

**Nagan Family Objection to Council Development Application
Number MCUI 2024_5682/1
Sand Extraction Proposal on Lot 1 on RP893855, Bonnie Doon
Road, Killaloe, 4877**



Our [redacted] boys, [redacted]



Above: Our families idyllic rural homestead with two World Heritage Sites in the background. This image shows the close proximity of the proposed industrial sand quarry to our home.

To the Assessment Manager,
Douglas Shire Council,
64-66 Front Street,
Mossman Qld 4877

19 December 2024

Sent by email:

[REDACTED]
enquiries@douglas.qld.gov.com.au

FROM: [REDACTED]

ADDRESS: [REDACTED] Killaloe, Qld, 4877 ([REDACTED] on
[REDACTED])

Email: [REDACTED]

Ph: [REDACTED]

Dear Ms Elphinstone,

Re: Council Application Number MCUI 2024_5682/1

I write to you as a deeply concerned resident of [REDACTED] Bonnie Doon Road, Killaloe, where I live with my husband Bernard and our [REDACTED] sons, [REDACTED]. We are also [REDACTED] extending our family in the [REDACTED] future. Our family home is situated on [REDACTED] Bonnie Doon Road, and the proposed sand quarry by NQ Asphalt Pty Ltd will have devastating consequences for our family's health, safety, and way of life.

The proposal outlines that NQ Asphalt Pty Ltd intends to use the unnamed gazetted road adjacent to our property as their haulage route, crossing approximately 60 metres from our home and commencing quarrying operations a mere 50 metres to the south of

our house. This is far too close to a family home, particularly for young children, and I implore the Council to consider the grave impacts this industrial operation will have on our family and the wider community.

Significant Health Risks

Our [REDACTED] son, [REDACTED] already [REDACTED] which are exacerbated by airborne dust and particulates. The extraction and transportation of fine sand will inevitably create dust that can travel substantial distances, particularly during dry and windy conditions. Sand quarrying so close to our home poses a serious risk to [REDACTED] health and the health of our [REDACTED] son, [REDACTED]

No amount of dust mitigation strategies can provide adequate assurance that this issue will be resolved. My children deserve to grow up in a safe and healthy environment, free from the risk of dust-borne respiratory illnesses and the adverse long-term effects this operation could cause.

Disruption to Our Safety and Lifestyle

The proposed haulage route poses unacceptable safety risks for our family. Our [REDACTED] son, [REDACTED] loves to ride his [REDACTED] bike along the little gazetted road and often pushes his [REDACTED] brother [REDACTED] in his red cart down the hill our home sits on. The thought of heavy trucks traversing this very route all day, from 7 am to 6 pm Monday to Saturday, is deeply distressing. It only takes one moment of distraction for a fatal accident to occur, and as parents, we cannot accept this risk. The continuous truck movements will generate substantial noise and vibration, disrupting our family's daily life and sleep patterns, including our children's [REDACTED] naps. These vibrations, caused by heavy machinery and trucks passing so close to our home, may also damage the structural integrity of our property

over time. Noise pollution, paired with the constant rumble of trucks, will render our home environment unbearable and strip away the tranquility we cherish. Furthermore, it is worth highlighting that NQ Asphalt Pty Ltd has not undertaken ANY noise, dust or wind testing and has refused to provide Council with tests even when asked.

Inaccuracies and Concerns Over Quarry Outputs

While NQ Asphalt Pty Ltd states in their report that they plan to extract “approximately” 30,000 tonnes annually, their state license (if granted) will allow them to quarry up to 100,000 tonnes per year. As a company they are driven by profit and will seek to maximise this sand extraction to the fullest extent possible. The applicant did not provide a verified sand volume so the resource size is potentially a lot larger than admitted. This discrepancy raises serious concerns about the actual scale of operations and the true impact this quarry will have on our family. The potential for up to 16 truckloads of sand being transported daily is completely inconsistent with the quiet rural life we currently enjoy and is incompatible with the residential nature of the surrounding area.

Loss of Quiet Rural Living

When we chose to settle and raise our family at [REDACTED] Bonnie Doon Road, it was for the peace, tranquility, and rural charm this area offers. The presence of an industrial quarrying operation just 50 metres from our home. Moreover, the bridge access point to the proposed sand quarry is only 60 metres from our home (*see below images, red cart is approximately 60 metres from our house*) will irreparably destroy the very qualities that brought us here. The noise from machinery, constant truck movements, and the visual scar of quarrying operations will devastate the peaceful rural lifestyle we have worked so hard to establish for our family.



Below: proposed crossing is where our [redacted] oys cart is



Council's Lack of Control Over Operations

Once approved, the Douglas Shire Council will have no control over the operation of this sand quarry. The approval of a change of use from rural to extractive industry for Lot 1 on RP893855 effectively relinquishes 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.

Request for Rejection of DA

We urge the Council to reject the proposed sand quarry due to the irreparable harm it will cause to our family and the broader community. The safety of our children, the health impacts of fine

sand dust, the noise and disruption to our lives, and the destruction of our rural lifestyle cannot and must not be dismissed.

Furthermore, I strongly object to the proposed material change of use from rural to extractive industry for the development of a sand quarry near mangrove wetlands and the Great Barrier Reef Marine Park in the Douglas Shire. This proposal raises serious concerns about environmental protection, economic sustainability, and community character while setting a dangerous precedent for future industrial exploitation in the region.

Environmental and Heritage Concerns

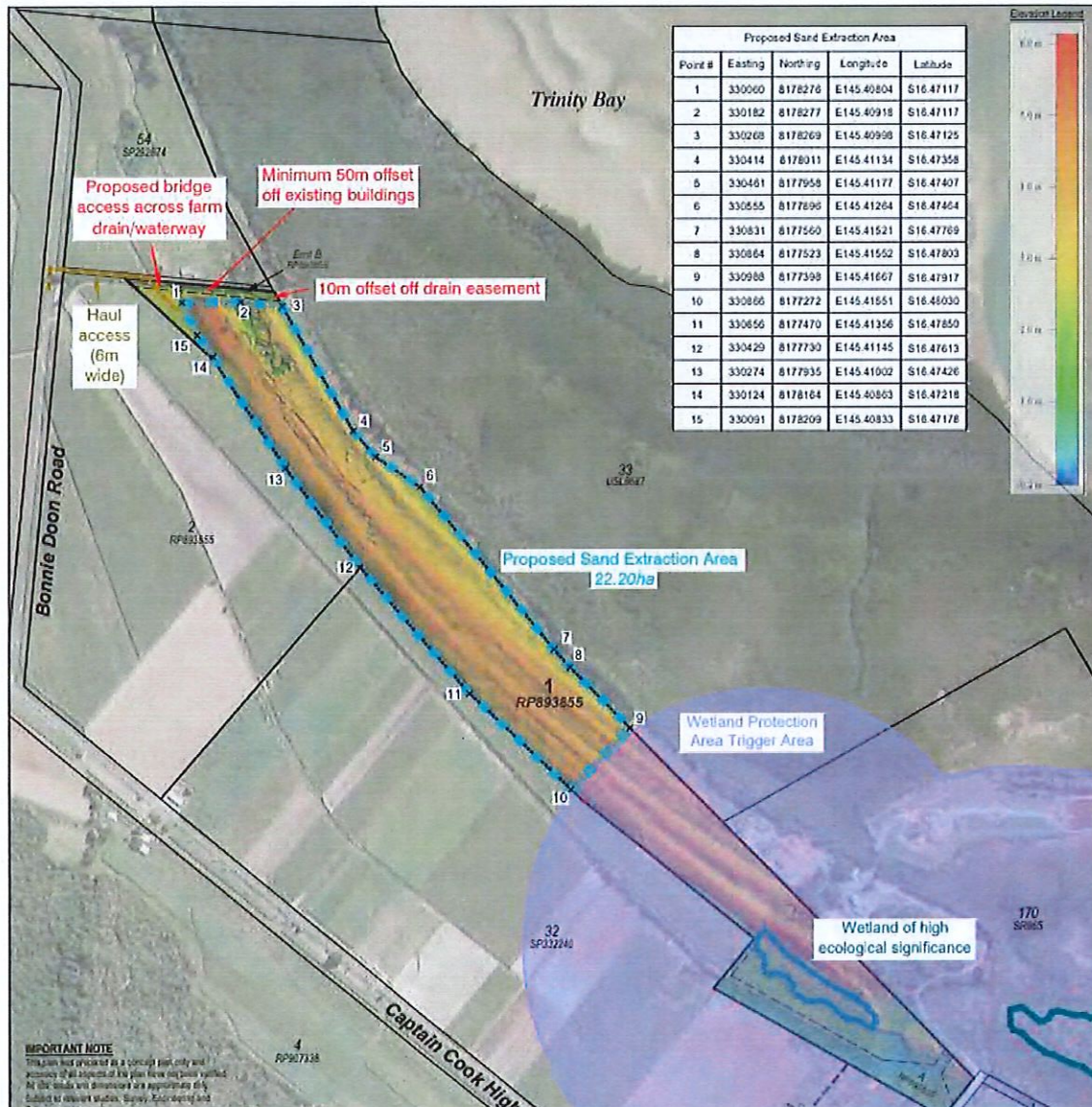
1. Proximity to World Heritage Areas:

- The Douglas Shire is uniquely home to two UNESCO World Heritage Sites: the Wet Tropics Rainforest and the Great Barrier Reef. These ecosystems are globally significant for their biodiversity and cultural value. The quarry's location risks direct harm to these natural wonders through sedimentation, disruption of mangrove ecosystems, and pollution.

2. Irreversible Environmental Damage:

- The mangrove wetlands adjacent to the proposed site provide critical ecological services, including

coastal protection, water filtration, and habitat for marine life. Quarrying activities threaten these services and could exacerbate existing pressures on the Great Barrier Reef.



note: NQ Asphalt will be extracting right up to and against the mangroves. See the blue dotted lines and coordinates for extractive boundary perimeter. Map taken from rps report 26 November 2024.

Economic and Tourism Implications

1. Tourism as the Shire's Economic Backbone:

- Tourism is the largest employer in the Douglas Shire, supporting 2,596 jobs and contributing \$611 million annually. This industry depends on the 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.
- 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.

2. Negative Optics and Public Perception:

- Permitting industrial development 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.

Precedent for Future Exploitation

1. Opening the Floodgates:

- Approving this material change of use would set a dangerous precedent, encouraging further extractive applications across the Douglas Shire. Such a decision risks opening the door to unchecked

industrial development, undermining protections for sensitive ecosystems.

- Incremental industrialization would fundamentally alter the Shire's character, shifting it away from its sustainable tourism identity and damaging its appeal to visitors.

2. Cumulative Impacts on Livelihoods:

- A shift toward resource exploitation risks destabilizing the local economy, which is heavily reliant on tourism. Visitors drawn to the region for its natural beauty may avoid it if industrial activities become prominent, leading to reduced employment and investment.

Incompatibility with the Douglas Shire's Land Use and Character

- **Not a Key Resource Area:** The Douglas Shire is not identified as a Key Resource Area under the State Planning Policy. The proposed sand mining activity is incompatible with the area's current residential and agricultural character, which is integral to the community's identity.
- Allowing this quarry risks long-term negative effects on the region's social fabric, as it introduces industrial-scale activity into a setting defined by its natural beauty, small-scale agriculture, and residential charm.

Sufficient Sand Resources Already Available

- Current sand resources in the region are sufficient to meet existing demand, with reserves adequate for many years. There is no demonstrable need for additional extraction activities, particularly in a location of such high environmental and cultural significance.

This proposed sand quarry directly conflicts with the Douglas Shire's planning priorities, which emphasize environmental conservation, sustainable tourism, and the protection of community character. Allowing this project to proceed risks setting a dangerous precedent for future industrialization—one that could fundamentally undermine the Shire's identity and long-term economic resilience.

The Douglas Shire has a unique opportunity to reaffirm its commitment to sustainability and protect its World Heritage-listed assets by rejecting this proposal. In doing so, Council can safeguard the region's environmental, economic, and social prosperity for generations to come.

Moreover,

Submissions made by [REDACTED] ([REDACTED]) objecting to approval of Impact Assessable Development Application (DA) in Town Planning Report prepared by and lodged by RPS AAP Consulting Pty. Ltd. (rps) on behalf of N Q Asphalt Pty Ltd., (Applicant) in respect to Lot 1 on RP 893855 for a Material Change of Use from Rural Zoning to Extractive Industry Use lodged on 16 October 2024 (properly made on 30 October 2024).

GROUNDS OF OBJECTION ARE:

THE PROPOSED DEVELOPMENT CONFLICTS WITH THE DOUGLAS SHIRE TOWN PLANNING SCHEME/SCALE OF THE PROPOSED DEVELOPMENT:

Having considered the Town Planning Report prepared /lodged by rps group with Douglas Shire Council (DSC) on behalf of the Applicant, we are very concerned that the scale of the extractive industry does not comply with the Planning Scheme's Strategic Framework Element for Resource Extraction.

BOLD = emphasis added

"3.6.4 Element – Resource extraction

- (1) Douglas Shire 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".

.....MAJOR RESOURCE EXTRACTION AREA'.....

SAND EXCAVATION OPERATIONS IN THE DOUGLAS SHIRE COUNCIL:

1. COASTAL QUARRIES PTY. LTD., OPERATED BY ROSS GARNSEY
Ross has owned and operated this quarry for 25 years. The owner before him operated for 14 years – all up 40 years of operation. Ross said he has only extracted 10% of the sand quarry capacity. He sells his sand locally and this includes Mossman Quarries as it is cheaper for Mossman Quarries to purchase sand from him rather than crush rock to make sand.

Ross said there is not enough business in the Shire for another sand extracting company.

Apart from his 2022/2023 tonnage sale of 9900 tonnes, his yearly sales range from 2500 to 2600 tonnes per year.

Ross has kindly given us a copy of his tonnage sales since the 2005/2006 financial year until current financial year 2024/2025.

Attached and marked with the letter below is Coastal Quarries Pty Ltd., Tonnage sales and permit costs.

COASTAL QUARRIES P/L Tonnage and Permit costs				
Financial YR	Permit cost	Cubic meter	X 1.7	Tonnes
2005/06	\$3,960.00	7237M		12,302T
2006/07	\$3,960.00	6557M		11,146T
2007/08	\$3,960.00	6610M		11,237T
2008/09	\$3,960.00	2094M		3559T
2009/10	\$4,400.00	3328M		5657T
2010/11	\$4,532.00	3882M		6599T
2011/12	\$4,694.80	2070M		3519T
2012/13	\$4,857.00	3050M		5185T
2013/14	\$4,857.00	4116M		6997T
2014/15	\$5,302.00	3071M		5220T
2015/16	\$5,383.40	1804M		3066T
2016/17	\$5,570.40	1799M		3058T
2017/18	\$5,764.00	1547M		2629T
2018/19	\$6,034.20	1731M		2942T
2019/20	\$6,166.20	767M		1304T
2020/21	\$6,204.00	1584M		2692T
2021/22	\$6,307.40	1497M		2544T
2022/23	\$6,465.80	5864M		9968T
23/24	\$6,685.80	3308M		5623T
24/25	\$6,685.80			

Attached below is a copy of his current Environmental Authority from the QLD Government:

Environmental Protection Act 1994
Annual Notice

This statutory notice is issued by the administering authority pursuant to section 316I of the Environmental Protection Act 1994 to advise you of any requirement to pay an annual fee.

COASTAL QUARRIES PTY LTD
PO Box 109
MOSSMAN QLD 4873

ABN: 32079583252
Email: ross_garsney@bigpond.com
Your reference: 531602

Authority No: EPPR00454913

Your Annual Fee is Due by: 20/10/2023

Don't need your environmental authority anymore?
Call 1300 130 372 (option 4) NOW to see if you can surrender or
suspend it before the due date.

Annual notice for environmental authority

1. **Requirements of this annual notice**

You must pay the **annual fee** of \$6,685.80 for the period 20/10/2023 to 19/10/2024 to the administering authority by **20/10/2023**


2. **Details of your environmental authority**


Environmental authority EPPR00454913 held by COASTAL QUARRIES PTY LTD authorises the following:

Activity	Location/relevant site
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	42/SP219618

Page 1

ABN 46 640 294 485





Queensland
Government

2. BILL BELLERO

Bill Bellerio's annual quota is 5000 tonnes. He said there is not a great need for sand in the Douglas Shire. Between his sales, Coastal Quarries P/L sales and Mossman Quarries sales he considers these three quarries are more than sufficient for the Douglas Shire needs.

3. MICHAEL CONNELLY – MC GROUP MOSSMAN

Michael told me the Shire has no need for an extra sand resource extraction business as there are two quarries in the area within 10 kilometres of each other. He said both are under utilized and will not be exhausted for a very long time. Moreover, the MC Group and Mossman Quarries both make artificial sand for the Douglas Shire when needed.

3.6.4 (1). small scale

Part of the internet advertisement for sale of the subject land prepared by Real Estate Agent Stacey Quaid of Colliers Cairns says:

“Under Contract – Lot 1 runs adjacent to the mangroves and shoreline. The site offers 40.47Ha of fallow land with **an elevated ridge running through the length of the property** which has been quantified **to contain approximately 640,000 cubic metres of fine sand**. Lot 1 is offered for sale for the listed price of \$950,000.00 + GST”. See below:



Under Contract - Lot 1 runs adjacent to the mangroves and shoreline. The site offers 40.47Ha* of fallow land with an elevated ridge running through the length of the property which has been quantified to contain approximately 640,000 cubic metres of fine sand. Lot 1 is offered for sale for the listed price of \$950,000 + GST.

Lot 2 is positioned on the corner of the Captain Cook Highway and Bonnie Doon Road. The site comprises 45.04Ha* which is currently utilised for sugar cane farming and as an approved ultralight landing strip. The majority of the property is currently held under cane with the farm divided into 17 production blocks comprising approximately 40Ha*. There are no fixed improvements sold with the land. Lot 2 is offered for sale for the listed price of \$1,400,000.

The properties are a short 10mins* from the tourism hub of Port Douglas and approximately 65km* north of the Cairns CBD.

Lot 1 (Under Contract):

- Comprises 40.47Ha* freehold
- Identified sand deposits
- Lifestyle or farming lands
- Proximity to Port Douglas, Mossman and Cairns
- Accessibility to the Captain Cook Highway

It is noted: 24 June 2024 the Applicant registered a 12 month Lease over Lot 1 for a period of 12 months from 9 April 2024.

Referring to the Town Planning Report (TPR) lodged with DSC by rps inconsistencies include:

- page 4 of rps report - 2.1 Site Particulars ...”Sand ridges approximately **2-3 metres above the surrounding natural ground level** extend across the site from the eastern to the western boundaries and the full length of the site”.
- 13/11/24 Memo from Megan Davis to SARA – Marine Plant Survey it is noted ...”northern area of proposed extraction site is an elevated area with ADH of **2m – 4M** of sand dunes (Plates 4 and 5)
- We dispute these varying sand ridge heights. The majority of the sand ridges running the length and width of the proposed mining area are **four (4)** metres high. The attached overlay map from Queensland Globe clearly identifies sand dunes 4 to 5 metres high. See below image:

EXCAVATING BELOW GROUND LEVEL

- Page 10 of rps report - the below natural ground level extraction will be **0.5m – 1 metre** from the northern to the southern boundary of lot 1 on RP 893855.
- Plate 5 - Proposed Sand Extraction Area attached to Memo from Megan Davis to SARS dated 15 November 2024 clearly identifies the depth to which excavation **WILL OCCUR**. It is approximately 3 metres.
- This proposition is supported by Quaid Farm TEST HOLE LOGS attached to rps response letter of 26 November 2024 to DSC. The test holes clearly indicate that on average the excavations can go to between **2.5 metres and 3 metres** to recover fine sand.
- **Excavating below natural ground level:**
 - 0.5 – 1 m equates to 227,500 cubic metres of sand.
 - to 3 m equates to 682,500 cubic metres of sand

We submit: Based on the rps TPR supporting the DA, the above natural ground level sand dunes plus the potential below ground level excavations, equate to in excess of 2,000,000 cubic metres of sand being extracted from the subject site over the 10 year period.

By way of comparison:

- one Olympic size Swimming Pool holds 2500 cubic metres of water.
- 2,000,000 cubic metres of sand is the equivalent of **800** Olympic size swimming pools.

