

8.2 M ANTON - MATERIAL CHANGE OF USE - HIGH IMPACT INDUSTRY (CONCRETE RECYLING YARD - UP TO 5000 TONNES PER YEAR) - LOTS 2 & 3 ON SP223151 - 3276 & 3278 MULLIGAN HIGHWAY, MOUNT MOLLOY - MCU/19/0009

Date Prepared: 2 September 2019

Author: Senior Planner

Attachments:

1. Proposal Plans [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning response dated 26 August 2019 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M Anton	ADDRESS	3276 & 3278 Mulligan Highway, Mount Molloy
DATE LODGED	26 June 2019	RPD	Lots 2 & 3 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)		
FILE NO	MCU/19/0009	AREA	Lot 2 - 217.9ha Lot 3 - 93.88ha
LODGED BY	Urban Sync Pty Ltd	OWNER	Kathleen Colless Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

It is recommended that the application be approved in full with conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Anton	ADDRESS	3276 & 3278 Mulligan Highway, Mount Molloy
DATE LODGED	26 June 2019	RPD	Lots 2 & 3 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet 2	Site Plan	-	-
-	Indicative Site Layout Plan	-	-

- (C) **ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

- (a) Development assessable against the Planning Scheme

- Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

3.5 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No operations are permitted on Sundays or Public Holidays.

3.6 Product Sale

All recycled products are to be sold off-site only with no individual sales/transactions permitted from the subject site.

- 3.7 Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

3.8 Environmental Management Plan

The applicant/developer shall provide Council with an environmental management plan prepared by a suitably qualified professional which addresses (as a minimum):

- All environmental impacts of the proposal and measures proposed to mitigate the impacts;

- Emergency management procedures;
- Refuse collection and disposal; and
- Management and supervision procedures.

The environmental management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.

The applicant/developer or on-site manager must ensure the approved use is operated in accordance with the environmental management plan at all times and for the life of the development.

4. Infrastructure Services and Standards

4.1 Stormwater Management

4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.1.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.2 Erosion and Sediment Control Plan

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 Prior to the development commencing, the applicant must develop an Erosion and Sediment Control Plan. The plan must detail what measures/procedures will be implemented on-site to prevent erosion and sediment run-off during construction and operation.

4.2.3 The applicant/developer must ensure that the Erosion and Sediment Control Plan is complied with at all times.

4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be constructed to at least compacted gravel standard,

clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

- (e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(E) REFFERAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 26 August 2019.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

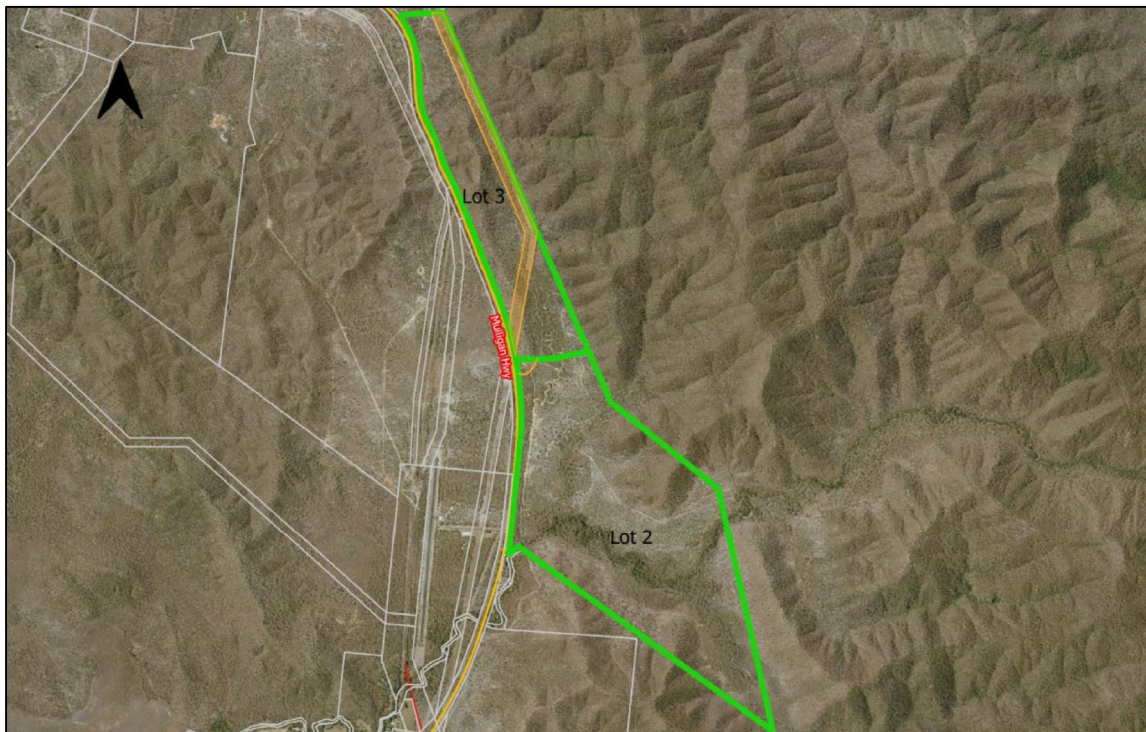
- Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject land is described as Lots 2 and 3 on SP223151 and is situated at 3276 and 3278 Mulligan Highway, Mount Molloy. Both lots 2 and 3 are irregular in shape with areas of 217.9 ha and 93.88 ha respectively and are both zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Both lots contain in excess of 1km of frontage to the Mulligan Highway which is a State controlled road and is bitumen sealed.

