

File: 20/151  
Date: 19 February 2021

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

Attention: Wendy Wood

Dear Ms Wood

**Decision Notice – approval (with conditions)  
Material Change of Use**

**Lot 128 on BNT1468 and Lot 1 on BNT1801, Bracker Creek and 4712 Stanthorpe-  
Inglewood Road, Coolmunda**

We wish to advise that on 18 February 2021 a decision was made to approve the material change of use development application for “Industrial activities” – “Extractive industry” (Removal of quarry material from a watercourse – more than 10,000t & less than 100,000t per annum) and ERA 16(1)(b) Dredging material 10,000t-100,000t per annum at Lot 128 on BNT1468 and Lot 1 on BNT1801, Bracker Creek and 4712 Stanthorpe-Inglewood Road, Coolmunda. In accordance with the *Planning Act 2016*, please find attached Council’s Decision Notice for the application.

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

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

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

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

Yours faithfully



**Carl Manton**  
Chief Executive Officer  
Goondiwindi Regional Council

## Decision Notice approval

### Planning Act 2016 section 63

Council File Reference: 20/151  
Council Contact: Mrs Ronnie McMahon: LMM  
Council Contact Phone: (07) 4671 7400

19 February 2021

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

Attention: Wendy Wood

The development application described below was properly made to Goondiwindi Regional Council on 6 July 2021.

#### Applicant details

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Applicant name: Pearljaney Pty Ltd C/- Ausrocks Pty Ltd  
Applicant contact details: Ms Wendy Wood  
PO Box 359, Virginia BC, QLD 4014  
[wendy.wood@ausrocks.com.au](mailto:wendy.wood@ausrocks.com.au)  
0418 405 006

#### Application details

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Application number: 20/151  
Approval sought: Development Permit – Material Change of Use  
Details of proposed development: “Industry activities” – “Extractive industry” (Removal of quarry material from a watercourse – more than 10,000t & less than 100,000t per annum); and ERA 16(1)(b) Dredging material 10,000-100,000t per annum

#### Location details

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Street address: Bracker Creek & 4712 Stanthorpe- Inglewood Road, Coolmunda  
Real property description: Lot 128 onBNT1468 & Lot 1 on BNT1801

#### Decision

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Date of decision: 18 February 2021  
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

The application is not taken to be approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	N/A	<input type="checkbox"/>  <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out building work (assessable under the <i>Building Act 1975</i> )	Schedule 9, part 1	<input type="checkbox"/>	<input type="checkbox"/>
Development on airport land if the land use plan for the airport land states the development is assessable development - building work - plumbing or drainage work - material change of use (consistent with the land use plan) - reconfiguring a lot - operational work	Schedule 10, part 1, division 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>
Making a material change of use on airport land that is inconsistent with the land use plan for the airport land	Schedule 10, part 1, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for a brothel	Schedule 10, part 2, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for the clearing of native vegetation	Schedule 10, part 3, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use on contaminated land	Schedule 10, part 4, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for aquaculture	Schedule 10, part 6, division 1, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is completely or partly in a declared fish habitat area	Schedule 10, part 6, division 2, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Carrying out operational work that is the removal, destruction or damage of a marine plant	Schedule 10, part 6, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is constructing or raising waterway barrier works	Schedule 10, part 6, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for a hazardous chemical facility	Schedule 10, part 7, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Development on a local heritage place (other than a Queensland heritage place) - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 8, division 1, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development on or adjoining a Queensland heritage place - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 8, division 2, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development interfering with koala habitat in koala habitat areas outside koala priority areas	Schedule 10, part 10, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Development interfering with koala habitat in koala habitat areas for extractive industries in key resource areas	Schedule 10, part 10, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for reconfiguring a lot, if the reconfiguration is also assessable development	Schedule 10, part 12, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Development in a priority port's master planned area that the port overlay for the master planned area states is assessable development - building work - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 13, division 4, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development on strategic port land if the land use plan for the strategic port land states the development is assessable development - building work - plumbing or drainage work - material change of use (consistent with the land use plan) - reconfiguring a lot - operational work	Schedule 10, part 13, division 5, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Making a material change of use on strategic port land that is inconsistent with the land use plan	Schedule 10, part 13, division 5, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a lot under the <i>Land Title Act 1994</i>	Schedule 10, part 14, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a tourist activity or sport and recreation activity in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 2, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a residential care facility in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 3, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a community activity, other than a residential care facility, in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 3, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for indoor recreation in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a biotechnology industry in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a service station in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an urban activity other than a biotechnology industry or service station in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a material change of use of premises for two or more of the following: (i) a community activity (ii) indoor recreation (iii) a sport and recreation activity (iv) a tourist activity (v) an urban activity, in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 7, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out operational work that is tidal works or work carried out completely or partly in a coastal management district	Schedule 10, part 17, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that involves taking, or interfering with, water	Schedule 10, part 19, division 1, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Development for removing quarry material from a watercourse or lake - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 19, division 2, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out operational work that is the construction of a dam or relates to a dam,	Schedule 10, part 19, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for construction of a new category 2 or 3 levee or for modification of an existing category 2 or 3 levee	Schedule 10, part 19, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is high impact earthworks in a wetland protection area	Schedule 10, part 20, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a wind farm	Schedule 10, part 21, division 1	<input type="checkbox"/>	<input type="checkbox"/>

### 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 publicly notified, however there were no properly made submissions received for this application.

## Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>As per Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) of the PR:</p> <p><i>Development application for a material change of use that is assessable development under section 8, if—</i></p> <p>(a) <i>the environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and</i></p> <p>(b) <i>the chief executive is not the prescribed assessment manager for the application.</i></p>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	<p>Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dsdmip.qld.gov.au">ToowoombaSARA@dsdmip.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) of the PR:</p> <p><i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</i></p> <p>(a) <i>the development is for a purpose stated in schedule 20, column 1 for the aspect; and</i></p> <p>(b) <i>the development meets or exceeds the threshold—</i></p> <p>(i) <i>for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</i></p> <p>(ii) <i>for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</i></p> <p>(c) <i>for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area.</i></p> <p><i>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</i></p>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	<p>Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dsdmip.qld.gov.au">ToowoombaSARA@dsdmip.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) of the PR:</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection.</p>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	<p>Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dsdmip.qld.gov.au">ToowoombaSARA@dsdmip.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 10, Part 19, Division 2, Subdivision 3, Table 1, Item 1 (10.19.2.3.1.1) of the PR:</p> <p><i>Development application for assessable development under section 30, unless the chief executive is the prescribed assessment manager for the application.</i></p>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	<p>Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dsdmip.qld.gov.au">ToowoombaSARA@dsdmip.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>

### Environmental authority

Environmental authority EA0002694 was issued under the *Environmental Protection Act 1994* for the following Environmentally relevant activities:

- ERA 16 – Extraction and Screening 1: Dredging, in a year, the following quantity of material (b) more than 10,000 but not more than 100,000t.



### Approved plans and specifications

Copies of the following plans are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: [material change of use]</b>				
Bracker Creek Overall Site Plan	Ausrocks Consulting Mining Engineers	14/10/2020	BC_OSP_001	Final
Bracker Creek Quarry Proposed Extraction Area Plan	Ausrocks Consulting Mining Engineers	03/12/2020	PEAP_001	Version 3
Bracker Creek Quarry QMAN Plan	Ausrocks Consulting Mining Engineers	03/12/2020	QMAN_001	Version 3
Bracker Creek Quarry Site Layout Plan – Detailed Eastern Area	Ausrocks Consulting Mining Engineers	03/12/2020	SLP_001A	Version 6
Bracker Creek Quarry Site Layout Plan – Detailed Western Area	Ausrocks Consulting Mining Engineers	03/12/2020	SLP_001B	Version 6
Bracker Creek Sensitive Receptors Plan	Ausrocks Consulting Mining Engineers	07/06/2019	BC_SRP_001	Final
Bracker Creek Cross Section and Cut Profile	Ausrocks Consulting Mining Engineers	25/05/2020	BC_CSCP_001	Version 2
Cross Section A				
Cross Section B				
Bracker Creek Long Section	Ausrocks Consulting Mining Engineers	25/05/2020	BC_LS_001	Version 2
Long Section				
Bracker Creek Quarry Site Emergency Plan				
Bracker Creek Quarry Excavation Plan	Ausrocks Consulting Mining Engineers	22/05/2020	BC_EP_002	Version 3

### 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)**.

## **Rights of appeal**

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain 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*).

### Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

### Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

**Attachment 4** is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit: <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

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

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

A handwritten signature in black ink, appearing to read 'Carl Manton', with a large, sweeping flourish extending to the right.

**Carl Manton**  
Chief Executive Officer  
Goondiwindi Regional Council

cc      State Assessment and Referral Agency, [toowoombaSARA@dsdmip.qld.gov.au](mailto:toowoombaSARA@dsdmip.qld.gov.au)

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

<b>Approved Use:</b>	<i>"Industrial activities"</i> <ul style="list-style-type: none"> <li><i>"Extractive industry"</i> (Removal of quarry material from a watercourse – more than 10,000t and less than 100,000t per annum) and ERA 16(1)(b) Dredging material 10,000t-100,000t per annum)</li> </ul>
<b>Development:</b>	Material Change of Use – Development Permit
<b>Applicant:</b>	Pearljaney Pty Ltd C/- Ausrocks Pty Ltd
<b>Address:</b>	Bracker Creek and 4712 Stanthorpe-Inglewood Road, Coolmunda
<b>Real Property Description:</b>	Lot 128 on BNT1468 and Lot 1 on BNT1801
<b>Council File Reference:</b>	20/151

GENERAL CONDITIONS																																
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none"> <li><i>"Industry activities"</i> – <i>"Extractive industry"</i> (Removal of quarry material from a watercourse – more than 10,000t and less than 100,000t per annum, and ERA 16(1)(b) Dredging material 10,000t – 100,000t per annum) as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</li> </ul>																															
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 border="1"> <thead> <tr> <th>Drawing Number</th><th>Title</th><th>Date</th></tr> </thead> <tbody> <tr> <td>BC_OSP_001 - Final</td><td>Bracker Creek Overall Site Plan</td><td>14/10/2020</td></tr> <tr> <td>PEAP_001 – Version 3</td><td>Bracker Creek Quarry Proposed Extraction Area Plan</td><td>03/12/2020</td></tr> <tr> <td>QMAN_001 – Version 3</td><td>Bracker Creek Quarry QMAN Plan</td><td>03/12/2020</td></tr> <tr> <td>SLP_001A – Version 6</td><td>Bracker Creek Quarry Site Layout plan – Detailed Eastern Area</td><td>03/12/2020</td></tr> <tr> <td>SLP_001B – Version 6</td><td>Bracker Creek Quarry Site Layout Plan – Detailed Western Area</td><td>03/12/2020</td></tr> <tr> <td>BC_SRP_001 – Final</td><td>Bracker Creek Sensitive Receptors Plan</td><td>07/06/2019</td></tr> <tr> <td>BC_CSCP_001 – Version 2</td><td>Bracker Creek Cross Section and Cut Profile</td><td>25/05/2020</td></tr> <tr> <td></td><td>Cross Section A</td><td></td></tr> <tr> <td></td><td>Cross Section B</td><td></td></tr> </tbody> </table>		Drawing Number	Title	Date	BC_OSP_001 - Final	Bracker Creek Overall Site Plan	14/10/2020	PEAP_001 – Version 3	Bracker Creek Quarry Proposed Extraction Area Plan	03/12/2020	QMAN_001 – Version 3	Bracker Creek Quarry QMAN Plan	03/12/2020	SLP_001A – Version 6	Bracker Creek Quarry Site Layout plan – Detailed Eastern Area	03/12/2020	SLP_001B – Version 6	Bracker Creek Quarry Site Layout Plan – Detailed Western Area	03/12/2020	BC_SRP_001 – Final	Bracker Creek Sensitive Receptors Plan	07/06/2019	BC_CSCP_001 – Version 2	Bracker Creek Cross Section and Cut Profile	25/05/2020		Cross Section A			Cross Section B	
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	<table><tr><td>BC_LS_001 – Version 2</td><td>Bracker Creek Long Section</td><td>25/05/2020</td></tr><tr><td></td><td>Long Section</td><td></td></tr><tr><td></td><td>Bracker Creek Quarry Site Emergency Plan</td><td></td></tr><tr><td>BC_EP_002 – Version 3</td><td>Bracker Creek Quarry Excavation Plan</td><td>22/05/2020</td></tr></table>	BC_LS_001 – Version 2	Bracker Creek Long Section	25/05/2020		Long Section			Bracker Creek Quarry Site Emergency Plan		BC_EP_002 – Version 3	Bracker Creek Quarry Excavation Plan	22/05/2020
BC_LS_001 – Version 2	Bracker Creek Long Section	25/05/2020											
	Long Section												
	Bracker Creek Quarry Site Emergency Plan												
BC_EP_002 – Version 3	Bracker Creek Quarry Excavation Plan	22/05/2020											
	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"><li>(i) Generally in accordance with development approval documents; and</li><li>(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.</li></ul> <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</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.	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.												
6.	The development must be carried out in accordance with the Site Based Management Plan prepared by Ausrocks Consulting Mining Engineers, dated December 2020 (version 1.9).												
7.	It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site.												
	<b>OPERATION OF THE USE</b>												
8.	<p>The proposed industrial use shall be operated generally between the hours of 6:00am and 6:00pm Monday to Saturday.</p> <p>No activities are to be carried out on Sundays or Public Holidays.</p>												

	<b>ESSENTIAL SERVICES</b>
9.	When required, provision of suitable toilet and washroom amenities for staff is to be provided on site. The facilities are to be serviced by a licenced waste effluent contractor with all waste being transported to an approved disposal site.
10.	When required, the development shall be provided with a suitable potable water supply in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> .
	<b>PUBLIC UTILITIES</b>
11.	The development shall be provided with an adequate and reliable water supply for fire fighting purposes.
12.	When required, the development shall be connected to an adequate electricity supply system, at no cost to Council.
	<b>ROADS AND VEHICLES</b>
13.	All site accesses shall be constructed in accordance with the standards provided by the Department of Transport and Main Roads.
14.	<p>All areas where vehicles regularly manoeuvre and park shall be constructed to an all-weather dust suppressant standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of an at no cost to Council.</p> <p>Car parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
15.	Vehicle manoeuvring areas shall be provided on-site so that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.



