

**8.1 ANTON DEMOLITIONS PTY LTD - MATERIAL CHANGE OF USE - LOW IMPACT INDUSTRY (TRANSPORTED AND TRANSPORTABLE BUILDINGS AND STRUCTURES STORAGE) - LOT 3 ON SP327589 - 3278 MULLIGAN HIGHWAY, MOUNT MOLLOY - MCU/23/0008****Date Prepared:** 25 July 2023**Author:** Coordinator Planning Services**Attachments:**

1. Proposal Plan
2. State Assessment and Referral Agency response dated 27 June 2023
3. MCU/23/0008 - Screen Fencing Plan

**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Anton Demolitions Pty Ltd	<b>ADDRESS</b>	3278 Mulligan Highway, Mount Molloy
<b>DATE LODGED</b>	28 April 2023	<b>RPD</b>	Lot 3 on SP327589
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Low Impact Industry (Transported and Transportable Buildings and Structures Storage)		
<b>FILE NO</b>	MCU/23/0008	<b>AREA</b>	109.7 hectares
<b>LODGED BY</b>	RPS AAP Consulting Pty Ltd	<b>OWNER</b>	Anton Demolitions 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>	Nil		

**EXECUTIVE SUMMARY**

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

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

The application and supporting material have 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>	Anton Demolitions Pty Ltd	<b>ADDRESS</b>	3278 Mulligan Highway, Mount Molloy
<b>DATE LODGED</b>	28 April 2023	<b>RPD</b>	Lot 3 on SP327589
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Low Impact Industry (Transported and Transportable Buildings and Structures Storage)		

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 – Low Impact Industry (Transported and Transportable Buildings and Structures Storage)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AU006995-1A	Proposed Low Impact Industry (Transported and Transportable Buildings and Structures Storage)	RPS Australia East Pty Ltd	21-11-2022
-	MCU/23/0008 – Screen Fencing Plan	Mareeba Shire Council	26/07/2023

- (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 Bushfire Management

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

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

3.5 Hours of Operation

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

3.6 Storage of Structures

- 3.6.1 No structure stored within the approved Transported and Transportable Buildings and Structures Storage yard is to be occupied at any time the structure is stored on site.
- 3.6.2 No structure is to be stored within the approved Transported and Transportable Buildings and Structures Storage yard for more than two (2) years, unless otherwise agreed in writing by Council's delegated officer.

- 3.6.3 The applicant/developer must ensure that all structures and items stored within the approved transported and transportable buildings and structures storage yard are secured to prevent any structure, item or part thereof leaving the storage yard during high wind events.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

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

4.2 Screen Fencing

A minimum 1.8 metre high Colorbond (neutral colour) solid screen fence to the extent indicated on Plan *MCU/23/0008 – Screen Fencing Plan* must be maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

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 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces, and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely

to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.dcceew.gov.au](http://www.dcceew.gov.au).

(d) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 27 June 2023.

(F) RELEVANT PERIOD

(G) Material Change of Use – six (6) years (starting the day the approval takes effect) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject land is described as Lot 3 on SP327589 and is situated at 3278 Mulligan Highway, Mount Molloy. Lot 3 is irregular in shape with an area of 109.7 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Lot 3 contains in excess of 1km of frontage to the Mulligan Highway which is a State controlled road and is bitumen sealed.

Lot 3 is largely unimproved, with the exception of a small shed and cleared area which accommodates an approved concrete recycling activity. Fencing and fire trails are found throughout.

Lot 3 is traversed by high voltage electricity lines which lie within an easement in favour of Ergon Energy.

The primary access to Lot 3 is via a shared (with Lot 2 on SP298325) crossover situated at the south-western corner. Lot 2 on SP298325 is developed for the purpose of a special industry that modifies the by-products of sugar cane into feed for animals and other products, including fertiliser. A secondary access to Lot 3 is available near the north-western corner to allow for fire management.

