



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

Our reference: 1906-11906 SRA  
Your reference: D/278-2013

1 November 2019

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

Attention: Brandon Diplock

Dear Sir/Madam

**Changed referral agency response—with conditions**  
(Given under section 28 of the Development Assessment Rules)

On 23 September 2019 the department received representations from the applicant requesting the department change its referral agency response. The department has considered the representations and now provides this changed referral agency response which replaces the response dated 16 September 2019.

**Applicant details**

---

Applicant name: P A Waardyk and M Stokes  
Applicant contact details: PO Box 1391  
Rockhampton QLD 4700  
reception@csgcq.com.au

**Location details**

---

Street address: Nine Mile Road, Fairy Bower  
Real property description: 100SP120491  
Local government area: Rockhampton Regional Council

**Application details**

---

Development permit Other Change to Development Approval for Material Change of Use for Extractive Industry

**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

SARA Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017)  
Triggers: Material change of use for an environmentally relevant activity

Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017)  
Material change of use that includes an aspect of development exceeding a threshold stated in schedule 20

Schedule 10, part 20, division 4, table 3, item 1 (Planning Regulation 2017)  
Material change of use where part of the premises are in a wetland protection area and the development involves high impact earthworks in a wetland protection area

**Conditions**

Under section 56(1)(b)(i) of Planning Act 2016, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Advice to the applicant**

The department offers advice about the application to the applicant—see Attachment 3.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material change of use</b>				
Material Change of Use (Extractive Industry) 'other Change' (Existing development Permit D/278-2013) (as amended in red)	Capricorn Survey Group CQ	14-06-2019	7379-01-MCU	revision A
Proposed intersection upgrade	McMurtrie Consulting Engineers	-	026011-RIA, Sheet 1 of 1	revision A
Figure 6: Proposed Transport Route	McMurtrie Consulting Engineers	-	page 4 of 31; and page 7 of 31	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email [RockhamptonSARA@dsgmip.qld.gov.au](mailto:RockhamptonSARA@dsgmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Walsh', written in a cursive style.

**Anthony Walsh**  
**Manager Planning**

cc P A Waardyk and M Stokes, [reception@csqcq.com.au](mailto:reception@csqcq.com.au)

enc Attachment 1—Changed conditions to be imposed  
Attachment 2—Changed reasons for decision to impose conditions  
Attachment 3—Advice to the applicant  
Approved plans and specifications

## Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	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, drawing number 7379-01-MCU and revision A.	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.	<p>(a) The Rockhampton- Ridgeland Road / Nine Mile Road intersection must be upgraded to a type AUL(s) generally in accordance with McMurtrie Consulting Engineers Drawing Number 026011-RIA, Sheet 1 of 1, Revision A, undated.</p> <p>(b) All works associated with this intersection upgrade shall be designed and constructed in accordance with the requirements of the "Road Planning and Design Manual" (RPDM);</p> <p>(c) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads.</p> <p>(d) All adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense.</p>	(a) – (d) Prior to the commencement of use
4.	<p><b>WORKS WITHIN STATE-CONTROLLED ROAD RESERVE (WSCRR)</b></p> <p>Preparation of plans (in accordance with RFCD-0101) and submission of these plans to the Rockhampton office of the Department of Transport and Main Roads for approval.</p> <p>No works (including installation of services) are to commence within the State-controlled road reserve until approval of the plan/s showing the proposed works is issued by the department. This approval may be subject to conditions related to the works construction process.</p> <p>All works in State-controlled road reserves are required to be completed and accepted by the Department of Transport and Main Roads prior to the commencement of the use on the site.</p>	Prior to the commencement of the use
5.	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

6.	<p>(a) All conditions stated above are required to be completed prior to the issue of certificate of classification for building works by Council or private certifier or prior to the commencement of use (whichever is the earliest) for the development unless otherwise stated within the condition.</p> <p>(b) Bonding of any of the conditions not completed prior to the issue of the certificate of classification for the building works by Council or private certifier or prior to the commencement of use (whichever is earlier) for the development or other requisite date as stated in the particular condition will not be permitted unless the Department of Transport and Main Roads has given written agreement to the bonding of the condition.</p> <p>(c) All works associated with the development must be at no expense to the department.</p>	Prior to the commencement of use
7.	<p>Heavy vehicles as defined in the Transport Operations (Road Use Management) Act 1995 associated with the proposed development are permitted only to use the route identified on both figures 6': Proposed Transport Route, prepared by McMurtrie Consulting Engineers and referred to within the McMurtrie report as per page 4 of 31 and page 7 of 31.</p>	At all times
8.	<p>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.</p>	To be maintained during the duration of the proposed development
9.	<p>(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 / tonne. 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 SCR in vehicles in excess of 36 tonne payload capacity shall be levied at the rate of \$0.078 / tonne.</p> <p>The contribution rate per tonne 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) The developer shall provide a written notice, advising of the summary of the actual weighbridge tonnage dockets 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) &amp; (b) of this condition.</p>	<p>a) – (b) Within 30 days after the 1st September each calendar year</p> <p>(c) Within 30 days before the 1st September each calendar year</p> <p>(d) within 30 days of</p>

