

DELEGATED REPORT

SUBJECT: JACQSHAR PTY LTD – MATERIAL CHANGE OF USE –
EXTRACTIVE INDUSTRY (EXPANSION OF EXISTING
QUARRY) – LOT 46 ON SP328230 – 1886 KENNEDY
HIGHWAY, KURANDA - MCU/23/0009

DATE: 8 August 2023

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Jacqshar Pty Ltd	ADDRESS	1886 Kennedy Highway, Kuranda
DATE LODGED	2 May 2023	RPD	Lot 46 on SP328230
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Extractive Industry (Expansion of Existing Quarry)		

FILE NO	MCU/23/0009	AREA	62.34 hectares
LODGED BY	Planning Plus	OWNER	Jacqshar Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. State Assessment and Referral Agency response dated 28 June 2023

EXECUTIVE SUMMARY

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

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme 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	Jacqshar Pty Ltd	ADDRESS	1886 Kennedy Highway, Kuranda
DATE LODGED	2 May 2023	RPD	Lot 46 on SP328230
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Extractive Industry (Expansion of Existing Quarry)		

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 (Expansion of Existing Quarry)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
016-2302-00-DRG-0001A	Quarry Expansion Plan	Neon Consulting	16.03.23
016-2302-00-DRG-0002A	Waterway Top of Bank Assessment	Neon Consulting	16.03.23

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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 5:00pm 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 the Integrated Site Management Plan, except where modifications are required by the conditions of this approval or the related Environmental Authority.
- 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 combined extraction volume of development approvals MC2003/27 and MCU/23/0009 must not exceed 100,000 tonnes per annum.

3.10 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.

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

3.11 Prevention of the spread of weeds and pests

The applicant must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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.dcceew.gov.au.

(d) 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.dsdsatsip.qld.gov.au.

(e) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(f) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(E) CONCURRENCE AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 28 June 2023

(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

- Nil

THE SITE

The subject site is described as Lot 46 on SP328230, situated at 1886 Kennedy Highway, Kuranda. The site is situated approximately 1.5 km north of the intersection of the Kennedy Highway and Speewah Road.

The site has an area of 62.34 hectares with frontages of approximately 570 metres to the Kennedy Highway and 560 metres to an unformed/unnamed road reserve. Access to the site is obtained directly off the Kennedy Highway via a State approved substantial intersection.

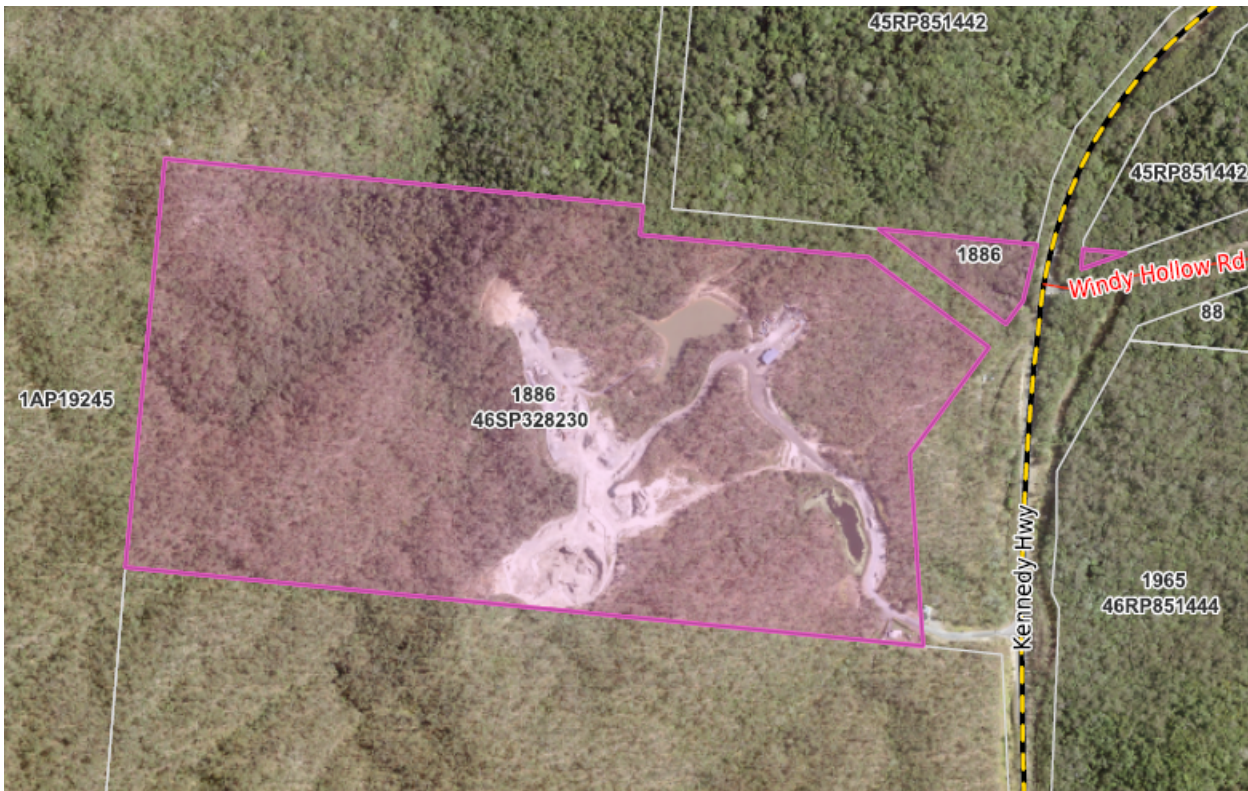
The Kennedy Highway is constructed to a multi lane bitumen sealed standard for the entire frontage with the subject site.