Under the Resources Code Qld a “small scale” mining activity is an area of NOT MORE THAN 20 HECTARES. The proposed site is 22.29 hectares and this is without taking into account the Wetland Protection Area Trigger Area which also has vast deposits of sand.

The attached map from Qld Globe reveals the area the Applicant proposed for sand extraction under Department of Environment permit P-EA-100727892, now the subject of a notice of proposed action to cancel this permit as the Applicant incorrectly stated it could meet the eligibility criteria for the activity.

Environmental Authority on Lot 1 on RP893855

Permit number: P-EA-100727892



Referring to above, the mapped area for sand extraction included the Wetland Protection Area Trigger Area.

OUR CONCLUSION: The proposed sand quarry is a medium to large scale sand mining operation over a 10 or longer year period and does not satisfy the requirements of sub-section(1).

There is no demonstrated economic, planning and/or **community need** for a further extractive industry in the Shire. **The question of need is decided from the perspective of the community and not that of the applicant.** The number of properly made objections support there is no need for a further sand quarry with DSC.

Furthermore, **the Douglas Shire is not a Key Resource Area under the State Planning Policy** and the proposed mining activity is incompatible with the current residential and agricultural nature of the area potentially leading to long term negative effects on community character.

3.6.4 (1) visually unobtrusive

"Visually unobtrusive" means the efforts to be made to ensure the sand extraction activity and its infrastructure, **blend into** the surrounding environment, minimizing visual impact by screening to block the view of the sand extraction operation.

Douglas Shire is an area of outstanding natural beauty and biodiversity with the Great Barrier Reef World Heritage area to the east of Lot 1.

The quarrying will occur on sand ridges and the impacts will be visible off site. Driving from Cooya Beach/Mossman to Port Douglas

and vice versa, one can clearly see the big orange excavator at the Killaloe Dump. So the excavator being used by the Applicant will be seen by road users including tourists who come to our area because of it's natural beauty.

- rps states the operation will be **50 metres offset from our residence** and there has been “some allowance for screening”.
- Every day we would be able to see the operation from our property and “the view of the sand extraction will be distant and will blend in with the rural activities being undertaken in the locality is unachievable See Page 14 of rps report.



3.6.4.1 (2) Specific Outcomes

We consider the proposed activity will detrimentally impact on community well being and the Shire's ecological landscape, scenic amenity and rural production values:

- There are areas of high ecological value next to the site.
- Lot 1's sand ridges are a necessity to protect the mangroves and wetlands adjacent to the proposed site
- Impact on visual amenity, traffic and the road network
- Not in the community interest to have another quarry when the three existing quarries can fulfill DSC requirements/needs. This is supported by Cooya Beach Community Facebook Petition, "Save Cooya – Keep the Sand, Protect the Land" where there are over 450 signatures (18/12/24).
- Applicant will be transporting sand away from the Shire due to no further "need" for another extractive industry

3.6.4.(1). managed in an environmentally responsible manner

The proposed quarry is next to mangrove wetlands which are adjacent to a World Heritage site. Over a 10 year period there will be a debilitating and detrimental affect on flora, fauna, mangroves and the resilience of the ocean ecosystem.

- There are areas of high ecological value next to the site.
- Lot 1's sand ridges are a necessity to protect the mangroves and wetlands adjacent to the proposed site. Once removed there will be massive ecological problems for the mangroves and wetland.

Estuaries and watercourses in the area and these areas around the Cooya Beach/ Killaloe area and proposed sand quarry site are significant as spawning sites for various sea animals. The moderate waterway to the north of the proposed quarry along the boundary with the unnamed road and Nagan family home at [REDACTED] [REDACTED] Bonnie Doon Rd holds, estuarine crocodile, barramundi, mangrove jack and is tidal. The 2 farm drains that run from close to the Killaloe waste station to the west of the proposed site along the

adjoining block are also tidal with the aforementioned animals being found in them as well as mullet. The whole of the proposed quarry site is surrounded by tidal waters. This can be supported by looking at the Highest Astronomical Tide(HAT) overlay on the website Queensland Globe.

The mudflats, estuaries, coastal water south of Cooya Beach towards Killaloe including Morey Reef are all significant for ecological reasons. The water also contains significant beds of seagrass which is a primary food source for green sea turtles and dugong. Culturally, in an Indigenous sense, the hunting and consumption of green sea turtles and dugong is a major practice and is still practised today. Furthermore, Morey Reef is a listed Conservation Park Zone area within the wider Great Barrier Reef Marine Park. It is therefore, a World Heritage listed area and an area of National Environmental Significance.

Specific Outcomes: 3.6.4 (3).....progressively rehabilitated to a natural state.....**OR** rehabilitated upon completion of extractive activities.....

This cannot/will not occur. If sand dunes are removed to natural ground level this creates ecological issues. If extraction to below natural ground level, the impacts on the ecology is even greater.

Table 7: Planning Scheme Code Responses prepared by rps report pages 13 and 14.

Rural Zone Code – applies. Rps responds: the land can be used for rural production consistent with the code as indicated in sections 6.3.1 and 6.3.2 is unachievable for reasons previously stated in my submission.

Overlay Codes

Acid Sulphate Soils Overlay Code – Applies

RESPONSE to rps:

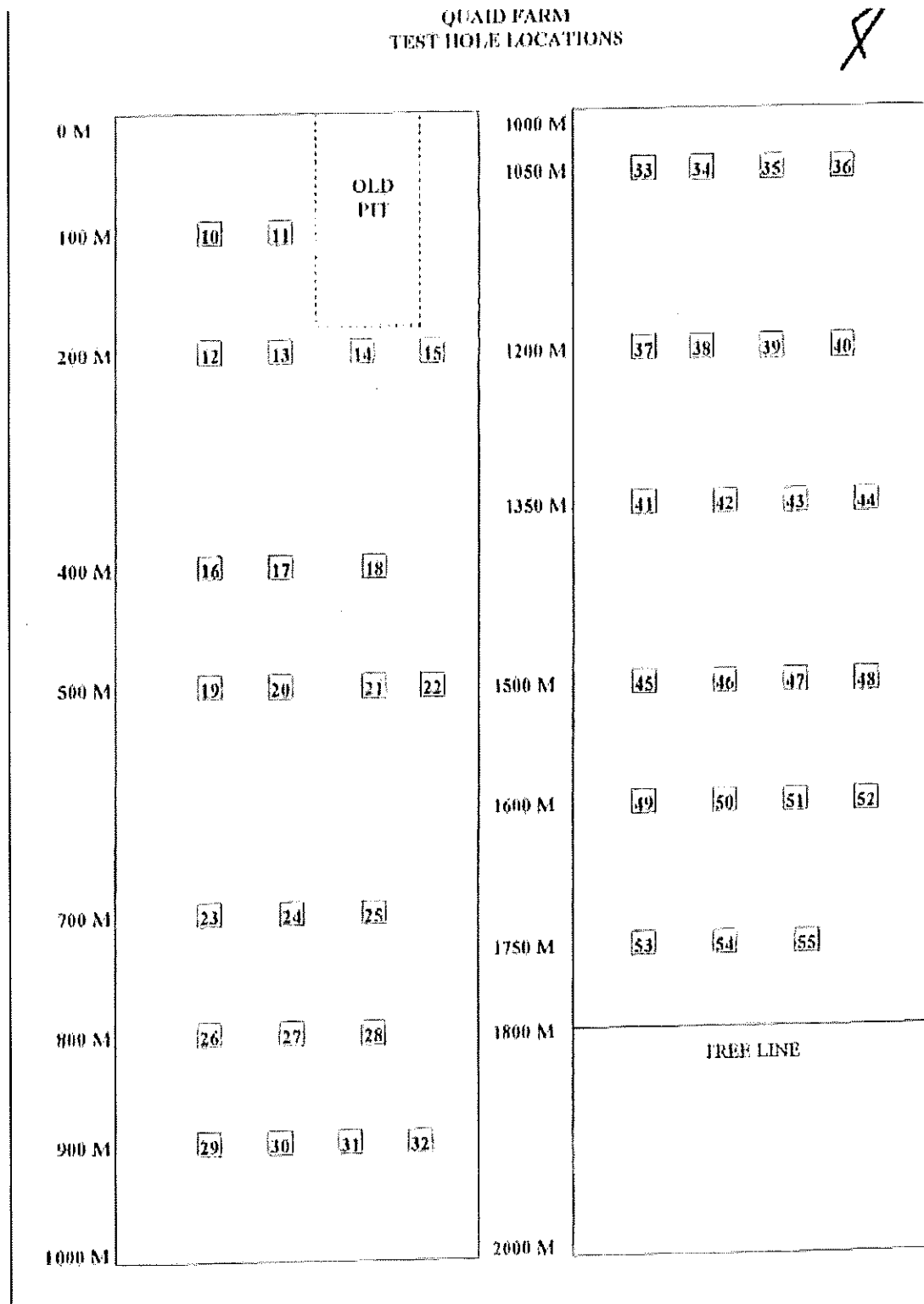
- Page 10 of rps report - the below natural ground level extraction will be **0.5m – 1 metre** from the northern to the southern boundary of lot 1 on RP 893855.
- Plate 5 - Proposed Sand Extraction Area attached to Memo from Megan Davis to SARS dated 15 November 2024 clearly identifies the depth to which excavation **WILL OCCUR**. It is approximately 3 metres.
- This proposition is supported by Quaid Farm TEST HOLE LOGS attached to rps response letter of 26 November 2024 to DSC. The test holes clearly indicate that on average the excavations can go to between **2.5 metres and 3 metres** to recover fine sand.
- It is highly probable that ASS will be a problem with below ground extraction.



Plate 1 Test Pitting on Site Showing Clean Sand Resource

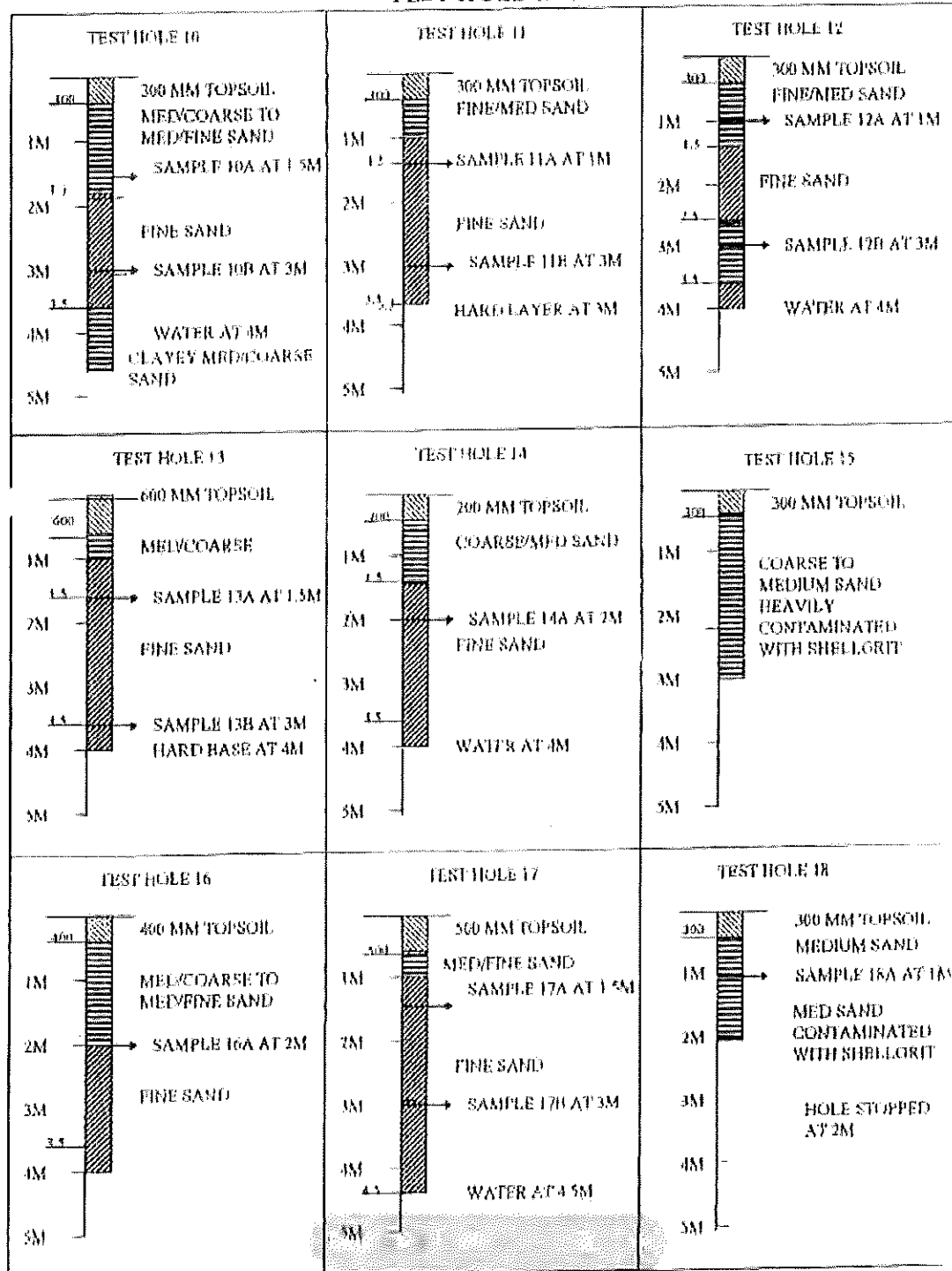
Above: inadequate testing for Acid Sulfate Soil or PASS Material from the applicant. One test pit dug over a 22 hectare site does not constitute a thorough and comprehensive analysis. Also, note no coordinates were given for the 1 test pit dug. rps letter to council dated 26 November 2024.

Below: Pioneer Concrete Soil Logs from 1994 (30 years old), do not include any testing for PASS material. rps letter to council 26 November 2024.

