



FINAL MINUTES

10 October 2012

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<u>Folio</u>	<u>Date</u>	<u>Particulars</u>
24196	10.10.12	Ordinary Meeting Minutes

Declaration of Potential Conflict of Interest

Nil.

ORDINARY MEETING **MINUTES**

1. ATTENDANCE:

Her Worship the Mayor, Cr D T Comerford (Chairperson), K J Casey, L G Bonaventura, F A Gilbert, G J Martin, T A Morgan, D J Perkins, P F Steindl, Cr C J Bonanno and R D Walker were in attendance at the commencement of the meeting. Also present was Mr D McKinlay (Acting Chief Executive Officer) and Ms M Edwards (Minute Secretary).

The meeting commenced at 10:03 am.

2. ABSENT ON COUNCIL BUSINESS:

Nil

3. APOLOGIES:

Cr A N Jones

4. CONDOLENCES:

Her Worship the Mayor offered her condolences on behalf of the Councillors on the passing of Ron Searle. A minutes silence was held.

5. CONFIRMATION OF MINUTES:

5.1 ORDINARY MEETING MINUTES 3 OCTOBER 2012

THAT the Minutes of the Ordinary Meeting held on 3 October 2012 be confirmed.

Moved Cr Casey

Seconded Cr Steindl

CARRIED

6. BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING:

Nil

7. MAYORAL MINUTES:

Nil

8. CORRESPONDENCE AND OFFICERS' REPORTS:**8.1 MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY (EXTENSION TO THE CEDARS QUARRY) - BORAL CONSTRUCTION MATERIALS GROUP PTY LTD - WOODWARDS ROAD, RICHMOND - DA-2011-299**

Application Number:	DA-2011-299
Date Received:	25 November 2011
Action Officer:	Julie Brook (Planning Officer) Ray Gould (Engineering Officer)
Applicant's Details:	Boral Construction Materials Group Pty Ltd C/-Cardno Humphreys Reynolds Perkins Level 20 344 Queen Street BRISBANE QLD 4000
Proposal:	Extractive Industry ERA 16(2)c - Extracting Rock to 1mtpa ERA 16(3)b - Screening Materials to 1mtpa ERA 21 - Motor Vehicle Workshop > 10 vehicles
Site Address:	Woodwards Road, Richmond
Property Description:	Lot 1 on RP726997, Lot 7 on SP180550 and benefitting easement on Lot 7 on RP702751
Owner's Details:	BMG Resources Pty Ltd and Boral Construction Materials Group Pty Ltd
Area:	27.12 Ha

Planning Scheme:	Consolidated Mackay City Planning Scheme (2009)
Planning Scheme Designations:	
Locality:	Mackay Frame Locality
Precinct:	McCready's Creek
Zone:	Rural
Assessment Level:	Impact
Submissions:	One (1) petition with 157 signatures, 13 individual objections and 13 individual letters of support. There was one objection and 37 letters of support not properly made. Total of 221.
Referral Agencies:	Department of Transport & Main Roads (DTMR) - Development exceeding the thresholds in Schedule 11 Department of Environment & Resource Management (DERM) - ERA Assessment & Development on Land listed on the Contaminated Land Register
Attachments:	Attachment A: Locality Plan Attachment B: Proposal Plan Attachment C: Referral Agency Response
Recommendation:	Approved Subject to Conditions

ASSESSMENT OF APPLICATION

“The Cedars” Quarry has been operating for approximately 35 years on Woodward's Road, Richmond. The quarry is a hard rock basalt and micro-granodiorite extraction quarry currently producing 500,000 tonne of rock per annum (tpa). The quarry is a designated resource of State significance under State Planning Policy 2/07 “Protection of Extractive Resources” and known as Key Resource Area 23 under that policy.

The last planning approval for extraction was issued by the Pioneer Shire Council in 1991. This application involves the expansion of the extraction area as well as an increase in production to 750,000tpa. The expansion will be undertaken progressively over 8 stages and a projected 20 year period, extracting an additional 15 million tonnes of rock.

The site comprises two titles over 27 hectares in the rural zone surrounded by rural properties and a cluster of dwellings mostly north to northwest. The site gains access from Woodward's Road and currently features a large extraction pit and crushing plant on the western boundary.

The application addresses traffic and haul route impacts, noise, dust and air quality, water quality and quantity, vegetation and rehabilitation, visual impacts and economic needs. The activity requires environmental licensing from the Department of Environment and Resource Management (DERM) who are responsible for many of the environmental matters. DERM and the Department of Transport and Main Roads (DTMR) were the referral agencies for the application. Both agencies have approved the proposal subject to conditions.

The proposal is impact assessable and attracted 221 submissions both for and against the proposal, the largest being a petition against of 157 signatures. The primary issues raised by submitters were impacts on quality of life relating to noise, dust and traffic.

The developer acknowledges that there is opportunity for improvement with regard to environmental matters and best-practice methods for extractive industry. Mitigation measures are included in the application supporting material that demonstrate improvement on the current situation.

The proposal is consistent with the Mackay Isaac and Whitsunday Regional Plan and the Consolidated Mackay City Planning Scheme 2009. To ensure the developer operates the quarry in accordance with current legislation and the expansion provides a no-worsening effect on the surrounding landscape and residents, measurable conditions are recommended. Conditions must also reflect such improvements to operations occur in a timely manner and the improvements in operational parameters occur in line with projections. Approval of the proposal subject to conditions is recommended.

Purpose

The application is for a Material Change of Use for Extractive Industry to extend and intensify the existing extractive industry of The Cedars Quarry.

Background

It is believed the site has operated as a quarry since approximately 1976, originally as a lease area. Most recently, an application was lodged on 6 November 1990, approved by the Pioneer Shire Council at the ordinary meeting of 5 March 1991 and a consent order issued by the Planning and Environment Court on 4 October 1991. This consent maintained the existing footprint of the quarry but permitted extraction from RL45m AHD to RL10m AHD, a further 35m deep. The applicant appealed Council's upholding of the current operating hours commencing at 7am, contrary to the applicant request to commence at 6am. The courts similarly upheld the 7am commencement time.

At this time an easement was secured over Lot 7 on RP702751 - the property to the west across Woodward's Road for the installation of drainage pipes to the Lawful Point of Discharge, nominated as an upper arm of Jane Creek. At that time an extraction rate of 240,000tpa was anticipated with a life span of 15-20 years. No environmental licensing was required, however an Environmental Impact Study accompanied the proposal of 1991.

The site extraction has since proceeded to RL10m AHD and there is now only 12 months supply of rock resource remaining in the current footprint. In 2010, Council approved a code assessable reconfiguration application and issued a development permit to enable Boral Resources Pty Ltd to expand their holding by purchasing additional land to the south. This permit has been executed enlarging the site from approximately 16ha to 27ha.

Subject Site and Surrounds

The site comprises two allotments: the smaller site of 7.2ha and the larger site which features the hill for future extraction of just under 20ha. The combined development site of 27ha is zoned rural and surrounded by rural use and rural zoned properties. To the west, the site has a boundary length of 660m to the unsealed Woodward's Road. Opposite the quarry to the west are two large rural properties through which the tributary of Jane Creek runs. To the south is a cane farming property of approximately 35ha fronting to Holts Road. To the east are three similar sized farms fronting the Glenella-Richmond Road. To the north there is a similar farm fronting Waddell's Road and a cluster of three dwellings. To the northeast there is a further cluster of five dwellings (refer to Attachment A – Locality Plan).

The area topography rises generally from RL20m AHD at Holts Road in the south east to RL50m AHD the north-west at the top of Waddell's Road and the vegetation follows this trend with cane dominating the south and the residences to the northeast surrounded by vegetated country. The area for development is a vegetated hill in the centre of the surrounding area with a peak of RL90m AHD.

Proposal

The proposal involves:

- The expansion of the quarry extraction area over 8 stages from approximately 16ha to 27ha with a processing area of 3ha to remain (refer to Attachment B – Proposal Plans) ;
- The expansion of the quarry production from 500,000 tonnes per annum (tpa) to approximately 750,000tpa;
- The increase in operating hours from current hours of 7am to 6pm Monday to Friday and 7am to 12pm Saturdays to proposed hours of 6am to 6pm Monday to Saturday and 6am to 6pm Sunday for maintenance;
- The associated changes to existing environmental licences known as Environmentally Relevant Activities (ERAs):
 - 16(2)(c) – Extraction of Material to 1,000,000tpa;
 - 16(3)(b) – Crushing and Screening to 1,000,000tpa; and
 - 21 – Motor Vehicle Workshop > 10 vehicles.

State Planning Policy for the Protection of Extractive Industry (02/07)

The site is identified under the above policy as a resource of state importance and is designated a “Key Resource Area” (KRA). The Cedars quarry is KRA23 under this policy. The quarry at Farleigh is also protected under this policy as KRA24. The purpose of this State Planning Policy (SPP) is to “*identify resources of State or regional significance where extractive industry development is appropriate in principle, and protect those resources from developments that might prevent their future expansion*”. The primary tangible result of this policy is the designation of a 1km buffer zone around any KRA as represented in the Mackay Scheme as designated “High Impact Areas”.

Therefore this SPP is not used as an assessment tool for this application, but rather results in the High Impact Overlay being implemented in the Mackay City Planning Scheme which spatially

defines the buffer and affects any new application lodged within the designated buffer area for “sensitive” uses.

MACKAY ISAACC WHITSUNDAY REGIONAL PLAN

The site is located outside of the regional plan urban footprint and within the Rural Production area. Extractive Industry is described as a primary industry under the Regional Plan and is a consistent use in the Rural Production Area.

PLANNING SCHEME ASSESSMENT

The subject site is zoned Rural, contained in the McCready Creek Precinct of the Mackay Frame Locality. The application has been assessed against the following codes of the Planning Scheme:

- Mackay Frame Locality Code
- Rural Zone Code
- Extractive Industries Code
- Environment and Infrastructure Code

Assessment against the codes is as follows:

Mackay Frame Locality Code

- Overall Outcomes
 - (l) *the use and development of rural land comprises sustainable management practices;*
 - (m) *non-rural activities in rural localities do not adversely affect the operation of rural uses;*
 - (o) *economically sustainable rural activities are located to access, in the most cost efficient manner, the necessary infrastructure to meet existing and likely future needs and are located to be accessible to the urban area of Mackay and the Port of Mackay;*

P4 Land uses adjacent to industrial areas and key extractive resources areas which are incompatible with those areas include a buffer which mitigates any adverse impacts from the industrial use on the new use.

The proposal does not present any conflicts with the Locality Code.

Rural Zone Code

- P3 Intense forms of rural activity requiring significant improvements to the City's infrastructure, are located within reasonable proximity to the urban area of Mackay and the Port of Mackay, providing that the environmental impacts can be managed and the particular nature of the activity does not require a more remote location.*

The proposal does not present any conflicts with the Rural Zone Code. The code reiterates the importance of managing impacts.

Extractive Industries Use Code

P1 The layout and sequence of activities planned for the extractive industry operation protects public safety and maintains the existing amenity and environmental values of the locality by:

- (i) minimising haulage distance to a State controlled road and the impact of haulage on the City's road network;*
- (ii) minimising land disturbance and vegetation loss;*
- (iii) avoiding disturbance of cultural heritage areas;*
- (iv) avoiding disturbance to habitats containing endangered, rare, vulnerable or threatened species;*
- (v) utilising natural barriers, staging workings, using progressive rehabilitation, constructing banks and landscape screens to minimise visual impacts; and*
- (vi) establishing waste management practices to minimise waste.*

The layout of the site is not in accordance with the specific outcomes of the code in terms of using natural barrier to minimise visual and other impacts. However, the quarry is an approved use with use rights predating current best practice. Environmental matters can be appropriately conditioned for this development. The quarry is located very conveniently to road networks in multiple directions, customers and potential project sites. Other matters identified in the code can similarly be conditioned such as road sealing, drainage, buffering and no-worsening effects on the surrounding locality.

In summary, the proposal complies with the intent of the above codes; however site specific matters and environmental impacts will need consideration.

