

**8.2 AGRI TECHNOVATION PTY LTD - MATERIAL CHANGE OF USE - SPECIAL INDUSTRY (LIQUID FERTILISER PLANT AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA 7(4)(A)) MANUFACTURING 200-5,000 TONNES PER YEAR - LOT 1 ON SP173508 - 203 LEAFGOLD WEIR ROAD, DIMBULAH - MCU/21/0015**

**Date Prepared:** 7 September 2021

**Author:** Senior Planner

**Attachments:**

1. Proposal Plans
2. State Assessment and Referral Agency response dated 1 September 2021
3. Submission

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Agri Technovation Pty Ltd	<b>ADDRESS</b>	203 Leafgold Weir Road, Dimbulah
<b>DATE LODGED</b>	19 July 2021	<b>RPD</b>	Lot 1 on SP173508
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Special Industry (Liquid Fertiliser Plant) and retention of existing Rural Uses and Environmental Authority (EA) for prescribed (Concurrence) Environmentally Relevant Activity (ERA) 7(4a) "Chemical Manufacturing (4) Manufacturing in a year, the following quantities of fertiliser (a) 200 tonnes to 5,000 tonnes		
<b>FILE NO</b>	MCU/21/0015	<b>AREA</b>	12.95 hectares
<b>LODGED BY</b>	Victor G Feros Town Planning Consultants	<b>OWNER</b>	Leadwood Farms Pty Ltd
<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>	One (1)		

#### EXECUTIVE SUMMARY

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

The application is impact assessable and one (1) properly made submission was 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	
<b>APPLICANT</b>	Agri Technovation Pty Ltd	<b>ADDRESS</b>	203 Leafgold Weir Road, Dimbulah
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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 - Special Industry (Liquid Fertiliser Plant) and retention of existing Rural Uses and Environmental Authority (EA) for prescribed (Concurrence) Environmentally Relevant Activity (ERA) 7(4a) “Chemical Manufacturing (4) Manufacturing in a year, the following quantities of fertiliser (a) 200 tonnes to 5,000 tonnes

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
VGf-C1211 Sheet 1	Site Plan	Victor G Feros Town Planning Consultants	8 July 2021
VGf-1211 Sheet 2	Detail Plan	Victor G Feros Town Planning Consultants	1 July 2021

(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 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 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Saturday. No operations are permitted on Sundays or Public Holidays.
  - 3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.
4. Infrastructure Services and Standards
  - 4.1 Access

A concrete access crossover must be constructed (from the edge of the road pavement, extending for a distance of 10 metres) to the satisfaction of Council's delegated officer.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

#### 4.2 Stormwater Management

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

#### 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 (AS/NZS1547) 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 including within the subject site and within the Leafgold Weir Road road reserve 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.

#### 4.6 Lighting

Where outdoor lighting is installed, illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.



- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

- (d) 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.

- (e) 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.

- (f) 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).

- (g) 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) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 1 September 2021.

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per m2 GFA	GFA (m2)			
Special Industry	\$12.25	536	\$6,566.00	Nil	\$6,566.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$6,566.00</b>

### THE SITE

The subject site is situated at 203 Leafgold Weir Road, Dimbulah and is more particularly described as Lot 1 on SP173508. The site is irregular in shape, with a total area of 12.95 hectares and is zoned *Rural* under the Mareeba Shire Council Planning Scheme 2016.

The subject site has a frontage of 787 metres to Leafgold Weir Road and is situated approximately 2km north west from the Leafgold Weir Road and Burke Developmental Road Intersection. It is accessed via an unsealed crossover onto Leafgold Weir Road. The relevant section of Leafgold Weir Road is constructed to a rural road (bitumen) standard.

The western boundary is defined by the adjoining irrigation channel with forested land located further to the west. Easements for drainage purposes are located within the site and adjacent to the northern and southern boundaries.

The subject site is presently used as a lime orchard. A storage shed is centrally located within the site. Other buildings in close proximity to the storage shed include:

- (a) covered water tanks;
- (b) amenities building including a shower, toilet and kitchen; and
- (c) pump room for on-site irrigation.

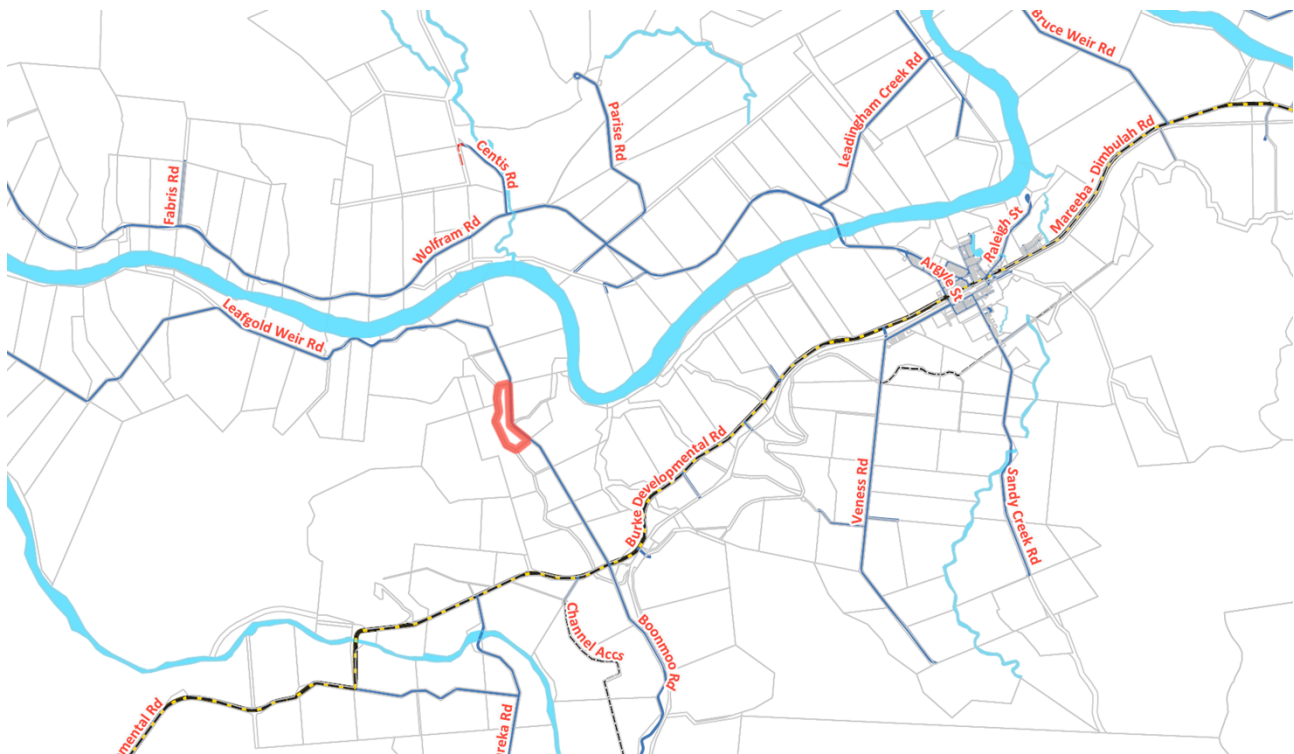
The site slopes in an easterly direction with the highest level adjacent to the western boundary (defined by the irrigation channel) and the lowest point adjacent to the eastern road frontage.

