

6.13. TRANSPORT DEPOT 37 SPLENDOUR ROAD MOSSMAN

REPORT AUTHOR MANAGER	Neil Beck Paul Hoye, Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUI 2023_5339/1
PROPOSAL	Material Change of Use for Transport Depot
APPLICANT	W P Tibaldi C/- RPS AAP Consulting Pty Ltd PO Box 1949 Cairns Qld 4870
LOCATION	37 Splendour Road Mossman
PROPERTY	Lot 5 on SP297291(now formally recognised as Lot 1 on SP 337285)
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Rural Zone
LEVEL OF ASSESSMENT	Impact
PROPERLY MADE DATE	17 August 2023
STATUTORY ASSESSMENT DEADLINE REFERRAL AGENCIES	28 November 2023 N/A

LOCALITY



Figure 1 – Locality Plan

RECOMMENDATION

That Council approves the development application for Material Change of Use for a Transport Depot over land described as Lot 5 on SP297291 (now formally described as Lot 1 on SP337285) subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Unauthored Drawing Council Doc: 1190398	Submitted with Application on October 2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.
 Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to commencement of use, except where specified otherwise in these conditions of approval.

Hours of Operation

3. Operating vehicles associated with Transport Depot, loading of trucks and transportation of material to and from the site must not occur:
 - a. before 6.30 am or after 6:00 pm Monday to Friday;
 - b. before 6.30 am or after 1:00 pm Saturdays; or
 - c. on Sundays or Public Holidays.

Unless otherwise authorised by the Chief Executive Officer for specific projects over limited periods.

Noise Emissions

4. Noise from the approved transport depot must not cause environmental nuisance to any sensitive receptor. In accordance with the *Environmental Protection Act*

1994, any emission of noise from activities on site must ensure that the emissions are consistent with the *Environmental Protection (Noise) Policy 2019*.

Off-Site Impacts

- 5. Dust emissions or other air pollutants, including odours, must not extend beyond the site and cause an environmental nuisance. In accordance with the Environmental Protection Act 1994, any emission of dust from activities on site must ensure that the emissions are consistent with the Environmental Protection (Air) Policy 2008.**

Work Internal to the Site

- 6. The development must undertake the following at no cost to Council:**
 - a. Construct a hard stand area for the LV Parking as per the approved drawing (Council doc id; 1190398). The hardstand area must provide for parking and maneuvering for six (6) rigid vehicles. The hardstand area must be constructed in accordance with FNQROC Development Manual;**
 - b. Construct an access crossover and a sealed driveway access from the hardstand area to meet with Syndicate Road. The driveway and access crossover must be constructed in accordance with FNQROC Development Manual;**
 - c. Construct concrete bunded raw material storage bays as per the approved plans (Council doc id; 1190398). The storage bays must be provided with an impervious base; and**
 - d. Ensure sediment and other potential contaminants are contained onsite at all times and not discharged to areas external to the property in accordance with the requirements of the *Environmental Protection Act 1994* and the FNQROC Development Manual.**

The works must be completed within 30 business days of the approval taking effect.

Approved Use Area

- 7. The use of the site as a Transport Depot is restricted to the area identified in the approved plan.**

Shed Layout

- 8. Submit a Shed Layout Plan for both sheds for endorsement by the Chief Executive Officer within 5 business days of the approval taking effect. The plan must detail the area of the sheds associated with parking and activities ancillary to the proposed use. Please note that the area of the sheds identified for use will result in a variation to the infrastructure charges payable.**

Fire Management

- 9. Mulch kept at the premises must be;**

- a. Limited to one (1) storage bay with a maximum of 80m³ of mulch stored within the bay;
- b. Must be broken-up, turned and sufficiently watered to prevent self-combustion. Mulch must not be mechanically compacted;
- d. Provided with a 5m wide fire break continuous around the storage bay area. The firebreak must be maintained by mowing such that grass is a maximum of 10cm high;
- e. Separated from flammable liquids by a distance of 20m; and
- f. Provided with a 10,000 litre onsite water storage/supply. The water storage must be fitted with a 50mm ball valve with a camlock fitting.

