

TOWN PLANNING UPDATED REPORT

**APPLICATION
FOR
MATERIAL CHANGE OF USE**

**MOBILE CONCRETE BATCHING PLANT
ANCILLARY TO
BULK LANDSCAPE SUPPLIES DEPOT**

47 MYOLA ROAD, KURANDA

**PREPARED FOR
J & R GREGO**



PREPARED BY

**ELIZABETH TAYLOR
TOWN PLANNER**

JANUARY 2023

1.0 INTRODUCTION

This report provides a town planning assessment of an Application for Material Change of Use (MCU) for a Mobile Concrete Batching Plant (MCBP) to be stored and operated, occasionally (when not working remotely) from part of a site approved 28 years ago for Nursery Supplies, located at 47 Myola Road Kuranda.

Following a first round of public notification, the April 2022 town planning report has been updated, below, to provide Council and the community with more detailed information, specifically with regard to how the mobile plant will operate on site.

A short planning history of the site and the adjoining site is outlined below.

The assessment of the Application takes account of the relevant provisions of the Planning Act 2016 (PA), the Planning Regulation 2017 and Mareeba Shire Planning Scheme 2016. The site is included in the Rural Residential Zone.

The Application does not trigger referral, through SARA, to any referral agencies; and following a discussion with the State government, I confirm that a MCBP is not an Environmentally Relevant Activity (ERA).

2.0 PLANNING HISTORY

In December 1994 Council issued a Consent Approval for Nursery Supplies to establish on land described as Lots 1 & 2 RP727243 with an area of 1.3 hectares.

The approved Plan showed the site having five (5) vehicular access points and comprising:

- Lot 1 - a machinery storage shed and caretaker's residence; and
- Lot 2 - storage of nursery supplies, reception and sales area, areas for growing and displaying plants and 4 car parking spaces.

In approving the Application, in December 1994, Council imposed four (4) Conditions, with Condition 1 being amended in February 1995.

The four (4) Conditions, specified:

- Condition 1 – a singular vehicle access point for each lot;
- Condition 2 - Car parking for 5 cars, paved and line-marked;
- Condition 3 – Lot 1 to be used solely to accommodate a caretaker's residence and shed for machinery storage and Lot 2 to be used for selling plants and raw materials, such as topsoil, potting mix, woodchip, sand and other general nursery supplies; and

- Condition 4 – dedication to Council of 305m² of land (north-eastern portion of Lot 2) for new road.

The two (2) lots were sold separately and both lots are now operating independently (and have for many years) as raw material yards, refer Aerial Site Plan below. It is understood Lot 1 has, since 1994, had additional Council approval for raw materials sales, similar to Lot 2.



LOT 2 – (TOP) and LOT 1 (BELOW)

The 1994 land use approval over the entire site was for Nursery Supplies. Under the current 2016 Planning Scheme the closest land use definition for the development operating on both sites is Bulk Landscape Supplies, refer definition below.

