



SARA reference: 2405-40536 SPL
Applicant reference: Nil

21 June 2024

Wallace Quarrying & Mining Pty Ltd
C/- Stirling Tavener
PO Box 782
CAIRNS QLD 4870
stirling@ansonadvisory.com.au

Attention: Stirling Tavener

Dear Sir/Madam

SARA Pre-lodgement advice - 852 Tinaroo Creek Road, Mareeba

I refer to the pre-lodgement meeting held on 27 May 2024 in which you sought advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

The applicant proposes a Material Change of Use comprising an extractive industry use Lot 2 on SP182482 (the development site). The operation will consist of the onsite crushing and processing of large boulders located on site. The applicant advises that the average annual extraction is <5,000tons.

Site history

Much of Lot 2 on SP182482 was cleared under a development permit for operational work to clear native vegetation for irrigated high vale agriculture, decided by SARA on 9 April 2018 (1802-4126 SDA). A subsequent change was made to the development permit, which was decided by SARA on 9 April 2024 (2310-37260 SPD). The development permit for 2310-37260 SPD supersedes the development permit for 1802-4126 SDA. A condition of the development permit requires rocks larger than (>200mm) to be "picked and disposed of appropriately". It is understood that during clearing works, the large rocks were pushed toward the rear of the lot, where they remain stockpiled.

In 2024, a Property Map of Assessable Vegetation (PMAV) was issued for the development site and the site was largely mapped as Category X, with Category B to the rear of the site. The Category X area reflects the area approved for clearing under the previous operational work permit (1802-4126 SDA).

Development footprint

The development footprint for the proposed extractive industry use is an area of approximately 2.7ha located toward the rear of the site (see **Attachment 2**). The extraction area where the rocks are stockpiled is within the mapped Category B area, with processing proposed on the Category X area.

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request or tabled at the pre-lodgement meeting.

Drawing/report title	Prepared by	Date
Quarry Mgt Plan - Tinaroo Ck Rd - Wallace QM 2023.7-1	Stirling Tavener, Anson Advisory	July 2023
SARA Decision notice 1802-4126 SDA– Development permit for Operational work to clear native vegetation for irrigated high value agriculture	Department of State Development, Manufacturing, Infrastructure and Planning	9 April 2018
PMAV area - Tinaroo Ck EIL 2024.5-1	-	Uploaded to MyDAS 22 May 2024

Pre-lodgement meeting record

Meeting date	27 May 2024
Meeting location	Microsoft Teams
Meeting chair	Isley Peacey, Senior Planning Officer, Department of Housing, Local Government, Planning and Public Works
Meeting attendees	Refer to Attachment 1

Meeting summary	
1.	<p>Overview of proposal:</p> <p>The applicant gave an overview of the proposed development, as follows:</p> <ul style="list-style-type: none"> • Extractive industry proposed on Lot 2 on SP182482 • On site crushing and processing of rocks proposed • Removal of rocks a condition of vegetation clearing development approval • Annual extraction is proposed to be <5,000tons, therefore the activity does not constitute an Environmentally Relevant Activity under the Environmental Protection Regulation 2019 • The applicant advised that while rocks are stockpiled within the Category B vegetation area, no vegetation clearing is proposed. • The applicant also advised that no vegetation clearing has occurred within the Category B vegetation area to date. <p>Department of Resources (Resources)</p> <p>Resources provided advice regarding native vegetation clearing, as follows:</p> <ul style="list-style-type: none"> • The definitions of vegetation clearing were discussed, including that the Category B mapping extends to the ecosystem (including grasses, shrubs etc.), not just trees. The extraction of rock from within the mapped Category B area constitutes vegetation clearing. • Discussed what constitutes clearing as a result of a material change of use, including the creation of clearing exemptions. • Discussed exemptions for fire break and safety buffers around fixed infrastructure

	<p>and tree height data required.</p> <ul style="list-style-type: none"> Discussed S22A relevant purpose determination requirements. <p>Discussion occurred regarding a separate proposed development, being the construction of a Dwelling House within the Category B area. The applicant was advised by Resources that the development may be assessable development where there is already a Dwelling House on the lot and recommended that separate pre-lodgement advice be sought.</p>
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Pre-lodgement advice

The following advice outlines the aspects of the proposal that are of relevance to SARA.