An extractive industry (hard rock quarry) is established over several hectares of the site and this application proposes to expand these quarry operations in terms of land area.

The subject site is located within the Rural zone and is adjoined by State forrest (Conservation zone) to the west and similarly sized Rural zoned lots to the east. The Speewah rural residential node is located 730 metres to the south.

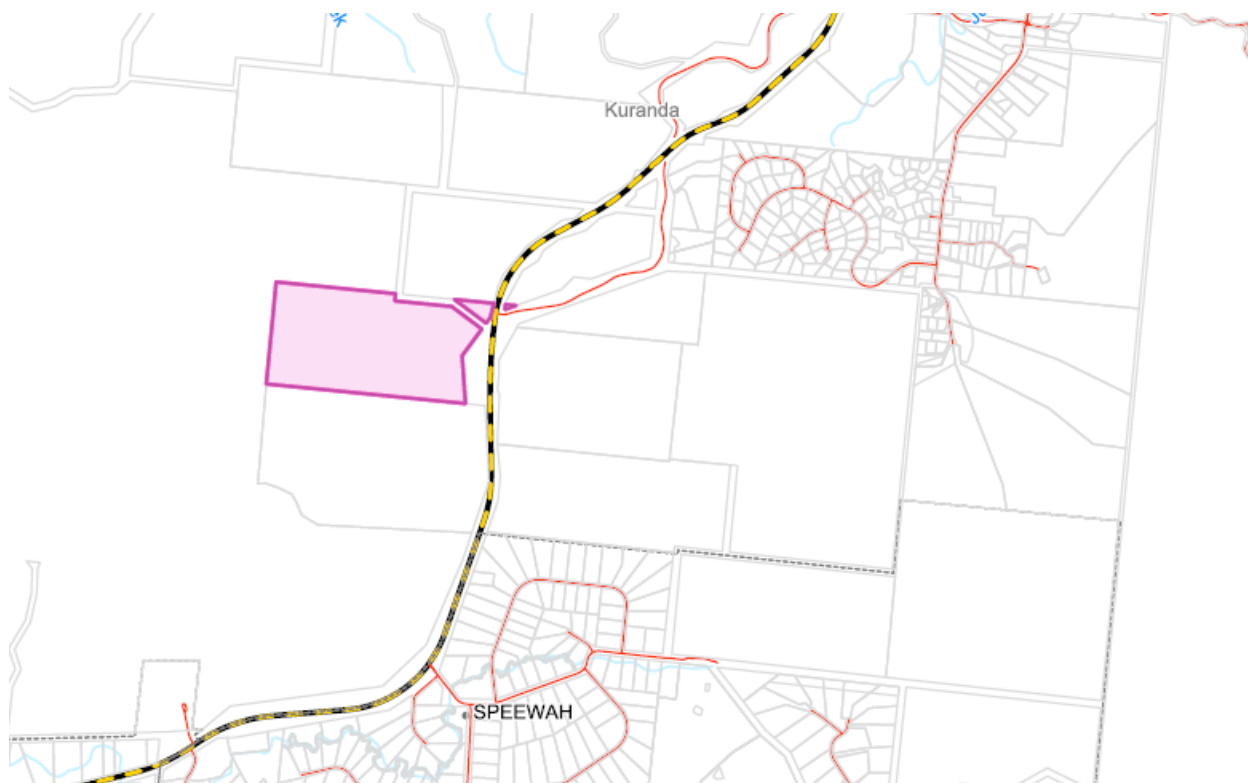
The site and surrounding areas are undulating and mostly covered with remnant vegetation.

