

Enquiries to: Planning Department
Our Reference: MCU24/0017
Your Reference: M2355-MCU-1

**Address all communications to
The Chief Executive Officer**

PO Box 974, Ayr Qld 4807
T (07) 4783 9800 | **F** (07) 4783 9999
planning@burdekin.qld.gov.au
www.burdekin.qld.gov.au

3 June 2025

Jones Holdings NQ
C/- Milford Planning
PO Box 5463
Townsville City QLD 4870
Via email: info@milfordplanning.com.au

Attention: Matteo Sandona, Senior Town Planner

Dear Matteo,

Development Application No. MCU24/0017

Decision Notice – Development Permit for Material Change of Use for Extractive industry on land located at 194 Phillips Camp Road, Jarvisfield (Lot 144 on GL12469 and Lot 145 on GL12469).

I refer to your development application made on behalf of Jones Holdings NQ, seeking a Development Permit for Material Change of Use for Extractive industry, on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **27 May 2025**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the aspects of the development's condition of approval, currency period, approved plans and includes extracts from the Planning Act 2016, with respect to the making of representations about conditions, suspension of the appeal period, negotiated decisions and lodgement of an appeal, should you wish to do so.

Yours sincerely,



Kellie Galletta

Manager Planning and Development

Enc: **Decision Notice**
Appeal Rights

Decision Notice



Planning Act 2016

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3 June 2025

This decision notice is given under Section 63 of the *Planning Act 2016*.

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU24/0017
Applicant Details:	Jones Holdings NQ C/- Milford Planning PO Box 5463 Townsville QLD 4870 Via email: info@milfordplanning.com.au
Owner Details:	G L Jones and R N Jones
Street Address:	194 Phillips Camp Road, Jarvisfield Qld 4807
Real Property Description:	Lot 144 on GL12469 and Lot 145 on GL12469
Proposal:	Material Change of Use – Extractive industry
Planning Scheme:	<i>Burdekin Shire Council Planning Scheme 2022</i>
Level of Assessment:	Impact

Decision Details

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

Type of Decision:	Approval with conditions
Date of Decision:	27 May 2025
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	1 properly made submission was received during the public notification period

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except as amended by the conditions of this permit. The approved plans are included in **Attachment B** of this Decision Notice.

Referral Agencies

The development application was referred in accordance with the following provisions of the *Planning Regulation 2017*:

Referral Status	Referral Agency and Address	Referral Trigger from Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q4810 Email: NQSARA@dsdilgp.qld.gov.au	Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) Material Change of Use that involves clearing native vegetation

The Referral Agency Response is set out in **Attachment C** of this Decision Notice.

Further Approvals Required

Refer to **Attachment A** - Conditions of Approval.

Infrastructure Charges

Infrastructure charges are not applicable to the proposed development.

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 the right to make an application for a declaration by Tribunal (refer 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
- 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*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Material Change of Use component of the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) 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 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*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- The whole Planning Scheme, specifically,
 - Rural Zone Code
 - Development Works Code
 - Bushfire hazard Overlay Code
 - Coastal Hazard Overlay Code
 - Environmental Significance Overlay Code
 - Flood Hazard Overlay Code

Compliance with Assessment Benchmarks and Reasons for the Decision

The proposed development was assessed against all assessment benchmarks listed above and complies with the exception of the following listed. Reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Rural Zone Code	
PO33 The siting and extent of extractive industry operations provides for a buffer of a width that effectively screens the operation from external view and minimises the impacts of the operation on the surrounding locality.	Given the relatively remote location and that the portion of the site to be used for the extraction activity is 1.3km from Phillips Camp Road, officers do not require a dedicated vegetation buffer to be provided as a screening mechanism. Any approval given has been conditioned to comply with all relevant legislation and provide a site-based management plan, to ensure impacts on the surrounding locality are minimised.
PO38 Disturbed areas are progressively rehabilitated to achieve a stable landform and be acceptable for future use utilising native plant species in rehabilitation.	To satisfy the Performance Outcome, conditions on the Development Permit require a site rehabilitation plan to be provided prior to works commencing.
Development Works Code	
PO18	

