



SARA reference: 2112-26672 SRA
Council reference: D/589-2013
Applicant reference:

15 September 2022

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

Attention: Sir/Madam

Dear Sir/Madam

SARA response—250 Fogarty Road, Fairy Bower

(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 5 January 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	15 September 2022
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	'Other' change to Development Permit D/589-2013 for a Material change of use for Extractive industry (up to 1,000,000 tonnes per annum)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 20, Division 4, Table 3 (Planning Regulation 2017) - Development application for a material change of use involving	

operational work that is high impact earthworks in a wetland protection area

Schedule 10, Part 5, Division 4, Table 2 (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 (Planning Regulation 2017) - Development application for a material change of use impacting State transport infrastructure generally

SARA reference: 2106-22964 SRA
 Assessment Manager: Rockhampton Regional Council
 Street address: 520 Fogarty Road, Fairy Bower
 Real property description: Lot 250 on R2621
 Applicant name: Nine Mile Sands Pty Ltd T/A Rockhampton Sands
 Applicant contact details: C/- Groundwork Plus
 PO Box 1779
 MILTON QLD 4064
planning@groundwork.com.au

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 John Irving, Principal Planner, on 47583421 or via email DAAT@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Phil Joyce
 Director Development Assessment

cc Rockhampton Regional Council, enquiries@rrc.qld.gov.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		
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):		
1.	Heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development to supply the Rockhampton Ring Road project must only use the identified transport route (pink route) as shown on Figure 3-1 – Transport Routes and Alignment of RRR Project, Drawing Number 2493.DRG.004.	At all times
2.	Heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development to supply the general market must only use the identified transport route (blue route) as shown on Figure 3-1 – Transport Routes and Alignment of RRR Project, Drawing Number 2493.DRG.004, except for local deliveries or in the event of an emergency or temporary road closure of the identified transport route.	At all times
3.	Heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development are only to haul material between the hours of 6am and 6pm Monday to Saturday.	At all times
4.	<p>(a) Pay a monetary contribution of 10.12 cents per tonne of material hauled for the Rockhampton Ring Road project to the Department of Transport and Main Roads (DTMR) Fitzroy District, towards protecting or maintaining the safety or efficiency of state-controlled road network. The monetary payment:</p> <ul style="list-style-type: none"> i. must be calculated at twelve monthly intervals commencing on the first day that material hauled under this approval is transported from the site by road ii. 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>Maintain records for a period of at least five years which document the quantity of material hauled on the State-controlled road network for the Rockhampton Ring Road project and submit these records to DTMRs' Fitzroy District at corridormanagement@tmr.qld.gov.au at the time of payment referenced in part (a) of this condition.</p>	<p>(a) Every three months until the transportation of material hauled from the site by road to Rockhampton Ring Road project under this approval ceases</p> <p>(b) As indicated</p>
5.	(a) Pay a monetary contribution of 7.4 cents per tonne of material hauled for the general market to the DTMR Fitzroy District towards	(a) By 31 January for the

	<p>protecting or maintaining the safety or efficiency of state-controlled road network: The monetary payment:</p> <ol style="list-style-type: none"> must be calculated at twelve monthly intervals commencing on the first day that material hauled under this approval is transported from the site by road 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>(b) Maintain records for a period of at least five years which document the quantity of material hauled on the state-controlled road network for supply to the general market and submit these records to the DTMR's Fitzroy District at corridormanagement@tmr.qld.gov.au at the time of payment referenced in part (a) of this condition.</p>	<p>previous calendar year until the transportation of material hauled from the site by road under this approval ceases</p> <p>(b) As indicated</p>
6.	Material supplied to the general market must be undertaken in accordance with section 3 of the Traffic and Pavement Impact Assessment Report, Reference 20220705_10574_TIA Issue 2 being limited to 250,000 tonnes per annum.	At all times
7.	<p>(a) Road works comprising an axillary left turn – short lane (AUL(s)) must be provided at the intersection of Nine Mile Road and Ridgeland Road.</p> <p>(b) The road works must be designed and constructed in accordance with DTMR's:</p> <ol style="list-style-type: none"> Planning and Design Manual (second edition) Manual of Uniform Traffic Control Devices Road Safety Policy. 	Prior to commencement of use
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):		
8.	The extractive industry must be undertaken generally in accordance with the Site Layout Plan prepared by Groundwork Plus, Drawing Number 2493.DRG.003 revision 4.	For the duration of the works
9.	Untreated stormwater from the extractive industry must be diverted or bypassed around the wetland in the Wetland Protection Area.	For the duration of the works
10.	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 works
11.	<p>(a) Provide a 100 metre wide buffer for the purpose of protecting the wetlands area as shown on the Site Layout Plan prepared by Groundwork Plus dated 08/04/2022, Drawing Number 2493.DRG.003 revision 4.</p> <p>(b) Provide buffer elements, designed to achieve the purposes set out in the <i>Queensland Wetland Buffer Planning Guidelines 2011</i>, for</p>	Prior to commencement of use

