

<b>8.2 J &amp; M PETERS - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 692 ON SP311025 - FISHER ROAD, BIBOOHRA - MCU/20/0001</b>
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**Date Prepared:** 2 April 2020

**Author:** Senior Planner

**Attachments:**

1. Proposal Plans [↓](#)
2. Ergon Energy advice agency response dated 18 February 2020 [↓](#)

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#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	J & M Peters	<b>ADDRESS</b>	Fisher Road & Pickford Road, Biboohra
<b>DATE LODGED</b>	20 January 2020	<b>RPD</b>	Lot 692 on SP311025
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Extractive Industry		
<b>FILE NO</b>	MCU/20/0001	<b>AREA</b>	72.86 hectares
<b>LODGED BY</b>	Victor G Feros Town Planning Consultants	<b>OWNER</b>	J & M Peters
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

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#### 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.

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	
<b>APPLICANT</b>	J & M Peters	<b>ADDRESS</b>	Fisher Road & Pickford Road, Biboohra
<b>DATE LODGED</b>	20 January 2020	<b>RPD</b>	Lot 692 on SP311025
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Extractive Industry		

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), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

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 - Extractive Industry

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix E - Sheet 1	Proposed Extraction/Disturbance Area and Haul Route	-	15 January 2020
Appendix E - Sheet 2	Proposed Extraction/Disturbance Area and Haul Route	-	15 January 2020
Appendix E - Sheet 3	Proposed Extraction/Disturbance Area and Haul Route	-	15 January 2020

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. 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 the 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
    - 3.2 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.
    - 3.3 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.
    - 3.4 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.
    - 3.5 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.
    - 3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.
    - 3.7 All operations pursuant to the extractive industry must be carried out in accordance with an Environmental Management Plan, except where modifications are required by the conditions of this approval. A copy of the Environmental Management Plan must be provided to Council prior to the commencement of extraction.

3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The extraction volume must not exceed 5,000 tonnes per annum.

3.10 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

4. Infrastructure Services and Standards

4.1 Access

A Commercial access crossover/s, for the extractive industry access, must be constructed and maintained from Fisher Road, to the property boundary in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

5. Additional Payment Condition – Note: The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$4,480.00 for each 167 haul truck movements from the site towards trunk transport infrastructure, with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land - specifically the upgrading of Fisher Road and Peters Road to rural road bitumen sealed standard.

- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and
  - Complete the works prior to the commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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](http://www.environment.gov.au).

(d) 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](http://www.datsip.qld.gov.au).

(E) 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);

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

**THE SITE**

The subject site is described as Lot 692 on SP311025, situated at Pickford Road and Fisher Road, Biboohra, approximately 8 kilometres north-west of Mareeba.

The site has an area of 72.86 hectares with frontages of approximately 8 metres to Fisher Road and 20 metres to Pickford Road. Both roads are formed to a rural gravel standard. Access for this development will be limited to the Fisher Road frontage.

The site is irregular in shape, with access handles to both Pickford Road and Fisher Road. Four Mile Creek traverses the site in a south to north direction. Approximately 21 hectares (28.8%) of the site has been cleared as part of the previous use of the site for tobacco cropping.

The remaining vegetation on the site includes:

- a) riparian vegetation located on both sides of Four Mile Creek;
- b) vegetation located in the north western and northern sections of the site. The vegetation in the northwest of the site contains an area identified as wetland;
- c) vegetation located in the eastern section of the site in the vicinity of Fisher Road;
- d) vegetation located in the southern section of the site; and
- e) other isolated stands of trees distributed across the site.

A 72.115 metre wide easement for a high-voltage transmission line traverses the eastern extent of the subject site.

With the exception of areas immediately adjacent to Four Mile Creek, the site is generally flat and drains to the north and northeast.

The subject site is located within an area containing large-scale rural activities, including cattle grazing and sugar cane production.

