

CHAPTER 5 – OVERLAY CODES

PART 11 PROTECTION OF EXTRACTIVE RESOURCES OVERLAY CODE

Division 1 Applicability of the Protection of Extractive Resources Overlay Code

1.1 This code applies to development:-

- (1) that is located¹ in areas shown on *Overlay Code Map 11 - Protection of Extractive Resources* as
 - (a) Resource / Processing Area; or
 - (b) Local Resource Area; or
 - (c) Resource / Processing Area Separation Area; or
 - (d) Local Resource Area Separation Area
 - (e) Transport Route; or
 - (f) Transport Route Separation Area; or
 - (g) Dedicated Haulage Corridor shown on;
 and
- (2) referred to as “code assessable” in Tables 5.11.1 or 5.11.2 below.

Division 2 Assessment Tables for the Protection of Extractive Resources Overlay Code

2.1 Assessment Categories for the Protection of Extractive Resources Overlay Code

The assessment categories are identified for development in Column 2 of Tables 5.11.1 or 5.11.2, as follows:-

- (1) Table 5.11.1 - Material Change of Use and Associated Works² for uses listed in Column 1; or
- (2) Table 5.11.2 - Other Development not associated with a Material Change of Use³ listed in Column 1.

NOTE: Zones also affect assessment categories. See zone maps to determine the zone of the land. Also see Chapter 1, Part 1, Division 4, Section 4.8(3) explaining how the higher assessment category prevails.

2.2 Relevant Assessment Criteria for Development Affected by the Protection of Extractive Resources Overlay Code

- (1) The relevant assessment criteria in the overlay code are referred to in Column 3 of Tables 5.11.1 and 5.11.2.
- (2) For development requiring code assessment, the relevant assessment criteria are the applicable code.

Table 5.11.1: Assessment Categories and Relevant Assessment Criteria for the Protection of Extractive Resources Overlay Code - Material Change of Use and Associated Works²

COLUMN 1 Use ⁴	COLUMN 2 Assessment Category	COLUMN 3 Relevant assessment criteria - applicable code for code assessable development
Resource / Processing Area and Local Resource Area		
Agriculture Animal Accommodation (maximum of 6 stalls) Associated Unit Detached House (1 only per lot) Environmental Park Farm Forestry Home Business (where <2 non-resident employees) Local Utilities Non-Intensive Animal Husbandry Park Road Purposes	Exempt	
All Other Defined and Undefined Uses	Code Assessable	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code

COLUMN 1 Use ⁴	COLUMN 2 Assessment Category	COLUMN 3 Relevant assessment criteria - applicable code for code assessable development
Resource / Processing Area Separation Area and Local Resource Separation Area		
Agriculture Animal Accommodation Associated Unit Bed and Breakfast Accommodation Caretaker's Residence (Extractive Industry only) Detached House (1 only per lot) Environmental Park Farm Forestry Home Business (where <2 non-resident employees) Local Utilities Non-Intensive Animal Husbandry Park Public Utilities (land fill or refuse transfer station) Road Purposes	Exempt	
All Other Defined and Undefined Uses	Code Assessable	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code
Transport Route Separation Area		
Associated Unit Detached House (1 only per lot) Home Business (where <2 non-resident employees) All Other Defined and Undefined Uses that do not increase the number of people living in the separation area	Exempt	
All Defined and Undefined Uses that increase the number of people living in the Transport Route Separation Area except for <i>Associated Unit</i>, <i>Detached House</i> (1 only per lot) and <i>Home Business</i> (where <2 non-resident employees)	Code Assessable	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code
Dedicated Haulage Corridor		
Agriculture Animal Accommodation Environmental Park Local Utilities Non-Intensive Animal Husbandry Park Road Purposes	Exempt	
All Other Defined and Undefined Uses	Code Assessable	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code

Table 5.11.2: Assessment Categories and Relevant Assessment Criteria for the Protection of Extractive Resources Overlay Code– Other Development not Associated with a Material Change of Use³

COLUMN 1 Development type	COLUMN 2 Assessment category	COLUMN 3 Relevant assessment criteria - applicable code for code assessable development
All Mapped Features		
Reconfiguring a lot	Code Assessable	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code
Dedicated Haulage Corridor		
Building Work (other than <i>minor building work</i>)	Code Assessable	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code
Minor Building Work	Exempt⁵	

