

File: 19/301
Date: 20 December 2019

Pearljaney Pty Ltd
c/- Ausrocks Pty Ltd
PO Box 359
VIRGINIA BC QLD 4014

Attention: Wendy Wood

Dear Ms Wood

**Decision Notice – approval (with conditions)
Material Change of Use
Lot 128 on BNT1468 and Lot 1 on BNT1801, Bracker Creek and 4712 Stanthorpe-
Inglewood Road, Coolmunda**

We wish to advise that on 20 December 2019 a decision was made to approve the material change of use development application for “*Industrial activities*” – “*Extractive industry*” (Removal of quarry material from a watercourse – less than 10,000t per annum, and ERA 16(1)(a) dredging material 1,000 to 10,000t per annum) at Lot 128 on BNT1468 and Lot 1 on BNT1801, Bracker Creek and 4712 Stanthorpe-Inglewood Road, Coolmunda. In accordance with the *Planning Act 2016*, please find attached Council’s Decision Notice for the application.

Please read the conditions carefully as these include actions which must be undertaken **prior to the commencement of the use** as well as requirements for the ongoing operation of the use.

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 38**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

The applicant is required to **notify Council in writing of the date of the commencement** of the use, within fourteen (14) business days of commencement.

If you require any further information, please contact Council’s Manager of Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400 or rmcmahon@grc.qld.gov.au, who will be pleased to assist.

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 19/301
Council Contact: Mrs Ronnie McMahon: LMM
Council Contact Phone: (07) 4671 7400

20 December 2019

Applicant Details: Pearljaney Pty Ltd
c/- Ausrocks Pty Ltd
PO Box 359
VIRGINIA BC QLD 4014

Attention: Wendy Wood

The development application described below was properly made to Goondiwindi Regional Council on 2 September 2019.

Applicant details

Applicant name: Pearljaney Pty Ltd
c/- Ausrocks Pty Ltd

Applicant contact details: Ms Wendy Wood
PO Box 359, Virginia BC QLD 4014
wendy.wood@ausrocks.com.au
0418 405 006

Application details

Application number: 19/301

Approval sought: Development Permit

Details of proposed development: *"Industrial activities" – "Extractive industry"* (Removal of quarry material from a watercourse – less than 10,000t per annum, and ERA 16(1)(a) dredging material 1,000 to 10,000t per annum)

Location details

Street address: Bracker Creek and 4712 Stanthorpe-Inglewood Road,
Coolmunda

Real property description: Lot 128 on BNT1468 and Lot 1 on BNT1801

Decision

Date of decision: 20 December 2019

Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

Development permit Material Change of Use

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Not applicable

Properly made submissions

The application was publically notified, however there were no properly made submissions for this application.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are attached.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*:

- [For material change of use] This approval lapses if the first change of use does not happen within **six (6) years**.

Environmental authority

Environmental authority EA0002060 was issued under the *Environmental Protection Act 1994* for the following Environmentally relevant activities:

- ERA 16 – Extraction and Screening 1: Dredging, in a year, the following quantity of material (a) 1000t to 10,000t.
- ERA 16 – Extraction and Screening 1: Dredging, in a year, the following quantity of material (a) 1000t to 10,000t.

Approved plans and specifications

Copies of the following plans, specifications and drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version
Aspect of development: material change of use				
Bracker Creek Overall Site Plan	Ausrocks Consulting Mining Engineers	29/05/19	AUQ00122C	

Bracker Creek Proposed Extraction Area Plan	Ausrocks Consulting Mining Engineers	17/04/19	AUQ00122C	
Bracker Creek Quarry QMAN Plan	Ausrocks Consulting Mining Engineers	25/03/2019	AUQ00122C	Version 1
Bracker Creek Quarry Site Layout Plan – Detailed	Ausrocks Consulting Mining Engineers	23/04/2019	AUQ00122C	Version 1
Bracker Creek Cross section and Cut Profile	Ausrocks Consulting Mining Engineers	05/06/2019	AUQ00122C	
Cross Section A				
Cross Section B				
Bracker Creek Long Section	Ausrocks Consulting Mining Engineers	06/06/2019	AUQ00122C	
Long Section				
Bracker Creek Quarry Excavation Plan	Ausrocks Consulting Mining Engineers	22/07/2019	AUQ00122C	Version 1

Attachment 3 is a Notice about decision - Statement of reasons, in accordance with section 63 (5) of the *Planning Act 2016*.

Attachment 4 is an extract from the *Planning Act 2016*, which details the applicant's appeal rights regarding this decision

If you wish to discuss this matter further, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on 07 4671 7400.

Yours Sincerely



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

enc Attachment 1—Assessment manager and concurrence agency conditions
Attachment 2—Approved Plans
Attachment 3—Notice about decision – Statement of reasons
Attachment 4—*Planning Act 2016* Extracts



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Part 1 – Assessment Manager’s Conditions

Part 2 – Department of State Development, Manufacturing, Infrastructure and Planning - Concurrence Agency Response

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – Planning Act 2016 Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager’s Conditions



Assessment Manager's Conditions

Proposed Use:	<p><i>"Industrial activities"</i></p> <ul style="list-style-type: none"> <i>"Extractive industry"</i> (Removal of quarry material from a watercourse – less than 10,000t per annum, and ERA 16(1)(a) dredging material 1,000 to 10,000t per annum)
Development:	Material Change of Use – Development Permit
Applicant:	Pearljaney Pty Ltd C/- Ausrocks Pty Ltd
Address:	Bracker Creek and 4712 Stanthorpe-Inglewood Road, Coolmunda
Real Property Description:	Lot 128 on BNT1468 and Lot 1 on BNT1801
Council File Reference:	19/301

GENERAL CONDITIONS																																		
1.	<p>Approval is granted for the purpose of a Material Change of Use for:</p> <ul style="list-style-type: none"> <i>"Industry activities"</i> – <i>"Extractive industry"</i> (Removal of quarry material from a watercourse – less than 10,000t per annum, and ERA 16(1)(a) dredging material 1,000 to 10,000t per annum) as defined in the <i>Goondiwindi Region Planning Scheme 2018</i>. 																																	
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.																																	
3.	<p>Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table border="1"> <thead> <tr> <th>Drawing Number</th> <th>Title</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>AUQ00122C</td> <td>Bracker Creek Overall Site Plan</td> <td>29/05/19</td> </tr> <tr> <td>AUQ00122C</td> <td>Bracker Creek Proposed Extraction Area Plan</td> <td>17/04/19</td> </tr> <tr> <td>AUQ00122C</td> <td>Bracker Creek Quarry QMAN Plan</td> <td>25/03/2019</td> </tr> <tr> <td>AUQ00122C</td> <td>Bracker Creek Quarry Site Layout Plan – Detailed</td> <td>23/04/2019</td> </tr> <tr> <td>AUQ00122C</td> <td>Bracker Creek Cross section and Cut Profile</td> <td>05/06/2019</td> </tr> <tr> <td></td> <td>Cross Section A</td> <td></td> </tr> <tr> <td></td> <td>Cross Section B</td> <td></td> </tr> <tr> <td>AUQ00122C</td> <td>Bracker Creek Long Section</td> <td>06/06/2019</td> </tr> <tr> <td></td> <td>Long Section</td> <td></td> </tr> <tr> <td>AUQ00122C</td> <td>Bracker Creek Quarry Excavation Plan</td> <td>22/07/2019</td> </tr> </tbody> </table> <p>Please note the plans are not approved Building Plans.</p>	Drawing Number	Title	Date	AUQ00122C	Bracker Creek Overall Site Plan	29/05/19	AUQ00122C	Bracker Creek Proposed Extraction Area Plan	17/04/19	AUQ00122C	Bracker Creek Quarry QMAN Plan	25/03/2019	AUQ00122C	Bracker Creek Quarry Site Layout Plan – Detailed	23/04/2019	AUQ00122C	Bracker Creek Cross section and Cut Profile	05/06/2019		Cross Section A			Cross Section B		AUQ00122C	Bracker Creek Long Section	06/06/2019		Long Section		AUQ00122C	Bracker Creek Quarry Excavation Plan	22/07/2019
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4.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>
5.	<p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p>
6.	<p>The development must be carried out in accordance with the Site Based Management Plan prepared by Ausrocks Consulting Mining Engineers, dated September 2019 (version 1.5).</p>
7.	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site.</p>
OPERATION OF THE USE	
8.	<p>The proposed industrial use shall be operated generally between the hours of 6:00am and 6:00pm Monday to Saturday.</p> <p>No activities are to be carried out on Sundays or Public Holidays.</p>
ESSENTIAL SERVICES	
9.	<p>When required, provision of suitable toilet and washroom amenities for staff is to be provided on site. The facilities are to be serviced by a licenced waste effluent contractor with all waste being transported to an approved disposal site.</p>
10.	<p>When required, the development shall be provided with a suitable potable water supply in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>.</p>

	PUBLIC UTILITIES
11.	The development shall be provided with an adequate and reliable water supply for fire fighting purposes.
12.	When required, the development shall be connected to an adequate electricity supply system, at no cost to Council.
	ROADS AND VEHICLES
13.	All site accesses shall be maintained to the relevant Department of Transport and Main Roads standards.
14.	<p>All areas where vehicles regularly manoeuvre and park shall be constructed to an all-weather dust suppressant standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>, to the satisfaction of an at no cost to Council.</p> <p>Car parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
15.	Vehicle manoeuvring areas shall be provided on-site so that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.
	ENVIRONMENT & SITE REHABILITATION
16.	Progressive rehabilitation of the site shall be carried out in accordance with the Site Based Management plan prepared by Ausrocks Consulting Mining Engineers, dated September 2019 (version 1.5) to minimise potential for impacts on the environment and to retain the environmental values and natural appearance of the surroundings.
17.	The development shall be designed and constructed to avoid significant adverse impacts on areas of environmental significance identified within the site.
18.	The existing vegetation on site must be retained and maintained to the satisfaction of and at no cost to Council.

19.	Wastewater discharge is to be managed in a way that maintains ecological processes, riparian vegetation, waterway integrity and downstream ecosystem health.
STORMWATER	
20.	<p>Prior to the commencement of the use and at all times while the use continues, the site shall be adequately drained and all stormwater shall be disposed of to a legal discharge point in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>, to the satisfaction of and at no cost to Council.</p> <p>Any increase in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council.</p> <p>There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes.</p> <p>The stormwater system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
21.	<p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.</p>
EARTHWORKS AND EROSION CONTROL	
22.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i> or to other relevant engineering standards to the satisfaction of an at no cost to Council.</p> <p>Excavation or filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height.</p>

23.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>, to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
AVOIDING NUISANCE	
24.	<p>At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times while the use continues.</p>
25.	<p>At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.</p>
26.	<p>At all times while the use continues, all waste is to be contained in suitable waste bins or skips with lids to avoid windblown litter and access by animals. All waste is to be disposed of to an approved waste facility, and waste oil and lubricants are to be removed from the site and disposed of through an approved waste facility or contractor.</p>
27.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
28.	<p>Excavation works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>During construction the site must be kept in a clean and tidy state at all times.</p>
29.	<p>At all times while the use continues, provision must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use.</p> <p>Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.</p>

DEVELOPER'S RESPONSIBILITIES	
30.	It is the developer's responsibility to ensure that potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site in regard to vegetation type and proximity, slope and aspect, bushfire history, on-site environmental values, ease of maintenance and any specific implications on the development shall be submitted to Council prior to the commencement of the use.
31.	It is the developer's responsibility to ensure that the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.
32.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
33.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
34.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
35.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
COMMENCEMENT OF USE	
36.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p>
37.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within six years of the date the development approval takes effect, in accordance with the provisions contained in sections 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>

38.	A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.
PLEASE READ CAREFULLY - NOTES AND ADVICE	
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the change of use has no occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>:</p> <p style="padding-left: 40px;">(a) If no period is stated – six (6) years after the approval starts to have effect. Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , 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").
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.



Attachment 1 – Assessment Manager’s Conditions

Part 2 – Department of State Development, Manufacturing, Infrastructure and Planning - Concurrence Agency Response





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

SARA reference: 1909-13137 SRA
 Council reference: 19/301
 Applicant reference: 122D

5 December 2019

Chief Executive Officer
 Goondiwindi Regional Council
 LMB 7
 INGLEWOOD Qld 4387
 Email: mail@grc.qld.gov.au

Attention: Ronnie McMahon

Dear Ronnie

SARA response—4712 Stanthorpe Inglewood Road, Coolmunda QLD 4387

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 30 September 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	5 December 2019
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 Removal of quarry material from a watercourse - less than 10,000 tonnes per annum
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 19, Division 2, Subdivision 3, Table 1 (10.19.2.3.1)	—Development involving removal of quarry material (Planning

Regulation 2017)

Schedule 10, Part 5, Division 4, Subdivision 2, Table 1 (10.5.4.2.1)—
Environmentally relevant activities (Planning Regulation 2017)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(10.9.4.2.4.1)— Material change of use of premises near a state
transport corridor or that is a future state transport corridor (Planning
Regulation 2017)

SARA reference: 1909-13137 SRA

Assessment Manager: Goondiwindi Regional Council

Street address: 4712 Stanthorpe Inglewood Road, Coolmunda QLD 4387

Real property description: Lot 128 on BNT1468 and Lot 1 on BNT1801

Applicant name: Pearljaney Pty Ltd
c/- Ausrocks Pty Ltd

Applicant contact details: PO Box 359
VIRGINIA BC QLD 4014
wendy.wood@ausrocks.com.au

Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- Approved
- Reference: EA0002060
- Effective date: 27 November 2019
- Prescribed environmentally relevant activity (ERA): ERA 16 –
Extraction & Screening

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

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 Ian McHugh, Principal Planning Officer, on (07) 4616 7320 or via email ToowoombaSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Darren Cooper
A/Manager - DDSW Planning

cc Pearljaney Pty Ltd c/- Ausrocks Pty Ltd, wendy.wood@ausrocks.com.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 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 specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use (Quarrying in a Watercourse)		
<p>10.19.2.3.1.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Natural Resources, Mines and Energy 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:</p>		
1.	<p>The removal of quarry materials from Bracker Creek may occur only during the period for which a Quarry Material Allocation Notice is granted under the <i>Water Act 2000</i>.</p>	At all times.
<p>10.9.4.2.4.1— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads (DTMR) 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:</p>		
2.	<p>The development must be generally in accordance with the Hydraulic Assessment prepared by Hydrobiology, dated 21 November 2019, in particular:</p> <ul style="list-style-type: none"> • Buffer zone from the Stanthorpe Inglewood Road bridge is to be 100m upstream and 150m downstream. The following requirements apply within the buffer zone: <ul style="list-style-type: none"> o Extraction depths are limited to original bed levels shown in the Bridge Design Drawing prepared by Main Roads Department dated 18.1.1967, Plan No. 94925, 1 of 9; o 10m setback from instream voids and river banks, particularly on the northern (right) bank; o 1:3 to 1:10 slopes on all extraction voids within the river bed; o Maintenance and monitoring of the bed level beneath the Stanthorpe Inglewood Road bridge post flooding events to ensure original bed levels are not compromised; o Any works within the buffer zone will require the operator to contact DTMR to allow for monitoring of the operations near the Stanthorpe Inglewood Road bridge infrastructure. 	Prior to the commencement of use and to be maintained 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) version 2.5. If a word remains undefined it has its ordinary meaning.
State-controlled roads	
2.	For any operations undertaken within the identified buffer zone, please contact DTMR on (07) 4639 0616 (Deepthi Epaarachchi – Senior Engineer), (07) 4639 0625 (Nicholas Hill – Engineer) or (07) 4639 0759 (Lachlan Jones – Planner).

