

Our ref: WR13/16838

2 December 2013

Department of
**State Development,
Infrastructure and Planning**

Mrs Kylie Coleman
Team Leader, Waste and Land Contamination Assessment
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

Dear Mrs Coleman

**Additional information received regarding ministerial call in - Mount Cotton
Quarry (Barro Group Pty Ltd)**

I am writing to advise you that on the 21 November 2013, in response to a request by the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning, the Barro Group Pty Ltd submitted additional information relating to the proposed extension of the Mount Cotton Quarry.

The additional information was requested by the Planning Minister to enable the completion of a compressive re-assessment of the development application.

This information can be viewed on the department's website on the below link. The modelling files provided by the application are too large to make available on the department's website, but can be made available upon request.

<http://www.dsdip.qld.gov.au/development-applications/ministerial-call-in.html>

Please be advised that the Planning Minister is currently re-assessing the development application and a decision is expected by 20 December 2013.

Yours sincerely

sch4p4(6) Personal information

Greg Chemello
Deputy-Director-General
Planning Group



Department of
Environment and
Heritage Protection

Ref CTS 24996/13

18 OCT 2013

The Honourable Jeff Seeney MP
Deputy Premier and
Minister for State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Deputy Premier

Thank you for your letter dated 10 October 2013 concerning advice from the Department of Environment and Heritage Protection in relation to your re-assessment of the development application for the expansion of the Barro Group Pty Ltd quarry at Mount Cotton.

The department has conducted a review of its Concurrence Agency Response (CAR) for ERAs and provides the following information:

- As you are aware, the proposed development has been the subject of intense community scrutiny. Following the CAR being issued in February 2013, departmental officers met with members of the community to discuss their ongoing concerns regarding the potential environmental impacts from the proposed development. The primary issues discussed were the quarry's potential to cause noise and dust impacts to nearby sensitive receptors resulting in environmental nuisance and health impacts.
- Following the meeting, the community provided the department with additional information that has since been reviewed and may be considered relevant to the assessment of noise impacts associated with the activity. The community had commissioned acoustic engineers Savery and Associates Pty Ltd to undertake background monitoring of the existing noise environment. The new information may more accurately represent the receiving noise environment when compared with the data submitted by the applicant (noise impact assessment prepared by MWA, December 2010) due to the location of the monitoring stations. The new data provided by the community was used to re-assess the noise limits applied in Table 1 of the CAR, which if applied, would result in substantially reduced noise limits. Therefore, the department is of the opinion that the current noise limits in Table 1 of the CAR

should be considered for amendment to reflect this new data which provides better protection for nearby sensitive receptors from potential noise impacts associated with the proposed quarry expansion. However, the department has not had an opportunity to propose such a change to the applicant and it is highly likely to object.

- The department is aware that concerns of dust emissions beyond the boundary of the proposed quarry extension exist in the community. The concerns relate to human health impacts from exposure to fine particles (PM10 and PM2.5) and impact to aesthetic values from suspended particles in the air environment resulting from the quarrying activities. The current CAR conditions require dust monitoring to be conducted by the proponent only following a request from the administering authority. The department's new Regulatory Strategy, released after this assessment process was completed, requires operators of ERAs to manage their environmental risk and demonstrate compliance with the *Environmental Protection Act 1994* and the conditions of their Environmental Authority. Considering the significant concerns which persist within the neighbouring community, as well as the Regulatory Strategy, the department proposes amendments to the air interest of the CAR. Specifically, a proactive Ambient Dust Monitoring Program (ADMP) is proposed which must be developed and implemented by the proponent. The department is of the opinion that this ADMP will provide the proponent with more certainty of the department's expectations in terms of managing impacts to the air environment. As a result of the ADMP, the proponent will be able to demonstrate compliance with the Act and subordinate legislation, and also more effectively communicate the impacts of its activity to the local community.
- A core function of the department's new Regulatory Strategy is to meet the expectations of the community to manage the health of the environment and to provide industry with clear expectations for acceptable environmental performance. In light of this, the department proposes that the CAR is further amended by adopting certain model and outcome-focussed conditions which place the responsibility for managing identified environmental risks of the operation with the proponent and create a permit more consistent with current departmental standards. Please be advised that these proposed amendments to the CAR have not yet been discussed with Barro Group Pty Ltd.
- Please find enclosed a table of proposed changes to conditions for consideration and a consolidated copy of proposed conditions, drafted in response to the receipt of additional information, enduring community concerns and recent changes to departmental standards.

In relation to koala conservation matters the department provides the following advice:

- The proposed development is located within a Priority Koala Assessable Development Area (PKADA) of the South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP). The PKADA covers areas of the highest priority for koala conservation action in South East Queensland, including the Koala Coast (Redlands) region, in response to evidence showing a rapid decline in koala populations in these areas.
- The proposed development will impact on medium and high value koala bushland habitat and high value rehabilitation habitat. Therefore, the loss of this mature habitat is likely to impact on the local koala population, particularly individual animals that may have home ranges in, or overlapping the proposed quarry expansion zone.
- The Koala SPRP requires site design to provide for koala safe movement and habitat connectivity. Given the low level of threats associated with quarrying activities in comparison to urban development (that is, higher traffic and dog mortality) and that the surrounding landscape contains large areas of intact koala bushland habitat, the proposed quarry expansion will have minimal impact on safe koala movement opportunities and habitat connectivity.
- The Koala SPRP also requires that site design restricts clearing of koala habitat to the extent necessary for quarrying activities, and that any unavoidable clearing is minimised and offset in accordance with the Offsets for Net Gain of Koala Habitat in South East Queensland Policy (Offset Policy). The proposed Koala Offset Strategy prepared by the applicant meets the requirements of the Offset Policy by:
 - providing a 5:1 replanting ratio of koala habitat trees removed
 - providing an on-site net gain in koala habitat
 - protecting the offset site for conservation purposes.

Should your staff have any further enquiries, please contact Ms Rebecca DeHaan, Senior Environmental Officer of the department on telephone 3330 6112 or Mr Brett Manning, Principal Biodiversity Planning Officer of the department on telephone 3330 5491 for koala conservation matters.

Yours sincerely

Section 78B(2) RTI Act

Jonathan (Jon) PC Black
Director-General

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Section 78B(2) RTI Act

Table of Proposed Changes to Conditions

Condition	Existing	Amendment
Advice regarding recommended changes to Air Schedule conditions: <ol style="list-style-type: none"> 1.1. Issues have been raised by the community regarding the potential for dust nuisance and dust-related health concerns from the operation of the proposed quarry expansion. 1.2. The following changes to conditions are recommended as additional conditions that may address these concerns, improve monitoring regime of quarry impacts and confirm the implementation of mitigation measures. 1.3. Conditions A9, A10, A12, and A13 will place additional requirements on the operator than the existing Air Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes. 		
A9	Dust Monitoring When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter that the administering authority considers is not frivolous or vexatious, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include: <ol style="list-style-type: none"> a) for a complaint alleging dust nuisance, dust deposition; and b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (PM10) suspended in the atmosphere over a 24hr averaging time. 	(Re-number as A4) Ambient Dust Monitoring Program (a) Prior to the commencement of the activity, an Ambient Dust Monitoring Program must be developed, to specify how the ambient dust impacts of the project will be monitored. This Program must then be implemented upon commencement of the activity. The Program must include, but not necessarily be limited to: <ol style="list-style-type: none"> (i) procedures for monitoring dust emissions from the project, in order to meet the requirements of this approval; (ii) locations, frequencies and methods for monitoring PM₁₀ and deposited particulate matter; (iii) provision for the use of at least one PM₁₀ monitoring station, five dust depositional gauges and one meteorological station capable of monitoring wind direction and speed; (iv) using air quality monitoring data to inform environmental management decisions associated with the project; and (v) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts. (b) Ambient dust monitoring must be conducted in accordance with the following

		<p>standards:</p> <ul style="list-style-type: none"> (i) Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM₁₀ high-volume sampler with size-selective inlet - Gravimetric method'; or (ii) any alternative method of monitoring PM₁₀ which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority. (iii) Australian Standard AS 3580.10.1:2003: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method. (iv) Australian Standard AS 2923:1987: Ambient air - Guide for measurement of horizontal wind for air quality applications.
Insert	Nil.	<p>(Re-number as A5)</p> <p>Where monitoring at locations identified in the Ambient Dust Monitoring Program indicates that the air quality objectives detailed in Conditions A2 and A3 (existing conditions) have been exceeded, within 14 days the matter must be investigated and the following information reported to the administering authority:</p> <ul style="list-style-type: none"> (i) the concentration of PM₁₀ particulates or dust deposition rate recorded; (ii) a description of meteorological conditions occurring at the time; and (iii) the measures taken to reduce dust generated by the quarry activities.
Insert	Nil.	<p>(Re-number as A6)</p> <p>(a) When requested by the administering authority or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), an additional monitoring of dust deposition, PM₁₀, PM_{2.5} and crystalline silica must be undertaken, and the results thereof notified to the administering authority within 14 days following completion of monitoring. This includes providing interim reports if the monitoring lasts for more than one month.</p> <p>Note: This monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place. Monitoring must be conducted in accordance with the appropriate standards.</p> <p>(b) If monitoring conducted as a result of a complaint indicates an exceedance of the air quality objectives detailed in Conditions A2 and A3 (existing conditions):</p> <ul style="list-style-type: none"> (i) dust abatement measures must be implemented; and (ii) the complaint must be addressed through the use of appropriate dispute

		resolution if required.
Insert	Nil.	<p>(Re-number as A7)</p> <p>The results of PM₁₀, dust deposition and meteorological monitoring must be reported to the administering authority on request.</p>
Insert	Nil.	<p>(Re-number as A8)</p> <p>Model Evaluation</p> <p>(a). Following the collection of twelve (12) months of representative ambient dust monitoring data in accordance with Condition 1(a), a model validation study must be undertaken to review PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Condition A2 and A3 (existing conditions). The model validation study must be undertaken in accordance with NSW DECC <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DECC, 2005), and specific requirements of the administering authority.</p> <p>(b) Within 28 days of conducting the dust validation study referred to under Condition 5 (a) of this approval a copy of the report must be provided to the administering authority. If the dust validation study identifies any exceedances to those permitted in the with ambient air quality objectives of Environmental Protection (Air) Policy 2008, details must be provided of the additional measures that would be implemented to further mitigate dust impacts. The report must also contain the following information:</p> <ul style="list-style-type: none"> (i) who would implement these measures; and (ii) when these measures would be implemented; and (iii) how the effectiveness of these measures would be assessed and reported to the administering authority.
<p>Advice regarding recommended changes to Noise Schedule conditions:</p> <p>1.1. New information was provided to Environmental Services Brisbane North team (ES) in relation to background monitoring conducted by Savery and Associates between 12 August and 27 August 2008, on behalf of concerned community members.</p> <p>1.2. This information differed from the Barro Group application noise impact assessment conducted by MWA in December 2010, based on noise monitoring conducted between 24 August and 02 September 2006.</p> <p>1.3. ES has compared background monitoring data from both of these sources. The data provided with the new information more accurately represents the noise environment of the receiving environment than the data submitted by the applicant.</p>		

- 1.4. It is unknown whether Barro Group have access to the abovementioned background monitoring information prepared on behalf of concerned community members.
- 1.5. In the absence of a contemporary background noise monitoring report for the current application EHP proposes, based on the Savery and Associates report, a change to the limits contained in **Table 1: Noise limits at the boundary of the approved place**. Table 1 has been adjusted in consideration of the new information and could replace the current Table 1 in the concurrence agency response.
- 1.6. The proposed changes to Table 1 will place additional requirements on the operator than the existing Noise Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.
- 1.7. It is unknown whether the quarry operation will be able to comply with the proposed changes.

Table 1:
Noise limits
at the
boundary of
the
approved
place

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am
	Noise measured at the boundary of the approved place							
L ₁₀ adj-T	50	50	50	42	47	47	47	42
L _{eq} adj-T	45	45	45	42	43	43	43	42

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am
	Noise measured at the boundary of the approved place							
L ₁₀ adj-T	43	45	38	32	38	42	35	32
L _{eq} adj-T	40	40	35	32	35	37	33	32

Advice regarding recommended changes to General, Air, Land, Noise, Water, and Waste Schedule conditions:

- 1.1. Conditions have been updated to reflect contemporary EHP conditions.
- 1.2. In general these changes have not changed the intent of the conditions or the requirements of the operator to comply with the updated conditions.
- 1.3. Some conditions have been deleted due to being a replicated requirement with newly worded conditions.
- 1.4. The update to **Table 2: Explosive blasting nuisance at a nuisance sensitive place** aligns the limits with the EHP's proposed model operating conditions for ERA16 Extraction.
- 1.5. The proposed changes to Table 2 will place additional requirements on the operator than the existing Noise Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.
- 1.6. Conditions L3, L4, L5, WA5, WA6, WA7, and WA8 will place additional requirements on the operator than the existing Land and Water Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.

G1	In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G2	The operator of an ERA to which this approval relates must: (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; (b) maintain such measures, plant and equipment in a proper and efficient	Any breach of a condition of this approval or any adverse impact on an environmental value must be reported to the administering authority in writing within 24 hours of becoming aware of the breach or the impact and any subsequent actions undertaken.

	condition; and (c) operate such measures, plant and equipment in a proper and efficient manner.	
G3	A copy of this approval must be kept at the approved place and be available to the administering authority on request.	All information and records that are required by the conditions of this approval must be kept for a period of at least 5 years.
G4	<p>From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.</p> <p>The SBMP must address the following matters:</p> <p>(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.</p> <p>(b) Identification of environmental issues and potential impacts.</p> <p>(c) Control measures for routine operations to minimise likelihood of environmental harm.</p> <p>(d) Contingency plans and emergency procedures for non-routine situations.</p> <p>(e) Organisational structure and responsibility.</p> <p>(f) Effective communication.</p> <p>(g) Monitoring of contaminant releases.</p> <p>(h) Conducting environmental impact assessments.</p> <p>(i) Staff training.</p> <p>(j) Record keeping.</p> <p>(k) Periodic review of environmental performance and continual improvement.</p>	<p>(Re-number as G9)</p> <p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> • identify potential risks to the environment from the activity during routine operations and emergencies; • establish and maintain control measures that minimise the potential for environmental harm; • ensure plant, equipment and measures are maintained in a proper and effective condition; • ensure plant, equipment and measures are operated in a proper and effective manner; • ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and • ensure that reviews of environmental performance are undertaken at least annually.
G5	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.	Deleted
G6	An appropriate spill kit, personal protective equipment and relevant operator training, instructions and procedures guide must be provided for the management of waste and chemicals associated with the authorised activities to which this approval relates, and must be kept at a location that is readily accessible to the personnel carrying out the activity.	Other than as permitted within this environmental authority, the release of a contaminant into the environment must not occur.
G7	Anyone operating under this approval must be trained in the use of the spill kits.	Deleted
G8	Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.	(Re-number as G7) An appropriately qualified person(s) must monitor, interpret and record all parameters that are required to be monitored, in the manner provided, as specified in this approval.
G9	All records required by this approval must be kept for 5 years.	Deleted
G10	Telephone or otherwise notify the department's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.	Deleted
G11	The Registered Operator must provide a financial assurance in the amount and form required by the administering authority prior to acting upon this approval.	(Re-number as G4) The activity must not be carried out until financial assurance has been given to the administering authority as security for compliance with this approval and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the Environmental Protection Act 1994.
G12	The calculation of financial assurance for condition G11 is defined as the maximum total cost for rehabilitation of significantly disturbed areas.	Deleted

G13	The financial assurance is to remain in force until the administering authority is satisfied that no claim on the financial assurance is likely for rehabilitation purposes.	Deleted
G14	Where progressive rehabilitation is completed in accordance with the rehabilitation requirements condition L1 and to the satisfaction of the administering authority, progressive reductions to the financial assurance amount are applicable.	(Re-number as G5) If the administering authority increases the amount of financial assurance, the additional financial assurance must be given to the administering authority within 28 days of receiving written notice
Insert	Nil	(Re-number as G8) When requested by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance caused by the activity. The monitoring results must be provided to the administering authority upon request.
A1	The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.	Odours, dust or airborne contaminants which are noxious or offensive or otherwise cause environmental nuisance must not be released to any sensitive place or commercial place.
A4	Stockpiled material must be in a manner that minimises the generation of windblown dust particles. Control measure may include, but not limited to: (a) minimising the size of stockpile areas; (b) provision of windbreaks and sediment fencing; and (c) water trucks or sprays to dampen the product stockpiles as required.	Deleted
A5	The registered operator for the authorised activities to which this approval applies must take all reasonable and practicable measures to prevent and minimise the release of dust to the atmosphere from crushing and screening equipment and material conveyor systems. Reasonable and practicable measures may include but not limited to: (a) enclosure or partial enclosure of permanent processing plants; (b) installation of windbreaks and barriers; (c) water sprays; and (d) keeping materials moist	Deleted
A6	Trafficable areas must be maintained using reasonable and practicable measures necessary to minimise the release of wind blown or traffic generated dust to the atmosphere. Reasonable and practicable measure may include but are not limited to: (a) keeping surfaces clean; (b) sealing with bitumen or other suitable material; (c) using water spray; (d) installing an effective truck body and wheel wash; and (e) using dust suppression and wind breaks.	Deleted
A7	Effective dust collectors must be used on the rock drilling equipment.	Deleted
A8	The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.	Deleted
Insert	Nil	(Re-number as L3) For the purpose of demonstrating compliance with conditions L1 and L2, a land rehabilitation audit must be conducted within 3 months of completion of each stage of the quarry
Insert	Nil	(Re-number as L4) The audit detailed in condition L3 must be conducted by a suitably qualified third party auditor.
Insert	Nil	(Re-number as L5) In relation to the audit required by condition L3, the auditor must submit a final version

		of the auditor's report to the administering authority within 28 days of completing the audit.																						
N1	In the event a noise complaint that the administering authority determines is not frivolous or vexatious is made, noises from the approved activities must not exceed the levels specified in Table 1 - Noise limits at the boundary of the approved place.	Noise from the activities must not exceed the levels specified in Table 1 - Noise limits at the boundary of the approved place.																						
Change Table	Table 2: Explosive blasting nuisance at a nuisance sensitive place <table> <tr> <th rowspan="2"></th><th colspan="2">Measured at a nuisance sensitive place</th></tr> <tr> <th>Monday to Friday 9am – 5pm</th><th>Other times and public holidays</th></tr> <tr> <td>Vibration (peak particle velocity)</td><td>Maximum 5mm/s for 4 out of 5 consecutive blasts</td><td>No blasting to occur</td></tr> <tr> <td>Airblast overpressure level (dB linear peak)</td><td>Maximum 115dB for 4 out of 5 consecutive blasts</td><td>No blasting to occur</td></tr> </table>		Measured at a nuisance sensitive place		Monday to Friday 9am – 5pm	Other times and public holidays	Vibration (peak particle velocity)	Maximum 5mm/s for 4 out of 5 consecutive blasts	No blasting to occur	Airblast overpressure level (dB linear peak)	Maximum 115dB for 4 out of 5 consecutive blasts	No blasting to occur	Table 2: Explosive blasting nuisance at a nuisance sensitive place <table> <tr> <th rowspan="2"></th><th colspan="2">Measured at a nuisance sensitive place</th></tr> <tr> <th>Monday to Friday 9am – 5pm</th><th>Other times and public holidays</th></tr> <tr> <td>Vibration (peak particle velocity)</td><td>Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time</td><td>No blasting to occur</td></tr> <tr> <td>Airblast overpressure level (dB linear peak)</td><td>Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time</td><td>No blasting to occur</td></tr> </table>		Measured at a nuisance sensitive place		Monday to Friday 9am – 5pm	Other times and public holidays	Vibration (peak particle velocity)	Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time	No blasting to occur	Airblast overpressure level (dB linear peak)	Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time	No blasting to occur
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N11	All third party blast records must be submitted to the administering authority annually with the Annual Return for review.	All third party blast records, including the location of the blast monitoring, must be kept and submitted to the administering authority upon request.																						
N12	The location of the blast monitoring must be kept with the blast record and submitted to the administering authority along with the blast records with the Annual Return.	Delete																						
WA2	Any chemical/s and/or flocculant/s used to treat turbid water must not directly or indirectly cause environmental harm either during the operation of the authorised activities or post-operation.	Delete																						
WA5	Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.	(Re-number as WA4) A stormwater management and erosion and sediment control audit must be conducted within 3 months of the completion of the stormwater treatment system.																						
Insert	Nil	(Re-number as WA5) The audit detailed in condition WA5 must be conducted by a suitably qualified third party auditor.																						
Insert	Nil	(Re-number as WA6) The audit detailed in condition WA5 must also be conducted within 3 months of the commencement of each stage of the quarry.																						

