

7.7. MCUI EXTRACTIVE INDUSTRY - SAND QUARRY, KILLALOE

REPORT AUTHOR	Senior Planning Officer
MANAGER	Leonard Vogel, Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUI 2024_5682/1
PROPOSAL	Material Change of Use for an Extractive Industry for the extraction of approximately 30,000 tonne of sand per year.
APPLICANT	NQ Asphalt Pty Ltd C/- RPS AAP Consulting Pty Ltd PO Box 1949 Cairns Qld 4870
LOCATION	Lot 1 Captain Cook Highway, Killaloe
PROPERTY	Lot 1 on RP893855
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Rural Zone
LEVEL OF ASSESSMENT	Impact Assessable
PROPERLY MADE DATE	30 October 2024
STATUTORY ASSESSMENT DEADLINE	26 February 2026
REFERRAL AGENCIES	State Assessment & Referral Agency

LOCALITY



Figure 1 – Locality Plan

RECOMMENDATION

That Council approves the development application for Material Change of Use-Impact for an Extractive Industry for the extraction of a maximum of 30,000t per annum over land described as Lot 1 on RP893855, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan – Proposed Sand Extraction	Generally in accordance with RPS Drawing AU015874-2f, dated 5 September 2025 (Council Doc ID 1324842) and amended by Condition 3.	To be determined
Proposed Access Road Layout (Sheet 1 of 2) and (Sheet 2 of 2)	Civil Walker Drawing 102-008-SK10 Revision 1 dated 24 August 2025 (sheet 1 of 2) and Drawing 102-008-SK11 Revision 2 dated 22 September 2025, and as amended by Conditions 4 and 5.	To be determined
Vehicle Swept Path Analysis	Civil Walker Drawings 102-008-SK12, Revision 1 dated 24 August 2025, 102-008-SK13, Revision 2 dated 22 September 2025 and 102-008-SK14, Revision 2 dated 22 September 2025, and as amended by Conditions 4 and 5.	To be determined
Inspection Sight Distance,	Civil Walker Drawing 102-008-SK15, Revision 1 dated 24 August 2025 and as amended by Conditions 4 and 5.	To be determined
Access Sight Distance	Civil Walker Drawing 102-008-SK16, Revision 2. dated 22 September 2025 and as amended by Conditions 4 and 5.	To be determined
Site Earthworks	Civil Walker Drawing 102-008-SK17, Revision 2 dated 22 September 2025 and as amended by Condition 6.	To be determined
Site Earthwork Sections	Civil Walker Drawing 102-008-SK18, Revision 2 dated 22 September 2025 and as amended by Condition 6.	To be determined

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application

submitted to Council; and

- b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amended Plans

3. The Site Plan must be revised and provided to the satisfaction of the Chief Executive Officer prior to the commencement of use. The revision must be generally in accordance with the RPS Proposed Sand Extraction, Drawing AU015874-2f, dated 9 September 2025 as follows:
 - a. The area of extraction must be setback a minimum of ten (10) metres from the boundary of: the neighbouring Lot 2 on RP893855: and of Lot 33 on USL8687. These setback areas are to be nominated as landscaped setback with deep planting;
 - b. The area of extraction must be setback to exclude the area mapped within the Priority Living Area as identified in the Draft Far North Regional Plan 2025, refer to the extract of map below. An indicative line of the Priority Living Area as identified in the Draft Far North Regional Plan 2025 must be shown on the Site Plan.

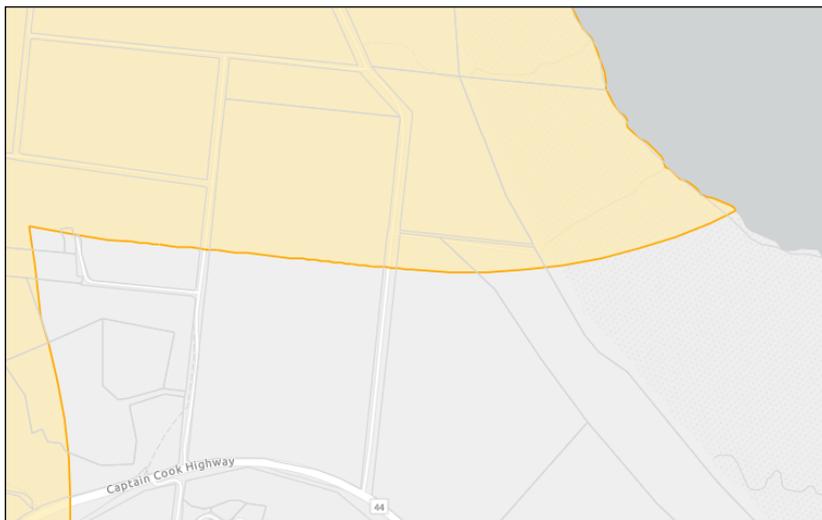


Figure 1 Extract of Priority Living Area Mapping

(Source: Draft Far North Regional Plan 2025, Interactive Mapping <https://experience.arcgis.com/experience/81ddbd5c7ee9482290979961da623c85>)

Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

- c. **Nominate on the plan the areas on the site that have a level of 3.0m AHD or above. The property boundary is to nominate the heights that have been surveyed by a Licensed Surveyor;**
- d. **Include the “Proposed vegetated mound” as shown on the Civil Walker drawing of Site Earthworks, drawing 102-008-SK17, Revision 2 dated 22 September 2025;**
- e. **Include the location of the progressive stages for extraction. Commence from the northern end of the site and progress in a southerly direction;**
- f. **The location of the topsoil pile(s) and any associated drainage pond, being setback at least 200m from the existing sensitive land use on Lot 54 on SP292874**
- g. **Include an internal track and access plan that details the path for haul and excavator machinery vehicle movements to be progressed through the various stages of extraction. The internal track must be sealed from the northern property boundary to a distance of approximately two hundred and twenty (220) metres so that the sealed track extends beyond the earth mound. The internal track is to include a standing area of minimum length of twenty (30) metres beyond the landscaped earth mound to enable passing movements.**
- h. **Provide an internal headland track to enable the continued rural use of the site beyond the nominated extraction area;**
- i. **Include a safety fence to the northern boundary (to the unnamed road) with a gated access to the site;**
- j. **Include an amenities building and two car parking spaces on the land for use by employees attending the site as per conditions 13 and 14 of this approval. The amenities building and car parking spaces can be located within the setback from the northern property boundary but must be located beyond a setback of at least 150m from the existing sensitive land use on Lot 54 on SP292874; and**
- k. **Include a sealed surface storage area for machinery, capable of achieving a minimum ground level of 3.588m AHD to provide refuge for equipment during storm tide inundation events. The storm tide inundation storage area can be located within the setback from the northern boundary but must be located beyond a setback of at least 150m from the existing sensitive land use on Lot 54 on SP292874. The sealed surface storage area must be screened by a deep planted landscaping buffer of minimum width of four (4) metres. Machinery can be stored in a shed at this location.**

Amended Plans are to be endorsed by the Chief Executive Officer prior to the commencement of any associated preparation activity or use of the land.

Road & Access (External)

- 4. **Prior to the commencement of use the applicant / owner must upgrade the adjacent unnamed road and the intersection of the adjacent unnamed road with the Bonnie Doon Road generally in accordance with the Civil Walker design plans Proposed Access Road Layout (Sheet 1 of 2), Drawing 102-008-SK10 Revision 1 dated 24 August 2025, Proposed Access Road Layout (Sheet 2 of 2), Drawing 102-008-SK11 Revision 2 dated 22 September 2025, Vehicle Swept Path Analysis, Drawings 102-008-SK12, Revision 1 dated 24 August 2025, 102-008-SK13, Revision 2 dated 22 September 2025 and 102-008-SK14, Revision 2 dated 22 September 2025, Inspection Sight Distance, Drawing 102-008-Sk15, Revision 1**

dated 24 August 2025 and Access Sight Distance Drawing 102-008-SK16, Revision 2. dated 22 September 2025 and amended to:

- a. Mitigate the conflict of vehicle movements of all vehicle combination types ensuring a minimum seven (7.0) metre wide sealed pavement is achieved to the point of the site access, and include any additional pavement widening to cater for swept path movements and associated line marking;
- b. Identify vegetation to be removed in the unnamed road corridor to ensure adequate sight lines having regard to vehicle speed limits;
- c. Extend the new driveway for Lot 54 on SP292874 a further ten (10) metres and include a culvert crossing at the low point in this extension;
- d. Ensure any runoff from the new driveway for Lot 54 on SP292874 is sufficiently catered for; and
- e. Seal the new driveway for Lot 54 on SP292874 in either bitumen or concrete, to have a minimum width of 3.5m, with sufficient substrate construction.

The final design and construction of the road and intersection upgrades are to be undertaken through a Development Permit for Operational Work. The upgrade must include associated line-marking and pavement widening.

All egress from the site must be designed to allow all vehicles to exit in a forward gear.

The design of works must be RPEQ certified and meet the FNQROC Development manual standards.

All costs associated with the upgrade of the unnamed road and the intersection of the unnamed road and Bonnie Doon Road, being the provision of network infrastructure under Section 145 of the *Planning Act 2016*, are to be borne by the operator/landowner.

The required upgrade works are not creditable work under Council's Local Government Infrastructure Plan.

Track and Access (Internal)

5.
 - a. Track connectivity within the site must be provided via an internal track layout as identified in the amended site plan required under Condition 3.
 - b. The hauling of any extracted material must only be via the approved internal driveway.
 - c. The internal track is to include a suitable gravel hardstand turnaround area that can be progressively relocated through the site as the extraction stages progress.
 - d. The internal track and truck loading areas must be suitably compounded and water sprayed to minimise dust emissions to the satisfaction of the Chief Executive Officer.
 - e. The internal headland track providing for ongoing rural use of land where no extraction is being undertaken is to be maintained to the satisfaction of the Chief Executive Officer.

6. Earthworks Plans

Amended Plans are required as follows:

- a. The Civil Walker Site Earthworks Plan, Sheet 102-008-SK17, Revision 2, dated 22 September 2025, is to be amended to:

- i. **Align with the amended Site Plan including requirements under the conditions of this approval;**
 - ii. **Include the internal access track, required under the conditions of this approval, from the northern boundary and an indicative location of the track through the excavation area via which the operation will occur;**
 - iii. **Further detail of the “Proposed Vegetated Mound” including a minimum height of two (2) metres for the earth mound with deep planting above is required. The width of the mound is to be sufficient to stabilise the mound with 1 in 2 batters;**
 - iv. **Include the location of the topsoil stockpile and any associated runoff pond or sediment control measures;**
 - v. **The areas of the site that are above RL3.0mAHD;**
 - vi. **Include drainage channels, to mitigate ponding of overland flow and storm tide inundation that are designed and managed to mitigate detrimental environmental impacts; and**
 - vii. **Include the deep planted landscaping setback areas to the side boundaries.**
- b. **The Civil Walker Site Earthworks Section Plan, Sheet 102-008-SK18, Revision 2, dated 22 September 2025, is to be amended to nominate the base cut level to be RL3.0m AHD.**

The amended plans are to be endorsed by the Chief Executive Officer prior to the commencement of any associated preparation activity or use of the land.

Sediment and Erosion Control

7. a. **A sediment and erosion control plan must be submitted prior to the issue of a Development Permit for Operational Works. Such plans must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).**
- b. **The sediment and erosion control plan must detail the various stages of earthworks for the development and the measures to be installed for each stage as the earthwork is progressed and have regard to stockpile stability.**
- c. **The sediment and erosion control plan must be provided to the satisfaction of the Chief Executive Officer prior to the commencement of use.**

Landscape plan

7. a. **The site must be landscaped generally in accordance with an approved Landscape Plan. A Landscape Plan must be submitted for approval prior to the commencement of any associated activity on the land. All landscaping works must be contained on the site.**
- b. **The Landscape Plan must show:**
- i. **A range of deep plantings of buffer setback and buffer screening areas (where applicable) of suitable tree and shrub species to produce a minimum height of 4m within two years of establishment and have a range of heights;**
 - ii. **Inclusion of suitable drainage considerations through the landscape buffer areas;**

- iii. Confirmation from a landscape designer that the species are suitable tree and shrub species and are fit for purpose which will form an effective screen within two years.
- iv. Nomination of planting densities and pot sizes. Plants of varying pot sizes from 5 litre containers to 120 litre containers must be used to create an effective landscaped area from the onset;
- v. Detail of the ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
- vi. Species to have regard to Council's Planning Scheme Policy SC6.7 Landscaping;
- vii. Species to have a low bush fire fuel load;
- viii. Details of any proposed fencing; and
- ix. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

The Landscape Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work.

- c. Landscaping is to be established prior to the commencement of any extraction.
- d. All landscaping must be maintained for the life of the extraction operation to the satisfaction of the Chief Executive Officer.

Extractive Industry Operation

- 8.
 - a. No sorting or screening of extracted sand material is to occur on the site.
 - b. Topsoil is to be stripped and set aside with suitable cover, at a suitable location on the land, and established to minimise dust emissions.
 - c. No extraction is to be undertaken at or below RL3.0m AHD as determined by survey
 - d. The extraction must only occur within the amended Site Layout Plan required under Condition 3 and the amended Earthworks Plans required under Condition 6.
 - e. The total amount of material extracted must not exceed 30,000 tonnes per year. The operator / landowner must provide the Chief Executive Officer with records of quantities of material extracted/removed from the site on a monthly basis, including the number of truck movements associated with each monthly quantity.
 - f. The total active extraction area must not exceed one (1) hectare at any given time.
 - g. The former extraction area must not exceed one (1) hectare at any given time.
 - h. Extraction must not intercept groundwater.
 - i. Areas which contain shell grit or significant Aboriginal artefacts must be avoided.
 - j. Extraction, loading and any associated earthworks can only occur during the hours of Monday to Friday: 7:00 am to 5:00 pm. No extractive industry

operation (including any motors, machinery, or the like associated with the extractive industry operation) is to occur outside these hours.

In addition to this limit, no work is to be undertaken on a Saturday, Sunday or a Public Holiday with the exception of moving machinery prior to a severe weather event where prior advice of such movement is forwarded to the Chief Executive Officer.

- k. When no work is occurring on the land and outside the approved operating hours, the gated access to the site is to be closed and locked.
- l. A maximum of five (5) truck hauls may be undertaken per day of operation from the site. All vehicle egress from the site must be in a forward gear.
- m. Machinery and plant used on-site must be fitted with low dB reversing 'squawkers' instead of sirens to minimise noise impacts.
- n. Extraction and loading is only to be undertaken with an excavator.
- o. Areas within the staged areas of extraction that are not actively being used for extraction or former extraction areas yet to be rehabilitated, must be utilised for rural uses, for cropping and or grazing or the like.
- p. No extraction is to occur in the Great Barrier Reef Wetland Protection Area as defined under the *Environment Protection Regulation 2019* or the *Great Barrier Reef Wetland of High Ecological Significance* as identified on the Map of Queensland Wetland Environmental Values under the *Environmental Protection (Wetland and Water Biodiversity) Policy 2019*.

Transportation of Extracted Material

9. The applicant will be required to take every precaution to avoid spillage.

All material transported to or from the site must be covered to prevent dust or spillage during transport.

If material is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

Possible Acid Sulfate Soil (PASS)

10. a. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.
- b. Further excavation of the area where the PASS was found must cease, this area must be rehabilitated and the Chief Executive Officer be informed.

Noise and Dust

11. All reasonable and practicable measures must be implemented during the extraction operation for the purpose of managing noise emissions. These measures must be capable of minimising the potential for unreasonable impacts to nearby sensitive uses and provided within a site based management plan.

All internal haul tracks must be watered to mitigate offsite impacts of dust movements.

Emissions associated with the development, including but not limited to noise and dust emissions must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act 1994* (s440) to any nearby sensitive receptor, at any time.

The site based management plan must be provided to the Chief Executive

Officer prior to the commencement of use and must be to the satisfaction of the Chief Executive Officer.

Rehabilitation

12. Former extraction areas are to be rehabilitated in compliance with the following:
 - a. Excepting the internal track the rehabilitated land must have the topsoil reinstated and be improved to achieve a minimum grade of a GQAL Category B level, and be grassed or planted for cropping;
 - b. The internal extraction operation track is to be removed and the ground restored to enable the re-establishment of cropping use
 - c. The finished rehabilitated area is to have a maximum grade of one in ten (1 in 10) to the side areas of the extraction pit and to be suitably drained to mitigate future ponding

Should all the resource, available at a height of RL3.0m AHD or above within the area of extraction be exhausted then the land is to be restored within twelve (12) months of cessation of extraction operations to the satisfaction of the Chief Executive Officer.

At the conclusion of the extraction of the resource on the land the earth buffer mound must be removed and the land surface appropriately levelled, the soil improved so as to enable the return of the land to agricultural use of cropping or grazing.

All rehabilitation is to be undertaken to the satisfaction of the Chief Executive Officer.

Carparking

13. The minimum amount of vehicle parking of two (2) spaces must be provided on the site. The vehicle carparking must be sealed with sufficient turnaround. The car parking space must be provided prior to the commencement of use.

Onsite Amenity

14. Provision of an onsite amenities building including a toilet must be provided onsite for the period of the excavation. The amenities building may be complimented with a covered rest shelter. The onsite amenities must be provided prior to the commencement of use to the satisfaction of the Chief Executive Officer.

Prevention of the spread of weeds and pests

15. The operator/landowner must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

Water Supply

16. The operator/landowner must ensure the development is adequately serviced by an appropriate water supply to Councils satisfaction.

ADVICES

1. For the commencement of use. this approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant

Local Laws and statutory requirements.

3. Any fill of material on the site, where fill material originates from an external site, must meet the Planning Scheme requirements for Operational Work.
4. Any machinery storage shed nominated in Condition 3 must meet be complaint with the Planning Scheme or achieve any necessary approval.
5. All site managers must take all action necessary to ensure materials and/or machinery and equipment on the site are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of work.
6. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
7. The operator must hold and continue to hold a current Environmental Authority under the *Environment Protection Act 1994* while conducting the land use.
8. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the *EPBC Act* can be obtained from the Department of the Agriculture, Water and the Environment, website at <https://www.awe.gov.au/environment/epbc> .
9. Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a general biosecurity obligation) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at <https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/biosecurity/plants/insects/electric-ants>

or contact Biosecurity Queensland 13 25 23.

10. The taking of water, or interfering with water from streams or groundwater sources, will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of Natural Resources. Further information can be obtained from the Department at www.dnr.qld.gov.au.

Cultural Heritage

11. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the *Cultural Heritage Acts*) require anyone who carries out a land-use activity to exercise a duty of care.

This '*duty of care*' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where

Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the *Act*. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment and Referral Agency (SARA) within the Department of State Development, Manufacturing Infrastructure and Planning	2410-43198 SRA	13 December 2024	Doc 1268767

REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 30 October 2024 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:

- i. **Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.**
- ii. **The Strategic Framework for Natural Resource Management requires the development to be, “*small-scale, visually unobtrusive and managed in an environmentally responsible manner,*” The development is considered to be a “*small-scale*” Extractive Industry. The development can be managed through conditions to align with the specific outcomes of the Strategic Framework to, “*not unduly compromise natural landscape values,*” to, “*not detrimentally impact on community well-being or the Shire’s ecological, landscape, scenic amenity and rural production values,*” and to, “*progressively rehabilitated to a natural state.*”**
- iii. **The development is setback from sensitive areas. Conditions require landscaped setbacks from the property boundary and nearby wetlands, that feed into the Great Barrier Reef Marine Park World Heritage Area, to ensure the ecological value of these areas are maintained.**
- iv. **Regard has been given to the *Draft Far North Queensland Regional Plan 2025 for Areas of Regional Interest (ARIs)* by conditionally: requiring development to be beyond the *Priority living areas (PLAs)*; and requiring the land be suitably rehabilitated for primary production for long term achievement of *Priority agricultural areas (PAAs)*;**
- v. **Regard has been given to the Overlay constraints through conditions that limit the depth and extent of extraction, the requirement to provide suitable buffers and the future rehabilitation of the site;**
- vi. **The land use is not a listed inconsistent use in the Rural Zone. The conditions of the approval limit the time over which the Extractive industry can operate, the extent of area of extraction and the level to which material can be recovered. The conditions require the remediation of the land to enable future primary production;**
- vii. **The approval is conditioned to be adequately separated from existing sensitive land uses and to mitigate impacts on significant ecological, landscape or rural values. The conditions require the ongoing rural use of non-active extraction areas.**
- viii. **The approval is conditioned to provide adequate separation from existing sensitive land uses external to the site. Continued use of rural land external to the site is not compromised by the development through the implementation of landscape buffers that will provide adequate separation;**
- ix. **The approval requires the upgrade of the local road network infrastructure to meet the demands of the development;**
- x. **The approval does not negate the requirement of the applicant to give due care as required under the *Aboriginal Cultural Heritage Act 2003*.**
- xi. **The development application triggered referral to the State Assessment & Referral Agency (SARA) regarding the impact on State infrastructure (roads). The SARA issued correspondence approving the development subject to conditions.**
- xii. **Separate approval is required to undertake the extraction activity as an Environmentally Relevant Activity (ERA). The applicant has**

chosen to achieve a separate ERA approval. Development on the land must meet the requirements of any separate approval.

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
Strategic Framework Rural zone code Extractive Industry Zone Acid sulphate soils overlay code Bushfire overlay code Coastal environment overlay code Flood and storm tide hazard overlay code Landscape values overlay code Natural areas overlay code Transport network overlay code Access, parking and servicing code Advertising devices code Environmental performance code Filling and excavation code Infrastructure works code Landscaping code	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018

Compliance with Benchmarks

The development complies with the benchmarks as per the summary provided in Reasons For Decision in particular Item 3c.

EXECUTIVE SUMMARY

Application has been made for an Extractive Industry to recover sand from beneath the land surface of a former sugar cane field. The proposal is limited to the recovery of sand from an existing ridge to a depth of 3m AHD. The resource is to be recovered, carted from the site and screened elsewhere. Work associated with the use include the development includes the construction of a landscaped mound and upgrade of the adjacent unnamed road as well as the intersection of the unnamed road with Bonnie Doon Road. Concerns have been raised by submitters that: reject the need for the use; assert the use will detrimentally impact on sensitive uses, the neighbouring wetlands, local indigenous heritage and the land itself. Technical concerns were raised, and a further issues letter was issued to which the Applicant responded with further details. The response made a minor change to the application responding to many of the issues raised. A new development plan was then provided.

The report discusses the attributes of the proposal and considers impacts having regard to planning instruments. The report recommends the development be approved in full subject to conditions. The conditions require the ongoing rural use of non-active extractive areas and limit the extent of extraction over the site to ensure suitable setback, buffer and protection to neighbouring and nearby land and sensitive uses.

PLANNING ACT 2016 ASSESSMENT REQUIREMENT

Section 45 (5) of the *Planning Act 2016* (the Act) states the assessment requirements.

- “(5) *An impact assessment is an assessment that—*
- (a) *must be carried out—*
 - (i) *against the assessment benchmarks in a categorising instrument for the development; and*
 - (ii) *having regard to any matters prescribed by regulation for this subparagraph; and*
 - (b) *may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.*

Examples of another relevant matter—

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors.”*

Further,

- “(7) *The assessment manager must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.*
- (8) *However, the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to—*
- (a) *if the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document; or*
 - (b) *another statutory instrument—*
 - (i) *that comes into effect after the development application is properly made but before it is decided by the assessment manager; and*
 - (ii) *that the assessment manager would have been required to assess, or could have assessed, the development application against, or having regard to, if the instrument had been in effect when the application was properly made.”*

When determining the application Council is required to have regard to the matters under Section 60 of the Act.

“60 *Deciding development applications*

- (1) *This section applies to a properly made application, other than a part of a development application that is a variation request.*

...

- (3) *To the extent the application involves development that requires impact assessment, and subject to section 62, the assessment manager, after carrying out the assessment, must decide—*
- (a) *to approve all or part of the application; or*
 - (b) *to approve all or part of the application, but impose development conditions on the approval; or*

(c) *to refuse the application.*

...

(5) *The assessment manager may give a preliminary approval for all or part of the development application, even though the development application sought a development permit.*

(6) *If an assessment manager approves only part of a development application, the rest is taken to be refused.”*

The test to determine impact assessable development is not limited by the same constraints as that for code assessable development. The assessment includes the whole of the Planning Scheme Strategic Framework and any other relevant matter, including other planning instruments. Specifically, a relevant matter does not include person’s *“personal circumstances, financial or otherwise.”*

Where an application is refused section 63 (2) of the Act requires the Decision Notice to state the reasons for the refusal:

(f) *if the application is refused— ...*

(ii) *for a refusal for a reason other than because of a referral agency’s direction—the reasons for the refusal;.”*

The decision can be appealed by either the Applicant, or a submitter who has lodged a properly made submission. Where an application is approved subject to conditions the onus is on the applicant to substantiate the worthiness of the approval before the Court. Where the application is refused, the onus is on Council to substantiate the reasons for refusal. The assessment of these issues in the Court is based on expert evidence.

TOWN PLANNING CONSIDERATIONS

Site

The development site is located off a gravelled rural access (unnamed) road, off Bonnie Doon Road and is described as Lot 1 on RP893855. The site has an area of 40.47 hectares. The site is part of the agricultural land that stretches between the foothills to the west and the wetlands to the east.

There are currently no buildings or structures on the site. Except for the southern vegetated portion of the site, the majority of the land has been cleared of vegetation and was previously used for cropping. Sand ridges approximately 1-2 metres above the surrounding natural ground level extend on a general north-south direction. The sand ridge straddles the site in an east-west alignment. The southern part of the site supports a vegetated wetland. The land is currently vacant with no buildings.

Development in the area surrounding the site to the south, west and north has traditionally provided for cropping. Until recently, this cropping was predominantly for sugar cane to supply the now closed Mossman Mill. The Council owned Killaloe Waste Transfer Station neighbours to the southeast and access to this facility is via the Killaloe Dump Road. Land to the east is undeveloped, unallocated State land supporting mangroves and wetlands, beyond which lies the foreshore to the *Conservation Zone* of the Great Barrier Reef Marine Park (GBRMP). An extract of the GBRMP zoning Map is included in Figure 2. Figure 3 illustrates the location of the wetlands on the site, the wetland trigger area and the context of these to the GBRMP with its upper reaches along the local creek system.