<b>ENVIRONMENT &amp; SITE REHABILITATION</b>	
<b>16.</b>	Progressive rehabilitation of the site shall be carried out in accordance with the Site Based Management plan prepared by Ausrocks Consulting Mining Engineers, dated December 2020 (version 1.9) to minimise potential for impacts on the environment and to retain the environmental values and natural appearance of the surroundings.
<b>17.</b>	The development shall be designed and constructed to avoid significant adverse impacts on areas of environmental significance identified within the site.
<b>18.</b>	The existing vegetation on site must be retained and maintained to the satisfaction of and at no cost to Council.
<b>19.</b>	Wastewater discharge is to be managed in a way that maintains ecological processes, riparian vegetation, waterway integrity and downstream ecosystem health.
<b>STORMWATER</b>	
<b>20.</b>	<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 (Version 2)</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>
<b>21.</b>	<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>

<b>EARTHWORKS AND EROSION CONTROL</b>	
<b>22.</b>	<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 (Version 2)</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>
<b>23.</b>	<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 (Version 2)</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>
<b>AVOIDING NUISANCE</b>	
<b>24.</b>	<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>
<b>25.</b>	<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>
<b>26.</b>	<p>At all times while the use continues, all waste is to be contained in suitable waste bins or skips with lids to avoid windblown litter and access by animals. All waste is to be disposed of to an approved waste facility, and waste oil and lubricants are to be removed from the site and disposed of through an approved waste facility or contractor.</p>
<b>27.</b>	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
<b>28.</b>	<p>Excavation works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>The site must be kept in a clean and tidy state at all times during operations.</p>

29.	<p>At all times while the use continues, provision must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use.</p> <p>Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.</p>
<b>DEVELOPER'S RESPONSIBILITIES</b>	
30.	<p>It is the developer's responsibility to ensure that potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site in regard to vegetation type and proximity, slope and aspect, bushfire history, on-site environmental values, ease of maintenance and any specific implications on the development shall be submitted to Council prior to the commencement of the use.</p>
31.	<p>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.</p>
32.	<p>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.</p>
33.	<p>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.</p>
34.	<p>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.</p>
35.	<p>At all times while the use continues, all requirements of the conditions of the development approval must be maintained.</p>
<b>COMMENCEMENT OF USE</b>	
36.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p> <p>The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.</p>

37.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within <b>six years</b> of the date the development approval takes effect, in accordance with the provisions contained in sections 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
38.	<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>
<p><b>PLEASE READ CAREFULLY - NOTES AND ADVICE</b></p>	
	<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 – <b>six (6) years</b> 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>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>
	<p>This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i>.</p>
	<p>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.</p>



## **Attachment 1 – Assessment Manager's Conditions**

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



SARA reference: 2007-17776 SRA  
Council reference: 20/151  
Applicant reference: 122D

28 January 2021

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

Attention: Ms Ronnie McMahon

Dear Ronnie

## SARA response—4712 Stanthorpe Inglewood Road, Coolmunda

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 28 July 2020.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	28 January 2021
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Material change of use for removal of quarry material from a watercourse
SARA role:	Referral Agency.	
SARA triggers:	Schedule 10, Part 19, Division 2, Subdivision 3, Table 1 (10.19.2.3.1.1) - Operational work - removing quarry material (from a watercourse or lake) (Planning Regulation 2017)	

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

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) - Development impacting on state transport infrastructure (Planning Regulation 2017)

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

SARA reference:	2007-17776 SRA
Assessment Manager:	Goondiwindi Regional Council
Street address:	4712 Stanthorpe Inglewood Road, Coolmunda
Real property description:	Lot 128 on BNT1468 and Lot 1 on BNT1801
Applicant name:	Pearljaney Pty Ltd
Applicant contact details:	C/- Ausrocks Pty Ltd PO Box 359 Virginia BC QLD 4014 wendy.wood@ausrocks.com.au
Environmental Authority:	<p>This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: EA0002694</li> <li>• Effective date: When development application MCU 20/15 takes effect</li> </ul> <p>Prescribed environmentally relevant activity (ERA): ERA 16 - Extraction and Screening 1: Dredging, in a year, the following quantity of material (b) more than 10,000t but not more than 100,000t</p> <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: <a href="http://www.des.qld.gov.au">www.des.qld.gov.au</a></p>
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: TMR20-030690</li> <li>• Date: 27 January 2021</li> </ul> <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Downs.South.West.IDAS@tmr.qld.gov.au</p>

## Representations

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

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

For further information please contact Ian McHugh, Principal Planning Officer, on 07 4616 7320 or via email [ToowoombaSARA@dsdmip.qld.gov.au](mailto:ToowoombaSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darren Cooper', with a stylized flourish at the end.

Darren Cooper  
Manager - DDSW (Planning)

cc Pearljaney Pty Ltd c/- Ausrocks Pty Ltd, wendy.wood@ausrocks.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations 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
<b>Material change of use (Quarrying in a Watercourse)</b>		
<b>10.19.2.3.1.1</b> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	The removal of quarry materials from Bracker Creek may occur only during the period for which a Quarry Material Allocation Notice is granted under the <i>Water Act 2000</i> .	At all times
<b>10.9.4.2.4.1</b> — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads (DTMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
2.	<p>The development must be generally in accordance with the Hydraulic Assessment prepared by Hydrobiology, dated 21 November 2019, in particular:</p> <ul style="list-style-type: none"> <li>• Buffer zone from the Stanthorpe Inglewood Road bridge is to be 100m upstream and 150m downstream. The following requirements apply within the buffer zone: <ul style="list-style-type: none"> <li>o Extraction depths are limited to original bed levels shown in the Bridge Design Drawing prepared by Department of Transport and Main Roads dated 18.1.1967, Plan No. 94925, 1 of 9;</li> <li>o 10m setback from instream voids and river banks, particularly on the northern (right) bank;</li> <li>o 1:3 to 1:10 slopes on all extraction voids within the river bed;</li> <li>o Maintenance and monitoring of the bed level beneath the Stanthorpe Inglewood Road bridge post flooding events to ensure original bed levels are not compromised;</li> <li>o Any works within the buffer zone will require the operator to contact Department of Transport and Main Roads to allow for monitoring of the operations near and protection of the Stanthorpe Inglewood Road bridge infrastructure.</li> </ul> </li> </ul>	Prior to the commencement of use and to be maintained at all times
3.	The applicant is to obtain a Road Corridor Permit from Department of Transport and Main Roads for any development operations within 50 metres of the Stanthorpe Inglewood Road – Bracker Creek bridge.	Prior to commencing operations within 50 metres of the Stanthorpe Inglewood Road – Bracker Creek bridge
4.	(a) The permitted road access location between Lot 128 on	(a) At all times

	<p>BNT1468 and Stanthorpe Inglewood Road is to be in accordance with the Site Plan prepared by Ausrocks Pty Ltd (amended in red).</p> <p>(b) Road access works comprising Type C Access (Articulated Vehicles), (at the road access location) must be provided generally in accordance with Transport and Main Roads Property Access Standard Drawing No. 1807, dated 07/2020.</p> <p>(c) The road access works must be designed and constructed in accordance with Transport and Main Roads Road Planning and Design Manual and Property Access Standard Drawing No. 1807, dated 07/2020</p> <p>(d) The operator must ensure annual records of the volume of extracted material are kept for compliance should any issues with the vehicular access occur.</p>	<p>(b) and (c): Prior to the development transporting &gt;30,000 ton/annum via the approved road access location</p> <p>(d) At all times</p>
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## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<b>Road Access Works Approval Required</b> – Written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> . This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland. Please contact Department of Transport and Main Roads to make an application.
3.	<b>Road corridor permit:</b> An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i> . Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.
4.	For any operations undertaken within the identified buffer zone, please contact Department of Transport and Main Roads on 07 4639 0616 (Deepthi Epaarachchi – Senior Engineer), 07 4639 0625 (Nicholas Hill – Engineer) or 07 4639 0759 (Lachlan Jones – Planner).

## Attachment 3—Reasons for referral agency response

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

### The reasons for SARA's decision are:

The development complies with State code 15: Removal of quarry material from a watercourse or lake of the SDAP. Specifically, the development:

- ensures the sustainable management of water resources and quarry material and does not result in adverse impacts on:
  - natural ecosystem processes
  - riverine environment
  - the physical integrity of the watercourse
  - infrastructure, and
  - other users' access to quarry material and water resources.

The development complies with State code 1: Development in a state-controlled road environment and State code 6: Protection of state transport networks of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services.
- Subject to conditions the development will not have a negative impact on the state-controlled road (including the bridge)

The application complies with State code 22: Environmentally relevant activities by demonstrating that environmental impacts have been avoided and minimised

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system

## **Attachment 4—Representations about a referral agency response**

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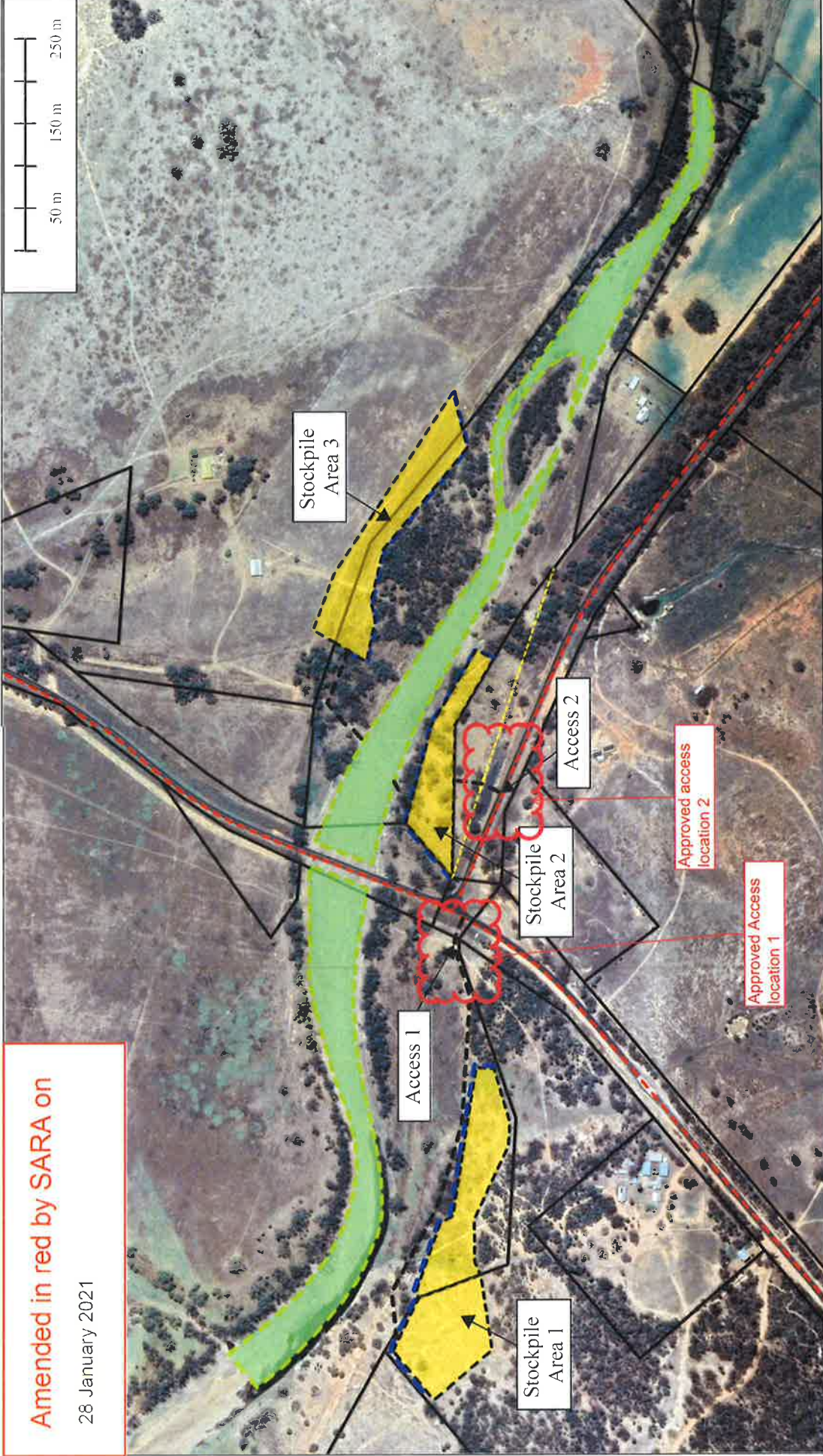
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## **Attachment 5—Approved plans and specifications**

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**PLANS AND DOCUMENTS**  
referred to in the REFERRAL  
AGENCY RESPONSE