COLUMN 1 Development type	COLUMN 2 Assessment category	COLUMN 3 Relevant assessment criteria - applicable code for code assessable development
Operational Work for Filling or Excavation	Code Assessable – if involving more than 20m ³ .	<ul style="list-style-type: none"> Protection of Extractive Resources Overlay Code
All Other Development	Exempt	
Resource / Processing Area, Local Resource Area, Resource / Processing Area Separation Area, Local Resource Area Separation Area and Transport Route Separation Area		
All Other Development	Exempt	

Division 3 Compliance with the Protection of Extractive Resources Overlay Code

- 3.1 Assessable development that is consistent with the specific outcomes contained in Division 5, Table 5.11.3 complies with the Protection of Extractive Resources Overlay Code

Division 4 Overall Outcomes for the Protection of Extractive Resources Overlay Code

- 4.1 The overall outcomes are the purpose of this code.
- 4.2 The overall outcomes sought by the Protection of Extractive Resources Overlay Code are the following:
- Resource / Processing Areas and Local Resource Areas, and their associated processing **sites** and transportation routes are protected from incompatible development;
 - Adequate separation between sensitive development and established extractive industries and likely future locations of extractive industries and activities associated with extractive industries is provided; and
 - Transport Routes and the Dedicated Haulage Corridor are protected from incompatible development that will restrict their use as safe, efficient and effective routes for the transportation of extractive material.

Division 5 Specific Outcomes for the Protection of Extractive Resources Overlay Code

- 5.1 The specific outcomes and probable solutions for the Protection of Extractive Resources Overlay Code are contained in Table 5.11.3. The elements covered by the specific outcomes are:-
- Resource / Processing Area and Local Resource Area – Material Change of Use and Reconfiguring a Lot;
 - Resource / Processing Area Separation Area, Local Resource Area Separation Area and Transport Route Separation Area – Material Change of Use and Reconfiguring a Lot;
 - Transport Route – Operational Work and Reconfiguring a Lot;
 - Dedicated Haulage Corridor – All Development; and
 - Development Commitment and Overriding Benefit – Material Change of Use and Reconfiguring a Lot.

Table 5.11.3: Specific Outcomes and Probable Solutions for Assessable Development

Specific Outcomes for Assessable Development	Probable Solutions
Resource / Processing Area and Local Resource Area – Material Change of Use and Reconfiguring a Lot	
SO1 Development within a Resource / Processing Area or Local Resource Area does not prevent or constrain the current or future viability and efficient winning or processing of extractive or mineral resources.	PS 1.1 Development is for extractive industry or a use directly associated with extractive industry. OR PS 1.2 Development is for other uses that would not constrain existing or future extractive activities. OR PS 1.3 Development is for a temporary use.
SO2 Development within a Resource / Processing Area avoids or mitigates adverse impacts on areas of state or regional biodiversity significance.	PS 2 No solution provided.
Resource / Processing Area Separation Area, Local Resource Area Separation Area and Transport Route Separation Area – Material Change of Use and Reconfiguring a Lot	
SO3 Development within a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route does not – (a) prevent or constrain the current or future viability and	PS 3.1 Development does not increase the number of people living within a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route.

Specific Outcomes for Assessable Development	Probable Solutions
<p>efficient winning or processing of extractive or mineral resources;</p> <p>(b) subject uses to adverse impacts from existing and future extractive operations; and</p> <p>(c) prevent or constrain the transport of extractive resources.</p>	<p>AND</p> <p>PS 3.2 Visitor or tourist accommodation are not established within a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route.</p> <p>OR</p> <p>PS 3.3 Reconfiguration of a lot:-</p> <p>(1) wholly within a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route does not result in the creation of new lots in a Separation Area; or</p> <p>(2) partially within a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route only occurs if the house sites or areas for residential accommodation facilities are located and designated outside a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route.</p>
<p>SO 4 Development within a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route minimises, to the greatest extent practicable, the potential adverse impacts from existing or future extractive industries on people working or congregating in a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route.</p>	<p>PS4.1 There is no increase in the number of people working or congregating in the Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route.</p> <p>OR</p> <p>PS4.2 Development is compatible with the potential effects arising from existing or future extractive industry.</p> <p>OR</p> <p>PS 4.3 Development incorporates design, orientation and construction measures that minimise or mitigate potential adverse impacts and conflicts associated with extractive industry operations and associated activities including:-</p> <p>(1) locating buildings and structures the greatest distance practicable from the resource / processing area and associated transport route; and</p> <p>(2) using appropriate construction, insulation and glazing materials; and</p> <p>(3) minimising openings in walls closest to these effects; and</p> <p>(4) positioning buildings and other structures to utilise landform and vegetation to provide a natural buffer and maximise visual or acoustic screening.</p> <p>OR</p> <p>PS 4.4 The use operates outside the normal hours of operation for existing or future extractive industry.</p>
<p>SO5 Development for extractive industry does not compromise the function of a Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route in providing a buffer between extractive / processing operations and any incompatible uses outside the Separation Area for a Resource / Processing Area, Local Resource Area and/or Transport Route.</p>	<p>PS5 Extractive industry development avoids any adverse impacts on existing development or development foreshadowed by the planning scheme outside of the separation area, in terms of the effects of noise, dust, ground vibration or air blast overpressure.</p>
Transport Route – Reconfiguring a Lot	
<p>SO6 Development does not adversely affect the safe and efficient operation of vehicles transporting extractive materials.</p>	<p>PS6.1 The number of properties with access points to the transport route is not increased.</p> <p>OR</p> <p>PS6.2 Access points are designed to avoid adversely affecting the safe and efficient operation of vehicles transporting extractive materials.</p>