ADOPTED INFRASTRUCTURE CHARGES NOTICE and HAUL ROUTE LEVIES

The Adopted Infrastructure Charges Regime nominates extractive industry contributions to be assessed on an individual basis by the Local Government Authority. The site is not connected to Council's reticulated water or sewerage systems. As an extractive activity in the rural area, parkland contributions not relevant and the site must deal with its own stormwater and there is no stormwater system in the area. Therefore a contribution towards Council's roads network is the only relevant consideration. A recommended calculation has been derived by calculating the total traffic volumes on the local road network to the state controlled network (excluding Woodward's Road) and based on the development's proportion of daily traffic volumes, a sum of \$75,000 is recommended to levy through an Adopted Infrastructure Charges Notice toward road construction.

Council's Technical Services Department applies a road use levy on some extractive industry in the region on a per-tonne, per-annum basis. The current annual rate per tonne is quarry-specific and calculated as a function of road construction costs over a nominated route and extraction tonnage over time. Given the recommended condition or the reconstruction of Woodward's Road and the above infrastructure charge, haul route levies have effectively been accounted for.

PLANNING MATTERS

The application was assessed by Council Officers as well as an external consultant- MWA Environmental - who assisted with environmental matters.

Site Layout

Overall, the site is not well laid out in comparison to current best-practice for quarries. This can be attributed to changing best-practice methodologies over time and the time period since operation began. The crushing plant has been located directly adjacent to Woodward's Road without sufficient manoeuvring, stockpiling, buffer and stormwater treatment, areas. This 3ha of processing area is higher than the surrounding plain to the west and Woodward's Road which compounds issues of airborne pollutants of noise and dust.

The collection of temporary structures which form the administration and staff amenities are located generally adjacent to the entrance. The buildings, walkways, parking and associated facilities for staff and visitors are not formalised.

Plant

Within the three hectare processing area the quarry operates a combination of five crushing and four screening plants which process the rock into various grades for stockpiling. A fixed pugmill is located in this area which adds concrete to aggregates for road base stabilisation. This area also features the workshop and circulating plant such as the permanent on-site water truck, loaders for stockpiling and loading as well as the haul truck which are typically a truck and dog arrangement of 35-40t capacity.

In addition, operating within the pit is a mobile rock drill which splits rocks too large for processing and a 980G Caterpillar rock breaker. The internal haul trucks are loaded by a similar 980G caterpillar face loader. The full potential of the quarry of 750,000tpa can be reached by utilising the mobile crushing plant which is generally located in the pit as well.

Noise

Noise is generated primarily by the fixed plant. Secondary noise sources is the external haul routes while the intermittent noise is generated by the rock drill and blasting events. A fundamental issue when measuring noise is the determination of background noise levels.

The noise report prepared by Acoustics RB Pty Ltd summarises that the noise output of operation will decrease by 10dBA during the current operating hours and comply with their proposed noise levels. However DERM have imposed a slightly lesser noise level. Operating hours to commence at 6am will produce a conflict with approved noise levels and it has been demonstrated that the operations will not be able to comply with noise level limits at the closest residence prior to 7am. The report includes a raft of suggested amelioration tasks for the site to improve noise emissions.

Blasting occurs on an as-needed basis and is production demand dependent. The application includes a Blast Impact Assessment prepared by Saros Pty Ltd. The Boral Cedars Quarry is a hard rock quarry which involves blasting to loosen the rock resource. Drilling is further utilised to break up rock for processing and transporting. Blasting activities will need to be formulated

to mitigate overblast pressure, particularly for the early stages of development until a natural barrier is formed by the rock walls. This will include smaller blasts on a more regular basis.

Noise levels and blasting impacts are regulated by the Environmental Protection Act and form part of the Environmentally Relevant Activity license conditions issued by DERM (Refer to Attachment C – Referral Agency Conditions). The conditions of approval issued by DERM include accepted and permissible noise levels at sensitive receptors (dwellings) as well as reporting, monitoring and compliant matters.

Dust

Dust is generated by several sources including:

- The crushing and screening plant;
- The internal haulage routes;
- The internal dump truck off loading to the plant feeder bins;
- The intermittent use of the pugmill; and
- The external haulage routes along Woodward's Road.

Air borne pollutants are regulated by the Environmental Protection Act and form part of the Environmentally Relevant Activity license conditions issued by DERM. The conditions of approval issued by DERM include accepted and permissible dust levels at sensitive receptors (dwellings) as well as reporting, monitoring and compliant matters.

The primary task for dust mitigation involves the enclosure of all plant. This is a significant time and cost task and will involve custom design and installation including plant shut downs to implement. This task is a priority and implementation and completion of dust control measures are recommended to be completed in accordance with set milestones.

Operating Hours and Sunday Maintenance

The quarry is currently open from 6am to 6pm but plant operations are restricted to 7am to 6pm Monday to Fridays, 7am to 12pm Saturdays and closed Sundays and public holidays. The application requests an extension of these plant operating hours from 6am to 6pm. Maintenance activities are proposed to be undertaken on a Sunday.

The acceptable solution for operating hours within the Extractive Industry Code are 6am to 6pm, however the overall outcome remains that disturbance to sensitive uses is minimised. In view of the operations site layout (as described above) and the non-compliance with imposed noise limits it seems reasonable to confine operating hours to those approved by the courts. As noted in the introductory comments, the courts upheld Council's condition of a 7am start time in 1991 and further justification for an earlier start time or a change of conditions on the site which would support extended operations is not evident. Similarly DERM has conditioned that plant must not be operated outside these hours. The recommendation is that any activities prior to 7am or after 6pm must not include activities audible at sensitive receptors. The plant is restricted to existing operating hours.

Rehabilitation

The conditions of approval for the ERA licence have set out the timeframes and methodology for rehabilitation of the site. Council supports these conditions and in addition requires the boundaries facing the residences along Woodward's Road to be rehabilitated to provide a 10m buffer which will eventually screen the crushing plant from view as a priority task. Some areas of operations will need to move out of this buffer area as activities appear to have encroached over time.

Water and Sewer

The site is not connected to Council water and sewer infrastructure and these arrangements will be up to the owners to provide on-site facilities for their staff.

Water Quality and Drainage

The site must contain, reuse or discharge to a lawful point of discharge all of the stormwater generated from areas with pollution potential upon the site. Treatment of stormwater is to be provided on site and discharge of excess stormwater from the site must be of suitable quality. The existing quarry site benefits from an easement over the property to the west of Woodward's Road for discharge of site excess stormwater to a Council approved lawful Point of Discharge which is nominated as Jane Creek. The easement terms cover discharge from only part of the site being that portion prior to the 2010 land purchase or 18ha (70%) of the site.

The applicant has proposed three alternatives for excess stormwater discharge:

- Partial use of the existing easement;
- A point 400m south of the entrance gates discharging into Council's road reserve; and
- A pumped system along Woodward's Road to Holts Road and then west to the same watercourse of Jane Creek

Planning has requested alternative solutions be investigated, namely granting of another easement over adjacent land or renegotiating terms of the existing easement. The remaining two discharge solutions were not considered appropriate as Woodward's Road is not considered a lawful point of discharge as stormwater will flow on to affect other downstream landowners and no assessment of impact has been provided by the applicant; and, pumping through a pipe system within Council's road reserve, while this is possible, is cumbersome where other more practical alternatives exist.

The applicant advises that the renegotiation of terms of the existing easement is not possible and has not advised of contact with any other landowners. The stormwater management plan presented to Council is based on an assumption of discharge and increased flows and timeframes to cater for the expansion. Opportunity for deepening pits and fully containing water on the quarry site are not fully explored to consider an alternative which would not adversely impact upon the swale and culvert in Woodward's Road to the easement. It is more desirable to limit discharge to the existing point and manage stormwater internally. MWA Environmental recommends that the ultimate solution is indeed containment as described in their report:

"Provide sufficient on-site water storage and draw-down pumping capacity to ensure that any dewatering required to restore quarry operations after major rainfall events can be discharged to Janes Creek without causing the discharge water quality limits to be

exceeded. This may need consideration of the conditions pertaining to the easement within the discharge pipeline would be located."

Stormwater quality is regulated by the *Environmental Protection Act* and forms part of the Environmentally Relevant Activity license conditions issued by DERM. Stormwater will be treated in a number of on-site treatment ponds and stored on site for reuse. The conditions of approval issued by DERM include accepted and permissible levels of contaminant release including release points, monitoring points and nutrient levels.

While the DERM conditions state that two discharge points are permitted the approval also reiterates that it is the LGA's responsibility to determine lawful points of discharge and the recommendation made is that this site has an existing benefitting easement and no further discharge points will be permitted unless it is demonstrated by the applicant that drainage rights can be obtained elsewhere and/or without adverse impacts on downstream property owners.

Roadworks

Internal

Internally the site has no formed or sealed surfaces. As the processing area is in such close proximity to Woodward's Road and dust generation internal to the site is shown in the supporting documents as a primary impact, the recommended conditions of approval include some internal sealing. A nominal amount of internal sealing including the entrance to 35m or in line with the weighbridge. Dust suppression would also be assisted by formalisation of staff and administration car parking areas.

External – Haul Route

The applicant acknowledges that Woodward's Road requires upgrading and this work is a primary action for the mitigation of dust and noise from the site. Sealing of Woodward's Road from the Holts Road intersection to just north of the quarry is recommended along with the rehabilitation of the Woodward's and Waddells Road intersection. Further, load limiting shall apply to the northern section of Waddells and Woodward's Road which should assist reducing other heavy vehicles from using this route.

REFERRAL AGENCIES

The application was referred to the Department of Transport and Main Roads who have a specific interest on impact of extractive industry haul routes on the state-controlled road network. DTMR have required the applicant to install a shaker ramp, rock aprons and a wheel wash which is supported by the Assessing Officers. See Attachment C for their conditions.

The application was referred to the Department of Environment and Resource Management (DERM) on matter of the environmental licensing of the three ERAs listed above. The conditions of approval contain comprehensive details of permissible thresholds for all environmental matters as well as monitoring and reporting procedures. See Attachment C for their conditions.

SUBMISSIONS

The application was publicly notified in accordance with the requirements of the *Sustainable Planning Act 2009*, and as a result of this process, thirteen (13) individually prepared written submissions and one (1) petition submission with 157 signatures was received against the proposal. In addition 50 submissions were received in support of the application. Some of the submissions were not “properly made” as defined in SPA, however non-compliances were minor and these submissions were included in those considered. A summary is prepared in Table 1 below.

Table 1: Summary of Submissions received

Summary	Appeal Rights	No Appeal Rights	Total
Individual Objections	13	1	14
Petition Against	157		157
Submissions in Support	13	37	50
	183	38	221

The submissions were bound and without disclosure of submitters details, forwarded to DERM and the applicant for comment. The principle concerns raised from the submissions are summarised and discussed below.

1. Dust

“Already we are battling dust from the quarry site and the traffic flow coming and going. The potential harm this dust (concerns regarding the percentage of free silica) could cause to the health of my family is not acceptable.”

“Another impact on our lifestyle is dust from general quarry work and the movement of trucks in and out of the property.”

“Of major concern is this dust entering our water tanks which are our main supply of drinking water.”

“Our concern is that the dust emissions will be significantly greater than they already are. There is not enough water now to keep the dust at bay.”

“For the tonnage output to be achieved they are going to need two mobile crushers. These, we have been told are to be in the current pit, however the pit is to be filled with water to keep the dust at bay. This then leaves the crushers up high, which in turn will significantly increase the dust and noise we will be exposed to.”

“Boral has never achieved their dust dampening requirements due to the lack of water onsite and inadequate water storage.”