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The development application has demonstrated that environmental impacts have been avoided and minimised
- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not adversely impact on the natural riverine ecosystem processes, riverine environment, underground water systems or physical integrity of watercourses
- is consistent with the requirements for taking or interfering with water under the Water Act 2000

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Representation provisions

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Attachment 5—Approved 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.



Chris Russell
Director - Hydraulics and Flooding | Geospatial, Design
and Capability
Engineering & Technology | Department of Transport and
Main Roads

21 November 2019

BRACKER CREEK – ASSESSMENT OF SAND AND GRAVEL EXTRACTION PROPOSAL

Dear Chris,

As requested in your email of 4 November 2019, please find herewith my letter-report. I note that this assessment is based on a brief site visit, a review of available data and a preliminary assessment of sediment replenishment rates. Further, I have not identified nor considered any impacts to environmental values including those pertaining to ecology or water quality.

SCOPE

To undertake a preliminary and rapid-appraisal assessment of the risks (and benefits) of proposed sand and gravel extraction operations on Bracker Creek near the Stanthorpe-Inglewood Road Bridge, with respect to the integrity of the bridge.

VISIT TO SITE

A site visit was conducted on 7 November 2019. I was accompanied by Mr Nick Hill (Civil Engineer at TMR). The Landowners (Ken and Shelley Rielly) showed us reaches of Bracker Creek at the bridge, and extending to approximately 500 m upstream and downstream from the bridge. They explained to us that:

- Their property and the bridge are situated within the upstream extent of the inundation zone of Coolmunda Dam. At FSL, the backwater apparently extends approximately 2 km upstream from the bridge site.
- Sediment build up (aggradation) had occurred over time along this reach and under the bridge. They estimated that aggradation has been occurring over the last 50 years, but the rate has increased over the last 20 or so years.
- A number of water holes that formerly existed have been filled with sediment by aggradation.
- There has been about 15 m of bank lost to erosion at the right bank adjacent to the bridge.
- The rate of clearing on the upper catchment slopes has increased in recent years, leading to increased delivery of sediment ('traprock')¹ to the creek.

¹ Traprock is a collective terms for the local igneous rock types.



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27 / 43 Lang Parade
Auchenflower 4066
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POSTAL
PO Box 2151
Toowong 4066
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info@hydrobiology.biz

- The operation of Coolmunda Dam (built in the late 1960s and filled by the early 1970s) has changed over time. Historically, the level of the reservoir would be drawn down relatively quickly due to the needs of local irrigators including tobacco farmers. More recently, the water level tends to be drawn down more slowly as water needs have changed. The Riellys have concluded that the duration of backwater conditions around the bridge site has increased, exacerbating sediment deposition in this area.
- Gravel was previously taken from the stream bed by the local council during the 1970s and 1980s.
- The increasing elevation of the channel bed has caused a greater frequency and duration of overbank flows.
- Bracker Creek is widening, causing riparian trees to collapse into the creek.

MY OBSERVATIONS

A brief review of available satellite imagery confirmed to me that Bracker Creek at the bridge site and adjacent to the Rielly's property is affected by the backwater from Coolmunda Dam so sediment deposition would be expected to occur in this area and is probably exacerbated by the flow resistance influence of the bridge itself.

Further, the bridge is situated at the apex of a gentle curve in the river, as such, outer bank erosion (north, or right bank) and gradual meander migration in a N-NNE direction would be expected to occur over time.

Overall my observations were broadly consistent with that of the Rielly's.

For independent verification, I reviewed TMRs survey drawings from 1967, 2011 and 2017 that showed a history of bed surface levels at the bridge site². Using a simple arithmetic mean of the measured RL points surveyed across the bed between the central 12 piers, the survey data showed that:

- On average, the bed was approximately 0.3 m higher in 2011 and 2017 compared with the original bed level.
- The highest points of the bed in 2011 and 2017 were approximately 0.4 m and 0.7 m above the highest point of the original bed level respectively.
- The lowest points of the bed in 2011 and 2017 were approximately 0.6 m and 0.3 m below the lowest point of the original bed level respectively.
- In 2017, the greatest amount of aggradation compared with the original level was 2.1 m which had occurred under pier 5.
- In 2017, the greatest amount of downcutting from the original bed level was 1.8 m which had occurred under pier 11.
- The main flow channel was under the centre of the bridge (pier 8) in 1967 but has progressively moved towards the right bank (pier 9 in 2011, pier 11 in 2017).
- Bed sediment was a mix of sand, gravel and silt with an estimated D_{50} of 16 mm.

Overall data survey suggest that the overall bed level has risen by approximately 0.3 m since 1967 but that the cross section has become more asymmetrical, with localised build up and downcutting of around 2 m with reference to the original bed level in places. Importantly, the main flow channel appears to have moved from a central location, to the right bank of the channel (looking downstream), at the outside of the meander bend upon which the bridge is situated.

² Note that the bed level specified on the 1967 drawing was slightly different to the bed level marked as 'original' on the 2017 drawing.

An approximate assessment of bed elevation upstream and downstream of the bridge based on a Google Earth appears to show a substantial slug of gravel upstream of the bridge (Figure 3).

Build up of sediment in creeks is a relatively common phenomenon in Queensland and other regions of Australia. Often this is at least partly due to historic land management practices causing erosion and storage of sediment in watercourses although I am unable to verify if this has been the case for Bracker Creek. Widening and bank erosion can subsequently occur as the build of sediment in the central parts of the channel forces flow to the channel margins, where bank erosion occurs. For the case of Bracker Creek, backwater conditions from Coolmunda Dam appears to have contributed to deposition in the vicinity of the bridge.



Figure 1 View of bridge from northern bank showing sediment build-up (L) and outer bank erosion (R)

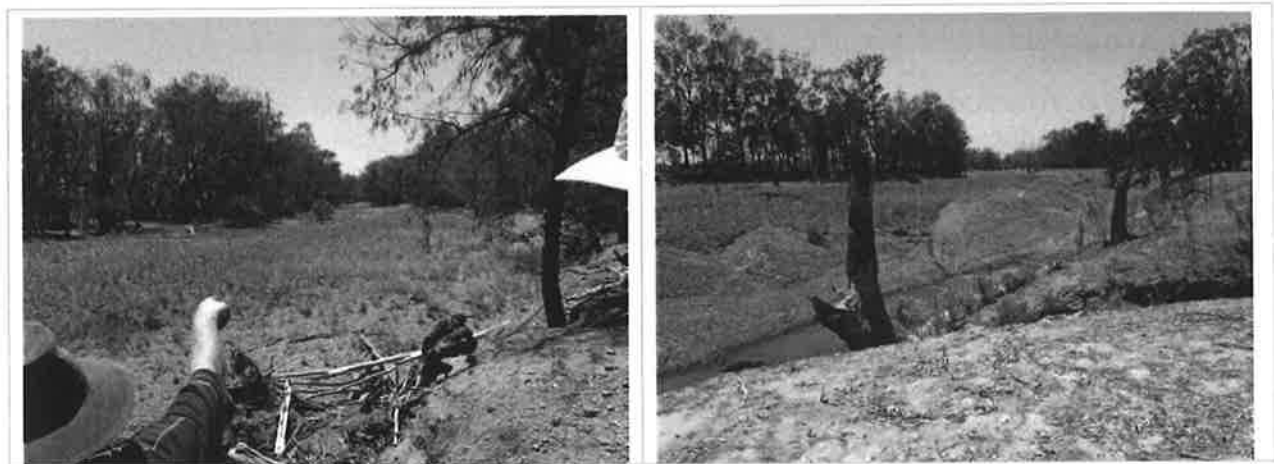


Figure 2 Looking upstream from south bank from a point approximately 700 m upstream from bridge (L) and from a point approximately 500 m downstream (R)

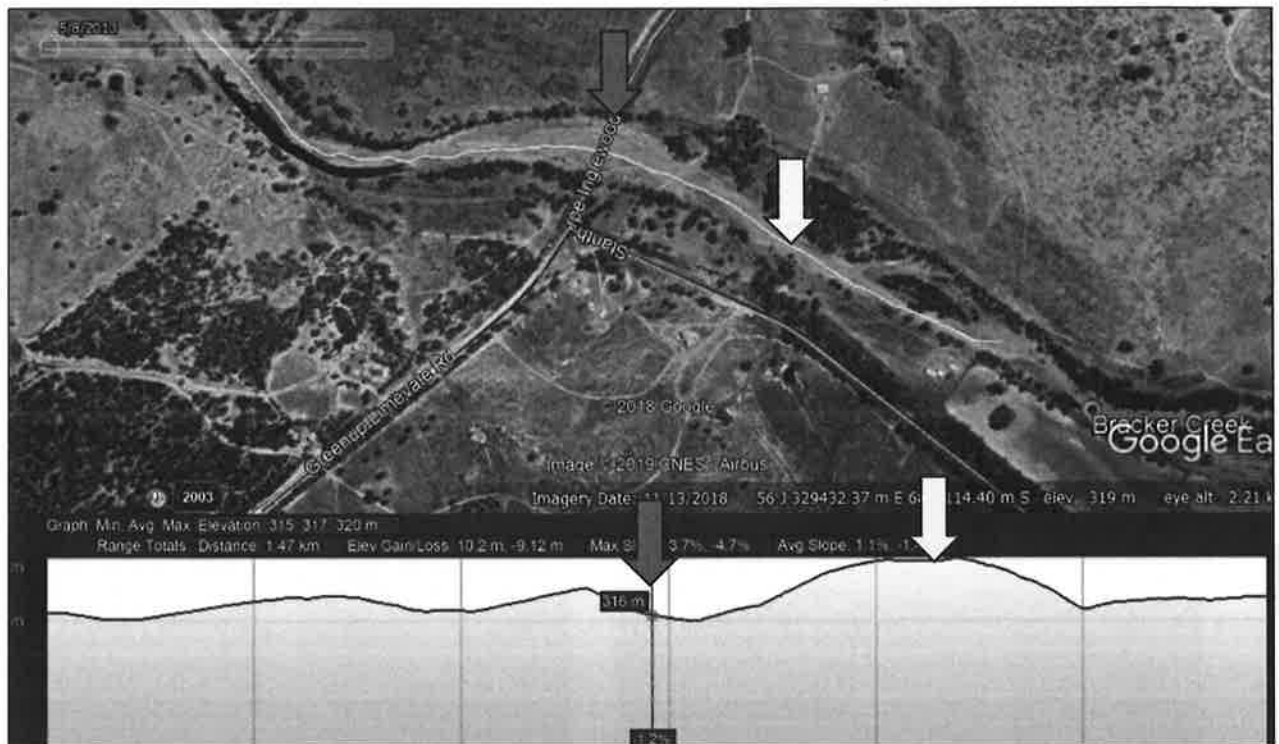


Figure 3 Approximate long profile of Bracker Creek

PROPOSED REMOVAL OF SEDIMENT

GENERAL IMPACTS

The general physical impacts of instream sand and gravel extraction are well-understood and documented in, for example, the Australian Stream Rehabilitation Manual³. Key physical impacts are presented in Figure 4 and include:

- Downstream progressing degradation (which is traditionally attributed to clearwater scour but is also due to increased velocities due to channelisation at certain sites).
- Upstream progressing degradation (referred to as headcutting or knickpoint erosion).
- Upstream and downstream bank erosion due to changed hydraulic conditions and channel configuration through the extraction site.
- Instream lakes in abandoned workings.

Bed degradation and erosion from instream extraction workings poses a threat to critical infrastructure such as bridges.

These impacts can be mitigated to varying degrees by appropriate extraction management and control plans, and by ensuring sediment replenishment rates are sufficient to maintain the overall sediment balance of the river.

³ Rutherford I, Jerie K and Marsh N. (1999). A Rehabilitation Manual for Australian Streams, CRC for Catchment Hydrology.

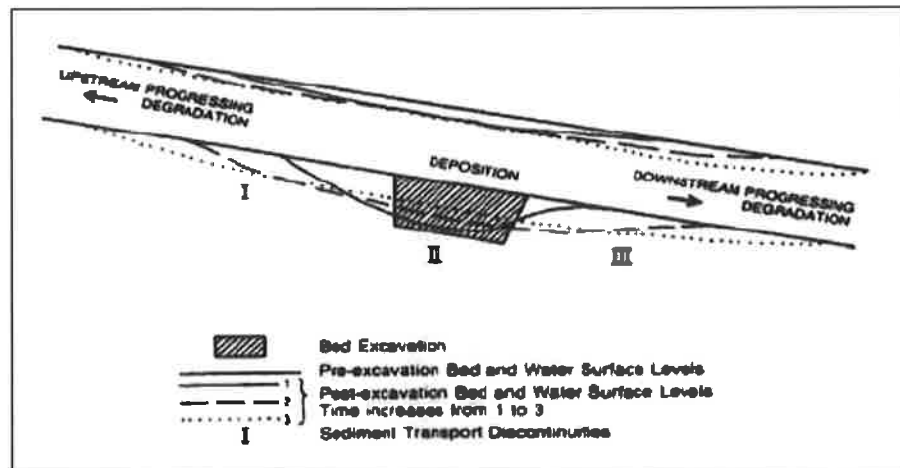


Figure 4 Potential instabilities in rivers caused by in-stream extraction (after Erskine, 1988)

THREATS TO THE BRIDGE UNDER CURRENT CONDITIONS

Based on discussion with Nick Hill of TMR, the following issues are of concern regarding the bridge.

- Ongoing scour at Abutment B (right hand abutment looking downstream).
- Sediment build-up and reduced flow capacity under the bridge leading to higher water levels during flood events may cause adverse hydraulic conditions (velocity, scour and flood immunity) at the bridge.
- The apparent increase in large woody debris load in the creek as a result of bank erosion combined with the reduced flow capacity under the bridge may increase the risk that spans may be blocked or partially blocked. This is a feedback cycle whereby blocked openings will cause further sediment build-up and create a more asymmetric cross section profile leading to higher rates of erosion at the north bank and abutment area.
- The apparently large slug of sediment situated immediately upstream of the bridge may work its way downstream over time (likely decades), depending on flood frequency and to what extent it has been stabilised by in-stream vegetation (Figure 3).

BENEFITS OF EXTRACTION

In Bracker Creek, the proposed removal of sediment may mitigate the aforementioned threats by:

- Increasing flow capacity under the bridge leading to a reduction in scour risk at the abutments and around the piers.
- Restoring previous levels of flood immunity.
- Reducing the potential for woody debris to block or partially block spans.
- Potential re-alignment/training of the main flow channel back to the centreline leading to reduced rates of bank and abutment erosion.