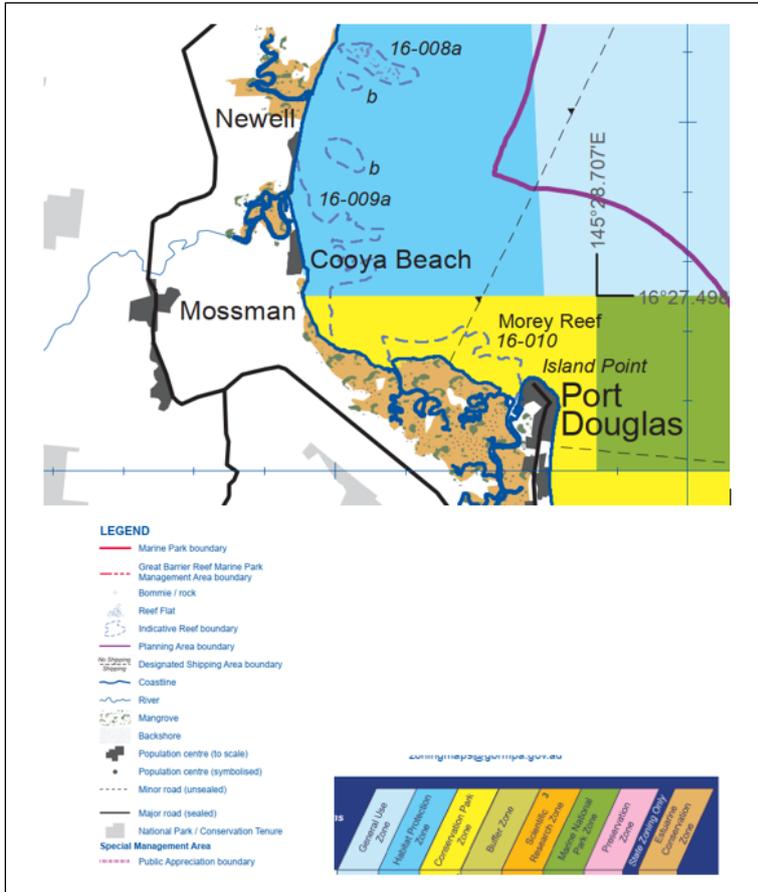


Figure 2 – Extract from Great Barrier Reef Marine Park Zoning Map

Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

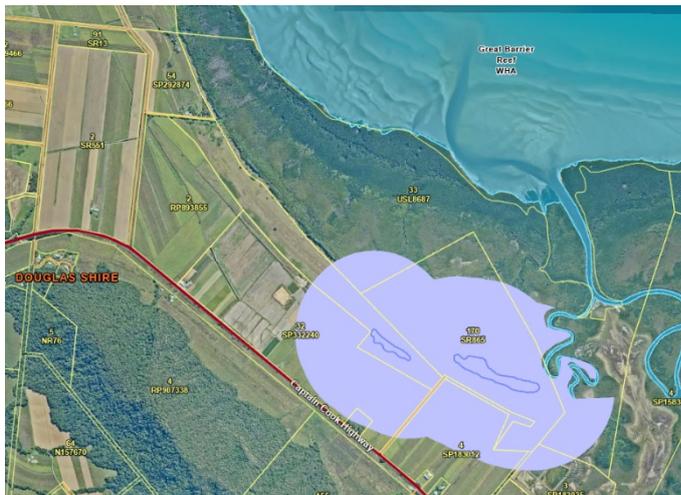


Figure 3 – Extract Qld Globe, Wetlands of high ecological significance, trigger area and GBRMP WHA

Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource

Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

The State Vegetation Management Report for the land maps most of the land as *Category X* (cleared land). There are few exceptions of small pockets of mapped as *Category R* (Reef Regrowth vegetation) along the site's eastern boundary and *Category C* (High Value Regrowth vegetation) in the southern part of the site. Refer to Figure 4 below being an extract of the Vegetation Report mapping.

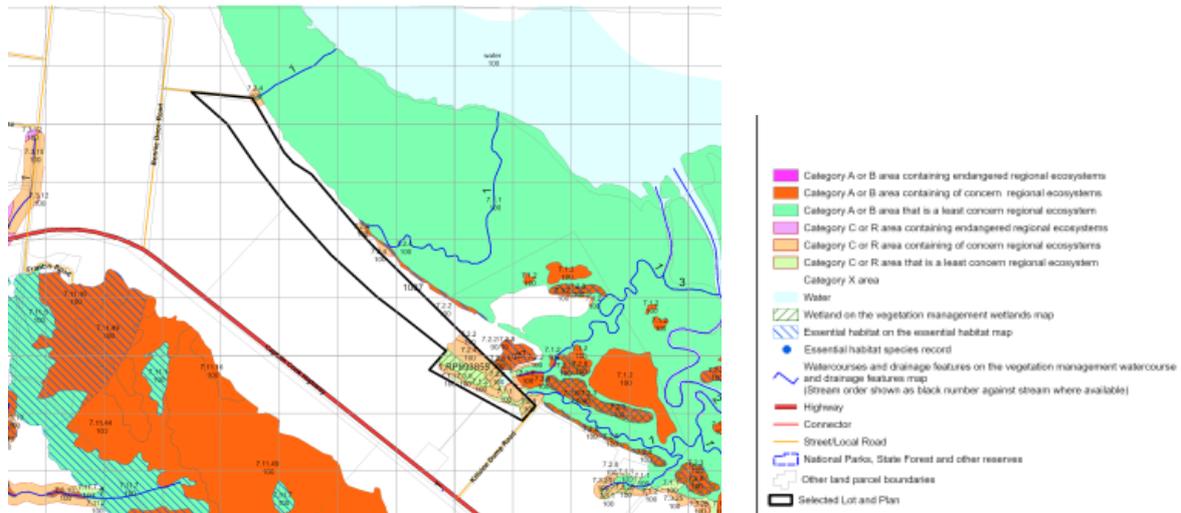


Figure 4 – Extract Vegetation Management Report Produced 13 February 2025

Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

Council’s reticulated treated water supply service runs along Bonnie Doon Road. There are no services established on the site.

Proposal

NQ Asphalt Pty Ltd seeks to operate an Extractive Industry Use for up to 30,000t per annum to recover sand from beneath the ground surface level. The sand will be extracted from an existing, naturally formed ridge. The topsoil, of a 30cm depth, will be removed and stored for later rehabilitation. The sand will be extracted and loaded onto trucks and transported away from the site for screening and further processing elsewhere.

The fine sand is used in manufacturing asphalt for road construction in the region. The balance of medium and coarse sand will be otherwise used by the developer, again at an offsite location.

A *Further Issues Letter* was issued by Council raising concern with a number of matters. The applicant provided a detailed response which is considered as a minor change to the application and the assessment is based on this response being the overriding components of the application where conflict between the initial application or the response to Council’s request for further information.

The scale of the sand extraction activity is expected to be in the order of 30,000 tonnes per annum. While the site has an area of 40.47 hectares the limit of the depth of extraction and setback from existing sensitive land uses and from identified wetlands substantially reduces the area over which the extraction will occur.

The extraction will occur to a maximum depth of 3.0m Australian Height Datum (AHD). The area of extraction will also be setback 10m from the eastern boundary. As the extraction operation progresses, the topsoil will be placed back on the surface and grassed to enable rehabilitation.

An average of less than ten (10) truck and dog movements per working day (five haul movements) and a maximum of six hauls per day have been proposed. An additional four (4) light vehicle truck movements per day will also occur.

The extraction operation will be setback two hundred (200) metres from the nearest sensitive use (on the nearby Lot 54 on SP292874) consistent with the Acceptable Outcome (AO4) of the Extractive industry Code. The Applicant has advised the 200m setback was considered sufficient by the Department of Environment, Tourism, Science and Innovation (DETSI) when considering the Environmental Approval that had regard to waters, stormwaters, air (dust) and noise.

The applicant has also advised, that the *“proposed activity is the subject of a new application (A-EA-NEW-100750082). This has been assessed and determined by DETSI.”* The applicant has advised that DETSI has issued an Environmental Authority Permit (P-EA-100750656) for the Environmentally Relevant Activity (ERA) for Extraction and Screening. While the category of the application was for extraction and screening of between 5,000t to 100,000t of material per year, the conditions of the approval limit the Activity where the amount of extracted material is not to exceed of 30,000 tonnes per year. The conditions of this approval limit the extent of extractive activity area not to exceed more than 1ha at any given time and the total former extraction area must not exceed 1ha at any given time. The depth of extraction is also limited to 3m AHD and extraction must not intercept groundwater. The Permit states that the authorising of the activity requires any additional authorisations, including a development permit under the *Planning Act 2016*. A copy of this approval has been provided and now forms part of the common material to the application. A copy of this approval is included in Attachment 3.

The adjacent unnamed road is to be upgraded to a 6.5m road pavement width that increases to 8m width for turning onto the land and then reduces back to an internal roadway of 6.5m width. The existing gravel driveway on the adjacent unnamed road has an alignment siting in part outside the road corridor. The new road will be fully aligned to sit within the road corridor. The realignment will include a new gravel access for benefit of the property to the north of the unnamed road having regard to achieving sufficient sight lines for the intersection of the new gravel drive with the upgraded unnamed road. The intersection of the unnamed road with Bonnie Doon Road will also be upgraded having regard to swept turn movements. Associated new culvert works and the relocation of power lines are nominated on the proposed civil design plans.

The Applicant has provided visual assessment reports considering views from Bonnie Doon Road and from the Captain Cook Highway.

The proposed development plans, being the site plan, earthworks plans and road upgrade plans are included in Attachment 1.

State Planning Requirements

Current FNQ Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009-2031 (FNQ Regional Plan) provides the framework for the sustainable management of growth and development in Far North

Queensland. The site is contained within the Regional Landscape and Rural Production Area of the FNQ Regional Plan. The *Planning Regulation 2017* requires the development be assessed against the Regional Plan to the extent that the Regional Plan is not appropriately reflected in the Planning Scheme.

The Douglas Shire Planning Scheme has been endorsed by the Minister as appropriately integrating the Regional Plan. Further assessment with respect to these planning considerations is deferred to the assessment of the development against the Strategic Framework of the Planning Scheme.

Draft Far North Queensland Regional Plan

The FNQ Regional Plan is under review by the State Government. The Far North Queensland Draft Regional Plan 2025 (plan dated November 2025) was released on 12 November 2025 and is subject to a public notification period concluding on Monday 5 January 2026. Under the *Planning Act 2016* the Far North Queensland Draft Regional Plan 2025 is a proposed state planning instrument.

Under s45 (5) (b) of the *Planning Act 2016*, Council may have regard, “to any other relevant matter, other than a person’s personal circumstances, financial or otherwise.” Section 45 (7) and (8) (a) state the assessment manager may give weight where, “the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document to give opportunity for consideration.” Given the release of the proposed state planning instrument the following considerations are given.

The Draft FNQ Regional Plan 2025 considers the *Regional Planning Interests Act 2014 (RPI Act)* and identifies Areas of Regional Interest (ARIs) including Priority agricultural areas (PAAs), Priority living areas (PLAs) and Strategic environmental areas (SEAs).

Draft Priority Agriculture Area

The site and the land to the south, west and north is included in the Draft FNQ Regional Plan Priority Agricultural Area (PAA). Refer to Figure 5 below being an extract of the PAA mapping.

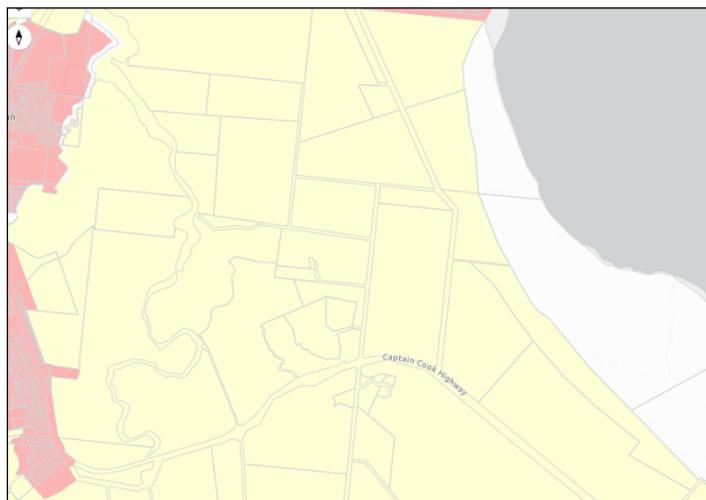


Figure 5 – Extract from Draft FNQ Regional Plan 2025 Interactive Mapping of the Draft Priority Agricultural Area (PAA) shown in yellow

Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

It is important that the long-term use of the land be consistent with the Regional Interest. The extraction is limited by the conditions of the ERA and by the conditions of this approval to only extract to a level down to 3.0m AHD. The extraction operation is limited by these constraints. Conditions of the approval requiring ongoing use of non-active areas and rehabilitation to a suitable surface form and soil for future agricultural cropping and /or animal husbandry. Given the relative short-term capacity of the extractive industry land use, the development is not considered to be in conflict with the proposed PAA. The conditions of the approval limit the use and require suitable restoration.

Draft Priority Living Area

Only part of the site is included in the Draft Regional Plan Priority Living Area (PLA). Some of the Draft PLA is already nominated as a setback area in the application. It is appropriate that the extraction activity occur beyond the proposed PLA. A condition of the approval requires the extraction activity to only occur outside the PLA. Figure 6 below is an extract of the mapped PLA.

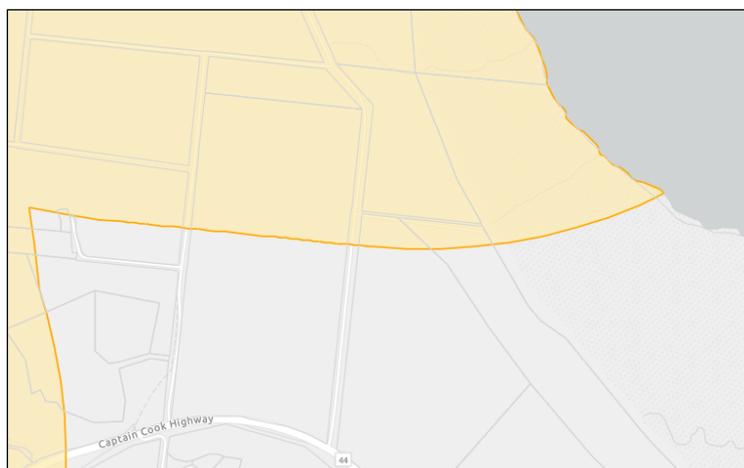


Figure 6 – Extract from Draft FNQ Regional Plan 2025 Interactive Mapping of the Priority Living Area (PLA) shown in orange.

Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

State Assessment and Referral Agency

Schedule 10 of the *Planning Regulation 2017* identified the application triggered referral to the State Assessment and Referral Agency (SARA) within the Department of State Development, Manufacturing Infrastructure and Planning for impact on the state-controlled road infrastructure. The referral agency has Concurrency Agency status which means that any conditions forwarded by the referral agency must attach to the approval issued by the Assessment Manager, which in this instance is Council. The development application was

appropriately referred to SARA. The Agency issued a response approving the development subject to a condition specifying the haul route must be undertaken via the Captain Cook Highway / Bonnie Doon Road intersection generally in accordance with NQ Asphalt Pty Ltd Lot 1 on RP893855 Site Plan – Proposed Sand Extraction, prepared by the applicant's consultant. A full copy of SARA's Concurrence Agency response and associated approved plans form Attachment 2.

Douglas Shire Planning Scheme Assessment

The land is contained within the Rural zone within the Planning Scheme.

Strategic Outcomes

Being an impact assessable development, the proposal is assessed against the entire Planning Scheme including the Strategic Framework. The Strategic Framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the Planning Scheme area for the life of the Planning Scheme.

The Strategic Framework is the highest order component of the Planning Scheme and prevails over all other components to the extent of inconsistencies.

The Strategic Framework is structured in a manner which describes the policy direction of the Planning Scheme which is then supported by six (6) themes which collectively represent and reflect that policy direction. It is also very important to acknowledge and understand that each of the six themes are interrelated and are not to be interpreted as being stand-alone. No particular theme overrides any other.

The following section details the over-arching policy direction set by the Planning Scheme followed by a response.

Consideration of the six (6) themes which underpin the policy direction will then follow.

Planning Stewardship (Section 3.2.2.1 of the Strategic Framework)

- (1) *The planning scheme has a very important role to play in ensuring that growth in Douglas Shire is aimed at minimising human impact on the environment while continuing to support economic progress and social well-being. Essentially this entails strong stewardship and the pursuit of planning strategies that:*
 - (a) *conserve the Shire's natural environment and outstanding biodiversity values;*
 - (b) *utilise the region's natural resources efficiently, in particular water and energy, while reducing waste;*
 - (c) *ensure the region's atmosphere remains clear and clean;*
 - (d) *contain urban growth to a defined footprint and promote the best use of land that is allocated for that purpose;*
 - (e) *Support development of a diverse thriving economy that complements the region's green and environmentally responsible image;*
 - (f) *provide opportunities that ensure everyone is able to participate, live, work and benefit in the healthy cohesive environment that the Shire promotes.*
- (2) *This planning scheme promotes environmental responsibility in Douglas Shire as being fundamental to the community's future prosperity and is consequently a common theme that will direct land use decision making.*

Response

The conditions of the approval require the protection of the adjacent and nearby wetland, the protection to nearby existing sensitive land uses and to maintain air quality. The

development provides a diversity of land use for a limited period with a return of the land to an improved landform profile in a rehabilitated state.

Reinforcing Douglas Shire's sense of place and identity (Section 3.2.2.2 of the Strategic Framework)

- (1) *Sense of place is a dual characteristic that derives from certain distinctive features of a place and the feelings and perceptions that people hold with regard to that place. In planning, it is usually used to promote positive places that foster community attachment.*
- (2) *At the Shire-wide scale, the topography, creeks and rivers, and the coastline contribute significantly to the Shire's sense of identity. Residents identify closely with the Shire's physical setting, and this in part, contributes to a heightened sense of place and interest in local issues. This physical definition creates a range of smaller communities within the Shire's boundaries, many with their own unique sense of identity, character, history and culture. It is important to protect this sense of place as it enhances the quality of life for its residents and is of enormous value for tourism.*
- (3) *During the life of this planning scheme, the Shire will continue to grow while retaining the unique characteristics of individual communities and building upon these qualities through local variation in development requirements. This will be done through the Local Plans which are tailor-made to suit local needs. Amongst other things, each local plan will:

 - (a) *identify the qualities that make the individual place special, including environmental and built form characteristics;*
 - (b) *promote gateway treatments, nodes of activity, viewing corridors and landmark sites;*
 - (c) *define an urban / rural interface boundary to reinforce the sense of town and country.**
- (4) *In addition, tourism activity will need to be Shire-appropriate with a discerning preference for nature-based tourism that has a direct association with the environmental and rural characteristics of the Shire, as opposed to large-scale attractions that have little connection to local context, particularly those that can be found anywhere.*
- (5) *Port Douglas will retain its lively tropical tourism 'buzz' as a premier tourist destination. Development will be carefully planned to achieve sensitive incremental change, rather than instant, over-scaled development projects, that have little local context or character.*

Response

The proposed extractive industry is small scale and through the conditions of the approval is to be provided with landscape setbacks and ongoing mitigation and continued rural use for non-operating extractive areas. The development is setback from the main transport routes and is not considered to be visually imposing on the landscape or the scenic tourist routes. Setbacks are required to sensitive uses and areas of environmental significance. The development is not considered to impact on the sense of place.

Catering for economic opportunity (Section 3.2.2.3 of the Strategic Framework)

- (1) *Tourism and primary production will remain significant drivers and employers in the Shire, but other supporting industries and services will continue to emerge. While increasing economic opportunity for Douglas will involve strategies that go beyond the*

scope of what a planning scheme can achieve, it will involve the general diversification of the Shire's economic base to counter the negative effects of global trends. In turn, this will provide greater resilience in the local Douglas economy. Amongst other things, this will involve:

- (a) a focus on building up small business in the community;*
 - (b) the allocation of land for future enterprise needs within the community;*
 - (c) building up tourism opportunities taking advantage of the Cairns airport as an international gateway, and in particular marketing Port Douglas as a premier tourism destination;*
 - (d) recognition and protection of the Shire's environmental and scenic assets and realising the recreational and economic opportunity they deliver, in a well-planned and managed network of environmental parks, trails and tracks;*
 - (e) improving transport links into and out of the Shire, as well as within the Shire;*
 - (f) allowing 'start-up' business to establish as small-scale home based businesses without excessive red tape;*
 - (g) a continued focus on education and training opportunities within the community;*
 - (h) taking advantage of digital technologies and the associated digital economy.*
- (2) This planning scheme will promote Douglas Shire as a place to invest and conduct appropriately planned and environmentally responsible businesses.*

Response

The development is limited by the conditions of the approval and the environmental license. The development offers an alternative economic opportunity to extract a needed resource in the development of the Shire. The proposal does not erode the underlying long-term ability for the land to be used for rural purposes.

A sustainable Shire (Section 3.2.2.4 of the Strategic Framework)

- (1) The planning scheme has a key role to play in ensuring growth in the region is sustainable aiming to minimise human impact on the environment while, at the same time, continuing to support economic opportunity and social well-being. Essentially this entails the pursuit of planning strategies that:*
- (a) conserve the Shire's natural environment and outstanding biodiversity values;*
 - (b) utilise the Shire's resources, including energy and water, efficiently including waste reduction;*
 - (c) ensure the Shire's atmosphere remains clear and clean;*
 - (d) contain urban growth to a defined urban footprint and promote the best use of land that is allocated for urban purposes;*
 - (e) support the development of a diverse and thriving economy that complements the Shire's green and environmentally responsible image;*
 - (f) provides opportunities that ensure everyone is able to participate, live, work and benefit in the healthy environment that the Shire promotes.*
- (2) The planning scheme promotes sustainability in Douglas Shire as being fundamental to the Shire's future prosperity and is consequently a common theme that will direct future land use decision making.*

Response

The extraction is limited to the sand ridge. No screening activity is allowed within the conditioned approval. The development will be setback to conserve the nearby environmental areas, including the wetlands that serve the Great Barrier Reef Marine Park. The conditions of the approval have regard to environmental impacts of dust and noise emissions. The setbacks and limited truck movements have regard to the nearby sensitive land uses. The development does not impact on the defined urban footprint.

Increasing housing choice (Section 3.2.2.5 of the Strategic Framework)

Response

The application is not considered to impact on this matter.

Acknowledging limits to development capacity within the Shire (Section 3.2.2.6 of the Strategic Framework)

- (1) *Douglas Shire has previously had sufficient space to cater for its population growth and this is likely to continue to be the case into the foreseeable future. However the amount of land in the Shire that is constrained by one or more factors is significant. Amongst other things, such constraints include:*
 - (a) *land containing vegetation of high ecological significance, including endangered, and of concern, flora and fauna;*
 - (b) *wetland areas;*
 - (c) *quality agricultural land;*
 - (d) *land subject to significant natural hazards such as flood and storm tide inundation.*
- (2) *The implication of the limited supply of unconstrained land makes decisions about land use and future urban growth, even more important. The Shire will cater for modest growth in housing and most of this growth will be accommodated in Mossman in the foreseeable future, with an adequate supply of land already catered for.*
- (3) *There is pressure in Port Douglas / Craiglie to extend urban development on to the western side of the Captain Cook Highway. Previous planning regimes resisted such a move, as being contrary to the Shire's iconic values. Additional land is still available at the southern end of Craiglie on the eastern side of the Captain Cook Highway and in-fill opportunities still exist in Port Douglas so as not to warrant an immediate need for urban residential development on the western side of the highway. However, the area is considered in the longer term to potential represent an area that may be suitable for accommodating further residential growth.*
- (4) *Furthermore, the capacity for the Shire to continue to grow is also constrained by the need to provide a reliable and adequate water supply, and in the road capacity of the Captain Cook Highway to cater for increase traffic volumes. Both of these represent thresholds, beyond which significant and expensive infrastructure upgrades would be required.*

Response

Through the conditions of the approval the development is setback from the identified wetlands with landscaped buffers. The development is significantly setback from the interface of the coastal edge of the Great Barrier Reef Marine Park and its associated wetlands. The development makes no impact on the urban footprint and has no residential component. The conditions of the approval require ongoing rural use for non-operating extractive areas and the final rehabilitation returning the land for full rural purposes.

Themes to Support Policy Direction

The following section provides an assessment of the proposed development against the Strategic Outcomes & Specific Outcomes listed for each Theme relevant to the proposed development.

Settlement Pattern

Response

The application is not considered to impact on this matter.

Environment & Landscape Values

Strategic Outcomes

- (1) *The Aboriginal cultural heritage values of the Wet Tropics bioregion are acknowledged, protected and enhanced. The Aboriginal Rainforest People of the Wet Tropics have lived continuously in the rainforest environment for at least 50000 years and this is the only place in Australia where Aboriginal people have permanently inhabited a tropical rainforest environment.*
- (2) *The unique environmental values of the Shire, which result from its location within the Wet Tropics bio-region, are maintained and protected for current and future generations.*
- (3) *Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, biodiversity and habitat values. In particular, the Southern Cassowary and its habitat are protected.*
- (4) *Development takes into account matters of:*
 - (a) *national environmental significance (MNES) and the requirements of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBCA);*
 - (b) *state environmental significance (MSES);*
 - (c) *local environmental significance (MLES).*
- (5) *The integrity and system functions of the Great Barrier Reef World Heritage Area and the State Great Barrier Reef Coast Marine Park are to be protected by maintaining and restoring the connectivity, resilience and condition of marine and coastal ecosystems.*
- (6) *Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dickson Inlet; all wetlands but particularly those on the Directory of Wetlands Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape and scenic quality, while acknowledging nature based recreation opportunities.*
- (7) *N/A*
- (8) *Where appropriate, development maintains and enhances public access and use of natural areas, rivers, dams, creeks and foreshores.*
- (9) *The unique environmental character of the Shire comprising internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and*

areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.

Response

The development is suitably setback from the neighbouring wetlands and have regard to Indigenous artifacts where discovered. The final form of the rehabilitation requires drainage considerations.

Element – Aboriginal cultural heritage values

Specific Outcomes

- (1) *The cultural heritage values of the Wet Tropics bioregion are protected and enhanced through the implementation of Jabalbina’s cultural heritage management plan.*

Response

The development is suitably setback from the neighbouring wetlands. The advice has regard to Indigenous artifacts, where discovered, for the developer’s duty of care.

Element – Biodiversity

Specific Outcomes

- (1) *The Shire’s biodiversity values and associated ecosystems, including matters of national environmental significance (MNES) and matters of state significance (MSES) , are maintained and protected from incompatible development, managed, and where appropriate enhanced, to restore ecological integrity and habitat connectivity.*
- (2) *Development:*
 - (a) *is located in areas that avoids significant adverse impacts on matters of state environmental significance (MSES) and matters of local environmental significance (MLES);*
 - (b) *protects and enhances MSES and MLES; and*
 - (c) *maintains and enhances ecological connectivity.*
- (3) *Endangered, vulnerable, and threatened flora and fauna species and habitats are protected.*
- (4) *Aquatic biodiversity is protected through the minimisation of development impacts on waterway and wetland environments.*
- (5) *The integrity of the region’s areas of ecological significance and their contribution to biodiversity is maintained for present and future generations.*
- (6) *Weeds and pests, in particular feral pigs and purpose-bred wild hunting dogs, are a significant threat to the region’s biodiversity conservation values. Development avoids exacerbating threats and eradicates invasive species.*
- (7) *Development is designed, sited, operated and managed to avoid or minimise potential impacts on natural corridors and habitat links.*

Response

The development is suitably setback from the neighbouring wetlands. The depth of extraction is limited to maintain the neighbouring wetlands. The development avoids the significant wetlands on the land.

Element – Coastal Zones**Specific Outcomes**

- (1) *Coastal resources, including foreshores, coastal wetlands, mangroves, marine ecosystems and sand dunes are protected, managed, and where appropriate, rehabilitated, with no further loss of the coastal ecosystem extent and function.*
- (2) *Natural coastal processes such as sand dune erosion and accretion are allowed to occur in all areas without intervention, other than where a significant strategic asset requires protection.*
- (3) *Waterways and wetlands are managed and maintained to ensure the natural quality and quantity of water delivered to the Coral Sea is not diminished.*
- (4) *N/A*
- (5) *Development maintains and enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard;*
- (6) *Maintain the erosion prone area within the coastal management district as a development free buffer zone (except for coastal dependent development, temporary or readily relocatable or able to be abandoned development).*
- (7) *Redevelopment of existing permanent structures in the erosion prone area is required to avoid coastal erosion risks through a strategy of planned retreat, or mitigate coastal erosion risks.*
- (8) *Land use activity avoids the disturbance of areas of land that are prone to the release of acid sulfate or any other metal contaminant producing soils or adequately manages, treats contaminant producing soils.*
- (9) *The community's access to the foreshore is maintained, and where appropriate, extended.*

Response

Through the conditions the development is setback with landscaped buffers from nearby wetlands. Exposure of the sand ridge is limited and the development requires ongoing rehabilitation of utilised areas. The depth of extraction is limited, thereby maintaining a submerged water table and reducing incidence of PASS exposure. There is no change to lawful access to the foreshore.

Element – Scenic Amenity**Specific Outcomes**

- (1) *Development protects, maintains and enhances the region's Landscape values as shown on the Landscape values overlay maps contained in Schedule 2.*
- (2) *Major scenic routes and scenic outlooks, as shown on the Landscape values overlay maps contained in Schedule 2, are protected from both the detrimental visual impacts of development and inappropriate vegetation clearing that may detract from the scenic qualities of the scenic route, outlook or ocean-side views.*
- (3) *Rural and inter-urban breaks are protected from negative visual intrusion.*
- (4) *N/A*
- (5) *N/A.*

Response

The development removes a sand ridge with the final land profile consistent with the existing and surrounding cropping areas. The sand ridge is significantly setback from the scenic routes and the loss of 1-2m height of the ridge area is not considered to significantly impact on the landscape value. The requirement for ongoing rural use of non-operating extractive areas together with the landscaped setbacks and final rehabilitation retains the overall rural landscape.