All surrounding lots are zoned Rural and are generally used for agricultural and grazing pursuits.



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 - Special Industry (Liquid Fertiliser Plant) and retention of existing rural uses and Environmental Authority (EA) for prescribed (Concurrence) Environmentally Relevant Activity (ERA) 7(4a) "Chemical Manufacturing (4) Manufacturing in a year, the following quantities of fertiliser (a) 200 tonnes to 5,000 tonnes, in accordance with the plans shown in **Attachment 1**.

It is proposed to establish a liquid fertiliser plant within the existing storage shed located on the site.

The process required for production of the liquid fertiliser is accurately described as a mixing process whereby dry bulk raw materials are brought to the site and mixed with water drawn from the adjoining irrigation channel. The manufacture of the dry raw materials is not undertaken on site.

It is noted that the process to be undertaken on the subject site is the same process currently used by other landowners in the vicinity of the subject site to meet individual landowner requirements.

The proposal will allow for a purpose-built facility to be established on the site to service the surrounding rural area and in accordance with both Council and State requirements.

The site has been selected for the proposed use to meet the specific needs of the surrounding farming community.

The establishment of the plant at this site will allow for local distribution in a convenient and efficient manner.

The service catchment for the proposal is generally identified by the existing intensive farming west of Dimbulah and defined by Class A Agricultural Land and the extent of the Mareeba Dimbulah Irrigation Scheme Boundary.

A description of the process required for the production of the liquid fertiliser is as follows:

- a) the bulk dry raw material is delivered to the site by a heavy vehicle. All loads are covered and the material is enclosed in sealed bags;
- b) the heavy vehicle is parked on the defined loading/unloading area and pallets containing the raw material are unloaded from the vehicle by forklift and stored within the adjoining shed containing the plant;
- c) raw material is extracted from the stored containers and deposited into the mixing tanks with water added from the irrigation channel;
- d) following the completion of the mixing process the liquid fertiliser is transferred via a connecting pipe system to the storage tanks; and
- e) in response to specific customer requests the liquid fertiliser is discharged by a flexible hose into Intermediate Bulk Containers (IBC) for transport to the off-site (farm) locations.

Transport of the IBCs will be undertaken via a delivery truck operated by the proponent.

The proposal will repurpose and reuse, with some modifications the existing buildings and infrastructure located on the subject site.

In this regard the development will include the following features:

- a) the existing storage shed with a floor area of 540m<sup>2</sup> (approx.) will be used for dry material storage and the production area including mixing tanks and storage tanks.

The additional works required for the storage shed will include:

- i) installation of mixing and storage tanks and connecting pumps and pipe work;

- ii) the installation of the tanks will be undertaken in two (2) stages as follows

**Stage 1** – two (2) mixing tanks with a combined capacity of 27,500L

– five (5) storage tanks with a combined capacity of 113,650L

**Stage 2** – one (1) mixing tank with a capacity of 13,750L

– two (2) storage tanks with a combined capacity of 45,460L

At the completion of Stage 2 the mixing tanks will have a combined capacity of 41,250L and the storage tanks will have a combined capacity of **159,110L**;

- iii) bunding will be provided for all mixing and storage tanks to allow for 100% containment and will be linked to the establishment of Stage 1 and Stage 2.

- iv) storage area for the bulk dry raw materials comprising 220m<sup>2</sup> for Stage 1 and 165m<sup>2</sup> for Stage 2; and

- v) in addition to the installation of the tanks and bunding, a new concrete slab will be provided within the covered area as part of the eastern section of the shed and a new concrete slab will be provided adjacent to the main entrance to provide a truck loading and unloading area.

- b) Covered Water Tanks

The existing shelter containing the covered water tanks will form part of the use for the supply of water to the mixing tanks;

- c) Office and Staff Amenities

The existing Office and Staff amenities building will form part of the use.

The existing wastewater treatment system will be retained.

- d) Water Storage

The existing bunded water storage area, supplied by the irrigation channel and associated pumps form part of the use. It is noted that the current use of this water storage area for on-site irrigation purposes will be retained; and

- e) Vehicle Access and Parking

The existing alignment of the service access to the site will be retained for the proposed use.

It is proposed to upgrade the existing access as follows:

- i) concrete crossover to Leafgold Weir Road in accordance with the FNQROC Standard Drawing for access crossovers;

- ii) 3m wide concrete driveway extending for 20m from the cross over;

- iii) 2.7m wide compacted gravel driveway for approximately 185m from the concrete driveway to the parking/loading area;
- iv) compacted gravel parking, loading and unloading area containing an area of approximately 457m<sup>2</sup>; and
- v) concrete loading and unloading bay containing 105m<sup>2</sup>.

f) On-site Fuel Storage

A 1,000L fuel storage tank is to be located along the western elevation of the storage shed to service the fuel requirements of the fork lift and the delivery truck.

