

Your Reference:

Our Reference: CW: mw: 23-06 (FID92238, COM003-22/23, 14709-00000-000, ID1766966, ID1799880)

Contact: enquiries@banana.qld.gov.au

05 June 2023

Dear Sir/Madam

Decision Notice – Approval
(Given under section 63 of the Planning Act 2016)

Application Number: COM003-22/23
Description: Combined Application
Material Change of Use (Extractive Industry - up to 30,000 ton) & Environmentally Relevant Activity (ERA 16)
Level of Assessment: Code Assessable
Site Address: Hibbs Road, Jambin
Lot & Plan Details: Lot 68 on RN397

On 05 June 2023, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Approved Plans

The approved plans and documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
5126-2-2 (Revision A)	Hibbs Road Quarry Prepared by Fredricksen Maclean & Associates, Consulting Surveyors	15/02/23
5126-2-2 (Revision A)	Site Plan Prepared by Fredricksen Maclean & Associates, Consulting Surveyors	Received 8 May 2023
D22.472 (Revision a)	Traffic Impact Assessment Prepared by Dileigh Consulting Engineers Pty Ltd	23/11/22

3. Further Development Permits

Please be advised that there are no further development permits required.

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

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

5. Submissions

Not applicable (Public Notification not required)

6. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive - State Assessment Referral Agency (SARA)	Concurrence	Schedule 1, Part 9, Division 4, Subdivision 1, Schedule 10, Part 5, Division 4, Table 2.	RockhamptonSAR A@dsmip.qld.gov. au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701

7. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

8. Statement of Reasons

Description of the development	Material Change of Use: "Extractive Industry" (to 30,000 tonnes per annum); and Environmental Authority for – Environmentally Relevant Activity (ERA 16 (2a) and 16(3a))
Assessment Benchmarks	Planning Scheme: - Rural Zone Code – Table 5.10.3 - Development Design Code – Table 6.3.2. The development is located on land mapped for the following Overlays: - Agricultural Land - Biodiversity - Bushfire - Infrastructure - Water resources
Reasons for Decision	The Extractive Industry is a use which, of necessity, must be located at the resource and therefore is appropriately located in the Rural Zone. Assessment of the development against the performance outcomes of the Rural Zone Code, the Development Design Code and the applicable Overlays demonstrates the development complies with all relevant performance outcomes and will not cause significant adverse impacts on the surrounding environment, infrastructure, local character or amenity. Conditions have been imposed to ensure the proposed development will be designed, constructed, operated and managed to meet, at all times, the relevant performance outcomes of the assessment benchmarks.

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications,

there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of COM003-22/23.

Yours Sincerely



Chris Welch

DIRECTOR COUNCIL SERVICES

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency (SARA)
rockhamptonSARA@dilgp.qld.gov.au

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager
Attachment 1 – Part B Assessment Manager Notes
Attachment 1 – Part C Conditions imposed by SARA
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings

COM003-22/23 Attachment 1

Part A - Conditions imposed by the Assessment Manager

Previous Development Approval

- 1 This Decision Notice supersedes and replaces the Decision Notice dated 13 June 2018 which approved a change application in respect of Decision Notice dated 21 February 2018. Banana Shire Council File Ref.: MCU013-16/17.

General

- 2 The Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval and with the common material for the development application–

Plan/Document number	Plan/Document name	Date
5126-2-2 (Revision A)	Hibbs Road Quarry Prepared by Fredricksen Maclean & Associates, Consulting Surveyors	15/02/23
5126-2-2 (Revision A)	Site Plan Prepared by Fredricksen Maclean & Associates, Consulting Surveyors	Received 8 May 2023
D22.472 (Revision a)	Traffic Impact Assessment Prepared by Dileigh Consulting Engineers Pty Ltd	23/11/22

- 3 Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
- 4 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 5 Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.

Approved Use

- 6 The approved use of the premises is for for "Extractive Industry" defined under Part 3, Section 3.1, Table 3.1.2 of the Banana Shire Planning Scheme 2021.

- 7 The extractive industry is limited to the production of a maximum of 30,000 tonnes of quarry products in a calendar year.
- 8 No blasting activities are permitted to be carried out on the premises.
- 9 No washing, servicing, maintaining, or repairing of vehicles, plant or equipment is permitted to be carried out on the premises other than minor servicing and repairing of machinery used on the premises.
- 10 No disposal of potentially contaminating substances is permitted to be carried out on the premises.

Waste and Refuse

- 11 All waste and refuse is to be stored on site until collected by an approved collection contractor for disposal to the Trap Gully Landfill site. No disposal of waste from the approved use to Banana Shire Transfer Stations is permitted.

Quarry Operational Area

- 12 All boundaries and the extent of quarry operations are to be clearly visible, identified and marked at all times in a manner that allows operational staff and site contractors to clearly identify the limits of extraction and processing areas.

Hours of Operation

- 13 The hours of operation for the approved use are limited to between 7:00 am to 6:00 pm, Monday to Saturday. No operation of the approved use shall be carried out on a Sunday or public holiday.

Safety Fencing and Signage

- 14 Construct a one metre high bund walls along all operational area boundaries to prevent accidental public entry and restrict unauthorised access.
- 15 Install industry standard warning signage on all boundaries of the site, at regular intervals, warning of the safety hazards associated with the approved use.
- 16 Erect and maintain a single sign with a minimum area of six square metres adjacent to the access for the approved use. The sign must display as a minimum:
 - i. the name of the business operating on the premises;
 - ii. the onsite speed limit;
 - iii. the hours of operation; and,
 - iv. contact details for complaints and the site office.