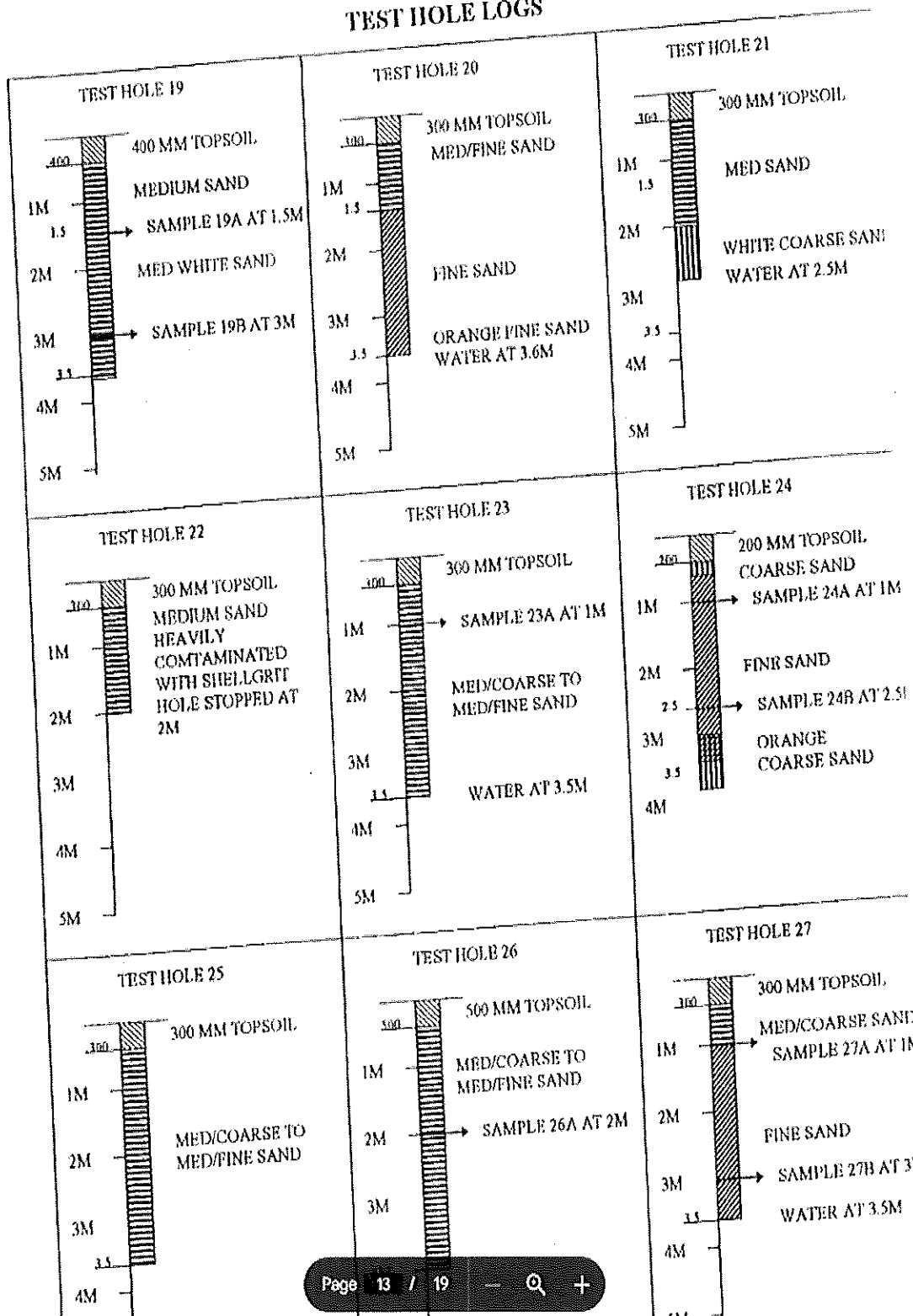


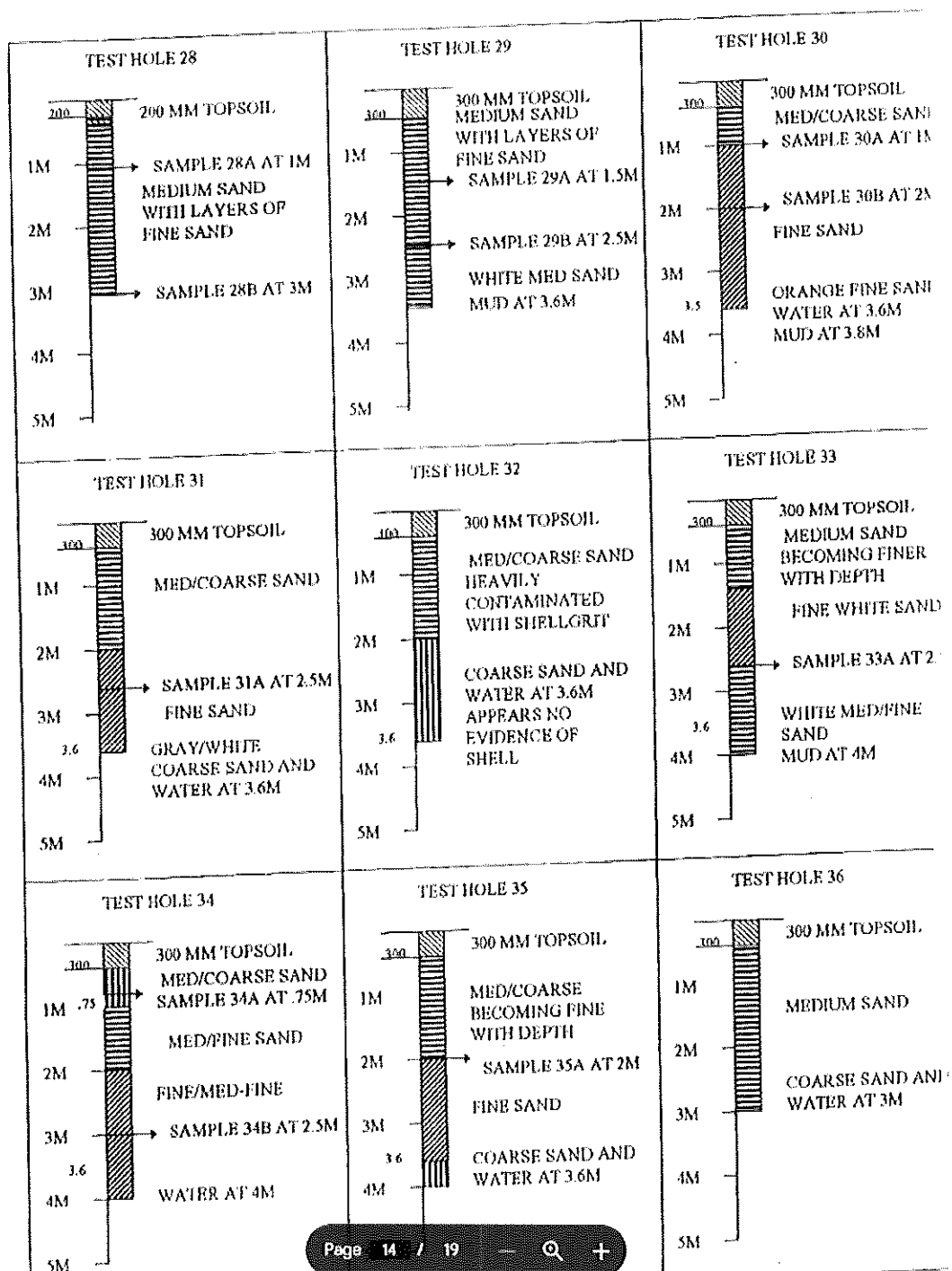
QUAID FARM

TEST HOLE LOGS



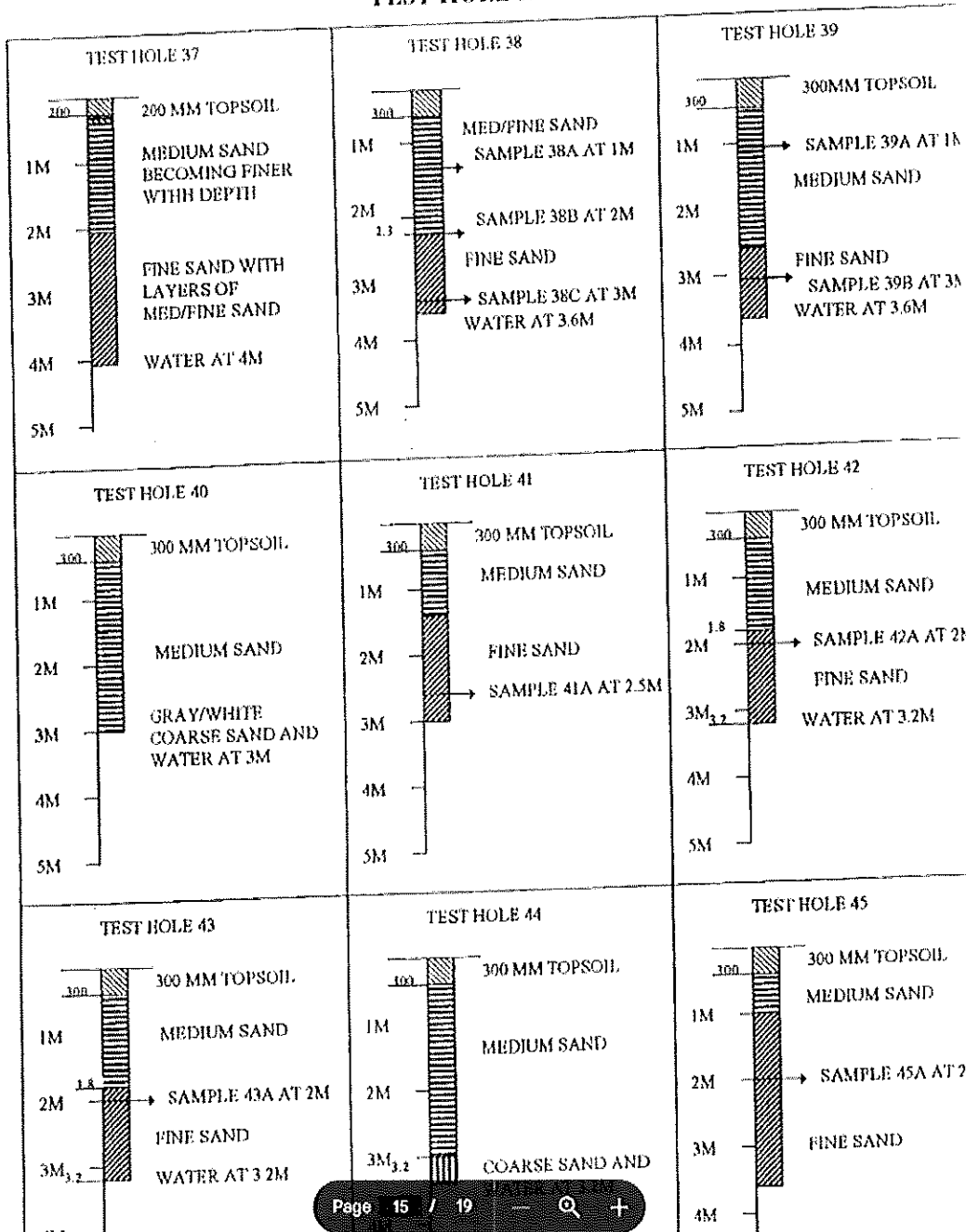
TEST HOLE LOGS



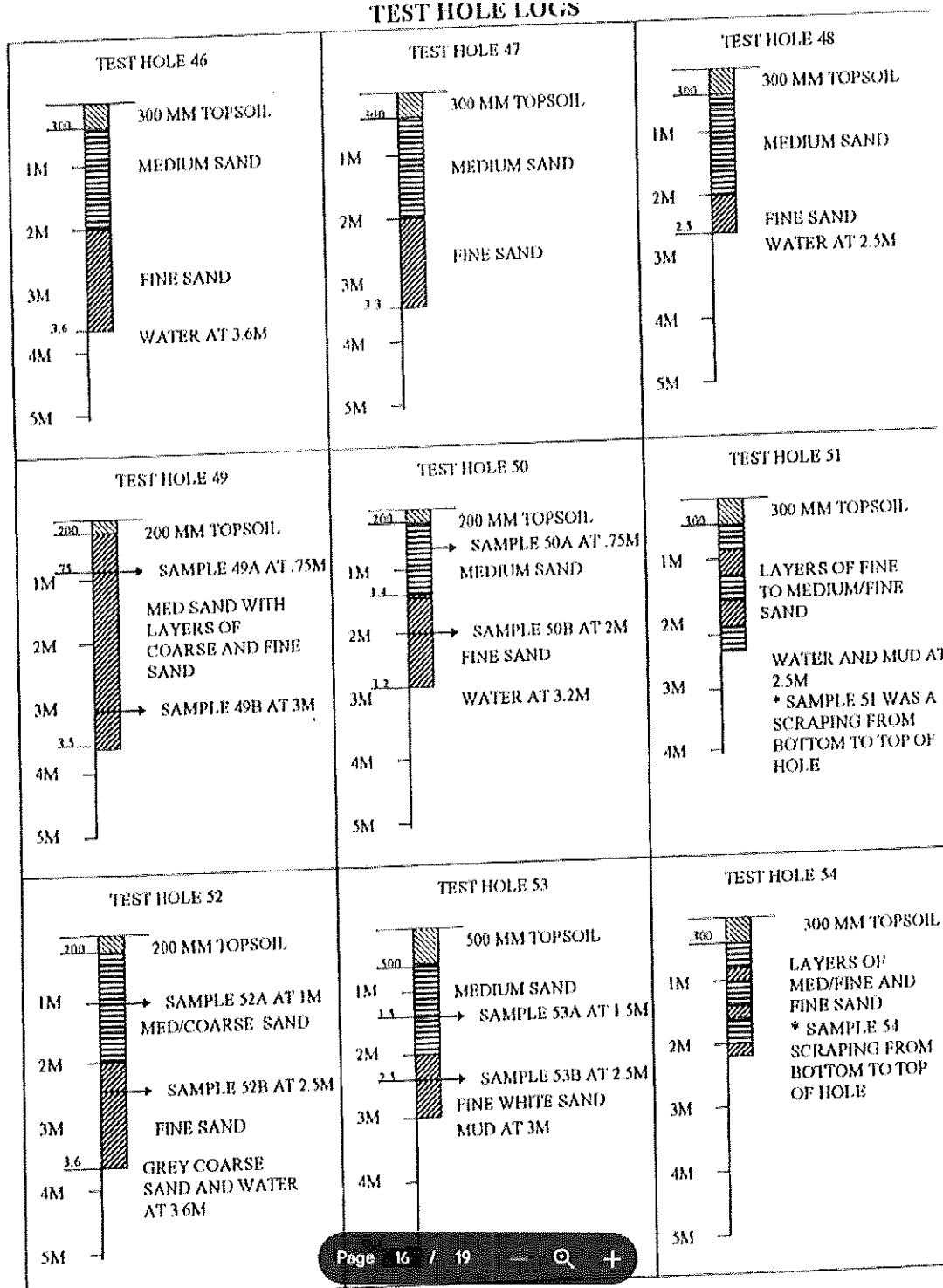


QUAID FARM

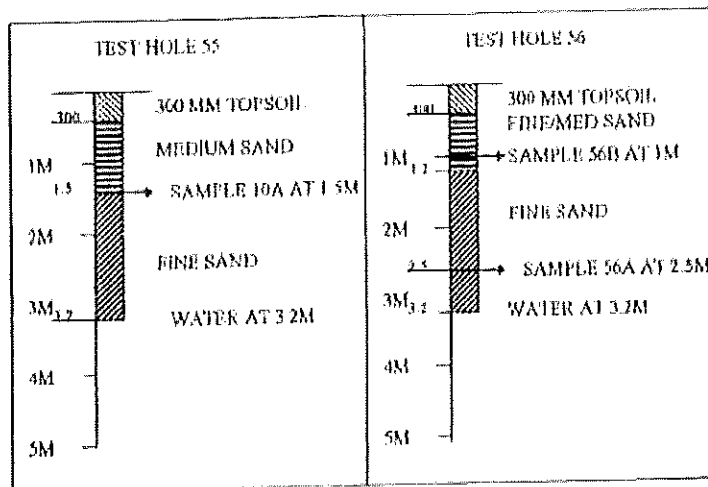
TEST HOLE LOGS



TEST HOLE LOGS



QUAID FARM
TEST HOLE LOGS



Coastal Environment Overlay Code – Applies

See our response to 3.6.4.(1)

Flood and Storm Tide Hazard Overlay Code – Applies

RESPONSE:

High impact earthworks changes the form of the land – contours and slopes. As it is proposed to extract sand to the same ground level “of the farmland that exists to the south-west of the subject land”.....”and “to the level of the top bank of the informal farm drain” (Paragraph 1, page 2 of rps letter to DSC 26/11/24) it is submitted Lot 1 will be subject to flooding. Flood waters will flow to ocean detrimentally impacting mangroves and the wetlands. This is without any below ground level excavation.

OUTCOME: the mined area will be nothing more than **a swamp** once excavation of all fine sand has been mined.

Rps doesn’t even consider it necessary to obtain a pre and post flood modelling analysis of the proposed development site (26/11/24 letter page 6 para 1)

The proposal fails to provide adequate acid sulfate soil management and erosion control plans, conflicting with the overlay code requirements (Section 8.2.4)

Landscape Values Overlay Code – Applies

Under the Resources Code Qld a “small scale” mining activity is an area of NOT MORE THAN 20 HECTARES. The proposed site is 22.29 hectares and this is without taking into account the Wetland Protection Area Trigger Area which also has vast deposits of sand. rps sent my wife and I a letter on the 28 June 2024 setting out the applicants position in relation to the sand extraction. Interestingly the map that rps attached quite clearly shows that the industry was for all of lot 1 except for the, wetland of high ecological significance. It is noted that rps have said the “proposed sand extraction area is 19.7 hectares”.

When one turns to the site plan for the proposed sand extraction dated 26 August 2024- DRAWING AU 015874-2 the area has been greatly reduced to avoid the wetland protection area trigger area and yet, the proposed sand extraction area is noted at 22.29 hectares.

This inconsistency must be considered and perhaps, there is non-compliance with the Resources Code QLD. See below - letter and maps provided by rps, note **look at hectares on mapping. 19.7 hectares vs 22.29 hectares.**

Our ref: L82797/AU015874

A TITRA TECH COMPANY

135 Abbott Street
Cairns QLD 4870
T +61 7 4031 1336

Date: 28 June 2024

H

Dear [REDACTED]

Proposed Sand Extraction on Land Described as Lot 1 on RP893855 with Haul Access Off Bonnie Doon Road, Killaloe

RPS AAP Consulting Pty Ltd act on behalf of NQ Asphalt Pty Ltd in relation to the above referenced sand extraction proposal, to be undertaken on Lot 1 on RP893855 (refer to attached plan) subject to gaining the necessary approvals, with haul access proposed via the 10m wide road reserve off Bonnie Doon Road.

You have been identified as the owners of the adjoining land, land described as Lot 54 on SP292874.

It is noted that the residence that exists on Lot 54 on SP292874 is situated in close proximity to the land where the sand extraction is proposed to be undertaken and that the residence also gains access from Bonnie Doon Road via the 10m wide road reserve that is proposed to be used as the haul access.

With these matters in mind, we would like to take the opportunity to meet with you to discuss the sand extraction proposal with you and to determine measures you may consider appropriate to mitigate potential impacts.

An outline of the sand extraction proposal, is as follows:

- The scale of the sand extraction activity is expected to be in the order of 20,000-30,000 tonne per year;
- Haul vehicle trips generated by the sand extraction proposal are estimated to be 5 x 20 tonne haul vehicle trips per day with the sand extraction proposal operating on an intermittent basis;
- It is intended that the sand extraction activity extract the sand resource from the sand ridge that exists on Lot 1 on RP893855 with the sand extraction being limited to the natural ground level adjoining the northern and southern side of Lot 1 on RP893855;
- Based on the estimated volume of the sand resource, it is estimated that the sand extraction activity will have a life of 10-15 years;
- The sand extraction activity is not expected to require the screening of the extracted material on-site;
- Vehicles expected to be operating on-site when the sand resource is being extracted is expected to be limited to a front-end loader and 20 tonne haul vehicle (tipper truck);
- The sand extraction activity is intended to be a reasonably simple staged operation, where:
 - The topsoil is removed and stockpiled;
 - The sand resource is extracted in a manner that grades all disturbed areas to a low point which will act as a sediment retention area; and
 - Once the sand resource is extracted, the stockpiled topsoil will be re-spread over the disturbed area to facilitate the rehabilitation of this part of the site; and

Our ref: AU015874

- The haul access is proposed to be located adjacent to the southern boundary of Lot 1 on RP893855 and the point of access into the 10m wide road reserve is to be located as far as practical, given existing established vegetation, in the northwestern corner of Lot 1 on RP893855.

The commencement of the sand extraction activity will be subject to gaining the necessary approvals, including;

- 1) A Material Change of Use Development Approval, pursuant to the Planning Act and Council's Planning Scheme, for the proposed Extractive Industry use;
- 2) An Environmental Authority, pursuant to the Environmental Protection Act, for the Environmentally Relevant Activity relating to the extraction of material at a scale of 5,000t to 100,000t per year; and
- 3) An Operational Works Approval for the works to be undertaken to allow the haul access to gain access to;
 - a. The 10m wide road reserve from the subject land; and
 - b. Bonnie Doon Road from the 10m wide road.*

It would be appreciated if you could advise of your availability to meet to discuss the proposal and of a preferred meeting location and time. You are welcome to nominate our RPS Office located at Craiglie, fronting the Captain Cook Highway (the former Round-House located next to the BP Service Station), as the preferred meeting location or an alternate location.

Should you seek to discuss or seek further information, prior to formally meeting, do not hesitate to contact me on Ph: 4276 1027 or via e-mail: owen.caddick-king@rpsgroup.com.au

Yours sincerely,

for RPS AAP Consulting Pty Ltd

Owen Caddick-King
Principal - Planning
Owen.caddick-king@rpsgroup.com.au
+61 7 4276 1027



Below proposal from rps town planning report supporting DA:

4 PROPOSAL

The sand extraction proposal relates to the extraction of the sand ridges that extend across the site from the eastern to the western boundaries and the full length of the site. Details of the sand extraction proposal are provided for reference in the Site Plan provided for reference in **Appendix D** (refer to extract of Site Plan in image below – **Figure 4**) and the following outline:

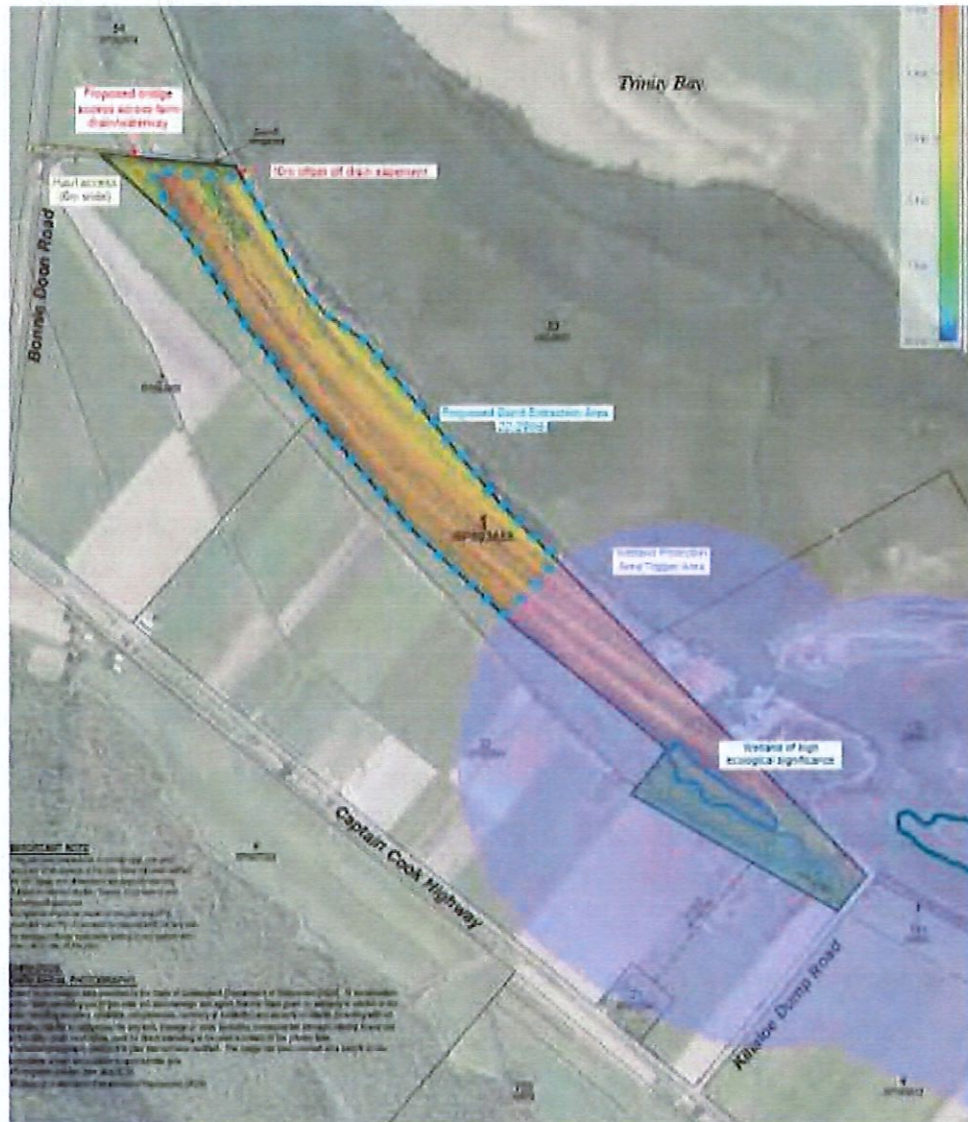


Figure 3: Extract of Site Plan

- The scale of the sand extraction activity is expected to be in the order of 20,000-30,000 tonne per year;

Based on the rps TPR supporting the DA, the above natural ground level sand dunes plus the potential below ground level excavations, equate to in excess of 2,000,000 cubic metres of sand being extracted from the subject site over the 10 year period.

COMPARISON:

- one Olympic size Swimming Pool holds 2500 cubic metres of water.
- 2,000,000 cubic metres of sand is the equivalent of **800** Olympic size swimming pools.

