



SARA reference: 2207-29719 SRA
 Council reference: D/278-2013
 Applicant reference: 7379

26 October 2023

The Chief Executive Officer
 Rockhampton Regional Council
 PO Box 1860
 Rockhampton Qld 4700
 enquiries@rrc.qld.gov.au

Attention: Aidan Murray

Dear Mr Murray

Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

On 4 October 2023 State Assessment Referral Agency (SARA) received representations from the applicant requesting SARA change its referral agency response. SARA has considered the representations and now provides this changed referral agency response which replaces the response dated 21 September 2023.

Response

Outcome:	Referral agency response – with conditions	
Date of decision:	26 October 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 decisions are in Attachment 3	

Development Details

Description:	Change application (other change) for a development permit	Material change of use for Extractive industry
SARA role:	Referral Agency	

SARA trigger:	Schedule 10, Part 20, Division 4, Table 3, Item 1 (10.20.4.3.1) (Planning Regulation 2017) Development application for a material change of use in a wetland protection area
	Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) (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, Item 1 (10.9.4.1.1.1) (Planning Regulation 2017) Development application for a material change of use that may impact on State transport networks
SARA reference:	2207-29719 SRA
Assessment Manager:	Rockhampton Regional Council
Street address:	Nine Mile Road, Fairy Bower
Real property description:	Lot 100 on SP318665
Applicant name:	P. Waardyk and M. Stokes
Applicant contact details:	C/- Capricorn Survey Group (CQ) Pty Ltd) PO Box 1391 Rockhampton Qld 4700 reception@csgcq.com.au
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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 Rosanna Nobile, Planning Officer, on 07 5352 9777 or via email RockhamptonSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Miss Madison-Lee Day, reception@csgcq.com.au

enc **Attachment 1** – Changed 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— Changed 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 of development approval	Condition timing
Development Permit – Material change of use		
10.9.4.1.1.1 – Material change of use that may impact on State transport networks—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 conditions:		
1.	The development must be setback from the future railway corridor by the 'proposed 70m railway buffer' as shown on the Material Change of Use (Extractive Industry) 'Other Change' (Existing development Permit D/278-2013), prepared by Capricorn Survey Group CQ, dated 14-06-2019, plan no.7379-01-MCU and issue A (as amended in red by SARA).	At all times
2.	The material cartage shall not result in environmental emissions (dust, waste, material spillage, pollution, etc) onto the state-controlled roads.	At all times
3.	Where services required to serve this development are proposed be laid/placed within the boundaries of the State-controlled road reserve, they shall be laid/placed in accordance with the Department of Transport and Main Roads requirements.	Prior to the commencement of use
4.	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 route identified on Figure 1.1: Study area in Section 1.2.1: Study Area of the 100 Nine Mile Road, Fairy Bower (Lot 100 on SP18665) Transport and Pavement Impact Assessment report prepared by McMurtrie Consulting Engineers, dated 28 August 2023, reference R002-22-23/004 and revision B (as amended in red by SARA).	At all times
5.	Heavy vehicles associated with the proposed development are not permitted to use the State-controlled road section of the haulage route between the hours of 7am – 9am and 4pm – 6pm during weekdays. Condition deleted 26 October 2023	To be maintained during the duration of the proposed development
6.	Heavy vehicle movements associated with the extractive industry are limited to 500,000 tonne per annum of total material hauled on the state-controlled road network.	At all times
7.	(a) The applicant must pay a monetary contribution to the Department of Transport and Main Roads (Rockhampton Office) for the maintenance and/or accelerated reduction in pavement life of the state-controlled road network to the amount of \$0.063 /	(a), (b) and (c): Within 30 days after the 1 st of September each calendar year

