Department of Environment and Resource Management

Item Id 1486535

NOR/ 045367

Item Id 3052531 3052510

101/00101V

FOLIO P/S TSV1379

TSV2011 / 1169

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE02675211

EPPR00554713

This registration certificate is issued by the administering authority and takes effect from: 28-APR-2011.

The anniversary day for the purposes of the Annual Return is 28th APRIL.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following place subject to the conditions set out in a development approval SPCE01319810 attached to the premises.

Registered Operator:-
Steven and Elda Gileppa
T/A SnE Plant Hire
47534 Bruce Highway
INGHAM QLD 4850

Development Approval No:-
DERM Permit No: SPCE01319810

Location:-
Bruce Highway, Bambaroo

Place:-
Lot 3 Plan RP718471

Registered Activity/ies: -
ERA 16 Extractive and screening activities Threshold 2(b) - extracting, other than by dredging, in a year, 5000t to 100000t of material

Marie Hayes

Delegate
Marie Hayes
Department of Environment and Resource Management
Environmental Protection Act 1994

28-APR-2011

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

Queensland Government

Item Id 1486529
NOR/ 045367
29 MAR 2011
DEPT OF ENVIRONMENT & RESOURCE MGMT
FOLIO P/S. TSV 1379
TSV20 11 / 1259
PLANNING & DEVELOPMENT
Item Id 3052535 3052525
101 / 0011011

HINCHINBROOK
SHIRE COUNCIL

25 Lannercost Street
INGHAM QLD 4850

Phone: (07) 4776 4609
Facsimile: (07) 4776 3233

TSV1379

Our Ref: RFP:BCJ: 058/0323
Enquiries: *Mr Ben Christie-Johnston* ☎ *(07) 4776 4609*

28th March, 2011

Steven & Elda Gileppa
PO Box 1297
Ingham Qld 4850

Dear Sir/Madam,

DECISION NOTICE
Sustainable Planning Act 2009 S.335

1. **Applicant Details**

   Steven & Elda Gileppa
   PO Box 1297
   Ingham Qld 4850

2. **Property Description**

   Lot 3 on RP718471
   Bruce Highway, Bambaroo

3. **Owner's Details**

   Steven & Elda Gileppa
   PO Box 1297
   Ingham Qld 4850

4. **Development Approval**

   Development Permit for Material Change of Use

5. **Definition of Use**

   Quarry: 5,000 tonnes to 100,000 tonnes

Environmental Services
11 APR 2011
DERM Townsville

6. **Assessment Type**

   Impact Assessment

7. **Decision Made**

   ☐ Approved in full; **OR**
   ☐ Approved in part for the following - **OR**
   ☑ Approved in full with conditions.

8. Conditions of Approval

(a) The applicant is to submit for Council's approval a dust abatement scheme aimed at protecting residences located on the opposite side of the highway from the site, from dust nuisance associated with the workings access road. The proposal is expected to involve a permanent form of surface treatment. Works are to be in place by June 2011. Prior to this time, dust nuisance must be controlled by temporary measures such as wetting the access road;

(b) The working access road and associated surface drainage is to be constructed in such a manner so as to minimise erosion potential;

(c) That the applicant must comply with the fifteen (15) conditions contained in the schedule attached to the Department of Transport and Main Roads' Referral Agency Response (DTMR reference 455/146 DCT#2478, dated 13th January, 2011).

(d) That the proponent comply with the conditions of approval as contained in the DERM permit number SPCE01319810, attached to the Department of Environment & Resource Management) Concurrence Agency response (Letter Reference 352038 (TSV1379) dated 19th January, 2011).

9. Other Requirements

N/A

10. Referral Agencies

Reconfiguration of Land	Name of agency	Status
Land Relating to a State Controlled Road	Department of Transport & Main Roads	Concurrence
Environmentally Relevant Activity	Department of Environment & Resource Management	Concurrence

11. The Currency Period

The relevant periods stated in section 341 of the *Sustainable Planning Act 2009* apply to each aspect of development in this approval, as outlined below –

- ☒ **Material Change of Use – 4 years;**
- ☐ Reconfiguring a Lot not requiring Operational Works – 2 years;
- ☐ Reconfiguring a Lot requiring Operational Works – 4 years; and
- ☐ Any other development not listed above – 2 years.
- ☐ The standard currency periods stated in section 341 of *Sustainable Planning Act 2009* do not apply to each aspect of development in this approval. See condition (f).

12. Approved Plans

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

Plan / Document Number	Plan / Document Name	Date
Attachment B	Geographical Map of Site	4th November, 2010
Attachment B	Contour Map of Site	4th November, 2010

13. Other Necessary Development Permits

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits. If this is required the relevant application will need to be lodged with Council or other relevant authority. Application forms are available from Council's office at 25 Lannercost Street, Ingham or Council's website – www.hinchinbrook.qld.gov.au

The proposed development has been assessed against the relevant provisions of the *Hinchinbrook Shire Planning Scheme*. Building work may be required for the proposed development and will need to be approved prior to any works commencing on the site.

14. Submissions

There ☐ **was** ☑ **were no** properly made submissions about the application.

15. Appeal Rights

Appeals by Applicants:-

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

- the refusal, or refusal in part of the development application;
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the *Sustainable Planning Act 2009;*
- the decision to give a preliminary approval when a development permit was applied for;
- the length of a period mentioned in section 341;
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of the *Sustainable Planning Act 2009*.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the *Sustainable Planning Act 2009*, Chapter 7, Part 2.

Appeals by submitters:-

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of the *Sustainable Planning Act 2009*.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the *Sustainable Planning Act 2009*, chapter 7, part 2.

