

Item 8.1.1 Development Application for Material Change of Use of Premises (Extractive Industry) and Development Permit for Material Change of Use (Environmentally Relevant Activities), Eudlo Flats Road, Malones Road and Maroochydore Road, Forest Glen

Attachment 3 Concurrence Agency Response



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0415-019726

Your reference: MCU15/0030

12 April 2016

Michael Whittaker
The Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast Mail Centre QLD 4560

Dear Mr Whittaker

Amended concurrence agency response – with conditions

Malones Road, 235-269 Eudlo Flats Road, 750 - 770 Maroochydore Road, Forest Glen
(5 RP128773, 6 RP234117, 1 SP182998, 7 SP182998, 2 SP194361, and 2 SP182997)

(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 17 February 2016. On 18 March 2016 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

Applicant details

Applicant name: Maroochydore Sands Pty Ltd (C/- Groundwork Plus)

Applicant contact details: PO Box 1779
MILTON BC Queensland 4064
smalkin@groundwork.com.au

Site details

Street address: Malones Road, 235-269 Eudlo Flats Road, 750 - 770

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SEQ North Region
Level 8, Mike Ahern Building
12 First Avenue
PO Box 1129 Maroochydore QLD 4558

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Maroochydore Road, Forest Glen

Lot on plan: 5 RP128773, 6 RP234117, 1 SP182998, 7 SP182998, 2 SP194361, and 2 SP182997

Local government area: Sunshine Coast Regional Council

Application details

Proposed development: Development Permit for Material Change of Use of Premises (Extractive Industry)
Development Permit for Material Change of Use (Environmentally Relevant Activities)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Material change of use	Development permit	Extractive industry and environmentally relevant activities	Impact assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 1—Environmentally relevant activities
Schedule 7, Table 3, Item 1- State-controlled road
Schedule 7, Table 3, Item 2 - Development impacting on State transport infrastructure
Schedule 7, Table 3, Item 5 – Coastal management districts
Schedule 7, Table 3, Item 6- Land designated for community infrastructure
Schedule 7, Table 3, Item 10 - Clearing vegetation

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the

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reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Conceptual Site Layout Plan	Groundwork Plus	14 August 2015	1615.067B	Revision 3
Figure 3.1 Types and location of erosion protection to be applied to pit walls from Maroochy Sands Geomorphic Assessment	Water Technology	16 September 2015	J3541-01R02v03	Revision 3
Transport Routes	MRCagney	14 October 2014	5442-01DWG	-

Additional advice

The department also provides the following further advice to the applicant and assessment manager.

Road works approval: 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 on a state-controlled road. The applicant can contact the Department of Transport and Main Roads on 07 5451 7055, North.Coast.IDAS@tmr.qld.gov.au (please quote TMR reference TMR15-013638) 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). **The road works approval process takes time – please contact Transport and Main Roads well in advance to ensure that gaining approval does not delay construction.**

Waterway Barrier Works: Where any proposed works are to occur on site that are the construction of a new, or the replacement or maintenance of an existing barrier to a mapped

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waterway, it must meet the self-assessable codes for fisheries development. These codes are available for review on the Department of Agriculture and Fisheries website: <https://www.daf.qld.gov.au/fisheries/habitats/fisheries-development/self-assessable-codes>. If the proposed work does not meet this code it may be assessable development under the *Sustainable Planning Regulation 2009* and a development application may be required.

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

The applicant has provided written agreement to this amended concurrence agency response, as attached.

For further information, please contact Caroline Plank, Senior Planning Officer, SARA SEQ North on 5352 9709, or email caroline.plank@dndip.qld.gov.au who will be pleased to assist.

