DRAFT ROCKHAMPTON CITY PLANNING SCHEME DEPARTMENT OF NATURAL RESOURCES AND MINES COMMENTS FOR REVIEW PRIOR TO MINISTERIAL SIGN-OFF TO PLACE THE PLANNING SCHEME ON PUBLIC DISPLAY May 2003

Item No.	Provision, Section	Agency Comment
	or Page	
1	General Comments	
2	DEO2/ Page 2-7	"Strategies" mentions "mineral extraction". Replace with "Mining and Extractive industry"
3	DEO2/ Page 2-7	In Background, "mineral extraction" should be replaced by "mineral and extractive resources"
4	DEO 7/Pages 2-20 and 2-21	A final comment in Background should be added "Therefore the resources and the associated haul routes should be protected."
5	Norman Road residential area/Page 4-154	The areal extent of the Norman Road Environmental Constraint and Slope Constraint areas largely coverare directly adjacent to the separation area proposed for the Peak Hill Key Resource Area. The intent of the Slope Constraint area to allow very low density housing to be developed. The intent of the separation area for the Key Resource Area would be to advise developers of impacts of quarry operations. Developments which occur in this area can constrain access to the resource within the Peak Hill resource area, thus prevent sustainable development of the resource. However Ithe exhaustion of the resource will subsequently allow development in the separation area as it is currently shown. Therefore the Peak Hill Key Resource Area should be included as a further constraint on development in the Norman Road
6	Norman Road residential area/Page 4-154	Slope Constraint area. Add to Intent that any housing be self-protected from quarrying impacts. Obtain Peak Hill Key Resource Area map from Mr Malcolm Irwin, Department of Natural Resources and Mines, (07) 32276656. On-site advise can be given by Mr Russell Dann, Regional Geologist, NR&M Rockhampton
7	Norman Road Code/Page 5-208	Purpose also needs a statement that development within the separation area of the Peak Hill Key Resource Area does not produce conflicts with the sustainable extraction of the Peak Hill resource. Performance criteria need to reflect that developments are self-protected from quarry impacts.
8	Parkhurst Rural Area /page 4-214	The Pink Lily Key Resource Area extends about 200 metres east of Limestone Creek in the western side of the Parkhurst Rural Area. The creek forms the effective limit of the resource area. It does not affect the Parkhurst Residential precinct.

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Author M. J. Irwin File / Ref number 8228 Directorate / Unit Bureau of Mining and Petroleum Phone 07 32276656

1 August 2003

Marco Alberti Rockhampton City Council PO 243 Rockhampton 4700

Dear Marco

Peak Hill Key Resource Area in Rockhampton City

I refer to our phone discussion of 1st August 2003 on the Peak Hill Key Resource Area (KRA98) for Mineral and Extractive Resources in Rockhampton City.

Please note that I have not yet had the opportunity to inspect Peak Hill Quarry, however the Regional Geologist Mr Russell Dann will be inspecting the site for more detailed consideration of the separation distance around the resource area. The latter is defined by the extent of the area licenced for extractive industry. The preliminary layout of the KRA and a brief description to appear in the State Planning Policy for Protection of Extractive Resources are attached.

The boundary of the KRA is governed by the topography of the surrounding area. Where blasting is to be carried out, a separation distance of one kilometre is recommended where topographic barriers are absent. This can be reduced to five hundred metres if a topographic barrier lies within that distance from any point where blasting of rock is likely to occur.

Please find enclosed a summary statement of the Key Resource Area Concept.

Vours sincerely	
s.49 - Signature	
M J IRWIN	
Senior Geologist	
Schot Geologist	

Mineral and Extractive Planning, Bureau of Mining and Petroleum From: Irwin Malcolm

Sent: Friday, 15 August 2003 12:49 PM

Moore Deborah To:

New resource shape for Peak Hill KRA 98 Subject:

Deb please find enclosed a butchered MXD with the resource/processing area (approx) in green. I will have to doctor up a KRA boundary from additional data that Russell Dann has sent me.



oproval.mxd (405 KE

These are the shapefiles sent by Rocky City Council so you can tidy up my plan (above).











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Malcolm | Irwin

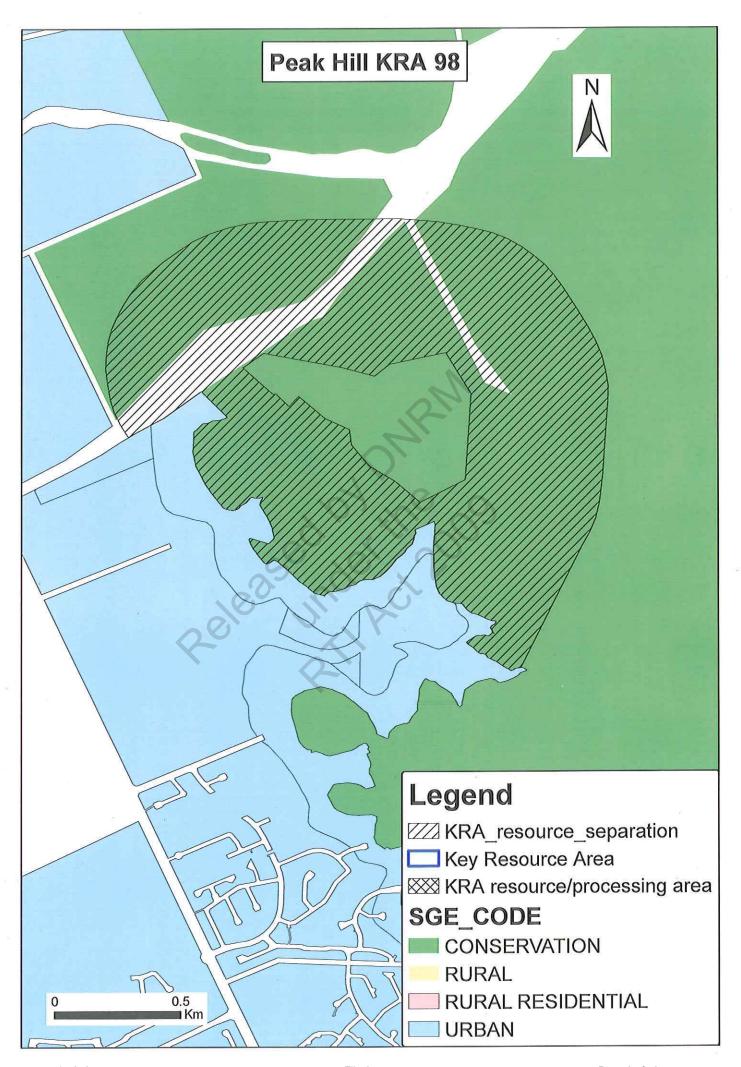
Senior Geoscientist,

Mineral and Extractive Planning,

Natural Resources and Mines

Phone 32276656 Fax 32371634

Released to Hine of the Print o **GPO BOX 2454 Brisbane QLD 4001** mal.irwin@nrm.qld.gov.au



From: Irwin Malcolm

Sent: Thursday, 4 September 2003 12:46 PM

To: Moore Deborah

Peak Hill with new zoning limits Subject:



peakhill zonings.doc (73 KB)

Deb, the Peak Hill KRA is a bit complicated, as shown by the Word document.