We consider the proposed activity will detrimentally impact on community's well being and the Shire's ecological landscape, scenic amenity and rural production values:

- There are areas of high ecological value next to the site.
- Lot 1's sand ridges are a necessity to protect the mangroves and wetlands adjacent to the proposed site
- Impact on visual amenity, traffic and the road network
- Not in the community interest to have another quarry when the three existing quarries can fulfill DSC requirements/needs. This is supported by Cooya Beach Community Facebook Petition, "Save Cooya – Keep the Sand, Protect the Land" where there are over 540 signatures (14/12/24).

Natural Areas Overlay Code – Applies - Not applicable – No natural areas designations relate to the land.

Our submission: rps town planning report's approach to mitigating impacts on matters of environmental significance is insufficient. The Natural Areas Overlay mandates avoiding impacts on wetlands, waterways, and high ecological value areas. Buffering and preservation of wetlands and waterways are critical for alignment with this overlay. (8.2.7 Natural-areas-Overlay)

Transport Network Overlay Code – Applies. Rps response is inadequate and concerning

Increased heavy vehicle traffic will lead to road degradation and safety hazards.

The Mossman Local Plan emphasizes maintaining local character and managing traffic associated with agricultural and community uses. An increase in heavy traffic from sand extraction will in our submission conflict with the intent to preserve infrastructure for residential and rural uses (7.2.3 Mossman Local Plan)

The Transport Network Overlay Code emphasizes that development should not compromise the safety and efficiency of the transport network (8.2.10-Transport Network). There has been no traffic impact assessment to ensure compliance, particularly as heavy vehicle traffic from the un-named road to Bonnie Doon Road will increase the potential for dangerous conditions.

We submit 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.

- The turning circle onto Bonnie Doon Road if travelling to the highway would warrant the truck going onto the incorrect side of the carriageway as there is insufficient turning space to turn into the line of travel to Captain Cook Highway..
- We submit 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.

- **Performance Outcome 4:**

- Extractive industry operations are **adequately separated from sensitive land uses** to minimise potential for nuisance (such as noise and dust).
- Proposed outcome by rps – a 50 metre buffer to northern boundary

- **Acceptable Outcome 4:**

- Extractive resource separation areas to sensitive land uses are:
- (a). Not applicable to this DA.
- (b) **200 metres** for any other extractive industry resource not involving blasting or crushing (namely sand, clay, gravel and soil).

Applicant has failed to comply with Extractive Industry Code Criteria for assessment.



ABOVE: THATS WHAT A 200M BUFFER FROM A SENSITIVE RECEPTOR [REDACTED] LOOKS LIKE.

No information has been provided as to what is, “some allowance for screening”.

- rps Environmental Assessment Report provides for a 50 metre buffer as per Figure 5 a “Sensitive receptor location on site location”
- and Figure 6 . “Proposed buffer” page 9 with no length or depth of the buffer being quantified.
- **Performance Outcome 6:**

- The size of an extractive industry is **of suitable size and dimensions** to accommodate the use and incorporates significant **BUFFERING** to effectively screen **ADJOINING** and nearby land uses from extractive operations.
- **Acceptable outcome 6.2:**
- The use is designed to incorporate a densely vegetated buffer of a **minimum of 10 metres to ALL road frontages** and to **ALL perimeter boundaries**.
- **Applicant has failed to comply with Buffer Zone Requirements Section 9.3.10 – Extractive Industry Code.**

Every day we would be able to see the operation from our property and “the view of the sand extraction will **NOT** be distant and will blend in with the rural activities being undertaken in the locality”. See Page 14 of rps group report.

Schedule 6 of the Code mandates an ecological assessment and rehabilitation plan for extractive industries to minimise impacts on biodiversity. This includes detailed vegetation management, progressive site rehabilitation and habitat restoration.

The Site Base Management Plan (SBMP) attached to the rps report is inadequate. The Environmental Scientist (Megan Davis) has undertaken a “desktop assessment” to identify potential risks.

Not only is the SBMP inadequate, it is also based on the operation of a Standard Extractive Permit conditions which will not apply as the Department of Environment, Tourism, Science and Innovation has issued a notice of proposed action to cancel Extractive Industry Permit 100727892.

Considering the scale and impact of the proposal we submit the Applicant should have provided an independent environmental

report at the time of lodging the DA and not a report prepared INHOUSE by the rps group (Megan Davis).

- Rps's rehabilitation plan is vague, lacking specific methods, timelines and final stabilization strategies as required by Section 9.3.10.2 (f) of the Extractive Industry Code.
- In one part, the report indicates topsoil will be stripped and stored in windrows but another section suggests using earthen bunds for storage.
- Quaid Farm Test hole logs provides data from 56 test holes that depth of topsoil is between 200mm and 500mm – average 300mm for the purpose of re-instating the land back to it's former rural use.
- See Quaid Bore Hole data prepared by Pioneer Concrete in 1996 showing depth to which below ground extraction of sand can occur. Attached and marked "E".

One wonders how 300mm of topsoil will be sufficient to return the property to natural ground level if sand extraction below ground level is to between 0.5 metres to 4 metres (depending on which part of the Town Planning Report one reads).

High impact earthworks changes the form of the land – contours and slopes. As it is proposed to extract sand to the same ground level "of the farmland that exists to the south-west of the subject land"....."and "to the level of the top bank of the informal farm drain" (Paragraph 1, page 2 of rps letter to DSC 26/11/24) it is submitted Lot 1 will be subject to large scale flooding.

Under **State Code 9**, the requirement is that **high impact earthworks must not divert water to or from a wetland if more than 100m³ is extracted within 200 metres of a wetland**

This Code requirement is without any below ground level excavation.

OUTCOME: the mined area will be nothing more than **a swamp** once excavation of all fine sand has been mined.

Rps doesn't even consider it necessary to obtain a pre and post flood modelling analysis of the proposed development site (26/11/24 letter page 6 para 1)

Question: What is the incentive to bring in tonnes of soil to fill in a great big hole in the ground. **In our submission NONE.**
And who is going to Police the restoration of the site. **In our submission NOBODY.**

9.3.10.2 Purpose – Douglas Shire Planning Scheme

- (1) The purpose of the Extractive industry code is to assess the suitability of development to which this code applies:**

AND

- (2). The purpose of the code will be achieved through the following overall outcomes:**

(2)(a). extractive industries are established in locations that are adequately separated from sensitive land uses and do not have significant ecological, landscape or rural value;

- the DA proposes the operation will be **50 metres offset from our residence**
- The proposed mining site adjoins a wetland area of significant importance to the Eastern Kuku Yalanji People. No adequate separation is proposed in any of the documentation lodged with the DA apart from a 500 metre buffer at the southern end of the land – Trigger Wetland Area. There is no provision for a buffer between the mangroves and the extractive boundary.
- The mapped area lodged with Department of Environment in support of the issue of extractive industry permit EA 10072892 is in relation to the whole of Lot 1 on RP 893855 with no consideration for trigger wetland or wetland areas. See attached coloured plan marked “F”.
- On 27 February 2023 the Traditional Owners registered a claim with the Native Title Tribunal (file No QC2022/007; QLD 356/2022) (EKY Claim). This will be determined by the Federal Court in June 2025.
- The vast mangrove system provides an abundance of food source for Traditional Owners, including muscles, periwinkles, crayfish, black dew fish, silver dew 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.
- The site is impacted by the mapped Storm Tide Inundation layer therefore the proposed use will lead to land and water degradation at ground and below ground level - depth of

below ground level excavations varying from 0.5 metres to 4.0 metres – as per rps documentation.

SUBMISSION: The purpose of this section of code has not been achieved. **Outcome** – Refusal of DA.

- **(2)(b). a separation area is established to maintain a buffer between the extractive industry and existing and future sensitive land uses;**

The proposed separation areas provided by the rps group are inadequate and do not comply with the planning requirements of the DSC.

- **Performance Outcome 6:**
- The size of an extractive industry is **of suitable size and dimensions** to accommodate the use and incorporates significant **BUFFERING** to effectively screen **ADJOINING** and nearby land uses from extractive operations.
- **Acceptable outcome 6.2:**
- The use is designed to incorporate a densely vegetated buffer of a **minimum of 10 metres to ALL road frontages** and to **ALL perimeter boundaries**.
- **Applicant has failed to comply with Buffer Zone Requirements Section 9.3.10 – Extractive Industry Code.**

(2)(c). external operations such as haulage routes do not adversely impact on amenity and well-being of the community;

TRAFFIC IMPACT AND HAULAGE CONCERNS FROM PROPOSED SITE

(1)(i) **IMMEDIATE DANGER** to our children and pets. Site Based Management Plan. Page 14 - Trucks travelling at 40 km/h speed across site and presumably service road unacceptable. A twenty tonne truck will kill or severely maim our children and pets.

(1)(ii) Increased heavy vehicle traffic will lead to road degradation and safety hazards.

(1)(iii). The Mossman Local Plan emphasizes maintaining local character and managing traffic associated with agricultural and community uses. An increase in heavy traffic from sand extraction will in our submission conflict with the intent to preserve infrastructure for residential and rural uses (7.2.3 Mossman Local Plan)

ACCESS POINT TO LOT 1 FROM UN-NAMED ROAD

(1)(iv) The proposed access point from the un-named road is 60 metres from our residence. – see attached plan marked “G”

(1)(v) It would seem this has been chosen as the access point rather than the north western corner of Lot 1 on RP 893855 as previously advised by rps (see rps letter marked “H” to us of 28 June 2024) because an area of approximately 5000m² located north west of the delineated area of Lot 1 is under cane crop to the Coulthard family who own Lot 2.

(1)(vi). Further a DNR search notes there is Easement B in Lot 1 for benefit of Lot 2 for drainage purposes.

(1)(vii) The Development Application should also be refused because it is not safe to haul from the 10 metre road reserve onto

Bonnie Doon Road . There is nothing in the DA documentation showing the design of the access intersection with Bonnie Doon Road.

(1)(viii) It will be unsafe for our road safety to share the un- named road with 20 tonne haulage trucks driving up to 60 metres from our house before crossing into Lot 1 from the proposed access point.

(1)(viii) At least Five (5) trips per day equates to 10 trips up/down the un-named road to Bonnie Doon Road.

(1)(viii). Having resided on Lot 54 on SP 292874 for the past 8 years ago we can categorically state the intersection sightlines are inadequate, exacerbated by the cane growing on our land.

1(x) One has to be right on the intersection to observe traffic travelling from the Captain Cook Highway along Bonnie Doon Road or traffic travelling to the highway along this road.

(1)(xi) We submit 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.

- The turning circle onto Bonnie Doon Road if travelling to the highway would warrant the truck going onto the incorrect side of the carriageway as there is insufficient turning space to turn into the line of travel to Captain Cook Highway..
- On Monday 11 November 2024 Newsport reported a very bad accident between a Motor Vehicle and a bin hauling truck that saw the car severely damaged below pictures of the accident on Bonnie Doon Road.





Note cane was cut at time of accident:
This incident occurred outside our property.

- Further, the impact on character and amenity, due to constant truck movement 11 hours a day – 6 days a week on the “shared” un-named road to our residence imposes severe constraints on the enjoyment of our property..
- (d) extractive industry operations are designed and managed to operate safely and avoid adverse impacts on amenity of adjacent sensitive land uses;**

As the proposed mining site adjoins a wetland area of significant importance to the Eastern Kuku Yalanji People the operation will have an adverse effect and impact on these wetlands.

The vast mangrove system provides an abundance of food source for Traditional Owners, including muscles, periwinkles, crayfish, black dew fish, silver dew 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.

The site is impacted by the mapped Storm Tide Inundation Layer . Any below ground excavation as is proposed according to the report prepared by the rps group, will lead to ground and water degradation. It says the depth of below ground level excavations will vary from 0.5 metres to 4.0 metres. Filling in below ground excavations with 300 mm of topsoil is hardly adequate to completely back fill the excavated areas as revealed by Pioneer's Quaid Farm Test hole logs data taken from 56 test holes with depths of topsoil ranging between 200mm and 500mm – average 300mm for the purpose of re-instating the land.

During the wet seasons and tidal changes there will be an overflow of fresh water from the site into the mangrove wetlands. This overflow of fresh water will kill the mangroves and everything that relies on the mangroves for survival.

In responding to request for Further Information rps in it's response to DSC dated 26 November 2024 (pages 5 and 6) under FLOOD

".....prior to sand extraction, the sand ridge is expected to be free from flooding.....and post sand extraction, it is expected that the majority of the sand extraction area will be subject to flooding during a 100 Year ARI flood event.....it is expected the lower ground

level will increase the potential for the land to be inundated during a flood event”.....

Prior to and during the 4 months of heavy rain following Cyclone Jasper our property was flooded to within 20 metres of our house. Bonnie Doon Road was flooded for periods of time making it impossible to get out of our property.

(e) extractive industries cause no adverse impact on scenic amenity

The sand quarry will be seen by not only us, our neighbours who have residences on the hill overlooking the subject land but also road users travelling along Captain Cook Highway and Bonnie Doon Road.

As the cane has been removed from lot 2 on RP 893855 people driving along Bonnie Doon Road and the Captain Cook Highway will have a full view of the sand extraction industry in operation from 7 a.m. to 6 p.m. daily.

The aesthetic disturbance to our Cooya Beach community and our environment will be massive due to the size of the sand mining operation.

We dispute “the view of the sand extraction will be distant and will blend in with the rural activities being undertaken in the locality”. See Page 14 of rps group report.

(f) extractive industry sites are effectively and progressively rehabilitated including the achievement of a stable land form that is safe and suitable for other appropriate uses

Rps states the topsoil will be removed and stockpiled...and once the sand is extracted (10 plus years later) the topsoil will be re-spread over the disturbed area to facilitate the rehabilitation of “this part” of the site...whole site.

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 and sandmining causes major permanent and irreversible environmental harm.

Rps’s rehabilitation plan is vague, lacking specific methods, timelines and final stabilization strategies as required under Section 9.3.10.2 (f) of the Extractive Industry Code.

In one part, the report indicates topsoil will be stripped and stored in windrows but another section suggests using earthen bunds for storage.

Curiously, one wonders how 300mm of topsoil will be sufficient to return the property to natural ground level if sand extraction below ground level is to 4 metres.

See Quaid Bore Hole data prepared by Pioneer Concrete in 1996 showing depth to which below ground extraction of sand can occur. state the topsoil is between 200mm and 500mm – averaged by us to 300mm for the purpose of re-instating the land back to it’s former rural use.

We believe the mined area will be nothing more than **a swamp** once excavation of all fine sand has been mined.

Question: What is the incentive to bring in tonnes of soil to fill in a great big hole in the ground. **In our submission NONE.**
And who is going to Police the restoration of the site. **In our submission NOBODY.**

The Extractive Industry Code provides at 9.3.10.3 the Criteria for assessment – assessable development

Performance Outcome 1:

An Environmental management plan is prepared and implemented to ensure:

- (a). that the long term objectives of the use are clearly articulated;
- (b). potential conflicts or environmental impacts are avoided or minimised;
- (c). contingency planning for identified risks.

Acceptable outcome 1:

No acceptable outcomes are prescribed by DSC town Plan.

However we say:

1. Site Based Management Plan (SBMP) prepared by rps and relying on in house Environmental Assessment Report is based on incorrect information which is Environmental Authority Permit EA-100727892 with STANDARD EPA -16 conditions - Permit Status: Granted-Not Effective.
2. Department of Environment has issued a notice of proposed action to cancel this environmental authority due to it being issued on "incorrect" information.

3. The Applicant applied for a Site Specific Extraction Permit with the Department of Environment on 31 October 2024; still under assessment with this Department.
4. The new application is referenced A-EA-NEW-100750082 and currently, the Permit Status is Not Available.

CONCLUSION: It is impossible to adequately respond and critique an Environmental Assessment Report and Site Based Management Plan which has been lodged in support of the DA; it is based on a Standard Permit subject to cancellation.

Performance outcome 2:

The use is outside mapped areas of **environmental significance**.

Acceptable outcome 2:

THE CODE PROVIDES - No acceptable outcomes are prescribed

However we submit:

The proposed mining site adjoins a wetland area of significant importance to the Eastern Kuku Yalanji People.

The vast mangrove system provides an abundance of food source for Traditional Owners, including muscles, periwinkles, crayfish, black dew fish, silver dew 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.

There has been no consideration of the Cultural Heritage Laws by the Applicant and these must be considered.

The Aboriginal Cultural Heritage Act 2003:

- **provides blanket protection of areas** and objects of traditional, customary, and archaeological significance
- **recognise** the key role of Traditional Owners in cultural heritage matters

The Cultural Heritage Act define **Aboriginal** or Torres Strait Islander **cultural heritage as anything** that is:

- a **significant** Aboriginal or Torres Strait Islander **area** in Queensland, or
- An **area** or object is **significant** because of either or both of the following:
 - **Aboriginal** or Torres Strait Islander **tradition**
 - **the history**, including contemporary history, of any Aboriginal or Torres Strait Islander party for the area.

Performance outcome 3:

Development ensures that the operation of the use is designed and implemented to:

- Promote the efficient extraction of the resource:
- Protect the natural environment, including ecological features, significant habitats and native vegetation;
- Not adversely affect the environmental values of ground waters and receiving surface waters.

Acceptable outcome 3:

No acceptable outcomes are prescribed

We submit: The matters of State Environmental Significance attached to the DA provides no results for fish habitat areas. Considering the letters of objection lodged with the DSC it is very clear that these wetlands do provide spawning grounds for fish species.

The channel waterway between our property and lot 1 has an abundance of fish life including barramundi and other fish species as well as saltwater crocodiles. Being tidal, there are 4 movements every day. It is noted: Megan Davis in her EAR writes stagnant with only Singapore daisies banking the edges of a **non flowing waterway**.

Performance Outcome 4:

- Extractive industry operations are **adequately separated from sensitive land uses** to minimise potential for nuisance.
- The proposed separation is a 50 metre buffer which is totally unacceptable and not in compliance with the Extractive Industry Code. **The Code requires a 200 metre buffer zone.**
- **The ERA -16 requires a 1000 metre separation from a sensitive receptor**

Acceptable Outcome 4:

- Extractive resource separation areas to sensitive land uses are:
- (a). Not applicable to this DA.
- (b) **200 metres** for any other extractive industry resource not involving blasting or crushing (namely sand, clay, gravel and soil).

Applicant has failed to comply with Extractive Industry Code Criteria for assessment.

Performance Outcome 5:

Development must achieve an acceptable standard of visual amenity, having regard to the characteristics of the site, the resource, rehabilitation and visual screening, staging and the desirable qualities of the surrounding area and locality.

Acceptable Outcome 5:

Although there is no prescribed acceptable outcome rps has failed to address the following Code requirements:

- The rps Environmental Assessment Report provides for a 50 metre buffer as per Figure 5 a “Sensitive receptor location on site location” and Figure 6 . “Proposed buffer” page 9 with no length or depth of the buffer being quantified.
- There is nothing in any of the material lodged with Council addressing this Code requirement for visual and acoustic screening
- Every day we would be able to see the operation from our property as it is proposed to commence 50 metres from our house.
- We dispute: “the view of the sand extraction will be distant and will it blend in with the rural activities being undertaken in the locality”. (Page 14 of rps report). We fail to see how this activity will blend in with cane farming and cattle fattening.
- The sand quarry will be seen by not only us , but also our neighbours who have residences on the hill overlooking the subject land as well as Cooya Beach residents travelling along Bonnie Doon Road.
- At the time of writing this objection (18/12/2024) to DA approval, we note the cane has been removed from lot 2 on RP 893855.
- Driving along Bonnie Doon Road one has a full view of the

site. The proposed sand mine site is very clear to see and would not be visually unobtrusive.