Insert	Nil	(Re-number as WA7) In relation to the audit required by condition WA5, the auditor must submit a final version of the auditor's report to the administering authority within 28 days of completing the audit.
WA7	Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.	Delete
WS1	All regulated waste removed from the site must be by a person who holds a current authority to remove regulated waste under the Environmental Protection Act 1994.	Delete
WS2	Effective procedures must be implemented to ensure that waste generated on the site are minimised, recycled, stored, handled and transferred in a proper and efficient manner, and so that the disposal of such waste is at a facility lawfully able to do so.	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.
WS5	Where waste (other than waste rock, earthen material or clean fill) is disposed of on the premises, the holder of this license must monitor and record: (a) the date, type of waste and quantity of waste disposed; (b) the location of disposal; and (c) the method of disposal of the waste.	Delete

RTI DL RELEASE - EHP

Table of Proposed Changes to Conditions

Condition	Existing	Amendment
Advice regarding recommended changes to Air Schedule conditions: <ol style="list-style-type: none"> 1.1. Issues have been raised by the community regarding the potential for dust nuisance and dust-related health concerns from the operation of the proposed quarry expansion. 1.2. The following changes to conditions are recommended as additional conditions that may address these concerns, improve monitoring regime of quarry impacts and confirm the implementation of mitigation measures. 1.3. Conditions A9, A10, A12, and A13 will place additional requirements on the operator than the existing Air Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes. 		
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		<p>standards:</p> <ul style="list-style-type: none"> (i) Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM₁₀ high-volume sampler with size-selective inlet - Gravimetric method'; or (ii) any alternative method of monitoring PM₁₀ which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority. (iii) Australian Standard AS 3580.10.1:2003: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method. (iv) Australian Standard AS 2923:1987: Ambient air - Guide for measurement of horizontal wind for air quality applications.
Insert	Nil.	<p>(Re-number as A5)</p> <p>Where monitoring at locations identified in the Ambient Dust Monitoring Program indicates that the air quality objectives detailed in Conditions A2 and A3 (existing conditions) have been exceeded, within 14 days the matter must be investigated and the following information reported to the administering authority:</p> <ul style="list-style-type: none"> (i) the concentration of PM₁₀ particulates or dust deposition rate recorded; (ii) a description of meteorological conditions occurring at the time; and (iii) the measures taken to reduce dust generated by the quarry activities.
Insert	Nil.	<p>(Re-number as A6)</p> <p>(a) When requested by the administering authority or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), an additional monitoring of dust deposition, PM₁₀, PM_{2.5} and crystalline silica must be undertaken, and the results thereof notified to the administering authority within 14 days following completion of monitoring. This includes providing interim reports if the monitoring lasts for more than one month.</p> <p>Note: This monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place. Monitoring must be conducted in accordance with the appropriate standards.</p> <p>(b) If monitoring conducted as a result of a complaint indicates an exceedance of the air quality objectives detailed in Conditions A2 and A3 (existing conditions):</p> <ul style="list-style-type: none"> (i) dust abatement measures must be implemented; and (ii) the complaint must be addressed through the use of appropriate dispute

		resolution if required.
Insert	Nil.	<p>(Re-number as A7)</p> <p>The results of PM₁₀, dust deposition and meteorological monitoring must be reported to the administering authority on request.</p>
Insert	Nil.	<p>(Re-number as A8)</p> <p>Model Evaluation</p> <p>(a). Following the collection of twelve (12) months of representative ambient dust monitoring data in accordance with Condition 1(a), a model validation study must be undertaken to review PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Condition A2 and A3 (existing conditions). The model validation study must be undertaken in accordance with NSW DECC <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DECC, 2005), and specific requirements of the administering authority.</p> <p>(b) Within 28 days of conducting the dust validation study referred to under Condition 5 (a) of this approval a copy of the report must be provided to the administering authority. If the dust validation study identifies any exceedances to those permitted in the with ambient air quality objectives of Environmental Protection (Air) Policy 2008, details must be provided of the additional measures that would be implemented to further mitigate dust impacts. The report must also contain the following information:</p> <ul style="list-style-type: none"> (i) who would implement these measures; and (ii) when these measures would be implemented; and (iii) how the effectiveness of these measures would be assessed and reported to the administering authority.
<p>Advice regarding recommended changes to Noise Schedule conditions:</p> <p>1.1. New information was provided to Environmental Services Brisbane North team (ES) in relation to background monitoring conducted by Savery and Associates between 12 August and 27 August 2008, on behalf of concerned community members.</p> <p>1.2. This information differed from the Barro Group application noise impact assessment conducted by MWA in December 2010, based on noise monitoring conducted between 24 August and 02 September 2006.</p> <p>1.3. ES has compared background monitoring data from both of these sources. The data provided with the new information more accurately represents the noise environment of the receiving environment than the data submitted by the applicant.</p>		

- 1.4. It is unknown whether Barro Group have access to the abovementioned background monitoring information prepared on behalf of concerned community members.
- 1.5. In the absence of a contemporary background noise monitoring report for the current application EHP proposes, based on the Savery and Associates report, a change to the limits contained in **Table 1: Noise limits at the boundary of the approved place**. Table 1 has been adjusted in consideration of the new information and could replace the current Table 1 in the concurrence agency response.
- 1.6. The proposed changes to Table 1 will place additional requirements on the operator than the existing Noise Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.
- 1.7. It is unknown whether the quarry operation will be able to comply with the proposed changes.

Table 1:
Noise limits
at the
boundary of
the
approved
place

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am
	Noise measured at the boundary of the approved place							
L ₁₀ adj-T	50	50	50	42	47	47	47	42
Leq adj-T	45	45	45	42	43	43	43	42

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am	6am- 7am	7am- 6pm	6pm- 10pm	10pm- 6am
	Noise measured at the boundary of the approved place							
L ₁₀ adj-T	43	45	38	32	38	42	35	32
Leq adj-T	40	40	35	32	35	37	33	32

Advice regarding recommended changes to General, Air, Land, Noise, Water, and Waste Schedule conditions:

- 1.1. Conditions have been updated to reflect contemporary EHP conditions.
- 1.2. In general these changes have not changed the intent of the conditions or the requirements of the operator to comply with the updated conditions.
- 1.3. Some conditions have been deleted due to being a replicated requirement with newly worded conditions.
- 1.4. The update to **Table 2: Explosive blasting nuisance at a nuisance sensitive place** aligns the limits with the EHP's proposed model operating conditions for ERA16 Extraction.
- 1.5. The proposed changes to Table 2 will place additional requirements on the operator than the existing Noise Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.
- 1.6. Conditions L3, L4, L5, WA5, WA6, WA7, and WA8 will place additional requirements on the operator than the existing Land and Water Schedule conditions and the proponent has not yet had the opportunity to make representations regarding the proposed changes.

G1	In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G2	The operator of an ERA to which this approval relates must: (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; (b) maintain such measures, plant and equipment in a proper and efficient	Any breach of a condition of this approval or any adverse impact on an environmental value must be reported to the administering authority in writing within 24 hours of becoming aware of the breach or the impact and any subsequent actions undertaken.

	condition; and (c) operate such measures, plant and equipment in a proper and efficient manner.	
G3	A copy of this approval must be kept at the approved place and be available to the administering authority on request.	All information and records that are required by the conditions of this approval must be kept for a period of at least 5 years.
G4	<p>From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.</p> <p>The SBMP must address the following matters:</p> <p>(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.</p> <p>(b) Identification of environmental issues and potential impacts.</p> <p>(c) Control measures for routine operations to minimise likelihood of environmental harm.</p> <p>(d) Contingency plans and emergency procedures for non-routine situations.</p> <p>(e) Organisational structure and responsibility.</p> <p>(f) Effective communication.</p> <p>(g) Monitoring of contaminant releases.</p> <p>(h) Conducting environmental impact assessments.</p> <p>(i) Staff training.</p> <p>(j) Record keeping.</p> <p>(k) Periodic review of environmental performance and continual improvement.</p>	<p>(Re-number as G9)</p> <p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> • identify potential risks to the environment from the activity during routine operations and emergencies; • establish and maintain control measures that minimise the potential for environmental harm; • ensure plant, equipment and measures are maintained in a proper and effective condition; • ensure plant, equipment and measures are operated in a proper and effective manner; • ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and • ensure that reviews of environmental performance are undertaken at least annually.
G5	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.	Deleted
G6	An appropriate spill kit, personal protective equipment and relevant operator training, instructions and procedures guide must be provided for the management of waste and chemicals associated with the authorised activities to which this approval relates, and must be kept at a location that is readily accessible to the personnel carrying out the activity.	Other than as permitted within this environmental authority, the release of a contaminant into the environment must not occur.
G7	Anyone operating under this approval must be trained in the use of the spill kits.	Deleted
G8	Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.	<p>(Re-number as G7)</p> <p>An appropriately qualified person(s) must monitor, interpret and record all parameters that are required to be monitored, in the manner provided, as specified in this approval.</p>
G9	All records required by this approval must be kept for 5 years.	Deleted
G10	Telephone or otherwise notify the department's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.	Deleted
G11	The Registered Operator must provide a financial assurance in the amount and form required by the administering authority prior to acting upon this approval.	<p>(Re-number as G4)</p> <p>The activity must not be carried out until financial assurance has been given to the administering authority as security for compliance with this approval and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the Environmental Protection Act 1994.</p>
G12	The calculation of financial assurance for condition G11 is defined as the maximum total cost for rehabilitation of significantly disturbed areas.	Deleted

G13	The financial assurance is to remain in force until the administering authority is satisfied that no claim on the financial assurance is likely for rehabilitation purposes.	Deleted
G14	Where progressive rehabilitation is completed in accordance with the rehabilitation requirements condition L1 and to the satisfaction of the administering authority, progressive reductions to the financial assurance amount are applicable.	(Re-number as G5) If the administering authority increases the amount of financial assurance, the additional financial assurance must be given to the administering authority within 28 days of receiving written notice
Insert	Nil	(Re-number as G8) When requested by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance caused by the activity. The monitoring results must be provided to the administering authority upon request.
A1	The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.	Odours, dust or airborne contaminants which are noxious or offensive or otherwise cause environmental nuisance must not be released to any sensitive place or commercial place.
A4	Stockpiled material must be in a manner that minimises the generation of windblown dust particles. Control measure may include, but not limited to: (a) minimising the size of stockpile areas; (b) provision of windbreaks and sediment fencing; and (c) water trucks or sprays to dampen the product stockpiles as required.	Deleted
A5	The registered operator for the authorised activities to which this approval applies must take all reasonable and practicable measures to prevent and minimise the release of dust to the atmosphere from crushing and screening equipment and material conveyor systems. Reasonable and practicable measures may include but not limited to: (a) enclosure or partial enclosure of permanent processing plants; (b) installation of windbreaks and barriers; (c) water sprays; and (d) keeping materials moist	Deleted
A6	Trafficable areas must be maintained using reasonable and practicable measures necessary to minimise the release of wind blown or traffic generated dust to the atmosphere. Reasonable and practicable measure may include but are not limited to: (a) keeping surfaces clean; (b) sealing with bitumen or other suitable material; (c) using water spray; (d) installing an effective truck body and wheel wash; and (e) using dust suppression and wind breaks.	Deleted
A7	Effective dust collectors must be used on the rock drilling equipment.	Deleted
A8	The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.	Deleted
Insert	Nil	(Re-number as L3) For the purpose of demonstrating compliance with conditions L1 and L2, a land rehabilitation audit must be conducted within 3 months of completion of each stage of the quarry
Insert	Nil	(Re-number as L4) The audit detailed in condition L3 must be conducted by a suitably qualified third party auditor.
Insert	Nil	(Re-number as L5) In relation to the audit required by condition L3, the auditor must submit a final version

		of the auditor's report to the administering authority within 28 days of completing the audit.																						
N1	In the event a noise complaint that the administering authority determines is not frivolous or vexatious is made, noises from the approved activities must not exceed the levels specified in Table 1 - Noise limits at the boundary of the approved place.	Noise from the activities must not exceed the levels specified in Table 1 - Noise limits at the boundary of the approved place.																						
Change Table	<p>Table 2: Explosive blasting nuisance at a nuisance sensitive place</p> <table> <tr> <th rowspan="2"></th><th colspan="2">Measured at a nuisance sensitive place</th></tr> <tr> <th>Monday to Friday 9am – 5pm</th><th>Other times and public holidays</th></tr> <tr> <td>Vibration (peak particle velocity)</td><td>Maximum 5mm/s for 4 out of 5 consecutive blasts</td><td>No blasting to occur</td></tr> <tr> <td>Airblast overpressure level (dB linear peak)</td><td>Maximum 115dB for 4 out of 5 consecutive blasts</td><td>No blasting to occur</td></tr> </table>		Measured at a nuisance sensitive place		Monday to Friday 9am – 5pm	Other times and public holidays	Vibration (peak particle velocity)	Maximum 5mm/s for 4 out of 5 consecutive blasts	No blasting to occur	Airblast overpressure level (dB linear peak)	Maximum 115dB for 4 out of 5 consecutive blasts	No blasting to occur	<p>Table 2: Explosive blasting nuisance at a nuisance sensitive place</p> <table> <tr> <th rowspan="2"></th><th colspan="2">Measured at a nuisance sensitive place</th></tr> <tr> <th>Monday to Friday 9am – 5pm</th><th>Other times and public holidays</th></tr> <tr> <td>Vibration (peak particle velocity)</td><td>Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time</td><td>No blasting to occur</td></tr> <tr> <td>Airblast overpressure level (dB linear peak)</td><td>Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time</td><td>No blasting to occur</td></tr> </table>		Measured at a nuisance sensitive place		Monday to Friday 9am – 5pm	Other times and public holidays	Vibration (peak particle velocity)	Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time	No blasting to occur	Airblast overpressure level (dB linear peak)	Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time	No blasting to occur
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N11	All third party blast records must be submitted to the administering authority annually with the Annual Return for review.	All third party blast records, including the location of the blast monitoring, must be kept and submitted to the administering authority upon request.																						
N12	The location of the blast monitoring must be kept with the blast record and submitted to the administering authority along with the blast records with the Annual Return.	Delete																						
WA2	Any chemical/s and/or flocculant/s used to treat turbid water must not directly or indirectly cause environmental harm either during the operation of the authorised activities or post-operation.	Delete																						
WA5	Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.	(Re-number as WA4) A stormwater management and erosion and sediment control audit must be conducted within 3 months of the completion of the stormwater treatment system.																						
Insert	Nil	(Re-number as WA5) The audit detailed in condition WA5 must be conducted by a suitably qualified third party auditor.																						
Insert	Nil	(Re-number as WA6) The audit detailed in condition WA5 must also be conducted within 3 months of the commencement of each stage of the quarry.																						

Insert	Nil	(Re-number as WA7) In relation to the audit required by condition WA5, the auditor must submit a final version of the auditor's report to the administering authority within 28 days of completing the audit.
WA7	Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.	Delete
WS1	All regulated waste removed from the site must be by a person who holds a current authority to remove regulated waste under the Environmental Protection Act 1994.	Delete
WS2	Effective procedures must be implemented to ensure that waste generated on the site are minimised, recycled, stored, handled and transferred in a proper and efficient manner, and so that the disposal of such waste is at a facility lawfully able to do so.	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.
WS5	Where waste (other than waste rock, earthen material or clean fill) is disposed of on the premises, the holder of this license must monitor and record: (a) the date, type of waste and quantity of waste disposed; (b) the location of disposal; and (c) the method of disposal of the waste.	Delete

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CONDITIONS

Conditions for:

ERA 8 3(a) Chemical storage – Storing 10m³ or more of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3;

ERA 16 Extractive and screening activities Threshold 2(c) - extracting, other than by dredging, in a year, more than 100000t to 1000000t of material;

ERA 16 Extractive and screening activities Threshold 3(b) - screening, in a year, more than 100000t to 1000000t of material; and

ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing relating to motor vehicles

Agency Interest: General

- G1 All reasonable and practicable **measures** must be taken to minimise the likelihood of environmental harm being caused.
- G2 Any breach of a condition of this **approval** or any adverse impact on an **environmental value** must be reported to the **administering authority** in writing within 24 hours of becoming aware of the breach or the impact and any subsequent actions undertaken.
- G3 All information and records that are required by the conditions of this **approval** must be kept for a period of at least 5 years.
- G4 The **activity** must not be carried out until financial assurance has been given to the **administering authority** as security for compliance with this **approval** and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the *Environmental Protection Act 1994*.
- G5 If the **administering authority** increases the amount of financial assurance, the additional financial assurance must be given to the **administering authority** within 28 days of receiving written notice..
- G6 Other than as permitted within this environmental authority, the **release of a contaminant into the environment** must not occur.
- G7 An **appropriately qualified person(s)** must monitor, interpret and record all parameters that are required to be monitored, in the manner provided, as specified in this **approval**.
- G8 When requested by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority**, to investigate a complaint of **environmental nuisance** caused by the **activity**. The monitoring results must be provided to the **administering authority** upon request.
- G9 The **activity** must be undertaken in accordance with written procedures that:
- identify potential risks to the environment from the **activity** during routine operations and emergencies;
 - establish and maintain control **measures** that minimise the potential for **environmental harm**;

- ensure plant, equipment and **measures** are maintained in a proper and effective condition;
- ensure plant, equipment and **measures** are operated in a proper and effective manner;
- ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*; and
- ensure that reviews of environmental performance are undertaken at least annually.

G10 Nuisance (exemption)

For the purpose of nuisance conditions A1, A6, N1, N5 and N8; any part of the unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962, and the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state is exempt from the definition of a "sensitive place".

Agency Interest: Air

- A1 Odours, dust or airborne contaminants which are **noxious** or **offensive** or otherwise cause **environmental nuisance** must not be released to any **sensitive place** or **commercial place**.
- A2 Dust and particulate matter must not exceed a dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions), when measured at any nuisance **sensitive** or **commercial place**.
- A3 Dust and particulate matter with an aerodynamic diameter of less than 10 micrometer (PM₁₀) suspended in the atmosphere must not exceed a 50 micrograms per cubic meter over a 24hour average when monitored in accordance with Australian Standard AS 3580.9.6, when measured at any nuisance **sensitive** or **commercial place**.