**SARA ref:** 2007-17776 SRA

**Date:** 28 January 2021



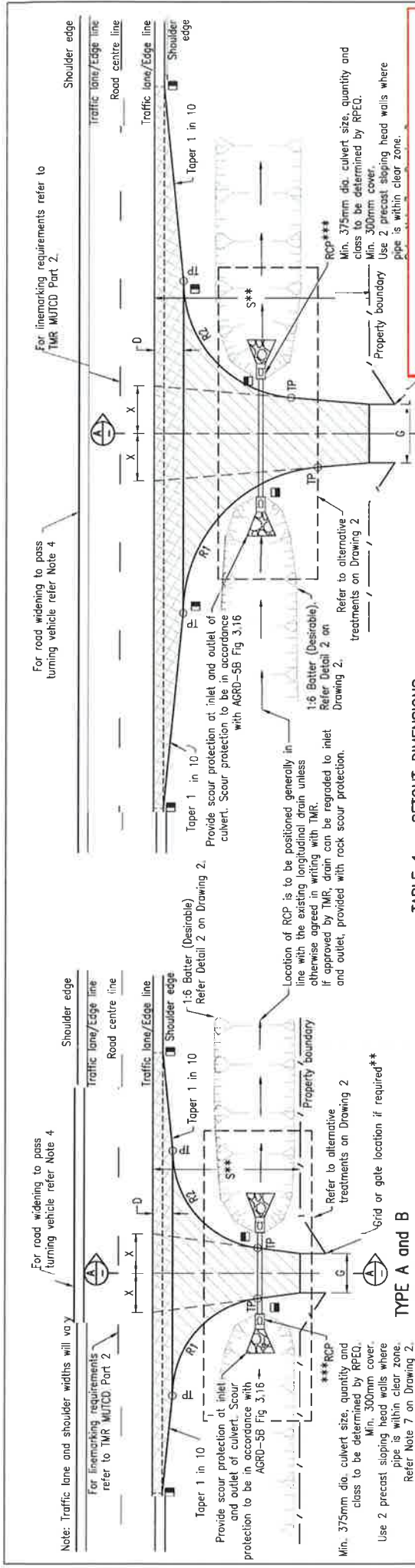
**Ausrocks**  
CONSULTING MINING ENGINEERS

Ausrocks Pty Ltd  
PO Box 359  
Virginia BC, QLD 4014

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

Title	
Project No	Drawing No
Drawn	Checked
Scale	Datum
Date	Status





**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**

**SARA ref:** 2007-17776 SRA

**Date:** 28 January 2021

**TYPE C and D**  
(Refer Table 1)

- NOTES:**
- Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to Sections 7.2.1 and 7.2.3 of the AGRD-4 (2009).
  - For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Supplement to AGRD-4A, and Section 3 of the AGRD-4A (2010).
  - Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 – Parking Facilities Off-Street Commercial Vehicle Facilities.
  - RPEQ or designer to conduct traffic impact assessment to determine if turning treatments are required. Urban right-turn treatments may be appropriate, refer to Section 7.5 of the AGRD-4A (2010) for pavement widening requirements. Pavement type to match existing or minimums specified in Table 2 of this drawing.
  - This drawing is to be read in conjunction with Drawing 2 of 2.
  - All dimensions in metres and are minimum unless specified.

**REFERENCED DOCUMENTS:**

Departmental Standard Drawings:

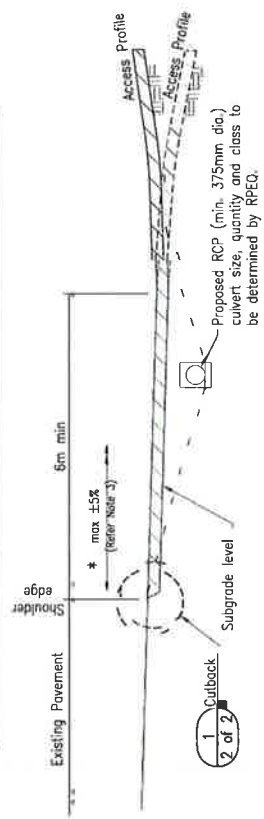
- 1243 Precast Culvert Headwalls – Headwall Connections for Culverts
- 1305 Pipe Culverts – Headwall and Apron for Pipe Diameter 375 to 675
- 1359 Culverts – Installation, Bedding and Filling/Backfilling Against/Over Culverts

Departmental Documents:

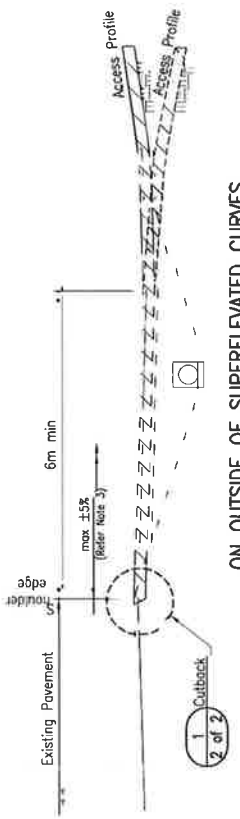
- RPDM Road Planning and Design Manual (2nd Edition)
- MRTSD3 Drainage, Retaining Structures and Protective Treatment
- Austrroads Guide to Road Design:
- AGRD-4 (2009) Part 4: Intersections and Crossings – General (2009)
- AGRD-4A (2010) Part 4A: Unsignalised and Signalised Intersections (2010)
- AGRD-5B (2013) Part 5B: Drainage – Open Channels, Culverts and Floodways (2013)

**TABLE 1 – SETOUT DIMENSIONS**

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Trains)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	5m
S	12m	15m	22m	30m**
G	4-6m Ø	4-6m Ø	6m	6m
Ø	6m Minimum width for two-way two-lane access.			



**ON STRAIGHTS AND INSIDE OF CURVES**



**ON OUTSIDE OF SUPERELEVATED CURVES**

**SECTION A**

**TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH**

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm (Min.) Type 2.2 or match existing	200mm (Min.) Type 2.2 or match existing	280mm (Min.) Type 2.2 or match existing
Unsealed Pavement Base Course	150mm (Min.) Type 2.4 or match existing	200mm (Min.) Type 2.4 or match existing	#

**NOTE:**

Pavement to be sealed if through road is sealed to minimum of width '0' of Table 1.

Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.

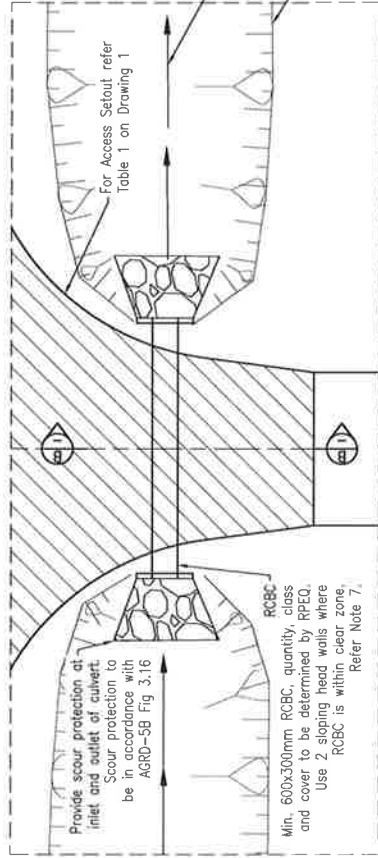
# Bitumen sealed pavement only.

Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.

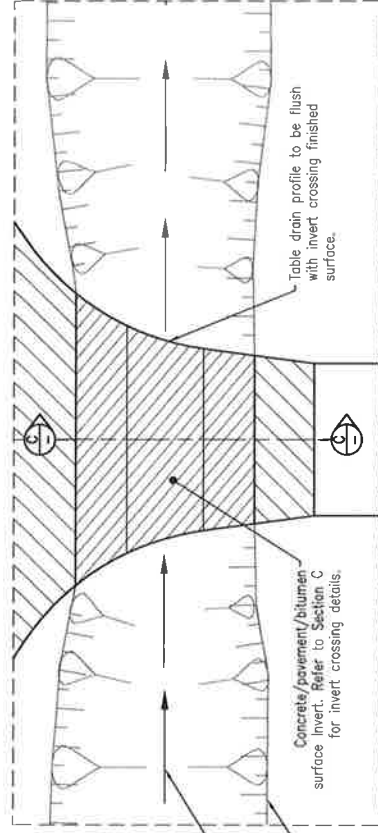
**LEGEND**

- Denotes Road Edge Guide Post
- The Filled in portion denotes a red reflector and the open portion a white reflector.





RC BOX CULVERT PLAN VIEW



INVERT CROSSING PLAN VIEW

LEGEND



Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.



Invert crossing surface

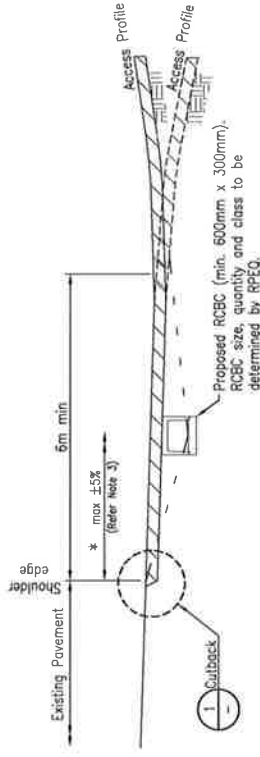
\* Maintain existing shoulder crossfall and super-elevation.

NOTES:

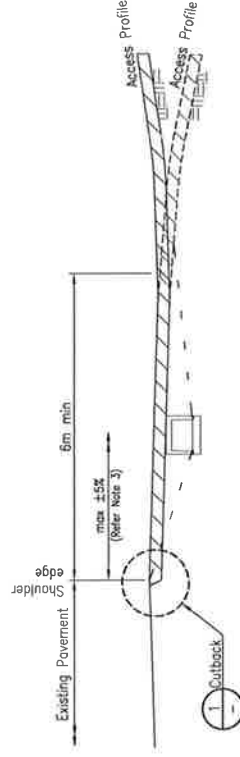
1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Culvert clear zone varies with location and speed environment. Refer to TMR Road Planning and Design Manual – Supplement to AGRD Part 6, and Austroads Guide to Road Design - Part 6.

REFERENCED DOCUMENTS:

- Departmental Standard Drawings:  
 1260 R C Box Culverts and Slab Link Box Culverts –  
 Culverts Height = 375 To 600  
 1033 Kerb and Channel – Profiles  
 Australian Standards Documents:  
 AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities



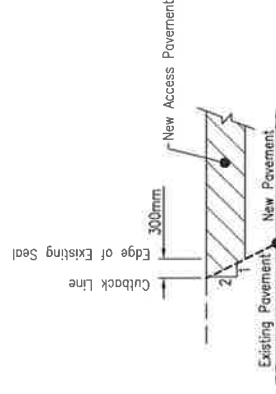
ON STRAIGHTS AND INSIDE OF CURVES



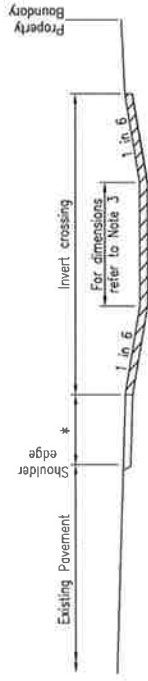
ON OUTSIDE OF SUPERELEVATED CURVES



BATTER DETAIL



CUTBACK DETAIL



INVERT CROSSING



Refer Notes 2 and 3 for additional invert requirements.  
 For concrete inverts strength and thickness refer note 6.  
 For other surface inverts depths refer Note 4.

		Department of Transport and Main Roads
<b>PROPERTY ACCESS</b>		
<b>RURAL PROPERTY ACCESS</b>		
<b>DRAWING 2 OF 2</b>		
AS	Not to Scale	A
Standard Drawing No		1807
Date		07/2020

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

21 November 2019

## BRACKER CREEK – ASSESSMENT OF SAND AND GRAVEL EXTRACTION PROPOSAL

Dear Chris,

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

### SCOPE

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

### VISIT TO SITE

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

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

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<sup>1</sup> Traprock is a collective terms for the local igneous rock types.



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

## MY OBSERVATIONS

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

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

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

For independent verification, I reviewed TMRs survey drawings from 1967, 2011 and 2017 that showed a history of bed surface levels at the bridge site<sup>2</sup>. Using a simple arithmetic mean of the measured RL points surveyed across the bed between the central 12 piers, the survey data showed that:

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

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

---

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

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

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



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



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

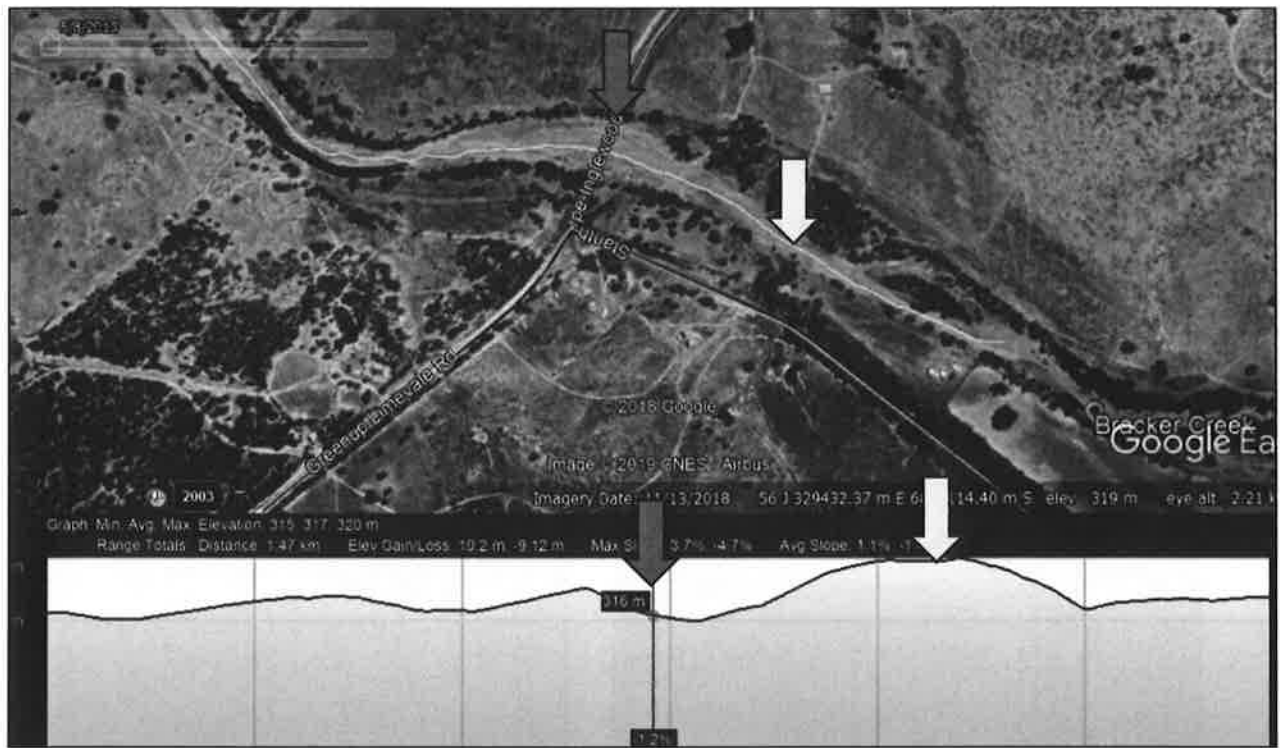


Figure 3 Approximate long profile of Bracker Creek

## PROPOSED REMOVAL OF SEDIMENT

### GENERAL IMPACTS

The general physical impacts of instream sand and gravel extraction are well-understood and documented in, for example, the Australian Stream Rehabilitation Manual<sup>3</sup>. Key physical impacts are presented in Figure 4 and include:

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

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

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

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

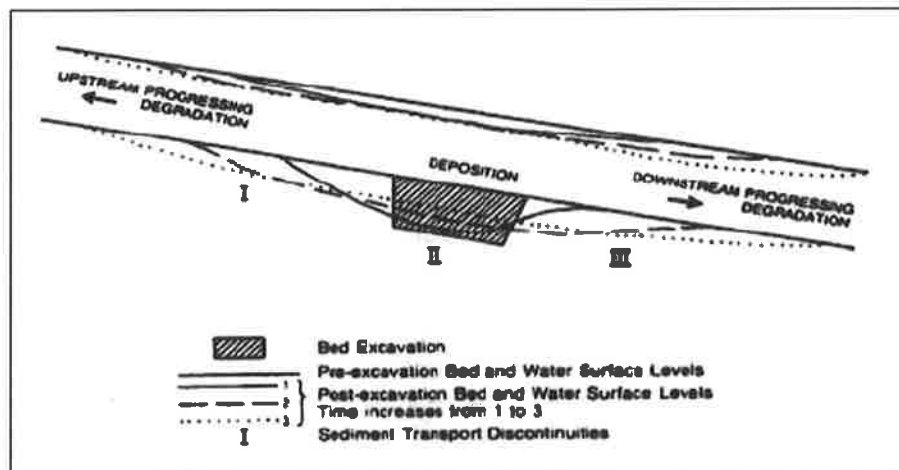


Figure 4 Potential instabilities in rivers caused by in-stream extraction (after Erskine, 1988)

## THREATS TO THE BRIDGE UNDER CURRENT CONDITIONS

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

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

## BENEFITS OF EXTRACTION

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

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

## RISKS OF EXTRACTION

The risks associated with sediment removal in Bracker Creek include:

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

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

## SEDIMENT REPLENISHMENT RATES

A preliminary assessment of sediment replenishment rates was undertaken. Given the inherent uncertainty around sediment transport capacity formulae, two equations considered suitable for the Bracker Creek conditions were used being (1) Engelund-Hansen and (2) Meyer-Peter-Muller. The required input parameters to these formulae included width, depth, slope, grainsize and velocity. While width, slope and grainsize could be estimated to varying degrees based on available data and field measurements, velocity values were assumed. The DNRM Gauging Station *Bracker Creek at Terraine*, which operated between 1966 and 2002 provided useful information regarding catchment size (685 km<sup>2</sup> at the gauge), flow discharge, and the number of flow days per year<sup>4</sup>.

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

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

Although there is little basis by which to verify these numbers, Wasson (1994)<sup>5</sup> provided an estimate of long term mean annual sediment yield as a function of catchment area for the Darling Downs. For a catchment area of 685 km<sup>2</sup>, the mean annual basin sediment yield is calculated to be ~132,000 tonnes per year which is reasonably consistent with the upper estimates of the Meyer Peter Muller results.

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

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

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

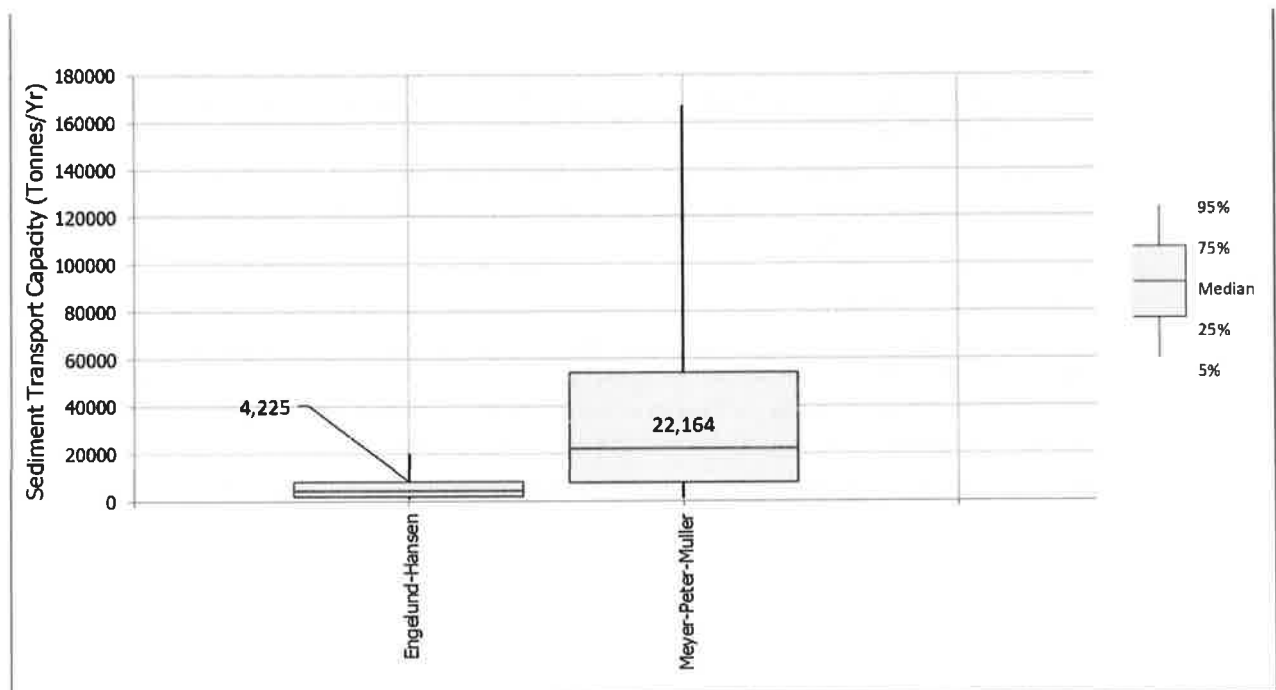


Figure 5 Preliminary estimates of sediment transport capacity

## RECOMMENDATIONS

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

- Extraction operations may occur both upstream and downstream of the bridge. Extraction should ideally commence upstream of the bridge in order to:
  - Draw down the 'slug' of sediment that appears to be present based on Google Earth imagery.
  - Delay the risk that upstream-progressing degradation (from extraction downstream of the bridge) would work its way upstream and undermine the bridge piers and abutments.
- Ensure adequate buffer distances between any instream void and the river banks, particularly on the northern (right) bank in the vicinity of the bridge. Based on the limited guidance in the literature, a minimum setback of 10 m is recommended<sup>67</sup>.

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

<sup>7</sup> US sand and gravel mining guidelines for operators, State of Oklahoma, 2010.



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

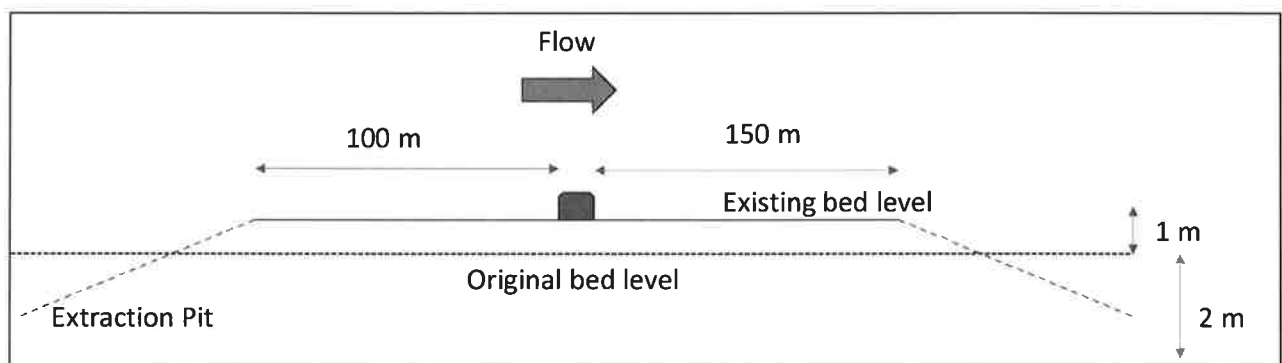
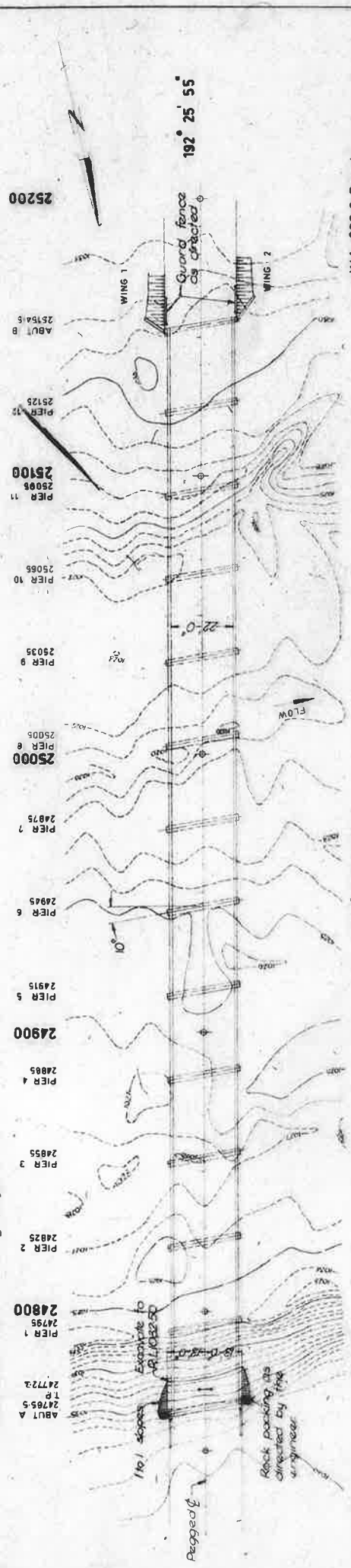


Figure 6 Buffer zone concept and recommended extraction allowance

## Hydrobiology

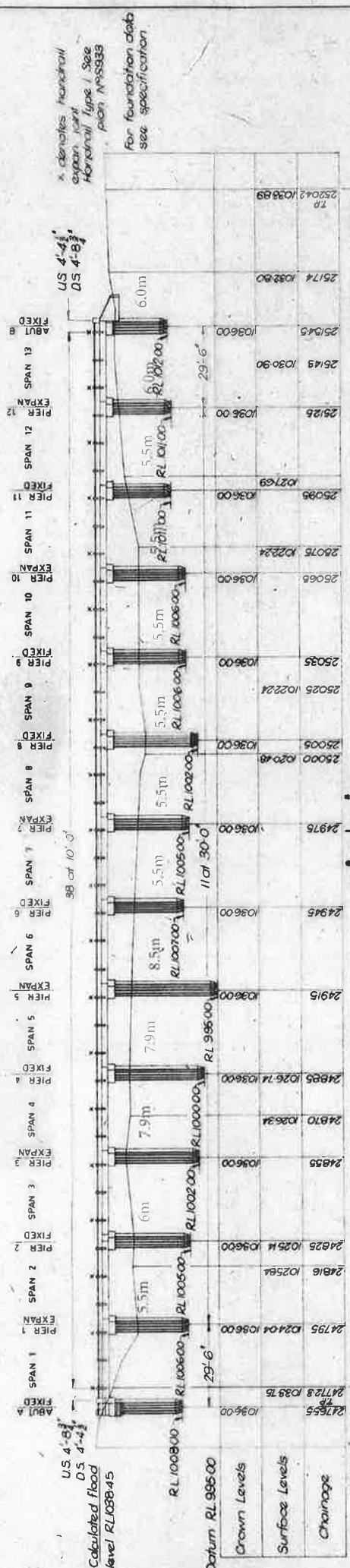
Dr Andy Markham (Director)

On State Datum of pgs shown thus



GENERAL PLAN

WA 296.3 Sq mls

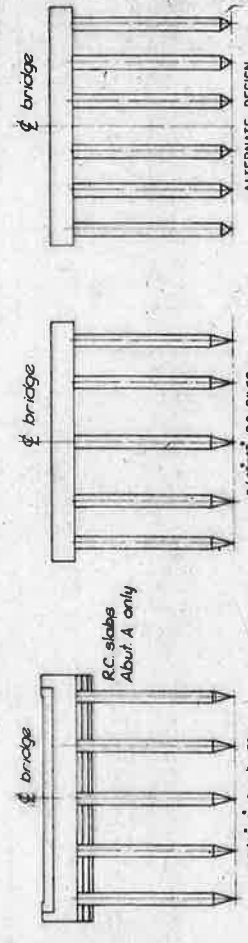
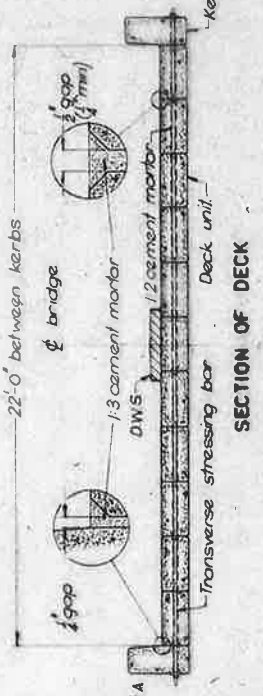


