



## SARA technical agency assessment response

### Technical agency (TA)—Department of regional Development, Manufacturing and Water

SARA reference: 2311-37994 SDA  
 SARA role: assessment manager  
 SARA regional office: Darling Downs South West regional office  
 SARA email: ToowoombaSARA@dsdilgp.qld.gov.au  
  
 TA reference: JOB036580  
 TA contact name: Nicky Richardson  
 TA contact details: 07 4529 1394  
 TA approver: Carly Nielsen

## 1.0 Application details

Street address: 1607 Dalby Nungil Road, Irvingdale; Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional)

Real property description: 2SP311107; 1396A341957; 4A34884; 3A34884; 950A34884; 406A34884; 23AG493; 865A341408; 876A341408

Local government area: Toowoomba Regional Council

Applicant name: Camm Agricultural Group

Applicant contact details: PO BOX 411  
 Toowoomba QLD 4350  
Personal information enviroag.net.au

## 2.0 Aspects of development and type of approval being sought

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
<b>Description of proposal:</b> Construction of Three (3) Waste Utilisation Areas Tailwater Dams		

## 3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the Planning Regulation 2017:

Trigger	Description	Technical agency	Fast track?
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8.4.3.k	<p>If tables 1 to 3 do not apply and the development application is for 1 or more of the following and no other assessable development, other than a material change of use for an environmentally relevant activity-</p> <ul style="list-style-type: none"> <li>(a) a material change of use for aquaculture;</li> <li>(b) operational work that is the clearing of native vegetation;</li> <li>(c) operational work completely or partly in a declared fish habitat area;</li> <li>(d) a material change of use for a hazardous chemical facility;</li> <li>(e) operational work that is the removal, destruction or damage of a marine plant;</li> <li>(f) operational work that is the construction of a dam, or relates to a dam, if- <ul style="list-style-type: none"> <li>(i) because of the work, the dam must be failure impact assessed; and</li> <li>(ii) the accepted failure impact assessment for the dam states that the dam has, or will have, a category 1 failure impact rating or a category 2 failure impact rating;</li> </ul> </li> <li>(g) assessable development on a Queensland heritage place;</li> <li>(h) a material change of use of premises that is carried out on a lot that shares a common boundary with another lot that is or contains a Queensland heritage place;</li> <li>(i) a material change of use of premises that is carried out on a lot that contains a Queensland heritage place, but is not carried out on the Queensland heritage place;</li> <li>(j) development for removing quarry material from a watercourse or lake;</li> <li>(k) operational work that involves taking or interfering with water under the Water Act;</li> <li>(l) operational work that is- <ul style="list-style-type: none"> <li>(i) tidal works not in strategic port land; or</li> <li>(ii) work carried out completely or partly within a coastal management district;</li> </ul> </li> <li>(m) operational work that is constructing or raising waterway barrier works;</li> <li>(n) operational work that is high impact earthworks in a wetland protection area</li> </ul>	DRDMW	N
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## 4.0 Assessment

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### 4.1 Considerations and assessment

The application was assessed against the State Development Assessment Provisions. The relevant provisions of the code are:

- General: PO1 – PO4,
- Overland flow water: PO7 – PO9,
- Contaminated agricultural run-off water: PO14 – PO16

## 5.0 Recommendations

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### 5.1 Technical agency advice for SARA as assessment manager

Our agency:

(a) recommends refusal of all of the application for the reasons described below (*Planning Act 2016* section 60(2)(d) or 60(3)(c)):

(i) **The reasons for this decision are:**

- The proposed development does not satisfy the State Development Assessment Provisions

(A) **Findings on material questions of fact:**

- The applicant has stated on Page 6, Drawing 24635,D,504.0.1 and page 35 of the certified report that water that does not meet the acceptable quality for release is to be reused for irrigation practices and will be lifted out of the dams via 3 main pump sites (1 per dam)
- PO16 states that works that contain CAR water must not increase the amount of overflow water taken and must allow for the release of water when an acceptable quality of water is achieved.
- The development does not satisfy PO16 as
  - the proposed irrigation may increase the take of overland flow in the plan area; and
  - water must be released once it is of an acceptable quality into the catchment as close as practicable to its flow path prior to construction of the works. If the water is not of acceptable quality then it should not be released.
- The applicant has not demonstrated that the construction and operation of the proposed works will not increase the average volume of surface water that may be taken within the plan area.

(B) **Evidence or other material on which the findings were based:**

- *Water Act 2000*
- *Water Plan (Condamine and Balonne) 2019*
- *Condamine and Balonne Water Management Protocol 2019*
- State Development Assessment Provisions - State code 10: Taking or interfering with water
- State Development Assessment Provisions guidance material – State Code 10: Taking or interfering with Water
- SARA Model Conditions: Version 3.9 – Section 9
- Certification Report; CammAg WUA Dams Design and Application for Approval Prepared by EnviroAg Australia. Report Number 24635.110896.0

## 5.2 Approved plans and specifications

Our agency recommends the following plans and specifications should be referenced in the response:

Drawing/Report title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Contaminated Agricultural Run-off Dam</b>				
Certified Report	CAmmAg	09/11/2023	24635.110896.0	
Process flow diagram	CAmmAg		24635,D,504.0.1	

## 6.0 Endorsement

<b>Officer</b>	Nicola Richardson	Senior Water Officer	45291 394	<a href="mailto:nicola.richardson@rdmw.qld.gov.au">nicola.richardson@rdmw.qld.gov.au</a>
<b>Approver</b>	Carly Nielsen	Senior Water Officer	4529 1394	<a href="mailto:Carly.Nielsen@rdmw.qld.gov.au">Carly.Nielsen@rdmw.qld.gov.au</a>

**From:** [Rebecca Carpenter](#)  
**To:** [Carly Nielsen](#); [Richard Dickfos](#)  
**Cc:** [Sallie BATTIST](#); [DAAT](#)  
**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application  
**Date:** Thursday, 8 August 2024 5:25:51 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[Draft conditions - CAR Dam applications.docx](#)

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Hi Carly and Richard,

Thank you for your advice below. Today SARA met with the applicant to discuss the application. SARA is minded to provide the applicant with a set of draft conditions to progress the negotiations to finalise the application.

SARA has prepared a set of draft conditions for your consideration and review prior to sending to the applicant.

Can you please review the conditions and provide any comments by C.O.B Monday 12 August 2024? I don't work Mondays however I will be at work tomorrow if you would like to discuss the conditions in detail prior to providing any formal comments.

Looking forward to discussing the conditions with you.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dasilgp.qld.gov.au](mailto:rebecca.carpenter@dasilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



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**From:** Carly Nielsen <Carly.Nielsen@rdmw.qld.gov.au>

**Sent:** Wednesday, August 7, 2024 1:58 PM

**To:** Rebecca Carpenter <Rebecca.Carpenter@dasilgp.qld.gov.au>

**Cc:** Richard Dickfos <Richard.Dickfos@rdmw.qld.gov.au>

**Subject:** FW: Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

**Importance:** High

OFFICIAL

Good afternoon Rebecca,  
Regarding your below email, the proposed applications are considered assessable development in accordance with schedule 9 of the Water Regulation 2016, due to the requirement under section 97 of the Water Act 2000 not being met.

**The statutory authorisation provided by section 97 (Environmental authorities)**

Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

The Water Plans do not specifically quote the requirement for capture and release, they reference that there must not be an increase in the amount of water taken. I have added to the table below the sections of the plans that reference that there must not be an increase and the limitations.

State Code 10: Taking or interfering with water details in the purpose statement item 5. that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section	2311-37994 SDA – Camm Ag
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"><li>• Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li><li>• Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li></ul>
<b>Legislation</b>		Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken.

	Irrelevant information deleted in accordance with section 7	S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000
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Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**  
**A/Principal Water Officer**  
**Water Services | South Region**  
 Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dasilgp.qld.gov.au](mailto:Rebecca.Carpenter@dasilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the [Irrelevant information] and Irvingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water Act 2000* (and not exempt as per the applicants additional information provided under s97 of the *Water Act 2000*) and are not considered as '[accepted development](#)' under the *Water Regulation 2016*.
2. Please confirm the sections of the relevant water plans that sets out that "New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements".

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### Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dasilgp.qld.gov.au](mailto:rebecca.carpenter@dasilgp.qld.gov.au)

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Work days: Tuesday, Wednesday, Thursday and Friday



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**From:** [Rebecca Carpenter](#)  
**To:** [Carly Nielsen](#); [Richard Dickfos](#)  
**Cc:** [Sallie BATTIST](#); [DAAT](#)  
**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR  
**Date:** Friday, 9 August 2024 10:43:17 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hi All,

Further to my email below, the applicant has provided an extension until 16 August 2024. To round out these applications, can you also please finalise your TAR and provide it to SARA. If the TARs can be provided by C.O.B Wednesday 14 August 2024 that would be greatly appreciated.

I am still requesting that comments be provided on the conditions proposed by Monday.

Cheers,

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**Sent:** Thursday, August 8, 2024 5:24 PM  
**To:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>; Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>  
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**Importance:** High

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**From:** [Richard Dickfos](#)  
**To:** [Rebecca Carpenter](#); [Carly Nielsen](#)  
**Cc:** [Sallie BATTIST](#); [DAAT](#)  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR  
**Date:** Friday, 9 August 2024 11:41:43 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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OFFICIAL

Hi Rebecca

Can I please confirm if the applicant is still wanting operation works under s97 of the Act (EA operational works) or have they amended their application for CAR operational works?

Regards

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Sent:** Friday, August 9, 2024 10:43 AM  
**To:** Carly Nielsen; Richard Dickfos  
**Cc:** Sallie BATTIST; DAAT  
**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

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Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

The Water Plans do not specifically quote the requirement for capture and release, they reference that there must not be an increase in the amount of water taken. I have added to the table below the sections of the plans that reference that there must not be an increase and the limitations.