No.	Conditions of development approval	Condition timing
	<p>tonne for the haulage the first 200,000 tonnes per annum onto the state-controlled road. In particular, the contribution is required toward the routine maintenance and road rehabilitation of the identified haul route.</p> <p>(b) Any haulage on the state-controlled road (applicable to the first 200,000 tonnes per annum) in vehicles in excess of 36 tonne payload capacity shall be levied at the rate of \$0.078 / tonne.</p> <p>(i) The contribution rate per tonne (as per (a) and (b) above) shall be indexed annually using the CERI (Cost Escalation Road Input) Index. Currently the CERI Index is 94.58 (actual CERI Index for September 2012) The actual amount payable at the time of payment shall be calculated as the CERI Index at time of payment divided by 94.58 (CERI Index for September 2012) multiplied by the contribution rate per tonne (\$0.063/tonne).</p> <p>(c) All haulage onto the state-controlled road exceeding 200,000 tonnes per annum shall be levied at a rate of \$0.0753 / tonne.</p> <p>(i) The monetary payment (as per (c) above), 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> <p>(d) The developer shall provide a written notice, advising of the summary of the actual weighbridge tonnage docket within 30 days before the 1st September each calendar year, to the Rockhampton Office of the Department of Transport and Main Roads for review, acceptance and issuing of a Tax Invoice, for the calculated amount as per part (a), (b) & (c) of this condition.</p> <p>(e) The applicant must notify the Department of Transport and Main Roads in writing that:</p> <p>(ii) The transport of material extracted from the site under this approval has commenced; and</p> <p>(iii) The transport of material extracted from the site has ceased.</p> <p>(f) Records which document the quantity of material extracted from the site and transported by road must be kept by the applicant for no less than five years</p>	<p>(d): Within 30 days before the 1st of September each calendar year</p> <p>(e)(i): Within 30 days of commencing the transportation of material extracted from the site</p> <p>(e)(ii): Within 30 days of ceasing the transportation of material extracted from the site</p> <p>(f): To be maintained at all times</p>
8.	<p>(a) Stormwater and flooding management of the development must ensure no worsening or actionable nuisance to the future railway corridor and/or railway corridor.</p> <p>(b) Any works on the land must not:</p> <p>(i) create any new discharge points for stormwater runoff onto the future railway corridor;</p>	<p>(a) and (b): At all times</p>

No.	Conditions of development approval	Condition timing
	<ul style="list-style-type: none"> (ii) interfere with and/or cause damage to the existing stormwater drainage on the future railway corridor; (iii) reduce the floodplain storage capacity of the site; (iv) interfere with or impede overland flow paths or hydraulic conveyance on the site; (v) reduce the quality of stormwater discharge onto the future railway corridor. <p>(c) RPEQ certification with supporting documentation must be provided to Program Delivery and Operations Unit, Central Region (Central.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	(c): Prior to the commencement of use
<p>10.20.4.3.1 – Material change of use 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 conditions:</p>		
9.	<p>The extractive industry must be undertaken generally in accordance with Material Change of Use (Extractive Industry) ‘Other Change’ (Existing development Permit D/278-2013), prepared by Capricorn Survey Group CQ, dated 14-06-2019, plan no. 7379-01-MCU and issue A (as amended in red by SARA).</p>	For the duration of the works
10.	<p>Untreated stormwater from the works must be diverted or bypassed around the wetland in the Wetland Protection Area (WPA).</p>	For the duration of the work
11.	<p>Erosion and sediment control measures which are in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i>, are to be installed and maintained to prevent the release of sediment to High Ecological Significance Wetlands.</p>	For the duration of the works
12.	<p>(a) Provide a 200 metre wide buffer for the purpose of protecting the adjacent wetlands shown as ‘Denotes 200m HES Wetlands Buffer’ on Material Change of Use (Extractive Industry) ‘Other Change’ (Existing development Permit D/278-2013), prepared by Capricorn Survey Group CQ, dated 14-06-2019, plan no. 7379-01-MCU and issue A (as amended in red by SARA).</p> <p>(b) Provide buffer elements in the locations shown as ‘Denotes 200m HES Wetlands Buffer’ on Material Change of Use (Extractive Industry) ‘Other Change’ (Existing development Permit D/278-2013), prepared by Capricorn Survey Group CQ, dated 14-06-2019, plan no. 7379-01-MCU and issue A (as amended in red by SARA) designed to achieve the purposes set out in the Queensland Wetland Buffer Planning Guidelines 2011.</p>	(a), (b) and (c): Prior to commencement of use