Yours sincerely



Garth Nolan
Manager

cc: Maroochydore Sands Pty Ltd (C/- Groundwork Plus), smalkin@groundwork.com.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications
Applicant written agreement to amended concurrence agency response

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Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use		
Schedule 7, Table 2, Item 1—Environmentally relevant activities —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Conceptual Site Layout Plan, prepared by Groundwork Plus, dated 14 August 2015 reference no. 1615.067B Revision 3. 	At all times
2.	Storage areas for hazardous contaminants must be located above Q100 flood levels.	At all times
3.	The facility for the activity must include: <ol style="list-style-type: none"> a storage area for hazardous contaminants that has a secondary containment system to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters; and containers for hazardous contaminants that are secured to prevent movement during any flood event. 	At all times
4.	Develop and implement erosion and sediment controls in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> . In particular, maintain sediment control devices to achieve best practice design objectives.	At all times during construction works
5.	A management plan including a monitoring program must be developed and implemented prior to, and for the duration of the use to ensure that management and maintenance measures are in place to minimise adverse effects on areas of high conservation value or special significance, and prevent emissions having an irreversible impact, or widespread impacts, on sensitive land uses at adjacent places. <p>The monitoring program must ensure that:</p> <ul style="list-style-type: none"> all water sampling will be undertaken in accordance with the <i>Department of Environment and Heritage Protection's Monitoring and Sampling Manual, September 2009</i>. surface water quality objectives are consistent with the 	Prior to the commencement of use and at all times

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No.	Conditions	Condition timing
	<p><i>Environmental Protection (Water) Policy 2009 Maroochy River environmental values and water quality objectives Basin No. 141 (part), including all tributaries of the Maroochy River July 2010</i> and groundwater monitoring is undertaken for six (6) months prior to extraction, to inform water quality objectives for groundwater monitoring.</p> <ul style="list-style-type: none"> • water quality monitoring will be undertaken within all extraction pits and at the locations shown in Figure 6 – Water Monitoring Location Plan of the Maroochydore Sands Environmental Management Plan prepared by Groundwork Plus dated January 2015. • the management plan must be certified by a person or entity that is suitably qualified and a copy provided including the DILGP case number to the Department of Environment and Heritage Protection at Permit and Licence Management, Department of Environment and Heritage Protection, GPO Box 2454 Brisbane Queensland 4001 or email palm@ehp.qld.gov.au. 	
<p>Schedule 7, Table 3, Item 1- State-controlled road and Schedule 7, Table 3, Item 2 - Development impacting on State transport infrastructure —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
6.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Conceptual Site Layout Plan, prepared by Groundwork Plus, dated 14 August 2015 reference no. 1615.067B Revision 3. 	At all times.
7.	<p>(a) Pay a monetary contribution of \$101,600 (indexed) to the North Coast District Development Assessment Team within the Department of Transport and Main Roads (TMR) via North.Coast.IDAS@tmr.qld.gov.au (07 5451 7055) (please quote TMR reference TMR15-013638) towards protecting or maintaining the safety or efficiency of the State-controlled road (Old Maroochydore Road) as per section 666(2) of the <i>Sustainable Planning Act 2009</i>. The contribution is to be used for future pavement rehabilitation and maintenance works. <i>(This monetary contribution will be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) from February 2015 to the date of payment.)</i></p> <p>(b) Provide written notice to TMR of the date of the Assessment Manager's Decision Notice for any further Operational Works approval/s required, and an anticipated date that transportation of material from the</p>	<p>(a) Within 18 months of commencing the transportation of material extracted from the site.</p> <p>(b) Within 10 business days of a decision notice being issued.</p>