State Code 10: Taking or interfering with water details in the purpose statement item 5. that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	<p>Irrelevant information deleted in accordance with section 73</p> <p>2311-37994 SDA – Camm Ag  1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale  Operational work for taking or interfering with water</p> <ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k)  — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that</li> </ul>
<b>Address</b>	
<b>Proposal</b>	
<b>Referral triggers</b>	

		involves taking or interfering with water.
<b>Legislation</b>	Irrelevant information deleted in accordance with section	Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken. S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000

Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**

**A/Principal Water Officer**

**Water Services | South Region**

Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dasilgp.qld.gov.au](mailto:Rebecca.Carpenter@dasilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the [Irrelevant information] and Irvingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water Act 2000* (and not exempt as per the applicants additional information provided under s97 of the *Water Act 2000*) and are not considered as '[accepted development](#)' under the *Water Regulation 2016*.
2. Please confirm the sections of the relevant water plans that sets out that "New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements".

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section	2311-37994 SDA
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li> </ul>

### Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

#### DA Division

#### Planning Group

Department of Housing, Local Government, Planning and Public Works

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**From:** [Richard Dickfos](#)  
**To:** [DAAT](#)  
**Subject:** FW: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR  
**Date:** Tuesday, 13 August 2024 3:12:36 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[2402-39293 SRA - SARA Information request \(1\).pdf](#)  
[20240402\\_TA Information requirements\\_2402-39293 SRA\\_JOB038272.docx](#)  
[20231221\\_AM6-TA Assessment response\\_2311-37994SDA - REFUSAL.docx](#)  
[20240109\\_SARA - Information request - 2311-37994 SDA.pdf](#)

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OFFICIAL

FYI because the Rebecca is on leave.

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**From:** Richard Dickfos  
**Sent:** Tuesday, August 13, 2024 12:15 PM  
**To:** Rebecca Carpenter  
**Cc:** Carly Nielsen  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

Hi Rebecca

RDMW have already submitted TAR's for both these CAR operational works applications. From our perspective, we would have thought these TARs would be still current until the applicant responds or the application lapses.

I might give you a call about this.

Irrelevant information deleted in accordance with section 73(2) of the RTI Act.

2311-37994 SDA (Camm Ag)

- RDMW TAR lodged 22/12/2023
  - RDMW recommended the refusal for all of the application because it did not satisfy PO16 due to the certification report indicating that irrigation would be utilised
- SARA information notice sent to applicant 09/01/2024
  - SARA decided to send the applicant an Information Request rather than refuse the application
  - The IR was not as detailed as what was in the RDMW TAR, and it didn't specifically mention that the certification report would need to be amended to reflect a "store and release" operation.
  - Applicant still has not responded to SARA's IR sent on the 09/01/2024.

Cheers!!

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Friday, August 9, 2024 12:23 PM

**To:** Richard Dickfos; Carly Nielsen

**Cc:** Sallie BATTIST; DAAT

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Richard,

SARA would not give an operational works permit under s97 of the Water Act) as it would be considered as Accepted development under the Water Regulation therefore an approval is not required. DRDMW has confirmed that the proposed works is assessable (does not meet the requirements of s97).

The application that was submitted to SARA was properly made as assessable development. The application included DA Form 1 and Template 3 – Taking overland flow water. Template 3 question 4 and 7 notes what work the applicant has applied for.

I acknowledged that the applicant in response to various advice notices/Information requests have stated that they are exempt under s97 of the water act, however if this was the case SARA wouldn't be a referral agency or assessment manager under the Planning

Regulation. The applicant has not made a formal change to the application or withdrawn it since the original forms were submitted. As such it is my understanding that the applications are currently being assessed under s101 of the Water Act as this is what has technically been applied for.

Happy to have a chat about this.

Example Exerts from Template 3 for both applications. Separate Template 3 have been provided for each dam and associated infrastructure.

4) What is the purpose of the proposed work? (tick all applicable boxes)	<input type="checkbox"/> Taking water for new stock or domestic purposes
	<input type="checkbox"/> Alterations of existing works
	<input type="checkbox"/> Taking water under a water entitlement under the <i>Water Act 2000</i>
	<input checked="" type="checkbox"/> Capturing agriculture or industrial effluent
	<input type="checkbox"/> Rehabilitating degraded areas – applicable to Warrego, Paroo, Bulloo and Nebine Water Resource Plan areas only. The following documentation may be required as supporting information for the development application: <ul style="list-style-type: none"> <li>A certificate from a professional, qualified in soil science, stating the area concerned is degraded and the works will be an appropriate method for rehabilitating the area</li> <li>Evidence the works are required under the <i>Land Act 1994</i></li> <li>Evidence the works have been approved for funding under the Primary Industries Productivity Enhancement Landcare Loans Scheme.</li> </ul>
	<input checked="" type="checkbox"/> Taking water required by an environmental authority under the <i>Environmental Protection Act 1994</i> or a development permit under the <i>Planning Act 2016</i> or the repealed <i>Sustainable Planning Act 2009</i> . A copy of the relevant environmental authority or development permit may be
7) If the development application is supported by an authorisation to take overland flow water (other than a resource allocation of entitlement), what is the nature of the authorisation? (tick all applicable boxes)	<input type="checkbox"/> Development application is not supported by an authorisation to take overflow water.
	<input type="checkbox"/> For stock purposes or domestic purposes under section 20(4) of the <i>Water Act 2000</i> .
	<input type="checkbox"/> For limited capacity works under a water-resource plan.
	<input checked="" type="checkbox"/> To take water that is contaminated agricultural runoff water or tail water.
	<input checked="" type="checkbox"/> To take water required by an environmental authority under the <i>Environmental Protection Act 1994</i> or a development permit under the <i>Planning Act 2016</i> or the repealed <i>Sustainable Planning Act 2009</i> .
	<input type="checkbox"/> To take water using existing notified works or reconfiguration of existing works under a water resource plan.

## Rebecca Carpenter

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**Planning Group**

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**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Sent:** Friday, August 9, 2024 11:42 AM

**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>; Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>

**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Rebecca

Can I please confirm if the applicant is still wanting operation works under s97 of the Act (EA operational works) or have they amended their application for CAR operational works?

Regards

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Sent:** Friday, August 9, 2024 10:43 AM  
**To:** Carly Nielsen; Richard Dickfos  
**Cc:** Sallie BATTIST; DAAT  
**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi All,

Further to my email below, the applicant has provided an extension until 16 August 2024. To round out these applications, can you also please finalise your TAR and provide it to SARA. If the TARs can be provided by C.O.B Wednesday 14 August 2024 that would be greatly appreciated.

I am still requesting that comments be provided on the conditions proposed by Monday.

Cheers,

**Rebecca Carpenter**  
Principal Planning Officer, DA Advisory Team (DAAT)  
**DA Division**  
**Planning Group**  
Department of Housing, Local Government, Planning and Public Works

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---

**From:** Rebecca Carpenter

**Sent:** Thursday, August 8, 2024 5:24 PM

**To:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>; Richard Dickfos  
<[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>

**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application

Hi Carly and Richard,

Thank you for your advice below. Today SARA met with the applicant to discuss the application. SARA is minded to provide the applicant with a set of draft conditions to progress the negotiations to finalise the application.

SARA has prepared a set of draft conditions for your consideration and review prior to sending to the applicant.

Can you please review the conditions and provide any comments by C.O.B Monday 12 August 2024? I don't work Mondays however I will be at work tomorrow if you would like to discuss the conditions in detail prior to providing any formal comments.

Looking forward to discussing the conditions with you.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

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**From:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>

**Sent:** Wednesday, August 7, 2024 1:58 PM

**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Cc:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Subject:** FW: Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

**Importance:** High

OFFICIAL

Good afternoon Rebecca,

Regarding your below email, the proposed applications are considered assessable development in accordance with schedule 9 of the Water Regulation 2016, due to the requirement under section 97 of the Water Act 2000 not being met.

**The statutory authorisation provided by section 97 (Environmental authorities)**

Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

The Water Plans do not specifically quote the requirement for capture and release, they reference that there must not be an increase in the amount of water taken. I have added to the table below the sections of the plans that reference that there must not be an increase and the limitations.

State Code 10: Taking or interfering with water details in the purpose statement item 5. that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section 7	2311-37994 SDA – Camm Ag
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"><li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li><li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering</li></ul>

		with water.
<b>Legislation</b>	Irrelevant information deleted in accordance with section 1	Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken. S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000

Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**

**A/Principal Water Officer**

**Water Services | South Region**

Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dasilgp.qld.gov.au](mailto:Rebecca.Carpenter@dasilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the Irrelevant information and Irwingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water Act 2000* (and not exempt as per the applicants additional information provided under s97 of the *Water Act 2000*) and are not considered as '[accepted development](#)' under the Water Regulation 2016.
2. Please confirm the sections of the relevant water plans that sets out that "New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements".

