

19.3 BARRO GROUP PTY LTD V REDLAND CITY COUNCIL P&E APPEAL 1506/18**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Charlotte Hughes, Principal Planner**Attachments:**

1. Council Resolution 2019/26
2. Amended draft conditions
3. Correspondence from Barro

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

(f) *starting or defending legal proceedings involving the local government.*

PURPOSE

This report provides Council with an update on the abovementioned appeal and sets out the relevant information to enable Council to consider:

1. Barro Group Pty Ltd.'s (Barro) response to the proposed conditions outlined in the Resolution 2019/26;
2. Whether Council wishes to revise its position on the change application to the Planning Minister (the Minister); and
3. Council's position on the extension to the currency period.

BACKGROUND

Following a call-in by the Minister, a Development Permit was granted on 20 December 2013 for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities 8 (Chemical Storage), 16 (Extractive Screening) and 21 (Motor Vehicle Workshop Operation) on the subject site at 1513 and 1515-1521 Mt Cotton Road, 163-177 and 196 Gramzow Road, Mt Cotton.

On 8 September 2017 Council received an application seeking an extension to the development permit's currency period for an additional three (3) years. The application was decided at a General Meeting of Council on 21 March 2018 and the application was refused and an appeal was subsequently filed with the Planning and Environment Court on 24 April 2018.

Council recently considered an offer from the appellant to make changes to the development permit issued by the Minister. On 23 January 2019 Council considered the matter at a closed session of Council and made a resolution (see attachment 1) to provide the applicant with a pre-request response which states that Council has no objection to the proposed minor change application to be lodged with the Minister, subject to conditions that are generally consistent with the amended draft conditions package (see attachment 2) and a number of extra requirements listed in the resolution. In accordance with the requirement of the resolution, Council wrote to the Minister to outline its position on 14 February 2019.

ISSUES

On 19 February 2019, Barro provided a without prejudice response to the Council resolution 2019/26 (see attachment 3). In the response, Barro highlights their disappointment in the Council resolution, given the time and effort Council Officers and Barro have cooperatively put in to the draft amended conditions. The correspondence goes on to say that it is considered that the

proposed conditions outlined by the Resolution would not be permitted under section 65 of the *Planning Act 2016* (PA).

Section 65 (1) of the PA states:

A development condition imposed on a development approval must –

- a) Be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*
- b) Be reasonably required in relation to the development or the use of premises as a consequence of the development.*

Orders made from the Planning and Environment Court require that, by 15 March 2019, the Appellant shall make an application for amendments (Amendment Application) to the conditions of the development approval the subject of this appeal and provide a copy to the Respondent.

This means that Council has limited opportunity to negotiate with the Appellant prior to the Amendment Application being lodged with the Minister.

It is important to note that Council officers have carried out extensive negotiations with the appellant to date, involving several iterations of the draft conditions package so that the requirements relating to the Air and Noise go above current day noise and air quality standards. Specifically conditions A3 – A8 of Schedule 3 now require the monitoring of PM_{2.5}, which has been included with the recommendation of Council's Noise and Air Quality Expert and which goes above the standard requirements, but is in accordance with best practice and the wishes of the local community. There is a risk therefore that, should Council resolve not to provide the applicant with a pre-request response in accordance with the amended draft conditions package attached to this report (see attachment 2); the applicant may choose to revert back to the first iteration of this negotiated package and remove the requirement for PM_{2.5} monitoring in particular. This is considered a likely scenario as the party's experts are currently in disagreement on the requirement for PM_{2.5} monitoring.

It is also important to note that, should Council elect not to provide a pre-request response at this stage, Council has the opportunity to provide a 'response notice' within 15 business days after the amendment application has been lodged with the Minister. However, there is a risk that the requirements for PM_{2.5} would be removed by the applicant prior to the application being lodged and there is no certainty that this requirement would be imposed by the Minister in his assessment of the application.

The table below provides a summary of the response by Barro with corresponding comments from Council officers:

Resolution matter:

- a) Noise monitoring locations must be nominated and agreed between the noise experts before lodging the minor change, and monitoring locations should reflect all directions surrounding the site.

Barro's representations:

'The joint experts dealing with noise records agreement about a proposed noise monitoring location in a single direction. This proposal is not justified on your client's own expert evidence. In addition, the phrase 'all directions surrounding the site' lacks precision and certainty.'

Officer comments:

It is agreed that the phrase 'in all directions surrounding the site' lacks certainty and precision. However it is agreed by Council's Noise and Air Quality Expert that the underlying objective of item a) can be achieved by the inclusion of locations (to be agreed between the experts) that have a specific noise limit in Table 1 of condition N1 which will ensure that the noise monitoring locations chosen will be representative of surrounding sensitive receptors. It is recommended that this form a requirement of Council's pre-request response, if one were to be provided.

Resolution matter:

- b) The noise and ambient dust monitoring must be designed and operated in a form that allows "live monitoring", so that the noise and dust levels are visible at any time and available to the public as close to real time as technology allows.

Barro's representations:

'The joint expert report details recommended noise and dust monitoring measures and there is no basis for additional requirements outlined in this paragraph of the Resolution. The proposed condition would also not be permissible under section 65 (1) of the PA.'

Officer comments:

This is considered to be an unusual requirement for a development of this scale and based on the advice of Council's Noise and Air Quality expert, not supportable for a use of this nature and scale, particularly when conditions already require continuous noise and dust monitoring.

In the absence of support from Council's own expert, it is considered that the inclusion of item b) as a condition would not be reasonably required in relation to the development, and would not therefore be permissible under section 65 (1) of the PA.

Resolution matter:

- c) Dust monitoring should be measured on weighted instant time scale rather than 24 hour averages.

Barro's representations:

'The joint expert report details recommended dust monitoring measures and there is no basis for additional requirements outlined in this paragraph of the Resolution. The proposed condition would also not be permissible under section 65 (1) of the PA.'

Officer comments:

Advice from Council's Noise and Air Quality expert advised that dust monitoring is actually measured in real time, but reported as 24 hour averages which is in accordance with the *Environmental protection (Air) Policy 2008*, which requires air quality objectives to be worked out as an average. The requirements of this item are therefore already reflected in standard practice and there is no purpose in further insisting on its inclusion. The inclusion of item c) as a condition is therefore not reasonably required in relation to the development, and would not be permissible under section 65 (1) of the PA.

Resolution matter:

- d) The conveyor must be enclosed with sound insulating material.

Barro's representations:

'The conveyor is already to be partially enclosed under the existing conditions of approval. Moreover, the joint expert report dealing with noise records a number of mitigation measures the experts agree ought to be implemented and this is not one of them. The use of a conveyor produces less noise than alternative on-site transport methods, i.e. trucks. The proposed condition would also not be permissible under section 65 (1) of the PA.'

Officer comments:

Council's Noise and Air Quality expert advises that the conveyor is not considered to be a major source of noise and the requirement to enclose it with sound insulating material is therefore not supportable.

In the absence of support from Council's own expert, it is considered that the inclusion of item d) as a condition would not be reasonably required in relation to the development, and would not therefore be permissible under section 65 (1) of the PA.

Resolution matter:

e) Noise and dust attenuation conditions must commence from time of commencement of preliminary works.

Barro's representations:

'The term preliminary works is not defined or used on the conditions of approval. Moreover, the joint expert report identified the relevant timing required for each mitigation measure agreed by the experts such that there is no basis for this paragraph of the Resolution'

Officer comments:

It is agreed that the term 'preliminary works' is not defined; however it could be taken to mean prior to building/construction works occurring. However this is ambiguous and would require further clarification.

Nevertheless, Condition 12D requires the applicant to submit a Construction Noise Management Plan (CNMP) to Council for approval prior to the commencement of the stage 1b extraction and commissioning of the new primary and secondary crushing plant. The CNMP will identify the duration and location of works, the expected key noise sources, noise management and mitigation measures adopted for each stage of construction.

Condition 13 of the draft conditions package also requires a number of dust suppression measures to be incorporated on completion of the relevant building works; and consequently prior to the use of the conveyor commencing.

The timing of these conditions has been agreed by Council's Noise and Air Quality expert.

The inclusion of item e) as a condition would not therefore be reasonably required in relation to the development, and would not therefore be permissible under section 65 (1) of the PA.

Resolution matter:

f) The applicant must negotiate with neighbouring residents with regard to compensating them for costs of installation of air conditioning units, and water filtration for drinking supply of dwelling units located within the separation area identified by the Key Resource Area map under the State Planning Policy and adjoining properties.

Barro's representations:

'The joint expert report which is based upon modelling has confirmed that these measures are unnecessary in response to the predicted impacts of the quarry development. Accordingly, the proposed condition lacks any basis and would not be permissible under section 65 (1) of the PA.'

Officer comments:

Council's Noise and Air Quality expert supports Barro's response on this issue. In the absence of support from Council's own expert, it is considered that the inclusion of item f) as a condition would not be reasonably required in relation to the development, and would not therefore be permissible under section 65 (1) of the PA.

Resolution matter:

g) An annual maintenance contribution must be paid to the State government for the ongoing maintenance of Mount Cotton Road, as agreed between the parties.

Barro's representations:

'Impacts upon a State-controlled road are beyond your client's jurisdiction and it lacks the ability to impose any such condition. Moreover, the approval already contains conditions designed to mitigate any such impacts imposed by the Department of Transport and Main Roads.'

Officer comments:

It is agreed that the matter is outside Council's jurisdiction. The mode of payment of a maintenance contribution is a matter on which minds may differ; however the responsible agency Department of Transport and Main roads (DTMR) has sought to obtain a maintenance contribution through a one off payment.

Advice from Council's Traffic Expert has indicated that the amount and method of payment, being a one off contribution of \$418,311.29, is considered to be reasonable. It was also advised that an annual contribution, e.g. a tonnage payment, usually results in a relatively small annual contribution and would therefore be significantly less effective than a larger up-front payment; which could for example, be used to facilitate major or costly maintenance works.

Resolution matter:

- h) The section of Mount Cotton Road used for the acceleration of heavy vehicles exiting the subject site must be constructed in concrete or otherwise engineered as agreed by State Government to extraordinary standard to ensure the surface under pressure from fully laden trucks to minimise maintenance and interruption as a result of continuing damage and repair.

Barro's representations:

'The joint expert report dealing with traffic outlines the appropriate requirements for the site ingress from and egress onto the State-controlled road. This proposal is not justified on your client's own expert's evidence. Moreover, the subject matter of this proposal is outside of your client's jurisdiction.'

Officer comments:

Condition 1 of the DTMR conditions requires detailed engineering drawings for the required intersection works, which must be certified by a Registered professional Engineer of Queensland. As a result, the design and materials to be used in construction must be certified as fit for purpose.

Council's traffic expert does not support the inclusion of this requirement and furthermore Council does not have the jurisdiction to condition any further requirements in relation to the state controlled road.

Resolution matter:

- i) The Community Consultation Group must in so much as can be reasonably managed include members who are also residents from properties that adjoin the site as sensory receptors.

Barro's representations:

'The existing Community Reference Group conditions were originally drafted by our client, and were subsequently submitted by our client to Council for Compliance Assessment and our client was issued with a compliance certificate from Council. This proposal adopts terminology that is inconsistent with the terms of approval. Moreover, there is no evidence of any basis for this requirement.'

Officer comments:

Condition 23 requires the applicant to establish a Community Reference Group, which is to include representatives from Redland City Council, interested community groups and individual surrounding landowners.

Item i) is therefore considered to be satisfied by this existing condition as it already requires the applicant to seek participation from surrounding landowners, if they are interested.

STRATEGIC IMPLICATIONS

Legislative Requirements

Orders from the Planning and Environment Court require that, by 15 March 2019, the Appellant shall make an application for amendments (Amendment Application) to the conditions of the development approval the subject of this appeal and provide a copy to the Respondent.

This means that Council has limited opportunity to negotiate with the Appellant prior to the Amendment Application being lodged with the Minister.

The appellant is to provide the Council with a copy of any decision in relation to the Amendment Application within 2 business days of receiving it.

The matter is then listed for further review on 15 May 2019.

Risk Management

Council officers have carried out extensive negotiations with the appellant to date, involving several iterations of the draft conditions package so that the requirements relating to the Air and Noise go above current day noise and air quality standards, specifically the monitoring of PM_{2.5}. There is a risk therefore that, should Council resolve not to provide the applicant with a pre-request response in accordance with the amended draft conditions package attached to this report (see attachment 2); the applicant may choose to revert back to the first iteration of this negotiated package and remove the requirement for PM_{2.5} monitoring in particular.

People

It is noted that Council received properly made submissions regarding the proposed development during the assessment period. The submitters did not elect to join the appeal as co-respondents.

There has been no change in planning direction since the original approval and it is considered that there would be a reasonable community expectation that future extractive operations on the land would be carried out in accordance with contemporary best practice, which will be secured through the minor change application, as concluded by the town planning experts in the appeal.

Environmental

There are considered to be no environmental implications relating to the recommendation in this report.

Social

There are considered to be no social implications relating to the recommendation in this report.

Alignment with Council's Policy and Plans

The existing Development Permit is proposed to be 'updated' to ensure consistency with the current laws and policies applying to the development.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Principal Consultant, Air Noise Environment	25 February 2019	Does not support the extra requirements listed in Council's resolution 2019/26. See issues section above.
Director, Perkins Planning	25 February 2019	Does not support the extra requirements listed in Council's resolution 2019/26; as they not considered permitted development conditions under s65 of the PA.
Director, Transport and Traffic, Lambert & Rehein	25 February 2019	Does not support the extra requirements listed in Council's resolution 2019/26. See issues section above.