A4 Ambient Dust Monitoring Program

- (a) Prior to the commencement of the **activity**, an Ambient Dust Monitoring Program must be developed and submitted to the **administering authority**, to specify how the ambient dust impacts of the project will be monitored. This Program must then be implemented upon commencement of the **activity**. The Program must include, but not necessarily be limited to:
- (i) procedures for monitoring dust emissions from the project, in order to meet the requirements of this **approval**;
 - (ii) locations, frequencies and methods for monitoring PM₁₀ and deposited particulate matter;
 - (iii) provision for the use of at least one PM₁₀ monitoring station, five dust depositional gauges and one meteorological station capable of monitoring wind direction and speed;
 - (iv) using air quality monitoring data to inform environmental management decisions associated with the project; and
 - (v) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management **measures** to address those impacts.
- (b) Ambient dust monitoring must be conducted in accordance with the following standards:
- (i) Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM₁₀ high-volume sampler with size-selective inlet -Gravimetric method'; or

- (ii) any alternative method of monitoring PM₁₀ which may be permitted by the 'Air Quality Sampling Manual' as published by the **administering authority**.
- (iii) Australian Standard AS 3580.10.1:2003: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method.
- (iv) Australian Standard AS 2923:1987: Ambient air - Guide for measurement of horizontal wind for air quality applications.

A5 Where monitoring at locations identified in the Ambient Dust Monitoring Program indicates that the air quality objectives detailed in Conditions A2 and A3 have been exceeded, within 14 days the matter must be investigated and the following information reported to the **administering authority**:

- (i) the concentration of PM₁₀ particulates or dust deposition rate recorded;
- (ii) a description of meteorological conditions occurring at the time; and
- (iii) the **measures** taken to reduce dust generated by the quarry activities.

A6 (a) When requested by the **administering authority** or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), additional monitoring of dust deposition, PM₁₀, PM_{2.5} and crystalline silica must be undertaken, and the results thereof notified to the **administering authority** within 14 days following completion of the monitoring. This includes providing interim reports if the monitoring lasts for more than one month.

Note: This monitoring must be carried out at a place(s) relevant to the potentially affected dust **sensitive place**. Monitoring must be conducted in accordance with the appropriate standards.

(b) If monitoring conducted as a result of a complaint indicates an exceedance of the air quality objectives detailed in Conditions A2 and A3:

- (i) dust abatement **measures** must be implemented; and
- (ii) the complaint must be addressed through the use of appropriate dispute resolution if required.

A7 The results of PM₁₀, dust deposition and meteorological monitoring must be reported to the **administering authority** on request.

A8 (a) Following the collection of twelve (12) months of **representative** ambient dust monitoring data in accordance with Condition A4(a), a model validation study must be undertaken to review PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Conditions A2 and A3. The model validation study must be undertaken in accordance with NSW DECC *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (DECC, 2005), and specific requirements of the **administering authority**.

(b) Within 28 days of conducting the dust validation study referred to under Condition A8(a) of this **approval** a copy of the report must be provided to the **administering authority**. If the dust validation study identifies any exceedances of levels permitted in the ambient air quality objectives of Environmental Protection (Air) Policy 2008, details must be provided of the additional **measures** that will be implemented to further mitigate dust impacts. The report must also contain the following information:

- (i) who will implement these **measures**; and
- (ii) when these **measures** will be implemented; and
- (iii) how the effectiveness of these measures will be assessed and reported to the **administering authority**.

Agency Interest: Land

L1 Land Rehabilitation

The **site** (including all **disturbed areas** such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the **site** is minimised;
- (c) the quality of stormwater, other water and seepage released from the **site** is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
- (d) the likelihood of **environmental nuisance** being caused by release of dust is minimised;
- (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- (f) the final landform is **stable** and not subject to slumping; and
- (g) any actual and potential acid sulfate soils in or on the **site** are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

L2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

L3 For the purpose of demonstrating compliance with conditions L1 and L2, a **land rehabilitation** audit must be conducted within 3 months of completion of each stage of the quarry.

L4 The audit detailed in condition L3 must be conducted by a suitably qualified third party auditor.

L5 In relation to the audit required by condition L3, the auditor must submit a final version of the auditor's report to the **administering authority** within 28 days of completing the audit.

L6 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.
NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Noise

N1 Noise from the **activities** must not exceed the levels specified in Table 1 - *Noise limits at the boundary of the approved place*.

Table 1: Noise limits at the boundary of the approved place

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am-7am	7am-6pm	6pm-10pm	10pm-6am	6am-7am	7am-6pm	6pm-10pm	10pm-6am
Noise measured at the boundary of the approved place								
L_{10} adj-T	43	45	38	32	38	42	35	32
L_{eq} adj-T	40	40	35	32	35	37	33	32

Note 1: the compliance noise level must be measured, as near as practicable to the location and height where a straight line from the sound source to the affected **dwelling** intersects the **boundary** of the **approved place**. If this is not practically possible, a noise should be measured at the affected **dwelling** and modelled to determine compliance at the **boundary**. If a noise reducing device is constructed on the point of measurement, then the effect of this device will be taken into account.
Note 2: The limit in Table 1 increases by +5dB(A) at the **boundary** for compliances to complaints originating from a **commercial place**.

N2 Noise Monitoring

When requested by the **administering authority**, noise monitoring must be undertaken to investigate any complaint of noise nuisance that the **administering authority** considers is not frivolous or vexatious, and the results notified within 14 days to the **administering authority**. Monitoring must include:

- **airblast overpressure** (dB (Lin) Peak);
- LA_{eq} , adj-T
- LA_{10} , adj-T
- LA_1 , adj-T
- ambient and **background** noise levels;
- 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; and
- location, date and time of recording.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the **administering authority's Noise Measurement Manual**.

N4 For the purpose of conditions N1 and N2, the measurement duration, T, must be determined by an **appropriately qualified person**, so as to adequately represent and validate the data.

Note: The minimum value for T must be:-

- o 15 minutes for continuous steady noises
- o 1 hour for intermittent noises

N5 Explosive blasting nuisance

Explosive blasting for the ERA must not cause an **environmental nuisance** at any nuisance **sensitive place** or **commercial place**.

N6 Explosive blasting must be carried out within the time specified in Table 2 unless otherwise approved by the **administering authority** due to a meteorological and/or safety reasons that it must occur at the time outside of the specified times.

N7 The **vibration** and the air blast overpressure from the **activity** must not exceed the levels specified in Table 2 – *Explosive blasting nuisance at a nuisance sensitive place*.

Table 2: Explosive blasting nuisance at a nuisance sensitive place

	Measured at a nuisance sensitive place	
	Monday to Friday 9am – 5pm	Other times and public holidays
Vibration (peak particle velocity)	Maximum 5mm/s for 9 out of 10 consecutive blasts and not greater than 10mm/s at any time	No blasting to occur
Airblast overpressure level (dB linear peak)	Maximum 115dB for 9 out of 10 consecutive blasts initiated and not greater than 120dB at any time	No blasting to occur

N8 Vibration Monitoring

When requested by the administering authority, vibration monitoring and recording must be undertaken to investigate any complaint of vibration nuisance that the administering authority considers is not frivolous or vexatious, and the results notified within 14 days to the administering authority. Monitoring must include:

- a) peak particle velocity (mm/s);
- b) location of the blast/s within the site (including which bench level);
- c) atmospheric conditions including temperature, relative humidity and wind speed and direction;
- d) the level and frequency of occurrence of impulsive or tonal noise;
- e) effects due to extraneous factors; and
- f) location, date and time of recording.

N9 For vibration monitoring the ground-borne vibration transducer (or array) must be attached to a mass of at least thirty (30) kg to ensure good coupling with the ground where the blast site and the measurement site cannot be shown to be on the same underlying strata. The mass must be buried so that its uppermost surface is at the same level as the ground surface.

N10 The ground-borne vibration transducer (or array) must be placed at a distance of at least the longest dimension of the foundations of a noise-affected **dwelling** away from such **dwelling** and between that **dwelling** and the site of the blasting.

N11 All third party blast records, including the location of the blast monitoring, must be kept and submitted to the **administering authority** upon request.

Agency Interest: Social

S1 Complaint Response

The operator of the ERA must record the following details for all complaints received and provide this information to the **administering authority** on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken

Agency Interest: Water

WA1 Contaminants must not be released from the **approved place** to any **waters**, bed and banks of any **waters**, roadside gutter or stormwater drains outside the **approved place** except in accordance with the conditions.

WA2 **Monitoring**

Monitoring must be undertaken and records kept of contaminant releases to **waters** from the discharge location for the quality characteristics and not less frequently than specified in Table 3 - *Contaminant release limits to water*. All determinations of the quality of contaminants released must be:

- a) made in accordance with methods prescribed in the latest edition of the **administering authority's Water Quality Sampling Manual**; and
- b) carried out on samples that are **representative** of the discharge.

Table 3 - Contaminant release limits to water

Parameter	Units	Minimum	Maximum	Frequency
pH	N/A	6.5	8.5	Once per release event
Total Suspended Solids	mg/L	N/A	50mg/L or background* +10% whichever is greater.	Once per release event
Petroleum Products, scum or litter	N/A	N/A	Not visible or otherwise noticeable	N/A
Conductivity	µS/cm	N/A	<1500	Once per release event

*Background to be determined upstream of the quarry pits during a discharge event within, or as close as practicable to within 30 minutes of the sampling down stream.

WA3 The size of any sedimentation dam must be sufficient to contain the runoff expected from an extraction or processing area from a 24 hour storm with an average recurrence interval of 1 in 5 years.

WA4 A stormwater management and erosion and sediment control audit must be conducted within 3 months of the completion of the stormwater treatment system.

WA5 The audit detailed in condition WA4 must be conducted by a suitably qualified third party auditor.

WA6 The audit detailed in condition WA4 must also be conducted within 3 months of the commencement of each stage of the quarry.

WA7 In relation to the audit required by condition WA4, the auditor must submit a final version of the auditor's report to the **administering authority** within 28 days of completing the audit.

Agency Interest: Waste

- WS1 All waste generated in carrying out the **activity** must be reused, recycled or removed to a facility that can lawfully accept the waste.
- WS2 The operator must not:
- (a) burn waste on **site**;
 - (b) allow waste to be burned on **site**; or
 - (c) remove waste from **site** to be burned elsewhere, unless at a suitable facility that is authorised to incinerate waste.
- WS3 Where **regulated waste** is removed from the licensed premises, the holder of this license must retain the record provided by the registered waste removalist.

RTI DL RELEASE - EHP

Permit
EHP Permit number: SPCE01725511

Attached Plans

Document No.	Document Name	Date
DA2 002	Quarry Development Plan	7 July 2010
DA2 003	Quarry Development Plan	7 July 2010
DA2 004	Quarry Development Plan	7 July 2010
DA2 005	Quarry Development Plan	7 July 2010

END OF CONDITIONS

RTI DL RELEASE - EHP

DEFINITIONS

Key terms and/or phrases used in this document are defined in this section and bolded throughout. Note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

"activity/ies" means the environmentally relevant activities, whether resource activities or prescribed activities, to which the approval relates..

"administering authority" means the Department of Environment and Heritage Protection or its successor.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

"approved place" means the place authorised under this approval for the carrying out of the specified ERAs.

"airblast overpressure (or airblast level)" is the energy transmitted from the blast site within the atmosphere in the form of pressure waves. As these waves pass a given position, the pressure of the air rises very rapidly then falls more slowly then returns to the ambient value after a number of oscillations. The pressure wave consists of both audible (noise) and inaudible (concussion) energy. The maximum excess pressure in this wave is known as the peak air overpressure, generally measured in decibels using the linear frequency-weighting.

"appropriately qualified person(s)" means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

"background" noise means either:

- $L_{A90, T}$ being the A-weighted sound pressure level exceeded for a relevant the time period measured in the absence of the noise under investigation, using fast response, or
- $L_{A90, T}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a relevant time period, using fast response.

"boundary" means within 1 (one) meter of the cadastral boundary of the approved place.

"commercial place" means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

"disturbed areas", or words to that effect, means:

- (a) contaminated land; or
- (b) land that has been disturbed and human intervention is needed to rehabilitate it;
 - (i) including:
 - mining or quarrying areas including processing plant, stockpiles and tailings areas;
 - areas where soil has been compacted, removed, covered, exposed or stockpiled;
 - areas where vegetation has been removed or destroyed to an extent where the land is susceptible to erosion;
 - areas where land use suitability or capability has been diminished;
 - areas within waters where mining/quarry activities occur;
 - areas submerged by tailings or hazardous contaminant storage dams in all cases;

- areas under temporary infrastructure eg. roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads which is to be removed after mining/quarrying has ceased; and
- (ii) not including:
 - areas off mining lease or quarry site (eg. roads or tracks which provide access to the mining lease or quarry site);
 - areas previously significantly disturbed which have achieved rehabilitation outcomes;
 - by agreement with the **administering authority**, areas previously significantly disturbed which have not achieved rehabilitation objectives due to circumstances beyond the control of the authority/approval holder (such as climatic conditions);
 - areas under permanent infrastructure eg. roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads which are to be lawfully left on the site after cessation of mining/quarrying.

"dwelling" means any of the following structures or vehicles that is principally used as a place for human habitation:

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land; or
- a water craft in a marina.

"environmental nuisance" (the Act) is unreasonable interference or likely interference with an **environmental value** caused by—

- a) aerosols, fumes, light, noise, odour, particles or smoke; or
- b) an unhealthy, **offensive** or unsightly condition because of contamination; or
- c) another way prescribed by regulation.

"environmental value" (the Act) is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

" $L_{Aeq, adj-T}$ " means the A weighted "equivalent sound pressure level" over time T obtained using Fast response and adjusted for noise characteristics.

"land" in the Land section of this approval means land excluding waters and the atmosphere.

"measures" has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

"noxious" means harmful or injurious to health or physical well being.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseating or repulsive.

"release of a contaminant into the environment" means:

- to deposit, discharge, emit or disturb the contaminant; and

- to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
- to fail to prevent the contaminant from being deposited, discharged emitted or disturbed; and
- to allow the contaminant to escape; and
- to fail to prevent the contaminant from escaping.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes -

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"rehabilitation" means the process of reshaping and revegetating **land** to restore it to a stable post mining or quarry state and in accordance with acceptance criteria or rehabilitation conditions, and where relevant includes remediation of contaminated **land**.

"representative" means a sample set which covers the variance in monitoring or other data either due to natural changes or to different phases of mining/quarrying activities.

"sensitive place" includes -

- a dwelling, mobile home or caravan park, residential marina or other residential premises;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area, excluding any nature refuge under the *Nature Conservation Act 1992* which is within a key resource area;
- a public thoroughfare, park or gardens;
- a commercial place; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

"site" means land or tidal waters on or in which it is proposed to carry out the activity/ies approved under this approval.

"stable" means geotechnical stability of a rehabilitated landform where instability caused by settlement and subsidence has ceased.

"vibration" is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

"waters" includes watercourse, river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

DEHP
SOUTHERN REGION

- 1 OCT 2013

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LVL 8 400G

Our ref: MBN13/1006

26 September 2013

Mr/Ms Shari Murphy
Permit and Licence Management, Implementation and Support
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

RECEIVED

01 OCT 2013

PaLM

Dear Mr/Ms Murphy

On 8 August 2013, I wrote to affected parties to advise that I was considering exercising my powers under section 424 of the *Sustainable Planning Act 2009* (SPA) to call in a development application lodged for the extension of a quarry at Mount Cotton. I thank those parties who made a representation to me during the stated representation period.

After considering all written representations, I have decided to call in the development application. Please find enclosed a copy of the formal notice of call in.

As a result of the call in, the decision made by Redland City Council to refuse the development application is of no effect. I am now the assessment manager and will re-assess and re-decide the development application. My re-assessment of the development application will be against the assessment and decision provisions outlined in SPA.

Any appeal lodged in the Planning and Environment Court prior to my decision to call in the development application is of no further effect. I have also decided to re-start the Integrated Development Assessment System process from the beginning of the decision stage.

In accordance with section 318(2) of SPA, and to ensure sufficient time is provided to undertake a comprehensive assessment of the development application, I am extending the decision making period by 20 business days to 22 November 2013.

If you require any further information, Matt Adams in my office will assist and can be contacted on 3224 4600.

Yours sincerely

Section 78B(2) RTI Act

JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

Enc

RECEIVED / REGISTERED	
Dept of Environment and Heritage Protection	
ESR Southern Region 400G	
1 OCT 2013	
File #:	50R116331
Item #:	2284416

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- 1 OCT 2013

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LVL 8 400G

RECEIVED

**CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE
SUSTAINABLE PLANNING ACT 2009**

Pursuant to section 425 of the *Sustainable Planning Act 2009* (SPA), I hereby give notice that I am exercising my Ministerial call in powers to re-assess and re-decide a development application lodged by Groundwork Plus on behalf of Barro Group Pty Ltd (Barro Group) for the extension of a quarry at Mount Cotton (Barro Quarry). The development application was decided by the assessment manager, Redland City Council (council), on 5 June 2013.

Reasons for the call in

State interests

Under Section 424 of the SPA, I may call in a development application only if the development involves a state interest.

A state interest is defined in Schedule 3 of the SPA as:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or*
- (b) *an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.*

A regional plan is a state interest under Section 25 of the SPA, and a State Planning Regulatory Provision (SPRP) is a state interest under Section 18 of the SPA.

I consider the Barro Quarry development involves state interests, namely economic and environmental interests to the state or part of the state. The proposed development also involves the *South East Queensland Regional Plan 2009-2031* and the *South East Queensland Koala Conservation State Planning Regulatory Provision*. On this basis, I have decided to call in the development application for the following reasons:

Economic

- The proposed development is identified in the *State Planning Policy 2/07: Protection of Extractive Resources* (SPP2/07), Mount Cotton Key Resource Area - 71 (Mount Cotton KRA 71). The policy outcomes sought by SPP 2/07 are directed at identifying extractive resources of state or regional significance and protecting those resources from future potential land use conflict.

The draft key resource area report for the Mount Cotton KRA 71 in Appendix 4 of the *draft State Planning Policy Guideline: Mining and extractive resources* (April 2013) states that the Mount Cotton KRA 71 meets the criteria for state significance (as outlined in Appendix 1 of the guideline). The site is identified as a key resource area on the basis that the resource is large and conveniently located to supply to Brisbane, Logan, Redland and northern Gold Coast markets for many years.

Further, the temporary State Planning Policy 2/12 - Planning for Prosperity (TSPP 2/12) identifies that the state's interests in economic growth include "promoting the state's mineral and extractive resource industries by preserving mineral and extractive resource industries and resolving at a regional and local level potential land use conflicts". The proposed development and the site relate to the state's interest in economic growth, particularly in respect of extractive resource industries, as identified in the TSPP 2/12.

- A fundamental issue for extractive industry is that aggregate material is a high-volume, low-cost product and transportation costs can significantly impact on the cost of the product. As the material is predominantly used in the building and construction industry, higher transportation costs can have an impact on housing affordability and infrastructure costs to government and industry.
- Projected population growth and resource demand estimates are identified in the applicant's economic need assessment and the department's independent economic state interests review. These reports indicate that there will be a sustained and significant increase in demand for quarry products to service population growth, investment in infrastructure and property development in selected parts of South East Queensland for the foreseeable future.
- South East Queensland's extractive resources are dispersed across the region. Mount Cotton is identified as a major hard rock resource deposit. Desired Regional Outcome (DRO) 4 of the *South East Queensland Regional Plan 2009 - 2031* seeks to ensure that regional natural resources are protected, managed, enhanced and used sustainably. Specifically DRO 4.2, which relates to extractive resources, amongst other resources, indicates that the region's natural economic resources are to be managed sustainably and efficiently to meet the needs of existing and future communities.
- Additional information provided by the applicant identifies that the proposed development would involve an initial direct investment of in excess of \$30 million in plant and equipment. In the long term, the applicant advises that proposed development would be anticipated to provide an economic benefit of an estimated \$400 million over its 50 year life.