In addition to rural activities, and in response to a readily accessible sand resource, land to the northeast of the site presently includes “active” sand extraction uses. Dwellings are also located within the area surrounding the subject site.





**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Extractive Industry in accordance with the plans shown in **Attachment 1**.

The application provides the following comprehensive description of the proposed development:

**5.01 General**

*It is proposed to establish a "stand-alone" sand extraction and screening activity on the predominately cleared section of the subject site.*

*The underlying principle for the identification of the extraction/disturbance area is to minimise the requirement to clear existing vegetation.*

*The extraction rate will be limited to less than 5,000 tonnes per annum.*

*Access to the extraction area will be via the 8.3m wide frontage to Fisher Road.*

**5.02 Design and Siting Principles**

*The following design principles have been adopted for the proposal in relation to the identification of the proposed extraction / disturbance area:-*

- a) on-site clearing of existing vegetation is to be minimised and the clearing of areas mapped as Category B and Category C vegetation will be avoided;*
- b) suitable setbacks will be provided to the existing watercourse, wetland and vegetation;*
- c) suitable setbacks will be provided to allow access for machinery to enable rehabilitation works to be undertaken on the extremities of the extraction / disturbance area;*
- d) the haul route and access for the proposed extraction/disturbance area will be located within the existing and cleared 10m wide vehicle access presently servicing the rural use of the land. No further clearing will be required to establish the haul route.*
- e) seek to ensure that there are no stormwater or wastewater discharges from the proposed extraction or screening activity into a waterway or wetland.*

**5.03 Vegetation Considerations**

*In order to identify the extent of the proposed extraction / disturbance area, and to avoid the requirement to clear vegetation identified by the Regulated Vegetation Mapping, the extent of the vegetation allocations has been transposed onto an aerial photograph. A copy of the Vegetation Management Report is attached as Appendix - D.*



*The extent of Category B (Remnant Vegetation), Category C (High Value Regrowth Vegetation), Wetland and Essential Habitat are shown in Figure 5 – Vegetation Allocations.*

*These vegetation features are described as follows:-*

- a) Essential Habitat located in the northeastern corner of the site;*
- b) Wetland located in the northwestern corner of the site;*
- c) the identification of Four Mile Creek as a Watercourse (Category 4) within the Coastal Bioregion of Module 8;*
- d) the identification of the “high bank” of Four Mile Creek is based on the edge of the existing canopy line; and*
- e) the extent of Category B (Remnant Vegetation) and C (High Value Regrowth Vegetation) distributed across the site*

*The following features are also shown in Figure 5:-*

- a) the extent of the 10m wide clearing permitted within the Category B and C Vegetation to allow for the establishment and maintenance of a property boundary fence; and*
- b) the extent of the 10m wide haul route connecting the extraction/disturbance area with Fisher Road via an existing cleared alignment extending through land identified as Category B (Remnant Vegetation).*

*The cleared alignment was established as part of the routine management for the existing grazing use.*

**5.04 Development Details**

**a) Extraction/Disturbance Area**

*Having regard to vegetation considerations, and the design and siting principles, the proposed sand extraction and screening activity will incorporate a nominated extraction / disturbance area of 12.5ha (approx.).*

*The boundary of the nominated extraction / disturbance area is shown in Appendix E – Proposed Extraction / Disturbance Area and Internal Haul Route Plan and is defined as follows:*

<b>Location</b>	<b>Nominated Setback</b>	<b>Comment</b>
<i>Western Boundary</i>	<i>25m</i>	<i>Setback measured from the nominated high bank of Four Mile Creek. It is noted that the western section of the extraction /disturbance area is also located within the wetlands and waterway buffers.</i>
<i>Southern Boundary</i>	<i>5m</i>	<i>Setback measured from the mapped Category B Vegetation to provide machinery access for rehabilitation purposes.</i>
<i>Eastern Boundary</i>	<i>5m</i>	<i>Setback measured from the mapped Category B Vegetation to provide machinery access for rehabilitation purposes.</i>

Northern and Eastern Boundaries adjacent to Lot 341 on SP287199	20m	Setback measured from boundary and will provide for an internal haul route and will also be used for machinery access for rehabilitation purposes.
North Eastern Boundary	20m	Setback measured from the Category C Vegetation.
Northern Boundary	N/A	Boundary defined by the practical extent of the extraction / disturbance area.

