

# Cloncurry Shire Council

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Our ref: DI&E:LT - TP01/23

25 September 2023

Sam Lyons  
QCrush Pty Ltd  
C/- Groundwork Plus  
PO Box 1779  
MILTON QLD 4064  
**Email:** [slyons@groundwork.com.au](mailto:slyons@groundwork.com.au)

Dear Sam

**DECISION NOTICE – DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE AND OPERATIONAL WORKS – EXTRACTIVE INDUSTRY PART OF LOT 13 SP309109, PHOSPHATE CHATSWORTH ROAD, CLONCURRY** (Given under section 63 of the *Planning Act 2016*)

The development application described below was properly made to the Cloncurry Shire Council on 1 February 2023.

**Applicant details**

Applicant name:	QCrush Pty Ltd C/- Groundwork Plus Sam Lyons
Applicant contact details:	C/- Groundwork Plus PO Box 1779 MILTON QLD 4064

**Application details**

Application number:	TP01/23
Approval sought:	Development Permit
Nature of development proposed:	Material Change of Use & Operational Works
Description of the development proposed:	Extractive industry – Quarry material.
Category of assessment:	Impact Assessment

**Location details**

Street address:	Phosphate Chatsworth Road, Cloncurry
Real property description:	Part of Lot 13 on SP309109
Local government area:	Cloncurry Shire Council

**Decision**

Date of decision:	19 September 2023
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Material Change of Use – Development Permit for Extractive Industry and Associated Environmentally Relevant Activities and Operational Work – Vegetation Clearing and Filling and Excavation (Dry Bed Sand Excavation), Part of Lot 13 Sp309109 Kolar Creek and Burke River, Phosphate Chatsworth Road

**RESOLUTION 21.2023**

Moved: Cr Greg Campbell  
Seconded: Cr Sam Daniels

That Development Application TP01/23 for a Material Change of Use – Development Permit for Extractive Industry and Associated Environmentally Relevant Activities and Operational Work – Vegetation Clearing and Filling and Excavation (dry bed sand excavation) on land located in the Burke River and Kolar Creek, adjacent to land properly described as part of Lot 13 SP309109, Phosphate Chatsworth Road be approved, subject to relevant and reasonable conditions, as set out in the Condition of Approval.

In Favour: Cr Greg Campbell, Cr Sam Daniels, Cr Vicky Campbell, Cr Nathan Keyes, Cr Janessa Bidgood  
Against: None  
Ineligible: None

**CARRIED**

**Details of the approval**

Development permit: Material Change of Use & Operational - Extractive industry – and Associated Environmentally Relevant Activities and Operational Work – Vegetation Clearing and Filling and Excavation (dry bed sand excavation) on land located in the Burke River and Kolar Creek,

**Conditions**

This approval is subject to the conditions in Attachment 1.

**Properly made submissions**

There were no properly made submissions for this application.

**Rights of appeal**

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

A copy of the relevant appeal provision is attached.

**Currency period for the approval**

This development approval will lapse unless substantially started at the end of the period set out in section 85 of *Planning Act 2016* which is 6 years after this approval starts to take effect.

**Approved plans and specifications**

**Table 1 Supporting documentation/reports**

Report/Plan/Drawing Number	Plan/Document Name	Date
2674 DA1 310 001	Planning Assessment Report	January 2023
1905.DRG.10	Site Location Plan	8 April 2022
2674.RG.002A Rev:3	Site Location Plan	1 September 2022
2674.RG.002B Rev:3	Site Location Plan	1 September 2022
2674.DRG.003A	Site Boundary Location Plan (Area A)	1 September 2022
2674.DRG.003B	Site Boundary Location Plan (Area B)	1 September 2022

Should you have any questions or concerns in respect of this matter please contact Council's Senior Town Planner, Larinda Turrell, at this office.

Yours faithfully



Philip Keirle  
Chief Executive Officer

- Encl: Attachment 1—Conditions of the approval  
Attachment 2—Extract on appeal rights  
Attachment 3 – Statement of Reasons  
Attachment 4 - Approved Plan  
Attachment 5 – Referral Agency Response

## ATTACHMENT 1 – CONDITIONS OF APPROVAL

NATURE OF DECISION				
<p><b>A</b> Cloncurry Shire Council issues a development permit for Development application - Reference TP01/23 Application for Material Change of Use – Development Permit for Extractive Industry and Associated Environmentally Relevant Activities and Operational Work – Vegetation Clearing and Filling and Excavation (dry bed sand excavation) on land located in the Burke River and Kolar Creek, adjacent to land properly described as part of Lot 13 SP309109 under the <i>Planning Act 2016</i>.</p>				
GENERAL				
<p><b>1. Site Layout</b></p> <p>The development must generally comply with the approved proposal plans and design drawings as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.</p>				
Title	Plan Number	Rev.no	Date	Prepared by
Site Location Plan	1905.DRG.10	A	8 April 2022	Groundwork Plus
Site Location Plan	2674.RG.002A	3	1 September 2022	Groundwork Plus
Site Location Plan	2674.RG.002B	3	1 September 2022	Groundwork Plus
Site Boundary Location Plan (Area A)	2674.DRG.003A		1 September 2022	Groundwork Plus
Site Boundary Location Plan (Area B)	2674.DRG.003B		1 September 2022	Groundwork Plus
<p><b>2. Compliance with conditions</b></p> <p>(a) All conditions must be complied with prior to the commencement of the use, unless specified in an individual condition.</p> <p>(b) The conditions of this development approval are to be read in conjunction with the approved plans /drawings/ documents at all times. Where a conflict occurs between the conditions of this approval and the approved plans / documents, the conditions of this development approval shall prevail.</p>				
<p><b>3. Relevant approvals</b></p> <p>This development must also comply with all requirements of:</p> <ul style="list-style-type: none"> <li>• The SARA Conditions set out in the Referral agency conditions and approved plans and specifications.</li> <li>• Quarry Material Allocation Notice (QMAN) and other conditions of Approval</li> </ul>				
<p><b>4. Hours of Operation</b></p> <p>(a) Unless otherwise approved in writing by the assessment manager, hours of operation must not exceed 6.00am to 6.00pm (seven (7) days a week).</p> <p>(b) Unless otherwise approved in writing by an authorised Council officer, work must not be conducted from the premises outside the above hours.</p>				
<p><b>5. All works must comply with:</b></p> <p>(a) the development approval conditions;</p> <p>(b) any relevant provisions in the Planning Scheme;</p> <p>(c) The Institute of Public Works Engineering Australasia Queensland Division;</p> <p>(e) any relevant Australian and Austroads Standards and the National Construction Code that applies to that type of work; and</p> <p>(f) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.</p>				
<p><b>6. Development works</b></p> <p>(a) During the course of constructing the works the developer shall ensure that works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.</p>				

- (b) The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

**7 Access and haulage**

- (a) Vehicular access to the development site is to be obtained from the current legal point of access as approved by Council.
- (b) Vehicular access shall be maintained to an all-weather durable standard with the dimensions and grades providing safe use by haulage vehicles.
- (c) The road haulage route for extracted materials pursuant to this development approval is restricted to the Phosphate Chatsworth Road, unless otherwise approved by the Chief Executive Officer.
- (d) All access works must be designed and constructed in accordance with Schedule 6.4 of the Cloncurry Shire Planning Scheme 2016.
- (e) Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with Australian Standard AS2890.2 "Parking Facilities-Off Street commercial vehicle facilities".

**8 Storage Equipment**

All materials, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials, machinery and contractors' vehicles must not occur within the Road Reserve.

**9 Waste Management**

- (a) Adequate refuse storage areas and facilities must be provided on the site to service the approved development. Refuse storage facilities are to be screened from view at the street frontage and from adjoining properties.
- (b) All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the Environmental Protection (Waste Management) Regulation 2000.
- (c) All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

**10 Stormwater Drainage**

- (a) All stormwater drainage works must be designed and constructed in accordance with Schedule SC6.4.13 of the Cloncurry Shire Council Planning Scheme 2016.
- (b) All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

**11 Avoiding nuisance**

- (a) No nuisance is to be caused to adjoining properties and occupiers by the way of noise, vibration, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.
- (b) Dust emanating as a result of approved quarrying activities (including extraction areas and internal access road) onsite must be continually visually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.
- (c) Any lighting associated with the approved use shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
- (d) The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
- (e) Noise emissions, including vibration, from the development shall not cause environmental harm of nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the Environmental Protection (Noise) Policy 2008.