Applicant’s Response:

The applicant is proposing to implement significant upgrades in relation to dust controls at the site in order to reduce overall dust from Cedars Quarry. These include:

- a proactive watering campaign applied to internal haul roads
- enhanced dust control on the fixed processing plant through enclosure of all crushers

and screens and various transfer points

- enhanced watering of transfer points in the fixed mobile plant that are not proposed to be enclosed
- enhanced dust control on the mobile processing plant through watering of all crushers, screens and transfer points

In addition, the applicant is looking to reduce elevated dust levels that occur due to Cedars Quarry traffic travelling along Woodwards Road. Boral will seal the road to minimise dust and divert all traffic to travel south from Cedars Quarry along Woodwards Road towards Holts Road.

Officers Comments:

Dust mitigation as proposed by the developer has been conditioned by DERM. Mitigation methods must be in place before substantial commencement of the use.

2. Quality of Life and Health

“...the workings of a large construction industry site nearby has negative impact on quality of living in the area. Many of the residences in the area have chosen to live here to enjoy a quiet rural lifestyle not to be burdened heavy industry, noise, dust and increased traffic by large trucks.”

“In addition to the potential to taint water supplies makes living in this idyllic rural setting a health hazard.”

“We also have to keep windows closed and run air conditioners to prevent our home being covered in dust.”

“The increase in dust omissions would adversely affect our health especially that of my children and we have grave concerns about the long term affect of being exposed to the dust. The anxiety and stress caused by the constant dust problem is also a major concern.”

“As you are aware, the quarry is in an area for residential development in Mackay and its further enlargement and associated noise, air and water pollution is a threat to resident’s health.....of special relevance is the past record of the operators seeming to ignore Council’s stipulations for its safe and healthy function.”

“Local residents concerns are health issues (dust toxic gases in blasting operation), excessive noise, potential damage to houses from blasting ground vibrations and the devaluation of surrounding properties.”

“The Cedar’s Quarry has a history of non-compliance. This indicates a serious lack of concern for stipulated Council conditions and the well being and quality of Life of surrounding residents.”

Applicant’s Response:

Many of the matters raised by the objectors can be appropriately addressed by way of reasonable and relevant conditions of development approval. Objectors can be assured that any failure by Boral to comply with those conditions of approval can give rise to enforcement proceedings and subsequent penalties under the SPA.

The applicant is proposing to implement significant upgrades in relation to dust controls at the site in order to reduce overall dust from Cedars Quarry. These include:

- a proactive watering campaign applied to internal haul roads
- enhanced dust control on the fixed processing plant through enclosure of all crushers and screens and various transfer points
- enhanced watering of transfer points in the fixed mobile plant that are not proposed to be enclosed
- enhanced dust control on the mobile processing plant through watering of all crushers, screens and transfer points

In addition, the applicant is looking to reduce elevated dust levels that occur due to Cedars Quarry traffic travelling along Woodward's Road. Boral will seal the road to minimise dust and divert all traffic to travel south from Cedars Quarry along Woodward's Road towards Holts Road.

Officers Comments:

No activities on the site generate toxic gases and dust emissions are predicted to decrease. The area is not zoned for residential activities and no new lots have been approved in the area since commencement of the quarry activities. The DERM conditions of approval require improvements to air quality and recommended conditions ensure these are completed in a timely and measurable fashion.

3. Noise

"The proposal is for the quarry to become a 7 day a week operation with "maintenance" to occur on Sundays. This affords the local residents no respite from industrial noise throughout the week."

"Much of the proposed drilling of the hill that is left on the site is above the "buffer zone" affording no dampening of noise."

"Given the close proximity between the proposed expanded quarry and our property we are doubtful that any noise management plan will be sufficient to abate noise emissions including for example rock drilling activity and blasting."

Applicant's Response:

This expert technical assessment confirms that the proposed extension will not result in any unacceptable impacts upon the acoustic amenity of the surrounding area, including neighbouring properties. We anticipate that an approval of the proposed extension would be subject to the imposition of a reasonable and relevant condition which requires the applicant to continue to implement and comply with the requirements of the acoustic assessment to ensure that impacts are mitigated.

Officers Comments:

Noise levels have been regulated by DERM and an extension of operating hours for plant is not supported.

4. Road Safety

“Furthermore, the deterioration of the roads as a result of the heavy vehicular traffic is resulting in frighteningly dangerous conditions.”

“The increase in heavy vehicular traffic within a residential area is of great concern. Additional quarries in the area will also increase an already heavy traffic load.”

“We have a young family and are concerned about the interaction of the heavy vehicles with our children walking/ riding along Waddell’s Road. Woodward’s Road is unsealed and very rarely watered. The amount of dust generated by the heavy vehicle movement is already unacceptable. With the number of trucks set to almost double the dust will be unbearable.”

“The intersection of Woodward’s Road and Waddell’s Road is already a major traffic hazard with limited vision and pullout space and not capable of handling increased heavy vehicle traffic. A possible solution would be the closure of Woodward’s Road north of the quarry access...”

Applicant’s Response:

Boral have been seeking to manage its operations in a way that avoids heavy vehicles accessing the site via Woodward’s Road and Waddell’s Road as far as practical. Council is aware that Boral have been actively pursuing options to formalise a permanent solution to the issue, including the possibility of load restrictions and/or signage within Council’s road reserve. Whilst it is not possible for Boral to unilaterally implement these permanent solutions, Boral is keen to continue working with Council to resolve this existing undesirable situation.

Officer’s Comments:

The conditions of approval reflect the upgrade works that the applicant will be required to undertake to address road safety and the noise and dust impacts of current and increased traffic levels. It is also recommended that Waddell’s Road be load limited and the applicant resurface the Waddell’s/Woodward’s Road intersection for the safety of residents.

5. Buffer Zone

“There is insufficient space for a meaningful buffer zone to be in place between the quarry our property and other residential dwellings. From the entrance gate to Waddell’s Road there is no buffer zone and this is going to be where all the machinery and crushers will be operating.”

“There is a significant lack of recommended buffer zones around the quarry site as per the state planning policy document.”

“We also believe that Boral has taken some licence with the northwest boundary... If this is the case, any vegetation buffer on the west boundary is on Council land.”

“There is no separation area between the resource extraction and processing areas.”

Applicant’s Response:

Vegetated buffers along the perimeter of the existing and proposed quarry area will serve to

screen the quarry from the view of lower elevation residences. The existing quarry currently has vegetated buffer areas along Woodward's Road and along the northern boundary. The existing buffer along Woodward's Road will be retained. The northern buffer will be enhanced with additional planting to maintain landscape character and screening, consistent with the Acceptable Solution S4.2 and S4.4 to mitigate against visual impacts.

Officer's Comments:

It is agreed that the buffering to the western boundary requires rehabilitation and this is included in the recommended conditions of approval. New areas to be mined include a 20m vegetated buffer to all boundaries in accordance with the code.

6. Blasting

"Currently when blasting is being undertaken our dwelling shakes. Any increase in quarry size, we would assume would involve additional blasting. Our concern is the continual vibrations caused by blasting rock may result in structural damage being done to our residence."

Applicant's Response:

The Environmental Noise Assessment findings conclude the following:

- Blasting will be concentrated in the southern half of the expanded extraction area given the location of the extractive reserve;
- Modified blasting practices can be employed to prevent unacceptable air overpressure impacts and ground vibration levels;
- Neighbouring residents will be exposed to blasting impacts for less than 1 second per month, with blasting occurring on average once every four weeks.

Officer's Comments:

Blasting is regulated by DERM, however changed blasting methodologies will need to be employed to comply with the ERA licence provisions.

7. Operating Hours

"Any extension to the operating hours would cause exponential increase in the effect of each of our above concerns raised above."

"Boral has supplied no evidence of economic need to extend operating hours and has not demonstrated they can operate at these times within acceptable Qld environmental standards or at the levels already in place for surrounding residents."

Officer's Comments:

The application to Council in 1990 requested extended operating hours commencing at 6am. This was not approved. The applicant appealed this matter to the Planning and Environment Court in 1991 which upheld Council's decision. There is no new information presented that provides grounds to approve extended hours for this type of operation in this location and further it is shown that noise limits cannot be achieved prior to 7am.

8. Economic Benefit

“My business relies on Boral’s business and I need the certainty of the quarry to ensure I can operate my business for the long term.”

“Our business and the people I manage and their families need the Cedars quarry. The whole Mackay economy needs investment from companies like Boral to ensure we can stay afloat”.

Applicant’s Response:

“It is Norling Consulting’s opinion that there is a strong level of economic and planning need for the proposed extension of Cedars Quarry beyond its current boundaries but within the Key Resource Area.

Officer’s Comment:

The grounding principles of the State Planning Policy 2/07 “Protection of Extractive Resources” state:

Extractive resources are high volume, low value products, and the economic viability of an extractive resource depends on its proximity to markets and urban areas. The Act (SPA) recognises extractive deposits of economic value as ‘valuable features’, which are a component of the ‘core matters’ the Act requires planning schemes to address.

Therefore, the State has already nominated this resource as one of significant economic importance.

RESOURCES IMPLICATIONS

Primary resource implications for Council are for road wear and tear and rehabilitation works and this is addressed through contributions over the nominated haulage route as described above.

CONSULTATION

External

Extensive consultation was undertaken with DERM with regard to environmental matters within their jurisdiction. Council engaged the services of Max Winders and Associates (MWA Environmental) for independent review of the applicant’s reports on blasting, noise, dust and stormwater quality whose comments have been incorporated into this report.

Internal

The application was discussed with representatives from Engineering Services on external roads matters and discussion with the Development Assessment Review Team meeting finalised the recommended conditions of approval.

CONCLUSION

The application is recommended for approval as a primary economic resource for the Mackay region subject to conditions which contain impacts to within the site.

Officer Recommendation

- A. THAT Council approve the application for a Material Change of Use for an extension of Extractive Industry to increase production from 500,000 tonnes per annum (tpa) to approximately 750,000tpa, plus Environmentally Relevant Activities (ERAs) - 16(2)(c) – Extraction of Material to 1,000,000tpa, 16(3)(b) – Crushing and Screening to 1,000,000tpa, and 21 – Motor Vehicle Workshop > 10 vehicles, located at Woodward's Road, Richmond, described as Lot 1 on RP726997, Lot 7 on SP180550 and benefitting easement on Lot 7 on RP702751, subject to the following conditions:

1. Plan of Development

The approved expansion of quarry extraction area and increase in extraction rates to 750,000 tonnes per year to a level RL-45mAHD of for this Extractive Industry Development must be completed and maintained generally in accordance with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

Project Number	Drawing Number	Rev	Prepared by	Date
7802/34	103 – Stage 1	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	104 – Stage 2	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	105 – Stage 3	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	106 – Stage 4	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	107 – Stage 5	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	108 – Stage 6	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	109 – Stage 7	Orig	Boral Resources Qld Ltd	18/05/2011
7802/34	110 – Stage 8	Orig	Boral Resources Qld Ltd	18/05/2011
	Figure D-1	B	BMT WBM	

2. Amended Plans Required

Prior to the lodgement of Operational Works application, the approved plans of development must be amended to comply with the following matters:

- a) Internal circulation areas in accordance with condition 13 and 14;
- b) Buffer areas in accordance with condition 17; and
- c) Amended surface water management plan in accordance with condition 16.

The amended plans must be approved in writing by Council prior to the lodgement of an application for Operational Works approval.

General

3. Compliance with Conditions

All conditions must be complied with prior to the commencement of the use on the subject site, unless specified in an individual condition.

4. Maintenance of Development

Maintain the approved development (including landscaping, carparking, driveways, buffers, stormwater infrastructure and other internal or external spaces) in accordance with the approved drawings and documents and any relevant Council engineering or other approval required by the conditions.

5. Conflict Between Plans and Written Conditions

Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions will prevail.

6. Damage

Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

7. Compliance with Council Standards

All design and construction for the development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

8. Hours of Operation

The hours of operation are limited to:

- a) 7am to 6pm Monday to Saturdays excluding public holidays. Operations means: the operation of the quarry processing and in-pit extraction, any machinery including but not limited to the crushing plant, pugmill and rock drill, and includes all internal and external trucking movements.
- b) Administration and maintenance is permitted from 6am to 9pm, Monday to Saturday excluding public holidays and is limited to activities which are inaudible at sensitive receptors and does not include the operation, testing or running of any mechanised plant outside a confined workshop.