- If the goal is to reduce the aesthetic disturbance to our local Cooya Beach community and our environment, aiming for a more harmonious integration with the landscape it fails miserably.
 - The proposal fails to specify adequate vegetative screening measures, risking adverse impacts on visual amenity in accordance with the Extractive Industry Code.
 - **Applicant has failed to comply with Extractive Industry Code Criteria for assessment.**
-
- **Performance Outcome 6:**
 - The size of an extractive industry is **of suitable size and dimensions** to accommodate the use and incorporates significant **BUFFERING** to effectively screen **ADJOINING** and nearby land uses from extractive operations.
-
- **Acceptable outcome 6.2:**
 - The size of the proposed sand extraction area is 22.29 hectares without taking into account the whole 40 hectares according to the Permit applied for. We do not consider this to be a “suitable size”. Dimensions are:
 - Length 1300 metres to Trigger Wetland Area; width 175 metres above natural ground level averaged height 4metres.
 - The use is designed to incorporate a densely vegetated buffer of a **minimum of 10 metres to ALL road frontages** and to **ALL perimeter boundaries**.
 - There is nothing in any of the material lodged with Council addressing this Code requirement for visual and acoustic screening

- Every day we would be able to see the operation from our property as it is proposed to commence 50 metres from our house.
- The proposal fails to specify adequate vegetative screening measures, risking adverse impacts on visual amenity in accordance with the Extractive Industry Code.
- **Applicant has failed to comply with Buffer Zone Requirements Section 9.3.10 – Extractive Industry Code.**

Performance outcome 7:

Development mitigates the potential adverse effect of noise, dust, ground vibration, lighting or air blast over pressure from operations.

Acceptable outcome 7:

No acceptable outcomes are prescribed.

Our response to Performance Outcome 7:

NOISE CONCERNS:

Killaloe Transfer Station

The dump is located 1.6 kms “as the crow flies” from our residence.

We hear the movement of trucks and equipment working from early morning until late afternoon 7 days a week as rubbish is moved around the dump.

If the DA is approved, we will hear 6 days a week from 7 a.m. until 6 p.m. for 10 the excavator, front end loader, water truck(SBMP) and 20 tonne haul trucks.

At least five trips per day equates to 10 truck movements; a minimum of 60 truck movements a week.

Page 13 of Environmental Assessment Report (the report) 4.2 .4 Noise provides the performance outcome for noise is **“sound from the activity is not audible at a sensitive receptor.”**“the proposed sand extraction is unlikely to have an impact on sensitive receptors”.

It is Noted:

-No measurement or monitoring of the (proposed) background noise level has been carried out -Page 14

- Quarry will operate for 10 years “depending on demand” which is indicative that it will operate for a longer period.

-At page 15 of the proposed Site Based Management Plan it is noted that “clearing and grubbing, extraction of material, stockpiling, heavy machinery including haul trucks have a HIGH RISK RATING” for noise

All of these noise factors will be in addition to the noise we hear 6 days a week from the Killaloe Dump.

DUST AND AIR QUALITY CONCERNS:

- As the proposed sand extraction use is 50 metres from our home we would expect huge sand / dust impact issues on our health and the health of our [REDACTED] children aged [REDACTED]
[REDACTED]
- Page 10 of rps EAR para 2.3 AIR QUALITY -the author states...”the proposed sand extraction is unlikely to have an IMPACT ON SENSITIVE RECEPTORS”.

- At page 10 of rps TPR it is noted “the sand extraction activity is NOT EXPECTED to require the screening of the extracted material on-site”.
- Each and every day we have to mop our timber verandahs 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 end of September every year

CHILDREN’S HEALTH CONCERNS

It is well documented that the dust pollution from sand increases the risk of contracting Silicosis.

As previously noted in our response to the DA there is no reference to screening of sand and other extracted materials.

[REDACTED] continually suffer from [REDACTED] The [REDACTED] and [REDACTED] which include [REDACTED]

As a consequence of [REDACTED] a [REDACTED] known condition following [REDACTED] see below for [REDACTED] Medical Certificate from Dr. Liz Stringer dated 10 December 2024



NEW HORIZONS
FOR HEALTH

Dr Liz Stringer
MBBS
362 Port Douglas Road
Port Douglas 4877
Phone: 0740991111
Fax: 0740991188

10th December 2024

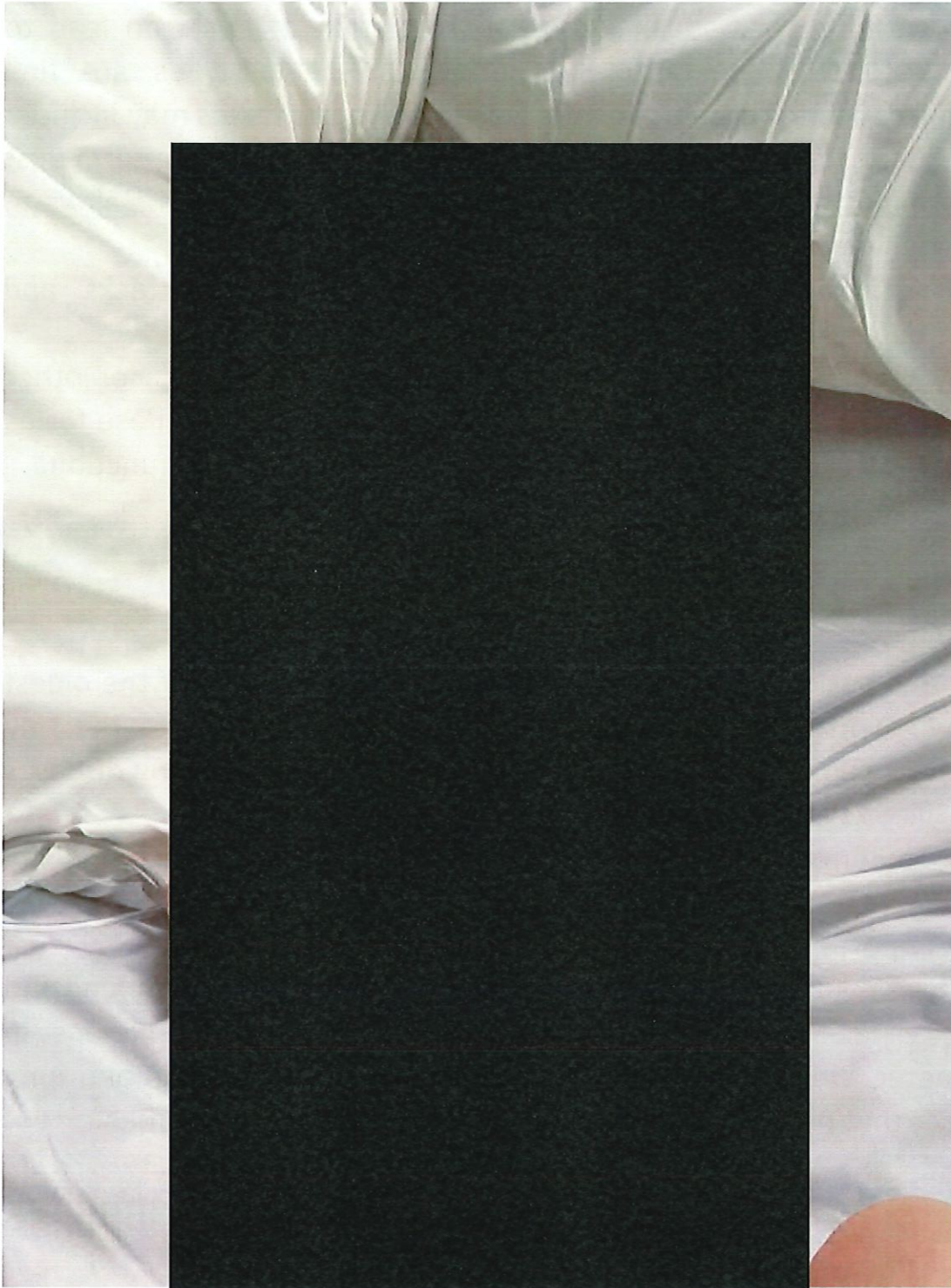
This is to certify that:

[REDACTED] Killaloe, has [REDACTED]
[REDACTED]

Exposure to airborne dusts and pollutants - such as those generated by a nearby sand mine
- would be very detrimental [REDACTED]

Signed: [REDACTED]

Dr Elizabeth Stringer MBBS Prov. No. 0261129A
ABN 34 627 124 609 / 362 Port Douglas Rd, Port Douglas, QLD, 4877 / PO Box 219 Port Douglas, QLD, 4877
Telephone +61 7 4099 1111 / Facsimile +61 7 4099 1188 / Email drliz@newhorizonspd.com.au



Additionally, chronic exposure to sand or dust over a 10 year period can have several health impacts, particularly affecting the respiratory and cardiovascular systems including:

Respiratory Issues: Long-term inhalation of dust can lead to respiratory conditions, especially if the particles are fine enough to reach deep into the lungs. Health issues may include:

- **Chronic Obstructive Pulmonary Disease (COPD):** Long-term dust exposure can cause inflammation and narrowing of the airways, which can lead to COPD.
- **Asthma:** Dust exposure can trigger asthma attacks and potentially worsen pre-existing asthma over time.
- **Silicosis and Pneumoconiosis:** If dust contains silica or other harmful minerals, prolonged exposure can lead to these forms of lung disease, resulting in scarring and loss of lung function.

“Sand is basically silica — and breathing in silica is one of the oldest known workplace dangers. Inside the lungs, exposure to the tiny particles has been shown to sometimes lead to serious lung diseases like Silicosis and lung cancer.

Sand mining creates significant air pollution from the handling, mining, and processing of the sand.

The important sources of air emissions come from the tiny dust particles – known as particulate matter – scattered during mining and processing. Tiny dust particles, usually only a few microns in diameter, when inhaled in the lungs can lead to Silicosis and lung cancer that poses a danger to miners and nearby communities”.

SILICOSIS AND THERE IS NO KNOWN CURE FOR THIS CONDITION

- **Respiratory Infections:** Dust exposure can weaken the respiratory system, making it more susceptible to infections like bronchitis and pneumonia

Cardiovascular Problems: Fine dust particles can enter the bloodstream via the lungs, which can contribute to cardiovascular diseases. Chronic exposure has been linked to:

- **Increased Risk of Heart Attack and Stroke:** Studies have shown that air pollution, including dust, is linked to an increased risk of cardiovascular events due to inflammation and oxidative stress.
- **High Blood Pressure:** Long-term exposure can lead to systemic inflammation, contributing to hypertension.

Eye and Skin Irritation: Dust exposure can also cause:

- **Eye Irritation and Conjunctivitis:** Chronic exposure to dust can lead to red, irritated, and watery eyes.
- **Skin Conditions:** Dust can settle on the skin, potentially causing dryness, rashes, or irritation over time.
- **Allergies and Immune System Impact:** Prolonged exposure to airborne particles can increase sensitivity to allergens, triggering or worsening allergies. It may also stress the immune system, leading to an increased susceptibility to illness.
- **Long-Term Impact on Quality of Life:** Persistent respiratory and cardiovascular issues, allergies, and skin irritations can reduce overall quality of life. Symptoms like shortness of breath, fatigue, and skin irritation can interfere with daily activities.

Performance outcome 8.

Acceptable outcomes:

AO8.1. Safety fencing and signage is provided around extractive industry stockpiles and operation to prevent unauthorised access.

There is nothing in the town planning report addressing this requirement. Obviously, the author of the town planning report has not turned his mind to addressing this incumbent safety issue with fine sand/ stockpiling and excavations. There is the danger of sand dunes and holes caving in on children.

AO8.2

A single 8.0 metre wide access is designed for the site and constructed to a standard capable of accommodating heavy traffic in accordance with Australian Standards including adequate sight distance

Performance outcome 9: NOT RELEVANT TO THIS DA

Performance Outcome 10:

Provides the site will be progressively rehabilitated in accordance with an approved rehabilitation plan to ensure that:

- (a) a re-countoured and stable landform is achieved with the reinstatement of appropriate soil profiles.**

Acceptable Outcome 10:

Under the Planning Scheme there are “No acceptable outcomes prescribed”

Schedule 24 of the Planning Regulations 2017. High impact earthworks means changes the form of the land – contours and slopes.

Our response: We fail to see how this can be satisfied. With below ground level extraction to between 0.5 metre to 1 metre rather than 4 metres (see Quaid bore hole report) 300mm of topsoil cannot address the shortfall of topsoil that will be required to fill in the excavated area.

(a) revegetation of areas disturbed by operations

Our response: 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 and sandmining causes major permanent and irreversible environmental harm.

(c) there are no adverse environmental or visual amenity impacts

If sand dunes are removed to natural ground level this creates ecological issues. If extraction to below natural ground level, the impacts on the ecology is even greater

(d) the landform is suitable for alternative uses

Our response: The land will not be suitable for alternate uses at the end of the quarry period. The Applicant has not proposed an alternative to rehabilitate the land except for 300 mm of topsoil which is totally inadequate.

If the land is owned by the Applicant (and it seems this will be the case – refer to page 1 Quaid Real Estate)_where is the incentive to rehabilitate the site. Who is going to be the local Policeman??

PO10 states the rehabilitation of the site must be in accordance with an “approved rehabilitation plan”. No such Plan has been included in the DA report and associated documentation lodged with the DSC by rps.

6.2.3 Conservation Zone Code

Subject: Objection to Material Change of Use for Sand Extraction at Lot 1 on RP893855, Bonnie Doon Road, Killaloe

In further support of my objection to the proposed Material Change of Use for an Extractive Industry at the subject site.

This proposal directly contradicts several provisions of the Conservation Zone Code outlined in the Douglas Shire Planning Scheme 2018 and fails to comply with its intent and outcomes. Specific contradictions are detailed below:

1. Inconsistency with the Purpose of the Conservation Zone Code

The Conservation Zone Code (6.2.3.2) states that its purpose is "to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity" (Part 6, p. 8).

The RPS report confirms the presence of MSES Regulated Vegetation (Category B, C, and R) and High Ecological Significance Wetlands within or adjacent to the site (RPS report, p. 5-6). The proposed sand extraction, which involves the removal of up to 30,000 -100,000 tonnes of sand per annum, is incompatible with the requirement to "conserve and maintain the integrity of biodiversity values, wildlife, habitats and other significant ecological assets and processes over time" (Part 6, p. 8).

2. Prohibited Land Use: Extractive Industry

Table 6.2.3.3.b of the Conservation Zone Code explicitly lists "Extractive Industry" as an inconsistent use within the Conservation Zone (Part 6, p. 11).

The proposal is clearly prohibited in this zone. Allowing this development would disregard the intent of the planning scheme and weaken the integrity of the Conservation Zone provisions.

3. Scenic and Environmental Values

Performance Outcome (PO4): The Conservation Zone Code requires development to avoid adverse effects on "conservation or scenic amenity values of the site and surrounding area" (Part 6, p. 9).

The RPS report admits that the proposal will involve haul routes, excavation, and stockpiling, which will significantly alter the natural landscape (RPS report, p. 9-10). Despite claims of visual unobtrusiveness, the large-scale nature of the activity directly conflicts with the requirement to maintain scenic values.

Performance Outcome (PO6): Developments must be "subservient to the surrounding environment" (Part 6, p. 10).

The proposed operation, involving heavy vehicle movements and large-scale sand extraction, does not harmonize with the ecological and visual character of the area as mandated.

4. Failure to Meet Setback and Screening Standards

The Conservation Zone Code specifies that developments must be "screened from view with a dense screen of endemic/native landscape" (Performance Outcome PO7, Acceptable Outcome AO7.1, Part 6, p. 10).

The RPS report fails to provide sufficient details regarding the planting or maintenance of native screening vegetation, particularly along haul roads and extraction areas. The proposal's reliance on minimal existing vegetation for screening is inadequate to meet this requirement (RPS report, p. 9-10).

5. Risk to Wetland and Waterway Ecosystems

The Conservation Zone Code (PO9 and PO10) emphasizes protecting ecological features and avoiding impacts on waterways and wetlands (Part 6, p. 10-11).

The RPS report identifies the presence of "Wetland Protection Area Trigger Zones" on the eastern portion of the site (RPS report, p. 5-6). Sand extraction activities, including excavation and vehicle movements, increase the risk of sedimentation and hydrological disruption in these sensitive ecosystems. The mitigation measures suggested in the report are insufficient to guarantee the protection of these critical ecological features.

6. Rehabilitation Commitments Are Insufficient

While the applicant claims progressive rehabilitation, the Conservation Zone Code (PO11) mandates that rehabilitation "improve the environmental integrity of the area" (Part 6, p. 11).

The RPS report outlines basic topsoil re-spreading but lacks specific measures for long-term ecological restoration, such as re-establishing native vegetation or ensuring habitat connectivity (RPS report, p. 10). This minimal approach fails to align with the standards set in the Code.

Conclusion

The proposed sand extraction at Lot 1 on RP893855 conflicts with several provisions of the Conservation Zone Code, particularly the prohibition of extractive industry, the requirement to protect scenic and ecological values, and the insufficiency of the proposed rehabilitation plan.

I strongly urge the Douglas Shire Council to reject this application to ensure the integrity of the Conservation Zone is maintained and the ecological and cultural significance of the area is preserved.

6.2.4 Environmental Management Zone Code

Based on the **Environmental Management Zone Code** and the **Material Change of Use Application Report**, here are specific objections to the proposed material change of use for a sand extraction site at Bonnie Doon Road, Killaloe, highlighting conflicts with the **Environmental Management Zone Code**:

Objections to Proposed Material Change of Use

- 1. Conflict with the Purpose of the Environmental Management Zone Code**

- The code's purpose is to "recognise environmentally sensitive areas and provide for houses on lots and other low-impact activities where suitable" while protecting areas from "intrusion of any urban, suburban, centre, or industrial land use".
- The proposal, as described, introduces an **extractive industry**, a higher-impact use not aligned with this purpose, thus representing a direct intrusion of industrial land use into an area designated for low-impact activities.

2. Adverse Impacts on Environmental and Scenic Values (Performance Outcome PO4)

- PO4 specifies that "the site coverage of all buildings and structures and associated services do not have an adverse effect on the environmental or scenic values of the site".
- The sand extraction proposal entails large-scale disruption, including the removal of sand ridges, and poses risks to **scenic values** in an area marked by "high landscape values".

3. Inconsistent Use in Environmental Management Zone (PO3)

- The use is inconsistent with acceptable uses for this zone, as extractive industries are not identified as consistent uses in Table 6.2.4.3.b of the Environmental Management Zone Code.

4. Failure to Minimize Adverse Effects on Natural Systems (PO5)

- PO5 requires development to "respond to the characteristics, features, and constraints of the site and its surroundings" with minimal vegetation clearing.
- The report acknowledges that the site includes **Regulated Vegetation (Category R and C)** and **High Ecological Significance Wetlands**. The activity, while avoiding these wetlands, indirectly risks ecological disruption due to proximity and scale.

5. Impact on Water Quality (PO5 & PO8)

- PO5 and PO8 emphasize avoiding adverse effects on water quality. The site includes wetlands and a moderate category waterway. Increased sedimentation from excavation, even with mitigation, threatens local hydrology and water quality.

6. Visual Intrusion (PO7)

- PO7 stipulates that "exterior finishes and structures" must be non-reflective and blend with the natural environment.
- The proposed haul road and extraction equipment disrupt the natural scenic amenity of the Environmental Management Zone, visible from public vantage points, contradicting PO7.

Conclusion

The proposal for a sand extraction industry is inconsistent with the **Environmental Management Zone Code**, as it introduces high-impact industrial activities into an environmentally sensitive zone, risks adverse environmental and visual impacts,

and conflicts with the purpose and performance outcomes of the zone. Therefore, the application should be rejected based on these conflicts.

6.2.5 Industry Zone Code

My objection is based on inconsistencies between the proposed development and the provisions outlined in the Industry Zone Code of the Douglas Shire Planning Scheme 2018 Version 1.0, as well as contradictions and gaps within the RPS Town Planning Report (R82785/AU015874) submitted in support of this application.

Key Contradictions

1. Inconsistent Use within the Industry Zone

- Industry Zone Code: Table 6.2.5.3.b of the Industry Zone Code explicitly identifies extractive industry as an inconsistent use within the Industry Zone:

“Extractive industry” is listed as an inconsistent use in Table 6.2.5.3.b.

This is further supported by Performance Outcome PO9, which seeks to protect the zone from the intrusion of inconsistent uses.

- RPS Report: The RPS Report acknowledges that the site is zoned as Rural Zone, not Industry Zone:

“The site is included within the Rural Zone...” (RPS Report, p. 3).

However, the activity of sand extraction is inconsistent with both the zoning and the stated environmental protections,

demonstrating a fundamental incompatibility with the long-term zoning purpose.