The site is improved by a caretakers residence and multi outbuildings ancillary to the existing extractive industry use.



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

MC2003/27

On 18 May 2004, Council issued a development permit for Material Change of Use – Extractive Industry over land described as Lot 46 on RP851443, situated on the Kennedy Highway, Kuranda.

The approval allows for the extraction of rock, gravel and other material sand from approximately 2 hectares of the subject site. To date, extraction has occurred over all of the approved area and encroached beyond the approved area.

The current application seeks to increase the area approved for to cover the actual extractive works and to allow for continued future resources.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Extractive Industry (Expansion of Existing Quarry) in accordance with the plans shown in **Attachment 1**.

The applicant outlines the proposed development as follows:

“This application seeks a Development Permit for Material Change of Use for ‘Extractive Industry’ (expansion of existing quarry). The proposal is illustrated by the following plans included as Annexure 9:

- 016-2302-00-DRG-0001 Rev A – Quarry Expansion Plan
- 016-2302-00-DRG-0002 Rev A – Waterway Top of Bank Assessment

The only change proposed to existing operations is the expansion of the extraction area. Existing access, extraction rates and all other ancillary facilities and operations are to remain unchanged.

The Quarry Expansion Plan illustrates the extent of both the current approved extraction area and the proposed expanded extraction area. The existing approval provides for an extraction area of 2ha while the proposed expansion area comprises a further 12ha. This is obviously a significant increase in area but as can be seen from the aerial images, the current operations have expanded outside of the approved footprint already so the proposed expansion area seeks to account for this plus the required future expansion.

The applicant intends to stage operations with the extraction area expanding to the east initially and then later to the west of the existing pit. Progressive rehabilitation will occur based on the underlying natural vegetation communities as work is completed in areas.

Current operations are subject to various management documents as follows:

- *Plan of Operations*
- *Integrated Site Management Plan*
- *Environmental Instructions:*
 - *Air Quality*
 - *Cultural Heritage*
 - *Soil Erosion and Stability*
 - *Flora and Fauna*
 - *Hazardous Substances*
 - *Noise and Vibration*
 - *Waste Generation*
 - *Water Quality*

It is understood that the existing operation is also subject to an existing environmental license (reference ENRE00847608) issued in 2010 which will require updating to reflect any new approval.

Quarry Development Overview

TopRock quarry was a greenfield site in 2009.

The planning and development of TopRock quarry has been working towards a sequence of mining enabling multiple active mining faces and thus increasing the availability of multiple quarry products on a consistent basis. To date, the product list available from the quarry ranges from crushed fill, road base, drainages aggregates, asphalt aggregates, concrete aggregates, crusher dust, gabion rock and oversize rock.

The mining sequence plan is a continually evolving practice. The Site Senior Executive and the site supervisor control this process.

TopRock quarry has installed a certified weighbridge, workshop facility, offices and a first aid treatment area. Muster areas, traffic flows and radio communication channels are sign posted to ensure safety. Visitor car parking areas are clearly designated.

TopRock quarry owns and operates its own plant and equipment including excavators, loaders, graders, water truck, crushing and screening equipment. TopRock quarry is affiliated with fgf Developments and has access to other necessary plant and equipment as required.

