Goondiwindi REGIONAL COUNCIL | REGIONAL AUSTRALIA at its best!

File: 23/21
Date: 13 October 2023

Johnstone Concrete and Quarries Pty Ltd
C/- Groundwork Plus
PO Box 1779
MILTON QLD 4064

Attention: Mr Sam Lyons

Dear Sam

Decision Notice –approval (with conditions)
Material Change of Use
Lot 18 on RP818379, Kildonan Yelarbon Road, Yelarbon

We wish to advise that on 11 October 2023 a decision was made to approve the material change of use development application for *"Industry activities" – "Extractive Industry" (Expansion of existing Sand Quarry – up to 100,000t per annum)* at Lot 18 on RP818379, Kildonan Road, Yelarbon. 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 37**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

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

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

Yours faithfully

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval
***Planning Act 2016* section 63**

Council File Reference: 23/21
Council Contact: Mrs Ronnie McMahon
Council Contact Phone: (07) 4671 7400

13 October 2023

Applicant Details: Johnstone Concrete and Quarries Pty Ltd
C/- Groundwork Plus
PO Box 1779
MILTON QLD 4064

Attention: Sam Lyons

The development application described below was properly made to Goondiwindi Regional Council on 24 May 2023.

Applicant details

Applicant name:	Johnstone Concrete and Quarries Pty Ltd
Applicant contact details:	C/- Groundwork Plus PO Box 1779, Milton QLD 4064 Attention: Mr Sam Lyons (07) 3871 0411 slyons@groundwork.com.au

Application details

Application number:	23/21
Approval sought:	Development Permit – Material Change of Use
Details of proposed development:	"Industry activities" – "Extractive Industry" (Expansion of existing Sand Quarry – up to 100,000t per annum)

Location details

Street address:	Kildonan Road, Yelarbon
Real property description:	Lot 18 on RP818379

Decision

Date of decision:	11 October 2023
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	N/A		
- building work assessable under the planning scheme		☐	☐
- plumbing or drainage work		☐	☐
- material change of use		☒	☐
- reconfiguring a lot		☐	☐
- operational work		☐	

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

Properly made submissions were received from the following principal submitters:

Submitter	**Address**
Heather and Damien Scanlan	Euendoo 1148 Keetah Road Twin Rivers NSW 2410

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
As per Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) of the PR: *Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—* *(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and* *(b) the development meets or exceeds the threshold—* *(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or* *(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and* *(c) 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* *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.*	Department of State Development, Infrastructure, Local Government and Planning – *Concurrence Agency*	Department of State Development, Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdilgp.qld.gov.au Ph: (07) 4616 7307

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
2673.DRG.002	Site and Surrounds	16/03/2022
2673.DRG.003	Site Layout Plan	10/01/2023
2673.620.001	Environmental Assessment Report	April 2023
2673.610.001	Environmental Management Plan	April 2023

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*

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

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Cc Department of State Development, Infrastructure,
Local Government and Planning,
PO Box 825,
TOOWOOMBA QLD 4350

enc Attachment 1—Assessment manager and concurrence agency conditions
- State Assessment and Referral Agency Concurrence Agency Response dated 11 July 2023

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

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

Goondiwindi REGIONAL COUNCIL

Attachment 1 – Assessment Manager's Conditions

Assessment Manager's Conditions

Description:	*"Industry activities"* • *"Extractive Industry"* (Expansion of existing Sand Quarry - up to 100,000 tonnes annum)
Development:	Material change of use – Development Permit
Applicant:	Johnstone Concrete & Quarries Pty Ltd C/- Groundwork Plus
Address:	Kildonan Road, Yelarbon
Real Property Description:	Lot 18 on RP818379
Council File Reference:	23/21

	GENERAL CONDITIONS
1.	Approval is granted for the purpose of a Material Change of Use for: • *"Industry activities"* – *"Extractive Industry"* (Expansion of existing Sand Quarry - up to 100,000 tonnes annum as defined in the *Goondiwindi Region Planning Scheme 2018 (Version 2).*
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:

Drawing Number	Title	Date
2673.DRG.002	Site and Surrounds	16/03/2022
2673.DRG.003	Site Layout Plan	10/01/2023
2673.620.001	Environmental Assessment Report	April 2023
2673.610.001	Environmental Management Plan	April 2023

Please note these plans are not approved Building Plans.

4.	Complete and maintain the approved development as follows: (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. All development shall comply with any relevant provisions in the *Goondiwindi Region Planning Scheme 2018 (Version 2),* Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work. 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.
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.	It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site and the commencement of the use.
	OPERATION OF THE USE
7.	Unless otherwise approved in writing by Council, operating hours shall be operated between the hours of 6:00am and 6:00pm, Monday to Friday.
8.	No activities are to occur on site on Saturdays, Sundays or Public Holidays.
	PUBLIC UTILITIES
9.	The development shall be connected to a suitable telecommunications supply system, at no cost to Council.
	ESSENTIAL SERVICES
10.	Prior to commencement of use, it shall be demonstrated to Council that the development has an adequate supply of water for fire-fighting purposes, to relevant engineering and environmental standards, to the satisfaction of and at no cost to Council. It shall be demonstrated to Council that on-site water storage of not less than 5,000L is provided by way of dam, swimming pool or tank fitted with fire brigade tank fittings.

11.	Temporary ablution facilities are to be provided on site during any period of activity on site. All waste must be collected and disposed of off-site at a registered waste disposal facility.
	ROADS AND VEHICLES
12.	The site access shall be upgraded from the edge of the bitumen seal to the property boundary to include BAR and BAL turn treatments in accordance with the relevant Austroads' Standards, to cater for a 36.5m long Type 1 Road Train, to the satisfaction of and at no cost to Council. The crossover shall be constructed to a sealed standard and seal extended within the property for a minimum of 37m from the Kildonan Road edge. Crossovers shall be either constructed or bonded prior to the commencement of the use. 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. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.
13.	Kildonan Road from Chainage 17.5km to Chainage 33.8km (from Goondiwindi) shall be assessed and widened, where required, to achieve a minimum 7m wide pavement and seal to the satisfaction of the Director Engineering Services and at no cost to Council..
14.	All areas where vehicles manoeuvre and park shall be constructed to an all weather standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, to the satisfaction of and at no cost to Council. Parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use. 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. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.
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.

	STORMWATER
16.	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 point of discharge in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, to the satisfaction of and at no cost to Council. 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. 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. The stormwater system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.
17.	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. 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.
	EARTHWORKS AND EROSION CONTROL
18.	Any filling or excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)* or to other relevant engineering standards to the satisfaction of and at no cost to Council. 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.
19.	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 *Goondiwindi Region Planning Scheme 2018 (Version 2)* to the satisfaction of and at no cost to Council. 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.

	ENVIRONMENT
20.	The development shall be designed and constructed to avoid significant adverse impacts on areas of environmental significance identified within the site.
21.	The design, layout and operation of the development shall minimise adverse impacts on matters of state environmental significance by providing and maintaining adequate buffers and setbacks to regulated vegetation and watercourses.
	AVOIDING NUISANCE
22.	At all times while the use continues, the development shall be conducted in accordance with the provisions of the approved documents and the *Environmental Protection Act 1994* (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.
23.	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.
24.	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. The site must maintain a general tidy appearance.
25.	The operator shall be responsible for mitigating any complaints arising from on-site operations.

	DEVELOPER'S RESPONSIBILITIES
26.	Submit to Council, a Flood Risk Management Plan prior to commencement of use, signed by a Registered Professional Engineer Queensland (RPEQ) including, but not limited to the following: a) flood warning triggers; b) evacuation and safety procedures; c) emergency services' contact numbers; d) property protection; and e) signage. Implement recommendations of the Risk Management Plan. Ensure a copy of the approved Flood Risk Management Plan is available on-site to staff and Council at all times.
27.	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.
28.	It is the developer's responsibility to ensure that the development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level, and does not increase the potential for flood damage either on-site or on other properties.
29.	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.
30.	The developer shall ensure that vehicular access is designed to mitigate against bushfire hazard by ensuring adequate access for fire fighting and other emergency vehicles, and adequate access for the evacuation of residents and emergency personnel in an emergency situation.
31.	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.
32.	All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances in place to carry out the works.

33.	All costs reasonably associated with the approved development, unless there is specific agreement by other parties to meet these costs, shall be met by the developer.
34.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
	COMMENCEMENT OF USE
35.	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. It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed. The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.
36.	Council must be notified in writing of the date of the commencement of the use within 14 days of commencement. This approval will lapse if the use has not commenced within **six (6) years** of the date the development approval takes effect, in accordance with the provisions contained in section 85(i)(a) of the *Planning Act 2016.* Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.
37.	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.
	PLEASE READ CAREFULLY - NOTES AND ADVICE
	When approval takes effect This approval takes effect in accordance with section 85 of the *Planning Act 2016.* *When approval lapses* This approval will lapse if the use has not commenced within **six (6) years** of the date the development approval takes effect. Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.

	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	This approval in no way removes the duty of care responsibility of the applicant under the *Aboriginal Cultural Heritage Act 2003*. Pursuant to Section 23(1) of the *Aboriginal Cultural Heritage Act 2003*, 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").
	This approval in no way authorises the clearing of native vegetation protected under the *Vegetation Management Act 1999*.
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering workplace health and safety.

Queensland Government

SARA reference: 2306-34990 SRA
Council reference: 23/21
Applicant reference: 2673.DA2

11 July 2023

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

Attention: Ronnie McMahon

Dear Mrs McMahon

SARA referral agency response—Kildonan Road, Yelarbon

(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 6 June 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	11 July 2023
Conditions:	The conditions in **Attachment 1** must be attached to any development approval
Advice:	Advice to the applicant is in **Attachment 2**
Reasons:	The reasons for the referral agency response are in **Attachment 3**

Development details

Description:	Development Permit	Material Change of Use – Industry activities – Extractive industry (Expansion of existing sand quarry – up to 100,000t per annum)
SARA role:	Referral agency	

Darling Downs South West regional office
128 Margaret Street, Toowoomba
PO Box 825, Toowoomba QLD 4350

SARA trigger:	Section 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) (Planning Regulation 2017) - Development impacting on State transport infrastructure
SARA reference:	2306-34990 SRA
Assessment manager:	Goondiwindi Regional Council
Street address:	Kildonan Road, Yelarbon
Real property description:	Lot 18 on RP818379
Applicant name:	Johnstone Concrete and Quarries Pty Ltd C/- Groundworks Plus Pty Ltd
Applicant contact details:	PO Box 1779 Milton QLD 4064 planning@groundwork.com.au
Human Rights Act 2019 considerations:	A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

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

For further information please contact Jenny Sapuppo, A/ Principal Planning Officer, on 07 5644 3220 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Susan Kidd
Manager (Regional Assessment and Projects)

cc Johnstone Concrete and Quarries Pty Ltd C/- Groundworks Plus Pty Ltd, planning@groundwork.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 provisions

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)

<table>
<tr><th>No.</th><th>Conditions</th><th>Condition timing</th></tr>
<tr><td colspan="3">10.9.4.1.1.1—Development impacting on State transport infrastructure—The chief executive administering the Planning Act 2016 nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</td></tr>
<tr><td>1.</td><td>(a) Pay a monetary contribution to the Department of Transport and Main Roads towards protecting or maintaining the safety or efficiency of the state-controlled road network. The amount of the contribution:
i. must be calculated at twelve monthly intervals commencing on the first day that material hauled under this approval is transported from the site by road; and
ii. is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.
<table>
<tr><th>Material Hauled (tonnes/year)</th><th>Contribution (cents/tonne)</th></tr>
<tr><td>1 – 5,000</td><td>0</td></tr>
<tr><td>5,001 – 10,000</td><td>0</td></tr>
<tr><td>10,001 – 20,000</td><td>0</td></tr>
<tr><td>20,001 – 30,000</td><td>0</td></tr>
<tr><td>30,001 – 40,000</td><td>3.42</td></tr>
<tr><td>40,001 – 50,000</td><td>13.68</td></tr>
<tr><td>50,001 – 60,000</td><td>23.94</td></tr>
<tr><td>60,001 – 70,000</td><td>30.78</td></tr>
<tr><td>70,001 – 80,000</td><td>34.20</td></tr>
<tr><td>80,001 – 90,000</td><td>34.20</td></tr>
<tr><td>90,001 – 100,000</td><td>34.20</td></tr>
</table>
(b) Maintain records which document the quantity of material hauled on the State-controlled road network and submit these records to the Department of Transport and Main Roads' (Darling Downs South West Region) at Downs.South.West.IDAS@tmr.qld.gov.au, at the time of payment referenced in part (a) of this condition.</td><td>(a) Within 30 days of the end of June each year until the transportation of material hauled from the site by road under this approval ceases

(b) As indicated</td></tr>
</table>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016*, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:
The development will comply with State code 6: Protection of state transport networks of SDAP. Specifically, the development, as conditioned:

- does not create a safety hazard for users of state transport infrastructure or public passenger services by increasing the likelihood or frequency of a fatality or serious injury
- does not result in a worsening of the physical condition or operating performance of the state transport network
- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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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[1] regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.

28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—

(a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or

(b) the Minister has given the concurrence agency a direction under section 99 of the Act; or

(c) the applicant has given written agreement to the change to the referral agency response.[2]

28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.

28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—

(a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and

(b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

Goondiwindi REGIONAL COUNCIL

Attachment 2 – Approved Plans

REV	DESCRIPTION	DATE	BY

Data Sources:
Photography:
Topography:
Cadastre:
Ecosystem:
Other:

Legend:

- Site Boundary
- Cadastral Boundary
- Easement Boundary
- Cadastral Boundary - Watercourse

PROJECT: Bengalla Sand Pit

CLIENT: Johnstone Concrete & Quarries Pty Ltd

TITLE: Site and Surrounds Plan

GROUNDWORK plus
PH: (61 7 3871 0411
www.groundwork.com.au

SCALE: 1:30,000 When Printed On A3 — 0 — 600m

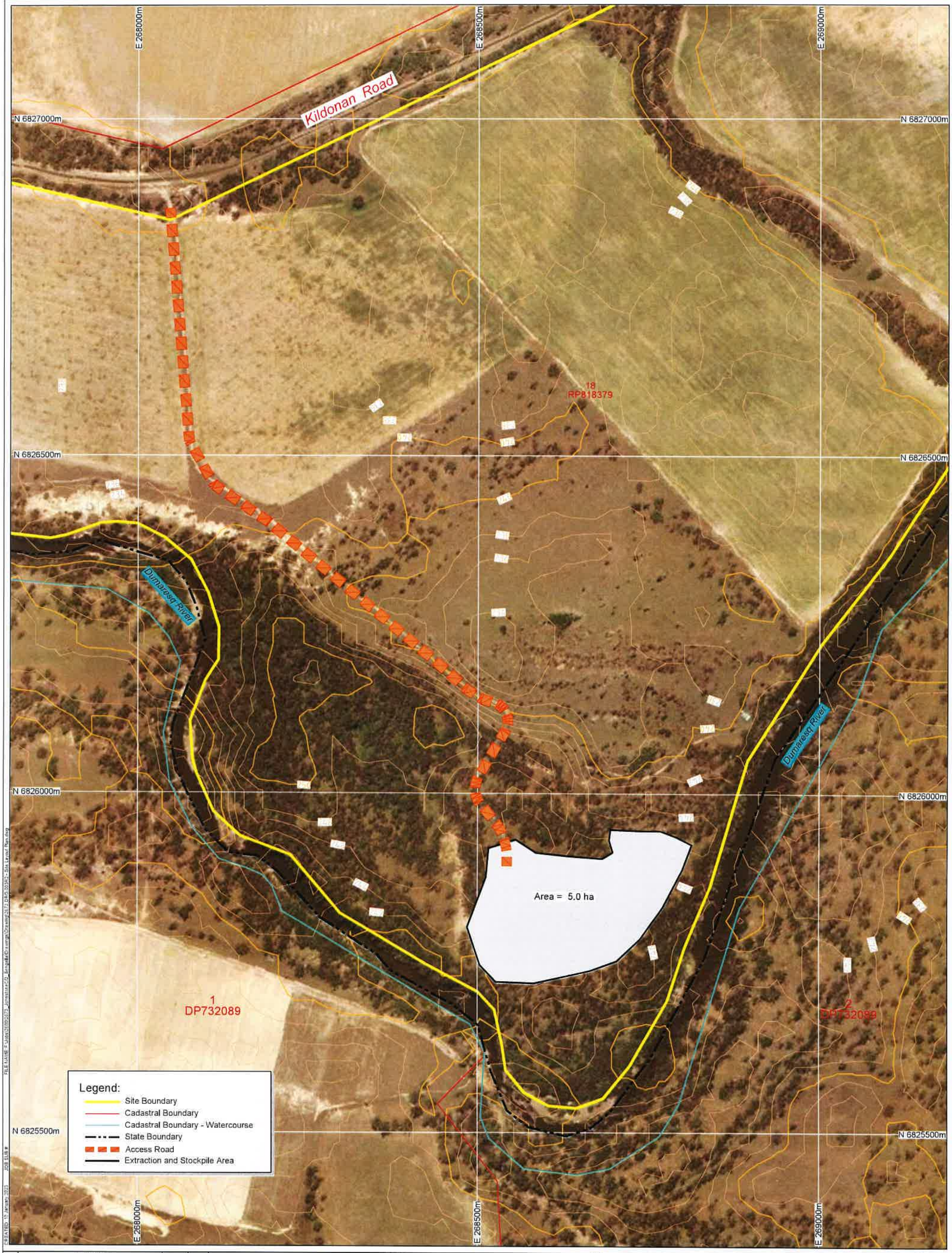
DRAWING NUMBER: 2673.DRG.002

REVISION:

DATE	DRAWN	DATUM: HORIZONTAL / VERTICAL / ZONE
16 March 2022	M Rescei	GDA94 / MGA / AHD / 56
PRINTED: 16 March 2022	CHECKED: S Lyons	

CREATED: 16 March 2022

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/21
Dated: 13/10/23
Signed:
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



REV	DESCRIPTION	DATE	BY
1	Of Concern Vegetation added / Extraction Area revised	27/04/2022	MR
2	Extraction/Stockpile Area revised	10/01/2023	MR

Data Sources: Photography, Topography, Cadastre, Ecosystem, Other

PROJECT: Bengalla Sand Pit

CLIENT: Johnstone Concrete & Quarries Pty Ltd

TITLE: Site Layout Plan

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GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/21
Dated: 13/10/23
Signed: RM McM
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

GROUNDWORK plus

Bengalla Quarry

Environmental Assessment Report

Prepared for: Johnstone Concrete and Quarries Pty Ltd

Date: April 2023

File Reference: 2673.620.001

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1 Introduction

1.1 Background

Groundwork Plus has been engaged by Johnstone Concrete and Quarries Pty Ltd (**JCQ**) to prepare and submit a Development Application (**DA**) to the Goondiwindi Regional Council (**Council**) for an extension to the existing Bengalla Quarry (the **quarry**), located along Kildonan Road, Yelarbon, properly described as Lot 18 RP818379 (the **site**).

Under the Environmental Protection Regulation 2008 (**EP Reg**) the proposed activity is considered an Environmentally Relevant Activity (**ERA**), and is identified as:

- ERA 16(2)(a) – Extracting, in a year, more than 5,000 tonnes but less than 100,000 tonnes; and
- ERA 16(3)(a) – Screening, in a year, more than 5,000 tonnes but less than 100,000 tonnes.

The purpose of this Environmental Assessment Report (**EAR**) is to support the EA application, by providing the information necessary to assist the Department of Environment and Science (**DES**) in the assessment process for the Environmental Authority (**EA**).

A development application for a Material Change of Use – Extractive Industry has been submitted to the Goondiwindi Regional Council under the *Planning Act 2016*. Because the ERAs are not concurrence, the EA application for the project is being made directly to DES, separate to the development application.

1.2 Purpose of the EAR

The application requirements for Site-Specific EA applications for prescribed ERAs are outlined in Section 125(l)(i) of the *Environmental Protection Act* (**EP Act**) and must include the following:

- An assessment of the likely impact of the proposed activity on the EVs, including:
  - a description of the EVs likely to be affected by the activity.
  - details of any emissions or releases likely to be generated by the activity.
  - a description of the risk and likely magnitude of impacts on the EVs.
  - details of the management practices proposed to be implemented to prevent or minimise adverse impacts.
  - details of how the land the subject of the application will be rehabilitated after each relevant activity ceases.
- A description of the proposed measures for minimising and managing waste generated by each relevant activity.
- Details of any site management plan that relates to the land the subject of the application or any other document relating to the application prescribed under a regulation.

This EAR is not intended to form an operational document for the site, once the activity is approved and commences. A separate Environmental Management Plan (**EMP**) has been prepared for implementation as an operational document (Groundwork Plus, April 2023).

1.3 Eligibility Criteria and Standard Conditions

The nearest residence is located approximately 750 m southwest of the site. Therefore, the eligibility criteria and standard conditions do not apply to the proposed activity and no further assessment of the eligibility criteria or standard conditions has been included in the application material.

Applicants who are not able to meet the eligibility criteria prescribed by the administering authority are required to make a Site-Specific EA application. As a result, a Site-Specific EA is applied for, subject to the *Model operating conditions —ERA 16—Extractive screening activities ('MOC') (DES 2019a) and relevant Common conditions – Prescribed environmentally relevant activities* (DES 2019b).

1.4 Site Description

The details of the site location are summarised in **Table 1 – Site Details and Summary**. **Figure 1 – Aerial Photo and Cadastre** provides an illustration of the operational area.