9. Commencement of the Use

- a) Commencement of Stage 1 of the expanded extractive industry activities must not commence unless:
 - (i) Rehabilitation has occurred in accordance with condition 17 a)
 - (ii) Dust and noise suppression tasks including enclosure of plant as required in Schedule B and G of DERM permit SPCE03662111 have commenced to the approval of Council;
 - (iii) Amended plans in accordance with condition 2 of this approval have been approved by Council; and
 - (iv) Operational Works for the construction of Woodward's Road and all other applicable works has been lodged.

- b) Commencement of Stage 2 of the expanded extractive industry activities must not commence unless:
 - (i) The Operational Works Development Permit has been fully executed; and
 - (ii) Dust and noise suppression tasks including enclosure of plant as required in Schedule B and G of DERM permit SPCE03662111 have been fully completed;

Roadworks – External

10. Haul Route

The extractive industry site must be accessed by haul vehicles as follows:

- a) All haul vehicles entering and leaving the site must do so from Woodward's Road via Holts Road intersection
- b) No haul vehicles are to use Waddell's Road.
- c) Signage advising "local traffic only" is to be placed on Woodward's Road just north of the quarry entrance.
- d) Signage must be provided at the quarry exit directing all haul vehicles to Holts Road.

11. Woodward's Road Upgrade

The section of Woodward's Road from the Holts Road intersection to the northern side of the stormwater discharge point is to be sealed and constructed to Council standards for a rural road as follows:

- a) A minimum 8m wide sealed formation comprising 2 x 3m traffic lanes and 2 x 1m sealed shoulders
- b) Minimum design speed of 60kph
- c) Minimum 1 in 5 year cross drainage with 1 in 100 year trafficable
- d) A sealed intersection into the Quarry site which is to be designed to accommodate the turning movements of the proposed haulage vehicle type (truck and dog combination) and must incorporate raised concrete kerbing at the intersection kerb returns.

12. Waddell's Road and Intersection and Load Limits

The road pavement and seal at the intersection of Waddells Road and Woodward's Road must be rehabilitated. Waddell's Road must be load limited and appropriate signage provided. The developer must liaise with Council's Engineering Services Department and DTMR with regard to the process for load limiting.

Roadworks – Internal

13. Internal Circulation Space

The internal parking and circulation space in the vicinity of the office, weighbridge, amenities and staff parking and required wheel wash must be sealed, drained and line-marked as appropriate. The area shall be sealed from the property boundary to provide a continuous sealed surface from the above-mentioned facilities to Woodward's Road. A plan showing the extent of the seal shall be submitted for approval prior to submission of the Operational Works application.

14. Minimum Carparking Spaces

Car parking area must be constructed, sealed, line-marked and drained for a minimum of 20 car parking spaces and maintained thereafter, designated for staff and visitors including one space for people with disabilities. The carparking is to be designed in accordance with Australian Standard AS/NZS2890.1 – 2004 and AS/NZS 2890.6:2009. A plan showing the car parking shall be submitted for approval prior to submission of the Operational Works application.

Stormwater

15. Lawful Point of Discharge

Downstream drainage to a lawful and practical point of discharge which has been nominated as the western end of Easement A on RP812144. Alternatively, the lawful point of discharge may be located south of the existing easement provided the agreement of the adjoining landowner is obtained for this alternate easement location.

16. Surface Water Management

The Preliminary Surface Water Management Plan of May 2012 must be resubmitted as a final plan. Resubmission of the plan must:

- a) Demonstrate Compliance with water quality criteria as specified as Release Limits in Schedule C: Table 1 of the DERM Permit No. SPCE03662111 dated 23 August 2012.
- b) Relocate Dam D and Dam E out of the vegetated buffer area as required by Condition 17 a)
- c) Provide calculations showing how the revised system would satisfy the Release Limits of Schedule C: Table 1 of the DERM Permit No. SPCE03662111 for the expanded quarry.

- d) Document that any offsite discharge to Janes Creek from Dam D or its equivalent does not occur unless the water quality discharge limits of Schedule C: Table 1 of DERM Permit No. SPCE03662111 are satisfied.
- e) Identify that any offsite discharge from the surface water management system to Janes Creek is via the existing easement and agricultural drain described as Easement A on RP812144. This is to be achieved by a suitably-sized buried pipeline leading to an outfall in Janes Creek provided with appropriate scour protection.
- f) Provide a detailed dimensioned site plan of the water management system, including collector drains, sediment ponds, pipes and pumps for approval by Council prior to construction.

The approved Surface Water Management Plan must be implemented for the site.

Landscaping, Fencing and Buffering

17. Landscaping for Visual Softening

Landscaping works that soften the visual impact of the extractive industry must be established and maintained as follows:

- a) For the full length of the western property boundary from the gate to the north western corner for a width of 10m. Buffer areas along this boundary will require rehabilitation to achieve this width. An effective means of restriction must be placed along this 10m line such as concrete barriers or bollards to ensure trucking movements and stockpiling do not encroach on this buffer area. All other infrastructure must be removed from the 10m buffer area.
- b) For the full length of the northern boundary for a width of 20m. Buffer areas in the north western corner will require rehabilitation. An effective means of restriction must be placed along this buffer such as concrete barriers to ensure trucking movements and stockpiling do not encroach on this buffer area where practicable.
- c) For the full length of the eastern boundary from the north-east corner to the point of the line of the southern extremity of the existing pit must be maintained as is without any further encroachment into the pit wall. .
- d) For all new areas proposed for extraction a 20m vegetated buffer will apply for all other boundaries. The buffer area must be free of stormwater infrastructure, buildings, parking or any other activity and be clearly delineated to ensure trucking activities and stockpiling do not encroach on these areas.
- e) Landscaping must also be provided to the entrance, car parking and office areas as appropriate.

18. Completion of landscaping

- a) Condition 17 a) above must be implemented as a priority. Demarcation of the area and submission of a Compliance Permit for landscaping works must occur within 3 months of this permit taking effect. Works must be completed within 3 months of the compliance permit issue.

- b) Conditions 17 b), c), d) and e) must be implemented as part of the Operational Works submission. The 20m line must be identified and marked for the entire new extraction area prior to the commencement of extraction for Stage 1 and shown on the revised plans.

19. Landscape Plan Required

A detailed site landscaping plan must be prepared by a qualified Landscape Designer and must be submitted with the Operational Works application. The plan must show for all areas identified on the Approved Plan of Development the following:

- a) Landscape specification of sufficient detail so that landscape works are to be carried out;
- b) Plant schedule detailing number of plants, species, pot size and height at planting;
- c) Details of soil and mulch types, including depths, areas of turf, garden edges and paving finishes;
- d) The details of the irrigation system.
- e) Details of extent, timeframes and planting staging for the rehabilitation areas.

Security Fencing

20. A security fence between around the site boundaries must be constructed and maintained. The fence must be a minimum height of 1.8 metres and constructed of a chain mesh material or similar.

Environmental Matters

21. Environmental Reporting

The operator of the extractive industry must provide to Council a copy of all environmental reports required to be prepared as part of the ERA licensing conditions of this approval. All reports must include an executive summary in lay terms.

B. THAT the applicant be provided with the following Assessment Manager Advice:

1. Adopted Infrastructure Charges Notice

Pursuant to the Sustainable Planning Act 2009 and the Draft State Planning Regulatory Provision (adopted charges) an Adopted Infrastructure Charges Notice relates to this Development Permit, and accompanies this notice.

Prior to making payment please contact Mackay Regional Council, Development Services, Business Support Unit to establish if any Development Incentive Policies apply to the development at the time of the payment will be made.

2. Local Laws

The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.

3. General Safety of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 19 (2) Work Health and Safety Act 2011. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the Work Health and Safety Act 2011. Section 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

Council Resolution

THAT the Officer's Recommendation be adopted.

Moved Cr Perkins

Seconded Cr Steindl

CARRIED

Cr Morgan and Cr Bonaventura recorded their vote against the motion.

8.2 **MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME - FOR 'SITE C' (CORNER OF BOVEYS RD & MACKAY-HABANA RD) AS IF IT WERE LOCATED WITHIN THE URBAN EXPANSION ZONE, RICHMOND - POINTGLEN DEVELOPMENTS PTY LTD - 185586-902-DA-2007-545**

Application Number:	DA-2007-545
Date Received:	7 December 2007
Action Officer:	Brogan Jones
Applicant's Details:	Pointglen Developments Pty Ltd C/-Humphreys Reynolds Perkins PO Box 244 MACKAY QLD 4740
Proposal:	Material Change of Use - Preliminary Approval to override the Planning Scheme to regulate development of the land as if

	located in the Urban Expansion Zone, McCreedy's Creek Precinct, and Mackay Frame Locality with the existing overlays affecting the subject site.
Site Address:	Corner of Bovey's Road and Mackay-Habana Road, Richmond
Property Description:	Lot 8 on RP702628, Lot 902 on SP185586 and part of Lots 903 on SP185586 and Lot 904 on SP185586
Owner's Details:	Illuka Investments Pty Ltd
Area:	Lot 8 - 0.3741 ha Lot 902 - 5.814 ha Lot 903 - 24.62 ha Lot 904 - 25.8 ha
Planning Scheme:	Mackay City Planning Scheme (2006)
Planning Scheme Designations:	
Locality:	Mackay Frame
Precinct:	McCreedy's Creek
Zone:	Rural
Applicable Overlays:	Bushfire Management Good Quality Agricultural Land
Assessment Level:	Impact
Submissions:	Five (5) Properly Made
Referral Agencies:	<u>Concurrence</u> Department of Main Roads Department of Natural Resources & Water Queensland Transport <u>Advice:</u> Department of Local Government, Planning & Sport Environmental Protection Agency <u>Third Party Advice:</u> Department of Natural Resources & Water
Attachments:	Attachment A: Richmond Hills Locality Attachment B: Plan Attachment C: Staging of Richmond Hills Attachment D: Hills Attachment E: KRA Overlay Approved Plans of Development

Attachment F: Department of Main
Roads & Queensland
Transport - Concurrence
Agency Responses
Noise & Vibration
Levels Mapping

Recommendation:

Approved Subject to Conditions

ASSESSMENT OF APPLICATION

Purpose

The Material Change of Use – Preliminary Approval application seeks to override the Mackay City Planning Scheme to change the zoning of the subject site from Rural to Urban Expansion. The application is predominantly over Lots 8 and 902, while Lots 903 and 904 are implicated by way of access. The preliminary approval intends to replicate Urban Expansion use rights over the land to ensure the continuation of the Richmond Hills estate.

The application is impact assessable and received 5 properly made submissions.

The major issue in relation to the proposal is the subject site's proximity to the Boral Resources (QLD) Pty Ltd quarry along Woodward's Road (Cedars Quarry) – locally known as the Boral Quarry. The subject site is within the Key Resource Area overlay, specifically, within the separation distance as per the overlay. As part of an application to expand the Cedars Quarry, Boral Resources concluded that there is likely to be minimal impacts on the proposed residential development (referring to the subject site), resulting in no adverse impacts on the amenity of future residents. Council's future planning intent is for this site to be used for residential purposes as it is considered that the KRA buffer is not applicable on this site as a result of more detailed modelling of the Boral Quarry and its future expansion to the south.

The application is recommended for approval.

Background

As per Attachment A – Richmond Hills Locality Plan, the Richmond Hills residential development is broken into three sites: A, B, and C. Attachment B – Staging of Richmond Hills demonstrates the overall intent of the residential estate.

A negotiated decision notice was issued on 11th February 2010 approving the creation of 113 Urban Expansion lots within Site A. The 113 lots were broken into stages 1- 3. At the time of writing, an application for survey plan endorsement for Stage 1 (39 lots and 1 Park lot) has been submitted.

A negotiated decision notice was issued on 20th July 2010 giving a preliminary approval to override the Planning Scheme to regulate development of the land in Site B as if located in the Urban Residential Zone. Subsequently, an approval was given on 5th November 2010 for the creation of 42 Urban Residential lots over Sites A and B as part of Stage 4.

