

8.2.7 Natural resources overlay code

8.2.7.1 Application

This code applies to assessing material change of use or reconfiguring a lot development applications for development within natural resource areas identified on the **Extractive resource overlay maps (OM-007) EI, Agricultural Land overlay maps (OM-008), and Water resource catchment area overlay maps (OM-09)** contained within Schedule 2 and identified as requiring assessment against the **Natural resources overlay code** by the tables of assessment in Part 5.

When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5.

8.2.7.2 Purpose

- (1) The purpose of the Natural resources overlay code is to ensure that the natural resources in the Western Downs region are protected from inappropriate development that may adversely impact on the productive use of natural resources by present and future generations.
- (2) The purpose of the Natural resources overlay code will be achieved through the following overall outcomes:
 - (a) development occurring within or adjacent to Key Resource Areas and local resource areas does not adversely affect or prejudice the ability of existing or future extractive industries to viably win the resource;
 - (b) development occurring within or adjacent to Key Resource Area transport routes or transport investigation areas does not constrain or otherwise conflict with the safe and efficient transportation of the extractive resource;
 - (c) the impacts of extractive industries on sensitive land uses within or adjacent to key resource areas and local resource areas and associated transport routes and transport investigation areas are mitigated to maintain high levels of safety and amenity;
 - (d) the alienation, loss or fragmentation of ALC Class A and B land is avoided, except where an overriding need exists for the development in terms of public benefit, where no suitable alternative site exists, and the loss or fragmentation of ALC Class A and B land is minimised;
 - (e) water resource catchment areas are protected from activities that have the potential to negatively impact the quality and sustainability of groundwater.

8.2.7.3 Assessment benchmarks

Part A - Criteria for accepted and assessable development

Table 8.2.7.1 - Natural resources overlay code

Performance outcomes	Acceptable outcomes
For accepted, accepted subject to requirements and assessable development (code, code (fast tracked) and impact)	
Extractive resources	
PO1 Development within a Resource Processing Area identified on the Extractive industry overlay maps (OM-007) EI does not prevent or constrain the current or future viability and efficient winning or processing of mineral or extractive resources.	AO1 Development within a Resource Processing Area identified on the Extractive industry overlay maps (OM-007) EI is for: <ol style="list-style-type: none"> (a) <i>Extractive industry</i> or activities directly associated with <i>Extractive industry</i>; or (b) a <i>temporary use</i> which would not constrain existing or future <i>Extractive industry</i> activities.

Performance outcomes	Acceptable outcomes
<p>PO2 Development for <i>Extractive industry</i> within the Separation Area does not compromise the function of the Separation Area in providing a buffer between extractive and processing operations and any incompatible uses or <i>sensitive land uses</i> located outside of the Separation Area.</p>	<p>AO2 Extractive industry is not undertaken within a Separation Area identified on the Extractive industry overlay maps (OM-007) EI.</p> <p>Note- AO2 does not apply to the transportation of extractive resources undertaken on a Transport Route identified on the Extractive industry overlay maps (OM-007) EI.</p>
<p>PO3 <i>Sensitive land uses</i> are sited so as not to prevent or constrain the efficient winning or processing of mineral or extractive resources from the Resource Processing Area, and are designed to manage the impacts of <i>Extractive industry</i> operations having regard to:</p> <ul style="list-style-type: none"> (a) the acoustic amenity of sensitive land uses, in particular noise emissions associated with blasting, crushing, screening, and haulage operations; (b) air quality, and in particular particulate emissions associated with extractive industry and mining operations; (c) wellbeing, health and safety of the occupants of sensitive land uses; (d) lighting impacts associated with night operations; and (e) vibration impacts associated with blasting operations. <p>Note- to demonstrate compliance with this outcome, applicants are likely to have to supply adequate information to demonstrate that the proposed uses would not be subject to adverse impacts from existing and future extractive operations by:</p> <ul style="list-style-type: none"> (a) locating buildings and structures the greatest distance practicable from the resource / processing area and associated transportation route; (b) designing buildings so the areas where people live, work and congregate (habitable rooms) are furthestmost from the resource / processing area and associated transportation route; and (c) minimising openings in walls closest to these effects; and (d) providing mechanical ventilation to habitable rooms; and (e) providing private outdoor recreation space adjacent to a building façade shielded from the <i>Extractive industry</i> operations or potential <i>Extractive industry</i> operations. 	<p>AO3.1 <i>Sensitive land uses</i> are not located within:</p> <ul style="list-style-type: none"> (a) Resource Processing Areas or Separation Areas identified on Extractive industry overlay maps (OM-007) EI; (b) 100 metres from either side of a road reserve boundary identified as a Transport Route Separation Area on Extractive industry overlay maps (OM-007) EI; (c) 1000 metres from an <i>Extractive industry</i> or mining resource where blasting, crushing or screening is involved as identified on Extractive industry overlay maps (OM-007) EI; (d) 200 metres from a sand or gravel resource or other <i>Extractive industry</i> or mining resource which does not involve blasting, crushing or screening as identified on Extractive industry overlay maps (OM-007) EI. <p>Where for Reconfiguring a Lot</p> <p>AO3.2 Reconfiguring a Lot does not result in the creation of a new lot wholly within a Separation Area.</p> <p>AO3.3 Where Reconfiguring a Lot results in the creation of a lot partly within a Separation Area, <i>sensitive land uses</i> are excluded from that part of the lot identified as Separation Area.</p>