The northern and eastern boundaries should be 500m from the resource/processing area which is stippled. The southern and western boundaries need to follow the residential zone boundary, for which the Rockhampton City Council has forwarded the attached shape-files. They are not exactly what I wanted, but you might be able to get the approximate shapes from them.













KB)

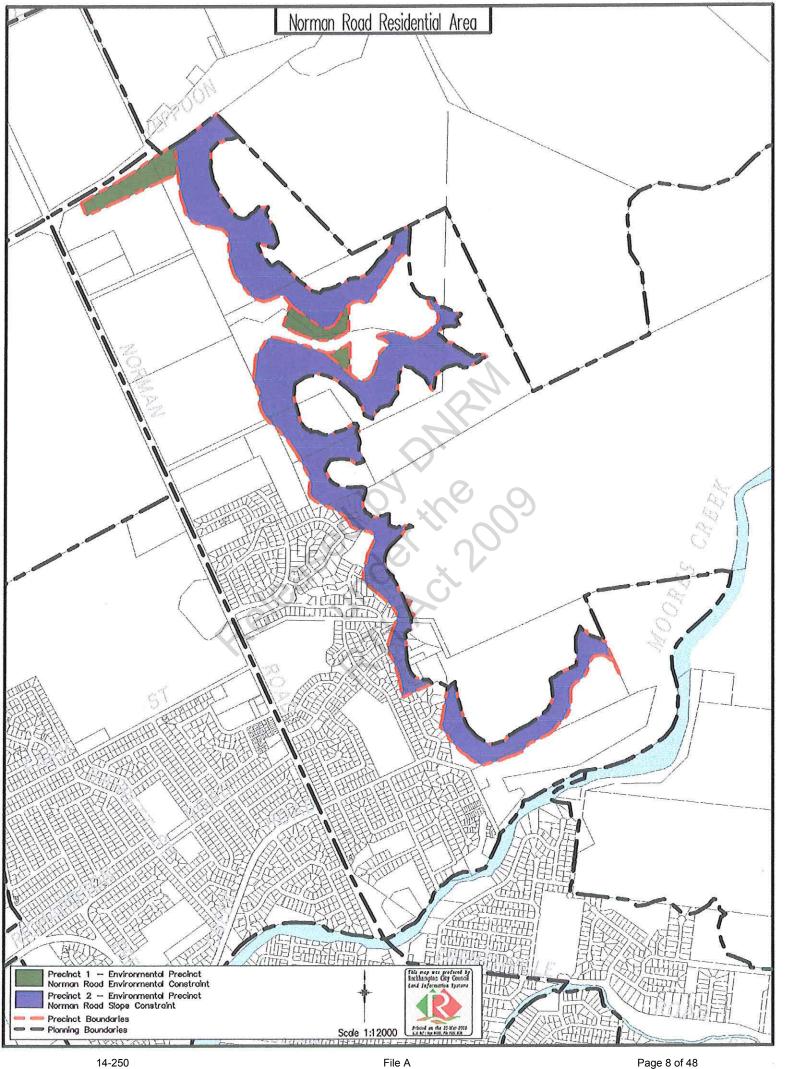
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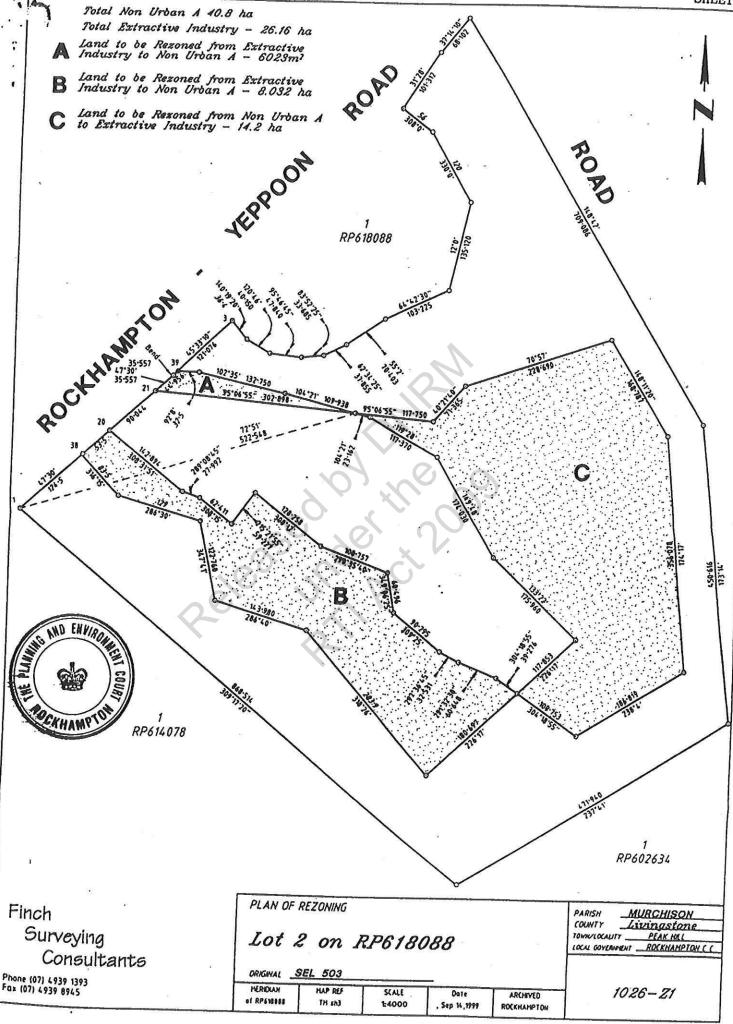
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If you

Released by the poi need guidance, phone and I will drive over.

MAL





RE Peak Hill KRA RCC Alberti.txt

From: Irwin Malcolm

Sent: Wednesday, 5 November 2003 11:28 AM To: 'Alberti, Marco' Subject: RE: Peak Hill KRA

Marco, In case you have not received the latest layout of the Key Resource Area based on the Exttractive Industry area, I have attached it herein. Note that the separation area to the southwest is constrained by the Norman Road residential zone.

I will need to discuss your request for attendance at a Planning and Development Committee meeting at our next unit meeting.

Malcolm J Irwin Senior Geoscientist, Mineral and Extractive Planning, Natural Resources and Mines Phone 32276656 Fax 32371634 GPO BOX 2454 Brisbane QLD 4001 mal.irwin@nrm.qld.gov.au

----Original Message----

From: Alberti, Marco [mailto:albertim@rcc.qld.gov.au]

Sent: Tuesday, 19 August 2003 1:51 PM

To: Irwin Malcolm

Cc: Mason, David; Brine, Debbie; Clarke, Katrina Subject: RE: Peak Hill KRA

Thanks for that Malcolm;

I will take it back to the Council's Planning and Development Committee but think they will still want to have a meeting then with the rural land holders affected by the KRA all be it a small number (some of whom are designated Future Urban in our current Strategic Plan on the opposite side of the Yeppoon Road). Council is also keen for the opportunities for residential development along the Yeppoon Road corridor to be explored with a budget allocation this year to start the investigations. Therefore, if the committee still wants there to be a meeting, would there be anyone from the department (who can state why the policy is being developed and why it needs to be reflected in the town plan) available to address the meeting, if there is one?