Fuel Storage

- 10. All fuel storage must be secured and banded and comply with *AS1940:2017 Storage and Handling of Flammable and Combustible Materials*. Fuel storage in excess of 10,000 litres is not permitted on the site.

Landscaping

- 11. Provide a Landscape Plan that details:

- a. Landscaping that can provide adequate screening from viewpoints external to the site within five (5) years from the commencement of use.
- b. Species to be used in plantings that have regard to Council's Planning Scheme Policy SC6.7 Landscaping.
- c. Detailed ground preparation and landscape maintenance schedule. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth; and

Prior to the undertaking of landscaping works a landscape plan must be submitted to the satisfaction of the Chief Executive Officer. The approved landscaping must be implemented as detailed in the approved landscape plan within 30 business days.

The landscaping must be maintained to the satisfaction of the Chief Executive Officer at all times.

Site Maintenance

- 12. The area surrounding the development site, as depicted in the approved plans, must be kept free of stockpiled rubbish, metal and machinery and be kept in a presentable condition to the satisfaction of the Chief Executive Officer.

Storage of Raw Materials

- 13. All bulk materials held on the site must be contained within the banded concreted bin areas to the satisfaction of the Chief Executive Officer.

Contaminants

14. All reasonable and practicable measures must be taken to prevent pollution to the existing open drains, waterways or drainage lines, as a result of silt and sediment run-off from the storage of raw materials, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged or indirectly released to any watercourses or stormwater systems.

Sales to Public and signage

15. This approval does not permit sale of landscape supplies to the general public or the erection of signage.

Disposal of Garden Waste and Other Waste

16. The incineration of garden waste and other waste is not permitted at the development site. All waste must be disposed of in a lawful manner.

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Infrastructure Charges Notice

5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.
The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.
Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.
The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.
The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

REASONS FOR DECISION

The reasons for this decision are:

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 11 April 2023 under s51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
Strategic Framework	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018
Rural zone code	
Acid sulphate soils overlay code	
Bushfire hazard overlay	
Flood and storm tide hazard overlay code	
Landscape values overlay code	
Natural areas overlay code	
Transport network overlay code	
Access, parking and servicing code	
Environmental performance code	
Filling and excavation code	
Infrastructure works code	
Landscaping code	

EXECUTIVE SUMMARY

Following compliance actions an application for a material change of use was initially lodged for Bulk Landscaping Supplies. Questions were raised about the extent and nature of the activities occurring on the land. The application was resubmitted amending the use to a Transport Depot for a contractor operating from the site.

The application was discussed at a Council meeting on 28 November 2023, but was deferred due to Councilors raising further questions with respect to the proposed development. A subsequent workshop was held on 5 December 2023.

The development involves the depositing and collection of bulk materials primarily used for local road construction works and the storage of associated vehicles and equipment. The extent of materials held on the land varies from time to time depending on the projects being undertaken at the time.

Public Notification of the proposal was carried out in accordance with the requirements of the *Planning Act 2016* and one (1) properly made submission was received.

While the use is suitably located in a Rural zone, it needs to be appropriately controlled so it does not detrimentally impact on the rural amenity of the area and the nearby sensitive land uses (dwellings). The report recommends the application be supported subject to conditions that address the impacts from the development, so they are contained to the land, and has particular regard to impacts on nearby sensitive land uses.

TOWN PLANNING CONSIDERATIONS

Background

The land is part of a sugar cane farm and the area to be developed for the use is a corner of the farm that supports a series of sheds and buildings adjacent to Syndicate Road.

This part of this land has been used as a contractor's depot and a storage area for road work materials and for cane farming operations. Following complaints (regarding noise and dust emissions) and compliance actions, an application has been lodged for a Transport Depot.

The nearby sensitive land uses includes a rural lifestyle property to the south-west and a row of three similar properties to the north. The dwellings to the north are elevated with established natural vegetation, the nearby dwelling to the south-west has several sheds and a dwelling house. In 2017, Council approved the relocation of the dwelling to within a 7metre setback from the road boundary.

Proposal

The proposed development area is approximately 0.85 hectares of Lot 5 on SP297291 (now formally recognised as Lot 1 on SP 337285 with an area of 43 hectares). The balance of the land will continue to be used for sugar cane production.