Onsite Staff and Visitor Facilities – Amenities Building

- 17 Provide a sufficient supply of potable water for all staff and visitors associated with the approved use. The water must satisfy the *Australian Drinking Water Guidelines* or relevant standards applicable at the time.
- 18 Potable water, transported to the premises, shall be by water tankers which meet all relevant standards and requirements.
- 19 Effluent collected in the self-contained toilet, located in the amenities building, shall be pumped out at regular intervals, and transported from the site to an effluent treatment facility for disposal, by vehicles which are registered for the transport of the regulated waste under the *Environmental Protection Act 1994*.

Air

- 20 When undertaking any on-site or external works, including any filling and extraction, appropriate dust control measures must be implemented in accordance with the *Environmental Protection Act 1994* and complies with the relevant air quality objectives defined in the *Environmental Protection (Air) Policy 2019*.
- 21 No incineration or open burning shall be carried out on site.

Environmental

- 22 An annual assessment of environmental impacts of operations is to be conducted by a suitably qualified person and is to include any necessary corrective actions. The assessment is to be submitted to Council.
- 23 Ensure that all reasonable and feasible avoidance and mitigation measures, including the use of a water truck on the internal roads and Hibbs Road, are employed so that the noise, dust and other emissions generated by the operation of the approved use, including haulage activities on local government roads, do not cause a nuisance at any sensitive land use.
- 24 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

Pest Management

- 25 All declared plants must be treated as required by the provisions of the *Biosecurity Act 2014*, prior to the commencement of the approved use.
- 26 Prepare and submit to Council for approval a Pest Management Plan dealing with the management of declared weeds and pest plants during the

construction and operation of the approved use including haulage activities.

- 27 Implement the recommendations and comply with the Pest Management Plan including any recommended works, actions and management measures at all times during the construction phase and at all times during operation of the approved use onsite and haul route/s.

Site Access and Vehicle Manoeuvring

- 28 The site access, as indicated on the approved plans, must be used exclusively for vehicle manoeuvring and is to be in a tidy and safe condition at all times.
- 29 No vehicle storage or queuing is permitted within the Hibbs Road, road reserve.

Lighting

- 30 Lighting of the operation, including any security lighting, shall be such that the lighting intensity from the premises are to be designed in accordance with Australian Standard: AS 4282 *Control of the obtrusive effects of outdoor lighting* and does not exceed 8.0 lux at a distance of 1.5 metres from the subject site at any property boundary. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties or the operational safety of Hibbs Road.

Erosion and Sediment Control

- 31 An Erosion and Sediment Control Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, landscaped).
- 32 During construction and operation of the approved use of the site, sedimentation and erosion control management is to be undertaken in accordance with the approved Erosion and Sediment Management Plan.
- 33 Sedimentation and erosion controls are to be implemented during the construction of the new stormwater detention area. The measures must comply with the *Capricorn Municipal Development Guidelines*.

Stormwater Drainage

- 34 The stormwater detention area must be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves.

- 35 Stormwater flowing onto the site must not be diverted onto other properties.
- 36 A detailed Stormwater Management Plan is to be submitted to Council, which demonstrates that all stormwater being discharged from the site meets the *Capricorn Municipal Development Guidelines* and the water quality objectives of the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* relating to Callide Creek, including:
- i Contaminated or sediment-laden water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.
 - ii Releases of stormwater must not contain any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum or litter.

Site-based Environmental Management Plan

- 37 The draft Site Based Environmental Management Plan, included, as Appendix E in the "Planning Report", dated 23 November 2022, submitted with the development application, shall be updated to incorporate design, construction, operation and management aspects of the proposed development to appropriately reflect the requirements of the conditions of this development approval.

The Site Based Environmental Management Plan shall ensure all potential impacts of the proposed development are adequately controlled and shall provide detailed, practical and achievable prevention, minimisation and mitigation strategies (including design standards) for controlling environmental impacts of the proposed development, shall be prepared by an appropriately qualified and experienced person and shall be submitted to and for the endorsement of Council prior to construction.

On endorsement, the undated SBEMP shall be an approved document for this development approval.

- 38 The design, construction, operation and management of the proposed development shall be in accordance with the endorsed Site Based Environmental Management Plan.

Provision Documents to Council

- 39 The applicant shall provide Banana Shire Council with documentation confirming all conditions of this development approval have been complied with and all works and other requirements of each condition have been completed.

Site rehabilitation

- 40 Twelve (12) months prior to the planned cessation of operations associated with the approved use on the premises, a Site Rehabilitation Plan must be

provided to Council for approval detailing all planned works and actions proposed and required to be undertaken to rehabilitate the site as far as is practical, including the removal of all buildings and structures associated with the approved use, to the condition the site was in prior to the approved use commencing on the premises.

- 41** Upon cessation of the approved use, implement the Council approved Site Rehabilitation Plan including any recommended works and remediation measures required to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.
- 42** Within six (6) months of site rehabilitation works being completed a Site Conditions Report detailing the condition of the site following recommended works and actions stipulated in the Site Rehabilitation Plan must be submitted to Council.

END OF CONDITIONS

COM003-22/23 Attachment 1

Part B – Assessment Manager Notes

- A In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- B Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the *Planning Act 2016*.
- C The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- D Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- E Please note the conditions dated 4 May 2023 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.

Engineering

- A Prior to commencing any of the following construction activities the applicant/developer will be required to obtain a development permit for operational work:
 - Internal and external roadworks;
 - stormwater drainage;
 - erosion and sediment control;
- B All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards - *Capricorn Municipal Development Guidelines* (www.cmdg.com.au) at the Applicant's expense.
- C All reports and documentation required to be supplied as part of the application shall be signed and certified by an appropriately qualified Registered Professional Engineer, Queensland (REPQ).
- D All damage incurred to existing roads, footpaths, services or street furniture as a result of the proposed development shall be repaired within a

reasonable period at the developer's expense.

