

Your Ref: MCU Application  
Our Ref: BE:HR MCU20\0007

16 December 2020

David and Kate Milton  
PO Box 402  
INGHAM QLD 4850

*katemilton1@bigpond.com*

Dear David and Kate

**Decision Notice – Material Change of Use - Extractive Industry (Quarry up to 5000t per annum)**  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Monday 14 September 2020 seeking a Development Permit for Material Change of Use – Quarry at Milton Road Upper Stone is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 15 December 2020.

Council resolved to approve the proposed development, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice is attached for your perusal.

This Notice outlines aspects of the development, Conditions of the Approval (if any), currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh  
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street  
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850  
ABN 46 291 971 168



4776 4600  
4776 3233



council@hinchinbrook.qld.gov.au  
HinchinbrookShireCouncil



16 December 2020

SECTION 63 OF *PLANNING ACT 2016*

## APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU20\0007
Property ID Number	107361
Applicant Details	David and Kate Milton PO Box 402 INGHAM QLD 4850
Owner Details	David J Milton PO Box 402 INGHAM QLD 4850
Property Description	Milton Road Upper Stone Lot 60 on CWL715
Proposal	Material Change of Use – Extractive Industry (Quarry up to 5,000t per annum)
Level of Assessment	Impact Assessable

## DECISION

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provisions of the *Planning Act 2016*:

Decision	The application was approved subject to conditions.
Decision Date	15 December 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	This Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	There was one (1) properly-made submission received from the following submitter/s:  Daniel Beauchamp C/- Connolly Suthers Lawyers PO Box 991 TOWNSVILLE QLD 4810



## CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

## REFERRAL AGENCIES

Not Applicable.

## PROPERTY NOTES

Not Applicable.

## FURTHER APPROVALS REQUIRED

This approval does not authorise any filling of land or building work and a Development Permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

## INFRASTRUCTURE CHARGES

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to this Development Permit will be issued to you as soon as practicable in accordance with Section 119 of the *Planning Act 2016*.

## RIGHTS OF APPEAL

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a Development Application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the Development Application;
- A provision of the development approval;
- The decision to give a preliminary approval when a Development Permit was applied for; and
- A deemed refusal of the Development Application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

## APPROVAL CURRENCY PERIOD

Pursuant to section 85 of the *Planning Act 2016*, the development approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned.

## APPROVED PLANS AND SPECIFICATIONS

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

Copies of the approved plans, specifications and/or drawings are attached.

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

This Notice is prepared in accordance with section 63(5) and section 83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a Development Application.

The purpose of this Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant part of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given to them in the *Planning Act 2016*.

The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

Should you require any further information or clarification concerning the Decision Notice, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary advice.

Yours sincerely



Electronic

George Milford  
Planning Consultant



CONDITION		TIMING									
1.	<p><b>Administration</b></p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.</p>	At all times.									
2.	<p><b>Approved Plans</b></p> <p>2.1 The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval;</p> <table border="1"><thead><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr></thead><tbody><tr><td>Proposal Plan 1</td><td>N/A</td><td>15 October 2020</td></tr><tr><td>Proposal Plan 2</td><td>N/A</td><td>15 October 2020</td></tr></tbody></table> <p>2.2 The extractive industry use must operate in accordance with the Quarry Management Plan accompanying the Development Application. The applicant is requested to provide an amended Quarry Management Plan to Council for endorsement that:</p> <p>i. Removes reference to the quarry being established through a Sales Permit under the <i>Forestry Act 1959</i>.</p> <p>ii. Include detail in relation to bushfire management and emergency evacuation in the event of a bushfire, including provision of a water supply for firefighting purposes.</p> <p>2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the Conditions of Approval prevail.</p>	Plan / Document Name	Number	Date	Proposal Plan 1	N/A	15 October 2020	Proposal Plan 2	N/A	15 October 2020	At all times and prior to the commencement of use for Condition 2.2.
Plan / Document Name	Number	Date									
Proposal Plan 1	N/A	15 October 2020									
Proposal Plan 2	N/A	15 October 2020									