- (f) Air emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the Environmental Protection (Air) Policy 2008.

**12 Advertising Devices**

For the erection of any advertising devices, an application is to be submitted to Council for approval (Note – Advertising devices must comply with section 9.4.1 – Advertising device code).

**13. Vegetation removal**

Vegetation clearing and removal from the site is limited to the development footprint and are approved in the Concurrence Agency Response dated 5 September 2023 to facilitate the approved use and works.

**13 Provision of services**

- (a) The site must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance, firefighting purposes and a potable water supply sufficient to meet the needs of staff and visitors to the site. On-site water is to be provided in accordance with the applicable standards and policies.
- (b) The development must be connected to an on-site effluent disposal system in accordance with the applicable standards and policies. The removal and disposal of any effluent from the site must be performed by a suitably licensed contractor.
- (c) An adequate supply of electricity must be provided for the approved development. In the event that an adequate supply of electricity cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to the reticulated electricity network must be made available.
- (d) Connection/s to a reticulated telecommunications service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).

**14 Access, internal access road and manoeuvring**

- (a) The developer shall be responsible for construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated in consultation with the Department of Transport and Main Roads. Any repair works are to be undertaken at the landowner's expense.
- (b) The existing vehicle access will be in accordance the following plan:
  - Traffic Haulage Plan, prepared by Groundwork Plus, dated 22 March 2023, drawing number 2674.DRG.004.30.
- (c) Vehicle crossovers must be located a minimum distance of one meter from any power poles, signage, or other Council assets, unless otherwise specified in the applicable development standards and specifications.
- (d) Vehicle movements within the site must be clear of proposed parking areas.
- (e) Vehicle access, parking and manoeuvring areas are to be clearly delineated from pedestrian access ways within the site through the use of linemarking, signage, bollards or similar.
- (f) All weather internal vehicle access shall be provided for traffic movement within the development site area.

**15 Car parking**

Access, parking and manoeuvring areas are to be designed in accordance with:

- a) AS2890.1 – Parking Facilities;
- b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates;
- c) Access to Premises Standard (Vol 1 of the National Construction Code); and
- d) Vehicle access, car parking and manoeuvring areas are to be constructed with all-weather compacted gravel surface.

**ADVICE – Please note that these are not conditions**

- A.** The Applicant is responsible for securing all necessary approvals, permits and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this development approval

alleviates the need for the Applicant to comply with all relevant Local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the Applicant is involved. Without limiting this obligation, the Applicant is responsible for:

- (a) Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called (this may include further development approvals under the “*Planning Act 2016*” and the planning scheme) required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- (b) Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the “*Environmental Protection Act 1994*” of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a ‘notifiable activity’); and
- (c) Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the Applicant to ensure compliance with this decision notice and applicable codes.

**B. Indigenous Cultural Heritage Legislation and Duty of Care Requirement**

The “*Aboriginal Cultural Heritage Act 2003*” (ACHA) establishes a duty of care to take **all** reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- (a) Is not negated by the issuing of this development approval;
- (b) Applies on all land and water, including freehold land;
- (c) Lies with the person or entity conducting an activity; and
- (d) If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The Applicant should contact NRW’s Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the ACHA.

**C. Limitation of Approval**

The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.

The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.



- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

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

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

## 232 Rules of the P&E Court

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

## **ATTACHMENT 3 – STATEMENT OF REASONS**

### **STATEMENT OF REASONS – TP01/23**

#### ***NOTICE ABOUT DECISION - STATEMENT OF REASONS***

The following information is provided in accordance with section 63(5) of *the Planning Act 2016*

#### **Details of the Development**

The proposed development is for a Material Change of Use – Development Permit for Extractive Industry and Associated Environmentally Relevant Activities and Operational Work – Vegetation Clearing and Filling and Excavation (dry bed sand excavation), over part of Lot 13 SP309109 Kolar Creek and Burke River, Phosphate Chatsworth Road, Cloncurry

On 19 September 2023, the above development application was approved in full, with conditions.

#### **Reason for the decision**

The development application has demonstrated compliance with all the relevant benchmarks of the purpose of the Rural zone code of the *Cloncurry Shire Planning Scheme 2016* as prescribed by the *Planning Regulation 2017*.