No.	Conditions of development approval	Condition timing
	<p>(c) Written evidence from a suitably qualified person that (a) and (b) have been fulfilled is to be provided palm@des.qld.gov.au or mailed to:</p> <p>Department of Environment and Science Permit and Licence Management GPO Box 2454 Brisbane Qld 4001</p> <p>Note: <u>Suitably qualified person</u> means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.</p>	
13.	<p>(a) Prepare a site-based pest management plan in accordance with the Department of Agriculture and Fisheries 'Pest Management Planning' guidance material that includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> (i) A pre-works inspection of the property to locate, map and identify existing pest flora and fauna species. (ii) Training of site personnel in the identification of local pest species likely to occur at the site. (iii) No vehicles enter the wetland protection area buffer area. <p>(b) Implement the procedures/requirements contained in the site based pest management plan, prepared in accordance with (a).</p> <p>Note: The applicable guidance material is available at https://www.daf.qld.gov.au/business-priorities/biosecurity/invasiveplants-animals/pest-management-planning.</p>	<p>(a): Prior to the works commencing</p> <p>(b): At all times</p>

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.
Future railway corridor	
2.	The site is adjacent to the future railway corridor (Rockhampton Ring Road (Plan and Preserve) Project). Further information concerning the Rockhampton Ring Road (Plan and Preserve) Project is available at: https://www.tmr.qld.gov.au/Projects/Name/R/Rockhampton-Ring-Road .
Environmental authority amendment application	
3.	<p>The applicant is also required to submit an amendment application to the Department of Environment and Science in accordance with Chapter 5, Part 7 of the <i>Environmental Protection Act 1994</i> to amend the environmental authority EPPR00236013 prior to commencing any activities associated with the increased rate of extraction.</p> <p>Technical guidelines detailing information to be provided to support an application are available on the Department of Environment and Science's website: Guidelines and manuals Environment Department of Environment and Science, Queensland (des.qld.gov.au)</p>

Attachment 3—Reasons for referral agency response

(Given under section 63(5) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- The assessment benchmarks which are relevant to SARA's assessment are State Development Assessment Provisions (SDAP) State code 6: Protection of state transport networks, State code 9: Great Barrier Reef wetland protection areas and State code 22: Environmental relevant activities.
- The development is considered to comply with the assessment benchmarks, subject to conditions so the development:
 - o does not result in a worsening of the physical condition or operating performance of the state transport network;
 - o does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure;
 - o does not have an unacceptable impact on wetland environmental values
 - o is designed and located to avoid impacts, or where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated.

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*

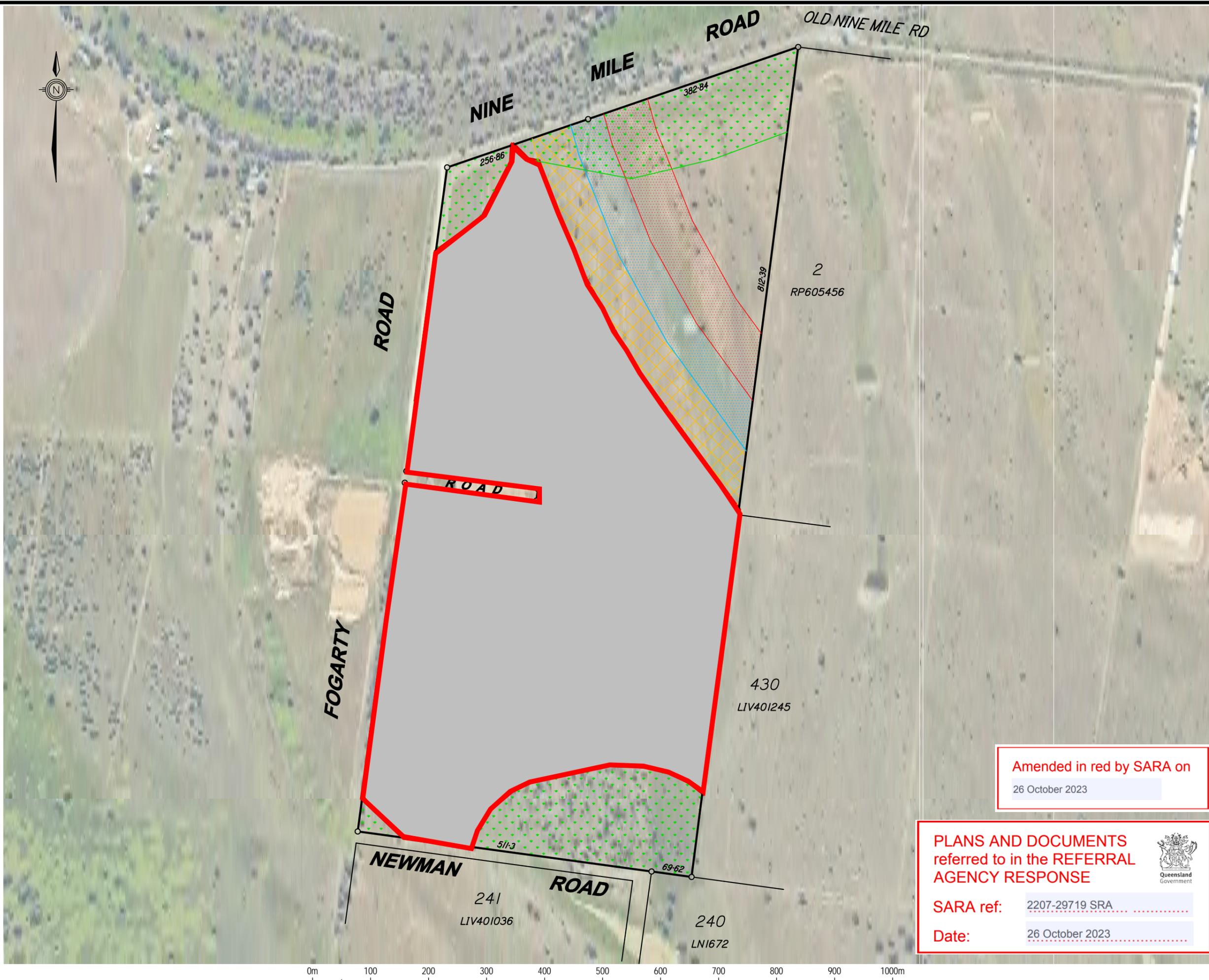
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