<p>Development is located, designed, constructed and operated to avoid adverse impacts on environmental values and water quality of groundwater, waterways and surface water storages arising from:</p> <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology; (b) waste water; (c) the creation or expansion of non-tidal artificial waterways; or (d) the release and mobilisation of nutrients and sediments. 	<p>Although the application states that the development is sited to avoid adverse impacts on environmental values, waterways, and water quality, no supporting detail has been provided.</p> <p>A condition has been included in the Development Permit requiring a site-based management plan to be provided prior to the commencement of works.</p>
<p>PO22</p> <p>Within the areas identified as potential acid sulfate soils on overlay map OM1, the generation or release of acid and metal contaminants into the environment from acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> (a) not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, draining or extracting groundwater, excluding tidal water or filling land; or (b) where disturbance of acid sulfate soils cannot be avoided, development: <ul style="list-style-type: none"> (i) neutralises existing acidity and prevents the generation of acid and metal contaminants; and (ii) prevents the release of surface or groundwater flows containing acid and metal contaminants into the environment. 	<p>The application and response to the Information request did not provide a response to this criterion.</p> <p>A condition has been included in the Development Permit requiring treatment and management of acid sulfate soils if the proposed works cause disturbance and/or oxidation of acid sulfate soils.</p>
Bushfire Hazard Overlay Code	
<p>PO7</p> <p>Effective safety and evacuation procedures and measures are established and maintained</p>	<p>The application and response to the Information request did not provide a response to this criterion.</p> <p>A condition has been included in the Development Permit requiring a Bushfire Hazard Assessment be undertaken and management plan prepared and implemented as part of the site-based management plan.</p>
Environmental Significance Overlay Code	
<p>PO9</p> <p>Development minimises potential for disturbance of wildlife as a result of noise, light, vibration or other sources.</p>	<p>The application and response to the Information request did not provide a response to this criterion.</p> <p>A condition has been included in the Development Permit requiring a site-based management plan to address site operations and environmental duty of care.</p>
Flood Hazard Overlay Code	
<p>PO18</p> <p>Adequate provision is made for safe evacuation, response and recovery during a flood event.</p>	<p>The application and response to the Information request did not provide a response to this criterion.</p>

	A condition has been included in the Development Permit requiring a site-based management plan to address site operations to ensure safe evacuation. This could be achieved by limiting activities during defined periods.
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Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development can, or can be conditioned to generally comply with the Strategic Framework and the intent of the relevant codes that apply including the Rural Zone Code, Bushfire Hazard Overlay Code, Flood Hazard Overlay Code, Coastal Hazard Overlay Code, Environmental Significance Overlay Code and Development Works Code.

Properly Made Submissions

One (1) properly made submission was received during the public notification period from Mr William Tait.

Despite being properly made, the submission does not contain matters relevant to the assessment of the application.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the [Planning Act 2016](#) states –

- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) The person –
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to register premises or to renew the registration of premises—20 business days after a notice is published under [section 269\(3\)\(a\)](#) or (4); or
- (d) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under [section 269A\(2\)\(a\)](#); or
- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (g) for an appeal relating to the [Plumbing and Drainage Act 2018](#)—
 - a. for an appeal against an enforcement notice given because of a belief mentioned in the [Plumbing and Drainage Act 2018, section 143\(2\)\(a\)\(i\), \(b\) or \(c\)](#)—5 business days after the day the notice is given; or
 - b. for an appeal against a decision of a local government or an inspector to give an action notice under the [Plumbing and Drainage Act 2018](#)—5 business days after the notice is given; or
 - c. for an appeal against a failure to make a decision about an application or other matter under the [Plumbing and Drainage Act 2018](#)—at anytime after the period within which the application or matter was required to be decided ends; or
 - d. otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about–

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund–
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that–
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to –

- (a) the respondent for the appeal; and
- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under [schedule 1, section 1](#), table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- (d) for an appeal about a change application under [schedule 1, section 1](#), table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court – the chief executive; and
- (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

(4) The *service period* is –

- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
- (b) otherwise – 10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—

- a. if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
- b. otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

(7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, [section 316\(2\)](#), [schedule 1](#) and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The [Judicial Review Act 1991, part 5](#) applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the [Judicial Review Act 1991](#) in relation to the decision or matter, may apply under [part 4](#) of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Attachment A – Conditions of Approval

Condition	Reason	Timing
1. General and Administration		
<u>Compliance with Conditions</u>		
1.1 The applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with:		At all times.
1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports.		
1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) and all other relevant legislative requirements to Council's satisfaction, and best industry practice.		
1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail.		
1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation.		
<u>Notice of Intention to Commence the Use</u>		
1.4 Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		
<u>Works – Applicant's Responsibility/Expense</u>		
1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required, are met by the applicant at no cost to the Council.		
1.6 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.		
1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.		
<u>Infrastructure Conditions</u>		
1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk.		
2. Approved Plans and Documents		