Performance outcomes	Acceptable outcomes
<p>PO4 Where native vegetation exists between the intended location of a <i>sensitive land use</i> and an extractive resource area or mining resource area or haul route, the vegetation is retained and enhanced to provide a screen effect to light, dust and visual impacts of mining.</p>	<p>AO4 Native vegetation is retained within the separation areas identified in AO3.1 (b), (c) and (d).</p>
<p>PO5 Vehicular accesses on Transport Routes identified on Extractive resources overlay maps (OM-008) do not adversely affect the safe and efficient operation of vehicles using the Transport Route for the conveyance of extractive materials.</p>	<p>AO5 No new vehicular accesses are created on Transport Routes identified on Extractive industry overlay maps (OM-007) EI.</p>
Agricultural Land	
<p>PO6 Loss or fragmentation of ALC Class A and B Land is avoided unless:</p> <ul style="list-style-type: none"> (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; (c) loss or fragmentation is minimised to the extent possible. <p>Note: Where for a performance-based solution, an assessment to determine the impact of the development on agricultural land including loss or fragmentation be prepared by a suitably qualified person, such as a Certified Practising Agriculturalist (CPAg).</p>	<p>Where for a Material Change of Use in the Rural Zone AO6.1 Development (inclusive of the <i>development footprint</i>) is not located on land identified as ALC Class A and B Land on the Agricultural Land overlay maps (OM-008) unless identified in Table 8.2.7.2.</p> <p>Where for Reconfiguring a Lot in the Rural Zone AO6.2 Reconfiguring a lot does not result in the creation of a lot with an area less than 500 hectares on land identified as ALC A and B Land on the Agricultural Land overlay maps (OM- 008).</p>
<p>PO7 <i>Sensitive land uses</i> in proximity to ALC Class A and B Land are located and designed in a manner that:</p> <ul style="list-style-type: none"> (a) avoids land use conflict; (b) avoids the alienation of the resource; (c) manages impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; and (d) does not adversely affect public health, safety and amenity; (e) unless it is demonstrated that the area does not support ALC Class A and B Land as mapped. <p>Note- Note where Reconfiguring a lot occurs within land identified as <i>ALC Class A and B Land</i> for <i>urban purposes</i> within a <i>Future urban area</i> or <i>Urban investigation area</i> and is otherwise consistent with the Planning Scheme (including Part 4 - Strategic Plan) and other relevant State policy, State planning regulatory provisions and State legislation a buffer to <i>sensitive land uses</i>, dedicated as public open space may be provided in accordance with a structure plan.</p>	<p>Where for Reconfiguring a Lot in the Rural Zone or a Residential Zone Category on land that adjoins the Rural Zone AO7 Lots created for <i>sensitive land uses</i> within land identified as ALC Class A and B Land area identified on Agricultural Land maps (OM-008) provide a public open space buffer area with a minimum width of:</p> <ul style="list-style-type: none"> (a) 300 metres where open ground conditions apply; or (b) 50 metres minimum width where vegetated in accordance with a detailed landscape plan and maintained in accordance with a public open space management plan.

Performance outcomes	Acceptable outcomes
Water Resource Catchment Area	
<p>PO8 Development in water resource catchment areas identified on Water resource catchment areas overlay maps (OM-009) ensures groundwater quality is maintained.</p>	<p>Where for Material Change of Use in the Rural Zone AO8.1 The following activities are not located on land identified as a Water Resource Catchment Area on Water resource catchment areas overlay maps (OM- 009):</p> <ul style="list-style-type: none"> (a) <i>Animal keeping</i>; (b) <i>Intensive animal industry</i>; (c) <i>Intensive horticulture</i>; (d) <i>Industry activities</i>. <p>Where for Reconfiguring a Lot in the Rural Zone AO8.2 Reconfiguring a lot does not result in the creation of a lot with an area less than 500 hectares on land identified as a Water Resource Catchment Area on Water resource catchment areas overlay maps (OM-009).</p>

Table 8.2.7.2 Acceptable development within Agricultural Land

<ul style="list-style-type: none"> (a) <i>animal husbandry</i>; (b) <i>animal keeping</i>; (c) <i>aquaculture</i>; (d) <i>cropping including a building, structure or activity supporting cropping</i>; (e) <i>dwelling house</i>; (f) <i>home based business</i>; (g) <i>intensive animal industry</i>; (h) <i>intensive horticulture</i>; (i) <i>landing</i>; (j) <i>outdoor lighting</i>; (k) <i>permanent plantation</i>; (l) <i>roadside stalls</i>; (m) <i>wholesale nursery</i> (n) <i>winery</i>.
