



Our Ref: LM:DA/4423 AD2022/0001709
Your Ref: 1148-DA1

02 May 2022

Bowyer Archer River Quarries Pty Ltd
c/-Groundwork Plus
PO Box 1770
Milton Qld 4064
E-mail: planning@groundwork.com.au
Attention: Megan Benham

Dear Ms Benham

Decision Notice - Approval

Given under section 63 of the *Planning Act 2016*

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full, subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision: Council approved the Development Application at a Council meeting on 26 April 2022.

Approval Details: **Approved in full** with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Application details

Application Number: DA/4423

Approval Sought: Development Permit for a Material Change of Use

Description of the Development: Extractive Industry (Quarry) and Environmentally Relevant Activities (ERA's 16(2)(b) and 16(3)(b))

Category of Development: Assessable Development

Category of Assessment: Impact Assessment

Planning Scheme: Cook Shire Council Planning Scheme 2017

Location Details

Street Address: Orchid Creek Road, ARCHER RIVER 4892

Real Property Description: Lot 5 on Plan SP187433

Local Government Area: Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in Attachment 1.

Further Development Permits

Not Applicable.

Properly Made Submissions

There were **no properly made** submissions for this application.

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (<i>Planning Regulation 2017</i>)
Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214 E-mail: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 5, Division 4, Table 2 (<i>Planning Regulation 2017</i>)

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved plans and specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

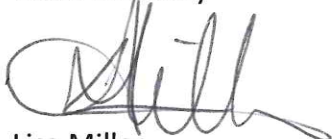
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely



Lisa Miller
Manager
Planning and Environment
Cook Shire Council

cc: E-mail: CairnsSARA@dasilgp.qld.gov.au

- enc: **Attachment 1 (A)** – Conditions imposed by the assessment manager
Attachment 1 (B) – Conditions imposed by a concurrence agency.
Attachment 2 – Approved Plans
Attachment 3 – Notice about a Decision Notice
Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).

Attachment 1 (A) - Conditions imposed by the assessment manager (Cook Shire Council)

A. Assessment Manager (Council) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Site Plan – Area 1 – Drawing No. 1148.DRG.021A, Revision 5, dated 1 December 2021
 - Site Plan – Area 2 – Drawing No. 1148.DRG.021B, Revision 5, dated 1 December 2021
 - Site Plan – Sand Pit – Drawing No. 1148.DRG.021C, Revision 5, dated 1 December 2021
 - Archer River Quarry Environmental Management Plan - prepared by Groundwork Plus, dated February 2022

Extraction Area

2. Extraction must only occur within the following approved areas:
 - (a) Area 1 (GPS points 1 to 10);
 - (b) Area 2 (GPS points 11 to 27); and
 - (c) Sand Pit (GPS Points 28 to 31).

Maximum Extraction Rate

3. The amount of material extracted and screened per year must not exceed 300,000 tonnes per annum, comprising of:
 - (a) 290,000 tonnes of hard rock; and
 - (b) 10,000 tonnes of sand.

Maintenance of Orchid Creek Road

4. Orchid Creek Road must be maintained by the operator of the approved use for the life of the quarry operations.
5. Prior to the commencement of the use authorised under this development approval, an Infrastructure Agreement must be submitted and approved by Cook Shire Council which establishes the responsibilities for the maintenance of Orchid

Creek Road. The cost of the preparation and external legal review of the Infrastructure Agreement is the responsibility of the applicant.

Vehicle Access

6. Vehicle access to the approved extraction areas must be via the internal haul road.
7. The internal haul road at the intersection with Orchid Creek Road must be appropriately signposted to indicate a private haul road.
8. The internal haul road must be realigned in the vicinity of Area 2 to be wholly contained within the boundary of the subject site. The realigned haul road must be designed and constructed to an all-weather gravel standard and contain ancillary stormwater drainage.
9. Implement and maintain an Erosion and Sediment Control plan for the duration of the construction works of the internal haul road and until such time all exposed areas are permanently stabilised.
10. Upon completion of the works required by Condition 8, written confirmation by a suitably qualified professional, must be submitted to Council, confirming that the works have been carried out in accordance with the plans and specifications approved by Council.

