road (the new Etna Creek Road intersection) must be designed and constructed to accommodate the swept paths of the largest design vehicle associated with the development operating at the maximum extraction rate (including applicable signs and linemarking in accordance with Council's and Austroads' standards).</i></p> <p><i>This condition is imposed pursuant to section 665 of the Sustainable Planning Act 2009.</i></p> <p><i>Note 1: the minimum formation width (8 metres) and the minimum sealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly, the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonne maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.</i></p> <p><i>Note 2: Sections A and B of the haul route (refer to Figure 4: Amended Road Section Plan) are considered fit for purpose and no upgrading works are required.</i></p>
<p>Existing Condition 5.1</p> <p>5.1 Vehicle access to the subject site from Etna Creek Road must be designed and constructed to cater for the largest</p>	<p>Proposed Condition 5.1</p> <p>5.1 <i>The western end of Section D must be designed and constructed to cater for the largest design vehicle associated with the</i></p>

design vehicle associated with the development operating at the maximum extraction rate.	<i>development operating at the maximum extraction rate.</i>
This condition is imposed pursuant to section 665 of the Sustainable Planning Act 2009.	

SITE AND LOCALITY

The site is currently owned by Agforce Queensland Farmers Ltd and is used as a cattle breeding facility (approximately 1,200 head of cattle), inclusive of research and education facilities. The property has been divided into numerous paddocks, varying in size and includes pasturing and cultivation activities. The site has a flat and low lying topography whereby the southern handle of the site is prone to flood waters from the Fitzroy River when peaking above thirteen (13) metres.

Vegetation of State and Local significance exist on site. The areas proposed for extraction avoid existing environmental values and have the ability to co-exist with the agricultural/pastoral activity on site.

The approved operation is setback 100 metres from the Fitzroy River. The site contains four (4) water bores and enjoys an irrigation licence through Fitzroy River Water. There are four (4) identified natural drainage lines that cross the site (on Lot 5 on RP601603 and Lot 8 on RP601603) from Fitzroy River on the west to the Boomerang Lagoon and overflow to the Fitzroy River on the east.

There are no immediate neighbouring dwellings to the approved extraction resource areas. The closest residences are located across the Fitzroy River, approximately 1.5 kilometres from the extraction area (Resource Area 1). A local community exists to the north of the subject site on Lindleys Road. The community on Lindleys Road comprises twenty (20) land parcels ranging between four (4) and seven (7) hectares in size. The closest residence to the extractive resource area is approximately four (4) kilometres and approximately 1.6 kilometres to the stockpile area. The site access is approximately 500 metres to the closest residence.

Etna Creek Road is a Council controlled road, measuring approximately 8.65 kilometres in length, varying in width and quality. The existing state of the road and associated drainage infrastructure demonstrates poor quality; however, Council considers that the road is servicing the needs of the existing community (aside from the upgrades required to cater for the proposed development).

The change seeks to include additional parcels of land for the purpose of establishing a haulage route through private property and reducing the extent of Etna Creek Road used for haulage activities. The new haulage route will also involve the construction of unformed gazetted road reserve which intersects with Etna Creek Road between Lot 1 on RP610451 and Lot 51 on LN47, approximately 3.3 kilometres west of the Bruce Highway.

The new land parcels included in this application for the proposed haulage route are large rural freehold allotments which are all owned by Agforce Queensland Farmers Limited. The proposed haulage route proposes two (2) crossings over Etna Creek and a further two (2) crossings over drainage lines which are tributaries of Etna Creek within Lot 2 on RP610451. The haulage route also proposes a crossing over Fourteen Mile Creek within Lot 2197 on LIV40813. The proposed route is partially located within an area identified as Remnant Vegetation containing Of Concern Regulated Ecosystems.

The related permits over the subject site are detailed in the following table:

Existing applications/development permit over the site	
Lot 5 Meldrum Road, Etna Creek	B-1152-2012 – Building Works for a Retaining Wall - approved with conditions 23 May 2012

Lot 5 on RP601603	
Lot 10 Meldrum Road, Etna Creek Lot 10 on SP142291	D-Y/2000-970 – Reconfiguring a Lot for a Boundary Realignment – approved with conditions 7 March 2001
887 Etna Creek Road, Etna Creek Lot 3 on RP603603	D-Y/2000-970 – Reconfiguring a Lot for a Boundary Realignment – approved with conditions 7 March 2001 72-2002-YPO – Building Works for a Class 8 – new building – research facility – approved with conditions 16 April 2002; D-Y/2002-95 – Development Permit for Operational Works – approved with conditions (not dated)

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been completed in accordance with Chapter 3, Section 82 of the *Planning Act 2016* (the Act). The following matters apply to the assessment of 'other changes' in accordance with Section 82 (4) of the Act:

- The assessment benchmarks;
- Any matters a referral agency must, may or may only assess the application against or have regard to under section 55(2);
- If the development required impact assessment – any matters the assessment must or may be carried out against or having regard to under section 45(5)(a)(ii) or (b). This includes:
 - Matters prescribed by regulation for impact assessable development; and
 - May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

As prescribed by section 82(4) of the Act the above matters have been considered, only to the extent that matters are relevant to assessing and deciding the change application in the context of the development approval (i.e. the existing approval). This means that the assessment relates generally to the new haulage route and stockpiling areas. Previously approved and unchanged components of the existing approval have only been considered in context of the new haulage route and stockpiling areas, if required.

As the change application was made more than one (1) year after the existing approval was given, properly made submissions for the existing approval are not taken to be a properly made submission for this change application, in accordance with section 82(5). Despite this provisions the submissions have been reviewed again and considered by officers in finalising the assessment.

Information the applicant included with the Change Application

The purpose of the change is to seek approval for an alternative haul route on privately owned land and for the creation of a new stockpile area on Lot 2 on RP610451. The existing approval requires upgrades to Etna Creek Road to ensure the road is constructed to a standard which is suitable to accommodate proposed haulage vehicles and traffic from residential and rural properties along Etna Creek Road and Lindleys Road.

The change proposed makes use of existing farm tracks through Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, and seeks to create new haulage routes to and from the new stockpile area on Lot 2 RP610451 as well as constructing a new north - south road

within the unconstructed road reserve which intersects with Etna Creek Road. The proposed route traverses areas which are identified as containing Matters of State Environmental Significance being waterways for waterway barrier works and 'Of Concern' remnant vegetation mapping.

The change application has identified that minor maintenance and/or establishment works may need to occur to the existing bed level crossings and along the haulage route as a result of the proposed change and that these works will not result in the clearing of mapped remnant vegetation. The change proposes that any works within mapped waterways for fish passage are proposed to be undertaken in accordance with the Accepted Development Code for Waterway Barrier Works.

The application for the existing approval was referred to the State Assessment and Referral Agency ('SARA') as the Chief Executive in accordance with the *Sustainable Planning Regulation 2009* for the following:

- Environmentally Relevant Activities;
- Development impacting on State transport infrastructure; and
- Land in or near a wetland.

The proposed change has triggered referral to SARA for the above matters of state interest in accordance with Schedule 10 of the *Planning Regulation 2017*.

The applicant has provided supporting information with the Other Change application in the form of:

- Change application request letter
- Landowner's consent
- Email correspondence from Department of Natural Resources Mines and Energy
- Council's existing approval Decision Notice
- Amended Proposal Plans
- SARA Pre-Lodgement Advice
- Assessment against Livingstone Shire Council Planning Scheme Codes
- Environmental Authority
- Amended Environmental Management Plan
- Gondwana Ecology Assessment
- Bushfire Management Plan
- Assessment against SDAP State Codes
- Draft letter to amend Environmental Authority
- Letter from Traffic and Transport Plus.

Further Advice

A request for further information was issued to the applicant on 22 June 2020 and a response was lodged on 10 December 2020.

The request for further information raised issues regarding water quality, access (internal haul route), erosion and sediment control, flooding, traffic and intersection impacts, proximity to sensitive uses and impacts on amenity.

Council's internal engineering and environmental health specialists have undertaken an assessment of the applicant's response. A summary of the internal specialists assessment is provided within this report and the code assessment (refer attachments).

Internal advice and assessment**Development Engineering**

Support, subject to changes to conditions and new conditions including conditions refining the extent of Etna Creek Road required to be constructed for the development and the construction of a formed road within the unconstructed gazetted road reserve.

Natural Resource Management

Support, subject to conditions relating to revegetation, rehabilitation of the creek crossings and erosions and sediment control measures.

Public and Environmental Health

Support, subject to compliance with the Environmental Authority.

Growth Management

Support, based on the use being preferred in the Rural zone and compliance with the Strategic Framework and provide the following comments:

- The change application (other than a minor change) does not alter the proposed Extractive Industry as approved. Extractive Industry is a preferred use in the Rural zone.
- The proposed access off the State Controlled road onto the local road network must be considered for relevant upgrades and treatments. This matter will be considered by others with appropriate conditioning and upgrades required.
- The proposed access off Etna Creek Road onto an unmade road reserve will be considered by others with appropriate conditioning and upgrades required.
- The proposed access route internal to the subject site off the unmade road reserve, will be considered by others with appropriate conditioning and upgrades required.

CONCURRENCE AGENCY ASSESSMENT

The change application was referred to SARA as the Chief Executive for the following matters of state interest under Schedule 10 of the *Planning Regulation 2017*:

- Schedule 10, part 20, division 4, table 3, item 1 - Wetland protection area
- Schedule 10, part 5, division 4, table 2, item 1 - Environmentally relevant activities (only if ERA has not been devolved to a local government)
- Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 - Infrastructure - state transport infrastructure

Note: These are the same matters the existing approval application were referred for.

SARA was referred the Change on 20 March 2020 and provided a response stating it was approved, subject to conditions on 29 April 2020.

On 29 April 2020 SARA issued a referral agency response for the Change, approving the application subject to conditions and advice. A copy of the referral agency response is attached to this report. A copy of the concurrence agency approval must be attached with any development approval.

On 18 May 2020 the Department of Environment and Science (DES) issued an Environmental Authority (refer attachments) for the proposed change for the following environmentally relevant activities:

- 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
- ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t

The Environmental Authority includes conditions relating to the operation of the extractive industry, managing impacts on land, water, air, noise and waste.

Town Planning Assessment Matters

Matters Council would or may assess against or have regard to if the Change Application were a development application

In accordance with section 82(2)(a)(ii) of the Act, this application is assessable against the relevant provisions as if the change application were the original development application (with the changes included), but was made when the change application was made.

Section 83(4) of the Act clarifies that the following matters apply only to the extent the matters are relevant to assessing and deciding the change application in context of the development approval –

- a) the assessment benchmarks
- b) any matters a referral agency must, may or may only assess the application against
- c) any matters the assessment manager may or must be carried out against having regard to section 45(5)(a)(ii) or (b) – being matters prescribed by regulation for impact assessable development and any other relevant matter other than a person's personal circumstances, personal or otherwise.

As such, the change has been assessed against the following relevant provisions:

- *State Planning Policy 2017*
- *Central Queensland Regional Plan – October 2013*
- *Livingstone Shire Planning Scheme 2018*
 - i) Strategic Framework
 - ii) Rural Zone Code
 - iii) Relevant Overlay Codes – Biodiversity Overlay Code, Bushfire Hazard Overlay Code, Coastal Hazard Overlay Code, Extractive Resources Overlay Code, Flood Hazard Overlay Code, Water Resources Overlay Code
 - iv) Development Codes – General Development Code, Development Works Code
- Properly made submissions received during public notification for the Change Application.
- Other relevant matters –
 - i) Superseded Shire Planning Scheme 2005, including the assessment which was originally undertaken by Council in the Assessment Report for D-174-2015 to decide the original application.
 - ii) Applicant's response to further issues submitted on 10 December 2020,
 - iii) Technical reports submitted with the Change Application.

State Planning Policy – July 2017

The Minister has identified that the *State Planning Policy* (July 2017) is integrated in the planning scheme for the following state interests:

- Guiding principles
- Agriculture
- Development and construction
- Mining and extractive resources
- Tourism

- Emissions and hazardous activities

Part E of the *State Planning Policy* provides for interim development assessment benchmarks for local government until such time as the balance state interests are reflected in the planning scheme. An assessment of the state interests relevant to the change application are detailed below.

Liveable Communities: Not applicable, as the change application is not located in an urban area and will not be accessed by common private title.

Assessment benchmark	Officer response
Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently.	Not applicable The Change is not located in an urban area and will not be accessed by common private title.
Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.	Not applicable The Change is not located in an urban area and will not be accessed by common private title.
Fire hydrants are suitably identified so that fire services can locate them at all hours.	Not applicable The Change is not located in an urban area and will not be accessed by common private title.

Environment and Heritage – Water quality: Not applicable, as the Change is not for an urban purpose (i.e. is in the Rural activities group under the planning scheme) and is not located in the water supply buffer area.

Assessment benchmarks	Officer response
Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values arising from: (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilisation of nutrients and sediments.	Not applicable The Change is not for an urban purpose (i.e. is in the Rural activities group under the planning scheme) and is not located in the water supply buffer area.
Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)	Not applicable The Change is not for an urban purpose (i.e. is in the Rural activities group under the planning scheme) and is not located in the water supply buffer area.
Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	Not applicable The Change is not for an urban purpose (i.e. is in the Rural activities group under the

Assessment benchmarks	Officer response
	planning scheme) and is not located in the water supply buffer area.

Natural hazards, risk and resilience: Applicable, as the site is within the bushfire prone area.

Assessment benchmark	Officer response
Erosion prone areas within a coastal management district:	
Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere and is: (a) coastal-dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.	Not applicable The site is not located within an erosion prone area or a coastal management district.
Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.	Not applicable The site is not located within an erosion prone area or a coastal management district.
Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: Applicable, as the site is within the bushfire prone area.	
Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	Complies The Change is to expand quarry operations in a medium potential bushfire intensity area. The bushfire hazard area which impacts the changed aspects of the existing approval are contained to the proposed internal haul route. However, a bushfire management plan and evacuation plan have been prepared to minimise risks to people and property. This includes measures to reduce the risk, such as: <ul style="list-style-type: none"> • Four (4) water bores for water supply with tank storage at the homestead • Major pumping capacity out of the river for large water tankers if needed • One (1) grader for firefighting purposes, if needed • One (1) D4 dozer for firefighting purposes, if needed • Two (2) fire fighting units with slip-on

Assessment benchmark	Officer response
	<p>water firefighting pumps</p> <ul style="list-style-type: none"> • Permanent on-site management with trained assistance.
All natural hazard areas: Applicable, as the site is within the bushfire prone area.	
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	<p>Complies</p> <p>The Change provides access to bushfire hazard areas via internal access tracks only. The Change will not hinder disaster management, response or recovery capacity and capabilities. No new development is proposed within the bushfire hazard area.</p>
Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	<p>Complies</p> <p>The Change is for extraction, screening, processing and stockpiling of a natural resource in situ and will remove potential fuel loads within and around the approved area. It does not constitute a sensitive land use and will not significantly increase the number of people exposed to a bushfire hazard.</p> <p>The site is in a predominately rural environment and is well separated from adjoining properties, which further minimises the risk to surrounding properties.</p>
Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	<p>Complies</p> <p>The Environmental Management Plan (EMP) adopts risk-appropriate controls for the location and storage of hazardous materials. These are located within dedicated storage areas that are bunded, feature a secondary containment system and are located away from site boundaries.</p> <p>The use of hazardous chemicals will be managed in accordance with the relevant Australian Standard (e.g. AS1940 – Storage and handling flammable and combustible liquids) and ensure adequate source separation and fire safety management systems and equipment are in place for chemical use.</p>
The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	<p>Complies</p> <p>A rehabilitation management plan in the EMP has been prepared to document the progressive rehabilitation of disturbed areas on the site in pace with the staging of development works and new extraction areas. This will look to reinstate landforms,</p>

Assessment benchmark	Officer response
	vegetation and waterbodies (i.e. sediment basin) to terminal benches, hardstand and stockpile areas and the pit floor in a manner that stabilises slopes, reprofiles the surface and achieves a free-draining landform that can contribute to hazard mitigation in the long-term.

Strategic airports and aviation facilities: Not applicable as the site is not mapped within the strategic airport and aviation facilities state interest.

Central Queensland Regional Plan – October 2013

The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the *Central Queensland Regional Plan October 2013* as it applies in the planning scheme area.

Livingstone Shire Planning Scheme 2018

The existing approval already affords the right to undertake extractive industry operations at the site. Therefore, as a practical approach, the below assessment against the *Livingstone Shire Planning Scheme 2018* is generally limited to new components that are proposed in the change. This is consistent with section 82(4) of the Act which requires assessment of the 'other change' in the context of the existing approval.

The *Livingstone Planning Scheme 2018* (commenced 1 May 2018) is the relevant categorising instrument applicable to the assessment of this application.

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 as follows:

- (a) the strategic intent, and statements of preferred dominant land uses in the form of describing the places that form part of the planning scheme area;
- (b) the following six (6) themes that collectively represent the policy intent of the planning scheme:
 - (i) Settlement pattern;
 - (ii) Natural environment and hazards;
 - (iii) Community identity and diversity;
 - (iv) Access and mobility;
 - (v) Infrastructure and services; and
 - (vi) Natural resources and economic development;
- (c) the strategic outcomes proposed for development in the planning scheme area for each theme;
- (d) the specific outcomes for each, or a number of, elements of each theme; and
- (e) the land use strategies for achieving these outcomes.

The following themes are relevant to the assessment of this application:

- (i) Settlement pattern;
- (ii) Natural environment and hazards;
- (iii) Access and mobility;
- (v) Infrastructure and services; and

(vi) Natural resources and economic development.

The performance assessment of the proposal demonstrates that the development will not compromise the Strategic Framework.

3.3.1 Strategic Outcomes	Assessment
(2) Development makes efficient use of land and existing or planned infrastructure.	Complies – the change makes efficient use of land and existing and planned infrastructure. New infrastructure and infrastructure upgrades are required to ensure the development can operate efficiently and to minimise impacts on the surrounding area.
(19) Rural places are predominantly used for purposes that contribute to primary production.	Complies – the land proposed to be used for an internal haulage road is still to be predominantly used for primary production. The haulage route does not prevent the use of the land for rural grazing activities.
(20) Development does not limit or compromise agricultural land or uses involved in primary production.	Complies – the land proposed to be used for an internal haulage road is not compromised and can still be used for primary production. The applicant seeks to predominantly utilise existing internal farm tracks for haulage vehicles and creation of an additional stockpile area. Given the size of the land holdings, the proposed stockpile area and use of farm tracks does not prohibit continued grazing operations on the land.
(21) Development avoids causing significant adverse impacts on matters of environmental significance, or when this cannot be achieved, impacts are minimised or residual impacts offset.	Complies – the additional information provided in response to the request for further information has confirmed that the Change will not cause significant adverse impacts on matters of environmental significance and the impacts that are generated can be minimised through appropriate conditions.

3.3.5 Rural Places – Specific Outcomes	Assessment
(1) Rural places are identified on strategic framework maps (SFM-01 to SFM-04) to show the broad locations preferred for rural activities.	The Change is located within a Rural Place.
(2) Rural activities develop in rural places only where they can be managed to mitigate significant adverse impacts.	Complies - An extractive industry fits within the rural activities category in accordance with the defined activity group definitions in Schedule 1 of the Planning Scheme. The additional information provided in response to the request for further

	<p>information has demonstrated that the proposed changes to the haulage route will not generate significant adverse impacts. Additional supporting specialists reports have been prepared to support the response to additional information and have been assessed by Council's specialists to appropriately address any potential impacts, including water quality, dust, noise, flooding and traffic.</p> <p>The Change increases the separation distance between sensitive land uses and haulage vehicles to what was originally approved. As haulage vehicles are still traversing along the eastern sections of Etna Creek Road, conditions requiring Section A-C of Etna Creek Road to be upgraded are still recommended.</p>
<p>(3) Non-rural activities only occur in rural places if:</p> <p>(a) they are compatible with the area, or have a nexus with a specific natural resource or requires a large land area which is not available in an urban zone;</p> <p>(b) they do not limit or compromise the operations of established rural activities on adjoining land;</p> <p>(c) they do not limit or compromise the potential development of rural activities on the site or on adjoining land;</p> <p>(d) they do not result in adverse impacts on amenity or infrastructure.</p>	Not applicable – the Change is for a rural activity.
<p>(4) Rural places containing important features identified by scenic amenity overlays or biodiversity areas overlays are protected from development which could adversely affect the values associated with the overlay features.</p>	<p>Complies – the Change seeks to utilise existing farm tracks through rural properties for the purpose of a haulage vehicle route. These existing farm tracks traverse over waterways and drainage lines.</p> <p>The application material states no clearing, other than exempt clearing works are required to establish the proposed internal haulage road and stockpile area.</p> <p>The site is not mapped as a scenic amenity area on Council's overlay maps.</p>
<p>(5) Development in rural places does not result in fragmentation of land which is suitable for primary production by virtue of the following:</p> <p>(a) being identified as agricultural land Class A or Class B; or</p>	Complies – the Change does not fragment rural land or impact the ability for the land in which the internal haulage route and stockpile area is proposed to be used for agricultural purposes.

<p>(b) being identified as rural land needing retention in larger lot sizes; or</p> <p>(c) being identified as having known minerals or other natural resources.</p>	
<p>(9) Development of non-rural activities (other than a dwelling house, home based business, rural workers accommodation, or secondary dwelling) only occurs on agricultural land Class A or Class B if:</p> <p>(a) there is a significant need, an overriding community benefit and there are no available alternative sites of lesser agricultural value; or</p> <p>(b) the development is small-scale, has low impacts and is focussed on tourism which is directly associated with a rural activity undertaken on the site; or</p> <p>(c) the development is small-scale, has low impacts and is focussed on tourism which involves education, promotion, or sales associated with primary produce sourced from the site or local area; or</p> <p>(d) the potential undertaking of agriculture on the subject land (alone or in association with surrounding land) is not practicable.</p>	<p>Not applicable – the Change is for a rural activity.</p>
<p>(10) Key Resource Areas (including their haulage routes) and other identified resource areas which are located in rural places are protected from the encroachment of sensitive land uses by the implementation of appropriate separation distances and mitigation measures</p>	<p>Complies – the proposed internal haul route is appropriately separated from existing sensitive land uses and protects the amenity of rural properties along the western sections of Etna Creek Road. Separation of future sensitive land uses from the haulage route can be considered in future applications.</p>
<p>3.3.5.2 Land Use Strategies</p>	<p>Assessment</p>
<p>Note: there are no land use strategies relevant to extractive industries in Rural Places.</p>	

<p>3.4 Natural environment and hazards – strategic outcomes</p>	<p>Assessment</p>
<p>(1) Important areas containing matters of environmental significance and landscape features are identified and protected for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, identity, character and sense of place.</p>	<p>Complies – the Change does not impact on matters of environmental significance. This is confirmed by the Ecology Assessment Report prepared by Gondwana Ecology Group and submitted with the application material.</p>

<p>(2) Areas which are affected by natural hazards including storm tide, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide, are identified and development does not occur in these areas if it is incompatible with the nature of the hazard or if it is likely to expose people, property and vital infrastructure to unacceptable risk.</p>	<p>Complies – the Change utilises existing farm tracks through rural land. No physical development is proposed in areas affected by natural hazards and the proposed stockpile area is not impacted by flooding or other natural hazards because the stockpile will be above the defined flood level. The application material confirms the following operational procedures will occur to maintain the safety and integrity of the development:</p> <p><i>...strict measures and mitigation strategies will be implemented to manage the potential risks to safety as a result of flooding on site. Rainfall and storm warnings will be closely monitored, to assess whether the site may be at risk of inundation. The quarry operation and corresponding access to the site will not operate during storm events, or periods when the site may be affected by flooding. If personnel are already on the site, evacuation and shutdown of the operation will be enacted prior to inundation. (Response to Further Issues Letter, pg. 3)</i></p> <p>Conditions are recommended that require the EMP to be amended to provide further details of the monitoring or flood events and water quality, sediment and erosion control measures specific to the internal haul route operations including all creek crossings. Compliance with the EMP has been conditioned in the recommendation.</p> <p>The application material also includes the following response in relation to flood impacts in the proposed stockpile area:</p> <p><i>Based on the assessment undertaken for the proposed additional stockpile areas, the immediate surrounds is calculated to have an upstream catchment of some 2,300 hectares, which forms part of the local Etna Creek catchment. The 100 year Average Rainfall Interval ('ARI') event is estimated to cause approximately 1.51m of inundation in the floodplain surrounding the proposed new stockpile location. This level has been conservatively based on an estimated peak discharge of 309.8m³/s and utilizing the available LiDAR survey.</i></p> <p><i>Given that the proposed new stockpile location is on a working pad with a level of</i></p>
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	<i>3.8m AHD, it will sit well above the local Etna Creek catchment and is therefore considered a suitable location, with an estimated freeboard of more than 2.0m above the 100 year ARI.(Response to Further Issues Letter, pg. 4)</i>
<p>(3) Development does not result in adverse impacts on:</p> <p>(a) the natural functioning of flood plains;</p> <p>(b) environmentally significant waterways and wetlands which support biodiversity;</p> <p>(c) waterway and wetlands which support landscape and scenic amenity values; and</p> <p>(d) the quality of water entering waterways, wetlands, local catchments and the Great Barrier Reef Marine Park.</p>	<p>Complies – the Change does not propose additional development within the flood plain, other than unsealed access tracks and a stockpile area. The natural functioning of the flood plain will not be adversely impacted by the proposed internal haul route.</p> <p>It is noted that the tracks utilised by the proposed extractive industry are existing farm tracks which traverse over waterways / drainage lines. No significant upgrades, barrier works, construction works or clearing works are proposed by the applicant which could impact on waterways.</p> <p>The applicant's response to item 1 of Council's request for further information demonstrates how the proposed internal haul route maintains water quality of waterways.</p>
3.4.2 Areas of ecological significance – specific outcomes	Assessment
<p>(3) Development avoids causing adverse impacts on areas containing matters of environmental significance and protects these areas from encroachment by development and human activity and the negative impacts of both (including but not limited to pollution, species or habitat loss, soil degradation due to clearing, erosion and contamination, acidification, salinity, waste disposal and modification to natural processes).</p>	<p>Complies – the Change has been designed and will be managed to avoid causing adverse impacts on areas containing matters of environmental significance. An erosion and sediment control plan has been prepared and includes diversion bunds and catch drains for working areas of the operation. Low flow drainage from the tracks will be diverted to the paddocks (overland runoff). The application material states that all waterway crossings will be maintained and/or upgraded to meet the standards of the Best Practice Erosion and Sediment Control Guidelines 2008, as well as meeting the bed level crossing requirements in accordance with the Waterway Barrier Works: Bed Level Crossing 2013 (Department of Agriculture, Fisheries and Forestry) ('WBW Guideline'). This standard of design has been accepted by the State Government, including the Department of Science and Department of Agriculture and Fisheries.</p> <p>In any case, it is recommended a new condition is inserted into the decision notice for this application to ensure the applicant carries out all creek crossing works in</p>

	accordance with the approved erosion and sediment control plan.
3.4.3 Hazards and climate change – specific outcomes	Assessment
(1) Unacceptable risks to human life, property and vital infrastructure due to potential impacts from natural hazards including acid sulfate soils, storm tide hazard, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide, are avoided as far as practicable.	<p>Complies – the Change does not propose any vital infrastructure or physical development within the flood hazard area. The Flood Management Plan (included within the Environmental Management Plan (EMP) submitted with the application) details measures and mitigation strategies to manage the potential risks to safety as a result of flooding on-site. Compliance with the EMP will be conditioned.</p> <p>The applicant has identified that rainfall and storm warnings will be closely monitored, to assess whether the site may be at risk of inundation. The quarry operation and corresponding access to the site will not operate during storm events, or periods when the site may be affected by flooding. If personnel are already on the site, evacuation and shutdown of the operation will be enacted prior to inundation.</p>
<p>(2) Where development in natural hazard areas is unavoidable, the development is located, designed, constructed and operated to minimise and mitigate adverse impacts to within acceptable levels, provided that it is done in a manner which:</p> <p>(a) does not compromise environmental values; and</p> <p>(b) does not unduly burden disaster management response or recovery capacity and capabilities.</p>	Complies – the pre and post flood management plan provisions detailed in the EMP include provisions to demonstrate how the use will be managed to ensure it does not compromise environmental values. The Change is not anticipated to unduly burden disaster management response or recovery capacity and capabilities.
(3) The potential exacerbation of adverse natural hazard impacts on development due to climate change is considered in the location and design of development.	Complies – the Change involves the establishment of minimal physical infrastructure. It is not expected that the development will exacerbate natural hazard impacts due to climate change.
(4) Development maximises resilience to natural hazards.	Complies – the Change involves the establishment of minimal physical infrastructure. The proposed stockpile area and northern stockpile area is identified as a flood free place of refuge for equipment and materials to be stored prior to and during a flood event.
(5) Development does not directly, indirectly and cumulatively increase the severity of natural hazards and any adverse	Complies – the Change does not have a large development footprint in terms of physical infrastructure and buildings. The

impacts associated with natural hazards upon the site or other sites, property and infrastructure.	Change is not anticipated to directly, indirectly or cumulatively increase the severity of natural hazards or any adverse impacts associated with natural hazards.
(6) <u>Development</u> in <u>bushfire hazard</u> areas is avoided where conservation and landscape protection constraints preclude necessary risk-reduction measures, including clearing and provision of adequate access.	Complies – the Change seeks to have an internal haul route established through areas which are identified as a bushfire hazard area. As no physical infrastructure, other than vehicle tracks and a stockpile area are proposed, the Change is not at significant risk from bushfire hazards. Minor vegetation clearing is proposed to occur to establish the vehicle access tracks, widen/improve waterbed crossings and establish the stockpile area.
3.4.5 Water resources, catchment management and healthy waters – specific outcomes	Assessment
(1) Important waterways, wetlands, groundwater management areas and flood plains in the planning scheme area are protected from inappropriate development to ensure that they continue to provide for hydrologic functions, ecological processes, nature conservation, consumption and outdoor recreation.	Complies – the development will be conditioned to prepare erosion and sediment control plans for the proposed creek crossings.
(2) The quality and quantity of water available for both natural processes and consumptive uses is maintained in accordance with best practice.	Complies - The EMP submitted with the application comprises appropriate measures to ensure waterways and floodplains are protected from the potential adverse impacts of the proposed development.
<p>(3) Water quality and the health of associated ecosystems is achieved by:</p> <p>(a) protecting water resource areas from the adverse impacts of development;</p> <p>(b) regulating, monitoring and controlling the quality of water entering waterways and wetlands, in particular control of the quality and timing of water discharging from land uses having potential adverse impacts;</p> <p>(c) achieving effective drainage, stormwater and wastewater quality management for development;</p> <p>(d) achieving efficient and sustainable water use and improved demand management for development;</p> <p>(e) achieving effective erosion and sediment control for development;</p> <p>(f) achieving effective and practicable incorporation of total water cycle</p>	Complies - The EMP submitted with the application comprises appropriate measures to ensure waterways and floodplains are protected from the potential adverse impacts of the proposed development.

<p>management and water sensitive urban design principles in development; and</p> <p>(g) achieving identified water quality objectives for receiving waters in the planning scheme area.</p>	
3.4.7 Emissions and hazardous materials – specific outcomes	Assessment
<p>(1) The health, amenity and safety of communities, individuals and the natural environment are protected from the adverse impacts of air, noise and odour emissions, and from the impacts of hazardous materials.</p>	<p>Complies – the applications material states that the internal haul road will be maintained to a trafficable standard to ensure that dust nuisance is suitably managed to reduce impacts on nearby sensitive uses. Existing sensitive uses are located approximately 1km from the proposed haul route location (not including the part of the haul route which traverses along Etna Creek Road). The following strategies and mitigation measures within the EMP ensure air quality impacts are minimised:</p> <ul style="list-style-type: none"> • Enforce a maximum speed limit of 40km/hr; • Keep trafficable areas as clean as possible; • Dampen down haul route with a water cart / truck (as required); • Maintain road surface of haul route in good condition; • Implement a shaker grid at exit of site; • Undertake a regular road inspection by the operator. <p>The EMP is a referenced document in the conditions package.</p> <p>The applicant has confirmed that the buildings and structures on Lot 118 on LN284 comprise old farm sheds, cattle yards and equipment and do not include sensitive land uses. The proposed haul route will not impact on sensitive land uses within this lot, despite traversing close to these structures.</p>
<p>(2) Development which generates or has potential to generate significant air, noise and odour emissions:</p> <p>(a) is appropriately separated and buffered from sensitive land use relative to the potential for adverse impacts on the sensitive land use; and</p> <p>(b) is designed and operated in a manner which avoids adverse impacts on</p>	<p>Complies – the proposed haul route is appropriately separated from sensitive land uses and is buffered by vegetation and topography. The number of properties that could have potential to experience adverse amenity impacts from the haul route is significantly reduced by removing vehicles from travelling along Etna Creek Road. Measures within the EMP mitigate and manage air and noise impacts associated</p>

sensitive land use and the natural environment.	with the extractive industry use and the internal haul route.
3.4.7.2 Land use Strategies (Emissions and Hazardous Materials)	Assessment
(1) Development which creates or uses hazardous materials or development which generates or has potential to generate significant air, noise and odour emissions, such as air services, medium impact industry, high impact industry, special industry, intensive animal industry, intensive horticulture, extractive industry, forestry, motor sport facilities, major sport, recreation and entertainment facilities, or major utility installations (such as landfill, sewage treatment plants and the like), is encouraged to locate appropriate distances from sensitive land use (particularly if they are concentrated together in large numbers), future urban places (particularly where they are likely to develop sensitive land uses), or other places or features at risk from adverse impacts from emissions (such as potable water supply areas).	Complies – the proposed internal haul route is located appropriate distances from sensitive land uses. The internal haul route reduces the number of properties impacted by haulage vehicles, when compared to the approved haul route along the entire length of Etna Creek Road.
(3) To demonstrate the appropriateness of development and its proposed location and design, detailed planning investigations are undertaken where development which creates or uses hazardous materials or which generates or has potential to generate significant air, noise and odour emissions, and sensitive land uses are proposed for location in proximity to each other.	Complies – the submitted additional information response demonstrates the appropriateness of the proposed development and how impacts are proposed to be managed and mitigated. The EMP is a referenced document and the applicant will be conditioned to operate in accordance with the measures outlined in that document to ensure the integrity of the development is not compromised once operational.
(4) Planning investigations which might be required (depending upon the nature of development and surrounding land use) include but are not limited to the following: (a) Community impact surveys; (b) Complaints analysis; (c) Air, noise and odour impact assessments; (d) Hazard and risk assessments; and (e) Other investigations and reports deemed important to demonstrate the appropriateness of the proposal.	Complies – the submitted additional information response demonstrates the appropriateness of the proposed development and how impacts are proposed to be managed and mitigated. The supporting information is extensive and includes hazard and risk assessments and EMPs.

3.6 Transportation and movement theme – Strategic Outcomes	Assessment
(1) Connectivity between accommodation activities, centres, and places providing for employment, community activities and recreation, is enhanced by the provision of a safe and efficient transport and movement network.	Complies – the Change is located in a rural place and is accessed by rural standard roads. Upgrades to Etna Creek Road are conditioned to ensure the road network is safe and efficient for existing users and haulage vehicles associated with the development.
(2) The transport and movement network supports the settlement pattern and the economy of the planning scheme area by facilitating the efficient and safe movement of people, goods, resources and materials both within the planning scheme area and to and from other areas outside the planning scheme area.	Complies – the Change is located in a rural place and is accessed by rural standard roads. Upgrades to Etna Creek Road are conditioned to ensure the road network is safe and efficient for existing users and haulage vehicles associated with the development.
(3) The transport and movement network (including the location and design of future links) is designed to minimise impacts on existing and future communities, natural environments and scenic amenity.	Complies – the Change is located in a rural place and is accessed by rural standard roads. Upgrades to Etna Creek Road are conditioned to ensure the road network is safe and efficient for existing users and haulage vehicles associated with the development. The new road which intersects with Etna Creek Road (proposed road section D) will be conditioned to be upgraded and constructed to an appropriate standard for the intended use. Council's engineering specialists have recommended conditions for the proposed road upgrades.
(4) Development does not compromise the safety, efficiency, effectiveness and operation of the transport and movement network.	Complies – the submitted preliminary road upgrade plans which illustrate the proposed treatments to the intersection of the new road (road section D) and Etna Creek Road to ensure the safety, efficiency and operation of the road. Give way signs at the intersection and "watch for entering truck" signs will be placed 100m either side of the intersection to advise motorists of turning vehicles ahead. The conditioned upgrades to Etna Creek Road will assist to ensure the development does not compromise the safety or efficiency or operation of Etna Creek Road.
2.6.3 Road Network – specific outcomes	Assessment
(2) Development contributes to or provides local roads which support the State-controlled road network, to the extent provided for by the council's infrastructure plans.	Complies – the Change will be conditioned to provide for upgrades to local roads, including Etna Creek Road which connects to the Bruce Highway to the east.

<p>(3) Development recognises the identified function of roads within the state and local transport network, and provides an acceptable level of access to, and impact on, each road. In particular:</p> <p>(a) the interregional functions of the Bruce Highway for freight and all passenger vehicles, are protected through limited access and, where possible, appropriate separation distances between development and the road corridor;</p> <p>(b) the intraregional function of major roads which provide access for freight, all vehicles, cyclists and pedestrians between centres and industrial and employment areas is protected by ensuring there are no significant impacts due to access arrangements with development on adjoining land and, where necessary, separation or buffering between incompatible development and the road corridor; and</p> <p>(c) the local road network provides safe connections to higher order roads for cyclists, pedestrians and all vehicles.</p>	<p>Complies – the Change will be conditioned to provide upgrades to local roads to ensure an appropriate level of access is provided for the proposed use and existing road users.</p>
<p>(4) The safety, efficiency and effectiveness of all existing and future road networks are protected from incompatible land uses and the impacts of development.</p>	<p>Complies – the Change is required to upgrade local roads to ensure that haulage vehicles can be safely accommodated on the road network. The Change is not incompatible development in a rural location where the impacts of the use are appropriately managed and mitigated.</p>

3.8 Natural resources and economic development theme – Strategic Outcomes	Assessment
<p>(3) The sectors of tourism, agriculture, horticulture, aquaculture, resource extraction and forestry are strong and continue to develop at appropriate locations to contribute to the local economy.</p>	<p>Complies – the Change is for an extractive industry. The location of the extractive industry is appropriate for a rural place and has been designed to minimise impacts to rural properties.</p>
<p>(4) The valuable natural resources of the planning scheme area which include agricultural land Class A and Class B, extractive and mineral resources, marine resources, water resources and forestry resources, are utilised in a sustainable manner and are not compromised by inappropriate development.</p>	<p>Complies – the Change seeks approval for an extractive industry. The Change is appropriate for the location and will not impact on other natural resources including agricultural land Class A and B, marine resources, water resources and forestry resources.</p>
3.8.2 Rural Land – specific outcomes	Assessment

<p>(1) Land with productive capacity, including agricultural land Class A and Class B which is not identified for future urban development, is protected from development which would alienate, fragment or otherwise limit its potential for productive rural activities.</p>	<p>Complies – The internal haul route traverses over land which is mapped as agricultural land Class A or B. The haul route utilises existing farm tracks and does not fragment or alienate or limit the use of this land for productive rural activities. No physical development is proposed over agricultural land class A or B.</p>
3.8.3 Mining and extractive and mineral resources – specific outcomes	Assessment
<p>(2) Development for mining and extractive industry minimises adverse impacts on areas containing matters of environmental significance, local infrastructure networks or concentrations of sensitive land uses.</p>	<p>Complies – the extractive industry use, including the proposed internal haul route has been designed to minimise adverse impacts on areas containing matters of environmental significance. Conditions will be included with the decision notice to ensure the quality of waterways is not adversely impacted by the internal haul route waterway crossings. The development is not located within proximity to concentrations of sensitive land uses and is within a rural place which has several dispersed rural and residential land uses. The Change (including the internal haul route) is well separated from sensitive land uses.</p> <p>Further, conditions are recommended which require local road infrastructure (including Etna Creek Road) to be upgraded to ensure the safety and efficiency of the road is not adversely impacts by the introduction of haulage vehicles.</p>
3.8.3.2 Land use strategies	Assessment
<p>(1) Development for mining or extractive industry is encouraged to occur at locations where:</p> <p>(a) any adverse impacts on sensitive land uses located in urban places, rural residential places or in townships can be minimised; and</p> <p>(b) it has direct access to a road constructed to an appropriate standard to accommodate heavy vehicle usage.</p>	<p>Complies – the Change has been designed and located to minimise impacts on sensitive land uses. The use is not located in proximity to an urban place, rural residential place or a township. The extractive industry is located within a rural place and is well separated from sensitive uses.</p> <p>Etna Creek Road is conditioned to be upgraded to an appropriate standard to accommodate heavy vehicles. Although the proposed internal haul route is not the most direct route, it is considered to generate less impacts when compared to a haul route along the entire length of Etna Creek Road, due to the number of residential properties that are located along the western section of the road and their proximity to the road.</p>

Zone Code**Rural Zone Code**

The purpose of the Rural zone code is [only relevant excerpt provided]:

- (2) to provide predominantly for a wide range of uses from within the rural activities group, particularly those involved primary production, and to protect these from land use conflict that may result from the development of sensitive land use and other non-rural uses;*
- (3) to protect or manage significant natural resources and processes to maintain the capacity for primary production;*

...

The purpose of the Rural zone code is achieved through the following overall outcomes [only relevant outcomes provided]:

- (1) the development is:*

- (a) a use within the rural activities group; or*

...

- (2) the development of a use from within the rural activities group is a preferred use within the zone in the following circumstances:*

- (a) it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and*

- (b) the use:*

...

- (v) is extractive industry; or*

...

- (5) the development is compatible with a form that is characterised by:*

...

- (c) use of vegetation screening, separation distances and buffering to manage impacts between adjoining land use;*

- (d) protection of a reasonable level of visual amenity when viewed from the street and public places; and*

- (e) development being appropriately integrated with any large tracts and corridors of remnant vegetation and habitat, and any State or local significant vegetation, habitat, wetlands or waterways, so as to protect landscape values and natural environment values;*

The change application is for an extractive industry which is a use within the rural activities group and is a preferred use within the zone as per Overall outcome (2)(b). The proposed development has been designed and located to minimise impacts on sensitive land uses as per Overall outcome (2)(a).

An assessment of the change against the Rural zone code has been completed and is included in as an attachment. As evident from the assessment, the change complies with the various requirements of the Rural zone code.

Overlay Codes

An assessment of the change against the applicable overlays codes has been completed and is included as an attachment to this report. A summary of the relevant overlay codes is provided below.

Biodiversity Overlay Code

The change complies with the various requirements of the Biodiversity Overlay Code. The supporting Ecological Assessment prepared by Gondwana Ecology Group confirms that the proposed internal haul route utilises established cleared tracks, avoids areas of native vegetation and maintains drainage line crossing points of existing cleared crossings. Minimal earthworks and vegetation clearing is required to facilitate the proposed internal haul route. In addition, the proposed stockpile area is located in a cleared part of the site which is well separated from Etna Creek.

Conditions are recommended to ensure that the waterway crossings are appropriately managed in terms of erosion and sediment control measures to ensure that haulage vehicles are not degrading the banks of the waterways or causing additional erosion and sediment run-off that could impact on water quality.

Bushfire Overlay Code

The Change complies with the requirements of the Bushfire Hazard Overlay. The areas of the site impacted by Bushfire Hazard and associated buffer areas are concentrated along the waterway corridors where the haul route traverses through.

The Change does not propose any new physical development (buildings, structures or outdoor use areas) within the mapped bushfire hazard area. The internal haulage route is suitable to provide emergency evacuation if required. Etna Creek Road may also be used to evacuate in the event of a bushfire.

Coastal Hazard Overlay Code

The Coastal Hazard Overlay Code is not applicable to the Change as the proposed internal haul route and proposed stockpile area are not located within a mapped feature of this overlay.

Extractive Resources Overlay Code

The existing approval is for an extractive industry. The Change does not change the location of the extraction areas or resource processing areas. The development does not compromise the ability to extract natural resources in a safe, efficient and sustainable manner. In addition, the Change does not introduce any new sensitive uses and is not located within a key resource area.