The current application for a preliminary approval is for land designated Site C.

Subject Site and Surrounds

As per Attachment A – Richmond Hills Locality Plan, the Richmond Hills development is located along Mackay-Habana Road, approximately 1.5km west from the Mackay Golf Course and approximately 650m northeast from the Boral Quarry. The site is adjacent to a lot that is currently on the State Heritage Register – identified as the Richmond Mill Ruins.

The immediate surroundings of Site C (Lot 902 and Lot 8) are as follows:

- North – Lot 903;
- East – a 1.71 ha Rural lot (residential use);
- South – frontage to Mackay-Habana Rd; and
- West – frontage to Bovey's Road.

Generally the Richmond Hills development is surrounded by land currently under sugarcane with a few smaller Rural properties dotted around (primary use as residential). Other urban development is occurring in close proximity to the east as part of the Farquhar estate and Shuttlewood Drive.

Proposal

The proposal seeks to secure a preliminary approval for the development of Site C for residential uses as part of the Richmond Hills estate.

The intent is to have Site C connected to the residential development on Site A and Site B via road and pedestrian linkages that run parallel to McCready's Creek (east-west). The proposal states that access to Site C will be via this internal roadway only and that no access to the Site C development will be provided from Bovey's Road or Mackay-Habana Road. As shown in Attachments A and B, the estate as a whole gains access from Mackay-Habana Road via the lot handle of Site A.

Density

The proposal intends to develop approximately 75 lots over Site C, which has an area of approximately 6.18 ha. This equates to a residential density of 12.1 dwellings per hectare. The applicant provides the following as justification for the low densities: '*generous allotments are planned which suit the slope of the land and the location of suburb*'.

Comparatively, as part of the Preliminary Approval for Site B, it was conditioned that any future Development Permit for subdivision must have a minimum density of 15 dwellings per net hectare. Any approval of this proposal will be conditioned at the same densities to ensure consistency with the previous development in the area.

DEVELOPMENT ASSESSMENT PROCESS

Referral Agencies

Department of Main Roads

The Department was triggered as a Concurrence Agency for development within 100m of a State-controlled road. The Department's response provided conditions to be attached to any approval. The issues/concerns are summarised below:

- The potential impact of the proposed development on the safety, efficiency, and operating performance of traffic movements on the adjacent State-controlled road;
- Residential dwellings are identified as being noise sensitive.

Conditions have been provided by the Department to address this issue. See Attachment E for conditions.

Department of Natural Resources and Water

The Department was triggered as a Concurrence Agency for development on Rural zoned land over 5 hectares. Council has no record of the Department's response, and accordingly, it is considered that the Department has no objections to the proposal.

Queensland Transport

Queensland Transport was triggered as a Concurrence Agency for development on land over the threshold of 5 hectares for both rail infrastructure and public transport. The Department's response provided conditions to be attached to any approval. Below is a summary of the Department's conditions:

- implications for bus routes and the construction of bus stops;
- the pedestrian and bicycle network throughout the development shall be located, designed, and constructed generally in accordance with the Road Hierarchy Concept Plan.

See Attachment E for conditions.

Department of Local Government, Planning & Sport

The Department was triggered as an Advice Agency for development as part of a preliminary approval seeking to override the Planning Scheme. Below is a summary of the Department's advice:

- The following planning difficulties are highlighted:
 - Conflict with KRA23 buffer;
 - Subject site is identified by Good Quality Agricultural Land Overlay;
 - Proposed residential development is surrounded by rural uses.

The Department concluded that *'there is insufficient information to approve the proposed development...it is recommended that the application be refused or approved in part...'*

Discussions with the Department's local office indicated that if additional information was available then the KRA buffer could be adjusted. This has been shown in the Boral Quarry expansion application in terms of the effect from the current quarry location, but more importantly the buffer will move south of the site when the quarry operations move southward.

See Attachment F which shows the noise impact mapping, which demonstrates the subject land is not subject to the KRA buffer as a result of the additional information provided with the Boral Quarry Expansion application.

Environmental Protection Agency

The Environmental Protection Agency was triggered as an Advice Agency for development adjacent to a lot on the State Heritage Register (Old Richmond Mill site). Below is a summary of the Department's advice:

- Richmond Mill Ruins is a fragile heritage site and contains a large number of moveable items that could be subject to pressure from the unauthorised visitation and theft;
- adjacent development should include measures to provide a physical buffer to the site;
- fencing should be provided to the eastern boundary from the Mackay-Habana Rd to McCready's Creek.

Public Notification

The application is impact assessable and requires public notification. The application was correctly notified as follows:

- the application was advertised in the Daily Mercury on Wednesday 5th February 2010;
- a notice was placed on the land from 5th February 2010 – 23rd March 2010 (exceeding the required 30 business day notification period); and
- notices detailing the development were distributed to each adjoining landowner on 3rd February 2010.

Council received the applicant's Notice of Compliance with Public Notification on 25th March 2010.

MACKAY, ISAAC, WHITSUNDAY REGIONAL PLAN

The Mackay, Isaac, Whitsunday Regional Plan (MIWRP) ought to be considered in terms of the proposed development. Although the document commenced after the lodgement of the application and although the MIWRP State Planning Regulatory Provisions have ceased (as of 11 July 2012), the body of the document still provides information that can be used to aid in the assessment of the application.

The MIWRP's regional vision statement states *"The region's natural assets and abundant resources will be responsibly managed for the benefit of residents."*

The Boral Quarry (considered a resource), as discussed below, has undergone an expansion of the extractive pit. As part of the expansion, the quarry operators undertook noise and vibration studies and concluded that Site C would be subject to minimal noise/vibration/dust impacts.

Both Sites A & B are within the Urban Footprint, however Site C is within the *Regional Landscape and Rural Production Area*. In terms of growth management, the MIWRP states *"The capacity of land available for infill and broadhectare growth inside and outside the Urban Footprint will be determined through local government planning schemes."* The

assessment against the Mackay Planning Scheme (below) indicates that the development can be sufficiently justified against inconsistencies.

Council's Strategic Planning advises that Site C would have been identified in the future planning scheme for urban purposes except for the KRA buffer. As the buffer is now considered to be no longer applicable over Site C (based on the assessment provided as part of the Boral Quarry expansion application), the use of the land for residential purposes is supported.

See Attachment F which shows the noise impact mapping, which demonstrates the subject land is not subject to the KRA buffer as a result of the additional information provided with the Boral Quarry Expansion application.

PLANNING SCHEME ASSESSMENT

The proposal has been assessed against the relevant Council Planning Scheme Codes and Policies and is generally consistent with the intent of the Scheme. Any discrepancies are discussed below.

Mackay Frame Locality

Overall Outcome 2a

(2a) Urban development occurs on land included in an urban zone (e.g. Urban Residential, Urban Expansion, Commercial, Industry (Low Impact) and possible Public Purposes if in an urban setting) in preference to land included in non-urban zones, and is serviced with the full range of development infrastructure in accordance with a priority infrastructure plan. The preferred sequence for urban residential development consists of:

- (i) in sequence areas, land included in the Urban Residential Zone, Urban Expansion Zone, or Higher Density Residential Zone; and*
- (ii) out of sequence areas, land included in a non-urban zone.*

The development includes the designation of out of sequence areas for future residential uses. However, considering the existing residential approvals that are current over Site A and Site B, the continuation of the residential development into Site C is appropriate. Furthermore, the current preliminary approval over Site C seeks to have the Rural zoning changed to Urban Expansion zoning, thus creating an 'in sequence area'.

It is also noted that the site is suitable for urban purposes in the future planning scheme if the KRA buffer impacts can be addressed. This has been achieved in the assessment of the Boral Quarry expansion application.

See Attachment F which shows the noise impact mapping, which demonstrates the subject land is not subject to the KRA buffer as a result of the additional information provided with the Boral Quarry Expansion application.

Overall Outcome 2k

(2k) Land in the rural area is protected from the constraining effects of encroaching urban and rural residential development.

The development itself is located on land that was previously used as to farm sugarcane; however it was used in conjunction with adjacent sites. On its own, the site is too small to support an economically viable crop. Also, the proposed residential development is separated from current agriculture uses by the Bovey's Road reserve and the Mackay-Habana Road reserve. The proposal states that there will be additional buffering along the Bovey's Road frontage.

Overall Outcome 2s

(2s) Development of land fronting a State-controlled or rail corridor or land adjacent to or in the vicinity of the Mackay Airport includes design and siting measures which effectively mitigate the operational impacts of such infrastructure, including noise, diminished air quality and possibly vibration.

The development has frontage to Mackay-Habana Road, which is a State-controlled road. However, access to the site is to be from the existing residential areas approved over Site A and Site B. The Richmond Hills Estate as a whole has one access point to Mackay-Habana Road from Site A.

Overall Outcome 2w

(2w) New development in the locality is:

- (i) in keeping with the role and function of the road network in terms of its scale and intensity;*
- (ii) in step generally with the planned development of major road transport infrastructure;*

The development intends to continue the approved road hierarchy shown in Attachment B – *Staging of Richmond Hills*. Richmond Hills is eventually planned to link to Premier Vista Estate to the north.

Overall Outcome 4d

(4d) Development adjoining the "The Cedars – KRA 23" Quarry at Nindaroo and the landfill site off Harbour Road and associated haul routes incorporates suitable buffers, and design and siting measures which effectively mitigate the operational impacts. Development outside Strategic Port Land in the area adjoining or surrounding the Mackay Port Authority Quarry should incorporate suitable buffers, and design and siting measures which effectively mitigate the operational impacts of such infrastructure, including noise, diminished air quality and vibration.

Site C is within the Key Resource Area overlay of the Boral Quarry, specifically, it is within the separation distance as per the overlay. The applicant has provided investigations conducted by a third party (Max Winders and Assoc) concluding that Site C can be developed for urban residential purposes without unduly constraining the operation of the quarry. Further, as part of an application to expand the Boral Quarry, Boral Resources concluded that there is likely to be

minimal impacts on the proposed residential development (referring to the subject site), resulting in no adverse impacts on the amenity of future residents.

See Attachment F which shows the noise impact mapping, which demonstrates the subject land is not subject to the KRA buffer as a result of the additional information provided with the Boral Quarry Expansion application.

Rural Zone Code (Frame Locality)

Overall Outcome 2a

(2a) Rural activities undertaken on land in the Rural Zone continue unconstrained by encroachment of incompatible uses.

Existing rural activities being undertaken on nearby rural land is not expected to be constrained by the residential development proposed on Site C. These rural activities will be able to continue without being adversely affected.

Overall Outcome 2d

(2d) Non-rural activities do not occur.

The proposed development seeks to override the planning scheme to ensure that non-rural activities do not occur in the Rural Zone.

Good Quality Agricultural Land Overlay Code

Overall Outcome 2a

(2a) Good quality agricultural land is conserved for continued agricultural use.

Unlike parts of Site B, Site C is flat and completely under sugarcane. The development of this parcel will remove easily farmed land from the pool of good quality agricultural land, which is contrary to the Overall Outcome. However, it can be argued that the development of Site C is the logical extension to development over Sites A and B as the road reserves of Boveys Road and Mackay-Habana Road form a suitable boundary. Furthermore, the road reserves serve to separate the proposed residential use from the adjacent agricultural lands.

As stated above - Council's Strategic Planning advises that Site C would have been identified in the future planning scheme for urban purposes except for the KRA buffer. As the buffer is now considered to be no longer applicable over Site C (based on the assessment provided as part of the Boral Quarry expansion application), the use of the land for residential purposes is supported.

See Attachment F which shows the noise impact mapping, which demonstrates the subject land is not subject to the KRA buffer as a result of the additional information provided with the Boral Quarry Expansion application.

Overall Outcome 2b

(2b) Good quality agricultural land is protected from reconfiguration which fragments otherwise productive rural land.

The proposed residential use intends to override currently productive agricultural land. However, considering the residential approvals given over Sites A and B already, leaving Site C as a small stand alone agricultural pocket is illogical. If left as is, Site C would be too small to function economically under an agricultural use.