	<p>protecting the wetlands area as shown on the Site Layout Plan prepared by Groundwork Plus, Drawing Number 2493.DRG.003 revision 4.</p> <p>(c) Provide written evidence from a suitably qualified person that (a) and (b) have been fulfilled to the Department of Environment and Science by palm@des.qld.gov.au or mail to: Permit and Licence Management GPO Box 2454 Brisbane Qld 4001</p> <p><i>Note: Suitably qualified person 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.</i></p>	
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Attachment 2—Advice to the applicant

General advice	
1.	<p>State Development Assessment Provisions</p> <p>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.</p>
2.	<p>Road Works approvals</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, road works approval is required from the Department of Transport and Main Roads (DTMR) prior to any road works on a State-controlled road commencing. Further information can be obtained at: Other matters requiring approval (Department of Transport and Main Roads) (tmr.qld.gov.au).</p> <p>Please submit your road works application to corridormanagement@tmr.qld.gov.au. Road works approval process takes time. It is important you contact DTMR as soon as possible to ensure that obtaining approval does not delay construction.</p>
3.	<p>Existing Environmental Authority</p> <p>The current Environmental Authority (EA), EPPR00700213, does not authorise the proposed threshold of up to 1,000,000 t of material per annum of extraction and screening from the subject site. Therefore, an EA amendment and approval will be required to undertake this activity.</p>

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 development complies with code 6: Protection of state transport networks of the State Development Assessment Provision (SDAP): Specifically, the development:

- does not create a safety hazard for users of a state transport corridor
- does not compromise the structural integrity of state transport corridors, transport infrastructure or works
- does not result in a worsening of the physical condition or operating performance of state transport corridors and the surrounding road networks
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

The development complies with State code 9: Great Barrier Reef wetland protection areas of SDAP. Specifically, the development is designed, constructed and operated to avoid or mitigate adverse impacts on wetland environmental values

The development complies with State code 22: Environmentally relevant activities of SDAP: Specifically, the development:

- is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
- avoids impacts on matters of state environmental significance, and where avoidance is not reasonably possible, minimises and mitigates impacts
- adequately mitigates impacts associated with the environmentally relevant activity.

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 SARA
- Technical agency advice
- 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*