The volume mined is calculated annually with a reconciliation between tonnages across the weighbridge and an excavated surveyed volume and stockpile balance. This is carried out by an fgf surveyor.

Overburden Stripping Methods

Overburden is free dug and removed as clean fill, aided by a Caterpillar D6 bulldozer. Upon the completion of dozing, ripping and free digging, the material is drilled and blasted into 10m benches and removed with excavators and loaders.

Extraction Methods

The primary method of extraction is drill and blast. External contractors are engaged to conduct both the drilling and blasting. The quarry operates on 10m high benches with excavator and loaders used to reclaim the blasted material.

Scalping, Crushing and Screening

Material that is too large to be fed into the crushing plant is stockpiled and sold as oversize rock.

Material selection fed into the crushers is undertaken by trained personnel at the quarry. Primary crushing is achieved through a mobile track mounted Pegson Jaw Crusher and power screen XA400. Secondary crushing is performed by a Finetec 1080 QH330 Sandvik cone crusher. Any tertiary crushing and fragment shaping is conducted using a Piolt Crushtec twister track VS350 vertical spinning impactor.”

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:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • <i>Rural Area</i> <ul style="list-style-type: none"> ▪ <i>Rural other</i> <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • <i>Biodiversity Areas</i>
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	Transport Elements <ul style="list-style-type: none"> • <i>State Controlled Road</i> • <i>Principal Cycle Routes</i>
Zone:	Rural zone
Overlays:	Bushfire hazard overlay Environmental significance overlay Hill and slope 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
<i>Extractive industry</i>	<i>Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.</i>	<i>Quarry</i>	

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

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope 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 outcome 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 relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(f) Adopted Infrastructure Charges Notice

The proposed development will be accessed via the existing State approved access on to the Kennedy Highway.

REFERRALS

The application triggered referral to the State Assessment and Referral Agency (SARA) as a Concurrence Agency for Clearing native vegetation and State transport matters.

SARA advised in a letter dated 28 June 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Nil

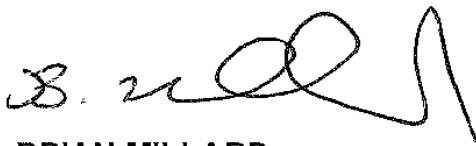
Date Prepared: 8 August 2023

DECISION BY DELEGATE

DECISION

Having considered the Senior Planner's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