Table 1 – SARA confirmation notice triggers for assessment

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<b>SARA reference</b>	Irrelevant information deleted in accordance with section 7	2311-37994 SDA
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li> </ul>

### Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

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## SARA technical agency assessment response

### Technical agency (TA)—Department of regional Development, Manufacturing and Water

SARA reference: 2311-37994 SDA  
 SARA role: assessment manager  
 SARA regional office: Darling Downs South West regional office  
 SARA email: ToowoombaSARA@dsdilgp.qld.gov.au  
  
 TA reference: JOB036580  
 TA contact name: Nicky Richardson  
 TA contact details: 07 4529 1394  
 TA approver: Carly Nielsen

### 1.0 Application details

Street address: 1607 Dalby Nungil Road, Irvingdale; Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional)

Real property description: 2SP311107; 1396A341957; 4A34884; 3A34884; 950A34884; 406A34884; 23AG493; 865A341408; 876A341408

Local government area: Toowoomba Regional Council

Applicant name: Camm Agricultural Group

Applicant contact details: PO BOX 411  
 Toowoomba QLD 4350  
Personal information@enviroag.net.au

### 2.0 Aspects of development and type of approval being sought

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
<b>Description of proposal:</b> Construction of Three (3) Waste Utilisation Areas Tailwater Dams		

### 3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the Planning Regulation 2017:

Trigger	Description	Technical agency	Fast track?
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8.4.3.k	<p>If tables 1 to 3 do not apply and the development application is for 1 or more of the following and no other assessable development, other than a material change of use for an environmentally relevant activity-</p> <ul style="list-style-type: none"> <li>(a) a material change of use for aquaculture;</li> <li>(b) operational work that is the clearing of native vegetation;</li> <li>(c) operational work completely or partly in a declared fish habitat area;</li> <li>(d) a material change of use for a hazardous chemical facility;</li> <li>(e) operational work that is the removal, destruction or damage of a marine plant;</li> <li>(f) operational work that is the construction of a dam, or relates to a dam, if- <ul style="list-style-type: none"> <li>(i) because of the work, the dam must be failure impact assessed; and</li> <li>(ii) the accepted failure impact assessment for the dam states that the dam has, or will have, a category 1 failure impact rating or a category 2 failure impact rating;</li> </ul> </li> <li>(g) assessable development on a Queensland heritage place;</li> <li>(h) a material change of use of premises that is carried out on a lot that shares a common boundary with another lot that is or contains a Queensland heritage place;</li> <li>(i) a material change of use of premises that is carried out on a lot that contains a Queensland heritage place, but is not carried out on the Queensland heritage place;</li> <li>(j) development for removing quarry material from a watercourse or lake;</li> <li>(k) operational work that involves taking or interfering with water under the Water Act;</li> <li>(l) operational work that is- <ul style="list-style-type: none"> <li>(i) tidal works not in strategic port land; or</li> <li>(ii) work carried out completely or partly within a coastal management district;</li> </ul> </li> <li>(m) operational work that is constructing or raising waterway barrier works;</li> <li>(n) operational work that is high impact earthworks in a wetland protection area</li> </ul>	DRDMW	N
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## 4.0 Assessment

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### 4.1 Considerations and assessment

The application was assessed against the State Development Assessment Provisions. The relevant provisions of the code are:

- General: PO1 – PO4,
- Overland flow water: PO7 – PO9,
- Contaminated agricultural run-off water: PO14 – PO16

## 5.0 Recommendations

---

### 5.1 Technical agency advice for SARA as assessment manager

Our agency:

(a) recommends refusal of all of the application for the reasons described below (*Planning Act 2016* section 60(2)(d) or 60(3)(c)):

(i) **The reasons for this decision are:**

- The proposed development does not satisfy the State Development Assessment Provisions

(A) **Findings on material questions of fact:**

- The applicant has stated on Page 6, Drawing 24635,D,504.0.1 and page 35 of the certified report that water that does not meet the acceptable quality for release is to be reused for irrigation practices and will be lifted out of the dams via 3 main pump sites (1 per dam)
- PO16 states that works that contain CAR water must not increase the amount of overflow water taken and must allow for the release of water when an acceptable quality of water is achieved.
- The development does not satisfy PO16 as
  - the proposed irrigation may increase the take of overland flow in the plan area; and
  - water must be released once it is of an acceptable quality into the catchment as close as practicable to its flow path prior to construction of the works. If the water is not of acceptable quality then it should not be released.
- The applicant has not demonstrated that the construction and operation of the proposed works will not increase the average volume of surface water that may be taken within the plan area.

(B) **Evidence or other material on which the findings were based:**

- *Water Act 2000*
- *Water Plan (Condamine and Balonne) 2019*
- *Condamine and Balonne Water Management Protocol 2019*
- State Development Assessment Provisions - State code 10: Taking or interfering with water
- State Development Assessment Provisions guidance material – State Code 10: Taking or interfering with Water
- SARA Model Conditions: Version 3.9 – Section 9
- Certification Report; CammAg WUA Dams Design and Application for Approval Prepared by EnviroAg Australia. Report Number 24635.110896.0

## 5.2 Approved plans and specifications

Our agency recommends the following plans and specifications should be referenced in the response:

Drawing/Report title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Contaminated Agricultural Run-off Dam</b>				
Certified Report	CAmmAg	09/11/2023	24635.110896.0	
Process flow diagram	CAmmAg		24635,D,504.0.1	

## 6.0 Endorsement

<b>Officer</b>	Nicola Richardson	Senior Water Officer	45291 394	<a href="mailto:nicola.richardson@rdmw.qld.gov.au">nicola.richardson@rdmw.qld.gov.au</a>
<b>Approver</b>	Carly Nielsen	Senior Water Officer	4529 1394	<a href="mailto:Carly.Nielsen@rdmw.qld.gov.au">Carly.Nielsen@rdmw.qld.gov.au</a>



SARA reference: 2311-37994 SDA  
 Applicant reference: 24635

9 January 2024

Camm Agricultural Group  
 C/- EnviroAg Pty Ltd  
 PO BOX 411  
 TOOWOOMBA QLD 4350  
 Personal information enviroag.net.au

Attention:

Personal information

Dear Sir or Madam

## SARA information request - 1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale

(Given under section 12 of the Development Assessment Rules)

This notice has been issued because the State Assessment and Referral Agency (SARA) has identified that information necessary to assess your application against the relevant provisions of the State Development Assessment Provisions (SDAP) has not been provided.

Taking or interfering with water	
1.	<p><b>Issue:</b>            The application material currently does not demonstrate compliance with State Code 10: Taking or interfering with water, in particular PO16.</p> <p><b>Action:</b>            Provide further information that demonstrates the construction and operation of the proposed works will not increase the average volume of surface water that may be taken within the Water Plan area.</p>

### How to respond

You have three months to respond to this request and the due date to SARA is 10 April 2024. You may respond by providing either: (a) all of the information requested; (b) part of the information requested; or (c) a notice that none of the information will be provided. Further guidance on responding to an information request is provided in section 13 of the [Development Assessment Rules](#) (DA Rules).

It is recommended that you provide all the information requested above. If you decide not to provide all the information requested, your application will be assessed and decided based on the information provided to date.

You are requested to upload your response and complete the relevant tasks in [MyDAS2](#).

If you require further information or have any questions about the above, please contact Danica Clark, Senior Planner, on (07) 4616 7305 or via email [ToowoombaSARA@dsdilgp.qld.gov.au](mailto:ToowoombaSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

Personal information

Rodney O'Brien  
Principal Planning Officer

Development details	
Description:	Development permit      Operational work for taking or interfering with water (Construction of Three (3) Waste Utilisation Areas Tailwater Dams)
SARA role:	Assessment manager
SARA trigger:	Schedule 8, Table 4, Item 3 (k)—Operational work that involves taking or interfering with water under the Water Act (Planning Regulation 2017)
SARA reference:	2311-37994 SDA
Assessment criteria:	State Code 10: Taking or interfering with water

**From:** [Rebecca Carpenter](#)  
**To:** [Richard Dickfos](#)  
**Cc:** [Carly Nielsen](#); [DAAT](#)  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR  
**Date:** Thursday, 15 August 2024 9:09:26 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[Draft conditions - CAR Dam applications.docx](#)

---

Thank you Richard,

Can you confirm whether you have any comments on the draft conditions prepared by SARA ASAP? SARA is minded to provide the applicant with a set of draft conditions to progress the negotiations to finalise the application.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dsdilgp.qld.gov.au](mailto:rebecca.carpenter@dsdilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



---

**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>  
**Sent:** Tuesday, August 13, 2024 12:15 PM  
**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Cc:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Rebecca

RDMW have already submitted TAR's for both these CAR operational works

applications. From our perspective, we would have thought these TARs would be still current until the applicant responds or the application lapses.

I might give you a call about this.

Irrelevant information deleted in accordance with section 73(2) of the RTI Act.

2311-37994 SDA (Camm Ag)

- RDMW TAR lodged 22/12/2023
  - RDMW recommended the refusal for all of the application because it did not satisfy PO16 due to the certification report indicating that irrigation would be utilised
- SARA information notice sent to applicant 09/01/2024
  - SARA decided to send the applicant an Information Request rather than refuse the application
  - The IR was not as detailed as what was in the RDMW TAR, and it didn't specifically mention that the certification report would need to be amended to reflect a "store and release" operation.
  - Applicant still has not responded to SARA's IR sent on the 09/01/2024.

Cheers!!

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Friday, August 9, 2024 12:23 PM

**To:** Richard Dickfos; Carly Nielsen

**Cc:** Sallie BATTIST; DAAT

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Richard,

SARA would not give an operational works permit under s97 of the Water Act) as it would be considered as Accepted development under the Water Regulation therefore an approval is not required. DRDMW has confirmed that the proposed works is assessable (does not meet the requirements of s97).

The application that was submitted to SARA was properly made as assessable development. The application included DA Form 1 and Template 3 – Taking overland flow water. Template 3 question 4 and 7 notes what work the applicant has applied for.

I acknowledged that the applicant in response to various advice notices/Information requests have stated that they are exempt under s97 of the water act, however if this was the case SARA wouldn't be a referral agency or assessment manager under the Planning Regulation. The applicant has not made a formal change to the application or withdrawn it since the original forms were submitted. As such it is my understanding that the applications are currently being assessed under s101 of the Water Act as this is what has technically been applied for.