- E** Any on-site waste water treatment and disposal is to satisfy the requirements of Australian Standard *AS1547:2012 On-site Domestic Wastewater Management* and the Department of Public Works Queensland *Plumbing and Wastewater Code 2019*.

Cultural Heritage

- A** This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".
- B** Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Noise and Air Emissions

- A** The operation and use of the premises shall ensure compliance with:
- i achievement of the air quality objectives of the *Environmental Protection (Air) Policy 2019*;
 - ii achievement of the acoustic objectives of the *Environmental Protection (Noise) Policy 2019*;

Provision for People with a Disability

- A** The proposed development should be designed, constructed and operated to ensure access and the provision of sanitary and other facilities for people with a disability are in accordance with Part D3 and Part F2 of the National Construction Code 2019, Building Code of Australia – Volume 1 and Australian Standards AS2890 and AS1428.

Work Health and Safety Act 2011

- A** The use must comply with all relevant requirements of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.

General Environmental Duty

- A** The *Environmental Protection Act 1994* lists obligations and duties to prevent environmental harm, nuisances and contamination. The two primary duties that apply to everyone in Queensland are:
- v. general environmental duty – which means a person must not carry out any activity that causes or is likely to cause environmental harm, unless measures to prevent or minimise the harm have been taken; and
 - vi. duty to notify of environmental harm – to inform the administering authority and landowner or occupier when an incident has occurred that may have caused or threatens serious or material environmental harm.

Environmental Nuisance

- A** It is an offence under section 440 of the *Environmental Protection Act 1994* to cause environmental nuisance to adjacent premises or other property during construction work. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- B** It is the developer's responsibility to ensure compliance with the *Environmental Protection Act 1994*, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.
- C** When requested by the administering authority, dust and particulate monitoring must be undertaken within a reasonable timeframe nominated by the administering authority and in accordance with relevant Australian Standards or equivalent, to investigate any complaint of environmental nuisance caused by dust and/or particulate matter. The results of the monitoring must be notified to the administering authority within seven (7) days following completion of the monitoring.
- D** When requested by the administering authority, monitoring and recording of noise levels must be undertaken to investigate any complaint of environmental nuisance caused by noise emissions from operations at the premises. Such monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority and be carried out by a suitably qualified and experienced person. Once completed, the results of such monitoring must be submitted to the administering authority within seven (7) days following completion of the monitoring.

Biosecurity

- A** Section 23 of the *Biosecurity Act 2014* outlines the General Biosecurity Obligation. All landowners have a General Biosecurity Obligation (GBO) for managing biosecurity risks that are under their control and that they know about or should reasonably be expected to know about. All individuals and organisations whose activities pose or is likely to pose a biosecurity risk must:
- i take all reasonable and practical measures to prevent or minimise the biosecurity risk;
 - ii minimise the likelihood of causing a biosecurity event and limit the consequences if such an event occurs
 - iii prevent or minimise the harmful effects a biosecurity risk could have
 - iv not do anything that might make any harmful effects of a biosecurity risk worse

A biosecurity risk exists when you deal with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, machinery and/or equipment that could carry a pest, disease, weed or contaminant.

Mosquito breeding

- A** The site is required to be appropriately drained, and equipment appropriately maintained so that water is not allowed to accumulate or pond in a manner that may allow mosquito breeding, as required under the *Public Health Regulation 2018*.

Nature Conservation (Plants and Animals)

- A** It is an offence under section 335 of the *Nature Conservation (Animals) Regulation 2020* to remove, or tamper with, an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring.

Animal breeding places include obvious structures such as bird nests and tree hollows, as well as more cryptic places such as amphibian or reptile habitat where breeding takes place. Where activities are likely to impact on an animal breeding place, the applicant should contact the Queensland Department of Environment and Science to discuss if additional actions are required to be undertaken to meet obligations under the *Nature Conservation Act 1992*.

Vegetation Management

- A** The *Vegetation Management Act 1999* regulates the clearing of vegetation in Queensland. No interference or clearing of vegetation is to be undertaken (unless the clearing is exempt, a development approval authorising the clearing has been obtained or the clearing is authorised in accordance with a

code). Contact the Queensland Department of Resources should you require any further information on these matters.

Waste

- A** It is an offence under the Waste Reduction and Recycling Act 2011 to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.

Water

- A** It is an offence under the *Environmental Protection Act 1994* to discharge or permit a prescribed water contaminant to enter a stormwater drain, roadside gutter or a watercourse. Prescribed contaminants include a wide variety of contaminants listed in Schedule 9 of the *Environmental Protection Act 1994*.

Property Notes

- A** The following property notes will be recorded against Lot 68 RN397:

The subject land has an approved extractive industry land use and is subject to conditions of Development Permit Number: COM003-22/23. Future purchasers should be aware of the conditions of approval including requirements for on-site management and site rehabilitation.

END OF NOTES

COM003-22/23 Attachment 1

Part C - Conditions imposed by the SARA



SARA reference: 2303-33738 SRA
 Council reference: COM003-22/23
 Applicant reference: -

4 May 2023

The Chief Executive Officer
 Banana Shire Council
 PO Box 412
 Biloela QLD 4715
 enquiries@banana.qld.gov.au

Dear Sir/Madam

SARA referral agency response—Hibbs Road, Goovigen

(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 21 March 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	4 May 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 for Extractive Industry
SARA role:	Referral agency	
SARA trigger:	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 infrastructure	

SARA reference: 2303-33738 SRA
Assessment manager: Banana Shire Council
Street address: Hibbs Road, Goovigen
Real property description: 68RN397
Applicant name: Errol Gideon Dennis c/- Amy Warden
Applicant contact details: EMA Consultancy & Services
PO Box 1259
BILEOLA QLD 4715
ema_consultancy@outlook.com

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

Yours sincerely



Anthony Walsh
Manager Planning

cc Errol Gideon Dennis c/- Amy Warden, EMA Consultancy & Services, ema_consultancy@outlook.com

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 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)

No.	Conditions	Condition timing
Material change of use		
10.9.4.1.1.1 – Material change of use that may impact on State transport infrastructure—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 extractive industry is limited to a maximum of 30,000 tonnes per annum for hauling material to the general market onto the State-controlled road network.	At all times
2.	Maintain records which document the quantity of material hauled on the State-controlled road network and submit these records to the Department of Transport and Main Roads' Manager of Project Planning & Corridor Management (Fitzroy District) at CorridorManagement@tmr.qld.gov.au .	Within 30 days of the end of June each year until the transportation of material hauled from the site by road under this approval ceases.