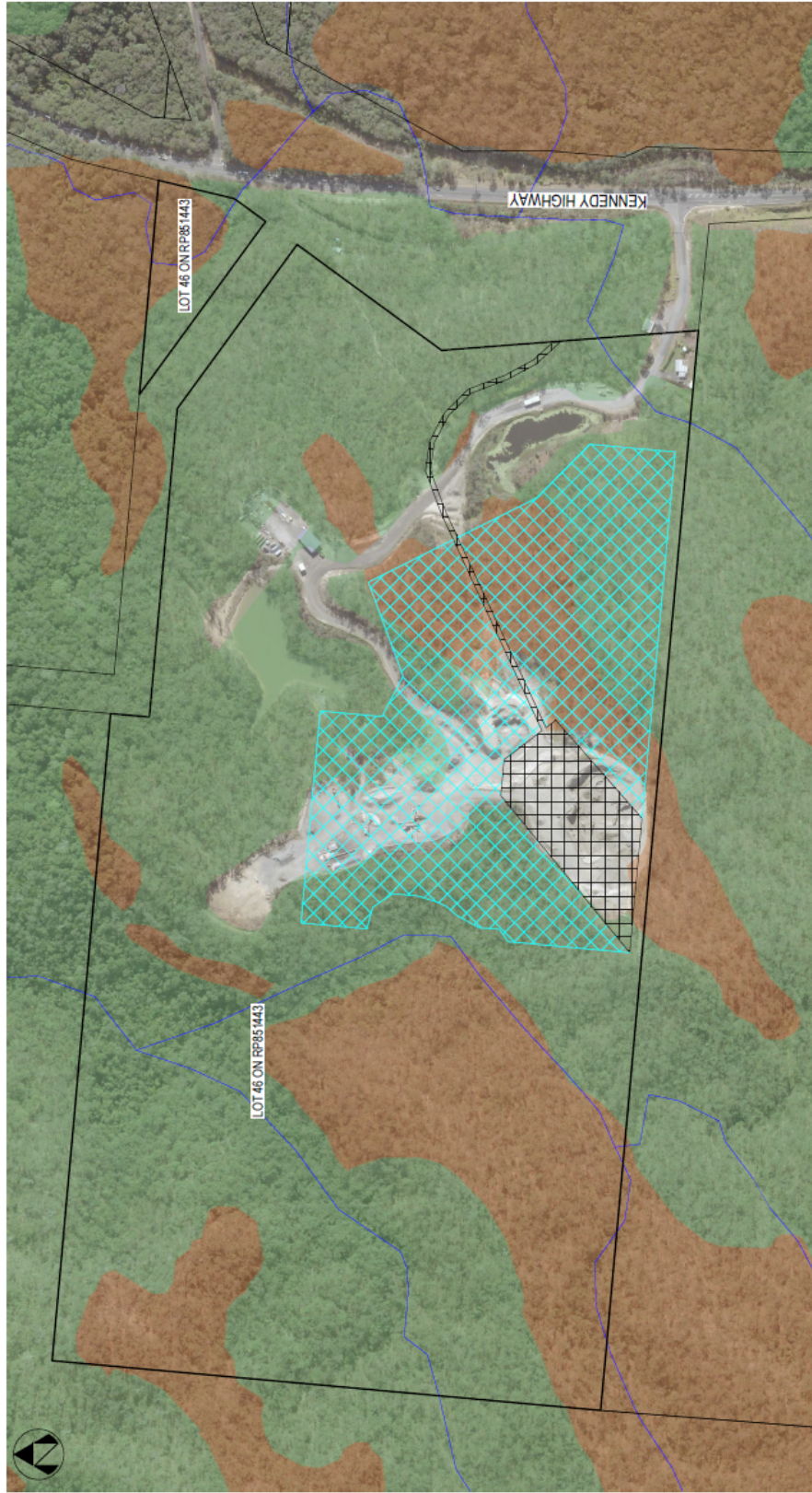
Dated the 8TH day of AUGUST 2023



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL




PROPOSAL PLANS





SCHEDULE OF AREAS

EXISTING APPROVED AREA	20Ha
PROPOSED EXPANSION AREA	120Ha
TOTAL AREA	140Ha

REGIONAL ECOSYSTEM LEGEND

-  CATEGORY A OR B AREA CONTAINING OF CONCERN
-  CATEGORY A OR B AREA WITH LEAST CONCERN
-  WATERCOURSE

EXTRACTIVE INDUSTRY LEGEND

-  EXISTING APPROVED EXTRACTIVE INDUSTRY
-  PROPOSED EXPANDED EXTRACTIVE INDUSTRY - CLEARING AREA OF CONCERN IS 3.14Ha - CLEARING AREA OF LEAST CONCERN IS 0.68Ha