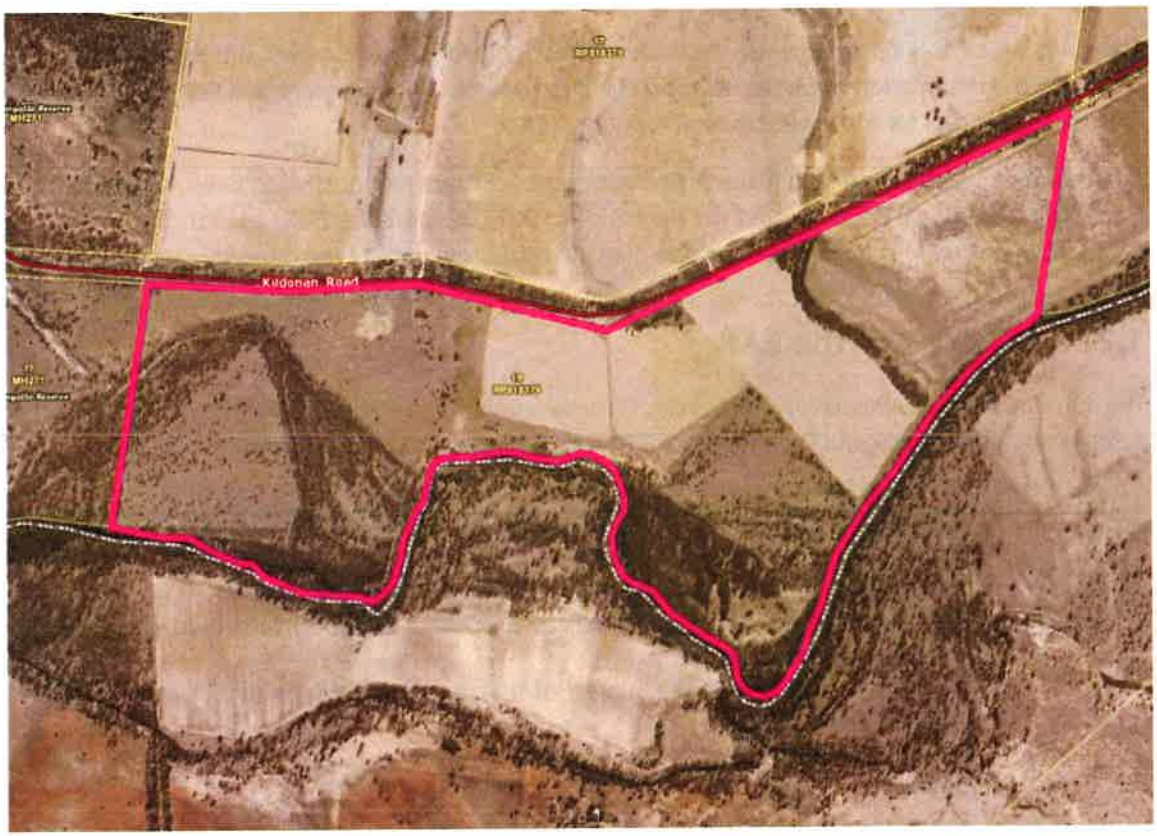

Figure 1 – Aerial Photo and Cadastre

(Figure reprinted from The State of Queensland (2023))

Table 1 – Site Details and Summary

Location	Kildonan Road, Yelarbon, QLD 4388
Access	Via Kildonan Road
Real Property Description	Lot 18 RP818379
Tenure	Freehold
Total Site Area	300 Ha
Local Authority	Goondiwindi Regional Council

1.5 Description of Activities

Included as **Diagram 1 – Conceptual On-Site Extractive Operations** is an illustration of the quarry development. The quarry operations are anticipated to comprise the following basic elements:

- Stripping of topsoil and overburden material using mechanical means (i.e., bulldozer or excavator) and stockpiling for incorporation into on-site rehabilitation works where required, or use in constructing stormwater control structures (e.g., perimeter banks).
- Screening the raw material using mobile screening equipment.
- Stockpiling the final products using a front-end loader and/or off-road haul trucks within designated areas until required to be loaded into road trucks for transportation off-site for sale.
- Rehabilitating disturbed areas after the proposed quarry has ceased all operations.

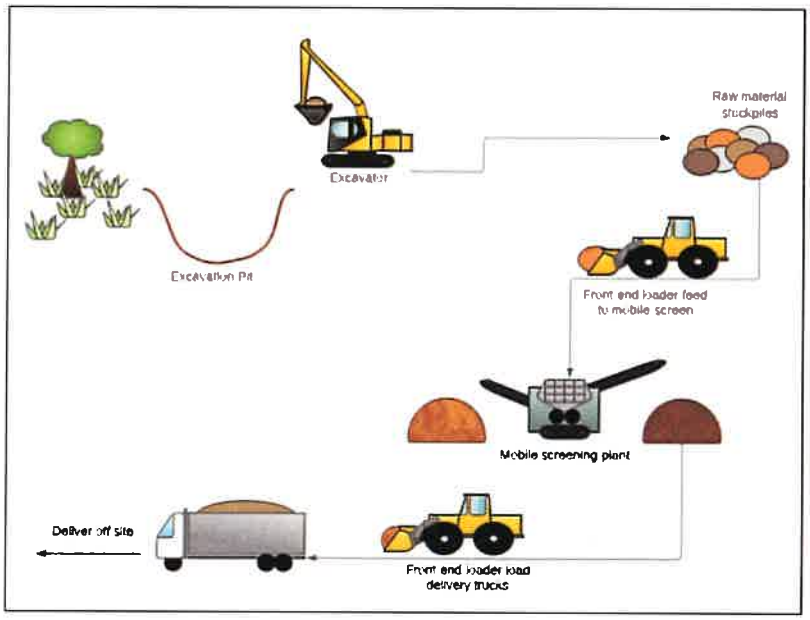

Diagram 1 – Conceptual On-site Extractive Operations

1.6 Plant and Equipment

The number of plant equipment deployed on-site is anticipated to vary from time-to-time to service the project demands. Types of major plant and equipment may include, but not limited to:

- Excavator.
- Front-end loader.
- Mobile screening plant.
- Haulage vehicles.

1.7 Hours of Operation

The hours of operation will generally be:

- 6:00am to 6:00pm Monday to Friday.
- No operations on weekends on Public Holidays.

2 Description of Environmental Values

2.1 Regional Context

2.1.1 Land Use

Refer to **Figure 1 – Aerial Photo and Cadastre** for an illustration of the operational area and surrounding area and **Table 2 – Adjacent Land Uses** provides a summary of the land uses surrounding the operational area.

Table 2 – Adjacent Land Uses

Direction	Land Uses
North	Vacant rural land / agricultural activities
East	Vacant rural land / agricultural activities
South	Vacant rural land / agricultural activities
West	Bengalla Reserve

2.1.2 Nearest Sensitive Receptors

Sensitive receptors, as defined under Schedule 1 of the *Environmental Protection Policy (Noise) 2019*, are outlined in **Table 3 – Nearby Sensitive Receptors**. A discussion on whether any of these sensitive receptors are in close proximity to the site is provided herein.

Table 3 – Nearby Sensitive Receptors

Sensitive Receptor	Description and Location
Residence	The nearest dwelling in proximity to the operational area are shown in **Figure 2 – Nearest Residences**. The nearest residence is over 750 m southwest of the site.
Library and educational institution (including a schools, playgrounds, college and university)	Toomelah Public School is situated approximately 13 km west of the site.
Childcare centre or kindergarten	The childcare centre, NCC Early Learners Goondiwindi, is situated 31 km.
School or playground	Toomelah Public School is situated approximately 13 km west of the site.

Sensitive Receptor	Description and Location
Hospital, surgery or other medical institution	The Boggabilla Community Health Centre is located 25 km west of the site.
Commercial and retail activity	There are various primary industry activities in the area including grazing and cropping.
Protected area or critical area	Yelarbon State Forest is situated 17 km east of the of the site. The Bengalla Reserve is located adjacent to the west of the site. Refer to **Figure 3 – Nearest Protected Areas and State Forests**.
Marine park	The nearest marine park is the Moreton Bay Marine Park (Coombabah Lake) approximately 277 km east of the site. Refer **Figure 4 – Marine Parks**).
Park or garden that is open to the public (whether or not on payment of an amount) for use other than for sport or organised entertainment	The Less Camping Reserve is located approximately 5 km west of the site.

Figure 2 – Nearest Residences

Figure 3 – Nearest Protected Areas and State Forests

Figure 4 – Marine Parks

2.1.3 Regional Climate

A summary of the regional climate data sourced from the Bureau of Meteorology (**BoM**) is provided in **Table 4 – Regional Climatic Statistics**. The operational area is situated in a sub-tropical climate zone, warm, humid and wet summers and generally mild, dry winters.

Table 4 – Regional Climatic Statistics

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)													
Mean	93.3	72.8	60.1	20.7	37.5	33.0	33.3	29.4	32.0	45.5	64.1	85.3	619.4
Days >25 mm rainfall	1.0	0.7	0.8	0.2	0.4	0.3	0.3	0.1	0.2	0.3	0.6	0.8	5.7
Temperature (°C)													
Mean min.	20.3	19.7	17.2	13.0	8.6	6.0	4.6	5.6	9.4	13.5	17.1	18.8	12.8
Mean max.	34.0	32.6	31.0	27.7	23.1	19.8	19.1	21.5	25.5	28.9	31.3	32.3	27.2
Wind Speed (km/h)													
Mean 9am wind speed	11.1	9.9	9.3	7.6	5.5	5.5	5.9	8.4	10.5	13.0	12.3	11.8	9.2
Mean 3pm wind speed	9.1	8.6	8.1	8.7	8.7	9.5	10.9	12.1	12.4	12.2	11.5	10.3	10.2

Source: Goondiwindi Airport Station Number: 041521

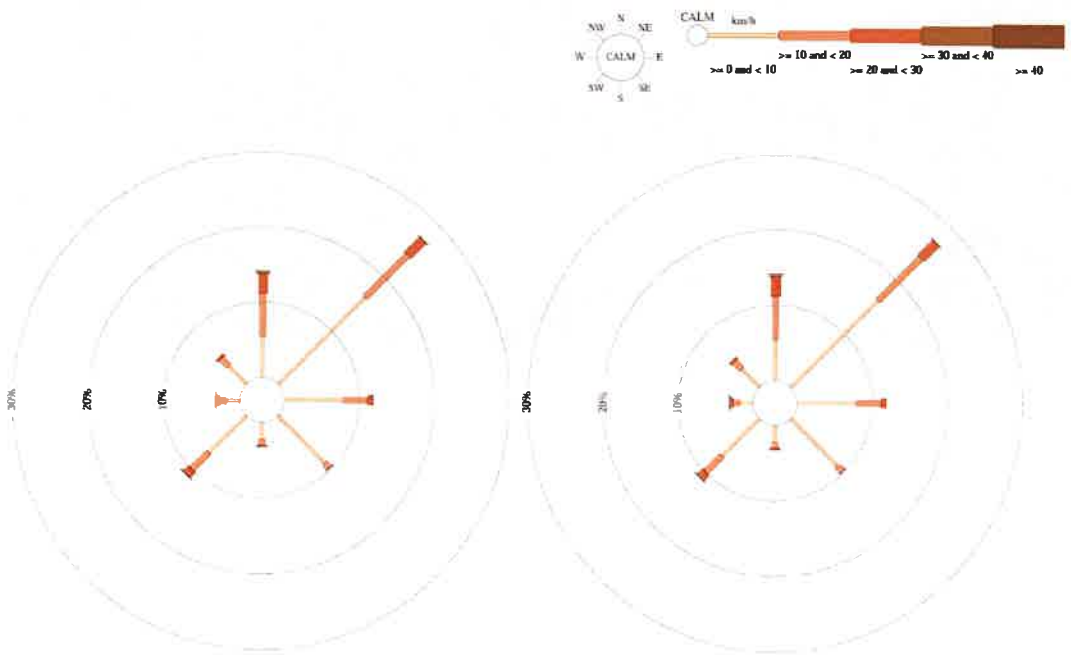

Diagram 2 – Wind Roses of Annual Speed & Direction 9am vs 3pm, Goondiwindi Airport
(Reprinted from *Rose of Wind direction versus Wind speed in km/h (27 Jun 1991 to 31 Jul 2015) prepared by Bureau of Meteorology (2023))*

2.1.4 Topography

Figure 5 – Topographic Features provides an illustration of topographical features in the vicinity of the site.

Elevations across the site are generally level with a small area in the southeast portion reach a height of approximately 240 m AHD. All other portions of the site do not fall below 230 m AHD.

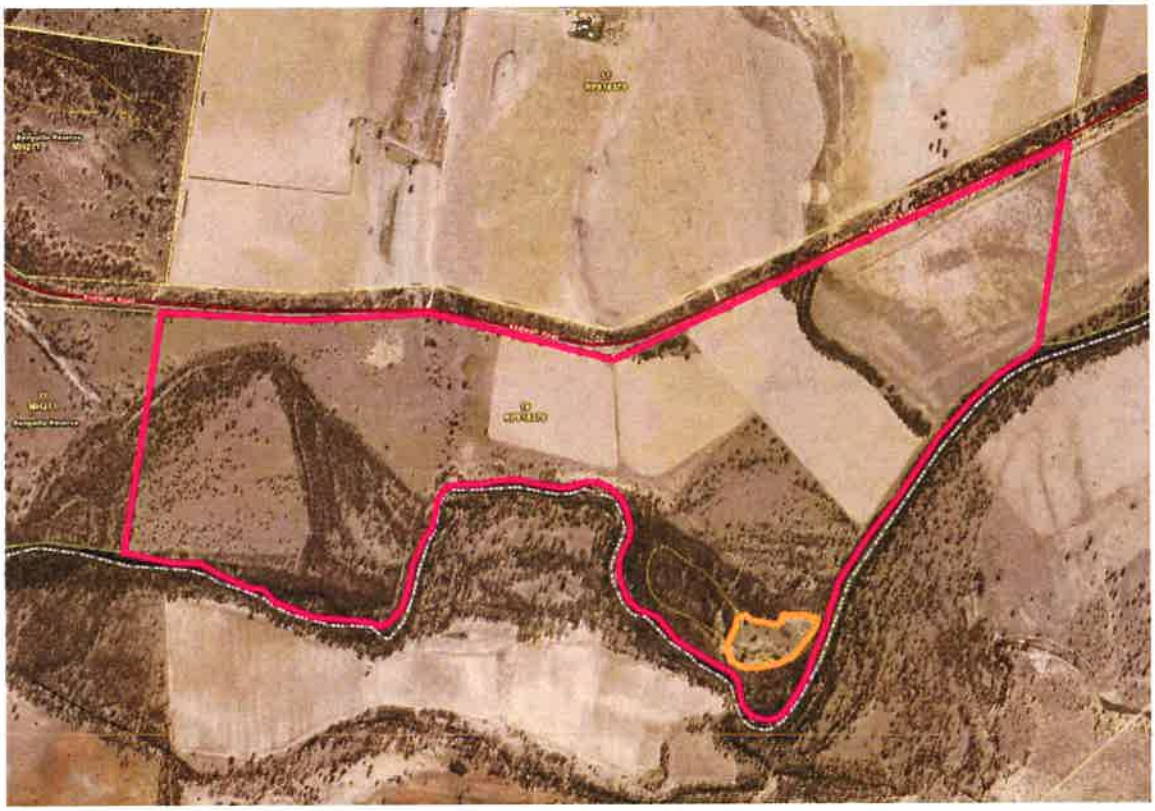

Figure 5 – Topographic Features
(Source: The State of Queensland (2023))

2.2 Air

Background air quality at the site is anticipated to be influenced by the surrounding land uses. The area accommodates a wide range of cropping and grazing activities, which inherently require disturbance of surface soils, with the potential for dust generation through tiling, vehicle movements, grain / crop dust, etc.

The primary activities and equipment which may generate emissions to air are anticipated to include:

- Stripping of topsoil, overburden and extraction of raw materials.
- Use of screening plant.
- Loading / transfer of materials to the processing plant via excavator.
- Use of conveyor/s.
- Transport of materials from site via delivery truck.
- Plant and vehicle operation.
- Vehicles traversing unsealed access roads.
- Alarms, beepers, UHF use, etc.

Typical emissions associated with extractive industry activities are PM_{10} (particles with a diameter of 10 micrometres or less), $PM_{2.5}$ (particles with a diameter of 2.5 micrometres or less) and dust deposition. In accordance with the *Environmental Protection (Air) Policy 2019* ('EPP Air'), the air quality objectives for these two parameters are shown in **Table 5 – Air Quality Objectives**.

Table 5 – Air Quality Objectives

Indicator	Environmental Value	Air Quality Objective	Period	Source
PM_{10}	Health and Wellbeing	50 µg/m^3	24 Hour Average	EPP (Air)
	Health and Wellbeing	25 µg/m^3	Annual Average	EPP (Air)
$PM_{2.5}$	Health and Wellbeing	25 µg/m^3	24 Hour Average	EPP (Air)
	Health and Wellbeing	8 µg/m^3	Annual Average	EPP (Air)
TSP	Health and Wellbeing	90 µg/m^3	Annual Average	EPP (Air)
Dust Deposition	Health and Wellbeing	120mg/m^2/day	Monthly Average	Common Conditions (DES 2019b)

2.3 Water

2.3.1 Watercourses

The southern border of the site runs parallel to a Stream Order 8 watercourse (**drainage feature**) under the *Vegetation Management Act 1999* (**VMA**), and there are two (2) Stream Order 1 watercourses which run through the eastern and western portions of the site. It is noted that none of these mentioned streams are mapped within the proposed extraction areas. Refer to **Figure 6 – Watercourse Mapping** for an illustration of the mapped watercourse/s traversing and adjacent to the site.

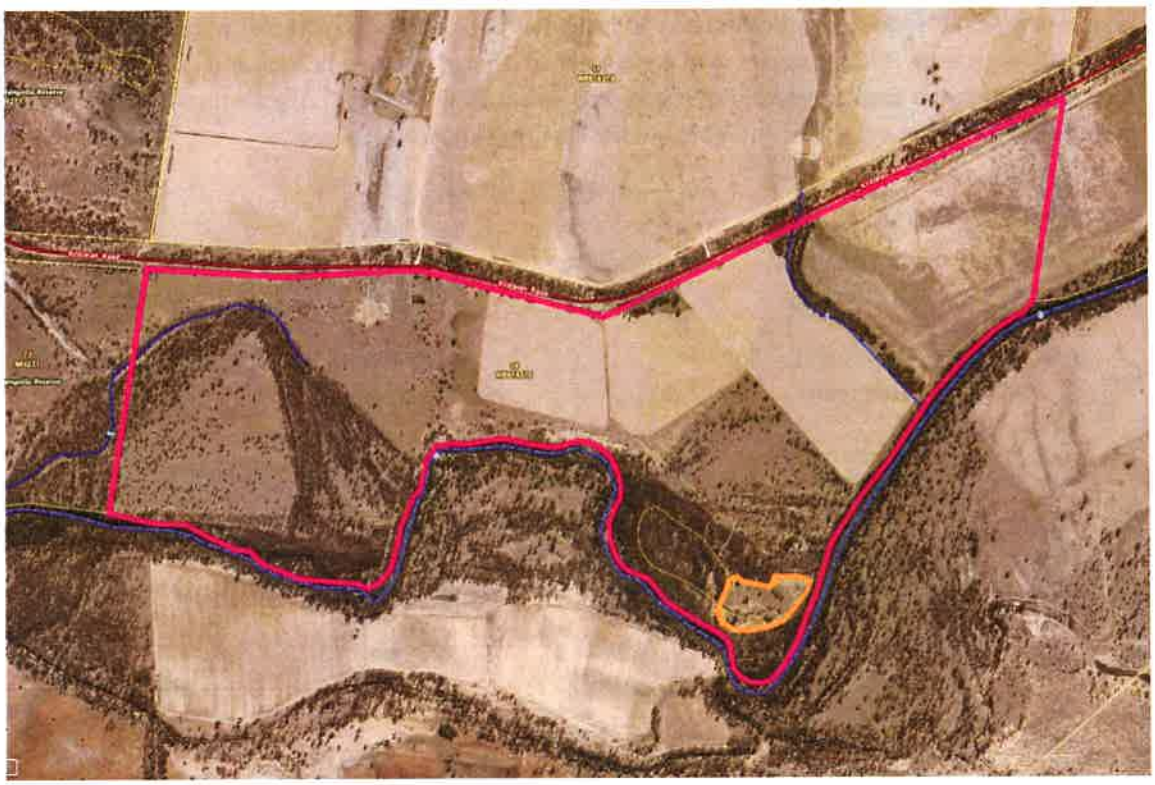

Figure 6 – Watercourse Mapping

2.3.2 Water Quality Objectives

Background water quality in the locality is likely to be influenced by the region's widespread agricultural land uses.

The site is within the Border Rivers (Basin 416), falling within the catchment for the Dumaresq Floodplain (waterway only) (moderately disturbed (**MD**) fresh waters).

The Water Quality Objectives (**WQOs**) prescribed in the *Environmental Protection (Water) Policy 2019 Border Rivers and Moonie Rivers basins Environmental Values and Water Quality Objectives* (DES, 2020) for the MD freshwaters of the Dumaresq Floodplain are summaries in **Table 6 – Water Quality Objectives: Dumaresq Flood Plain (MD)**.