Regards

Marco Alberti Manager of Planning Services Rockhampton City Council PO Box 243 Rockhampton Qld 4700

4936 8408 4936 8435 Ρh Fax Mobile s.49 - Personal Informa

albertim@rcc.qld.gov.au

----Original Message----

Irwin Malcolm [mailto:Malcolm.Irwin@nrm.qld.gov.au] From:

Sent:

Tuesday, 19 August 2003 9:56 AM albertim@rcc.qld.gov.au To: Stewart Scot; Dann Russell Peak Hill KRA Cc: Subject:

<< File: The Key Resource Area Concept basic.doc >> Marco, Following your call yesterday re: the proposed Peak Hill Key Resource Area, I have done some research into the history of the residential zoning around the southern Page 1

RE Peak Hill KRA RCC Alberti.txt and western parts of the proposed KRA. As the residential zoning was gazetted in November 2001, it would appear that the residential zones would have to be excluded from the separation area. This is explicit in the Key Resource Area concept, the relevant excerpt from which is attached. Therefore we would redraw the boundaries to exclude the Norman Road residential areas. However the separation area remains over the Rural zonings around the north and east of the resource.

<<The Key Resource Area Concept basic.doc>>

Malcolm J Irwin Senior Geoscientist, Mineral and Extractive Planning, Natural Resources and Mines Phone 32276656 Fax 32371634 GPO BOX 2454 Brisbane QLD 4001 mal.irwin@nrm.qld.gov.au

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From: Irwin Malcolm

Sent: Thursday, 20 November 2003 9:28 AM

To: Marco Alberti (E-mail)
Subject: Peak Hill KRA meeting

Marco,

I have had extensive discussions with our team members in Mineral and Extractive Planning concerning the Peak Hill Key Resource Area. At this stage a specific discussion on individual Key Resource Areas is beyond the capacity of the group, with preparation of the *State Planning Policy for Protection of Extractive Resources* being advanced towards key stakeholder consultation. Public consultation on the Policy will commence in 2004.

However I will reiterate the basic concepts of protection of extractive resources from incompatible uses, as explained at length in the Key Resource Area concept paper. Impacts from extractive operations can produce deleterious effects on adjacent properties. Reduction of these impacts to acceptable levels by engineering measures may cause the extractive operation to become uneconomical, and thus cease. Otherwise, reduction of impacts might not be possible, forcing the operation to cease.

The net effect is that extractive resources are no longer available for community consumption. Because the materials are relatively low value and need to be transported in large volumes, (eg Rockhampton and adjacent Shires of over one million tonnes p/a) they are most economically situated close to the main points of consumption, ie urban and industrial areas. This increases the potential for conflict with incompatible land uses such as residential or other uses which increase the number of people congregating within the area impacted by the extractive operation. However there are provisions for some development to occur within the separation area around a KRA. If it is not possible to avoid increased settlement around a resource, the adverse effects on the amenity of persons living, working or congregating on the premises, are to be reduced to the extent practicable

"The KRA concept does not aim to establish an inflexible exclusion zone in which all development is automatically excluded. Key Resource Areas are delineated over land zoned mainly for rural purposes and do not imply any loss of rights to continue rural activities as permitted under the planning scheme. However, they are areas where increased rights for intensification of settlement or development (particularly in the form of residential, rural residential, intensive animal husbandry or industrial development) are generally not appropriate or should only be allowed with conditions that protect the resources. Such protection may be achieved by requiring applicants for potentially incompatible land uses to demonstrate how the developments may be designed to be compatible, for example by incorporating adequate-self protection measures if these are possible."

In the case of Peak Hill, the Department of Natural Resources and Mines considers that the remaining available resource warrants protection under a KRA. This is because it supplies a considerable proportion of Rockhampton's consumption, and appears sufficient to continue to supply material for the next decade. Its location relative to the north side of Rockhampton is also a critical element in retaining it as a KRA .

After the resource is effectively exhausted for economical extraction, the Key Resource Area will be revoked.

Malcolm J Irwin

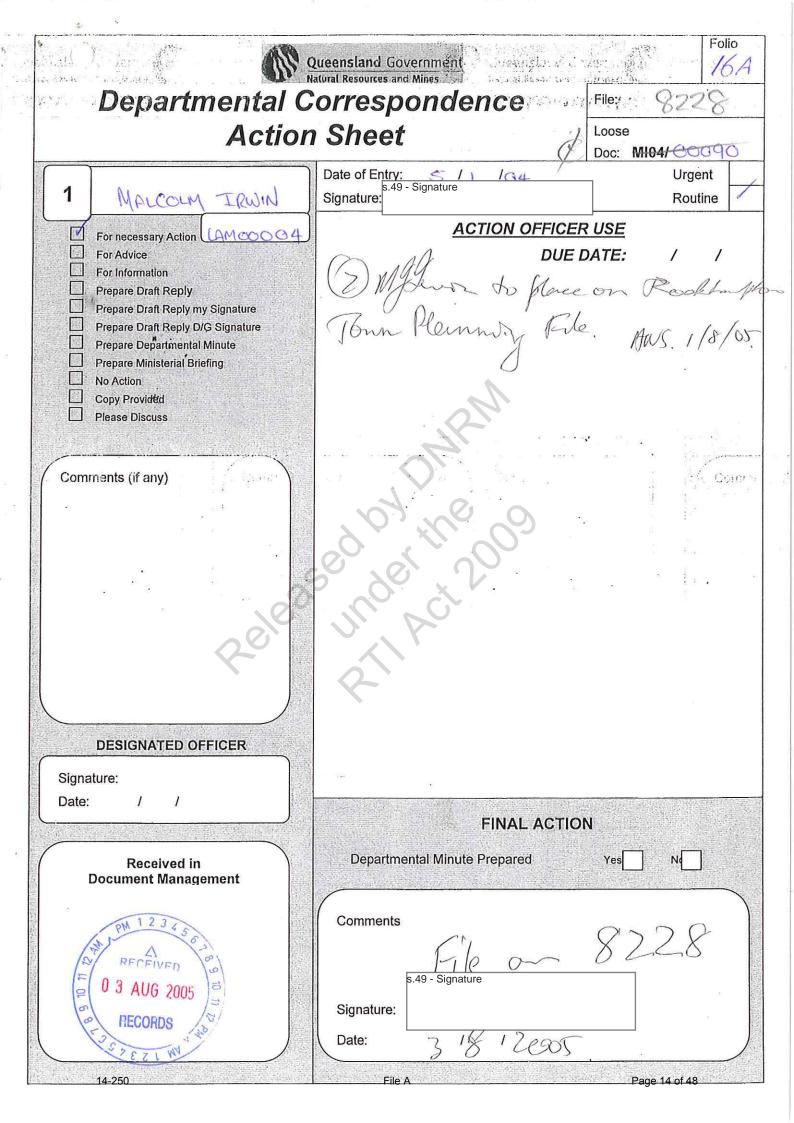
Senior Geoscientist,

Mineral and Extractive Planning,

Natural Resources and Mines

Phone 32276656 Fax 32371634 GPO BOX 2454 Brisbane QLD 4001 mal.irwin@nrm.qld.gov.au





Our Ref:

2175 / 184 YEPPOON RD

Your Ref:

Enquiries:

Mr Marco Alberti

4936 8343 Telephone: Facsimile:

4936 8435

Email:

albertim@rcc.qld.gov.au



Department of Natural Resources & Mines GPO Box 2454 **BRISBANE QLD 4001**

ATTENTION

Malcolm J Irwin

Senior Geologist - Mineral & Extractive Planning

Dear Sir

KEY RESOURCE AREA FOR THE PEAK HILL QUARRY AT 184 YEPPOON ROAD, ROCKHAMPTON

Further to your e-mail on 20 November 2003 the Council formally considered the issue of a Key Resource Area (KRA) being identified in the draft IPA compliant Planning Scheme for the City of Rockhampton. At Council's meeting on 22 December 2003 it formally resolved that there be no change made to the draft City Plan in respect to the Key Resource Area for the Peak Hill Quarry being reflected in the document. The Council, in making this decision, felt strongly that the State should be part of any consultation process with the affected landowners prior to the inclusion of the KRA into the draft Planning Scheme. Had the department been able to participate in public consultation on this matter the Council may have treated the item differently. Therefore, until the State is able to participate in public consultation on the effects of a Key Resource Area being included in the draft Planning Scheme, the Council is not supportive of the KRA inclusion.

On 16 December 2003 we responded to the Department of Local Government and Planning to the first State Interest Check and this has been reflected in the response to the Department.

Should you wish to discuss the matter further please do not hesitate in contacting me on the above telephone number after 6 January 2004.

Yours faithfully	^	
s.49 - Signature		
Marco Alberti	<u> </u>	_
Manager Planning	a . ·	

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Bolsover Street Rockhampton File A Queensland

PO Box 243 Rockhampton Qld 4700

Telephone (07) 4936 8000 Facsimile (07) 4922 1700 Email enquiries @769.610.598V.48

PEAK HILL KEY RESOURCE AREA - KRA 98

SUPPORTING INFORMATION

RESOURCE TYPE: Quarry Rock

LOCATION: The resource is 8 kilometres north of Rockhampton on the Yeppoon road (see Map KRA 98).

LOCAL GOVERNMENT AREA: Rockhampton Regional Council

RESOURCE DESCRIPTION:

The resource consist of andesitic tuff and a small diorite and gabbro intrusion of the Berserker Beds which form two northwesterly trending ridges to the northeast of Glenmore on the northern outskirts of Rockhampton. The existing quarry lies on the eastern slope of the western ridge.

The main part of the diorite body forms a high ridge west of the existing quarry.

CURRENT STATUS:

The existing quarry operated by Earth Commodities? Gary Anderson Earthmoving Sand & Gravel Pty Ltd is currently approved for fifteen years from 2000. It supplies material to the Rockhampton City Council concrete plant and any Main Roads work on the northern side of Rockhampton.

State LAnd

Products are transported directly onto the Yeppoon to Rockhampton road from the quarry properties.

ENVIRONMENT AND PLANNING SITUATION

The area to the north and east is rural and is incorporated in the Yeppoon Road Corridor and Berserker Range Environmental Protection Areas. The land to the east and west is screened from the resource by two parallel ridges on either side. Residential zones to the west are shielded from the quarry by the western ridge. One lot in the Berserker Range Environmental Protection Area is zoned Future Urban.

The Rural lots north of the Yeppoon Road are screened from the resource by the northern extremity of the western ridge, as are the rural lots east of the resource.

CRITERIA FOR STATE SIGNIFICANCE

The existing operation produces a considerable proportion of the hard rock consumed in the northern and eastern part of the Rockhampton Regional Council. At its present rate of production it can continue to operate for over twenty years.

BOUNDARY OF KEY RESOURCE AREA:

The potential resource appears to be defined by the mapped extent of the diorite extending south of the existing operations. This area is largely covered by the Extractive Industry Zone. Available resources will be increased by grant of sales permits for resources on the State Land east of the present quarry.

The resource is surrounded by higher ridges to the west and north, the separation distance recommended in those directions is 500 metres. The separation distance to the east extends to the crest of the first high ridge in that direction, and to the crest of the reservoir hill to the southwest and is extended to 800m directly southeast of the resource. This covers the Yeppoon Road and Berserker Range Environmental Areas.

The separation distance is constrained to the west and southwest by the Norman Road Slope Constraint Area boundary

Although the transport route traverse the quarry properties, a one hundred metre setback distance is recommended from the edges of the alignments.

SPECIAL CONSIDERATIONS:

PEAK HILL KEY RESOURCE AREA - KRA 98

SUPPORTING INFORMATION

RESOURCE TYPE: Quarry Rock, Decomposed Rock

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The Rural lots north of the Yeppoon Road are screened from the resource by the northern extremity of the western ridge, as are the rural lots east of the resource.

CRITERIA FOR STATE SIGNIFICANCE

The existing operation produces a considerable proportion of the hard rock consumed in Rockhampton City and Livingstone Shire. At its present rate of production it can continue to operate for over twenty years.

BOUNDARY OF KEY RESOURCE AREA:

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Extractive Industry Zone. As the resource is surrounded by higher ridges to the west and north, the separation distance recommended in those directions is 500 metres. The separation distance to the east extends to the crest of the first high ridge in that direction, and to the crest of the reservoir hill to the southwest and is extended to 800m directly southeast of the resource. This covers the Yeppoon Road and Berserker Range Environmental Areas.

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Although the transport route traverse the quarry properties, a one hundred metre setback distance is recommended from the edges of the alignments.

SPECIAL CONSIDERATIONS:

The boundaries of the Key Resource Area are defined on the assumption that the resource is confined to the high ridge in which the present operations are set.

From: Smith Geoffrey T Rocky Planning
Sent: Thursday, 29 January 2004 2:47 PM

To: Irwin Malcolm

Subject: Seeking your opinion on words to Rocky City Council

Hi Mal

Further to previous emails and our phone conversation... Is it OK to say the following to Rocky City via DLGP??

[3] Key Resource Areas (KRA's) for extractive industry - Peak Hill Quarry (no SPP yet) Due to development commitments arising from the current planning scheme the separation / buffer area around the Peak Hill quarry has been redrawn. The contraction of this separation distance has resulted from recognition of a commitment made in the current planning scheme and the Norman Road DCP to residential development.

In the absence of any recognition in the planning scheme of KRA's, constraints already in the scheme separate future dwellings (in Norman Road Residential Area) to the point where the only impact (if any) on new residents nearest to the quarry will be ground vibrations when major blasting is in progress in the other side of the hill. Given the size and configuration of the lots allowable in Norman Road Residential Area (due to slope and environmental constraints), houses are most likely to be located on those parts of each property as to be beyond this ground vibration affected area.

New residences on the northern and eastern boundaries of the quarry are unlikely to be given approval due to the restrictions on subdivision in the life of the plan (Yeppoon Road Corridor Environmental Protection Area and Berserker Range Environmental Protection Area) for reasons that (in the former area especially) include allowing the current operation of the quarry to continue.

