

File: 19/071
Date: 25 July 2019

Smithfield Cattle Infrastructure Trust
Okeden Road
PROSTON QLD 4613

Attention: Andrew Shearer-Smith

Dear Mr Smith

**Decision Notice – approval (with conditions)
Material Change of Use
Lot 11 on RP857460, 'Sunnygirl', 5395 Texas-Yelarbon Road, Glenarbron**

We wish to advise that on 24 July 2019 a decision was made to approve the material change of use development application for "*Industrial activities*" – "*Extractive industry*" (<5,000t/year) at Lot 11 on RP857460, 'Sunnygirl', 5395 Texas-Yelarbon Road, Glenarbron. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

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

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 34**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

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

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

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 19/071
Council Contact: Mrs Ronnie McMahon: LMM
Council Contact Phone: (07) 4671 7400

25 July 2019

Applicant Details: Smithfield Cattle Infrastructure Trust
Okeden Road
PROSTON QLD 4613

Attention: Andrew Shearer-Smith

The development application described below was properly made to Goondiwindi Regional Council on 12 April 2019.

Applicant details

Applicant name: Smithfield Cattle Infrastructure Trust
Applicant contact details: Andrew Shearer-Smith
Okeden Road, Proston, QLD 4613
andrew@smithfieldcattleco.com
0439 689 146

Application details

Application number: 19/071
Approval sought: Development Permit – Material Change of Use
Details of proposed development: *“Industry activities” – “Extractive industry” (<5,000t/year)*

Location details

Street address: ‘Sunnygirl’, 5395 Texas-Yelarbon Road, Glenarbon
Real property description: Lot 11 on RP857460

Decision

Date of decision: 24 July 2019
Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

Development permit: Material Change of Use

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

1. Not applicable

Properly made submissions

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

Rights of appeal

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

A copy of the relevant appeal provisions are attached.

Currency period for the approval

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

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

Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: material change of use				
Smithfield Sunnygirl Quarry Yelarbon Existing Site Location Plan	EnviroAg Australia	08/02/2019	24368.SQ.001	0
Smithfield Sunnygirl Quarry Yelarbon Site Plan – Proposed Infrastructures	EnviroAg Australia	11/02/2019	24368.SQ.002	0
Smithfield Sunnygirl Quarry Yelarbon Site Location	EnviroAg Australia	19/03/2019	24368.SQ.100	0
Smithfield Sunnygirl Quarry Yelarbon	EnviroAg Australia	19/03/2019	24368.SQ.101	0

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Access – Plan and Details				
Smithfield Sunnygirl Quarry Yelarbon Quarry Site Plan	EnviroAg Australia	19/03/2019	24368.SQ.102	0

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

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

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

Yours Sincerely



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

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



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Part 1 – Assessment Manager’s Conditions

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

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – Planning Act 2016 Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Proposed Use:	"Industrial activities" • "Extractive industry" (<5,000t/year)
Development:	Material Change of Use – Development Permit
Applicant:	Smithfield Cattle Infrastructure Trust
Address:	'Sunnygirl', 5395 Texas-Yelarbon Road, Glenarbon
Real Property Description:	Lot 11 on RP857460
Council File Reference:	19/071

GENERAL CONDITIONS																				
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none">“Industry activities” – “Extractive industry” (<5,000t/year) as defined in the <i>Goondiwindi Region Planning Scheme 2018</i> .																			
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.																			
3.	Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans: <table><tr><th>Drawing Number</th><th>Title</th><th>Date</th></tr><tr><td>24368.SQ.001</td><td>Smithfield Sunnygirl Quarry Yelarbon Existing Site Location Plan</td><td>08/02/2019</td></tr><tr><td>24368.SQ.002</td><td>Smithfield Sunnygirl Quarry Yelarbon Site Plan – Proposed Infrastructures</td><td>11/02/2019</td></tr><tr><td>24368.SQ.100</td><td>Smithfield Sunnygirl Quarry Yelarbon Site Plan</td><td>19/03/2019</td></tr><tr><td>24368.SQ.101</td><td>Smithfield Sunnygirl Quarry Yelarbon Site Access – Plan and Details</td><td>19/03/2019</td></tr><tr><td>24368.SQ.102</td><td>Smithfield Sunnygirl Quarry Yelarbon Quarry Site Plan</td><td>19/03/2019</td></tr></table>		Drawing Number	Title	Date	24368.SQ.001	Smithfield Sunnygirl Quarry Yelarbon Existing Site Location Plan	08/02/2019	24368.SQ.002	Smithfield Sunnygirl Quarry Yelarbon Site Plan – Proposed Infrastructures	11/02/2019	24368.SQ.100	Smithfield Sunnygirl Quarry Yelarbon Site Plan	19/03/2019	24368.SQ.101	Smithfield Sunnygirl Quarry Yelarbon Site Access – Plan and Details	19/03/2019	24368.SQ.102	Smithfield Sunnygirl Quarry Yelarbon Quarry Site Plan	19/03/2019
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24368.SQ.102	Smithfield Sunnygirl Quarry Yelarbon Quarry Site Plan	19/03/2019																		
Please note the plans are not approved Building Plans.																				

4.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>
5.	<p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p>
6.	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site.</p>
OPERATION OF THE USE	
7.	<p>The proposed industrial use shall be operated generally between the hours of:</p> <ul style="list-style-type: none"> (a) 6:00am and 6:00pm, Monday to Friday; and (b) 8:00am and 2:00pm on Saturday. <p>No activities are to be carried out on Sundays or Public Holidays.</p>
PUBLIC UTILITIES	
8.	<p>Provision of suitable toilet and washroom amenities for staff is to be provided on site. Chemical or stored waste type facilities are to be serviced by a licenced waste effluent contractor with all waste being transported to an approved disposal site.</p>
9.	<p>The development shall be connected to a safe and efficient on-site water supply in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>.</p>
ROADS AND VEHICLES	
10.	<p>Vehicle manoeuvring areas shall be provided on-site so that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.</p>

ENVIRONMENT & SITE REHABILITATION	
11.	The development shall be designed and constructed to avoid significant adverse impacts on areas of environmental significance identified within the site.
12.	Progressive rehabilitation of the site shall be carried out over the life of the extractive industry operations to minimise potential for impacts on the environment and to retain the environmental values and natural appearance of the surroundings.
13.	The existing vegetation buffer on site must be retained and maintained to the satisfaction of and at no cost to Council.
STORMWATER	
14.	<p>Prior to the commencement of the use and at all times while the use continues, the site shall be adequately drained and all stormwater shall be disposed of to a legal discharge point in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>, to the satisfaction of and at no cost to Council.</p> <p>Any increase in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council.</p> <p>There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes.</p> <p>The stormwater system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
15.	<p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.</p>

EARTHWORKS AND EROSION CONTROL	
16.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i> or to other relevant engineering standards to the satisfaction of an at no cost to Council.</p> <p>Excavation or filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height.</p>
17.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018</i>, to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
AVOIDING NUISANCE	
18.	<p>At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times while the use continues.</p>
19.	<p>At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.</p>
20.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
21.	<p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>During construction the site must be kept in a clean and tidy state at all times.</p>

22.	<p>During the operation of the site, all waste is to be contained in suitable waste bins or skips with lids or covers to avoid windblown litter and access by animals.</p> <p>Ongoing operations waste is to be stored in suitable waste containers, serviced on a regular basis to avoid vermin and fly issues. All waste is to be disposed of to an approved waste facility.</p>
23.	Waste oil and lubricants are to be removed from the site and disposed of through an approved waste facility or contractor.
DEVELOPER'S RESPONSIBILITIES	
24.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
25.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
26.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
27.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
28.	<p>It is the developer's responsibility to ensure that potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site.</p> <p>A Bushfire Management Plan that addresses vegetation type and proximity, slope and aspect, bushfire history, on-site environmental values, ease of maintenance and any specific implications on the development shall be submitted to Council prior to the commencement of the use.</p>
29.	It is the developer's responsibility to ensure that the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.
30.	The development must directly, indirectly and cumulatively avoid any increase in water flow velocity or flood level, and must not increase the potential for flood damage either on-site or on other properties.
31.	The developer shall ensure that public access to the site is managed to protect the health and safety of the public.

	COMMENCEMENT OF USE
32.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p>
33.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within six years of the date the development approval takes effect, in accordance with the provisions contained in sections 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
34.	<p>A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.</p>
	PLEASE READ CAREFULLY - NOTES AND ADVICE
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the change of use has not occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>:</p> <p>(a) If no period is stated – six (6) years after the approval starts to have effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	<p>It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.</p>
	<p>This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i>. Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i>, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").</p>

	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.



Attachment 1 – Assessment Manager's Conditions

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



SARA reference: 1904-10589 SRA
Council reference: 19/071
Applicant reference: 24368

31 May 2019

Chief Executive Officer
Goondiwindi Regional Council
LMB 7
INGLEWOOD QLD 4387
Via email: mail@grc.qld.gov.au

Attention: Ronnie McMahon

Dear Ronnie

SARA response—5395 Texas Yelarbon Road, GLENARBON QLD 4385

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) on 17 April 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	31 May 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for an Extractive Activity <5,000T/year
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a	

state-controlled road (SCR)
 Schedule 10, Part 3, Division 4, Table 3, Item 1
 (Planning Regulation 2017)
 Development application for a material change of use that relates to a lot containing category B native vegetation.

SARA reference: 1904-10589 SRA

Assessment Manager: Goondiwindi Regional Council

Street address: 5395 Texas Yelarbon Road, GLENARBON QLD 4385

Real property description: Lot 11 on RP857460

Applicant name: Smithfield Cattle Infrastructure Trust
 c/- EnviroAg Australia Pty Ltd

Applicant contact details: PO Box 441
 TOOWOOMBA QLD 4350
 Via email: development_apps@enviroag.net.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Planning Officer, on (07) 4616 7332 or via email ToowoombaSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Andrew Foley
 Manager

cc Smithfield Cattle Infrastructure Trust, development_apps@enviroag.net.au

enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response
 Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use – Extractive Activity <5,000T/year		
10.9.4.2.4.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must be generally in accordance with the Traffic Impact Assessment prepared by EnviroAg Australia, dated 12 April 2019, reference No. 24368.99421, revision 2.	Prior to the commencement of use and to be maintained at all times
2.	The existing road access turnout must be upgraded and sealed to the tangent point and must accommodate the swept paths of a Type 1 Road Train, in accordance with the relevant DTMR standards as per the Traffic Impact Assessment prepared by EnviroAg Australia, dated 12 April 2019, reference No. 24368.99421, revision 2.	Prior to the commencement of use and to be maintained at all times
10.3.4.3.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources Mines and Energy (DNRME) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
3.	The clearing of vegetation under this development approval is limited to the area identified as Area A as shown on attached Technical Agency Response (Vegetation) Plan, (TARP) 1904-10589 SRA, dated 23 May 2019	At all times.
4.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing.
5.	Clearing of the extraction area must be staged so that it takes place progressively based on the extraction program. In this manner, clearing must only occur in the area from which material is immediately due to be extracted	As indicated in the condition.

Attachment 2—Advice to the applicant

General advice	
1.	<p>Road works approval: Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works on a SCR. Please contact the DTMR to make an application for road works approval. This approval must be obtained prior to commencing any works on the SCR reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
2.	<p>Heavy Vehicle Permits</p> <p>The applicant is advised that any oversized or over dimensioned vehicles accessing the site via an unapproved route (i.e. local roads / SCR's that are not designated road train routes) will require separate approval through the National Heavy Vehicle Regulator (NHVR). Operators can request for assessment of roads that are not currently approved for road train access by applying to the NHVR. Vehicles must not operate on requested roads until they appear on the relevant maps and/or approved road lists.</p> <p>It is recommended that the applicant contact the NHVR for further information regarding this matter.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- Any filling and/or excavation work required within the road reserve (to facilitate construction of the proposed site access) will be designed and constructed to ensure that there is no damage to any existing infrastructure or services within the road reserve.
- The development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a SCR.
- The proposed entry and exit access locations allow for sufficient sight distances along the SCR and comply with the Approach Sight Distance, Safe Stopping Distance, Safe Intersection Sight Distance requirements.
- The clearing and adverse impacts of clearing are reasonably minimised where it cannot be avoided.
- The area of proposed clearing required for the extractive industry meets the requirements table 16.3.3 of the State Development Assessment Provisions (SDAP) (version 2.4)
- The development complies with state codes 1 and 16 of the SDAP where conditioned to comply.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (version 2.4), as published by DSDMIP
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4— Representations about a referral agency response

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Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding **representations about a referral agency response (concurrency)**.

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrency agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrency agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrency agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Approved plans and specifications

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~ Commercial-in-Confidence ~

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 1904-10589 SRA

Date: 31 May 2019

Traffic Impact Assessment

Sunnygirl Quarry

Report Number 24368.99421



Prepared for

**Smithfield Cattle
Infrastructure Trust**

Smithfield
Okeden Road
Proston QLD 4613
Telephone: 0427 689 104
ABN: 18 376 696 864

Prepared by

EnviroAg
Australia

PO Box 411
TOOWOOMBA QLD 4350
Telephone: (07) 4638 2228
ABN: 56 135 005 999

Document Status Record


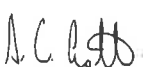


Report Type: Traffic Impact Assessment

Project Title: Sunnygirl Quarry

Client: Smithfield Cattle Infrastructure Trust

Project.Document Number: 24368.99421

File Name: 24368.99421_190212_Smithfield Sunnygirl TIA_Rev0

Revision	Date of Issue	Author	Reviewed	Quality Assurance	Approved
0	20/02/2019	Ian Johnston Lauren Buchanan	Simon Lott	Steve Webster	Simon Lott
Signatures					

Notes:

Rev 0: Final Report

Client

Company

Distribution:**Recipient****No. Copies**Smithfield Cattle
Infrastructure Trust

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EnviroAg Australia

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This document provides information to address the intent of Project Number 24368 as agreed to by Smithfield Cattle Infrastructure Trust.

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Executive Summary

Smithfield Cattle Company Pty Ltd (SCC) is proposing to develop a quarry facility on Texas-Yelarbon Road, Glenarbon, Queensland. The site is located on lot 11 RP857460 and is approximately 4.2km south east of Yelarbon, Queensland. This development is located within the Goondiwindi Regional Council (GRC) area.

The proposed quarry facility will operate at a maximum extraction rate of less than 5,000T per year. Extraction materials will consist of sand and rock material.

Daily traffic vehicle counts from the Texas Yelarbon road and the Cunningham highway from 2017 were obtained from the Department of Transport and Main Roads (TMR). TMR assesses two sites along the Texas Yelarbon road and two sites along the Cunningham highway.