NEON CONSULTING

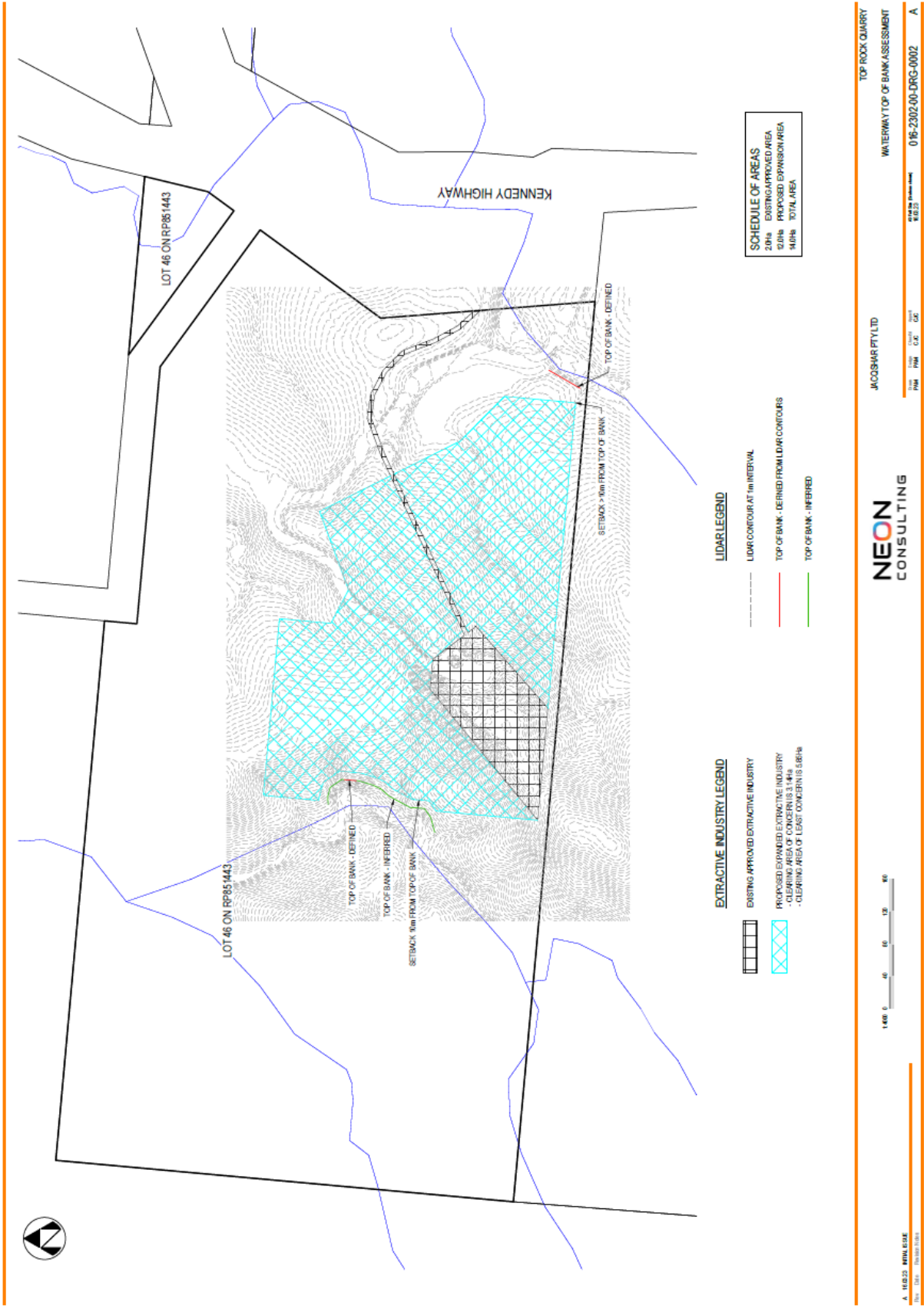
JACOBSMAR PTY LTD

TOP ROCK QUARRY
QUARRY EXPANSION PLAN

016-2302-00-DRG-0001 A

1:400 0 10 20 40

A 14/03/23 09:16:56
Plan: 14/03/23 09:16:56
016-2302-00-DRG-0001 A



ATTACHMENT 2

RA6-N



SARA reference: 2305-34663 SRA
 Council reference: MCU/23/0009
 Applicant reference: 18-13/000895

28 June 2023

Mareeba Shire Council
 PO Box 154
 MAREEBA QLD 4880
 info@msc.qld.gov.au

Attention: Carl Ewin

Dear Mr Ewin

SARA referral agency response—1886 Kennedy Highway, Kuranda

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 18 May 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	28 June 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit	Material change of use - Extractive Industry (Quarry expansion)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) – Clearing native vegetation Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) - State transport infrastructure thresholds	

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DA Advisory Team (DAAT)
 Level 13, 1 William Street, Brisbane
 PO Box 15009 CITY EAST QLD 4002

2305-34663 SRA

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(Planning Regulation 2017) – State transport corridors

