

SARA reference: 1804-5046 SRA
Council reference: 2491/2018/MCU

14 October 2019

Chief Executive Officer
Ipswich City Council
PO Box 1559
IPSWICH QLD 4305
development@ipswich.qld.gov.au

Attention: Ms Nikki Morrison

Dear Ms Morrison

SARA changed response—149 Rhondda Road, New Chum

(Given under section 28 of the Development Assessment Rules)

On 27 September 2019 the Department of State Development, Manufacturing, Infrastructure and Planning (the department) received notice of a change to the development application described below. The department has assessed the changes and now provides this changed referral agency response that replaces the response dated 17 July 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	14 October 2019
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 for Special industry (waste recycling and reprocessing – waste transfer station, crushing, milling or grinding) Minor utility and Caretaker's residence and Environmentally Relevant Activities (ERA 33 crushing, milling, grinding or screening, ERA 54 (1) mechanical waste reprocessing ERA 61 (1)(e) thermal waste reprocessing and treatment and ERA 62 (1)(a) resource recovery and transfer facility operation)
--------------	--------------------	---

SARA role:	Referral agency
SARA trigger:	Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017)
	Material change of use for non-devolved environmentally relevant activity
	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017)
	Material change of use for special industry use impacting on state-transport infrastructure
SARA reference:	1804-5046 SRA
Assessment Manager:	Ipswich City Council
Street address:	149 Rhondda Road, New Chum
Real property description:	Lot 73 on SP128662
Applicant name:	Jackal Renewables Pty Ltd
Applicant contact details:	C/- Ardent Group, 3 Water Street, Red Hill QLD 4059
Environmental Authority:	<p>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:</p> <ul style="list-style-type: none"> • Approved. • Reference: EA0001872. • Effective date: When the material change of use development permit under the <i>Planning Act 2016</i> takes effect. • Prescribed environmentally relevant activity (ERA): ERA 33 crushing, milling, grinding or screening, ERA 54 (1) mechanical waste reprocessing ERA 61 (1)(c) thermal waste reprocessing and treatment and ERA 62 (1)(a) resource recovery and transfer facility operation. <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 referral agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the 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 Kieran Hanna, Principal Planning Officer, on (07) 3432 2404 or via email IpswichSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

enc Attachment 1 – Changed referral agency conditions
 Attachment 2 – Advice to the applicant
 Attachment 3 – Changed reasons for referral agency response
 Attachment 4 – Change representation provisions
 Attachment 5 – Approved plans and specifications

cc Jackal Renewables c/- Ardent Group, Richard.davis@ardent-group.com.au

Attachment 1—Changed 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
Development permit for material change of use for Special industry (waste recycling and reprocessing – waste transfer station, crushing, milling or grinding) Minor utility and Caretaker's residence and Environmentally Relevant Activities (ERA 33 crushing, milling, grinding or screening, ERA 54 (1) mechanical waste reprocessing ERA 61 (1)(c) thermal waste reprocessing and treatment and ERA 62 (1)(a) resource recovery and transfer facility operation)		
Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017) Non-devolved environmentally relevant activity—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> Development Plan Site Layout Plan, prepared by Hunt Michel and Partners, dated 8 October 2018 18 September 2019, job number 218010, drawing number C4 C1C revision A C. 	At all times
2.	The development must be carried out generally in accordance with the plan referenced in condition 1; in particular: <ul style="list-style-type: none"> There must be no vegetation clearing as part of the environmentally relevant activities for this development. The use of waste products as hardstand, in particular fibre cement by-product, may contain prescribed water contaminants. No release of contaminants to waters and land is authorised as part of the development approval. 	Prior to the commencement of use and to be maintained at all times
3.	Implement noise mitigation measures as outlined in the Air and Noise Assessment – Proposed Resource Recovery Facility, New Chum, prepared by Air Noise Environment, and dated 25 January 2019, reference: 2535.1report02.odt.	At all times
Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017) State transport infrastructure—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(s):		
4.	(a) Road works comprising the extension of the existing right turn Cunningham Highway Off-Ramp lane must be provided at the Aberdare Street / Cunningham Highway Off-Ramp priority-controlled intersection. (b) Any works to the Cunningham Highway Off-Ramp Right Turn Lane required under part (a) must achieve appropriate normal design domain sight distances for Aberdare Street's calculated 85th percentile speed.	(a) - (e) Prior to the commencement of use

No.	Conditions	Condition timing
	<p>(c) Clearing of vegetation and the relocation of existing signage, if required, must be completed to ensure sight distance can be achieved for the calculated 85th percentile speed on Aberdare Street, and that no additional ongoing maintenance is required by the Department of Transport and Main Roads.</p> <p>(d) Provide advance warning signage on Aberdare Street to alert west-bound traffic of the Aberdare Street / Cunningham Highway Off-Ramp priority-controlled intersection.</p> <p>(e) The road works and signage must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd edition, Department of Transport and Main Roads, 2013 and the Manual of Uniform Traffic Control Devices, Department of Transport and Main Roads, March 2019. Registered Professional Engineer of Queensland certification with supporting documentation must be provided to Metropolitan.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the intersection has been designed and constructed in accordance with parts (a) to (d) of this condition.</p>	