Table 6 – Water Quality Objectives: Dumaresq Flood Plain (MD)

Quality Characteristics	WQO*
Ammonia N	ID
Oxidised N	10 µS/cm
Total N	490 µS/cm
Filterable Reactive Phosphorous	ID
Total Phosphorous	40 µS/cm

Quality Characteristics	WQO*
Chlorophyll a	ID
Dissolved Oxygen	60-100%
Turbidity	8 NTU
Suspended Soils	7 mg/L
pH	7.4-8.1
Conductivity (base flow / high flow)	220 µS/cm
Sulfate	10 mg/L
Alkalinity	55 mg/L and $CaCO_2$

2.3.3 Great Barrier Reef

The site is located within the Border Rivers Catchment which is not within the Great Barrier Reef Catchment Area.

2.3.4 Flooding

The site is not mapped by the State of Queensland as being subject to Basin 1% AEP flooding.

The entirety of the site however has been mapped within the Flood Hazard Area of the Goondiwindi Regional Council's Flood Hazard Overlay Mapping (refer **Figure 7 – Local Catchment Flood Overlay Map**). It should be noted that the extent of this area has been sourced from the State-wide Queensland Floodplain Overlay mapping. These maps have been derived from various State-wide data such as soils, aerial imagery, 10m contours and river gauge heights. The result is a spatial extent of where flooding has previously occurred or has the potential to occur. These maps are not based on a specific flood model and do not represent a particular flood event.

There are no permanent structures or buildings proposed as part of the operation of the Bengalla Quarry. All machinery, equipment, plant and personal can be evacuated from site and moved to higher ground in the event of a flood.

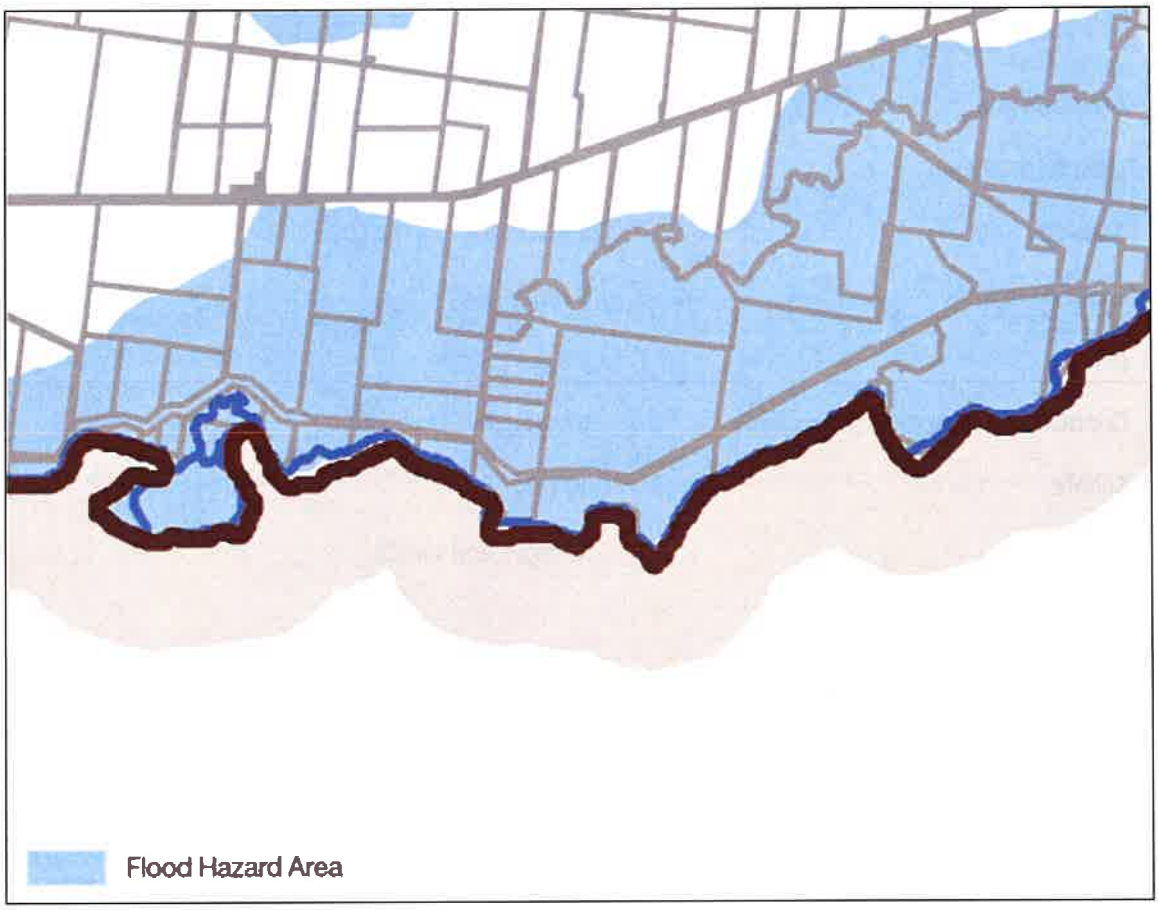

Figure 7 – Local Catchment Flood Overlay Map

2.4 Groundwater

Local groundwater information sourced from The State of Queensland (2023) shows that there is one (1) registered bore within the site boundary and four (4) within proximity of the site. An illustration of these bore locations is provided in **Figure 8 – Local Registered Groundwater Bore Locations**. The details of the six (6) nearest registered bore locations are summarised in **Table 7 – Registered Bore Groundwater Data Summary**.

Table 7 – Registered Bore Groundwater Data Summary

Reg No.	Lat / Long	Quality	Geology	Date / Top of Aquifer	Groundwater Depth (mAHD)*
77132	-28.65375, 150.62533	No data	No data	28 August 2007 No Data	No data
77142	-28.66178, 150.63712	No data	10 FT Sand at bottom	No Data No Data	No Data
77148	-28.65508, 150.65016	No Data	Gravel, Sand	26 October 1994 8.5 m	~ 231.5
77508	-28.66077, 150.59372	No data	No data	31 January 1997 No data	No data
41640008	-28.65655, 150.64453	No data	No data	11 June 1996 No data	~ 219.26

Figure 8 – Local Registered Groundwater Bore Locations

(Reprinted from The State of Queensland (2023))

2.5 Noise

The primary activities and equipment which may generate dust particulate matter emissions within the site align with most those outlined in **Section 2.2 – Air**.

Based on historical noise modelling assessments completed for other extractive industry projects, typical sound power levels (measured as LA_{eq} dB(A)) are understood to generally range between 70 dB(A) / m for haulage vehicles (line source emissions), to 118 dB(A) for processing plant (point source emissions).

The nearby sensitive receptors for the site are summarised in **Table 3 – Nearby Sensitive Receptors**. As discussed in **Section 2.1.2**, the nearest dwelling is south of the site and the adjacent land uses are mostly vacant land and agricultural activities, with exception to the Bengalla Reserve located to the west of the site. The nearest dwelling is in an isolated rural setting. The ambient noise environment in predominantly rural in nature with traffic on Kildonan Road being the main influence.

Broadly, the EPP (Noise) requires that the qualities of the acoustic environment that are conductive to human health and wellbeing are preserved. The relevant outdoor and indoor Acoustic Quality Objectives for dwellings prescribed in the EPP (Noise) are summarised in **Table 8 – Acoustic Quality Objectives**.

Table 8 – Acoustic Quality Objectives

Sensitive Receptor	Time of Day	Air Quality Objective (measured as the Receptor) dB(A)			Environmental Value
		$L_{Aeq,adj,1hr}$	$L_{Aeq,adj,1hr}$	$L_{Aeq,adj,1hr}$	
Dwelling (outdoors)	Daytime and evening	50	55	65	Health and wellbeing
Dwelling (indoors)	Daytime and evening	35	40	45	Health and wellbeing
	Night-time	30	35	40	Health and wellbeing

Typically for extractive industry developments, the management intent for noise as specified in the EPP (Noise) is adopted when specifying acceptance criteria. CCAA (2015)[1] identify that noise level targets as fixed values are preferred to remove inconsistency in conditioning of extractive industry developments. With regard to the acoustic quality objectives specified in Error! Reference source not found. and the *Guideline: Planning for Noise Control*[2], the below targets are generally considered appropriate for noise as measured as the nearest sensitive receptor are[1]:

- 30dBA LAeq adj,T for the period from 10:00pm to 7:00am,

[1] CCAA, (2015). *CCAA Guideline — Assessment and Control of Environmental Noise Emission from Quarries — Queensland* March 2015. Accessed on 22 February 2023 via https://www.ccaa.com.au/documents/Library%20Documents/CCAA%20Industry%20Guidelines/CCAA%20Extractive%20Noise%20Reduction%20LR%20MAY15.pdf

[2] EHP, (2016). Planning for noise control. Accessed 22 February 2023 via https://qldgov.softlinkhosting.com.au/liberty/opac/search.do?mode=ADVANCED&i=AUTHOR&i=KEYWORD&queryTerm=Guideline%3A%20Planning%20for%20Noise%20Control&operator=AND&timeScale=ANY_TIME&searchTarget=THIS_LIBRARY&activeMenuItem=false#

- 35dBA LAeq adj,T for the period from 6:00pm to 10:00pm
- 45dBA LAeq adj,T for the period from 7:00am to 6:00pm.

The nominated criteria listed above are consistent with the Acoustic Quality Objectives, with the exception of 45dBA LAeq adj,T for the period from 7:00am to 6:00pm. 45dBA was nominated based on the *CCAA Guideline – Assessment and Control of Environmental Noise Emissions from Quarries – Queensland March 2015*, which recommends, 'adoption of default noise limits based on time of day, with a 45dBA limit during the daytime period' (CCAA 2015). The hours of operation will be 6:00am to 6:00pm Monday to Saturday and no operations on Sunday or public holidays.

AS3671 states approximate 10 dB(A) noise reduction through a façade with 10% open area. Thus approximately 7 dB(A) noise reduction through a façade with 20% open area. A typical 1200x1800 sliding window relates to approximately 10% open area. A large 2100x2300 sliding glass door represents approximately 20% open area. Thus, 7dB(A) noise reduction is conservatively adopted based upon a large sliding glass door in the affected façade. Openings larger than 20% open area are unlikely to be necessary for ventilation. For a typical sliding glass window in the open position a 10dB(A) noise reduction would be expected

Considering the proposed operating hours and a noise attenuation of 7 dB(A) through an open window as described above, the most stringent Acoustic Quality Objectives assessed external to residential dwellings are:

- 7am to 6pm: LAeq (1 hour): 42 dB(A) external (35 internal + 7 sound transmission loss)
- 6am to 7am: LAeq (1 hour): 37 dB(A) external (30 internal + 7 sound transmission loss)

Therefore, for the proposed hours of operation, if the Department of Environment Science ('DES') are not inclined to follow the recommendations of the CCAA Guideline (which were developed in consultation with DES), the relevant noise limits to protect the existing noise environmental values for the area are:

- 37dBA LAeq adj,T for the period from 6:00am to 7:00am; and
- 42dBA LAeq adj,T for the period from 7:00am to 6:00pm.

2.6 Land

2.6.1 Matters of State Environmental Significance

The site is mapped as comprising of the following Matters of State Environmental Significance ('MSES'):

- Regulated Vegetation [category B- endangered or of concern]
- Regulated Vegetation [category C- endangered or of concern]

However, MSES within the extraction footprint is limited to Regulated Vegetation [category B- endangered or of concern] associated with Category B Remnant vegetation that is an of concern ecosystem (discussed further in **Section 0 – The quarry** operations will continue to occur within the existing cleared sections of the site historically used as part of the Bengalla Quarry. No disturbance or clearing of any vegetation is proposed.

Regulated Vegetation. Refer to **Figure 9 – MSES Mapping** for an illustration.

Figure 9 – MSES Mapping

(Reprinted from The State of Queensland (2023))

The quarry operations will continue to occur within the existing cleared sections of the site historically used as part of the Bengalla Quarry. No disturbance or clearing of any vegetation is proposed.

2.6.2 Regulated Vegetation

The proposed operations area on the site is mapped mostly as Category X – Non-remnant Vegetation for the purpose of the VMA (refer **Figure 10 – Remnant Vegetation Mapping**).

Figure 10 – Remnant Vegetation Mapping

(Reprinted from The State of Queensland (2023))

State regulated vegetation mapping identifies the site as supporting areas mapped as Category B (remnant) and Category C (high value regrowth) regulated vegetation, as well as regulated vegetation within a defined distance from the defining banks of a relevant watercourse or relevant drainage system (stream order 1) supporting the following Regional Ecosystems (**REs**):

- RE11.3.2 – Category B (Of concern);
- RE11.3.2 – Category C (Of concern);
- RE11.3.25 – Category B (Least concern);
- RE11.3.25 – Category C (Least concern);
- RE11.3.4 – Category B (Of concern);
- RE11.3.4 – Category C (Of concern);

2.6.3 Flora Survey Trigger Mapping

The operational area is not mapped as containing any High Risk Areas for the purpose of the flora survey trigger maps, pursuant to the *Nature Conservation Act 1999*.

2.6.4 Geology

The Geological Survey of Queensland has mapped the regional geology of the area and published the *Yetman1:100,000 number 9040 Geological Mapping Sheet*. The subject area is described by the Geological Survey of Queensland as consisting Quaternary aged Alluvium and miscellaneous unconsolidated sediments, which is comprised of clay, silt, sand and gravel with flood-plain alluvium

(refer Figure 11 – Detailed Surface Geology Mapping for an illustration of the geology details mapped over the site).

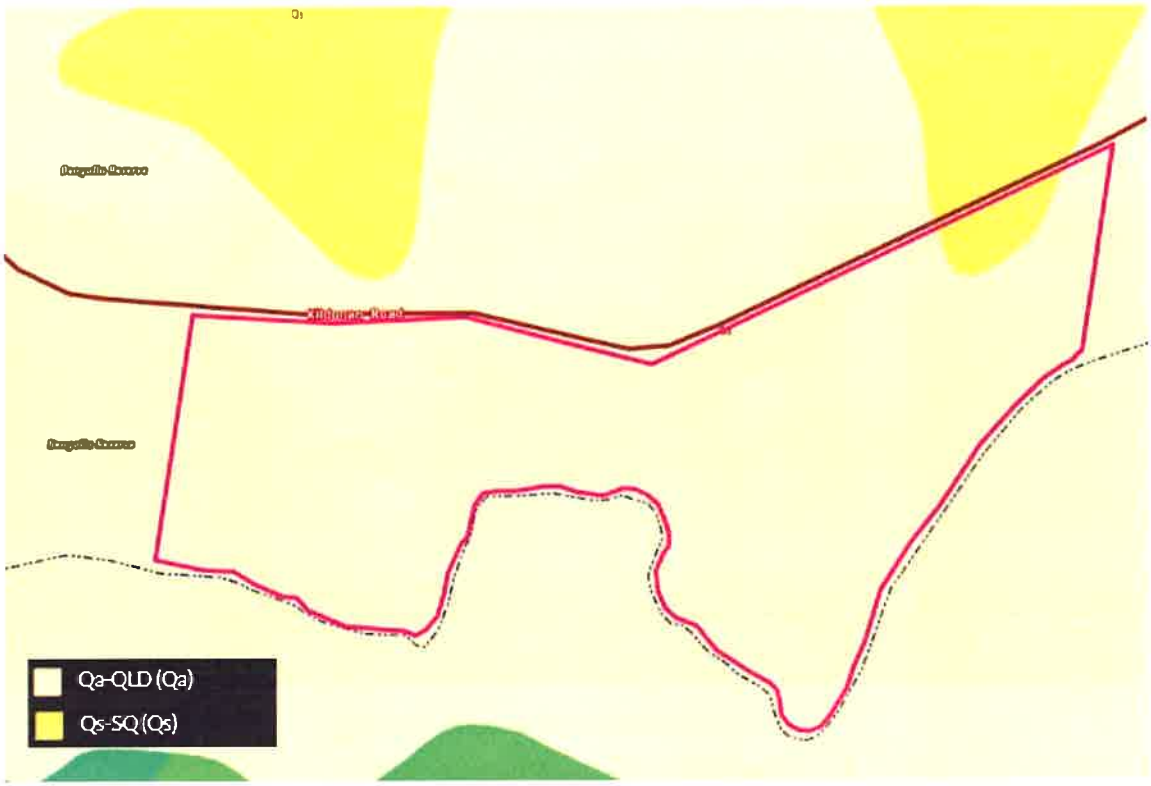

Figure 11 – Detailed Surface Geology Mapping

(Reprinted from The State of Queensland (2023))

2.6.5 Contaminated Land

A review of search results from the Environmental Management Register ('EMR') and Contaminated Land Register ('CLR') has confirmed that the site is not listed on either the EMR or CLR. A copy of the search results is included as **Attachment 1 – EMR / CLR Search Results**.

2.6.6 Acid Sulfate Soils

State mapping identifies that Acid Sulfate Soils (**ASS**) in the locality is generally associated with inland lakes, waterways, wetlands and riparian zones and have a low probability of occurrence, or within a prospective land zone containing ASS. There are no inland lakes, waterways, wetlands and riparian zones within the operational areas.

2.7 Wetlands

The site is not mapped as containing any areas of VMA Wetlands or Wetlands of high ecological significance (**HES Wetlands**). The nearest VMA Wetlands is situated approximately 2 km from the extraction footprint. Refer to **Figure 12 – Wetland Mapping**.

Figure 12 – Wetland Mapping

(Reprinted from The State of Queensland (2023))

3 Potential Environmental Impacts and Risks

3.1 Purpose of Assessment

The purpose of this assessment is to determine the extent to which the proposed site activities will achieve the environmental objective and performance outcomes nominated in Schedule 8, Part 3, Division 1 of the EP Reg. A risk-based approach has been utilised, with the source activities and potential impacts to environmental values utilised to determine the management strategies, if required, to mitigate these impacts to ensure the performance outcomes can be achieved.

3.2 Risk Assessment Methodology

This risk assessment methodology has been adopted from the process for risk management as set out in clause 6 of the *AS ISO 31000:2018 Risk management – Guidelines* (Standards Australia Limited 2018). The risk assessment follows the following process:

- Risk Identification (source activity and potential impact).
- Risk Analysis (risk level = likelihood x consequence).
- Risk Evaluation (commentary on risk).

The risk treatment outlines the controls / management measures that can be implemented to reduce the level of risk to as low as reasonably possible.

The risk analysis qualitatively estimates the level of risk based on the likelihood of an environmental impact or event occurring (**Table 9 – Definitions of Likelihood**), and the consequences of the occurrence (**Table 10 – Definitions of Consequence**).

Table 9 – Definitions of Likelihood

Rating	Descriptor	Score
Rare	May occur only in exceptional circumstances	1
Unlikely	Could occur but doubtful	2
Possible	Might occur at some time in the future	3
Likely	Will probably occur	4
Almost Certain	Is expected to occur in most circumstances	5

Table 10 – Definitions of Consequence

Rating	Descriptor	Score
Negligible	Impacts not requiring any treatment or management action	1
Minor	Nuisance or insignificant environmental harm requiring minor management action	2

Rating	Descriptor	Score
Moderate	Serious environmental impacts, readily manageable at low cost	3
Major	Substantial environmental impacts, manageable but at considerable cost and some disruption	4
Severe	Severe environmental impacts with major consequent disruption and heavy cost	5

The consequence and likelihood scores are plotted on the risk vs consequence matrix (**Table 11 – Risk Assessment Matrix**) and the final risk level assigned is a product of the likelihood and consequence scores, which equals the magnitude of the impacts. The higher the risk score, the higher the priority is for management.

Table 11 – Risk Assessment Matrix

Likelihood		Consequence				
		Negligible	**Minor**	**Moderate**	**Major**	**Severe**
		1	**2**	**3**	**4**	**5**
Almost Certain	**5**	5 Medium	10 High	15 High	20 Very High	25 Very High
Likely	**4**	4 Low	8 Medium	12 High	16 High	20 Very High
Possible	**3**	3 Low	6 Medium	9 Medium	12 High	15 High
Unlikely	**2**	2 Low	4 Low	6 Medium	8 Medium	10 High
Rare	**1**	1 Low	2 Low	3 Low	4 Low	5 Medium

Table 12 – Indicative Management Option for Each Risk Assessment Rating describes the possible actions required for each risk assessment rating.

Table 12 – Indicative Management Option for Each Risk Assessment Rating

Risk Rating	Risk Rating Scores	Indicative Management Option
Very High	**17 – 25**	Manage by implementing site management and emergency procedures, plant design controls and regular monitoring.
High	**10 – 16**	Manage by implementing site management procedures, specific monitoring and may require some operation/plant design controls.
Medium	**5 – 9**	Manage by implementing specific monitoring or response procedures.
Low	**1 – 4**	Manage by routine procedures, unlikely to need specific application of resources.

3.3 Inherent and Residual Assessment

Activities associated with the Bengalla Quarry which have the potential to cause environmental harm and/or nuisance and other potential impacts have been tabulated in **Table 13 – Operational Assessment of Environmental Risk**. **Table 13** also includes the inherent risk of the impacts occurring, and the residual risk following implementation of management strategies.

An *Environmental Management Plan* (**EMP**) (Doc ref. 2673_610_001) has been developed for the site to manage potential environmental impacts, and these documents are referenced where relevant in the risk assessment provided in **Table 13**.