The tank will be bunded in accordance with the relevant standards.

The following machinery will be used on the site as part of the proposal:

- a) fork lift for unloading of dry raw material pallets and loading of IBCs onto a delivery truck;
- b) delivery truck (4 to 12 t); and
- c) electric agitators and pumps (three phase power available on-site).

Three (3) staff including a supervisor will be employed as part of the proposal.

The anticipated water usage for the site is as follows:

- a) 0.6 to 0.7 megalitres in year 1; and
- b) 2.25 to 2.625 megalitres in year 5.

The current landowner (Leadwood Farms Pty Ltd) has a water allocation of 57 megalitres for the subject site and a further 190 megalitres allocated to other land in close proximity to the site.

The proponent will secure continued access to the water allocation as part of an agreement with the landowner.

The facility will be operated from 8am to 5pm, Monday to Saturday.

Given that the proposal will provide a delivery service, the general public will not be required to visit the site.

The peak production period extends from June to January and the non-peak period extends from February to May.

Anticipated production rates are noted as follows:

- Year 1 - 800t
- Year 5 - Up to 5,000t subject to demand requirements and seasonal variations.

Based on the projected production rates and seasonal variations, the following traffic generation is identified by the following table:

Vehicle Movement Type	Frequency	
	Year 1 (800t)	Year 5 (3,000t to 5,000t)
a) Delivery of bulk dry material to site (articulated truck 32-34 metric tons)		

<ul style="list-style-type: none"> <li>• June to January (Peak)</li> </ul>	2/month	2/week
<ul style="list-style-type: none"> <li>• February to May (Non-Peak)</li> </ul>	1/month	2/month
b) Delivery of Liquid raw material to surrounding area <ul style="list-style-type: none"> <li>• June to January (Peak) (4-12 tonne truck)</li> <li>• February to May (Non-Peak) (12-20 tonne truck)</li> </ul>	1/day  1/week	2/day  2/week
c) Three (3) Staff Vehicles	30-40/week	30-40/week

The following additional observations are made in relation to traffic generation:

- a) the general public are not required to visit the site as a delivery service is to be provided to customers;
- b) the traffic generation for the proposal will be in addition to the traffic generation associated with the existing lime orchard; and
- c) the frequency and type of vehicle used for the proposal is consistent with the existing traffic generated by the surrounding rural uses.

All existing stormwater arrangements associated with the existing buildings (including the storage shed) and farming activities will be retained.

**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’ does not identify the site as being of any significance.

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <i>Rural Area - Rural Agricultural Area</i>
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Bushfire Hazard Overlay Environmental Significance 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>
<b>Special industry</b>	<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"> <li>• potential for extreme impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise</li> <li>• potential for extreme offsite impacts in the event of fire, explosion or toxic release</li> <li>• onsite controls are required for emissions and dangerous goods risks</li> <li>• the use generally involves night time and outdoor activities</li> <li>• the use may involve the storage and handling of large volumes of dangerous goods</li> <li>• requires significant separation from non-industrial uses.</li> </ul>	<p>Tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers</p> <p>Note—additional examples may be shown in SC1.1.2 industry thresholds.</p>	<p>Low impact industry, medium impact industry, high impact industry, service 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

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

The following is an assessment of the proposed development against the relevant sections of the strategic framework:

### 3.3 Settlement pattern and built environment

#### 3.3.1 Strategic outcomes

- (5) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity. The valued, relaxed rural lifestyle, character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.

#### Comment

The proposed development complies.

#### 3.3.11 Element—Rural areas

##### 3.3.11.1 Specific outcomes

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

#### Comment

The proposed development will service and support agricultural activities within the Rural zone. The proposed development will not conflict with ongoing agricultural activities.

- (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 proposed development will service and support agricultural activities within the Rural zone. The proposed development will not conflict with ongoing agricultural activities.

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

#### Comment

The proposed development will predominantly occur within established farm buildings. There will be no further loss of agricultural land.

### 3.3.12 Element—Industry areas

#### 3.3.12.1 Specific outcomes

- (5) *Industry areas* in select *rural activity centres and rural villages* support the local economy with light industry and trades. Where no *industry area* is supplied in *rural activity centres and rural villages*, some low impact industrial uses may be permitted in *centre areas* and *residential areas* where it is demonstrated that impacts on surrounding land uses can be appropriately managed.

#### Comment

The proposed development will service and support agricultural activities within the Rural zone. The proposed development is low impact and will not have any off-site detrimental impacts.

- (6) The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.

#### Comment

The proposed development is low impact and will not have any off-site detrimental impacts.

### 3.3.14 Element—Natural hazard mitigation

#### 3.3.14.1 Specific outcomes

- (1) The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.

#### Comment

The proposed development is located within the Potential Impact Buffer for bushfire hazard, however, is at low risk due to the following:

- (a) the area surrounding the proposal is cleared;
- (b) the existing lime orchard is regularly irrigated and the risk of these trees burning is minimal;
- (c) the existing native forest (to the west) and proposed development are separated by the irrigation channel contained within a 25m wide cleared reserve;
- (d) the dry raw material is to be stored within the shed and is not flammable;
- (e) fuel storage will be provided in accordance with the required standards in relation to fire safety; and
- (f) there are no residential uses in close proximity to the proposed use.

The subject land is not identified as being at risk of flooding or landslide.

## 3.4 Natural resources and environment

### 3.4.1 Strategic outcomes

- (1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved,

enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

The proposed development will not impact on conservation and biodiversity areas.

- (5) The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and well-being of the community and the natural environment.

Comment

The development is relatively small scale and low impact. No off-site impacts are expected.