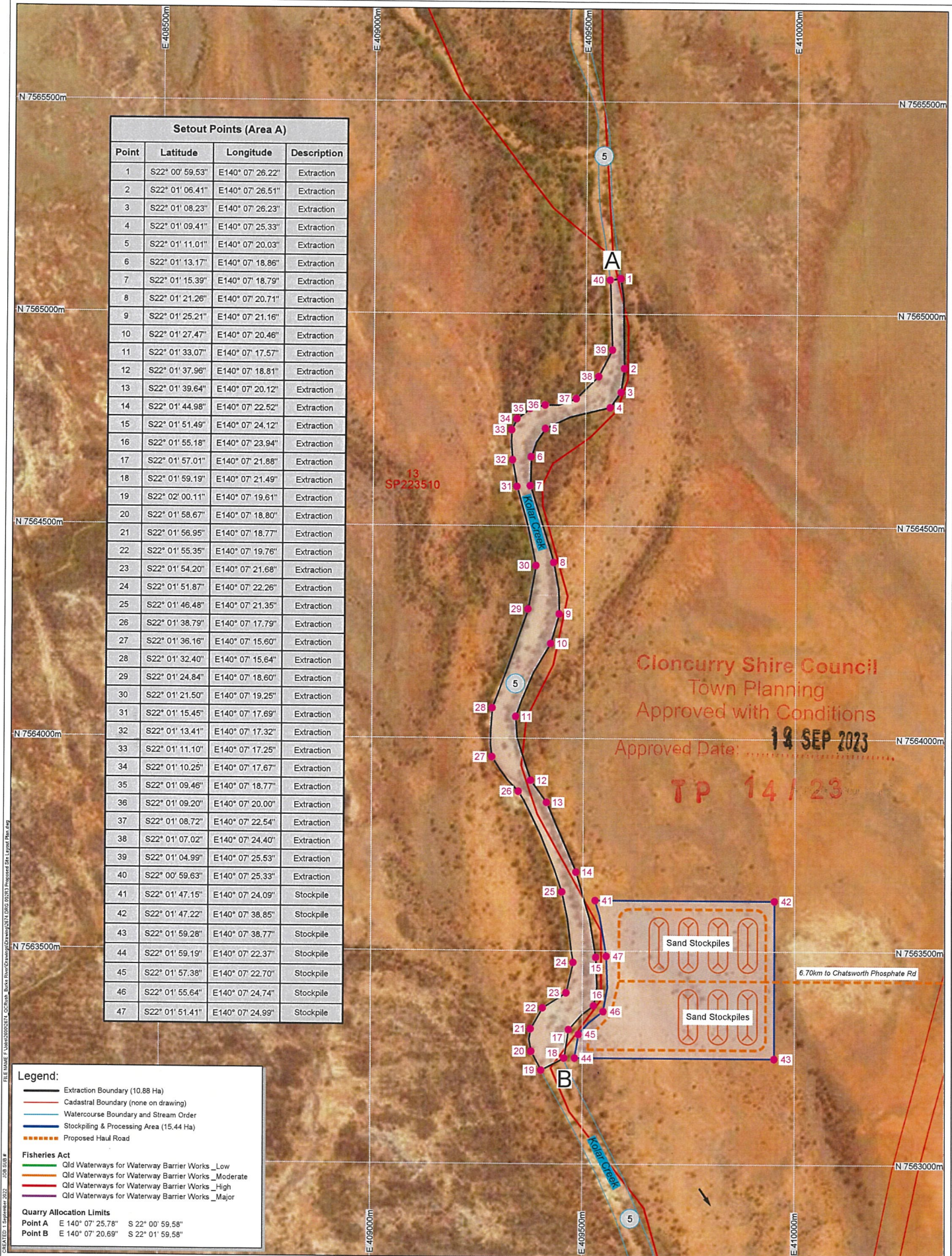
# **Attachment 4**

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Proposal Plans



Setout Points (Area A)			
Point	Latitude	Longitude	Description
1	S22° 00' 59.53"	E140° 07' 26.22"	Extraction
2	S22° 01' 06.41"	E140° 07' 26.51"	Extraction
3	S22° 01' 08.23"	E140° 07' 26.23"	Extraction
4	S22° 01' 09.41"	E140° 07' 25.33"	Extraction
5	S22° 01' 11.01"	E140° 07' 20.03"	Extraction
6	S22° 01' 13.17"	E140° 07' 18.86"	Extraction
7	S22° 01' 15.39"	E140° 07' 18.79"	Extraction
8	S22° 01' 21.26"	E140° 07' 20.71"	Extraction
9	S22° 01' 25.21"	E140° 07' 21.16"	Extraction
10	S22° 01' 27.47"	E140° 07' 20.46"	Extraction
11	S22° 01' 33.07"	E140° 07' 17.57"	Extraction
12	S22° 01' 37.96"	E140° 07' 18.81"	Extraction
13	S22° 01' 39.64"	E140° 07' 20.12"	Extraction
14	S22° 01' 44.98"	E140° 07' 22.52"	Extraction
15	S22° 01' 51.49"	E140° 07' 24.12"	Extraction
16	S22° 01' 55.18"	E140° 07' 23.94"	Extraction
17	S22° 01' 57.01"	E140° 07' 21.88"	Extraction
18	S22° 01' 59.19"	E140° 07' 21.49"	Extraction
19	S22° 02' 00.11"	E140° 07' 19.61"	Extraction
20	S22° 01' 58.67"	E140° 07' 18.80"	Extraction
21	S22° 01' 56.95"	E140° 07' 18.77"	Extraction
22	S22° 01' 55.35"	E140° 07' 19.76"	Extraction
23	S22° 01' 54.20"	E140° 07' 21.68"	Extraction
24	S22° 01' 51.87"	E140° 07' 22.26"	Extraction
25	S22° 01' 46.48"	E140° 07' 21.35"	Extraction
26	S22° 01' 38.79"	E140° 07' 17.79"	Extraction
27	S22° 01' 36.16"	E140° 07' 15.60"	Extraction
28	S22° 01' 32.40"	E140° 07' 15.64"	Extraction
29	S22° 01' 24.84"	E140° 07' 18.60"	Extraction
30	S22° 01' 21.50"	E140° 07' 19.25"	Extraction
31	S22° 01' 15.45"	E140° 07' 17.69"	Extraction
32	S22° 01' 13.41"	E140° 07' 17.32"	Extraction
33	S22° 01' 11.10"	E140° 07' 17.25"	Extraction
34	S22° 01' 10.25"	E140° 07' 17.67"	Extraction
35	S22° 01' 09.46"	E140° 07' 18.77"	Extraction
36	S22° 01' 09.20"	E140° 07' 20.00"	Extraction
37	S22° 01' 08.72"	E140° 07' 22.54"	Extraction
38	S22° 01' 07.02"	E140° 07' 24.40"	Extraction
39	S22° 01' 04.99"	E140° 07' 25.53"	Extraction
40	S22° 00' 59.63"	E140° 07' 25.33"	Extraction
41	S22° 01' 47.15"	E140° 07' 24.09"	Stockpile
42	S22° 01' 47.22"	E140° 07' 38.85"	Stockpile
43	S22° 01' 59.28"	E140° 07' 38.77"	Stockpile
44	S22° 01' 59.19"	E140° 07' 22.37"	Stockpile
45	S22° 01' 57.38"	E140° 07' 22.70"	Stockpile
46	S22° 01' 55.64"	E140° 07' 24.74"	Stockpile
47	S22° 01' 51.41"	E140° 07' 24.99"	Stockpile



Cloncurry Shire Council  
Town Planning  
Approved with Conditions  
Approved Date: 19 SEP 2023  
TP 14/23

**Legend:**

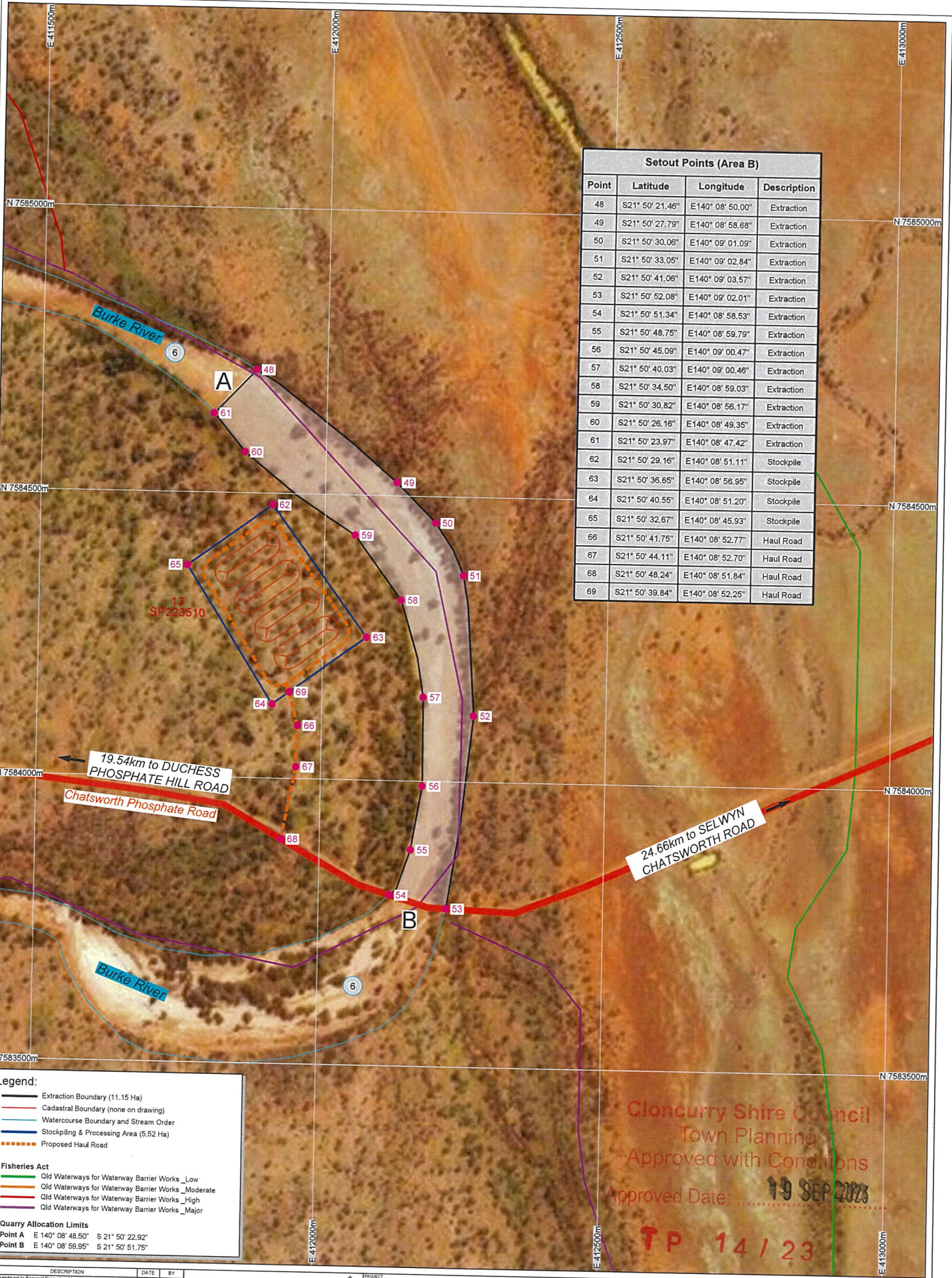
- Extraction Boundary (10.88 Ha)
- Cadastral Boundary (none on drawing)
- Watercourse Boundary and Stream Order
- Stockpiling & Processing Area (15.44 Ha)
- Proposed Haul Road

**Fisheries Act**

- Old Waterways for Waterway Barrier Works \_Low
- Old Waterways for Waterway Barrier Works \_Moderate
- Old Waterways for Waterway Barrier Works \_High
- Old Waterways for Waterway Barrier Works \_Major

**Quarry Allocation Limits**

Point A E 140° 07' 25.78" S 22° 00' 59.58"  
Point B E 140° 07' 20.69" S 22° 01' 59.58"