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No.	Conditions	Condition timing
	<p>site will commence.</p> <p>(c) Provide written notice to TMR of the date of commencement of transportation of material extracted from the site, and provide written notice confirming the date when payment of the contribution required in part (a) of this condition must be made.</p>	<p>(c) Within 10 business days of commencing transportation of material extracted from the site.</p>
8.	<p>(a) The development must be in accordance with the Maroochydore Sands Extraction Site Flood Management Report prepared by Water Technology dated 18 December 2014, reference R03 and revision 3. In particular:</p> <ul style="list-style-type: none"> • Section 4 and 5, Hydraulic modelling and flood impact assessment conclusions <p>(b) RPEQ certification must be provided to North Coast District Development Assessment Team within the Department of Transport and Main Roads (TMR) via North.Coast.IDAS@tmr.qld.gov.au (07 5451 7055) (please quote TMR reference TMR15-013638) confirming that the development has been designed and constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times.</p> <p>(b) Prior to the commencement of use.</p>
9.	<p>(a) A Construction Management Plan must be prepared by a suitably qualified and experienced Registered Professional Engineer Queensland and given to North Coast District Development Assessment Team within the Department of Transport and Main Roads (TMR) via North.Coast.IDAS@tmr.qld.gov.au (07 5451 7055) (please quote TMR reference TMR15-013638).</p> <p>(b) The Construction Management Plan must demonstrate that there will be no disruption to the State-controlled road network during the course of construction and operational life of the development. In particular:</p> <ul style="list-style-type: none"> • No dust/debris from the subject site must enter the State-controlled road during the construction phase of the development. <p>(c) The construction of the development must be in accordance with the Construction Management Plan.</p>	<p>Prior to obtaining development approval for building work or operational work, whichever occurs first.</p>
10.	<p>(a) Road works comprising an Auxiliary Left Turn Treatment with a Short Left Turn Lane (AUL(S)), must be provided at the intersection of Eudlo Flats Road with Old Maroochydore Road.</p> <p>(b) The road works must be designed and constructed in accordance with the department of Transport and Main Roads' Road Planning and Design Manual.</p>	<p>Prior to the commencement of use.</p>
11.	<p>Heavy vehicles as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> associated with the proposed development are only to use the route identified on Transport Routes, prepared by MR Cagney dated 14.10.14, reference 5442-</p>	<p>At all times.</p>

No.	Conditions	Condition timing
	01.DWG, Figure A.	
<p>Schedule 7, Table 3, Item 5 – Coastal management districts —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
12.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Conceptual Site Layout Plan, prepared by Groundwork Plus, dated 14 August 2015 reference no. 1615.067B Revision 3 • Figure 3.1 Types and location of erosion protection to be applied to pit walls from Maroochy Sands Geomorphic Assessment prepared by Water Technology dated 16 September 2015, reference J3541-01R02v03, revision 3. 	At all times
13.	<p>As a result of works the subject of this approval any disturbed or oxidised acid sulphate soil must be treated and managed in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p>	For the duration of the works the subject of this approval
<p>Schedule 7, Table 3, Item 6- Land designated for community infrastructure —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the chief executive administering the Act nominates the Director-General of the Department of Infrastructure, Local Government and Planning to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
14.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Conceptual Site Layout Plan, prepared by Groundwork Plus, dated 14 August 2015 reference no. 1615.067B Revision 3 	At all times
15.	<p>Easement C on SP211691 on Lot 2 on SP194361 is to remain free from structures or changes in natural ground level.</p>	At all times
16.	<p>No extraction works are to occur within Easement C on SP211691 on Lot 2 on SP194361.</p>	At all times
17.	<p>Stockpiling of spoil within Easement C on SP211691 on Lot 2 on SP194361 is prohibited.</p>	At all times
18.	<p>The ability to achieve vehicle access to Easement C on SP211691 across lot 2 on SP194361 via Rafting Ground Road is to be maintained.</p>	At all times

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No.	Conditions	Condition timing
<p>Schedule 7, Table 3, Item 10 - Clearing vegetation —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
19.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Conceptual Site Layout Plan, prepared by Groundwork Plus, dated 14 August 2015 reference no. 1615.067B Revision 3 	At all times

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To offset the impacts of development on the safety and efficiency of the state-controlled road
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor
- To ensure the development does not compromise the safe and efficient operation of state transport infrastructure during construction
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards
- To ensure the development does not compromise the safe and efficient management or operation of state-controlled roads
- To ensure any disturbance to acid sulphate soils is managed to prevent impacts to coastal environments
- To prevent the risk of hazardous contaminants being released into the surrounding environment during a flood event
- To ensure that the risk of hazardous contaminants being released into the surrounding environment either as a result of spillages, leaks or during a flood event is managed
- Condition 5 is required to ensure that management and maintenance measures are in place for water quality
- Conditions 11, 12, 13, 14 and 15 are required to ensure that the proposed development does not interfere with the operation and maintenance of electricity transmission lines on land designated for community infrastructure.