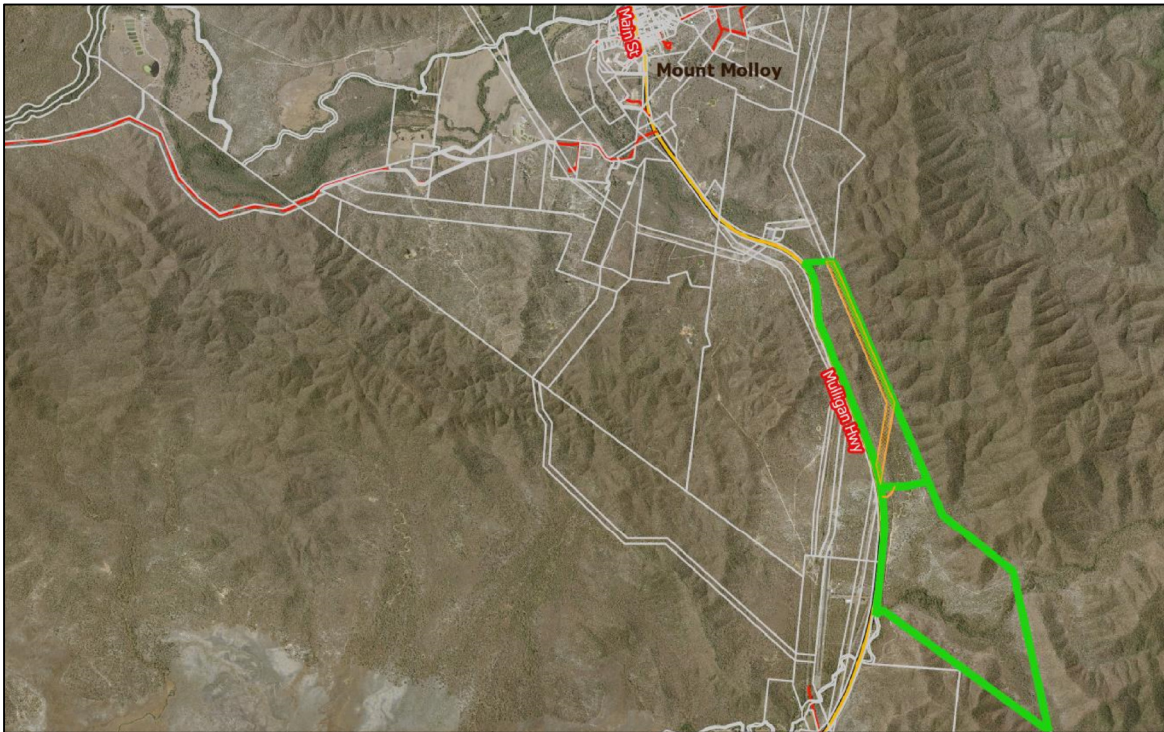
Both lots are unimproved, with the exception of some cattle grazing and mustering infrastructure (cattle yards). Lot 3 is traversed by high voltage electricity lines which lie within an easement in favour of Ergon Energy. Lot 2 contains an access easement within which a gravel access road is constructed which benefits Lot 3 as they share the same access crossover situated along the frontage of Lot 2.

Lots surrounding the site to the west, north and south are zoned rural while the large lot to the east of the site is a National Park and is zoned Conservation.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year) in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following description of the proposed development:

"The site forms part of land holdings previously belonging to the former Wetherby Station which was originally established in 1878. More recently, Wetherby Station has subdivided off inferior areas of land (including the site) that have not been considered historically productive and/or commercially viable for the future grazing of cattle.

*The development will utilise an approximate 2ha area of Lot 3 for the storage, recycling and reuse of concrete. The development will involve the delivery, sorting, screening, crushing or storage of **no more** than 5,000 tonnes of concrete per year. The remainder of the site will continue to be used for cattle grazing with 25-30 head of cattle to be retained.*

The concrete will be trucked to the site sporadically with the maximum number of truck visits to the site per year to be 195 x 25-ton semi-truck loads. Truck visits will however, vary, with between five (5) and twenty 25 truck visits per month anticipated (truck movements will be entirely dependent on the number of demolition projects completed by the Applicant and some months, there will likely be no truck movements at all).

A mobile crushing plant from 'Kidners Contracting' in Ravenshoe will be mobilised to site 2 or 3 times per year to turn the concrete waste stockpile into useable road base materials. At other times, the following machinery will be permanently stationed on site for the sorting of different sizes of crushed concrete:

- *1x end loader;*
- *2 x excavators with grab and rock breaker attachments;*
- *1 x tip truck;*
- *1 x bobcat skid steer; and*
- *A mechanical screening plant.*

Crushing and processing of concrete will not last more than 14 working days on each of the 2 or 3 occasions per year. Normal weekly working hours comprising 8am-5pm (Monday-Friday) and Saturday hours of 8am-1pm will apply for any such concrete crushing and processing works.

Two (2) shed structures will be constructed on the site over the course of the first three (3) years of operation and are expected to be approximately 450m² each and have a maximum height of 6m. These sheds will be primarily used for the all-weather housing of any/all required processing plant and equipment and staff vehicles. The 2ha recycling yard will be fully fenced.

The development will employ up to six (6) staff on site at any one time and will not involve any customers as the development will not open to the general public. Staff car parking will be provided in the proposed sheds.

An Environmental Management and Erosion and Sediment Control Plans to be prepared prior to the commencement of the use which will outline how the development will suitably address all environmental matters (air, noise, water, waste etc.).

The development will not be staged, although the sheds may not be constructed straight away.

Water Supply

The applicant will be contracting local water drilling company 'Serra Drilling' to sink a suitable bore (including the provision of 1 x 50,000 litre storage tank) for all the developments water needs.

Water for staff will be provided via 15 litre bottles of potable water, all of which will be delivered by 'Babinda Springs'.

A separate 30,000 litre tank will also be provided for firefighting purposes.

Sewerage

The development will be serviced by an on-site (mobile) toilet/ablutions block.

Electricity and Telecommunications

The development will be provided with an overhead electricity at some time in the future. Solar will be used in the interim.

Mobile phones will be used for telecommunications.

Stormwater (Quantity and Quality)

Stormwater from the 2ha concrete recycling yard will be collected and discharged to the south, south-east, generally running parallel to the Mulligan Highway and via the existing drainage gullies and general sheet flow. Full details of the treatment methods will be included in the Environmental Management Plan to be prepared prior to the commencement of the use.