Attachment A – Conditions of Approval

Condition	Reason	Timing
<p>2.1 The proposed development must be completed, comply with and maintained, generally in accordance with the drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.</p> <p>2.2 One full set of the most recent approved plans must be held on-site and available for inspection for the duration of the construction phase.</p> <p>2.3 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p> <p>2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p>	To ensure that the development contributes to a safe and attractive industrial environment.	At all times.
3. Approved Plans		
Drawing Title	Drawing/Revision	Date
Sand Extraction Area	M2355-SK-01 Issue D	4/03/2025
4. Outstanding Charges		
4.1 All rates and charges (including infrastructure charges), in arrears in respect of the land subject of the application, are to be paid in full prior to the commencement of the proposed use.		
5. Notice of Intention to Commence the Use		
5.1 A minimum two (2) weeks prior to the commencement of the use on the land subject to this application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		
6. Nature and Extent of Approved Use		
6.1 This approval is limited to an Extractive Industry uses as defined: Extractive industry means the use of premises for – (a) extracting or processing extractive resources; and	The development must comply with all planning scheme requirements including definitions, nature and extent as	At all times.

Attachment A – Conditions of Approval

Condition	Reason	Timing
(b) any related activities, including, for example, transporting the resources to market.	approved and conditioned by this development permit.	
6.2 Specifically, the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 1.		
6.3 No other operations and/or activities are allowed other than that approved by this permit.		
6.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the applicant.		
6.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
6.6 Extraction volume is limited to a maximum 5,000 tonnes per calendar year.		
6.7 No fuel, oil, chemicals, or other hazardous materials are permitted to be stored on-site at any time.		
6.8 Unless otherwise agreed in writing by council, the operation and activities associated with the use are limited to:		
<ul style="list-style-type: none"> ▪ 6am – 6pm, Monday to Saturday ▪ No operation on Sundays or public holidays; and ▪ No extraction or haulage to occur during rainfall and/or flood events. 		
7. Roadworks, Access, Parking and Traffic		
7.1 RPEQ certification to be provided stating that the proposed route is suitable for B-Double access once trucks exit the 'as of right' B-Double route on Rita Island Road, if B-Double haulage is required.	To ensure development mitigates its impact on the road network and safety of road users in this location and is appropriately serviced by parking and	When B-Double haulage is required.

Attachment A – Conditions of Approval

Condition	Reason	Timing
	access facilities in accordance with relevant code/s and policy direction.	
8. Acid Sulfate Soils		
8.1 In the event that the works cause disturbance or oxidisation of acid sulfate soils: (a) an Acid Sulfate Soils Management Plan, prepared by a suitably qualified person, is to be submitted to Council for approval; (b) At a minimum the report must be prepared in accordance with the requirements of the Queensland Acid Sulfate Soil Technical Manual – Soil Management Guidelines; (c) The affected soil must be treated and thereafter managed until the affected soil has been neutralised or contained, with certification by the suitably qualified person confirming that the affected soil has been neutralised or contained in accordance with the guidelines and management plan, provided to Council. (d) The final Management Plan and any conditions or amendments thereto approved by Council must be implemented and maintained by the applicant/operator at all times.	To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulfate soils are avoided.	(i) Upon disturbance or oxidisation until the affected soil has been neutralised or contained, then (ii) At all times.
9. Site Rehabilitation Plan		
9.1 Prior to commencement of works, the applicant must prepare and submit to Council for approval a Site Rehabilitation Plan for the area to be affected by this approval. 9.2 The report is to be prepared by a suitably qualified person. 9.3 The report at a minimum must: (i) provide for progressive rehabilitation (ii) incorporate measures to minimise erosion, dust and noise (iii) include details of final landform profiling (iv) include a revegetation strategy using locally appropriate species to support ecological function; and (v) ensure final landform must be safe, stable, and suitable for its intended future use.	To ensure compliance with relevant assessment benchmarks.	(i) Prior to the Commencement of use, then (ii) At all times.

Attachment A – Conditions of Approval

Condition	Reason	Timing
9.4 The final Rehabilitation Plan and any conditions or amendments thereto approved by Council must be implemented and maintained by the Applicant at all times.		
10. Site Based Management Plan		
10.1 Prior to commencement of works, the applicant must prepare and provide to Council for approval a Site Based Management Plan prepared by a suitably qualified person, that at a minimum: <ul style="list-style-type: none"> (i) assesses and addresses the flood risk to the land to ensure effective safety and evacuation procedures for the use; (ii) assesses and addresses the bushfire risk to the land to ensure effective safety and evacuation procedures for the use; (iii) Demonstrates how the development minimises the potential for disturbance of environmental and ecological values as a result of noise, light, vibration or other sources. 	To ensure compliance with relevant assessment benchmarks.	(i) Prior to the commencement of use (ii) Then at all times.
10.2 The final Management Plan and any conditions or amendments thereto approved by Council must be implemented and maintained by the Applicant at all times.		
11. Stormwater		
11.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To ensure the premises appropriately manages and conveys stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	At all times.
11.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
12. Soil Erosion Minimisation, Sediment Control		
12.1 Should any works that involve the exposure of earth occur on site, appropriate erosion and sediment control management must be undertaken (including installation of site-specific stormwater treatment devices) and maintained to the satisfaction of the Council.	To ensure that receiving waters during operation of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times.