-  Denotes Future State Controlled Road
-  Denotes Future Railway Land
-  Denotes Proposed 70m Railway Buffer
-  Denotes 200m HES Wetlands Buffer
-  Footprint of potential extraction area

IMPORTANT NOTE

This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client

P. Waardyk

project

**Nine Mile Road,
Fairy Bower**

plan of

**Material Change of Use
(Extractive Industry)
'Other Change'
(Existing Development Permit D/278-2013)**

rpd

Lot 100 on SP120491

lga

Rockhampton Regional Council

issue	date	details	authorised
A	14-06-2019	Initial Issue	RJKF

created



scale

1:6000 @ A3

sheet no.

1 of 1

plan no.

7379-01-MCU-A

datum

7379-01-MCU A

Amended in red by SARA on
26 October 2023

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2207-29719 SRA

Date: 26 October 2023



100 Nine Mile Road, Fairy Bower (Lot 100 on SP18665)

Transport and Pavement Impact Assessment

Amended in red by SARA on

26 October 2023

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2207-29719 SRA

Date: 26 October 2023

DATE
28 August 2023

REF

R002-22-23/004

CLIENT
Paul Waardyk

COMMERCIAL IN CONFIDENCE

Contact Information

McMurtrie Consulting Engineers Pty Ltd
ABN 25 634 181 294

North Rockhampton

www.mcmengineers.com
(07) 4921 1780
mail@mcmengineers.com

Document Information

Prepared for	Paul Waardyk
Document Name	Transport and Pavement Impact Assessment
Job Reference	R002-22-23/004
Revision	B

Document History

Revision	Date	Description of Revision	Prepared by	Approved by		
				Name	Signature	RPEQ No
A	5/04/2023	Draft	Chris Hewitt	Chris Hewitt		
B	28/08/2023	Final	Chris Hewitt	Chris Hewitt		5141

NOTE - It is acknowledged that there may be some minor discrepancies between the architectural layouts provided in this report and the associated architectural documentation. Whilst not ideal, the minor layout discrepancies should form no material impact to the proposed development from an engineering assessment perspective. Conservative engineering principals have been applied to the afforded earthworks areas, stormwater intent and servicing. As such, any concern should be suitable for conditioning as part of the detailed design process (i.e. finalised in Operational Works stage).

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1.2.1 Study Area

Haulage operation will distribute to the east from the Nine Mile Road / Fogarty Road intersection and navigate via the Rockhampton township distributing to the south and west at the Bruce Highway / Capricorn Highway roundabout. The following road sections are considered critical for the assessment along the proposed transport route:

- Nine Mile Road Council controlled road
- Ridgelands Road State controlled road
- Bruce Highway State controlled road
- Capricorn Highway State controlled road

The critical road sections listed above and associated intersections along the transport route are shown in Figure 1.1.