Stormwater flows and regimes on all other parts of the site will be left in their existing state.

Stormwater from the 2ha concrete recycling yard will be treated (swales or the like) before being discharged to the existing drainage gullies. Full details of the treatment methods will be included in the Environmental Management Plan to be prepared prior to the commencement of the use.

Earthworks

No earthworks are required or proposed to facilitate the development.

Erosion and Sediment Control

An Erosion and Sediment Control Plan will be prepared prior to the commencement of the use.

External Upgrades

The existing 50m wide apron/invert crossing off the Mulligan Highway to the site is proposed to be upgraded with rolled and compacted roadbase to allow heavy rigid vehicles to safely enter and exit the site. The 'driveway' between the Mulligan Highway carriageway and site boundary are also proposed to be upgraded using rolled and compacted roadbase and to a width of approximately 12m wide

Internal Upgrades

All access and internal roadways will be upgraded and will be continually maintained and graded with suitable gravel and road base materials."

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> ▪ Rural Other Natural Environment Elements <ul style="list-style-type: none"> ▪ Biodiversity Areas ▪ Ecological Corridor Infrastructure Elements <ul style="list-style-type: none"> ▪ Major Electrical Infrastructure Transport Elements <ul style="list-style-type: none"> ▪ State Controlled Road ▪ B-double Route ▪ Principal Cycle Routes
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none"> ▪ Bushfire Hazard Overlay ▪ Environmental Significance Overlay ▪ Hill and Slope Overlay ▪ Regional Infrastructure Corridors and Substations Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
High impact industry	<p>Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:</p> <ul style="list-style-type: none"> • potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise • potential for significant offsite impacts in the event of fire, explosion or toxic release • generates high traffic flows in the context of the locality or the road network • generates a significant demand on the local infrastructure network • the use may involve night time and outdoor activities • onsite controls are required for emissions and dangerous goods risks. 	<p>Abattoirs, concrete batching plant, boiler making and engineering and metal foundry</p> <p>Note—additional examples may be shown in SC1.1.2 industry thresholds.</p>	<p>Tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers, service industry, low impact industry, medium impact industry, special industry</p>

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:

(A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.3.11 Element - Rural Areas**

3.3.11.1(1): Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.

Comment

The development has been located to utilise the site's location on a large vacant rural site, positioned between two (2) ridges to appropriately address site constraints and amenity issues associated with the development.

The development is able to sufficiently mitigate any adverse environment and landscape impacts.

3.3.11.1(6): Agricultural areas will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.

Comment

The development has been located to utilise the site's location on a large vacant rural site, positioned between two (2) ridges to appropriately address site constraints and amenity issues associated with the development.

The development is able to sufficiently mitigate any adverse environment and landscape impacts.

3.3.11.1(7): Rural areas preserve lands for future uses beyond the life of the planning scheme.

Comment

The development will occupy an approximate two (2) ha of Lot 3. Cattle grazing may continue to occur over the remaining 90 hectares of Lot 3. The proposed development will also require minimal infrastructure allowing the land to revert to rural use should the proposed development cease operation in the future.

3.4.5 Element – Strategic Rehabilitation and Ecological Corridors

3.4.5.1(1): Ecological corridors are major existing habitat corridors that link key biodiversity areas within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of ecological corridors.

Comment

The site is located between the Mulligan Highway to the west and the largely cleared electricity easement to the east and south. The development will result in two (2) hectares of Lot 3 being cleared, whilst the balance of Lot 3 will remain vegetated and continue its ecological corridor function.

3.6.10 Element - Energy Supply

3.6.10.1(2): High voltage major electrical infrastructure and energy generation facilities are protected from conflicting development.

Comment

The concrete recycling area and both proposed ancillary sheds are setback from the Ergon Energy electricity easement. The internal access road will cross the electricity easement without impacting on the high voltage transmission lines.

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Industrial activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(D) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works to be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency for a State transport corridor and clearing of native vegetation.

That Department advised in a letter dated 26 August 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

The application triggered referral to Ergon Energy as an Advice Agency. No response was received.

Internal Consultation

Technical Services.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 8 August 2019 to 28 August 2019. The applicant submitted the notice of compliance on 29 August 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Compliance with Performance Outcome PO6 of the Rural Zone Code is summarised as follows:

PO6

Development must not detract from the amenity of the local area, having regard to:

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*
- (d) advertising devices;*
- (e) visual amenity;*
- (f) privacy;*
- (g) lighting;*
- (h) odour; and*
- (i) emissions.*

AO6

No acceptable outcome is provided.

Comment

The proposed development has been assessed against the criteria established under PO6:

- (a) noise, (h) odour, (i) emissions and (g) lighting;*

Performance Outcome PO1 and Acceptable Outcome AO1 of the Industrial Activities Code establishes an acceptable separation distance of 500 metres between a high impact industry and sensitive uses.

The scheme considers the minimum 500 metre separation distance as an appropriate means of ensuring amenity is maintained having regard to noise, odour, light and emissions.

The development achieves a separation distance in excess of 2 kilometres.

- (b) hours of operation;*

The development will not operate outside of 'standard' hours of operation.

- (c) traffic;*

The site gains access from a State-controlled road (Mulligan Highway).

Total truck visits to the site per year will be 195 x 25-ton semi-truck loads. The spread of truck visits throughout the year will be dependent on demolition projects.

The proposed number of annual trucks movements is acceptable on a highway.