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. |
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Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- The premises are accessed from Hibbs Road (a local road). The development is located more than three kilometres from the intersection of Hibbs Road and the Burnett Highway (a State-controlled road).
- Traffic generated as a result of a maximum extraction of 30,000 tonnes per annum is not expected to adversely impact the safety and operation of the State-controlled road network.
- The proposed development is considered to comply with State code 6 of the State Development Assessment Provisions, subject to implementation of conditions.

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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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.

Attachment 2

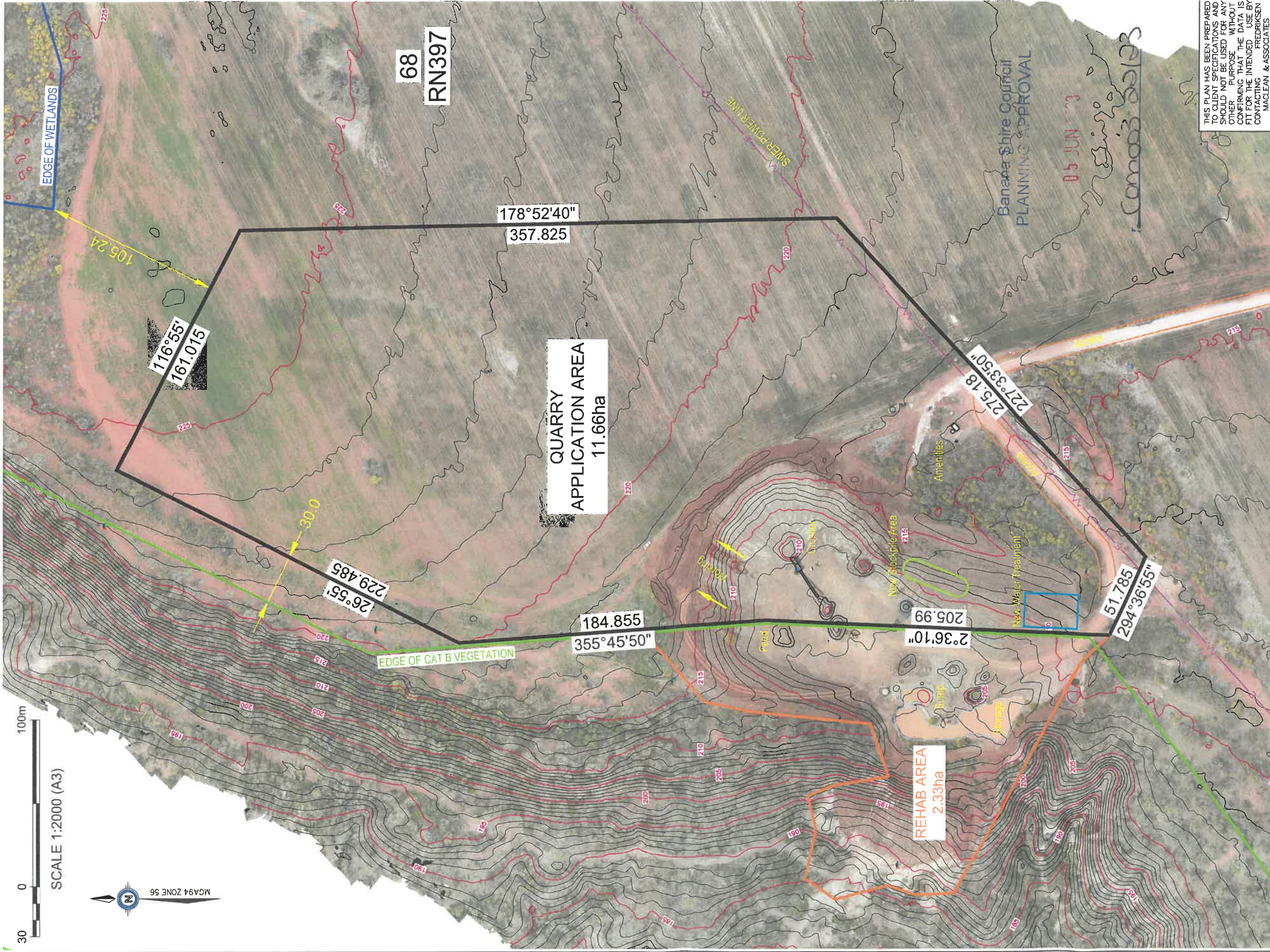
Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - (a) For an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) For an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person. Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 3
Approved Drawings



THIS PLAN HAS BEEN PREPARED TO CLIENT SPECIFICATIONS AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT CONFIRMING THAT THE DATA IS FIT FOR THE INTENDED USE BY CONTACTING FREDRIKSEN MACLEAN & ASSOCIATES