Bushfire

11. Bushfire Management must be undertaken generally in accordance with the approved Environmental Management Plan.
12. An adequate water supply for firefighting purposes must be provided on site and be available on site at all times.

Rehabilitation

13. The site must be progressively rehabilitated generally in accordance with the approved Environmental Management Plan.

Compliance

14. All conditions of this Development Permit are to be complied with prior to the use commencing or as otherwise stated, and where relevant, maintained during the life of the quarry operation.

B. Assessment Manager (Council) Advice

1. The operation of the approved use is subject to conditions of an Environmental Authority Permit.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse unless an extension of time is granted.
3. The applicant/owner must notify Council their intention to commence the use after acceptance of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
4. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

Attachment 1 (B) – Conditions imposed by a concurrence agency



SARA reference: 2110-25554 SRA
Council reference: DA/4423
Applicant reference: 1148-DA1

18 March 2022

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown Qld 4895
mail@cook.qld.gov.au

Attention: Lisa Miller

Dear Sir/Madam

SARA response—Orchid Creek Road, Archer River

Archer River Quarry Expansion—Extractive Industry and Environmentally Relevant Activities (ERAs) 16(2)(b) and 16(3)(b)

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 5 November 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	18 March 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use - Development Permit for Extractive Industry and Environmentally Relevant Activities (ERAs) 16(2)(b) and 16(3)(b)
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SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017) Development application for a material change of use impacting on State transport infrastructure and thresholds
SARA reference:	Schedule 10, Part 5, Division 4, Table 2 (Planning Regulation 2017) Environmentally relevant activity 2110-25554 SRA
Assessment Manager:	Cook Shire Council
Street address:	Orchid Creek Road, Archer River
Real property description:	5SP187433
Applicant name:	Bowyer Archer River Quarries Pty Ltd
Applicant contact details:	PO Box 1779 Milton QLD 4064 planning@groundwork.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: P-EA-100213314 • Approval date: 16 March 2022 • Prescribed environmentally relevant activity (ERA): <ul style="list-style-type: none"> o ERA 16 - Extraction and Screening - 2(b) - Extracting, other than by dredging, in a year, the following quantity of material - more than 100,000t but not more than 1,000,000t o ERA 16 - Extraction and Screening - 3(b) - Screening, in a year, the following quantity of material - more than 100,000t but not more than 1,000,000t <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p>

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joanne Manson', with a stylized, cursive script.

Joanne Manson
A/Manager (Planning)

cc Bowyer Archer River Quarries Pty Ltd, planning@groundwork.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material change of use for Extractive Industry		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017) —Development application for a material change of use impacting on State transport infrastructure and thresholds— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>(a) Road works comprising of a bituminous pavement seal with a polymer binder must be provided at the Peninsula Developmental Road / Orchid Creek Road T-intersection.</p> <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> • Austroads Pavement Technology and Transport and Main Roads Specifications: MRTS11 Sprayed Bituminous Treatments (Excluding Emulsion), July 2019; and • Transport and Main Roads Specifications: MRTS18 Polymer Modified Binder (including Crumb Rubber), July 2020. 	Prior to the commencement of use.

Attachment 2—Advice to the applicant

General advice	
1.	<p>Terms and phrases</p> <p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.6, effective 7 February 2020. If a word remains undefined it has its ordinary meaning.</p>
2.	<p>Road works approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works.</p> <p>Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>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).</p> <p>Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p>Bituminous treatment works</p> <p>All bituminous treatment works must be RPEQ certified and approved by DTMR prior to works being undertaken by qualified and registered Queensland Sprayer.</p>
4.	<p>Waterway barrier works</p> <p>Operational works for waterway barrier works have not been assessed as part of this referral agency response. Any waterway barrier works needs to be undertaken under the appropriate authorisation. That is either as accepted development subject to requirements or under a separate development permit for waterway barrier works or both.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The subject site is located approximately 12km from the Peninsula Development Road, a state-controlled road.
- Access to the quarry site is via Orchid Creek Road, a local council road.
- Road access to Orchid Creek Road is via the sealed Peninsula Development Road / Orchid Creek Road T-intersection.
- Subject to a condition, the development does not result in a worsening of the operating performance of state-controlled roads and the surrounding road network
- The development does not compromise the state's ability to maintain and operate state-controlled roads.
- The closest sensitive receptor is located approximately 13.5km southwest of the existing activity.
- The development is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors.
- The development avoid impacts on matters of state environmental significance, and where avoidance is not reasonably possible, minimise and mitigate impacts, and provide an offset for significant residual impacts where appropriate.
- The development does not result in a significant residual impact on matters of state environmental significance.