The main findings of this traffic impact study are:

- The expected increase in traffic volume of 0.3 heavy vehicles per day (Road Trains) and 0.3 light vehicles per day is small in comparison to the AADT of 189 on the Texas Yelarbon road, Road Number 2322 (0.16% increase).
- The expected increase in traffic volume of 0.3 heavy vehicles per day (Road Trains) and 0.3 light vehicles per day on the Cunningham highway is very small in comparison to the AADT of 1456 , Road Number 17D (0.02% increase)
- The configuration of the Texas Yelarbon Road and Cunningham Highway intersection is regarded as being adequate, as no change in the road configuration is proposed to service the development.

However, it is recommended that:

- The Texas Yelarbon Road and Sunnygirl Quarry entrance are upgraded to TMR specifications and standards as specified in the Road Planning and Design Manual 2nd Ed for type 1 (double) road train operations.
- Construction and operational vehicle operators are made aware of the traffic they are likely to encounter in the area, such as other heavy vehicle traffic from the Whyalla feedlot, and grain trucks operating during harvest.

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RPEQ DECLARATION

Investigator and Registered Professional Engineer of Queensland (RPEQ 05592)

Address of Site Investigated: 'Sunnygirl' Texas-Yelarbon Road, Qld, 4388

Real Property Description: 11/RP857460

Title of Report(s): Traffic Impact Assessment

I, Simon Carl Lott of EnviroAg Australia Pty. Limited, 1/3 Foundry Street Toowoomba, QLD 4064, in the State of QLD, do solemnly and sincerely declare that:

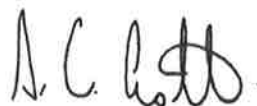
1. I was the investigator and report supervisor of the report described above;
2. I am a Registered Professional Engineer of Queensland, a member of the Institute of Engineers Australia, and the Australian Society of Soil Scientists and my qualifications and experience are relevant to this investigation;
3. I visited the site on the 7th February 2019 to assess roads associated with the project proposal site;
4. I have not knowingly included any false, misleading or incomplete information in the report;
5. I have not knowingly failed to reveal any relevant information or document to the administering authority; and,

I certify that:

1. The report addresses the relevant matters for the investigation and is factually correct, in so far as the available information to EnviroAg Australia; and
2. The opinions expressed in it are honestly and reasonably held.

Appendix B provides current registration details for Dr Simon Carl Lott as an RPEQ (05592).

Signature:



Full Name:

Dr Simon Carl Lott

Position:

Specialist Engineer

Date:

20th January 2019

1. Development Profile

1.1 Scope

Smithfield Cattle Infrastructure Trust is planning to open the Sunnygirl quarry which is located on the Texas Yelarbon road.

EnviroAg has been engaged to undertake a minor Traffic Impact Assessment (TIA), in order to support the material change of use application for the operation of a quarry with an extractive limit of <5,000T.

The scope of this study is for an experienced Registered Professional Engineer to provide the relevant regulatory authority(s) with an assessment of:

- The impact of expected increase in traffic volumes to and from the development;
- The potential impact on transport routes; and,
- Any changes to the types of vehicles used.

1.2 Site Information

The site is located on Texas-Yelarbon Road, Glenarbron on lot 11 RP857460. The site is approximately 4.2km south east of Yelarbon, Queensland. Refer to Figure 1 for the specific site location.

The site access will be on to Texas Yelarbon Road (2322) and then onto the Cunningham Highway (17D). These roads are shown in Figure 2 and Figure 3.

Table 1 Property details

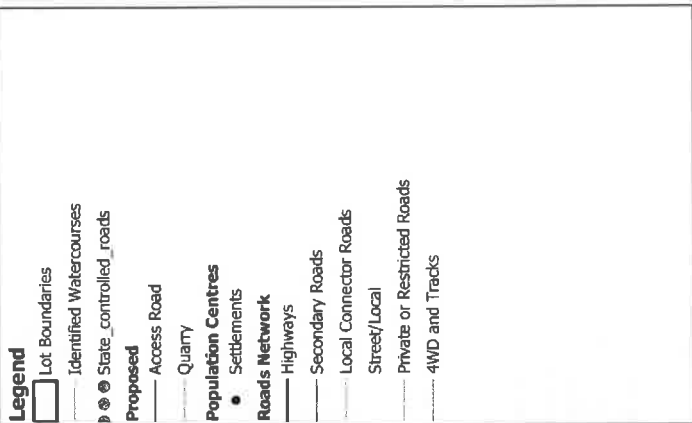
Property Owner:	Smithfield Cattle Infrastructure Trust
Company Address:	Okeden Road, Proston, Qld, 4613
Property Address:	'Sunnygirl' Texas-Yelarbon Road, Qld, 4388
Lot on plan	11/RP857460
Tenure:	Freehold
Local Government:	Goondiwindi Regional Council



Figure 1 Site location of the property 'Sunnygirl'

State Controlled Roads

Project: 24363 - Smithfield Cattle Company Pty Ltd



Version: Rev A
Date: 12 February 2019
Drafted By: Pete Pearson

Scale: 1:100000
CRS: EPSG:7844

Basemap and Data:
- Queensland Globe (2018). Queensland Government
(Department of Natural Resources, Mines and Energy).

Disclaimer:
The information in this map has been provided in good faith. While all effort has been made to ensure the accuracy and completeness of the information and images, the data providers take no responsibility for any errors or omissions that may occur or losses or damage that may result from the use of this information.



Figure 2 Access and Travel Routes



Figure 3 Heavy Vehicle Routes and Restrictions in relation to the property 'Sunnygirl'

1.3 Existing Traffic Conditions in the Region

1.3.1 Volumes for the Texas – Yelarbon road

Traffic volume data was supplied by the Department of Transport and main Roads (TMR) for the Texas Yelarbon road. Data from two different sections of the road were supplied. The section between CH20.74 and CH54.71 was considered most relevant to this development application as it encapsulates the area that will be utilised as the primary route of transport of material from the site. The data for this road section is attached in Appendix A.

The average annual daily traffic (AADT) for site, is broken down broken into gazettal direction (G), against gazettal direction (A) and combined traffic flow (B), all vehicles, light vehicles and heavy vehicles. This is shown in Table 2

Table 2 AADT segment analysis – Texas Yelarbon Road (site 51254).

All Vehicles (AADT's)			Light Vehicles			Heavy Vehicles		
G	96	100%	G	49	51.04%	G	45	43.88%
A	93	100%	A	53	56.99%	A	39	41.94%
B	189	100%	B	102	53.97%	G	84	44.44%

The combined traffic flow has a volume of an average of 189 vehicles a day. This can be broken down to 102 (53.97%) light vehicles and 84 (44.44%) heavy vehicles per day.

The heavy vehicle volume for site Texas Yelarbon Road is broken down further in Table 3

Table 3 Heavy vehicle breakdown – Texas Yelarbon Road.

Trucks and Buses			Articulated Vehicles			Road Trains		
G	13	13.54%	G	5	5.21%	G	27	28.12%
A	7	7.53%	A	5	5.38%	A	27	29.03%
B	20	10.58%	B	10	5.29%	G	54	28.57%

Data from site the southern site of Texas Yelarbon Road, CH0 to CH20.74 (site number 50267 to site number 51254), is detailed in Table 4 and Table 5 below. However, this data is not considered as relevant to this assessment as it would be rare for traffic from Sunnygirl Quarry to travel in this direction. It is anticipated that all traffic would move north toward Yelarbon.

Table 4 AADT segment analysis – Southern Texas Yelarbon Road (site 50267)

All Vehicles (AADT's)			Light Vehicles			Heavy Vehicles		
G	142	100%	G	110	77.46%	G	31	21.83%
A	135	100%	A	102	75.56%	A	33	24.44%
B	277	100%	B	212	76.53%	G	64	23.10%

The combined traffic flow has a volume of an average of 277 vehicles a day. This can be broken down to 212 (76.53%) light vehicles and 64 (23.10%) heavy vehicles per day.

The heavy vehicle volume for site southern Texas Yelarbon Road is broken down further in Table 5

Table 5 Heavy vehicle breakdown - Southern Texas Yelarbon Road

Trucks and Buses			Articulated Vehicles			Road Trains		
G	17	11.97%	G	8	5.63%	G	6	4.23%
A	19	14.07%	A	8	5.93%	A	6	4.44%
B	36	13.00%	B	16	5.78%	G	12	4.33%

1.3.2 Volumes for the Cunningham Highway sites

Data from two separate sites on the Cunningham Highway were supplied by the DTMR. Site 50733 covers from CH1 to CH40.24, which is the road section as you turn east out of Texas Yelarbon towards Inglewood. Site 50023 covers from CH40.24 to CH85.63, which is the section of road as you turn west out of Texas Yelarbon Road towards Goondiwindi. It is believed that site 50023 would be most applicable to this development; however, there may be loads transported from the site towards Inglewood, as such both sites have been included as part of the assessment. AADT data for both these sites is included in Appendix A.

The 50773 site is located approximately 2.5 kms west of Inglewood on the Cunningham highway.

The AADT segment report for site 50773 is summarised in Table 6

Table 6 AADT segment analysis – Site 50773

All Vehicles (AADT's)			Light Vehicles			Heavy Vehicles		
G	776	100%	G	424	54.64%	G	352	45.36%
A	820	100%	A	447	54.51%	A	373	45.49%
B	1596	100%	B	871	54.57%	G	725	45.43%

The combined traffic flow has a volume of an average of 1596 vehicles a day. This can be broken down to 871 (54.57%) light vehicles and 725 (45.43%) heavy vehicles per day.

The Heavy Vehicle analysis for site 50773 is broken down further in Table 7

Table 7 Heavy vehicle breakdown – site 50773

Trucks and Buses			Articulated Vehicles			Road Trains		
G	56	7.22%	G	74	9.54%	G	222	28.61%
A	47	5.73%	A	84	10.24%	A	242	29.51%
B	103	6.45%	B	158	9.90%	G	464	29.07%

The 50023 site is located approximately 700 metres west of Wyaga Road.

The AADT segment report for site **50023** is summarised in Table 8

Table 8 AADT segment analysis – Site 50023

All Vehicles (AADT's)			Light Vehicles			Heavy Vehicles		
G	705	100%	G	371	52.62%	G	334	47.38%
A	751	100%	A	376	50.07%	A	378	50.33%
B	1456	100%	B	747	51.30%	G	712	48.90%

The combined traffic flow has a volume of and average of 1456 vehicles per day. This can be broken down to 747 (51.30%) light vehicles and 712 (48.90%) heavy vehicles per day.

The heavy vehicle analysis for site 50023 can be broken down further in Table 9

Table 9 Heavy vehicle breakdown – site 50023

Trucks and Buses			Articulated Vehicles			Road Trains		
G	48	6.81%	G	64	9.08%	G	222	31.49%
A	53	7.06%	A	79	10.52%	A	246	32.76%
B	101	6.94%	B	143	9.82%	G	468	32.14%

1.4 Expected Traffic Increases

1.4.1 Start-up phase

Initially after the approval is granted a 3 week start-up and construction phase will begin. It is estimated that during this phase the traffic will increase as follows:

- 4 Low Loaders in and out at commencement and cessation of construction works (plant for opening pit and upgrading access road).
- 3 Light vehicles in and out every day.

1.4.2 Operational phase (year to year)

It is expected that after the initial start-up phase is complete the pit will be operating on a year to year basis over 6 days a week, 50 weeks a year. During this operational period it is estimated that the traffic will increase on Texas Yelarbon Road as follows:

- 2 Heavy Vehicles (Road Trains) per week or 0.3 per day
- 2 Light Vehicles per week or 0.3 per day

This is a total increase of only 0.16% on the Texas Yelarbon Road AADT of 189 combined, and a total increase of 0.02% on the Cunningham highway AADT of 1456 combined.

As a result it is not believed that further modelling and/or assessment is required for this proposed quarry development to determine the effect on the local regional roads and intersections

2. Assessment Methods

This traffic impact assessment is prepared in accordance with the guidelines in Qld TMR's '*Guide to Traffic Impact Assessment 2018*', and is a study of:

- The volume and composition of the additional traffic generated by the development of the quarry;
- The potential impact of the development generated vehicles will have on the local and state-controlled road network; and
- The traffic impacts during start-up and during operation.

3. Traffic Impact Assessment

3.1 Road Conditions, Configuration and Geometry

The key intersections that require analysis for the proposed Sunnyside Quarry are the Texas Yelarbon Road and site access point and the Texas Yelarbon Road and Cunningham Highway intersection.

3.1.1 Cunningham Highway and Texas Yelarbon Rd Intersection

The Cunningham Highway and Texas Yelarbon Road intersection is a well established State Controlled Road route and suitable for use by double road trains.

The pavement condition is in good condition and suitable road safety infrastructure is in place.

The following figures (Figure 4 to Figure 11) provide a visual representation of the existing conditions at this intersection as recorded by the RPEQ on 7th February 2019.



Figure 4 Eastbound approach to Cunningham Hwy and Yelarbon-Texas Rd



Figure 5 Eastbound approach to Cunningham Hwy and Yelarbon-Texas



Figure 6 Westbound approach to Cunningham Hwy and Yelarbon-Texas Rd



Figure 7 Westbound approach to Cunningham Hwy and Yelarbon-Texas Rd



Figure 8 Northern approach from Yelarbon-Texas Road to Cunningham Highway



Figure 9 South bound double road train at intersection: note pavement overlay.