Attachment A – Conditions of Approval

Advice
<p>1. Compliance with Conditions Inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.</p>
<p>2. Aboriginal and Cultural Heritage If any item of cultural heritage is identified during site works, all work must cease, and the relevant state agency must be notified. Work can resume only after state agency clearance is obtained. The applicant is reminded of their obligations under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au</p>
<p>3. Amenity Impacts Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i>.</p>
<p>4. Miscellaneous</p> <p>4.1 Commencement Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au</p> <p>4.2 Environmental Nuisance Ensure compliance with the <i>Environmental Protection Act 1994</i>. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p>4.3 General Safety of Public It is the project manager's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p> <p>4.4 Storage of Materials and Machinery</p>

Attachment A – Conditions of Approval

Advice
All construction materials, waste, waste skips, machinery and contractor's vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.
4.5 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
4.6 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.
4.7 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

Drawing
Sand Extraction Area

Property
Phillips Camp Road, Jarvisfield
Lots 14a and 14b on GL12465

Drawing Number M235-SK-01 Issue D Reviewer NS
Date 4.3.25 Author HW
Vegetation Management Wetlands
Erosion Prone Area
Access Route
Waterway for Waterway Barrier
Works (High)
Waterway for Waterway Barrier
Works (Moderate)
Waterway for Waterway Barrier
Works (Low)
Highest Astronomical Tide

Legend

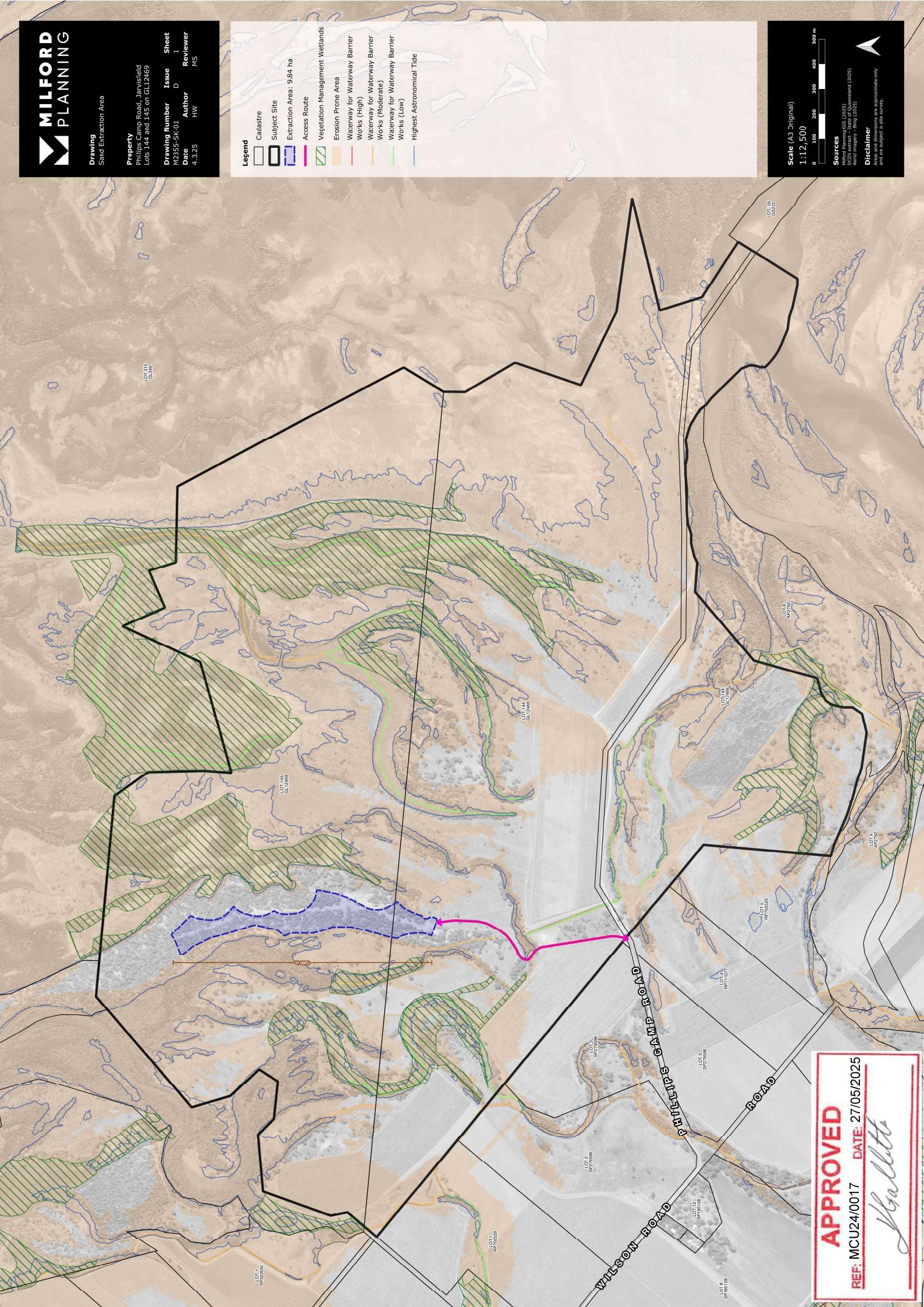
- Cadastre
- Subject Site
- Extraction Area: 9.84 ha
- Access Route
- Vegetation Management Wetlands
- Erosion Prone Area
- Waterway for Waterway Barrier
- Works (High)
- Waterway for Waterway Barrier
- Works (Moderate)
- Waterway for Waterway Barrier
- Works (Low)
- Highest Astronomical Tide