Bulk landscape supplies	Premises used for bulk storage and sale of landscaping and gardening supplies, which may include soil, gravel, potting mix and mulch, where the majority of materials sold from the premises are not in pre-packaged form.		Garden centre, outdoor sales, wholesale nursery
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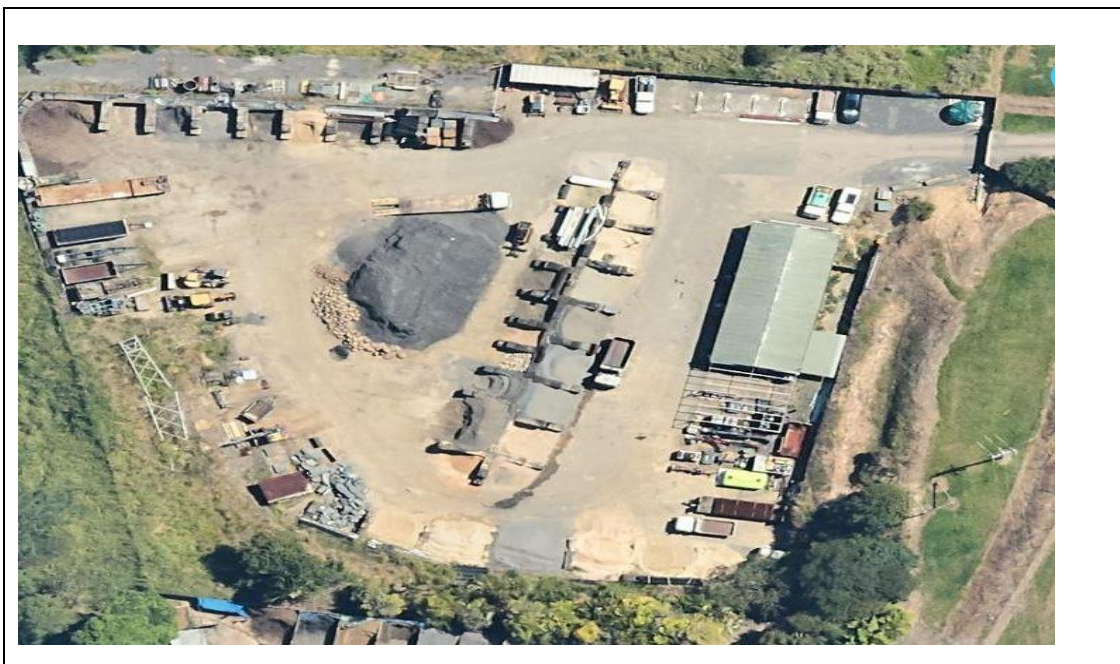
3.0 THE SITE AND LOCALITY

3.1 The Site

The site, Lot 2 RP727243, is generally hatched-shaped (no handle) and has an area of 8,814m². The site has a large central, level hardstand area and has a high, partially vegetated and fenced bank along Myola Road to the east and along the common boundary with the land to the south, the adjoining raw materials yard, which is elevated above Lot 2. The partial perimeter bank buffers and visually screens part of the site from Myola Road.

Vehicular access is from one entry/exit on Myola Road. The site is improved with a large shed and numerous bays for the storage of raw materials and equipment storage, associated with the activities carried out on and off the site by the landowners.

The Aerial Plan below, shows the layout of the development on Lot 2.



Photographs, below, show the site, when viewed along Myola Road and demonstrates that development on the site is partially obscured by the raw materials yard being lower than the road and the high bank, fencing and some vegetation providing additional visual screening.