Environment

- The proposed development is located on land identified as being within the Priority Koala Assessable Development Area under the *South East Queensland Koala Conservation State Planning Regulatory Provision* (Koala SPRP). The Koala SPRP seeks to achieve a net benefit of koala habitat in South East Queensland through the protection of existing habitat and where practicable, the offset of the loss of habitat through rehabilitation. The site also contains areas of regional ecosystem vegetation under the *Vegetation Management Act 1999* (VMA) that are to be protected or offset.

The development application states that no net loss of koala habitat is expected as a result of the development, and, in time, a net gain in koala habitat should be achieved both in terms of increased food resources and enhanced habitat connectivity. The information supporting the development application states that a proposed offset package will result in 65,971 new koala trees.

On the basis of the representations received in relation to the proposed call in notice, I have amended the state interests to also take account of the following:

Economic

- The proposed development has the potential to affect tourism in the area. The representations received for the proposed call in notice identified that a growing tourism industry in the area is centred on natural assets, including as a significant koala habitat. The proposed development has the potential to diminish the natural attractions in the surrounding area.
- The Redland Sub-regional narrative in the SEQ Regional Plan states that *"employment growth will occur through non-centre based employment located across Redland City. They will include tourism, education, marine, construction and health, and will continue to be supported and protected from incompatible uses... Ecotourism and tourism opportunities will continue to grow due to the city's extensive natural environmental assets, including its bushland, koala habitat areas, Moreton Bay and its islands."*
- The TSPP 2/12 also acknowledges the importance of promoting tourism by *"protecting Queensland's tourism attractions and significant natural assets, for the benefit and sustainability of the tourism industry, facilitating tourism projects that complement local conditions, and removing hurdles and locational limitations for appropriate tourism development"*.

Environmental

- Whilst the development application indicates that a net gain in koala habitat should be achieved, the representations received for the proposed call in notice identified a concern regarding the potential loss of koala habitats and/or populations in the interim period prior to mitigation measures such as the offset policy taking effect.
- Representations received for the proposed call in notice identified the potential impact of the quarry upon air quality in the region. The *Environmental Protection (Air) Policy 1997* (Air EPP) establishes long-term goals for ambient air quality in Queensland, including sulphur dioxide, nitrogen dioxide, ozone, carbon monoxide, particles, lead and a number of air toxics. The goals in the Air EPP must be taken into consideration when making decisions regarding conditions of approval for environmentally relevant activities. The development application advises that *"with the appropriate dust controls and management measures, surrounding residences will not be exposed to dust above the levels prescribed in the Air EPP"*.
- Representations received for the proposed call in notice identified the potential impact of the proposed development upon the existing amenity and character of the surrounding area. The proposed development has the potential to negatively impact on the existing amenity and character of the local area as a consequence of a lack of a sufficient buffer distance around the quarry operations, potentially unacceptable air quality and noise impacts, and road capacity and safety concerns relating to an increase in quarry traffic.

Integrated Development Assessment System

The development application will restart from the start of the decision stage of the Integrated Development Assessment System (IDAS).

Re-assessing and Re-deciding the Development Application

I will re-assess and re-decide the development application under the normal assessment and decision provisions of the SPA.

Planning and Environment Court Appeals

Pursuant to sections 427(5) and (6) of the SPA, my decision as the assessment manager cannot be appealed in the Planning and Environment Court, and all appeals made before the development application was called in are of no further effect.

Findings on material questions of fact

Particulars of the development application

Name of applicant	Groundwork Plus on behalf of Barro Group Pty Ltd
Date application properly made to Council	2 February 2013
Date of decision notice issued by council	12 June 2013
Date Minister issued proposed call in notice	8 August 2013
Development approval sought	Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities (ERA) 8 - Chemical Storage, 16 - (Extractive and Screening Activities) and 21 - (Motor Vehicle Workshop Operations)
Applicable planning scheme	Redlands Planning Scheme (version 3.1 2010)
Land zoning	Rural Non-Urban, Conservation and Environmental Protection
Level of assessment	Impact Assessment
Land owner	Barro Group Pty Ltd
Site address	1513, 1515-1521 Mount Cotton Road and 163-177, 195 Gramzow Road in Mount Cotton

Real Property description	Lot 162 S31962; Lot 238 SP218968; Lot 370 S311071; Lots 1 RP108970; 17 RP108970; The land comprising that part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968, which is the property of the State; The unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962
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Referral agencies	<ul style="list-style-type: none">▪ Department of Environment and Heritage Protection (EHP) – (Environmentally Relevant Activities, contaminated land, land in or near wetlands)▪ Department of Natural Resources and Mines (NRM) – (Clearing vegetation)▪ Department of Transport and Main Roads (TMR) – (State controlled road)▪ Energex Energy (Energex) – (Electricity infrastructure)
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Submissions received by council	Council received approximately 1139 properly made submissions and 85 not properly made submissions during the development application's public notification period.
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Appeals	Barro Group Pty Ltd v Redland City Council & Anor (Appeal No. 2335 of 2013)
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Consideration of call in

On 8 August 2013, I issued a proposed call in notice for the development application.

Written representations

A total of 743 representations were received. Of this, 564 were additional to the original list of affected parties. A total of 12 not properly made representations were also received. Of the 743 representations received:

- 696 advised that the development involved state interests. The majority of these representations were in favour of protecting the environmental interests of the site and surrounding areas (including the existing tourism industry) rather than economic interests
- 3 advised that the development did not involve state interest at all
- 734 affected parties advised they are opposed to the proposed development going ahead; while 9 advised they are in support of the quarry
- 32 made specific comment about the proposed call in notice, with 19 requesting you refuse the development and 4 requesting approval. 7 affected parties requested you do not intervene in the matter and allow the outcome be determined by the Planning and Environment Court. The remainder of the representations received did not provide comment on whether you should call in the application
- 676 were proforma representations.

The content of the representations received influenced my decision to call in the development application as majority of the representations acknowledged that the development involves state interests. In making my decision to call in the development application, I had regard to all matters raised in the representations received from affected parties.

Evidence or other material on which findings of material questions of fact were based

In forming my decision to call in the development application, I had regard to the following material:

Document	Ref No.
Departmental Briefing Note (signed 26 September 2013)	MBN13/1006
Attachment 1 - Determination of Call in Report - Barro Group Quarry dated September 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/77283
▪ Schedule 1 - Decision Notice dated 12 June 2013 and prepared by Redland Shire Council	D13/63015
▪ Schedule 2 - Proposed notice of call in, dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/52604
Attachment 2 - Draft notice of call in, dated 26 September 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/84639
Attachment 3 - Draft ministerial correspondence to affected parties including the assessment manager, applicant, submitters for the application and each concurrence agency dated 26 September 2013, prepared by the Department of State Development, Infrastructure and Planning	OUT13/4733
Attachment 4 - Draft ministerial correspondence to the Planning and Environment Court, dated 26 September 2013, prepared by the Department of State Development, Infrastructure and Planning	OUT13/4734
Attachment 5 - Representations received during the stated representation period (8 August - 30 August 2013)	Electronic
Departmental Briefing Note (signed 8 August 2013)	MBN13/691
Attachment 1 - correspondence dated 6 June 2013 addressed to me on 11 June 2013 from Barro Group Pty Ltd requesting I exercise my ministerial call in powers.	D13/53475
Attachment 2 - correspondence dated 11 July 2013 from Redland City Council addressed to me requesting a ministerial review of the development application and state referral agency approvals of the development application.	D13/64642
Attachment 3 - Preliminary Assessment Report of Request for Call in - Barro Group Quarry dated July 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/51521
▪ Schedule 1 - Mount Cotton Quarry - Barro Group Pty Ltd Planning Assessment Report dated 6 December 2010, prepared by Groundwork Plus	F13/4546-1
▪ Schedule 2 - Correspondence dated 21 May 2013, prepared by the Department of Sustainability, Environment, Water, Population and Communities	D13/62778
▪ Schedule 3 - Information Request Response dated 27 April 2012, prepared by Groundwork Plus	D13/62785

<ul style="list-style-type: none"> ▪ Schedule 4 - All referral agency responses for MCU012421: <ul style="list-style-type: none"> ▪ concurrence agency response (clearing vegetation) dated 4 January 2013 and prepared by the Department of Natural Resources and Mines ▪ concurrence agency response (ERA) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ advice agency response (land in or near a wetland) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ correspondence (contaminated land exemption) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ amended concurrence agency response (ERA, referrable wetlands and contaminated land) dated 19 February 2013 and prepared by Department of Environment and Heritage Protection ▪ concurrence agency response (state controlled road) dated 19 April 2011 and prepared by the Department of Transport and Main Roads ▪ advice agency response (electricity infrastructure) dated 22 June 2011 and prepared by Energex Limited 	D13/62929
<ul style="list-style-type: none"> ▪ Schedule 5 - Third party advice response dated 30 May 2012 and prepared by Logan City Council 	D13/63004
<ul style="list-style-type: none"> ▪ Schedule 6 - Submission Summary, undated and prepared by Redland City Council 	D13/63008
<ul style="list-style-type: none"> ▪ Schedule 7 - Submissions received during public notification, dated between 25 May and 12 July 2012 and prepared by various parties 	WR13/7542
<ul style="list-style-type: none"> ▪ Schedule 8 - Correspondence dated 22 March 2011 to Redland City Council, prepared by Councillor Cherie Dalley, Member for Division 8, Logan City Council 	D13/63012
<ul style="list-style-type: none"> ▪ Schedule 9 - Report - Coordination Committee Meeting dated 5 June 2013 and prepared by Redland City Council 	D13/63013
<ul style="list-style-type: none"> ▪ Schedule 10 - Decision Notice dated 12 June 2013 and prepared by Redland Shire Council 	D13/63015
<ul style="list-style-type: none"> ▪ Schedule 11 - Correspondence requesting call in, dated 6 June 2012 and prepared by Barro Group, received by the Department of State Development, Infrastructure and Planning on 11 June 2013 	D13/63016
<ul style="list-style-type: none"> ▪ Schedule 12 - Proposed Quarry Extension Mount Cotton, Redland City, Economic State Interest Report dated July 2013, prepared by Foresight Partners Pty Ltd 	D13/63017
<ul style="list-style-type: none"> ▪ Schedule 13 - Correspondence dated 11 July 2013 from Redland City Council addressed to me requesting a ministerial review of the development application and state referral agency approvals of the development application. 	D13/65488
<ul style="list-style-type: none"> ▪ Schedule 14 - Correspondence to Barro Group dated 16 July 2013, prepared by the Department of State Development, Infrastructure and Planning 	D13/63018
<ul style="list-style-type: none"> ▪ Schedule 15 - Notice of appeal (2335/2013), filed with the Planning and Environment Court on 28 June 2013, prepared by Barro Group 	D13/63019
<ul style="list-style-type: none"> ▪ Schedule 16 - Various correspondence to the state government about Redland City Council's decision: <ul style="list-style-type: none"> ▪ correspondence dated 23 May 2013, prepared by a representative of Barro Group ▪ correspondence dated 30 May 2013, prepared by a community member ▪ correspondence dated 1 June 2013, prepared by a community member 	D13/63021

<ul style="list-style-type: none"> correspondence dated 8 June 2013, prepared by a community member correspondence dated 10 June 2013, prepared by a community member correspondence dated 10 June 2013, prepared by a community member correspondence dated 11 June 2013, prepared by a community member correspondence dated 19 June 2013, prepared by a representative of Cement Concrete and Aggregates Australia 	
Attachment 4 - Draft proposed notice of call in, dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/52604
Attachment 5 - Draft ministerial correspondence to affected parties including the assessment manager, applicant, submitters for the application and each concurrence agency dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	OUT13/2703
Attachment 6 - Estimated statutory timeframes for a potential call in, dated 27 June 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/53587
<i>Sustainable Planning Act 2009</i>	
<i>South East Queensland Regional Plan 2009-2031</i>	
<i>South East Queensland Koala Conservation State Planning Regulatory Provision</i>	
<i>State Planning Policy 2/07: Protection of Extractive Resources</i>	
<i>Draft State Planning Policy Guideline: Mining and extractive resources (April 2013)</i>	
<i>Temporary State Planning Policy 2/12 - Planning for Prosperity</i>	
<i>Vegetation Management Act 1999</i>	

Dated 26 September 2013

Section 78B(2) RTI Act

JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

DEHP
SOUTHERN REGION RECEIVED

- 9 AUG 2013

RECEIVED
LVL 8 400G

09 AUG 2013

PALM

Our ref: MC13/2114

8 August 2013

Mr/Ms Shari Murphy, Permit and Licence Management, Implementation and Support
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

Dear Mr/Ms Murphy

I am writing to advise you that I am considering exercising my power under section 424 of the *Sustainable Planning Act 2009* (SPA) to call in, and re-assess and re-decide, a development application made by Groundwork Plus on behalf of Barro Group Pty Ltd to the Redland City Council for the extension of a quarry at Mount Cotton.

Pursuant to section 424A of the SPA, please find enclosed the proposed call in notice for your consideration. The purpose of the notice is to advise you of my intentions for calling in this development application and to invite written representations from you, as an affected party. I am specifically interested in finding out if you believe the proposed development involves a state interest, and if I should exercise my reserve powers under section 424 of the SPA and call in the development application.

The effect of calling in a development application is that I reassess and re-decide the development application in the place of the assessment manager. My decision on the development application is taken to be the original assessment manager's decision, however a person may not appeal my decision. Further, any appeals made to the Planning and Environment Court before the application is called in will cease to have effect.

Please address your representations to:

Deputy Premier
Minister for State Development, Infrastructure and Planning
C/- Director, Planning Services
Department of State Development, Infrastructure and Planning

Email: planning@dsdip.qld.gov.au
Fax: (07) 3235 4563
Post: PO Box 15009
CITY EAST QLD 4002

RECEIVED / REGISTERED Dept of Environment and Heritage Protection ESR Southern Region 400G	
9 AUG 2013	
File #:	SOR116331
Item #:	2225603

Please be advised that any representations you wish to make must be received by the Department of State Development, Infrastructure and Planning by 5.00 pm on 30 August 2013.

Yours sincerely

Section 78B(2) RTI Act

JEFF SEENEY MP

DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

Enc
RTI 13-228

DL Documents - File D

Level 12 Executive Building
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Facsimile +61 7 3210 2185
Email deputypremier@ministerial.qld.gov.au
Page 42 of 94

Release

- 9 AUG 2013

09 AUG 2013

RECEIVED
LVL 8 400G

PaLM

**PROPOSED CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER
THE SUSTAINABLE PLANNING ACT 2009**

Pursuant to Section 424A of the *Sustainable Planning Act 2009* (SPA), I hereby give notice that I am proposing to call in, and re-assess and re-decide a development application lodged by Groundwork Plus on behalf of Barro Group Pty Ltd (Barro Group) for the extension of a quarry at Mount Cotton (Barro Quarry). The development application was decided by the assessment manager, Redland City Council (council), on 5 June 2013.

Details of the development application I am proposing to call in are provided below:

Applicant: Groundwork Plus on behalf of Barro Group Pty Ltd

Type of Application: Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities (ERA) 8 - (Chemical Storage), 16 - (Extractive and Screening Activities) and 21 - (Motor Vehicle Workshop Operations)

Location: 1513 and 1515-1521 Mount Cotton Road and 163-177 and 195 Gramzow Road, Mount Cotton (Lot 162 S31962; Lot 238 SP218968; Lot 370 S311071; Lots 1 RP108970; 17 RP108970; the land comprising that part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968, which is the property of the state; The unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962).

Reasons for the Proposed Call In

State interests

Under Section 424 of the SPA, I may call in a development application only if the development involves a state interest. It is open to me, as the Planning Minister, to consider whether the development involves a state interest.

A state interest is defined in Schedule 3 of the SPA as:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or*
- (b) *an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.*

A regional plan is a state interest under Section 25 of the SPA, and a SPRP is a state interest under Section 18 of the SPA.

I consider the Barro Quarry development involves state interests, namely economic and environmental interests to the state or part of the state. On this basis, I have decided to propose a call in of the development application for the following reasons:

Economic

- The proposed development is identified in the *State Planning Policy 2/07: Protection of Extractive Resources* (SPP2/07), Mount Cotton Key Resource Area - 71 (Mount Cotton KRA 71). The policy outcomes sought by SPP 2/07 are directed at identifying extractive resources of state or regional significance and protecting those resources from future potential land use conflict.

The draft key resource area report for the Mount Cotton KRA 71 in Appendix 4 of the *draft State Planning Policy Guideline: Mining and extractive resources* (April 2013) states that the Mount Cotton KRA 71 meets the criteria for state significance (as outlined in Appendix 1 of the guideline). The site is identified as a key resource area on the basis that the resource is large and conveniently located to supply to Brisbane, Logan, Redland and northern Gold Coast markets for many years.

Further, the temporary State Planning Policy 2/12 - Planning for Prosperity (TSPP 2/12) identifies that the state's interests in economic growth include "promoting the state's mineral and extractive resource industries by preserving mineral and extractive resource industries and resolving at a regional and local level potential land use conflicts". The proposed development and the site relate to the state's interest in economic growth, particularly in respect of extractive resource industries, as identified in the TSPP 2/12.

- A fundamental issue for extractive industry is that aggregate material is a high-volume, low-cost product and transportation costs can significantly impact on the cost of the product. As the material is predominantly used in the building and construction industry, higher transportation costs can have an impact on housing affordability and infrastructure costs to government and industry.
- Projected population growth and resource demand estimates are identified in the applicant's economic need assessment and the independent economic state interests review. These reports indicate that there will be a sustained and significant increase in demand for quarry products to service population growth, investment in infrastructure and property development in selected parts of South East Queensland for the foreseeable future.
- South East Queensland's extractive resources are dispersed across the region. Mount Cotton is identified as a major hard rock resource deposit. Desired Regional Outcome (DRO) 4 of the *South East Queensland Regional Plan 2009 - 2031* seeks to ensure that regional natural resources are protected, managed, enhanced and used sustainably. Specifically DRO 4.2, which relates to extractive resources, amongst other resources, indicates that the region's natural economic resources are to be managed sustainably and efficiently to meet the needs of existing and future communities.
- Additional information provided by the applicant identifies that the proposed development would involve an initial direct investment of in excess of \$30 million in plant and equipment. In the long term, the applicant advises that proposed development would be anticipated to provide an economic benefit of an estimated \$400 million over its 50 year life.

Environment

- The proposed development is located on land identified as being within the Priority Koala Assessable Development Area under the *South East Queensland Koala Conservation State Planning Regulatory Provision* (Koala SPRP). The Koala SPRP seeks to achieve a net benefit of koala habitat in South East Queensland through the protection of existing habitat and where practicable, the offset of the loss of habitat through rehabilitation. The site also contains areas of regional ecosystem vegetation under the *Vegetation Management Plan 1999* (VMA) that are to be protected or offset.

The development application states that no net loss of koala habitat is expected as a result of the development, and, in time, a net gain in koala habitat should be achieved both in terms of increased food resources and enhanced habitat connectivity. The information supporting the development application states that a proposed offset package will result in 65,971 new koala trees.

Integrated Development Assessment System

If I decide to call in the development application, the Integrated Development Assessment System (IDAS) process for the development application is proposed to restart from the start of the decision stage.