Attached is an extract from the *Sustainable Planning Act 2009* which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

16. When the development approval takes effect

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court;

OR

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
  - When the submitter's appeal period ends; or
  - The day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

OR

- subject to the decision of the court, when the appeal is finally decided, if appeal is made to the court.

This approval will lapse unless substantially started within the above stated currency periods (Refer to section 11 of this decision notice).

Should you wish to discuss this matter further, or require any further information, please do not hesitate to contact Council's Town Planning & Development Officer, Mr. Ben Christie-Johnston, on ☎ 4776 4609.

Yours faithfully

RW Clark
CHIEF EXECUTIVE OFFICER

R F Pennisi
MANAGER CORPORATE & ECONOMIC DEVELOPMENT

PLEASE NOTE:

That under the provisions of the *Sustainable Planning Act 2009* you the applicant may:-

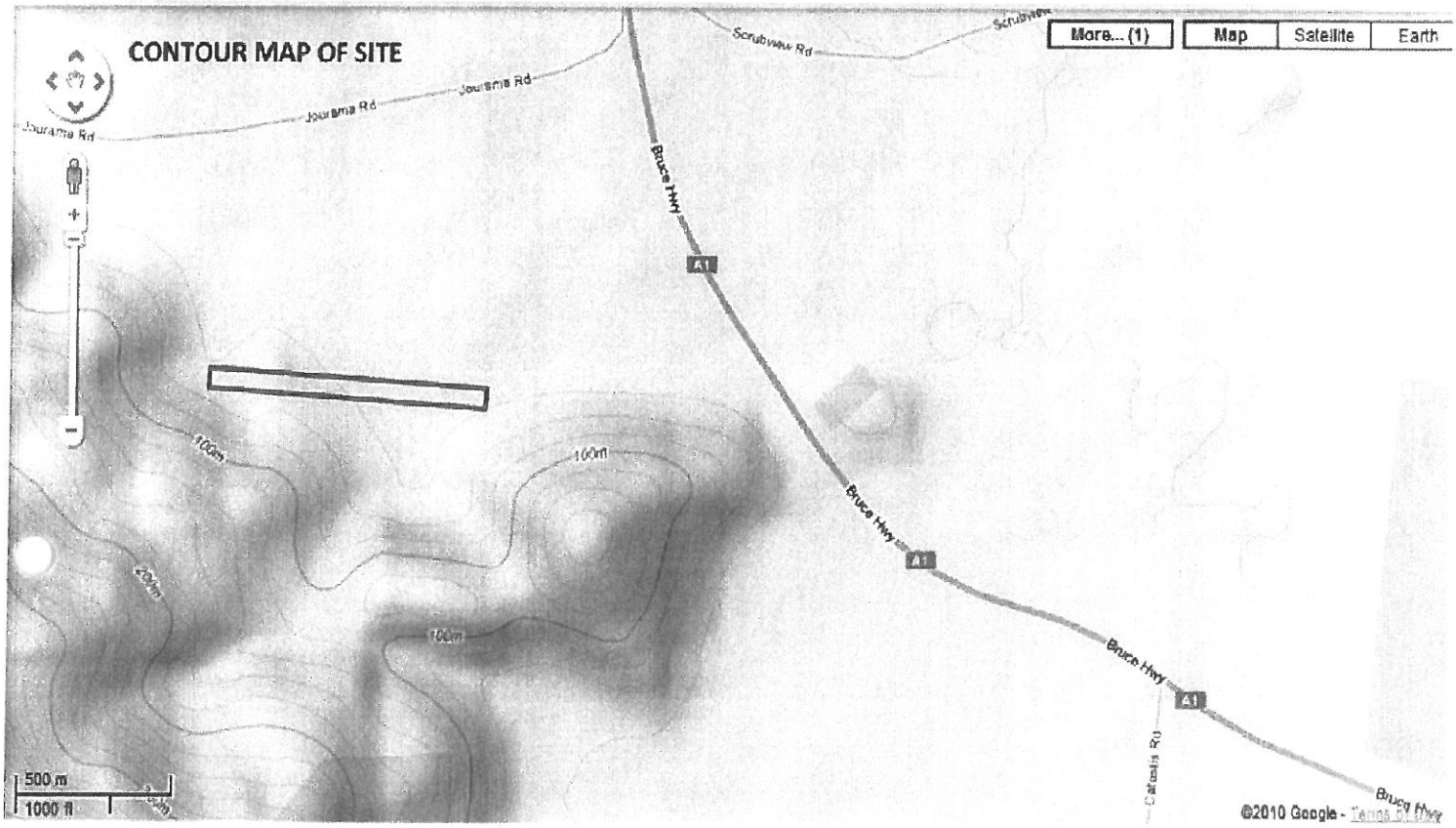
(i) Make representation to Council to discuss the decision and the conditions by contacting, Council's Chief Executive Officer, Mr. Robert Clark. You must make these representations within 20 business days after the day you receive this notice. If Council alters the decision, you will be given a 'negotiated decision notice; or

(ii) Advise Council that you do not intend to make representations, in which case Council can advise the submitters of this decision; and/or

(iii) Appeal to the Planning and Environment Court against any conditions applied to this development, including the currency period, within 20 business days after the day you receive this notice.