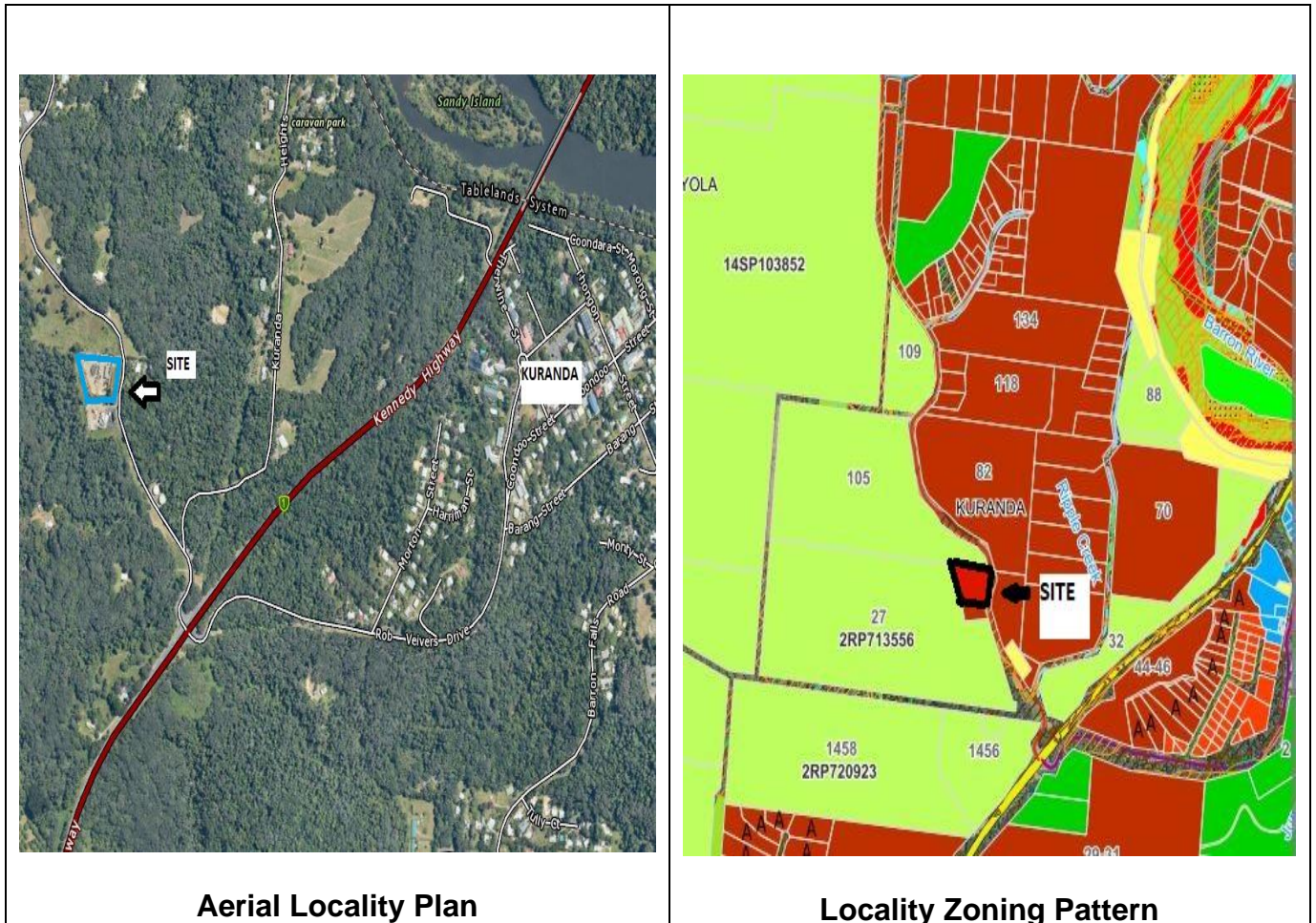


2.2 The Locality

The site is located just off the Kennedy Highway and in close proximity to Kuranda.

The surrounding land is zoned, primarily: Rural Residential (red) and Rural (lime green).

Refer to Locality Aerial Plan and Locality Zoning Plan, below.



The site is well located, in close proximity to the Kennedy Highway and Karunda and in an area that is not heavily developed, and it is co-located with another commercial/industrial raw materials yard that has also been established since 1994 and has the same or very similar operational impacts.

4.0 PROPOSED DEVELOPMENT

Under the current 2016 Mareeba Shire Planning Scheme both the existing use (Bulk Landscape Supplies) and the proposed use Mobile Concrete Batching Plant (MCBP), (which falls under the definition of High Impact Industry) are defined as Industrial activities, refer list below.

Industrial activities	Bulk landscape supplies, Extractive industry, High impact industry, Low impact industry, Medium impact industry, Research and technology industry, Service industry, Special industry, Transport depot, Warehouse.
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It is important to note that the MCBP, which has a maximum capacity of 5m³, will not be used on the site permanently. The MCBP has been owned by the operators of the raw materials yard for 18 months and has not been stored on the site during that time, as the plant has been working remote for the entire 18-month period. It is expected that MCBP will continue to do, primarily, remote/rural work but the owners wish to have the opportunity to provide a local service when the MCBP is on site.

It is mobile plant that will be stored on site, when not in use off-site for remote rural work, such as back-to-back contract work, over the past 18 months for Ergon Energy on the CREB track upgrading in Douglas Shire, Wujal Wujal Aboriginal Council and at Weipa for Rio Tinto.

Note: both Wujal Wujal and Rio Tinto have sought confirmation from the owners that the MCBP will be available for further contract work during 2023.

It is anticipated that the remote rural work will be the primary work undertaken by the MCBP. However, when it is onsite and not away on remote/rural contracts, it makes commercial sense for the owners to offer a local service, given that any concrete pours undertaken locally currently necessitate concrete trucks coming from either Mareeba or Cairns.





It is proposed to store the MCBP on the southern part of the site, undercover, in proximity to a water supply and raw material bays storing products, such as sand, cement and aggregate used to make the concrete, refer to an annotated Site Plan at Appendix 1, showing the general area proposed to locate the MCBP. The area will incorporate a washdown area connecting to two sediment ponds/settling tanks, to capture all runoff.