It is recognised that the proposed SPP for extractive industry is yet to get to public consultation stage and thus currently has no force. In the meantime NR&M must rely on Council's duty of care for new residents combined with support for the continuation of quarrying to ensure that Council adequately considers amenity and ground vibration hazard when making development decisions in the vicinity of Peak Hill. However consideration should be given to amendments that explicitly protect the interests of both future residents and the wider community dependent on the availability of quarry materials from both Peak Hill and Pink Lily.

: The Peak Hill resource is considered to be of sufficient regional importance to the Rockhampton region wattayerekon?

Geoffrey T. Smith
Regional Resources Planning Officer
Department of Natural Resources and Mines
Central West Region
Phone (07) 4938 4592
Fax (07) 4938 4010
P O Box 736
Level 2, 209 Bolsover Street
Rockhampton 4700

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In the absence of any recognition in the planning scheme of KRA's, constraints already in the scheme separate future dwellings (in Norman Road Residential Area) to the point where the only impact (if any) on new residents nearest to the quarry will be ground vibrations when major blasting is in progress in the other side of the hill. Given the size and configuration of the lots allowable in Norman Road Residential Area (due to slope and environmental constraints), houses are most likely to be located on those parts of each property as to be beyond this ground vibration affected area.

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It is recognised that the proposed SPP for extractive industry is yet to get to public consultation stage and thus currently has no force. In the meantime NR&M must rely on Council's duty of care for new residents combined with support for the continuation of quarrying to ensure that Council adequately considers amenity and ground vibration hazard when making development decisions in the vicinity of Peak Hill. However consideration should be given to amendments that explicitly protect the interests of both future residents and the wider community dependent on the availability of quarry materials from both Peak Hill and Pink Lily.

: The Peak Hill resource is considered to be of sufficient regional importance to the Rockhampton region to be included as a Key Resource Area in the proposed State Planning Policy for Protection of Extractive Resources. Accordingly a separation distance around the resource/processing area has been defined in order to protect the resource from incompatible land uses, ie those which are sensitive to impacts from extraction and processing, such as ground vibration and noise. Any developments within the separation distance are to be assessed at a higher level to determine whether they will impact on extraction of the resource. It is recognized that new residences on the northern and eastern boundaries of the quarry are unlikely to be given approval due to the restrictions on subdivision in the life of the plan (Yeppoon Road Corridor Environmental Protection Area and Berserker Range Environmental Protection Area) for reasons that (in the former area especially) include allowing the current operation of the quarry to continue. However the potential life of the resource could be greater than the current approval.

The separation distance is constrained by the Norman Road Residential Area. Given the size and configuration of the lots allowable in Norman Road Residential Area (due to slope and environmental constraints), houses are most likely to be located on those parts of each property as to be beyond areas affected by ground vibration.

NR&M must rely on Council's duty of care for new residents combined with support for the continuation of quarrying to ensure that Council adequately considers amenity and ground vibration hazard when making development decisions in the vicinity of Peak Hill. However consideration should be given to amendments that explicitly protect the interests of both future residents and the wider community dependent on the availability of quarry materials from both Peak Hill and Pink Lily.

wattayerekon? wattayerekon?

Released by the post of the po Geoffrey T. Smith Regional Resources Planning Officer Department of Natural Resources and Mines Central West Region Phone (07) 4938 4592 Fax (07) 4938 4010 P O Box 736 Level 2, 209 Bolsover Street Rockhampton 4700

From: Smith Geoffrey T Rocky Planning
Sent: Tuesday, 3 February 2004 12:56 PM

To: Irwin Malcolm

Cc: Dann Russell; Marler Kerrod; Day Ken (Rockhampton)

Subject: Peak Hill compromise, Pink Lily alternative values may override

Thanks Mal

final negotiations with Rocky City council (with and without DLGP as intermediary) for amendments to the public display draft of their planning scheme have now concluded. This is principally due to timing of events beyond our control being council meetings and forthcoming council elections.

Peak Hill Quarry/KRA

KRA's remain one of four points of disagreement that fall outside our legislative power to require Council to amend their draft scheme. In this case the absence of a State Planning Policy protecting access to resources for extractive industries means that Council's position is that compromises to Peak Hill Quarry's future will be limited or non-existant by virtue of planning constraints on nearby residential development for slope, bushfire and environmental protection that co-incidentally will have the effect of maintaining a separation distance.

In spite of the co-incidental, if not guarranteed, separation distance for Peak Hill Quarry, NR&M's formal assent to public exhibition for the draft planning scheme will draw attention to this outstanding deficiency along with three other issues.

Pink Lily KRA

Recognition in the scheme of that part of Pink Lily KRA in Rockhampton City has other problems or constraints, including competing NR&M State interests.

This sliver of land, in common with that part of the KRA immediately adjacent in Fitzroy Shire, coincides with an infilled formerly tidal meander of the Fitzroy River estuary. This area is believed to contain buried saturated marine sediments that local evidence suggests include pyritic acid generating deposits (acid sulfate soil). Indeed the 'extent of known resource' in this infilled meander is all below 5m AHD thus a development application involving excavation will trigger SPP 2/02 for acid sulfate soil (ASS). Sand extraction is not necessarily stopped by SPP 2/02, but investigations will be required to determine the absence or presence of ASS. If present, an ASS management plan will be needed to guide management of the extraction (liming, bunding, etc) that ensures no acid is generated or exported.

The area is also a wetland of national and State significance (Fitzroy River Floodplain BBS004QL) and in Rockhampton City has been recognised in the planning scheme as a wetland and an Environmentally Sensitive Location. The site also borders the Fitzroy River barrage impoundment which is Rockhampton and environs' water supply.

The Draft Planning Scheme strategic framework and desired environmental outcomes (DEO's), not unreasonably, seek protection from development of the area thus...

Protecting the ecological values and biodiversity of Rockhampton's waterways, including the Fitzroy River, wetlands, lagoons, major urban creeks and their environs by, but not limited to the following:

- Providing sufficient buffer distances between development and waterways;
- Managing stormwater run-off such that it does not contribute to erosion and increased sediment load to waterways;
- Installing treatment facilities on sites to minimise pollution from water borne pollutants entering waterways; and
- Locating only compatible uses in flood prone areas such that hazardous or noxious substances or other materials will not pollute the waterways in times of flood.

and...

I. Protecting ecologically sensitive locations (identified on the *Environmentally Sensitive Location Map* as remnant vegetation or wetlands) from unacceptable impacts that compromise the integrity of the area, by undertaking only compatible development in accordance with an approved Environmental Management Plan (EMP).

and...

this is specified in detail by the Biodiversity & Nature Conservation Code and reinforced by the Water Quality and Quantity Code and again in the Parkhurst Rural Area intent which aims to Maintain water quality upstream of the Fitzroy barrage as Rockhampton City's main water supply.

Thus protecting the that part of the KRA in Rockhampton city <u>for sand extraction</u> is unlikely to meet with local approval given the weightings given to uses and values that would likely be compromised by sand extraction. Even this Department would be hard pressed to support sand extraction as preferred land use in the light of competing state interests especially in water resource management, without extraordinary measures to safeguard other values.

This then is one of those situations where competing values will require careful consideration of a whole-of Department position.