The planning report accompanying the application advises, *"the curtilage to the sheds is maintained as a semi-hard stand and has historically been used for the stockpiling of raw materials used in road construction on behalf of the council and other public sector entities."*

The applicant advises the proposal details as follows.

"The proposal would seek to regularise the existing informal use by a local contractor, Marrin Pty Ltd, operated by Ronald Jack, which has been the operating base for a significant period of time".

The proposed use would involve the storage and minor maintenance of heavy vehicles and earthmoving equipment, which would be contained predominantly within the existing sheds on the subject land. Associated with, and ancillary to, the use would be the minor storage of raw materials. There would be no sales of bulk landscape supplies direct to the public. These raw materials stored on the premises would be used for short notice emergency jobs fixing flood erosion repair works, emergency road repair works and minor contracting jobs that do not require significant quantities of materials. These same materials would also be used on the farm for headland, farm road and bridge maintenance and other sugar cane production related activities. Access would be provided from the existing access from Syndicate Road.

The use would operate alongside the continued use of the sheds and yards for farming activities and storage and maintenance of farm equipment associated with the cultivation of sugarcane. There is not proposed to be an increase in the scale or intensity of this existing and lawful farming use.

The equipment store within the existing sheds would include;

- Farm Machinery and Equipment;*
- Four trucks;*
- One loader;*
- One Excavator.*

Please note that the equipment would generally be at work sites and the above is the likely maximum equipment storage. Plant and equipment storage would generally occur during the wet season when it is not feasible to undertake civil construction works.

Traffic Movement associated with the use would be limited with equipment normally on site and returning to the depot when not in use. Traffic movements associated with the use would consist generally of approximately six heavy rigid vehicle movements and a minor number of domestic scale vehicle movements per day. Domestic vehicles, including staff and deliveries would be in the order of six movements per day.

It is not intended to undertake any additional building works as part of the proposed development; however, the landscaping at the site would be improved with additional planting provided at the boundary to Syndicate Road to provide a screen.

The proposed development would utilise the existing buildings in the site located towards the Syndicate Road frontage. The existing workshop has an area of approximately 1000m² and is located 20metres from the Syndicate Road property boundary. This building would continue to be used for the storage of machinery and equipment. The existing smaller storage shed would be retained and the office and toilet block, with the existing on-site effluent disposal system, would be used for administrative purposes associated with the use and the existing farming use.

In the northeast of the site six concrete bunded storage bays would be constructed for the purpose of storing raw materials. The storage bays would have the capacity for the following materials:

- Mulch- Approx. 80m³,*
- Topsoil- Approx. 50m³,*
- Road Base- Approx. 50m³,*
- M Rock- Approx. 50m³,*
- Ballast- Approx. 50m³,*
- 40/Rock- Approx. 50m³,*

With respect to the claims that Council use the subject premises to store raw materials, it is understood that Marrin Pty Ltd has held contracts with Council to undertake works from time to time.

The proposal plans are included in Attachment 1.

PLANNING ASSESSMENT

State Planning Requirements

State Planning Policy

The State Planning Policy ('SPP') was introduced on 3 July 2017 as part of the State's planning system. The SPP defines the Queensland Government's policies about matters of state interest in land use planning and development, providing direction for the preparation of local planning instruments and assessment of development applications. The 2018 Douglas Shire Planning Scheme version 1.0 reflects the applicable State interests in respect to urban area and rural land. Further assessment with respect to these planning considerations is deferred to the assessment of the development against the Strategic Framework of the Planning Scheme.

Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009-2031 ('FNQ Regional Plan') provides the framework for the sustainable management of growth and development in Far North Queensland. The site is contained within the Regional Landscape and Rural Production Area of the FNQ Regional Plan.

The *Planning Regulation 2017* requires the development be assessed against the Regional Plan to the extent that the Regional Plan is not appropriately reflected in the Planning Scheme.

The Douglas Shire Planning Scheme has been endorsed by the Minister as appropriately integrating the Regional Plan. Further assessment with respect to these planning considerations is deferred to the assessment of the development against the Strategic Framework of the Planning Scheme.