ATTACHMENT B





Development Plans (1 of 1) Approved as per
Council Decision Notice dated:
28th March, 2011

File Ref: **058/0323**

.....
Manager of Corporate & Economic Development

Department of Environment
and Resource Management

Notice

Concurrence Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Hinchinbrook Shire Council
PO Box 366
Ingham QLD 4850

cc. Steven and Elda Gileppa
PO Box 1297
Ingham QLD 4850

Our reference: 352038(TSV1379)

Re: Concurrence Agency Response

HINCHINBROOK SHIRE COUNCIL
20 JAN 2011
RECEIVED

1. **Application Details**

Assessment Manager ref: 058/0323

Date application referred to DERM: 13-DEC-10

Development approval applied for: Development permit

FILE No. /
Doc No
Prev Ref
Action

Aspect of development:

Material change of use - Environmentally relevant activities	***Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 1**	**DERM Ref No - SPCE01319810** **Ecotrack Ref - 352038**

Development description: ERA 16-2(b) Extracting other than by dredging, in a year, 5,000t to 100,000t of material.

Property/Location description: Lot 3 on RP718471, Bruce Highway, Bambaroo

2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows.

(a) Conditions should attach to any development approval, and those conditions are attached to this Notice. .

3. **Approved plans / specifications**

Nil.

4. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at:-

Environmental Support Officer
Environmental Services
Department of Environment & Resource Management
PO Box 5318
TOWNSVILLE QLD 4810

and an electronic copy to *eco.access@derm.qld.gov.au*.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

5. **Additional comments or advice about the application**

Nil.

6. **Additional information for applicants**

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.
A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.
A person carrying out an ERA must hold a registration certificate issued under the Environmental Protection Act 1994, or must be acting under a registration certificate, for the ERA.
Contaminated land

It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the Environmental Protection Act

1994) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

E. Gustavson

Delegate
Eric Gustavson
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Resource Management
19-JAN-2011

Enquiries:
Brendan Meale
Department of Environment and Resource Management
PO Box 5318
Townsville Queensland 4810
Phone: (07) 4722 5357
Fax: (07) 4722 5351
Email: brendan.meale@derm.qld.gov.au

Attachment(s)

DERM Permit No. SPCE01319810 conditions
Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit Number: SPCE01319810

Assessment manager reference:	058/0323
Date application received:	13-DEC-2010
Permit type:	Concurrence agency response
Date of decision:	19-JAN-2011
Decision:	For a **concurrence agency response** conditions that must attach to any development approval
Relevant laws and policies:	*Environmental Protection Act 1994* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	*Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 1.

Development Description(s)

Property/Location		Development
Bruce Highway, Bambaroo	Lot 3 on Plan RP718471	ERA 16-2(b) Extracting other than by dredging, in a year, 5,000t to 100,000t of material.

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

Delegate
Eric Gustavson
Delegate of the Chief Executive administering the
Environmental Protection Act 1994
19-JAN-2011

CONDITIONS OF APPROVAL

Agency Interest: General

G1 This approval is for extraction of rock or other material in a year a quantity of up to 15,000 tonnes of material per year.

G2 Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

G3 Maintenance Of Measures, Plant and Equipment.
The operator of an ERA to which this approval relates must:
(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
(b) maintain such measures, plant and equipment in a proper and efficient condition; and
(c) operate such measures, plant and equipment in a proper and efficient manner.

G4 Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:
(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
(b) Identification of environmental issues and potential impacts.
(c) Control measures for routine operations to minimise likelihood of environmental harm.
(d) Contingency plans and emergency procedures for non-routine situations.
(e) Organisational structure and responsibility.
(f) Effective communication.
(g) Monitoring of contaminant releases.
(h) Conducting environmental impact assessments.
(i) Staff training.
(j) Record keeping.
(k) Periodic review of environmental performance and continual improvement.

G5 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.

G6 Monitoring.
A competent person(s) must conduct any monitoring required by this approval.

G7 Equipment Calibration.
All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

G8 Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

G9 Spill Kit Training.

Anyone operating under this approval must be trained in the use of the spill kit.

G10 Notification.

Telephone the DERM's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

G11 Information About Spills.

A written notice detailing the following information must be provided to the DERM within 14 days of any advice provided in accordance with condition G10:

a) the name of the operator, including their approval / registration number;
b) the name and telephone number of a designated contact person;
c) quantity and substance released;
d) vehicle and registration details;
e) person/s involved (driver and any others);
f) the location and time of the release;
g) the suspected cause of the release;
h) a description of the effects of the release;
i) the results of any sampling performed in relation to the release,
j) actions taken to mitigate any environmental harm caused by the release; and
k) proposed actions to prevent a recurrence of the release.

G12 Records.

Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

G13 All records required by this approval must be kept for 5 years.

Agency Interest: Air

A1 Dust Nuisance.

The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

A2 Dust Control

Stockpiles must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to:

(a) use of waterspray as required during winds likely to generate such releases;
(b) use of dust-suppressant shielding;
(c) storage in bunkers; and
(d) covering with tarpaulins.

A3 Trafficable areas must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
(a) keeping surfaces clean;
(b) sealing with bitumen or other suitable material;
(c) using water sprays;
(d) adopting and adhering to speed limits; and
(e) using dust suppressants and wind breaks.

A4 Loss of Materials During Transit

The tailgates of all trucks leaving the premises to which this development approval relates must be securely fixed prior to loading to prevent loss of material.

A5 The holder of this development approval must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter or windblown dust from trucks used for transporting extracted material from the premises to which this development approval relates. The entire load must be covered with a tarpaulin or similar material for the duration of transport.

Other, reasonable and practicable measures may include but are not limited to:
(a) wetting down the load prior to transport; and
(b) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the premises to which this development approval relates and prior to departure from the premises to which this development approval relates to which the load has been delivered.

A6 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
a) For a complaint alleging dust nuisance, dust deposition.

A7 Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:
a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions).

A8 Nuisance.

The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

Agency Interest: Land

L1 Topsoil management

Where required (i.e. for extractive activities) the topsoil must be:

(a) removed from the activity site prior to the commencement of the activity;
(b) stockpiled uncompacted to not more than 1.5m high and in a manner that will preserve its biological and chemical integrity; and
(c) used for rehabilitation of the activity site (refer to condition L2).