OPTIONS

Option One

That Council resolves as follows:

1. To re-consider its position and provide the applicant with a pre-request response which states that Council has no objection to the proposed minor change application to be lodged with the Minister, subject to conditions that are generally consistent with the amended draft conditions package attached to this report (see attachment 2) and item 2 below;
2. That pursuant to draft condition N1 noise monitoring locations must be nominated and agreed between the noise experts before lodging the minor change application. Locations chosen must be representative of surrounding sensitive receptors.
3. That on the basis that the minor change application is approved by the Minister, instruct its solicitors to take all necessary steps to settle the appeal; and
4. To maintain this report as confidential until the conclusion of the appeal.

Option Two

That Council resolves as follows:

1. To re-consider its position and provide the applicant with a pre-request response with changed/or additional requirements to those listed in Council Resolution 2019/26 and subject

to conditions that are generally consistent with the amended draft conditions package attached to this report (see attachment 2);

2. On the basis that the minor change application is approved by the Minister, instruct its solicitors to take all necessary steps to settle the appeal; and
3. To maintain this report as confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

Option Three

That Council resolves to:

1. maintain its position outlined in Council resolution 2019/26; and
2. maintain this report as confidential until the conclusion of the appeal.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

- 1. Re-consider its position and provide the applicant with a pre-request response which states that Council has no objection to the proposed minor change application to be lodged with the Minister, subject to conditions that are generally consistent with the amended draft conditions package attached to this report (see attachment 2) and item 2 below;**
- 2. That pursuant to draft condition N1 noise monitoring locations must be nominated and agreed between the noise experts before lodging the minor change application. Locations chosen must be representative of surrounding sensitive receptors.**
- 3. That on the basis that the minor change application is approved by the Minister, instruct its solicitors to take all necessary steps to settle the appeal; and**
- 4. To maintain this report as confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.**

19.1 BARRO GROUP PTY LTD - PLANNING AND ENVIRONMENT COURT APPEAL NO.1506 OF 2018**COUNCIL RESOLUTION 2019/26**

Moved by: Cr Julie Talty

Seconded by: Cr Tracey Huges

That Council resolves as follows:

1. To provide the applicant with a pre-referral response which states that Council has no objection to the proposed minor change application to be lodged with the Minister, subject to conditions that are generally consistent with the amended draft conditions package attached to this report (see Attachment 6) and including the following matters:
 - a. Noise monitoring locations must be nominated and agreed between the noise experts before lodging the minor change, and monitoring locations should reflect all directions surrounding the site.
 - b. The noise and ambient dust monitoring must be designed and operated in a form that allows "live monitoring", so that the noise and dust levels are visible at any time and available to the public as close to real time as technology allows.
 - c. Dust monitoring should be measured on weighted instant time scale rather than 24 hour averages.
 - d. The conveyor must be enclosed with sound insulating material.
 - e. Noise and dust attenuation conditions must commence from time of commencement of preliminary works.
 - f. The applicant must negotiate with neighbouring residents with regard to compensating them for costs of installation of air conditioning units, and water filtration for drinking supply of dwelling units located within the separation area identified by the Key Resource Area map under the State Planning Policy and adjoining properties.
 - g. An annual maintenance contribution must be paid to the State government for the ongoing maintenance of Mount Cotton Road, as agreed between the parties.
 - h. The section of Mount Cotton Road used for the acceleration of heavy vehicles exiting the subject site must be constructed in concrete or otherwise engineered as agreed by State Government to extraordinary standard to ensure the surface under pressure from fully laden trucks to minimise maintenance and interruption as a result of continuing damage and repair.
 - i. The Community Consultation Group must in so much as can be reasonably managed include members who are also residents from properties that adjoin the site as sensory receptors.
2. That Council will write to the Minister further outlining its position with respect to the minor change, consistent with the conditions referenced in point 1;
3. On the basis that the minor change application is approved by the Minister in the form outlined in point 1 to the approval by Council, Council will instruct its solicitors to take all necessary steps to settle the appeal; and
4. To maintain this report as confidential until the conclusion of the appeal.

CARRIED 6/5

Crs Wendy Boglary, Peter Mitchell, Mark Edwards, Julie Talty, Tracey Huges and Paul Gleeson voted FOR the motion.

Crs Karen Williams, Paul Gollè, Lance Hewlett, Murray Elliott and Paul Bishop voted AGAINST the motion.

Schedule 1: Conditions of Approval
Material Change of Use (Development Permit) for Extractive Industry

		TIMING																																																
GENERAL/PLANNING REQUIREMENTS																																																		
1	<p>Approved Plans and Documents</p> <p>Undertake the development generally in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval</p> <p style="text-align: center;">Table 1: Approved Plans and Documents.</p> <table border="1"> <thead> <tr> <th>Approved Plan No.</th> <th>Title</th> <th>Date</th> <th>Prepared by</th> </tr> </thead> <tbody> <tr> <td>DA2 001</td> <td>Schematic of Proposed Plant Layout</td> <td>7 July 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>DA2 002</td> <td>Quarry Development Plan - Stage 1A</td> <td>7 July 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>DA2 003</td> <td>Quarry Development Plan -Stage IB</td> <td>7 July 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>DA2 004</td> <td>Quarry Development Plan - Stage 2</td> <td>9 June 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>DA2 005</td> <td>Quarry Development Plan - Stage 3</td> <td>9 June 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>DA2 006</td> <td>Quarry Development Plan - Stage 4</td> <td>9 June 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>987.310.003</td> <td>Figure 3 - Site Layout and Topography</td> <td>24 November 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>987.310.023</td> <td>Conceptual Plant Layout</td> <td>27 January 2011</td> <td>Groundwork Plus</td> </tr> <tr> <td>987_233</td> <td>Geotechnical Report - Mt Cotton Quarry Extension</td> <td>20 December 2010</td> <td>Groundwork Plus</td> </tr> <tr> <td>18-093-2</td> <td>Acoustic Barriers/Mound Locations</td> <td>1 November 2018</td> <td>MWA Environmental</td> </tr> <tr> <td>18-093-3</td> <td>Detail Plan Acoustic Mound/ Barriers – West</td> <td>1 November 2018</td> <td>MWA Environmental</td> </tr> </tbody> </table> <p><i>Note: This condition refers to the approved plans and documents to which the approval relates and is the primary means of defining the extent of the approval. Approved plans and documents are stamped and referred to in the approval and are dated to reflect the date of approval of the application by the Minister.</i></p> <p><i>Where there is an inconsistency between the approved plans and documents dated 2010 and 2011 and the approved plans and documents dated 2018, the approved plans and documents dated 2018 prevail to the extent of the inconsistency.</i></p>	Approved Plan No.	Title	Date	Prepared by	DA2 001	Schematic of Proposed Plant Layout	7 July 2010	Groundwork Plus	DA2 002	Quarry Development Plan - Stage 1A	7 July 2010	Groundwork Plus	DA2 003	Quarry Development Plan -Stage IB	7 July 2010	Groundwork Plus	DA2 004	Quarry Development Plan - Stage 2	9 June 2010	Groundwork Plus	DA2 005	Quarry Development Plan - Stage 3	9 June 2010	Groundwork Plus	DA2 006	Quarry Development Plan - Stage 4	9 June 2010	Groundwork Plus	987.310.003	Figure 3 - Site Layout and Topography	24 November 2010	Groundwork Plus	987.310.023	Conceptual Plant Layout	27 January 2011	Groundwork Plus	987_233	Geotechnical Report - Mt Cotton Quarry Extension	20 December 2010	Groundwork Plus	18-093-2	Acoustic Barriers/Mound Locations	1 November 2018	MWA Environmental	18-093-3	Detail Plan Acoustic Mound/ Barriers – West	1 November 2018	MWA Environmental	While site works are occurring and then at all times
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2	<p>Development Permit</p> <p>A copy of the development permit (including all relevant approved plans and documents) is to be maintained on the site at all times.</p>	At all times																																																
3	<p>Quarry Extents</p> <p>The quarry shall not encroach outside the bounds shown in the development</p>	At all times																																																

	application Stage 4 (Ref Drawing DA2 006 prepared by Groundwork Plus).	
4	<p>Survey data</p> <p>Submit to Council the electronic data for the survey points which define the entire approved extent of the quarry pit. These survey points must be in accordance with the quarry extent shown on the development application Stage 4 (Ref Drawing DA2 006 prepared by Groundwork Plus).</p>	Prior to the commencement of the use
5	<p>Compliance</p> <p>Comply with all conditions of this approval, at no cost to Council or the Department of Infrastructure, Local Government and Planning, at the timing periods specified in the conditions. Where the condition indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development, and where the timing of the condition indicates it is prior to the commencement of the use, that condition must be complied with prior to extraction of quarry material occurring in the quarry pit extent identified in condition 4.</p>	As indicated
6	<p>Hours of operation</p> <p>(a) Operate the approved use, including truck movements associated with the use, only between the following hours:</p> <p>(i) Monday to Friday - 6:30am to 6:00pm; and</p> <p>(ii) Saturday - 6:30am to 4pm.</p> <p>(b) After hours maintenance is only to take place between 6:00am to 8:00pm Monday to Saturday.</p> <p>(c) Quarrying activities are not to occur at any other time or on public holidays</p>	At all times
7	Condition deleted	
8	<p>Complete All Building Work</p> <p>Complete all building work associated with this development approval where such building work is to be carried out generally in accordance with the approved plans and documents and, where the building work is assessable development, in accordance with a current development permit. Prior to the commencement of any building work, development permit(s) for carrying out building work may be required.</p> <p><i>Note: This approval does not permit building work to occur. Refer to advice regarding additional development permits and compliance permits.</i></p>	Prior to the completion of Stage IB
9	<p>Operational Restrictions - Quarry</p> <p>(a) Operate the quarry with a rate of production that does not exceed one (1) million tonnes per annum, unless otherwise stipulated in the relevant environmental authority for the activity.</p> <p>(b) Upon request by a duly authorised Council officer, provide to Council, within 10 business days of the request being made, details of the tonnage amounts for the period(s) specified by the Council officer. Maintain suitable records of tonnage amounts that enable this information to be provided.</p>	At all times As indicated and at all times
ACOUSTIC		
10	Except during blasting operations, the emission of noise from the operation and maintenance of the development and onsite road traffic, must not result in noise levels at noise sensitive places (e.g. at dwellings) greater than those specified in Table 2 - Noise Limits	As indicated

Table 2 -Noise Limits				
Location Noise Sensitive Land Use	Noise Limits (dBA LAeq,aj,T(15min))			
	Early Morning Maintenance Only (6am – 6.30am)	Early Morning (6.30 am - 7am)	Daytime (7am - 6pm)	Evening (6pm - 10pm)
To the West	35	35	35*	35
To the South	40	41	41	41
To the South-East	40	42	45	42
To the East/North East	41	42	47	40

[†] *Note: The noise limits for the morning period have been kept consistent with the daytime period, since it is not believed to be appropriate to have a higher noise limit during the morning period*

**L90 of 29 dB(A), adjusted to minimum L90 of 30dB(A)*

11	The rock drill used at the site is to have a maximum Sound Power Level no greater than 110.1dBA. Provide vendor data or measurement data to the Council and to the Department of Environment and Heritage Protection to demonstrate noise emissions from rock drilling (or alternative drilling method) will achieve a maximum Sound Power Level of not greater than 111 dBA compliance.	Prior to the commencement of the use
12	Submit to Council and to the Department of Environment and Heritage Protection a noise survey to confirm the operational noise levels and compliance with the noise limits in Table 2- Noise Limits.	Within six months of the commencement of the use
12A	Construct the following generally in accordance with ‘Figure 2 – Acoustic Barrier/Mound Locations’, drawing no. 18-093-2 prepared by MWA Environmental and dated 01/11/18 and ‘Figure 3 – Detail Plan Acoustic Mound/Barriers - West’, drawing no. 18-093-3 prepared by MWA Environmental and dated 01/11/18. (a) 10 metre high mound/barrier. (b) 3 metre high barrier. (c) Barrier adjacent ramp to tip head – 6 metres high. (d) Enclosed tip head – 3 sides and roof – open to the north.	Prior to the commencement of both Stage 1b extraction and commissioning of the new primary and secondary crushing plant
12B	Retain the earth/rock embankment to the west of the batching plant.	At all times
12C	Submit post-construction certification for the acoustic barriers/mounds constructed in accordance with condition 12A from a suitably qualified acoustic consultant certifying that the conditions of development approval relating to noise are achieved.	Prior to the commencement of both Stage 1b extraction and commissioning of the new primary and secondary crushing plant
12D	Submit, and have approved by the Council, a construction noise management plan (CNMP) that identifies the duration and location of works, expected key noise sources, noise management and mitigation measures adopted for each stage of construction and details of community liaison and notification procedures. Where extensive construction works which generate high noise levels are proposed over a period of weeks, the CNMP should incorporate respite periods into the noise management procedures.	Prior to the commencement of both Stage 1b extraction and commissioning of the new primary and secondary crushing plant
AIR QUALITY		
13	Implement the following dust control measures:	(a) to (e) At all times