Setout Points (Area B)			
Point	Latitude	Longitude	Description
48	S21° 50' 21.46"	E140° 08' 50.00"	Extraction
49	S21° 50' 27.79"	E140° 08' 58.68"	Extraction
50	S21° 50' 30.06"	E140° 09' 01.09"	Extraction
51	S21° 50' 33.05"	E140° 09' 02.84"	Extraction
52	S21° 50' 41.06"	E140° 09' 03.57"	Extraction
53	S21° 50' 52.08"	E140° 09' 02.01"	Extraction
54	S21° 50' 51.34"	E140° 08' 58.53"	Extraction
55	S21° 50' 48.75"	E140° 08' 59.79"	Extraction
56	S21° 50' 45.09"	E140° 09' 00.47"	Extraction
57	S21° 50' 40.03"	E140° 09' 00.46"	Extraction
58	S21° 50' 34.50"	E140° 08' 59.03"	Extraction
59	S21° 50' 30.82"	E140° 08' 56.17"	Extraction
60	S21° 50' 26.16"	E140° 08' 49.35"	Extraction
61	S21° 50' 23.97"	E140° 08' 47.42"	Extraction
62	S21° 50' 29.16"	E140° 08' 51.11"	Stockpile
63	S21° 50' 36.65"	E140° 08' 56.95"	Stockpile
64	S21° 50' 40.55"	E140° 08' 51.20"	Stockpile
65	S21° 50' 32.67"	E140° 08' 45.93"	Stockpile
66	S21° 50' 41.75"	E140° 08' 52.77"	Haul Road
67	S21° 50' 44.11"	E140° 08' 52.70"	Haul Road
68	S21° 50' 48.24"	E140° 08' 51.84"	Haul Road
69	S21° 50' 39.84"	E140° 08' 52.25"	Haul Road

**Legend:**

- Extraction Boundary (11.15 Ha)
- Cadastral Boundary (none on drawing)
- Watercourse Boundary and Stream Order
- Stockpiling & Processing Area (5.52 Ha)
- Proposed Haul Road

**Fisheries Act**

- Old Waterways for Watway Barrier Works \_Low
- Old Waterways for Watway Barrier Works \_Moderate
- Old Waterways for Watway Barrier Works \_High
- Old Waterways for Watway Barrier Works \_Major

**Quarry Allocation Limits**

Point A E 140° 08' 48.50" S 21° 50' 22.92"  
 Point B E 140° 08' 59.95" S 21° 50' 51.75"

Cloncurry Shire Council  
 Town Planning  
 Approved with Conditions  
 Approved Date: 19 SEP 2023  
 TP 14/23

REV	DESCRIPTION	DATE	BY
1	Amendment to Regional Fishway Mapping	18/05/22	MM
2	Amendment to Stockpiling & Processing Area	24/07/22	MM
3	GPS Survey	12/09/22	MM

Data Source:  
 Photography: Digital Globe  
 Topography: Cadastre  
 Elevation: Esri/DEM  
 Other:

THIS DRAWING AND ALL INFORMATION HEREON ARE NOT TO BE USED FOR ANY PURPOSES  
 WHOLLY OR IN PART OR TO BE USED ON ANY PROJECT WITHOUT THE WRITTEN PERMISSION OF  
 GROUNDWORK PTY LTD.

PROJECT: Burke River Sand Allocation Operations

TITLE: Site Layout Plan

CLIENT: QCrush Pty Ltd

GROUNDWORK PTY LTD

SCALE: 1:6000

DATE: 1 September 2022

PRINTED: 1 September 2022

DRAWN: MR

CHECKED: JT

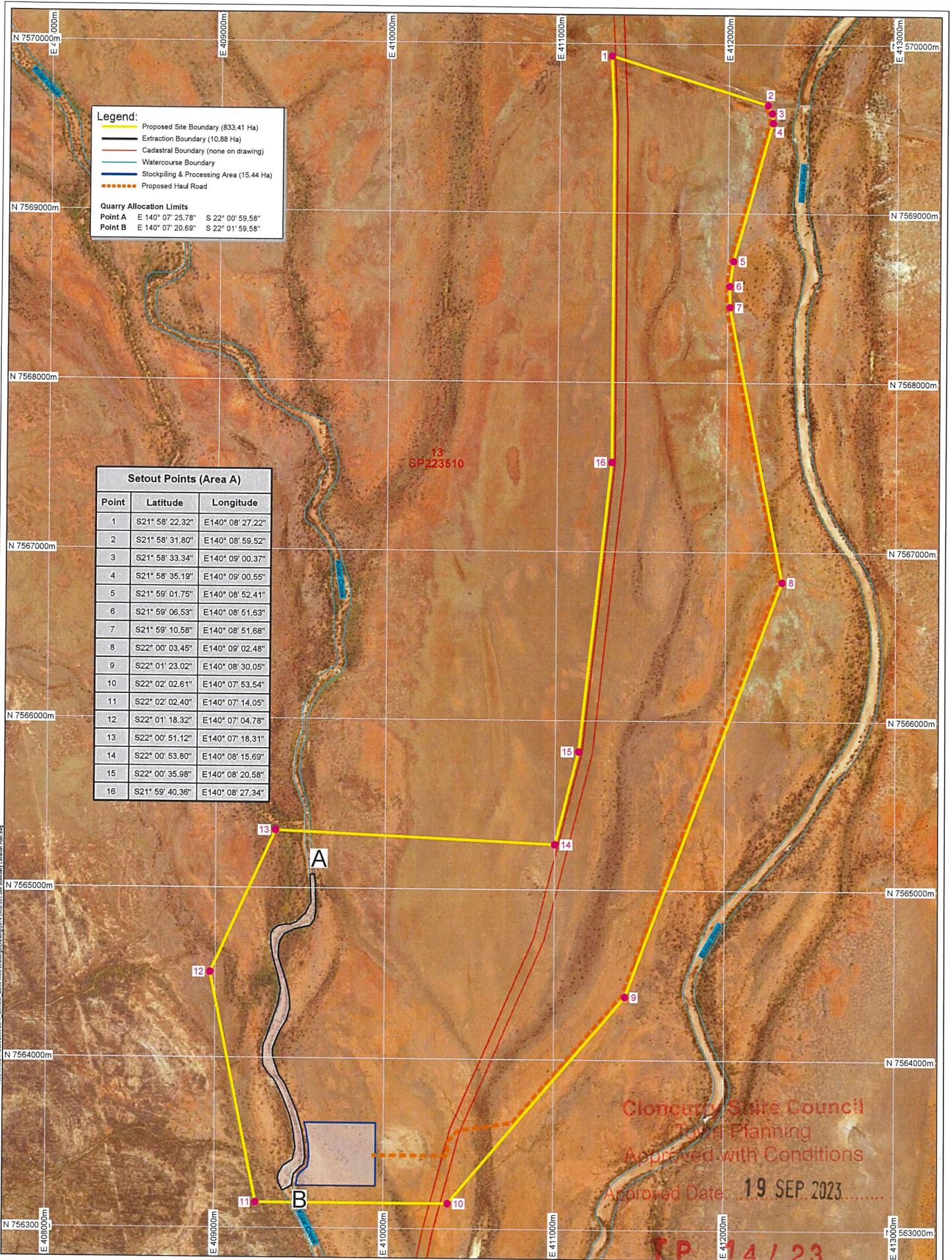
DRAWING NUMBER: 2674.DRG.002B

REVISION: 3

DATUM: HORIZONTAL / VERTICAL / ZONE

GDAM MGA / AHD / 54

FILE NAME: E:\MANAGEMENT\GIS\Projects\Burke River\Quarry\DWG\DWG\_2674.DWG (3) Project: Burke River  
 CREATED: 1 September 2022 JOB: 2674



REV	DESCRIPTION	DATE	BY

DATA SOURCES:  
 Photography: Digital Globe  
 Topography: Cadastre  
 Ecosystem: Other

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PROJECT: Kolar Creek Sand Allocation Operations

CLIENT: QCrush Pty Ltd

TITLE: Site Boundary Location Plan (Area A)