### **3.4.8 Element—Air and noise quality**

#### **3.4.8.1 Specific outcomes**

- (1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

Comment

The development is relatively small scale and low impact. No off-site impacts are expected.

- (4) Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.

Comment

The development is relatively small scale and low impact. No off-site impacts are expected.

### **3.6 Transport and infrastructure**

#### **3.6.1 Strategic outcomes**

- (1) *Local collector road* and *state controlled road* networks support the identified hierarchy of *activity centres* and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of *future state roads* and *future local connections*) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.

Comment

The proposed development will not result in significant additional traffic movements. Leafgold Weir Road is of an appropriate standard to accept the traffic generated by the proposed development.

- (4) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.

Comment

The development will be conditioned to comply.

**3.6.7 Element—Water supply and wastewater services****3.6.7.1 Specific outcomes**

- (3) Development in rural areas will demonstrate that it has access to adequate potable water and fire-fighting water supply on-site.

Comment

The development has access to the existing farm water supply. This is sourced from a farm dam which is fed from the adjacent Sunwater irrigation channel.

- (4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

The development will comply. All on-site effluent disposal will be undertaken through approval on-site systems.

**3.6.8 Element—Stormwater management****3.6.8.1 Specific outcomes**

- (2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.

Comment

The development will be conditioned to comply.

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

- (1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. *Agricultural areas* and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.

Comment

Complies. The proposed development will service and support agricultural activities within the Rural zone.

- (2) The *rural area* includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.

Comment

The proposed development will service and support agricultural activities within the Rural zone. The development is relatively small scale and low impact.

- (9) Flexibility and responsiveness allow for economic diversity and innovation, leading to a greater variety of employment opportunities that meet the changing needs of the community and economy. Small scale and emerging industries are supported in appropriate locations across the shire.

Comment

The proposed development will service and support agricultural activities within the Rural zone. The proposed development is centrally located within its service area and is considered to be in an appropriate location.

**3.7.2 Element—Rural and Agricultural land****3.7.2.1 Specific outcomes**

- (1) *Agricultural areas* are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.

Comment

Complies. The proposed development supports the agricultural sector and does not result in detrimental off site impacts.

- (4) Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.

Comment

Complies. The proposed development will either be located within existing buildings, or extensions to existing buildings. There will be no loss of agricultural land as a result of the proposed development.

- (6) Important irrigation infrastructure, such as the Mareeba-Dimbulah Irrigation Area irrigation channels, pipelines and holding ponds, are maintained for the purpose of providing water to support agricultural production and are protected from incompatible development.

Comment

The proposed development will support the district agricultural sector and through this, will also support the ongoing use of the Sunwater irrigation network.

**3.7.3 Element—Rural enterprise****3.7.3.1 Specific outcomes**

- (1) Rural industries and intensive agricultural uses are appropriately scaled and located in the landscape of the shire, including the establishment of further:
- (a) food and fibre processing facilities;
  - (b) value adding of primary product;
  - (c) cottage industries;

- (d) hydroponics;
- (e) aquaculture;
- (f) wholesale nurseries;
- (g) intensive horticulture;
- (h) farmgate industries.

Comment

The proposed development will support the agricultural sector.

- (2) Rural industries of an appropriate scale are located within *rural areas* where an adequate level of infrastructure is available or can be provided and adverse impacts on surrounding land are limited and manageable.

Comment

Complies. The proposed development supports the agricultural sector and does not result in detrimental off site impacts.

- (3) Large-scale and high impact rural industries will be encouraged to establish within *industry areas*.

Comment

The proposed development is categorised as a Special Industry. The development is relatively small scale and low impact.

### **3.7.12 Element—Small scale and emerging industries**

#### **3.7.12.1 Specific outcomes**

- (1) New and emerging industries and services are encouraged in appropriate locations.

Comment

The proposed development will service and support agricultural activities within the Rural zone. The proposed development is centrally located within its service area and is considered to be in an appropriate location.

### **Relevant Developments Codes**

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance 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.

<b>Relevant Codes</b>	<b>Comments</b>
Rural zone code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the code's 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 code's 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 code's 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 code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the code's 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 code's 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 code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

#### **(D) Planning Scheme Policies/Infrastructure Charges Plan**

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 any development works be designed and constructed in accordance with FNQROC Development Manual standards.

#### **(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.

Adopted Infrastructure Charges Resolution (No. 1) of 2021 identifies an infrastructure charge rate of \$49.00 per m<sup>2</sup> of gross floor area (GFA) for "Special Industry" uses. This charge rate is derived from the Shires 4 infrastructure networks (water, sewer, parks & roads).

In this instance, only 1 of the 4 infrastructure networks would service the development (roads), therefore the applicable infrastructure charge rate (per m<sup>2</sup> of GFA) will be as follows:

$$\$49.00 / 4 = \$12.25 \text{ per m}^2$$

Based on the shed GFA of 536m<sup>2</sup>, the applicable infrastructure charge is:

$$536 \times \$12.25 = \underline{\underline{\$6,566.00}}$$

**REFERRAL AGENCY**

The application triggered referral to the State Assessment and Referral Agency (SARA) as a Concurrence Agency for material change of use for an Environmentally Relevant Activity.

SARA advised in a letter dated 1 September 2021 that they require the conditions to be attached to any approval (**Attachment 2**).

**Internal Consultation**

Technical Services

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 30 August 2021 to 21 September 2021. The applicant submitted the notice of compliance on 22 September 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received raising no objection to the proposed development.

The grounds for submission are summarised and commented on below:

Grounds	Comment
The submitter has no objection to the proposed development subject to no contamination of the neighbouring channel.	<p>The proposed development will take place in an existing shed, be appropriately bunded, and down slope of the irrigation channel.</p> <p>The proposed development will be appropriately conditioned and will not lead to contamination of the irrigation channel.</p>

**Submitters**

Name of Principal submitter	Address
1. Sunwater	PO Box 15536, City East QLD 4002



**PLANNING DISCUSSION**

Compliance with the relevant acceptable outcomes/performance outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

Rural zone code**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 nature of the proposed development can rightfully be considered to place it at the lower impact end of the Special Industry category.