State Assessment and Referral Agency

A review of Schedule 10 of the Planning Regulation revealed that the proposed development does not trigger referral to the State Assessment and Referral Agency (SARA) within the Department of State Development, Manufacturing Infrastructure and Planning. The development application therefore was not referred to any state agencies for assessment.

DOUGLAS SHIRE PLANNING SCHEME ASSESSMENT

Definition

The proposed use is defined as Transport Depot in the Douglas Shire Planning Scheme 2018, as follows:

"Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles store on the premises".

The following are the benchmarks applying to the development.

Planning Area

Under the *Douglas Shire Planning Scheme 2018*, the site is included in the Rural zone. Within this zone, a Transport Depot development is identified as impact assessable development.

Douglas Shire Planning Scheme Requirements

The following benchmarks are applicable to the proposed development:

Douglas Shire Planning Locality	Comment
Strategic Framework	
Theme 2- Environment and Landscape Values Theme 3- Economy	See comments below.
Planning Zone	
Rural Zone	The proposed Transport Depot is suitably located within the Rural zone, the development will not fragment the existing use of the land for cane production. Apart from the concrete bund wall for the storage of raw materials, no new buildings are proposed.
Overlay Codes	
Acid sulphate soils overlay	Complies. Land is mapped as Acid Sulfate Soils (5-20m AHD). Minor filling is proposed for the earth mound, this fill is not anticipated to result in impacts on ASS or PASS.
Bushfire hazard overlay	Satisfactory through conditions of approval. The land is mapped as Potential Impact Buffer. Conditions of approval will have specific regard to managing fire risk from combustible mulch and fuel storage.
Flood and storm tide hazard overlay-floodplain assessment overlay	Satisfactory through conditions. The proposed use will not increase the number of residents at risk from flooding. The storage of raw materials is limited to the concrete bunded bin area and machinery and equipment can be readily moved in a flood event.
Landscape values overlay	Satisfactory. Part of the land is mapped as Medium Landscape Value, reflecting the general sugarcane landscaped valley floor area. No clearing of native vegetation is proposed, the existing use of the land for sugar cane production will remain. The development

	will be screened from the road by a landscaped earth mound, and this will address the overlay requirements.
Natural areas overlay	Part of the lot is mapped within the Natural Areas overlay; however, the proposed development is not sited within the area affected by the overlay. In addition, the proposal includes sediment fencing intended to protect runoff from the site from entering the nearby waterway.
Transport network overlay	Complies. The road is mapped as a major rural road.
Other Development Codes	
Access, parking and servicing code	Satisfactory through the conditions of the approval. However, regard needs to be given to ensure the sightlines of motorists are not compromised by the vegetated earth mound. A condition of the approval will require the hardstand area and a section of driveway be constructed to Australian Standards.
Advertising devices code	None proposed.
Environmental performance code	See comment below.
Filling and excavation code	Compliances- minimal fill is required.
Infrastructure works code	Satisfactory. Premises is not within Council's water supply or sewer service areas. Premises is already connected to electricity and has onsite wastewater infrastructure.
Landscaping code	Satisfactory through the conditions of the approval.

Compliance Issues

Environmental Performance code

PO2 of the code requires that potential noise generated from the development is avoided through design, location and operation of the activity. Conditions of approval will require all vehicles to be parked so they can exit in a forward gear to limit noise from reverse warning signals and hours of operation will be restricted to between 6.30am-6pm Monday to Friday and 6.30am -1.00pm on Saturdays.

The Depot will not be permitted to operate outside of these hours, including Sundays and Public Holidays, unless otherwise authorised by the Chief Executive Officer for specific projects over limited time periods. Furthermore, all deliveries and loading of vehicles must be undertaken towards the rear (east of the site) to minimise noise emanating from the site.

PO3 of the code requires that potential airborne particles and emissions generated from the development are avoided through design, location, and the operation of the activity. Conditions of approval will require that a concrete driveway and hardstand area be constructed to minimise dust generated by vehicles. In addition, a landscaped bund will be required to be constructed at the front of the site to buffer noise, airborne particles and provide a visual buffer to the site from the road.

Concerns relating to noise and dust emissions can be satisfactorily addressed through conditions of the approval, therefore, the development is considered to comply with the code with respect to noise generation and airborne particles.