Figure 10 Damage to kurb and headwall of culvert on east bound warrant

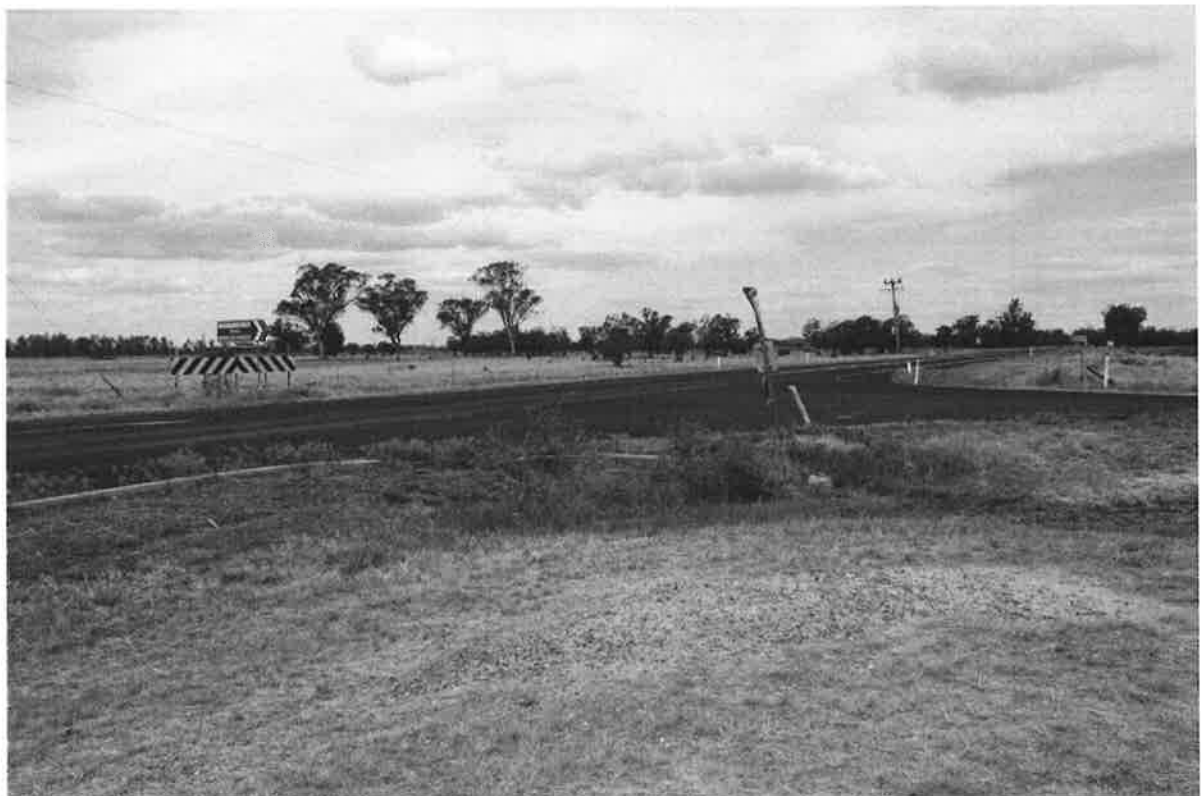


Figure 11 Damage to sign, kurb and culvert head wall – west bound warrant

3.1.2 Texas Yelarbon Road and Site Access

The Texas Yelarbon Road intersection is a well established State Controlled Road route and suitable for use by double road trains; however, the intersection to the Sunnygirl Quarry site access point is not suitable for Type 1 (double) road trains, and as such will need to be upgraded to meet TMR specifications. Suitable signage will also need to be installed to notify road users of trucks turning at this point. Figure 12 shows an aerial view of the current site access conditions at the proposed Sunnygirl Quarry site.

The pavement condition of Texas Yelarbon Road is in good condition with only minor deflections in some areas.

The following figures (Figure 13 to Figure 23) provide a visual representation of the existing conditions at this intersection as recorded by the RPEQ on 7th February 2019.

Property Entry (Detailed)

Project: 24363 - Smithfield Cattle Company Pty Ltd

Legend

Proposed
— Access Road

Roads Network
— Secondary Roads

Version: Rev A
Date: 13 February 2019
Drafted By: Pete Pearson
Scale: 1:2000
CRS: EPSG:7844

Basemap and Data:
- Queensland Government (2019). Queensland Spatial Catalogue (Department of Natural Resources, Mines and Energy).

Disclaimer:
This information in this map has been provided in good faith. While all effort has been made to ensure the accuracy and completeness of the information and images, the data providers take no responsibility for any errors or omissions that may occur or losses or damage that may result from the use of this information.



Figure 12 Aerial view of property entry and proposed access road



Figure 13 Minor shoulder damage on Northbound warrant- looking south: Existing Sunnygirl farm access.



Figure 14 Sunnygirl Access Looking east from Texas-Yelarbon Road



Figure 15 Sunnygirl access looking west to Texas – Yelarbon Road



Figure 16 Access to Texas-Yelarbon Road – Looking north



Figure 17 Sunny girl Access Looking North on Texas- Yelarbon Road (note some deflection / wear in pavement : North and South bound)



Figure 18 Minor deflection and repair (20m south of access warrant)

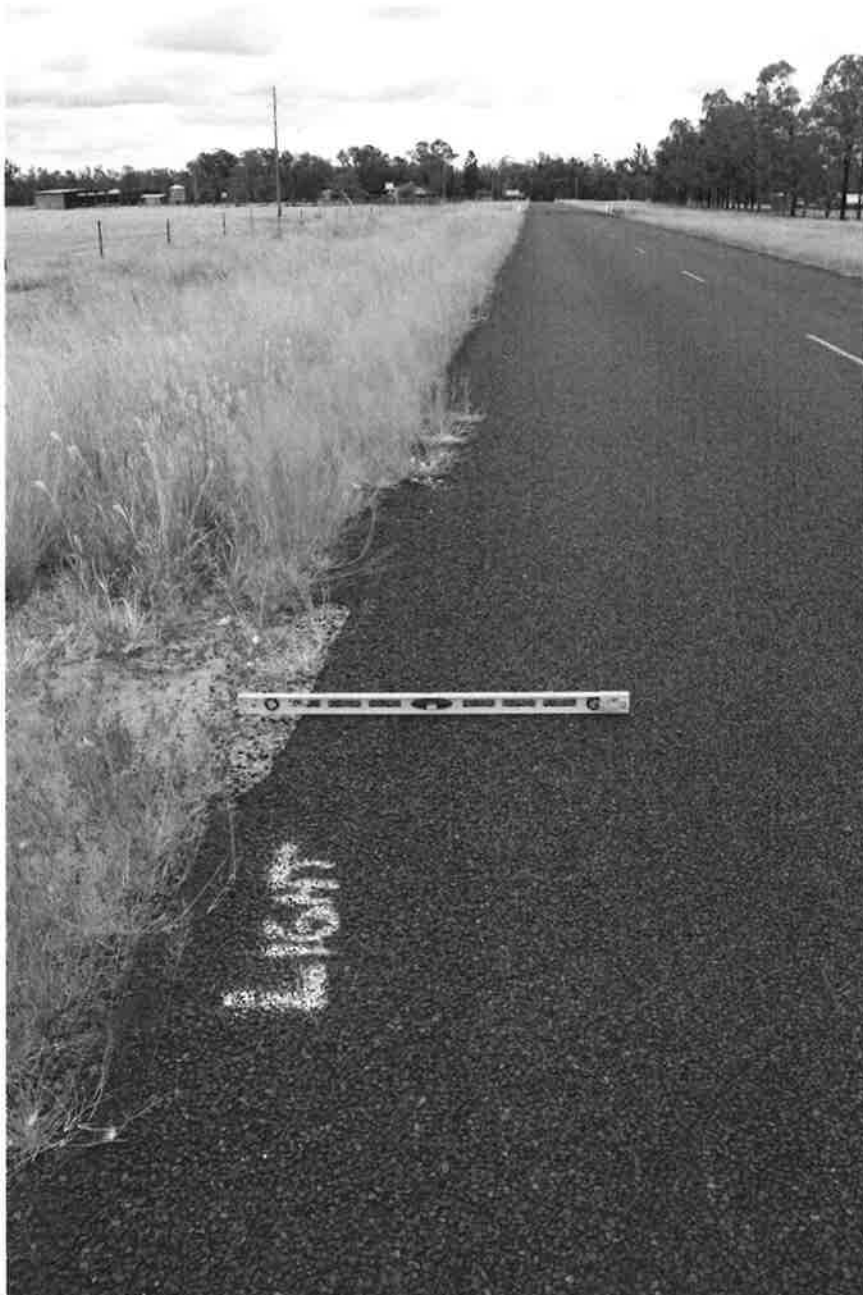


Figure 19 DTMR markings for repairs to pavement edge



Figure 20 Driveway at Residence 1 – looking north - showing damage to shoulder and pavement edge: farm / heavy vehicle access.



Figure 21 Residence 2 Driveway looking north to Texas-Yelarbon Road Crossing of Macintyre Brook

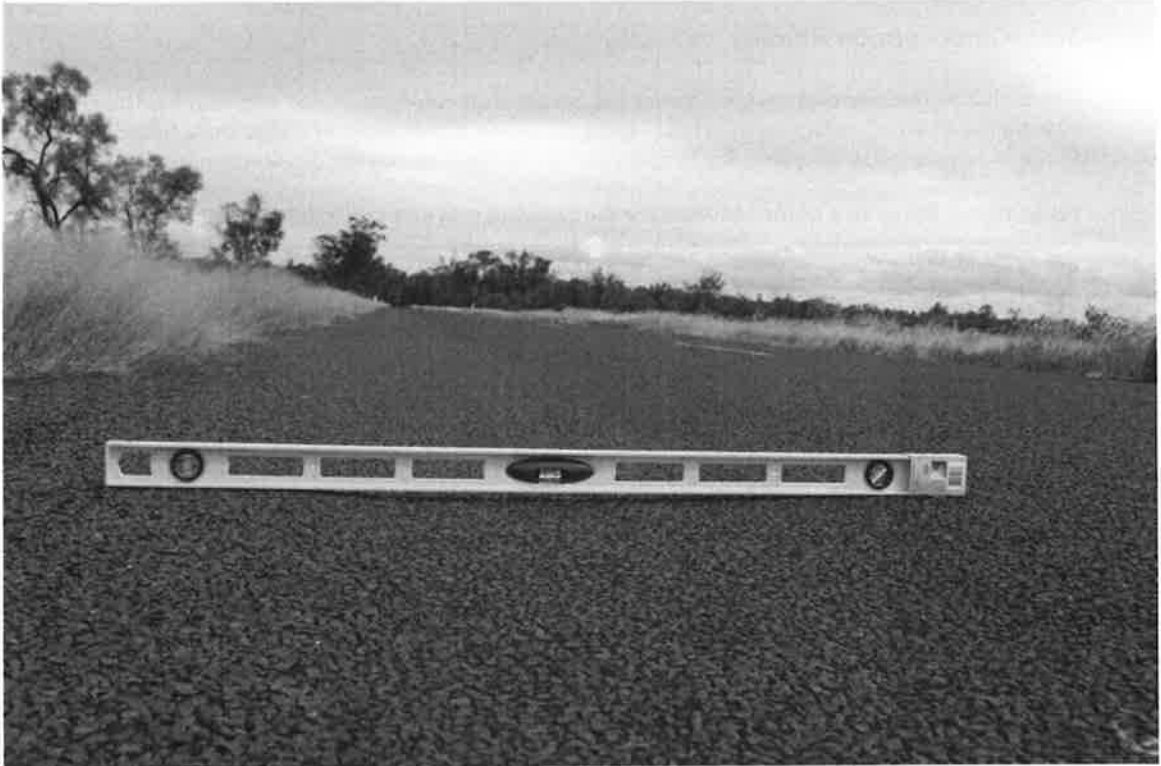


Figure 22 Sunnygirl Access – Yelarbon-Texas Road; road profile deflection due to traffic loads

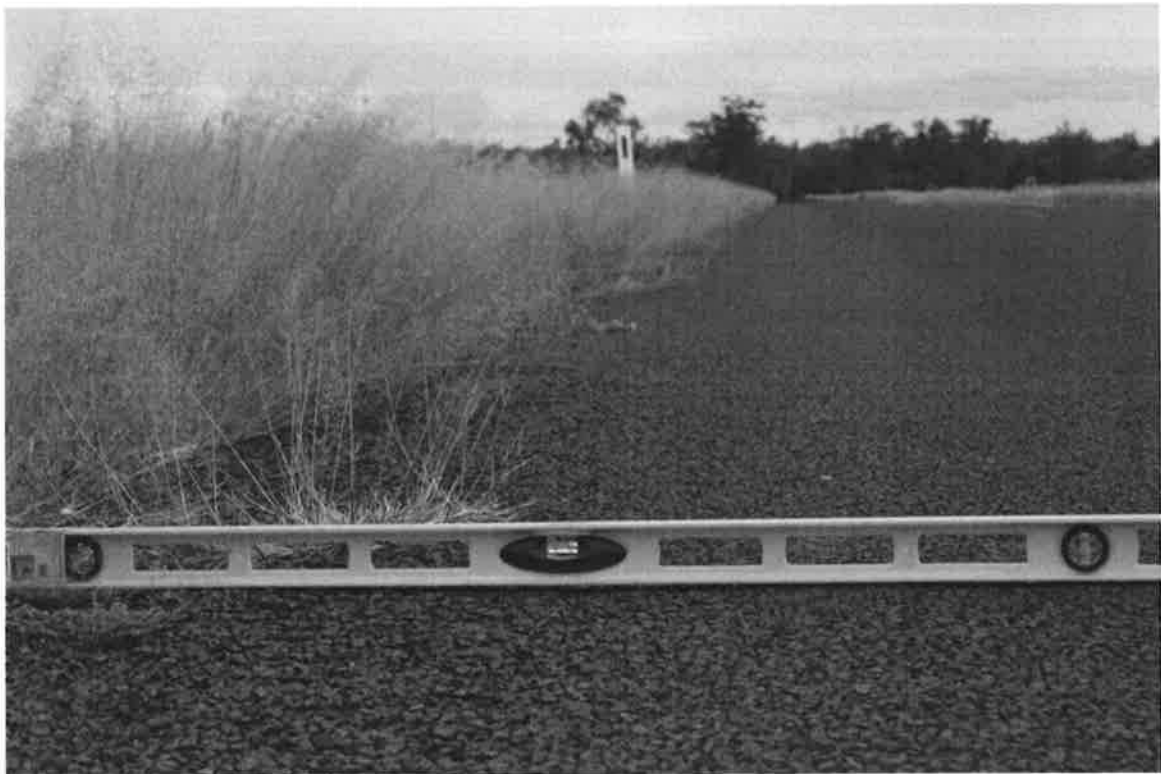


Figure 23 Sunnygirl Access – Yelarbon-Texas Road; grass growth through pavement edge / shoulder

3.2 Construction Phase

It is estimated that site construction (pit set-out, access road construction and establish hardstand areas) will take approximately 3 weeks to complete. Table 10 shows the increase of traffic from future heavy vehicle and light vehicle traffic accessing the property 6 days per week during the construction phase.

Table 10 Stage one traffic volumes for the construction site and existing facility (return trip)

	Reason	Vehicle type	Total per day	Total for Construction Phase	% Daily Increase to Texas Yelarbon Road Traffic	% Daily Increase to Cunningham Highway Traffic
Construction Site	Site Operations Staff Accessing the Site	Light vehicles	3	54	2.9%	0.4%
	Trucks delivering equipment	Low loaders	0.22	4	0.26%	0.03%
Totals					3.16%	0.43%

3.3 Operational Traffic Volumes

The pit will be operating at <5,000T of material extracted from site in any given year. Operational hours will consist of 6am to 6pm for 6 days a week for 50 weeks per year. The total traffic volumes to be generated during this operational period and expected increases is detailed in Table 11 and Table 12 below.