FREDRIKSEN MACLEAN & ASSOCIATES CONSULTING SURVEYORS GLADSTONE, BILOELA & MOURA HEAD OFFICE 9 DREW STREET P.O. BOX 1245 EMAIL: mail@fredmac.com.au		PROPERTY DESC. LOT 68 ON RN397 LOCAL AUTHORITY GOOMEN BANANA SHIRE COUNCIL LEVEL DATUM AHDD LEVEL ORIGIN PM RL Smartnet HORIZONTAL DATUM MGA94 ZONE 56 GRID MERIDIAN MGA VIDE Smartnet HORIZONTAL ORIGIN PM	SCALE 1:2000/A3 SURVEYED AF F. BOOKS DRAFTED ASM CHECKED ASM APPROVED ASM	CLIENT Dennis Earthmoving TITLE HIBBS RD QUARRY PROJECT WORKING AREA	SHEET 1 OF 2 SHEETS DRAWING NUMBER 5126-2-2 REVISION A
AMENDMENTS DATE DETAILS INIT. 15/02/23 REV A-AMEND BOUNDARIES AF 23/9/22 REV 0-ISSUE ASM					

SITE PLAN



66
RN397

72
RN397

1
SP200901

CAT B VEGETATION

355°45'55"

26°55'

30.0

116°55'

161.015

105.24

WETLANDS

178°52'40"

357.825

QUARRY
APPLICATION
AREA
11.66ha

558.481

2°36'10"

205.99

REHAB AREA
2.33ha

275.18

227°33'50"

Access

51.785

294°36'55"

485.455

91°21'

68
RN397

65
RN397

HIBBS ROAD

Banana Shire Council
PLANNING APPROVAL

05 JUN 2023

Com003-22123

75
RN511



SCALE 1:5000 (A3)

SCALE
1:5000/A3

THIS PLAN HAS BEEN PREPARED TO CLIENT SPECIFICATIONS AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT CONFIRMING THAT THE DATA IS FIT FOR THE INTENDED USE BY CONTACTING FREDRIKSEN MACLEAN & ASSOCIATES	SHEET 2 OF 2 SHEETS
	DRAWING NUMBER 5126-2-2
REVISION A	

2022



CIVIL / STRUCTURAL DESIGN & PROJECT MANAGEMENT

Ashleigh Lucas

Banana Shire Council
PLANNING APPROVAL

05 JUN 2023

COM003-22/23

**QUARRY THRESHOLD INCREASE
LOT 68 ON RN397, HIBBS ROAD, GOOVIGEN
TRAFFIC IMPACT ASSESSMENT
FOR DENNIS EARTHMOVING**

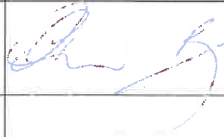
D22.472

DENNIS EARTHMOVING

TRAFFIC IMPACT ASSESSMENT

QUARRY THRESHOLD INCREASE LOT 68 ON RN397, HIBBS ROAD, GOOVIGEN

Document History & Status

REVISION	DATE	ISSUED TO	APPROVED FOR ISSUE BY	SIGNATURE	DATE
A	22/11/2022	Amy Warden EMA Consultancy & Services	Glenn Brown RPEQ 7682		23.11.2022

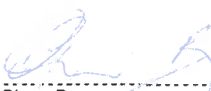
Prepared By



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Approved By



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Date: 22/11/2022
Reference: D22.472-RP01

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Introduction

1.1 Project Background

Dennis Earthmoving have engaged Dileigh Consulting Engineers (Dileigh) to undertake a Traffic Impact Assessment in support of a proposed development at Hibbs Road, Goovigen. It is proposed to increase the current threshold level of the Quarry from <5,000 ton.pa. to 30,000 ton.pa.

The proposed expansion will exceed the threshold of 10,000 ton.pa in accordance with Banana Shire Council's *Planning Regulation 2017: Schedule 20 – Development impacting on State transport infrastructure and thresholds, item 17 "Extractive Industry"*.

1.2 Assessment Area

The subject site is located on Lot 68 on RN397 with access to Hibbs Road only. A draft site plan indicating the location of on-site features is attached in Appendix A.



Figure 1: Locality Plan – Queensland Globe

1.3 Data Sources

The following sources were utilised for this traffic impact assessment:

- Queensland Government Open Data Portal
- Capricorn Municipal Development Guidelines
- Queensland Globe

2. Existing Conditions

2.1 Land Use and Zoning

The subject site is currently being utilised as a quarry generating <5,000 tonnes per annum. Drawings indicating the location of site features are attached in Appendix A.

2.1.1 Adjacent Zoning and Approvals

No development approvals have been lodged or approved for lots directly adjacent to the subject site. A solar farm project has been approved by Banana Shire Council north of the subject site. Traffic report 190111-RPS0007-TIA by Northern Consulting associated with the solar farm development indicates access and egress will be via Burnett Highway/Tomlins Road and Dodsons Road, so Hibbs Road will not be impacted.

