

8.3	PIONEER NORTH QUEENSLAND PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 108 ON SP188692 & LOT 6 ON RP910469 - 65625 & 65773 BURKE DEVELOPMENTAL ROAD, DIMBULAH - MCU/19/0014
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Date Prepared: 28 February 2020

Author: Senior Planner

Attachments:

1. Proposal Plan - Drawing PR143442-4 [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning letter 21 January 2020 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Pioneer North Queensland Pty Ltd	ADDRESS	65625 & 65773 Burke Developmental Road, Dimbulah
DATE LODGED	9 September 2019	RPD	Lot 108 on SP188692 & Lot 6 on RP910469
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		
FILE NO	MCU/19/0014	AREA	Lot 108 - 20.96ha Lot 6 - 68.02ha
LODGED BY	RPS Australia East Pty Ltd	OWNER	Lot 108 - F, S, L & S Tosoni Lot 6 - F & S Tosoni
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

It is recommended that the application be approved in full with conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Pioneer North Queensland Pty Ltd	ADDRESS	65625 & 65773 Burke Developmental Road, Dimbulah
DATE LODGED	9 September 2019	RPD	Lot 108 on SP188692 & Lot 6 on RP910469
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Extractive Industry

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR143442-4	Site Layout Plan	RPS	21-1-2020

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.5 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

- 3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.
- 3.7 All operations pursuant to the extractive industry must be carried out in accordance with an Environmental Management Plan, except where modifications are required by the conditions of this approval. A copy of the Environmental Management Plan must be provided to Council prior to the commencement of extraction.
- 3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end

of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The extraction volume must not exceed 100,000 tonnes per annum.

3.10 No extractive industry operations, other than access, are to occur within 10 metres of:

- Burke Developmental Road;
- any property boundary;
- any waterway; and
- any mapped remnant vegetation.

3.11 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

4. Infrastructure Services and Standards

4.1 Access

A Commercial access crossover/s, for the extractive industry access, must be constructed and maintained, to the property boundary in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

5. Additional Payment Condition – Note: The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$11,898.81 for each 3,333 haul truck movements from the site towards trunk transport infrastructure, with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport infrastructure servicing the land - specifically the upgrading of Leafgold Weir Road to rural road (8 metres wide) bitumen sealed standard.
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to the commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the Environmental Protection and Biodiversity Conservation Act 1999 if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(e) Cultural Heritage

In carrying out the activity, the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the “cultural heritage duty of care”). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 21 January 2020.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

THE SITE

The subject site comprises land described as Lot 6 on RP910469 and Lot 108 on SP188692, situated at 65625 & 65773 Burke Developmental Road, Dimbulah. It is located at the intersection of Burke Developmental Road and Leafgold Weir Road, approximately 5.5km south-west of Dimbulah.