The proposal complies with the various requirements of the Extractive Resources Overlay Code.

Flood Hazard Overlay Code

The Change is for a change to an existing approval (for extractive industry) and seeks to create an internal haul route through private property and a new stockpile area. The stockpile area is located outside of the flood hazard area. The western parts of the proposed internal haul route are impacted by flooding within Lot 2197 on LIV40813 and Lot 3 on RP601603. Etna Creek Road is also subject to flooding.

The development will not operate during a flood event. The EMP detailed pre and post flood management procedures to prepare and respond to flood events. Stockpiled materials and equipment/machinery will be moved to the northern stockpile area or the proposed stockpile area prior to a flooding event. The site will also be evacuated prior to a flooding event.

The Change predominately complies with the various requirements of the Flood Hazard Overlay Code. It is noted that the proposal does result in non-compliance with the below Performance outcome PO12:

PO12 Development has safe access to and from the site during a defined flood event.

The site does not have safe access to and from the site during a defined flood event. Despite this non-compliance, it is considered the proposal accords with the applicable overall outcomes of the code, in particular Overall outcome (1), (2), (4), (6) and (9).

Compliance with the code and its overall outcomes is achieved through conditioning the provisions of the EMP which related to pre and post flood manage for the site.

Landslide Hazard Overlay Code

The extent of land mapped as landslide hazard over the properties is fragmented. Only very small sections of the proposed haul route encroach within a mapped landslide hazard area. As such, Council has not requested a detailed site-specific slope stability report for very small isolated sections of land.

The proposed development has been assessed against the Landslide Hazard Overlay Code and complies with all requirements.

Water Resources Area Overlay Code

The Water Resource Areas Overlay Code is not applicable to the Change as the proposed internal haul route and proposed stockpile area are not located over the part of the land mapped as a water resource area.

Development Codes***Development Works Code***

The Change complies with the various requirements of the Development Works Code with the exception of Performance outcome PO18:

PO18 *The development is planned, designed and constructed, and managed to avoid or minimise adverse impacts on environmental values associated with water quality in natural and developed catchments by achieving:*

- 1. identified stormwater quality design objectives for the location; or*
- 2. current best practice environmental management.*

The additional stockpile area will include a sediment basin and perimeter bunding or diversion drains to contain, treat and discharge treated waters in accordance with the Environmental Authority requirements (1 in 5 year design requirements). A conceptual erosion and sediment layout for the additional stockpiling area is contained the Amended EMP. Further, the Environmental Management Plan submitted by the applicant contains pre and post flood management procedures to ensure the site is appropriately prepared and evacuated leading up to a flood event and further measures have been conditioned to be added to the Environmental Management Plan as part of an amended condition so that the development achieves an acceptable alternative and supports the overall outcomes of the Flood Hazard Overlay Code.

Suitable justification has been provided to demonstrate compliance with the overall outcomes for the code and that such compliance can reasonably be achieved through the inclusion of conditions to demonstrate compliance as part of a future operational works application.

The internal haul route has been conditioned to be maintained to a trafficable standard.

The Change will be conditioned to provide further detailed information regarding roadworks, services connections, erosion and sediment control, stormwater drainage, earthworks and vegetation clearing as part of a future operational works application. A number of existing conditions included within the decision notice already cover this requirement.

General Development Code

The Change complies with the various requirements of the General Development Code. Most aspects of the code are not applicable to the Change or have already been assessed as part of the existing approval. An assessment of the Other Change against the General Development Code has been completed and is included in the attachments.

CONSULTATION

The Change application was notified between 27 April 2020 and 20 May 2020 and 13 submissions were received. Each submission satisfies the requirements of a properly made submission and all submissions were provided electronically to Council. Details of the submitters are provided below:

Name	Address
Peter Tjerkstra	208 Etna Creek Road, Etna Creek QLD 4702
Shae Tjerkstra	208 Etna Creek Road, Etna Creek QLD 4702
Mark Larsen	300 Etna Creek Road, Etna Creek QLD 4702
Sharon Gardner	203 Lindleys Road, Etna Creek QLD 4702
Arron Burton	17 Ironbark Street, Blackwater QLD 4717
Annette Burton	17 Ironbark Street, Blackwater QLD 4717
Sarah Smith	Lot 41, Lindleys Road, Etna Creek QLD 4702
Gordon Bush	670 Etna Creek Road, Etna Creek QLD 4702
John Larsen	203 Lindleys Road, Etna Creek QLD 4702
Kathleen Bush	141 Blain Street, Blackwater QLD 4717
Melissa Meldrum	'Brackenhill' 1120 Belmont Road, Glendale QLD 4711
Natalie Meldrum	'Brackenhill' 1120 Belmont Road, Glendale QLD 4711
Greg Bush	21 Macdonald Crescent, Blackwater QLD 4717

A summary of the key issues raised by submitters is provided in the table below. Please note that in many instances the same issue has been raised by multiple submitters. Where this has occurred, the issue has been summarised and addressed in a single comment.

The following is a summary of the submissions lodged, with officer comments:

Issues Raised in submissions	Officer comments
Safety of Etna Creek Road and the intersection of Etna Creek Road and Gazetted Dirt Road	The new intersection with the New Road and Etna Creek Road has been conditioned for necessary upgrades, including sealing the intersection, new signage and road widening in accordance with the requirements of the Capricorn Municipal Development Guidelines and the requirements of an permit for Operational Works to be obtained.
S-Bend Gully on Etna Creek Road requires improvements	Already considered as part of existing approval. The traffic volumes associated with the Change are not proposed to change. The upgrades required to this part of Etna Creek Road will remain as part of this decision.
Dust and air pollution impacts (on cropping activities, residential	The stockpile area and internal haul route are separated more than 1000 metres from the nearest sensitive use. The EMP submitted in the application includes strategies and mitigation measures to

properties and grazing)	address air quality impacts, including dust suppression measures. The Change will be conditioned to operate (at all times) in accordance with the EMP to ensure air quality impacts arising from dust do not adversely impact on adjoining properties.
Water quality, Erosion and environmental issues caused by haulage route along dirt road	<p>The Change will be conditioned to upgrade and maintain the new road which intersects with Etna Creek Road and the internal haul routes for the lifetime of the development. The EMP includes water quality management and mitigation measures for the proposed use, but it is acknowledged that these do not cover the proposed internal haul route and creek crossings. A new condition is proposed which requires the applicant to submit an amended EMP to Council for endorsement prior to the use commencing, to include water quality, sediment and erosion control measures specific to the internal haul route operations.</p> <p>Waterway crossing must be undertaken in accordance with Best Practice Erosion and Sediment Control Guidelines 2008 and the bed level crossing requirements in the Waterway Barrier Works: Bed level crossing 2013 which are administered by the state.</p>
Responsibility for ongoing road maintenance and road improvements	The Change will be conditioned to complete road upgrades. Ongoing maintenance of Etna Creek Road will be at the expense of Council. Ongoing maintenance of the new road which intersects with Etna Creek Road (referred to as Section D) will be at the expense of the applicant during the lifetime of the extractive industry.
Additional traffic generated by the use	The application material confirms no additional traffic will be generated by the development as a result of the change application. The traffic generated by the development is the same as what has already been considered and assessed by Council as part of the existing approval.
Noise impacts	The use of Etna Creek Road for haulage vehicles was approved as part of the existing approval. The applicant is required to upgrade the sections of Etna Creek Road being used by haulage vehicles. The number of properties impacted by haulage vehicles travelling along Etna Creek Road is significantly reduced by the change application, as the applicant no longer seeks to utilise the western part of Etna Creek Road where there are many residential properties located close to the road frontage. The internal haul route and proposed stockpile area are located over 1000metres from the nearest sensitive land use. As such, the Change does not have potential to generate additional noise impacts (which have not already been assessed and considered) when compared to the existing approval.
Upgrade requirements to Etna Creek Road	This has already been considered as part of the existing approval. The applicant will be conditioned to upgrade and maintain the new road (Road Section D) which intersects with Etna Creek Road and the internal haul routes for the lifetime of the development. The eastern sections of Etna Creek Road which are used by haulage vehicles will also require upgrades – existing conditions relating to upgrades to Roads Sections A-C will be maintained.
Hours of operation – hauling at night	This has already been considered by Council as part of the existing approval. The applicant is conditioned to operate between

	<ul style="list-style-type: none"> • 0600 hours to 1800 hours Mondays to Saturdays (not including public holidays); and • No operations on Sundays or Public Holidays
Royalties	No royalties will be paid to Council.
Original application should not have been approved	This is not a matter for consideration. The existing approval was approved by Council on 17 July 2018. All submitters were granted appeal rights under the <i>Sustainable Planning Act 2009</i> .
Use of Gazetted Dirt road reduces crop production on adjoining properties by 50%	It is not uncommon for rural areas to feature dirt and gravel roads adjacent to farm land and land used for cropping activities. The applicant has been conditioned to ensure that appropriate dust mitigations measures are employed, in accordance with the Environmental Management Plan submitted with the application, to minimise dust impacts along the unsealed parts of the haul route. The State Government's Environmental Authority also includes conditions to ensure dust impacts on adjoining properties are minimised.
Visual amenity – haulage route and new stockpile area	The internal haul route is located more than 1000metres from the nearest rural property. The haul road does not comprise any physical infrastructure, other than the use of existing (and upgraded) internal farm tracks. The use of these tracks for haulage vehicles is not unreasonable in a rural area where the use is well separated and located so as to not generate adverse impacts on sensitive uses. The information submitted in the application satisfies the planning scheme requirements for separation of extractive industries to sensitive uses. The stockpile area is buffered from view of properties to the north and Etna Creek Road by vegetation along the banks of Etna Creek. This area will not be visible from Etna Creek Road or residential properties.
No early stakeholder consultation has been undertaken by the applicant	The applicant has undertaken public notification in accordance with the statutory requirements of the <i>Planning Act 2016</i> . Early stakeholder engagement is not a statutory requirement under the Act.
Development Compliance monitoring	Council has a development compliance team who is responsible for responding to complaints and breaches to approval conditions. The decision notice includes several conditions which the operator must comply with at all times. If complaints are received, Council's compliance team has a responsibility to investigate the matter and provide the operator / landowner with the opportunity to show cause and/or rectify the issue if non-compliance is found.
Community expectations – road upgrades	The existing approval was conditioned to upgrade the entire length of Etna Creek Road, as haulage vehicles were originally proposed to use the entire road (from the site to the Bruce Highway) for haulage. The Change seeks to reduce the extent of Etna Creek Road utilised by heavy vehicles. As such, it is reasonable for Council to expect the applicant to upgrade the sections of Etna Creek Road which will still be used for haulage.
Haulage route impacts on future residential uses on adjoining properties	The internal haul route is located through large rural land parcels which are used for grazing. If future residential uses are proposed, the planning scheme provides minimum separation distances for

	new sensitive uses in proximity to an extractive industry use. Future residential properties will need to be sited and located to ensure compliance and to ensure there are no reverse amenity impacts.
Impact on grazing land and grazing operations	The use of the land for haulage activities (internal haul route) does not impact on the ongoing use of the land for grazing activities. No physical infrastructure or development which would prevent the use of land for grazing activities is proposed by the applicant.
Flooding impacts	<p>The application material confirms that the development will not operate during a flood event and the proposed stockpile area is not located within a flood hazard area.</p> <p>The EMP details pre and post flood management procedures to prepare and respond to flood events. Stockpiled materials and equipment/machinery will be moved to the northern stockpile area or the proposed stockpile area prior to a flooding event. The site will also be evacuated prior to a flooding event. Conditions are recommended which restricts the development from operating during a flood event or until safe access to and from the site is available via the proposed internal haul route.</p> <p>The Change complies with the various requirements of the Flood Hazard Overlay Code, apart from non-compliance with Performance outcome PO12. Suitable justification has been provided to demonstrate the proposal's compliance with the overall outcomes of the code.</p>
Bushfire – impacts from heavy machinery along haulage route	The parts of the internal haul route identified as a potential bushfire hazard are contained to the parts of the track which cross over waterways, where there is vegetation concentrated along the banks and sides of the watercourse. As these tracks are existing and no new development is proposed within the bushfire hazard area, the development has been assessed and complies with the relevant provisions of the Bushfire Overlay Code. The internal haul route provides trafficable access to bushfire prone areas for fire fighting vehicles if required.
Impact on property values	This is not a relevant planning matter for consideration.
The change represents 'Substantially Different Development'	This is only relevant for a change which is a Minor Change. The application has been lodged as an Other Change and follows the process as if the change were a new application.
Case law – loss of amenity	This Change has been assessed based on the facts and circumstances presented by the applicant and against the relevant assessment benchmarks applicable for Other Change applications. Based on the information provided, there is little evidence to demonstrate the development will result in a loss of amenity on residential properties or sensitive uses. The proposed internal haul route and stockpile area are located more than 1000metres from the nearest sensitive use and therefore complies with the minimum separation distances for an extractive industry to a sensitive use in accordance with the Planning Scheme. In addition, the Change reduces the number of properties that could be impacted by impacts generated by haulage vehicles, by reducing the extent of Etna Creek Road which is utilised by heavy vehicles.

Traffic reporting submitted with the application is not substantial for the changed haul route	A Request for Further Information was issued by Council on 22 June 2020, requesting the applicant provide further information regarding traffic impacts. A response has been prepared by Traffic Transport Plus and submitted with the response to the further issues on 10 December 2020. The further information submitted addresses the internal haul route and the proposed new road intersection with Etna Creek Road (road section D). Council's engineers have undertaken an assessment of the proposed change and the traffic engineering information submitted by the applicant. Relevant and reasonable conditions are proposed to require road and intersection upgrades to ensure the safety and operation of Etna Creek Road is maintained by the development.
Safety issues that unpaved gravel roads cause	The applicant has been conditioned to upgrade Etna Creek Road to a standard which is suitable for the proposed development and existing users. The intersection and part of the new road is conditioned to be constructed to a sealed standard with a grate to prevent heavy vehicles tracking gravel onto sealed sections of Etna Creek Road.
Original Council Decision Report states development would not have been approved without conditions to upgrade and improve Etna Creek Road	The original approval was conditioned to upgrade the entire length of Etna Creek Road, as haulage vehicles were originally proposed to use the entire road (from the site to the Bruce Highway) for haulage. The Change seeks to reduce the extent of Etna Creek Road utilised by heavy vehicles. As such, it is reasonable for Council to expect the applicant to upgrade the sections of Etna Creek Road which will still be used for haulage.
Etna Creek Road is a school bus route – safety concerns	<p>A Request for Further Information was issued by Council on 22 June 2020, requesting the applicant provide further information regarding traffic impacts. A response has been prepared by Traffic Transport Plus and submitted with the response to the further issues on 10 December 2020. The further information submitted addresses the school bus route. The applicant's traffic engineer has advised that the:</p> <p><i>'The detailed design of the Etna Creek Road roadworks should be cognisant of these stopping locations and ensure that an analogous stopping position remains available for use by the school bus. The provision of some signage to indicate the position of the school bus stopping locations should be included in the detailed design plans of the works.'</i></p> <p>In order to enhance the safety of students being picked-up and dropped-off on the Bruce Highway and Etna Creek Road, it is recommended to include the following advice in the haul vehicle drivers' code of conduct:</p> <p>"All drivers are expected to be aware of the school bus stops on the Bruce Highway and Etna Creek Road particularly from 7:15am to 8:30am and 3:00pm to 4:00pm on school days."</p> <p>School bus pick up locations can be appropriately sign posted as a result of the upgrades to Etna Creek Road.</p>
Speed limit of Etna Creek Road is not suitable for heavy vehicles	There is no posted speed limit for Etna Creek Road. Traffic and Transport Plus note in their assessment that the default speed limit for Etna Creek Road is therefore 100km/hr (a road outside a built up area). To enhance the safety of road users of Etna Creek Road,

	the applicant's traffic engineers have recommended the installation of advisory signs on Etna Creek Road on the approach to the new road intersection (road section D) to raise the awareness of drivers in relation to the existence of heavy vehicles entering into / exiting from Section D (new road).
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CHANGE TO CONDITONS

The applicant has requested conditions 3.1, 4.3, 4.4 and 5.1 be amended.

This assessment report recommends additional conditions are amended and new conditions inserted, further to the applicant request, to justify the approval of the proposed change application as detailed below:

Existing Condition 3.1 – approved plans

This condition is updated to include reference to amended plans submitted as part of the change application, specifically the amended haul route plan, amended road section plan, updated traffic response and the amended Environmental Management Plan.

Existing Condition 4.0 – Road Works including the haul route

These conditions have been updated to include requirements for the new haul route identifying sections as per the amended road section plan, provide the design and construction requirements for the sections of gazetted road reserve (d) and sections a, b, and c of Etna Creek Road and the T intersection. Further a new condition requiring that the bus stopping areas remain available for users and include signage to indicate positions of the school bus stopping locations have been added. Further updates to conditions in 4.0 include updates to current planning act references.

Existing Condition 5.0 – Access Works including the internal haul route and creek crossings

These conditions have been updated to specifically refer to the new haul route identifying sections as per the amended haul route plan in respect of the internal route. Further updates to conditions in 5.0 include updates to current planning act reference and the requirement to carry out all creek crossing works in accordance with the approved erosion and sediment control device(s) referenced in the Environmental Management Plan

Existing condition 6.0 – Plumbing and drainage work

These conditions have been updated to include the current planning act references.

Conditions 9.3, 9.4, 9.5 and 9.7 – Environmental

Conditions have been updated to refer to current planning act references, require operational works applications for vegetation clearing (if triggered under the planning scheme), require replanting and rehabilitation of creek crossings and provide RPEQ certification in regards to hydrology.

Conditions 11.2, 11.3 and 11.5 - Operating Procedures

Conditions require a haul drivers code of conduct and updating of the EMP to incorporate approved plans (bushfire and hydrology) the EA, the code of conduct, the replating and rehabilltee strategy as well as measures for rainfall monitoring and water quality, sediment and erosion control measures for the internal haul route.

INFRASTRUCTURE CHARGES

An Infrastructure Charge was not levied as part of the original approval. *Adopted Infrastructure Charges Resolution (No.4) 2019* provides that extractive industry development incurs charges based on gross floor area. There is no gross floor area proposed as part of the change therefore no charge applies and an Infrastructure Charges Notice will not be issued.

Council has not previously imposed an infrastructure charges on other extractive industry applications.

SUMMARY OF ASSESSMENT

In response to the above, the assessment of this change concludes that the proposed development, subject to reasonable and relevant conditions, is not likely to conflict with Council's Strategic Framework. Furthermore, the proposed extractive industry has been designed and sited, and will be operated in accordance with suitable measures in the supporting documentation such as the Environmental Management Plan, to ensure the use mitigates adverse impacts.

Further to the assessment summary above and pursuant to section 63 (5) of the *Planning Act 2016*, the reasons for the decision are based on findings on material questions of fact and must be included in the statement of reasons accompanying the decision notice as follows:

- (i) On balance, the proposal achieves the relevant Strategic and Specific Outcomes and Land Use Strategies of the Strategic Framework.
- (ii) The proposal is a preferred use within the Rural Zone Code.
- (iii) The development does not comply with Performance Outcome PO12 of the Flood Hazard Overlay Code as the site does not comprise safe, flood free access during a flooding event.
- (iv) Despite the non-compliance, the development is not required to operate or be accessed during a flood event. Further, the Environmental Management Plan submitted by the applicant contains pre and post flood management procedures to ensure the site is appropriately prepared and evacuated leading up to a flood event and further measures have been conditioned to be added to the Environmental Management Plan as part of an amended condition so that the development achieves an acceptable alternative and supports the overall outcomes of the Flood Hazard Overlay Code.
- (v) Despite the non-compliance with PO12 of the Flood Hazard Overlay Code, the application complies with the overall outcomes sought for the Flood Hazard Overlay Code.
- (vi) The development does not comply with Performance Outcome PO18 of the Development Works Code as the application does not demonstrate how the operation will achieve stormwater quality design objectives for the location, or current best practice environmental management.
- (vii) A condition for PO18 of the Development Works Code has been included so that the development achieves an acceptable alternative and supports the overall outcomes of the Development Works Code, by providing further detailed information regarding water quality, sediment and erosion control measures specific to the internal haul route operations including all creek crossings as part of an amended Environmental Management Plan.
- (viii) Despite the non-compliance with PO18 of the Development Works Code, the application has been conditioned to comply with the overall outcomes sought in the Development Works Code.
- (ix) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.

- (x) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.

On balance, the change application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with some of the performance outcomes of the relevant codes.

PREVIOUS DECISIONS

The previous decision for the subject development is detailed in the background section of this report. It is noted that Council has previously approved development applications for a Material Change of Use for an Extractive Industry both within proximity to the site and elsewhere in the region.

Each decision is made on its merits at the time and with the best planning information available. There are instances above whereby there were sufficient grounds to support the proposals, subject to reasonable and relevant conditions

ACCESS AND INCLUSION

There are no identified access or inclusion issues associated with this development application.

ENGAGEMENT AND CONSULTATION

The application was publicly notified between 27 April 2020 and 20 May 2020 and submissions were received as discussed in the consultation section of this report.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications associated with this development application.

BUDGET IMPLICATIONS

Management of this application and assessment has been undertaken within existing operational budget allocations.

LEGISLATIVE CONTEXT

The application has been assessed pursuant to the *Planning Act 2016* and all subordinate legislation and policies.

LEGAL IMPLICATIONS

A decision by Council contrary to the change sought by the applicant may be appealed to the Planning and Environment Court. The legal implications of deciding this development application unfavourably is the risk of appeal from the developer and/or a submitter. These potential legal implications also bring unknown budget implications

STAFFING IMPLICATIONS

There are no significant staffing impacts relevant to a decision on the application however significant officer resources have been committed to the assessment since 2015 focusing primarily on traffic and road matters

RISK ASSESSMENT

The risks associated with this assessment have been appropriately addressed in the body of this report. Specifically, the risk of appeal to any decision made by Council and any financial/budget implications such action may have. It should be noted that these risks are difficult to quantify at the assessment stage.

CORPORATE PLAN REFERENCE

Future Livingstone

Community Plan Goal 5.1 - Balanced environmental and development outcomes

5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes.

CONCLUSION

Having regard to the above assessment of the proposed change, there are considered to be relevant matters that favour Council approving the change and the development is capable of occurring on the site without conflicting with Council's strategic framework. As such, the change is recommended for approval, subject to reasonable and relevant conditions outlined in the recommendation

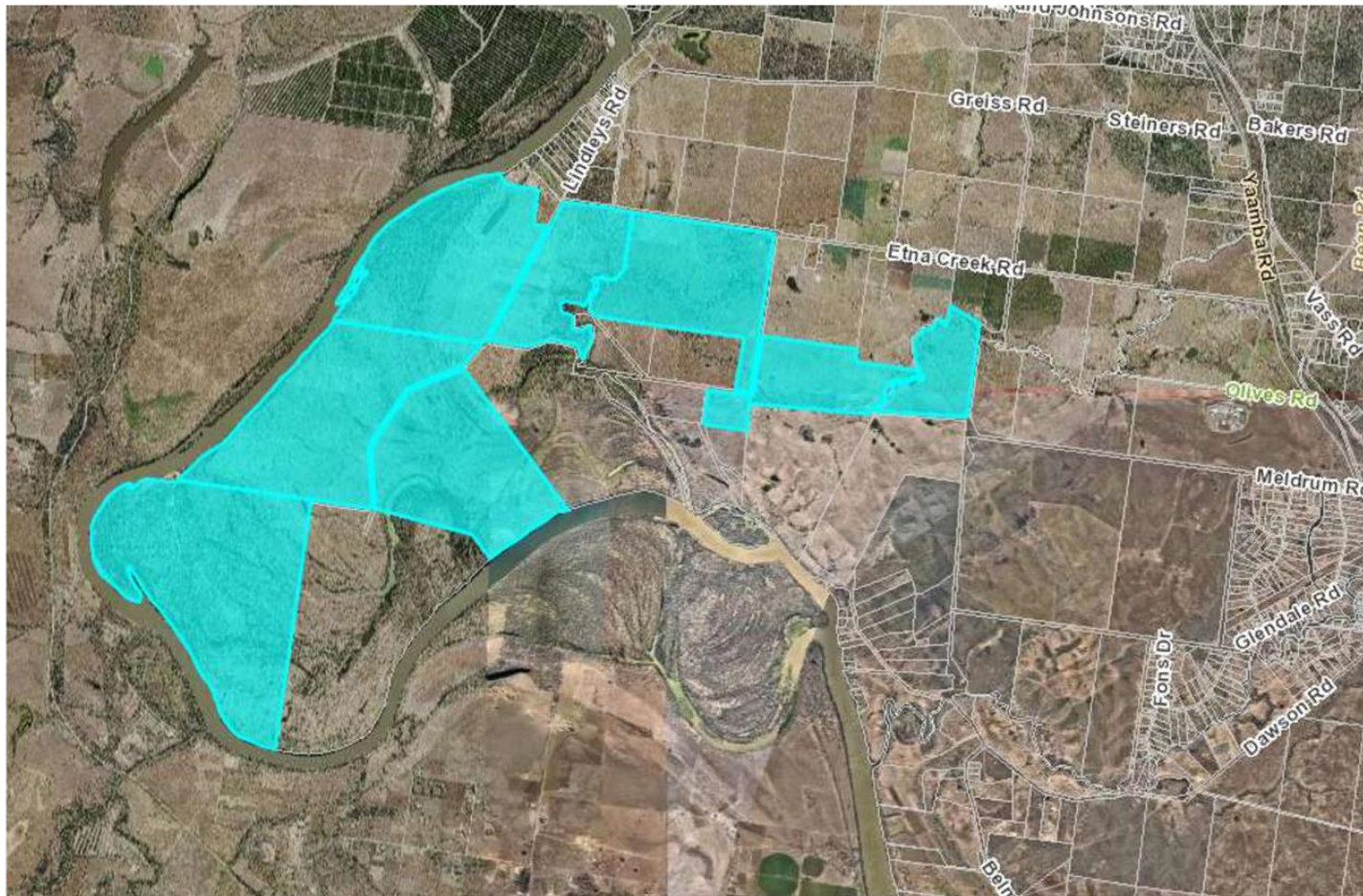
**11.15 - CHANGE APPLICATION
(OTHER CHANGE) FOR A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE OF
PREMISES FOR AN EXTRACTIVE
INDUSTRY FOR SAND AND GRAVEL
AND ASSOCIATED ACTIVITIES AND A
MATERIAL CHANGE OF USE OF
PREMISES FOR A CONCURRENCE
ENVIRONMENTALLY RELEVANT
ACTIVITY, ETNA CREEK ROAD AND
MELDRUM ROAD, ETNA CREEK**

Locality Plan

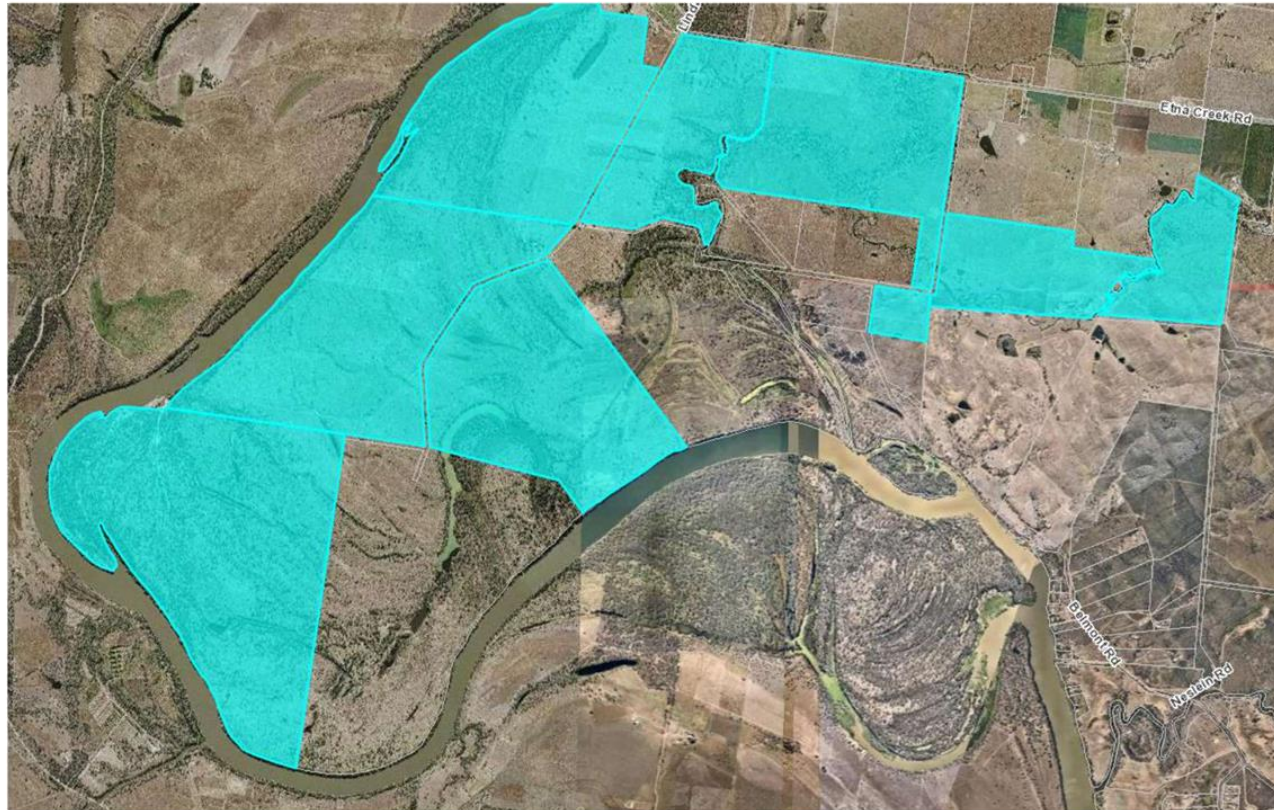
Meeting Date: 16 February 2021

Attachment No: 1

D-174-2015 Locality plan – Etna Creek



D-174-2015 Locality plan – Etna Creek

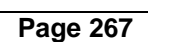


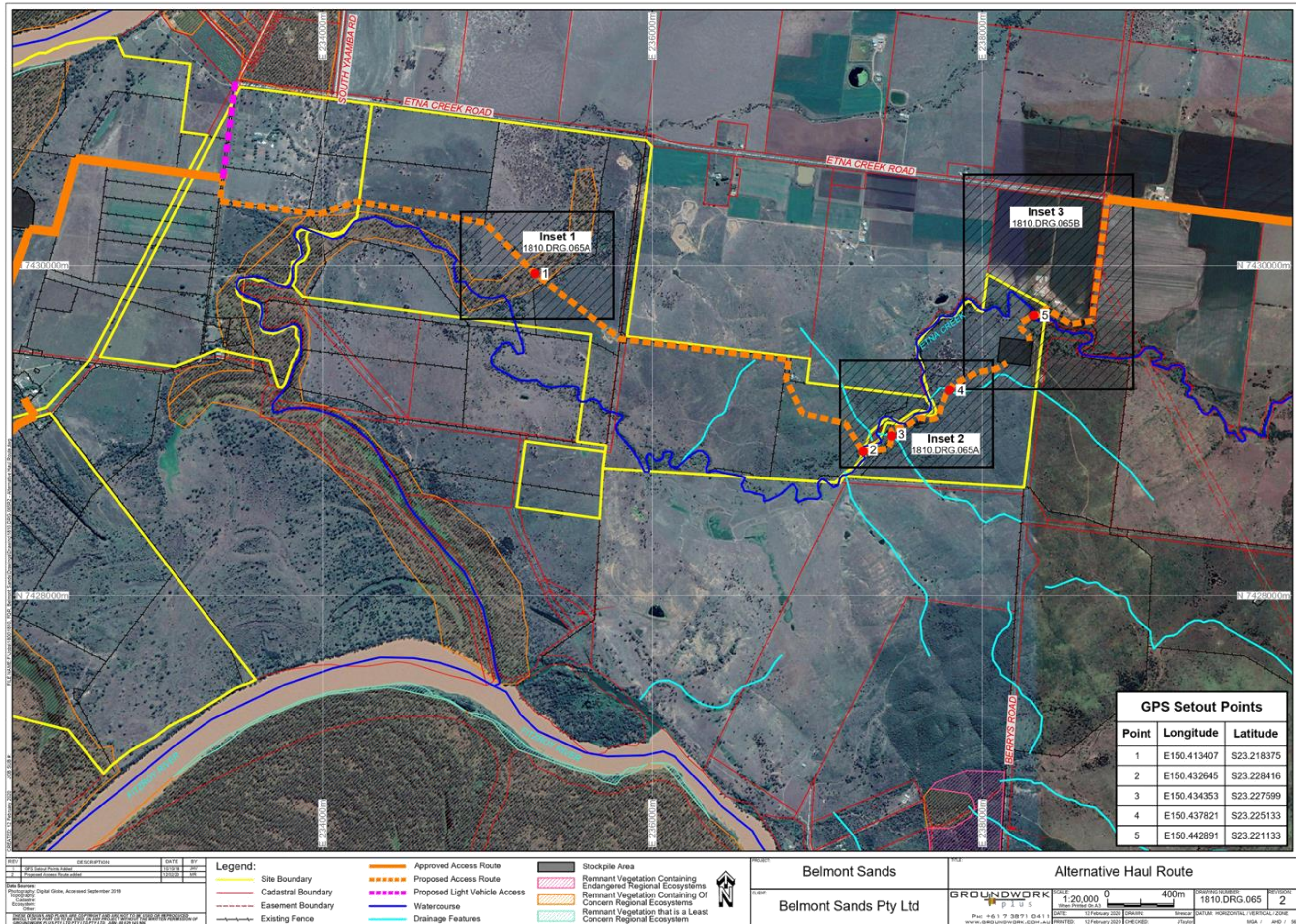
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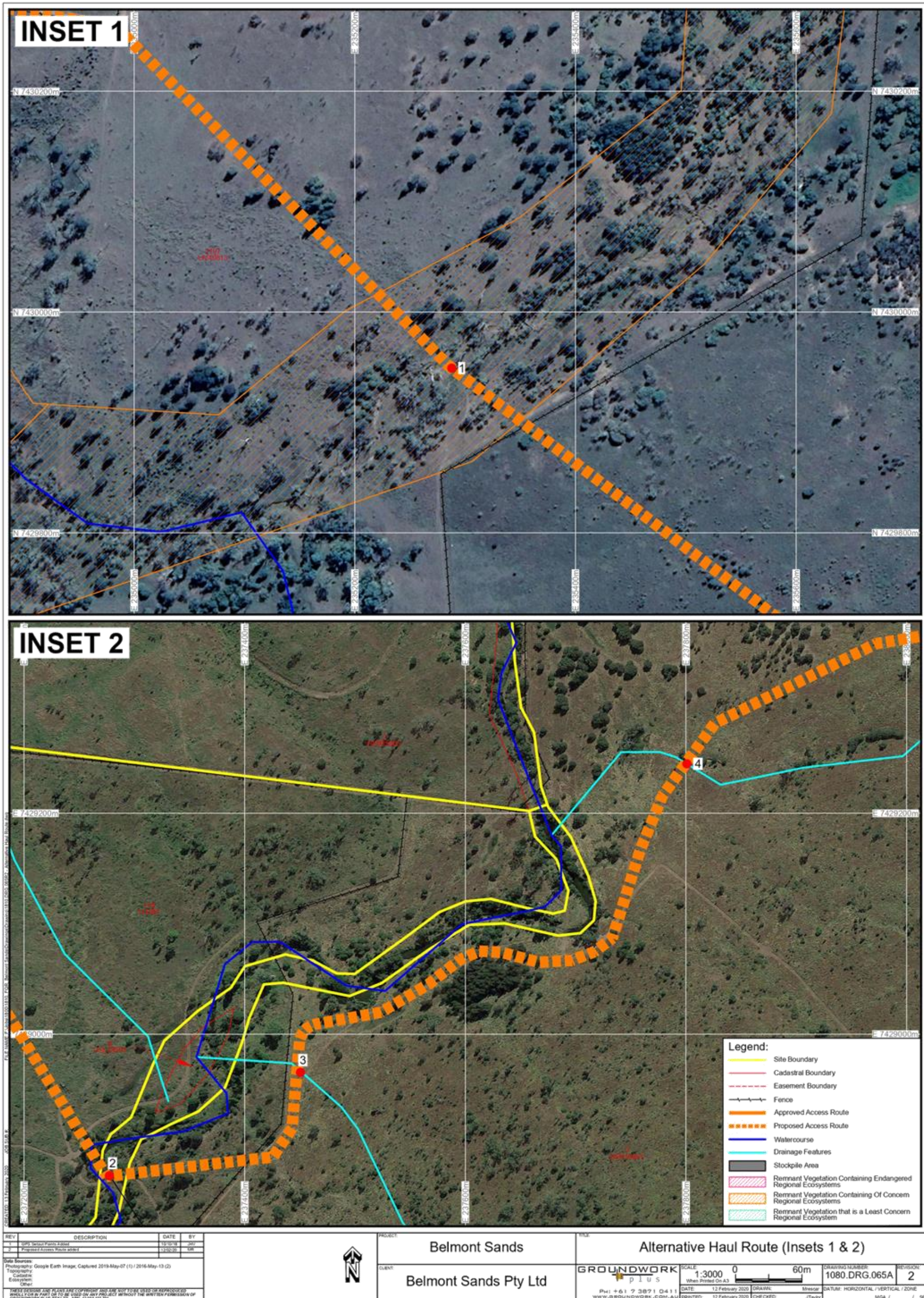
Amended Proposal Plans

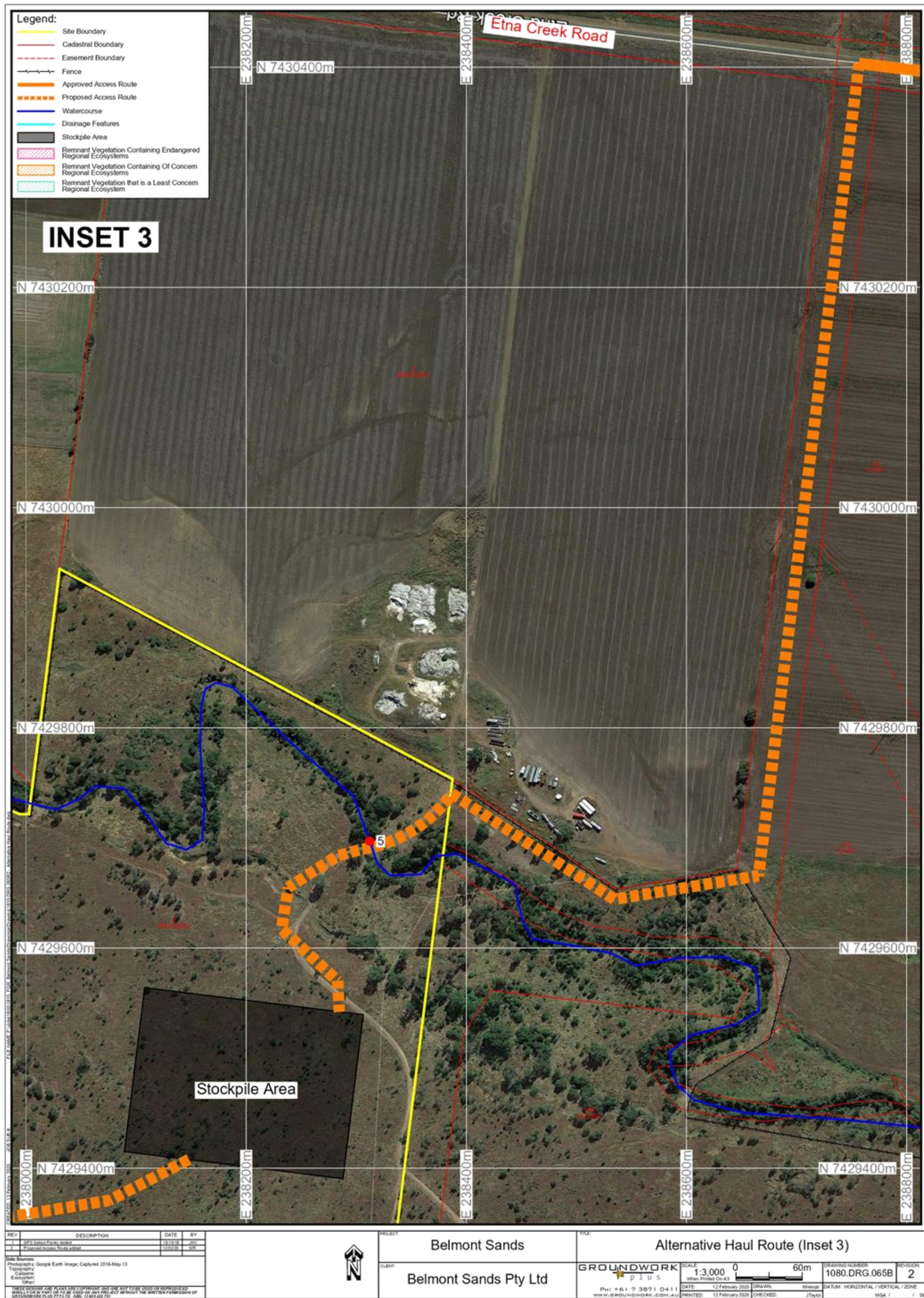
Meeting Date: 16 February 2021

Attachment No: 2









**11.15 - CHANGE APPLICATION
(OTHER CHANGE) FOR A
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PREMISES FOR A CONCURRENCE
ENVIRONMENTALLY RELEVANT
ACTIVITY, ETNA CREEK ROAD AND
MELDRUM ROAD, ETNA CREEK**