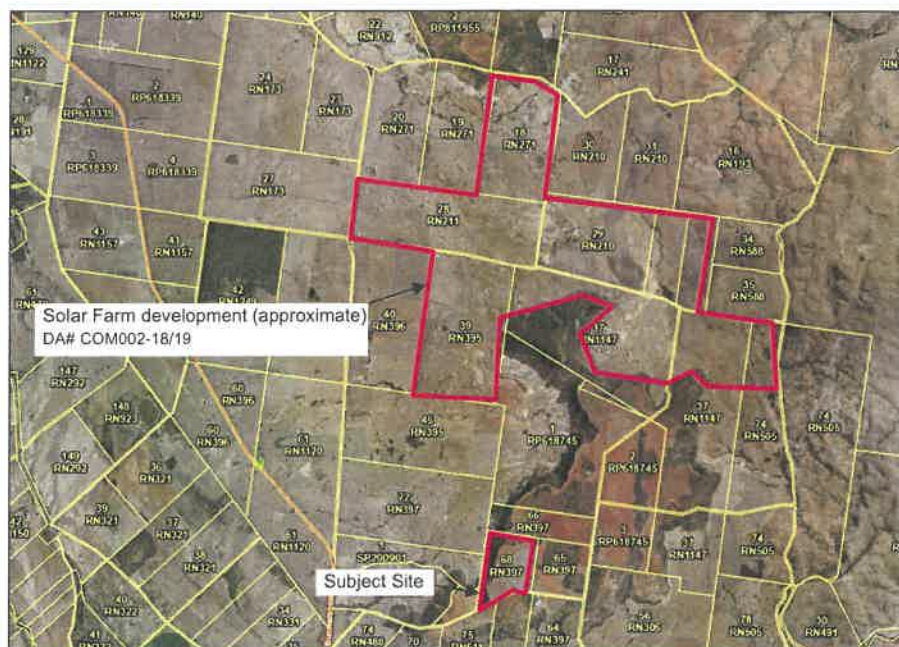


Figure 2: Surrounding Developments Locality Plan

All adjacent land uses are zoned rural as per Banana Shire Council Zoning Map ZM-001.

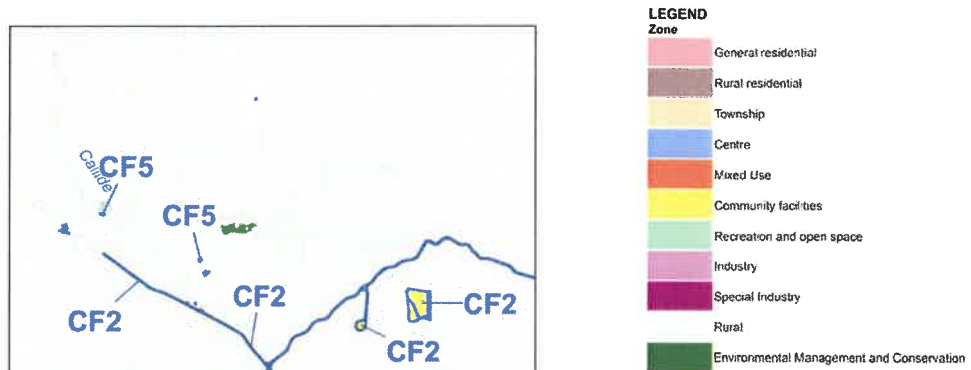


Figure 3: Adjacent Lot Zoning Map ZM-001 (Banana Shire Council)

2.2 Surrounding Road Network

2.2.1 Hibbs Road

Hibbs Road is a two-way Rural Major Lane with a formation width of 6.0m. No speed limit is posted but the minimum and desirable operating speeds are 40km/h and 80km/h respectively as per data provided by Banana Shire Council. Hibbs Road is sealed for approximately 32m from the intersection with Burnett Highway and is then unsealed for the remainder of the road alignment.

2.2.2 Burnett Highway

Burnett Highway is a State-Controlled rural highway with a formation width of approximately 9.0m. The posted speed limit is 100km/h.

2.3 Intersections

2.3.1 Goovigen Road Site Access

The Burnett Highway – Hibbs Road intersection southwest of the quarry is an uncontrolled sealed rural intersection (BAR). Regulatory signage was not observed on any approaches. Refer Figures 4 & 5 below.



Figure 4: Burnett Highway – Hibbs Road Intersection (Queensland Globe)



Figure 5: Burnett Highway – Hibbs Road Intersection (Google Street View August 2022)

2.4 Existing Traffic Volumes

2.4.1 Road Link Volumes

Traffic Volumes were obtained via a combination of data provided by Banana Shire Council and Queensland Government Open Data Portal. A growth rate of 1% has been assumed. In accordance with *Austrroads Guide to Road Design Part 4*, it has been assumed that peak hour volumes are equivalent to 15% of AADT.

Table 1: Existing Road Link Volumes

Road Segment	AADT	%HV	Data Year	Data Source	Growth Rate	Current AADT (2022)	Peak Hour Volume (2022)
Burnett Highway (North of Hibbs Road)	934	38%	2021	Banana Shire Council	1%	943	141
Burnett Highway (South of Hibbs Road)	1153	30%	2021	Banana Shire Council	1%	1165	175
Hibbs Road	17	3%	2015	Queensland Government	1%	18	2.7

2.4.2 Site Traffic Generation

Based on information provided by the site occupant, the vehicles utilised at the quarry are as follows:

Frequent haulage

- Truck and dog (average 15 tonne capacity)
- Single side tipper (15 tonne capacity)

Intermittent haulage (approx. 3% of all truck movements)

- B-double side tipper (30 tonne capacity)

No standard trip generation rates are available for quarries. Existing site traffic trip generation and volumes have been estimated based on the following assumptions:

- The maximum haulage capacity is being achieved (5,000 ton.pa)
- Every haulage vehicle is full when mobilising from site
- Every haulage vehicle makes two movements (to enter and leave site)
- Peak hour volume is equivalent to 15% AADT

Table 2: Existing traffic generation (maximum 5,000 ton.pa)

Vehicle Type	% Total Movements	Contributing Tonnage	Contributing Tonnage / Maximum Haulage	Annual traffic	AADT	Peak Hour Volume
Truck & Dog Single Tipper	97%	4,850	324 trucks per year	658 vehicle movements per year	1.8 vehicles per day	0.27 vehicles per hour
B-double tipper	3%	150	5 trucks per year			

2.5 Intersection and Network Performance

2.5.1 Road Links

Based on data provided by Banana Shire Council, Hibbs Road is classified as a “Rural Minor Access” asset. According to CMDG *Table D1.27.05 Rural Road Elements for Banana Shire Council*, the current traffic volumes on Hibbs Road classify it as a “Rural Major Lane”.