LONGITUDINAL ELEVATION

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

CLASS OF CONCRETE			NOM AGG SIZE
LOCATION	CLASS	SIZE	
Abut headstocks	B	1 1/2"	
End posts	B	1 1/2"	
Pier headstocks	B	1 1/2"	
Intern handrail posts	AA	1 1/2"	

TRANS 200  
STANDARD PLANS  
Deck and kerb units  
Handrail Type 1  
Brass plate plate  
Hook and top details  
Welding reinforcing steel  
Warning signs  
RC piles

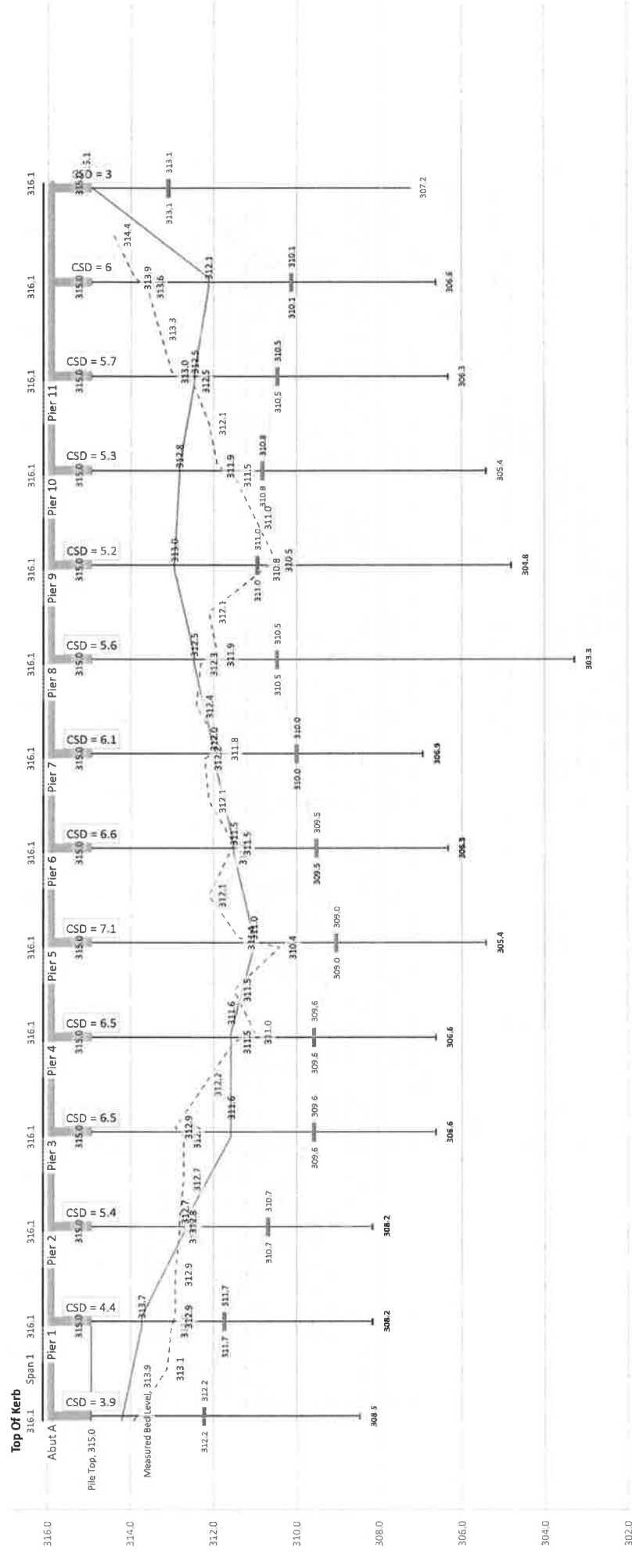


MAIN ROADS DEPARTMENT	INGLEWOOD SHIRE
STANTHORPE - INGLEWOOD ROAD	
BRACKER CREEK	
PRESTRESSED CONCRETE SLAB DECK H20 - S16	
No. 1 OF THE 9 PLANS REFERRED TO IN JOB No. 94925	
DESIGNED BY	DR. J. C. J. C.
CHECKED BY	DR. J. C. J. C.
APPROVED BY	DR. J. C. J. C.
CHIEF ENGINEER R. G. P.	DR. J. C. J. C.

FIELD BOOK	CS-6-41
LEVEL BOOK	CS-6-41, 42
PLAN AMENDED	25 JUN 1961
STATIFIED	25 JUN 1961
RECOMMENDED	BRIDGE ENGINEER
APPROVED	DR. J. C. J. C.
CHIEF ENGINEER R. G. P.	DR. J. C. J. C.

Bridge CSD Viewer												
Select Structure ID:		575	Configuration		Geometry	Loads						
Pile ID (Bridge-Widening Span-End-Direction)		575093E1D	Pile is Braced or Sway - Long Direction		Pinnaed Braced	Top of Pile Level (CL of Headstock) (mIL)				315.0	Pile Ultimate Axial Compression Load N °C (kN)	204
L3 Inspection Date		4/10/2011	Pile is Braced or Sway - Lateral Direction		Rigid Sway	Bottom of Pile Level (mIL)				308.2	Pile Ultimate Longitudinal Load H ° Long (kN)	9
Select Side:		D/S	Section Size		SQR-406RCP-	Design Bed Level (mIL)				313.7		
Select CSD Source:		Original - 2m	Number of Piles in the Headstock		5	Measured Scoured Bed Level (mIL)				313.3	Pile Ultimate Lateral Load H ° Lat (kN)	4
Data Available:		TRUE	Soil Type		Cohesive	Top of Ferts Level (mIL)				316.1	Assessment Vehicle	GMI, Semi
Notes:			Undrained Cohesion Cu (kN/m²)		35	Pile Length (m)				6.8		
			Bulk Unit Weight, γ (kN/m³)		21						Design Velocity, V (m/s)	2.4
			Design Allowance for Scour		1						Depth of Scabris	1.2
			Material		Concrete	CSD - Cohesiveless				3.6	Allowable Flood Level (mIL)	315.2
						CSD - Cohesive				3.7		

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



# Bridge CSD Viewer

Select Structure ID:	575
Pile ID (Bridge-Widening-Span-End-Direction)	975052ELD
Inspection Date	18/01/2017
Select Side:	D/S
Select CSD Source:	Original - 2m
Data Available:	TRUE
Notes:	
Flood velocity assumed to be 2m/s	(1)
	(2)

Pile is Braced or Sway - Long Direction	Pinned Braced
Pile is Braced or Sway - Lateral Direction	Rigid Sway
Section Size	SQR-406RCP-
Number of Piles in the Headstock	5
Soil Type	Cohesive
Undrained Cohesion $c_u$	Friction Angle
Bulk Unit Weight $\gamma$	21   20
Design Allowance for Scour	1
Material	Concrete

Top of Pile Level (CL of Headstock) (mRL)	315.0
Bottom of Pile Level (mRL)	308.2
Design Bed Level (mRL)	313.7
Measured Scoured Bed Level (mRL)	313.4
Top of Kerb Level (mRL)	316.1
Pile Length (m)	6.8
CSD - Cohesionless	3.6
CSD - Cohesive	3.7

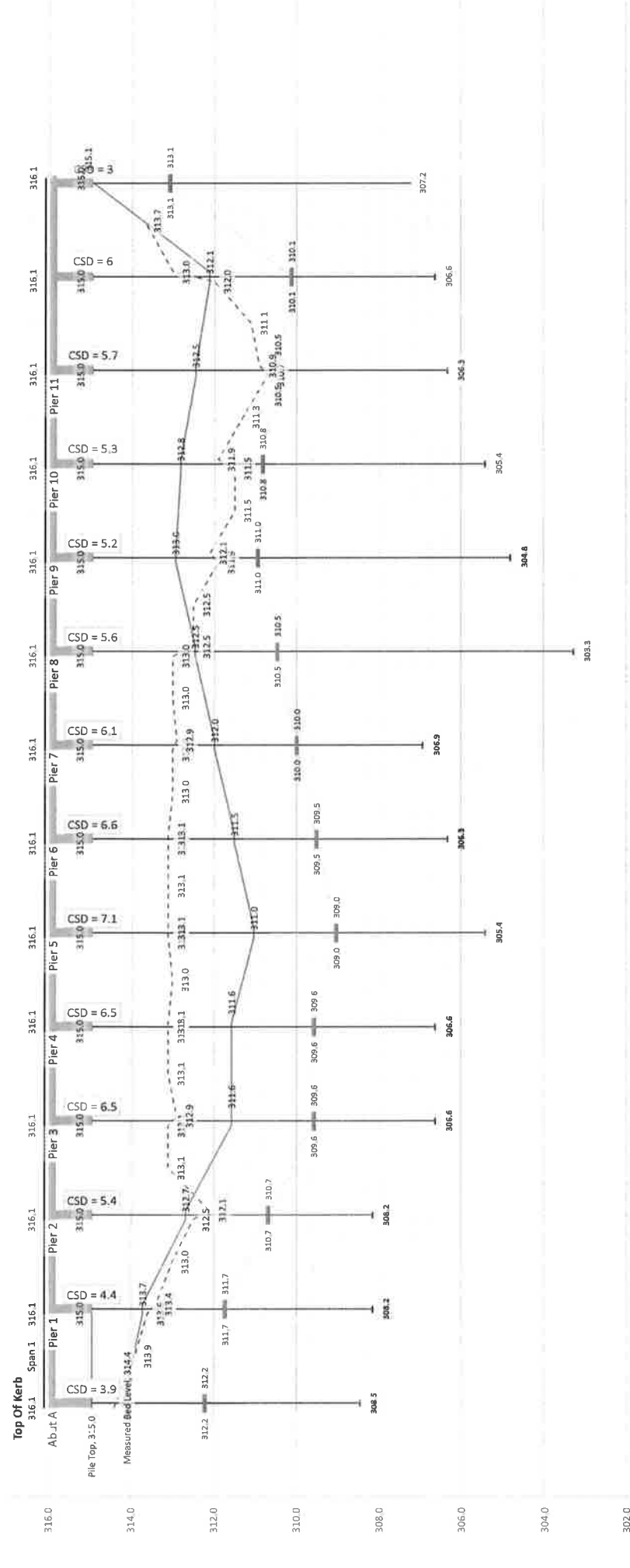
Pile Ultimate Axial Compression Load $N^*c$ (kN)	204
Pile Ultimate Longitudinal Load $H^* \text{ long}$ (kN)	9
Pile Ultimate Lateral Load $H^* \text{ lat}$	4
Assessment Vehicle	GMI Semi
# Lanes	2
Design Velocity, $V$	2.4
Depth of debris	1.2
Allowable Flood Level (mRL)	315.2

Loads

Geometry

## Bridge Elevation

RL (m) ——— Kerb Level ——— Measured Bed Level ——— Original Bed Level — CSD Cohesionless — CSD Cohesive



Bridge CSD Viewer

Select Structure ID:	575
Pile ID (Bridge-Widening-Span-End-Direction)	575051E2U
L2 Inspection Date	4/10/2011
Select Side:	U/S
Select CSD Source:	Original - 2m
Data Available:	TRUE
Notes:	
Flood velocity assumed to be 2m/s	(1)
	(2)

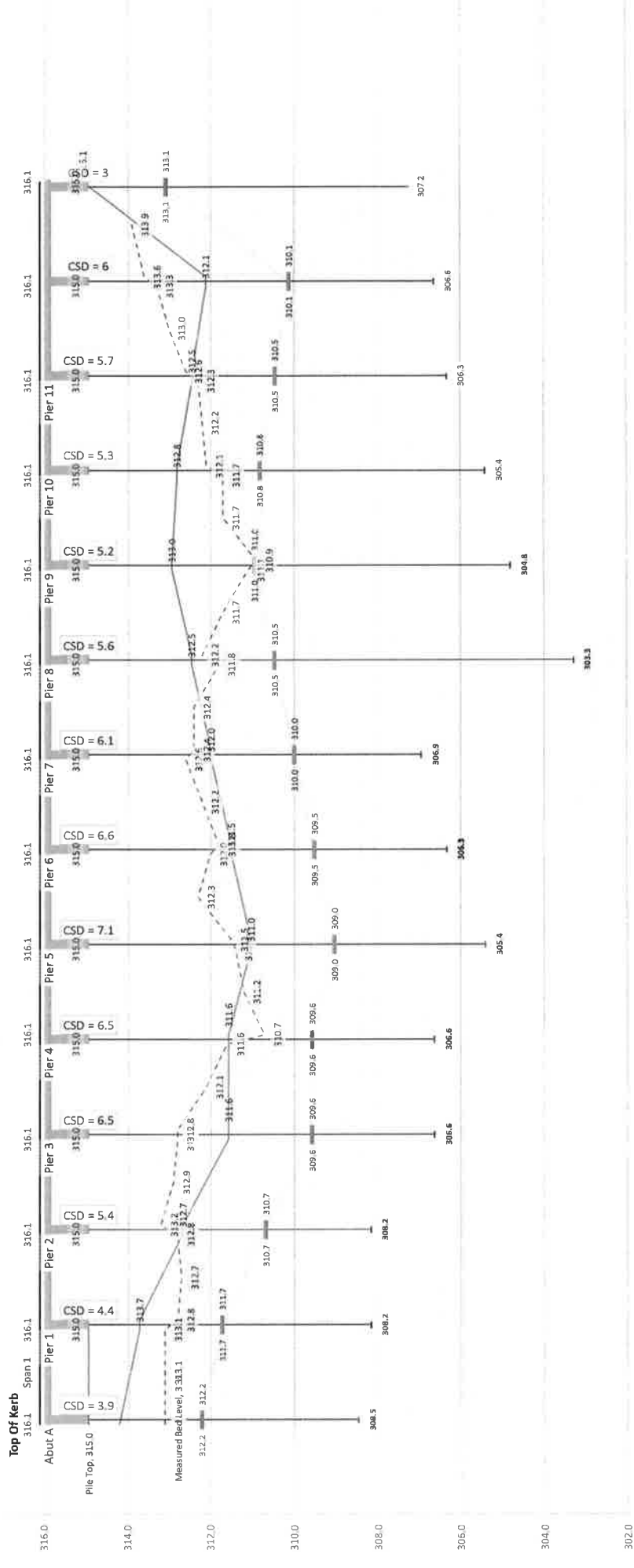
Pile is Braced or Sway - Long Direction	Pinned Braced
Pile is Braced or Sway - Lateral Direction	Rigid Sway
Section Size	SCR-40GRCP-
Number of Piles in the Headstock	5
Soil Type	Cohesive
Undrained Cohesion $C_u$   Friction Angle $\phi$	35   30
Bulk Unit Weight $\gamma$	21   20
Design Allowance for Scour	1
Material	Concrete