Scale (A3 Original)
1:12,500
0 100 200 300 400 500 m

Sources

ICD Extract - 2023
DCD Extract - 2023
Aerial Imagery - Bing (2023)

Disclaimer
All data are approximate only
and are subject to a site survey



APPROVED
REF: MCU24/0017 DATE: 27/05/2025

From: "No Reply" <mydas-notifications-test@qld.gov.au>
Sent: Mon, 17 Mar 2025 16:23:53 +1000
To: "RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>
Cc: "kirsty.geaney@dsdilgp.qld.gov.au" <kirsty.geaney@dsdilgp.qld.gov.au>; "info@milfordplanning.com.au" <info@milfordplanning.com.au>
Subject: 2412-43813 SRA application correspondence
Attachments: Attachment 5 - Documents referenced (VMP).pdf, GE83-N Representations about a referral agency response.pdf, 2412-43813 SRA RA6-N Response with conditions.pdf
Importance: Normal

Please find attached a notice regarding application [2412-43813 SRA](#).

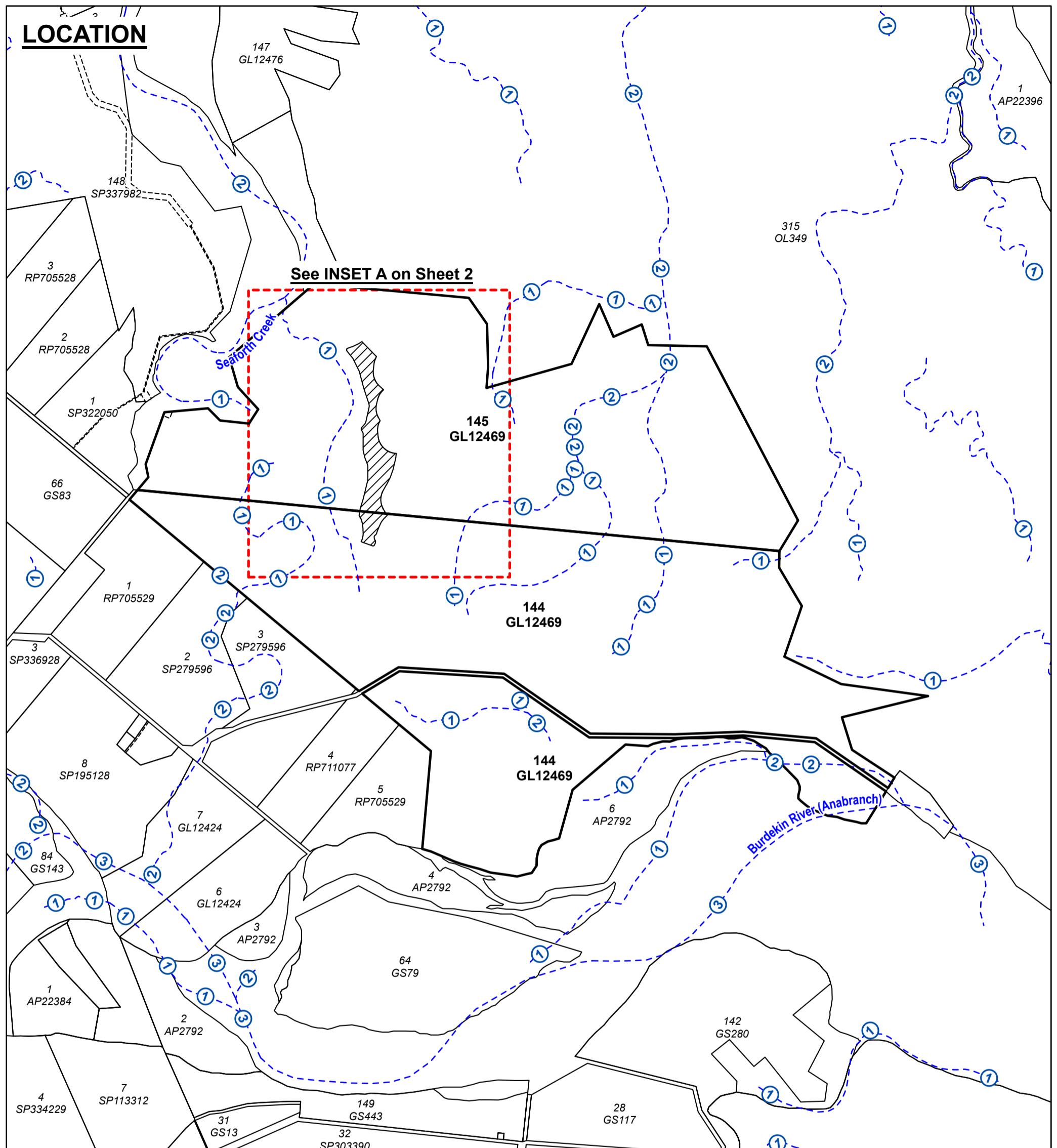
If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