SARA reference: 2305-34663 SRA

Assessment manager: Mareeba Shire Council

Street address: 1886 Kennedy Highway, Kuranda

Real property description: Lot 46 on SP328230

Applicant name: Jacqshar Pty Ltd c/- Planning Plus

Applicant contact details: PO Box 399
REDLYNCH QLD 4870
info@planningplusqld.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

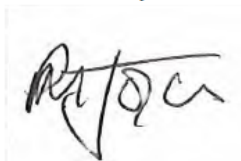
Representations

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 Leanne Simpson, Principal Planning Officer, on 5352 9707 or via email DAAT@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Phil Joyce
Acting Executive Director, Planning Group

cc Jacqshar Pty Ltd c/- Planning Plus, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use – Extractive industry (Quarry expansion)		
Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing native vegetation - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Resources 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.	Clearing of native vegetation must: <ul style="list-style-type: none"> (a) only occur within area A (A¹ - A⁴) as shown on the attached: <ul style="list-style-type: none"> (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2305-34663-SRA, Sheet 1, Version 1, dated 2023; and (ii) Attachment to Plan: 2305-34663-SRA, Derived Reference Points, prepared by Queensland Government, no reference and undated. 	At all times
2.	Enter into an agreed delivery arrangement to deliver an environmental offset, in accordance with the <i>Environmental Offsets Act 2014</i> , to counterbalance the significant residual impacts on the matter/s of state environmental significance being: <ul style="list-style-type: none"> (a) clearing prescribed regional ecosystems that are <i>of concern</i> regional ecosystems being: <ul style="list-style-type: none"> • 3.17 hectares of <i>Of Concern</i> Regional Ecosystem 7.11.33a (b) 7.89 hectares of Essential habitat for <i>Litoria serrata</i> (tapping green eyed frog) within the following regional ecosystems: <ul style="list-style-type: none"> • 3.17 hectares of <i>Of Concern</i> Regional Ecosystem 7.11.33a • 4.73 hectares of <i>Least Concern</i> Regional Ecosystem 7.11.51a 	Prior to commencing any works that impact on clearing prescribed regional ecosystems that are <i>Of concern</i> regional ecosystems and clearing defined regional ecosystems that are Essential habitat

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). 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 SARA's decision are:

- The application is for a Development Permit for Material Change of Use – Extractive industry (Quarry expansion)
- The site is within 25m of a state-controlled road (Kennedy Highway)
- The proposed development involves a total assessable clearing area of 5.92 hectares of Category B Least concern regional ecosystem and 3.17 hectares of Category B Of concern regional ecosystem.
- The application requires assessment by SARA against the *State Development Assessment Provisions* (SDAP), version 3.0:
 - o State code 1: Development in a state-controlled road environment
 - o State code 6: Protection of state transport networks
 - o State code 16: Native vegetation clearing
- SARA has assessed the development against State codes 1 and 6 and found the development complies with the relevant performance outcomes as appropriate access is provided to the site and the proposal does not seek to increase the extraction limit already approved on the site.
- SARA has assessed the development against State code 16 and found the development complies with the relevant performance outcomes as:
 - o the proposal seeks to avoid and minimise impacts on native vegetation
 - o clearing associated with the development maintains the composition, structure and function of the regional ecosystem
 - o clearing associated with the development maintains ecological processes and ensures the regional ecosystem remains in the landscape
 - o environmental offsets will be provided through an agreed delivery arrangement in accordance with the *Environmental Offsets Act 2014* to counterbalance the significant residual impacts on matters of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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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*