Specific Outcomes for Assessable Development	Probable Solutions
Dedicated Haulage Corridor – All Development	
<p>SO7 Development does not prevent or constrain the acquisition, construction or function and efficient transport of extractive material using the Dedicated Haulage Corridor.</p>	<p>PS 7.1 There is no increase in persons living, working or congregating on premises within the Dedicated Haulage Corridor.</p> <p>AND</p> <p>PS 7.2 No access to premises is through or from the Dedicated Haulage Corridor.</p> <p>AND</p> <p>PS 7.3 No new lots are created within the Dedicated Haulage Corridor.</p> <p>AND</p> <p>PS 7.4 Buildings are not located within the Dedicated Haulage Corridor.</p> <p>AND</p> <p>PS 7.5 Works are not carried out within the Dedicated Haulage Corridor, other than on public roads.</p>
Development Commitment and Overriding Benefit – Material Change of Use and Reconfiguring a Lot	
<p>SO 8 Development that is a Development Commitment or provides Overriding Benefit is required to reduce, to the greatest extent practicable, any adverse effects of the development on the long term availability of the extractive resource by mitigating the potential adverse effects of noise, dust, ground vibration, or air blast overpressure from existing or future extraction, processing and transportation of extractive materials.</p>	<p>PS 8 Development incorporates design, orientation and construction measures that mitigate the potential adverse effects from existing or future extraction, processing and transportation of extractive materials (noise, dust, ground vibration or air blast overpressure) by:</p> <ol style="list-style-type: none"> (1) locating buildings and structures the greatest distance practicable from the resource/processing area and associated transportation route; and (2) 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 (3) minimising openings in walls closest to these effects; and (4) providing mechanical ventilation to living areas sensitive to these effects; and (5) using appropriate construction insulation and glazing materials.

Schedule A to the Protection of Extractive Resources Overlay Code - Additional Defined Terms

For the purposes of this code, the following meanings apply to critical terms used in the code:-

(1) **Development Commitment**

Development commitment means any of the following –

- (a) development that is the subject of a current development approval; or
- (b) a material change of use clearly consistent with the purposes of codes (or equivalent policy intents) of the relevant zone (or equivalent) in the planning scheme and, if applicable, the regulatory provisions of the SEQ Regional Plan; or
- (c) reconfiguring a lot consistent with the purposes of codes (or equivalent policy intents) of the relevant zone (or equivalent) in the planning scheme and, if applicable, the regulatory provisions of the SEQ Regional Plan.

(2) **Overriding Benefit**

Development for a material change of use that –

- (a) provides an overriding benefit to the State or regional community in social, economic or ecological terms that outweighs the community benefit of maintaining the long-term availability of the extractive resource; and
- (b) cannot reasonably be located elsewhere.

¹ This overlay code does not apply if the proposed development is outside the mapped areas.

² Table 5.14.1 refers to material change of use and associated works undertaken at the same time as the material change of use. Also, see **planning scheme** explanatory notes giving examples that explain the type of development involved in different proposals.

³ Table 5.14.2 refers to other development including works not undertaken at the same time as the material change use. Also, see **planning scheme** explanatory notes giving examples that explain the type of development involved in different proposals.

⁴ For defined uses see Chapter 7, Part 2, Use Definitions Schedule.

⁵ Exempt building work may still require a building development approval from a building certifier under the Building Act.