**b) Internal Haul Route**

The internal haul route connecting the extraction/disturbance area with Fisher Road will be provided via the existing 10m wide access currently provided as part of routine management for the existing grazing area.

It is noted that this existing access extends from the Fisher Road frontage in a north westerly direction to the northern fence line and extends along the northern fence line in a westerly direction to the extraction/disturbance area.

As this access presently exists and there is no requirement to undertake any clearing within the mapped Category B Vegetation to establish the internal haul route.

The location of the proposed internal haul route is shown in **Appendix E – Proposed Extraction / Disturbance Area and Internal Haul Route Plan**.

**c) External Haul Route**

The nominated External Haul Route connecting the subject site with the Mulligan Highway includes Fisher Road, Peters Road and Adil Road and is shown by **Figure 6 –External Haul Route**.

It is submitted that given the low vehicle generation rates and the current standard of the roads to be used for the external haul route, there would be no requirement to undertake external road works or any requirement to provide contributions towards trunk infrastructure.

**5.05 Operation Arrangements**

The proposed sand extraction and screening activity will be operated by Mareeba Sands. This business is experienced in the operation and management of sand extraction and screening uses.

In particular, Mareeba Sands operates an existing sand extraction activity on adjoining land described as Lot 341 on SP287199, and is familiar with the nature of the sand resource available on the site and the techniques required to extract the material from the site in an efficient and rational manner while protecting the environmental values of the surrounding area.

*The following specific operational arrangements are proposed:-*

- a) topsoil and other overburden will be removed from an extraction area and stockpiled for future rehabilitation works;*
- b) sand will be extracted by the use of a tracked excavator with the material loaded onto a "pit truck";*
- c) the maximum excavation depth will be 3m with a 1:3 batter to be established on the edge of all extraction areas. It is noted that the high side of such batters will be defined by the boundary of the nominated extraction / disturbance areas;*
- d) the extracted materials will be transported by the "pit truck" to a central stockpile area adjacent to the mobile screening plant. This central stockpile area will also enable the "blending" of extracted material to be undertaken if required; and*
- e) the extracted material will be loaded into the screening plant by a frontend loader to allow for the removal of unsuitable material.*

*Further, the following extraction arrangements are proposed:-*

- a) based on field investigations, it is known that the sand resource is not available within the entire area nominated for extraction / disturbance;*
- b) the sand deposits are dissected by other deposits containing soil;*
- c) the extraction technique will include the excavation of sand from "pockets" defined by the other soil deposits;*
- d) it is expected that the sand quality will vary across the site. Therefore it will be necessary to "blend" sand extracted from multiple extraction areas to ensure a sand supply taken from the site meet the necessary industry standards;*
- e) further to item d) above, it is proposed that a number of extraction locations within the nominated extraction/disturbance area will be operated simultaneously. In addition, not all of the area within the extraction / disturbance area will be subject to extraction.*

*The mobile screening plant and associated conveyor elevator can be positioned at multiple locations within the extraction / disturbance area;*

- f) water to operate the screening plant will be drawn from the extraction pits via a motorised pump;*
- g) all tailings from the screening process will be directed into the extraction pits. Significantly there will be no discharge of waste water containing tailings to areas outside the site and all discharges will be fully contained within the on-site extraction pits;*

- h) the screened material will be stockpiled on-site and as required, loaded on the haulage truck to be delivered off site;*
- i) upon depletion of sand within an extraction area, rehabilitation of each area will be undertaken including the shaping of batters surrounding the extraction pits, replacement of previously removed topsoil and revegetation as required;*

