



Your Reference: D-2024/2006
Our Reference: IC0207ROK0008
Contact: Rebecca Powlett
Directorate / Unit: Catchment and Regional Planning
Phone: 4938 4383

Rockhampton City Council
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Action Officer: WYATT C
Retention: Yrs

18 April 2007

Mr Gary Stevenson
Chief Executive Officer
Rockhampton City Council
PO Box 243
ROCKHAMPTON QLD 4700

Attention: Mr Cameron Wyatt

Dear Sir

RE: REFERRAL AGENCY RESPONSE

Applicant: Mintgrove Pty Ltd
Proposal: Reconfiguring a Lot (one lot into 23)
Location: Lot 1 on RP614078, Norman Road, Locality of Norman Gardens, Rockhampton City Council

I advise that a review of the proposed development has been undertaken on behalf of the Chief Executive of the Department of Natural Resources and Water (NRW). NRW's interests in this application are in relation to:

- 1. Clearing vegetation as a Concurrence Agency where a lot subject to an application for reconfiguring a lot (RAL) contains remnant vegetation; the size of the lot before the reconfiguration is 2 ha or larger; 2 or more lots are created; and the size of any lot created is 25 ha or smaller (Integrated Planning Regulation 1998, Schedule 2, Table 2, 4);
2. Mitigating the adverse impacts of resource extraction on a third party advice basis; and
3. Cultural Heritage on a third party advice basis.

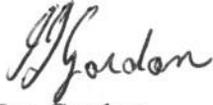
PO Box 1762
Rockhampton
Queensland 4700 Australia
Telephone + 617 4938 4600
Facsimile + 61 7 4938 4010
Website www.nrm.qld.gov.au

The attached comments are provided to assist Council assess the impact of the application on the matters of State Interest relevant to NRW.

Should you have any questions about the assessment, please contact Ms Rebecca Powlett on 4938 4383.

The department would be pleased to receive a copy of Council's Decision Notice on the application in due course.

Yours sincerely



Ian Gordon
Regional Manager
Landscapes and Community Services
Central West Region

CC: Mintgrove Pty Ltd
c/- Capricorn Survey Group
PO Box 1391
Rockhampton QLD 4700
Attention: Richard Ford

Referral Agency Response

s 3.3.16 Integrated Planning Act 1997



Queensland
Government
Natural Resources
and Water

Application Information

Applicant: Mintgrove Pty Ltd

Proposal: Reconfiguring a Lot (one lot into 23)

Location: Lot 1 on RP614078, Norman Road, Locality of Norman Gardens, Rockhampton City Council

Referral day: 8 February 2007

NRW's Reference: IC0207ROK0008

Assessment Response

1. Concurrence Agency Response – Remnant Vegetation

The Chief Executive of the Department of Natural Resources and Water directs that:

The application can be approved, subject to the following **CONDITIONS**:

- In the absence of an approval, clearing other than for infrastructure associated with the RaL, is to occur only where exempt by Schedule 8 of the *Integrated Planning Act 1997*
- No infrastructure or allotment boundaries are to be located in or within 40 metres from the boundary of the residential area shown on the *Norman Road Residential Area* map (20 December 2004) in the *Rockhampton City Plan: Planning Scheme for the City of Rockhampton* (30 August 2005).

Reasons:

The application area contains both urban area and non-urban area. To ensure that the application will not involve clearing any assessable vegetation in the non-urban area, therefore the conditions are applied.

2. Third Party Advice – Key Resource Area

The proposed reconfiguration lies adjacent to the south-western boundary of the Peak Hill Quarry Key Resource Area. Most of the residential properties will be buffered from air blast noise, dust and blasting vibrations from the current quarry operation by the topography.

Occasional air blast noise vibrations will be felt by residential properties (i.e. proposed Lots 181 to 183, 187 and 188) located in the northern portions of Stage 8 because they lie between 600-650 metres away from the quarry pit.

The Department of Natural Resources and Water advises that the proposed Lots 181 to 183, 187 and 188 may not be suitable for residential purposes while there is extraction of hard rock material in the south-western portion of the quarry pit.

3. Third Party Advice – Cultural Heritage

I wish to advise that a search has been performed on the inventory of recorded Aboriginal sites over Lot 1 on RP614078. No Aboriginal sites were found on the subject lot; however, the Chief Executive of NRW provides the following advice:

Under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

The applicant will comply with the cultural heritage duty of care if they are acting in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity.

If following an assessment of the duty of care guidelines the applicant believes cultural heritage may be harmed by the proposed activity, they should contact the Cultural Heritage Coordination Unit for further advice on (07) 4938 4391 or e-mail Gregory.Heath@nrm.qld.gov.au.

Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may also be obtained from http://www.nrm.qld.gov.au/cultural_heritage/index.html

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

Coordinating Officer: Ms Rebecca Powlett
Address: Department of Natural Resources & Water
PO Box 1762
Rockhampton QLD 4700
Phone: 4938 4383
Fax: 4938 4010



Ian Gordon
Regional Manager
Landscapes and Community Services
Central West Region

18 April 2007