Re-assessing and Re-deciding the Development Application

If I decide to call in the development application, I propose to re-assess and re-decide the development application under the normal assessment and decision provisions under Sections 314, 324 and 326 of the SPA.

Planning and Environment Court Appeals

If I decide to call in the development application, my decision on the development application is taken to be the original assessment manager's decision, however, a person may not appeal my decision. If I decide to call in the development application, any appeals made to Planning and Environment Court before the development application is called in will cease to have effect.

Representation Period

I invite written representations about the proposed exercise of my power under Section 424 of the SPA. Representations are specifically sought about whether the proposed development involves a state interest and if I should exercise my powers and call in the development application.

Representations must be made by 5pm on 30 August 2013 to:

Deputy Premier
Minister for State Development, Infrastructure and Planning
C/- Director, Planning Services
Department of State Development, Infrastructure and Planning

Email: planning@dsdip.qld.gov.au
Fax: (07) 3235 4563
Post: PO Box 15009
CITY EAST QLD 4002

Findings on Material Questions of Fact

Development application

In 2011, Barro Group lodged a development application for a Material Change of Use for Extractive Industry with the council again seeking to extend the quarry operations to Lot 162 S31962, Lot 238 SP218968 and Lot 370 S311071; while maintaining and utilising existing ancillary facilities at the current quarry site (on Lots 1 and 17 RP108970). The development application was properly made on 2 February 2011.

The development application also sought approval for a number of ERAs, including:

- ERA 8(3)(a) Chemical storage - Storing 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3;
- ERA 16(2)(c) Extractive and screening activities threshold - extracting, other than by dredging, in a year, more than 100,000t to 1,000,000t of material;
- ERA 16(3)(b) Extractive and screening activities threshold - screening, in a year, more than 100,000t to 1,000,000t of material; and
- ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing relating to motor vehicles.

Proposed expansion

As outlined in the Groundwork Plus report, the application proposes to extract meta-greywacke source rock from a pit to be developed on Lot 238 SP218968 and Lot 370 S311071 by conventional quarrying techniques; and transport the material to a primary crushing and conveyor loading plant located on Lot 162 S31962 and adjacent to the meta-greywacke pit. From here, crushed rock will be transported by a conveyor to the existing crushing and screening operations on Lot 17 RP108970.

As indicated, the material will be processed into a wide range of quarried products and stockpiled at the current quarry site. Product delivery to markets will continue via the existing entrance to the site on Mount Cotton Road. The quarry expansion is proposed to be developed in four stages, as detailed in Table 1 and Figure 1.

Stage	Detail
Stage 1A	Construction of crushing and loading plant, conveyor line to processing plant, a new access road to extraction site, and stormwater management features.
Stage 1B	First stage of quarry development - producing an estimated 10 million tonnes of resource.
Stage 2	Expansion of the new quarry further to the west - producing an estimated 7 million tonnes of resource.
Stage 3	Expansion of the new quarry further to the west - producing an estimated 12 million tonnes of resource.
Stage 4	Expansion of the new quarry further to the west - producing an estimated 13.5 million tonnes of resource.
<i>Table 1 - Proposed stages of development</i>	

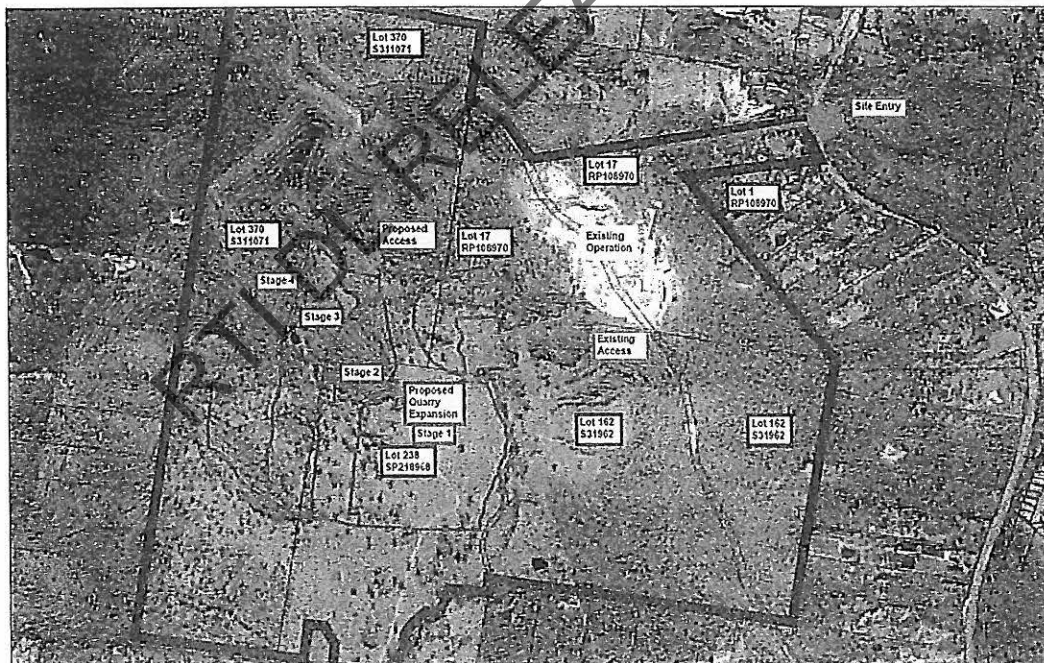


Figure 1 - Proposed expansion and existing operation

Access to the site will remain via the existing site entry point from Mount Cotton Road at a location approximately 400 metres south of Hillview Road and 900 metres north of Valley Way. According to the *Traffic Report for Barro Group - March 2006*, prepared by Viney Traffic Engineering, traffic volumes on Mount Cotton Road are estimated to increase in volume by less than 5% for any movement as a consequence of the proposed development. Internally, access from the existing quarry site to the proposed meta-greywacke extraction area and associated primary crushing and conveyor loading plant will be via a new internal haul road. The proposed internal haul road is outlined in green on Figure 1.

Information and referral

The development application triggered a number of state agencies for concurrence and advice agency assessment. This is detailed in Table 2.

Agency name at time of lodgement	Agency name as a result of Machinery of Government (MoG) 2012	Referral trigger	Referral role
Department of Environment and Resource Management (DERM)	Department of Environment and Heritage Protection (EHP)	Environmentally Relevant Activities - Schedule 7, table 2, item 1, SPR	Concurrence
Department of Environment and Resource Management (DERM)	Department of Natural Resources and Mines (NRM)	Clearing Vegetation - Schedule 7, table 3, item 10, SPR	Concurrence
Department of Environment and Resource Management (DERM)	Department of Environment and Heritage Protection (EHP)	Contaminated Land - Schedule 7, table 2, item 23, SPR	Concurrence
Department of Environment and Resource Management (DERM)	Department of Environment and Heritage Protection (EHP)	Land in or near Wetlands - Schedule 7, table 3, item 21, SPR	Advice
Department of Transport and Main Roads (TMR)	Department of Transport and Main Roads (TMR)	State Controlled Road - Schedule 7, table 2, item 3, SPR	Concurrence
Energex Energy (Energex)	Energex Energy (Energex)	Electricity Infrastructure - Schedule 7, table 3, item 9, SPR	Advice
<i>Table 2 - Referral triggers</i>			

The development application was also referred to the Commonwealth Government, Department of Sustainability, Environment, Water, Population and Communities (DSEWPC), to determine whether the application involved a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). The onus is on the Barro Group to seek a determination on whether or not the proposal will cause any significant impact on a Matter of National Environmental Significance.

On 21 May 2013, the DSEWPC responded to Barro Group, identifying that the proposed development did not involve a controlled action.

Redland City Council information request

After extending its information request period, on 15 March 2011, council issued an information request to Groundwork Plus (on behalf of Barro Group). The information request sought further information relating to:

- the proposal's compliance with the hierarchy of planning instruments referred to in the SPA; and where conflicts or inconsistencies arose, detail of how those conflicts or inconsistencies could be overcome
- environmental assessment requirements in terms of habitat protection, waterways and wetlands, stormwater management, leachable contaminants and post operation rehabilitation
- noise assessment requirements air quality and dust requirements through the preparation of dust modelling, a dust impact assessment and information on the predicted levels of ultrafine particulates arising from the quarry use
- visual amenity requirements and information on the visibility and scale of the dust plumes that occur as a result of the quarrying operations. Scale drawings that illustrate the visual sensitivity of the site to the proposed development at the present time and at each stage of the development were also requested.

After a number of agreed extensions to the information response period between council and the applicant, on 27 April 2012, Groundwork Plus provided its response to council's information request dated 15 April 2011.

DERM referral agency response

On 16 March 2011, DERM received the development application for concurrence agency assessment.

After extending its information request period, on 13 April 2011, DERM wrote to Barro Group and advised that further information was required in relation to vegetation management on the site. DERM advised in its letter that the development application did not provide adequate information to meet the performance requirements of the *Regional Vegetation Management Code for Southeast Queensland Bioregion (Version 2)*.

On 16 March 2012, Groundwork Plus responded to DERM's information request relating to vegetation management. The response provided further information about compliance with the performance requirements of the *Regional Vegetation Management Code for Southeast Queensland Bioregion (Version 2)*.

As a result of the MoG changes in 2012, DERM split into a number of separate agencies including NRM and EHP. The referral agencies triggered for the development application changed as outlined in Table 2.

After a number of extensions to the referral agency assessment period, on 15 January 2013, NRM and EHP provided a referral response for the development application. The response contained a number of attachments addressing the former DERM's jurisdiction, detailed as follows:

Contaminated Land (Concurrence agency response from EHP received 15 January 2013)

The development application was referred to EHP as a concurrence agency for assessment against matters relating to contaminated land. EHP's Waste and Land Contamination Assessment Unit undertook an assessment of the development application and supporting information and concluded that an exemption stated in the SPR (Reprint No. 4A), Schedule 3, Part 1, Table 2, item 6(b) applied:

Item 6 - Making a material change of use of premises if all or part of the land forming part of the premises is on the environmental management register or contaminated land register, unless -

b. there is currently a notifiable activity on the land and the activity is continuing.

ERAs (Concurrence agency response from EHP received 15 January 2013)

The development application proposes to carry out a number of ERAs on site. As a result, EHP was triggered as a concurrence agency for ERAs under the SPR. EHP's assessment of the ERAs concluded that all proposed ERAs could be approved, subject to conditions.

The conditions on the ERAs relate to general agency interest matters; air matters including dust control, nuisance and monitoring; land matters in terms of site rehabilitation; noise matters including noise monitoring, explosive blasting nuisance and vibration monitoring; social matters in terms of complaint response, water monitoring matters, and waste matters in terms of waste removal.

Referrable wetlands (Advice agency response from EHP received 15 January 2013)

A small portion of the eastern part of Lot 1 RP108970 is affected by wetlands of general ecological significance (Figure 2). As such EHP was triggered as an advice agency for referrable wetlands under the SPR. EHP's assessment of the trigger concluded that no advice was recommended in its advice agency response.

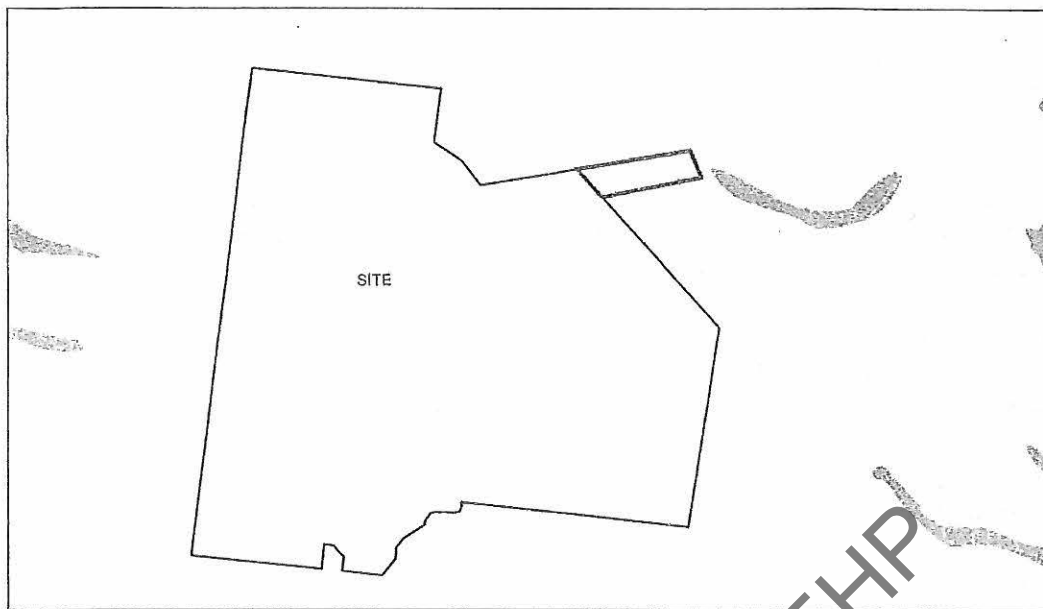


Figure 2 - Referrable wetlands map

Vegetation clearing (Concurrence agency response from NRM received 4 January 2013)

The site includes areas of mapped remnant vegetation. As stated in the Groundwork Plus report, the only areas of mapped remnant vegetation (predominantly regrowth vegetation that has attained the canopy structural and floristic characteristics that meet the criteria for remnant vegetation under the VMA) that will be negatively impacted by the proposed works, are areas of the dry open forest and woodland of regional ecosystem 12.11.5. The Groundwork Plus report outlines that this regional ecosystem is listed as least concern under the VMA.

As such, NRM was triggered as a concurrence agency for vegetation clearing under the SPR. NRM's assessment of the development application resulted in NRM providing development conditions to be imposed on any council issued approval. NRM's conditions related to vegetation offsets to mitigate land degradation and loss of biodiversity and ecological processes; and the parameters around vegetation clearing on site.

On 19 February 2013, EHP provided an amended referral agency response for matters relating to its jurisdiction for the ERAs, referrable wetlands and contaminated land. The amended response included the same requests and information from the original referral agencies responses, as provided on 15 January 2013.

TMR referral agency response

The development is located along part of Mount Cotton Road which is a state-controlled road. As a result, the application was referred to TMR for assessment against the impacts of the proposed development on the state-controlled road network, land use and transport coordination and the operational safety and integrity of railways and future railways.

On 19 April 2011, TMR provided its referral agency response for matters relating to the state-controlled road network. TMR advised that it considered the following in its assessment of the proposal:

- the safety of road users through material provided by the applicant and documents commissioned by TMR
- the efficiency of Mount Cotton Road and other state controlled roads (Beenleigh-Redland Bay Road and Mount Gravatt-Capalaba Road). The efficiency of the road including such aspects as ease of traffic movements, capacity of the roads and intersections and quality of the pavement have drawn from material provided by the applicant and acquired by TMR
- the impact that the development will have on the planning for the state controlled roads, through material provided by the applicant and acquired by TMR.

In its response, TMR provided conditions to be imposed on any approval given for the proposed development. The development conditions provided by TMR related to upgrading the existing vehicular, road network impacts, stormwater runoff, environmental nuisance and conditions compliance.

Energex referral agency response

The proposed development triggered Energex as an advice agency for electricity infrastructure. On 22 June 2011, Energex provided its advice agency response recommending conditions to be imposed on any approval given for the proposed development. The development conditions provided by Energex require the applicant to enter a Works Project Contract with Energex, comply with all existing easement conditions and provide for approval civil design drawings showing any proposed cut and fill levels on the easement and the location of Energex assets.

Energex also provided general conditions to be complied with when considering quarry construction.

Third party advice request to Logan City Council

In response to council's request for third party advice, on 30 May 2012, Logan City Council provided third party advice to the council about the development application. Logan City Council provided advice on matters relating to traffic, blasting and vibration, visual amenity, air quality, water management, SPP2/07 and compatible land use.

In its response, Logan City Council provided a number of proposed conditions to be imposed on the development, should it be approved, and requested that further analysis be carried out in relation to water management on the site.

Logan City Council advised that it considered "the development will intensify the quarry operations carried out on the subject premises and that quarrying/mining operations are uses which have the greatest likelihood to impact on surrounding land uses and must be considered in the context of surrounding land uses, not only within Redland Shire Council but also within Logan City Council."

As advised by Logan City Council, "the land within Logan City boundaries that is within a two kilometre radius of the proposed quarrying operations is zoned for conservation purposes under the Logan Planning Scheme 2006. Land within this zone is intended to have a bushland character and amenity and is intended to be developed in a manner that will provide for the protection and enhancement of environmental values of the area. The applicant has provided documentation addressing the potential impacts of the proposal in a generic sense but not in the context of the Logan Planning Scheme 2006. The proposal will interfere with the land use intention of land located in Logan City."

Logan City Council also advised that the proposal is inconsistent with the outcomes intended for land subject to the *Logan Planning Scheme 2006*. **Figure 1** identifies the local government boundary between Redland (to the north) and Logan (to the south).

Public notification

Between 25 May 2012 and 12 July 2012, the development application underwent public notification. During the public notification period, council received 1139 properly made submissions; and 85 not properly made submissions. Council has advised that all submissions received were opposed to the proposed development going ahead. A summary of the key matters raised in the submissions provided by the council, in the Portfolio 7 Report, are outlined below:

- the development will have significant impacts upon the environmental values of the local area by removing significant native vegetation, fragmenting native habitats and restricting fauna movement
- the development will remove significant native vegetation that is a food resource for native fauna
- the development will remove habitat for a range of vulnerable and threatened fauna and flora; including the koala, native jute, macadamia integrifolia, powerful owl, glossy black cockatoo and the tusked frog
- the application does not demonstrate overriding need for the resource to be extracted, given other operations already in existence in the locality
- there are insufficient buffers between the quarry and surrounding properties to suitably mitigate noise and air quality impacts
- there is insufficient information to demonstrate that the risks associated with blasting, vibration and flyrock can be managed to protect the local community
- there is insufficient information to identify the impacts of the development on hydrology, including surface and groundwater flows, outside of the quarry pit area. Therefore, there is insufficient information to demonstrate that it will not impact on downstream properties with regard to flooding
- there is insufficient information to demonstrate that the water quality of California Creek and other associated drainage lines will be preserved
- there is insufficient information to identify the impacts of the development on the stability of land surrounding the quarry
- there is insufficient information to assess the potential exposure and the health risks of surrounding residents to toxic silica dust and other micro particulates from the quarry operation
- the quarry is incompatible with approved and planned urban development surrounding the site
- the development will result in increased traffic, which will increase the risk of traffic accidents and have an unacceptable impact on the local community

- the haulage routes are not clearly identified and could potentially include the use of local roads. This would result in unacceptable impacts with regard to noise, residential amenity, traffic safety and damage to local roads
- conditions should be imposed to ensure that Gramzow Road is not used by quarry traffic
- the quarry will sterilise large areas of surrounding rural land, by reducing any impetus for pursuing uses such as tourist accommodation. It will also impact on existing tourist accommodation uses surrounding the site
- the quarry will be visible from surrounding properties and public places, which will impact on the amenity of residents and the public
- the extraction rate should remain at current rates (500,000 tonnes per annum)
- the development will impact on the microclimate and airflows by the destruction of orographic clouds, which will affect the patch of rainforest on the site.

In response to the submissions received, council prepared a summary of submissions and provided a response to each of the matters. A review of the submissions against council's summary identified three additional issues that council did not provide a response. These are opening hours, predicted employment impacts and condition compliance enforcement.