Draft conditions were forwarded to the Applicant for review prior to the planning report being finalised. The Applicant did request extended hours of operation on a Saturday. However, the request was not supported, and the condition as presented in the Recommendation remains unchanged. Other matters raised were of a minor nature.

Strategic Outcome

Being an impact assessable development, the proposal is assessed against the entire Planning Scheme including the Strategic Framework. The Strategic Framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the Planning Scheme area for the life of the Planning Scheme.

The Strategic Framework is the highest order component of the Planning Scheme and prevails over all other components to the extent of inconsistencies.

Given the nature of the application the assessment against the Strategic Framework is focused on the following themes.

Theme 2 – Environment and Landscape values;

Theme 4 – Economy;

The proposal is generally consistent with the strategic outcomes presented within the Planning Scheme. Overall, the proposal is consistent with the strategic outcomes relating to Theme 4- Economy in that the proposal diversifies the use of the land while maintaining the viability of the land for primary production (sugar cane cultivation) and, the outcomes relating to Theme 2- Environment and Landscape are largely achieved. However, concerns are raised that the outcomes aligned with protecting sensitive land uses from airborne and acoustic nuisance may not be complied with, as has been experienced from historic complaints relating to the

existing use of the premises. However, these concerns can be adequately addressed through conditions of the approval.

Public Notification / Submissions

Public notification was carried out in accordance with section 53 of the *Planning Act 2016* for the proposed development. A 15-business day public notification period was carried out with one (1) properly made submission and one (1) not properly made submission received by Council in relation to the proposed development.

Grounds of Properly Made and Not Properly Submissions	Planning Considerations
<p>We purchased our property in 2007 when it was a peaceful environment.</p> <p>We believe the proposed site will decrease the value of our property and cause further disturbances within what should be a quiet rural/residential area</p>	<p>Due to the nature of rural activities, the amenity of rural areas can range from tranquility to excessive sugarcane harvest and tractor hauling emissions.</p>
<p>A shed was built 10-12 years ago, opposite our property at the above-mentioned site.</p> <p>Initially the shed was utilised as a farm shed</p>	<p>The construction of the shed was lawfully constructed and can be used for rural activities.</p>
<p>In the past 7 years the shed has progressively been utilised for commercial use, including a hydraulic machinery repair business, truck and heavy machinery mechanical facility, metal fabrication shop and earthmoving bulk materials depot.</p> <p>Many years of noise and dust pollution have already been endured, the legality of which is questionable.</p>	<p>This is a compliance matter and has been addressed by Council.</p>
<p>Noise Pollution</p> <p>Obvious noise-based pollution is created with such businesses as listed above.</p> <p>Noise levels are escalating with heavy vehicles passing our property, most recently since June 2022, including body trucks, semi-trailers, floats, excavators, and front-end loaders.</p> <p>Heavy vehicles operate at all hours, as early 4am until the evening, up to 8pm, 7 days a week.</p>	<p>Noise Pollution concerns and light emissions have been addressed through the Environmental Performance code and through conditions of the approval that restrict hours of operation, therefore, nearby sensitive land uses (dwellings) will not be subject to a continuity of noise or light emissions from the development.</p>