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Our reference: SDA-0415-019726

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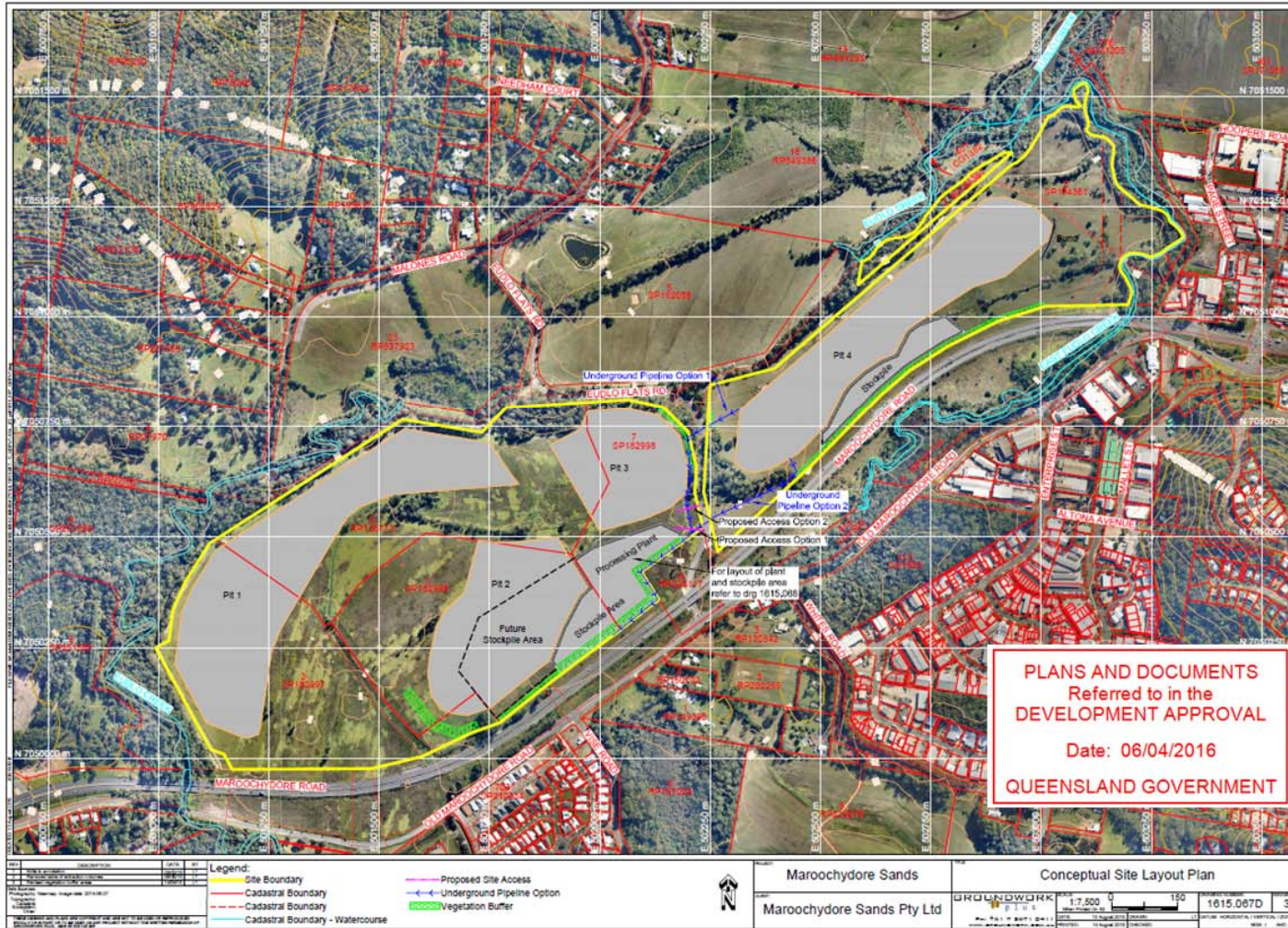
Attachment 3—Further advice