Element – Air & Acoustic protection and Hazardous Materials

Specific Outcomes

- (1) *The air and acoustic environment and hazardous materials are carefully managed to maintain the health and well-being of the community and the natural environment.*
- (2) *Industries that have the potential to cause greater air and acoustic impacts and/or that include hazardous materials are separated from sensitive land uses.*
- (3) *New noisy recreational activities such as major motorsport activities are not likely to be compatible with the amenity of the Shire. Impacts on sensitive receiving environments, including environmental habitats is to be avoided.*

Response

The development is significantly setback from nearby sensitive uses. The conditions have regard to air and acoustic impacts.

Natural Resource Management

Strategic Outcomes

- (1) *The natural resources of the Shire, such as agricultural land, and in particular land suitable for sugar cultivation, forestry, water, fisheries and extractive resources are protected or managed in a sustainable manner to ensure their ecological and economic values are assured.*
- (2) *Natural resources are well managed through federal, state, local government, regional resource management bodies, traditional owners and the community.*
- (3) *Extractive activities do not unduly compromise natural landscape values.*

Response

The extractive industry is of a small scale and can be managed with negligible impact during times of operation with on-going and long-term rehabilitation returning the land to capable of rural activities. The boundaries have landscaped buffers to further reduce visual impact.

Element – Land & Catchment Management

Specific Outcomes

- (1) *Creeks, wetlands and the sea are an important resource for the community. The Shire's water is sustainably managed in accordance with total water cycle management principles to maintain the ecological health of the Shire's ecosystems. Development and land uses will not be permitted to cause pollution or other negative impacts on water quality or the other qualities of these essential environments. Development is to facilitate the protection of environmental values and achieve water quality objectives for Queensland waters.*
- (2) *Water catchments and ground water aquifers are recognised and protected from inappropriate land use activity that may compromise the quality and characteristics of*

the water resource. In particular water needs to be managed to give priority to agricultural production and water supply to the Shire's communities, rather than for other purposes such as bottled-water extraction.

- (3) *Water quality, in-stream and riparian waterway values, and the nature-based recreation values of modified waterways, and wetlands and their catchments are protected from harmful activities.*
- (4) *Development is planned, designed, constructed and operated to manage stormwater in ways that help protect the environmental values of waters including the biodiversity and functioning of the aquatic ecosystem.*
- (5) *N/A*
- (6) *Water quality and its physical and chemical properties are maintained and managed to avoid and reduce the conveyance of sediment and nutrients into natural hydrological systems.*
- (7) *Traditional ecological land management practices and knowledge is recognised and acknowledged*
- (8) *Weeds and pests are managed to ensure that natural resources are not degraded.*

Response

The development is setback from wetlands with vegetated buffers. The water quality of the wetlands is maintained. The depth of extraction is limited thereby mitigating impact on water tables. Conditions of the approval require drainage considerations for rehabilitation activities. Weeds and pests are managed.

Element – Primary Production, Forestry & Fisheries

- (1) *Primary production is a significant part of the natural resource and landscape value of the Shire. The Shire's townships and villages rely heavily on their surrounding sugar cultivation, tropical agriculture, horticulture and grazing industries. In particular, the primacy of the sugar cultivation will continue as a dominant rural pursuit in the Shire due to the critical importance of the sugar industry to the Shire. Continued support is necessary to ensure the continued prosperity of these townships through the exclusion of non-agricultural land use activities in primary production areas.*

Specific Outcomes

- (1) *The viability of agricultural land is protected and maintained. Land uses that have the potential to conflict with on-going primary production are not established in rural areas.*
- (2) *Rural areas include a range of rural activities of varying scale depending on land suitability and access to appropriate infrastructure, with development being consistent with prevailing land uses in the area.*
- (3) *N/A*
- (4) *N/A*
- (5) *Estuarine, marine and freshwater environments and their associated fish habitats are protected from the adverse impacts generated by new or intensified developments to ensure healthy and plentiful fish stocks.*

Response

The conditions require the ongoing rural use of non-operating extractive areas. The conditions require rehabilitation to enable the land to return to agricultural production. Landscape buffer setbacks maintain the natural wetland environments.

Strong Communities & Identity

Response

The application is not considered to impact on this matter.

Element – Resource extraction

- (1) *Douglas Shire is not, and is not likely to be, a major resource extraction area. However where extraction does occur, it is small-scale, visually unobtrusive and managed in an environmentally responsible manner. All land disturbed by mining and extractive industries is appropriately rehabilitated.*

Specific outcomes

- (1) *Coal Seam Gas ('CSG') extraction does not occur in Douglas Shire.*
- (2) *Other extractive industries do not detrimentally impact on community well-being or the Shire's ecological, landscape, scenic amenity and rural production values, and in particular the sugar industry.*
- (3) *Extractive industries are either progressively rehabilitated to a natural state, or are rehabilitated upon completion of extractive activities, with all buildings, machinery and other associated infrastructure being removed.*

Response

The development is considered to be a small-scale extractive industry. Through the conditions of the approval the development is visually unobtrusive and can be managed in an environmentally responsible manner. The conditions require ongoing and final rehabilitation that returns the land for cropping or grazing.

Economy

Strategic Outcomes

- (1) *A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the Shire's natural resources.*
- (2) *The Shire's economic base will be broadened to improve employment opportunities and to provide resilience to any future adverse economic, social and environmental conditions.*
- (3) *Economic benefits are maximised through the promotion of appropriate land uses, minimisation of land use conflicts and the protection of strategic economic infrastructure.*
- (4) *Clustering and co-location of land uses achieve synergies that utilise existing and planned infrastructure and provide opportunities for growth.*
- (5) *The natural values and key lifestyle attributes of the Douglas Shire are protected to maintain its regional competitive advantage.*
- (6) *N/A.*
- (7) *N/A*

Response

The development provides an opportunity for a small industry activity to the Shire. The removal of the ridge will result in an improved land profile and the required rehabilitation is anticipated to ensure the long-term use future use for cropping or grazing.

Element – Economic Growth & Diversification

Specific Outcomes

- (1) *Economic growth that supports clean, green businesses and resilient communities is encouraged throughout the Shire. In particular a range of economic initiatives is facilitated in appropriate locations, including:*
 - (a) *the growth of new and traditional industries;*
 - (b) *N/A;*
 - (c) *N/A;*
 - (d) *N/A;*
 - (e) *N/A;*
 - (f) *providing for higher value jobs, particularly for young people;*
 - (g) *N/A;*
 - (h) *N/A;*
 - (i) *protecting the assets on which existing and future business relies, such as agricultural land resources and the beautiful natural environment;*
 - (j) *N/A.*

Response

The development provides an opportunity for a small industry activity to the Shire. The removal of the ridge will result in an improved land profile and the required rehabilitation is anticipated to ensure the long-term use future use for cropping or grazing.

Element – Tourism

Response

The application is not considered to impact on this matter.

Element – Primary Production

- (1) *Primary production, in particular the dominant sugar industry, and associated manufacturing has always been a significant contributor to Douglas Shire’s economy. Considerable opportunities exist to add value to primary produce and to diversify the base income of the rural sector and improve employment opportunities. The Shire’s competitive strengths of rich agricultural soils, tropical climate with high rainfall, and proximity to Cairns should be promoted to attract new industries complementary to the Shire’s lifestyle.*

Specific Outcomes

- (1) *NA.*
- (2) *Grazing activities are supported where they do not intrude into vegetated and / or steep land.*
- (3) *The availability and viability of rural land for on-going agricultural uses is not*

compromised by inappropriate or incompatible development.

- (4) *Fish habitat areas continue to be protected and managed to ensure that the Shire continues to produce a diverse range of sustainable marine/seafood industry products important to both domestic and international markets.*
- (5) NA.

Response

The use of the land for extractive industry is limited due to the conditions of the approval and those of the associated approval for an Environmentally Relevant Activity. The limited extent of extraction reflects the limited expected currency for the approval and the expected return to an appropriate rural use of grazing or cropping. The landscaped setback buffers and drainage plan requirements will ensure the fish habitat areas are protected.

Infrastructure & Transport

Strategic Outcomes

- (1) *Development is facilitated through the provision of physical infrastructure which complements the economy of the Shire in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods without compromising the Captain Cook Highway as a scenic corridor in the Shire.*
- (2) *Infrastructure and services are provided to Douglas Shire's communities in a planned, timely, economical and efficient manner in order to support community needs.*
- (3) *Development is appropriately coordinated between all of the government tiers and agencies, and sequenced, to ensure that activities are appropriately serviced by infrastructure.*
- (4) N/A
- (5) N/A
- (6) N/A
- (7) N/A
- (8) N/A

Response

Through the conditions of the approval an appropriate design can be constructed for the unnamed road and the unnamed road / Bonnie Doon Road intersection. The Concurrence Referral Agency has not required any upgrade to the state-controlled road intersection of Bonnie Doon Road and the Captain Cook Highway.

Element – Energy

Response

The application is not considered to impact on this matter.

Element – Water & Waste Management

Response

The application is not considered to impact on this matter at a Strategic level.

Element – Transport

- (1) *It is important to maintain a safe and efficient transport network across the Shire. Many of the roads within the Shire are multi-purpose in function and face increased usage by large transport vehicles associated with agriculture, as well as domestic and tourism traffic volumes. The Captain Cook Highway connects Douglas Shire to Cairns and is a winding two lane carriageway that caters for the majority of the Shire's freight needs. The Mossman Mount Molloy Road is also an important link connecting the Shire to the Tablelands.*
- (2) N/A
- (3) N/A
- (4) N/A
- (5) *The cane rail network is an important infrastructure network for the efficient operation of the sugar industry and the mill.*

Specific outcomes

- (1) *The current and future function of higher order roads and transport networks (including buffer areas), is taken into account in land use planning, and protected from incompatible development.*
- (2) *Local and State road networks are integrated with existing communities and new developments.*
- (3) N/A
- (4) N/A
- (5) *Development is designed, located, maintained, and where necessary improved, to facilitate pedestrian, cycle and transport functions.*
- (6) *Development does not compromise the efficient use of the cane-rail network.*
- (7) N/A
- (8) *The cane railway network is retained and maintained as a significant infrastructure network for the sugar industry in the Shire.*

Response

The State Referral Agency has not identified concerns with the impact on the State-controlled roads. The conditions require suitable upgrade of the local road network. There is no impact on the cane railway network.

Assessment Provision

The following Planning Scheme codes are applicable to the development. An assessment has been undertaken against the applicable assessment benchmarks and the following information is provided.

Douglas Shire Planning Locality	Comment
Planning Zone	
Rural Zone	Complies – Refer to comments below
Local Plan Code	
None applicable	
Land Use Code	
Extractive Industry Land Use code	Complies – refer to comments below
Overlay Codes	
Acid sulphate soils overlay	Complies – Conditions limit the depth of extraction to the existing ridge and address the instance should PASS be found.
Bushfire hazard overlay	Complies. The area where the worker facilities are to be located is outside the mapped overlay hazard.
Coastal environment overlay	Complies. The required worksite building can be located outside the erosion prone area and well setback from the boundary (coastal management district).
Flood and storm tide hazard overlay	Complies. The required worker facilities building does not contain habitable rooms and does not include any accommodation. This building can be sufficiently located away from storm tide inundation areas and be provided with sufficient flood immunity. No filling is proposed.
Landscape values overlay	Complies – refer to comment below
Landslide	Complies. While none mapped on the site, the development is sited away from the mapped area on the neighbouring site.
Natural areas overlay	Complies. The development is setback from the identified environmentally significant wetlands and waterways.
Transport network overlay	Complies through the conditions of the approval requiring the suitable upgrade of the adjacent unnamed road and the upgrade of the unnamed road with Bonnie Doon Road.
Other Development Codes	
Access, parking and servicing code	Complies – Refer to comments below
Advertising devices code	N/A – No advertising devices proposed.
Environmental performance code	Complies – Refer to comments below
Filling and excavation code	Complies through the conditions of approval and specifically the requirement for an onsite management plan for the extractive operation.
Infrastructure works code	Complies through the conditions of approval
Landscaping code	Complies through the conditions of approval that have regard to species, expected height and planting regime.
Vegetation management code	Complies. No natural areas to be removed.

Compliance Issues

Rural Zone Code

While no buildings are proposed, conditions of the approval require onsite worker facilities. These can be provided within the required setbacks. The development is compatible with the ongoing rural activities in the area and conditions of the approval require suitable rehabilitation to return the land for cropping or grazing purposes.

Land Use Code

A site based management plan has been provided and further requirements are stipulated in the conditions to ensure the orderly extraction, ongoing rural use of non-operating areas and ongoing and final rehabilitation. No extraction occurs in the environmentally significant areas. The response to Council's Further Issues letter includes a plan of development that sites the extraction areas to be setback 200m from the nearby sensitive land use thereby meeting the AO4. In addition to this setback a protective mound will also be installed. The conditions of the approval require further details be provided to ensure all onsite facilities are suitably accommodated. In addition to the setback nominated by the applicant, the conditions require a 10 metre setback to the neighbouring rural land to the west. While the compliance response identifies the use of extraction by a front-end loader and tipper, the conditions require the operation to be by an excavator to reduce noise.

Landscape Values Overlay Codes

The development is not in a High Landscape Values area. The development is setback with landscape buffers. The required worker facilities building is not an intrusive element on the landscape and will also be screened with landscaping.

Other Development Codes

Access, Parking code

The upgrade of the adjacent unnamed road and the upgrade of the intersection with Bonni Doon Road is conditioned to require a Development Permit for Operational Work.

The FNQROC Development Manual Standard Drawings do not nominate a minimum road pavement width for a Rural Access. The proposed road pavement width for the unnamed road, of six (6) metres, is less than that of an Industrial Access Street.

Of concern is the conflict of vehicle movements for a truck and dog entering the unnamed road and a vehicle undertaking a right turn out of the unnamed road. Also of concern is the conflict of movements for the situation of a truck and dog entering and exiting the unnamed road at the same time. A condition of the approval requires further design improvements to negate these conflicts and need for sufficient sight lines and provision for a rural school bus stop / pickup. The upgrade is for the specific development. While Bonnie Doon Road is a trunk road, the intersection with the unnamed road is not a trunk asset. The condition of the approval requires the developer to pay for the upgrade to the unnamed road and the intersection. These are not considered as upgrades to trunk infrastructure and as such are not creditable work under the LGIP. Section 145 of the Act enables Council to impose a requirement that the applicant/ owner pay costs associated with the upgraded infrastructure.

An amended plan is required to include a new concrete drive, not gravel, to service the lot to the north and to extend a further ten (10) metres distance and a culvert crossover to address the low point at the juncture between the existing and new driveway.

The sealed internal driveway is required to be continued to approximately two hundred and twenty (220) metres on the land having regard to stopping distances and to minimise dust being deposited on the unnamed road and reduce dust impacts and nuisance. Vegetation in the road corridor of the unnamed road is to be sufficiently cleared to provide suitable sight lines for safe vehicle movements at the intersection of the upgraded unnamed road and the new driveway for Lot 54 on SP292874. Vehicle speeds for movements along the unnamed

road and the internal access road are to be limited to the satisfaction of design requirements determined through the Development Permit for Operational Work.

A condition of the approval requires the watering of the internal roadway and the adjacent unnamed road to ensure the suppression of dust on these surfaces and the washing of the roadway to reduce hazard to other users.

Environmental Performance Code

Concerns were raised with air borne dust emissions. Conditions of the approval require sealed haulage tracks and car parking areas within the site as well as the sealing of the adjacent unnamed road. A condition also requires the watering of these areas to ensure clean roads and minimising dust generated from vehicle movements.

Concern is also held with the impact of airborne emissions from the quarry, being the exposed area of extraction and the loading of sand. These concerns are for nearby sensitive land uses and for residue on surrounding vegetation, be this natural areas, pastures or crops. The Acceptable Outcome, for Airborne particles and other emissions, where AO3.1 states, *“Development does not involve activities that will result in airborne particles or emissions being generated; or AO3.2, The design, layout and operation of the development activity ensure no airborne particles or emissions cause environmental harm or nuisance.”* The Code notes for these Acceptable Outcomes include, *The Environmental Protection (Air) Policy 2008, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.* The corresponding Performance Outcome PO3 requires, *“Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.”* The Scheme Code further notes, *“Note – Planning Scheme Policy SC6.4 – Environmental management plans provide guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.”* In response the Applicant advises, *“the Department of Environment, Tourism, Science and innovation (DETSI) have assessed the environmental impacts of the proposed development. The development is not anticipated to result in any environmental harm, including dust. The operation would continue to be monitored throughout its life to ensure that no environmental harm is caused.”*

The DETSI approval has a detailed schedule requiring ongoing monitoring to consider dust and particle matter emissions for particles of less than PM₁₀ (Particle Matter with less than 10 micrometres in diameter size) and conforms with an expected standard. This parameter captures much smaller particles that are associated with silica – a concern raised by nearby residents. The DETSI Schedule is very broad stating the activity must not cause environmental harm to any sensitive place or commercial place. This is a greater parameter than Council’s Environmental Performance Code.

The applicant has confirmed, through a provided laboratory analysis that the sand is regular sand and not silica sand. The laboratory is an appropriately qualified and registered entity.

Noise emissions can be attenuated by the condition limiting extraction to an excavator, which results in less reverse movements. A condition requires machinery and plant used on-site must be fitted with reversing ‘squawkers’ instead of beepers to minimise noise impacts.

A further condition requires a site based management plan to be provided prior to the commencement of use.

Public Notification / Submissions

Public notification was undertaken in accordance with section 53 of the *Planning Act 2016* for the proposed development. A fifteen (15) business day public notification period was carried out with twenty-one (21) properly made submissions received by Council in relation to the proposed development. The submissions included a petition of 578 signatures of which 310 signatories live within the Shire and 268 signatories live outside the Shire.

Subsequent to the applicant providing a response to Council's further issues letter, two (2) submitters lodged additional concerns to the properly made submissions. Three (3) not properly made submissions were also received. All lodged submissions were opposed to the development. All submission grounds are considered in the report.

All planning grounds raised in all the submissions, including those raised in the not properly made submissions, were considered in the assessment of the application.

The following is a summary of the grounds of submissions followed by an Officer comment.

Grounds of submission	Officer comment
Application Standard	
<p>The application cannot be conditioned to comply with the Planning Scheme assessment benchmarks and there are <i>"no relevant matters"</i> in the public interest that warrant approval of the application. The application should be refused.</p>	<p>The recovery of a natural resource is a legitimate use. The development can be sufficiently conditioned. The reasons for the approval identify any non-compliance with any benchmarks as per s.64 (5) (e) of the <i>Planning Act 2016</i>.</p>
<p>The application and the response to the Department of Environment, Tourism, Science and Innovation do not include technical reports from professionally qualified experts regarding noise, dust, surface water, ground water or aquatic ecological impacts which at a minimum would be required to determine whether compliance with the Planning Scheme can be achieved.</p> <p>Noise from truck movements and equipment at the Council's Killaloe Transfer Station can be heard at the nearby sensitive land use, seven days a week. If approved the noise impacts will be exacerbated by the movements from the quarry, six days a week from 7am to 6pm for the excavator, front end loader, water truck and 20 tonne haul trucks. The proposed 50m setback from the nearest sensitive use is insufficient for noise assisted with truck movements.</p>	<p>The common material includes the Environmentally Relevant Activity approval. The Department has found sufficient evidence to condition an approval that requires The Environmental Management Plan (EMP) is to be prepared by a suitably qualified and experienced person. The conditions of the planning approval require the use to be undertaken in accordance with an EMP that addresses these matters.</p> <p>Conditions require the use of squawkers on trucks and the use of an excavator instead of a backhoe, to reduce noise impacts. The conditions also require a vegetated earth mound.</p> <p>The applicant has agreed to setback the extraction area a minimum of 200m from the nearest sensitive use and this is included as a condition on the approval. The proposed vehicle access from the site is at the most western point available from the land to the adjacent unnamed road. The landowner has a right to use this access point.</p>
Nature of Proposal	
<p>There is uncertainty as to whether the approval also allows screening on the land. The Environmental approval was applied for extraction and screening. Screening of extracted materials onsite would result in issues including noise and dust emissions.</p>	<p>The description of the proposed use, as per the Form 1 is, <i>"Extractive Industry (Extraction of approximately 30,000 tonnes of sand per year)."</i> The initial application and the applicant's response to the information request state, <i>"The sand extraction activity is not expected to require the screening of the extracted material on-site."</i> The DETSI application sought screening to occur on the land, and the subsequent approval did not prohibit the screening activity to occur. The</p>

	<p>DETSI approval is for "ERA 16 - Extraction and Screening 2(a) - Extracting, other than by dredging, in a year, the following quantity of material - 5,000t to 100,000t." The conditions of the planning approval limit the Extractive Industry to extraction only, no screening on site, and a maximum of 30,000 tonnes per year.</p>
<p>The common material includes significant inconsistencies regarding extraction level, sediment basin and rehabilitation. The inconsistencies do not enable sufficient assessment of impacts.</p> <p>Extractive industries are required to rehabilitate progressively or upon completion and the original application indicated the intention to utilise the topsoil to refill the site. The quantity of topsoil that will be extracted (with an average depth of 30cm) is not anywhere sufficient to re-fill the sand pits and appropriate rehabilitation will not occur. A lack of sufficient rehabilitation impact on surrounding properties and the adjoining environment and coastal area.</p>	<p>The assessment reviewed the application, response to information request and response to further issues letter having regard to impacts of the development. The conditions of the approval clarify the extent of development approved.</p> <p>Conditions limit extraction to a depth of 3m AHD, being a commensurate height to the remaining parts of the site. The extent of extraction and rehabilitation areas are limited, to enable a progressive rehabilitation. A condition also requires suitable rehabilitation of the soil to achieve a GQAL standard for the rehabilitated area.</p>
<p>The extraction area includes the Killaloe tip. What guarantees are there that the poor quality / contained matter from the tip site will not leach out and settle in the extracted area.</p>	<p>The extraction area does not include the adjacent Killaloe Transfer Station. The development is setback from the boundary of Council's land, as well as the wetland trigger area and the depth of extraction is limited to the 3mAHD. The leeching of any matter from Council's site is a matter for Council, not the applicant.</p>
<p>The application does not include details of where the extracted sand is being taken to. The range road should be fixed in the first instance.</p>	<p>The application is being made over the land and is not contingent to any other land. The State Referral Agency has conditioned the haul to use Bonnie Doon Road to the state-controlled road. The upkeep of a state-controlled road is a matter for the State.</p>
<p>How many local full-time jobs will be created by the development.</p>	<p>The Planning Scheme does not require a minimum of full-time jobs to be created in respect of developments.</p>
<p>Concern is raised with the Applicant's reference to an Environmental Authority Approval as The Environmental Authority (EA) P-EA-100727892 was cancelled. This permit included the standard condition that extraction material was not to occur within 1000 metres of a dwelling, The initial application sought a setback of only 50m from the nearby dwelling, directly in contravention of the EA, current at the time</p>	<p>Environmental authority approvals area issued under the <i>Environmental Protection Act 1994</i>. The <i>EP Act</i> has specific descriptions for environmental relevant activities (ERA's). The current EA approval is for "ERA 16 - Extraction and Screening 2(a) - Extracting, other than by dredging, in a year, the following quantity of material - 5,000t to 100,000t."</p>

<p>of lodgement. The application for the EA to DETSI excluded the mention of the nearby home. The aerial image provided to DETSI was of an image taken prior to the development of the nearby residence. The application to DETSI included, <i>"screening of the material into stockpiles prior to the distribution of the sand resource throughout the region."</i> The mention of the onsite screening was not included in the planning application lodged with Council. There are numerous sensitive land uses (dwellings) in the surrounding area. Further, the EA application to DETSI included other sensitive land uses, but not that of the most nearby dwelling house, north of the unnamed road. This is despite the DETSI despite the application being submitted with a declaration that the information provided was true and correct.</p>	<p>ERA 16 2(a) is for extracting 5,000 - 100,000 tonnes of material. ERA 16 3(a), 3(b) or (c) are for screening. No EA has issued for screening.</p> <p>The assessment of an application to DETSI for an Environmental Authority approval is a responsibility of that agency, not Council, and any concerns should be directed to DETSI.</p> <p>DETSI has a responsibility to consider nearby sensitive uses. The current approval has consideration to <i>"any nearby sensitive land use."</i> The Decision notice for the ERA approval stated that, <i>"A human rights assessment was carried out in relation to this decision, and it was determined that the decision is compatible with human rights."</i></p>
<p>The application is significantly insufficient in details, such as technical reports, precluding Council's ability to make an informed assessment or to form reasonable conditions to ensure adverse impacts (both on the natural environment and the amenity of nearby residents) are mitigated through conditions of approval.</p> <p>The lack of detail include:</p> <ul style="list-style-type: none"> . how the use will be operated and managed to mitigate impacts; . the extent of extraction area, the pre and post development heights of the extraction area, the comparison with heights of neighbouring land, buffers, waterways and farm drains; . the impact on the function and treatment of drainage paths through and adjacent to the extraction areas pre and post development; . the impacts on hydrological characteristics of the site and the potential impact on the ecological values of the coastal environment including aquatic ecology and the mapped wetland; . the adverse impacts on nearby sensitive land uses including acoustic and air quality impacts; . the safety and efficiency of the intersection of the unnamed road and Bonnie Doon Road; and 	<p>Further details were provided to Council and form part of the common material. The considerations of noise and air quality are addressed through the conditions of the ERA, which had regard to nearby sensitive uses. The ERA approval had regard to the impacts on the ecology of the nearby mangroves and wetlands.</p> <p>Other matters can be sufficiently addressed through the conditions of the planning approval.</p>

<p>. the potential impact on the scenic amenity of the area.</p>	
<p>Scale of Industry</p>	
<p>The development is not a 'small-scale' extractive industry use as consistent with the Strategic Framework.</p> <p>The development is not small scale, nor consistent with other rural activities. The removal of the sand dune formation with an excavation across approximately 20 hectares of coastal frontage in a sensitive environment is not small scale. The development can clearly be distinguished from historic, traditional cane farming operations in the locality.</p> <p>The development is not small scale as it is for an extractive industry of more than 10,000 tonne per year and requires referral to the State Assessment and Referral Agency for State Transport Infrastructure.</p>	<p>A small-scale extractive industry is not defined by the Planning Scheme nor specified by the <i>Planning Regulation 2017</i>. The Environmentally Activity approval and the conditions of the planning approval limit the size and extent of the land use. These conditions limit the area and depth of extraction. There is a limited amount of resource available within these parameters. The impacts of the development, hours of operation, number of loads / trip movements per day, non-operation in wet season wet weather conditions, dust emissions are limited through the conditions of the approval. the conditions require the continued use of cropping or grazing for areas of the site that are not under active extraction operations or are in a rehabilitation phase.</p> <p>The development has an expected life limitation. An Extractive Industry use is not a land use identified by the Zone code as being an inconsistent use.</p> <p>The use requires only one operator on site and requires only the upgrade of the adjacent unnamed road and intersection to Bonnie Doon Road. The upgrades can be undertaken within the existing road corridors. The development is considered a small scall extractive industry.</p> <p>The conditions of the approval limit the extraction to a maximum of 30,000 tonnes per year.</p> <p>The sugarcane production in the local area has now ceased.</p> <p>The test of large-scale extractive industry is not based on the referral trigger to the State Assessment and Referral Agency. The referral requires consideration of any impact on the State transport (road) infrastructure. The Agency did not require any upgrade to the road infrastructure.</p>
<p>The DETSI response provides the staging and disturbance areas to be 1ha. The applicant's minor change plan includes 2ha areas.</p>	<p>The conditions of the approval require an amended plan and limit the areas to 1ha of active extraction and 1ha of restoration, consistent with the DETSI conditions. The development permit conditions also require the ongoing rural use of inactive areas.</p>