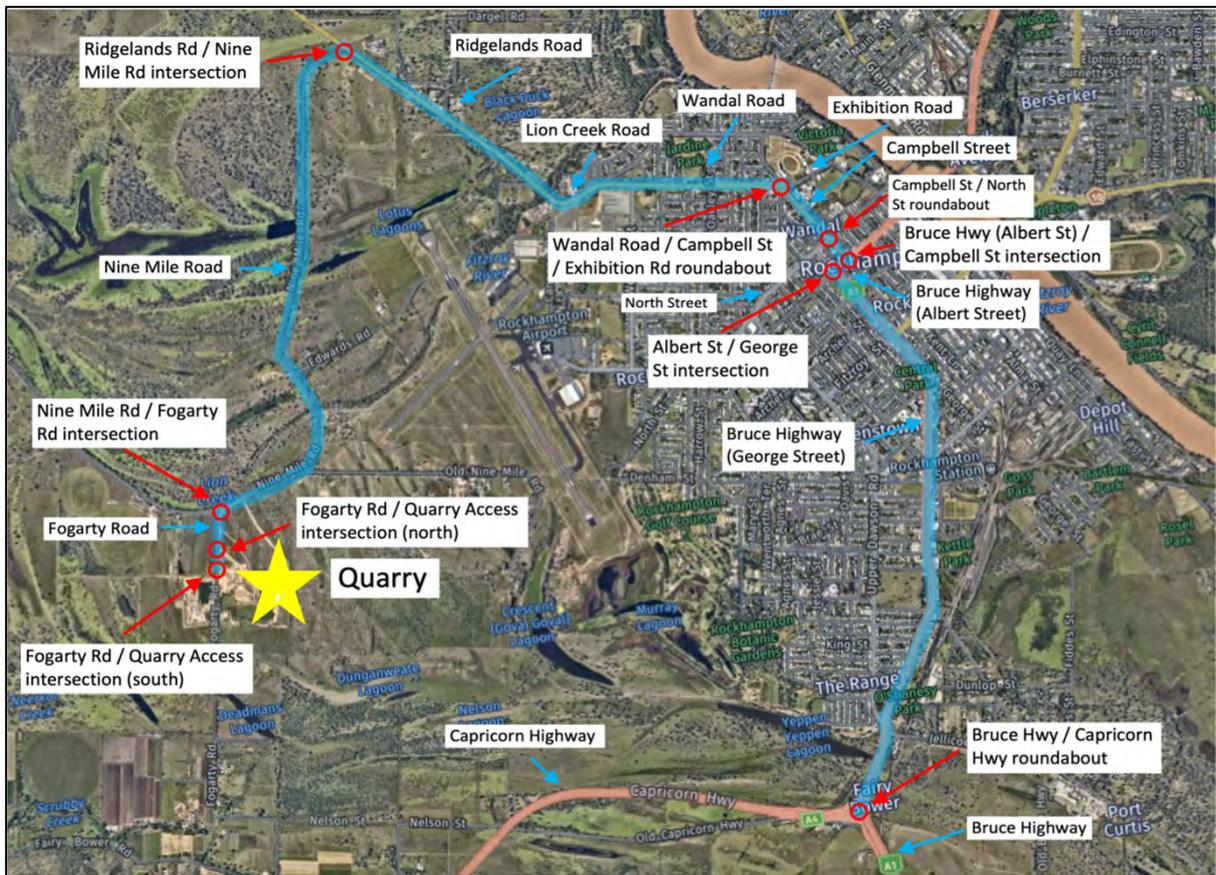


Figure 1.1: Study area [Source: Nearmap]

As identified above, all the roads other than Nine Mile Road are State controlled roads and are under the jurisdiction of the Department of Transport and Main Roads (DTMR). Nine Mile Road is under the jurisdiction of the RRC.

As discussed in Section 5, the proposal does not trigger the 5% threshold of background traffic loading past the Bruce Highway / Capricorn Highway intersection, therefore a detailed assessment of impacts is not considered to be warranted thereafter.

Amended in red by SARA on

26 October 2023

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