Happy to have a chat about this.

Example Exerts from Template 3 for both applications. Separate Template 3 have been provided for each dam and associated infrastructure.

4) What is the purpose of the proposed work? (tick all applicable boxes)	<input type="checkbox"/> Taking water for new stock or domestic purposes
	<input type="checkbox"/> Alterations of existing works
	<input type="checkbox"/> Taking water under a water entitlement under the <i>Water Act 2000</i>
	<input checked="" type="checkbox"/> Capturing agriculture or industrial effluent
	<input type="checkbox"/> Rehabilitating degraded areas – applicable to Warrego, Paroo, Bulloo and Nebine Water Resource Plan areas only. The following documentation may be required as supporting information for the development application: <ul style="list-style-type: none"><li>A certificate from a professional, qualified in soil science, stating the area concerned is degraded and the works will be an appropriate method for rehabilitating the area</li><li>Evidence the works are required under the <i>Land Act 1994</i></li><li>Evidence the works have been approved for funding under the Primary Industries Productivity Enhancement Landcare Loans Scheme.</li></ul>
	<input checked="" type="checkbox"/> Taking water required by an environmental authority under the <i>Environmental Protection Act 1994</i> or a development permit under the <i>Planning Act 2016</i> or the repealed <i>Sustainable Planning Act 2009</i> . A copy of the relevant environmental authority or development permit may be
7) If the development application is supported by an authorisation to take overland flow water (other than a resource allocation of entitlement), what is the nature of the authorisation? (tick all applicable boxes)	<input type="checkbox"/> Development application is not supported by an authorisation to take overflow water.
	<input type="checkbox"/> For stock purposes or domestic purposes under section 20(4) of the <i>Water Act 2000</i> .
	<input type="checkbox"/> For limited capacity works under a water-resource plan.
	<input checked="" type="checkbox"/> To take water that is contaminated agricultural runoff water or tail water.
	<input checked="" type="checkbox"/> To take water required by an environmental authority under the <i>Environmental Protection Act 1994</i> or a development permit under the <i>Planning Act 2016</i> or the repealed <i>Sustainable Planning Act 2009</i> .
	<input type="checkbox"/> To take water using existing notified works or reconfiguration of existing works under a water resource plan.

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dsdilgp.qld.gov.au](mailto:rebecca.carpenter@dsdilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



---

**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Sent:** Friday, August 9, 2024 11:42 AM

**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>; Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>

**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Rebecca

Can I please confirm if the applicant is still wanting operation works under s97 of the Act (EA operational works) or have they amended their application for CAR operational works?

Regards

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Friday, August 9, 2024 10:43 AM

**To:** Carly Nielsen; Richard Dickfos

**Cc:** Sallie BATTIST; DAAT

**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi All,

Further to my email below, the applicant has provided an extension until 16 August 2024. To round out these applications, can you also please finalise your TAR and provide it to SARA. If the TARs can be provided by C.O.B Wednesday 14 August 2024 that would be greatly appreciated.

I am still requesting that comments be provided on the conditions proposed by Monday.

Cheers,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dsdilgp.qld.gov.au](mailto:rebecca.carpenter@dsdilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



---

**From:** Rebecca Carpenter

**Sent:** Thursday, August 8, 2024 5:24 PM

**To:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>; Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>

**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application

Hi Carly and Richard,

Thank you for your advice below. Today SARA met with the applicant to discuss the application. SARA is minded to provide the applicant with a set of draft conditions to progress the negotiations to finalise the application.

SARA has prepared a set of draft conditions for your consideration and review prior to sending to the applicant.

Can you please review the conditions and provide any comments by C.O.B Monday 12 August 2024? I don't work Mondays however I will be at work tomorrow if you would like to discuss the conditions in detail prior to providing any formal comments.

Looking forward to discussing the conditions with you.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dsdilgp.qld.gov.au](mailto:rebecca.carpenter@dsdilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



---

**From:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>

**Sent:** Wednesday, August 7, 2024 1:58 PM

**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Cc:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Subject:** FW: Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

**Importance:** High

OFFICIAL

Good afternoon Rebecca,

Regarding your below email, the proposed applications are considered assessable development in accordance with schedule 9 of the Water Regulation 2016, due to the requirement under section 97 of the Water Act 2000 not being met.

**The statutory authorisation provided by section 97 (Environmental authorities)**

Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

The Water Plans do not specifically quote the requirement for capture and release, they reference that there must not be an increase in the amount of water taken. I have added to the table below the sections of the plans that reference that there must not be an increase and the limitations.

State Code 10: Taking or interfering with water details in the purpose statement item 5.

that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section	2311-37994 SDA – Camm Ag
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li> </ul>
<b>Legislation</b>		Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken. S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000

Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**  
**A/Principal Water Officer**  
**Water Services | South Region**  
 Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dasilgp.qld.gov.au](mailto:Rebecca.Carpenter@dasilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the Irrelevant information and Irvingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water Act 2000* (and not exempt as per the applicants additional information provided under s97 of the *Water Act 2000*) and are not considered as '[accepted development](#)' under the Water Regulation 2016.
2. Please confirm the sections of the relevant water plans that sets out that "New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements".

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	<span style="color: red;">Irrelevant information deleted in accordance with section 7</span>	<b>2311-37994 SDA</b>
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"><li>• Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li><li>• Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li></ul>

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dsdilgp.qld.gov.au](mailto:rebecca.carpenter@dsdilgp.qld.gov.au)

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Work days: Tuesday, Wednesday, Thursday and Friday

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-----

**From:** [Richard Dickfos](#)  
**To:** [Rebecca Carpenter](#)  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR  
**Date:** Thursday, 15 August 2024 11:05:01 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image001.png](#)  
[Draft conditions - CAR Dam applications.docx](#)

---

OFFICIAL

Hi Rebecca

RDMW are happy with the attached draft conditions.

Regards



**Richard Dickfos**

Principal Water Officer

**Water Resource Management | South Region | Toowoomba**

Department of Regional Development, Manufacturing and Water

---

**P:** (07) 3478 8174

**M:** Access refused under sect

**E:** [Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)

**A:** 203 Tor Street Toowoomba QLD 4350

**W:** [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)

 [Chat with me on Teams!](#)

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Thursday, August 15, 2024 9:08 AM

**To:** Richard Dickfos

**Cc:** Carly Nielsen; DAAT

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

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**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Sent:** Tuesday, August 13, 2024 12:15 PM

**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Cc:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

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2311-37994 SDA (Camm Ag)

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Cheers!!

Richard

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**Cc:** Sallie BATTIST; DAAT

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

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be considered as Accepted development under the Water Regulation therefore an approval is not required. DRDMW has confirmed that the proposed works is assessable (does not meet the requirements of s97).

The application that was submitted to SARA was properly made as assessable development. The application included DA Form 1 and Template 3 – Taking overland flow water. Template 3 question 4 and 7 notes what work the applicant has applied for.

I acknowledged that the applicant in response to various advice notices/Information requests have stated that they are exempt under s97 of the water act, however if this was the case SARA wouldn't be a referral agency or assessment manager under the Planning Regulation. The applicant has not made a formal change to the application or withdrawn it since the original forms were submitted. As such it is my understanding that the applications are currently being assessed under s101 of the Water Act as this is what has technically been applied for.

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	<input type="checkbox"/> To take water using existing notified works or reconfiguration of existing works under a water resource plan.

## Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

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E [rebecca.carpenter@dasilgp.qld.gov.au](mailto:rebecca.carpenter@dasilgp.qld.gov.au)

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**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>  
**Sent:** Friday, August 9, 2024 11:42 AM  
**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>; Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>  
**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

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Regards

Richard

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**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Sent:** Friday, August 9, 2024 10:43 AM  
**To:** Carly Nielsen; Richard Dickfos  
**Cc:** Sallie BATTIST; DAAT  
**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi All,

Further to my email below, the applicant has provided an extension until 16 August 2024. To round out these applications, can you also please finalise your TAR and provide it to SARA. If the TARs can be provided by C.O.B Wednesday 14 August 2024 that would be greatly appreciated.

I am still requesting that comments be provided on the conditions proposed by Monday.

Cheers,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dsdilgp.qld.gov.au](mailto:rebecca.carpenter@dsdilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



---

**From:** Rebecca Carpenter

**Sent:** Thursday, August 8, 2024 5:24 PM

**To:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>; Richard Dickfos  
<[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>

**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application

Hi Carly and Richard,

Thank you for your advice below. Today SARA met with the applicant to discuss the application. SARA is minded to provide the applicant with a set of draft conditions to progress the negotiations to finalise the application.

SARA has prepared a set of draft conditions for your consideration and review prior to sending to the applicant.

Can you please review the conditions and provide any comments by C.O.B Monday 12 August 2024? I don't work Mondays however I will be at work tomorrow if you would like to discuss the conditions in detail prior to providing any formal comments.

Looking forward to discussing the conditions with you.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

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**From:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>  
**Sent:** Wednesday, August 7, 2024 1:58 PM  
**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Cc:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>  
**Subject:** FW: Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act  
**Importance:** High

OFFICIAL

Good afternoon Rebecca,  
Regarding your below email, the proposed applications are considered assessable development in accordance with schedule 9 of the Water Regulation 2016, due to the requirement under section 97 of the Water Act 2000 not being met.

**The statutory authorisation provided by section 97 (Environmental authorities)**

Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

The Water Plans do not specifically quote the requirement for capture and release, they reference that there must not be an increase in the amount of water taken. I have added to the table below the sections of the plans that reference that there must not be an increase and the limitations.