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 v2.3 (SDAP). If a word remains undefined it has its ordinary meaning.
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 to carry out road works on a state-controlled road. Please contact the Metropolitan Compliance Team at the Department of Transport and Main Roads (Metropolitan Office) at Metropolitan.IDAS@tmr.qld.gov.au 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). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p>B-Double and Oversized or over mass vehicles</p> <p>The applicant is advised that B-Double, oversized or overmass vehicular routes will most likely require approval from the Department of Transport and Main Roads or National Heavy Vehicle Regulator (NHVR). Information regarding the B-double and Oversize Overmass permits can be found at www.nhvr.gov.au/road-access/access-management/applications.</p>

Attachment 3—Changed reasons for referral agency response

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

The reasons for the department's decision are:

- **With conditions**, the **changed** development complies with the purpose and applicable performance outcomes of State code 6: Protection of state transport networks and State code 22: Environmentally relevant activities of the State Development Assessment Provisions.
- **Undertaking the conditioned roadworks** The development application material demonstrates protects state transport infrastructure from adverse impacts and maintains the operational performance of the state transport network.
- The development application material demonstrates that risks associated with the facility have been identified and can be managed appropriately to protect human health and safety, proportionate to the sensitive of the surrounding land uses.

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 2.3), as published by the department.
- The Development Assessment Rules.

Attachment 4—Change representation provisions

(page left intentionally blank)

Attachment 5—Approved plans and specifications

(page left intentionally blank)

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*

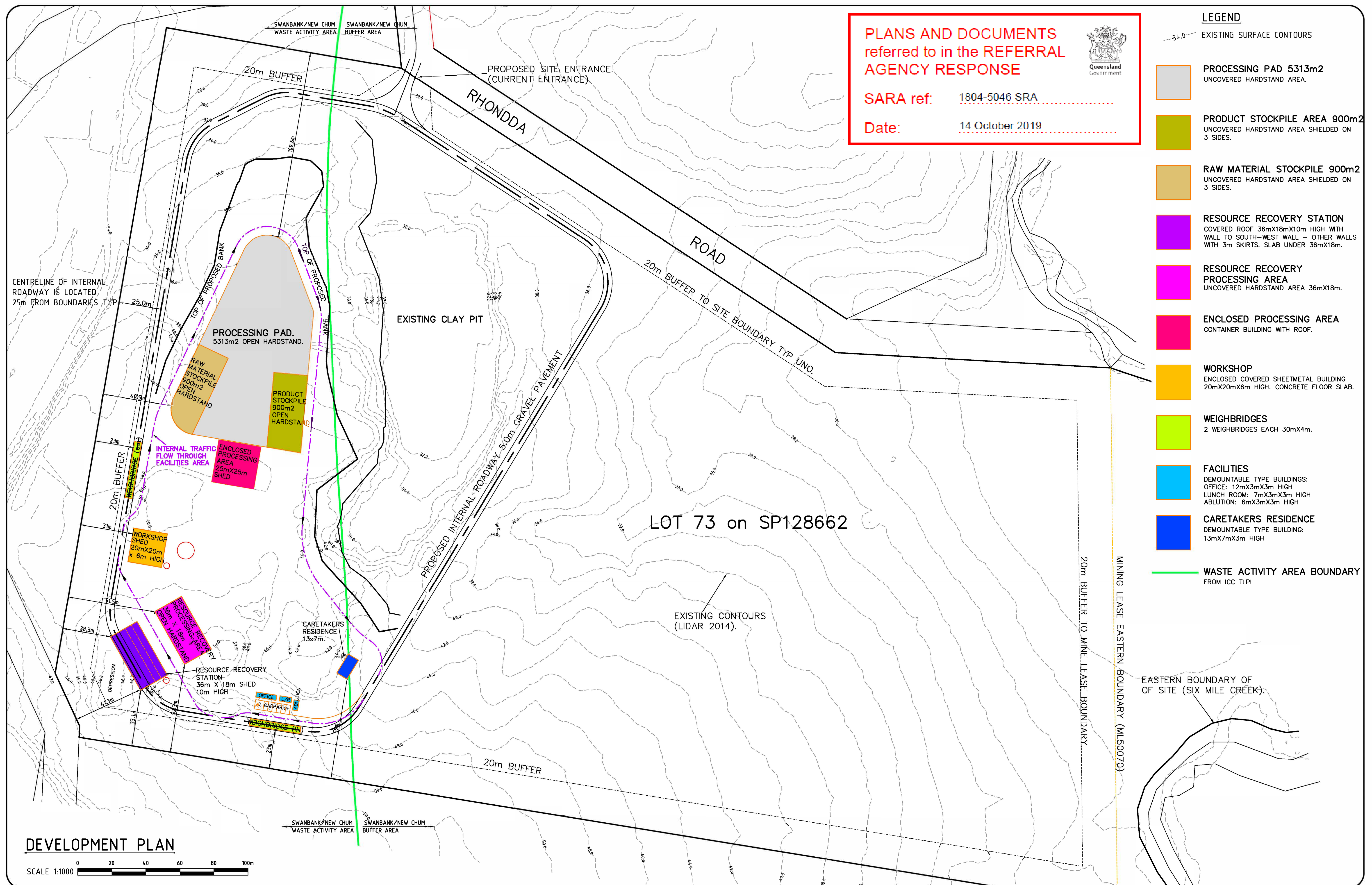
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



REV	DATE	REV	DATE
C	CO-GEN PLANT DELETED	18-9-19	
B	DIMENSIONS ADDED	25-7-19	
A	FACILITIES LAYOUT CHANGES	8-10-18	

APPROVED: RPEQ 3760

DIRECTOR HUNT MICHEL & PARTNERS