Top of Pile Level (CL of Headstock) (mRL)	315.0
Bottom of Pile Level (mRL)	308.2
Design Bed Level (mRL)	313.7
Measured Scoured Bed Level (mRL)	313.3
Top of Kerb Level (mRL)	316.1
Pile Length (m)	6.8
CSD - Cohesionless	3.6
CSD - Cohesive	3.7

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

RL (m) Bridge Elevation

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



Bridge CSD Viewer

Select Structure ID:	575
Pile ID (Bridge-Widening-Span-End-Direction)	575052E1U
L2 Inspection Date	18/07/2017
Select Side:	L/S
Select CSD Source:	Original - 27m
Data Available:	TRUE
Notes:	(1) (2)
Flood velocity assumed to be 2m/s	

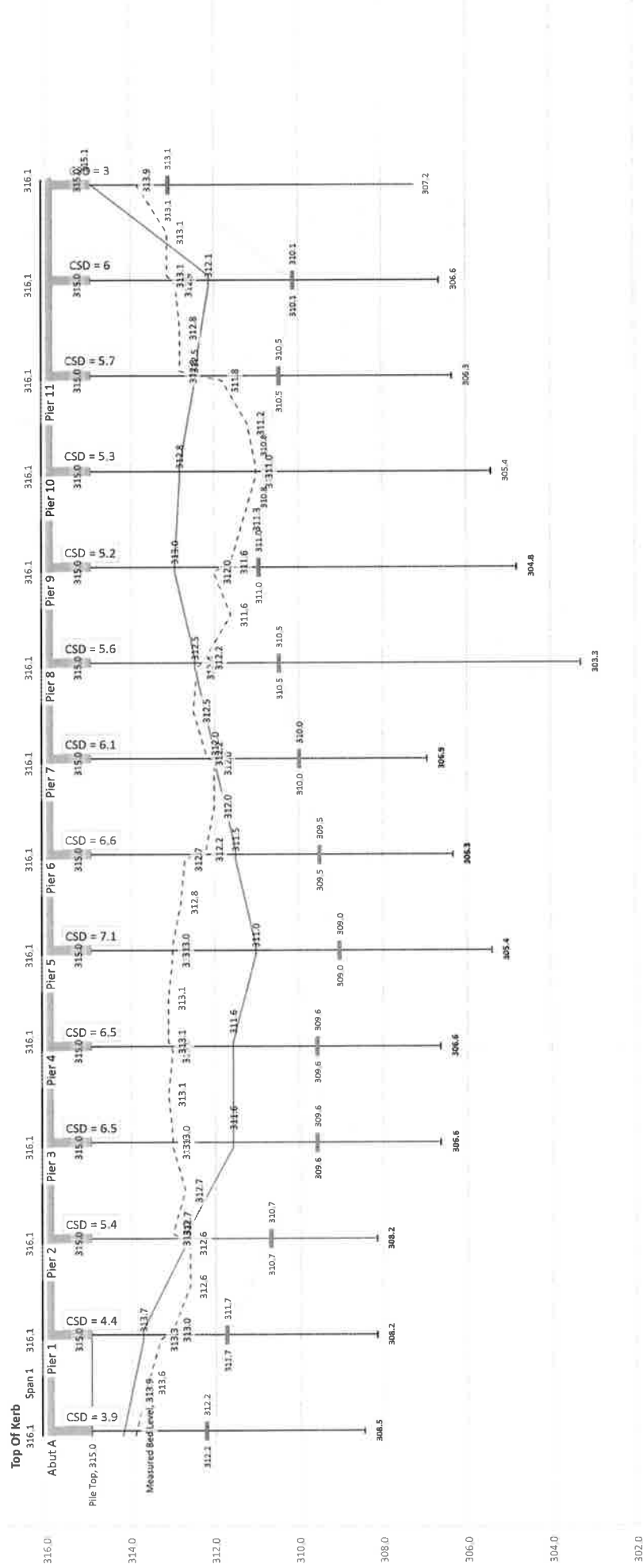
Configuration	
Pile is Braced or Sway - Long Direction	Pinned Braced
Pile is Braced or Sway - Lateral Direction	Rigid Sway
Section Size	SQF-40S8CP+
Number of Piles in the Headstock	5
Soil Type	Cohesive
Undrained Cohesion $c_u$ / Friction Angle	35 / 30
Bulk Unit Weight, $\gamma$	21 / 20
Design Allowance for Scour	1
Material	Concrete

Geometry	
Top of Pile Level (CL of Headstock) (mRL)	315.0
Bottom of Pile Level (mRL)	308.2
Design Bed Level (mRL)	313.7
Measured Squared Bed Level (mRL)	313.0
Top of Kerb Level (mRL)	316.1
Pile Length (m)	6.8
CSD - Cohesionless	3.6
CSD - Cohesive	3.7

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

RL (m) Bridge Elevation

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



## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

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

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

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

---

<sup>3</sup> 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.





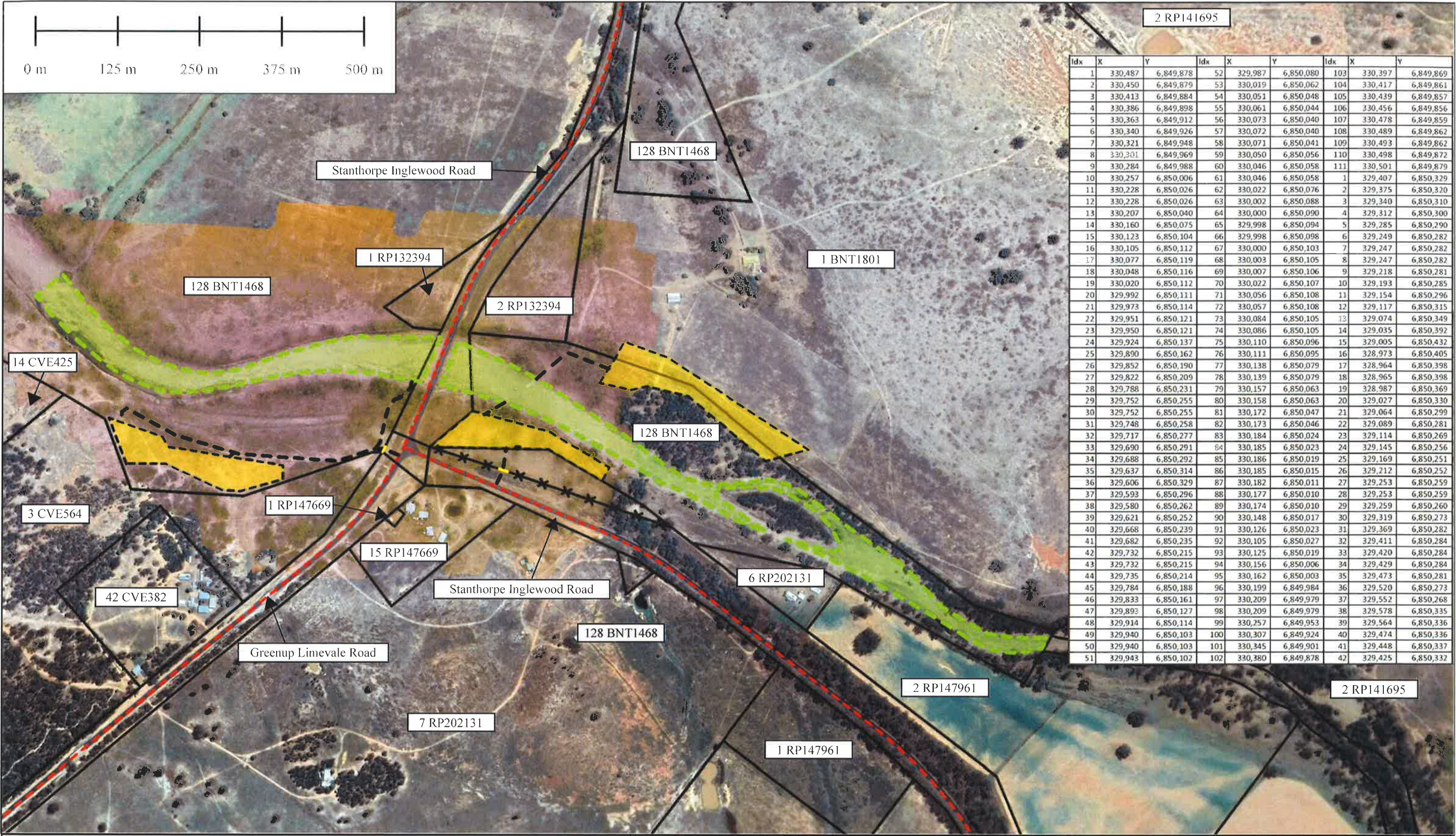
## **Attachment 2 – Approved Plans**











Idx	X	Y	Idx	X	Y	Idx	X	Y
1	330,487	6,849,878	52	329,987	6,850,080	103	330,397	6,849,869
2	330,450	6,849,879	53	330,019	6,850,062	104	330,417	6,849,861
3	330,413	6,849,884	54	330,051	6,850,048	105	330,439	6,849,857
4	330,386	6,849,898	55	330,061	6,850,044	106	330,456	6,849,856
5	330,363	6,849,912	56	330,073	6,850,040	107	330,478	6,849,859
6	330,340	6,849,926	57	330,072	6,850,040	108	330,489	6,849,862
7	330,321	6,849,948	58	330,071	6,850,041	109	330,493	6,849,862
8	330,301	6,849,969	59	330,050	6,850,056	110	330,498	6,849,872
9	330,284	6,849,988	60	330,046	6,850,058	111	330,501	6,849,879
10	330,257	6,850,006	61	330,046	6,850,058	1	329,407	6,850,329
11	330,228	6,850,026	62	330,022	6,850,076	2	329,375	6,850,320
12	330,228	6,850,026	63	330,002	6,850,088	3	329,340	6,850,310
13	330,207	6,850,040	64	330,000	6,850,090	4	329,312	6,850,300
14	330,160	6,850,075	65	329,998	6,850,094	5	329,285	6,850,290
15	330,123	6,850,104	66	329,998	6,850,098	6	329,249	6,850,282
16	330,105	6,850,112	67	330,000	6,850,103	7	329,247	6,850,282
17	330,077	6,850,119	68	330,003	6,850,105	8	329,247	6,850,282
18	330,048	6,850,116	69	330,007	6,850,106	9	329,218	6,850,281
19	330,020	6,850,112	70	330,022	6,850,107	10	329,193	6,850,285
20	329,992	6,850,111	71	330,056	6,850,108	11	329,154	6,850,296
21	329,973	6,850,114	72	330,057	6,850,108	12	329,117	6,850,315
22	329,951	6,850,121	73	330,084	6,850,105	13	329,074	6,850,349
23	329,950	6,850,121	74	330,086	6,850,105	14	329,035	6,850,392
24	329,924	6,850,137	75	330,110	6,850,096	15	329,005	6,850,432
25	329,890	6,850,162	76	330,111	6,850,095	16	328,973	6,850,405
26	329,852	6,850,190	77	330,138	6,850,079	17	328,964	6,850,398
27	329,822	6,850,209	78	330,139	6,850,079	18	328,965	6,850,398
28	329,788	6,850,231	79	330,157	6,850,063	19	328,987	6,850,369
29	329,752	6,850,255	80	330,158	6,850,063	20	329,027	6,850,330
30	329,752	6,850,255	81	330,172	6,850,047	21	329,064	6,850,299
31	329,748	6,850,258	82	330,173	6,850,046	22	329,089	6,850,281
32	329,717	6,850,277	83	330,184	6,850,024	23	329,114	6,850,269
33	329,690	6,850,291	84	330,185	6,850,023	24	329,145	6,850,256
34	329,688	6,850,292	85	330,186	6,850,019	25	329,169	6,850,251
35	329,637	6,850,314	86	330,185	6,850,015	26	329,212	6,850,252
36	329,606	6,850,329	87	330,182	6,850,011	27	329,253	6,850,259
37	329,593	6,850,296	88	330,177	6,850,010	28	329,253	6,850,259
38	329,580	6,850,262	89	330,174	6,850,010	29	329,259	6,850,260
39	329,621	6,850,252	90	330,148	6,850,017	30	329,319	6,850,273
40	329,668	6,850,239	91	330,126	6,850,023	31	329,369	6,850,282
41	329,682	6,850,235	92	330,105	6,850,027	32	329,411	6,850,284
42	329,732	6,850,215	93	330,125	6,850,019	33	329,420	6,850,284
43	329,732	6,850,215	94	330,156	6,850,006	34	329,429	6,850,284
44	329,735	6,850,214	95	330,162	6,850,003	35	329,473	6,850,281
45	329,784	6,850,188	96	330,199	6,849,984	36	329,520	6,850,273
46	329,833	6,850,161	97	330,209	6,849,979	37	329,552	6,850,268
47	329,893	6,850,127	98	330,209	6,849,979	38	329,578	6,850,335
48	329,914	6,850,114	99	330,257	6,849,953	39	329,564	6,850,336
49	329,940	6,850,103	100	330,307	6,849,924	40	329,474	6,850,336
50	329,940	6,850,103	101	330,345	6,849,901	41	329,448	6,850,337
51	329,943	6,850,102	102	330,380	6,849,878	42	329,425	6,850,332