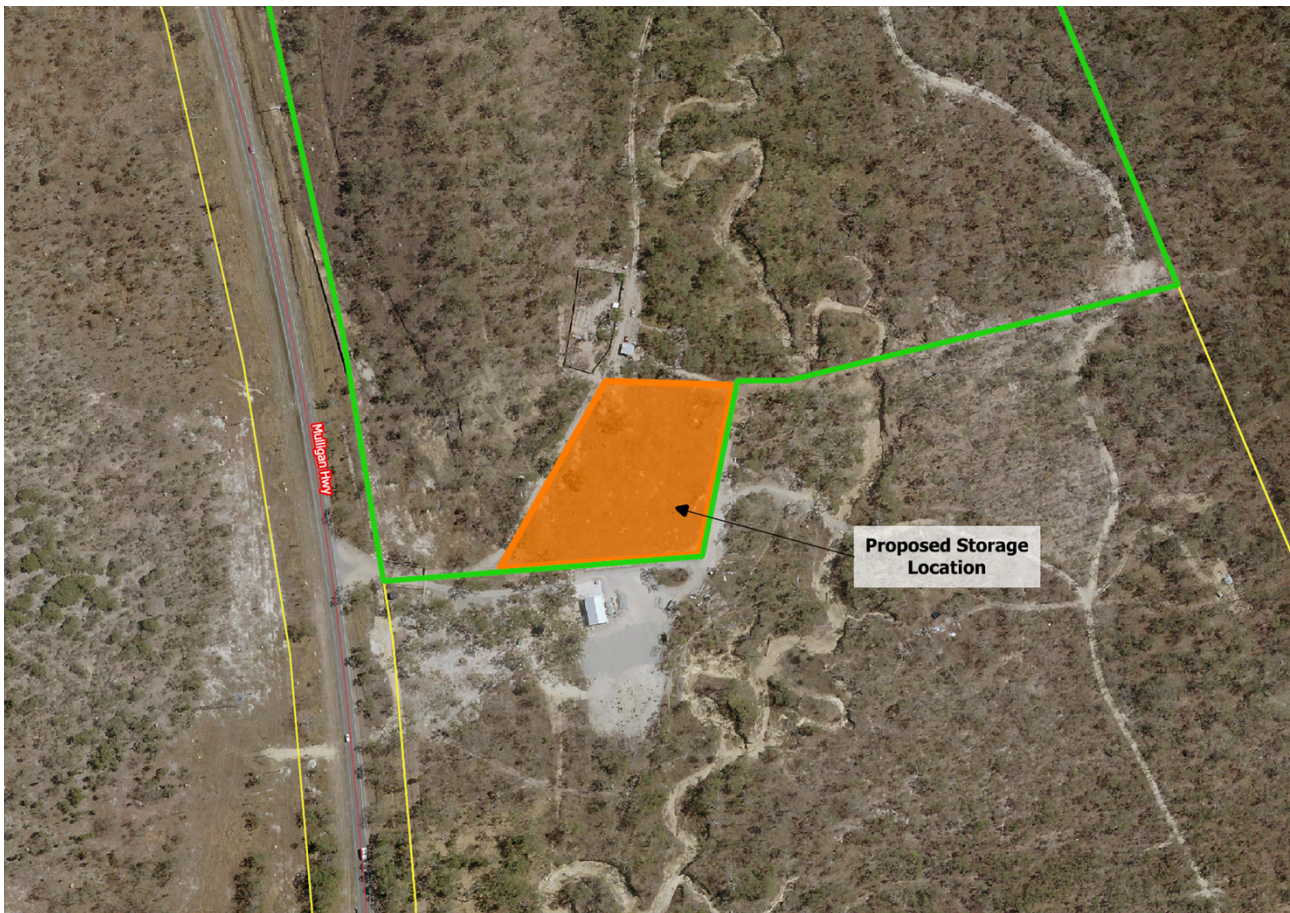
Lots surrounding the site to the west, north and south are zoned Rural while the large lot to the east of the site is a National Park and is zoned conservation.



**Map Disclaimer:**

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





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## **BACKGROUND AND CONTEXT**

Nil

## **PREVIOUS APPLICATIONS & APPROVALS**

### **1. MCU/19/0019**

On 18 September 2019, Council approved material change of use application MCU/19/0019 authorising the establishment of a High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year) on the subject land.

The concrete recycling yard has commenced operations.

### **2. MCU/20/0007**

On 17 February 2021, Council approved material change of use application MCU/20/0007 authorising the establishment of a Special Industry (Production Plant) on adjoining Lot 2 on SP298325.

The special industry modifies the by-products of sugar cane into feed for animals and other products and is sited immediately to the south of the proposed storage location.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Low Impact Industry (Transported and Transportable Buildings and Structures Storage) in accordance with the plans shown in **Attachment 1**.

