

Guide 16

Quarrying in a non-tidal Watercourse or Lake

This guide is designed to help applicants and local governments determine if an application requires assessment by the Department of Natural Resources and Water (NRW) for quarrying in a non-tidal watercourse or lake (a freshwater feature).

It will also assist applicants to understand the interaction between quarrying in such a watercourse or lake and related assessable development, as well as the assessment manager and referral arrangements that apply to quarrying in a watercourse or lake.

NRW can provide advice as to whether or not a particular drainage feature is a non-tidal watercourse or lake. Watercourses are generally rivers or creeks with sustainable long-term flows. Lakes are generally bodies of water formed by natural or artificial features (e.g. dams or weirs) within or outside of watercourses.

Assessable development

Schedule 8, part 1, table 5, item 1 of the *Integrated Planning Act 1997* (IPA) includes development for quarrying in a watercourse or lake as assessable development if a quarry material allocation notice is required under the *Water Act 2000*.

All applications for development for quarrying in a watercourse or lake that require an allocation notice, must be assessed by NRW as either the assessment manager, or as a concurrence agency.

Requirement for an Allocation Notice

Under section 969 of the *Water Act 2000*, a development application for the removal of quarry material from a watercourse or lake must be supported by evidence of a quarry material allocation notice (QMAN).

If the application is not accompanied by evidence of a quarry material allocation notice, it cannot be accepted by the assessment manager as properly made.

Related Development

Development for quarrying in a watercourse or lake is a material change of use for an environmentally relevant activity (ERA), which is assessable against the *Environmental Protection Act 1994* (EP Act), unless a development approval for the relevant ERA has already been given.

Development for quarrying in a watercourse or lake could also involve ERA 16 (Extractive and screening activities), which includes dredging, extracting and screening activities. Assessment of an ERA is carried out by the Environmental Protection Agency (EPA) or if the ERA is devolved – by the local government (see Guide 4).

NRW as Assessment Manager

An application for development for quarrying in a watercourse or lake that requires a QMAN, NRW is the assessment manager if:

- the development is not assessable under the local government's planning scheme; and
- there is no other assessment manager prescribed under the IPA schedule 8A for the development (e.g. a port authority is the assessment manager for strategic port land); and
- the application does not involve any other assessable development, apart from:
 - a material change of use for any aspect of ERA 16 (see Guide 4) or
 - the clearing of native vegetation (see Guide 12) or
 - works that take or interfere with water under the *Water Act 2000* (see Guide 15) or
 - a referable dam under the *Water Act 2000* (see Guide 14).

NRW as Referral Agency

If the application is for development that will be on its strategic port land, the Port Authority will be the assessment manager.

The local government will be the assessment manager if the relevant local government has included quarrying in a watercourse or lake as assessable development in its planning scheme, or if the application includes other development that is made assessable in the planning scheme (e.g. crushing or screening of the material)..

In each of these cases, the application must be referred to NRW as a concurrence agency and NRW will assess the application against the *Water Act 2000* and can direct the assessment manager to –

- attach certain conditions to any development approval
- only approve part of the application

- give a preliminary approval only or
- refuse the application.

IDAS Forms

In the first instance the applicant should contact NRW to establish whether a quarry material allocation notice is required.

If an application involves quarrying in a watercourse or lake and ERA 16 for dredging and/or extracting, or screening, IDAS Form 1 IDAS assessment Checklist, and Parts A, K₇ and G must be completed.

The IDAS Form 1 Part A requires the applicant to provide evidence of an allocation notice under the *Water Act 2000* for the application to be considered properly made.

If an allocation notice is not required, the activity does not constitute assessable development for quarrying in a watercourse or lake and consequently does not require assessment by NRW. However it may still require assessment by EPA or the local government under the *Environmental Protection Act 1994*.

IDAS Guide 4 provides further details of assessable development under the *Environmental Protection Act 1994*.

Portable Long Service Leave Levy

The Building and Construction Industry Portable Long Service Leave Levy is payable on the total cost of all building and construction work, including operational

work, in Queensland costing \$80,000 or more. The levy and fee are usually paid by the project owner and must be paid prior to receiving a development permit.

An assessment manager for a development application must not give a development approval unless an approved form issued by QLeave has been sighted confirming either that the levy has been paid or the applicant has an exemption from payment of the levy.

For more information on the Portable Long Service Leave Levy refer to the [QLeave Website](http://www.qleave.qld.gov.au/) <<http://www.qleave.qld.gov.au/>> or contact QLeave on 1800 803 481.

Pre-lodgement Meeting

If an allocation notice is required the applicant is encouraged to seek a pre-lodgment meeting with NRW, and if necessary, the EPA and local government. The pre-lodgment meeting(s) will allow the applicant to understand the information that will be required to be lodged with the application so that it can be properly assessed, and could save valuable time for the applicant in the information and referral stage of IDAS.

For more information

For more information about quarrying in a watercourse or lake, please contact your nearest NRW office listed overleaf.

Contact Offices

AYR

Little Drysdale Street
PO Box 591
AYR Q 4807
Ph: (07) 4761 2223
Fax: (07) 4761 2211

COORPAROO

Landcentre Floor 3
Cnr Main and Vulture Streets
PO Box 1653
COORPAROO DC Q 4151
Ph: (07) 3224 7676
Fax: (07) 3224 2933

GOONDIWINDI

24-26 McLean Street
Locked Bag 4
GOONDIWINDI Q 4390
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Fax: (07) 4671 3163

MACKAY

22-30 Wood Street
PO Box 63
MACKAY Q 4740
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Fax: (07) 4957 3747

ST GEORGE

126 Alfred St
PO Box 310
ST GEORGE Q 4487
Ph: (07) 4625 3299
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TOWNSVILLE

State Government Offices
187-209 Stanley Street
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BUNDABERG

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EMERALD

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EMERALD Q 4720
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GYMPIE

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MAREEBA

167 Walsh St
PO Box 156
MAREEBA Q 4880
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SOUTH JOHNSTONE

Centre for Wet Tropics Agriculture
South Johnstone Road
PO Box 20
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Fax: (07) 4064 2249

WARWICK

Corner Guy and Fitzroy Streets
PO Box 2
WARWICK Q 4370
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Fax: (07) 4661 5215

CHARLEVILLE

Hood Street
PO Box 224
CHARLEVILLE Q 4470
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GATTON

Gatton Research Station
Warrego Highway
Locked Mail Bag 1009, MS 437
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LONGREACH

Landsborough Highway
PO Box 210
LONGREACH Q 4730
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Fax: (07) 4650 1902

ROCKHAMPTON

209 Bolsover Street
PO Box 1762
ROCKHAMPTON Q 4700
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TOOWOOMBA

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PO BOX 318
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