RISKS OF EXTRACTION

The risks associated with sediment removal in Bracker Creek include:

- Excavation close to banks causing undermining and erosion, and increased rates of riparian tree collapse into the creek leading to blocking of spans/openings and debris load on the bridge.

- Inappropriate configuration of instream voids/slots and/or inadequate control plans leading to upstream and/or downstream progressing erosion and erosion around the bridge piers.
- Over-excavation of bed material and excessive bed lowering in the immediate vicinity of the bridge leading to scour risk around piers and adjacent to abutments.

SEDIMENT REPLENISHMENT RATES

A preliminary assessment of sediment replenishment rates was undertaken. Given the inherent uncertainty around sediment transport capacity formulae, two equations considered suitable for the Bracker Creek conditions were used being (1) Engelund-Hansen and (2) Meyer-Peter-Muller. The required input parameters to these formulae included width, depth, slope, grain size and velocity. While width, slope and grain size could be estimated to varying degrees based on available data and field measurements, velocity values were assumed. The DNRM Gauging Station Bracker Creek at Terraine, which operated between 1966 and 2002 provided useful information regarding catchment size (685 km² at the gauge), flow discharge, and the number of flow days per year⁴.

Each of the two equations was run in a Monte Carlo framework whereby the equations were repeatedly run (50,000 times). On each iteration, input parameters were drawn at random from pre-defined probability distribution functions. This allowed an assessment of possible and probable outcomes to be made based. The Monte Carlo method is a way to manage uncertainty – in this case uncertainties associated with the formulae themselves and the values of the input parameters.

Figure 5 shows the results of the Monte Carlo assessment for sediment transport rates for each of the two methods described above. As expected, the two methods provided different results. For the Meyer-Peter-Muller method (which, based on my experience, appeared more 'believable'), the 95th percentile value from the 50,000 model iterations was approximately 167,000 tonnes per year, with a median value of ~22,000 tonnes per year, and a minimum of zero (in 'dry' years). In short, replenishment rates of up to 167,000 tonnes in any one year would likely occur but very infrequently, values up to around 22,000 tonnes per year would occur in approximately 50% of years, while occasionally, there would be no replenishment in any one year. It is noted that the distribution of results for both methods is skewed, with major replenishment events occurring very infrequently and the periodicity of wet and dry cycles has not been considered.

Although there is little basis by which to verify these numbers, Wasson (1994)⁵ provided an estimate of long term mean annual sediment yield as a function of catchment area for the Darling Downs. For a catchment area of 685 km², the mean annual basin sediment yield is calculated to be ~132,000 tonnes per year which is reasonably consistent with the upper estimates of the Meyer Peter Muller results.

Ideally, the estimates of sediment transport and replenishment probabilities (plus the amount of excess sediment that has built up along the reach over the years) should be compared with the proposed rate of extraction to inform an assessment of the likely impacts and sustainability of the operation. However, at the time of writing I have not been provided with the details proposed extraction plan so am unable to make any further comment on this point.

⁴ <https://water-monitoring.information.qld.gov.au/> accessed 20 November 2019

⁵ Wasson, RJ (1994), Annual and decadal variation of sediment yield in Australia, and some global comparisons. In IAHS Publication 224, Variability in Stream Erosion and Sediment Transport.

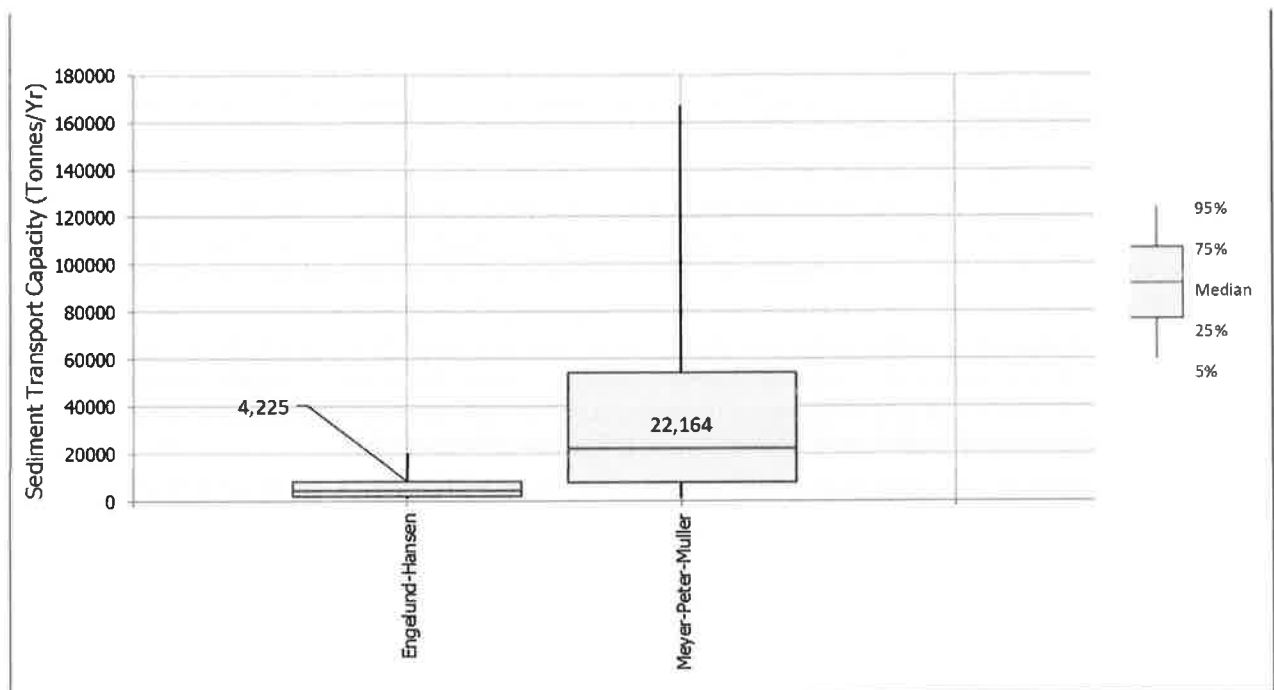


Figure 5 Preliminary estimates of sediment transport capacity

RECOMMENDATIONS

Based on a high-level review of information pertaining to Bracker Creek processes, and a site visit and discussion with the Kiellys, my view is that sediment extraction from the reach of Bracker Creek that I have inspected upstream and downstream of the bridge *would be acceptable*. While replenishment of extracted sediment would occur over time, the rate of replenishment would depend on flood frequency and the amount of material that is excavated. Although I have not been provided with a sufficient level of detail about the proposed extraction plan to provide specific guidance, the following broad recommendations can be made:

- Extraction operations may occur both upstream and downstream of the bridge. Extraction should ideally commence upstream of the bridge in order to:
 - Draw down the ‘slug’ of sediment that appears to be present based on Google Earth imagery.
 - Delay the risk that upstream-progressing degradation (from extraction downstream of the bridge) would work its way upstream and undermine the bridge piers and abutments.
- Ensure adequate buffer distances between any instream void and the river banks, particularly on the northern (right) bank in the vicinity of the bridge. Based on the limited guidance in the literature, a minimum setback of 10 m is recommended⁶⁷.

⁶ River Sand Mining Management Guideline, Malaysian Ministry of Natural Resources & Environment, 1992.

⁷ US sand and gravel mining guidelines for operators, State of Oklahoma, 2010.

- The upstream and downstream faces of the extraction voids should have shallow slopes as far as practicable. Avoid steep cut faces in the river bed as this will increase the risk of upstream-progressing erosion, and lateral erosion during flows. Values of between 1:3 and 1:10 are recommended in the literature for floodplain pits.
- Maintain a reasonable buffer distance from any bridge infrastructure. I am not aware of any method or case history to calculate such a distance but, in my view, a distance of 100 m upstream and 150 m downstream would be suitably precautionary for critical infrastructure. I note that a buffer distance of 1 km is recommended in the Malaysian Guidelines. While this appears clearly excessive for Bracker Creek, the lack of any clear guidance in the literature requires a precautionary approach.
- Near the 100/150 m buffer zone boundaries, deep cuts and steep faces should be avoided to reduce the risk of upstream and/or downstream progressing erosion from voids. Ensure that the deepest depths of cut are situated as far away from the buffer zone boundary and the areas of deepest cut.
- With respect to the depth of the instream cuts, it is recommended that this be limited to a total of 3 m below the representative current bed level. This incorporates 1 m of sediment build-up, and 2 m of cut below the original bed level.
- As a guiding principle, the bed level beneath the bridge should not be allowed to degrade to levels below the original bed level shown on the TMR survey drawings. Localised removal of sediment in order to maintain the capacity of the spans within the buffer zone and in the vicinity of the bridge may be allowed at the discretion of TMR.
- Implement best practice and adequate control plans.
- A more detailed consideration of the extraction operation should be made based on a more detailed assessment of hydraulics and sediment transport than is contained herein combined with a review of the proposed extraction plan and volumes.
- Monitoring of the operation should be undertaken, particularly following a flow event to assess ongoing risk to infrastructure and channel stability. Results of monitoring results by a geomorphologist and TMR Structures Expert may allow relaxation of the extent of the buffer zone and depth of cuts.

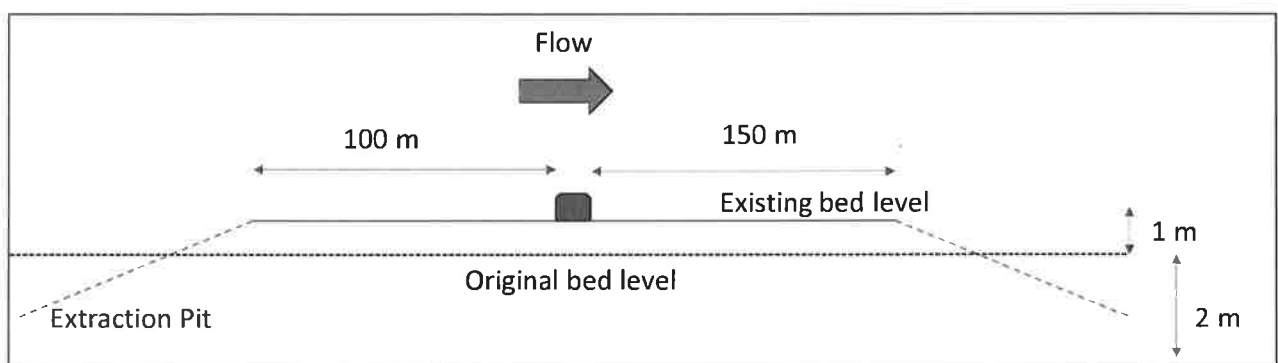
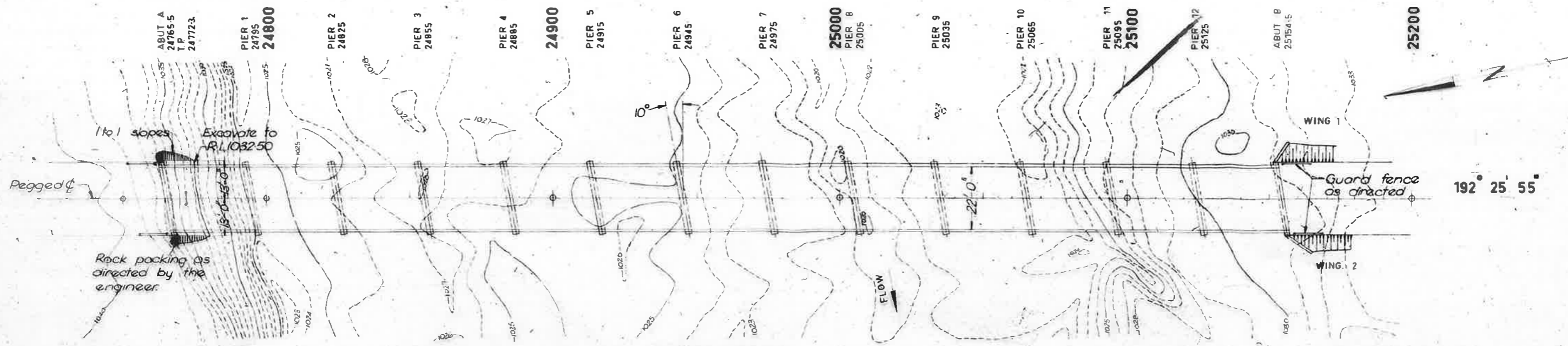


Figure 6 Buffer zone concept and recommended extraction allowance

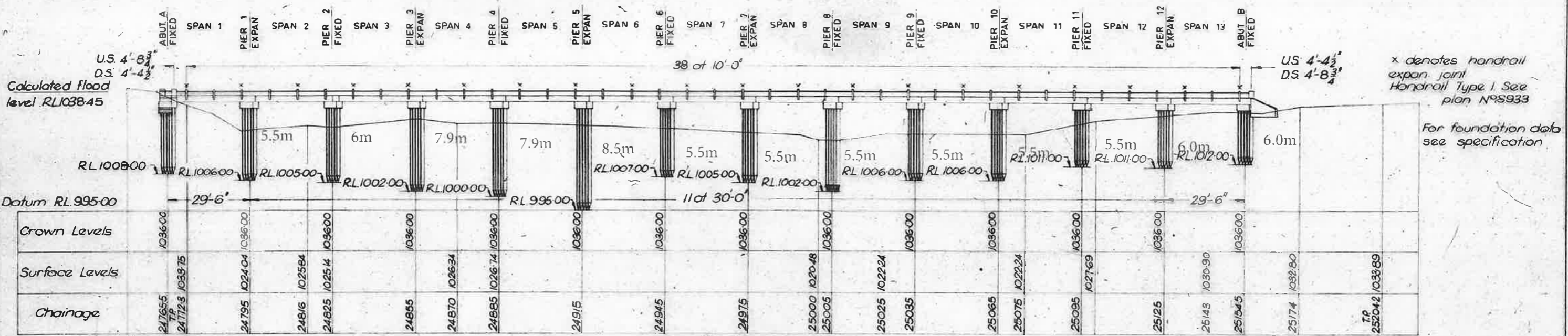
Hydrobiology

Dr Andy Markham (Director)



GENERAL PLAN

W.A. 296.3 Sq. mls



LONGITUDINAL ELEVATION

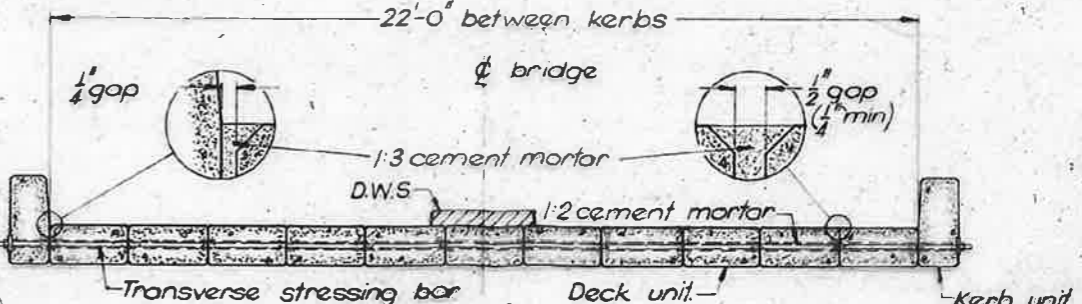
STANDARD PLANS

Deck and kerb units	S893
Handrail Type 1	S938
Brass date plate	S837
Hook and top details	S977
Welding reinforcing steel	S900
Warning signs	899
R.C. piles	S528

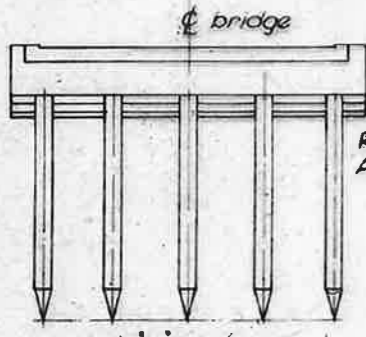
CLASS OF CONCRETE

LOCATION	CLASS	NOM AGG SIZE
Abut. headstocks	B	20mm
End posts	B	20mm
Pier headstocks	B	20mm
Interm. handrail posts	AA	20mm

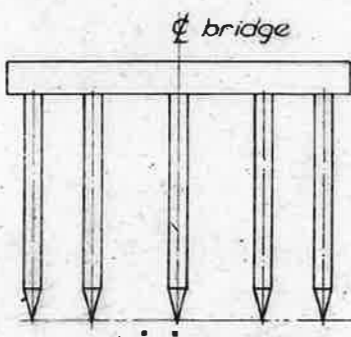
An allowance has been made the schedule for, if ordered:-
 1. Preboring and or jetting at Abut. A
 2. Preboring and shooting at Piers 10 & 11
 At least two Test Piles are to be driven in plan pile positions before remaining piles are ordered. One should be driven at Abut. A and one at Pier 5.