CONDITION	TIMING
<p><b>3. Quarry Operations</b></p> <p>3.1 The permitted hours of operation are 7am to 5pm Monday to Friday. The use may not operate on Saturday, Sunday or public holidays.</p> <p>3.2 The extractive industry use operations must not involve the extraction or screening of materials that exceeds 5,000t per year.</p> <p>3.3 No blasting or crushing activities are permitted as part of the extractive industry use.</p> <p>3.4 No quarrying activities may occur outside of the 'extraction footprint' identified on the approved proposal plan.</p> <p>3.5 The extractive industry use must operate in accordance with a Staging and Rehabilitation Plan as identified in Condition 9.</p> <p>3.6 The developer is to provide an annual report to Council which specifies annual volume of material extracted, screened, crushed and sold from the premises, areas of extraction, areas of rehabilitation, details of any site incidents and regulated waste volumes and destinations. This report is to be provided to Council on the anniversary of the commencement of the approved use.</p> <p>3.7 The developer is to provide Council with a written notice of commencement on the day the approved use commences.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p><b>4. Infrastructure Services</b></p> <p>4.1 The extractive industry use shall be provided an on-site water supply.</p> <p>4.2 The extractive industry use must be provided an on-site wastewater disposal system during operational periods.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p><b>5. Site Access, Vehicle Manoeuvring and Traffic Impact</b></p> <p>5.1 Transport vehicles must not exceed a haulage capacity greater than 15t.</p> <p>5.2 There shall be no more than eight (8) transport vehicles attend the site on any given day.</p> <p>5.3 All transport vehicles may only use Allendale Road, Miltons Road and Pappins Road for access between the subject site and the Bruce Highway.</p> <p>5.4 A detailed traffic log must be kept to record traffic movements to and from the subject site and be made available for Council's inspections at all time.</p>	<p>At all times.</p>
<p><b>6. Stormwater Management &amp; Soil Erosion and Sediment Control</b></p> <p>6.1 All stormwater run-off from the extraction areas shall be directed to the sediment pond identified on the approved plans.</p> <p>6.2 The developer shall install a bund wall along the eastern extent of the extraction areas to ensure stormwater and sediment run-off is not diverted into the waterway located to the east.</p> <p>6.3 The developer must implement appropriate sediment and soil erosion control measures around the extraction area and stockpiling locations to ensure compliance with the outcomes prescribed by the State Planning Policy for Water Quality.</p>	<p>Prior to the commencement of use and maintained at all times.</p>



CONDITION	TIMING
<p><b>7. Damage to Infrastructure</b> In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.</p>	<p>At all times.</p>
<p><b>8. Environmental</b></p> <p>8.1 The extractive industry use is to be conducted in a manner that avoids, minimises or manages emissions or likelihood of emissions of noise that constitutes an intrusive or nuisance noise.</p> <p>8.2 The extractive industry use is to be conducted in a manner that avoids, minimises or manages emissions or likelihood of emissions of dust that constitutes an intrusive or nuisance to air quality.</p> <p>8.3 The extractive industry use is to be conducted in a manner that avoids, minimises or manages emissions or likelihood of emissions of sediment run-off or potential contaminants that may adversely impact on the water quality of receiving waters.</p> <p>8.4 Any hazardous materials or fuels to be stored on-site must be located above the 1% AEP defined flood level.</p> <p>8.5 The extractive industry use must not result in the removal of vegetation mapped as high value or very high value vegetation identified in Overlay Map – OM-07 Environmental Significance Overlay.</p>	<p>At all times.</p>
<p><b>9. Staging and Rehabilitation Plan</b> The developer is to prepare a Staging and Rehabilitation Plan for the extractive industry use and is to be provided to Council for endorsement prior to the commencement of use. The Staging and Rehabilitation Plan must include:</p> <ul style="list-style-type: none"> <li>i. A plan identifying the staging of the extractive industry use in 2ha increments;</li> <li>ii. The estimated extraction rate per stage; and</li> <li>iii. Provide detail in relation to the rehabilitation process of the land to support future agricultural uses on the land.</li> </ul>	<p>Prior to the commencement of use.</p>
<p><b>10. Subdivision Approval (RC18/0004)</b> In the event that Proposed Lot 1 or Proposed Lot 2 proceeds under RC18/0004, the developer must submit a change application that:</p> <ul style="list-style-type: none"> <li>i. Includes amended proposal plans;</li> <li>ii. Addresses changes in access arrangements and any changes to quarry operations; and</li> <li>iii. Addresses changes in the extractive industry use operations.</li> </ul>	<p>At all times.</p>