L2 Land Rehabilitation.

The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:
(a) suitable native species of vegetation are planted and established;
(b) potential for erosion of the site is minimised;
(c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
(d) the likelihood of environmental nuisance being caused by release of dust is minimised;
(e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
(f) the final landform is stable and not subject to slumping; and
(g) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

L3 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

L4 Preventing Contaminant Release To Land.

Contaminants must not be released to land.

L5 Spills

Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storages must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Noise

N1 Noise Nuisance.

Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place

N2 Noise Monitoring.

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- LA 10, adj, 10 mins
- LA 1, adj, 10 mins
- the level and frequency of occurrence of impulsive or tonal noise;
- atmospheric conditions including wind speed and direction;
- effects due to extraneous factors such as traffic noise; and
- location, date and time of recording.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.

Agency Interest: Waste

W1 General Waste Management

No waste may be burned on the site or be removed and burned elsewhere.

W2 All waste generated in carrying out the activities must be reused, recycled or removed to a facility that can lawfully accept the waste under the EP Act.

The registered operator must abide by the waste management quality objectives specified in the most recent edition of the respective Environmental Protection (Waste Management) Policy.

Agency Interest: Water

WA1 There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

WA2 Erosion protection measures and sediment control measures must be designed, implemented and maintained to prevent erosion and release of sediment resulting from carrying out the activity.

Agency Interest: Social

S1 Complaint Response.

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

a) Time, date, name and contact details of the complainant;
b) reasons for the complaint;
c) any investigations undertaken;
d) conclusions formed; and
e) any actions taken.

END OF CONDITIONS

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"commercial place" means a place used as an office or for business or commercial purposes.

"contaminant" means (section 11 of the *Environmental Protection Act 1994*)–

- a gas, liquid or solid; or
- an odour; or
- an organism (whether dead or alive, including a virus; or
- energy, including noise, heat, radioactivity and electromagnetic radiation; or
- a combination of contaminants.

"dB(Lin) peak" means the maximum readings in decibels (dB) obtained using 'P' time-weighting characteristic as specified in Australian Standard AS 1259.1 – 1990 *Sound level meters – Part 1: Non-integrating* with all frequency weighted networks inoperative.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"environmental nuisance" means (section 15 of the *Environmental Protection Act 1994*)–
Unreasonable interference or likely interference with an environmental value caused by:

(a) aerosols, fumes, light, noise, odour, particles or smoke; or
(b) an unhealthy, offensive or unsightly conditions because of contamination; or
(c) another way prescribed by regulation (e.g. unreasonable noise or dust emissions).

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard AS 1055.2 – 1997 *Acoustics – Description and Measurement of Environmental Noise - Part 2: Application to Specific Situations*.

"$L_{A\ 90,\ 15\ mins}$" means the average maximum A-weighted sound pressure level exceeded for 90% of any 15 minute measurement period, using fast response.

"$L_{A1,\ adj,\ 15\ mins}$" means the average maximum A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 15 minute measurement period, using fast response.

"$L_{A\ max,\ adj,\ 15\ mins}$" means the average maximum A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) for a 15 minute measurement period, using fast response.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"nuisance sensitive place" includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part-thereof.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

HINCHINBROOK SHIRE COUNCIL
17 JAN 2011
RECEIVED

Queensland Government

13 January 2011

Doc No
Prev Ref
Action

Chief Executive Officer
Hinchinbrook Shire Council
PO Box 366
Ingham Qld 4850

Dear Sir

Referral agency response made pursuant to s. 287 of the *Sustainable Planning Act 2009 (Qld)*

Hinchinbrook Shire:	**State-controlled road – 10M Bruce Highway (Townsville - Ingham)**
Proposal:	**Material Change of Use – Quarry: 5,000t to 100,000t**
Property Description:	**Lot 3 on RP718471**
Site Locality:	**Bruce Highway, Bambaroo**
Applicant:	**Steven and Elda Gileppa**

I refer to your development application received on 25 November 2010, requesting the Department of Transport and Main Roads' (the department) concurrence agency approval for the above mentioned development.

Pursuant to s. 285 and 287 of the *Sustainable Planning Act 2009* (Qld), the department, as a concurrence agency, assessed the impact of the proposal on the state-controlled road network and requires Hinchinbrook Shire Council to attach specific conditions to the decision notice. The table of *Conditions of Development and Statement of Reasons* are attached.

A copy of this letter along with the attached table of *Conditions of Development and Statement of Reasons* has been sent to the applicant.

If you have any questions, please contact Mr Daniel McNaught, on 4720 7421.

Yours sincerely

David Atkinson
Regional Director (Northern)

Enc (1)

Environmental Services
- 8 APR 2011
DERM Townsville

Department of Transport and Main Roads
Assets and Operations
Northern Region / Townsville Office
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Your ref RFP:BCJ:058/0323
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Queensland Government

Conditions of Development
and
Statement of Reasons

Council Development Application Reference:	**RFP:BCJ:058/0323**
Hinchinbrook Shire:	**State-controlled road – 10M Bruce Highway (Townsville - Ingham)**
Proposal:	**Material Change of Use – Quarry: 5,000t to 100,000t**
Property Description:	**Lot 3 on RP718471**
Site Locality:	**Bruce Highway, Bambaroo**
Applicant:	**Steven and Elda Gileppa**