Amended Road Section Plan

Meeting Date: 16 February 2021

Attachment No: 3



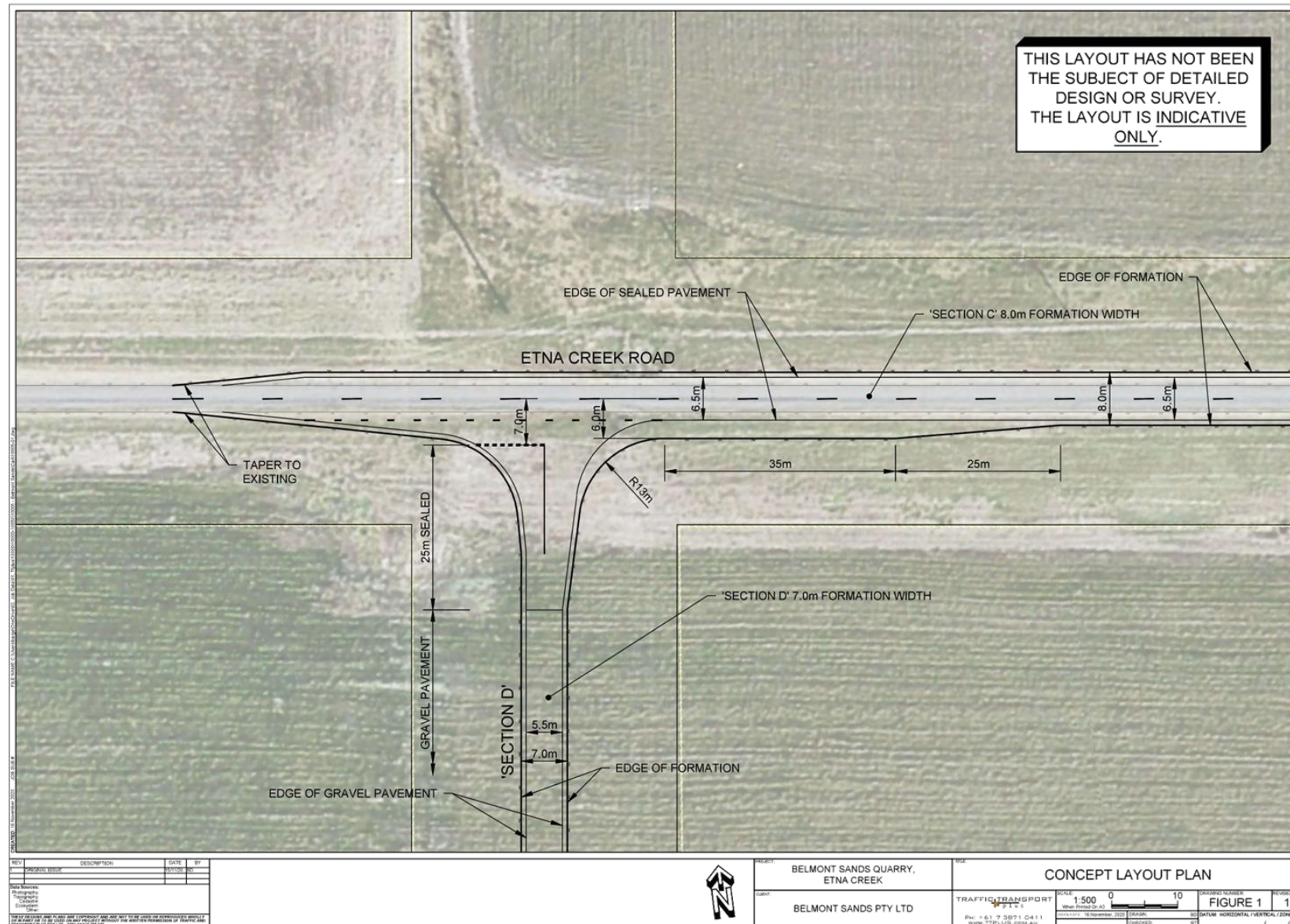
Figure 4: Amended Road Section Plan

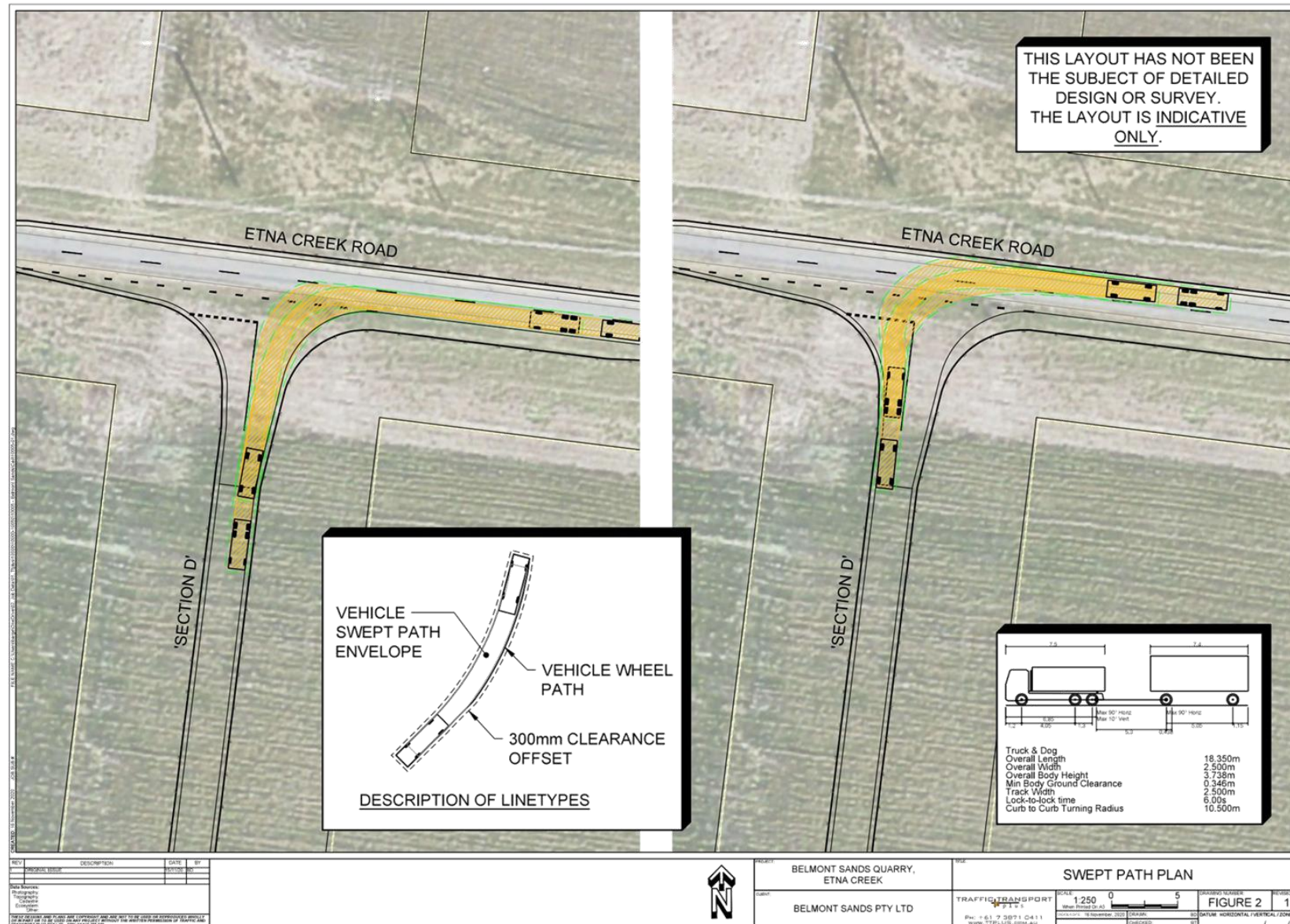
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ENVIRONMENTALLY RELEVANT
ACTIVITY, ETNA CREEK ROAD AND
MELDRUM ROAD, ETNA CREEK**

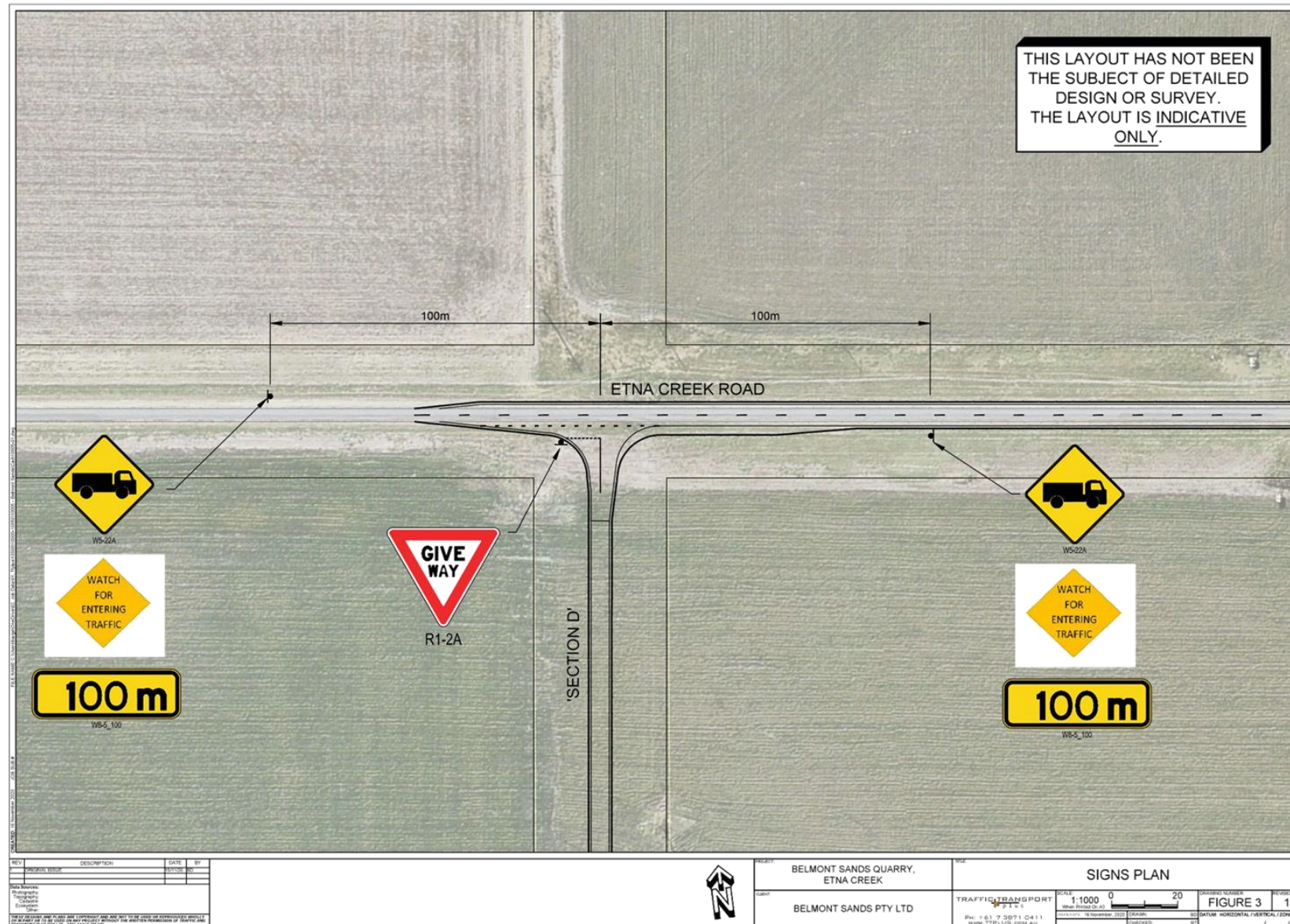
Proposed T intersection plans

Meeting Date: 16 February 2021

Attachment No: 4







**11.15 - CHANGE APPLICATION
(OTHER CHANGE) FOR A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE OF
PREMISES FOR AN EXTRACTIVE
INDUSTRY FOR SAND AND GRAVEL
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ENVIRONMENTALLY RELEVANT
ACTIVITY, ETNA CREEK ROAD AND
MELDRUM ROAD, ETNA CREEK**

**State Assessment and Referral Agency
Response (changed)**

Meeting Date: 16 February 2021

Attachment No: 5

RA6-N

1903-7758 SRA



Department of
State Development,
Manufacturing,
Infrastructure and Planning

SARA reference: 2003-15830 SRA
Council reference: D-174-2015
Applicant reference: 1810-CA1

29 April 2020

The Chief Executive Officer
Livingstone Shire Council
PO Box 2292
Yeppoon Qld 4703
enquiries@livingstone.qld.gov.au

Attention: Melissa Warwick

Dear Sir/Madam

SARA response—887 Etna Creek Road

(Referral agency response given under section 56 of the *Planning Act 2016*)

The change application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 20 March 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	29 April 2020
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 for Extractive Industry (sand and gravel extraction and associated activities) and Environmentally Relevant Activities
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 20, Division 4, Table 3 (Planning Regulation 2017)	
	Development application for a material change of use where part of	

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Brisbane regional office
Level 13, 1 William Street, Brisbane
PO Box 15009, City East QLD 4002

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the premises are in a wetland protection area

Schedule 10, Part 5, Division 5, Table 2 (Planning Regulation 2017)

Development application for a material change of use for an environmentally relevant activity

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)

Development application for a material change of use involving development impacting on State transport infrastructure

SARA reference: 2003-15830 SRA
Assessment Manager: Livingstone Shire Council
Street address: 887 Etna Creek Road, Etna Creek
Real property description: Lot 10 on SP142291; lot 118 on LN284; lot 2197 on LIV40813; lot 2 on RP610451; lot 3 on RP601603; lot 5 on RP601603; lot 6 on RP601603; lot 8 on RP601603
Applicant name: Belmont Sands Pty Ltd
Applicant contact details: c/- Groundwork Plus
6 Mayneview Street
Milton Qld 4064
mbenham@groundwork.com.au

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 (s.30 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 Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Anthony Walsh
Manager Planning

cc Belmont Sands Pty Ltd c/- Groundwork Plus, planning@groundwork.com.au

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

Department of State Development, Manufacturing, Infrastructure and Planning

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Document Set ID: 8484995
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1903-7758 SRA

1903-7758 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		
Schedule 10, Part 5, Division 5, Table 2 (Environmentally relevant activity)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Site Layout prepared by Groundwork Plus dated 12 February 2020, drawing no. 1810.DRG.067 revision 1 Part 4.6 Weed Management Plan prepared by Groundwork Plus dated 2 November 2015, reference 1810.610.001 revision 1 	At all times
2.	Storage areas for hazardous contaminants must be located above the Q50 flood level.	At all times
3.	The facility for the activity must include: <ol style="list-style-type: none"> a storage area for hazardous contaminants that has secondary containment system to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters; and containers for hazardous contaminants are secured to prevent movement during any flood event. 	At all times
Schedule 10, Part 20, Division 4, Table 3 (Part of the premises is in a wetland protection area)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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):		
4.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> Site Layout prepared by Groundwork Plus dated 12 February 2020, drawing no. 1810.DRG.067 revision 1 	At all times
5.	Development and implement a site-based management plan that includes, but is not limited to, the following: <ol style="list-style-type: none"> a pre-works inspection of the property to locate, map and identify existing pest flora and fauna species training of site personnel in the identification of local pest species likely to occur at the site measures to minimise spread/dispersal of weeds weeds management practices that provide for long-term integrity of wetlands 	At all times during construction works
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Development impacting on State transport infrastructure)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-		

Department of State Development, Manufacturing, Infrastructure and Planning

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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):														
6.	<p>a) Pay an annual monetary contribution to the Department of Transport and Main Roads (Fitzroy District / Central Queensland Region), towards protecting or maintaining the safety or efficiency of the State-controlled road network under section 146 (2) of the <i>Planning Act 2016</i>:</p> <table><tr><th><i>Amount extracted per financial year</i></th><th><i>Contribution</i></th></tr><tr><td>0 to 200,000 tonnes</td><td>0 cents per tonne</td></tr><tr><td>200,000 to 250,000 tonnes</td><td>2.12 cents per tonne</td></tr><tr><td>250,000 to 500,000 tonnes</td><td>2.39 cents per tonne</td></tr><tr><td>500,000 to 600,000 tonnes</td><td>3.71 cents per tonne</td></tr><tr><td>600,000+ tonnes</td><td>4.72 cents per tonne</td></tr></table> <p>b) This monetary contribution shall be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</p>	<i>Amount extracted per financial year</i>	<i>Contribution</i>	0 to 200,000 tonnes	0 cents per tonne	200,000 to 250,000 tonnes	2.12 cents per tonne	250,000 to 500,000 tonnes	2.39 cents per tonne	500,000 to 600,000 tonnes	3.71 cents per tonne	600,000+ tonnes	4.72 cents per tonne	a) and b): At all times
<i>Amount extracted per financial year</i>	<i>Contribution</i>													
0 to 200,000 tonnes	0 cents per tonne													
200,000 to 250,000 tonnes	2.12 cents per tonne													
250,000 to 500,000 tonnes	2.39 cents per tonne													
500,000 to 600,000 tonnes	3.71 cents per tonne													
600,000+ tonnes	4.72 cents per tonne													
7.	Heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development are permitted only to use the Bruce Highway from Etna Creek Road to Knight Street as the haul route.	At all times												
8.	<p>a) The proponent must notify the Department of Transport and Main Roads (Fitzroy District / Central Queensland Region on FitzroyDistrict@tmr.qld.gov.au) upon the commencement of operations.</p> <p>b) Records which document the quantity of product that is transport by road must be kept by the proponent for no less than five years, and produced upon request.</p>	<p>a) Upon the commencement of operations</p> <p>b) At all times</p>												

Department of State Development, Manufacturing, Infrastructure and Planning

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1903-7758 SRA

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) v2.6. If a word remains undefined it has its ordinary meaning.

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 existing development approval for extractive industry over five lots included referral agency conditions:
 - to ensure the development was carried out generally in accordance with the site plan
 - to manage and prevent the risk of hazardous contaminants being released into the surrounding environment during a flood event
 - to manage impacts from non-native plants and animals
 - to offset the impacts of development on the safety and efficiency of the state-controlled road
 - to ensure the development does not compromise the safe and efficient management or operation of state-controlled roads
- the change application relates to the inclusion of a new internal haul route and stockpile area in the development approval. It also includes three additional lots in the land covered by the development approval
- the new haul route follows an existing track for most of its length
- the subject land is cleared farmland with limited vegetation. No clearing of trees is required
- the new haul route and stockpile area are not within mapped Wetland Protection Areas
- there is an existing environmental authority under the *Environmental Protection Act 1994* that addresses potential impacts from operational activities of the extractive industry
- the development as shown on the Site Layout plan prepared by Groundwork Plus (Drawing no. 1810.DRG.067, revision 1, dated 12 February 2020) is not having a significant residual impact on matters of state environmental significance
- there is no change to traffic associated with the development as a result of the change application. The changed development does not affect where the haulage enters the state-controlled road network
- the development complies with relevant provisions of State codes 6, 9 and 22 of the State Development Assessment Provisions, version 2.6, subject to the implementation of conditions

Material used in the assessment of the application:

- The change application material and submitted plans
- Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1903-7758 SRA

Attachment 4—Representations provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses**28 Concurrence agency changes its response or gives a late response**

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

1903-7758 SRA

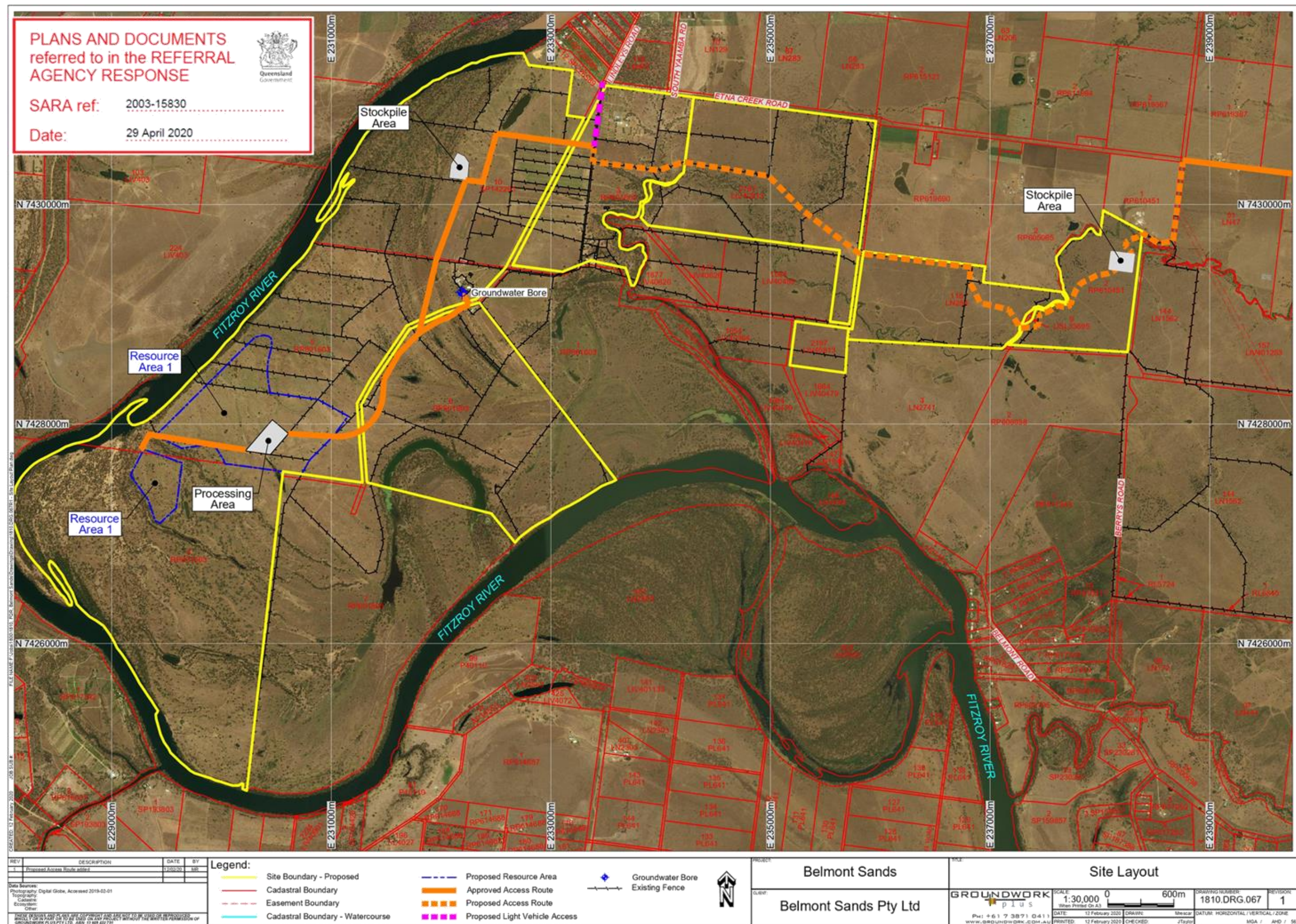
30 Representations about a referral agency response

30.1. 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.³

Attachment 5—Approved plans and specifications

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³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



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Belmont Sands
Environmental Management Plan

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



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SARA ref: 2003-15830

Date: 29 April 2020

4.6 Weed Management Plan

Purpose

This Weed Management Plan has been developed to ensure adequate control measures are implemented to control the spread and infestations of weeds and declared plant species within the site.

A 'weed' is a plant which, because of its characteristics and location, may result in economic, ecological, physical or aesthetic problems. Weeds can alter ecosystem functionality, reduce primary productivity and profitability, and limit long term sustainability of natural and agricultural resources if not appropriately controlled.

Weed impacts that may occur due to the extractive industry operations include:

- areas of exposed earth available for weed colonisation including topsoil stockpiles.
- spread of existing weed infestations due to disturbance and vehicle traffic.
- unsuccessful or weed-infested revegetated areas.

The primary legislation governing the management of weeds in Queensland is the *Land Protection (Pest and Stock Route Management) Act 2002* (LP Act).

The LP Act declares plants considered to be serious or potentially serious and imposes a legal responsibility for control of these plants by all landowners or land under management. Three classes of declared plants exist and are targeted for control because they have, or could have serious economic, environmental or social impacts:

- **Class 1** has the potential to become a serious pest and is subject to eradication from the State.
- **Class 2** has already spread over Queensland and gaining control is considered to be very important.
- **Class 3** is commonly found in Queensland and prevention of the sale of Class 3 declared plants is expected to reduce their spread, especially if land is adjacent to an environmentally significant area. Landowners are not expected to try to control them.

Performance Targets

Prevent the spread of weeds on the site.

Relevant Conditions

Refer to EA once issued.

Strategies/mitigation measures

Specific control measures to be implemented may include, but not necessarily be limited to the following strategies.

2/11/2015
1810.610.001

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Belmont Sands
Environmental Management Plan

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



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SARA ref: 2003-15830

Date: 29 April 2020

4.6 Weed Management Plan

General

- Weed infestations are to be controlled as soon as possible to prevent further spread of weeds.
- Maintain groundcover for as long as possible by minimising land disturbance at any one time, where practicable.
- Annual weed spraying campaigns should be implemented at the site, with additional spraying campaigns (e.g. spot spray, bi-annual sprays, etc) undertaken if necessary.
- Weeds identified on-site will be prioritised for weed management according to the class of weeds identified, and the cause of the weed establishment will be determined to prevent or minimise further introduction and spread.
- Weed plant materials and seed should be disposed of at a Council refuse station, or buried at an appropriate depth on-site, whenever possible.
- Employees should be trained appropriately to recognise existing and potential weeds present on-site and within the surrounding area to ensure they are not inadvertently brought onto the site via items contaminated by seed (e.g. vehicles, machinery, hand tools, soil, mulch or livestock).
- If areas containing weeds are encountered, clean all equipment, vehicles and machinery prior to leaving the area.

Access Roads/Hardstand areas

- All access routes and hard stand areas will be maintained in a weed-free or weed-reduced state to lessen the spread of weed seed by vehicle movements.
- Established roads and tracks should be used wherever possible and weed-infested areas / sites are to be avoided.

Topsoil Management

- Visual surveys will be undertaken prior to all topsoil stripping operations and, if necessary, control mechanisms will be undertaken to reduce the risk of the contamination of topsoil stockpiles with seed and vegetative weed material.
- Weed control mechanisms may include separate stockpiling, herbicide spraying of stripped soils, or disposal as fill of soil materials infested with weeds.
- Weed control mechanism strategies will be implemented to control weed infestation if required, both before and after use of top-dressing material in the rehabilitation program.
- All topsoil stockpiles will be regularly monitored and managed for weed infestation.

Rehabilitation

- Implement progressive rehabilitation as soon as practical as areas become available.
- Avoid importing topsoil onto the site where possible.
- Prior to the establishment of vegetation:
 - a spraying campaign may be required to prevent migration or establishment of weed species into the area under rehabilitation.
 - alternative methods for controlling both grasses and weeds may be used, including manual weeding, burning, slashing, weed matting and mulching, where practicable.

2/11/2015
1810.610.001

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Document Set ID: 8484995
Version: 1 Version Date: 30/04/2020

4.6 Weed Management Plan

Weed Control Methods

As a guide to assist in planning weed control, a summary of weed control options that may be implemented are presented in **Table 3 – General Weed Control Options**.

- Department of Agriculture, Fisheries and Forestry (DAFF) provides an A to Z listing of weeds including plants declared under the LP Act. This listing can be found at: <http://www.dpi.qld.gov.au>. Detailed information on controlling individual species is also provided in the A-Z listing along with fact sheets and information sheets.

Monitoring

All employees on-site shall carry out general daily visual surveillance for weeds within the quarry and ensure that vehicles leaving site are free of soil and vegetation.

The Site Manager shall:

- Conduct weekly inspections of all access routes on-site to ensure they are maintained weed free or in a reduced state to lessen the spread of weed seed by vehicle movements.
- Conduct inspection of any area/s and treat any weed infestations prior to topsoil removal.
- Carry out at least four thorough inspections per year of the quarry to identify:
 - effectiveness of weed control measures implemented and whether an amendment is required
 - new areas where weed control is required
 - infestations of new weed species
 - areas where rehabilitation should be carried out.

Note: The frequency of site inspections will vary depending on the identified weed species on-site and what management requirements are necessary for those species.

Table 3 – General Weed Control Options

Infestation Level	Biological	Chemical	Mechanical	Physical
Low (Canopy cover between 1% and 10%)	Not suitable.	Spot-spraying by hand with a registered herbicide.	Not suitable.	Hand grubbing (remove roots and burn plant).
Medium (Canopy cover between 11% and 50%)	Release of biological control agents.	Spot-spraying by hand with a registered herbicide.	Chaining, rolling, raking or back-ploughing, then burning.	Follow up control of seedlings – could include physical removal.
High (Over 50% canopy cover)	Inspect infestation to see if, and what, bio-control agents are already present. If necessary, release biological control agents and monitor their progress.	Aerial spraying with a registered herbicide.	Attach with chaining, rolling or raking. Use fire to kill any regrowth and break seed	Follow up control of seedlings – could include physical removal.

**11.15 - CHANGE APPLICATION
(OTHER CHANGE) FOR A
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MATERIAL CHANGE OF USE OF
PREMISES FOR AN EXTRACTIVE
INDUSTRY FOR SAND AND GRAVEL
AND ASSOCIATED ACTIVITIES AND A
MATERIAL CHANGE OF USE OF
PREMISES FOR A CONCURRENCE
ENVIRONMENTALLY RELEVANT
ACTIVITY, ETNA CREEK ROAD AND
MELDRUM ROAD, ETNA CREEK**

**Environmental Authority Permit
(amended)**

Meeting Date: 16 February 2021

Attachment No: 6

Permit

Environmental authority EPPR03407715

Permit

Environmental Protection Act 1994

Environmental authority EPPR03407715

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

Environmental authority number: EPPR03407715

Environmental authority takes effect on the date the development approval D/174/2015 takes effect.

Environmental authority holder(s)

Name(s)	Registered address
Belmont Sands Pty Ltd	Level 4 247 Adelaide Street BRISBANE CITY 4000 QLD

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
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 3/RP601603; Lot 5/RP601603; Lot 6/RP601603; Lot 8/RP601603; Lot 10/SP142291; Lot 118/ LN284, Lot 2197/ LIV40813 and Lot 2/ RP610451.
ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t	

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).

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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:

- 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
- 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
- otherwise-on 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.

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Permit

Environmental authority EPPR03407715

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

Date issued: 18 May 2020

Enquiries:

Energy and Extractive Resources
Department of Environment and Science
GPO Box 2454
Brisbane QLD 4001
Phone: (07) 3330 5715
Email: energyandextractive@des.qld.gov.au

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Environmental authority EPPR03407715

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)

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Environmental authority EPPR03407715

Conditions of environmental authority

Agency interest: General	
Condition number	Condition
G1	Activities conducted under this environmental authority must be conducted in accordance with the following limitation: <ul style="list-style-type: none"> a) Notwithstanding condition G10, disturbance is limited to proposed resource areas, the stockpile areas, and access roads identified in Appendix 1. b) Extraction must only occur within the proposed resource areas in Appendix 1. c) Only stockpiling may occur within the stockpile areas in Appendix 1.
G2	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G3	Any breach of a condition of this environmental authority, must be reported to the administering authority as soon as practicable, or at most, within 24 hours of you becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken.
G4	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G5	All information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. Environmental monitoring results must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the administering authority upon request.
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 NATA certification, or an equivalent certification, for such analyses. The only exception to this condition is for <i>in situ</i> monitoring pH, turbidity 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 that is not considered by the administering authority to be frivolous or vexatious, of environmental nuisance arising from the activity . The monitoring results must be provided to the administering authority upon request.
G9	The activity must be undertaken in accordance with written procedures that: <ul style="list-style-type: none"> a) identify potential risks to the environment from the activity during routine operations, closure and an emergency b) establish and maintain control measures that minimise the potential for environmental

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	harm c) ensure plant, equipment and measures are maintained in a proper and effective condition d) ensure plant, equipment and measures are operated in a proper and effective manner e) ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> f) ensure that reviews of environmental performance are undertaken at least annually.											
G10	A minimum buffer distance of 50m must be maintained between proposed resource areas in Appendix 1 and the high banks of any watercourse .											
G11	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system .											
Agency interest: Air												
Condition number	Condition											
A1	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any sensitive place or commercial place .											
Agency interest: Water												
Condition number	Condition											
WT1	The stormwater runoff from disturbed areas, generated by (up to and including) a 24 hour storm event with an average recurrence interval of 1 in 5 years must be retained on site or managed to remove contaminants before release.											
WT2	The only contaminants to be released to surface waters are treated stormwater runoff waters in accordance with <i>Table 1—Surface water release limits</i> and the associated monitoring requirements. Table 1—Surface water release limits <table><tr><th>Quality characteristic (units)</th><th>Limit</th><th>Limit Type</th><th>Minimum Monitoring Frequency</th></tr><tr><td>Dissolved Oxygen (%)</td><td>85-110</td><td>Range</td><td rowspan="2">Prior to release and weekly thereafter whilst releasing</td></tr><tr><td>Turbidity (NTU)</td><td>50</td><td>Maximum</td></tr></table>	Quality characteristic (units)	Limit	Limit Type	Minimum Monitoring Frequency	Dissolved Oxygen (%)	85-110	Range	Prior to release and weekly thereafter whilst releasing	Turbidity (NTU)	50	Maximum
Quality characteristic (units)	Limit	Limit Type	Minimum Monitoring Frequency									
Dissolved Oxygen (%)	85-110	Range	Prior to release and weekly thereafter whilst releasing									
Turbidity (NTU)	50	Maximum										



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	<table><tr><td>Total Suspended Solids (mg/L)</td><td>85</td><td>Maximum</td></tr><tr><td>pH (pH units)</td><td>6.5-8.5</td><td>Range</td></tr></table>	Total Suspended Solids (mg/L)	85	Maximum	pH (pH units)	6.5-8.5	Range						
Total Suspended Solids (mg/L)	85	Maximum											
pH (pH units)	6.5-8.5	Range											
Associated monitoring requirements													
<div><div>a)</div><div>Release points must be in accordance with those identified in Appendix 2.</div></div> <div><div>b)</div><div>Monitoring must be in accordance with the methods prescribed in the current edition of the administering authority's Water Quality Sampling Manual.</div></div> <div><div>c)</div><div>Samples must be taken using representative samples.</div></div> <div><div>d)</div><div>Samples must be taken at the point of release.</div></div> <div><div>e)</div><div>All determinations must employ analytical practical quantification limits sufficiently low enough to enable comparisons to be made against water quality objectives/limits relevant to the particular water quality characteristic.</div></div> <div><div>f)</div><div>Monitoring must be undertaken prior to release and during a release as per the frequency stated.</div></div> <div><div>g)</div><div>All monitoring devices must be correctly calibrated and maintained.</div></div>													
WT3	Monitoring of contaminant releases to waters must be undertaken in accordance with condition WT2 and records of the results must be kept.												
WT4	In addition to WT2, the release to waters must not: <div><div>a)</div><div>have any other properties at a concentration that is capable of causing environmental harm</div></div> <div><div>b)</div><div>produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.</div></div>												
WT5	Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.												
Agency interest: Noise													
Condition number	Condition												
N1	Noise from the activity must not exceed the levels identified in <i>Table 2—Noise limits</i> when measured in accordance with the associated monitoring requirements. Table 2—Noise limits <table><tr><td rowspan="2">Noise level dB(A) measured as</td><td colspan="3">Monday to Sunday including public holidays</td></tr><tr><td>7am - 6pm</td><td>6pm - 10pm</td><td>10pm - 7am</td></tr><tr><td></td><td colspan="3">Noise measured at a sensitive place</td></tr></table>		Noise level dB(A) measured as	Monday to Sunday including public holidays			7am - 6pm	6pm - 10pm	10pm - 7am		Noise measured at a sensitive place		
Noise level dB(A) measured as	Monday to Sunday including public holidays												
	7am - 6pm	6pm - 10pm	10pm - 7am										
	Noise measured at a sensitive place												



	<table><tr><td>L_{Aeq, adj, T}</td><td>45</td><td>35</td><td>30</td></tr></table>	L _{Aeq, adj, T}	45	35	30
L _{Aeq, adj, T}	45	35	30		
	<p>Associated monitoring requirements</p> <ol style="list-style-type: none">1) All monitoring devices must be correctly calibrated and maintained.2) Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.3) Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.				
N2	<p>When required by the administering authority, noise monitoring must be undertaken in accordance with the associated monitoring requirements of <i>Table 2—Noise Limits</i>, and the results notified within 14 days to the administering authority. Monitoring must include:</p> <ol style="list-style-type: none">a) L_{Aeq, adj, T}b) Background noise (Background) as L_{A90, adj, T}c) MaxL_{pA, T}d) the level and frequency of occurrence of any impulsive or tonal noisee) atmospheric conditions including wind speed and directionf) effects due to extraneous factors such as traffic noiseg) location, date and time of recording.				
N3	Blasting or the generation of substantial low frequency noise is not permitted.				
Agency interest: Land					
Condition number	Condition				
L1	<p>Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:</p> <ol style="list-style-type: none">a) suitable species of vegetation for the location are established and sustained for earthen surfacesb) potential for erosion is minimisedc) the quality of water, including seepage, released from the site does not cause environmental harmd) potential for environmental nuisance caused by dust is minimisede) the water quality of any residual water body does not have potential to cause environmental harmf) the final landform is stable and protects public safety.				
L2	Rehabilitation of disturbed areas required under condition L1, must take place progressively as works are staged and new areas of extraction are commenced.				

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Agency interest: Waste	
Condition number	Condition
WS1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.

Definitions

Key terms and/or phrases used in this document are defined in this section. Applicants should note that 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 successors or predecessors.

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

Background means noise, measured in the absence of the noise under investigation, as $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90% 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.

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

$L_{Aeq,adj,T}$ 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.

Land does not include **waters**.

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.

Measures have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

NATA means National Association of Testing Authorities.

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

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

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

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Environmental authority EPPR03407715

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 2019.

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, 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 noise sensitive place exceeding 55 dB(Z).

Watercourse means a watercourse as defined under Schedule 4 of the *Environmental Protection Act 1994*, and which aligns with a watercourse on the vegetation management watercourse and drainage features map prescribed under the *Vegetation Management Act 1999*.

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.

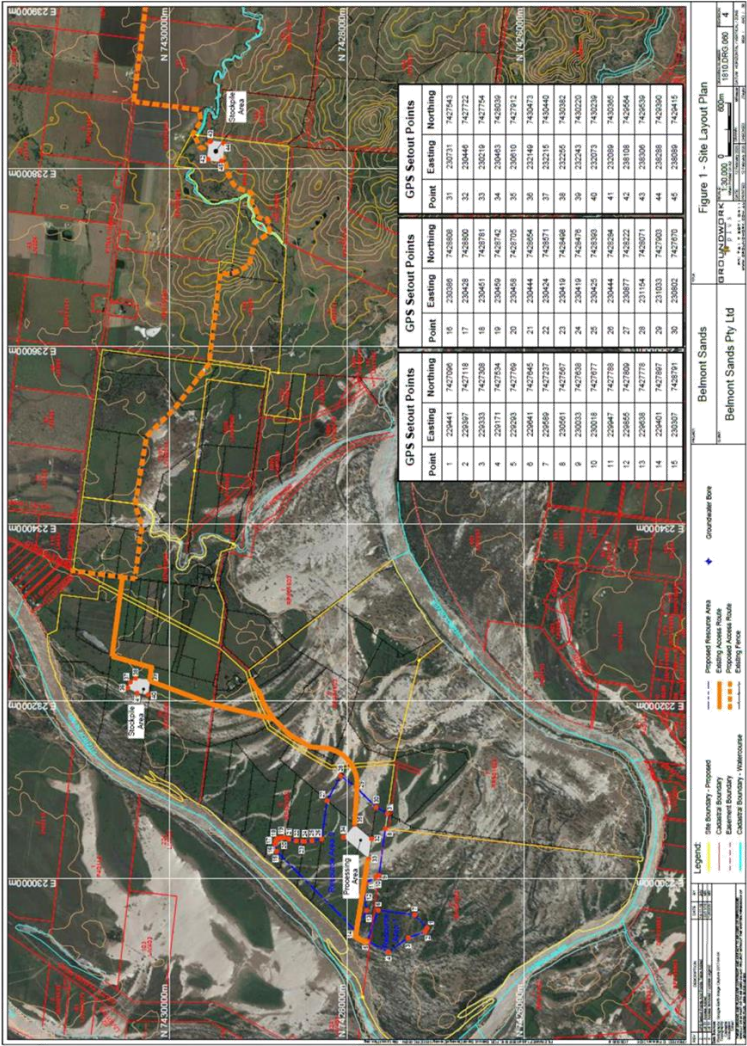
You means the holder of the environmental authority.

24 hour storm event with an average recurrence interval of 1 in 5 years means the maximum rainfall depth from a 24-hour duration precipitation event with an average recurrence interval of once in 5 years. For example, an Intensity–Frequency–Duration table for a 24-hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 8.2mm/hour. The rainfall depth for this event is therefore 24 hour x 8.2mm/hour = 196.8mm.

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Environmental authority EPPR03407715

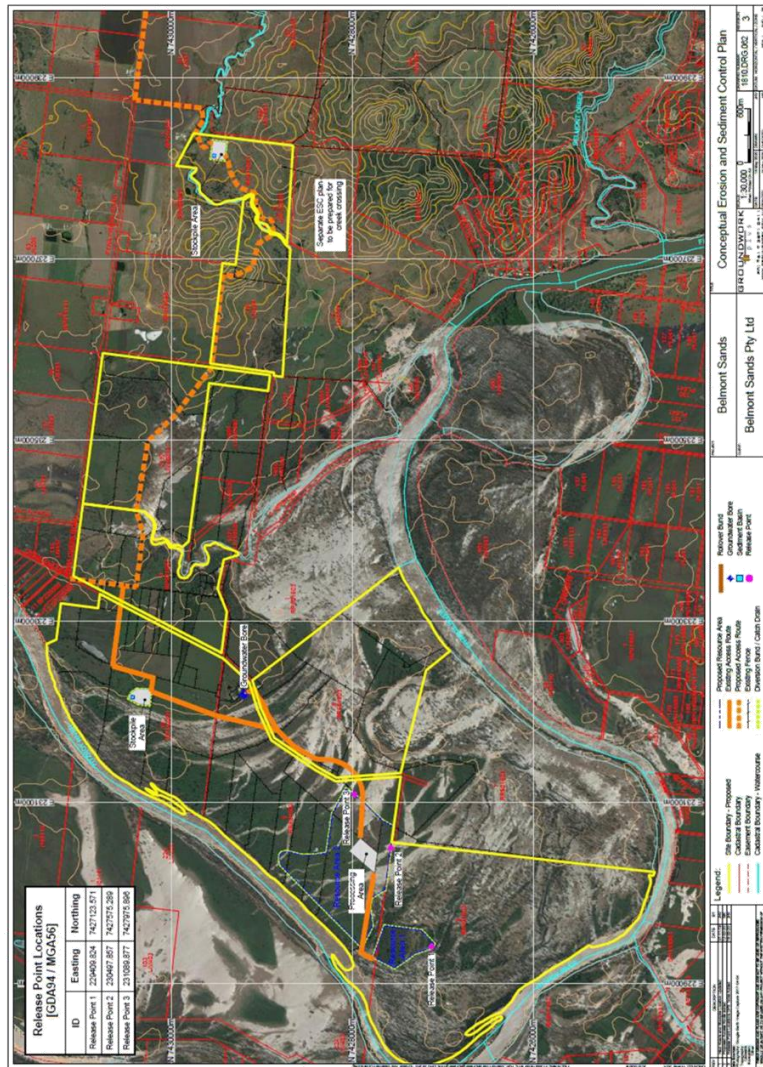
Appendix 1



Permit

Environmental authority EPPR03407715

Appendix 2



Permit

Environmental authority EPPR03407715

END OF ENVIRONMENTAL AUTHORITY

**11.15 - CHANGE APPLICATION
(OTHER CHANGE) FOR A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE OF
PREMISES FOR AN EXTRACTIVE
INDUSTRY FOR SAND AND GRAVEL
AND ASSOCIATED ACTIVITIES AND A
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ENVIRONMENTALLY RELEVANT
ACTIVITY, ETNA CREEK ROAD AND
MELDRUM ROAD, ETNA CREEK**

Planning Scheme Code Assessment

Meeting Date: 16 February 2021

Attachment No: 7

Planning Scheme Code Assessment with officer assessment responses – D-174-2015

Change application (other change) for a Development Permit for a Material Change of Use of premises for an Extractive industry for sand and gravel and associated activities and a Material Change of Use of premises for a Concurrence Environmentally Relevant Activity on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Etna Creek

Rural zone code

The purpose of the Rural zone code is:

- (1) *to identify the desired character and amenity for the zone and to protect it from incompatible development;*
- (2) *to provide predominantly for a wide range of uses from within the rural activities group, particularly those involved in primary production, and to protect these from land use conflict that may result from the development of sensitive land use and other non-rural uses;*
- (3) *to protect or manage significant natural resources and processes to maintain the capacity for primary production;*
- (4) *to provide for the development of a limited range of other uses that are compatible with rural areas and rural activities, where they do not limit or compromise the potential for the development of uses involved in primary production;*
- (5) *to establish two precincts within the zone where particular development outcomes are specified, and the precincts are identified as follows:*
 - (a) *the Capricorn Coast Rural Precinct;*
 - (b) *the Yaamba Historic Township Precinct; and*
- (6) *to facilitate the achievement of the overall outcomes sought for the zone.*

The purpose of the rural zone code is achieved through the following overall outcomes:

- (1) *the development is:*
 - (a) *a use within the rural activities group; or*
 - (b) *a use which:*
 - (i) *is compatible with and supports a use within the rural activities group; or*
 - (ii) *does not limit or compromise the development of a use within the rural activities group on an adjoining rural zoned lot;*
- (2) *the development of a use from within the rural activities group is a preferred use within the zone in the following circumstances:*
 - (a) *it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and*
 - (b) *the use:*
 - (i) *is animal husbandry; or*
 - (ii) *is animal keeping; or*
 - (iii) *is aquaculture; or*
 - (iv) *is cropping; or*
 - (v) *is extractive industry; or*
 - (vi) *is intensive animal industry; or*
 - (vii) *is intensive horticulture; or*
 - (viii) *is a permanent plantation; or*
 - (ix) *is a roadside stall; or*
 - (x) *is a rural industry; or*
 - (xi) *is a wholesale nursery; or*
 - (xii) *is a winery; and*
- (3) *the development of a use from within the accommodation activities group occurs within the zone only in the following circumstances:*
 - (a) *it is ancillary to the use of the land for a use within the rural activities group;*
 - (b) *it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;*

- (c) *it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group;*
- (d) *it is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity; and*
- (e) *the use:*
 - (i) *is a caretaker's accommodation; or*
 - (ii) *is a dwelling house; or*
 - (iii) *is a dwelling unit; or*
 - (iv) *is a home based business; or*
 - (v) *is rural worker's accommodation;*
 - (vi) *is short-term accommodation (being a farm stay);*
- (4) *the development of other non-rural uses occur within the zone only in the following circumstances:*
 - (a) *the use:*
 - (i) *is compatible with development in the immediate area; or*
 - (ii) *has characteristics which tie it to a specific natural resource; or*
 - (iii) *requires large area of land that is not available in an area zoned for urban activities; and*
 - (b) *it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; and*
 - (c) *it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and*
 - (d) *it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and*
 - (e) *it is located at a site adjoining an appropriate road in the planning scheme road hierarchy; and*
 - (f) *the use:*
 - (i) *is within the business activities group and is:*
 - (A) *bulk landscape supplies; or*
 - (B) *a garden centre; or*
 - (C) *veterinary services; or*
 - (ii) *is within the recreation activities group and is:*
 - (A) *an environment facility; or*
 - (B) *outdoor sport and recreation; or*
 - (C) *a park; or*
 - (iii) *is within the special activities group and is:*
 - (A) *is emergency services; or*
 - (B) *a landing; or*
 - (C) *a transport depot containing no more than four (4) vehicles; or*
 - (D) *other uses within the special activities group if they are an essential component of infrastructure servicing the community; and*
- (5) *the development is compatible with a form that is characterised by:*
 - (a) *development on lots which have appropriate areas and dimensions relative to the quality and potential of the land to be developed for uses from within the rural activities group, particularly those involved in primary production;*
 - (b) *buildings and structures having a height designed relative to the operational needs of the use, characteristics of the location, and the surrounding land use;*
 - (c) *use of vegetation screening, separation distances and buffering to manage impacts between adjoining land use;*
 - (d) *protection of a reasonable level of visual amenity when viewed from the street and public places; and*
 - (e) *development being appropriately integrated with any large tracts and corridors of remnant vegetation and habitat, and any State or local significant vegetation, habitat, wetlands or waterways, so as to protect landscape values and natural environment values; and*
- (6) *land that is identified as Agricultural Land Class A or Class B:*

- (a) *is retained for development that is unlikely to limit or compromise the capacity of the land to be used for primary production;*
 - (b) *is protected from fragmentation due the creation of inappropriate lot sizes for the location;*
 - (c) *is protected from inappropriate and incompatible development, unless:*
 - (i) *there is a proven overriding need in terms of public benefit for the development and no other site is suitable for that particular development; or*
 - (ii) *the development is small-scale, has low impacts and is focussed on tourism which is directly associated with a rural activity undertaken on the site or involves education, promotion, or sales associated with primary produce sourced from the site or local area; or*
 - (iii) *the potential undertaking of agriculture on the subject land (alone or in association with surrounding land) is not practicable; and*
- (7) *development maximises the potential to undertake uses from within the rural activities group by retaining lots in a suitable size and shape ((unless there is a demonstrated need adjacent to an identified township in accordance with Overall Outcome (7)(c) or if located in the Capricorn Coast Rural Precinct)) as specified in the minimum lot sizes and dimensions of the reconfiguration of a lot code and in this code as follows:*
- (a) *a minimum area of sixty (60) hectares only where located upon land identified as being entirely within Agricultural Land Class A or Class B; or*
 - (b) *a minimum area of one-hundred and fifty (150) hectares where located upon land that is not as being entirely within Agricultural Land Class A or Class B;*
 - (c) *a minimum area of two (2) hectares where located adjacent to the township of Cawvarral, Mount Chalmers, or The Caves, and all of the following circumstances exist:*
 - (i) *the site is not located within the Capricorn Coast Rural Precinct or is not located within land identified as Agricultural Land Class A or Class B; and*
 - (ii) *the site is not included in, or within five (5) kilometres of land designated as urban, new urban, or future urban as shown on the Strategic Framework maps; and*
 - (iii) *the new lots do not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; and*
 - (iv) *it can be demonstrated that there is a need for additional supply of lots within a five (5) kilometre radius of the township zone; and*
 - (v) *the site is in proximity to primary school or a bus route; and*
 - (vi) *each new lot created has regular proportions; and*
 - (vii) *lots that adjoin rural zoned land are provided with adequate additional internal areas to provide separation and buffer areas; and*
 - (viii) *new lots do not take direct access from a State main road; and*
 - (ix) *a sufficient minimum number of lots is proposed in the one estate; and*
 - (x) *the land is capable of adequately providing for the on-site treatment and disposal of effluent and wastewater (where reticulated municipal sewerage is unavailable); and*
 - (xi) *the following infrastructure and services are provided:*
 - (A) *a bitumen sealed road of a suitable standard;*
 - (B) *approved municipal water supply; and*
 - (C) *electricity and telecommunications; and*
- (8) *the development does not compromise the use of declared stock routes;*
- (9) *the development is provided with adequate infrastructure and essential services; and*
- ...