*It is noted that the extraction activities and subsequent site rehabilitation will be undertaken in accordance with a Site Rehabilitation Management Plan to be approved by Council.*

- j) the hours of operation for the use will be limited to the hours between 7am to 6pm Monday to Fridays and 7:00am to 12 noon Saturday and excluding Sundays and Public Holidays;*
- k) the following machinery will be used on-site:*
  - i) 21 tonne tracked excavator;*
  - ii) 10 m<sup>3</sup> capacity "pit truck";*
  - iii) mobile screening plant with a screen area of 8 feet by 4 feet and conveyor elevator;*
  - iv) 3.5m<sup>3</sup> capacity wheeled front end loader; and*
  - v) 27 tonne body truck and dog trailer for deliveries.*

*In addition, the following on-site arrangements will be undertaken in relation to the machinery:*

- i) no fuel will be stored on-site. All refuelling of machinery will be undertaken by the use of a self-bunded mobile tanker; and*
- ii) all major machinery servicing and repairs will be undertaken off-site.*
- l) given that the annual extraction rate will be limited to 5,000 tonnes per annum. Traffic generation is expected to average one (1) truck movement per day during a yearly period; and*
- m) during the use of the site for sand extraction and screening, the site will continue to be used for cattle grazing purposes. Upon completion of the sand extraction and screening activity, the site will revert to the sole use for cattle grazing purposes;*

*Where required, the operational arrangements for the proposal will be undertaken in accordance with an approved Site Rehabilitation Plan and an Environmental Management Plan.*

## **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:

- *Wetland Area of General Ecological Significance*

- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

**PLANNING SCHEME DESIGNATIONS**

- Strategic Framework:
- Land Use Categories**
    - Rural Other
    - Rural Agricultural Area
  - Natural Environment Elements**
    - Biodiversity Areas
  - Infrastructure Elements**
    - Major Electrical Infrastructure
- Zone:
- Rural zone
- Overlays:
- Agricultural Land Overlay
  - Airport Environs Overlay
  - Bushfire Hazard Overlay
  - Environmental Significance Overlay
  - Regional Infrastructure Corridors & Substation Overlay
  - Transport Infrastructure Overlay

**Planning Scheme Definitions**

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<i>Extractive industry</i>	<i>Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.</i>	<i>Quarry</i>	

**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****3.7 Economic development****3.7.1 Strategic outcomes**

- (7) The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.
- (8) *Key resource areas* (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations establish in *rural areas* where impacts on surrounding land are manageable and environmental values can be protected.

**3.7.11 Element - Extractive resources****3.7.11.1 Specific outcomes**

- (1) *Key resource areas* of local, regional and state significance and their associated haul routes are protected from development that might prevent or constrain current or future extraction.
- (2) Extractive industries:
  - (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
  - (b) avoid areas of ecological significance and values;
  - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).
- (3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

The subject site is not within a key resource area.

The proposed extractive industry is of an equivalent nature and scale to several sand extractive industry operations established on neighbouring land. A much larger (up to 100,000 tonnes/year) extractive industry is established on nearby Lot 1 on SP298319 (Pickford Road).

The proposed extractive industry will be operated in accordance with a site specific environmental management plan and rehabilitation plan. On the completion of extraction, the land will revert to rural use.

The proposed development would comply.

**Relevant Developments Codes**

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

- 6.2.9 Rural zone code
- 8.2.4 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 outcomes 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).
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*

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

**(E) Additional Trunk Infrastructure Condition**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The applicant's roadworks contribution for each 5,000 tonnes would be as follows:

Length of road traversed by the applicant is 6.4 kilometres (haul route to State controlled road).