<p>The sale advice from Colliers Cairns identified the site as containing 640,000 cubic metres of fine sand. The height of the sand ridge in the RPS report is disputed. The sand ridge has a height of four metres, not 2-3 metres. The extent of sand available on the site is in the order of 1.2 million cubic metres of sand. The original RPS report state the extent of extraction below natural ground level will be 0.5m to 1m. The Quaid Farm Test Hole Logs identify average extractions can go between 2.5m and 3 metres to recover fine sand. On the basis of the data provided in the logs the extent of total extraction can be in excess of 2 million cubic metres over a ten year period.</p> <p>Under the Resource Code Queensland, "a <i>small scale</i>" mining activity is an area of not more than 20 hectares. There is inconsistency in the description of the area of extraction. The original report states the area is to be 19.7 hectares, however on the Drawing AU 015874-2, dated 26 August 2024, the area is detailed to be 22.29 hectares. The nominated site area of 22.29 hectares and this is not taking into account the Wetland Protection Area Trigger Area which also has vast deposits of sand. The proposal is more akin to a medium to large scale sand mining operation over a 10 or long year period.</p>	<p>The conditions of the approvals limit extraction to a depth not less than 3m AHD. The land has an area of 40 hectares, there is no nomination of extracting sand from the Wetland Protection Area Trigger Area, the proposed area of extraction is more akin to 20 hectares. The conditions of the approvals limit the extent requiring a setback of 200m from the nearby sensitive use and 10m from the boundaries. The amount of extraction is limited by truck movements and 30,000 tonnes annually.</p> <p>The submitter's reference to the "Resources Code Queensland," appears to be the "Small Scale Mining Code" (Queensland Government, Version 3.1 June 2024, complied by the Regulatory Support and Performance of Georesources Policy, Department of Resources, being a Code made under the <i>Mineral Resources Act 1989</i>. The Code does not have relevance to an extractive industry.</p>
<p>Need</p>	
<p>There is no need assessment report for the resource. There are no clear community benefits nor relevant matters that warrant an approval. The application initially stated the intention to take the extracted sand to Cairns for facilitating asphalt manufacturing. The applicant's response dated 12 September 2025 noted the proposed sand extraction at this site would eliminate the need for long distance transport. However, comparative quarries in Mareeba have a similar haulage distance to Cairns. The applicant has failed to substantiate a need for another sand quarry in the Douglas Shire. The need is one for the developer's own financial benefit and not that of the Douglas Shire Community. Need should be in perspective of the community, not that of the applicant.</p>	<p>Within the Planning Scheme the Strategic Framework, the Rural Zone Code nor the Extractive Industry require a needs assessment report for an Extractive Industry. The Scheme does not limit the extent of Extractive Industry by need but requires the extraction operation can rehabilitate the land for ongoing rural use. The conditions of the approval require appropriate rehabilitation. Sand is an essential material for asphalt manufacture. Roads in the Shire are predominantly asphalt. Asphalt provides benefits due to its porous nature and hence ability to reduce the incidence of vehicles aquaplaning in heavy rain. Asphalt is currently being used in high quantities in the region in the repair of damaged roads from the Tropical Cyclone Jasper and following rain / flooding event.</p>

Key Resource Area	
<p>There is no State Planning Policy Key Resource Area in the Shire. The proposed quarry is incompatible with the area's current residential and agricultural character, which is integral to the community's identity.</p>	<p>The lack of a Key Resource Area does not prohibit the lodgement of a development application. The Strategic Framework and the Rural Zone envisage the development of small-scale quarries. The conditions of the approval limit the extent of the development having regard to the surrounding agricultural character. The development is not in an urban residential area or near to a Rural Residential Zone.</p>
Strategic Framework	
<p>The Strategic Framework requires that, <i>"Other extractive industries do not detrimentally impact on community well-being or the Shire's ecological, landscape, scenic amenity, and rural production values."</i> The scale and intensity of the proposed operations are inconsistent with this directive. The heavy truck traffic (estimated at five 20-tonne trips daily) and site disruption will detract from both community well-being and the scenic, tranquil environment expected in rural zones.</p> <p>The development will cause visual impacts on surrounding residents and impact their well-being through noise and dust emissions.</p>	<p>The scenic considerations in the Rural Zone are the lush green backdrop of the Great Dividing Range, the overview out to the Coral Sea and the sugarcane fields. The development, conditioned with a requirement for vegetated buffer setbacks and ongoing rural use will not detrimentally impact on the scenic amenity. There is no expectancy of a 'tranquil environment' in the Rural Zone. In the Rural Zone there is an expectancy for activity.</p> <p>A condition of the approval requires a site based management plan to regulate noise and dust issues.</p>
Mossman Local Plan	
<p>The Mossman Local Plan emphasizes maintaining local character and managing traffic associated with Agriculture and community uses. An increase in heavy traffic from sand extraction will conflict with the intent to preserve infrastructure for residential and rural uses (Section 7.2.3 Mossman Local Plan).</p>	<p>The land is not within the area of the Mossman Local Plan.</p>
Inconsistent with Rural Zone	
<p>The area is intended for farming and agriculture, not mining.</p>	<p>The zoning considers the use as impact assessable development. Conditions require the ongoing continued rural use for the non-operative areas together with rehabilitation to return the land to a landform and soil suitable for grazing or cropping.</p>
<p>Bonnie Doon Road is cut off due to flooding in the wet seasons isolating Cooya Beach. The area is most prone to flooding in the whole floodplain The development will increase flooding to the area.</p>	<p>The extraction does not change the level of land beyond the site. The removal of the sand ridge provides increased capacity for floodwater detention on the land. The site is already in the flood plain and the removal of</p>

	the sand ridge is not considered to impact on the flooding over Bonnie Doon Road. The depth of extraction is limited, beneath which there will remain sand reserves.
The hours of operation increase noise emissions to the area. Air brakes on a 20 tonne truck moving along Bonnie Doon Road daily, six days a week, will mean we have to put-up with excessive noise from the braking system.	The use is limited to five truck and dog haul movements a day. Conditions also limit type of machinery used - again to minimise noise impacts. Conditions limit the hours of use.
The developer seeks to change the zoning from rural to industrial. If the development goes ahead, it sets a precedent not just for additional rezoning of rural to industrial land, but a slippery slope of additional sand mines. An approval would set a dangerous precedent encouraging further extractive applications across the Shire. Incremental industrialization would fundamentally alter the Shire's character, shifting away from sustainable tourism identity and damaging its appeal to visitors.	The application has not been made for a planning scheme variation (zoning change). The application has been made for a Material Change of Use for Extractive Industry. All applications are considered on their merits.
The Rural zone requires under PO7 a minimum lot size of 40 hectares, this being due the submitter asserts to 'maintain the primary production focus of the rural area.' While the lot size of 40.47 hectares meets the minimum, the proposed activity diverts the land from primary production to industrial extraction, violating the intent of the zone to prioritize agriculture and low impact uses.	The standard of 40 hectares is in reference to reconfiguration, not maintaining the primary production focus of the rural area. The application does not include any reconfiguration of a lot. The Code purpose seeks to, " <i>maintain the capacity for primary production.</i> " The continued rural use of non-active extraction / rehabilitation areas and suitable rehabilitation to provide for future rural use. Through the conditions of the approval the development meets the Code purpose.
The Rural Zone code mandates under PO6, " <i>existing native vegetation along watercourses, and in or adjacent to, areas of environmental value, or areas of remnant vegetation of value is protected.</i> " The site includes areas mapped as " <i>Category R Reef regrowth vegetation</i> " and " <i>High Ecological Significance Wetlands.</i> " While the application claims to avoid these areas, any mismanagement or indirect effects (e.g., rural runoff, dust) could irreversibly damage these sensitive ecosystems.	The conditions of the approval require vegetated buffer setbacks from the site boundaries. The area of extraction is sited well away from the significant wetlands on the land. The operator and owner have a duty and responsibility to comply with conditions of an approval.
The development conflicts with the purpose of the Rural Zone that emphasizes the preservation of rural character and environmental integrity, including, " <i>(1)(c) protect or manage significant natural</i>	The conditions of the approval seek to manage the extraction of the natural resource while maintaining the ongoing rural use and requiring soil enhancement and landform finished for a suitable GQAL on the

<p><i>resources and processes to maintain the capacity for primary production.</i>" The high impact activity will disrupt the ecological balance and natural processes vital for primary production. The proposed extraction of 30,000-100,000 tonnes per annual contradicts the Rural Zone's intent for small-scale and sustainable activities.</p>	<p>rehabilitated areas. The development is considered small-scale and is limited to an extraction of 30,000 tonne.</p>
<p>The rural zone code mandates under PO1, <i>"The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity."</i> While no buildings are proposed, the extraction activities, including truck operations and land disturbance, will create significant visual disruption in an otherwise scenic rural area. These impacts undermine the code's goal to conserve the rural character.</p>	<p>Where there are no buildings the PO1 does not apply. The code does not include <i>"goals."</i> The Code purpose does not include considerations of <i>"scenic rural area"</i> nor of <i>"rural character."</i> The Code purpose requires non-rural uses are compatible with the <i>"landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purpose."</i> The Code purpose refers to the Strategic Framework, Element 3.5.5 - scenic amenity referencing the lush green frame backdrop of the Great Dividing Range and the sugarcane fields. The development does not interfere with the scenic amenity of the Great Dividing Range. Since the closure of sugarcane production in the Shire there will no longer be sugarcane fields. Conditions of the approval require landscaped buffer setbacks, the continued rural use of non-active extraction / rehabilitation areas and suitable rehabilitation to provide for future rural use. Through the conditions of the approval the development meets the Code purpose.</p>
<p>Impact on Surrounding Uses and Sensitive Uses</p>	
<p>There are a number of Rural Residential properties in the area. If approved the development should be limited to Monday to Friday 7.30am to 4pm. The buffer between the operations and the adjacent house should be 150m minimum.</p>	<p>The is no rural residential zoned land nearby. Surrounding land in the area supports a number of sensitive uses (dwellings) constructed on rural land. The Development will be setback from the nearest sensitive use by 200m, meeting the Acceptable outcome of the Planning Scheme Code. The conditions of the approval limit the hours of operation and the limited truck movements limits the scale of operation.</p>
<p>The Applicant's minor change includes a vegetated mound which is unexplained. The purpose and height of the mound are unclear. Based on sections the height appears higher than the existing LIDAR surface level of the sand mounds on the site.</p>	<p>The vegetated landscape mound provides for amelioration of noise impacts and wind drift of material to the nearby sensitive land uses. It is necessary that the mound be higher than the existing natural ground level to achieve these purposes.</p>

<p>There are insufficient technical reports regarding the noise, dust, aquatic ecology, ground water and flooding. While the AO4 is achieved by providing a 200m setback from a sensitive use, this does not mean automatic compliance with the provisions of the Strategic Framework, which require consideration of environmental impacts, amenity impacts and agricultural impacts. The application has contradicting plans, one showing a 50m setback and the other showing a 200m setback from the nearby sensitive use. No quantitative noise or dust modelling has been undertaken, and no verified water-source or dust-shutdown protocol is provided. These omissions prevent Council being able to confirm compliance with the Extractive Industry Code and the Environmental Nuisance criteria.</p> <p>The operations six days a week will generate significant dust and noise, severely impacting the well-being of Cooya Beach residents living just one kilometre away.</p> <p>As the extraction area is 50 metres from the nearest dwelling, the residents of this dwelling will be exposed to huge sand / dust impact issues to the health of the residents, including infant children. Each day the nearby residents have to mop the timber verandah to remove sand that has blown onto them. This problem will be particularly severe when there is a strong south or south-easterly wind blowing at 25-40 knots per hour. This velocity of wind is normal for Cooya Beach during the windy months from March through to the end of September.</p>	<p>The purposes of the Extractive Industry Code, nor the purposes of the Environmental Performance Code, do not link to the Strategic Framework. The Assessment Table for the Rural Zone requires the impact assessment of the whole of the Scheme, including the Strategic Framework. Through the conditions of the approval the development satisfies the Strategic Framework requirements.</p> <p>The conditions of the approval have regard to noise and dust issues. The development meets the required setback from nearby sensitive uses. The development is to be sited outside the urban setbacks, as per the Draft Far North Queensland Regional Plan. Cooya Beach urban area is over two kilometres away from the site.</p> <p>The extraction area is southeast of the nearby dwelling. The conditions require a vegetated earth mound which will catch dust and sand. The nearby dwelling has been sited at an elevated position with little landscaping on the same property, thereby exposing this dwelling to prevailing winds.</p>
<p>The development is on land located in a strong wind area which has prevailing winds from south-east. The Bureau of Meteorology's Road Wind direction verses wind speed in Kilometres per hour, included in the Applicant's information response, identifies there would be impacts to the nearby residence that sits 800m to the north-west. The development will have a significant effect from dust emissions even when these emissions are low but occur on days with strong winds. Normal wind speed is less than 19kph which is considered a light breeze. A strong breeze is 20kph or</p>	<p>It is agreed the strongest winds come from the southeast and travel in a north-westerly direction. The Queensland Government <i>Guideline on the Environment Protection Act 1994, Application requirements for activities with impacts to air</i> (Version 5.05, 25 November 2025) identifies the following impacts.</p> <p><i>“Air pollution can negatively affect environmental values, including:</i></p> <ul style="list-style-type: none"> <i>. human health and well being</i> <i>. aesthetics of the environment</i>

<p>more and can easily pick up dry dust and fine sand. The lightest particles are swirled up into the air and carried in suspension for hundreds of kilometres. The BOM wind report for the area shows the for 35% of the time the wind speed is between 20-30 km/h; 20% of the time between 30-40 km/h and 7% of the time over 40km/h. This means that on average the wind blows at over 20km/h for more than 60% of the year and from a south-east direction for 65% of the year.</p> <p>The Maximum Sustained Wind at the site and neighbouring area for the 2024 year to date is 42kmph with wind gusts up to 62kphas confirmed by the Historical Weather Data Report. (This does not include any cyclone activity at all.)</p> <p>In an average wind speed of 30kph fine sand the size of 100um carries in the wind and reaches a distance of 430 metres. Dust carries even further. It is likely the development will therefore impact on the nearby residence to the north-west.</p>	<ul style="list-style-type: none"> . <i>the health and biodiversity of ecosystems</i> . <i>agriculture use of the environment."</i> <p>In respect to dust, while the guideline states, "<i>there is no national air quality guideline values for the nuisance effect that can be used to assess the impact of dust on the receiving environment,</i>" there are "<i>a number of criteria commonly used by regulatory agencies in Australia.</i>"</p> <p>The State's following standard, that has been included in the Environmental Approval issued by DETSI, having regard to any nearby sensitive receptor.</p> <p><i>"Generally, the criteria have been derived from subjective observations and investigation of dust levels and nuisance effects. A dust deposition limit of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with 'AS/NZS 3580.10.1 Methods for sampling and analysis of ambient air – Determination of Particulates – Deposited Matter – Gravimetric method', is frequently used in Queensland.</i></p> <p><i>In some areas there may already be relatively high background levels of dust. If dust is a potential concern, deposition gauges should be used by the applicant to collect data near sensitive receptors and the proposed ERA site. The dust deposition data collected from the site can be analysed and the results compared against the above standards. The dust deposition rate could also be estimated at the sensitive receptors using the dispersion models and the cumulative effect can be determined by considering the background dust deposition data of the site."</i></p>
<p>The Extractive Industry will result in dust emissions. The southeasterly winds will blow the dust to the nearby Cooya Beach Estate impacting on homes and people's health, especially on the young and older people with allergies or who are asthmatic. Similar impacts occurred with the Mossman Mill smoke emissions.</p> <p>There is an Aircraft Landing Facility approved on the neighbouring Lot 2 on RP893855, that allows controlled movements to ensure minimum disruption</p>	<p>No submission was lodged in respect to the neighbouring Aircraft Landing Facility. It is agreed fine dust can cause issues to aircraft engines. The neighbouring landowner advised of constant sand / dust already experienced on the house verandah. It is assumed that there is already some dust / sand issue in the area. The extent of severe impacts to aircraft is usually in respect to dust storms. Conditions of the Site Based Management Plan have regard to dust</p>

<p>and noise would be affecting the neighbouring sites. The Facility provides for microlight aircraft. A microlight cannot safely take off and land on its approved site when the sand, dirt and dust is being extracted.</p>	<p>emissions requiring impacts to be contained to the land.</p>
<p>Reference to the Department of Environment, Tourism, Science and Innovation (DETSI) Environmental Authority (EA) (P-EA-100750656) does not satisfy the Planning Scheme tests for land-use suitability, amenity, visual impact or infrastructure capacity. Council has a duty to assess these considerations. Relying on the DETSI's conditions does not satisfy the Applicant's responsibilities to provide a Noise Impact Assessment Report; an Air Quality Report; a Stormwater Management Report; a Flood Impact Assessment Report; a Geotechnical Assessment Report and an Aquatic Ecology Report. Until these reports are provided Council cannot be satisfied the proposal achieves the purpose and overall outcomes of the Strategic Framework.</p> <p>The very windy area carries noise quite easily and regularly. From our residence we hear machinery noise from the Killaloe waste station. We also regularly hear music from Port Douglas. We believe that due to the wind direction from the site we will continually hear all machinery and truck movement noise on a daily basis that will impact our peaceful and quiet lifestyle. The applicant's response to the noise issues is insufficient. The so called sound buffer will not stop noise, especially the 10 truck movements per day in and out of the unnamed road off Bonnie Doon Road. It has been a very noisy and dusty year at our residence on McCracken Road due to the recent installation of the cane truck loading ramp that was erected just north of our residence along the Bonnie Doon Road / McCracken Road turnoff. We have had to cope with constant dust coming from the trucks turning into the ramp area and leaving from Bonnie Doon Road. We are constantly disturbed and also woken up by the loud screeching, and breaking and thudding and accelerating truck noise arriving, idling, leaving and stopping. The noise hinders our day to day peaceful environment and this proves that the trucks arriving and leaving the proposed extraction</p>	<p>Conditions of the Environmental Approval have specific considerations for dust emissions. The conditions of the planning approval have specific considerations for noise emissions. There is no mapped landslide in the proposed extraction area.</p>

<p>site will also cause noise and disturbance to our daily lives and those of other nearby residences. We accept we live in a rural zone and among cane fields. But the tractors, bin haulers and harvesters only travel around occasionally whereas the applicant's proposed 10 truck movements per day, 6 days a week carrying extracted sand will be a constant daily noise activity which will impede our peaceful home life.</p>	
<p>There are sensitive land uses quite close to the site as well as within the surrounding kilometre. Not all nearby sensitive land uses have been identified by the applicant. the development will affect all these residents in regard to: noise and dust emissions; safety concerns; and reduced peace and quiet.</p> <p>The proposed setback of 50m from the nearby sensitive land use is insufficient. The setback should be 200m from a proposed extraction area (not involving blasting or crushing) consistent with the Acceptable Outcome AO4.</p> <p>The figures in the RPS Planning report provide a 200m buffer around other nearby sensitive land uses, but a much smaller buffer (50m) around the nearest sensitive land use, which would be the most affected property.</p>	<p>A plan has been provided amending the setback of the extraction area to 200m. This meets the AO4 standard, the Planning Scheme Extractive Industry land use code for an <i>"Extractive resource separation areas to sensitive land uses are: ... (b) 200 metres for any other extractive industry resource not involving blasting or crushing (namely sand, clay, gravel and soil)."</i> This setback requirement is reiterated as condition of the approval.</p> <p>The conditions of the Environmental Approval have regard to all nearby sensitive land uses.</p>
<p>Quarry dust contains fine particles that can lead to respiratory issues such as asthma, bronchitis and silicosis. These risks extend to workers and nearby communities. The development would severely impact on young infant children residing in the nearest sensitive place, who have respiratory health issues. Children deserve to grow up in a safe and healthy environment, free from the risk of dust-borne respiratory illness and the adverse long-term effects this operation could cause.</p> <p>A resident of a nearby sensitive use has silicosis, for which there is no known cure. Dust exposure can weaken respiratory systems, making the patient more susceptible to infections like bronchitis and pneumonia. Fine dust particles can also contribute to cardiovascular problems, eye and skin irritations, allergies and immune system impacts and long-term quality of life impacts.</p>	<p>The sand being extracted is regular sand, not silica sand. Queensland Health and Safety legislation requires employers and workers to ensure a safe working environment. The development site is located south of the Cooya Beach Estate. On the submitter's opinion of wind direction, the breezes to the Estate would not be affected.</p> <p>The conditions of the approval and the Environmental Authority have regard to dust emissions to all sensitive uses. The standard of consideration for dust emissions does not vary due to the health requirements of specific residents. Where additional health provision is needed these are usually provided in the design and siting of that sensitive place, as the responsibility of that occupant. The nearby resident has chosen to construct the dwelling very close to the road boundary with minimal setback or landscaping buffer. The minimal setback of the nearby dwelling from the property boundary, and the location adjacent to a road</p>

<p>It is common knowledge that we get a very good breeze into the Cooya Beach Estate. This comes from the south- east direction. Therefore, if the development was approved, in my opinion the dust would head directly into the Estate and then enter people's homes. This is what happened when the Mill was running, where did all the smoke go when the wind was blowing.</p>	<p>reduces amenity for the residents due to reverse impacts. The resident's preference for the reduced setback, while addressing the need to achieve sufficient flood and storm tide inundation immunity, is compromised with the reduction in amenity. The applicant has indicated the development can be setback 200m from the nearby residence in accordance with the Acceptable Outcome and this setback is reiterate through a condition of the approval.</p> <p>The area of extraction is setback 200m from the nearest sensitive use, as required by the Planning Scheme Code.</p>
<p>The continuous truck movement will cause substantial noise and vibration disrupting the family life of children in the nearby sensitive use, including disruptive daytime sleeps for the infants.</p>	<p>The truck movements do not pass by the neighbouring sensitive use. The conditions of the approval limit the number of movements and other conditions seek to minimise noise emissions.</p>
<p>The use of the unnamed road for access to the land is inappropriate give the same road is used as access by the nearby sensitive place in which resides young children. Young children of this nearby residence freely ride their cart on this unnamed road. The use by trucks will create a serious conflict and pose an unsafe situation for these children.</p>	<p>The land has a legal point of access to the adjacent unnamed road and an entitlement to use this access. The use of the unnamed road as an access point negates the construction of access through identified significant wetlands to the south.</p> <p>A condition of the approval requires the sufficient and safe upgrade of the unnamed road, including consideration for the nearby sensitive use.</p> <p>Under Queensland legislation a parent is responsible for the appropriate supervision and safety of a child under twelve years of age.</p>
<p>The High Impact Earthworks will change the landform, contours and slopes, and subject Lot 1 to large scale flooding.</p>	<p>High Impact Earthwork is defined by the Planning Regulation 2017 and includes where the work diverts water to or from a wetland in a wetland protection area. The application was not in the Trigger Area for the nearby wetlands. A condition requires a sediment and erosion control plan.</p>
<p>Conservation Zone</p>	
<p>The development of an Extractive Industry contradicts the provisions of the Planning Scheme's Conservation Zone. An Extractive Industry is an inconsistent use in the Conservation Zone. The development is inconsistent with the Environmental Management Zone. The development is inconsistent with the Industry Zone.</p>	<p>The land is not included in the Conservation Zone, nor the Environmental Management Zone. The land is not included in the Industry Zone. Nor does the application seek a preliminary approval for a Planning Scheme variation to include the land in an Industry Zone.</p>
<p>Environment and Biodiversity Concerns</p>	

<p>There is no confidence that the development will be carried out in a manner that protects the High Ecological Significance (HES) Wetlands and the coastal areas to the east. The development will affect the mangroves. There needs to be an independent Environmental Impact statement.</p> <p>The site adjoins a wetland of significant importance to the Eastern Kuku Yalanji People. The vast mangrove system provide an abundance of food source for Traditional Owners, including muscles, periwinkles, crayfish, black jew fish, silver jew fish and swordfish as well as turtles and dugong. The wetlands contain spawning sites for various sea animals and significant beds of seagrass which is a primary food source for green sea turtles and dugong.</p> <p>The is fish and other species including saltwater crocodile in the flowing tidal drain between the land and the neighbouring property to the north.</p> <p>Pollution and habitat destruction could irreversibly harm local flora and fauna. The site and surrounding area of interest is home to over 50 different species of birdlife as detailed in the Wildnet Species List issued by the Department of Environmental Science and Innovation. Our property, which is located 800m from the site has at least 10-15 different species of birds feeding and nesting on it at any one time. We are concerned about the detrimental effect this sand excavation proposal will have on the current habitat at the site for many of these bird species especially due to the property's location to the coast.</p>	<p>HES wetlands are mapped under the Environmental Protection Regulation 2019 and protected through the Wetland Protection Areas with further consideration where development is in the Wetland Trigger area. The neighbouring land to the NE includes a HES Wetlands being on the edge of the Great Barrier Reef Marine Park. This is a significant distance away from the development. While the land includes a HES Wetland, the proposed development is not located in the mapped HES Wetlands, nor the Wetland Protection Area nor the Wetland Trigger Area. The conditions of EA approval limit the extraction to a surface level of 3.0m AHD, that has regard to the underlying water table consideration. This limitation has also been applied to the planning approval as well as a landscaped setback from the eastern boundary.</p> <p>The development does not involve excessive use of machinery that would cause significant pollution.</p>
<p>The development will affect the neighbouring mangroves. The development is inconsistent with the Resilient Coast Strategic Plan and the Cooya Beach Foreshore.</p>	<p>While parts of the land experience tidal flow, the land is not mapped under the Erosion Maps of the Resilient Coast Strategic Plan, open coast erosion. The storm tide mapping, under this plan, does not include the areas for the amended extraction areas. The land is outside the Cooya Beach Foreshore Plan area.</p>
<p>the development will impact on the coastal wetland of environmental significance. The development is inconsistent with the Resilient Coast Strategic Plan.</p>	<p>The development is setback from the wetlands and conditions limit the depth of extraction.</p>
<p>Sand extraction can cause erosion, threatening both livelihoods and the tourism</p>	<p>The conditions of the approval limit the extent of the development and require rehabilitation</p>

<p>industry, which heavily depends on the natural beauty of the Douglas Shire.</p>	<p>of the land thereafter. The extraction areas are setback from nearby mangroves and wetlands with screening from scenic routes.</p>
<p>There are inconsistencies and uncertainties in the application in respect to the base level of extraction and the water table. The sand extraction will also result in a depression of the finished levels along the boundaries. These uncertainties limit the ability to adequately assess the development in respect to surface water, ground water, aquatic ecology and agricultural impacts.</p> <p>Disturbance caused by sand mining could lead to the salination of aquifers, endangering freshwater supplies for residents and the environment. Mining activities often disrupt streams and springs, which could negatively affect the wetlands and nearby beach ecosystem.</p>	<p>The water table level varies through the year. The onsite bore samples were taken in June in 1994, during the dry season when a higher water table is present. The State assessment for the Environmental approval had consideration to maintaining a 1m depth between the water table and the base of the extraction pit and are satisfied that the water table will not be detrimentally affected, nor result in downstream impact to the neighbouring mangroves or the onsite and nearby wetlands. The developer will construct a small dam to collect overflow to provide for watering onsite. Once extraction areas are utilised the rehabilitation requires restoration to enable future rural use.</p> <p>Since the lodgement of the application, DETSI has issued a permit for an Environmental Approval for the sand extraction. The assessment by DETSI had regard to impacts on wetlands and water tables. Conditions of the approval, and the EA approval, limit the depth of extraction in respect to the water table.</p>
<p>A sand quarry operation could further destabilize the land, worsen flooding and impact surrounding properties and infrastructure.</p> <p>Following all extraction, we will be left with a big hole in the ground. The freshwater will flood the ocean and kill the mangroves. There is no hydraulic or storm tide modelling demonstrating pre and post development water levels, afflux, or altered flow paths. Limited details are provided with the stormwater sediment basin and there is no stormwater management plan. The application does not include a stormwater engineering or flooding report. The provision of a detention basin does not demonstrate this consideration is adequately met. Concern is held for water quality, in particular the quality of water received by the adjacent mangroves and wetlands. There is a risk to adjacent farmlands, the Captain Cook Highway and downstream wetlands. There are no details for the sediment basin, what is the depth and impacts on water table. The sediment basin is within the 200m setback from the</p>	<p>The conditions require further details including drainage channels, to mitigate ponding of overland flow and storm tide inundation that are designed and managed to mitigate detrimental environmental impacts. The conditions also require a sediment and erosion control plan.</p> <p>The conditions of the approval and the Environmental Approval limit the extraction from existing ground level to a 3.0m AHD. Once the extraction is complete, topsoil is reinstated and the ground level will be commensurate with that for the remainder of the site.</p>