SARA's jurisdiction and fees	
1.	<p>The application will require referral to SARA under the following provisions of the Planning Regulation 2017:</p> <ul style="list-style-type: none"> Schedule 10, Part 3, Division 4, Table 3, Item 1 – Native vegetation clearing. This will require a fee of (3,430 fee units) to be paid in accordance with Schedule 10, Part 3, Division 4, Table 3, Item 8(a). <p>SARA would be referral agency for the proposed application. Mareeba Shire Council would be the assessment manager.</p>
Key matters and action items	
Native vegetation clearing	
2.	<p><u>Clearing native vegetation</u></p> <p>Clear, cleared or clearing of vegetation is defined in SDAP State code 16: Native vegetation clearing as removing, cutting down, ringbarking, pushing over, poisoning or destroying in any way, including by burning, flooding or draining.</p> <p>The development will impact the following vegetation management attributes:</p> <ul style="list-style-type: none"> Category B area (containing least concern regional ecosystems) Category X area <p><u>Material Change of Use application</u></p> <p>Based on the development material provided for this pre-lodgement advice, the MCU application will require referral to SARA for the clearing of native vegetation under Schedule 10, Part 3 of the Planning Regulation 2017 as the proposal involves clearing in a Category B area that is assessable development.</p> <p>The application will need to address and meet the requirements of the State Development Assessment Provisions (SDAP) – State code 16: Native vegetation clearing code (State code 16). The performance outcomes to be addressed in State code 16 are:</p> <ul style="list-style-type: none"> Table 16.2 – PO1-PO3, and Table 16.4 – PO19-PO32. <p>Performance outcomes requiring a detailed response by the development application include:</p> <ul style="list-style-type: none"> Avoid and minimise principles (PO19) Connectivity (PO24) <p>The extent of clearing assessed under State code 16 includes all matters defined under 'clearing as a result of a material change of use' in the Glossary of Terms. Assessable clearing includes clearing that will become exempt clearing work whether or not it is intended to be undertaken. This includes clearing for firebreaks adjoining proposed</p>

	<p>infrastructure (other than fences, roads and underground services) for a distance of 20m or 1.5 times the height of the tallest adjacent trees. Providing height measurements for the tallest trees in category B areas adjacent to infrastructure is recommended to identify assessable clearing.</p> <p>Guidance on how to comply with State code 16, including information of how to obtain tree height data, is provided in Guide to State Development Assessment Provisions - State code 16: Native vegetation clearing.</p> <p>Providing digital data for the location and extent of vegetation clearing is recommended. Digital data should include a projected spatial reference (eg GDA94 or GDA2020), and preferably be in an ESRI compatible format (shapefile, geodatabase or KML).</p> <p><u>Relevant Purpose Determination</u></p> <p>Prior to submitting a development application to clear native vegetation, the applicant must first obtain written confirmation from the Department of Resources (Resources) the proposed development is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>. Relevant purpose determination requests can be sent to vegetation@resources.qld.gov.au. There is no fee for these requests. The application form, further information and assistance is available online at: www.qld.gov.au/environment/land/management/vegetation/development.</p> <p>Requests relating to <i>relevant infrastructure activities</i> must demonstrate how clearing for the infrastructure can not reasonably be avoided or minimised. Applications should demonstrate:</p> <ul style="list-style-type: none"> • Why infrastructure needs to be in the proposed location and can't be located elsewhere? (avoided) • Why infrastructure needs to be the size and scale proposed? (minimised) • How the infrastructure layout has been consolidated to 'minimise' clearing required? If not, why it was not reasonable to do so? (minimised) • How the 'avoid and minimise' principles on page 7 of the application form checklist have been followed to minimise the adverse impacts of clearing? If not, why it was not reasonable to do so? (minimise adverse impacts of clearing) <p>Avoiding referral for clearing native vegetation</p> <p>The development can avoid referral to SARA for clearing native vegetation under schedule 10, part 3 of the Planning Regulation 2017 by:</p> <ul style="list-style-type: none"> • Locating the development footprint entirely within the Category X area. It is noted that this may be difficult to achieve given the rocks are stockpiled within the Category B area. • Locating all new infrastructure (other than fences, roads, underground services) at least 20 metres or 1.5 times the height of the tallest adjacent tree in the category B area, whichever is greater, away from the category B areas. • Locating all new fences, roads and underground services outside of the category B areas. <p>If referral cannot be avoided, it is recommended the development achieve these outcomes wherever possible to avoid and minimise clearing.</p>
	<p>Previous development permits</p>
	<p>Under s 22(3)(d) of the Planning Regulation 2017, a referral agency for a development application must have regard to any development approval applying to the premises in their assessment of the application. As such, SARA will have regard to the development permit for operational work to clear native vegetation for irrigated high vale agriculture, decided by SARA on 9 April 2024 (2310-37260 SPD), in their assessment.</p>