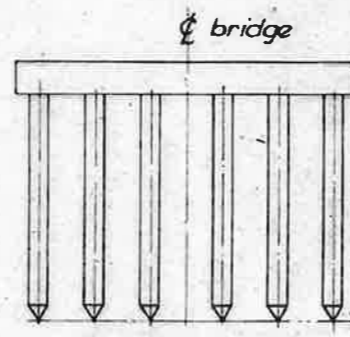
SECTION OF DECK



TYPE ABUTS.
5/16x16" RC PILES
ALTERNATIVE DESIGN
5/16" O.D. HS PILES



TYPE PIERS
5/16x16" RC PILES
PILE DESIGN LOAD 25T



ALTERNATE DESIGN
6/16" O.D. HS PILES
PILE DESIGN LOAD 20T.

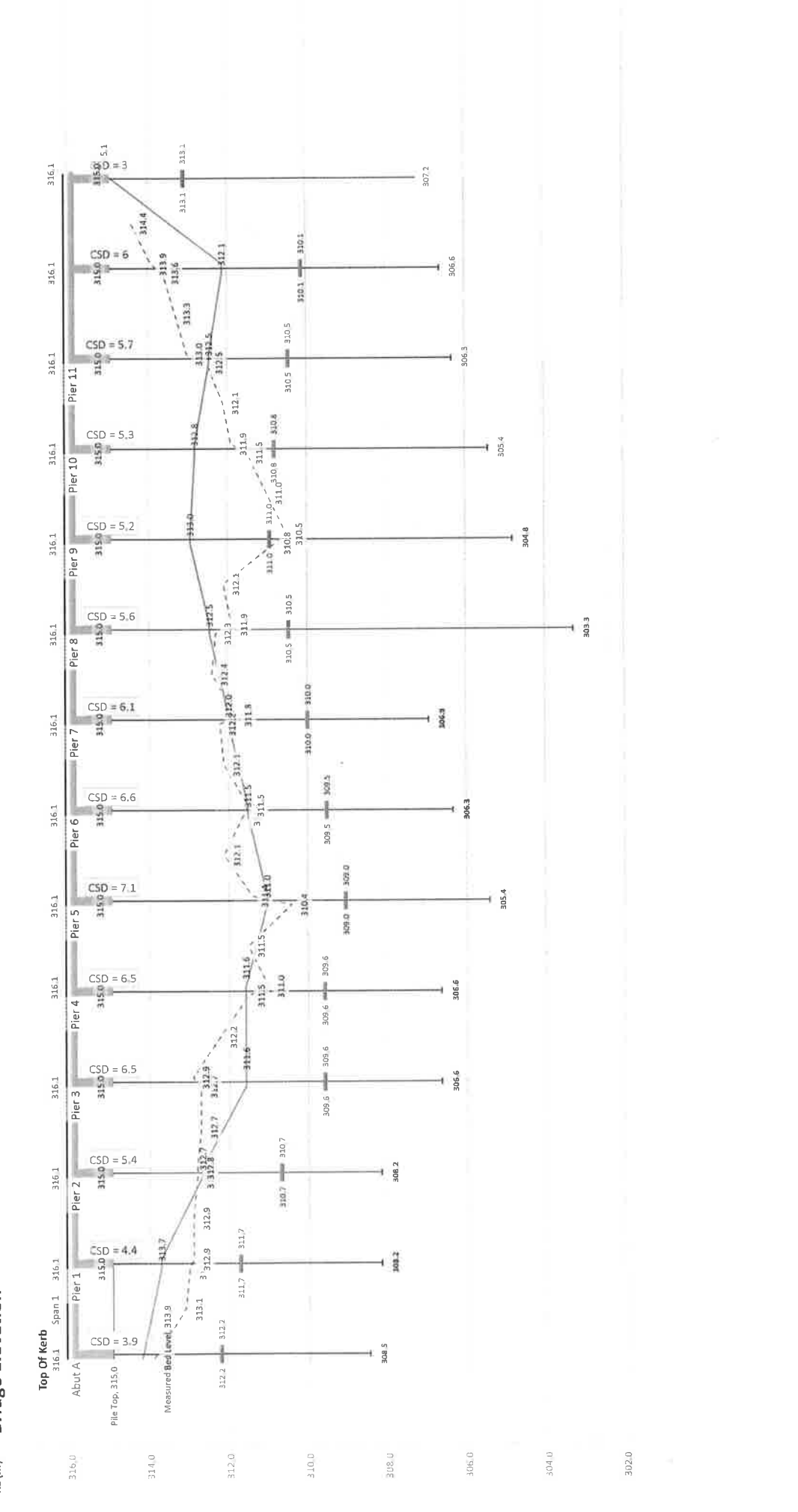
PLOTTED Bell-1/10/65	FIELD BOOK 63-6-41	MAIN ROADS DEPARTMENT		INGLEWOOD SHIRE	
CHECKED N. J. 1/10/65	LEVEL BOOK 63-6-41, 42	STANTHORPE - INGLEWOOD ROAD			
PLAN AMENDED	STATFILED 25 JUN 1967	RECOMMENDED for Robertson BRIDGE ENGINEER	PEGGED CHAINAGE 24960'		
	APPROVED S. Schubert DEP. CHIEF ENGINEER R & P.	DESIGNED S.A.		DRAWN D.F.	
		CHECKED		CHECKED	
		No. 1 OF THE 9 PLANS REFERRED TO IN JOB No.		PLAN No. 94925	

Bridge CSD Viewer

Select Structure ID:	575	Pile is Braced or Sway - Long Direction	Pinned Braced	Top of Pile Level (CL of Headstock) (mRL)	315.0	Pile Ultimate Axial Compression Load P_c (kN)	204
Pile ID (Bridge-Widening-Span-End-Direction)	575035E1D	Pile is Braced or Sway - Lateral Direction	Rigid Sway	Bottom of Pile Level (mRL)	308.2	Pile Ultimate Longitudinal Load H_c (kN)	9
Inspection Date	4/10/2011	Section Size	SR-408RCP	Design Bed Level (mRL)	313.7	Pile Ultimate Lateral Load H_c (kN)	4
Select Side:	D/S	Number of Piles in the Headstock	5	Measured Scoured Bed Level (mRL)	313.3	Assessment Vehicle	GML Semi
Select CSD Source:	Original - 2m	Soil Type	Cohesive	Top of Kerb Level (mRL)	316.1	# Lanes	2
Data Available:	TRUE	Undrained Cohesion C_u Friction Angle	35 30	Pile Length (m)	6.8	Design Velocity, V	2.4
Notes:	(1)	Bank Unit Weight, γ	21 20	CSD - Cohesionless	3.6	Depth of fabric	1.2
	(2)	Design Allowance for Scour	1	CSD - Cohesive	3.7	Allowable Flood Level (mRL)	315.2

RL (m) **Bridge Elevation**

— Kerb Level
 — Bridge Deck
 --- Measured Bed Level
 --- Original Bed Level
 --- CSD Cohesionless
 --- CSD Cohesive



Bridge CSD Viewer

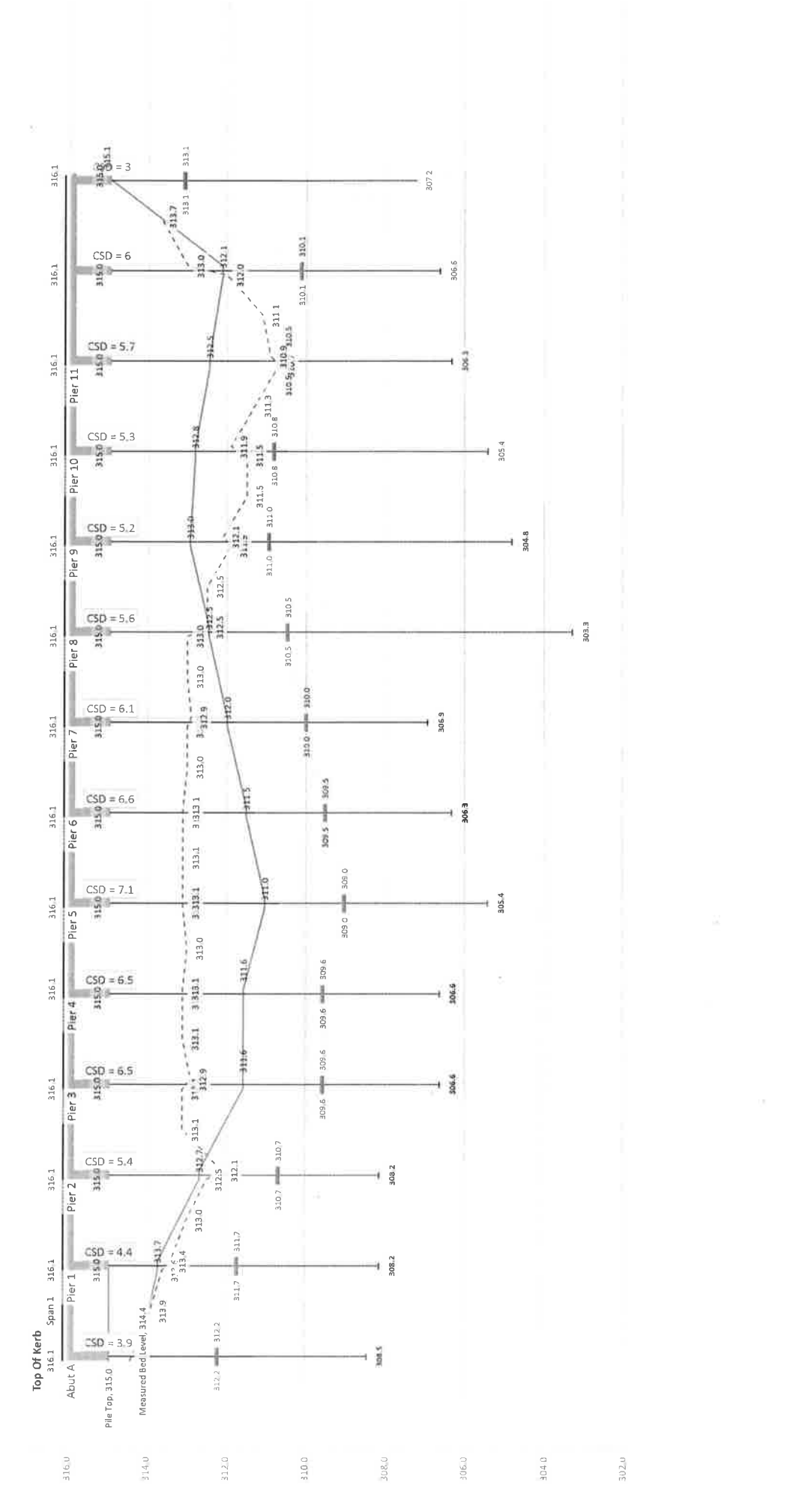
Select Structure ID:	575	Piled Braced	315.0	204
Pile ID (Bridge-Widening-Span-End-Direction):	575052E1D	Rigid Sway	308.2	9
U2 Inspection Date:	18/07/2017	Section Size	508-508-CP-	4
Select Side:	D/S	Number of Piles in the headstock	5	Assessment Vehicle
Data Available:	Original - 2m	Soil Type	Cohesive	GSM Semi
	TRUE	Undrained Cohesion c_u	35 30	# Lanes
		Bulk Unit Weight, γ	21 20	Design Velocity, V
Notes:		Design Allowance for Scour	1	Depth of debris
				Allowable Flood Level (mRL)
				315.2

Top of Pile Level (CL of Headstock) (mRL)	315.0
Bottom of Pile Level (mRL)	308.2
Design Bed Level (mRL)	311.7
Measured Scoured Bed Level (mRL)	313.4
Top of Kerb Level (mRL)	316.1
Pile Length (m)	6.8
CSD - Cohesionless	3.6
CSD - Cohesive	3.7

Pile Ultimate Axial Compression Load N+c (kN)	204
Pile Ultimate Longitudinal Load H+long (kN)	9
Pile Ultimate Lateral Load H+lat (kN)	4
Assessment Vehicle	GSM Semi
# Lanes	2
Design Velocity, V	2.4
Depth of debris	1.2
Allowable Flood Level (mRL)	315.2

RL (m) Bridge Elevation

—— Kerb Level
 - - - - Measured Bed Level
 —— Original Bed Level
 —— CSD Cohesionless
 —— CSD Cohesive



Bridge CSD Viewer

Select Structure ID:	575	Pile is Braced or Sway - Long Direction	Pinned Braced	Top of Pile Level (CL of Headstock) (m/sls)	315.0	Pile Ultimate Axial Compression Load N*c (kN)	204
Pile ID (Bridge-Widening-Span-End-Direction):	375052E1U	Pile is Braced or Sway - Lateral Direction	Rigid Sway	Bottom of Pile Level (m/sls)	308.2	Pile Ultimate Longitudinal Load H* long (kN)	9
Inspection Date:	18/01/2017	Section Size:	SQR-206RCP-	Design Bed Level (m/sls)	313.7	Pile Ultimate Lateral Load H* lat (kN)	4
Select Side:	U/S	Number of Piles in the Headstock:	5	Measured Scoured Bed Level (m/sls)	313.0	Assessment Vehicle	GMC Sprint
Select CSD Source:	Original - 2m	Soil Type:	Cohesive	Top of Kerb Level (m/sls)	316.1	# Lanes	2
Data Available:	TRUE	Undrained Cohesion Cu (kN/m ²):	35	Pile Length (m)	6.8	Design Velocity, V	2.4
Notes:	(1)	Gulk Unit Weight, γ (kN/m ³):	21	CSD - Cohesionless	3.6	Depth of debris	1.2
Flood velocity assumed to be 2m/s	(2)	Design Allowance for Scour:	1	CSD - Cohesive	3.7	Allowable Flood Level (m/sls)	315.2
		Material:	Concrete				