In relation to the nine (9) matters identified by PO6:

**(a) Noise**

Noise generated by the proposed development will be limited to that associated with vehicles delivering raw materials, transporting mixed fertiliser and staff movements.

These noise sources and likely noise levels will be in keeping typical rural amenity. The mixing of raw materials and water will not be audible off site.

The development can be reasonably conditioned in relation to noise.

**(b) Hours of operation**

The stated hours of operation are 8:00am to 5:00pm, Monday to Saturday. These hours will not impact on rural amenity within an active farming area.

**(c) traffic**

Traffic estimates for peak operation are: 2 (semi-trailer) raw material deliveries per week, two (2) (4-20 tonne truck) liquid fertiliser deliveries per day and 30-40 staff vehicle movements per week.

This volume of traffic is compatible with the existing road network.

*(d) advertising devices*

No advertising devices are proposed.

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

The proposed development will be reasonably screened by the existing fruit trees.

*(g) lighting*

The development does not require lighting beyond that normally found in a rural area.

The development can be reasonably conditioned in relation to lighting.

*(h) odour*

The environmental report supporting the application states that the raw materials and mixing process do not generate odours.

*(i) emissions*

Particulate emissions (dust) would be limited to the use of the access driveway. Suitable dust suppression measures can be implemented to minimise this potential impact.

Compliance with PO6 can be achieved through reasonable conditioning.

Bushfire hazard overlay code

**PO5**

*Public safety and the environment are not adversely affected by the detrimental impacts of bushfire of hazardous materials manufactured or stored in bulk.*

**A05**

*The processing or storage of dangerous goods or hazardous materials is not undertaken in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the **Bushfire hazard overlay maps (OM-003a-o)**.*

Comment

The applicant has demonstrated compliance with PO5. Specifically:

- a) the area surrounding the proposal is cleared;*

- b) *the existing lime orchard is regularly irrigated and the risk of these trees burning is minimal;*
- c) *the existing native forest (to the west) and proposed development are separated by the irrigation channel contained within a 25m wide cleared reserve;*
- d) *the dry raw material is to be stored within the shed and is not flammable;*
- e) *fuel storage will be provided in accordance with the required standards in relation to fire safety; and*
- f) *there are no residential uses in close proximity to the proposed use.*

The development complies with PO5.

### Industrial activities code

#### **PO1**

*Industrial activities are appropriately separated from sensitive uses to ensure their amenity is maintained, having regard to:*

- (a) noise;*
- (b) odour;*
- (c) light; and*
- (d) emissions.*

#### **AO1**

*Development is separated from sensitive uses as follows:*

- (a) medium impact industry–250 metres; or*
- (b) high impact industry–500 metres; or*
- (c) special industry– 1.5 kilometres.*

### Comment

The proposed development is categorised as a Special Industry. The development will not achieve the 1.5 kilometres separation as nominated by AO1(c).

The development is therefore assessable against PO1.

The applicant has made the following observations in relation to nature of the proposed development:

- a) *the proposal is to be located on land within a rural area containing intensive farming and cropping activities.*  
*The proposal to provide a rural service at this location would be complementary to the surrounding rural activities;*
- b) *the proposal will reuse, with minor modifications, existing buildings and structures on the subject site;*
- c) *the process to produce the liquid fertiliser will be undertaken within the existing storage shed; and*
- d) *further to item c) above the storage of the dry raw material and the discharge of the liquid fertiliser into the IBCs will be undertaken within the storage shed.*  
*The proposal will not require any outdoor production.*

The nature of the proposed development can rightfully be considered to place it at the lower impact end of the Special Industry category.

In relation to the four (4) matters identified by PO1:

*(a) Noise*

Noise generated by the proposed development will be limited to that associated with vehicles delivering raw materials, transporting mixed fertiliser and staff movements. These noise sources and likely noise levels will be in keeping typical rural amenity. The mixing of raw materials and water will not be audible off site.

The development can be reasonably conditioned in relation to noise.

*(b) Odour*

The environmental report supporting the application states that the raw materials and mixing process do not generate odours.

*(c) Lighting*

The development does not require lighting beyond that normally found in a rural area.

The development can be reasonably conditioned in relation to lighting.