	Conditions of Development	Reasons and Advisory Information	Jurisdiction for Conditions
	Layout		
1	Unless otherwise varied by a condition contained herein, the proposed development must comply with the following attached plan: a) Labelled *Attachment B* and received by this office on 19 November 2010.	1. To ensure the development proceeds in accordance with submitted plans.	1. s. 282 *Sustainable Planning Act 2009 (Qld)*
2	If any part of the development changes, a change being a difference to matters presented in the approved plans on which the department has based its assessment and these *Conditions of Development*, the change must be referred to the department, for the department's consideration. The department reserves the right to amend these *Conditions of Development* in response to any proposed development changes.	2. The department must retain a right to amend its conditions where any changes in the proposed development may have an adverse impact on the safe and efficient operation of the state-controlled road network.	2. s. 369 *Sustainable Planning Act 2009 (Qld)*

	Conditions of Development		Reasons and Advisory Information		Jurisdiction for Conditions
	Development Approval				
3	This approval for a material change of use is valid for a period of four (4) years from the day Hinchinbrook Shire Council's Decision Notice is issued.	3.	To ensure the department retains an opportunity to review proposed development applications	3.	s. 341, and s. 384 *Sustainable Planning Act 2009 (Qld)*
	Access				
4	The permitted access location is to be approximately located at Point A as shown on Attachment 2. No other access point than that mentioned above is permitted to the Subject Land.	4.	The Department of Transport and Main Roads must ensure access between the Subject Land and the state-controlled road does not adversely affect the safe and efficient operation of the state-controlled road.	4.	*s. 62 Transport Infrastructure Act 1994 (Qld)* and Department of Transport and Main Roads' *Road Planning and Design Manual*
5	Prior to commencement of use, the applicant must upgrade the access. The works ('the Upgrade') must comprise of a BAR/BAL intersection, designed generally in accordance with Figure 13.80 – Basic Left Turn Treatment (BAL) on a Rural Road where the Side Road AADT is greater than or equal to 50 and/or Specifically for Articulated Vehicles **and** Figure 13.58 – Basic Right Turn Treatment (BAR) on a Two Lane Rural Road as shown in Chapter 13 of the department's *Road Planning and Design Manual*.	5.	The department must ensure that the Bruce Highway access does not adversely affect the safe and efficient operation of the state-controlled road network.	5.	The Department of Transport and Main Roads' *Road Planning and Design Manual*
6	Prior to the construction of the Upgrade to the Bruce Highway access, the applicant must submit to the department, for the department's written approval, concept design plans for the Upgrade. The concept design plans are to be in accordance with the department's *Road Planning and Design Manual*, current at the time of design and include, but not be limited to, pavement, surfacing, drainage, line marking, landscaping and relocation of services.	6.	The department must ensure that the Bruce Highway access does not adversely affect the safe and efficient operation of the state-controlled road network.	6.	s. 9 *Transport Infrastructure Act 1994 (Qld)*, the Department of Transport and Main Roads' *Road Planning and Design Manual*

Conditions of Development	Reasons and Advisory Information	Jurisdiction for Conditions
7 Subject to the department's approval of the concept design plans provided pursuant to Condition 6, and no less than 12 weeks prior to the anticipated commencement of construction of the Upgrade, the applicant must submit to the department for the department's consideration and written approval: a. detailed engineering plans for the Upgrade. b. a bill of works for the whole of the cost of the Upgrade, including management and supervision. c. A bond totalling 115% of the cost of the Upgrade. i. The bond may take the form of either bank cheque or a bank guarantee. ii. The bond shall consist of separable portions, 100% to be returned upon practical completion of the Upgrade and 15% to be returned after the completion of the three (3) month defects liability period or submission of 'as constructed' drawings to the department, whichever is the latter.	7. To ensure the new Upgrade is designed and constructed in a manner compatible with the standard of the state-controlled road existing at the time of construction, and is built to the Department of Transport and Main Roads and Hinchinbrook Shire Council standards. 7.c To secure the applicant to carry out the whole of the works.	7. s. 9, s. 50 *Transport Infrastructure Act 1994 (Qld)*, s. 3.5.32 (2) *Integrated Planning Act 1997 (Qld)*, the Department of Transport and Main Roads' *Road Planning and Design Manual,* and the Department of Transport and Main Roads' *Guidelines for the Assessment of Road Impacts of Development*
8 Where the department's *Road Planning and Design Manual* is amended or updated after submission of the concept design plans, any amendment or update relevant to the proposed Upgrade must be incorporated into the detailed design plans.	8. Design and construction must be carried out to the most recent policy standards to ensure the quality, safety and efficiency of the state-controlled road network.	8. The Department of Transport and Main Roads' *Road Planning and Design Manual.*

	Conditions of Development	Reasons and Advisory Information	Jurisdiction for Conditions
9	Within three (3) months of practical completion, the applicant shall provide to the department 'as constructed' drawings for the Upgrade works. Where the applicant fails to provide the 'as constructed' drawings, the department may have recourse to the maintenance bond for costs incurred in the department preparing the 'as constructed' drawings.	9.	9. s. 50 *Transport Infrastructure Act 1994 (Qld)*, s. 3.5.32 (2) *Integrated Planning Act 1997 (Qld)*, and the Department of Transport and Main Roads' *Guidelines for the Assessment of Road Impacts of Development*
	Haulage Number		
10	If the applicant hauls, or expects to haul in excess of 30,000 tonnes of material per annum on the state-controlled road, the applicant shall prepare and submit to the department, for the department's approval, a Pavement Impact Assessment (PIA) and Traffic Operations Assessment in accordance with the department's *Guidelines for the Assessment of Road Impacts of Development*	10. The Department of Environment and Resource Management's permit to the applicant enables extraction of materials between 100,000 and 1,000,000 tonnes per annum. The applicant has provided a Pavement Impact Assessment (PIA) for 100,000 tonnes only. The department's conditions for road impact mitigation are calculated for the extraction of only 30,000 tonnes of material per annum. Any increase in haulage volumes in excess of 30,000 tonnes per annum will adversely impact the pavement and operation of the state-controlled road and those impacts will need to be reassessed in accordance with the department's *Guidelines for the Assessment of Road Impacts of Development*	10. s. 49 *Transport Infrastructure Act 1997 (Qld)*