LEGEND

- Buildings
- Property Bdrys
- Roads - Access
- Extraction Area
- Fence Line
- State Road
- Laydown Yard
- Gate



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PO Box 359  
Virginia BC, QLD 4014

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


Title			
Bracker Creek Quarry Proposed Extraction Area Plan			
Project No	AUQ00122C	Drawing No	PEAP_001
Drawn	NV	Checked	CM
Scale	1:5,500 (A3)	Datum	GDA94
Date	03/12/2020	Status	Version 3



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

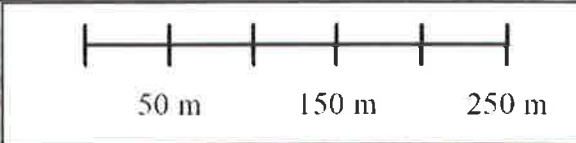
Council Reference: 20/15 F

Dated: 19 February 2021

Signed: 

Print Name: Mr Carl Manton  
(Under Delegation) ASSESSMENT MANAGER





# LEGEND

- Buffer Zone
- Extraction Area
- Laydown Yard
- Property Bdry's
- Banks of Watercourse
- Fence Line
- Gate
- Roads - Access
- State Road
- Upstream & Downstream Points



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Title Bracker Creek Quarry QMAN Plan			
Project No	AUQ00122C	Drawing No	QMAN_001
Drawn	NV	Checked	CM
Scale	1:4,500 (A3)	Datum	GDA94
Date	03/12/2020	Status	Version 3



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

Council Reference: 20/151

Dated: 19 February 2021

Signed: 

Print Name: Mr Carl Manton  
(Under Delegation) ASSESSMENT MANAGER





LEGEND

- Buildings
- Extraction Area
- Laydown Yard
- Property Bdry's
- Fence Line
- Gate
- Roads - Access
- State Road
- Stormwater



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ABN: 64 056 939 014

Title Bracker Creek Quarry Site Layout Plan - Detailed Eastern Area			
Project No	AUQ00122C	Drawing No	SLP_001A
Drawn	NV	Checked	CM
Scale	1:1,700 (A3)	Datum	GDA94
Date	03/12/2020	Status	Version 6



GOONDIWINDI REGIONAL COUNCIL

Approved Plan referred to in Council's Decision Notice

Council Reference: 201/51

Dated: 19 February 2021

Signed: 

Print Name: Mr. Carl Montez

(Under Delegation) ASSESSMENT MANAGER





LEGEND

- Buildings
- Extraction Area
- Laydown Yard
- Property Bdry's
- Fence Line
- Gate
- Roads - Access
- State Road
- Stormwater



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


Title Bracker Creek Quarry Site Layout Plan - Detailed Western Area			
Project No	AUQ00122C	Drawing No	SLP_001B
Drawn	NV	Checked	CM
Scale	1:1,700 (A3)	Datum	GDA94
Date	03/12/2020	Status	Version 6



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

Council Reference: 20/151

Dated: 19 February 2021

Signed: 

Print Name: Mr. Carl Munkton  
(Under Delegation) ASSESSMENT MANAGER





Sensitive Receptors	Distance to Creek mid-point (m)	
N1	344	Rented House on K&R Reilly land
N2	165	Neighbour
N3	190	3 Houses on corner of Inglewood Stanthorpe Road
N4	291	Camp Greenup (under lease to K&R Reilly)
N5	590	Owned by K&R Reilly



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ABN: 64 056 939 014

Title <b>Bracker Creek Sensitive Receptors Plan</b>	
Project No AUG00122C	Drawing No BC_SRP_001
Drawn NV	Checked CM
Scale N/A	Datum GDA94
Date 07/06/2019	Status FINAL

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

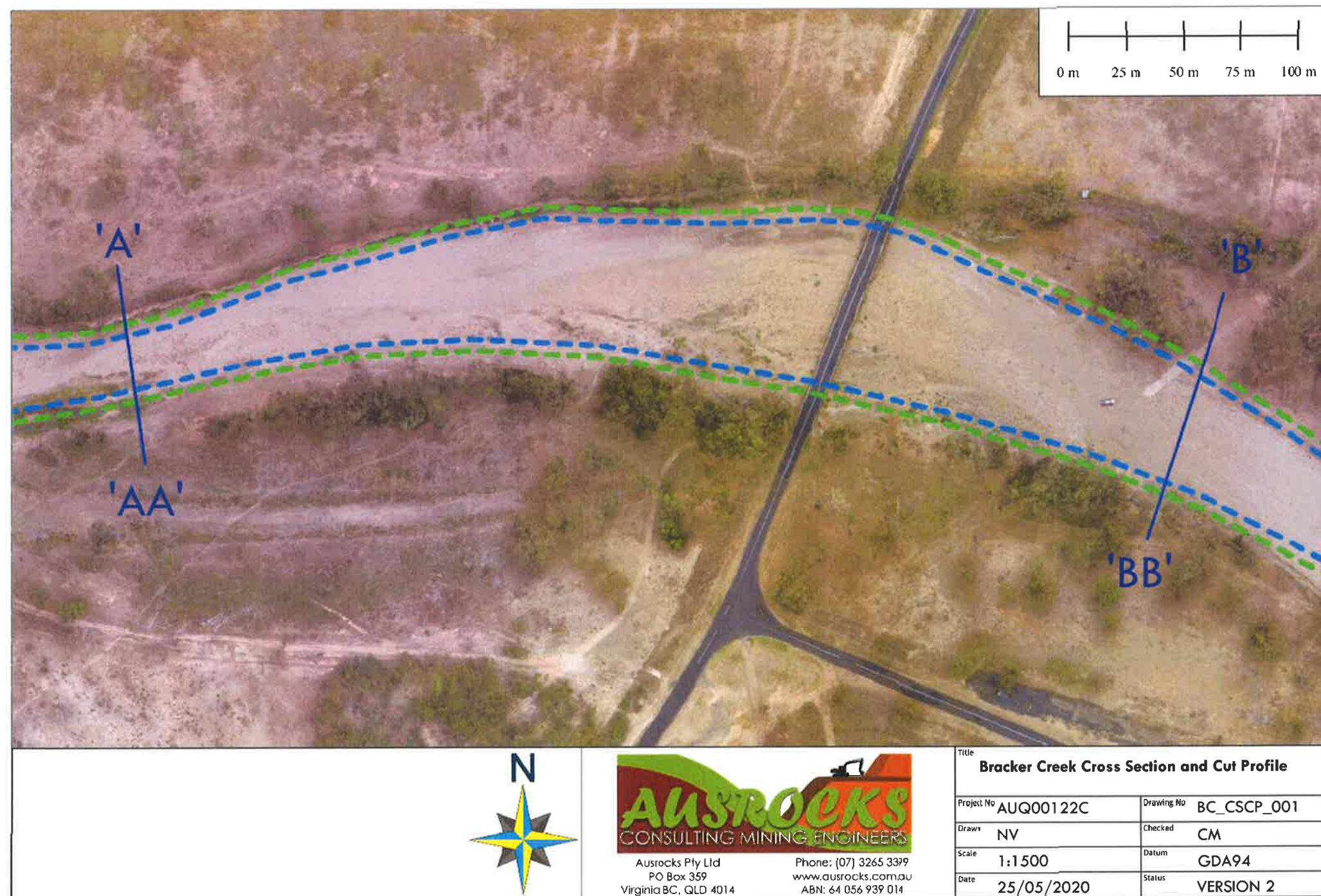
Council Reference: 20/15 I

Dated: 19 February 2021

Signed:

Print Name: Mr. Carl Manton  
(Under Delegation) ASSESSMENT MANAGER





GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 20151  
Dated: 19 February 2021  
Signed: [Signature]  
Print Name: Mr Carl Manton  
(Under Delegation) ASSESSMENT MANAGER

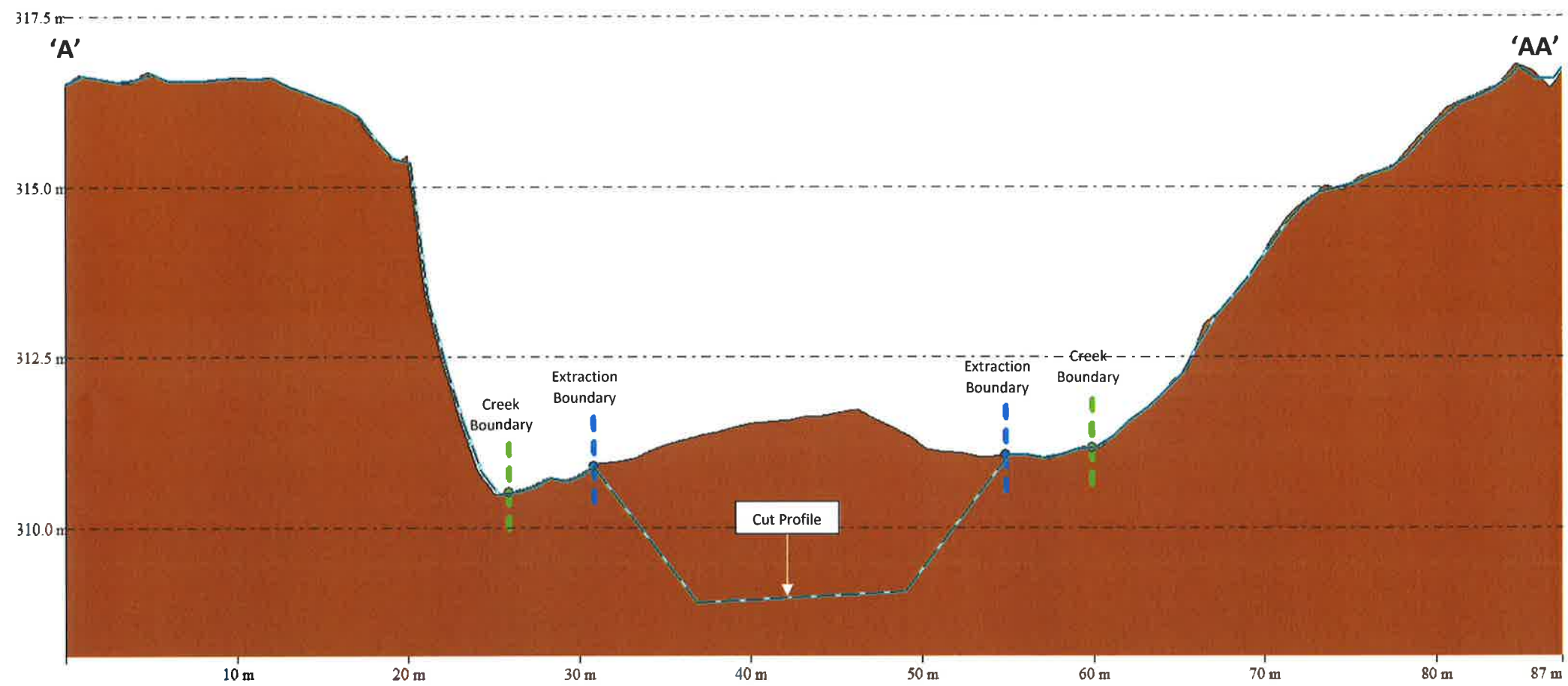
## CROSS SECTION A

### Downstream

From Pos: 329262.688, 6850316.500

1


To Pos: 329274.688, 6850230.000



Elevation to Distance Scale 1:4



GOONDIWINDI REGIONAL COUNCIL  
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Council Reference: 20/152  
Dated: 19 February 2021  
Signed:   
Print Name: Mr Carl Manton  
(Under Delegation) ASSESSMENT MANAGER