It is likely that local work will include, primarily small jobs, but could include an occasional house slab, which would be the biggest job undertaken. House slabs usually require 50m³/60m³ of concrete. This would require (at 60m³) 12 loads. Concrete work is usually undertaken first thing in the morning as this facilitates the concrete “going off” and starting the curing process, during the day.

Use of the MCBP on-site will be limited to use by J & R Grego, who own and operate the raw materials yard. No outside entities will utilise or be able to contract for the use of the MCBP on-site for local work.

Operation of the MCBP on-site can be limited to 6am to 4pm – 6 days per week with no batching undertaken on Sunday.

Maximum production on-site of 120m³, per 6-day week with a maximum of 60m³, on any one day (to facilitate the occasional house slab) is a reasonable output, with no accumulation of any of the 120m³ for use during other weeks, if not used in any one week, is acceptable to my clients.

Production of 120m³ over a 6-day week generates (120m³/5 maximum capacity of MCBP = 24 batches x 15 minutes to make each batch = a maximum of 6 hours over a 6-day period). This results in the operation of the MCBP on average, 4 times each day at 15-minute intervals (1 hour per day for 6 days) or at a maximum load of 12 loads in one day, for a house slab pour, at 15-minute intervals - 3 hours in one day with the remaining 3 hours spread over the remaining 5 days).

In summary, when on site, (which may not be often) over a 6- day (working week) period the MCBP would operate for a total of 6 hours, if concrete orders are in place, otherwise the plant will remain stored on site and no batching will take place.

NOTE: 6 hours over a 60-hour working week represents only 10% of the working work, which is a modest ancillary operation; particularly when it is very likely to only occur intermittently in any year, when the MCBP is on-site, local jobs are forthcoming and the MCBP is not working remotely.

Traffic generated by the production of a maximum of 120m³ over 6 days = (24 truck movements x 2 = 48 trips (for return trips) over 6 days). This is an average of 8 truck movements, intermittently, per day or 24 truck movements, intermittently, over 1 day, if a house slab is poured.

NOTE: It is very likely that traffic movements generated by the MCBP operations will only occur intermittently throughout the year, when the MCBP is on-site and local jobs booked in, as outlined above.

The information outlined above represents the maximum local workload expected. However, there will be many months when the MCBP will work remotely off-site or there will be no local work at all.

The above information is provided to facilitate the assessment of local work, based on best expectations of operation of the MCBP on-site for local work by my clients.

The extent of onsite operations will be impacted by off-site (remote/rural) work, and it is important to note that the remote/rural work is considered the primary use for the MCBP, as the remote/rural work is more commercially lucrative work than local work.

My clients are prepared to accept Conditions on any approval in relation to:

- Hours of operation – 6am to 4pm, 6 days per week with no batching on Sunday;
- Maximum batching capacity – 120m³ over a 6-day week with maximum batching of 60m³ on any one day and no cumulative batching operations if, in any one week, the maximum batching capacity of 120m³ is not reached;
- No on-site batching for any third party with batching limited to operations undertaken by J & R Grego.

5.0 THE STATE CODES

An assessment against the State codes is not required as the proposed development does not trigger referral as the site is located in an Urban area and no triggers apply.

6.0 PLANNING SCHEME CONSIDERATIONS

5.1 Overview

Under the Planning Scheme the site has the following designations/classifications: -

Zone:

- Rural Residential

Overlays:

- Part of the site – Bushfire;
- Part of the site – Hill and Slope.

The MCBP falls under the definition of High Impact Industry and on that basis is Impact assessable development, under the Planning Scheme, which means assessment is required against the whole of the Planning Scheme, where relevant.

However, a mobile plant with a maximum capacity of 5m³, cannot be assessed in the same way as purpose built, stand-alone, stationary, concrete batching plants, which can have a maximum capacity ranging from 25m³ up to 240m³ per hour, which is significantly greater than the mobile plant and with significantly more potential impacts.

5.2 Strategic Framework (SF)

The SF requires that future development maintains the existing settlement pattern and the distinct character of the Shire.

The proposed development will not impact on the existing settlement pattern or detrimentally impact on the distinct character of the local area, as no major changes will occur on site.