Configuration

Number of Piles in the Headstock:	5
Undrained Cohesion Cu (kN/m ²):	35
Gulk Unit Weight, γ (kN/m ³):	21
Design Allowance for Scour:	1
Material:	Concrete

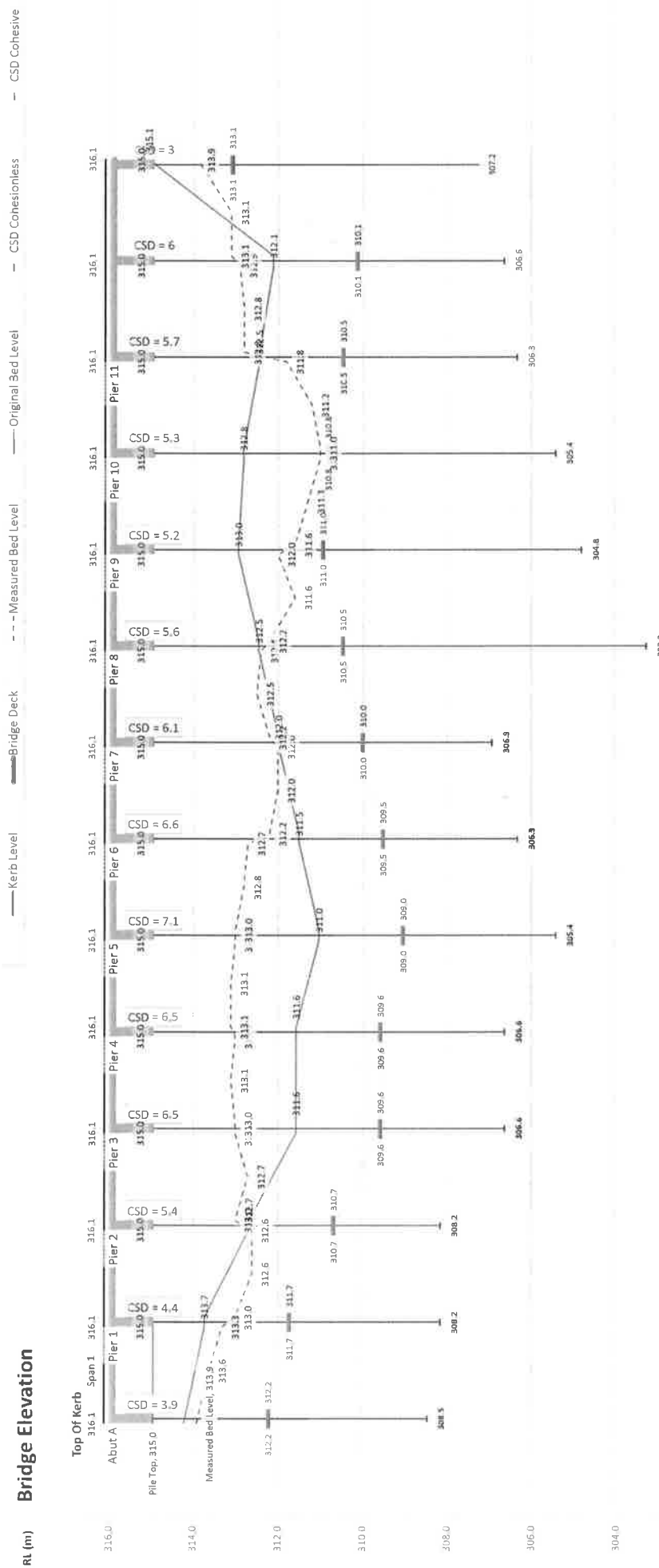
Geometry

Design Bed Level (m/sls)	313.7
Measured Scoured Bed Level (m/sls)	313.0
Top of Kerb Level (m/sls)	316.1
Pile Length (m)	6.8
CSD - Cohesionless	3.6
CSD - Cohesive	3.7

Loads

Pile Ultimate Axial Compression Load N*c (kN)	204
Pile Ultimate Longitudinal Load H* long (kN)	9
Pile Ultimate Lateral Load H* lat (kN)	4
Assessment Vehicle	GMC Sprint
# Lanes	2
Design Velocity, V	2.4
Depth of debris	1.2
Allowable Flood Level (m/sls)	315.2

RL (m) Bridge Elevation



Permit

Environmental Protection Act 1994

Environmental authority EA0002060

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0002060

Environmental authority takes effect on the date the development approval MCU/19/301 takes effect

Environmental authority holder(s)

Name(s)	Registered address
Pearljaney Pty Ltd	Lot 5 Bligh Street MILLMERRAN QLD 4357

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 1: Dredging, in a year, the following quantity of material (a) 1000t to 10,000t	LOT 128 on BNT1468
ERA 16 - Extraction and Screening 1: Dredging, in a year, the following quantity of material (a) 1000t to 10,000t	LOT 1 on BNT1801

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Clancy Mackaway
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 27 November 2019

Enquiries:
Extraction, Energy and Chemical Industries
Assessment
Department of Environment and Science

Phone: 1300 130 372
Email: palm@des.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Agency Interest - General

- G1 Activities under this environmental authority must be conducted in accordance with the following limitations:
- a) The amount of material dredged from the Bracker Creek must not exceed 10,000 tonnes in a year.
 - b) Dredging must only take place within the area bounded:
 - (i) in the green area shown in Appendix A – Site layout plan and extraction area; and
 - (ii) by the GPS set out points identified in Appendix B – Resource Coordinates.
 - c) Stockpiling of material must only take place within Lot 1 on BNT1801
 - d) Dredging must not occur when the area in green shown in Appendix A – Site layout plan and extraction area (and by the GPS set out points identified in Appendix B – Resource Coordinates) is inundated with water.
- G2 All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
- G3 Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
- G4 Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
- G5 Environmental monitoring results must be kept until surrender of this environmental authority. All other information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and records required by the conditions of this environmental authority must be provided to the administering authority, or nominated delegate upon request, within the required timeframe and in the specified format.
- G6 An appropriately qualified person must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
- G7 All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.
- G8 When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance

arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.

- G9 The activity must be undertaken in accordance with written procedures that:
- a) identify potential risks to the environment from the activity during routine operations, closure and an emergency;
 - b) establish and maintain control measures that minimise the potential for environmental harm;
 - c) ensure plant, equipment and measures are maintained in a proper and effective condition;
 - d) ensure plant, equipment and measures are operated in a proper and effective manner;
 - e) ensure that staff are trained and aware of their obligations under *the Environmental Protection Act 1994*; and
 - f) ensure that reviews of environmental performance are undertaken at least annually.
- G10 Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system.
- G11 Chemical storages must not be located in areas where flooding occurs during events with an Average Exceedance Probability of greater than 5%.
- G12 All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.

Agency Interest - Air

- A1 Other than as permitted within this environmental authority, odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.
- A2 Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place 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 (or more recent editions); or
 - b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.

Agency Interest - Land

- L1 Contaminants are not permitted to be released to land.
- L2 Prior to inundation of the extraction area highlighted in Green in Appendix A Site layout plan and extraction area:
- a) all plant and equipment must be removed from the bed and banks of the river; and
 - b) all stockpiled material must be removed from the bed and banks of the river.
- L3 Treatment and management of acid sulfate soils must comply with the guidance provided in the current edition of the Queensland Acid Sulfate Soil Technical Manual.
- L4 Land that has been disturbed by activities conducted under this environmental authority must be rehabilitated in a manner such that:
1. suitable native species of vegetation for the location are established and sustained for earthen surfaces;
 2. potential for erosion is minimised;
 3. the quality of water released from the site, including seepage, does not cause environmental harm;
 4. potential for nuisance caused by dust is minimised;
 5. the water quality of any residual water body does not have the potential to cause environmental harm;
 6. the final landform (including any water bodies) is stable and protects public safety.
- L5 Rehabilitation of disturbed areas required under condition L4, must take place progressively as works are staged and new extraction areas are commenced.

Agency Interest - Noise

- N1 Other than as permitted within this environmental authority, noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.
- N2 Noise from the activity must not exceed the levels identified in Table 1 - Noise limits when measured in accordance with the associated monitoring requirements.

Table 1 - Noise limits

Noise Level Measured in dB(A)	Monday to Saturday		Sundays and Public Holidays
	7 am – 6 pm	6pm – 7am	
	Noise measured at any sensitive place		
L _{Aeq, adj T}	42 dB(A)	No audible noise	No audible noise

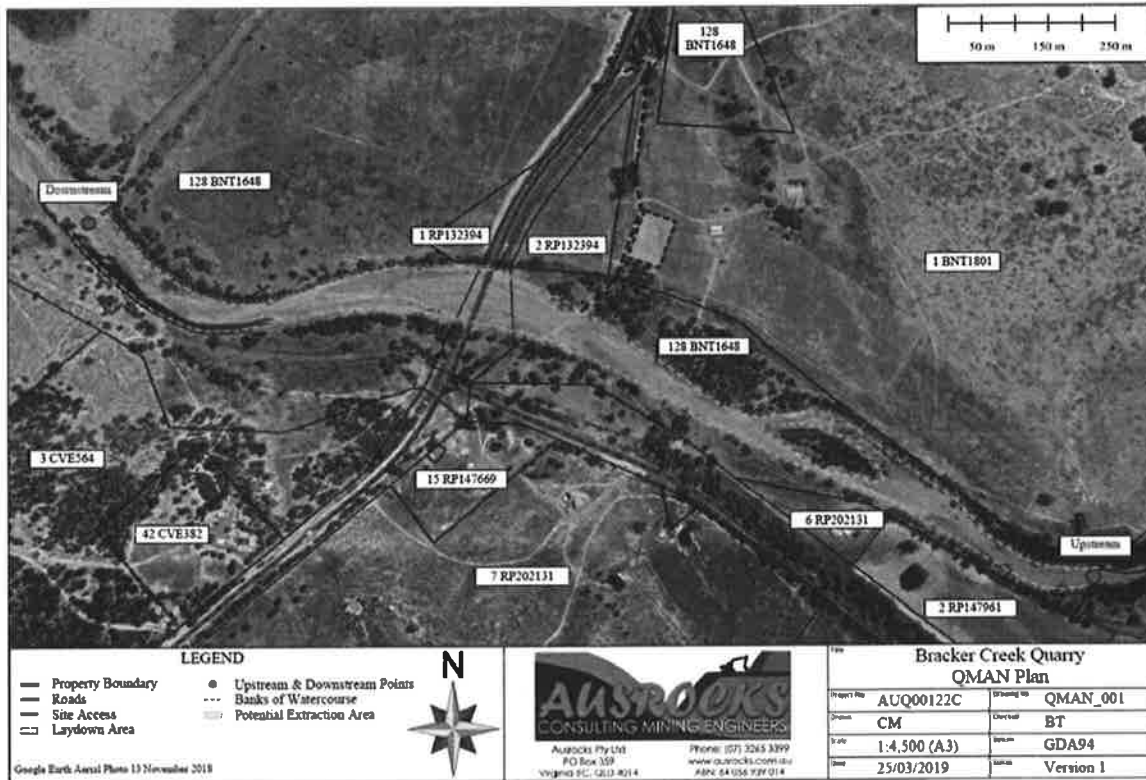
Associated monitoring requirements

1. All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual.
 2. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.
 3. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.
- N3 When required by the administering authority, noise monitoring must be undertaken in accordance with the associated monitoring requirements of Table 1 - Noise Limits, and the results notified within 14 days to the administering authority. Monitoring must include:
- a) $LA_{eq, adj, T}$
 - b) Background noise (Background) as $LA_{90, adj, T}$
 - c) $LA_{Max, T}$
 - d) the level and frequency of occurrence of any impulsive or tonal noise
 - e) atmospheric conditions including wind speed and direction
 - f) effects due to extraneous factors such as traffic noise recording of location, date and time of measurements.
- N4 Blasting or the generation of substantial low frequency noise is not permitted.

Agency Interest - Water

- W1 Contaminants must not be released to waters.
- W2 Stormwater that is not contaminated by the activity must be diverted away from areas where it may become contaminated by the activity. Stormwater that is contaminated by the activity must be directed to a treatment system.
- W3 Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- W4 All machinery and ancillary equipment for the activity must be stored on the landward side of the high banks of any surface waters.

Appendix A. Site layout plan and extraction area



Appendix B. Resource Coordinates

Extraction is only allowed to be undertaken within the bed and banks defined by the following parameters:

Downstream Limit: Lat: -28° 27' 42.00" Long: 151° 15' 12.00" (Upstream and downstream of Stanthorpe-Inglewood Road Bridge)

Upstream Limit: Lat: -28° 28' 0.00" Long: 151° 16' 7.00" (Upstream and downstream of Stanthorpe-Inglewood Road Bridge)

Datum: GDA94

Definitions

Key terms and/or phrases in this environmental authority are defined in this section. Where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Science or its successor or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Background means the arithmetic average ($L_{Aeq, T}$) of A-weighted sound pressure level readings measured in the absence of the noise caused by the activity during a representative time period of not less than 15 minutes, using Fast response.

Blasting is the use of explosives to fracture:

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

Contaminant(s) means as defined in Section 11 of the *Environmental Protection Act 1994*.

Commercial place means 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.

Disturbed areas includes areas:

- that are susceptible to erosion;
- that are contaminated by the activity; and/or
- upon which stockpiles of soil or other materials are located.

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Environmental value –

- a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

Groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

$L_{Aeq, adj, T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the **activity** is causing a steady state noise, and no shorter than one hour when the approved **activity** is causing an intermittent noise.

$L_{Aeq, adj, T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the **activity** is causing a steady state noise, and no shorter than one hour when the approved **activity** is causing an intermittent noise.

$Max_{LpA, T}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

Land means any land, whether above or below the ordinary high-water mark at spring tides (i.e. includes **tidal land**).

Measures has the broadest interpretation and includes:

- Procedural measures such as standard operating procedures for dredging operations, environmental risk assessment, management actions, departmental direction and competency expectations under relevant guidelines
- Physical measures such as plant, equipment, physical objects (such as bunding, containment systems etc.), ecosystem monitoring and bathymetric surveys.

NATA means National Association of Testing Authorities.

Nominated delegate means another government agency that provides services to the **administering authority**.

Noxious means harmful or injurious to health or physical well-being.

Offensive means causing offence or displeasure; is unreasonably disagreeable to the senses; disgusting, nauseous or repulsive.

Prescribed water contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed
- allow the contaminant to escape
- fail to prevent the contaminant from escaping.