Overall Outcome 2c

(2c) Reconfiguration of lots in the Rural Zone facilitates viable and sustainable rural land use pursuant to SPP 1/92.

Both SPP 1/92 (Development and Conservation of Agricultural Land) and SPP 2/07 (Protection of Extractive Resources) suggest that the proposal should not be approved. However, previous residential proposals in the Richmond Hills estate have gone against the State Planning Policies, and on that basis it is considered that it would be unreasonable to deny future residential development on Site C.

Urban Expansion Zone Code (Frame Locality)

Overall Outcome 2c

(2c) Any development in the Urban Expansion zone occurs in an orderly, comprehensive and integrated manner reflecting a least cost approach, and provides all necessary development infrastructure, community infrastructure and community facilities, and services commensurate with the needs of the likely residential population.

The residential development of Site C is an orderly and sequential expansion of the existing residential approvals over Sites A & B.

Overall Outcome 2d

(2d) Development of Urban Expansion zoned land provides for a master planned community that:

- *is predominantly residential in nature;*
- *has varying residential densities (not exceeding 1 dwelling unit per 400m² over the whole site);*
- *has buildings not greater than 3 storeys in height;*
- *incorporates support uses for the residential communities such as local commercial and community purposes, which are co-located with recreational open space and schools in nodes;*
- *allows residents to walk and cycle safely throughout the development within open space linkages to access any recreation/commercial/community nodes;*
- *employs water sensitive urban design principles; and*
- *is designed to provide a generally low traffic speed and safe residential environment.*

This provision applies mostly to development permits; however this *Material Change of Use – Preliminary Approval* does provide evidence supporting this overall outcome. The proposed development:

- Is predominantly residential in nature;
- Contains areas of open space that will form connections/linkages with the open space corridors of Sites A & B;
- Demonstrates (as per the concept plans) a low traffic speed residential community.

The provisions are to be reinforced as part of the future reconfiguration of a lot application for Site C.

High Impact Activity Area (provisions from Environment & Infrastructure Code)

Overall Outcome 2e

(2e) Uses sensitive to external noise, vibration, dust and odours are protected from unacceptable impacts.

As discussed below in detail, establishing a residential use (which is a use sensitive to external noise, vibration, dust and odours) over Site C will result in minimal negative impacts from the ongoing operation of the Boral Quarry (KRA23).

Overall Outcome 2l

(2l) Land uses adjoining high impact activity areas do not detract from the ongoing operation of those areas.

The proposed residential development over Site C may detract from the ongoing operation of The Cedars Quarry (KRA23). For example, if the proposed residential development was to go ahead, it would limit any future expansion of the Cedars Quarry. However, as stated below, an approval has been given for the expansion of the Boral Quarry, which will allow it to continue to operate for the next 25 years. It is noted that the expansion of the quarry is to the south of the existing quarry pit (away from Site C).

Specific Outcome P1 (High Impact Activity Areas)

(P1) Land uses adjoining high impact activity activities, including activities as indicated on Figure 9-8.1; and Figure 9-8.2 “High Impact Activities” and Information Map “High Impact Activities”, are designed and sited to manage adverse effects on site users by providing:

- (i) noise attenuation measures;*
- (ii) buffers between sensitive uses and the high activity areas;*
- (iii) landscaping including bunding between sensitive use areas and high impact activity areas; and*
- (iv) any other measures required to ensure that a nuisance is minimised.*

Key Resource Area	
<i>The Cedars (KRA23)[Boral]</i>	<i>Separation Area (as shown in Attachment C)</i>

<i>The Cedars Haul Route [Boral]</i>	<i>100m (as shown in Attachment C)</i>
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The separation distance of 1,000m between the KRA of the Cedars Quarry and sensitive uses such as urban development is the primary element that differentiates Site C from Sites A and B. Site C is almost wholly contained within the separation area (Attachment C). As such, the ability of the applicant to demonstrate why the application should be considered in view of such a constraint, along with the assessment criteria set down in the SPP, is crucial in determining the level of support for the proposal.

The original application contained a noise and acoustic assessment (by *Max Winders & Assoc*) that concluded *'the application of a generic 1,000m buffer around the whole periphery...has not taken actual operational and topographical effects into account'*. As part of an Information Request (dated 25 January 2008), Council requested information addressing the specific outcomes of the overlay code. In their information response (dated 22 January 2010), the applicant provided a detailed noise and vibration study (by *Heggies*) that concluded that the area could comply with noise levels set down in the quarry's approval. There were two crucial limitations to the findings of the report:

- *"the progression and ultimate shape of the quarry is unknown"*; and
- no blasting took place during the data gathering for the report.

Knowing the ultimate shape of the quarry is important as an expansion may effectively have a flow-on effect on the separation distance. In late 2011, the operators of the Cedars (KRA23), Boral Construction Materials, submitted a proposed expansion for the operations of the quarry. This application is still under assessment; however the proposed expansion is significant, almost doubling the area under extraction. The proposed expansion of the extraction pit is expected to extend the life of the quarry by 25 years. It is unclear whether further expansion will occur at the end of this period. The applicant (of this application) has argued that the quarry cannot expand any further as the face of the pit is already on the boundary, however the SPP does not recognise quarry resources in terms of cadastral boundaries, stating *"extractive resources deposits may extend beyond the boundary of the resource/processing area"*.

The applicant also sought third party advice from Queensland Mines & Energy (Department of Employment, Economic Development, & Innovation). QME's advice, dated 28 October 2009, stated that the KRA23 buffers could be altered through an amendment to the local planning instrument. Also, QME advised *"that even if statutory limits for ground vibration and airblast overpressure could be achieved at sites within the separation area...community acceptance cannot be guaranteed in relation to those factors as well as noise, dust, flyrock, and visual amenity effects"*. Anecdotal evidence was given by the applicant's consultant stating that no blasting effect was felt at Site C. A third party identified, in writing, that this blast was an average blast.

Boral Construction Materials, operator of the Cedars Quarry, lodged a properly made submission (dated 18 March 2010) against the proposed development of Site C. Boral's raised the following:

- *"the incompatibility of the proposed development with Boral's nearby Cedars Quarry extractive industry operation"*

- *“there is the high potential for the amenity of the proposed residential development will be significantly adversely affected by being located too close to the quarry operation”*
- *“the Cedars Quarry should not in any way be compromised or sterilised by the development of the incompatible land uses, such as the proposed development”*

In their submission, Boral also cite clause 7(1)(b) of SPP 022/07 (Protection of Extractive Resources):

7(1)(b) Development in the separation area for a resource/processing area-

- (i) does not increase the number of people living in the separation area;*
- (ii) to the greatest extent practicable, minimises the potential adverse effects from existing or future extractive industries on people working or congregating in the separation area; and*
- (iii) does not compromise the function of the separation area in providing a buffer between extractive/processing operations and any incompatible uses outside the separation area.*

On 18 May 2012 Boral formally withdrew their properly made submission. They state that since their submission they have lodged the application for the quarry expansion (mentioned above). They go on to state:

“As part of this application [quarry expansion], detailed studies on the impacts or quarrying operations have been undertaken, including air quality modelling, blasting modelling, traffic impacts and noise modelling. The results of these reports have shown there is likely to be minimal impacts on the proposed residential development, resulting in no adverse impacts on the amenity of residents in the residential development [Site C] as a result of the quarry expansion and continued operations.”

See Attachment F which shows the noise impact mapping, which demonstrates the subject land is not subject to the KRA buffer as a result of the additional information provided with the Boral Quarry Expansion application.

SUBMISSIONS

The application was publicly notified in accordance with the requirements of the *Integrated Planning Act 1997*, and as a result of this process the 5 properly made submissions were received. The submissions received expressed opposition to the proposal. The principle concerns raised from the submissions are summarised and discussed below.

The operator of the Cedars Quarry, Boral, lodged a properly made submission (18 March 2010) that highlighted the following conflicts between the proposal and the existing quarry:

- *“...the incompatibility of the proposed development with nearby Cedars Quarry extractive industry operations.”* [conflicts include: noise, dust, visual amenity from both the quarry and haul roads].

- *“non-compliance with SPP 02/07 (Protection of Extractive Resources) as the proposed development is located within the separation distance of KRA 23 of the SPP.”*

As discussed above, as part of the recent expansion of the quarry, Boral commissioned further studies into the negative impacts on nearby areas. The findings resulted in minimal impacts, and Boral subsequently withdrew their submission on 18 May 2012. The reports submitted alongside the quarry expansion found the following:

- *“after expansion of the quarry and implementation of best practice noise control actions, the noise levels at the residences in the North, East, South, and West groups are expected to decrease by approximately 5dBA, resulting in compliance with both (i) the 45dBA limit applying to the time period 7:00am-6:00pm Monday to Saturday, and (ii) the 43dBA limit applying to the time period 6:00am – 7:00am Monday to Saturday. This is also a significant improvement over current conditions.”* – excerpt from Assessment and Control of Environmental Noise by Acoustics RB
- *“blasting will be concentrated in the southern half of the pit given the majority of the reserves south of the existing ridgeline...with blasting occurring on average once every four weeks, neighbouring residences are exposed to blasting impacts for less than 1 second per month.”* – excerpt from Blasting Impact Assessment by Saros

The reports generally identified impacts of the expansion on residences closer to the quarry than Site C. Given that the findings result in minimal impacts on the closer residences, it is reasonable to conclude that the impacts over Site C would be further reduced considering it is further away.

For completeness of assessment Boral’s issues, as part of the initial submission, are discussed below.

<p>1. Traffic noise and buffering from proposed sub-arterial road</p> <p><i>“The application ought to be altered so as to include sufficient measures to address mitigation of noise, vibration, and impact upon our property.”</i></p> <p><i>“The construction of a sub-arterial road within 50m of our home will significantly increase the amount of road noise to which we will be subjected.”</i></p> <p><u>Officer’s Comment</u></p> <p>The submitter is concerned that without an access to Site C from Boveys Rd, the volume of traffic entering the estate (from Site A) will impact their quality of life. The submitter therefore requests buffering measures to be put in place. The Environment & Infrastructure Code stipulates that noise and vibration shall not impact the amenity of residents of any adjacent premises. However, the dwelling in question is located approximately 70m from the proposed sub-arterial road intersection. This is considered to be a sufficient setback.</p>
<p>2. Conflict with the activities of KRA23 – Cedars Quarry</p>

“...the incompatibility of the proposed development with nearby Cedars Quarry extractive industry operations.” [conflicts include: noise, dust, visual amenity from both the quarry and haul roads].

“non-compliance with SPP 02/07 (Protection of Extractive Resources) as the proposed development is located within the separation distance of KRA 23 of the SPP.”

“the site contains significant reserves of high-quality rock. The quantified reserves...provide for in excess of 30 years supply...further unquantified reserves exist on the site. The site is licensed to extract in excess of 100,000 tpa [tons per annum]”

“the SPP 02-07 identifies those extractive resources of State or regional significance where extractive industry is appropriate in principle and aims to protect these resources from development that might constrain current or future extraction and haul routes when the need for utilisation of the resources arises.”

“The Cedars Quarry has been identified as a resource of State significance. Any development on or near extractive resources of State significance must be compatible with the extraction, processing, and distribution of extractive materials to markets.”

Applicant’s Comment

“Boral states their ‘main concern relates to the incompatibility of the proposed development with Boral’s nearby Cedars Quarry extractive industry operation’. This statement makes little sense because Boral already must ensure their operation does not adversely impact the amenity of quite a few existing residents who are closer and/or more vulnerable than Site C.”

“The quarry must protect the amenity of the existing closer and/or more vulnerable residences through the Environmentally Relevant Activity and blast requirement process.”

“The quarry is not able to move any closer to Site C unless it both exceeds the KRA limitation AND enters property not currently under its ownership.”

“Site C is buffered from the quarry by a crater-type rim. This rim cannot be removed unless the quarry both exceeds its KRA limitation AND enters property not currently under its ownership.”