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

*“In association with the existing concrete recycling on the site, it is proposed to use the existing set down area for the storage of transported and transportable buildings and structures pending their dispatch to their final destination.*

*Anton Demolitions are often engaged to demolish ‘Old Queenslander’ dwelling houses and other buildings and structures on development sites in Cairns and surrounding areas. Some of these dwellings and buildings are considered to be an important part of the Far North Queensland history and their demolition results in the permanent loss of part of the Far North Queensland history. Rather than demolishing the buildings and structures and dismantling them, the applicant has identified the opportunity to recycle and preserve these buildings and structures. The intent is that rather than demolishing them, they are separated into transportable parts that can readily be relocated by articulated vehicle. They would then be transported to the subject site and stored in the existing concrete laydown area.*

*Whilst being stored they would be accessible by builders and engineers to allow for the measuring of the buildings and structures so that footings can be constructed at the final destination. Once the footings have been constructed the buildings and structures would be moved to their final destination and restored/converted to their final use.*

*It is anticipated that the level of traffic movements would not be significant and may result in an additional four traffic movements per month above the existing use on the site.*

*No additional buildings or other infrastructure is required to be provided on site to facilitate the development with access being provided from the existing access from the Mulligan Highway.*

*Figure 3 below identifies the existing lay down area and the proposed area for storage of the transported and transportable buildings and structures.”*



Figure 3 Proposed Storage Area

### REGIONAL PLAN DESIGNATION

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

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

### PLANNING SCHEME DESIGNATIONS

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

	<ul style="list-style-type: none"> <li>▪ Hill and Slope Overlay</li> <li>▪ Regional Infrastructure Corridors and Substations Overlay</li> </ul>
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### 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>
Low impact industry	<p>Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, or treating of products and have one or more of the following attributes:</p> <ul style="list-style-type: none"> <li>• negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise</li> <li>• minimal traffic generation and heavy-vehicle usage</li> <li>• demands imposed upon the local infrastructure network consistent with surrounding uses</li> <li>• the use generally operates during the day (e.g. 7am to 6pm)</li> <li>• offsite impacts from storage of dangerous goods are negligible</li> <li>• the use is primarily undertaken indoors</li> </ul>	<p>Repairing motor vehicles, fitting, and turning workshop</p> <p><i>Note—additional examples may be shown in SC1.1.2 industry thresholds.</i></p>	<p>Panel beating, spray painting or surface coating, tyre recycling, drum re conditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry</p>



**RELEVANT PLANNING INSTRUMENTS**

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

**(A) Far North Queensland Regional Plan 2009-2031**

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

**(B) State Planning Policy**

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

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

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

Comment

The proposed development will utilise an existing cleared area of approximately 8,200m<sup>2</sup> for the temporary storage of structures pending their relocation to a final destination. The site has been selected in order to collocate the proposed development with the applicant's already established concrete recycling activity.

The storage activity is very low impact and will not adversely impact any neighbouring uses. A 1.8 to 1.9 metre high screen fence is already established along the southern and western sides of the proposed storage yard.

The closest dwelling house is at least one (1) kilometre to the south-west of the proposed storage yard.

Conditions will be imposed requiring the stored structures to be secured against high wind events and limiting the maximum storage time for any structure to a maximum of two (2) years, unless otherwise approved in writing by Council's delegated officer.

The proposed storage yard is setback at least 70 metres from the Mulligan Highway reducing its visibility from the highway. A ridgeline between the Mulligan Highway and the proposed storage yard provides significant screening for south-bound traffic. Screening for north-bound traffic is partially provided by 1.8 to 1.9 metre high Colorbond fencing and native vegetation within the Mulligan Highway Road reserve and within the subject site.

The development complies.

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

Comment

The proposed development does not fragment rural land.

The storage activity is very low impact and will not adversely impact any neighbouring uses. A 1.8 to 1.9 metre high screen fence is already established along the southern and western sides of the proposed storage yard.

The closest dwelling house is at least one (1) kilometre to the south-west of the proposed storage yard.

The development complies.

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

Comment

Should the proposed development be ceased in the future, the site can readily be returned to grazing or other rural use.

**3.4.5 Element – Strategic Rehabilitation and Ecological Corridors**

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

Comment

The proposed development will utilise an existing cleared area which is already fenced on its southern and eastern sides.

The Mulligan Highway is situated approximately 70 metres to the west.

The approved Special Industry is sited immediately to the south of the proposed storage area.