Redland City Council decision

After extending its decision making period, council officers put forward the development application for consideration by Full Council at a Coordination Committee Meeting on 5 June 2013. In their report to the Coordination Committee Meeting, council officers found that the application had been assessed against the planning scheme and relevant state instruments and was considered to comply with the planning instruments. Council officers therefore recommended the development application be approved, subject to conditions.

Despite council officers recommending that Full Council approve the development application, the application was refused by Full Council (nine to one) on the following grounds:

- the proposed extension is actually a new quarry, extracting new material from a different location on the site, with a significantly greater scale than the existing quarry
- the proposed development is not consistent with the reasonable expectations of the local community, because the proposal is for a completely separate quarry which is of a significant scale and will operate in close proximity to adjoining rural residential properties
- the applicant has failed to demonstrate that the new quarry can be constructed and operated in such a manner as to protect the amenity of the surrounding sensitive receptors
- the applicant has failed to adequately define and apply suitable noise criteria to assess protection of amenity for the surrounding sensitive receptors
- the proposal will not maintain or enhance the rural residential amenity of the surrounding area through the minimisation of environmental nuisance occurring through the operation and construction of the quarry
- the proposal adversely impacts on and limits the future enhancement of the surrounding economic tourism opportunities

- a large number of submissions have been received objecting to the proposal, which raise valid planning grounds
- the proposed development is in conflict with the following provisions of the Redlands Planning Scheme:
 - Part 3.1.4, Desired Environmental Outcome No. 3 – Community Health and Wellbeing
 - Part 3.1.7, Desired Environmental Outcome No. 6 – Economic Development
 - Overall Outcomes 2(a)(i) and 2(c) for the Rural Non-Urban Zone
 - Overall Outcome 2(a)(iv) for the Extractive Industry Code
 - Specific Outcomes S2.1 to S2.4 of the Extractive Industry Code.
- there are not sufficient grounds to warrant approval of the proposed development having regard to the nature and extent of the conflict with the Redlands Planning Scheme
- that the development proposal be immediately referred to the relevant state Minister to assess the proposal, in particular the decisions of the state agencies, under the SPA.

Council issued a decision notice on 12 June 2013 refusing the development application.

The department notes that in council's reasons for refusal it is stated that *"the development proposal be immediately referred to the relevant State Minister to assess the proposal, in particular the decisions of the state agencies, under the SPA"*.

Request for call in

On 6 June 2013, Barro Group wrote to me about the development and requested that I consider calling in the application. In its request, Barro Group outlined that the proposed development involved a number of state interests, including:

- an interest that affects an economic interest of the state
- an interest that affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system
- the existing quarry and the proposed expansion is an identified Key Resource Area (KRA 71) under *State Planning Policy 2/07: Protection of Extractive Resources* (SPP2/07) and the current draft State Planning Policy.

Barro Group advised that in order to obtain an approval for the development application, they will be required to lodge an appeal in the Planning and Environment Court which will incur significant cost, time and resources.

On 2 July 2013, the Department of State Development, Infrastructure and Planning (the department) engaged an economist to undertake an independent review of the development proposal to determine whether the development involves economic state interests. The independent report concluded that the proposed development satisfied economic state interests under the SPA for the reasons outlined in the report.

On 11 July 2013, council wrote to me requesting a *"Ministerial review"* of the development application and state referral agency approvals. The request identifies that *"Redland City Council has significant concerns about the inadequacy of the conditions proposed by the state, and the competing state interests that affect the subject land"*. Council identified that it seeks support *"for its decision refusing the application"*.

On 16 July 2013, the department responded to Barro Group seeking clarification on matters relating to the likely investment value of the proposed extension to the quarry and its current (and likely future) economic contribution in terms of employment and wages.

On 18 July 2013, Barro Group responded to the department's request with additional information regarding the expected economic contribution of the proposed development. Barro Group identified in their response that the proposed development is expected to involve an initial direct investment of in excess of \$30 million in plant and equipment. Barro Group state that the development is also anticipated to provide a long term economic benefit of an estimated \$400 million over its 50 year life. This information was provided to the economist for their consideration as part of their independent review of the economic state interests of the proposed development.

The economist considered the information provided by Barro Group. The economist identified that the additional information provided by Barro Group presented "a more complete picture of the economic contribution of the quarry's proposed expansion. The proposed initial direct investment in the quarry expansion and on-going employment represent only a fraction of Redland City's estimated Gross Regional Product of \$4.375b and over 44,500 jobs as at 2012 (source: Redland City Economic Profile, <http://economy.id.com.au/Redland/home>). Such a comparison, however, does not reflect the pervasive and on-going community and economic need for readily accessible quarry products".

Appeal

On 28 June 2013, Barro Group filed an appeal (appeal number: 2335/2013) in the Planning and Environment Court against council's decision to refuse the development application. The notice of appeal was received by the Chief Executive of the department on the same day the appeal was filed.

Preliminary review

The development application was properly made on 2 February 2011. As such the relevant planning scheme is *Redlands Planning Scheme (Version 3.1)* (planning scheme). Under the planning scheme, the site is located within the Conservation, Environmental Protection and Rural Non-Urban zones (Figure 3) and a material change of use for extractive industry in these zones is subject to impact assessment. Regard can also be given to the current version of the *Redlands Planning Scheme, Version 5.3* which sets the same planning intent for the site.



As demonstrated above, the majority of the proposed expansion area is located in the Rural Non-Urban zone. As outlined in the planning scheme, one of the overall outcomes sought for development in the Rural Non-Urban zone is that development provides for uses that “recognise identified extractive resources”. This, coupled with specific outcome S1.2 of the Rural Non-Urban zone code which promotes development that “involves the winning of extractive resources”, identifies that while it is subject to impact assessment the proposed use is generally consistent with the land use intent for the area.

As further stated by council officers in the report to the Coordination Committee Meeting on Wednesday 5, June 2013, "... the fact that the land is identified as within KRA 71 of SPP2/07; which in turn is reflected in the Extractive Resources Overlay code of the planning scheme – [it is considered that] there is a clear direction that the land is generally appropriate for quarrying activity". Despite this, council officers acknowledged that the proposed development "needs to be assessed and balanced against the other codes and state policies in relation to its amenity and environmental outcomes".

As demonstrated in Figure 3, the remainder of the site is located in either the Conservation or Environmental Protection Zone of the planning scheme. Under the Conservation Zone Code, the purpose of the zone is to ensure “uses and other development identifies, protects and provides for the long-term management and enhancement of the environmental values associated with the zone”. The code also outlines that development and uses in the zone “should minimise adverse impacts on environmental and scenic values”.

Council officers advised in their report to the Coordination Committee Meeting on Wednesday 5, June 2013 that the *"majority of the conservation area (other than the portion affected by the access road and conveyor belt) will remain free of development. This will retain the existing vegetation cover"*.

Council officers further advised that "a rehabilitation plan formed part of the application, which proposes to rehabilitate the existing cleared areas outside of the quarry pit extent. As well as addressing the outcomes in the Conservation Code, this rehabilitation is intended to offset the loss of remnant vegetation and koala habitat trees that are proposed to be removed from the quarry pit area."

Council's review of the development application against the planning scheme triggered assessment against a number of codes as outlined in Table 3.

Applicable Codes
Zone Code(s)
Rural Non-Urban Zone Code
Conservation Zone Code
Environmental Protection Zone Code
Use Code
Extractive Industry Code
Overlay Code(s)
Bushfire Hazard Overlay Code
Extractive Resources Overlays Code
Flood Prone, Storm Tide and Drainage Constrained Land Overlay Code
Landslide Hazard Overlay Code
Protection of the Poultry Industry Overlay Code
Road and Rail Noise Overlay Code
Water Supply Catchment Overlay Code
Waterways Wetland and Moreton Bay Overlay Code
Other Development Code(s)
Excavation and Fill Code
General Code(s)
Access and Parking Code
Development Near Underground Infrastructure Code
Erosion Prevention and Sediment Control Code
Infrastructure Works Code
Landscape Code
Stormwater Management Code
Table 3 - Relevant planning scheme codes

State matters

My initial review of the development application and supporting material has identified that the following state planning instruments apply to the application:

South East Queensland Regional Plan 2009-2031

The site is located within the Regional Landscape and Rural Production Area of the SEQ Regional Plan. The site is also identified within DRO 4 - Natural Resources, Map 8: Rural production and natural resources as an Extractive Resource location.

South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions

Under the *South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions* (SEQRP SPRP), Extractive Industry is included in the definition of "primary industry". Primary industry is not an urban activity under the SEQRP SPRP, and as such, Division 2 of the SEQRP SPRP does not apply to the proposed development.

South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP)

The site is included within the Priority Koala Assessable Development Area of the Koala SPRP. Council officers, in the report to the Coordination Committee Meeting, acknowledged that the provisions of the Koala SPRP and the Habitat Protection Overlay code in the Redlands Planning Scheme apply to the site; however stated that they *"do not consider that either the Koala SPRP or the Overlay removes the ability to establish a quarry on the site, rather potentially constrains the development in terms of its extent and operation"*. The council officers' report advised that *"it is considered that while altering fauna movement and habitat extent, the development outcome will still ensure that the site has equivalent conservation values with losses in some sections and significant ecosystem enhancement in other sections"*.

State Planning Policy 2/07 Protection of Extractive Resources (SPP 2/07)

The development site is included in the Mount Cotton KRA - 71 in SPP 2/07. The policy outcomes sought by SPP 2/07 are directed at identifying extractive resources of state or regional significance and protecting those resources from future potential land use conflict.

Temporary State Planning Policy 2/12 Planning for Prosperity (TSPP 2/12)

The department notes that the purpose of the TSPP 2/12 is to ensure that economic growth is facilitated by local and state plans, and is not adversely impacted by planning processes. The policy identifies that the state's interests in economic growth include *"promoting the state's mineral and extractive resource industries by preserving mineral and extractive resource industries and resolving at a regional and local level potential land use conflicts"*. The policies about the matters of state interest further states the need to *"identify known mineral, petroleum, gas, hard rock and geothermal reserves and protect these reserves from incompatible development"*. The proposed development and the site relate to the state's interest in economic growth, particularly in respect of extractive resource industries, as identified in the TSPP.

draft State Planning Policy (draft SPP)

The draft SPP was released for public consultation in April 2013. There are a number of proposed interests outlined in the draft SPP which are considered to relate to the proposed development. The draft SPP seeks to outline the state's interests for the purposes of making and amending local planning instruments, making or amending a regional plan, local government development assessment and for the designation of land for community infrastructure. The department considers the following interests are relevant to the proposed development:

- *Amenity and community wellbeing - Encourage amenity and community wellbeing in new communities and when redevelopment occurs within existing communities*
- *Mining and extractive resources - Significant mineral, coal, petroleum, gas and extractive resources are appropriately considered in order to support the:*
 - *Productive use of mining resources and a strong resource industry, and*
 - *Supply of energy and construction materials, and*
 - *Avoidance and management of current and potential land use conflicts.*

While the draft SPP outlines the importance of identifying and protecting KRAs, the associated draft SPP guideline specifically outlines those areas considered to meet the criteria for state significance and lists the existing KRAs across the state. Included in the guideline is a description of each KRA, including the Mount Cotton KRA – 71.

- *Biodiversity – Matters of national and state environmental significance are valued and appropriately safeguarded to support healthy and resilient ecosystems and ensure the sustainable, long-term conservation of biodiversity and the social, economic, cultural and environmental benefits it provides*
- *State transport infrastructure and networks – The benefits of investment in state infrastructure and services are maximised through integrated state and local land use planning.*

As previously stated, the development application triggered a number of concurrence and advice agencies for referral assessment. The matters subject to these assessments are also considered to be state matters.

Evidence or other material on which findings of material questions of fact were based

In forming my decision to propose to call in the development application, I had regard to the following material:

Document	Ref No.
Departmental Briefing Note (signed 8 August 2013)	MBN13/691
Attachment 1 – correspondence dated 6 June 2013 addressed to and received by me on 11 June 2013 from Barro Group Pty Ltd requesting I exercise my ministerial call in powers.	D13/53475
Attachment 2 – correspondence dated 11 July 2013 from Redland City Council addressed to me requesting a ministerial review of the development application and state referral agency approvals of the development application.	D13/64642
Attachment 3 – Preliminary Assessment Report of Request for Call in – Barro Group Quarry dated July 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/51521
▪ Schedule 1 – Mount Cotton Quarry – Barro Group Pty Ltd Planning Assessment Report dated 6 December 2010, prepared by Groundwork Plus	F13/4546-1
▪ Schedule 2 – Correspondence dated 21 May 2013, prepared by the Department of Sustainability, Environment, Water, Population and Communities	D13/62778
▪ Schedule 3 – Information Request Response dated 27 April 2012, prepared by Groundwork Plus	D13/62785
▪ Schedule 4 – All referral agency responses for MCU012421: <ul style="list-style-type: none"> ▪ concurrence agency response (clearing vegetation) dated 4 January 2013 and prepared by the Department of Natural Resources and Mines ▪ concurrence agency response (ERA) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ advice agency response (land in or near a wetland) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection ▪ correspondence (contaminated land exemption) dated 15 January 2013 and prepared by Department of Environment and Heritage Protection 	D13/62929

<ul style="list-style-type: none"> amended concurrence agency response (ERA, referrable wetlands and contaminated land) dated 19 February 2013 and prepared by Department of Environment and Heritage Protection concurrence agency response (state controlled road) dated 19 April 2011 and prepared by the Department of Transport and Main Roads advice agency response (electricity infrastructure) dated 22 June 2011 and prepared by Energex Limited 	
<ul style="list-style-type: none"> Schedule 5 - Third party advice response dated 30 May 2012 and prepared by Logan City Council 	D13/63004
<ul style="list-style-type: none"> Schedule 6 - Submission Summary, undated and prepared by Redland City Council 	D13/63008
<ul style="list-style-type: none"> Schedule 7 - Submissions received during public notification, dated between 25 May and 12 July 2012 and prepared by various parties 	WR13/7542
<ul style="list-style-type: none"> Schedule 8 - Correspondence dated 22 March 2011 to Redland City Council, prepared by Councillor Cherie Dalley, Member for Division 8, Logan City Council 	D13/63012
<ul style="list-style-type: none"> Schedule 9 - Report - Coordination Committee Meeting dated 5 June 2013 and prepared by Redland City Council 	D13/63013
<ul style="list-style-type: none"> Schedule 10 - Decision Notice dated 12 June 2013 and prepared by Redland Shire Council 	D13/63015
<ul style="list-style-type: none"> Schedule 11 - Correspondence requesting call in, dated 6 June 2012 and prepared by Barro Group, received by the Department of State Development, Infrastructure and Planning on 11 June 2013 	D13/63016
<ul style="list-style-type: none"> Schedule 12 - Proposed Quarry Extension Mount Cotton, Redland City, Economic State Interest Report dated July 2013, prepared by Foresight Partners Pty Ltd 	D13/63017
<ul style="list-style-type: none"> Schedule 13 - correspondence dated 11 July 2013 from Redland City Council addressed to me requesting a ministerial review of the development application and state referral agency approvals of the development application. 	D13/65488
<ul style="list-style-type: none"> Schedule 14 - Correspondence to Barro Group dated 16 July 2013, prepared by the Department of State Development, Infrastructure and Planning 	D13/63018
<ul style="list-style-type: none"> Schedule 15 - Notice of appeal (2335/2013), filed with the Planning and Environment Court on 28 June 2013, prepared by Barro Group 	D13/63019
<ul style="list-style-type: none"> Schedule 16 - Various correspondence to the state government about Redland City Council's decision: <ul style="list-style-type: none"> correspondence dated 23 May 2013, prepared by a representative of Barro Group correspondence dated 30 May 2013, prepared by a community member correspondence dated 1 June 2013, prepared by a community member correspondence dated 8 June 2013, prepared by a community member correspondence dated 10 June 2013, prepared by a community member correspondence dated 10 June 2013, prepared by a community member correspondence dated 11 June 2013, prepared by a community member correspondence dated 19 June 2013, prepared by a representative of Cement Concrete and Aggregates Australia correspondence dated 11 July 2013, prepared by representative of the Koala Action Group Qld Inc 	D13/63021

Attachment 4 - Draft proposed notice of call in, dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/52604
Attachment 5 - Draft ministerial correspondence to affected parties including the assessment manager, applicant, submitters for the application and each concurrence agency dated 8 August 2013, prepared by the Department of State Development, Infrastructure and Planning	OUT13/2703
Attachment 6 - Estimated statutory timeframes for a potential call in, dated 27 June 2013, prepared by the Department of State Development, Infrastructure and Planning	D13/53587
Legislation	
<i>Sustainable Planning Act 2009</i>	
Other Planning Instruments	
<i>Redland City Council Planning Scheme (Version 3)</i>	
<i>South East Queensland Regional Plan 2009-2031</i>	
<i>South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions</i>	
<i>South East Queensland Koala Conservation State Planning Regulatory Provisions</i>	
<i>State Planning Policy 2/07 - Protection of Extractive Resources</i>	
<i>Temporary State Planning Policy 2/12- Planning for Prosperity</i>	
<i>Draft State Planning Policy</i>	

Dated 8 August 2013

Section 78B(2) RTI Act

JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning

Mincor4

(CTS No. 20072/13)
AWAITING SIGNOFF
(EHP - DG)

CTS No: 20072/13
 Concerning: Minister for State Development, Infrastructure and Planning exercising power under section 424 of SPA to call in, and re-assess and re-decide, a DA regarding the extension of a quarry at Mount Cotton.
 Campaign: .
 Security Classification: No security

Currently Assigned To: EHP - DG
 DU: 28/08/13
 Templates: .
 Ack Letter Template: .

CLIENTS (1)

Role	Name	Client Type	Organisation/Company	Post code	Locality	Primary
Original Correspondent	The Honourable Jeff Seeney MP	MIN - Qld/Other State Ministers	Deputy Premier and Minister for State Development, Infrastructure and Planning	4000		Yes

ACKNOWLEDGEMENT LETTER DETAILS

Reply to Name: .
 Reply To Org: .
 Reply to Address: .
 Regarding: .
 Position: .

DEPARTMENTAL DETAILS

Business Area: EHP - ESR Southern
 Business Unit: Southern - ES East
 Action Type: Brief & Letter for DG
 Hard Copy Attachments: .
 Further Details: .
 Redraft Reason: .
 Executive Contact: Corro EHP ESR Southern
 Agency Author: Mooney Chris
 Signing Officer: .

INVOLVEMENT DETAILSCOMMENTSDATES

Created: 22/08/13
 Received: 22/08/13
 Dated: .
 Draft Due to EHP - DG: .
 Date Draft Received: 27/08/13
 Date Sent for Signoff: 28/08/13
 Due Signatory: .
 Signed: .
 Sent for Redraft: .
 Completion Date: .
 Finalised: .
 YOUR DUE DATE: 28/08/13
 EC Officer Allocated: .