“The quarry operation is currently about 900m from Site C and is progressively moving away from Site C towards the balance source material. Material closer to Site C has already been substantially mined. Any future operation towards Site C (if possible) would have to be located well below the protective rim of the quarry crater. In any case, the modelling is conservative and uses ‘typical worse case data’.”

“Extensive modelling of the noise and vibration concluded Site C is easily suitable for residential development. Council have been presented with the report prepared by Heggies.”

“The blasts are infrequent. The blast monitor was set up for weeks before a blast occurred. We understand this through contact with a nearby resident who was pre-warning Pointglen of pending blasts.”

“A signed statement has been provided from a nearby farmer/resident who lives in a more vulnerable direction (downwind) of the site. He confirmed the blast which occurred during the monitoring was a ‘typical blast’ and the blasts do not cause significant disruption to the residential amenity. He scoffed by saying ‘the siren is louder than the blast’.”

“The site is not on any KRA transportation routes.”

“The proposed development provides overriding benefit and need, as demonstrated in the Site C application and Information Request response. As demonstrated above, the proposed development does not impact upon the quarry operation and so does not override the intent of the SPP02/07.”

Officer’s Comment

The vast majority of submissions detailing the conflict between the conflict between the activities of KRA23 and the proposed development have been made by Boral (operator of the Cedars Quarry). As stated above, Boral formally withdrew their properly made submission in May 2012. The reasoning behind the withdrawal was that, as part of a separate application to expand the quarry, further study found that there would be minimal adverse impacts on Site C. Given the withdrawal it is considered, despite the site still being within the separation distance of KRA23, that any proposed residential development over Site C would suffer minimal impacts.

3. Loss of good quality agricultural land

“It is important to maintain the economic viability of the sugar industry, including the mills.”

“The development is premature. There are other areas available which are not GQAL, which are suitable for development.”

“There is often conflict between householders living close to agricultural enterprises.”

Officer’s Comment

As described above, Site C is a 5.8 ha lot that is currently under crop (sugarcane). Given that there are already previous preliminary approvals and development permit approvals over Sites A & B that give effect to the entirety of the Richmond Hills Estate, it would be unreasonable to leave Site C undeveloped based on the following:

- a small, locked 5.8 ha parcel is not likely to operate efficiently as an agricultural undertaking, nor is it likely to produce attractive economic return in its isolation.

It is acknowledged that GQAL will be surrendered as part of Site C’s development; however it has been known that this was the intent of the overall development from the outset. This is consistent with Council’s forward planning intent for the area now that the KRA buffer conflicts have been resolved over Site C.

POTENTIAL WASTE TRANSFER FACILITY

Council is in the process of considering potential sites north of the Pioneer River on which to locate a waste transfer facility. One of the locations being considered for the siting of this facility is the area immediately to the south of the Boral quarry. Comment from Council's Waste Services is as follows:

“at this stage Council is only in investigation phase and not purchase and DA phase...in terms of the buffer, it has not been determined but as a guide the Paget transfer station has a 1km buffer, but that is for that facility. It has not been determined [the buffer for the new facility] as there are specific uses that would influence the buffer.”

Preliminary measurements from areas immediately south of the Boral Quarry place Site C approximately 200-300m outside the potential 1km buffer.

PLANNING SCHEME CONTRIBUTIONS POLICIES

The contributions policies are not applicable to the development. Contributions will be applicable at the *reconfiguration of a lot* stage of the development. No contributions are applicable as part of the *Material Change of Use – Preliminary Approval*.

INFRASTRUCTURE CONSIDERATIONS

In general there are no infrastructure requirements as a result of this *Material Change of Use – Preliminary Approval* application, however, it is important to note that approval for *urban expansion/urban residential* uses over the subject site implies the future ability to connect to Council's infrastructure, including water, sewer, stormwater and roads.

Stage 1 of the Richmond Hills estate is currently under construction, and an operational works application has been approved for *Bulk Earthworks* over Sites A and B. It is expected that the infrastructure required as part of the development of Site C will be connected to the infrastructure put in place as part of the development of Sites A and B.

RESOURCES IMPLICATIONS

There are no resource implications for Council as a result of this recommendation. It should be noted that this is a Preliminary Approval only and a further Development Permit will be required.

CONSULTATION

External

- Department of Local Government, Planning and Sport (Department name at the time); and
- Boral Quarry operator.

Internal

The application was discussed with representatives from various Departments at the Development Assessment Review Team meeting. Representatives included:

- Mackay Water and Waste;

- Development Engineering; and
- Engineering Services.

CONCLUSION

As discussed in the body of the report, the two major issues that were highlighted as part of this proposal are as follows:

- Establishing a residential use over land currently under sugarcane (good quality agricultural land); and
- Establishing a residential use within the *separation distance* as per KRA23 (the Boral Quarry).

The establishment of a residential use over land currently under crop (and over land identified as good quality agricultural land) can be justified when you consider that Council has been aware of the extent of the Richmond Hills estate from its preliminary concept plan as part of the development of Site A.

The establishment of a residential use within the *separation distance* as per KRA23 (the Cedars Quarry) can be justified based on Boral’s withdrawal of their properly made submission. As part of the expansion of the Cedars Quarry, of which Boral is the operator, studies detailed the minimal impacts (noise, vibration, dust etc) that would be inflicted upon Site C. As such, any concerns about a residential use within the *separation distance* were sufficiently negated.

Officer Recommendation

- A. THAT Council approve the application for a Material Change of Use – Preliminary Approval to override the Planning Scheme to regulate development of land as if located in the Urban Expansion Zone, McCready’s Creek Precinct, and Mackay Frame Locality with the existing overlays affecting the subject site located at Corner of Boveys Road and Mackay-Habana Road, Richmond, described as **Lot 8 on RP702628, Lot 902 on SP1855586 and part of Lots 903 on SP185586 and Lot 904 on SP185586**, subject to the following conditions:

- 1. Plan of Development

The approved *Material Change of Use – Preliminary Approval to override the Planning Scheme to regulate development of land as if located in the Urban Expansion Zone, McCready’s Creek Precinct, and Mackay Frame Locality with the existing overlays affecting the subject site* must be completed and maintained generally in accordance with the Plan of Development (identified in the Table below), and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

Job #	Title	Version	Prepared by	Date
079129	Master Plan <i>(shown as Attachment D)</i>	1.0	HRP	6 Dec 2007

2. Overriding the Planning Scheme

This approval overrides the Mackay City Planning Scheme so that any future development on the site (Site C) shall be assessed as if it was located in the Urban Expansion Zone in the Mackay Frame Locality.

3. Access to Site C

There is to be no vehicular access to Site C from either Boveys Road or Mackay-Habana Road. All vehicle access is to be from the internal road (shown the concept plans) that runs through Sites A and B.

4. Compliance with Council Standards

All design and construction for any future development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings, and standard specifications, unless otherwise agreed in writing by Council.

5. Future Development

Prior to any further development application over Site A, Site B, and Site C, the following must be resolved with Council's input and agreement:

- a) The future dwelling density for Site C;
- b) Recommendations from a Geotechnical Report addressing the development of lots with slopes in excess of 15%;
- c) An infrastructure Masterplan that details with as much accuracy as possible:
 - The future development and lot layout over Site A, Site B, and Site C;
 - The infrastructure services/networks required to connect to the existing networks and service Sites A, B & C (i.e. demonstrate how the outflows from the future stages of the Richmond Hills development will be provided for); &
 - A public open space report that identifies the proposed road network, pathway connectivity, large open space areas, and how the existing waterway will be used as part of the public open space network.

6. Compliance with Council Standards

All design and construction for any future development must be in accordance with Council's Policies, Engineering Design Guidelines, Standard Drawings, and standard specifications, unless otherwise agreed in writing by Council.

7. Infrastructure Provision

At the time of application for Development Permit, the application must provide detail of connection to water, sewer, and stormwater infrastructure. The cost of all

works associated with connecting the site to the infrastructure will be borne by the developer.

Council Resolution

THAT the Officer's Recommendation be adopted.

Moved Cr Perkins

Seconded Cr Casey

CARRIED

Cr Morgan recorded her vote against the Motion.

9. CONSIDERATION OF COMMITTEE REPORTS:

Nil

10. RECEIPT OF PETITIONS:

Nil

11. TENDERS:

11.1 MRC 2013-021 EXPRESSION OF INTEREST - MARIAN WATER TREATMENT PLANT

File No MRC 2013-021 – Expression of Interest – Marian Water Treatment Plant
Author Executive Manager, Water Services

Purpose

To present a report to Council demonstrating the benefit of calling Expressions of Interest (EOI) for the Design and Construction (D & C) of the proposed Marian Water Treatment Plant (MWTP), as per Section 177 (3) of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

Background/Discussion

The existing bore supplies which service Marian and Mirani are over allocated and the quality of water has been an issue. With continued growth experienced in the Pioneer Valley, and the situation with the bores, it was decided to construct a new WTP and raw water off take from

the Pioneer River. The project is to construct a new water treatment plant (WTP) at Marian. As Council is aware, the land has been negotiated to be purchased from Mackay Sugar and consists of a land area of 4 hectares. The new facility will have a design capacity of treating 4 mega litres per day and this will have design horizon till 2031.

The project involves the following components:

Project Component	Delivery Mechanism
New WTP	EOI D & C tender process
New Raw Water off take located on Council land adjacent to the Pioneer River	Construct to detailed design tender process
New raw water pipeline from off take structure and new clear water pipeline from WTP to the ground level reservoir at Marian	Construct to detailed design tender process

The main reason to split the project into 2 different delivery mechanisms has been to minimise project risk and to influence price. The construction of the new raw water off take is quite specialised with many variables hence the decision to complete a detailed design and then go to the market. The raw water off take and the pipelines are being designed by Cardno with a construct to detailed design to be the delivery mechanism.

The contractual merger of design and construction activities has a positive impact on project time and cost, introducing construction knowledge and innovation at the design stage. The Request for Expressions of Interest forms an integral part in this procurement process facilitating the pre-qualification of tenderers. The Project has progressed sufficiently to enable the calling of Expressions of Interest and the Project Team recommends this process for the following reasons:

- An EOI will allow interest in the Project to be gauged
- It will reduce the number of prospective tenderers to those who have the capacity, experience, resources, demonstrated understanding and financial capacity to complete the Project. By reducing the number of tenderers, the productivity of consultant and staff will be improved by minimising time spent with unsuitable full bid providers
- Avoids unnecessary costs to contractors for preparation of expensive design and pricing tender documentation that have limited chance of success
- Ensures a competitive tender process leading to best value for money for Council
- Conforms to industry model practises

Consultation and Communication

The delivery mechanism was resolved during meetings of the Project Control Group that is made up of the following people:

- Executive Manager, Water Services
- Manager Infrastructure Delivery – Water Services
- Project Manager

Additional internal advice was received from the following:

- Director Water & Waste Services
- Manager Procurement and Plant
- Manager Operations (WWS)

External advice was received from City Water Technology who has extensive experience across Australia with Water Treatment Plants.

A briefing session was held with Councillors on 3 October 2012 on the project progress to date and to engage on the preferred delivery process planned.

Resource Implications

In relation to the EOI, the resource implications are the costs involved in preparing the document.

A budget has been provided in the 2012/2013 Capital Budget of \$1.9M. This budget will cover the EOI and tender award costs and commencement of any works.

Risk Management Implications

NIL

Conclusion

Calling for Expressions of Interest would be of benefit to the Mackay Regional Council in order to pre-qualify tenderers, limiting tendering to Contractors with the necessary skills and experience to successfully complete the MWTP Project, increasing the efficiency of the tender and award process. The timing for the release of the EOI document is in the coming weeks.

Officer's Recommendation

THAT Council approve that Expressions of Interest are called for Design and Construction of the Marian Water Treatment Plant as per Section 177 (3) of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

Council Resolution

THAT the Officer's Recommendation be adopted.