	The existing development permit includes ongoing requirements in relation to irrigated high value agriculture, erosion and sediment control and rehabilitation of the site. The proposed development application for an extractive industry use must not be in conflict with the requirements of the existing development permit.
Lodgement material	
4.	It is recommended that the following information is submitted when referring the application to SARA: <ul style="list-style-type: none"> • DA form 1 • A full response to the relevant sections of SDAP State code 16: Native vegetation clearing • Landowner's consent • A Relevant Purpose Determination under section 22A of the <i>Vegetation Management Act 1999</i> • Relevant plans as per the <u>DA Forms guide</u>, including: <ul style="list-style-type: none"> o A site plan showing the development footprint in relation to the mapped vegetation on site o Plans showing the location of fixed infrastructure associated with the use o Tree height data

This advice outlines aspects of the proposed development that are relevant to SARA's jurisdiction. This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

The advice in this letter does not constitute an approval or an endorsement that SARA supports the development proposal. Additional information may be required to allow SARA to properly assess the development proposal after a formal application has been lodged.

For further information please contact Isley Peacey, Senior Planning Officer, on 4037 3202 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

enc Attachment 1 – Pre-lodgement meeting attendance record

Development details	
Proposal:	Material change of use - Extractive industry
Street address:	852 Tinaroo Creek Road, Mareeba
Real property description:	Lot 2 on SP182482
SARA role:	Referral agency
Assessment Manager:	Mareeba Shire Council
Assessment criteria:	State Development Assessment Provisions (SDAP): State code 16: Native vegetation clearing
Relevant site history:	<ul style="list-style-type: none"> o Development permit for operational work to clear native vegetation for irrigated high vale agriculture, decided by SARA on 9 April 2018 (1802-4126 SDA) o Development permit (changed) for operational work to clear native vegetation for irrigated high vale agriculture, decided by SARA on 9 April 2024 (2310-37260 SPD)

Attachment 1 — Pre-lodgement meeting attendance record

Meeting attendees:

Name	Position	Organisation
Isley Peacey	Senior Planning Officer	Department of Housing, Local Government, Planning and Public Works
Sarah Woodward	Natural Resource Management Officer	Department of Resources
Dylan Johnston	Senior Natural Resource Management Officer	Department of Resources
Stirling Tavener	Senior Consultant	Anson Advisory
Ian Wallace	Director	Wallace Quarrying & Mining Pty Ltd

Attachment 2 – Plans of proposed development



Figure 1: Development footprint – Proposed extractive industry use