Table 11 Operational traffic volume increase for heavy vehicles at Sunnygirl Quarry (return trip)

Material Extracted Per Year	Number of trucks per week	Trucks in per year	Operational weeks per year	%Increase in Trucks per week on Texas Yelarbon Rd	%Increase in Trucks per year on Texas Yelarbon Rd
<5,000T	2	100	50	0.4%	0.4%

Table 12 Traffic volume increase for the Sunnygirl Quarry per year (return trip)

Reason	Vehicle type	Total per day	Total per year	% Daily Increase to Texas Yelarbon Road Traffic	% Yearly Increase to Texas Yelarbon Road Traffic
Light Vehicles	Non-spec	0.3	100	0.29%	0.33%
Heavy Vehicles	Double Road Trains	0.3	100	0.35%	0.4%
Totals				0.64%	0.73%

4. Conclusions and Recommendations

The proposed <5,000T/year Sunnygirl Quarry located on Texas Yelarbon Road at Glenarbron is not anticipated to have any worsening effects to the safety or condition of the existing state controlled roads.

- The main findings of this traffic impact study are:
- The expected increase in traffic volume of 0.3 heavy vehicles per day (Road Trains) and 0.3 light vehicles per day is small in comparison to the AADT of 189 on the Texas Yelarbon road, DTRM site 51254 (0.16% increase); and
- The expected increase in traffic volume of 0.3 heavy vehicles per day (Road Trains) and 0.3 light vehicles per day is small in comparison to the AADT of 1456 on the Cunningham highway , DTMR site 50023 (0.02%).

It is recommended that the Texas Yelarbon Road and Sunnygirl Quarry entrance are upgraded to TMR specifications and standards as specified in the Road Planning and Design Manual 2nd Ed for type 1 (double) road train operations.

The proposed upgrades to the intersection at Texas Yelarbon Road and the site access will preserve the safety and efficiency of the existing state controlled road.

It is not anticipated that the proposed development will result in any impacts to road safety, intersection delays, pavement quality or transport infrastructure in general. The development traffic is not anticipated to exceed anywhere near the 5% value as stipulated by TMR as the trigger for impact determination.

5. References

Department of Transport and Main Roads (2014). *Road Planning and Design Manual, Edition 2: Volume 3 – Supplement to Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*. (online) <https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Road-planning-and-design-manual-2nd-edition.aspx> (accessed 13/02/2019).

Department of Transport and Main Roads (2018). *Guide to Traffic Impact Assessment*. (online) <https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Guide-to-Traffic-Impact-Assessment> (accessed 15/02/2019)

Department of Transport and Main Roads (2018). *Guide to Traffic Impact Assessment Practice Note: Pavement Impact Assessment*. (online) <https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Guide-to-Traffic-Impact-Assessment> (accessed 15/02/2019).

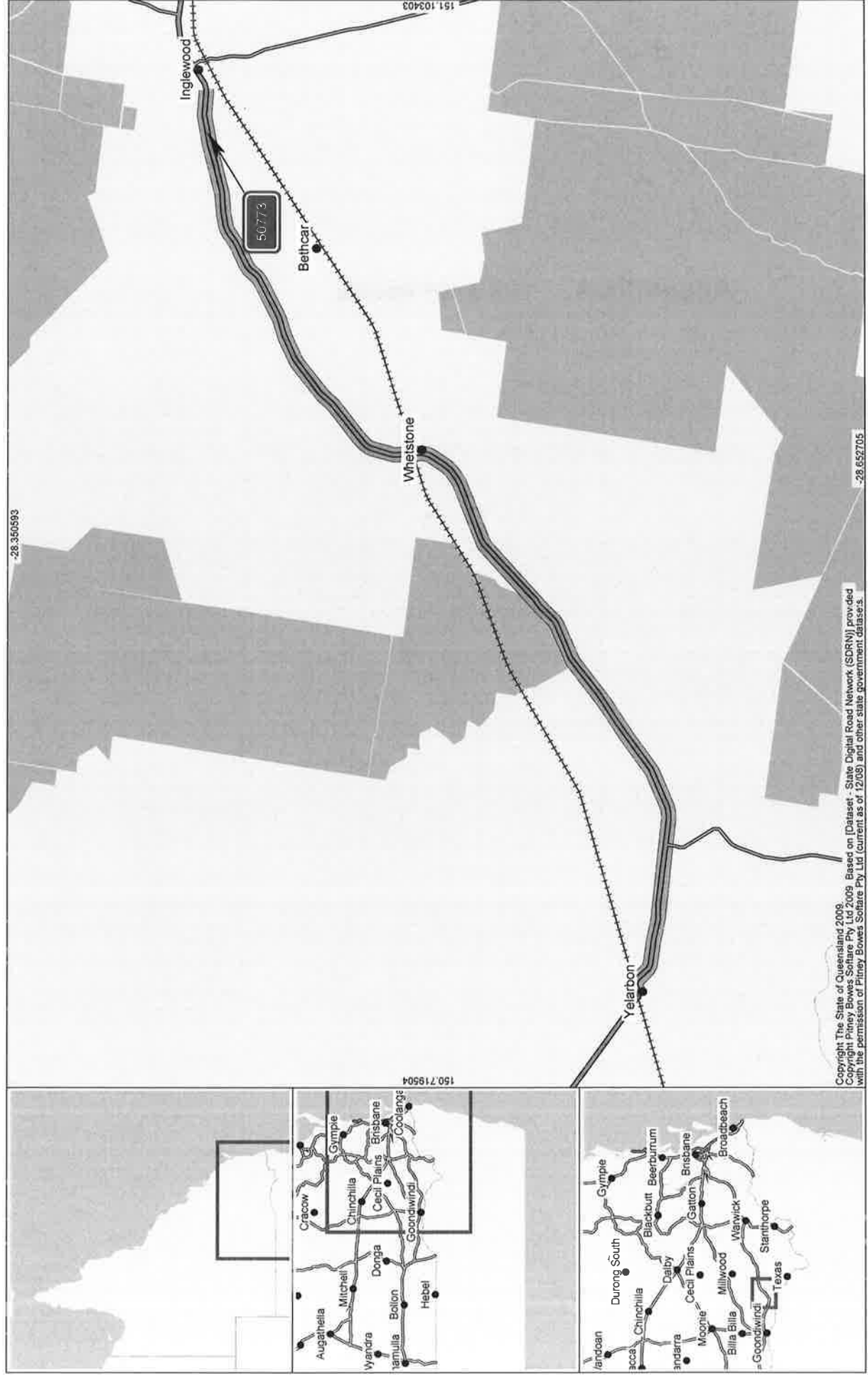
Department of Transport and Main Roads (2019). *Traffic Analysis and Reporting System: AADT Segment Analysis Report, Area 402, Darling Downs District, Road Section 2322, Traffic Year 2017*. Queensland Department of Transport and Main Roads, Southern Downs District.

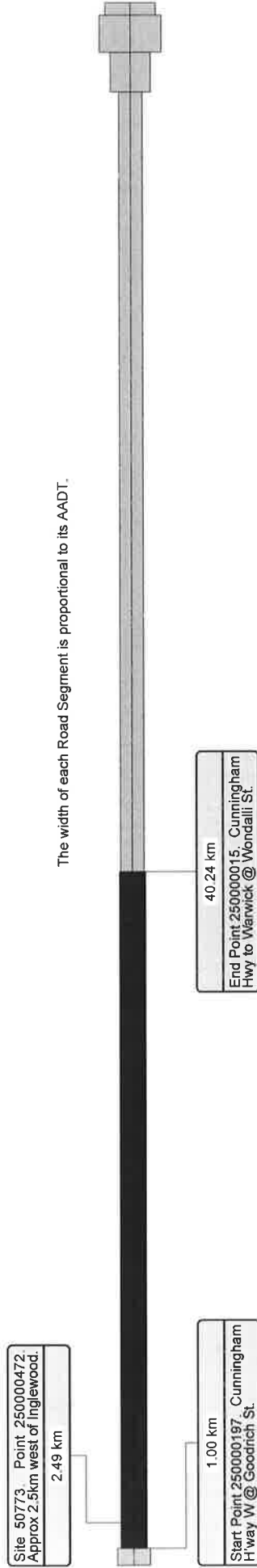
Department of Transport and Main Roads (2019). *Traffic Analysis and Reporting System: AADT Segment Analysis Report, Area 402, Darling Downs District, Road Section 17D, Traffic Year 2017*. Queensland Department of Transport and Main Roads, Southern Downs District.

6. List of Appendices

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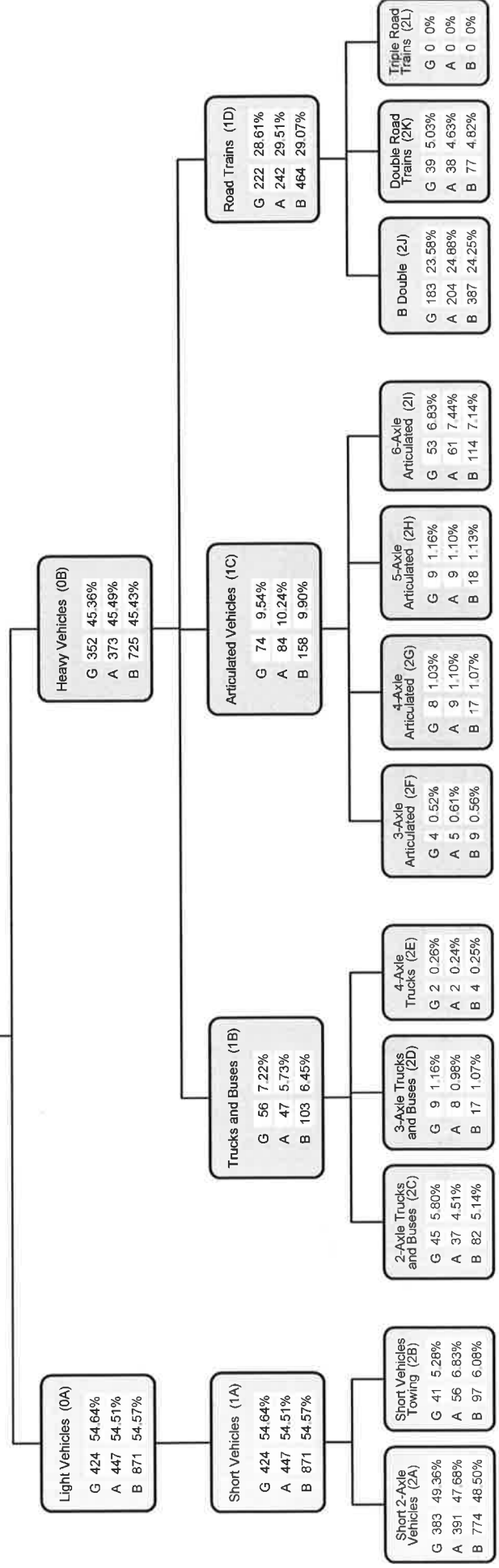
Appendix A. TMR AADT Results

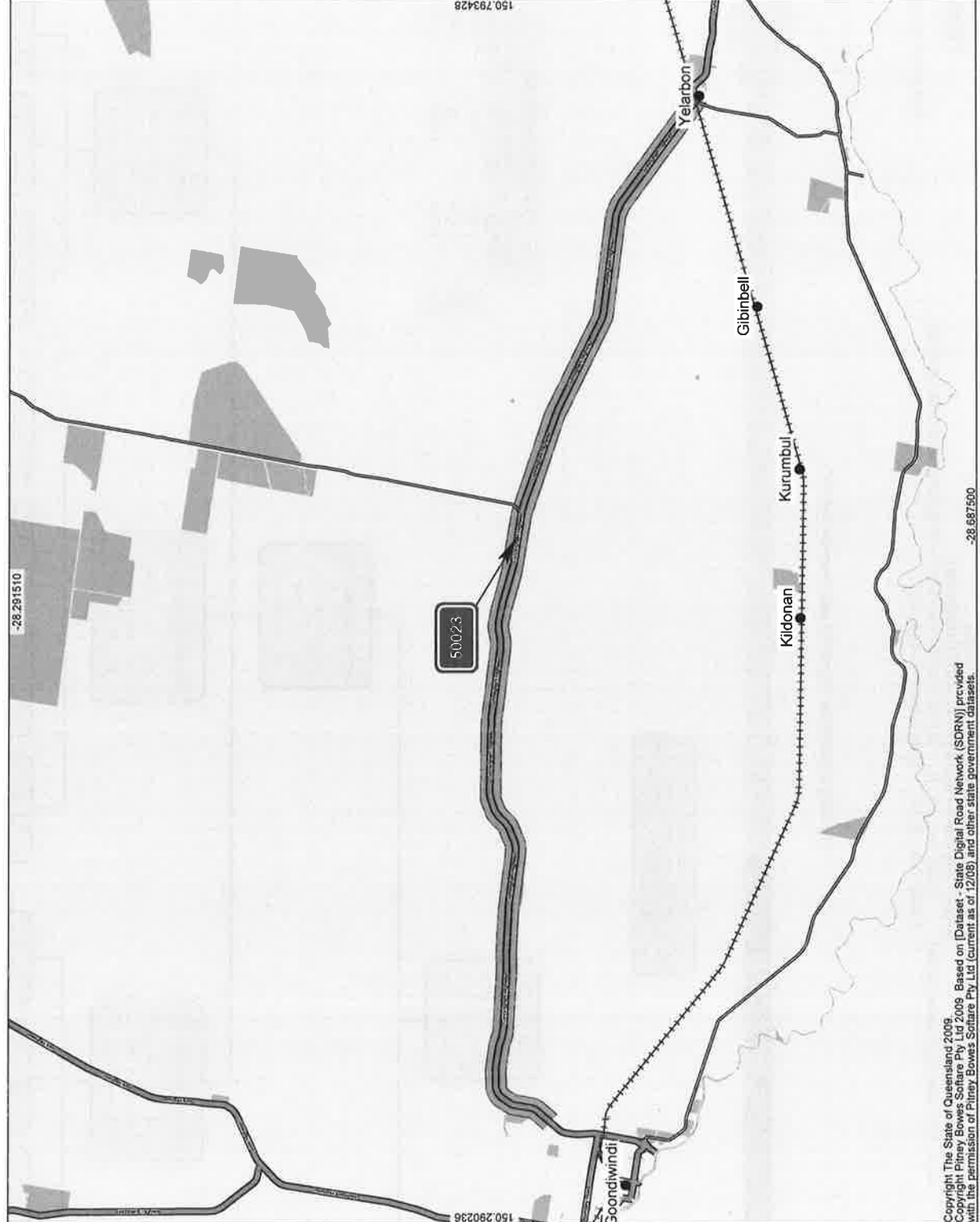
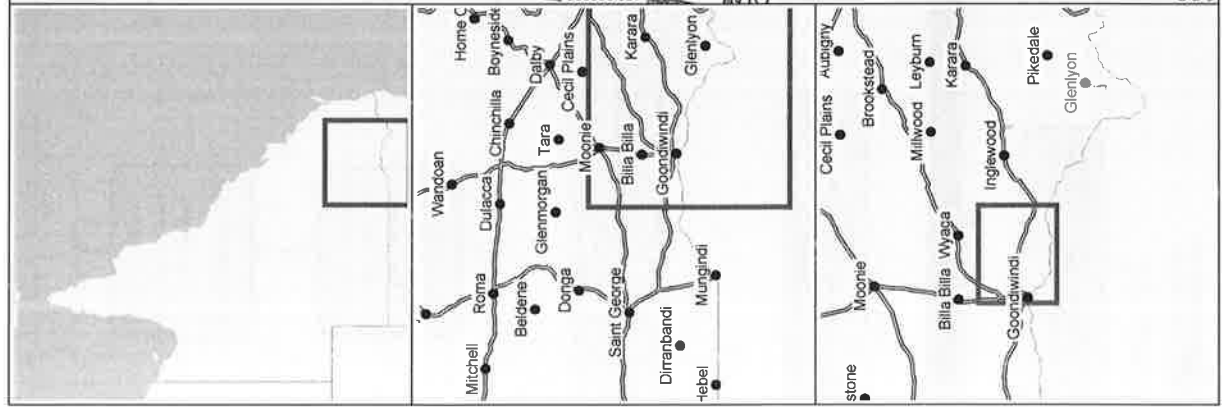