The proposed development is for an extractive industry which is a use within the rural activities group and is a preferred use within the zone as per overall outcome (2)(b). The proposed development has been designed and located to minimise adverse impacts on sensitive land uses as per overall outcome (2)(a).

The following is an assessment of the proposal against the specific benchmarks of the Rural zone code, which includes an assessment of the development against the relevant acceptable outcomes/performance outcomes of the code.

Table 6.5.4.4.1 —Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		

Performance outcomes	Acceptable outcomes	Assessment response
Land use		
If a use within the accommodation activities group		
PO1 The development of a use within the accommodation activities group: <ul style="list-style-type: none"> (a) does not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; (b) does not limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and (c) is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity. 	AO1.1 The habitable buildings of a use from within the accommodation activities group are set back from side property boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) fifty (50) metres; or (b) if there is an established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (c) if there is no established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, of 0.25 of a metre per one (1) metre of the total lot width at that point on the lot. 	AO1.1 - Not applicable
	AO1.2 The habitable buildings of a use within the accommodation activities group are set back from rear property boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) fifty (50) metres; or (b) if there is an established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (c) if there is no established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, of 0.25 of a metre per one (1) metre of the total lot depth at that point on the lot. 	AO1.2 - Not applicable
	AO1.3 The habitable buildings of a use within the accommodation activities group are set back from road frontage property boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) twenty (20) metres; or (b) if there is an established use from within the rural activities group located on a lot on the opposite side of the road, a distance from the road frontage boundary, which complies with the minimum separation distances specified in 	AO1.3 - Not applicable

Performance outcomes	Acceptable outcomes	Assessment response
	Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	
If a use within the rural activities group		
PO2 The development of a use within the rural activities group is designed, sited and operated to minimise significant adverse impacts on sensitive land use.	AO2.1 The development of a use within the rural activities group complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	AO2.1 - Complies The proposed stockpile area and internal haul route are located more than 1 kilometre from the nearest sensitive land use. The separation distances for the proposed development comply with Table SC4.1.1 of Schedule 4.
If a roadside stall		
PO3 The roadside stall: <ul style="list-style-type: none"> (a) is small in scale; (b) does not impact on the amenity of adjoining land uses and the surrounding area; (c) does not adversely affect the safety and efficiency of the road network; (d) is ancillary to the farming use conducted on the same site; and (e) sells only fresh produce grown locally. 	AO3.1 Any structure used for a roadside stall: <ul style="list-style-type: none"> (a) has a maximum floor area of twenty (20) square metres; and (b) is located entirely within the property and not on the road reserve. 	AO3.1 - Not applicable
	AO3.2 Site access, car parking and storage areas: <ul style="list-style-type: none"> (a) are located entirely within the property and not on the road reserve; and (b) use the same driveway as the primary property access. 	AO3.2 - Not applicable
Built form		
PO4 The height of buildings and structures are consistent with the rural character of the locality and the reasonable expectations as to the operational needs of the use, and they do not adversely impact the character or amenity of the streetscape, adjoining sites or the immediate area.	AO4.1 The height of buildings does not exceed twelve (12) metres above ground level (excluding silos and similar structures that are ancillary to the operations of a use within the rural activities group).	AO4.1 - Complies The proposed development does not propose any new built form which has not already been assessed and approved by Council.
	AO4.2 The height of structures does not exceed twenty-five (25) metres above ground level.	AO4.2 - Complies The proposed development does not propose any new built form which has not already been assessed and approved by Council. No structures exceed 25m above ground level.
PO5 The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: <ul style="list-style-type: none"> (a) minimisation of potential sources of nuisance; (b) prevention of overshadowing of habitable buildings of any 	AO5.1 Buildings and tall rural activity structures (such as silos and the like) are setback from side, rear and road frontage property boundaries in accordance with the following: <ul style="list-style-type: none"> (a) for a building or structure having a height up to and including 4.5 metres, a minimum setback of twenty (20) metres; or 	AO5.1 - Complies All buildings and operational areas are setback from the side rear and road frontage boundaries in excess of the requirements stipulated in AO5.1.

Performance outcomes	Acceptable outcomes	Assessment response
sensitive land use on adjoining lots; and (c) prevention of overshadowing of public places.	(b) for a building or structure having a height greater than 4.5 metres, a minimum setback of twenty (20) metres plus 0.3 of a metre for every additional metre in height over 4.5 metres.	
Where located in the Yaamba Historic Township Precinct – PO6 – PO10not applicable		

Table 6.5.4.4.2 — Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Where located in all areas of the zone (excluding the Capricorn Coast Rural Precinct and excluding the Yaamba Historic Township Precinct)		
Land use		
PO11 The use contributes to the development of the rural zone which is comprised of the following: (a) preferred uses for the zone (as identified in the overall outcomes for the zone); or (b) uses within the accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone); or (c) other uses that are not within the rural activities group or accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone).	No acceptable outcome is nominated.	PO11 - Complies The use is a preferred use for the zone (rural activity) as identified in overall outcome (2)(b).
Where located in the Capricorn Coast Rural Precinct – PO12 not applicable		
Where located in the Yaamba Historic Township Precinct - PO13-PO15 not applicable		
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		
PO16 The development of a use within the rural activities group is designed and operated at an appropriate scale and intensity relative to the capacity of water resources and soil to sustain the development activity in an environmentally responsible manner.	No acceptable outcome is nominated.	PO16 - Complies The development is not a water intensive or soil intensive use. The development has an approval for an environmentally relevant activity / Environmental Authority licence which includes conditions relating to water use.
PO17 The development of a use within the rural activities group or a use being veterinary services, where involving the boarding, accommodation, care, training, holding, keeping, production, or cultivation of animals and the like, ensures that the animals are confined within the site in secure fencing or other enclosures, and these confinements are sited, designed and managed in a manner which achieves the following: (a) accepted best practice for the welfare of animals; (b) prevention of the escape of animals;	No acceptable outcome is nominated.	PO17 – Not applicable The development is not for a rural use involving animals.

Performance outcomes	Acceptable outcomes	Assessment response
(c) best practice for the hygienic confinement of animals; and (d) minimal nuisance beyond the site boundaries by way of noise and odours produced by the animals.		
PO18 The use does not result in land and water quality degradation (above ground and underground) due to the following: (a) movement of sediment, nutrients, pathogens, and pollutants; or (b) the handling, treatment and disposal of solid and liquid waste.	No acceptable outcome is nominated.	PO18 - Complies in part Conditions have been recommended to ensure that the proposed internal haul route does not increase sediment and erosion run-off, particularly where the haul route crosses waterways and creeks which are prone to flooding. Upgrades to the level bed creek crossings are required to ensure they are trafficable for heavy vehicles.
PO19 The use: (a) avoids unnecessary clearing of native vegetation and habitat; and (b) minimises major earthworks.	No acceptable outcome is nominated.	PO19 - Complies The proposed development does not require unnecessary clearing of native vegetation or extensive earthworks.
If an extractive industry		
PO20 To the extent practicable, scarred areas of the natural landscape resulting from extractive industry are screened from view of public roads, prominent public viewer places and neighbouring properties.	AO20.1 A densely vegetated buffer area having a minimum depth from the property boundary of twenty (20) metres is located along all boundaries of the site (excluding access points), and the buffer area contains vegetation having a foliage height and density capable of visually screening scarred areas of land when viewed from public roads, prominent public viewer places and neighbouring properties.	PO20 - Complies The proposed stockpile area is screened from view by existing vegetation located along the banks of Etna Creek. The stockpile area will not be visible from Etna Creek Road or residential properties along Etna Creek Road to the north due to the existing vegetation along the creek which acts as a buffer. Land to the south comprises large open rural paddocks and does not require further buffering as there is a very low risk of visual impacts to the south, east and west of the stockpile area. Screening for the extractive industry area has already been assessed by Council as part of the original application. No further screening of the development is required as part of this change application.
PO21 Rehabilitation of the site occurs over the life of the project and the development is undertaken in accordance with a management plan which satisfies Council that premises that will be safe and useable upon completion and the following actions will be appropriately undertaken: (a) progressive rehabilitation works at the site; (b) appropriate clean-up works (including areas of possible soil or water contamination); (c) provision of stable and usable final landform and soil profiles; and (d) revegetation of the site using suitable native species.	No acceptable outcome is nominated.	PO21 - Complies Management procedures requiring the rehabilitation of the site over the life of the development are detailed in the Environmental Management Plan which is a referenced document in the decision notice. Rehabilitation works will be undertaken progressively and in tandem with the extraction program. Profiling of the final landform shall be carried out to facilitate drainage.

Performance outcomes	Acceptable outcomes	Assessment response
PO22 Noise generating activities occur at times that are unlikely to result in unreasonable disturbance to sensitive land use.	AO22.1 Significant noise generating activities such as blasting, crushing, grinding, milling, loading or similar only occur between the hours of 9:00 and 17:00. AO22.2 Noise generating activities (other than those listed in AO22.1) only occur between the hours of 06:00 and 18:00.	PO22 – Complies The decision notice includes a general condition for the operation of the use, being: (i) 0600 hours to 1800 hours Mondays to Saturdays (not including public holidays); and (ii) No operations on Sundays or Public Holidays The hours of operation do not form part of this change. All noise generating activities are located an appropriate distance from sensitive land uses and will not result in an unreasonable disturbance to these places.
If a transport depot PO23 – Not applicable		
Where located within Agricultural Land Class A and Class B identified on an overlay		
PO24 Land that is identified as Agricultural Land Class A or Class B is developed only in the following circumstances: (a) it is for a land use from within the rural activities group, which does not limit or compromise the capacity of the land to be used for primary production; or (b) it is for a land use that is not within the rural activities group, which is not irreversible, and which does not limit or compromise the capacity of the land to be used for primary production; or (c) it is proven that the land should not actually be identified as Agricultural Land Class A or Class B; or (d) other than in the Capricorn Coast Rural Precinct, it does not result in the creation of a lot having an area less than sixty (60) hectares and a width less than 450 metres; or (e) it is for a land use that is not within the rural activities group and there is an overriding need in terms of public benefit for the development and that the development cannot be located on alternative sites that are suitable for the development; or (f) the land is identified as Key Resource Area; or (g) the development is small-scale, has low impacts and is focussed on tourism which is directly associated with a rural activity undertaken on the site or involves education, promotion, or sales associated with primary produce sourced from the site or local area; or (h) the potential undertaking of agriculture on the subject land (alone or in association with	No acceptable outcome is nominated.	PO24 – Complies Land within the Agricultural land class A or B is only proposed to be used as an internal haul route for the extractive industry. No physical development or operations are proposed which limit or compromise the capacity of the land to be used for primary production.

Performance outcomes	Acceptable outcomes	Assessment response
surrounding land) is not practicable.		
Where located adjacent to the township of Cawarral, Mount Chalmers, or The Caves PO25 – Not applicable		
Appearance		
PO26 The development is designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area.	No acceptable outcome is nominated.	PO26 - Complies The internal haul route is located within large rural properties and will not significantly impact the visual amenity of the surrounding area. The application will be conditioned to ensure dust suppression measures (outlined in the EMP) are implemented during the course of the operation of the use to further ensure there are no significant adverse impacts generated.
Stock routes		
PO27 The development does not limit or compromise the use of identified stock routes for stock movement or other compatible uses.	No acceptable outcome is nominated.	PO27 – Not applicable There are no stock routes within proximity of the development.
Infrastructure		
PO28 Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.	AO28.1 The development complies with the requirements of the Development Works Code.	AO28.1 – Complies The development complies or can be conditioned to comply with the Development Works Code.
Where located in the Yaamba Historic Township Precinct PO29 and PO30 - Not applicable		

As evident from the above assessment, the proposal complies with the various requirements of the Rural zone code.

Water resources areas overlay code

The purpose of the Water resources areas overlay code is to ensure that development of land within water resource areas is managed to protect the water quality of the water supply.

The purpose of the code is achieved through the following overall outcomes:

- (1) *water quality within water resource areas is not adversely affected by development or the effects of development;*
- (2) *management of development contributes to the maintenance and protection of water quality in water resource areas by preventing contaminants, sedimentation and solid or liquid waste from entering surface water or groundwater; and*
- (3) *the physical integrity of waterways, wetlands, lakes, springs, riparian areas and natural ecosystems that support water quality are protected.*

The following is an assessment of the proposal against the specific benchmarks of the Water Resource Areas Overlay code, which includes an assessment of the development against the relevant performance outcomes of the code.

Table 8.2.11.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	
Land use		
PO1 Development is located and constructed to reduce real and potential adverse impacts on water quality within the water resource area.	AO1.1 Development is located outside the horizontal separation distances specified in Table 8.2.11.4.3.	AO1.1 - Complies The change to the existing approval does not propose any new uses or use areas within the water resource areas overlay. The approved resource processing areas are located within the Water Resource Area. The potential impacts and risks have already been assessed in as part of the original application.
	AO1.2 Excavation and uncompacted filling not associated with building works does not exceed 0.5 metre in depth and ten (10) cubic meters in volume.	AO1.2 - Complies The change to the existing approval does not propose any new uses or use areas within the water resource areas overlay. The approved resource processing areas are located within the Water Resource Area. The potential impacts and risks have already been assessed in as part of the original application.
	AO1.3 Development other than a dwelling house or dual occupancy does not include on-site burial or incineration of waste and all waste is stored and collected by a licensed contractor.	AO1.3 – Complies The existing approval and proposed change to the approval does not include on-site burial or incineration of waste.
PO2 The siting, installation and operation of on-site sewerage or wastewater systems: (a) ensures that all elements of the facility are contained within the property boundaries; and (b) provision is made for failure of the facility.	AO2.1 In addition to compliance with the minimum requirements of the Queensland Plumbing and Wastewater Code, an on-site wastewater treatment system for a dwelling house must include: (a) emergency storage capacity of 1,000 litres and adequate buffering for shock loading/down time; (b) a reserve land application area of 100 per cent of the effluent irrigation design area; (c) land application areas that are vegetated; (d) the base of the land application field is at least two (2) metres above the seasonal high water table/bedrock (whichever is the	AO2.1 - Not applicable The development does not include a wastewater treatment system for a dwelling house.

Performance outcomes	Acceptable outcomes									
	<p>closest to the base of the application area); and</p> <p>(e) wastewater collection and storage systems must have capacity to accommodate full load at peak times.</p>									
	<p>AO2.2</p> <p>In addition to compliance with the minimum requirements of the Queensland Plumbing and Wastewater Code, an on-site wastewater treatment system for development other than a dwelling house must include emergency storage capable of holding three (3) to six (6) hours peak flow of treated effluent in the event of emergencies/overload with provision for de-sludging.</p> <p>Editor's notes:</p> <p><input type="checkbox"/> The site and soil evaluation process in the Queensland Plumbing and Wastewater Code (2011) is used to determine suitability for an on-site sewerage or wastewater facility and the land requirements of the facility to achieve acceptable outcome for separation distances.</p> <p>Council may require covenant areas to be identified for each lot to identify separation distance restrictions.</p>	<p>AO2.2 – Complies</p> <p>Conditions have been included in the original decision package which require on-site sewerage to be provided in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies. Further permits are required for plumbing and drainage works prior to commencement of plumbing and drainage works.</p>								
<p>PO3</p> <p>Development minimises impacts on riparian vegetation within water resource areas.</p>	<p>AO3.1</p> <p>Riparian vegetation is not cleared or disturbed within the riparian vegetation protection distances specified in the following table.</p> <table><tr><th>Location</th><th>Minimum riparian vegetation protection distance</th></tr><tr><td>Top of the bank of a waterway classified as stream order one or stream order two</td><td>Ten (10) metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order three or stream order four</td><td>Twenty-five (25) metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order five or higher order</td><td>Fifty (50) metres</td></tr></table>	Location	Minimum riparian vegetation protection distance	Top of the bank of a waterway classified as stream order one or stream order two	Ten (10) metres	Top of the bank of a waterway classified as stream order three or stream order four	Twenty-five (25) metres	Top of the bank of a waterway classified as stream order five or higher order	Fifty (50) metres	<p>AO3.1 – Complies</p> <p>The proposed change to the existing approval does not result in riparian vegetation clearing within a water resource area.</p>
Location	Minimum riparian vegetation protection distance									
Top of the bank of a waterway classified as stream order one or stream order two	Ten (10) metres									
Top of the bank of a waterway classified as stream order three or stream order four	Twenty-five (25) metres									
Top of the bank of a waterway classified as stream order five or higher order	Fifty (50) metres									

Table 8.2.11.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	
Land use		
PO4	AO4.1	AO4.1 - Complies

Performance outcomes	Acceptable outcomes	
Development and associated activities in the rural zone are managed in a sustainable manner and ensure that water quality is protected.	No movement of sediment or nutrients takes place beyond the boundaries of the site.	The development will not result in the movement of sediment or nutrients beyond the boundaries of the site. Conditions have been included which require the development to ensure compliance with the submitted EMP and to submit further information regarding water quality, erosion and sediment control measures as part of a future operational works application.
	AO4.2 Fertilisers, treated wastewater and soil conditioners are placed in soils before mulching and not via surface spreading following planting.	AO4.2 – Not applicable
PO5 Development protects and retains riparian vegetation adjacent to waterways, watercourses and water storage areas.	AO5.1 Riparian vegetation is retained.	AO5.1 - Complies Riparian vegetation is retained and not proposed for clearing as part of this application.
	AO5.2 Riparian areas are fenced to restrict stock access.	AO5.2 – Not applicable The development is not an agricultural use. The haul route is proposed to use existing internal farm tracks.
PO6 The capture of solid or liquid waste from all land use, development and activities is designed, constructed and managed to prevent the release of contaminants to surface water or groundwater bodies.	AO6.1 Run-off and sediment from roadways and impervious surfaces are intercepted and treated on-site to remove oil, grease, chemicals, silt, trace metals and nutrients such as nitrogen and phosphorous. AO6.2 Management, handling and storage of substances (including fuelling) must be undertaken in secured, climate controlled, weather proof (roofed), level and bunded enclosures. AO6.3 Holding tanks are used for all liquid waste and provide for the separation of oils/solvents and solids prior to pump-out and collection by a licenced contractor.	AO6.1 - Complies No new impervious areas are proposed by this change application. Run-off from the proposed new road will be captured in table drains. AO6.2 – not applicable AO6.3 – not applicable
Reconfiguring a lot PO7 and PO8– Not applicable		

As evident from the above assessment, the proposal complies with the various requirements of the Water resources areas overlay code.

Biodiversity overlay code

The purpose of the Biodiversity overlay code is to identify, protect, enhance and rehabilitate areas containing matters of environmental significance and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems.

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

- (1) *matters of environmental significance and corridors which link them are identified, protected, enhanced and rehabilitated to maintain ecological processes and biodiversity;*
- (2) *nature corridors or links are maintained and where appropriate, rehabilitated and expanded to support:*
 - (a) *the natural movement and proliferation of native species;*
 - (b) *ecological responses to climate change;*
 - (c) *the maintenance of large scale migratory lifecycle processes; and*
 - (d) *connectivity between significant habitat areas and areas of remnant vegetation;*
- (3) *development does not cause significant adverse impacts on areas containing matters of environmental significance, by appropriately addressing impacts on issues including but not limited to the following:*
 - (a) *species or habitat loss or disturbance, including terrestrial and aquatic wildlife corridors;*
 - (b) *soil degradation, pollution, erosion, contamination, acidification or salinization;*
 - (c) *modification to natural processes; and*
 - (d) *reduction in water quality, ecological values and the natural hydrological regimes of surface and ground waters;*
- (4) *development maintains or increases the resilience of ecosystems and wildlife habitats to threatening processes, including the impacts of climate change; and*
- (5) *development facilitates land tenure and other management arrangements for the long-term conservation of environmentally significant areas, ecological processes and biodiversity values.*
- (6) *corridors and associated buffers have dimensions which suitably provide for:*
 - (a) *movement of native fauna;*
 - (b) *viable habitat areas;*
 - (c) *minimisation of edge effects;*
 - (d) *maintenance of the hydrological functions of waterways or wetlands;*
 - (e) *appropriate access for sustainable recreation; and*
 - (f) *any additional maintenance and bushfire setback functions to be located outside the areas required for ecological purposes;*
- (7) *fragmentation of existing habitat areas is minimised, particularly where it impacts on the future health of populations of native fauna and flora species.*

The following is an assessment of the proposal against the specific benchmarks of the Biodiversity Hazard Overlay Code, which includes an assessment of the development against the relevant performance outcomes of the code.

Performance outcomes	Acceptable outcomes	Assessment response
Land use		
PO1 In areas identified as having matters of environmental significance, all uses are located, designed and operated to: <ol style="list-style-type: none"> (a) retain and protect significant environmental values; and (b) maintain the underlying ecological functions and biophysical processes of the site and surrounds. 	No acceptable outcome is nominated. Editor's note: Schedule SC7.5 identifies the primary attributes included in areas containing matters of State environmental significance. Site-specific investigation will be required to confirm the extent and nature of values indicated on the overlay map.	PO1 - Complies The Ecology Assessment submitted by the applicant confirms the development does not impact on matters of environmental significance. The additional information submitted by the applicant in response to Council's Request for Further Information demonstrates how the development can be managed to minimise water quality impacts associated with the proposed internal haul route. The development retains and protects significant environmental values and will maintain underlying ecological functions and biophysical processes.
Native vegetation and habitat		

Performance outcomes	Acceptable outcomes	Assessment response
<p>PO2 Development retains and regenerates native vegetation in such a way as to:</p> <ul style="list-style-type: none"> (a) retain vegetation that is in patches of greatest size and smallest possible edge-to-area ratio; (b) maximise the linkages between vegetation located on the subject site; (c) maximise linkages between vegetation located on adjacent properties within the biodiversity network; allow the dispersal or movement through biodiversity corridors; and (d) protect riparian vegetation in and adjacent to watercourses. <p>Editor's note: Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.</p> <p>Editor's note: Development applications proposed in areas identified as having matters of environmental significance that prepare all relevant material in accordance with Schedule SC7.5 Environmental Management Planning Scheme Policy, will assist in demonstrating achievement of these performance outcomes.</p>	No acceptable outcome is nominated.	<p>PO2 - Complies</p> <p>The proposed access tracks for the haulage route propose to use existing farm tracks and level bed waterway crossings to minimise the extent of clearing required by the proposed change to the approval. In addition, the proposed stockpile area is located within an existing cleared area of the property.</p> <p>Further, an ecology assessment has been submitted with the application which demonstrates compliance with this element of the code.</p>
<p>PO3 Development retains, protects and enhances areas of habitat that support a critical life stage in ecological process such as feeding, breeding or roosting for the identified species.</p> <p>Editor's note: Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.</p> <p>Editor's note: Development applications lodged with Council must identify all species listed that are present within or adjacent to the premises and habitats that may be affected by the proposal. In particular applications are to identify and describe how the development protects or enhances wildlife habitat at any critical life stage ecological processes within or adjacent to the development area. This should be reflected in an ecological assessment report prepared in accordance with the Schedule SC7.5.</p>	No acceptable outcome is nominated.	<p>PO3 - Complies</p> <p>The proposed access tracks for the haulage route propose to use existing farm tracks and level bed waterway crossings to minimise the extent of clearing required by the proposed change to the approval.</p> <p>An ecology assessment has been submitted with the application which demonstrates compliance with this element of the code.</p>
<p>PO4 Development protects existing biodiversity corridors and assists in</p>	AO4.1	<p>AO4.1 – Complies</p> <p>The proposed development does not create barriers to the movement of</p>

Performance outcomes	Acceptable outcomes	Assessment response
<p>the establishment of new corridors which have adequate dimensions and characteristics to support:</p> <p>(a) unimpeded movement of terrestrial and aquatic fauna that are associated with or are likely to use the biodiversity corridor as part of their normal life cycle evolutionary and genetic processes;</p> <p>(b) the natural change in distributions of species and connectivity between populations of species over long periods of time;</p> <p>(c) ecological responses to climate change;</p> <p>(d) maintenance of large scale seasonal/ migratory species processes and movement of fauna;</p> <p>(e) connectivity between large tracts and patches of native remnant vegetation and habitat areas; and</p> <p>(f) effective and continuous movement of terrestrial and aquatic fauna.</p>	<p>Development involving roads, pipelines, pedestrian access and in-stream structures:</p> <p>(a) does not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors; or</p> <p>(b) provides effective wildlife movement infrastructure in accordance with best practice which:</p> <p>(i) enables fauna to safely negotiate a development area; and</p> <p>(ii) separates fauna from potential hazards through the use of appropriate fencing.</p>	<p>fauna along or within biodiversity corridors.</p>
	<p>AO4.2</p> <p>Development ensures that biodiversity corridors have a sufficient width to protect habitat, minimise impacts from adjoining land use, and to enhance connectivity in accordance with the following:</p> <p>(a) regional corridors retain a width of at least five-hundred (500) metres; and</p> <p>(b) local corridors retain a width of at least fifty (50) metres.</p>	<p>AO4.2 - Complies</p> <p>The proposed development does not reduce the width of biodiversity corridors.</p>
Wetlands and waterways		
<p>PO5</p> <p>Development retains waterways and wetlands and avoids impacts on:</p> <p>(a) native riparian vegetation;</p> <p>(b) habitat;</p> <p>(c) ecological functions;</p> <p>(d) water quality; and</p> <p>(e) nature conservation values.</p>	<p>PO5.1</p> <p>A buffer surrounding a waterway or wetland is established and maintained free of development, the width of which is supported by an evaluation of the environmental values and functions and threats to matters of State or local environmental significance.</p> <p>Editor's note: The Queensland wetland buffer guideline, Department of Environment and Heritage, 2011 should be referred to when planning detailed buffer design to position development, determine any alternative buffer widths, and establish operating measures that avoid adverse impacts on a wetland.</p>	<p>PO5 - Complies</p> <p>The proposed change does not propose any new development within a buffer surrounding a waterway. The internal haul route is located along existing internal farm tracks and existing level creek bed crossings. No physical development (i.e. buildings, structures or outdoor operation areas) are proposed within a waterway buffer.</p>
<p>PO6</p> <p>Development does not cause land degradation near a waterway or wetland, including:</p> <p>(a) mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank</p>	<p>AO6.1</p> <p>Native vegetation is retained or where retention is unavoidable, it is reinstated within riparian areas and buffer areas.</p>	<p>AO6.1 - Complies</p> <p>The proposed development does not propose any removal of native vegetation. Relevant conditions requiring further permits if it is determined through operational works that vegetation will be cleared has been condition. Replanting and rehabilitation</p>

Performance outcomes	Acceptable outcomes	Assessment response
erosion, wind erosion, or scalding; and (b) loss or modification of chemical, physical or biological properties or functions of soil.		documentation is also required to be submitted.
	AO6.2 Foreshore areas are fenced to prevent stock access.	AO6.2 - Not applicable The development is not within a foreshore area.
	AO6.3 Riparian areas are fenced to limit stock access to a limited number of watering holes.	AO6.3 – Not applicable The fencing of riparian areas to prevent stock access is not applicable to the proposed development.
All matters of environmental significance		
PO7 All matters of environmental significance are identified and protected from significant adverse impacts associated with development. Editor's note – Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.	No acceptable outcome is nominated.	PO7 – Complies The proposed development has been designed and located to minimise adverse impacts on matters of environmental significance. The EMP submitted by the applicant details measures that can be implemented to minimise impacts. The EMP will be conditioned as part of this application to ensure compliance is maintained.
Hydrology		
PO8 Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.	No acceptable outcome is nominated.	PO8 – Complies The proposed stockpile area includes a sediment basin and perimeter binding or diversion drains to contain, treat and discharge treated waters in accordance with the requirements of the Environmental Authority licence. Further information regarding sediment and erosion control is required to be submitted as part of an amended EMP and a condition requiring RPEQ certification for the hydrological regime is nominated in the recommendation.
PO9 Development: (a) enhances or maintains the existing groundwater hydrological regime of all areas containing matters of environmental significance; (b) ensures that the water table and hydrostatic pressure in the area of environmental significance is returning to its natural state; and (c) does not result in ingress of saline water into freshwater aquifers.	No acceptable outcome is nominated	PO9 – Complies Refer to assessment response to PO8 above.
Ongoing management, construction and operation		
PO10 During the construction and operation of development, ongoing management, monitoring and maintenance is undertaken to ensure impacts on environmentally significant areas, biodiversity values and ecological processes, including	No acceptable outcome is nominated.	PO10 - Complies The applicant has submitted an Environmental Management Plan which addresses this element of the code. Conditions will be imposed which ensure ongoing management, monitoring and maintenance is

Performance outcomes	Acceptable outcomes	Assessment response
water quality and hydrology, are avoided or minimised.		undertaken to ensure impacts are avoided or minimised.
PO11 Development transfers into public ownership, or incorporates within a voluntary statutory covenant registered under the <i>Land Title Act 1994</i> , any land required for public access or for some other public purpose consistent with its ecological functions, including: <ul style="list-style-type: none"> (a) access for maintenance; (b) linking core and remnant habitat areas; and (c) land protecting water quality and ecological processes. 	No acceptable outcome is nominated.	PO11 – Not applicable
Rehabilitation		
PO12 Areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities. Editor's note: A rehabilitation plan supported by expert ecological advice prepared in accordance with Schedule SC7.5 will assist in demonstrating achievement of this performance outcome.	No acceptable outcome is nominated.	PO12 - Complies The EMP submitted by the applicant includes progressive rehabilitation measures for the use. The EMP is a referenced in the conditions of this approval to ensure the applicant carried out operations in accordance with these requirements.
Vegetation clearing		
PO13 Development avoids indiscriminate and unnecessary clearing of vegetation in order to protect: <ul style="list-style-type: none"> (a) the visual integrity of the natural landscape; (b) ecological features and processes that underpin biodiversity. 	AO13.1 Vegetation clearing: <ul style="list-style-type: none"> (a) does not occur; or (b) where it cannot be avoided, is carried out in accordance with the Development Works Code. 	PO13 – Complies The minor clearing work which is proposed by the change application will be conditioned to be carried out in accordance with the requirements of the Development Works Code.
PO14 Development retains and protects locally significant species, including but not limited to the following: <ul style="list-style-type: none"> (a) <i>Cycas ophiolitica</i>; (b) <i>Byfield Fern</i>; (c) <i>Stackhousia tryonii</i>; and (d) <i>Koala</i>. 	No acceptable outcome is nominated.	PO14 - Complies The proposed development retains and protects locally significant species. An ecology assessment has been submitted by the applicant which addresses this element of the code.
If reconfiguring a lot PO15 and PO16 – Not applicable		

As evident from the above assessment, the proposal complies with the various requirements of the Biodiversity overlay code.

Bushfire hazard overlay code

The purpose of the Bushfire hazard overlay code is to ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events.

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

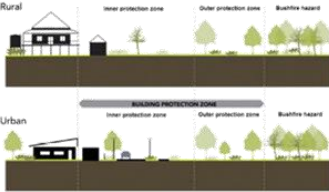
- (1) development is located where bushfire hazard risk to personal safety and property is avoided or minimised and mitigated to acceptable levels;
- (2) highly vulnerable and community uses are not located in bushfire hazard areas;
- (3) vegetation which is identified as matters of State or local environmental significance is not cleared to achieve bushfire hazard minimisation;
- (4) natural processes and the protective function of landforms and vegetation are maintained in bushfire hazard areas;
- (5) access is provided for safe entry and exit requirements for residents during bushfire events;
- (6) development provides for the efficient operational requirements of fire fighters during bushfire events;
- (7) development is provided with adequate water supply and fittings for fire-fighting vehicles, and access arrangements for fire fighters;
- (8) emergency services facilities are located and designed to function effectively during and after a bushfire;
- (9) development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities; and
- (10) development avoids the storage of hazardous materials in a bushfire hazard area.

Editor's note—For building assessment provisions, the bushfire hazard (bushfire prone) areas defined by the planning scheme overlays are designated to be the bushfire prone area for the purposes of the National Construction Code.

The following is an assessment of the proposal against the specific benchmarks of the Bushfire Hazard Overlay Code, which includes an assessment of the development against the relevant performance outcomes of the code.

Table 8.2.4.4.1 — Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Development other than reconfiguring a lot where located in bushfire hazard areas identified as potential impact buffer, or medium potential bushfire intensity, or high potential bushfire intensity, or very high potential bushfire intensity		
Bushfire planning		
PO1 Development does not expose people and property to unacceptable risk from bushfire hazard taking into account: <ol style="list-style-type: none"> (a) vegetation type; (b) slope; (c) aspect; (d) bushfire history; (e) ongoing maintenance; and (f) on-site and off-site fire hazard implications. Editor's note: Off-site impacts may include potential hazard from land up to ten (10) kilometres away from the site. For example, it may be relevant to consider how large tracts of forest away from the site may impact on the bushland that surrounds the site. Editor's note: <i>Schedule 6, Part 2 of the Planning Regulation, 2017</i> , makes specific development within a bushfire hazard overlay located on a lot smaller than 2,000m ²	AO1.1 Development is located within a building protection zone approved as part of a Development Permit for reconfiguration of a lot, and the building protection zone was determined in accordance with SC7.2 Bushfire hazard planning scheme policy.	AO1.1 – Not applicable No new buildings or structures are proposed as part of this Change. In addition the bushfire hazard and risk associated with the location of approved structures was considered as part of the original application.
	AO1.2 If the development is not located within an approved building protection zone for the site in accordance with AO1.1, then the development occurs only if it is located in accordance with a bushfire management plan which has been prepared in accordance with SC7.2 Bushfire hazard planning scheme policy, and the bushfire management plan demonstrates that: <ol style="list-style-type: none"> (a) the development is not in a medium, high or very high bushfire hazard area; or (b) the outermost walls or living spaces of buildings on the site are separated from the edge of the bushfire hazard source, the greater of the following: <ol style="list-style-type: none"> (i) sufficient distance to achieve a bushfire attack level no greater than 29kW/m²; or (ii) a distance of twenty (20) metres; or 	AO1.2 – Not applicable No new buildings or structures are proposed as part of this Change. In addition the bushfire hazard and risk associated with the location of approved structures was considered as part of the original application.

Performance outcomes	Acceptable outcomes	Assessment response
which is zoned residential accepted development.	<p>(iii) no less than 1.5 times the mature tree canopy height in the hazard hazardous vegetation.</p> <p>Editor's note: The Bushfire Attack Level is calculated in accordance with the methodology described in the Australian Standard AS 3959 – Construction of buildings in bushfire prone areas.</p> <p>Editor's note: Council may accept a bushfire management plan that was prepared for a previous development approval over the land, prior to the SC7.2 Bushfire hazard planning scheme policy coming into effect, subject to further assessment to ensure compliance with current standards.</p> <p>AO1.3 Buildings and structures are located within a building protection zone which achieves the following:</p> <p>(a) the inner zone and outer zone of the building protection zone have slopes under thirty-three (33) per cent; and</p> <p>(b) the inner zone has the following characteristics:</p> <p>(i) it has a minimum distance of ten (10) metres, or a distance sufficient to achieve a bushfire attack level no greater than 29kW/m²; and</p> <p>(ii) tree canopy cover in the zone is less than ten (10) per cent; and</p> <p>(iii) three canopy is located greater than two (2) metres from any part of the roofline of a building; and</p> <p>(c) the outer zone has the following characteristics:</p> <p>(i) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and</p> <p>(ii) tree canopy cover in the zone is less than thirty (30) per cent.</p> <p>Note: The following figures illustrate the desired outcome.</p>  <p>Editor's note: The term 'building protection zone' is explanatory in nature. In documents other than this Code, it may also be referred to as an asset protection zone, building radiation zone, or defensible space. Regardless of the name, the above figures illustrate the key features of the zone.</p>	<p>AO1.3 – Not applicable No new buildings or structures are proposed as part of this Change. In addition the bushfire hazard and risk associated with the location of approved structures was considered as part of the original application.</p>
Land use		

Performance outcomes	Acceptable outcomes	Assessment response
PO2 In areas determined to be at an unacceptable risk from bushfire hazards, development does not occur if it is for a use which: <ul style="list-style-type: none"> (a) results in a significant concentration of people at any one time; or (b) results in a significant increase in people living or working in the area; or (c) involves institutional uses where evacuating people may be difficult; or (d) involves a significant number of vulnerable people; or (e) involves essential public infrastructure; or (f) involves manufacture or storage of hazardous materials. 	No acceptable outcome is nominated.	PO2 – Complies The change application seeks approval for a new haulage route and stockpile area associated with the approved extractive industry. The stockpile area is not mapped as a bushfire hazard area. The haulage route: <ul style="list-style-type: none"> - does not result in a significant concentration of people, - does not significantly increase the number of people living or working in the area, - does not involve institutional uses - does not involve a significant number of vulnerable people, - does not involve essential public infrastructure and - does not involve the manufacture or storage of hazardous materials within the bushfire hazard area.
PO3 In areas determined to have bushfire hazard risk within tolerable levels, development occurs only if: <ul style="list-style-type: none"> (a) it adequately mitigates potential adverse impacts from bushfire hazard through siting, design, and other mitigation measures; (b) it supports safe and efficient evacuation and emergency services access to the site in the event of a bushfire; and (c) essential public infrastructure is not put at significant risk from destruction or failure during and immediately after bushfire events. 	No acceptable outcome is nominated.	PO3 - Complies The change application seeks approval for a new haulage route and stockpile area. Bushfire hazard and risk for the extractive industry and resource processing area has already been assessed as part of the original application. The proposed haul route has potential to provide improved access to bushfire hazard areas to support safe and efficient evacuation and access for fire fighting vehicles. The proposed stockpile area is not within a bushfire hazard area. The proposed development does not put essential public infrastructure at significant risk from destruction or failure during and immediately after bushfire events.
Vegetation protection		
PO4 Buildings, structures and their associated buffer areas, access routes and fire management trails, are located to maximise the protection of vegetation in areas of high biodiversity or scenic value. Editor's note: For assessable development, building locations envelopes may be accepted in some cases, in place of buildings being illustrated on plans. Editor's note: Due to the conflict between the need for vegetation clearing for bushfire mitigation and the need for protecting vegetation with biodiversity values or scenic values, a site will need to be chosen where development has no significant adverse impacts on biodiversity values or scenic values, while achieving the required bushfire objectives.	AO4.1 Buildings, structures and their associated buffer areas, access routes and fire management trails, avoid causing significant adverse impacts on the following: <ul style="list-style-type: none"> (a) areas identified as containing matters of environmental significance; and (b) areas identified as: <ul style="list-style-type: none"> (i) Scenic amenity management area A; or (ii) Scenic amenity management area B; or (iii) Coastal green break; or (iv) Coastline foreshore. 	PO4 - Complies The proposed haulage route and stockpile area utilises existing farm tracks which minimises the impacts on areas identified as containing environmental significance.