Conditions of Development	Reasons and Advisory Information	Jurisdiction for Conditions
11 Where it is determined in the PIA required pursuant to Condition 10 herein, or as otherwise determined by the department from other information, that haulage in excess of 30,000 tonnes per annum will increase the development's impact on the state-controlled road network, then the applicant may be required to make contributions calculated in accordance with *Guidelines for the Assessment of Road Impacts of Development*.	11. The department's conditions for road impact mitigation is calculated only for the extraction of 30,000 tonnes of material per annum, in accordance with the applicant's supporting development application information. Any increase in haulage volumes in excess of 30,000 tonnes per annum will adversely impact the pavement and operation of the state-controlled road.	11. Department of Transport and Main Roads' *Guidelines for the Assessment of Road Impacts of Development*
Stormwater Drainage		
12 Any excavation, filling, paving, building, landscaping or any other modification to the Subject Land must not: a) create any new discharge points for stormwater runoff from the Subject Land onto any state-controlled road. b) create any new discharge points for stormwater runoff from any state-controlled road onto the Subject Land. c) lead to a decrease in the time of concentration, or an increase in volume, duration or frequency of stormwater discharges onto any state-controlled road. d) interfere with the existing stormwater drainage on any state-controlled road, nor e) surcharge any existing culvert or drain on any state-controlled road.	12. Changes in stormwater runoff pattern as a consequence of the development may affect the safety and efficiency of the state-controlled road.	12. The Department of Transport and Main Roads' *Road Planning and Design Manual* and s. 33 *Transport Infrastructure Act 1994 (Qld)*

Conditions of Development		Reasons and Advisory Information	Jurisdiction for Conditions
	Design And Construction Of Works Generally		
13	All plans, designs and documentation required to be submitted by the applicant as a consequence of the department's conditions must be prepared in accordance with the departments' *Standard Specifications*, *Standard Drawings* and *Road Planning and Design Manual* current at the time of design. Where no department standard is available the Australian Standards or similar shall be utilised at the discretion of the department.	13. Performing works within a state-controlled road reserve requires the approval the department.	13. *s. 9 and s. 50 Transport Infrastructure Act 1994 (Qld)*
14	All plans, designs and documentation submitted by the applicant as a consequence of the department's conditions must be a. certified by a Registered Professional Engineer of Queensland (RPEQ); and b. provided in electronic format, along with two (2) paper copies.	14. Construction must be carried out in a way that takes into account national and international benchmarks, promotes the safe transport of persons and goods and encourages efficiency.	14. *s. 9 Transport Infrastructure Act 1994 (Qld)* and *Professional Engineers Act 2002*
15	All contractors engaged for design or construction works shall be: a. Pre-qualified under the departments' prequalification system; or b. Able to demonstrate, to the department's satisfaction, experience in civil design and/or construction works of a similar nature to those required as a result of these conditions.	15. The construction of all government supported transport infrastructure should be designed to achieve efficiency, affordable quality and cost effectiveness.	15. *s. 9 Transport Infrastructure Act 1994 (Qld)*

Advisory Information

The department requests that Hinchinbrook Shire Council attach the following Advisory Information to its Decision Notice.

Advisory Note 1. Section 482 of the *Sustainable Planning Act 2009 (Qld)* requires that an appellant give notice of an appeal to a referral agency in certain circumstances. Where notice of an appeal is required to be given to the department that notice may be given by any of the methods mentioned below:

By prepaid mail:
Planning Legislation Unit
Integrated Transport Planning
The Department of Transport and Main Roads
GPO Box 213
Brisbane Qld 4001