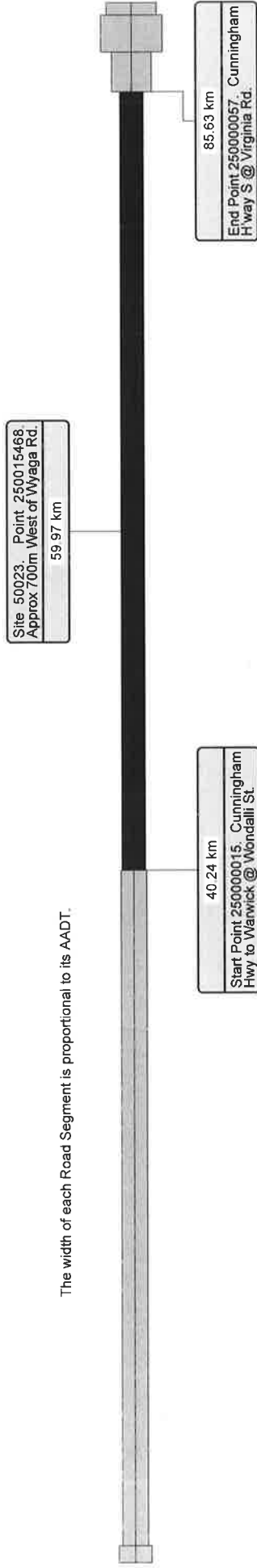


This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.

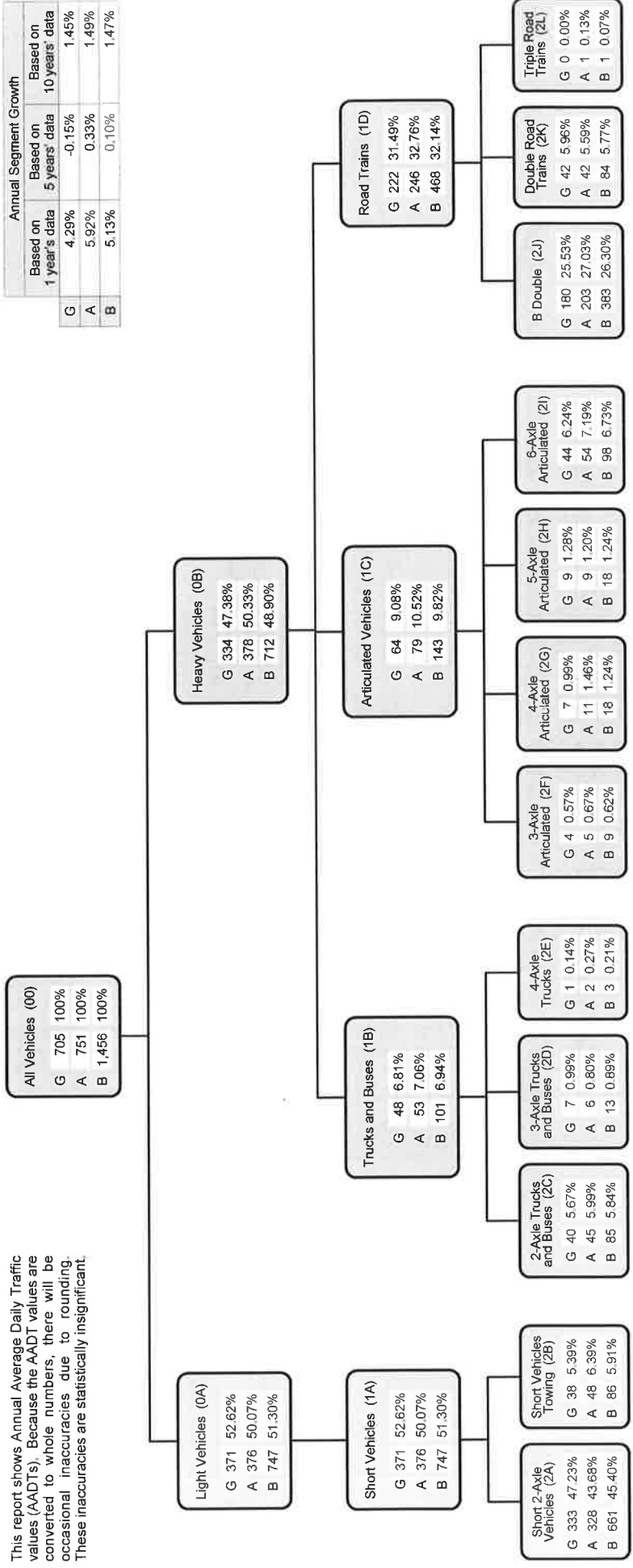
Annual Segment Growth			
	Based on 1 year's data	Based on 5 years' data	Based on 10 years' data
G	2.78%	1.24%	3.09%
A	4.73%	0.78%	2.48%
B	3.77%	1.00%	2.77%

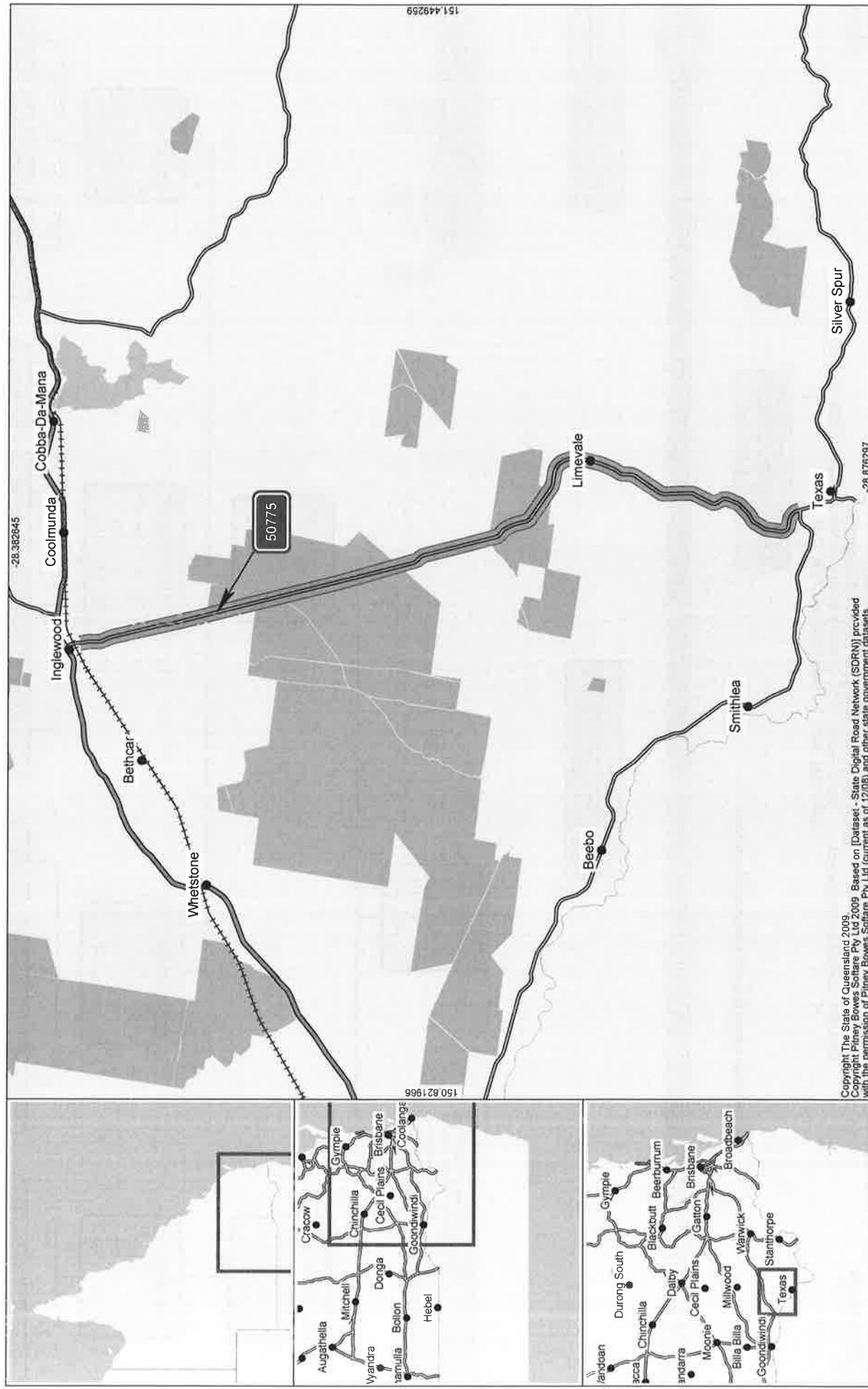






This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.





Traffic Analysis and Reporting System
AADT Segment Analysis Report (Complete)
Area 402 - Darling Downs District Road Section 231 - INGLEWOOD - TEXAS ROAD
Traffic Year 2017 - Data Collection Year 2017

TARS

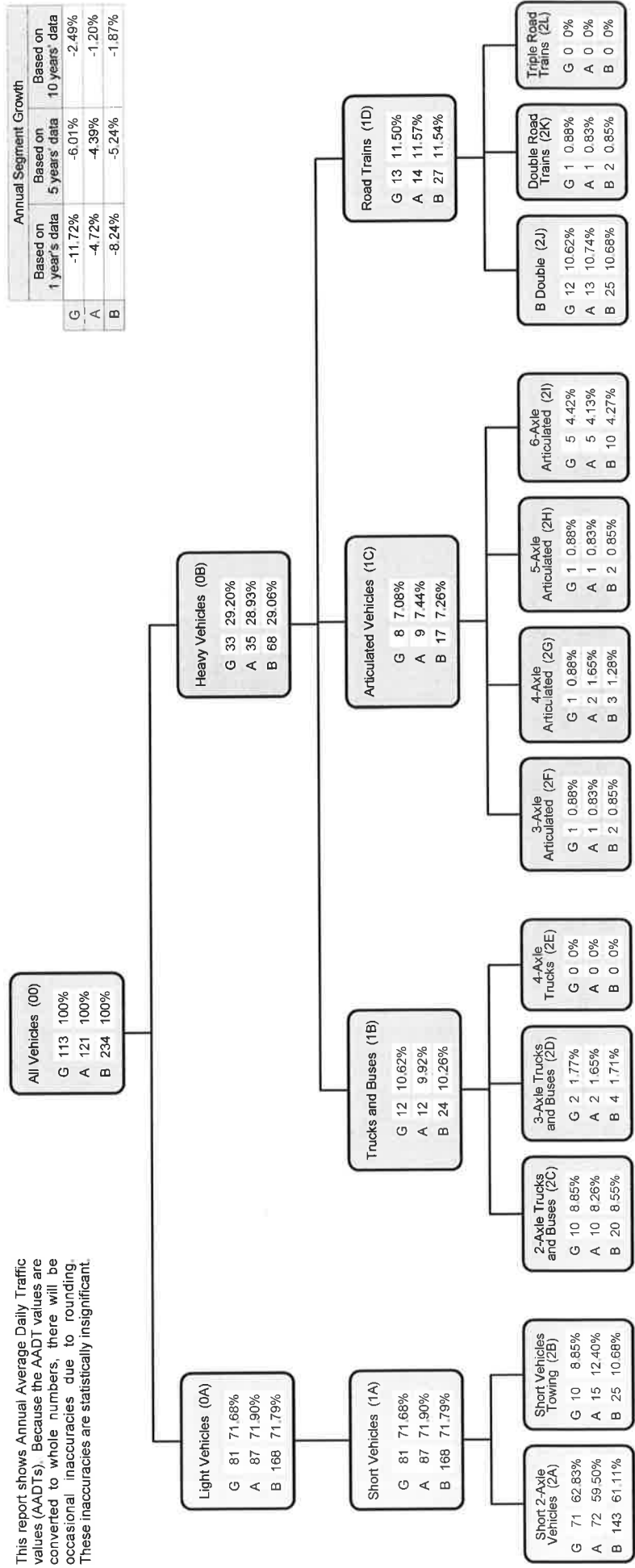
Page 6 of 10 (6 of 11)