The proposed development does not compromise habitat connectivity beyond the constraints already in place.

**3.6.10 Element - Energy Supply**

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

Comment

The Ergon Easement is located approximately 100 metres to the west of the proposed storage area.

The proposed development will not conflict with the electrical infrastructure.

## Relevant Developments Codes

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

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

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

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

**(D) Planning Scheme Policies/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 all development works to be designed and constructed in accordance with FNQROC Development Manual standards.

**(E) Adopted Infrastructure Charges Notice**

The proposed development is accessed directly off State controlled road (Mulligan Highway).

**REFERRAL AGENCY**

The application triggered referral to the State Assessment and Referral Agency (SARA) as a Concurrence Agency for clearing of vegetation and State transport infrastructure.

SARA advised in a letter dated 27 June 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

**Internal Consultation**

Not applicable.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 14 June 2023 to 6 July 2023. The applicant submitted the notice of compliance on 10 July 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

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

**6.2.9 Rural zone code*****Amenity******PO6***

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

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*
- (d) advertising devices;*
- (e) visual amenity;*
- (f) privacy;*

- (g) lighting;*
- (h) odour; and*
- (i) emissions.*

**AO6**

*No acceptable outcome is provided.*

Comment

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

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

The proposed development is over one (1) kilometre from the nearest sensitive receptor being a dwelling house sited to the south-west.

The only other relevant use in proximity is the Special Industry immediately to the south.

Any noise generated by the proposed development will be limited to the delivery and pickup of the stored structures. At most times, no noise will be generated by the development.

The proposed development will not generate odour, emissions or require lighting.

- (b) hours of operation;*

All operations will typically occur during daylight hours.

- (c) traffic;*

The applicant estimates the that proposed development may generate a further four (4) vehicle movements per month.

Access to the site will need to be upgraded in accordance with the State Assessment and Referral Agency requirements.

- (d) advertising devices;*

No advertising devices are being proposed.