CONDITION	TIMING
<p><b>11. Road Maintenance</b></p> <p>The developer shall pay to Council, an annual contribution of \$1,037.40 for the maintenance of the unsealed section of Allendale Road that is utilized as the haul route for the extractive industry.</p> <p>The contribution is to be paid once invoiced by Council. Council will issue an invoice in response to receipt of the annual reporting required by Condition 3.6.</p> <p>No annual contribution is payable if the extractive industry reports nil extraction for the preceding reporting period.</p>	<p>At all times.</p>
<p><b>12. Haul Route Safety Assessment</b></p> <p>12.1 A Haul Route Safety Assessment must be prepared by a Registered Professional Engineer of Queensland (RPEQ) and provided for Council's approval and endorsement.</p> <p>12.2 The Haul Route Safety Assessment is to assess the appropriateness and safety of Allendale Road and Milton Road, including the intersection with Pappins Road, for the proposed quarry traffic, including but not limited to:</p> <ul style="list-style-type: none"> <li>i. Road traffic signage;</li> <li>ii. Safety issues due to reduced visibility caused by dust, given the unsealed nature of the road;</li> <li>iii. Compatibility with cane harvesting traffic that uses the road on a seasonal basis; and</li> <li>iv. The geometry and profile of the road, including the single land watercourse crossings.</li> </ul> <p>The assessment used to identify mitigation measures to be implemented to ensure the quarry traffic does not affect the safe operation of the surrounding road network. Such mitigation measures may include, but not be limited to, the use of a water truck to manage dust, improved signage, and any necessary road pavement augmentation works.</p> <p>12.3 Implementation of the recommendations in the approved Haul Route Safety Assessment must be completed by the applicant prior to the commencement of the use and throughout the life of the development.</p> <p>12.4 Any works identified as being necessary in Condition 12.1 and 12.2 must be undertaken at no cost to Council.</p>	