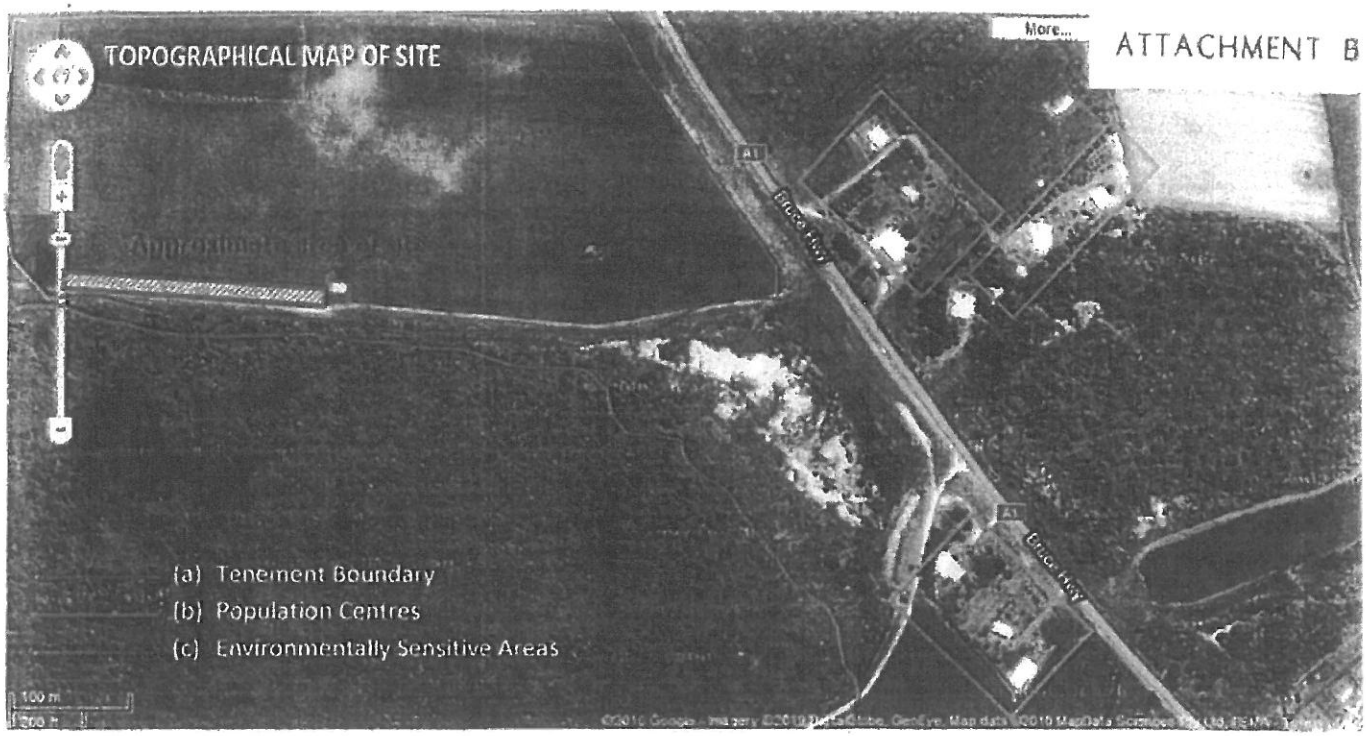
By email: P&EAppeals@tmr.qld.gov.au

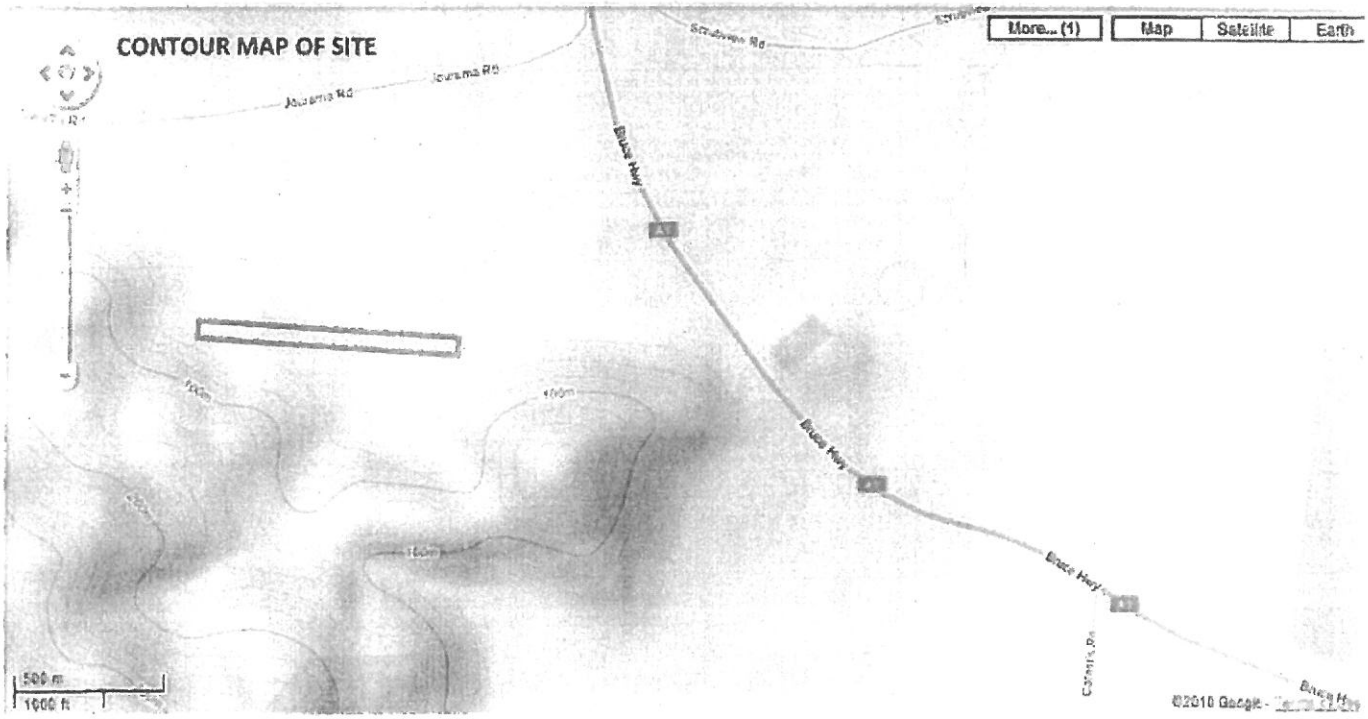
In person:
Level 3
Terrica Place
140 Creek Street
Brisbane Qld 4000

Advisory Note 2. Any change in the intensity or manner of use of the Subject Land must be referred to the department for approval (s 241 and 243 *Sustainable Planning Act 2009 (Qld)*).