Table 13 – Operational Assessment of Environmental Risk

Environmental Aspect	Environmental Objective [1]	Performance Outcome	Source Activity	Potential Impact	Inherent Risk Rating [2]	Control / Management Measures	Residual Risk Rating [3]
Air	The activity will be operated in a way that protects the EVs of air.	• Fugitive emissions of contaminants from storage, handling and processing of materials and transporting materials within the site are prevented or minimised. • Contingency measures will prevent or minimise adverse effects on the environment from unplanned emissions and shut down and start up emissions of contaminants to air. • Releases of contaminants to the atmosphere for dispersion will be managed to prevent or minimise adverse effects on environmental values.	• Removal of topsoil / overburden ahead of the extraction activity. • Stockpiling of topsoil and overburden. • Extraction and handling of raw materials (e.g., transfer of materials, processing, , stockpiling, transportation). • Vehicle movements on unsealed roads and access tracks. • Wind erosion on exposed surfaces and stockpiles.	Emission of dust to air impacting nearby sensitive receptors.	3 x 3 = 9 (**Medium**)	In the absence of control measures, potential incidents associated with air emissions impacting nearby sensitive receptors is scored medium due to the proximity of sensitive receptors to the site, particular the haul road / access. Provided that JCQ implements the management measures outlined in Section 4.1 of the EMP (Air Quality Management Plan), and observe the EA requirements, the environmental objective for 'Air' is likely to be achieved. Residual risk is scored low as the likelihood of an incident occurring, and its consequences, are reduced through the implementation of control measures.	2 x 2 = 4 (**Low**)
Water	The activity will be operated in a way that protects the EVs of water.	• The storage and handling of contaminants will include effective means of secondary containment to prevent or minimise releases to the environment from spillage or leaks. • Contingency measures will prevent or minimise adverse effects on the environment due to unplanned releases or discharges of contaminants to water. • The activity will be managed so that stormwater contaminated by the activity that may cause an adverse effect on an environmental value will not leave the site without prior treatment.	• Stockpiling of topsoil and overburden. • Extraction and handling of raw materials (e.g., transfer of materials, screening, stockpiling, transportation).	Release of contaminated water to the receiving environment.	4 x 3 = 12 (**High**)	Stormwater runoff will interact with the existing disturbed areas used as part of the proposed operation. Inherent risks to off-site waters are conservatively scored high in the absence of any environmental controls to mitigate these risks. Provided that the management measures outlined in Section 4.2 the EMP (Water Quality Management Plan) are implemented, and the EA conditions complied with, the environmental objective for 'Water' is likely to be achieved. The residual risk score is reduced to medium based on a possible likelihood and a moderate consequence which can be management in accordance with the measures in the EMP.	2 x 3 = 6 (**Medium**)
		• The disturbance of any acid sulfate soil, or potential acid sulfate soil, will be managed to prevent or minimise adverse effects on environmental values. • Any discharge to water or a watercourse or wetland will be managed so that there will be no adverse effects due to the altering of existing flow regimes for water or a watercourse or wetland. • The activity will be managed so that adverse effects on environmental values are prevented or minimised.	• Extractive activities within area subject to flooding.	Flood impacts	3 x 3 = 9 (**Medium**)	Provided that JCQ implements the management measures outlined Section 4.2 the EMP (Water Quality Management Plan), and observe the EA requirements, the environmental objectives for 'Water' are likely to be achieved. Residual risk is scored medium as the likelihood of an incident occurring, and its consequences, are reduced through the implementation of control measures. Medium risks can be controlled through implementation of the EMP.	2 x 3 = 6 (**Medium**)

Environmental Aspect	Environmental Objective [1]	Performance Outcome	Source Activity	Potential Impact	Inherent Risk Rating [2]	Control / Management Measures	Residual Risk Rating [3]
Wetlands	The activity will be operated in a way that protects the environmental values of wetlands.	The activity will be managed in a way that prevents or minimises adverse effects on wetlands.	• Excavation activities within the quarry footprint. • Storage and handling of materials within the quarry footprint.	Release of contaminants to, or physical damage of, nearby wetlands.	2 x 2 = 4 (**Low**)	The site is not mapped as containing any wetlands; therefore, direct impacts to wetlands are unlikely. As a result, the inherent risk of impacts to wetlands is scored low. There are no wetlands in the immediate surrounds, with the nearest feature being located approximately 2 km north of the operations area. Low inherent risks are able to be managed by routine procedures and are unlikely to need specific application of resources. The residual risk is unchanged and remains low.	2 x 2 = 4 (**Low**)
Groundwater	The activity will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems.	The activity will be managed to prevent or minimise adverse effects on groundwater or any associated surface ecological systems.	• Excavation activities within the quarry footprint. • Storage and handling of materials within the quarry footprint. • Excavation within Quarry footprint.	Release of contaminants to groundwater.	3 x 3 = 9 (**Medium**)	The Water Quality Management Plan (Section 4.2 of the EMP) include measures for capture and treatment of surface waters that may interact with potential contaminants at the site that could impact groundwater. The EMP also includes a Hydrocarbon and Chemical Management Plan (refer to Section 4.5 – Hydrocarbon Management Plan) that provides measures for management of other potential groundwater contaminants. Indirect impacts to groundwater from the site activities could readily be managed through controls put in place for management of stormwater (see 'Water') and hydrocarbon and chemical handling (see 'Land'). Provided JCQ implement the EMP, potential for indirect impacts to groundwater will be reduced, and the residual risk is reduced to a lower score based on a decreased likelihood of an event occurring. The risk is reduced to a lower score however remains medium, which will require ongoing management through the implementation of the EMP.	2 x 3 = 6 (**Medium**)

Environmental Aspect	Environmental Objective [1]	Performance Outcome	Source Activity	Potential Impact	Inherent Risk Rating [2]	Control / Management Measures	Residual Risk Rating [3]
Noise	The activity will be operated in a way that protects the EVs of the acoustic environment.	The release of sound to the environment from the activity is managed so that adverse effects on EVs including health and wellbeing and sensitive ecosystems are prevented or minimised.	• Stripping and stockpiling of topsoil, subsoils and overburden. • Extraction and handling of materials (e.g., transfer of materials, stockpiling, transportation). • Screening of the materials. • Vehicle movements on unsealed roads and access tracks. • Plant and equipment use, including reverse beepers. • Radio / UHF use. • Alarms.	Noise nuisance for nearby noise sensitive receptors.	3 x 2 = 6 (**Medium**)	The nearest dwelling is over 750 m southwest of the site, with the primary land use surrounding the site being primary industry activities including grazing and cropping. No blasting or crushing of material will be undertaken on the site which will minimise the potential noise impacts. Due to the nature of the proposed activities, and isolated and rural locality, there are limited sensitive receptors in the locality which may be impacted by the activity. Inherent risk of impacts is scored medium. Provided that JCQ implement control measures for potential noise impacts as outlined in Section 4.4 of the EMP (Noise Management Plan), and observe the EA requirements, the environmental objective for 'Noise' is likely to be achieved. Residual risk is reduced to low as the likelihood and consequence of an incident involving noise nuisance is reduced through the implementation of control measures.	2 x 2 = 4 (**Low**)
Waste	Any waste generated, transported, or received as part of carrying out the activity is managed in a way that protects all environmental values.	• Waste generated, transported or received is managed in accordance with the waste and resource management hierarchy in the *Waste Reduction and Recycling Act 2011*. • If waste is disposed of, it is disposed of in a way that prevents or minimises adverse effects on environmental values.	• Storage and disposal of residual waste (i.e., general, and regulated waste).	Improper disposal of wastes (general and regulated waste)..	2 x 3 = 6 (**Medium**)	There will be no change to the types of waste that may be generated at the quarry. Volumes of waste generated are anticipated to be minimal. As a result, inherent risk of impacts from waste generation associated with the amendment are scored medium. Types of wastes generated at the site more broadly include, but are not necessarily limited to, the following: • Regulated wastes (e.g., batteries, oil filters, waste oil/hydrocarbons and containers, oil/water emulsions and tyres). • Scrap metal and used or faulty parts and equipment. • General waste such as food waste, packaging, and consumables. • Green waste. In the absence of control measures, potential for impacts associated with improper disposal of wastes is inherently scored high. The Waste Management Plan included as Section 4.8 of the EMP details measures for management of waste at the site, with reference to the requirements of the *Waste Reduction and Recycling Act 2011* (**WRR Act**). Provided JCQ implement the measures outlined in the EMP, and comply with the requirements of the EA, the residual risk of a	2 x 2 = 4 (**Low**)

Environmental Aspect	Environmental Objective [1]	Performance Outcome	Source Activity	Potential Impact	Inherent Risk Rating [2]	Control / Management Measures	Residual Risk Rating [3]
						potential incident involving waste is reduced, and the environmental objective for 'Waste' is likely to be achieved.	
Land	The activity is operated in a way that protects the environmental values of land including soils, subsoils, landforms and associated flora and fauna.	• Activities that disturb land, soils, subsoils, landforms and associated flora and fauna will be managed in a way that prevents or minimises adverse effects on the EVs of land. • Areas disturbed will be rehabilitated or restored to achieve sites that are— o safe to humans and wildlife; and o non-polluting; and o stable; and o able to sustain an appropriate land use after rehabilitation or restoration. • The activity will be managed to prevent or minimise adverse effects on the environmental values of land due to unplanned releases or discharges, including spills and leaks of contaminants. • The application of water or waste to the land is sustainable and is managed to prevent or minimise adverse effects on the composition or structure of soils and subsoils.	Storage and handling of chemicals and fuels on-site.	Release of hydrocarbons and fuels to land.	3 x 3 = 9 (**Medium**)	In the absence of controls the inherent risk of handling fuels and chemicals is medium due to an increased likelihood of potential release if handling and storage activities are unmanaged. A Hydrocarbon and Chemical Management Plan has been incorporated into the EMP (refer to Section 4.5) which provides management measures for handling and storage of hydrocarbons and chemicals to reduce the potential impacts to land associated with spills and/or leaks. Provided JCQ implements the measures outlined in the EMP, the residual risk is reduced to a lower level as the likelihood and consequence of an incident occurring is reduced through the implementation of the management measures outlined in the EMP. The residual risk is scored medium, and ongoing management in accordance with the EMP will be required to ensure risk is as low as reasonably possible.	2 x 2 = 4 (**Low**)
Land	The activity is operated in a way that protects the environmental values of land including soils, subsoils, landforms and associated flora and fauna.	• Activities that disturb land, soils, subsoils, landforms and associated flora and fauna will be managed in a way that prevents or minimises adverse effects on the EVs of land. • Areas disturbed will be rehabilitated or restored to achieve sites that are— o safe to humans and wildlife; and o non-polluting; and o stable; and o able to sustain an appropriate land use after rehabilitation or restoration. • The activity will be managed to prevent or minimise adverse effects on the environmental values of land due to unplanned releases or	Post-closure implementation and management of the site rehabilitation.	Failure to achieve rehabilitation milestones in disturbance areas at the cessation of the activities.	3 x 4 = 12 (**High**)	In the absence of management measures to assist in site rehabilitation, landforms created through the extraction activities have the potential to impact upon environmental values of the surrounding areas. The EMP includes a Rehabilitation Management Plan (refer to Section 4.9 of the EMP). Provided that JCQ implement the EMP, and observe the EA requirements, the environmental objectives for 'Land' are likely to be achieved. Residual risk is reduced to a lower level as the likelihood of failure of final rehabilitated landforms is reduced through the implementation of these measures. With future planning and implementation of successful rehabilitation, the likelihood of failure is reduced; however, the consequence remains the same, which result in a residual risk rating of medium.	2 x 3 = 6 (**Medium**)

Environmental Aspect	Environmental Objective [1]	Performance Outcome	Source Activity	Potential Impact	Inherent Risk Rating [2]	Control / Management Measures	Residual Risk Rating [3]
		discharges, including spills and leaks of contaminants. • The application of water or waste to the land is sustainable and is managed to prevent or minimise adverse effects on the composition or structure of soils and subsoils.					

Notes:

1. Environmental Objectives and Performance Outcomes have been reprinted from Schedule 8, Part 3, Division 1 of the EP Reg
2. "Inherent risk" is the level of risk that exists if the impacts go unmitigated.
3. "Residual risk" is the risk that remains after implementation of the proposed control / management measures.

4 Concluding Remarks

The EAR has been prepared to address the EA application requirements as outlined in Sections 125 of the EP Act.

The highest level of residual risk has been calculated as medium. Ongoing management of the site will be required in accordance with the management measures provided in the site's EMP and SMP, and through compliance with the EA conditions, to ensure that the potential risk associated with environmental impacts identified is reduced to as low as reasonably possible.

The EMP has been developed to provide written procedures regarding the measures for the management of potential environmental impacts from the site activities, with reference to the risk assessment provided in **Table 13 – Operational Assessment of Environmental Risk**. In addition, it is proposed that the MOC are applied to enable regulation of environmental impacts.

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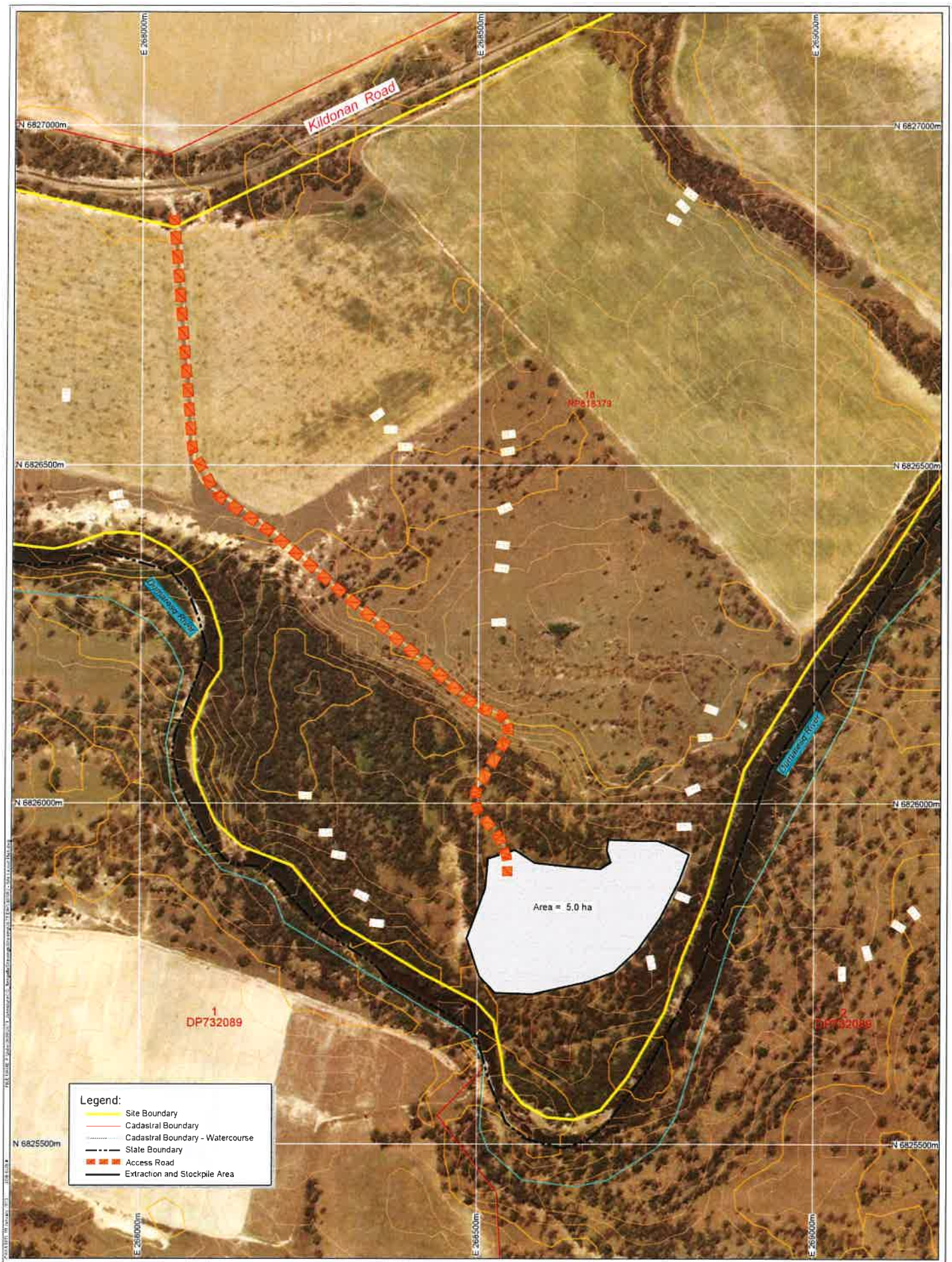
FIGURES



Bengalla Sand Pit		Site Layout Plan	
Johnstone Concrete & Quarries Pty Ltd	GROUNDWORK	1:5000 @ A2	2673.DRG.003

ATTACHMENTS

Attachment 1

EMR / CLR Search Results

Queensland Government

Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Sam Lyons
6 Mayneview Street, 16 Fleming Road
MILTON QLD 4064

Transaction ID: 50776402 EMR Site Id: 29 April 2022
Cheque Number:
Client Reference:

This response relates to a search request received for the site:
Lot: 18 Plan: RP818379
KILDONAN RD
YELARBON

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

GROUNDWORK plus

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/21
Dated: 13/10/23
Signed: RMM
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

Bengalla Quarry

Environmental Management Plan

Prepared for: Johnstone Quarries and Concrete Pty Ltd

Date: April 2023

File Reference: 2673_610_001

DOCUMENT CONTROL

PROJECT / DETAILS REPORT

Document Title:	Bengalla Quarry: Environmental Management Plan
Principal Author:	Jack Wallace
Client:	Johnstone Quarries and Concrete Pty Ltd
Reference Number:	2673.610.001

DOCUMENT STATUS

Issue	Description	Date	Author	Reviewer
0	Environmental Management Plan	April 2023	J Wallace	J Lawler

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1 Introduction

1.1 Background

Johnstone Quarries and Concrete Pty Ltd (**JCQ**) operate the Bengalla Quarry located along Kildonan Road, Yelarbon, properly described as Lot 18 RP818379 (the **site**). The activity constitutes the following prescribed Environmentally Relevant Activities (**ERAs**) in accordance with the *Environmental Protection Regulation 2019* (**EP Reg**):

- ERA 16 (2)(a) – Extractive and screening Activities – extracting, other than by dredging, in a year, more than 5,000 tonnes but less than 100,000 tonnes;
- ERA 16 (3)(a) – Extractive and screening Activities – Screening, in a year, more than 5,000 tonnes but less than 100,000 tonnes.

Figure 1 - Aerial Photo and Cadastre

(Figure reprinted from the State of Queensland (2023))

This Environmental Management Plan (**EMP**) describes the site operations, the potential environmental impacts of these activities, and how any potential impacts may be mitigated or managed to achieve acceptable environmental outcomes for this activity.

1.2 Site Details

Table 1 – Site Details Summary provides a summary of the site location details

Table 1 – Site Details Summary

Location	Kildonan Road, Yelarbon, QLD 4388
Access	Via Kildonan Road
Real Property Description	Lot 18 RP818379
Tenure	Freehold
Total Site Area	300 Ha
Local Authority	Goondiwindi Regional Council
Planning Scheme	*Goondiwindi Region Planning Scheme 2020*

1.3 Activity Overview

Included as **Diagram 1 – Conceptual On-Site Extractive Operations** is an illustration of the quarry development. The quarry operations are anticipated to comprise the following basic elements:

- Stripping of topsoil and overburden material using mechanical means (i.e., bulldozer or excavator) and stockpiling for incorporation into on-site rehabilitation works where required, or use in constructing stormwater control structures (e.g., perimeter banks).
- Screening the raw material using mobile screening processing equipment.
- Stockpiling the final products using a front-end loader and/or off-road haul trucks within designated areas until required to be loaded into road trucks for transportation off-site for sale.
- Rehabilitating disturbed areas after the proposed quarry has ceased all operations.

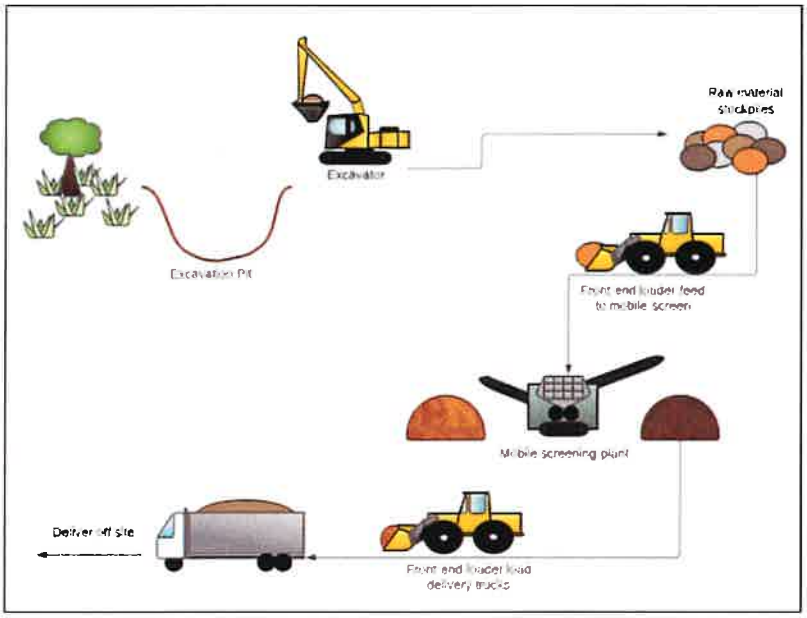

Diagram 1 – Conceptual On-site Extractive Operations

1.4 Plant and Equipment

The number of plant equipment deployed on-site is anticipated to vary from time-to-time to service the project demands. Types of major plant and equipment may include, but not limited to:

- Excavator.
- Front-end loader.
- Mobile screening plant.
- Haulage vehicles.