SCALE: 1:20,000

DATE: 1 September 2022

PRINTED: 1 September 2022

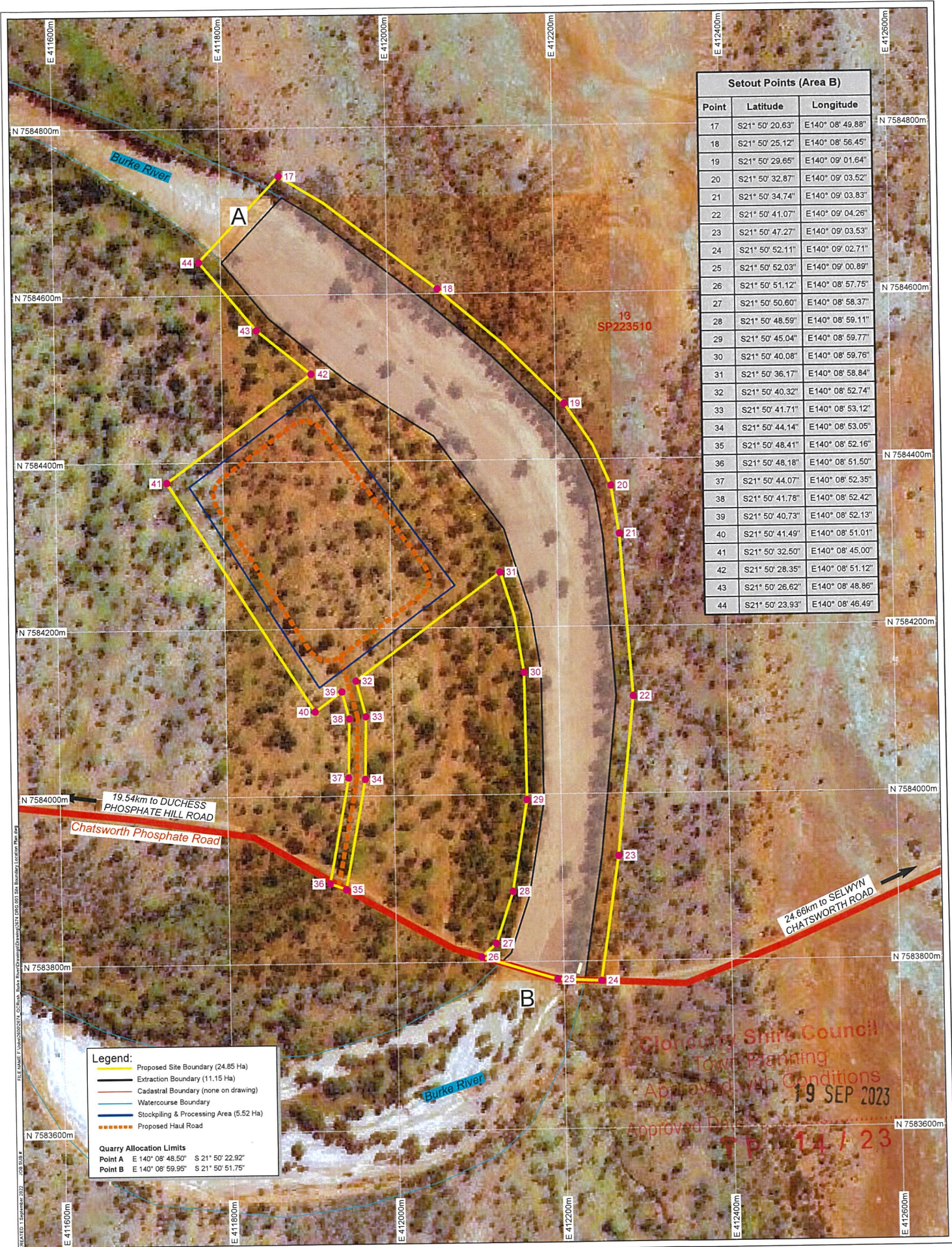
DRAWING NUMBER: 2674.DRG.003A

REVISION: SL

DATUM: HORIZONTAL / VERTICAL / ZONE

GDAM MGA / AHD / 54





Setout Points (Area B)		
Point	Latitude	Longitude
17	S21° 50' 20.63"	E140° 08' 49.88"
18	S21° 50' 25.12"	E140° 08' 56.45"
19	S21° 50' 29.65"	E140° 09' 01.64"
20	S21° 50' 32.87"	E140° 09' 03.52"
21	S21° 50' 34.74"	E140° 09' 03.83"
22	S21° 50' 41.07"	E140° 09' 04.26"
23	S21° 50' 47.27"	E140° 09' 03.53"
24	S21° 50' 52.11"	E140° 09' 02.71"
25	S21° 50' 52.03"	E140° 09' 00.89"
26	S21° 50' 51.12"	E140° 08' 57.75"
27	S21° 50' 50.60"	E140° 08' 58.37"
28	S21° 50' 48.59"	E140° 08' 59.11"
29	S21° 50' 45.04"	E140° 08' 59.77"
30	S21° 50' 40.08"	E140° 08' 59.76"
31	S21° 50' 36.17"	E140° 08' 58.84"
32	S21° 50' 40.32"	E140° 08' 52.74"
33	S21° 50' 41.71"	E140° 08' 53.12"
34	S21° 50' 44.14"	E140° 08' 53.05"
35	S21° 50' 48.41"	E140° 08' 52.16"
36	S21° 50' 48.18"	E140° 08' 51.50"
37	S21° 50' 44.07"	E140° 08' 52.35"
38	S21° 50' 41.78"	E140° 08' 52.42"
39	S21° 50' 40.73"	E140° 08' 52.13"
40	S21° 50' 41.49"	E140° 08' 51.01"
41	S21° 50' 32.50"	E140° 08' 45.00"
42	S21° 50' 28.35"	E140° 08' 51.12"
43	S21° 50' 26.62"	E140° 08' 48.86"
44	S21° 50' 23.93"	E140° 08' 46.49"

**Legend:**

- Proposed Site Boundary (24.85 Ha)
- Extraction Boundary (11.15 Ha)
- Cadastral Boundary (none on drawing)
- Watercourse Boundary
- Stockpiling & Processing Area (5.52 Ha)
- Proposed Haul Road

**Quarry Allocation Limits**

Point A E 140° 08' 48.50" S 21° 50' 22.92"  
 Point B E 140° 08' 59.95" S 21° 50' 51.75"

Cloncurry Shire Council  
 Town Planning  
 Approved with Conditions  
 19 SEP 2023  
 Approved Date  
 TP 14/23

<p>REV</p> <table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Data Sources:          Photography: Digital Globe          Topography: Cadastre          Ecosystem: Other</p> <p>THESE DESIGNS AND PLANS ARE COPYRIGHT AND ARE NOT TO BE COPIED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF GROUNDWORK PLS PTY LTD. A90-13 88 453 791</p>	DESCRIPTION	DATE	BY				<p>PROJECT: Burke River Sand Allocation Operations</p> <p>CLIENT: QCrush Pty Ltd</p>	<p>TITLE: Site Boundary Location Plan (Area B)</p> <p>SCALE: 1:4000</p> <p>DATE: 1 September 2022</p> <p>PRINTED: 1 September 2022</p>	<p>DRAWING NUMBER: 2674.DRG.003B</p> <p>DATUM: HORIZONTAL / VERTICAL / ZONE</p> <p>SCALE BAR: 0 80m</p> <p>REVISION: 27</p> <p>DATE: 1 September 2022</p> <p>DRAWN: MR</p> <p>CHECKED: 27</p> <p>DATE: 1 September 2022</p> <p>PH: +61 7 3871 0411</p> <p>WWW.GROUNDWORK.COM.AU</p>
DESCRIPTION	DATE	BY							

# **Attachment 5**

---

Referral Agency Response



SARA reference: 2302-33154 SRA  
 Council reference: TP01/23  
 Applicant reference: 2674.DA1

5 September 2023

Chief Executive Officer  
 Cloncurry Shire Council  
 PO Box 31  
 Cloncurry QLD 4824  
 council@cloncurry.qld.gov.au

Attention: Larinda Turrell

Dear Larinda Turrell

## SARA referral agency response—Phosphate-Chatsworth Road, Cloncurry

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 21 February 2023.