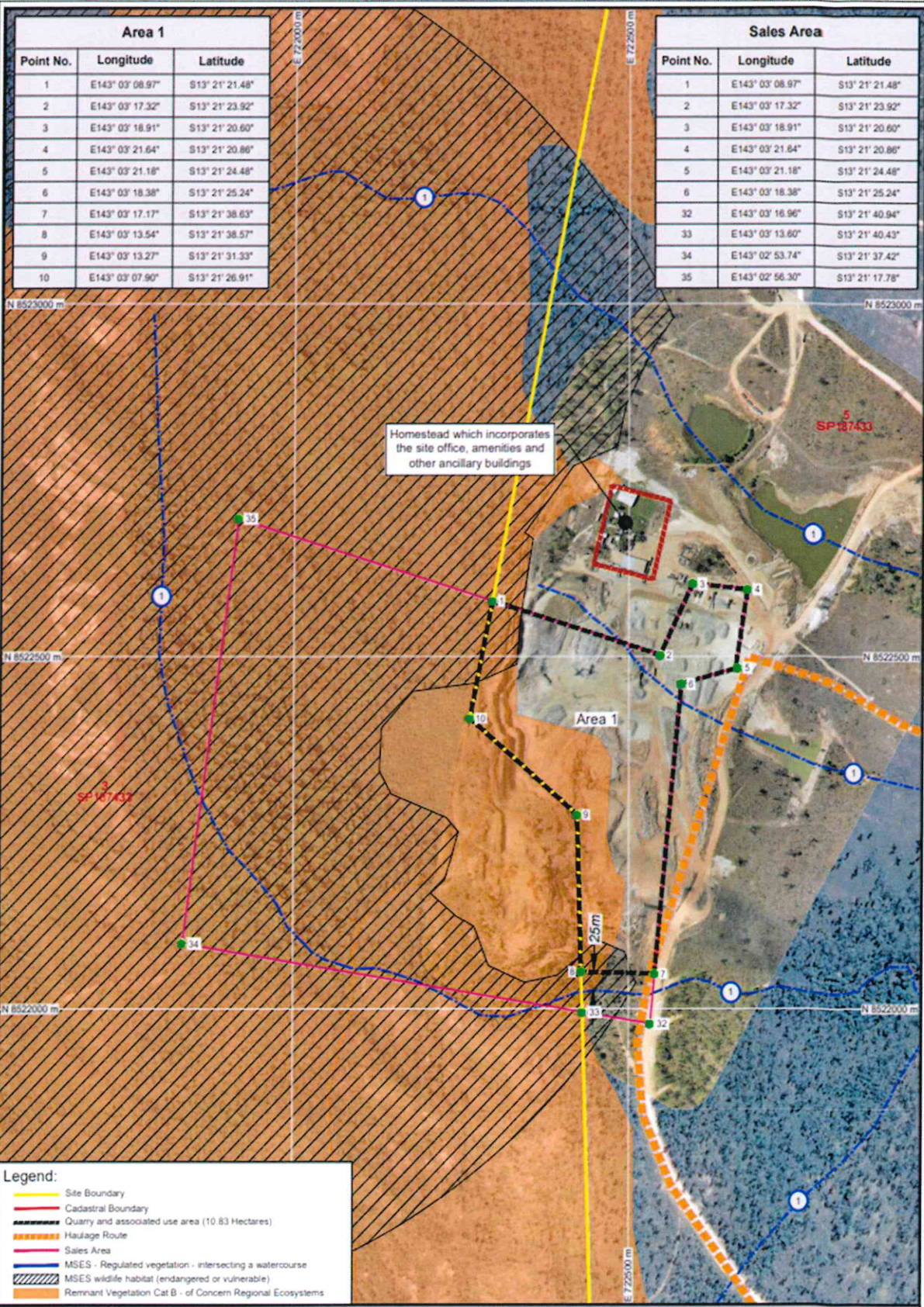
Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6, effective 7 February 2020), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4—Change representation provisions