The SF states that- "*smaller industry areas are strategically located across the Shire to service local needs*".

The subject site and adjacent Lot 1 service local needs of residents of Kuranda and Myola and other satellite areas nearby.

The SF goes on to state - *“The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, well-being, amenity and safety of the community from the impacts of air, noise and odour emissions and hazardous materials.”*

Storing and intermittent operation of the MCBP on the site and, when required, moving the MCBP on and off the site, will not have detrimental impacts due to the location of the site with bushland land to the west and north and immediately adjoining another commercial/industrial land use, also a bulk landscape supplies depot, to the north; and bounding Myola Road to the east with buffering provided by the high bank, some vegetation and fencing.

The bulk landscape supplies depot has operated from the site (and next door) for over 25 years and the addition of a MCBP on the site will have very little impact on how the site operates, while expanding services offered, in terms of off- site projects, local, regional and remote work.

It is considered that there is no conflict with the SF.

5.3 Rural Residential Zone Code

It is somewhat of an anomaly that two bulk landscape supply depots are located on land in the Rural residential zone but given that it established over 25 years ago and has no direct interface with rural residential land that is developed for residential purposes, it can be seen as an historic planning decision, which was justified at the time.

An Overall Outcome of the Rural Residential Zone Code, is stated as:

“(f) Other uses may be appropriate where meeting the day-to-day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use.”

The proposal to store and operate, intermittently, a small-scale MCBP on a site operating as a bulk landscape supplies depot, which already stores and sells many of the raw materials needed to operate the MCBP; and to expand allied services offered, can be supported, as it will provide a local service not currently available and being mobile will also be, primarily, off-site doing remote/rural work.

A detailed assessment against the Rural Residential Zone Code is not warranted in this instance. However, consideration will be given to:

Building/structures minimum setbacks (PO3 & AO3) for the storing of the MCBP on the site, as follows:

- Minimum of 6 metres from the road frontage;
- Minimum of 3 metres from side or rear boundaries.

The MCBP is proposed to be sited, as shown on the Site Plan at **Appendix 1**. It is not a building, or a structure and it will be screened from view from Myola Road, this is considered acceptable.

AND

Non-residential development (PO8 & AO8) and Amenity (PO9 & AO9 and PO10 & AO10) for the storing of the MCBP on the site, as follows:

PERFORMANCE OUTCOMES & ACCEPTABLE OUTCOMES	COMMENT				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9ead3;"> <th colspan="2" style="text-align: left; padding: 2px;">Non-residential development</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; padding: 2px;"> PO8 Non-residential development: (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) does not impact on the orderly provision of non-residential development in other locations in the shire; and (d) directly supports the day to day needs of the immediate residential community; or (e) has a direct relationship to the land on which the use is proposed. </td> <td style="width: 50%; padding: 2px;"> A08 No acceptable outcome is provided. </td> </tr> </tbody> </table>	Non-residential development		PO8 Non-residential development: (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) does not impact on the orderly provision of non-residential development in other locations in the shire; and (d) directly supports the day to day needs of the immediate residential community; or (e) has a direct relationship to the land on which the use is proposed.	A08 No acceptable outcome is provided.	<p>COMPLIES with (a), (b), (c), (d) and (e).</p>
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Amenity		COMPLIES with (a), (b), (c), (d), (e), (f), (g), (h) & (i).
PO9 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.	A09 No acceptable outcome is provided.	
PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, 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.	A010 No acceptable outcome is provided.	The MCBP will be stored on site in an unobtrusive location and operate intermittently on site; but will, primarily, operate off site for remote rural work.

NOISE – PO9/10 above

Given the modest scale of the proposed MCBP operation, in conjunction with the bulk landscape supplies depot, and the fact that the MCBP will operate off-site in remote/rural areas most of the time, any noise associated with the MCBP operating on site will be minimal and will be no different to the operation of existing machinery on the site and the site next door, associated with the current operations of the two bulk landscape supply depots.

In addition, the lack of immediate residential neighbours and the fact that another bulk landscape supply depot operates immediately adjoining the site, suggest that any minor noise associated with the addition of MCBP operating, intermittently, on site will have no detrimental amenity impacts.