State Code 10: Taking or interfering with water details in the purpose statement item 5. that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

Table 1 – SARA confirmation notice triggers for assessment

SARA reference	Irrelevant information deleted in accordance with section	2311-37994 SDA – Camm Ag
Address		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
Proposal		Operational work for taking or

<b>Referral triggers</b>	<div>Irrelevant information deleted in accordance with section</div>	interfering with water <ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li> </ul>
<b>Legislation</b>		Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken. S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000

Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**  
**A/Principal Water Officer**  
**Water Services | South Region**  
Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dasilgp.qld.gov.au](mailto:Rebecca.Carpenter@dasilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the 

Irrelevant information

 and Irvingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water Act 2000* (and not exempt as per the applicants additional information provided under s97 of the *Water Act 2000*) and are not considered as ‘[accepted development](#)’ under the Water Regulation 2016.
2. Please confirm the sections of the relevant water plans that sets out that “New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements”.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section 7	2311-37994 SDA
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"> <li>• Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>• Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li> </ul>

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

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-----

**From:** [Rebecca Carpenter](#)  
**To:** [Richard Dickfos](#)  
**Cc:** [carly.nielsen@rdmw.qld.gov.au](mailto:carly.nielsen@rdmw.qld.gov.au); [DAAT](#); [Susan Kidd](#); [Sallie BATTIST](#)  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR  
**Date:** Thursday, 15 August 2024 4:09:00 PM  
**Attachments:** [Draft conditions - 2311-37944 SDA.docx](#)  
[2311-37994 SDA Approved plans and documents.pdf](#)  
[image002.png](#)  
[image005.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[20231221\\_AM6-TA Assessment response\\_2311-37994SDA - REFUSAL.docx](#)

---

Hi Richard,

I have made some specific amendments to the conditions for 2311-37944 SDA (attached). They now include the plans to be referenced and the amendments in red proposed by SARA. I can also advise that these conditions are proposed to be imposed on the SARA referral application 2402-39293 SRA. The only difference is the plans referenced and the reference numbers throughout.

The SARA decision date is tomorrow 16 August 2024 and SARA is minded to proceed with giving a approval decision.

In accordance with section 2.4.12-escalation and disputes, please find attached the draft referral decision response. If you do not agree with the draft SARA decision to proceed based on the attached response, DRDMW may escalate the matter further. Unless the applicant extends the response period SARA will be proceeding to a decision. Please advise if you have any comments or are formally escalating the applications prior to 12pm 16 August 2024. If required my Delegate and Directors details for the application are [Susan.Kidd@dasilgp.qld.gov.au](mailto:Susan.Kidd@dasilgp.qld.gov.au) and 07 3452 7726.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dasilgp.qld.gov.au](mailto:rebecca.carpenter@dasilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

Work days: Tuesday, Wednesday, Thursday and Friday



---

**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Sent:** Thursday, August 15, 2024 11:03 AM

**To:** Rebecca Carpenter <Rebecca.Carpenter@dsdilgp.qld.gov.au>

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Rebecca

RDMW are happy with the attached draft conditions.

Regards



**Richard Dickfos**

Principal Water Officer

**Water Resource Management | South Region | Toowoomba**

Department of Regional Development, Manufacturing and Water

---

**P:** (07) 3478 8174

**M:** Access refused under section 50(2)(b)

**E:** [Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)

**A:** 203 Tor Street Toowoomba QLD 4350

**W:** [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)

[Chat with me on Teams!](#)

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Thursday, August 15, 2024 9:08 AM

**To:** Richard Dickfos

**Cc:** Carly Nielsen; DAAT

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Thank you Richard,

Can you confirm whether you have any comments on the draft conditions prepared by SARA ASAP? SARA is minded to provide the applicant with a set of draft conditions to progress the negotiations to finalise the application.

Kind regards,

**Rebecca Carpenter**

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

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---

**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Sent:** Tuesday, August 13, 2024 12:15 PM

**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Cc:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Rebecca

RDMW have already submitted TAR's for both these CAR operational works applications. From our perspective, we would have thought these TARs would be still current until the applicant responds or the application lapses.

I might give you a call about this.

Irrelevant information deleted in accordance with section 73(2) of the RTI Act.

2311-37994 SDA (Camm Ag)

- RDMW TAR lodged 22/12/2023
  - RDMW recommended the refusal for all of the application because it did not satisfy PO16 due to the certification report indicating that irrigation would be utilised
- SARA information notice sent to applicant 09/01/2024
  - SARA decided to send the applicant an Information Request rather than refuse the application
  - The IR was not as detailed as what was in the RDMW TAR, and it didn't specifically mention that the certification report would need to be amended to reflect a "store and release" operation.
  - Applicant still has not responded to SARA's IR sent on the 09/01/2024.

Cheers!!

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Friday, August 9, 2024 12:23 PM

**To:** Richard Dickfos; Carly Nielsen

**Cc:** Sallie BATTIST; DAAT

**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Richard,

SARA would not give an operational works permit under s97 of the Water Act) as it would be considered as Accepted development under the Water Regulation therefore an approval is not required. DRDMW has confirmed that the proposed works is assessable (does not meet the requirements of s97).

The application that was submitted to SARA was properly made as assessable development. The application included DA Form 1 and Template 3 – Taking overland flow water. Template 3 question 4 and 7 notes what work the applicant has applied for.

I acknowledged that the applicant in response to various advice notices/Information requests have stated that they are exempt under s97 of the water act, however if this was the case SARA wouldn't be a referral agency or assessment manager under the Planning Regulation. The applicant has not made a formal change to the application or withdrawn it since the original forms were submitted. As such it is my understanding that the applications are currently being assessed under s101 of the Water Act as this is what has technically been applied for.

Happy to have a chat about this.

Example Exerts from Template 3 for both applications. Separate Template 3 have been provided for each dam and associated infrastructure.

4) What is the purpose of the proposed work? (tick all applicable boxes)	<input type="checkbox"/> Taking water for new stock or domestic purposes
	<input type="checkbox"/> Alterations of existing works
	<input type="checkbox"/> Taking water under a water entitlement under the <i>Water Act 2000</i>
	<input checked="" type="checkbox"/> Capturing agriculture or industrial effluent
	<input type="checkbox"/> Rehabilitating degraded areas – applicable to Warrego, Paroo, Bulloo and Nebine Water Resource Plan areas only. The following documentation may be required as supporting information for the development application: <ul style="list-style-type: none"> <li>A certificate from a professional, qualified in soil science, stating the area concerned is degraded and the works will be an appropriate method for rehabilitating the area</li> <li>Evidence the works are required under the <i>Land Act 1994</i></li> <li>Evidence the works have been approved for funding under the Primary Industries Productivity Enhancement Landcare Loans Scheme.</li> </ul>
	<input checked="" type="checkbox"/> Taking water required by an environmental authority under the <i>Environmental Protection Act 1994</i> or a development permit under the <i>Planning Act 2016</i> or the repealed <i>Sustainable Planning Act 2009</i> . A copy of the relevant environmental authority or development permit may be
7) If the development application is supported by an authorisation to take overland flow water (other than a resource allocation of entitlement), what is the nature of the authorisation? (tick all applicable boxes)	<input type="checkbox"/> Development application is not supported by an authorisation to take overflow water.
	<input type="checkbox"/> For stock purposes or domestic purposes under section 20(4) of the <i>Water Act 2000</i> .
	<input type="checkbox"/> For limited capacity works under a water-resource plan.
	<input checked="" type="checkbox"/> To take water that is contaminated agricultural runoff water or tail water.
	<input checked="" type="checkbox"/> To take water required by an environmental authority under the <i>Environmental Protection Act 1994</i> or a development permit under the <i>Planning Act 2016</i> or the repealed <i>Sustainable Planning Act 2009</i> .
	<input type="checkbox"/> To take water using existing notified works or reconfiguration of existing works under a water resource plan.

### Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

DA Division

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Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

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**From:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>  
**Sent:** Friday, August 9, 2024 11:42 AM  
**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>; Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>  
**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>  
**Subject:** RE: 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi Rebecca

Can I please confirm if the applicant is still wanting operation works under s97 of the Act (EA operational works) or have they amended their application for CAR operational works?

Regards

Richard

---

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Sent:** Friday, August 9, 2024 10:43 AM  
**To:** Carly Nielsen; Richard Dickfos  
**Cc:** Sallie BATTIST; DAAT  
**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application and Final TAR

OFFICIAL

Hi All,

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**Sent:** Thursday, August 8, 2024 5:24 PM

**To:** Carly Nielsen <[Carly.Nielsen@rdmw.qld.gov.au](mailto:Carly.Nielsen@rdmw.qld.gov.au)>; Richard Dickfos  
<[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>

**Cc:** Sallie BATTIST <[Sallie.Battist@dsdilgp.qld.gov.au](mailto:Sallie.Battist@dsdilgp.qld.gov.au)>; DAAT <[DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au)>

**Subject:** 2311-37944 SDA and 2402-39293 SRA - Draft conditions for application

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**Sent:** Wednesday, August 7, 2024 1:58 PM  
**To:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>  
**Cc:** Richard Dickfos <[Richard.Dickfos@rdmw.qld.gov.au](mailto:Richard.Dickfos@rdmw.qld.gov.au)>  
**Subject:** FW: Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act  
**Importance:** High

OFFICIAL

Good afternoon Rebecca,  
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**The statutory authorisation provided by section 97 (Environmental authorities)**

Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

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State Code 10: Taking or interfering with water details in the purpose statement item 5. that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality it achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

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<b>SARA reference</b>	Irrelevant information deleted in accordance with section	2311-37994 SDA – Camm Ag
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<b>Legislation</b>		Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken. S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000

Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**  
**A/Principal Water Officer**  
**Water Services | South Region**

Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dsdilgp.qld.gov.au](mailto:Rebecca.Carpenter@dsdilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the Irrelevant information and Irvingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water*

Act 2000 (and not exempt as per the applicants additional information provided under s97 of the Water Act 2000) and are not considered as ‘[accepted development](#)’ under the Water Regulation 2016.

