



SARA reference: 2101-20494 SRA
Council reference: D/141-2020

17 March 2021

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

Attention: Amanda O'Mara

Dear Sir/Madam

SARA response—802 Thirsty Creek Road, Gogango

(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 6 January 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	17 March 2021
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 and Environmentally Relevant Activities Operational Works for Road, Stormwater and Access Works
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 5, div 4, table 2 (Planning Regulation 2017)	Development application for material change of use for a non-devolved environmentally relevant activity

Schedule 10, Part 9, div 4, sub 1, table 1 (Planning Regulation 2017)

Development application for a material change of use for an aspect of development stated in Schedule 20: Development impacting on State transport infrastructure and thresholds

SARA reference:	2101-20494 SRA
Assessment Manager:	Rockhampton Regional Council
Street address:	802 Thirsty Creek Road, Gogango
Real property description:	21PN81
Applicant name:	Mark Henry Thomas and Bianca Jo Thomas
Applicant contact details:	77 Annie Drive Cawarral QLD 4702 eis@activ8.net.au
Environmental Authority:	<p>This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: EA0002761 • Effective date: The date development approval D/141-2020 takes effect • Prescribed environmentally relevant activities (ERAs): <ul style="list-style-type: none"> o ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t o ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p>

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 Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Walsh', with a stylized, cursive script.

Anthony Walsh
Manager Planning

cc Mark Henry Thomas and Bianca Jo Thomas, eis@activ8.net.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, part 5, division 4, table 2 (Planning Regulation 2017) Development application for material change of use for a non-devolved environmentally relevant activity—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 condition(s):		
1.	<p>The extractive industry must be carried out generally in accordance with following plans:</p> <ul style="list-style-type: none"> Thirsty Creek Quarry Extraction and Processing area coordinates by Extractive Industry Solutions dated 16/12/2020, reference TPH/Thi/App20002 Thirsty Creek Quarry Extraction and Processing area coordinates by Extractive Industry Solutions dated 27/01/2021, reference TPH/Thi/App21003 Thirsty Creek Quarry Site Plan by Extractive Industry Solutions dated 17/12/2020, reference TPH/Thi/App20005. 	Prior to the commencement of use and to be maintained at all times
Schedule 10, part 9, division 4, sub 1, table 1 (Planning Regulation 2017) Development application for a material change of use for an aspect of development stated in Schedule 20: Development impacting on State transport infrastructure and thresholds— 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 condition(s):		
2.	No material extracted from Lot 21 on PN81 is to be hauled on any state-controlled road.	At all times

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) [v2.6]. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- the proposed development is for a quarry to provide rock for the construction and maintenance of the Rookwood Weir
- the proposed development will involve haulage of rock on local roads only and will not use the state-controlled road network
- the proposed development does not impact on any areas mapped as Matters of State Environmental Significance, waterways, Category R regulated vegetation or Category C regulated vegetation
- the nearest residence outside the subject land is located at least 0.9km from the extractive industry site
- the development complies with relevant provisions of State codes 6, and 22 of the State Development Assessment Provisions, version 2.6, subject to the 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 *State Development Assessment Provisions* (version [2.6]), as published by the SARA
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

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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*

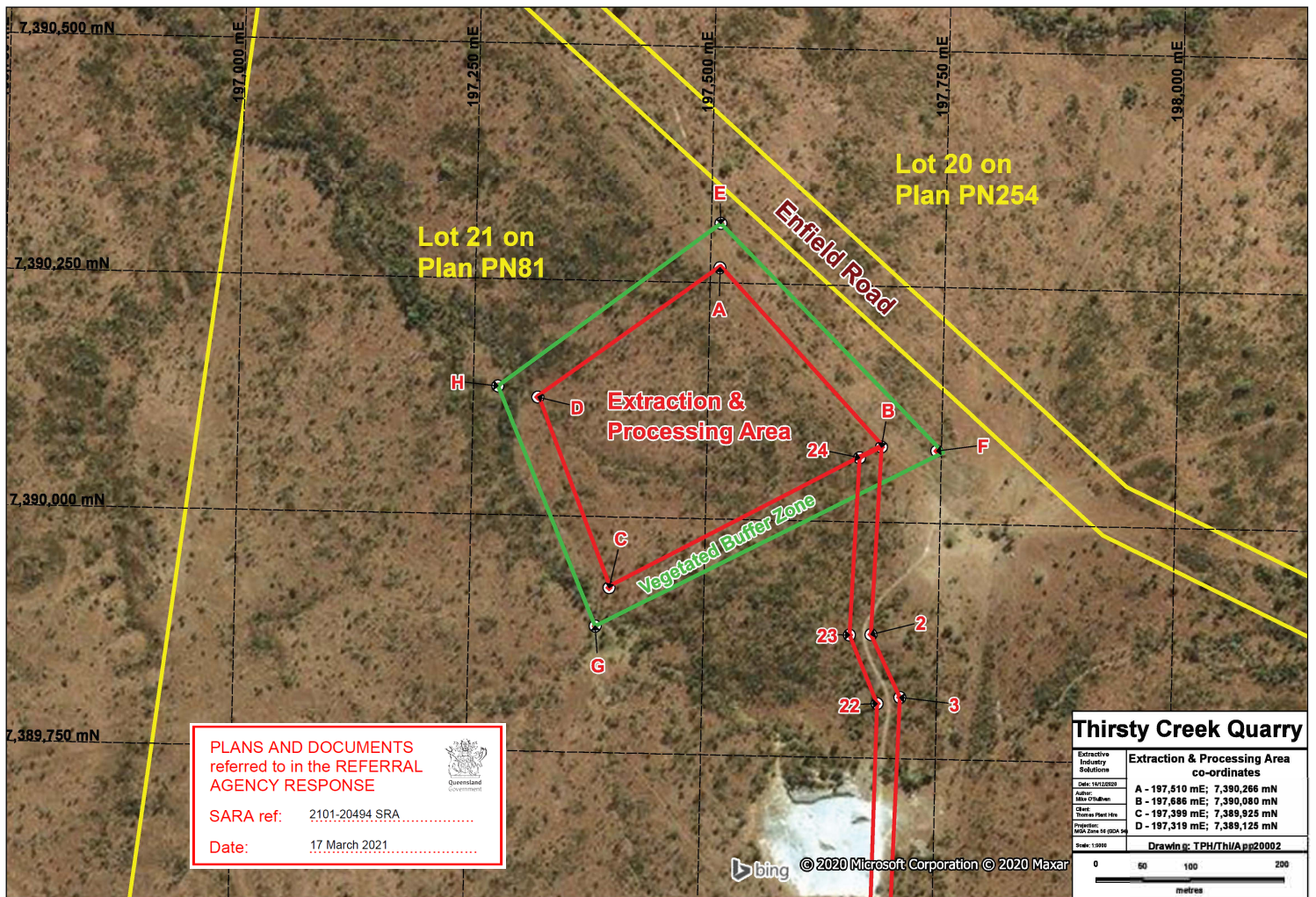
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