Performance outcomes	Acceptable outcomes	Assessment response
Internal access		
PO5 Development ensures that the location, siting, and design of development and associated internal access ways: <ul style="list-style-type: none"> (a) avoid potential for entrapment during a bushfire; and (b) enable safe evacuation of the site during a bushfire for site occupants. 	AO5.1 Internal access ways have: <ul style="list-style-type: none"> (a) a minimum cleared width of six (6) metres; (b) a minimum cleared height of 4.8 metres; (c) a minimum formed width of four (4) metres; (d) a maximum gradient of twenty-five (25) per cent if sealed, or eighteen (18) per cent if unsealed; (e) where the length of the access way is greater than thirty (30) metres, an average gradient no greater than 14.4 per cent; (f) a cross fall no greater than eighteen (18) per cent if sealed, or 12.5 per cent if unsealed; (g) where there are dips or peaks, entry and exit angles no greater than 12.5 per cent; (h) adequate drainage to prevent soil erosion; (i) where the site: <ul style="list-style-type: none"> (i) is located within a reticulated municipal water supply area, a maximum length of seventy (70) metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of fifteen (15) tonnes; or (ii) is not located within a reticulated municipal water supply area, a maximum length of 200 metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of eight (8) tonnes. 	PO5 – Complies The internal haulage route follows existing farm tracks and has a number of potential alternative evacuation routes to ensure it does not become an entrapment during a bushfire. The bushfire hazard mapping only impacts the vegetated parts of the route which cross over/through waterways where vegetation is concentrated. The haulage route is predominantly cleared and adjoined by wide open farm land and paddocks. The route is capable of providing safe evacuation during a bushfire event and Etna Creek Road also provides an alternative route if required.
Emergency access		
PO6 Development has adequate access to external road networks which can be utilised by emergency vehicles, and provides safe evacuation in the event of a bushfire.	AO6.1 Where located on a property greater than two-thousand (2000) square metres in area, the development has direct access to a constructed all-weather public road which is capable of carrying emergency service vehicles.	PO6 - Complies Direct all weather access is available to the extractive industry resource processing area from a constructed all-weather public road (Etna Creek Road), which is capable of carrying emergency service vehicles. In addition, the application will be conditioned to construct the new gazetted road which intersects with Etna Creek Road to an all-weather standard to provide suitable access for emergency vehicles to the proposed stockpile area and along the haulage route.
Water supply for firefighting purposes		
PO7 Development provides adequate water supply for firefighting purposes and the water supply is safely located and freely accessible for firefighting.	AO7.1 Development involving existing or new buildings having a gross floor area greater than fifty (50) square metres comply with the following: <ul style="list-style-type: none"> (a) the development site has access to a reliable municipal reticulated water supply with sufficient flow and pressure 	PO7 – Not applicable The change application does not seek approval for new buildings. The Bushfire Management Plan which was submitted and approved as part of the original application is still applicable to the approved development.

Performance outcomes	Acceptable outcomes	Assessment response
	<p>characteristics for fire-fighting purposes at all times (the minimum pressure and flow is 10 litres per second at 200 kPa; or</p> <p>(b) all buildings are located within ten (10) metres of a water tank, which:</p> <p>(i) is constructed with fire-proof materials or is located underground with above-ground access points;</p> <p>(ii) meets the minimum water supply requirements outlined in Table 8.2.4.4.3;</p> <p>(iii) is located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);</p> <p>(iv) is located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;</p> <p>(v) is fitted with fire brigade tank fittings consisting of:</p> <p>(A) for above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or</p> <p>(B) for underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and</p> <p>(vi) is identified by directional signage clearly provided at the street access point.</p> <p>Editor's note: Water supply for fire-fighting is in addition to water supply for household use. Where a non-reticulated supply of water is required, swimming pools, creeks and dams should not be used as a substitute for a dedicated static supply as these sources of water are not reliable during drought conditions.</p>	
Activities involving hazardous material		
PO8 The manufacture or storage of hazardous materials does not increase the risk of fire hazard.	AO8.1 Development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with domestic use.	PO8 – Not applicable The change request does not involve the manufacture or storage of any hazardous materials.
Landscaping and fencing		
PO9 Landscaping does not create an unacceptable risk to people or property and provides for ongoing management of risk to the development and people from a bushfire.	AO9.1 Development complies with a landscaping plan which: <p>(a) is prepared in compliance with an approved bushfire management plan;</p> <p>(b) preserves the requirements of any building protection zone; and</p> <p>(c) does not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard.</p>	PO9 – Not applicable The proposed change seeks approval for a new internal haul route and stockpile area. Additional landscaping is not necessary for the proposed change.
PO10 Development utilises fencing that: <p>(a) does not contribute to the spread of bushfire;</p>	AO10.1 Fences are constructed:	PO10 – Not applicable The change application does not involve the construction or any new fences.

Performance outcomes	Acceptable outcomes	Assessment response
(b) provides access for fire-fighting purposes; (c) facilitates the safe movement of fauna in rural areas.	(a) using non-combustible or fire retardant materials within twenty (20) metres of any building used for accommodation; (b) with gates that can be freely accessed for fire-fighting purposes (if applicable); and (c) to not impede the safe movement of fauna (where applicable).	
Reconfiguring a lot where located in bushfire hazard areas identified as potential impact buffer, or medium potential bushfire intensity, or high potential bushfire intensity, or very high potential bushfire intensity		
Note: The following performance outcomes and acceptable outcomes apply only to the following categories of development:		
<input type="checkbox"/> Reconfiguring a lot in the Rural zone and in the Emerging Community zone; <input type="checkbox"/> Reconfiguring a lot in any other zone where more than 6 additional lots are created and a new road is created.		
Reconfiguring a lot - Bushfire planning PO11 to PO15 – Not applicable		

Table 8.2.4.4.2 – Emergency services vehicles road and access design requirements

Emergency service vehicle road and access design standards
Public roads (other than within the buffer area) are constructed to the following minimum standards:
(a) Two-wheel drive, all weather roads, accommodating two way traffic;
(b) Perimeter roads are connected to internal road networks at regular intervals;
(c) A minimum formed width of 7.5 metres;
(d) A minimum six (6) metres clear of standing flammable vegetation (excluding street trees);
(e) A minimum cleared height of 4.8 metres;
(f) Curves have a minimum inner radius of six (6) metres and they are not excessive in number to allow for rapid access and egress;
(g) The minimum distance between inner and outer curves is six (6) metres;
(h) Maximum grades for sealed roads do not exceed twenty-five (25) per cent and an average grade of not more than eighteen (18) per cent, or other gradient specified by road design standards, whichever is the greater;
(i) Capacity to carry a fully loaded firefighting vehicle (approximately fifteen (15) tonnes for areas with municipal reticulated water supply, or eight (8) tonnes in other areas), with load limits clearly marked on any bridges.
Private roads and fire trails are constructed to the following minimum standards:
(a) A minimum formed width of four (4) metres including any gates;
(b) A minimum six (6) metres clear of standing flammable vegetation;
(c) A minimum cleared height of 4.8 metres;
(d) Where less than six (6) metres formed width and greater than 200 metres in length, passing bays twenty (20) metres long by three (3) metres wide, or turning facilities every 200 metres;
(e) Adequate drainage and erosion control devices;
(f) A gradient no greater than 12.5 per cent and a cross fall of no greater than eighteen (18) per cent;
(g) Access at each end of the private road or the fire trail from a public road;
(h) Access point signed and direction of travel identified; and
(i) Suitable arrangements in place to ensure maintenance in perpetuity.
For private roads, capacity to carry a fully loaded firefighting vehicles (approximately fifteen (15) tonnes for areas with municipal reticulated water supply, or eight (8) tonnes in other areas), with load limits clearly marked on any bridges.

Table 8.2.4.4.3 — Water storage requirements

Lot size / use type	Minimum water requirement (per dwelling, combined or independent living quarters, combined or independent living unit, cabin, habitable building, non-habitable building having an area greater than 50 square metres, or similar) located on each lot
Lots less than 1,000 square metres	5,000 litres
Lots between 1,000 square metres and less than one (1) hectare	10,000 litres
Lots greater than one (1) hectare	25,000 litres
Other development requirements	
Where the development does not involve a circumstance identified above, the minimum water requirement must be in accordance with water supply recommendations determined as part of a bushfire hazard assessment report and bushfire management plan which has been prepared by a suitably qualified person in accordance with Planning Scheme Policy SC7.2.	

As evident from the above assessment, the proposal complies with the various requirements of the Bushfire hazard overlay code.

Coastal hazard overlay code

The purpose of the Coastal hazard overlay code is to ensure that development in the coastal zone is planned, designed, constructed and operated to:

- (1) *avoid, or minimise and mitigate risk to people and property from coastal hazards including storm tide inundation and coastal erosion, taking into account predicted effects of climate change; and*
- (2) *protect coastal resources and allow for natural fluctuations in coastal processes as far as possible.*

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

- (1) *foreshore ecosystems and biological diversity are protected and managed to maintain their natural protective functions and allow for natural fluctuations to continue as far as possible;*
- (2) *in areas zoned for urban development, risk from coastal hazards (including predicted effects of climate change) is avoided or mitigated and managed to acceptable levels;*
- (3) *matters of State or local environmental significance are not adversely impacted on in order to achieve hazard minimisation or mitigation;*
- (4) *coastal dependent land use and infrastructure is undertaken in a manner which minimises impacts on coastal resources and mitigates risks to people and property;*
- (5) *emergency services facilities and vulnerable community uses are located and designed to function effectively during and after coastal hazard events;*
- (6) *development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities;*
- (7) *development avoids the storage of hazardous materials in a coastal hazard area;*
- (8) *public access to the foreshore is maintained and enhanced; and*
- (9) *development does not include canals and artificial waterways that connect to tidal waterways.*

The following is an assessment of the proposal against the specific benchmarks of the Coastal Hazard Overlay Code, which includes an assessment of the development against the relevant performance outcomes of the code.

Table 8.2.5.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	
Storm tide hazard areas		
PO1 Development of an existing lot is designed and constructed to avoid adverse impacts on people and property from storm tide inundation.	AO1.1 Where development, including additions and alterations: (a) the floor level of habitable rooms is located at or above the defined minimum habitable floor height for the site (refer Schedule 9, Table SC9.1.1); (b) the floor level of non-habitable rooms is located above the adopted inundation levels for the site and intended use (refer Schedule 9, Table SC9.1.2, Table SC9.1.3, and Table SC9.1.6 as relevant to the development); (c) other than AO1.1(d) below, parts of a building below the floor level of habitable rooms are completely unenclosed to allow for flow-through water movement; (d) a lower level enclosure of no more than five (5) square metres may accommodate a laundry or workshop use and is constructed from flood resilient materials; and (e) water tanks located below the minimum floor level of habitable rooms are constructed of reinforced concrete with sufficient footings or supports to resist wave forces.	AO1.1 – Not applicable The proposed development (including the change application) does not involve development within a storm tide hazard area.

Performance outcomes	Acceptable outcomes	
	<p>Note: Not all locations within the planning scheme area have detailed modelling. Where detailed modelling has not been undertaken, the defined storm tide hazard level is identified as two (2) metres above the highest astronomical tide, which includes a sea level rise factor of 0.8 metres to account for climate change projections to 2100. An additional freeboard allowance may be required for habitable room floor levels.</p> <p>Editor's note: To assist with determining the suitability of the development, Council may require that a coastal hazard risk assessment is undertaken as part of a development application in accordance with SC7.4 Coastal hazard planning scheme policy.</p>	
<p>PO2</p> <p>Development involving essential electrical services is located and designed to ensure public safety and minimise consequences of damage due to storm tides.</p> <p>Editor's note: Essential electrical services include any area or room used for fire control panel, telephone PABX, sensitive substation equipment including transformers, low voltage switch gear, high voltage switch gear, battery chargers, protection control and communication equipment, low voltage cables, high voltage cables, and lift or pump controls.</p>	<p>AO2.1</p> <p>Essential electrical services are located:</p> <p>(a) at or above the defined minimum habitable floor height for the site (refer to Schedule 9); or</p> <p>(b) within an existing basement only where:</p> <p>(i) the basement is a waterproof structure with walls and floors impermeable to the passage of water; and</p> <p>(ii) all entry points are located at or above the defined minimum habitable floor level for the property.</p>	<p>AO2.1 – Not applicable</p> <p>The proposed development (including the proposed change) does not involve development in any areas of the lots affected by stormtide hazard.</p>
Erosion prone areas		
<p>PO3</p> <p>Development is located, designed and constructed to avoid adverse impacts on people and property from coastal erosion.</p>	<p>AO3.1</p> <p>Development is:</p> <p>(a) essential community infrastructure which cannot be located elsewhere; or</p> <p>(b) coastal-dependent development; or</p> <p>(c) temporary, readily relocatable or able to be abandoned.</p>	<p>AO3.1 - Not applicable</p> <p>The proposed development (including the proposed change) does not involve development in any areas of the lots identified as an erosion prone area.</p>
	<p>AO3.2</p> <p>Where involving an additional building or extensions or alterations to an existing building, the development does not extend any further seaward than existing buildings or structures.</p>	<p>AO3.2 - Not applicable</p> <p>The proposed development (including the proposed change) does not involve development in any areas of the lots identified as an erosion prone area.</p>

Table 8.2.5.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	
Storm tide hazard areas		
<p>PO4</p> <p>Development is located, designed and constructed to avoid adverse impacts on people and property from storm tide inundation.</p>	<p>AO4</p> <p>Development:</p> <p>(a) does not result in any increase in the numbers of people living or working on the site; and</p> <p>(b) is located, designed, constructed and operated to ensure structures</p>	<p>AO4 – Not applicable</p> <p>The proposed development (including the proposed change) does not involve development in any areas of the lots affected by storm tide hazard.</p>

Performance outcomes	Acceptable outcomes	
	can withstand wave action, inundation and recession of flood waters from a defined storm tide event.	
PO5 The development does not directly, indirectly or cumulatively increase the severity of the coastal hazard and the potential damage of other properties.	No acceptable outcome specified.	PO5 – Not applicable The proposed development (including the proposed change) does not involve development in any areas of the lots affected by storm tide hazard. The proposed development does not directly, indirectly or cumulatively increase the severity of coastal hazards or the potential damage to other properties.
PO6 A basement (excluding basement storage used only for bike storage, or change room, or building maintenance storage) is suitably located and designed to ensure public safety.	AO6.1 A basement (excluding basement storage used only for bike storage, or change room, or building maintenance storage): (a) is a waterproof structure with walls and floors impermeable to the passage of water; and (b) all entry points are located at or above the defined minimum habitable floor level for the property.	AO6 – Not applicable The proposed development does not include development for a basement.
PO7 Land, buildings and structures used for the manufacture, transport or storage of hazardous materials in bulk, are located and designed to prevent hazardous materials, whether loose or in containers, from entering any water body, waterway or storm tide inundation area.	AO7.1 Land, buildings and structures used for the manufacture, transport or storage of hazardous materials in bulk, are located outside a storm tide inundation area.	AO7 – Not applicable The proposed stockpile area and approved stockpile area are both located outside of the storm tide inundation area. The proposal haulage route does not cross waterways or drainage lines or areas of the properties which are affected by storm tide inundation.
PO8 Development does not include man-made canals or artificial waterways that connect to tidal waterways.	No acceptable outcome is nominated.	PO8 – Not applicable The development does not include man-made canals or artificial waterways.
PO9 Emergency services facilities and vulnerable community uses are located and designed to function effectively during and after coastal hazard. Editor's note: Emergency services and vulnerable community uses include: emergency services facilities, emergency shelters, hospitals and associated facilities, major switch yards and substations, fire and police facilities, power stations, sewage treatment plants, communication network facilities, retirement village, homes for the aged, hospice, child care centres, educational facilities, stores of valuable records or items of historical or cultural significance (for example galleries and libraries), water treatment plants and works of any electricity entity not listed in this table.	AO9.1 Development is either: (a) located above the storm tide event resiliency level for the specific use as specified in Schedule 9, Table SC9.1.6; or (b) designed to ensure any components of the infrastructure that are likely to fail or may result in contamination when inundated by storm tide inundation, are located above the storm tide event level for that activity in specified in Schedule 9, Table SC9.1.6.	AO9 – Not applicable The proposed development is located outside of the area of the site mapped as a stormtide inundation area.
PO10 Development maintains existing natural environmental features such	No acceptable outcome is nominated	AO10 - Complies The proposed development maintains existing natural

Performance outcomes	Acceptable outcomes	
as mangroves and wetlands to mitigate impacts from storm-tide inundation and permanent inundation due to sea-level rise.		environmental features and does not result in the removal or mangroves or destruction of wetlands.
PO11 Development is located, designed and operated to maintain or enhance existing levels of public access to and along the foreshore.	AO11.1 Existing public access ways or roads which provide public access to the foreshore; (a) are retained in place, or (b) re-located subject to Council approval.	AO11 – Not applicable There are no foreshore areas included in this development.
PO12 Minor public marine development minimises disturbance of the natural environment within waterways	AO12.1 New minor public marine development: (a) relies on a natural channel of a depth adequate for the intended vessels; and (b) is designed and located such that maintenance dredging following initial construction is not required.	AO12 – Not applicable The development does not involve new minor public marine development.
Reconfiguring a lot PO13 – not applicable		
Erosion prone areas PO14 – PO16 – not applicable		
Reconfiguring a lot PO17 - Not applicable		

As evident from the above assessment, the proposal complies with the various requirements of the Coastal hazard overlay code.

Extractive resources overlay code

The purposes of the Extractive resources overlay code are:

- (1) *to ensure that extractive and mineral resources and associated haulage routes are protected from encroachment by sensitive development that might compromise safe, efficient and effective operations;*
- (2) *to manage development that may have an adverse impact on the current and/or future operational efficiency of areas of significant extractive resources; and*
- (3) *to minimise significant adverse impacts on natural environmental values and on nearby sensitive land uses in the vicinity of extractive resources, extractive operations and transport routes.*

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

- (1) *development protects the resources in Key Resource Area for its long-term extraction potential and value;*
- (2) *development within a Key Resource Area does not undermine the efficient long-term extraction, processing or the transportation of extractive resources;*
- (3) *separation areas are maintained to:*
 - (i) *prevent encroachment of sensitive land uses near resources and processing areas;*
 - (ii) *protect sensitive land uses from the impacts of extractive industry;*
 - (iii) *protect the efficiency and role of the transportation route for the haulage of extractive material to and from the resource/processing area;*
- (4) *development within a separation area is sited, orientated and designed to mitigate the impacts of extraction, processing and transportation of resource material; and*
- (5) *vehicular access to transport routes does not adversely impact on the safety and efficiency of bulk resource material haulage.*

The proposed development is for an extractive industry within an extractive mining resource area.

The following is an assessment of the proposal against the specific benchmarks of the Extractive resources overlay code.

Table 8.2.6.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	
Key Resource Area: resource and processing areas		
PO1 Development: (a) does compromise the ability to extract the natural resource in a safe, efficient and sustainable manner; and (b) does not introduce or increase uses that are sensitive to the impacts of extractive industry. Editor's note — applicants should have regard to the State Planning Policy Guideline in addressing this performance outcome.	No acceptable outcome is nominated	PO1 - Complies The approved development is for an extractive industry. The proposed development does not change the location of the extraction areas or resource processing areas. The development does not compromise the ability to extract natural resources in a safe, efficient and sustainable manner. In addition, the development does not introduce any new sensitive uses.
Key Resource Area separation areas		
PO2 Development: (a) does not compromise the current or future extraction, processing and transportation of resources; (b) is orientated away from a resource/processing area to minimise views towards the extractive industry; and (c) does not increase the number of people living within the separation area.	No acceptable outcome is nominated	PO2 – Not applicable The site and surrounding lots are not within a key resource area separation area.

Performance outcomes	Acceptable outcomes	
PO3 Development does not significantly impact on the amenity of existing sensitive land uses or residential category zones located within and external to the separation area.	No acceptable outcome is nominated	PO3 - Not applicable The site and surrounding lots are not within a key resource area separation area
PO4 Development within a Key Resource Area transport route separation area: (a) does not adversely impact on the efficient transportation of extractive material; and (b) ensures safe access onto a designated transport route.	AO4.1 The number of property access points to the Key Resource Area transport route does not increase.	AO4.1 - Not applicable The site and surrounding lots are not within a key resource area separation area
	AO4.2 Access points are designed in accordance with the Development Works Code.	AO4.2 - Not applicable The site and surrounding lots are not within a key resource area separation area

As evident from the above assessment, the proposal complies with the various requirements of the Extractive resources overlay code.

Flood hazard overlay code

The purpose of the Flood hazard overlay code is to ensure that development in flood hazard areas avoids, or minimises and mitigates risk to life, property, community and the environment during floods, to an acceptable level.

The purpose of the flood hazard overlay code is achieved through the following *overall outcomes*:

- (1) *known areas of flood risk, and the probability of future flooding, are identified;*
- (2) *development does not occur in areas at risk from flood inundation unless undertaken in a manner that minimises and mitigates the risk to life, property, community and the environment during floods, to an acceptable level;*
- (3) *matters of State or local environmental significance are not adversely impacted on in order to achieve hazard minimisation or mitigation;*
- (4) *development does not increase flood risk for land upstream and downstream of the development site and the hydraulic connectivity and capacity of flood hazard areas are not adversely affected by development;*
- (5) *emergency services, community facilities and infrastructure required during a flood emergency are located above flood hazard areas and they are designed to function effectively during and immediately after flood events;*
- (6) *development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities;*
- (7) *no further fragmentation of land occurs within flood hazard areas;*
- (8) *where possible, development intensity in flood hazard areas is progressively reduced over time; and*
- (9) *development avoids the storage of hazardous materials in a flood hazard area.*

The proposed development is for a change to an existing approved extractive industry and seeks to create an internal haul route through private property and a new stockpile area. The stockpile area is located outside of the flood hazard area. The western parts of the proposed internal haul route are impacted by flooding within over Lot 2197 on LIV40813 and Lot 3 on RP601603. Etna Creek Road is also subject to flooding.

The development will not operate during a flood event. The Environmental Management Plan detailed pre and post flood management procedures to prepare and respond to flood events. Stockpiled materials and equipment/machinery will be moved to the northern stockpile area or the proposed stockpile area prior to a flooding event. The site will also be evacuated prior to a flooding event. Conditions are recommended on this decision which restricts the development from operating during a flood event or until safe access to and from the site is available via the proposed internal haul route.

The following is an assessment of the proposal against the specific benchmarks of the flood hazard overlay code, which includes an assessment of the development against the relevant performance outcomes of the code.

Table 8.2.7.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Location, design, siting, operation		
PO1 The development is sited and designed such that risk to people and property from flood inundation is avoided or minimised.	AO1.1 The finished floor level of all habitable rooms is located at or above the defined flood hazard level.	AO1.1 – Not applicable The proposed development does not involve any structures with habitable rooms.
	AO1.2 If the development involves an alteration, addition or extension to an existing approved building(s) (including any domestic outbuildings): (a) it does not result in an enclosed space having a volume exceeding 50 cubic metres that is located below the defined flood hazard level; (b) it does not result in an increase in the number of dwellings on the site; and (c) the total number of bedrooms in any existing dwelling does not exceed four (4); and (d) all buildings are constructed in accordance with the <i>Queensland Development Code – MP3.5 – Construction of buildings in flood hazard areas</i> .	AO1.2 – Not applicable The development does not involve the alteration, addition or extension to an existing approved building or domestic buildings.
PO2	AO2.1	PO2 – Complies

Performance outcomes	Acceptable outcomes	Assessment response
The development is located and designed such that all buildings, structures and driveways on the site do not obstruct the free drainage of flood waters after a flood.	All buildings, structures and driveways are constructed: (a) on a single building pad which is above the defined flood level; or (b) so that spaces between buildings, structures and driveways are able to drain freely.	All buildings, structures have been previously considered under the existing approval. The internal haulage route proposed will be free to drain.
PO3 All water, sewer, electricity and telecommunications infrastructure servicing the development maintains effective functioning during and after a flood.	AO3.1 All water, sewer, electricity and telecommunications infrastructure: (a) is located above the defined flood level; or (b) is designed to exclude water intrusion and resist hydrodynamic and hydrostatic forces from damaging the infrastructure.	PO3 – Complies The location of infrastructure has already been assessed as part of the existing approval. No changes to the location of water, sewer, electricity or telecommunications infrastructure is proposed as part of the Change application.
PO4 The development does not change flood characteristics which may cause adverse impacts external to the site.	AO4.1 The development: (a) does not involve the following: (i) new buildings having an enclosed space having a volume exceeding 50 cubic metres that is located below the defined flood hazard level; or (ii) a net increase in filling on the site greater than fifty (50) cubic metres; or (iii) filling with a height greater than 100 millimetres; or (iv) block or solid walls or fences; or (v) garden beds or other structures with a height more than 100 millimetres; or (vi) the planting of dense shrub hedges; or (b) a report is prepared by an appropriately qualified person which demonstrates to the satisfaction of the assessment manager, that the development does not cause adverse impacts external to the site due to: (i) reductions of flood storage capacity; or (ii) changes to depth, duration and velocity of flood waters; or (iii) changes to flood flow paths; or (iv) reductions in flood warning times elsewhere on the floodplain.	PO4 – Complies The Change application does not involve new buildings, structures, filling works, block or solid walls or garden beds below the defined flood hazard level. The eastern stockpile area proposed in the Change application is outside the mapped flood hazard area. The stockpile area will be at a height of 3.8m AHD, which will be above the 100 year ARI event height of 1.51m. A RPEQ flood risk report concludes the Change application will not adversely affect or be impacted by flood hazard. Council's Development Engineering department has recommended conditions of approval in respect of hydrological certification from an RPEQ.
PO5 Development for non-residential purposes is able to provide a safe refuge for people and for the storage of goods during times of flood inundation. Editor's note: This area can be used on a daily basis as an office, storage area or the like.	No acceptable outcome is nominated.	PO5 - Complies The approved and proposed development are capable of providing areas for safe refuge for people during times of flood inundation. There are parts of the site, including the stockpile areas which are free from inundation. The proposed development is not intended to operate during a flood event. The EMP submitted with the

Performance outcomes	Acceptable outcomes	Assessment response
		application includes evacuation procedures and measures to monitor and prepare the site for a flooding event, including moving loose stockpiled materials and equipment to stockpile areas. The site will be evacuated and operations will cease prior to a flood event.
PO6 Development avoids the release of hazardous materials into floodwaters.	AO6.1 All areas associated with the manufacturing and storage of hazardous materials in excess of 2,500 litres or 2,500 kilograms, are located above the defined flood hazard level.	PO6 – Not applicable The development does not involve the storage or manufacture of hazardous materials in excess of 2500kg or 2500L below the defined flood level.
PO7 Development is located to minimise susceptibility to and potential impacts of flooding.	AO7.1 Underground car parking is designed to prevent the intrusion of flood waters by the incorporation of a bund or similar barrier above the defined flood hazard level.	PO7 – Not applicable The development does not include underground parking areas.
PO8 Development of temporary or moveable residential structures (for example caravan parks and camping grounds) are located to minimise susceptibility and potential impacts of flooding.	AO8.1 Development is located on the highest part of the site and in an area where there is at least twenty-four (24) hours flood warning time to enable safe evacuation.	PO8 - Complies The proposed change is located on the highest part of the site in an area where there is at least 24 hours flood warning time to enable safe evacuation. The EMP submitted by the applicant contains pre and post flood management procedures to ensure the site is appropriately prepared and evacuated leading up to a flood event and further measures have been conditioned to be added to the EMP as part of an amended condition in this regard.
PO9 Development does not change the flood characteristics of the area, taking into account the cumulative impact of development outside of the site.	AO9.1 Development does not result in changes to downstream flood characteristics including: (a) loss of flood storage; (b) increased scour and erosion; (c) loss of or changes to flow paths; (d) flow acceleration or retardation; (e) increase in the depth and duration of flood waters; and (f) reduction in flood warning times. Editor's note — in reference to all acceptable outcomes nominated above Council may require the preparation of a flood study to demonstrate compliance with these acceptable outcomes. This is to be prepared in accordance with Schedule SC7.6.	PO9 – Complies The Change application does not propose works which are capable of worsening flood risk or changing downstream flood characteristics. The proposed eastern stockpile area is 2m above the 100 year ARI flood level and will not worsen flood hazard, as confirmed in the submitted RPEQ flood report. Council's development engineering section has provided conditions of approval.
PO10 Development for essential public services, community activities and other important public assets and infrastructure are able to function effectively during and immediately after a defined flood event.	AO10.1 The uses listed in Table 8.2.7.4.1.1 below are not located on land below the defined flood event and have at least one flood free access road during the flood event. Table 8.2.7.4.1.1	PO10 – Not applicable The development does not include a use listed in Table 8.2.7.4.1.1.

Performance outcomes	Acceptable outcomes	Assessment response																																		
	<table><thead><tr><th>Use (description)</th><th>Defined flood event level per cent annual exceedance probability</th></tr></thead><tbody><tr><td>Emergency services (other)</td><td>0.2</td></tr><tr><td>Emergency/evacuation shelters</td><td>0.5</td></tr><tr><td>Emergency services (fire and police stations)</td><td>0.5</td></tr><tr><td>Hospitals and associated facilities</td><td>0.2</td></tr><tr><td>Stores of valuable record or items of historic/cultural significance</td><td>0.2</td></tr><tr><td>Air services</td><td>0.5</td></tr><tr><td>Telecommunications facilities</td><td>0.5</td></tr><tr><td>Power stations</td><td>0.2</td></tr><tr><td>Major electricity infrastructure</td><td>0.2</td></tr><tr><td>Substations</td><td>0.5</td></tr><tr><td>Utility installation (sewage treatment plant)</td><td>1.0</td></tr><tr><td>Utility installation (water treatment plant)</td><td>0.2</td></tr><tr><td>Retirement facility, residential care facility and community residence</td><td>0.5</td></tr><tr><td>Community activities (including child care centres and educational establishments)</td><td>0.5</td></tr><tr><td>Regional fuel storage</td><td>0.5</td></tr><tr><td>Food storage warehouse</td><td>0.5</td></tr></tbody></table> <p>Note — 0.5 per cent annual exceedance probability and 0.2 per cent annual exceedance probability mapping is only available for some areas within the region. The applicant will be required to provide sufficient detail in the form of a flood impact report for development within areas that are not mapped in accordance with Schedule SC7.6</p>	Use (description)	Defined flood event level per cent annual exceedance probability	Emergency services (other)	0.2	Emergency/evacuation shelters	0.5	Emergency services (fire and police stations)	0.5	Hospitals and associated facilities	0.2	Stores of valuable record or items of historic/cultural significance	0.2	Air services	0.5	Telecommunications facilities	0.5	Power stations	0.2	Major electricity infrastructure	0.2	Substations	0.5	Utility installation (sewage treatment plant)	1.0	Utility installation (water treatment plant)	0.2	Retirement facility, residential care facility and community residence	0.5	Community activities (including child care centres and educational establishments)	0.5	Regional fuel storage	0.5	Food storage warehouse	0.5	
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Food storage warehouse	0.5																																			
PO11 Development avoids the release of hazardous materials into floodwaters.	AO11.1 In the high and extreme flood hazard areas, the manufacture or storage of hazardous materials in bulk does not occur.	PO11 – Not applicable The development does not involve the storage or manufacture of hazardous materials.																																		
Trafficable access																																				
PO12 Development has safe access to and from the site during a defined flood event.	AO12.1 Trafficable access to and from the development in local creek catchments is in accordance with Table 8.2.7.4.1.2 below. Table 8.2.7.4.1.2 – Trafficable access requirements local catchments	PO12 – Complies in part The proposed internal haul route is subject to flooding and inundation in the western part over Lot 2197 on LIV40813 and Lot 3 on RP601603. Etna Creek Road is also subject to flooding and inundation. The applicant has advised that the development will not operate during a flood event and the EMP recommends management practices to monitor rainfall events and flood warnings and prepare the site prior to a flood event. The EMP submitted by the applicant contains pre and post flood management procedures to ensure the site is appropriately prepared and evacuated leading up to a flood event																																		

Performance outcomes		Acceptable outcomes		Assessment response
				and further measures have been conditioned to be added to the EMP as part of an amended condition in this regard.
Use category	Max access inundation depth and velocity	Defined flood event per centum annual exceedance probability		
		Major road	Minor road	
Rural	0.5 metres 1.2 metres per second	2	10	
Residential	0.3 metres 1.2 metres per second	2	10	
Commercial	0.5 metres 1.2 metres per second	2	10	
Industrial	0.5 metres 1.2 metres per second	2	10	
Community recreation	0.3 metres 1.2 metres per second	2	10	
		<p>Editor's note — local creek catchment flood modelling detailing annual exceedance probability (AEP) events is only available for some areas. The applicant may be required to provide sufficient detail in the form of a flood impact report for development within areas that are not mapped.</p> <p>Editor's note — major road - refer to Capricorn Municipal Development Guideline</p> <p>Editor's note — minor road - refer to Capricorn Municipal Development Guideline</p>		
		<p>AO12.2 Trafficable access to and from the development within the Fitzroy River hazard areas are in accordance with Table 8.2.7.4.1.3.</p> <p>Table 8.2.7.4.1.3 – Trafficable access requirements Fitzroy River flood hazard areas</p>		Refer to response to PO12 above.

Performance outcomes		Acceptable outcomes			Assessment response
	Use category	Max access inundation depth and velocity	Defined flood event per centum annual exceedance probability		
			Major road	Minor road	
	Rural	0.5 metres 1.2 metres per second	1	2	
	Residential	0.3 metres 1.2 metres per second	1	2	
	Commercial	0.5 metres 1.2 metres per second	1	2	
	Industrial	0.5 metres 1.2 metres per second	1	2	
	Community recreation	0.3 metres 1.2 metres per second	1	2	
	<p>Editor's note — where Fitzroy River flood mapping overlaps local creek catchment mapping, trafficable access requirements for Fitzroy River flood hazard areas prevail.</p> <p>Editor's note — time of isolation during defined flood event is extended.</p>				
PO13 Development does not result in the creation of new lots.	AO13.1 Reconfiguring a lot does not result in new lots.				PO13 – Not applicable The proposed development does not involve reconfiguring a lot to create new lots.
PO14 Development and actions to minimise or mitigate flood hazard do not adversely impact matters of State or local environmental significance.	No acceptable outcome is nominated.				PO14 - Not applicable The proposed development does not involve reconfiguring a lot to create new lots.

As evident from the above assessment, the proposal complies with the various requirements of the Flood hazard overlay code apart from a deviation from Performance outcome PO12. Suitable justification has been provided to support the deviation given the proposal is able to meet the overall outcomes for the code. The EMP submitted by the applicant contains pre and post flood management procedures to ensure the site is appropriately prepared and evacuated leading up to a flood event and further measures have been conditioned to be added to the EMP as part of an amended condition in this regard.

Landslide hazard overlay code

The purpose of the Landslide hazard overlay code is to ensure that:

- (1) *development does not materially increase the extent or the severity of landslide hazard; and*
- (2) *risk to life, property, community and the environment during landslide events is avoided or minimised and mitigated to an acceptable level.*

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

- (1) development is compatible with the level of risk associated with the landslide;
- (2) development avoids a potential landslide hazard, or minimises and mitigates risk to personal safety and property to an acceptable level;
- (3) the development is resilient to landslide hazard events by ensuring siting and design accounts for the potential risks of the landslide hazard to property;
- (4) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the landslide hazard and does not materially increase the potential for damage on the site or to other properties;
- (5) matters of State or local environmental significance are not adversely impacted on in order to achieve hazard minimisation or mitigation;
- (6) the development avoids the release of hazardous materials as a result of a landslide hazard event; natural processes and the protective function of landforms and/or vegetation are maintained in landslide hazard areas; and
- (7) development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities.

Table 8.2.8.4.1 — Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Land use		
PO1 In areas determined to be at an unacceptable risk from landslide hazards, development does not occur if it is for a use which: <ol style="list-style-type: none"> (a) results in a significant concentration of people at any one time; or (b) results in a significant increase in people living or working in the area; or (c) involves institutional uses where evacuating people may be difficult; or (d) involves a significant number of vulnerable people; or (e) involves essential public infrastructure; or (f) involves manufacture or storage of hazardous materials. 	No acceptable outcome is nominated.	PO1 - Complies The approved development, including the proposed changes for an alternative haul route and additional stockpile area are not located within or across parts of the site which comprise unacceptable risk to landslide hazard.
All development		
PO2 Development: <ol style="list-style-type: none"> (a) maintains the safety of people and property on the site and neighbouring sites from landslides; and (b) ensures acceptable risk during all phases of construction and use. Note: This includes consideration of landslide activity originating from sloping land above the	AO2.1 A site-specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland, demonstrates to the assessment manager that: <ol style="list-style-type: none"> (a) the site is not subject to landslide hazard; or (b) the development does not increase risks to the safety of people and property on the site and neighbouring sites from landslide hazards. 	AO2.1 – complies in part The extent of land mapped as landslide hazard over the properties is fragmented. Only very small sections of the proposed haul route encroach within a mapped landslide hazard area. As such, Council has not requested a detailed site-specific slope stability report for very small isolated sections of land.

Performance outcomes	Acceptable outcomes	Assessment response
development site, and the safe location of vehicle access.		
	AO2.2 Development incorporates the risk of landslide relevant to the full nature and end of the development, including ancillary buildings, structures and swimming pools into the design of the developments to ensure: <ul style="list-style-type: none"> (a) the long-term stability of the site considering the full nature and end use of the development; (b) site stability during all phases of construction and development. 	AO2.2 – Complies The haulage route and stockpile area proposed in the Change is exposed to an acceptable risk of landslide hazard.
PO3 Vegetation clearing on site does not result in landslide hazard increasing.	AO3.1 Vegetation clearing which exposes the underlying soil or rock: <ul style="list-style-type: none"> (a) does not occur on land within the landslide overlay; or (b) occurs only in compliance with the recommendations of a site specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland. 	PO3 - Not applicable No vegetation clearing is proposed within parts of the site impacted by landslide hazard.
PO4 Vehicle and pedestrian access to the development can be achieved in a safe and efficient manner.	AO4.1 The development: <ul style="list-style-type: none"> (a) has a frontage to a formed road; and (b) any section of a driveway or road internal to a site is not steeper than twenty-five (25) per cent. 	AO4.1 - Complies The haulage route will not exceed a gradient of 25 per cent.
PO5 Development involving the manufacture or storage of hazardous materials in bulk is not at risk from landslide hazard.	AO5.1 The manufacture or storage of hazardous materials in bulk does not occur within the landslide hazard area.	AO5.1 - Complies Hazardous chemicals will not be stored within the landslide hazard area.
PO6 Development and actions to minimise or mitigate landslide hazard do not adversely impact matters of State or local environmental significance.	No acceptable outcome is nominated.	PO6 – Not applicable There are no specific actions implemented to mitigate landslide hazard.
Filling and excavation		
PO7 Filling and excavation: <ul style="list-style-type: none"> (a) maintains the safety of people and property on the site and neighbouring sites from landslides; and (b) ensures acceptable risk during all phases of construction. 	AO7.1 Filling and excavation is designed in accordance to the recommendations of a site-specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland.	PO7 - Not applicable Filling and excavation is not proposed within the Landslide hazard area.
PO8 Filling and excavation do not create or increase risk on the site or neighbouring sites by changing the hydrology of the site.	AO8.1 Filling and excavation works do not in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.	PO8 - Not applicable Filling and excavation is not proposed within the Landslide hazard area.
Reconfiguring a lot – P09 Not applicable		

As evident from the above assessment, the proposal complies with the various requirements of the Landslide hazard overlay code.

General development code

The purpose of the General development code is to:

- (1) *to enable an assessment of the suitability of the location, design, siting, operation and other aspects of development that are not zone dependent;*
- (2) *to facilitate the achievement of the overall outcomes sought for development.*

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

- (1) *the development is located at a site which does not result in an unacceptable risk to health and safety of occupants of the premises or an unacceptable risk of property damage;*
- (2) *the development contributes to functional and safe private and public environments;*
- (3) *the development is located at a site which has a sufficient area and suitable dimensions relative to the characteristics of the use and the characteristics of surrounding land use;*
- (4) *the development does not compromise the safety, efficiency and effectiveness of the transport network;*
- (5) *the development appropriately integrates with adjoining land use;*
- (6) *the development protects the character and amenity of the surrounding area; and*
- (7) *the development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds.*

The proposed development complies with the overall outcomes for the General Development Code.

The following is an assessment of the proposal against the specific benchmarks of the General Development Code, which includes an assessment of the development against the relevant performance outcomes of the code.

Table 9.3.1.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Flood resilience		
PO1 The development is resilient to the adverse impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	AO1.1 The development is resilient to the adverse impacts of a flood by locating the floor level of all building rooms used for habitation or work a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.	PO1 - Complies The proposed change does not propose any additional buildings or structures within the flood hazard area. The eastern stockpile area proposed in the Change is outside the mapped flood hazard area. The stockpile area will be at a height of 3.8m AHD, which will be above the 100 year ARI event height of 1.51m. A RPEQ flood risk report concludes the Change will not adversely affect or be impacted by flood hazard. Council's Development Engineering department has recommended conditions of approval.
Location, design, siting, operation		
PO2 The development is located at a site that is able to accommodate all the buildings, facilities, and operational needs of the use without increasing the likelihood of land use conflict by: <ol style="list-style-type: none"> (a) adversely affecting the amenity of adjoining land use and the surrounding area; (b) adversely affecting the safety, health and wellbeing of occupants of sensitive land use; (c) adversely affecting the operations of adjoining land use; 	AO2.1 The development is located at a site that does not conflict with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme.	PO2 – Complies The extractive industry use (including the proposed stockpile area and internal haul route) are located more than 1 kilometre from a sensitive use in a rural zone and complies with the separation distances in Schedule 4, Table SC4.1.1.

Performance outcomes	Acceptable outcomes	Assessment response
(d) reducing the potential to use adjoining land for its intended purpose; and (e) adversely affecting the safe and effective provision of services to the development.		
PO3- PO5 – not applicable		

Table 9.3.1.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Community safety		
PO6 Personal safety and property security are optimised through the design of buildings and spaces incorporating the following: (a) means of easily identifying the premises; (b) appropriate night lighting; (c) suitably designed and located building entry and exit points; (d) opportunities for surveillance; (e) appropriate plant species for landscaping; (f) clear definition of boundaries between private and public spaces; and (g) any best practice for crime prevention through environmental design.	AO6.1 The development contains: (a) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and (b) appropriately designed and sited signage for way finding and premises identification. AO6.2 The development contains lighting that is designed and installed in any public places and community places in accordance with Australian Standard AS1158: Public Lighting Code. AO6.3 Other than for controlled and well lit emergency exits, the development has clearly identifiable and well lit entry and exit points which: (a) front a road, public place, or communal place; or (b) are in clear unobstructed view of a road, public place, or communal place; or (c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.	AO6.1 – Complies The development is for an extractive industry operation. The general public do not access this facility. Appropriate signage should be included within the site for wayfinding and directing drivers along the haul route. AO6.2 – Not applicable The development is restricted to daytime operations and does not require outdoor lighting for use at night. In addition, the use is not in a public place or community place. AO6.3 – Not applicable
	AO6.4 Building entrances facing onto roads, public places or communal places: (a) do not incorporate recesses of sufficient size to conceal a person; or (b) where the recess is of sufficient size to conceal a person it: (i) is well lit; and (ii) is: (A) gated with restricted access; or (B) has strategically placed mirrors.	AO6.4 – Not applicable
	AO6.5 Any movement corridor (walkways, laneways, pathways, tunnels,	AO6.5 – Not applicable

Performance outcomes	Acceptable outcomes	Assessment response
	stairways, cycleways and the like) within a site or between sites do not exceed two-hundred (200) metres in length.	
	AO6.6 Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) having blind corners involving a change in direction of seventy-five (75) degrees or more are provided with design elements that maximise the ability to sense the presence of danger around the corner such as one of or a combination of the following: <ul style="list-style-type: none"> (a) a mirror to allow viewing around the blind corner; or (b) use of permeable material for the building or structure at the blind corner; or (c) reduction of the height of the building or structure at the blind corner to a height allowing for an unobstructed view; or (d) inclusion of a barrier extending out from the blind corridor with the barrier being permeable or having a height allowing for an unobstructed view; or (e) use of night lighting fixed at locations which can cast shadow of persons or objects into view; or (f) other effective design elements. 	AO6.6 – Not applicable
	AO6.7 For vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height.	AO6.7 – Not applicable
	AO6.8 The development has clearly defined boundaries between private and public space by use of one or more of the following elements: <ul style="list-style-type: none"> (a) fencing; or (b) changes in surface finishes; or landscape treatments.	AO6.8 – Complies The development will be fenced to restrict access to the extractive industry, processing areas and stockpile areas.
Location, design, siting, operation		
PO7 The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, are not compromised by the development.	AO7.1 Non-residential development, which commonly generates greater than ten (10) vehicle trips per day, does not have direct access to a road that is classified in the road hierarchy as a local residential access street or a residential access place.	AO7.1 – Complies Etna Creek Road is not classified as a residential access place or local residential access place.
	AO7.2 A traffic impact assessment report is prepared by an engineer who qualifies	AO7.2 – Complies The applicant has submitted a traffic impact assessment for the proposed

Performance outcomes	Acceptable outcomes	Assessment response
	as a registered professional engineer of Queensland and the traffic impact assessment report satisfies Council that the safety, efficiency, effectiveness and operation of components of the transport network servicing the site and surrounding area or any identified strategic future components of the transport network, are not compromised by the development.	change. Council's engineers have assessed the report and are satisfied the proposed internal haul route and connections to Etna Creek Road via the construction of a new road will achieve compliance with this element of the code, subject to condition and the requirement for road upgrades and improvements.
PO8 Development that generates use by a high quantity of people or frequent use by people is located at a highly accessible premises: (a) which is convenient for people needing to use the premises; and (b) which: (i) contains public transport facilities; or (ii) is in proximity to current or future public transport facilities; or (iii) is in proximity to current or future high order transport routes; and (c) which provides for the efficient travel of emergency vehicles; and (d) which can minimise adverse impacts on local amenity.	No acceptable outcome is nominated.	PO8 – Not applicable
PO9 Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.	No acceptable outcome is nominated.	PO9 – Complies The development achieves access to the Bruce Highway, via Etna Creek Road, which allows the applicant to transport extracted materials to the wider area.
PO10 Development occurs on sites that are safe from contaminants that may cause harm to people or property.	No acceptable outcome is nominated.	PO10 – Complies There are no identified contaminants on the development site.
PO11 The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following: (a) large tracts of established native vegetation; or (b) inland and coastal waterways and wetlands; or (c) riparian vegetation; or (d) biodiversity corridors; or	No acceptable outcome is nominated.	PO11 – Complies The development has been designed and located to minimise impacts on the natural environment. An Ecology Assessment has been submitted by the applicant demonstrating not matters of environmental significance will be impacted by the proposal and appropriate mitigation and management procedures are proposed to be implemented via the EMP.