	<p>(d) The applicant must notify the Department of Transport and Main Roads in writing that:</p> <p>(i) The transport of material extracted from the site under this approval has commenced; and</p> <p>(ii) The transport of material extracted from the site has ceased.</p> <p>(e) 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>commencing the transportation of material extracted from the site</p> <p>(e) To be maintained at all times</p>
10.	<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> <ol style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the future railway corridor;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the future railway corridor;</li> <li>iii. reduce the floodplain storage capacity of the site;</li> <li>iv. interfere with or impede overland flow paths or hydraulic conveyance on the site;</li> <li>v. reduce the quality of stormwater discharge onto the future railway corridor.</li> </ol> <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>	<p>(a) At all times.</p> <p>(b) At all times.</p> <p>(c) Prior to the commencement of use.</p>
<p>Schedule 10, part 20, division 4, table 3, item 1 (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
11.	<p>The footprint of the extractive activity must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Material Change of Use (Extractive Industry) 'Other Change' (Existing Development Permit D/278-2013) prepared by Capricorn Survey Group dated 14-06-2019, Plan No. 7379-01-MCU issue A, as amended in red to indicate approved development footprint.</li> </ul>	For the duration of the works.
12.	Untreated stormwater from the works must be diverted or bypassed around the wetland in the Wetland Protection Area (WPA).	For the duration of the work
13.	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.	For the duration of the work
14.	(a) Provide a 200-metre-wide buffer for the purpose of protecting the adjacent wetlands shown as 'Denotes 200m HES Wetlands	(a)-(c) Prior to commencement of use.

	<p>Buffer' on 'Material Change of Use (Extractive Industry) 'Other Change' (Existing Development Permit D/278-2013)' prepared by Capricorn Survey Group dated 14-06-2019, Plan No. 7379-01-MCU issue A.</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 dated 14-06-2019, Plan No. 7379-01-MCU issue A, designed to achieve:</p> <p>i. the purposes set out in the <i>Queensland Wetland Buffer Planning Guidelines 2011</i>.</p> <p>(c) Written evidence from a <u>Suitably qualified person</u> that (a) and (b) have been fulfilled is to be provided palm@des.qld.gov.au or mailed to:</p> <p style="text-align: center;">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>	
15.	<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> <p>i. A pre-works inspection of the property to locate, map and identify existing pest flora and fauna species.</p> <p>ii. Training of site personnel in the identification of local pest species likely to occur at the site.</p> <p>iii. No vehicles enter the wetland protection area buffer area</p> <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 <a href="https://www.daf.qld.gov.au/business-priorities/biosecurity/invasive-plants-animals/pest-management-planning">https://www.daf.qld.gov.au/business-priorities/biosecurity/invasive-plants-animals/pest-management-planning</a>.</p>	<p>(a) Prior to the works occurring</p> <p>(b) At all times</p>
16.	<p><del>Prior to arrival on site, all vehicles and machinery is to be cleaned down in accordance with the Department of Agriculture and Fisheries Queensland Vehicle and machinery checklists Clean-down procedures 2014. Condition deleted 1 November 2019</del></p>	<p><del>At all times.</del></p>

**Attachment 2—Changed reasons for decision to impose conditions**

---

**reasons for the department's conditions are:**

- to ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- to ensure the development does not compromise the safe and efficient management or operation of state-controlled roads.
- to offset the impacts of development on the safety and efficiency of the state-controlled road.
- to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- to ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- to ensure that the wetland in the WPA is protected from untreated stormwater runoff.
- a properly constituted buffer is necessary to maintain and protect the wetland environmental values.
- erosion and sediment control measures are necessary to prevent the release of sediment, and otherwise avoid erosion risks associated with development.
- vehicles and machinery can transfer pest species. A site-based pest management plan will assist in protecting the wetland environmental values by limiting the potential for the transfer of pest species.



### Attachment 3— Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.4]. If a word remains undefined it has its ordinary meaning.
2.	The site is impacted on by the future railway corridor (Rockhampton Ring Road (Plan and Preserve) Project). Please refer to the attached Draft Queensland Government property impact plan dated August 2019. Further information concerning the Rockhampton Ring Road (Plan and Preserve) Project is available at: <a href="https://www.tmr.qld.gov.au/Projects/Name/R/Rockhampton-Ring-Road">https://www.tmr.qld.gov.au/Projects/Name/R/Rockhampton-Ring-Road</a>
3.	Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads' on <a href="mailto:FitzroyDistrict@tmr.qld.gov.au">FitzroyDistrict@tmr.qld.gov.au</a> to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.