GENERAL DETAILS

External Reference No:

Related CTSNo:

Thesaurus No:

File No:

Contact Name:

Classification:

Locality:

Author (Requestor):

Author Type:

SIGNATORIES

Select the next

Due Date:

Signatory:

Date Received: 28/08/13

Date Submitted: 28/08/13

Current Signatories

Signatory	Due Date	Date Completed	Submitted To	Received From
EHP - DG			28/08/13	
EHP - ESR Southern	27/08/13	27/08/13	27/08/13	27/08/13

Default Signatories

Signatory	Response Due
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COMMENTS LIST

Date Added	Added By	COMMENT HISTORY
28/08/13 17:39	LANDS\GEORGAM	Item was submitted for SignOff to EHP - DG Hardcopy received. Forwarded to the DG for signature.
28/08/13 15:25	LANDS\ditullt	Hi Margaret, attached DG BN endorsed by Anne Lenz on behalf of DDG ESR with comment. "As discussed with Andrew Connor. Use 3rd party advice to potentially resolve. We are no longer concurrence so changed statement that our conditions must be imposed". Hard copy follows for urgent progress please, thank you, Tonina.
28/08/13 15:25	LANDS\ditullt	Item sent to EHP - DG for QA Check by EHP - ESR DDG .
28/08/13 15:25	LANDS\ditullt	Workflow was CCd to Georga Margaret; Connor Andrew; Corro EHP ESR Southern for Information by Tonina Di Tullio (who was acting for: EHP - ESR DDG) with the following instructions: .
27/08/13 16:34	LANDS\ditullt	Printed from MECS for urgent progression, thank you.
27/08/13 16:34	LANDS\ditullt	Workflow was CCd to Corro EHP ESR Southern for Information by Tonina Di Tullio (who was acting for: EHP - ESR DDG) with the following instructions: .
27/08/13 16:11	LANDS\CanavanM	FOR URGENT PROGRESSION: Approved by the ED SR. Please use version marked "ED SR approved" when making any amendments. Thanks, Maria.
27/08/13 16:11	LANDS\CanavanM	Item sent to EHP - ESR DDG for QA Check by EHP - ESR Southern .
27/08/13 15:00	LANDS\CanavanM	ED SR edits made.
27/08/13 11:15	LANDS\CanavanM	Item was submitted for SignOff to EHP - ESR Southern
27/08/13 11:14	LANDS\CanavanM	Maria Canavan (who was acting for: Corro EHP ESR Southern) (EC)Approved Workflow Item. Printed for ED SR approval.
26/08/13 16:25	LANDS\HertsletB	Approval applied for by Bryce Hertslet (who was the CAP) to Corro EHP ESR Southern.
23/08/13 14:03	LANDS\sangstd	Approval applied for by Deb Sangster (who was acting for: Corro EHP ESR Southern) to Hertslet Bryce. Hi Bryce, QA complete. Due to Corro EHP ESR Southern by 12 noon 26 august 2013. Thanks Deborah.
23/08/13 13:59	LANDS\sangstd	LANDS\sangstd deleted attachment(s) with the following description(s) : (1) Attachment to Response to Minister Seeney.
23/08/13 10:53	LANDS\murphysha	Approval applied for by Shari Murphy (who was the CAP) to Corro EHP ESR Southern. for QA and approval pls thanks shari
22/08/13 17:04	LANDS\mooneych	Approval applied for by Chris Mooney (who was acting for: Corro EHP ESR Southern) to Murphy Shari.
22/08/13 16:49	LANDS\EnglandM	Workflow approval Rejected by Megan England (who was acting for: EHP - ESR Southern) to Corro EHP ESR Southern. Submitted for signoff in error.
22/08/13 16:39	LANDS\sangstd	Unsolicited Signature Only Item sent for Approval to EHP - ESR Southern by Deb Sangster (who was acting for: EHP - ESR Southern).
22/08/13 16:39	LANDS\sangstd	Corro EHP ESR Southern nominated as Executive Contact for Unsolicited Workflow. Added as Author and Information Officers
		Workflow was CCd to Hertslet Bryce; Wilson Vicki; Murphy Shari; DeHaan

22/08/13 16:38	LANDS\sangstd	Rebecca;Mooney Chris for Information by Deb Sangster (who was acting for: EHP - ESR Southern) with the following instructions: .
22/08/13 14:57	LANDS\EnglandM	Item created by Megan England

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frmSignOff - 3.1.3152.1

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RTI DL RELEASE - EHP

Department of Environment and Heritage Protection
DIRECTOR-GENERAL BRIEFING NOTE

Approved	Not Approved	Noted
Further information required		
Section 78B(2) RTI Act		
DG.		
Dated	29/8/13	

TO: Director-General

SUBJECT: Deputy Premier's request for advice on potential call in of decision over the Mt Cotton Quarry operated by the Barro Group Pty Ltd (Barro Group)

TIMEFRAME

- The Honourable Jeff Seeney MP, Deputy Premier and Minister for State Development, Infrastructure and Planning requested a response by 30 August 2013.

RECOMMENDATION

- It is recommended that the Director-General:
 - ✓ **sign** the letter to the Deputy Premier advising on the state interests of EHP and recommending the amendment of conditions relating to the conduct of multiple environmentally relevant activities (ERAs) in the proposed extension to the Mt Cotton Quarry site (**Attachment 1**).
 - **note** that EHP officers held a meeting with members of the community on 20 May 2013 to discuss community concerns regarding potential environmental impacts of the proposed development.
 - **note** that EHP recommends the Deputy Premier consider amending the referral agency response conditions relating to the conduct of ERAs based on additional information presented by the community.

BACKGROUND

- Barro Group currently operates a hard rock quarry at Mt Cotton Road, Mt Cotton. In early 2011, Barro Group submitted a development application (DA) under the *Sustainable Planning Act 2009* (SPA) to the Redlands City Council for a Material Change of Use for Extractive Industry to extend the existing quarry operation and it was properly made on 2 February 2011.
- The proposed expansion to the quarry area will allow for the extraction of a meta-greywacke resource, which is processed to produce various materials extensively used in the construction industry. The extended quarry is proposed to have a lifespan of 60-70 years.

CURRENT ISSUES

- The DA was referred to the then Department of Environment and Resource Management (DERM) for the assessment of a number of interests including: the conduct of multiple ERAs under the *Environmental Protection Act 1994*, development on contaminated land, development in or near a wetland, and clearing of native vegetation under the *Vegetation Management Act 1999*.
- In addition to these Statutory interests, the existing and proposed quarry areas are located within the Priority Koala Assessable Development Area of the South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP). The Koala SPRP seeks to achieve a net benefit of koala habitat in South East Queensland through the protection of existing habitat and where practicable, the offset of the loss of habitat through rehabilitation.
- On 15 January 2013, and under transitional arrangements arising from machinery of government changes, the Department of Natural Resources and Mines (DNRM) provided the combined former DERM Referral Agency Response (RAR) to the council. The RAR was developed after negotiation with Barro Group and imposed conditions that the council must place on any approval of the development.
- On 19 February 2013, EHP provided an amended RAR for its jurisdiction for the ERAs, contaminated land and referable wetlands.
- On 5 June 2013, the council decided to refuse the application and subsequently stated in the decision notice that 'the proposal be immediately referred to the relevant state Minister to assess the proposal, in particular the decisions of the state agencies, under the SPA'.
- On 6 June 2013, Barro Group requested that the Deputy Premier exercise his call in powers under SPA. If the Deputy Premier considers that the proposal involves matters of state interest, he is able

Rec'd - ODG

28 AUG 2013

Author Name: Chris Mooney Position: Principal Environmental Officer Tel No: 3339 5839 Date: 22 August 2013 RTI 13-228	Cleared by Name: Bryce Hertslet Position: RM, Environmental Services East Tel No: 5459 6124 Date: 23 August 2013	Cleared by Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 27 August 2013	Recommended: Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date: 29/8/13
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to re-assess and determine the matter under the call in provisions and his decision is not subject to appeal.

10. On 28 June 2013, Barro Group also filed an appeal in the Planning and Environment (P&E) Court against the council's decision to refuse the DA. EHP has joined this appeal due to the direct relevance of grounds of the appeal to EHP's RAR conditions. If the Deputy Premier decides to exercise his call in powers, then Barro Group's current P&E Court appeal would cease to have effect.
11. On 8 August 2013, the Deputy Premier sought advice as to whether the proposed development involves a state interest to inform his consideration to exercise his call in powers. EHP has determined that the development involves the following state interest: identification of the site as being within the Priority Koala Assessable Development Area under the Koala SPRP. In terms of the Koala SPRP related considerations, the Koala Conservation Operations unit is able to provide relevant technical advice should the Deputy Premier wish to consider this state interest as part of any determination of the proposal.
12. If the Deputy Premier decides to call in the application, he has proposed to restart the Integrated Development Assessment System (IDAS) process from the start of the decision stage. This stage starts after all other stages applying to the application have ended, including the RAR period. Until the Minister gives the decision notice on the application, a concurrence agency is taken to be an advice agency.
13. EHP recommends that the Deputy Premier consider restarting the IDAS process at the start of the information and referral stage and amends EHP's RAR conditions relating to the conduct of the ERAs.
14. The proposed extension to the Mt Cotton quarry has been the subject of intense community scrutiny and on 20 May 2013, EHP officers held a meeting with members of the community to discuss its concerns regarding potential environmental impacts of the proposed development, specifically, the potential impacts on nearby sensitive receptors from environmental nuisance and health impacts from activities at the quarry that have the potential to generate noise and dust.
15. EHP officers have considered information presented by the community and EHP's RAR conditions have been reviewed in the context of this additional information and EHP's Regulatory Strategy.
16. EHP's RAR conditions are considered adequate to protect environmental values. However the proposal to call in the development application presents an opportunity for EHP to provide advice to the Deputy Premier to consider addressing the concerns raised by the community and reflect EHP's Regulatory Strategy by requiring the operator to demonstrate that environmental values are being protected. Minimal additional burden would be placed on the operator.
17. EHP will discuss with the Department of State Development, Infrastructure and Planning, the option of the Deputy Premier seeking EHP's advice under section 256 of SPA to facilitate this approach.

CONSIDERATIONS

18. *Consultation:* Mr Andrew Mullens, Koala Conservation Operations, EHP; Ms Liana Hoult, Litigation Unit, EHP; Ms Carole Rayner, Environmental Standards and Compliance, EHP; Ms Adi Jeuda, Land Services, DNRML.
19. *Legislation:* The SPA, Section 424C Minister to consider representations about proposed call in.
20. *Key Communication Messages:* This DA has been the subject of intense community scrutiny and there has been considerable Ministerial and EHP correspondence with community members on the matter.

DIRECTOR-GENERAL'S COMMENTS

ATTACHMENTS

- Attachment 1 – Letter to the Honourable Jeff Seeney MP, Deputy Premier and Minister for State Development, Infrastructure and Planning.

Author Name: Chris Mooney Position: Principal Environmental Officer Tel No: 3339 5839 Date: 22 August 2013	Cleared by Name: Bryce Hertslet Position: RM, Environmental Services East Tel No: 5459 6124 Date: 23 August 2013	Cleared by Name: Andrew Connor Position: ED, Southern Region Tel No: 3330 6335 Date: 27 August 2013	Recommended: Name: Dean Ellwood Position: DDG ESR Tel No: 3330 5628 Date:
DL Documents - File D			Page 67 of 94



Department of
**Environment and
Heritage Protection**

Ref CTS 20072/13

29 AUG 2013

The Honourable Jeff Seeney MP
Deputy Premier and Minister for State Development,
Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Deputy Premier

I refer to your letter of 8 August 2013 which sought advice from the Department of Environment and Heritage Protection (EHP) about your potential exercise of call in powers under section 424 of the *Sustainable Planning Act 2009* (SPA) for the proposed expansion of the Mt Cotton Quarry within the Redland City Council Local Government Area. Thank you for the opportunity to provide input into your consideration of this matter.

As identified in your correspondence, there is a state interest in the proposed development: the site is within the Priority Koala Assessable Development Area under the Koala State Planning Regulatory Provision (SPRP). The Koala SPRP seeks to achieve a net benefit of koala habitat in South East Queensland through the protection of existing habitat and where practicable, the offset of the loss of habitat through rehabilitation. In terms of the Koala SPRP related considerations, the Koala Conservation Operations unit of EHP is able to provide relevant technical advice should you wish to consider this state interest as part of any determination of the proposal. If required, Mr Andrew Mullens, Manager Koala Conservation Operations, EHP can be contacted on telephone 3330 6172 for this advice.

In addition to this state interest, EHP has several statutory interests in the proposed development: the proposal to conduct Environmentally Relevant Activities (ERAs); development on contaminated land; and development in or near a wetland. On 19 February 2013, EHP provided the council, as Assessment Manager, with an amended Referral Agency Response (RAR) for its jurisdiction for the ERAs, contaminated land and referrable wetlands. I have enclosed a copy of the RAR for your information. As an affected party, EHP wishes to submit the following representation to you for consideration in your decision to exercise your reserve powers to call in the development application under section 424 of SPA.

Level 13
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 6297
Facsimile + 61 7 3330 6306
Website www.ehp.qld.gov.au
ABN 46 640 294 485

The RAR which was developed after negotiation with the proponent includes conditions for the operation of proposed ERAs and associated management of identified environmental impacts. It is EHP's suggestion that the Deputy Premier may wish to consider including these conditions as part of any approval of the development. The conditions of the RAR are considered adequate to protect environmental values.

Should you have any further enquiries, please contact Ms Rebecca DeHaan, Senior Environmental Officer of EHP on telephone 3330 6112.

Yours sincerely

Section 78B(2) RTI Act

Andrew Chesterman
Director-General

Enc

RTI DL RELEASE - EHP

Notice

Amended Referral Agency Response

This notice is issued by the Department of Environment and Heritage Protection (EHP) pursuant to section 290 (amended concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Barro Group
C/- Ground Work Plus
Level 2, 15 Lang Parade
MILTON QLD 4064

cc. Chief Executive Officer
Redland City Council
PO Box 21
CLEVELAND QLD 4163

Our reference: 240720
Assessment Manager ref: MCU012421

1. Application Details

Applicant:

Barro Group Pty Ltd

Date application referred to EHP:

16 March 2013

Development approval applied for:

development permit

EHP Jurisdiction(s):

Material Change of Use involving an Environmentally relevant Activity, Material Change of Use involving contaminated lands, Material Change of Use involving a referrable wetland

Property/Location description:

Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot 17 on RP108970 & Lot 238 on SP218968, the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state, and the unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962

2. The Chief Executive, Department of Environment and Heritage Protection (EHP), as a referral agency for the application, advises that a response for each of the referral agency jurisdictions has been made and is attached.

2.1 Concurrence Jurisdictions

2.1.1 MCU involving an ERA

(Sustainable Planning Regulation 2009 – Schedule 7, Table 2, Item 1)

- Conditions must attach to any development approval, and those conditions are attached to this Notice.

Notice

Amended Referral Agency Response

2.1.2 MCU involving a referable wetland

(Sustainable Planning Regulation 2009 – Schedule 7, Table 3, Item 21)

- The concurrence agency has no requirements relating to the application.

2.1.3 MCU involving a contaminated land

(Sustainable Planning Regulation 2009 – Schedule 7, Table 2, Item 23)

-An exemption from assessment applies. A letter stating the applicable regulation is attached to the response.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to EHP as a referral agency for the relevant application at Environmental Services and Regulation, Department of Environment and Heritage Protection, GPO Box 2454, Brisbane QLD 4001

5. Additional comments or advice about the application for Assessment Manager

Nil

sch4p4(6) Personal information

sch4p4(6) Personal information

Shari Murphy
Delegate, Chief Executive Department of Natural
Resources and Mines
Administering the *Environmental Protection Act 1994*

19 February 2013

Enquiries:

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- Attachments**
- EHP Concurrence Referral Agency Response (Contaminated Land)
 - EHP Concurrence Referral Agency Response (Referable Wetland)
 - EHP Concurrence Referral Agency Response (Environmentally Relevant Activity)



Queensland
Government

Permit

Sustainable Planning Act 2009

EHP Permit ¹ number: **SPCE01725511**

This notice is issued by the Department of Environment and Heritage Protection pursuant to section 287 (concurrency response) of the Sustainable Planning Act 2009 ("the Act").

Assessment manager reference:	MCU012421				
Date application received:	16-Mar-2011				
Permit type:	Concurrency agency response				
Date of decision:	18 February 2013				
Decision:	Approved with conditions Conditions must attach to the development approval, and those conditions are attached to this Notice.				
Relevant laws and policies:	Sustainable Planning Act 2009				
Jurisdiction(s):					
<table border="1"><tr><td>Jurisdiction</td></tr><tr><td>Concurrency Response for a MCU involving an ERA.</td></tr></table>	Jurisdiction	Concurrency Response for a MCU involving an ERA.	<table border="1"><tr><td>Legislation</td></tr><tr><td>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1</td></tr></table>	Legislation	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1
Jurisdiction					
Concurrency Response for a MCU involving an ERA.					
Legislation					
Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1					

Development Description(s)

Property	Lot/Plan	Aspect of Development
1513 Mount Cotton Road, MOUNT COTTON QLD 4165	Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot 17 on RP108970 & Lot 238 on SP218968, the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state, and the unformed road bisecting and adjoining Lot 17 RP108970,	ERA 16 Extractive and screening activities Threshold 2(c) - extracting, other than by dredging, in a year, more than 100000t to 1000000t of material ERA 16 Extractive and screening activities Threshold 3(b) - screening, in a year, more than 100000t to 1000000t of material ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

Permit
DERM Permit number: SPCE01725511

	Lot 370 S311071 and Lot 162 S31962	relating to motor vehicles ERA 8 3(a) Chemical storage – Storing 10m3 to 500m3 of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3
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Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The department is a concurrence agency for the purpose of the material change of use. The conditions are included pursuant to section 73B of the Environmental Protection Act 1994.

RTI DL RELEASE - EHP

CONDITIONS

Condition for:

ERA 8 3(a) Chemical storage – Storing 10m³ or more of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3;

ERA 16 Extractive and screening activities Threshold 2(c) - extracting, other than by dredging, in a year, more than 100000t to 1000000t of material;

ERA 16 Extractive and screening activities Threshold 3(b) - screening, in a year, more than 100000t to 1000000t of material; and

ERA 21 Motor vehicle workshop operation - operating a workshop on a commercial basis or in the course of carrying on a commercial enterprise involving maintaining mechanical components, engine cooling radiators or body panels; spray-painting body panels; and detailing or washing relating to motor vehicles

Agency Interest: General

G1 Prevent and/or minimise likelihood of environmental harm

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

G2 Maintenance Of Measures, Plant and Equipment

The operator of an ERA to which this approval relates must:

- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval;
- (b) maintain such measures, plant and equipment in a proper and efficient condition; and
- (c) operate such measures, plant and equipment in a proper and efficient manner.

G3 A copy of this approval must be kept at the approved place and be available to the administering authority on request.

G4 Site Based Management Plan

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments.

- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

- G5 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.
- G6 An appropriate spill kit, personal protective equipment and relevant operator training, instructions and procedures guide must be provided for the management of waste and chemicals associated with the authorised activities to which this approval relates, and must be kept at a location that is readily accessible to the personnel carrying out the activity.
- G7 Anyone operating under this approval must be trained in the use of the spill kits.
- G8 **Records**
Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- G9 All records required by this approval must be kept for 5 years.
- G10 **Notification**
Telephone or otherwise notify the department's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.
- G11 **Financial Assurance**
The Registered Operator must provide a financial assurance in the amount and form required by the administering authority prior to acting upon this approval.
- G12 The calculation of financial assurance for condition G11 is defined as the maximum total cost for rehabilitation of significantly disturbed areas.
- G13 The financial assurance is to remain in force until the administering authority is satisfied that no claim on the financial assurance is likely for rehabilitation purposes.
- G14 Where progressive rehabilitation is completed in accordance with the rehabilitation requirements condition L1 and to the satisfaction of the administering authority, progressive reductions to the financial assurance amount are applicable.
- G15 **Nuisance (exemption)**
For the purpose of nuisance conditions A1, A8, N1, N5 and N7. Any part of the unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962, and the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state is exempt from the definition of a "nuisance sensitive place" and "noise sensitive place".

Agency Interest: Air

A1 Dust Nuisance

The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

A2 Dust and particulate matter must not exceed a dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions), when measured at any nuisance sensitive or commercial place.