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

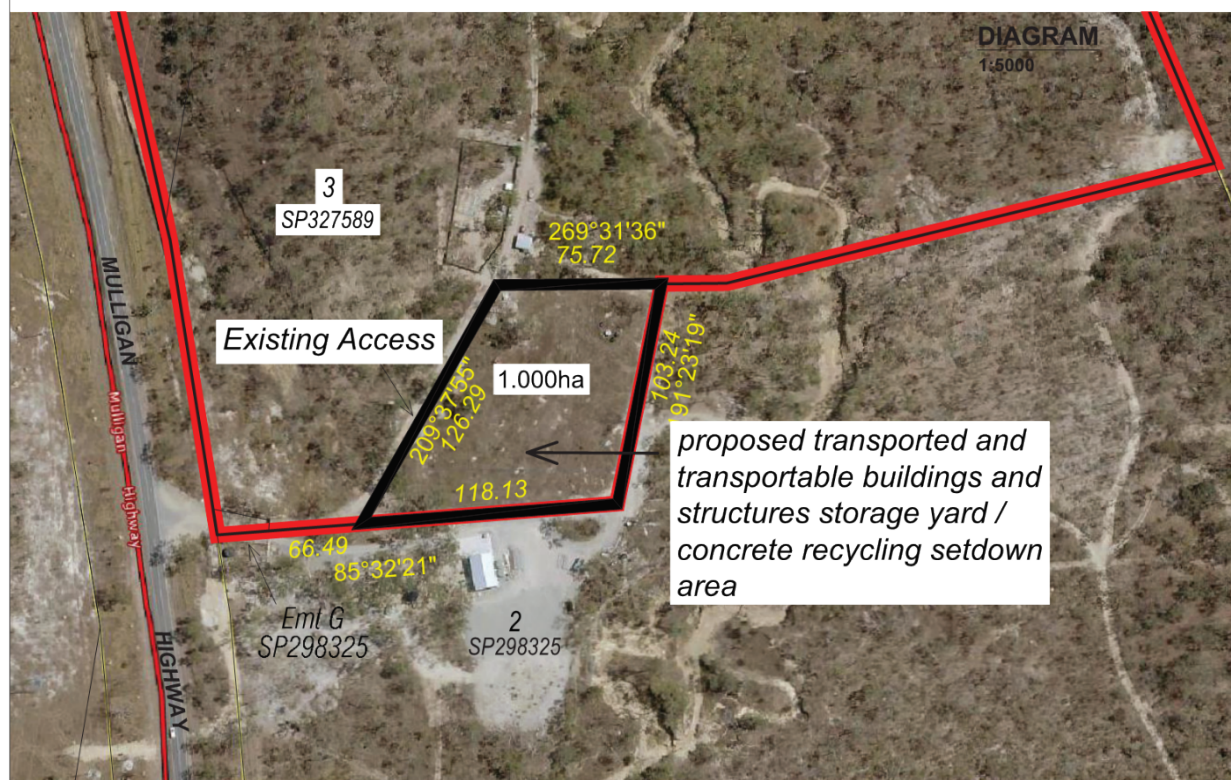
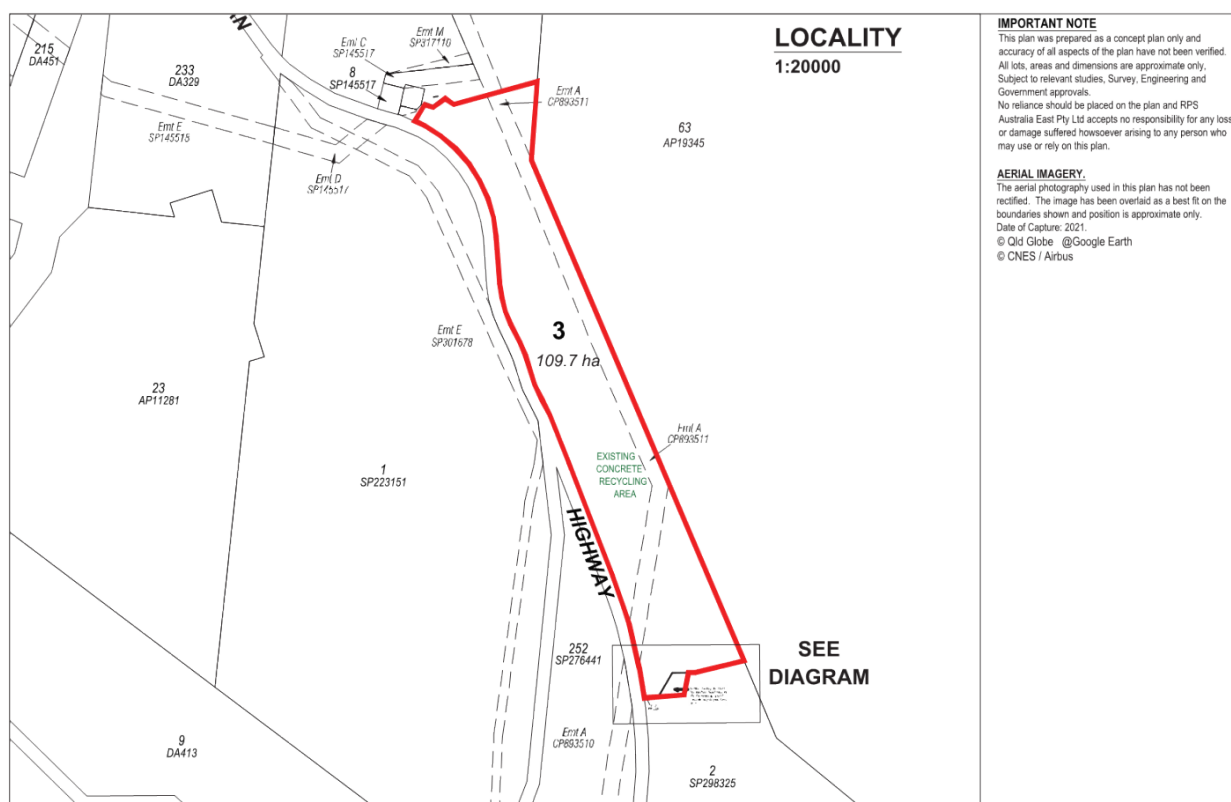
The proposed development activity is very low impact and will not adversely impact any neighbouring uses. A 1.8 to 1.9 metre high screen fence is already established along the southern and western sides of the proposed storage yard.

The closest dwelling house is at least one (1) kilometre to the south-west of the proposed storage yard.

The proposed storage yard is setback at least 70 metres from the Mulligan Highway reducing its visibility from the highway. A ridgeline between the Mulligan Highway and the proposed storage yard provides significant screening for south-bound traffic. Screening for north-bound traffic is

partially provided by 1.8 to 1.9 metre high Colorbond fencing and native vegetation within the Mulligan Highway road reserve and within the subject site.