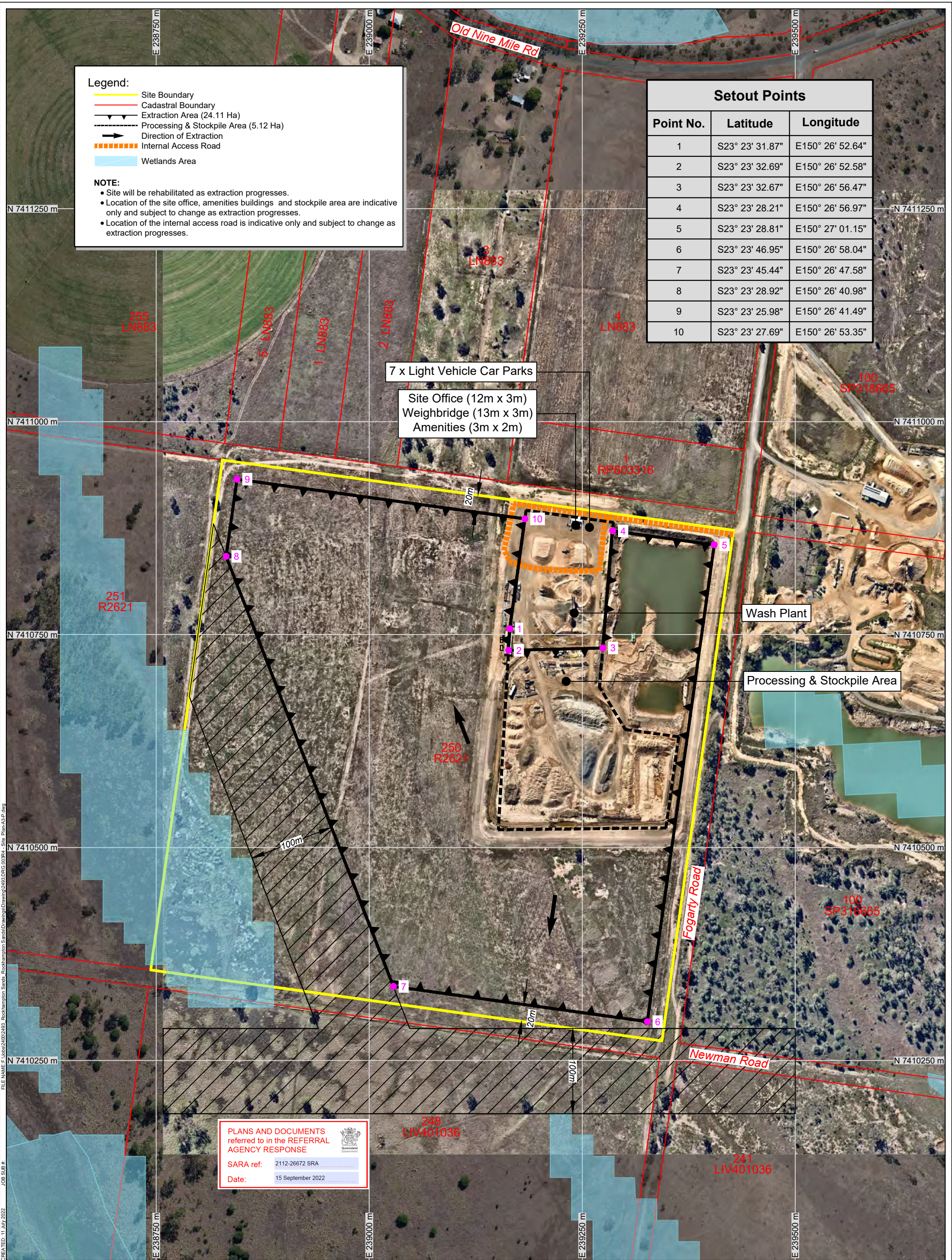
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



Legend:

- Site Boundary
- Cadastral Boundary
- Extraction Area (24.11 Ha)
- Processing & Stockpile Area (5.12 Ha)
- Direction of Extraction
- Internal Access Road
- Wetlands Area

NOTE:

- Site will be rehabilitated as extraction progresses.
- Location of the site office, amenities buildings and stockpile area are indicative only and subject to change as extraction progresses.
- Location of the internal access road is indicative only and subject to change as extraction progresses.