- (d) advertising devices;*

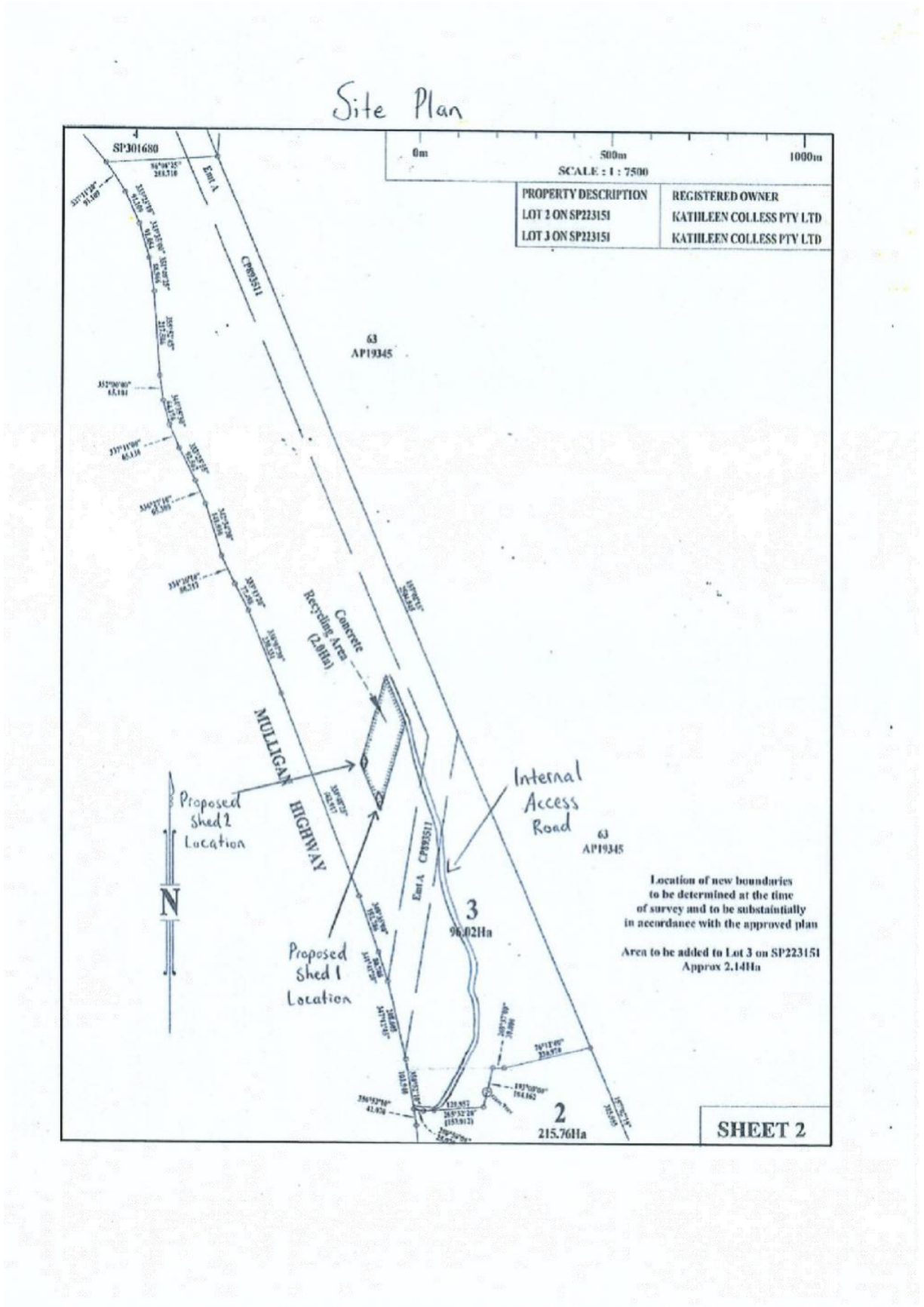
No advertising devices are being proposed.

- (e) visual amenity and (f) privacy;*

The 2ha concrete recycling yard has been located on site, generally in between two (2) mountain ridges. Furthermore, a significant amount of existing vegetation between the 2ha

concrete recycling yard and the Mulligan Highway will be retained. This will ensure the development is suitably screened from nearby sensitive land uses and does not have a negative impact on the visual amenity of the wider locality.

The development complies with PO6.



Indicative Site Layout Plan



A product of
 Queensland Globe



50 metres

Print Date: 18/6/2019

Paper Size: A4

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RA6-N



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 1907-12219 SRA
 Council reference: MCU/19/0009
 Applicant reference: 19-462

26 August 2019

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba Qld 4880
 planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

SARA response—3276 Mulligan Highway, Mount Molloy; 3278 Mulligan Highway, Mount Molloy

**Development Application for Material change of use for Development Permit for a Material
 Change of Use for High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)**
 (Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of
 State Development, Manufacturing, Infrastructure and Planning on 17 July 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	26 August 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Development Permit for a Material Change of Use for High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)
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Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

1907-12219 SRA

SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation (Planning Regulation 2017)
	Development application for a material change of use on a lot that contains native vegetation
	Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 – State-controlled road (Planning Regulation 2017)
	Development application for a material change of use within 25m of a State-controlled road
SARA reference:	1907-12219 SRA
Assessment Manager:	Mareeba Shire Council
Street address:	3276 Mulligan Highway, Mount Molloy; 3278 Mulligan Highway, Mount Molloy
Real property description:	2SP223151; 3SP223151
Applicant name:	Martin Anton
Applicant contact details:	PO Box 2970 Cairns QLD 4870 justin@urbansync.com.au
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR19-027837 (500-1400) • Date: 20 August 2019 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au or on 07 4045 7151.</p>

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

1907-12219 SRA

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Martin Anton, c/- justin@urbansync.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

1907-12219 SRA

1907-12219 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clearing of vegetation under this development approval is limited to the area identified as Area A as shown on attached Technical Agency Response Plan (TARP) 1907-12219 SRA dated 16 August 2019.	At all times
2.	No built structure, other than for fences, roads, hardstands, and underground services, is to be established, constructed or located within area identified as Area B as shown on the attached Technical Agency Response Plan (TARP) 1907-12219 SRA dated 16 August 2019.	At all times
3.	Any person(s) engaged or employed to carry out the <u>clearing of vegetation</u> under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing
Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 – State-controlled road — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department on Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
4.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan (34A – 32.78km) prepared by Queensland Government Transport and Main Roads, dated 13/08/2019, File Reference TMR19-27837 (500-1400), Issue A.</p> <p>(b) Road access works comprising of a sealed rural property access must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossings – General, Figure 7.4 (rural property access specifically designed for articulated vehicles on a two - way road).</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
5.	Signage, indicating 'trucks turning' is to be installed either side of the road access in accordance with section 1.12.2 Longitudinal Placement of the Department of Transport and Main Roads' <i>Manual of Uniform Traffic Control Devices, Part 1: General introduction and sign illustrations, July 2019</i> .	Prior to the commencement of use.