The development complies with PO6.



RA6-N



SARA reference: 2305-34577 SRA  
Council reference: MCU/23/0008  
Applicant reference: AU006995

27 June 2023

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880  
info@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

## SARA response – Low Impact Industry at 3278 Mulligan Highway, Mount Molloy

(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 17 May 2023.

### Response

Outcome:	Referral agency response – with conditions.
Date of response:	27 June 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

Description:	Development permit	Material change of use for low impact industry (transported and transportable buildings and structures storage)
SARA role:	Referral Agency	

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



2305-34577 SRA

SARA triggers:	<p><b>Schedule 10, Part 3, Division 4, Table 3</b> (Planning Regulation 2017) – Material change of use of premises involving clearing native vegetation</p> <p><b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4</b> (Planning Regulation 2017) – Material change of use of premises near a state transport corridor</p>
SARA reference:	2305-34577 SRA
Assessment Manager:	Mareeba Shire Council
Street address:	3278 Mulligan Highway, Mount Molloy
Real property description:	Lot 3 on SP327589
Applicant name:	Anton Demolitions Pty Ltd
Applicant contact details:	<p>C/- RPS AAP Consulting Pty Ltd PO Box 1949 CAIRNS QLD 4870 patrick.clifton@rpsgroup.com.au</p>
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: TMR23-039298 (500-1140)</li> <li>• Date: 12 June 2023</li> </ul> <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a>.</p>
Human Rights Act 2019 considerations:	<p>A consideration of the 23 fundamental human rights protected under the Human Right Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.</p>

## Representations

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

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

2305-34577 SRA

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Anton Demolitions Pty Ltd C/- Patrick Clifton, patrick.clifton@rpsgroup.com.au

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

2305-34577 SRA

## Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>Clearing of vegetation must:</p> <p>(a) only occur within Area A (A1-A2) as shown on the attached:</p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2305-34577 SRA, Sheet 1, version 1; and</li> <li>(ii) Vegetation Management Plan VMP 2305-34577 SRA Derived Reference Points for GPS;</li> </ul> <p>(b) not exceed 0.82 hectares, subject to (c) included in this referral agency response.</p> <p>(c) only occur for the relevant infrastructure activity approved under the <i>Vegetation Management Act 1999</i> section 22A Relevant Purpose Determination, which was the construction of necessary built infrastructure being the construction of a gravel hardstand area.</p>	At all times.
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – State-controlled road — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department on Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
2.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plans 1 - 2 (34A – 32.78km), prepared by Queensland Government Transport and Main Roads, dated 12/06/2023, Reference TMR23-39298 (500-1140), Issue A.</p> <p>(b) Road access works comprising of a sealed 'Type B' rural property access must be provided at the southern road access location identified by TMR Layout Plan 2 (34A – 32.78km).</p> <p>(c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads' Standard Rural Property Access Drawing, Sheets 1 &amp; 2, Drawing No. 1807, Type B – Rural Property Access, dated 11/2021, and Revision B.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>

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**Attachment 2—Advice to the applicant**

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.
Further development permits required	
2.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works.</p> <p>Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>

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### Attachment 3—Reasons for referral agency response

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

**The reasons for the SARA decision are:**

- The proposed development is unlikely to compromise the safety, function, and efficiency of the Mulligan Highway, a state-controlled road.
- The Mulligan Highway is not a limited access road.
- Stormwater and drainage flows are discharged naturally on-site and it is unlikely that stormwater and drainage flows will directly impact the state-controlled road.
- The proposed application does not include noise sensitive development.
- Sufficient vegetation will be retained to maintain connectivity and ecological processes on the premises as well as in the surrounding landscape.
- The vegetation on the subject lot is mapped as containing a least concern regional ecosystem. There are no endangered or of concern regional ecosystems upon the site requiring clearing.
- The subject lot contains no essential habitat.
- SARA has carried out an assessment of the development application against State Code 1: Development in a state-controlled road environment and State Code 16: Native vegetation clearing and has found that with conditions, the proposed development complies with relevant performance outcomes.

**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 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

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## **Attachment 4—Representations provisions**

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## **Attachment 5—Approved plans and specifications**

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## 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.