### Response

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Outcome:	Referral agency response – with conditions
Date of response:	5 September 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

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Description:	Development permit	Material change of use for extractive industry and environmentally relevant activities (ERAs) Operational Work – Vegetation clearing
--------------	--------------------	---

SARA role:	Referral agency
SARA trigger:	10.19.2.3.1.1 – Removing quarry material from a watercourse 10.3.4.3.1 – Clearing native vegetation 10.5.4.2.1 – Environmentally relevant activity 16(1)(b) and 16(3)(a) 10.9.4.1.1.1 – State transport networks
SARA reference:	2302-33154 SRA
Assessment manager:	Cloncurry Shire Council
Street address:	Phosphate-Chatsworth Road, Cloncurry
Real property description:	Lot 13 SP309109
Applicant name:	QCrush Pty Ltd
Applicant contact details:	PO Box 1779 Milton QLD 4064 planning@groundwork.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: P-EA-100462809</li> <li>• Effective date: In accordance with Section 200 of the <i>Environmental Protection Act 1994</i></li> <li>• Prescribed environmentally relevant activities: <ul style="list-style-type: none"> <li>ERA 16 - Extraction and Screening - 1(b) - Dredging, in a year, the following quantity of material - more than 10,000t but not more than 100,000t</li> <li>ERA 16 - Extraction and Screening - 3(a) - Screening, in a year, the following quantity of material - 5,000t to 100,000t</li> </ul> </li> </ul> <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: <a href="http://www.des.qld.gov.au">www.des.qld.gov.au</a></p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

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

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

For further information please contact Paul Gleeson, Principal Planning Officer, on 5352 9717 or via email [SEQNorthSARA@dsgilp.qld.gov.au](mailto:SEQNorthSARA@dsgilp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink that reads "Anna McGrath". The signature is written in a cursive, slightly slanted style.

Anna McGrath  
Executive Director

cc QCrush Pty Ltd, [planning@groundwork.com.au](mailto:planning@groundwork.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions

## Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.1.1.1 – State transport networks —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>The extracted material must be hauled to the site generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• Traffic Haulage Plan, prepared by Groundwork Plus, dated 22 March 2023, drawing number 2674.DRG.004.</li> </ul>	Prior to the commencement of use and to be maintained at all times
10.19.2.3.1.1 – Removing quarry material from a watercourse — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Regional Development, Manufacturing and Water to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
2.	The operator must maintain a current Quarry Material Allocation Notice issued under the <i>Water Act 2000</i> for the extraction of riverine quarry material.	At all times
10.3.4.3.1 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
3.	<p>Clearing of vegetation must:</p> <p>(a) only occur within Area A (Parts A<sup>1</sup> – A<sup>2</sup>) as shown on the attached:</p> <ul style="list-style-type: none"> <li>(i) vegetation management plan, prepared by Queensland Government, reference VMP 2302-33154 SRA, Sheets 1, 2 &amp; 3, version 1</li> <li>(ii) attachment to VMP 2302-33154 SRA Derived Reference Points for GPS</li> </ul> <p>(b) not exceed 1.6 hectares.</p>	At all times
4.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of clearing authorised by this development approval.	At all times
5.	Clearing of the extraction pits must be staged so that it takes place progressively based on the extraction program. In this manner, clearing must only occur in the area from which material is immediately due to be extracted.	At all times

## Attachment 2—Advice to the applicant

---

<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	<p><b>Over-dimensional Road Loads (Aurizon)</b></p> <p>Liaise with the Railway Manager (Aurizon) in relation to requirements under the Transport Infrastructure (Rail) Regulation 2017 for over-dimensional road loads across transport infrastructure (e.g. rail level crossings).</p> <p>Further information can be obtained from Aurizon's website at:  <a href="https://www.aurizon.com.au/what-we-deliver/network/over-dimensional-road-loads">https://www.aurizon.com.au/what-we-deliver/network/over-dimensional-road-loads</a></p>

## Attachment 3—Reasons for referral agency response

---

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

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

- The proposed development involves dredging up to 5,000m<sup>3</sup> (7,500 tonnes) of material per year from within the Burke River (dry bed extraction), and 3,800m<sup>3</sup> (5,700 tonnes) of material from Kolar Creek (dry bed extraction) to supply river sand to the Phosphate Hill Mine located on the adjacent property.
- The proposed development involves the following State interests:
  - removal of native vegetation
  - protection of State transport networks
  - removal of quarry material from a watercourse
  - environmentally relevant activities.
- SARA assessed the application against the following state codes under version 3.0 of the State Development Assessment Provisions (SDAP):
  - State code 15: Removal of quarry material from a watercourse or lake (State code 15)
  - State code 16: Native vegetation clearing (State code 16)
  - State code 22: Environmentally relevant activities (State code 22)
  - State code 6: Protection of state transport networks (State code 6)
- SARA's assessment identified that:
  - The proposed haulage routes from the screening sites to the mine do not involve any state-controlled roads and will not cause a safety or operational concern for the nearest rail line.
  - The clearing maintains the composition, structure and function of the regional ecosystem associated with the watercourse.
  - Based on the mitigation/management measures proposed and the conditions of the Environmental Authority (EA) that are to address the residual risk associated with this proposed activity, the management for noise and air emissions and the risk of releasing contaminants to waterways on site will be adequately managed.
  - The works are associated with two approved Quarry Material Allocation Notices (QMANs). Where the proposed works are conducted in accordance with the QMAN approvals the works will not negatively impact the watercourse or access to the watercourse
- The proposed development was assessed as being consistent with State codes 6, 15, 16 and 22, subject to conditions.

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

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

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

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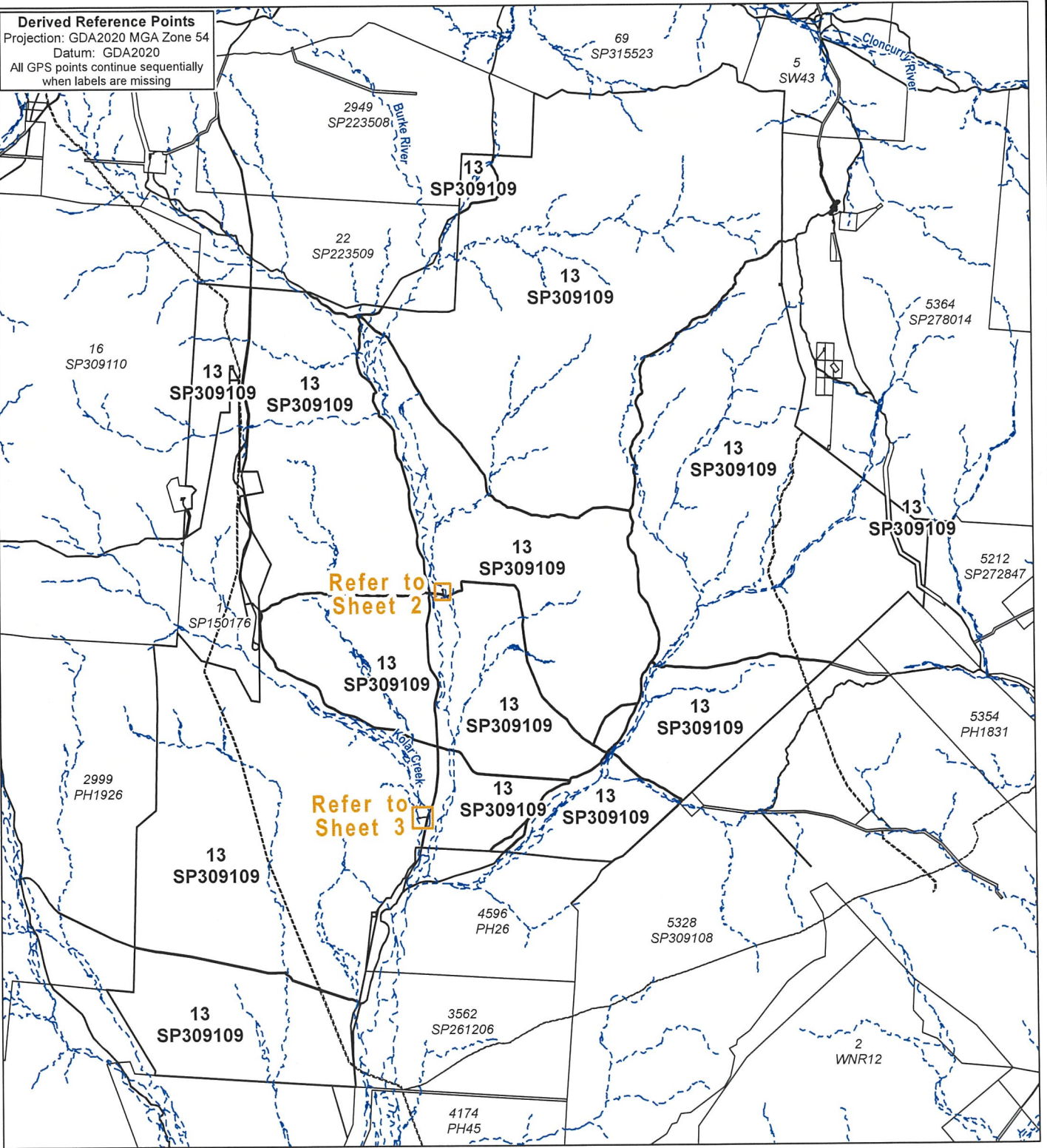