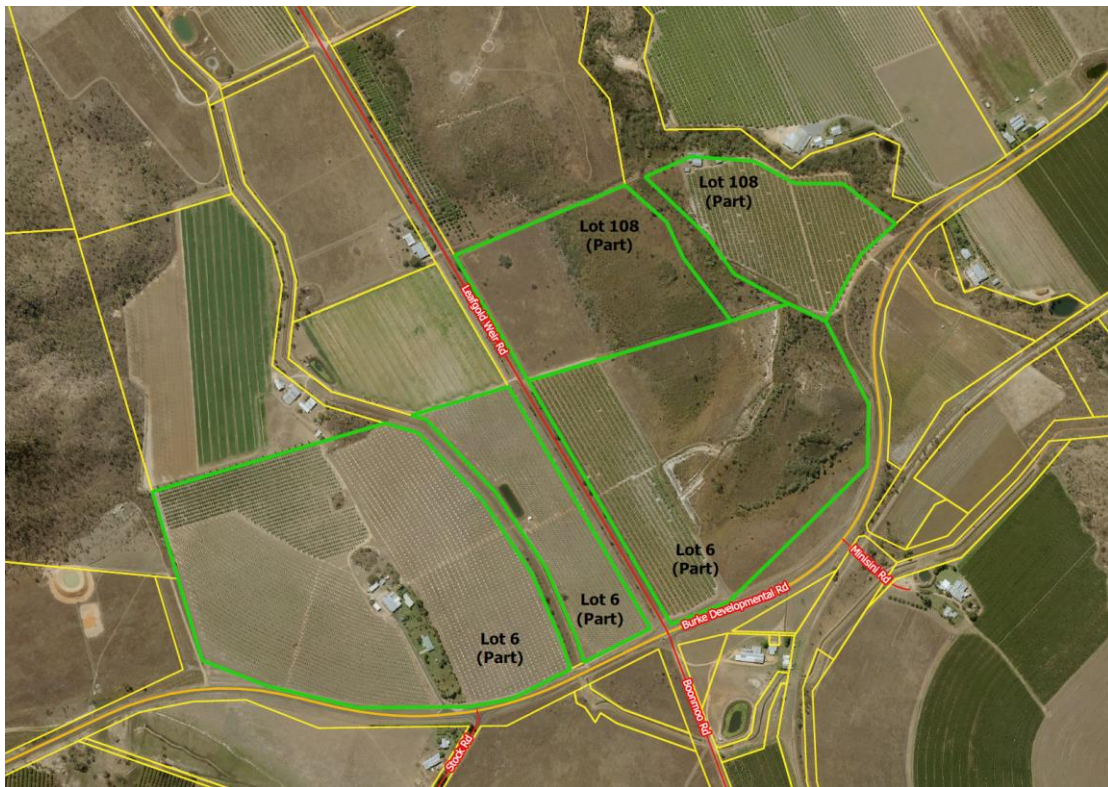
The site has a combined area of 88.98 hectares with frontages of approximately 850 metres to Leafgold Weir Road and approximately 1.8 kilometres to the Burke Developmental Road. Access to the site is obtained off both road frontages.

Leafgold Weir Road is constructed to a bitumen sealed width of approximately 5 metres for its frontage with the subject site. The Burke Developmental Road is constructed to a dual lane bitumen sealed standard.

A dwelling house and multiple farm sheds are established on both lots. The closest residence on adjoining land is located approximately 110 metres south of the extraction area on the opposite side of the Burke Developmental Road. Other residences on adjoining land are in excess of 200 metres from the proposed extraction area.

The site is located within the Planning Scheme’s Rural zone and is generally surrounded by cropping activities.

The area proposed for sand extraction gently slopes to the north and a minor unmapped waterway passes through the proposed extraction area generally in a northerly direction.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Extractive Industry in accordance with the plans shown in **Attachment 1**.

The proposed development would involve the extraction and screening of up to 100,000 tonnes of fine sand per year from a total area of approximately 24.1 hectares. No buildings/improvements are proposed as part of the sand extraction proposal.

The sand extraction operation is to be established on the northern portion of the subject land and over a period of 2-3 years, move into the southern portion of the site.

The sand extraction operation and associated haul access is to maintain a minimum separation distance of 10 metres from the area mapped as Regulated Vegetation.

The sand extraction operation will include the removal and storage of topsoil in earthen bunds, extraction of the sand resource, and screening of the material into stockpiles prior to haulage off-site via Leafgold Weir Road and the Burke Developmental Road.

Sand extraction will commence in the lower parts of the site where a sediment retention pond is to be established and progress upslope. Where possible, the sand extraction void is to be established as a farm water supply dam and the topsoil shall be re-spread on areas outside of the water supply dam area to promote rehabilitation.

The sand extraction proposal, intended to extract not more than 100,000 tonne of material per year, does not constitute a Concurrence ERA. An application has been made to the Department of Environment and Science (DES) for a site specific Environmental Authority over the subject land, for the following:

- ERA 16 2(a) extracting, other than by dredging, in a year, 5,000t to 100,000t of material; and
- ERA 16 3(a) screening, in a year, 5,000t to 100,000t of material.

