

State Development Assessment Provisions guidance material:

**State code 15: removal of quarry material from a watercourse
or lake**

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Version history

Version	Date	Comment
1.00	03/07/2017	New guideline approved and published.

Approval

Position	Name	Date
Executive Director, Operations Support	Mandy Downes	03/07/2017

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1 Overview

1.1 Introduction

State code 15: removal of quarry material from a watercourse or lake (code) in the State Development Assessment Provisions (SDAP) provides the assessment criteria for assessable development. This code applies to the removal of **quarry material** from a **watercourse** or **lake** under the *Planning Act 2016* (Planning Act).

1.2 Purpose

This guideline material is not a statutory document. Its purpose of this guideline is to assist applicants in preparing development applications for the removal of quarry material from a watercourse or lake in response to requirements in the code.

Please note that the use of this guideline alone does not guarantee compliance with all requirements for the removal of quarry material in a watercourse or lake. This guideline should be interpreted as advice that only when preparing a development application.

1.3 Using the guidance material

This guidance material consists of the following:

- Part 1: Introduction to the code and guidance material.
- Part 2: Overview of the development assessment process for the taking and interfering of water.
- Part 3: Context and advice on supporting actions and methodology intended to assist the applicant in demonstrating compliance with the code.
- Part 4: Glossary

Please note that the use of this guideline alone does not guarantee compliance with all requirements for the take or interfering with water. This guideline should be interpreted as advice when preparing a development application.

Words bolded in this guideline have the same meaning given in the code.

2 Assessment framework

2.1 Development assessment process

Queensland's planning and development framework, underpinned by the *Planning Act 2016* (Planning Act), sets out how development applications should be made and assessed. The framework includes a process, rules and forms. Local government is usually the assessment manager, however through the State Assessment and Referral Agency (SARA) the state also assesses some applications.

The development assessment process ensures the development proposals are assessed using a consistent process, and assessment and decision criteria, in accordance with a local government planning scheme.

SARA is responsible for delivering a coordinated, whole-of-government approach to the State's assessment of development applications. SARA provides a single agency lodgement and assessment point for development applications where the chief executive has jurisdiction under the Planning Act (where the State is the assessment manager or referral agency).

As a technical agency for development applications involving the taking or interfering with water, the Department of Natural Resources and Mines (DNRM) provides SARA, as the decision maker or referral agency, with technical advice on whether the application complies with the code

An applicant wanting to undertake assessable development for the removal of quarry material from a watercourse or lake is required to make an application through State Assessment and Referral Agency (SARA).

A pre-lodgement meeting with SARA is strongly recommended prior to lodging the development application. This meeting will assist an applicant in understanding the requirements for technical assessments under the code based on the particular circumstances of the proposed development. Pre-application meetings will also assist the applicant in understanding all aspects required for the development where the State has jurisdiction.

The Department of Infrastructure, Local Government and Planning (DILGP) coordinates the integrated assessment through SARA. As a technical agency for the removal of quarry material from a watercourse or lake, the Department of Natural Resources and Mines (DNRM) will provide SARA with technical advice on whether an application complies with the code.

2.2 Other approvals

In addition to requiring a development application for the removal of quarry material from a watercourse or lake, an applicant is required to have a Quarry Material Allocation Notice under the *Water Act 2000* (Water Act). Applicants may also be required to meet other statutory requirements under the Planning Act and Water Act for further aspects of the development.

Further information about applying for a Quarry Material Allocation Notice can be found at www.business.qld.gov.au.

3 Assessment criteria

This part of the guideline provides additional information to assist applicants with demonstrating compliance with the code. Each section is written according to the relevant provision in the code and provides context, supporting information and actions that may assist in demonstrating compliance with the code.

The guidance material contained in this section provides guidance on the minimum effort required to respond to the criteria in the code, and additional information, data, testing and testing may be required dependant on the development and site specific circumstances.

All the performance outcomes listed in table 15.2.1 of the code are relevant to all development for the removal of quarry material from a watercourse or lake.

3.1 Addressing all performance outcomes

To meet the performance outcomes in the code, applicants may provide an operations plan that outlines the location, extent and specific details about the development being proposed.