## **Attachment 5—Documents referenced in conditions**

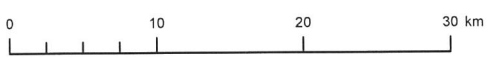
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**Derived Reference Points**  
 Projection: GDA2020 MGA Zone 54  
 Datum: GDA2020  
 All GPS points continue sequentially when labels are missing



1:350 000 @ A3 size

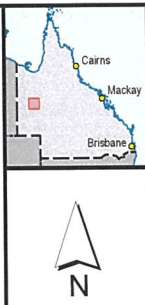


Projection: UTM (MGA Zone 54) Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.  
 Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.  
 The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

**This plan must be read in conjunction with conditions attached to 2302-33154 SRA**

- LEGEND**
- Derived Reference Start Points (see attachment)
  - Subject Lot(s)
  - Area A - Clearing Permitted
  - Watercourse and/or drainage feature (Stream order label)



## Vegetation Management Plan

Plan of Area A (Parts A<sup>1</sup> - A<sup>2</sup>) in Lot 13 on Plan SP309109

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

SARA ref: 2302-33154 SRA  
 Date: 5 September 2023



© The State of Queensland, 2023

**VMP**  
**2302-33154 SRA**  
 Sheet 1 of 3

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

Version: 1


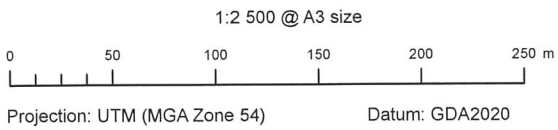
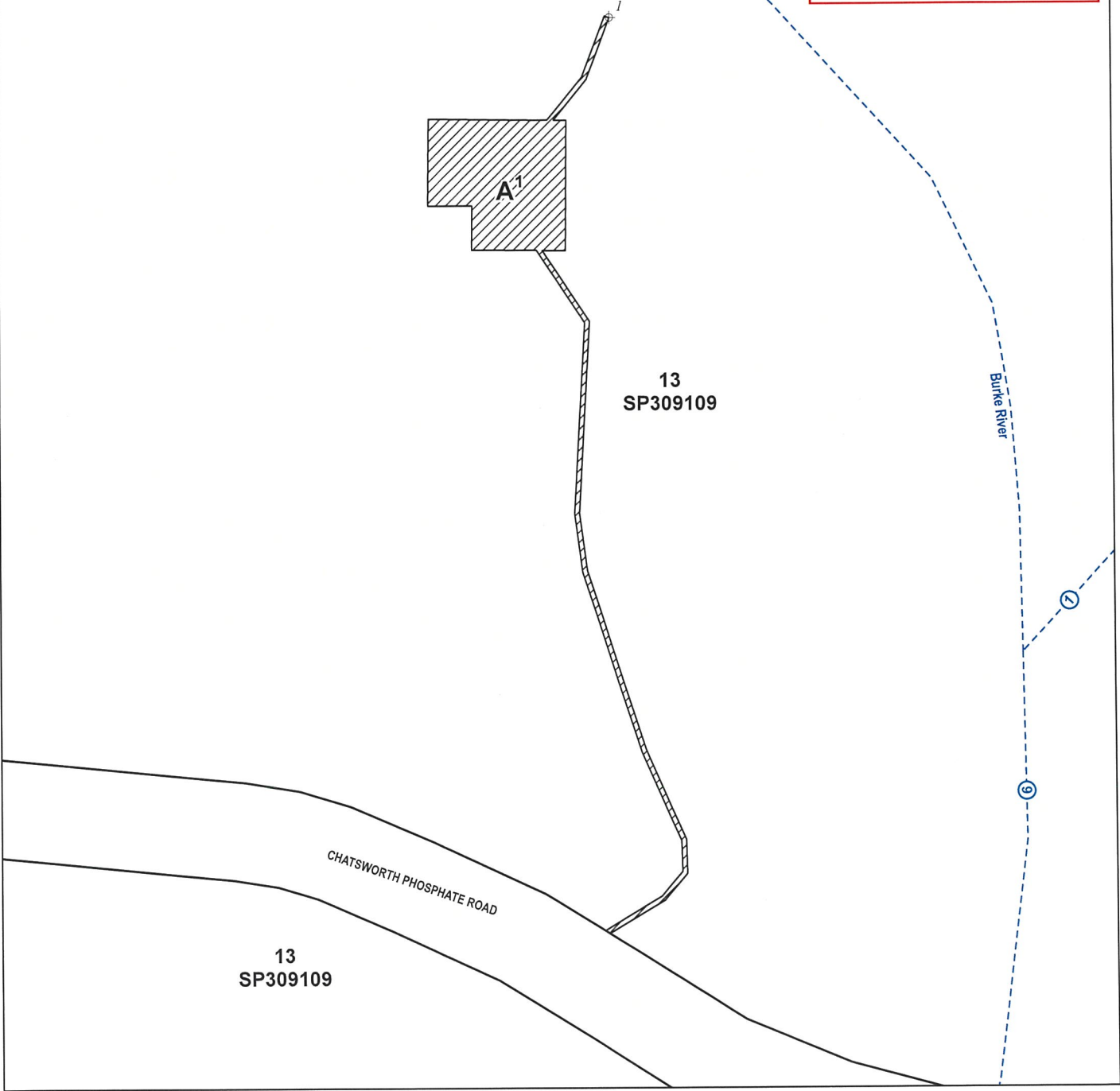
eLVAS Case ID: 2023/000516

Prepared by: SAK (VMGIS-NR-1940)

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



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

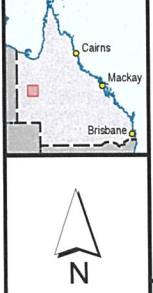
SARA ref: 2302-33154 SRA  
 Date: 5 September 2023

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**This plan must be read in conjunction with conditions attached to 2302-33154 SRA**

- LEGEND**
-  Derived Reference Start Points (see attachment)
  -  Subject Lot(s)
  -  Area A - Clearing Permitted
  -  Watercourse and/or drainage feature (Stream order label)



**Vegetation Management Plan**

**Plan of Area A (Parts A<sup>1</sup> - A<sup>2</sup>) in Lot 13 on Plan SP309109**

Version: 1 eLVAS Case ID: 2023/000516



Queensland Government  
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**VMP**  
**2302-33154 SRA**  
 Sheet 2 of 3