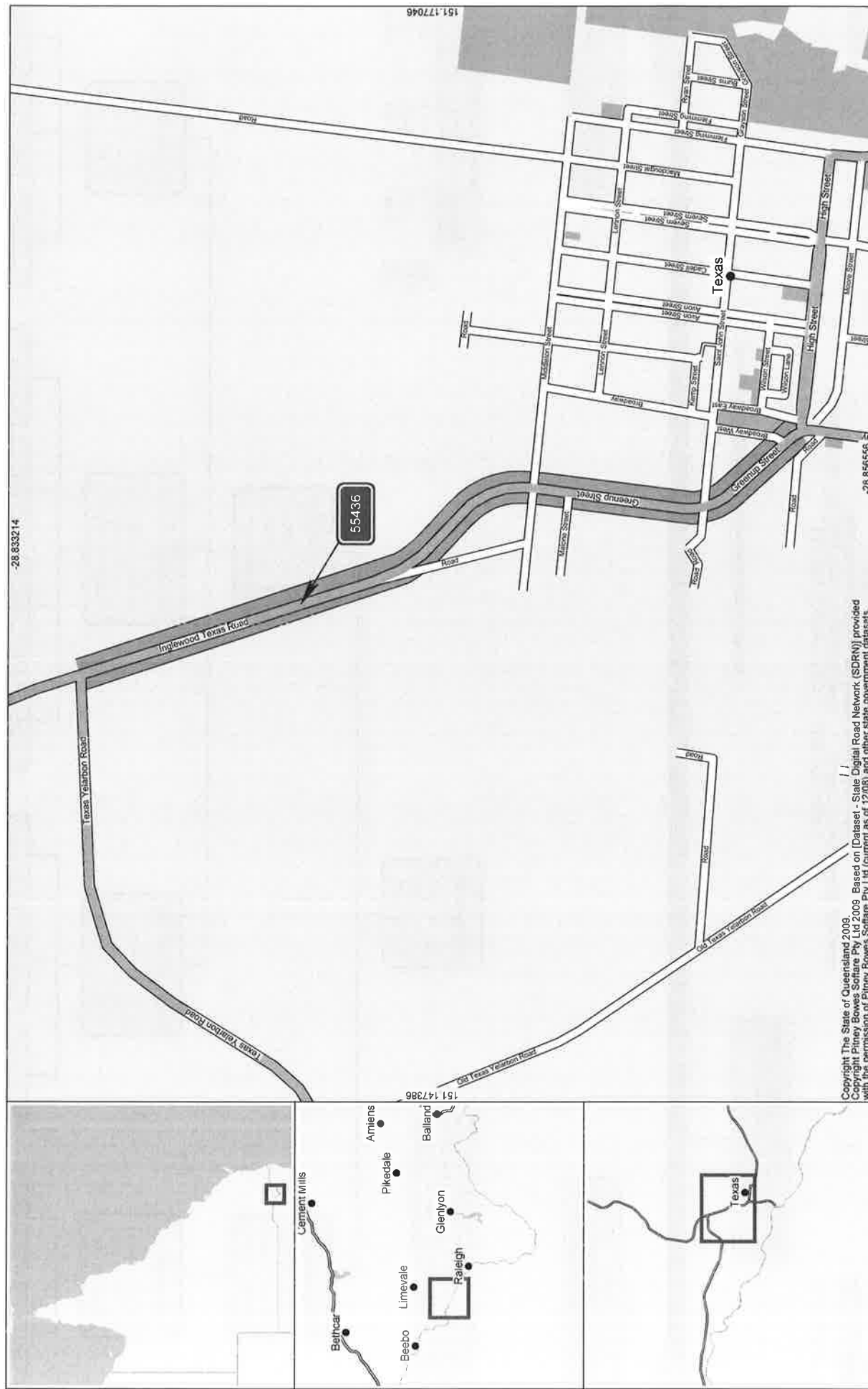
Site 50775, Point 250000474, Coverage
Site - Approx 10km South of Inglewood.
9.83 km



The width of each Road Segment is proportional to its AADT.

This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.



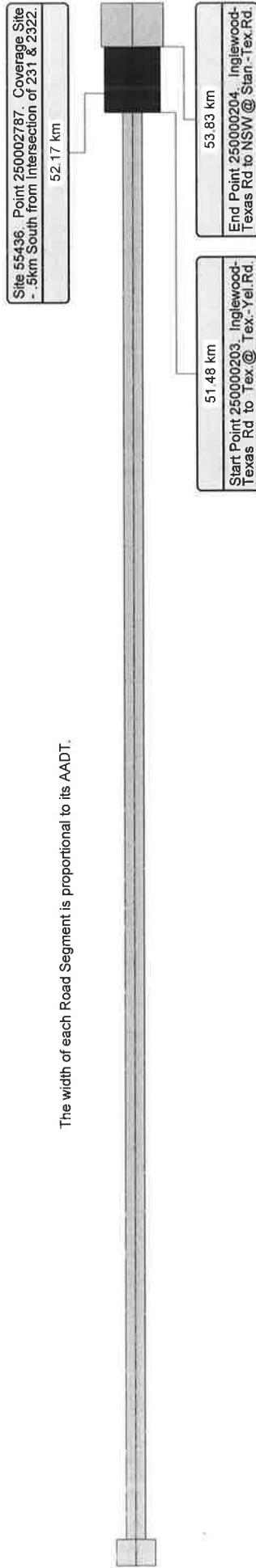


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Copyright Piney Bowes Software Pty Ltd 2009. Based on [Dataset - State Digital Road Network (SDRN)] provided with the permission of Piney Bowes Software Pty Ltd (current as of 12/08) and other state government datasets.

Traffic Analysis and Reporting System
AADT Segment Analysis Report (Complete)
Area 402 - Darling Downs District Road Section 231 - INGLEWOOD - TEXAS ROAD
Traffic Year 2017 - Data Collection Year 2017

TARS

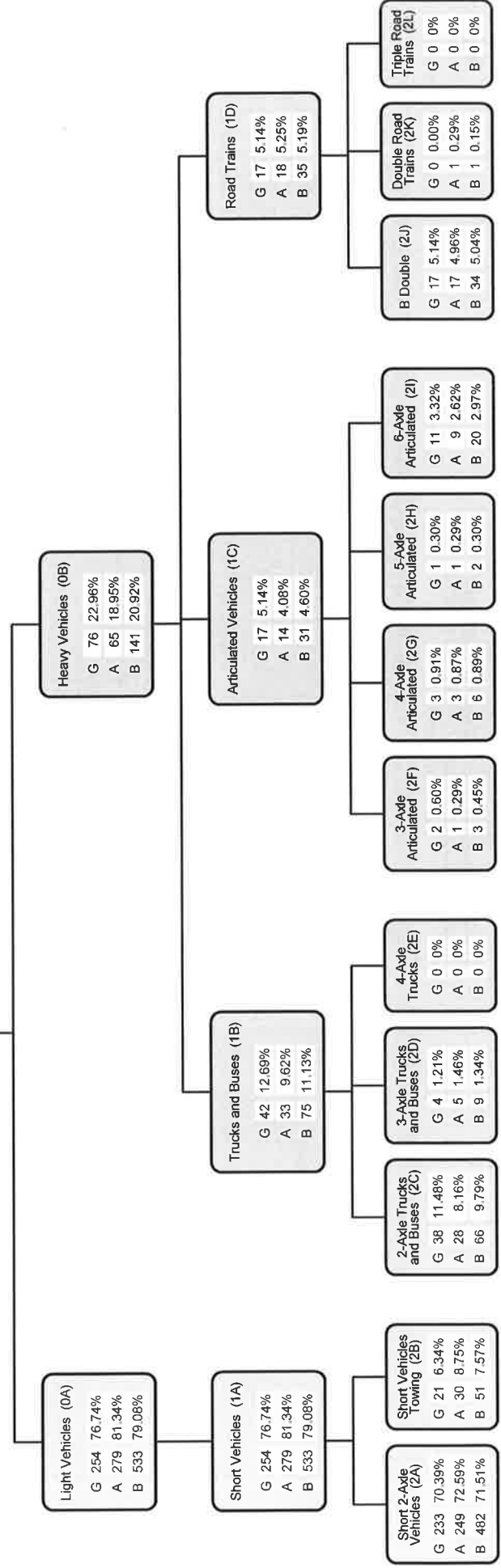
Page 8 of 10 (8 of 11)

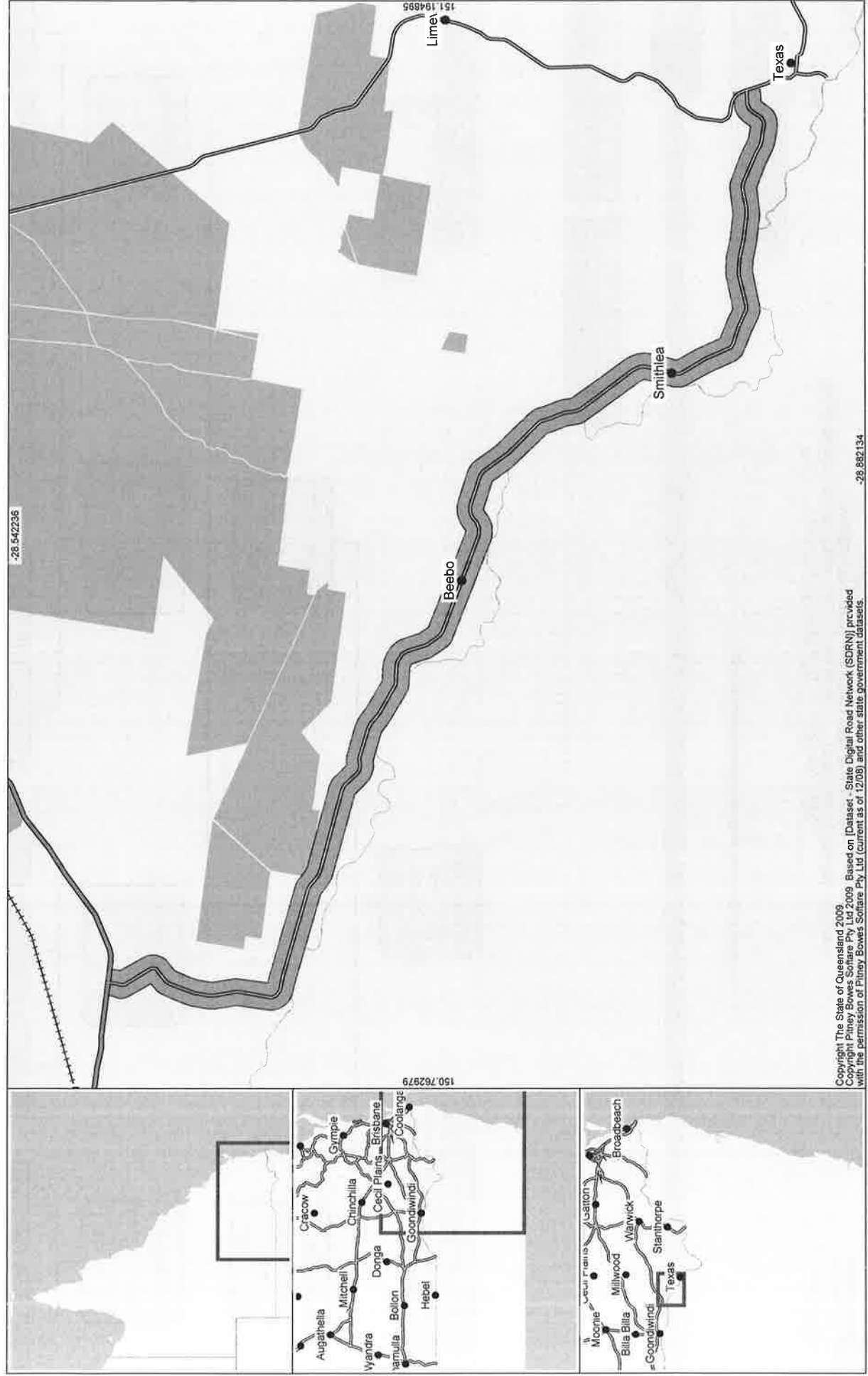


The width of each Road Segment is proportional to its AADT.

This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.

Annual Segment Growth			
	Based on 1 year's data	Based on 5 years' data	Based on 10 years' data
G	-8.31%	1.34%	
A	-4.99%	2.21%	4.69%
B	-6.65%	1.76%	





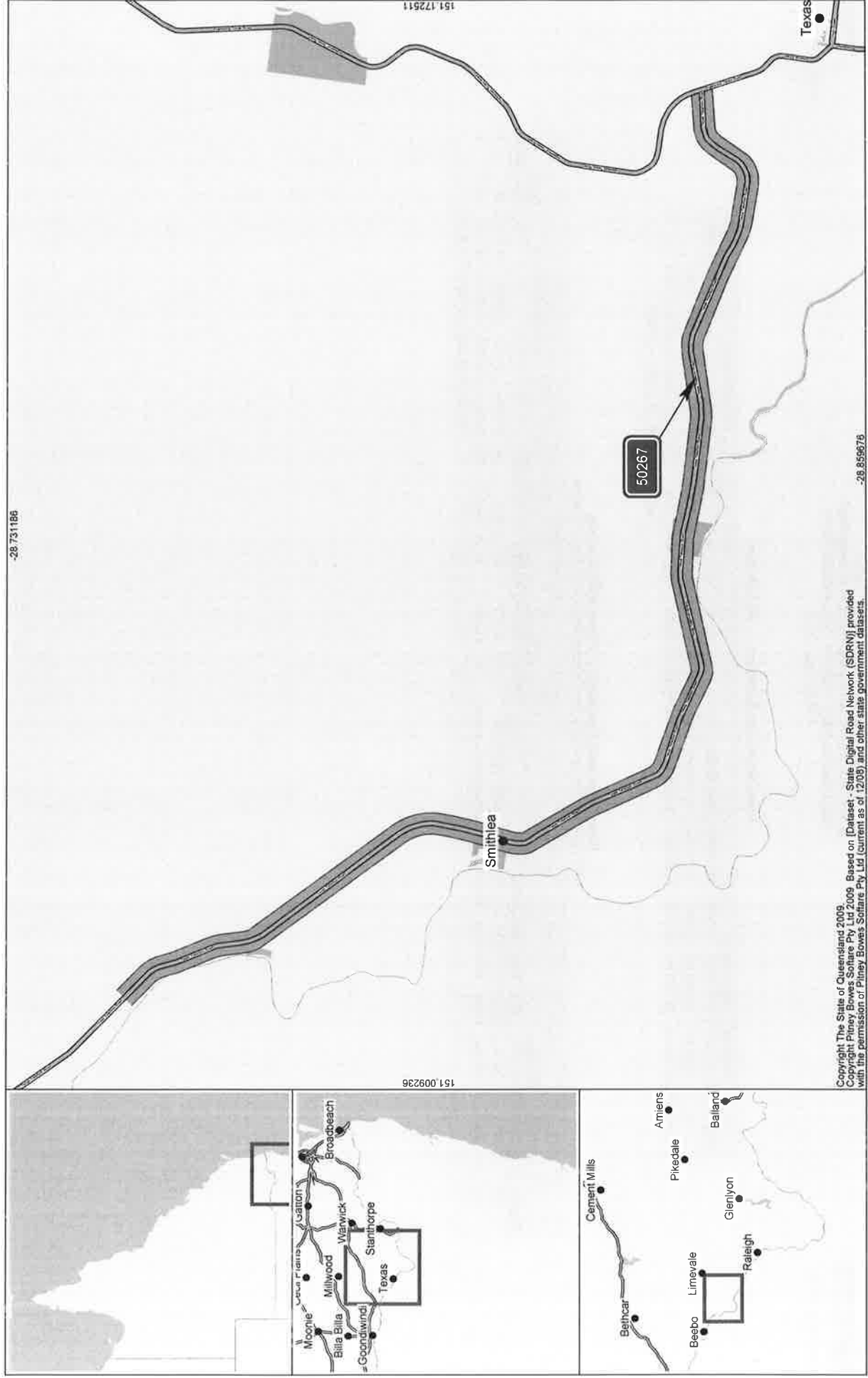
Traffic Analysis and Reporting System
AADT Segment Analysis Report (Complete)
 Road Section 2322 - TEXAS - YELARBON ROAD
 Traffic Year 2017