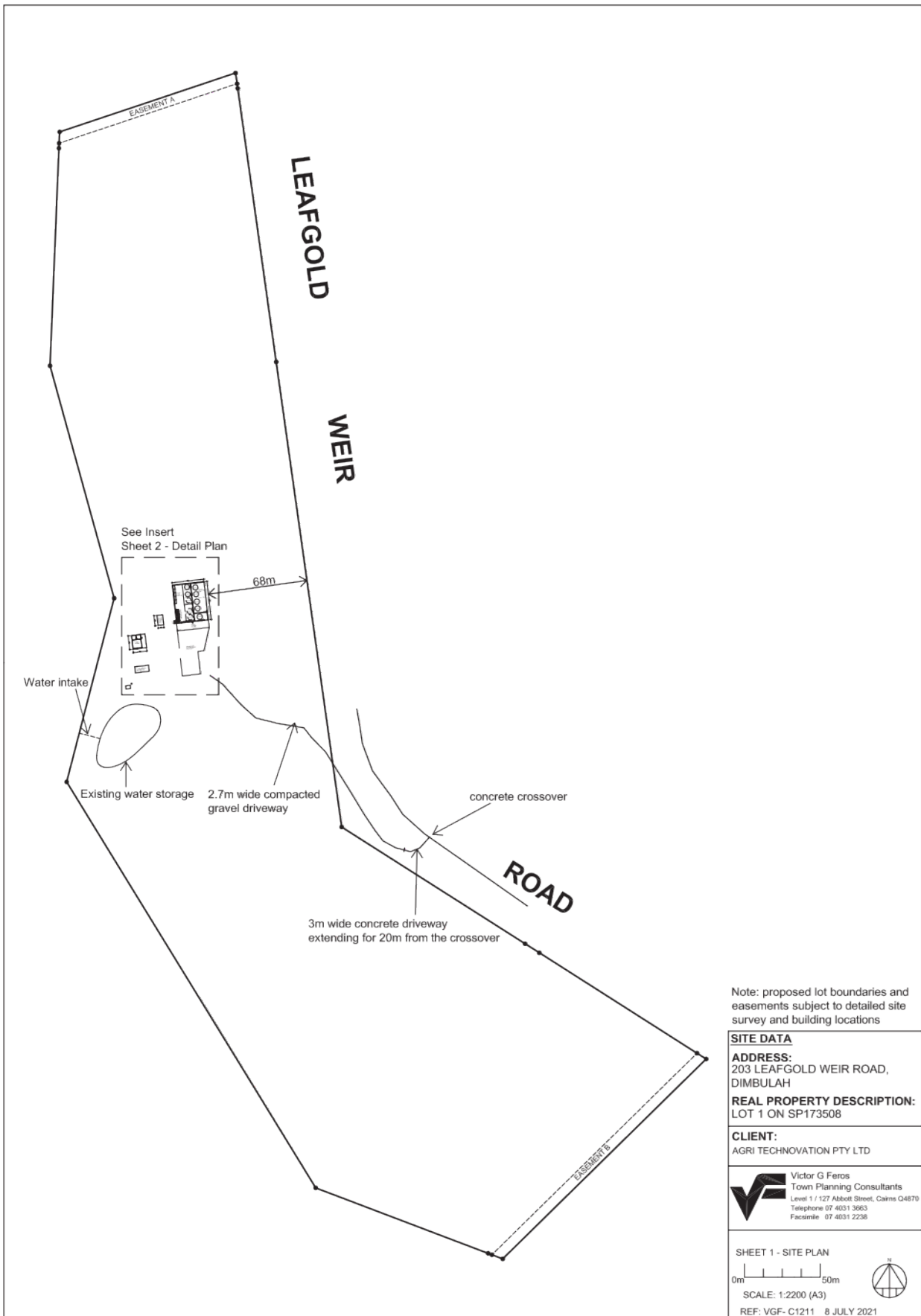
*(d) Emissions*

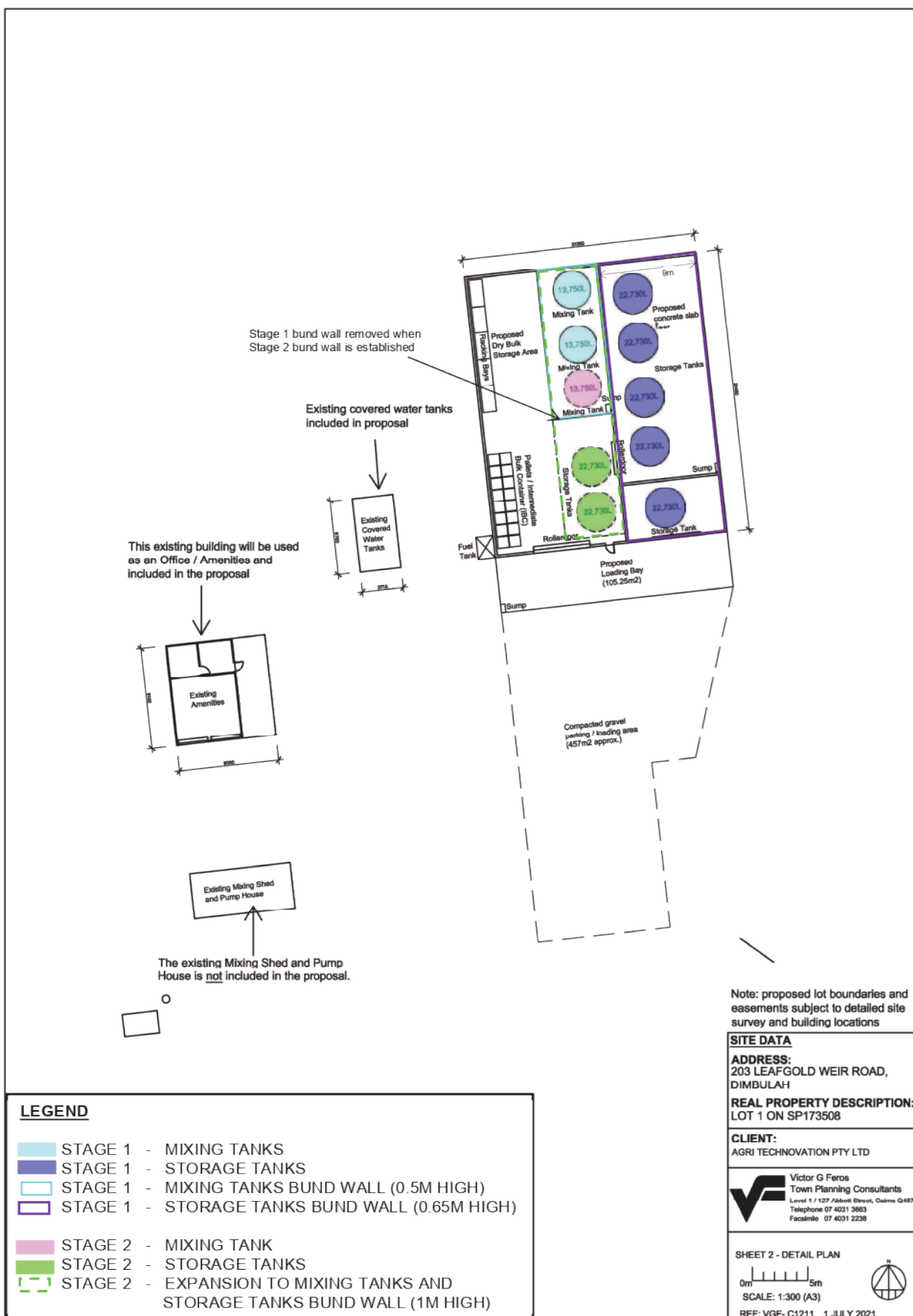
No notable emissions are expected from the development. The applicant states that the only potential emission is dust from the access driveway.