	<p>(a) Seal and maintain the access road by appropriate measures which may include watering, sweeping and/or vacuum cleaning so as to minimise silt loading;</p> <p>(aa) Maintain a supply of spare parts for the dust control sprinkler systems and spare filters for the dust baghouse at the concrete batching plant on site.</p> <p>(b) Operate a wheel wash or alternative measure at the site to minimise silt loading on the access road;</p> <p>(c) Cover the haul road between the pit and the tip head with secondary crusher scalps and dampen by a water truck (2 litres/m²/hour) as required;</p> <p>(d) Fit dust extraction systems on rock drill with collectors and wet drilling by water sprays; and</p> <p>(e) Progressively stabilise completed quarry areas by mulching and planting.</p> <p>(f) Enclose crushers and fine material screens;</p> <p>(g) Cover the surge screen at the top of the overland conveyor;</p> <p>(h) Include luffing, slewing and telescoping units which minimise drop height; on conveyors to stockpiles;</p> <p>(i) Fit conveyors carrying primary and secondary crushed stone with water sprays at all transfer points;</p> <p>(j) Cover the overland conveyor from the primary crushing station to the main processing plant, allowing maintenance access on one side;</p> <p>(k) Cover conveyors transporting material that has been crushed to tertiary or finer grade, and provide water sprays at transfer points;</p> <p>(l) Fully enclose the conveyor from the secondary crusher to the main processing area to minimise release of dust;</p> <p>(m) Watering of internal, unsurfaced haul routes must occur during all approved operational hours at a rate of 2 litres/m²/hour except where 0.25mm or more rainfall has occurred in the prior 24 hour period; and</p> <p>(n) Sprinklers on stockpiles and open, erodible areas are to be operated when wind speeds exceed 5.4m/s. For clarity, sprinklers on conveyors and discharges to stockpiles are to be operated at all times.</p>	(f) to (l) At all times after completion of the relevant building work
14	<p>Use a weather station to assist in anticipating adverse meteorological conditions that may give rise to dust generation and implementation of operational changes and improve mitigation to avoid adverse impacts.</p> <p>A weather station is to be installed at a location suitable for assessing wind speeds at open erodible surfaces, and operated continuously. The meteorological sensors should be located at a minimum height of 2 metres.</p> <p>The monitoring data is to be reviewed continuously and used as a basis for determining requirements for the operation of stockpile sprinklers and haul route watering in accordance with conditions 13(m) and 13(n).</p>	The installation of the weather station prior to the commencement of the use and then monitored at all times
BLASTING		
15	Undertake blasting activities only Monday to Friday - 9:00am to 5:00pm. No blasting is to occur at any other time or on public holidays	At all times
16	Noise from blasting operations must not exceed an airblast over- pressure level of 115 dB Linear Peak for nine (9) out of ten (10) consecutive blasts when measured at any noise sensitive place or commercial place.	At all times
17	Noise from blasting operations must not exceed an airblast over pressure level	At all times

	of 120 dB Linear Peak for any blast when measured at any noise sensitive place or commercial place.	
18	The ground-borne vibration must not exceed a peak particle velocity (PPV) of 5 mm per second for nine (9) out of ten (10) consecutive blasts.	At all times
19	The ground-borne vibration must not exceed a PPV of 10 mm/s for any blast.	At all times
20	All blast monitoring data, including vibration and overpressure measurements, is to be provided to the Department of Environment and Heritage Protection (or its successor) upon request.	At all times
21	The development must ensure that the airblast overpressure and ground vibration limits in Table 3 are not exceeded at all adjacent residences. Ground vibration and airblast overpressure monitoring must be undertaken for all blasts at a location as close as practical to the nearest residence(s).	At all times
Table 3 Airblast Overpressure and Vibration Limits		
	Parameter	Threshold Value (as measured at the sensitive or commercial place)
		Monday to Friday 9am - 5pm
		Other times and public holidays
	Vibration	a. the ground-borne vibration must not exceed a peak particle velocity (PPV) of 5 mm/s for nine (9) out of ten (10) consecutive blasts; and b. the ground-borne vibration must not exceed a PPV of 10 mm/s for any blast.
	Airblast overpressure	a. the airblast overpressure must not exceed 115 dB Linear Peak for nine (9) out of ten (10) consecutive blasts; and b. the airblast overpressure must not exceed 120 dB Linear Peak for any blast.
		No blasting to occur
		No blasting to occur
COMMUNITY ENGAGEMENT		
22	Submit, and have approved by Council a post-approval Community Engagement Strategy for compliance assessment in accordance with the relevant sections of superseded Redlands Planning Scheme (Version 7.2) Part 11 Policy 12 - Social and Economic Impact Assessment and including the following information: (d) Details on how, when and where the community will be advised of the details of the development approval by the operator. This must include, as a minimum, an initial engagement prior to works being carried out under this approval and then periodic engagement prior to the commencement of each approved stage of the development. (e) Details on the formulation of a Community Reference Group, as required by conditions of this approval.	Prior to the commencement of the use or prior to new access road works whichever occurs sooner
23	Establish a Community Reference Group to facilitate the effective management of the social and environmental issues associated with the development. The	Prior to the use commencing and

	<p>Group must:</p> <ul style="list-style-type: none"> (a) be chaired by the Quarry Manager (or appropriate delegate); (b) include representatives from Redland City Council, interested community groups and individual surrounding land owners; and (c) establish a Terms of Reference for the Group that is founded on transparency and clearly identifies the purposes and objectives of the Group. 	ongoing
24	<p>Provide to Council details of the Community Reference Group, including the:</p> <ul style="list-style-type: none"> (a) list of members in the Group; (b) Terms of Reference for the Group; and (c) proposed meeting schedule for the Group. 	Prior to the use commencing
DESIGN		
25	<ul style="list-style-type: none"> (a) Submit, and have approved by Council floor plans and elevations of all proposed buildings for Compliance Assessment in accordance with superseded Redlands Planning Scheme (Version 7.2) Part 4 Division 21 - Rural Non-Urban Zone Code - Specific Outcomes S2.1 and S2.2; (b) The heights of the buildings are to be generally in accordance with the reduced levels (RLs) identified on the approved plan titled, Conceptual Plant Layout. The submitted plans must indicate the finished floor levels referenced to Australian Height Datum, must be to scale and must be fully dimensioned. 	Prior to the commencement of building work
26	<p>If the existing Energex Easement E on SP102535 is relocated in accordance with the conditions contained in Energex's advice agency response dated 1 November 2013, a plan indicating the location of the new easement and any proposed clearing or planting is to be submitted to Council for approval so as to ensure that impacts on, for example, vegetation, fauna movement, stormwater and visual amenity are suitably addressed and minimised.</p>	Prior to the relocation of the existing electrical infrastructure located within Easement E on SP102535 and the reinstatement of an easement in favour of Energex for the relocation
27	<p>Locate, design and install outdoor lighting, where required, in accordance with the relevant Australian Standards, to minimise the potential for light spillage to cause nuisance to neighbours.</p>	At all times
ECOLOGY		
28	<ul style="list-style-type: none"> (a) Submit to the Department of Environment and Heritage Protection and submit to and have approved by Council a revised Habitat Management Plan which is generally in accordance with the Habitat Management Plan prepared by BAAM Pty Ltd dated 2 December 2010 and a revised Integrated Koala and Koala Habitat Report, which is generally in accordance with the Integrated Koala and Koala Habitat Report prepared by BAAM Pty Ltd dated 18 November 2010. These documents must: <ul style="list-style-type: none"> (i) provide detailed design of structures and demonstrates that safe koala (and other fauna) movement will be provided and maintained across the north of the site; (ii) quantitatively confirms the ecological equivalence between the impact area and offset sites; (iii) provide a detailed assessment of potential impacts and management strategies to avoid mortality or injury to koalas during the construction and operational phases and address koala movement 	Prior to the clearing of any mapped Remnant Vegetation

	<p>(barriers to movement, safe movement opportunities, fencing and indirect operational impacts on adjacent high value bushland habitat);</p> <p>(iv) Provide the following additional detail, including the key management plan elements, including:</p> <ul style="list-style-type: none"> - responsible entity/ personnel; - performance targets; - implementation strategies/ mitigation measures; - audit and review provisions; - monitoring; and - corrective action processes; and <p>(v) recalculate the proposed non-juvenile koala trees to be offset, based on the identified highest estimated trees to be removed within vegetation polygons 1, 3, 5, and 6, being 13, 953, as indicated in the Koala Tree Survey Report prepared by BAAM dated 18 November 2010 in addition to the trees identified to be removed within vegetation polygons 2, 4 and 7. This is expected to equate to a total of 15,499 non-juvenile koala trees to be offset.</p> <p>(b) The revised Habitat Management Plan referred to in (a) above is also to provide details on:</p> <ul style="list-style-type: none"> (i) pre-disturbance surveys for Macadamia; (ii) propagation of Macadamia; (iii) development and improvement of the recovery plan for <i>Corchorus cunninghamii</i>; (iv) consultation with the relevant authorities to manage remnant vegetation to support <i>Corchorus</i>; and (v) appropriate fire management to support <i>Corchorus</i>. 	
29	Condition deleted	
30	Submit a request to Chief Executive administering the <i>Vegetation Management Act 1999</i> to have the koala offset areas as identified in the Koala Tree Offset Strategy prepared by BAAM dated 2 December 2010 and the Koala Offset Site Management Plan prepared by BAAM dated 18 November 2010, declared as areas of high nature conservation value under Section 19E of the <i>Vegetation Management Act 1999</i> .	Prior to the clearing of any mapped Remnant Vegetation
31	Submit, and have approved by Council a request for compliance assessment for the proposed declared area management plan, to accompany a request for declaration under section 19E of the <i>Vegetation Management Act 1999</i> in accordance with the relevant sections of the South East Queensland Koala Conservation State Planning Regulatory Provisions. This plan must be approved before it is provided as part of the request for declaration to the Chief Executive responsible for administering the <i>Vegetation Management Act 1999</i> .	Prior to the commencement of the use
32	Submit to Council a current title search showing the vegetation management notation on the title, which demonstrates that the declaration has been made and written notice provided to the Registrar of Titles in accordance with Section 19K of the <i>Vegetation Management Act 1999</i> .	Within 14 days of being notified or otherwise becoming aware that the notation on title has been made
33	Submit to the Department of Natural Resources and Mines, the Department of Environment and Heritage Protection and Council for approval a revised Rehabilitation of Post Extraction Area Management Plan, generally in accordance with the Rehabilitation of Post Extraction Area Management Plan	Prior to the clearing of any mapped Remnant Vegetation

	of the Site Environmental Management Plan, prepared by Groundwork Plus dated 19 November 2010 as amended by these conditions of approval, which quantitatively confirms the ecological equivalence between the impact area and rehabilitation sites.	
34	<p>Submit a revised Site Environmental Management Plan generally in accordance with the Mount Cotton Quarry Site Environmental Management Plan prepared by Groundwork Plus, dated 19 November 2010. The revisions are to include the amendments required by the conditions of this approval and are to provide, additional detail, including the key management plan elements, as follows:</p> <ul style="list-style-type: none"> (vii) responsible entity/ personnel; (viii) performance targets; (ix) implementation strategies/ mitigation measures; (x) audit and review provisions; (xi) monitoring; and (xii) corrective action processes. <p>The revised Environmental Management Plan must be reflective of the revised documents and conditions forming part of this approval.</p> <p><i>Note: Where there is a conflict between the EMP and conditions of approval, the conditions of approval take precedence.</i></p>	Prior to the commencement of site works
35	<p>Submit a revised Koala Offset Site Management Plan, generally in accordance with the Koala Offset Site Management Plan prepared by BAAM dated 18 November 2010, to the Department of Environment and Heritage Protection for approval which demonstrates compliance with the Offsets for Net Gain of Koala Habitat in South East Queensland Policy, published by the Department of Environment and Heritage Protection. In particular, the applicant must achieve a net benefit ratio of 5:1 for all non-juvenile Koala trees proposed to be cleared.</p> <p>In relation to juvenile koala habitat, the following points must also be addressed:</p> <ul style="list-style-type: none"> (a) identify the location of existing koala habitat (survey plan/tree plot with non-juvenile and juvenile koala habitat trees); (b) exclude existing mature koala habitat trees from any formal calculation of the offset obligation; (c) determine the number of juvenile koala habitat trees (regrowth) which can be counted towards the offset requirement by using the following principles: <ul style="list-style-type: none"> a. estimate the number of juvenile regrowth trees which will most likely reach maturity. This may be done by calculating the stems per hectare of mature koala habitat trees for that particular regional ecosystem type as described in the Policy; <p><i>Note: Not all regrowth juvenile koala habitat trees can be counted towards the offset obligation as some regrowth may occur in highly dense clumps which over time will naturally thin out. These trees will not achieve the overall outcomes for establishing koala habitat described in the Policy.</i></p> (d) actively manage the site to ensure that the offset management obligation is achieved. This includes compensating for the loss of trees; (e) revegetate the remainder of the site in accordance with the principles described in the Policy; (f) provides justification for the utilisation of regrowth that will contribute to the overall offset obligation; (g) achieve the offset obligation in terms of the number of mature koala 	Prior to the clearing of any mapped Remnant Vegetation