<p>nearby sensitive use. As this basin is in the highest part of the sand ridge, the developer will be increasing the extraction from this area.</p>	
<p>The applicant's testing reports PASS exceedance at 3-5m and 4-5m, yet no ASS Management Plan has been provided. Given the site's coastal setting, flood exposure, and unknown excavation tolerance, a comprehensive Acid Soil Sulfate Management Plan with trigger-action limits, neutralising rates, monitoring and contingency procedures must be required prior to any works. It is highly probable Acid Sulfate Soils will be a problem with below ground excavation. AO1.2 of the ASS Overlay Code requires an acid sulfate soils investigation be undertaken. No details were provided in the original application. Without rigorous testing the AO is not satisfied and the applicant's claim, <i>"It is highly unlikely that any unoxidized PASS material exists in the sand resource,"</i> is unsubstantiated. The contradictions in the original application as to the anticipated depth of extraction raises concerns regarding the management of any exposed PASS. The Applicant's claim that, <i>"if required, ASS will be managed appropriately or avoided by limiting the depth of extraction,"</i> does not negated the requirement for an investigation.</p> <p>The applicant has not detailed how disturbed soils will be managed to prevent contamination of the critical wetland areas and the adjacent farm drain.</p>	<p>The Applicant's response to Council's further issues letter including an acid soils investigation has been undertaken and the development would not involve the disturbance of PASS. Further details were provided to DETSI for the EA application, hence the condition on both the EA approval and the proposed planning approval limit the depth of extraction to 3.0m AHD. This is not only to not expose the PASS but to ensure there is sufficient freeboard to maintain the water table at a level that ensures lower depths are not dried out and PASS exposed. As a precaution, conditions of the approval require the treatment of any identified PASS. A further condition requires extraction to cease in areas where ASS is found.</p> <p>A condition of the approval requires a sediment and erosion control plan.</p>
<p>We do not want a sand quarry that can jeopardise the fragile eco system we enjoy. There is precedent for damage from sand quarries in Australia - such as the negative environmental impacts to Fraser Island from sand mining including:</p> <ul style="list-style-type: none"> . permanently changing the Island's topography; . damage to the Island's soils, making it difficult for soil to form again; . disrupting the Island's plant communities, taking a long time after for the forests to re-establish; . exposing the foredunes' protective buffer, exposing more than twice the minded area to salt spray; and 	<p>K'gari was significantly impacted by logging and mining over many years. These operations were undertaken at a time when little regard was given to environmental considerations and consequently gave rise to significant impacts. When K'gari was nominated for UNESCO World Heritage Listing logging and mining had ceased. The proposed extent of extraction on the land is significantly less than that occurred at K'gari. Current environmental standards are much higher. Through the conditions of the planning and Environmental Authority approvals the development can meet current standards.</p>

<ul style="list-style-type: none"> the remaining mine site lacking small understorey plants, which is unusual for forested areas on Fraser Island. 	
<p>The land is mapped with multiple Matters of State Environmental Significance (MSES). The applicant has failed to provide a robust ecological survey or peer-reviewed studies confirming that wildlife habitats will not be impacted. There is no definitive mapping to confirming a 100m buffer to the wetland area is being provided. Buffers less than 100m are insufficient for protecting wetland hydrological integrity nor nutrient and sediment flow control.</p> <p>Clearing of Category C vegetation would disrupt the wetland's role as a carbon sink and habitat for migratory birds and amphibians. The wetland buffer areas play a vital role in flood control and water retention during extreme weather events. Any disturbance could exacerbate flooding risks in downstream areas, including sugarcane production zones and low-lying urban areas. the applicant's proposal to rehabilitate disturbed areas after extraction is insufficient to mitigate the immediate impacts of vegetation loss. Insufficient buffers are provided to wetlands. the development will fragment ecological corridors. The development will increase the risks of invasive species spread, particularly Singapore Daisy.</p>	<p>The requirement for a boundary setback and the limit of extracting areas only above 3.0m AHD, positions the extraction area away from mapped MSES Regulated Vegetation.</p> <p>The Site Plan for Proposed Sand Extraction, submitted in response to Council's further issues letter, clarifies the extraction area is well setback from the mapped High Ecological Significant Wetlands. Furthermore, the area of extraction is beyond the Trigger Area for referral for wetlands.</p> <p>There is one mapped MSES waterway on the land. However, the majority of water is transferred via the constructed drains that have realigned the waterways for many decades. The area of extraction is well distanced from the mapped areas.</p>
<p>Flood, Storm Tide Inundation and Coastal Environment</p>	
<p>Insufficient information has been provided on post development considerations and impacts on flood and storm tide inundation. The mined area will become a swamp.</p>	<p>The conditions of the approval limit the level of extraction to 3.0m AHD, commensurate to the level of the remaining site and surrounding land.</p>
<p>The application fails to provide sufficient detail in respect to storm tide inundation and flood analysis, as required by the Overlay Code. The applicant's claim that pre and post development storm tide analysis and flood analysis are <i>"not warranted"</i> contradicts the PO5 requirement for development to <i>"avoid any increase in water flow velocity or flood level and does not increase the potential flood damage either on-site or on other properties."</i> The absence of hydrological and hydraulic modelling fails to demonstrate the development will not exacerbate flooding on</p>	<p>The excavation is limited to a depth not beyond 3.0m AHD, the general level of the land, with all extraction areas setback 10m from the property boundaries. The extent of extraction therefore increases the flood detention capacity on the land without impacting on flooding on other land.</p> <p>A condition of the approval requires a safe storage area that has sufficient flood immunity for storage of equipment and to provide refuge.</p> <p>The required design for the access to the unnamed road and the intersection of the unnamed road and Bonnie Doon Road is to</p>

<p>adjacent lands or disrupt existing flood storage capacity. The lack of an evacuation strategy fails to comply with PO3 that development provides sufficient personal safety and under PO1 to ensure the safety of all persons.</p> <p>The unnamed road is very low and during heavy rain becomes inundated with water. Any upgrading or raising of the unnamed road will affect neighbouring and nearby properties causing extra run-off of water and flooding into the farm drain thereby causing additional flooding in Bonnie Doon Road. Additional flooding in this area, properties and roads will severely affect the community and cut off their road access during the wet season.</p>	<p>be complaint with the FNQROC Development Manual and to be RPEQ Certified. The standard design includes considerations for wet season rainfall in a catchment.</p>
<p>The Coastal Environment Overlay Code PO4 requires erosion prone areas are free from development to allow for natural coastal processes, with the AO4.1 giving an exemption where, <i>"the development is for community infrastructure or development that reflects the preferred outcomes of the zoning."</i></p> <p>PO5 to PO12, and the associated AO's, require considerations in respect to development in the coastal management district.</p> <p>PO13 requires development to maintain and/or enhance natural coastal landscapes, views and vistas.</p>	<p>A condition of the approval requires a setback buffer from the boundary. There is no extraction on the erosion prone area.</p> <p>Other than the landscaped 10m setback from the property boundaries, there is no development in the coastal management district.</p> <p>The extraction operations will be screened by landscaped buffers in the setback areas from the property boundaries.</p>
<p>Cultural Concerns</p>	
<p>The development is in an environmentally/ culturally sensitive areas and prior to approval a separate independent and Environmental and Cultural review should be undertaken by Council and funded by the applicant.</p> <p>If approved the development will have significant ecological impact on the mangroves that adjoin the eastern boundary of Lot 1 on 27 February 2023 Traditional Owners registered a claim with the Native Titles Tribunal (file No QC2022/007, QLD 356/2022) (EKY #2 Claim). There has been no future notice received by Kubirriwarra Yalanji as required by the Native Title Act regarding the proposed development nor, has a request to provide a Cultural heritage assessment and audit of the proposed mining</p>	<p>The conditions require setbacks from the nearby wetlands. A thorough review of the environmental impacts has been undertaken by DETSI and a conditional approval has issued.</p> <p>Council's Places of Significance Overlay code does not apply to indigenous cultural heritage which is protected under the <i>Aboriginal Cultural Heritage Act 2003</i>. The Applicant sought a report on the site in respect to the Queensland Cultural Heritage Database and Register Search. A copy of the report was provided to Council and forms the common material to the application. The report found the site had no record of:</p> <ul style="list-style-type: none"> • Aboriginal or Torres Strait Islander cultural heritage site points;

<p>development area by the Kubirri Traditional Owners which Kubirriwarra Yalanji believe is inconsistent with the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>	<ul style="list-style-type: none"> . Aboriginal or Torres Strait Islander cultural heritage site polygons; . Cultural Heritage Management Plans; . Designated Landscape Areas (DLA); . Registered Cultural heritage Study Area; nor . National Heritage Areas (indigenous values). <p>The report did identify two culture Heritage Parties for the site: the Yirriganydji (Irukandji) People #2; and the Eastern Kuku Yalanji People #2. The contact detail for the Eastern Kuku Yalanji People #2 is the North Queensland Land Council Native Title Representative Body Aboriginal Corporation. The report identified there was one Cultural Heritage Body for the area, being the Jabalbina Yalanji Aboriginal Corporation RNTBC.</p> <p>There is a legislative duty of care held by the applicant with regard to cultural matters. The applicant is aware of this duty.</p> <p>A condition of the approval requires the development to be setback from the neighbouring wetlands. A further condition limits the depth of extraction, and considerations where artifacts may be discovered. These conditions are considered relevant to protecting the neighbouring and nearby traditional landscapes and the ability for ongoing traditional activities within these landscapes. While it may be problematic for the applicant / landowner to negotiate with both parties should artifacts be discovered, this is a duty and requirement is bound by legislation other than the <i>Aboriginal Cultural Heritage Act 2003</i>. This duty binds the applicant / landowner to act responsibly and with care.</p>
<p>The destruction of the Eastern Kuku Yalanji Cultural heritage is not an option. The area is the last ancient relic of a dune in a high use cultural area. The development is a serious threat to the continued protection of Aboriginal heritage in clear violation of Queensland law. The cultural connection to this land encompasses traditional fishing, hunting and gathering practises, which remain central to the identity and livelihood of the Eastern Kuku Yalanji. The mangrove ecosystems adjacent to the proposed sand mining site provide sustenance and a key</p>	<p>The proposed extraction areas are setback from the site boundaries, the neighbouring and the nearby mangroves. Together with a limit on the depth of allowed extraction, the impact on the nearby wetlands has been appropriately considered.</p> <p>The land is of a freehold title, not land over which a native title claim applies. The sand is a resource owned by the State.</p> <p>The issue of an approval under the Planning Act does not negate the applicant's need to obtain approvals under other legislation, such as the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>

<p>foundation for local cultural tours. The developer has not engaged with traditional owners prior to lodging the application. This reflects a lack of respect for cultural practices and the Applicant's duty of care outlined in the <i>Aboriginal Cultural Heritage Act 2003</i>.</p> <p>This wetland area has been an active and culturally significant site since time immemorial. the destruction of this land would be tantamount to cultural genocide, erasing tangible and intangible heritage to the Kuku Yalanji people. The wetlands (mangroves) abutting Lot 1 has been a high use cultural area. Over thousands of years Lot 1 would have been used by ancestors as a hunting ground and a source of food from the ocean. Additionally, the test bore holes identified the presence of shell middens at multiple test hole locations. Middens are archaeological sites under the <i>Aboriginal Cultural Heritage Act 2003</i>. This <i>Act</i> prohibits harm to Aboriginal cultural heritage unless under an approved Cultural Heritage Management Plan.</p>	<p>A Cultural Heritage Management Plan (a "plan") is required to be developed and approved under Part 7 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> ("the legislation") where an Environmental Impact Statement ("EIS") is required for a project under other legislation.</p>
<p>The noise emissions will impact on the culture tour group operations conducted on the adjacent wetlands and foreshore by local Indigenous Peoples.</p>	<p>The majority of wind movements direct noise away from the adjacent wetlands and foreshore areas. The conditions of the approval seek to minimise the noise emissions. The adjacent wetland and foreshore are not in an isolated area of the Shire and rural activities have operated on the site for many decades.</p>
<p>Landscape Values, Visual Screening and Buffers</p>	
<p>The development will result in a change to the existing natural landform. The original application failed to provide sufficient assessment addressing compliance with the purpose, overall outcomes and relevant performance outcomes of the Landscape Values Code, or the relevant Themes and Elements of the Strategic Framework with the impact on the visual amenity of the landscape and how the proposed extractive industry will be managed to minimise the extent of impacts.</p>	<p>The sand ridge is over land that has been developed for sugarcane production. It is not an undeveloped, natural landscape. The final form and landscape, post rehabilitation will be for rural cropping or grazing and be consistent with the neighbouring rural land. Beside the height changing there will be little change nor an impact on the scenic quality from the tourist / scenic route or from surrounding land. The applicant provided a visual assessment through the response to Council's further issues letter. A condition of the approval requires the boundary to be setback with deep planting to provide a landscaped buffer. The extractive operations will be staged, as will the rehabilitation. A condition of the approval requires the continued rural use of non-operative areas.</p>

	<p>On this basis there will be minimal change to the landscape during the quarry operation. The development is considered consistent with the Strategic Framework and the Landscape Values Code.</p>
<p>Claims that the quarry will not be visually intrusive are unsupported. The applicant's visual assessments are insufficient. The site can easily be seen from the Captain Cook Highway and the nearby sensitive use. The applicant's claim is that the site is "<i>located behind coastal vegetation.</i>" Accordingly, the sand mine would compromise the coastal landscape views and vistas.</p> <p>The development fails to comply with the required 10m wide densely vegetated buffer to all road frontages and to all perimeter boundaries.</p>	<p>Under the Planning Scheme a landowner does not hold a general right to a particular view or vista. The consideration of views and vistas is limited to the Landscape Overlays and the Strategic Framework, namely that from the coast and from the scenic tourist route along the Captain Cook Highway. The ridge is currently visible from the Captain Cook Highway and is more pronounced with the cessation of sugarcane production in the rural area. The reduction of the sand ridge will change the vista and view from the Captain Cook Highway. A condition of the approval requires the development be setback from the site boundaries with a deep planted vegetation buffer. Conditions of the approval also require the remediation of finished areas and ongoing continued rural use of non-operational areas. The proposed landscaped earth mound will screen the development from the neighbouring sensitive use.</p> <p>The conditions require landscaped buffers that will visually screen the development. The limitation of extraction depth limits the visual impacts. Large machinery and vehicles have traditionally operated in the local rural area.</p>
<p>The Landscape Values Overlay Code explicitly states that, "<i>extractive industry operations are avoided</i>" in High Landscape Value areas. The proposed site is identified to contain High Landscape Values, particularly in its eastern portion. This fundamental prohibition has not been addressed or overridden in the planning application, making the development inherently incompatible with the overlay code.</p> <p>The Performance Outcome PO1 (a), (b) and (c) require the development:</p> <ul style="list-style-type: none"> . avoid detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, and coastal foreshores; . Be effectively screened from public views and natural landforms or native vegetation; and 	<p>No extraction is proposed in the area mapped as High Landscape Value.</p> <p>As the development for the extraction is not in areas of High Landscape Values the Acceptable Outcomes AO1.1- AO1.8, and the respective Performance Outcomes, of the Overlay Code are not applicable. The area of extraction does not involve clearing of native vegetation. The area of extraction does not have any mapped regrowth vegetation. Under the State vegetation mapping the area of extraction is identified as Category X area (Exempt clearing work on Freehold, Indigenous and Leasehold land).</p> <p>A visual assessment report was provided through the response to the further issues letter. Conditions of the approval require a deep planted 10m buffer setback from the property boundaries.</p>

<ul style="list-style-type: none"> . Retain and enhance existing vegetation to soften visual impact. <p>The applicant acknowledges the site includes a sand ridge, but does not demonstrate compliance with these visual impact mitigation requirements. There is no supporting evidence, such as a visual assessment report, that substantiates the claim the development will <i>"blend into rural activities."</i></p> <p>The code specifies under AO1.6, <i>"No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%)."</i></p> <p>The application report admits the site's southern portion including high-value regrowth, maybe affected. The lack of specific commitments to prevent vegetation clearing in sensitive areas contradicts this requirement.</p>	
<p>Under the Landscape Values Overlay, Performance Outcome PO1 (d) and (e) mandate development:</p> <ul style="list-style-type: none"> . Be of a scale and design compatible with landscape values; and . Avoid excessive changes to natural landforms. <p>The proposed extraction of 30,000 tonnes and up to potentially 100,000 tonnes of sand annually, is not aligned with the small-scale, visually unobtrusive extractive operations envisioned in the Strategic Framework. Additionally, the proposed sand extraction across the site represents a significant alteration to the existing natural landform.</p>	<p>PO1 does not apply as the proposed extraction is not on land mapped as High Landscape Value. The application has only been made for extraction of up to 30,000 tonnes per year. The landscape has a minor change of reducing the height of part of the sand ridge on the land.</p>
<p>Under the Landscape Values Overlay, Performance Outcome PO1 (h) and (g) emphasize that:</p> <ul style="list-style-type: none"> . Development must not diminish views toward High Landscape Value areas and the Coral Sea; and . Development must maintain the prevailing landscape character and avoid visual dominance. 	<p>PO1 does not apply as the proposed extraction is not on land mapped as High Landscape Value. The conditions of the approval require a landscape buffer to the property boundaries. The land is a small component in the landscape and the area of extraction an even smaller part. The development does not diminish views towards the Coral Sea.</p>
<p>The original application did not include a landscaping plan, without which there is no ability to ensure compliance with the Landscaping Code.</p>	<p>A condition of the approval requires the submission of a suitable landscape plan.</p>
<p>The original report nominated the extraction area would be 50 m from the nearby residence and there was <i>"some allowance</i></p>	<p>The conditions of the approval require a 200m setback and a vegetated, mounded buffer. Residents do not have a right to a</p>

<p><i>for screening.</i>" Every day the residents of the nearby residence would see the operation from their property. The applicant's claim, <i>"the view of the sand extraction will be distant and will blend in with rural activities being undertaken in the locality,"</i> is unachievable.</p>	<p>particular view. The nearby dwelling was sited closer to the road boundary through a application by the owner for a siting dispensation. This siting results in a reduced residential amenity.</p>
<p>The application does not meet the Performance Outcomes nor purpose of the Landscaping Code. No advice was provided regarding invasive weeds nor electric ants that are present on the adjacent Killaloe Transfer Station site.</p>	<p>The Applicant's response to Council's further issues letter did not include an assessment against this code. The code has limited applicability due to the nature of the development in a rural area. A condition of the approval requires deep planted landscaping in the setbacks and a detailed landscape plan. The control of invasive weeds and invasive fauna is a usual inclusion in a Site Based Management Plan.</p>
<p>Bushfire Hazard</p>	
<p>The development fails to meet the Bushfire Hazard Overlay, regarding the separation from hazardous vegetation and considerations of radiant heat flux levels. There is no separation from hazardous vegetation by a public road or a fire tail. There is no certainty that the bulk storage of hazardous material does not occur within a bushfire hazardous sub-category. There is no detail of any proposed evacuation routes demonstrating an acceptable or tolerable risk to people. The extensive clearing for sand extraction may exacerbate bushfire risks by altering the site's natural fuel load dynamics.</p>	<p>The area on the site to be developed is not mapped by the Bushfire Overlay. The Overlay code is not applicable.</p>
<p>Potential Landslide Hazard</p>	
<p>The Potential Landslide Hazard Code mandates development must not increase the landslide risk. In the original application there is no clarity as to the depth of extraction and the stability of a remaining face. There is a danger to the general public, especially for children who are attracted to sand. One only has to remember the many children that have been buried and suffocated under sand on the likes of the Gold Coast etc. This is a very real risk. The development proposes the removal of vegetation and earthworks, actions noted in the Code as contributors to increased landslide risks. The Acceptable Outcome requires certification from a competent person, and none has been provided.</p>	<p>The Overlay Code maps a very small area, on the boundary adjacent to Council's Transfer Station. The extraction pit is not in a mapped area. The Code is not applicable.</p>

Rural Activities Code	
The development conflicts with the performance outcomes of the Planning Scheme's Rural Activities Code.	The definition of Rural Activities does not include an Extractive Industry. The Rural Activities Land Use code does not apply.
Impact on Road Network	
<p>The development will require extensive upgrades to the local road network. The development will damage Bonnie Doon Road. Bonnie Doon road is narrow with deep swale drains. The applicant should be required to construct de-acceleration lanes and acceleration lanes to reduce the impact of truck movements on this road that supports the Cooya Beach Residential area. A sand quarry operation operating six days and week and hauling 20 tonne truck on Bonnie Doon Road will create a traffic hazard. Who will pay for the increased road maintenance of Bonnie Doon Road - if approved these costs will be borne by the general community of the Douglas Shire for the profit of a Cairns based company?</p> <p>Bonnie Doon Road is very dangerous. there have been crashes between trucks and cars on Bonnie Doon Road this crushing season.</p> <p>The proposed bridge over the moderate waterway will have a damming effect on Bonnie Doon Road, isolating the rest of the community during flood events.</p> <p>There has been no traffic impact assessment to ensure compliance with the Transport Network Overlay Code.</p> <p>The safety risks to Bonnie Doon Road users cannot be sufficiently mitigated for this access to be adequate for the type and volume of traffic using Bonnie Doon Road, thereby creating a traffic hazard.</p> <p>The turning circle onto Bonnie Doon Road if travelling to the Highway would warrant the truck going onto the incorrect side carriageway as there is insufficient turning space to turn into the line of travel to Captain Cook Highway.</p> <p>The development will turn this beautiful, sensitive area into another Canterbury Road, Kilsyth, with big trucks coming and going, dust and diesel polluting our environment. At least the cane trucks were only seasonal.</p>	<p>The conditions of the approval require the upgrade of the intersection of Bonnie Doon Road and the unnamed road, including the consideration of possible conflicting movements. The subsequent operational work will require engineering designs that meet appropriate standards including the constructed access over the waterway. Engineering design standards have regard to impact of flood. The development is limited to five truck and dog movements per day. Bonnie Doon Road is designed to cater for large vehicles. As a Council asset Bonnie Doon Road and trunk infrastructure Council has planned maintenance for this road. The landowner is charged rates based on the use of the site as a quarry.</p> <p>Dust emissions along Bonnie Doon Road during the recent sugarcane crushing season have stemmed from the use of unsealed temporary sidings with a lack of sufficient watering, to enable the movement via trucks due to the closure of the Mossman Mill and the destruction of the cane tramways following TC Jasper. The applicant is required to travel along an extensive sealed driveway, internal to the site and maintain watering, with loading beyond a landscaped buffer mound. These requirements are intended to mitigate the impact of dust emissions from the site and from the roadways.</p>

<p>Dust emissions have been a significant issue with the cane hauling and movement of trucks along Bonnie Doon Road. These dust emissions have impacted sensitive uses located some distance away.</p>	
<p>Having resided on the nearby Lot 54 on SP292874 for the past 8 years we can categorically state the intersection sightlines are inadequate, exacerbated by the cane growing on our land. On Monday 11 November 2024 Newport reported a very bad motor vehicle accident with a bin hauling truck on Bonnie Doon Road and at the time of the accident the adjacent cane had been cut.</p>	<p>Aerial images identify the cane that was grown on Lot 54 on SP292874 had been planted beyond the property boundary. There is no evidence provided as to the cause of the vehicle accident.</p>
<p>Clarity is needed with the number and type of large vehicle movements. The application states there will be "4 and up to 6" truck-and-dog movements per day leaving the site. This equates to 8 to 12 vehicle movements per day. Initially the application nominated the vehicles would be 20 tonne trucks only. Later advice nominated truck-and-dog vehicles. the applicants seek to have a speed limit of 60kph on the adjacent un-named road. The proposed speed limit is too high given the nearby sensitive use occupied with young children and livestock and pets including cattle, dogs, guinea fowl and chickens.</p>	<p>The number of haul vehicle movements is limited by a condition of the approval. Another condition requires the suitable engineering design and upgrade of the adjacent un-named road, including the consideration of sight lines. The engineering design will need to have regard to vehicle speeds. The supervision of children, livestock and pets on road areas are the responsibility of the parent / landowner.</p>
<p>If approved Council should in a requirement (if lawful) for a \$4 tonne Royalty adjusted for CPI each year to compensate ratepayers for likely damage to Bonnie Doon Road.</p>	<p>The resource is owned by the State. Council has no ability to seek a royalty. Council can only impose infrastructure charges where there is an increase demand on trunk infrastructure.</p>
<p>Insufficient safety and design consideration have been provided in the original application and information response for the intended upgrade to the unnamed road and access across the mapped waterway along the northern boundary.</p> <p>Trucks associated with the development will need to utilise the shared unnamed road with a neighbouring family residence. All vehicle movements will be seen and heard by the occupants of the neighbouring residence. this will detrimentally impact on the amenity of these residents.</p> <p>A sand quarry operating 6 days a week, 7am to 6pm hauling sand with 20 tonne trucks along Bonnie Doon Road will create a traffic hazard.</p>	<p>The applicant provided the State Pre-Lodgement advice in the response to Council's further issues letter. The State advice stated two proposals had been considered during the prelodgement discussions: one being access to Killaloe Dump Road (via Council's Killaloe Dump Site); and the second being access to Bonnie Doon Road, via the unnamed road. Comments were provided by the State identifying the intersection of the Bonnie Doon Road and The Captain Cook Highway was sufficient for the proposed haulage movements, whereas a Traffic Impact Assessment Report would be required for the intersection of the Killaloe Dump Road and the Captain Cook Highway and upgrades may be required. No consent was gained</p>

<p>The applicant's pre-Lodgement Consultation with the Department of Transport and Main Roads indicated the preferred access haul route to be Bonnie Doon Road. Council requested a copy of this advice, but no advice was disclosed. there is a lack of transparency by the Applicant failing to provide this advice.</p>	<p>from Council to utilise the Killaloe transfer station site as an access haul route.</p> <p>The development site has frontage to two roads: the unnamed road to the north and Killaloe Dump Road to the south. There is no access easement through Council's Killaloe Transfer site giving benefit and rights to the development site. Utilising only the development land, access to the Killaloe Dump Road would require access through the wetlands and wetlands trigger area.</p> <p>The developer has a right to use the unnamed road as a lawful access.</p> <p>The neighbouring residence has been constructed immediately adjacent to the unnamed road and with an outlook over the unnamed road. This is that neighbour's preference and this preference does reduce the amenity experienced by those occupants. The intent of the rural area is to provide for rural purposes, not necessarily a purpose for residential housing.</p> <p>The applicant provided greater detail and design advice through the response to Council's further issues letter. A condition of the approval requires an operational work approval for this work and the design to have further safety requirements for the waterway crossing and the unnamed road. The applicant is also required to extend the sealed driveway on the land and provide sealed turning and parking areas.</p>
<p>The development needs to be consistent with the Transport Network Overlay Code, PO1 requiring alignment with the road hierarchy, ensuring compatibility with the intended role and function of transport networks. The original application identified Bonnie Doon Road as a collector road but fails to demonstrate how the proposed daily haulage of 20 tonne trucks, 5 trips per day which equates to 10 truck movements daily will maintain the safety and efficiency of this collector road. Furthermore, if the quarry operations increase to the 100,000 tonne annual limit applied for in their EA that would be 16 trips per day (32 truck movements) or 192 truck movements weekly.</p> <p>The development does not adequately address the need for infrastructure improvements to accommodate the increased heavy vehicle movements. The</p>	<p>The development meets the Transport Network requirement by accessing onto the lower order road.</p> <p>The development application has been made only for the extraction of 30,000 tonnes of material annually.</p> <p>Specific design details were provided for the intersection upgrades in the applicant's response to Council's further issues letter.</p> <p>Conditions of the approval require specific engineering design for the upgrade of the unnamed road and Bonnie Doon Road having regard to the intended vehicle use. Bonnie Doon Road is identified in Council's LGIP, Existing Trunk Transport Infrastructure, as a Rural Major Collector. Bonnie Doon Road is not identified for any Future Trunk Transport Infrastructure. The proposed type and number of vehicle movements along Bonnie Doon Road are expected in a</p>