1907-12219 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.4 effective 16 November 2018. If a word remains undefined it has its ordinary meaning.
2.	Words underlined in these conditions have the same meaning given in the Glossary of Terms found within the state code 16: Clearing native vegetation.
3.	Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements').
4.	To request an electronic file of the Derived Points (Attached to Plan: 1907-12219 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy (DNRME) at northvegetation@dnrme.qld.gov.au and include application reference (1907-12219 SRA).
5.	In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The impacts on connectivity or loss of biodiversity and the impact on ecosystem function is considered minimal as the scale of clearing is small and the extent of adjoining remnant vegetation is extensive.
- There are no wetlands within 100m of the proposed clearing.
- The proposed clearing for the access track is 10m which is within the 20m limit allowed.
- Sufficient vegetation will be retained to maintain connectivity and ecological processes on the premises as well as in the surrounding landscape.
- The risk of salinity indicator is considered to be marginal.
- The vegetation on the subject lots as least concern vegetation. There are no endangered or of concern regional ecosystems.
- The subject lots contains no essential habitat.
- There are no compliance activities, any vegetation management requirements for a particular regulated area or offsets related to the premises.
- The Mulligan Highway is not a limited access road.
- The existing shared vehicular access can accommodate vehicles up to a maximum size 'Four Axle Truck – Class 5 Medium Length Heavy Vehicle'.
- The proposal will involve Class 8 'Five Axle Articulated' vehicle/s using the access.
- The shared access will be required to be upgraded to accommodate articulated vehicles on a two-way road.
- The upgrade of the current access will improve entry and exit movements.
- Truck turning signage is required to be erected to warn and inform road users of truck movements ahead.
- The 'lease area' for the proposed concrete recycling yard is located approximately 115m east of the Mulligan Highway, a state-controlled road. This is a sufficient setback from the state-controlled road.
- Filling and excavation works will be limited and undertaken wholly within the 'lease area'.
- Stormwater and drainage flows are discharged naturally on-site and it is unlikely that stormwater and drainage flows will directly impact the state-controlled road.

Material used in the assessment of the application:

- The development application material, submitted plans and information request response
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4 effective 16 November 2018), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1907-12219 SRA

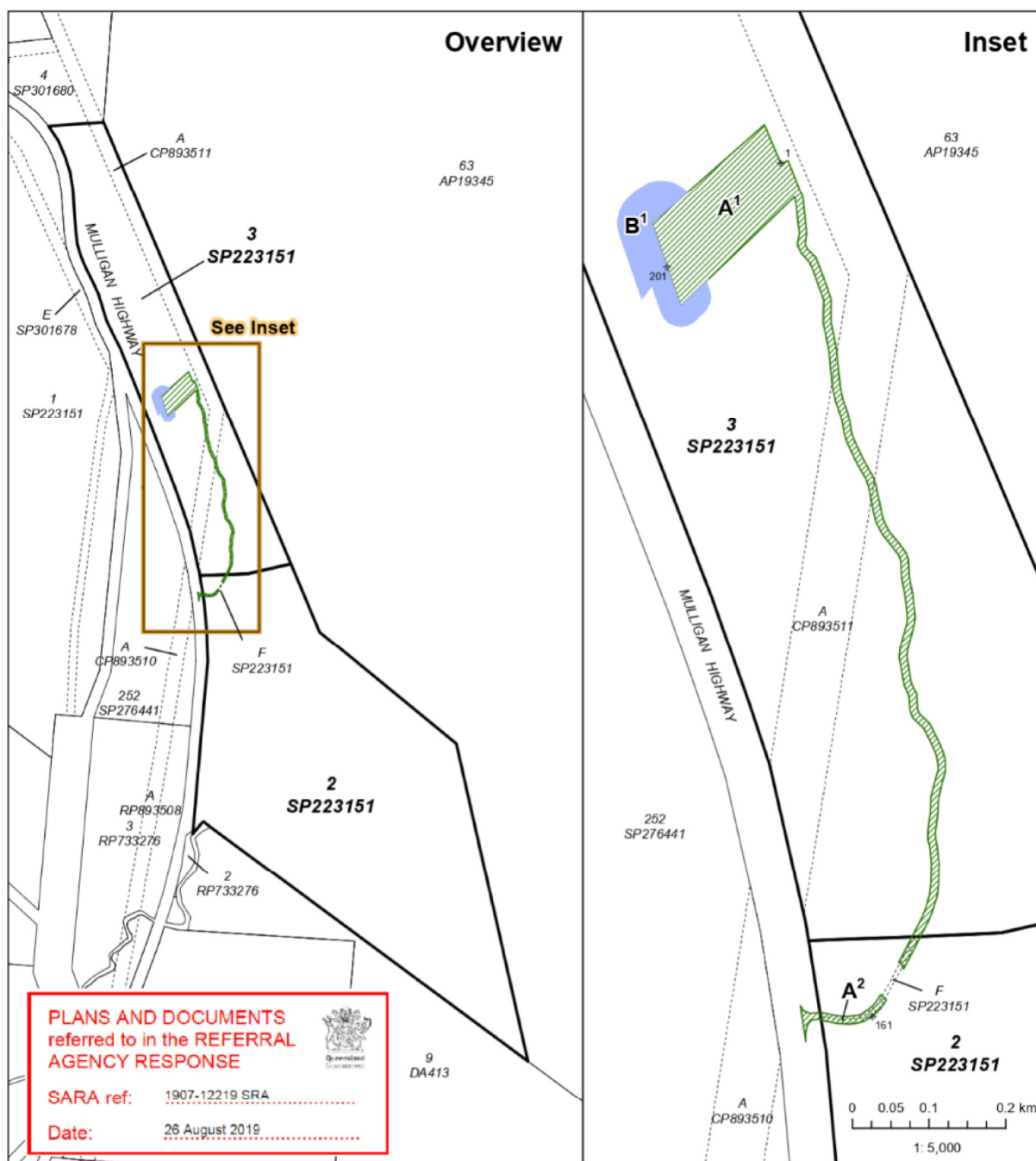
Attachment 4—Change representation provisions

