

NOTICE ABOUT DECISION - STATEMENT OF REASONS

The following information is provided in accordance with Section 63(5) of the Planning Act 2016

The development application for:

Proposed Development:	Request to Change an Existing Approval for a Material Change of Use to establish an Extractive Industry (up to 300,000t per annum) and Environmentally Relevant Activity 16 (2)(b)	
Application No:	050.2018.349.001	File Refs: A13387 & LG7.6.1
Street Address:	Arndt's Road, Sujeewong	
Real Property Description:	Lot 5 on NT196 and Easement FC on SP225889	

On 21 September 2018, the above Request to Change application was approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- The proposed change is to amend the timing for roadworks to be completed in accordance with amended staging of the development. Roadworks conditions at full capacity of operations have not been amended.
- The proposed development was originally conditioned to ensure noise and air emissions are appropriately managed. The existing conditions continue to meet Council's current standards.
- The site is located within a Rural area and the proposed change is not considered to impact the safe operation of Rural roads in the locality.

2. Assessment Benchmarks

The following are the benchmarks applying to this development:

ASSESSMENT MATTERS	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> ▪ <i>Planning Act 2016</i> <ul style="list-style-type: none"> • Section 81 ▪ Development Assessment Rules <ul style="list-style-type: none"> • Schedule 1 ▪ Planning Scheme for Chinchilla Shire 2006 <ul style="list-style-type: none"> • Rural Zone Code ▪ State Planning Policy <ul style="list-style-type: none"> • Part E - Water Quality ▪ Western Downs Planning Scheme 2017 <ul style="list-style-type: none"> • Rural Zone Code • Biodiversity Areas Overlay Code • Bushfire Hazard Overlay Code • Infrastructure Overlay Code • Natural Resources Overlay Code

	<ul style="list-style-type: none"> • Scenic Amenity Overlay Code • Waterway Corridors Overlay Code • Wetlands Overlay Code • Extractive Industry Code • Transport, Access and Parking Code • Infrastructure Services Code 										
Reasons for Decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.										
	<table border="1"> <thead> <tr> <th style="text-align: left;">Assessment Benchmark</th> <th style="text-align: left;">Reasons for the Approval Despite Non-compliance with Benchmark</th> </tr> </thead> <tbody> <tr> <td colspan="2">Development Assessment Rules</td> </tr> <tr> <td>(d) <i>"changes the ability of the proposed development to operate as intended."</i></td> <td>The proposal to amend the roadworks staging does not change the ability of the development to operate as intended. The approved use remains an extractive industry. The propose change merely reduces the financial load on the developer to commence the use without impacting on the safe operation of Council's road network.</td> </tr> <tr> <td>(f) <i>"significantly impacts on traffic flow and the transport network, such as increasing traffic to the site."</i></td> <td>The proposed change will not increase traffic to the subject site nor significant impact on traffic flow. The proposed haul route will remain unchanged, the level of upgrades for each stage of extraction are the only changes. Council's Infrastructure Services team has reviewed the proposed staged conditions and consider they are suitable for the safe operation of the local road network.</td> </tr> <tr> <td>(i) <i>"impacts on infrastructure provisions."</i></td> <td>The roadworks required to address the impacts of the full development, being the extraction of 300,000t per annum, are not proposed to change. The proposed change simply reduces the level of works required at lower stages of development.</td> </tr> </tbody> </table>	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark	Development Assessment Rules		(d) <i>"changes the ability of the proposed development to operate as intended."</i>	The proposal to amend the roadworks staging does not change the ability of the development to operate as intended. The approved use remains an extractive industry. The propose change merely reduces the financial load on the developer to commence the use without impacting on the safe operation of Council's road network.	(f) <i>"significantly impacts on traffic flow and the transport network, such as increasing traffic to the site."</i>	The proposed change will not increase traffic to the subject site nor significant impact on traffic flow. The proposed haul route will remain unchanged, the level of upgrades for each stage of extraction are the only changes. Council's Infrastructure Services team has reviewed the proposed staged conditions and consider they are suitable for the safe operation of the local road network.	(i) <i>"impacts on infrastructure provisions."</i>	The roadworks required to address the impacts of the full development, being the extraction of 300,000t per annum, are not proposed to change. The proposed change simply reduces the level of works required at lower stages of development.
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	Planning Scheme for ChinchillaShire 2006										
	Any conflict with the Scheme as a result of the original application is considered to have been resolved as part of the original Development Approval. No additional areas of non-compliance occur due to the proposed change.										
	Western Downs Planning Scheme 2017										
Rural Zone Code											
PO5 Development must not detract from the amenity of the local area, having regard to: <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) lighting; (e) advertising devices; (f) visual amenity; (g) privacy; (h) odour; or (i) emissions. 	The property is large in area and located in a sparsely populated area. Notwithstanding, the proposed development has the potential to impact on the amenity of the local area. Through the implementation of the existing conditions and the approved Site Based Management Plan, the risk of impacts is considered to be adequately managed.										

	<p>Scenic Amenity Overlay Code</p>	
	<p>AO1.4 Where within High Landscape Value Areas identified on Scenic amenity overlay maps (OM-011) no vegetation clearing occurs:</p> <ul style="list-style-type: none"> (a) within 100 metres of ridgelines or peaks; (b) on land with a slope greater than 15 percent; (c) within 100 metres of waterways; (d) within 100 metres of wetlands; (e) unless where in accordance with Part 8.2 - Bushfire hazard overlay code. <p>Note – waterways and wetlands are identified on Wetlands overlay maps (OM-014) and Waterway corridors overlay maps (OM-013).</p>	<p>Alternative Solution The approved development is for an extractive industry. The proposed extraction area does include a ridgeline and peak. Based on the contours of the overall site and the setbacks of the development area to the road, the proposed extraction activities are not considered to adversely impact the overall scenic amenity of the locality. Existing vegetation outside of the extraction area is proposed to be retained to screen the activity.</p>
	<p>Extractive Industry Code</p>	
	<p>AO3.2 Extraction, crushing, screening, loading haulage and the operation or maintenance of plant equipment and vehicles are only to be undertaken between the hours of:</p> <ul style="list-style-type: none"> (a) 6.00am and 6.00pm Monday to Friday; and (b) 8.00am and 2.00pm on Saturdays. <p>AO3.3 No <i>Extractive industry</i> operations are conducted on a Sunday or public holiday.</p>	<p>Alternative Solution The proposed development was originally conditioned to operate 6:00am to 6:00pm, Monday to Sunday, with no operations on Public Holidays. These operating hours were subject to is a bona fide complaint was received within 6 months of the commencement of the use. Given the distance to the nearest sensitive land use, the current operating hours are considered suitable to be retained subject to the developer's compliance with the noise monitoring conditions required if a complaint is received.</p>