General advice	
1.	<p>Emergency pedestrian evacuation route</p> <p>The applicant is advised that the use of Maroochydore Road for emergency flood evacuation purposes as detailed in the Flood Emergency Management Plan is not approved. Maroochydore Road is an arterial standard road that caters for high volumes of traffic at high speed. It has not been demonstrated that the evacuation can be managed without potential impacts on the safety and efficiency of Maroochydore Road.</p>
2.	<p>Traffic Impact Assessment</p> <p>While the state-controlled roads, Maroochydore Road and Old Maroochydore Road are approved B-Double routes, the application has been assessed on the basis that the largest haulage vehicle to be used is a truck and dog as per section 3 of the Maroochydore Sands Traffic Impact and Pavement Assessment Report, prepared by MRCagney Pty Ltd dated 4 February 2015, reference 5442, issue 2.</p>

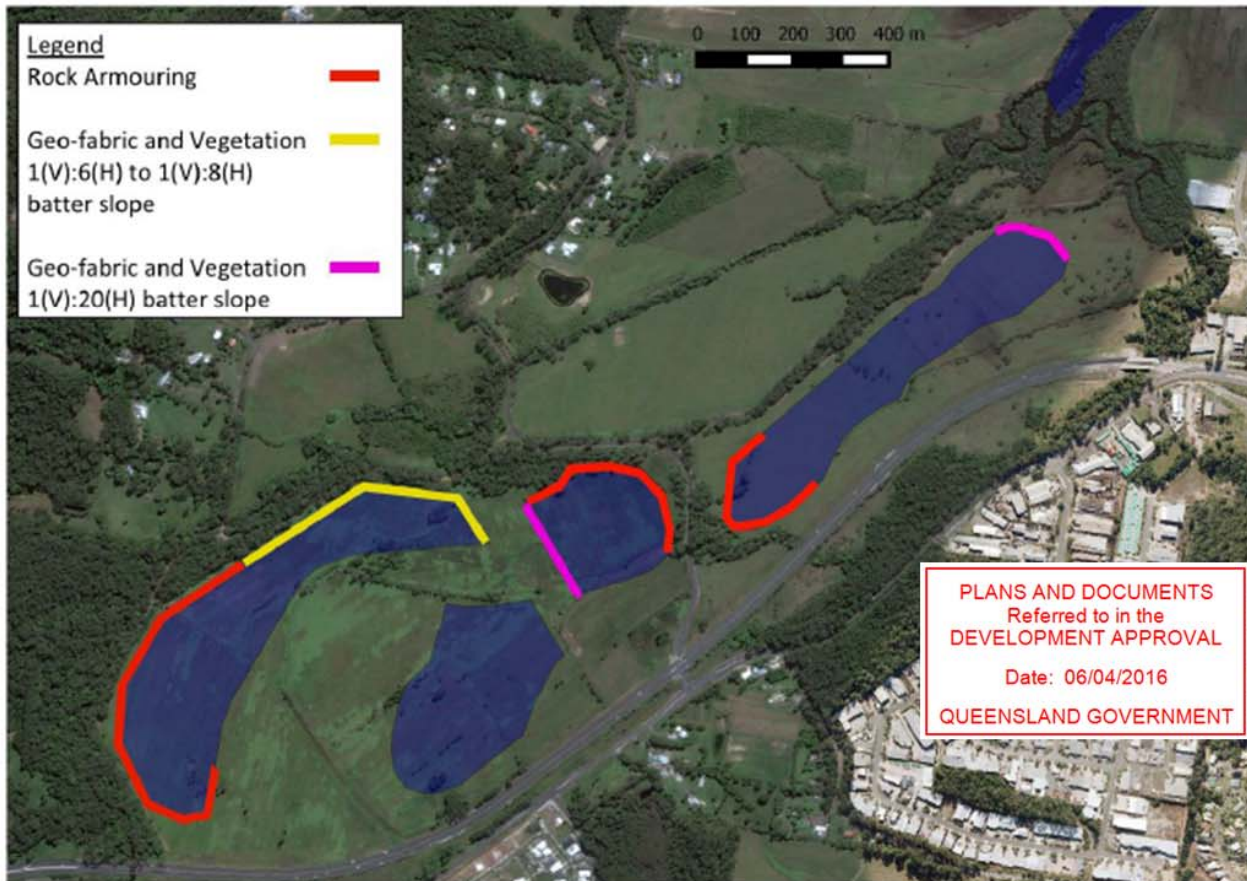
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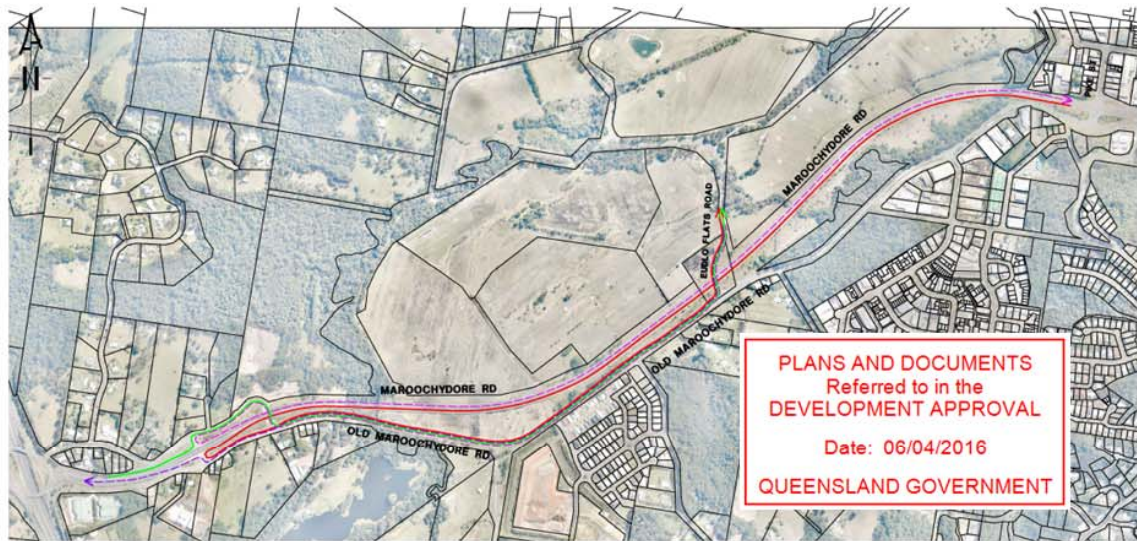
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Attachment 4—Approved plans and specifications