<p>Noises include reversing beepers, engine exhaust breaks, loading of heavy machinery, truck movements and heavy machinery noise.</p> <p>Our family often experiences sleep disturbances due to the noisy vehicles passing.</p> <p>Our two pet dogs are startled by the noise and vehicular lights at night, causing barking.</p>	
<p>Air contamination</p> <p>Heavy trucks give off diesel dust contaminating the air.</p> <p>Past businesses have been caught on multiple occasions burning their own refuse, including rubber tyres and plastic, causing toxic fumes and smoke polluting the air, which was highly offensive.</p> <p>The site has a dirt entrance and operation area, which becomes unsettled each time any vehicle, be it large or small, enters, causing dust to fill the surrounding environment, including our property, especially with northerly winds.</p> <p>Dirt and mud from the area and truck tyres builds up along Syndicate Road, including at the front of our property, causing further dust pollution, not just from trucks, but also from general local traffic.</p>	<p>The traffic demand associated with the development is unlikely to have a detrimental impact on air quality.</p> <p>A condition of approval will require that refuse be disposed of in a lawful manner. The disposal of waste through incineration will not be permitted at the development site.</p> <p>A condition of approval requires that an access driveway, access crossover and paved hardstand be constructed to stop mud being transported off the site. This will prevent dust being generated at the site and Syndicate Road. The vegetated bund at the front of the premises adjacent to Syndicate Road will also act to buffer from airborne to areas external to the site.</p>
<p>Bore and tank water has been contaminated by neighbouring pollutants.</p>	<p>Activities associated with the development are not expected to result in contamination of aquifers or waterways. A condition of approval will require that measures be taken to prevent pollution and contaminates from entering waterways.</p>
<p>Operation of heavy vehicles can be experienced 7 days per week between 4am – 8pm, and we believe these times contravene local laws noise regulations and work periods.</p> <p>One example: Sunday, September 10, around 15 times trucks were heard</p>	<p>A condition of the approval will restrict the hours the Transport Depot are permitted to operate, to between 6.30am-6pm Monday to Friday and 6.30am -1.00pm on Saturdays. The Depot <u>will not</u> be permitted to operate outside of these hours, including Sundays and Public Holidays, unless otherwise authorised by the Chief</p>

entering and exiting the site loudly, causing dust and noise pollution. As many as 40 trucks per day and night enter and leave the site. We have great concerns about the use of the site with the proposal including retail sales, creating even further traffic from the public. We are highly opposed to any future retail signage and business advertising which inevitably occurs when retail business begins.	Executive Officer for specific projects over limited time periods. No retail sales to the public or signage are proposed or permitted under the approval.
The proposed Development Application is clearly better suited to an industrial area, as it is mainly industrial/commercial business by nature.	The nature of the proposed development is suitably located within the Rural zone, where similar land uses are already established.
Further more (sic) this Truck and Machinery business has been operating on another block of rural land on Syndicate Road a couple of hundred metres from the proposed block for the same period of time. We have endured many years of noise and dust pollution from the Truck and Machinery business.	Application has been made for a Transport Depot to operate from Lot 5 on SP297291(now formally recognised as Lot 1 on SP 337285), no additional parcels of land were included in the application.

Internal Referrals

Advice was received from the following internal departments:

Department	Comments
Infrastructure	Undertake external works to the access to Splendour Road to ensure it is fit for purpose.
Environmental Health	Recommend sealing part of the driveway to minimise dust and recommend times of operation to limit potential noise nuisance.

ADOPTED INFRASTRUCTURE CHARGES

The development did trigger Infrastructure Charges. The *Planning Regulation 2017* and Council resolution exclude parking areas when calculating GFA to determine infrastructure charges.

The infrastructure charges will be determined once a Shed Layout Plan detailing the use of each shed has been submitted to Council.

Refer to Attachment 2 to review the calculated Infrastructure Charge.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Transport Depot Site Plan [6.13.1 - 1 page]
2. Infrastructure Charges 37 Splendour Rd [6.13.2 - 1 page]





2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

W.P. Tibaldi DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
37 Splendour Road STREET No. & NAME		Mossman SUBURB	Lot 5 on SP297291 (now formally recognised as Lot 1 on SP337285) LOT & RP No.s
Transport Depot DEVELOPMENT TYPE		MCUI 2023_5339 COUNCIL FILE NO.	158384 PARCEL No.
1195526 DSC Reference Doc. No.		1 VERSION No.	6 VALIDITY PERIOD (year)

Payment before commencement of use for MCU; and
Prior to signing and sealing of survey form for ROL

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
Industry	Transport_Depot	\$_per_m²_GFA	51.63	275	\$14,198.25	
	Total Demand				\$14,198.25	
Deductions as per Resolution						
Less 30% no water connection					-\$4,529.47	
Less 35% no waste water connection					-\$4,969.38	
Existing Use Credit	(Nil Charge)				\$0.00	
	Total Credit				\$0.00	

Prior arrangement for
online payment via
invoicing - see below.

Code 895
GL GL7500.135.825

Required Payment or Credit

TOTAL

\$4,969.40

Prepared by	Neil Beck	14-Nov-23	Amount Paid	
Checked by	Daniel Lamond	14-Nov-23	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au