1.5 Hours of Operation

The hours of operation will generally be:

- 6:00am to 6:00pm Monday to Friday.
- No operations on weekends on Public Holidays.

1.6 Purpose of EMP

This EMP has been prepared to provide written procedures for the site activities that:

1) Identify potential risks to the environment from the activity during routine operations and emergencies; and
2) Establish and maintain control measures that minimise the potential for environmental harm; and
3) Ensure plant, equipment and measures are maintained in a proper and effective condition; and
4) Ensure plant, equipment and measures are operated in a proper and effective manner; and
5) Ensure that staff are trained and aware of their obligations under the EP Act; and
6) Ensure that reviews of environmental performance are undertaken at least annually.

1.7 Relevant Legislation

In Queensland, the EP Act is the principal legislation for protecting the environment. The EP Act was assented on 1 December 1994 and was proclaimed on 1 March 1995. The object of the EP Act is to:

> *"protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development)".*

The EP Act imposes a General Environmental Duty on corporations, government departments and individuals, in order to meet the primary objective (s319 of the EP Act). The duty relates to the notion that everyone must take all reasonable and practicable measures to prevent or minimise environmental harm. The general environmental duty is extracted below for reference:

319 General environmental duty

1. *A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the general environmental duty).*

   Note— See section 24 (3) (Effect of Act on other rights, civil remedies etc.).

2. *In deciding the measures required to be taken under subsection (1), regard must be had to, for example—*
   a) the nature of the harm or potential harm; and
   b) the sensitivity of the receiving environment; and

c) the current state of technical knowledge for the activity; and
d) the likelihood of successful application of the different measures that might be taken; and
e) the financial implications of the different measures as they would relate to the type of activity.

In addition, the EP Act states that it is an offence to cause environmental nuisance (s440 of EP Act), material environmental harm (s438 of EP Act), serious environmental harm (s437 of EP Act), and it is an offence to contravene a condition of an EA (s430 of EP Act).

2 Policies and Procedures

2.1 Staff Training

All site personnel, including contractors, are to be inducted on the environmental management requirements for the site and informed on the environmental management objectives and specifics of the EMP as well as obligations under the EP Act. Training may include awareness on impact minimisation measures, operational practices, maintenance measures, reporting, and individual responsibilities.

Site personnel are to be made aware of penalties if conditions of approval are breached and reporting requirements for incidents involving environmental nuisance and/or harm in accordance with the relevant environmental legislation. A record of all employee training is to be maintained on-site.

2.2 Communication

Communication must take place regarding environmental matters at the site between operational personnel, management and external stakeholders.

Internal communication mechanisms relating to environmental matters and potential impacts, objectives and targets, training and awareness, complaints and incidents, and suggestions for improvement may include, but shall not be limited to:

- Self-assessments and audits.
- Action requests, memos, noticeboards, etc.
- Environmental incident reporting.
- Environmental compliance monitoring and reporting.
- Inductions and environmental awareness training.
- Toolbox talks or verbal advice.
- Weekly construction meetings.
- Management reviews.
- Site meetings.

All external communications are to be undertaken by management. External communication mechanisms for environmental matters may include:

- Formal and informal correspondence with the administering authorities.
- Formal correspondence with interest groups.
- Community complaints and enquiries.

2.3 Compliant Recording and Response

All complaints received are to be reported to the Quarry Manager or delegate immediately.

The following details are to be recorded upon receipt of any compliant:

- Date and time the complaint was received.
- Name and contact details for the complainant when provided and authorised by the complainant.
- Nature of the complaint.

- Investigation undertaken.
- Conclusions formed.
- Actions taken.

The Quarry Manager is to liaise with any complainants to discuss the nature of the complaint and to determine a suitable resolution. Initial contact with the complainant is to be made within 24 hours of the complaint being received to initiate a resolution to the matter.

The administering authority may request additional monitoring to investigate any complaint of environmental nuisance received directly by the administering authority. A copy of any monitoring results must be provided within 10 business days to the administering authority.

2.4 Incident Response Procedure

2.4.1 Overview

The objective of this Incident Response Procedure is to ensure that any breaches of the EA, or incidents and activities that cause or threaten to cause serious or material environmental harm, are reported, investigated, and addressed to prevent recurrence or remedy harm caused. A diagrammatic overview of incidents procedure is provided in **Diagram 2 – Incident Response Procedure Overview**. The Quarry Manager will be responsible for ensuring that all employees at the site are familiar with the procedure for incidents procedures.

Environmental harm is defined under the EP Act as:

- Any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
- May be caused by an activity—
    - whether the harm is a direct or indirect result of the activity; or
    - whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

Diagram 2 – Incident Response Procedure Overview

2.4.2 Incident Awareness

When an employee becomes aware of an event resulting in the breach of an EA condition, or an incident with actual or potential environmental harm implications, the employee must report the incident to the Quarry Manager or delegate immediately (no more than 24 hours after becoming aware of the incident).

To demonstrate regard for the general environmental duty, all possible breaches of the EA should be reported to the administering authority as soon becoming aware of the matter, even if there is uncertainty as to whether a condition of the EA has been breached.

2.4.3 Notification

If the matter is an emergency, call 000.

Under Section 320 to 320G of the EP Act, persons have a duty to notify the administering authority within 24 hours of becoming aware of any incidents or activities that cause or threaten to cause serious environmental harm or material environmental harm. In addition, the EA requires that any breach of a condition of the EA is reported no more than as soon as practicable within 24 hours of becoming aware of the breach.

The Quarry Manager must notify the administering authority via telephone and email within 24 hours of becoming aware of the incident. The contact details of the administering authority for notification purposes are as follows:

> Department of Environment and Science
> Phone: 1300 130 372 and select option 2 (during business hours of 8.30am to 5.00pm)
> Email: PolutionHotline@des.qld.gov.au

Notification must include the following where known:

- Contact details for a site representative.
- Details of the affected land (e.g., site address, real property description, local government area, maps / plans of affected areas).
- EA reference number.
- Nature of the activity / circumstances that led to the incident.
- Timeframes for the event and when staff became aware (date and time).
- Event type (e.g., spill, fire, leaks, release, etc), source and environment affect (e.g. waterways, drains, land, etc).
- Details of any potential contaminants.
- Actions taken to resolve or remedy potential impacts.

All records of the incident or breach are to be stored at the site and made available to the administering authority upon request.

2.4.4 Investigation

All incidents are to be investigated. The investigations should include:

- determining what activities were being carried out at the time of the incident and any equipment involved.
- identifying whether equipment or activities on-site were the cause of the incident.
- determining what potential actions may be carried out to resolve the matter and/or minimise the likelihood of further impacts.

Corrective action is to be implemented and an assessment conducted to determine what actions are to be taken to remedy the matter and/or prevent a similar incident from occurring.

Where monitoring is required to investigate an incident (e.g., water quality monitoring), a suitably qualified person as identified under the EP Act must be engaged to perform the monitoring and interpret any results.

2.5 Record Keeping

All environmentally relevant documentation, including approvals, corporate policies, procedures, forms, records, and reports required to be kept as per this EMP or conditions of approval shall be available at the approved premises for a period of at least five (5) years, and must be available for inspection by an authorised person.

2.6 Monitoring

Any monitoring required by a condition of approval or by this EMP must be carried out by a suitably qualified person(s) as defined under the EP Act.

All instruments, equipment and measuring devices used for measuring or monitoring in accordance with a condition of approval must be calibrated and appropriately operated and maintained.

All analyses of samples must be carried out by a laboratory that has National Association of Testing Authorities ('NATA') certification, or an equivalent certification, for such analyses.

2.7 Periodic Review of Environmental Performance and Continual Improvement

The EMP has been prepared for implementation as a continuous improvement program. The following key aspects of this EMP ensures continuous improvement results from the implementation of this EMP.

Commitment and Environmental Policy

Senior management are to commit to environmental performance through ensuring regulatory compliance, prevention of actual or potential environmental harm, and continuous improvement.

Planning

The EMP identifies environmental aspects associated with the site operations, such as potential impacts. EMP outlines the environmental objectives, performance targets and management measures for each environmental aspect.

Implementation

Implementation of the EMP outlines responsibilities, training requirements, communication procedures, and contingency plans. JCQ will be responsible for ensuring additional implementation requirements are in place, such as preparing monitoring documentation, following procedures, and establishing communication pathways.

Checking

Monitoring of compliance will determine whether the environmental objectives are being met and will identify non-compliances. Additional actions that will check environmental performance include audits and review of the EMP.

Review

Reviews of environmental performance are to be undertaken at least annually and should review:

- any monitoring data produced under the conditions of the EA and any trends.

- any non-compliances reported, or complaints received, over the preceding 12 months and actions taken to achieve compliance / resolution.
- changes in site approval documents, legislation and standards.
- the suitability of the EMP against the site development.
- any measures that are proposed to be implemented over the coming 12 months to improve the environmental performance of the site.

A template for annual environmental performance reviews is included as **Attachment 1 – Annual Environmental Performance Review**.

The outcomes of all environmental performance reviews must be communicated to senior management for actioning as required.

The Quarry Manager may commission updates to this EMP as required to ensure that it meets the operational needs of the site. Periodic review of the EMP will ensure continuous improvement of the site environmental performance through adaption of management strategies to meet the changing needs of the site.

3 Potential Environmental Risks

3.1 Risk Assessment Methodology

The purpose of this assessment is to determine the site activities requiring ongoing management to reduce residual risk of potential environmental impacts. This risk assessment methodology has been adopted from the process for risk management as set out in Clause 6 of the AS ISO 31000:2018 Risk management - Guidelines (Standards Australia 2018). The risk assessment follows the following process:

- Risk identification (source activity and potential impact).
- Risk Analysis (risk level = likelihood x consequence).
- Risk Evaluation (commentary on risk / management measures proposed).

The risk treatment outlines the controls / management measures that can be implemented to reduce the level of risk to as low as reasonably possible.

The risk analysis qualitative estimates the level of risk based on the likelihood of an environmental impact or event occurring (**Table 2 – Definitions of Likelihood**), and the consequences of the occurrence (**Table 3 – Definitions of Consequence**).

Table 2 – Definitions of Likelihood

Rating	Descriptor	Score
Rare	May occur only in exceptional circumstances	1
Unlikely	Could occur but doubtful	2
Possible	Might occur at some time in the future	3
Likely	Will probably occur	4
Almost Certain	Is expected to occur in most circumstances	5

Table 3 – Definitions of Consequence

Rating	Descriptor	Score
Negligible	Impacts not requiring any treatment or management action	1
Minor	Nuisance or insignificant environmental harm requiring minor management action	2
Moderate	Serious environmental impacts, readily manageable at low cost	3
Major	Substantial environmental impacts, manageable but at considerable cost and some disruption	4
Severe	Severe environmental impacts with major consequent disruption and heavy cost	5

The consequence and likelihood scores are plotted on the risk vs consequence matrix (**Table 4 – Risk Assessment Matrix**) and the final risk level assigned is a product of the likelihood and consequence scores, which equals the magnitude of the impacts. The higher the risk score, the higher the priority is for management.

Table 4 – Risk Assessment Matrix

Likelihood		Consequence				
		Negligible	**Minor**	**Moderate**	**Major**	**Severe**
		1	**2**	**3**	**4**	**5**
Almost Certain	**5**	5 Medium	10 High	15 High	20 Very High	25 Very High
Likely	**4**	4 Low	8 Medium	12 High	16 High	20 Very High
Possible	**3**	3 Low	6 Medium	9 Medium	12 High	15 High
Unlikely	**2**	2 Low	4 Low	6 Medium	8 Medium	10 High
Rare	**1**	1 Low	2 Low	3 Low	4 Low	5 Medium

Table 5 – Indicative Management Option for Each Risk Assessment Rating describes the possible actions required for each risk assessment rating.

Table 5 – Indicative Management Option for Each Risk Assessment Rating

Risk Rating	Risk Rating Scores	Indicative Management Option
Very High	**17 – 25**	Manage by implementing site management and emergency procedures, plant design controls and regular monitoring.
High	**10 – 16**	Manage by implementing site management procedures, specific monitoring and may require some operation/plant design controls.
Medium	**5 – 9**	Manage by implementing specific monitoring or response procedures.
Low	**1 – 4**	Manage by routine procedures, unlikely to need specific application of resources.

3.2 Environmental Risk Assessment

Activities associated with the ERAs which have the potential to cause environmental harm and/or nuisance and the potential impacts have been identified and tabulated. The inherent risk of the impacts occurring, and the residual risk following the implementation of management strategies, has then been assessed. Refer to Error! Reference source not found. for the assessment.

Table 6 - Identification of Potential Impacts and Risks

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
Air	Emission of dust to air impacting nearby sensitive receptors.	• Removal of topsoil / overburden ahead of the extraction activity. • Stockpiling of topsoil and overburden. • Extraction and handling of raw materials (e.g., transfer of materials, screening, stockpiling, transportation). • Vehicle movements on unsealed roads and access tracks.	3 x 3 = 9 (**Medium**)	In the absence of control measures, potential incidents associated with air emissions impacting nearby sensitive receptors scores an inherent risk rating of medium due to the setting of the site a rural locality with limited nearby receptors. The Air Quality Management Plan (refer to **Section** Error! Reference source not found. **– Air Quality Management Plan**) has been developed to manage the potential impacts to air from the site activities. Residual risk is reduced to a lower level as the likelihood of an incident occurring is reduced through the implementation of the EMP. Provided JCQ implement the measures outlined in the EMP and comply with the requirements of the EA conditions, the residual risk score is reduced, based on a reduced likelihood of impacts.	2 x 2 = 4 (Low)

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
		• Wind erosion on exposed surfaces and stockpiles.			
Water	Release of contaminated water to the receiving environment.	• Removal of topsoil / overburden ahead of the extraction activity. • Stockpiling of topsoil and overburden. • Extraction and handling of raw materials (e.g., transfer of materials, screening, stockpiling, transportation).	4 x 3 = 12 (**High**)	Stormwater runoff will interact with disturbed areas created through the development of the proposed extraction areas. Inherent risks to off-site waters are conservatively scored high in the absence of any environmental controls to mitigate these risks. **Section 4.2 – Water Quality Management Plan** has been developed to mitigate the potential impacts to water as a result of the site activities. Provided the measures outlined in the EMP are implemented, and the EA conditions are complied with, the environmental outcomes of the EA are likely to be achieved. Residual risk is reduced to a lower level as the likelihood of an incident occurring is reduced through the implementation of the management measures nominated in the EMP. The consequence remains the same, which results in a residual risk rating of medium. A medium residual risk requires ongoing implementation of specific monitoring or response procedures. These are documented in **Section 4.2**.	2 x 3 = 6 (**Medium**)

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
	Flood Impacts	• Extractive activities within area subject to flooding	3 x 3 = 9 (**Medium**)	The site is mapped within the Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay in the State Planning Policy mapping. There are no permanent structures or buildings proposed as part of the operation of the Bengalla Quarry. All machinery, equipment, plant and personal can be evacuated from site and moved to higher ground in the event of a flood. Through implementation of these control measures, the likelihood of a potential impacts from flooding are reduced. The consequence remains the same, resulting in a medium residual risk rating.	2 x 3 =6 (**Medium**)
Wetlands	Release of contaminants to, or physical damage of, nearby wetlands.	• Excavation activities within the quarry footprint. • Storage and handling of materials within the quarry footprint.	2 x 2 = 4 (**Low**)	The site is not mapped as containing any VMA or HES Wetlands; therefore, direct impacts to wetlands are unlikely. The nearest mapped wetland is situated approximately 2 km north of the operational area.	2 x 2 = 4 (**Low**)
Groundwater	Release of contaminants to groundwater.	• Extraction of raw materials. • Handling of hydrocarbons and chemicals (i.e., fuels, lubricants,	3 x 3 = 9 (**Medium**)	Unmitigated, the potential for indirect impacts through release of contaminants to the receiving environment which may be transported to groundwaters is scored medium, based on a possible likelihood and a moderate consequence. **Section 4.2 – Water Quality Management Plan** includes measures for capture and treatment of surface waters that may	2 x 3 = 6 (**Medium**)

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
		herbicides and other chemicals).		interact with potential contaminants at the site that could impact groundwater. The EMP also includes a Hydrocarbon and Chemical Management Plan that provides measures for management of other potential contaminants, refer to **Section 4.3 – Hydrocarbon and Chemical Management Plan** for details. Provided JCQ implement the EMP, potential for indirect impacts to groundwater will be reduced, and the residual risk is reduced to a lower score based on a decreased likelihood of an impact event occurring, However, the risk remains medium, which will require ongoing management through the implementation of the EMP.	
Noise	Noise nuisance for nearby noise sensitive receptors.	• Stripping and stockpiling of topsoil, subsoils and overburden. • Extraction and handling of materials (e.g. transfer of materials, stockpiling, transportation). • Screening of the materials.	3 x 2 = 6 (**Medium**)	In the absence of any noise management measures, the site activities have the potential to influence the noise Environmental Values of the locality. The site is in a rural setting with limited noise sensitive receptors in the locality, the nearest of which is a residence located over 750 m southwest of the proposed operations area. Inherent risk is conservatively scored as medium. The Noise Management Plan (refer to **Section 4.4 – Noise Management Plan**) has been developed to manage the potential impacts from noise at the site activities. Residual risk is reduced to a lower level as the likelihood of an incident occurring is reduced through the implementation of the EMP.	2 x 2 = 4 (**Low**)

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
		• Vehicle movements on unsealed roads and access tracks. • Plant and equipment use, including reverse beepers. • Radio / UHF use and • Alarms.		Provided JCQ implement the measures outlined in the EMP, and comply with the requirements of the EA conditions, the residual risk score is reduced to low based on a reduced likelihood of impacts.	
Waste	Improper disposal of wastes (general and regulated waste).	• Storage and disposal of residual waste (i.e., general and regulated waste).	2 x 3 = 6 **(Medium)**	The type of wastes that may be generated at the quarry include, but are not necessarily limited to, the following: • Regulated wastes (e.g., batteries, oil filters, waste oil/hydrocarbons and containers, oil/water emulsions and tyres). • Scrap metal and used or faulty parts and equipment. • General waste such as food waste, packaging and consumables. • Green waste. The Waste Management Plan included as **Section 4.5 – Waste Management Plan** details measures for management of waste at the site, with reference to the requirements of the *Waste Reduction and Recycling Act 2011* ('WRR Act').	2 x 2 = 4 **(Low)**

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
Land	Release of hydrocarbons and fuels to land.	• Storage and handling of chemicals and fuels on-site.	3 x 3 = 9 (**Medium**)	The inherent risk of handling fuels and chemicals is high due to an increased likelihood of potential release if handling and storage activities are unmanaged. **Section 4.3 – Hydrocarbon and Chemical Management Plan** provides management measures for handling and storage of hydrocarbons and chemicals to reduce the potential impacts to land associated with spills and/or leaks. Provided JCQ implements the measures outlined in the EMP, the residual risk is reduced to a lower level as the likelihood and consequence of an incident occurring is reduced through the implementation of the management measures outlined in the EMP. The residual risk is scored medium, which will require ongoing management in accordance with the EMP will be required to ensure risk is as low as reasonably possible.	2 x 2 = 4 (**Low**)
	Post-closure implementation and management of the site rehabilitation.	• Failure of the operator to undertake rehabilitation of the disturbance area at the cessation of the activities.	3 x 4 = 12 (**High**)	**Section 4.6 – Rehabilitation Management Plan** outlines general rehabilitation requirements for the site. The life of the operation is anticipated to extend into the foreseeable future; therefore, a more detailed rehabilitation and closure plan should be prepared prior to cessation of the extractive industry use of the site to reflect a land use relevant to the planning scheme in place at the time.	2 x 3 = 6 (**Medium**)

Environmental Aspect	Potential Environmental Impact	Source Activity	Inherent Risk Rating [a]	Evaluation and Risk Treatment	Residual Risk Rating [b]
Table notes: **(a) "Inherent risk" is the level of risk that exists if the impacts go unmitigated.** **(b) "Residual risk" is the risk that remains after implementation of the proposed control / management measures.**					
				Residual risk is reduced to a lower level as the likelihood of failure of progressive and/or final rehabilitated landforms is reduced through the implementation of the EMP and compliance with the EA conditions. With future planning and implementation of successful rehabilitation, the likelihood of failure is reduced; however, the consequence remains the same, which re sult in a residual risk rating of medium.	
	Fire Threatening ham and damage to property.	• Bushfires	4 x 4 = 16 **(High)**	The site is mapped as containing Medium Potential Bushfire Intensity Areas in accordance with the State Planning Policy Interactive Mapping System. **Section 4.7** - Bushfire Management Plan provides measures to assist in minimising fire risks and impacts at the site. Even through the application of controls and mitigation measures, fire risks can remain an ongoing threat for all landowners with major consequences, which at times are unpredictable. As a result, residual risk is scored high which requires application of ongoing controls.	3 x 3 = 9 **(Medium)**

4 Environmental Management Plan

4.1 Air Quality Management Plan

4.1.1 Objective

The activity will be operated in a way that protects the environmental values of air.

4.1.2 Purpose

This Air Quality Management Plan has been prepared to control potential air quality impacts occurring as a result of land disturbance necessary for the site operations. The *Environmental Protection Act 1994* and the associated *Environmental Protection (Air) Policy 2019* provide the legislation and regulatory controls for management of emissions to the atmosphere.

