

14 February 2025

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2024_5682/1(Doc ID 1280024)
Your Ref: AU015874

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

NQ Asphalt Pty Ltd
C/- RPS AAP Consulting Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Email: Stacey.Devaney@rpsgroup.com.au

Attention Ms Stacey Devaney

Dear Madam

FURTHER ISSUES LETTER
Material Change of Use-Impact for an Extractive Industry
At Lot 1 on RP893855 Captain Cook Highway Killaloe

Council refers to your development application and that was received on 16 October 2024.

An information request was issued on 31 October 2024 to which a response was received on 26 November 2024. The application underwent the required public notification actions and numerous submissions have been received. Please note, all properly made submissions have been redacted of private information and are available on Council's website for public viewing, refer to the following link, [Development Applications - Douglas Shire Council](#).

Council wishes to advise that the assessment of your development application has identified some issues remain outstanding and the advice provided to date has uncovered further issues which require attention.

Please note, the information provided to Council to date is inadequate and does not enable the assessment of the application to be completed to a sufficient level of certainty to facilitate the drafting of conditions for a Decision Notice for a Development Permit.

The following matters remain outstanding and are listed as follows.

Level of Extraction

Background

The reasons for Council's enquiries on this matter is to be able to assess the impact of the extraction, the amount of extraction activity, the finished surface levels and landform for the lot, the suitability of the finished land for other rural activities, the impact on the surface and subsurface waterways on the land, the integration of the finished heights with the property boundary heights and the impacts on the neighbouring lands, in particular the mangrove area to the east.

The land has various elevations ranging from 1m to 3m at the boundaries with a sand ridge generally at 2-4m AHD. The ridge drops down to the western boundary generally at greater than the gentle slope to the eastern boundary. The ridge runs north-south.

At the boundary the land has elevations of 1m, 2m and 3m AHD. Beyond the boundaries, the neighbouring USL (Lot 33 on USL8687) to the east slopes away from the site to 1m and then further east to meet the sandy coast. To the west, the neighbouring farmland (Lot 2 on RP893855 and Lot 32 on SP332240) slopes upwards in a westerly direction and includes a formed drain that has a surface bank of 1m, rising to the Captain Cook Highway and Bonnie Doon Road to levels of between 4 and 11m AHD.

The area of extraction is proposed to extend to the eastern and western boundaries, with a setback of some 50m from the northern boundary and south to the boundary of the Wetland Referral Trigger land.

Concern

There is no clarity of the information provided to date, and no consistency, as to the extent of the level of the proposed extraction. The initial report accompanying the application stated, *"It is intended that the sand extraction activity will extract the sand resource from the sand ridges with the sand extraction being limited to approximately 0.5 – 1 meter below the natural ground level adjoining the northern and southern side of Lot 1 on RP893855 and then be backfilled with stockpiled topsoil to the natural ground level adjoining the northern and southern side of Lot 1 on RP893855."*

Clarity was sought as the "northern and southern side of the lot" was not identified and the natural ground level varies along the site boundaries. The response to information request states, *"The sand resource within the existing sand ridge will be extracted to a level equivalent to the level of the of the farmland that exists to the south-west of the subject land."* As the land levels on the neighbouring farmlands vary between 1m and 11m the depth of extraction is not clarified by this statement. At the extreme consideration this could be interpreted as extracting to a depth of 0.5-1m below the neighbouring farm level of 1m. That is to a finished level of 0.0-0.5m AHD. It is understood that the general topsoil layer, which ranges from 100mm to 600mm but appears to be generally 300mm would be replaced. Using these Council assumptions, the projected extraction levels appear to be some 0.5m above the standing water identified in the test hole logs taken in June (dry season) 1994.

At this time of the year (dry season), it is likely that significantly less water was in the catchment. Significant concern is raised with the finished surface level and reduced natural sand filter layers in reducing impacts from leachates across the site and potential impact on the natural areas to the east.

It would appear the development will result in a large depression on the land with no ability to suitably drain this area.

As no details of the extraction plan have been provided, it is very challenging to determine the impacts during extraction and post-extraction phases.

The surrounding land is affected by storm tide inundation, coastal erosion and flooding. The creation of a large depression on the land will change the dynamics of the impacts of storm tide inundation, coastal erosion and flooding. Specific details on the pre, post and extraction phases for these matters is required. Plans should clearly demonstrate the operation and nominate all relative levels to finished surface. Given these concerns a bulk earthworks plan illustrating the intended extent of extraction that is to also align with the location and depth of the resource should be provided.

Response to Planning Scheme Considerations Including Other Environmental Impacts

The two pages for assessment against the Planning Scheme for an impact assessable development of this nature is insufficient. The Assessment is required against the whole of the Scheme, including the land use code and the other development codes. A full assessment should be provided including scenic amenity considerations.

The submitted Environmental Assessment Report appears to be an operational report, rather than an assessment of the actual impacts that will occur.

For example, the consideration of noise does not identify all noise sources, such as excavators, loaders, trucks, or any dewatering equipment, does not identify the level of noise from the machinery, does not consider elevation levels or wind conditions on noise emissions, does not consider ambient noise levels and does not evaluate these considerations in respect to the nearby elevated sensitive land uses.

Similarly, the Report does not identify the expected type of air particles, impacts of land elevations and wind conditions, nor assess these impacts on the nearby sensitive uses and the neighbouring cropping land. The suggestion in the report that dust can be suppressed by watering is not clarified as to the water source to be used nor that the watering truck is stored on site. The 1994 logs identify the sand quality to range from “*course sand*” to “*fine sand*,” including “*medium/course sand heavily contaminated with shell grit*.” The logs given do not clarify what is the particle size meant by these descriptions. There is no clarity as to whether the shell grit is from a midden and may require further assessment.

The Environmental Assessment should clarify the sources of impacts, assess the impacts and determine the ability and extent of the activity that can occur without detrimentally impacting on neighbouring land and nearby sensitive uses.

Possible Acid Sulfate Soils

Given the unknown depth of extraction, concern remains regarding pH level of the extracted material and that of exposed material. Further advice is required.

Road Upgrade and Intersection Design

Should Council be of an opinion to support the development further details will be required for this consideration. Advice to date has been insufficient.

Properly Made Submissions

The applicant is recommended to consider the grounds raised in the properly made submissions and be aware of the level of concern the proposal has raised in the community.

Further Discussions and Information

Given the extent and nature of the issues at hand, Council requests a meeting to discuss the proposal.

Council is seeking to understand which type, or types, of sand the applicant is seeking to extract and the reasons and needs for this resource.

Please note, in some instances Council can consider issuing a Preliminary Approval with requirements to address these outstanding matters and then the applicant can seek a Development Permit through a request for a negotiated decision provided the outstanding matters are suitably addressed.

However, on the basis of the information provided to date, Council officers are currently unable to recommend a Preliminary Approval.

Other

Please quote Council's application number MCUI 2024 5682/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Neil Beck', with a stylized, cursive-like structure.

Neil Beck
A/ Manager Environment & Planning