Setout Points		
Point No.	Latitude	Longitude
1	S23° 23' 31.87"	E150° 26' 52.64"
2	S23° 23' 32.69"	E150° 26' 52.58"
3	S23° 23' 32.67"	E150° 26' 56.47"
4	S23° 23' 28.21"	E150° 26' 56.97"
5	S23° 23' 28.81"	E150° 27' 01.15"
6	S23° 23' 46.95"	E150° 26' 58.04"
7	S23° 23' 45.44"	E150° 26' 47.58"
8	S23° 23' 28.92"	E150° 26' 40.98"
9	S23° 23' 25.98"	E150° 26' 41.49"
10	S23° 23' 27.69"	E150° 26' 53.35"

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2112-26672 SRA

Date: 15 September 2022

REV	DESCRIPTION	DATE	BY
2	Extraction Cells added	08/04/2022	MR
3	Extraction areas revised	11/04/2022	MR
4	GPS setout points added	11/07/2022	MR

Data Sources:

Photography: Nearmap Imagery_Captured 2021-10-10

Topography: QSC_Rockhampton Regional DCDB Extract_2021-06-27 (publication)

Ecosystem: Other: QLD Spatial Data Catalogue

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PROJECT: Rockhampton Sands Quarry

CLIENT: Nine Mile Sands Pty Ltd

TITLE: Site Layout Plan

SCALE: 1:4,000

DATE: 11 July 2022

PRINTED: 11 July 2022

DRAWN: MRScar

CHECKED: SLyons

DATUM: HORIZONTAL / VERTICAL / ZONE

GROUNDWORK plus

PH: +61 7 3871 0411

WWW.GROUNDWORK.COM.AU

DRAWING NUMBER: 2493.DRG.003

REVISION: 4

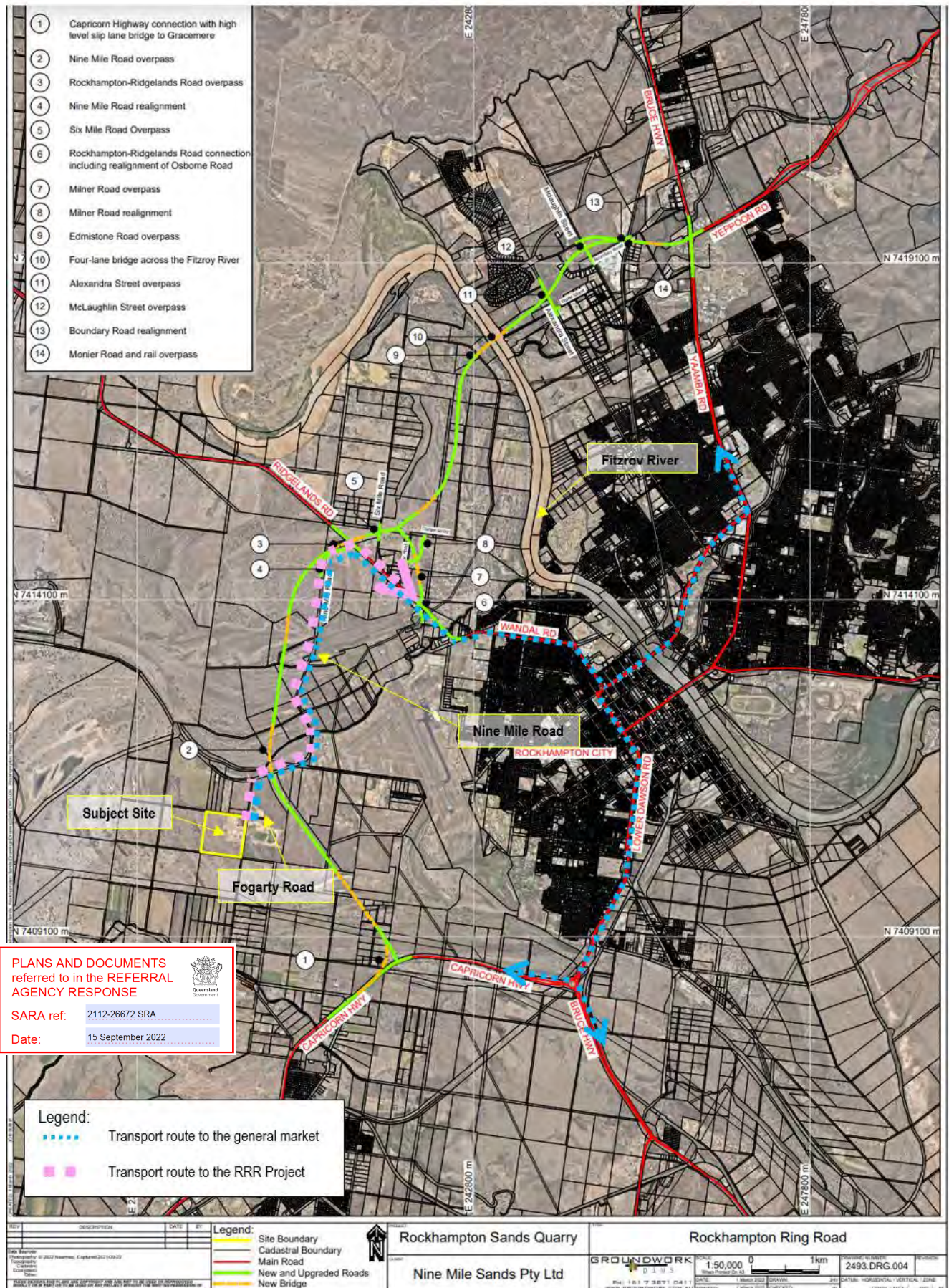


Figure 3-1 – Transport Routes and Alignment of RRR Project

Source: Google Earth [annotations added by TTPlus]

Rockhampton Sands Quarry

TRAFFIC AND PAVEMENT IMPACT ASSESSMENT REPORT

Prepared for: Nine Mile Sands Pty Ltd trading as Rockhampton Sands Pty Ltd

July 2022




File Ref:

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Project / Report Details

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Appendix B	Traffic Volume Diagrams
Appendix C	Results of SIDRA Analyses
Appendix D	Results of Traffic Surveys
Appendix E	Results of Pavement Contribution Assessment
Appendix F	Council and SARA Information Requests

3 The Transport Routes

During Stage 1 the Proposal seeks to supply up to 1,000,000tpa of material to the RRR Project, with a maximum of 250,000tpa supplied to the general market (the total annual production will not exceed 1,000,000tpa). In this assessment it is assumed that Stage 1 would function for 2 years, nominally until 2024. During Stage 2 (nominally from 2025 onwards), the Proposal would supply up to 250,000tpa of material to the general market.