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Performance outcomes	Acceptable outcomes	Assessment response
(e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or (f) important urban green break areas; or (g) cultural heritage features.		

As evident from the above assessment, the proposal complies with the various requirements of the General development code.

11.16 DEVELOPMENT APPLICATION D-128-2020 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY, ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA 16(2)(B) AND (3B)) AND OPERATIONAL WORKS FOR VEGETATION CLEARING AT LOT 1 KUNWARARA ROAD, CANOONA

File No: D-128-2020

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Proposal Plan](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

Author: Jenna Davies - Principal Planning Officer

SUMMARY

<i>Applicant:</i>	<i>Grycan Pty Ltd T/A Blomfield Excavations Gladstone</i>
<i>Consultant:</i>	<i>Groundwork Plus</i>
<i>Real Property Address:</i>	<i>Lot 1 on RP908293</i>
<i>Area of Site:</i>	<i>63.55 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zone:</i>	<i>Rural Zone</i>
<i>Planning Scheme Overlays:</i>	<i>Overlay Map OM07 - Biodiversity – Habitat and Vegetation - Matters of Local Environmental Significance – Remnant Vegetation</i> <i>Overlay Map OM10 – Matters of Local Environmental Significance – Wetlands, Waterways and Waterway Potential Assessment Area</i> <i>Overlay Map OM11 – Biodiversity – Stream Order – Stream Order 3 and Waterway Potential Assessment Area</i> <i>Overlay Map OM12 – Bushfire hazard – High Potential Bushfire Intensity, Medium Potential Bushfire Intensity and Potential Impact Buffer</i> <i>Overlay Map OM15 – Drainage problem</i> <i>Overlay Map OM20 – Road Hierarchy – State Controlled Road (Kunwarara Road)</i> <i>Overlay Map OM22 – Transport Infrastructure – Rail Network and Road Network (property frontage)</i> <i>Overlay Map OM23 – State Controlled Road Noise Corridor and Rail Network Noise Corridors</i>
<i>Existing Development:</i>	<i>Quarry</i>

<i>Level of Assessment:</i>	<i>Impact assessable</i>
<i>Submissions:</i>	<i>One (1) submission received</i>
<i>Referral matters:</i>	<i>Clearing native vegetation (10.3.4.3.1)</i> <i>Infrastructure – State transport infrastructure (10.9.4.1.1.1)</i> <i>Environmentally relevant activities (10.5.4.2.1)</i> <i>Infrastructure – state transport infrastructure (10.9.4.1.1.1)</i> <i>State transport corridors and future state transport corridors (10.9.4.2.4.1)</i>
<i>Infrastructure Charge Area:</i>	<i>Located outside the priority infrastructure area</i>

Application progress:

<i>Application received:</i>	<i>19 May 2020</i>
<i>Application properly made:</i>	<i>2 June 2020</i>
<i>Development control unit meeting:</i>	<i>21 May 2020</i>
<i>Confirmation notice issued:</i>	<i>17 June 2020</i>
<i>Application referred to State agency:</i>	<i>22 June 2020</i>
<i>Information request issued:</i>	<i>15 July 2020</i>
<i>Information request response received:</i>	<i>13 October 2020</i>
<i>Public notification period:</i>	<i>19 October– 10 November 2020</i>
<i>Notice of compliance received:</i>	<i>11 November 2020</i>
<i>Submission consideration period:</i>	<i>12 November–25 November 2020</i>
<i>State agency response:</i>	<i>18 November 2020</i>
<i>Decision period commenced:</i>	<i>25 November 2020</i>
<i>Extension by agreement:</i>	<i>27 January 2021</i>
<i>Change representations made to State agency:</i>	<i>1 December 2020</i>
<i>Change representations withdrawn from State agency:</i>	<i>21 January 2021</i>
<i>Additional information from applicant received:</i>	<i>3 December 2020</i>
<i>Application Stopped:</i>	<i>17 December 2021</i>
<i>Application re-stated:</i>	<i>19 January 2021</i>
<i>Extension of time agreed to:</i>	<i>27 January 2021</i>
<i>Council meeting date:</i>	<i>16 February 2021</i>
<i>Statutory determination date:</i>	<i>16 February 2021</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for an Extractive industry, Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)) and Operational Works for Vegetation Clearing, Council resolves that it is satisfied under section 53 (3) of the *Planning Act 2016*, that the following non-compliance with notification

procedures have not adversely affected the public's awareness of the existence and nature of the application or restricted the public's opportunity to make properly made submissions about the application:

- (i) The public notification sign was taken down during the public notification period on the morning of the last stated day. The applicant advised the land owner was not aware the sign was required to remain on the front of the property on the last stated day (being the 10 November 2020). As the applicant allowed seventeen (17) days for the public notification period and the sign was up for sixteen (16) days, it is considered that the requirements of section 53 (4) of the *Planning Act 2016*, in respect of placing a sign on the land for the minimum period of fifteen (15) business days were still met.

RECOMMENDATION B

THAT in relation to the application for Development Permits for a Material Change of Use for an Extractive industry and concurrent Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)), and Operational Works for Vegetation Clearing, made by Grycan Pty Ltd T/A Blomfield Excavations Gladstone, on Lot 1 on RP908293 and located at Lot 1 Kunwarara Road, Canoona, Council resolves to approve the application subject to the following conditions:

PART A – MATERIAL CHANGE OF USE

1.0 ADMINISTRATION

- 1.1 The developer is responsible for ensuring compliance with this approval and the conditions of the approval by an employee, agent, contractor or invitee of the developer.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council and at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities and at no cost to Council prior to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes, where relevant:
 - 1.6.1 Plumbing and Drainage Work; and
 - 1.6.2 Building Work.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 This approval is for the extraction, screening and transportation of hard rock quarry material from the subject premises which must be in accordance with the endorsed plans (refer to condition 2.1) and at an extraction rate of no more than 1,000,000 tonnes per year.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout Plan	2428.DRG.003 Revision 5	30 October 2020
Environmental Management Plan (and associated management plans in sections 4.1–4.9)	2428_610_001 Revision 1	October 2020
Stormwater Management Plan	2428.800.001 Revision 2	3 December 2020
Noise and Dust Impact Assessment	20-120, Revision 1	8 October 2020
Schematic Internal Access Road Cross Section	2428.DRG.008 Revision 1	21 August 2020

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Building Works.

3.0 ACCESS WORKS

- 3.1 All works must be designed and constructed in accordance with the approved Schematic Internal Access Road Cross Section (refer to condition 2.1).
- 3.2 The internal access road must be upgraded to cater for the additional traffic load from the development in accordance with the Schematic Internal Access Road Cross Section (refer to condition 2.1). The access road maintained regularly to a safe and trafficable condition so as not to create dust issues to the neighbouring properties.
- 3.3 A minimum of ten (10) standard off-street parking spaces must be provided.
- 3.4 Parking and associated vehicle manoeuvring areas must be constructed with compacted gravel pavement to provide safe, non-slip and dust free surface.
- 3.5 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with Manual of Uniform Traffic Control Devices (Queensland).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage work associated with the development.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

- 4.4 Any structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 4.5 On-site water supply for domestic purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 4.6 On-site water storage for potable water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for the Site Office and Amenities buildings.

5.0 STORMWATER WORKS

- 5.1 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 5.2 All stormwater works must be in accordance with the approved Stormwater Management Plan (refer to condition 2.1). It must be implemented at all times while the extractive industry use is occurring and for the duration of rehabilitation works.
- 5.3 If the extraction area expands beyond the catchment boundary nominated in the approved Stormwater Management Plan, the Stormwater Management Plan must be updated and certified by suitably qualified Registered Professional Engineer of Queensland (RPEQ) to address all relevant quantity and quality requirements to the satisfaction of relevant authorities.

6.0 SITE WORKS

- 6.1 Any earthworks associated with the subject development must not, at any time, in any way restrict, impair, or cause an actionable nuisance to adjoining properties or damage infrastructure.
- 6.2 Any vegetation cleared or removed must be:
 - 6.2.1 Mulched on-site and utilised on-site for landscaping purposes; or
 - 6.2.2 Removed for disposal at a location approved by Council;Within sixty (60) days of clearing. Any vegetation removed and if proposed to be burnt, must be in accordance with a relevant fire approval.

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

8.0 ENVIRONMENTAL

- 8.1 In addition to conditions 4.6, adequate on-site water storage for dust suppression purposes must be provided for the development and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 8.2 The Rehabilitation Management Plan and Rehabilitation Concept Plan which forms part of the Environmental Management Plan (refer to conditions 2.1) must be amended and submitted to Council for endorsement prior to commencement of use. The Rehabilitation Management Plan and Rehabilitation Concept Plan must be amended as follows:
 - 8.2.1 The rehabilitation planting plan be amended to align with the Site Layout Plan and Stormwater Management Plan (refer to condition 2.1).
 - 8.2.2 Within the fifty (50) metre watercourse buffer, must be revegetated with species listed in the "Terminal batters" species list. This buffer must be illustrated on the rehabilitation concept plan (refer to condition 2.1).

- 8.2.3 Areas currently identified as containing vegetation classified as Matters of Local Environmental Significance are revegetated with species listed in the "Terminal batters" species list.
 - 8.2.4 The following invasive exotic species are removed from Table 8 – Species Suitable for Vegetation *Panicum coloratum* (Bambasti), *Cenchrus ciliaris* (Buffel), *Panicum maximum* (Hamil grass).
 - 8.2.5 Old growth trees and native vegetation located within the designated area must be retained where possible.
- 8.3 Progressive rehabilitation and vegetation must be completed within six (6) months after completion of the extraction or operation in an area and the rehabilitated area must be subject of on-going management and maintenance for a period of two (2) years.

Written notice must be provided to Council once the area is rehabilitated and revegetated and inspections will be undertaken at the time the area is revegetated, and following the maintenance period.

- 8.4 The erosion and sediment control device(s) referenced in the Stormwater Management Plan (refer condition 2.1), as approved and amended pursuant to this approval, must be installed and maintained at all times while the extractive industry use (including the associated activities and the ERAs) is occurring and for the duration of rehabilitation works.

9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 The ancillary Site Office and Amenities must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy supply authority.)
- 9.2 The ancillary Site Office and Amenities must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with the each of the nearest emergency services. (Note if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.)

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

11.0 OPERATING PROCEDURES

- 11.1 The hours of operations must be limited to:
- (i) For all operations (excluding blasting):
 - a) 0600 hours to 0700 hours Mondays to Sunday Product Sales Only (loading trucks from stockpiles and dispatch of materials via trucks)
 - b) 0700 hours to 1800 hours Mondays to Sunday Full Operations; and
 - c) Not permitted on Public Holidays.
 - (ii) For blasting:
 - a) 0900 hours to 1500 hours Monday to Friday;
 - b) 0900 hours to 1300 hours Saturday; and
 - a) Not permitted on Sundays or Public Holidays.

- 11.2 A detailed record of the extraction operations must be maintained on site at all times and must be available for inspection by Council. Records must be kept for a minimum of five (5) years. The record of extraction operations must include how many tonnes of material has been transported from the site.
- 11.3 The development must be undertaken in accordance with Environmental Management Plan (refer to condition 2.1).
- 11.4 The Noise & Dust Impact Assessment (refer to condition 2.1) must be complied with at all times.
- 11.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.6 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in the unnamed road reserve.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website www.datsip.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

The development must be undertaken in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.

NOTE 3. General Safety Of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Environmental

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site

works. Council will supply a free inspection and advice service on the request of the land owner.

- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 5. Water

- a. Any barrier works associated with mapped Queensland waterways for waterway barrier works require approval for Operational Works unless compliance is achieved with the *Accepted development requirements for operational work that is constructing or raising waterway barrier works*

PART B: OPERATIONAL WORK – CLEARING VEGETATION

12.0 ADMINISTRATION

- 12.1 All works must be constructed pursuant to the conditions of this Decision Notice and approved plans and documents, or for any subsequent variations as approved in writing by Council.

13.0 APPROVED PLANS AND DOCUMENTS

- 13.1 The development must be completed and maintained in generally in accordance with the approved plans and documents, except where amended by the conditions of this Decision Notice.

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Layout Plan	2428.DRG.003 Revision 5	30 October 2020
Rehabilitation Concept Plan	2428.DRG.009 Revision 0	7 October 2020
Environmental Management Plan (and associated management plans in sections 4.1–4.9)	2428_610_001 Revision 1	October 2020

- 13.2 A set of the above stamped approved plans are returned to you as the Applicant who must supply a copy to the contractor or suitably qualified professional undertaking the clearing work, which must be retained on site at all times during clearing.
- 13.3 Where there is any conflict between the conditions of this Decision Notice and the details shown on the approved plans and documents, the conditions of this Decision Notice must prevail.

14.0 INSPECTION REQUIREMENTS

- 14.1 Prior to the commencement of any vegetation clearing on site, a joint inspection with the Project Superintendent/Consulting Engineer, the Principal Contractor, Fauna Spotter / Catcher and Council's Development Assessment and Natural Resource Management Unit representatives must occur. The purpose of the meeting is to identify vegetation to be cleared and retained and discuss rehabilitation works.
- 14.2 Joint inspections with the Project Superintendent/supervising Engineer, the Principal Contractor, a Fauna Spotter / catcher and Council's Operational Works Inspector(s) and Natural Resource Management Unit are required for all hold points. All works must conform with the inspection and test plan as defined by the *Capricorn Municipal Development Guidelines* and be in accordance with the approved Environmental

Management Plan (revised plan to be submitted to Council for approval prior to the pre start meeting).

- 14.3 A pre-start meeting must be held, prior to the commencement of any vegetation clearing, in accordance with section CP1.08 – Notice to commence works and CP1.09 – Pre-start meeting of the *Capricorn Municipal Development Guidelines*. The following information must be presented prior to, or at the meeting:

14.3.1 notification of the Fauna Spotter / Catcher and permit number;

14.3.2 existing vegetation must be inspected prior to undertaking any works on this site. The boundaries of clearing areas must be clearly delineated for machinery operators for inspection by Council Officers at the pre-start meeting and prior to works commencing; and

14.3.3 a programme of works, demonstrating all major activities and milestones.

- 14.4 Council's minimum inspection programme is as follows, however this does not preclude the requirement for further inspections if deemed appropriate by Council officers:

14.4.1 Vegetation:

- (i) pre-inspection of vegetation prior to undertaking any works on this site;
- (ii) final inspection at completion of vegetation removal;
- (iii) pre-inspection of area prior to undertaking any rehabilitation plantings;
- (iv) Revegetation/rehabilitation works inspection; and
- (v) off-defects inspections (weed management and revegetation progress).

15.0 ENVIRONMENTAL MANAGEMENT

- 15.1 The Principal Contractor or suitably qualified professional undertaking the clearing work is responsible for ensuring that all aspects of the Environmental Management Plan (refer to condition 13.1) are complied with at all times.

- 15.2 The boundaries of areas proposed to be cleared must be clearly delineated on the ground for machinery operators, with clearing confined to the area required for excavation in order to minimise impacts on adjacent habitats prior to and during vegetation clearing.

- 15.3 Significant mature trees and native vegetation, if practicable, must be retained during clearing works.

- 15.4 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per *Australian Standard 4970 – 2009 Protection of Trees on Development Sites*.

- 15.5 Development does not cause land degradation near a waterway or wetland, including:

15.5.1 mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and

15.5.2 loss or modification of chemical, physical or biological properties or functions of soil.

16.0 FAUNA MANAGEMENT AND HABITAT

- 16.1 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-assessment of wildlife habitats and breeding places. The suitably qualified fauna spotter / catcher must be provided with the Development Approval and be onsite

during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.

- 16.2 A suitably qualified and licenced spotter catcher is to maintain daily records of pre-clearing assessments conducted, breeding places identified and assessed (including in top layers of sediment to be excavated), observations of wildlife movement and escape and all incidents and actions taken in regard to fauna. Records must be made available to Council on request.
- 16.3 A record of fauna observed, relocated, injured or killed must be kept and provided to Council on request.
- 16.4 Clearing is to be avoided in breeding and nesting seasons where possible.

17.0 DEFECTS LIABILITY PERIOD

- 17.1 Comprehensive weed management must be undertaken during the defects period of one (1) year to ensure revegetation of the endemic native vegetation can occur.

18.0 EROSION AND SEDIMENT CONTROL

- 18.1 The Principal Contractor is responsible for ensuring that Erosion Controls are in place at the start and end of each day to ensure the works area is secure and appropriately prepared in the event of rainfall.
- 18.2 The principal contractor must also check the Erosion and Sediment Control Measures at the start and end of each day to ensure the entire site is secure and appropriately prepared in the event of rainfall.

19.0 DOCUMENTATION

- 19.1 The Contractors Construction Certificate and a Registered Professional Engineer of Queensland's supervision certificate must be submitted to Council at the completion of works verifying that all works have been carried out in accordance with Council approved drawings, approval conditions, specifications and best engineering and construction practices (including any variations and departures) for the works supervised and constructed.

20.0 AS CONSTRUCTED AND DEFECTS LIABILITY REQUIREMENTS

- 20.1 Rehabilitation Plantings Maintenance must be undertaken in accordance with approved revegetation plan during the defects period to ensure revegetation of the endemic native vegetation can occur.

ADVISORY NOTES

(a) Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships Website www.datsip.qld.gov.au

(b) Environmental Duty

- a. The *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2008*, *Environmental Protection (Air) Policy 2008* and *Environmental Protection (Noise) Policy 2008* control the way in which dust emissions, soil erosion and sediment control are dealt with on building and development sites. It is the responsibility of the Developer to ensure compliance with the aforementioned legislative requirements. Non-compliance issues are regulated by the Department of Environmental and Heritage Protection which may investigate and

act on any complaint/s received in relation to the release of regulated contaminants from a site.

- b. All construction work and other associated activities are permitted only between 0630 hours and 1830 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times.
- c. During all stages of the development, operations must be undertaken in a manner that does not allow environmental nuisance caused by noise, aerosols, dust, ash, fumes, light, odour or smoke and must not go beyond the boundaries of the property, as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- d. The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

(c) Standard Council Templates

Livingstone Shire Council has standard templates for the following forms which are available on Council's website www.livingstone.qld.gov.au/582/Forms:

- [INF-8-F06](#) – *Operational Works Design Certificate* (covering Statement of Compliance Engineering Design and/or Statement of Compliance Engineering Design for Geotechnical Certification)
- [INF-8-F05](#) - *Operational Works Construction Completion Certificate*: (covering Engineering Supervision Certificate and/or Principal Contractor Certificate).

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for an Extractive industry, Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)) and Operational Works for Vegetation Clearing, made by Grycan Pty Ltd T/A Blomfield Excavations Gladstone, on Lot 1 on RP908293 and located at Lot 1 Kunwarara Road, Canoona, there is no requirement to issue an Infrastructure Charges notice due to the credit attaching to the land and none of the lot credit being utilised by the existing Town Planning Consent, therefore, there is no charge payable as the credit exceeds the charge.

BACKGROUND

Livingstone Shire Council previously granted approval for the use of the site at Lot 1 on RP908293 (the 'site') for extractive industry purposes by way of Consent Application No. 803 in May 1990. This approved the extraction and screening of up to 100,000 tonnes per year. An expansion of the existing quarry is sought to enable the operator to supply adequate material for road construction projects (among other uses), such as the Stanage Bay Road project.

COMMENTARY

PROPOSAL

Grycan Pty Ltd (trading as Blomfield Excavations Gladstone) proposes to expand the capacity of extractive industry activities occurring on the site at the existing Kunwarara Quarry. Subsequently, a development application, which is the subject of this assessment was made for a Material Change of Use for Extractive industry and Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)) and Operational Works (vegetation clearing).

The development proposes an increase the Environmentally Relevant Activity extraction thresholds to not more than 1,000,000 tonnes per year (the 'proposal'). The operation will be in the northern part of the site and the extraction will extend further towards south of the already disturbed area of the site. It is proposed to firstly clear vegetation and strip topsoil and overburden material. Drilling and blasting will occur of the underlying rock from the developed quarry benches; and relocation of materials to the quarry pit or bench below, ready to be processed. Raw materials (rock) will be crushed and screened by mobile plant onsite. The final products will be stocked piled and finally sold and loaded onto trucks for transport off-site.

Ancillary activities include a site office and crib room, storage facility, amenities, diesel refuelling area and weighbridge, providing access to the existing accessway in Kunwarara Road. These have a total gross floor area of fifty four (54) square metres.

The proposal seeks to operate seven days per week (excluding ANZAC Day, Good Friday, Easter Monday and Christmas Day) – from 6:00am to 6:00pm. However, blasting activity will only occur Monday to Friday, 9:00am–3:00pm and Saturday, 9:00am–1:00pm (excluding Sundays and public holidays). Approximately ten (10) employees will be present on-site. The proposal includes provision for ten (10) light vehicle parking spaces.

SITE AND LOCALITY

The site, legally described as Lot 1 on RP908293 is 635,500 square metres in area and is improved by the existing Kunwarara Quarry and associated operations. It is irregularly shaped and slopes down to the existing disturbed quarry area at fifty (50) metres Australian Height Datum from in the south of the site. This hilltop is prominent in the surrounding area and steps from sixty (60) metres up to eighty five (85) metres Australian Height Datum in the centre of the site.

The quarry hilltop and rear of the site is moderately vegetated, containing mapped regulated vegetation (mostly category B, with category C regrowth in the south). This vegetation is classified as matters of local environmental significance and also, least concern regional ecosystem by the State's Development Assessment Mapping System.

The site has a twenty three (23) metre frontage to Kunwarara Road. Site access is provided via an unnamed access road, which traverses the North Coast Line railway level crossing, and connects to the Bruce Highway to the north. Officers undertook a site visit on 10 November 2020, whereby the extraction area and hill (vegetated area behind the existing quarry) was viewed.

The surrounding area is predominately rural in nature, characterised by large lots, and is outside the priority infrastructure area. The nearest sensitive land use is a dwelling house approximately 630 metres to the north-east across Kunwarara Road. Several state forests surround the Kunwarara locality, including Alligator Creek, Lake Learmouth and Eugene State Forests.

The related permits over the site is detailed in the following table:

Existing applications/development permit over the site	
Lot 1 on RP908293 Lot 1 Kunwarara Road, Canoona	Consent Application (No. 803) – Extractive Industry – Kunwarara – approved with conditions on 11 May 1990
	Environmental Authority (EPPR00770213) – dated 24 March 2020 ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (a) 5,000t

	to 100,000t
Adjoining properties:	
Lot 51 on RP908293	Nil permits
Lot 51 Kunwarara Road, Canoona	Cattle Breeding / fattening land use

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

This application has been assessed by relevant Council planning, development engineering and environmental health technical officers. The assessment has been undertaken in accordance with chapter 3 of the *Planning Act 2016*, part 4 of the *Planning Regulation 2017* and the Development Assessment Rules under the *Planning Act 2016*.

The assessment has been carried out against the assessment benchmarks in the relevant categorising instruments for the development and having regard to the State Planning Policy, any development approval for, and any lawful use of, the premises or adjoining premises, and the common material. The assessment has also had regard to other relevant matters (other than a person's personal circumstances, financial or otherwise) discussed further in this report

Benchmarks applying for the development	Benchmark reference
Strategic Framework – Settlement pattern, Natural environment and hazards, Transportation and movement and Natural resources and economic development themes Rural zone code Biodiversity overlay code Bushfire hazard overlay code Development works code General development code	<i>Livingstone Planning Scheme 2018</i> Version 2, in effect 25 June 2018
Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan</i> October 2013
Part E: State interest policies and assessment benchmarks (to the extent the SPP is not identified in the planning scheme as being appropriately integrated)	<i>State Planning Policy</i> July 2017
Relevant matters considered	
Any development approval for, and any lawful use of, the premises or adjacent premises	In respect of the existing Consent Application No. 803 over the site and existing use rights granted for extractive industry.
The common material submitted with the application	In respect of the reports provided in the application material, including proposal plans and supporting information.
Submissions provided on the application	In respect of relevant matters raised in submissions.
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

Internal advice and assessment**Development Engineering – 3 November 2020**

The Development Engineering's assessment of the information request material notes that the updated site layout plan demarcates the extraction, processing and stockpiling area approved under the current environmental authority. However, the rear (southern) section of this approved area does not form part of the catchment boundary for stormwater management purposes. Stormwater discharge from this southern part of the site has not currently been modelled in the Stormwater Management Plan provided, which must be updated accordingly.

22 December 2020

The omission of the southern portion of the site within the stormwater management plan was raised in further advice. In response the applicant amended the stormwater management plan to include a note stating '*SMP to be updated in future if extraction extends beyond catchment boundary shown*'.

Development Engineering provided a note advising that the stormwater management plan must be updated if any extraction, processing and stockpiling activities extend beyond the catchment boundary.

To ensure the stormwater management plan appropriately reflects quarry operations and is updated accordingly a condition of approval has been recommended.

Public and Environmental Health – 23 October 2020

The Environmental Health Officer's assessment of the information request material is supportive of approval, subject to compliance with the Environmental Management Plan, which will be conditioned.

Natural Resource Management – 6 January 2021

The Natural Resource Management Officer's assessment of the application material, including the response to information request and response to additional information concluded that there are several noncompliance's with the provisions of the Biodiversity Overlay Code.

Despite the non-compliance Natural Resource Management support the proposal providing conditions are included requiring amendment to the Rehabilitation Management Plan.

External referral

The application was referred to Queensland Treasury as a concurrence agency and was triggered for referral under schedule 10 of the *Planning Regulation 2017* for the following:

- Clearing native vegetation in accordance with Table 3, Item 1.
Conditions limiting clearing to only Area A on the approved Technical Agency Response Plan has been conditioned.
- Environmentally relevant activity in accordance with Table 2, Item 1.
The reference is EA0002587 and was issued on 30 October 2020
- State transport infrastructure in accordance with Table 1, Item 1.
- State transport corridors and future State transport corridors in accordance with Table 4, Item 1.

The department assessed the application and requested further information on 9 July 2020. Following a response to the information request, the department provided conditions on 18 November 2020.

On 1 December 2020 the applicant made change representations to Queensland Treasury about condition 3 of their decision. The change representations were withdrawn by the applicant and Council was notified the representations were withdrawn on 21 January 2021.

Information request

An information request was issued by Council on 15 July 2020, which included the following additional assessment requirements:

- Relevant outcomes of the strategic framework.
- Sensitive land use impacts (noise, air quality, vibration/blasting, site-based stormwater management, landscaping).
- Environmental management – identify, assess and protect matters of local environmental significance and address scarring impacts and site rehabilitation.
- Determine a tolerable level of bushfire hazard risk and an evacuation plan and water supply source.
- Engineering – provision of civil services to the development and a stormwater management plan in accordance with the Development works code.
- Amendments to the Environmental Management Plan to address environmental health impacts.
- Full extent of the development footprint to be shown on the site layout plan, including stormwater control devices.

The applicant provided a response in full on 13 October 2020.

Further advice

Council issued further advice to the applicant on 1 December 2020 pertaining to the stormwater management catchment area, matters of local environmental significance, vehicle parking and bushfire evacuation and information not included on development plans.

The applicant responded to the further advice on 3 December 2020 by:

- Including a note in the stormwater management plan stating the stormwater management plan will be updated if extraction extends beyond the identified area.
- Reiterating that vegetation removal will be contained within the quarry area approved as part of the 1990 consent (No. 803).
- Confirming that vehicle parking can be accommodated site.
- Deferring nomination of the neighbourhood safe place prior to commencement of the use, through a condition of approval.
- Advising where quarry facilities will be located on site.

The Site Layout plan was amended in this response (revision 5) and was amended to illustrate a fifty (50) metre buffer to the waterway in response to the State Assessment and Referral Agency response.

State Planning Policy – July 2017

The Minister has identified that the *State Planning Policy* (July 2017) is integrated in the planning scheme for the following state interests:

- Guiding principles
- Agriculture
- Development and construction
- Mining and extractive resources
- Tourism
- Emissions and hazardous activities

Part E of the *State Planning Policy* provides for interim development assessment benchmarks for local government until such time as the balance state interests are reflected in the planning scheme. An assessment of the state interests relevant to the application are detailed below.

Liveable Communities: Not applicable, as the proposal is not located in an urban area and will not be accessed by common private title.

Environment and Heritage – Water quality: Not applicable, as the development is not for an urban purpose (is in the Rural activities group under the planning scheme) and is not located in the water supply buffer area.

Natural hazards, risk and resilience: Applicable, as the site is within the bushfire prone area.

Erosion prone areas within a coastal management district:	
Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere and is: (a) coastal-dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.	Not applicable The site is not located within an erosion prone area.
Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.	Not applicable The site is not located within an erosion prone area.
Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: Applicable, as the site is within the bushfire prone area.	
Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	Complies The proposal is to expand quarry operations in a medium potential bushfire intensity area. Given the physical location where the extractive resource naturally occurs, it is not possible to avoid the bushfire hazard area. However, a bushfire management plan and evacuation plan has been prepared to minimise risks to people and property. This includes measures to reduce the risk, such as: <ul style="list-style-type: none">• provision of on-site water supply sources and vehicles and fire protection equipment;• management practices for storage of materials and plant operation (e.g.• adequate firebreaks to reduce fuel loads around working areas;• dedicated refuelling, controlled work and

	<p>smoking areas;</p> <ul style="list-style-type: none"> • communication and training; • hazard signage; and • regular liaison with Kunwarara Rural Fire Brigade during bushfire season.
All natural hazard areas: Applicable, as the site is within the bushfire prone area.	
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	<p>Complies</p> <p>An evacuation plan has been prepared to limit the burden on disaster management. This documents fire preparedness and response strategies during operation, such as: practice drills, bushfire emergency response kits, a warning system and early response actions (such as relocating flammable sources and watering down key emergency assembly points). An emergency response map has also been prepared to assist with early evacuation.</p>
Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	<p>Complies</p> <p>The proposal is for extraction, screening, processing and stockpiling of a natural resource in situ and will remove potential fuel loads within and around the approved area. It does not constitute a sensitive land use and will not significantly increase the number of people exposed to a bushfire hazard.</p> <p>Specific management plans have been prepared to prevent an increase in the bushfire risk in hazard events, as well as through incidental operations (such as hydrocarbons and chemical management, blasting).</p> <p>The site is in a predominately rural environment and is well separated from adjoining properties, which further minimises the risk to surrounding properties.</p>
Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	<p>Complies</p> <p>The bushfire management plan in the Environmental Management Plan adopts risk-appropriate controls for the location and storage of hazardous materials. These are located within dedicated, impervious and roofed storage areas that are bunded, feature a secondary containment system and are located away from site boundaries.</p> <p>The use of hazardous chemicals will be managed in accordance with the relevant Australian Standard (being AS1940 –</p>

	Storage and handling flammable and combustible liquids) and ensure adequate source separation and fire safety management systems and equipment are in place for chemical use.
The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	<p>Complies</p> <p>A rehabilitation management plan in the Environmental Management Plan has been prepared to document the progressive rehabilitation of disturbed areas on the site in pace with the staging of development works and new extraction areas. This will look to reinstate landforms, vegetation and waterbodies (for example sediment basin) to terminal benches, hardstand and stockpile areas and the pit floor in a manner that stabilises slopes, re-profiles the surface and achieves a free-draining landform that can contribute to hazard mitigation in the long-term.</p>

Strategic airports and aviation facilities: Applicable, as the site is within the Building restricted area – Area of interest.

Development and associated activities do not create a permanent or temporary physical or transient intrusion into a strategic airport's operational airspace, unless the intrusion is approved in accordance with the relevant federal legislation.	<p>Complies</p> <p>The proposal will not increase the extraction footprint beyond the approved extraction, processing or stockpiling area. Dust emissions will be managed in accordance with the control measures recommended in the dust impact assessment and blasting impacts are proposed to be handled in accordance with the Blasting Management Plan. These plans avoid transient obstructions to the operational airspace. No physical structures penetrating the airspace are proposed on-site.</p>
Development and associated activities do not include light sources or reflective surfaces that could distract or confuse pilots within a light restriction zone or lighting area buffer	<p>Not applicable</p> <p>The site is not within a light restriction zone or lighting area buffer.</p>
Emissions do not significantly increase air turbulence, reduce visibility or compromise the operation of aircraft engines in a strategic airport's operational airspace.	<p>Complies</p> <p>Dust emissions will be managed in accordance with the control measures recommended in the dust impact assessment and blasting impacts are proposed to be handled in accordance with the Blasting Management Plan. These plans avoid visibility and air quality obstructions to the operational airspace.</p>
Development and associated activities do	Not applicable

not attract wildlife or increase wildlife hazards within a wildlife hazard buffer zone.	The site is not within a wildlife hazard buffer zone.
Development and associated activities within a building restricted area do not interfere with the function of aviation facilities.	Complies No new buildings are proposed within the building restricted area – area of interest. Ancillary structures proposed are not of a height or scale that will impact aviation facilities.
Development does not increase the risk to public safety within a public safety area.	Not applicable The site is not within a public safety area.
Development within the 20 ANEF contour or greater is appropriately located and designed to prevent adverse impacts from aircraft noise.	Not applicable The site is not within the specified noise contours.

Central Queensland Regional Plan – October 2013

The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the *Central Queensland Regional Plan* October 2013 as it applies in the planning scheme area.

Livingstone Planning Scheme 2018

The *Livingstone Planning Scheme 2018* (version 2, in effect 25 June 2018) is the relevant local categorising instrument applicable to the assessment of this application.

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 as follows:

- (a) the strategic intent, and statements of preferred dominant land uses, that describe the *places* forming part of the planning scheme area;
- (b) the following six (6) *themes* that collectively represent the policy intent of the planning scheme:
 - (i) Settlement pattern;
 - (ii) Natural environment and hazards;
 - (iii) Community identity and diversity;
 - (iv) Access and mobility;
 - (v) Infrastructure and services; and
 - (vi) Natural resources and economic development;
- (c) the *strategic outcomes* proposed for development in the planning scheme area for each theme;
- (d) the *specific outcomes* for each, or a number of, *elements* underpinning each theme; and
- (e) the *land use strategies* for achieving these outcomes.

The following themes are relevant to the assessment of this application:

- (i) Settlement pattern;
- (ii) Natural environment and hazards;

- (iii) Transportation and movement;
- (iv) Natural resources and economic development.

The performance assessment of the proposal demonstrates that it will not compromise the Strategic Framework. On balance, the proposal achieves the relevant strategic and specific outcomes and land use strategies as summarised below. A more detailed assessment against relevant strategic framework outcomes is attached.

Settlement pattern theme

The proposal involves the expansion of an existing extractive industry operation, which is a preferred use from the rural activities group to locate in a Rural place. It enables the continued economic development of the rural area by maximising use of a natural resource. Further, the proposal does not fragment productive primary production land.

Given the physical location of where the resource naturally occurs, development cannot entirely avoid matters of environmental significance. However, disturbance has been limited to the area necessary for extraction (as previously approved by the 1990 Consent Application No. 803), is restricted to pre-disturbed and cleared areas or areas of least concern regional ecosystem, and progressive rehabilitation and restoration will occur to support natural regeneration.

The expansion is to occur in a southerly direction, away from the nearest sensitive land use, and noise, dust, stormwater, traffic, environmental values and other emissions managed in accordance with the technical assessments prepared.

Natural environment and hazards theme

The proposal will occur in an area approved under the 1990 Consent Application No. 803 and has limited the extent of development in areas containing matters of environmental significance. The Rehabilitation Concept Plan intends to progressively rehabilitate the site and re-profile the landform to promote natural regeneration and revegetation of the regional ecosystem. This will reinstate the area's biodiversity and rural character values.

Expansion will occur into a medium potential bushfire intensity and potential impact buffer area. However, an extractive industry use is not incompatible with the level of bushfire risk, will not increase the severity of the hazard or significantly expose more people and sensitive receivers to unacceptable risk. The proposal does not comprise critical infrastructure with a role in disaster response and recovery.

Detailed planning investigations have been prepared to substantiate that adverse impacts (including from emissions and hazardous materials) will not occur to areas of ecological significance, water resources, catchments, healthy waters and sensitive land uses. These assessments have demonstrated the appropriateness of the proposal and its location and design, with reference to noise, dust, air and water quality, stormwater and hydrocarbons and chemical management. Specific management measures, and operating conditions of the Environmental Authority applied for, prevent untreated environmental releases and impacts.

Transportation and movement theme

The site has access to the Bruce Highway and North Coast Line via the Kunwarara Access Road. The Traffic Impact Assessment (TIA) shows that this section of road is operating within its capacity at current and future (ten (10) year growth) background traffic volumes, including with development traffic at various tonnage scenarios. The site also has adequate sightlines, and no major safety issues and low traffic incidences are reported.

The proposal is not a high traffic generating use and will conservatively generate twenty (20) peak vehicle per hour trips at a rate of one (1) million annual tonnes per year. The network analysis in the Traffic Impact Assessment demonstrated that peak hour impacts on surrounding road intersections will be minor (only two (2) vehicles per hour). An access road and turn treatment upgrade will be provided to the Kunwarara Access Road (Bruce Highway)

intersection to accommodate design vehicles and pavement contributions conditioned, to ensure network efficiency and effectiveness.

Railway level crossing upgrades have been conditioned by the State in respect of road width, sealed surface and safety control requirements in accordance with Queensland Rail standard drawings and the *Australian Standard AS1742.7-2016 Manual of uniform traffic control devices*.

Natural resources and economic development theme

The proposal relates to the expansion of an existing resource extraction activity in a rural area, where intended by the planning scheme. This further contributes to the economic development of the region's rural areas and provide important construction materials to infrastructure projects across Livingstone Shire.

Extractive resources are identified as a valuable natural resource in the Local Government Area. The Rehabilitation Concept Plan identifies how the site will progressively transition and be rehabilitated for a suitable rural purpose that can continue to contribute to a diverse rural economy.

The site is not surrounded by inappropriate development that will prevent or constrain current or future extraction and transportation of the resource, such as urban, rural residential or township places. The nearest residence is approximately 700 metres north and compliance can be achieved with the relevant acoustic and air quality objectives as per the Noise and Dust Impact Assessment. Similarly, the site is not connected to reticulated infrastructure and will not adversely impact local infrastructure networks (with traffic impacts assessed in the previous theme).

Rural Zone Code

The purpose of the Rural zone code is [only relevant excerpt provided]:

- (2) *to provide predominantly for a wide range of uses from within the rural activities group, particularly those involved primary production, and to protect these from land use conflict that may result from the development of sensitive land use and other non-rural uses;*
- (3) *to protect or manage significant natural resources and processes to maintain the capacity for primary production;*

...

The purpose of the Rural zone code is achieved through the following overall outcomes [only relevant outcomes provided]:

- (1) *the development is:*
 - (a) *a use within the rural activities group; or*
- ...
- (2) *the development of a use from within the rural activities group is a preferred use within the zone in the following circumstances:*
 - (a) *it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and*
 - (b) *the use:*
 - ...
 - (v) *is extractive industry; or*
 - ...
- (5) *the development is compatible with a form that is characterised by:*
 - ...
 - (c) *use of vegetation screening, separation distances and buffering to manage impacts between adjoining land use;*
 - (d) *protection of a reasonable level of visual amenity when viewed from the street and public places; and*
 - (e) *development being appropriately integrated with any large tracts and corridors of remnant vegetation and habitat, and any State or local significant vegetation, habitat,*

wetlands or waterways, so as to protect landscape values and natural environment values;

The proposal is for an Extractive industry use within the rural activities group, which is a preferred use in the zone as per overall outcome (1) (a) and (2) (b).

The following is an assessment of the proposal against the relevant assessment benchmarks of the Rural zone code where a performance outcome has been relied on to achieve compliance with the overall outcomes and purpose of the code.