Potential environmental impacts associated with the proposed extraction and screening activity shall be managed in accordance with the conditions of an Environmental Authority to be issued by DES and the Environmental Management Plan that is to be reviewed and approved by DES as part of the Environmental Authority approval process.

To facilitate the commencement of sand extraction operations, the extraction and processing of up to 5,000 tonne of material per year may be established on the site, prior to the issue of the Environmental Authority.

The initial extraction pit/s are anticipated to form the sediment retention ponds in the larger scale sand extraction operation.

A new farm access, from Leafgold Weir Road, will be constructed along the northern boundary of Lot 108. This will be the haul access for the extraction operation.

The applicant further advises:

- The extraction activities and rehabilitation will be staged which will limit visual amenity impacts;
- Extractive industry activities are common within the general locality and as such comprise part of the rural landscape; and
- Any adverse impacts related to the extractive industry activity will be addressed in accordance with the Environmental Authority and the site's Environmental Management Plan.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Agricultural Area • Rural Other
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none"> • Agricultural Land Overlay • Bushfire Hazard Overlay • Environmental Significance Overlay • Hill and Slope Overlay • Regional Infrastructure Corridors and Substations Overlay • Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Extractive industry	Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.	Quarry	

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:

(A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.7 Economic development****3.7.1 Strategic outcomes**

- (7) The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.
- (8) *Key resource areas* (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations establish in *rural areas* where impacts on surrounding land are manageable and environmental values can be protected.

3.7.11 Element - Extractive resources**3.7.11.1 Specific outcomes**

- (1) *Key resource areas* of local, regional and state significance and their associated haul routes are protected from development that might prevent or constrain current or future extraction.
- (2) Extractive industries:
 - (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
 - (b) avoid areas of ecological significance and values;
 - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).

- (3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

The subject site is not within a key resource area.

The proposed extractive industry is of an equivalent nature and scale to the multitude of sand extractive industry operations established between Dimbulah and Mareeba. The applicant has undertaken testing to confirm the existence of the sand resource.

The proposed extractive industry will be operated in accordance with a site specific environmental management plan and rehabilitation plan. On the completion of extraction, the land will revert to agricultural use.

The proposed development would comply.

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcomes where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Industrial activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

(E) Additional Trunk Infrastructure Condition

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The applicant's roadworks contribution for each 100,000 tonnes would be as follows:

Length of road traversed by the applicant is 850 metres (shortest route to State controlled road).

Truck and dog = 30 tonnes / load = 6 ESA * / load
(* ESA - Equivalent Standard Axles)

Truck loads = tonnes (100,000) ÷ load of truck (30t)
= 100,000 ÷ 30
= 3,333

Number of axles	=	No. of loads (3,333 x ESA / Load (6))
	=	3,333 x 6
	=	19,998
Present road investment	=	\$1.40 / ESA
Future road maintenance cost	=	\$2.10 / ESA
	=	Difference in maintenance and present cost
	=	\$2.10 - \$1.40
	=	\$0.70
	=	\$0.70 x ESA (19,998)
	=	\$13,998.60

Therefore, total contribution sought	=	cost x distance (km)
	=	\$13,998.60 x 0.85
	=	\$11,898.81

Based on Council's standard contribution calculation method, the applicant would be required to pay a roadworks contribution of \$11,898.81 for each 100,000 tonnes of material extracted.

Council's recent budgets have applied a special charge for extractive industries.

Council acknowledges that certain quarries already contribute towards road infrastructure through a condition of their development approval. In such cases, the applicant's obligation under the relevant road infrastructure condition would be waived whilst Council continued to levy the special charge for extractive industries.

Accordingly, it is proposed to apply a road infrastructure condition on this extractive industry, however the applicant will not have to comply with this condition whilst Council continues to levy the special charge for extractive industries.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency for State transport infrastructure.