Road Segments Summary - All Vehicles

Region	Segment Start Tdist	Segment End Tdist	Site	Site Tdist	Description	AADT			VKT (Millions)			Data Year		Page
						G	A	B	G	A	B	A	B	
402	0.000 km	20.740 km	50267	4.770 km	5km West of Inglewood - Texas Rd	142	135	277	1.07495	1.02196	2.09692	2017	2	
402	20.740 km	54.710 km	51254	48.090 km	6km South of Cunningham Highway	96	93	189	1.19031	1.15311	2.34342	2017	3	
									Totals	2.26526	2.17508	4.44034		

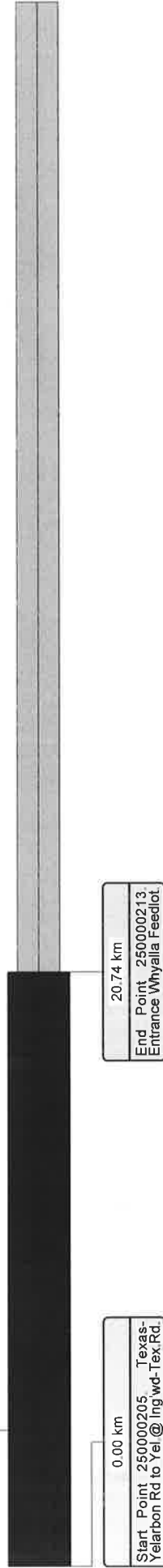
Road Segments Summary - Heavy Vehicles only
 VKT totals are calculated only if traffic class data is available for all sites.

Region	Segment Start Tdist	Segment End Tdist	Site	Site Tdist	Description	HV AADT						HV VKT (Millions)						Data Year	Page			
						G			A			B			G					A		
						AADT	HV %	AADT	HV %	AADT	HV %	AADT	HV %	AADT	HV %	AADT	HV %			AADT	HV %	
402	0.000 km	20.740 km	50267	4.770 km	5km West of Inglewood - Texas Rd	31	21.83%	33	24.44%	84	23.10%	0.23467	0.24981	0.48449	2017	2						
402	20.740 km	54.710 km	51254	48.090 km	6km South of Cunningham Highway	45	46.88%	39	41.94%	84	44.44%	0.55796	0.48356	1.04152	2017	3						
											Totals	0.79263	0.73338	1.52601								



Traffic Analysis and Reporting System
AADT Segment Analysis Report (Complete)
Area 402 - Darling Downs District Road Section 2322 - TEXAS - YELARBON ROAD
Traffic Year 2017 - Data Collection Year 2017

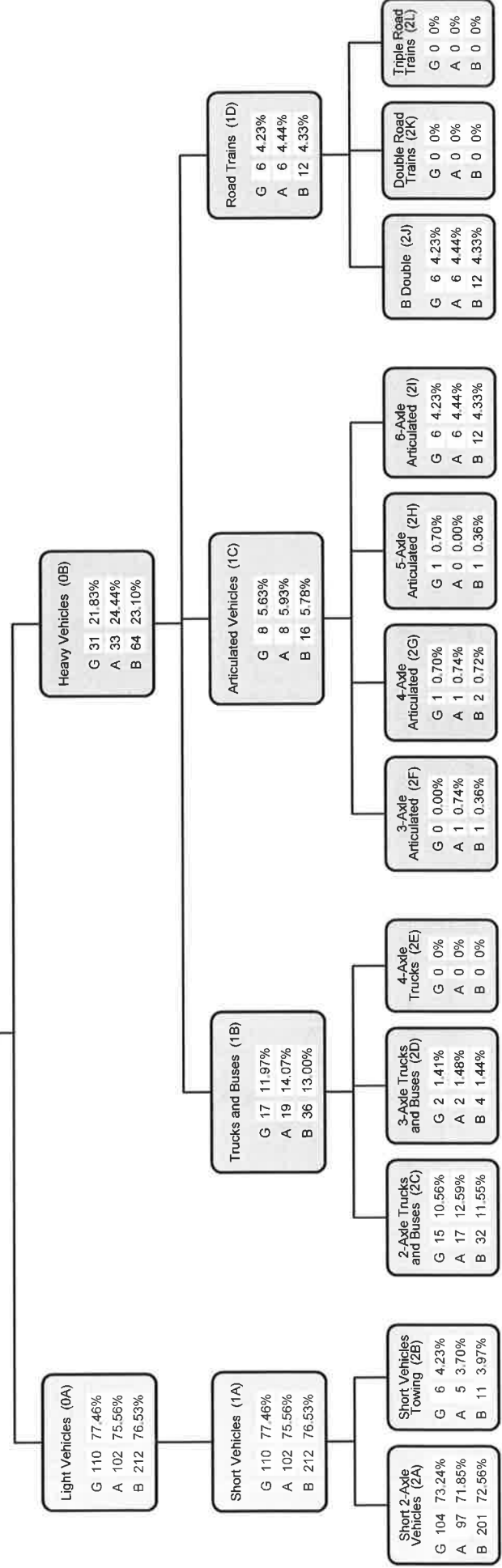
Site 50267 Point 250000212, Cov Site 50267
- 5km West of Inglewood Texas Rd Intersection.
4.77 km

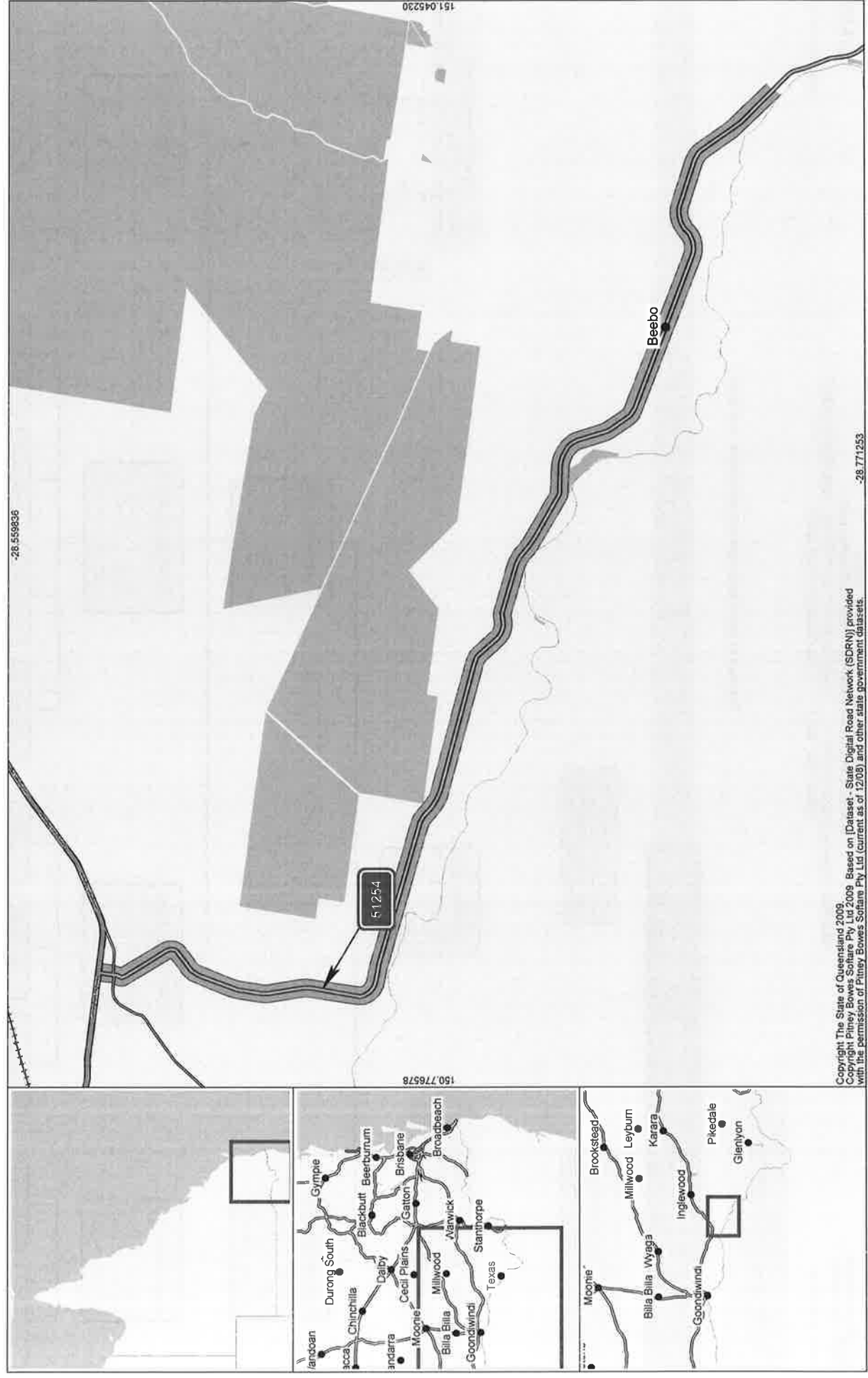


The width of each Road Segment is proportional to its AADT.

This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.

Annual Segment Growth			
	Based on 1 year's data	Based on 5 years' data	Based on 10 years' data
G	0.00%	4.12%	4.35%
A	-12.34%	2.05%	3.38%
B	-6.42%	3.08%	3.86%





Traffic Analysis and Reporting System
AADT Segment Analysis Report (Complete)
Area 402 - Darling Downs District Road Section 2322 - TEXAS - YELARBON ROAD
Traffic Year 2017 - Data Collection Year 2017

TARS

Page 6 of 6 (6 of 7)

Site 51254 - Point 250000603, Coverage Site - 6km South of Cunningham Highway.
48.09 km
54.71 km
End Point 250000202, Texas-Yelarb Rd @ C'harm Hwy.

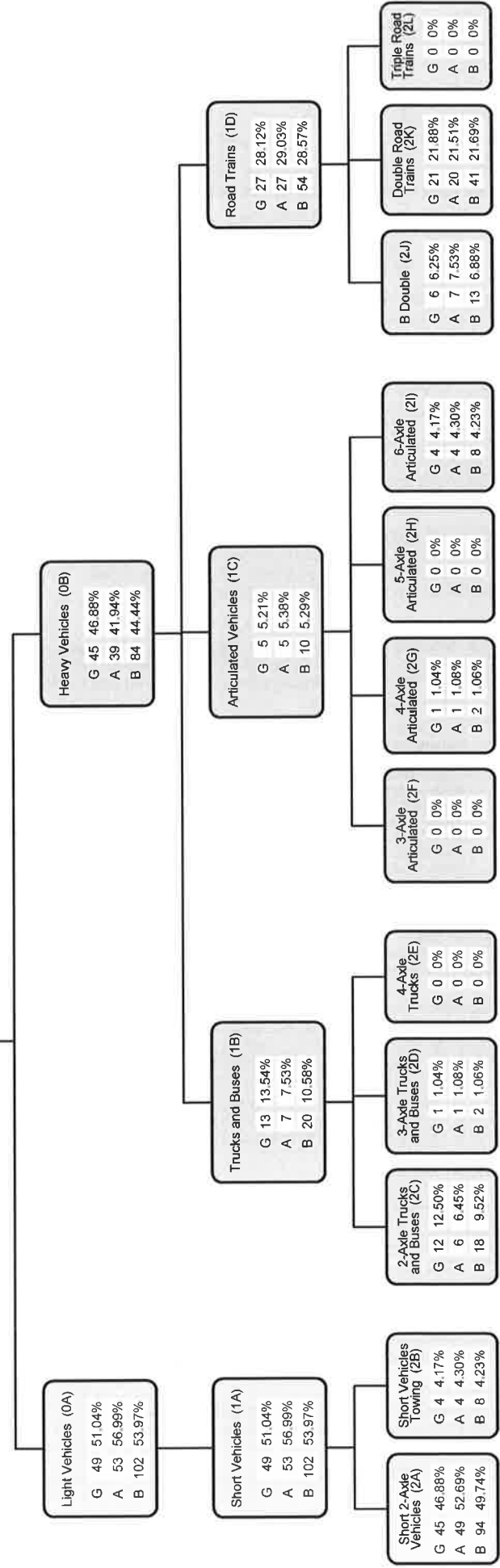
The width of each Road Segment is proportional to its AADT.

20.74 km
Start Point 250000213, Entrance Whyalla Feedlot.

Annual Segment Growth			
	Based on 1 year's data	Based on 5 years' data	Based on 10 years' data
G	28.00%	8.15%	5.34%
A	20.78%	6.45%	4.79%
B	24.34%	7.30%	5.06%

This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.

All Vehicles (00)
G 96 100%
A 93 100%
B 189 100%



AADT Segment Report

Provides AADT Segment details for a Road Section together with the traffic flow data collected at the related Site. Traffic data is reported by the start and end Through Distance of the AADT Segments on each section of road. The road segments are represented diagrammatically with AADT data including:

AADT by direction of traffic flow
VKT Vehicle Kilometres Travelled
%VC Percentage Vehicle Class as per the Austroads vehicle classification scheme

Annual Average Daily Traffic (AADT)

Annual Average Daily Traffic (AADT) is the number of vehicles passing a point on a road in a 24 hour period, averaged over a calendar year.