Release of a contaminant into the environment means to:

- deposit, discharge, emit or disturb the contaminant.
- cause or allow the contaminant to be deposited, discharged, emitted or disturbed.
- fail to prevent the contaminant from being deposited, discharged emitted or disturbed.
- allow the contaminant to escape.
- fail to prevent the contaminant from escaping.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- 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

Environmental authority

- 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 park or garden; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Stormwater that is not contaminated by the activity includes stormwater runoff from external or undisturbed catchments.

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurement, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a sensitive place exceeding 55 dB(Z).

Vibration is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

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.

You means the holder of the environmental authority.

End of Environmental Authority



Attachment 2 – Approved Plans



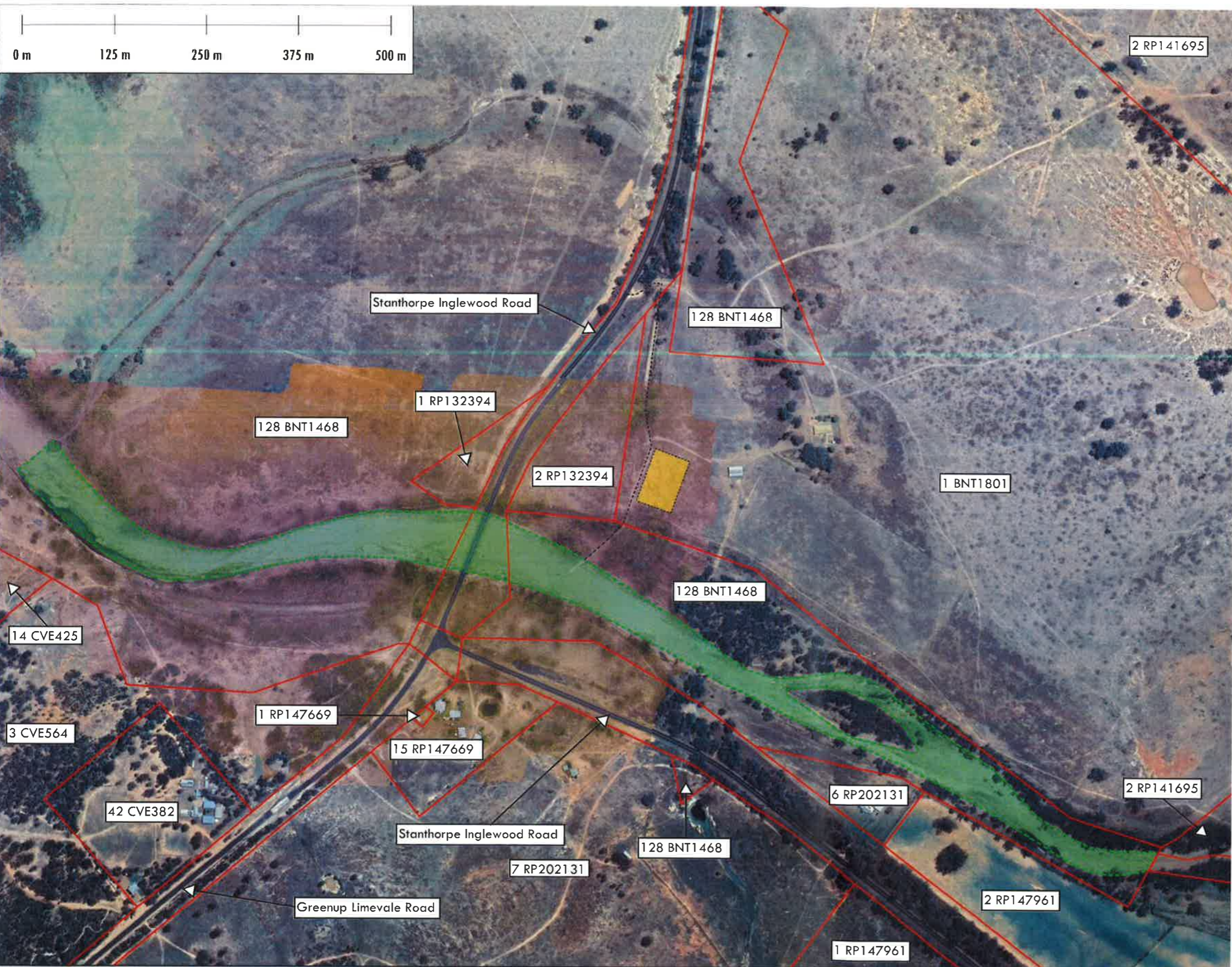


GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 19/301
 Dated: 20 December 2019
 Signed: *R.M.M.*
 Print Name: Mrs Rennie McMahon
 (Under Delegation) ASSESSMENT MANAGER



Ausrocks Pty Ltd
 PO Box 359
 Virginia BC, QLD 4014
 Phone: (07) 3265 3399
 www.ausrocks.com.au
 ABN: 64 056 939 014

Title		Bracker Creek Overall Site Plan	
Project No	AUQ00122C	Drawing No	BC_OSP_001
Drawn	BT	Checked	CM
Scale	N/A	Datum	N/A
Date	29/05/19	Status	FINAL



Idx	X	Y	Idx	X	Y
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- LEGEND**
- Proposed Extraction Area
 - Proposed Stockpile Area
 - Cadastral Boundary
 - Site Access Track

GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice

Council Reference: 19/2019

Dated: 20 December 2019

Signed: *[Signature]*

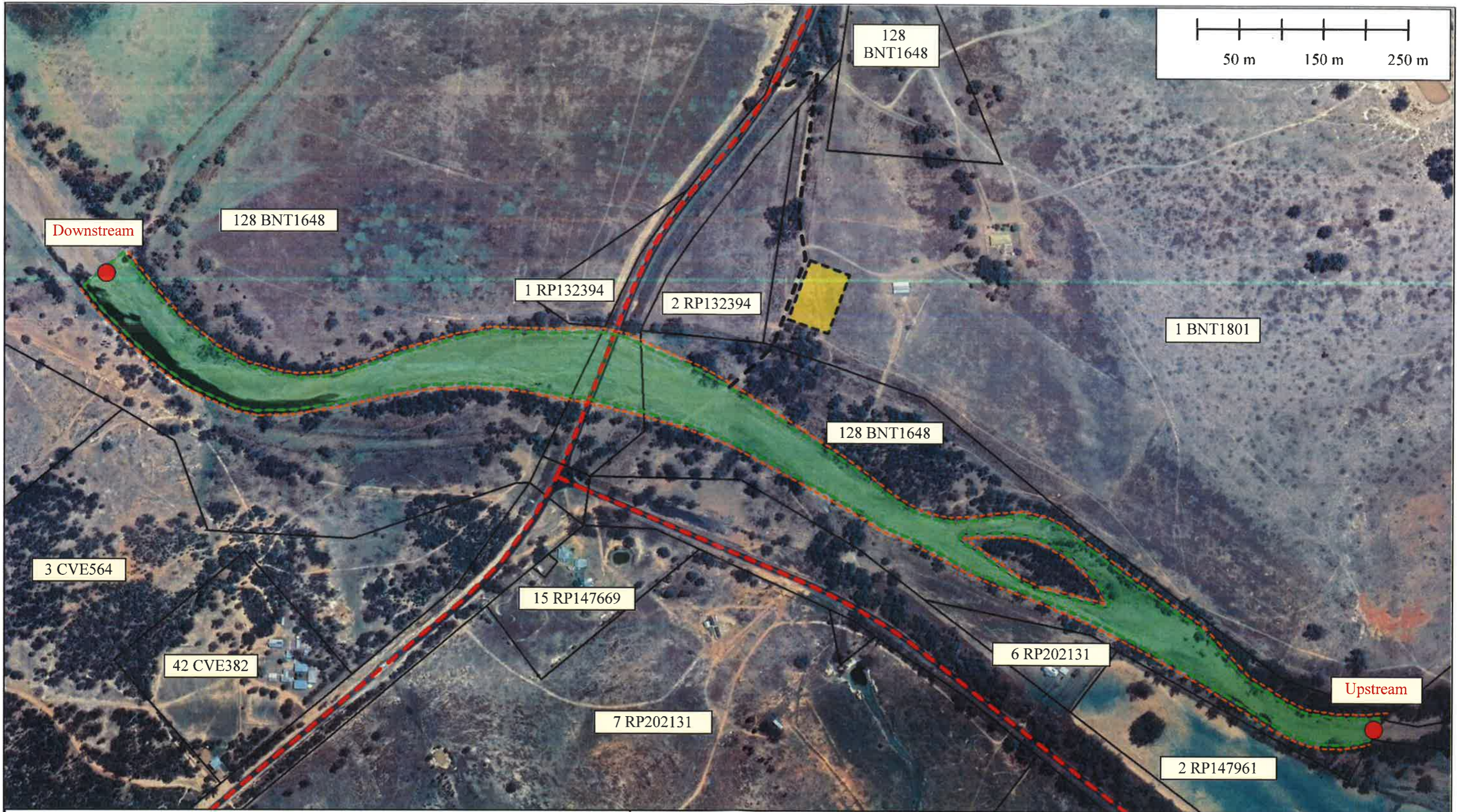
Print Name: Mrs Renne McMahon
 (Under Delegation) ASSESSMENT MANAGER



Ausrocks Pty Ltd
 PO Box 359
 Virginia BC, QLD 4014

Phone: (07) 3265 3399
 www.ausrocks.com.au
 ABN: 64 056 939 014

Title		Bracker Creek Proposed Extraction Area Plan	
Project No	AUQ00122C	Drawing No	PEAP_001
Drawn	NV	Checked	CM
Scale	1:5500	Datum	GDA94
Date	17/04/19	Status	FINAL



LEGEND

- Property Boundary
- Roads
- Site Access
- ▨ Laydown Area

- Upstream & Downstream Points
- - - Banks of Watercourse
- ▨ Potential Extraction Area

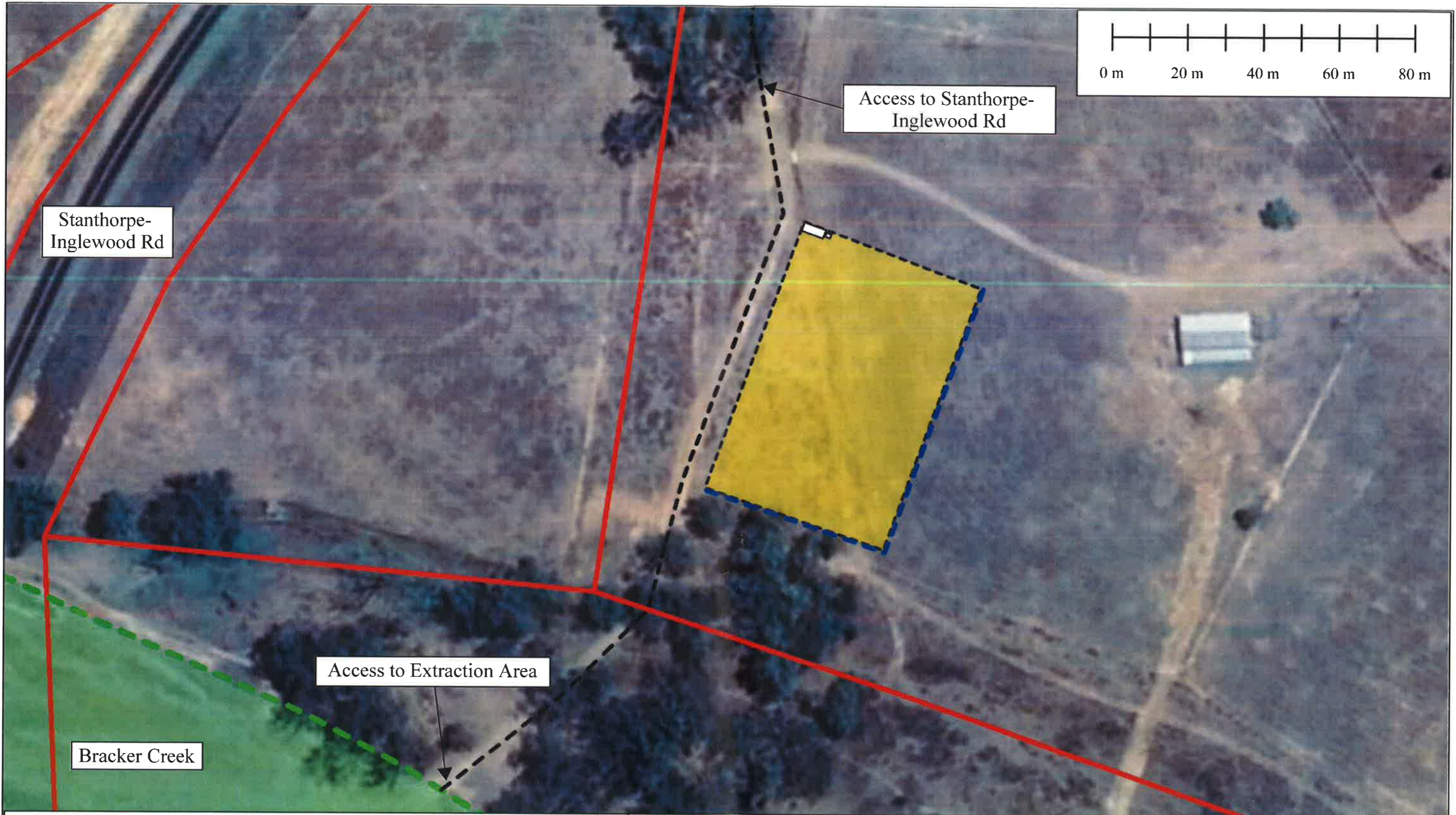


GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 19/305
 Dated: 20 December 2019
 Signed: *[Signature]*
 Print Name: Mrs Rennie Ugalahan
 (Under Delegation) ASSESSMENT MANAGER



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Title		Bracker Creek Quarry QMAN Plan	
Project No	AUQ00122C	Drawing No	QMAN_001
Drawn	CM	Checked	BT
Scale	1:4,500 (A3)	Datum	GDA94
Date	25/03/2019	Status	Version 1