RA6-N



Email Id: RFLG-0325-0023-2069



SCALE 1:20,000 @ A3 paper size

0 500 1,000 1,500 2,000 metres

Projection: GDA2020 MGA Zone 55

Datum: GDA2020

Notes: Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2412-43813 SRA

LEGEND

Subject Lots

Area A - Clearing Permitted

Watercourse and/or drainage feature
(Stream order label)



Vegetation Management Plan

Plan of Area A (Part A1) in Lot 144 on Plan GL12469 and Lot 145 on Plan GL12469

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2412-43813 SRA

Date: 17 March 2025

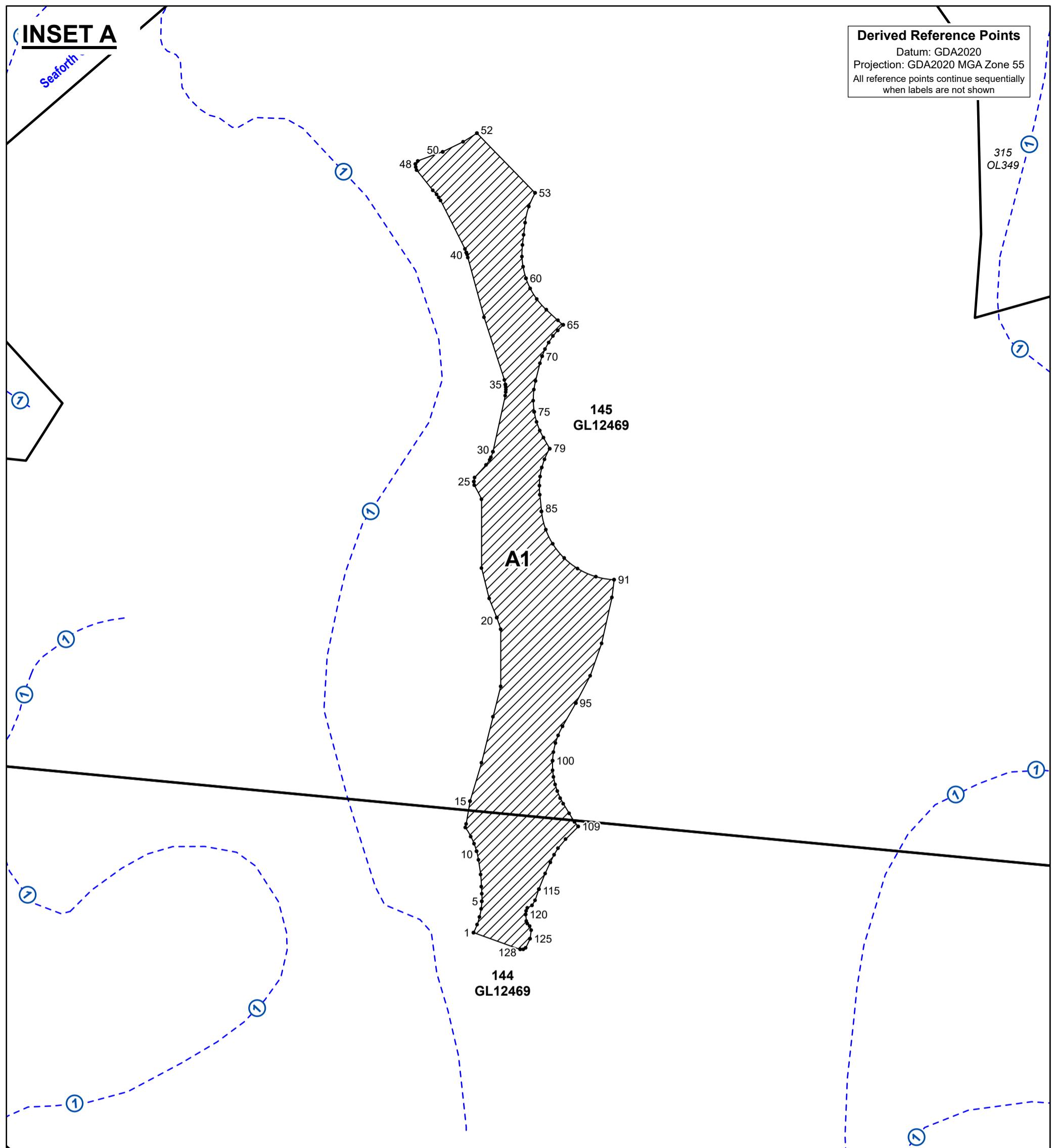


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VMP

2412-43813 SRA

Sheet 1 of 2



SCALE 1:5,000 @ A3 paper size

0 100 200 300 400 500 metres

Projection: GDA2020 MGA Zone 55

Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.

Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2412-43813 SRA

LEGEND

- 1 Derived Reference Points (see attachment)
- Subject Lots
- ▨ Area A - Clearing Permitted
- ‘(1) Watercourse and/or drainage feature (Stream order label)



Vegetation Management Plan

Plan of Area A (Part A1) in Lot 144 on Plan GL12469 and Lot 145 on Plan GL12469

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref: 2412-43813 SRA
Date: 17 March 2025



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VMP
2412-43813 SRA
Sheet 2 of 2

Attachment: 2412-43813 SRA**Derived Reference Points****Datum: GDA2020, Projection: MGA Zone 55**