4.1.3 Performance Targets

- No environmental nuisance complaints in relation to air quality impacts (i.e., unmitigated emissions of dust, odours or light) associated with the site activities.
- Site operations shall comply with the air quality criteria specified in the EA.

4.1.4 Management Strategies

The following provides supplementary control measures:

WORK AREAS / TRAFFICABLE AREAS

- Limit high dust generating activities (vehicle movements) to periods of favourable weather conditions.
- Dampen down (approx. rate of 2 litres/m^2/hour) the internal haul roads by water spraying when visual surveillance indicates excessive dust generation.
- Restrict vehicle movements to designated routes to the extent practicable.
- Enforce speed limits on internal roads.
- Maintain road surfaces in good condition.
- Prevent and clean up any spillages or dust accumulation on internal roads.

Processing Plant

- Use shielding and/or windbreaks where possible.
- Maintain equipment in accordance with the original equipment manufacturers' specifications.

4.1 Air Quality Management Plan

Stockpiles

- Limit the height of any stockpiles to <6m, where practicable.
- Regularly water stockpiles to keep down dust emissions if visual surveillance indicates excessive dust generation.

The following supplementary measures are recommended in addition to the above:

- Ensure sufficient on-site water supply is available for dust suppression.
- Apply good housekeeping practices.
- Establishing / maintaining tree and shrub screens
- Apply water sprays to stockpiles during high wind conditions.
- Dampen materials prior to transport/handling.
- Ensure that incoming and outgoing truckloads of materials are covered during transport.
- Ensure that truck bodies and trailers leaving the premises are clean, focusing on draw bars and tail gates, to prevent material spillages causing dust nuisance and being tracked onto external roads.

4.1.5 Monitoring

Daily visual surveillance must be undertaken by all employees to ensure dust generation on-site is controlled appropriately.

Dust and particulate monitoring must be undertaken at the request of the administering authority in accordance with the relevant conditions of the EA.

When requested to undertake monitoring, monitoring results are to be provided to the administering authority following completion of the monitoring event.

The monitoring must determine the extent to which the air quality achieves the performance targets specified in the EA.

Methods of monitoring for the specified parameters are as follows:

DUST DEPOSITION

- *Australian Standard (AS) 3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulates – Deposited matter – Gravimetric method* (Standards Australia 2016).

PM_{10}

- *AS 3580.9.6 Determination of Suspended Particulate Matter-PM10 High Volume Sampler with Size Selective Inlet-Gravimetric Method* (Standards Australia 2015).
- *AS 3580.9.9 Methods for sampling and analysis of ambient air Determination of suspended particulate matter – PM_{10} low volume sampler– Gravimetric method* (Standards Australia 2017).
- Any alternative method of monitoring PM_{10} which may be permitted by the Air Quality Sampling Manual as published from time to time by the administering authority.

4.1 Air Quality Management Plan

The monitoring results must be provided within 10 business days to the administering authority upon its request.

4.1.6 Contingency Plan

Any complaint received in relation to dust impacts is to be managed by the Quarry Manager in accordance with **Section 2.3 – Compliant Recording and Response**.

Any exceedance of the approved limits is to be reported to the administering authority in accordance with **Section** Error! Reference source not found. **–** Error! Reference source not found., and corrective action is to be identified and undertaken in consultation with the administering authority. In the event that air quality monitoring (dust and/or particulate matter) determines an exceedance of the approved limits (noted under *Performance Targets*), the Quarry Manager, in consultation with management, may engage the services of a suitably qualified person to determine additional management strategies to mitigate impacts.

Additional air quality monitoring should be undertaken as necessary to determine the effectiveness of any additional management strategies employed in response to exceedance of approved limits.

4.2 Water Quality Management Plan

4.2.1 Objective

The activity will be operated in a way that protects the environmental values of water.

4.2.2 Purpose

This Water Quality Management Plan has been prepared to control potential environmental impacts occurring as a result of land disturbance necessary for the site operation.

4.2.3 Performance Targets

- To ensure all prescribed water contaminants (Schedule 10 EP Reg) including sand, suspended solids, turbid waters, chemicals, lubricants, or fuels are not released from the site.
- Stormwater runoff from disturbed areas of the site, generated by (up to and including) a 24-hour storm event with an Average Recurrence Interval ('ARI') of 1 in 5 years must be retained on site or managed to remove contaminants prior to release.
- An uncontrolled release from site should only occur under exceptional circumstances such as the site receiving a rainfall event larger than a 24-hour storm event with an ARI of 1 in 5 years. Water that is a controlled released from the site is to comply with conditions of the EA.

4.2.4 Management Strategies

All stormwater infrastructure is to be designed and installed in accordance with the stormwater management plan prepared for the site included as **Attachment 2 – Stormwater Management Plan**.

The following provides supplementary control measures:

SEDIMENT BASINS

- Within 120 hours of the most recent rainfall event, the required design capacity of the upper settling volume is available for capture and storage of stormwater runoff from the next rainfall event[1].
- Sediment basins must be designed to capture sediment up to a depth of 0.5 m within the base of the pit. An indicator marker is to be installed at the base of the pit to identify the level of sediment accumulated.
- Site features such as extraction pits and drop cuts may be utilised as on-site storage[1].
- Sediment is to be removed to return the sediment basins to full capacity on a periodic basis or when the sediment level is approaching the sediment storage capacity.

[1] DES, (2014). *Guideline: Stormwater and environmentally relevant activities*. Accessed via https://environment.des.qld.gov.au/__data/assets/pdf_file/0028/89119/pr-gl-stormwater-guideline-era.pdf

- Coagulants or flocculants may be used to treat stormwaters in sediment basins; however, there use must be in accordance with the manufacturer's dosage specifications to ensure that they do not cause environmental harm to receiving waters.

DRAINAGE CONTROL

- Clean stormwater runoff external to the operational areas must be prevented from entering disturbed areas through use of catch drains or flow diversion drains.
- Drainage inlets / outlets (inclusive of sediment and waste baskets) are to be maintained at all times.
- Grass filter strips are to be retained for surface water discharge locations.

SEDIMENT CONTROL

- Sediment is to be trapped within the site, and as close as practicable to its source.
- Materials, whether liquid or solid, removed from sediment control devices during maintenance or decommissioning, must be disposed of in a manner that does not cause ongoing soil erosion or environmental harm.
- Site exit points must be appropriately managed to minimise the risk of sediment being tracked onto sealed, public roadways.

STOCKPILE MANAGEMENT

- Wherever possible, protect stockpiles from wind, rain, concentrated surface flow and excessive upslope stormwater surface flows.
- Long term stockpiles such as topsoil and overburden should be vegetated to achieve a minimum 70% coverage.
- Locate stockpiles up-slope of an appropriate sediment control system.
- Establish flow diversion systems (e.g., diversion bunds, channels) must be established immediately up-slope of stockpiles.

SITE MAINTENANCE

- General site litter is to be cleaned up on a weekly basis, prior to anticipated heavy rainfall and after significant rainfall events (>25mm/24hours) (IECA n.d.).
- All erosion and sediment control measures, including drainage control measures, must be maintained in proper working order at all times during their operational lives.
- Sediment removed from places of sediment deposition must be disposed of in a lawful manner that does not cause ongoing soil erosion or environmental harm.

4.2.5 Monitoring

The **Quarry Manager** or consultant will undertake monitoring of the water exiting the site following commissioning of the drainage, erosion and sediment control structures. Sampling and testing will include those parameters detailed in These parameters will be assessed using the nominated performance targets also detailed in Additional drainage, erosion and sediment controls will be installed if necessary.

The **Quarry Manager** or consultant will undertake periodic inspection or monitoring of the water exiting the site to ensure that the nominated performance targets are met.

4.3 Hydrocarbon and Chemicals Management Plan

4.3.1 Objective

The activity is operated in a way that protects the environmental values of land, air and water including soils, subsoils, landforms and associated flora and fauna.

4.3.2 Purpose

The Hydrocarbons and Chemicals Management Plan has been prepared to control the potential for spills or leaks from chemicals and hydrocarbons associated with the site activities.

4.3.3 Performance Targets

- No land contamination from the site activity that would require registration on the Contaminated Land Register ('CLR').
- No serious spills of oils, greases, fuels, or other hazardous chemicals.
- No preventable release of hydrocarbons and chemicals to the environment.

4.3.4 Management Strategies

GENERAL

- Any chemical handling and storage must be designed and installed in accordance with the most recent edition of *AS 1940 - The storage and handling of flammable and combustible liquids* (Standards Australia 2017a), as a minimum.
- Maintain the chemical and fuel storage areas in a neat and tidy condition.
- Safety Data Sheets ('SDS') of chemicals used on site shall be kept in a register at the site office.
- Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.
- Bunding must be constructed of material which is impervious to the material being stored.
- Bunds are to be kept in good condition (e.g., no cracks, gaps, or leaks)
- Stormwater captured within bunding is to be removed as soon as practicable and disposed of as contaminated water (if required).
- Empty hydrocarbon and chemical containers are to be stored with closures in place on hardstand or within a bunded area.
- A collection sump must be provided in the floor of the bunding to facilitate the removal of liquids.
- All pipe work in the bunded area must be directed over the bund wall and not through it.
- Where vehicle access to the bunded area is required, access must be by way of a rollover bund.
- Refuelling, equipment maintenance and cleaning of vehicles is to be undertaken within a designated area such as hardstand or sealed area, capable of capturing and containing contaminants.
- Spills are to be cleaned up immediately with appropriate spill kits. Spillages must not be cleaned up in a way that releases wastes, contaminants or other materials to any stormwater drainage systems, roadside gutters, or waters.
- All new employees are to be inducted on the use of handling of chemicals used on-site.

4.3 Hydrocarbon and Chemicals Management Plan

SPILL KITS

- Maintain appropriate spill kits and personal protective equipment at locations known to all employees (e.g., refuelling locations, chemical storage facilities, mobile equipment).
- Ensure employees are familiar with, and trained in, the use of proper spill clean-up procedures and always maintain a copy of the procedures at the site.
- Undertake regular spill kit inventory checks to ensure sufficient materials and supplies are available in the event of a spill.

DISPOSAL

Refer to **Section 4.5 – Waste Management Plan** for details regarding correct methods of disposal of waste materials. In general:

- Hydrocarbon contaminated materials are to be appropriately disposed of at a licensed facility.
- If the material is a Regulated Waste (as defined under the legislation) it must be transported and disposed of by a licensed contractor.
- Oily waste materials, including liquid hydrocarbons, should be segregated from general wastes for disposal off-site by a licensed contractor.
- Records are to be kept on disposal of waste for all regulated waste materials.

4.3.5 Monitoring

Areas where handling of hydrocarbons and chemicals occur (e.g., refuelling, or minor on-site servicing) shall be regularly inspected by the Quarry Manager.

The Quarry Manager must ensure that adequate resources are available for management of hydrocarbons and chemicals and is to ensure that all personnel carrying out service and maintenance activities are appropriately qualified to do so.

4.3.6 Contingency Plan

In the event of any spill, implement the steps outlined in **Diagram 3 – Spill Response Procedure**. Remediation of land contamination may be required in the event of more serious incidents; however, JCQ are to consult with a suitably qualified person to determine the nature and extent of any contamination remediation process.

Any incident caused by handling of hydrocarbons or chemicals which has the potential to cause environmental harm must be reported and investigated by the Quarry Manager or delegate in accordance with **Section** Error! Reference source not found. **–** Error! Reference source not found., and corrective action is to be identified and undertaken.

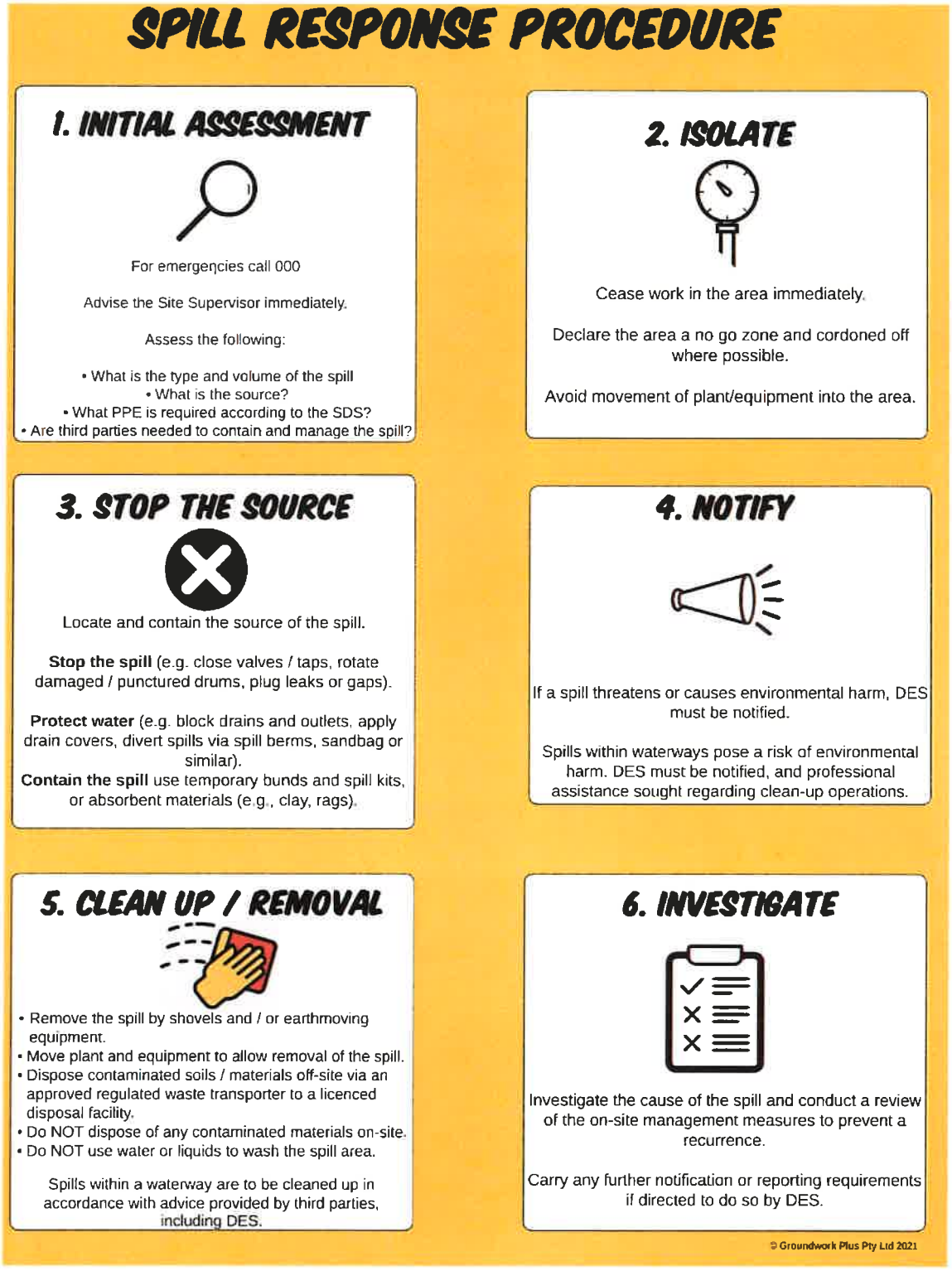

Diagram 3 – Spill Response Procedure

4.4 Noise Management Plan

4.4.1 Objective

The activity will be operated in a way that protects the environmental values of the acoustic environment.

4.4.2 Purpose

This Noise Management Plan has been prepared to control potential nuisance impacts that may occur as a result of noise associated with the site operations.

The EP Act and the associated *Environmental Protection (Noise) Policy 2019* provide the legislation and regulatory controls for management of noise in relation to protection of EVs.

4.4.3 Performance Targets

No environmental nuisance complaints relating to the site operations.
Site operations shall comply with the noise criteria specified in the EA.

4.4.4 Management Strategies

- Hours of operation are to be:
  - 6:00am to 6:00pm Monday to Friday.
  - No operations on weekends on Public Holidays.
- Mobile plant (e.g., front-end loaders, dozers, haul trucks, excavators) are to be fitted with broadband reversing alarms where possible to mitigate potential nuisance from tonal characteristics.
- Stockpile areas should be designed to allow forward-in, forward-out movement of road haulage trucks to avoid a requirement for external trucks to reverse on-site.
- Ensure a site layout that enables product delivery and handling in such a way that reduces the need for reversing.
- Fixed engines, pumps and compressors are to be enclosed where practicable.
- Ensure all site equipment, machinery and vehicles are serviced in accordance with the original equipment manufacturers' specifications as a minimum.
- Ensure all modern mobile plant (e.g., front-end loaders, excavators, off-road trucks) is fitted with effective exhaust silencers.
- Equipment and machinery are to be shut down when not in use.
- Unnecessary revving of mobile or stationary motors and engines is to be avoided.
- Ensure that equipment at the site is used for the intended purpose.
- Ensure that any extraneous noises are rectified.
- Maintain haul roads and hardstand surfaces in good condition (e.g., free of potholes, rills and product spillages) and with suitable grades.
- Avoid the use of compression braking on product delivery trucks entering the site.

4.4 Noise Management Plan

4.4.5 Monitoring

The Quarry Manager must:

- Ensure regular surveillance of the site to qualitatively assess noise generation from the operations.
- Initiate noise monitoring if requested by the administering authority, or as otherwise deemed necessary, to investigate a noise complaint.

Any monitoring must be in accordance with the most recent version of the administering authority's *Noise Measurement Manual* (DES 2020a). When required by the administering authority, noise monitoring must be undertaken, and the results notified within 14 days to the administering authority. Monitoring must include:

- $L_{A10,\ adj,\ 10\ mins}$
- $L_{A1,\ adj,\ 10\ mins}$
- The level and frequency of occurrence of impulsive or tonal noise
- Atmospheric conditions including wind speed and direction
- Effects due to extraneous factors such as traffic noise
- Location, date and time of recording.

4.4.6 Contingency Plan

Any complaint received in relation to noise impacts is to be managed by the Quarry Manager in accordance with **Section 2.3 –** Error! Reference source not found..

Should the outcomes of noise monitoring undertaken upon the request of the administering authority determine an exceedance of the specified limits, the administering authority notification is to be carried out in accordance with **Section** Error! Reference source not found. **–** Error! Reference source not found., and corrective action is to be identified and undertaken.

Where necessary, advice should be sought from a suitably qualified person as to whether additional management measures are required to minimise noise. Additional noise monitoring must be undertaken where necessary to determine the effectiveness of the additional management strategies.

4.5 Waste Management Plan

4.5.1 Objective

Any waste generated, transported, or received as part of carrying out the activity is managed in a way that protects all environmental values.

4.5.2 Purpose

This Waste Management Plan has been prepared with reference to the conditions of approval to ensure wastes produced on-site are appropriately managed.

The type of wastes that may be generated at the site may include, but are not necessarily limited to the following:

- Regulated wastes (e.g., batteries, oil filters, waste oil/hydrocarbons and containers, oil/water emulsions and tyres).
- Scrap metal and used or faulty parts and equipment.
- General waste such as food waste, packaging and consumables.
- Green waste.

The *Waste Reduction and Recycling Act 2011* ('WRR Act') nominates a waste and resource management hierarchy in a preferred order of adoption. The hierarchy is as follows:

(a) AVOID unnecessary resource consumption
(b) REDUCE waste generation and disposal
(c) RE-USE waste resources without further manufacturing
(d) RECYCLE waste resources to make the same or different products
(e) RECOVER waste resources, including the recovery of energy
(f) TREAT waste before disposal, including reducing the hazardous nature of waste
(g) *DISPOSE of waste only if there is no viable alternative.*

4.5.3 Performance Targets

- Implement the WRR Act waste management hierarchy.
- Maintain a record of wastes requiring off-site disposal.
- Meet all legislated waste tracking requirements in accordance with the EP Reg.
- No unlawful disposal of wastes on or off-site.

4.5.4 Management Strategies

WASTE AVOIDANCE

Waste avoidance relates to preventing the generation of waste or reducing the amount of waste generated. Reasonable and practicable measures for achieving waste avoidance may include, but are not necessarily limited to:

- Input substitution (using recyclable materials instead of disposable materials, for example using oil delivered in recyclable steel drums instead of non-recyclable plastic containers).

4.5 Waste Management Plan

- Increased efficiency in the use of raw materials, energy, water, or land (purchasing consumables in bulk (large containers) rather than in small quantities).
- Improved maintenance and operation of equipment (keep equipment in good working order to reduce wear and overhaul).
- Undertaking an assessment of waste minimisation opportunities from time to time.

WASTE REUSE

Waste re-use refers to re-using waste, without first substantially changing its form. Reasonable and practicable measures for reusing waste may include, but are not necessarily limited to:

- Recovering and separating solvents, metals, oil, or components or contaminants and reusing separated solvents for degreasing plant and equipment.
- Applying waste processing fines to land in a way that gives agricultural and ecological benefits (using fine sediments in rehabilitation activities).
- Using overburden for constructing bunds and landforming.
- Reusing silt/sediment on-site to the maximum practicable extent.

WASTE RECYCLING

Waste recycling refers to treating waste that is no longer useable in its present form and using it to produce new products. Reasonable and practicable measures may include, but are not necessarily limited to:

- Recovering oils, greases, and lubricants for collection by a licensed oil recycling contractor, recovering, separating, and recycling packaging (including paper, cardboard, steel and recyclable plastics).
- Recycling used plant and equipment to the maximum practicable extent.
- Finding alternatives to disposal of non-recyclable materials (using conveyor belts for noise attenuation, mudflaps, ute tray liners).
- Providing suitable receptacles and storage areas for collection of materials for recycling.