Moved Cr Gilbert

Seconded Cr Walker

CARRIED

12. CONSIDERATION OF NOTIFIED MOTIONS

Nil

13. LATE BUSINESS:

13.1 WATER CONSERVATION

Cr Gilbert called for residents to conserve water, specifically over the next two week period while the upgrade to the water network is taking place.

13.2 RIVER TO REEF FESTIVAL

Cr Bonanno congratulated the River to Reef Organisers for delivering another highly successful event with the numbers exceeding expectations. It was also noted that all the acts were of a very high calibre.

13.3 WHITSUNDAY MINERS

Cr Steindl praised the Whitsunday Miners who have successfully made it into the Grand Final of the Queensland Soccer League.

13.4 SAFEPLAN

The Acting CEO congratulated staff on their SafePlan efforts from an LGW Audit which achieved a result of 69.3%.

14. PUBLIC PARTICIPATION:

Residents of Richmond (Harold and Catherine Bishop, Carol Pennington, Neville Geisler Evan and Bev Woodward) expressed various concerns regarding the Boral Construction MCU considered today by Council. In particular they raised questions in relation to who will manage the compliance conditions, (operating hours, dust and noise). There were also several concerns raised in relation to health implications particularly for the elderly and children.

The Mayor and Planning Officer responded to each of the residents' concerns.

15. CONFIDENTIAL REPORTS:

Nil

16. MEETING CLOSURE

The meeting closed at 11:30am.

17. FOR INFORMATION ONLY**17.1 DEVELOPMENT APPLICATION INFORMATION - 21.09.12 TO 30.09.12**

For Council Information Only - No Decision Required.

Development Applications Received

App no	Code / Impact	Address	Applicant	Description	Officer
CAI-2012-322	Impact	86 Andergrove Road, ANDERGROVE	Palmbild Pty Ltd	Combined Application Multiple Dwelling Units (13) & Dual Occupancy & 1 Rural Residential Lot into 26 Lots	
MCUI-2012-324	Impact	L 3 Farleigh-Habana Road, HABANA	Harrison Grierson Consultants Pty Ltd	Telecommunications Facility	Brogan Jones
CAC-2012-323	Code	70-90 Beaconsfield Road East, ANDERGROVE	Andergrove Lakes Pty Ltd	Combined Application Tourist Facility & 1 Rural Lot into 143 Lots	
MCUC-2012-315	Code	31 Hangan Street, BUCASIA	Sandsky Developments	Material Change of Use - Dual Occupancy	Kathryn Goodman
CON-2012-213		32 Hastings Street, OORALEA	Brearne M Jenkyn and Travis D Malley	Building Work - Boundry Setback for Shed	Andrea McPherson
CON-2012-214		103 Scarborough Circuit, BLACKS BEACH	GMA Certification Group Pty Ltd	Building Work - Boundary Setback for House	Andrea McPherson
RECONF-2008-474		L 34 Adamson Street, HALIDAY BAY	Macwood Pty Ltd	Permissible Change - Reconfiguration of a lot to create 21 Village lots and Balance Lot	Brogan Jones
MCUC-2012-317	Code	13 Anzac Street, SARINA	Sandsky Developments	Material Change of Use - Dual Occupancy	Josephine McCann
MCUC-2012-318	Code	65-67 Archibald Street, PAGET	Planning Far North	Warehouse	Matthew Ingram
MCUI-2012-316	Impact	8-14 Centurion Drive, PAGET	Mackay Property Investments Pty Ltd	Commercial Premises - Catering Shop	Darryl Bibay
CON-2012-217		24 Cavanagh Drive, BLACKS BEACH	GMA Certification Group Pty Ltd	Building Work - Boundary Setback for Carport	Josephine McCann
CON-2012-215		18 Lenessa Drive, ANDERGROVE	Mackay and Whitsunday Building Certification	Building Work - Boundary Setback for House	Brogan Jones
CON-2012-216		15 Barrier Street, ETON	Whitsunday Design & Drafting	Building Work - Boundary Setback for Shed	

MCUI-2012-320	Impact	13-15 Firefly Crescent, OORALEA	Sandsky Developments	Multiple Dwelling Units (3)	Kathryn Goodman
ROLC-2012-319	Code	2205 Owens Creek Loop Road, FINCH HATTON	Charles H Scriha and Hazel J Scriha	Boundary Realignment 3 Rural Lots into 3 Lots	Kathryn Goodman
OW-2008-149		L 908 Yakapari-Seaforth Road, SEAFORTH	Kirkmahoe Pty Ltd	Permissible Change - Extension of Relevant Period - Operational Works for 30 Village lots	Peter Bratt
MCUC-2012-321	Code	22 Makybe Diva Drive, OORALEA	Ava Developments Pty Ltd	Dual Occupancy	Darryl Bibay

Development Applications Entering Decision Making Period

App Number	Code / Impact	Address	Applicant	Description	Officer
CA-2007-197B		34 Margaret Vella Drive PAGET	Paul Tilse Architects	Request for 'Generally in Accordance' Material Change of Use - General Industry (6 Industrial Tenancies)	Brogan Jones
MCUC-2012-111	Code	2 Makybe Diva Drive OORALEA	Haba Property Projects Pty Ltd	Multiple Dwelling Units (3)	Darryl Bibay
MCUC-2012-245	Code	1 Silverton Court PAGET	Werner Engineering	Material Change of Use - General Industry (Machining Workshop, Fitting Workshop, Boiler-making Workshop, Ancillary Office & Amenities Crib)	Brogan Jones
MCUC-2012-305	Code	0 Newport Parade BLACKS BEACH	Innovative Planning Solutions	Material Change of Use - Dual Occupancy - Proposed Lot 670 within part of Lot 926 on SP253328	Josephine McCann
MCUC-2012-306	Code	0 Newport Parade BLACKS BEACH	Innovative Planning Solutions	Material Change of Use - Dual Occupancy - Proposed Lot 679 within part of Lot 926 on SP253328	Josephine McCann
MCUC-2012-321	Code	22 Makybe Diva Drive OORALEA	Ava Developments Pty Ltd	Dual Occupancy	Darryl Bibay
MCUCD-2006-362A	Code	2 Bucasia Esplanade BUCASIA	Bucasia Holdings Pty Ltd	Permissible Change (Material Change of Use - Tourist Facility including Multiple Dwellings Units, Shop, Catering Shop, Caretakers Residence and Ancillary Facilities) and Extension of Relevant Period	Brogan Jones
ROLC-2012-254	Code	49 Tirendis Road DEVEREUX CREEK	Joshua G Beckmann and Lisa J Beckmann	Reconfiguration of a Lot - 1 Rural Lot into 2 Lots	Brogan Jones
ROLC-2012-261	Code	9 Russell Avenue SLADE POINT	Francis J Martin	1 Urban Residential Lot into 3 Lots	Helle Jorgensen Smith
ROLC-2012-275	Code	0 Marlborough-Sarina Road SARINA	Dorothy S Clark and Neville B Clark	Boundary Realignment 2 Rural Lots into 2 Lots	Andrea McPherson

Development Applications Finalised

App No	Code / Impact	Location	Applicant	Description	Officer
Approved Subject to Conditions					
ROLC-ASP-2012/262	Code	15 Campbells Ridge Road BALBERRA QLD 4740	Michael J Barrett	Reconfiguration of a Lot - 1 Rural Lot into 2 Lots	Andrea McPherson
CON-ASP-2012/210		18-24 Hocking Crescent MARIAN QLD 4753	Adam N Zahner	Concurrence Agency - Building Work - Boundary Setback for Garage	Brogan Jones
ROLC-ASP-2012/263	Code	98 Waverley Street BUCASIA QLD 4750	Keith J Millen	Reconfiguration of a Lot - 1 Urban Residential Lot into 2 Lots	Brogan Jones
CON-ASP-2012/204		3 Aberdeen Court BEACONSFIELD QLD 4740	GMA Certification Group Pty Ltd	Building Work - Boundary Setback for Carport	Darryl Bibay

MCUC- ASP- 2012/265	Code	23 Bayview Drive HABANA QLD 4740	Adenbrook Homes	Dwelling House (Steep Land Overlay) & Siting Setback	Darryl Bibay
CON- ASP- 2012/140		54 McLean Street EAST MACKAY QLD 4740	Sheds N Homes Rockhampton	Building Work - Boundary Setback for Shed	Helle Jorgensen Smith
CON- ASP- 2012/205		156 Whitehaven Drive BLACKS BEACH QLD 4740	GMA Certification Group Pty Ltd	Building Work - Boundary Setback for Carport	Helle Jorgensen Smith
CON- ASP- 2012/207		18 Toorak Street GLENELLA QLD 4740	Tim E McGrath	Building Work - Boundary Setback for House	Helle Jorgensen Smith
CON- ASP- 2012/208		154 Whitehaven Drive BLACKS BEACH QLD 4740	GMA Certification Group Pty Ltd	Building Work - Boundary Setback for House	Helle Jorgensen Smith
MCUC- ASP- 2012/219	Code	3 Gillan Street WEST MACKAY QLD 4740	Front Row Projects Pty Ltd	Dwelling House (Flood and Inundation Overlay)	Helle Jorgensen Smith
MCUC- ASP- 2012/253	Code	L 926 Newport Parade BLACKS BEACH QLD 4740	Choice Homes Pty Ltd	Dual Occupancy on proposed Lot 575 over part of Lot 926 on SP263328	Helle Jorgensen Smith
ROLC- ASP- 2012/259	Code	45 Pacific Avenue SARINA QLD 4737	Pacific Homes Mackay	1 Town Zone Lot into 2 Lots	Helle Jorgensen Smith
ROLC- ASP- 2012/260	Code	39 Pacific Avenue SARINA QLD 4737	Pacific Homes Mackay	1 Town Zone Lot into 2 Lots	Helle Jorgensen Smith
MCUI- ASP- 2012/148	Impact	L 8 Gurnett Road SARINA QLD 4737	QR (National) Limited	Utilities - Public (Depot Consolidation and ERA 21 Motor Vehicle Workshop).	Josephine McCann
ROLC- ASP- 2012/158	Code	Mackay Airport Site 2514A Airport Road SOUTH MACKAY QLD 4740	Queensland Airport Holdings (Mackay) Pty Ltd	Special Activities (Port) 1 Lot into 3 Leasehold Lots.	Josephine McCann
MCUC- ASP- 2012/255	Code	70-90 Beaconsfield Road East ANDERGROVE QLD 4740	Rendille Investments Pty Ltd	Child Care Centre (on proposed Lot 505)	Julie Brook
CON- ASP- 2012/203		50 Canecutters Drive OORALEA QLD 4740	Executive Living Homes	Building Work - Boundary Setback for Dwelling House Extension	Kathryn Goodman
MCUC- ASP- 2012/258	Code	20 Eyre Place ERAKALA QLD 4740	Integrity New Homes	Dwelling House (Steep Land Overlay) and Boundary Setback Relaxation	Kathryn Goodman
MCUC- ASP- 2012/38	Code	26 McCulloch Street NORTH MACKAY QLD 4740	Telstra Corporation Ltd	Telecommunication Facility	Kathryn Goodman
CAC- ASP- 2011/327	Code	6 Antonia Court GLENELLA QLD 4740	Tinpeak Pty Ltd	4 Urban Residential Lots into 51 Lots & Operational Works - Civil Works - Valetta Gardens Stage 6 - 51 Residential Lots	Matthew Ingram
MCUC- ASP- 2012/84	Code	323 Bridge Road WEST MACKAY QLD 4740	Telstra Corporation Ltd	Telecommunication Facility	Matthew Ingram
MCUC- ASP- 2012/89	Code	23 Alfred Street MACKAY QLD 4740	Paul Brumpton	59 Multiple Dwelling Units (comprising 89 keys) and Catering Shop	Shane Kleve
Application Refused					
CON- ASP- 2012/206		66 O'Riely Avenue MARIAN QLD 4753	Kenneth P Rutland and Dianne E Rutland	Building Work - Boundary Setback for Dwelling House	Kathryn Goodman

Confirmed on Wednesday 17 October 2012

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MAYOR

APPENDIX / ATTACHMENTS