	<p>habitat trees regardless of whether revegetation is done through revegetation, replanting or a combination of these options.</p> <p><i>ADVICE: For example, based on an offset site of one hectare, if the site had a pre-clearing regional ecosystem canopy stem density of 500 stems per hectare and the site had existing regrowth juvenile koala habitat trees at a density of 1000 stems per hectare spread across the site, then only 500 regrowth stems can be counted towards the offset obligation. Note that this outcome is based on the assumption that the regrowth is spread across the site and not confined to one or more highly dense patches; building on the above example, if the offset obligation was for the establishment of 500 non-juvenile koala habitat trees (for the clearing of 100 non-juvenile koala habitat trees) and 2000 m of area on the offset site (one hectare) currently contained regrowth juvenile koala habitat trees, this would mean that 100 regrowth stems could be counted towards the 500 Stems offset obligation. If the regrowth area had more than 100 juvenile koala habitat trees, the additional trees could not be counted. To complete the offset obligation, a further 400 non-juvenile koala habitat trees would need to be established on site. (Note that this example does not factor in replanting at higher densities to compensate for plant mortality that may occur on the site);</i></p> <p><i>Note: The decision of incorporating regrowth of koala habitat trees will be at the discretion of the relevant authority.</i></p>	
36	<p>Demonstrate to the satisfaction of the Department of Environment and Heritage Protection and Council that the proposed development complies with the following provisions of the South East Queensland Koala Conservation State Planning Regulatory Provision:</p> <p>(a) During construction phases and for the life of operational activities:</p> <p>(i) measures are taken in construction and operational practices to not increase the risk of death or injury to koalas; and</p> <p>(ii) native vegetation that is cleared and in an area intended to be retained for safe koala movement opportunities is progressively restored and rehabilitated.</p> <p>(b) Native vegetation clearing is undertaken as sequential clearing and under the guidance of a koala spotter where the native vegetation is a non-juvenile koala habitat tree.</p> <p>(c) Native vegetation is progressively restored and rehabilitated once extractive operations have ceased on that part of the premises.</p> <p>(d) Landscaping activities provide food, shelter and movement opportunities for koalas consistent with the site design.</p> <p>(e) Operational activities are staged in line with operational need.</p>	At all times
37	<p>At the time periods specified in the revised Habitat Management Plan referred to in condition 28 of this approval undertake monitoring and maintenance to the koala offset areas generally in accordance with the approved Habitat Management Plan, as amended by these conditions, unless otherwise varied by the declared area management plan.</p>	At all times
38	<p>Upon request by a duly authorised Council officer, provide to Council, within 10 business days of the request being made, copies of the outcomes of monitoring conducted in accordance with the revised Habitat Management Plan referred to in condition 28 of this approval, unless otherwise varied by the declared area management plan. Maintain suitable records of the monitoring programs that enable this information to be provided.</p>	At all times
39	<p>a) Submit, and have approved by Council plans for earthworks and access works that identify fauna crossings over or under the new access road, in accordance with the relevant sections of the Department of Transport and Main Roads Fauna Sensitive Road Design Manual - Volume 2, Chapter 6. The plans must detail the designs of the crossings and any directional</p>	Prior to the commencement of the use or prior to the commencement of the new access road

	fencing proposed to give the crossings full effect for fauna usage.	works whichever occurs sooner
	b) Submit, and have approved by Council plans that identify fauna crossings under the elevated conveyor belt between the processing plant area and the new quarry pit. Such plans are to be in accordance with the relevant sections of the Department of Transport and Main Roads Fauna Sensitive Road Design Manual - Volume 2, Chapter 6.	Prior to the commencement of building work for the elevated conveyor belt
GEOTECHNICAL		
40	Undertake the recommended measures presented in the approved Groundwork Plus Geotechnical Report dated 20 December 2010.	As indicated and as required and then at all times
INFRASTRUCTURE AND UTILITY SERVICES		
41	External reticulated water supply must only be used for potable use and ablution facilities.	At all times
42	Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid at the time the works occur in accordance with the terms of any cost estimate provided to perform the works.	At the time of works occurring
LANDSCAPING		
43	<p>Submit, and have approved by Council landscape plans for compliance assessment in accordance with the relevant sections of the following:</p> <ul style="list-style-type: none"> – superseded Redlands Planning Scheme (Version 7.2) Part 5 Division 7 - Habitat Protection Overlay Code – superseded Redlands Planning Scheme (Version 7.2) Part 8 Division 8 - Landscape Code Redlands Planning Scheme Part 9 Schedule 9 - Street Trees Redlands Planning Scheme Part 9 Schedule 10 - Vegetation Species List – superseded Redlands Planning Scheme (Version 7.2) Part 9 Schedule 12 - Weed Species List – superseded Redlands Planning Scheme (Version 7.2) Part 11 Policy 3 Chapter 3 - Landscaping and Chapter 6 - Security Bonding – superseded Redlands Planning Scheme (Version 7.2) Part 11 Policy 9 Chapter 2 - Documentation and General Conditions, Chapter 10 - Parks and Open Space and Chapter 11 - Landscaping – superseded Redlands Planning Scheme (Version 7.2) Part 11 Policy 16 - Safer by Design <p>The landscape plans must include the following:</p> <ol style="list-style-type: none"> (a) Details regarding proposed fencing to be located on the site; (b) Details of landscaping and visual mitigation measures within the Energex easement. Provide Council with a copy of Energex approval for the proposed landscaping and visual mitigation measures within the Energex easement. 	Prior to the commencement of the use
STORMWATER MANAGEMENT		
44	<p>Water Monitoring Plan</p> <p>Submit, and have approved by Council a Water Monitoring Plan for compliance assessment in accordance with the relevant sections of superseded Redlands Planning Scheme (Version 7.2) Part 9 Schedule 11 and which includes:</p>	Prior to the commencement of the use

	<p>(a) A groundwater quality sampling program which includes a minimum of 12 months sampling to establish a baseline water quality data set;</p> <p>(b) Monitoring of groundwater levels in the monitoring bores and RN97706 to confirm the magnitude of predicted groundwater drawdown;</p> <p>(c) A surface water monitoring program which includes:</p> <p>(i) Monitoring of surface runoff water quality in Greenhide/California Creek at Gramzow Road (prior to and during operations);</p> <p>(ii) Monitoring of pit water quality,</p> <p>(iii) Monitoring of discharge volumes and water quality from the water treatment system.</p> <p>(d) A process for preparation of an annual monitoring report that reviews the collected data against water quality objectives for surface and groundwater.</p>	
45	<p>Acid Rock Management Plan</p> <p>Submit, and have approved by Council an Acid Rock Management Plan for compliance assessment in accordance with the relevant sections of superseded Redlands Planning Scheme (Version 7.2) Part 9 Schedule 11 that details:</p> <p>(a) A monitoring program to identify whether acid rock drainage is occurring on the site, and</p> <p>(b) Proposed mitigation measures to manage any acid rock drainage identified on the site</p>	Prior to the commencement of the use
46	<p>Dam Safety Report</p> <p>If it is intended to use the existing dam on the site for the storage of excess water from disturbed areas on the site, submit to Council for approval a Dam Safety Report, certified by a Registered Professional Engineer of Queensland, to demonstrate that the existing dam structure is suitable for use in quarry operations. The Dam Safety Report should also comply with relevant requirements of the <i>Water Supply (Safety and Reliability) Act 2008</i>.</p>	Prior to the commencement of the use
47	<p>Stormwater Management Plan</p> <p>Submit and have approved by Council a Stormwater Management Plan for compliance assessment in accordance with the relevant sections of the following:</p> <ul style="list-style-type: none"> – superseded Redlands Planning Scheme (Version 7.2) Part 8 Division 9 - Stormwater Management Code – superseded Redlands Planning Scheme (Version 7.2) Part 11 Policy 3 Chapter 6 - Security Bonding – superseded Redlands Planning Scheme (Version 7.2) Part 11 Policy 9 Chapter 2 - Documentation and General Conditions and Chapter 6 - Stormwater Management – superseded Redlands Planning Scheme (Version 7.2) Part 9 Schedule 11 - Water Quality Objectives. <p>The Stormwater Management Plan is to be generally in accordance with the Stormwater Assessment and Management Plan, prepared by Gilbert and Sutherland Pty Ltd, dated November 2010 and addresses both quality and quantity in accordance with the Stormwater Management Code and associated policy in the superseded Redlands Planning Scheme (Version 7.2), and which includes the following:</p> <p>(a) Details, including a hydraulic assessment, of the surface water diversions for the external catchment of the quarry pit according to the expected flows, protected with appropriate lining to reduce erosion and sediment run-off and details of the energy dissipater discharging to the existing</p>	Prior to the commencement of the use

	<p>natural watercourse;</p> <p>(b) Details of the Greenhide Creek flood extent and the immunity for flooding to the quarry pit, sedimentation basin, water treatment pond, gravel filter and sedge filters in a 100 Year ARI event (1% AEP);</p> <p>(c) Details of the sedimentation basin, water treatment pond, gravel filter, sedge filters and the pump out system to manage the stormwater run-off from the quarry pit;</p> <p>(d) A detailed erosion and sediment control plan which identifies</p> <ol style="list-style-type: none"> a. The locations of all proposed disturbed areas on the site, including internal roadways and temporary stockpiles, b. The boundaries of all catchments affected by disturbance on the site, c. The location of proposed sediment control measures and detailed calculations showing how the size of any sedimentation ponds has been determined. 	
48	<p>Site closure plan</p> <p>Submit a Site Closure and Rehabilitation Plan to Council which details:</p> <p>(a) The proposed final landform for the site, including the final void;</p> <p>(b) Drainage designs and other management measures to be implemented on the site to ensure that the final landform is stable in the long term and environmental impacts are acceptable;</p> <p>(c) A final void water balance based on historical site data, which estimates the long term volume of overflows, if any, from the final void and demonstrates that the water quality of any overflows will meet water quality objectives.</p>	No less than 12 months prior to completion of quarry operations.
49	<p>Manage stormwater discharge from the site in accordance with the superseded Redlands Planning Scheme (Version 7.2) Policy 9 Chapter 6 - Stormwater Management, so as to not cause an actionable nuisance to adjoining properties. Comply with the Management of Potential Impacts provisions included in the stormwater management plan in relation to sediment and erosion control, maintenance of clean water diversion drains, maintenance of treatment measures, construction phase surface water drainage quality and operational phase surface controls.</p>	At all times
50	<p>Provide a substitute water supply of equivalent quality and quantity if groundwater drawdown in RN97706 renders the bore inoperable.</p>	At all times
TRAFFIC AND ACCESS		
51	<p>All access and egress to the site by vehicles associated with the quarry must be via Mount Cotton Road only.</p> <p><i>Note: Refer to condition 1.1 in Schedule 4 for further restrictions on site access.</i></p>	At all times
52	<p>No vehicular access is permitted from Gramzow Road at any time.</p>	At all times
53	<p>No truck movements associated with the operation or construction of the activities on the site, other than local deliveries, are to occur via Wuduru Road or California Creek Road.</p>	At all times
WASTE		
54	<p>Implement and maintain a comprehensive waste minimisation program as part of the Environmental Management Plan.</p>	Prior to the commencement of the use and then at all

		times
GENERAL COMPLIANCE ASSESSMENT		
55	Apply to Council for a compliance certificate for the documents and works requiring compliance assessment. The documents and works must be assessed against relevant Council assessment criteria.	As indicated in conditions
OTHER CONDITIONS		
56	Department of Transport and Main Roads Conditions set out in Schedule 4 from the Department of Transport and Main Roads dated 30 August 2013 (DTMR Permit number: No. 24838/13).	
57	Energex Conditions set out in Schedule 5 from ENERGEX dated 1 November 2013 referenced HBD 3701512 297080	
ADDITIONAL DEVELOPMENT PERMITS		
	<p>The following further development permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a development permit or compliance permit, are provided in the 'Advice' section of this decision.</p> <ul style="list-style-type: none"> • Development permit for building work, including the noise barriers required by condition 12A and demolition. <i>Note: Provide evidence to Council that a development permit for building work comprising demolition has been issued for structures that are required to be removed and/or demolished from the site in association with this development.</i> 	
ASSESSMENT MANAGER ADVICE		
	Department of Community Safety The Department of Community Safety's advice dated 28 October 2013 Ref No 08560-2013 is attached at Schedule 6.	
	Adopted Infrastructure Charges Adopted infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Adopted Infrastructure Charges Notice.	
	Live Connections Redland Water is responsible for all live water and wastewater connections. It is recommended that contact be made with Redland Water to arrange live works associated with the development. Further information can be obtained from Redland Water on 1300 015 561.	
	<p>Other Approvals</p> <p>Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Approvals for plumbing and drainage work. • Compliance assessment. • Road Opening Permit - for any works proposed within an existing road reserve. 	
	<p>Survey and As-constructed Information</p> <p>Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:</p> <p>(a) A map detailing coordinated and/or levelled PSMs adjacent to the site.</p> <p>(b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.</p>	

	<p>(c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.</p> <p>(d) Permanent Survey Mark sketch plan copies.</p> <p>This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information. Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the <i>Land Title Act 1994</i>.</p>
	<p>Services Installation</p> <p>It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.</p>
	<p>Fire Ants</p> <p>Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website www.daff.qld.gov.au</p>
	<p>Cultural Heritage</p> <p>Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the <i>Aboriginal and Cultural Heritage Act 2003</i> requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.</p>
	<p>Fauna Protection</p> <p>It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.</p>
	<p>Environment Protection and Biodiversity Conservation Act</p> <p>Under the Commonwealth Government's <i>Environment Protection and Biodiversity Conservation Act</i> (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as vulnerable under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at www.ea.gov.au/epbc</p>

Schedule 2: Conditions of Approval

Vegetation Clearing

1. VEGETATION OFFSETS

- 1.1 Prior to commencement of site works, submit to the Department of Natural Resources and Mines, and obtain approval, of a revised Vegetation Offset Rehabilitation Management Plan (VORMP) which demonstrates the compliance with the Policy for Vegetation Management Offsets 2011, and which incorporates the following:
- (a) quantitatively confirm ecological equivalence between the impact areas and offset sites, in accordance with the Policy for Vegetation Management Offsets 2011;
 - (b) details describing how the proposed vegetation offsets will be legally secured;
 - (c) details of restrictions on activities in the offset area;
 - (d) how an offset for the impacted watercourse will be provided
 - (e) essential habitat and management recommendations to propagate and secure threatened Macadamia species and Corchorus species detailed in the Habitat Management Plan (as amended by these conditions) (i.e. Pre-disturbance surveys/ propagation and planting. Consultation/ fire management) need to be carried through to the VORMP;
 - (f) a yearly schedule of management actions or the estimated time until the offset management objectives and outcomes will be achieved as well as estimate management costs or funding details for achieving the offset objectives;
 - (g) the management works identified in the Habitat Management Plan, as amended by these conditions, including:
 - (i) pre-disturbance surveys for Macadamia;
 - (ii) propagation of Macadamia;
 - (iii) development and improvement of the recovery plan for Corchorus cunninghamii;
 - (iv) consult with the relevant authorities to manage remnant vegetation to support Corchorus;
 - (v) appropriate fire management to support Corchorus;
 - (vi) Prior to commencement of site works.
- 1.2 In order to mitigate land degradation and loss of biodiversity and ecological processes, the applicant must implement the *'Mount Cotton Quarry Extension Vegetation Offset Management Plan - Report prepared for Barro Group Pty Ltd - Biodiversity Assessment and Management Pty Ltd - File No. 0241-003b'*, as amended by condition 1.1 of this Schedule, and as amended from time to time, hereafter known as the vegetation offset management plan (VORMP).
- 1.3 An applicant-signed copy of the VORMP, that the Department of Natural Resources and Mines (DNRM) agrees is in accordance with the approval given under condition 1.1 of this schedule, must be submitted to DNRM within four (4) months of the VORMP being approved.