Truck and dog	=	30 tonnes / load = 6 ESA * / load
		(* ESA - Equivalent Standard Axles)
Truck loads	=	tonnes (5,000) ÷ load of truck (30t)
	=	5,000 ÷ 30
	=	166.67
Number of axles	=	No. of loads (167 x ESA / Load (6))
	=	166.67 x 6
	=	1,000
Present road investment	=	\$1.40 / ESA
Future road maintenance cost	=	\$2.10 / ESA
	=	Difference in maintenance and present cost
	=	\$2.10 - \$1.40
	=	\$0.70
	=	\$0.70 x ESA (1,000)
	=	\$700.00
Therefore, total contribution sought	=	cost x distance (km)
	=	\$700.00 x 6.4
	=	\$4,480.00

Based on Council's standard contribution calculation method, the applicant would be required to pay a roadworks contribution of \$4,480.00 for each 5,000 tonnes of material extracted.

Council's recent budgets have applied a special charge for extractive industries.

Council acknowledges that certain quarries already contribute towards road infrastructure through a condition of their development approval. In such cases, the applicant's obligation under the relevant road infrastructure condition would be waived whilst Council continued to levy the special charge for extractive industries.

Accordingly, it is proposed to apply a road infrastructure condition on this extractive industry, however the applicant will not have to comply with this condition whilst Council continues to levy the special charge for extractive industries.

**REFERRAL AGENCY**

The application triggered referral to Ergon Energy as an Advice Agency.

Ergon Energy advised in a letter dated 18 February 2020 (**Attachment 2**), that the following conditions should be included on any approval:

1. *This application is approved in accordance with the below referenced plans. Any alterations to these plans should be resubmitted to Ergon for comment:*

<i>Approved Plans</i>			
<i>Title</i>	<i>Plan Number</i>	<i>Issue</i>	<i>Date</i>
<i>Proposed Extraction/Disturbance Area and Internal Haul Route</i>	<i>1 - 3</i>	<i>-</i>	<i>15 January 2020</i>

2. *No mining is permitted to occur within the Ergon Easement.*
3. *No stockpiling is permitted to occur within the Ergon Easement.*

The officer's recommendation includes appropriate conditions to define the extent of the permitted extraction activities.