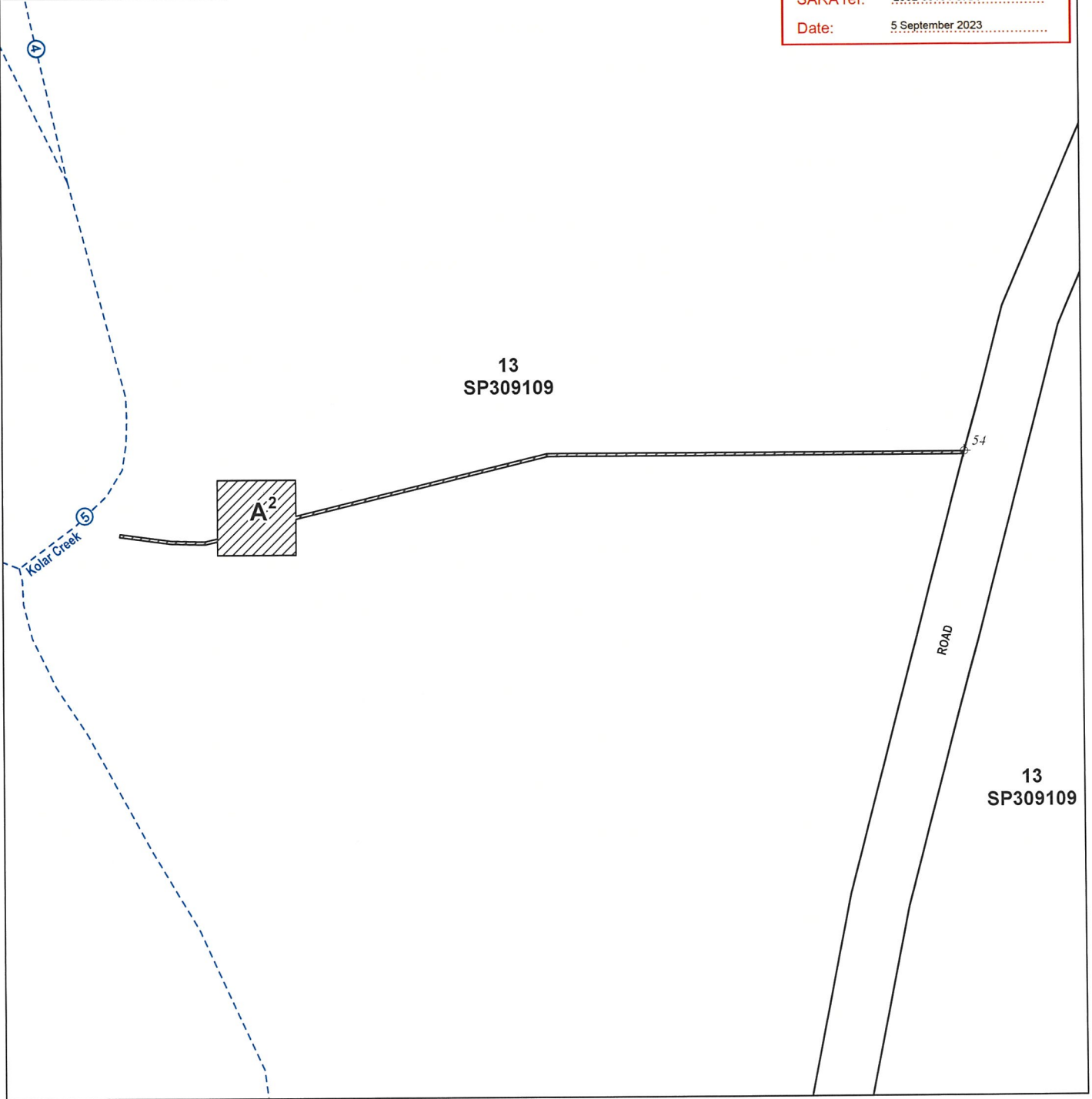
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 Datum: GDA2020  
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 when labels are missing

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



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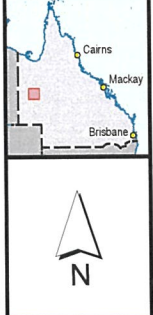
Date: 5 September 2023 .....



Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.  
 Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.  
 The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

**This plan must be read in conjunction with conditions attached to 2302-33154 SRA**

- LEGEND**
- Derived Reference Start Points (see attachment)
  - Subject Lot(s)
  - Area A - Clearing Permitted
  - Watercourse and/or drainage feature (Stream order label)



**Vegetation Management Plan**  
 Plan of Area A (Parts A<sup>1</sup> - A<sup>2</sup>) in Lot 13 on  
 Plan SP309109



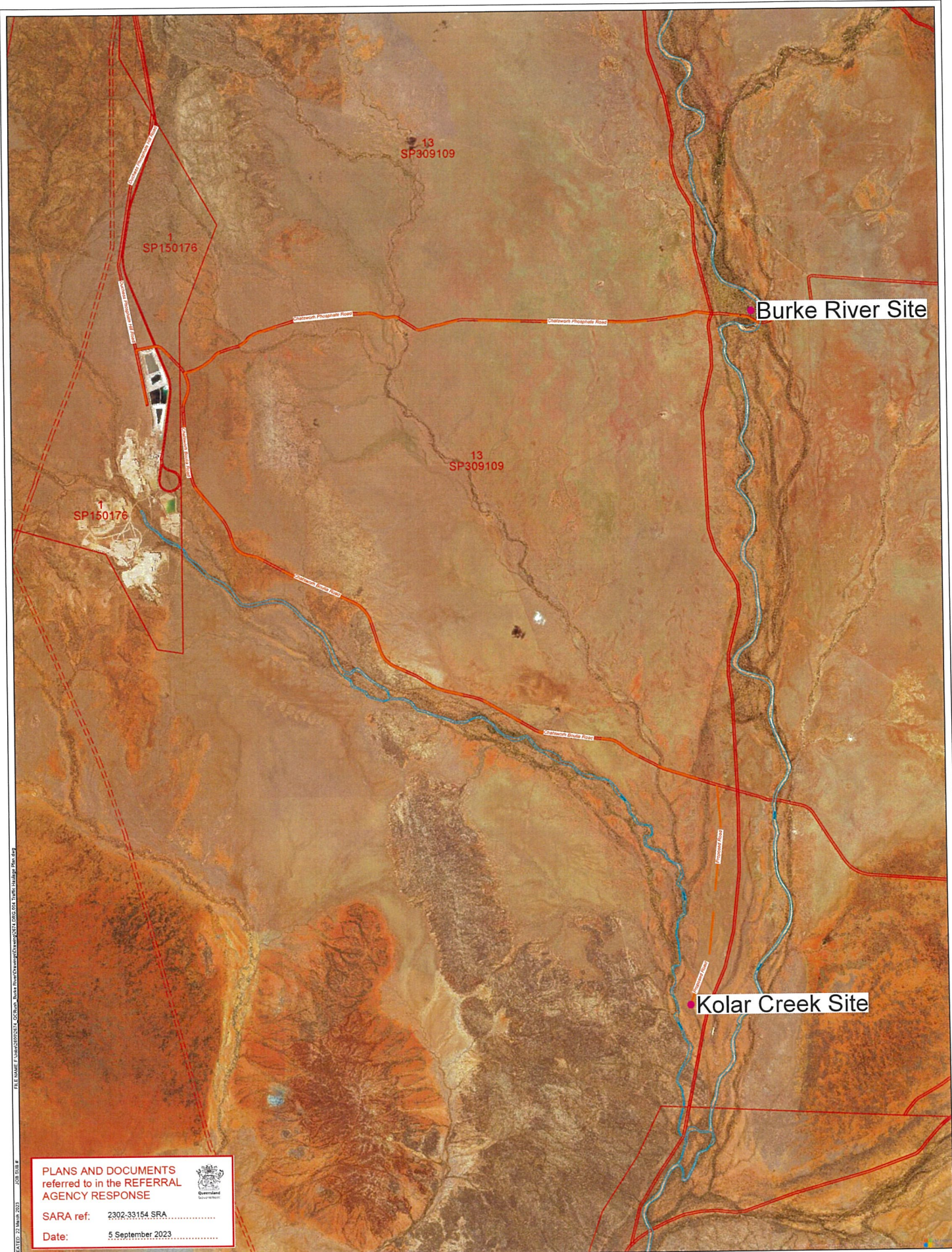
**VMP  
 2302-33154 SRA  
 Sheet 3 of 3**

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

Version: 1

eLVAS Case ID: 2023/000516





PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2302-33154 SRA

Date: 5 September 2023



REV	DESCRIPTION	DATE	BY

Data Sources:  
 Photography © 2023 Autodesk Inc.  
 Topography © The State of Queensland (Department of Resources), 2023.  
 Elevation © The State of Queensland (Department of Resources), 2023.  
 Other

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- Legend:**
- Cadastral Boundary
  - Watercourse Boundary
  - Proposed Haul Road
  - Site Location



PROJECT: Kolar Creek Sand Allocation Operations

CLIENT: QCrush Pty Ltd

GROUNDWORK plus

SCALE: 1:100,000

DATE: 22 March 2023

PRINTED: 23 March 2023

DRAWING NUMBER: 2674.DRG.004  
 REVISION:        
 DATUM: HORIZONTAL VERTICAL ZONE  
 QDAS4 MGA / AHD / 54