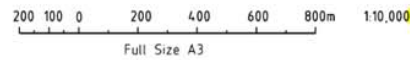
Groundwork Plus
J3541-01R02v03





LEGEND

	IN FROM WEST
	OUT TO WEST
	IN FROM EAST
	OUT TO EAST



	TRANSPORT ROUTES	5442-010WG
	MAROOCHYDORE SANDS	11-21 km 0.18km 20m FIGURE A

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Attn: Regional Services (SEQ North) SEQNorthSARA@dilgp.qld.gov.au

Written agreement for the Department of Infrastructure, Local Government and Planning to amend its concurrence agency response

(Given under section 290(1)(b)(i) of the Sustainable Planning Act 2009)

Street address: Malones Road, 235-269 Eudlo Flats Road, 750 - 770 Maroochydore Road, Forest Glen

Real property description: 5 RP128773, 6 RP234117, 1 SP182998, 7 SP182999, SP194361, and 2 SP182997

Assessment manager reference: MCU15/0030

Local government area: Sunshine Coast Regional Council

As the applicant of the above development application, I hereby agree to the amended concurrence agency response provided to me in the notice dated 7 April 2016:

Name of applicant: Maroochydore Sands Pty Ltd (C/- Groundwork Plus)

Signature of applicant:  SOPHIE MALKIN

Date: 7/4/16