This can be avoided thorough appropriate gravel surfacing.

Compliance with PO1 can be achieved through reasonable conditioning.

It is also noted that the operation of the development has been further conditioned under the Environmental Authority issued by the State.





RA9-N



SARA reference: 2107-23740 SRA  
 Council reference: MCU/21/0015  
 Applicant reference: C1211

1 September 2021

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—203 Leafgold Weir Road, Dimbulah

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 28 July 2021.

### Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	1 September 2021
Advice:	Advice to the applicant is in <b>Attachment 1</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

### Development details

Description:	Development permit	Material change of use - special industry (liquid fertiliser plant) and environmentally relevant activity (ERA 7(4)(a)) manufacturing 200 - 5,000 tonnes per year
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 5, Division 4, Table 2 (Planning Regulation 2017)	Development application for a material change of use for an ERA

Far North Queensland regional office  
 Ground Floor, Cnr Grafton and Hartley  
 Street, Cairns  
 PO Box 2358, Cairns QLD 4870

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2107-23740 SRA

SARA reference: 2107-23740 SRA  
 Assessment Manager: Mareeba Shire Council  
 Street address: 203 Leafgold Weir Road, Dimbulah  
 Real property description: Lot 1 on SP173508  
 Applicant name: Agri Technovation Pty Ltd  
 Applicant contact details: c/- Victor G Feros Town Planning Consultants,  
 PO Box 1256  
 CAIRNS QLD 4870  
 cairns@ferosplanning.com.au

Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- **Approved**
- Reference: **P-EA-100120515**
- Prescribed environmentally relevant activity (ERA): **ERA 07 - Chemical manufacturing - 4(a) - Manufacturing, in a year, the following quantities of fertiliser - 200t to 5000t**

If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: [www.des.qld.gov.au](http://www.des.qld.gov.au)

### 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 3**.

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

For further information please contact Ruth Creffield, A/Senior Planning Officer, on 5352 9775 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke  
 Principal Planner

cc Agri Technovation Pty Ltd, cairns@ferosplanning.com.au

enc Attachment 1 - Advice to the applicant  
 Attachment 2 - Reasons for referral agency response  
 Attachment 3 - Representations provisions



2107-23740 SRA

**Attachment 1—Advice to the applicant**

<b>General advice</b>	
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) v2.6. If a word remains undefined it has its ordinary meaning.

2107-23740 SRA

## Attachment 2—Reasons for referral agency response

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

### The reasons for the department's decision are:

- The proposed development is for a material change of use for a special industry (liquid fertiliser plant) and environmentally relevant activity (ERA 7(4)(a)) manufacturing 200 - 5,000 tonnes per year.
- SARA has assessed the development against State code 22: Environmentally Relevant Activities of the State Development Assessment Provisions (SDAP), version 2.6, and determined that development achieves compliance with the performance outcomes of the State code without the need for conditions.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

2107-23740 SRA

**Attachment 3—Change representation provisions**

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# Permit

## Environmental Protection Act 1994

### Environmental authority P-EA-100120515

*This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.*

#### Environmental authority number: P-EA-100120515

**Environmental authority takes effect on** the date that your related development approval takes effect. This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the activity, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day.

#### Environmental authority holder(s)

Name(s)	Registered address
AGRI TECHNOVATION PTY LTD	Suite 158 107 Robinson Road BROOKTON WA 6306

#### Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 07 - Chemical manufacturing - 4(a) - Manufacturing, in a year, the following quantities of fertiliser - 200t to 5000t	1/SP173508

**Permit**  
**Environmental authority P-EA-100120515**

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**Additional information for applicants**Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website [www.qld.gov.au](http://www.qld.gov.au), using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority - on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.


If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

The anniversary day of this environmental authority is the same day each year as the original take effect date unless you apply to change the anniversary day. The payment of the annual fee will be due each year on this day. An annual return will be due each year on 01 April.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the

**Permit**  
**Environmental authority P-EA-100120515**

additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Signature

**31 August 2021**

Date

Tristan Roberts  
 Department of Environment and Science  
 Delegate of the administering authority  
*Environmental Protection Act 1994*

**Enquiries:**  
 GPO Box 2454, BRISBANE QLD 4001  
 Phone: (07) 3330 5737  
 Email: [EnergyandExtractive@des.qld.gov.au](mailto:EnergyandExtractive@des.qld.gov.au)

**Privacy statement**

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at [www.qld.gov.au](http://www.qld.gov.au). For queries about privacy matters please email [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au) or telephone 13 74 68.

**Permit**  
Environmental authority P-EA-100120515

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**Obligations under the *Environmental Protection Act 1994***

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

**Other permits required**

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

**Obligations under the *Mining and Quarrying Safety and Health Act 1999***

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at <https://www.rshq.qld.gov.au/>, or phone 13 QGOV ( 13 74 68 ) or your local Mines Inspectorate Office.

**Development Approval**

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. If you are unsure that you have the most current version of the environmental authority relating to this site please visit <https://apps.des.qld.gov.au/env-authorities/> to access all environmental authorities currently approved.