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2412-43813 SRA

Date: 17 March 2025

Notes: Derived Reference Points are provided to assist in the location of Area boundaries.

Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
A1	1	555150	7835228
A1	2	555154	7835238
A1	3	555157	7835249
A1	4	555159	7835259
A1	5	555160	7835269
A1	6	555160	7835279
A1	7	555160	7835288
A1	8	555159	7835304
A1	9	555156	7835323
A1	10	555154	7835334
A1	11	555150	7835344
A1	12	555146	7835354
A1	13	555139	7835366
A1	14	555140	7835370
A1	15	555145	7835400
A1	16	555160	7835450
A1	17	555175	7835510
A1	18	555185	7835550
A1	19	555185	7835625
A1	20	555180	7835640
A1	21	555170	7835665
A1	22	555160	7835705
A1	23	555160	7835795
A1	24	555150	7835813
A1	25	555150	7835818
A1	26	555151	7835823
A1	27	555166	7835840
A1	28	555171	7835847
A1	29	555172	7835850
A1	30	555175	7835857
A1	31	555191	7835931
A1	32	555192	7835935
A1	33	555192	7835938
A1	34	555192	7835942
A1	35	555191	7835945
A1	36	555190	7835951
A1	37	555163	7836033
A1	38	555142	7836111
A1	39	555141	7836115
A1	40	555140	7836118
A1	41	555138	7836122
A1	42	555106	7836186
A1	43	555104	7836190
A1	44	555101	7836194
A1	45	555096	7836199
A1	46	555075	7836226
A1	47	555074	7836230
A1	48	555074	7836233
A1	49	555077	7836238
A1	50	555109	7836250
A1	51	555136	7836263
A1	52	555154	7836274
A1	53	555230	7836196
A1	54	555222	7836178
A1	55	555217	7836157
A1	56	555215	7836141
A1	57	555214	7836128
A1	58	555213	7836113
A1	59	555214	7836099
A1	60	555218	7836084