If you have any suggestions for achieving a balance that includes sand extraction, let me know!

cheers Geoffrey

----Original Message---From: Irwin Malcolm

Sent: Tuesday, 3 February 2004 10:12 AM **To:** Smith Geoffrey T Rocky Planning

Subject: Seeking your opinion on words to Rocky City Council.rtf

<< File: Seeking your opinion on words to Rocky City Council.rtf >>

Dear Geoff, I have tried to write your comments in language similar to that used in our general discussion of KRAs, but if you know what DLGP is likely to express to Council I am happy to run with your words as I have included herein.

Thank you very much for your help.

Malcolm J Irwin

Senior Geoscientist,

Mineral and Extractive Planning,

Natural Resources and Mines

Phone 32276656 Fax 32371634

GPO BOX 2454 Brisbane QLD 4001 malcolm.irwin@nrm.qld.gov.au

Fil: 8228 19

Author Geoffrey T. Smith File / Ref number ROC/355/000(0033) Directorate / Unit Land & Regional Planning Phone 4938 4592

3rd February 2004

Mr Scot Stewart
Department of Local Government and Planning
PO Box 113
Rockhampton 4700

Dear Mr Stewart

ROCKHAMPTON CITY COUNCIL DRAFT PLANNING SCHEME STATE INTEREST CHECK PRIOR TO PUBLIC EXHIBITION

I refer to your letter of 19 December 2003 seeking advice from this Department as to whether Council's responses to State agency comments on the draft scheme dated 9 July 2003 are acceptable pursuant to the Plan's release for public exhibition and whether further discussions are required to resolve matters.

A response was made to you via Email on 23 January 2004 detailing a number of outstanding issues that required further negotiations to resolve.

Subsequent Email correspondence and meetings between officers of this Department and Rockhampton City Council have resulted in amendments to the draft scheme that have resolved all but four issues outlined below.

The Department supports exhibition of the draft scheme with the changes agreed by Council and perused by NR&M. However, without complete agreement on all matters, NR&M is unable to give an unconditional sign off that all State interests of the Department have been adequately addressed.

Concerns remain that may require revisiting either before the scheme is gazetted or subsequently. The four matters are detailed below, with resolutions and residual concerns discussed.

[1] Acid Sulfate Soil SPP 2/02

Minor improvements have been made to the Filling and Excavation Code, specifically section 2: Application of the Code to include filling of areas below 5m AHD to an average depth equal to or greater than 0.5m.

However, identifying dewatering of saturated acid sulfate soil (ASS) as a development is not proposed.

File A

MAR 2004

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This lack gives rise to two main risks. Firstly: major works may not account for drainage of acid generating sediments beyond the immediate site, and secondly: minor unregulated earthworks can unwittingly drain pyritic sediments (ASS) both generating acid. Potentially hazardous saturated acid sulfate soils in Rockhampton are restricted to the former tidal floodplain and creek valleys containing marine sediments. These sediments are commonly buried more than five metres below the ground surface of the floodplain with near surface occurrences close to the river and creeks.

Major works likely to involve drainage will almost certainly trigger the Filling and Excavation Code and require that Performance Criterion P4 is met through Acceptable Solution A4.5.2.2. This solution requires that works only proceed in accordance with an approved Acid Sulfate Soil Management Plan in accordance with the State Planning Policy 2/02 Guideline for Planning and Managing Development Involving Acid Sulfate Soils. The more comprehensive scope of investigations and management specified in the Guidelines should ensure that drainage is addressed for those developments that trigger the Code in spite of not being explicitly required by the scheme. Minor unregulated earthworks likely to drain ASS are restricted geographically to creeks and the river banks. By virtue of co-location in the bed and banks of a watercourse such works require a riverine protection permit (RPP) from NR&M. The Department will consider dewatering risks and impose appropriate conditions through RPP's.

Management of acid sulfate soils in Rockhampton requires site specific investigation and management involving complex chemistry and hydrogeology. This Department is concerned that unintended environmental harm should not arise from even minor works, especially given the vulnerability of biota in Rockhampton's urban creeks, lagoons and the river. Thus the Department looks forward to continuing co-operation with Council in respect of advancing knowledge of acid sulfate soils in the city and identifying types of developments with potential to generate and export acid. It is anticipated that new information and experience may give rise to future planning scheme amendments to achieve the most effective and efficient regulation of relevant developments.

[2] Key Resource Areas (KRA's) for extractive industry - Peak Hill Quarry (no SPP applies)

Due to development commitments arising from the current planning scheme the separation / buffer area around the Peak Hill quarry has been redrawn. The contraction of this separation distance has resulted from recognition of a commitment made in the current planning scheme and the Norman Road development control plan to residential development.

In the absence of any recognition in the planning scheme of KRA's, constraints already in the scheme separate future dwellings (in Norman Road Residential Area) to the point where the only impact (if any) on new residents nearest to the quarry will be ground vibrations when major blasting is in progress in the other side of the hill. Given the size and configuration of the lots allowable in Norman Road Residential Area (due to slope and environmental constraints), houses are most likely to be located on those parts of each property as to be beyond this ground vibration affected area.

New residences on the northern and eastern boundaries of the quarry are unlikely to be given approval due to the restrictions on subdivision in the life of the plan (Yeppoon Road Corridor Environmental Protection Area and Berserker Range Environmental Protection Area) for reasons that (in the former area especially) include allowing the current operation of the quarry to continue.

It is recognised that the proposed SPP for extractive industry is yet to reach public consultation stage and thus currently has no force. In the meantime NR&M must rely on Council's duty of care for new residents combined with support for the continuation of quarrying to ensure that Council adequately considers amenity and ground vibration hazard when making development decisions in the vicinity of Peak Hill. However consideration should be given to amendments that explicitly protect the interests of both future residents and the wider community dependent on the availability of quarry materials from both Peak Hill and Pink Lily.

[3] Lot sizes in South Rockhampton Rural Area

In recognition of agricultural suitability (Class C1land is considered to be GQAL), Fitzroy Shire's 250ha minimum lot area across the boundary in similar country and constraints imposed by proximity to the airport and flooding, NR&M considers that a minimum area of 80 ha, as previously recommended remains most appropriate.

Council has argued that a prior minimum lot size of 10ha should stand (as an existing public commitment) with constraints on subdivision and other inappropriate development implemented through the Flood Prone Land Code and Airport Code. It is pointed out that fragmentation of this good quality agricultural land into small lots and the unsustainable use likely to arise remains a concern of the Department.

[4] Dairying is intensive animal husbandry

NR&M advice to Council stands in regard to the potential impacts of modern (non-feedlot) dairies. However, the Department accepts that any 'feedlot' style dairy will be appropriately assessed and is aware that the likelihood of any dairy being proposed is low, however Council should reconsider defining dairying as intensive animal husbandry to ensure that relevant potential impacts are more appropriately assessed ie under the scheme's Intensive Animal Husbandry Code.

Please note that remaining concerns over the effectiveness of the plan to meet State objectives argued above are still of concern to this Department. Thus while the Department can 'accommodate' current provisions in the planning scheme for the purposes of public exhibition; agreement is not unconditional and further representations may be made to have relevant issues more appropriately addressed in the future.

The Department looks forward to reviewing the public exhibition draft during the public consultation period and will provide further advice at that time if considered necessary.

If you have any enquiries in relation to this response, please contact Mr Geoffrey T Smith on telephone 4938 4592.