ENERGY RECOVERY FROM WASTE

This refers to recovering and using energy generated from waste. Due to the scale of the operation, energy recovery is not considered viable.

WASTE DISPOSAL

This refers to disposing of waste which cannot otherwise be reused, recycled or used for energy recovery. Reasonable and practicable measures may include, but are not necessarily limited to:

- Regulated wastes must be transported and disposed of in accordance with the *Environmental Protection Regulation 2019*.
- Disposal to a licensed waste disposal facility (i.e., landfill or transfer station).

4.5 Waste Management Plan

WASTE STORAGE

- Waste storage containers or areas are to be provided and located at safe and convenient locations at the site.
- Any storage containers are to be identified with the type of wastes which may be disposed of in each container.
- Carry out a daily housekeeping and litter collection to ensure loose litter is contained and disposed of appropriately.
- Whenever possible use fencing, enclosures, cover and other physical barriers to prevent inadvertent transport of litters off-site.

REGULATED WASTE

Regulated wastes are defined in the EP Reg. Waste management areas must include a dedicated section for regulated wastes, which must be stored within sealed containers within a bunded area in accordance with Australian Standards and the following minimum requirements:

- All regulated wastes will be transported off-site by a suitably licensed commercial transporter with an ERA 57 Regulated Waste Transport (or equivalent) approval.
- To assist in the collection and transfer of regulated wastes, designated regulated waste bins, drums and skips must be used. Where possible these regulated waste storage containers should be located at the work location where the waste is being generated and then returned to the designated regulated waste storage areas for storage prior to offsite disposal or recycling.
- Dedicated regulated waste storage areas must be provided to prevent the mixing of regulated wastes with other stored material or with incompatible hazard classes. Wastes must only be deposited into designated areas within the applicable storage area.
- Storage areas for regulated wastes must be constructed in accordance with AS 1940-2004 or an equivalent Australian Standard.
- Any regulated waste stored at the site should be recorded in a Waste Management Register or similar.
- Where possible, regulated waste stores must be lockable to prevent access by unauthorised persons.
- As soon as practicable, remove and dispose of all regulated waste to a licensed waste disposal facility or recycling facility using a licenced contractor.

TRACKABLE WASTE

Certain regulated wastes as defined under Schedule 9 of the EP Reg are to be tracked in accordance with the requirements of Section 11 of the EP Reg. **Diagram 4 – Waste Tracking Requirements (Paper Based System)** provides an overview of the waste tracking requirements for each stakeholder in the transport and handling of trackable waste chain.

4.5 Waste Management Plan

4.5.5 Monitoring

All site personnel shall be responsible for ensuring wastes are stored and removed from the site on a regular basis.

The Quarry Manager must:

- undertake ongoing visual inspections to ensure the waste management hierarchy is being effectively implemented.
- undertake daily visual inspections to identify and remedy any damage to covering materials.
- ensure that waste treatment measures are implemented at the site.
- ensure that waste receptacles are provided, and that temporary waste storage areas are signed; recycling bins are emptied when full and materials which may cause land contamination are not disposed of on the site.
- keep a record of regulated waste generated at the site, treatment and disposal methods, approved contractors for transporting and disposing of waste and the location of the facility for accepting the waste.

4.5.6 Contingency Plan

Where a non-compliance is identified, a review of the Waste Management Plan is to be undertaken to determine areas for improvement and additional staff training on waste management procedures and waste handling is to be undertaken.

Where JCQ becomes aware that putrescible, trackable or regulated wastes have been inappropriately disposed of, or an incident occurs involving potential or actual environmental harm, the incident must be notified to the administering authority in accordance with **Section** Error! Reference source not found. **–** Error! Reference source not found., and corrective action is to be identified and undertaken.

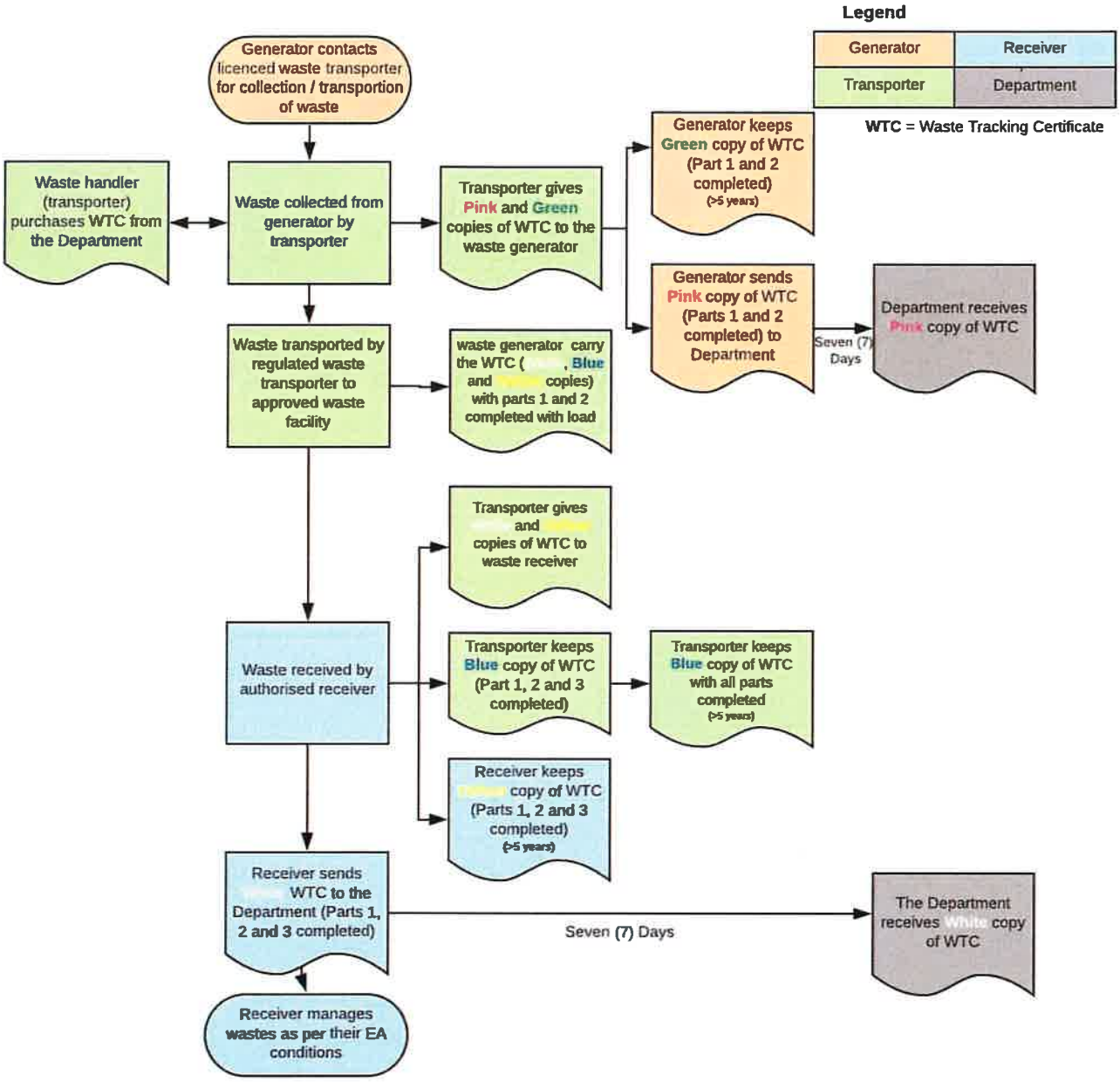

Diagram 4 – Waste Tracking Requirements (Paper Based System)

4.6 Rehabilitation Management Plan

4.6.1 Objective

The activity is operated in a way that protects the environmental values of land including soils, subsoils, landforms and associated flora and fauna.

4.6.2 Purpose

This Rehabilitation Management Plan has been prepared to assist with site rehabilitation.

4.6.3 Performance Targets

- Limit land disturbance to that which is necessary at any one time.
- Identify any land contamination and implement appropriate remediation or management where necessary.
- Land that has been disturbed for activities must be rehabilitated in a manner such that:
  - suitable native species of vegetation for the location are established and sustained for earthen surfaces.
  - potential for erosion is minimised.
  - the quality of water released from the site, including seepage, does not cause environmental harm.
  - potential for environmental nuisance caused by dust is minimised.
  - the water quality of any residual water body does not have potential to cause environmental harm.
  - the final landform is stable and protects public safety.
- Rehabilitation of disturbed areas must take place progressively as works are staged and new extraction areas are commenced.

4.6.4 Management Strategies

FINAL LANDFORM AND FINAL LAND USE DESCRIPTION

The final landform of the site is to demonstrate consideration for the zoning of the land and surrounding undisturbed areas. It is expected that the landform will comprise of vegetation terminal workings, with slower gradient areas returned to pasture for agricultural uses. Any stormwater management devices may be converted to clean water storages for livestock watering / farm water supply.

PROGRESSIVE AND FINAL REHABILITATION METHODOLOGIES

Rehabilitation is to be undertaken progressively throughout the life of the operations and is to commence in each area as soon as practicable after it is no longer required for operational purposes. Progressive rehabilitation must take place as new areas of extraction are commenced.

Rehabilitation methodologies for the sand extraction areas are to generally include:

- Installing safety bunds and erosion and sediment controls.

4.6 Rehabilitation Management Plan

- Covering the extraction area surfaces with available overburden and topsoil.
- Planting of endemic tree and shrub species on top of extraction area.

All areas subject to rehabilitation are to be subject to ongoing monitoring and maintenance until the vegetation is self-sustaining.

TOPSOIL AND SUBSOIL MANAGEMENT

The following measures should be implemented for topsoil and subsoil stripping:

- Materials should not be stripped when too wet or too dry.
- When stripped, materials should be used directly for rehabilitation to the maximum practicable extent or stockpiled and preserved for future use.
- Stockpiling of materials should not exceed a height of 2 to 3m and should be shaped and revegetated to protect the soil from erosion and weed infestation.
- Stockpiles should be maintained in a free draining condition and long-term soil saturation should be avoided.
- Runoff waters external to the areas to be stripped should be diverted away from the working area.
- Stripping of topsoil should be limited to the minimum area necessary.

The following measures should be implemented for topsoil and subsoil spreading:

- Whenever possible, stripped materials should be directly placed on an area undergoing rehabilitation.
- Areas to be re-spread should be shaped prior to placing materials over the re-profiled surface.
- Equipment used to spread materials should be scheduled to avoid compaction.
- Before respreading the materials, loosen the underlying substrate to break up any compacted or surface sealing and to enable keying of the two (2) materials.
- On slopes less than 3(H):1(V), loosen lightly compacted substrate, ensuring all ripping operations occur along the contour.
- Materials are to be removed from stockpiles in a manner that avoids vehicles travelling over the stockpiles.
- Materials are to be respread in the reverse sequence to its removal so that the original upper soil layer is returned to the surface to re-establish the entrapped seed content of the soil.
- Ensure all exposed substrates are covered with a minimum 300mm of suitable topsoil / subsoil to enable success of revegetation.
- After spreading materials, ensure the surface is left in a roughened state to assist moisture infiltration and inhibit soil erosion.
- Prior to any revegetation, cultivate any compacted or crusted topsoil surfaces (to a depth no greater than the depth of the materials to be spread).
- Spreading is to be immediately followed by revegetating wherever possible.
- If erosion occurs on treated surfaces, the area is to be re-spread with additional materials and revegetated.

4.6 Rehabilitation Management Plan

SPECIES SELECTION

As the site is to be returned to grazing inline with the pre-development landform, pasture species are recommended for revegetation. Pasture species used for rehabilitation may includes, but is not limited to:

- Buffel grass (*Cenchrus ciliaris*)
- Button medic (*Medicago orbicularis*)
- Caatinga stylo (*Stylosanthes seabrana*)
- Desmanthus (*Desmanthus virgatus*)
- Digit grass (*Dititaria eriantha*)
- Hybrid disc media (*Medicago tornata x Megicago littorlis hybrid*)
- Indian bluegrass (*Bothriochloa pertusa*)
- Luceme (*Medicago sativa*)
- Panics (*Panicum maximum*)
- Rhodes grass (*Chloris Gayana*)

The species used may be any combination of these species, or more relevant alternative species as recommended by an ecologist, and should be selected at the time of revegetation based on availability at local suppliers.

WEED AND PEST CONTROL

- Any materials (e.g., soil, mulch, straw) brought onto site for rehabilitation are to be inspected to ensure they are free from weeds and pests.
- Prior to the establishment of vegetation, a spraying campaign may be required to control weeds to prevent migration of weed species into areas under rehabilitation.
- Alternative methods for controlling both grass and weeds include manual weeding, burning, slashing, weed matting and mulching.
- Predation (e.g., grazing animals, birds and insects) are risks for revegetation. Depending on the situation, specific measures may be required to protect the works from predation such as fencing.

WATER BODIES

Water bodies are likely to remain within the final landform, created through the final extraction void and sediment basins utilised for stormwater management during the operational phase of the quarry.

Water bodies are to be converted to clean water storages where they are to be retained in the final landform. This can be achieved by:

- Cleaning sediment from the base of water storages.
- Battering slopes to achieve grades of no more than 3(H):1(V) where practicable.
- Ensuring that the water quality within these water storages is suitable for future use.

JCQ are to engage a suitably qualified person to assess water quality of any residual water bodies at the site to ensure that the release parameters specified by the EA conditions, or other water quality objectives agreed with the administering authority.

4.6 Rehabilitation Management Plan

LAND CONTAMINATION

Prior to site closure, a contaminated land assessment by a suitably qualified person may be required. Assessment of site contamination, if required, is to be undertaken and managed in accordance with the following:

- *National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013)*
- *AS 4482.1-2005 - Guide to the sampling and investigation of potentially contaminated soil. Part 1 – Non-volatile and Semi-volatile compounds.*
- *AS 4482.2-2005 - Guide to the sampling and investigation of potentially contaminated soil. Part 2 – Volatile Compounds.*

Should it be identified that areas of the site have been contaminated through the operational activities, these areas are to be remediated, and validated as contaminant free, prior to site closure.

INFRASTRUCTURE

Given the relatively small scale of the operation and the limited number of days that the site will be operational, no site office, amenities or infrastructure are proposed.

KEY PERFORMANCE INDICATORS

The Key Performance Indicators ('KPIs') summarised in

Table 7 – Key Performance Indicators for Rehabilitation have been established to provide quantifiable measures for achieving the d performance targets for rehabilitation. Progressive and final rehabilitation will be deemed complete when the KPIs are achieved.

Each of the KPIs are assigned to JCQ for completion; however, should JCQ require assistance to measure the achievement of these KPIs, they are to engage a suitably qualified person.

Table 7 – Key Performance Indicators for Rehabilitation

KPI Description	Measure(s)	Critical Timeframe
The final landform demonstrates consideration for the surrounding undisturbed areas and land zoning.	True / False.	Prior to lodgement of application for surrender.
Suitable species are to be utilised for revegetation in accordance with this management plan.	Species as per **SPECIES SELECTION** identified in this management plan	Prior to commencement of rehabilitation activities.
IECA (Australasia) (2010, p.5) state that 'at least 70% ground cover (combined plant and mulch) is considered necessary to provide a satisfactory level of erosion control'.	70% groundcover will be required at all sites to mitigate sediment mobilisation through erosion.	Assessment prior to any stormwater management device reduction or removal; and, Final assessment prior to surrender application.
Erosion rates of soil / sediment from disturbed areas associated with the extractive industry activities does not exceed natural rates experience for the locality.	Local erosion rate calculated and compared against actual site erosion rates.	Within three months of completion of each stage of the quarry (including at final stage).
Evidence that water quality of any residual water bodies complies with the water quality objectives of the EA or other agreed release parameters. Alternatively, water bodies are to be filled and stabilised with vegetation to create a clean, free-draining catchment.	Water quality objectives of EA conditions or other agreed Water Quality Objectives (e.g., Livestock Watering Guidelines).	Prior to lodgement of a surrender application for the EA.
Air quality of the final landform achieves levels consistent with adjacent undisturbed areas through establishment of the final landform.	Visual surveillance and complaints register review.	Prior to lodgement of a surrender application for the EA.
Review of geotechnical stability confirms that the site is stable and not subject to slumping.	Geotechnical assessment.	Prior to lodgement of a surrender application for the EA.
Assessment confirms the slope stability of final landforms.	Slope ratio, degree, or percentage.	Prior to lodgement of application for surrender.
Landowner statement(s) obtained for: • any retained items of extractive industry-related infrastructure; and • satisfaction with the rehabilitated final landform.	True / False.	Prior to lodgement of application for surrender.

4.6.5 Monitoring

JCQ must undertake a monitoring and maintenance period following the rehabilitation phase and action any remedial measures to ensure the rehabilitated landform transition to a self-sustaining state.

The Quarry Manager or delegate must conduct regular inspections of any rehabilitated areas to ensure maintenance and repairs are carried out as necessary. Maintenance works may include fertilising, watering, repairs to barriers, guards and plant failure replacements, refer to **Table 8 – Maintenance Schedule for Revegetation**.

The monitoring and management program will review the ongoing success of the rehabilitation treatment. The Quarry Manager or delegate may engage a consultant to assist with any detailed monitoring or management of rehabilitation. The key parameters to be measured as part of the rehabilitation monitoring and management program will include:

- Landform stability.
- Erosion and sedimentation.
- Groundcover success (<70% desirable).
- Vegetation species composition and density.
- Water quality.
- Weed presence.

Final rehabilitated areas are to be visually monitored by the Quarry Manager or delegate and, where relevant, assessed by suitably qualified persons to determine the effectiveness of measures implemented.

Table 8 – Maintenance Schedule for Revegetation

Activity	**Frequency**
Weed Control	
Site Preparation (where necessary)	One (1) treatment at least two (2) weeks prior to seeding / planting.
Ongoing weed management	Biannually or as required.
Revegetation	
Monitor performance and conduct any necessary maintenance.	• One (1) month after seeding / seedling planting. • Three (3) months after seeding / seeding planting. • Six (6) months after seeding / seedling planting. • 12 months after seeding / seedling planting. **OR** • Following significant rainfall events (e.g., >25 mm).
Replace diseased or dead plants.	As necessary following maintenance inspections.
Fertilise (if applicable)	Two (2) months after topsoil spreading or seeding.
Apply mulch (if available)	One-off around tube stock plantings
Pasture management	
Slashing and fertilising	As required.

4.6.6 Contingency Plan

In the event that monitoring identifies failures in the rehabilitation implementation, the following contingency measures may be used, however; these will be adapted to the particular failure identified:

- Replacement of failed plantings to increase establishment / success rates.
- Use of fertilisers and soil ameliorants where necessary.
- Reprofiling or eroded or failed landforms.
- Application of additional topsoil where necessary to support vegetation growth.
- Impletion of additional erosion and sediment controls.
- Water quality improvements where necessary.

4.7 Bushfire Management Plan

4.7.1 Objective

The activity will be operated in a way that minimises the risk of bushfires.

4.7.2 Purpose

The site is mapped as being within areas identified as Potential Impact Buffer and Medium Potential Bushfire Intensity in accordance with the State Planning Policy Interactive Mapping System's Bushfire Prone Area mapping (refer **Figure 2**). This Bushfire Management Plan has been prepared to identify and manage potential impacts occurring as a result of bushfires.