The daily traffic volumes on Hibbs Road can increase by up to 120% before it exceeds the maximum volume nominated for a “Rural Major Lane” classification (39 vehicles per day). Therefore, it is expected that Hibbs Road is operating satisfactorily under the current traffic volumes with the existing road formation.

The daily volumes increasing to 40 vehicles per day would trigger upgrade works on the full length of Hibbs Road, namely road formation and pavement widening.

Based on the estimated 2022 AADT and TMR’s Road Planning and Highway Capacity Manual lane capacities, Burnett Highway is assumed to operate satisfactorily under LOS A conditions.

2.5.2 Intersections

Based on the estimated peak hour volumes, the Hibbs Road – Burnett Highway intersection was assessed as per Figure A 10 from *Austrroads Guide to Road Design Part 4*. The existing intersection arrangement (BAR) is consistent with the turn warrants for the current intersection volumes.

Figure A 10: Warrants for turn treatments on the major road at unsignalised intersections

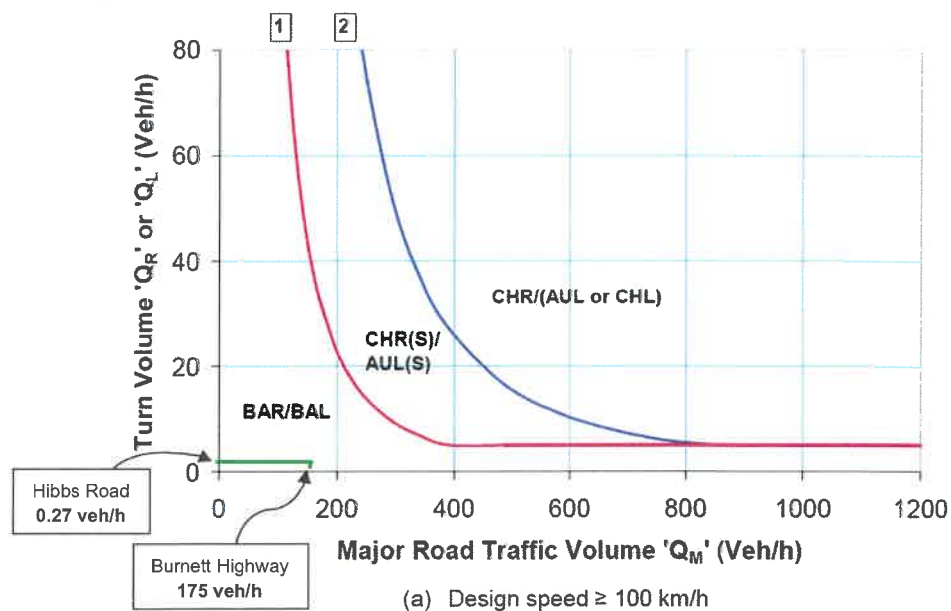


Figure 6: Warrants for turn treatments (*Austrroads Guide to Road Design Part 4* Figure A 10)

2.6 Crash History Review

A review of the road crash history on the relevant sections of the road network approaching the proposed development was undertaken utilising Queensland Globe, which includes data from 2011 – 2019.

As shown in Figure 7 below, crashes have occurred on Burnett Highway within 3km north and south of Hibbs Road, varying in type and severity. The crashes at key intersections are noted to be multi-vehicle collisions requiring medical treatment.

Crash data between 1 January 2001 to 30 June 2021 for the surrounding road network is available on Queensland Government Open Data Portal. Crashes occurring within the last 5-year period (2018 – 2022 inclusive) is summarised in Table 3 below.



Figure 7: Road Crash Locations (Queensland Globe)

Table 3: Summary of Road Crash History (2018 - 2022) Queensland Government Open Data Portal

Crash Reference Number	Crash Year	Crash Street	Intersecting Street	Crash Severity	Vehicles Involved	DCA Description
246227	2015	Burnett Highway	n/a	Hospitalisation	Single Vehicle	Off carriageway on straight, hit object
246246	2019	Burnett Highway	n/a	Hospitalisation	Single Vehicle	Off carriageway on straight, hit object

It is noted that the observed crashes did not occur in proximity to the Hibbs Road intersection and were a result of single vehicles losing control rather than intersecting vehicle conflicts. Based on this, the recorded data does not highlight any specific existing safety issue on the relevant sections of the road network.

3. Development Traffic

3.1 Development Scope

As discussed previously, it is proposed to increase the haulage threshold to 30,000 ton.pa. No upgrades to the existing access are proposed in association with this increase.

3.2 Development Traffic Generation

Based on information provided by the site occupant, the type and distribution of existing haulage vehicles will not change due to the increase in haulage threshold. Based on the same assumptions applied for existing trip generation and traffic volumes, the increased traffic volumes are estimated to be as follows:

Table 4: Existing traffic generation (maximum 30,000 ton.pa).

Vehicle Type	% Total Movements	Contributing Tonnage	Contributing Tonnage / Maximum Haulage	Annual traffic	AADT	Peak Hour Volume
Truck & Dog Single Tipper	97%	29,100	1940 trucks per year	1970 vehicle movements per year	5.3 vehicles per day	0.795 vehicles per hour
B-double tipper	3%	900	30 trucks per year			

4. Traffic Impact Assessment

4.1 Road Link Impact Assessment

In accordance with TMR's Guide to Traffic Impact Assessment, no mitigation to treat the intersection delay is required where development traffic adds less than 5% to base traffic in aggregate.

Following the haulage threshold increase, traffic volumes on the external road network is expected to be as below in Table 5.

It is assumed that all site traffic will be southbound on Burnett Highway, which has the highest existing AADT, to assume worst-case traffic volumes.