- 1.4 Implementation of the VORMP must commence within 6 months of the revised VOMP being approved under condition 1.1 of this schedule.
 - 1.5 If an activity not identified in the VORMP is proposed to be undertaken, an amended VORMP must be submitted to DNRM for approval. The varied activity must not commence until DNRM approves the amended VORMP in writing.
- 2. VEGETATION CLEARING**
- 2.1 Clearing of remnant vegetation must not occur on the subject lots until:
 - 2.1.1 the VORMP required in condition 1.2 of this schedule has been reviewed and countersigned by DNRM; and
 - 2.1.2 the applicant has been notified by DNRM that a property map of assessable vegetation (PMAV) identifying the vegetation offset areas as a Category A area has been certified and registered on the title of the subject lots.
 - 2.2 To ensure loss of biological diversity is prevented and ecological processes are maintained clearing of remnant vegetation is not permitted in Area A (A1 to A10) identified on Referral Agency Response (Vegetation) Plan RARP 2011/001693 except for the following reasons:
 - 2.2.1 by fire under the *Fire and Rescue Service Act 1990* to reduce hazardous fuel loads or an activity under the *Fire and Rescue Service Act 1990*, section 53, 68 or 69; or
 - 2.2.2 necessary to remove or reduce the imminent risk that the vegetation poses to serious personal injury or damage to property.
 - 2.3 Clearing of remnant vegetation is permitted in Area B (**B1** and B2) identified on Referral Agency Response (Vegetation) Plan RARP 2011/001693.
 - 2.4 Clearing of vegetation is not permitted in Area C (C1 to C3) identified on Referral Agency Response (Vegetation) Plan RARP 2011/001693 unless the clearing is in accordance with the approved VORMP.
 - 2.5 Clearing of remnant vegetation is not permitted on land described as Road on RARP2011/ 001693 unless the clearing is authorised by a development permit for operational work or is not assessable development under schedule 3, part 1, table 4, item 1 *Sustainable Planning Regulation 2009*.
 - 2.6 To ensure loss of biological diversity is prevented and ecological processes are maintained, no structures or infrastructure are permitted in Area A except for those established before the date of this clearing permit.
 - 2.7 No structures or infrastructure are permitted in Area C to ensure loss of biological diversity is prevented and ecological processes are maintained.
 - 2.8 No structures are permitted within 50 metres, or within the firebreak buffer required by relevant legislation, whichever is the lesser in Area A, except for structures established before the date of this clearing permit; and
 - 2.9 No structures are permitted within 50 metres of Area C with the exception of any necessary works within an existing electricity easement.
 - 2.10 Clearing of vegetation outside of Area A and Area C must be staged in line with operational needs.

- 2.11 Any clearing or activity associated with clearing outside of Area A and Area C must not occur until the clearing area has been clearly defined.
- 2.12 Any clearing or activities associated with clearing outside of Area A and Area C must not adversely impact on vegetation in Area A or Area C.
- 2.13 Vegetation cleared outside of Area A and Area C must be felled in a manner that does not result in the vegetation falling into Area A or Area C.
- 2.14 Where excavation is undertaken adjacent to Area A and Area C the edge of excavation must be stabilised to ensure soil levels in Area A and Area C are maintained.
- 2.15 Measures used to stabilise excavation areas must not encroach into Area A and Area C.
- 2.16 Measures used to stabilise excavation areas must be of sufficient depth and/ or lateral distance from Area A and Area C to ensure root systems of vegetation in Area A and Area C are not impacted in such a way as to adversely affect the health of the tree.
- 2.17 Except where inconsistent with the conditions of this permit, any clearing activities, or activities associated with clearing outside of Area A and Area C must be undertaken in accordance with the document entitled '*Mount Cotton Quarry Site Environmental Management Plan - Prepared for Barro Group Pty Ltd - Groundwork Plus - 19 November 2010*', received by DNRM 16 March 2011 and as amended by this condition package, hereafter known as the environmental management plan (SEMP), and any amendments that are consistent with best practice.
- 2.18 The SEMP must be updated to include the document entitled '*Mount Cotton Quarry Landcare Management Plan - Prepared for Barro Group Pty Ltd - Groundwork Plus - 16 March 2012*', received by DNRM 16 March 2012.
- 2.19 All measures used to manage erosion, sediment and stormwater quantity and quality must be designed, installed, operated and maintained in accordance with the EMP and any amendments that are consistent with best practice, to ensure loss of biological diversity is prevented, land degradation does not occur and ecological processes are maintained.
- 2.20 All disturbed soil and excavated soil must either be contained within the construction boundary or alternatively securely stockpiled or respread in a location where its placement will not result in the clearing of vegetation that is regulated under the *Vegetation Management Act 1999*.
- 2.21 Land clearing debris must not be pushed into gullies, watercourses, other drainage lines or waterlogged areas.
- 2.22 To ensure loss of biodiversity is prevented, land degradation does not occur and ecological processes are maintained, rehabilitation/restoration of the approved clearing areas must occur in accordance with the EMP.
- 2.23 The applicant must ensure a copy of the development approval conditions, development permit, EMP and VORMP, are provided to the principal contractor prior to the commencement of land-disturbing activities.
- 2.24 The applicant must ensure that any and all employees, contractors, subcontractors, agents or any other person engaged or employed to carry out the **clearing of any**

vegetation under this permit comply at all times with the requirements of this permit and do not clear any vegetation that is not approved to be cleared.

Schedule 3: Conditions of Approval
Environmentally Relevant Activities (ERA)

ERA 8 3(a) - Chemical Storage

ERA 16 - Extractive and Screening Activities Threshold 2(c)

ERA 16 - Extractive and Screening Activities Threshold 3(b)

~~ERA 21 - Motor Vehicle Workshop Operation~~

EHP Permit number: SPECE01725511

Agency Interest: General

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

- (e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and
- (f) ensure that reviews of environmental performance are undertaken at least annually.

G10 Nuisance (exemption)

For the purpose of nuisance conditions A1, [A6A7](#), N1, N5 and N8; any part of the unformed road bisecting and adjoining Lot 17 RP108970, Lot 370 S311071 and Lot 162 S31962, and the land comprising the part of Greenhide (California) Creek located between Lot 162 SP31962 and Lot 238 SP218968 which is the property of the state is exempt from the definition of a "sensitive place".

Agency Interest: Air

- A1 Odours, dust or airborne contaminants which are noxious or offensive or otherwise cause environmental nuisance or health impacts must not be released to any sensitive place ~~or commercial place~~.
- A2 ~~Dust and particulate matter must not exceed a dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions), when measured at any nuisance sensitive or commercial place.~~
- A3 **Pollutants must not exceed the applicable guideline concentration over the applicable averaging period, as specified in Table A: Air quality objectives, Dust and particulate matter with an aerodynamic diameter of less than 10 micrometer (PM₁₀) suspended in the atmosphere must not exceed a 50 micrograms per cubic meter over a 24hour average when monitored in accordance with *the Air Quality Sampling Manual (November 1997) Queensland Government, Department of Environment* ~~Australian Standard AS 3580.9.6~~, when measured at any ~~nuisance sensitive or commercial~~ place.**

Table A: Air quality objectives		
Pollutant	Averaging period	Guideline concentration
TSP	Annual average	90 µg/m³
PM₁₀	24 hour average (maximum)	50 µg/m³
	Annual average	25 µg/m³
PM_{2.5}	24 hour average (maximum)	25 µg/m³
	Annual average	8 µg/m³
Dust Deposition	Maximum monthly average	120 mg/m²/day
Silica (as PM_{2.5})	Annual average	3 µg/m³

- A4 **An air quality management plan (AQMP) must be developed and submitted to the administering authority prior to the commencement of use. The AQMP should define the best practice air quality management and mitigation measures to be implemented at the site, monitoring and reporting requirements. The AQMP should be subject to annual review and annual update to ensure the appropriate health and amenity criteria can be achieved,**

and to incorporate best practice management measures for minimising emissions to the ambient environment. The air quality management performance of the site should be subject to an annual audit by an appropriate qualified and experienced person. The audit report should be submitted to the administering authority with the annual return, and should include a summary of results of all monitoring completed in the previous 12 month period.

A5 Ambient Dust Monitoring Program

- (a) Prior to the commencement of the activity, an Ambient Dust Monitoring Program must be developed and submitted to the administering authority, to specify how the ambient dust impacts of the project will be monitored. This Program must then be implemented upon commencement of the activity. The Program must include, but not necessarily be limited to:
 - (i) procedures for monitoring dust emissions from the project, in order to meet the requirements of this approval;
 - (ii) locations, frequencies and methods for monitoring ~~PM₁₀ and deposited particulate~~ **the pollutants specified in Table A: Air quality objectives;**
 - (iii) provision for the use of at least one PM₁₀ monitoring station, **one PM_{2.5} monitoring station**, five dust depositional gauges and one meteorological station capable of monitoring wind direction and speed;
 - (iv) using air quality monitoring data to inform environmental management decisions associated with the project; and
 - (v) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts.

The Ambient Dust Monitoring Program may form part of the AQMP required by condition A4 of this approval.

- (b) Ambient dust monitoring must be conducted in accordance with the following standards:
 - (i) Australian Standard AS 3580.9.6 of ~~2003-2015~~ (or more recent editions) Ambient air-Particulate matter- Determination of suspended particulate PM₁₀ high-volume sampler with size-selective inlet-Gravimetric method'; ~~or~~
 - (ii) **Australian/New Zealand Standard AS/NZS 3580.9.14:2013 Methods for sampling and analysis of ambient air -Determination of suspended particulate matter - PM_{2.5} high volume sampler with size selective inlet - Gravimetric method; or**
 - (iii) any alternative method of monitoring PM₁₀ **or PM_{2.5}** which may be permitted by the Air Quality Sampling Manual¹ as published by the administering authority;
 - (iv) Australian Standard AS 3580.10.1 ~~2003~~**2016**: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method; **and**
 - (iv) Australian Standard AS-~~3580.14: 2011~~: **Methods for sampling and analysis of ambient air Meteorological monitoring for air quality monitoring** ~~2023: 1987: Ambient air - Guide for measurement of horizontal wind for air quality applications.~~

- A6 Where monitoring at locations identified in the Ambient Dust Monitoring Program indicates that the air quality objectives detailed in Conditions ~~A2 and~~ A3 have been exceeded, within 14 days the matter must be investigated and the following information reported to the administering authority:
- (a) the concentration of ~~PM₁₀ particulates~~ **pollutants** or dust deposition rate recorded;
 - (b) a description of meteorological conditions occurring at the time; and
 - (c) the measures taken to reduce dust generated by the quarry activities.
- A7 (a) When requested by the administering authority or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), additional monitoring of dust deposition, PM₁₀, PM_{2.5}, TSP and crystalline silica must be undertaken, and the results thereof notified to the administering authority within 14 days following completion of the monitoring. This includes providing interim reports if the monitoring lasts for more than one month.
Note: This monitoring must be carried out at a place(s) relevant to the potentially affected sensitive place. Monitoring must be conducted in accordance with the appropriate standards.
- (b) If monitoring conducted as a result of a complaint indicates an exceedance of the air quality objectives detailed in Condition A3:
- (i) dust abatement measures must be implemented; and
 - (ii) the complaint must be addressed through the use of appropriate dispute resolution if required.
- A8 The results of pollutant, dust deposition and meteorological monitoring must be reported to the administering authority on request.
- (a) Following the collection of twelve (12) months of representative ambient dust monitoring data in accordance with Condition **A5(a)**, a model validation study must be undertaken to review ~~PM₁₀-pollutant~~ and dust deposition levels to assess compliance with the dust impact predictions made in the documents entitled: "MWA Dust Impact Assessment Report, 2010" and with the ambient air quality objectives specified in Conditions A2 and A3. The model validation study must be undertaken in accordance with NSW DECC *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (DECC, 2005), and specific requirements of the administering authority.
- (b) Within 28 days of conducting the dust validation study referred to under Condition **A5(a)** of this approval a copy of the report must be provided to the administering authority. If the dust validation study identifies any exceedances of levels permitted in the ambient air quality objectives of Environmental Protection (Air) Policy 2008, details must be provided of the additional measures that will be implemented to further mitigate dust impacts. The report must also contain the following information:
- (i) who will implement these measures; and
 - (ii) when these measures will be implemented; and
 - (iii) how the effectiveness of these measures will be assessed and reported to the administering authority.