LEGEND

- Property Boundary
- - - Site Access
- Laydown Area
- Potential Extraction Area

- Sediment Control
- Office & Porta-loo

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 19/301

Dated: 20 December 2019

Signed: *R.M.M.*

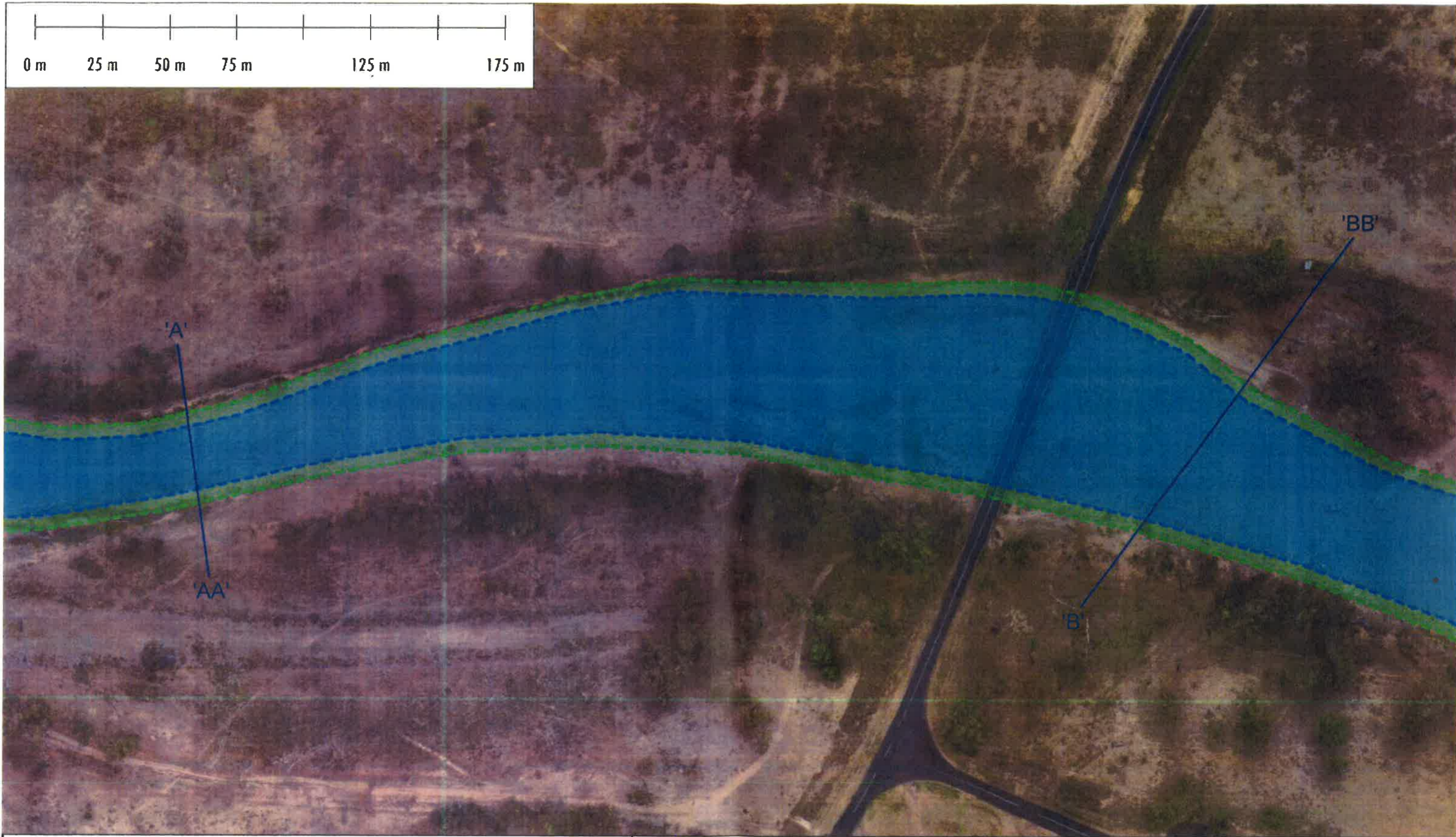
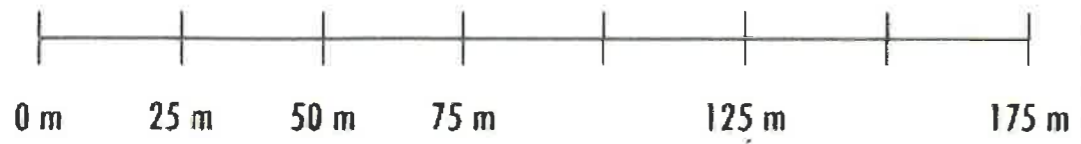
Print Name: Mrs. Bernie McLaughlin...
(Under Delegation) ASSESSMENT MANAGER



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Virginia BC, QLD 4014

Phone: (07) 3265 3399
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ABN: 64 056 939 014

Title		Bracker Creek Quarry Site Layout Plan - Detailed	
Project No	AUQ00122C	Drawing No	SLP_001
Drawn	CM	Checked	BT
Scale	1:1,000 (A3)	Datum	GDA94
Date	23/04/2019	Status	Version 1



GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 19/30E
 Dated: 20 December 2019
 Signed: *R.M.M.*
 Print Name: Mrs. Renne McMillan
 (Under Delegation) ASSESSMENT MANAGER



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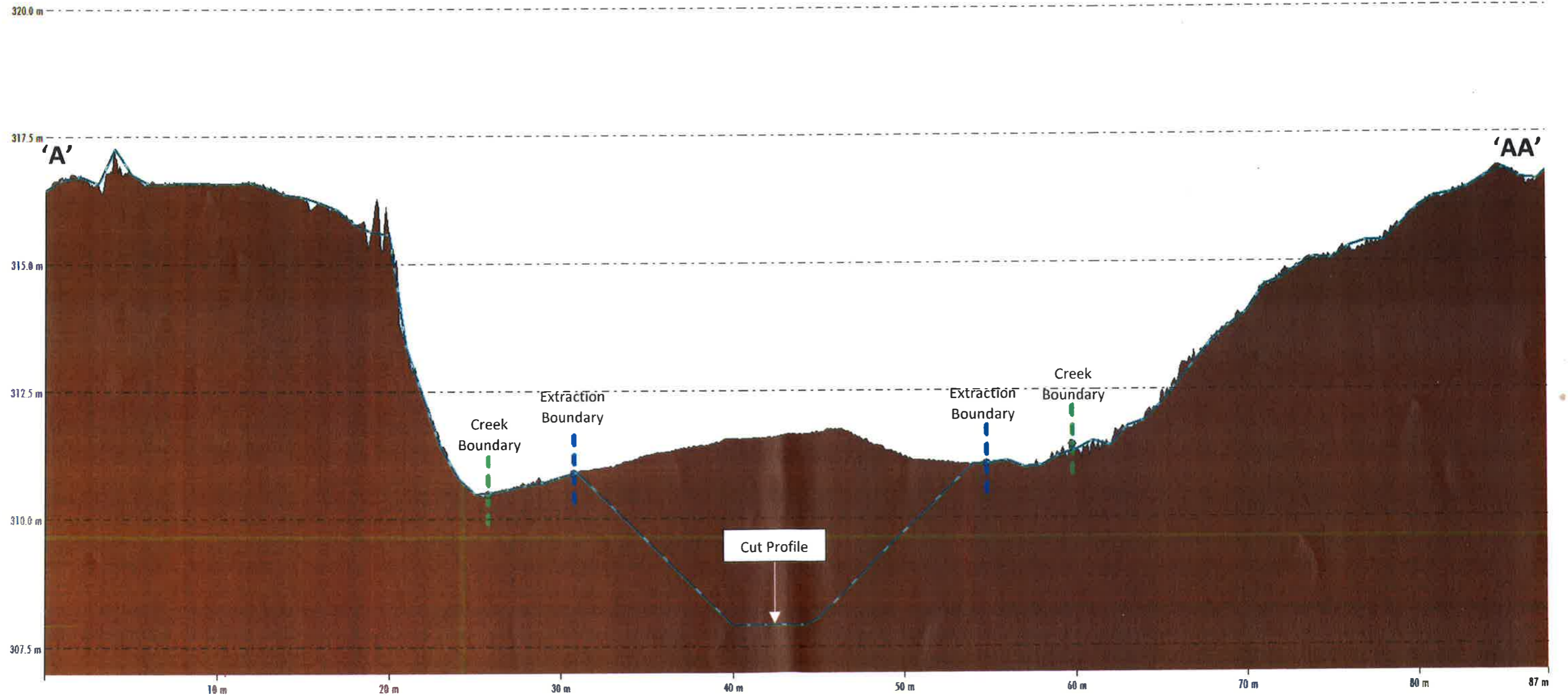
Title Bracker Creek Cross Section and Cut Profile	
Project No AUG00122C	Drawing No BC_CSCP_001
Drawn NV	Checked CM
Scale 1:1900	Datum GDA94
Date 05/06/2019	Status FINAL

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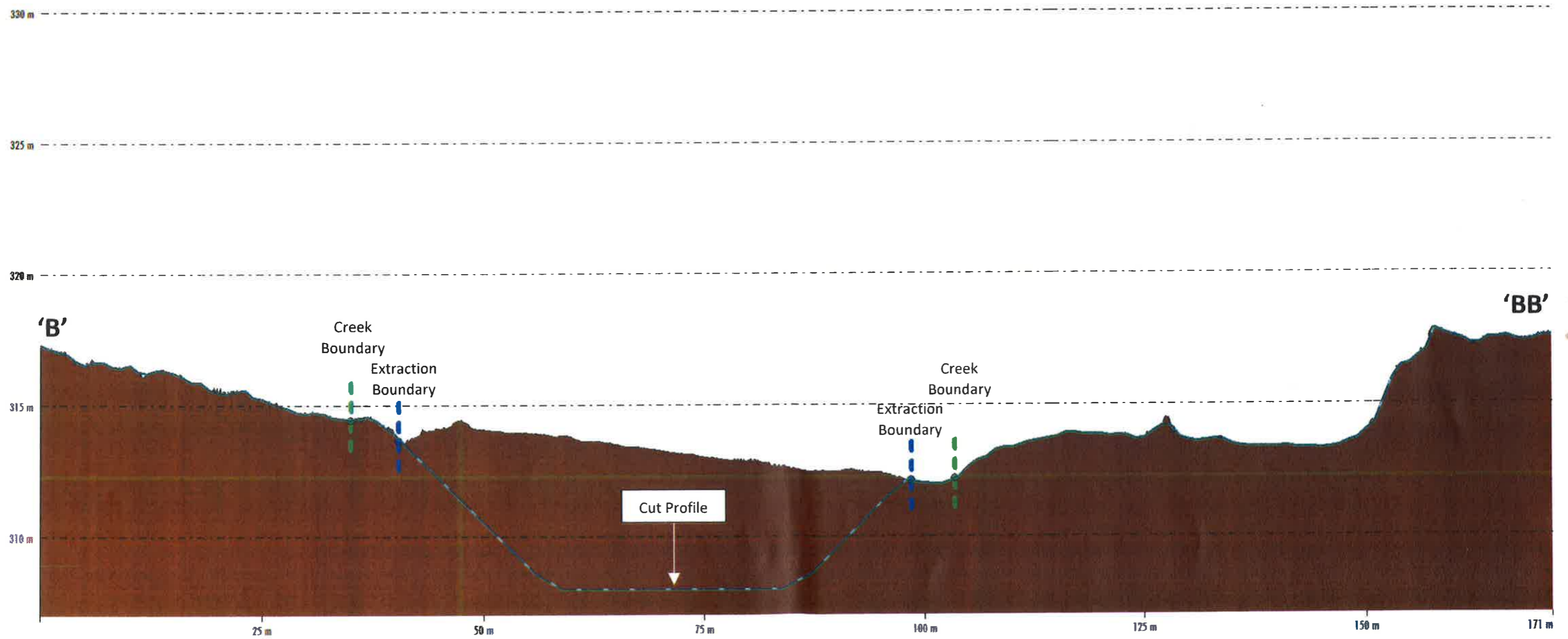
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 19/301
Dated: 30 December 2019
Signed: *RM McMillan*
Print Name: Mrs Penne McMillan
(Under Delegation) ASSESSMENT MANAGER

CROSS SECTION B

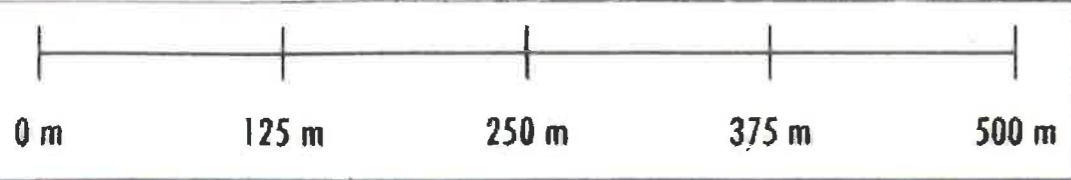
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GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 19/30-F
Dated: 20 December 2019
Signed: *R.M.M.*
Print Name: Mrs Rennie McMillion
(Under Delegation) ASSESSMENT MANAGER



GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 19/30I
 Dated: 20 December 2019
 Signed: *RMM*
 Print Name: Mrs Rennie McMahon
 (Under Delegation) ASSESSMENT MANAGER



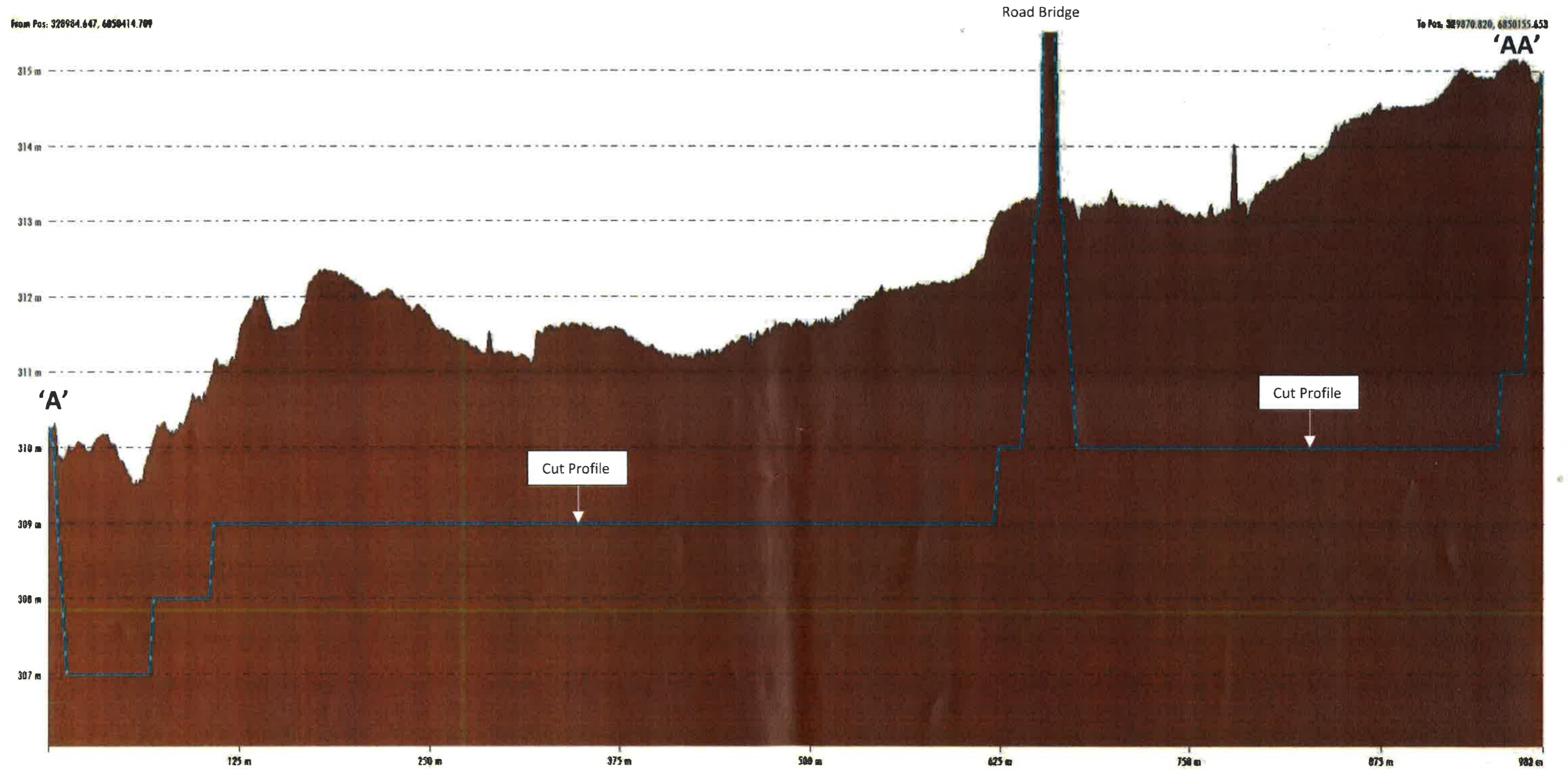
AUSROCKS
 CONSULTING MINING ENGINEERS

Ausrocks Pty Ltd
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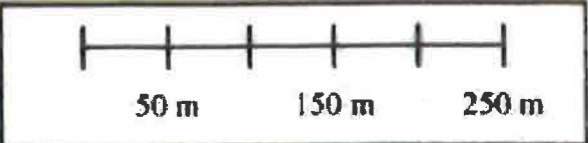
Title		Bracker Creek Long Section	
Project No	AUQ00122C	Drawing No	BC_LS_001
Drawn	NV	Checked	CM
Scale	1:5500	Datum	GDA94
Date	06/06/2019	Status	FINAL