Table 6.5.4.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		
Land use		
If a use within the rural activities group		
PO2 The development of a use within the rural activities group is designed, sited and operated to minimise significant adverse impacts on sensitive land use.	AO2.1 The development of a use within the rural activities group complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	Partially complies with AO2.1 The proposal complies with the 500 metre separation distance to the adjoining sensitive land use (dwelling house) which is approximately 700 metres to the north; however, is not 250 metres from site boundaries as required by Table SC4.1.1. The performance solution is therefore relied on. Complies with PO2 The Environmental Management Plan (EMP), Stormwater Management Plan (SMP), Noise and Dust Impact Assessment and Traffic Impact Assessment (TIA) demonstrate how the proposal has sought to minimise significant adverse impacts on the sensitive land use opposite the site as follows: <u>Noise:</u> <ul style="list-style-type: none"> Restricted hours of operation (product sales only between 6:00-7:00am, full operations between 7:00am-6:00pm and blasting restrictions to 9:00am-3:00pm Monday to Friday; 9:00am-1:00pm Saturday). Crushing and screening operations to have topographical screening to the north. Broadband reversing alarms for mobile plant and forward-in/forward-out movement to limit reversing manoeuvres. Exhaust silencers to all mobile plant in the field and noise-generating equipment to be enclosed where possible. <u>Dust/air quality:</u> <ul style="list-style-type: none"> Watering down haul and access roads and stockpiles to 2L/m²/hr. Water spraying plant at transfer points. Dust extraction system to rock drill or employ wet drilling. Sprinklers or water trucks to manage stockpile areas during high winds. Dust and particulate emission limits

		<p>(120mg/m²/day one month average & PM₁₀ for 50mg/m³ over 24-hr average).</p> <ul style="list-style-type: none"> • Seal heavily trafficked haul routes and enforce 40km/hr speeds. • Limit stockpile heights to <6m. • Cover loads and clean down trucks before leaving the site and manage site egress/ingress. <p><u>Water quality:</u></p> <ul style="list-style-type: none"> • Management of stormwater up to twenty four (24) hour (1 in 5) storm event, including contaminants prior to discharge. • Ensure total suspended solids (TSS) water quality targets are met (fifty (50) milligrams per litre). • Peak discharge post-development results in a “no worsening” up to a 60-minute critical storm duration. • Sediment basin/retention pond proposed to capture runoff and control erosion and sediment • Use of diversion bunds, drains, sediment traps and grading to divert water from stockpiled or disturbed areas, maintaining the quality of surface and groundwater. • Bunded hardstand and roofed areas to contain potential contaminants (such as oil, fuels, chemicals). <p><u>Blasting:</u></p> <ul style="list-style-type: none"> • Limits for air blast overpressure (115dB for 9/10 blasts and not >120dB) and peak particle velocity (5mm/s for 9/10 blasts and not >10mm/s). • Only qualified contractors to undertake blasting in accordance with hours of operation. • Preparation of blast plan for each blast. <p><u>Waste:</u></p> <ul style="list-style-type: none"> • Ability to recover and reuse solvents, metals, oil, overburden, sediment or other components in site operations. • Engage licensed operator to recover potentially contaminating materials (such as greases, oils, lubricants) or dispose at a licensed facility. • Dedicated storage area with receptacles (including for recycling). • Separation of waste streams in dedicated, enclosed containers to avoid mixing of hazard classes. • Storage of regulated waste in closed containers within a bunded area and storage area. <p><u>Land:</u> Progressive rehabilitation of land in</p>
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		<p>accordance with the rehabilitation concept plan, including:</p> <ul style="list-style-type: none"> • Native species suited to different revegetated areas (for example terminal benches verses low gradient areas). • Appropriate batter grading at 3:1. • Use of stripped material in rehabilitation. • Development of free-draining stockpiles. • Ripping to occur along contours. • Loosen earth and spread material in a reverse direction to promote seed content. Leave rehabilitated areas in a natural state to absorb moisture. • Apply topsoil (150 millimetres thickness) and monitor for weed and pest propagation. • Convert sediment basin to a clean water storage area for future use. • Ongoing monitoring of rehabilitated areas to facilitate a self-sustaining state. <p><u>Traffic:</u></p> <ul style="list-style-type: none"> • No background traffic growth is anticipated on the road network over a ten (10) year period. Relevant sections of the Bruce Highway servicing the site are operating within its capacity, pre- and post-development. • Peak traffic has been conservatively estimated for 1,000,000 tonnes per annum (TPa), totalling twenty (20) vehicles per hour (vph). • Limited delivery timeframes – during daytime hours. • Minimal staff required on-site (maximum ten (10) employees), which reduces vehicle movements. • Intersections surrounding the site are not negatively impacted by the development; peak hour turn volumes do not exceed two (2) vehicles per hour (vph). • Determined to be a negligible impact to road link volumes up to 500,000 tonnes per annum (TPa) production rate. • Site access benefits from good intersection visibility. • A proposed intersection upgrade (Bruce Highway with unnamed access road) will be required and comprise a basic right-turn and left-turn treatment to accommodate a 1,000,000 tonnes per annum (TPa) production rate. • Road pavement impact contributions are to be provided once the production rate exceeds 125,000 tonnes per annum (TPa). • There is sufficient standing area either side of the North Coast Line to avoid short stacking of the design service vehicle.
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Table 6.5.4.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
If an extractive industry		
PO20 To the extent practicable, scarred areas of the natural landscape resulting from extractive industry are screened from view of public roads, prominent public viewer places and neighbouring properties.	AO20.1 A densely vegetated buffer area having a minimum depth from the property boundary of twenty (20) metres is located along all boundaries of the site (excluding access points), and the buffer area contains vegetation having a foliage height and density capable of visually screening scarred areas of land when viewed from public roads, prominent public viewer places and neighbouring properties.	Complies with PO20 The Rehabilitation Management Plan and Rehabilitation Concept Plan in the Environmental Management Plan provide for the progressive rehabilitation of the site when, among other requirements, there is a minimum 100 metre separation to active working areas. Most scarred areas that are likely to be visible from the Bruce Highway (including the hardstand, stockpile and low slope areas) will eventually be graded to the north to replicate the existing landform and revegetation and growth media employed (such as grass species) to stabilise the site. As the extractive industry use is existing, the visual amenity of the natural landscape is presently disturbed. This site is also set back approximately 255 metres from the Bruce Highway and sporadic and scattered stands of trees along this frontage and the defining ridgeline in the south of the site, reduce the visibility of scarred areas.
PO21 Rehabilitation of the site occurs over the life of the project and the development is undertaken in accordance with a management plan which satisfies Council that premises that will be safe and useable upon completion and the following actions will be appropriately undertaken: 1. progressive rehabilitation works at the site; 2. appropriate clean-up works (including areas of possible soil or water contamination); 3. provision of stable and usable final landform and soil profiles; and 4. revegetation of the site using suitable native species.	No acceptable outcome is nominated.	Complies with PO21 The Rehabilitation Management Plan and Rehabilitation Concept Plan in the Environmental Management Plan provide for the progressive rehabilitation of the site when, among other requirements, there is a minimum 100 metre separation to active working areas.
PO22 Noise generating activities occur at times that are unlikely to result in unreasonable disturbance to sensitive land use.	AO22.1 Significant noise generating activities such as blasting, crushing, grinding, milling, loading or similar only occur between the hours of 9:00 and 17:00. AO22.2 Noise generating activities (other	Complies with PO22 The noise impact assessment found that the expansion achieves the acoustic quality objectives of the <i>Environmental Protection (Noise) Policy</i> when noise control measures are implemented: <ul style="list-style-type: none"> Monday to Sunday (6:00am - 7:00am) – 37dB(A), with the development's constant noise level (L_{Aeq}) 35dB(A) at the closest

	<p>than those listed in AO22.1) only occur between the hours of 06:00 and 18:00.</p>	<p>sensitive receiver (assuming less stable atmospheric conditions).</p> <ul style="list-style-type: none"> Monday to Sunday (7:00am-6:00pm) – 42dB(A), with the development's constant noise level (L_{Aeq}) 40dB(A) at the closest sensitive receiver (assuming less stable atmospheric conditions). <p>To arrive at the above compliance, the noise impact assessment report (within the Environmental Management Plan) has been conditioned and the following recommendations have been made:</p> <ul style="list-style-type: none"> 6:00am-7:00pm hours of operation are for product sales only (loading trucks and dispatch). 7:00am-6:00pm hours of operation are for all other operations (extraction, crushing, screening, haulage, drilling, overburden clearing). Some form of topographical shielding (including bund, structure, cut face) is provided to the north to screen crushing/screening activities. Mobile plant use broadband reversing alarms in preference to beeper alarms. All site areas support movement in forward gear to limit reverse manoeuvres.
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As evident from the above assessment, the development has measures in place to ensure the development complies with the various requirements of the Rural zone code.

Overlay Codes

Bushfire Hazard Overlay Code

The site is predominately located in a medium potential bushfire intensity and potential impact buffer areas of the Bushfire Overlay. The purpose of the Bushfire hazard overlay code is to *“ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events”*.

The purpose of the Bushfire hazard overlay code is achieved through the following overall outcomes [only relevant outcomes provided]:

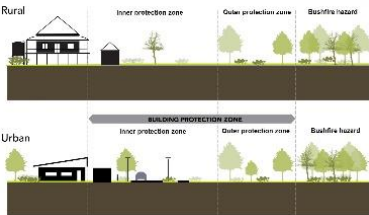
- (1) *development is located where bushfire hazard risk to personal safety and property is avoided or minimised and mitigated to acceptable levels;*
- (3) *vegetation which is identified as matters of State or local environmental significance is not cleared to achieve bushfire hazard minimisation;*
- (7) *development is provided with adequate water supply and fittings for fire-fighting vehicles, and access arrangements for fire fighters; emergency services facilities are located and designed to function effectively during and after a bushfire;*
- (8) *development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities; and*
- (9) *development avoids the storage of hazardous materials in a bushfire hazard area;*

The following is an assessment of the proposal against the relevant assessment benchmarks of the Bushfire hazard overlay code where a performance outcome has been relied on to achieve compliance with the overall outcomes and purpose of the code.

Table 8.2.4.4.1 – Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Development other than reconfiguring a lot where located in bushfire hazard areas identified as potential		

impact buffer, or medium potential bushfire intensity, or high potential bushfire intensity, or very high potential bushfire intensity		
Bushfire planning		
<p>PO1 Development does not expose people and property to unacceptable risk from bushfire hazard taking into account:</p> <ul style="list-style-type: none"> (a) vegetation type; (b) slope; (c) aspect; (d) bushfire history; (e) ongoing maintenance; and (f) on-site and off-site fire hazard implications. 	<p>AO1.1 Development is located within a building protection zone approved as part of a Development Permit for reconfiguration of a lot, and the building protection zone was determined in accordance with SC7.2 Bushfire hazard planning scheme policy</p> <p>AO1.2 If the development is not located within an approved building protection zone for the <u>site</u> in accordance with AO1.1, then the development occurs only if it is located in accordance with a bushfire management plan which has been prepared in accordance with SC7.2 Bushfire hazard planning scheme policy, and the bushfire management plan demonstrates that:</p> <ul style="list-style-type: none"> (a) the development is not in a medium, high or very high bushfire hazard area; or (b) the outermost walls or living spaces of buildings on the <u>site</u> are separated from the edge of the bushfire hazard source, the greater of the following: <ul style="list-style-type: none"> (i) sufficient distance to achieve a bushfire attack level no greater than 29kW/m²; or (ii) a distance of twenty (20) metres; or (iii) no less than 1.5 times the mature tree canopy height in the hazard hazardous vegetation. <p>AO1.3 Buildings and structures are located within a building protection zone which achieves the following:</p> <ul style="list-style-type: none"> (a) the inner zone and outer zone of the building protection zone have slopes under thirty-three (33) per cent; and (b) the inner zone has the following characteristics: <ul style="list-style-type: none"> (b) it has a minimum distance of ten (10) metres, or a distance sufficient to achieve a bushfire attack level no greater than 29kW/m²; and (ii) tree canopy cover in the zone is less than ten (10) per cent; and (iii) three canopy is located greater than two (2) metres from any part of the 	<p>Complies with PO1 The proposal is supported by a Bushfire Management Plan (BMP) and evacuation plan (sections 4.7 and 4.9 of the Environmental Management Plan).</p> <p>The level of risk is tolerable and does not expose people and property to an unacceptable risk for the following reasons:</p> <ul style="list-style-type: none"> • No new buildings or structures are proposed within the bushfire prone area. • The site is presently disturbed, and an operational works (vegetation clearing) permit has been applied for to enable the quarry's expansion in the vegetated area to the south. • It is proposed to maintain compliant fire breaks around key infrastructure in accordance with the widths prescribed by the Planning Regulation. • Upon completion, slopes are to be re-profiled to have a gently falling 3(H):1(V) grade to reduce fire spread. These will slope toward the north, where the site is less steep and following the contours of the land. • Adequate site maintenance procedures are identified in the Bushfire Management Plan, such as: <ul style="list-style-type: none"> - store material away from the edges of the site; - low fuel loads around work areas; - provide a water supply source on-site (e.g. pit sumps, sediment basin, water trucks); - make available firefighting and fire protection equipment for plant and equipment; - dedicated refuelling area that is separated from hazardous vegetation, incompatible bulk stores and shelter-in-place areas; - appropriate hazard signage at combustible/flammable areas; and - adopt a chemical fire management system. • Working with adjoining properties and the Rural Fire Service will help to deliver coordinated fire control management procedures in fire control plans, understand bushfire history and assess the risk on and surrounding the site. • The extractive industry use is an existing, contemplated rural activity and does not constitute a sensitive land use. Only a small number of employees will be on-site (maximum of ten [10]) at any given time, which further reduces the level of

	<p>roofline of a building; and</p> <p>(c) the outer zone has the following characteristics:</p> <p>(i) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and</p> <p>(ii) tree canopy cover in the zone is less than thirty (30) per cent.</p> 	<p>risk.</p>
<p>PO3</p> <p>In areas determined to have bushfire hazard risk within tolerable levels, development occurs only if:</p> <p>(a) it adequately mitigates potential adverse impacts from bushfire hazard through siting, design, and other mitigation measures;</p> <p>(b) it supports safe and efficient evacuation and emergency services access to the site in the event of a bushfire; and</p> <p>(c) essential public infrastructure is not put at significant risk from destruction or failure during and immediately after bushfire events.</p>	<p>No acceptable outcome is nominated.</p>	<p>PO3 - Complies</p> <p>Sections 4.7 and 4.9 of the Environmental Management Plan include a Bushfire Management Plan and Evacuation Plan to address the level of bushfire risk.</p> <p>(a) The expansion has been sited and designed and incorporated other mitigation measures through the Bushfire Management Plan, including:</p> <ul style="list-style-type: none"> dedicated water supply sources (such as water trucks, sediment basin/sump as water store; location of equipment and plant away from site boundaries; implement firebreaks to protect structures and equipment and ensure no fuel loads are located around work site; appropriately sign flammable/combustible areas; designated refuelling/hot works area; separate incompatible hazard classes or bulk storage areas; provision of fire protection equipment on-site for all plant and training in its use; fire management control to be in accordance with the Rural Fire Service fire control plans for the area; and adopt evacuation plan and procedures. <p>(b) Risk management measures are identified for safe and efficient evacuation from the site, including regular drills, bushfire emergency kits and response actions to move flammable items and prepare shelter areas (such as offices). A nominated neighbourhood safe place is identified, and an emergency assembly point provided.</p>

		The use is not essential public infrastructure.
Vegetation protection		
<p>PO4</p> <p>Buildings, structures and their associated buffer areas, access routes and fire management trails, are located to maximise the protection of vegetation in areas of high biodiversity or scenic value.</p> <p>Editor's note: For assessable development, building locations envelopes may be accepted in some cases, in place of buildings being illustrated on plans.</p> <p>Editor's note: Due to the conflict between the need for vegetation clearing for bushfire mitigation and the need for protecting vegetation with biodiversity values or scenic values, a site will need to be chosen where development has no significant adverse impacts on biodiversity values or scenic values, while achieving the required bushfire objectives.</p>	<p>AO4.1</p> <p>Buildings, structures and their associated buffer areas, access routes and fire management trails, avoid causing significant adverse impacts on the following:</p> <ul style="list-style-type: none"> (a) areas identified as containing matters of environmental significance; and (b) areas identified as: <ul style="list-style-type: none"> (i) Scenic amenity management area A; or (ii) Scenic amenity management area B; or (iii) Coastal green break; or (iv) Coastline foreshore. 	<p>PO4 - Complies</p> <p>Existing access to the quarry is through a category 3 waterway and the extension of the quarry operations requires removal of native vegetation in areas of the site which were already permitted through Consent Application No. 803.</p> <p>Long term the environmental values and ecological functions of the site will be reinstated through the rehabilitation management plan (RMP). The rehabilitation management plan ensures the progressive rehabilitation of the site and conditions of approval will require revegetation with native species to replace the existing vegetation communities.</p> <p>The site is not located in a scenic amenity management area or coastal green break or coastline foreshore area.</p>
Internal access		
<p>PO5</p> <p>Development ensures that the location, siting, and design of development and associated internal access ways:</p> <ul style="list-style-type: none"> (a) avoid potential for entrapment during a bushfire; and (b) enables safe evacuation of the <u>site</u> during a bushfire for <u>site</u> occupants. 	<p>AO5.1</p> <p>Internal access ways have:</p> <ul style="list-style-type: none"> (a) a minimum cleared width of six (6) metres; (b) a minimum cleared height of 4.8 metres; (c) a minimum formed width of four (4) metres; (d) a maximum gradient of twenty-five (25) per cent if sealed, or eighteen (18) per cent if unsealed; (e) where the length of the access way is greater than thirty (30) metres, an average gradient no greater than 14.4 per cent; (f) a cross fall no greater than eighteen (18) per cent if sealed, or 12.5 per cent if unsealed; (g) where there are dips or peaks, entry and exit angles no greater than 12.5 per cent; (h) adequate drainage to prevent soil erosion; (i) where the site: <ul style="list-style-type: none"> (i) is located within a reticulated municipal water supply area, a maximum length of seventy (70) metres from 	<p>Complies with AO5.1</p> <p>The access road and haul route is existing and meets the requirements of the acceptable outcome in that:</p> <ul style="list-style-type: none"> (a) has a cleared width of approximately forty-eight (48) metres; (b) does not contain overhead structures; (c) has a minimum formed width of four (4) metres; (d) the gradient of the access road is less than two (2) per cent; (e) the access road is approximately 525 metres and has a gradient less than two (2) per cent; (f) the gradient of the access road is less than two (2) per cent; (g) and the crossfall will achieve the acceptable outcome; (h) the access road does not have dips or peaks; (i) The site's stormwater catchment boundaries do not include the access road, which will drain freely. <p>Complies with PO5</p> <p>The site is not located in a reticulated water supply area; however, the development is approximately 525 metres from Kunwarara</p>

	<p>the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of fifteen (15) tonnes; or</p> <p>(ii) is not located within a reticulated municipal water supply area, a maximum length of 200 metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of eight (8) tonnes.</p>	<p>Road. The Bushfire Management Plan (section 4.7 of Environmental Management Plan) ensures an adequate on-site water supply is available in the sediment basin and through the use of water trucks and heavy earthmoving vehicles.</p> <p>An evacuation management plan has been prepared for the site, which identifies the procedures for early evacuation and nominates two evacuation points. An annual fire and evacuation practice exercise is also required, and details recorded to ensure occupant preparedness.</p>
Emergency access		
<p>PO6</p> <p>Development has adequate access to external road networks which can be utilised by emergency vehicles, and provides safe evacuation in the event of a bushfire.</p>	<p>AO6.1</p> <p>Where located on a property greater than two-thousand (2000) square metres in area, the development has direct access to a constructed all-weather public road which is capable of carrying emergency service vehicles.</p>	<p>PO6 - Complies</p> <p>The site has direct access to a state controlled road (Bruce Highway) that meets the requirements of the acceptable outcome.</p>
Water supply		
<p>PO7</p> <p>Development provides adequate water supply for firefighting purposes and the water supply is safely located and freely accessible for firefighting.</p>	<p>AO7.1</p> <p>Development involving existing or new buildings having a gross floor area greater than fifty (50) square metres comply with the following:</p> <p>(a) the development site has access to a reliable municipal reticulated water supply with sufficient flow and pressure characteristics for fire-fighting purposes at all times (the minimum pressure and flow is 10 litres per second at 200 kPa; or</p> <p>(b) all buildings are located within ten (10) metres of a water tank, which:</p> <p>(i) is constructed with fire-proof materials or is located underground with above-ground access points;</p> <p>(ii) meets the minimum water supply requirements outlined in Table 8.2.4.4.3;</p> <p>(iii) is located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);</p> <p>(iv) is located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;</p> <p>(v) is fitted with fire brigade tank fittings consisting of:</p> <p>(A) for above ground tanks, a fifty (50)</p>	<p>AO7.1 - Complies</p> <p>The proposed buildings are located outside the bushfire hazard overlay area mapping.</p>

	<p>millimetre ball valve and male camlock coupling and metal pipe fittings; or</p> <p>(B) for underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and</p> <p>(vi) is identified by directional signage clearly provided at the street access point.</p>	
Activities involving hazardous materials		
<p>PO8</p> <p>The manufacture or storage of hazardous materials does not increase the risk of fire hazard.</p>	<p>AO8.1</p> <p>Development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with domestic use.</p>	<p>PO8 - Complies</p> <p>A hydrocarbons and chemical management plan (section 4.3 of Environmental Management Plan) has been prepared, ensuring a fire management system is in place for chemical fires. This specifies controls to avoid an increase in the bushfire hazard risk, such as:</p> <ul style="list-style-type: none"> • a dedicated chemical and fuel storage area and hot works controlled area; • record keeping of chemicals used on-site through safety data sheets; • a secondary containment system for quantities less than fifteen (15) litres; • impervious bunding around stored chemicals, which are to be in roofed storage areas; • employee induction to inform the safe use and handling of chemicals, including spill kits, clean-up procedures and PPE; • separation of hydrocarbons/regulated waste from general waste streams and arrange disposal at a licensed facility by a licensed contractor; • vehicles and plant to be powered off when refuelling; and • provision of firefighting equipment to flammable and combustible liquid storage areas in accordance with Australian Standard AS1940-2017.

As evident from the above assessment, the proposal complies with the various requirements of the Bushfire hazard overlay code and compliance is demonstrated through the Bushfire Management Plan which will be conditioned.

Biodiversity Overlay Code

The site is located within the following areas of the Biodiversity overlay: Matters of Local Environmental Significance – habitat and vegetation, Matters of Local Environmental Significance – wetlands, and Matters of Local Environmental Significance – stream order 3 or 4 and waterway potential assessment area. The purpose of the Biodiversity overlay code is to *“identify, protect, enhance and rehabilitate areas containing matters of environmental significance and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems.”*

The purpose of the Biodiversity overlay code is achieved through the following overall outcomes [only relevant outcomes provided]:

- (1) *matters of environmental significance and corridors which link them, are identified, protected, enhanced and rehabilitated to maintain ecological processes and biodiversity;*
- (3) *development does not cause significant adverse impacts on areas containing matters of environmental significance, by appropriately addressing impacts on issues including but not limited to the following:*
 - (a) *species or habitat loss or disturbance, including terrestrial and aquatic wildlife corridors;*
 - (b) *soil degradation, pollution, erosion, contamination, acidification or salinization;*
 - (c) *modification to natural processes; and*
 - (d) *reduction in water quality, ecological values and the natural hydrological regimes of surface and ground waters;*
- (7) *fragmentation of existing habitat areas is minimised, particularly where it impacts on the future health of populations of native fauna and flora species.*

The following is an assessment of the proposal against the relevant assessment benchmarks of the Biodiversity overlay code where a performance outcome has been relied on to achieve compliance with the overall outcomes and purpose of the code.

Table 8.2.3.4.1 – Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Land use		
PO1 In areas identified as having matters of environmental significance, all uses are located, designed and operated to: <ol style="list-style-type: none"> (a) retain and protect significant environmental values; and (b) maintain the underlying ecological functions and biophysical processes of the site and surrounds. 	No acceptable outcome is nominated.	Complies with PO1 The access point to the existing quarry and that proposed for the continued quarry operations traverses a category three (3) waterway. This waterway also runs parallel on the adjoining western site approximately fifty (50) metres from the site boundary and this waterway contains Category C (RE 11.3.29a) vegetation. This waterway also forms part of a Matters of Local Environmental Significance Wetland, which is part of the site and development footprint to the west. An additional waterway is located on the eastern side of the site which is classified as a stream order one (1). Extractive industry operations are also proposed to be extended south into an area of the site containing Category B (RE 11.11.15) vegetation. This vegetation is classified as Matters of Local Environmental Significance . Collectively the proposal involves the clearing of approximately 191,553 square metre or thirty (30) per cent of the site area. The clearing will be within the approved extraction, processing and stockpiling area demarcated by the 1990 consent approval No. 803. A fifty (50) metre buffer to the waterway has been illustrated on the site layout plan, and a condition requiring this identified area of the waterway and wetland area be revegetated with species listed in the "Terminal batters" species list has been included. This buffer

		<p>must also be illustrated on the rehabilitation planting plan</p> <p>Long term the environmental values and ecological functions of the site will be reinstated through the rehabilitation management plan (RMP). The rehabilitation management plan ensures the progressive rehabilitation of the site and conditions of approval will require revegetation with native species to replace the existing vegetation communities.</p> <p>Importantly, the rehabilitation management plan will ensure the proposal delivers a net benefit to the site beyond what the Consent Application No. 803 would have.</p>
<p>PO2 Development retains and regenerates native vegetation in such a way as to:</p> <ul style="list-style-type: none"> (a) retain vegetation that is in patches of greatest size and smallest possible edge-to-area ratio; (b) maximise the linkages between vegetation located on the subject site; (c) maximise linkages between vegetation located on adjacent properties within the biodiversity network; (d) allow the dispersal or movement through biodiversity corridors; and (e) protect riparian vegetation in and adjacent to watercourses. 	<p>No acceptable outcome is nominated</p>	<p>Complies with PO2 The response to PO1 above outlines the unavoidable vegetation damage which will occur as part of the proposal.</p> <p>Vegetation protection and rehabilitation will be managed through the Environmental Management Plan which includes a Water Quality Management Plan (section 4.2), Hydrocarbon and Chemical Management Plan (section 4.3) and Rehabilitation Management Plan (section 4.8). These plans set respective performance targets for development to achieve:</p> <p><u>Water quality</u></p> <ul style="list-style-type: none"> • Prevent release of water contaminants from the site in accordance with the Environmental Protection Regulation. • Retain and manage on-site stormwater runoff and contaminants from disturbed areas up to and including the 24-hour (1 in 5-year) storm event. • Only controlled water releases occur from the site in compliance with the environmental authority (EA). • Only treated stormwater runoff (in events larger than the 24-hour storm) is released from the site and meets water quality objectives of the environmental authority. <p><u>Hydrocarbon and chemical management</u></p> <ul style="list-style-type: none"> • No major spills of hazardous chemicals, fuels, oils, greases or the like occur. • Preventable releases of such chemicals to the environment does not occur through appropriate management strategies. • The site is not entered on the Contaminated Land Register. <p><u>Rehabilitation management</u></p> <ul style="list-style-type: none"> • Land disturbance is limited to the extent necessary. • Contamination is identified and remediated through appropriate management strategies. • Disturbed land is rehabilitated in a manner

		<p>that minimises dust and erosion, uses native species, does not cause environmental harm to water quality and stabilises the landform.</p> <ul style="list-style-type: none"> Rehabilitation is progressive and follows the staging of excavation. <p>Conditions of approval will be included to ensure the rehabilitation management plan includes revegetation with native species and replaces the existing vegetation communities.</p>
<p>PO3 Development retains, protects and enhances areas of habitat that support a critical life stage in ecological process such as feeding, breeding or roosting for the identified species</p>	No acceptable outcome is nominated	<p>Justified to comply with PO3 Initially damaged to habitat areas will be necessary to undertake extractive industry operations. As outlined above in responses to PO1 and PO2 these areas will be enhanced progressively through the rehabilitation management plan.</p>
<p>PO4 Development protects existing biodiversity corridors and assists in the establishment of new corridors which have adequate dimensions and characteristics to support:</p> <ul style="list-style-type: none"> (a) unimpeded movement of terrestrial and aquatic fauna that are associated with or are likely to use the biodiversity corridor as part of their normal life cycle evolutionary and genetic processes; (b) the natural change in distributions of species and connectivity between populations of species over long periods of time; (c) ecological responses to climate change; (d) maintenance of large scale seasonal/ migratory species processes and movement of fauna; (e) connectivity between large tracts and patches of native remnant vegetation and habitat areas; and (f) effective and continuous movement of terrestrial and aquatic fauna. 	<p>AO4.1 Development involving roads, pipelines, pedestrian access and in-stream structures:</p> <ul style="list-style-type: none"> (a) does not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors; or (b) provides effective wildlife movement infrastructure in accordance with best practice which: <ul style="list-style-type: none"> (i) enables fauna to safely negotiate a development area; and (ii) separates fauna from potential hazards through the use of appropriate fencing. 	<p>AO4.1 – Not applicable No roads, pipelines, pedestrian access and in-stream structures are proposed.</p>

	AO4.2 Development ensures that biodiversity corridors have a sufficient width to protect habitat, minimise impacts from adjoining land use, and to enhance connectivity in accordance with the following: (a) regional corridors retain a width of at least five-hundred (500) metres; and (b) local corridors retain a width of at least fifty (50) metres.	AO4.2 – Not applicable No biodiversity corridors are mapped on the site.
Wetlands and waterways		
PO5 Development retains waterways and wetlands and avoids impacts on: (a) native riparian vegetation; (b) habitat; (c) ecological functions; (d) water quality; and (e) nature conservation values.	PO5.1 A buffer surrounding a waterway or wetland is established and maintained free of development, the width of which is supported by an evaluation of the environmental values and functions and threats to matters of State or local environmental significance.	Justified to comply with PO5 The existing access to the quarry crosses a category three (3) waterway. Furthermore, the expansion of the quarry will intrude into an Matters of Local Environmental Significance wetland area. As outlined above in responses to PO1 and PO2 damage to these areas is unavoidable, however, wetlands and waterways will be enhanced progressively through the Rehabilitation Management Plan. A fifty (50) metre buffer is also provided for the category three (3) waterway and wetland to the west of the site (illustrated on the site plan).
PO6 Development does not cause land degradation near a waterway or wetland, including: (a) mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and (b) loss or modification of chemical, physical or biological properties or functions of soil.	AO6.1 Native vegetation is retained or where retention is unavoidable, it is reinstated within riparian areas and buffer areas.	AO6.1 – does not comply Justified to comply with PO6 The access driveway (haul road) crosses the stream order three (3), however the access is existing and no further clearing is proposed. An area of mapped (local) wetland will be affected by the development footprint. As outlined above in responses to PO1 and PO2 the wetland areas will be enhanced progressively through the Rehabilitation Management Plan.
	AO6.2 Foreshore areas are fenced to prevent stock access.	AO6.2 – Not applicable The site does not include foreshore area.
	AO6.3 Riparian areas are fenced to limit stock access to a limited number of watering holes.	AO6.3 – Not applicable The mapped waterways do not enter or traverse the site, except for the access way, therefore not required to be fenced.
All matters of environmental significance		
PO7 All matters of environmental significance are identified and protected from significant adverse impacts associated with development.	No acceptable outcome is nominated	Justified to comply with PO7 All matters of environmental significance are identified within the submitted Environmental Assessment Report. Impacts to matters of environmental significance will be unavoidable given the nature of the extractive industry use. All impacts will be progressively rehabilitated as outlined within responses PO1 and PO2 above.

Hydrology		
PO8 Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.	No acceptable outcome is nominated.	Justified to comply with PO8 The expended quarry operations will be within areas of the site containing matters of environmental significance. Due the nature of the use the existing surface water hydrological regime cannot be maintained. As outlined within PO1 and PO2 above the rehabilitation management plan will ensure hydrological regimes are enhanced progressively.
PO9 Development: <ul style="list-style-type: none"> (a) enhances or maintains the existing groundwater hydrological regime of all areas containing matters of environmental significance; (b) ensures that the water table and hydrostatic pressure in the area of environmental significance is returning to its natural state; and (c) does not result in ingress of saline water into freshwater aquifers. 	No acceptable outcome is nominated	PO9 – Complies As outlined within the applicants Environmental Assessment Report groundwater levels within two (2) kilometres of the site are estimated to be at forty one (41) metres Australian Height Datum. Excavation activities will not extend to depths of forty one (41) metres and there are no anticipated impacts on groundwater.
Ongoing management, construction and operation		
PO10 During the construction and operation of development, ongoing management, monitoring and maintenance is undertaken to ensure impacts on environmentally significant areas, biodiversity values and ecological processes, including water quality and hydrology, are avoided or minimised.	No acceptable outcome is nominated.	PO10 – Complies The Environmental Management Plan includes a range of policies and procedures and specific environmental management plans ensure site values are protected as much as practical. The Environmental Management Plan will be conditioned.
PO11 Development transfers into public ownership, or incorporates within a voluntary statutory covenant registered under the <i>Land Title Act 1994</i> , any land required for public access or for some other public purpose consistent with its ecological functions, including: <ul style="list-style-type: none"> (a) access for maintenance; (b) linking core and 	No acceptable outcome is nominated.	Not applicable The land is not required for public access or a public purpose.

remnant habitat areas; and (c) land protecting water quality and ecological processes.		
Rehabilitation		
PO12 Areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.	No acceptable outcome nominated	Justified to comply with PO12 The submitted rehabilitation management plan prescribes the progressive rehabilitation of the site. The proposed rehabilitation consists of earthworks and grassing to enable grazing after the extractive industry use has ceased. Council does not support the rehabilitation to be grassed for grazing and to ensure compliance with this PO, conditions will be included to ensure the rehabilitation management plan includes revegetation with native species and replaces the existing vegetation communities.
Vegetation clearing		
PO13 Development avoids indiscriminate and unnecessary clearing of vegetation in order to protect: (a) the visual integrity of the natural landscape; (b) ecological features and processes that underpin biodiversity.	AO13.1 Vegetation clearing: (a) does not occur; or (b) where it cannot be avoided, is carried out in accordance with the Development Works Code.	PO13 – Complies Vegetation clearing is proposed within areas of the site permitted for clearing under Consent Application No. 803. The clearing is necessary to allow for extractive industry operations. All impacts will be progressively rehabilitated as outlined within responses PO1 and PO2 above.
PO14 Development retains and protects locally significant species, including but not limited to the following: (a) <i>Cycas ophiolitica</i> ; (b) <i>Byfield Fern</i> ; (c) <i>Stackhousia tryonii</i> ; and (d) <i>Koala</i> .	No acceptable outcome is nominated.	Justified to comply with PO14 Vegetation clearing is proposed within areas of the site permitted for clearing under Consent Application No. 803. The clearing is necessary to allow for extractive industry operations. All impacts will be progressively rehabilitated as outlined within responses PO1 and PO2 above. The rehabilitation of the site will deliver a net ecological benefit.

As evident from the above assessment, although damage to native vegetation will occur on the site the proposal will progressively rehabilitate the site. Site rehabilitation will ensure superior ecological outcomes will be achieved above that achieved by the Consent Application No. 803. Therefore, the proposal complies with the intent of the Biodiversity overlay code.

Development Codes

General Development Code

The purpose of the General development code is to:

- (1) *to enable an assessment of the suitability of the location, design, siting, operation and other aspects of development that are not zone dependent;*
- (2) *to facilitate the achievement of the overall outcomes sought for development.*

The purpose of the General development code is achieved through the following overall outcomes [only relevant outcomes provided]:

- (1) *the development is located at a site which does not result in an unacceptable risk to health and safety of occupants of the premises or an unacceptable risk of property damage;*
- (4) *the development does not compromise the safety, efficiency and effectiveness of the transport network;*
- (5) *the development appropriately integrates with adjoining land use;*
- (6) *the development protects the character and amenity of the surrounding area; and*
- (7) *the development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds.*

The following is an assessment of the proposal against the relevant assessment benchmarks of the General development code where a performance outcome has been relied on to achieve compliance with the overall outcomes and purpose of the code.

Table 9.3.1.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Location, design, siting, operation		
PO2 The development is located at a site that is able to accommodate all the buildings, facilities, and operational needs of the use without increasing the likelihood of land use conflict by: <ul style="list-style-type: none"> (a) adversely affecting the amenity of adjoining land use and the surrounding area; (b) adversely affecting the safety, health and wellbeing of occupants of sensitive land use; (c) adversely affecting the operations of adjoining land use; (d) reducing the potential to use adjoining land for its intended purpose; and (e) adversely affecting the safe and effective provision of services to the development. 	AO2.1 The development is located at a site that does not conflict with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme.	Complies with PO2 The site currently supports, and has historically supported, the extractive industry use. While the site boundary separation distance is not achieved as per Table SC4.1.1, the proposal does not produce a land use conflict in consideration to the below: <ul style="list-style-type: none"> (a) The Environmental Management Plan has assessed the level of risk posed by air, water, hydrocarbons and chemicals, noise, blasting and waste generated by the development, and recommended evaluation and risk treatment measures to reduce the residual risk to a level that satisfies rural amenity expectations (refer to assessment response to PO2 of Rural zone code). An extractive industry is an envisaged use in a rural area and compatible with the existing character and amenity of the premises and adjoining land. The Rehabilitation Concept Plan further intends that the site be progressively rehabilitated by reprofiling and revegetating terminal benches to replicate the ridge to which the site has its backdrop. (b) The Noise and Dust Impact Assessment has confirmed that the relevant acoustic quality objectives (i.e. 37dB(A) at 6-7am Monday to Sunday and 42dB(A) at 7:00am-6:00pm Monday to Sunday) and particulate air quality objectives (dust deposition monthly average of 120mg/m²/day and PM₁₀ 24-hr average of 50µg/m³) can be achieved in accordance with the Environmental Protection (Noise) Policy and Environmental Protection (Air) Policy 2019, respectively. This is subject to implementing the noise and dust

		<p>control measures identified in the assessment to ensure the safety, health and wellbeing of all sensitive receptors.</p> <p>(c) Surrounding land is generally rural in nature and used for grazing. The expansion will not affect these operations or the potential to use adjoining land for a rural purpose.</p> <p>(d) As per response to (c) above.</p> <p>(e) The site totals approximately sixty four (64) and has sufficient area and dimensions for all extraction, processing, stockpiling and ancillary structures associated with the use to occur on-site. All energy supply, sewage and wastewater, water supply, stormwater and telecommunications can be provided independently of council's reticulated system and will be conditioned.</p>
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Table 9.3.1.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Location, design, siting, operation		
PO7 The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, are not compromised by the development.	A07.2 A traffic impact assessment report is prepared by an engineer who qualifies as a registered professional engineer of Queensland and the traffic impact assessment report satisfies Council that the safety, efficiency, effectiveness and operation of components of the transport network servicing the site and surrounding area or any identified strategic future components of the transport network, are not compromised by the development.	A07.2 – Complies A traffic impact assessment report was supplied with the application. The development joins directly onto a state controlled road.
PO9 Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.	No acceptable outcome is nominated.	PO9 – Complies A traffic impact assessment report was supplied with the application. The development joins directly onto a state controlled road.
PO11 The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following: (a) large tracts of established native vegetation; or (b) inland and coastal waterways and wetlands; or (c) riparian vegetation; or	No acceptable outcome is nominated.	PO11 - Complies The development is for the expansion of an existing extractive industry use (quarry) by way of consent approval No. 803 in 1990. Vegetation clearing is confined to the approved extraction, processing and stockpiling area demarcated by this approval. An Environmental Assessment Report has been prepared, which identifies clearing of mainly

Performance outcomes	Acceptable outcomes	Assessment response
<p>(d) biodiversity corridors; or</p> <p>(e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or</p> <p>(f) important urban green break areas; or</p> <p>(g) cultural heritage features.</p>		<p>category X and pre-disturbed areas, as well as some least concern regional ecosystem. This confirms that no significant adverse impacts will result to matters of environmental significance.</p> <p>(a) The native vegetation proposed to be cleared does not form part of the large tract of more intact mapped Matters of Local Environmental Significance habitat vegetation in the south of the site, which connects to surrounding properties. This retains potential biodiversity corridors external to the site.</p> <p>(b) The stream order three (3) watercourse and gully in the north and south of the site respectively can achieve the water quality objectives through compliance with the relevant Code of environmental compliance for certain aspects of extraction and screening activities (ERA16). The EA will establish water relevance limits to protect the environment from harmful or nuisance release of waters.</p> <p>(c) Mapped Matters of State Environmental Significance regulated vegetation intersecting the watercourse (stream order 3) in the north of the site will not be significantly impacted, given that areas within the defined distance of the watercourse (being twenty five [25] metres) no longer contain remnant or regrowth vegetation classified as a prescribed regional ecosystem.</p> <p>(d) See response to (a) above.</p> <p>(e) Any cleared areas will be progressively rehabilitated in accordance with the Rehabilitation Concept Plan. The terminal benches will be battered, graded and reprofiled with topsoil and allowed to naturally regenerate with native species in keeping with the regional ecosystem. This will reinstate the visual</p>

Performance outcomes	Acceptable outcomes	Assessment response
		<p>prominence of the ridge to which the site has a backdrop and as viewed along the Bruce Highway.</p> <p>(f) The site is not an urban green break area.</p> <p>The site does not have cultural heritage features (protection of Aboriginal Cultural Heritage is protected by separate legislation).</p>

As evident from the above assessment, the proposal has been assessed against the relevant aspect of the General Development Code to this application, and compliance has been demonstrated against the performance outcome. Conditions will be included to ensure compliance.

Development Works Code

The purpose of the Development works code is to:

- (1) to ensure that development is provided with adequate infrastructure and services relative to its location and needs;*
- (2) to ensure that operational work is undertaken in a manner that accords with the endorsed standards for the planning scheme area;*
- (3) to facilitate the achievement of the overall outcomes sought for development.*

The purpose of the Development works code is achieved through the following overall outcomes [only relevant outcomes provided]:

- (1) adequate infrastructure and services are provided to support the reasonable expectations for the needs of the development...*
- (2) all operational work is designed and undertaken:*
 - (a) in accordance with best environmental management practice;*
 - (b) in a manner that does not detract from the character and amenity of the setting;*
 - (c) in a manner that protects or does not significantly adversely affect the natural environmental values of the site and surrounds;*
 - (d) to be safe, reliable and easily maintained;*
 - (e) so that surroundings are not adversely impacted by off-site effects;*
 - (f) having proper regard to existing public infrastructure and planned future public infrastructure; and*
 - (g) in a manner that can minimise risk to human life, health and safety, and property.*

The following is an assessment of the proposal against the relevant assessment benchmarks of the Development works code where a performance outcome has been relied on to achieve compliance with the overall outcomes and purpose of the code.

The development will be provided with on-site energy supply, sewage and wastewater treatment, telecommunications, roof and allotment drainage and water supply and conditions to this effect will be included. This will address Performance Outcomes PO9, PO10, PO11, PO12 and PO13 of the code.

Roadwork will be managed by the State as the development joins directly onto the State controlled road. This will address Performance Outcome PO16.

Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Access and Parking Works		
<p>The access is directly onto a State controlled road and therefore is managed through the State Referral Agency Response.</p> <p>Car parking for staff is able to be provided on-site near the site office. Ten (10) vehicle parking spaces are required in accordance with Table 9.3.2.4.3 of the Development Works Code; and will be required to be constructed with gravel. A condition to this effect will be included.</p>		
Clearing of native vegetation		
PO6 Clearing does not result in any significant adverse impacts on the following: (a) scenic landscape values; or (b) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or (c) the quality of land and water resources (including underground water).	AO6.1 If the development involves clearing of native vegetation which is not identified on an overlay map as a biodiversity matter of local environmental significance or matter of state environmental significance, the clearing does not result in damage, removal or destruction of the native vegetation, unless the clearing satisfies the following circumstances: (a) the clearing is for a purpose, vegetation type and circumstance that is identified under the <i>Vegetation Management Act 1999</i> as exempt; or (b) the clearing is for the purpose of: (i) lawful development for forestry; or (ii) managing declared weeds; or (iii) establishing or maintaining a necessary firebreak to protect sensitive land use and infrastructure (other than fences, roads and tracks) to a maximum width of twenty (20) metres or 1.5 times the height of the tallest adjacent tree, whichever is the greater; or (iv) maintaining existing infrastructure, including buildings, fences, roads and watering points; or (v) a necessary fire management line to a maximum width of ten (10) metres; or (vi) establishing a necessary road or vehicular track to a maximum width of ten (10) metres; or (vii) landscape gardening purposes; or (viii) clearing of plants or plant material that has been planted for 'cropping' use; or (c) the clearing is within	Complies with PO6 The proposal involves the clearing of mapped Matters of Local Environmental Significance – remnant vegetation (not of concern), totalling approximately 191,553 square metres or thirty (30) per cent of the site area. The clearing is proposed within the approved extraction, processing and stockpiling area demarcated by the 1990 consent approval No. 803. The performance outcome is met as follows: (a) No disturbance is proposed within a scenic amenity area, coastal green break, coastal scenic transport route/potential assessment area, coastline foreshore or major public viewer place. (b) The proposed clearing footprint is located centrally and on the elevated part of the site, which steps down to the north and south (from eighty (80) to sixty (60) metres Australian Height Datum). The mapped Matters of Local Environmental Significance remnant vegetation is separated from a larger tract of intact vegetation running along the southern boundary of the site, which connects to adjoining properties and forms part of a broader biodiversity network connecting up to Matters of Local Environmental Significance and Matters of State Environmental Significance in the south and west. In this way, the expansion of the quarry has sought to reduce the extent of vegetation and potential habitat and corridor values impacted. (c) The Environmental Management Plan includes a Rehabilitation Management Plan (section 4.8) to manage the quality of land and water resources at the site from adverse impacts. These plans set respective performance targets for development to achieve, including: <u>Rehabilitation management</u>

	<p>a building location envelope or outside an environmental covenant area, which forms part of a prior approved development permit for material change of premises or a development permit for a reconfiguration of a lot.</p> <p>AO6.2 If the development involves clearing of native vegetation, the clearing does not result in damage, removal or destruction of native vegetation located above the fifty (50) metres Australian Height Datum contour level, unless the clearing is for a purpose specified in AO6.1.</p> <p>AO6.3 If the development involves clearing of native vegetation, the clearing does not result in damage, removal or destruction of native vegetation located within a biodiversity corridor identified in the planning scheme, unless the clearing is for a purpose specified in AO6.1.</p> <p>AO6.4 If the development involves clearing of native vegetation, the clearing does not result in damage, removal or destruction of any native vegetation located on land within the buffer distances from a waterway or wetland identified in the following table, unless the clearing is for a purpose specified in AO6.1:</p> <table><tr><th>Location</th><th>Buffer distance</th></tr><tr><td>Top of the bank of a waterway classified as stream order one or stream order two</td><td>10 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order three or stream order four</td><td>25 metres</td></tr><tr><td>Top of the bank of a waterway classified as Wetland stream order five or higher order</td><td>50 metres</td></tr><tr><td>Wetland</td><td>100 metres</td></tr></table>	Location	Buffer distance	Top of the bank of a waterway classified as stream order one or stream order two	10 metres	Top of the bank of a waterway classified as stream order three or stream order four	25 metres	Top of the bank of a waterway classified as Wetland stream order five or higher order	50 metres	Wetland	100 metres	<ul style="list-style-type: none">• Land disturbance is limited to the extent necessary.• Contamination is identified and remediated through appropriate management strategies.• Disturbed land is rehabilitated in a manner that minimises dust and erosion, uses native species, does not cause environmental harm to water quality and stabilises the landform.• Rehabilitation is progressive and follows the staging of excavation.
Location	Buffer distance											
Top of the bank of a waterway classified as stream order one or stream order two	10 metres											
Top of the bank of a waterway classified as stream order three or stream order four	25 metres											
Top of the bank of a waterway classified as Wetland stream order five or higher order	50 metres											
Wetland	100 metres											
Earthwork												
<p>PO8 Earthwork is undertaken in a manner that achieves the following:</p>	<p>AO8.1 The development does not require earthworks that result in batter slopes which exceed twenty-five</p>	<p>Complies with PO8 (a) The Rehabilitation Management Plan (section 4.8 of EMP) requires that the final landform of terminal batters is</p>										

<p>(a) stable and safe development sites;</p> <p>(b) no worsening of stormwater flows to or from adjoining land;</p> <p>(c) best practice erosion and sediment control so as to minimise adverse impacts on adjoining property and the natural environment; and</p> <p>(d) no unsightly scarring of the landscape.</p>	<p>(25) per cent.</p> <p>AO8.2 If the development involves a retaining wall having a height exceeding one (1) metre, the retaining wall is certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and that it is structurally stable and safe.</p> <p>AO8.3 If the development involves a retaining wall, sub-soil drainage is installed behind all retaining walls to maximise stability and to help prevent excess run-off onto neighbouring properties.</p> <p>AO8.4 The development: (a) does not require earthwork that results in the interference with or redirection of a natural drainage line; or (b) if it does require the redirection of a natural drainage line, ensures that surface water is conveyed to the kerb and channel or an approved inter-allotment drainage system.</p> <p>AO8.5 If the development involves earthwork for the purpose of constructing a dam or detention basin and it involves a retaining wall having a height exceeding one (1) metre or results in batter slopes which exceed twenty-five (25) per cent, the design and construction of the dam or detention basin is certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and that it is structurally stable and safe.</p> <p>AO8.6 If the development involves earthwork, the earthwork occurs in accordance with an erosion and sediment control plan which has been prepared and endorsed by a suitably qualified person and the plan ensures that erosion and sediment control measures are implemented in accordance with best practice.</p> <p>AO8.7 If the development requires</p>	<p>stable and safe to future uses of the site. This is a KPI in table 9 of the Rehabilitation Management Plan.</p> <p>(b) The Stormwater Management Plan identifies water quality release limits and water quantity retention criteria that will form part of the EA operating conditions to avoid an increase in stormwater flows on or off-site. The stormwater quantity assessment demonstrates that post-development peak flows (m³/s) will decrease runoff from all sub-catchments up to and including the one (1) per cent annual exceedance probability (AEP). Storage volume requirements have also been identified for the sediment basin and the development designed to retain or manage stormwater runoff from disturbed areas in a twenty four (24) hour (1 in 5-year) storm event.</p> <p>(c) Erosion and sediment control measures are detailed in the Stormwater Management Plan. Controls seek to minimise adverse impacts as follows:</p> <ul style="list-style-type: none"> • Use of sediment retention ponds for the duration of the site operation. • Removal of sediments from the sediment basin when the volume is reduced by thirty (30) per cent. • Diversion drainage or temporary sedimentation traps as required on-site during clearing and construction. • Diversion drains and grading of disturbed areas, including stockpiles, to divert potentially contaminated water for sediment control. These systems are to slow surface flow velocity across the site. • No filling, work or disturbance to occur within waterways. <p>(d) The Rehabilitation Management Plan (RMP) (section 4.8 of Environmental Management Plan) requires progressive rehabilitation of the site in step with the staging of extraction works (i.e. as new areas are required for extraction). This limits visual scarring by reducing land disturbance at any one time to enable the next stage of quarrying to commence. A KPI of the Rehabilitation Management is to ensure the final landform is sympathetic to surrounding undisturbed areas and the zone intent prior to surrender and that suitable native species are used in the</p>
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	<p>earthwork resulting in the need for a retaining wall having a height exceeding two (2) metres or for terraced retaining walls having a combined height exceeding two (2) metres, the following are complied with:</p> <p>(a) the retaining wall or terraced retaining walls are located behind buildings and are not visible from the road frontage property boundary; or</p> <p>(b) the <u>bulk</u> of the single retaining wall or terraced retaining walls is broken up by the planting of vegetation (trees or shrubs) capable of screening at least fifty (50) per cent of the face of the walls as viewed from the road frontage boundary, in front of the wall at base level and within in each tier of the terrace.</p>	<p>revegetation.</p>
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Table 9.3.2.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment Response
Stormwater management		
<p>PO17</p> <p>The development:</p> <p>(a) collects and discharges stormwater in a manner that does not adversely affect the stability of buildings, structures, infrastructure or land, located on the site or off the site;</p> <p>(b) has a stormwater management system that is designed and constructed to be safe, operationally reliable, and easily maintained;</p> <p>(c) ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are located up-slope, down-slope, or adjacent to the site;</p> <p>(d) ensures that the stormwater management system and site work does not result in ponding or retention of water in a manner that is likely to result in loss of amenity for sensitive land use, or result in adverse impacts on public health and safety;</p> <p>(e) where practicable, is integrated with existing public stormwater management networks and planned future stormwater management networks; and</p> <p>(f) does not compromise the ability of the stormwater</p>	<p>AO17.1</p> <p>An engineer who qualifies as a registered professional engineer of Queensland certifies that the development has a stormwater management system which:</p> <p>(a) collects and discharges stormwater to a lawful point of discharge;</p> <p>(b) is compatible with and does not compromise the stormwater management system for the catchment; and</p> <p>(c) is designed and constructed in accordance with the Capricorn Municipal Development Guidelines and any requirements of the stormwater management planning scheme policy contained in schedule 7.13 of the planning scheme.</p>	<p>PO17 - Complies</p> <p>The submitted the Stormwater Management Plan ensures:</p> <p>(a) existing points of discharge will be maintained and follow existing surface flow conditions;</p> <p>(b) the development does not worsen or create an actionable nuisance from peak discharges to each sub-catchment in the hydrologic assessment; and</p> <p>(c) the system can be designed to comply with the Capricorn Municipal Development Guidelines and planning scheme policy and conditioned accordingly.</p> <p>Conditions of approval have also been recommended to ensure the Stormwater Management Plan is reviewed and updated as the extraction area expands.</p>

Performance outcomes	Acceptable outcomes	Assessment Response
management system for the catchment to ensure that stormwater causes minimal nuisance, danger, and damage to people, property, infrastructure and the environment due to the quantity of stormwater discharge.		
<p>PO18</p> <p>The development is planned, designed and constructed, and managed to avoid or minimise adverse impacts on environmental values associated with water quality in natural and developed catchments by achieving:</p> <p>(a) identified stormwater quality design objectives for the location; or</p> <p>(b) current best practice environmental management.</p>	<p>AO18.1</p> <p>A site stormwater quality management plan has been prepared by a suitably qualified person and the plan:</p> <p>(a) is consistent with any local area stormwater management planning; and</p> <p>(b) provides for achievable stormwater quality treatment measures which meet the construction phase design objectives identified in Table 9.3.2.4.8 and the post-construction phase design objectives identified in Table 9.3.2.4.9, or current best practice environmental management, reflecting land use constraints, such as:</p> <p>(i) erosive, dispersive, sodic and/or saline soil types;</p> <p>(ii) landscape features (including landform);</p> <p>(iii) acid sulfate soil and management of nutrient of concern;</p> <p>(iv) rainfall erosivity.</p>	<p>AO18.1 - Complies</p> <p>A Stormwater Management Plan has been prepared by Groundwork Plus that assesses stormwater quality.</p> <p>The stormwater system has been designed to retain runoff from disturbed areas up to and including the 24-hour (1 in 5-year) storm event and to treat for contaminants before its release. Conditions can ensure that the design objectives are met during and post-construction.</p> <p>Conditions of approval have also been recommended to ensure the Stormwater Management Plan is reviewed and updated as the extraction area expands.</p>
	<p>AO18.2</p> <p>An erosion and sediment control plan is prepared by a suitably qualified person, and the plan ensures that the release of sediment-laden stormwater:</p> <p>(a) is avoided for the nominated design storm; and</p> <p>(b) is minimised when the nominated design storm is exceeded by addressing the construction phase design objectives for drainage control, erosion control, sediment control and water quality identified in Table 9.3.2.4.8.</p>	<p>AO18.2 - Complies</p> <p>Operational procedures identify erosion and sediment control requirements for the development. A sediment basin is proposed with a volume of 52.47 ML and will operate to capture sediment-laden stormwater from disturbed areas up to and including the 24-hour (1 in 5-year) storm event.</p>
	<p>AO18.3</p> <p>Erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained in accordance with the erosion and sediment control plan required by AO18.2.</p>	<p>AO18.3 - Complies</p> <p>Operational procedures in the Stormwater Management Plan include performance targets, responsibilities, auditing and failure and corrective action protocols, reporting requirements and inspection and maintenance procedures to implement and monitor erosion and sediment</p>

Performance outcomes	Acceptable outcomes	Assessment Response
		control devices.
	AO18.4 Development incorporates stormwater flow control measures to achieve the design objectives identified in Table 9.3.2.4.8 and identified in Table 9.3.2.4.9, or current best practice environmental management, including management of frequent flows and peak flows.	AO18.4 – Complies The Stormwater Management Plan has assessed the peak flows for frequent (thirty nine (39) per cent Annual Exceedance Probability [AEP]) and major (one (1) per cent Annual Exceedance Probability [AEP]) events and achieves the surface water quality release limits required by the Environmental Authority as per Department of Environment and Science conditions.

As evident from the above assessment, the proposal complies with the various requirements of the Development works code. Conditions will be included to ensure there is suitable water supply on site and provision of on-site telecommunications and electricity.

PUBLIC NOTIFICATION

The proposal was the subject of public notification between 19 October and 10 November 2020, as per the requirements of the *Planning Act 2016*, and one (1) properly made submission was received.

The following is a summary of the submission lodged, with Council officer comments:

Issue	Officer Comment
Sediment runoff to private dam supplying domestic water supply to 68148 Bruce Highway, Kunwarara (Lot 1 on RP605850) when by-washed.	<p>The applicant's response to the submission identified that the dam which is below the quarry is not part of this development application. The proposed development is required, and will be conditioned to direct, capture, store, treat and release all overland flow water within the operation area, in accordance with conditions on this approval and conditions on the Environmental Authority, regulated by the Department of Environment and Science.</p> <p>In the stormwater report, catchment A1 (which is existing and will not be changed as a result of the proposed development), discharges on to the Bruce Highway and B1 to the sediment basin located within the site. A condition requiring the Stormwater Management Plan be updated has been included, and this will also ensure there is no sediment run off from the development site to the property at 68148 Bruce Highway, Kunwarara.</p> <p>In relation to water quality, the Stormwater management plan identifies the following:</p> <ul style="list-style-type: none"> • Management of stormwater up to twenty four (24) hour (1 in 5) storm event, including contaminants prior to discharge. • Ensure total suspended solids (TSS) water quality targets are met (fifty (50)

Issue	Officer Comment
	<p>milligrams per litre).</p> <ul style="list-style-type: none"> • Peak discharge post-development results in a “no worsening” up to a 60-minute critical storm duration. • Sediment basin/retention pond proposed to capture runoff and control erosion and sediment • Use of diversion bunds, drains, sediment traps and grading to divert water from stockpiled or disturbed areas, maintaining the quality of surface and groundwater. • Bunded hardstand and roofed areas to contain potential contaminants (such as oil, fuels, chemicals).

Officers attended the site on Tuesday 10 November 2020 and there the public notice was not on the sites road frontage. It has been confirmed the land owner was not aware it was to remain on site for the entirety of 10 November 2020 and was taken down on Tuesday morning. The notice was on the site from 19 October to 9 November therefore a total of sixteen (16) business days which meets the requirements of section 53(4)(b)(iii) of the *Planning Act 2016*. Therefore, the public’s opportunity to make a properly made submission has not been restricted and the application has been notified correctly.

The public notification sign was removed from the site and therefore the public notification of the development did not meet section 17.1(a) of the Development Assessment Rules as it was removed on a stated day. However, in accordance with section 53 (3) of the *Planning Act 2016*, the assessment manager is satisfied the removal of the sign did not adversely affect the public’s ability to make a submission as the sign was up for a period in excess of the minimum requirement and the ability to make a submission was still available to be emailed or posted to Council. The application complied with all other aspects of the public notification process. All adjoining property owners received correspondence notifying them of the proposed development and throughout the advertised period one (1) submission was made.

Therefore, in accordance with section 53 of the *Planning Act 2016*, it is considered that although the sign was removed on them morning of the last stated day (10 November), the general public had been made aware of the development and has had sufficient opportunity to make a properly made submission.

INFRASTRUCTURE CHARGES

Infrastructure charges are levied pursuant to the *Adopted Infrastructure Charges Resolution (No.4) 2019*. The details and breakdown of the charges are outlined below:

Charge area:	The subject site is located outside the priority infrastructure area
Calculation:	<p>The charge is calculated in accordance with section 3.4.2 - Development located partly outside or entirely outside the priority infrastructure area, Table 4 - Adopted charge for development Uses within the Priority Infrastructure Area and Table 6 – Proportional Split of adopted infrastructure charge for trunk infrastructure networks within the priority infrastructure area for Reconfiguring a Lot and development Uses, as follows:</p> <ol style="list-style-type: none"> 1. Extractive industry at fifty-four (54) square metres gross floor area at

	<p>\$70.00 per square metre – being \$3,780.00; and</p> <p>2. Nil impervious charge as there is no stormwater infrastructure in the locality.</p> <p>3. less a credit of \$14,750.00.</p>
Credit:	<p>The above calculation takes into account a credit of \$14,750.00 for the existing allotment pursuant to Part 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 4) 2019</i>. The credit is calculated as follows:</p> <p>1. one existing lot at \$14,750.00 per lot.</p>
Offset:	No offsets are applicable to the development.
Networks Covered:	<p>As the site is located outside the priority infrastructure area, only a proportion of the infrastructure charges are applicable; being the transport and parks and community facilities networks.</p> <p>Apportionment of charges over the following networks</p> <p>Transport (50.00 per cent): \$1,890.00</p> <p>Parks and Community Facilities (9.00 per cent): \$340.20</p> <p>Water: Not applicable as there is no water network in the locality</p> <p>Sewerage: Not applicable as there is no sewerage network in the locality</p> <p>Stormwater: Not applicable as there is no water network in the locality</p> <p>Total apportioned charge: \$2,230.20</p>

Due to the credit attaching to the land and none of the lot credit being utilised by the existing Town Planning Consent, there is no charge payable as the credit exceeds the charge. The charge amount utilised \$2,230.20 of the \$14,750.00 lot credit. Therefore there is no requirement for an infrastructure charges notice.

SUMMARY OF ASSESSMENT

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Strategic Framework. Furthermore, the proposed extractive industry has been designed and sited, and will be operated in accordance with suitable measures in the supporting documentation such as the Environmental Management Plan and Stormwater Management Plan, to ensure the use mitigates significant adverse impacts on sensitive land uses, with the closest sensitive land use being approximately 700 metres to the north of Kunwarara Road; therefore the use is a preferred use within the Rural Zone.

Further to the assessment summary above and pursuant to section 63 (5) of the *Planning Act 2016*, the reasons for the decision are based on findings on material questions of fact and must be included in the statement of reasons accompanying the decision notice as follows:

- (i) On balance, the proposal achieves the relevant Strategic and Specific Outcomes and Land Use Strategies of the Strategic Framework.
- (ii) The proposal is a preferred use within the Rural Zone Code.
- (iii) The proposal does not comply with Acceptable Outcome AO2.1 of the Rural Zone Code as it will be located within 250 metres of the site boundary. Despite the non-compliance, the adverse impacts on sensitive land uses are mitigated through the implementation and conditioning of the Environmental Management Plan and Stormwater Management Plan. These plans mitigate potential impacts associated with noise, dust/air quality, water quality, blasting, waste land management and traffic.
- (iv) The proposal does not comply with Acceptable Outcome AO20.1 of the Rural Zone Code as a twenty (20) metre vegetation buffer will not be planted along site boundaries. Despite the non-compliance PO20 of the code is complied with because the extractive industry area will be rehabilitated over time to provide screening and the extractive

industry operations are setback approximately 255 metres from the Bruce Highway to reduce visual prominence.

- (v) The proposal does not comply with Acceptable Outcomes AO22.1 and AO22.2 of the Rural Zone Code as a broad range of quarry operations are proposed outside of the hours 9:00am to 17:00pm. Despite this non-compliance, Performance Outcome PO22 is complied with because the noise impact assessment has demonstrated that noise limits will not cause nuisance and will meet the objectives of the *Environmental Protection (Noise) Policy*.
- (vi) The proposal does not comply with Acceptable Outcomes AO1.1 and AO1.2 of the Bushfire Hazard Overlay Code because it is not located within an approved protection zone. Despite the non-compliance, PO1 is complied with because the conditioned Bushfire Management Plan and Environmental Management Plan demonstrate the level of risk is tolerable for people and property.
- (vii) The proposal does not comply with Acceptable Outcome AO8.1 of the Bushfire Hazard Overlay Code because the development will involve the storage of hazardous materials beyond that commonly associate with domestic use. Despite this non-compliance PO8 is complied with because the conditioned Environmental Management Plan sets clear guidelines for the safe storage and handling of hazardous materials.
- (viii) The proposal does not comply components of Performance Outcomes PO1, PO2, PO3, PO7 and PO12 of the Biodiversity Overlay Code as damage to Matters of Local Environmental Significance will be necessary to facilitate the extractive industry. Despite the non-compliances on balance, the development achieves the intent of the code because operational practices will be put in place through the conditioned Environmental Management Plan to ensure damage to Matters of Local Environmental Significance is minimised. Furthermore, the conditioned Rehabilitation Management Plan will ensure the site is progressively rehabilitated with native vegetation to replace existing vegetation communities. This will provide a net ecological benefit to the site beyond what the existing consent requires (Consent Application No. 803).
- (ix) The proposal does not comply with Acceptable Outcome 2.1 of the General Development Code as extractive industry activities will be undertaken within 100 metres of the site's boundaries. Despite the non-compliance PO2 is complied with because impacts adjoining land are mitigated through the implementation and conditioning of an Environmental Management Plan and Stormwater Management Plan. These plans mitigate potential impacts associated with noise, dust/air quality, water quality, blasting, waste land management and traffic.
- (x) The proposal does not comply with Acceptable Outcome AO6.1 of the Development Works Code as clearing of native vegetation is required. Despite the non-compliance PO6 is complied with because damage is not proposed within scenic landscape areas or biodiversity corridors. Furthermore, the conditioned Rehabilitation Management Plan will ensure the site is progressively rehabilitated with native vegetation to replace existing vegetation communities.
- (xi) The proposal does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (xii) The proposal does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.
- (xiii) On balance, the development application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with some of the performance outcomes of the relevant codes.

PREVIOUS DECISIONS

As outlined in the assessment report above, the site has existing planning approval for extractive industry purposes by way of Consent Application No. 803 in May 1990. This

approved the extraction and screening of up to 100,000 tonnes per year which is currently being undertaken.

This development application relates to increased quarry operation allowing up to 1,000,000 tonnes to be extracted per year. The application does not propose to extract material from new areas of the site, it is just to increase the extraction quantity.

ACCESS AND INCLUSION

There are no identified access or inclusion issues associated with this development application.

ENGAGEMENT AND CONSULTATION

The application was publicly notified between 19 October 2020 and 10 November 2020 and one (1) submission was received.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications associated with this development application.

BUDGET IMPLICATIONS

Management of this application has been within the existing budget allocations.

LEGISLATIVE CONTEXT

The application is being assessed pursuant to the *Planning Act 2016* and all subordinate legislation and policies.

LEGAL IMPLICATIONS

The legal implications of deciding this application favourably or unfavourably is the risk of appeal from either a submitter (should Council approve the development application) or from the developer (should Council refuse the development application). These potential legal implications also bring unknown budget implications.

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

The risks associated with this assessment have been appropriately addressed in the body of this report. Specifically, the risk of appeal to any decision made by Council and any financial/budget implications such action may have. It should be noted that these risks are difficult to quantify at the assessment stage.

CORPORATE PLAN REFERENCE

Future Livingstone

Community Plan Goal 5.1 - Balanced environmental and development outcomes

5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes.

CONCLUSION

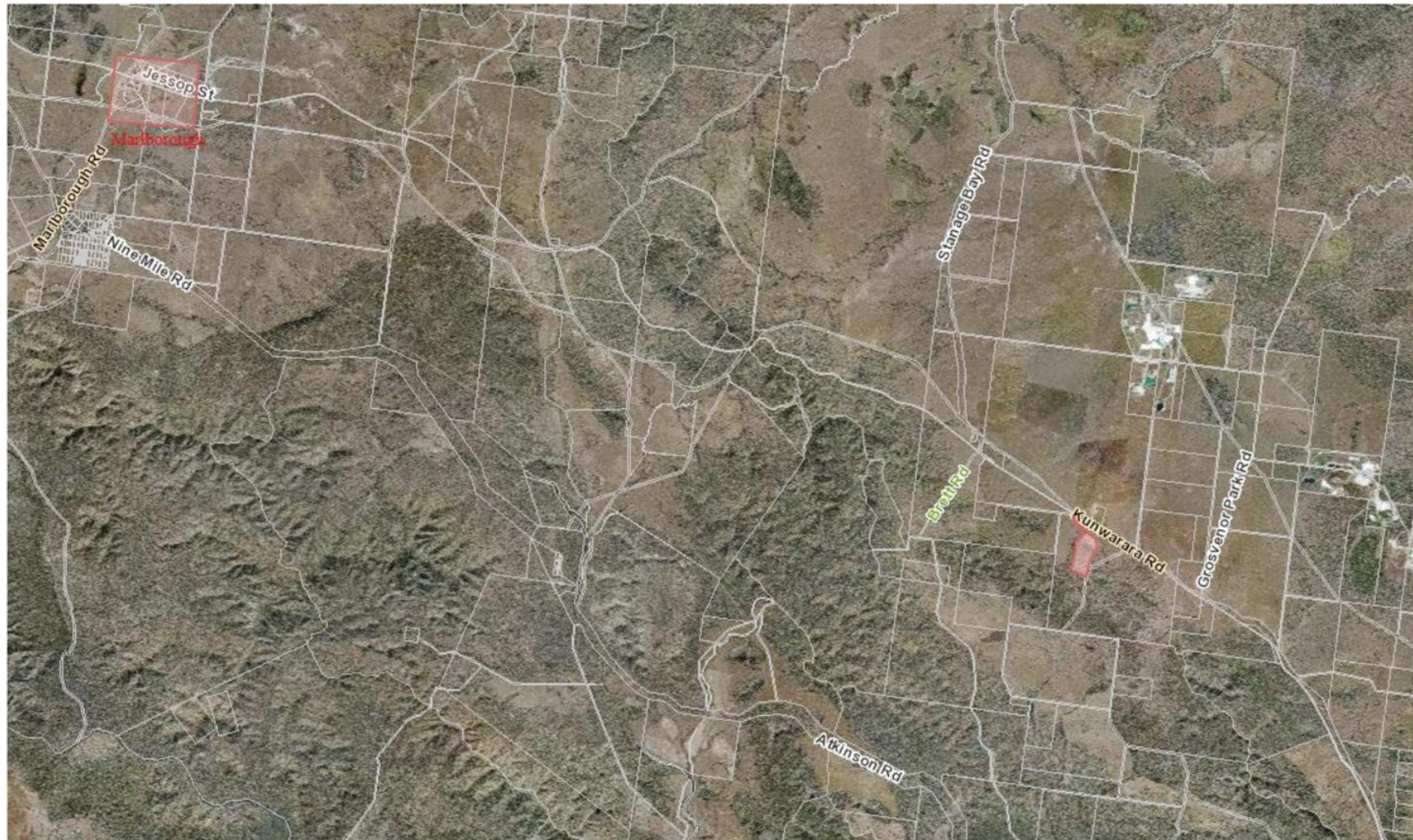
Having regard to the above assessment, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be relevant matters that favour Council approving the land use and the development is capable of occurring on the site without conflicting with Council's strategic framework. As such, the proposal is recommended for approval, subject to reasonable and relevant conditions.

**11.16 - DEVELOPMENT APPLICATION
D-128-2020 FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR AN EXTRACTIVE
INDUSTRY, ENVIRONMENTALLY
RELEVANT ACTIVITIES (ERA 16(2)(B)
AND (3)(B)) AND OPERATIONAL
WORKS FOR VEGETATION CLEARING
AT LOT 1 KUNWARARA ROAD,
CANOONA**

Locality Plan

Meeting Date: 16 February 2021

Attachment No: 1



Attachment 1 – Locality Plan

**11.16 - DEVELOPMENT APPLICATION
D-128-2020 FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR AN EXTRACTIVE
INDUSTRY, ENVIRONMENTALLY
RELEVANT ACTIVITIES (ERA 16(2)(B)
AND (3)(B)) AND OPERATIONAL
WORKS FOR VEGETATION CLEARING
AT LOT 1 KUNWARARA ROAD,
CANOONA**

Site Plan

Meeting Date: 16 February 2021

Attachment No: 2



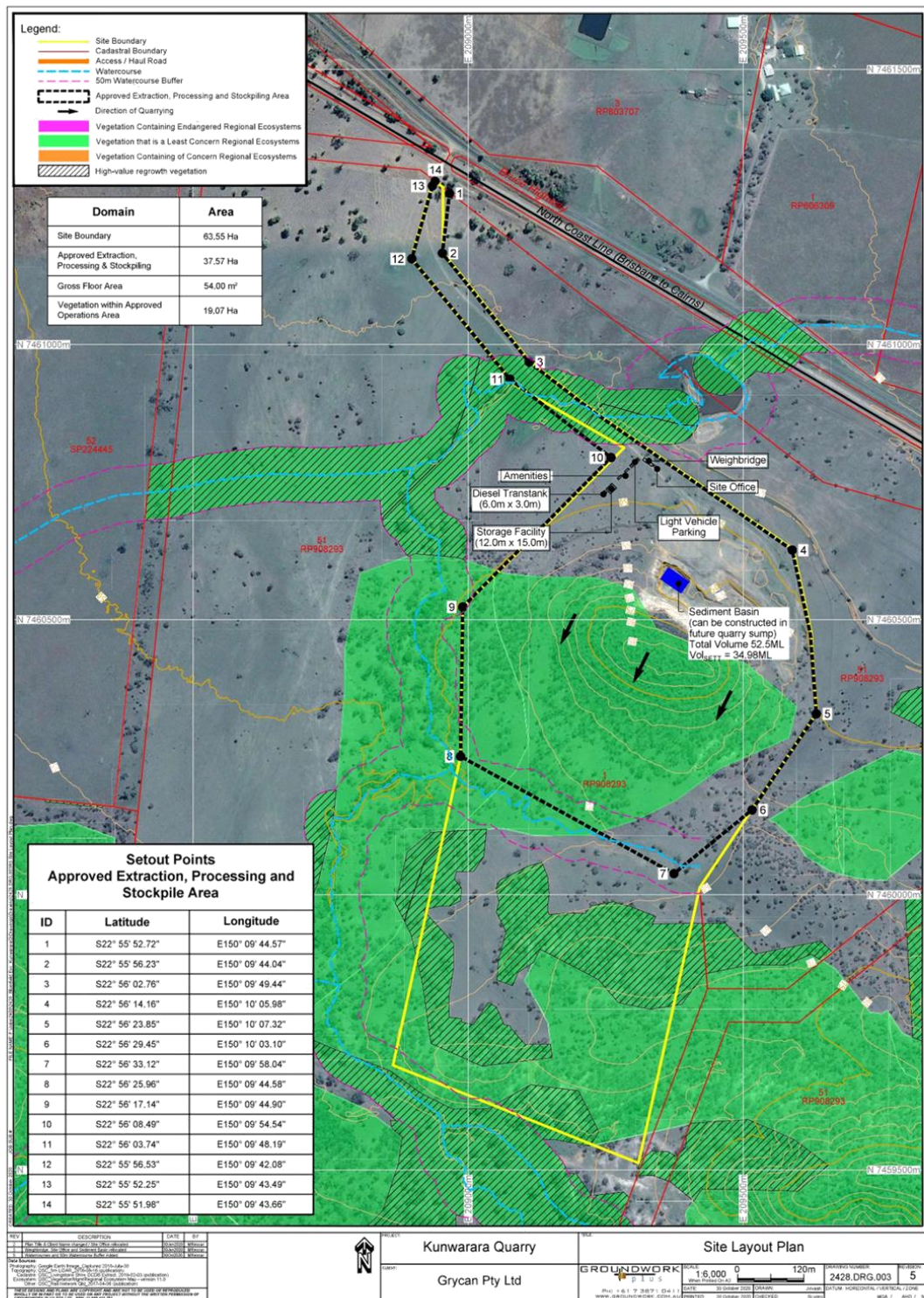
Attachment 2 – Site Plan

**11.16 - DEVELOPMENT APPLICATION
D-128-2020 FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR AN EXTRACTIVE
INDUSTRY, ENVIRONMENTALLY
RELEVANT ACTIVITIES (ERA 16(2)(B)
AND (3)(B)) AND OPERATIONAL
WORKS FOR VEGETATION CLEARING
AT LOT 1 KUNWARARA ROAD,
CANOONA**

Proposal Plan

Meeting Date: 16 February 2021

Attachment No: 3



12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

12.1 NOTICE OF MOTION - COUNCILLOR HUTTON - SCHOOLIES WEEK

File No: GV13.4.4

Attachments: 1. Notice of Motion - Councillor Hutton - Schoolies Week [↓](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Schoolies Week.

COUNCILLOR RECOMMENDATION

THAT Council engage with stakeholders to consider developing a program of events and promoting the Capricorn Coast as a destination for the 2021 Schoolies Week festivities.

BACKGROUND

Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

**12.1 - NOTICE OF MOTION -
COUNCILLOR HUTTON - SCHOOLIES
WEEK**

**Notice of Motion - Councillor Hutton -
Schoolies Week**

Meeting Date: 16 February 2021

Attachment No: 1

The Acting Chief Executive Officer
Livingstone Shire Council
Lagoon Place, Yeppoon Q 4703

Monday, 1 February 2021

**Notice of Motion
Schoolies Week**

Dear Brett,

I hereby request consideration of this motion at the next meeting of council and give notice of my intention to move the following:

"That Council engage with stakeholders to consider developing a program of events and promoting the Capricorn Coast as a destination for the 2021 Schoolies Week festivities.

Background:

An estimated 40,000 young people engage in this celebration acknowledging their completion of secondary schooling. This phenomenon which is seen by some as a rite of passage, sees the participants spread throughout multiple destinations and multiple periods. (Queensland Schoolies are a week prior to other states). The removal of the international market and the desire of individuals and families to seek lower density destinations and smaller events provides an opportunity for our shire to consider the economic benefit of participating / highlighting our tourism sector to the market. I feel this is worthy of our debate and consideration as a council.

Kind Regards



Cr Nigel Hutton
Livingstone Shire Councillor

12.2 NOTICE OF MOTION - COUNCILLOR HUTTON - BEACH MATTING ON COASTAL BEACHES**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Hutton - Beach Matting [↓](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Beach matting on coastal beaches.

COUNCILLOR RECOMMENDATION

THAT Council investigates the potential costs for inclusive beach matting to be rolled out on both Yeppoon and Emu Park beaches on a regular basis.

BACKGROUND

Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

12.2 - NOTICE OF MOTION - COUNCILLOR HUTTON - BEACH MATTING ON COASTAL BEACHES

Notice of Motion - Councillor Hutton - Beach Matting

Meeting Date: 16 February 2021

Attachment No: 1

The Acting Chief Executive Officer
Livingstone Shire Council
Lagoon Place, Yeppoon Q 4703

Monday, 1 February 2021

Notice of Motion
Beach matting on coastal beaches

Dear Brett,

I hereby request consideration of this motion at the next meeting of council and give notice of my intention to move the following:

"That Council investigates the potential costs for inclusive beach matting to be rolled out on both Yeppoon and Emu Park beaches on a regular basis.

Background:

After a recent community consultation, the request was made for Livingstone to consider replicating the service provided by Townsville Regional Council whereby they roll out beach matting every Friday, Saturday and Sunday to enhance access to the beach by families and individuals with wheel chairs, wheelie walkers and prams etc. For Livingstone to consider this proposal; investigation of the cost both of additional matting purchase and the operational cost attached to rolling it out either through regular council staffing or partnership with a third party organisation must be investigated; prior to its consideration as a budget item. Perhaps this activity may be undertaken on a seasonal basis.

I believe this practice would be welcomed by our community, however understanding the cost is required to make an informed decision on its application. I encourage investigation of this community request.

Kind Regards



Cr Nigel Hutton
Livingstone Shire Councillor

Addendum – Townsville Regional Council – information on matting use

Accessible Beaches

Beach access mats have been rolled out on The Strand to help improve accessibility for anyone in the community with a mobility issue. The beach mats allow people who use a wheelchair or parents pushing a pram or stroller to get onto the beach without assistance. The project cost almost \$20,000 and was funded under the Queensland Government's Works For Queensland program.

Going down to the beach and sitting on the sand with your family is something that a lot of people really take for granted.

These beach mats will allow anyone who uses a wheelchair or mobility device to be able to get down on to the beach and be with their friends and family.

It's going to change people's lives just by making it possible for people to get on to the beach unassisted. The Strand is one of our most iconic locations and now it is going to be accessible for everyone in our community.

The project is really important in making our community more accessible for everyone living here.

Council has been working with the Lifeguard Services to roll out the mats on a regular basis on the Strand Beach.



12.3 NOTICE OF MOTION - COUNCILLOR MATHER - AIR BNB**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Hutton - Air BNB [↓](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Air BNB.

COUNCILLOR RECOMMENDATION

THAT as a matter of some urgency, Council authorise the Planning Department to investigate the state Councils which have already included Air BNB as a land use in their Planning Scheme and associated legislation, and prepare a report for Council with the intention of including Air BNB as a land use for Livingstone.

BACKGROUND

Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

12.3 - NOTICE OF MOTION - COUNCILLOR MATHER - AIR BNB

Notice of Motion - Councillor Hutton - Air BNB

Meeting Date: 16 February 2021

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
30 January 2021

Mr Brett Bacon
Livingstone Shire Council
Yeppoon Q 4703

**Notice of Motion
AIRBNB
(Amended)**

Dear Sir,

I advise that I wish to move the following motion at the earliest possible Ordinary Meeting of Council:

"That as a matter of some urgency, Council authorize the Planning Department to investigate the state Councils which have already included BNB as a land use in their Planning Scheme and associated legislation, and prepare a report for Council with the intention of including BNB as a land use for Livingstone."

Background:

BNB as a land use is becoming a more popular means of raising income in this state (at least) but there's been reluctance by some Councils to introduce suitable legislation to manage it.

We are aware the use is being carried out, and it is causing some grief to neighbours who believe their own residential use is impacted, and values reduced. While this unfettered use continues, in the absence of conditions, we will see more conflict within our communities, and more uncertainty with investors.

Without re-inventing the wheel, we should be tapping into the existing Councils who have already taken up the challenge and included the use into their Planning Schemes and draw the best options for Livingstone.

Recent correspondence from 3 residents in Rosslyn Street attached - 2 pgs

Many thanks,
Glenda Mather Cllr



TO: [REDACTED] (Development and Compliance Officer, LSC); Glenda Mather (Councillor, LSC)

REQUEST: Clarification of LSC guidelines for AIRBNB/ SHORT TERM ACCOMMODATION

We seek clarification of the guidelines for the approval and operation of AIRBNB/ SHORT TERM ACCOMMODATION within Livingstone Shire Council Residential Housing Zone A areas.

In particular, those guidelines in the assessment process that consider the potential impacts on the immediate neighbourhood.

Background:

Following the private sale of a house at [REDACTED] the non-resident owners have opted to list this dwelling on AIRBNB.

The owners did notify some residents of the street of their intent subsequent to registering with AIRBNB.

To date, a number of customers have rented the AIRBNB, and the immediate neighbour [REDACTED] has had to ask these guests to reduce party noise and loud music a number of times. Groups in excess of 20 have attended loud parties until the early hours of morning to the distress of neighbours.

The owners were informed. They do not live on-site nor locally, so no immediate action was initiated by them.

Commercial laundry trucks (QLS) block the one lane street on delivery and make access for residents inconvenient. Residential garbage and recycling bins (four of) are left on the grass verge containing decomposing waste food.. Commercial cleaners arrive after each turnover of guests.

Up to 7 cars have been onsite or on the grass verge of the street at times

Summary:

- [REDACTED] is a quiet residential street - Zoned Residential A.
- This AIRBNB is a commercial operation that is more suited to operation in Residential B zoning. The high cost of this AIRBNB encourages larger groups to share costs and thus more noise is generated. The owners do not live onsite.
- The scale of the business involves larger groups of holidaymakers who are likely to want to make excessive noise more suited to non residential zoning. This has an impact on neighbours.
- Rosslyn St is a one lane cul-de-sac, and is not suitable for trucks and higher volumes of traffic. It inconveniences the residents.
- Domestic waste bins left on the street for the week with decomposing seafood waste and the like are not acceptable in any neighbourhood with regard to aesthetics and public health.

We seek clarification of these issues. We, as residents, do not deem it reasonable that a commercial business be allowed to operate in a Residential A zone where we pay in excess of \$7000 per property per annum to LSC in rates.

**12.4 NOTICE OF MOTION - COUNCILLOR FRIEND - REPEAL OF RESOLUTION 10.3
19 JANUARY 2021****File No:** GV13.4.4**Attachments:** 1. Previous Resolution 10.3 and Notice of Motion - Cr Friend - Proposed Repeal of Resolution [↓](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to the repeal of resolution 10.3 at Ordinary Council Meeting on 19 January 2021.

COUNCILLOR RECOMMENDATION

THAT Council in accordance with section 262 of the Local Government Regulation 2012: the Council resolve to repeal the resolution 10.3 of Councils Ordinary Meeting of 19th January 2021.

**12.4 - NOTICE OF MOTION -
COUNCILLOR FRIEND - REPEAL OF
RESOLUTION 10.3 19 JANUARY 2021**

**Previous Resolution 10.3 and Notice of
Motion - Cr Friend - Proposed Repeal
of Resolution**

Meeting Date: 16 February 2021

Attachment No: 1

ORDINARY MEETING MINUTES

19 JANUARY 2021

10.3 ILLEGAL ASBESTOS DUMPING - 31 BUCCANEER AVENUE, LAMMERMOOR

File No: WM31.4.3
 Attachments: Nil
 Responsible Officer: Brett Bacon - Acting Chief Executive Officer
 Author: Michael Kriedemann - Executive Director Infrastructure

SUMMARY

This report provides information in relation to illegal asbestos dumping at 31 Buccaneer Avenue, Lammermoor in December 2020.

10:15AM Mayor, Councillor Ireland left the meeting.
 10:18AM Mayor, Councillor Ireland returned to the meeting.

Suspension of Standing Orders

COUNCIL RESOLUTION

10.19AM
 That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 10.3 prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

Resumption of Standing Orders

COUNCIL RESOLUTION

10.42AM
 That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Council receives the information provided in this report and decline the request to reduce or waive the disposal fee.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED

DIVISION:

Crs A Belot, Hutton, A Ireland and T Lynch voted in the affirmative.

Crs P Eastwood, AF Friend and G Mather voted in the negative.

Acting Chief Executive Officer
 Livingstone Shire Council
 Yeppoon Q 4703

Notice of Motion

Proposed repeal of resolution 10.3 of Council's Ordinary Meeting of 19th January 2021.

Dear Mr. Bacon,

'In accordance with section 262 of the *Local Government Regulation 2012*, I hereby give notice of my intention to propose the repeal of resolution 10.3 of Council's Ordinary Meeting of 19 January 2021.

May this be included in the 16th February 2021 Agenda Ordinary Council Meeting. I give notice of my intention to move the following:

**"In accordance with section 262 of the Local Government Regulation 2012:
 That council resolve to repeal the resolution 10.3 of Council's Ordinary Meeting of 19th January 2021."**

Background:

In the Ordinary Council Meeting dated 19th January 2021, a council majority resolved to pass the officers recommendation to decline the waiving of fees related to illegal asbestos dumping for a family owned property at 31 Buccaneer Street Lammermoor.

This repeal is required in order to allow a forthcoming Notice of Motion. On the basis of further debate and equity, I kindly request this Notice of Motion be taken into consideration.

Councillor Andrea Friend
Livingstone Shire Council

Livingstone Shire Council – 4 Lagoon Place, Yeppoon. Ph: 0459392411
 Email: andrea.friend@livingstone.qld.gov.au



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**12.5 NOTICE OF MOTION - COUNCILLOR FRIEND - 50% FEE REDUCTION 31
BUCCANEER AVENUE LAMMERMOOR****File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Friend - 50%
Fee Reduction 31 Buccaneer Avenue
Lammermoor [↓](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to a 50% fee reduction 31 Buccaneer Avenue Lammermoor.

COUNCILLOR RECOMMENDATION

THAT Council resolve to reduce by 50% the fee for the landfill acceptance of material containing asbestos for the current owners of 31 Buccaneer Avenue Lammermoor.

BACKGROUND

Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

**12.5 - NOTICE OF MOTION -
COUNCILLOR FRIEND - 50% FEE
REDUCTION 31 BUCCANEER AVENUE
LAMMERMOOR**

**Notice of Motion - Councillor Friend -
50% Fee Reduction 31 Buccaneer
Avenue Lammermoor**

Meeting Date: 16 February 2021

Attachment No: 1

Acting Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

Notice of Motion
50% Fee Reduction 31 Buccaneer Avenue Lammermoor

Dear Mr. Bacon,

I wish to submit this Notice of Motion in relation to a 50% fee reduction for the asbestos landfill fees that are to be incurred, by the owners of 31 Buccaneer Avenue Lammermoor, due to illegal dumping of soil and debris containing asbestos.

May this be included in the 16th February 2021 Agenda Ordinary Council Meeting. I give notice of my intention to move the following:

“That council resolve to reduce by 50% the fee for the landfill acceptance of material containing asbestos for the current owners of 31 Buccaneer Avenue Lammermoor”

Background:

In the Ordinary Council Meeting dated 19th January 2021, council received a report in relation to the wavering of asbestos landfill fees associated with the illegal dumping of commercial quantities of waste containing asbestos. This illegal dumping occurred at a privately owned vacant block located at 31 BUCCANEER AVENUE, LAMMERMOOR.

The estimated disposal fee is \$10,980 (60 x 0.6 x 305), based on the following assumptions:

- (1) sixty (60) cubic metres of asbestos material; and
- (2) density of material is 0.6 tonnes per cubic metres.

The actual fees may be different due to the volume of material and the density of material (asbestos may be mixed with soil from site).

The conclusion to this report stated ‘officers recommend declining the request for a fee reduction or waiver.’ This motion was carried at the table.

The amount of 60 cubic metres dumped in an urban area is an exception to the rule due to the sheer volume and mass of illegally dumped material in a residential area and not that of a rural environment.

A fifty percent reduction in this fee would assist in the timely clean-up of this family owned property. This percentage would reduce the fees to \$5,490 resulting in an average .31 cents per rateable property within Livingstone Shire.

Each request that is made through the council table is individual and should be considered on its own merits. Compassion and empathy should always be backed up by action and not just kind words.

Councillor Andrea Friend
Livingstone Shire Council

Livingstone Shire Council – 4 Lagoon Place, Yeppoon. Ph: 0459392411
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13 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

14 CLOSURE OF MEETING