AADT Segment

Is a subdivision of a Road Section. The boundaries of an AADT Segment are its Start Point and End Point (or Start and End Through Distance (TDist)) within the Road Section. These distances are measured in kilometres from the beginning of the Road Section in Gazettal Direction. AADT Segments are determined by the traffic volume, collected at a count Site, located within the limits of each AADT Segment.

Annual Segment Growth (when displayed)

A percentage that represents the increase or decrease in AADT for the AADT Segment, using an exponential fit, calculated over a 1, 5 or 10 year period.

Area

For administration purposes the Department of Transport and Main Roads has divided Queensland into 12 Districts. The Area field in TSDM reports displays the District Name and Number.

District Name	District
Central West District	401
Darling Downs District	402
Far North District	403
Fitzroy District	404
Mackay/Whitsunday District	405
Metropolitan District	406
North Coast District	407
North West District	409
Northern District	408
South Coast District	410
South West District	411
Wide Bay/Burnett District	412

Data Year

The most recent year the traffic data was collected for this AADT Segment.

Gazettal Direction

The Gazettal Direction is the direction of the traffic flow. It can be easily recognised by referring to the name of the road eg. Road Section: 10A Brisbane - Gympie denotes that the gazettal direction is from Brisbane to Gympie.

- G Traffic flowing in Gazettal Direction
- A Traffic flowing against Gazettal Direction
- B The combined traffic flow in both Directions

Road Section

Is the Gazetted road from which the traffic data is collected. Each Road Section is given a code, allocated sequentially in Gazettal Direction. Larger roads are broken down into sections and identified by an ID code with a suffix for easier data collection and reporting (eg. 10A, 10B, 10C). Road Sections are then broken into AADT Segments which are determined by traffic volume.

Site

The physical location of a traffic counting device. Sites are located at a specified Through Distance along a Road Section.

Site TDist

The Through Distance in gazettal direction from the start of the Road Section at which the site is located.

Site Description

The description of the physical location of the traffic counting device.

Start and End Point

The unique identifier for the Through Distance along a Road Section.

Through Distance

The distance, in kilometres, from the beginning of the Road Section in Gazettal Direction.

Traffic Class

Is the 12 Austroads vehicle categories or classes into which vehicles are placed or binned. Traffic classes are formed in a hierarchical format.

Volume or All Vehicles

00 = 0A + 0B

Light Vehicles

0A = 1A

1A = 2A + 2B

Heavy Vehicles

0B = 1B + 1C + 1D

1B = 2C + 2D + 2E

1C = 2F + 2G + 2H + 2I

1D = 2J + 2K + 2L

The following classes are the categories for which data can be captured:

Volume

00 All vehicles.

2-Bin

0A Light vehicles

0B Heavy vehicles

4-Bin

1A Short vehicles

1B Truck or bus

1C Articulated vehicles

1D Road train

12-Bin

2A Short 2 axle vehicles

2B Short vehicles towing

2C 2 axle truck or bus

2D 3 axle truck or bus

2E 4 axle truck

2F 3 axle articulated vehicle

2G 4 axle articulated vehicle

2H 5 axle articulated vehicle

2I 6 axle articulated vehicle

2J B double

2K Double road train

2L Triple road train

Vehicle Kilometres Travelled (VKT)

Daily VKT is a measure of the traffic demand. It is calculated by the length of an AADT Segment in kilometres multiplied by its AADT. The yearly VKT is the daily VKT multiplied by 365 days.

AADT Segment Summary - All Vehicles

The Total VKT can be used to gauge the demand on an entire Road Section.

AADT Segment Summary - Heavy Vehicles only

A blank field indicates that vehicle classification data was not collected for this AADT Segment.

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Appendix B. RPEQ Licence



BOARD OF
**PROFESSIONAL
ENGINEERS**
OF QUEENSLAND

TAX INVOICE

OFFICIAL RECEIPT NO.: 129921

Amount Received: \$219.95
Date Received: 14/06/2018

0313

Dr Simon Carl Lott
Enviroag Australia Pty Ltd
PO Box 1775
ARMIDALE NSW 2350

RPEQ 05592

For: Registration as a registered professional engineer for the period
ending 30/06/2019.

Details of Payment (GST Exempt):

Registration Fee	\$219.95
Total Amount Received:	\$219.95

We enclose your Certificate of Registration for the period 01/07/2018 to
30/06/2019 issued under section 25 of the *Professional Engineers Act 2002*.



BOARD OF
**PROFESSIONAL
ENGINEERS**
OF QUEENSLAND

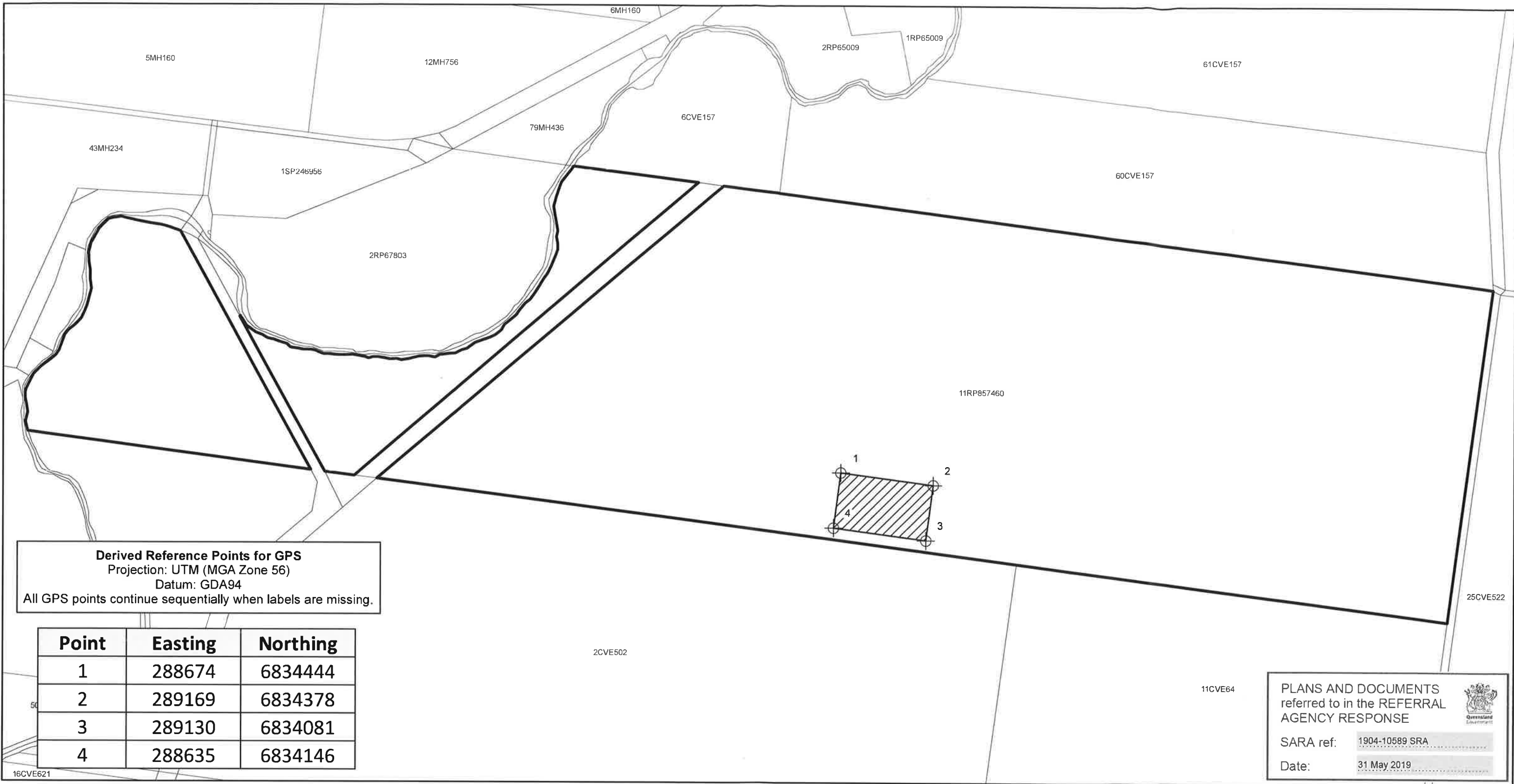
RPEQ 05592

Simon Carl Lott

Area Agricultural

Valid 01/07/2018 to 30/06/2019

Certificate of Registration as a
Registered Professional Engineer of Queensland



Derived Reference Points for GPS
Projection: UTM (MGA Zone 56)
Datum: GDA94
All GPS points continue sequentially when labels are missing.

Point	Easting	Northing
1	288674	6834444
2	289169	6834378
3	289130	6834081
4	288635	6834146

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref:

1904-10589 SRA

Date:

31 May 2019

1:20,000 @ A3 size

0

0.5

1

1.5 Kilometers

Projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY.
They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with Decision Notice 1904-10589 SRA

LEGEND

QLD DCDB

Subject Lot(s)

Area A

Derived Reference Points for GPS

Note: This is a colour plan and should only be reproduced in colour.

Technical Agency Response (Vegetation) Plan

Plan of Area A in Lot 11 on RP857460

CENTRE: TOOWOOMBA
LOCALITY OF GLENARBON

REGION: SOUTH
LOCAL GOVT: GOONDIWINDI REGIONAL

Map Reference: 9542

Compiled from: DCDB, PVMP & VMO Notes

File Reference: 2019/001924

Prepared by: JD

Date: 23 May 2019

N

Queensland Government

TARP
1904-10589 SRA



Attachment 2 – Approved Plans



GOONDIWINDI REGIONAL COUNCIL

Approved Plan referred to in Council's Decision Notice

Council Reference: 19/071

Dated: 24 July 2019

Signed: 

Print Name: Mrs Ronnie McMahon

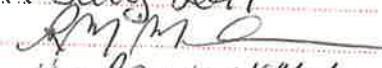
(Under Delegation) ASSESSMENT MANAGER

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 19/07E
Dated: 24 July 2019
Signed: RM/M
Print Name: Mrs. Rennie Mulvaney
(Under Delegation) ASSESSMENT MANAGER

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

Council Reference: 19/075

Dated: 24 July 2019


Signed: 

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

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

Council Reference: 19/071

Dated: 24 July 2019

Signed: 

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



Attachment 3 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

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

The development application for "*Industry activities*" – "*Extractive industry*" (<5,000t/year)

19/071

'Sunnygirl', 5395 Texas-Yelarbon Road, Glenarbon

Lot 11 on RP857460

On 24 July 2019, the above development application was:

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

1. Reasons for the decision

The reasons for this decision are:

- *Having regard to the requirements of the Goondiwindi Region Planning Scheme 2018 and the relevant facts and circumstances, the proposed development was approved subject to appropriate, relevant and reasonable conditions at the Ordinary Meeting of Council held on 24 July 2019.*

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Rural Zone Code	Goondiwindi Region Planning Scheme 2018: AO1, AO2, PO3, PO4, AO5.1, AO5.2
Rural Zone Code Purpose	Goondiwindi Region Planning Scheme 2018: Outcome 1, Outcome 2
Transport and Infrastructure Code	Goondiwindi Region Planning Scheme 2018: AO1, AO2, AO3.2, AO4.2, AO5.1, AO5.2, AO6, AO7, AO8, AO9, AO10, PO11, AO12.1, AO12.2, PO15
Transport and Infrastructure Code Purpose	Goondiwindi Region Planning Scheme 2018: Outcome 1, Outcome 2
Extractive Industry Code	Goondiwindi Region Planning Scheme 2018: AO1.1, AO1.2, AO1.3, AO1.4, PO2, AO3.1, AO3.2, AO3.3, PO4, AO5, PO6, AO7.1, AO7.2, PO8, PO9
Bushfire Hazard Overlay Code	Goondiwindi Region Planning Scheme 2018: AO1.1, AO3, AO5, AO6.1, AO6.2, PO7, AO8
Natural Resources Overlay Code	Goondiwindi Region Planning Scheme 2018: PO5, PO8

Benchmarks applying for the development	Benchmark reference
Biodiversity Areas Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> PO1, AO2, AO3.1, AO3.3,
Flood Hazard Overlay Code	<i>Goondiwindi Region Planning Scheme 2018:</i> AO1.1, PO2, AO4
Strategic Framework	<i>Goondiwindi Region Planning Scheme 2018:</i> Element 1, Element 2, Element 3, Element 4, Element 5, Element 6, Element 7

3. Compliance with benchmarks

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

4. Relevant matters for impact assessable development

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

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

5. Matters raised in submissions for impact assessable development

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

6. Matters prescribed by Regulation

Not applicable for this proposed development.



Attachment 4 – *Planning Act 2016* Extracts



EXTRACT FROM *PLANNING ACT 2016* RELATING TO APPEAL RIGHTS

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

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

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the

deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

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

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

230 Notice of appeal

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

principal submitter for the development application; and

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

(4) The **service period** is—

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

231 Other appeals

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

(4) In this section—

decision includes—

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

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

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

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

appointment notice means—

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

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

234 Referee with conflict of interest

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

235 Establishing development tribunal

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

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

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

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

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

236 Remuneration

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

237 Tribunal proceedings

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

238 Registrar and other officers

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

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

240 Application for declaration about making of development application

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

respondent means—

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

241 Application for declaration about change to development approval

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

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

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

- (4) In this section—

respondent means—

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

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

- (a) establish a tribunal for the proceedings; and
- (b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and
- (c) give notice of the establishment of the tribunal to each party to the proceedings.

243 Chief executive excusing noncompliance

- (1) This section applies if—

- (a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and
- (b) the document does not comply with any requirement under this Act for validly starting the proceedings.

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

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

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

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

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

- there are no qualified referees or insufficient qualified referees because of a conflict of interest
- the referees who are available will not be able to decide the proceedings in a timely way

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

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

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

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

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

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

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

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

245 Refunding fees

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

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

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

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

249 Conduct of tribunal proceedings

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

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

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

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

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

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

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

- (6) When hearing proceedings, the tribunal—

- (a) need not proceed in a formal way; and
- (b) is not bound by the rules of evidence; and
- (c) may inform itself in the way it considers appropriate; and
- (d) may seek the views of any person; and
- (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
- (f) may prohibit or regulate questioning in the hearing.

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

250 Tribunal directions or orders

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

Examples of directions—

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

251 Matters tribunal may consider

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

252 Deciding no jurisdiction for tribunal proceedings

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

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

253 Conduct of appeals

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

254 Deciding appeals to tribunal

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

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

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

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

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

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

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

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

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

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

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

1. Development applications

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

Minister, an appeal may be made against—

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

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

(c) a provision of the development approval; or

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

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

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

85 Lapsing of approval at end of current period

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

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

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

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

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

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

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

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

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

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

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