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Attachment 2 – Approved Plans and Environmental Management Plan
D22/7858;D22/9331



Author	DATE	BY
Checked		
Approved		
Project	Archer River Quarry	
Drawn	Groundwork	
Scale	1:5000	
Sheet	1148 DRG 021A 5	

Archer River Quarry

Bowyer Group

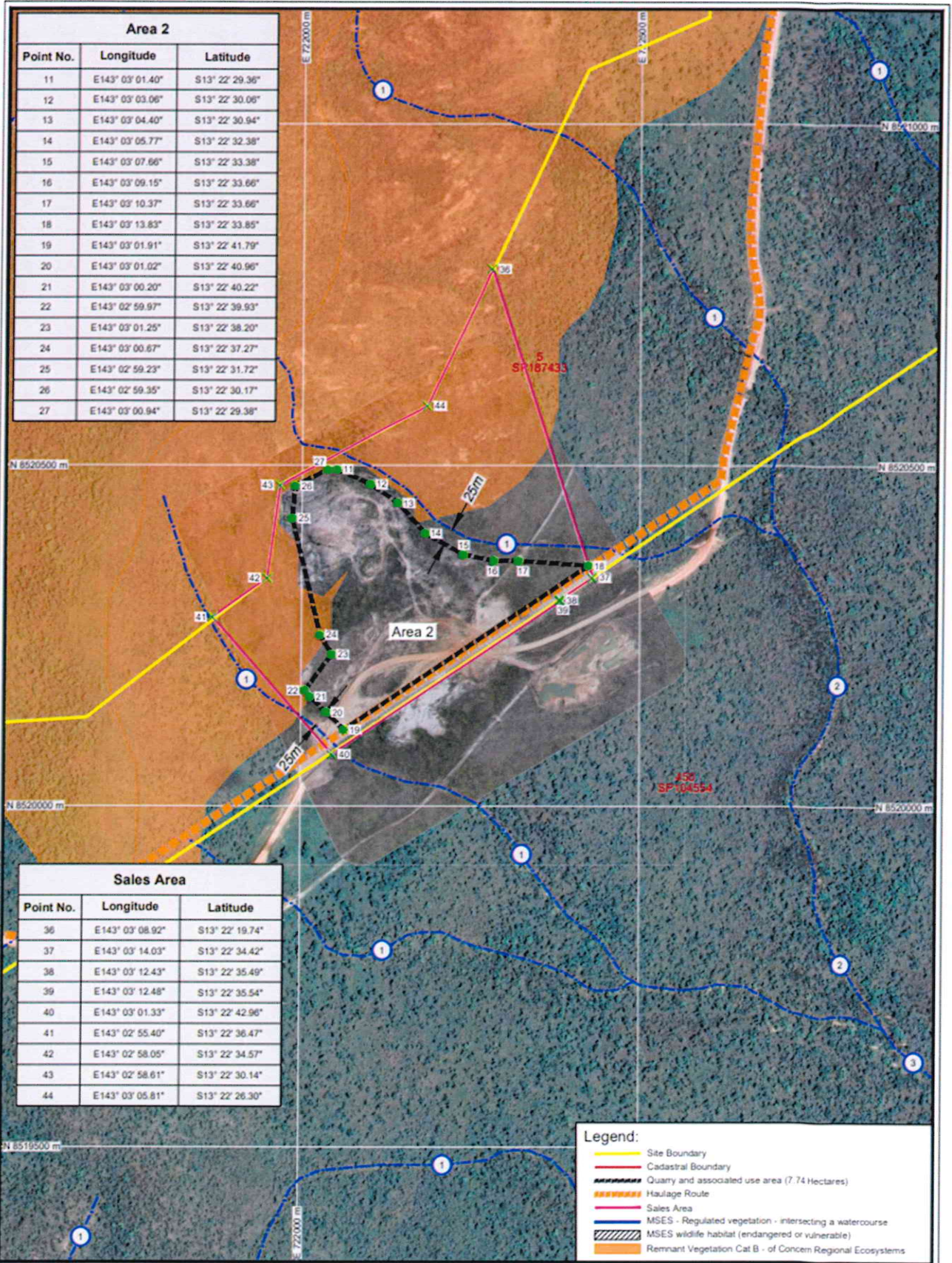