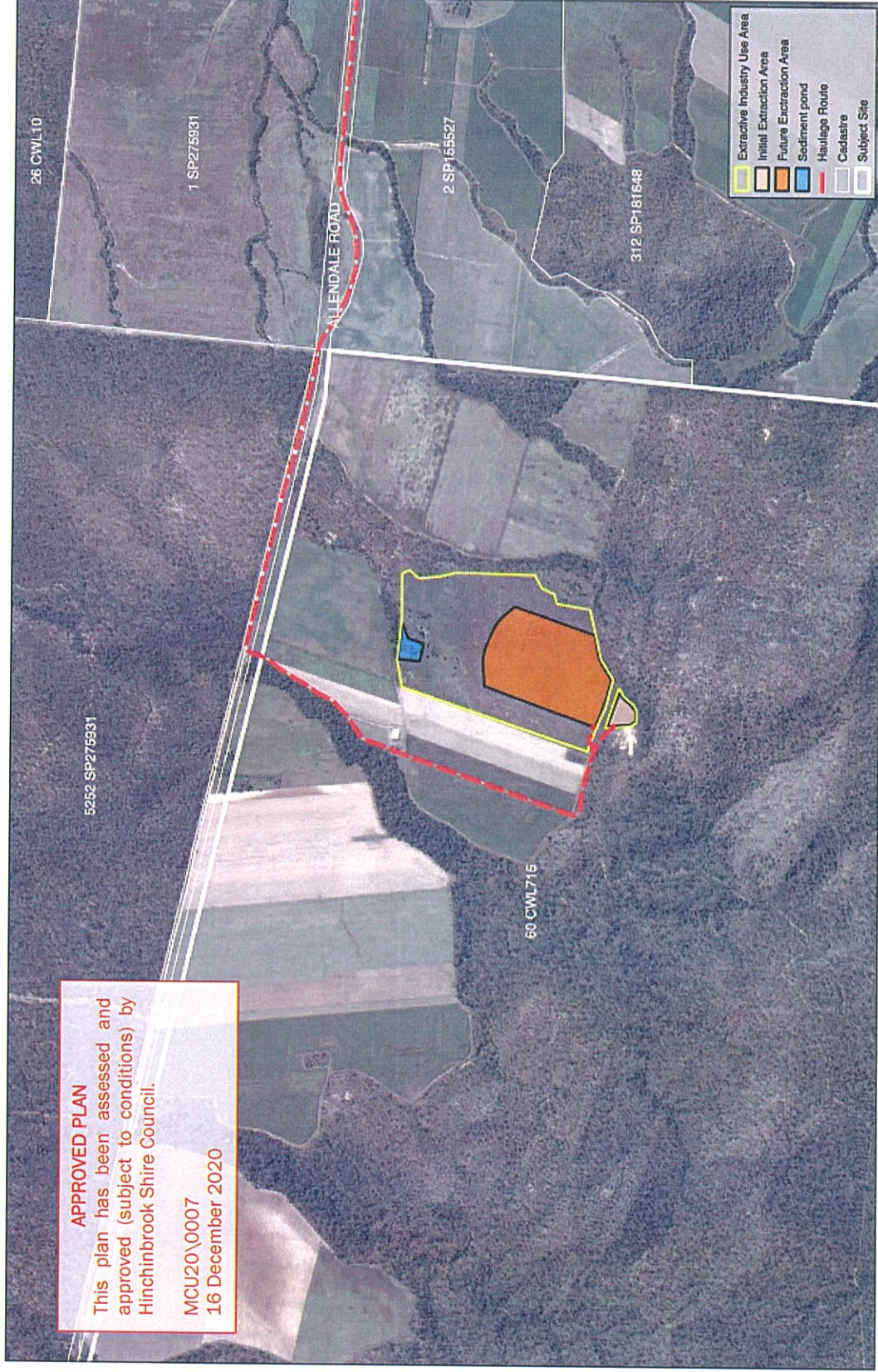


**APPROVED PLAN**

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU20\0007

16 December 2020





16 December 2020

SECTION 119 OF PLANNING ACT 2016

### APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU20\0007
Property ID Number	107361
Applicant Details	David and Kate Milton PO Box 402 INGHAM QLD 4850
Owner Details	David J Milton PO Box 402 INGHAM QLD 4850
Property Description	Milton Road Upper Stone Lot 60 on CWL715
Proposal	Material Change of Use – Extractive Industry (Quarry up to 5,000t per annum)
Level of Assessment	Impact Assessable

### APPLICABLE INFRASTRUCTURE CHARGE

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*, and makes allowances for any imposed waiver or dispensation issued by the relevant authority:

LEVIED CHARGE	\$6,700.00 + annual adjustments and/or reviews
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### PAYMENT DETAILS

The adopted infrastructure charge must be made to Hinchinbrook Shire Council prior to the commencement of use or local government endorsement of a survey plan.

Payment can be made in person at Council's main office, 25 Lannercost Street, Ingham, or via post PO Box 366, INGHAM QLD 4850.

### ADJUSTMENTS TO THE CHARGE

The amount of the levied charge will be recalculated at time of payment using the adopted infrastructure charges stated in the resolution in use at that time.

## **GOODS AND SERVICES TAX (GST)**

The federal government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this Infrastructure Charges Notice.

## **FAILURE TO PAY**

An infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 10% calculated daily is to be applied to an overdue charge.

## **APPEAL RIGHTS**

You may appeal against any matter stated in the adopted infrastructure charges notice.

Under the provisions of the *Planning Act 2016*, the applicant may –

- i. Make representation to Council to discuss the adopted infrastructure charges notice by contacting Council's Chief Executive Officer. You must make these representations within twenty (20) business days after the day you receive this notice. If Council alters the decision, you will be given a 'negotiated adopted infrastructure charges notice'; or
- ii. Appeal to the Planning and Environment Court or Development Tribunal.

Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant to the Planning and Environment Court or Development Tribunal.



## INFRASTRUCTURE CHARGES CALCULATION

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*.

Detail of the calculated infrastructure charge is as reflected hereunder.

APPLICABLE NETWORKS	
Network	Provided to Subject Land
Water supply	No
Sewerage	No
Transport	Yes
Stormwater	Yes
Public parks and community facilities*	-

PROPOSED LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Charge
High impact rural	m <sup>2</sup> GFA	500	2	\$13.40/ m <sup>2</sup>	-	\$6,700.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Low impact rural	N/A	N/A	N/A	N/A	-	\$0.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$6,700.00	\$0.00	\$6,700