2. Please confirm the sections of the relevant water plans that sets out that “New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements”.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section 7	2311-37994 SDA
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
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### Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

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## SARA technical agency assessment response

### Technical agency (TA)—Department of regional Development, Manufacturing and Water

SARA reference: 2311-37994 SDA  
 SARA role: assessment manager  
 SARA regional office: Darling Downs South West regional office  
 SARA email: ToowoombaSARA@dsdilgp.qld.gov.au  
  
 TA reference: JOB036580  
 TA contact name: Nicky Richardson  
 TA contact details: 07 4529 1394  
 TA approver: Carly Nielsen

## 1.0 Application details

Street address: 1607 Dalby Nungil Road, Irvingdale; Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); Dalby Nungil Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional); 1835 Blaxland Irvingdale Road, Irvingdale (toowoomba Regional)

Real property description: 2SP311107; 1396A341957; 4A34884; 3A34884; 950A34884; 406A34884; 23AG493; 865A341408; 876A341408

Local government area: Toowoomba Regional Council

Applicant name: Camm Agricultural Group

Applicant contact details: PO BOX 411  
 Toowoomba QLD 4350  
Personal information enviroag.net.au

## 2.0 Aspects of development and type of approval being sought

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
<b>Description of proposal:</b> Construction of Three (3) Waste Utilisation Areas Tailwater Dams		

## 3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the Planning Regulation 2017:

Trigger	Description	Technical agency	Fast track?
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8.4.3.k	<p>If tables 1 to 3 do not apply and the development application is for 1 or more of the following and no other assessable development, other than a material change of use for an environmentally relevant activity-</p> <ul style="list-style-type: none"> <li>(a) a material change of use for aquaculture;</li> <li>(b) operational work that is the clearing of native vegetation;</li> <li>(c) operational work completely or partly in a declared fish habitat area;</li> <li>(d) a material change of use for a hazardous chemical facility;</li> <li>(e) operational work that is the removal, destruction or damage of a marine plant;</li> <li>(f) operational work that is the construction of a dam, or relates to a dam, if- <ul style="list-style-type: none"> <li>(i) because of the work, the dam must be failure impact assessed; and</li> <li>(ii) the accepted failure impact assessment for the dam states that the dam has, or will have, a category 1 failure impact rating or a category 2 failure impact rating;</li> </ul> </li> <li>(g) assessable development on a Queensland heritage place;</li> <li>(h) a material change of use of premises that is carried out on a lot that shares a common boundary with another lot that is or contains a Queensland heritage place;</li> <li>(i) a material change of use of premises that is carried out on a lot that contains a Queensland heritage place, but is not carried out on the Queensland heritage place;</li> <li>(j) development for removing quarry material from a watercourse or lake;</li> <li>(k) operational work that involves taking or interfering with water under the Water Act;</li> <li>(l) operational work that is- <ul style="list-style-type: none"> <li>(i) tidal works not in strategic port land; or</li> <li>(ii) work carried out completely or partly within a coastal management district;</li> </ul> </li> <li>(m) operational work that is constructing or raising waterway barrier works;</li> <li>(n) operational work that is high impact earthworks in a wetland protection area</li> </ul>	DRDMW	N
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## 4.0 Assessment

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### 4.1 Considerations and assessment

The application was assessed against the State Development Assessment Provisions. The relevant provisions of the code are:

- General: PO1 – PO4,
- Overland flow water: PO7 – PO9,
- Contaminated agricultural run-off water: PO14 – PO16

## 5.0 Recommendations

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### 5.1 Technical agency advice for SARA as assessment manager

Our agency:

(a) recommends refusal of all of the application for the reasons described below (*Planning Act 2016* section 60(2)(d) or 60(3)(c)):

(i) **The reasons for this decision are:**

- The proposed development does not satisfy the State Development Assessment Provisions

(A) **Findings on material questions of fact:**

- The applicant has stated on Page 6, Drawing 24635,D,504.0.1 and page 35 of the certified report that water that does not meet the acceptable quality for release is to be reused for irrigation practices and will be lifted out of the dams via 3 main pump sites (1 per dam)
- PO16 states that works that contain CAR water must not increase the amount of overflow water taken and must allow for the release of water when an acceptable quality of water is achieved.
- The development does not satisfy PO16 as
  - the proposed irrigation may increase the take of overland flow in the plan area; and
  - water must be released once it is of an acceptable quality into the catchment as close as practicable to its flow path prior to construction of the works. If the water is not of acceptable quality then it should not be released.
- The applicant has not demonstrated that the construction and operation of the proposed works will not increase the average volume of surface water that may be taken within the plan area.

(B) **Evidence or other material on which the findings were based:**

- *Water Act 2000*
- *Water Plan (Condamine and Balonne) 2019*
- *Condamine and Balonne Water Management Protocol 2019*
- State Development Assessment Provisions - State code 10: Taking or interfering with water
- State Development Assessment Provisions guidance material – State Code 10: Taking or interfering with Water
- SARA Model Conditions: Version 3.9 – Section 9
- Certification Report; CammAg WUA Dams Design and Application for Approval Prepared by EnviroAg Australia. Report Number 24635.110896.0

## 5.2 Approved plans and specifications

Our agency recommends the following plans and specifications should be referenced in the response:

Drawing/Report title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Contaminated Agricultural Run-off Dam</b>				
Certified Report	CAmmAg	09/11/2023	24635.110896.0	
Process flow diagram	CAmmAg		24635,D,504.0.1	

## 6.0 Endorsement

<b>Officer</b>	Nicola Richardson	Senior Water Officer	45291 394	<a href="mailto:nicola.richardson@rdmw.qld.gov.au">nicola.richardson@rdmw.qld.gov.au</a>
<b>Approver</b>	Carly Nielsen	Senior Water Officer	4529 1394	<a href="mailto:Carly.Nielsen@rdmw.qld.gov.au">Carly.Nielsen@rdmw.qld.gov.au</a>

No.	Conditions	Condition timing
<b>Development permit for operational works</b>		
Planning Regulation 2017 - Schedule 10, part 19, division 1, subdivision 3, table 1 - Water-related development - taking or interfering with water—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Regional Development, Manufacturing and Water 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 conditions:		
1.	The re-use of any stored contaminated agricultural runoff water for cropping, irrigation or any other use is not permitted.	At all times
2.	<p>a) Carry out the proposed development in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. Construct the waste utilisation area tailwater dams that take and store contaminated agricultural run-off water, generally in accordance with: <ul style="list-style-type: none"> <li>• WUA tailwater dam detailed design site overall, ref 24635.D.001.0.1 Rev B, dated 07 November 2023, prepared by EnviroAg Australia, as amended in red by SARA</li> <li>• WUA tailwater dam 1 plan and details, ref 24635.D.210.0.1 Rev B, dated 07 November 2023, prepared by EnviroAg Australia, as amended in red by SARA</li> <li>• WUA tailwater dam 2 plan and details, ref 24635.D.210.1.1 Rev B, dated 07 November 2023, prepared by EnviroAg Australia, as amended in red by SARA</li> <li>• WUA tailwater dam 3 plan and details, ref 24635.D.210.2.1 Rev B, dated 07 November 2023, prepared by EnviroAg Australia, as amended in red by SARA</li> </ul> </li> <li>ii. The waste utilisation area tailwater dams are designed to: <ul style="list-style-type: none"> <li>• not be larger than required to contain contaminated agricultural run-off water, in accordance with condition 3 of this approval</li> <li>• allow for water that is not contaminated agricultural run-off water to pass through the works</li> <li>• not increase the volume of overland flow water taken in a water year</li> <li>• allow for the release of water when an acceptable quality of water is achieved, in accordance with condition 3 of this approval.</li> </ul> </li> </ul> <p>(b) Submit a certification report prepared by a registered professional engineer (RPEQ) confirming that the development has been complies with part (a) of this condition as follows:</p> <ul style="list-style-type: none"> <li>i. the certification report must: <ul style="list-style-type: none"> <li>• be in accordance with the information on certified reports provided on the Queensland Government Business and Industry Portal for 'overland flow works that require certification'</li> </ul> </li> </ul>	<p>(a) To be maintained and at all times</p> <p>(b) and (c) Within 20 business days of completion of the works</p>