Agency Interest: Land

LI Land Rehabilitation

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

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

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

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

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

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

L6 Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Agency Interest: Noise

N1 Noise from the activities must not result in noise levels at noise sensitive places (e.g. at dwellings) greater than those specified in Table 1 - Recommended Noise Limits for Approval.

Table 1 - Noise Limits			
Location Noise Sensitive Land Uses	Noise Limits (dBA LAeq,aj,T(15min))		
	Morning (6am-7am)	Daytime (7am-6pm)	Evening (6pm-10pm)
To the West	35 [†]	35	35
To the South	41 [†]	41	41

To the East/South-east	45	45	42
To the east	46	47	40

[†]Note: The noise limits for the morning period have been kept consistent with the daytime period, since it is not believed to be appropriate to have a higher noise limit during the morning period.

Table 1 -Noise Limits				
Location Noise Sensitive Land Use	Noise Limits (dBA LAeq,aj,T(15min))			
	Early Morning Maintenance Only (6am – 6.30am)	Early Morning (6.30 am - 7am)	Daytime (7am - 6pm)	Evening (6pm - 10pm)
To the West	35	35	35*	35
To the South	40	41	41	41
To the South-East	40	42	45	42
To the East/North East	41	42	47	40

*L90 of 29 dB(A), adjusted to minimum L90 of 30dB(A)

N2 Noise Monitoring

Conduct continuous noise monitoring at one position (being at a location to the west of the quarry, which in the opinion of a suitably qualified acoustic expert, is representative of the existing dwelling at 451 West Mt Cotton Road, Mt Cotton), including audio recordings and 1/3rd octave frequencies. A summary of the results of the noise monitoring are to be provided to the administering authority with the annual return, with any exceedances highlighted. Actions taken to investigate and rectify measured exceedances are to be included in the annual return.

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

- (a) air blast overpressure (dB (Lin) Peak);
- (b) LA_{eq, adj-T}
- (c) LA_{10, adj-T}
- (d) LA_{1, adj-T}
- (e) ambient and background noise levels;
- (f) the level and frequency of occurrence of impulsive or tonal noise;
- (g) atmospheric conditions including wind speed and direction;
- (h) effects due to extraneous factors such as traffic noise; and
- (i) location, date and time of recording; **and**
- (j) **where relevant, measurement and assessment of low frequency noise against relevant criteria**

N2a Noise management plan

A noise management plan (NMP) for the proposed operation is to be developed and submitted to the administering authority for approval prior to commencement of the use. The NMP should define the best practice noise

management and mitigation measures to be implemented at the site, monitoring and reporting requirements. The NMP is to be reviewed annually by a suitably qualified person and updated as necessary to ensure the appropriate amenity criteria can be achieved, and to incorporate best practice management measures for minimising noise emissions. The suitably qualified person who conducts the review of the NMP is also to conduct an annual audit of the acoustic performance of the site to be submitted to the administering authority with the annual return, which includes a summary of the results of all monitoring conducted in the previous 12 month period.

- N3 The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's *Noise Measurement Manual*.
- N4 For the purpose of conditions N1 and N2, the measurement duration, T, must be determined by an appropriately qualified person, so as to adequately represent and validate the data.
Note: The minimum value for T must be:-
- o 15 minutes for continuous steady noises*
 - o 1 hour for intermittent noises*
- N5 **Explosive blasting nuisance**
 Explosive blasting for the ERA must not cause an environmental nuisance at any ~~nuisance sensitive place or commercial place~~.
- N6 Explosive blasting must be carried out within the time specified in Table 2 unless otherwise approved by the administering authority due to a meteorological and/or safety reasons that it must occur at the time outside of the specified times.
- N7 The vibration and the air blast overpressure from the activity must not exceed the levels specified in Table 2 - ***Airblast Overpressure and Vibration Limits*** Ground vibration and airblast overpressure monitoring must be undertaken for all blasts at a location as close as practical to the nearest residence(s).

Table 2 Airblast Overpressure and Vibration Limits		
Parameter	Threshold Value (as measured at the sensitive or commercial place)	
	Monday to Friday 9am - 5pm	Other times and public holidays
Vibration	(a) the ground-borne vibration must not exceed a peak particle velocity (PPV) of 5 mm/s for nine (9) out of ten (10) consecutive blasts; and (b) the ground-borne vibration must not exceed a PPV of 10 mm/s for any blast.	No blasting to occur
Airblast overpressure	(a) the airblast overpressure must not exceed 115 dB Linear Peak for nine (9) out of ten (10) consecutive blasts; and (b) the airblast overpressure must not	No blasting to occur

	exceed 120 dB Linear Peak for any blast.	
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N8 Vibration Monitoring

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

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

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

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

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

Agency Interest: Social

SI Complaint Response

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

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

Agency Interest: Water

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

WA2 Monitoring

Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location in accordance with the approved Stormwater Management Plan. All determinations of the quality of contaminants released must be:

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

- WA3 The size of any sedimentation dam must be sufficient to contain the runoff expected from an extraction or processing area from a 24 hour storm with an average recurrence interval of 1 in 5 years.
- WA4 A stormwater management and erosion and sediment control audit must be conducted within 3 months of the completion of the stormwater treatment system.
- WA5 The audit detailed in condition WA4 must be conducted by a suitably qualified third party auditor.
- WA6 The audit detailed in condition WA4 must also be conducted within 3 months of the commencement of each stage of the quarry.
- WA7 In relation to the audit required by condition WA4, the auditor must submit a final version of the auditor's report to the administering authority within 28 days of completing the audit.

Agency Interest: Waste

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

Assessment Manager Advice

The following advice is provided by the Department of Environment and Heritage Protection:

“A DA application was made prior to 31 March 2013 and is granted post the commencement of the amended EP Act.

If the DA application in progress is approved, the client will be issued a DA. However, once the DA is issued, they will need to use the transitional conversion application to convert the DA to an EA under S.678A of the EP Act. This document is EMU00. No fees are required to make this application.

The conditions on the DA (imposed by the administering authority under the EP Act) will be removed from the DA and placed on the EA. These conditions (imposed due to the trigger requiring an MCU for an ERA) become the EA and are no longer part of the DA, they become the operational conditions for the activity and will be subject to enforcement provisions under the EP Act. It is an offence to conduct an ERA without an EA therefore the client will need to convert the DA conditions to an EA (per s678A) prior to commencing the activity. The application is available on

the BIP website and the document is EM1100. No fees are required to make this application."

Definitions for Schedule 3

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

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

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

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

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

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

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

"background" noise means either:

- (a) $LA_{90, r}$ being the A-weighted sound pressure level exceeded for a relevant the time period measured in the absence of the noise under investigation, using fast response, or
- (b) $LA_{bg, r}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a relevant time period, using fast response.

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

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

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

- (a) contaminated land; or
- (b) land that has been disturbed and human intervention is needed to rehabilitate it;
 - (i) including:
 - mining or quarrying areas including processing plant, stockpiles and tailings areas;
 - areas where soil has been compacted, removed, covered, exposed or stockpiled;

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

(ii) not including:

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

"Dwelling" means any of the following structures or vehicles that is principally used for habitation:

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

"environmental nuisance" (the Act) is unreasonable interference or likely interference value caused by -

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

"environmental value" (the Act) is-

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

"LAeq, adj-r" means the A weighted "equivalent sound pressure level" over time T obtained using Fast response and adjusted for noise characteristics.

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

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

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

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

"release of a contaminant into the environment" means:

- (a) to deposit, discharge, emit or disturb the contaminant; an
- (b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
- (c) to fail to prevent the contaminant from being deposited, discharged emitted or disturbed; and
- (d) to allow the contaminant to escape; and
- (e) to fail to prevent the contaminant from escaping.

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

- (a) for an element - any chemical compound containing the element; and
- (b) anything that has contained the waste

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

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

"sensitive place" includes -

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

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

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

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

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

Schedule 4 Conditions of Approval Department of Transport and Main Roads
Conditions of Approval
Department of Transport and Main Roads



Our ref TMR 13-006715
Your ref MCU012421
Enquiries Kelvin Teo

8 November 2013
The Chief Executive Officer
Redland City Council
PO Box 21
Cleveland QLD 4163
Attention: Chris Vise
Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: Development Permit for a Material Change of Use (Extractive Industry and ERA 8 (10-500 m³), ERA 16 (100,000 – 1,000,000 tonnes) & ERA 21 (Motor Vehicle Workshop))

Real Property Description: Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot 17 on RP108970, Lot 238 on SP218968, part of Greenhide (California) Creek between Lot 162 and S31962 and Lot 238 on SP218968 and unformed road bisecting and adjoining Lot 17 on RP10897, Lot 370 on S311071 and Lot 162 on S231962

Street Address: 1513 and 1515-1521 Mount Cotton Road and 163-177 & 195 Gramzow Road, Mount Cotton

Assessment Manager ref: MCU012421

Local Government Area: Redland City Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the

department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 9 March 2011.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads and Land use and transport coordination under the *Transport Planning and Coordination Act 1994*.

Based on this jurisdiction, the department provides this concurrence agency response under section 285 of the SPA.

In carrying out this assessment, the Department of Transport and Main Roads has considered:

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

It should be noted that State Planning Policy 2/07 was adopted on 8 June 2007 by the Minister for Local Government and Sport. The application falls within Key Resources Area 71.

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under section 287(6) of the SPA.

Under section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with section 334 of the SPA.

When forwarding information to the Department of Transport and Main Roads (Metropolitan Office) the preferred method is by email to development_control@tmr.qld.gov.au or on CD- Rom. Please ensure our application number **TMR 13-006715** is referred to on all correspondence.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Kelvin Teo, Senior Town Planner (Land Use Management) on 13 23 80.

Yours sincerely

Stephen Smaha

Principal Advisor (Development Control)

Enc. 3(Department of Transport and Main Roads Agency Conditions and Statement of Reasons Figure 3 *Site Layout and Topography Plan*, 987.310.003 prepared by Groundwork Plus and dated 24 November 2010, *Sketch Plan 2293sK2* from the Traffic Report by Colin Beard, Beard Traffic Engineering dated 25 October 2013.)

C/c The Barro Group Pty Ltd
 C/- Groundwork Plus
 PO Box 1779
 Milton BC QLD 4064

Our ref TMR 13-006715
Your ref 987.3

C/c The Barro Group Pty Ltd
 C/- Groundwork Plus
 PO Box 1779
 Milton BC QLD 4064
 Attention: **Kelly Alcorn**

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Kelvin Teo, Senior Town Planner (Land Use Management) on 13 23 80.

Yours sincerely

Stephen Smaha
Principal Advisor (Development Control)

Date 8 November 2013

Enc. 3(Department of Transport and Main Roads Agency Conditions and Statement of Reasons Figure 3 *Site Layout and Topography Plan*, 987.310.003 prepared by Groundwork Plus and dated 24 November 2010, *Sketch Plan 2293sK2* from the Traffic Report by Colin Beard, Beard Traffic Engineering dated 25 October 2013.)

**Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons**

Proposed Development: **Development Permit for a Material Change of Use
(Extractive Industry and ERA 8 (10-500 m3), ERA 16 (100,000-1,000,000 tonnes) & ERA 21 (Motor Vehicle Workshop))**

Real Property Description **Lot 1 on RP108970, Lot 162 on S31962, Lot 370 on S311071, Lot 17 on RP108970, Lot 238 on SP218968, part of Greenhide (California) Creek between Lot 162 on S31962 and Lot 238 on SP218968 and unformed road bisecting and adjoining Lot 17 on RP10897, Lot 370 on S311071 and Lot 162 on**

Street Address: **S231962 1513 & 1515-1521 Mount Cotton Road and 163-177 & 195 Gramzow Road, Mount Cotton**

Our Ref: **L6948 METRO-401**

Assessment Manager ref: **MCU013057**

Local Government Area: **Redland City Council**

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
Development Permit for a Material Change of Use (Extractive Industry and ERA 8 (10-500 m³), ERA 16 (100,000-1,000,000 tonnes) & ERA 21 (Motor Vehicle Workshop)			
1	<p data-bbox="296 492 743 518">Upgrade Quarry Vehicular Access</p> <p data-bbox="296 540 1079 781">1.1 Access to Mount Cotton Road is approved in principle. The applicant shall locate the access between Lot 1 on RP108970 and Mount Cotton Road in generally in accordance with the submitted <i>Figure 3 Site Layout and Topography Plan</i>, and 987.310.003 prepared by Groundwork Plus and dated 24 November 2010 (attached). It is the applicant's responsibility to mitigate the traffic impacts from the proposed development.</p> <p data-bbox="296 803 1079 972">The applicant shall upgrade the existing Quarry Access at Mount Cotton Road in accordance with the Traffic Report prepared by Colin Beard, Beard Traffic Engineering dated 25 October 2013 for the proposed development and as shown on Sketch Plan 2293sk2 (attached).</p> <p data-bbox="296 1015 1079 1112">1.2 Upgrade the existing AUR right turn (passing) lane to a Type CHR right turn treatment in Mt Cotton Road at the quarry access.</p> <p data-bbox="296 1154 1079 1291">If the detailed assessment of sight distances determines that appropriate sight distances cannot be achieved, right turn egress from the site is to be prohibited for passenger vehicles and/or heavy vehicles, depending on the findings of the</p>	<p data-bbox="1115 492 1486 589">Prior to the commencement of new use and to be maintained at all times.</p>	<p data-bbox="1535 492 1898 557">The purposes of the Transport Infrastructure Act 1994 (TIA).</p> <p data-bbox="1535 579 2024 709">This is a decision under section 62(1) of the TIA in conjunction with a development approval for a permitted road access location.</p> <p data-bbox="1535 732 2024 1112">In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state- controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads, Mr Brijesh Kumar on 30665831 to make an application for approval under section 33 of the TIA to carry out road works.</p> <p data-bbox="1535 1136 1982 1234">In accordance with Section 64 of the Transport Infrastructure Act 1994 the Department may</p> <p data-bbox="1535 1256 2024 1320">perform remediation works on driveway access if the driveway is causing</p>

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>assessment.</p> <p>Note: The Type CHR right turn treatment would need to provide a high standard of alignment to provide a smooth travel path for northbound and southbound through vehicles on Mt Cotton Road. This may require increased taper lengths to achieve the appropriate alignment.</p> <ul style="list-style-type: none"> • <u>Widen the quarry access generally in accordance with concept Colin Beard, Beard Traffic Engineering 2293sK2. Widening of the access to ensure sight distance to the left meets Main Roads standards.</u> • As part of the detailed design, a detailed assessment of sight distances is to be undertaken by a suitably qualified person to ensure safe operation of the proposed site access. • The applicant shall provide detailed engineering drawings, certified by a suitably skilled registered professional engineer (RPEQ) in accordance with Transport and Main Roads' Road Planning and Design Manual. These drawings are to be submitted to the Department of Transport and Main Roads (Metropolitan Office) for acceptance a minimum of six (6) weeks prior to the beginning of construction. 		<p>potential safety issues to the adjacent State Controlled road.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed at https://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx</p>

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
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These details shall include, but not necessary be limited to:

- (i) Street Lighting
- (ii) Pavement construction details
- (iii) Traffic signal alteration as necessary
- (iv) Provision for pedestrians and cyclists
- (v) Line marking and traffic signing
- (vi) Drainage as needed
- (vii) Relocation of services at the developer's expense including any Transport and Main Roads' services
- (viii) Public transport requirements

- Following acceptance of detailed engineering drawings, a 'Works Permit' to proceed with construction within the state controlled corridor will be granted.
- As part of the detailed design, the applicant shall conduct public consultation with impacted land owners.

1.3 The applicant shall submit to Transport and Main Roads (Metropolitan Office) a 'program of works' for approval. The applicant shall complete all works within the road reserve in accordance with the timelines specified in the approved 'program of works'.

1.4 The applicant and subsequent land owners are responsible for maintenance of the existing driveway access. This maintenance

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>also includes all drainage structures located under your driveway access. At all times the applicant shall keep the access to the development clear of gravel and loose debris.</p> <p>If rectification of your driveway and/or drainage structures is required, the Department may perform remediation works if there is a potential safety issues to Mount Cotton Road as a result of your property access. The costs of these rectification works will be the responsibility of the land owner.</p>		
2	<p>Road Impact (Extractive Industry)</p> <p>The proposed development will accelerate the maintenance requirements on the State Controlled Roads. The applicant must pay to the Regional Director (Metropolitan Region) Department of Transport and Main Roads contribution towards the maintenance of Mount Cotton Road.</p> <p>2.1 The applicant shall pay \$418,311.29 (Four Hundred and Eighteen Thousand, Three Hundred and Eleven Dollars and Twenty Nine Cents) to the Department of Transport and Main Roads. This is a one off payment towards the accelerated maintenance and reconstruction costs for Mt Cotton Road.</p> <p>2.2 The above payment must be made prior to 1 year following the taking of effect of the council's development permit.</p> <p>2.3 If the amount hauled from the site exceeds 15 million tonnes in a period of 15 years from the date of effect of the development</p>	<p>Prior to the commencement of new use and to be maintained at all times.</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i>.</p> <p>The traffic movements from the proposed development will have an impact on the pavement life of the adjacent State-controlled road. This contribution is to go towards the maintenance of Mount Cotton for the duration of the operational period of the Extractive Industry.</p>

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>permit the applicant shall pay 2 cents per tonne over and above the 15 million tonnes to the Department of Transport and Main Roads. No payment will be required after 15 years following the taking of effect of the council's development.</p> <p>2.4 The applicant shall keep and maintain accurate records and books of account which record the quantity of material extracted from the site and transported by road and shall keep such records and accounts for not less than fifteen years.</p> <p>2.5 The applicant shall at all reasonable times allow any properly authorised officer of TMR to enter upon its premises, inspect and take extracts from its books of accounts, records and other documents kept in accordance with subparagraph (3 and 4) of this condition and, if such authorised officer thinks fit, to interview any persons employed by the applicant in connection with its business in relation to any matters relevant to performance of this condition.</p> <p>Note: The department has applied CPI to the original figure of \$400,000. The inflation calculator can be found on the Australian Bureau of Statistics Website: http://www.abs.gov.au/websitedbs/d3310114.nsf/home/consumer+price+index+inflation+calculator</p>		
3	<p>Stormwater Runoff</p> <p>The applicant shall not increase the peak intensity or adversely</p>	<p>Prior to the commencement of use and to be maintained at all</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA).</p>

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	impact the quality of the stormwater run-off to the state controlled road network.	times	<p>The safety and efficiency of state-controlled roads can be adversely affected by changes to stormwater runoff as a result of development.</p> <p>Please refer to the Department of Transport and Main Roads' Road Drainage Manual which can be accessed at</p> <p>https://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx</p> <p>Further guidance regarding stormwater management is also provided in the Queensland Urban Drainage Manual available at www.derm.qld.gov.au and in the <i>Environmental Protection Act 1994</i> and <i>Environmental Protection (Water) Policy 2009</i> which are available at www.legislation.qld.gov.au</p>
4	<p>Environmental Nuisance</p> <p>The applicant shall ensure that no dust and/or debris from the development site shall adversely impact Mount Cotton Road either during the construction phase or the ongoing operation of the extractive industry. The applicant shall implement mitigation</p>	To be maintained at all times	<p>The purposes of the <i>Transport Infrastructure Act 1994</i>.</p> <p>Dust and debris from development on the site can affect the state-controlled road, causing a safety hazard to road</p>

No	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	measures to ensure that dirt and debris will not be deposited on the Mount Cotton Road carriageway.		users
5	<p>Compliance</p> <p>The applicant shall provide the Assessment Manager with a letter from the Department of Transport and Main Roads confirming compliance with the requirements of the Department.</p>	Prior to the commencement of new use	<p>The purposes of the Transport Infrastructure Act 1994 (TIA).</p> <p>The reason for requiring the above condition is that the applicant has a statutory obligation to ensure that the department's conditions of development have been satisfactorily complied with.</p>

Stephen Smaha
Principal Advisor (Development Control)

Advice for state controlled roads and public passenger transport and railways

Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads, Mr Brijesh Kumar on 30665831 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State- Controlled Roads) Regulation 2006*. Please contact the Department of Transport and Main Roads, Mr Brijesh Kumar on 30665831 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

The *Transport Planning and Coordination Regulation 2005* is available at: www.legislation.qld.gov.au

Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.

Pursuant to Section 80 of the *Transport Infrastructure Act 1994*, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.

The Department of Transport and Main Roads' technical standards and publications can be accessed at <https://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx>

INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application.

The applicant will need to give the assessment manager written notice under section 320(1) of the *Sustainable Planning Act 2009* (SPA) to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under section 482(1) of the SPA. This notice should be given to:

Chief Executive Officer

Department of Transport and Main Roads

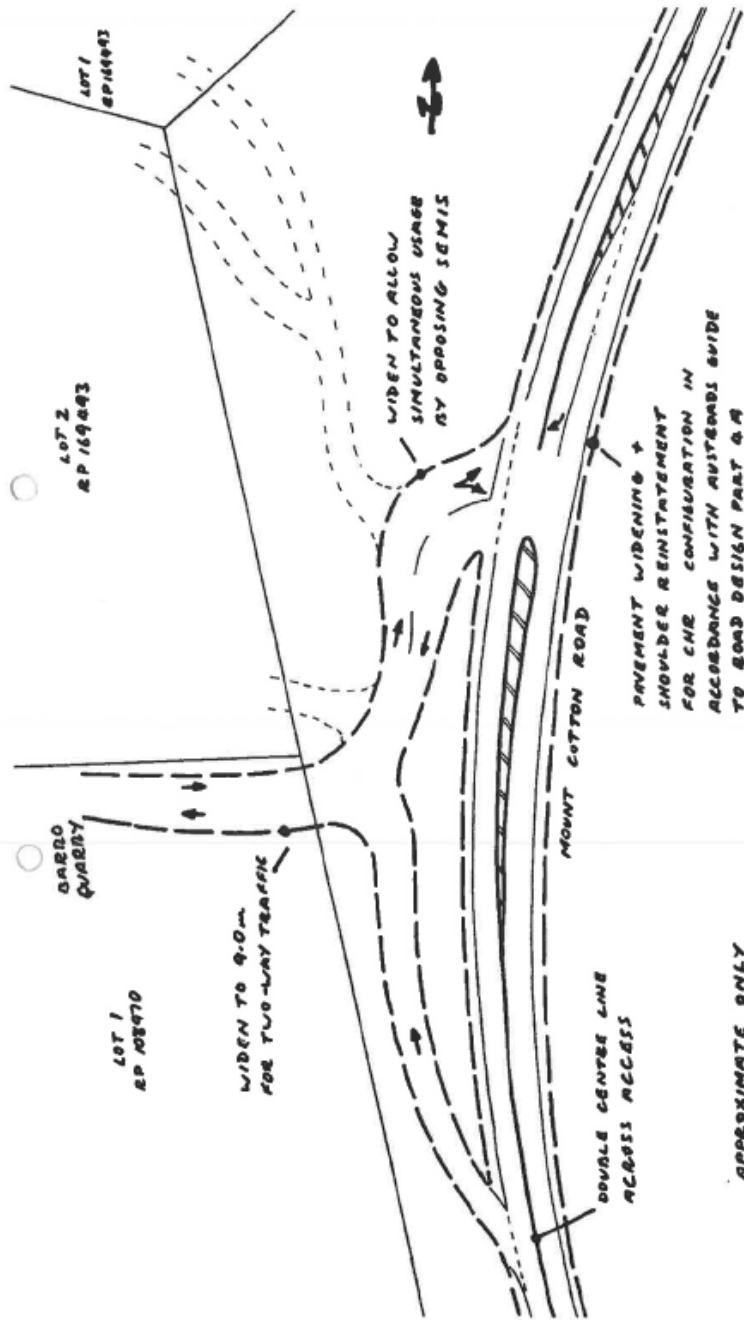
CI- Planning Law Team

Planning Management Branch

GPO Box 213

Brisbane QLD 4001

This notice should be given within 2 business days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.



BEARD TRAFFIC ENGINEERING LTD <small>ACN 611 081 124</small>		CLIENT: DIDIP PROJECT: GARBO QUARRY REVIEW TITLE: RECOMMENDED ACCESS CONFIGURATION
SCALE: 1:500 DATE: 23.08.12 BY: CLB	SHEET NO: 2 OF: 2	

APPROXIMATE ONLY
 BASED ON AERIAL PHOTOGRAPHY
 SUBJECT TO SURVEY

Schedule 5
Conditions of Approval

Energex

01 November 2013

Department of State Development,
Infrastructure and Planning
PO Box 150099
City East QLD 4002
Attention: Tamara Cavallaro

Dear Tamara,

‘Ministerial Call In’ in accordance with Section 424 of the Sustainable Planning Act 2009 - Material Change of Use (Extractive Industry) and Environmentally Relevant Activities (ERA 8 - Chemical Storage, ERA 16 - Extractive and Screening Activities and ERA 21 - Motor Vehicle Workshop Operations) located at 1513 and 1515-1521 Mount Cotton Road and 163-177 and 195 Gramzow Road, Mount Cotton described as Lot 162 on S31962, Lot 238 on SP218968, Lot 370 on S311071 and Lot 1 and 17 on RP108970.

Departments Ref: WR13/14368

Our Ref: HBD 3701512 297080

We refer to your correspondence dated 29 October 2013 regarding the above proposal and the conditions of Easement E on SP102535 granted in favour of Energex Limited.

Section 2 of the easement documentation (relevant to Easement E on SP102535) states that *‘the grantor shall not without the consent in writing of the grantee’*:

- 2.2) *erect or permit the erection of any buildings or structures on the easement*
- 2.4) *lay or permit the laying of subterranean services under, in or across the easement*

The proposed development plans identify the establishment of a Crushing and Conveyor Loading Plant area within the bounds of Easement E on SP102535. Energex consents to the development in its current form under the conditions of Easement E on SP102535 subject the following conditions:

1. The developer/ applicant is to relocate the existing feeders (3580 and MCN3) where affected by the development (i.e. Crushing and Conveyor Loading Plant area) prior to the establishment to any structures being located or works being undertaken within the easement.
2. The developer/ applicant is to enter into a Works Project Contract with Energex for the relocation of the existing electrical infrastructure located within Easement E on SP102535.
3. The developer/ applicant is to reinstate an easement in favour of Energex over the relocated infrastructure at a width no less than that which is presently provided by Easement E on SP102535. The easement is to be subject to Energex’s current easement conditions (Dealing number 708346714).
4. The applicant is to bear the full cost of the relocation inclusive of costs associated with the reinstatement of the electricity easement.
5. No amenity screening devices are to be located within the new or existing electricity easement.