DUST – PO9/10 above

Some of the raw materials currently stored on site have the potential to create minor dust issues, when being loaded onto open trailers, etc, after purchase. The addition of cement powder to the raw materials stored on site will not significantly increase dust emissions, as the concrete powder is delivered in a covered and sealed truck and pumped into a sealed container on site. When used in the MCBP, which will be undercover, it is then pumped into a sealed compartment of the MCBP and is only exposed to the environment when augured into the concrete

truck, just prior to leaving the site. The entire process of filling the MCBP and the concrete truck takes 15 minutes and will occur in the designated undercover area with minimal opportunity for cement dust to escape into the environment. Misters will be installed on the exterior of both the MCBP and the concrete truck to dampen any escaping dust particles and any dust particles that do escape will be contained in the undercover area and will be hosed into the two-sediment pond/settling tanks.

WASHDOWN/RUN-OFF – PO9/10

Any residuals associated with the operation of the MCBP on site, such as dust particles and washdown water, will be held in two sediment pond/settling tanks. The sediment pond/settling tanks will be able to be covered, if required, during periods of rain but will also be open, in the undercover area, to facilitate evaporation. Once the particles have settled to the bottom of the pond/tank the washdown water will then be recycled for use in preparing new batches of concrete and the residual sludge, will be taken, and recycled. No run-off or washdown water associated with the MCBP will enter nearby waterways, all run-off will be contained and dealt with, on site. The sediment pond/settling tanks will be bunded, if required.

CREATING THE POTENTIAL FOR DETRIMENTAL ENVIRONMENTAL IMPACTS- PO9/10

The management of minor escaping dust particles and washdown associated with the operation of the MCBP on-site, as described above, and the containment of run-off on site will ensure there are no detrimental off-site environmental impacts. My client is expecting conditions on the approval that ensure that the operation of the MCBP and any potential operational impacts are contained on site.

INCREASED TRAFFIC AND POOR ACCESS – PO9/10

The current site access provides reasonable and more than adequate sight lights, left and right. The MCBP, when taken off-site to operate in remote/rural areas, can be off-site for months at a time and any small local jobs will not significantly increase traffic to and from the site. Equally, due to the small-scale operation of the MCBP, deliveries of cement power to the site will also not be excessive and all other raw materials associated with the operation of the MCBP are currently stored on-site and delivered to the site on a regular basis for the separate operation of the bulk landscape supply depot. It is considered that there will not be a significant increase in traffic associated with the MCBP.

5.4 Bushfire Hazard Overlay Code

The site is impacted, in part, by the Bushfire hazard overlay, refer to the extract from the Overlay map, below.



Bushfire Overlay

The Purpose and Overall Outcomes for the Bushfire Hazard Overlay Code, state:

8.2.3.2 Purpose

- (1) The purpose of the Bushfire hazard overlay code is to minimise the threat of bushfire to people and property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development in a Bushfire hazard area is compatible with the nature of the hazard;
 - (b) The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;
 - (c) Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and
 - (d) Appropriate infrastructure is available to emergency services in the event of a bushfire.

The proposed development will have no detrimental impacts associated with increasing bushfire risk and the site is well located, predominantly cleared and has good access to allow emergency services expedient access, if required.

The Code needs no further consideration.

5.5 Hill and Slope Overlay Code

The site is impacted, in part, by the Hill and Slope Overlay, refer extract from the Overlay map, below.



The Purpose and Overall Outcomes for the Hill and Slope Overlay Code, state:

8.2.8.2 Purpose

- (1) The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development is located to avoid sloping land where practical; and
 - (b) Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.

The site is only included in the Overlay mapping because of the steep banks that were created in providing a level bench for development many years ago. The proposed MCBP will be stored on existing level land within the bulk landscape supplies depot and therefore will have no detrimental impacts on the slope stability of the site and will not increase the potential for erosion or landslide.

The Code needs no further consideration.