That Department advised in a letter dated 21 January 2020 that they require the conditions to be attached to any approval (**Attachment 2**).

The Department has conditioned upgrade works for the intersection of Leafgold Weir Road and the Burke Developmental Road.

Internal Consultation

Technical Services

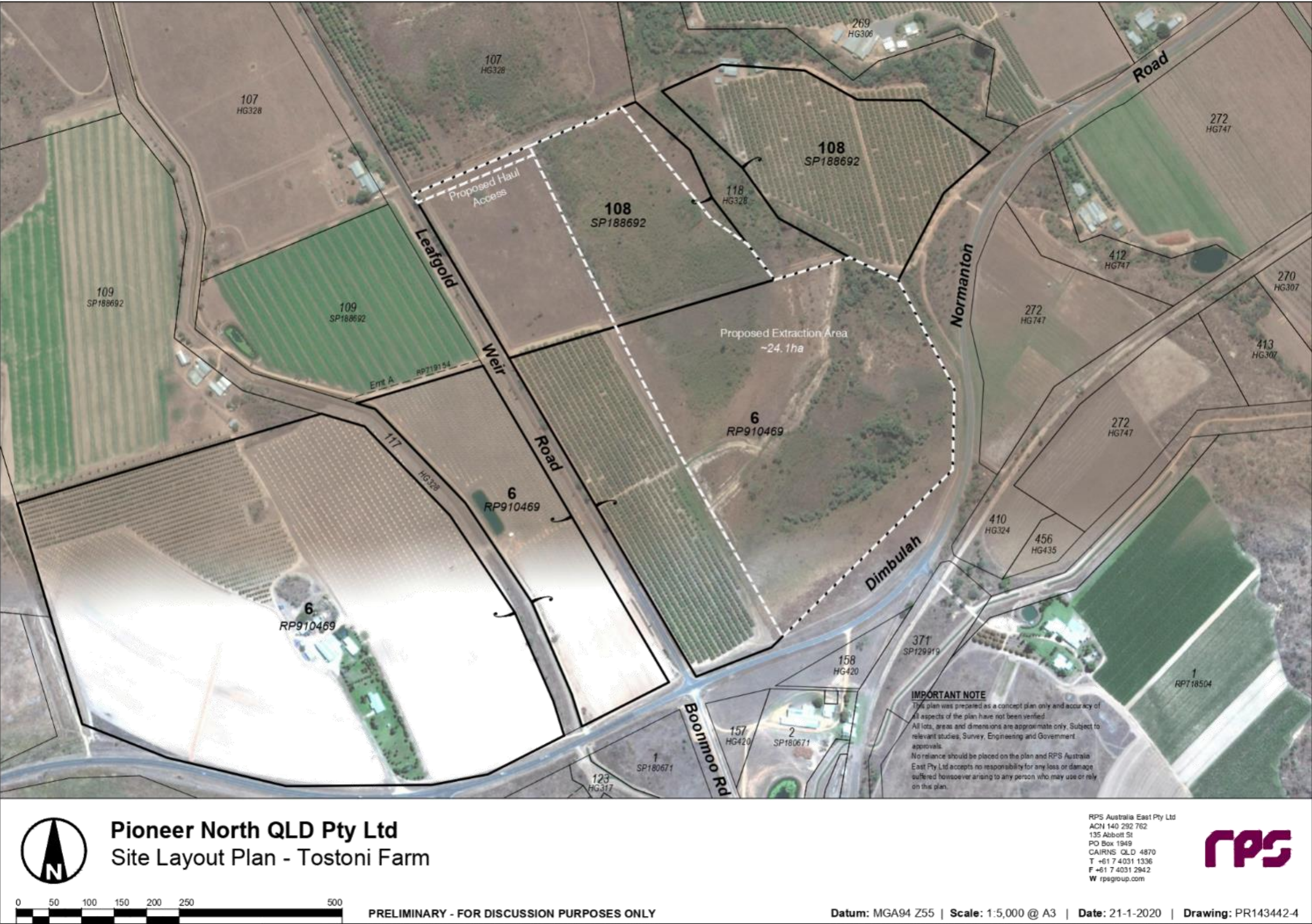
PUBLIC NOTIFICATION

The development proposal was placed on public notification from 30 January 2020 to 21 February 2020. The applicant submitted the notice of compliance on 25 February 2020 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Nil