Table 5: Forecast Road Link Volumes

Road Segment	Existing AADT <5000 ton.pa	Existing Peak Hour <5000 ton.pa	Proposed AADT 30,000 ton.pa	Proposed Peak Hour 30,000 ton.pa	AADT % Change from Existing
Burnett Highway	1165	175	1170	176	0.4%
Hibbs Road	18	2.7	21	3.2	23.5%

It is noted that the percentage increase in AADT on Hibbs Road is very large. However, since the forecast AADT is below the maximum volume for a "Rural Major Lane" classification as per CMDG (39 vehicles per day), it is expected that Hibbs Road will continue to operate satisfactorily under the increased traffic volumes.

4.2 Intersection Impact Assessment

Turn warrants for the Hibbs Road – Burnett Highway were reassessed with the estimated volumes incurred due to the increased haulage capacity of the quarry. The existing intersection arrangement (BAR) is expected to continue to operate satisfactorily under the increased traffic volumes.

Figure A 10: Warrants for turn treatments on the major road at unsignalised intersections

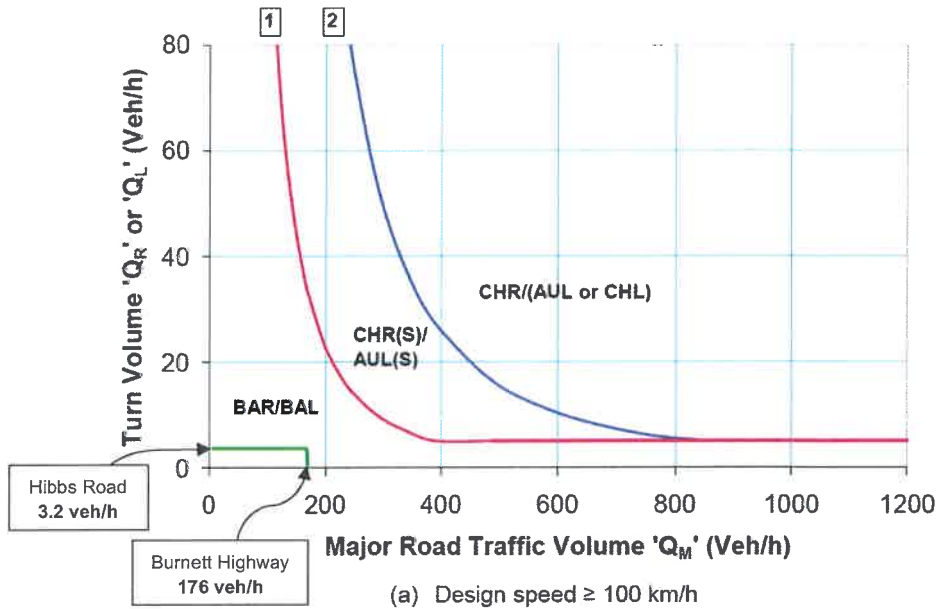


Figure 8: Warrants for turn treatments (Austroads Guide to Road Design Part 4 Figure A 10)

4.3 Road Safety Impact Assessment and Mitigation

A high-level risk assessment has been undertaken as part of this assessment, documented in Table 7 below using the Risk score matrix noted below in Table 6.

Table 6: Risk Score Matrix

Severity	Likelihood				
	1 - Rare	2 - Unlikely	3 - Moderate	4 - Likely	5 - Almost certain
1 – Property Only	LOW	LOW	LOW	MEDIUM	MEDIUM
2 – Minor Injury	LOW	LOW	MEDIUM	MEDIUM	MEDIUM
3 – Medical Treatment	LOW	MEDIUM	MEDIUM	MEDIUM	HIGH
4 – Hospitalisation	MEDIUM	MEDIUM	MEDIUM	HIGH	HIGH
5 – Fatality	MEDIUM	MEDIUM	HIGH	HIGH	HIGH

Table 7: Pre-Development and Post-Development Risk Assessment

Identified Risk	Pre-Development			Post-Development			Control Measures	Residual Risk Score		
	Likelihood	Severity	Risk Score	Likelihood	Severity	Risk Score		Likelihood	Severity	Risk Score
The development will result in an increase in traffic on the external state-controlled intersection. This increase in traffic may lead to increased vehicle conflicts or crashes and a reduction in intersection performance.	1	3	Low (3)	2	3	Medium (6)	The increase in traffic is less than 5% to base traffic in aggregate. Austroads turn warrants indicate that the existing BAR intersection arrangement at Hibbs Road will be satisfactory for the increase in traffic volumes.	1	3	Low (3)
The development results in a significant increase to traffic volumes on Hibbs Road. This may lead to increased vehicle conflicts or crashes and a reduction in road link performance.	1	3	Low (3)	2	3	Medium (6)	The resultant Hibbs Road AADT due to the increased traffic volumes from the quarry remains less than the maximum AADT as per CMDG road classifications. Due to not exceeding the volumes for the current classification and the AADT being low, it is expected that the current road formation will operate satisfactorily, and no upgrade works such as sealing or widening are considered necessary.	1	3	Low (3)

5. Conclusion

5.1 Summary of Impacts

Based on the information available at the time of this report, the impacts of this development on the external network can be summarised as follows.

1. **Burnett Highway** will be subject to additional traffic from the quarry. This increase is less than 5% of the total traffic volume in aggregate, so no mitigation is required.
2. **Hibbs Road** will be subject to additional traffic from the quarry. The existing unsealed formation is expected to operate satisfactorily under the increased volume.
3. **Hibbs Road – Burnett Highway intersection** will be subject to additional traffic. Turn warrants indicate that the existing BAR intersection arrangement is sufficient for the forecast traffic volumes.

5.2 Recommendations

Based on the information outlined in this report, it is concluded that increasing the quarry haulage capacity to 30,000 ton.pa will have a minor impact on the operation of the surrounding road network and can therefore be supported for approval.