Site Plan - Area 1

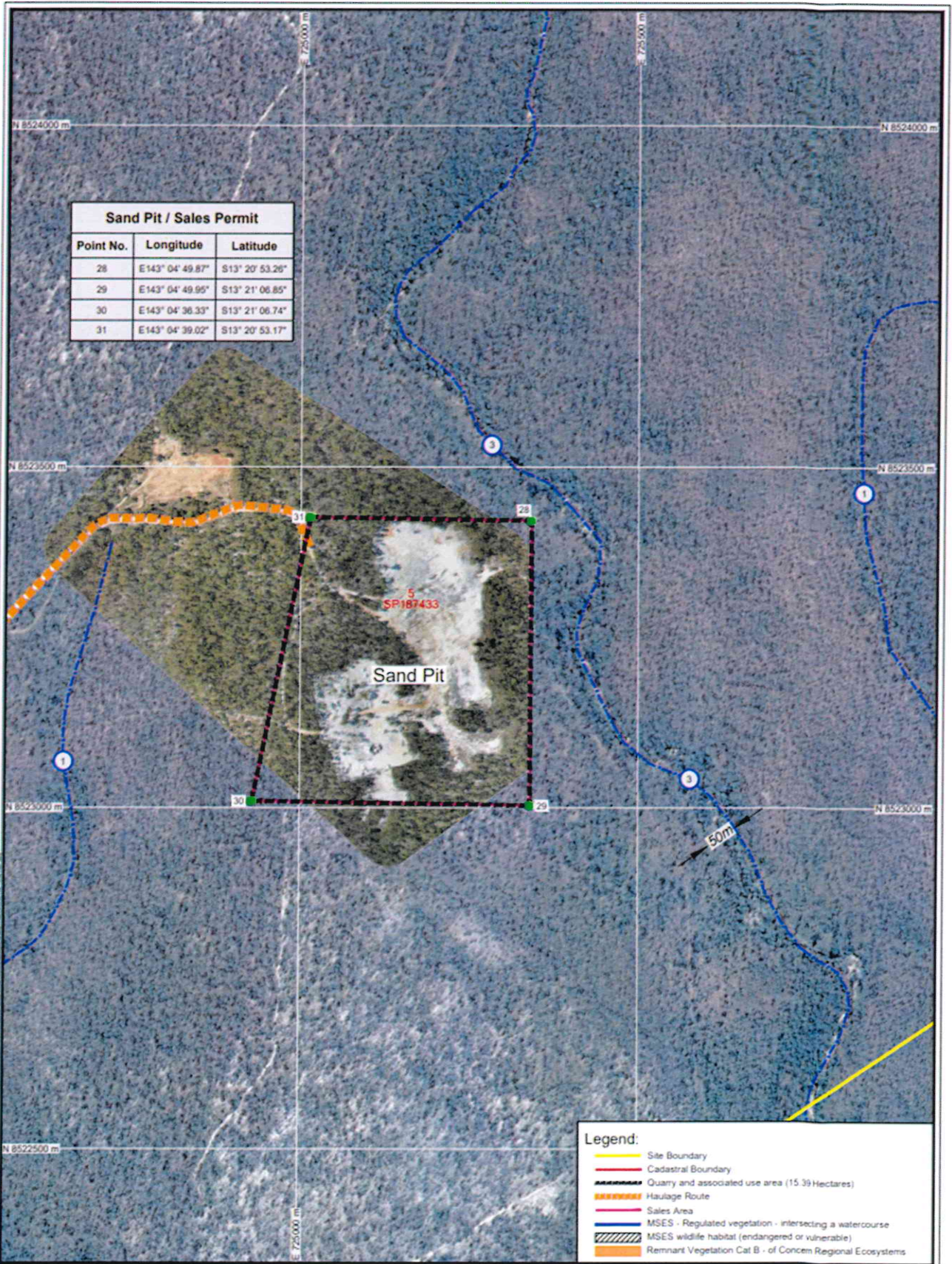
GROUNDWORK

1:5000

0 100m

1148 DRG 021A 5





Sand Pit / Sales Permit		
Point No.	Longitude	Latitude
28	E143° 04' 49.87"	S13° 20' 53.26"
29	E143° 04' 49.95"	S13° 21' 06.85"
30	E143° 04' 36.33"	S13° 21' 06.74"
31	E143° 04' 39.02"	S13° 20' 53.17"