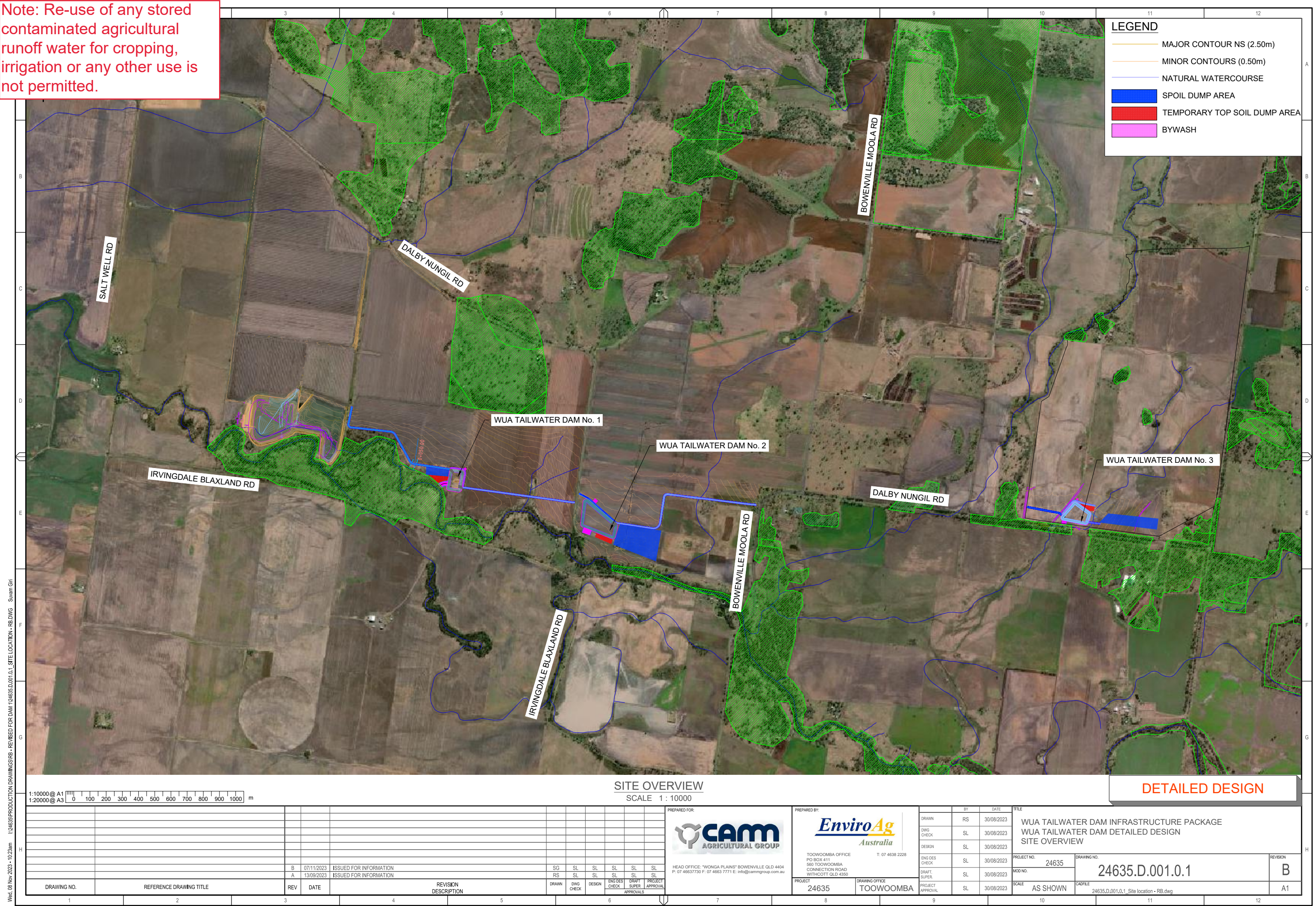
	<ul style="list-style-type: none"> <li>include: a. 'as constructed' drawings of the works</li> </ul> <p>(c) Submit the certification report to: Department of Regional Development, Manufacturing and Water PO BOX 318 Toowoomba QLD 4350 OR <a href="mailto:Waterservices.Toowoomba@rdmw.qld.gov.au">Waterservices.Toowoomba@rdmw.qld.gov.au</a> The records must state the application reference number: 2311-37994 SDA</p>	
3.	<p>a) Release the stored contaminated agricultural run-off water to receiving waters of the Queensland Murray Darling Basin when the water has achieved an acceptable quality of water as prescribed by Chapter 10 of Water Quality Target values of the Healthy Waters management Plan: Condamine River basins, prepared by Department of Environment and Science.</p> <p>b) All water that has achieved an acceptable quality of water must be released in accordance with part (a) of the condition:</p> <ul style="list-style-type: none"> <li>i. into the catchment as close as practicable to its flow path prior to construction of the works</li> <li>ii. in accordance with sections 6 to 8 and Appendix 2 of the 'Code of practice for the release of stored water from privately owned farm storages to receiving water in the Queensland Murray-Darling Basin' prepared by the Queensland Government.</li> </ul> <p>c) Submit written notice to the Department of Regional Development, Manufacturing and Water PO BOX 318 Toowoomba QLD 4350 OR <a href="mailto:Waterservices.Toowoomba@rdmw.qld.gov.au">Waterservices.Toowoomba@rdmw.qld.gov.au</a>, advising when the release of water as detailed in part (a) of this condition has occurred. The notice must include:</p> <ul style="list-style-type: none"> <li>i. date and time the release commenced and ceased</li> <li>ii. the volume of water released</li> <li>iii. evidence demonstrating compliance with condition</li> <li>iv. the application reference number 2311-37994 SDA</li> </ul>	<p>(a) and (b) At all times</p> <p>(c) Within 5 business days of releasing water under parts (a) and (b)</p>
4.	<p>a) Test the contaminated agricultural run-off water for excess nutrients and/or farm chemicals to determine when an acceptable quality of water is achieved as prescribed by Chapter 10 of Water Quality Target values of the Healthy Waters management Plan: Condamine River basins, prepared by Department of Environment and Science. The testing must be in accordance with the Queensland Monitoring and Sampling Manual 2018.</p> <p>b) Maintain records which document the results detailed in part (a) of this condition.</p> <p>c) Submit a copy of these records to the Department of Regional Development, Manufacturing and Water PO BOX 318 Toowoomba QLD 4350 OR <a href="mailto:Waterservices.Toowoomba@rdmw.qld.gov.au">Waterservices.Toowoomba@rdmw.qld.gov.au</a>. The</p>	<p>(a) Within 10 business days of storing the contaminated agricultural run-off water, and within every 30 business days thereafter, until an acceptable quality of water is achieved</p> <p>(b) During the testing period detailed in part (a)</p>

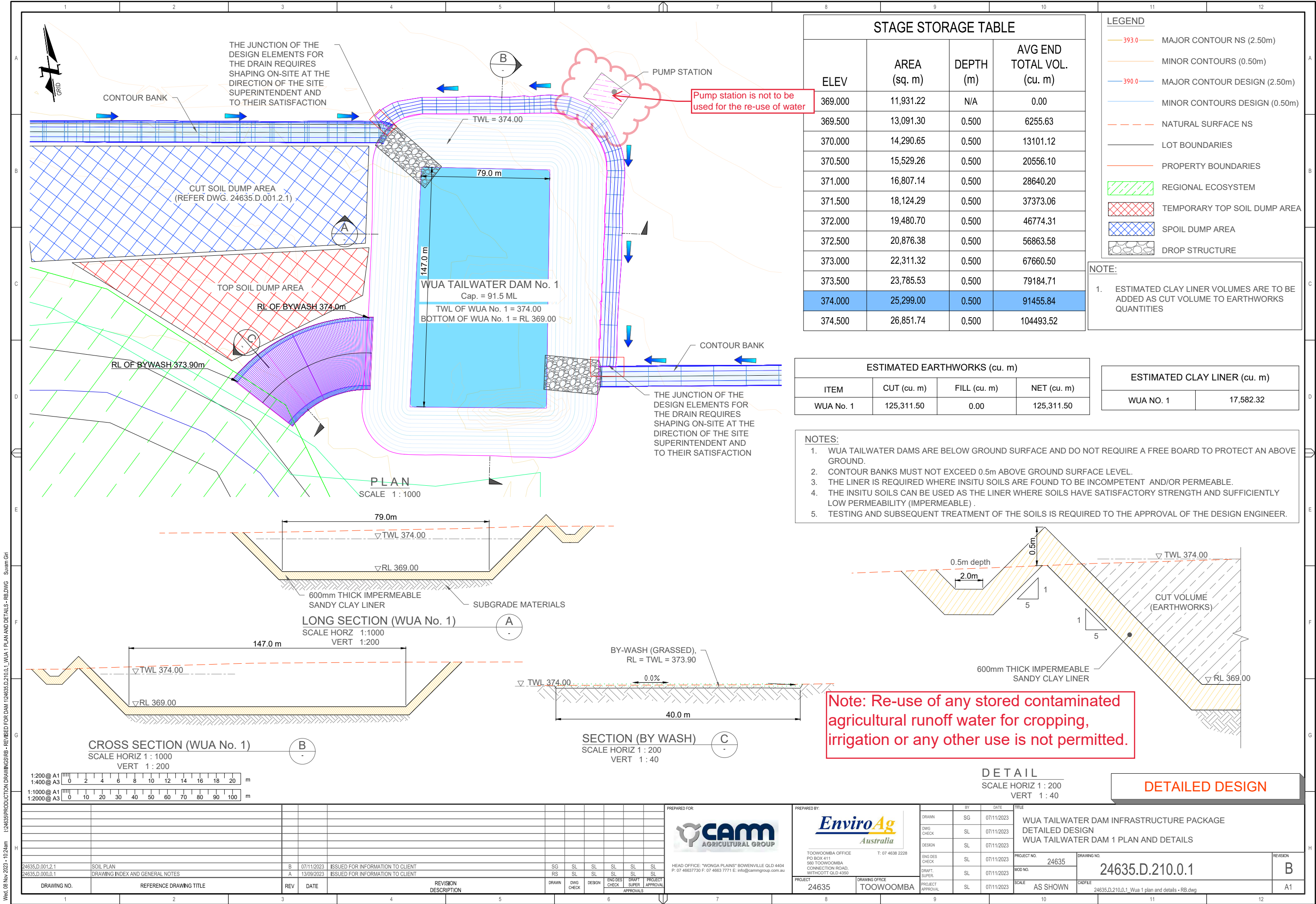
	records must state the application reference number: 2311-37994 SDA	of this condition and to be maintained for 5 years following any release of the water associated with these works  (c) Upon request from the Department of Regional Development, Manufacturing and Water.
5.	Any person(s) engaged or employed to carry out the works authorised by this approval must be provided with a full copy of this development approval and must be made aware of the full extent of works authorised by this development approval.	At all times