RA6-N



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

SARA reference: 1909-13187 SRA
Council reference: MCU/19/0014
Applicant reference: 9369-11

21 January 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
planning@msc.qld.gov.au

Attention: Brian Millard

Dear Sir/Madam

SARA response—65773 and 65625 Burke Developmental Road, Dimbulah – Material Change of Use for Extractive Industry

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 26 September 2019.

Response

Outcome:	Referral agency response – with conditions.	
Date of response:	21 January 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 an Extractive Industry including the extraction and processing of sand at a scale of not greater than 100,000t of material per year.
SARA role:	Referral Agency.	

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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1909-13187 SRA

SARA trigger: **Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1**
(Planning Regulation 2017) – Development impacting on state transport infrastructure (Extractive industry over 10,000t/year)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(Planning Regulation 2017) - Material change of use near a state-controlled road and state-controlled road intersection

SARA reference: 1909-13187 SRA

Assessment Manager: Mareeba Shire Council

Street address: 65773 and 65625 Burke Developmental Road, Dimbulah

Real property description: Lot 108 on SP188692 and Lot 6 on RP910469

Applicant name: Pioneer North Queensland Pty Ltd

Applicant contact details: **C/- RPS Australia East Pty Ltd**
135 Abbott Street
Cairns QLD 4870
owen.caddick-king@rpsgroup.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 Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Pioneer North Queensland Pty Ltd, owen.caddick-king@rpsgroup.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

1909-13187 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 9, Division 4, Subdivision 1, Table 1, Item 1 – State transport infrastructure generally and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Heavy vehicles as defined in the <i>Transport Operations (Road Use Management Act) 1995</i> associated with the proposed development must use the haulage route via Leafgold Weir Road via the Burke Developmental Road / Leafgold Weir Road / Boonmoo Road intersection.	At all times.
2.	<p>(a) Road works comprising of intersection widening works, must be provided at the Burke Developmental Road / Leafgold Weir Road / Boonmoo Road intersection generally in accordance with TMR Layout Plan (89B – 648.98km) prepared by Queensland Government Transport and Main Roads, dated 17/01/2020, Reference TMR19-28403 (500-1431), Issue A.</p> <p>(b) The road works must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd edition, Department of Transport and Main Roads, 2016. The road access works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossings – General, Figure 7.4 (rural property access specifically designed for articulated vehicles on a two-way road).</p>	Prior to the commencement of use.
3.	Stormwater and flooding management of the development must ensure no worsening or actionable nuisance to the state-controlled road.	At all times.

1909-13187 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) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	<p>Roads Works Approval</p> <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the <i>Transport Infrastructure Act 1994</i> to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

1909-13187 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

- The department carried out an assessment of the development application against the State Development and Assessment Provisions (SDAP), State Code 1: Development in a state-controlled road environment and State code 6: Protection of state transport networks, and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o No direct access to the state-controlled road is required.
 - o Potential stormwater, flooding or drainage impacts to the state-controlled road are appropriately managed.
 - o The extraction area does not encroach beyond the property boundary, and it is unlikely that any filling, excavation or retaining structures will impact the state-controlled road.
 - o The haul access is far enough away to ensure vehicle queueing does not impact the state-controlled road intersection.
 - o Intersection widening works will ensure a truck and dog combination can safely enter and exit the state-controlled road intersection without crossing the centre line or veering onto the unsealed road shoulder.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

1909-13187 SRA

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

1909-13187 SRA

Attachment 5—Approved plans and specifications

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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

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

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.