<p>application fails to specify upgrades to Bonnie Doon Road or the unnamed access road to ensure they are suitable for heavy vehicle operations. The lack of a Traffic Impact Assessment raises concerns about road wear, increased maintenance costs, and public safety risks due to heavy vehicle operations on roads not designed for such use. The proposal relies on temporary solutions to road infrastructure improvements without permanent upgrades and this undermines the long-term safety and efficiency of the local transport network.</p> <p>The applicant fails to provide a comprehensive Traffic Impact Assessment that demonstrates compliance with PO4 to ensure the proposed access layout adheres to safety and efficiency standards.</p> <p>Under the Transport Network Overlay Code PO5 mandates retaining and enhancing vegetation to mitigate dust and noise impacts from transport operations. The proposed haul route across a farm drain and unnamed road lacks adequate measures to protect the surrounding rural and residential environment from dust, noise and visual intrusion caused by haulage activities.</p>	<p>collector road. The conditions limit the number of truck and dog movements per day. The conditioning of limiting truck movements and requiring suitable upgrades to road intersections are normal considerations and requirements for a development permit.</p> <p>PO5 relates to considerations for a major transport corridor. Under the Planning Scheme Overlay mapping Bonnie Doon Road is a Collector Road, not a major rural road nor does the road have an associated major transport corridor buffer.</p>
<p>Onsite Parking</p>	
<p>The Access, Parking and Servicing code requires sufficient onsite parking be provided for all vehicles. There is insufficient parking included in the design.</p>	<p>A condition of the approval requires onsite parking for machinery operators as well as sufficient turning areas. These areas, together with the internal driveway are to be sealed.</p>
<p>Site Safety</p>	
<p>Under the Extractive Industry Land Use code, AO8.1 requires safety fencing and signage is to be provided around the extractive industry stockpiles and operation to prevent unauthorised access. Under 8.2 there is a requirement for an 8.0m wide single vehicle crossover. The planning report in the original application does not address these requirements.</p>	<p>The Applicant's response to Council's further issues letter includes a detailed response to the relevant codes, including the Extractive Industry Land Use Code. The Applicant advised that given the small scale of the quarry the fencing is considered unnecessary, a condition can be applied. The applicant advised the 8.0m crossover can be provided. Conditions of the approval require fencing, signage and a suitable crossover and access design to the adjacent unnamed road. Conditions also require an updated Site Based Management Plan and a sediment and erosion control plan. These plans will consider the stability and impacts of stockpiles.</p>

Future Compliance	
<p>Once approved the Douglas Shire Council will have no control over the operation of the quarry. The approval will effectively relinquish any ability to monitor and regulate the day-to-day impacts of this industrial operation on neighbouring residents. As ratepayers and members of this community we deserve to have our rights and wellbeing prioritized over the commercial gain of a Cairns based company.</p>	<p>As per any development approval that has conditions the developer is required to comply with conditions. The day-to-day operations are further regulated by the conditions of the permit for the Environmental Authority. Any person, not just Council or DETSI, can seek compliance with conditions.</p>
Rehabilitation	
<p>The applicant provided very minimal information in the original application and the information response regarding the rehabilitation of the land. There was no staging or rehabilitation plan. How the development is staged and the land rehabilitated is important and provides an informed understanding of impacts on hydrology, finished levels and visual impacts.</p>	<p>The conditions of the approval limit the depth of extraction. A staging plan has been provided. The conditions also have regard to rehabilitation and maximum operational areas.</p>
<p>The Environmental Assessment Report Item 1.2 in the original application stated, <i>"the maximum depth of extraction is likely to be one to three metres from the existing surface profile."</i></p> <p>The proposed Site Based Management Plan (SBMP) is inadequate. An independent SBMP should have been provided. DETSI has issued a notice to cancel the Extractive Industry Permit 100727892. The rehabilitation plan is inadequate. Clarification is required to the topsoil storage, as the RPS report provides conflicting details. The return of 200mm of topsoil is unlikely to be sufficient if the sand extraction is below ground level.</p> <p>Research indicates topsoil storage should be minimised to ensure maximum survival of soil micro-organisms and seeds. If the topsoil is deprived, the soil profile will be destroyed; weeds will thrive - e.g., lantana. The soil will be left with little organic matter.</p>	<p>Conditions of approval require amendments to the Site Based Management Plan and an update rehabilitation plan. DETSI has since issued an approval for sand extraction only subject to conditions.</p>
Impact on Investment by Others	
<p>I have made significant financial investment in the community. Like many residents we have made Cooya our home in large part because this is primarily a quiet, rural area. Of course, there are trucks involved in the</p>	<p>Personal financial considerations are not a relevant planning consideration.</p> <p>The rural area is changing due to the finishing of sugarcane production in the area. The conditions of the approval limit the extent</p>

<p>cane harvesting process, although this is only for a few months each year. To have the noise from sand mining as well as trucks six days a week, 7am to 6pm, year-round so close to our homes is not what the residents of Cooya signed up for when we moved to the area.</p>	<p>and nature of the extraction operations to reduce noise and mitigate impacts. The conditions of the Environmental Authority have regard to all surrounding sensitive places.</p>
<p>The presence of a sand quarry will undoubtedly reduce property values in Cooya Beach and surrounding areas, compounding the financial burden on local residents.</p>	<p>Planning considerations do not include impact on property values.</p>
<p>Tourism is the Shire's economic backbone, supporting 2,596 jobs and contributing \$611 million annually, and depends upon a pristine environment and the global appeal of the reef and rainforest. Allowing an extractive industry directly undermines these assets, risking the region's reputation and economic stability.</p> <p>The Douglas Shire has positioned itself as a world-leading sustainable tourism destination, with Port Douglas recognized as the first eco-certified luxury destination. Approving the quarry would contradict this commitment and harm its international standing.</p> <p>Allowing the quarry near globally iconic natural sites risks widespread negative media attention. This could alienate both domestic and international tourists, reducing visitation and harming businesses and the Shire as a whole, as it is 80% reliant on tourism.</p> <p>A shift toward resource exploitation risks destabilizing the local economy, which is heavily reliant on tourism. Visitors may avoid the region if industrial activities become prominent, leading to reduced employment and investment.</p> <p>Allowing the quarry risks long-term negative effects on the region's social fabric, as it introduced industrial-scale activity into an area of natural beauty, small-scale agriculture and residential charm.</p>	<p>The conditions of the approval and the Environmental Authority provide sufficient protection to the nearby wetlands and Great Barrier Reef Marine Park. The proposed development is for a small-scale quarry that will add to the local economy. The development of a small-scale quarry is not considered to impact on the Shire's social fabric. The Shire supports other small-scale quarries.</p>
<p>Conflict of Interest</p>	
<p>The owners of the development property are listed in the original submission as: Emily Ann Quaid, Jeremiah Daniel Quaid, Violet Mary Scomazzon, Glenda Margaret Clifford (Under Instrument 722482966). I assume there is a family connection to the</p>	<p>There is a requirement for landowner consent for a development application for a material change of use.</p> <p>The ownership of a property does not give different considerations for public notice</p>

<p>Mayor, Lisa Scomazzon? All the more reason there should have been some (if not additional) transparency regarding this submission through community consultation.</p>	<p>under the <i>Planning Act 2016</i> nor the <i>Development Assessment Rules</i>. The disclosure of a conflict of interest when considering and determining a conflict of interest is a matter under the <i>Local Government Act 2009</i> and Council's meeting procedures.</p>
<p>Public Notification</p>	
<p>There is limited time for lodgement of submissions, considering the application was lodged in October. The Council should hold community consultation night regarding the application.</p> <p>It is deeply concerning that the community has not been adequately consulted on this proposal. A zoning change of this scale demands meaningful engagement with residents and stakeholders, along with the completion of a robust environmental impact study to assess the long-term consequences.</p>	<p>The <i>Planning Act 2016</i> and the <i>Development Assessment Rules</i> regulate the assessment process and how public notification is to occur. The <i>Act</i> requires Council to display a copy of the application and particular documents on Council's website. Council is the assessment manager and must assess the development as per the requirements of the <i>Act</i>. Sufficient information has been lodged to assess the application, including the support of a permit for an Environmental Approval issued to the applicant for the land.</p>
<p>A significant number of people have joined an online petition against the development. Cooya Beach is a growing community for local families. The online petition gives weight that there is no community support for the development. The grounds of concern raised in the petition are relevant.</p>	<p>The issues raised in the online petition are captured in the summary of submission grounds. A large number of persons have signed the petition. A number of the signatories are by persons who do not reside in the Shire.</p> <p>Council's assessment has included consideration of all grounds.</p>
<p>There has been a lack of community consultation about this major change except for the standard submission on Council's website and the appearance of a sign at the development site just last week. The latter two actions are requirements of any development application. I would have expected some additional alert and/or consultation to the residents of Cooya since the proposal presents a material change to our environment and day to day lifestyle.</p>	<p>Only impact assessable applications are required to undergo a public notification process. The form of public notice is as set by the <i>Development Assessment Rules</i>. All applications are posted on Council's website and at the public counter, in the Mossman Administration Centre office, at the time of registration processing. Public notification has been undertaken in accordance with the <i>Planning Act 2016</i> and the <i>Development Assessment Rules</i>.</p>

Referral Agency Requirements

The State Assessment and Referral Agency (SARA) issued a concurrence agency response. This response includes conditions regulating the development as the development threshold triggered the referral. The SARA decision had regard to vehicles using State transport infrastructure (roads). The agency provided a response supporting the development subject to conditions.

A full copy of SARA's Concurrence Agency response and associated approved plans form Attachment 2.

Internal Referrals

Nil. Referrals not necessary due to the nature of the proposal. Once lodged, the road upgrade design will be referred for peer review.

ADOPTED INFRASTRUCTURE CHARGES

Under Council's Local Government Infrastructure Plan (LGIP) the land is outside the Priority Infrastructure Areas (PIA). The land is also outside the water service area and the sewer service area. The proposed development has no identified demand on Park. The existing land, being undeveloped by any dwellings carries a credit for a three-bedroom dwelling-house.

In Council's Infrastructure Charges Resolution No.2., the land use *Extractive industry* is a listed use that may trigger Infrastructure Charges. Neither Council's resolution nor the overarching *Planning Regulation 2017* specify a particular rate. The unit of measure is stated to be "*The prescribed amount for another similar use listed in Column 1 or 2 (other than in this row) that the local government decides to apply to the use.*" Section 130 of the *Act* allows Council to seek Infrastructure charges outside the PIA.

Under the *Act*, charges can only be sought where there is an increased demand on trunk services. The Infrastructure Charges are usually a one-off payment that considers increased demand on trunk infrastructure.

The adjacent unnamed road is not trunk infrastructure. The nearby Bonnie Doon Road is identified in the Council's Local Government Infrastructure Plan (LGIP) as "*Existing Transport (Roads) Trunk Infrastructure*" as a "*Rural Major Collector.*" Under the LGIP the use of Bonnie Doon Road by the development is within section TRE051. (The Captain Cook Highway being a State-controlled road is a State infrastructure asset.) Under the LGIP "*Future Transport Trunk Infrastructure*" plans the Bonnie Doon Road section TERE051 is not identified as requiring any upgrade.

There is no standard drawing for a *Rural Major Collector* under the FNQROC Regional Manual. The design drawing for an industrial street requires a carriageway with of 12m, including a traffic movement width of 7m and parallel parking of 2.5m width on each side. Bonnie Doon Road has a sealed pavement area of some 9m, achieving the normal pavement width for large vehicle movements. There is no need for increased road width of the trunk road, beyond the intersection upgrade.

While another nearby Council (Mareeba) applies a charge per 167 truck movements per year, this is not considered appropriate as it requires ongoing charges and accounting procedures. Such a charge is considered to be a haulage charge, not an infrastructure charge. Council does not have a haulage charge in the scheduled Fees and Charges. No haulage charge is applied to other quarries in the Shire.

Of other Council's reviewed, no charges were applied, except for one instance where a small 25m² GFA as charged at the rate of \$2.45 per m², a negligible rate. As no buildings are proposed, no charge should apply. Should a small amenities building be installed the demand for this would be much less than the credit available to the site. In such instance an Infrastructure Charges Notice could be generated, identifying the remaining credit.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

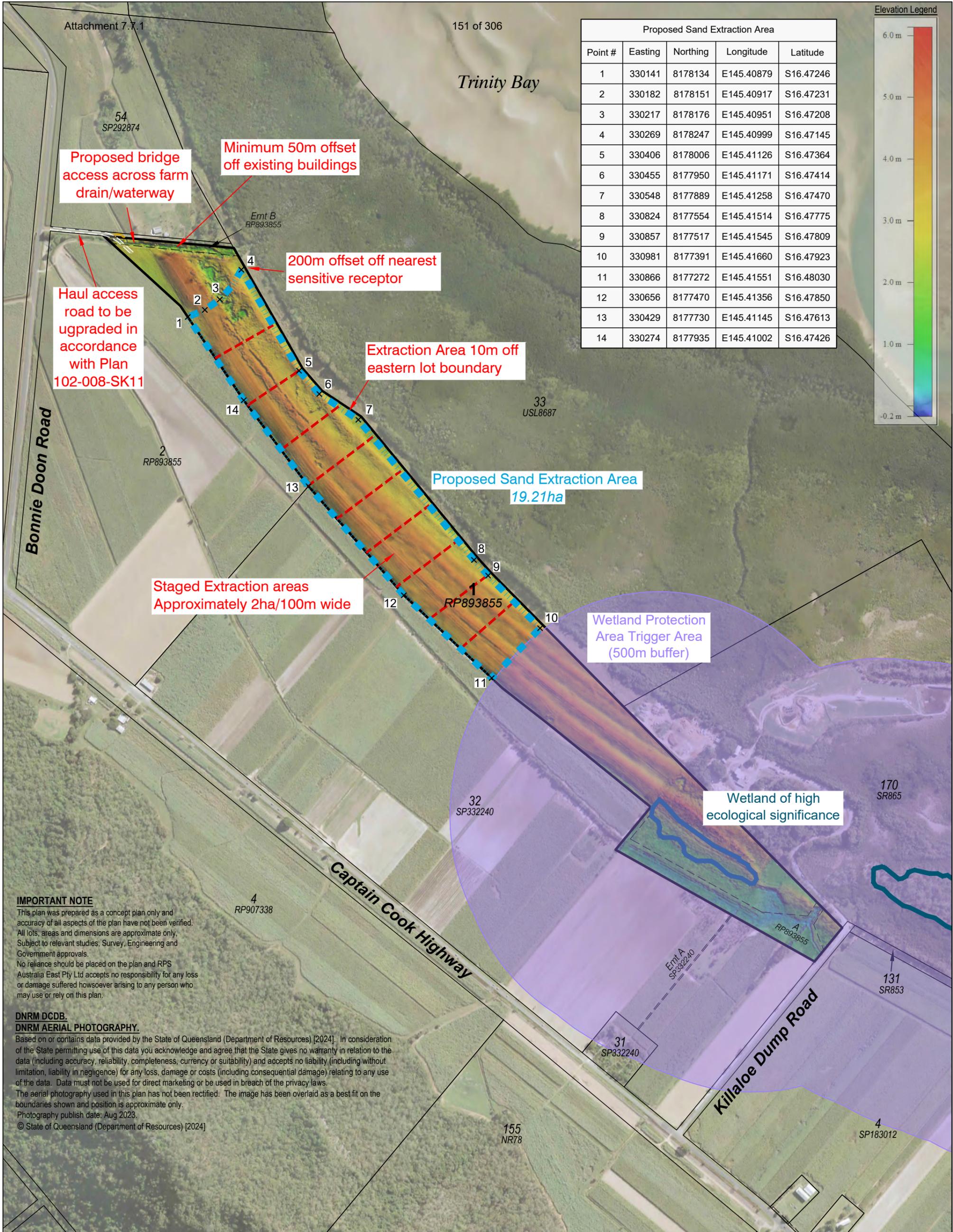
ATTACHMENTS

Attachment 1 – Approved Proposal Plans (Subject to amendments as per condition x of the approval).

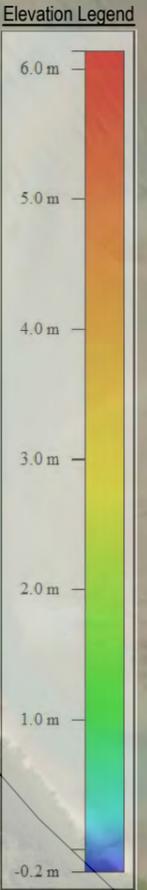
Attachment 2 – Concurrence Agency Comments and Conditions

Attachment 3 – DETSI Environmental Authority Approval

1. Attachment 1 - Proposal Plans [7.7.1 - 10 pages]
2. Attachment 2 SARA Decision Requirments [7.7.2 - 10 pages]
3. Attachment 3 - P- E A-100750656; Environmental Authority issued to NQ ASPHALT PTY LTD [7.7.3 - 15 pages]



Proposed Sand Extraction Area				
Point #	Easting	Northing	Longitude	Latitude
1	330141	8178134	E145.40879	S16.47246
2	330182	8178151	E145.40917	S16.47231
3	330217	8178176	E145.40951	S16.47208
4	330269	8178247	E145.40999	S16.47145
5	330406	8178006	E145.41126	S16.47364
6	330455	8177950	E145.41171	S16.47414
7	330548	8177889	E145.41258	S16.47470
8	330824	8177554	E145.41514	S16.47775
9	330857	8177517	E145.41545	S16.47809
10	330981	8177391	E145.41660	S16.47923
11	330866	8177272	E145.41551	S16.48030
12	330656	8177470	E145.41356	S16.47850
13	330429	8177730	E145.41145	S16.47613
14	330274	8177935	E145.41002	S16.47426



Proposed bridge access across farm drain/waterway

Minimum 50m offset off existing buildings

200m offset off nearest sensitive receptor

Haul access road to be upgraded in accordance with Plan 102-008-SK11

Extraction Area 10m off eastern lot boundary

Proposed Sand Extraction Area 19.21ha

Staged Extraction areas Approximately 2ha/100m wide

Wetland Protection Area Trigger Area (500m buffer)

Wetland of high ecological significance

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only, Subject to relevant studies, Survey, Engineering and Government approvals. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

DNRM DCDB. DNRM AERIAL PHOTOGRAPHY.

Based on or contains data provided by the State of Queensland (Department of Resources) [2024]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws. The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only. Photography publish date: Aug 2023. © State of Queensland (Department of Resources) [2024]



NQ Asphalt Pty Ltd
 Lot 1 on RP893855
 Site Plan - Proposed Sand Extraction

RPS AAP Consulting Pty Ltd
 ACN 117 883 173
 135 Abbott St
 PO Box 1949
 CAIRNS QLD 4870
 T +61 7 4031 1336
 F +61 7 4031 2942
 W rpsgroup.com



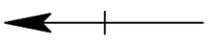
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- - - PROPOSED EDGE OF BITUMEN
- NEW PAVEMENT



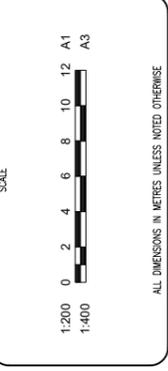
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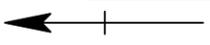
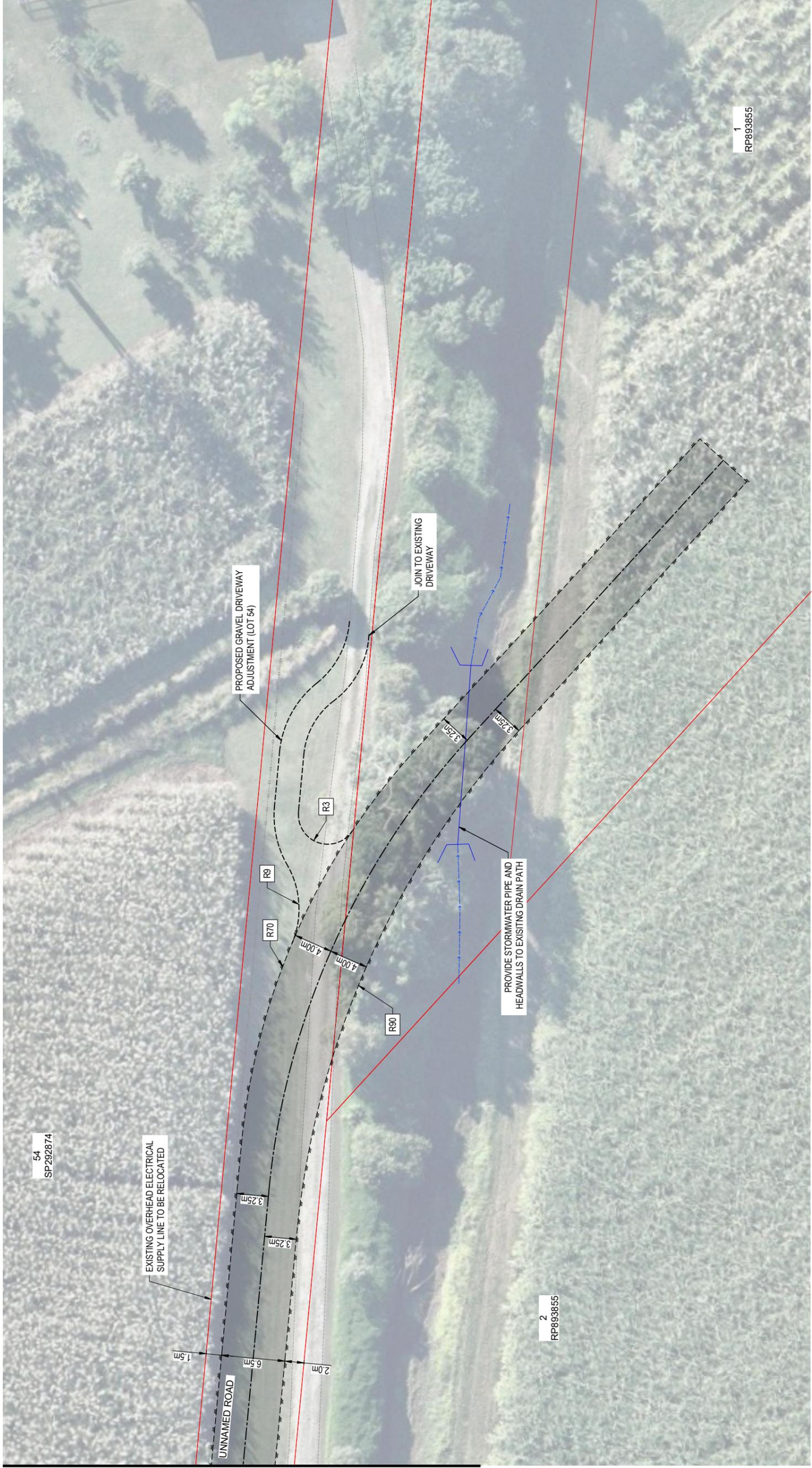


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COOYA SAND EXTRACTION
PROPOSED ACCESS ROAD LAYOUT (SHEET 1 OF 2)
DRAWING NO. 102-008-SK10
REVISION 1

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- NEW PAVEMENT



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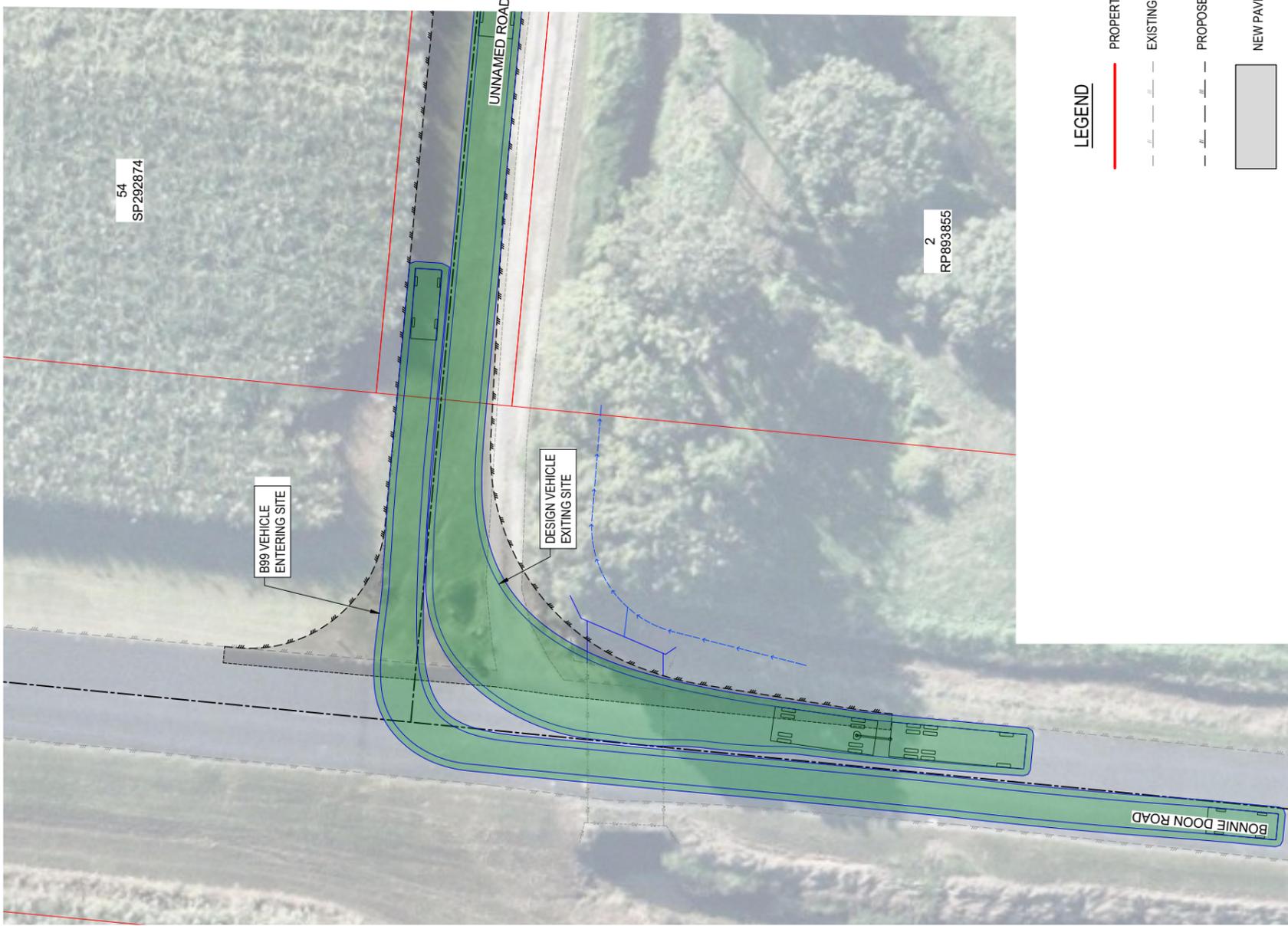
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COOYA SAND EXTRACTION		PROPOSED ACCESS ROAD LAYOUT (SHEET 2 OF 2)	