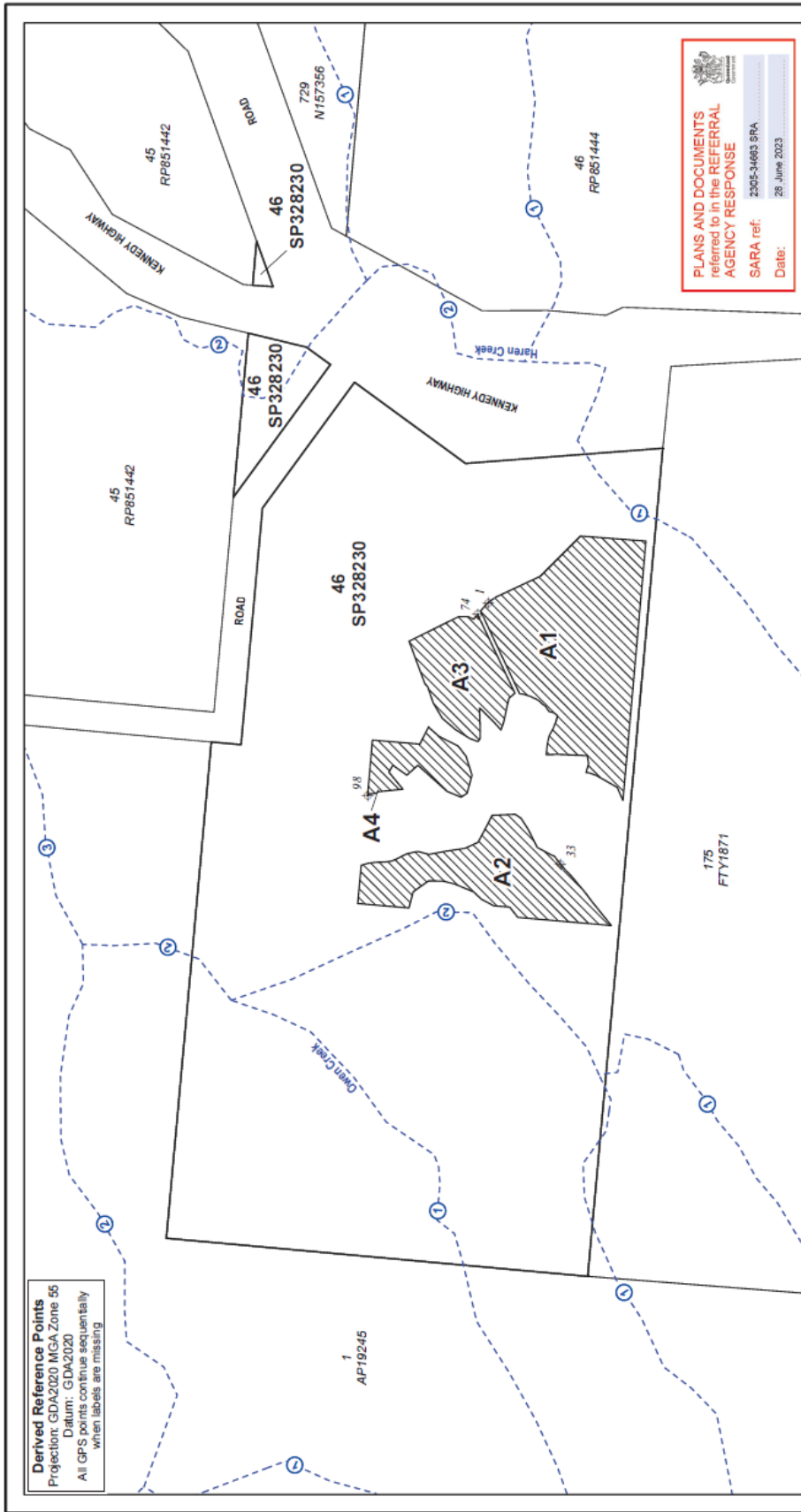
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



<p>© The State of Queensland, 2023</p>	
<p>VMP 2305-34663-SRA Sheet 1 of 1</p>	
<p>1:5 000 @ A3 size Projection: UTM (MGA Zone 55) Datum: GDA2020</p>	<p>Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder. Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature. The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.</p>
<p>Vegetation Management Plan Plan of Area A (Parts A¹ - A⁴) in Lot 46 on Plan SP328230</p>	
<p>This plan must be read in conjunction with conditions attached to 2305-34663-SRA</p>	
	<p>Version: 1 el_VAS Case ID: 2023001872</p>
<p>LEGEND</p> <ul style="list-style-type: none"> Derived Reference Start Points (see attachment) Subject Lot(s) Area A - Clearing Permitted Watercourse and/or drainage feature (Stream order label) 	<p>Note: This is a colour plan and should only be reproduced in colour</p>

Prepared by: SAK (VMGIS-NR-1817)