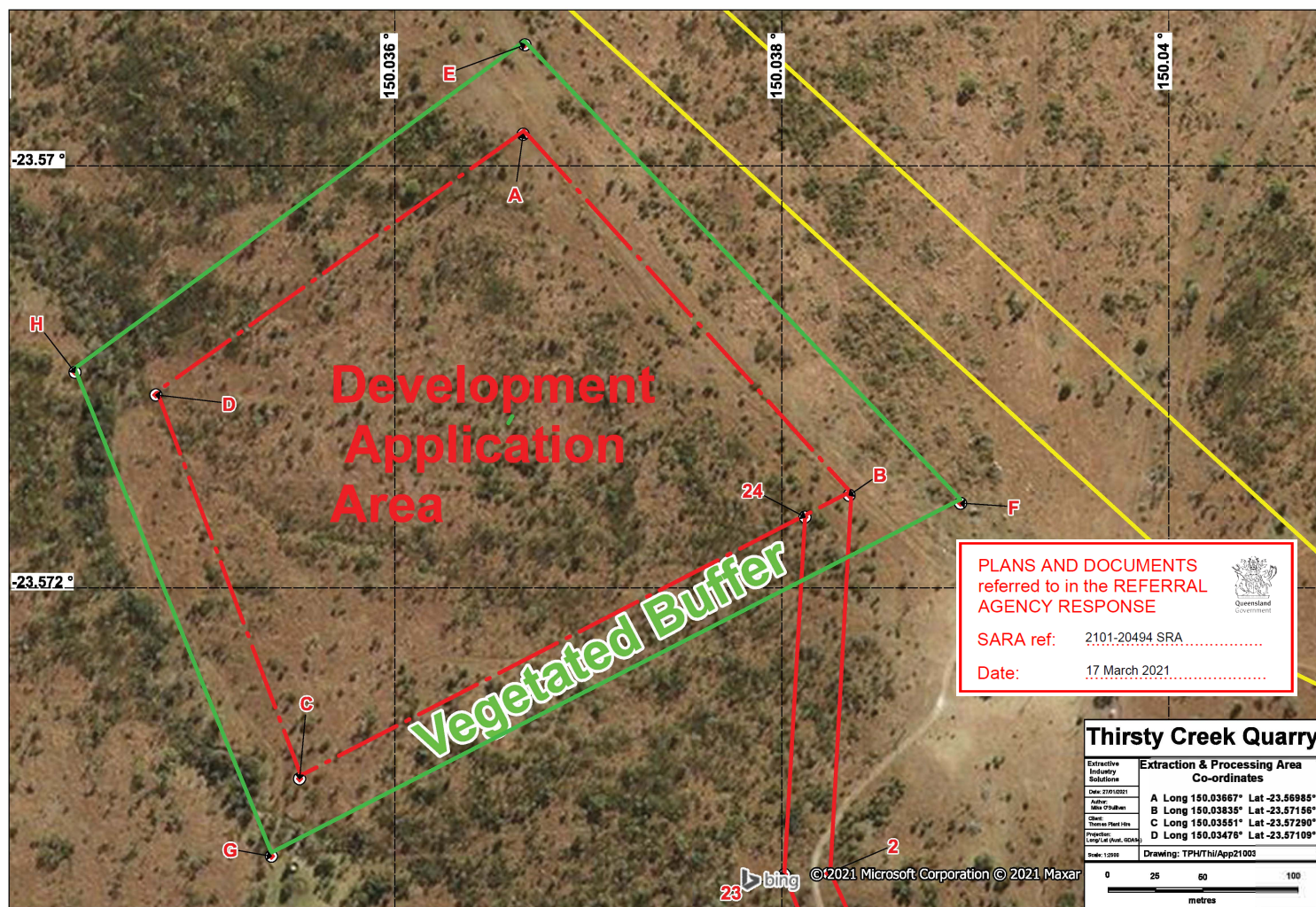
Part 7: Miscellaneous

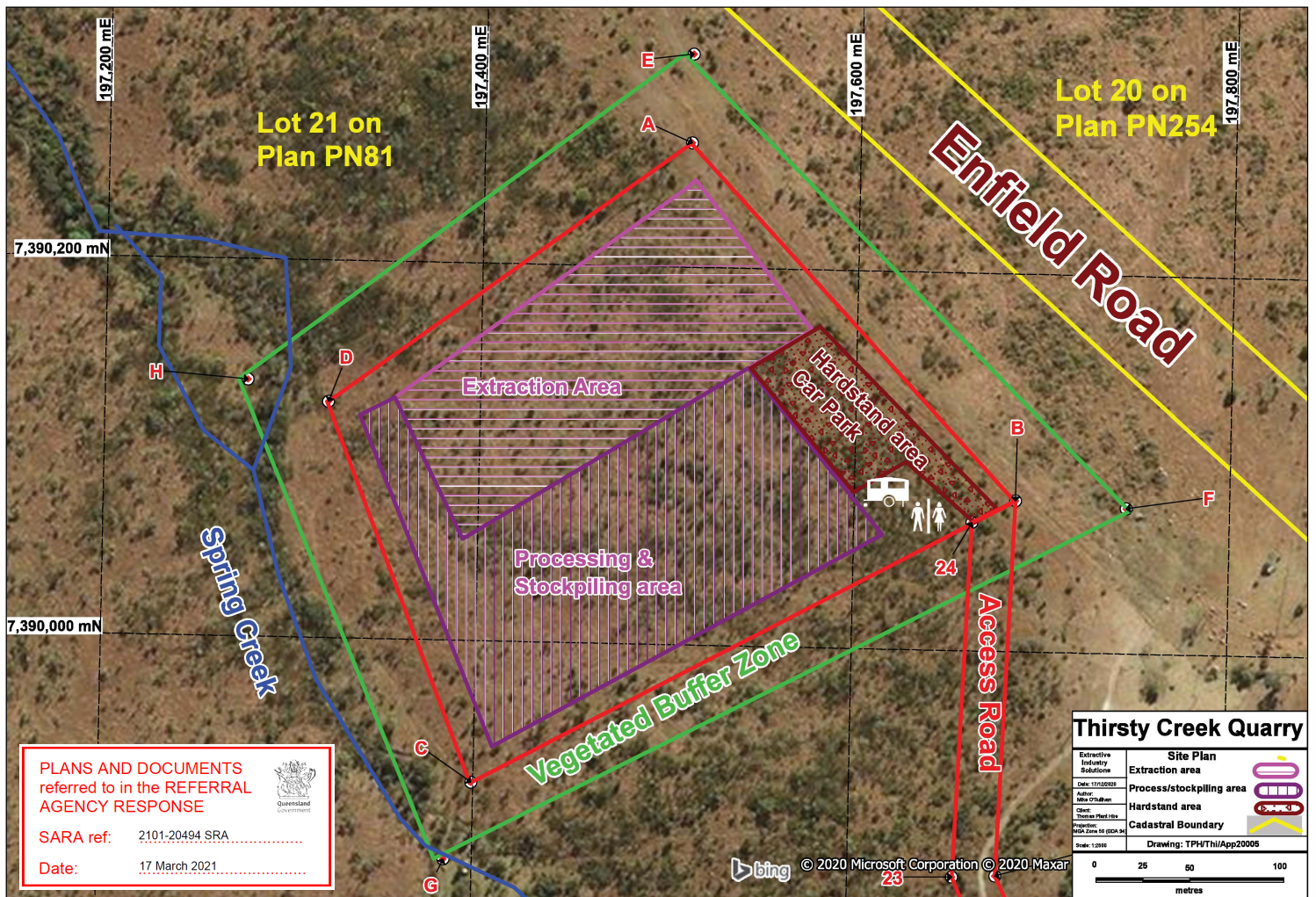
30 Representations about a referral agency response

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.







PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2101-20494 SRA

Date: 17 March 2021



Thirsty Creek Quarry

Extractive Industry Solutions	Site Plan	
Date: 17/03/2021	Extraction area	
Author: Mike Crabb	Process/stockpiling area	
Client: Thomas Plant Hire	Hardstand area	
Project: 2020-2021 (2020-21)	Cadastral Boundary	
Scale: 1:2000	Drawing: TPH/Thi/App20005	