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1907-12219 SRA

Attachment 5—Approved plans and specifications

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LEGEND Derived Reference Points for GPS (See Attachment to Plan) (Area start points shown only) Subject Lot(s) Area A (Parts A ¹ - A ²) Area B (Part B ¹)	Technical Agency Response Plan Plan of Area A (Parts A¹ - A²) and Area B (Part B¹) in Lots 2 & 3 on SP223151 eLVAS Case: 2019/003227		 N Version: 1	 Queensland Government
	LOCAL GOVT: MAREEBA SHIRE LOCALITY OF MOUNT MOLLY, SOUTHDGE		TARP 1907-12219 SRA Sheet 1 of 1	
	File Reference: eDocs. 082/0003393 Department: DNRME Region: North Prepared by: PJB - j563 Date: 16 August 2019			

Note: This is a colour plan and should only be reproduced in colour.

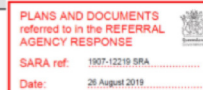
**Attachment to Plan: SDA-1907-12219
Derived Reference Points for GPS**

Page 1 of 2

Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55

Notes:

Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.



Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
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A1	9	324398	8151804	A1	69	324569	8151002	A1	129	324462	8151524
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**Attachment to Plan: SDA-1907-12219
Derived Reference Points for GPS**

Page 2 of 2

Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55

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B1	233	324187	8151889
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B1	235	324198	8151892
B1	236	324204	8151893
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Part ID	Unique ID	Easting	Northing
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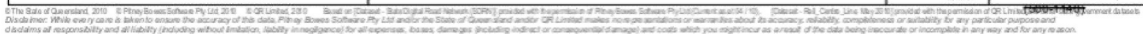
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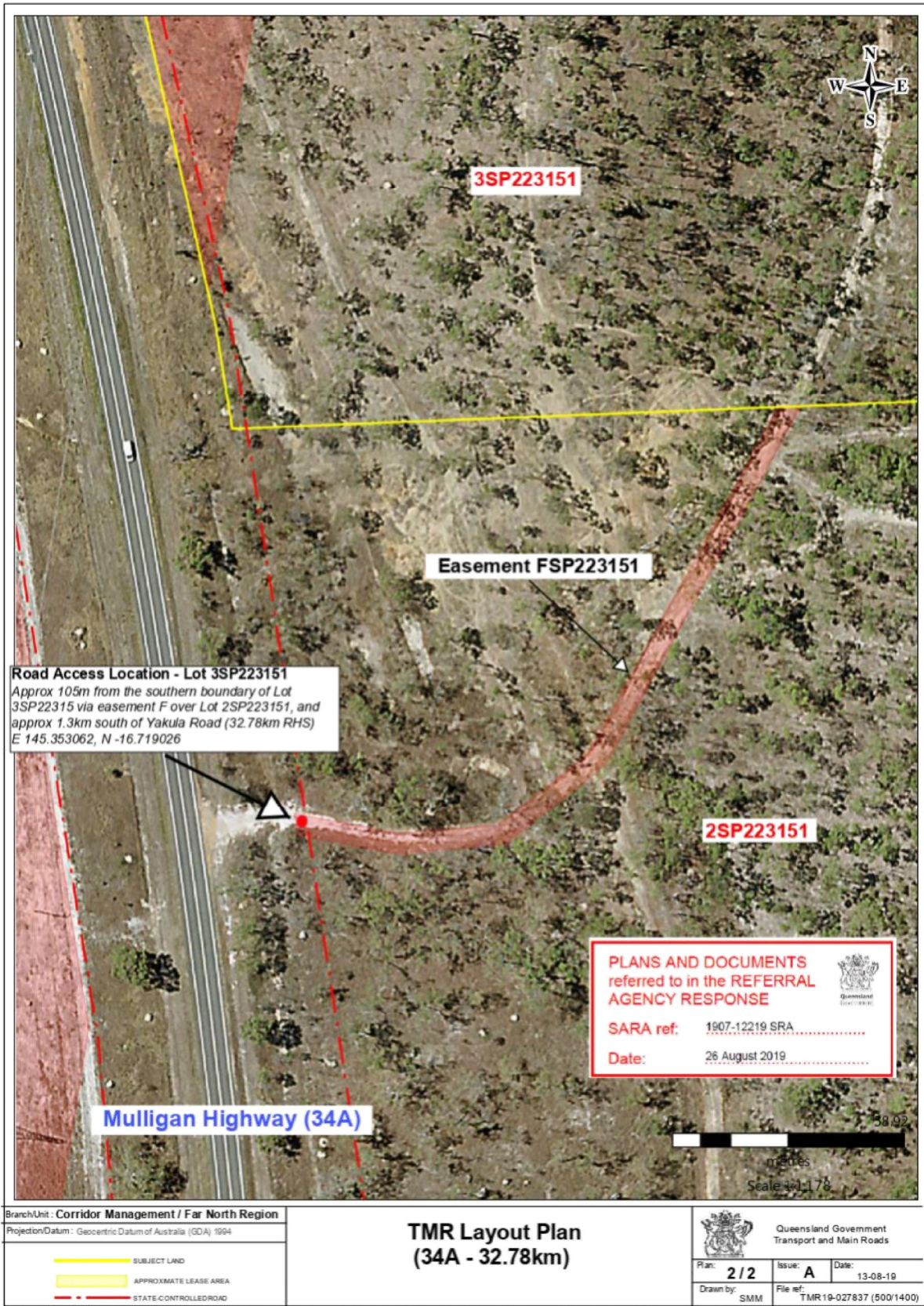
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referred to in the REFERRAL
AGENCY RESPONSE**