Yours sincerely

E P Donohue Regional Manager Integrated Natural Resource Planning Central West Region CC Mr Marco Alberti Manager of Planning Services Rockhampton City Council PO Box 243 Rockhampton 4700









From:

Irwin Malcolm

Sent:

Monday, 10 May 2004 8:52 AM

To:

Day Ken (Rockhampton)

Subject:

RCC Draft Scheme amendments

Dear Ken, Please find enclosed minor amendments to your draft submission to the Rockhampton Draft Planning



SubtoRCC re draft April 2004 K...

Malcolm J Irwin

Senior Geoscientist,

Mineral and Extractive Planning,

Natural Resources and Mines

Phone 32276656 Fax 32371634

GPO BOX 2454 Brisbane QLD 4001 malcolm.irwin@nrm.qld.gov.au

File on Rockhampton

vin Malcolm

From:

Day Ken (Rockhampton)

Sent:

Thursday, 6 May 2004 3:44 PM

To:

Dann Russell; Irwin Malcolm

Subject:

RCC & Peak Hill Quarry

Gents,

While Geoffrey Smith is on leave, I'm trying to finish off our submission to Council in response to their advertisement of the draft City Plan.

Can you please let me know if you are comfortable with the wording in relation to the second point in the attached draft that relates to this Quarry or can you suggest alternative wording?

Thanks, Ken



Submission to RCC re draft sch...

K J Day
Acting Manager
Catchment and Regional Planning Central West
209 Bolsover Street Rockhampton
Phone 07 4938 4374 Fax 07 4938 4010
Email Ken.J.Day@nrm.qld.gov.au

Re

Author Geoffrey T. Smith File / Ref number ROC/355/000(0033) Directorate / Unit Land & Regional Planning Phone 4938 4592

6 May 2004

Mr Gary Stevenson Chief Executive Officer Rockhampton City Council PO Box 243 Rockhampton 4700

Dear Mr Stevenson

RE: ROCKHAMPTON CITY COUNCIL PROPOSED PLANNING SCHEME SUBMISSION FROM DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

I refer to your public notice of 6 March 2004 advising that the proposed planning scheme is available for comment and submission.

The Department of Natural Resources, Mines and Energy (NRM&E) would like to congratulate Rockhampton City Council on reaching this stage of the planning scheme development process and it is pleasing to now see all components of the scheme in their close to final form.

NRM&E has reviewed the advertised scheme and would like to provide further comments on a number of aspects of the scheme that relate to the interests of the Department. These comments are provided with the view to ensuring local outcomes desired through the planning scheme integrate with:

- wider State concerns for the protection of natural resource assets, particularly where a State Planning Policy is involved, and
- the provisions of planning schemes of adjacent local government areas.

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The Department gave qualified support to public exhibition of the draft scheme by letter to the Department of Local Government and Planning, dated 3 February 2004, as is was considered that not all relevant State interests of the Department were adequately addressed.

The Department's residual concerns and possible resolutions are discussed below.

[1] Acid Sulfate Soils - State Planning Policy 2/02

The Department remains concerned that unintended environmental harm may result from dewatering activities associated with excavation and drainage works where acid sulfate soils are likely to occur. This concern arises as such activities are not identified as development to which the *Filling or Excavation Code* applies.

This anomaly could be remedied by adding the following additional point to Section 2 of the *Filling or Excavation Code*:

• Extracting groundwater from land at or below 5 metres AHD; or

The words "or extraction of groundwater" would also need to be added to Performance Criterion P3 and Acceptable Solution A3.1 of the *Filling or Excavation Code*.

Such amendments would ensure that all aspects of Outcome 1 of State Planning Policy 2/02 will be met when assessing such development applications.

[2] Key Resource Area (KRA) for extractive industry - Peak Hill Quarry

The proposed State Planning Policy (SPP) for extractive industry is yet to reach the public consultation stage and thus currently has no force. In the meantime, NRM&E must rely on Council's duty of care when assessing development such as new residential development proposed in areas adjacent to this quarry to ensure that quarrying operations can continue as long as feasible.

The draft SPP will rely on the identification identify of KRA's which comprise the resource/processing area, a separation area around the resource/processing area, an associated transport route and a separation area either side of the reserve boundary of the transport route. Within these components of the KRA, any proposed incompatible development would generally be inappropriate or should only be permitted with conditions that protect the KRA.

The draft City Plan contains no explicit requirements in Desired Environmental Outcomes, Codes or other planning scheme measures that address ground vibration hazard and amenity impacts arising from quarrying at the Peak Hill Quarry. Such issues are important to consider when assessing proposals for new residential development in the Norman Road area.

In accordance with the above, amendments to the draft City Plan that explicitly protect the interests of future residents while allowing the continuation of quarrying at Peak Hill should be considered. The simplest means to achieve this outcome is to require an appropriate separation distance between the resource/processing area and these uses uses consistent incompatible with extractive industry. This has been defined by the Department as the boundary of this particular Key Resource Area, which can be defined by the Department.

[3] South Rockhampton Rural Area - Protection of Good Quality Agricultural Land (GQAL) - State Planning Policy 1/92

NRM&E considers that a minimum lot size of 80 ha, as previously recommended, remains most appropriate for the South Rockhampton Rural Area and this subdivision limit would be more consistent with the provisions of the new planning scheme for Fitzroy Shire.

In recognition of the agricultural quality of this grazing land (Class C1 land considered to be GQAL), Fitzroy Shire Council intends to set a minimum lot size of 200ha in their new planning scheme for that part of the Shire adjacent to the South Rockhampton Rural Area. The minimum lot size limit of 200ha for Class C1 land in Fitzroy Shire is consistent with the current planning scheme. This land within both local government areas is similar country with development constraints imposed by proximity to the airport and flooding.

The proposed 10ha minimum lot size for the South Rockhampton Rural Area in the draft City Plan could result in excessive fragmentation of this good quality agricultural land into small lots that commonly give rise to unsustainable land use. Constraints on development implemented through the Flood Prone Land Code and the Airport Code do not really address this issue. An explicit minimum lot size of 80 ha would be more effective in protecting this natural resource asset, and, being more direct, would avoid raising the expectations of landowners and speculators regarding potential subdivision within this area.

[4] Dairying and intensive animal husbandry

NRM&E stands by its earlier advice to Council in regard to the potential environmental impacts of modern (non-feedlot) dairies. It is recommended that Council reconsider defining dairying as intensive animal husbandry to ensure that potential environmental impacts are more appropriately assessed under the scheme's Intensive Animal Husbandry Code.

In accordance with Schedule 1 of the Integrated Planning Act 1997 (IPA), the Department requests this letter be considered as a properly made submission for Council consideration in finalising the planning scheme.

If any matter raised in this submission requires clarification, please contact Mr Geoffrey T Smith on telephone 4938 4592.

Yours sincerely

E P Donohue Regional Manager Integrated Natural Resource Planning Central West

CC: Mr Scot Stewart
Principal Planner
Western and Central Queensland Planning Division
Department of Local Government and Planning
PO Box 113 Rockhampton Qld 4700



win Malcolm





From:

Day Ken (Rockhampton)

Sent:

Tuesday, 11 May 2004 10:30 AM Irwin Malcolm; Dann Russell

To: Cc:

Smith Geoffrey T Rocky Planning

Subject:

RCC Final Submission on Planning Scheme

Gents,

Attached is a copy of the final version of the letter. I did not provide a map of the Peak Hill KRA as I don't believe that we should compromise on the separation area as originally defined.