The level of detail required for the operations plan will depend on the size of the operation and size of the watercourse or lake the development is occurring in.

A basic operations plan may contain:

- commencement and completion dates of the operation
- amount of material to be removed
- a map or sketched plan showing the location of the excavation and showing removal areas relative to the bed and banks of the watercourse
- method of extraction
- details of the instream volumes of sand and gravel available within the site
- method and rate of extraction
- depths of extractions below natural surface level
- working batters and final batter slopes
- existing and proposed access tracks
- existing infrastructure (e.g. water pumps, pipes, bridges, fences, telephone or power cables)
- condition of the watercourse or lake, including bank slumping and erosion
- likely effects on existing in-stream habitats, including waterholes, pools, riffles or nesting sites
- likely effects on riparian land owners at the site of proposed extraction.

Further information may also be required for larger operations. This may include:

- any site specific management strategies
- existing quarry material allocations, if known
- existing operators in tidal reach, if known
- annual mean sediment transport rate (division between non-tidal and tidal), if known
- sediment supply to estuaries and the coast, if known
- proposed end use of the site
- location, extent and design of earthworks proposed to ensure stability of bed and banks
- details of the proposed timeframe for commencement and completion of rehabilitation works including details of any progressive rehabilitation to be undertaken during the operation.

To improve the scientific rigour underpinning an operations plan, it is also recommended (especially for larger operations) that the plan is prepared by a **suitably qualified person**.

A pre-application meeting with SARA will help identify the level of information that may be required in the operations plan.

4 Glossary

Lake includes:

1. if a feature is identified on the watercourse identification map as a lake, means the feature identified on the map; or
2. otherwise, includes:
 - a. a lagoon, swamp or other natural collection of water, whether permanent or intermittent
 - b. the bed and banks and any other element confining or containing the water.

Quarry material means material, other than a mineral within the meaning of any Act relating to mining, in a watercourse or lake. Quarry material includes stone, gravel, sand, rock, clay, earth and soil unless it is removed from the watercourse or lake as waste material

Suitably qualified person a person who has an **appropriate level of qualifications and expertise** in assessing the impacts of quarrying operations on the geomorphology, hydraulics and riverine environment of watercourses.

An appropriate level of qualification and expertise includes:

- demonstrable competency, experience and expertise in:
 - undertaking activities associated with the removal of quarry material from a watercourse
 - riverine geomorphology and environmental impacts associated with quarrying operations
 - hydraulics with particular reference to sediment transport, deposition and erosion processes

or

- Sufficient knowledge and experience to certify that where the suitably qualified and experienced person has relied on certification provided by other component expert/s* –
 - they consider it reasonable to rely on that advice and information, and
 - the expert providing the advice and information has knowledge, competency, suitable experience and demonstrated expertise in the matters related to quarrying operations within watercourses.

Watercourse A watercourse:

1. is a river, creek or other stream, including a stream in the form of an anabranch or a tributary, in which water flows permanently or intermittently, regardless of the frequency of flow events:
 - a. in a natural channel, whether artificially modified or not; or
 - b. in an artificial channel that has changed the course of the stream
2. includes any of the following located in it:
 - a. in-stream islands
 - b. benches
 - c. bars
3. does not, however, include a drainage feature
4. further, unless there is a contrary intention, a reference to a watercourse in the Water Act 2000, other than in section 5 or in the definitions in schedule 4 to the extent they support the operation of section 5, is a reference to anywhere that is:
 - a. upstream of the downstream limit of the watercourse
 - b. between the lateral limits of the watercourse
 - c. a reference to the *Water Act 2000* to, or a to a circumstance that involves, land adjoining a watercourse, is a reference to, or a circumstance that involves, and effectively adjoining a watercourse.

Section 5AA of the *Water Act 2000* provides for the watercourse identification map that identifies the known extent of watercourses and drainage features that are managed under the Water Act 2000, and is available at the following link: www.business.qld.gov.au/industry/water/managing-accessing/accessing-water/authorisations/watercourse-map. Please be aware that the majority of minor watercourses and drainage features in Queensland have not yet been mapped, as indicated in the mapping, and therefore it should not be the only source of information that is relied upon when interpreting the SDAP provisions or identifying assessment triggers.