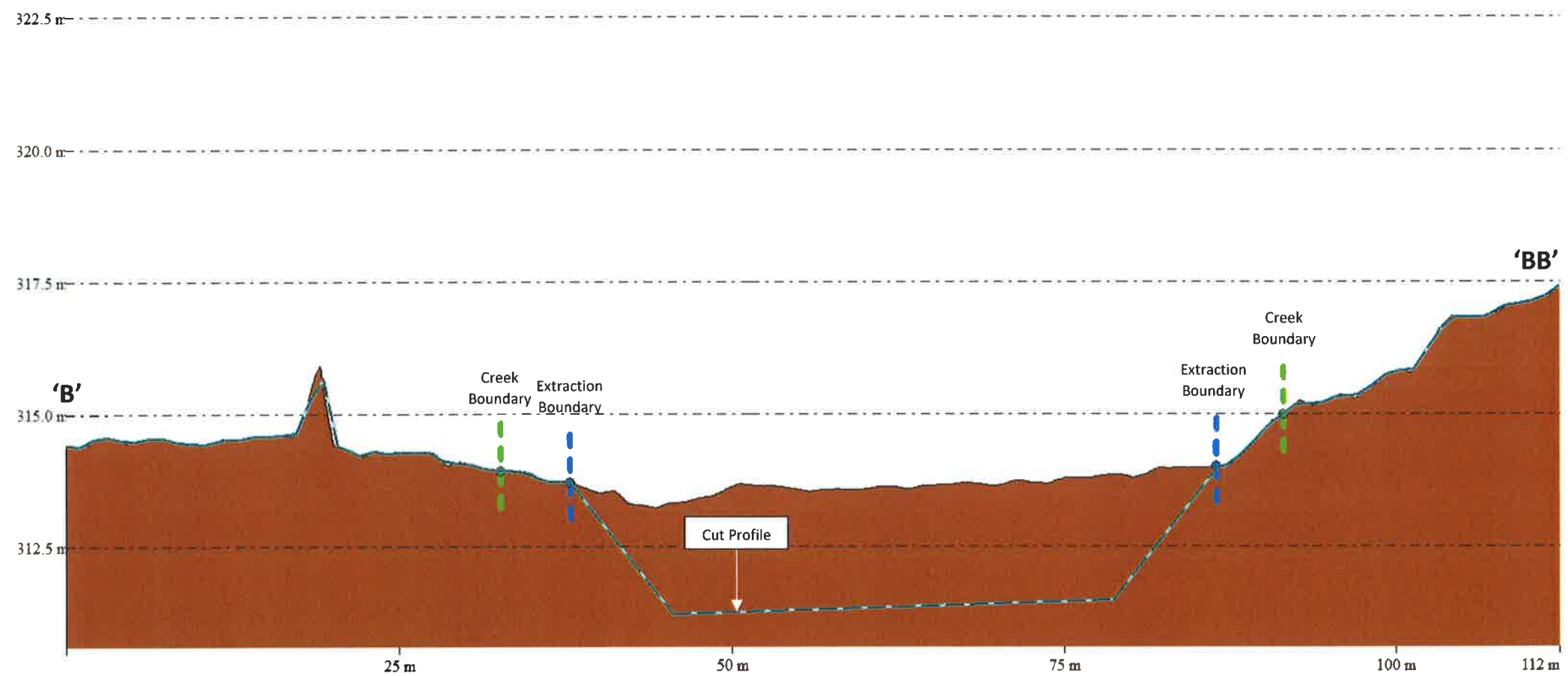
## CROSS SECTION B

### Upstream

From Pos: 329744.063, 6850303.000

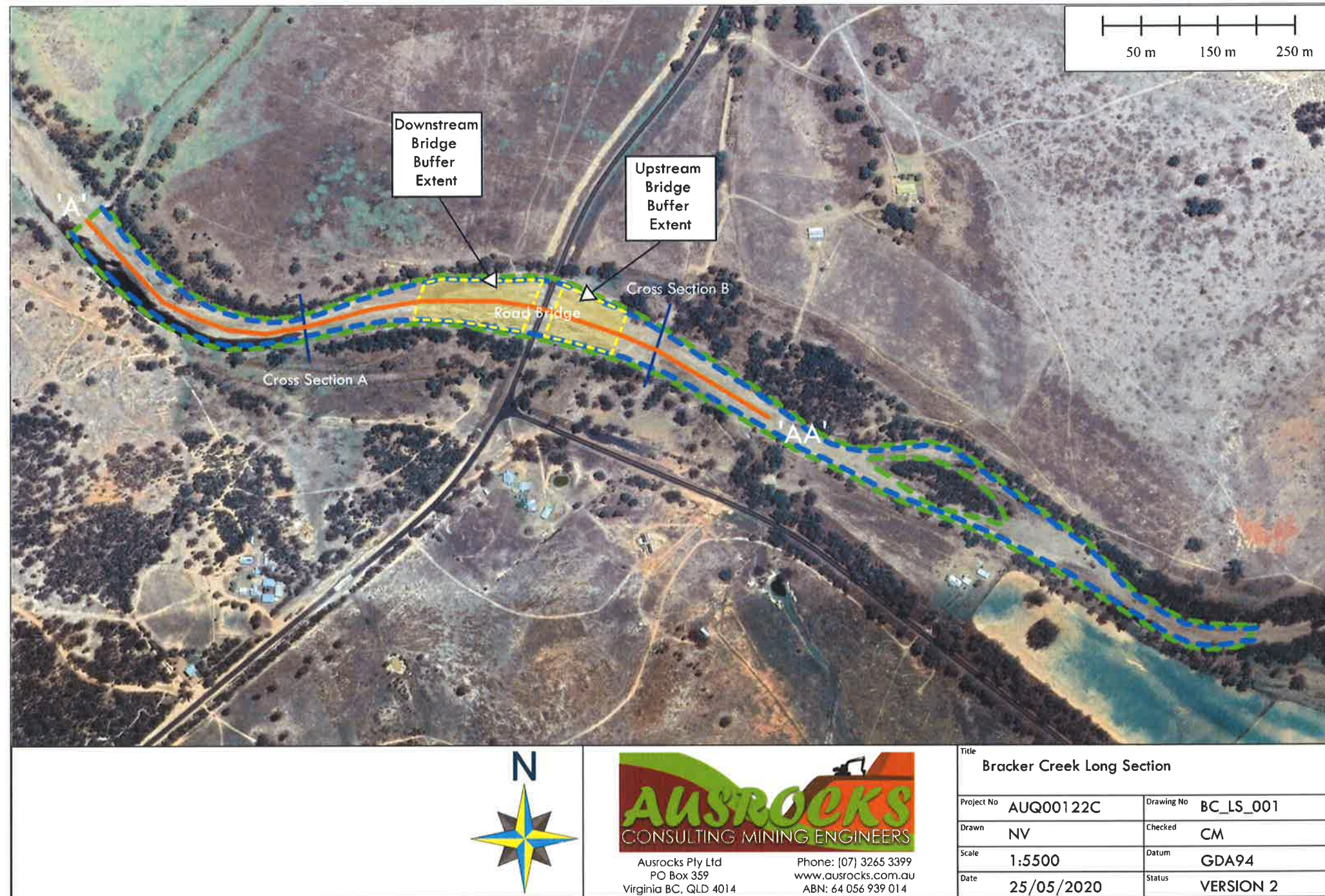
5


To Pos: 329710.219, 6850196.000



Elevation to Distance Scale 1:4

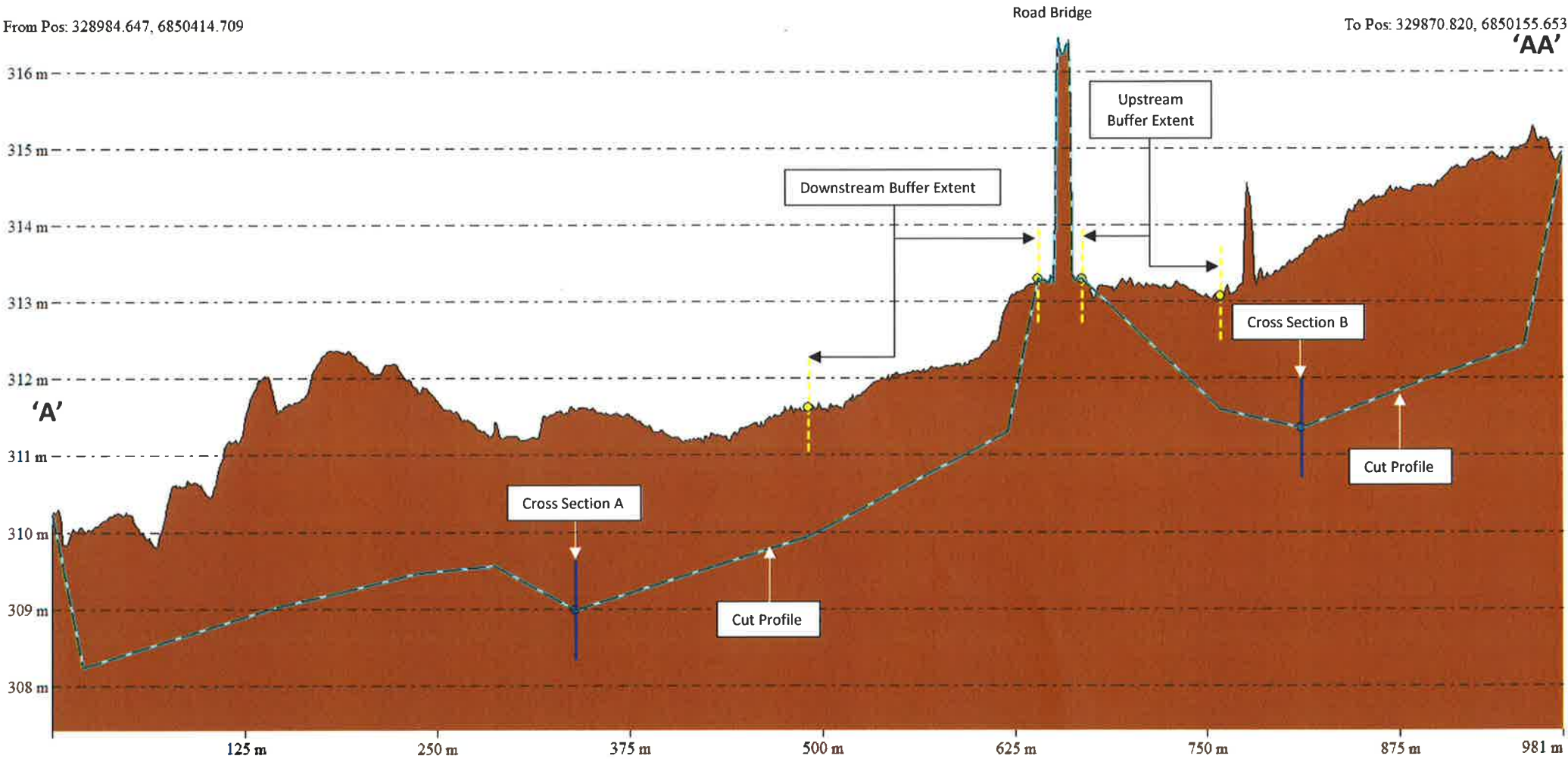




GOONDIWINDI REGIONAL COUNCIL  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 20/151  
 Dated: 19 February 2021  
 Signed:   
 Print Name: Mr. Carl Manton  
 (Under Delegation) ASSESSMENT MANAGER



**LONG SECTION**



Elevation to Distance scale 1:50

GOONDIWINDI REGIONAL COUNCIL  
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Council Reference: 20151  
Dated: 19 February 2021  
Signed:   
Print Name: Mr. Carl Manton  
(Under Delegation) ASSESSMENT MANAGER





GOONDIWINDI REGIONAL COUNCIL  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 20151  
 Dated: 19 February 2021  
 Signed: *Mr. Carl Manton*  
 Print Name: Mr. Carl Manton  
 (Under Delegation - ASSESSMENT MANAGER)





- Bridge Buffer Zone
- Property Boundaries
- Stage 1a Excavation 10m Buffer
- Stage 1b Excavation 10m Buffer
- Stage 2a Excavation 10m Buffer
- Stage 2b Excavation 10m Buffer
- Stage 3 Excavation 10m Buffer
- Stage 4 Excavation 10m Buffer
- Banks of Watercourse
- Island Watercourse Buffer
- North Watercourse Buffer 10m
- South Watercourse Buffer 10m
- State Controlled Roads

Excavation within Bridge Buffer Zone limited to original bed levels shown in the Bridge Design Drawing prepared by Main Roads Department dated 18.1.1967, Plan No 94925, 1 of 9.

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

Council Reference: 20151

Dated: 19 February 2021

Signed: *Mr Carl Munter*

Print Name: Mr Carl Munter  
 (Under Delegation) ASSESSMENT MANAGER





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 www.ausrocks.com.au  
 ABN: 64 056 939 014

Title <b>Bracker Creek Quarry Excavation Plan</b>			
Project No	AUQ00122C	Drawing No	BC_EP_002
Drawn	NV	Checked	CM
Scale	1:4,500 (A3)	Datum	GDA94
Date	22/05/2020	Status	Version 3





**Attachment 3 – Notice about decision - Statement of reasons**



## Notice about decision - Statement of reasons

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

The development application for "*Industry activities*" – "*Extractive industry*" (Removal of quarry material from a watercourse – more than 10,000t and less than 100,000t per annum) and ERA 16(1)(b) Dredging material 10,000t – 100,000t per annum)

20/15I

Bracker Creek and 4712 Stanthorpe-Inglewood Road, Coolmunda

Lot 128 on BNT1468 and Lot 1 on BNT1801

On 18 February 2021, the above development application was:

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

### 1. Reasons for the decision

The reasons for this decision are:

- *Having regard to the relevant criteria in the Strategic Framework, the Rural Zone Code and Code Purpose, the Transport and Infrastructure Code and Code Purpose, the Extractive Industry Code and Code Purpose, the Bushfire Hazard Overlay Code, the natural Resources Overlay Code, the Biodiversity Areas Overlay Code, the Flood Hazard Overlay Code and the Infrastructure Overlay Code of the Goondiwindi Region Planning Scheme 2018 (Version 2), the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.*

### 2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Rural Zone Code	Goondiwindi Region Planning Scheme 2018 (Version 2): AO1, AO2.1, PO4, PO5
Rural Zone Code Purpose	Goondiwindi Region Planning Scheme 2018 (Version 2): Outcome 1, Outcome 2
Transport and Infrastructure Code	Goondiwindi Region Planning Scheme 2018 (Version 2): AO1, AO2, AO3.2, AO4.2, AO5.1, AO5.2, AO6, AO7, AO8, AO9, AO10, AO12.1, AO12.2, AO13, PO15

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Transport and Infrastructure Code Purpose	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> Outcome 1, Outcome 2
Extractive Industry Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO1.1, AO1.2, AO1.3, AO1.4, PO2, AO3.1, AO3.2, AO3.3, PO4, AO5, PO6, AO7.1, AO7.2, PO8, PO9
Extractive Industry Code Purpose	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> Outcome 1, Outcome 2
Bushfire Hazard Overlay Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO1.1, AO5, AO6.1, AO6.2, PO7, AO8
Natural Resources Overlay Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> PO5, PO8, PO9
Biodiversity Areas Overlay Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> PO1, PO2, PO3
Flood Hazard Overlay Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO1.1, AO1.4, PO2, AO4
Infrastructure Overlay Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO5.1, AO5.2
Strategic Framework	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</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.

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

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
<b>Strategic Framework</b> of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</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 applicable was publicly 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.*