A3 Dust and particulate matter with an aerodynamic diameter of less than 10 micrometer (PM10) suspended in the atmosphere must not exceed a 50 micrograms per cubic meter over a 24 hour average when monitored in accordance with Australian Standard AS 3580.9.6, when measured at any nuisance sensitive or commercial place.

A4 **Dust Control**

Stockpiled material must be in a manner that minimises the generation of windblown dust particles. Control measure may include, but not limited to:

- (a) minimising the size of stockpile areas;
- (b) provision of windbreaks and sediment fencing; and
- (c) water trucks or sprays to dampen the product stockpiles as required.

A5 The registered operator for the authorised activities to which this approval applies must take all reasonable and practicable measures to prevent and minimise the release of dust to the atmosphere from crushing and screening equipment and material conveyor systems. Reasonable and practicable measures may include but not limited to:

- (a) enclosure or partial enclosure of permanent processing plants;
- (b) installation of windbreaks and barriers;
- (c) water sprays; and
- (d) keeping materials moist

A6 Trafficable areas must be maintained using reasonable and practicable measures necessary to minimise the release of wind blown or traffic generated dust to the atmosphere. Reasonable and practicable measure may include but are not limited to:

- (a) keeping surfaces clean;
- (b) sealing with bitumen or other suitable material;
- (c) using water spray;
- (d) installing an effective truck body and wheel wash; and
- (e) using dust suppression and wind breaks.

A7 Effective dust collectors must be used on the rock drilling equipment.

A8 **Nuisance**

The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

A9 **Dust Monitoring**

When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter that the administering authority considers is not frivolous or vexatious, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

- a) for a complaint alleging dust nuisance, dust deposition; and
- b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (PM10) suspended in the atmosphere over a 24hr averaging time.

Agency Interest: Land**L1 Land Rehabilitation**

The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
- (d) the likelihood of environmental nuisance being caused by release of dust is minimised;
- (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- (f) the final landform is stable and not subject to slumping; and
- (g) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

L2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

L3 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.
NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Noise

N1 In the event a noise complaint that the administering authority determines is not frivolous or vexatious is made, noises from the approved activities must not exceed the levels specified in Table 1 - *Noise limits at the boundary of the approved place*.

Table 1: Noise limits at the boundary of the approved place

Noise level measured in dB(A)	Monday to Saturday				Sunday and Public Holidays			
	6am-7am	7am-6pm	6pm-10pm	10pm-6am	6am-7am	7am-6pm	6pm-10pm	10pm-6am
Noise measured at the boundary of the approved place								
L10 adj-T	50	50	50	42	47	47	47	42
Leq adj-T	45	45	45	42	43	43	43	42

Note 1: the compliance noise level must be measured, as near as practicable to the location and height where a straight line from the sound source to the affected dwelling intersects the boundary of the approved place. If this is not practically possible, a noise should be measured at the affected dwelling and modelled to determine compliance at the boundary. If a noise reducing device is constructed on the point of measurement, then the effect of this device will be taken into account.

Note 2: The limit in Table 1 increases by +5dB(A) at the boundary for compliances to complaints originating from a commercial place.

N2 Noise Monitoring

When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance that the administering authority considers is not frivolous or vexatious, and the results notified within 14 days to the administering authority. Monitoring must include:

- airblast overpressure (dB (Lin) Peak);
- LA eq, adj-T
- LA 10, adj-T
- LA 1, adj-T
- ambient and background noise levels;
- 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; and
- location, date and time of recording.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's *Noise Measurement Manual*.

N4 For the purpose of conditions N1 and N2, the measurement duration, T, must be determined by a suitably experienced or qualified person, so as to adequately represent and validate the data.

Note: The minimum value for T must be:-

- o 15 minutes for continuous steady noises
- o 1 hour for intermittent noises

N5 Explosive blasting nuisance

Explosive blasting for the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

N6 Explosive blasting must be carried out within the time specified in Table 2 unless otherwise approved by the administering authority due to a meteorological and/or safety reasons that it must occur at the time outside of the specified times.

N7 The vibration and the air blast overpressure from the activity must not exceed the levels specified in Table 2 – *Explosive blasting nuisance at a nuisance sensitive place*.

Table 2: Explosive blasting nuisance at a nuisance sensitive place

	Measured at a nuisance sensitive place	
	Monday to Friday 9am – 5pm	Other times and public holidays
Vibration (peak particle velocity)	Maximum 5mm/s for 4 out of 5 consecutive blasts	No blasting to occur
Airblast overpressure level (dB linear peak)	Maximum 115dB for 4 out of 5 consecutive blasts	No blasting to occur

N8 Vibration Monitoring

When requested by the administering authority, vibration monitoring and recording must be undertaken to investigate any complaint of vibration nuisance that the administering authority

considers is not frivolous or vexatious, and the results notified within 14 days to the administering authority. Monitoring must include:

- a) peak particle velocity (mm/s);
- b) location of the blast/s within the site (including which bench level);
- c) atmospheric conditions including temperature, relative humidity and wind speed and direction;
- d) the level and frequency of occurrence of impulsive or tonal noise;
- e) effects due to extraneous factors; and
- f) location, date and time of recording.

N9 For vibration monitoring the ground-borne vibration transducer (or array) must be attached to a mass of at least thirty (30) kg to ensure good coupling with the ground where the blast site and the measurement site cannot be shown to be on the same underlying strata. The mass must be buried so that its uppermost surface is at the same level as the ground surface.

N10 The ground-borne vibration transducer (or array) must be placed at a distance of at least the longest dimension of the foundations of a noise-affected dwelling away from such dwelling and between that dwelling and the site of the blasting.

N11 All third party blast records must be submitted to the administering authority annually with the Annual Return for review.

N12 The location of the blast monitoring must be kept with the blast record and submitted to the administering authority along with the blast records with the Annual Return.

Agency Interest: Social

S1 Complaint Response

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken.

Agency Interest: Water

WA1 Contaminants must not be released from the approved place to any waters, bed and banks of any waters, roadside gutter or stormwater drains outside the approved place except in accordance with the conditions.

WA2 Any chemical/s and/or flocculant/s used to treat turbid water must not directly or indirectly cause environmental harm either during the operation of the authorised activities or post-operation.

WA3 Monitoring

Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the quality characteristics and not less frequently than specified in Table 3 - *Contaminant release limits to water*. All determinations of the quality of contaminants released must be:

- a) made in accordance with methods prescribed in the latest edition of the Environment Protection Agency's *Water Quality Sampling Manual*; and

- b) carried out on samples that are representative of the discharge.

Table 3 - Contaminant release limits to water

Parameter	Units	Minimum	Maximum	Frequency
pH	N/A	6.5	8.5	Once per release event
Total Suspended Solids	mg/L	N/A	50mg/L or background* +10% whichever is greater	Once per release event
Petroleum Products, scum or litter	N/A	N/A	Not visible or otherwise noticeable	N/A
Conductivity	µS/cm	N/A	<1500	Once per release event

*Background to be determined upstream of the quarry pits during a discharge event within, or as close as practicable to within 30 minutes of the sampling down stream.

- WA4 The holder of this permit must submit details of any amendment to the approved Stormwater Management Plan to the administering authority with the Annual Return which immediately follows the enactment of any such amendment.
- WA5 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- WA6 The size of any sedimentation dam must be sufficient to contain the runoff expected from an extraction or processing area from a 24 hour storm with an average recurrence interval of 1 in 5 years.
- WA7 Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.

Agency Interest: Waste

- WS1 All regulated waste removed from the site must be by a person who holds a current authority to remove regulated waste under the Environmental Protection Act 1994.
- WS2 Effective procedures must be implemented to ensure that waste generated on the site are minimised, recycled, stored, handled and transferred in a proper and efficient manner, and so that the disposal of such waste is at a facility lawfully able to do so.
- WS3 The operator must not:
(a) burn waste on site;
(b) Allow waste to be burned on site; or
(c) Remove waste from site to be burned elsewhere, unless at a suitable facility that is authorised to incinerate waste.
- WS4 Where regulated waste is removed from the licensed premises, the holder of this license must retain

the record provided by the registered waste removalist.

- WS5 Where waste (other than waste rock, earthen material or clean fill) is disposed of on the premises, the holder of this license must monitor and record:
- (a) the date, type of waste and quantity of waste disposed;
 - (b) the location of disposal; and
 - (c) the method of disposal of the waste.

RTI DL RELEASE - EHP

Permit
DERM Permit number: SPCE01725511

Approved plans / specifications

Document No.	Document Name	Date
DA2 002	Quarry Development Plan	7 July 2010
DA2 003	Quarry Development Plan	7 July 2010
DA2 004	Quarry Development Plan	7 July 2010
DA2 005	Quarry Development Plan	7 July 2010
documents / 987_232 V3	Site based Environmental Management Plan including the Stormwater management plan	19 November 2010

END OF CONDITIONS

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate, for the ERA.

Contaminated land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Heritage Protection.

DEFINITIONS

Words and phrases used throughout this permit are defined below. Where a definition for a term used in this permit is sought and the term is not defined within this permit the definitions provided in the relevant legislation shall be used.

"AEP" means "annual exceedance probability" in relation to a given rainfall event, and is the probability that the given event will be exceeded within a one year period. The AEP is usually expressed as "1 in n" (years) or as a percentage. The *given rainfall event* comprises a stated depth of rainfall received during a stated period: for example, 750 mm in one year, or 95 mm in 24 hours. If the 24-hour rainfall event having an AEP of 5% is, say, 120 mm, this means that for each year there will be 5% chance that the 24-hour rainfall will be 120 mm, or greater. Another way of expressing this is to say the Average Recurrence Interval is 20 years (this does not mean only 1 occurrence in every 20 years, or only 5 occurrences per century).

"authorised activities" means the environmentally relevant activities (ERAs), or aspect of the ERAs (including activities necessarily associated with the ERAs) to which this approval relates.

"administering authority" means the Department of Environment and Heritage Protection or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environmental Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Sustainable Planning Act 2009*.

"approved place" means the place authorised under this development approval for the carrying out of the specified ERAs.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"authorised person" means a person holding office as an authorised person under an appointment under the *Environment Protection Act 1994* by the chief executive.

"background noise or background sound level" means either:

- $L_{A90,T}$ being the A-weighted sound pressure level exceeded for a relevant the time period measured in the absence of the noise under investigation, using fast response, or
- $L_{A90,T}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a relevant time period, using fast response.

"the boundary" means within 1 (one) meter of the cadastral boundary of the approved place.

"Code of environmental compliance" means a code of environmental compliance approved or made under a regulation of the *Environmental Protection Act 1994*.

"commercial place" means a place used as an office or for business or commercial purposes.

"competent person" means a person with sufficient demonstrated skill, knowledge and qualifications required to carry out a task to a necessary standard for protection of the environment.

"disturbed areas", or words to that effect, means:

- (a) contaminated land; or

(b) land that has been disturbed and human intervention is needed to rehabilitate it;

(i) including:

- mining or quarrying areas including processing plant, stockpiles and tailings areas;
- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land is susceptible to erosion;
- areas where land use suitability or capability has been diminished;
- areas within waters where mining/quarry activities occur;
- areas submerged by tailings or hazardous contaminant storage dams in all cases;
- areas under temporary infrastructure eg. roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads which is to be removed after mining/quarrying has ceased; and

(ii) not including:

- areas off mining lease or quarry site (eg. roads or tracks which provide access to the mining lease or quarry site);
- areas previously significantly disturbed which have achieved rehabilitation outcomes;
- by agreement with the administering authority, areas previously significantly disturbed which have not achieved rehabilitation objectives due to circumstances beyond the control of the authority/approval holder (such as climatic conditions);
- areas under permanent infrastructure eg. roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads which are to be lawfully left on the site after cessation of mining/quarrying.

"dwelling" means any of the following structures or vehicles that is principally used as a place for human habitation:

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land; or
- a water craft in a marina.

"Department of Environment and Heritage Protection" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to *Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations*.

" $L_{A90,T}$ " means the A-weighted sound pressure level exceeded for 90% of a measurement period T, obtained using Fast response.

" $L_{Aeq,adj,T}$ " means the A weighted "equivalent sound pressure level" over time T obtained using Fast response and adjusted for noise characteristics.

" $L_{A,max,adj,T}$ " means the arithmetic average maximum A-weighted sound pressure level, adjusted for noise character and measured over time value T, using Fast response.

"land" in the Land section of this approval means land excluding waters and the atmosphere.

"noise sensitive place" includes:

- a dwelling, mobile home or caravan park, residential marina or other residential premises;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area, excluding any nature refuge under the *Nature Conservation Act 1992* which is within a key resource area; and
- a public thoroughfare, park or gardens.

"noxious" means harmful or injurious to health or physical well being.

"nuisance sensitive place" includes –

- a dwelling, mobile home or caravan park, residential marina or other residential premises;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area, excluding any nature refuge under the *Nature Conservation Act 1992* which is within a key resource area;
- a public thoroughfare, park or gardens; or
- a commercial place.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseating or repulsive.

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or in stages as mining or quarrying activities are ongoing.

"protected area" means –

- a protected area under the *Nature Conservation Act 1992*;
- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

"quarry material" means material extracted from the land including for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"reference site" (or analogue site) may reflect an original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be recorded as photographs, computer generated images and vegetation models etc.

"registered operator" mean a entity (usually a person) holding a registration certificate given under section 73F of the *Environmental Protection Act 1994*.

"Registration Certificate" means a registration certificate given under section 73F of the *Environmental Protection Act 1994* to the registered operator for the authorised activities.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes –

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"**rehabilitation**" means the process of reshaping and revegetating land to restore it to a stable post mining or quarry state and in accordance with acceptance criteria or rehabilitation conditions, and where relevant includes remediation of contaminated land.

"**release**" of a contaminant into the environment, includes:

- to deposit, discharge, emit or disturb the contaminant;
- to cause or allow the contaminant to be deposited, discharged, emitted or disturbed;
- to allow the contaminant to escape; and
- to fail to prevent the contaminant from escaping.

"**rigid vehicle**" means a vehicle the load carrying area of which is fixed to the vehicle's chassis or frame (as defined in the *Australian Dangerous Goods Code*).

"**risk phrase**" means a phrase stated in the National Occupational Health and Safety Commission's (NOHSC's) document entitled *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]*, or more recent versions, that gives information about the substance's hazards.

"**road tank vehicle**" means a truck, trailer or semi-trailer or unit in a road train, incorporating a tank, or having a tank or tanks mounted thereon, either permanently or temporarily (as defined in AS 2809.1-1999 — *Road Tank Vehicles for Dangerous Goods*).

"**representative**" means a sample set which covers the variance in monitoring or other data either due to natural changes or to different phases of mining/quarrying activities.

"**standard environmental conditions**" for a code of environmental compliance, means the standard environmental conditions approved for the ERA, or aspect of the ERA, under section 549 of the *Environmental Protection Act 1994*.

"**self sustaining**" means an area of land which has been rehabilitated and has maintained the acceptance criteria or rehabilitation conditions outcomes without human intervention for a period nominated by the administering authority.

"**site**" means land or tidal waters on or in which it is proposed to carry out the activities approved under this development approval.

"**stable**" means geotechnical stability of a rehabilitated landform where instability caused by settlement and subsidence has ceased.

"**Valid complaint**" means a complaint that is not trivial, vexatious or frivolous in the opinion of the administering authority.

"**watercourse**" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"**waters**" includes watercourse, river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

Permit
DERM Permit number: SPCE01725511

sch4p4(6) Personal information

sch4p4(6) Personal information

Delegate

Delegate,
Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

Notice

Advice Agency Response - Referable Wetland Ref: 240720

This notice is issued by the administering authority pursuant to section 292 of the Sustainable Planning Act 2009.

Chief Executive Officer
Redland City Council
PO Box 21
CLEVELAND QLD 4163

Attention: Chris Vize

Reference: MCU012421

cc. Barro Group Pty Ltd
C/- Groundwork Plus
Level 2, 15 Lang Parade
MILTON QLD 4064

Attention: Sarah Ware

Reference: 987_DA2_320_008

EHP reference: 240720

Re: Advice Agency Response

1. Application Details

Assessment Manager Reference: MCU012421
Date properly referred to EHP: 16 March 2011
Development approval applied for: Development permit
Aspect of development: Material Change of Use, other than for a domestic housing activity,
if any part of the land is situated in a wetland management area
Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 21
Development description: Material Change of Use - Extractive Industry and Environmentally
Relevant Activities 8, 16 and 21
Property/Location description: Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot
17 on RP108970, Lot 238 on SP218968, the land comprising that
part of Greenhide (California) Creek located between Lot 162 on
S31962 and Lot 238 on SP218968, which is the property of the
State, and the unformed road bisecting and adjoining Lot 17 on
RP108970, Lot 370 on S311071 and Lot 162 on S31962
(1513 and 1515-1521 Mount Cotton Road and 163-177 and 195
Gramzow Road, Mount Cotton) - Redland City Council

Recommendation

The Chief Executive, Department of Environment and Heritage Protection (EHP), makes the following recommendation to the assessment manager:



Queensland
Government

Notice
Advice Agency Response

EHP offers no advice or recommendations in relation to the application.

Should you have any questions about the above, please contact Toshi Yoshino on (07) 3330 5054, quoting the above reference number.

sch4p4(6) Personal information
sch4p4(6) Personal information

Delegate:

Shari Murphy
Chief Executive administering the *Sustainable
Planning Act 2009*
Department of Environment and Heritage Protection
15 January 2013

Enquiries:

Permit and Licence Management
Implementation and Support Unit
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 38963342
Email: palm@ehp.qld.gov.au

RTI DL RELEASED EHP

ACTION SHEET

MINISTER'S OFFICE USE

- ☐ Minister Reply
☒ Chief of Staff Reply
☐ Briefing Note

- ☐ Departmental Response
☐ Department Action
☐ Department Information

☐ Refer to: _____

☐ No Further Action Required

☐ Copy to
 ☐ Director-General

Comments:

Signature: GS Date: 11 / 6 / 13

MECU USE

TO: _____ Dept Ref: CTS _____ / _____ Due Date to MECU _____ / _____ / _____

RELATED CORRESPONDENCE: _____

DEPARTMENTAL OFFICER COMMENTS:

ACTION SHEET

MINISTER'S OFFICE USE

- ☐ Minister Reply
☒ Chief of Staff Reply
☐ Briefing Note

- ☐ Departmental Response
☐ Department Action
☐ Department Information

☐ Refer to: _____

☐ No Further Action Required

- ☐ Copy to
 ☐ Director-General

Comments:

Signature: GS Date: 6/11/13

MECU USE

TO: _____ Dept Ref: CTS _____/____ Due Date to MECU _____/____/____

RELATED CORRESPONDENCE: CTS 12430/13; DS415/13;

DEPARTMENTAL OFFICER COMMENTS:

27158/13

ACTION SHEET

MINISTER'S OFFICE USE

- ☐ Minister Reply
- ☐ Chief of Staff Reply
- ☐ Briefing Note

- ☐ Departmental Response
- ☐ Department Action
- ☒ Department Information

☐ Refer to: _____

☐ No Further Action Required

- ☐ Copy to
 - ☐ Director-General

Comments:

Signature: GS Date: 12/11/13

MECU USE

TO: _____ Dept Ref: CTS _____/____ Due Date to MECU ____/____/____

RELATED CORRESPONDENCE: CTS 27158/13; 12430/13; 05415/13; 01878/13

DEPARTMENTAL OFFICER COMMENTS:

Release

27911/13

ACTION SHEET

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