2. Impact on Environmental and Landscape Values

- Industry Zone Code: Section 6.2.5.2(3)(a) mandates that developments must “avoid significant adverse effects on the natural environment”.
- RPS Report: The proposal admits the presence of sensitive environmental overlays, including Wetland Protection Areas and regulated vegetation:

“The site is mapped as containing Wetland Protection Area and High Ecological Significance Wetlands on the eastern portion” (RPS Report, p. 6).

Despite this acknowledgment, the report inadequately addresses how the sand extraction activity will avoid potential contamination of wetlands and waterways.

3. Inadequate Rehabilitation Plans

- Industry Zone Code: Performance Outcome PO3 requires that industrial activities leave sufficient space for landscaping and avoid long-term disruption.
- RPS Report: While the report claims rehabilitation will occur post-extraction:

“Disturbed areas... will be rehabilitated progressively and used for rural production” (RPS Report, p. 13), the scale of extraction (30,000-100,000 tonnes per annum over at least 10 years) raises significant concerns about the feasibility of restoring the area to its natural or productive state. The report lacks detailed timelines or measures to ensure long-term viability.

4. Traffic and Accessibility Concerns

- Industry Zone Code: Performance Outcome PO7 requires that “site access for vehicles is limited to one point per road frontage” and that traffic impacts are minimized.
- RPS Report: The report identifies Bonnie Doon Road as the main haulage route and estimates:

“5 x 20-tonne haul vehicle trips per day” (RPS Report, p. 10). Increased heavy vehicle movements on this rural road conflict with community safety and environmental concerns, particularly given the limited infrastructure available for industrial-scale traffic.

5. Visual and Amenity Impacts

- Industry Zone Code: Section 6.2.5.2(3)(b) requires that developments maintain a “high standard of amenity” and avoid significant disruption to nearby land uses.
- RPS Report: The report asserts:

“The sand extraction proposal is small scale and will be visually unobtrusive” (RPS Report, p. 13).

This claim is contradicted by the activity’s scale and expected machinery use, which will create visible scars on the landscape and disrupt the rural character of the area.

Conclusion

The proposed development is inconsistent with the Industry Zone Code and fails to adequately address the environmental, traffic, and community amenity impacts outlined in the RPS Report. Allowing this application would set a dangerous

precedent for allowing incompatible and environmentally damaging activities in areas not designated for such uses.

I urge the Council to reject this application on the grounds that it contradicts the Douglas Shire Planning Scheme 2018 Version 1.0 and fails to meet the statutory planning and environmental benchmarks.

6.2.10 Rural Zone Code

I submit this objection to the proposed material change of use for extractive industry at Lot 1 on RP893855. This proposal conflicts with key provisions of the Rural Zone Code in the Douglas Shire Planning Scheme 2018 Version 1.0. The specific contradictions are as follows:

1. Purpose of the Rural Zone Code

The Rural Zone Code emphasizes the preservation of rural character and environmental integrity:

"(1)(c) protect or manage significant natural resources and processes to maintain the capacity for primary production."

The proposal compromises the integrity of the site by engaging in sand extraction, a high-impact activity that risks disrupting ecological balance and natural processes vital for primary production. Furthermore, the proposed extraction volume (30,000-100,000 tonnes per annum) contradicts the Rural Zone's intent for small-scale and sustainable activities.

2. Performance Outcomes - Visual Amenity

The Rural Zone Code mandates that development must maintain the visual amenity of the rural landscape:

"PO1: The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity."

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.

3. Performance Outcomes - Environmental Protection

The Rural Zone Code requires the protection of environmental values, particularly riparian vegetation and ecological corridors:

"PO6: Existing native vegetation along watercourses and in, or adjacent to, areas of environmental value, or areas of remnant vegetation of value is protected."

The site includes areas mapped as "Category R Reef Regrowth vegetation" and "High Ecological Significance Wetlands". While the application claims to avoid these areas, any mismanagement or indirect effects (e.g., runoff, dust) could irreversibly damage these sensitive ecosystems.

4. Inconsistency with Strategic Framework

The Douglas Shire's Strategic Framework explicitly states:

"Other extractive industries do not detrimentally impact on community well-being or the Shire's ecological, landscape, scenic amenity, and rural production values."

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.

5. Minimum Lot Size and Land Use Compatibility

The Rural Zone Code stipulates:

"PO7: The minimum lot size is 40 hectares... to maintain the primary production focus of the rural area."

While the lot size (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 agricultural and low-impact uses.

Conclusion

The proposed material change of use for sand extraction conflicts with the stated purpose, performance outcomes, and strategic goals of the Rural Zone Code. The potential environmental damage, loss of rural character, and incompatibility with primary production values warrant the rejection of this application.

I urge the Council to uphold the integrity of the Rural Zone Code and deny the proposed development.

8.2.1 Acid Sulfate Soils

The applicant has failed to demonstrate compliance with the Acid Sulfate Soils Overlay Code under the Douglas Shire Planning Scheme 2018 and deficiencies identified in the response to the Council's Information Request (dated 31 October 2024).

Grounds for Objection

1. Insufficient Acid Sulfate Soils Investigation (AO1.2)

The Acid Sulfate Soils Overlay Code requires:

"An acid sulfate soils investigation is undertaken" (AO1.2).

The applicant's Information Request response claims that preliminary test pitting did not indicate the presence of Potential Acid Sulfate Soils (PASS) but fails to provide a comprehensive acid sulfate soils investigation as prescribed by the code.

Instead, it states:

"It is highly unlikely that any unoxidized PASS material exists in the sand resource".

This speculative statement is unsupported by rigorous testing and does not satisfy AO1.2, which requires a detailed investigation to accurately identify the extent and risk of acid sulfate soils. Without this investigation, there is no certainty about compliance with the code or environmental safety. One test pit over a 22 hectare site does not constitute adequate testing for ASS.

2. Contradictory Depth of Extraction and Inadequate ASS Management Plan (PO2 & AO2.2)

Performance Outcome PO2 requires that:

"Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants."

The response to the Information Request highlights inconsistencies in the proposed extraction depth, with some documents suggesting a depth of 0.5–1 meter, while others indicate extraction of up to 3 meters. This discrepancy raises serious concerns about the management of ASS.

Furthermore, the response provides no Acid Sulfate Soils Management Plan (ASSMP), contrary to AO2.2 requirements. Instead, it assumes that ASS management will not be needed, stating:

"If required, ASS will be managed appropriately or avoided by limiting the depth of extraction".

This lack of a proactive and detailed ASSMP fails to address key requirements such as:

- Neutralising existing acidity and preventing acid generation (AO2.2(a)).
- Preventing groundwater contamination (AO2.2(b)).
- Documenting strategies and reporting requirements (AO2.2(e)).

Without a formal ASSMP, the proposal does not comply with PO2 and AO2.2.

3. Potential for Environmental Harm (PO3)

Performance Outcome PO3 states:

"No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils."

The Council's Information Request identified that the proposed extraction area includes a farm drain and proximity to sensitive wetland areas. Despite this, the applicant fails to provide any detailed analysis of how disturbed soils will be managed to prevent contamination of these critical areas.

The response states:

"The farm drain running west to east through the proposed area of extraction will be retained or reinstated whichever is most practical".

This vague commitment, coupled with the absence of a storm tide analysis or flood modelling, highlights the inadequacy of the environmental impact assessment. Any disturbance of acid sulfate soils near wetlands or farm drains risks severe environmental harm, particularly during storm tide or flood events.

Additional Deficiencies Identified in the Information Request Response

1. Soil Logs (Council Request Item 3)

The applicant admits that historical soil logs, without sample data or coordinates from 1994 do not include testing for acid sulfate soils. This failure to provide updated and site-specific ASS testing leaves critical gaps in the assessment.

2. Post-Extraction Storm Tide Analysis (Council Request Item 4)

The applicant has declined to provide a post-development storm tide analysis, despite acknowledging that lowering ground levels will increase inundation risk during significant storm tide events. This omission further

jeopardizes compliance with environmental protection standards.

Conclusion

The proposed development fails to demonstrate compliance with the Acid Sulfate Soils Overlay Code, as evidenced by:

- The absence of a detailed acid sulfate soils investigation, contrary to AO1.2.
- Failure to provide an Acid Sulfate Soils Management Plan, contrary to AO2.2.
- Inadequate consideration of environmental harm, contrary to PO3.

Additionally, the applicant's response to Council's Information Request highlights unresolved inconsistencies and a lack of due diligence in assessing and managing acid sulfate soils and environmental risks.

I urge the Council to refuse this application on the grounds of non-compliance with the Acid Sulfate Soils Overlay Code and the risks posed to surrounding wetlands, farm drains, and the broader environment.

8.2.2 Bushfire Hazard Overlay

Contradictions with the Bushfire Hazard Overlay Code

1. Failure to Ensure Separation from Hazardous Vegetation
The Bushfire Hazard Overlay Code requires development

to maintain sufficient separation from hazardous vegetation to achieve radiant heat flux levels that ensure safety. Specifically, AO10 states:

"Buildings or building envelopes are separated from hazardous vegetation by a distance that: (a) achieves a radiant heat flux level of 10kW/m² for vulnerable use or 29kW/m² otherwise; and (b) is contained wholly within the development site."

The RPS report does not detail specific separation distances or demonstrate compliance with radiant heat flux requirements. Without a clear site-based Bushfire Management Plan, it is unclear how the proposed sand extraction operation ensures safe separation from hazardous vegetation, especially in a site mapped under the Bushfire Hazard Overlay as a high-risk area.

2. Inadequate Fire Trail or Road Access The Code requires:

"Development sites are separated from hazardous vegetation by a public road or fire trail which has: (a) a reserve or easement width of at least 20m; (b) a minimum trafficable width of 4m...; and (i) vehicular access at each end connected to the public road network at intervals of no more than 500m" (AO11).

The proposal lacks details about perimeter fire trails or public roads ensuring safe access for firefighting vehicles. The reliance on an unnamed gravel access road across a farm drain does not appear to meet these requirements.

3. Potential Hazard from Proposed Activities Extractive industries, involving heavy machinery and potential fuel storage, must not increase bushfire risks. PO3 and AO3 state:

"The manufacture or storage of hazardous material in bulk does not occur within a bushfire hazard sub-category."

The proposal anticipates using machinery such as loaders and trucks on-site. The absence of detailed provisions for fire safety measures, such as static water supplies or equipment for fire suppression, raises concerns regarding compliance.

4. Emergency Evacuation Constraints The Code emphasizes:

"Development establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people" (PO8).

The proposed site layout and limited access options do not provide evidence of sufficient evacuation planning or routes to a designated safe assembly area. This omission conflicts with both the Code and community safety standards.

5. Environmental and Mitigation Measures While the proposal includes rehabilitation plans, PO15 states:

"The risk of bushfire and the need to mitigate that risk is balanced against other factors (e.g., biodiversity or scenic amenity)."

The extensive clearing for sand extraction may exacerbate bushfire risks by altering the site's natural fuel load dynamics. There is no detailed ecological assessment addressing this balance.

Conclusion

I urge the Council to refuse this application on the grounds of non-compliance with the Bushfire Hazard Overlay Code.

8.2.3 Coastal Environment Overlay Code

Introduction: This submission outlines an objection to the proposed material change of use for extractive industry on Lot 1, Bonnie Doon Road, Killaloe, based on conflicts with the **Coastal Environment Overlay Code** in the Douglas Shire Planning Scheme 2018. Specific contradictions to the code are highlighted below.

1. Erosion Prone Areas (PO4, AO4.1 and AO4.2): The **Coastal Environment Overlay Code** states:

- **PO4:** "Erosion prone areas are free from development to allow for natural coastal processes."
- **AO4.1:** "Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for community infrastructure or development that reflects preferred outcomes of the zoning."

Contradiction: The RPS report acknowledges the site's location within or near **erosion-prone areas**, yet the proposal involves significant land disturbance (sand extraction). This development does not meet the exception criteria as it is neither community infrastructure nor aligned with preferred outcomes for the Coastal Zone.

2. Maintenance of Natural Processes (PO5, AO5.1): The **Coastal Environment Overlay Code** requires:

- **PO5:** "Natural processes and protective functions of landforms and vegetation are maintained."

- **AO5.1(a):** "Development maintains vegetation on coastal landforms where its removal or damage may destabilize the area or interrupt natural sediment trapping or dune-building processes."

Contradiction: The RPS report states that the majority of the site is cleared, with some vegetation retained in the eastern portion. However, the proposed sand extraction will disrupt natural sediment cycles and increase risks to nearby erosion-prone areas. No evidence is provided that protective landforms will be maintained or restored as required under PO5.

3. Protection of Coastal Resources and Ecosystems (PO6, AO6.4): The **Coastal Environment Overlay Code** emphasizes:

- **PO6:** "Development avoids or minimizes adverse impacts on coastal resources and their values to the maximum extent reasonable."
- **AO6.4:** "Design and siting of development protects and retains identified ecological values and underlying ecosystem processes."

Contradiction: The site includes areas designated as **High Ecological Significance Wetlands** and **Regulated Vegetation** in State and local overlays. The extractive industry risks degrading these ecosystems through sediment disturbance and altered water flows. The RPS report fails to demonstrate sufficient measures to avoid such impacts.

4. Scenic Amenity (PO13): The Coastal Environment Overlay Code states:

- **PO13:** "Development maintains and/or enhances natural coastal landscapes, views, and vistas."

Contradiction: The report describes the sand extraction as "visually unobtrusive," yet the scale of extraction (30,000 – 100,000 tonnes annually) and its proximity to scenic landscapes contradict the requirement to enhance or at least maintain coastal scenic values. The proposed activity introduces industrial elements incongruous with the area's natural character.

Conclusion: The proposed development fails to comply with key provisions of the **Coastal Environment Overlay Code**, particularly regarding erosion-prone areas, natural processes, coastal resources, and scenic amenity. Approving this application would set a concerning precedent for coastal area management.

8.2.4 Flood and Storm Tide Overlay Code

I object to the proposed Material Change of Use (Extractive Industry - Sand Extraction) due to its non-compliance with the Flood and Storm Tide Hazard Overlay Code, as outlined in the Douglas Shire Planning Scheme 2018. This objection incorporates findings from the development application and the applicant's response to the Douglas Shire Council (DSC) Information Request, highlighting significant deficiencies.

1. Failure to Provide Post-Development Storm Tide and Flood Analysis

The applicant's response to Item 4 of the DSC Information Request acknowledges that "the sand extraction proposal will increase the extent of the site that will be inundated during a significant storm tide event". Similarly, for Item 5, the applicant admits that "post sand extraction, it is expected that the majority of the sand extraction area will be subject to flooding during a 100 Year ARI flood event".

Despite these admissions, the applicant did not provide the required pre- and post-flood modelling or post-development storm tide analysis, dismissing them as "not warranted." This directly contradicts Performance Outcome (PO5), which requires development to "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".

2. Increased Hazard to Surrounding Properties

The sand extraction proposal involves lowering the site's natural elevation by 0.5–3 meters, potentially increasing flood severity in surrounding areas. This is particularly concerning for downstream properties and the Wetland Protection Area. The applicant's reliance on a "bathtub" flood model and their statement that storm tide inundation will "increase" the potential for flooding highlight significant non-compliance with PO5, which requires development to mitigate cumulative impacts on flood characteristics.

The absence of hydrological and hydraulic modelling fails to demonstrate that the development will not exacerbate flooding

on adjacent lands or disrupt existing flood storage capacity, as required under Acceptable Outcome (AO5.3).

3. Safety and Evacuation Concerns

The Code mandates that development "ensures the safety of all persons" and provides "clear and direct pedestrian and vehicle evacuation routes off the site" (PO1, AO3.1). However, the applicant's response regarding Item 1 indicates reliance on retaining or reinstating informal farm drains as part of the flood management strategy. This approach fails to provide robust, flood-resilient evacuation routes or guarantee safety during storm tide or flood events.

Additionally, the lack of a defined evacuation strategy fails to comply with PO3, which requires development to respond to flooding potential and maintain personal safety.

4. Inconsistent and Incomplete Plans

Discrepancies between the planning report and the site-based management report concerning extraction depths and buffers further undermine confidence in compliance. While the planning report specifies a 0.5–1 meter depth of extraction, the management report allows for depths of 1–3 meters. This inconsistency raises concerns about compliance with PO1, which ensures development is designed to minimize risks to personal safety and neighbouring properties.

5. Lack of Compliance with Design and Resilience Standards

The applicant's plan to excavate sand down to the top of the bank fails to meet PO3 and AO3.1, which require development to minimize flood risk and provide flood immunity for evacuation routes. Furthermore, the proposal's reliance on retaining or reinstating farm drains without clear engineering solutions does not address site-specific resilience measures, as required under PO4 and AO4.2.

6. Cumulative Environmental Impacts

By failing to provide comprehensive flood modelling, the applicant has not accounted for the cumulative effects of lowering the ground elevation on storm tide and flood severity in surrounding areas. These deficiencies contravene the Code's intent to ensure that "natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas" (Purpose, Section 8.2.4.2(2)(g)).

Conclusion

The proposed Material Change of Use for sand extraction does not comply with the Flood and Storm Tide Hazard Overlay Code due to:

1. Acknowledged increases in storm tide and flood risks without providing necessary hydrological modelling.
2. Lack of resilience measures to minimize flood impacts and ensure evacuation safety.

3. Cumulative impacts on surrounding properties and sensitive environmental areas such as the Wetland Protection Area.
4. Discrepancies and incomplete plans undermining the assessment of compliance.

I urge the Council to reject the application based on these inconsistencies between the DA and the Flood and Storm Tide Hazard Overlay Code.

8.2.6 Landscapes Overlay Code

The proposed development for sand extraction is inconsistent with the Landscape Values Overlay Code of the Douglas Shire Planning Scheme 2018 Version 1.0. Specific inconsistencies include:

1. Contradiction with High Landscape Value Protection (PO1(g)) The Landscape Values Overlay Code explicitly states that "extractive industry operations are avoided" in High Landscape Value areas.

The proposal 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 proposed use inherently incompatible with the overlay code.

2. Detrimental Impact on Visual Amenity (PO1(a), (b), (c))

Performance Outcome PO1 requires that development:

- Avoid detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, and coastal foreshores.
- Be effectively screened from public views by natural landforms or native vegetation.
- Retain and enhance existing vegetation to soften the visual impact.

The application acknowledges that the site includes sand ridges visible from the surrounding areas, but does not demonstrate compliance with these visual impact mitigation requirements. The claim that the development will "blend into rural activities" lacks supporting evidence or a detailed Visual Impact Assessment, as required under Planning Scheme Policy SC6.6.

3. Non-Compliance with Retention of Vegetation (AO1.6)

Acceptable Outcome AO1.6 specifies that "no clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%)". The report admits that vegetation in the site's southern portion, including high-value regrowth, may be affected. The lack of specific commitments to prevent vegetation clearing in sensitive areas contradicts this requirement.

4. Scale and Visual Intrusion (PO1(d), (e))

The code mandates that development:

- Be of a scale and design compatible with landscape values.
- Avoid excessive changes to natural landforms.

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.

5. Failure to Maintain Views and Landscape Character (PO1(h), (g)) The code emphasizes that:

- Development must not diminish views toward High Landscape Value areas and the Coral Sea.
- Development must maintain the prevailing landscape character and avoid visual dominance.

The proposal acknowledges that haul vehicle activity and the creation of sediment retention areas will visibly alter the site, but does not provide assurances or designs to mitigate these impacts.

Additional Concerns:

- Road is very dangerous. There has been crashes between trucks and cars on Bonnie Doon Rd this crushing season.
- Devaluation of my property due to being in proximity and overlooking a sand quarry.

- The proposed development is inconsistent with the intent for the area as expressed in the relevant planning instruments

Conclusion The proposed Material Change of Use fails to meet key provisions of the Landscape Values Overlay Code and is incompatible with the Douglas Shire's planning framework for preserving its unique landscape character. The development poses significant risks to scenic amenity, natural vegetation, and the overarching landscape values of the region.

8.2.7 Natural Areas Overlay Code

This submission raises objections to the proposed sand extraction activity under the **Natural Areas Overlay Code** as outlined in the Douglas Shire Planning Scheme (Version 1.0). A detailed technical analysis highlights critical areas of non-compliance and potential environmental risks, which are outlined below:

1. Contradiction: Protection of Matters of Environmental Significance

The Natural Areas Overlay Code mandates:

- **PO1:** "Development protects matters of environmental significance."
- **AO1.1:** "Development avoids significant impact on the relevant environmental values".