LONG SECTION



Elevation to Distance scale 1:50

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 19/301
Dated: 20 December 2019
Signed: *R M M*
Print Name: Mrs Rennie McMahon
(Under Delegation) ASSESSMENT MANAGER



- Extraction Area (outline)
- Property Boundaries
- Stage 1a Excavation
- Stage 1b Excavation
- Stage 2 Excavation
- Stage 3 Excavation
- Stage 4 Excavation
- Stage 5 Excavation
- Stage 6 Excavation
- Stage 7 Excavation
- Stage 8 Excavation
- Stage 9 Excavation
- Banks of Watercourse
- State Controlled Roads

GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 19/30.I
 Dated: 20 December 2019
 Signed: *R/M M*
 Print Name: Mrs Rennie McMahon
 (Under Delegation) ASSESSMENT MANAGER



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 ABN: 64 056 939 014

Title			
Bracker Creek Quarry Excavation Plan			
Project No	AUQ00122C	Drawing No	BC_EP_001
Drawn	CM	Checked	BT
Scale	1:4,500 (A3)	Datum	GDA94
Date	22/07/2019	Status	Version 1



Attachment 3 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

The following information is provided in accordance with section 63 (5) of the Planning Act 2016 and must be published on the assessment managers website.

The development application for "Industry activities" - "Extractive industry" (Removal of quarry material from a watercourse – less than 10,000t per annum, and ERA16(a)(a) dredging material 1,000 to 10,000t per annum)

19/301

Bracker Creek and 4712 Stanthorpe-Inglewood Road, Coolmunda

Lot 128 on BNT1468 and Lot 1 on BNT1801

On 20 December 2019, the above development application was:

- approved in full or
 approved in part for _____ or
 approved in full with conditions or
 approved in part for _____, with conditions or
 refused.

1. Reasons for the decision

The reasons for this decision are:

- *Having regard to the relevant criteria in the Strategic Framework, the Rural Zone Code and Code Purpose, the Transport and Infrastructure Code and Code Purpose, the Extractive Industry Code and Code Purpose, the Bushfire Hazard Overlay Code, the Natural Resources Overlay Code, the Biodiversity Overlay Code, the Flood Hazard Overlay Code and the Infrastructure Overlay Code of the Goondiwindi Region Planning Scheme 2018, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.*

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Rural Zone Code	Goondiwindi Region Planning Scheme 2018: AO1, AO2, PO4, PO5
Rural Zone Code Purpose	Goondiwindi Region Planning Scheme 2018: Outcome 1, Outcome 2
Transport and Infrastructure Code	Goondiwindi Region Planning Scheme 2018: AO1, AO2, AO3.2, AO4.2, AO5.1, AO5.2, AO6, AO7, AO8, AO9, AO10, AO12.1, AO12.2, AO13, PO15
Transport and Infrastructure Code Purpose	Goondiwindi Region Planning Scheme 2018: Outcome 1, Outcome 2
Extractive Industry Code	Goondiwindi Region Planning Scheme 2018: AO1.1, AO1.2, AO1.3, AO1.4, PO2, AO3.1, AO3.2, AO3.3, PO4, AO5, PO6, AO7.1, AO7.2, PO8, PO9

Benchmarks applying for the development	Benchmark reference
Extractive Industry Code Purpose	<i>Goondiwindi Region Planning Scheme 2018:</i> Outcome 1, Outcome 2
Bushfire Hazard Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> AO1.1, AO5, AO6.1, AO6.2, PO7, AO8
Natural Resources Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> PO5, PO8, PO9
Biodiversity Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> PO1, PO2, PO3
Flood Hazard Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> AO1.1, AO1.4, PO2, AO4
Infrastructure Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> AO5.1, AO5.2
Strategic Framework	<i>Goondiwindi Region Planning Scheme 2018:</i> Element 1, Element 2, Element 3, Element 4, Element 5, Element 6, Element 7

3. Compliance with benchmarks

Not applicable, as the proposed development complied with all applicable benchmarks.

4. Relevant matters for impact assessable development

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
Rural Zone Code Purpose of the <i>Goondiwindi Region Planning Scheme 2018</i>	Section 6.2.9.2 – Outcomes 1 and 2	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Transport and Infrastructure Code Purpose of the <i>Goondiwindi Region Planning Scheme 2018</i>	Section 9.4.4.2 – Outcomes 1 and 2	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Extractive Industry Code Purpose of the <i>Goondiwindi Region Planning Scheme 2018</i>	Section 9.3.2.2 – Outcomes 1 and 2	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Strategic Framework of the <i>Goondiwindi Region Planning Scheme 2018</i>	Part 3 – Elements 1 - 7	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to

5. Matters raised in submissions for impact assessable development

The application was publically notified, however there were no submissions received.

6. Matters prescribed by Regulation

Not applicable for this proposed development.



Attachment 4 – *Planning Act 2016* Extracts



**EXTRACT FROM *PLANNING ACT 2016*
RELATING TO APPEAL RIGHTS**

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

(i) who may appeal a matter (the **appellant**); and

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

(a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) for an appeal against a deemed refusal— at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the

deemed approval notice to the assessment manager; or

(f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

(a) the respondent for the appeal; and

(b) each co-respondent for the appeal; and

(c) for an appeal about a development application under schedule 1, table 1, item 1—each

principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the appointer) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and

(ii) to apply the principles of natural justice;
and

(iii) to analyse complex technical issues;
and

(iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

(2) The appointer may—

(a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice;
and

(b) reappoint a referee, by notice, for further terms of not more than 3 years.

(3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.

(4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.

(5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.

(6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.

(7) In this section—

appointment notice means—

(a) if the Minister gives the notice—a gazette notice; or

(b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

234 Referee with conflict of interest

(1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—

(a) the tribunal is to hear a matter about premises—

(i) the referee owns; or

(ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or

(iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or

(iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;

(b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.

(2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.

(3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.

(4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

235 Establishing development tribunal

(1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.

(2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.

(3) The chief executive must appoint a referee as the chairperson for each tribunal.

(4) A regulation may specify the qualifications or experience required for particular proceedings.

(5) After a tribunal is established, the tribunal's membership must not be changed.

236 Remuneration

A tribunal member must be paid the remuneration the Governor in Council decides.

237 Tribunal proceedings

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.
- (2) A tribunal must make its decisions in a timely way.
- (3) A tribunal may—
 - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and
 - (b) sit at the times and places the tribunal decides; and
 - (c) hear an appeal and application for a declaration together; and
 - (d) hear 2 or more appeals or applications for a declaration together.
- (4) A regulation may provide for—
 - (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or
 - (b) the required fee for tribunal proceedings.

238 Registrar and other officers

- (1) The chief executive may, by gazette notice, appoint—
 - (a) a registrar; and
 - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.
- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.

Division 2 Applications for declarations

239 Starting proceedings for declarations

- (1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
- (2) The application must be accompanied by the required fee.

240 Application for declaration about making of development application

- (1) The following persons may start proceedings for a declaration about whether a development application is properly made—
 - (a) the applicant;
 - (b) the assessment manager.
- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.
- (3) The proceedings must be started by—
 - (a) the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or
 - (b) the assessment manager within 10 business days after receiving the development application.
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (5) In this section—

respondent means—

- (a) if the applicant started the proceedings—the assessment manager; or
- (b) if the assessment manager started the proceedings—the applicant.

241 Application for declaration about change to development approval

- (1) This section applies to a change application for a development approval if—
 - (a) the approval is for a material change of use of premises that involves the use of a classified building; and
 - (b) the responsible entity for the change application is not the P&E Court.
- (2) The applicant, or responsible entity, for the change application may start proceedings for a

declaration about whether the proposed change to the approval is a minor change.

(3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.

(4) In this section—

respondent means—

(a) if the applicant started the proceedings—the responsible entity; or

(b) if the responsible entity started the proceedings—the applicant.

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

(a) establish a tribunal for the proceedings; and

(b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and

(c) give notice of the establishment of the tribunal to each party to the proceedings.

243 Chief executive excusing noncompliance

(1) This section applies if—

(a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and

(b) the document does not comply with any requirement under this Act for validly starting the proceedings.

(2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).

(3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect,

because of the noncompliance, to the person who filed the document.

(4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.

(5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

244 Ending tribunal proceedings or establishing new tribunal

(1) The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.

Examples of when it is not reasonably practicable to establish a tribunal—

- there are no qualified referees or insufficient qualified referees because of a conflict of interest

- the referees who are available will not be able to decide the proceedings in a timely way

(2) If the chief executive considers a tribunal established for tribunal proceedings—

(a) does not have the expertise to hear or decide the proceedings; or

(b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example); the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.

(3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.

(4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.

(5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief

executive gives the decision notice to the party who started the proceedings.

- (6) The decision notice must state the effect of subsection (5).

245 Refunding fees

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
- (b) to end the proceedings.

246 Further material for tribunal proceedings

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

Examples of information that the registrar may require—

- material about the proceedings (plans, for example)
- information to help the chief executive decide whether to excuse noncompliance under section 243
- for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.

- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

247 Representation of Minister if State interest involved

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

- (a) in person; or
- (b) by an agent who is not a lawyer.

249 Conduct of tribunal proceedings

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.

- (2) The tribunal may decide the proceedings on submissions if the parties agree.

- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.

- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.

- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—

(a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or

(b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.

- (6) When hearing proceedings, the tribunal—

(a) need not proceed in a formal way; and

(b) is not bound by the rules of evidence; and

(c) may inform itself in the way it considers appropriate; and

(d) may seek the views of any person; and

(e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and

(f) may prohibit or regulate questioning in the hearing.

- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

250 Tribunal directions or orders

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

Examples of directions—

- a direction to an applicant about how to make their development application comply with this Act
- a direction to an assessment manager to assess a development application, even though the referral agency's response to the assessment manager was to refuse the application

251 Matters tribunal may consider

- (1) This section applies to tribunal proceedings about—
 - (a) a development application or change application; or
 - (b) an application or request (however called) under the Building Act or the Plumbing and Drainage Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
 - (a) the application or request was properly made; or
 - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.

252 Deciding no jurisdiction for tribunal proceedings

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
 - (a) on the tribunal's initiative; or
 - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.

- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

253 Conduct of appeals

- (1) This section applies to an appeal to a tribunal.
- (2) Generally, the appellant must establish the appeal should be upheld.
- (3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.
- (4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.
- (5) However, the tribunal may, but need not, consider—
 - (a) other evidence presented by a party to the appeal with leave of the tribunal; or
 - (b) any information provided under section 246.

254 Deciding appeals to tribunal

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
 - (a) confirming the decision; or
 - (b) changing the decision; or
 - (c) replacing the decision with another decision; or
 - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
 - (e) for a deemed refusal of an application—
 - (i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or
 - (ii) deciding the application.

(3) However, the tribunal must not make a change, other than a minor change, to a development application.

(4) The tribunal's decision takes the place of the decision appealed against.

(5) The tribunal's decision starts to have effect—

(a) if a party does not appeal the decision—at the end of the appeal period for the decision; or

(b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

255 Notice of tribunal's decision

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

258 Tribunal may extend period to take action

(1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.

(2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

259 Publication of tribunal decisions

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

(1) Table 1 states the matters that may be appealed to—

(a) the P&E court; or

(b) a tribunal.

(2) However, table 1 applies to a tribunal only if the matter involves—

(a) the refusal, or deemed refusal of a development application, for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(b) a provision of a development approval for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(c) if a development permit was applied for—the decision to give a preliminary approval for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(d) a development condition if—

(i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

(ii) the building is, or is proposed to be, not more than 3 storeys; and

(iii) the proposed development is for not more than 60 sole-occupancy units; or

(e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or

(f) a decision for, or a deemed refusal of, a change

application for a development approval that is only for a material change of use of a classified building; or

(g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or

(h) a decision to give an enforcement notice—

(i) in relation to a matter under paragraphs (a) to (g); or

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

(j) the refusal, or deemed refusal, of a conversion application; or

(l) a matter prescribed by regulation.

(3) Also, table 1 does not apply to a tribunal if the matter involves—

(a) for a matter in subsection (2)(a) to (d)—

(i) a development approval for which the development application required impact assessment; and

(ii) a development approval in relation to which the assessment manager received a property made submission for the development application; or

(b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

(4) Table 2 states the matters that may be appealed only to the P&E Court.

(5) Table 3 states the matters that may be appealed only to the tribunal.

(6) In each table—

(a) column 1 states the appellant in the appeal; and

(b) column 2 states the respondent in the appeal; and

(c) column 3 states the co-respondent (if any) in the appeal; and

(d) column 4 states the co-respondents by election (if any) in the appeal.

(7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the

Minister, an appeal may be made against—

(a) the refusal of all or part of the development application; or

(b) the deemed refusal of the development application; or

(c) a provision of the development approval; or

(d) if a development permit was applied for—the decision to give a preliminary approval.

**EXTRACT FROM THE *PLANNING ACT 2016*
RELATING TO LAPSE DATES**

***Division 4 Lapsing of and extending
development approvals***

85 Lapsing of approval at end of current period

*(1) A part of a development approval lapses at the end of the following period (the **currency period**)—*

(a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect;

(b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—4 years after the approval starts to have effect;

(c) for any other part of the development approval if the development does not substantially start within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—2 years after the approval starts to take effect.

(2) If part of a development approval lapses, any monetary security given for that part of the approval must be released.