6. It is the responsibility of the developer/ applicant to acquire any necessary vegetation approvals to facilitate the relocation of the electrical infrastructure.

If the developer/ applicant should choose not to pursue the relocation of the electrical infrastructure, the conditions of Easement E on SP102535 are to be upheld in full. In such regard, Energex will not support the construction of any structure(s) within Easement E on SP102535. Furthermore no civil works will be supported within the easement unless detailed civil plans are submitted to Energex for assessment.

Please find attached for your reference the Title Search relevant to Lot 162 on S31962 on which the Crushing and Conveyor Loading Plant area is proposed to be located and the conditions relevant to Easement E on SP102535.

Should you require any further information on the above matter, please contact Tom Sexton on (07) 3664 5766.

Yours faithfully,

Tom Sexton
Town Planner
Property Services
Energex Limited

CURRENT TITLE SEARCH
ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND
Request No: 8566141
Search Date: 11/02/2010 09:34
Title Reference: 10317021
Date Created: 22/02/1878

REGISTERED OWNER

Dealing No: 706992250 16/09/2003
BARRO GROUP PTY LTD A.C.N. 005 105 724

ESTATE AND LAND

Estate in Fee Simple

LOT 162 CROWN PLAN S31962 Parish of REDLAND
County of STANLEY
Local Government: REDLAND

For exclusions / reservations for public purposes refer to
Plan CP S31962

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10317021 (PDR 162)
2. EASEMENT IN GROSS No 704398171 01/11/2000 at 09:22
burdening the land
ENERGEX LIMITED A.C.N. 078 849 055
over
EASEMENT E ON SF102535

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
712786771	VEG NOTICE	12/10/2009 11:49	CURRENT
VEGETATION MANAGEMENT ACT 1993			
UNREGISTERED DEALINGS - NIL			

CERTIFICATE OF TITLE ISSUED - Yes 17/11/2003 707184035 Certificate No. 3

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (ENVIRONMENT AND RESOURCE MANAGEMENT) [2010]
Requested By: D APPLICATIONS ESREON

Page 1/1

FORM 9 Version 2
Land Title Act 1984 and Land Act 1994

EASEMENT

QUEENSLAND LAND REGISTRY
Page 1 of 1

704398171
\$88.00
01/11/2000 09:22
BE 601

Stamp Duty Imprint

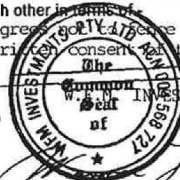
Queensland Stamp Duty Paid	
13A: CONV: 814	
292/00	
\$120-	75

1. Grantor		Lodger Name, address & phone number		Lodger Code
W.F.M. INVESTMENTS PROPRIETARY LIMITED (ACN 004 568 727)		Thynne & Macartney Solicitors & Notaries GPO Box 245 BRISBANE Q 4001 PH: 3231 8888		305
2. Description of Easement/Lot	County	Parish	Title Reference	
Servient Tenement (burdened land) Easement E in Lot 162 on CP S31962 on SP102535	Stanley	Redland	10317021	
*Dominant Tenement (benefited land) Not applicable				
* not applicable if easement in gross				
3. Interest being burdened	*4. Interest being benefited			
Fee simple	Not applicable		* not applicable if easement in gross	
5. Grantee	Given names	Surname/Company name and number	(include tenancy if more than one)	
		ENERGEX LIMITED (ACN 078 849 055)		
6. Consideration	7. Purpose of easement			
EIGHT THOUSAND DOLLARS (\$8,000.00)	Electrical Works			

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in accordance with the standard terms document no. L967635R. The Grantee further agrees to execute the easement or cause to have fenced any part of the easement boundary without the written consent of the Grantor.

Witnessing Officer *[Signature]* Execution Date 21/19/2000



Grantor's Signature
W.F.M. INVESTMENTS PROPRIETARY LIMITED (acn 004 568 772)

Katherine Takerei full name
Justice of the Peace (Vic 10540) qualification
as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

[Signature] DIRECTOR
DIRECTOR/SECRETARY

Witnessing Officer *[Signature]* Execution Date 20/10/00

JEFFERY KENNETH MILLER full name
JP (C.Dec.) qualification
as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

ENERGEX LIMITED (ACN 078 849 055) by its duly constituted Attorney
Richard John Harris under Power of Attorney No. 703399171

R.J. Harris

W:\P2\NEWFILE\0091908U05.wpd

FORM 14 Version 1
 Land Title Act 1994 and LRA Act 1992

Queensland Land Registry
 821804600

GENERAL REQUEST

Dealing No: **L987635R** Stamp Duty Amount: **\$87.00**

19 MAY 1994
12:28 PM

9400 MEMORANDUM

601056327

Office of State Revenue USE ONLY

1. Nature of Request
 To Register Document under Section 154

Lodger Name, address and phone number
 THYNNE & MACARTNEY, SOLICITORS
 Level 29, Comalco Place, 12 Creek Street,
 BRISBANE, QLD 4000
 231.8824 940935

2. Description of Lot County Parish Title Reference
 Not applicable

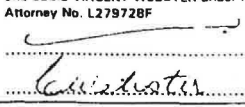
3. Registered Proprietor/Crown Lessee
 Not applicable

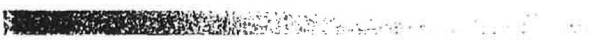
4. Interest
 Not applicable

5. Applicant
 THE SOUTH EAST QUEENSLAND ELECTRICITY BOARD

6. Request
 I hereby request that:
 REGISTER THE ATTACHED DOCUMENT UNDER SECTION 154

7. Execution by Applicant

Execution Date	Applicant's or Solicitor's Signature
17 15 1994	THE SOUTH EAST QUEENSLAND ELECTRICITY BOARD by its Attorneys BRIAN EDWARD BLINGO and CECIL VINCENT WEBSTER under Power of Attorney No. L279728F
	



1. The Grantor grants an easement in perpetuity to permit and allow the Grantee at all times and in all manner hereafter full right to convey electricity on, over, in, under, across and through the servient tenement ("the easement") by "electric lines" as defined in the Electricity Act 1976 which states "electric line" means any wire or wires, conductor or other means used for the purpose of conveying, transmitting, transforming or distributing electricity, together with any casing, coating, covering, tube, pipe, pillar, pole or tower, post frame, bracket or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, transforming or distributing electricity' or by any such means as may be appropriate, and the Grantor hereby authorises the Grantee by its employees, agents, workmen, linesmen, contractors and others authorised by it to:
 - 1.1 construct, inspect, maintain, repair, renew, reconstruct, replace, add to, lay down, install, erect electric lines or further electric lines on, in, under, over, across or through the easement or remove from the easement any electric line or lines;
 - 1.2 clear and keep cleared as the Grantee shall consider necessary by any means or method the easement of timber, trees and undergrowth and to burn off on the easement all such timber, trees and undergrowth;
 - 1.3 construct and maintain on the easement all such access tracks, gates and other works as the Grantee shall consider necessary.
2. The land comprising the easement may be used by the Grantor for any purpose not inconsistent with the rights of the Grantee herein provided such use is not capable of causing interference with or damage or risk to the electric lines on, under, in, over, across or through the easement, AND IN PARTICULAR THE GRANTOR SHALL NOT WITHOUT THE CONSENT IN WRITING OF THE GRANTEE:
 - 2.1 make or permit to be made any alterations or additions to the structures or buildings affecting their overall dimensions existing on the easement at the date hereof;
 - 2.2 erect or permit the erection of any buildings or structures on the easement;
 - 2.3 erect any fence of a height of more than 2.4 metres on the easement;
 - 2.4 lay or permit the laying of subterranean services under, in or across the easement;
 - 2.5 stockpile or fill with or permit the stockpiling of or filling with any soil, sand, gravel, other substance or materials or the construction of any roads, dam walls or other earthworks on the easement which would in any way reduce the clearance above the ground level of the conductors below the statutory clearance as may exist from time to time;
 - 2.6 inundate any part of the easement;
 - 2.7 remove or permit the removal of or fill the easement with any soil, sand, gravel or other substances;
 - 2.8 grow or permit the growing of sugar cane upon the easement where it is not assigned sugar cane land as at the date hereof.
3. AND FURTHER THE GRANTOR SHALL NOT
 - 3.1 lay or permit the laying of any metal pipe or other conductor of electricity on, under, in or across the easement;
 - 3.2 burn off crops or where it is assigned land at the date hereof permit the growing of sugar cane within ten (10) metres of any electric works;

- 3.3 reside in or permit the residing in or occupation of any caravan or mobile home which may be parked or located on the easement irrespective of whether the easement is part of a caravan park or private property.
- 3.4 store or permit the storage of flammable fuels or explosive materials in, on or under the easement.
4. The Grantee its employees, agents, workmen, linesmen, contractors and others authorised by it shall have full and free right to enter upon and remain, pass and repass on and over the easement for all or any of the purposes aforesaid or for the purpose of preventing any breach by the Grantor of the Grantor's obligations herein contained and with or without vehicles, plant and equipment of any description and for all or any of the purposes aforesaid the Grantee, its employees, agents, workmen, linesmen, contractors and others authorised by the Grantee with or without vehicles, plant and equipment of any description shall have the right of ingress and egress to and from the easement over the land of the Grantor adjoining or adjacent to the easement to permit access to the nearest surveyed road or to such point on the land of the Grantor as the Grantee shall consider convenient or necessary to enable the Grantee, its employees, agents, workmen, linesmen, contractors and others authorised by the Grantee to obtain access to and from the easement.

J06_922

Schedule 6
Department of Community Safety Advice

File no: CSD/01506

Ref: No:08560-2013

Your Ref: MBN13/1232

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

Dear Deputy Premier

Thank you for your correspondence received on 18 October 2013, regarding the exercise of your call in powers under section 425 of the *Sustainable Planning Act 2009* (SPA) for the development application covering expansion of the Barro Group Pty Ltd quarry at Mount Cotton Road and Gramzow Road, Mount Cotton.

As requested, the Department of Community Safety (DCS) provides the following submission.

The Department of State Development, Infrastructure and Planning (DSDIP) Planning Services has advised that State Planning Policy 1/03 *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* (SPP 1/03) applies to this application since it was submitted before the SPP lapsed on 1 September 2013. Therefore, DCS provides the following comments based on the provided Mount Cotton Quarry - Barro Group PTY LTD Planning Assessment Report, 6 December 2010 regarding reflection of SPP 1/03 State interests.

Bushfire

Figure 12 identifies the site as susceptible to high and medium bushfire hazard, and DCS supports the commitment to undertake a Bushfire Management Plan (BMP). The content of the framework in Attachment 1.8/ Section 2.10 Bushfire Management Plan appears appropriate. When the detailed BMP is undertaken, DCS recommends the proponent also address additional requirements in SPP 1/03 Guideline/Appendix 8 *Undertaking a Bushfire Management Plan*. The proponent will need to work with Queensland Fire and Rescue Service (QFRS) through consultation and review of the developed BMP to address any arising issues.

Please update the QFRS BMP consultation contact as follows - Southern Brisbane Zone, Level 2, 1191 Logan Road, Mt Gravatt, QLD 4122, telephone number (07) 3635 1604 and facsimile number (07) 3219 2120

Flood

Figure 13 identifies the site as having flood prone areas. SPP 1/03 Guideline/Appendix 5A sets out specific requirements for development occurring within flood prone areas.

Relevant provisions are as follows:

- Specific Outcome (SO) 1 sets out provisions for non-residential development including floor level flood immunity, evacuation, flood warning times and safe refuge;
- SO 2 sets out guidance to avoid adverse impacts on people's safety or capacity to use land within the flood plain, this includes guidance on preparing floodplain management plans;
- S04 sets out provisions for manufacture and storage of bulk hazardous materials;
- and
- SO 5 sets out provisions for essential services.

DCS recommends the proponent address these requirements to satisfy Outcome 1 of SPP 1/03.

Landslide

Figure 16 identifies the site as including very high to low landslide hazard management areas. Attachment 1.18 Geotechnical Report Executive Summary States “*Providing the recommendations of this report are implemented, the risk of the proposed extension to quarry activities causing geotechnical issues is considered low pursuant to the Australian Geomechanics Landslide Risk Assessment Guidelines*”.

SPP 1 /03 Appendix 5C Note for 1.1 outlines the requirement for site-specific geotechnical analysis to be prepared by a registered professional engineer. Although this appears to have occurred, DCS does not have the technical expertise to undertake a peer review of the geotechnical report, thus cannot provide advice regarding the acceptability of the findings.

Emergency Response Plans

Section 2.5.19 Emergency Response Plans states existing response plans will be reviewed and amended to account for the extended area of operations. DCS requests consultation with emergency responders when this occurs.

Should you require further assistance, please contact Mr Graham Wiltshire, Director, Strategy and Intergovernmental Relations, telephone number (07) 3635 3317 and email graham.wiltshire@dcs.gov.au.

Yours sincerely

Kelvin Anderson PSM

Director-General