Technical Analysis

The site is mapped with multiple **Matters of State Environmental Significance (MSES)**, including:

- **MSES - Wildlife Habitat (Endangered or Vulnerable):**
Likely habitats for species such as the Southern Cassowary (*Casuarius casuarius johnsonii*) and Water Mouse (*Xeromys myoides*), which are known to inhabit wetland-adjacent ecosystems in Far North Queensland.
- **MSES - High Ecological Significance Wetlands and Regulated Vegetation (Category C):** These areas provide critical ecosystem services, including water filtration and habitat connectivity.

The Environmental Assessment Report (Appendix E of the RPS Report) fails to provide robust ecological surveys or peer-reviewed studies confirming that wildlife habitats will not be impacted. The reliance on mitigation measures such as sediment retention ponds contradicts AO1.1's requirement to **avoid significant impact**.

2. Contradiction: Buffer Requirements for High Ecological Significance Wetlands

The code requires:

- **PO3:** "An adequate buffer to areas of state environmental significance is provided and maintained."
- **AO3.1:** "A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of 100 meters where the area is located outside Urban areas".

The RPS report does not include definitive mapping or GIS analysis confirming a 100-meter buffer to wetland areas. Instead, it proposes that extraction will occur "north of the Wetland Protection Area Trigger Area". This language introduces ambiguity about the proximity of sand extraction to wetland systems. Buffers of less than 100 meters are insufficient for protecting:

1. **Wetland Hydrological Integrity:** Sand extraction could alter groundwater flows, impacting the wetlands' natural water supply and downstream ecosystems.
2. **Nutrient and Sediment Flow Control:** Without adequate buffers, sedimentation could enter wetlands during heavy rainfall events, compromising water quality.

The absence of empirical data modelling potential buffer impacts is a significant oversight.

3. Contradiction: Wetland and Hydrological Functions

The overlay code stipulates:

- **PO4:** "Wetland and wetland buffer areas are maintained, protected, and restored."
- **AO4.1:** "Native vegetation within wetlands and wetland buffer areas is retained".

Vegetation clearing within buffer zones increases the risk of:

- **Loss of Ecological Function:** Clearing of Category C vegetation would disrupt the wetland's role as a carbon sink and habitat for migratory birds and amphibians.

- **Reduction in Hydrological Stability:** 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.

RPS's proposal to rehabilitate disturbed areas after extraction is insufficient to mitigate the immediate impacts of vegetation loss.

4. Contradiction: Ecological Connectivity and Marine Species Impact

The code requires:

- **PO6:** "Development protects and enhances ecological connectivity and/or habitat extent."
- **PO7:** "Development minimizes disturbance to matters of state environmental significance (including existing ecological corridors)".

The proposed extraction zones fragment existing ecological corridors. This fragmentation directly affects Ecosystem Services. The site's vegetation serves as a pollination and seed dispersal corridor for surrounding farmlands and wetland habitats.

Additionally, the **Marine Plant Survey** (which is inadequate as it does not include the Highest Astronomical Tide data overlays or a species list) memo identifies mangroves and mangrove ferns (*Acrostichum speciosum*) in the southern wetland areas, as well as invasive Singapore Daisy (*Sphagneticola trilobata*)

along irrigation channels. Disturbance from haul roads and sand extraction operations risks spreading invasive species into sensitive areas, violating **PO7**.

5. Adverse Impacts on Downstream Catchments and the Great Barrier Reef

The overlay code specifies:

- **PO2(b)**: "Development... ensures that adverse direct or indirect impacts on areas of environmental significance are minimized through design, siting, operation, management, and mitigation measures."
- **PO8**: "Development is set back from waterways to protect and maintain water quality, hydrological functions, and ecological processes".

The proposed sand extraction exposes bare soils, increasing the risk of sedimentation in downstream wetlands and waterways. Key impacts include:

1. **Sedimentation Risks**: Runoff could lead to increased sediment and nutrient loads in downstream ecosystems, particularly during heavy rainfall, exacerbating algal blooms and smothering coral reefs in the **Great Barrier Reef Marine Park**.
2. **Hydrological Disruption**: Construction of a haul road over the irrigation channel interrupts natural water flow, threatening wetland hydrology and associated marine plant systems.

Conclusion

The proposed development fails to comply with key provisions of the **Natural Areas Overlay Code** due to:

- Inadequate buffers for wetlands and marine plant areas.
- Insufficient mitigation of hydrological and sedimentation impacts.
- Fragmentation of ecological corridors, impacting both terrestrial and aquatic species.
- Increased risks of invasive species spread, particularly Singapore Daisy.
- Lack of robust ecological and hydrological assessments to address cumulative impacts.

Given these deficiencies, the Douglas Shire Council is urged to reject this application to ensure the protection of the site's ecological and hydrological integrity. Immediate and robust protections are required to safeguard local and regional environmental values, including the Great Barrier Reef.

8.2.9 Potential Landslide Hazard Overlay Code

Objection to the Proposed Material Change of Use for Extractive Industry on Lot 1 RP893855, Bonnie Doon Road, Killaloe

Grounds for Objection: Inconsistencies with the Potential Landslide Hazard Overlay Code

1. **Development Location and Risk Increase**

The Potential Landslide Hazard Overlay Code mandates that development must not increase the landslide risk to the site or adjoining premises (Performance Outcome PO1) and should be located on stable areas to prevent exacerbation of hazards. For example the collapse of 5 metre high fine sand dune during extraction. Furthermore, the danger to the general public especially 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. Furthermore, the development proposal involves sand extraction, which explicitly includes “**removal of vegetation**” and “**earthworks**”, actions noted in the Code as contributors to increased landslide risks (Section 8.2.9.1(3)).

2. **Lack of Adequate Certification**

The Code requires a certification from a competent person (Acceptable Outcome AO1.3), ensuring that:

- The site will remain stable during and post-development.
- The development will not increase landslide risks to adjacent properties.
- Measures in a geotechnical report will be fully implemented.

The application document provided no reference to a site-specific geotechnical assessment, nor evidence that such measures have been considered or implemented.

3. **Proposed Earthworks and Visual Impact**

The Code limits excavation to 1.2 meters per batter or retaining wall (AO2) to mitigate risks and visual impacts. The development proposes sand extraction of **up to 1 meter below natural ground level** over a significant portion of the site (approximately 30,000 -100,000 tonnes annually), which, in combination with the site's sand ridge formation, risks exceeding the acceptable limits.

4. **Vegetation Clearing and Slope Stability**

Clearing of vegetation in the eastern portion of the site, which is mapped as prone to landslide hazards, directly contradicts PO1(d) of the Code. The application acknowledges vegetation clearance in specific areas but fails to address how this will mitigate resultant stability risks.

5. **No Evidence of Mitigation Measures for Water Flow Changes**

The Code highlights the risks posed by changes to subsurface and overland water flows (PO1). The application does not provide sufficient evidence or details regarding stormwater management systems or subsurface water flow adjustments, potentially leading to increased erosion and landslide risks.

Conclusion

Based on the above contradictions with the Potential Landslide Hazard Overlay Code, the proposed material change of use poses risks to environmental safety, property, and compliance with the Douglas Shire Planning Scheme 2018. The application should be rejected.

8.2.10 Transport Network Overlay Code

There is non-compliance with the Transport Network Overlay Code outlined in the Douglas Shire Planning Scheme 2018 Version 1.0. The contradictions and inadequacies in the RPS report regarding transport infrastructure and safety standards warrant further scrutiny.

The following points integrate the Douglas Shire Council's (DSC) Information Request response, reinforcing non-compliance with the Transport Network Overlay Code.

1. Inadequate Access and Road Safety

- The applicant proposes using Bonnie Doon Road, identified as a **collector road**, for 5 x 20-tonne haul vehicles per day. DSC's response noted that **vehicle access and parking details, including bridge upgrades, remain unclear**. Without confirmed infrastructure upgrades, the access poses significant risks to road safety and efficiency (PO1 and AO1.2).
- The lack of formal haul access and insufficient vehicle parking (DSC Item 7) fails to address AO4.3, which requires **compatibility with the transport network layout and existing boundaries**. The bridge upgrade details for the farm drain are also **deferred** to operational works applications, which **contradicts** the intent of PO2 for timely and integrated transport infrastructure.

2. Increased Flood and Inundation Risks

- The proposal will significantly lower the natural ground levels (up to 3 meters), as confirmed in the response to DSC Item 4. This increases the site's susceptibility to

storm tide inundation and flooding, with downstream impacts on neighboring properties and infrastructure. The reliance on pre-existing farm drains without verified capacity undermines PO4, which seeks to ensure **safety and efficiency in major transport corridors**.

- Post-extraction flood modeling was not provided, despite DSC's request in Item 5. This omission highlights the proponent's inability to demonstrate compliance with AO4.4, which requires consideration of **future transport corridor boundaries and flood risks**.

3. Failure to Address Noise and Dust Impacts

- DSC requested noise attenuation measures (Item 6), specifically addressing sensitive receptors to the north. While the applicant proposes a 50m buffer, this is insufficient without evidence of specific measures to reduce the noise and dust from heavy vehicle traffic. **Prevailing winds from the southeast (per wind rose data) further exacerbate these impacts.**

4. Lack of Consistency and Clarity in Plans

- As noted in DSC Item 1, inconsistencies exist between the extraction depths (0.5-1m in the Planning Report vs. 1-3m in the Site-Based Management Plan). This inconsistency casts doubt on the accuracy of traffic and environmental impact assessments, which are integral to demonstrating compliance with the Transport Network Overlay Code.

Conclusion

The applicant has failed to provide sufficient evidence or clarity to satisfy the Transport Network Overlay Code requirements. Key areas of non-compliance include inadequate infrastructure provisions, failure to mitigate flood and noise, dust and vibration impacts, and reliance on incomplete or deferred assessments. These deficiencies justify a strong objection to the proposed material change of use.

9.3.17 Rural Activities Code

Conflict with Performance Outcomes under the Rural Activities Code

1. Environmental Impact:

- **Performance Outcome PO1** of the Rural Activities Code mandates that “Development must not result in unreasonable impacts on the environment, landscape values or the amenity of surrounding areas”.
- The proposed activity involves sand extraction of up to 30,000 tonnes per year, with operations including significant vehicular traffic and potential disturbances near sensitive environmental areas, such as the mapped **Wetland Protection Area Trigger** and **Regulated Vegetation** zones. This scale of operation does not align with PO1's intent to prevent unreasonable environmental impacts.

2. Landscape Values and Amenity:

- The site includes **areas of High Landscape Value**, as noted in the applicant's assessment. **PO24** of the

Rural Activities Code stipulates that development must not diminish the scenic amenity of the surrounding area.

- The proposed sand extraction, including haul trucks traversing rural roads, would likely detract from the open character and scenic values of the area. This contradicts the requirement to preserve landscape and amenity.

3. Access and Traffic Impacts:

- **PO22** and **AO22.3** require that car parking, access, and maneuvering areas are sealed to minimize dust nuisances. However, the proposal mentions unsealed haul routes, which are likely to generate dust, posing risks to adjoining properties and road users.
- Bonnie Doon Road is identified as the primary haul route. Increased heavy vehicle traffic may lead to conflicts with the **PO10** requirement that roads must be adequate to cater to the proposed use without compromising safety.

4. Progressive Rehabilitation:

- **PO23** requires development to ensure progressive revegetation and rehabilitation of rural land. The proposal lacks detailed guarantees of rehabilitation that align with the Rural Activities Code requirements for protecting existing environmental integrity.

5. Impact on Rural Character and Sugar Cultivation:

- **Overall Outcome 9.3.17.2(a)** emphasizes that development must not prejudice the ongoing

operation of farming in rural areas, particularly sugar cultivation.

- The proximity of the extraction site to active sugar cane farming areas could lead to operational conflicts, including dust contamination and vehicular access issues, negatively impacting agricultural productivity.

Conclusion

The proposed sand extraction activity presents multiple inconsistencies with the Rural Activities Code, particularly concerning environmental impacts, amenity, traffic, and the preservation of rural and agricultural character. For these reasons, the application should be rejected.

9.4.1 Access Parking and Servicing Code

The applicant has not complied with the **Access, Parking, and Servicing Code** under the Douglas Shire Planning Scheme 2018 Version 1.0. The response provided by the applicant to the Council's information request further highlights the deficiencies and non-compliance with key criteria.

Key Areas of Non-Compliance

Insufficient Access Design and Impact on Adjacent Roads:

Access, Parking, and Servicing Code (PO3): Access points must "operate safely and efficiently," and "not adversely impact upon existing intersections or future road or intersection improvements".

- **Information Request Response Details:** The applicant acknowledges that the proposed access across the moderate waterway and onto the unnamed gravel road will require upgrades. However, no specific engineering details or operational works have been provided to demonstrate compliance with these safety standards. The use of Bonnie Doon Road for frequent heavy vehicle haul trips (at least 5 x 20-tonne vehicles daily) is likely to degrade the existing infrastructure, affecting other users and compromising road safety.

2. Failure to Address Parking and Vehicle Staging:

- **Access, Parking, and Servicing Code (PO1):** Sufficient on-site parking must be provided for all vehicle types generated by the use.
- **Information Request Response Details:** The response dismisses the need for formal parking or staging areas, stating the operation is a "one-person" activity. This assumption does not consider potential visitor vehicles, breakdowns, or staging of haul trucks, resulting in inadequate parking provisions. The absence of formal parking and staging facilities is a clear non-compliance with PO1.

3. Inadequate Planning for Service Vehicle Movements:

- **Access, Parking, and Servicing Code (PO9):** Access and on-site parking for service vehicles must "not interfere with the amenity of the surrounding area" and be designed according to relevant standards.

- **Information Request Response Details:** The proposed haul route does not provide sufficient details about vehicle maneuvering areas or mitigation of impacts on adjacent land uses. The lack of formalized infrastructure increases the risk of safety hazards.

4. Unclear Management of Stormwater and Drainage:

Access, Parking, and Servicing Code (PO3 and PO8):

Driveways and access points must include "all necessary associated drainage" and ensure stormwater runoff does not adversely impact adjacent land.

- **Information Request Response Details:** The applicant has failed to provide detailed plans for the management of stormwater from the haul road or access points. Existing farm drains will either be "retained or re-instated," but no engineering analysis has been supplied to verify these solutions will prevent water pooling or flooding during operations.

5. Failure to Provide Pedestrian and Cyclist Safety:

- **Access, Parking, and Servicing Code (PO8):** Developments must include walking and cycling routes that connect to external networks and ensure pedestrian and cyclist safety.

Information Request Response Details: No provisions have been made for pedestrians or cyclists, despite the increased traffic of heavy vehicles along Bonnie Doon Road. This oversight compromises the safety of non-motorized road users, violating PO8 requirements.

6. Inconsistent Extraction and Setback Plans:

- **Access, Parking, and Servicing Code (PO3):** Access and extraction areas must not cause adverse impacts on surrounding properties.
- **Information Request Response Details:** The Council identified discrepancies in the extent of extraction and setbacks from sensitive receptors. These inconsistencies cast doubt on whether sufficient buffers and stable extraction boundaries will be maintained, further endangering the surrounding land and road infrastructure.

Conclusion

The proposal fails to meet the essential performance outcomes of the Access, Parking, and Servicing Code, as evidenced by both the initial application and the applicant's response to the Council's information request. The absence of detailed plans for access design, parking, service vehicle staging, drainage, and safety measures creates significant risks to public safety, infrastructure integrity, and community amenity.

I respectfully request council to reject this application.

9.4.3 Environmental Performance Code

The proposal fails to comply with the Douglas Shire Planning Scheme's Environmental Performance Code. Below, I outline detailed points of non-compliance and potential adverse impacts.

1. Impacts on Sensitive Dwelling to the North

The Environmental Performance Code mandates:

"Development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses."

(PO1, PO2, PO3, Code Table 9.4.3.3.a).

An inadequate 50m buffer to our home to the north (Lot 54, SP292874), enhances significant risks to our family:

- **Noise Pollution:** The proposal involves haul vehicle trips (at least 5 x 20-tonne trucks per day) and heavy machinery such as front-end loaders, excavators and trucks operating from 7 am to 6 pm, Monday to Saturday. **The applicant claims prevailing southeast winds will reduce noise impacts. This is incorrect as Southeast winds would increase noise impacts at our home to the north east. Moreover, no noise attenuation measures are proposed to account for winds shifting or amplification due to the slightly elevated dwelling. The lack of a detailed noise attenuation plan is a clear violation of PO2.**
- **Airborne Particles:** Sand extraction generates dust, which poses a very serious risk to the health of our family and nearby residents. With no dust suppression plan provided, compliance with PO3 is not demonstrated.
- **Light Pollution from Vehicles** This will be especially relevant during the winter months as the vehicles come directly up the unnamed road toward our house as our bedrooms face the road.

2. Impacts on Wetlands and Marine Plants

The Environmental Performance Code requires: *"Development is designed and operated to avoid or mitigate impacts on sensitive receiving environments."* (Purpose, Section 9.4.3.2).

The NQ Asphalt Marine Plant response highlights:

- The southern portion of the site contains a wetland with marine plants, including mangroves and mangrove fern (*Acrostichum speciosum*), protected under environmental legislation.
- A mapped *"Wetland Protection Area Trigger Area"* and *"Wetland of High Ecological Significance"* are present.

While the applicant states that a 500m buffer will mitigate impacts, indirect threats, such as sediment runoff and changes to hydrology, remain unaddressed. These omissions breach PO7, which requires stormwater flowing into downstream environments to maintain adequate quality.

3. Stormwater and Flooding Risks

The Environmental Performance Code requires: *"Stormwater over, through, or discharged from development activities must be of adequate quality for downstream environments."* (PO7, Code Table 9.4.3.3.a).

The DSC information request response highlights:

- **Increased Flooding Risks:** The site lies within a high hazard storm tide inundation area. Post-extraction, the ground level will be lowered significantly, exacerbating

flood risks during storm events. This is a direct contravention of PO7.

- **Runoff Contamination:** The site has a farm drain running through the proposed extraction area, which is prone to erosion and contamination. No erosion or sediment control measures have been proposed to mitigate these impacts.

4. Pest Plant Management

The Environmental Performance Code mandates:

"Development activities provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites." (PO8, Code Table 9.4.3.3.a).

The Marine Plant Survey and DSC responses reveal the presence of Singapore Daisy, an invasive species, along the northern irrigation channel. No pest management plan has been proposed to address this. Disturbance from sand extraction will likely exacerbate the spread of invasive species, breaching PO8.

5. Conflicting and Inconsistent Information

The DSC information request exposed discrepancies in the applicant's reports:

- The planning report indicates a sand extraction depth of 0.5–1m, while the site-based management report suggests a depth of 1–3m. This lack of clarity undermines the Council's ability to assess compliance with PO1 and PO7.

- The post-extraction use of the site is stated as rural production, yet no storm tide or flood mitigation strategies are proposed to ensure the land remains viable for such use

6. Noise and Visual Impacts

The Environmental Performance Code requires: *"Development ensures that activities do not detrimentally impact the amenity of surrounding land."* (PO2, PO6, Code Table 9.4.3.3.a).

The sand ridge proposed for extraction currently acts as a natural buffer between the site and adjacent sensitive receptors. Its removal will expose nearby properties to increased noise and visual impacts. The applicant proposes no measures, such as vegetative screening or noise barriers, to mitigate these issues.

Conclusion

The proposal fails to meet multiple key performance outcomes under the Environmental Performance Code, including PO1, PO2, PO3, PO7, and PO8. The proposed sand extraction threatens sensitive dwellings, wetlands, and the broader environment through inadequate noise, stormwater, and pest management. Furthermore, the application contains conflicting information and insufficient mitigation strategies.

For these reasons, I urge the Douglas Shire Council to reject the proposed material change of use.