**Internal Consultation**

Technical Services

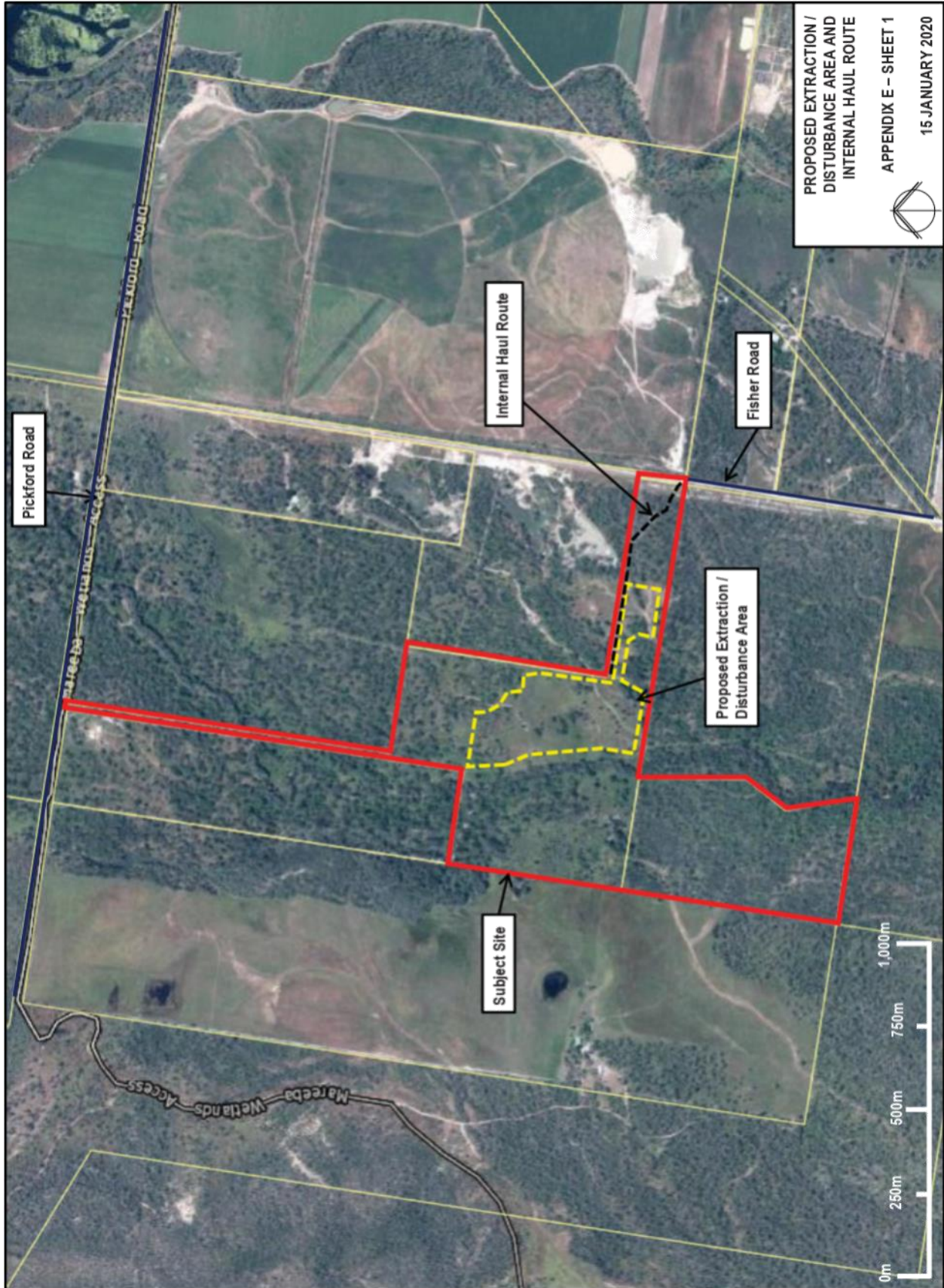
**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 21 February 2020 to 16 March 2020. The applicant submitted the notice of compliance on 17 March 2020 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