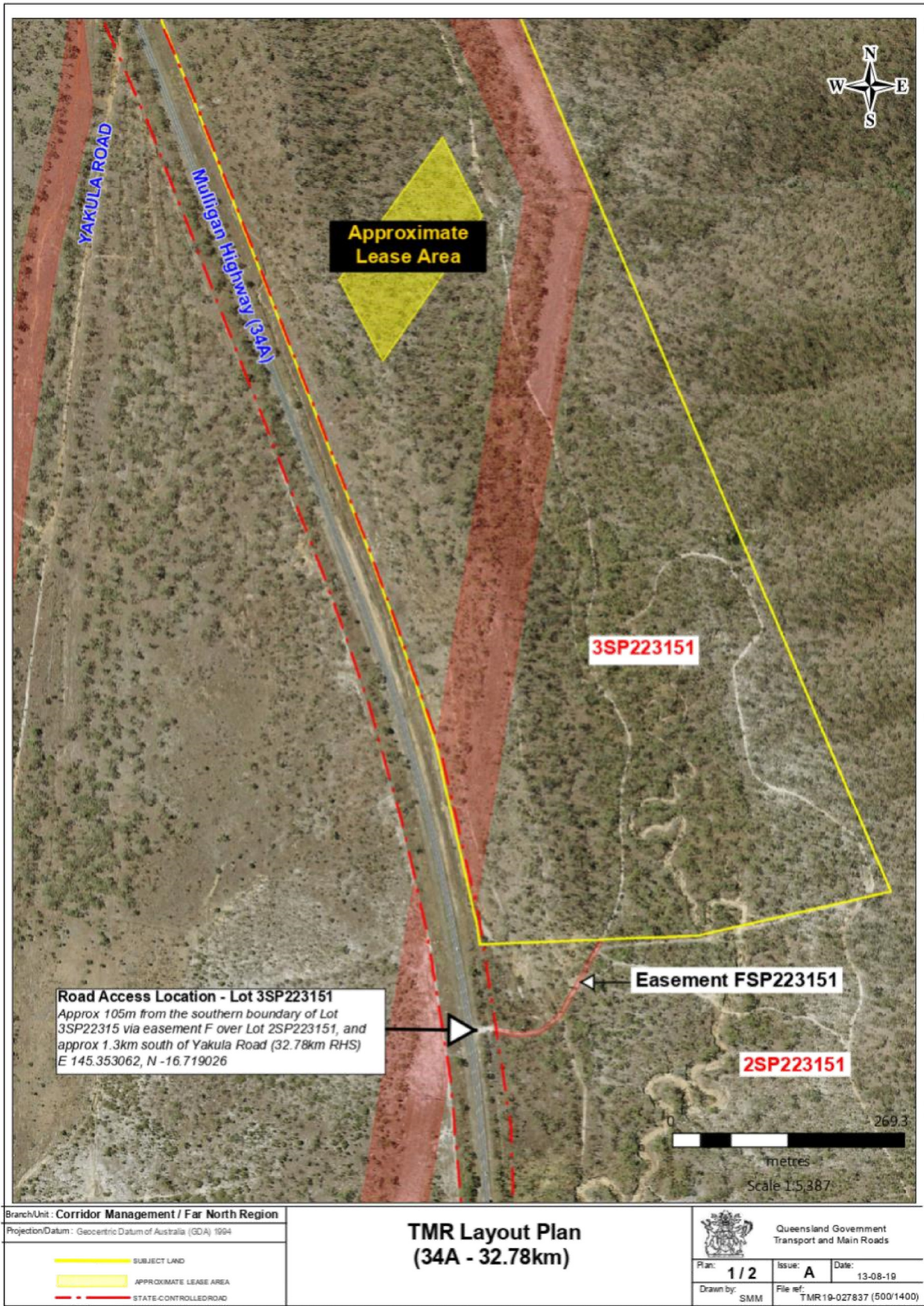


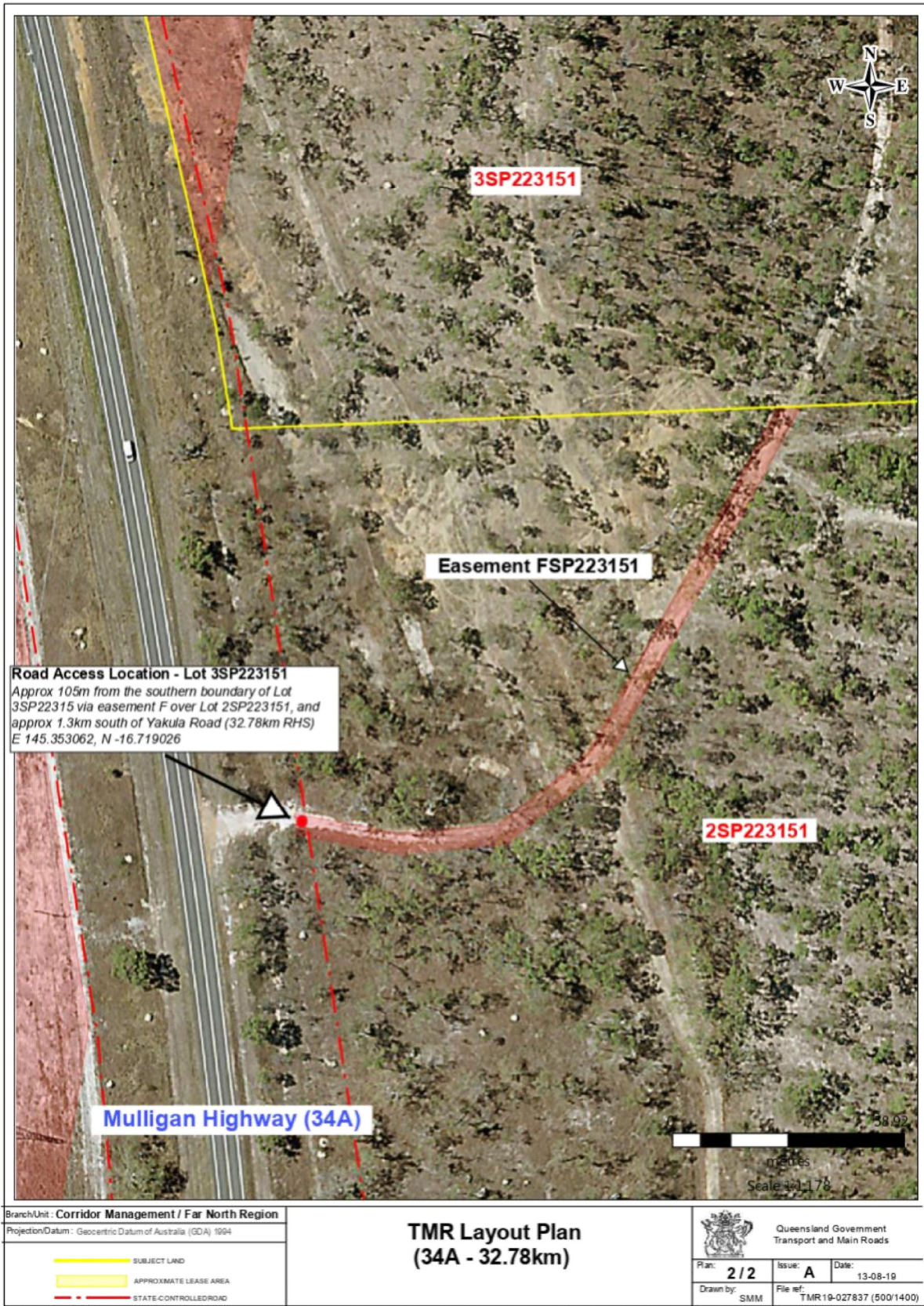
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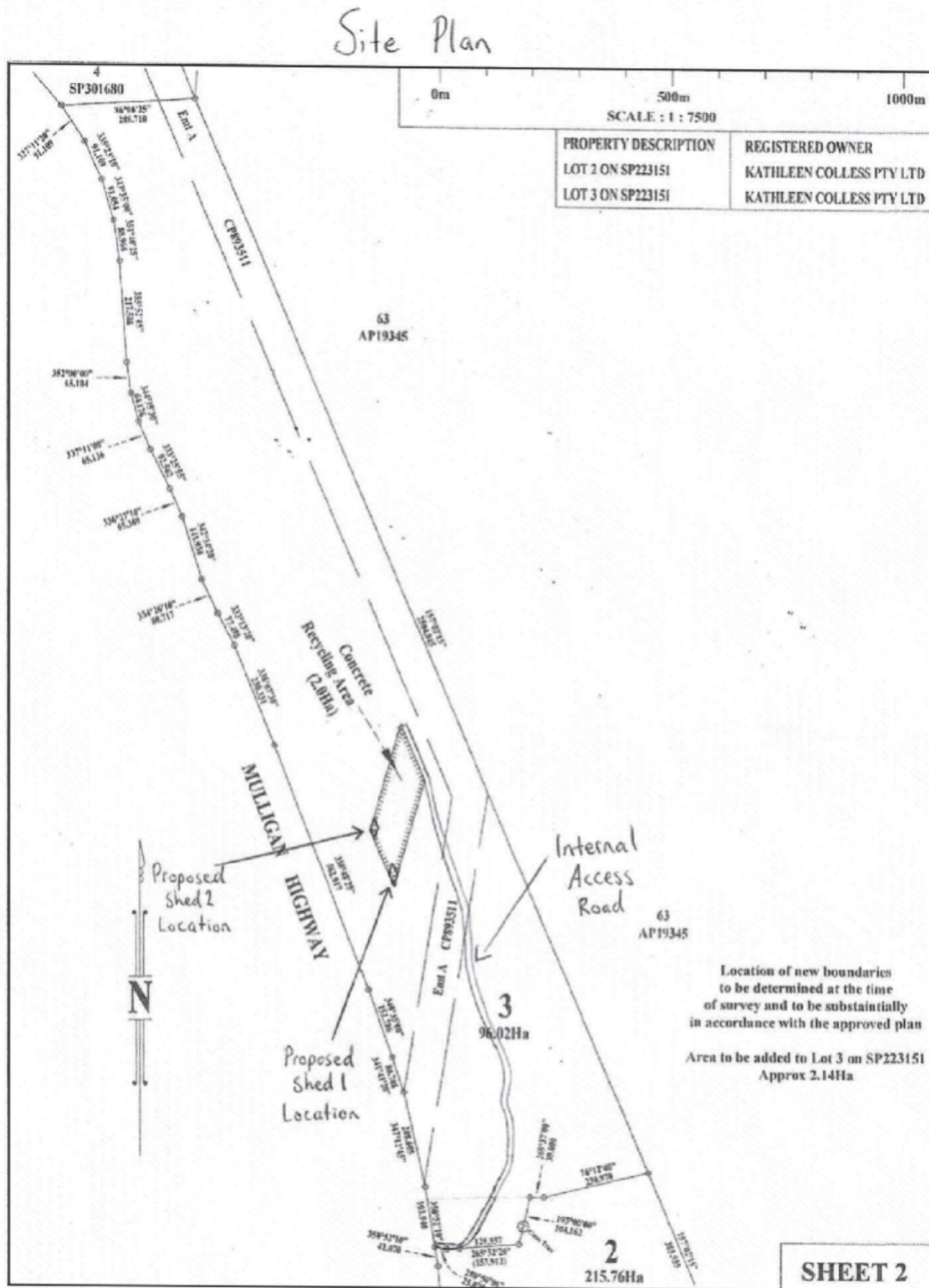
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Development Assessment Rules—Representations about a referral agency response (concurrence)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding **representations about a referral agency response (concurrence)**.

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

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

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.