9.4.4 Filling and Excavation Code

The following are contradictions with the Filling and Excavation Code (Douglas Shire Planning Scheme 2018):

1. Visual and Scenic Amenity (PO1, PO2, AO1.3, AO2.1)

The proposed sand extraction operation fails to comply with the performance outcomes of the Filling and Excavation Code concerning visual amenity and site stability:

- **Code Requirement:** PO2 requires filling and excavation to be carried out in a manner that does not compromise the visual/scenic amenity of the area. AO2.1 limits filling and excavation to a maximum of 40% of the site area or 500m², whichever is lesser.
- **Proposal Non-Compliance:** The proposal plans to extract approximately 30,000 tonnes of sand annually over a 40.47-hectare site, exceeding the acceptable limit of excavation. This scale directly contradicts AO2.1 and compromises the area's rural and scenic character as required by PO2.

2. Water Quality and Drainage Impacts (PO3, AO3.2, AO3.3)

The proposed activity poses significant risks to water quality and drainage patterns:

- **Code Requirement:** PO3 and AO3.3 state that filling and excavation must not increase water flow or alter runoff in a manner that negatively impacts the site, adjacent land, or road reserves.

- **Proposal Non-Compliance:** The report notes the existence of sensitive watercourses, wetlands, and a Wetland Protection Area on or near the eastern portion of the site. The proposed excavation could increase sedimentation and alter water runoff, potentially affecting downstream water quality and wetland ecosystems.

3. Land Stability (PO1, AO1.6)

The scale and method of excavation could compromise land stability:

- **Code Requirement:** PO1 states that filling and excavation must not create detrimental impacts on slope stability and erosion potential. AO1.6 requires stabilization measures like grassing or landscaping for non-retained cut and fill areas.
- **Proposal Non-Compliance:** The proposed excavation, up to 1 meter below natural ground level, across a large area, with intermittent operational activities, may lead to increased erosion and instability, particularly during adverse weather events such as floods.

4. Proximity to Sensitive Environmental Features (PO4)

The proposal threatens environmentally significant areas:

- **Code Requirement:** PO4 requires filling and excavation to avoid reducing water quality and to protect sensitive environmental features.

- **Proposal Non-Compliance:** The eastern portion of the site is adjacent to areas mapped for high ecological significance wetlands and regulated vegetation. Despite the claim that the Wetland Protection Area Trigger Area is excluded, proximity to sensitive areas increases the risk of environmental degradation, contravening the intent of PO4.

5. Impact on Adjoining Land and Privacy (PO2, AO2.2)

The proposal does not adequately address the impact on adjoining properties:

- **Code Requirement:** AO2.2 prohibits filling and excavation within 2 meters of the site boundary without proper consideration of neighboring land.
- **Proposal Non-Compliance:** The proposed excavation extends along the entire site boundary, raising concerns about encroachment and runoff impacting adjacent properties. The report does not adequately mitigate these concerns.

Conclusion

The proposed material change of use for extractive industry at Bonnie Doon Road fails to meet multiple critical performance and acceptable outcomes under the Filling and Excavation Code. These violations raise significant concerns about the proposal's environmental, visual, and community impacts. Therefore, I strongly recommend that the application be

rejected or amended to ensure full compliance with the Douglas Shire Planning Scheme 2018.

9.4.5 Infrastructure Works Code

This objection is grounded on the contradictions between the development application and the Infrastructure Works Code of the Douglas Shire Planning Scheme 2018. Additionally, the applicant's responses to the information request from the Douglas Shire Council (DSC) highlight significant deficiencies in meeting the code requirements.

Specific Contradictions with the Infrastructure Works Code

1. Stormwater Management and Drainage (PO5 and AO5.3)

- Code Requirement: Development must ensure stormwater quality is managed effectively to avoid adverse impacts and meet stormwater treatment objectives.
- **Contradictions:**
- The DSC requested details regarding the maintenance of stormwater drainage during and after extraction, especially considering farm drains traversing the property. The applicant proposes to "retain or reinstate" the drain but does not commit to ensuring the farm drains maintain their full functional integrity during operations, failing to meet PO5 standards.
- Post-development storm tide analysis was deemed unnecessary by the applicant, despite acknowledging that

extraction will lower the land's elevation and increase the extent of inundation during storm events. This negligence poses risks to surrounding properties, violating AO5.3 and compromising environmental and stormwater values.

2. Impact on Flood Resilience (PO5, AO5.3, and AO6.5)

- Code Requirement: Development should not exacerbate flood impacts or disturb natural hydrological regimes.
- Contradictions:
- The applicant's response confirms that post-extraction, the site will likely be inundated during a 100-year ARI flood event. Despite this acknowledgement, no pre- or post-flood modeling has been conducted, contrary to the Council's request and the code's requirement for assessing impacts on hydrology and downstream water quality.

3. Noise Attenuation and Sensitive Use Considerations (PO14, AO14.2)

- Code Requirement: Infrastructure must be designed to avoid impacts on sensitive uses, including through effective noise mitigation.
- **Contradictions:**
- A 50-meter buffer is proposed to mitigate noise impacts on a sensitive receptor to the north, but the applicant has not provided a noise attenuation report, as explicitly requested by DSC. This omission disregards machinery movements, prevailing wind conditions, and the slightly raised nature of the receptor.

- The use of the existing sand ridge as a natural noise barrier is speculative and unsupported by technical evidence, contravening PO14's intent for protecting sensitive uses.

4. Road Construction and Haul Traffic (PO12, AO12.1)

- Code Requirement: Safe and efficient road access must be provided for haul vehicles and other users.

Contradictions:

- The DSC requested clarification on vehicle access upgrades and parking, including the proposed bridge over the moderate waterway. The applicant's response defers detailed access planning to a future operational works application, creating uncertainty about compliance with FNQROC standards.
- The haul route involves crossing a narrow, unnamed road off Bonnie Doon Road. However, there is no commitment to upgrading this road to safely accommodate heavy haul vehicles alongside other users, violating AO12.1.

5. Potential Acid Sulfate Soils (PO5, AO5.4)

- Code Requirement: Development must manage soil disturbance to avoid adverse impacts from potential acid sulfate soils (PASS).

Contradictions:

- Despite the applicant asserting that the site is not high-risk for PASS, DSC specifically requested clarity on soil testing to confirm the absence of PASS. The applicant's reliance on preliminary test pits from 1994 instead of current

testing is inadequate and fails to meet PO5 requirements for soil management and environmental protection.

Broader Concerns and Non-Compliance

Environmental Degradation

The application acknowledges the proximity of the Wetland Protection Area Trigger Zone and high ecological value areas. However, there is no comprehensive plan to mitigate sediment runoff or protect nearby wetlands, which violates the code's intent to maintain high environmental standards (PO5, AO5.4).

Lack of Transparency

The applicant withheld pre-lodgement advice and attempted to downplay its relevance to the proposal. This lack of transparency raises concerns about the reliability of their commitments and compliance with regulatory requirements.

Insufficient Rehabilitation Details

The applicant proposes using stockpiled topsoil for site rehabilitation but offers no guarantees for monitoring or ensuring long-term land stability and productivity. This undermines the integrity of the Infrastructure Works Code's requirements for site rehabilitation.

Conclusion and Request for Rejection

The proposed development fails to meet critical performance outcomes under the Infrastructure Works Code, particularly in stormwater management, flood resilience, noise attenuation, road construction, and soil management. Approving this

application would jeopardize environmental values, infrastructure integrity, and community well-being.

I urge the Douglas Shire Council to reject this application.

This submission objects to the proposed material change of use on the grounds of clear contradictions and non-compliance with the **State Development Assessment Provisions (SDAP)**, particularly **Guideline 18: Waterways for Waterway Barrier Works**. This response highlights specific inconsistencies within the applicant's RPS Report and underscores the ecological significance of the waterway to the north (a designated *moderate waterway* and *fish habitat*).

1. Contradictions in the RPS Report Regarding SDAP Guideline 18 Compliance

The applicant's RPS report fails to adequately address the performance outcomes outlined in **SDAP Guideline 18**. The northern moderate waterway, identified as a *farm drain*, constitutes a *fish habitat* under the Fisheries Act 1994 and is ecologically significant. The following inconsistencies are identified:

Performance Outcome 18-1: Avoiding and Minimizing Waterway Barriers

PO 18-1 states: "*The development avoids the creation of barriers to fish passage in a waterway that is mapped as being of moderate or high ecological value.*"

- **Contradiction:** The applicant's report categorizes the waterway to the north as a *farm drain* of low ecological value, dismissing its functional significance. This ignores the waterway's role as a fish habitat and its classification as a moderate ecological value waterway.
- **Impact:** Any works within or near this waterway are likely to restrict fish passage, violate PO 18-1, and degrade a moderate waterway.

Reference: Fisheries Act 1994; SDAP Guideline 18, PO 18-1.

Performance Outcome 18-2: Preserving Fish Habitat and Ecological Function

PO 18-2 states: *"Development maintains fish habitats, natural channel form, and hydrology to support aquatic ecosystems."*

- **Contradiction:** The RPS report fails to assess the hydrological and ecological impacts on the waterway. This oversight neglects the waterway's critical function as a fish habitat and its role in supporting aquatic ecosystems.
- **Impact:** Changes to hydrology resulting from the proposed works will disrupt natural water flows and impact the waterway's ecological function. This violates the requirements under SDAP PO 18-2.

Reference: SDAP Guideline 18, PO 18-2.

Performance Outcome 18-3: Minimizing Impacts to Waterway Channels

PO 18-3 states: *"The development minimizes disturbance to waterway channels, banks, and associated riparian vegetation."*

- **Contradiction:** The applicant's RPS report downplays the presence of riparian vegetation and associated habitat values. This failure to recognize the significance of riparian zones undermines compliance with PO 18-3.
- **Impact:** Disturbing the waterway's channel and banks will result in sediment instability, reduced water quality, and degradation of fish habitat values, all of which violate PO 18-3.

Reference: SDAP Guideline 18, PO 18-3.

2. Inconsistencies in Hydrological Assessments

The applicant's RPS report lacks a rigorous hydrological assessment of the waterway to the north.

- The proposed works will alter natural drainage patterns, impacting the waterway's connectivity and hydrology.
- This is a direct contradiction of PO 18-2, which requires hydrology to remain undisturbed to support aquatic ecosystems.

3. Acid Sulfate Soils and Non-Compliance with SDAP Guidelines

SDAP Acid Sulfate Soil Guidelines require specific management where acid sulfate soils (ASS) are likely to be

disturbed, given the environmental risks associated with acidification.

- **Issue:** The applicant's report fails to adequately identify or address the presence of acid sulfate soils within the site area, despite its proximity to a tidal-influenced waterway.
- **Impact:** Disturbing acid sulfate soils without proper management can lead to the release of sulfuric acid, heavy metals, and other pollutants into the waterway. This would result in significant harm to water quality, aquatic ecosystems, and fish habitats, violating multiple SDAP performance outcomes.
- **Requirement:** A detailed acid sulfate soil investigation must be conducted, and a management plan must be provided to demonstrate compliance with SDAP guidelines and environmental legislation.

Reference: SDAP Acid Sulfate Soil Guidelines; Fisheries Act 1994.

4. Conclusion

The proposed development fails to meet the mandatory performance outcomes set forth in **SDAP Guideline 18: Waterways for Waterway Barrier Works**. The inconsistencies in the RPS report demonstrate the following:

1. The northern moderate waterway is a *fish habitat* and ecologically significant.
2. The proposed works will obstruct fish passage, disturb riparian vegetation, and alter hydrology, violating multiple performance outcomes under SDAP 18.

3. The applicant's characterization of the waterway as a low-value *farm drain* is inaccurate and dismisses its ecological importance.
4. The failure to address potential acid sulfate soil disturbance presents additional environmental risks and non-compliance with SDAP guidelines.

In light of these omissions and failures to conduct a proper assessment, I request the development application be rejected.

9.4.6 Landscaping Code

Objection to Proposed Material Change of Use Based on Landscaping Code and Weed Management

My objection is based on non-compliance with the Douglas Shire Planning Scheme 2018 Landscaping Code (Part 9.4.6) regarding vegetation retention, tropical landscape character, visual quality, and weed and invasive species management.

Key Contradictions

1. Retention and Protection of Existing Vegetation

- Landscaping Code Requirement: "As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment" (Section 9.4.6.2 Purpose, Outcome e).
- RPS Report Contradiction: The proposal acknowledges that the "majority of the subject land has been cleared of vegetation" and allows for further disturbance without

detailed provisions for preserving existing flora, especially near the southern wetland.

2. Tropical Landscape Character

- **Landscaping Code Requirement:** Development must "retain, promote and enhance the tropical, lush landscape character of the region" (Section 9.4.6.2 Purpose, Outcome a).
- **RPS Report Contradiction:** The report does not include detailed landscaping plans to enhance the tropical character. The proposed sand extraction will significantly alter the visual and ecological qualities of the area.

3. Weed and Invasive Species Management

- **Landscaping Code Requirement: "Weed species and invasive species are eliminated from development sites"** (Section 9.4.6.2 Purpose, Outcome i).
- **Marine Plant Survey Contradiction:** The NQ Asphalt response notes the presence of Singapore Daisy, an invasive species, along the banks of the irrigation channel. While the response states that the development avoids marine plants, no specific weed management plan is provided to address the proliferation of invasive species like Singapore Daisy, which threatens native vegetation (Marine Plant Survey Memo, Plate 6).

4. Visual Quality and Amenity

- **Landscaping Code Requirement:** Landscaping must "enhance the appearance of the development from within and outside the development and make a positive

contribution to the streetscape" (Section 9.4.6.3, Table 9.4.6.3.a, PO1).

- **RPS Report Contradiction:** There is no detailed commitment to restoring visual amenity post-extraction. While backfilling and topsoil spreading are mentioned, they do not constitute a meaningful landscaping effort to restore the area's visual quality.

Concerns

- 1. A comprehensive weed management plan must be included, specifically targeting invasive species like Singapore Daisy, to align with the Landscaping Code requirements.**
- 2. The development must provide a detailed landscaping plan to enhance the tropical character and ensure the integration of existing vegetation, particularly near the wetland buffer zone.**
- 3. Commitments to rehabilitating the landscape post-extraction must include the use of native species to restore ecological integrity and visual quality.**

Conclusion

The proposal fails to meet critical requirements of the Landscaping Code. The lack of robust weed management and integration of existing vegetation undermines the ecological and aesthetic values of the site and surrounding areas. I respectfully urge the Council to reject this application.

Objection to Proposed Extractive Use on Lot 1 RP893855 - Non-Compliance with Biosecurity Zone Obligations

1. Failure to Address Biosecurity Risks from Electric Ants

- **Proximity to Electric Ant-Infested Areas:**
- Lot 1 RP893855 shares an approximate **730m boundary with the Killaloe Waste Transfer Station**, which is known to accept materials classified as **electric ant carriers**, including soil, garden waste, and vegetation.
- Furthermore, Lot 1 is located only **430m from a confirmed electric ant infestation to the west**. These proximity risks dramatically increase the likelihood of biosecurity breaches if strict mitigation measures are not implemented.
- **Transport of Electric Ant Carriers:**
- The Biosecurity Act 2014 classifies "**material that is a product or by-product of mining or quarrying**" as a potential electric ant carrier.
- The applicant, NQ Asphalt Pty Ltd, plans to extract and transport approximately **20,000 to 30,000 tonnes of sand annually** across the region. Without proper biosecurity controls, this movement could result in the spread of electric ants to new areas, significantly impacting biodiversity, agriculture, and human health.
- **Omission of Electric Ant Testing and Risk Management:**

- The RPS Environmental Assessment Report and Site-Based Management Plan fail to acknowledge the electric ant biosecurity zone, conduct any testing for electric ants, or propose specific measures to prevent the spread of this invasive species.
- Given the site's high-risk location near confirmed electric ant activity and its potential role as a carrier of electric ants, this omission represents a critical failure to address biosecurity obligations.

2. Non-Compliance with Electric Ant Biosecurity Zone Regulations

- The Electric Ant Biosecurity Zone, which includes the Douglas Shire, imposes strict **movement controls** on materials deemed potential electric ant carriers.
- The proposed activities at Lot 1 RP893855 would involve excavation, storage, and transportation of sand, all of which fall under the **General Biosecurity Obligation (GBO)** to ensure these materials do not spread invasive species.
- **Failure to Demonstrate Compliance with Movement Controls:**
 - The applicant has not outlined any strategies for obtaining or complying with a **biosecurity instrument permit**, as required for the movement of potential electric ant carriers from restricted areas.
 - There is no mention of vehicle or equipment hygiene protocols, soil treatment methods, or transport containment measures to minimize the risk of spreading electric ants.

3. Risk to Environmental, Agricultural, and Residential Values

- Electric ants are one of the most invasive pest species globally, capable of displacing native fauna, damaging ecosystems, reducing agricultural productivity, and posing health risks to humans and domestic animals.
- The unchecked spread of electric ants through poorly managed quarrying activities would exacerbate these risks, with significant consequences for the biodiversity and agricultural industries of the Douglas Shire.

4. Non-Compliance with Douglas Shire Planning Scheme and Biosecurity Plan

- The Douglas Shire Planning Scheme and Biosecurity Plan (DSBP) 2022–2026 emphasizes that all stakeholders have a **General Biosecurity Obligation (GBO)** to prevent, manage, and mitigate biosecurity risks.
- The RPS report does not meet the expectations outlined in these documents, particularly regarding:
 - Identification and management of invasive species risks.
 - Alignment with the biosecurity obligations for extractive industries operating within rural areas.

Requested Actions

In light of these significant omissions and risks, I urge the Douglas Shire Council to:

1. **Reject the application** due to its failure to address biosecurity obligations, specifically related to electric ants.

THE IMPACT OF RE-ZONING LAND FROM RURAL TO EXTRACTIVE INDUSTRY RELATING TO OUR LOSS OF ENJOYMENT AND AMENITY OF OUR RESIDENCE AND PROPERTY

1. I would never have purchased [REDACTED] if at the time of my purchase, the subject land was zoned other than Rural.
2. I bought the land for the quiet lifestyle . The land offered a tranquil setting surrounded by cane farming from Captain Cook Highway to Cooya Beach.
3. We have a hobby farm which includes dogs, cattle, chickens, guinea fowls. We also grow a lot of produce including bananas, papaya, ginger, pumpkins, lemons, mandarins, and exotic fruits.
4. The proposed access point to the extractive industry is 60 metres from our residence. It poses an absolute danger to my children and livestock.
5. If the re-zoning is approved our quality of lifestyle will be greatly impacted and this will affect the use and the enjoyment of our property , not to mention the loss of value.
6. The distance from the southern boundary of our residence, shed and family house yard, from Lot 1's northern boundary is 15 metres.

7. We have a [REDACTED] family – [REDACTED]. We also plan to extend our family [REDACTED] the near future. Our [REDACTED] rides his bike down the road reserve every day or pushes [REDACTED] his [REDACTED] brother in it. The daily movement of 20 tonne haulage trucks crossing a bridge from the un-named road onto the subject property at least 10 movements a day 6 days per week is a danger to the lives of our children, dogs, chickens and guinea fowls.
8. Increased dust and noise pollution are extremely concerning particularly considering our [REDACTED] children, one of whom has [REDACTED]. Our children have [REDACTED] sleeps. This will be disturbed on a continuous basis every day. This will affect our property's liveability and value.
9. We didn't purchase this property to have constraints put on us with the use and enjoyment of it. Our children will be restricted as to where they can play and enjoy themselves. My wife and I will never be relaxed for fear of our children getting run over by 20 tonne trucks' movements into and out of the proposed sand site.
10. Part of our Lot [REDACTED] has been under lease arrangement with Padovan Harvesting. As the Mossman Mill has closed we intend to make further use of our land by expanding our hobby farm.

Furthermore, the Shire does not have a "need" for another quarry as there are sufficient extractive industries within the Douglas Shire.

There is no demonstrated economic, planning and/or **community need** for a further extractive industry in the Shire.

The question of need is decided from the perspective of the community and not that of the applicant, and in planning terms, does not mean pressing or critical or even a widespread desire.

The number of properly made objections support there is no need for a further sand quarry with DSC.

CONCLUSION TO OUR SUBMISSIONS SEEKING A REFUSAL OF THE DA

Based on the Douglas Shire Planning Scheme's requirements the sand extraction proposal falls short of compliance with buffer distance requirements, environmental management, impact on rural and visual amenity, noise/dust mitigation, and transportation planning.

As an Impact Assessable Development a scrutinized and comprehensive assessment against the entire planning scheme is requested.

I request council to reject the Development Application for a material change of use to Extractive Industry.