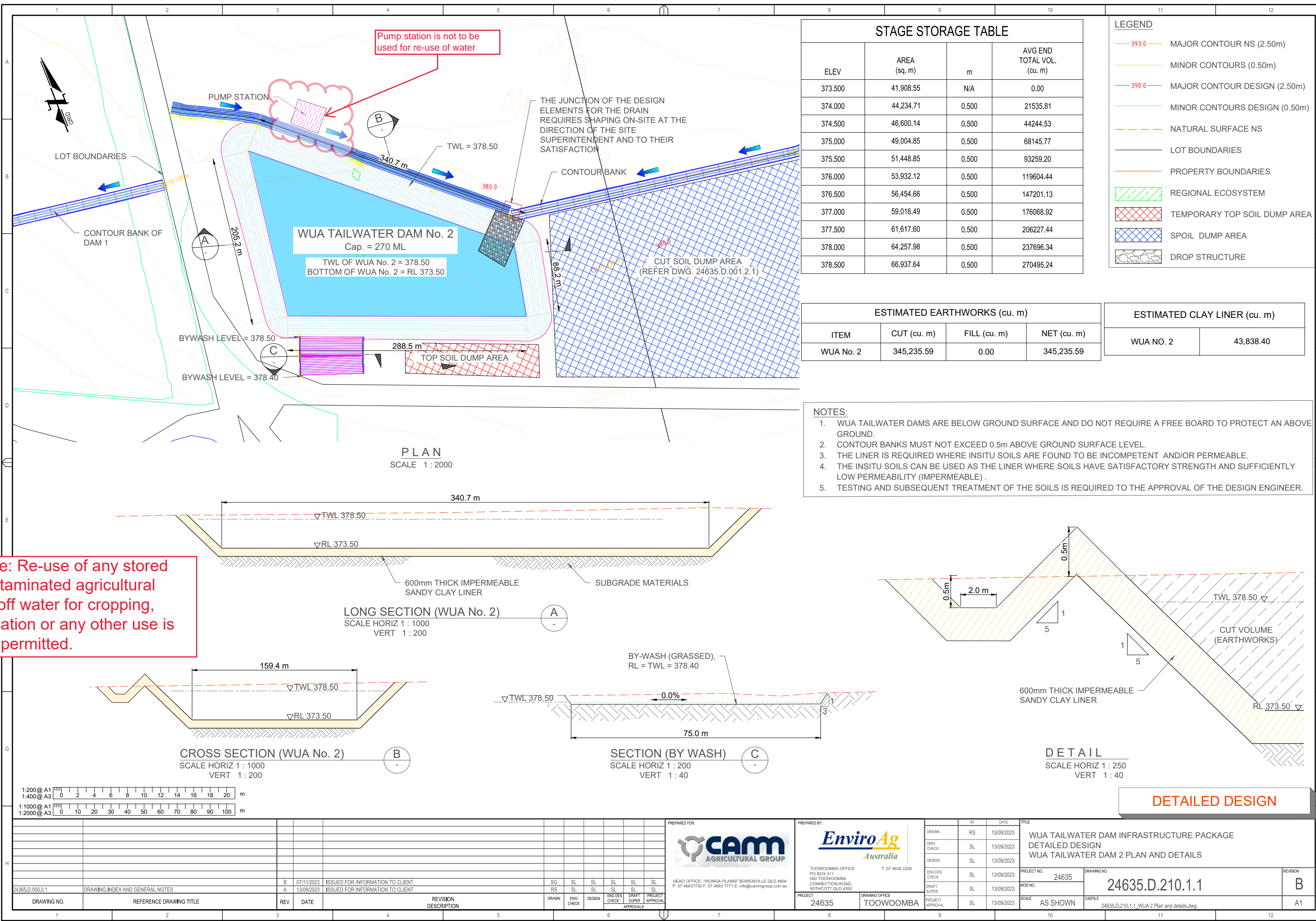
#### Advice note to applicant

General advice
<p>New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements which involves storing contaminated water, monitoring the water quality, then releasing the water to the environment when it no longer poses a contamination risk. The re-use of any stored contaminated agricultural runoff water is not permitted.</p> <p>The Queensland Government is seeking to manage and better account for the take of overland flow water in the Condamine and Balonne, and Border Rivers and Moonie catchments.</p> <p>Provisions are in force for landowners who take contaminated agricultural runoff. <b>Under these provisions, you must make a record every time you:</b></p> <ul style="list-style-type: none"> <li>• take overland flow water that is contaminated agricultural runoff, or</li> <li>• carry out an agricultural activity that may contaminate overland flow water resulting in it needing to be captured on-farm.</li> </ul> <p>The records should include:</p> <ul style="list-style-type: none"> <li>• the volume of contaminated agricultural runoff taken</li> <li>• when the contaminated agricultural runoff was taken</li> <li>• the nature of the event</li> <li>• the source and purpose of the contaminant</li> <li>• how the contaminant was applied</li> <li>• the extent to which the application was consistent with best practice, standards, codes and product labels.</li> </ul> <p>Records may be made in hard copy or electronically and must be kept for five years. The Queensland Government may request to inspect these records at any time. It is an offence to not produce the records for inspection when requested.</p> <p>See Fact Sheet titled “<i>Requirements for recording take of contaminated agricultural runoff</i>”.</p>

Note: Re-use of any stored contaminated agricultural runoff water for cropping, irrigation or any other use is not permitted.









**From:** [Carly Nielsen](#)  
**To:** [Rebecca Carpenter](#)  
**Cc:** [Richard Dickfos](#)  
**Subject:** FW: Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act  
**Date:** Wednesday, 7 August 2024 1:57:52 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
**Importance:** High

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OFFICIAL

Good afternoon Rebecca,  
 Regarding your below email, the proposed applications are considered assessable development in accordance with schedule 9 of the Water Regulation 2016, due to the requirement under section 97 of the Water Act 2000 not being met.

**The statutory authorisation provided by section 97 (Environmental authorities)**

Note, the statutory authorisation to take overland flow (OLF) water provided for by section 97 of the Water Act; **only applies** when an EA; or a DP for carrying out an environmentally relevant activity **explicitly requires** overland flow water to be captured and **only to the extent and not more than the volume** necessary to satisfy the requirements of the EA or DP.

The Water Plans do not specifically quote the requirement for capture and release, they reference that there must not be an increase in the amount of water taken. I have added to the table below the sections of the plans that reference that there must not be an increase and the limitations.

State Code 10: Taking or interfering with water details in the purpose statement item 5. that the QMDB allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved. As part of our assessment under the Planning Act 2016 and Water Regulation 2016, the purpose of the state code along with performance outcome PO16 is used to ensure that no increase in take occurs.

Table 1 – SARA confirmation notice triggers for assessment

<b>SARA reference</b>	Irrelevant information deleted in accordance with section	2311-37994 SDA – Camm Ag
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering</li> </ul>

		with water.
<b>Legislation</b>	Irrelevant information deleted in accordance with section 7	Water Plan (Condamine and Balonne) 2019 s33 - Decisions must not increase amount of water taken. S37 - Limitations on taking overland flow refer to section 101(3) Water Act 2000

Thank you for your assistance with these assessments.

Regards,



**Carly Nielsen**  
**A/Principal Water Officer**

**Water Services | South Region**

Department of Regional Development, Manufacturing and Water

**P: 45 291 255**

**E: [Waterservices.Toowoomba@rdmw.qld.gov.au](mailto:Waterservices.Toowoomba@rdmw.qld.gov.au)**

**A: 203 Tor Street, Toowoomba | PO Box 318, TOOWOOMBA QLD 4350**

**W: [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)**

**From:** Rebecca Carpenter <[Rebecca.Carpenter@dasilgp.qld.gov.au](mailto:Rebecca.Carpenter@dasilgp.qld.gov.au)>

**Sent:** Tuesday, August 6, 2024 4:50 PM

**To:** Richard Dickfos; Carly Nielsen

**Subject:** Urgent - 2311-37944 SDA and 2402-39293 SRA - Confirmation of assessment under Water Act

Hi Richard and Carly,

I have briefed my delegate this morning for the [Irrelevant information] and Irvingdale taking and interfering with water application that SARA is considering (Table 1). To help SARA form a position and path forward can you please provide the following information by 2pm Wednesday 7/08/2024 (happy to chat about this timeframe):

1. Please confirm that the proposed applications are considered assessable under the *Water Act 2000* (and not exempt as per the applicants additional information provided under s97 of the *Water Act 2000*) and are not considered as '[accepted development](#)' under the Water Regulation 2016.
2. Please confirm the sections of the relevant water plans that sets out that "New works to capture contaminated agricultural runoff in the Queensland Murray-Darling Basin must operate under store and release arrangements".

Table 1 – SARA confirmation notice triggers for assessment

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<b>SARA reference</b>	Irrelevant information deleted in accordance with section 7	2311-37994 SDA
<b>Address</b>		1607 Dalby Nungil Road and 1835 Blaxland Irvingdale Road, Irvingdale
<b>Proposal</b>		Operational work for taking or interfering with water
<b>Referral triggers</b>		<ul style="list-style-type: none"> <li>Schedule 8, Table 4, Item 3 (k) — Operational work that involves taking or interfering with water under the <i>Water Act 2000</i>.</li> <li>Schedule 10, Part 19, Division 1, Subdivision 2, Table 1, Item 1—Operational work that involves taking or interfering with water.</li> </ul>

### Rebecca Carpenter

Principal Planning Officer, DA Advisory Team (DAAT)

**DA Division**

**Planning Group**

Department of Housing, Local Government, Planning and Public Works

P 07 3452 7652

E [rebecca.carpenter@dasilgp.qld.gov.au](mailto:rebecca.carpenter@dasilgp.qld.gov.au)

Level 13, 1 William Street, Brisbane Qld 4000

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