- Legend:**
- Site Boundary
 - Cadastral Boundary
 - Quarry and associated use area (15.39 Hectares)
 - Haulage Route
 - Sales Area
 - MSES - Regulated vegetation - intersecting a watercourse
 - MSES wildlife habitat (endangered or vulnerable)
 - Remnant Vegetation Cat B - of Concern Regional Ecosystems

NO.	DESCRIPTION	DATE	BY
1	Issue for public comment	10/10/2018	...
2	Final design	10/10/2018	...
3	Final design	10/10/2018	...



Archer River Quarry

Bowyer Group

Site Plan - Sand Pit

GROUNDWORK 15,000 0 100m 1148 DRG 021C 5

Scale: 1:15,000

Project: Archer River Quarry

Drawn: [Name]

Checked: [Name]

Approved: [Name]

Attachment 3 – Notice about a Decision Notice

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts 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 meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	DA/4423
Applicant:	Bowyer Archer River Quarries Pty Ltd C/- Groundwork Plus
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Extractive Industry and Environmentally Relevant Activities (ERAs) 16(2)(b) and 16(3)(b)
Street Address:	Orchid Creek Road, Archer River
Real Property Description:	Lot 5 on SP187433
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Rural
Assessment Type:	Impact

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities (ERAs) 16(2)(b) and 16(3)(b)
Date of Decision:	26 April 2022

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Assessment Benchmarks	Comment
Planning Regulation 2017 (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act
Planning Regulation 2017 (Schedule 10)	<p>The application triggered a referral to SARA under:</p> <ul style="list-style-type: none"> - Schedule 10, Part 5, Division 4, Table 2, –Environmentally Relevant Activities. - Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 –State Transport Infrastructure
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy, part E	<p>Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy is integrated in the Planning Scheme.</p> <p>A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that the state interests (Mining and Extractive Resources and Natural Hazards, Risk and Resilience - Bushfire) are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (part E) or updated mapping are applicable.</p> <p>Of particular relevance to this application is the designation of the site as a key resource area.</p> <p>Mining and Extractive Resources</p> <p>Key resources areas (KRA's) are areas identified as containing extractive resources of state or regional significance. Identification of a KRA does authorise the extraction of a resource, rather the designation indicates the importance of protecting the deposit for the future and from incompatible land uses.</p> <p>A review of the current version of the SPP mapping has determined that the extent of the KRA designation (KRA 112 (Archer River) (resource/processing area and separation area), transport route and transport route separation area is consistent with the mapping in the Extractive Resource Overlay map in the Cook Shire Council Planning Scheme.</p>

Assessment Benchmarks	Comment
	<p>The proposal achieves compliance with the relevant assessment benchmarks in Part E of the SPP in that the proposed use for the extraction of materials is consistent with the KRA designation. The extraction of material from the Sand Pit will not impede the extraction of material in the KRA. The proposal does not introduce any incompatible land uses.</p> <p>The proposal will utilise the existing designated transport route with a realignment in a section near Area 2 to ensure the road is wholly contained within the boundary of Lot 5.</p>
Temporary State Planning Policy	There are no Temporary State Planning Policy

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Strategic Framework;
- Rural Zone Code;
- Extractive Industry Use Code;
- Parking and Access Code;
- Works, Services, and Infrastructure Code;
- Biodiversity Overlay;
- Bushfire Hazard Overlay; and
- Extractive Resources Overlay;

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

A review of Council's records has determined zero (0) submissions were received.

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- The proposed development to increase the annual output of the Extractive Industry to 300,000 tonnes per annum across three (3) operational areas will not



have an unacceptable adverse impact on the environment and is appropriate for the site.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not Applicable

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not Applicable

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not Applicable

OTHER DETAILS

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.

Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).