Part ID	Unique ID	Easting	Northing
A1	61	555224	7836071
A1	62	555232	7836057
A1	63	555245	7836043
A1	64	555260	7836029
A1	65	555267	7836023
A1	66	555260	7836016
A1	67	555253	7836008
A1	68	555248	7836000
A1	69	555243	7835991
A1	70	555239	7835982
A1	71	555236	7835973
A1	72	555231	7835950
A1	73	555229	7835938
A1	74	555228	7835924
A1	75	555229	7835909
A1	76	555232	7835896
A1	77	555236	7835885
A1	78	555241	7835875
A1	79	555249	7835861
A1	80	555242	7835847
A1	81	555239	7835837
A1	82	555237	7835825
A1	83	555236	7835813
A1	84	555236	7835801
A1	85	555239	7835779
A1	86	555244	7835755
A1	87	555253	7835736
A1	88	555268	7835718
A1	89	555286	7835704
A1	90	555310	7835694
A1	91	555333	7835690
A1	92	555331	7835666
A1	93	555317	7835606
A1	94	555302	7835564
A1	95	555283	7835528
A1	96	555266	7835498
A1	97	555260	7835486
A1	98	555257	7835476
A1	99	555254	7835465
A1	100	555253	7835453
A1	101	555253	7835441
A1	102	555254	7835432
A1	103	555256	7835422
A1	104	555259	7835413
A1	105	555263	7835404
A1	106	555267	7835397
A1	107	555274	7835384
A1	108	555282	7835373
A1	109	555287	7835367
A1	110	555270	7835350
A1	111	555260	7835339
A1	112	555255	7835330
A1	113	555250	7835320
A1	114	555243	7835306
A1	115	555235	7835285
A1	116	555230	7835270
A1	117	555226	7835264
A1	118	555220	7835260
A1	119	555218	7835256
A1	120	555218	7835252

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
 - (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
 - (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



SARA reference: 2412-43813 SRA
 Council reference: MCU24/0017
 Applicant reference: M2355-MCU-1

17 March 2025

Burdekin Shire Council
 PO Box 974
 AYR QLD 4807
 planning@burdekin.qld.gov.au

Attention: Planning and Development

Dear Sir/Madam

SARA referral agency response—194 Phillips Camp Road, Jarvisfield; Material change of use – Extractive industry (sand extraction)

(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 (SARA) on 22 January 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	17 March 2025
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 – Extractive Industry (Sand Extraction)
SARA role:	Referral agency	
SARA trigger:		Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017)

	Material change of use that involves clearing native vegetation
SARA reference:	2412-43813 SRA
Assessment manager:	Burdekin Shire Council
Street address:	194 Phillips Camp Road, Jarvisfield
Real property description:	Lot 144 on GL12469 and Lot 145 on GL12469
Applicant name:	Milford Planning C/- Jones Holdings NQ
Applicant contact details:	PO Box 5463 TOWNSVILLE CITY QLD 4810 info@milfordplanning.com.au
<i>Human Rights Act 2019</i> considerations:	Consideration of the <i>Human Rights Act 2019</i> sections 15 to 35 has been undertaken as part of this response. It has been determined that this response does not limit human rights.

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 Kirsty Geaney, Principal Planning Officer, on 47583414 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Steve Conner
Executive Director, Planning Services

cc Jones Holdings NQ, info@milfordplanning.com.au

enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response provisions
 Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3, Item 1 - Material change of use that involves clearing native vegetation. The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Resources and Mines, Manufacturing, Regional and Rural Development 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(s):		
1.	<p>Clearing of vegetation must:</p> <p>a) only occur within Area A (Part A1) as shown on the attached:</p> <ul style="list-style-type: none"> i. Vegetation Management Plan, prepared by Queensland Government, reference VMP 2412-43813 SRA, Sheet 1 of 2 and Sheet 2 of 2, Version 1 ii. Attachment to Vegetation Management Plan VMP 2412-43813 SRA Derived Reference Points for GPS <p>b) not exceed 9.823 hectares.</p>	At all times
2.	<p>Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.</p>	Prior to clearing

Attachment 2—Advice to the applicant

General advice

1.	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 3.1). If a word remains undefined it has its ordinary meaning.
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Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The proposed development achieves the relevant assessment benchmarks with State code 16 of SDAP (version 3.1). Specifically, the development:

- avoids clearing, and where avoidance is not reasonably possible, minimises clearing to:
 - conserve vegetation
 - avoid land degradation
 - avoid the loss of biodiversity
 - maintain ecological processes
- minimises contributions to greenhouse gas emissions
- is consistent with vegetation management requirements for particular regulated areas unless a better environmental outcome can be achieved
- avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible
- does not result in a significant residual impact on a matter 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 SDAP (version 3.1), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

(page left intentionally blank)