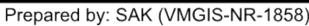
## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

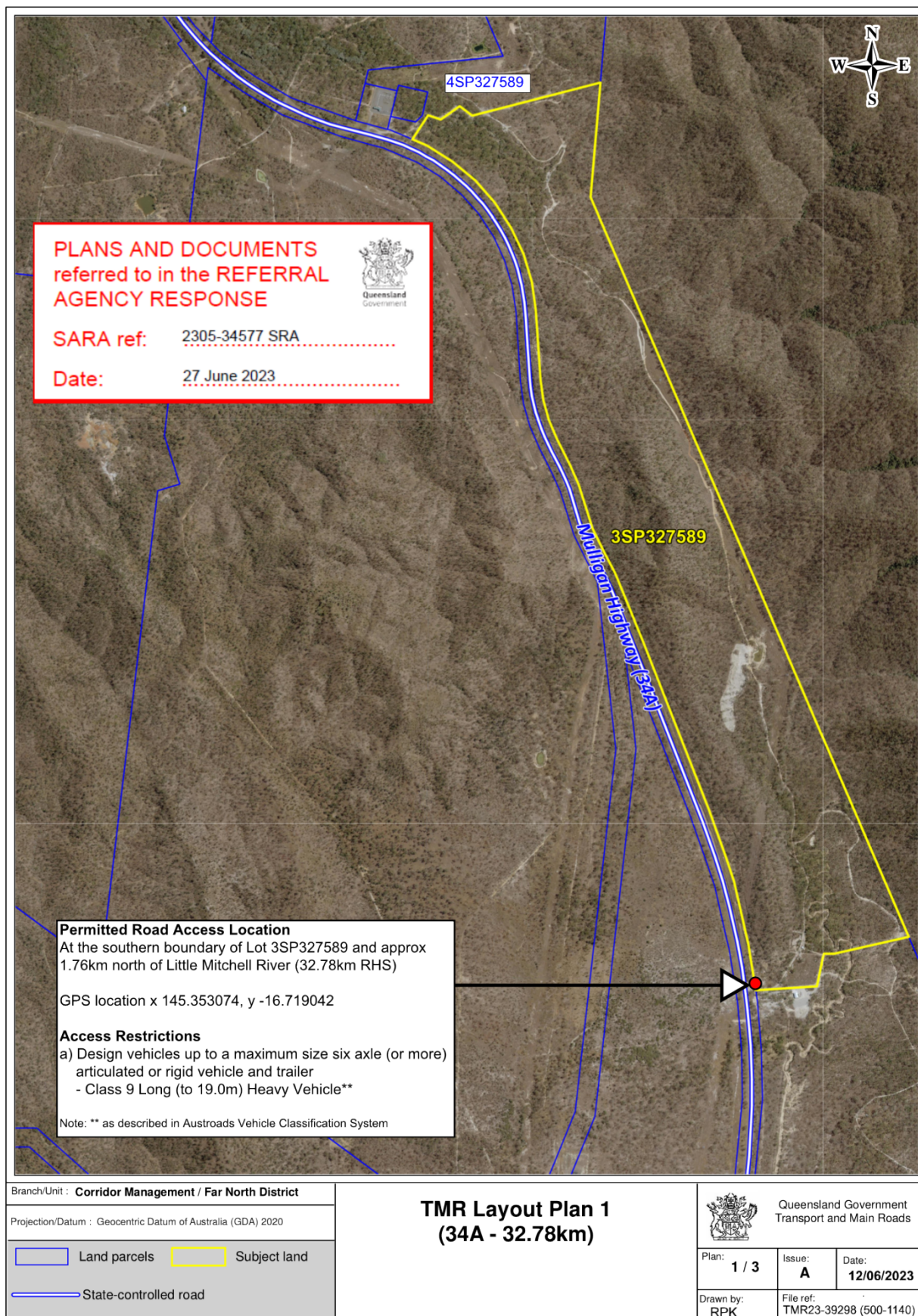
- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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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.








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Branch/Unit : Corridor Management / Far North District		<div>TMR Layout Plan 2 (34A - 32.78km)</div>		 <div>Queensland Government Transport and Main Roads</div>
Projection/Datum : Geocentric Datum of Australia (GDA) 2020				
<div><div></div>Land parcels</div>	<div><div></div>Subject land</div>	Plan: 2 / 3	Issue: A	Date: 12/06/2023
<div><div></div>Easement</div>		Drawn by: RPK	File ref: TMR23-39298 (500-1140)	

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