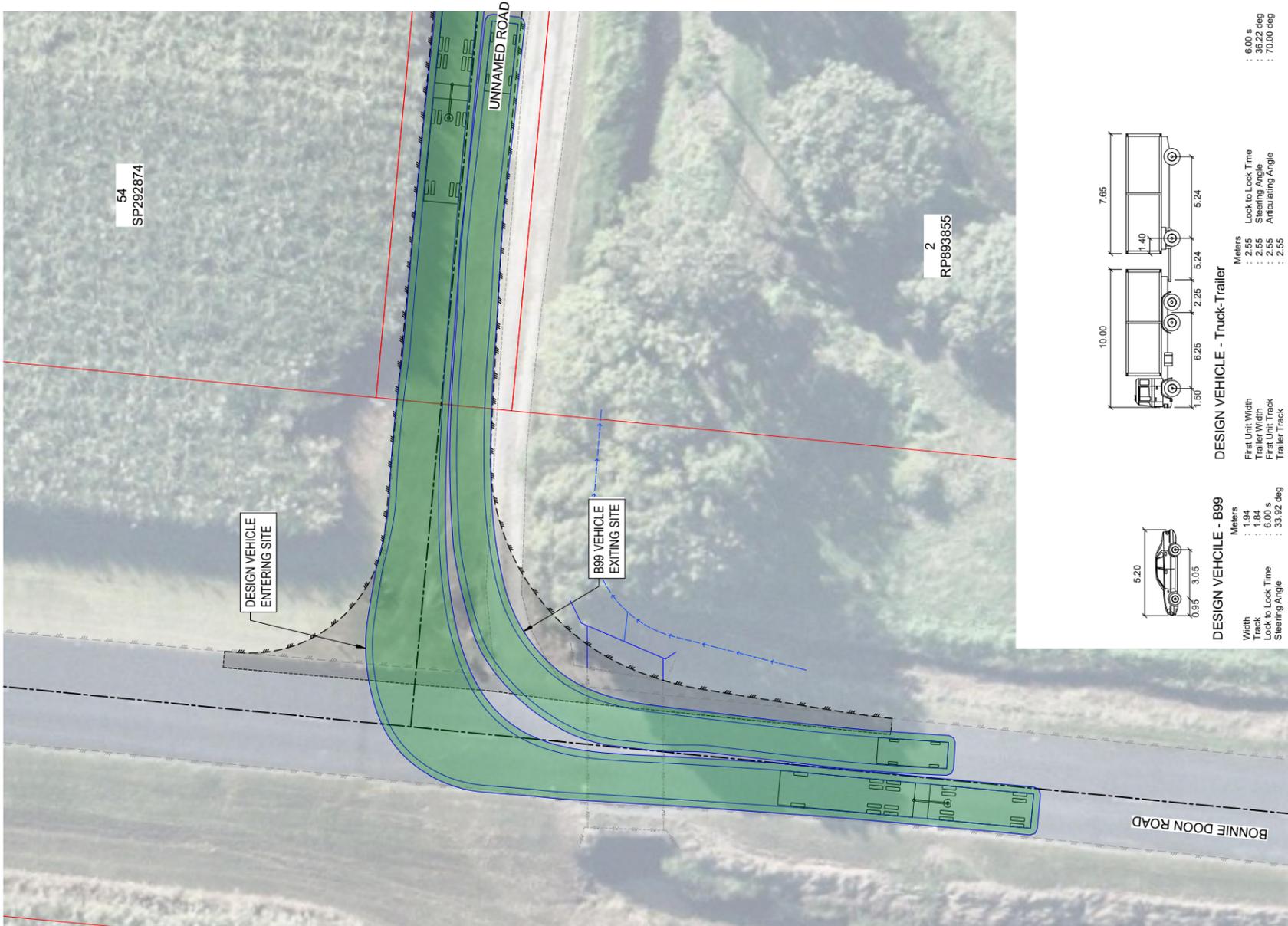


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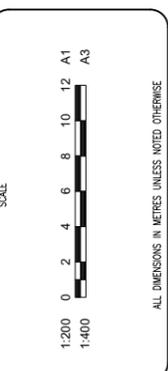
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- NEW PAVEMENT



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	<p>DESIGN VEHICLE - Truck-Trailer</p> <p>Meters</p> <ul style="list-style-type: none"> Lock to Lock Time : 6.00 s Steering Angle : 38.22 deg Articulating Angle : 70.00 deg

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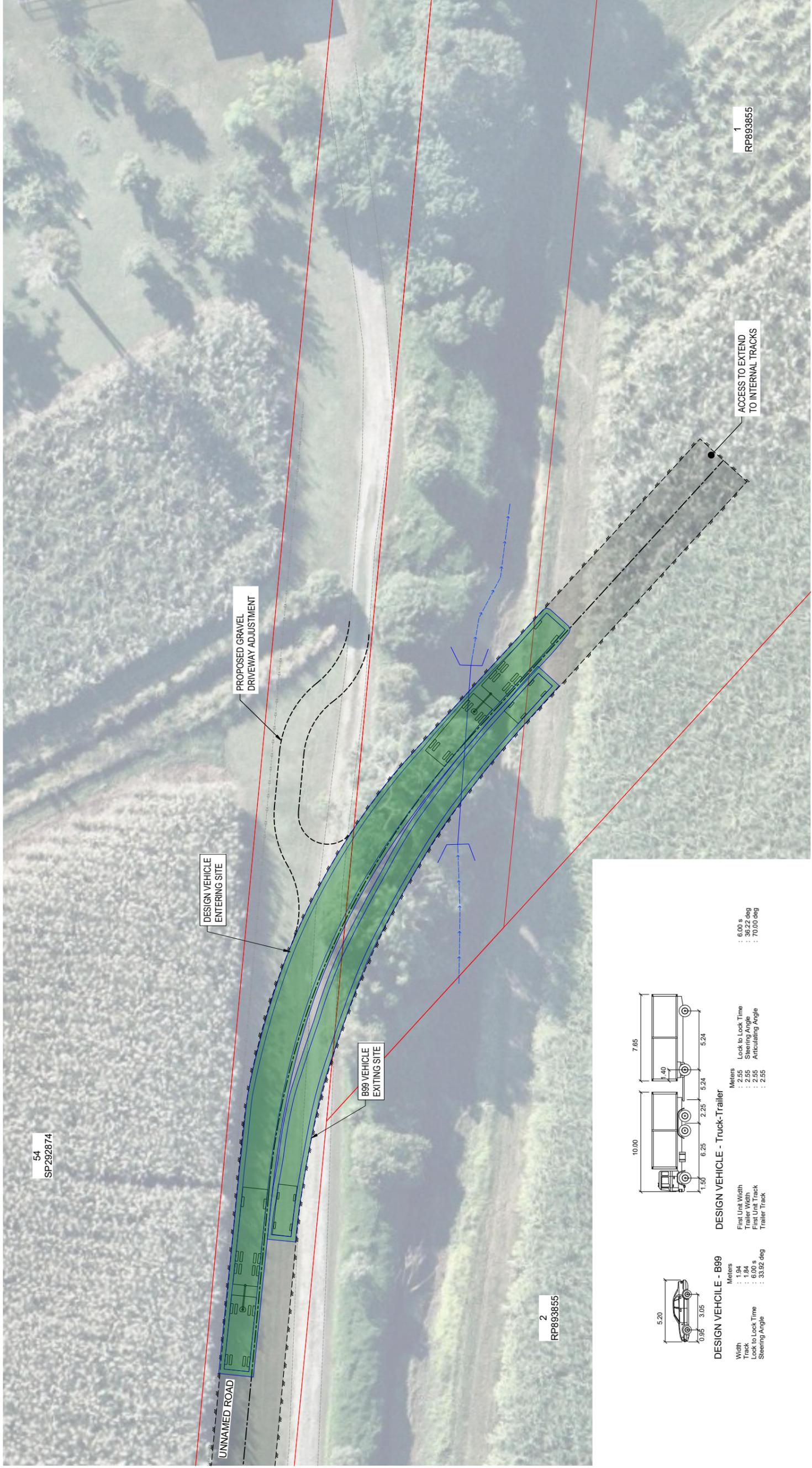
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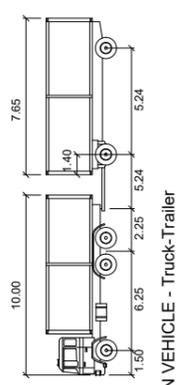
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- NEW PAVEMENT



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6.00 s
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70.00 deg

DESIGN VEHICLE - Truck-Trailer

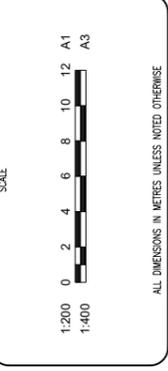


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DESIGN VEHICLE - B99

ACCESS TO EXTEND
TO INTERNAL TRACKS

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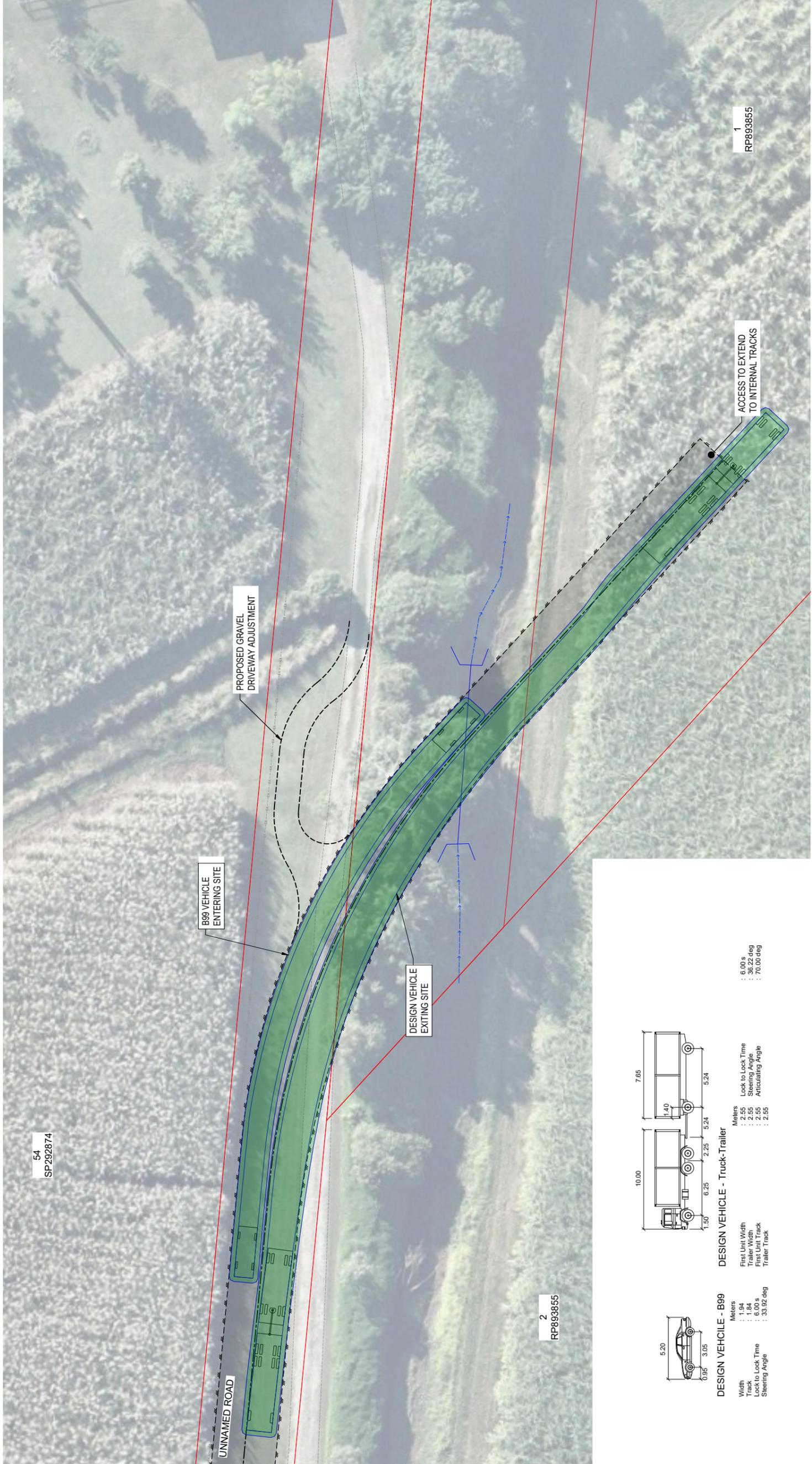
COOYA SAND EXTRACTION
VEHICLE SWEEP PATH ANALYSIS

DRAWING NO. 102-008-SK13

REVISION 2

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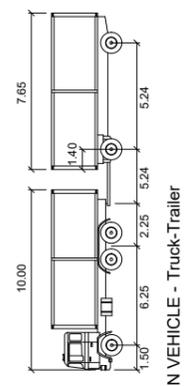
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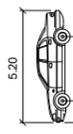
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DESIGN VEHICLE - Truck-Trailer

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- Lock to Lock Time : 36.22 deg
- Steering Angle : 70.00 deg
- Articulating Angle : 2.55



DESIGN VEHICLE - B99

- Meters : 1.94
- First Unit Width : 1.84
- Trailer Width : 6.00 s
- Lock to Lock Time : 35.92 deg
- Steering Angle : 2.55

COOYA SAND EXTRACTION		DRAWN	CMD	CHECKED	DJW
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- NEW PAVEMENT

SIGHT DISTANCE PARAMETERS

- (BONNIE DOON ROAD SOUTHERN APPROACH)
- V=100km/h
 - Rt=2.5s
 - COEF DECEL = 0.29 (TRUCK)
 - a=0.02
 - SSD=205m

SIGHT DISTANCE PARAMETERS

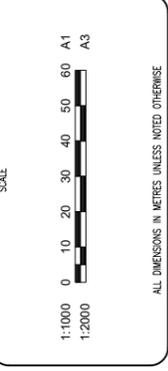
- (BONNIE DOON ROAD NORTHERN APPROACH)
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 - Rt=2.5s
 - COEF DECEL = 0.29 (TRUCK)
 - a=0.12
 - SSD=205m

SIGHT DISTANCE PARAMETERS

- (UNNAMED ROAD)
- V=60km/h
 - Rt=2.0s
 - COEF DECEL = 0.29 (TRUCK)
 - a=0.5
 - SSD=82m



DRWN	CMD	CHECKED	DJW
DESIGNED	CMD	CHECKED	DJW
APPROVED			
DATE			REF:
102-008-SK15			REVISION
			1



CLIENT

NQ ASPHALT PTY. LTD.

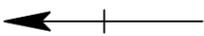
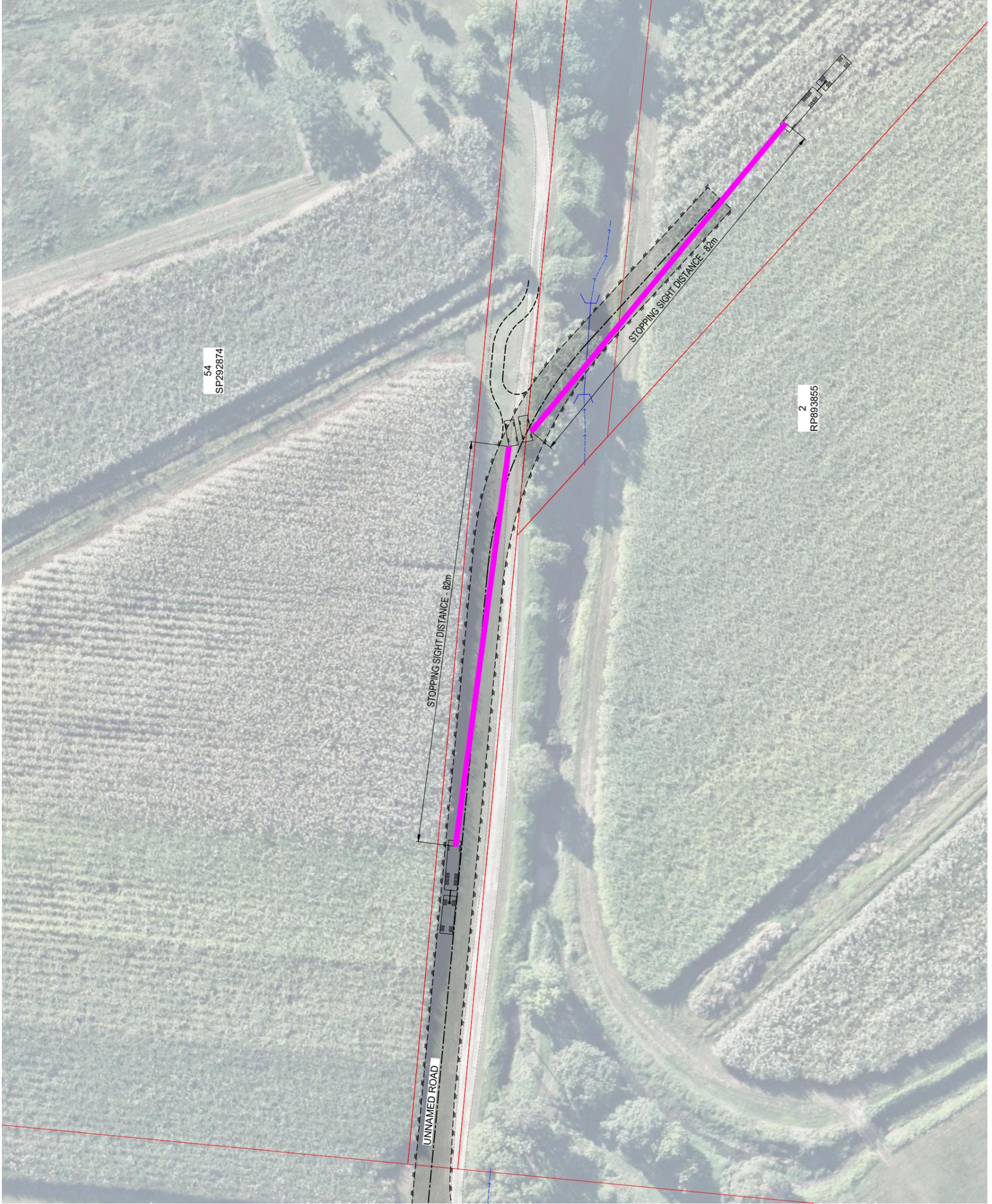
NO.	DATE	DESCRIPTION	DESIGN	APPROVED
1	24/08/25	INITIAL ISSUE		

LEGEND

- PROPERTY BOUNDARY
- - - EXISTING EDGE OF BITUMEN
- - - PROPOSED EDGE OF BITUMEN
- NEW PAVEMENT

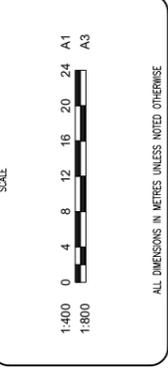
SIGHT DISTANCE PARAMETERS

- (UNNAMED ROAD)
- V=60km/h
- RT=2.0s
- COEF DECEL = 0.29 (TRUCK)
- a=0.5
- SSD=82m



NO.	DATE	DESCRIPTION	DESIGN	APPROVED
2	22/09/25	MINOR UPDATE	CW	DJW
1	24/08/25	INITIAL ISSUE		

CLIENT
NQ ASPHALT PTY. LTD.



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DESIGNED	CMD	CHECKED	DJW
APPROVED			

DATE	REF.	REVISION
		2

DRAWING NO. 102-008-SK16

PROJECT COOYA SAND EXTRACTION

ACCESS SIGHT DISTANCE

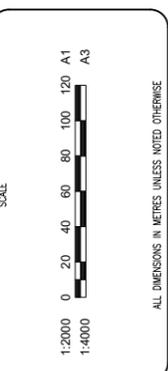
LEGEND

- AREA OF EARTHWORK CUT
- AREA OF EARTHWORK FILL
- DESIGN CONTOUR (200mm INTERVALS) 9.8
- EXISTING CONTOUR (200mm INTERVALS) 9.8
- EARTHWORK BATTER INTERFACE
- PROPERTY BOUNDARY



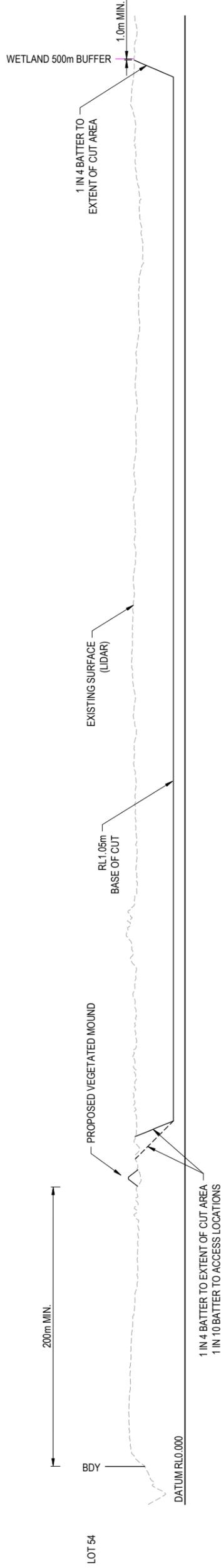
NO.	DATE	DESCRIPTION	DESIGN	APPROVED
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1	24/08/25	INITIAL ISSUE		

CLIENT
NQ ASPHALT PTY. LTD.

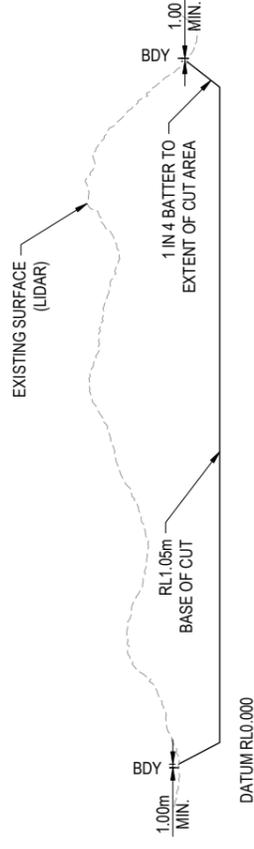


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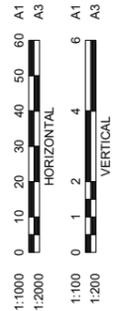
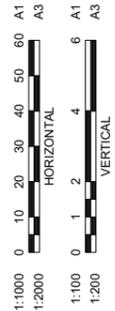
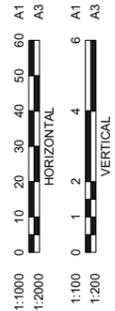
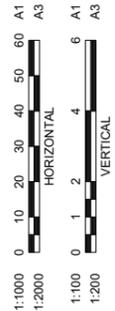
COOYA SAND EXTRACTION	
SITE EARTHWORKS	
DRAWING NO.	102-008-SK17
REVISION	2



SECTION A
SCALE 1:2000 (H)
SCALE 1:200 (V)



SECTION B
SCALE 1:1000 (H)
SCALE 1:100 (V)



ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE

NO.	DATE	DESCRIPTION	DESIGN	APPROVED
2	22/09/25	MINOR UPDATE	CW	DJW
1	24/08/25	INITIAL ISSUE		

CLIENT
NQ ASPHALT PTY. LTD



DRAWN	CMD	CHECKED	DJW
DESIGNED	CMD	CHECKED	DJW
APPROVED			

COOYA SAND EXTRACTION	
SITE EARTHWORKS SECTIONS	
DRAWING NO.	102-008-SK18
REVISION	2



SARA reference: 2410-43198 SRA
 Council reference: MCUI 2024_5682/1
 Applicant reference: AU015874

12 December 2024

Chief Executive Officer
 Douglas Shire Council
 PO Box 723
 MOSSMAN QLD 4873
 enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA referral agency response— Sand Extraction at Captain Cook Highway, Killaloe (Lot 1 on RP893855)

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 13 November 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	12 December 2024
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 an extractive industry for the extraction of approximately 30,000 tonne of sand per year.
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning	

Regulation 2017) - Material change of use impacting on state transport infrastructure (extractive industry using machinery having an annual throughput of product of over 10,000t)

SARA reference: 2410-43198 SRA
Assessment manager: Douglas Shire Council
Street address: Captain Cook Highway, Killaloe
Real property description: Lot 1 on RP893855
Applicant name: NQ Asphalt Pty Ltd
Applicant contact details: C/- RPS AAP Consulting Pty Ltd
135 Abbott Street
Cairns QLD 4870
owen.caddick-king@rpsgroup.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 Anthony Westbury, A/Senior Planning Officer, on 4037 3215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter
A/ Manager Planning

cc NQ Asphalt Pty Ltd c/- RPS AAP Consulting Pty Ltd, owen.caddick-king@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response
Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
<p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 4, Item 1 – Material change of use impacting on state transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
1.	<p>The haul route must be undertaken via the Captain Cook Highway / Bonnie Doon Road intersection generally in accordance with NQ Asphalt Pty Ltd Lot 1 on RP893855 Site Plan – Proposed Sand Extraction, prepared by RPS, dated 26-08-2024, drawing AU015874-2.</p>	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) v3.1. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 6: Protection of state transport networks, of the SDAP, in that:

- The proposed development is unlikely to compromise the safety, function, and efficiency of the state-controlled road network.
- The proposed development is appropriately separated from the Captain Cook Highway to avoid adverse impacts from increased stormwater and drainage flow.
- The Captain Cook Highway / Bonnie Doon Road intersection is improved by a channelised right turn lane and can adequately accommodate the haul vehicle traffic from the proposed development.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.1)
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response

(page left intentionally blank – attached separately)

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

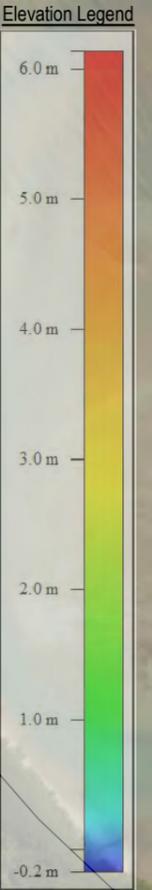
30 Representations about a referral agency response

- 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.