The existing approved transport route related to the Subject Site is Fogarty Road, Nine Mile Road and Ridgелands Road (illustrated by the blue dotted lines on Figure 3–1) – this existing approved transport route would be continued to be utilised by the Proposal.

Figure 3–1 illustrates the location of the site relative to the alignment of the RRR.

RS and Groundwork Plus attended a meeting with SARA and DTMR (officers of the RRR Project) on 3 March 2022. As an output from these discussions with DTMR, RS confirms that the quarry would only supply material to the RRR Project, south of the Fitzroy River. TTPlus has been advised that the delivery of material to the RRR Project would be made near Point 3 on Nine Mile Road, and near Point 4 and Point 6 on Ridgелands Road (as illustrated on Figure 3–1) where the RRR Project alignment intersects with the existing road network. The proposed transport route to the RRR Project is Fogarty Road, Nine Mile Road and Ridgелands Road, which has been illustrated by the pink dotted line on Figure 3–1. Should the Proposal be approved, suitable conditions could be included to outline the permitted transport routes for the RRR Project.

It is noted that the Rockhampton Sands Quarry is one of the closest quarries to the RRR project. Nine Mile Road and Ridgелands Road are likely to be utilised by trucks delivering material to the RRR Project whether or not the material is supplied from the Subject Site or from another quarries, but likely from quarries further away (longer transport routes).

The vehicles sought to be used by the Proposal for haulage are a mixture of trucks, semi-trailers, truck and dogs and B-doubles (note: the design vehicle is a B-double).

The portion of Ridgелands Road included in the proposed transport routes outlined above (and demonstrated on Figure 3–1) is suitable for vehicles up to B-doubles. As such, the proposed transport routes are appropriate for typical haulage vehicles associated with the Proposal. An image of the multi combination routes map, indicating the location of the Subject Site, is duplicated on Figure 3–2.