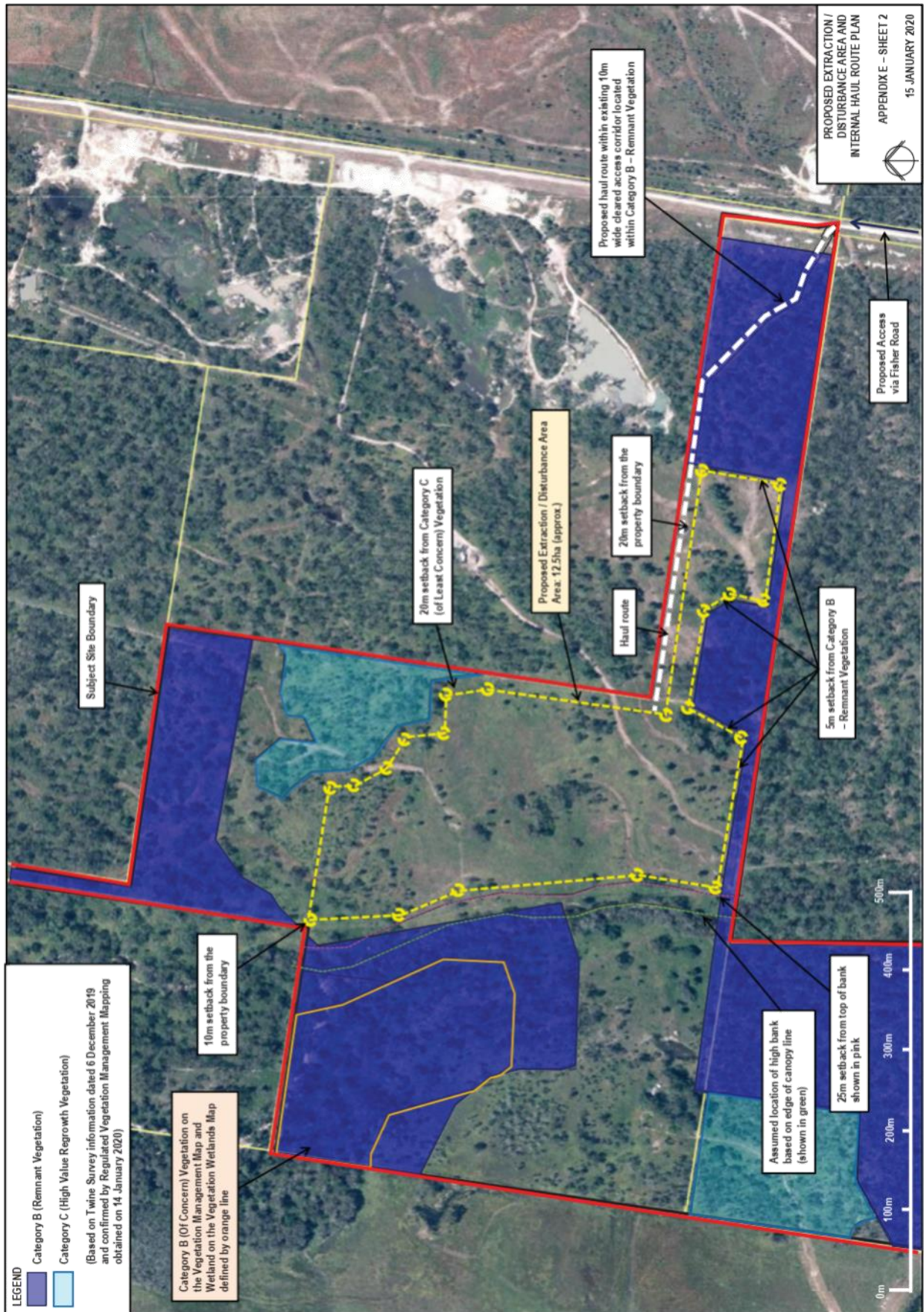
No submissions were received.