Attachment 5—Documents referenced in conditions

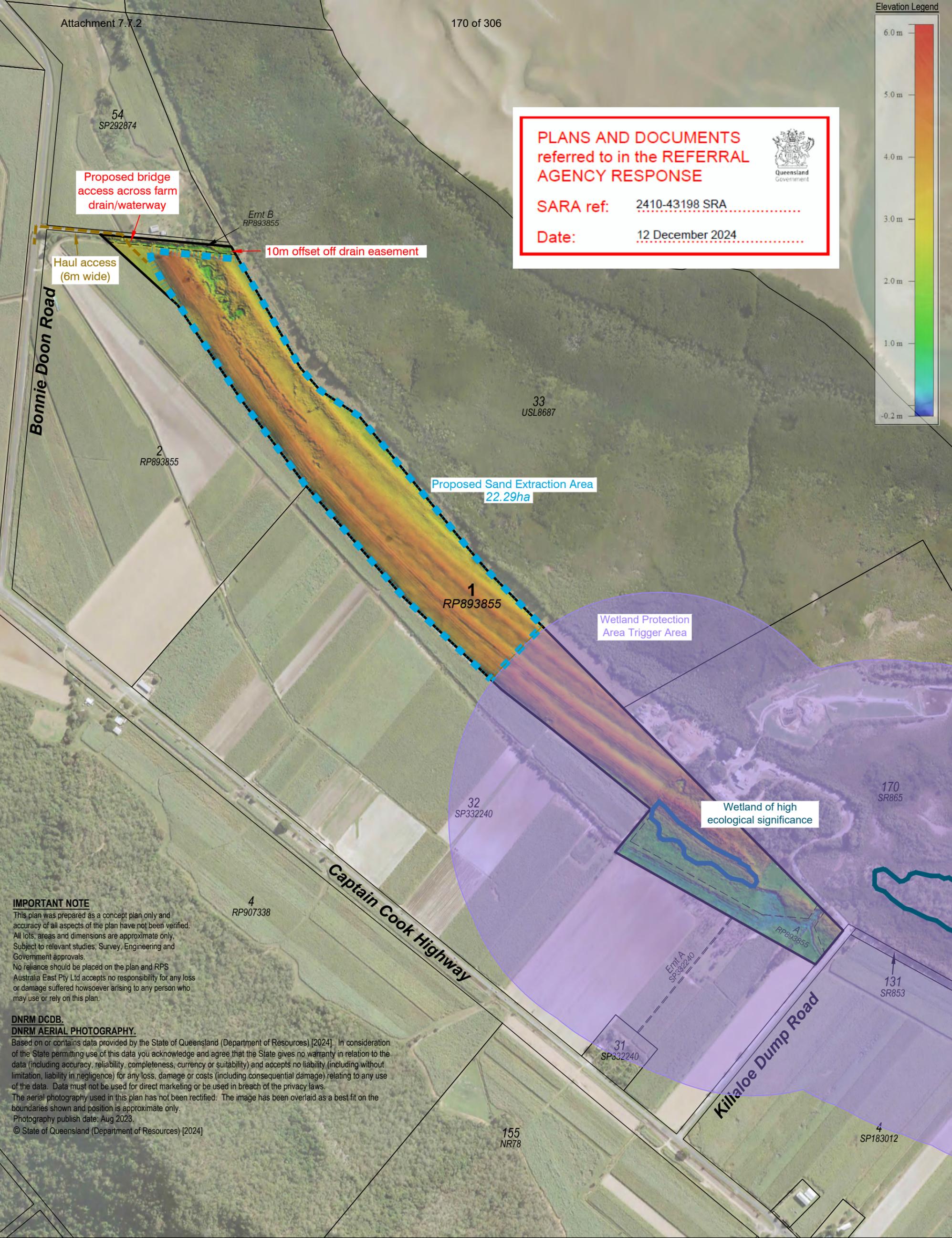
(page left intentionally blank – attached separately)



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2410-43198 SRA

Date: 12 December 2024

IMPORTANT NOTE
 This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

DNRM DCDB. DNRM AERIAL PHOTOGRAPHY.
 Based on or contains data provided by the State of Queensland (Department of Resources) [2024]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws. The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only. Photography publish date: Aug 2023. © State of Queensland (Department of Resources) [2024]



NQ Asphalt Pty Ltd
 Lot 1 on RP893855
 Site Plan - Proposed Sand Extraction

RPS AAP Consulting Pty Ltd
 ACN 117 883 173
 135 Abbott St
 PO Box 1949
 CAIRNS QLD 4870
 T +61 7 4031 1336
 F +61 7 4031 2942
 W rpsgroup.com



Permit

Environmental Protection Act 1994

Environmental authority P-EA-100750656

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

Environmental authority number: P-EA-100750656

Environmental authority takes effect on the date that your related development approval ref MCU 2024_5698 takes effect. This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the **activity**, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day

Environmental authority holder

Name	Registered address
NQ ASPHALT PTY LTD	97-101 Tingira Street, Portsmith QLD 4870

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 2(a) - Extracting, other than by dredging, in a year, the following quantity of material - 5,000t to 100,000t	Lot 1/RP893855

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 land give written notice to the administering authority if they become aware of the following:

- the presence of, or happening of an event involving, a hazardous contaminant on the land that is causing, or is reasonably likely to cause, serious or material environmental harm (notice must be given within 24 hours); or
- if the land is contaminated land – a change in the condition of the land that is causing, or is reasonably likely to cause, serious or material environmental harm (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 land (notice must be given within 20 business days).

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.

The anniversary day of this environmental authority is the same day each year as the effective date. The payment of the annual fee will be due each year on this day.

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.



Signature

28 May 2025

Date

Tristan Roberts
 Manager
 Department of the Environment, Tourism, Science
 and Innovation
 Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
 Energy and Extractive Resources Business Centre
 GPO Box 2454, Brisbane QLD 4001
 Phone: 1300 130 372 (and select option 4)
 Email: EnergyandExtractive@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)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any **activity** at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access State controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Obligations under the *Mining and Quarrying Safety and Health Act 1999*

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at www.resources.qld.gov.au, or phone 13 QGOV (13 74 68) or your local Mines Inspectorate Office.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment, Science and Innovation to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Ref	Condition
Schedule: General	
G1.0	<p>Activities under this environmental authority must be conducted in accordance with the following limitations:</p> <ul style="list-style-type: none"> (a) Extraction must only occur within the extraction area identified in <i>Appendix 1: Site Layout</i> and bounded by the coordinates listed in <i>Appendix 2: extraction area coordinates</i>; and (b) The extraction activity must be undertaken in a staged approach in accordance with <i>Appendix 1: Site Layout</i>; and (c) The amount of material extracted per year must not exceed 30,000 tonnes per year; and (d) The total active extraction area must not exceed 1 ha at any given time; and (e) The total former extraction area must not exceed 1 ha at any given time; and (f) The depth of extraction must not exceed 3m AHD; and (g) Extraction must not intercept groundwater; and (h) Areas which contain shell grit or significant Aboriginal objects must be avoided.
G1.1	The holder of this environmental authority must identify all locations within the extraction area which are likely to contain shell grit prior to undertaking the activity.
G2.0	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused, or likely to be caused, by the activities.
G3.0	<p>Unless specifically authorised by a condition of this environmental authority, this environmental authority does not authorise a relevant act which is:</p> <ul style="list-style-type: none"> a. an act that causes serious or material environmental harm or an environmental nuisance; or b. an act that contravenes a noise standard; or c. a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG of the <i>Environmental Protection Act 1994</i>.
G4.0	<p>Contravention of conditions</p> <p>Unless specifically authorised by a condition of this environmental authority, details of any contravention of a condition of this environmental authority must:</p> <ul style="list-style-type: none"> a. be reported to the administering authority within 24 hours of becoming aware of the contravention; and b. include the nature and circumstances of the contravention and any immediate actions taken.

Ref	Condition
G4.1	<p>As soon as reasonably practicable but no later than 5 business days of a report made under condition G4.0 (or a longer period agreed to in writing by the administering authority), an investigation must be undertaken to determine:</p> <ul style="list-style-type: none"> (a) the potential circumstances and actions that may have contributed to the contravention; and (b) reasonable and practicable measures that will be implemented to address the cause of the contravention to prevent future contraventions of this nature.
G4.2	<p>As soon as reasonably practicable but no later than 5 business days of investigating a contravention under condition G4.1 (or a longer period agreed to in writing by the administering authority), the reasonable and practicable measures identified in the investigation must be implemented.</p>
G4.3	<p>The outcome of the investigation carried out under condition G4.1 and the reasonable and practicable measures implemented under condition G4.2 must be recorded.</p>
G5.0	<p>Complaints</p> <p>The following details must be recorded for all complaints received and provided to the administering authority upon request:</p> <ul style="list-style-type: none"> (a) date and time the complaint was received; and (b) if authorised by the person making the complaint, their name and contact details; and (c) nature and details of the complaint.
G5.1	<p>As soon as reasonably practicable but no later than 5 business days of receiving a complaint (or a longer period agreed to in writing by the administering authority), an investigation must be undertaken to determine:</p> <ul style="list-style-type: none"> (a) the potential circumstances and actions on site that may have contributed to the basis of the complaint; and (b) reasonable and practicable measures that will be implemented to address the complaint.
G5.2	<p>As soon as reasonably practicable but no later than 5 business days of investigating a complaint under condition G5.1 (or a longer period agreed to in writing by the administering authority), the reasonable and practicable measures identified in the investigation must be implemented.</p>
G5.3	<p>The outcome of the investigation carried out under condition G5.1 and the reasonable and practicable measures implemented under condition G5.2 must be recorded.</p>
G6.0	<p>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.</p>

Ref	Condition						
G7.0	<p>Environmental risk management procedures</p> <p>Written procedures must be developed and implemented by an appropriately qualified person that ensure:</p> <ul style="list-style-type: none"> (a) all potential risks to the environment from the carrying out of the activity are identified and assessed, including: <ul style="list-style-type: none"> i. during routine operations; and ii. outside routine operations (e.g., maintenance, start up and shut down); and iii. during preparation, rehabilitation, and closure; and iv. in an emergency (e.g., fire, flood or other natural disaster); and (b) for each potential risk identified, any necessary measures to prevent or minimise the potential for environmental harm are implemented; and (c) staff understand their obligations under this environmental authority and the <i>Environmental Protection Act 1994</i>; and (d) environmental risk management procedures are continually reviewed and improved, based on a reasonable risk-management approach. 						
G8.0	<p>Plant and equipment</p> <p>An appropriately qualified person must install, operate, calibrate, and maintain the plant and equipment required to carry out the activity (including monitoring devices) in a proper and effective manner.</p>						
G8.1	<p>Records of installation, calibration and maintenance carried out under condition G8.0 must be kept.</p>						
G9.0	<p>Record keeping</p> <p>Unless otherwise specified by a condition of this environmental authority, records must be:</p> <ul style="list-style-type: none"> a. kept for the period outlined in Table 1– Record keeping requirements; and b. provided to the administering authority upon request and in the format requested. <p>Table 1 – Record keeping requirements</p> <table border="1" data-bbox="288 1659 932 1827"> <thead> <tr> <th data-bbox="288 1659 619 1709">Description of records</th> <th data-bbox="619 1659 932 1709">Retention requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="288 1709 619 1767">Monitoring results</td> <td data-bbox="619 1709 932 1767">Retain for 15 years</td> </tr> <tr> <td data-bbox="288 1767 619 1827">All other records</td> <td data-bbox="619 1767 932 1827">Retain for 5 years</td> </tr> </tbody> </table>	Description of records	Retention requirement	Monitoring results	Retain for 15 years	All other records	Retain for 5 years
Description of records	Retention requirement						
Monitoring results	Retain for 15 years						
All other records	Retain for 5 years						
G10.0	<p>Chemical storage</p> <p>Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.</p>						
G11.0	<p>Monitoring and sampling</p>						

Ref	Condition
	All monitoring and sampling required by the conditions of this environmental authority must be carried out, interpreted, and recorded by an appropriately qualified person.
Schedule: Air	
A1.0	Other than as permitted within this environmental authority, odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.
A1.1	Air quality monitoring, including for dust and point source emissions from the activity , must be undertaken in accordance with the latest edition of: <ul style="list-style-type: none"> (a) The relevant Australian Standards; or (b) A method approved by any other Australian, European or North American jurisdiction/EPAs (if monitoring requirements are not described in the Australian Standards).
A2.0	Dust and particulate matter emissions from the activity must not exceed the following concentrations at a sensitive place or a commercial place: <ul style="list-style-type: none"> (a) dust deposition of 120 milligrams per square metre per day, averaged over 30 days, when monitored in accordance with the latest edition of Australian Standard AS/NZS 3580.10.1 <i>Methods for sampling and analysis of ambient air, Method 10.1: Determination of particulate matter – Deposited matter – Gravimetric method</i>; or (b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (am) (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, when monitored in accordance with the most current edition of the relevant Australian Standards.
A2.1	An effective dust suppression system must be installed, operated and maintained at all times to minimise the release of dust to the atmosphere.
A2.2	Sand stockpiles must not exceed 2m in height and must be covered when the site is not attended.
A2.3	Minimising windborne emissions from vehicles All extraction, stockpile, and trafficable areas must be maintained using effective dust suppression measures necessary to minimise the release of dust to the atmosphere.
A2.3	Trucks entering and leaving the premises must be covered at all times, except during loading and unloading.
A2.5	To reduce the frequency and severity of windborne emissions arising from the transportation of any material off-site, the environmental authority holder must: <ul style="list-style-type: none"> (a) if the load is dry at the time of loading, or otherwise emitting dust during manual handling or loading — ensure loads of material are wet down prior to transportation; (b) ensure any material that may have accumulated on vehicle side rails, tail gates or draw bars is removed prior to the vehicle leaving the loading place;

Ref	Condition																
	<p>(c) ensure the vehicle is of a type that is suitable to fully contain the material in transit;</p> <p>(d) ensure the material is not tracked by vehicles outside the approved place; and</p> <p>(e) ensure vehicles carrying any products from this site are covered by a tarpaulin or solid cover before leaving the approved place.</p>																
A3.0	<p>Requirement to monitor weather</p> <p>A permanent meteorological station onsite must:</p> <p>(a) be installed in accordance with the latest version of the Australian Standard AS3580.14: <i>Methods for sampling and analysis of ambient air, Part 14: Meteorological monitoring for ambient air quality monitoring applications</i></p> <p>(b) be installed prior to the commencement of the activity; and</p> <p>(c) monitor the meteorological environment with at least the following parameters specified in Table A1 – Weather monitoring.</p> <p>Table A1 – Weather monitoring</p> <table border="1" data-bbox="288 999 1410 1252"> <thead> <tr> <th data-bbox="288 999 568 1048">Parameter</th> <th data-bbox="568 999 847 1048">Units of measure</th> <th data-bbox="847 999 1126 1048">Averaging period</th> <th data-bbox="1126 999 1410 1048">Frequency</th> </tr> </thead> <tbody> <tr> <td data-bbox="288 1048 568 1144">Wind direction at 10m</td> <td data-bbox="568 1048 847 1144">degrees</td> <td data-bbox="847 1048 1126 1144">1 hour</td> <td data-bbox="1126 1048 1410 1144">Continuous</td> </tr> <tr> <td data-bbox="288 1144 568 1196">Wind speed at 10m</td> <td data-bbox="568 1144 847 1196">m/s</td> <td data-bbox="847 1144 1126 1196">1 hour</td> <td data-bbox="1126 1144 1410 1196">Continuous</td> </tr> <tr> <td data-bbox="288 1196 568 1252">Rainfall</td> <td data-bbox="568 1196 847 1252">mm/hr</td> <td data-bbox="847 1196 1126 1252">1 hour</td> <td data-bbox="1126 1196 1410 1252">Continuous</td> </tr> </tbody> </table>	Parameter	Units of measure	Averaging period	Frequency	Wind direction at 10m	degrees	1 hour	Continuous	Wind speed at 10m	m/s	1 hour	Continuous	Rainfall	mm/hr	1 hour	Continuous
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Wind speed at 10m	m/s	1 hour	Continuous														
Rainfall	mm/hr	1 hour	Continuous														
A3.1	<p>Monitoring under condition A3.0 is not required when the extraction activity is not being undertaken and the extraction area is:</p> <p>(a) covered by at least 70% ground cover over 90% of the area; and</p> <p>(b) the potential for erosion and sedimentation is minimised; and</p> <p>(c) the landform is in a stable condition.</p>																
A3.2	<p>Additional measures required under high wind conditions</p> <p>The following actions must be undertaken when measured wind direction is blowing towards sensitive receptors and measured windspeed exceeds the following:</p> <p>(a) 5.4 m/s: additional dust mitigation measures must be carried out to minimise emissions of dust; and</p> <p>(b) 15 m/s: all extraction activities that generate dust must cease.</p>																
A3.3	<p>Records must be kept to demonstrate compliance with Condition A3.2 and maintained in accordance with condition G9.0.</p>																

Ref	Condition
Schedule: Biodiversity	
B1.0	Impacts to matters of state environmental significance (MSES) or prescribed environmental matters are not authorised under this environmental authority.
Schedule: Land	
L1.0	Contaminants must not be released to land .
L1.1	Acid sulphate soils must not be disturbed by the activity .
L2.0	Erosion and sediment control measures must: <ul style="list-style-type: none"> a) minimise erosion and the release of sediment within areas disturbed by the activity; and b) prevent releases from the activity causing erosion outside of areas disturbed by the activity; and c) prevent the release of sediment from areas disturbed by the activity to land or waters; and d) be implemented and maintained at all times.
L2.1	An erosion and sediment control plan must: <ul style="list-style-type: none"> a) be developed: <ul style="list-style-type: none"> i. prior to the commencement of the activity; ii. by a certified professional in erosion and sediment control (CPESC) or registered soil practitioner (RSP); and iii. prior to the commencement of any ground disturbance associated with the activity; and iv. address site specific flood risks; and v. to ensure compliance with condition L2.0; b) be revised as necessary to ensure that all times the plan covers all areas disturbed by the activity; and c) be implemented at all times.
L2.2	Wet Season Flood Management In addition to condition L2.0, during the wet season , the following apply: <ul style="list-style-type: none"> a) the storage of chemicals, fuels and oils are not permitted; and b) stockpiling of extracted material on site is not permitted; and c) flood mitigation measures must be implemented to minimise the release of sediments to land or water from areas disturbed by the activity.

Ref	Condition
L3.0	<p>Disturbed areas must be rehabilitated so that:</p> <ul style="list-style-type: none"> a) the potential for erosion and sedimentation is minimised; and b) the potential for environmental nuisance caused by dust is prevented; and c) land and water do not contain contaminants capable of causing environmental harm; and d) the landform is in a stable condition; and e) the top layer of the soil profile is re-instated consistent with surrounding soils; and f) the land is re-profiled to reflect the final land use and is consistent with surrounding landforms and established drainage lines; and g) the land is vegetated with ground cover that is established, actively growing, self-sustaining and is not a declared pest species. h) the land is covered by at least 70% ground cover over 90% of the area.
L3.1	<p>Former extraction area must be:</p> <ul style="list-style-type: none"> (a) stabilised by reinstatement of at least 70% ground cover over 90% of the area; and (b) completed within 3 months of the area becoming no longer an active extraction area; or (c) Prior to the beginning of the wet season (whichever is sooner).
L3.2	<p>A rehabilitation plan must:</p> <ul style="list-style-type: none"> (a) be developed: <ul style="list-style-type: none"> i. prior to the commencement of the activity; ii. by an appropriately qualified person; iii. to ensure compliance with conditions L3.0 and L3.1; and (a) include final land use plans, as well as plans for any planned stages; and (b) plan for topsoil that is extracted as part of the activity to be preserved and reused during rehabilitation; and (c) include all areas disturbed by the activity; and (d) be implemented at all times.
Schedule: Noise	
N1.0	<p>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.</p>

Ref	Condition																																																
N1.1	<p>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in <i>Table 1 – Noise limits</i> at any sensitive place or commercial place.</p> <p>Table 1 – Noise limits</p> <table border="1"> <thead> <tr> <th rowspan="2">Noise level measured in dB(A)</th> <th colspan="3">Monday to Saturday</th> <th colspan="3">Sunday and Public Holidays</th> </tr> <tr> <th>7am–6pm</th> <th>6pm–10pm</th> <th>10pm–7am</th> <th>9am–6pm</th> <th>6pm–10pm</th> <th>10pm–9am</th> </tr> </thead> <tbody> <tr> <td colspan="7">Noise measured a sensitive place</td> </tr> <tr> <td>L_{Aeq} adj, 10 min</td> <td>42</td> <td>No audible noise</td> </tr> <tr> <td>L_{A1,adj,10 min}</td> <td>52</td> <td>No audible noise</td> </tr> <tr> <td colspan="7">Noise measured at a commercial place</td> </tr> <tr> <td>L_{Aeq} adj, 10 min</td> <td>50</td> <td>No audible noise</td> </tr> </tbody> </table>	Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays			7am–6pm	6pm–10pm	10pm–7am	9am–6pm	6pm–10pm	10pm–9am	Noise measured a sensitive place							L_{Aeq} adj, 10 min	42	No audible noise	L_{A1,adj,10 min}	52	No audible noise	Noise measured at a commercial place							L_{Aeq} adj, 10 min	50	No audible noise												
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N2.0	All monitoring of noise emissions from the activity must be undertaken when the activity is in operation.																																																
N2.1	<p>The following must be recorded when undertaking monitoring of noise emissions from the activity:</p> <ol style="list-style-type: none"> All equipment in operation at the time of the noise measurement; and The mode of operation at the time of the noise measurement. 																																																
N2.2	Noise measurements must be taken using a class 1 sound level meter as classified under AS IEC 61672.																																																
N2.3	All monitoring of noise emissions from the activity must be undertaken in accordance with the latest edition of the ' <i>Noise measurement manual</i> ' (available on the Queensland government website), the relevant Australian Standard and the <i>Environmental Protection Regulation 2019</i> (Chapter 5, Part 4).																																																
N2.5	Blasting is not permitted.																																																
Schedule: Waste																																																	
W1.0	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.																																																
Schedule: Water																																																	
WT1.0	Contaminants must not be released to waters .																																																
WT2.0	Contaminants must not be released to groundwater.																																																

Definitions

Where a word or phrase in this document is defined in this Schedule, it has its corresponding meaning. Where a word or phrase in this document is not defined in this Schedule, it has the meaning given to it in (in order of priority):

- the *Environmental Protection Act 1994* (EP Act), its regulations or its environmental protection policies;
- the *Acts Interpretation Act 1954*;
- the Macquarie Dictionary (taking account of the context in which the word or phrase is used in this document).

For example, environmental value, environmental harm, environmental nuisance, material environmental harm, serious environmental harm and relevant act are defined in the EP Act and groundwater is defined in the Environmental Protection Regulation 2019.

Defined words or phrases in the singular include the plural and vice versa.

24-hour rainfall event with an Annual Exceedance Probability of 20% means the maximum design rainfall depth from a 24-hour duration precipitation event with an annual exceedance probability of 20%.

The Design Rainfall Depth (mm) for an AEP probability of 20% over a 24-hour duration can be calculated for your location using the Intensity–Frequency–Duration (IFD) Design Rainfall Data System on the Bureau of Meteorology website.

AHD means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.

Active extraction area means the current area being utilised for the extraction of material.

Annual exceedance probability (AEP) means the probability that a given rainfall total accumulated over a given duration will be exceeded in any one year.

Appropriately qualified person means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Certified professional in erosion and sediment control (CPESC) or registered soil practitioner (RSP) is a person who is currently a Certified Professional in Erosion and Sediment Control or Registered Soil Practitioner with the International Erosion Control Association (IECA) Australasia.

Commercial place means a place, or part of a place, used as a workplace, an office or for business or commercial purposes.

Declared pest species means species listed as:

- ‘prohibited matter’ or ‘restricted matter’ species under the Biosecurity Act 2014; or
- ‘Weeds of National Significance’ under the Australian Weeds Strategy 2017–2027.

Disturbed areas means areas disturbed by the carrying out of the activity including areas:

- (a) that are susceptible to erosion; and/or
- (b) that are contaminated by the activity; and/or
- (c) that have been utilised for extraction of material; and/or
- (d) upon which stockpiles of soil or other materials are located.

Former extraction area means an area that was an **active extraction area** that is no longer being utilised for the extraction of material. If a former extraction area meets the requirements of condition L3.1 it is then considered a **disturbed area**.

LAeq adj, 10min means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 1-hour period has the same mean square sound pressure of a sound that varies with time.

LA1, 10min means the A-weighted sound pressure level that is exceeded for 1% of a 1-hour period when measured using time-weighting 'F'.

Land has the meaning in the meaning in the Macquarie Dictionary and does not include air or waters.

Monitoring results includes analysis results (laboratory and in situ) and monitoring reports.

Matter(s) of State environmental significance has the meaning of the matters of State environmental significance listed in schedule 2 of the Environmental Offsets Regulation 2014.

Prescribed environmental matters has the meaning in section 10 of the *Environmental Offsets Act 2014*, limited to the matters of State environmental significant listed in schedule 2 of the *Environmental Offsets Regulation 2014*.

Relevant act as defined in section 493A of the EP Act.

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

Sensitive place is any part of the following:

- (a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- (b) a motel, hotel or hostel; or
- (c) a kindergarten, school, university or other educational institution; or
- (d) a medical centre or hospital; or
- (e) a protected area under the Nature Conservation Act 1992, the Marine Parks Act 2004 or a World Heritage Area; or
- (f) a public park or garden; or
- (g) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.

Significant Aboriginal object means an object of particular significance to Aboriginal people as determined by an **appropriately qualified person** because of either or both of the following—

- (a) Aboriginal tradition; or
- (b) the history, including contemporary history, of an Aboriginal party for an area.

Stormwater treatment and retention measures includes stormwater dams/ponds and sediment dams/ponds.

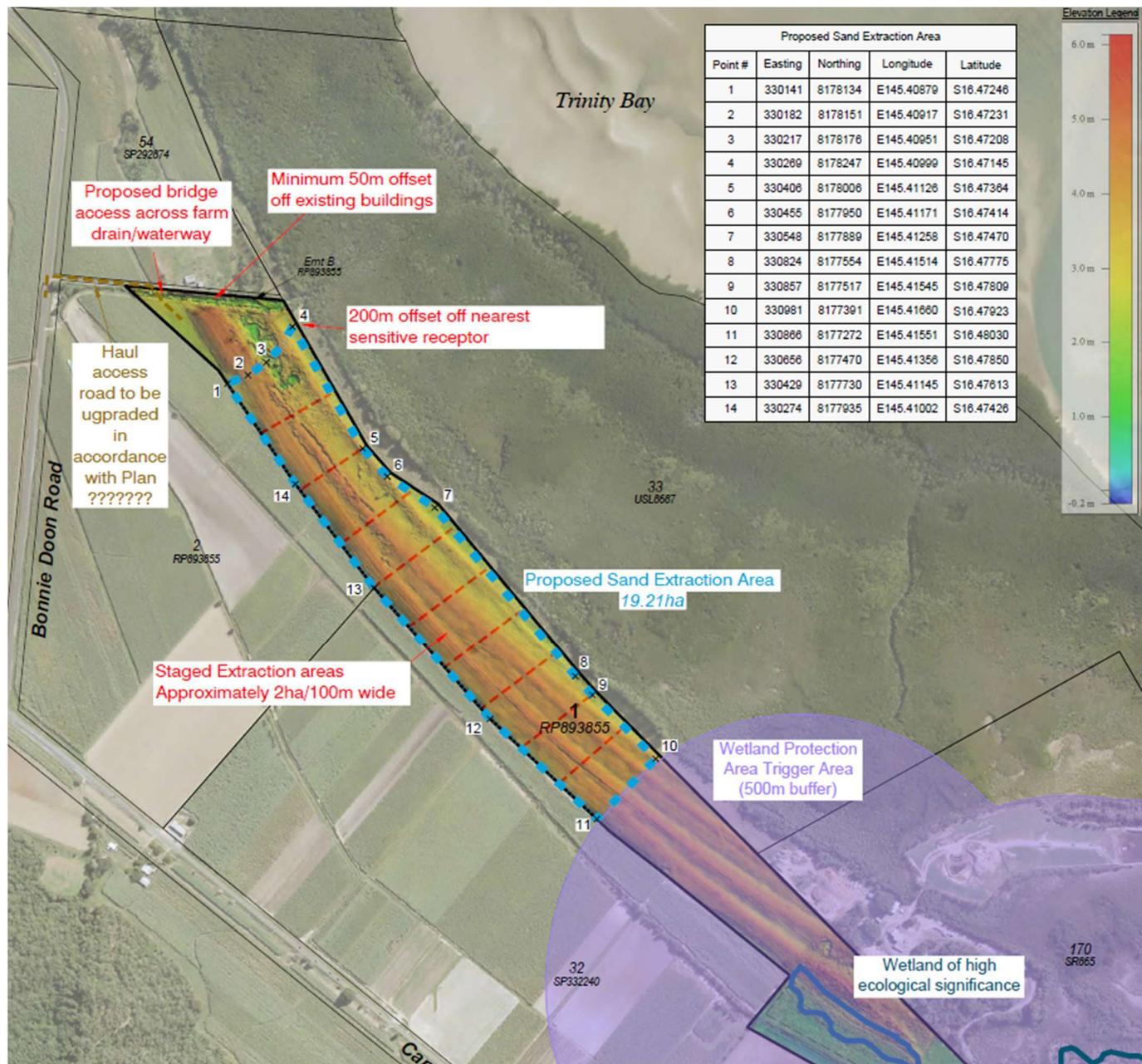
Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a noise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

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.

Wet season means the time between 1 November and 30 April each year.

Appendices

Appendix 1: Site Layout



Appendix 2: Extraction Area Coordinates

Sand Extraction Area				
Point #	Map Grid of Australia (MGA) Zone 55		GDA2020	
	Easting	Northing	Longitude	Latitude
1	330141	8178134	E145.40879	S16.47246
2	330182	8178151	E145.40917	S16.47231
3	330217	8178176	E145.40951	S16.47208
4	330269	8178247	E145.40999	S16.47145
5	330406	8178006	E145.41126	S16.47364
6	330455	8177950	E145.41171	S16.47414
7	330548	8177889	E145.41258	S16.47470
8	330824	8177554	E145.41514	S16.47775
9	330857	8177517	E145.41545	S16.47809
10	330981	8177391	E145.41660	S16.47923
11	330866	8177272	E145.41551	S16.48030
12	330656	8177470	E145.41356	S16.47850
13	330429	8177730	E145.41145	S16.47613
14	330274	8177935	E145.41002	S16.47426

END OF ENVIRONMENTAL AUTHORITY