5.6 Industrial Activities Code

The Purpose and Overall Outcomes for the Industrial Activities Code, state:

9.3.5.2 Purpose

- (1) The purpose of the Industrial activities code is to ensure Industrial activities are:
 - (a) appropriately located within designated industrial areas;
 - (b) established and operated in an efficient manner with minimal impact on the character, scale, amenity and environmental values of the surrounding area; and
 - (c) managed to allow for progressive rehabilitation where involving Extractive industry.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Industrial activities are appropriately located having regard to topography, surrounding land uses, natural environment, accessibility, local character and potential social and community impacts;
 - (b) Industrial activities meet the needs of the local community and the local economy through well located, safe and convenient points of service;
 - (c) Industrial activities are designed to have minimal impact on the character, amenity and environment of the surrounding area;
 - (d) Industrial activities provide a safe working environment;
 - (e) Industrial activities are designed to promote sustainability and energy efficiency;
 - (f) Industrial activities are co-located with complimentary and compatible uses;
 - (g) External impacts associated with Extractive industry operations do not impact on the character and amenity of the surrounding area and the safety and wellbeing of the community;
 - (h) Extractive industry operations are adequately separated from potentially incompatible land uses; and
 - (i) Extractive industry sites are progressively rehabilitated.

A MCBP falls under the definition of High Impact industry in the Planning Scheme and therefore must be assessed against the Industrial Activities Code.

However, the Code is largely not applicable to the proposed development because the MCBP is being stored on site and will only operate intermittently on-site and primarily, off-site both locally, regionally, and remotely.

On that basis the proposed development is generally compliant with the purpose and overall outcomes of the Code and the only relevant provision of the Code that requires assessment are: PO1- AO1 and PO2- AO2.

PERFORMANCE OUTCOME AND ACCEPTABLE OUTCOME	COMMENT
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Separation		<p>The MCBP, due to its small scale operational capacity, primary operation off-site and the proposed limited weekly operations when on-site will ensure that PO1 is achieved.</p> <p>Refer above (page 14) to further information in relation to noise and emissions.</p>
<p>PO1 Industrial activities are appropriately separated from sensitive uses to ensure their amenity is maintained, having regard to:</p> <p>(a) noise; (b) odour; (c) light; and (d) emissions.</p> <p>Note—Development proposed to be located closer than the separation distances specified in AO2 requires supporting investigations to demonstrate that the expected impacts from the industry use have been adequately mitigated in consideration of the local context.</p>	<p>AO1 Development is separated from sensitive uses as follows:</p> <p>(a) medium impact industry—250 metres; or (b) high impact industry—500 metres; or (c) special industry— 1.5 kilometres.</p>	
Amenity		<p>The MCBP is proposed to be stored adjacent to the southern site boundary and undercover, in proximity to a water supply, 2sediment ponds/settling tanks and the raw material bays holding products, such as sand and aggregate.</p> <p>It will not be visible from Myola Road and will be off-site much of the time.</p>
<p>PO2 Industrial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of:</p> <p>(a) air conditioning; (b) refrigeration plant; (c) mechanical plant; and (d) refuse bin storage areas.</p>	<p>AO2 No acceptable outcome is provided.</p>	

5.7 In Summary

No other Codes are considered relevant to the assessment of this proposed development, as:

- no additional advertising devices are proposed;
- no landscaping is required, or proposed;
- no additional parking or new accesses are required, or proposed;
- reconfiguration is not proposed;

- all works and services are in place and the storage and intermittent operation of the MCBP on site will not require any upgrading of existing services.

7.0 Conclusion

The undercover storage and proposed limited operation (**6 hours per 6-day week, if the MCBP is on-site**) of a small scale (**maximum capacity - 5m³**) MCBP on-site, in proximity to some raw materials already stored on site and needed in the production of concrete and operating in association with the day-to-day operations of the bulk landscape supply depot, will have minimal impact, in relation to how the site currently operates, or in terms of detrimental impacts outside the site.

The fact that the MCBP has been owned and operated by the Grego's for the past 18 months and has been working remote all that time with remote work expected to remain the primary focus of the MCBP operations, is a relevant consideration in the assessment of this Application.

The Application is recommended for approval, subject to reasonable and relevant conditions, given the low- key nature of the use, in association with a longstanding bulk landscape supply depot operation, which in addition to the neighbouring bulk landscape supply depot, has operated in the local area for over 25 years.

**EA TAYLOR
January 2023**

APPENDIX: 1

KURANDA RAW MATERIALS



Proposed general storage and fill location of the Mobile Concrete Batching Plant

Myola Road