Advisory Note 3. Building Certifiers are advised not to issue a Certificate of Classification or Form 21 Final Certificate without first receiving written acknowledgement from the department confirming the developer has complied with the departments' *Conditions of Development.*

ATTACHMENT B





Attachment 2

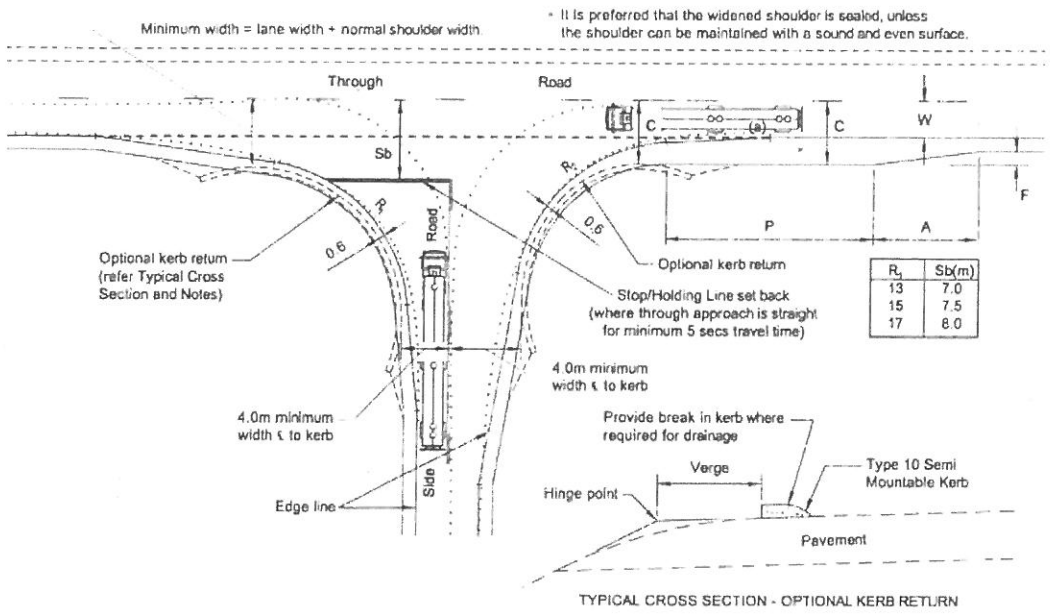


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standard A4 landscape

12/01/2011

13



R_1	Sb(m)
13	7.0
15	7.5
17	8.0

Design Speed of Major Road Approach (km/h)	Minimum Length of Parallel Widened Shoulder P (m) (1)
50	0
60	5
70	10
80	15
90	20
100	25
110	35
120	45
(1) Adjust for grade using the 'Correction to Grade' table in Figure 13.42.	

W = Nominal through lane width (m) (including widening for curves)

C = On straights - 6.0m minimum
On curves - 6.0m plus curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle)

$$A = \frac{0.33 \times V \times F}{3.6}$$

V = Design speed of major road approach (km/h)

F = Formation/carriageway widening (m)

Note: Refer to Appendix 13E for dimensions of BAL layouts to suit various articulated vehicles

Figure 13.80 Basic Left Turn Treatment (BAL) on a Rural Road where the Side Road AADT is greater than or equal to 50 and/or Specifically for Articulated Vehicles

13.7.10 Right Turn Treatments - Rural Conditions

There are two fundamental types of right turn treatments for rural areas given in this section:

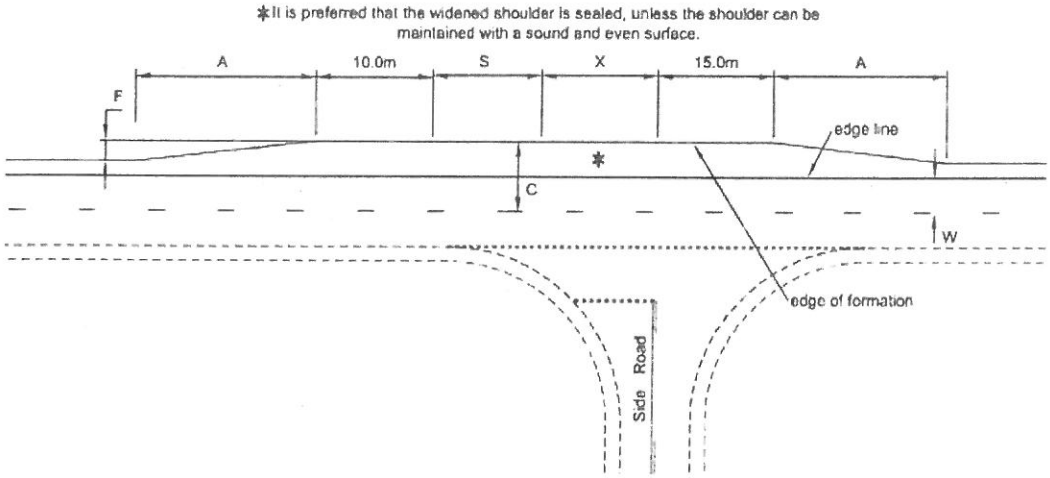
- Type BAR shoulder widening (minimum treatment);
- Type CHR pavement widening with a right turn bay. A subset of this type is the CHR(S).

Generally these treatments are applied to two-lane two-way rural roads.

13.7.10.1 Basic Right Turn Treatment (BAR) on a Two-Lane Rural Road

This is the minimum treatment for right turn movements from a through road to side roads and local access points. It is detailed in Figure 13.58.

13



W= Nominal through lane width (m) (including widening for curves). Width to be continuous through the intersection.

C = On straights - 6.5m minimum
- 7.0m minimum for Type 1 & Type 2 Road Trains

On curves - widths as above + curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle)

$A = \frac{0.5 \times V \times F}{3.6}$

Increase length A on tighter curves. Where the design through vehicle is larger than or equal to a 19m semi-trailer, the minimum speed used to calculate A is 80km/h.

V = Design speed of major road approach (km/h)

F = Formation/carriageway widening (m)

S = Storage length to cater for one design turning vehicle (m) (minimum length 12.5m)

X = Distance based on design vehicle turning path, typically 10 - 15m

Figure 13.58 Basic Right Turn Treatment (BAR) on a Two Lane Rural Road