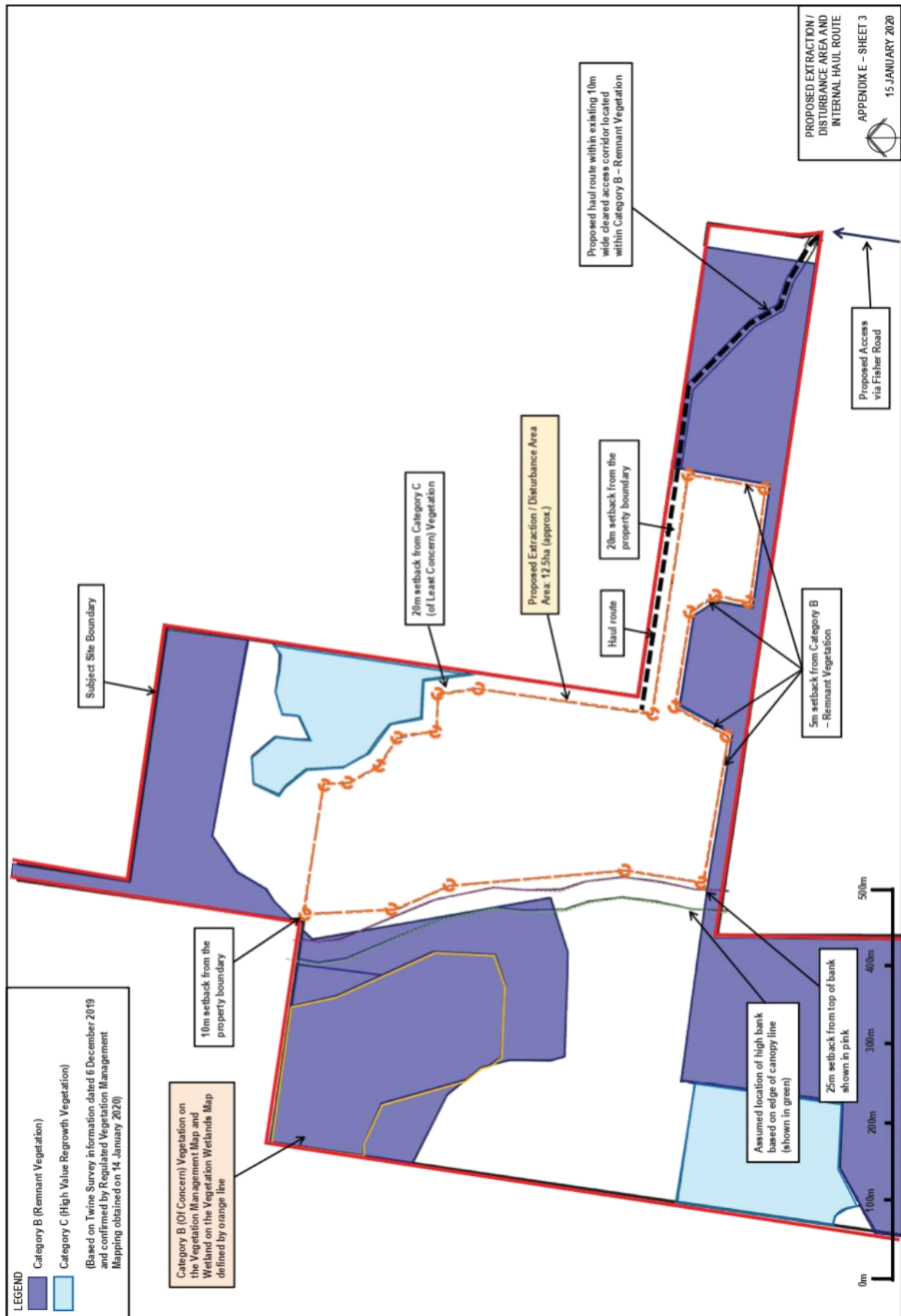
**PLANNING DISCUSSION**

Nil













420 Flinders Street, Townsville QLD 4810  
 PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

18 February 2020

Mareeba Shire Council  
 Attention: *Brian Millard*  
 Via email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

cc Jane & Mark Peters  
 c/- Victor G Feros Town Planning Consultants  
 Attention: *Nick Hardy*  
 Via email: [nick@ferosplanning.com.au](mailto:nick@ferosplanning.com.au)

Dear Sir/Madam,

**Development Application – Material Change of Use for Extractive Industry (Sand Extraction and Screening) located at Pickford Road and Fisher Road, Bibohra, described as Lot 692 on SP311025.**

**Applicant Ref: C1140  
 Council Ref: MCU/20/0001  
 Our Ref: HBD 6873587**

We refer to the above reference Development Application which has been referred to Ergon Energy in accordance with the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. The below response is provided in accordance with section 56(1) of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use for Extractive Industry (Sand Extraction and Screening), as an Advice Agency for the Application, Ergon requires that the assessment manager impose the following conditions:

1. This application is approved in accordance with the below referenced plans. Any alterations to these plans should be resubmitted to Ergon for comment:

Approved Plans			
Title	Plan Number	Issue	Date
PROPOSED EXTRACTION /	SHEET 1 - 3	-	15 January 2020

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062



DISTURBANCE AREA AND INTERNAL HAUL ROUTE			
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2. No mining is permitted to occur within the Ergon Easement.
3. No stockpiling is permitted to occur within the Ergon Easement.

Should you require any further information on the above matter, please contact Angela Collins on (07) 3664 5057.

Yours faithfully,



Angela Collins  
Senior Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)