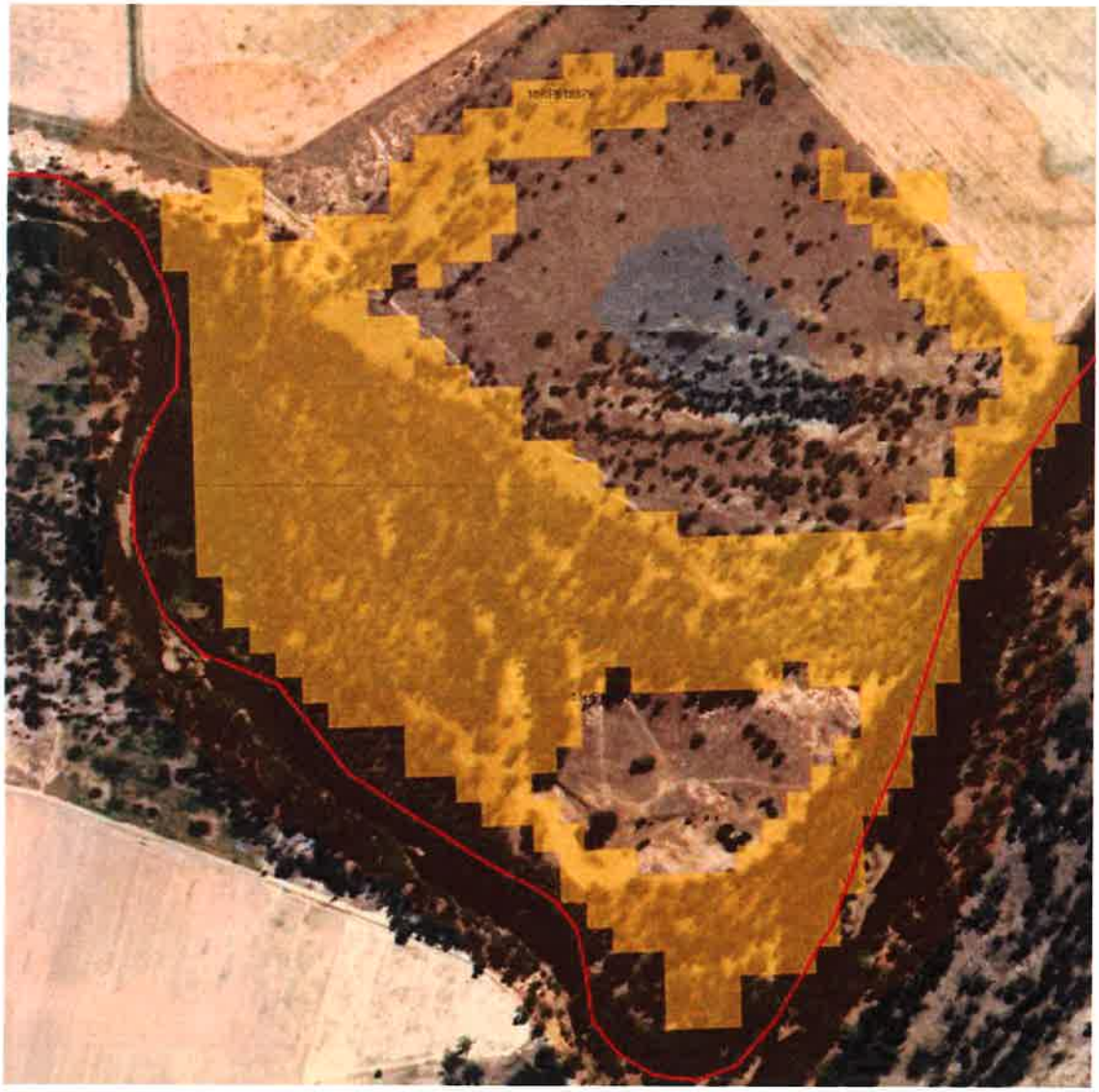

Figure 2 – Potential Bushfire Intensity

(Figure reprinted from State Planning Policy Interactive Mapping System (2023))

4.7 Bushfire Management Plan

4.7.3 Performance Targets

- Minimise the potential for spread of bushfires on site.
- Protect people and property from bushfire impacts.
- Minimise potential impacts from bushfires on local flora and fauna.

4.7.4 Management Strategies

RISK CONTROLS

- Ensure all staff on-site and other personnel are aware of evacuation procedures and the location and the use of firefighting equipment.
- Ensure there is an adequate water supply on-site in the event of a fire. Water supply sources that could be used include:
  - Pit sumps and sediment basins / water storages.
  - Water truck (when on-site).
- Keep the operational areas tidy and not storing any material around the edges of the site that would increase bushfire risk.
- Maintain a site attendance register.
- Maintain a communications system with all on-site personnel.
- Maintain firebreaks in accordance with the allowable widths prescribed under the relevant legislation (in accordance with the *Planning Regulation 2017*. The clearing is limited to the establishment and/or maintenance of necessary firebreaks to protect buildings and structures (other than fences, roads and tracks) and must be a maximum width of 20 m or 1.5 times the height of the tallest adjacent tree (whichever is the greater).
- Ensure availability of heavy earthmoving machinery and water trucks used in quarry operations to assist in the event of major bushfires, if required.
- Consult with adjacent landowners and fire services for implementing fire control management on-site in accordance with district/area fire control plans.
- Keep relevant agencies contact numbers in the event of a fire, namely the Goondiwindi Fire Station.

IGNITION SOURCES

- Appropriate signage is to be erected near flammable and combustible areas e.g. 'No smoking, stop engine', hazard symbols (explosive, flammable, combustible).
- Any cigarette butts must be free of embers and discarded into site bins.
- Smoking is only permitted in designated smoking areas and is not allowed in work vehicles.
- Vehicles and/or plant must be turned off during refuelling.
- Refuelling is to occur only in a designated area.
- Mobile phones must be switched off when refuelling.
- Ensure welding and other hot works is undertaken in controlled areas where potential for starting a fire is minimised.

4.7 Bushfire Management Plan

FIRE PROTECTION

- Ensure that extinguishers, fire hoses, fire blankets, sand buckets and other such equipment is regularly inspected and maintained in accordance with *AS 1851-2005 (A4), Maintenance of Fire Protection Systems and Equipment* (Standards Australia 2005).
- All vehicles and plant must be provided with fire protection equipment (e.g., fire extinguisher, fire blanket) that meets applicable Australian Standards.
- Staff should be trained in the correct use of fire protection equipment.
- All fire extinguishers must be clearly signed and their purpose clearly visible for the user.

FUEL STORAGE AREAS

- Fuel storage areas must be located away from vegetation and office areas as per *AS 1940 - The storage and handling of flammable and combustible liquids* (Standards Australia 2017a).
- Aboveground bulk tanks and package stores are to be separated from each other as per *AS 1940 - The storage and handling of flammable and combustible liquids* (Standards Australia 2017a).
- Firefighting equipment must be located within proximity to these areas.

SITE PREPARATION AND MAINTENANCE

- Plan, create and/or maintain strategic firebreaks in order to implement hazard reduction works where necessary.
- Construct and maintain perimeter fencing to prevent unauthorised access where necessary.
- Incorporate fire safety management system for chemical fires for temporary buildings and on-site vehicles.
- Consult with the local fire station and council prior to each bushfire season in order to re-assess the situation, site conditions and predicted bushfire conditions for the bushfire danger period ahead.
- Maintain a line of contact with the fire station throughout the bushfire season.

REDUCE THE HAZARD

- Assess fire risk each day and evacuate where necessary.
- Ensure no fuel load is available around work sites.
- Plan and organise for hazard reduction burns to be undertaken by the Goondiwindi Fire Station where necessary.
- Obtain a 'Permit to Light Fire' from the local Goondiwindi Fire Station as required.
- Preferable burn season is summer to winter and aim for a low to moderate intensity burn.
- Create firebreaks around all temporary facilities and infrastructure on site.

4.7.5 Monitoring

- Regularly review and update the site evacuation procedures.
- Ensure regular surveillance of the site, to ensure access roads, fire trails and the edges of the operational area are maintained.

4.7 Bushfire Management Plan

- All employees will be responsible for the identification and giving alarm of fires on-site or adjacent bush fires off-site.
- Monitor the site, conditions, and situation in order to evaluate changes occurring on or off site, e.g., changes in infrastructure, risks and hazards, legislative and environmental changes.

4.7.6 Contingency Plan

Should emergency fire services be required, dial '000' or '112' from a mobile.

Contact details for the local fire station (Goondiwindi Fire Station) and the local warden are as follows:

Goondiwindi Fire Station
173 Marshall Street Goondiwindi 4390
Phone: 07 4140 8040

Inglewood Fire Warden
0429 803 713

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ATTACHMENTS

Attachment 1

Annual Environmental Performance Review

Annual Environmental Performance Review

Site:

Date:

Reviewer:

Approvals

1. Have there been any changes to the site approvals?
   Note: consider the Environmental Authority, Development Permit, etc.

   Yes ☐ No ☐

   If yes, provide details of the change (e.g. change to Environmental Authority condition, or Development Permit condition). Include the date / reference number of the current approvals relevant to the site activities.

Environmental Monitoring

2. Has all monitoring required under the Environmental Authority been carried out?

   Yes ☐ No ☐

   If no, provide details

3. Has all monitoring required under the Environmental Management Plan (EMP) been carried out?

   Note: Refer to Section 4. Environmental Management Plans for monitoring requirements.

   Yes ☐ No ☐

   If no, provide details

4. Were any exceedances of the approval limits recorded?

Yes ☐ No ☐

If yes, provide details.

5. Was the exceedance reported to the administering authority?

Yes ☐ No ☐

Provide details of any notifications to the administering authority and actions taken to address the exceedance (if any).

Complaints / Incidents

6. Have any complaints been received, or environmental incidents reported, over the previous 12 months?

Note: An environmental incident generally relates to an event which has caused, or threatens, serious or material environmental harm, consistent with the duty to notify of environmental harm under Division 2 of the *Environmental Protection Act 1994.*

Yes ☐ No ☐

If yes, briefly summarise the nature of the complaint and/or incident and any action taken to resolve the matter.

Site Operations

7. Have there been any changes to the site operations over the previous 12 months?

Yes ☐ No ☐

If yes, provide details and determine if any change to the EMP or associated management documents are required.

_____

_____

_____

_____

_____

_____

Proposed Measures for Improved Environmental Performance

8. Are any measures proposed to be implemented over the coming 12 months to improve the environmental performance of the site?

Note: Examples of measures may include; revised stormwater management measures, changes to fuel / chemical storage, etc.

Yes ☐ No ☐

If yes, provide details and determine if any change to the EMP or associated management documents are required.

_____

_____

_____

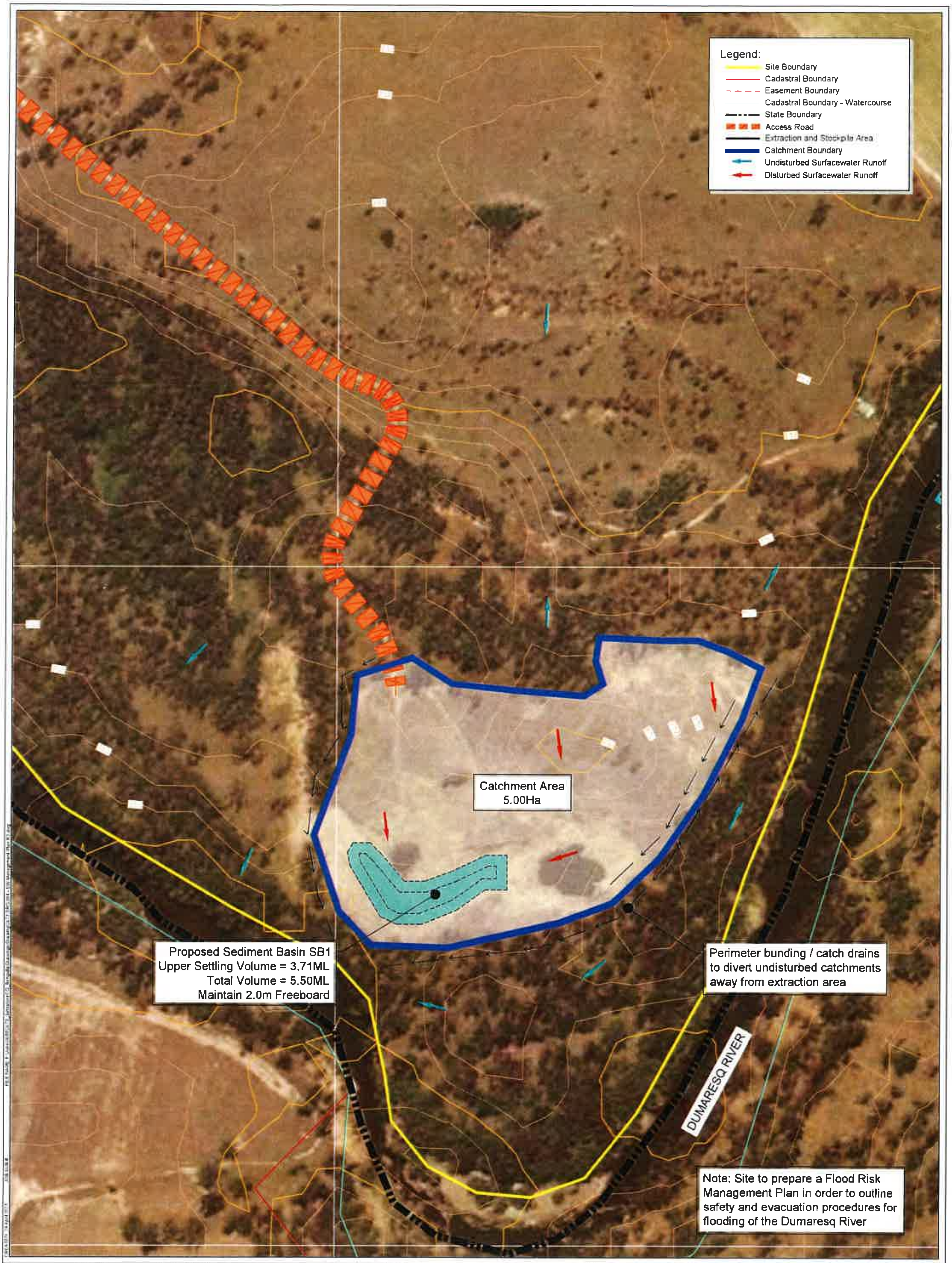
_____

_____

_____

Attachment 2

Stormwater Management Plan



Project	Bengalla Sand Pit
Client	Johnstone Concrete & Quarries Pty Ltd
Title	Stormwater Management Plan
Scale	1:5000 (0 – 100m)
Drawing Number	2673.DRG.004
Revision	2

GROUNDWORK

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Goondiwindi REGIONAL COUNCIL

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" (Expansion of existing sand quarry - up to 100,000 tonnes per annum)*

23/21

Kildonan Road, Yelarbon

Lot 18 on RP818379

On 11 October 2023, 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 Goondiwindi Region Planning Scheme 2018, 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**
Strategic Framework	Element 1 – Element 7
Rural Zone Code	Purpose PO1-PO5
Extractive Industry Code	Purpose PO1-PO9
Transport & Infrastructure Code	PO1-PO15
Infrastructure Overlay Code	PO5
Natural Resources Overlay Code	PO5-PO8
Biodiversity Areas Overlay Code	PO1-PO3
Bushfire Hazard Overlay Code	PO1-PO8
Flood Hazard Overlay Code	PO1-PO4

4. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Rural Zone Code	
AO5.1 *Sensitive land uses* are not located within a minimum separation distance of 1,000 metres from an *Extractive industry* use. **AO5.2** *Sensitive land uses* are not located within a minimum separation distance of 250 metres from an *Intensive animal industry* use.	**Alternative Solution** The proposal will be set back 750m from the nearest sensitive land use. As the site has been operational since 2001, any future sensitive land use would be required to comply with these reverse amenity provisions
Extractive Industry Zone Code	
AO1.1 *Extractive industry* operations that involve blasting, crushing or screening are located with a minimum separation distance of 1,000 metres from a *sensitive land use* or land in a residential zone category. **AO1.2** *Extractive industry* operations that do not involve blasting, crushing or screening are located with a minimum separation distance of 200 metres from a *sensitive land use* or land in a residential zone category. **AO1.3** Haul routes, except those that involve a State-controlled road or an existing rail line, are more than 100 metres from a *sensitive land use* or land in a residential zone category. **AO1.4** *Extractive industry* operations are located a minimum of 500 metres from an area of environmental significance.	**Alternative Solution** The proposed extractive industry operation will involve screening of sand and is located approximately 750m from the nearest sensitive receptor. Further, the extraction area is surrounded by areas of mapped ecological significance. The applicant proposes that the operation of the site will be in 'campaigns' rather than daily operations. Impacts from screening and extraction activities will be managed in accordance with the Environmental Management Plan and the separate Environmental Authority to be issued by the Department of Environment and Science. The haul route is considered to be adequately separated from sensitive land uses.
PO6 The haulage of extractive material does not result in the deterioration of roads used by ensuring: (a) the roads used as haulage routes are of an adequate standard to accommodate the type and frequency of traffic generated; (b) haulage routes are maintained including the removal of dirt and other spillage from trucks; and (c) haulage routes do not compromise traffic safety in the area. Note—A road maintenance plan is required in demonstration of compliance with this Performance Outcome.	**Conditioned to Comply** Conditions will be applied to ensure the haul route is constructed to a suitable standard to accommodate the expected traffic loadings from the development.
Transport & Infrastructure Code	
Where within a water supply service area **AO3.1** Development is connected to a reticulated water supply system in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards.	**Alternative Solution** The subject site is not located within the water service area. It is stated in the application that, due to the nature of the use, no potable water supply will be made available on site.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Where outside a water supply service area **AO3.2** Development is connected to a safe and efficient on-site water supply in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards.	This is considered sufficient for the proposed use. Stormwater will be collected within the extraction area to be used for fire fighting purposes, as required.
Where within a sewerage service area **AO4.1** Development is connected to a reticulated sewerage system in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards. **Where outside a sewerage service area** **AO4.2** Development is connected to an on-site waste water disposal system in accordance with SC6.2 Planning Scheme Policy 1 – Land Development Standards.	**Alternative Solution** The subject site is not located within the sewerage service area. It is stated in the application that a portable toilet will be used on site during extraction campaigns. This will be serviced by an approved waste contractor on a scheduled basis.
AO10 Development is connected to the electricity supply network and telecommunications services network in accordance with the requirements of the relevant service provider.	**Alternative Solution** It is stated in the application that the subject site will not supplied with an independent electricity supply or telecommunications services. Based on the nature and scale of the use, this is considered to meet the needs of the development.
AO15.1 Landscaping complies with the standards specified in SC6.4 Planning Scheme Policy 1 – Landscaping Standards. **AO15.2** Street frontage landscaping has a minimum width of 2 metres for the full length of the site frontage (excluding driveways). **AO15.3** Landscape screening to external use areas has a minimum width of 3 metres for the full length of all boundaries adjoining external use areas on the site. **AO15.4** For industrial activities adjoining premises not included in an industry zone and used for non-industrial activities, a solid screen fence with a minimum height of 1.8 metres is provided on the common boundary.	**Alternative Solution** Due to the rural locality and the presence of existing native vegetation on site, landscaping will only be undertaken as part of rehabilitation works. The existing vegetation will be retained and is considered sufficient for the proposed use. Therefore, no additional landscaping is considered necessary for the proposed development.
Natural Resources Overlay Code	
PO5 Development on ALC Class A and Class B land is limited to: (a) rural activities that make use of and rely upon the quality of the agricultural land resource; and (b) complementary uses that are essential to on-site farming practice.	**Does not Comply** The entire site is mapped as Class A or B Agricultural Land. The proposal is not for a rural activity and is not complementary to uses that are essential to farming practices. However, the proposal relies on the quality of the material resource and therefore cannot reasonably be located outside the areas of mapped agricultural land.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Biodiversity Areas Overlay Code	
AO3.1 A buffer is provided and maintained to a wetland which has a minimum width of: (a) 50 metres where the area is located within an *urban area* or land included in the Rural residential zone; and (b) 200 metres where the area is located outside an *urban area* or land included in the Rural residential zone.	**Not Applicable** The site does not contain any mapped wetlands.
AO3.2 Development in an urban or rural residential area is setback a minimum of 50m from a waterway[1] on or adjacent to the site. OR Development not in an urban or rural residential area is setback a minimum of 100m from a waterway on or adjacent to the site. Note—The above setback distances are to be measured from the top of the high bank of the watercourse.	**Alternative Solution** The existing development footprint is located within 100m of the Dumaresq River. The existing buffers to the waterway will be maintained and measures are in place to ensure no adverse water quality impacts occur.
AO3.3 Cleared, degraded or disturbed watercourses and watercourse buffers within the development site are rehabilitated in accordance with an approved rehabilitation plan.	**Complies** The site will maintain an adequate buffer to the watercourse mapped on the site. The applicant states that progressive rehabilitation of the extraction areas will be undertaken to prevent adverse environmental impacts.
AO3.4 Reconfiguring a lot adjacent to a watercourse provides that:- (a) no new lots directly back onto the riparian area; (b) any new roads are located between the watercourse buffer and proposed lots.	
Flood Hazard Overlay Code	
AO1.1 Development is located on the highest part of the site practicable.	**Alternative Solution** The proposed development is required to be located where the resource is available. No buildings or structures are proposed that would be required to have a level of flood immunity. The operation of the site is considered able to be resilient to flood events. A condition will be applied requiring the applicant to submit a Flood Risk Management Plan.
AO1.2 Finished surface levels for reconfiguring a lot and finished floor levels for habitable rooms are a minimum of 300mm above the defined flood event (DFE). OR Where involving an extension to an existing dwelling house that is situated below the DFE:- (a) the extension has a gross floor area not exceeding 50m²; and (b) the finished floor level of all habitable rooms is not less than the floor level of existing habitable rooms.	

[1] Editor's note—for the purpose of the overlay, waterways are those waterways identified in the SPP interactive mapping system as MSES – Regulated vegetation (intersecting a watercourse)

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
AO1.3 Non-habitable floor areas are designed and constructed to be resilient to the effects of flood, up to and including the DFE. **AO1.4** A safe evacuation route that remains passable with sufficient flood warning time to enable people to progressively evacuate to a gathering point above the DFE in the face of advancing flood waters is available.	

5. Relevant matters for impact assessable development

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

Other relevant matters to the assessment of the development under section 45(5)(b)	Assessment carried out against or assessment had regard to
Existing lawful use of the premises	☐ assessed against ☒ had regard to

6. Matters raised in submissions for impact assessable development

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
"the applicant has failed to take into account the nearest sensitive receptors...we have three areas that are currently used or planned for future development. This will consist of two residences and a camping area" *"If the Bengalla Development Proposal was to go ahead, our current and planned Agritourism development, which is part of our Succession/Retirement plan would severely impact our future income"*	The assessment of a development application can only take into consideration surrounding uses that are occurring. Further weight cannot be given to potential future uses of the site. The planned tourism activities therefore cannot be considered as part of this assessment. Conditions will be applied to ensure the development does not result in nuisance or environmental harm to sensitive land uses. The applicant would need to demonstrate compliance with these conditions, taking into account any future development undertaken by the submitter.

~~7. Matters prescribed by Regulation~~

Goondiwindi REGIONAL COUNCIL

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.