**Permit**  
Environmental authority P-EA-100120515

**Conditions of environmental authority**

<b>Agency interest: General</b>	
<b>Condition number</b>	<b>Condition</b>
G1	Activities under this environmental authority must be conducted in accordance with the following limitations: a) the amount of fertiliser manufactured must not exceed 5,000 tonnes per annum; b) manufacturing of fertiliser must only occur within the confines of the mixing and storage shed identified in Appendix 1 of this environmental authority.
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
G3	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
G4	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G5	Environmental monitoring results must be kept until surrender of this environmental authority. All other information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. All information and records required by the conditions of this environmental authority must be provided to the administering authority, or nominated delegate upon request, within the required timeframe and in the specified format.
G6	An appropriately qualified person(s) must monitor, record, and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G7	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.
G8	When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
G9	The activity must be undertaken in accordance with written procedures that: 1. identify potential risks to the environment from the activity during routine operations, closure, and an emergency; 2. establish and maintain control measures that minimise the potential for environmental harm; 3. ensure plant, equipment and measures are maintained in a proper and effective condition; 4. ensure plant, equipment and measures are operated in a proper and effective manner; 5. ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> ; and 6. ensure that reviews of environmental performance are undertaken at least annually.
G10	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.
<b>Agency interest: Waste</b>	
<b>Condition number</b>	<b>Condition</b>
W1	All waste generated in carrying out the activity must be reused, recycled, or removed to a facility that can lawfully accept the waste.
<b>Agency interest: Air</b>	



Permit  
Environmental authority P-EA-100120515

Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place: <ul style="list-style-type: none"> <li>a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or</li> <li>b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (<math>\mu\text{m}</math>) (<math>\text{PM}_{10}</math>) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.</li> </ul>
<b>Agency interest: Land</b>	
Condition number	Condition
L1	Contaminants must not be released to land.
<b>Agency interest: Acoustic</b>	
Condition number	Condition
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.
N2	When required by the administering authority, noise monitoring must be undertaken in accordance and the results notified within 14 days to the administering authority. Monitoring must include: <ul style="list-style-type: none"> <li>1. <math>L_{Aeq, adj, T}</math>;</li> <li>2. Background noise (Background) as <math>L_{A90, adj, T}</math>;</li> <li>3. <math>MaxL_{pA, T}</math>;</li> <li>4. the level and frequency of occurrence of any impulsive or tonal noise;</li> <li>5. atmospheric conditions including wind speed and direction;</li> <li>6. effects due to extraneous factors such as traffic noise; and</li> <li>7. recording of location, date, and time of measurements.</li> </ul>
N3	Generation of substantial low frequency noise is not permitted.
<b>Agency interest: Water</b>	
Condition number	Condition
WA1	Contaminants must not be released to any waters.
WA2	Stormwater that is not contaminated by the activity must be diverted away from areas where it may become contaminated by the activity. Stormwater that is contaminated by the activity must be directed to a treatment system.

**Definitions**

Key terms and/or phrases used in this document are defined in this section. Where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

## Permit

## Environmental authority P-EA-100120515

**Activity** means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

**Administering authority** means the Department of Environment and Science or its successor or predecessors.

**Appropriately qualified person(s)** means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

**Background** means noise, measured in the absence of the noise under investigation, as  $L_{A90,adj,T}$  being the A-weighted sound pressure level exceeded for 90 per cent of the time period of not less than 15 minutes, using Fast response.

**Commercial place** means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

**Disturbed areas** include areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

**Environmental nuisance** as defined in Chapter 1 of the *Environmental Protection Act 1994*.

**Groundwater** means water that occurs naturally in, or is introduced artificially into, an aquifer.

**Land** means any land, whether above or below the ordinary high-water mark at spring tides (i.e. includes tidal land).

$L_{Aeq,adj,T}$  means the adjusted A weighted equivalent continuous sound pressure level measured on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

**Max $L_{pA,T}$**  means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

**Measures** has the broadest interpretation and includes:

- Procedural measures such as standard operating procedures for dredging operations, environmental risk assessment, management actions, departmental direction, and competency expectations under relevant guidelines
- Physical measures such as plant, equipment, physical objects (such as bunding, containment systems etc.), ecosystem monitoring and bathymetric surveys.

**NATA** means National Association of Testing Authorities.

**Nominated delegate** means another government agency that provides services to the administering authority.

**Noxious** means harmful or injurious to health or physical well-being.

**Offensive** means causing offence or displeasure; is unreasonably disagreeable to the senses; disgusting, nauseous or repulsive.

**Prescribed water contaminants** means contaminants listed within Schedule 10 of the Environmental Protection Regulation 2019.

**Records** include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

**Release of a contaminant into the environment** means to:

1. deposit, discharge, emit or disturb the contaminant
2. cause or allow the contaminant to be deposited, discharged, emitted, or disturbed
3. fail to prevent the contaminant from being deposited, discharged emitted or disturbed

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4. allow the contaminant to escape
5. fail to prevent the contaminant from escaping.

Note—See the Commonwealth *Marine Park Act* for prohibitions relating to the Commonwealth marine park and Great Barrier Reef Region under that Act.

**Secondary containment system** means a system designed, installed, and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

**Sensitive place** includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina, or other residential premises; or
2. a motel, hotel, or hostel; or
3. a kindergarten, school, university, or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.

**Stormwater that is not contaminated by the activity** includes stormwater runoff from external or undisturbed catchments.

**Substantial low frequency noise** means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurement, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a sensitive place exceeding 55 dB(Z).

**Tidal land** means land that is submerged at any time by tidal water.

**Waters** includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

**You** means the holder of the environmental authority.

Appendix 1



END OF ENVIRONMENTAL AUTHORITY

## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.

## Part 7: Miscellaneous

### 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.<sup>3</sup>

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<sup>3</sup> 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.



Contact: Robyn Desrettes  
Direct line: 07 3120 0087  
Our ref: 21-000015/001  
Your ref:

20 September 2021

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Dear Sir

**DEVELOPMENT APPLICATION – MCU/21/0015**

With regards to the above we advise that Sunwater has completed an assessment of the impacts of the proposed development on Channel SW29 adjacent to Lot 1 SP173508.

Sunwater has no objection to the proposed development. The development is adjacent to an open channel which forms part of the Mareeba Dimbulah Water Supply Scheme. Sunwater would like to ensure that there is no risk of contamination into the water supply scheme.

The applicant will also be required to make application to Sunwater for a water supply contract for industrial application.

If you have any queries please contact Robyn Desrettes, Senior Property Officer on 07 3120 0087.

Yours sincerely



Robyn Desrettes  
Senior Property Advisor

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