Thanks, Ken



SubtoRCC re draft April 2004 K...

K J Day Acting Manager
Acting Manager
Catchment and Regional Planning Central West
209 Bolsover Street Rockhampton
Phone 07 4938 4374 Fax 07 4938 4010
Email Ken.J.Day@nrm.qld.gov.au

Tile on

8228

MJ G.



Author Geoffrey T. Smith File / Ref number ROC/355/000(0033) Directorate / Unit Land & Regional Planning Phone 4938 4592

11 May 2004

Mr Gary Stevenson Chief Executive Officer Rockhampton City Council PO Box 243 Rockhampton 4700

Dear Mr Stevenson

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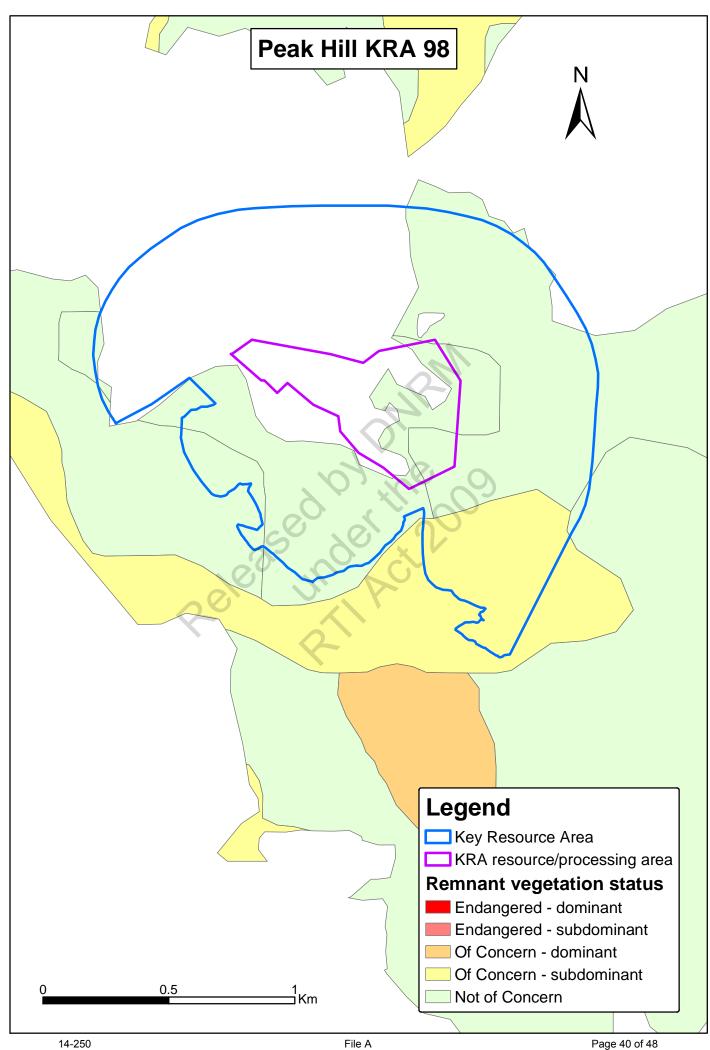
In accordance with Schedule 1 of the *Integrated Planning Act* 1997 (IPA), the Department requests this letter be considered as a properly made submission for Council consideration in finalising the planning scheme.

If any matter raised in this submission requires clarification, please contact Mr Geoffrey T Smith on telephone 4938 4592.

Yours sincerely

E P Donohue Regional Manager Integrated Natural Resource Planning Central West CC: Mr Scot Stewart
Principal Planner
Western and Central Queensland Planning Division
Department of Local Government and Planning
PO Box 113 Rockhampton Qld 4700





Pagaduan Artemio

From: Sent:

kyle.j.waye@transport.qld.gov.au

Jen

Monday, 13 December 2004 4:02 PM

To:

SPPextractive

Subject:

Comment on draft SPP Extractive Resources



SPP - KRA Response.doc

Comments are attached.

(See attached file: SPP - KRA Response.doc)

Best of luck sifting through the responses!

Kyle Waye
Regional Geologist
Department of Main Roads
PO Box 5096 CQ Mail Centre 4702

Response to State Planning Policy: Protection of Extractive Resources

Thank you for the opportunity to comment on the Draft SPP. Please note that this is a personal rather than an "official" Main Roads response. My main concern revolves around the KRA selection process.

The primary objective of this policy is to protect "significant" resources (as defined in Appendix 3 of the Guideline) from sterilisation by incompatible land use (that is, urbanisation), so it is natural that most of the KRAs are near heavily populated areas in southeast Queensland and/or the coastal strip.

There are some exceptions, however: Marbango, Warrian, Waitara, Hatfield, Inglewood. Braeside and Jimbour Quarries, and the Winton deposits are remote and are unlikely to be affected by residential development. There are (arguably) many other "regionally significant" quarries that are remote from urban centres but their lack of inclusion in the SPP is of little concern.

Conversely, a number of quarries/pits not in the SPP <u>are</u> (or are likely to be) under urban pressure. In Central Queensland, they include Agnes Water Quarry, sand deposits/operations in the Gladstone area (Tannum Sands, Calliope River, Boyne River) and the Mackay area (Pioneer River and the Bakers Creek area), and quarries established for nearby harbours, namely Kinka (for Rosslyn Bay), Mount Bassett (for Mackay) and Mount Chelona (for Hay Point).

I believe all these examples deserve inclusion on the basis of one or more of the criteria given in Appendix 3 of the Guideline. It has been suggested that the "less significant" sites can be protected by local planning schemes, but if this is the case, why do we need the SPP at all?

The guideline should outline the steps required for a KRA application. Other specific amendments to the guideline include:

Glossary: "Buffer": intentionally vague? Perhaps extend sentence to say, for example: "... industry on neighbours, such as the use of natural topography, earth bunds and vegetation zones." "Major road": not all State controlled roads are "major roads" (see KRA25 comment below)

KRA19: "Extractive Resource Description": Unsuitable for Type 1 rail ballast or road surfacing (asphalt/cover aggregate) due to its poor abrasion resistance and tendency to polish.

KRA20: "Significance": delete last sentence - debatable.

KRA25: "Transport route": Main Roads currently forbids quarry movements down the Koumala Range for safety reasons.

KRA27: "Transport route": most of the product goes to Airlie Beach, not the Bruce Highway.

KRA33: "Extractive resource description": change to "basaltic andesite capped by rhyolite". The rhyolite is treated as overburden. "Significance": the primary purpose of this quarry (and Hatfield Quarry – KRA25) is to supply ballast for the Goonyella rail network.

KRA98: "Extractive resource": delete "decomposed rock" – superfluous (the only reference to "decomposed rock" in the guideline): . "Significance": delete last sentence - incorrect.

KRA100: "Extractive resource": change "soil" to "silty sand (binder)". "Extractive Resource Description": amend - "... surface layer of fine grained silty sand ("loam"), overlying ...".

Kyle Waye

Regional Geologist (CQ), Department of Main Roads

13/12/04

